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# INDEX AND TABULAR GUIDES

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## TITLE 6—AGRICULTURAL CREDIT

### Chapter III—Farmers Home Administration, Department of Agriculture

**Subchapter B—Farm Ownership Loans**

[FHA Instruction 401.2]

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS; DELAWARE

On August 17, 1955, for the purposes of tiltle I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below were determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 311.29, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

DELAWARE

| County: | Average value |
|---|---|
| Sussex | $20,500 |

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Interprets or applies sec. 3 (a), 60 Stat. 1074; 7 U. S. C. 1003 (a))

Dated: March 27, 1956.

[SEAL] R. B. MCLEAISH,
*Administrator,*
*Farmers Home Administration.*

[F. R. Doc. 56-2460; Filed, Apr. 2, 1956; 8:48 a. m.]

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[FHA Instruction 401.2]

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS; MAINE

On March 2, 1956, for the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below were determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 311.29, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

MAINE

| County: | Average value |
|---|---|
| Androscoggin | $18,000 |
| Aroostook | 20,000 |
| Cumberland | 18,000 |
| Franklin | 15,000 |
| Hancock | 15,000 |
| Kennebec | 20,000 |
| Knox | 20,000 |
| Lincoln | 20,000 |
| Oxford | 18,000 |
| Penobscot | 18,000 |
| Piscataquis | 18,000 |
| Sagadahoc | 15,000 |
| Somerset | 18,000 |
| Waldo | 20,000 |
| Washington | 18,000 |
| York | 18,000 |

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Interprets or applies sec. 3 (a), 60 Stat. 1074; 7 U. S. C. 1003 (a))

Dated: March 27, 1956.

[SEAL] R. B. MCLEAISH,
*Administrator,*
*Farmers Home Administration.*

[F. R. Doc. 56-2458; Filed, Apr. 2, 1956; 8:48 a. m.]

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[FHA Instruction 401.2]

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS; MARYLAND

On August 17, 1955, for the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below were determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 311.29, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

MARYLAND

| County: | Average value |
|---|---|
| Baltimore | $25,000 |
| Caroline | 20,000 |
| Carroll | 22,500 |
| Charles | 20,000 |
| Dorchester | 15,000 |
| Harford | 25,000 |
| Howard | 25,000 |

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FEDERAL REGISTER

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**CFR SUPPLEMENTS**

**(As of January 1, 1956)**

**The following Supplements are now available:**

**Titles 22 and 23 ($1.00)**
**Title 26: Parts 80–169 ($0.50)**
**Title 32: Parts 800–1099 ($0.40)**

***Previously announced:*** **Title 3, 1955 Supp. ($2.00); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 18 ($0.50); Title 24 ($0.75); Title 25 ($0.50); Title 26: Parts 1–79 ($0.35), Parts 170–182 ($0.30), Parts 183–299 ($0.35); Title 32: Parts 700–799 ($0.35), Part 1100 to end ($0.35); Titles 40–42 ($0.65); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)**

**Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.**

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MARYLAND—Continued

| County: | Average value |
|---|---|
| St. Marys | $18,000 |
| Somerset | 15,000 |
| Talbot | 25,000 |
| Wicomico | 20,000 |
| Worcester | 20,000 |

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (i). Interprets or applies sec. 3 (a), 60 Stat. 1074; 7 U. S. C. 1003 (a))

Dated: March 27, 1956.

[SEAL] R. B. MCLEAISH,
*Administrator,*
*Farmers Home Administration.*

[F. R. Doc. 56-2461; Filed, Apr. 2, 1956; 8:48 a. m.]

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**Subchapter C—Production and Subsistence Loans**

[Administration Letter 451 (441)]

PART 341—POLICIES AND AUTHORITIES

ANNUAL LOANS

Section 341.8, Title 6, Code of Federal Regulations (20 F. R. 395), is revised to authorize the making of annual Production and Subsistence Loans to established farmers who operate family-type farms or less than family-type farms, and to read as follows:

§ 341.8 *Authorities for making annual Production and Subsistence loans.* Annual loans will be made in accordance with §§ 341.1 to 341.7 and Part 342 of this subchapter, except that:



(a) Annual loans will be made to established farmers who do not need adjustment loans, or who cannot qualify for adjustment loans because they are not operators of family-type farms, and who are in need of credit primarily for operating purposes.

(b) There must be a sound basis for credit. This means that the applicant's anticipated gross income from farming and other sources will be sufficient to repay the annual Production and Subsistence loan, meet farm and home expenses not provided for in such loan, and provide a reasonable margin above such amounts. It also means that there will be a reasonably safe margin between the amount of such loan and the estimated farm income from which the loan is to be repaid.

(c) Annual loans may be made to operators of smaller than family-type farms as well as to operators of family-type farms. Accordingly, subparagraphs (4) and (7) of § 341.2 (a) of this part are not applicable to annual loans.

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (1). Interprets or applies secs. 21, 44 (b), 60 Stat. 1072, as amended, 1069, as amended; 7 U. S. C. 1007, 1018 (b))

Issued this 27th day of March 1956.

[SEAL] R. B. MCLEAISH,
*Administrator,*
*Farmers Home Administration.*

[F. R. Doc. 56-2459; Filed, Apr. 2, 1956; 8:48 a. m.]

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## TITLE 7—AGRICULTURE

### Chapter IV—Federal Crop Insurance Corporation

[Amdt. 4]

PART 417—TOBACCO CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1954 AND SUCCEEDING CROP YEARS

MISCELLANEOUS AMENDMENTS

The above identified regulations, as amended (18 F. R. 5703; 19 F. R. 469, 5602; 20 F. R. 5625, 7983; 21 F. R. 1002), are hereby amended, effective beginning with the 1956 crop year as follows:

1. Paragraph (c) of § 417.4 is amended by establishing May 5 as the closing date for accepting applications for Type 37 tobacco.

2. Section 5 of the policy shown in § 417.8 is amended by adding a line to the table contained therein reading, "Type 37 ------ March 31".

3. Section 12 of the policy shown in § 417.8 is amended by establishing April 30 as the final date for filing a statement in proof of loss on Type 37 tobacco.

4. The first sentence of subsection (g) of section 25, as amended, of the policy shown in § 417.8 is amended to read as follows: "Market price" for a crop year in the case of tobacco Types 11, 12, 13, 14, 21, 22, 23, 31, 35, 36, and 37 means the average auction price for the applicable type (less warehouse charges) in the belt or area, as determined by the Corporation.

5. Section 26, as amended, of the policy shown in § 417.8 is amended by establishing a cancellation date of March 5 and a discount date of January 31 for Type 37 tobacco.

(Secs. 506, 516, 52 Stat. 73, as amended, 77, as amended; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507, 508, 509, 52 Stat. 73, 74, 75, as amended; 7 U. S. C. 1507, 1508, 1509)

Adopted by the Board of Directors on March 20, 1956.

[SEAL] C. A. FRETTS,
*Acting Secretary,*
*Federal Crop Insurance Corporation.*

Approved on March 29, 1956.

MARVIN L. MCLAIN,
*Assistant Secretary.*

[F. R. Doc. 56-2476; Filed, Apr. 2, 1956; 8:51 a. m.]

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## TITLE 15—COMMERCE AND FOREIGN TRADE

### Chapter III—Bureau of Foreign Commerce, Department of Commerce

**Subchapter B—Export Regulations**

[7th Gen. Rev. of Export Regs., Amdt. 54]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

SELENIUM-BEARING SCRAP MATERIALS

Section 373.41 *Nonferrous commodities, including ores, concentrates, or unrefined products* is amended by adding a new paragraph (g) to read as follows:

(g) *Selenium-bearing scrap materials*—(1) *General.* License applications to export selenium-bearing scrap materials, Schedule B No. 664998, will be considered for approval only where it is shown that (i) the materials are unsalable in the domestic market; or (ii) the export is to be made under toll or conversion agreement which provides for the return of the selenium or selenium products to the United States. These applications shall be accompanied by the information described in subparagraph (2) or (3) of this paragraph.

(2) *Evidence of unsalability in the domestic market.* The evidence of unsalability in the domestic market may be submitted in the form of a letter or other statement from the applicant, supplier, or persons to whom the materials were offered for sale showing that the materials have been offered for sale without success in the normal domestic market at reasonable and competitive prices. It shall include, as a minimum, the names and addresses of the potential users to whom the scrap materials had been offered, and the reason(s) for rejections of offers to sell.

(3) *Toll or conversion agreement.* The following certification shall be placed on applications covering the exportations of these materials under agreements which provide for the return of the resultant selenium or selenium products to the United States under toll or conversion agreement:

I (we) certify that the selenium materials described in this license application are to be exported under toll or conversion agreement which provides for the return of the resultant selenium or selenium products to the United States.

This amendment shall become effective April 1, 1956.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

REX A. ANDERSON,
*Acting Director,*
*Bureau of Foreign Commerce.*

[F. R. Doc. 56-2468; Filed, Apr. 2, 1956; 8:50 a. m.]

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[7th Gen. Rev. of Export Regs., Amdt. P. L. 29]

PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

ELECTRONIC, FLUORESCENT AND INCANDESCENT BULBS AND TUBES

Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

The revised entries set forth below are substituted for entries presently on the Positive List. Where the Positive List contains more than one entry under a Schedule B number, the entry to be superseded is identified by a numerical reference in parentheses following the commodity description in the revised entry:

| Dept. of Commerce Schedule B No. | Commodity | Unit | Processing code and related commodity group | GLV dollar-value limits | Validated license required |
|---|---|---|---|---|---|
| 775030 | Glassmaking, glass-forming and glass finishing machines, n. e. c., and specially fabricated parts, n. e. c., specially designed for, or capable of producing glass components for electronic, fluorescent and incandescent bulbs and tubes. (1) [1] [2] | ---------- | GIEQ 17 | 100 | RO (A) |
| 775035 | Electronic, fluorescent, and incandescent bulb and tube (lamp) manufacturing and assembling machines, n. e. c.; specially fabricated parts and accessories, n. e. c.; and specially designed equipment, n. e. c., for the production of bulb or tube component parts, subassemblies, or complete assemblies. (Report bulb and tube glass component-making machines in 775030.) [1] [2] | ---------- | GIEQ 17 | 100 | RO (A) |

[1] The letter "C" is deleted in the column headed "Commodity Lists," indicating that the commodity may now be exported under General License GIT (see § 371.9 (c) of this subchapter).
[2] The commodity coverage is increased, effective Apr. 7, 1956.

This amendment shall become effective April 7, 1956.

Shipments of any commodities removed from general license to Country Group R or Country Group O destinations as a result of changes set forth in this amendment which were on dock for lading, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for

export prior to 12:01 a. m., April 7, 1956, may be exported under the previous general license provisions up to and including April 30, 1956. Any such shipment not laden aboard the exporting carrier on or before April 30, 1956, requires a validated license for export.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

REX A. ANDERSON,
*Acting Director,*
*Bureau of Foreign Commerce.*

[F. R. Doc. 56-2469; Filed, Apr. 2, 1956; 8:50 a. m.]

# TITLE 14—CIVIL AVIATION

## Chapter I—Civil Aeronautics Board

### Subchapter A—Civil Air Regulations

[Supp. 27]

### PART 4b—AIRPLANE AIRWORTHINESS: TRANSPORT CATEGORIES

#### AUTOMATIC PILOT SYSTEMS

This supplement outlines various procedures for testing the reliability of automatic pilot systems and information relative to the installation of such systems.

The following new § 4b.612–4 is hereby added:

§ 4b.612–4 *Automatic pilot systems (CAA policies which apply to § 4b.612 (d)).* To preclude hazardous conditions which may result from any failure or malfunctioning of the automatic pilot system, or its inadvertent use by the human pilot, the conditions of paragraphs (a) through (e) and paragraph (h) of this section should be investigated by flight test.

(a) A signal about any axis equivalent to the cumulative effect of any single failure (or if multiple axis failures can result from the malfunction of any single component, combined signals about all affected axes) should be induced into the automatic pilot system during normal climb,[1] cruise, and descent regimes. When corrective action is taken 3 seconds after the airplane response [2] to the malfunction neither the simulated failure nor the subsequent corrective action should create loads beyond an envelope of 0 to 2 *g*, or speeds beyond $V_{NE}$ (or $M_{NE}$ where appropriate), or dangerous deviations from the flight path, except that the positive *g* limitation may be increased up to the positive design maneuvering load factor if it has previously been determined analytically that neither the simulated failure nor subsequent corrective action would result in loads beyond the design limit loads of the airplane.

[1] The configuration for normal climb will be that for operational all-engine climb with 75 percent maximum continuous power and flaps retracted.

[2] Adequate instrumentation should be installed to register response of the airplane to the induced malfunction. One acceptable method would be by measurement of airplane acceleration.

(1) Recovery should be demonstrated either by overpowering or by manual use of an emergency quick disconnect device after the 3-second delay. The pilot should be able to return the airplane to its normal flight attitude under full manual control without exceeding the loads or speed limits defined in this paragraph and without engaging in any dangerous maneuvers during recovery. If an emergency quick disconnect button is not installed on the control wheel it should be possible to overpower servo forces plus resultant airloads in all configurations and attitudes of flight demonstrated, including maximum speed for which approval is sought, without exceeding the following control forces measured at the pilot's controls: pitch 50 pounds; roll 30 pounds (force applied at rim); yaw 150 pounds. The maximum altitude loss experienced during these tests should be entered in the Airplane Flight Manual under "Emergency Operating Procedures."

(b) The automatic pilot system should be able to perform its intended function throughout all appropriate maneuvers. All such maneuvers should be accomplished smoothly and without subjecting the airplane to loads greater than those described in paragraph (a) of this section.

(c) If the automatic pilot system includes an approach coupler it should be able to perform its intended function, and the following should apply:

(1) Throughout an approach no signal or combination of signals simulating the cumulative effect of any single failure or malfunction in the automatic pilot system should produce hazardous deviations in the flight path or any degree of loss of control if corrective action is initiated 1 second after the airplane responds to the malfunction.

(i) The airplane should be flown down the ILS (or along a flight path simulating the ILS) in the approach configuration. At a predetermined point a failure should be induced in the automatic pilot system. One second after the airplane responds to the malfunction, the pilot should take corrective action by either overpowering or manually disconnecting the automatic pilot (utilizing the emergency quick disconnect button on the control wheel). The vertical distance below the glide path, measured from the point at which level flight is regained, should be entered in the Airplane Flight Manual under "Emergency Operating Procedures."

(2) An engine failure during a normal ILS approach should not cause a lateral deviation of the airplane from the flight path at a rate greater than 3° per second.

(3) If approval is sought for ILS approaches initiated with one engine inoperative, the automatic pilot should be capable of conducting the approach, and the provisions of subparagraph (1) of this paragraph should be complied with.

(4) A visual means should be provided between the automatic pilot and the flight path coupler to indicate to the pilot when the automatic pilot is uncoupled from the airborne navigational reference.

(d) For an automatic pilot without an approach coupler, where the applicant desires approval for low approaches, the conditions outlined in paragraphs (c) (1), (2), and (3) should apply.

(e) If an automatic trim system is incorporated into the automatic pilot, it should be so designed and installed that any failure will not create a hazardous condition to either automatic or manual flight.

(f) When an emergency quick disconnect device is installed on the automatic pilot, the release buttons should be located on both the pilot's and copilot's control wheels, on the side of the wheel opposite from the throttles.

(g) The automatic pilot system should be so installed that its operation will not be adversely affected by spurious signals from other sources, or as a result of normal variations in the automatic pilot system power source, or feedback by other equipment operating from the same power source (see §§ 4b.625 (b) and 4b.650 (c)).

(h) The automatic pilot system should be so installed and adjusted that the servo stall forces established during certification tests can be maintained in normal operation. This may be assured by conducting flight tests throughout the envelope of servo stall forces. Those tests conducted to determine that the automatic pilot system will adequately control the aircraft should establish the lower stall force limit; and those tests to determine that the automatic pilot will not impose dangerous loads or deviations from the flight path should be conducted at the upper stall force limit.

(i) A positive means should be provided to indicate to the pilot when the automatic pilot is ready for operation or when the gyroscopic components are uncaged, unless it is impossible (as a result of design features) to engage the automatic pilot before it is ready for operation.

(j) The following information should be placed on the Aircraft Specification:

(1) Servo motor and gear train model numbers.

(2) Servo unit pulley sizes.

(3) Upper and lower limiting stall forces measured at the servo motors.

(k) The following information should be placed in the Airplane Flight Manual:

(1) Under the Operating Limitations section, airspeed limitations and other applicable operating limitations.

(2) Under the Operating Procedures section, normal operation information.

(3) Under the Emergency Operating Procedures section, a statement of altitude lost in the cruising configuration (see subparagraph (a) (1) of this section); a statement of altitude lost on ILS approaches (see paragraph (c) (1) (i) of this section); and any other applicable emergency procedure information.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies secs. 601, 603, 52 Stat. 1007, as amended, 1009, as amended; 49 U. S. C. 551, 553)

This supplement shall become effective April 14, 1956.

[SEAL] JAMES T. PYLE,
*Acting Administrator*
*of Civil Aeronautics.*

[F. R. Doc. 56-2444; Filed, Apr. 2, 1956; 8:45 a. m.]







[Supp. 6]

### PART 27—AIRCRAFT DISPATCHER CERTIFICATES

#### EXAMINATIONS

The purpose of this supplement is (1) to establish a 24-month validity period for Form ACA–578A, and (2) to clarify the eligibility requirements for an applicant for an aircraft dispatcher certificate.

Section 27.30–1 (a) is revised to read as follows:

§ 27.30–1 *General; examinations (CAA policies which apply to § 27.30).* (a) The applicant for the written or practical portion of the aircraft dispatcher examination must meet the eligibility requirements contained in §§ 27.2 through 27.8. The written examination should be satisfactorily completed by the applicant before taking the practical examination. However, where delay would cause inconvenience to an applicant, the practical examination may be taken first. If the practical examination is taken before the written and the applicant is successful, the agent will issue Form ACA–578, Evidence of Aeronautical Knowledge. Form ACA–578A issued by the Washington office for reporting an applicant's performance on the written portion of the examination will be accepted for a period of 24 months from the date of issuance. Forms ACA–578A issued to an applicant on or before April 30, 1956, and acceptable under policies existing on that date, will continue to be acceptable until April 30, 1958.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies secs. 601, 602, 52 Stat. 1007, as amended, 1008, as amended; 49 U. S. C. 551, 552)

This supplement shall become effective May 1, 1956.

[SEAL] JAMES T. PYLE,
*Acting Administrator*
*of Civil Aeronautics.*

[F. R. Doc. 56-2445; Filed, Apr. 2, 1956; 8:46 a. m.]

## Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 155]

### PART 608—RESTRICTED AREAS

#### ALTERATIONS

The restricted area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.14, the El Toro, California, area (R–293 formerly D–293), amended on November 30, 1949, in 14 F. R. 7198 is further amended by changing the "Designated Altitudes" column to read: "Surface to 25,000 feet MSL."

2. In § 608.55, the Yakima, Washington, area (R–247 formerly D–247), amended on September 30, 1949, in 14 F. R. 5970 is further amended by changing the "Designated Altitudes" column to read: "Surface to 65,000 feet MSL."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on April 17, 1956.

[SEAL] JAMES T. PYLE,
*Acting Administrator*
*of Civil Aeronautics.*

[F. R. Doc. 56-2441; Filed, Apr. 2, 1956; 8:45 a. m.]

[Amdt. 156]

### PART 608—RESTRICTED AREAS

#### ALTERATIONS

The restricted area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Panel, and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

In § 608.40, the Oswego, New York, area (R–70 formerly D–70), amended on March 5, 1955, in 20 F. R. 1361 is redesignated as follows:

| Name and location (chart) | Description by geographical coordinates | Designated altitudes | Time of designation | Controlling agency |
|---|---|---|---|---|
| Oswego, N. Y. (R–70) (Albany). | Beginning at latitude 43°37'00", longitude 78°00'00"; thence to latitude 43°24'00", longitude 78°00'00"; thence to latitude 43°24'00", longitude 76°45'00"; thence to latitude 43°31'00", longitude 76°23'00"; thence to latitude 43°31'00", longitude 76°15'00"; thence Northerly approximately parallel to and five miles West of the centerline of Victor 29 to latitude 43°44'00", longitude 76°13'00"; thence to latitude 43°46'00", longitude 76°22'00"; thence to latitude 43°46'00", longitude 76°30'00"; thence to latitude 43°38'00", longitude 76°45'00"; thence to latitude 43°37'00", longitude 76°45'00"; thence to latitude 43°37'00", longitude 78°00'00"; the point of beginning. | Surface to 50,000 feet mean sea level. | Daylight hours, 7 days per week, on a year-round basis. | First Air Force, Mitchel Air Force Base, N. Y. (Jointly used by Air Force, Army and Navy.) |

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on April 24, 1956.

[SEAL] JAMES T. PYLE,
*Acting Administrator*
*of Civil Aeronautics.*

[F. R. Doc. 56-2442; Filed, Apr. 2, 1956; 8:45 a. m.]

# TITLE 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket 6433]

### PART 13—DIGEST OF CEASE AND DESIST ORDERS

#### S. A. BARKER CO. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.30 *Composition of goods:* Fur Products Labeling Act; § 13.73 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.90 *History of product or offering;* § 13.135 *Nature: Product or service;* § 13.235 *Source or origin:* History; maker or seller, etc.; place: *Foreign, in general.* Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1225 *History;* § 13.1260 *Nature;* § 13.1325 *Source or origin:* History; maker or seller, etc.: *Fur Products Labeling Act;* Place: *Fur Products Labeling Act.* Subpart—*Misrepresenting oneself and goods*—Goods: § 13.1590 *Composition;* § 13.1623 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1650 *History of product;* § 13.1685 *Nature;* § 13.1745 *Source or origin:* Maker or seller, etc.; place: *Foreign, in general.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1854 *History of product:* Fur Products Labeling Act; § 13.1870 *Nature:* Fur Products Labeling Act; § 13.1900 *Source or origin:* Fur Products Labeling Act: *Maker or seller, etc.; place.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, S. A. Barker Company et al., Springfield, Ill., Docket 6433, March 14, 1956]

*In the Matter of S. A. Barker Company, a Corporation; and S. A. Barker and Lester Friedman, Individually and as Officers of Said Corporation*

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging a corporation and its officers, engaged in Springfield,

Illinois, in the sale and distribution of fur products, with violating the Fur Products Labeling Act through advertising said products deceptively in newspapers; through misbranding certain of them in that labels attached to them and the information thereon did not comply with the requirements of the act; and through false invoicing—and an agreement between the parties providing for the entry of a consent order.

Upon this basis, the hearing examiner made his initial decision and order to cease and desist, which, by the Commission's order of March 14, 1956, became the "Decision of the Commission".

The order to cease and desist is as follows:

*It is ordered,* That respondents S. A. Barker Company, a corporation, S. A. Barker and Lester Friedman, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, or the sale, advertising or offering for sale, or the transportation or distribution of any fur product in commerce; or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Fails to disclose:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur products, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur products contain or are composed of bleached, dyed, or otherwise artificially colored fur when such is the fact;

(c) The name of the country of origin of imported furs contained in fur products.

2. Contains the name or names of any animal or animals other than the name or names provided for in Paragraph A (1) (a) above.

B. Misbranding fur products by:

1. Failing to affix labels to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur, when such is a fact;

(c) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur when such is a fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies or waste fur when such is a fact;

(e) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

(f) The name of the country of origin of any imported furs used in the fur product.

2. Setting forth on labels attached to fur products, the name or names of any animal or animals other than the name or names provided for in Paragraph B (1) (a) above.

3. Setting forth on labels attached to fur products;

(a) Required information in abbreviated form or in handwriting;

(b) Non-required information mingled with required information.

4. Attaching to fur products labels which fail to meet the minimum size requirements of Rule 27 of the rules and regulations (§301.27).

C. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices showing:

(a) The name or names of the animal producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of used fur when such is a fact;

(c) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur when such is a fact;

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies or waste fur when such is a fact;

(e) The name and address of the person issuing such invoices;

(f) The name of the country of origin of any imported furs contained in the fur product.

By said "Decision of the Commission", report of compliance was required as follows:

*It is ordered,* That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 14, 1956.

By the Commission.

[SEAL] JOHN R. HEIM, *Acting Secretary.*

[F. R. Doc. 56-2478; Filed, Apr. 2, 1956; 8:52 a. m.]

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[Docket 6398]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

JOHN HULL CUTLERS CORP. ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Exaggerated as regular and customary; fictitious marking. Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—*Misbranding or mislabeling:* § 13.1280 *Price.* Subpart—*Misrepresenting oneself and goods*—Prices: § 13.1805 *Exaggerated as regular and customary;* § 13.1810 *Fictitious marking.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, John Hull Cutlers Corporation et al., New York, N. Y., Docket 6398, March 14, 1956]

*In the Matter of John Hull Cutlers Corporation, a Corporation, and John Hull Silversmiths, Inc., a Corporation, and William Berger and Max E. Landau, Individually and as Officers of Said Corporations*

This proceeding was heard by a hearing examiner upon the complaint of the Commission—charging two corporations and their common officers, engaged in the sale and distribution of cutlery and flatware from their offices in New York City, with affixing to their merchandise, before shipment to retailer customers, tags or tickets printed with fictitious excessive prices, and with furnishing such customers with advertising mats reading "Save $10 . . . Stainless Steel Flatware. Regularly 19.98—9.98", when $19.98 was a fictitious price and the price of $9.98 did not afford purchasers a saving of $10—and an agreement between the parties for the entry of a consent order.

Upon this basis, the hearing examiner made his initial decision and order to cease and desist, which, by the Commission's order of March 14, 1956, became the "Decision of the Commission".

The order to cease and desist is as follows:

*It is ordered,* That respondents John Hull Cutlers Corporation, a corporation, and John Hull Silversmiths, Inc., a corporation, and their officers, and respondents William Berger and Max E. Landau, individually and as officers of John Hull Cutlers Corporation and John Hull Silversmiths, Inc., and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing in any manner that certain amounts are the regular and usual retail prices of merchandise when such amounts are in excess of the prices at which such merchandise is usually and regularly sold at retail.

By said "Decision of the Commission", report of compliance was required as follows:

*It is ordered,* That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 14, 1956.

By the Commission.

[SEAL] JOHN R. HEIM, *Acting Secretary.*

[F. R. Doc. 56-2479; Filed, Apr. 2, 1956; 8:52 a. m.]

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[Docket 6118]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

HERBERT B. SYKES ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Personnel or staff; Qualifications and Abilities; § 13.90 *History of product or offering;* § 13.135 *Nature:* Product or Service; § 13.170 *Qualities or properties of product or service;* § 13.205 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Herbert B. Sykes t. a. Sykes Hernia Control Service et al., St. Petersburg, Fla., Docket 6118, March 8, 1956]

*In the Matter of Herbert B. Sykes, an Individual Trading as Sykes Hernia Control Service and Griffith and McCarthy, Inc., a Corporation*

This proceeding was heard by a hearing examiner upon the complaint of the Commission—charging an individual engaged in the interstate sale of the "Sykes Hernia Control" device, with representing falsely in advertising in newspapers and magazines that the device was not a truss but was radically different and revolutionary; that it would retain all ruptures or hernias, improve the condition in a majority of persons fitted, and completely cure many; that use of the device would stimulate circulation in the abdominal tissues, restore them to a more normal condition, and assist nature in building muscle tone and strength; that the device would hold a rupture or hernia securely in place at all times and under all conditions of activity and strain; and that he and his representatives conducted clinics where sufferers from hernia might be examined and treated by a physician—respondents' answer and hearings, and submission by counsel of proposed findings of fact and conclusions of law.

Thereafter the hearing examiner made his initial decision, including findings of fact[1] and order to cease and desist, from which counsel supporting the complaint appealed. After hearing the matter on the whole record, the Commission granted the appeal in part and denied it in part, and directed modification of the initial decision as specified in the accompanying opinion, and in its "Final Order" of March 8, 1956, ordered that the initial decision, as modified, become the "Decision of the Commission".

The order to cease and desist, as modified, is as follows:

[1] Filed as part of original document.

*It is ordered,* That respondent Herbert B. Sykes, an individual trading under his own name or any other name or trade designation, and his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale of a device designated as Sykes Appliance, or any product or device of substantially similar construction or design, whether sold under the same name or any other name, do forthwith cease and desist from, directly or indirectly:

1. Disseminating, or causing to be disseminated, any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or through implication:

a. That said device is not a truss;

b. That said device is revolutionary;

c. That the use of said device will retain hernias or ruptures unless limited to reducible hernias or ruptures;

d. That said device will cure hernias or ruptures;

e. That the use of said device stimulates the circulation of blood, contributes to the improvement of impaired muscular tissue, or assists nature in building muscle tone and strength;

f. That said device will hold ruptures or hernias securely in place under all conditions of activity or strain;

2. Disseminating, or causing to be disseminated, any advertisement which contains any of the representations prohibited in Paragraph 1 of this order, by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of said device in commerce, as "commerce" is defined in the Federal Trade Commission Act.

*It is further ordered,* That respondent Herbert B. Sykes, an individual trading under his own name or any other name or trade designation, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale of a device designated as Sykes Appliance or any product or device of substantially similar construction or design, whether sold under the same name or any other name, do forthwith cease and desist from, directly or indirectly: Representing or causing to be represented, that respondent Herbert B. Sykes, or his agents or representatives, conduct or operate clinics where professional medical experts, specialists, or physicians will be present to consult with, examine, advise or treat persons suffering from hernia, unless and until such is actually the fact.

*It is further ordered,* That the complaint herein, insofar as it relates to respondent Griffith and McCarthy, Inc., a corporation, be, and the same hereby is, dismissed.

By said "Final Order", report of compliance was required as follows:

*It is further ordered,* That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist, as modified.

Issued: March 8, 1956.

By the Commission.

[SEAL] JOHN R. HEIM, *Acting Secretary.*

[F. R. Doc. 56-2480; Filed, Apr. 2, 1956; 8:52 a. m.]

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# TITLE 29—LABOR

## Chapter V—Wage and Hour Division, Department of Labor

PART 687—HOSIERY INDUSTRY IN PUERTO RICO

WAGE ORDER GIVING EFFECT TO RECOMMENDATIONS

On January 19, 1956, pursuant to section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the Secretary of Labor by Administrative Order No. 455 (21 F. R. 405) directed Industry Committee No. 20-B to recommend the minimum rate or rates of wages to be paid under section 6 of the act to employees engaged in commerce or in the production of goods for commerce in the Hosiery Industry in Puerto Rico.

Subsequent to an investigation and hearing, conducted pursuant to notice published in the January 19, 1956, issue of the FEDERAL REGISTER (21 F. R. 405), the Committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matters referred to it. Accordingly, as authorized and required by section 8 of the act and General Order No. 45-A (15 F. R. 3290) of the Secretary—(1) these recommendations are hereby published in the following amendments to the Code of Federal Regulations; and (2) effective April 18, 1956, Part 687 of Title 29, is amended to read as follows:

Sec.
687.1 Definition of the industry.
687.2 Wage rates.
687.3 Application and notice.

AUTHORITY: §§ 687.1 to 687.3 issued under sec. 8, 52 Stat. 1064, as emended; 29 U. S. C. 208. Interpret or apply sec. 5, 52 Stat. 1062, as amended; 29 U. S. C. 205.

§ 687.1 *Definition of the industry.* The hosiery industry in Puerto Rico, to which this part shall apply, is hereby defined as follows: The manufacturing or processing of full-fashioned and seamless hosiery, including among other processes the knitting, dyeing, clocking, and all phases of finishing hosiery, but not including the manufacturing or processing of yarn or thread.

§ 687.2 *Wage rates*—(a) *Women's full-fashioned hosiery classification.* Wages at a rate of not less than 62½ cents an hour shall be paid in the women's full-fashioned hosiery classification of the hosiery industry in Puerto Rico, and this classification shall be defined as the manufacturing or processing of women's full-fashioned hosiery, including among other processes the knitting, seaming, dyeing, clocking, and all phases of finishing women's full-fashioned hosiery.

(b) *Women's seamless hosiery classification.* Wages at a rate of not less than 57½ cents an hour shall be paid in the women's seamless hosiery classification of the hosiery industry in Puerto Rico, and this classification shall be defined as the manufacturing or processing of women's seamless hosiery (except anklets), including among other processes the knitting, looping, dyeing, clocking, and all phases of finishing women's seamless hosiery (except anklets).

(c) *Men's and children's hosiery and women's anklets classification.* Wages at a rate of not less than 55 cents an hour shall be paid in the men's and children's hosiery and women's anklets classification of the hosiery industry in Puerto Rico, and this classification shall be defined as the manufacturing or processing of men's and children's hosiery and women's anklets, including among other processes the knitting, looping, dyeing, clocking, and all phases of finishing men's and children's hosiery and women's anklets.

§ 687.3 *Application and notice.* Wages of not less than the hourly wage rate specified in § 687.2 shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees who is engaged in commerce or in the production of goods for commerce in the hosiery industry in Puerto Rico. Every employer employing any such employees shall post in a conspicuous place in each department of his establishment where any such employees are working such notices of this order as shall be prescribed from time to time by the Administrator of the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D. C., this 29th day of March 1956.

NEWELL BROWN,
*Administrator,*
*Wage and Hour Division.*

[F. R. Doc. 56-2467; Filed, Apr. 2, 1956; 8:49 a. m.]

## TITLE 33—NAVIGATION AND NAVIGABLE WATERS

### Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

LONG BEACH HARBOR, CALIF.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.711 governing the operation of the retractable pontoon bridge across Long Beach Harbor Entrance Channel is hereby amended extending the morning closed period to relieve the congestion of highway traffic, changing paragraph (a) (1) to read as follows:

§ 203.711 *Los Angeles and Long Beach Harbors, Calif.*—(a) *Long Beach Entrance Channel; temporary retractable pontoon bridge*—(1) *Closed periods.* From 7 to 8 a. m. and from 4:15 to 5:15 p. m., daily, except Sundays and holidays for Federal employees, this bridge will not be required to open for the passage of vessels, except in case of extreme emergency.

* * * * *

[Regs., 14 March 1956, 823.01 (Long Beach Harbor, Calif.)—ENGWO] (Sec. 5, 28 Stat. 362, as amended; 33 U. S. C. 499)

[SEAL] JOHN A. KLEIN,
*Major General, U. S. Army,*
*The Adjutant General.*

[F. R. Doc. 56-2440; Filed, Apr. 2, 1956; 8:45 a. m.]

## TITLE 36—PARKS, FORESTS, AND MEMORIALS

### Chapter I—National Park Service, Department of the Interior

PART 13—ADMISSION, GUIDE, ELEVATOR AND AUTOMOBILE FEES

GUIDE FEES FOR MAMMOTH CAVE

Section 13.16 *Guide fees for Mammoth Cave,* is amended to read as follows:

§ 13.16 *Guide fees for Mammoth Cave.* In Mammoth Cave National Park, no person shall be permitted to enter the cave unless accompanied by National Park Service employees. Competent guide service is provided by the Government, for which fees shall be charged as follows:

| Route: | Fee per person including Federal tax |
|---|---|
| No. 1—Echo River | $1.50 |
| No. 2—Frozen Niagara | 1.50 |
| No. 3—Historic | 1.50 |
| No. 4—All Day | 2.50 |
| No. 5—Scenic | 2.00 |
| No. 6—Crystal Lake | 1.50 |

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 27th day of March 1956.

DOUGLAS MCKAY,
*Secretary of the Interior.*

[F. R. Doc. 56-2449; Filed, Apr. 2, 1956; 8:47 a. m.]

# NOTICES

## DEPARTMENT OF THE INTERIOR

### Bureau of Reclamation

NAVAJO PROJECT, NEW MEXICO

FIRST FORM RECLAMATION WITHDRAWAL

*Correction*

In F. R. Document 56-2303 appearing in the issue for Wednesday, March 28, 1956, on page 1906, make the following change:

Under "T. 31 N., R. 6 W.," lines 17 and 18 should read "Sec. 17: W½NE¼, E½NW¼, NE¼SW¼, and SE¼".

### Geological Survey

[Power Site Cancellation 110]

BIGHORN RIVER, WYOMING

POWER SITE CLASSIFICATION NO. 375 CANCELLED IN PART

Pursuant to authority vested in me by the act of March 3, 1879 (20 Stat. 394; 43 U. S. C. 31) and by Departmental Order No. 2333 of June 10, 1947 (43 CFR 4.623; 12 F. R. 4025), Power Site Classification No. 375, approved August 25, 1945, is hereby cancelled insofar as and to the extent that it affects the following described lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 37 N., R. 94 W.,
Sec. 5, lots 3 and 4, S½NW¼, SW¼, and NW¼SE¼;
Sec. 6;
Sec. 29, W½NE¼, SE¼NE¼, NE¼SW¼, and NW¼SE¼.
T. 38 N., R. 94 W.,
Sec. 3, W½SW¼;
Sec. 4, lot 4, SW¼NW¼, NW¼SW¼, and NE¼SE¼;
Sec. 5, lots 1, 2, 3, SE¼NE¼, and NE¼SE¼;
Sec. 10, SE¼NE¼ and S½NW¼;
Sec. 27, SE¼SW¼ and SW¼SE¼;
Sec. 28, SW¼SE¼;
Sec. 29, SW¼NW¼ and N½SW¼;
Sec. 30, lots 1 and 2;
Sec. 31, lots 3 and 4;
Sec. 33, N½N½ and SW¼NE¼;
Sec. 34, NW¼NE¼ and N½NW¼.
T. 39 N., R. 94 W.,
Sec. 5, S½NE¼;
Sec. 9, SW¼;
Sec. 21, NE¼, N½SE¼, and SE¼SE¼;
Sec. 22, NW¼NW¼, SW¼, and W½SE¼;
Sec. 27, W½NW¼;
Sec. 28, NE¼NE¼, S½NE¼, SE¼NW¼, NE¼SW¼, S½SW¼, and W½SE¼;
Sec. 29, S½SE¼;
Sec. 32, NE¼, SW¼, N½SE¼, and SW¼SE¼.
T. 40 N., R. 94 W.,
Sec. 31, lot 1;
Sec. 32, SE¼SW¼.

The area described aggregates 3,695 acres.

The above-described lands remain in a withdrawn status until the Bureau of Land Management, Department of the Interior, issues a formal order restoring the lands to entry.

Dated: March 23, 1956.

ARTHUR A. BAKER,
*Acting Director.*

[F. R. Doc. 56-2448; Filed, Apr. 2, 1956; 8:46 a. m.]



### Office of the Secretary

OUTER CONTINENTAL SHELF

GEOLOGICAL AND GEOPHYSICAL EXPLORATION

Pursuant to the notice issued by the Secretary of the Interior on September 17, 1953, concerning geological and geophysical explorations in the outer Continental Shelf (18 F. R. 5667), a cooperative agreement has been entered into with the Florida State Board of Conservation covering the protection and conservation of aquatic life. In accordance with the provisions of the said notice as supplemented by the cooperative agreement, any person, as defined in section 2 (d) of the Outer Continental Shelf Lands Act of August 7, 1953 (67 Stat. 462), is hereby authorized to conduct geological and geophysical explorations in that part of the outer Continental Shelf seaward of the submerged lands of the State of Florida upon condition (1) that his operations shall be confined to such area or areas as may be designated and approved by the Regional Oil and Gas Supervisor of the United States Geological Survey, (2) that he has obtained appropriate permission for such explorations from the Corps of Engineers, Department of the Army, and (3) that, for the protection and conservation of aquatic life he files with the said Regional Oil and Gas Supervisor and with the Florida State Board of Conservation his stipulation agreeing to comply with the requirements of the regulations of the said Board governing the methods and inspection of and restrictions upon geological and geophysical explorations in the submerged lands of the State of Florida, which regulations are hereby adopted as the regulations of the Secretary of the Interior applicable to that part of the outer Continental Shelf seaward of the submerged lands of the State of Florida.

The enforcement of the regulations hereby adopted is delegated to the Regional Oil and Gas Supervisor of the United States Geological Survey, and he may accept the assistance of the State of Florida in any enforcement of the said regulations. This general authorization to conduct geological and geophysical explorations is subject to termination upon not less than 60 days' notice published in the FEDERAL REGISTER, and the authorization to conduct such explorations may be terminated as to any person upon reasonable notice.

Dated: March 27, 1956.

DOUGLAS MCKAY,
*Secretary of the Interior.*

[F. R. Doc. 56-2450; Filed, Apr. 2, 1956; 8:47 a. m.]

## DEPARTMENT OF COMMERCE

### Office of the Secretary

[Dept. Order 128 (Amended)]

UNDER SECRETARY OF COMMERCE FOR TRANSPORTATION

DUTIES AND RESPONSIBILITIES

The material appearing in 16 F. R. 6405; 18 F. R. 1216; 18 F. R. 2304; and 18 F. R. 7878 is superseded by the following:

SECTION 1. *Purpose.* The purpose of this order is to describe the duties and responsibilities of the Under Secretary of Commerce for Transportation.

SEC. 2. *Authority.* .01 The Office of the Under Secretary of Commerce for Transportation has been established pursuant to the specific authority contained in section 301 of Reorganization Plan No. 21 of 1950, effective May 24, 1950.

.02 The duties and responsibilities of the Under Secretary of Commerce for Transportation described in this order are assigned pursuant to the authority vested in the Secretary of Commerce by law, including authority under Reorganization Plans Nos. 5 and 21 of 1950.

.03 All the authority vested in and exercised by the heads of the Defense Air Transportation Administration, the Bureau of Public Roads, Civil Aeronautics Administration, Weather Bureau, and Maritime Administration and the Federal Maritime Board, except for such regulatory or other functions specifically reserved to the Board under the law, are hereby made subject to the policy direction and coordination of the Under Secretary of Commerce for Transportation.

SEC. 3. *Duties and responsibilities.* .01 The Under Secretary of Commerce for Transportation shall:

1. Serve as the principal adviser to the Secretary on all policy matters concerning transportation responsibilities and activities of the Department of Commerce and on all matters which involve the transportation policies of the Federal Government;

2. Exercise policy direction and coordination over the Defense Air Transportation Administration, the Bureau of Public Roads, Civil Aeronautics Administration, Weather Bureau, Maritime Administration, and the Federal Maritime Board for functions not specifically reserved to the Board by law;

3. Consult with the Under Secretary of Commerce, the Assistant Secretaries for Domestic Affairs, and International Affairs, on matters of common interest in their respective areas of responsibility.

.02 More specifically, but not by way of limitation, the Under Secretary of Commerce for Transportation shall:

1. Formulate an integrated transportation program for the Department and establish the Department's position respecting the development of overall transportation policy and program within the executive branch of the government, including the mobilization aspects thereof;

2. Initiate action before the transportation regulatory agencies when such action appears to be appropriate for the effectuation of transportation policies and program, or present the Department's views on matters under consideration by such regulatory agencies as they may affect the Department's programs or overall transportation policy; and

3. Serve as the focal point within the Department on all coordination activities of an interdepartmental nature which involve transportation matters, and represent the Department on the Air Coordinating Committee, National Advisory Committee for Aeronautics, Defense Transportation and Storage Committee, Advisory Committee on Weather Control, and Air Navigation Development Board.

SEC. 4. *Deputy Under Secretary of Commerce for Transportation.* 01 The Deputy Under Secretary of Commerce for Transportation shall serve as the deputy to the Under Secretary of Commerce for Transportation and shall:

1. Assist in the formulation of policy proposals or changes in policy with respect to overall transportation programs of the Executive Branch of the Government;

2. Be responsible for the general policy guidance of program development activities of the respective primary organization units named in Section 3.012 hereof; and

3. Assist in the fulfillment of the Department's role in the effectuation of transportation policies and programs.

.02 The Deputy Under Secretary assumes the full responsibilities of the Under Secretary for Transportation during the latter's absence.

SEC. 5. *Assistant to the Under Secretary of Commerce for Transportation.* The Assistant to the Under Secretary of Commerce for Transportation shall provide the staff assistance for the review and evaluation of all proposed transportation policies and programs on behalf of the Office of the Under Secretary of Commerce for Transportation; review proposed programs initiated by the respective primary organization units under the jurisdiction of the Under Secretary of Commerce for Transportation, and assist in the formulation of policy proposals or changes in policy.

Effective date: March 21, 1956.

SINCLAIR WEEKS,
*Secretary of Commerce.*

[F. R. Doc. 56-2446; Filed, Apr. 2, 1956; 8:46 a. m.]

[Dept. Order 104 (Amended)]

OFFICE OF THE GENERAL COUNSEL

ORGANIZATION AND FUNCTIONS

The material appearing in 17 F. R. 7910 is superseded by the following:

SECTION 1. *Purpose.* The purpose of this order is to describe the organization and functions of the Office of the General Counsel of the Department of Commerce.

SEC. 2. *Organization.* .01 The position of Solicitor was established by the Act of March 18, 1904 (33 Stat. 135; 5 U. S. C. 592b; amended by act of August 20, 1954; 68 Stat. 753. The title of Solicitor was changed to that of General Counsel by the act of July 17, 1952 (66 Stat. 758)). The General Counsel is appointed by the President, by and with the advice and consent of the Senate, and reports

and is responsible to the Secretary of Commerce.

.02 The Office of the General Counsel is a constituent unit of the Office of the Secretary, Department of Commerce, established for the purpose of providing the General Counsel with adequate staff and resources to enable him to fulfill his responsibilities and perform his statutory and assigned duties.

SEC. 3. *The General Counsel.* .01 The General Counsel is the chief law officer of the Department of Commerce, and legal adviser to the Secretary, the Under Secretaries, the Assistant Secretaries, and other officers of the Department, including bureau heads.

.02 The authority to render all legal services necessary to enable the Secretary and the heads of organization units in the Department to discharge their respective duties is hereby delegated to the General Counsel. This authority applies to all the legal activities of those bureaus having separate legal staffs.

.03 The authority delegated herein, or any part thereof, may be redelegated to appropriate officers and employees of the Department and shall be exercised in accordance with such delegations, regulations, policies, standards, procedures, and instructions as the General Counsel may issue or approve. Copies of any written delegations of authority made under this subsection shall be filed with the original signed copy of this order.

.04 The General Counsel supervises and coordinates the development of the legislative program of the Department. The General Counsel shall be the focal point within the Department for handling Congressional relations, and shall advise the Secretary on such matters. However, nothing herein shall be deemed to affect the responsibility of the Office of Budget and Management for the presentation to the Congress of budget estimates and the conduct of liaison activities related thereto.

SEC. 4. *Functions of the Office of the General Counsel.* .01 The functions performed by the Office of the General Counsel include, but are not limited to, the following:

1. The preparation, or examination for legal form and effect, of all public orders, rules, and regulations issued by the Department of Commerce, including documents submitted to the FEDERAL REGISTER, and legal review of internal orders, rules, and regulations requiring the approval of the Secretary of Commerce;

2. The preparation, or examination for legal form and effect, of all legal instruments, such as contracts, cooperative agreements, leases, licenses, and bonds, entered into by the Department of Commerce (except in cases where the Secretary has delegated his contracting authority pursuant to Department Order No. 46 Amended);

3. The appearance on behalf of the Secretary of Commerce or Department of Commerce, or any officer or unit thereof, before regulatory commission, independent boards, and similar tribunals and courts when such action appears to be appropriate; the preparation or review of pleadings, briefs, memoranda, and other legal documents necessary in proceedings involving the Department of Commerce, or requested by any other Government agency for use in proceedings;

4. The preparation or review of all papers relating to matters on which the opinion or advice of the Comptroller General is desired, except for determinations requested by certifying officers under the provisions of the Act of December 29, 1941 (55 Stat. 875; 31 U. S. C. 82c);

5. The preparation or review of all papers relating to matters on which the opinion of the Attorney General is desired; and

6. The preparation or review of all legislative proposals the enactment of which is deemed desirable by the Department of Commerce, expressions of official opinion as to the merits of proposed or pending legislation, statements concerning proposed or pending legislation to be made before committees of the Congress, and advice to the President with respect to enrolled enactments.

.02 The heads of the several primary organization units of the Department shall consult with and obtain clearance from the Office of the General Counsel as to the legal aspects of new and major programs.

.03 All personnel actions involving legal positions (other than patent attorney positions) in the Department of Commerce will be coordinated by the General Counsel as provided in administrative orders and circulars of the Department, including Administrative Circular No. 178 (Amended). All matters pertaining to the purchase of law books or legal supplies shall be subject to review by the General Counsel before action is taken thereon.

SEC. 5. *Exception as to patent and trade mark matters.* The General Counsel exercises no responsibility in connection with the issuance of patents or the registration of trade marks. In other matters, the General Counsel's authority with respect to the Patent Office is the same as in the case of other organization units which have legal staffs.

Effective date: March 20, 1956.

SINCLAIR WEEKS,
*Secretary of Commerce.*

[F. R. Doc. 56-2447; Filed, Apr. 2, 1956; 8:48 a. m.]

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MARGUERITE M. SAUERS

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

*Report of Appointment*

1. Name of appointee: Marguerite M. Sauers.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: February 29, 1956.

4. Title of position: Consultant.

5. Name of private employer: General Refractories Company, Philadelphia, Pa.

[SEAL] CARLTON HAYWARD,
*Director of Personnel.*

*Statement of Financial Interests*

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interests.

Commercial Credit Co.
General Refractories Company.
Pennsylvania R. R. Company.
Roan Antelope Company.
Royal McBee Company.
Bank Deposits.

Dated: March 21, 1956.

[SEAL] MARGUERITE M. SAUERS.

[F. R. Doc. 56-2463; Filed, Apr. 2, 1956; 8:49 a. m.]

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PAUL E. FLOYD

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

Statement of changes in financial interests required by section 710 (b) (6) of the defense production act of 1950, as amended.

1. Name of appointee: Paul E. Floyd.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: May 13, 1953; 6-4-54 Chief, Ferro-Alloys Br.

4. Title of position: Asst. Dir. Iron & Steel Div., for Ferro-Alloys.

5. Name of private employer: Allegheny Ludlum Steel Corporation.

6. Changes in names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

A. Deletions: Income from mortgage.
B. Additions: None.

This statement is made as of February 1, 1956.

Dated: March 14, 1956.

[SEAL] PAUL E. FLOYD.

[F. R. Doc. 56-2464; Filed, Apr. 2, 1956; 8:49 a. m.]



GEORGE H. COMPTER

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

Statement of changes in financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

1. Name of appointee: George H. Compter.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: April 27, 1955 Special Assistant to the Director.

4. Title of position: November 10, 1955 Consultant.

5. Name of private employer: Ford Instrument Company, Division of Sperry Rand Corporation.

6. Changes in names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interest; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

A. Deletions: None.
B. Additions: None.

This statement is made as of February 1, 1956.

Dated: March 21, 1956.

[SEAL] GEORGE H. COMPTER.

[F. R. Doc. 56-2465; Filed, Apr. 2, 1956; 8:49 a. m.]

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## FEDERAL POWER COMMISSION

[Docket No. E-6666]

BONNEVILLE PROJECT, COLUMBIA RIVER, OREGON-WASHINGTON

NOTICE OF REQUEST FOR CONFIRMATION AND APPROVAL OF RATE SCHEDULE

MARCH 27, 1956.

Notice is hereby given that the Assistant Secretary of the Interior, acting on behalf of the Bonneville Power Administration, has filed with the Federal Power Commission for confirmation and approval, pursuant to the provisions of the Bonneville Act (50 Stat. 731), as amended, a proposal regarding diversity charges to be added to Bonneville's present General Rate Schedule Provision 5.1 entitled "Point of Delivery and Delivery Voltage", as follows: "In case service at more than one point of delivery is billed on a combined basis for the convenience of the customer, a charge will be made for the diversity of the loads supplied at the several points of delivery. The charge for diversity shall be determined in a uniform manner and shall be specified in the contract."

The proposed amendment to the General Rate Schedule Provisions is on file with the Commission for public inspection. Any person desiring to comment or make representation with respect thereto should submit the same on or before April 20, 1956, to the Federal Power Commission, Washington 25, D. C.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-2453; Filed, Apr. 2, 1956; 8:47 a. m.]

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[Docket No. G-2506]

PANHANDLE EASTERN PIPE LINE CO.

ORDER GRANTING MOTION FOR RECONSIDERATION AND POSTPONING HEARING

Panhandle Eastern Pipe Line Company (Panhandle) filed on March 12, 1956, a motion for postponement of the hearing scheduled for April 3, 1956, in the above-designated matter.

The Secretary on March 14, 1956, issued a notice denying said motion for postponement of hearing.

Panhandle filed on March 19, 1956, a motion for reconsideration of motion for postponement of hearing, setting forth a number of Commission proceedings in which Panhandle will be engaged at the time set for this hearing.

The Commission finds: Good cause has been shown for postponing the aforementioned hearing from April 3, 1956, to May 3, 1956.

The Commission orders: The hearing in the above-designated matter now scheduled for April 3, 1956, be and it is hereby postponed to May 3, 1956, at 10:00 a. m., e. s. t., in a hearing room of the Federal Power Commission at 441 G Street NW., Washington, D. C.

Issued: March 27, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-2452; Filed, Apr. 2, 1956 8:47 a. m.]

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[Docket No. G-3953 etc.]

HUNTINGTON OKLAHOMA OIL CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

Take notice that each of the Applicants listed below has filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing such Applicant to continue to sell natural gas subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open for public inspection. These matters should be consolidated and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on the date and at the place hereinafter stated, concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) not less than ten days before the date of hearing. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediated decision procedure in cases where a request for waiver is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

The dockets, Applicants and material averments in applications to which reference is made above are as follows:

*Docket No.; Name and Address; Filing Date; Gas Field; and Purchaser*

G-3953; Huntington Oklahoma Oil Company, Midway City Gas Company, Huntington, W. Va.; 10-1-54; Appalachian, Mingo, Wayne and Putnam Counties, W. Va.; United Fuel Gas Company.

G-3954; Huntington Oklahoma Oil Company, Midway City Gas Company, Huntington, W. Va.; 10-1-54; Appalachian, Cabell County, W. Va.; United Fuel Gas Company.

G-3955; Huntington Oklahoma Oil Company, Midway City Gas Company, Huntington, W. Va.; 10-1-54; Appalachian, Mingo County, W. Va.; United Fuel Gas Company.

G-3956; Huntington Oklahoma Oil Company, Midway City Gas Company, Huntington, W. Va., 10-1-54; Appalachian, Mingo County, W. Va.; United Fuel Gas Company.

G-3957; Huntington Oklahoma Oil Company, Midway City Gas Company, Huntington, W. Va.; 10-1-54; Appalachian, Mingo County, W. Va.; United Fuel Gas Company.

G-3958; Huntington Oklahoma Oil Company, Midway City Gas Company, Huntington, W. Va.; 10-1-54; Appalachian, Knott County, Ky.; United Fuel Gas Company.

G-3959; Midway City Gas Company, Huntington, W. Va.; 10-1-54; Appalachian, Putnam County, W. Va.; United Fuel Gas Company.

G-3960; Midway City Gas Company, Huntington, W. Va.; 10-1-54; Appalachian, Putnam County, W. Va.; United Fuel Gas Company.

G-3961; Midway City Gas Company, Huntington, W. Va.; 10-1-54; Appalachian, Putnam County, W. Va.; United Fuel Gas Company.

G-3962; Midway City Gas Company, Huntington, W. Va.; 10-1-54; Appalachian, Putnam County, W. Va.; South Penn Natural Gas Company.

G-3978; All Star Gas Company, H. A. Ellis, C. P. Burton and W. S. Price, Dallas, Tex.; 10-1-54; North Healdton, Carter County, Okla.; Lone Star Gas Company.

A public hearing will be held on April 30, 1956, beginning at 9:30 a. m., e. s. t., in the hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters in and the issues presented by the above applications.

[SEAL] LEON M. FUQUAY,
*Secretary.*

MARCH 27, 1956.

[F. R. Doc. 56-2454; Filed, Apr. 2, 1956; 8:47 a. m.]

[Docket No. G-9433]

SLIPPERY ROCK HEAT & LIGHT CO.

NOTICE OF APPLICATION

MARCH 26, 1956.

Take notice that Slippery Rock Heat & Light Company, a Pennsylvania corporation, having its principal place of business at First National Bank Building, Emlenton, Pennsylvania, filed on October 4, 1955, an application pursuant to section 7 (a) of the Natural Gas Act for an order directing The Manufacturers Light and Heat Company to establish physical connection of its natural gas transportation facilities with the facilities of Applicant for the purpose of supplying, transmitting and delivering gas to Applicant for resale to its customers in and near Slippery Rock, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes that The Manufacturers Light and Heat Company connect its 5⅝-inch Line No. 105 in Slippery Rock Township, Butler County, Pennsylvania, with a 4-inch line purchased from the Union Heat & Light Company, from which service to thirty-five domestic consumers in the village of Keister is rendered, and furnish sufficient gas for Applicant's peak day requirement, estimated at 670 Mcf and 700 Mcf in 1956 and 1959 respectively.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 16, 1956.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-2455; Filed, Apr. 2, 1956; 8:47 a. m.]

[Docket No. G-7342]

H. R. SMITH ET AL.

NOTICE OF RESUMPTION OF HEARING

MARCH 28, 1956.

In the matter of H. R. Smith, A. E. Bruggemann, Southwestern Oil & Refining Company, Columbus Export Corporation.

Notice is hereby given that the hearing in the above designated matter, which was recessed by the Presiding Examiner on November 21, 1955, is hereby scheduled to resume at 9:30 a. m., e. s. t., April 24, 1956, in the Commission's hearing room, 441 G Street NW., Washington, D. C.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-2456; Filed, Apr. 2, 1956; 8:48 a. m.]

[Docket No. G-8914]

J. M. HUBER CORP.

NOTICE OF RESUMPTION OF HEARING

MARCH 28, 1956.

Notice is hereby given that the hearing in the above-designated matter, which was recessed by the Presiding Examiner on November 22, 1955, is hereby scheduled to resume at 9:30 a. m., e. s. t., April 26, 1956, in the Commission's hearing room, 441 G Street NW., Washington, D. C.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56-2472; Filed, Apr. 2, 1956; 8:50 a. m.]

[Docket No. G-9667]

IROQUOIS GAS CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

MARCH 28, 1956.

Iroquois Gas Corporation (Applicant), a New York corporation, with its principal place of business located at Buffalo, New York, filed on November 17, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing it to construct and operate certain gas facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate certain underground storage facilities and pipelines for the Nashville Storage Project located in Erie, Chautauqua and Cattaraugus Counties in the State of New York, approximately 35 miles south of the city of Buffalo.

Applicant further states that the estimated cost of the project is summarized as follows:

| | |
|---|---|
| 14 miles of 12-inch main pipeline | $500,000 |
| 22 miles of 12-inch, 8-inch, 6-inch and 4-inch gathering lines | 499,200 |
| Drilling and reconditioning wells (total 80) | 1,263,000 |
| 900 h. p. compress station | 615,000 |
| Total | 2,877,200 |

Applicant also states that National Fuel Gas Company of New York, N. Y., the controlling corporation, will provide the necessary funds during the years 1956 and 1957, for common stock or long term promissory notes, or both from Applicant.

Applicant alleges that the proposed Nashville Storage Project anticipates the use of a former gas producing reservoir in the Medina sandstone formation 3,000 feet below the surface and that Applicant has developed five similar storage pools in this formation and has a sixth almost completed. These all lie to the northeast of the Nashville project within a distance of 45 miles.

Applicant further alleges that during the production life of the Nashville Field Applicant produced or bought substantially all of the gas produced, and now has 95 percent of the acreage overlying the proven productive area under lease. The remaining 5 percent comprises small parcels on which drilling operations would be impractical or impossible; they are not under lease to anyone and they are unavailable for oil and/or gas leasing.

Applicant also alleges that it and its affiliate, Republic Light, Heat and Power Company, Inc. (Republic), are serving an ever-expanding market in western New York. The demand for additional gas for space heating has continued at an unprecedented rate requiring development of additional storage areas. Applicant's present storage fields were almost completely filled during the current season and will be inadequate for the 1956 storage cycle. Additional storage will be needed in 1956 to handle the new supply of gas to be made available from Tennessee Gas Transmission Company at Docket No. G-2331. Also it is advantageous financially to have storage capacity available for additional quantities of low cost "surplus gas" when offered. By acquiring and storing quantities of such gas, the company will be able to reduce its gas manufacturing operations during any abnormally cold winter season, thereby reducing the manpower requirements as well as the cost of such operations; and that the total storage field data is summarized as follows:

| | |
|---|---|
| Approximate depth (feet) | 3,000 |
| Estimated reserves, original (Mcf) | 8,500,000 |
| Present reserves (Mcf) | 450,000 |
| Reservoir pressure, original, p. s. i. g. | 940 |
| Reservoir pressure, present, p. s. i. g. | 50 |
| Proposed storage pressure, Top, p. s. i. g. | 940 |
| Proposed storage pressure, Base, p. s. i. g. | 450 |
| Proposed volume to be stored above native gas (Mcf) | 8,000,000 |
| Proposed base or cushion (Mcf) | 3,600,000 |
| Proposed volume, active per season (Mcf) | 4,400,000 |
| Injection rates, daily average (Mcf) | 20,000 |
| Withdrawal rate (Mcf) | 45,000 |
| Maximum daily deliverability from 940 p. s. i. g. storage pressure to station facilities (Mcf) | 80,000 |
| Number of wells when completed | 80 |

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 30, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 15, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56-2473; Filed, Apr. 2, 1956; 8:51 a. m.]

[Docket No. G-9809]

IROQUOIS GAS CORP. AND PENN-YORK NATURAL GAS CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

MARCH 28, 1956.

Iroquois Gas Corporation (Iroquois), a New York corporation, and Penn-York Natural Gas Corporation (Penn-York), a Pennsylvania corporation, both wholly owned subsidiaries of National Fuel Gas Company (National) and having their principal place of business located at Buffalo, New York, filed on December 22, 1955, a joint application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act for authorization to construct and operate an emergency interconnection and the exchange of gas during emergency periods, subject to the jurisdiction of the Commission, all as more fully represented in their joint application which is on file with the Commission and open for public inspection.

Iroquois proposes to construct a 5-mile, 8-inch emergency interconnecting pipeline from its Porterville Station in the Town of Elma, Erie County, New York, to the existing Penn-York transmission pipeline in the Town of Marilla, Erie County, New York. This location is a few miles east of Buffalo. The Applicants state that they have an existing emergency connection where gas is exchanged in the Town of Collins, Erie County, New York, south of Buffalo.

Applicants state that construction is expected to commence by April 1, 1956, and is to be completed by May 30, 1956.

Applicants also state that the proposed emergency connection will permit Iroquois to coordinate the dispatching schedules of Iroquois, Penn-York and Republic Light, Heat and Power Company (Republic) [1] during emergency periods. Penn-York will have a direct connection with Iroquois' Porterville Station, a major dispatching center which receives gas purchased from Tennessee Gas Transmission Company. In the event of an emergency situation involving Republic's Niagara District, Iroquois will be able to supply additional gas to that District and be repaid with equal volumes from Penn-York, directed through this proposed new line to Porterville.

Applicants further state in the event of an emergency involving Republic's Batavia or Dunkirk Districts, gas can be diverted through the proposed interconnection to the Penn-York transmission pipeline supplying Republic for resale in Batavia and Dunkirk.

[1] Republic is an affiliate of Applicants, distributing gas to retail in the outskirts of Buffalo and vicinity and receiving its supply from Penn-York and from Iroquois.



Applicants allege that an agreement dated May 31, 1949, filed by Iroquois as its X-1 rate schedule, presently is in effect covering emergency exchanges of gas through the present emergency connection between Iroquois, Penn-York and Republic in the Town of Collins. Applicants propose to revise this X-1 rate schedule by agreement dated December 19, 1955, to provide for emergency exchanges through the emergency interconnection proposed herein.

Applicants further allege that no money changes hands under this agreement as the gas delivered by one Applicant is returned in kind at Applicants' sole discretion within a reasonable time after deliveries are first made.

Applicants also allege that the total estimated costs of the proposed construction is $120,000 and is to be financed by issuance of securities by Iroquois to its parent, National Fuel Gas Company.

Iroquois states that it will apply to the New York Public Service Commission for permission to issue stock or long-term notes, or both, to finance part of its overall 1956 construction program, of which the proposed construction herein is a minor part; and since Iroquois is a subsidiary of National Fuel Gas Company, a registered holding company under the Public Utility Holding Company Act of 1935, applications for the same purpose will be filed with the Securities and Exchange Commission by Iroquois and National under this act.

Applicants point out that their present plans call for eventual merger of Republic, Penn-York and Iroquois.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 30, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such joint application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will not be necessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 15, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56-2474; Filed, Apr. 2, 1956; 8:51 a. m.]

## FEDERAL TRADE COMMISSION

[File No. 479]

COMBINATION STORM WINDOW AND DOOR INDUSTRY

NOTICE OF TRADE PRACTICE CONFERENCE

Notice is hereby given that a trade practice conference for the Combination Storm Window and Door Industry will be held by the Federal Trade Commission in the Colonial Room of the Park Sheraton Hotel, 55th Street and Seventh Avenue, New York City, on April 24, 1956, commencing at 10 a. m., e. s. t.

The conference will constitute the first step in proceedings authorized by the Commission for the establishment of trade practice rules for the industry. Rules suggested and considered at such meeting are to be such as are designed to eliminate and prevent unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses, which are violative of laws administered by the Commission.

All persons, firms, corporations and organizations engaged in the manufacture, sale, or distribution in commerce of combination screen and storm windows and doors are cordially invited to attend or to be represented at the conference and to take part in the proceedings. Any such person, firm, corporation or organization may submit suggested trade practice rules for consideration at the conference as well as take part in the consideration and discussion of proposals or suggestions for rules presented by others.

Subsequent to the conference on April 24, and before final rules are approved by the Commission, a draft of proposed rules in the form deemed appropriate will be made available to all interested or affected parties, including consumers and consumer organizations, upon public notice affording them opportunity to present their views, criticisms, and suggestions respecting the proposed rules, and to be heard at a public hearing to be announced by the Commission.

Issued: March 29, 1956.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH,
*Secretary.*

[F. R. Doc. 56-2477; Filed, Apr. 2, 1956; 8:51 a. m.]

## DEPARTMENT OF JUSTICE

### Office of Alien Property

PETER AND SOPHIE KIAPPE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to

return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Peter Klappe, Athens, Greece; Sophie Klappe, Athens, Greece; Claim No. 6308; Vesting Order No. 668; an undivided three one-hundredths (3/100) each to Peter Klappe and Sophie Klappe in the property described in Vesting Order No. 668 (8 F. R. 4995, April 17, 1943) relating to United States Letters Patent No. 2,256,857.

Executed at Washington, D. C., on March 28, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 56-2470; Filed, Apr. 2, 1956; 8:50 a. m.]

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STIPE SINOVCIC ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Stipe Sinovcic, $57.18 in the Treasury of the United States; Ljubica, Darinka, Marija, Ivan and Mate Sinovcic, $57.18 in the Treasury of the United States; Luce, Mirko, Ante, Anka, Tereza, Jaka and Nedeljka Sinovcic, and Luce Sinovcic as Guardian of Roza and Nikolina Sinovcic, minors, $57.18 in the Treasury of the United States; All of Srinjine, post Zrnovnica, Yugoslavia, Claim No. 42631; Voluntary Turnover.

Executed at Washington, D. C., on March 26, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 56-2471; Filed, Apr. 2, 1956; 8:50 a. m.]

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## INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 28, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31889: *Anhydrous ammonia—Houston, Tex., to West Memphis, Ark.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on anhydrous ammonia, tank-car loads from Houston, Tex., to West Memphis, Ark.

Grounds for relief: Commercial competition with Memphis, Tenn., and circuitous routes.

Tariff: Supplement 133 to Agent Kratzmeir's I. C. C. 4112.

FSA No. 31891: *Cement—Neville Island and P & OV Jct., Pa., to Grays Branch, Ky.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on cement, hydraulic masonry, mortar, natural or portland, in bulk, carloads from Neville Island and P & OV Jct., Pa., to Grays Branch, Ky.

Grounds for relief: Barge competition and circuity.

Tariffs: Supplement 15 to Pennsylvania Railroad Company tariff I. C. C. 3425; Supplement 7 to Pittsburgh and Lake Erie Railroad Company tariff I. C. C. 3556.

FSA No. 31892: *Latex—New Haven, Conn., to Greenville, Miss.* Filed by O. E. Swenson, Agent, for interested rail carriers. Rates on latex (liquid crude rubber), carloads from New Haven, Conn., to Greenville, Miss.

Grounds for relief: Short-line distance formula, and circuity.

Tariff: Supplement 63 to Agent Swenson's I. C. C. 610.

FSA No. 31893: *Latex—Dundee, N. J., to the South.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on latex (liquid crude rubber), natural or synthetic, carloads, including tank-car loads from Dundee, N. J., to Baton Rouge and New Orleans, La., Birmingham and Tuscaloosa, Ala., and Clarksville, Memphis, and Milan, Tenn.

Grounds for relief: Short-line distance formula, and circuity.

Tariff: Supplement 11 to Agent C. W. Boin's I. C. C. A-1079.

FSA No. 31894: *Feed, animal or poultry—Augusta, Ga., to Charleston, S. C.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on feed, animal or poultry, carloads from Augusta, Ga., to Charleston, S. C.

Grounds for relief: Circuitous route.

Tariff: Supplement 86 to Agent Spaninger's I. C. C. 1325.

FSA No. 31895: *Sulphuric acid—Pulaski, Va., to Georgia.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on sulphuric acid, tank-car loads from Pulaski, Va., to East Point, Fort McPherson and Hopeville, Ga.

Grounds for relief: Circuitous routes.

Tariff: Supplement 114 to Agent C. A. Spaninger's I. C. C. 1357.

FSA No. 31896: *All freight—Carolina Points to the East.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on merchandise, in mixed carloads from Charlotte, and Gastonia, N. C., Greenville and Spartanburg, S. C., to specified points in Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, and Rhode Island.

Grounds for relief: Motor truck competition and circuity.

Tariff: Supplement 34 to Agent Spaninger's I. C. C. 1458.

FSA No. 31897: *Kyanite—Kings Mountain to Official Territory.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on kyanite, crude or ground, carloads from Kings Mountain, N. C., to specified points in official territory.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 98 to Agent Spaninger's I. C. C. 1346.

FSA No. 31898: *Commodities from and to points in Southern Territory.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on various commodities as described in exhibit A of the application from specified points in southern and official territories to specified points in southern and official territories.

Grounds for relief: Carrier competition and circuity.

FSA No. 31899: *Substituted service—Pennsylvania Railroad.* Filed by Kenosha Auto Transport Corporation, Agent, for itself and other motor carriers and The Pennsylvania Railroad Company. Rates on various commodities, loaded in highway truck trailers and in mobile auto carrier pallets, and on railroad flat cars from Chicago, Ill., on traffic originating at Kenosha, Wis., via applicant motor truck carrier to Kearny, N. J., on traffic destined to points beyond via motor truck carriers.

Grounds for relief: Competition with motor carriers.

Tariff: Supplement 3 to Kenosha Auto Transport Corporation tariff MF-I. C. C. 132.

AGGREGATE OF INTERMEDIATES

FSA No. 31890: *Anhydrous ammonia—Houston, Tex., to West Memphis, Ark.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on anhydrops ammonia, tank-car loads from Houston, Tex., to West Memphis, Ark.

Grounds for relief: Maintenance of proposed rates restricted not to apply in constructing lower combination rates from and to points beyond West Memphis, Ark.

Tariff: Supplement 133 to Agent Kratzmeir's I. C. C. 4112.

By the Commission.

HAROLD D. MCCOY,
*Secretary.*

[F. R. Doc. 56-2405; Filed, Mar. 30, 1956; 8:46 a. m.]

UNIVERSITY OF MICHIGAN
MAIN READING ROOM

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
# FEDERAL REGISTER
OF THE UNITED STATES
VOLUME 21 1934 NUMBER 65
*Washington, Wednesday, April 4, 1956*

## TITLE 3—THE PRESIDENT

### EXECUTIVE ORDER 10664

RESTORING CERTAIN LANDS COMPRISING PORTIONS OF THE WAIANAE-KAI MILITARY RESERVATION TO THE JURISDICTION OF THE TERRITORY OF HAWAII

WHEREAS certain lands at Waianae-Kai, District of Waianae, Island of Oahu, Territory of Hawaii, which form a part of the public lands ceded and transferred to the United States by the Republic of Hawaii under the joint resolution of annexation of July 7, 1898, 30 Stat. 750, were withdrawn and set aside for military purposes by Executive Order No. 2900 of July 2, 1918, as amended by Executive Order No. 5414 of July 31, 1930, Executive Order No. 7010 of April 10, 1935, and Executive Order No. 8109 of May 3, 1939; and

WHEREAS the hereinafter-described parcels of such lands are no longer needed for military purposes, and it is deemed advisable and in the public interest that they be restored to the possession, use, and control of the Territory of Hawaii:

NOW, THEREFORE, by virtue of the authority vested in me by section 91 of the act of April 30, 1900, 31 Stat. 159, as amended by section 7 of the act of May 27, 1910, 36 Stat. 447, it is ordered as follows:

The following-described parcels of land comprising portions of the Waianae-Kai Military Reservation located at Waianae-Kai, District of Waianae, on the Island of Oahu, Territory of Hawaii, are hereby restored to the possession, use, and control of the Territory of Hawaii:

PARCEL I

Being a portion of the property described as Tract 7 in Presidential Executive Order No. 8109 of May 3, 1939.

Beginning at Concrete Monument No. 7 at the north corner of this piece of land, on the southwesterly side of the former Oahu Railway and Land Company's 40-foot right-of-way, being also the east corner of Lot F-2 of Land Court Application 1102, Map 4, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Paheehee New" being 3,953.84 feet north and 10,941.19 feet west, thence running by azimuths measured clockwise from true south:

325° 07' 648.60 feet, along the southwesterly side of the former Oahu Railway and Land Company's 40-foot right-of-way to Concrete Monument No. 6;

325° 08' 385.74 feet, along the same, to Concrete Monument No. 5;

63° 13' 417.00 feet, along the remainder of Tract No. 7 of Presidential Executive Order No. 8109 dated May 3, 1939, to high water line;

Thence along high water line for the next five courses, the direct azimuths and distances being:

102° 26' 325.34 feet;
136° 29' 169.60 feet;
168° 08' 232.23 feet;
197° 25' 342.35 feet;
152° 05' 197.28 feet, to the south corner of Lot F-2 of Land Court Application No. 1102, Map 4;

245° 31' 14" 277.90 feet, along Lot F-2, Land Court Application No. 1102, Map 4, passing over Concrete Monument No. 8 at 114.00 feet, to the point of beginning and containing an area of 12.18 acres, more or less.

PARCEL II

Being the same property described as Tract 8 in Presidential Executive Order No. 8109 of May 3, 1939.

Beginning at Concrete Monument No. 2, marking the east corner of this piece of land, the coordinates of which, referred to Government Survey Triangulation Station "Paheehee New" are 4,105.52 feet north and 11,047.35 feet west, thence from said point of beginning by azimuths measured clockwise from true south:

56° 53' 00" 111.00 feet, along Lot F, Land Court Application No. 1102, Map 2, to Concrete Monument No. 1, from which the azimuth and distance to Concrete Monument No. 5 is 139° 34' 00", 180.40 feet;

56° 53' 00" 142.00 feet, more or less, to high water line;

Northerly, along said high water line, to the boundary of Lot E, Land Court Application No. 1102, Map 2;

236° 57' 00" 38.00 feet, more or less, along said Lot E, to Concrete Monument No. 5;

236° 57' 00" 51.75 feet, along the same, to Concrete Monument No. 4;

236° 52' 00" 70.00 feet, along the same, to Concrete Monument No. 3, located on the boundary of the Oahu Railway and Land Company's 40-foot right-of-way;

(Continued on next page)

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# FEDERAL REGISTER

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**CFR SUPPLEMENTS**

**(As of January 1, 1956)**

The following Supplements are now available:

**Titles 22 and 23 ($1.00)**
**Title 26: Parts 80–169 ($0.50)**
**Title 32: Parts 800–1099 ($0.40)**

Previously announced: Title 3, 1955 Supp. ($2.00); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 18 ($0.50); Title 24 ($0.75); Title 25 ($0.50); Title 26: Parts 1–79 ($0.35), Parts 170–182 ($0.30), Parts 183–299 ($0.35); Title 32: Parts 700–799 ($0.35), Part 1100 to end ($0.35); Titles 40–42 ($0.65); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.


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On a curve to the right, along said right-of-way, with a radius of 3,112.00 feet, 179.29 feet, along the curve, the chord of which bears 322° 58' 00", 179.25 feet, to the point of beginning and containing an area of 0.79 acre, more or less.

PARCEL III

Being the same property described as Tract 9 in Presidential Executive Order No. 8109 of May 3, 1939.

Beginning at Concrete Monument No. 2, marking the east corner of this piece of land, the coordinates of which, referred to Government Survey Triangulation Station "Paheehee New" are 4,363.38 feet north and 11,252.30 feet west, thence by azimuths measured clockwise from true south:

56° 55' 00" 93.10 feet, along Lot E, Land Court Application No. 1102, Map 2, to Concrete Monument No. 1, from which the azimuth and distance to Concrete Monument No. 4 is 131° 45' 00", 351.10 feet;

56° 55' 00" 53.00 feet, more or less, along the same, to high water line;

Northwesterly, along said high water line, to the boundary of Lot D, Land Court Application No. 1102, Map 2;



240° 57' 00" 82.00 feet, more or less, along said Lot D, to Concrete Monument No. 4;

240° 57' 00" 113.95 feet, along the same, to Concrete Monument No. 3, located on the boundary of the Oahu Railway and Land Company's 40-foot right-of-way;

On a curve to the right, along said right-of-way, with a radius of 2,746.30 feet, 338.69 feet, along the curve, the chord of which bears 314° 45' 00", 338.47 feet, to the point of beginning and containing an area of 1.38 acres, more or less.

PARCEL IV

Being the same property described as Tract 10 in Presidential Executive Order No. 8109 of May 3, 1939.

Beginning at Concrete Monument No. 2, marking the most easterly corner of this piece of land, the coordinates of which, referred to Government Survey Triangulation Station "Paheehee New" are 4,779.26 feet north and 11,716.20 feet west, thence by azimuths measured clockwise from true south:

71° 57' 00" 85.00 feet, along Lot D, Land Court Application No. 1102, Map 2, to Concrete Monument No. 1, from which the azimuth and distance to Concrete Monument No. 7 is 121° 12' 00", 406.58 feet;

71° 57' 00" 114.00 feet, more or less, to the high water line;

Northwesterly, along said high water line, to the boundary of Lot C, Land Court Application No. 1102, Map 2;

232° 01' 00" 49.00 feet, more or less, along said Lot C, to Concrete Monument No. 7;

232° 01' 00" 71.78 feet, along the same, to Concrete Monument No. 6;

136° 01' 00" 67.24 feet, along the same, to Concrete Monument No. 5, located on the boundary of the Oahu Railway and Land Company's 40-foot right-of-way;

303° 06' 00" 82.55 feet, along said right-of-way, to Concrete Monument No. 4;

303° 07' 10" 272.10 feet, along the same, to Concrete Monument No. 3;

On a curve to the right, along the same, with a radius of 3,048.70 feet, 147.21 feet, along the curve, the chord of which bears 304° 20' 00", 147.20 feet, to the point of beginning and containing an area of 1.69 acres, more or less.

PARCEL V

Being the same property described as Tract 11 in Presidential Executive Order No. 8109 of May 3, 1939.

Beginning at Concrete Monument No. 2, marking the east corner of this piece of land, the coordinates of which, referred to Government Survey Triangulation Station "Paheehee New" are 5,105.97 feet north and 12,212.01 feet west, thence by azimuths measured clockwise from true south:

74° 57' 00" 122.78 feet, along Lot C, Land Court Application No. 1102, Map 2, to Concrete Monument No. 1;

35° 01' 00" 5.90 feet, along the same, to Concrete Monument No. 5, from which the direct azimuth and distance to Concrete Monument No. 4 is 146° 30' 00", 73.36 feet;

35° 01' 00" 30.00 feet, more or less, along the same, to high water line;

Northwesterly, along said high water line, to the boundary of Lot B, Land Court Application No. 1052, Map 1;

246° 56' 00" 66.00 feet, more or less, along said Lot B, to Concrete Monument No. 4;

246° 56' 00" 81.35 feet, along the same, to Concrete Monument No. 3, located on the boundary of the Oahu Railway and Land Company's 40-foot right-of-way;

392° 43' 00" 104.10 feet, along said right-of-way, to the point of beginning and containing an area of 0.34 acre, more or less.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
*April 2, 1956.*

[F. R. Doc. 56-2561; Filed, Apr. 3, 1956; 11:14 a. m.]

# RULES AND REGULATIONS

## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

DEPARTMENT OF JUSTICE

Effective upon publication in the FEDERAL REGISTER, paragraph (b) (1) of § 6.108 is revoked.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
*Executive Assistant.*

[F. R. Doc. 56-2510; Filed, Apr. 3, 1956; 8:51 a. m.]

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

DEPARTMENT OF LABOR

Effective upon publication in the FEDERAL REGISTER, paragraph (d) (1) is added to § 6.113 as set out below.

§ 6.113 *Department of Labor.* • • •

(d) *Bureau of Labor Statistics.* (1) Not to exceed 40 positions of Statistical Investigators, GS–3 and GS–4, employed on a temporary or intermittent basis for field-survey work. Persons appointed under this authority may not be employed in this kind of work in the Bureau of Labor Statistics for more than 180 working days in any single year under this authority or under a combination of this and any other authorities for excepted appointment that may be appropriate.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
*Executive Assistant.*

[F. R. Doc. 56-2508; Filed, Apr. 3, 1956; 8:50 a. m.]

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

NATIONAL SECURITY TRAINING COMMISSION

Effective upon publication in the FEDERAL REGISTER, § 6.158 is added as set out below.

§ 6.158 *National Security Training Commission.* (a) The Executive Director.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
*Executive Assistant.*

[F. R. Doc. 56-2509; Filed, Apr. 3, 1956; 8:50 a. m.]

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

DEPARTMENT OF STATE

Effective upon publication in the FEDERAL REGISTER, subparagraphs (10) and (15) of § 6.302 (a) are revoked, the headnote of paragraph (e) is amended, subparagraph (5) is added to paragraph (e) and paragraph (r) (1) is added, as set out below.

§ 6.302 *Department of State.* • • •

(e) *Office of the Deputy Under Secretary for Economic Affairs.* • • •

(5) One Confidential Assistant to the Deputy Under Secretary.

• • • • • • •

(r) *Office of the Deputy Under Secretary for Policy.* (1) Two Special Assistants and one Confidential Assistant to the Deputy Under Secretary.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
*Executive Assistant.*

[F. R. Doc. 56-2507; Filed, Apr. 3, 1956; 8:50 a. m.]

## TITLE 6—AGRICULTURAL CREDIT

### Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1956 C. C. C. Flaxseed Bulletin 1]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1956 TEXAS FLAXSEED PURCHASE PROGRAM

Sec.
421.2126 General.
421.2127 Administration.
421.2128 Period and area of operation.
421.2129 Basic purchase prices.
421.2130 Basis of purchase.
421.2131 Eligible producer.

Sec.
421.2132 Eligible flaxseed.
421.2133 Authorized dealer.
421.2134 Purchase documents.
421.2135 Determination of quantity.
421.2136 Liens.
421.2137 Service charge.
421.2138 Setoffs.
421.2139 Payment.

AUTHORITY: §§ 421.2126 to 421.2139 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 1054, as amended; 15 U. S. C. 714c, 7 U. S. C. 1447, 1421.

§ 421.2126 *General.* This subpart states the requirements with respect to the 1956-crop Texas Flaxseed Purchase Program formulated for price support purposes by Commodity Credit Corporation (referred to in this subpart as CCC) and the Commodity Stabilization Service (referred to in this subpart as CSS). CCC, through designated Agricultural Stabilization and Conservation county committees, will stand ready to make direct purchases from eligible producers of eligible flaxseed delivered to authorized dealers from the time of harvest through July 31, 1956. All such purchases shall be made in accordance with this subpart.

§ 421.2127 *Administration.* (a) This program will be administered in the field through the CSS Commodity Office, Dallas, Texas, the Texas State Agricultural Stabilization and Conservation Committee, and Agricultural Stabilization and Conservation county committees (referred to in this subpart as county committees). A producer desiring to sell flaxseed under this program must apply to the county committee of the county in which the flaxseed was produced for written delivery instructions on the quantity of flaxseed he wishes to sell to CCC.

(b) Such application must be made sufficiently in advance of the date of the intended delivery to enable the county committee to schedule deliveries in an orderly manner. Delivery instructions issued by the county committee will set forth the approximate quantity of flaxseed and the time and place of delivery for the account of CCC. All flaxseed delivered under such instructions must meet the eligibility requirements specified in § 421.2132. All documents will be approved by the county office manager, or other employee of the county office designated by him to act in his behalf. Such designations shall be on file in the county office. County office managers, State and county committees, and CSS commodity offices do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements to this subpart.

§ 421.2128 *Period and area of operation.* This program will be available on eligible flaxseed from the time of harvest through July 31, 1956, in the Texas counties indicated in § 421.2129 (a). Deliveries of flaxseed under this program must be completed on or before July 31, 1956.

§ 421.2129 *Basic purchase prices.* (a) The basic purchase price per bushel of flaxseed, grading No. 1, delivered under this program for the account of CCC will be at the rate established for the county where the flaxseed is delivered. Texas counties authorized under this program and basic purchase rates will be announced at a later date, by an amendment to this subpart.

(b) (1) The basic purchase price per bushel for No. 1 flaxseed delivered to authorized dealers at the Corpus Christi and Houston terminal markets will be issued as an amendment to this bulletin at a later date. Such purchase price will be established for flaxseed delivered in carload lots which have been shipped by rail on a domestic interstate freight rate basis, from a country shipping point to the said terminal markets as evidenced by paid freight bills duly registered for transit privileges and other documents as required in this subpart: *Provided*, That, in the event the amount of paid-in freight is insufficient to guarantee the minimum proportional freight rate from the aforesaid terminal markets, there shall be deducted from the applicable terminal purchase price the difference between the amount of freight actually paid in and the amount required to be paid in to guarantee outbound movement at the minimum proportional freight rate. The terminal warehouse receipt must be accompanied by a registered freight bill, or by a supplemental certificate signed by the warehousemen, containing data like that on such freight bills, in the form prescribed by the CSS Commodity Office, Dallas, Texas.

(2) The basic purchase price of flaxseed delivered at the aforesaid terminal markets by Rail in carload lots for which neither registered freight bills nor such freight certificates are presented, will be the terminal basic purchase price less 8 cents per bushel. Flaxseed delivered by truck at the designated terminals in the State of Texas will be purchased by CCC under this program on the basis of the terminal rate minus 12½ cents.

(c) The basic purchase price for No. 2 flaxseed shall in all instances be 6 cents per bushel less than the price indicated for No. 1 flaxseed.

(d) To compensate CCC for storage charges on flaxseed acquired under this program, the following deduction per bushel of flaxseed purchased shall be made from the basic purchase prices set forth in this section:

| For flaxseed deposited in: | Deduction per bushel (cents) |
|---|---|
| April 1956 | 13.5 |
| May 1956 | 12.0 |
| June 1956 | 10.5 |
| July 1956 | 9.0 |

§ 421.2130 *Basis of purchase.* Eligible flaxseed will be purchased on the basis of weight and grade. The grade shall be determined in accordance with the Official Grain Standards of the United States for flaxseed by a grain inspector licensed by the Secretary of Agriculture, except that wherever the services of such a licensed inspector are not available the CSS Commodity Office shall designate in writing a person qualified to determine the grade of flaxseed in accordance with the Official Grain Standards of the United States for flaxseed. Such designation may be revoked in writing by the CSS Commodity Office at any time.

§ 421.2131 *Eligible producer.* An eligible producer shall be any individual, partnership, association, corporation, estate, trust, or other business enterprise, or legal entity, and whenever applicable, a State, political subdivision of a State, or any agency thereof which (a) has produced flaxseed in 1956 in one of the counties named in § 421.2129 as landowner, landlord, tenant, or sharecropper, and (b) has applied to the appropriate county office for delivery instructions.

§ 421.2132 *Eligible flaxseed.* Eligible flaxseed shall meet the following requirements:

(a) The flaxseed must be produced by an eligible producer in 1956 in one of the counties named in § 421.2129 (a).

(b) (1) The beneficial interest in the flaxseed must be in the eligible producer tendering the flaxseed for purchase, and must always have been in him, or must have been in him and a former producer whom he succeeded before the flaxseed was harvested.

(2) To meet the requirements of succession to a former producer, the rights, responsibilities and interest of the former producer with respect to the farming unit on which the flaxseed was produced shall have been substantially assumed by the person claiming succession. Mere purchase of the crop prior to harvest, without acquisition of any additional interest in the farming unit, shall not constitute succession. The county committee shall determine whether the requirements with respect to succession have been met.

(c) The flaxseed must grade No. 1 or No. 2. Sample grade flaxseed will not be purchased under this program.

§ 421.2133 *Authorized dealer.* An authorized dealer shall be any individual, partnership, association or corporation operating under a 1956 Flaxseed Dealer Agreement with CCC, which authorizes such dealer to accept delivery of eligible flaxseed under this program for the account of CCC. A list of authorized dealers to whom flaxseed may be delivered for the account of CCC under this program may be obtained from the offices indicated in § 421.2127.

§ 421.2134 *Purchase documents.* (a) The purchase documents shall consist of (1) the "Non-Negotiable Flaxseed Dealer's Receipt and Grade Certificate" (or other similar document if approved by CCC) issued to the producer for flaxseed delivered, and in the case of a terminal warehouse receipt, the registered freight bill or warehouseman's supplemental certificate, (2) the purchase settlement form, and (3) such other forms and documents as may be prescribed by CCC.

(b) The receipt must be issued in the name of the producer for the account of CCC and must be dated on or before July 31, 1956. Each receipt must show: (1) Gross weight or bushels, (2) grade, (3) test weight, (4) dockage, and (5) percentage of damage, when such factor and not test weight determines the grade. The receipt must show whether the flaxseed arrived by rail, truck or barge. In the case of warehouse receipts issued for flaxseed delivered by rail or barge, the grading factors on the receipt must agree with the inbound inspection certificates for the car or barge.



§ 421.2135 *Determination of quantity.* (a) The number of bushels of flaxseed delivered shall be determined by weight at time of delivery. A bushel shall be 56 pounds of flaxseed free of dockage.

(b) The percentage of dockage shall be determined in accordance with the Official Grain Standards of the United States for Flaxseed, and the weight of said dockage shall be deducted from the gross weight of the flaxseed in determining the net quantity for purchase.

§ 421.2136 *Liens.* The flaxseed must be free and clear of all liens and encumbrances, or if liens and encumbrances exist on the flaxseed, proper waivers must be presented to the county committee at the time of application for delivery instructions.

§ 421.2137 *Service charge.* A service charge of one-half cent per bushel or a minimum of $1.50, whichever is greater, shall be charged the producer on each purchase of flaxseed made by CCC under this program. The amount of the service charge shall be deducted from the purchase price at the time of settlement.

§ 421.1538 *Setoffs.* If the producer is indebted to CCC on any accrued obligation, or if any installment or installments on any loan made available by CCC on farm-storage facilities or mobile drying equipment are past due, or are payable under the provisions of the note evidencing such loan out of the proceeds of the price support purchase, he must designate CCC or the lending agency holding such note as the payee of the proceeds of the price support purchase to the extent of such indebtedness or installments, but not to exceed that portion of the proceeds remaining after deduction of service charges and amounts due prior lienholders. If the producer is indebted to any other agency of the United States and such indebtedness is listed on the county debt register, he must designate such agency as the payee of the proceeds as provided in this section. Indebtedness owing to CCC or to a lending agency as provided in this section shall be given first consideration after claims of prior lienholders. Compliance with the provisions of this section shall not constitute a waiver of any right of the producer to contest the justness of the indebtedness involved either by administrative appeal or by legal action.

§ 421.2139 *Payment.* Payment to the producer for flaxseed delivered under this program shall be made by the ASC county office by means of sight draft drawn on CCC, and on the basis of the purchase documents indicated in § 421.2134, subject to the provisions relating to setoffs and service charge.

Issued this 29th day of March 1956.

[SEAL] WALTER C. BERGER,
*Acting Executive Vice President,*
*Commodity Credit Corporation.*

[F. R. Doc. 56-2489; Filed, Apr. 3, 1956; 8:46 a. m.]

# TITLE 14—CIVIL AVIATION

## Chapter I—Civil Aeronautics Board

[Reg. No. SR-406B]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

SPECIAL CIVIL AIR REGULATION; APPLICATION OF TRANSPORT CATEGORY PERFORMANCE REQUIREMENTS TO C-46 TYPE AIRPLANES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 30th day of March 1956.

On June 30, 1954, the Civil Aeronautics Board adopted Special Civil Air Regulation SR-406, effective July 1, 1954, which provides the basis for the modification and operation of C-46 type airplanes in passenger service. On June 7, 1955, the Board adopted Special Civil Air Regulation SR-406A, effective June 7, 1955, which added certain substantive and clarifying amendments to SR-406. The preamble material of these two Special Civil Air Regulations is incorporated herein by reference.

Special Regulation 406A requires that all C-46 airplanes in passenger service be modified to comply with certain provisions of Part 4b of the Civil Air Regulations on and after October 1, 1955, but it gives the Administrator authority to permit operation of these airplanes, without being so modified, under certain conditions, until April 1, 1956. By letter dated February 18, 1956, the Aircraft Engineering Foundation, (Foundation) requested that the deadline date of April 1, 1956, in Special Civil Air Regulation No. SR-406A be extended until December 31, 1956.

In addition to the foundation, Air Carrier Engineering Service (ACES) and Riddle Airlines (Riddle) have applied for type certificates for C-46 airplanes under SR-406A. To date, no C-46 airplane has been type certificated under SR-406A. The manufacture of kits for the modification contemplated by said special regulation cannot be started until respective type certification is accomplished. It is apparent, therefore, that the type certification process contemplated by SR-406A will not be completed in sufficient time to permit full compliance with said special regulation by April 1, 1956. This situation is particularly disappointing to the Board in consideration of the fact that we have been repeatedly advised during the past year that the completion of type certification was imminent. In view of the prolonged delay in the type certification of C-46 airplanes under SR-406A, it becomes especially difficult to estimate a date by which individual aircraft modifications may reasonably be accomplished.

When SR-406A was adopted by the Board, it was anticipated that the April 1, 1956, deadline date for full compliance with the special regulation would give ample time for type certification and modification of all C-46 airplanes in passenger service. Although there may be subsidiary reasons why the C-46 airplanes were not modified and recertificated, it appears that the principal reason lies in the failure of C-46 operators to take appropriate action to insure completion of type certification as required. The Board is of the view, therefore, that, subject to persuasive reasons for failing, type certification must be accomplished within the next 90 days before any commitment is made for the extension of the April 1 effective date as requested by the Foundation.

The Board is mindful of the fact that the C-46 airplane is operated extensively under contract to the Department of Defense for the carriage of military personnel. Accordingly, the Board will grant the Foundation's request only to the extent that temporary relief will be afforded from those provisions of SR-406A which prevent the use of C-46 airplanes in passenger operations under Part 42 of the Civil Air Regulations on and after April 1, 1956. So much of the Foundation's request as relates to the establishment of a later end effective date by which recertification of these airplanes in the transport category must be completed will be considered further during the effective period of this regulation pending a bona-fide showing of meeting the type certification requirements.

Since this regulation continues in effect the same rules as are presently applicable to C-46 type airplanes, with the exception of the compliance date listed herein, without diminution in safety standards, and since it would be in the public interest to prescribe rules to become effective on April 1, 1956, to permit the continuation of operation of C-46 type airplanes in passenger service, the Board finds that omission of notice and public procedure is not contrary to public interest and that good cause exists for making this regulation effective on less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation effective April 1, 1956.

1. All provisions of Special Civil Air Regulation No. SR-406A made and promulgated by the Board, effective June 7, 1955, are incorporated herein by reference and shall be of the same force and effect as if included herein, except that there shall be substituted the date July 1, 1956, in lieu of April 1, 1956, in each and every place where said date of April 1, 1956, appears.

2. This Special Civil Air Regulation supersedes Special Civil Air Regulation SR-406A.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies secs. 601, 603, 604, 52 Stat. 1007, as amended; 1009, as amended; 1010, as amended; 49 U. S. C. 551, 553, 554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
*Secretary.*

[F. R. Doc. 56-2511; Filed, Apr. 3, 1956; 8:51 a. m.]

## Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 6]

### PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

1. Section 600.296 is amended to read:

§ 600.296 *Red civil airway No. 96 (Palacios, Tex., to Baton Rouge, La.).* From the Palacios, Tex., radio range station via the Houston, Tex., radio range station; Beaumont, Tex., radio range station; Lake Charles, La., radio range station; Lafayette, La., nondirectional radio beacon to the Baton Rouge, La., radio range station.

2. Section 600.6001 *VOR civil airway No. 1 (Charleston, S. C., to New York, N. Y.)* is amended by changing the last two portions to read: "From the point of intersection of the Norfolk, Va., VAR north course and the Norfolk, Va., Navy radio range east course via the intersection of the Norfolk VAR north course and the Salisbury omnirange 206° True radial; Salisbury, Md., omnirange station; intersection of the Salisbury omnirange 038° True and the Coyle omnirange 203° True radials; Coyle, N. J., omnirange station; to the Colts Neck, N. J., omnirange station. Those portions of this airway between the point of intersection of the Dover, Del., omnirange 070° True and the Coyle, N. J., omnirange 203° True radials and the Colts Neck, N. J., omnirange station lying more than 3 miles either side of the center line, and those portions in conflict with the Patuxent restricted area (R–43) and the Warren Grove restricted area (R–26), are excluded."

3. Section 600.6003 *VOR civil airway No. 3 (Key West, Fla., to Presque Isle, Maine)* is amended by changing the portion which reads: "Brunswick, Ga., omnirange station, including a west alternate via the intersection of the Jacksonville omnirange 309° True and the Brunswick omnirange 203° True radials;" to read: "Brunswick, Ga., omnirange station, including a west alternate via the intersection of the Jacksonville omnirange 304° True and the Brunswick omnirange 203° True radials;".

4. Section 600.6005 *VOR civil airway No. 5 (Miami, Fla., to London, Ontario)* is amended by adding a new last sentence to read: "Those portions of this airway which overlap the Jacksonville restricted area (R–161), the Lake George restricted area (R–176) and the Sterling restricted areas (R–169 and R–170) are excluded."

5. Section 600.6010 *VOR civil airway No. 10 (Pueblo, Colo., to New York, N. Y.)* is amended by changing all after the Allentown, Pa., omnirange station to read: "Allentown, Pa., omnirange station; Colts Neck, N. J., omnirange station; to the point of intersection of the Colts Neck omnirange 103° True and the Riverhead, N. Y., omnirange 222° True radials."

6. Section 600.6012 *VOR civil airway No. 12 (Santa Barbara, Calif., to Philadelphia, Pa.)* is amended by changing the portion which reads: "Tucumcari, N. Mex., omnirange station, including a north alternate;" to read: "Tucumcari, N. Mex., omnirange station, including a north alternate via the intersection of the Anton Chico omnirange 067° True and the Tucumcari omnirange 289° True radials;".

7. Section 600.6016 *VOR civil airway No. 16 (Los Angeles, Calif., to Boston, Mass.)* is amended by changing all after the Dover, Del., omnirange station to read: "Dover, Del., omnirange station via the Dover omnirange 244° True radial; Coyle, N. J., omnirange station; point of intersection of the Colts Neck, N. J., omnirange 103° True and the Riverhead omnirange 222° True radials; Riverhead, N. Y., omnirange station; intersection of the Riverhead omnirange 042° True and the Norwich omnirange 224° True radials; Norwich, Conn., omnirange station; to the Boston, Mass., omnirange station."

8. Section 600.6018 *VOR civil airway No. 18 (Dallas, Tex., to Charleston, S. C.)* is amended by changing the portion which reads: "Monroe, La., omnirange station;" to read: "Monroe, La., omnirange station, including a north alternate;".

9. Section 600.6159 *VOR civil airway No. 159 (Miami, Fla., to Albany, Ga.)* is amended by adding a new last sentence to read: "The portions of this airway which overlap the Sterling restricted areas (R–169 and R–170) are excluded."

10. Section 600.6220 is added to read:

§ 600.6220 *VOR civil airway No. 220 (Kremmling, Colo., to Akron, Colo.).* From the Kremmling, Colo., omnirange station via the point of intersection of the Kremmling omnirange 081° True and the Denver, Colo., omnirange 334° True radials; to the Akron, Colo., omnirange station.

11. Section 600.6230 is added to read:

§ 600.6230 *VOR civil airway No. 230 (Salinas, Calif., to Fresno, Calif.).* From the Salinas, Calif., omnirange station to the Fresno, Calif., omnirange station.

12. Section 600.6234 is added to read:

§ 600.6234 *VOR civil airway No. 234 (Anton Chico, N. Mex., to Dalhart, Tex.).* From the Anton Chico, N. Mex., omnirange station via the intersection of the Anton Chico omnirange 067° True and the Dalhart omnirange 243° True radials; to the Dalhart, Tex., omnirange station.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t. May 3, 1956.

[SEAL] JAMES T. PYLE,
*Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 56–2481; Filed, Apr. 3, 1956; 8:45 a. m.]

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[Amdt. 6]

### PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.1035 is amended to read:

§ 601.1035 *Control area extension (Little Rock, Ark.).* That airspace north of Little Rock within a 50-mile radius of the Little Rock radio range station bounded on the south by Blue civil airway No. 22 and Red civil airway No. 37, excluding the portion which overlaps restricted area (R–134).

2. Section 601.1159 *Control area extension (Moline, Ill.)* is amended by adding the following portion to present control area extension: "and the airspace within 5 miles either side of a direct line extending from the Polo, Ill., omnirange station to the intersection of the east (back) course of the Quad-City ILS localizer and the 318° True radial of the Bradford, Ill., omnirange station."

3. Section 601.1171 *Control area extension (El Paso, Tex.)* is amended by changing the words "danger areas," to read "restricted areas," and by adding the following portion to present control area extension: "and that area northeast of El Paso bounded on the south by Green civil airway No. 5, on the west by the north course of the El Paso radio range, on the north by latitude 32°00'00", and on the east by Red civil airway No. 71."

4. Section 601.1195 is amended to read:

§ 601.1195 *Control area extension (San Angelo, Tex.).* That airspace within a 35-mile radius of the San Angelo, Tex., omnirange station.

5. Section 601.1325 *Control area extension (Tampa, Fla.)* is amended by deleting the words which read: "excluding the portions which overlap Dinner Point restricted area (R–142), Dinner Point warning area (W–143) and Sarasota warning area (W–168);" and substituting the following in lieu thereof: "excluding the portion which overlaps Sarasota warning area (W–168);".

6. Section 601.1369 is amended to read:

§ 601.1369 *Control area extension (Myrtle Beach, S. C.).* Within a 25-mile radius of the Myrtle Beach Air Force Base, excluding the portion which overlaps warning area W–177.

7. Section 601.1984 *Five-mile radius zones* is amended by deleting the following airport:

Shreveport, La.: Greater Shreveport Municipal Airport.

8. Section 601.2067 is amended to read:

§ 601.2067 *Rapid City, S. Dak., control zone.* Within a 5-mile radius of Ellsworth Air Force Base, within 2 miles either side of the centerline of the northwest-southeast runway of Ellsworth AFB extending from the end of the runway to a point 17 miles southeast; within a 5-mile radius of the Rapid City Municipal Airport, within 2 miles either side of the south course and east course of the Rapid City radio range extending from the radio range station to points 10 miles south and east, and within 2 miles either side of the 335° True and 155° True radials of the Rapid City omnirange extending from the airport 5 mile radius zone to a point 10 miles southeast of the omnirange station.

9. Section 601.2116 is amended to read:

§ 601.2116 *Moline, Ill., control zone.* Within a 5-mile radius of Quad-City Airport, within 2 miles either side of the Quad-City ILS localizer west (front) course extending from the localizer to a point 12 miles west of the outer marker and within 2 miles either side of the ILS localizer east (back) course extending from the localizer to a point 12 miles east of its intersection with the 199° True radial of the Moline omnirange.

10. Section 601.2313 *Pittsburgh, Pa., control zone* is amended by deleting the following portion: "within 2 miles either side of the Greater Pittsburgh Airport ILS localizer southeast course extending southeastward from the ILS localizer to the boundary of the Allegheny County Airport control zone," and by changing the words which read: "the Greater Pittsburgh nondirectional radio beacon" to read: "the River nondirectional radio beacon".

11. Section 601.2318 *Myrtle Beach, S. C., control zone* is amended by adding the following portion to present control zone: "and within 2 miles either side of a line bearing 331° True extending from the Myrtle Beach AFB to a point 9 miles northwest."

12. Section 601.2342 is amended to read:

§ 601.2342 *Ardmore, Okla., control zone.* Within a 5-mile radius of Ardmore Air Force Base, within 2 miles either side of the 54° True radial of the Ardmore omnirange extending from the omnirange station to the Ardmore AFB control zone, and within 2 miles either side of a direct line extending from the Ardmore AFB to the Mannsville, Okla., nondirectional radio beacon.

13. Section 601.2376 is added to read:

§ 601.2376 *Little Rock, Ark., control zone.* Within a 5-mile radius of the Little Rock Air Force Base and within 2 miles either side of the centerline of the Little Rock AFB northeast-southwest runway to a point 19 miles northeast of the runway end.

14. Section 601.2377 is added to read:

§ 601.2377 *Shreveport, La., control zone.* Within a 5-mile radius of Greater Shreveport Municipal Airport and within 2 miles either side of the Greater Shreveport Airport ILS localizer southeast (back) course extending from the airport to a point 15 miles southeast of the ILS localizer.

15. Section 601.6220 is added to read:

§ 601.6220 *VOR civil airway No. 220 control areas (Kremmling, Colo., to Akron, Colo.).* All of VOR civil airway No. 220.

16. Section 601.6230 is added to read:

§ 601.6230 *VOR civil airway No. 230 control areas (Salinas, Calif., to Fresno, Calif.)* All of VOR civil airway No. 230.

17. Section 601.6234 is added to read:

§ 601.6234 *VOR civil airway No. 234 control areas (Anton Chico, New Mex., to Dalhart, Tex.).* All of VOR civil airway No. 234.

18. Section 601.7001 *VOR Domestic reporting points* is amended by adding the following reporting points:

Roberts, Ill., omnirange station.

Harrelsville, N. C., Intersection: The intersection of the Williamston, N. C., VAR north course and the Rocky Mount, N. C., omnirange 064° True radial.

and by revoking the following reporting points:

Colt Intersection: The intersection of the Memphis, Tenn., omnirange 276° True and the Walnut Ridge, Ark., omnirange 171° True radials.

Cofield, N. C., omnirange station.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t. May 3, 1956.

[SEAL] JAMES T. PYLE,
*Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 56–2482; Filed, Apr. 3, 1956; 8:45 a. m.]

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[Amdt. 157]

### PART 608—RESTRICTED AREAS

ALTERATION

The restricted area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Panel and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.54, the Camp Pickett, Virginia, area (R–44 formerly D–44), published on July 16, 1949, in 14 F. R. 4287 is amended by changing the "Designated Altitudes" column to read: "Surface to Unlimited."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on April 4, 1956.

[SEAL] JAMES T. PYLE,
*Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 56–2483; Filed, Apr. 3, 1956; 8:45 a. m.]

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# TITLE 41—PUBLIC CONTRACTS

## Chapter III—Committee on Purchases of Blind-Made Products

### PART 301—PURCHASES OF BLIND-MADE PRODUCTS

AGENCIES FOR THE BLIND; RESTRICTIONS

In § 301.6 *Agencies for the blind; restrictions* paragraph (c) is revised to read as follows:

§ 301.6 *Agencies for the blind; restrictions.* * * *

(c) (1) As a prerequisite to participating in such Government orders, agencies for the blind shall file with National Industries, (i) if they are corporate bodies, copies of their articles of incorporation, constitution and bylaws or other instruments of similar import or (ii) if they are instrumentalities of a State, copies of State laws, showing their authority and permitted activities. Such documents shall be accompanied by a list of the articles which the agency for the blind proposes to furnish the Government and a certificate that such items or ones involving similar manufacturing processes have been produced and sold during the preceding six months. The agency for the blind shall also furnish a statement of the facilities and equipment that are available to and in use by the agency.

(2) Upon receipt of this material, National Industries shall inspect or examine the production facilities and make recommendations to the Committee regarding participation by the agency for the blind. If the Committee approves the participation of such agency National Industries will include the agency in its allocations of Government orders.

(3) If National Industries consider it desirable, such agencies may be permitted to participate in Government orders pending inspection of the production facilities and approval of the Committee: *Provided, however,* That no agency will be permitted to participate for a period in excess of six (6) months without the approval of the Committee.

(Sec. 2, 52 Stat. 1196; 41 U. S. C. 47)

Approved: February 13, 1956.

ROBERT LEFEVRE,
*Secretary.*

[F. R. Doc. 56–2484; Filed, Apr. 3, 1956; 8:45 a. m.]

## TITLE 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

[Docket No. 11599; FCC 56-279]

[Rules Amdt. 2-16]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

AERONAUTICAL FIXED SERVICE

In the matter of amendment of Part 2 of the Commission's rules and regulations to provide for an allocation of frequencies in the band 152–162 Mc for stations in the aeronautical fixed service.

1. At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 28th day of March 1956;

2. The Commission having under consideration its proposal in the above entitled matter; and

3. It appearing that in accordance with the requirements of section 4 (a) of the Administrative Procedure Act, Notice of Proposed Rule Making in this matter which made provision for the submission of written comments by interested parties, was duly published in the FEDERAL REGISTER on January 13, 1956 (21 F. R. 272) and that the period for the filing of comments has now expired; and

4. It further appearing that the only comment filed in this proceeding urged adoption of the Commission's proposal; and

5. It further appearing that the public interest, convenience, and necessity will be served by the amendment herein ordered, the authority for which is contained in section 303 (c), (f) and (r) of the Communications Act of 1934, as amended, and the Final Acts of the International Telecommunication Radio Conference (Atlantic City, 1947);

6. *It is ordered*, That, effective May 15, 1956, Part 2 of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: March 29, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

Amend Part 2 of the Commission's rules in the following particulars, effective May 15, 1956:

In § 2.104 (a) (5), change footnote NG35 to read:

NG35 In Puerto Rico and the Virgin Islands only, the bands 154.04 Mc to 154.46 Mc and 161.40 Mc to 161.85 Mc are allocated exclusively to (a) Aeronautical Fixed service, (b) Domestic Fixed Public Service, and (c) International Fixed Public service. Spacings between assignments in these services are unspecified.

[F. R. Doc. 56-2498; Filed, Apr. 3, 1956; 8:48 a. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

### Agricultural Research Service

### [ 7 CFR Part 301 ]

DOMESTIC QUARANTINE NOTICES

PINK BOLLWORM

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Administrator of the Agricultural Research Service, pursuant to sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162) is considering amending §§ 301.52–5 (l) (2) and 301.52–8 of the regulations supplemental to the quarantine relating to the pink bollworm (7 CFR 301.52–5 (l) (2), 301.52–8, 20 F. R. 4935), to read, respectively, as follows:

§ 301.52–5 *Conditions governing movement of regulated articles.* • • •

(l) • • •

(2) *Edible okra.* (i) Edible okra produced in Texas may be moved under a certificate to any destination during the period December 1 to April 30, inclusive, when produced, handled, and marketed under such conditions as in the judgment of the inspector render it free from infestation.

(ii) Edible okra produced in Texas may be moved to any destination during the period May 1 to November 30, inclusive, under a certificate which may be issued if the okra has been produced, handled, and marketed in such a manner that such movement in the judgment of the inspector, will not disseminate infestation, or has been treated under the supervision of an inspector in accordance with methods selected by him from administratively authorized procedures known to be effective under the conditions applied.

(iii) Edible okra produced in Texas, when suitably identified on the container thereof with a stamp as required by the inspector, may be moved during the period May 1 to November 30, inclusive, without certificate or limited permit to any destination in the noncotton-producing States of Colorado, Connecticut, Delaware, Idaho, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming; or the District of Columbia; or the following cities in cotton-producing States: Chicago, Illinois; Kansas City and Wichita, Kansas; Kansas City and St. Louis, Missouri; and Louisville, Kentucky; for immediate processing or consumption therein.

(iv) Edible okra produced in Texas may be moved therefrom without restriction to destinations in New Mexico and Oklahoma when suitably identified on the container thereof with a stamp as required by the inspector.

(v) Edible okra produced in any other part of the regulated area may be moved without restriction to any destination when produced, handled, and marketed under such conditions as in the judgment of the inspector render it free from infestation. Otherwise, it must be treated as provided in subdivision (ii) of this subparagraph or must meet the requirements of subdivision (iii) of this subparagraph (other than the requirement of production in Texas).

§ 301.52–8 *Cleaning or treating requirements for articles when contaminated.* Railway cars, trucks, and other means of transportation; bagging and other containers and wrappers for cotton and cotton products; picking, ginning, and oil mill equipment, and other cotton processing machinery and cotton harvesting machinery; other farm equipment; farm household goods; farm products; and any other commodities; which are found to be contaminated with live pink bollworms, or with cotton or cotton products originating within the regulated area or imported thereinto from contiguous areas of Mexico, may be moved from or within the regulated area only after they have been freed from such contamination by cleaning or treatment to the satisfaction of an inspector, after which cleaning or treatment no certificate or limited permit will be required except as prescribed by an inspector for bagging, for other containers and wrappers for cotton and cotton products, and for cotton processing or harvesting machinery. Cotton harvesting machinery or cotton ginning machinery that has been used or otherwise kept within the regulated area will be deemed to be contaminated within the meaning of § 301.52 and may be moved to a nonregulated area or to that part of the regulated area in Arizona, Arkansas, or Louisiana from any part of the regulated area not in one of these three States only if it has been cleaned and given an approved fumigation and is covered by a certificate: *Provided, however*, That approved fumigation of such cotton ginning machinery as a requirement for certification may be waived when in the judgment of the inspector the machinery has been disassembled, cleaned, and reconditioned in such a manner as to preclude the possibility of its harboring seed cotton or living pink bollworms.

The amendment of § 301.52–5 (l) (2) (i) would extend by one month the period during which certain edible okra produced in Texas may be moved under certificate. Corresponding changes would be made in § 301.52–5 (l) (2) (ii) and (iii). Provision in § 301.52–5 (l) (ii) for certification of edible okra, for movement, after processing under authorized methods would be eliminated. The amendment of § 301.52–5 (l) (2) (iii) would eliminate a restriction therein as to the shipper and manner of shipment of edible okra to certain destinations and add St. Louis, Missouri to the list of such destinations. A new § 301.52–5 (l) (2) (iv) would be added to allow the unrestricted movement throughout the year of identifiable Texas-grown edible okra when shipped from Texas to New Mexico or Oklahoma. Present § 301.52–5 (l) (2) (iv) would be redesignated as § 301.52–5 (l) (2) (v) and a reference therein to a processing requirement would be eliminated for conformity with the proposed amendment of § 301.52–5 (l) (2) (ii). Provisions in § 301.52–5 (l) (2) (i) and (ii) and redesignated (v) would be changed specifically to require as a condition of movement that certain edible okra must have been handled and marketed, as well as produced, under various specified conditions. Section 301.52–8 would be amended to allow waiver of fumigation requirements for certain cotton ginning machinery.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Chief of the Plant Pest Control Branch, Agricultural Research Service, United States Department of Agriculture, Washington 25, D. C., within 30 days after the date of the publication of this notice in the FEDERAL REGISTER.

(Secs. 8, 9, 37 Stat. 318, as amended; 7 U. S. C. 161, 162)

Done at Washington, D. C., this 30th day of March 1956.

[SEAL] M. R. CLARKSON,
*Acting Administrator,*
*Agricultural Research Service.*

[F. R. Doc. 56-2513; Filed, Apr. 3, 1956; 8:51 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

### [ 47 CFR Parts 1, 17 ]

[FCC 56-284; Docket No. 11665]

PRACTICE AND PROCEDURE; CONSTRUCTION, MARKING AND LIGHTING OF ANTENNA TOWERS AND/OR THEIR SUPPORTING STRUCTURES

NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given of rule making in the above-entitled matter.

2. Two of the principal factors that determine the distance over which usable signals can be transmitted by stations operating on higher radio frequencies are effective radiated power and antenna height. In the process of striking a balance between the practicable limits on each of these factors, and in making effective use of the frequencies, there are distinct advantages to the employment of high antennas. This is particularly true for television, and the Commission has encouraged the use of high antennas in this service.

3. The Commission is aware, however, that the erection of high antenna towers creates problems in aeronautical navigation; and the Commission in cooperation with the aviation interests, has established procedures and standards designed to reconcile the conflicts between the aviation and broadcast industries to the greatest extent practicable. With the continuing growth of the television industry in recent years, the employment of high towers throughout the country has been increasing rapidly; and the aviation interests have been vitally concerned with the ever increasing number of high antenna structures, especially those over 500 feet above ground. The Joint Industry-Government Tall Structure Committee (JIGTSC) was established to study and consider the problems involved and on October 3, 1955, issued a Report urging, inter alia, that radio and television transmitting antenna towers should, insofar as possible, be grouped in areas designated for that purpose, and that the use of structures for supporting multiple antennas should be encouraged. These recommendations were approved by the Air Coordinating Committee on October 18, 1955.

4. With respect to the television broadcast service, in areas and communities where more than one such service is contemplated, there are distinct advantages to locating all transmitting antennas in the same general area; and this is true both from the standpoint of generally improving television reception as well as minimizing hazard to aviation. Every effort should be made, therefore, to group high antenna structures and to encourage the use of a single structure for supporting multiple antennas. The principal objective is, of course, to choose an area where the towers will not constitute a hazard to aviation.

5. In view of the foregoing, the Commission is proposing to amend its rules to encourage the grouping of antenna towers and the multiple use of structures for supporting antennas. The proposed amendment will require applicants for radio and television stations, both broadcast and nonbroadcast, proposing the erection of transmitting towers over 500 feet in height above ground, to specify location of their antennas within an acceptable area suitable for grouping towers or on existing structures, or, failing this, to demonstrate why their antennas cannot be so located. It should be clearly understood that the proposed amendments would apply only to the construction of new antennas and will not apply to existing authorizations. However, where an existing station proposes to move its transmitting antenna to a new location, the new rules would apply.

6. To implement its new policy, the Commission is proposing to add the following provision to both Parts 1 and 17 of its rules as §§ 1.348 and 17.5, respectively:

Antennas which require a height in excess of 500 feet above ground should, whenever possible, be placed on existing structures. Further, all antenna structures in excess of 500 feet in height above ground should be grouped insofar as possible within areas designated for that purpose.

(a) An application for permit to construct a radio station, or for authority to change the location of an existing station, which proposes the erection of an antenna structure over 500 feet in height above ground will not be granted unless the Commission finds that an adequate showing has been made that:

(1) an existing structure cannot be used;

(2) the proposed structure cannot be located in an area in which one or more existing antenna structures of a comparable height are already situated or in an area designated by the Airspace Panel of the Air Coordinating Committee as acceptable from an aeronautical viewpoint for grouping of such structures; and

(3) the proposed structure will not constitute an undue hazard to air navigation.

(b) All applications for permits to construct radio stations, or to change the location of an existing station, proposing the erection of antenna structures over 500 feet in height above ground should include the following information:

(1) A statement indicating the availability of the proposed structure and site for use as an antenna or support for antennas by other radio stations. When such additional use of the structure by other radio stations is not contemplated by the applicant, a statement should be supplied indicating the basis on which such use by other stations is refused.

(2) A statement with respect to the availability and suitability of other antenna sites within the areas designated by the Airspace Panel of the Air Coordinating Committee for the erection of structures comparable to that proposed.

7. The Commission's application forms with respect to information concerning the construction of proposed antennas for radio and television stations will be amended to require the filing of the additional information as indicated above.

8. Any interested party who is of the view that the amendments proposed herein should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before May 31, 1956, a written statement or brief setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 20 days from the last day for filing said original comments. No additional comments may be filed undess (1) specifically requested by the Commission, or (2) good cause for the filing of such additional comment is established.

9. In accordance with the provisions of § 1.764 of the rules and regulations, an original and 14 copies of all statements, briefs or comments shall be filed.

10. Authority for the adoption of the proposed amendments is contained in sections 4 (i) and 303 (b), (e), (g), (q), and (r) of the Communications Act of 1934, as amended.

Adopted: March 28, 1956.

Released: March 29, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-2497; Filed, Apr. 3, 1956; 8:48 a. m.]

## [ 47 CFR Part 9 ]

[Docket No. 11619]

AVIATION SERVICES

STANDARD TECHNICAL REQUIREMENTS

In the matter of amendment of Part 9 of the Commission's rules to provide standard technical requirements in the aviation services.

The Commission having under consideration a petition dated March 26, 1956, filed by Aeronautical Radio, Inc., requesting an extension of time in which to submit comments directed to the Commission's Notice of Proposed Rule Making in the above-captioned matter:

It appearing that further coordination within the air transport industry must take place before the petitioner is in a position to enter final comments in this proceeding; and

It further appearing that, according to the petitioner's representations, the interval between January 26, 1956, and April 2, 1956, specified in the Notice of Proposed Rule Making, does not afford sufficient time to complete such coordination; and

It further appearing that the petitioner expects to complete its study and to formulate a coordinated position in this matter within thirty days; and

It further appearing that extension of time for reception of comments in this Docket, in the manner requested, would serve the public interest by permitting the development of additional information concerning the above-captioned matter:

*It is ordered*, That, pursuant to authority contained in section 0.291 (b) (4) of the Commission's rules, the time for filing comments in the above-captioned matter is hereby extended from April 2, 1956, to May 2, 1956, and that rebuttal comments may be filed within ten days from the extended closing date for original comments.

Adopted: March 28, 1956.

Released: March 29, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-2498; Filed, Apr. 3, 1956; 8:48 a. m.]

## [ 47 CFR Part 64 ]

[Docket No. 11664; FCC 56-277]

MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

NOTICE OF PROPOSED RULE MAKING

In the matter of charges for United States Government telegraph communications. Amendment of Part 64 of the Commission's rules and regulations (miscellaneous rules relating to Common Carriers).

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend § 64.310 *Term* of Subpart C (United States Government Foreign and Overseas Telegraph Communications), of Part 64 of the Commission's rules and regulations, to read as follows:

§ 64.310 *Term.* The provisions of this subpart shall continue in effect through June 30, 1957, unless changed by order of the Commission.

*Reason for change.* It is necessary under the applicable cable landing licenses that the Commission act annually, and the section in its present form provides that the provisions of Subpart C shall continue in effect through June 30, 1956.

3. No changes are now being proposed in the other provisions of Subpart C.

4. The proposed amendment is issued under authority of sections 4 (i) and 601 (b) of the Communications Act of 1934, as amended, and pursuant to the provisions of the permits or licenses granted by the President of the United States, giving the Postmaster General authority to fix rates and charges for United States Government telegraph communications transmitted by any carrier or carriers subject to the terms of such permits or licenses, which authority was transferred to the Commission by section 601 (b) of the Communications Act.

5. Any interested person who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before April 23, 1956, written data, views or arguments setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments in reply to the original comments may be filed within 10 days from the last day for filing said original data, views or arguments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: March 28, 1956.

Released: March 29, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-2499; Filed, Apr. 3, 1956; 8:49 a. m.]

## FEDERAL HOME LOAN BANK BOARD

## [ 24 CFR Part 163 ]

[No. 9460]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

MINIMUM FIDELITY BOND REQUIREMENTS

MARCH 28, 1956.

Resolved that, pursuant to Part 108 of the general regulations of the Federal Home Loan Bank Board (24 CFR Part 108) and § 167.1 of the rules and regulations for Insurance of Accounts (24 CFR 167.1), it is hereby proposed that, pursuant to sections 402 (a), 403, 48 Stat. 1256, 1257, as amended (12 U. S. C. 1725, 1726), § 163.19 of the rules and regulations for Insurance of Accounts (24 CFR 163.19) be amended in the following particular:

Substitute the following schedule for the schedule appearing in § 163.19:

| | |
|---|---|
| Not over $300,000 | $10,000 plus $5,000 for each $100,000 or fraction thereof over $100,000. |
| $300,001 to $1,000,000 | $30,000 plus $10,000 for each $100,000 or fraction thereof over $400,000. |
| $1,000,001 to $10,000,000 | $100,000 plus $25,000 for each $1,000,000 or fraction thereof over $2,000,000. |
| $10,000,001 to $30,000,000 | $350,000 plus $50,000 for each $5,000,000 or fraction thereof over $15,000,000. |
| $30,000,001 to $60,000,000 | $550,000 plus $75,000 for each $10,000,000 or fraction thereof over $40,000,000. |
| $60,000,001 to $100,000,000 | $750,000 plus $100,000 for each $15,000,000 or fraction thereof over $70,000,000. |
| $100,000,001 and over | $1,000,000 plus $100,000 for each $25,000,000 or fraction thereof over $125,000,000. |

Resolved further, that all interested persons are hereby given the opportunity to submit written data, views, or arguments as to whether said proposed amendment should be adopted or shall be modified and adopted as modified. All such written data, views, or arguments must be received through the mail or otherwise at the office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington 25, D. C., not later than the close of business on May 7, 1956, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE,
*Secretary.*

[F. R. Doc. 56-2506; Filed, Apr. 3, 1956; 8:50 a. m.]



## INTERSTATE COMMERCE COMMISSION

## [ 49 CFR Parts 72-75, 77, 78 ]

[Docket No. 3666; Notice 25]

EXPLOSIVES AND OTHER DANGEROUS ARTICLES

NOTICE OF PROPOSED RULE MAKING

FEBRUARY 17, 1956.

In the matter of regulations for transportation of explosives and other dangerous articles.

The Commission is in receipt of applications for early amendment of the above-entitled regulations insofar as they apply to shippers in the preparation of articles for transportation, and to all carriers by rail and highway. The proposed amendments are set forth below and the reasons therefor are listed in the appendix hereto.

Application for these amendments ordinarily would be considered at our next hearing in this docket. It appears, however, that the proposed amendments have been the subject of exchanges and study by interested parties, in which substantial agreement has been reached. In view thereof no oral hearing is contemplated at this time.

Any party desiring to make representations in favor of or against the proposed amendments may do so through the submission of written data, views, or arguments. The original and five copies of such submission may be filed with the Commission on or before April 9, 1956. The proposed amendments are subject to change or changes that may be made as a result of such submissions.

Notice to the general public will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection, and by filing a copy of the notice with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL] HAROLD D. McCOY,
*Secretary.*

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71-78 OF THIS CHAPTER

1. In § 72.4, amend the introductory text of paragraph (a) (15 F. R. 8263, Dec. 2, 1950) (49 CFR 72.4, 1950 Rev.) to read as follows:

§ 72.4 *Explanation of signs and abbreviations.* (a) An asterisk indicates that articles may or may not be classed as flammable liquids, flammable solids, oxidizing materials, compressed gases, poisons, or corrosive liquids by Parts 71-78 of this chapter. If so classed, such articles are subject to the regulations prescribed for articles within these definitions.

* * * * * *

2. Amend § 72.5, commodity list (18 F. R. 6776, Oct. 27, 1953) (15 F. R. 8263, 8266, 8268, 8269, 8271, 8272, Dec. 2, 1950) (49 CFR 1950 Rev., 1954 Supp., 72.5) as follows:

§ 72.5 *List of explosives and other dangerous articles.* (a) * * *

| Article | Classed as— | Exemptions and packing (see sec.) | Label required if not exempt | Maximum quantity in 1 outside container by rail express |
|---|---|---|---|---|
| *Change* | | | | |
| *Acid sludge. *See* *Sludge acid. | | | | |
| Igniters, jet thrust (jato), class B | Expl. B | No exemption, 73.92 | None | 200 pounds. |
| Jet thrust unit (*jato*), explosive, class A | Expl. A | No exemption, 73.79 | | Not accepted. |
| *Pyroxylin solution | F. L. | 73.118, 73.119 | Red | 10 gallons. |
| *Sludge acid | Cor. L. | No exemption, 73.248 | White | 1 quart. |
| *Add* | | | | |
| Aluminum triethyl | F. L. | No exemption, 73.134 | Red | Not accepted. |
| Aluminum trimethyl | F. L. | No exemption, 73.134 | Red | Not accepted. |
| *Compounds, cleaning, liquid (containing, hydrochloric (muriatic) acid). | Cor. L. | 73.244, 73.263 | White | 10 pints. |
| Igniters, jet thrust (jato), explosive | Expl. A | No exemption, 73.79 | None | Not accepted. |
| Methyl vinyl ketone, inhibited | F. L. | 73.147 | Red | 10 gallons. |
| Sodium aluminate, liquid | Cor. L. | 73.244, 73.249 | White | 10 gallons. |

PART 73—SHIPPERS

1. Add paragraph (c) to § 73.9 (15 F. R. 8276, Dec. 2, 1950) (49 CFR 73.9, 1950 Rev.) to read as follows:

§ 73.9 *Import and export shipments.* * * *

(c) Outside shipping containers for export shipments offered for transportation by carriers subject to Parts 71-78 of this chapter may have specification markings prescribed for containers plainly and legibly shown on labels or tags securely fastened thereto in lieu of marking requirements as prescribed for containers by Part 78 of this chapter.

SUBPART A—PREPARATION OF ARTICLES FOR TRANSPORTATION BY CARRIERS BY RAIL FREIGHT, RAIL EXPRESS, HIGHWAY, OR WATER

2. In § 73.22, amend the introductory text of paragraph (a) (15 F. R. 8276, Dec. 2, 1950) (49 CFR 73.22, 1950 Rev.) to read as follows:

§ 73.22 *Specification containers prescribed.* (a) Shipping containers, unless otherwise provided in this part (see § 73.9 (c)), used hereafter in shipping explosives or other dangerous articles must have been made and marked in compliance with specifications prescribed in Part 78 of this chapter or with specifications of the Commission in effect at date of manufacture of container.

* * * * * *

3. Amend § 73.24 paragraph (a) (15 F. R. 8277, Dec. 2, 1950) (49 CFR 73.24, 1950 Rev.) to read as follows:

§ 73.24 *Design of containers.* (a) In addition to standing the tests prescribed, the design and construction of inside and outside containers must be such as to prevent the occurrence in individual packages of defects that permit leakage of their contents under ordinary conditions incident to transportation.

* * * * * *

4. In § 73.31, cancel Note 2 to paragraph (g) (20 F. R. 4413, June 23, 1955) (49 CFR 1950 Rev., 1954 Supp., 73.31)

§ 73.31 *Qualification, maintenance, and use of tank cars.* * * *

(g) * * *

NOTE 2: [Canceled].

* * * * * *

5. In § 73.33, amend paragraph (k) (11) only to the extent of changing the reference § 78.324, within the parentheses, to § 78.325 (21 F. R. 670, Jan. 31, 1956) (49 CFR 1950 Rev., 1954 Supp., 73.33)

SUBPART B—EXPLOSIVES; DEFINITION AND PREPARATION

6. Amend § 73.53 paragraphs (g) (1), and (t) (15 F. R. 8285, Dec. 2, 1950) (49 CFR 73.53, 1950 Rev.) to read as follows:

§ 73.53 *Definition of class A explosives.* * * *

(g) * * *

(1) Detonating primers are devices for commercial use which contain a detonator and an additional charge of explosives, all assembled in a suitable envelope.

* * * * * *

(t) *Jet thrust units (jato), explosive, (class A), or igniters, jet thrust (jato), explosive, (class A).* (a) Jet thrust units (jato), explosive, (class A), are metal cylinders containing a mixture of chemicals capable of burning rapidly and producing considerable pressure. Under certain conditions the chemical fuel with which the unit is loaded may explode. Jet thrust units are designed to be ignited by an electric igniter. They are used to assist aeroplanes to take off, to propel large missiles and to drive moving targets for practice firing.

(1) Igniters, jet thrust (jato), explosive, (class A), are devices consisting of an electrically operated or remotely controlled igniting element and a fast-burning composition assembled in a unit

for use in igniting the propelling charge of jet thrust units. Under certain conditions the burning composition may explode.

• • • • • •

7. Add paragraph (d) (3) to § 73.63 (15 F. R. 8288, Dec. 2, 1950) (49 CFR 73.63, 1950 Rev.) to read as follows:

§ 73.63 *High explosive with liquid explosive ingredient.* • • •

(d) • • •

(3) High explosives (gelatin dynamite or blasting gelatin) may be shipped in a package consisting of not more than 6 cartridges of such explosives, each not exceeding 32 inches in length or 5 inches in diameter, cartridged with heavy paper in such manner as to have the approximate strength of a spec. 23G (§ 78.218 of this chapter) container, which cartridges shall in turn be placed in a 10-ply paper tube not exceeding 11 feet in length. The outer paper tube must be equipped with a metal cone or equally efficient device on one end which shall serve to close that end of the tube and to the metal cone shall be affixed a wire threaded through fiber tubes running through the center of each of the 6 cartridges; or as an alternative to the single wire running through the cartridges in the outer tube at the center, two wires may be applied, one on each side of the cartridges and between the outside of the cartridges and the inside of the outer tube. In either event, cartridges and the outer tube shall be securely closed so as to prevent spilling of any loose explosive under any conditions normally incident to transportation and cartridges shall be so loaded and stayed within the car or motor vehicle as to prevent damage to individual containers. The total gross weight of each completed package shall not exceed 125 pounds. Shipments are authorized in carload or truckload lots only without transfer of packages other than such transfers as may be necessary in the event of mechanical failure of the car or vehicle in which originally loaded.

• • • • • •

8. Amend entire § 73.79 (18 F. R. 6777, Oct. 27, 1953) (18 F. R. 5271, Sept. 1, 1953) (49 CFR 1950 Rev., 1954 Supp., 73.79) to read as follows:

§ 73.79 *Jet thrust units (jato), explosive, class A or igniters jet thrust (jato), explosive, class A.* (a) Jet thrust units (jato), explosive, must not be shipped with igniters assembled therein unless shipped by, for, or to the Departments of the Army, Navy, and Air Force of the United States Government. Jet thrust units (jato) or igniters jet thrust (jato) must be packed in outside containers complying with the following specifications:

(1) Spec. 14, 15A, 15E, or 16A (§§ 78.165, 78.168, 78.172 and 78.185 of this chapter), wooden boxes or wooden boxes, fiberboard lined.

(b) Jet thrust units (jato), class A, or igniters jet thrust (jato), class A, packed in any other manner must be in containers of a type approved by the Bureau of Explosives.

(c) Each outside package must be plainly marked "Jet Thrust Units, Explosive" or "Igniters Jet Thrust, Explosive".

(d) Jet thrust units, class A, or igniters, jet thrust, class A, must not be offered for transportation by rail express, except as provided in § 73.86 or § 75.675 of this chapter.

9. In § 73.86, amend the introductory text of paragraph (d); amend paragraph (d) (4) (15 F. R. 8293, Dec. 2, 1950) (49 CFR 73.86, 1950 Rev.) to read as follows:

§ 73.86 *Samples of explosives and explosive articles.* • • •

(d) *Samples of explosives and explosive articles for transportation by rail freight, rail express, or highway.* Samples of explosives (except liquid nitroglycerin), including fireworks and explosive devices for examination in a laboratory only and not intended for use or demonstration, may be offered for transportation by rail freight, rail express, or highway provided they fulfill the following requirements:

• • • • •

(4) Not more than 20 half-pound samples of explosives for laboratory examination may be packed in one outside package or transported in a single car or vehicle at one time.

• • • • •

10. Amend § 73.88 paragraph (e) (1) (19 F. R. 1277, Mar. 6, 1954) (49 CFR 1950 Rev., 1954 Supp., 73.88) to read as follows:

§ 73.88 *Definition of class B explosives.* • • •

(e) • • •

(1) Igniters, jet thrust (jato), class B, are devices consisting of an electrically operated or remotely controlled igniting element and a fastburning composition assembled in a unit for use in igniting the propelling charge of jet thrust units.

• • • • •

11. Amend entire § 73.92 (21 F. R. 670, Jan. 31, 1956) (20 F. R. 8100, Oct. 28, 1955) (18 F. R. 6777, Oct. 27, 1953) (49 CFR 1950 Rev., 1954 Supp., 73.92) to read as follows:

§ 73.92 *Jet thrust units (jato), class B, or igniters, jet thrust (jato), class B.* (a) Jet thrust units (jato), class B must not be shipped with igniters assembled therein unless shipped by, for, or to the Departments of the Army, Navy, and Air Force of the United States Government. Jet thrust units (jato), class B, or igniters, jet thrust (jato) class B, must be packed in outside containers complying with the following specifications:

(1) Spec. 14, 15A, 15E, or 16A (§§ 78.165, 78.168, 78.172 and 78.185 of this chapter), wooden boxes or wooden boxes, fiberboard lined.

(2) Spec. 15B (§ 78.169 of this chapter), wooden boxes. Authorized only for igniters, jet thrust (jato), class B.

(3) Spec. 23F (§ 78.214 of this chapter), fiberboard boxes. Authorized only for igniters, jet thrust (jato), class B, which must be in tightly closed metal containers.

(b) Jet thrust units (jato), class B or igniters, jet thrust (jato), class B, packed in any other manner must be in containers of a type approved by the Bureau of Explosives.

(c) Each outside package must be plainly marked "Jet Thrust Units, Class B" or "Igniters, Jet Thrust, Class B".

(d) Jet thrust units must not be offered for transportation by rail express, except as provided in §§ 73.86 and 75.675 of this chapter.

SUBPART C—FLAMMABLE LIQUIDS; DEFINITIONS AND PREPARATION

12. In § 73.118, amend the introductory text of paragraph (c), and add paragraph (c) (26) through (34) (15 F. R. 8298, Dec. 2, 1950) (49 CFR 73.118, 1950 Rev.) to read as follows:

§ 73.118 *Exemptions for flammable liquids.* • • •

(c) The following articles in any quantity are not exempt under the provisions of paragraph (a) or (b) of this section:

• • • • • •

(26) Acrolein, inhibited.
(27) Aluminum triethyl.
(28) Aluminum trimethyl.
(29) Dimethyldichlorosilane.
(30) Ethyldichlorosilane.
(31) Methyltrichlorosilane.
(32) Methyl vinyl ketone, inhibited.
(33) Peroxides, organic, liquids, n. o. s.
(34) Trimethylchlorosilane.

13. Amend entire § 73.134 (15 F. R. 8302, Dec. 2, 1950) (49 CFR 73.134, 1950 Rev.) to read as follows:

§ 73.134 *Aluminum triethyl, aluminum trimethyl, or zinc ethyl.* (a) Aluminum triethyl, aluminum trimethyl, or zinc ethyl must be shipped in cylinders as prescribed for any compressed gas, except acetylene.

(b) Aluminum triethyl, aluminum trimethyl, or zinc ethyl must not be offered for transportation by rail express.

14. Amend § 73.142 paragraph (a) (2) and (3) (17 F. R. 7281, Aug. 9, 1952) (49 CFR 1950 Rev., 1954 Supp., 73.142) to read as follows:

§ 73.142 *Pressurized flammable liquids.* (a) • • •

(2) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter), wooden boxes with inside metal containers not over 31.83 cubic inches (17.6 fluid ounces) capacity each. Inside metal containers charged as for shipment must be capable of having contents heated to 130° F. without leakage or permanent distortion of the container.

(3) Spec. 12B (§ 78.205 of this chapter), fiberboard boxes with inside metal containers not over 31.83 cubic inches (17.6 fluid ounces) capacity each. Inside metal containers charged as for shipment must be capable of having contents heated to 130° F. without leakage or permanent distortion of the container.

15. Add § 73.147 (15 F. R. 8302, Dec. 2, 1950) (49 CFR 73.147, 1950 Rev.) to read as follows:

§ 73.147 *Methyl vinyl ketone, inhibited.* (a) Methyl vinyl ketone must be inhibited and must be packed in specification containers as follows:

(1) As prescribed in § 73.119 (a) or (b).

(b) Methyl vinyl ketone, inhibited, in glass or metal inside containers having not over 4 fluid ounces each and not more than one inside container securely and efficiently cushioned in strong outside fiberboard or wooden boxes, is exempt from specification packaging, marking, and labeling requirements except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.



SUBPART D—FLAMMABLE SOLIDS AND OXIDIZING MATERIALS; DEFINITION AND PREPARATION

16. In § 73.153, amend the introductory text of paragraph (c) (15 F. R. 8303, Dec. 2, 1950) (49 CFR 73.153, 1950 Rev.) to read as follows:

§ 73.153 *Exemptions for flammable solids and oxidizing materials.* • • •

(c) The following articles in any quantity are not exempt under the provisions of paragraph (a) or (b) of this section:

• • • • • •

17. Amend § 73.154 paragraph (a) (2) (20 F. R. 4414, June 23, 1955) (49 CFR 73.154, 1950 Rev.) to read as follows:

§ 73.154 *Flammable solids and oxidizing materials not specifically provided for.* (a) • • •

(2) Spec. 17C, 17E, 17H, 37A, or 37B (§§ 78.115, 78.116, 78.118, 78.131, or 78.132 of this chapter), metal drums (single-trip).

• • • • • •

18. Amend § 73.190 paragraph (b) (4) (18 F. R. 6777, 6778, Oct. 27, 1953) (49 CFR 1950 Rev., 1954 Supp., 73.190) to read as follows:

§ 73.190 *Phosphorus, white or yellow.* • • •

(b) • • •

(4) Spec. MC 310 or MC 311 (§ 78.330 or § 78.331 of this chapter), tank motor vehicles, without bottom outlet and with insulation at least 4 inches in thickness, except that 2 inches of insulation is authorized for tanks equipped with an exterior heating jacket. Interior heating coils are not authorized. The material must be immersed in water and must be loaded at a temperature not exceeding 140° F. and then cooled until the water has a temperature not exceeding 105° F. before being offered for transportation. After unloading, the tank must be filled to its entire capacity with water having a temperature not less than 105° F. and not over 140° F.

• • • • • •

19. Amend § 73.202 paragraph (a) (2) (21 F. R. 671, Jan. 31, 1956) (49 CFR 73.202, 1950 Rev.) to read as follows:

§ 73.202 *Sodium and potassium, metallic liquid alloy.* (a) • • •

(2) Spec. 5A (§ 78.81 of this chapter), metal barrels or drums not exceeding 400 pounds capacity each, having protruding valves protected by a 12-gauge steel dome securely attached to the head of the drum. Shipments are authorized by rail freight in carload lots only and by motor vehicle in truckload lots only.

20. Add paragraph (a) (5) to § 73.206 (15 F. R. 8310, Dec. 2, 1950) (49 CFR 73.206, 1950 Rev.) to read as follows:

§ 73.206 *Sodium or potassium, metallic, sodium amide, sodium potassium alloys, lithium metal, lithium silicon, lithium hydride, and lithium aluminum hydride.* (a) • • •

(5) Spec. 17C (§ 78.115 of this chapter), metal drums (single-trip). Not authorized for lithium aluminum hydride.

• • • • • •

21. In § 73.221, amend the heading and introductory text of paragraph (a) (15 F. R. 8311, Dec. 2, 1950) (49 CFR 73.221, 1950 Rev.) to read as follows:

§ 73.221 *Liquid peroxides other than acetyl peroxide solution, acetyl benzoyl peroxide solution, cumene hydroperoxide, dicumyl peroxide, hydrogen peroxide, peracetic acid, and tertiary butylisopropyl benzene hydroperoxide.* (a) Liquid peroxides other than acetyl peroxide solution, acetyl benzoyl peroxide solution, cumene hydroperoxide, dicumyl peroxide, hydrogen peroxide, peracetic acid, and tertiary butylisopropyl benzene hydroperoxide must be packed in specification containers as follows:

• • • • • •

SUBPART E—ACIDS AND OTHER CORROSIVE LIQUIDS; DEFINITION AND PREPARATION

22. Add paragraph (c) to § 73.242 (15 F. R. 8313, Dec. 2, 1950) (49 CFR 73.242, 1950 Rev.) to read as follows:

§ 73.242 *Bottles containing acid or other corrosive liquids.* • • •

(c) Acid or corrosive liquid solutions in securely closed bottles, in quantity necessary for preparing a single photographic processing mixture and efficiently cushioned, may be packed in the same outside shipping container with required amount of packaged dry chemicals not classed as dangerous articles by these regulations, provided no dangerous reaction occurs should the contents of bottles and dry chemicals be mixed. Marking prescribed in § 73.401 (c) shall not be required.

23. In § 73.244, amend the introductory text of paragraph (c), and add paragraph (c) (50) (15 F. R. 8313, Dec. 2, 1950) (49 CFR 73.244, 1950 Rev.) to read as follows:

§ 73.244 *Exemptions for acids and other corrosive liquids.* • • •

(c) The following articles in any quantity are not exempt under the provisions of paragraph (a) or (b) of this section:

• • • • • •

(50) Iodine monochloride.

24. Add paragraph (a) (17) to § 73.245 (15 F. R. 8313, Dec. 2, 1950) (49 CFR 73.245, 1950 Rev.) to read as follows:

§ 73.245 *Acids or other corrosive liquids not specifically provided for.* (a) • • •

(17) Spec. 17H, 37A, or 37B (§§ 78.118, 78.131, or 78.132 of this chapter), metal drums (single-trip), with welded side seams, not over 5 gallons capacity each. Drums must be lined throughout with a pliable plastic material impervious to the lading. Spec. 37A and 37B metal drums must be at least 24 gauge steel.

25. Add paragraph (a) (17) to § 73.247 (15 F. R. 8314, Dec. 2, 1950) (49 CFR 73.247, 1950 Rev.) to read as follows:

§ 73.247 *Acetyl chloride, antimony pentachloride, benzoyl chloride, benzyl chloride, chromyl chloride, pyro sulfuryl chloride, silicon chloride, sulfur chloride (mono and di), sulfuryl chloride, thionyl chloride, tin tetrachloride (anhydrous), and titanium tetrachloride.* (a) • • •

(17) Spec. 103–W (§ 78.280 of this chapter), tank cars authorized for titanium tetrachloride, anhydrous only. Tank cars shall have no bottom outlets and shall have safety valves of approved type with start-to-discharge pressure of 35 pounds per square inch and of sufficient relieving capacity to prevent pressure build-up in excess of 45 pounds per square inch.

26. In § 73.249, amend the heading and introductory text of paragraph (a), and add paragraph (a) (10); amend the introductory text of paragraph (b) (15 F. R. 8314, Dec. 2, 1950) (18 F. R. 803, Feb. 7, 1953) (49 CFR 1950 Rev., 1954 Supp., 73.249) to read as follows:

§ 73.249 *Alkaline corrosive liquids, n. o. s., alkaline caustic liquids, n. o. s., alkaline battery fluids, and sodium aluminate, liquid.* (a) Alkaline corrosive liquids, n. o. s., alkaline caustic liquids, n. o. s., alkaline battery fluids, and sodium aluminate, liquid, when offered for transportation by carriers by rail freight, highway, or water, must be packed in specification containers as follows:

• • • • • •

(10) Spec. 12B (§ 78.205 of this chapter), fiberboard boxes, with not more than one glass inside container not over 5 pints capacity containing sodium hydroxide solution not over 25 percent strength and packed in a strong fiberboard box. Dry chemicals for photographic development process not classed as dangerous articles, contained in suitable inside packages, may be packed in the same outside box. Cushioning of inside container must be sufficient to prevent breakage of bottle under conditions normally incident to transportation. The marking requirements of § 73.401 (c) shall not apply.

• • • • • •

(b) Alkaline corrosive liquids, n. o. s., alkaline caustic liquids, n. o. s., alkaline battery fluids, and sodium aluminate, liquid, when offered for transportation by rail express, must be packed in specification containers as follows:

• • • • • •

27. In § 73.260, amend the introductory text of paragraph (a) (20 F. R. 4417, June 23, 1955) (49 CFR 73.260, 1950 Rev.) to read as follows:

§ 73.260 *Electric storage batteries, wet.* (a) Electric storage batteries, containing electrolyte acid or alkaline corrosive battery fluid, must be completely protected so that short circuits will be prevented; they must not be packed with other articles except as provided in §§ 73.250 and 73.258, portable searchlights properly cushioned, battery parts,

or hydrometers, securely packed in a separate container. The batteries either with or without other articles must be packed in specification containers as follows:

* * * * *

28. In § 73.263, amend the heading and introductory text of paragraph (a) (18 F. R. 6778, 6779, Oct. 27, 1953) (49 CFR 1950 Rev., 1954 Supp., 73.263) to read as follows:

§ 73.263 *Hydrochloric (muriatic) acid, hydrochloric (muriatic) acid mixtures, hydrochloric (muriatic) acid solution, inhibited, sodium chlorite solution, and cleaning compounds, liquid, containing hydrochloric (muriatic) acid.* (a) Hydrochloric (muriatic) acid, hydrochloric (muriatic) acid mixtures, hydrochloric (muriatic) acid solution, inhibited, sodium chlorite solution not exceeding 40 percent sodium chlorite, and cleaning compounds, liquid, containing hydrochloric (muriatic) acid must be packed in specification containers as follows:

* * * * *

29. In § 73.264, cancel paragraph (a) (15) (16 F. R. 9375, Sept. 15, 1951) (49 CFR 1950 Rev., 1954 Supp., 73.264)

§ 73.264 *Hydrofluoric acid.* (a) * * *
(15) [Canceled.]

* * * * *

30. Add paragraph (c) to § 73.271 (15 F. R. 8321, Dec. 2, 1950) (49 CFR 73.271, 1950 Rev.) to read as follows:

§ 73.271 *Phosphorus oxychloride, phosphorus trichloride, and thiophosphoryl chloride.* * * *

(c) Spec. 5C (§ 78.83 of this chapter), metal barrels or drums. Authorized for phosphorus trichloride only.

31. Amend § 73.285 paragraph (a) (1) and (2) (16 F. R. 9376, Sept. 15, 1951) (21 F. R. 672, Jan. 31, 1956) (49 CFR 1950 Rev., 1954 Supp., 73.285) to read as follows:

§ 73.285 *Chlorine trifluoride.* (a) * * *

(1) Spec. 3A150, 3AA150, 3E1800, 3B240, 4B240, or 4BA240 (§§ 78.36, 78.37, 78.42, 78.38, 78.50, or 78.51 of this chapter), cylinders.

(2) Not more than 10 pounds of chlorine trifluoride may, in addition to the provisions of subparagraph (1) of this paragraph, be packed in cylinders equal to or of greater efficiency than those prescribed in subparagraph (1) of this paragraph when approved by the Bureau of Explosives.

32. Amend § 73.289 paragraph (a) (2) (20 F. R. 8102, Oct. 28, 1955) (49 CFR 1950 Rev., 1954 Supp., 73.289) to read as follows:

§ 73.289 *Formic acid and formic acid solutions.* (a) * * *

(2) Spec. 103A–W or 103C–W (§§ 78.281 or 78.283 of this chapter), tank cars. Spec. 103A–W tanks must be of type 316 stainless steel and must be stenciled "For Formic Acid Only."

* * * * *

SUBPART F—COMPRESSED GASES; DEFINITION AND PREPARATION

33. Amend § 73.301 paragraph (f) (1), (2), (3), (4); add paragraph (f) (5) (15 F. R. 8324, Dec. 2, 1950) (16 F. R. 5325, June 6, 1951) (49 CFR 1950 Rev., 1954 Supp., 73.301) to read as follows:

§ 73.301 *General requirements.* * * *
(f) *Manifolding containers in transportation.* * * *

(1) Manifolding is authorized for containers of the following gases, provided, that each container is individually equipped with approved safety devices as required by § 73.34 (f) or § 73.315 (i): Air; Argon; Carbon Dioxide; Helium; Nitrogen; Nitrous Oxide; Oxygen.

(2) Manifolding is authorized for containers of the following gases, provided individual containers are equipped with approved safety devices as required by § 73.34 (f) or § 73.315 (i) and further provided that each container is equipped with individual shut-off valve, or valves, which shall be tightly closed while in transit. Manifold branch lines to these individual shut-off valves shall be sufficiently flexible to prevent injury to the valves which otherwise might result from the use of rigid branch lines. When a temperature measuring device is used on a cylinder the manifold shut-off valve shall be deemed the equivalent of the individual shut-off valve: boron trifluoride; ethylene (nonliquefied); hydrogen; hydrocarbon gases (nonliquefied); methane.

(3) Manifolding is authorized for containers of the following gases, provided individual containers are equipped with approved safety devices as required by § 73.34 (f) or § 73.315 (i), and further provided that each container is equipped with individual shut-off valve, or valves, which shall be tightly closed while in transit, and that each such container must be separately charged and means shall be provided to insure that no interchange of container contents can occur during transportation. Manifold branch lines to individual shut-off valves shall be sufficiently flexible to prevent injury to the valves which otherwise might result from the use of rigid branch lines: Ethane; ethylene; propylene; liquefied petroleum gases; liquefied hydrocarbon gases.

(4) Manifolding is authorized for containers of acetylene, provided that each container is individually equipped with approved safety devices as required by § 73.34 (f) or § 73.315 (i), and further provided that each container is equipped with an individual shut-off valve, or valves, which shall be tightly closed while in transit. Manifold branch lines to these individual shut-off valves shall be sufficiently flexible to prevent injury to the valves which otherwise might result from the use of rigid branch lines. All manifolded containers shall be transported in a vertical position. For the checking of tare weights or for replacement of solvent the container shall be removed from the manifold. This subparagraph is not intended to prohibit the charging of the acetylene cylinders while manifolded.

(5) Manifolding is authorized for cargo tanks of the following gas provided individual cargo tanks are equipped with the safety relief valves and gaging devices, as required by § 73.315 (h) and (i); and further provided, that each cargo tank is equipped with individual valve, or valves, which shall be tightly closed while in transit and that each such container must be separately charged: anhydrous ammonia.

* * * * *

34. In § 73.302, amend the introductory text of paragraph (a) (21 F. R. 673, Jan. 31, 1956) (49 CFR 1950 Rev., 1954 Supp., 73.302) to read as follows:

§ 73.302 *Exemptions for compressed gases.* (a) Compressed gases, except poisonous gases as defined by § 73.326 (a), when in accordance with either subparagraphs (1), (2), (3), (4), (5), (6), (7), or (8) of this paragraph, are exempt from specification packaging, marking, and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

* * * * *

35. Amend § 73.304 paragraph (d) (5) (15 F. R. 8325, Dec. 2, 1950) (49 CFR 73.304, 1950 Rev.) to read as follows:

§ 73.304 *Filling limits.* * * *
(d) * * *

(5) That a plus sign (+) be added following the test date marking on the cylinder to indicate compliance with subparagraphs (2), (3), and (4) of this paragraph.

* * * * *

36. Add paragraph (b) (2) to § 73.306 (15 F. R. 8326, Dec. 2, 1950) (49 CFR 73.306, 1950 Rev.) to read as follows:

§ 73.306 *Liquefied gases, except acetylene in solution.* * * *
(b) * * *

(2) Spec. 2P (§ 78.33 of this chapter), inside metal containers equipped with safety devices of a type approved by the Bureau of Explosives and packed in strong wooden or fiber boxes of such design as to protect valves from injury or accidental functioning under conditions incident to transportation. Pressure in the container must not exceed 85 pounds per square inch absolute at 70° F. Each completed metal container filled for shipment must be heated until content reaches a minimum temperature of 130° F., without evidence of leakage, distortion or other defect. Each outside shipping container must be plainly marked "Inside containers comply with prescribed specifications."

* * * * *

37. In § 73.308 paragraph (a) table, amend the entries Cyclopropane and Methyl mercaptan; add the entry Ethylene (19 F. R. 8527, Dec. 14, 1954) (49 CFR 1950 Rev., 1954 Supp., 73.308) to read as follows:



§ 73.308 *Compressed gases in cylinders.* (a) * * *

| Kind of gas | Maximum permitted filling density (see Note 12) (percent) | Cylinders (see Note 11) marked as shown in this column must be used except as provided in Note 1 and § 73.34 (a) to (e) |
|---|---|---|
| * | | |
| Cyclopropane | 55 | ICC–3A225; ICC–3A480X; ICC–3AA225; ICC–3B225; ICC–4A225; ICC–4AA480; ICC–4B225; ICC–4BA225; ICC–4B240ET; ICC–7–300; ICC–3; ICC–3E1800. |
| Ethylene | 35.5 | ICC–3A2400; ICC–3AA2400. |
| Methyl mercaptan | 80 | ICC–3A240; ICC–3AA240; ICC–3B240; ICC–4B240; ICC–4BA240; ICC–4B240ET. |

* * * * *

38. Amend § 73.311 paragraph (a) (16 F. R. 9376, Sept. 15, 1951) (49 CFR 1950 Rev., 1954 Supp., 73.311) to read as follows:

§ 73.311 *Fluorine.* (a) Fluorine must be shipped in metal cylinders complying with Spec. 3A1000, 3AA1000, or 3BN400 (§§ 78.36, 78.37, or 78.39 of this chapter), equipped with valve protection caps and subject to § 73.34 (f) (4); cylinders must not be charged to over 400 pounds per square inch gauge, at 70° F.; cylinders must not contain over 6 pounds of gas.

39. In § 73.315 amend the entries Dichlorodifluoromethane, and Dichlorodifluoromethane-monofluorotrichloromethane mixture in paragraph (a) (1) table; amend paragraph (h) table; amend paragraph (i) (1) and (2); add paragraph (k) (18 F. R. 6780, Oct. 27, 1953) (18 F. R. 3137, June 2, 1953) (19 F. R. 1230, Mar. 6, 1954) (19 F. R. 3261, June 3, 1954) (20 F. R. 8103, Oct. 28, 1955) (15 F. R. 8331, Dec. 2, 1950) (49 CFR 1950 Rev., 1954 Supp., 73.315) to read as follows:

§ 73.315 *Compressed gases in cargo tanks and portable tank containers.* (a) * * *

(1) * * *

| Kind of gas | Maximum permitted filling density | | Specification container required | |
|---|---|---|---|---|
| | Percent by weight (see Note 1) | Percent by volume (see par. (f) of this section) | Type (see Note 2) | Minimum design working pressure (psig) |
| Dichlorodifluoro-methane | 119 | See Note 7 | ICC–51, MC–330 | 150 |
| Dichlorodifluoro-methane-monofluorotrichloro-methane mixture. | See par. (e) of this section. | See Note 7 | ICC–51, MC–330 | 150 |

* * * * *

(h) * * *

| Kind of gas | Permitted gauging device |
|---|---|
| Anhydrous ammonia | Rotary tube; adjustable slip tube; fixed length dip tube. |
| Anhydrous dimethylamine | None. |
| Anhydrous monomethylamine. | None. |
| Anhydrous trimethylamine | None. |
| Carbon dioxide, liquefied | Rotary tube; adjustable slip tube; fixed length dip tube. |
| Chlorine | None. |
| Dichlorodifluoromethane | None. |
| Dichlorodifluoromethane-monofluorotrichloromethane mixture. | None. |
| Liquefied petroleum gases | Rotary tube; adjustable slip tube; fixed length dip tube. |
| Methyl chloride | Fixed length dip tube. |
| Monochlorodifluoromethane | None. |
| Nitrous oxide | Rotary tube; adjustable slip tube; fixed length dip tube. |
| Sulfur dioxide | Fixed length dip tube. |

* * * * *

(i) * * *

(1) Safety relief valves on any tank shall be set to start-to-discharge at a pressure not in excess of 110 percent of the design working pressure of the tank and shall have a total relieving capacity sufficient to prevent a maximum pressure in the tank of more than 120 percent of the design working pressure, using the heat input as determined by Fetterly's formula.[1] The required relieving capacity of safety relief valves for lagged tanks shall be based upon the heat input to a bare tank, unless insulation is covered by a sheet metal jacket of not less than 16 gauge nominal thickness.

(2) The start-to-discharge pressure of safety relief valves shall be not less than the values given in the following table:

| Kind of gas | Minimum start-to-discharge pressure (p. s. i. g.) |
|---|---|
| Anhydrous ammonia | 265. |
| Anhydrous dimethylamine | 150. |
| Anhydrous monomethylamine. | 150. |
| Anhydrous trimethylamine | 150. |
| Carbon dioxide, liquefied | Not specified. |
| Chlorine | 225. |
| Dichlorodifluoromethane | 150. |
| Dichlorodifluoromethane-mono-fluorotrichloromethane mixture. | 150. |
| Liquefied petroleum gases | 90 percent of the design working pressure of tank. |
| Methyl chloride | 150. |
| Monochlorodifluoromethane | 250. |
| Nitrous oxide | Not specified. |
| Sulfur dioxide: | |
| Up to 1,200 gallons water capacity tank. | 120. |
| Over 1,200 gallons water capacity tank. | 110. |

* * * * *

(k) For manifolding of cargo tank containers see § 73.301 (f).

[1] Copies of Fetterly's formula may be obtained from the Bureau of Explosives.

SUBPART G—POISONOUS ARTICLES; DEFINITION AND PREPARATION

40. In § 73.345, amend the introductory text of paragraph (b) (15 F. R. 8334, Dec. 2, 1950) (49 CFR 73.345, 1950 Rev.) to read as follows:

§ 73.345 *Exemptions for poisonous liquids, class B.* * * *

(b) The following articles in any quantity are not exempt under the provisions of paragraph (a) of this section:

* * * * *

41. Amend § 73.358 paragraph (a) (2) (17 F. R. 4295, May 10, 1952) (49 CFR 1950 Rev., 1954 Supp., 73.358) to read as follows:

§ 73.358 *Hexaethyl tetraphosphate, methyl parathion, parathion, tetraethyl dithio pyrophosphate, and tetraethyl pyrophosphate, liquid.* (a) * * *

(2) Spec. 17C or 17E (§§ 78.115 or 78.116 of this chapter), metal drums (single-trip), with openings not exceeding 2.3 inches in diameter. Spec. 17E (§ 78.116 of this chapter) drums authorized for not over 5 gallons capacity each.

* * * * *

42. Amend § 73.371 paragraph (a) (1) (15 F. R. 8338, Dec. 2, 1950) (49 CFR 73.371, 1950 Rev.) to read as follows:

§ 73.371 *Dinitrobenzol.* (a) * * *
(1) As prescribed in § 73.346 or § 73.365.

* * * * *

43. Amend entire § 73.377 (18 F. R. 5273, Sept. 1, 1953) (21 F. R. 367, Jan. 19, 1956) (19 F. R. 1281, Mar. 6, 1954) (16 F. R. 11780, Nov. 21, 1951) (20 F. R. 4418, June 23, 1955) (49 CFR 1950 Rev., 1954 Supp., 73.377) to read as follows:

§ 73.377 *Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures, dry.* (a) Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures, in which the liquid is absorbed in concentrations greater than 2 percent but not exceeding 27 percent in an inert dry material so as to form a dry mixture, must be packed in specification containers as follows:

(1) Spec. 12B or 12C (§§ 78.205 or 78.206 of this chapter), fiberboard boxes, with inside containers which must be metal or fiber cans not over 12 pounds capacity each, or paper bags, spec. 2D (§ 78.23 of this chapter), not over 12 pounds capacity each. Inside containers and the completed package must be capable of withstanding the tests prescribed in paragraphs (c), (d), and (e) of this section.

(2) Spec. 15A or 15B (§§ 78.168 or 78.169 of this chapter), wooden boxes, with inside containers which must be metal or fiber cans not over 12 pounds capacity each, or paper bags, spec. 2D (§ 78.23 of this chapter), not over 12 pounds capacity each. Inside containers must be capable of withstanding the tests prescribed in paragraphs (c) and (d) of this section.

(3) Spec. 5, 5B, 6A or 6C (§§ 78.80, 78.82, 78.97, or 78.99 of this chapter), metal barrels or drums.

(4) Spec. 17C, 17H or 37A (§§ 78.115, 78.118, or 78.131 of this chapter), metal drums (single-trip). Spec. 37A (§ 78.131 of this chapter) metal drums authorized for not over 100 pounds net weight.

(5) Spec. 21A or 21B (§§ 78.222 or 78.223 of this chapter), fiber drums.

(b) Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures in which the liquid is absorbed in concentrations greater than 27 percent in an inert dry material so as to form a dry mixture, must be packed in specification containers as follows:

(1) Spec. 12B or 12C (§§ 78.205 or 78.206 of this chapter), fiberboard boxes, with inside containers which must be metal cans not over 12 pounds capacity each. Inside containers and the completed package must be capable of withstanding the tests prescribed in paragraphs (c), (d), and (e) of this section.

(2) Spec. 15A or 15B (§§ 78.168 or 78.169 of this chapter), wooden boxes, with inside containers which must be metal cans not over 12 pounds capacity each. Inside containers must be capable of withstanding the tests prescribed in paragraphs (c) and (d) of this section.

(3) Spec. 5, 5B, 6A, or 6C (§§ 78.80, 78.82, 78.97, or 78.99 of this chapter), metal barrels or drums.

(4) Spec. 17C, 17H, or 37A (§§ 78.115, 78.118, or 78.131 of this chapter), metal drums (single-trip). Spec. 37A (§ 78.131 of this chapter) metal drums authorized for not over 100 pounds net weight.

(c) Inside metal or fiber cans when closed as for shipment must be capable of withstanding two four-foot drops onto solid concrete without breakage of the container or any sifting of the contents. One drop must be on side of can and the other diagonally on the top rim or chime.

(d) Inside paper bags when closed as for shipment must be capable of withstanding two four-foot drops onto solid concrete without breakage of the container or any sifting of the contents. One drop must be made on bottom of bag and the other on either large face.

(e) Completed packages when closed as for shipment must be capable of withstanding two four-foot drops onto solid concrete without breakage of the container or any sifting of the contents. One drop must be made on bottom of package and the other drop on the smallest adjacent side area.

(f) Dry mixtures containing not more than 2 percent by weight of hexaethyl-tetraphosphate, methyl parathion, parathion, tetraethyl dithio pyrophosphate, or tetraethyl pyrophosphate, and in which the liquid is absorbed in an inert material, are exempt from specification packaging, marking, and labeling requirements. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

SUBPART H—MARKING AND LABELING EXPLOSIVES AND OTHER DANGEROUS ARTICLES

44. Amend § 73.401 paragraph (c) (18 F. R. 6780, Oct. 27, 1953) (49 CFR 1950 Rev., 1954 Supp., 73.401) to read as follows:

§ 73.401 *Dangerous articles.* * * *

(c) Packages containing flammable liquids in inside containers of 1 quart capacity or larger, or corrosive liquids, acids, alkaline caustic liquids, liquid oxidizing materials and poisonous liquids in inside containers regardless of capacity, unless specifically exempted or otherwise provided in this part, must be packed with filling holes up, and except for carboys not completely boxed, the outside container must be plainly marked "This Side Up" or "This End Up" on the cover or top to indicate the position of the inside containers. This requirement does not apply to materials in inside metal cans of the nonrefillable type with spun-in head and base and having no replaceable cap or other closing device.

* * * * *

SUBPART I—SHIPPING INSTRUCTIONS

45. In § 73.432, amend the introductory text of paragraph (b); amend paragraph (c); add Note 3 following paragraph (e) (15 F. R. 8344, Dec. 2, 1950) (18 F. R. 3137, June 2, 1953) (49 CFR 1950 Rev., 1954 Supp., 73.432) to read as follows:

§ 73.432 *Tank car shipments.* * * *

(b) A tank car containing any compressed gas must not be offered for transportation unless the car is consigned for delivery (see paragraph (c) of this section) and unloading on a private track (see Notes 1 and 3 of this section), except that where no private track is available, delivery and unloading on carrier tracks is permitted provided the following conditions are complied with:

* * * * *

(c) Any tank car of other than ICC–106A or 110A type (see §§ 78.275, 78.276, or 78.293 of this chapter), containing liquefied hydrocarbon or liquefied petroleum gas, and having interior pipes of liquid and gas discharge valves equipped with check valves, may be consigned for delivery and unloading on carrier tracks, if the lading is piped directly from the car to permanent storage tanks of sufficient capacity to receive the entire contents of the car. Such cars may also be consigned for storage on a private track or on a carrier track when designated by the carrier for such storage.

* * * * *

(e) * * *

NOTE 3: Provisions of this paragraph as to unloading do not apply to anhydrous ammonia in tank cars consigned to private sidings.

PART 74—CARRIERS BY RAIL FREIGHT

SUBPART B—LOADING AND STORAGE CHART OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

1. In § 74.538, paragraph (a) Chart, amend item f, and item 2 vertical and horizontal columns (15 F. R. 8349, Dec. 2, 1950) (19 F. R. 3261, June 3, 1954) (49 CFR 1950 Rev., 1954 Supp., 74.538) to read as follows:

§ 74.538 *Loading and storage chart of explosives and other dangerous articles.* (a) * * *

| | | | | | |
|---|---|---|---|---|---|
| "f" Explosive projectiles, bombs, torpedoes, or mines, rifle or hand grenades (explosive), jet thrust units (jato), explosive, class A, or igniters, jet thrust (jato), explosive, class A | | | | | |
| * | * | * | * | * | |
| "2" Propellant explosives or jet thrust units (jato), class B, or igniters, jet thrust (jato), class B | | | | | |
| * | * | * | * | * | |

SUBPART D—UNLOADING FROM CARS

2. In § 74.560, amend the introductory text of paragraph (b); amend paragraph (b) (2); add Note 3 following paragraph (b) (2) (15 F. R. 8352, Dec. 2, 1950) (19 F. R. 3261, 3262, June 3, 1954) (49 CFR 1950 Rev., 1954 Supp., 74.560) to read as follows:

§ 74.560 *Tank car delivery.* * * *

(b) No tank car containing compressed gas may be unloaded unless the car is consigned for delivery and unloading on a private track (see Notes 1 and 3 to subparagraph (2) of this paragraph), except that where no private track is available, delivery and unloading on carrier tracks is permitted provided the following conditions are complied with:

* * * * *

(2) Any tank car of other than ICC–106A or 110A type (see §§ 78.275, 78.276, or 78.293 of this chapter), containing liquefied hydrocarbon or liquefied petroleum gas, and having interior pipes of liquid and gas discharge valves equipped with check valves, may be delivered and unloaded on carrier tracks if the lading is piped directly from the car to permanent storage tanks of sufficient capacity to receive the entire contents of the car. Such cars may also be stored on a private track or on a carrier track when designated by the carrier for such storage.

* * * * *

NOTE 3: Provisions of this paragraph as to unloading do not apply to anhydrous ammonia in tank cars consigned to private sidings.

3. Amend § 74.589 paragraphs (e) and (g) (7) in (15 F. R. 8356, Dec. 2, 1950) (16 F. R. 5327, June 6, 1951) redesignated as (f), and (h) (7) respectively, in (49 CFR 1950 Rev., 1954 Supp., 74.589) to read as follows:

§ 74.589 *Handling cars.* * * *

(f) *Notice to crews of cars containing explosives in freight trains or mixed trains.* At all terminals or other places where trains are made up by crews other than road crew accompanying the outbound movement of cars, the railroad shall execute a consecutively numbered notice showing the location in the freight train or mixed train of every car placarded "Explosives." A copy of such notice shall be delivered to the train and engine crew and a copy thereof showing delivery to the train and engine crew shall be kept on file by the railroad at each point where such notice is given. At points where train or engine crews are changed, the notice shall be transferred from crew to crew.

* * * * *

(h) * * *

(7) Loaded flat car, except that cars carrying trailers or containers placarded "Explosives" as authorized by the regulations in this chapter may be coupled to each other.

NOTE: Flat cars equipped with permanently attached ends of rigid construction shall be considered as open-top cars. See subparagraph (8) of this paragraph.

* * * * *

PART 75—CARRIERS BY RAIL EXPRESS

Amend § 75.655 paragraph (j) (7) (15 F. R. 8360, Dec. 2, 1950) (49 CFR 1950 Rev., 75.655) to read as follows:

§ 75.655 *Protection of packages.* * * *

(j) * * *

(7) In case of fire, wreck, breakage or unusual delay involving any shipment of radioactive material, the package or material should be segregated as far as possible from human contact. The shipper and the Bureau of Explosives should be immediately notified. In case of breakage of a package containing radioactive material and when it appears likely that the inside container may have been damaged, great care must be exercised to prevent contact with, inhalation, or any other means of the radioactive material entering the body. Cars, buildings, areas, or equipment in which class D poisons have been spilled must not be again placed in service or occupied until decontaminated by qualified persons.

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

SUBPART A—GENERAL INFORMATION AND REGULATIONS

1. In § 77.823, amend the heading and introductory text of paragraph (a); amend the introductory text of paragraph (d) (15 F. R. 8364, Dec. 2, 1950) (20 F. R. 8106, Oct. 28, 1955) (49 CFR 77.823, 1950 Rev.) to read as follows:

§ 77.823 *Marking on motor vehicles and trailers.* (a) Every motor vehicle, other than tank motor vehicles, transporting any quantity of explosives, class A, poison gas, class A, or radioactive material, poison class D requiring red radioactive materials label; and every motor vehicle transporting 2,500 pounds gross weight or more of explosives, class B, flammable liquids, flammable solids or oxidizing materials, corrosive liquids, compressed gas, class B poisons, and tear gas, or 5,000 pounds gross weight or more of two or more articles of these groups shall be marked or placarded on each side and rear with a placard or lettering in letters not less than 3 inches high on a contrasting background as follows:

* * * * *

(d) *Tank motor vehicles.* Every tank motor vehicle used for the transportation of any compressed gas, regardless of the quantity being transported, or whether loaded or empty, shall be conspicuously and legibly marked on each side and the rear thereof on a background of sharply contrasting color with a sign or lettering on the tank or motor vehicle with the words "Compressed Gas", "Flammable Compressed Gas", or "Flammable Gas", as appropriate, in letters at least 3 inches high; and in letters at least 2 inches high with a commonly accepted name of the contents, such as "Anhydrous Ammonia," "Carbon Dioxide," "Chlorine," "Nitrous Oxide," "Sulfur Dioxide," "Liquefied Petroleum Gas," "Propane", or "Butane."

* * * * *

SUBPART C—LOADING AND STORAGE CHART OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

2. In § 77.848, paragraph (a) Chart, amend item f, and item 2 vertical and horizontal columns (15 F. R. 8368, Dec. 2, 1950) (19 F. R. 3262, June 3, 1954) (49 CFR 1950 Rev., 1954 Supp., 77.848) to read as follows:

§ 77.848 *Loading and storage chart of explosives and other dangerous articles.* (a) * * *

| | | | | | |
|---|---|---|---|---|---|
| "f" Explosive projectiles, bombs, torpedoes, or mines, rifle or hand grenades (explosive), jet thrust units (jato), explosive, class A, or igniters, jet thrust (jato), explosive, class A | | | | | |
| * | * | * | * | * | |
| "2" Propellant explosives or jet thrust units (jato), class B, or igniters, jet thrust (jato), class B | | | | | |
| * | * | * | * | * | |

PART 78—SHIPPING CONTAINER SPECIFICATIONS

SUBPART B—SPECIFICATIONS FOR INSIDE CONTAINERS, AND LININGS

1. Amend § 78.33–2 paragraph (b) (15 F. R. 8381, Dec. 2, 1950) (49 CFR 78.33–2, 1950 Rev.) to read as follows:

§ 78.33 *Specification 2P; inside metal containers.*

§ 78.33–2 *Type and size.* * * *

(b) The maximum capacity of containers in this class shall not exceed 31.83 cubic inches (17.6 fluid ounces). The maximum inside diameter shall not exceed 3 inches.

SUBPART C—SPECIFICATIONS FOR CYLINDERS

2. In § 78.37–5, amend Note 1 to paragraph (a); in § 78.37–11, amend paragraph (a) (4) (15 F. R. 8384, Dec. 2, 1950) (49 CFR 78.37–5, 78.37–11, 1950 Rev.) to read as follows:

§ 78.37 *Specification 3AA; seamless steel cylinders made of definitely prescribed steels.*

§ 78.37–5 *Authorized steel.* (a) * * *

NOTE 1: A heat of steel made under any of the above specifications, chemical analysis of which is slightly out of the specified range, is acceptable, if satisfactory in all other respects, provided the standard permissible variations from specified chemical ranges and limits published in the American Iron and Steel Institute Products Manual, "Alloy Steel: Semifinished; Hot Rolled and Cold Finished Bars", dated July 1955, are not exceeded or are approved by the Bureau of Explosives.

* * * * *

§ 78.37–11 *Heat treatment.* (a) * * *

(4) The minimum tempering temperature shall be not less than 1000° F. except as noted in subparagraph (6) of this paragraph.

* * * * *

3. In § 78.50–10, amend the introductory text of paragraph (a) (15 F. R. 8403, Dec. 2, 1950) (49 CFR 78.50–10, 1950 Rev.) to read as follows:

§ 78.50 *Specification 4B; welded and brazed steel cylinders.*

§ 78.50–10 *Wall thickness.* (a) For outside diameters over 6" the minimum wall thickness shall be 0.090 inch. In any case the minimum wall thickness shall be such that calculated wall stress at minimum test pressure (§ 78.50–14 (d)) shall not exceed the following values:

* * * * *

4. In § 78.51–8, amend the introductory text of paragraph (c); in § 78.51–10, amend the introductory text of paragraph (a); in § 78.51–20, amend Note 1 to paragraph (a) table (15 F. R. 8405, 8406, Dec. 2, 1950) (16 F. R. 9380, Sept. 15, 1951) (49 CFR 1950 Rev., 1954 Supp., 78.51–8, 78.51–10, 78.51–20) to read as follows:

§ 78.51 *Specification 4BA; welded or brazed steel cylinders made of definitely prescribed steels.*

§ 78.51–8 *Manufacture.* * * *

(c) Longitudinal seams in shells: By copper brazing, copper alloy brazing, or by silver alloy brazing. Copper alloy composition must be: Copper 95 percent minimum, Silicon 1.5 percent to 3.85 percent, Manganese 0.25 percent to 1.10 percent. The melting point of the silver alloy brazing material must be in excess of 1,000° F. The plate edge must be lapped at least eight times the thickness of plate, laps being held in position, substantially metal to metal, by riveting or by electric spot-welding. Brazing must be done by using a suitable flux and by placing brazing material on one side of seam and applying heat until this material shows uniformly along the seam of the other side.

* * * * *

§ 78.51–10 *Wall thickness.* (a) For outside diameters over 6" the minimum wall thickness shall be 0.078". In any case the minimum wall thickness shall be such that the calculated wall stress at minimum test pressure (§ 78.51–14) shall not exceed the lesser value of any of the following:

* * * * *

§ 78.51–20 *Authorized steel.* (a) * * *

[1] A heat of steel made under any of the above specifications, chemical analysis of which is slightly out of the specified range, is acceptable, if satisfactory in all other respects, provided the standard permissible variations from specified chemical ranges and limits published in the American Iron and Steel Institute Products Manual, "Alloy Steel: Semifinished; Hot Rolled and Cold Finished Bars", dated July 1955, are not exceeded or are approved by the Bureau of Explosives.

* * * * *

5. Amend the heading of § 78.55; in § 78.55–2, amend paragraph (d) and footnote 1 thereto; in § 78.55–20, amend paragraph (a) (1) (15 F. R. 8417, 8418, Dec. 2, 1950) (49 CFR 78.55–2, 78.55–20, 1950 Rev.) to read as follows:

§ 78.55 *Specification 4B240ET; welded and brazed cylinders made from electric resistance welded tubing.*

§ 78.55–2 *Type, spinning process, size and service pressure.* * * *

(d) *Service pressure.*[1] Must be 240 pounds per square inch.

§ 78.55–20 *Marking.* (a) • • •
(1) ICC–4B240ET.

• • • • • •

6. In § 78.56–20, amend Note 1 to paragraph (a) table (19 F. R. 1283, Mar. 6, 1954) (49 CFR 1950 Rev., 1954 Supp., 78.56–20) to read as follows:

§ 78.56 *Specification 4AA480; welded steel cylinders made of definitely prescribed steels.*

§ 78.56–20 *Authorized steel.* (a) • • •

[1] A heat of steel made under any of the above specifications, chemical analysis of which is slightly out of the specified range, is acceptable, if satisfactory in all other respects, provided the standard permissible variations from specified chemical ranges and limits published in the American Iron and Steel Institute Products Manual, "Alloy Steel: Semifinished; Hot Rolled and Cold Finished Bars", dated July 1955, are not exceeded or are approved by the Bureau of Explosives.

• • • • • •

7. In § 78.60–4, amend Note 1 to paragraph (a) table (16 F. R. 9381, Sept. 15, 1951) (49 CFR 1950 Rev., 1954 Supp., 78.60–4) to read as follows:

§ 78.60 *Specification 8AL; steel cylinders with approved porous filling for acetylene.*

§ 78.60–4 *Authorized steel.* (a) • • •

[1] A heat of steel made under any of the above specifications, chemical analysis of which is slightly out of the specified range, is acceptable, if satisfactory in all other respects, provided the standard permissible variations from specified chemical ranges and limits published in the American Iron and Steel Institute Products Manual, "Alloy Steel: Semifinished; Hot Rolled and Cold Finished Bars", dated July 1955, are not exceeded or are approved by the Bureau of Explosives.

• • • • • •

8. In § 78.67–2, amend paragraph (a); in § 78.67–9, amend paragraph (a); in § 78.67–17, amend the introductory text of paragraph (a), and paragraph (a) (1) (18 F. R. 3140, 3141, June 2, 1953) (49 CFR 1950 Rev., 1954 Supp., 78.67–2, 78.67–9, 78.67–17) to read as follows:

§ 78.67 *Specification 41; inside containers, non-refillable seamless or welded or brazed steel cylinders.*

§ 78.67–2 *Type, size, and service pressure*—(a) *Type and size.* Must be seamless, welded, or brazed (brazing material must have a melting point of not less than 1,000° F.). The maximum water capacity of cylinders in this class shall not exceed 2 pounds or 55 cubic inches. Longitudinal seams are prohibited, except that containers constructed from longitudinally welded steel tubing are authorized provided that certification is made by the tubing manufacturer that the tubing has been pressure tested to a fiber stress of 24,000 pounds per square inch as calculated by the formula:

$$P=\frac{24{,}000(D^2-d^2)}{(1.3D^2+0.4d^2)}$$

where

$P$ is the pressure required for pressure testing of tubing by the tubing manufacturer.

• • • • • •

§ 78.67–9 *Wall thickness.* (a) The wall stress at 720 pounds per square inch shall not exceed 24,000 pounds per square inch, except that for longitudinally welded steel tubing the stress shall not exceed 20,400 pounds per square inch. The minimum wall for any cylinder not exceeding 40 cubic inches capacity shall be 0.032 inch and for any cylinder exceeding 40 cubic inches capacity shall be 0.042 inch. For the container authorized in § 78.67–8 (a) (2) the wall thickness of the cylinder shall be taken as the sum of the thicknesses of the two skirts (without allowance for the brazing material between).

• • • • • •

§ 78.67–17 *Marking.* (a) Marking on each cylinder by embossing plainly and permanently on the valve end of cylinder before heat-treatment, the marks ICC–41 and registered symbol of the manufacturer, except that stamping of all prescribed marks on the valve end of all cylinders having wall thickness of 0.042 inch or greater is authorized provided no stamping shall exceed 0.015 inch in depth.

(1) On cylinders having wall thickness less than 0.042 inch, other marks as prescribed in subparagraph (2) of this paragraph must be shown on a permanently attached name plate or by printing or decalcomania, provided that such markings are waterproofed and adherent and not easily impaired when subject to water immersion and weathering under service conditions, or are coated over with a water-insoluble transparent lacquer; except that cylinders having brazed lapped circumferential seam may, after having been tested in accordance with §§ 78.67–13 and 78.67–14 of this specification, have marks permanently stamped into metal of this seam, provided that such marks do not exceed 0.015 inch in depth.

• • • • • •

SUBPART E—SPECIFICATIONS FOR WOODEN BARRELS, KEGS, BOXES, KITS, AND DRUMS

9. In § 78.172–8, amend Note 1 to paragraph (a) table (18 F. R. 5275, Sept. 1, 1953) (49 CFR 1950 Rev., 1954 Supp., 78.172–8) to read as follows:

§ 78.172 *Specification 15E; wooden boxes, fiberboard lined.*

§ 78.172–8 *Thickness of wood parts.* (a) • • •

NOTE 1: Plywood or paper covered wood veneer board of equal thickness and efficiency is permitted. Paper covered veneer board shall be of good quality Douglas fir core of at least 7/16 inch thickness, or lumber of equal quality, and free of breaks, gaps, holes, or knots. Paper covering shall be at least Kraft untreated linerboard having a basis weight of 42 pounds per 1,000 square feet and shall be secured to veneer core by adhesive in such manner as to form a satisfactorily laminated board.

• • • • • •

10. In § 78.197–10, amend paragraph (a); in § 78.197–11, amend paragraph (a) (15 F. R. 8474, Dec. 2, 1950) (49 CFR 78.197–10, 78.197–11, 1950 Rev.) to read as follows:

§ 78.197 *Specification 22B; wooden drums, glued plywood.*

§ 78.197–10 *Head liners.* (a) Required inside and outside for full circumference of heads. To be securely fastened by staples or nails, clinched. Inside head liners not required when close fitting inside metal drum or strong container is used.

§ 78.197–11 *Bung or other openings in head.* (a) Bung and bung hole authorized provided head lining paper is glued around hole. Holes are permitted in heads to provide for closing devices of inside metal drums or other strong inside containers when plywood drum is so equipped.

SUBPART F—SPECIFICATIONS FOR FIBERBOARD BOXES, DRUMS, AND MAILING TUBES

11. In § 78.219–12, amend paragraph (b) (20 F. R. 955, Feb. 15, 1955) (49 CFR 1950 Rev., 1954 Supp., 78.219–12) to read as follows:

§ 78.219 *Specification 23H; fiberboard boxes.*

§ 78.219–12 *Closing for shipment.* • • •

(b) Or, the container may be closed by using tape as specified in § 78.219–5 (a) for vertical application. When closed by this method, the cover of the container shall be secured to the bottom by application of strips of tape, not less than ½ inch wide, to the sides and in a vertical manner. The taping shall start within 1 inch of the topside score and extend to within 1 inch of the side-bottom score, and in no case shall the strips be less than 4 inches in length. Full depth cover 2-piece telescope boxes shall be closed by application of strips of tape, not less than 4 inches in length, disposed equally on side and bottom. Either type box requires two strips of tape, one on each side, minimum for containers 18 inches in length or under; four strips of tape, two on each side, minimum for containers over 18 inches in length.

• • • • • •

12. In § 78.222–2, amend paragraph (a) and table, and add Note 8 to paragraph (a) table; in § 78.222–3, amend paragraph (a); in § 78.222–4, amend paragraph (a) (2) and (3) (19 F. R. 8530, Dec. 14, 1954) (19 F. R. 6275, Sept. 29, 1954) (15 F. R. 8481, Dec. 2, 1950) (49 CFR 1950 Rev., 1954 Supp., 78.222–2, 78.222–3, 78.222–4) to read as follows:

§ 78.222 *Specification 21A; fiber drums.*



§ 78.222–2 *Parts and dimensions.* (a) Parts and dimensions (minimum) as follows:

| Authorized net weight (pounds)[1] | Side wall calculated strength[1] | Wooden heads[1][2] thickness (inch)[1] | Fiber heads[1] | | Maximum gallon capacity | Maximum inside diameter (inches) |
|---|---|---|---|---|---|---|
| | | | Thickness (inch) | Strength[1] | | |
| 56 | 680 | 13/16 | 0.120 | 590 | 7½ | 9 |
| 56 | 680 | 13/16 | .120 | 650 | 15 | 14 |
| 56 | 680 | 13/16 | .170 | 800 | 20 | 18½ |
| 115 | 850 | 13/16 | .170 | 800 | 30 | 18½ |
| 115 | 850 | 13/16 | .220 | 900 | 45 | 23 |
| 225 | 1,100 | 13/16 | .220 | 900 | 55 | 18½ |
| 225 | 1,100 | 13/16 | .260 | 1,000 | 55 | 23 |

• • • • • •

(No change in Notes 1 through 7.)

[8] Authorized net weight exceeding 225 pounds permitted under conditions prescribed in Part 73 of this chapter.

§ 78.222–3 *Sidewalls.* (a) To be solid or consist of outer shell with liner, each piece to be made of a continuous fiber sheet convolutely wound, at least 0.012 inch thick, the plies being secured together by adhesive.

§ 78.222–4 *Type tests.* (a) • • •

(2) Compression test by applying weight or pressure not less than 1,000 pounds on the top (cover) of drum; or drum must be able to withstand end to end pressure of 1,500 pounds, speed of compression tester to be ½ inch plus or minus ¼ inch per minute. Drum shall withstand either test without buckling of the sidewalls sufficient to cause damage to their expected contents or affect the stackability of the drums.

(3) The test described above must be made by any company starting production, for each plant location of manufacture, on samples taken at random of each type and diameter of container and must be repeated every 4 months or less during production. Samples last tested must be retained until further tests are made. The tests and procedure described may be conducted at one central laboratory when testing facilities are not available at all plants, in which case the Bureau of Explosives shall be advised of the location where the tests are conducted.

13. In § 78.223–2, amend paragraph (a); in § 78.223–4, amend paragraphs (a) (3) and (b) (15 F. R. 8481, Dec. 2, 1950) (49 CFR 78.223–2, 78.223–4, 1950 Rev.) to read as follows:

§ 78.223 *Specification 21B; fiber drums.*

§ 78.223–2 *Sidewalls and ends.* (a) Sidewalls to be convolutely wound of fiber sheets at least 0.012 inch thick, the plies being secured together with adhesive.

• • • • • •

§ 78.223–4 *Type tests.* (a) • • •

(3) *End compressions.* Drum must be able to withstand end to end pressure of 1,500 pounds, speed of compression tester to be ½ inch plus or minus ¼ inch per minute; or drum must be able to withstand compression test by applying weight or pressure not less than 1,000 pounds on the top (cover) of drum. Drums shall withstand either test without buckling of sidewalls sufficient to cause damage to their expected contents or affect the stackability of the drums.

(b) The tests prescribed above must be made by any company starting production, for each plant location of manufacture, on samples taken at random of each type and diameter of container and must be repeated every 4 months or less during production. Samples last tested must be retained until further tests are made. The tests and procedure described may be conducted at one central laboratory when testing facilities are not available at all plants, in which case the Bureau of Explosives shall be advised of the location where the tests are conducted.

SUBPART I—SPECIFICATIONS FOR TANK CARS

14. In § 78.291, amend paragraph AAR–2 (a); amend paragraph AAR–6 (f–3) (18 F. R. 5278, Sept. 1, 1953) (49 CFR 1950 Rev., 1954 Supp., 78.291) to read as follows:

§ 78.291 *Specification for tank cars having fusion-welded aluminum tanks Class ICC–103–AL–W.* • • •

AAR–2. *Thickness of plates.* (a) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula but in no case shall the wall thickness be less than that specified in paragraph ICC–4.

$$t=\frac{Pd}{2SE}$$

where

$t$ = thickness in inches of thinnest plate.
$P$ = specified minimum bursting pressure pounds per square inch.
$d$ = inside diameter in inches.
$S$ = minimum ultimate tensile strength in pounds per square inch in zone adjacent to welds as given below.
$E$ = efficiency of longitudinal welded joint 90 percent.

Alloy 996A = 9,500 p. s. i.
Alloy 990A = 11,000 p. s. i.
Alloy M1A = 14,000 p. s. i.
Alloy GR20A = 25,000 p. s. i.
Alloy GS11A = 24,000 p. s. i.
Alloy GR40A = 30,000 p. s. i.

• • • • • •

AAR–6. (f–3) The tension-test specimen of the weld metal shall be taken entirely from the deposited weld metal and shall meet the following requirements:

Tensile strength = At least that of the minimum ultimate tensile strength in zone adjacent to welds. (See paragraph AAR–2 (a).)

Elongation, minimum in 2", or 4$D$ ($D$ = diameter) for each aluminum alloy must be as follows:

| | Percent |
|---|---|
| Alloy 996A | 25 |
| Alloy 990A | 28 |
| Alloy M1A | 23 |
| Alloy GR20A | 18 |
| Alloy GS11A | 5 |
| Alloy GR40A | 18 |

For plate thicknesses less than 5/8 inch, the all-weld-metal tension test may be omitted.

• • • • • •

SUBPART J—SPECIFICATIONS FOR CONTAINERS FOR MOTOR VEHICLE TRANSPORTATION

15. In § 78.325–8, amend the introductory text of paragraph (d), and amend the text following the second table and preceding the last table in paragraph (d) (20 F. R. 8113, Oct. 28, 1955) (49 CFR 78.325–8, 1950 Rev.) to read as follows:

§ 78.325 *Specification MC 304 for cargo tanks for the transportation of flammable liquids and poisonous liquids class B having Reid (ASTM D–323) vapor pressures of 18 pounds per square inch absolute at 100° F.*

§ 78.325–8 *Minimum thickness of material.* • • •

(d) Minimum thicknesses of mild steel tank sheets in U. S. standard gauges, subject to the foregoing requirements in this section. (These thicknesses are to be multiplied by 1.44 for aluminum.):

(NOTE: Tables remain the same.)

• • • • • •

Minimum thicknesses of high-tensile steel tank sheets, in U. S. standard gauges, subject to the foregoing requirements in this section:

(NOTE: Table remains the same.)

• • • • • •

APPENDIX

| Section | Reason for amendment |
|---|---|
| 72.4 (a) | To indicate that some shipments of oxidizing materials may or may not be classified as dangerous in the regulations. |
| 72.5 (a) Commodity List | Provides additions and amendments to keep commodity list on a current basis. |
| 73.9 (c) | To authorize alternate method of marking containers for export shipment. |
| 73.22 (a) | To conform to the provision authorizing the marking of containers for export shipment to be shown on labels or tags fastened thereto. |
| 73.24 (a) | To clarify that both inside and outside containers must be properly constructed. |
| 73.31 (g) Note 2 | To cancel a waiver on retest requirements that has expired. |
| 73.33 (k) (11) | To correct a printer's error. |
| 73.53 (g) (1) | Some detonating primers containing less than 150 grains of explosives per unit are considered just as hazardous as the ones originally considered in the regulations. |
| 73.53 (t) | To define igniters, jet thrust (jato), explosive class A. |
| 73.63 (d) (3) | To provide an additional container for high explosives (gelatin dynamite or blasting gelatin). |
| 73.79 | To provide for the transportation of igniters, jet thrust, explosive, class A. |
| 73.86 (d) | To clarify that samples of explosive articles for rail express are also acceptable for rail freight, or highway transportation. |
| 73.86 (d) (4) | Clarification. |
| 73.88 (e) (1) | To provide a definition of igniters, jet thrust, class B. |

[1] The "service pressure" limits the use of the cylinder. It is shown by marks on cylinder; for example, ICC–4B240ET indicates the service pressure as 240 pounds per square inch.

| Section | Reason for amendment |
|---|---|
| 73.315 (b) table | To prohibit the use of gauging devices on cargo tanks and portable tanks transporting anhydrous dimethylamine, anhydrous monomethylamine, anhydrous trimethylamine, and monochlorodifluoromethane. |
| 73.315 (1) (1) and (2) | To permit start-to-discharge pressure settings not in excess of 110 percent of design working pressure of tank, and to include additional gases. |
| 73.315 (k) | To provide reference to manifolding containers in section 73.301 (f). |
| 73.345 (b) | To clarify the application of exemption requirements for certain poisonous liquids, class B. |
| 73.358 (a) (2) | To authorize the use of Spec. 17E, metal drum for certain poisons. |
| 73.371 (a) (1) | Clarifies that dinitrobenzol may be shipped in containers specified in section 73.346. |
| 73.377 | To authorize the transportation of a greater percentage of mixtures of certain class B poisons. |
| 73.401 (c) | To require packages of poisonous liquids to be marked "This Side Up", etc. |
| 73.432 (b), (c), and Note 3. | To limit unloading tank cars of anhydrous ammonia to private sidings. |
| 74.538 (a) Chart | Clarification and to provide loading requirements applicable to the transportation of igniters, jet thrust, explosive, class A. |
| 74.560 (b), (b) (2), and Note 3. | To limit unloading tank cars of anhydrous ammonia to private sidings. |
| 74.589 (f) | To clarify requirement regarding the issuance of notices to crews of cars containing explosives. |
| 74.589 (h) (7) | To authorize the placement of flat cars, carrying trailers or containers placarded "Explosives", next to each other. |
| 75.655 (j) (7) | To prohibit the utilization of equipment and areas involved in spillage of class D poisons, until decontaminated. |
| 77.823 (a) | To remove ambiguity of heading regarding marking of motor vehicles. |
| 77.823 (d) | To standardize size of lettering for motor vehicles. |
| 77.848 (a) Chart | Clarification, and to provide loading requirements applicable to the transportation of igniters, jet thrust, explosive, class A. |
| 78.33–2 (b) | To increase size of construction of Spec. 2P containers. |
| 78.37–5 (a) Note 1 | To make reference to the American Iron and Steel Institute's current Products Manual. |
| 78.37–11 (a) (4) | To reduce the tempering temperature minimum for 3AA cylinder. |
| 78.50–10 (a) | To authorize a minimum wall thickness of 0.090" for Spec. 4B cylinders with outside diameter over 6". |
| 78.51–8 (c) | To authorize silver alloy brazing for longitudinal seams in shells of Spec. 4BA cylinders. |
| 78.51–10 (a) | To authorize a minimum wall thickness of 0.078" for Spec. 4BA cylinder with outside diameter over 6". |
| 78.51–20 (a) Note 1 | To make reference to the American Iron and Steel Institute's current Products Manual. |
| 78.55 Heading; 78.55–20 (d); 78.55–20 (a) (1). | To restrict the service pressure of Spec. 4B–ET cylinders to 240 p. s. i. |
| 78.56–20 (a) table Note 1 | To make reference to the American Iron and Steel Institute's current Products Manual. |
| 78.60–4 (a) table Note 1 | To make reference to the American Iron and Steel Institute's current Products Manual. |
| 78.67–2 (a); 78.67–9 (a) | To authorize an increase in capacities for Spec. 41 cylinders. |
| 78.67–17 (a) and (a) (1) | To provide additional method of marking heavier wall cylinders of Spec. 41. |
| 78.172–8 (a) table Note 1 | To authorize paper covered veneer board in the construction of a Spec. 15E wooden box. |
| 78.197–10 (a) | To permit the absence of head liners on Spec. 22B, wooden drums, when strong inside container is used. |
| 78.197–11 (a) | To permit other openings in head, other than bung hole, providing for closing devices of inside containers. |
| 73.306 (a) (5) | To authorize the use of Spec. 17C, steel drum for the transportation of certain flammable solids. |
| 73.221 (a) | Clarifies that specific packaging requirements are provided for certain liquid peroxides. |
| 73.242 (c) | To authorize mixed packaging of articles necessary for photographic processing. |
| 73.244 (c) | To clarify the application of exemption requirements for certain acids and other corrosive liquids. |
| 73.244 (c) (50) | To include iodine monochloride, a corrosive liquid, as subject to the regulations. |
| 73.245 (a) (17) | To provide Specs. 17H, 37A, or 37B, metal drums, for the transportation of acids or other corrosive liquids not specifically provided for. |
| 73.247 (a) (17) | To authorize the use of Spec. 103W tank car for the transportation of titanium tetrachloride, anhydrous. |
| 73.249 (a), (a) (10), and (b). | To provide for the transportation of sodium aluminate, liquid. |
| 73.260 (a) | To clarify wet storage battery packing requirements. |
| 73.263 (a) | To provide for the transportation of liquid cleaning compounds. |
| 73.264 (a) (15) | To eliminate use of unsatisfactory container. |
| 73.271 (c) | To authorize Spec. 5C metal barrel or drum for the transportation of phosphorus trichloride. |
| 73.285 (a) (1) | To authorize the use of Spec. 4BA240 cylinder for the transportation of chlorine trifluoride. |
| 73.285 (a) (2) | To increase the amount of chlorine trifluoride permitted to be packed in certain cylinders. |
| 73.289 (a) (2) | To withdraw the restriction authorizing Spec. 103C–W tank car for the transportation of formic acid only. |
| 73.301 (f) (1) through (5). | Clarification and to provide manifolding requirements for anhydrous ammonia and ethylene (nonliquefied). |
| 73.302 (a) | To correct an omission. |
| 73.304 (d) (5) | To explain the use of a plus (+) sign following the test date marking on cylinders. |
| 73.306 (b) (2) | To make regulations consistent. |
| 73.308 (a) table | To authorize use of Spec. 4B240ET cylinder for cyclopropane, and methyl mercaptan; to provide for shipments of ethylene in Spec. 3AA2400 or 3AA2400 cylinders, with a filling density of 35.5 percent. |
| 73.311 (a) | To authorize the shipment of fluorine in Spec. 3A and 3AA cylinders with service pressure of 1,000 p. s. i. |
| 73.315 (a) (1) table | To authorize the use of Spec. 51 portable tanks for the transportation of certain gases. |



| Section | Reason for amendment |
|---|---|
| 78.219–12 (b) | To provide method of closure for full depth cover telescope type boxes made to Spec. 23H. |
| 78.222–2 (a) table | To increase the authorized net weight in drums of 55 gallons capacity. |
| 78.222–3 (a) | To conform to manufacturing standards of measure. |
| 78.222–4 (a) (2) and (3) | To clarify test requirements and to provide alternate test for Spec. 21A, fiber drums. |
| 78.223–2 (a) | To conform to manufacturing standards of measure. |
| 78.223–4 (a) (3), and (b) | To clarify test requirements and to provide alternate test for Spec. 21B, fiber drums. |
| 78.291 AAR–2 (a); AAR–6 (f–3). | To provide for the use of an additional alloy in Spec. 103–AL–W tank car. |
| 78.325–8 (d) | To correct an omission. |

[F. R. Doc. 56–2209; Filed, Apr. 3, 1956; 8:45 a. m.]

# NOTICES

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

COLORADO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS; CORRECTION

MARCH 28, 1956.

Notice of proposed withdrawal and reservation of lands, serial No. Colorado 012689 dated March 14, 1956, identified as F. R. Doc. 56–2160, filed March 21, 1956, 8:45 a. m. and appearing in FEDERAL REGISTER of March 22, 1956, page 1784, is corrected as follows:

UNDER SIXTH PRINCIPAL MERIDIAN, COLORADO

WHITE RIVER NATIONAL FOREST

Heart Lake Recreation Area:
T. 3 S., R. 88 W. (unsurveyed),
Sec. 19: W½NW¼ is corrected to read W½NW¼SW¼.

MAX CAPLAN,
*State Supervisor.*

[F. R. Doc. 56–2505; Filed, Apr. 3, 1956; 8:50 a. m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 7887 et al.]

CITY OF PORTSMOUTH SERVICE INVESTIGATION

NOTICE OF PREHEARING CONFERENCE

In the matter of an investigation to determine: (a) Whether the public convenience and necessity requires authorization of a route on a temporary basis and only until the Board's decision in The Great Lakes Local Service Area Case, of local service air transportation over a route between the terminal point Cincinnati, Ohio, the intermediate point Portsmouth, Ohio and the terminal point Columbus, Ohio, without the right to overfly Portsmouth; (b) and, if so, what carrier (if any) should operate the route. See Order No. E–10141.

Notice is hereby given that a prehearing conference in the above-entitled investigation is assigned to be held on April 11, 1956, at 10:00 a. m., e. s. t., in Room E–210, Temporary Building No. 5, Seventeenth Street and Constitution Avenue NW., Washington, D. C., before Examiner John A. Cannon.

Dated at Washington, D. C., March 29, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56–2512; Filed, Apr. 3, 1956; 8:51 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11572; FCC 56M–304]

WARNER & TAMBLE RADIO SERVICE, INC.

ORDER SCHEDULING HEARING

In the matter of Warner & Tamble Radio Service, Inc., Memphis; Tennessee, Docket No. 11572; order to show cause why the license for radiotelephone station WB–9369 should not be revoked.

The Hearing Examiner having under consideration a motion of the respondent herein filed March 23, 1956, requesting that the record of hearing in the above-entitled proceeding be reopened and further hearing granted for the purposes of identifying an exhibit and offering same in evidence;

It appearing that counsel for Safety and Special Radio Services Bureau has indicated that said Bureau does not oppose the granting of the instant motion;

*It is ordered,* This 28th day of March 1956, that the motion is granted; that the record of hearing in the above-entitled proceeding is reopened, and that further hearing in respect thereto will be held in the Commission's offices in Washington, D. C., on April 3, 1956, at 10:00 a. m.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56–2500; Filed, Apr. 3, 1956; 8:49 a. m.]

[Docket Nos. 11607, 11608; FCC 56M–305]

NORTH CENTRAL BROADCASTING CO. AND MUNISING-ALGER BROADCASTING CO.

ORDER FOR THE CONDUCT OF HEARING

In re applications of North Central Broadcasting Company, Munising, Michigan, Docket No. 11607, File No. BP–10004; Charles A. Symon, Stanley L. Sadak and Richard E. Hunt d/b as Munising-Alger Broadcasting Company, Munising, Michigan, Docket No. 11608, File No. BP–10142; for construction permits.

*Appearances.* Corwin R. Lockwood, Washington, D. C., on behalf of North Central Broadcasting Company; Maurice R. Barnes and Samuel Miller, Washington, D. C., on behalf of Charles A. Symon, Stanley L. Sadak and Richard E. Hunt, d/b as Munising-Alger Broadcasting Company; and Ray Paul, Washington, D. C., on behalf of the Chief, Broadcast Bureau, Federal Communications Commission.

1. Pre-hearing conferences in the above-entitled proceeding were held February 20 and March 19, 1956. The parties attending were as indicated in the appearances above.

2. In the Commission's order of January 11, 1956, designating the applications for hearing, the issues were specified as follows:

1. To determine the areas and populations which would receive primary service from each of the proposed operations, and the availability of other primary service to such areas and populations.

2. To determine which of the operations proposed in the above-entitled applications would better serve the public interest in the light of the evidence adduced under the foregoing issues and record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate its proposed station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programming service proposed in each of the above-mentioned applications.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

3. The engineering proposals contained in the applications place the sites for the proposed transmitters approximately six-tenths of a mile apart. Except for the slight difference in coverage which can be attributed to the exact location of the transmitter, both engineering proposals are substantially the same. It was agreed that in the event the engineering studies disclose that either of the proposed stations will serve a larger "white" or "grey" area than the other, both applicants would submit separate engineering exhibits. In the event the engineering studies disclose that neither of the proposed stations will bring primary service to a "white" or "grey" area which will not be served by the other, a single joint exhibit in response to Issue 1 will be adequate. As used herein, the term "white" area refers to an area which does not receive primary service from any standard broadcast station and the term "grey" area refers to an area which receives primary service from but one standard broadcast station.

4. The parties agree that as of the present, the areas within which each applicant proposes to show facts which

would warrant its receiving a preference over the other are in the areas of (a) background and experience, (b) integration of ownership and management, (c) past operation of broadcast stations, (d) proposed programming, and (3) management and staffing of the proposed stations.

5. There is a rebuttable presumption that:

a. Each applicant has made sufficient studies and surveys of the community which are reflected in its program proposal and as a result of such studies and surveys, each applicant has reasonable grounds for assuming that he can present the programming as proposed.

b. The studio, transmitter and auxiliary broadcast equipment proposed by each applicant is adequate in every respect.

c. The studio, office and transmitter building facilities proposed by each applicant are adequate in every respect.

6. In the event any party challenges the rebuttable presumptions specified in paragraph 5, such challenge shall be made in exhibit form and exchanged with all parties to the proceeding at the same time the exhibits and affirmative written case relating to the matters specified in paragraph 4 of this order are exchanged. In the absence of a challenge to the presumptions, neither applicant need present any exhibit or affirmative evidence with respect to the several matters referred to in paragraph 5. In the event of a challenge, the party challenged may offer in rebuttal exhibits and oral testimony in support of his application.

7. The following time table has been agreed to:

a. All exhibits to be offered in evidence in support of the affirmative case shall be exchanged with the parties on or before Monday, April 23, 1956.

b. On or before Monday, April 30, 1956, counsel for each applicant will notify counsel of the competing applicant by letter of the identity of the witness or witnesses of the competing applicant he desires to cross-examine or the subject or subjects which he wishes to explore by cross-examination.

c. The hearing for the introduction of evidence and cross-examination of the witnesses identified in b above will begin Monday, May 7, 1956.

*It is so ordered*, This 28th day of March 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

MARCH 28, 1956.

[F. R. Doc. 56-2501; Filed, Apr. 3, 1956; 8:49 a. m.]

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[Docket No. 11639; FCC 56M-306]

COOS COUNTY BROADCASTERS

ORDER SCHEDULING PREHEARING CONFERENCE

In re application of Harold C. Singleton, d/b as Coos County Broadcasters, Coos Bay, Oregon, Docket No. 11639, File No. BP-9758; for construction permit.

The Hearing Examiner having under consideration the above-entitled proceedings;

*It is ordered*, This 29th day of March 1956, that all parties, or their attorneys, are directed to appear for a prehearing conference, pursuant to the provisions of § 1.813 of the Commission's rules, at the Commission's offices in Washington, D. C., at 10:00 a. m., April 12, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-2502; Filed, Apr. 3, 1956; 8:49 a. m.]

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[Docket No. 11662]

FIRM C. PETTY

ORDER DESIGNATING MATTER FOR HEARING ON STATED ISSUES

In the matter of Firm C. Petty, 3610 Stoney Brook Road, Randallstown, Maryland, Docket No. 11662; suspension of restricted radiotelephone operator permit.

The Commission having under consideration the suspension of the Restricted Radiotelephone Operator Permit (No. RP-4B-5234) issued to Firm C. Petty; and

It appearing that acting in accordance with the provisions of section 303 (m) (2) of the Communications Act of 1934, as amended, the above-named party filed with the Commission within the time provided therefor an application requesting a hearing on the Commission's Order dated February 15, 1956, suspending for a period of two months his restricted radiotelephone operator permit; and

It further appearing that under the provisions of section 303 (m) (2) of the Communications Act of 1934, as amended, the said permittee is entitled to a hearing in this matter and that upon the filing of a timely written application therefor, the Commission's Order of suspension is held in abeyance until the conclusion of the proceeding in this matter.

*It is ordered*, This 26th day of March 1956 that the matter of the suspension of the Restricted Radiotelephone Operator Permit of Firm C. Petty is hereby designated for hearing at the offices of the Federal Communications Commission, New Post Office Department Building, Twelfth and Pennsylvania Avenue NW., Washington, D. C., at 10:00 a. m., on the 19th day of April 1956, upon the following issues:

1. To determine whether Firm C. Petty willfully violated § 8.364 (a) of the Commission's rules in that he failed to identify radio transmissions by assigned call letters at beginning and end of each exchange of communications on 2738 kc while operating the radiotelephone station on board the vessel James S. Whiteley (WA-6205) on various occasions.

2. In the light of the evidence adduced in the preceding issue to determine whether the terms of the original order of suspension should be made final, rescinded, or modified.

*It is further ordered*, That a copy of this order be transmitted by Registered Mail, Return Receipt Requested, to Firm C. Petty and that he notify the Commission in writing within 10 days after the receipt of this order that he will appear in person or by counsel at said hearing.

Released: March 29, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-2503; Filed, Apr. 3, 1956; 8:49 a. m.]

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[Amdt. O-20; FCC 56-280]

PART O—STATEMENT OF ORGANIZATION, DELEGATIONS OF AUTHORITY AND OTHER INFORMATION

DELEGATION OF AUTHORITY TO CHIEF HEARING EXAMINER

In the matter of amendment of § 0.224 (c) (3) on delegation of authority to the Chief Hearing Examiner, Amdt. O-20.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of March 1956;

The Commission having under consideration amendment of section 0.224 (c) (3) of the Commission's rules and regulations which concerns certain delegations of authority to the Chief Hearing Examiner.

It appearing that the amendments herein ordered would promote greater efficiency in Commission operations; and

It further appearing that the amendments herein ordered are procedural in nature, and, therefore, compliance with the requirements of sections 4 (a), (b), and (c) of the Administrative Procedure Act is not required:

*It is ordered*, That pursuant to sections 4 (i), 5 (e), and 303 (r) of the Communications Act of 1934, as amended, § 0.224 (c) (3) of the Commission's rules and regulations is amended as set forth below, effective April 6, 1956.

Released: March 29, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

Section 0.224 (c) (3) of the Commission's rules and regulations is amended to read as follows:

(3) Dismissal of cease and desist, suspension, and revocation proceedings.

[F. R. Doc. 56-2504; Filed, Apr. 3, 1956; 8:50 a. m.]

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## FEDERAL POWER COMMISSION

[Docket No. G-4041 etc.]

DEKALB AGRICULTURAL ASSOCIATION, INC.

NOTICE OF APPLICATIONS AND DATE OF HEARING

Take notice that each of the Applicants listed below has filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing such Applicant to continue to sell natural gas subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open for public inspection. These matters should be consolidated and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on the date and at the place hereinafter stated, concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) not less than ten days before the date of hearing. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request for waiver is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

The dockets, Applicants and material averments in applications to which reference is made above are as follows:

*Docket No.; Name and Address; Filing Date; Gas Field and Purchaser*

G-4041; Dekalb Agricultural Association, Inc., Lubbock, Tex.; 10-4-54; Goldsmith "5600", Ector County, Tex.; Phillips Petroleum Company.

G-4042; Dekalb Agricultural Association, Inc., Lubbock, Tex.; 10-4-54; Goldsmith "5600", Ector County, Tex.; Phillips Petroleum Company.

G-4043; Dekalb Agricultural Association, Inc., Lubbock, Tex.; 10-4-54; North Warren McKee, Lea County, N. Mex.; Warren Petroleum Corporation.

G-4044; Dekalb Agricultural Association, Inc., Lubbock, Tex.; 10-4-54; Driver-Spraberry, Midland County, Tex.; Texas Natural Gasoline Corporation.

G-4045; Dekalb Agricultural Association, Inc., Lubbock, Tex.; 10-4-54; Goldsmith "5600", Ector County, Tex.; Phillips Petroleum Company.

G-4046; Dekalb Agricultural Association, Inc., Lubbock, Tex.; 10-4-54; Goldsmith "5600", Ector County, Tex.; Phillips Petroleum Company.

G-4047; Dekalb Agricultural Association, Inc., Lubbock, Tex.; 10-4-54; Goldsmith "5600", Ector County, Tex.; Phillips Petroleum Company.

G-4048; Dekalb Agricultural Association, Inc., Lubbock, Tex.; 10-4-54; Slaughter, Hockley and Terry Counties, Tex.; Stanolind Oil & Gas Company.

G-4049; Dekalb Agricultural Association, Inc., Lubbock, Tex.; 10-4-54; Wasson, Yoakum and Gaines Counties, Tex., Shell Oil Company.

G-4051; Dekalb Agricultural Association, Inc., Lubbock Tex.; 10-4-54; Levelland, Hockley County, Tex.; Stanolind Oil & Gas Company.

A public hearing will be held May 1, 1956, beginning at 9:30 a. m., e. d. s. t., in the hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters in and the issues presented by the above applications.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

MARCH 29, 1956.

[F. R. Doc. 56-2490; Filed, Apr. 3, 1956; 8:47 a. m.]

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[Docket No. G-6502, 6623]

H. F. SEARS AND A. E. HERRMANN CORP.

ORDER FIXING DATE OF HEARING AND CONSOLIDATING PROCEEDINGS FOR PURPOSES OF HEARING

In the matters of H. F. Sears, Docket No. G-6502; A. E. Herrmann Corporation, Docket No. G-6623.

On December 29, 1954, the Commission issued its order in Docket No. G-6502 suspending proposed changes in rates filed by H. F. Sears (Sears), as reflected by Supplement No. 3 to Sears' FPC Gas Rate Schedule No. 2, pertaining to sales of natural gas in interstate commerce to Colorado Interstate Gas Company.

On January 3, 1955, the Commission issued its order in Docket No. G-6623 suspending proposed changes in rates filed by A. E. Herrmann Corporation (Herrmann), as reflected by Supplement Nos. 3 and 4 to Herrmann's FPC Gas Rate Schedule No. 2, pertaining to sales of natural gas in interstate commerce to Colorado Interstate Gas Company.

The Commission finds: It is proper and in the public interest that the proceedings in the foregoing designated Docket Nos. G-6502 and G-6623 should be consolidated for purposes of hearing, and that prior to the date of hearing the Applicants seeking proposed rate increases shall submit the hereinafter specified material to the Commission in this proceeding.

The Commission orders:

(A) Pursuant to the authority contained in, and subject to the authority conferred upon the Federal Power Commission, by the Natural Gas Act, including particularly sections 4, 5, 14, 15, and 16, a public hearing be held, commencing on May 21, 1956, at 10 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented in these consolidated proceedings.

(B) Each Applicant in each of the foregoing designated dockets shall submit to the Commission, at least five (5) days prior to the commencement of the hearing of this proceeding as herein provided, five (5) copies of maps, verified by a responsible officer of the Applicant, showing the following:

(i) Full details of the facilities at the point or points of deliveries to Colorado Interstate Gas Company;

(ii) Major pipeline facilities by which the gas is transported from each well to the points of deliveries to Colorado Interstate Gas Company; and

(iii) Important pipeline facilities, such as dehydration and gasoline plants, compressor stations, product removal plants, measuring stations, regulators, purification plants, and the like, connected to the pipeline facilities specified in (i) and (ii) above.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: March 29, 1956.

By the Commission.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56-2491; Filed, Apr. 3, 1956; 8:47 a. m.]

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[Docket Nos. G-9146, 9498]

SHAMROCK OIL & GAS CORP.

ORDER FIXING DATE OF HEARING AND CONSOLIDATING PROCEEDINGS FOR PURPOSES OF HEARING

On July 19, 1955, the Commission issued its order in Docket No. G-9146 suspending proposed changes in rates filed by The Shamrock Oil & Gas Corporation (Shamrock), as reflected by Supplement No. 2 to Shamrock's FPC Gas Rate Schedule No. 2, pertaining to sales of natural gas in interstate commerce to Northern Natural Gas Company.

On October 18, 1955, the Commission issued its order in Docket No. G-9498 suspending proposed changes in rates filed by The Shamrock Oil and Gas Corporation (Shamrock), as reflected by Supplement No. 3 to Shamrock's FPC Gas Rate Schedule No. 3, pertaining to sales of natural gas in interstate commerce to Northern Natural Gas Company.

The Commission finds: It is proper and in the public interest that the proceedings in the foregoing designated Docket Nos. G-9146 and G-9498 should be consolidated for purposes of hearing, and that prior to the date of hearing the Applicants seeking proposed rate increases shall submit the hereinafter specified material to the Commission in this proceeding.

The Commission orders:

(A) Pursuant to the authority contained in, and subject to the authority conferred upon the Federal Power Commission by, the Natural Gas Act, including particularly Sections 4, 5, 14, 15, and 16, a public hearing be held, commencing on June 11, 1956, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented in these consolidated proceedings.

(B) Each Applicant in each of the foregoing designated dockets shall submit to the Commission, at least five (5),

days prior to the commencement of the hearing of this proceeding as herein provided, five (5) copies of maps, verified by a responsible officer of the Applicant, showing the following:

(i) Full details of the facilities at the point or points of deliveries to Northern Natural Gas Company;

(ii) Major pipeline facilities by which the gas is transported from each well to the points of deliveries to Northern Natural Gas Company; and

(iii) Important pipeline facilities, such as dehydration and gasoline plants, compressor stations, product removal plants, measuring stations, regulators, purification plants, and the like, connected to the pipeline facilities specified in (i) and (ii) above.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: March 29, 1956.

By the Commission.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56-2492; Filed, Apr. 3, 1956; 8:47 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[24NY-3924]

GATLING MINING AND DEVELOPMENT CO., INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

MARCH 29, 1956.

I. Gatling Mining and Development Co., Inc., 115 Albany Street, New Brunswick, N. J., having filed with the Commission on January 28, 1955, a Notification on Form 1-A and an offering circular and amendments thereto on March 3, and 21, 1955, relating to a proposed public offering of 1,200,000 shares of 25 cents par value common stock, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having reasonable cause to believe that:

A. The terms and conditions of said Regulation A have not been complied with in that:

1. The offering of the securities was commenced and securities sold prior to the time permitted by Rule 219 (e);

2. The offering of the securities was made and securities were sold in jurisdictions other than those set forth in Item 1 of the Notification on Form 1-A;

3. The offering of the securities has been made by communications not filed with the Commission pursuant to Rule 221 under Regulation A and not in compliance with Rule 220 thereof;

4. Either an offering circular has not been and is not being delivered to offerees and purchasers of the said stock as required by Rule 219 (a), or an offering circular not meeting the requirements of Rule 219 (c) has been and is being so delivered; and

B. The failure to use an offering circular required by Rule 219 (a) and the use of the offering circular not meeting the requirements of Rule 219 (c) in connection with the offering would, and did, operate as a fraud or deceit upon the purchasers.

III. *It is ordered*, Pursuant to Rule 223 (a) of the General rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion, may set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

*It is further ordered*, That this order and notice shall be served upon Gatling Mining and Development Co., Inc., 115 Albany Street, New Brunswick, N. J., Vernon Gatling, Bissett Place, South River, N. J., and Alvin Gatling, Bissett Place, South River, N. J., personally or by registered mail or by confirmed telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] NELLYE A. THORSEN,
*Assistant Secretary.*

[F. R. Doc. 56-2485; Filed, Apr. 3, 1956; 8:46 a.m.]

[File No. 70-3447]

POTOMAC EDISON CO. ET AL.

ORDER GRANTING AND PERMITTING TO BECOME EFFECTIVE APPLICATION-DECLARATION REGARDING ISSUE AND SALE OF COMMON STOCK BY SUBSIDIARIES AND ACQUISITION THEREOF BY PARENT

MARCH 29, 1956.

In the matter of the Potomac Edison Company, Potomac Light and Power Company, South Penn Power Company; File No. 70-3447.

An application-declaration and amendment thereto have been filed with this Commission by The Potomac Edison Company ("Potomac Edison"), a registered holding company and public-utility subsidiary of The West Penn Electric Company, a registered holding company, and Potomac Light and Power Company ("Potomac Light") and South Penn Power Company ("South Penn"), public-utility subsidiaries of Potomac Edison, pursuant to sections 6 (a), 6 (b), 7, 9, 10, and 12 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-43 promulgated thereunder, regarding certain proposed transactions, which are summarized as follows:

Potomac Light and South Penn propose to issue and sell additional shares of their authorized and unissued capital stocks, and Potomac Edison proposes to acquire such shares in each case for a cash consideration equal to the aggregate par or stated value thereof. Potomac Light has presently outstanding 109,000 shares of common stock with a par value of $100 per share and it proposes to issue and sell 14,000 additional shares of such stock to Potomac Edison for a cash consideration of $1,400,000. South Penn has presently outstanding 654,200 shares of no par value capital stock with a stated value of $5 per share and it proposes to issue and sell 50,000 additional shares of such stock to Potomac Edison for a cash consideration of $250,000.

Potomac Edison owns all of the outstanding shares of capital stock of both Potomac Light and South Penn. Such shares are pledged under the Indenture of Potomac Edison dated as of October 1, 1944, as supplemented, securing its First Mortgage and Collateral Trust Bonds. The additional shares proposed to be acquired by Potomac Edison will be issued from time to time as necessary prior to December 31, 1956, and on issuance will be pledged under said Indenture in accordance with the requirements thereof.

Potomac Edison states that it has in its treasury funds in excess of the aggregate purchase price of such shares, and that, accordingly, no financing will be required in connection with such acquisitions.

Potomac Light desires to issue and sell additional shares of its common stock to provide for necessary property additions and improvements, and South Penn desires to issue and sell additional shares of its capital stock for the same purpose and to enable it to repay an open account advance in the amount of $50,000 owing by it to Potomac Edison. Potomac Edison desires to purchase the additional shares to enable the subsidiaries to make such property additions and improvements and to enable South Penn to pay such indebtedness.

The issue and sale of the additional shares of the common stock of Potomac Light, a West Virginia corporation doing business in West Virginia, are not subject to the jurisdiction of any State commission. The issue and sale of the additional shares of the capital stock of South Penn have been expressly authorized by the Pennsylvania Public Utility Commission, the State commission of the State in which South Penn is organized and doing business. The acquisitions by Potomac Edison, a Maryland corporation doing business in Maryland and West Virginia, of the additional shares of stock of its subsidiaries have been authorized by the Public Service Commission of West Virginia. No other State commission, and no Federal commission other than this Commission, has jurisdiction over the proposed transactions.

The application-declaration as amended states that the fees and expenses in connection with the sale and acquisition of the capital stock are as follows:

| | |
|---|---|
| Legal fees (estimated): | |
| James McSherry (Maryland counsel) | $100 |
| Edwin D. Strite (Pennsylvania counsel) | 100 |
| Clarence E. Martin, Jr. (West Virginia counsel) | 200 |
| Federal stamp tax | 1,915 |
| Pennsylvania excise tax | 500 |
| Miscellaneous (estimated) | 60 |
| Total | 2,875 |

The foregoing fees and expenses will be allocated as follows: to Potomac Edison $300, to Potomac Light $1,550, and to South Penn $1,025.

Notice of said filing having been duly given in the manner prescribed by Rule U-23 and no hearing having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and of the rules promulgated thereunder are satisfied, that the fees and expenses set forth above are not unreasonable, and that the application-declaration as amended should be granted and permitted to become effective:

*It is ordered*, Pursuant to Rule U-23 and the applicable provisions of said act that said application-declaration as amended be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] NELLYE A. THORSEN,
*Assistant Secretary.*

[F. R. Doc. 56-2486; Filed, Apr. 3, 1956; 8:46 a.m.]

## SUBVERSIVE ACTIVITIES CONTROL BOARD

[Docket No. 118-56]

NATIONAL NEGRO LABOR COUNCIL

NOTICE OF HEARING

Herbert Brownell, Jr., Attorney General of the United States, petitioner, v. National Negro Labor Council, respondent.

Notice is hereby given that, pursuant to the Subversive Activities Control Act of 1950, (Title I of the Internal Security Act of 1950, Pub. Law 831, 81st Cong., 50 U. S. C. 781 et seq.), particularly section 13 of said act (50 U. S. C. 792), a hearing in the above-entitled proceeding on the petition of the Attorney General for an order of the Board requiring the respondent to register as a Communist-front organization pursuant to section 7 of said act (50 U. S. C. 786), will be held commencing on Monday, April 30, 1956, at 10:00 a. m., e. d. t., in Room 111, Lafayette Building, 811 Vermont Avenue NW., Washington, D. C.

Dated at Washington, D. C., March 28, 1956.

[SEAL] THOMAS J. HERBERT,
*Chairman.*

[F. R. Doc. 56-2487; Filed, Apr. 3, 1956; 8:46 a. m.]





## INTERSTATE COMMERCE COMMISSION

[Notice 106]

MOTOR CARRIER APPLICATIONS

MARCH 30, 1956.

Protest consisting of an original and two copies to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in forms of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, prehearing conference, taking of depositions, or other proceeding shall notify the Commission by letter or telegram within 30 days of publication of this notice in the FEDERAL REGISTER. Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operations of Motor Carrier properties sought to be acquired in an application under section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 1124 Sub 129, filed February 27, 1956, (Amended) HERRIN TRANSPORTATION COMPANY, a corporation, 2301 McKinney Avenue, Houston, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including *Class A and B explosives* and *articles requiring special equipment*, but excluding articles of unusual value, household goods as defined by the Commission, and commodities in bulk, between Dallas, Tex.; and junction U. S. Highways 71 and 190, near Krotz Springs, La., from Dallas over U. S. Highway 80 to Shreveport, La., thence over U. S. Highway 71 to junction U. S. Highway 190, near Krotz Springs, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's regular route operations (1) between Galveston, Tex., and Fort Worth, Tex., (2) between Corsicana, Tex., and De Ridder, La., (3) between De Ridder, La., and junction Louisiana Highway 25 and U. S. Highway 190, near Elton, La., and (4) between Toomey, La., and New Orleans, La. Applicant is authorized to conduct regular route operations in Arkansas, Louisiana, Tennessee, and Texas, and irregular route operations in Arkansas, Louisiana, Oklahoma, and Texas.

No. MC 7746 Sub 76, filed January 9, 1956, (Amended) published February 1, 1956, on Page 704, UNITED TRUCK LINES, INC., East 915 Springfield Avenue, Spokane 2, Wash. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) Between Pasco, Wash., and Hells Canyon Dam Site (near Homestead), Oreg., as follows: From Pasco over U. S. Highway 395 to Pendleton, Oreg., thence over U. S. Highway 30 to Baker, Oreg., thence over Oregon Highway 86 to Robinette, Oreg., thence over unnumbered highway in a northerly direction to the Brownlee Dam Site, thence over unnumbered highway in a northerly direction to the Ox Bow Dam Site, thence over unnumbered highway in a northerly direction to Hells Canyon Dam Site (near Homestead), and return over the same route, serving the intermediate points of the Brownlee Dam Site, the Ox Bow Dam Site, and Hells Canyon Dam Site, and points within five miles of said dam sites as off-route points; (2) Between Boise, Idaho, and Hells Canyon Dam Site (near Homestead), Oreg., as follows: From Boise over U. S. Highway 20 to Caldwell, Idaho, thence over U. S. Highway 30 to junction U. S. Highway 95, thence over U. S. Highway 95 to Cambridge, Idaho, thence over unnumbered highway to the Brownlee Dam Site, thence over unnumbered highway in a northerly direction to the Ox Bow Dam Site, thence over unnumbered highway in a northerly direction to Hells Canyon Dam Site, and return over the same route, serving the intermediate points of the Brownlee, Ox Bow, and Hells Canyon Dam Sites, and points within five (5) miles of said dam sites as off-route points; (3) Serving the off-route points of the Brownlee Dam Site, the Ox Bow Dam Site, and Hells Canyon Dam Site, near Homestead, Oreg., and points within five (5) miles of said dam sites, as off-route points in connection with applicant's regular route operations between Spokane, Wash., and Boise, Idaho; (4) Between Boise, Idaho, and Hells Canyon Dam Site (near Homestead), Oreg., as follows: From Boise over U. S. Highway 20 to Caldwell, Idaho, thence over U. S. Highway 30 to Huntington, Oreg., thence over unnumbered highway to the Brownlee Dam Site, thence over unnumbered highway in a northerly direction to the Ox Bow Dam Site, thence over unnumbered highway in a northerly direction to Hells Canyon Dam Site, and return over the

same route, serving the intermediate points of the Brownlee, Ox Bow, and Hells Canyon Dam Sites, and points within five (5) miles of said dam sites as off-route points; and (5) Between Boise, Idaho and Hells Canyon Dam Site (near Homestead), Oreg., as follows: From Boise over U. S. Highway 20 to Caldwell, Idaho, thence over U. S. Highway 30 to Baker, Oreg., thence over Oregon Highway 86 to Robinette, Oreg., thence over unnumbered highway to the Brownlee Dam Site, thence over unnumbered highway in a northerly direction to the Ox Bow Dam Site, thence over unnumbered highway in a northerly direction to Hells Canyon Dam Site, and return over the same route, serving the intermediate points of the Brownlee, Ox Bow, and Hells Canyon Dam Sites, and points within five (5) miles of said dam sites as off-route points. Applicant is authorized to conduct operations in Idaho, Montana, Oregon, and Washington.

NOTE: Applicant states that by this amendment it is seeking authority to serve any of the above-described dam sites and points within five (5) miles of said dam sites in connection with applicant's regular route operations.

No. MC 8948 Sub 34, filed March 10, 1956, WESTERN TRUCK LINES, LTD., 2835 Santa Fe Avenue, Los Angeles 58, Calif. Applicant's representative: Lloyd R. Guerra (same address as applicant). For authority to operate as a *common carrier*, over regular and irregular routes, transporting: *Class A, B, and C explosives, ammunition*, not included in Class A, B, and C explosives, and *component parts of Class A, B, and C explosives and of ammunition* not included in Class A, B, and C explosives between Los Angeles, Calif. (including the Los Angeles, Calif., Commercial Zone as defined by the Commission), and Yuma Air Force Base, at or near Yuma, Ariz., from Los Angeles (including the Los Angeles, Calif., Commercial Zone as defined by the Commission), over irregular routes to junction U. S. Highways 60, 66, or 99, thence over U. S. Highways 60 or 99 to Beaumont, Calif., or over U. S. Highway 66 to San Bernardino, Calif., thence over U. S. Highway 395 to junction U. S. Highways 99 or 60, thence over U. S. Highways 99 or 60 to Beaumont, Calif., or from San Bernardino, Calif., over Mill Street to junction Mountain View Avenue, thence over Mountain View Avenue to junction U. S. Highway 99, thence over U. S. Highway 99 to Beaumont, Calif., thence over U. S. Highways 60 or 99 to Indio, Calif., thence over U. S. Highway 99 to El Centro, Calif., thence over U. S. Highway 80 to Yuma, Ariz., thence to Yuma Air Force Base at or near Yuma. Return over the above-specified regular routes to junction irregular routes, thence over irregular routes to Los Angeles (including the Los Angeles, Calif., Commercial Zone), serving no intermediate points on the above-specified regular routes.

NOTE: Applicant states the authority herein sought will also be used in interchanging traffic with other authorized carriers at points here involved. Applicant states the service proposed will operate over applicant's authorized regular routes between the Los Angeles area and Yuma as specifically described in Appendix D (Certificate MC 8948 and Sub Numbers) over which applicant regularly operates in the transportation of general commodities between the points herein proposed to be served in the transportation of Class A, B, and C explosives, ammunition, and component parts thereof.

No. MC 9115 Sub 45, filed March 19, 1956, OREGON-NEVADA CALIFORNIA FAST FREIGHT, INC., 675 Brannan Street, San Francisco, Calif. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Reno, Nev., and Klamath Falls, Oreg., from Reno over U. S. Highway 395 to Alturas, Calif., thence over U. S. Highway 299 to junction California Highway 139, near Canby, Calif., thence over California Highway 139 to the California-Oregon State line, thence over Oregon Highway 39 to Klamath Falls, and return over the same route, serving no intermediate points, as an alternate route, for operating convenience only, in connection with carrier's regular route operations between (a) Oakridge, Oreg., and Klamath, Oreg., (b) San Francisco, Calif., and Klamath Falls, Oreg., and (c) San Francisco, Calif., and Reno, Nev., and (2) between Reno, Nev., and Red Bluff, Calif., from Reno over Alternate U. S. Highway 40 to junction California Highway 89, thence over California Highway 89 to junction California Highway 36, thence over California Highway 36 to Red Bluff, and return over the same route, serving no intermediate points, as an alternate route, for operating convenience only, in connection with carrier's regular route operations between (a) San Francisco, Calif., and Medford, Oreg., via Red Bluff, Calif., (b) San Francisco, Calif., and Klamath Falls, Oreg., via Red Bluff, Calif., (c) Sacramento, Calif., and Mount Shasta, Calif., via Red Bluff, Calif., and (d) San Francisco, Calif., and Reno, Nev. Applicant is authorized to conduct operations in California, Oregon and Washington.

No. MC 19201 Sub 90, filed March 20, 1956, PENNSYLVANIA TRUCK LINES, INC., 110 South Main Street NE., Pittsburgh, Pa. Applicant's attorney: Robert H. Griswold, Commerce Building, P. O. Box 432, Harrisburg, Pa. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including commodities of unusual value, commodities in bulk*, and *those requiring special equipment*, but excluding Class A and B explosives and household goods as defined by the Commission, between junction Ohio Highway 5 and Ohio Highway 94 and junction Ohio Highway 94 and unnumbered highway west of Marshallville, Ohio, from junction Ohio Highway 5 and Ohio Highway 94 over Ohio Highway 94 to junction unnumbered highway west of Marshallville, and return over the same route, serving no intermediate points, but serving the termini for joinder purposes only.

NOTE: Service to be performed auxiliary to or supplemental of, rail service of the Pennsylvania Railroad Company. Applicant is authorized to conduct operations in Pennsylvania, Ohio and West Virginia.

No. MC 24115 Sub 6, filed March 23, 1956, D. H. KESSMAN, R. R. 3, Edwardsville, Ill. Applicant's attorney: Mack Stephenson, 208 East Adams Street, Springfield, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wine*, in bulk, in tank vehicles, from Naples and Canandaigua, N. Y., to St. Louis, Mo. Applicant is authorized to conduct operations in Illinois and Missouri.

No. MC 32638 Sub 4, filed March 20, 1956, WEAVER W. SCHERFF, doing business as SCHERFF'S TRUCK LINE, 308 East Main Street, California, Mo. Applicant's attorney: J. R. Rose, Jefferson City, Mo. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between the plant of Kingsford Charcoal Company, located near Belle, Mo., and junction Maries County Highway and Missouri Highway 28, from the plant of Kingsford Charcoal Company over Maries County Highway (approximately one mile) to junction Missouri Highway 28, and return over the same route, serving no intermediate points. Applicant is authorized to conduct regular route operations in Illinois and Missouri, and irregular route operations in Illinois, Kansas and Missouri.

No. MC 35396 Sub 13, filed March 19, 1956, ARNOLD LIGON, doing business as ARNOLD LIGON TRUCK LINE, 208 Darby Street, Princeton, Ky. Applicant's attorney: Robert M. Pearce, 711 McClure Building, Frankfort, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wooden pallets, crating, boxes, skids, and shipping bases*, assembled, unassembled, and knocked down, between points in Kentucky on and west of U. S. Highway 31E on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Connecticut, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin. Applicant is authorized to conduct operations in Indiana, Kentucky, Tennessee, Missouri, Pennsylvania, and West Virginia.

No. MC 36630 Sub 3, filed March 1, 1956, N. M. ROWE, doing business as ROWE TRANSPORTATION COMPANY, Canton, S. Dak. Applicant's attorney: H. Lauren Lewis, Wilson Terminal Building, P. O. Box 747, Sioux Falls, S. Dak. For authority to operate as a *contract carrier*, over irregular routes, transporting: *such merchandise* as is usually dealt in by wholesale and retail hardware business houses, between Minneapolis, Minn., on the one hand, and, on



the other, points in South Dakota on and south of U. S. Highway 212, and on and east of a line extending in a southerly direction from the junction of U. S. Highway 212 and South Dakota Highway 45, over South Dakota Highway 45 to Platte, S. Dak., thence over South Dakota Highway 50 to Lake Andes, S. Dak., thence over U. S. Highway 281 to the South Dakota-Nebraska State line near Fairfax, S. Dak. RESTRICTION: With persons (as defined in section 203 (a) of the Interstate Commerce Act) who operate wholesale or retail hardware stores, the business of which is the sale of hardware for the transportation of the commodities indicated above. Applicant is authorized to conduct operations in Minnesota and Iowa.

No. MC 42329 Sub 119, (amended), filed February 8, 1956, published in the February 22, 1956, issue, on page 1214, HAYES FREIGHT LINES, INC., 628 East Adams Street, Springfield, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over regular and irregular routes, transporting: *Meat, meat products, and meat by-products, dairy products, articles distributed by meat-packing houses*, and *such commodities as are used by meat packers in the conduct of their business when destined to or for use by meat packers*, as defined by the Commission, and *frozen foods*, (1) between St. Joseph, Mo., and junction U. S. Highway 36 and Illinois Highway 96, from St. Joseph over U. S. Highway 36 to junction Illinois Highway 96, and return over the same route, serving the intermediate point of Hannibal, Mo., as a point of joinder in connection with carrier's regular route operations, (2) between junction U. S. Highways 36 and 65 at Chillicothe, Mo., and St. Louis, Mo., from junction U. S. Highways 36 and 65 at Chillicothe over U. S. Highway 65 to junction Missouri Highway 41 at Marshall, Mo., thence over Missouri Highway 41 to junction U. S. Highway 40, thence over U. S. Highway 40 to junction U. S. Highway 61 and U. S. By-Pass Highway 40, thence over U. S. By-Pass Highway 40 to St. Louis, Mo., and return over the same route, serving the intermediate point of Marshall, Mo. (3) between junction U. S. Highways 36 and 65 at Chillicothe, Mo., and junction U. S. Highways 40 and 61, from junction U. S. Highways 36 and 65 at Chillicothe over U. S. Highway 65 to junction U. S. Highway 40, thence over U. S. Highway 40 to junction U. S. Highway 61, and return over the same route, serving the intermediate point of Marshall, Mo., (4) between junction U. S. Highways 36 and 63 at Macon, Mo., and junction U. S. Highways 63 and 40, from junction U. S. Highways 36 and 63 at Macon over U. S. Highway 63 to junction U. S. Highway 40, and return over the same route, serving the intermediate point of Moberly, Mo., (5) between junction U. S. Highway 65 and Missouri Highway 41 at Marshall, Mo., and junction U. S. Highways 24 and 36 at Monroe City, Mo., from junction U. S. Highway 65 and Missouri Highway 41 at Marshall over Missouri Highway 41 to junction U. S. Highway 24, thence over U. S. Highway 24 to junction U. S. Highway 36 at Monroe City, and return over the same route, serving the intermediate point of Moberly, Mo., and (6) between junction U. S. Highways 36 and 61 at Hannibal, Mo., and Quincy, Ill., from junction U. S. Highways 36 and 61 at Hannibal over U. S. Highway 61 to junction U. S. Highway 24, thence over U. S. Highway 24 to Quincy, and return over the same route, serving all intermediate points. IRREGULAR ROUTES: *Frozen foods*, from Macon, Marshall and Moberly, Mo., to Albany, Buffalo, New York and Syracuse, N. Y., Baltimore, Md., Boston and Springfield, Mass., Philadelphia, Pa., and Washington, D. C.

No. MC 42329 Sub 121, filed March 22, 1956, HAYES FREIGHT LINES, INC., 628 East Adams Street, Springfield, Ill. Applicant's attorney: Carl L. Steiner, 39 South LaSalle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Canton and Youngstown, Ohio, Wheeling and Weirton, W. Va., and Uniontown, Pa., on the one hand, and, on the other, points in that part of Pennsylvania bounded by a line beginning at the Ohio-Pennsylvania State line, and extending along U. S. Highway 422 to junction Pennsylvania Highway 66, thence along Pennsylvania Highway 66 to junction U. S. Highway 119, thence along U. S. Highway 119 to the Pennsylvania-West Virginia State line, thence along the Pennsylvania-West Virginia State line to the Pennsylvania-Ohio State line, and thence along the Pennsylvania-Ohio State line to point of beginning, including points on the indicated portions of the highways specified. Applicant is authorized to conduct operations in Missouri, Ohio, Iowa, Illinois, Indiana, Kentucky, Tennessee and Michigan.

No. MC 58212 Sub 7, filed March 23, 1956, J. H. MAAS, doing business as MAAS TRANSPORT, 911 Fourth Avenue East, North Williston, N. Dak. Applicant's attorney: John R. Davidson, Room 7, Hedderich Building, Williston, N. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, from Williston, N. Dak., and points within five miles thereof, to points in Sheridan, Daniels, Valley, Phillips, Garfield, McCone, Prairie, Dawson, Richland and Roosevelt Counties, Mont., and *empty containers* or *other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return.

No. MC 58923 Sub 24, filed March 19, 1956, GEORGIA HIGHWAY EXPRESS, INC., 2090 Jonesboro Road SE., Atlanta 15, Ga. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Thomaston, Ga., and Americus, Ga., over U. S. Highway 19, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's regular route operations (a) between Thomaston, Ga., via Atlanta, and Columbus, Ga., and (b) applicant's proposed regular route operations between Americus, Ga., and Columbus, Ga., described in (3) below; (2) between Albany, Ga., and Thomasville, Ga., over U. S. Highway 19, serving all intermediate points; and (3) between Americus, Ga., and Columbus, Ga., from Americus over U. S. Highway 19 to Ellaville, Ga., thence over Georgia Highway 26 to junction Georgia Highway 103, thence over Georgia Highway 103 to Columbus, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Alabama, Georgia, and Tennessee.

NOTE: This case is directly related to MC-F 6226. Applicant states it proposes to tack the authority sought herein to its present authority.

No. MC 58954 Sub 29, filed March 22, 1956, McNAMARA MOTOR EXPRESS, INC., 433 East Parsons Street, Kalamazoo, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the plant of the Ford Motor Company located at the intersection of Michigan Highway 218 (Wixom Road) and West Lake Drive in Novi Township, Oakland County, Mich., and near the village of Wixom, as an off-route point in connection with applicant's regular route operations to and from Detroit, Mich., over U. S. Highways 12 and 112. Applicant is authorized to conduct regular route operations in Illinois, Indiana, Michigan, Missouri, and Wisconsin, and irregular route operations in Michigan.

No. MC 61564 Sub 1, filed February 27, 1956, WILLIAM L. TUCKER, Crofton, Nebr. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, including those of unusual value, household goods as defined by the Commission, and commodities in bulk, but excluding Class A and B explosives, and commodities requiring special equipment, from Sioux City, Iowa, to Crofton, Nebr., from Sioux City over U. S. Highway 20 to Laurel, Nebr., thence over Nebraska Highway 15 to Fordyce, Nebr., thence over Nebraska Highway 15 to junction Nebraska Highway 12, thence over Nebraska Highway 12 to Crofton, serving no intermediate points. Applicant is authorized to conduct operations in Iowa, Nebraska and South Dakota.

No. MC 65580 Sub 7, filed March 23, 1956, MUSHROOM TRANSPORTATION CO., INC., 2514–18 North Broad Street, Philadelphia 32, Pa. Applicant's attorney: Eugene T. Liipfert, 2001 Massachusetts Avenue NW., Washington 6, D. C. For authority to operate as

as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the plant site of Haynes Lithograph Company, near Rockville, Md., located approximately within one mile of the Washington, D. C., Commercial Zone as defined by the Commission, as an off-route point in connection with applicant's regular route operations (1) between Baltimore, Md., and Philadelphia, Pa., and (2) between Baltimore, Md., and Buffalo, N. Y. Applicant is authorized to conduct operations in Maryland, New York, and Pennsylvania.

NOTE: Applicant states it is now authorized to serve the Washington, D. C., Commercial Zone as defined by the Commission, as an off-route point in connection with the above-described regular route operations.

No. MC 66562 Sub 1259 (Amended), filed December 19, 1955, published December 29, 1955, page 10088, RAILWAY EXPRESS AGENCY INCORPORATED, 219 East 42d Street, New York 17, N. Y. Applicant's attorney: William H. Marx, 219 East 42d Street, New York 17, N. Y. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including *Class A and B explosives*, moving in express service, between Wooster, Ohio, and junction of Ohio Highway 5 with Ohio Highway 94, over Ohio Highway 5, serving the intermediate point of Smithville, Ohio. Applicant is authorized to conduct operations throughout the United States.

No. MC 70151 Sub 24, filed March 21, 1956, UNITED TRUCKING SERVICE, INCORPORATED, 3047 Lonyo Road, Detroit, Mich. (Mailing address: P. O. Box 474, Roosevelt Park Station, Detroit 32, Mich.) Applicant's attorney Archie C. Fraser, 1400 Michigan National Tower, Lansing 8, Mich. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Ford Motor Company plant (Parts and Equipment Division), located near the unincorporated village of Rawsonville at the South East intersection of Huron River Road (Textile Road) and McKean Road in Washtenaw County, Mich., as an off-route point in connection with carrier's regular route operations to and from Detroit, Mich. Applicant is authorized to conduct operations in Indiana, Michigan, and Ohio.

No. MC 72243 Sub 9, filed March 15, 1956, THE AETNA FREIGHT LINES, INCORPORATED, 2507 Youngstown Road SE., P. O. Box 350, Warren, Ohio. Applicant's representative: Earl J. Thomas, Thomas Building, 5850 North High Street, Worthington, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Iron, steel*, and *iron and steel articles*, between Chicago Heights, Ill., and the site of the Ford Motor Company Plant, located approximately two (2) miles east of Chicago Heights, Ill., at the intersection of Cottage Grove Avenue and U. S. Highway 30, on the one hand, and, on the other, points in Michigan, New York, Ohio, Pennsylvania, and West Virginia. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan, New York, Ohio, Pensylvania, and West Virginia.

No. MC 75320 Sub 45, filed August 25, 1952, (REOPENED—FURTHER HEARING) CAMPBELL SIXTY-SIX EXPRESS, INC., P. O. Box 390, Springfield, Mo. Applicant's attorney: D. D. McDonald, Room One, Ott Building, Jefferson City, Mo. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including Class A and B explosives*, but excluding those of unusual value, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, between Hollister, Mo., and Little Rock, Ark., from Hollister over U. S. Highway 65 to Little Rock, and return over the same route, serving no intermediate points, for operating convenience only. Applicant is authorized to conduct operations in Alabama, Arkansas, Illinois, Indiana, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee and Texas.

No. MC 88905 Sub 14, filed March 13, 1956, CARL R. VAN DYKE, doing business as C. R. VAN DYKE, 87 Clinton Street, Montgomery, N. Y. Applicant's representative: A. E. Enoch, Brodhead Block, 556 Main Street, Bethlehem, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Scrap iron* and *scrap steel*, from Schenectady, Albany, Watervliet, Glens Falls, Troy, Hudson, Kingston, Gloversville, Amsterdam, Poughkeepsie, Newburgh, and Ellenville, N. Y., and North Adams, and Pittsfield, Mass., to Burlington, Florence, Camden and Phillipsburg, N. J., and Fairless (located near Morrisville, Pa.), Macungie, E. Greenville, Linfield, Boyerton, and Reading, Pa.

NOTE: Applicant has contract carrier, irregular route authority under Permit No. MC 109864, dated December 12, 1955, acquired by carrier pursuant to MC–FC 58505–Section 210 may be involved.

No. MC 93144 Sub 7, filed March 23, 1956, W. I. WORSHAM, R. B. WORSHAM and D. A. WORSHAM, a partnership, Dba WORSHAM BROS., P. O. Box 307, 2100 East Ninth Street, Richmond, Va. Applicant's attorney: John C. Goddin, State Planters Bank Building, Richmond 19, Va. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Wire bound box material, wooden pallets*, and *pallet parts*, from Richmond, Va., to sites of Pittsburgh Plate Glass Co. plants at Greensburg, Creighton, and Ford City, Pa., and *damaged shipments* on return.

No. MC 98971 Sub 1, filed March 1, 1956, EARL E. JACOBS, doing business as JACOBS TRUCKING SERVICE, P. O. Box 333, Baker, Mont. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Miles City, Mont., and Marmarth, N. Dak., over U. S. Highway 12, serving all intermediate points.

No. MC 102567 Sub 54, filed March 26, 1956, EARL CLARENCE GIBBON, doing business as EARL GIBBON PETROLEUM TRANSPORT, West First and Broadway, Bossier City, La., also P. O. Box 1822, Shreveport, La. Applicant's attorney: Jo E. Shaw, First National Bank Building, Houston, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from the sites of pipe line terminals of the Oklahoma-Mississippi River Products Line, Inc., at or near West Memphis and Conway, Ark., to points in Arkansas. Applicant is authorized to conduct operations in Alabama, Arkansas, Georgia, Louisiana, Mississippi, Oklahoma, Tennessee and Texas.

No. MC 103378 Sub 59, filed March 26, 1956, PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Chlorinated camphene*, in bulk, in tank vehicles equipped against heat and cold, from Brunswick, Ga. to Jacksonville, Fla.

No. MC 103880 Sub 170, filed March 19, 1956, PRODUCERS TRANSPORT, INC., 530 Paw Paw Avenue, Benton Harbor, Mich. Applicant's attorney: Carl L. Steiner, 30 South LaSalle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, tfansporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from West Kankakee and Ficklin, Ill., to points in Ohio. Applicant is authorized to conduct operations in Indiana, Michigan, Illinois, Ohio, Kentucky and Wisconsin.

No. MC 104347 Sub 116, filed March 21, 1956, LEAMAN TRANSPORTATION CORPORATION, 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: John R. Sims, Jr., and Gerald L. Phelps, Munsey Trust Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Delaware City, Del., to points in Connecticut, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia and the District of Columbia. Applicant is authorized to conduct operations in Pennsylvania, Maryland, New York, New Jersey, West Virginia, Virginia, Connecticut, Delaware and the District of Columbia.

No. MC 106814 Sub 1, filed March 16, 1956, THE WILLOWA ENGINEERING COMPANY, A Corporation, 127 Sixth Avenue South, Clinton, Iowa. Applicant's attorney: E. A. Solie, 715 First National Bank Building, 1 South Pinckney Street, Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Ore, tailings, sand, gravel, lead and zinc concentrates, machinery, materials, supplies* and *equipment* incidental to or used in the construction, development, operation and maintenance of facilities for the discovery, mining, and milling of lead, zinc, iron, coal and other minerals, between points in Dubuque County, Iowa, Jo Daviess County, Ill., and Grant, Lafayette and Iowa Counties, Wis.

NOTE: Applicant is authorized in Certificate No. MC 106814 to transport *Ore, tailings, mining supplies, sand*, and *gravel*, over irregular routes, between points in Lafayette and Grant Counties, Wis., Dubuque County, Iowa, and Jo Daviess County, Ill. Applicant states it is willing to surrender any duplicating authority now held.

No. MC 106965 Sub 87, filed March 22, 1956, M. I. O'BOYLE & SON, INC., doing business as O'BOYLE TANK LINES, 817 Michigan Avenue, NE., Washington, D. C. Applicant's attorney: Dale C. Dillon, Suite 944 Washington Building, Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wine*, in bulk, in tank vehicles, (1) from Petersburg, Va., to Baltimore, Md., Philadelphia, Pa., Washington, D. C., and Canandaigua, N. Y., and (2) from Canandaigua, N. Y., to Petersburg, Va.

No. MC 107403 Sub 219, filed March 21, 1956, E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Applicant's attorney: Paul F. Barnes, 811–19 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Delaware City, Del., to points in Connecticut, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia. Applicant is authorized to conduct operations in Alabama, Delaware, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia.

No. MC 107515 Sub 216 (Amended), filed March 2, 1956, published in the March 28, 1956, issue on page 1923 REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 15, Ga. Applicant's attorney: Allan Watkins, Grant Building, Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods and foodstuffs, chilled foods, dairy products* as defined by the Commission, *meat, meat products, and meat by-products* as defined by the Commission, *frozen fruits and vegetables, fresh fruits and vegetables*, and *yeast*, in refrigerated equipment, moving on Government bills of lading (1) from distribution points of Army Quartermaster Market Centers at Atlanta and Columbus, Ga., and Columbia, S. C., to military installations at or near Cocoa, Orlando, Pine Castle, Tampa, Jacksonville, Mayport, Miami, Key West, West Palm Beach, and Homestead, Fla., (2) from distribution points of Army Quartermaster Market Centers at New Orleans, La., to military installations at or near Jacksonville, Fla., Blytheville, Hot Springs and Pine Bluff, Ark., Columbus and Greenville, Miss., and Millington, Tenn., and (3) between Army Quartermaster Market Centers and military installations located in or near New Orleans, La., and Memphis, Tenn. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas and Wisconsin.

No. MC 107576 Sub 13, filed March 20, 1956, SITES FREIGHTLINES, INC., 1321 Southeast Water Avenue, Portland, Oreg. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, including Class A, B and C explosives, excluding household goods as defined by the Commission, commodities in bulk (other than whole grain), those of unusual value, and those requiring special equipment, between Baker, Oreg., and Hells Canyon Dam Site (near Homestead) Oreg., and points within 5 miles of said site: from Baker over Oregon Highway 86 to Robinette, Oreg., thence over unnumbered highway in a northerly direction to Brownlee Dam Site, thence over same unnumbered highway in a northerly direction to Ox Bow Dam Site, thence over same unnumbered highway in a northerly direction to Hells Canyon Dam Site, and return over the same route serving the intermediate or off-route points of Brownlee and Ox Bow Dam Sites and points within 5 miles of said sites. Applicant is authorized to conduct operations in Oregon and Washington.

No. MC 108987 Sub 5, filed February 27, 1956, published in the March 7, 1956 issue, on page 1475, POOLE TRANSFER, INC., 807 East Fourth Street, Muscatine, Iowa. Applicant's attorneys: Grover C. Hoff, 1121 Ridgely Building, Springfield, Ill., and Paul E. Rink, First National Bank Building, Rock Island, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Oelwein, Iowa, and points in the Davenport, Iowa-Rock Island and Moline, Ill., Commercial Zone as defined by the Commission. Service to be restricted to traffic originating at or destined to Oelwein, Iowa, on the one hand, and, on the other, traffic originating at or destined to points in the Davenport, Iowa-Rock Island and Moline, Ill., Commercial Zone as defined by the Commission. Applicant is authorized to conduct regular route operations in Illinois, Iowa and Minnesota, and irregular route operations in Illinois, Iowa and Nebraska.

No. MC 110190 Sub 34, filed March 20, 1956, PENN-DIXIE LINES, INC., 2000 South George Street, York, Pa. Applicant's attorney: Robert R. Hendon, Investment Building, Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Agricultural commodities* and *fish* (including shell fish), between points in Alabama, Georgia and Florida, on the one hand, and, on the other, points in Maryland, Delaware, New Jersey, Pennsylvania, New York and the District of Columbia. Applicant is authorized to conduct operations in Maryland and Pennsylvania.

NOTE: The applicant states that the purpose of this application is solely to secure authority for the transportation of nonexempt and the above-described exempt commodities in the same vehicle at the same time.

No. MC 111307 Sub 1, filed March 26, 1956, THE OVERLAND EXPRESS, LIMITED, 201 Wellington Street, Woodstock, Ontario, Canada. Applicant's attorney: Robert A. Sullivan, 2606 Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, commodities in bulk, and commodities requiring special equipment, between the boundary of the United States and Canada at Windsor, Canada-Detroit, Mich., on the one hand, and, on the other, (1) the site of the Ford Motor Company Parts and Equipment Division Plant located near Rawsonville, Mich.; (2) the site of the Ford Motor Company, Lincoln Division Plant, in Lyon Township, Oakland County, Mich. Applicant is authorized to conduct operations from the named boundary point to Detroit and points within five miles thereof.

No. MC 111320 Sub 24, filed March 23, 1956, CURTIS KEAL TRANSPORT COMPANY, INC., East 54th Street and Cleveland Shoreway, Cleveland, Ohio. Applicant's attorney: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Road building* and *earth moving equipment* and *parts thereof*, in driveaway service, between Findlay, Ohio and points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin and the District of Columbia. Applicant is authorized to conduct operations in all States in the United States and the District of Columbia.

No. MC 111401 Sub 69, filed March 9, 1956, GROENDYKE TRANSPORT, INC., P. O. Box 632, 2204 North Grand, Enid, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Anhydrous hydrogen chloride*, a nonflammable compressed gas, in bulk, in multiple cylinder trailers, from points in Los Angeles County, Calif., to points in Texas on and north of U. S. Highway 66.

No. MC 113514 Sub 15, filed March 15, 1956, CHEMICAL TRANSPORTS, INC., 305 Simons Building, 1528 Main Street, P. O. Box 6745, Dallas, Tex. Applicant's attorney: W. D. White, 17th Floor Mercantile Bank Building, Dallas 1, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids* and *chemicals*, and *paint and paint materials*, in bulk, in tank vehicles, from Kansas City, Mo., to points in Texas.

No. MC 113514 Sub 16, filed March 20, 1956, CHEMICAL TRANSPORTS, INC., 305 Simons Building, 1528 Main Street, P. O. Box 6745, Dallas, Tex. Applicant's attorney: W. D. White, 17th Floor Mercantile Bank Building, Dallas 1, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Resins*, in bulk, in watertight trailers, between points in Alabama, Arkansas, Kansas, Louisiana, Illinois, Mississippi, Missouri, New Mexico, Oklahoma, Tennessee, and Texas.

No. MC 113514 Sub 17, filed March 20, 1956, CHEMICAL TRANSPORTS, INC., 305 Simons Building, 1528 Main Street, Dallas, Tex. Applicant's attorney: W. D. White, 17th Floor Merchantile Bank Building, Dallas 1, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Catalyst*, in bulk, in watertight equipment, (1) from points in Illinois, Indiana and Ohio to points in Arkansas, Louisiana, Oklahoma and Texas; (2) between points in Arkansas, Kansas and Oklahoma. Applicant is authorized to conduct operations in Texas, Oklahoma, Arkansas and Louisiana.

No. MC 114045 Sub 15, filed October 21, 1955, published in the November 30, 1955, issue page 8800, amended and republished in the March 14, 1956, issue, page 1625, amended, R. L. MOORE AND JAMES T. MOORE, doing business as TRANSCOLD EXPRESS, 318 Cadiz Street, P. O. Box 5842, Dallas 22, Tex. Applicant's attorney: Ralph W. Pulley, Jr., First National Bank Building, Dallas 2, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods*, from Lake City, Pa. to Oklahoma City, Okla., and Tulsa, Okla.; Little Rock and Ft. Smith, Ark.; Dallas, Houston, Fort Worth, Austin, Waco, San Antonio, El Paso, Lubbock, Amarillo, Midland, Odessa, Victoria, Laredo, and Brownsville, Tex.; and Shreveport, New Orleans, and Baton Rouge, La. Applicant is authorized to conduct operations from stated points to points in New York, Pennsylvania, Virginia, Kentucky, Louisiana, Oklahoma, Texas, Massachusetts, Connecticut, New Jersey, and Maryland, and the District of Columbia.

No. MC 114045 Sub 22 (Amended), filed February 27, 1956, published in the March 7, 1956, issue, on page 1476, R. L. MOORE AND JAMES T. MOORE, doing business as TRANS-COLD EXPRESS, 318 Cadiz Street, P. O. Box 5842, Dallas, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas, 2, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods*, from Laredo, Harlingen, Hidalgo, Brownsville and Eagle Pass, Tex., to Denver and Pueblo, Colo. Applicant is authorized to conduct operations in Arkansas, Connecticut, Kentucky, Louisiana, Maryland, Massachusetts, New Jersey, New York, Oklahoma, Pennsylvania, Texas, Virginia, West Virginia and the District of Columbia.

No. MC 114045 Sub 25, filed March 26, 1956, R. L. MOORE AND JAMES T. MOORE, doing business as TRANS-COLD EXPRESS, 318 Cadiz Street, P. O. Box 5842, Dallas, Tex. Applicant's attorney: Phinney and Hallman, First National Bank Building, Dallas 2, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products*, and *meat byproducts*, as defined by the Commission, from Lake Charles, La., to Mt. Pleasant, Texas. Applicant is authorized to conduct operations in Massachusetts, Texas, New York, Pennsylvania, New Jersey, Maryland, Kentucky, Oklahoma, Rhode Island, Delaware, Connecticut, Virginia, West Virginia and the District of Columbia.

No. MC 114939 Sub 2, filed March 23, 1956, BULK CARRIERS LIMITED, a corporation, P. O. Box 368, Sarnia, Ontario, Canada. Applicant's representative: Floyd B. Piper, Crosby Building, Franklin Street at Mohawk, Buffalo 2, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid petroleum products, coal tar light oil*, and *liquid coal tar products*, in bulk, in tank vehicles, between points on the International Boundary of the United States and Canada at or near Niagara Falls, N. Y., and Buffalo, N. Y., on the one hand, and, on the other, points in New York, Pennsylvania, New Jersey and Ohio. RESTRICTION: The proposed authority to be restricted to traffic originating at or destined to points in Canada.

No. MC 115345 Sub 1, filed October 14, 1955, published in the October 26, 1955, issue, page 8062, amended, C. C. MURPHY, Kirkland Street, Abbeville, Ala. Applicant's attorney: John W. Rish, First National Bank Building, P. O. Box 1068, Dothan, Ala. For authority to operate as a *contract carrier*, over regular routes, transporting: *Gasoline*, from Bainbridge, Ga. and Albany, Ga. to Sherrill, Ala., (1) from Bainbridge over U. S. Highway 27 to Blakely, Ga., thence over Georgia Highway 39 to Fort Gaines, Ga., thence over Alabama Highway 10 to Abbeville, Ala., and thence over Alabama Highway 27 to Sherrill, Ala.; and (2) from Albany, Ga. over Georgia Highway 91–W to junction Georgia Highway 62, thence over Georgia Highway 62 to Leary, Ga., thence over Georgia Highway 37 to Fort Gaines, Ga., and thence over the routes described in (1) above to Sherrill, Ala.; *kerosene, tractor fuel*, and *cleaning fluid*, from Panama City, Fla. to Sherrill, Ala., from Panama City over U. S. Highway 231 to Dothan, Ala., thence over U. S. Highway 431 to Headland, Ala., thence over Alabama Highway 173 to junction Alabama Highway 27, and thence over Alabama Highway 27 to Sherrill, Ala.; also, from Headland, Ala. over U. S. Highway 431 to Abbeville, Ala., and thence over Alabama Highway 27 to Sherrill, Ala., serving the Bulk Plant Service Station, Dixie Veneer Co., F. D. Hodges Co., and Headland Pep Station as intermediate or off-route points from all described routes.

No. MC 115743, filed January 3, 1956, published in the January 25, 1956, issue, page 567, amended, HARRY M. PUGH, Route 1, Lancaster, Ohio. Applicant's attorney: David E. Friedlander, 40 South Third Street, Columbus 15, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Brick products*, and *clay* products, from points in Beaver and Lawrence Counties, Pa. to points in Morgan, Logan, Champaign, Clark, Union, Madison, Delaware, Pickaway, Licking, and Fairfield Counties, Ohio.

No. MC 115757 Sub 2, filed March 19, 1956, BULK MOTOR TRANSPORT, INC., 1400 Kansas Avenue, Kansas City, Kans. Applicant's practitioner: Vernon M. Masters, 1400 Kansas Avenue, Kansas City 5, Kans. For authority to operate as a *common carrier*, over irregular routes, transporting: *Flour*, in bulk, in specialized equipment (Bulk flour trailers), from Detroit, Mich., to Flint, Mich.

No. MC 115799, filed February 6, 1956, THOMAS RANALLO, doing business as RANALLO TRANSFER, Cumberland, Wis. For authority to operate as a *contract carrier*, over regular routes, transporting: *Commercial fertilizer*, from Winona, Minn., located on U. S. Highway 61 at the Minnesota-Wisconsin State Line, over Wisconsin Highway 35 to junction with Wisconsin Highway 25, thence over Wisconsin Highway 25 to junction with Wisconsin Highway 48, and thence over Wisconsin Highway 48 to Cumberland, Wis., serving no intermediate points; *Household goods*, between Cumberland, Wis., and St. Paul and Minneapolis, Minn.: From Cumberland over U. S. Highway 63 to junction with U. S. Highway 8, thence over U. S. Highway 8 to junction with Wisconsin Highway 46, thence over Wisconsin Highway 46 to junction with Wisconsin Highway 64, thence over Wisconsin Highway 64 to the Wisconsin-Minnesota State Line at Stillwater, Minn., and thence over Minnesota Highway 212 to St. Paul and Minneapolis, and return over the same route, serving no intermediate points.

No. MC 115839 Sub 1, filed March 21, 1956, GEORGE G. GORDON, 174 Lockwood Street, Providence, R. I. Applicant's practitioner: Russell B. Curnett, 49 Weybossett Street, Providence, R. I. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Prepared foodstuffs*, in refrigerated equipment, from Providence, R. I., to points in Connecticut, Maine, Massachusetts, New Hampshire, Vermont, New York, and New Jersey; *Empty containers, or other such incidental facilities* used in transporting the commodities specified, *returned prepared foodstuffs, sugar, canned fruits, dextrose* and *starch*, from points in Connecticut, Maine, Massachusetts, New Hampshire, Vermont, New York and New Jersey, to Providence, R. I.

No. MC 115842, filed February 27, 1956, EMPIRE SAND AND GRAVEL CO., INC., 1811 Grand Avenue, Box 180, Billings, Mont. For authority to operate as a *common carrier*, over irregular routes, transporting: *Uranium* and *other valuable ores and minerals*, as more fully described in the application, from points in Park, Carbon, Big Horn, Yellowstone, Stillwater, Sweet Grass and Wheatland Counties, Mont., to Riverton, Wyo.

No. MC 115873, filed March 16, 1956, HAROLD WAGGONER, doing business as HAROLD WAGGONER AND CO., 1208 Niedringhaus, Granite City, Ill. Applicant's attorney: Delmar O. Koebel, 406 Missouri Avenue, East St. Louis, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, in tank vehicles, from St. Louis, Mo. and East St. Louis, Ill., to points in Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, West Virginia, Wisconsin, Massachusetts, Nebraska and Georgia.

APPLICATIONS FOR BROKERAGE LICENSES

No. MC 12639 (Amended), filed January 27, 1956, published in the March 14, 1956, issue, on page 1626, THEODORE C. RADTKE, R. R. 1, Box 412, Sturtevant, Wis. Applicant's representative: W. E. Palmer, Palmer Agency, 36 Second Street, Sturtevant, Wis. For a License (BMC 4) to engage in operations as a *broker* at Sturtevant, Wis., in arranging for the transportation by motor vehicle, in interstate or foreign commerce, of *automobiles*, between the site of the manufacturing plant of American Motors of Kenosha, Wis., on the one hand, and, on the other, points in the United States.

No. MC 12643, filed March 26, 1956, JAMES R. ECKMAN, doing business as GRAND CANYON TRAVEL AGENCY, Hotel Monte Vista, Flagstaff, Ariz. Applicant's attorney: Neil V. Christensen, Masonic Building, P. O. Box 1438, Flagstaff, Ariz. For a License (BMC 5) to engage in operations as a *broker* at Flagstaff, Ariz., in arranging for the transportation, in interstate or foreign commerce, of *passengers* (individuals, and groups), between points in the United States.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 97549 Sub 2, filed February 20, 1956, JOHN G. RUTZ, doing business as STAR BUS LINE, 1422 Broadway, Scottsbluff, Nebr. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers*, in the same vehicle with passengers, (1) between Scottsbluff, Nebr., and Kimball, Nebr., (a) from Scottsbluff over Nebraska Highway 29 to Kimball, and return over the same route, serving all intermediate points, and (b) from Scottsbluff over Nebraska Highway 29 to junction county roads, thence over county roads to Kimball, and return over the same route, serving all intermediate points.

NOTE: Applicant is performing the above-described operations under a second proviso filing (MC 97549) and has signed a request for dismissal thereof if and when the authority applied for herein is granted.



No. MC 115880, filed March 27, 1956, SINGERMAN BUS CORP., 64–14 Alderton Street, Forest Hills, N. Y. Applicant's representative: Paul Somers, 40 Exchange Place, New York, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter operations, beginning and ending at New York, N. Y., and points in Nassau and Suffolk Counties, N. Y., and extending to points in Vermont, New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Delaware, Virginia, and the District of Columbia.

APPLICATIONS UNDER SECTIONS 5 AND 210a (b)

No. MC–F 6175, published in the January 18, 1956, issue of the FEDERAL REGISTER on page 350. Application for temporary authority filed March 22, 1956.

No. MC–F 6227. Authority sought for purchase by ATLANTIC STAGES, INC., 448 Pine Street, Macon, Ga., of a portion of the operating rights of SOUTHEASTERN MOTOR LINES, INC., 37–43 Alabama Street, Carrollton, Ga., and for acquisition by FRANK L. WILKINSON and SOUTHERN STAGES, INC., of control of such operating rights through the purchase. Applicants' attorney: T. Baldwin Martin, 503 First National Bank Building, Macon, Ga. Operating rights sought to be purchased: *Passengers and their baggage*, as a *common carrier* over regular routes, between Barnesville, Ga., and Roberta, Ga., between Macon, Ga., and Thomaston, Ga., and between junction Georgia Highways 7 and 74 at or near Culloden, Ga., and junction Georgia Highways 22 and 74, serving all intermediate points. Vendee is authorized to operate in Alabama and Georgia. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6228. Authority sought for purchase by J. TOM MILLER, WALTER E. MILLER and EDGAR L. MILLER, doing business as MILLER BROTHERS TRUCK LINE, 901 Northeast 28th Street, Fort Worth, Tex., of the operating rights of H. A. THOMPSON, CORA LETHA THOMPSON, EXECUTRIX, 1707 Lamar Avenue, Paris, Tex. Applicants' attorney: M. Ward Bailey, 807 Continental Life Building, Fort Worth, Tex. Operating rights sought to be transferred: *Livestock, fertilizer, farm machinery, grain, feed*, and *timber* in its natural state, as a *common carrier*, over irregular routes, between Detroit, Tex., and points in Texas within 200 miles of Detroit, on the one hand, and, on the other, points in that part of Oklahoma east of U. S. Highway 75 and south of Oklahoma Highway 33, including points on the indicated portions of the highways specified; *oilfield commodities*, between points in Red River County, Tex., on the one hand, and, on the other, points in Oklahoma. Vendee is authorized to operate in Texas. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6229. Authority sought for control by NORWALK TRUCK LINES, INC., 36 Woodlawn Avenue, Norwalk, Ohio, of the operating rights and property of SHIRKS MOTOR EXPRESS CORPORATION, 1091 Manheim Pike, Lancaster, Pa., BOYCE MOTOR LINES, INC., 800 South Main Street, Canandaigua, N. Y., and LESTER BOYCE, doing business as P. M. T. LINES, 800 South Main Street, Canandaigua, N. Y., and for acquisition by JOHN F. ERNSTHAUSEN and DORIS E. ERNSTHAUSEN, both of Norwalk, of control of such rights and property through the transaction. Applicants' attorney: Eugene T. Liipfert, 2001 Massachusetts Avenue NW., Washington, D. C. Operating rights sought to be controlled: (Shirks Motor Express Corporation) *general commodities* with certain exceptions including household goods, as a *common carrier*, over regular routes, including routes between Lancaster, Pa., and Gap, Pa., between Lancaster, Pa., and Wilmington, Del., between Lancaster, Pa., and Cleveland, Ohio, between Buffalo, N. Y., and Rochester, N. Y., between Lancaster, Pa., and Baltimore, Md., between Newark, N. J., and Great Meadows, N. J., between Elizabeth, N. J., and Perth Amboy, N. J., between Great Meadows, N. J., and Scranton, Pa., between Great Meadows, N. J., and Reading, Pa., between Philadelphia, Pa., and Downingtown, Pa., between Reading, Pa., and Pottsville, Pa., between Baltimore, Md., and Alexandria, Va., between Philadelphia, Pa., and Binghamton, N. Y., between Binghamton, N. Y., and Elmira, N. Y., between Binghamton, N. Y., and Auburn, N. Y., and between Syracuse, N. Y., and Oswego, N. Y., serving certain intermediate and off-route points; eight alternate routes for operating convenience only; *empty equipment only*, between Cleveland, Ohio, and Buffalo, N. Y., serving no intermediate points; *general commodities*, with certain exceptions including household goods, over irregular routes, between points in Lancaster County, Pa., on the one hand, and, on the other, points in New Jersey, between New York, N. Y., and points in Essex, Hudson, Bergen and Passaic Counties, N. J., on the one hand, and, on the other, certain points in Pennsylvania, and between Cleveland, Ohio, on the one hand, and, on the other, points in Ohio within 130 miles of Cleveland, except Youngstown; *soda fountain equipment, beans, canned goods, linoleum, floor tile, confectionery*, and *machinery*, from, to, and between certain points and areas, varying with the commodity transported, in Ohio, Michigan, New York, Maryland, Pennsylvania, and the District of Columbia. (Boyce Motor Lines, Inc.): *General commodities*, with certain exceptions including household goods, as a *common carrier*, over regular routes including routes between New York and Philadelphia, Pa., between Buffalo, N. Y., and New York, N. Y., between Elmira, N. Y., and Philadelphia, Pa., between Rochester, N. Y., and Niagara Falls, N. Y., between Rochester, N. Y., and Buffalo, N. Y., between Rochester, N. Y., and Oswego, N. Y., between Canandaigua, N. Y., and Palmyra, N. Y., and between Geneva, N. Y., and Alton, N. Y., serving certain intermediate and off-route points; six alternate

routes for operating convenience only: (Lester Boyce, doing business as P. M. T. Lines): *general commodities*, with certain exceptions including household goods, as a *common carrier*, over regular routes, between Elmira, N. Y., and Hammondsport, N. Y., serving all intermediate points; *wine* and *grape juice*, over irregular routes, between points in the Towns of Urbana and Pulteney, Steuben County, N. Y., on the one hand, and, on the other, Boston, Mass., New Haven, Conn., New York, N. Y., Philadelphia, Scranton, Erie, and Pittsburgh, Pa., and Baltimore, Md.; *such materials and supplies* as are used in, or incidental to, the manufacture and distribution of wine and grape juice, from New York, N. Y., to points in the Towns of Urbana and Pulteney, Steuben County, N. Y. NORWALK TRUCK LINES, INC., is authorized to operate in Ohio, Illinois, Indiana, Michigan, Pennsylvania, New York, and West Virginia. Application has been filed for temporary authority under Section 210a (b).

No. MC–F 6230. Authority sought for control by SUPER SERVICE MOTOR FREIGHT COMPANY, INC., Fessler Lane, Nashville, Tenn., of the operating rights and property of COATES-NORRELL MOTOR EXPRESS, INCORPORATED, 614 West Holmes, Huntsville, Ala., and for acquisition by R. B. CRICHTON, C. N. CRICHTON, R. M. CRICHTON, M. E. CRICHTON MARDIS and A. B. CRICHTON (C. N. CRICHTON AND R. B. CRICHTON, CO-EXECUTORS), also of Nashville, of control of such rights and property through the transactions. Applicants' attorneys: A. O. Buck, 406 Nashville Trust Building, Nashville, Tenn., Axelrod, Goodman & Steiner, 39 S. LaSalle St., Chicago 3, Ill., and Blaine Buchanan, 1024 James Building, Chattanooga 2, Tenn. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods, as a *common carrier*, over regular routes, between Chattanooga, Tenn., and Tuscumbia, Ala., between Huntsville, Ala., and Decatur, Ala., between Athens, Ala., and Decatur, Ala., and between Decatur, Ala., and Tuscumbia, Ala., serving certain intermediate and off-route points; alternate route for operating convenience only between Chattanooga, Tenn., and Scottsboro, Ala.; *Class A and B explosives*, between Chattanooga, Tenn., and Tuscumbia, Ala., and between Huntsville, Ala., and Decatur, Ala., serving all intermediate and certain off-route points. SUPER SERVICE MOTOR FREIGHT COMPANY, INC., is authorized to operate in Pennsylvania, New York, Georgia, Tennessee, Virginia, Massachusetts, New Jersey, West Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6231. Authority sought for purchase by BEND-PORTLAND TRUCK SERVICE, INC., 1321 Southeast Water Avenue, Portland, Oreg., of the operating rights of PAUL L. PETERSON, BARBARA V. Z. PETERSON, ADMINISTRATRIX, doing business as MODOC TRANSPORT, 12th and Maple Streets (P. O. Box 104), Alturas, Calif., and for acquisition by WILLIAM JOSSY, also of Portland, of control of such operating rights through the purchase. Applicants' attorney: Leonard D. Alley, 1212 Failing Building, Portland, Oreg. Operating rights sought to be transferred: *General commodities*, with certain exceptions, including household goods, as a *common carrier*, over a regular route, between Lakeview, Oreg., and Burns, Oreg., serving all intermediate points; *general commodities*, with certain exceptions not including household goods, between Alturas, Calif., and Lakeview, Oreg., serving certain intermediate points. Vendee is authorized to operate in Oregon. Application has been filed for temporary authority under section 212a (b).

No. MC–F 6232. Authority sought for purchase by CASSENS TRANSPORT COMPANY, Post Office Box 473, Edwardsville, Ill., of a portion of the operating rights and certain property of SPEEDWAY TRANSPORTS, INC., 3548 South Grand, St. Louis, Mo., and for acquisition by GEORGE CASSENS, ALBERT CASSENS and ARNOLD CASSENS, all of Edwardsville, of control of such operating rights and property through the purchase. Applicants' attorney: Robert N. Burchmore, 2106 Field Building, Chicago 3, Ill. Operating rights sought to be purchased: *New automobiles, new trucks, new bodies*, and *automobile parts*, in initial movements, in truckaway and driveaway service, as a *common carrier*, over irregular routes from places of manufacture and assembly in Detroit, Mich., to points in Illinois and Missouri, except Chicago, Ill. Vendee is authorized to operate in Michigan, Illinois, Missouri, Indiana, Ohio, Iowa, and Kentucky. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56–2495; Filed, Apr. 3, 1956; 8:48 a. m.]

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FOURTH SECTION APPLICATIONS FOR RELIEF

MARCH 30, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31900: *Substituted service—Pennsylvania Railroad.* Filed by Middle Atlantic Conference, Agent, for interested motor carriers and the Pennsylvania Railroad Company. Rates on various commodities, in less truck-load and truck-load quantities in highway truck trailers loaded on railroad flat cars between Pittsburgh, Pa., on one hand, and Kearny, N. J., on the other.

Grounds for relief: Trailer-on-flatcar service in competition with motor-truck carriers.

Tariff: Middle Atlantic Conference, Agent, tariff I. C. C. 4.

FSA No. 31901: *Trailer-on-flat-car service between southwestern points and Illinois and Minnesota.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on various commodities moving on class and commodity rates in highway trailers loaded on railroad flat cars between specified points in Illinois and Minnesota, on one hand, and specified points in Arkansas, Louisiana, Oklahoma, and Texas, on the other.

Grounds for relief: Circuitous routes embracing the Chicago, Rock Island and Pacific Railroad.

Tariff: Supplement 5 to Agent Kratzmeir's I. C. C. 4181.

FSA No. 31902: *Crude sulphur—Louisiana and Texas to Lynchburg, Va.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on sulphur (brimstone), crude, carloads from specified points in Louisiana and Texas to Lynchburg, Va.

Grounds for relief: Circuitous routes.

Tariff: Supplement 12 to Agent Kratzmeir's I. C. C. 4177.

FSA No. 31903: *Concrete pressure pipe—Kansas City, Mo., to Southwest and Kansas and Missouri.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on reinforced concrete pressure pipe and fittings, carloads from Kansas City, Mo.-Kans., to points in Arkansas, Louisiana, New Mexico, Oklahoma and Texas, also points in Kansas and Missouri described in the application.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariffs: Agent F. C. Kratzmeir's I. C. C. 4191; Agent W. J. Prueter's I. C. C. A–4146.

FSA No. 31904: *Scrap iron and steel—Milwaukee, Wis., to Hamilton, Ont.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on scrap iron and steel (not copper clad), carloads from Milwaukee, Wis., to Hamilton, Ont.

Grounds for relief: Water competition and circuity.

Tariffs: Supplement 7 to Chesapeake and Ohio Railway I. C. C. 13435; Supplement 25 to Grand Trunk Western Railroad I. C. C. A–79.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56–2493; Filed, Apr. 3, 1956; 8:47 a. m.]


# FEDERAL REGISTER

VOLUME 21 NUMBER 66

Washington, Thursday, April 5, 1956


THE NATIONAL ARCHIVES OF THE UNITED STATES — LITTERA SCRIPTA MANET — 1934

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APR 11 1956
MAIN READING ROOM

## TITLE 3—THE PRESIDENT

### PROCLAMATION 3131

CHILD HEALTH DAY, 1956

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Congress, by a joint resolution of May 18, 1928 (45 Stat. 617), has authorized and requested the President of the United States to issue annually a proclamation setting apart May 1 as Child Health Day; and

WHEREAS Child Health Day provides us with an occasion for dedicating ourselves anew to the task of promoting the spiritual, emotional, and physical well-being of children; and

WHEREAS it is fitting that we foster the health and welfare of our children in order that they may grow into responsible citizens and may contribute to the peace and productivity of the world; and

WHEREAS Child Health Day is an appropriate time for the citizens of the United States to observe also a Universal Children's Day, and to salute the work which the United Nations Children's Fund, the World Health Organization, and the Food and Agriculture Organization are doing, through the United Nations, to build better health for children:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby designate Tuesday, the first day of May 1956, as Child Health Day, and I invite all citizens to unite in observances that will emphasize the importance of abundant health for all children.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 2d day of April in the year of our Lord nineteen hundred and fifty-six, and of the Independence of the United States of America the one hundred and eightieth.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES, *Secretary of State.*

[F. R. Doc. 56–2585; Filed, Apr. 3, 1956; 1:27 p. m.]

## TITLE 7—AGRICULTURE

### Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 58—GRADING AND INSPECTION, MINIMUM SPECIFICATIONS FOR APPROVED PLANTS AND STANDARDS FOR GRADES OF DAIRY PRODUCTS

SUBPART K—UNITED STATES STANDARDS FOR GRADES OF CHEDDAR CHEESE; CORRECTION

The following corrections have been made in Federal Register Docket No. 56–2264, published in the FEDERAL REGISTER on Wednesday, March 28, 1956, (21 F. R. 1889).

In table IV—Detailed Specifications for U. S. Grade C, make the following changes:

1. In paragraph (a) Flavor—Medium cured: Delete the word "metallic" following the words "slight degree" and insert the word "metallic" following the word "sour".

2. In paragraph (a) Flavor—Cured or aged.

a. Change the opening phrase to read as follows: "May possess slight onion and the following flavors to a definite degree:".

b. Insert the word "metallic" after the word "sour".

Done at Washington, D. C., this 2d day of April 1956.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 56–2514; Filed, Apr. 4, 1956; 8:45 a. m.]

## TITLE 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket 6153]

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FEDERAL REGISTER

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**CFR SUPPLEMENTS**

**(As of January 1, 1956)**

The following Supplements are now available:

**Titles 22 and 23 ($1.00)**
**Title 26: Parts 80–169 ($0.50)**
**Title 32: Parts 800–1099 ($0.40)**

Previously announced: Title 3, 1955 Supp. ($2.00); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 18 ($0.50); Title 24 ($0.75); Title 25 ($0.50); Title 26: Parts 1–79 ($0.35), Parts 170–182 ($0.30), Parts 183–299 ($0.35); Title 32: Parts 700–799 ($0.35), Part 1100 to end ($0.35); Titles 40–42 ($0.65); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Abel Allan Goodman t. a. Weavers Guild, Hollywood, Calif., Docket 6153, March 14, 1956]

*In the Matter of Abel Allan Goodman, an Individual Trading as Weavers Guild*

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging an individual, engaged under the name of "Weavers Guild" in the sale and distribution in commerce from his office in Hollywood, California, of a correspondence course designed to prepare students for work as commercial reweavers, with representing falsely in advertising for agents that typical earnings were greater than they actually were and that he would furnish leads and other sales assistance and sales material; with representing falsely through oral statements made by his sales agents to prospective purchasers that his course constituted a complete course in reweaving which was easily and quickly learned and that he arranged for personal instructors to assist students, that prospective earnings were greater than was the fact, and that needles supplied with the course were worth far more than they actually were, that he would refund all monies paid under contracts if persons could not complete the course, and that the courses had been approved for training by the Bureau of Education of California and the United States Veterans Administration; and with representing falsely through use of his trade name "Weavers Guild" that his business was a national association or guild of weavers organized for the benefit of members of that trade—respondent's answer and submission by both parties of proposed findings of facts and conclusions.

Thereafter the hearing examiner made his initial decision, including findings and order to cease and desist, from which both counsel appealed; the Commission rendered its decision denying respondent's appeal and granting in part that of counsel supporting the complaint; and, by its "Final Order" of March 14, 1956, adopted the initial decision, as modified, as the "Decision of the Commission".

The order to cease and desist, as thus modified, is as follows:

*It is ordered*, That the respondent, Abel Allan Goodman, and his agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of courses of instruction in reweaving in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication:

a. That the typical earnings of persons selling respondent's course of instruction are greater than they actually are in fact;

b. That respondent will furnish sales leads or other selling assistance to those selling his course of instruction unless he actually does furnish such leads and assistance;

c. That sales kits and other advertising material are furnished to sales agents unless it is clearly disclosed that such articles are furnished only after said agents have made deposits or payment therefor;

d. That respondent's course of instruction constitutes a complete course in reweaving unless and until such is in fact true;

e. That reweaving is easily learned, or quickly learned, by taking respondent's correspondence course, unless such representation be specifically restricted to the overweaving or patch type of reweaving;

f. That respondent will arrange for personal instructions for those purchasing his course;

g. That the potential earnings of persons completing respondent's course and engaging in the reweaving business are greater than they are in fact;

h. That the needles supplied with the course are worth any amount in excess of the amount ordinarily charged for such needles by respondent;

i. That respondent will refund payments made on contracts unless he in fact makes such refunds upon demand by the purchasers;

j. That respondent's courses of instruction have been approved for training by the Bureau of Education of the State of California or the United States Veterans Administration;

2. Using the word "Guild" in his trade name or otherwise;

3. Representing, directly or by implication, that respondent's business is anything other than a private business enterprise selling a correspondence course of instruction in reweaving, unless such representation is true.

By said "Final Order", report of compliance was required as follows:

*It is further ordered*, That the respondent Abel Allan Goodman shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

By the Commission.

Issued: March 14, 1956.

[SEAL] JOHN R. HEIM, *Acting Secretary.*

[F. R. Doc. 56-2553; Filed, Apr. 4, 1956; 8:55 a. m.]

# TITLE 36—PARKS, FORESTS, AND MEMORIALS

## Chapter III—Corps of Engineers, Department of the Army

### PART 325—PUBLIC USE OF CHEATHAM RESERVOIR AREA, TENNESSEE

Sec.
325.0 Determination of the Secretary.
325.1 Area covered.
325.2 Boats, private.
325.3 Houseboats.
325.4 Swimming and bathing.
325.5 Hunting and fishing.
325.6 Camping.
325.7 Picnicking.
325.8 Access to water area.
325.9 Destruction of public property.
325.10 Firearms and explosives.
325.11 Gasoline and oil storage.
325.12 Sanitation.
325.13 Advertisements.
325.14 Commercial operations.
325.15 Recreational activity programs.
325.16 Abandonment of personal property.

AUTHORITY: §§ 325.0 to 325.16 issued under sec. 4, 58 Stat. 889, as amended; 16 U. S. C. 460d.

SOURCE: Regs., DA March 12, 1956, ENGWO.

§ 325.0 *Determination of the Secretary.* The Secretary of the Army having determined that the use of the Cheatham Reservoir, Tennessee, by the general public for boating, bathing, fishing, and other recreational purposes will not be contrary to the public interest and will not be inconsistent with the operation and maintenance of the reservoir for its primary purposes, hereby prescribes rules and regulations pursuant to the provisions of section 4 of the act of Congress approved December 22, 1944 (58 Stat. 889; 16 U. S. C. 460d) as amended by the Flood Control Act of 1946 (60 Stat. 642), and the Flood Control Act of 1954 (68 Stat. 1266), for the public use of the Cheatham Reservoir, Tennessee.

§ 325.1 *Areas covered.* (a) The rules and regulations contained in this part shall be applicable to lands under jurisdiction of the Department of the Army bordering Cheatham Reservoir, Cumberland River, Tennessee, and access to the reservoir from such lands.

(b) In those portions of the reservoir area which are now or which hereafter are managed by other governmental agencies pursuant to leases or licenses granted by the Department of the Army, each such agency may make and enforce such additional rules and regulations as are necessary, and within its legal authority.

§ 325.2 *Boats, private.* (a) Boats shall be moored only in areas designated by the District Engineer or his authorized representative.

(b) A permit shall be obtained from the District Engineer or his authorized representative for any special boat mooring facilities. Plans for such facilities including moorage site must be approved by the District Engineer or his authorized representative.

(c) The District Engineer shall have authority to revoke the permit for the boat mooring facilities and to require their removal upon the failure of the permittee to comply with the terms and conditions of the permit or with the rules and regulations in this part.

§ 325.3 *Houseboats.* (a) A permit shall be obtained from the District Engineer or his authorized representative for moorage of any houseboat. Sanitary facilities must meet standards of the State of Tennessee.

(b) Refuse, garbage, rubbish, or waste of any kind shall be disposed of in the manner designated by the District Engineer or his authorized representative, or as required by local or State laws.

(c) Houseboats shall be maintained in a condition satisfactory to the District Engineer and shall not be abandoned in the reservoir area.

(d) The District Engineer shall have authority to revoke the permit and require the removal of the houseboat upon failure of the permittee to comply with the terms and conditions or with the regulations in this part.

§ 325.4 *Swimming and bathing.* (a) Swimming and bathing are permitted except in prohibited areas designated by the District Engineer.

(b) A permit shall be obtained from the District Engineer or his authorized representative for any special swimming or bathing facilities, use of which must conform to State and local laws and regulations.

§ 325.5 *Hunting and fishing.* (a) Hunting and fishing are permitted in accordance with all applicable Federal, State and local laws for the protection of fish and game, except in prohibited areas designated by the District Engineer.

(b) Hunting shall be with shotgun only.

(c) A permit shall be obtained from the District Engineer or his authorized representative to construct a duckblind.

§ 325.6 *Camping.* (a) Camping is permitted only in areas designated by the District Engineer or his authorized representative, or the managing agency referred to in § 325.1 (b).

(b) Approval of the District Engineer, or his authorized representative, is required to camp in the reservoir area for any one period of two weeks or longer, or the managing agency referred to in § 325.1 (b).

(c) Camping equipment shall not be abandoned or left unattended for 48 hours or more.

(d) Campers shall keep their campgrounds clean and dispose of combustibles and refuse in accordance with § 325.12.

(e) Due diligence shall be exercised in buildings and putting out campfires to prevent damages to trees and vegetation and to prevent forest and grass fires.

(f) Camps must be completely razed and sites cleaned before the departure of the campers.

§ 325.7 *Picnicking.* Picnicking is permitted except in prohibited areas designated by the District Engineer or his authorized representative, or the managing agency referred to in § 325.1 (b). Picnickers will not leave fires unattended and will clean and dispose of combustibles and refuse and maintain sanitary conditions as required in § 325.12.

§ 325.8 *Access to water area.* (a) Pedestrian access is permitted along the shores of the reservoir except in prohibited areas designated by the District Engineer or his authorized representative.

(b) Vehicular access is permitted only over open public roads and on those authorized by the District Engineer.

(c) Access for the general public to launch boats is permitted except in prohibited areas designated by the District Engineer or his authorized representative.

§ 325.9 *Destruction of public property.* The destruction, injury, defacement, or removal of public property or of vegetation, rock or minerals, except as authorized, is prohibited.

§ 325.10 *Firearms and explosives.* Loaded rifles, loaded pistols, and explosives of any kind are prohibited, except when in the possession of a law enforcement officer on official duty or when specifically authorized. Loaded shotguns are also prohibited in the area except during the hunting season, as permitted under § 325.5, or when in the possession of a law enforcement officer on official duty, or when specifically authorized.

§ 325.11 *Gasoline and oil storage.* Gasoline and other inflammable or combustible liquids shall be stored or handled in strict conformance with Federal, State and local laws.

§ 325.12 *Sanitation.* Refuse, garbage, rubbish, or waste of any kind shall not be thrown on or along roads, picnicking or camping areas, in the reservoir waters, or on any of the Government lands around the reservoir, but shall be buried or burned, or disposed of at designated points or places designed for the sanitary disposal thereof.

§ 325.13 *Advertisements.* Private notices and advertisements shall not be posted, distributed, or displayed except such as the District Engineer or his authorized representative may deem necessary for the convenience and guidance of the public using the area for recreational purposes.

§ 325.14 *Commercial operations.* All commercial operations or activities on the lands under the control of the Department of the Army around the reservoir shall be in accordance with lease, license, or other agreements with the Department of the Army.

§ 325.15 *Recreational activity programs.* (a) Special recreational programs requiring the temporary use of lands covered in this part are permitted in areas designated by the District Engineer or his authorized representative or by the managing agency refered to in § 325.1 (b).

(b) The responsible agency conducting such special recreation programs shall obtain a permit for the program. No charge will be made for this privilege.

(c) The District Engineer shall have authority to revoke any permit granted under this section and to require the removal of any equipment upon failure of the permittee to comply with the terms and conditions of the permit or with the rules and regulations in this part.

§ 325.16 *Abandonment of personal property.* Abandonment of personal property on the land or waters of the reservoir area is prohibited. Personal property shall not be left unattended upon the lands and waters of the reservoir area except in accordance with the regulations prescribed in this part or under permits issued therefor. The Government assumes no responsibility for personal property and if such property is abandoned or left unattended in other than places designated in a permit issued therefor or under a regulation for a period in excess of 48 hours it will be impounded, and if not reclaimed by the owners thereof within ninety days will be sold, destroyed, converted to Government use, or otherwise disposed of as determined by the District Engineer or his designated representative.

[SEAL] JOHN A. KLEIN,
*Major General, U. S. Army,*
*The Adjutant General.*

[F. R. Doc. 56-2518; Filed, Apr. 4, 1956; 8:46 a. m.]

## TITLE 45—PUBLIC WELFARE

### Subtitle A—Department of Health, Education, and Welfare, General Administration

PART 13—ALLOCATION AND UTILIZATION OF SURPLUS PERSONAL PROPERTY FOR EDUCATIONAL PURPOSES AND PUBLIC HEALTH PURPOSES

TERMS AND CONDITIONS OF DONATIONS OR TRANSFERS

Section 13.6 (c) (1) is hereby amended to read:

(1) There shall be a period of restriction which will expire after the property has been used for educational or public health purposes for a period of four years, except that the period of restriction on motor vehicles donated subsequent to June 3, 1955, will expire after a period of two years of use for educational or public health purposes.

(Sec. 203, 63 Stat. 385, as amended, 69 Stat. 83; 40 U. S. C. 484)

Dated: March 30, 1956.

[SEAL] M. B. FOLSOM,
*Secretary.*

[F. R. Doc. 56-2549; Filed, Apr. 4, 1956; 8:54 a. m.]



## TITLE 14—CIVIL AVIATION

### Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 189]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, GCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is canceled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet above airport elevation. Ceilings are in feet, MSL.
If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

| City and State; airport name; location; facility; class and identification; procedure No.; effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances |
|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 |
| LIHUE, KAUAI, HAWAII<br>Lihue Airport, 148'.<br>SBRAZ-PAK.<br>Procedure No. 1, 3.<br>Amendment No. 3.<br>Effective date: April 28, 1956.<br>Supersedes Amendment 2, dated December 1, 1953.<br>New format. | | | | S side of E course:*<br>109° outbound.<br>289° inbound.<br>3,000' within 10 nautical miles. |
| LOS ANGELES, CALIF.<br>International, 125'.<br>SBRAZ-DTXV-LAX.<br>Procedure No. 1, 8.<br>Amendment No. 1.<br>Effective date: March 28, 1956.<br>Supersedes Amendment 7, dated February 12, 1955.<br>Major changes: Add note on radar vectoring; add "final" to Downey transition; correct "1 more than 2 engines" T. O. minimums. | Hollywood Hills FM | 143—13.0 | 3,000 | S side of E course:<br>078° outbound.<br>258° inbound.<br>2,000' within 10 miles.<br>(T. of Downey Radiobeacon not authorized.)<br>Procedure turn S for better terrain. |
| | Downey FM/Radiobeacon (final). | 254—11.0 | 1,500 | |
| | Los Angeles LOM (final) | 254—2.0 | 1,000 | |
| | San Pedro Intersection | 340—23.0 | 3,000 | |
| | Radar vectoring to final approach course authorized. | | | |
| LOUISVILLE, KY.<br>Bowman Field, 549'.<br>SBMRLZ-DTXV-LOU.<br>Procedure No. 1.<br>Amendment No. 4.<br>Effective date: April 28, 1956.<br>Supersedes Amendment 3, dated January 22, 1951.<br>Major change: Procedure turn altitude revised. | Eastwood FM (final) | 266—9 | 1,500 | S side of E course:<br>086° outbound.<br>266° inbound.<br>2,400' within 10 miles. |

| Ceiling and visibility minimums | | |
|---|---|---|
| Condition | Type aircraft | |
| | 75 m. p. h. or less | More than 75 m. p. h. |
| 8 | 9 | 10 |
| | | If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished |
| | | 11 |
| T-d# engines or less | 600-1 | Within 6 nautical miles, climb to 6,000' on S course (169°) within 20 nautical miles. |
| T-n | 700-2 | #Takeoff minimums: |
| C-d | 1,000-1 | **Contact must be established at shoreline 6 nautical miles from range station with 1,000-1 day or 1,000-3 night and flight to Lihue Airport made under visual contact conditions by following shoreline in easterly and northeasterly direction, from Port Allen LFR. |
| C-n | 1,000-3 | Procedure for runway 24 will be restricted to 600-2; sliding scale will not apply. |
| A-d | 1,000-2 | |
| A-n | 1,000-3 | |
| More than 2 engines | | |
| T-d# | 600-1 | |
| T-n | 700-2 | |
| C-d | 1,000-1½ | |
| C-n | 1,000-2 | |
| A-d | 1,000-2 | |
| A-n | 1,000-3 | |
| 2 engines or less | | Within 3.9 miles, climb to 2,000' on W course with 2.7 miles. |
| T-dn | 300-1 | *300-1 required for takeoff runway 16. |
| C-dn | 600-1 | #Maintain 1,500' until over LAX LOM inbound. |
| S-dn | 400-1 | |
| 25 L/R | 800-2 | |
| A-dn | | |
| More than 2 engines | | |
| T-dn | *700-1½ | |
| C-dn | 600-1½ | |
| S-dn | | |
| 25 L/R | 400-1 | |
| A-dn | 800-2 | |
| 2 engines or less | | Within 1.7 miles, climb to 2,100' on W course Louisville LFR or (when directed by ATC) maintain 1,500' on same right climbing turn to 2,100' on N course Louisville LFR within 10 miles. |
| T-dn | 300-1 | |
| C-dn | 600-1 | |
| C-n | 600-1½ | |
| A-dn | 800-2 | |
| More than 2 engines | | |
| T-dn | 300-1 | |
| C-dn | 600-1½ | |
| A-dn | 800-2 | |

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| City and State; airport name, elevation; facility: class and identification; procedure No.; effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance, facility to airport | Ceiling and visibility minimums | | | If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| SALT FLAT, TEX.<br>CAA Intermediate, 3,727'.<br>BMRLZ-DTV-SFL.<br>Procedure No. 1.<br>Amendment No. 4.<br>Effective date: April 28, 1956.<br>Supersedes Amendment 3, dated July 17, 1954.<br>Major changes: New format. Lower transition altitude from VOR. | Salt Flat VOR | 333—2.7 nautical miles | 4,800 | W side of N course:<br>342° outbound.<br>162° inbound.<br>4,900' within 10 nautical miles.<br>Beyond 10 nautical miles not authorized. | 4,300 | 162—2.3 nautical miles | 2 engines or less | | | Within 2.3 nautical miles turn right, climb to 7,700' on W course within 20 nautical miles.<br>This procedure not approved for ADF approach.<br>CAUTION: Terrain 4,030' mean sea level approximately 2.5 miles WSW of airport. |
| | | | | | | | T-d | 300–1 | NA | |
| | | | | | | | T-n | 300–2 | NA | |
| | | | | | | | C-d | 500–1 | NA | |
| | | | | | | | C-n | 500–2 | NA | |
| | | | | | | | S-d | 400–1 | NA | |
| | | | | | | | S-n 16 | 400–2 | NA | |
| | | | | | | | A-dn | 800–2 | NA | |
| | | | | | | | More than 2 engines | | | |
| | | | | | | | All | NA | NA | |

**2. The very high frequency omnirange procedures prescribed in § 609.9 (a) are amended to read in part:**

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

| City and State; airport name, elevation; facility: class and identification; procedure No.; effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance, facility to airport | Ceiling and visibility minimums | | | If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| PHOENIX, ARIZ.<br>Sky Harbor, 1,124'.<br>BVOR-DTV-PHX.<br>Procedure No. 1.<br>Amendment No. 4.<br>Effective date: April 28, 1956.<br>Supersedes Amendment 3, dated June 4, 1955.<br>Major changes: Add new transitions; restrict descent on final account terrain between VOR and LFR (1,554'); delete shuttle. Show distances in nautical miles. | Cave Creek Intersection | 145—23 nautical miles | 5,000 | S side of course:<br>076° outbound.<br>256° inbound.<br>2,600' within 10 nautical miles.#<br>4,100' within 15 nautical miles.<br>Beyond 15 nautical miles not authorized. | *2,100 | 256—5.5 nautical miles | 2 engines or less | | | Within 5.5 nautical miles, climb to 5,000' on 258° outbound within 20 nautical miles of VOR.<br>CAUTION: Hills and tower 2,830' 6 nautical miles S of airport.<br>#CAUTION: 2,970' obstruction 4 nautical miles N of course, 13 nautical miles E of VOR.<br>*Descent below 1,900' not authorized until abeam PHX LFR, inbound. |
| | | | | | | | T-dn | 300–1 | 300–1 | |
| | | | | | | | C-dn | 700–1 | 700–1 | |
| | | | | | | | S-dn | | | |
| | | | | | | | Runway 26L | 700–1 | 700–1 | |
| | | | | | | | A-dn | 800–2 | 800–2 | |
| | Perryville FM | 077—29 nautical miles | 2,600 | | | | | | | |
| | Phoenix LFR | 081—4.3 nautical miles | 2,600 | | | | More than 2 engines | | | |
| | | | | | | | T-dn | ---------- | 200–½ | |
| | | | | | | | C-dn | ---------- | 700–1½ | |
| | | | | | | | S-dn | | | |
| | | | | | | | Runway 26L | ---------- | 700–1 | |
| | | | | | | | A-dn | ---------- | 800–2 | |
| | Thunderbird Intersection: PHX 350, HYM 065. | 170—10.5 nautical miles | 4,000 | | | | | | | |
| | McDowell Intersection: PHX 015, HYM 065. | 195—13 nautical miles | 5,000 | | | | | | | |
| | Ocotillo Intersection: PHX 146, HYM 090. | 326—14.8 nautical miles | 4,000 | | | | | | | |



VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| City and State; airport name, elevation; facility: class and identification; procedure No.; effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance, facility to airport | Ceiling and visibility minimums | | | If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| SALT FLAT, TEX.<br>CAA Intermediate, 3,727'.<br>BVOR-SFL.<br>Procedure No. 1.<br>Amendment No. 4.<br>Effective date: April 28, 1956.<br>Supersedes Amendment 3, dated July 17, 1954.<br>Major changes: New format. Lower transition altitude from LFR. | Salt Flat LFR | 153—2.7 nautical miles | 4,800 | W side of course.<br>340° outbound.<br>160° inbound.<br>4,900' within 10 nautical miles.<br>Beyond 10 nautical miles not authorized. | 4,300 | On airport | 2 engines or less | | | Within 0 mile, turn right climb to 7,700' on radial 261° within 20 nautical miles.<br>CAUTION: Terrain 4,030' mean sea level, approximately 2.5 miles WSW of airport. |
| | | | | | | | T-d | 300–1 | NA | |
| | | | | | | | T-n | 300–2 | NA | |
| | | | | | | | C-d | 600–1 | NA | |
| | | | | | | | C-n | 600–2 | NA | |
| | | | | | | | A-dn | 800–2 | NA | |
| | | | | | | | More than 2 engines | | | |
| | | | | | | | All | NA | NA | |

**3. The very high frequency omnirange procedures prescribed in § 609.9 (b) are amended to read in part:**

TVOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a TVOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

| City and State; airport name, elevation; facility: class and identification; Procedure No. (TVOR); effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance from int., runway center line extended and final course to approach end of runway | Ceiling and visibility minimums | | | If visual contact not established at TVOR, or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| MACON, GA.<br>Macon (Cochran), 354'.<br>BVOR-MCN-TVOR-31.<br>Amendment No. 1.<br>Effective date: April 28, 1956.<br>Supersedes Original, dated April 16, 1954.<br>Major changes: Distances shown in nautical miles. Variation change. Revised format for minimums. Missed approach on en route radial. | Macon LFR | 147—3.6 nautical miles | 1,600 | N side of course:<br>119° outbound.<br>299° inbound.<br>1,800' within 10 nautical miles. | #800 | 309—0.9 nautical miles | 2 engines or less | | | Climb to 1,900' on R-329 within 20 nautical miles.<br>#Maintain 900' mean sea level until after passing abeam WRB Radiobeacon inbound on final. |
| | | | | | | | T-dn | 300–1 | 300–1 | |
| | | | | | | | C-dn | 500–1 | 500–1 | |
| | | | | | | | #S-dn 31 | 400–1 | 400–1 | |
| | | | | | | | A-dn | 800–2 | 800–2 | |
| | Robins Radiobeacon | 324—3.5 nautical miles | 1,600 | | | | More than 2 engines | | | |
| | | | | | | | T-dn | ---------- | 200–½ | |
| | | | | | | | C-dn | ---------- | 500–1½ | |
| | | | | | | | #S-dn 31 | ---------- | 400–1 | |
| | | | | | | | A-dn | ---------- | 800–2 | |
| | Intersection SW course MCN LFR and MCN R-230. | 050—6.8 nautical miles | 1,600 | | | | | | | |

**4. The very high frequency omnirange procedures prescribed in § 609.9 (c) are amended to read in part:**

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses, and radials are magnetic. Elevations and altitude are in feet MSL.
If a VOR/DME instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specific routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.
NOTE: Distances are in nautical miles unless otherwise indicated except visibilities, which are in statute miles;

Macon, Ga., Macon (Cochran) Airport; elevation 354'; facility BVOR-DME; identification MCM; Amendment original; effective date, April 28, 1956; supersedes none.

| Transition to facility or transition to DME orbit | | | | Procedure turn; side of approach radial; altitudes; limiting distances | Minimum altitude on approach radial | | | | Procedure No.; direct or right or left turn to final approach orbit; Runway No. | Minimum altitude on final approach orbit | | | Ceiling and visibility minimums | | | | If visual contact not established at authorized landing minimums at fix specified, or if landing not accomplished— |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | | | Condition | 2 engines or less | | More than 2 engines | |
| From—(mi.) | To—(mi.) | Radial | Minimum altitude (ft.) | | From—(mi.) | To—(mi.) | Radial | Minimum altitude (ft.) | | From radial | To radial | Minimum altitude (ft.) | | 65 knots or less | More than 65 knots | More than 65 knots | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 |
| ------ | ------ | ------ | ------ | N side 119°, 1,800' within 10 miles. | 10<br>3 | 3<br>0.4 | 119<br>119 | 900<br>800 | Procedure No. 1 straight in to runway 31. | ------ | ------ | ------ | T-dn<br>C-dn<br>S-dn 31<br>A-dn | 300–1<br>500–1<br>400–1<br>800–2 | 300–1<br>500–1<br>400–1<br>800–2 | 200–½<br>500–1½<br>400–1<br>800–2 | Climb to 1,900' on radial 329° within 20 miles. |
| ------ | ------ | ------ | ------ | Not required | 15<br>10<br>6 | 10<br>6<br>0 | 139<br>139<br>139 | 1,600<br>1,000<br>900<br>final | Procedure No. 2 to airport. | ------ | ------ | ------ | T-dn<br>C-dn<br>A-dn | 300–1<br>500–1<br>800–2 | 300–1<br>500–1<br>800–2 | 200–½<br>500–1½<br>800–2 | Climb to 1,900' on radial 329° within 20 miles. |
| ------ | ------ | ------ | ------ | Not required | 13<br>10<br>6 | 10<br>6<br>0 | 204<br>204<br>204 | 1,400<br>1,000<br>900<br>final | Procedure No. 3 to airport. | ------ | ------ | ------ | T-dn<br>C-dn<br>A-dn | 300–1<br>500–1<br>800–2 | 300–1<br>500–1<br>800–2 | 200–½<br>500–1½<br>800–2 | Climb to 1,800' on radial 047° within 20 miles. |
| ------ | ------ | ------ | ------ | Not required | 15<br>10<br>6 | 10<br>6<br>0 | 271<br>271<br>271 | 1,700<br>1,100<br>900<br>final | Procedure No. 4 to airport. | ------ | ------ | ------ | T-dn<br>C-dn<br>A-dn | 300–1<br>500–1<br>800–2 | 300–1<br>500–1<br>800–2 | 200–½<br>500–1½<br>800–2 | Climb to 1,800' on radial 055° within 20 miles. |
| ------ | ------ | ------ | ------ | Not required | 15<br>10<br>4 | 10<br>4<br>0 | 329<br>329<br>329 | 1,700<br>1,100<br>900<br>final | Procedure No. 5 to airport. | ------ | ------ | ------ | T-dn<br>C-dn<br>A-dn | 300–1<br>500–1<br>800–2 | 300–1<br>500–1<br>800–2 | 200–½<br>500–1½<br>800–2 | Climb to 1,600' on radial 139° within 20 miles. |



**5. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:**

In Federal Register Document 56–1184, appearing in the issue of Tuesday, February 21, 1956, at page 1170, the following change is made in the procedure for Yakima, Washington: In column 2, change the name "Saw Mill Intersection" to "White Swan Intersection."

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

| City and State; airport name, elevation; facility; class and identification; procedure No.; effective date | Transition to ILS | | | | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude at glide slope interception inbound (ft.) | Altitude of glide slope and distance to approach end of runway at— | | Ceiling and visibility minimums | | | If visual contact not established upon descent to authorized landing minimums or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | From— | To— | Course and distance | Minimum altitudes (ft.) | | | Outer marker | Middle marker | Condition | Type aircraft: 75 m.p.h. or less | Type aircraft: More than 75 m. p. h. | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| LOS ANGELES, CALIF.<br>International, 125'.<br>ILS-LAX-LOM-LA.<br>Combination ILS/ADE.<br>Procedure No. 1.<br>Amendment No. 13.<br>Effective date: Mar. 28, 1956.<br>Supersedes Amendment 12, dated October 29, 1955.<br>Major changes: clarify "final" approach from Downey; add radar vectoring and transitions from LGB LFR and VOR to Downey; standardize ILS and ADF altitude over LOM. | LAX LFR | LOM | 074—2.0 | 2,000 | S side of E course: 068° outbound. 248° inbound. 2,000' within 10 miles. (E of Downey Radiobeacon not authorized.) | ILS 1,700<br>#ADF 1,700 over LOM | 1,700—6.0 | 310—0.6 | 2 engines or less<br>T-dn<br>C-dn | 300–1<br>400–1 | 300–1<br>600–1 | Within 6 miles after passing LOM climb to 2,000' on W course LAX LFR within 25 miles.<br>*Aircraft must descend from 3,000' immediately after passing Downey inbound.<br>**300–1 required for takeoff runway 16.<br>#ADF approach cross LAX LFR inbound at minimum of 1,000' mean sea level. |
| | Downey FM Radiobeacon (final). | LOM | 253—9.0 | *1,700 | | | | | S-dn 25L<br>ILS | 200–½ | 200–½ | |
| | LGB LFR | Downey FM/ Radiobeacon. | 338—13.0 | 3,000 | | | | | ADF | 400–1 | 400–1 | |
| | LGB VOR | Downey FM/ Radiobeacon. | 328—13.0 | 3,000 | | | | | A-dn<br>ILS | 600–2 | 600–2 | |
| | LGB LFR | LOM | 304—16.0 | 1,700 | | | | | ADF | 800–2 | 800–2 | |
| | LGB VOR | LOM | 297—17.0 | 1,700 | | | | | More than 2 engines<br>T-dn | | **200–½ | |
| | Hollywood Hills FM | LOM | 135—14.0 | 3,000 | | | | | C-dn | | 600–1½ | |
| | LAX VOR | LOM | 068—9.0 | 2,000 | | | | | S-dn 25L<br>ILS | | 200–½ | |
| | Radar vectoring to final approach course authorized. | | | | | | | | ADF | | 400–1 | |
| | | | | | | | | | A-dn<br>ILS | | 600–2 | |
| | | | | | | | | | ADF | | 800–2 | |
| LOS ANGELES, CALIF.<br>International, 125'.<br>ILS-LAX.<br>LAX radar (ASR).<br>Procedure No. 2.<br>Amendment No. 4.<br>Effective date: March 28, 1956.<br>Supersedes Amendment 3, dated April 30, 1955.<br>Major changes: Clarify "final" approach from W; add radar vectoring. | Intersection W course ILS and SE course CAV LFR. | 7 nautical miles radar fix (final). | 068—8.0 nautical miles | 2,000 | S side of W course: 248° outbound. 068° inbound. 2,000' 7 nautical miles from end of runway as specified by LAX radar. | Altitude at 5 nautical miles 1,650' | Altitude at 3 nautical miles 1,050' | Altitude over Del Ray FM 1.5 nautical miles 550' | 2 engines or less<br>T-dn<br>C-dn<br>S-dn 7R<br>A-dn | 300–1<br>400–1<br>400–1<br>800–2 | 300–1<br>600–1<br>400–1<br>800–2 | Climb to 2,000' on E course LAX LFR between LFR and Downey Radiobeacon.<br>*300–1 required for takeoff runway 16.<br>Airport surveillance radar must be operating for this procedure. |
| | Los Angeles LFR | LMM | 244—3.0 nautical miles | 2,000 | | | | | More than 2 engines<br>T-dn<br>C-dn<br>S-dn 7R<br>A-dn | | *200–½<br>600–1½<br>400–1<br>800–2 | |

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| City and State; airport name, elevation; facility; class and identification; procedure No.; effective date | Transition to ILS | | Minimum altitude at glide slope intercept ion inbound (ft.) | Altitude of glide slope and distance to st proach end of runway at— | | Ceiling and visibility minimums | | | If visual contact not established on initial approach or during landing minimums or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|
| | From— | To— | | Outer marker | Middle marker | Condition | Type aircraft: 75 m.p.h. or less | Type aircraft: More than 75 m. p. h. | |
| 1 | 2 | 3 | 4 | 8 | 9 | 10 | 11 | 12 | 13 |
| SALT LAKE CITY, UTAH<br>Salt Lake City No. 1, 4,222'<br>ILS-SLC.<br>Procedure No. 1, Amendment No. 11. Effective date: April 28, 1956. Supersedes Amendment No. 10, dated December 23, 1955.<br>Major changes: Add transition from Utah Lake VOR; delete transition from Fairfield LFR. | Salt Lake City LFR | LOM | 6,100 | 6,028—5.5 nautical miles<br>Riverton FM 9,340—15 nautical miles | 4,457—0.6 nautical miles | 2 engines or less<br>#T-dn 300-1<br>C-dn 600-1<br>**S-dn 300-¾<br>Runway 31L 600-2<br>A-dn<br>More than 2 engines<br>T-dn 200-½<br>C-dn 600-1<br>**S-dn 300-¾<br>Runway 31L 600-2<br>A-dn | 300-1<br>600-1<br>300-¾<br>600-2<br>200-½<br>600-1<br>300-¾<br>600-2 | Climb to cross W course SLC LFR (not above 6,500', then climb to 8,000' on W course SLC LFR to Stansbury Intersection, then to 9,000' on course of 336° to promontory point radiobeacon. Alternate missed approach: When SLC LFR, or SLC VOR not used, climb to 6,500', then climb to 11,000' on W course SLC LFR or SLC VOR radial 249°.<br>*Start descent at glide slope interception. Glide slope must be operative for this transition.<br>CAUTION: Circling minimums.<br>**Straight-in minimums no lower than 300-1 authorized with inoperative ILS components.<br>#500-2 required for takeoff runway 7.<br>CAUTION: Terrain 11,253' mean sea level, 2 miles left, 8 nautical miles E of localizer course at Riverton FM. |
| | Salt Lake City VOR | LOM | 6,100 | | | 2 engines or less<br>#T-dn 300-1<br>C-dn 600-1<br>**S-dn 300-¾<br>Runway 31L 600-2<br>A-dn<br>More than 2 engines<br>T-dn 200-½<br>C-dn 600-1<br>**S-dn 300-¾<br>Runway 31L 600-2<br>A-dn | 300-1<br>600-1<br>300-¾<br>600-2<br>200-½<br>600-1<br>300-¾<br>600-2 | Climb to cross W course SLC LFR (not above 6,500', then climb to 8,000' on W course SLC LFR to Stansbury Intersection, then to 9,000' on course of 336° to promontory point radiobeacon. Alternate missed approach: When SLC LFR, or SLC VOR not used, climb to 6,500', then climb to 11,000' on W course SLC LFR or SLC VOR radial 249°.<br>*Start descent at glide slope interception. Glide slope must be operative for this transition.<br>CAUTION: Circling minimums.<br>**Straight-in minimums no lower than 300-1 authorized with inoperative ILS components.<br>#500-2 required for takeoff runway 7.<br>CAUTION: Terrain 11,253' mean sea level, 2 miles left, 8 nautical miles E of localizer course at Riverton FM. |
| | Utah Lake VOR | ILS S course | | | | #T-dn<br>C-dn<br>**S-dn<br>Runway 31L<br>A-dn | *11,600 | | Climb to 11,000' on W course SLC LFR or SLC VOR radial 249°. |

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

C. J. LOWEN,
*Administrator of Civil Aeronautics.*

[F. R. Doc. 56-2333; Filed, Apr. 4, 1956; 8:45 a. m.]

## TITLE 50—WILDLIFE

### Chapter I—Fish and Wildlife Service, Department of the Interior

### Subchapter F—Alaska Commercial Fisheries

### PART 102—GENERAL PROVISIONS

### REGISTRATION OF BOATS AND GEAR

Basis and purpose: On the basis of continued increases in the movement of the mobile salmon fishing fleet from area to area in Alaska, it has been determined that such movement must be curtailed in the interests of sound conservation. Therefore, effective immediately upon publication in the FEDERAL REGISTER, and in compliance with the notice of intention to adopt amendments issued by the Secretary of the Interior on July 25, 1955 (20 F. R. 5434, July 29, 1955), § 102.8 is amended to read as follows:

§ 102.8 *Registration of boats and gear.* (a) Each year, 30 days prior to the opening of any fishing season in any regulatory area as defined herein, the units of gear and all boats intended to be used in fishing in such area shall be registered for the regulatory area of proposed operation and for no other. Such registration shall be made with the local representative of the Fish and Wildlife Service. No person shall be permitted to register any gear or boat so as to permit his fishing for salmon, except by trolling, in more than one regulatory area during the calendar year. Such registration shall include the furnishing of information on the size, type, crew, gear, and identity of boats, the name and address of any and all fishermen who will fish with such gear or boat, the fishery (salmon, crab, etc.) in which such gear, boat or fisherman intends to operate. When registration for boats, such plates are furnished for any plates shall be displayed in a prominent place on the port side. No gear or boat which has not been registered as required herein shall be permitted to engage in any fishery.

(b) No gear or boat fishing for salmon, but not including trolling lines and boats fishing with such excepted gear, which has been registered for fishing in a designated regulatory area, may thereafter be used for fishing in any other area, nor may any person or persons other than the person or persons designated in the original registry fish such boat or gear, except that substitutions in crew members or gear operators may be made with the approval of the local representative where such substitutions are made for the purpose of replacing fishermen who become ill or are otherwise removed from the fishery.

(c) Salmon trolling gear and boats and all other gear and boats used in fishing for species other than salmon may change their operations from one regulatory area to another and from such other fishery to salmon fishing, but only after such proposed change has been reported to a local representative of the Fish and Wildlife Service in advance of such change.

(d) Registration of boats and gear shall not be required of any boat engaging solely in the halibut fishery.

(e) Registrations subsequent to the specified time of registration and changes in area of fishing operation may be permitted to avoid unusual hardships and for other good cause provided such registrations and changes are consistent with needs of fishery conservation in the affected area. For the purpose of this section only, the following regulatory areas or combinations of regulatory areas are considered to be single regulatory areas:

(1) Bristol Bay area.

(2) Aleutian Islands-Alaska Peninsula-Chignik areas.

(3) Kodiak area.

(4) Cook Inlet-Resurrection Bay areas.

(5) Prince William Sound-Copper River-Bering River-Yakataga areas.

(6) Yakutat area.

(7) Southeastern Alaska area.

(f) For the 1956 season only, registration for the Copper River area shall not be made less than 15 days prior to the opening of the fishing season.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

Since immediate action is necessary, notice and public procedure on this amendment are impracticable (60 Stat. 237; 5 U. S. C. 1001 et seq.).

CLARENCE A. DAVIS,
*Acting Secretary of the Interior.*

APRIL 4, 1956.

[F. R. Doc. 56-2596; Filed, Apr. 4, 1956; 10:46 a. m.]



# PROPOSED RULE MAKING

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### [ 26 CFR (1954) Part 1 ]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 911 and 7805 of the Internal Revenue Code of 1954 (68A Stat. 289, 917; 26 U. S. C. 911, 7805).

[SEAL] RUSSELL C. HARRINGTON,
*Commissioner of Internal Revenue.*

The following regulations for taxable years beginning after December 31, 1953, and ending after August 16, 1954, except where otherwise specifically provided, are hereby prescribed under sections 911 through 943 of the Internal Revenue Code of 1954:

EARNED INCOME OF CITIZENS OF UNITED STATES

Sec.
1.911 Statutory provisions; earned income from sources without the United States.
1.911–1 Earned income from sources without the United States.
1.912 Statutory provisions; exemption for certain allowances.
1.912–1 Exclusion of certain cost-of-living allowances.
1.912–2 Exclusion of certain allowances of Foreign Service personnel.

WESTERN HEMISPHERE TRADE CORPORATIONS

1.921 Statutory provisions; definition of Western Hemisphere trade corporations.
1.921–1 Definition of Western Hemisphere trade corporations.
1.922 Statutory provisions; special deduction.
1.922–1 Special deduction of Western Hemisphere trade corporation.

POSSESSIONS OF THE UNITED STATES

1.931 Statutory provisions; income from sources within possessions of the United States.
1.931–1 Citizens of the United States and domestic corporations deriving income from sources within a certain possession of the United States.
1.932 Statutory provisions; taxation of citizens of possessions of the United States.
1.932–1 Status of citizens of United States possessions.
1.933 Statutory provisions; income from sources within Puerto Rico.
1.933–1 Exclusion of certain income from sources within Puerto Rico.

CHINA TRADE ACT CORPORATIONS

1.941 Statutory provisions; special deduction for China Trade Act corporations.
1.941–1 Special deduction for China Trade Act corporations.
1.941–2 Meaning of terms used in connection with China Trade Act corporations.
1.941–3 Illustration of principles.
1.942 Statutory provisions; disallowance of foreign tax credit.
1.943 Statutory provisions; exclusion of dividends to residents of Formosa or Hong Kong.
1.943–1 Withholding by a China Trade Act corporation.

EARNED INCOME OF CITIZENS OF UNITED STATES

§ 1.911 *Statutory provisions; earned income from sources without the United States.*

SEC. 911. *Earned income from sources without the United States*—(a) *General rule.* The following items shall not be included in gross income and shall be exempt from taxation under this subtitle:

(1) *Bona fide resident of foreign country.* In the case of an individual citizen of the United States, who establishes to the satisfaction of the Secretary or his delegate that he has been a bona fide resident of a foreign country or countries for an uninterrupted period which includes an entire taxable year, amounts received from sources without the United States (except amounts paid by the United States or any agency thereof) if such amounts constitute earned income (as defined in subsection (b)) attributable to such period; but such individual shall not be allowed as a deduction from his gross income any deductions (other than those allowed by section 151, relating to personal exemptions) properly allocable to or chargeable against amounts excluded from gross income under this paragraph.

(2) *Presence in foreign country for 17 months.* In the case of an individual citizen of the United States, who during any period of 18 consecutive months is present in a foreign country or countries during at least 510 full days in such period, amounts received from sources without the United States (except amounts paid by the United States or an agency thereof) if such amounts constitute earned income (as defined in subsection (b)) attributable to such period; but such individual shall not be allowed as a deduction from his gross income any deductions (other than those allowed by section 151, relating to personal exemptions) properly allocable to or chargeable against amounts excluded from gross income under this paragraph. If the 18-month period includes the entire taxable year, the amount excluded under this paragraph for such taxable year shall not exceed $20,000. If the 18-month period does not include the entire taxable year, the amount excluded under this paragraph for such taxable year shall not exceed an amount which bears the same ratio to $20,000 as the number of days in the part of the taxable year within the 18-month period bears to the total number of days in such year.

(b) *Definition of earned income.* For purposes of this section, the term "earned income" means wages, salaries, or professional fees, and other amounts received as compensation for personal services actually rendered, but does not include that part of the compensation derived by the taxpayer for personal services rendered by him to a corporation which represents a distribution of earnings or profits rather than a reasonable allowance as compensation for the personal services actually rendered. In the case of a taxpayer engaged in a trade or business in which both personal services and capital are material income-producing factors, under regulations prescribed by the Secretary or his delegate, a reasonable allowance as compensation for the personal services rendered by the taxpayer, not in excess of 30 percent of his share of the net profits of such trade or business, shall be considered as earned income.

§ 1.911–1 *Earned income from sources without the United States*—(a) *Bona fide resident of a foreign country—(1) Qualifications for exemption.* Amounts constituting earned income as defined in section 911 (b) shall be excluded from the gross income of an individual citizen of the United States who establishes to the satisfaction of the Commissioner that he has been a bona fide resident of a foreign country or countries for an uninterrupted period which includes an entire taxable year, if such amounts are (i) from sources without the United States, (ii) attributable to such uninterrupted period, and (iii) not paid by the United States or any agency or instrumentality thereof. The exemption from tax thus provided is applicable to such amounts as are attributable to that portion of an uninterrupted period of bona fide foreign residence which falls within a taxable year during which the citizen begins or terminates bona fide residence in a foreign country, provided that such period includes at least one entire taxable year. If attributable to an uninterrupted period in respect of which the citizen qualifies for the exemption from tax thus pro-

vided, the amounts shall be excluded from gross income irrespective of when they are received.

(2) *What constitutes bona fide residence.* Though the period of bona fide foreign residence must be continuous and uninterrupted, once bona fide residence in a foreign country or countries has been established, temporary visits to the United States or elsewhere on vacation or business trips will not necessarily deprive the citizen of his status as a bona fide resident of a foreign country. Whether the individual citizen of the United States is a bona fide resident of a foreign country shall be determined by the application, to the extent feasible, of the principles of section 871 and the regulations thereunder, relating to what constitutes residence or nonresidence, as the case may be, in the United States in the case of an alien individual.

(3) *Treatment of deductions.* In any case in which any amount is excluded from gross income under the provisions of section 911 (a) (1), there shall be disallowed as deductions any expenses, losses or other items otherwise deductible (other than those allowed by section 151, relating to personal exemptions) properly allocable to or chargeable against the amounts so excluded from gross income. For example, traveling and entertainment expenses incurred by A, a citizen of the United States, for the production of earned income in foreign country X, where A had been a bona fide resident for a period of several years, would not be deductible to any extent, since such expenses are directly and entirely allocable to or chargeable against such exempt earned income. However, items which are not properly chargeable against or allocable to excludable earned income are deductible in their entirety (subject to any specific statutory limitations relating to such items). Examples of such items include personal and family medical expenses, real estate taxes on a personal residence, interest on mortgage on personal residence, and charitable contributions.

(4) *Earned income and employed assistants.* The entire amount received as professional fees may be treated as earned income if the taxpayer is engaged in a professional occupation, such as a doctor or a lawyer, even though he employs assistants to perform part or all of the services, provided the patients or clients are those of the taxpayer and look to the taxpayer as the person responsible for the services performed.

(5) *Earned income from business in which capital is material.* In the case of a taxpayer engaged in a trade or business (other than in corporate form) in which both personal services and capital are material income-producing factors, a reasonable allowance as compensation for the personal services actually rendered by the taxpayer shall be considered earned income, but the total amount which shall be treated as the earned income of the taxpayer from such a trade or business shall, in no case, exceed 30 percent of his share of the net profits of such trade or business. No general rule can be prescribed defining the trades or businesses in which personal services and capital are material income-producing factors; this question must be determined on all the facts of each individual case.

(6) *Source of income and place of receipt.* An amount constituting earned income as defined in section 911 (b) which is derived from sources without the United States shall not be included in gross income solely because it is received within the United States, since the place of receipt is immaterial in determining whether any items shall be excluded from gross income under the provisions of section 911 (a). No amounts received for services performed within the United States shall be excluded from gross income by such section. For the allocation or segregation as between sources within, and sources without, the United States in the case of compensation for labor or personal services, see sections 861, 862, 863 and 864 and the regulations thereunder.

(7) *Returns.* Any return filed before the completion of the period necessary to qualify a citizen for the exemption under section 911 (a) (1) shall be filed without regard to the exemption provided by that section, but claim for credit or refund of any overpayment of tax may be filed if the taxpayer subsequently qualifies for the exemption under section 911 (a) (1). A taxpayer desiring an extension of time (in addition to that granted by section 6081) for filing the return until after the completion of the qualifying period under section 911 (a) (1) shall make application therefor with the district director, setting forth the facts relied upon to justify the extension of time requested and including a statement as to the earliest date he expects to be in a position to determine whether he will be entitled to the exclusion provided by section 911 (a) (1). An extension of time may be granted for more than 6 months in the case of taxpayers who are abroad. For extensions of time for filing returns, see section 6081 and the regulations thereunder.

(8) *Declaration of estimated tax.* In estimating his gross income for the purpose of making a declaration of estimated tax for any taxable year, a citizen of the United States is not required to take into account income which it is reasonable to believe will be excluded from gross income under the provisions of section 911 (a) (1) and the regulations thereunder.

(9) *Definition of "foreign country".* The term "foreign country" means territory under the sovereignty of a government other than that of the United States. It does not include a possession or territory of the United States.

(b) *Presence in a foreign country—* (1) *Qualifications for exemption.* Subject to the limitations in subparagraph (2), amounts constituting earned income as defined in section 911 (b) shall be excluded from gross income in the case of an individual citizen of the United States who during any period of 18 consecutive months is present in a foreign country or countries during a total of at least 510 full days, if such amounts are (i) from sources without the United States, (ii) attributable to such period and (iii) not paid by the United States or any agency or instrumentality thereof. For purposes of determining the right to the exclusion under section 911 (a) (2) for a taxable year to which the Internal Revenue Code of 1954 is applicable, the period of presence in a foreign country may include a period prior to the beginning of such taxable year, even though the tax for such prior period is computed under the Internal Revenue Code of 1939. For example, the qualifying period may, in the case of a taxpayer who makes his return on the calendar year basis, cover the period from July 1, 1953, to December 31, 1954, for purposes of the exclusion allowed under section 911 (a) (2) for the taxable year 1954.

(2) Amount of exemption. (i) The amount excluded from gross income under the provisions of section 911 (a) (2) shall not exceed $20,000 if the 18-month period includes the entire taxable year. If the 18-month period does not include the entire taxable year, the amount excluded from gross income under such section for such taxable year shall not exceed an amount which bears the same ratio to $20,000 as the number of days in the part of the taxable year within the 18-month period bears to the total number of days in such year.

(ii) The application of subdivision (i) of this subparagraph may be illustrated by the following example:

*Example.* A, a citizen of the United States who files his returns for the calendar year using a cash receipts and disbursements method, was privately employed and physically present in France from January 1, 1953, through July 15, 1955. On December 31, 1953, he received compensation in the amount of $20,000 for the services rendered by him during 1953. He left France on July 16, 1955, and returned to the United States. On August 1, 1955, he received $30,000, part of which was for the services rendered by him during 1954 and the balance of which was for his services rendered during the period January 1, 1955, through July 15, 1955. On January 15, 1956, A received an additional $10,000 for the services rendered by him during 1954. Since the $20,000 compensation received by A on December 31, 1953, was attributable to an 18-month period during at least 510 full days of which he was present in a foreign country, and since that 18-month period included his entire taxable year 1953, the entire $20,000 is exempt from taxation. Only $12,712.33 $\left(\frac{232}{365}\times\$20{,}000\right)$ of the $30,000 he received on August 1, 1955, is exempt from taxation since only a portion of his taxable year 1955 is included within such an 18-month period. None of the $10,000 received by him in 1956 is exempt from taxation because no part of his taxable year 1956 is included within such an 18-month period. The formula for such computations may be stated as follows:

$$\frac{\text{Number of days in that part of the taxable year falling within the 18-month period}}{\text{Number of days in the taxable year}}\times\$20{,}000$$

= Maximum amount excludable

For the definition of "taxable year" see section 7701 (a) (23).



(3) *Returns.* Any return filed before the completion of the period necessary to qualify a citizen for the exemption under section 911 (a) (2) shall be filed without regard to the exemption provided by that section, but claim for credit or refund of any overpayment of tax may be filed if the taxpayer subsequently qualifies for the exemption under section 911 (a) (2). A taxpayer desiring an extension of time (in addition to that granted by section 6081 and the regulations thereunder) for filing the return until after the completion of the qualifying period under section 911 (a) (2) shall make application therefor with the district director, setting forth the facts relied upon to justify the extension of time requested and including a statement as to the earliest date he expects to be in a position to determine whether he will be entitled to the exclusion provided by section 911 (a) (2). An extension of time may be granted for more than 6 months in the case of taxpayers who are abroad. For extensions of time for filing returns, see section 6081 and the regulations thereunder.

(4) *Declaration of estimated tax.* In estimating his gross income for the purpose of making a declaration of estimated tax for any taxable year, a citizen of the United States is not required to take into account income which it is reasonable to believe will be excluded from gross income under the provisions of section 911 (a) (2) and the regulations thereunder.

(5) *Earned income, source of income, and place of receipt.* The provisions of paragraph (a) of this section respecting the definition of earned income, the source of income, and the immateriality of the place of receipt of amounts constituting earned income are equally effective in the application of this paragraph.

(6) *Treatment of deductions.* In any case in which any amount is excluded from gross income under section 911 (a) (2), there shall be disallowed as deductions any expenses, losses, or other items otherwise deductible (other than those allowed by section 151 relating to personal exemptions), properly allocable to or chargeable against the amount so excluded from gross income. If the earned income excludable under section 911 (a) (2) (determined without regard to the $20,000 limitation) exceeds the earned income excludable under section 911 (a) (2), the amount disallowed as a deduction shall be limited to an amount which bears the same ratio to the total of such items properly allocable to or chargeable against such earned income so excludable (determined without regard to the $20,000 limitation) as the amount excluded from gross income under section 911 (a) (2) bears to such earned income (determined without regard to the $20,000 limitation). However, deductions which are not properly allocable to or chargeable against earned income excluded under section 911 (a) (2) are deductible in their entirety (subject to specific statutory limitations relating to such items). For examples of deductions which must be allowed or disallowed under this paragraph see paragraph (a) (3) of this section.

(7) *Definition of "foreign country."* The term "foreign country" means territory under the sovereignty of a government other than that of the United States and includes the air space over such territory. It does not include a possession or territory of the United States.

(8) *Determination of 18-month period.* The exclusion provided by section 911 (a) (2) applies to income attributable to any period of 18 consecutive months during which the citizen satisfies the 510 full-day requirement, even though such period constitutes a part of a longer period of presence in a foreign country or countries. For this purpose, the term "18 consecutive months" means any period of such duration, that is, any period commencing with the beginning of any day of a calendar month and terminating (i) with the close of the day which precedes that day in the eighteenth succeeding calendar month numerically corresponding to the day of the period's beginning, or, if there is no such corresponding day, (ii) with the close of the last day of such eighteenth succeeding month. Such period need not necessarily commence with the day of arrival in a foreign country, nor terminate with the day of departure therefrom. In no event will the 510 full-day requirement be prorated over a period of less than 18 consecutive months.

(9) *Examples of 18-month periods.* Thus, a citizen who arrives in a foreign country on January 1, 1953, makes several return trips to the United States, and then finally departs from the foreign country on February 14, 1955, may not be present in such country for 510 full days during the 18-month period commencing with January 1, 1953, and ending with the close of June 30, 1954, because of his visits to the United States during such period, but may satisfy the 510 full-day requirement during the 18-month period commencing with February 15, 1953, and ending with the close of August 14, 1954. In such event, the exclusion will apply to income attributable to the latter period, but not to income attributable to the period commencing with January 1, 1953, and ending with the close of February 14, 1953. For such purpose, it is assumed that no part of the period ending with the close of February 14, 1953, is included in any 18-month period during which the 510 full-day requirement is satisfied. Furthermore, the mere fact that the 510 full-day requirement has been satisfied with respect to the period ending with the close of August 14, 1954, does not mean that income earned thereafter will be excluded under section 911 (a) (2) unless such income is attributable to another 18-month period during which there is compliance with the 510 full-day requirement. Thus, the 510 full-day requirement cannot be prorated over the 6-month period commencing with August 15, 1954, and ending with the close of February 14, 1955, in order to determine whether the exclusion allowed by section 911 (a) (2) applies to income attributable to such 6-month period. Therefore, assuming that the citizen is present in the foreign country 170 full days (⅓ of 510 full days) during such 6-month period (⅓ of 18 consecutive months), the exclusion will not be applicable to income attributable to any part of such 6-month period if no part thereof is included in any 18-month period during which the 510 full-day requirement is satisfied.

(10) *Definition of "full day."* The term "full day" means, not any 24-consecutive-hour period, but a continuous period of twenty-four hours commencing from midnight and ending with the following midnight. In computing the minimum of 510 full days of presence in a foreign country or countries, all separate periods of such presence during the period of 18 consecutive months are to be aggregated. For the purpose of section 911 (a) (2), if an individual travels from one place in a foreign country to another place in the same country, or to a place in another foreign country, and of such travel extends over a period of less than 24 hours and does not involve travel within the United States or any possession thereof, such individual shall not be deemed outside a foreign country during the period of such travel. The 510 full days need not be consecutive, but may be interrupted by periods during which the citizen is not present in a foreign country. Time spent in a foreign country in the employment of the United States Government will count toward satisfaction of the 510 full-day requirement, even though amounts paid by such Government are not exempt from tax under section 911 (a) (2).

(11) *Illustrations of application of the 510-day rule.* The application of the 510-day rule may be illustrated by the following examples:

*Example (1).* On February 1, 1954, B, a citizen of the United States privately employed, arrived in Puerto Rico on a business assignment. Upon completion of the assignment he departed for a new assignment in Venezuela, arriving there on April 24, 1954. He remained in Venezuela until 2 p. m. on October 25, 1955, at which time he departed for another assignment in Puerto Rico. On January 10, 1956, he left Puerto Rico for a new assignment in the United States. During the 18-month period commencing with April 25, 1954, and ending with the close of October 24, 1955, the taxpayer was in a foreign country at least 510 full days; in addition, during the 18-month period commencing with June 2, 1954, and ending with the close of December 1, 1955, he was in a foreign country an aggregate of 510 full days.

*Example (2).* At 2 p. m. on January 18, 1953, C, a citizen of the United States privately employed, arrived in England on a business trip from the United States. On May 20, 1953, at 10 p. m. he departed from England by steamer and arrived in the United States on May 25, 1953. After spending a period therein on official business, he left the United States by steamer on June 9, 1953, and arrived in France at 3 p. m., June 14, 1953. At 8 a. m. on February 3, 1954, he departed from France by airplane for a brief visit to Puerto Rico, arriving there on February 4, 1954, and thence went to England, arriving there at 1 a. m. on February 12, 1954, where he remained until midnight, July 18, 1954, at which time the 510 full-day requirement was satisfied in respect of the period of 18 consecutive months which began with January 19, 1953. C continued his presence in England, not leaving that country until 5 a. m. on November 18, 1954, at which time he departed for the United States. During the

18-month period commencing with January 19, 1953, and ending with the close of July 18, 1954, the taxpayer was in a foreign country or countries an aggregate of 510 full days; in addition, during the 18-month period commencing with June 16, 1953, and ending with the close of December 15, 1954, he was in a foreign country or countries an aggregate of 510 full days. The computation with respect to each period may be illustrated as follows:

| | *Full days in foreign country* |
|---|---|
| First 18-month period (Jan. 19, 1953 through July 18, 1954): | |
| Jan. 19, 1953, through May 19, 1953 | 121 |
| May 20, 1953, through June 14, 1953 | 0 |
| June 15, 1953, through Feb. 2, 1954 | 233 |
| Feb. 3, 1954, through Feb. 12, 1954 | 0 |
| Feb. 13, 1954, through July 18, 1954 | 156 |
| Total full days | 510 |
| Second 18-month period (June 16, 1953 through Dec. 15, 1954): | |
| June 16, 1953, through Feb. 2, 1954 | 232 |
| Feb. 3, 1954, through Feb. 12, 1954 | 0 |
| Feb. 13, 1954, through Nov. 17, 1954 | 278 |
| Nov. 18, 1954, through Dec. 15, 1954 | 0 |
| Total full days | 510 |

*Example (3).* On March 6, 1953, at 3 p. m., D, a citizen privately employed, arrived in Cuba, where he remained until 9 p. m., June 25, 1953, at which time he departed from Cuba for a short business trip to Puerto Rico. Upon completion of his negotiations, he departed for Mexico, arriving there at 2 p. m. on July 24, 1953, where he remained until 10 a. m., August 22, 1954, at which time he departed from such country for a vacation in the United States. He arrived again in Mexico at 9 a. m. on September 5, 1954, where he remained until 8 a. m., January 1, 1955, at which time he departed from such country for a new assignment in the United States. During the 18-month period commencing with March 7, 1953, and ending with the close of September 6, 1954, the taxpayer was in a foreign country or countries an aggregate of 504 full days; during the 18-month period commencing with July 1, 1953, and ending with the close of December 31, 1954, he was in a foreign country an aggregate of 510 full days. The computation with respect to each period may be illustrated as follows:

| | *Full days in foreign country* |
|---|---|
| First 18-month period (Mar. 7, 1953 through Oct. 6, 1954): | |
| Mar. 7, 1953 through June 24, 1953 | 110 |
| June 25, 1953 through July 24, 1953 | 0 |
| July 25, 1953 through Aug. 21, 1954 | 393 |
| Aug. 22, 1954 through Sept. 5, 1954 | 0 |
| Sept. 6, 1954 | 1 |
| Total full days | 504 |
| Second 18-month period (July 1, 1953 through Dec. 31, 1954): | |
| July 1, 1953 through July 24, 1953 | 0 |
| July 25, 1953 through Aug. 21, 1954 | 393 |
| Aug. 22, 1954 through Sept. 5, 1954 | 0 |
| Sept. 6, 1954 through Dec. 31, 1954 | 117 |
| Total full days | 510 |

§ 1.912 *Statutory provisions; exemption for certain allowances.*

SEC. 912. *Exemption for certain allowances.* The following items shall not be included in gross income, and shall be exempt from taxation under this subtitle:

(1) *Cost-of-living allowances.* In the case of civilian officers or employees of the Government of the United States stationed outside continental United States, amounts received as cost-of-living allowances in accordance with regulations approved by the President.

(2) *Foreign service allowances.* In the case of an officer or employee of the Foreign Service of the United States, amounts received by such officer or employee as allowances or otherwise under the terms of title IX of the Foreign Service Act of 1946 (22 U. S. C. 1131–1158).

§ 1.912–1 *Exclusion of certain cost-of-living allowances.* (a) Amounts received by Government civilian personnel stationed outside the continental United States as cost-of-living allowances in accordance with regulations approved by the President are, by the provisions of section 912 (1), excluded from gross income. Such allowances shall be considered as retaining their characteristics under section 912 (1) notwithstanding any combination thereof with any other allowance. For example, the cost-of-living portion of a "living and quarters allowance," would be excluded from gross income whether or not any other portion of such allowance is excluded from gross income.

(b) For the purposes of section 912 (1) the term "continental United States" includes only the States of the Union and the District of Columbia.

§ 1.912–2 *Exclusion of certain allowances of Foreign Service personnel.* Amounts received by personnel of the Foreign Service of the United States as allowances or otherwise under the terms of title IX of the Foreign Service Act of 1946 (22 U. S. C. 1131–1158) are, by the provisions of section 912 (2), excluded from gross income.

WESTERN HEMISPHERE TRADE CORPORATIONS

§ 1.921 *Statutory provisions; definition of Western Hemisphere trade corporation.*

SEC. 921. *Definitions of Western Hemisphere trade corporations.* For purposes of this subtitle, the term "Western Hemisphere trade corporation" means a domestic corporation all of whose business (other than incidental purchases) is done in any country or countries in North, Central, or South America, or in the West Indies, and which satisfies the following conditions:

(1) If 95 percent or more of the gross income of such domestic corporation for the 3-year period immediately preceding the close of the taxable year (or for such part of such period during which the corporation was in existence) was derived from sources without the United States; and

(2) If 90 percent or more of its gross income for such period or such part thereof was derived from the active conduct of a trade or business.

For any taxable year beginning prior to January 1, 1954, the determination as to whether any corporation meets the requirements of section 109 of the Internal Revenue Code of 1939 shall be made as if this section had not been enacted and without inferences drawn from the fact that this section is not expressly made applicable with respect to taxable years beginning prior to January 1, 1954.

§ 1.921–1 *Definition of Western Hemisphere trade corporations.* (a) The term "Western Hemisphere trade corporation", for the purposes of Subtitle A, means a domestic corporation which meets the following tests:

(1) Its entire business (other than incidental purchases) must be carried on within the geographical limits of North, Central, or South America, or in the West Indies. As used in section 921, the term "incidental purchases" does not include all purchases incident to the conduct of the business; it means only such purchases as are occasional and relatively minor. Whether purchases made outside the geographical limits of North, Central, or South America, or the West Indies, constitute incidental purchases, for the purposes of section 921, shall be determined on the basis of all the facts of each particular case. Some of the significant factors in making such a determination are the ratio of purchases made outside of such geographical limits to total purchases for the taxable year, the frequency of such purchases, and the relationship of such purchases to the conduct of the corporation's business.

(2) 95 percent or more of its gross income for the 3-year period immediately preceding the close of the taxable year (or for such part of such period during which the corporation was in existence) must be derived from sources without the United States; and

(3) 90 percent or more of its gross income for such period or such part thereof must be derived from the active conduct of a trade or business.

Dividends received by the corporation do not represent income derived from the active conduct of a trade or business. A domestic corporation is not excluded from the definition merely because, incident to the conduct of its trade or business, it retains title in goods to insure payment for such goods shipped to a country outside the geographical areas enumerated in section 921.

(b) A corporation which claims to qualify as a Western Hemisphere trade corporation shall attach to its income tax return a statement showing: (1) That its entire business is done within the geographical limits of North, Central, or South America, or in the West Indies and, if any purchases are made outside such geographical limits, the amount, number and type of such purchases, and any other pertinent information, and (2) for the 3-year period immediately preceding the close of the taxable year (or for such part thereof during which the corporation was in existence, (i) its total gross income from all sources, (ii) the amount thereof derived from the active conduct of a trade or business, (iii) a description of such trade or business and the facts upon which the corporation relies to establish that such trade or business was actively conducted by it, and (iv) the amount of its gross income, if any, from sources within the United States. The gross income from sources within the United States and without the United States shall be determined as provided in sections 861, 862, 863 and 864 and the regulations thereunder.

§ 1.922 *Statutory provisions; special deduction.*

SEC. 922. *Special deduction.* In the case of a Western Hemisphere trade corporation there shall be allowed as a deduction in computing taxable income an amount computed as follows—



(1) First determine the taxable income of such corporation computed without regard to this section.

(2) Then multiply the amount determined under paragraph (1) by the fraction—

(A) The numerator of which is 14 percent, and

(B) The denominator of which is that percentage which equals the sum of the normal tax rate and the surtax rate for the taxable year prescribed by section 11.

§ 1.922–1 (a) *Special deduction of Western Hemisphere trade corporation.* A special deduction in computing taxable income in the case of a Western Hemisphere trade corporation (as defined in section 921), is allowed in section 922. The fraction specified in section 922 (2) is the same whether the amount of the corporation's taxable income is sufficient to subject it to the combined normal tax and surtax, or only to the normal tax. For the rules applicable in determining the special deduction where the alternative tax under section 1201 is imposed, see the regulations under section 1201.

(b) *Examples.* The computation of the special deduction may be illustrated by the following examples:

*Example (1).* A corporation which qualifies as a Western Hemisphere trade corporation realized gross income of $100,000 for the calendar year 1954 and had allowable deductions (other than the special deduction allowed by section 922) for that year in the amount of $40,000. The corporation normal tax rate and the surtax rate for the calendar year 1954 are 30 percent and 22 percent, respectively. The corporation's special deduction under section 922 is $16,153.84, computed as follows:

(i) Compute the taxable income by subtracting allowable deductions of $40,000 from gross income of $100,000, with a result of $60,000.

(ii) The sum of the corporation normal tax rate and surtax rate for the calendar year 1954 is 52 percent (30 percent plus 22 percent). The fraction specified in section 922 (2), accordingly, is $14/52$.

(iii) The amount of taxable income (subdivision (i)), $60,000, multiplied by the fraction determined under subdivision (ii), $14/52$, is $16,153.84 ($14/52$ times $60,000).

*Example (2).* Assume that the facts are the same as in example (1) except that the allowable deductions (other than the special deductions allowed by section 922) are $80,000. The corporation's special deduction under section 922 is $5,384.61, computed as follows:

(i) Compute the taxable income by subtracting allowable deductions of $80,000 from gross income of $100,000, with a result of $20,000.

(ii) The sum of the corporation normal tax rate and surtax rate for the calendar year 1954 is 52 percent (30 percent plus 22 percent). The fraction specified in section 922 (2), accordingly, is $14/52$, regardless of the fact that the taxable income of the corporation in the amount of $20,000 makes it subject only to the corporation normal tax.

(iii) The amount of taxable income (subdivision (i)), $20,000, multiplied by the fraction determined under subdivision (ii), $14/52$, is $5,384.61 ($14/52$ times $20,000).

POSSESSIONS OF THE UNITED STATES

§ 1.931 *Statutory provisions; income from sources within possessions of the United States.*

SEC. 931. *Income from sources within possessions of the United States*—(a) *General rule.* In the case of citizens of the United States or domestic corporations, gross income means only gross income from sources within the United States if the conditions of both paragraph (1) and paragraph (2) are satisfied:

(1) *Three-year period.* If 80 percent or more of the gross income of such citizen or domestic corporation (computed without the benefit of this section) for the 3-year period immediately preceding the close of the taxable year (or for such part of such period immediately preceding the close of such taxable year as may be applicable) was derived from sources within a possession of the United States; and

(2) *Trade or business.* If—

(A) In the case of such corporation, 50 percent or more of its gross income (computed without the benefit of this section) for such period or such part thereof was derived from the active conduct of a trade or business within a possession of the United States; or

(B) In the case of such citizen, 50 percent or more of his gross income (computed without the benefit of this section) for such period or such part thereof was derived from the active conduct of a trade or business within a possession of the United States either on his own account or as an employee or agent of another.

(b) *Amounts received in United States.* Notwithstanding subsection (a), there shall be included in gross income all amounts received by such citizens or corporations within the United States, whether derived from sources within or without the United States.

(c) *Definition.* For purposes of this section, the term "possession of the United States" does not include the Virgin Islands of the United States, and such term when used with respect to citizens of the United States does not include Puerto Rico.

(d) *Deductions.* (1) Citizens of the United States entitled to the benefits of this section shall have the same deductions as are allowed by section 873 in the case of a nonresident alien individual engaged in trade or business within the United States.

(2) Domestic corporations entitled to the benefits of this section shall have the same deductions as are allowed by section 882 (c) in the case of a foreign corporation engaged in trade or business within the United States.

(e) *Deduction for personal exemption.* A citizen of the United States entitled to the benefits of this section shall be allowed a deduction for only one exemption under section 151.

(f) *Allowance of deductions and credits.* Persons entitled to the benefits of this section shall receive the benefit of the deductions and credits allowed to them in this subtitle only by filing or causing to be filed with the Secretary or his delegate a true and accurate return of their total income received from all sources in the United States, in the manner prescribed in subtitle F, including therein all the information which the Secretary or his delegate may deem necessary for the calculation of such deductions and credits.

(g) *Foreign tax credit.* Persons entitled to the benefits of this section shall not be allowed the credits against the tax for taxes of foreign countries and possessions of the United States allowed by section 901.

(h) *Internees.* In the case of a citizen of the United States interned by the enemy while serving as an employee within a possession of the United States—

(1) If such citizen was confined in any place not within a possession of the United States, such place of confinement shall, for purposes of this section, be considered as within a possession of the United States; and

(2) Subsection (b) shall not apply to any compensation received within the United States by such citizen attributable to the period of time during which such citizen was interned by the enemy.

(i) *Employees of the United States.* For purposes of this section, amounts paid for services performed by a citizen of the United States as an employee of the United States or any agency thereof shall be deemed to be derived from sources within the United States.

§ 1.931–1 *Citizens of the United States and domestic corporations deriving income from sources within a certain possession of the United States*—(a) *Definitions.* (1) As used in sections 931 and 932 and the regulations thereunder, the term "possession of the United States" includes the Panama Canal Zone, Guam, American Samoa, Wake and the Midway Islands, and Puerto Rico when used with respect to domestic corporations. The term does not include the Virgin Islands, nor does it include Puerto Rico when used with respect to citizens of the United States.

(2) As used in section 931 and the regulations thereunder the term "United States" includes only the States, the Territories of Alaska and Hawaii, and the District of Columbia.

(b) *General rule*—(1) *Qualifications.* In the case of a citizen of the United States or a domestic corporation satisfying the following conditions, gross income means only gross income from sources within the United States—

(i) If 80 percent or more of the gross income of such citizen or domestic corporation (computed without the benefit of section 931) for the 3-year period immediately preceding the close of the taxable year (or for such part of such period immediately preceding the close of such taxable year as may be applicable) was derived from sources within a possession of the United States, and

(ii) If 50 percent or more of the gross income of such citizen or domestic corporation (computed without the benefit of section 931) for such period or such part thereof was derived from the active conduct of a trade or business within a possession of the United States.

In the case of a citizen, the trade or business may be conducted on his own account or as an employee or agent of another. The salary or other compensation paid by the United States to the members of its civil, military, or naval personnel for services rendered within a possession of the United States represents income derived from the active conduct of a trade or business within a possession of the United States. The salary or other compensation paid for services performed by a citizen of the United States as an employee of the United States or any agency thereof shall, for the purposes of section 931 and this section, be deemed to be derived from sources within the United States. Dividends received by a citizen from a corporation whose income was derived from the active conduct of a business within a possession of the United States, does not represent income derived from the active conduct of a trade or business within the possession of the United States even though such citizen was actively engaged in the management of such corporation. For a determination of income from sources within the United States, see sections 861, 862, 863, 864, and 931 (i).

(2) *Relationship of sections 931 and 911.* A citizen of the United States who cannot meet the 80-percent and the 50-

percent requirements of section 931 but who receives earned income from sources within a possession of the United States, is not deprived of the benefits of the provisions of section 911 (relating to the exemption of earned income from sources outside the United States), provided he meets the requirements thereof. In such a case none of the provisions of section 931 is applicable in determining the citizen's tax liability. For what constitutes earned income, see section 911 (b).

(3) *Meaning of "gross income" on joint return.* In the case of a husband and wife making a joint return, the term "gross income," as used in this section means the combined gross income of the spouses.

(4) *Returns.* A citizen entitled to the benefits of section 931 is required to file with his individual return Form 1040 the schedule on Form 1040E. If a citizen entitled to the benefits of section 931 has no income from sources within the United States and does not receive within the United States any income derived from sources without the United States he is not required to file a return or the schedule on Form 1040E.

(5) *Illustration of the operation of section 931.* This section may be illustrated by the following example:

*Example.* On July 1, 1954, A, who is a citizen of the United States, went to a possession of the United States and established a business there which he actively conducted during the remainder of that year. His gross income from the business during such period was $20,000. In addition, he made a profit of $12,000 from the sale during the latter part of 1954 of some real estate located in such possession and not connected with his trade or business. In the first six months of 1954 he also derived $8,000 gross income from rental property located in the United States. He derived a like amount of gross income from such property during the last six months of 1954. On these facts, A may exclude the $32,000 derived from sources within the possession of the United States, since he qualified under section 931 with respect to that amount. The period of July 1, 1954, through December 31, 1954, constitutes the applicable part of the 3-year period immediately preceding the close of the taxable year (the calendar year 1954), and for that period, 80 percent of A's gross income was derived from sources within a possession of the United States ($32,000, or 80 percent of $40,000) and 50 percent or more of A's gross income was derived from the active conduct of a trade or business within a possession of the United States ($20,000, or 50 percent of $40,000). A is required to report on his return for 1954 only the gross income derived by him from sources within the United States ($16,000 from the rental property located in the United States).

(c) *Amounts received in United States.* Notwithstanding the provisions of section 931 (a), there shall be included in the gross income of citizens and domestic corporations therein specified all amounts, whether derived from sources within or without the United States, which are received by such citizens or corporations within the United States. From the amounts so included in gross income there shall be deducted only the expenses properly apportioned or allocated thereto. For instance, if in the example set forth in paragraph (b) (5), of this section the taxpayer during the latter part of 1954 returned to the United States for a few weeks and while there received the proceeds resulting from the sale of the real estate located in the possession, the profits derived from such transaction should be reported in gross income. Such receipt in the United States, however, would not deprive the taxpayer of the benefits of section 931 with respect to other items of gross income excluded by that section.

(d) *Deductions*—(1) *Individuals.* In the case of a citizen entitled to the benefits of section 931, the deductions allowed in computing taxable income, except the standard deduction and a deduction for one personal exemption (see sections 142 (b) (2) and 931 (e), respectively), are allowed only if and to the extent that they are connected with income from sources within the United States. The provisions of section 873 and the regulations thereunder, relating to the allowance to nonresident alien individuals, who at any time within the taxable year were engaged in trade or business within the United States, of the deductions provided in section 165 (c) (2) and (3) for losses not connected with the trade or business, are applicable in the case of citizens entitled to the benefits of section 931. The provisions of section 873 (c) and the regulations thereunder pertaining to the allowance to such nonresident alien individuals of deductions for contributions provided in sectoin 170 are also applied in the case of such citizens.

(2) *Corporations.* Corporations entitled to the benefits of section 931 are allowed the same deductions from their gross income arising from sources within the United States as are allowed to domestic corporations to the extent that such deductions are connected with such gross income, except that the so-called charitable contribution deduction provided by section 170 to corporations is allowed whether or not connected with income from sources within the United States. The proper apportionment and allocation of the deductions with respect to sources within and without the United States shall be determined as provided in sections 861, 862, 863 and 864.

(e) *Deduction for personal exemption.* A citizen of the United States entitled to the benefits of section 931 is allowed a deduction for only one exemption under section 151.

(f) *Allowance of deductions and credits.* Unless a citizen of the United States or a domestic corporation entitled to the benefits of section 931 shall file or cause to be filed with the district director a true and accurate return of total income from all sources within the United States, in the manner prescribed in subtitle F of the Internal Revenue Code of 1954, the tax shall be collected on the basis of the gross income (not the taxable income) from sources within the United States. If such citizen or corporation fails to file a necessary income tax return, the Commissioner will cause a return to be made, including therein all income from sources within the United States and allowing no deductions or credits (except credit for tax withheld at source).

(g) *Foreign tax credit.* Persons entitled to the benefits of section 931 are not allowed the credits provided for in section 901 (relating to credits for taxes of foreign countries and possessions).

(h) *Internees.* If a citizen of the United States—

(1) Was interned by the enemy while serving as an employee within a possession of the United States; and

(2) Was confined in any place not within a possession of the United States, then

(i) Such place of confinement shall be considered as within a possession of the United States for the purposes of section 931; and

(ii) Section 931 (b) shall not apply to any compensation received within the United States by such citizen attributable to the period of time during which such citizen was interned by the enemy.

(i) *Employees of the United States.* For the purposes of section 931, amounts paid for services performed by a citizen of the United States as an employee of the United States or any agency thereof shall be deemed to be derived from sources within the United States.

§ 1.932 *Statutory provisions; taxation of citizens of possessions of the United States.*

SEC. 932. *Citizens of possessions of the United States*—(a) *General rule.* Any individual who is a citizen of any possession of the United States (but not otherwise a citizen of the United States) and who is not a resident of the United States shall be subject to taxation under this subtitle only as to income derived from sources within the United States, and in such case the tax shall be computed and paid in the same manner and subject to the same conditions as in the case of other persons who are taxable only as to income derived from such sources. This section shall have no application in the case of a citizen of Puerto Rico.

(b) *Virgin Islands.* Nothing in this section shall be construed to alter or amend the Act entitled "An Act making appropriations for the naval service for the fiscal year ending June 30, 1922, and for other purposes", approved July 12, 1921 (48 U. S. C. 1397), relating to the imposition of income taxes in the Virgin Islands of the United States.

(c) *Guam.* For applicability of United States income tax laws in Guam, see section 31 of the Act of August 1, 1950 (48 U. S. C. 1421i); for disposition of the proceeds of such taxes, see section 30 of such Act (48 U. S. C. 1421h).

§ 1.932–1 *Status of citizens of United States possessions*—(a) *General rule*—(1) *Definition and treatment.* A citizen of a possession of the United States (except the Virgin Islands or Puerto Rico), who is not otherwise a citizen or resident of the United States, including only the States, the Territories of Alaska and Hawaii, and the District of Columbia, is treated for the purpose of the tax as if he were a nonresident alien individual. See sections 871 to 877, inclusive. For Federal income tax purposes, a citizen of a possession of the United States who is not otherwise a citizen of the United States is a citizen of a possession of the United States who has not become a citizen of the United States by naturalization. The fixed or determinable annual or periodical income from sources within the United States of a citizen of a possession of the United States who is treated as if he were a nonresident alien individual is subject to withholding. See section 1441.

(2) *Classification of citizens of United States possessions.* For the purpose of this section citizens of the possessions of the United States who are not otherwise citizens of the United States are divided into two classes: (i) Citizens of possessions of the United States who at any time within the taxable year are not engaged in trade or business within the United States, and (ii) citizens of possessions of the United States who at any time within the taxable year are engaged in trade or business within the United States. The provisions of sections 871 to 877, inclusive, and the regulations thereunder, applicable to nonresident alien individuals not engaged in trade or business within the United States are applicable to the citizens of possessions falling within the first class, while the provisions of such sections applicable to nonresident alien individuals who at any time within the taxable year are engaged in trade or business within the United States are applicable to citizens of possessions falling within the second class.

(b) *No application to citizen of Puerto Rico.* The provisions of section 932 (a) and this section shall have no application in the case of a citizen of Puerto Rico.

§ 1.933 *Statutory provisions; income from sources within Puerto Rico.*

SEC. 933. *Income from sources within Puerto Rico.* The following items shall not be included in gross income and shall be exempt from taxation under this subtitle:

(1) *Resident of Puerto Rico for entire taxable year.* In the case of an individual who is a bona fide resident of Puerto Rico during the entire taxable year, income derived from sources within Puerto Rico (except amounts received for services performed as an employee of the United States or any agency thereof); but such individual shall not be allowed as a deduction from his gross income any deductions (other than the deduction under section 151, relating to personal exemptions) properly allocable to or chargeable against amounts excluded from gross income under this paragraph.

(2) *Taxable year of change of residence from Puerto Rico.* In the case of an individual citizen of the United States who has been a bona fide resident of Puerto Rico for a period of at least 2 years before the date on which he changes his residence from Puerto Rico, income derived from sources therein (except amounts received for services performed as an employee of the United States or any agency thereof) which is attributable to that part of such period of Puerto Rican residence before such date; but such individual shall not be allowed as a deduction from his gross income any deductions (other than the deduction for personal exemptions under section 151) properly allocable to or chargeable against amounts excluded from gross income under this paragraph.

§ 1.933–1 *Exclusion of certain income from sources within Puerto Rico*—(a) *General rule.* An individual (whether a United States citizen or an alien), who is a bona fide resident of Puerto Rico during the entire taxable year, shall exclude from his gross income the income derived from sources within Puerto Rico, except amounts received for services performed as an employee of the United States or any agency thereof. Whether the individual is a bona fide resident of Puerto Rico shall be determined in general by applying to the facts and circumstances in each case the principles of §§ 1.871–2, 1.871–3, 1.871–4, and 1.871–5, relating to what constitutes residence or nonresidence, as the case may be, in the United States in the case of an alien individual. Once bona fide residence in Puerto Rico has been established, temporary absence therefrom in the United States or elsewhere on vacation or business trips will not necessarily deprive an individual of his status as a bona fide resident of Puerto Rico. An individual taking up residence in Puerto Rico during the course of the taxable year is not entitled for such year to the exclusion provided in section 933.

(b) *Taxable year of change of residence from Puerto Rico.* A citizen of the United States who changes his residence from Puerto Rico after having been a bona fide resident thereof for a period of at least two years immediately preceding the date of such change in residence shall exclude from his gross income the income derived from sources within Puerto Rico which is attributable to that part of such period of Puerto Rican residence which preceded the date of such change in residence, except amounts received for services performed as an employee of the United States or any agency thereof.

(c) *Deductions.* In any case in which any amount otherwise constituting gross income is excluded from gross income under the provisions of section 933, there shall not be allowed as a deduction from gross income any items of expenses or losses or other deductions (except the deduction under section 151, relating to personal exemptions) properly allocable to, or chargeable against, the amounts so excluded from gross income.

CHINA TRADE ACT CORPORATIONS

§ 1.941 *Statutory provisions; special deduction for China Trade Act corporations.*

SEC. 941. *Special deduction for China Trade Act corporations*—(a) *Allowance of deduction.* For purposes only of the taxes imposed by section 11, there shall be allowed, in the case of a corporation organized under the China Trade Act, 1922 (15 U. S. C. ch. 4, sec. 141 and following), in addition to the deductions from taxable income otherwise allowed such corporation, a special deduction, in computing the taxable income, of an amount equal to the proportion of the taxable income derived from sources within Formosa and Hong Kong (determined without regard to this section and determined in a similar manner to that provided in part I) which the par value of the shares of stock of the corporation owned on the last day of the taxable year by—

(1) Persons resident in Formosa, Hong Kong, the United States, or possessions of the United States, and

(2) Individual citizens of the United States wherever resident,

bears to the par value of the whole number of shares of stock of the corporation outstanding on such date. In no case shall the diminution, by reason of such special deduction, of the taxes imposed by section 11 (computed without regard to this section) exceed the amount of the special dividend certified under subsection (b) of this section.

(b) *Special dividend.* The special deduction provided in subsection (a) shall not be allowed unless the Secretary of Commerce has certified to the Secretary of the Treasury or his delegate—

(1) The amount which, during the year ending on the date fixed by law for filing the return, the corporation has distributed as a special dividend to or for the benefit of such persons as on the last day of the taxable year were resident in Formosa, Hong Kong, the United States, or possessions of the United States, or were individual citizens of the United States, and owned shares of stock of the corporation;

(2) That such special dividend was in addition to all other amounts, payable or to be payable to such persons or for their benefit, by reason of their interest in the corporation; and

(3) That such distribution has been made to or for the benefit of such persons in proportion to the par value of the shares of stock of the corporation owned by each; except that if the corporation has more than one class of stock, the certificates shall contain a statement that the articles of incorporation provide a method for the apportionment of such special dividend among such persons, and that the amount certified has been distributed in accordance with the method so provided.

(c) *Ownership of stock.* For purposes of this section, shares of stock of a corporation shall be considered to be owned by the person in whom the equitable right to the income from such shares is in good faith vested.

§ 1.941–1 *Special deduction for China Trade Act corporations.* In addition to the deductions from taxable income otherwise allowed such a corporation, a China Trade Act corporation is, under certain conditions, allowed an additional deduction in computing taxable income. This special deduction is an amount equal to the proportion of the taxable income derived from sources within Formosa and Hong Kong (determined without regard to this section and determined in a similar manner to that provided in sections 861, 862, 863, and 864) which the par value of the shares of stock of the corporation, owned on the last day of the taxable year by (a) persons resident in Formosa, Hong Kong, the United States, or possessions of the United States, and (b) individual citizens of the United States wherever resident, bears to the par value of the whole number of shares of stock of the corporation outstanding on that date. The decrease, by reason of such deduction, in the tax imposed by section 11 must not, however, exceed the amount of the special dividend referred to in section 941 (b), and is not allowable unless the special dividend has been certified to the Commissioner by the Secretary of Commerce.

§ 1.941–2 *Meaning of terms used in connection with China Trade Act corporations.* (a) A China Trade Act corporation is one organized under the provisions of the China Trade Act, 1922 (15 U. S. C., ch. 4, sec. 141 et seq.).

(b) The term "special dividend" means the amount which is distributed as a dividend to or for the benefit of such persons as on the last day of the taxable year were resident in Formosa, Hong Kong, the United States, or possessions of the United States, or were individual citizens of the United States, and owned

shares of stock of the corporation. Such dividend must be distributed prior to or at the time fixed by law for filing the return of the corporation, including the period of any extension of time granted under rules and regulations prescribed by the Commissioner with the approval of the Secretary or his delegate. Such special dividend does not include any other amounts payable or to be payable to such persons or for their benefit by reason of their interest in the corporation and must be made in proportion to the par value of the shares of stock of the corporation owned by each.

(c) For the purposes of section 941, the shares of stock of a China Trade Act corporation are considered to be owned by the person in whom the equitable right to the income from such shares is in good faith vested.

(d) "Taxable income derived from sources within Formosa and Hong Kong" is the sum of the taxable income from sources wholly within Formosa and Hong Kong and that portion of the taxable income from sources partly within and partly without Formosa and Hong Kong which may be allocated to sources within Formosa and Hong Kong. The method of computing this income is similar to that described in sections 861, 862, 863 and 864.

§ 1.941–3 *Illustration of principles.* The application of section 941 may be illustrated by the following example:

*Example.* (1) The A Company, a China Trade Act corporation, has taxable income (computed without regard to the deduction under section 941) for the calendar year 1954 of $200,000 and receives no dividends from domestic corporations. All of its stock on December 31, 1954, is owned on that date by persons resident in Formosa, Hong Kong, the United States, or possessions of the United States, or individual citizens of the United States. It distributes a special dividend amounting to $100,000 on February 15, 1955, which is certified by the Secretary of Commerce as provided in section 941 (b). For the purpose of the tax imposed by section 11, it is necessary in this example to make two computations, first, without allowing the special deduction from taxable income on account of income derived from sources within Formosa and Hong Kong, and, second, allowing such deduction. The computations are as follows:

(2) First computation; without allowing the special deduction from taxable income.

| | |
|---|---|
| Taxable income | $200,000 |
| Normal tax (section 11 (b)) | 60,000 |
| Surtax (section 11 (c)) | 38,500 |
| Total income tax | 98,500 |

(3) Second computation; allowing the special deduction from taxable income.

| | |
|---|---|
| Taxable income | $200,000 |

Since the total taxable income is derived from sources within Formosa and Hong Kong and since the par value of the shares of stock of the corporation owned on the last day of the taxable year by (1) persons resident in Formosa, Hong Kong, the United States, or possessions of the United States, and (2) individual citizens of the United States wherever resident, is 100 percent of the par value of the total number of shares of stock of the corporation outstanding on that day, 100 percent of such taxable income is deductible.

| | |
|---|---|
| Special deduction from taxable income | $200,000 |
| Amount of income subject to tax under section 11 | None |

(4) Since the special dividend ($100,000) exceeds the diminution of the tax ($98,500) on account of the allowance of the special deduction from taxable income, the entire amount of the special deduction is allowable and the corporation has no income tax liability for 1954.

§ 1.942 *Statutory provisions; disallowance of foreign tax credit.*

SEC. 942. *Disallowance of foreign tax credit.* A corporation organized under the China Trade Act, 1922, shall not be allowed the credits against the tax for taxes of foreign countries and possessions of the United States allowed by section 901.

§ 1.943 *Statutory provisions; exclusion of dividends to residents of Formosa or Hong Kong.*

SEC. 943. *Exclusion of dividends to residents of Formosa or Hong Kong.* Amounts distributed as dividends to or for the benefit of any person by a corporation organized under the China Trade Act, 1922, shall not be included in gross income and shall be exempt from taxation under this subtitle if, at the time of such distribution, such person is a resident of Formosa or Hong Kong, and the equitable right to the income of the shares of stock of the corporation is in good faith vested in him.

§ 1.943–1 *Withholding by a China Trade Act corporation.* Dividends distributed by a China Trade Act corporation which are treated as income from sources within the United States under the provisions of sections 861, 862, 863 and 864 are subject to withholding at the rate of 30 percent when paid to persons (other than residents of Formosa and Hong Kong) who are (a) nonresident aliens, (b) nonresident partnerships composed in whole or in part of nonresident aliens, or (c) nonresident foreign corporations. The 30 percent rate of withholding specified in this section with respect to dividends shall be reduced to such rate as may be provided by treaty with any country. See section 1441 and the regulations thereunder.

[F. R. Doc. 56–2542; Filed, Apr. 4, 1956; 8:52 a. m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### [ 7 CFR Ch. IX ]

MILK IN NEW YORK-NEW JERSEY AREA

FURTHER EXTENSION OF TIME FOR SUBMISSION OF PROPOSALS

On February 23, 1956, a statement was issued by the Secretary of Agriculture containing a notice of opportunity to submit proposals on or before March 16, 1956, for a separate New Jersey milk marketing order and for complementary changes in Order No. 27, regulating the handling of milk in the New York metropolitan milk marketing area. Such notice was published in the FEDERAL REGISTER on March 3, 1956 (21 F. R. 1418).

The time within which to submit such proposals was extended to April 2, 1956, by notice issued on March 16, 1956, and published in the FEDERAL REGISTER on March 21, 1956 (21 F. R. 1748).

Now, upon request of numerous interested parties on the basis of need for additional time to prepare and submit appropriate proposals, notice is hereby given that the time within which such proposals may be submitted is further extended to April 16, 1956.

Issued at Washington, D. C., this 30th day of March 1956.

[SEAL] F. R. BURKE,
*Acting Deputy Administrator.*

[F. R. Doc. 56–2517; Filed, Apr. 4, 1956; 8:46 a. m.]

### [ 7 CFR Part 966 ]

[Docket No. AO–257–A1]

MILK IN SHREVEPORT, LA., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER AMENDING ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the act and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed order amending the order, regulating the handling of milk in the Shreveport, Louisiana, marketing area. Interested parties may file written exceptions to the decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

*Preliminary statement.* The hearing on the record of which the proposed marketing agreement and order was formulated, was conducted at Shreveport, Louisiana on December 12–13, 1955, pursuant to notice thereof which was issued on November 2 and November 15, 1955 (20 F. R. 8336 and 8547):

The material issues relate to:

1. An extension of the marketing area and modification of location differentials;

2. A revision of the Class I price and incorporation in the order of a supply-demand adjustment provision;

3. A revision of the Class II milk definition with respect to shrinkage and dumpage of skim milk;

4. A revision of the definitions of supply and distributing plants; and

5. A revision of certain administrative provisions.

*Findings and conclusions.* The following findings and conclusions on the material issues are based upon the evidence in the record:

1. The definition of the marketing area should not be changed.

The producers association proposed that the Shreveport marketing area be extended to include the City of Leesville and all military installations in Vernon Parish, Louisiana. Regulated handlers did not offer testimony with respect to this proposal at the hearing.

The primary objective of producer's proposal is to include Fort Polk in the marketing area. This installation was activated in 1940 as a World War II training center. Following 1946, it was not used as a regular training center but was later used periodically by the army and the Louisiana National Guard. Fort Polk was reactivated in the spring of 1955 as a permanent army installation.

Fort Polk is located approximately 10 miles south of Leesville, Louisiana. It is approximately 125 miles from Shreveport, 160 miles from Monroe, 65 miles from Alexandria, 75 miles from Lake Charles and 150 miles from New Iberia. A network of good roads connects Fort Polk with all of the above named cities. There are no fluid milk processing and distributing plants in the immediate vicinity of Fort Polk. Distributors of milk located in each of the above stated cities are potential sources of supply. Insofar as transportation is concerned, the Alexandria and Lake Charles markets afford the closest source of supply.

When Camp Polk was activated in 1940, its milk supply was furnished by a distributor located in Lake Charles, Louisiana. From July 1, 1941, through August 1946, the milk requirements were supplied from a plant located in New Iberia, Louisiana. Milk was shipped in carlot quantities to this camp by the army from northern markets during the fall of 1946. From 1950 through 1954 milk was supplied by handlers in the Shreveport market.

The record indicates that approximately 20 thousand military personnel are to be stationed at Fort Polk on a year-round basis. A considerable area in and surrounding Fort Polk has been designated as an army maneuver area. In the maneuver "Operation Sage Brush" which was held during October–December 1955, more than 140 thousand military personnel participated. The recent increase in the personnel at Fort Polk and in military families at Leesville and Alexandria have increased substantially the year-round requirements of fluid milk. Maneuvers result in a substantial but temporary increase in the requirements of fluid milk in this area.

Although the garrison requirements of fluid milk at Camp Polk have been supplied in recent years by Shreveport handlers, an Alexandria distributor held the contract during the months of July and September 1955. In addition to Shreveport handlers, distributors from Alexandria, Lake Charles and New Iberia supplied substantial quantities of milk to troops on maneuvers. The inclusion of Fort Polk in the marketing area would result in extending full regulation under the present Shreveport order to any plant that supplies 1500 pounds daily or more than four percent of its receipts of Grade A milk to this installation. The regulation under the order of the suppliers of the Fort Polk milk requirements could unduly extend the scope of regulation.

Producers contended that the failure to include Fort Polk in the marketing area would tend to place Shreveport handlers at a competitive disadvantage in bidding on the milk requirements. It was contended that distributors not subject to the Federal order could establish their Class I price in such a manner as to maintain a competitive advantage over regulated handlers.

Milk distributors in Louisiana who are not regulated by a Federal order are subject to the classification, auditing and milk testing provisions of the Louisiana State Milk Audit Law. Although such distributors determine the prices they pay for milk in the various class uses, they are required under the law to announce publicly their prices and to pay such prices to all producers from whom they purchase milk. It is possible that such distributors may procure milk temporarily at prices lower than the Class I prices resulting under the Shreveport order. The evidence in the record, however, fails to show, except for a few months, that this has been so. The potential competitors of Shreveport handlers for the Fort Polk contract are located in milk deficit areas farther to the south where prices for Class I milk have been higher than the order price.

Nearly all of these distributors compete with each other for regular retail and wholesale outlets throughout central and southwestern Louisiana. Handlers regulated by the Shreveport order also compete with these distributors in Lake Charles, Alexandria and at numerous other points in the territory surrounding these cities. Shreveport handlers supply some of the schools, hospitals, Federal institutions and other army installations located in the same area on a contract basis. Except for the fact that the Fort Polk contract may involve a larger volume of milk, there is no evidence to show that the pricing problems relative to the raw milk supply for Fort Polk are any different than those for these other outlets outside of the marketing area.

The record also shows that the receipts of milk from producers are inadequate to supply the year-round requirements of the present Class I sales of Shreveport handlers. Local supplies of milk are inadequate also in the other competing markets. For the immediate future, at least, it, therefore, will be necessary for the successful bidder to import milk from outside sources to help supply the requirements at Fort Polk.

In view of all of these facts, Fort Polk should not be included in the marketing area at this time.

Exceptions were raised by certain parties to the proceeding on the record and in their briefs with respect to the Hearing Examiner's ruling on the receipt of evidence pertaining to changes in other order provisions in view of the proposal to extend the marketing area. Upon review thereof, it is concluded that the ruling of the Hearing Examiner should be sustained.

The notice of hearing contained a proposal to delete the Class I milk location differential to handlers. At the hearing a proposal was made to modify the location differential to both handlers and producers. Under the order, distributing and supply plants located more than 40 miles from the City Hall in Shreveport are allowed a location adjustment on Class I milk at the rate of 1.75 cents per hundredweight for each 10 miles or fraction thereof that the plant is located from Shreveport. Prices paid producers for milk received at such plants are subject to the same location adjustment. The record evidence fails to support the deletion of location adjustments or to provide an appropriate basis for modifying either the present rate of adjustment or its application.

2. Class I milk price—For the months of July 1956 through February 1957, the Class I price differential over the basic formula price should be increased 20 cents. This will result in a Class I price differential of $2.40 during these months and a $2.00 differential during the months of March through June.

Producers proposed raising the Class I price differential from $2.00 to $2.20 during the March-June period and from $2.20 to $2.60 for the July-February period. They contended that this increase was necessary to maintain present producers and encourage a more adequate supply of milk. Handlers presented testimony to show that milk from alternative sources of supply would be attracted to the Shreveport market if any substantial change were made in the Shreveport order Class I price. They contended that a long term proper alignment of the Shreveport Class I price with Class I prices in other surrounding markets was essential.

The Shreveport market is extremely short of producer milk during the fall and winter months. The record shows that Class I sales of handlers exceeded producer receipts by six percent in September and 23 percent in October, 1955. Receipts of producer milk during April, May and June of 1955, the normal season of flush production, were only five percent in excess of Class I sales.

The number of producers supplying regulated handlers decreased from 466 in April to 425 in June and increased to 451 in October. There was some dislocation of supplies in the April-June period and as a consequence a few producers were temporarily "cut off" the market by handlers. Through a shifting of some producers and the reinstatement of others, the milk of such producers was again taken by plants needing it for Class I disposition.

The record shows that, except during the fall months, there is a supply of milk available in surrounding states which could be shipped to the Shreveport market. In general, during the flush production season Class I milk prices in the Shreveport marketing area have been reasonably well in line with those in other Louisiana markets. During the months of April, May and June, however, the Class I price under the adjacent North Texas order averaged about ten cents per hundredweight above that of Shreveport. These two markets are similarly situated with respect to the specialized dairy regions of the country. Also climatic and production conditions in these markets are quite similar. Handlers indicated on the record that prices in these two markets should be approximately the same. Although the stated Class I differentials in the North Texas

and Shreveport orders are identical, the North Texas Class I price was above the formula price because of the operation of a supply-demand adjuster.

The percentage utilization of producer milk in Class I was higher in the Shreveport marketing area during the flush season of production than in the North Texas area. Thus, the Shreveport blend price averaged about 35 cents above that in North Texas.

Official notice is taken of the prices and utilization of milk under the North Texas and Shreveport orders for November through January 1956. These official releases of the respective market administrators and the record evidence show that for the period July through February 1956, the announced Class I price of milk under the North Texas order averaged approximately 15 cents above that of Shreveport. The North Texas and surrounding Louisiana markets have a high percentage of producer milk utilized in Class I milk in the fall months (the season of relatively low milk production). Thus, during the fall season there has been no price incentive for producers to shift to the Shreveport market from the adjacent production areas. Occasionally, milk has been diverted from North Texas during this period by handlers who have plants in both areas. Handlers, at times, have purchased tank lots of milk from Mississippi plants. Because handlers were in need of additional supplies of milk to meet their Class I needs during the fall months when supplies are short in these surrounding markets, milk was brought from as far away as Wisconsin. Some handlers paid as high as $6.75 per hundredweight for milk brought in from distant areas when the Class I price for producer milk in Shreveport was $5.81 per hundredweight. In any event, dependable supplies of supplemental milk during the winter months cost handlers substantially more than Class I milk prices under the order.

In connection with Class I pricing, producers also proposed that a supply-demand adjustment factor be added to the pricing formula to reflect changes in local supply-demand relationships and particularly to effectuate a higher level of prices.

The determination and proper functioning of a supply-demand adjustment arrangement is dependent on a number of important factors. Among these is the need for adequate milk production and disposition data for the market over a reasonable period of time in order to determine a normal or realistic supply-demand relationship. The Shreveport order has been in effect for less than one year and therefore does not permit the desired analysis for developing a normal supply-demand relationship.

Caution must be exercised also in applying a supply-demand adjuster under market situations with frequent changes in the numbers of producers and market receipts or erratic changes in volume of sales caused by influences other than the normal production and sales responses to changing price levels. The volume of milk under the Shreveport order is relatively small. The record shows a tendency for handlers to "cut off" producers at times when producer receipts may temporarily exceed Class I sales. These two factors could result in erratic and irrational movements in the supply-demand relationships as measured by available means under the order provisions. Sales of milk outside of the marketing area, including sales to military establishments, government institutions and schools on a contract basis, represent an important segment of total market sales. The temporary supplying or loss of such outlets also could very well result in erratic relationships between receipts of producer milk and sales. The application of a longer term relationship, such as over an entire year may overcome some of these latter problems; however, such factors must be reflected in the general level of the supply-demand relationship in some manner. Because of the deficit nature of the Shreveport market, it would be expected that the production of milk would increase over a period of time to more nearly meet the needs of handlers during most months of the year. If a longer term supply-demand adjuster were applied at a level in relation to the current relationship and as a means for providing the recommended increase in the Class I price level, such increase in price probably would be of short duration. Any upward trend in production relative to sales would immediately have the effect of lowering the newly established level of prices.

In view of the prevailing conditions in this market, the proposal to adjust prices by incorporating a supply-demand adjustment provision should be denied at this time.

In view of shortage of producer milk for the Shreveport market and prices prevailing in other markets, the Class I price differential should be increased 20 cents per hundredweight for the period July 1956 through February 1957. This increase should result in bringing the level of the Class I price in Shreveport in reasonable alignment with order Class I prices in the North Texas market. During March 1955 through February 1956 the North Texas Class I price exceeded the Class I price resulting from the Shreveport order by 13.5 cents. The proposed change will increase the Shreveport price 13.3 cents. The spread between spring and fall milk prices will be increased, thereby adding a further price incentive, as proposed by producers, to increase their fall milk production when the market most needs added supplies. Inasmuch as the present spread between North Texas and Shreveport Class I prices is a result of the operation of the supply-demand adjustment factor in the North Texas order, and which may reflect a temporary situation, it is concluded that the increase in the Shreveport Class I price differential also should be for a temporary period and expire at the end of February 1957. Before the termination of this period, it will be possible to review market conditions in light of the intervening experience and appraise the need to consider any further adjustments that may be necessary in the Class I pricing formula.

3. The special classification provisions applying to shrinkage during the months of April, May and June should be replaced by a provision for dumped skim milk.

The present order permits the classification in Class II of up to five percent of receipts of skim milk in producer milk as shrinkage during April, May and June. This relatively large shrinkage allowance was included in the order to provide accommodation for situations in which handlers who have milk in excess of their Class I requirements during the months of flush production have to dump skim milk because of the lack of adequate manufacturing facilities. Amounts of shrinkage (including dumpage) in excess of five percent of receipts is accounted for at the Class I price. This provision apparently has functioned satisfactorily for most handlers. However, at least two handlers of small volumes of milk, located at some distance from Shreveport and who do not have processing facilities of their own, experienced difficulty in keeping their skim milk dumpage within the five percent limitation during the flush production season of 1955. These handlers are able to utilize the butterfat but their volumes of skim milk are too small for economic shipment to other handlers or to processing plants where the skim milk can be utilized. One small volume handler testified that if the order were not modified with respect to the classification of dumped skim milk, he would have to temporarily "shut off" a few of his producers during the spring months. A more equitable sharing of the seasonal reserve problem among all producers delivering milk to each of such handlers may be accomplished by a separate dumpage provision.

That part of the classification provision permitting shrinkage with respect to skim milk up to five percent for the months of April, May and June therefore should be reduced to two percent—the same as for other months of the year. Provision should be made for dumped skim milk to be classified as Class II under certain conditions during April, May and June. The testimony indicates that the maximum volume of skim milk which is dumped and on which the Class II classification should be allowed should be limited to a daily average of 1,500 pounds or five percent of receipts of producer milk, whichever is greater, during the month.

In order to forestall improper accounting for such milk, such classification should be allowable only when the market administrator, or his representative, is provided the opportunity to witness the dumping. The handler should be required to give advance notice to the market administrator of his intention to dump skim milk and the amount. Considering the locations of the various regulated plants, advance notice of 24 hours should be adequate. Otherwise, dumped milk should be classified as "unaccounted for" and priced as Class I milk.

4. The supply plant definition should be modified to provide for regulation of any plant from which "Grade A" fluid milk or skim milk is shipped to a distributing plant during the months of April through June.



Producers proposed changing the supply plant definition to bring under regulation any plant from which any milk is shipped to a distributing plant in any of the months of January through July, or any plant that ships 50 percent or more of its Grade A receipts in any of the months of August through December.

The present order defines a "supply plant" as any plant from which "Grade A" milk or skim milk is received during the month at a distributing plant: (a) On four or more days or in an amount equal to a daily average of not less than 1,000 pounds in any of the months of April through June; and (b) on ten or more days or in an amount equal to a daily average of not less than 8,300 pounds in any of the months of July through March.

Testimony in the record shows that handlers "cut off" producers and did not fully use available producer milk during April, May and June, the flush season of production. During the same period, however, handlers brought in other source milk and milk products for Class I use in an amount approximately equal to the milk equivalent of the producer milk displaced.

Bringing in outside milk for Class I use, when local producer milk is available, has displaced producer milk in Class I and has led to disrupted marketing conditions. The application of the minimum pricing provisions to the milk at such supply plants, during the season of flush production when local supplies are available, should promote a greater degree of market stability. Handlers did not introduce opposing testimony to the proposal for changing the supply plant definition. Although producer proponents proposed such a provision for the period January through July, the testimony pertained to the period of April through June. No testimony was given in support of changes proposed for the August through December period. It is concluded that the problem complained about is primarily in the April through June period and any change, at this time, in the supply plant definition for other months of the year is deemed unnecessary.

A proposal was made to change the definition of "distributing plant" to the effect that any plant from which any Class I sales are made in the marketing area should be fully regulated.

The present order provides that any plant from which an average of not over 1,500 pounds per day or not less than four percent of the "Grade A" milk and skim milk received from producers and other plants is distributed as Class I sales in the marketing area is not subject to full regulation. The main purpose of this provision is to place reasonable limits on the scope of regulation. It is not necessary to extend full regulation to handlers on the fringe of the marketing area whose main business is in competition with unregulated handlers but whose distribution routes may extend into the marketing area and therby distribute a small amount of fluid milk products therein. Under the present order provisions, the quantity of such Class I sales ordinarily would be too small to be disruptive of orderly marketing conditions.

One handler testified that some unpriced milk has been sold in the marketing area in his sales area in competition with his milk which is priced under the order. He also stated that for a short time an unregulated handler made Class I sales in a nearby community in the marketing area and before withdrawing from this community had reduced resale prices as much as four cents per quart. The proponent handler stated that he had not lost any sales volume, but he contended that, if several unregulated handlers should choose to market unpriced milk up to the amount permitted under the distributing plant definition, his market situation could be jeopardized.

The hearing record, however, shows no factors disruptive of orderly marketing conditions at the present time. Only a small quantity of unregulated milk is sold in the area in question by one handler. He has not expanded Class I sales in the marketing area or disrupted marketing conditions; also, there is no evidence that such milk is procured at unduly low prices.

Two handlers testified in opposition to the proposal for changing the distributing plant definition on the grounds that most of their Class I sales were made in competition with unregulated handlers in areas surrounding the marketing area and such a change in definition could put them at a competitive disadvantage in markets where the bulk of their Class I sales were made.

It is concluded that the Secretary's previous findings and conclusions (20 F. R. 887), with respect to this issue, continue to be applicable at the present time and the proposed change in definition should be denied.

5. Changes should be made in certain administrative provisions of the order.

The producers' association proposed that provision should be made for advancing the date on which payments are due the association from handlers for the milk of their producer-members from the 13th and 26th days of each month to the 11th and 25th, respectively. Since the issuance of the order, the producers association has assumed the responsibility of collecting the proceeds from the sale of its producer-members' milk and for issuing checks to individual-members for their milk deliveries. The association's experience indicates that the proposed change in payment dates will facilitate the payment of association members on the same date that nonmember-producers receive their payments. Uniformity in time of payment is desirable and no hardship will result from the adoption of producers' proposal. The proposal should be adopted.

The adoption of producer's proposal necessitates a corresponding change in the date for announcement, by the market administrator, of individual handler uniform prices, butterfat differentials, as well as, in the date on which individual handlers are to be notified of their total obligations to producers. Although it has been customary for the market administrator to supply handlers with such information prior to the 12th day of the month, the order should be changed to specify the 10th of the month. Handlers, then will be assured that the information will be received in time for them to make final payments due the cooperative association for milk by the 11th day of the month.

Testimony shows that the milk of some dairy farmers who are primarily associated with the North Texas market has been diverted at times to a plant in the Shreveport market. Under the terms of the North Texas order, diverted milk is subject to the pricing and payment provisions of that order. Diversion is permitted during the months of January through July and for not more than 15 days during any of the other months of the year. Such diverted milk which is received directly from producers' farms at a Shreveport fluid milk plant also falls within the category of a receipt of producer milk under the Shreveport order. It is intended that the milk of a producer be subject only to the pricing and payment provisions of a single order. Therefore, in order to clarify the application of the order with respect to the milk of a producer which may be shifted between regulated plants of the two orders, provision should be made to exclude from regulation under the Shreveport order the milk of a producer which is otherwise subject to the pricing and payment provisions of another order. The proposed change will provide a standard for determining under which order the milk will be priced and will eliminate problems associated with the establishment and application of bases under the base rating plans of the two markets.

The rate of administrative assessment, to defray the expense of administration of the order, should be raised from four cents to five cents per hundredweight.

Testimony introduced in the record shows that the income from the administrative assessment was less than the expenses incurred during the first eight and a half months operation of the order, resulting in a deficit of nearly $9,000. Considerable expense has been involved in establishing and securing the necessary equipment for a new order program. It also is desirable and customary to accumulate a reasonable reserve fund in connection with the operation of an order. It is concluded that the increase in administrative assessment is necessary to assure adequate funds to retire the obligations for equipment and provide for the necessary reserve fund. Provision should be made to enable the Secretary to reduce the rate of assessment below the five cents per hundredweight maximum without necessitating an amendment to the order. This may be done at any time experience in the market shows that a lesser rate will produce enough revenue to administer the order properly.

*General findings.* (a) The proposed marketing agreement and the order, amending the order, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices for milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order amending the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed order amending the order will regulate the handling of milk in the same manner as and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

*Rulings on proposed findings and conclusions.* Briefs were filed on behalf of interested parties in the market. The briefs contained suggested findings of fact, conclusions, and argument with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that such suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied.

*Recommended marketing agreement and order.* The following amendments to the order are recommended as the detailed and appropriate means by which these conclusions may be carried out. The proposed marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the order as proposed here to be amended.

1. In § 966.8, delete paragraph "(a)" and substitute therefor

(a) In any of the months of April through June; and

2. At the end of § 966.12 change the "period" to a "colon" and add the following proviso: "*And provided further*, That this definition shall not include any such person with respect to milk produced by him which is subject to the pricing and payment provisions of another marketing order issued pursuant to the act."

3. In § 966.27 (j) (2), delete "12th" and substitute therefor "10th".

4. At the end of § 966.41 (b) (2), substitute a "comma" for the "semicolon" and add the following: "or skim milk dumped during April, May and June (up to, whichever is the greater of a daily average of 1,500 pounds or five percent of receipts from producers during the month): *Provided*, That in the case of skim milk dumped, the market administrator is given at least 24 hours' notice of the handler's intention to make such disposition and the amount involved;".

5. In § 966.41 (b) (4), delete the phrase "(five percent with respect to skim milk during the months of April, May and June)".

6. At the end of § 966.51 (a), change the "period" to a "comma" and add the following: "except that plus $2.40 shall apply to the months of July, 1956 through February, 1957."

7. In § 966.90 (d), delete "13th" and "26th" and substitute, respectively therefor "11th" and "25th".

8. In § 966.94, delete the phrase "four cents per hundredweight, or such amount not exceeding four cents per hundredweight" and insert in lieu thereof the following: "five cents per hundredweight, or such amount not exceeding five cents per hundredweight".

Issued at Washington, D. C., this 2d day of April 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator.*

[F. R. Doc. 56-2515; Filed, Apr. 4, 1956; 8:46 a. m.]

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## [ 7 CFR Part 978 ]

[Docket No. AO-184-A12]

## MILK IN NASHVILLE, TENN., MARKETING AREA

### NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposals to amend the tentative marketing agreement and the order, as amended, regulating the handling of milk in the Nashville, Tennessee marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington, D. C., not later than the close of business the third day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

*Preliminary statement.* The hearing, on the record of which the proposed amendments to the tentative marketing agreement and to the order, as amended, were formulated, was conducted at Nashville, Tennessee, on September 22-23, 1955 (20 F. R. 7007). The material issues of record related to:

1. An emergency increase in the Class I differential.
2. An increase in the annual level of the Class I price.
3. A revision of the order to provide that the uniform price for "excess" milk should not exceed the uniform price for "base" milk.
4. A revision of the definition of "fluid milk plant."
5. A revision of the base-forming period.
6. The level of the Class II price.
7. A revision of the method by which producers receive payment for milk.
8. Administrative and conforming changes in the order.

*Findings and conclusions.* By an expedited decision of the Acting Secretary, issued November 16, 1955 (20 F. R. 8607), action has been taken with respect to Issue No. 1. Findings and conclusions with respect to the remaining material issues, all of which are based on the evidence introduced at the hearing, and the record thereof, are as follows:

2. *An increase in the annual level of the Class I price.* Producer representatives proposed that the Nashville Class I differential be increased to yield an annual differential of $1.50 over the basic-formula price. The present seasonal differentials of $1.40 and $1.10 yield a differential of $1.25 on an annual basis. In order to continue seasonal adjustments in pricing, producer representatives proposed that the Class I differential be increased to $1.70 during the base-forming months, and $1.30 during the base-operating months. It was proposed, also, that the proposed increase in Class I differentials be accomplished without providing for a supply-demand adjustor. It was stated that should the proposed price increase result in an oversupply of milk in the Nashville market, a supply-demand adjustor might then be considered.

Proponents testified that the proposed Class I differentials are needed to bring the Nashville Class I milk price in line with the price of milk brought into the market for fluid use from markets which have substantial surplus of milk for such use.

In August 1955, milk from the Chicago area could be brought to the Nashville market for fluid use at approximately $5.70 per hundredweight. The Class I price for Nashville during that month was $4.55. Milk prices which prevailed in surrounding markets during the period July 1954–June 1955 were submitted for the record to show that the Nashville Class I price ranged from 13 cents to 58 cents per hundredweight lower than the prices which prevailed during that period in the Memphis, Chattanooga, Knoxville and Louisville markets.

During the period September 1954 through August 1955, the Nashville market experienced a net increase of 147 producers. Supplies of milk available to handlers were more than adequate for their needs. Some handlers have considerable quantities of milk available for sale outside the marketing area. Such sales, on a daily average basis, have increased considerably during 1955 over the previous years. Handlers have had no difficulty in obtaining producers to replace those who have discontinued production. Producer receipts per plant have increased from four to twelve percent over the previous year. The present level of the Class I price is sufficient to attract and maintain an adequate supply of milk for the market.

As a result of the order amendment, effective April 1, 1955, the Nashville Class I differential this fall and winter was increased over the level of the previous year, although there have been no price increases in markets surrounding Nashville.

In a decision issued by the Acting Secretary on March 25, 1955 (20 F. R. 1980), the question of the level of the Class I price was discussed. At that time, it was pointed out that the Class I differential of $1.25 had prevailed only intermittently from the inception of the order in 1948 through August 1951, and not at all since that time. The Class I price has been influenced in the past by the action of the supply-demand and contra-seasonal provisions, as well as market-wide premiums. Premiums and adjustments resulting in Class I price increases generally prevailed during the months of lowest production. Price reductions resulting from the operation of the supply-demand adjustor, generally occurred during months of greatest production.

The decision issued at that time concluded that seasonal variation should be established in Class I pricing, and that Class I differentials of $1.40 during the six months of lowest production and $1.10 during the remaining months should be sufficient to insure that milk supplies will continue at adequate levels to meet Class I requirements in the market. This decision resulted in an order amending the order, effective April 1, 1955.

Since that time, producers have delivered increasing quantities of milk to the market. This increase amounted to approximately 12 percent during the January–September 1955 period, compared with the corresponding period of 1954. At the same time, Class I sales have been increasing at a faster rate than during the corresponding period. This aspect of the marketing situation, however, was discussed in a decision issued by the Acting Secretary on November 16, 1955 (20 F. R. 8607).

During 1953–1954, the prevailing Class I differential amounted to approximately $1.27. During this period, the market was supplied with a production reserve of more than 30 percent.

During the nine-month period, January–September 1955, the prevailing differential averaged $1.26. The production reserve during this period amounted to 32 percent. At the time of the hearing, the amended winter differential was being employed for the first time in price computation. It is too early, however, to observe the effect of this change. It is concluded, however, that the evidence in the record discussed herein indicates that the present Class I differentials on an annual basis are resulting in adequate supplies of milk for the market. An increase in the annual level of the Class I price should not be made at this time.

It was contemplated that the adoption of the individual handler pool would cause producers to transfer milk deliveries to handlers with the highest pay prices to producers. Testimony in the record indicates that this has occurred in the Nashville market since the adoption of the individual handler pool. Handlers who retain excessive supplies of producer milk will experience uniform prices which are low in comparison with those of other handlers. The tendency for producers to seek handlers with high uniform prices, if continued, should cause handlers with excessive supplies of producer milk to raise their own uniform prices by obtaining additional high-valued outlets, or by reducing supplies.

Producer representatives testified that the present supply-demand adjustor, based on a twelve-month moving average of supply-demand data, is too slow to reflect current changes in supply-demand relationships. Previous experience with a two-month moving average convinced producers that its effect was too erratic in the Nashville market. Although producers proposed that the supply-demand adjustor be deleted, their secondary position was that in the event the supply-demand adjustor is retained in the order, they would support one which produced an effect somewhere between the slower action of a twelve-month moving average, and the comparatively sensitive action of a two-month moving average in computing the supply-demand relationship for the Nashville market.

The purpose of a supply-demand adjustor is to provide automatic changes in the Class I price as changes (other than those of a normal seasonal nature) occur in the relationship of the supply of producer milk to Class I sales.

The moving factor which determines the direction and rate of adjustment under present order language is the relationship of supplies and sales in the preceding twelve-month period. Abrupt changes in supply-demand conditions have occurred in the Nashville market, and the production problems caused by extremely dry weather, coupled with an increase in demand for Class I milk, was an issue at the hearing. In a separate decision issued by the Acting Secretary on November 16, 1955 (20 F. R. 8607), the increase of sales relative to production was discussed.

Price changes should take place whenever change occurs in the relationship of supply to sales. It is evident that the price changes brought about by the present supply-demand adjustor of the order occur more slowly than changes in supply-demand relationships. As indicated by action taken in a separate decision previously cited, an adjustment more responsive to current conditions should be employed.

Some additional responsiveness to current conditions may be secured by adjusting the twelve-month mover now provided in the order so as to give more significance to changes in recent months.

It is recommended that the twelve-month ratio be adjusted by the amount that it changes within the most recent three-month period. The adjusted ratio so computed would be compared with the present standards in the order to determine that amount of price change.

The change recommended should give recognition to the amount by which utilization in the three most recent months included in the twelve-month average has changed from that in the same three months a year previous. By giving added weight to supply-demand relationships in this recent period, the adjustor will be more responsive to current conditions.

Producers proposed that the supply-demand provision be amended to reflect sales of Class I milk in the marketing area.

At the present time, there are some plants regulated under the Nashville order which sell only small quantities of milk in the marketing area. These plants do not furnish Nashville handlers with necessary supplemental supplies of milk, but export bulk Class I milk outside the marketing area. As a consequence, the Nashville market has had to carry the burden of summer surplus which, in actuality, belongs to the distant markets. Supply-demand data which include opportunity sales in significant quantity to outside markets distort the production-sales relationship for the Nashville market.

Under present order language, a plant which distributes any fluid milk product on routes in the marketing area is regulated. The plants which export milk to distant markets are regulated under present order language. The question of whether or not a plant is genuinely associated with the market is one which concerns, primarily, the fluid milk plant definition. No evidence was offered at the hearing concerning order language pertaining to standards for qualifying plants which distribute fluid milk in the marketing area.

Official notice is taken of the Market Administrator's Monthly Bulletin, Volume 8, Number 9, for September 1955. This bulletin contains, among other things, a comparison of the current daily gross utilization of Class I milk with previous periods. The quantity of Class I milk sold outside the market has increased from 13,750 pounds daily in August 1954 to 30,265 pounds daily for the corresponding month in 1955. During the past two years, the supply-demand ratios for the nine plants primarily serving the Nashville market, and the remaining plants with bulk sales outside the market, have moved further apart.

For the twelve-month period ending August 1954, the supply-demand ratio for the market was approximately 130, and for the nine plants mentioned, it was approximately 124. For the corresponding period in 1955, the ratio was approximately 130 for the market, and 120 for the plants primarily furnishing Class I milk to the market. It is concluded that the present method for computing the supply-demand adjustment does not reflect the changing relationship between producer receipts and Class I sales at the plants which supply the market with almost all its Class I needs.

A provision is needed to differentiate between the fluid milk plants primarily serving the market, and those with major sales outside the marketing area insofar as computing a supply-demand adjustment for the market is concerned. For this reason, it is recommended that the computation of the supply-demand adjustment should not include any fluid milk plant which, during the second preceding month, does not dispose of an average of 1,000 pounds of fluid milk products per day, disposed of on routes, in the marketing area.

3. *A revision in the method of computing the value of base and excess milk.* Handlers and producers proposed that § 978.72 relating to the computation of uniform prices for base and excess milk be amended to provide that the excess price for milk should not exceed the base price during the months of March through August, when such prices are computed.

The order requires that a uniform price for base and excess milk be computed for each handler during each of the months March through August. This is accomplished by adding to the net obligation of each handler, amounts representing adjustments pursuant to the producer location and butterfat differentials, plus an amount remaining in the reserve fund for each handler. The value of excess milk is then determined by multiplying the amount of such milk by the Class II price. The value of base milk is computed by deducting the value of excess milk from the net obligation for each handler, plus the adjustments described above. The order provides that if the value of base milk computed in this manner exceeds an amount computed by multiplying the pounds of base milk by the Class I milk price, such excess amount is added to the value of excess milk.

In each month since the individual handler pool was established, there has been an instance wherein the excess price computed for a handler exceeded the base price computed for such handler. These price differences ranged from 11 cents to 43 cents per hundredweight. Producers proposed that in computing base and excess prices, any additional value accruing as a result of Class I sales in excess of base deliveries should be added to the value of base milk rather than to the value of excess milk.

Producer representatives testified that the announcement of an excess price which exceeds a base price is disturbing to producers who believe that the production of base milk is more desirable than the production of excess milk.

Handlers supported this proposal on the basis that producers should receive more per hundredweight for base milk than for excess milk. Handlers testified that the present provisions of the order which permit the excess price to exceed the base price are not in accord with the purpose of the base-excess plan.

The purpose of the base-excess plan is to encourage producers to deliver milk on a more even seasonal pattern. In the season of generally high production, milk in excess of sales in Class I use is paid for at a price commensurate with its value for manufacturing purposes. For that quantity of milk which handlers utilize in Class I, and which is in excess of the amount of base milk assigned to producers, the additional value, under present order language, is added to the value of excess milk.

It is recognized that under an individual handler pool, a handler with high Class I utilization may experience a shortage of producer milk in relation to Class I sales. When this occurs during the base-operating period, the price of excess milk may increase under present order provisions beyond the level for base milk. In addition, audit adjustments and inventory reclassification under such conditions could also increase the value for excess milk. In order to avoid increasing the excess price over the base price, only the additional value resulting from the use of excess milk in Class I should accrue to the value of excess milk. Additional values resulting from audit adjustments, and inventory reclassifications should accrue to the value of base milk. It is concluded that the amendment recommended herein will prevent any distortion in the value of excess milk, and will preserve its theoretical price relationship under normal circumstances.

4. *A revision of the fluid milk plant definition.* Handlers proposed to delete that portion of the fluid milk plant definition, § 978.8 (b) and (c), which provides standards for qualifying supply plants eligible for regulation under the Nashville order. The present order designates as a fluid milk plant any plant which supplies Grade A milk or skim milk to a Nashville distributor during the months of January through August. It also designates as a fluid milk plant any plant which supplies more than 70,000 pounds of Grade A milk or skim milk during the month of a Nashville distributor for the period September through December.

This proposal results from a situation in which a Nashville distributor attempted to purchase more than 70,000 pounds of milk in September 1955 from an unregulated plant in Indiana. A purchase in excess of 70,000 pounds for that month would have regulated the seller under § 978.8 (c) of the Nashville order. The source of supply refused to sell the Nashville handler a quantity in excess of 70,000 pounds in order to avoid such regulation, and the Nashville handler had to purchase the additional milk from another source, paying a higher price than would otherwise have been charged by the source of supply in Indiana.

Purchases of supplemental milk by individual handlers in excess of 70,000 pounds in any month are unusual in the Nashville market. The Nashville handler who attempted to make such purchases underestimated his requirements for the current short supply season. He could have obtained an adequate supply of milk from producers at the time procurement arrangements were made for this season. Supplemental supplies of milk from other Nashville distributors were already committed, and not available to this handler at the time needed.

This proposal was supported by other Nashville handlers on the basis of a possible emergency or catastrophe which might occur at any time of the year, and which might drastically reduce local supplies of milk. Handlers testified that in such a situation, they might need to import quantities of milk in excess of the limits now provided in the order. In attempting to import milk under such circumstances, the present order language could cause potential, unregulated suppliers to refuse shipments in quantities which would result in regulation under the Nashville order. In this connection, it should be noted that the Federal order program is empowered to employ emergency action to cope with a catastrophe should one occur.

The proposal was revised by handlers during the course of the hearing. The revised proposal would permit a Nashville handler to purchase supplemental milk in quantities up to 10 percent of his Class I sales for the previous month during the period January through July, and up to 25 percent of such sales during the period August through December.

Producer representatives testified that the fluid milk plant definition is needed in the order. They opposed the handlers' proposal on the basis that it would permit large quantities of unregulated milk to enter the Nashville market for fluid use. If this were accomplished at a price lower than the Nashville Class I price, milk procurement costs among handlers would no longer be equal. This could result in undue competitive advantage on the part of any handler in procuring unregulated surplus milk. To the extent, and for the duration of, such procurement, producer milk would be displaced. If handlers were permitted to purchase milk for fluid use at a price less than their competitors in the marketing area, the classification system established by the order would be jeopardized.

Producers introduced a counter-proposal which would permit a handler to procure up to 7.5 percent of his Class I sales for the previous month during the short production month, and up to 0.5 percent during the flush production months.

The present fluid milk plant definition was one of a number of provisions included in an amending order, effective April 1, 1955. It was concluded at that time that the volume standards provided in the order were such that supplemental milk could be obtained in quantities normally required without subjecting a plant to regulation.

Evidence in the hearing record justifies the same conclusion at this time. Handlers testified that they would have no trouble procuring additional supplies of milk from producers. Evidence in the record pertaining to supplemental supplies of milk needed by the market since 1948 indicates that the volume standards already provided in the order are sufficient to permit handlers to obtain supplemental milk in quantities normally required by the market, without subjecting a supply plant to regulation. It is concluded that § 978.8 should not be amended.

5. *Revision of the base-forming and operating periods.* The base-forming period should include the months of August through January. The base-forming period, at the present time, includes the months of September through February.

The present base-excess plan for distributing the market returns from milk among producers was established in the order as the result of a hearing held in August 1951. At the time the present base-excess plan was adopted, the months September through February were normally those of relatively low production in relation to fluid sales. Since that time, producer receipts during the month of August have generally been below average deliveries computed for each year. Likewise, deliveries of producer milk during the month of February have increased each year since 1951 to the point where such deliveries during the past two years have been above the average computed for each year. It is concluded that the base-excess plan should be revised to provide that the months August through January should include the base-forming period. The remaining six months, February through July, should be designated as the base-operating period. With the exception of the provision for changing the months involved, the mechanics of computing the daily average base of each producer should remain the same.

In view of the evidence presented concerning the months of generally high and low production in connection with the base-excess plan, consideration may need to be given to a revision of the months in which the seasonal Class I differentials apply. No action is being taken at this time, however, with respect to such consideration.

6. *The level of the Class II price.* Handlers proposed to delete § 978.51 (b) of the order and substitute a new paragraph which would result in a Class II price based solely on the pay prices of specified manufacturing plants in Tennessee. The present order provides that the Class II price be computed from the average pay prices of specified Tennessee milk manufacturing plants, plus 15 cents during the months of February through August, and plus 25 cents during all other months. Present order language also provides that the Class II price should not exceed the basic formula price.

Handlers testified that they cannot recover the price they must pay for Class II milk on that portion of it which must be sold as excess to manufacturing plants. Excess milk not needed in the Class II operations of Nashville handlers has been sold to manufacturing plants, notably cheese plants, at a price below the order Class II price. Such sales have been made principally during the period February through August, which is generally the season of high production. There is no evidence in the record, however, to indicate that handlers have been unable to market the necessary quantities of Class II milk under the present Class II price levels.

Producer representatives testified there has been an increased demand for manufacturing milk since November 1954. There are outlets in the Nashville market for milk used in higher yielding products than cheese. Such products include ice cream, spray powder and cottage cheese. There are adequate outlets for excess milk during the months of highest production at the present Class II price level. Provision for a permanently lower Class II price might encourage handlers to market producer milk unnecessarily in lower valued outlets.

Evidence in the record of the hearing held in November 1954 (on the basis of which the present Class II price level was established, effective April 1, 1955), indicated that producers with coolers received premiums for milk sold to manufacturing plants. At the same hearing, handlers testified that returns received for excess milk sold to manufacturing plants were not always sufficient to offset handling and hauling costs. Testimony in the record of this hearing indicates that producers are receiving the same premium, 15 cents over the ungraded milk price, during flush production months.

Under the circumstances, no change should be made in the level of the Class II price.

7. *The method by which producers receive payment for milk should not be changed at this time.* The present order provides that the market administrator shall pay producers for milk received by handlers. Handlers proposed that they should be authorized to make such payments to all producers.

A brief was subsequently filed on behalf of Nashville handlers. In the brief, it was pointed out that the changes desired by such handlers can be accomplished by administrative action within the terms of the present order. For this reason, no change in the method of paying producers is recommended.

*Rulings on proposed findings and conclusions.* A number of briefs were filed which contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in the recommended decision.

*General findings.* (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk, in the marketing area and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

*Recommended marketing agreement and order, amending the order, as amended.* The following order regulating the handling of milk in the Nashville marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended.

DEFINITIONS

§ 978.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 978.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 978.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency as may be authorized by act of Congress, or by Executive order, to perform the price reporting functions of the United States Department of Agriculture.

§ 978.4 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 978.5 *Nashville, Tennessee, marketing area.* "Nashville, Tennessee, marketing area", hereinafter called the "marketing area", means all the territory within the boundaries of Davidson County, Tennessee, including, but not limited to, the cities of Nashville and Belle Meade.

§ 978.6 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act", and is authorized by its members to make collective sales or to market milk or its products for the producers thereof.

§ 978.7 *Producer-handler.* "Producer-handler" means any person who produces Grade A milk under a dairy farm inspection permit issued by any duly constituted health authority, and who processes milk from his own production, all or a portion of which is distributed within the marketing area as Class I milk, but who receives no milk from producers.

§ 978.8 *Fluid milk plant.* "Fluid milk plant" means all the premises, buildings and facilities of any milk receiving, processing or packaging plant from which plant:

(a) Any fluid milk product is disposed of during the month on routes (including routes operated by vendors, and sales through plant stores) to retail or wholesale outlets (except fluid milk plants) in the marketing area;

(b) Grade A milk or skim milk is shipped during the month for any of

the months of January through August to a plant (except any portion thereof from which no fluid milk product may be disposed of under a Grade A label) specified under paragraph (a) of this section; or

(c) Grade A milk or skim milk equal to more than 70,000 pounds is shipped during the month for any of the months of September through December to plants (except any portions of such plants from which no fluid milk product may be disposed of under a Grade A label) specified under paragraph (a) of this section.

§ 978.9 *Nonfluid milk plant.* "Nonfluid milk plant" means any milk manufacturing, processing, or packaging plant other than a fluid milk plant described in § 978.8.

§ 978.10 *Handler.* "Handler" means (a) any person in his capacity as the operator of one or more fluid milk plants, or (b) any cooperative association of producers with respect to producer milk diverted by it from a fluid milk plant to a nonfluid milk plant for the account of such association.

§ 978.11 *Producer.* "Producer" means any person, except a producer-handler, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority which milk is received at a fluid milk plant: *Provided,* That if such milk is diverted for his account, by a handler from a fluid milk plant to any other milk plant any day during the months of March through August, or on not more than 10 days during any other month, the milk so diverted shall be deemed to have been received by the diverting handler at a fluid milk plant at the location of the plant from which it was diverted.

§ 978.12 *Producer milk.* "Producer milk" means only that skim milk or butterfat contained in milk (a) received at a fluid milk plant directly from producers, or (b) diverted from a fluid milk plant to a nonfluid milk plant (except a nonfluid milk plant which is fully subject to the pricing provisions of another order issued pursuant to the act) in accordance with the provisions of § 978.11.

§ 978.13 *Fluid milk product.* "Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk drinks, yogurt, cream or any mixture in fluid form of milk, skim milk and cream (except sterilized products packaged in hermetically sealed containers, eggnog, ice cream mix and aerated cream).

§ 978.14 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in: (a) Receipts during the month of fluid milk products except (1) fluid milk products received from other fluid milk plants, or (2) producer milk; and (b) products, other than fluid milk products, from any source (including those from a plant's own production), which are reprocessed or converted to another product in the fluid milk plant during the month.

§ 978.15 *Base milk.* "Base milk" means milk received at fluid milk plants from a producer during any of the months of February through July, which is not in excess of such producer's daily average base computed pursuant to § 978.60, multiplied by the number of days in such month.

§ 978.16 *Excess milk.* "Excess milk" means milk received at fluid milk plants from a producer during any of the months of February through July, which is in excess of the base milk of such producer for such month, and shall include all milk received during such months from a producer for whom no daily average base can be computed pursuant to § 978.60.

MARKET ADMINISTRATOR

§ 978.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 978.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary, complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 978.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary, a bond, effective as of the date on which he enters upon his duties, and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 978.83, (1) the cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses, except those incurred under § 978.84, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly disclose to handlers and producers, at his discretion, the name of any person who, within 5 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 978.30 and 978.31, or (2) payments pursuant to §§ 978.80, 978.82 and 978.83;

(g) Submit his books and records to examination by the Secretary, and furnish such information and reports as may be required by the Secretary;

(h) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information concerning the operation of this part;

(i) Verify all reports and payments by each handler by audit, if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and

(j) On or before the date specified, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the following: (1) The 6th day of each month, the Class II price and the Class II butterfat differential, both for the preceding month; and (2) the 5th day of each month, the Class I price, and the Class I butterfat differential, both for the current month; and (3) the 10th day after the end of each month, the uniform price(s) for each handler, computed pursuant to § 978.71 or § 978.72, and the producer butterfat differential for the preceding month.

REPORTS, RECORDS AND FACILITIES

§ 978.30 *Reports of receipts and utilization.* On or before the 6th day after the end of each month each handler, except a producer-handler, shall report for each of his fluid milk plants for such month, to the market administrator in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in receipts of producer milk;

(b) The quantities of skim milk and butterfat contained in fluid milk products received from other fluid milk plants;

(c) The quantities of skim milk and butterfat contained in other source milk;

(d) Inventories of fluid milk products on hand at the beginning and end of the month; and

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section.

§ 978.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may request.

(b) Each handler, except a producer-handler, shall report to the market administrator, in the detail and on forms prescribed by the market administrator, as follows:

(1) On or before the 6th day after the end of each month for each producer from whom milk was received (i) his name and address, (ii) the total pounds and butterfat content of milk received from such producer during the month, (iii) for the months of February through July his total pounds of base milk and excess milk separately, and (iv) the amount of any deductions authorized in writing by such producer to be made from payments due for milk delivered;

(2) On or before the 21st day of each month, the name and address of each producer from whom milk was received during the first 15 days of such month, and the pounds of milk so received during said period from such producer; and

(3) On or before the first day in any month during which other source milk is received in the form of fluid milk products, his intention to receive such milk, and on or before the last day such milk is received, his intention to discontinue such receipts.

§ 978.32 *Records and facilities.* Each handler shall keep adequate records of receipts and utilization of skim milk and butterfat and shall, during the usual hours of business, make available to the market administrator, or his representative, such records and facilities as will enable the market administrator to (a) verify the receipts and utilization of all skim milk and butterfat and, in case of errors or omissions, ascertain the correct figures; (b) weigh, sample and test for butterfat content all milk and milk products handled; (c) verify deductions authorized by producers and the disbursement of moneys so deducted; and (d) make such examinations of operations, equipment, and facilities as the market administrator deems necessary.

§ 978.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation, or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 978.40 *Skim milk and butterfat to be classified.* The skim milk and butterfat to be reported for fluid milk plants pursuant to § 978.30 shall be classified each month by the market administrator, pursuant to the provisions of §§ 978.41 through 978.45.

§ 978.41 *Classes of utilization.* Subject to the conditions set forth in §§ 978.42 through 978.45, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat (1) disposed of in the form of fluid milk products, except those classified pursuant to paragraph (b) (3) of this section, and (2) not specifically accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used to produce any products other than fluid milk products; (2) contained in inventories of fluid milk products on hand at the end of the month; (3) disposed of and used for livestock feed; and (4) in shrinkage not to exceed 3 percent respectively of the skim milk and butterfat contained in producer milk (except that diverted pursuant to § 978.11) and other source milk: *Provided,* That if shrinkage of skim milk or butterfat is less than 3 percent of such amounts, it shall be assigned pro rata, respectively, to the skim milk and butterfat contained in such producer milk and other source milk.

§ 978.42 *Responsibility of handlers.* All skim milk and butterfat to be classified pursuant to this part shall be classified as Class I milk unless the handler who first receives such skim milk and butterfat establishes to the satisfaction of the market administrator that it should be classified as Class II milk.

§ 978.43 *Transfers.* (a) Skim milk and butterfat transferred to the fluid milk plant of another handler (except a producer-handler) in the form of fluid milk products shall be classified as Class I milk unless the operators of both plants claim utilization thereof in Class II milk in their reports submitted pursuant to § 978.30: *Provided,* That the skim milk or butterfat so assigned to Class II milk for any month shall be limited to the amount thereof remaining in Class II milk in the fluid milk plant(s) of the transferee for such month after the subtraction of other source milk pursuant to § 978.45, and any additional amounts of such skim milk or butterfat shall be assigned to Class I milk.

(b) Skim milk and butterfat transferred to the plant of a producer-handler in the form of fluid milk products, shall be classified as Class I milk.

(c) Skim milk and butterfat transferred or diverted in bulk form as milk, skim milk or cream to a nonfluid milk plant located less than 100 miles from the State Capitol at Nashville, Tennessee, by the shortest hard-surfaced highway distance, as determined by the market administrator, shall be classified as Class I milk unless (1) the transferring or diverting handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 978.30, for the month within which such transaction occurred, (2) the operator of the nonfluid milk plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, and (3) not less than an equivalent amount of skim milk and butterfat was actually utilized in the nonfluid milk plant in the use indicated in such report: *Provided,* That if it is found that an equivalent amount of skim milk and butterfat was not actually used in such plant during the month in such indicated use the pounds transferred in excess of such actual use shall be classified as Class I milk.

(d) Skim milk and butterfat transferred in bulk form as cream to a nonfluid milk plant located 100 miles or more from the State Capitol in Nashville, Tennessee, by the shortest hard-surfaced highway distance, as determined by the market administrator, shall be classified as Class I milk unless (1) the transferring handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 978.30, (2) such cream is disposed of and used as other than Grade A under a Grade A certification or label, (3) the handler attaches tags or labels to each container of such cream bearing the words "for manufacturing uses only", (4) the handler gives the market administrator sufficient notice to allow him to verify or inspect such shipment, and (5) the operator of the nonfluid milk plant maintains books and records showing the utilization of all skim milk and butterfat at such plant, which are made available if requested by the market administrator for the purpose of verification.

§ 978.44 *Computation of skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and other obvious errors the reports of each handler submitted pursuant to § 978.30 and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk in the fluid milk plant(s) of such handler.

§ 978.45 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 978.44, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk in producer milk classified pursuant to § 978.41 (b) (4);

(2) Subtract from the remaining pounds of skim milk in Class II milk the pounds of skim milk in other source milk: *Provided,* That if the pounds of skim milk in other source milk are greater than the remaining pounds of skim milk in Class II milk, an amount equal to the excess shall be subtracted from the pounds of skim milk in Class I milk;

(3) Subtract from the remaining pounds of skim milk in Class II milk the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month: *Provided,* That if the pounds of skim milk in such inventory are greater than the remaining pounds of skim milk in Class II milk, an amount equal to the excess shall be subtracted from the pounds of skim milk in Class I milk;

(4) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk transferred from the fluid milk plants of other handlers in the form of fluid milk products according to the classification thereof as determined pursuant to § 978.43 (a);

(5) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(6) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be known as "overage".

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section; and

(c) Add the pounds of skim milk and the pounds of butterfat allocated to producer milk in each class, pursuant to paragraphs (a) and (b) of this section, and determine the percentage of butterfat in each class.

MINIMUM PRICES

§ 978.50 *Basic formula price.* The basic formula price shall be the highest of the prices per hundredweight for milk of 4.0 percent butterfat content computed pursuant to paragraphs (a), (b), (c), or (d) of this section, rounded to the nearest whole cent.

(a) To the average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following milk plants for which prices have been reported to the market administrator or to the Department of Agriculture on or before the 5th day after the end of the month:

*Location and Present Operator*

Borden Company, Mount Pleasant, Mich.
Borden Company, New London, Wis.
Borden Company, Orfordville, Wis.
Carnation Company, Oconomowoc, Wis.
Carnation Company, Richland Center, Wis.
Carnation Company, Sparta, Mich.
Pet Milk Company, Bellsville, Wis.
Pet Milk Company, Coopersville, Mich.
Pet Milk Company, Hudson, Mich.
Pet Milk Company, New Glarus, Wis.
Pet Milk Company, Wayland, Mich.
White House Milk Company, Manitowoc, Wis.
White House Milk Company, West Bend, Wis.

add an amount computed by multiplying the butterfat differential computed pursuant to § 978.82, by 5.

(b) The price per hundredweight obtained by adding any plus amounts obtained pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiplying by 4.0 the average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) of 92-score bulk creamery butter per pound at Chicago, as reported by the Department of Agriculture during the month, and add 20 percent thereof;

(2) From the weighted average of the carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department of Agriculture, subtract 5 cents and multiply by 7.5.

(c) The average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 4.0 percent butterfat content received from farmers during the month at the following milk plants for which prices have been reported to the market administrator or to the Department of Agriculture on or before the 6th day after the end of the month:

*Location and present operator*

Cudahy Packing Company, Lafayette, Tenn.
Carnation Company, Murfreesboro, Tenn.
Kraft Foods Company, Gallatin, Tenn.
Kraft Foods Company, Pulaski, Tenn.
Borden Company, Fayetteville, Tenn.
Borden Company, Lewisburg, Tenn.
Lakeshire-Marty Cheese Company, Carthage, Tenn.
Sumner County Cooperative Creamery, Gallatin, Tenn.
Swift & Company, Lawrenceburg, Tenn.
Wilson & Company, Murfreesboro, Tenn.

(d) The price per hundredweight computed as follows:

(1) Multiply by 6 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the month;

(2) Add 2.4 times the average of the weekly prevailing price per pound of "Twins" during the month on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided*, That if the price of "Twins" is not quoted on such Exchange, the weekly prevailing price per pound of "Cheddars" shall be used; and

(3) Divide by 7, add 30 percent thereof, and then multiply by 4.

§ 978.51 *Class prices.* Subject to the provisions of §§ 978.52 and 978.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month, plus $1.40 during the months of September through February, and plus $1.10 during all other months, plus or minus a supply-demand adjustment calculated for each month as follows: *Provided*, That any fluid milk plant which, during the second preceding month, did not dispose of at least an average of 1,000 pounds of fluid milk products per day on routes (including routes operated by vendors and sales through plant stores) to retail or wholesale outlets in the marketing area shall not be included in the supply-demand computation:

(1) For each month, calculate a utilization percentage by (i) dividing the total hundredweight of producer milk of all fluid milk plants for the twelve-month period ending with the beginning of the preceding month by the net hundredweight of fluid milk products disposed of from all fluid milk plants during the same period, (ii) multiply by 100, (iii) add or subtract, respectively, any amount by which such result is greater or less than a comparable twelve-month utilization percentage as computed for the third month preceding, and (iv) the resultant figure rounded to the nearest whole percentage shall be known as the utilization ratio.

(2) For each percentage by which the utilization ratio calculated for the month pursuant to subparagraph (1) of this paragraph exceeds 130, subtract from, or for each percentage by which it is less than 125, add to, the Class I price, 1 cent.

(b) *Class II milk price.* The Class II milk price shall be the price determined pursuant to § 978.50 (c) plus 15 cents during the months of February through August, and plus 25 cents during all other months: *Provided*, That in no case shall such price exceed the basic formula price.

§ 978.52 *Butterfat differentials to handlers.* For milk containing more or less than 4.0 percent butterfat, the class prices for the month calculated pursuant to § 978.51 shall be increased or decreased, respectively, for each one-tenth percent variation in butterfat content at the appropriate rate determined as follows:

(a) *Class I price.* Multiply by 0.12 the average of the daily wholesale prices (using the midpoint of any price range as one price) of 92-score bulk creamery butter per pound at Chicago, as reported by the Department of Agriculture during the previous month, and round to the nearest one-tenth cent.

(b) *Class II price.* Multiply by 0.115 the average of the daily wholesale prices (using the midpoint of any price range as one price) of 92-score bulk creamery butter per pound at Chicago, as reported by the Department of Agriculture during the month, and round to the nearest one-tenth cent.

§ 978.53 *Location differentials to handlers.* For that milk which is received from producers at a fluid milk plant located outside the marketing area and 50 miles or more from the State Capitol, Nashville, Tennessee, by shortest hard-surfaced highway distance, as determined by the market administrator, and which is transferred to another fluid milk plant in the form of fluid milk products and assigned to Class I milk pursuant to the proviso of this section, or otherwise classified as Class I milk, the price specified in § 978.51 (a) shall be reduced at the rate set forth in the following schedule according to the location of the fluid milk plant where such milk is received from producers:

| | *Rate per hundredweight (cents)* |
|---|---|
| Distance from the State Capitol, Nashville, Tenn., (miles): | |
| 50 but not more than 60 | 10.0 |
| For each additional 10 miles or fraction thereof an additional | 1.5 |

*Provided*, That for purpose of calculating such location differential, fluid milk products which are transferred between fluid milk plants shall be assigned to any remainder of Class II milk in the plant to which transferred after making the calculations prescribed in § 978.45 (a) (1), (2) and (3), and the comparable steps in § 978.45 (b) for such plant, such assignment to the plant from which transferred to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

DETERMINATION OF BASE

§ 978.60 *Computation of daily average base for each producer.* Subject to the rules set forth in § 978.61, the daily average base for each producer shall be an amount calculated by dividing the total pounds of producer milk received from such producer at all fluid milk plants during the months of August through January immediately preceding, by the number of days from the first day of delivery by such producer during such months to the last day of January, inclusive, or by 120, whichever is more.

§ 978.61 *Base rules.* The following rules shall apply in connection with the establishment and assignment of bases:

(a) Subject to the provisions of paragraph (b) of this section, the market administrator shall assign a base as calculated pursuant to § 978.60 to each person for whose account producer milk was delivered to fluid milk plants during the months of August through January.

(b) An entire base or any portion thereof shall be transferred from a person holding such base to any other person, effective as of the end of any month during which an application for such transfer is received by the market administrator, such application to be on forms approved by the market administrator, and signed by the baseholder, or his heirs, and by the person to whom such base is to be transferred: *Provided*, That if a base is held jointly, the entire base or any portion thereof shall be transferrable only upon the receipt of such application signed by all joint holders or their heirs.

§ 978.62 *Announcement of established bases.* On or before February 25 of each year, the market administrator shall notify each producer and the handler receiving milk from such producer of the daily average base established by such producer.

DETERMINATION OF UNIFORM PRICES

§ 978.70 *Net obligation of handlers.* The net obligation of each handler for producer milk received at his fluid milk plant(s) each month shall be a sum of money computed by the market administrator as follows: (a) Multiply the total pounds of such milk in each class by the applicable class price; (b) add together the resulting amounts; (c) add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 978.45 (a) (6) and (b) by the applicable class price; and (d) add the amount computed by multiplying the difference between the appropriate Class II price for the preceding month and the appropriate Class I price for the current month by the hundredweight of skim milk and butterfat in Class II milk after making the calculations for such handler pursuant to § 978.45 (a) (4) and (b) for the preceding month, or by the hundredweight of milk subtracted from Class I milk pursuant to § 978.45 (a) (3) and (b) for the current month, whichever is less.

§ 978.71 *Computation of uniform prices for handlers.* For each of the months of August through January the market administrator shall compute a uniform price for the producer milk received by each handler as follows:

(a) Add to the amount computed for such handler pursuant to § 978.70, the sum of the location differential deductions to be made pursuant to § 978.82 (b);

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk received by such handler is less or more, respectively, than 4.0 percent, an amount computed by multiplying such difference by the butterfat differential to producers, and multiplying the result by the total hundredweight of his producer milk;

(c) Add the amount remaining in the reserve fund for such handler;

(d) Divide the resulting amount by the total hundredweight of producer milk received by such handler; and

(e) Subtract not less than 4 cents nor more than 5 cents. The resulting figure shall be known as the uniform price for such handler for milk of 4.0 percent butterfat content, f. o. b. marketing area.

§ 978.72 *Computation of the uniform price for base milk and for excess milk for handlers.* For each of the months of February through July, the market administrator shall compute for each handler with respect to his producer milk a uniform price for base milk and for excess milk as follows:

(a) Add to the amount computed for such handler pursuant to § 978.70, the sum of the location differential deductions to be made pursuant to § 978.82 (b);

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk received by such handler is less or more, respectively, than 4.0 percent, an amount computed by multiplying such difference by the butterfat differential to producers, and multiplying the result by the total hundredweight of his producer milk;

(c) Add the amount remaining in the reserve fund for such handler;

(d) Compute the value of excess milk on a 4.0 percent basis in the producer milk of such handler by multiplying the hundredweight of such milk not in excess of the total quantity of the Class II milk of such handler by the price for Class II milk of 4.0 percent butterfat content, multiplying the hundredweight of such milk in excess of the total quantity of such Class II milk of such handler by the price for Class I milk of 4.0 percent butterfat content and adding together resulting amounts;

(e) Divide the total value of excess milk obtained in paragraph (d) of this section by the total hundredweight of such milk and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 4.0 percent butterfat content f. o. b. marketing area;

(f) Subtract the value of excess milk determined by multiplying the uniform price obtained in paragraph (e) of this section, times the hundredweight of such excess milk from the total value of producer milk determined according to the calculations in paragraph (a) through (c) of this section; and

(g) Divide the amount obtained in paragraph (f) of this section by the total hundredweight of base milk in the producer milk of such handler and subtract not less than 4 cents nor more than 5 cents. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat content f. o. b. marketing area.

§ 978.73 *Notification of handlers.* On or before the 10th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing:

(a) The amount of his producer milk allocated to each class;

(b) The calculation of such handler's net obligation pursuant to § 978.70;

(c) The uniform price(s) computed for such handler pursuant to §§ 978.71 and 978.72 and the producer butterfat differential computed pursuant to § 978.82 (a); and

(d) The amounts to be paid by such handler pursuant to §§ 978.80, 978.85 and 978.87.

PAYMENTS

§ 978.80 *Payments to market administrator.* (a) On or before the 25th day of each month each handler shall pay to the market administrator for deposit into the reserve fund for such handler a sum of money calculated by multiplying the hundredweight of producer milk received by him during the first 15 days of such month by the Class II price for the preceding month.

(b) On or before the 12th day after the end of each month, each handler shall pay to the market administrator for deposit into the handler's reserve fund an amount of money equal to such handler's net obligation for such month as determined pursuant to § 978.70 less payments made pursuant to paragraph (a) of this section for such month and less proper deductions authorized in writing by producers from whom such handler received milk.

§ 978.81 *Payments to producers.* (a) On or before the last day of each month, the market administrator shall make payment to each producer for milk received from such producer during the first 15 days of such month by handlers from whom the appropriate payments have been received pursuant to § 978.80 (a) at not less than the Class II price per hundredweight for the preceding month.

(b) On or before the 15th day after the end of each month, the market administrator shall make payment to each producer for milk received from such producer during the month by handlers from whom the appropriate payments have been received pursuant to § 978.80 (b) for each of the months of August through January, at not less than the uniform price for such handler, computed pursuant to § 978.71, or for each of the months of February through July, for base milk and excess milk received from such producer at not less than the uniform price(s) of such handler for base milk and excess milk, respectively, computed pursuant to § 978.72, subject to the following adjustments: (1) Butterfat and location differentials pursuant to § 978.82, (2) less payments made pursuant to paragraph (a) of this section, (3) less marketing service deductions pursuant to § 978.86, (4) less proper deductions authorized in writing by the producer, and (5) adjusted for any error

in calculating payment to such individual producer for past months: *Provided*, That if the market administrator has not received full payment from any handler for such month, pursuant to § 978.80, he shall reduce uniformly per hundredweight his payments due such handler's producers for milk received by such handler by a total amount not in excess of the amount due from such handler: *Provided further*, That the market administrator shall make such balance of payment to such producers on or before the next date for making payments pursuant to this paragraph following that on which such balance of payment is received from such handler.

(c) In making payments to producers pursuant to paragraphs (a) and (b) of this section the market administrator shall pay, on or before the second day prior to the date payments are due to individual producers, to a cooperative association which is authorized to collect payment for milk of its members and from which a written request for such payment has been received, a total amount equal to, but not less than, the sum of the individual payments otherwise payable to such producers pursuant to this section.

§ 978.82 *Butterfat and location differentials to producers.* (a) The applicable uniform prices to be paid each producer pursuant to § 978.81 (b) shall be increased or decreased for each one-tenth of one percent which the average butterfat content of his milk is above or below 4.0 percent, respectively, at the rate determined by multiplying the average of the daily wholesale prices per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the month in which the milk was received by 0.12 and adjusting to the nearest even one-tenth of a cent.

(b) In making payment to producers pursuant to § 978.81 (b), the applicable uniform prices to be paid for producer milk received at a fluid milk plant located 50 miles or more from the State Capitol, Nashville, Tennessee, by the shortest hard-surfaced highway distance as determined by the market administrator, shall be reduced according to the location of the fluid milk plant where such milk was received at the following rate:

| | *Rate per hundredweight (cents)* |
|---|---|
| Distance from the State Capitol, Nashville, Tenn. (miles): | |
| 50 but not more than 60 | 10.0 |
| For each additional 10 miles or fraction thereof an additional | 1.5 |

§ 978.83 *Statement to producers.* In making payments required by § 978.81 (b), the market administrator shall furnish each producer or cooperative association with a supporting statement in such form that it may be retained by the producer or cooperative association which shall show:

(a) The month and the identity of the handler and of the producer;

(b) The total pounds and the average butterfat content of milk delivered by the producer including for the months of February through July, the pounds of base milk and excess milk;

(c) The minimum rate or rates at which payment to the producer or cooperative association is required under the provisions of §§ 978.81 and 978.82;

(d) The amount or the rate per hundredweight of each deduction claimed by the handler including any deduction made pursuant to § 978.86, together with a description of the respective deductions; and

(e) The net amount of payment to the producer or cooperative association.

§ 978.84 *Reserve funds.* The market administrator shall maintain for each handler a reserve fund into which he shall deposit the appropriate payments made by such handler pursuant to §§ 978.80 and 978.87, and out of which he shall make the appropriate payments required for such handler pursuant to §§ 978.81 and 978.87.

§ 978.85 *Expense of administration.* As his pro rata share of this part, each handler shall pay to the market administrator, on or before the 15th day after the end of each month, 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to receipts, during the month, of (a) producer milk (including such handler's own production), and (b) other source milk allocated to Class I milk pursuant to § 978.45.

§ 978.86 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to § 978.81, shall deduct an amount not exceeding 6 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to milk received by a handler(s) from producers during the month. Such moneys shall be paid to the market administrator on or before the 15th day after the end of each month and used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers who are members of a cooperative association which the Secretary determines is performing the services specified in paragraph (a) of this section for its members, each handler shall, in lieu of the deductions provided in paragraph (a) of this section, make such deductions as are authorized by such producers, and on or before the 15th day after the end of each month, pay the money so deducted to such cooperative association.

§ 978.87 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records or accounts or other verification discloses errors, resulting in money due a producer or the market administrator from such handler, or due such handler from the market administrator, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 978.88 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before March 1, 1950, under section 8c (15) (A) of the Act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this part, shall except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligations, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an an underpayment is claimed or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.



APPLICATION OF PROVISIONS

§ 978.90 *Producer-handlers.* Sections 978.40 through 978.45, 978.50 through 978.53, 978.60 through 978.62, 978.70 through 978.73, and 978.80 through 978.87 shall not apply to a producer-handler.

§ 978.91 *Plants subject to other Federal orders.* A plant specified in paragraph (a) or (b) of this section shall be treated as a nonfluid milk plant except that the operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 978.30), and allow verification of such reports by the market administrator.

(a) Any plant qualified pursuant to § 978.8 (a) which would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the act, unless a greater volume of Class I milk is disposed of from such plant to retail or wholesale outlets (except fluid milk plants) in the Nashville marketing area than in the marketing area regulated pursuant to such other order.

(b) Any plant qualified pursuant to § 978.8 (b) or (c) which would be subject to the classification and pricing provisions of another order issued pursuant to the act, unless such plant qualified as a fluid milk plant pursuant to § 978.8 (c) for each of the preceding months of September through December.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 978.100 *Effective time.* The provisions of this part or any amendments to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 978.101 *Suspension or termination.* The Secretary shall suspend or terminate any or all of the provisions of this part, whenever he finds that it obstructs or does not tend to effectuate the declared policy of the Act. This part shall, in any event, terminate whenever the provisions of the Act authorizing it cease to be in effect.

§ 978.102 *Continuing power and duty of the market administrator.* (a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising under this part, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator, shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate, shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and (3) if so directed by the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 978.103 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part, the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator, or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 978.110 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 978.111 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

Issued at Washington, D. C., this 2d day of April 1956.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 56-2516; Filed, Apr. 4, 1956; 8:46 a. m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

### [ 21 CFR Part 130 ]

DRUGS EXEMPTED FROM PRESCRIPTION-DISPENSING REQUIREMENTS OF SECTION 503 (b) (1) (C) OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

NOTICE OF PROPOSED RULE MAKING

Notice is given that the Commissioner of Food and Drugs, in accordance with the Federal Food, Drug, and Cosmetic Act (secs. 503 (b) (3), 505 (c), 701 (a); 65 Stat. 649, 52 Stat. 1052, 1055; 21 U. S. C. 353 (b) (3), 355 (c), 371 (a)) and the authority delegated to him by the Secretary of Health, Education, and Welfare (21 CFR 1.108 (c)) hereby offers an opportunity to all interested persons to submit their views in writing to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER on the proposed amendment set forth below:

It is proposed to amend paragraph (a) of § 130.1 *Exemption for certain drugs limited by new-drug applications to prescription sale* by adding the following new subparagraphs (13) and (14):

(13) Sulfur dioxide preparations meeting all the following conditions:

(i) The sulfur dioxide is prepared, with or without other drugs, in an aqueous solution packaged in a hermetic container suitable for use in self-medication by external application to the skin, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The sulfur dioxide and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 5 grams of sulfur dioxide per 100 milliliters of solution.

(v) The preparation is labeled with adequate directions for use by external application to the smooth skin in the prevention or treatment of minor conditions in which it is indicated.

(vi) The directions for use recommend or suggest not more than two applications a day for not more than 1 week, except as directed by a physician.

(14) Doxylamine succinate preparations meeting all the following conditions:

(i) The doxylamine succinate is prepared, with or without other drugs, in tablet or other dosage form suitable for oral use in self-medication, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The doxylamine succinate and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 7.5 milligrams of doxylamine succinate per dosage unit, or if it is in liquid form not more than 1.5 milligrams of doxylamine succinate per milliliter.

(v) The preparation is labeled with adequate directions for use in the temporary relief of the symptoms of the minor conditions in which it is indicated.

(vi) The dosages recommended or suggested in the labeling do not exceed: For adults, 7.5 milligrams of doxylamine succinate per dose or 45 milligrams of doxylamine succinate per 24-hour period; for children 6 to 12 years of age,

one-half of the maximum adult dose or dosage.

(vii) The labeling bears in juxtaposition with the dosage recommendations:

(*a*) Clear warning statements against administration of the drug to children under 6 years of age, except as directed by a physician, and against driving a car or operating machinery while using the drug, since it may cause drowsiness.

(*b*) If the article is offered for temporary relief of the symptoms of colds, a statement that continued administration for such use should not exceed 3 days, except as directed by a physician.

The proposed amendment will remove the drugs mentioned therein from the prescription-dispensing requirements of the Federal Food, Drug, and Cosmetic Act (sec. 503 (b) (1) (C), 52 Stat. 1052, 65 Stat. 649; 21 U. S. C. 353 (b) (1) (C)). These drugs were previously limited by their new-drug applications to use under professional supervision because the scientific data establishing the toxic potential of the drugs and their intended use showed only that they were safe if used under professional supervision.

Pursuant to the regulations in § 1.108 (c) of this chapter (21 CFR 1.108 (c)), petitions have been submitted to remove the prescription restrictions from these drugs. Evidence now available through investigation and marketing experience shows that the drugs can be safely used by the laity in self-medication if they are used in accordance with the proposed labeling. The restriction to prescription sale is no longer necessary for the protection of the public health.

This action in removing the prior restriction limiting these drugs to prescription sale is taken under the authority of the Federal Food, Drug, and Cosmetic Act (secs. 503 (b) (3), 505 (c), 52 Stat. 1052, 65 Stat. 649; 21 U. S. C. 353 (b) (3), 355 (c)), which provides for and requires the removal of such restrictions if they are not necessary for the protection of the public health.

Dated: March 30, 1956.

[SEAL] GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F. R. Doc. 56-2548; Filed, Apr. 4, 1956; 8:54 a. m.]

# NOTICES

## DEPARTMENT OF LABOR

### Wage and Hour Division

#### LEARNER EMPLOYMENT CERTIFICATES

#### ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended March 1, 1956, 21 F. R. 1349).

The following learner certificates were issued authorizing the employment of not more than ten percent of the total number of factory production workers as learners for normal labor turnover purposes.

Advance Frocks Corp., 29 Troy Street, Fall River, Mass., effective 3-1-56 to 2-28-57 (dresses).

Alabama Textile Products Corp., Andalusia, Ala., effective 4-1-56 to 3-31-57 (ladies' dresses and blouses) (replacement certificate).

Alabama Textile Products Corp., Andalusia, Ala.; effective 4-1-56 to 3-31-57 (men's shirts, work pants) (replacement certificate).

Alabama Textile Products Corp., Brantley, Ala.; effective 4-1-56 to 3-31-57 (men's work shirts).

Alabama Textile Products Corp., Andalusia, Ala.; effective 4-1-56 to 3-31-57 (ladies' dresses and blouses).

Alabama Textile Products Corp., Andalusia, Ala.; effective 4-1-56 to 3-31-57 (dress and sport shirts).

Alabama Textile Products Corp., Panama City, Fla.; effective 4-1-56 to 3-31-57 (dress shirts).

Albert of Arizona, Inc., 234 South Extension Road, Mesa, Ariz.; effective 3-15-56 to 3-14-57 (ladies' slips).

Alexander Manufacturing Co., 1830 South Hill Street, Los Angeles, Calif.; effective 3-15-56 to 3-14-57 (men's sport shirts).

The Andala Co., Andalusia, Ala.; effective 4-1-56 to 3-31-57 (work shirts, pants).

Anthracite Shirt Co., 1 South Franklin Street, Shamokin, Pa.; effective 4-1-56 to 3-31-57 (dress and sport shirts).

Barmon Bros. Co., Inc., Broadway and Fillmore, Buffalo, N. Y.; effective 3-9-56 to 3-8-57 (women's and misses dresses).

Barmon Bros. Co., Inc., Jefferson and Franklin Streets, Westfield, N. Y.; effective 3-9-56 to 3-8-57 (women's and misses dresses).

Baron Blouse & Sportswear Co., 29 East Juniper Street, Hazleton, Pa.; effective 3-16-56 to 3-15-57 (women's blouses).

Bastian Sportswear Inc., Bastian, Va.; effective 3-31-56 to 3-30-57; (infants' and children's sportswear).

Biflex Bishopville, Inc., Bishopville, S. C.; effective 3-20-56 to 3-19-57 (brassieres and garter belts).

Blue Bell, Inc., Boonesville, Miss.; effective 3-1-56 to 11-24-56 (shirts) (replacement certificate).

Blue Bell, Inc., Lenoir, N. C.; effective 4-1-56 to 3-31-57 (dungarees).

Blue Bell, Inc., Luray, Va.; effective 4-1-56 to 3-31-57 (dungarees).

Blue Bell, Inc., Tishomingo County, Tishomingo, Miss.; effective 3-30-56 to 3-29-57 (work pants).

Brook Manufacturing Co., Inc., First and Miles Streets, Old Forge, Pa.; effective 4-1-56 to 3-31-57 (men's trousers).

The Buckeye Overall Co., Coldwater, Ohio; effective 3-1-56 to 2-28-57 (children's play clothing).

Burlington Manufacturing Co., 111 West Third Street, Chanute, Kans.; effective 3-19-56 to 3-18-57 (overalls).

S. H. Camp & Co., 109 West Washington Avenue, Jackson, Mich.; effective 3-9-56 to 3-8-57 (surgical supports, etc.).

Camp Hill Industries, Camp Hill Industries Building, Camp Hill, Ala.; effective 3-1-56 to 2-28-57 (pedal pushers, work clothes).

The Carthage Corp., Carthage, Miss.; effective 3-29-56 to 3-28-57 (work pants).

The Carthage Corp., Carthage, Miss.; effective 3-29-56 to 3-28-57 (ladies' dungarees).

Chaffee Manufacturing Co., Inc., Chaffee, Mo.; effective 4-3-56 to 4-2-57 (men's trousers).

Charis Corp., 730 Linden Street, Allentown, Pa.; effective 3-15-56 to 3-14-57 (corsets and brassieres).

Charleston Manufacturing Co., Charleston, S. C.; effective 3-1-56 to 2-28-57 (ladies' dresses).

Chic Lingerie Co., Inc., 1126 Santee Street, Los Angeles, Calif.; effective 3-8-56 to 3-7-57 (women's lingerie).

Cohler Corp., Inc., 224-232 First Avenue, Red Lion, Pa.; effective 3-16-56 to 3-15-57 (ladies' and girls' pajamas and robes).

Colshire Manufacturing Co., Morgantown, W. Va.; effective 4-18-56 to 4-17-57 (men's pajamas).

U. O. Colson Co., Textile Fabrication Department, 901 North Main Street, Paris, Ill.; effective 3-1-56 to 2-28-57 (brassieres).

Cooper Sportswear Manufacturing Co., Inc., 310 Sherman Avenue, Newark, N. J.; effective 3-15-56 to 3-14-57 (leather and sheeplined garments).

Cornelia Garment Co., 107 Chattahooche Street, Cornelia, Ga., effective 3-7-56 to 3-6-57 (boys' western and sport shirts).

Crisfield Shirt & Pajama Co., Princess Anne, Md.; effective 3-25-56 to 3-24-57 (boys' shirts).

Culler and Oblander, Inc., North, S. C.; effective 3-1-56 to 2-28-57 (children's blouses, shorts, etc.) (replacement certificate).

Di-Anne Underwear Co., Inc., 308 South First Street, Lebanon, Pa.; effective 3-17-56 to 3-16-57 (ladies' lingerie).

Dormar Manufacturing Co., Gratz, Pa.; effective 3-12-56 to 3-11-57 (sport shirts).

Elizabethtown Manufacturing Co., Elizabethtown, N. C.; effective 3-16-56 to 3-15-57 (women's wearing apparel).

Emmaus Manufacturing Co., Emmaus, Pa.; effective 3-19-56 to 3-18-57 (men's ladies', and children's shirts).

Enterprise Manufacturing Co., Enterprise, Ala.; effective 4-1-56 to 3-31-57 (dress shirts).

Fox Knapp Manufacturing Co., Maple Avenue, Milton, Pa.; effective 3-19-56 to 3-18-57 (men's and boys' sportswear and outerwear).

Franklin Ferguson Co., Inc., Florala, Ala.; effective 3-12-56 to 3-11-57 (cotton and dress shirts).

Globe Manufacturing Co., Inc., 300 Adams Street, Vidalia, Ga.; effective 3-15-56 to 3-14-57 (boys' trousers).

Graci Dress Co., Logan Street, Mifflin County, Reedsville, Pa.; effective 3-15-56 to 3-14-57 (ladies' dresses).



Greenway Manufacturing Co., Waynesburg, Pa.; effective 4-4-56 to 4-3-57 (boys' and infants polo shirts).

Gro-Togs, Inc., 12 Quansett Street, New Bedford, Mass.; effective 3-16-56 to 3-15-57 (infants' and children's sportswear).

Her Majesty Manufacturing Co., Mauldin, S. C.; effective 3-1-56 to 2-28-57 (women's and children's underwear).

The Hercules Trouser Co., Jackson, Ohio; effective 4-10-56 to 4-9-57 (men's and boys' single pants).

The Hercules Trouser Co., Manchester, Ohio; effective 4-1-56 to 3-31-57 (single pants).

The Hercules Trouser Co., Hillsboro, Ohio; effective 4-1-56 to 3-31-57 (single pants).

The Hercules Trouser Co., Wellston, Ohio; effective 4-1-56 to 3-31-57 (single pants).

Herrin Apparel Co., Inc., 712 East Monroe, Herrin, Ill.; effective 3-19-56 to 3-18-57 (dresses).

Hopkinsville Clothing Manufacturing Co., Inc., 1100 South Main Street, Hopkinsville, Ky.; effective 3-16-56 to 3-15-57 (denim dungarees).

The Jay Co., Inc., 2130 Arch Street, Philadelphia, Pa.; effective 3-19-56 to 3-8-57 (knitted sportswear) (replacement certificate).

Jay Garment Co., Portland, Ind.; effective 4-1-56 to 3-31-57 (men's cotton work clothing).

Junior Age, Inc., 435 North Second Street, Milwaukee, Wis.; effective 3-10-56 to 3-9-57 (dresses).

Katz Underwear Co., Honesdale, Pa.; effective 4-1-56 to 3-31-57 (nightgowns and pajamas).

Key Work Clothes, Inc., Fort Scott, Kans.; effective 3-1-56 to 2-28-57 (overall and dungarees).

Key Work Clothes of Missouri, Nevada, Mo.; effective 3-1-56 to 2-28-57 (men's work suits and pants and shirts).

Kinston Manufacturing Co., Inc., Kinston, Ala.; effective 3-16-56 to 3-15-57 (men's and boys' jackets).

Knothe Bros. Co., Inc., 3605 Hickory Avenue, Baltimore, Md.; effective 3-15-56 to 3-14-57 (men's pajamas).

Kolodney & Myers, Inc., 450 Capitol Avenue, Hartford, Conn.; effective 3-15-56 to 3-14-57 (dresses).

L'Aiglon Apparel Inc., Hagerstown, Md.; effective 3-15-56 to 3-14-57 (dresses).

L'Aiglon Apparel, Inc., Northumberland, Pa.; effective 3-19-56 to 3-18-57 (dresses).

Lady Ester Lingerie Corp., Tenth and Walnut Streets, Berwick, Pa.; effective 3-16-56 to 3-15-57 (ladies' slips).

Harry Lang Manufacturing Co., 100 South West Third Street, Des Moines, Iowa; effective 3-1-56 to 2-28-57 (children's pants and shirts).

Langshaw Manufacturing Co., Inc., 21 Cove Street, New Bedford, Mass.; effective 3-9-56 to 3-8-57 (ladies' pajamas, nightgowns).

Lakeland Manufacturing Co., Fourteenth and Alabama Avenue, Sheyboygan, Wis.; effective 3-1-56 to 2-28-57 (wool jackets).

Lee Manufacturing Co., 247 South Main Street, Pittston, Pa.; effective 4-7-56 to 4-6-57 (ladies' dresses).

Lincoln Garment Co., 220 North Chicago, Lincoln, Ill.; effective 3-15-56 to 3-14-57 (dresses).

Major Shirt Corp., 1106 Cunmius Street, Freeland, Pa.; effective 3-8-56 to 3-7-57 (sport jackets).

Merryl Dress Co., Inc., 540 East Mill Street, Little Falls, N. Y.; effective 3-16-56 to 3-15-57 (dresses).

New England Pants Co., Inc., 131 Ash Street, Willimantic, Conn.; effective 3-8-56 to 3-7-57 (men's and boys' pants).

Pine Springs Shirt Co., 60 Hill Street, Greenwich, N. Y.; effective 3-7-56 to 3-6-57 (women's apparel).



Pittston Apparel Co., East and Tompkins Streets, Pittston, Pa.; effective 3-31-56 to 3-30-57 (brassieres).

Pollak Bros. Inc., 227 West Main Street, Fort Wayne, Ind.; effective 3-1-56 to 2-28-57 (dresses).

Primo Pants Co., Versailles, Mo.; effective 4-5-56 to 4-4-57 (men's and boys' pants).

Primrose Foundations, Inc., 53 West Twenty-Third Street, New York City, N. Y.; effective 3-12-56 to 9-11-56 (corsets).

Quality Sewn Products Inc., Royston, Ga.; effective 3-27-56 to 3-26-57 (sport shirts).

The R & R Manufacturing Co., Inc., 195 Sixth Avenue, Auburn, Ga.; effective 3-8-56 to 3-7-57 (men's and boys' slacks).

Regal Shirt Corp., 208 South Third Street, Catawissa, Pa.; effective 3-23-56 to 3-22-57 (ladies' shirts).

Regal Shirt Corp., Second and Pine Streets, Catawissa, Pa.; effective 3-23-56 to 3-22-57 (sport shirts).

Regal Shirt Corp., 125 West Center Street, Millersburg, Pa.; effective 3-23-56 to 3-22-57 (dress and sport shirts).

Reliance Manufacturing Co., "Keystone" Factory, Tyrone, Pa.; effective 3-27-56 to 3-26-57 (sport shirts).

Renee of Hollywood 743 Santee Street, Los Angeles, Calif.; effective 3-15-56 to 3-14-57 (brassieres and garter belts).

Rob Roy Co., Inc., Cambridge, Md.; effective 3-19-56 to 3-18-57. (boys' shirts).

Rosemont Dress Co., 24 Moser Road, Pottstown, Pa.; effective 3-12-56 to 3-11-57 (dresses).

Rough Rider, Inc., 501 Lawrence Street, Napa, Calif.; effective 3-19-56 to 3-18-57 (men's and boys' apparel).

Sancar Corp., 28 West Rock Street, Harrisburg, Va.; effective 3-26-56 to 3-27-57 (ladies' underwear).

M. C. Schrank Manufacturing Co., 515 Atlantic Avenue, Atlantic City, N. J.; effective 3-9-56 to 3-8-57 (ladies' lingerie and sleepwear).

Slimaker Dress Corp., Holton, Kans.; effective 3-1-56 to 2-28-57 (dresses).

M. Snower & Co., Division of Opelika Manufacturing Corp., Teutopolis, Ill.; effective 3-8-56 to 3-7-57 (washable service apparel).

Solomon Bros. Co., Butler, Ala.; effective 3-15-56 to 3-14-57 (men's sportswear).

Solomon Bros. Co., Camden, Ala.; effective 3-13-56 to 3-12-57 (men's sportswear).

Solomon Bros. Co., Thomasville, Ala.; effective 3-13-56 to 3-12-57 (men's sportswear).

Solomon Co., Leads, Ala.; effective 4-1-56 to 3-31-57 (dress trousers and jackets).

South Pine Nightwear Co., Inc., York, Pa.; effective 3-8-56 to 3-7-57 (men's and boys' pajamas).

Southern Manufacturing Co., No. 1, 333 Fifth Avenue, Nashville, Tenn.; effective 3-19-56 to 3-18-57 (men's and boys' workshirts).

Sport-Kraft Manufacturing Co., Inc., 419 West Third Street, Lewes, Del.; effective 3-12-56 to 3-11-57 (ladies' blouses).

Standard Garment Co., Inc., 625 Locust Street, Columbia, Pa.; effective 3-9-56 to 3-8-57 (ladies' wash dresses).

Levi Strauss & Co., San Jose, Calif.; effective 3-12-56 to 3-11-57 (waist overalls for men and boys).

Sun Garment Co., Twelfth and Penn Streets, St. Joseph, Mo.; effective 3-23-56 to 3-22-57 (shirts).

Tempest Shirt Manufacturing Co., Inc., 461 Cherry Street, Jesup, Ga.; effective 3-23-56 to 3-22-57 (men's and boys' shirts).

Terry Sportswear Co., Inc., 12 East Main Street, Glen Lyon, Pa.; effective 3-12-56 to 3-11-57 (blouses).

Tower City Dress Co., Inc., 512 East Grand Avenue, Tower City, Pa.; effective 3-15-56 to 3-14-57 (ladies' cotton dresses).

Trouser Corp. of America, Meadow Avenue and Maple Street, Scranton, Pa.; effective 3-18-56 to 3-17-57 (men's and boys' trousers).

Troy Textiles, Inc., Troy, Ala.; effective 4-1-56 to 3-31-57 (sport shirts).

United Pants Co., Inc., Shoemaker Street, Swoyerville, Pa.; effective 4-1-56 to 3-31-57 (pants, jackets).

The Van Wert Manufacturing Co., Northeast Corner Main and Market Streets, Van Wert, Ohio; effective 3-12-56 to 3-11-57 (work pants).

Vernon Manufacturing Co., Inc., Vernon, Tex.; effective 4-10-56 to 4-9-57 (men's and boys' trousers).

The Warner Bros. Co., Thomasville, Ga.; effective 4-1-56 to 3-31-57 (corsets and brassieres).

Warner Bros. Co., Malone, N. Y.; effective 3-19-56 to 3-18-57 (corsets and brassieres).

Wentworth Manufacturing Co., Blanding Street, Lake City, S. C.; effective 3-16-56 to 3-15-57 (women's cotton house dresses).

Westway Sportswear, Gainesville, Tex.; effective 3-17-56 to 3-16-57 (women's dresses and sportswear).

Windsor Knit Co., Inc., East Court Street, Woodstock, Va.; effective 3-15-56 to 3-14-57 (infants' and children's creepers, etc.).

Wolfspar Inc., Mount Wolf, Pa.; effective 3-9-56 to 3-8-57 (dresses).

The following learner certificates were issued for normal labor turnover purposes and, except as otherwise indicated below, a maximum of 10 learners were authorized.

Abatex Dress Manufacturing Co., 817 Baker Street, Mountain Home, Ark., effective 3-9-56 to 3-8-57; 5 learners (dresses).

Alby Sportswear Co., 414 Fine Street, Scranton, Pa., effective 3-14-56 to 3-13-57 (dresses and robes).

Art Pleating & Stitching, Seventeenth and Fairview Streets, Reading, Pa., effective 3-17-56 to 3-16-57; 5 learners (stitching and pleating on dresses).

Artway Manufacturing Co., 3806 Fourteenth Avenue, Brooklyn, N. Y., effective 3-1-56 to 8-31-56; 3 learners (children's clothing).

Bala Sportswear Co., New Gretna, N. J., effective 3-16-56 to 3-15-57; 5 learners (children's outerwear).

Barnell Manufacturing Co., 135 South Main Street, Doylestown, Pa., effective 3-9-56 to 3-8-57 (sport and dress shirts).

Bayview Sportswear Co., 208 Bayview Avenue, Inwood, N. Y., effective 3-12-56 to 3-11-57; 3 learners (dresses).

Beau Richards, Inc., 32 Elm Street, Glens Falls, N. Y., effective 3-9-56 to 3-8-57; 5 learners (dresses).

Bern Haven, Inc., 239 North George Street, York, Pa., effective 3-9-56 to 3-8-57; 5 learners (children's dresses).

Berry Garment Manufacturers, Inc., Columbus, Kans., effective 3-1-56 to 2-28-57; 6 learners (boys' dungarees).

Blue Bell, Inc., Madison, Va., effective 4-1-56 to 3-31-57; 5 learners (dungarees).

Butler Manufacturing Co., Butler, Ala., effective 3-19-56 to 3-18-57; 5 learners (men's sportswear).

Belmont Manufacturing Co., 146 North Thirteenth Street, Philadelphia, Pa., effective 3-9-56 to 3-8-57 (ladies' and children's blouses).

Bern Haven Inc., York Haven, Pa., effective 3-9-56 to 3-8-57 (children's cotton dresses).

Blue Bell, Inc., Elkton, Va., effective 4-1-56 to 3-31-57 (dungarees).

Blue Bell, Inc., Mount Jackson, Va., effective 4-1-56 to 3-31-57 (dungarees).

Blue Bell, Inc., Shenandoah, Va., effective 4-1-56 to 3-31-57 (dungarees).

Bojack, Inc., 70 South Franklin Street, Pottstown, Pa., effective 3-12-56 to 3-11-57 (children's dresses).

Brooks-Leas Manufacturing Co., 151-3 Park Avenue, Wilkes Barre, Pa., effective 3-9-56 to 3-8-57 (children's dresses).

Campus Modes, Inc., 1447 Maple Street, Los Angeles, Calif., effective 3-9-56 to 3-8-57 (women's housecoats and robes).

Campus Modes, Inc., 116-118 South Catalina Avenue, Redondo Beach, Calif., effective 3-9-56 to 3-8-57 (women's housecoats and robes).

Caro & Co., Inc., 10 East Thirty-second Street, New York, N. Y., effective 3-15-56 to 9-14-56; 5 learners (women's housecoats and dusters).

Casty's Garment Co., 397 South Main Street, Wilkes-Barre, Pa., effective 3-15-56 to 3-14-57; 5 learners (men's and boys' trousers).

Cott Contracting Corp., 20 Fels Avenue, Ellicott City, Md., effective 3-1-56 to 2-28-57; 8 learners (infants' and children's cotton shirts).

Checotah Manufacturing Co., Checotah, Okla., effective 3-10-56 to 3-9-57 (sportswear).

Choctaw Manufacturing Co., Inc., Silas, Ala., effective 3-1-56 to 2-28-57 (men's work pants).

Denway Corp., 14 Beach Street, Rockaway, N. J., effective 3-16-56 to 3-15-57; 4 learners (men's bath robes).

Essex Dress, Inc., 15 Union Street, Lawrence, Mass., effective 3-1-56 to 2-28-57; 5 learners (ladies' dresses).

Elloree Garment Corp, Elloree, S. C., effective 3-19-56 to 3-18-57 (ladies' lingerie).

Fenway Manufacturing Co., 217 Jackson Street, Lowell, Mass., effective 3-1-56 to 2-28-57; 8 learners (men's and boys' outerwear).

Stanley M. Peil, Inc., 2073 East Fourth Street, Cleveland, Ohio, effective 3-1-56 to 2-28-57 (house dresses).

Giffin Sportswear Co., Inc., Carlisle, Ky., effective 3-15-56 to 3-14-57; 5 learners (children's outergarments).

Goodman Manufacturing Co., 131 South Poplar Street, Shamokin, Pa., effective 3-9-56 to 3-8-57; 5 learners (women's sportswear).

Garrett Garment Corp., 101 North Guilford Street, Garrett, Ind., effective 3-14-56 to 2-28-57 (ladies' smocks, aprons, and dresses).

Grandeur Fashions, Inc., 204 Oliver Street, Swoyerville, Pa., effective 3-1-56 to 2-28-57; 5 learners (women's blouses).

H & D Manufacturing Co., 6100 Robertson Road, Nashville, Tenn., effective 3-12-56 to 2-28-57; 3 learners (ladies' and children's T-shirts) (replacement certificate).

Sid Harris Sportswear, Inc., 2324 South Burrell Street, Milwaukee, Wis., effective 3-1-56 to 2-28-57; 5 learners (blouses, petticoats, etc.).

Hebron Manufacturing Co., Inc., Hebron, Md., effective 3-13-56 to 3-12-57; 4 learners (children's dresses).

Hebron Manufacturing Co., Inc., Sharptown, Md., effective 3-19-56 to 3-18-57; 7 learners (children's dresses).

Hendel Manufacturing Co., Inc., 13 Washington Street, New London, Conn., effective 3-1-56 to 2-28-57; 5 learners (men's and boys' jackets, shirts).

Hilbrun, Inc., 14 West Fifty-eighth Street, New York, N. Y., effective 3-9-56 to 9-8-56; 2 learners (girdles, brassieres).

Harsey Blouse, Inc., Kirmar Avenue, Wanamie, Pa., effective 3-1-56 to 2-28-57 (women's blouses).

Haverstraw Sportswear, Inc., Broad and Wayne Streets, Haverstraw, N. Y., effective 3-16-56 to 3-15-57 (children's overalls, blouses, etc.).

Jeanette Frocks, 400 First Avenue North, Minneapolis, Minn., effective 3-12-56 to 3-11-57; 5 learners (all maternity wear).

Jo Ann Frocks, 47 East Railroad Street, Pittston, Pa., effective 3-8-56 to 3-7-57; 6 learners (children's cotton dresses).

The Jay Co., Fredricksburg, Pa., effective 3-1-56 to 2-28-57 (T-shirts and women's blouses).

The Jay Garment Co., Brookville, Ind., effective 4-1-56 to 3-31-57 (children's cotton overalls).

K & K Novelty Co., 882 Market Street, Kingston, Pa., effective 3-19-56 to 3-18-57; 5 learners (ladies' dresses).

Kamehameha Garment Co., Ltd., 29 Shipman Street, Hilo, Hawaii, effective 3-15-56 to 3-14-57 (sportswear).

Karen Sportswear, Route 2, Shickshinny, Pa., and Harveyville, Pa., effective 4-1-56 to 3-31-57; 5 learners (women's dresses).

Kensington Dress Co., 155 West Lehigh Avenue, Philadelphia, Pa., effective 3-12-56 to 3-11-57; 5 learners (women's dresses).

Lemoyne Dress Co., 308 South Third Street, Lemoyne, Pa., effective 3-17-56 to 3-16-57; 5 learners (dresses, housecoats, dusters).

Lease Manufacturing Co., Inc., Broxton, Ga., effective 3-15-56 to 3-14-57 (ladies' pedal pushers and shorts).

Lorch Manufacturing Co., West, Tex., effective 3-19-56 to 3-18-57; 5 learners (ladies' and misses' dresses and sportswear).

A. Lore, Inc., 53 Pike Street, Port Jervis, N. Y., effective 4-1-56 to 3-31-57; 5 learners (children's underwear).

Lurie Sportswear Co., 630 Park Street, Stoughton, Mass., effective 3-16-56 to 3-15-57; 6 learners (blouses).

Main Dress Co., 348 Main Street, Luzerne, Pa., effective 3-12-56 to 3-11-57; 5 learners (dresses).

Mar-Ann Dress Co., Inc., 120 North State Street, Ephrata, Pa., effective 3-17-56 to 3-16-57; 5 learners (children's cotton dresses).

Martin-Jay Dress Corp., 95 Guy Park Avenue, Amsterdam, N. Y., effective 3-9-56 to 3-8-57; 5 learners (ladies' dresses).

Marysville Dress Co., 200 Cameron Street, Marysville, Pa., effective 3-12-56 to 3-11-57; 4 learners (children's dresses).

Andrew Mazur, Inc., Bronner Street, Richfield Springs, N. Y., effective 3-15-56 to 3-14-57; 5 learners (dresses).

Meltzer Sportswear Co., 12 Forest Street, Medford, Mass., effective 3-12-56 to 3-11-57; 5 learners (blouses, jackets, etc.).

H. B. Mennig, Inc., 86 Ellicott Street, Buffalo 3, N. Y., effective 3-15-56 to 3-14-57; 4 learners (housecoats and dresses).

Meadow Avenue Shirt Co., Meadow Avenue, Cambridge, Md., effective 3-12-56 to 3-11-57 (sport shirts and men's pajamas).

Mode O'Day Corp., 403 South Main Street, Ottawa, Kans., effective 4-1-56 to 3-31-57 (dresses).

Moulton Undergarment Co., Inc., Moulton, Ala., effective 3-9-56 to 3-8-57 (ladies' slips).

New Windsor Pants Co., Inc., Main Street, New Windsor, Md., effective 3-17-56 to 3-16-57; 5 learners (men's pants).

New Bloomfield Dress Co., 221 West Market Street, Newport, Pa., effective 3-9-56 to 3-8-57 (ladies' dresses).

Ost Pants Co., 223 Wooster Street, New York, N. Y., effective 3-17-56 to 9-16-56; 2 learners (men's and boys' pants).

Old Forge Dress Co., Inc., 101 South Main Street, Old Forge, Pa., effective 3-15-56 to 3-14-57 (ladies' dresses).

Peach State Manufacturing Co., Inc., 751 Trabert Avenue NW., Atlanta, Ga., effective 3-12-56 to 3-11-57 (boys' single pants, shirts).

Pollock Dresses, Inc., 101 Schuylkill Avenue, Tamaqua, Pa., effective 3-1-56 to 2-28-57; 5 learners (children's dresses).

Pottsville Sportswear, Inc., 114 South Front Street, St. Clair, Pa., effective 3-17-56 to 3-16-57; 5 learners (sportswear).

Prescott Sportswear Manufacturers, Inc., 117 North Montezuma, Prescott, Ariz., effective 3-14-56 to 3-13-57; 5 learners (men's frontier pants, women's riders, etc.).

Pliantform Foundations, Inc., Canandaigua, N. Y., effective 3-1-56 to 2-28-57 (brassieres and girdles).

Ra-Mil Sportswear, Inc., 75 Kneeland Street, Boston, Mass., effective 3-9-56 to 3-8-57 (ladies' blouses).

Renee of Hollywood, 2304 South Main Street, Los Angeles, Calif., effective 3-15-56 to 3-14-57; 5 learners (brassieres).

Rock Hall Manufacturing Co., Rock Hall, Kent County, Md., effective 3-9-56 to 3-8-57; 7 learners (boys' shirts).

Ronnie Dress, Inc., 6 East Union Street, Shickshinny, Pa., effective 3-9-56 to 3-8-57; 8 learners (ladies' dresses).

Romance of California, 2501 South Main Street, Los Angeles, Calif., effective 3-12-56 to 3-11-57 (women's girdles and panties).

Morris Schwartz Garment Manufacturing Co., 63 Orange Avenue, Walden, N. Y., effective 3-9-56 to 3-8-57; 5 learners (ladies' dusters and robes).

Silver's St. Croix Manufacturing Co., St. Croix Falls, Wis., effective 3-9-56 to 3-8-57; 5 learners (all maternity wear).

Sipkin Corp., 137 East Market Street, Marietta, Pa., effective 3-15-56 to 3-14-57; 4 learners (children's dresses).

Dall Smith, 318 Grand Avenue, Nogales, Ariz., effective 3-1-56 to 2-28-57; 5 learners (single pants, shirts, etc.).

Sport-Kraft Manufacturing Co., Inc., Selbyville, Del., effective 3-16-56 to 3-15-57; 5 learners (ladies' blouses).

Stafford-Hayes, Inc., 402 South State Street, Clarks Summit, Pa., effective 3-26-56 to 3-25-57; 5 learners (ladies' dresses).

Stuart Sportwear Co., Inc., 692 Broadway, New York, N. Y., effective 3-16-56 to 9-15-56; 5 learners (infants' and children's polo shirts).

Style-Line Frocks, Inc., 102 Center Street, Tamaqua, Pa., effective 3-19-56 to 2-18-57; 5 learners (children's dresses).

Saf-T-Bak, Inc., 1715 Eleventh Avenue, Altoona, Pa., effective 3-25-56 to 3-24-57 (men's and boys' hunting clothes).

Simon & Mogilner, 216 Twenty-ninth Street South, Birmingham, Ala., effective 3-8-56 to 3-7-57 (children's cotton and nylon garments).

Levi Strauss & Co., 440 Front Street, Santa Cruz, Calif., effective 3-10-56 to 3-9-57 (waistband overalls).

Sun Clothes, Inc., 10 De Kalb Street, Norristown, Pa., effective 3-1-56 to 2-28-57 (beachwear).

Thunderbird Fashions, Inc., 116 North Cortez, Prescott, Ariz., effective 3-12-56 to 3-11-57; 5 learners (women's cotton squaw dresses).

Trend Trousers, Inc., La Crosse, Ind., effective 3-1-56 to 2-28-57; 3 learners (men's dress slacks).

Trend Trousers, Inc., 512 Railroad Avenue, North Judson, Ind., effective 3-1-56 to 2-28-57; 5 learners (men's dress slacks).

United Pants Co., Inc., Naungola Branch, Route 2, Mountain Top, Pa., effective 3-1-56 to 2-28-57; 5 learners (trousers, jacket linings).

United Pants Co., Inc., 222-225 Beade Street, Plymouth, Pa.; effective 4-1-56 to 3-31-57 (pants and jackets).

W. & L. Manufacturing Co., Inc., 131-157 East Phillips Street, Coaldale, Pa., effective 3-15-56 to 3-14-57 (children's dresses).

Western Dress Co., 444 South Schuyler Avenue, Bradley, Ill., effective 3-1-56 to 2-28-57; 5 learners (dresses).

Woolrich Mills, Avis, Pa., effective 3-17-56 to 2-16-57; 5 learners (woolen shirts, jackets, and coats).

Westway Sportswear, Inc., Cleburne, Tex., effective 3-17-56 to 3-16-57 (children's dresses and sportswear).

Westway Sportswear, Decatur, Tex., effective 3-17-56 to 3-16-57 (children's dresses and sportswear).

Whitehouse Manufacturing Co., Division of of Opelika Manufacturing Corp., South Bend, Ind., effective 3-9-56 to 3-8-57 (washable service apparel).

Yori Joy Sportswear, Inc., Windbar, Pa., effective 3-9-56 to 3-8-57 (pedal pushers and shorts).

The following learner certificates were issued for plant expansion purposes. The number of learners authorized is indicated.

Albert of Arizona, Inc., Mesa, Ariz.; effective 3-15-56 to 9-14-56; 20 learners (ladies' slips).

Byrds Manufacturing Corp., Star City, Ark.; effective 3-1-56 to 2-28-57; 50 learners (sport shirts).

Chester Manufacturing Co., Inc., Chester, S. C.; effective 3-1-56 to 8-31-56; 50 learners (men's dress shirts).

Colshire Manufacturing Co., Morgantown, W. Va.; effective 3-1-56 to 8-31-56; 10 learners (men's pajamas).

Columbo Garment Co., 158 West Harrison Street, Columbo, Wis.; effective 3-15-56 to 9-14-56; 10 learners (men's slacks, ladies' shorts).

Continental Manufacturing Co., Knoxville, Iowa; effective 3-8-56 to 9-7-56; 30 learners (single pants, shirts, etc.).

Corsicana Co., Corsicana, Tex.; effective 3-14-56 to 8-31-56; 35 learners (men's and boys' single pants).

Culler & Oblander Inc., North, S. C.; effective 3-1-56 to 8-31-56; 25 learners (children's blouses and shorts).

Delta Shirt Manufacturing Co., Inc., Deming, N. Mex.; effective 3-1-56 to 8-31-56; 50 learners (sport shirts).

George-co Manufacturing Co., Inc., Lucedale, Miss.; effective 3-1-56 to 8-31-56; 50 learners (dresses).

Hazlehurst Manufacturing Co., Inc., Vidalia Division, Vidalia, Ga.; effective 3-12-56 to 9-11-56; 35 learners (brassieres).

Helena Garment Co., West Helena, Ark.; effective 3-1-56 to 8-31-56; 75 learners (dresses).

Hopkinsville Clothing Manufacturing Co., Inc., 1100 South Main Street, Hopkinsville, Ky.; effective 3-16-56 to 9-15-56; 30 learners (denim dungarees).

International Latex Corp., Newman, Ga.; effective 3-8-56 to 6-31-56; 80 learners (brassieres).

International Latex Corp., Manchester, Ga.; effectice 3-8-56 to 8-31-56; 35 learners (infants' wear).

Kinston Manufacturing Co., Inc., Kinston, Ala.; effective 3-16-56 to 9-15-56; 10 learners (men's and boys' jackets).

Lady Ester Lingerie Corp., Tenth and Walnut Streets, Berwick, Pa.; effective 3-1-56 to 8-31-56; 10 learners (ladies' slips).

Mountain-Top Co., 220 South Church Street, Hendersonville, N. C.; effective 3-1-56 to 8-31-56; 10 learners (misses' and children's playwear).

Nash Garment Co., Inc., Nashville, N. C.; effective 3-9-56 to 9-8-56; 15 learners (children's dresses).

Oshkosh B'Gosh, Inc., Celina Division, Celina, Tenn.; effective 3-15-56 to 9-14-56; 25 learners (pants and shirts).

Salem Co., Inc., Junia and Lomond Avenue, Winston-Salem, N. C.; effective 3-1-56 to 8-31-56; 10 learners (denim dungarees).

Star Garment Co., 159-161 Penn Avenue, Exeter, Pa.; effective 3-13-56 to 9-12-56; 25 learners (sportswear).

Tru-fit Trousers, Traverse City, Mich.; effective 3-1-56 to 8-31-56; 10 learners (single pants).

Wildwood Clothing Co., Inc., 112 East Schellenger Avenue, Wildwood, N. J.; effective 3-12-56 to 9-11-56; 10 learners (Bermuda shorts).

Jack Winter, Inc., 183 North Milwaukee Street, Milwaukee, Wis.; effective 3-15-56 to 9-14-56; 10 learners (ladies' slacks).



Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended March 1, 1956, 21 F. R. 581).

The following learner certificates were issued for normal labor turnover purposes, except as otherwise indicated:

Barberry Knitting Mills, Inc., 42 Franklin Street, Lakeport, N. H., effective 3-14-56 to 3-13-57; 5 percent of factory production workers (sweaters).

Cinderella Knitting Mills, Inc., Denver, Pa., effective 3-15-56 to 3-14-57; 5 percent of factory production workers (men's knitted and broadcloth underwear).

Fitzgerald Underwear Corp., 702-704 South Sherman Street, Fitzgerald, Ga., effective 3-12-56 to 3-11-57; 5 learners (ladies', children's underwear).

Fitzgerald Underwear Corp., 702-704 South Sherman Street, Fitzgerald, Ga., effective 3-12-56 to 9-11-56; 5 learners for plant expansion purposes (ladies', children's underwear).

The Hadley Corp., Reems Creek Road, Weaverville, N. C., effective 3-16-56 to 9-15-56; 25 learners for plant expansion purposes (sweaters).

Imperial Mills, Inc., 735 Pittston Street, Allentown, Pa., effective 3-16-56 to 3-15-57; 5 percent of factory production workers (ladies' undergarments).

Ithaca Textiles, Inc., 402 East State Street, Ithaca, N. Y., effective 3-14-56 to 9-13-56; 20 learners for plant expansion purposes (women's underwear).

Kingsboro Mills, Inc., Daisy, Tenn., effective 3-12-56 to 3-11-57; 5 percent of factory production workers (ladies' lingerie).

Kingsboro Mills, Inc., Sparta Street, McMinnville, Tenn., effective 3-12-56 to 3-11-57; 5 percent of factory production workers (ladies' lingerie).

Maple Mills, Inc., 205 East Maple Street, Allentown, Pa., effective 3-19-56 to 3-18-57; 5 learners (ladies', children's undergarments).

I. Mathews & Bros., 64 Conduit Street, New Bedford, Mass., effective 3-16-56 to 3-15-57; 5 learners. (children's underwear).

Sun Clothes, Inc., 2130 Arch Street, Philadelphia, Pa., effective 3-16-56 to 3-15-57; 5 percent of factory production workers (outer beachwear).

Sun Clothes, Inc., 1325 Federal Street, Philadelphia, Pa., effective 3-15-56 to 3-14-57; 5 learners (outer beachwear garments).

Shoe Industry Learner Regulations (29 CFR 522.50 to 522.55, as amended March 1, 1956, 21 F. R. 1195).

The following learner certificates were issued for normal labor turnover purposes, except as otherwise indicated:

Allegro Shoe Corp., Church Street, St. Johnsville, N. Y., effective 3-15-56 to 3-14-57; 10 percent of factory production workers.

Bijou Manufacturing Co., Inc., 335 Barton Street, Pawtucket, R. I., effective 3-15-56 to 3-14-57; 6 learners.

Cal-Ray Shoe Manufacturing Co., Inc., 1235 Chestnut Street, Athol, Mass., effective 3-15-56 to 3-14-57; 5 learners.

John A. Frye Shoe Co., Inc., Palestine, Tex., effective 3-15-56 to 3-14-57; 10 percent of the factory production workers.

Heydays Shoes, Inc., 2032 Locust Street, St. Louis, Mo., effective 3-15-56 to 3-14-57; 10 percent of the factory production workers.

Holtz Shoe Co., Inc., 49 Osgood Street, Metheun, Mass., effective 3-15-56 to 3-14-57; 5 learners.

Miami Footwear Corp., 3455 Northwest Thirtieth Avenue, Miami, Fla., effective 3-15-56 to 3-14-57; 3 learners.

Rodaine of California, d/b/a California Imprints, 796 East Second Street, Pomona, Calif., effective 3-15-56 to 9-14-56; 10 learners for plant expansion purposes.

St. Louis Shoe Manufacturing Corp., New Athens, Ill., effective 4-15-56 to 4-14-57; 10 percent of the factory production workers.

Saranac Footwear, Inc., 208 Broadway, Saranac Lake, N. Y., effective 3-15-56 to 3-14-57; 10 percent of the factory production workers.

Hosiery Industry learner Regulations (29 CFR 522.40 to 522.43, as amended March 1, 1956, 21 F. R. 629).

The following learner certificates were issued authorizing the employment of not more than five percent of the total number of factory production workers as learners for normal labor turnover purposes.

Chipman LaCrosse Hosiery Mills Co., East Flat Rock, N. C.; effective 3-15-56 to 3-14-47.

Farrell Hosiery Finishers, Inc., 915 Morning Glory Avenue, Durham, N. C.; effective 3-15-56 to 3-14-57.

Harriss & Covington Hosiery Mills, Inc., 308 Oak Street, High Point, N. C.; effective 3-12-56 to 3-11-57.

Herbert Hosiery Co., Washington and Noble Streets, Norristown, Pa.; effective 3-1-56 to 2-28-57.

Holston Manufacturing Co., Ninth and Mitchell, Knoxville, Tenn.; effective 3-14-56 to 3-13-57.

Jackson Hosiery Co., Jackson, Mo.; effective 3-12-56 to 3-11-57.

Knit Products Corp., Belmont, N. C.; effective 3-1-56 to 2-28-57.

Outlook Manufacturing Co., Belmont, N. C.; effective 3-12-56 to 3-11-57.

Powell Knitting Co., Spartanburg, S. C.; effective 3-1-56 to 2-28-57.

Russel Hosiery Mills, Inc., Star, N. C.; effective 3-1-56 to 2-28-57.

Tip Top Hosiery Mills, Inc., 400 West Salisbury Street, Asheboro, N. C.; effective 3-14-56 to 3-13-57.

Triangle Hosiery Co., Inc., Grimes Street, High Point, N. C.; effective 3-12-56 to 3-11-57.

Willis Hosiery Mills, Inc., Academy Street, Concord, N. C.; effective 3-12-56 to 3-11-57.

The following learner certificates were issued for normal labor turnover purposes and, except as otherwise indicated below, a maximum of 5 learners were authorized.

Acclaim Hosiery Mills, Inc., High Point, N. C.; effective 3-12-56 to 3-11-57.

Clayton Hosiery Mills, Inc., 95 Bridge Street, Lowell, Mass.; effective 3-14-56 to 3-13-57.

Colonial Hosiery, Inc., High Point, N. C.; effective 3-12-56 to 3-11-57.

Damascus Hosiery Mills, Inc., Damascus, Va.; effective 3-12-56 to 3-11-57.

Newson Hosiery Mills, Star, N. C.; effective 3-1-56 to 2-28-57; 4 learners.

Texas Knitting Mills, Inc., Mineral Wells, Tex.; effective 3-1-56 to 2-28-57.

Walridge Hosiery Mills, Inc., Highway 20, Marvell, Ark.; effective 3-8-56 to 3-7-57.

Woosley Knitting Mills, Shelbyville, Tenn.; effective 3-1-56 to 2-28-57.

The following learner certificates were issued for plant expansion purposes. The number of learners authorized is indicated.

Adams-Millis Corp., Plant No. 4, Bodenheimer Street, Kernesville, N. C.; effective 3-15-56 to 5-12-56; 25 learners.

Claussner Hosiery Co., No. 2 Seamless Division, Thirtieth and Adams Streets, Paducah, Ky.; effective 3-8-56 to 9-7-56; 10 learners.

Hunter Hosiery, Inc., 1269 Union Avenue, Laconia, N. H.; effective 3-12-56 to 9-11-56; 10 learners.

Outlook Manufacturing Co., Belmont, N. C.; effective 3-12-56 to 9-11-56; 25 learners.

Willis Hosiery Mills, Inc., Academy Street, Concord, N. C.; effective 3-12-56 to 9-11-56; 10 learners.

Independent Telephone Industry Learner Regulations (29 CFR 522.70 to 522.74, as amended March 1, 1956, 21 F. R. 581).

Columbia Utilities Co., Oakridge, Oreg.; effective 3-16-56 to 3-15-57.

Nash Telephone Co., Damariscotta, Maine; effective 3-16-56 to 3-15-57.

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 27th day of March 1956.

MILTON BROOKE,
*Authorized Representative of the Administrator.*

[F. R. Doc. 56-2530; Filed, Apr. 4, 1956; 8:49 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. E-6667]

MONTANA-DAKOTA UTILITIES CO.

NOTICE OF APPLICATION

MARCH 29, 1956.

Take notice that on March 26, 1956, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Montana-Dakota Utilities Co. (Applicant), a corporation organized under the laws of the State of Delaware and doing business in the States of Minnesota, Montana, North Dakota, South Dakota and Wyoming, with its principal business office at Minneapolis, Minnesota, seeking an order authorizing the issuance of $8,500,000 principal amount promissory notes with maturities not more than one year after their respective dates of issue, from time to time during the balance of the year 1956 as additional funds are required for Applicant's construction program. Applicant proposes to issue the maximum of $8,500,000 of promissory notes payable to The First National City Bank of New York dated as of the dates of their respective issue, which will be not later than December 31, 1956, each bearing interest at the prime commercial bank rate in effect at the date it is issued. The Northwestern National Bank of Minneapolis will have a 25 percent participation in each note and the First National Bank of Minneapolis will have a 20 percent participation in each note.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 19th day of April 1956, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file and available for public inspection.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56-2532; Filed, Apr. 4, 1956; 8:50 a. m.]

[Docket No. E-6669]

INTERSTATE POWER CO.

NOTICE OF APPLICATION

MARCH 30, 1956.

Take notice that on March 27, 1956, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Interstate Power Company, a corporation organized under the laws of the State of Delaware and doing business in the States of Illinois, Iowa, Minnesota and South Dakota, with its principal business office at Dubuque, Iowa, seeking an order authorizing the issuance of $4,500,000 principal amount of unsecured promissory notes evidencing bank loans. The rate of interest will be the prime commercial rate of interest of The Chase Manhattan Bank for unsecured borrowing prevailing three business days prior to the date of each borrowing. The bank borrowings in the aggregate amount of $500,000 from Iowa and Minnesota banks, shown in the tabulation below, will be evidenced by notes to be dated June 15, 1956, to mature May 31, 1957. The bank borrowings not to exceed an additional $4,000,000 from the Chase Manhattan Bank and Manufacturers Trust Company will be evidenced by notes to be dated the dates of their respective deliveries to mature 360 days from the date of the first borrowing, or May 31, 1957, whichever date would be earlier.

| *Name of lending bank* | *Principal amount of notes* |
|---|---|
| The First National Bank of Albert Lea, Albert Lea, Minn. | $30,000 |
| Freeborn National Bank of Albert Lea, Albert Lea, Minn. | 30,000 |
| The City National Bank of Clinton, Clinton, Iowa | 80,000 |
| Clinton National Bank, Clinton, Iowa | 25,000 |
| American Trust & Savings Bank, Dubuque, Iowa | 130,000 |
| Dubuque Bank & Trust Co., Dubuque, Iowa | 85,000 |
| The First National Bank, Dubuque, Iowa | 120,000 |
| The Chase Manhattan Bank, New York, N. Y. | 2,000,000 |
| Manufacturers Trust Co., New York, N. Y. | 2,000,000 |
| Total | 4,500,000 |

The funds to be obtained from the proposed issuance will be applied to interstate's 1956 construction program; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 16th day of April 1956, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file and available for public inspection.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56-2535; Filed, Apr. 4, 1956; 8:50 a. m.]

[Docket No. G-8508]

W. C. MCBRIDE, INC.

NOTICE OF RESUMPTION OF HEARING

MARCH 29, 1956.

Notice is hereby given that the hearing in the above-designated matter, which which was recessed by the Presiding Examiner on May 11, 1955, is hereby scheduled to resume at 9:30 a. m., e. d. s. t., April 30, 1956, in the Commission's hearing room, 441 G Street NW., Washington, D. C.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56-2533; Filed, Apr. 4, 1956; 8:50 a. m.]



[Docket No. G-8511]

MICHIGAN-WISCONSIN PIPE LINE CO.

ORDER FIXING DATE OF HEARING

On February 24, 1955, the Commission issued its order in this docket suspending the revised tariff sheet filed by Michigan-Wisconsin Pipe Line Company proposing an increase in rates and charges for the sale in interstate commerce of natural gas for resale to each of its sixteen wholesale customers.

The Commission finds: It is appropriate and in the public interest in carrying out the provisions of the Natural Gas Act that the proceeding in this docket be set for hearing as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 4, 5, 15 and 16 of the Natural Gas Act and the Commission's general rules and regulations, including rules of practice and procedure (18 CFR, Chapter I) public hearing hereby is set to commence on May 1, 1956, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by the above-entitled proceeding.

(B) Michigan Wisconsin Pipe Line Company, on or before April 23, 1956, shall serve upon all parties to this proceeding copies of the testimony and exhibits it proposes to offer at the hearing, including five (5) copies thereof upon Staff Counsel.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: March 30, 1956.

By the Commission.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56-2545; Filed, Apr. 4, 1956; 8:53 a. m.]

[Docket No. G-8549, etc.]

STANOLIND OIL AND GAS CO. ET AL.

ORDER FIXING DATE OF HEARING AND CONSOLIDATING PROCEEDINGS FOR PURPOSES OF HEARING

In the matters of Stanolind Oil and Gas Company, Docket No. G-8549; Sohio Petroleum Company, Docket No. G-8624; Continental Oil Company, Docket No. G-8625; Skelly Oil Company, Docket No. G-8626; British-American Oil Production Company, Docket No. G-8627; The Carter Oil Company, Docket No. G-8628; Gulf Oil Corporation, Docket No. G-8629; Champlin Refining Company, Docket No. G-8630; The Atlantic Refining Company, Docket No. G-8631; Anderson-Prichard Oil Corporation, Docket No. G-8632; Amerada Petroleum Corporation, Docket No. G-8634; West Edmond Oil Company, Docket No. G-8635; Rudco Oil and Gas Company, Docket No. G-8636; Sunray Mid-Continent Oil Company, Docket No. G-8637; Sunray Mid-Continent Oil Company, Docket No. G-8638.

On March 8, 1955, the Commission issued its order in Docket No. G-8549 suspending proposed changes in rates filed by Stanolind Oil and Gas Company (Stanolind), as reflected by Supplement No. 6 to Stanolind's FPC Gas Rate Schedule No. 121, pertaining to sales of natural gas in interstate commerce to Cities Service Gas Company.

On March 22, 1955, the Commission issued its order in Docket No. G-8624 suspending proposed changes in rates filed by Sohio Petroleum Company (Sohio), as reflected by Supplement No. 9 to Sohio's FPC Gas Rate Schedule No. 7, pertaining to sales of natural gas in interstate commerce to Cities Service Gas Company.

On March 22, 1955, the Commission issued its order in Docket No. G-8625 suspending proposed changes in rates filed by Continental Oil Company, as reflected by Supplement No. 10 to Continental's FPC Gas Rate Schedule No. 91, pertaining to sales of natural gas in interstate commerce to Cities Service Gas Company.

On March 22, 1955, the Commission issued its order in Docket No. G-8626 suspending proposed changes in rates filed by Skelly Oil Company (Skelly), as reflected by Supplement No. 9 to Skelly's FPC Gas Rate Schedule No. 71, pertaining to sales of natural gas in interstate commerce to Cities Service Gas Company.

On March 22, 1955, the Commission issued its order in Docket No. G-8627 suspending proposed changes in rates filed by British-American Oil Production Company (British-American), as reflected by Supplement No. 3 to British-American's FPC Gas Rate Schedule No. 13, pertaining to sales of natural gas in interstate commerce to Cities Service Gas Company.

On March 22, 1955, the Commission issued its order in Docket No. G-8628 suspending proposed changes in rates filed by The Carter Oil Company (Carter), as reflected by Supplement No. 6 to Carter's FPC Gas Rate Schedule No. 12, pertaining to sales of natural gas in interstate commerce to Cities Service Gas Company.

On March 22, 1955, the Commission issued its order in Docket No. G-8629 suspending proposed changes in rates filed by Gulf Oil Corporation (Gulf), as reflected by Supplement No. 8 to Gulf's FPC Gas Rate Schedule No. 35, pertaining to sales of natural gas in interstate commerce to Cities Service Gas Company.

On March 22, 1955, the Commission issued its order in Docket No. G-8630 suspending proposed changes in rates filed by Champlin Refining Company (Champlin), as reflected by Supplement No. 6 to Champlin's FPC Gas Rate Schedule No. 24, pertaining to sales of natural gas in interstate commerce to Cities Service Gas Company.

On March 22, 1955, the Commission issued its order in Docket No. G-8631 suspending proposed changes in rates filed by The Atlantic Refining Company (Atlantic), as reflected by Supplement Nos. 3, 4, 5, and 6 to Atlantic's FPC Gas Rate Schedule No. 52, pertaining to sales of natural gas in interstate commerce to Cities Service Gas Company.

On March 22, 1955, the Commission issued its order in Docket No. G-8632 suspending proposed changes in rates filed by Anderson-Prichard Oil Corporation (Anderson-Prichard), as reflected by Supplement No. 7 to Anderson-Prichard's FPC Gas Rate Schedule No. 9, pertaining to sales of natural gas in interstate commerce to Cities Service Gas Company.

On March 22, 1955, the Commission issued its order in Docket No. G-8634 suspending proposed changes in rates filed by Amerada Petroleum Corporation (Amerada), as reflected by Supplement Nos. 2, 3, and 4 to Amerada's FPC Gas Rate Schedule No. 24, pertaining to sales of natural gas in interstate commerce to Cities Service Gas Company.

On March 22, 1955, the Commission issued its order in Docket No. G-8635 suspending proposed changes in rates filed by West Edmond Oil Company (West Edmond), as reflected by Supplement No. 12 to West Edmond's FPC Gas Rate Schedule No. 2, pertaining to sales of natural gas in interstate commerce to Cities Service Gas Company.

On March 22, 1955, the Commission issued its order in Docket No. G-8636 suspending proposed changes in rates filed by Rudco Oil and Gas Company (Rudco), as reflected by Supplement No. 1 to Rudco's FPC Gas Rate Schedule No. 6, pertaining to sales of natural gas in interstate commerce to Cities Service Gas Company.

On March 22, 1955, the Commission issued its order in Docket No. G-8637 suspending proposed changes in rates filed by Sunray Oil Corporation, now known as Sunray Mid-Continent Oil Company (Sunray), as reflected by Supplement No. 3 to Sunray's FPC Gas Rate Schedule No. 67, pertaining to sales of natural gas in interstate commerce to Cities Service Gas Company.

On March 22, 1955, the Commission issued its order in Docket No. G-8638 suspending proposed changes in rates filed by Mid-Continent Petroleum Corporation, now known as Sunray Mid-Continent Oil Company (Sunray), as reflected by Supplement No. 6 to Sunray's FPC Gas Rate Schedule No. 35, pertaining to sales of natural gas in interstate commerce to Cities Service Gas Company.

The Commission finds:

(1) All of the above proceedings involve sales of gas in interstate commerce to Cities Service Gas Company of residue gas from plants in the Edmond Field, Oklahoma County, Oklahoma.

(2) It is proper and in the public interest that the proceedings in the foregoing designated Docket Nos. G-8549,

G–8624, G–8625, G–8626, G–8627, G–8628, G–8629, G–8630, G–8631, G–8632, G–8634, G–8635, G–8636, G–8637, and G–8638 should be consolidated for purposes of hearing, and that prior to the date of hearing the Applicants seeking proposed rate increases shall submit the hereinafter specified material to the Commission in this proceeding.

The Commission orders:

(A) Pursuant to the authority contained in, and subject to the authority conferred upon the Federal Commission by, the Natural Gas Act, including particularly Sections 4, 5, 14, 15, and 16, a public hearing be held, commencing on June 4, 1956, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented in these consolidated proceedings.

(B) Each Applicant in each of the foregoing designated dockets shall submit to the Commission, at least five (5) days prior to commencement of the hearing of this proceeding as herein provided, five (5) copies of maps, verified by a responsible officer of the Applicant, showing the following:

(i) Full details of the facilities at the point or points of deliveries to Cities Service Gas Company;

(ii) Major pipeline facilities by which the gas is transported from each well to the points of deliveries to Cities Service Gas Company; and

(iii) Important pipeline facilities, such as dehydration and gasoline plants, compressor stations, product removal plants, measuring stations, regulators, purification plants, and the like, connected to the pipeline facilities specified in (i) and (ii) above.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: March 29, 1956.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 56–2543; Filed, Apr. 4, 1956; 8:53 a. m.]

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[Docket Nos. 8622, 8993]

PAISANO TRADING CO. ET AL.

ORDER FIXING DATE OF HEARING AND CONSOLIDATING PROCEEDINGS FOR PURPOSES OF HEARING

In the matters of William Negley, d/b/a Paisano Trading Company, Ltd., et al., Docket No. G–8622; A. W. Gregg, Docket No. G–8993.

On March 22, 1955, the Commission issued its order in Docket No. G–8622 suspending proposed changes in rates filed by William Negley, d/b/a Paisano Trading Company, Ltd., et al. (Paisano), as reflected by Paisano's FPC Gas Rate Schedule No. 3 and Supplement No. 1 to Paisano's FPC Gas Rate Schedule No. 3, pertaining to sales of natural gas in interstate commerce to Trunkline Gas Company.

On June 3, 1955, the Commission issued its order in Docket No. G–8993 suspending proposed changes in rates filed by A. W. Gregg (Gregg), as reflected by Supplement No. 1 to Gregg's FPC Gas Rate Schedule No. 1 and Supplement No. 1 to Supplement No. 1 to Gregg's FPC Gas Rate Schedule No. 1, pertaining to sales of natural gas in interstate commerce to Trunkline Gas Company.

The Commission finds: It is proper and in the public interest that the proceedings in the foregoing designated Docket Nos. G–8622 and G–8993 should be consolidated for purposes of hearing, and that prior to the date of hearing the Applicants seeking proposed rate increases shall submit the hereinafter specified material to the Commission in this proceeding.

The Commission orders:

(A) Pursuant to the authority contained in, and subject to the authority conferred upon the Federal Power Commission by, the Natural Gas Act, including particularly sections 4, 5, 14, 15, and 16, a public hearing be held, commencing on May 28, 1956, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented in these consolidated proceedings.

(B) Each Applicant in each of the foregoing designated dockets shall submit to the Commission, at least five (5) days prior to the commencement of the hearing of this proceeding as herein provided, five (5) copies of maps, verified by a responsible officer of the Applicant, showing the following:

(i) Full details of the facilities at the point or points of deliveries to Trunkline Gas Company;

(ii) Major pipeline facilities by which the gas is transported from each well to the points of deliveries to Trunkline Gas Company; and

(iii) Important pipeline facilities, such as dehydration and gasoline plants, compressor stations, product removal plants, measuring stations, regulators, purification plants, and the like, connected to the pipeline facilities specified in (i) and (ii) above.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: March 29, 1956.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 56–2544; Filed, Apr. 4, 1956; 8:53 a. m.]

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[Docket No. G–8794]

UNITED EQUIPMENT CO.

NOTICE OF RESUMPTION OF HEARING

MARCH 29, 1956.

In the matter of United Equipment Company et al., by Agent, Christie, Mitchell and Mitchell Co., Docket No. G–8794.

Notice is hereby given that the hearing in the above-designated matter, which was recessed by the Presiding Examiner on September 16, 1955, is hereby resumed at 9:30 a. m., e. d. s. t., May 1, 1956, in the Commission's hearing room, 441 G Street NW., Washington, D. C.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 56–2534; Filed, April 4, 1956; 8:50 a. m.]

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[Docket Nos. G–8970, G–9173]

BLACKWELL OIL AND GAS CO. ET AL.

ORDER FIXING DATE OF HEARING AND CONSOLIDATING PROCEEDINGS FOR PURPOSES OF HEARING

In the matters of Blackwell Oil & Gas Co., Docket No. G–8970; T. L. James and Company, Inc., et al., Docket No. G–9173.

On May 27, 1955, the Commission issued its order in Docket No. G–8970 suspending proposed changes in rates filed by Blackwell Oil & Gas Company (Blackwell), as reflected by Supplement No. 1 to Blackwell's FPC Gas Rate Schedule No. 1, pertaining to sales of natural gas in interstate commerce to Louisiana Nevada Transit Company.

On July 26, 1955, the Commission issued its order in Docket No. G–9173, as modified by order issued August 11, 1955, suspending proposed changes in rates filed by T. L. James and Company, Inc., et al. (James), as reflected by Supplement No. 1 to James' FPC Gas Rate Schedule No. 3, pertaining to sales of natural gas in interstate commerce to Louisiana Nevada Transit Company.

The Commission finds: It is proper and in the public interest that the proceedings in the foregoing designated Docket Nos. G–8970 and G–9173 should be consolidated for purposes of hearing, and that prior to the date of hearing the Applicants seeking proposed rate increases shall submit the hereinafter specified material to the Commission in this proceeding.

The Commission orders:

(A) Pursuant to the authority contained in, and subject to the authority conferred upon the Federal Power Commission by, the Natural Gas Act, including particularly Sections 4, 5, 14, 15, and 16, a public hearing be held, commencing on May 21, 1956, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented in these consolidated proceedings.

(B) Each Applicant in each of the foregoing designated dockets shall submit to the Commission, at least five (5) days prior to commencement of the hearing of this proceeding as herein provided, five (5) copies of maps, verified by a responsible officer of the Applicant, showing the following:

(i) Full details of the facilities at the point or points of deliveries to Louisiana Nevada Transit Company;

(ii) Major pipeline facilities by which the gas is transported from each well to the points of deliveries to Louisiana Nevada Transit Company; and

(iii) Important pipeline facilities, such as dehydration and gasoline plants, compressor stations, product removal plants, measuring stations, regulators, purification plants, and the like, connected to the pipeline facilities specified in (i) and (ii) above.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: March 30, 1956.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 56–2546; Filed, Apr. 4, 1956; 8:53 a. m.]

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[Docket No. G–10057]

NATURAL GAS PIPELINE COMPANY OF AMERICA AND MICHIGAN WISCONSIN PIPE LINE CO.

NOTICE OF APPLICATION AND DATE OF HEARING

MARCH 30, 1956.

Natural Gas Pipeline Company of America (Natural) and Michigan Wisconsin Pipe Line Company (Michigan Wisconsin), Applicants, both Delaware corporations with their principal places of business located at Chicago, Illinois, and Detroit, Michigan, respectively, filed on March 7, 1956, a joint application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the interconnection of certain natural gas transmission pipelines of the Applicants and authorizing the operation of such facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in their joint application which is on file with the Commission and open for public inspection.

Applicants propose to:

(1) Interconnect the 24-inch parallel pipelines of Natural and the 24-inch pipeline of Michigan Wisconsin which intersect at a point in the Northeast Quarter of Section 10, Township 16 North, Range 7 East, near Princeton, Bureau County, Illinois, by installing meter runs consisting of one joint of 12-inch pipe at the above proposed interconnection site.

(2) Interconnect the 20-inch lateral pipeline of Natural, extending from near Geneseo, Illinois, to a point on the Illinois-Wisconsin State line, and the 22-inch lateral pipeline of Michigan Wisconsin extending from Wisconsin Junction to near Milwaukee, Wisconsin, which intersect at a point in the Northwest Quarter of Section 13, Township 45 North, Range 6 East, near Woodstock, McHenry County, Illinois, by installing one joint of 8-inch pipe at the above proposed interconnection site.

Applicants state that said sections of pipe were placed at the respective sites of interconnection at the time of construction of Michigan Wisconsin's pipeline system in 1949 and that pursuant to Commission authorization these facilities were used to exchange gas between these Applicants from September 1, 1949, to March 1, 1950, and following this exchange, these facilities were disconnected and have not been used since and that the two interconnections will be made by either or both of Applicants at no additional cost.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: March 30, 1956.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 56–2546; Filed, Apr. 4, 1956; 8:53 a. m.]

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[Docket No. G–10057]

NATURAL GAS PIPELINE COMPANY OF AMERICA AND MICHIGAN WISCONSIN PIPE LINE CO.

NOTICE OF APPLICATION AND DATE OF HEARING

MARCH 30, 1956.

Natural Gas Pipeline Company of America (Natural) and Michigan Wisconsin Pipe Line Company (Michigan Wisconsin), Applicants, both Delaware corporations with their principal places of business located at Chicago, Illinois, and Detroit, Michigan, respectively, filed on March 7, 1956, a joint application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the interconnection of certain natural gas transmission pipelines of the Applicants and authorizing the operation of such facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in their joint application which is on file with the Commission and open for public inspection.

Applicants propose to:

(1) Interconnect the 24-inch parallel pipelines of Natural and the 24-inch pipeline of Michigan Wisconsin which intersect at a point in the Northeast Quarter of Section 10, Township 16 North, Range 7 East, near Princeton, Bureau County, Illinois, by installing meter runs consisting of one joint of 12-inch pipe at the above proposed interconnection site.

(2) Interconnect the 20-inch lateral pipeline of Natural, extending from near Geneseo, Illinois, to a point on the Illinois-Wisconsin State line, and the 22-inch lateral pipeline of Michigan Wisconsin extending from Wisconsin Junction to near Milwaukee, Wisconsin, which intersect at a point in the Northwest Quarter of Section 13, Township 45 North, Range 6 East, near Woodstock, McHenry County, Illinois, by installing one joint of 8-inch pipe at the above proposed interconnection site.

Applicants state that said sections of pipe were placed at the respective sites of interconnection at the time of construction of Michigan Wisconsin's pipeline system in 1949 and that pursuant to Commission authorization these facilities were used to exchange gas between these Applicants from September 1, 1949, to March 1, 1950, and following this exchange, these facilities were disconnected and have not been used since and that the two interconnections will be made by either or both of Applicants at no additional cost.

Applicants propose to use these interconnections in the event of emergencies arising on either's system.

In addition, Natural also requests a certificate of public convenience and necessity herein authorizing the sale of natural gas by it to Michigan Wisconsin at the Woodstock delivery point only during a period ending on October 31, 1956.

Natural states that at various times during the period commencing April 1, 1956 and ending October 31, 1956, it will have gas available for sale and delivery to Michigan Wisconsin, at the proposed interconnection of pipeline facilities of the two Applicants near Woodstock, McHenry County, Illinois, after having fulfilled all requests of Natural's customers for gas service during such period, and that such gas may be made available in quantities not exceeding 60,000 Mcf on any one day.

Michigan Wisconsin states that it has advised Natural that during said period it desires to purchase from Natural such additional quantities of natural gas as it may from time to time during such period be able to take for the purpose of placing gas in storage in its four storage fields in Michigan for the purpose of affording added protection to its firm customers.

Michigan Wisconsin also states that the purchase of this gas will not increase its customer sales during the individual months of the purchase period and that it proposes to charge off the cost of this gas currently during the purchase period in order to eliminate possible adjustments therefor in future rate filings.

Applicants state that the normal pressure maintained and to be maintained on Michigan Wisconsin's 22-inch pipeline at said point of interconnection in McHenry County, Illinois, during said period is 550 psig, and the normal operating pressure maintained on Natural's 20-inch pipeline at said point of interconnection is 625 psig. In making the proposed sale and delivery, Applicants aver that the interconnection facilities hereinbefore described will be utilized, and, in addition, Natural proposes to install an automatic regulator at a total estimated cost of $3,000 to be used in making such delivery.

Natural proposes to make said sale and delivery to Michigan Wisconsin pursuant to a proposed new rate schedule, designated Rate Schedule I–2, under a service agreement to be executed in the form now contained in Natural's FPC Gas Tariff. The proposed new rate is 26.35 cents per Mcf.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 19, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such joint application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 16, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 56–2536; Filed, April 4, 1956; 8:50 a. m.]

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[Docket No. G–10173]

SUN OIL CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Sun Oil Company (Applicant) on February 28, 1956, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates ad charges, are contained in the following designated filing which is proposed to become effective on the date shown:

| *Description; Purchaser; Rate Schedule Designation; and Effective Date*[1] |
|---|
| Notice of change, dated February 24, 1956; United Fuel Gas Company; Supplement No. 7 to Applicant's FPC Gas Rate Schedule No. 43; April 1, 1956. |

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Applicant if later.

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until September 1, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Issued: March 30, 1956.

By the Commission.[1]

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56-2547; Filed, Apr. 4, 1956; 8:53 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

### AMERICAN INVESTMENT & DEVELOPMENT CO.

MEMORANDUM OPINION AND ORDER REVOKING BROKER-DEALER REGISTRATION

MARCH 30, 1956.

Proceedings were instituted pursuant to section 15 (b) of the Securities Exchange Act of 1934 ("the act") to determine whether American Investment & Development Company ("registrant") registered as a broker and dealer under section 15 (a) of the act, willfully violated section 17 (a) of the act and Rule X-17A-5 thereunder and, is so, whether it is in the public interest to revoke its registration.[2]

Copies of the notice and order for hearing were sent by registered mail to registrant and to its president. The order was also duly published in the FEDERAL REGISTER.[3] Registrant did not appear in person or by representative on the date set for the hearing.

Registrant was specifically notified at the time it was advised that its registration had become effective, of the requirement of Rule X-17A-5 that a report of financial condition be filed with this Commission during each calendar year. Upon review of the record in this proceeding, we find that the registrant failed to file the required report of financial condition for the year 1954 thereby violating section 17 (a) of the act and Rule X-17A-5 thereunder. We conclude also that such violation was willful within the meaning of section 15 (b) of the act.

On the basis of the foregoing, we are of the opinion that it is in the public interest to revoke the registration of the registrant.

*Accordingly, it is ordered,* That the registration of American Investment & Development Company be, and the same is, revoked.

By the Commission.

[SEAL] NELLYE A. THORSEN,
*Assistant Secretary.*

[F. R. Doc. 56-2539; Filed, Apr. 4, 1956; 8:51 a. m.]

[File Nos. 31-619, 70-3310]

### W. R. STEPHENS INVESTMENT CO., INC., AND W. R. STEPHENS

ORDER MODIFYING EXEMPTION AND PRIOR APPROVAL OF INDIRECT ACQUISITION OF SECURITIES

MARCH 30, 1956.

The Commission having by order dated December 14, 1954, among other things, (a) granted an application for exemption to W. R. Stephens Investment Company, Inc., on behalf of itself as a holding company and its subsidiary, Arkansas Louisiana Gas Company, a public-utility company, from the provisions of the Public Utility Holding Company Act of 1935 ("act"); and (b) granted an application of W. R. Stephens for approval of the indirect acquisition by him of the common stock of Arkansas Louisiana Gas Company being acquired by W. R. Stephens Investment Company, Inc.; and

The Commission having, pursuant to the applicable provisions of the act, particularly sections 3 (a) (4), 3 (c), and 20 (a) thereof, instituted a proceeding to determine whether the continuation of said exemption is detrimental to the public interest or the interest of investors or consumers and whether the circumstances which gave rise to the issuance of the order of December 14, 1954 no longer exist, and, generally, whether said order should be revoked or in any way modified or amended; and

A hearing having been held after appropriate notice at which W. R. Stephens Investment Company, Inc., and W. R. Stephens were heard; and the Commission having considered the record and having entered its memorandum findings and opinion herein, and deeming it appropriate in the public interest and the interest of investors and consumers to modify the exemption previously granted W. R. Stephens Investment Company, Inc., on behalf of itself as a holding company and to its subsidiary company, Arkansas Louisiana Gas Company, and to modify the order approving the application filed by W. R. Stephens:

*It is ordered,* That the order of the Commission dated December 14, 1954, granting to W. R. Stephens Investment Company, Inc., on behalf of itself as a holding company, and to its subsidiary, Arkansas Louisiana Gas Company, exemption from the provisions of the Public Utility Holding Company Act of 1935 be, and is hereby, modified so that in the event (a) Arkansas Louisiana Gas Company proposes to engage in any transaction which would require the filing of an application or declaration if Arkansas Louisiana Gas Company were a subsidiary of a registered holding company or (b) W. R. Stephens Investment Company, Inc. proposes to engage in any transaction with respect to, or affecting its interest in, Arkansas Louisiana Gas Company which transaction would require the filing of an application or declaration if W. R. Stephens Investment Company, Inc. were a registered holding company, then Arkansas Louisiana Gas Company or W. R. Stephens Investment Company, Inc., or both, as the case may be, shall give this Commission not less than fifteen (15) days' written notice of such proposal, and if upon receipt of any such notice, this Commission determines that an application or declaration should be filed with respect thereto, an appropriate application or declaration shall be filed and the proposed transaction will not be consummated unless and until such application is granted or such declaration is permitted to become effective.

*It is further ordered,* That the order of the Commission dated December 14, 1954 granting the application of W. R. Stephens for approval of the indirect acquisition by him of the common stock of Arkansas Louisiana Gas Company be, and is hereby, modified so that in the event W. R. Stephens proposes the acquisition or disposition, directly or indirectly, of any of the securities or assets of Arkansas Louisiana Gas Company, then he shall give the Commission not less than fifteen (15) days' written notice of such proposal, and if upon receipt of any such notice, this Commission determines that an application or declaration should be filed with respect thereto, an appropriate application or declaration shall be filed and the proposed transaction will not be consummated unless and until such application is granted or such declaration is permitted to become effective.

By the Commission.

[SEAL] NELLYE A. TORSEN,
*Assistant Secretary.*

[F. R. Doc. 56-2540; Filed, Apr. 4, 1956; 8:52 a. m.]

[1] Commissioner Digby dissenting.

[2] Section 15 (b) provides in part: "The Commission shall, after appropriate notice and opportunity for hearing, by order * * * revoke the registration of any broker or dealer if it finds that such * * * revocation is in the public interest and that (1) such broker or dealer * * * (D) has willfully violated any provision * * * of this title, or of any rule or regulation thereunder."

Rule X-17A-5 adopted pursuant to section 17 (a) of the act provides, among other things, that every registered broker or dealer must file with this Commission a report of financial condition during each calendar year.

[3] 20 F. R. 4388 (June 22, 1955); No. 121.



[File Nos. 24D-1164, 24D-1392]

### COLORADO MINING CORP. ET AL.

ORDER TEMPORARILY SUSPENDING EXEMPTIONS, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

MARCH 30, 1956.

In the matter of Colorado Mining Corporation, File No. 24D-1164; Colorado Mining Corporation for John M. Schlesinger, Melville Boyd, Azamat Guirey, George E. Roberts, Robert Reed, L. D. Friedman & Co., Inc., selling stockholders (File No. 24D-1392).

I. Colorado Mining Corporation, 424 University Building, Denver 2, Colorado ("issuer"), having filed with the Commission on August 3, 1953, a notification on Form 1-A and having subsequently filed amendments thereto relating to a public offering of 299,000 shares of common stock of the issuer, par value 10 cents, at $1.00 per share; and Colorado Mining Corporation for John M. Schlesinger, 400 St. James Street, W., Montreal, P. Q., Canada; Melville Boyd, 146 North Grove Street, East Orange, New Jersey; Azamat Guirey, 370 Park Avenue, New York, New York; George E. Roberts, Sherman Plaza Apartments, Denver, Colorado; Robert Reed, 465 St. Johns Street, Montreal, P. Q., Canada; and L. D. Friedman & Co., Inc., 52 Broadway, New York 4, New York, as selling stockholders, having filed with the Commission on August 23, 1954, a notification on Form 1-A and having subsequently filed amendments thereto relating to a proposed public offering of 300,000 shares of common stock of the issuer, par value 10 cents, at the estimated market value of $1.00 per share to be sold by and on behalf of the selling stockholders, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. A. The Commission having been advised that a permanent injunction was issued on December 23, 1955, in the New York Supreme Court for New York County against Colorado Mining Corporation permanently enjoining it from directly or indirectly engaging in any business relating to the purchase or sale of securities; and

B. The Commission having reasonable cause to believe:

1. That the terms and conditions of Regulation A have not been complied with in that the offering circular filed by and on behalf of the issuer and the notification and offering circular filed by the issuer on behalf of the selling stockholders contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to the following:

a. The statement in each offering circular that 1,000,000 shares of common stock of the issuer were issued for property, whereas 500,000 of such shares were turned over to promoters and did not represent consideration for the value of the mining claims;

b. The failure to state in the offering circular on behalf of the selling stockholders that on December 23, 1955, the Supreme Court of the State of New York, County of New York, appointed a receiver of any and all property derived by the issuer by means of fraudulent practices and permanently enjoined the issuer from engaging in any business relating to the purchase or sale of securities within and from the State of New York; and

c. The statement in the notification and offering circular on behalf of the selling stockholders that L. D. Friedman & Co., Inc., is underwriter of the securities to be offered, whereas L. D. Friedman & Co., Inc., has terminated its underwriting agreement with the selling stockholders;

2. That the offerings of securities by the issuer and on behalf of the selling stockholders would and did operate as a fraud and deceit upon any purchasers;

III. *It is ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemptions under Regulation A be, and they hereby are, temporarily suspended.

Notice is hereby given, that any person having any interest in these matters may file with the Secretary of the Commission a written request for a hearing; that, within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matters down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

*It is further ordered,* That this order and notice shall be served upon Colorado Mining Corporation, 424 University Building, Denver 2, Colorado; Baruch & Co., Inc., 44 Wall Street, New York 5, New York; John M. Schlesinger, 400 St. James Street, West, Montreal, Province of Quebec, Canada; Melville Boyd, 146 North Grove Street, East Orange, New Jersey; Azamat Guirey, 370 Park Avenue, New York, New York; George E. Roberts, Sherman Plaza Apartments, Denver, Colorado; Robert Reed, 465 St. Johns Street, Montreal, Province of Quebec, Canada; L. D. Friedman & Co., Inc., 52 Broadway, New York 4, New York; and Registrar and Transfer Company, 15 Exchange Place, Jersey City, New Jersey; personally or by registered mail or confirmed telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] NELLYE A. THORSEN,
*Assistant Secretary.*

[F. R. Doc. 56-2541; Filed, Apr. 4, 1956; 8:52 a. m.]

## DEPARTMENT OF COMMERCE

### Federal Maritime Board

### MATSON NAVIGATION LINE ET AL.

NOTICE OF AGREEMENTS FILED FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

(1) Agreement No. 8052-2 between Matson Navigation Company and Rederiaktiebolaget Nordstjernan (Johnson Line), modifies approved transshipment agreement (No. 8052) to include ports in Africa as ports of destination. Agreement No. 8052, as amended, presently covers the transportation of canned pineapple and canned pineapple juice under through bills of lading from Hawaii to Great Britain, Northern Ireland, Irish Free State, European Continental, Baltic, Scandinavian and Mediterranean Sea ports, with transshipment at U. S. Pacific Coast ports.

(2) Agreement No. 8059-1, between Matson Navigation Company and Westfal-Larsen & Co. A/S, modifies approved transshipment agreement (No. 8059) to change the through rate from Hawaii to Casablanca from $61.00 to $61.50 per 2000 lbs., and to provide a through rate per 2000 lbs. of $75 to Lobite, $80 to Dar-es-Salem and $83 to Lisbon. Agreement No. 8059 covers the transportation of canned pineapple and canned pineapple juice under through bills of lading from Hawaii to Great Britain, Northern Ireland, Irish Free State, European Continental, Baltic, Scandinavian and Mediterranean Sea ports, with transshipment at U. S. Pacific Coast ports.

(3) Agreement No. 8059-2, between Matson Navigation Company and Westfal-Larsen & Co. A/S, modifies approved transshipment agreement (No. 8059) to include ports in Africa as ports of destination. Agreement No. 8059 presently covers the transportation of canned pineapple and canned pineapple juice under through bills of lading from Hawaii to Great Britain, Northern Ireland, Irish Free State, European Continental, Baltic, Scandinavian and Mediterranean Sea ports, with transshipment at U. S. Pacific Coast ports.

(4) Agreement No. 8068-1, between Matson Navigation Company and A/S Det Ostasiatiske Kompagni (The East Asiatic Company Limited) modifies transshipment agreement (No. 8068) to include ports in Africa as ports of destination. Agreement No. 8068 presently covers the transportation of canned pineapple and canned pineapple juice under through bills of lading from Hawaii to Great Britain, Northern Ireland, Irish Free State, European Continental, Baltic, Scandinavian and Mediterranean Sea ports, with transshipment at U. S. Pacific Coast ports.

(5) Agreement No. 8072, between Matson Navigation Company and the States Marine Corporation and States Marine Corporation of Delaware joint service, covers the transportation of canned pineapple and canned pineapple juice under through bills of lading from

Hawaii to Great Britain, Northern Ireland, Irish Free State, European Continental, Baltic, African, Scandinavian and Mediterranean Sea ports with transshipment at Pacific Coast ports of the United States.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: April 2, 1956.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
*Secretary.*

[F. R. Doc. 56-2519; Filed, Apr. 4, 1956; 8:47 a. m.]

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SEAS SHIPPING CO., INC., AND FARRELL LINES, INC.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8054, between Seas Shipping Company, Inc., and Farrell Lines Incorporated, provides for the establishment and maintenance of agreed rates, charges, classifications and related tariff matters in the inward and outward trade between United States ports and ports in Southwest, South and East Africa, including islands in the Indian Ocean (Reunion, Mauritius, the Comores and Seychelles and Madagascar) and the Islands of Ascension and St. Helena, with the reservation of the right by each of the parties to alter for itself any rate, charge classification, or related tariff matter thus agreed upon or theretofore in force upon first giving at least forty-eight hours' notice thereof to the other party.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: April 2, 1956.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
*Secretary.*

[F. R. Doc. 56-2520; Filed, Apr. 4, 1956; 8:47 a. m.]

# NOTICES

## Office of the Secretary

CONTINENTAL IMPORT AND EXPORT CO. N. V.

APPEALS BOARD DECISION

In the matter of The Continental Import & Export Company, N. V., Stadhouderskade 51, Amsterdam, Netherlands, Appeals Board, Docket FC-27, BFC Case No. 201.

Following examination of the Order Revoking Export Licenses and Denying Export Privileges, dated October 28, 1955, and the extensive documentation of record in this matter, the Appeals Board closely questioned counsel for the Bureau of Foreign Commerce at an Appeals Board hearing on the record in an endeavor to develop information that might justify a modification of the order in favor of the appellant. The appellant requested that the Appeals Board consider the appeal on the record.

Not finding justification for any modification of the order, the Appeals Board finds that the order should be sustained.

*Now, therefore, it is ordered,* That the appeal be, and hereby is, denied.

FREDERIC W. OLMSTEAD,
*Chairman, Appeals Board.*

MARCH 30, 1956.

[F. R. Doc. 56-2550; Filed, Apr. 4, 1956; 8:54 a. m.]

# DEPARTMENT OF THE INTERIOR

## Office of the Secretary

NEW MEXICO

ORDER ESTABLISHING FORT UNION NATIONAL MONUMENT

Whereas the act of June 28, 1954 (16 U. S. C., 1952 ed., Supp. II, sec. 450kk—450kk–1), provides for the establishment of Fort Union National Monument upon a determination of the Secretary of the Interior that sufficient land and other property have been acquired by the United States for national-monument purposes; and

Whereas title to 720.6 acres of land for national-monument purposes was accepted as of October 18, 1955, on behalf of the United States;

Now, therefore, I, Douglas McKay, Secretary of the Interior, having determined that sufficient property has been acquired for establishment of Fort Union National Monument, do hereby designate the following described lands as the Fort Union National Monument under and by virtue of the authority vested in me by the said act of June 28, 1954, supra:

PARCEL NO. 1

Beginning at corner No. 1 (a stake in stone mound), from which the corner common to the northwest corner of Section 6, Township 19 North, Range 19 East, NMPM, and the southwest corner of Section 31, Township 20 North, Range 19 East, NMPM, bears N. 670° 30' E., a distance of 8,707.30 feet;

Thence S. 60° 24' 30'' W., a distance of 5,281.04 feet to corner No. 2 (a stake in stone mound); thence N. 29° 35' 30'' W., a distance of 1,674.66 feet to corner No. 3 (a stake in stone mound); thence N. 17° 11' 30'' W., a distance of 844.6 feet to corner No. 4; thence N. 47° 12' 30'' W., a distance of 598.70 feet to corner No. 5; thence N. 29° 35' 30'' W., a distance of 2,209.0 feet to corner No. 6 (a stake in stone mound); thence N. 60°24'30'' E., a distance of 5,279.53 feet to corner No. 7; thence S. 29° 35' 30'' E., a distance of 5,278.9 feet to corner No. 1, the point of beginning; containing 637 acres more or less; and

PARCEL NO. 2

Beginning at corner No. 1 (a stake in stone mound), from which corner No. 6, Parcel No. 1, described above, bears N. 69° 56' E., a distance of 2,475.6 feet; thence S. 24° 51' E., 1,926.4 feet to corner No. 2 (a stake in the stone mound); thence S. 65° 09' W., a distance of 1,890.3 feet to corner No. 3 (a stake in stone mound); thence N. 24° 51' W., a distance of 1,926.4 feet to corner No. 4 (a stake in stone mound); thence N. 65° 09' E., a distance of 1,890.3 feet to corner No. 1, the point of beginning; comprising 83.6 acres more or less.

The areas described aggregate 720.6 acres, more or less.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this national monument, and not to locate or settle upon any of the lands thereof.

The administration, protection, and development of this national monument shall be exercised under the direction of the Secretary of the Interior by the National Park Service in accordance with the laws and regulations applicable to national monuments.

In witness whereof, I have hereunto set my hand and caused the official seal of the Department of the Interior to be affixed, in the City of Washington this 29th day of March 1956.

DOUGLAS MCKAY,
*Secretary of the Interior.*

[F. R. Doc. 56-2529; Filed, Apr. 4, 1956; 8:49 a. m.]

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MIXED-BLOOD MEMBERS AND FULL-BLOOD MEMBERS OF UTE INDIAN TRIBE OF UINTAH AND OURAY RESERVATION, UTAH

NOTICE OF FINAL MEMBERSHIP ROLLS

Pursuant to section 8 of the act of August 27, 1954 (68 Stat. 868), there are listed below the final rolls of the mixed-blood members and full-blood members of the Ute Indian Tribe of the Uintah and Ouray Reservation, Utah.

Disposition has been made of all appeals to the Secretary contesting the inclusion or omission of the name of any person on or from the proposed rolls as published in the FEDERAL REGISTER of February 2, 1955 (Vol. 20, No. 23, pages 708–718), and all transfers from the full-blood roll to the mixed-blood roll have been accomplished.

DOUGLAS MCKAY,
*Secretary of the Interior.*

MARCH 27, 1956.



FINAL ROLL—MIXED BLOOD—Continued

| Final roll No. | Name | Proposed roll No. | Degree of blood: Ute | Degree of blood: Other | Degree of blood: Total | Sex | Age | Date of birth |
|---|---|---|---|---|---|---|---|---|
| 77 | Daniels, Charles Albert | 73 | 1/8 | | 1/8 | M | 19 | Jun. 16, 1936. |
| 78 | Daniels, Everett | 74 | 1/4 | | 1/4 | M | 29 | Feb. 22, 1927. |
| 79 | Daniels, Paula Fvette | 75 | 1/8 | | 1/8 | F | 3 | Aug. 8, 1952. |
| 80 | Daniels, Ora Jr | 76 | 1/4 | 1/8 | 1/4 | M | 26 | Dec. 9, 1929. |
| 81 | Daniels, Hal Albert | 77 | 1/2 | | 1/2 | M | 69 | Sept. 13, 1886. |
| 82 | Daniels, John | 78 | 1/4 | | 1/4 | M | 18 | Dec. 9, 1937. |
| 83 | Daniels, Lewis | 79 | 1/8 | | 1/8 | M | 23 | Mar. 10, 1932. |
| 84 | Daniels, Walter | 80 | 1/4 | | 1/4 | M | 20 | Nov. 14, 1935. |
| 85 | Daniels, Walter Richardson | 81 | 1/4 | | 1/4 | M | 67 | July 18, 1888. |
| 86 | Denver, Alvin Richard | 82 | 1/2 | | 1/2 | M | 33 | June 24, 1920. |
| 87 | Denver, Connie Mack | 83 | 3/8 | | 3/8 | M | 16 | Aug. 21, 1939. |
| 88 | Denver, Connie Mack, Sr | 84 | 3/16 | 8/16 | 11/16 | M | 42 | Aug. 21, 1913. |
| 89 | Donver, Reginald D | 85 | 3/16 | 8/16 | 11/16 | M | 13 | Dec. 27, 1942. |
| 90 | Denver, Marilyn Caye | 86 | 3/16 | 8/16 | 11/16 | F | 9 | May 22, 1946. |
| 91 | Denver, Gwendolyn Rose | 87 | 3/16 | 8/16 | 11/16 | F | 8 | Nov. 18, 1947. |
| 92 | Denver, George Elmer | 88 | 3/16 | 8/16 | 11/16 | F | 6 | Feb. 19, 1950. |
| 93 | Denver, Elsie Renee | 89 | 3/16 | 8/16 | 11/16 | F | 4 | May 15, 1951. |
| 94 | Denver, Mary Lucille | 90 | 3/16 | 8/16 | 11/16 | F | 29 | July 1, 1926. |
| 95 | Denver, Fred LaRose | 91 | 3/8 | | 3/8 | M | 7 | Apr. 30, 1948. |
| 96 | Denver, Charles Howard | 92 | 3/16 | 8/16 | 11/16 | M | 18 | May 13, 1937. |
| 97 | Denver, Mildred Irene | 93 | 3/16 | | 3/16 | F | 18 | Apr. 26, 1936. |
| 98 | Denver, Pauline | 94 | 1/4 | | 1/4 | F | 24 | Aug. 21, 1931. |
| 99 | Denver, Milton | 95 | 3/8 | | 3/8 | M | 19 | Aug. 26, 1935. |
| 100 | Denver, Dietrich Kolb | 96 | 3/8 | | 3/8 | M | 40 | May 31, 1915. |
| 101 | Disney, Ila Hendricks | 97 | 1/4 | | 1/4 | F | 18 | Nov. 24, 1937. |
| 102 | Eker, Nattie Ray LaRose | 98 | 1/2 | | 1/2 | F | 33 | Nov. 4, 1922. |
| 103 | Eddards, Gerald Twohy | 99 | 1/2 | | 1/2 | M | 21 | May 21, 1939. |
| 104 | Edmo, LeBarbara T. Hendricks | 100 | 1/4 | | 1/4 | F | 16 | Dec. 20, 1930. |
| 105 | Felter, James Keith | 101 | 1/16 | | 1/16 | M | 25 | Oct. 30, 1935. |
| 106 | Felter, Jasper Lee | 102 | 1/16 | | 1/16 | M | 23 | Aug. 25, 1952. |
| 107 | Felter, Jasper Lee, Jr | 103 | 1/8 | | 1/8 | M | 7 | Nov. 18, 1953. |
| 108 | Felter, Dan Earl | 104 | 1/16 | | 1/16 | M | 22 | Aug. 31, 1927. |
| 109 | Felter, Lynn Henry | 105 | 1/16 | | 1/16 | M | 28 | Apr. 2, 1924. |
| 110 | Felter, Lewis Workman | 106 | 1/8 | | 1/8 | M | 31 | Sept. 27, 1908. |
| 111 | Ferguson, Ella Daniels | 107 | 1/4 | | 1/4 | F | 47 | May 6, 1910. |
| 112 | Frazier, Etta Daniels | 109 | 1/4 | | 1/4 | F | 42 | Apr. 7, 1934. |
| 113 | Galloway, Christine Petro | 110 | 3/8 | | 3/8 | F | 40 | Apr. 7, 1925. |
| 114 | Garcia, Pearl Taylor | 111 | 1/8 | | 1/8 | F | 21 | Nov. 24, 1924. |
| 115 | Gardner, Carma Colleen Reed | 112 | 7/16 | | 7/16 | F | 31 | Jan. 21, 1925. |
| 116 | Gardner, Earl | 114 | 1/8 | | 1/8 | M | 31 | June 11, 1930. |
| 117 | Gardner, Elva Harris | 115 | 1/4 | | 1/4 | F | 39 | Aug. 27, 1916. |
| 118 | Gardner, Elva LaRae | 116 | 1/16 | | 1/16 | F | 20 | Nov. 29, 1935. |
| 119 | Gardner, John Delmar | 117 | 1/8 | | 1/8 | M | 27 | Sept. 26, 1937. |
| 120 | Gardner, Glenda Jane (Arrowehls) | 113 | 1/16 | | 1/16 | F | 18 | Jan. 24, 1937. |
| 121 | Gardner, Marion LaRae | 118 | 1/16 | | 1/16 | F | 22 | Nov. 6, 1938 |
| 122 | Grayson, Nathan Byrd | 119 | 1/4 | | 1/4 | M | 22 | Aug. 10, 1940. |
| 123 | Generaux, Nathan Lela | F. B. 430 | 3/4 | | 3/4 | F | 3 | Oct. 9, 1942. |
| 124 | Green, Gary Edgar, Jr | 120 | 3/8 | 4/8 | 7/8 | M | 2 | May 9, 1935. |
| 125 | Gurnoe, Ila Marie McAdams | 121 | 1/2 | | 1/2 | F | 30 | Nov. 28, 1924. |
| 126 | Hackford, Clifton T | 122 | 1/8 | | 1/8 | M | 10 | July 29, 1910. |
| 127 | Hackford, Elizabeth | 123 | 1/16 | 6/16 | 7/16 | F | 9 | Feb. 4, 1946. |
| 128 | Hackford, Clifton Kermit | 124 | 1/16 | 6/16 | 7/16 | M | 9 | Feb. 1, 1947. |
| 129 | Hackford, Sandra LaVerne | 125 | 1/16 | 6/16 | 7/16 | F | 6 | Jan. 12, 1950. |
| 130 | Hackford, Randolph C | 126 | 1/16 | 6/16 | 7/16 | M | 3 | May 10, 1952. |
| 131 | Hackford, David LaMarr | 127 | 1/8 | | 1/8 | M | 19 | Mar. 14, 1936. |
| 132 | Hackford, Elmer Leroy | 128 | 1/8 | | 1/8 | M | 23 | Mar. 5, 1932. |
| 133 | Hackford, Wanda Russell | 129 | 1/8 | | 1/8 | F | 22 | Nov. 12, 1933. |
| 134 | Hackford, Elsie Beatrice | 130 | 1/8 | | 1/8 | F | 22 | July 8, 1933. |
| 135 | Hackford, Eva F. Van | 131 | 1/4 | | 1/4 | F | 55 | 1901. |
| 136 | Hackford, Lynn Henry | 132 | 1/8 | | 1/8 | M | 17 | Jan. 16, 1939. |
| 137 | Hackford, Lewis James | 134 | 1/8 | | 1/8 | M | 24 | June 18, 1931. |
| 138 | Hackford, Melvin Lyle | 135 | 1/8 | | 1/8 | M | 25 | Nov. 3, 1928. |
| 139 | Hackford, Richard N | 136 | 1/8 | | 1/8 | M | 33 | Sept. 29, 1920. |
| 140 | Hackford, Richard Douglas | 137 | 1/16 | 6/16 | 7/16 | M | 5 | Dec. 9, 1952. |
| 141 | Hackford, Richita Marie | 138 | 1/16 | 6/16 | 7/16 | F | 4 | Aug. 25, 1950. |
| 142 | Hackford, Rosana Faye | 139 | 1/16 | 6/16 | 7/16 | F | 3 | Aug. 4, 1932. |
| 143 | Hackford, Sarai Van | 140 | 1/4 | | 1/4 | F | 69 | Oct. 9, 1886. |
| 144 | Hackford, Calvin Lee | 141 | 1/8 | | 1/8 | M | 18 | Sept. 12, 1937. |
| 145 | Hackford, Calvin Lee | 142 | 1/2 | | 1/2 | M | 34 | Jan. 31, 1921. |
| 146 | Hanson, Mary M. Reed | 143 | 1/4 | | 1/4 | F | 6 | May 9, 1949. |
| 147 | Harmes, John | 145 | 1/2 | | 1/2 | M | 60 | 1876. |
| 148 | Hanson, Mark Reed | 144 | 1/2 | | 1/2 | M | 62 | Feb. 17, 1894. |
| 149 | Harmes, Muse K | 146 | 1/2 | | 1/2 | F | 64 | 1892. |
| 150 | Harris, Annie Pike | 147 | 1/4 | | 1/4 | M | 34 | May 16, 1921. |
| 151 | Harris, Muse K | 148 | 1/4 | | 1/4 | | | |
| 152 | Harris, Albert Harding | | | | | | | |
| 153 | Daniels, Bonnie Lee | | | | | | | |

FINAL ROLL—MIXED BLOOD

| Final roll No. | Name | Proposed roll No. | Degree of blood: Ute | Degree of blood: Other | Degree of blood: Total | Sex | Age | Date of birth |
|---|---|---|---|---|---|---|---|---|
| 1 | Allen, Preston | 2 | 1/8 | | 1/8 | M | 42 | Dec. 21, 1913. |
| 2 | Allred, Frances | 1 | 1/8 | | 1/8 | F | 43 | July 27, 1912. |
| 3 | Antonio, Lorena Reed | 3 | 1/4 | | 1/4 | M | 30 | Nov. 10, 1925. |
| 4 | Arkansas, Phillip* | F. B. 54 | 4/4 | | 4/4 | M | 63 | 1903. |
| 5 | Ballard, Delphina | 4 | 1/2 | | 1/2 | F | 16 | Feb. 3, 1940. |
| 6 | Ballard, Lola Christine | 6 | 1/8 | 3/8 | 1/2 | F | 14 | Nov. 1, 1941. |
| 7 | Ballard, Louis, Jr | 5 | 1/8 | 3/8 | 1/2 | M | 13 | Oct. 22, 1942. |
| 8 | Bailey, John Franklin | 7 | 3/8 | | 3/8 | F | 42 | Sept. 15, 1913. |
| 9 | Bailey, Gary Thomas | 8 | 3/16 | | 3/16 | M | 17 | Oct. 2, 1938. |
| 10 | Bailey, Richard Allen | 9 | 3/16 | | 3/16 | M | 21 | Nov. 20, 1933. |
| 11 | Bailey, Laura LaRose | 10 | 3/8 | | 3/8 | F | 22 | Dec. 28, 1933. |
| 12 | Bilslily, Flora | 11 | 3/16 | 8/16 | 11/16 | F | 2 | May 10, 1953. |
| 13 | Brown, Richard Nye | F. B. 123 | 4/4 | | 4/4 | M | 25 | May 17, 1920. |
| 14 | Burns, Richard Nye, Jr | 13 | 3/8 | 4/8 | 7/8 | M | 4 | Sept. 23, 1938. |
| 15 | Burson, Rodney Lynn | 14 | 3/8 | 4/8 | 7/8 | M | 14 | Dec. 13, 1940. |
| 16 | Burson, Dudley Weldon | 15 | 1/2 | | 1/2 | M | 36 | Nov. 15, 1923. |
| 17 | Burson, Frank Kyle | 16 | 1/2 | | 1/2 | M | 15 | Mar. 20, 1940. |
| 18 | Burson, Arlene Ella | 17 | 1/4 | | 1/4 | F | 13 | July 7, 1943. |
| 19 | Burson, Carnes Dudley | 18 | 1/4 | | 1/4 | M | 12 | Apr. 11, 1935. |
| 20 | Burson, Carma Bly | 19 | 1/4 | | 1/4 | F | 20 | July 8, 1930. |
| 21 | Burson, Fred LaRose | 20 | 1/2 | | 1/2 | M | 25 | Sept. 27, 1926. |
| 22 | Burson, Leonard Richard | 22 | 1/2 | | 1/2 | M | 24 | Jan. 1, 1931. |
| 23 | Burson, Weldon Nephi | 21 | 1/2 | | 1/2 | M | 32 | Sept. 27, 1852. |
| 24 | Burson, Alfred Leonard | 21 | 1/4 | | 1/4 | M | 3 | June 2, 1926. |
| 25 | Burson, Ella | 26 | 1/2 | | 1/2 | F | 58 | 1898. |
| 26 | Burson, Robert George | 27 | 1/2 | | 1/2 | M | 38 | Jan. 29, 1918. |
| 27 | Burson, Woodley Irene LaRose | 28 | 1/2 | | 1/2 | F | 18 | Feb. 28, 1938. |
| 28 | Bumgarner, Elizabeth Curry | 29 | 3/8 | 1/8 | 3/8 | F | 11 | Oct. 27, 1944. |
| 29 | Bumgarner, Sonia Christine | 30 | 3/8 | 1/8 | 3/8 | F | 7 | Feb. 13, 1949. |
| 30 | Bumgarner, Orannia Malone | 31 | 3/8 | 1/8 | 3/8 | F | 3 | Aug. 14, 1952. |
| 31 | Bumgarner, Craig Walker | 32 | 3/8 | 1/8 | 3/8 | M | 28 | Aug. 31, 1927. |
| 32 | Burdick, Fern Harris | 33 | 1/4 | | 1/4 | F | 31 | Apr. 2, 1924. |
| 33 | Burdick, Unie Belle Pike | 34 | 1/8 | | 1/8 | F | 47 | Sept. 27, 1908. |
| 34 | Burdick, Rhoda Pike | 35 | 1/8 | | 1/8 | F | 42 | May 6, 1910. |
| 35 | Butchell, Elsie Pike | 36 | 1/8 | | 1/8 | F | 40 | Apr. 7, 1934. |
| 36 | Case, Louise Allen | 38 | 1/16 | | 1/16 | F | 21 | Apr. 7, 1925. |
| 37 | Chivers, Mary Christensen | 39 | 1/4 | | 1/4 | F | 31 | Nov. 24, 1924. |
| 38 | Christensen, Clarence | 40 | 1/8 | | 1/8 | M | 31 | Jan. 21, 1925. |
| 39 | Christensen, Jewel | 41 | 1/4 | | 1/4 | F | 25 | Nov. 24, 1924. |
| 40 | Christensen, Esther Ray Clark | 42 | 1/8 | | 1/8 | F | 39 | Aug. 27, 1916. |
| 41 | Christensen, Selma Hackford | 43 | 1/16 | | 1/16 | F | 20 | Nov. 29, 1935. |
| 42 | Christensen, Wilbert Richard | 44 | 1/4 | | 1/4 | M | 27 | Sept. 26, 1937. |
| 43 | Christensen, LeRoy | 45 | 1/16 | | 1/16 | M | 18 | Jan. 24, 1937. |
| 44 | Copperfield, Dwight* | 50 | 1/8 | | 1/8 | M | 24 | Feb. 4, 1932. |
| 45 | Coop, Hazel E. Young | 46 | 1/8 | | 1/8 | F | 35 | Oct. 3, 1924. |
| 46 | Copperfield, Alice Oarum* | 48 | 1/4 | | 1/4 | F | 24 | Dec. 25, 1917. |
| 47 | Curry, Oran Harris | 54 | 1/2 | | 1/2 | M | 31 | Oct. 3, 1924. |
| 48 | Chapoose, Thomas Carnes | 55 | 1/2 | | 1/2 | M | 13 | Sep. 12, 1942. |
| 49 | Curry, Ila Mae | 56 | 1/2 | | 1/2 | F | 64 | May 2, 1891. |
| 50 | Curry, Reginald O | 57 | 1/4 | | 1/4 | M | 65 | Oct. 6, 1890. |
| 51 | Curry, Gwennita O | 58 | 1/4 | | 1/4 | F | 41 | Jan. 11, 1914. |
| 52 | Curry, James Earl | 59 | 1/4 | | 1/4 | M | 11 | Jan. 11, 1944. |
| 53 | Curry, Rebecca Lynn | 61 | 1/2 | | 1/2 | F | 19 | Mar. 16, 1936. |
| 54 | Curry, Richard Henry | 62 | 1/4 | | 1/4 | M | 7 | July 7, 1940. |
| 55 | Curry, Richard Edward | 63 | 1/4 | | 1/4 | M | 20 | Sept. 9, 1948. |
| 56 | Curry, Reginald Edward | 64 | 1/4 | | 1/4 | M | 8 | Jan. 18, 1927. |
| 57 | Curry, Reina Lorene | 65 | 1/4 | | 1/4 | F | 3 | Nov. 12, 1953. |
| 58 | Crumbo, Daniel | 66 | 3/8 | | 3/8 | M | 38 | Jan. 9, 1921. |
| 59 | Crumbo, Montora Daniels | 67 | 3/8 | | 3/8 | F | 34 | Sept. 23, 1924. |
| 60 | Daniels, Allen George | 68 | 1/2 | | 1/2 | F | 61 | 1894. |
| 61 | Daniels, Albert Jr | 69 | 3/8 | | 3/8 | M | 2 | Apr. 21, 1953. |
| 62 | Daniels, Albert Wayne | 70 | 1/4 | | 1/4 | M | 16 | Sept. 25, 1939. |
| 63 | Daniels, Bonnie Lee | 71 | 1/8 | | 1/8 | F | 18 | Nov. 6, 1937. |
| | | 72 | 1/8 | | 1/8 | F | 16 | Nov. 3, 1938. |

*Transferred from full blood to mixed blood by approved appeal.

FINAL ROLL—MIXED BLOOD—Continued

| Final roll No. | Name | Proposed roll No. | Degree of blood | | | Sex | Age | Date of birth |
|---|---|---|---|---|---|---|---|---|
| | | | Ute | Other | Total | | | |
| 154 | Harris, Lacee Allen | 150 | 1/8 | 2/8 | 3/8 | M | 11 | Apr. 29, 1944. |
| 155 | Harris, Linda Marie | 151 | 1/8 | 2/8 | 3/8 | F | 8 | Jan. 26, 1948. |
| 156 | Harris, Jon Carlyle | 153 | 1/8 | 2/8 | 3/8 | M | 3 | Nov. 10, 1952. |
| 157 | Harris, Suzanne | 152 | 1/8 | 2/8 | 3/8 | F | 5 | Jan. 17, 1951. |
| 158 | Harris, Clarence, Sr | 154 | 1/2 | ------ | 1/2 | M | 63 | 1893. |
| 159 | Harris, Gilbert Henry | 160 | 1/4 | ------ | 1/4 | M | 20 | Nov. 17, 1935. |
| 160 | Harris, Donald | 159 | 1/4 | ------ | 1/4 | M | 22 | Dec. 12, 1933. |
| 161 | Harris, Buddy | 155 | 1/4 | ------ | 1/4 | M | 14 | Oct. 12, 1941. |
| 162 | Harris, Clarence, Jr | 156 | 3/8 | ------ | 3/8 | M | 43 | Oct. 7, 1912. |
| 163 | Harris, Annie Maxine | 157 | 3/16 | 4/16 | 7/16 | F | 17 | Sept. 26, 1938. |
| 164 | Harris, Everett | 158 | 3/16 | 4/16 | 7/16 | M | 7 | Mar. 11, 1949. |
| 165 | Harris, Woodrow Daniel | 149 | 3/16 | 4/16 | 7/16 | M | 20 | May 16, 1935. |
| 166 | Harris, Henry E., Jr | 161 | 1/2 | ------ | 1/2 | M | 60 | Jan. 31, 1896. |
| 167 | Harris, John E | 162 | 1/2 | ------ | 1/2 | M | 67 | June 18, 1888. |
| 168 | Harris, Mary Reed | 163 | 1/2 | ------ | 1/2 | F | 86 | Nov. 7, 1869. |
| 169 | Healey, Claudia Daniels | 164 | 1/4 | ------ | 1/4 | F | 41 | Dec. 30, 1914. |
| 170 | Healey, Ralph, Jr | 165 | 1/8 | 2/8 | 3/8 | M | 18 | Mar. 20, 1937. |
| 171 | Hendricks, Brett Clinton | 166 | 1/4 | ------ | 1/4 | M | 30 | June 29, 1925. |
| 172 | Hendricks, Charley, Jr | 167 | 1/4 | ------ | 1/4 | M | 31 | Aug. 28, 1924. |
| 173 | Hendricks, Ezelda Van | 168 | 3/8 | ------ | 3/8 | F | 35 | Jan. 13, 1921. |
| 174 | Hendricks, Dee | 169 | 1/4 | ------ | 1/4 | M | 35 | Feb. 20, 1921. |
| 175 | Hendricks, Floyd E | 170 | 1/4 | ------ | 1/4 | M | 30 | Dec. 27, 1925. |
| 176 | Hendricks, Helen Mack Murray | 170 | 1/8 | ------ | 1/8 | F | 19 | Jan. 6, 1936. |
| 177 | Hendricks, Elda Hackford | 171 | 1/8 | ------ | 1/8 | F | 28 | July 22, 1927. |
| 178 | Hendricks, Margaret Murray | 173 | 1/2 | ------ | 1/2 | F | 53 | 1903. |
| 179 | Hendricks, Reed | 174 | 1/4 | ------ | 1/4 | M | 27 | May 29, 1928. |
| 180 | Hill, Nettie Harmes | 175 | 1/2 | ------ | 1/2 | F | 70 | 1879. |
| 181 | Hill, Robert L | 176 | 1/4 | ------ | 1/4 | M | 54 | 1902. |
| 182 | Holmes, Eva L. Harris | 177 | 1/4 | ------ | 1/4 | F | 42 | Sept. 26, 1913. |
| 183 | Holmes, Mary Sue | 178 | 2/16 | 3/16 | 5/16 | F | 16 | Aug. 14, 1939. |
| 184 | Holmes, Tonia | 179 | 2/16 | 3/16 | 5/16 | F | 5 | June 12, 1950. |
| 185 | Holmes, Rose Crumbo | 180 | 3/8 | ------ | 3/8 | F | 34 | Aug. 5, 1921. |
| 186 | Holmes, Jacqueline Lee | 181 | 3/16 | 3/16 | 3/8 | F | 14 | June 3, 1941. |
| 187 | Holmes, Michael E | 182 | 3/16 | 3/16 | 3/8 | M | 10 | Nov. 6, 1944. |
| 188 | Ignacio, Doris Reed | 183 | 1/4 | ------ | 1/4 | F | 32 | Jan. 12, 1924. |
| 189 | Iorg, Arlys | 188 | 3/16 | ------ | 3/16 | M | 22 | Aug. 12, 1933. |
| 190 | Iorg, Clora N. Hackford | 189 | 1/8 | ------ | 1/8 | F | 21 | Jan. 15, 1935. |
| 191 | Iorg, Lorena M. Denver | 190 | 3/8 | ------ | 3/8 | F | 43 | Apr. 3, 1912. |
| 192 | Iorg, Thelma Curry | 192 | 1/2 | ------ | 1/2 | F | 47 | Feb. 5, 1909. |
| 193 | Iorg, Verle Charles, Jr | 191 | 1/4 | ------ | 1/4 | M | 17 | Apr. 12, 1938. |
| 194 | Iorg, Danny Kaye | 194 | 1/4 | ------ | 1/4 | M | 9 | Feb. 9, 1947. |
| 195 | Iorg, Oran Henry | 193 | 1/4 | ------ | 1/4 | M | 16 | Apr. 6, 1939. |
| 196 | Jackman, Norma Harris | 195 | 1/4 | ------ | 1/4 | F | 32 | Apr. 26, 1923. |
| 197 | Jensen, Leona M. M. Christensen | 196 | 1/4 | ------ | 1/4 | F | 23 | Nov. 18, 1932. |
| 198 | Jorgensen, Rodney N | 197 | 1/4 | ------ | 1/4 | M | 32 | Mar. 26, 1923. |
| 199 | Johnson, Oreane F. Curry | 198 | 1/2 | ------ | 1/2 | F | 25 | Dec. 10, 1930. |
| 200 | Johnson, Margaret Dellanna | 199 | 1/4 | 1/4 | 1/2 | F | 4 | Mar. 23, 1951. |
| 201 | Jones, Ray Pike* | F. B. 558 | 1/8 | 4/8 | 5/8 | M | 23 | Nov. 13, 1932. |
| 202 | Jones, Simon Ray Pike | 200 | 1/4 | ------ | 1/4 | M | 49 | Feb. 1, 1907. |
| 203 | Johnson, Wilson* | F. B. 553 | 4/4 | ------ | 4/4 | M | 48 | Aug. 15, 1908. |
| 204 | Kelley, Meryl E. Workman | 202 | 1/4 | ------ | 1/4 | F | 36 | June 9, 1919. |
| 205 | Kanapatch, Berhemia | 203 | 1/2 | ------ | 1/2 | F | 76 | 1880. |
| 206 | Knowles, Katherine Young | 204 | 1/8 | ------ | 1/8 | F | 31 | Sept. 29, 1924. |
| 207 | Kolb, Ethel Daniels | 206 | 1/2 | ------ | 1/2 | F | 63 | 1891. |
| 208 | Kolb, Donald Lloyd | 205 | 1/4 | ------ | 1/4 | M | 44 | Apr. 23, 1911. |
| 209 | Kolb, Cosman Lee | 207 | 1/8 | 2/8 | 3/8 | F | 16 | Jan. 31, 1940. |
| 210 | Kolb, John Wayne | 208 | 1/8 | 2/8 | 3/8 | M | 13 | Mar. 11, 1942. |
| 211 | Kolb, Lawrence L | 213 | 1/8 | 2/8 | 3/8 | M | 19 | May 6, 1936. |
| 212 | Kolb, Jewel Dee | 209 | 1/4 | ------ | 1/4 | M | 37 | Sept. 17, 1918. |
| 213 | Kolb, Jewel Daniel | 210 | 1/8 | 2/8 | 3/8 | M | 14 | June 27, 1941. |
| 214 | Kolb, Grace Ethel | 211 | 1/8 | 2/8 | 3/8 | F | 12 | July 5, 1943. |
| 215 | Kolb, Sandra Lee | 212 | 1/8 | 2/8 | 3/8 | F | 5 | Oct. 23, 1950. |
| 216 | Kolb, Quenla F | 214 | 1/4 | ------ | 1/4 | M | 31 | Aug. 17, 1924. |
| 217 | Kolb, Terrence | 215 | 1/4 | ------ | 1/4 | M | 39 | Feb. 3, 1917 |
| 218 | Kolb, Donald Edward | 216 | 1/8 | ------ | 1/8 | M | 16 | May 22, 1939. |
| 219 | LaBeau, Ada D. Denver | 217 | 3/8 | ------ | 3/8 | F | 22 | Feb. 24, 1934. |
| 220 | Land, Edna M. Johnson* | F. B. 573 | 4/4 | ------ | 4/4 | F | 33 | Dec. 25, 1925. |
| 221 | Land, Danny | 218 | 1/2 | ------ | 1/2 | M | 9 | Sept. 21, 1946 |
| 222 | Land, Donna Mae | 219 | 1/2 | ------ | 1/2 | F | 11 | Apr. 26, 1944. |
| 223 | Land, Margaret Ann | 220 | 1/2 | ------ | 1/2 | F | 7 | Dec. 14, 1948. |
| 224 | Land, Barbara Jean | 221 | 1/2 | ------ | 1/2 | F | 5 | Jan. 4, 1951. |
| 225 | Land, Karon Marie | 222 | 1/2 | ------ | 1/2 | F | 3 | Apr. 12, 1952 |
| 226 | Land, Sharon Kay | 223 | 1/2 | ------ | 1/2 | F | 1 | Apr. 26, 1954. |
| 227 | LaRose, Betty Taylor | 224 | 7/16 | ------ | 7/16 | F | 23 | May 6, 1931. |
| 228 | LaRose, Carl Alan | 225 | 7/32 | 8/32 | 15/32 | M | 7 | May 29, 1948. |
| 229 | LaRose, Darrell Henry | 226 | 7/32 | 8/32 | 15/32 | M | 5 | Sept. 23, 1950. |
| 230 | LaRose, Carnes | 228 | 1/2 | ------ | 1/2 | M | 63 | Nov. 12, 1892. |

*Transferred from full blood to mixed blood by approved appeal.

FINAL ROLL—MIXED BLOOD—Continued

| Final roll No. | Name | Proposed roll No. | Degree of blood | | | Sex | Age | Date of birth |
|---|---|---|---|---|---|---|---|---|
| | | | Ute | Other | Total | | | |
| 231 | LaRose, Kenneth Carl | 229 | 1/4 | ------ | 1/4 | M | 34 | Aug. 9, 1921. |
| 232 | LaRose, Lois Mae Secakuku* | F. B. 589 | 3/4 | ------ | 3/4 | F | 26 | Feb. 22, 1928. |
| 233 | La Rose, Joanna | 230 | 1/2 | ------ | 1/2 | F | 7 | Apr. 28, 1948. |
| 234 | LaRose, K. C | 231 | 1/2 | ------ | 1/2 | M | 3 | Oct. 13, 1952. |
| 235 | LaRose, Loren Fred | 232 | 1/4 | ------ | 1/4 | M | 36 | Nov. 29, 1919. |
| 236 | LaRose, Dorothy | 233 | 3/8 | 4/8 | 7/8 | F | 10 | Nov. 14, 1945. |
| 237 | LaRose, Christine | 236 | 3/8 | 4/8 | 7/8 | F | 7 | Sept. 29, 1949. |
| 238 | LaRose, Peggy Joyce | 235 | 3/8 | 4/8 | 7/8 | F | 6 | Feb. 8, 1950. |
| 239 | LaRose, Richard M | 234 | 3/8 | 4/8 | 7/8 | M | 8 | Apr. 19, 1947. |
| 240 | LaRose, Norman | 237 | 1/4 | ------ | 1/4 | M | 39 | Apr. 16, 1916. |
| 241 | LaRose, Juanita Daniels | 238 | 1/4 | ------ | 1/4 | F | 31 | Dec. 11, 1924. |
| 242 | LaRose, Aaron Roy | 239 | 1/4 | ------ | 1/4 | M | 8 | May 2, 1947. |
| 242 | LaRose, Jackie | 241 | 1/4 | ------ | 1/4 | M | 4 | Mar. 10, 1951. |
| 244 | LaRose, Norman Dennis | 240 | 1/4 | ------ | 1/4 | M | 7 | June 20, 1946. |
| 245 | LaRose, Thomas, Sr | 242 | 1/2 | ------ | 1/2 | M | 53 | 1903. |
| 246 | LaRose, Rosella Montes | 243 | 1/4 | ------ | 1/4 | F | 45 | May 19, 1910. |
| 247 | LaRose, Blanche May | 227 | 1/8 | 2/8 | 3/8 | F | 20 | June 10, 1936. |
| 248 | LaRose, Eugenia | 244 | 1/8 | 2/8 | 3/8 | F | 19 | Oct. 22, 1936. |
| 249 | LaRose, Eric Gene | 245 | 1/8 | 2/8 | 3/8 | M | 13 | Oct. 2, 1942. |
| 250 | Larson, Geneva Daniels | 246 | ------ | ------ | 3/8 | F | 35 | Sept. 6, 1920. |
| 251 | LeBaron, Calva Hackford | 248 | 1/8 | ------ | 1/8 | F | 25 | Nov. 11, 1928. |
| 252 | Lee, Charles Wayne | 247 | 3/8 | 5/8 | 8/8 | M | 17 | Jan. 27, 1939. |
| 253 | Lucero, Barbarita | 253 | 1/4 | ------ | 1/4 | F | 12 | Oct. 7, 1943. |
| 254 | Lucero, Bernard | 250 | 1/4 | ------ | 1/4 | M | 22 | July 4, 1933. |
| 255 | Lucero, Ellen Marie | 255 | 1/4 | ------ | 1/4 | F | 7 | Oct. 2, 1948. |
| 256 | Lucero, Fred | 251 | 1/4 | ------ | 1/4 | M | 26 | Apr. 27, 1929. |
| 257 | Lucero, Juanita | 254 | 1/4 | ------ | 1/4 | F | 9 | Aug. 16, 1946. |
| 258 | Lucero, Pete Robert | 252 | 1/4 | ------ | 1/4 | M | 20 | Jan. 26, 1936. |
| 259 | Lujan, Delfinana | 256 | 1/2 | ------ | 1/2 | M | 85 | 1871. |
| 260 | Lopez, Lucille Hackford | 249 | 1/8 | ------ | 1/8 | F | 31 | May 9, 1924. |
| 261 | Martin, Sandra Wallace | 257 | 1/4 | ------ | 1/4 | F | 19 | July 15, 1936. |
| 262 | Martinez, Aileen Burson | 258 | 1/2 | ------ | 1/2 | F | 27 | July 21, 1928. |
| 263 | Matheson, Leah Elinor | 259 | 1/4 | ------ | 1/4 | F | 18 | Jan. 25, 1938. |
| 264 | McClure, Juanita Workman | 261 | 1/4 | ------ | 1/4 | F | 41 | May 8, 1914. |
| 265 | McClure, Lunn Frank | 262 | 1/8 | ------ | 1/8 | M | 22 | Apr. 24, 1933. |
| 266 | McClure, Rex Charles | 263 | 1/8 | ------ | 1/8 | M | 21 | Jan. 16, 1935. |
| 267 | McMurdock, Glen, Jr | 291 | 3/8 | ------ | 3/8 | M | 30 | June 24, 1925. |
| 268 | McQuerrie, Ina P. Gardner | 264 | 1/8 | ------ | 1/8 | F | 48 | Sept. 12, 1907. |
| 269 | McQuerrie, Ina Marie | 265 | 1/16 | ------ | 1/16 | F | 26 | Sept 18, 1929. |
| 270 | McQuerrie, Joyce | 266 | 1/16 | ------ | 1/16 | F | 22 | Feb. 11, 1934. |
| 271 | Myers, Florence Denver | 268 | 3/8 | ------ | 3/8 | F | 28 | Jan. 3, 1928. |
| 272 | Mitchell, Theresa J. McClure | 267 | 1/8 | ------ | 1/8 | F | 25 | Nov. 30, 1930. |
| 273 | Mojado, Gwendolyn Murdock | 269 | 3/8 | ------ | 3/8 | F | 29 | Dec. 25, 1926. |
| 274 | Mojado, Alan Gil | 272 | 3/16 | 8/16 | 11/16 | M | 5 | July 2, 1950. |
| 275 | Mojado, Colin Gary | 274 | 3/16 | 8/16 | 11/16 | M | 3 | July 4, 1952. |
| 276 | Mojado, Dennis Wayne | 270 | 3/16 | 8/16 | 11/16 | M | 7 | Apr. 23, 1948. |
| 277 | Mojado, Lu Ann | 271 | 3/16 | 8/16 | 11/16 | F | 5 | July 2, 1950. |
| 278 | Mojado, Rickey Lynn | 273 | 3/16 | 8/16 | 11/16 | M | 4 | Aug. 19, 1951. |
| 279 | Montes, Howard | 276 | 1/4 | ------ | 1/4 | M | 38 | Nov. 31, 1817. |
| 280 | Montes, Monte Ray | 277 | 1/8 | ------ | 1/8 | M | 18 | Apr. 29, 1937. |
| 281 | Montes, Jeanne | 278 | 1/2 | ------ | 1/2 | F | 67 | 1883. |
| 282 | Montes, Betty Jo | 275 | 1/4 | ------ | 1/4 | F | 19 | Aug. 18, 1936. |
| 283 | Montes, Helen Mary | 283 | 1/4 | ------ | 1/4 | F | 7 | Dec. 22, 1948. |
| 284 | Montes, Leonard Gene | 281 | 1/4 | ------ | 1/4 | M | 11 | Mar. 30, 1944. |
| 285 | Montes, Peggy Lynn | 282 | 1/4 | ------ | 1/4 | F | 8 | Jan. 15, 1947. |
| 286 | Montes, Charles Gail | 284 | 1/4 | ------ | 1/4 | M | 5 | Oct. 4, 1950. |
| 287 | Montes, Ralph | 279 | 1/4 | ------ | 1/4 | M | 15 | July 7, 1940. |
| 288 | Montes, William | 280 | 1/4 | ------ | 1/4 | M | 13 | May 7, 1942. |
| 289 | Montes, Theresa H | 285 | 1/4 | ------ | 1/4 | M | 42 | Dec. 13, 1913. |
| 290 | Montes, Geneva Ellen | 286 | 2/16 | 3/16 | 5/16 | F | 18 | Sept. 2, 1937. |
| 291 | Montes, Jeraldine** | ------ | 2/16 | 3/16 | 5/15 | F | 5 | June 18, 1950. |
| 292 | Montes, Thomas L** | ------ | 2/16 | 3/16 | 5/16 | M | 8 | July 21, 1946. |
| 293 | Muny, Amber Taylor | 287 | 3/8 | ------ | 3/8 | F | 37 | May 15, 1918. |
| 294 | Murdock, Lela Harris | 292 | 1/2 | ------ | 1/2 | F | 53 | May 16, 1902. |
| 295 | Murdock, Brenda Carol | 295 | 3/8 | ------ | 3/8 | F | 15 | June 29, 1940. |
| 296 | Murdock, Karnel | 298 | 3/8 | ------ | 3/8 | M | 9 | Oct. 10, 1946. |
| 297 | Murdock, Gary | 293 | 3/8 | ------ | 3/8 | M | 19 | Jan. 11, 1937. |
| 298 | Murdock, Mary Estella | 294 | 3/8 | ------ | 3/8 | F | 16 | Apr. 24, 1939. |
| 299 | Murdock, Ronald Stanley | 296 | 3/8 | ------ | 3/8 | M | 14 | July 13, 1941. |
| 300 | Murdock, Stuart | 297 | 3/8 | ------ | 3/8 | M | 12 | May 6, 1943. |
| 301 | Murdock, Colin | 389 | 3/8 | ------ | 3/8 | M | 27 | Apr. 1, 1928. |
| 302 | Murdock, Laura June Hackford | 290 | 1/8 | ------ | 1/8 | F | 18 | June 14, 1937. |
| 303 | Murdock, Benny | 288 | 3/8 | ------ | 3/8 | M | 26 | Jan. 24, 1930. |
| 304 | Murdock, Ora Pike | 299 | 1/4 | ------ | 1/4 | F | 54 | 1902. |
| 305 | Murray, Julius | 301 | 1/2 | ------ | 1/2 | M | 46 | July 17, 1909. |
| 306 | Murray, John McConnell | 302 | 1/4 | ------ | 1/4 | M | 44 | July 30, 1911. |
| 307 | Murray, Harris Marcell | 305 | 1/2 | ------ | 1/2 | M | 50 | Oct. 4, 1905. |

**New enrollment made by approved appeal.



FINAL ROLL—MIXED BLOOD—Continued

| Final roll No. | Name | Proposed roll No. | Degree of blood | | | Sex | Age | Date of birth |
|---|---|---|---|---|---|---|---|---|
| | | | Ute | Other | Total | | | |
| 308 | Murray, Brian Gene | 303 | 2/8 | 1/8 | 3/8 | M | 14 | June 11, 1941. |
| 309 | Murray, Annie Laurel | 304 | 2/8 | 1/8 | 3/8 | F | 12 | June 15, 1943. |
| 310 | Murray, David Marcell | 306 | 2/8 | 1/8 | 3/8 | M | 10 | July 19, 1945. |
| 311 | Murray, Techumseh | 307 | 1/2 | ------ | 1/2 | M | 73 | 1883. |
| 312 | Mountain Lion, Howard | 308 | 1/2 | ------ | 1/2 | M | 22 | Jan. 20, 1934. |
| 313 | Neilsen, Christian P | 309 | 1/8 | ------ | 1/8 | M | 25 | Feb. 20, 1931. |
| 314 | Neilsen, Norman V | 311 | 1/8 | ------ | 1/8 | M | 30 | Nov. 10, 1925. |
| 315 | Neilsen, Lorraine R. Reed | 312 | 1/2 | ------ | 1/2 | F | 27 | July 12, 1928. |
| 316 | Neilsen, Doyle Lee | 310 | 5/16 | ------ | 5/16 | M | 5 | July 31, 1950. |
| 317 | Neilsen, Norma Lorinda | 314 | 5/16 | ------ | 5/16 | F | 3 | July 29, 1952. |
| 318 | Neilsen, Henna Janice | 313 | 1/8 | ------ | 1/8 | F | 18 | Mar. 7, 1937. |
| 319 | Neilsen, Frances B. Allred | 315 | 1/16 | ------ | 1/16 | F | 20 | Oct. 20, 1935. |
| 320 | Neilsen, Seibert LaMarr | 316 | 1/8 | ------ | 1/8 | M | 23 | Nov. 30, 1932. |
| 321 | Oberhansley, Edith M. Denver | 320 | 3/8 | ------ | 3/8 | F | 33 | Apr. 30, 1922. |
| 322 | Oberhansley, Phyllis H. Daniels | 321 | 3/8 | ------ | 3/8 | F | 39 | Oct. 23, 1916. |
| 323 | Oberhansley, Sylvia W. Daniels | 322 | 3/8 | ------ | 3/8 | F | 44 | Mar. 30, 1911. |
| 324 | O'Neil, Ada L. Pike | 317 | 1/8 | ------ | 1/8 | F | 45 | May 2, 1910. |
| 325 | O'Neil, Gwen | 318 | 1/16 | ------ | 1/16 | F | 24 | Sept. 19, 1931. |
| 326 | O'Neil, ReNae Darlene | 319 | 1/16 | ------ | 1/16 | F | 25 | July 25, 1930. |
| 327 | Pantaloon, Cecelia* | F. B. 817 | 4/4 | ------ | 4/4 | F | 24 | Aug. 6, 1931. |
| 328 | Pargeets, Alberta Elizabeth | 323 | 1/2 | ------ | 1/2 | F | 17 | Jan. 23, 1939. |
| 329 | Peters, Geraldino Betty | 327 | 3/8 | 4/8 | 7/8 | F | 23 | Oct. 21, 1932. |
| 330 | Peters, Pearl | 328 | 3/8 | 4/8 | 7/8 | F | 20 | Mar. 28, 1929. |
| 331 | Peters, Ray, Jr | 324 | 3/8 | 4/8 | 7/8 | M | 29 | Apr. 29, 1926. |
| 332 | Peters, Renay Reginal | 328 | 3/8 | 4/8 | 7/8 | F | 2 | Oct. 26, 1953. |
| 333 | Peters, Yvonna Delores | 325 | 3/8 | 4/8 | 7/8 | F | 28 | Dec. 7, 1927 |
| 334 | Peterson, Dorothy Jean Russell | 329 | 1/8 | ------ | 1/8 | F | 24 | Sept. 17, 1931. |
| 335 | Phillips, Margaret Reed | 330 | 1/2 | ------ | 1/2 | F | 42 | Jan. 7, 1914. |
| 336 | Phillips, Douglas M | 331 | 1/4 | ------ | 1/4 | M | 14 | Feb. 25, 1942. |
| 337 | Phillips, Duane L | 332 | 1/4 | ------ | 1/4 | M | 11 | July 9, 1944. |
| 338 | Pike, Alvira | 333 | 1/4 | ------ | 1/4 | F | 70 | 1886. |
| 339 | Pike, Clyde | 334 | 1/4 | ------ | 1/4 | M | 57 | 1899. |
| 340 | Pike, Jasper | 335 | 1/4 | ------ | 1/4 | M | 70 | 1886. |
| 341 | Pike, Keith Aaron | 336 | 1/8 | ------ | 1/8 | M | 10 | June 12, 1936. |
| 342 | Pike, Lawrence A | 337 | 1/8 | ------ | 1/8 | M | 34 | Nov. 7, 1921. |
| 343 | Pike, Lawrence | 338 | 1/4 | ------ | 1/4 | M | 59 | 1897. |
| 344 | Pike, Lloyd Norman | 339 | 1/8 | ------ | 1/8 | M | 40 | Dec. 2, 1915. |
| 345 | Pike, Lina Louise | 340 | 1/16 | ------ | 1/16 | F | 18 | Apr. 26, 1937. |
| 346 | Pike, Loren Jasper | 341 | 1/8 | ------ | 1/8 | M | 44 | Jan. 27, 1912. |
| 347 | Pikutark, LaVera | 342 | 2/8 | 3/8 | 5/8 | F | 14 | Oct. 19, 1941. |
| 348 | Purdy, Sylvia Hendricks | 343 | 1/4 | ------ | 1/4 | F | 33 | Oct. 25, 1922. |
| 349 | Reber, Idessa Hackford | 345 | 1/8 | ------ | 1/8 | F | 25 | May 24, 1930. |
| 350 | Reed, Calvin Stacey | 347 | 1/4 | ------ | 1/4 | M | 31 | Nov. 15, 1924. |
| 351 | Reed, Charles E., Sr | 348 | 1/2 | ------ | 1/2 | M | 68 | Sept. 22, 1887. |
| 352 | Reed, Charles E., Jr | 349 | 1/2 | ------ | 1/2 | M | 44 | Apr. 8, 1911. |
| 353 | Reed, Charles T | 350 | 1/2 | ------ | 1/2 | M | 33 | Nov. 26, 1922. |
| 354 | Reed, Glen V | 351 | 1/2 | ------ | 1/2 | M | 36 | Apr. 4, 1919. |
| 355 | Reed, Glennis Joan | 352 | 1/4 | ------ | 1/4 | F | 16 | July 2, 1939. |
| 356 | Reed, Judy Gay | 355 | 1/4 | ------ | 1/4 | F | 10 | May 4, 1945. |
| 357 | Reed, Linda | 354 | 1/4 | ------ | 1/4 | F | 7 | May 19, 1948. |
| 358 | Reed, Joelene | 356 | 1/4 | ------ | 1/4 | F | 9 | Aug. 1, 1946. |
| 359 | Reed, Marjorie Ellen | 353 | 1/4 | ------ | 1/4 | F | 13 | Feb. 28, 1943. |
| 360 | Reed, Robert Merle | 357 | 7/16 | ------ | 7/16 | M | 19 | Jan. 18, 1937. |
| 361 | Reed, Stewart Eugene | 346 | 7/16 | ------ | 7/16 | M | 15 | July 20, 1940. |
| 362 | Reed, Louis Russell | 358 | 7/16 | ------ | 7/16 | M | 13 | Dec. 5, 1942. |
| 363 | Reed, Ronald LeRoy | 359 | 7/16 | ------ | 7/16 | M | 11 | July 19, 1944. |
| 364 | Reed, Franklin Terry | 360 | 7/16 | ------ | 7/16 | M | 9 | Oct. 7, 1946. |
| 365 | Reed, Margaret Sue | 361 | 7/16 | ------ | 7/16 | F | 7 | Nov. 15, 1948. |
| 366 | Reed, Cordie Mae | 362 | 7/16 | ------ | 7/16 | F | 5 | Oct. 13, 1950. |
| 367 | Reed, Lawanna Kay | 363 | 7/16 | ------ | 7/16 | F | 3 | June 15, 1952. |
| 368 | Reed, Julian F | 364 | 3/8 | ------ | 3/8 | M | 29 | June 13, 1926. |
| 369 | Reed, Shirley J. Murdock | 365 | 3/8 | ------ | 3/8 | F | 21 | Jan. 21, 1935. |
| 370 | Reed, Donald Ellis | 366 | 3/8 | ------ | 3/8 | M | 10 | Mar. 31, 1945. |
| 371 | Reed, Juliann | 386 | 3/8 | ------ | 3/8 | F | 7 | Oct. 19, 1948. |
| 372 | Reed, Katherine | 367 | 1/2 | ------ | 1/2 | F | 22 | Mar. 19, 1932. |
| 373 | Reed, Barbara Jean | 368 | 1/4 | ------ | 1/4 | F | 5 | 1950. |
| 374 | Reed, Kenneth Farris | 369 | 1/4 | ------ | 1/4 | M | 29 | Mar. 26, 1926. |
| 375 | Reed, Wilson J | 370 | 1/2 | ------ | 1/2 | M | 39 | Dec. 28, 1916. |
| 376 | Reed, James Ellison | 371 | 1/4 | ------ | 1/4 | M | 9 | Jan. 1, 1947. |
| 377 | Reed, Lane Ellyn | 372 | 1/4 | ------ | 1/4 | F | 8 | Jan. 1, 1948. |
| 378 | Reed, Vickie Ann | 373 | 1/4 | ------ | 1/4 | F | 5 | Jan. 10, 1951. |
| 379 | Reed, Stacey Robb, Sr | 374 | 1/2 | ------ | 1/2 | M | 54 | 1902. |
| 380 | Reed, Melvin | 375 | 1/4 | 1/4 | 1/2 | M | 18 | Mar. 27, 1937. |
| 381 | Reed, Rita Jean | 376 | 1/4 | 1/4 | 1/2 | F | 16 | Apr. 7, 1939. |
| 382 | Reed, Stacey Robb, Jr | 377 | 1/4 | 1/4 | 1/2 | M | 15 | June 19, 1940 |
| 383 | Reed, Martin | 378 | 1/4 | 1/4 | 1/2 | M | 14 | Oct. 23, 1941. |
| 384 | Reed, Beatrice Kay | 379 | 1/4 | 1/4 | 1/2 | F | 12 | Dec. 8, 1943. |

*Transferred from full blood to mixed blood by approved appeal.

FINAL ROLL—MIXED BLOOD—Continued

| Final roll No. | Name | Proposed roll No. | Degree of blood | | | Sex | Age | Date of birth |
|---|---|---|---|---|---|---|---|---|
| | | | Ute | Other | Total | | | |
| 385 | Reed, Henry | 380 | 1/4 | 1/4 | 1/2 | M | 10 | Aug. 26, 1945. |
| 386 | Reed, Dennis | 381 | 1/4 | 1/4 | 1/2 | M | 9 | Dec. 9, 1946. |
| 387 | Reed, Clarinda Mae | 382 | 1/4 | 1/4 | 1/2 | F | 7 | May 28, 1948. |
| 388 | Reed, Lura | 383 | 1/4 | 1/4 | 1/2 | F | 6 | July 12, 1949. |
| 389 | Reed, Willie B | 384 | 1/2 | ------ | 1/2 | M | 59 | 1897. |
| 390 | Reed, Gloria | 385 | 1/4 | ------ | 1/4 | F | 18 | Dec. 23, 1937. |
| 391 | Reed, Reva Ellen | 387 | 1/4 | ------ | 1/4 | F | 16 | Jan. 23, 1940. |
| 392 | Reed, Beverley Ann | 388 | 1/4 | ------ | 1/4 | F | 9 | July 28, 1946. |
| 393 | Reed, William James | 389 | 1/4 | ------ | 1/4 | M | 19 | July 11, 1936. |
| 394 | Reyos, Anita Reed | 390 | 1/2 | ------ | 1/2 | F | 35 | Dec. 23, 1920. |
| 395 | Reyos, Annette Marie | 391 | 1/4 | ------ | 1/4 | F | 16 | May 23, 1939. |
| 396 | Reyos, Paul Duane | 392 | 1/4 | 2/4 | 3/4 | M | 14 | Sept. 22, 1941. |
| 397 | Reyos, Robert Gerald | 393 | 1/4 | 2/4 | 3/4 | M | 13 | Nov. 15, 1942. |
| 398 | Reyos, Glenda June | 394 | 1/4 | 2/4 | 3/4 | F | 11 | Aug. 25, 1944. |
| 399 | Reyos, Paulette Jean | 395 | 1/4 | 2/4 | 3/4 | F | 10 | Dec. 6, 1945. |
| 400 | Reyos, Linda Carol | 396 | 1/4 | 2/4 | 3/4 | F | 8 | Dec. 21, 1947. |
| 401 | Reyos, Kenneth Charles | 397 | 1/4 | 2/4 | 3/4 | M | 5 | Oct. 13, 1950. |
| 402 | Reyos, Allen D | 398 | 1/4 | 2/4 | 3/4 | M | 3 | July 30, 1952. |
| 403 | Rhodd, Louise J. Reed | 399 | 1/2 | ------ | 1/2 | F | 38 | May 26, 1917. |
| 404 | Rhodd, Louis Raymond | 400 | 4/16 | 5/16 | 9/16 | M | 16 | Mar. 4, 1939. |
| 405 | Rhodd, Charles Melvin | 401 | 4/16 | 5/16 | 9/16 | M | 10 | Mar. 23, 1945. |
| 406 | Richardson, Edith L | 402 | 1/2 | ------ | 1/2 | F | 73 | 1881. |
| 407 | Richman, Jean Neilsen | 403 | 1/8 | ------ | 1/8 | F | 20 | Dec. 10, 1935. |
| 408 | Rochelle, Clara Van | 404 | 1/4 | ------ | 1/4 | F | 62 | 1894. |
| 409 | Russell, Reuben L | 405 | 1/8 | ------ | 1/8 | M | 33 | June 18, 1922. |
| 410 | Secakuku, Josephine* | F. B. 997 | 3/4 | ------ | 3/4 | F | 31 | Sept. 16, 1924. |
| 411 | Sireech, Lenwood V | 201 | 7/16 | ------ | 7/16 | M | 9 | Apr. 4, 1945. |
| 412 | Sixkiller, Lena Denver | 406 | 3/8 | ------ | 3/8 | F | 37 | Mar. 9, 1918. |
| 413 | Sixkiller, Judith | 407 | 3/16 | 4/16 | 7/16 | F | 15 | Apr. 11, 1940. |
| 414 | Sixkiller, Grover Walter | 408 | 3/16 | 4/16 | 7/16 | M | 14 | Feb. 9, 1942. |
| 415 | Sixkiller, Henry | 409 | 3/16 | 4/16 | 7/16 | M | 12 | Sept. 10, 1943. |
| 416 | Sixkiller, Reuben, Jr | 410 | 3/16 | 4/16 | 7/16 | M | 9 | Aug. 1, 1946. |
| 417 | Sixkiller, Pearl Nadine | 411 | 3/16 | 4/16 | 7/16 | F | 7 | Aug. 16, 1948. |
| 418 | Sixkiller, Kathleen | 412 | 3/16 | 4/16 | 7/16 | F | 5 | Mar. 19, 1950. |
| 419 | Sixkiller, Jack | 413 | 3/16 | 4/16 | 7/16 | M | 3 | Aug. 28, 1952. |
| 420 | Sandoval, Laverne | 414 | 1/2 | ------ | 1/2 | F | 4 | May 29, 1951. |
| 421 | Smith, Roy | 415 | 1/2 | ------ | 1/2 | M | 70 | 1886. |
| 422 | Smith, Illo Pigeon* | F. B. 1319 | 4/4 | ------ | 4/4 | F | 30 | Feb. 28, 1926. |
| 423 | Sprouse, Margarete Rose Van | 416 | 1/4 | ------ | 1/4 | F | 19 | Mar. 22, 1936. |
| 424 | Steward, Hilda Taylor | 417 | 3/8 | ------ | 3/8 | F | 52 | 1904. |
| 425 | Steward, Nellie Josephine | 418 | 3/16 | ------ | 3/16 | F | 23 | Oct. 19, 1932. |
| 426 | Steward, Frances P | 419 | 3/16 | ------ | 3/16 | F | 21 | Feb. 18, 1935. |
| 427 | Sutteer, Irma M. Harris | 420 | 1/4 | ------ | 1/4 | F | 40 | June 13, 1915. |
| 428 | Sutteer, James Charles | 421 | 1/8 | 3/8 | 1/2 | M | 18 | Apr. 17, 1937. |
| 429 | Sutteer, Barbara Ann | 422 | 1/8 | 3/8 | 1/2 | F | 15 | Dec. 9, 1940. |
| 430 | Taylor, Arlyn | 423 | 3/8 | ------ | 3/8 | M | 43 | July 27, 1912. |
| 431 | Taylor, Claud | 424 | 3/8 | ------ | 3/8 | M | 47 | Aug. 29, 1908. |
| 432 | Taylor, Myra L | ------ | 

FINAL ROLL—MIXED BLOOD—Continued

| Final roll No. | Name | Proposed roll No. | Degree of blood: Ute | Degree of blood: Other | Degree of blood: Total | Sex | Age | Date of birth |
|---|---|---|---|---|---|---|---|---|
| 460 | Walkington, Dennis | 452 | 3/16 | ..... | 3/16 | M | 27 | Aug. 11, 1928. |
| 461 | Walkington, William Blake | 453 | 3/16 | ..... | 3/16 | M | 25 | Sept. 28, 1930. |
| 462 | Wardle, Orlean B. Reed | 454 | 1/2 | ..... | 1/2 | F | 46 | July 31, 1909. |
| 463 | Watts, Clara J. Young | 455 | 1/8 | ..... | 1/8 | F | 19 | May 6, 1936. |
| 464 | Wilkerson, Helen Harris | 456 | 1/4 | ..... | 1/4 | F | 30 | Nov. 13, 1925. |
| 465 | Winn, LaDonna Kolb | 457 | 1/4 | ..... | 1/4 | F | 28 | Apr. 8, 1927. |
| 466 | Wash, Lillie Reed | 458 | 1/2 | ..... | 1/2 | F | 55 | Oct. 7, 1900. |
| 467 | Wopsock, Telha Harris | 459 | 3/8 | ..... | 3/8 | F | 38 | Feb. 19, 1917. |
| 468 | Wopsock, Henry* | F. B. 1273 | 4/4 | ..... | 4/4 | M | 48 | July 20, 1907. |
| 469 | Workman, Chalmers Wilford | 460 | 1/8 | ..... | 1/8 | M | 40 | Feb. 1, 1916. |
| 470 | Workman, Colleen Adele | 461 | 1/8 | ..... | 1/8 | F | 19 | May 25, 1936. |
| 471 | Workman, David Harris | 462 | 1/4 | ..... | 1/4 | M | 49 | Nov. 20, 1906. |
| 472 | Workman, Glenn Arthur | 463 | 1/8 | ..... | 1/8 | M | 20 | July 12, 1935. |
| 473 | Workman, Glenda May | 464 | 1/8 | ..... | 1/8 | F | 23 | Apr. 24, 1932. |
| 474 | Workman, Joseph Arthur | 465 | 1/4 | ..... | 1/4 | M | 46 | July 2, 1909. |
| 475 | Workman, Max Harris | 466 | 1/8 | ..... | 1/8 | M | 28 | Oct. 18, 1927. |
| 476 | Workman, Minnie Pike | 467 | 1/4 | ..... | 1/4 | F | 61 | 1895. |
| 477 | Workman, Theresa Taylor | 468 | 1/2 | ..... | 1/2 | F | 74 | Jan. 27, 1882. |
| 478 | Workman, William W | 469 | 1/4 | ..... | 1/4 | M | 33 | Mar. 22, 1922. |
| 479 | Wyasket, Budd* | F. B. 1284 | 4/4 | ..... | 4/4 | M | 34 | Jan. 15, 1922. |
| 480 | Wyasket, Christine Shavanaux | F. B. 1285 | 3/4 | ..... | 3/4 | F | 24 | Dec. 14, 1931. |
| 481 | Young, Boyd | 470 | 1/8 | ..... | 1/8 | M | 25 | Apr. 2, 1930. |
| 482 | Young, George Albert | 471 | 1/8 | ..... | 1/8 | M | 27 | July 17, 1928. |
| 483 | Young, Lillian Van | 473 | 1/4 | ..... | 1/4 | F | 55 | 1901. |
| 484 | Young, Gloria | 472 | 1/8 | ..... | 1/8 | F | 21 | Mar. 13, 1934. |
| 485 | Young, Nelson Roy | 474 | 1/8 | ..... | 1/8 | M | 29 | Sept. 23, 1926. |
| 486 | Young, Ronald Oran | 475 | 1/8 | ..... | 1/8 | M | 18 | Sept. 12, 1937. |
| 487 | Young, Jolene Daniels | 476 | 1/8 | ..... | 1/8 | F | 16 | Apr. 8, 1939. |
| 488 | Zufelt, Adiah Harris | 477 | 1/2 | ..... | 1/2 | F | 56 | Feb. 18, 1900. |
| 489 | Zufelt, Delores Hackford | 478 | 1/8 | ..... | 1/8 | F | 33 | Nov. 24, 1932. |
| 490 | Zuniga, Nola | 479 | 1/4 | 1/4 | 1/2 | F | 12 | Apr. 22, 1943. |

FINAL ROLL—FULL BLOOD GROUP

| Final roll No. | Name | Proposed roll No. | Degree of blood: Ute | Degree of blood: Other | Degree of blood: Total | Sex | Age | Date of birth |
|---|---|---|---|---|---|---|---|---|
| 1 | Accawinna, Jim Wash | 1 | 4/4 | ..... | 4/4 | M | 60 | 1896. |
| 2 | Accawinna, Ruby Alice Albandra | 2 | 4/4 | ..... | 4/4 | F | 54 | 1902. |
| 3 | Accawinna, Jonas | 3 | 4/4 | ..... | 4/4 | M | 17 | May 25, 1938. |
| 4 | Accawinna, Jeanette | 4 | 4/4 | ..... | 4/4 | F | 19 | Apr. 5, 1936. |
| 5 | Accawinna, Irene | 5 | 4/4 | ..... | 4/4 | F | 30 | Oct. 10, 1925. |
| 6 | Accutoroop, Wesley | 6 | 4/4 | ..... | 4/4 | M | 45 | Oct. 21, 1910. |
| 7 | Accutoroop, Sophia Sireech | 7 | 7/8 | ..... | 7/8 | F | 29 | July 25, 1926. |
| 8 | Accutoroop, Dennis Dell | 8 | 15/16 | ..... | 15/16 | M | 5 | May 29, 1950. |
| 9 | Accutoroop, Corwyn | 9 | 15/16 | ..... | 15/16 | M | 3 | Dec. 2, 1951. |
| 10 | Accutoroop, Karen | 10 | 15/16 | ..... | 15/16 | F | 2 | June 27, 1953. |
| 11 | Accutoroop, Myron L | 11 | 15/16 | ..... | 15/16 | M | 9 | Mar. 5, 1946. |
| 12 | Accutoroop, Joyce Amelia | 12 | 7/8 | ..... | 7/8 | F | 17 | Mar. 21, 1938. |
| 13 | Accutoroop, Duane Kelly | 13 | 7/8 | ..... | 7/8 | M | 14 | Jan. 6, 1942. |
| 14 | Accutoroop, Armand | 14 | 15/16 | ..... | 15/16 | M | 7 | July 21, 1948. |
| 15 | Albandra, Mamie Johnson | 15 | 4/4 | ..... | 4/4 | F | 62 | 1893. |
| 16 | Albandra, Lee J | 16 | 4/4 | ..... | 4/4 | M | 32 | Aug. 23, 1923. |
| 17 | Albandra, Leland Stuart | 17 | 4/4 | ..... | 4/4 | M | 9 | Nov. 16, 1948. |
| 18 | Albandra, Margaret | 18 | 4/4 | ..... | 4/4 | F | 12 | Aug. 27, 1943. |
| 19 | Albandra, Flenda | 19 | 4/4 | ..... | 4/4 | F | 5 | July 2, 1950. |
| 20 | Appa-go-witch | 20 | 4/4 | ..... | 4/4 | M | 76 | 1879. |
| 21 | Angel, Mary Ann Quiyaga | 21 | 4/4 | ..... | 4/4 | F | 23 | June 7, 1942. |
| 22 | Angel, John Emery | 22 | 4/4 | ..... | 4/4 | M | 3 | Jan. 25, 1953. |
| 23 | Ankerpont, Roy J | 23 | 4/4 | ..... | 4/4 | M | 34 | Nov. 11, 1921. |
| 24 | Ankerpont, Clara T. Santio | 24 | 4/4 | ..... | 4/4 | F | 29 | Dec. 26, 1926. |
| 25 | Ankerpont, Florence | 25 | 4/4 | ..... | 4/4 | F | 14 | Mar. 3, 1941. |
| 26 | Ankerpont, Roy J., Jr | 26 | 4/4 | ..... | 4/4 | M | 6 | Oct. 6, 1949. |
| 27 | Ankerpont, Marjorie | 27 | 4/4 | ..... | 4/4 | F | 4 | Mar. 7, 1951. |
| 28 | Ankerpont, Geneva May | 28 | 4/4 | ..... | 4/4 | F | 3 | July 29, 1952. |
| 29 | Ankerpont, Mark Robert | 30 | 4/4 | ..... | 4/4 | M | 24 | Nov. 12, 1931. |
| 30 | Ankerpont, Joseph | 31 | 4/4 | ..... | 4/4 | M | 28 | Feb. 28, 1927. |
| 31 | Ankerpont, Mary P | 32 | 4/4 | ..... | 4/4 | F | 39 | Nov. 12, 1916. |
| 32 | Ankerpont, Francis | 33 | 4/4 | ..... | 4/4 | M | 22 | Aug. 15, 1933. |
| 33 | Appah, Lawrence | 34 | 4/4 | ..... | 4/4 | M | 66 | 1890. |
| 34 | Appah, Minnie Grant | 35 | 4/4 | ..... | 4/4 | F | 61 | 1895. |
| 35 | Appah, Thomas | 36 | 4/4 | ..... | 4/4 | M | 24 | Oct. 16, 1931. |
| 36 | Appawora, James E | 37 | 4/4 | ..... | 4/4 | M | 66 | 1890. |
| 37 | Appawora, Jimmy E | 38 | 4/4 | ..... | 4/4 | M | 18 | July 28, 1937. |
| 38 | Appawora, Densel R | 39 | 4/4 | ..... | 4/4 | M | 16 | Feb. 17, 1940. |
| 39 | Appawora, Zina Louise | 40 | 4/4 | ..... | 4/4 | F | 9 | Mar. 6, 1945. |
| 40 | Appawora, Ramon | 41 | 7/8 | ..... | 7/8 | M | 12 | June 19, 1943. |

*Transferred from full blood to mixed blood by approved appeal.

FINAL ROLL—FULL BLOOD GROUP—Continued

| Final roll No. | Name | Proposed roll No. | Degree of blood: Ute | Degree of blood: Other | Degree of blood: Total | Sex | Age | Date of birth |
|---|---|---|---|---|---|---|---|---|
| 41 | Appawora, William | 42 | 7/8 | ..... | 7/8 | M | 10 | June 26, 1945. |
| 42 | Appawoo, Anton | 43 | 4/4 | ..... | 4/4 | M | 24 | June 29, 1931. |
| 43 | Appawoo, Leah F. Root | 44 | 4/4 | ..... | 4/4 | F | 20 | Jan. 12, 1936. |
| 44 | Appawoo, Ronnie | 45 | 4/4 | ..... | 4/4 | M | 3 | 1952. |
| 45 | Appawoo, Howell D | 46 | 4/4 | ..... | 4/4 | M | 57 | 1899. |
| 46 | Appawoo, Estelle Ridley | 47 | 4/4 | ..... | 4/4 | F | 60 | 1896. |
| 47 | Appawoo, Glenn | 48 | 4/4 | ..... | 4/4 | M | 22 | Jan. 2, 1934 |
| 48 | Appawoo, Saidine Cherice | 49 | 4/4 | ..... | 4/4 | F | 3 | Dec. 17, 1952. |
| 49 | Appawoo, Woodrow | 50 | 4/4 | ..... | 4/4 | M | 18 | June 26, 1937. |
| 50 | Apporas, Esther | 51 | 4/4 | ..... | 4/4 | F | 23 | Feb. 2, 1933. |
| 51 | Apporas, Sonja Heine | 52 | 4/4 | ..... | 4/4 | F | 12 | Feb. 4, 1944. |
| 52 | Apputoosh, Irma | 53 | 4/4 | ..... | 4/4 | F | 20 | Aug. 12, 1935. |
| 53 | Arkansas, Fredrick | 55 | 16/32 | 1/32 | 17/32 | M | 19 | Aug. 20, 1936. |
| 54 | Arkansas, Azelea | 56 | 16/32 | 1/32 | 17/32 | F | 13 | Feb. 24, 1943. |
| 55 | Arkansas, Melba | 57 | 16/32 | 1/32 | 17/32 | F | 10 | June 14, 1945. |
| 56 | Arkansas, John P | 58 | 16/32 | 1/32 | 17/32 | M | 21 | Mar. 21, 1934. |
| 57 | Arkansas, Louis | 59 | 4/4 | ..... | 4/4 | M | 30 | Aug. 8, 1925. |
| 58 | Arrapoo, Dewey James | 60 | 4/4 | ..... | 4/4 | M | 55 | 1901. |
| 59 | Arrats, Tommy | 61 | 4/4 | ..... | 4/4 | M | 49 | July 4, 1906. |
| 60 | Arrats, Mary Ellen Sibello | 62 | 4/4 | ..... | 4/4 | F | 58 | 1898. |
| 61 | Arrats, Albert Smith | 63 | 4/4 | ..... | 4/4 | M | 27 | Jan. 23, 1929. |
| 62 | Arrats, Harry | 64 | 4/4 | ..... | 4/4 | M | 29 | Nov. 11, 1923. |
| 63 | Arrats, Melton | 65 | 4/4 | ..... | 4/4 | M | 23 | Apr. 1, 1932. |
| 64 | Arrats, Ardonna M. Johnson | 66 | 4/4 | ..... | 4/4 | F | 19 | June 11, 1936. |
| 65 | Arrats, James LaMarr | 67 | 4/4 | ..... | 4/4 | M | 21 | Feb. 19, 1935. |
| 66 | Areep, Boyce | 68 | 4/4 | ..... | 4/4 | M | 69 | 1887. |
| 67 | Areep, Grace Wash Root, Jr | 69 | 4/4 | ..... | 4/4 | F | 55 | 1901. |
| 68 | Areep, Loretta | 70 | 4/4 | ..... | 4/4 | F | 39 | Feb. 25, 1917. |
| 69 | Arrive, Boone | 71 | 4/4 | ..... | 4/4 | M | 32 | May 5, 1923. |
| 70 | Arrive, Bernelle | 73 | 4/4 | ..... | 4/4 | F | 13 | July 20, 1942. |
| 71 | Arrive, Byron | 72 | 4/4 | ..... | 4/4 | M | 6 | Sept. 19, 1949. |
| 72 | Arrive, Stan | 74 | 4/4 | ..... | 4/4 | M | 25 | Feb. 15, 1931. |
| 73 | Arrive, Gladys C. Serawop | 75 | 4/4 | ..... | 4/4 | F | 26 | Oct. 1, 1929. |
| 74 | Arrive, Debra Ann | 76 | 4/4 | ..... | 4/4 | F | 3 | June 12, 1952. |
| 75 | Arrive, Kirby | 77 | 4/4 | ..... | 4/4 | M | 1 | Mar. 17, 1954. |
| 76 | Arrive, Marguerita Kanapatch | 78 | 3/4 | ..... | 3/4 | F | 38 | Feb. 6, 1918. |
| 77 | Arrive, Cherylene | 79 | 7/8 | ..... | 7/8 | F | 10 | Aug. 2, 1945. |
| 78 | Arrive, Mathew Irvin | 80 | 7/8 | ..... | 7/8 | M | 8 | Apr. 22, 1947. |
| 79 | Arrive, Alene | 81 | 7/8 | ..... | 7/8 | F | 3 | Oct. 19, 1952. |
| 80 | Arrowchis, Bishop | 82 | 4/4 | ..... | 4/4 | M | 45 | 1911. |
| 81 | Arrowchis, Franklin Bishop | 83 | 4/8 | 1/8 | 5/8 | M | 19 | Oct. 25, 1936. |
| 82 | Arrowchis, Beverly Jean | 84 | 4/8 | 1/8 | 5/8 | F | 22 | Apr. 28, 1933. |
| 83 | Arrowchis, Irene Elaine | 85 | 4/8 | 1/8 | 5/8 | F | 21 | Jan. 15, 1935. |
| 84 | Arrowchis, Tex Smiley | 86 | 4/8 | 1/8 | 5/8 | M | 9 | Nov. 15, 1946. |
| 85 | Arrowchis, Lloyd Carl | 87 | 4/8 | 1/8 | 5/8 | M | 7 | June 2, 1948. |
| 86 | Arrowchis, Michael | 88 | 4/8 | 1/8 | 5/8 | M | 6 | Dec. 4, 1949. |
| 87 | Arrowgarp, Mabel Provo | 89 | 4/4 | ..... | 4/4 | F | 42 | Nov. 24, 1913. |
| 88 | Arrowgarp, Agatha | 90 | 2/4 | 2/4 | 4/4 | F | 13 | Apr. 1, 1942. |
| 89 | Arrowgarp, Carol Jean | 91 | 2/4 | 2/4 | 4/4 | F | 8 | May 5, 1947. |
| 90 | Arrowgarp, Dennis Dell | 92 | 2/4 | 2/4 | 4/4 | M | 7 | July 4, 1948. |
| 91 | Arrum, Wilbur | 93 | 4/4 | ..... | 4/4 | M | 37 | Oct. 31, 1918 |
| 92 | Arrum, Bobbie Lee Colorow | 94 | 7/8 | ..... | 7/8 | F | 27 | June 28, 1928. |
| 93 | Arrum, Loya Kaye | 95 | 15/16 | ..... | 15/16 | F | 8 | Mar. 2, 1947 |
| 94 | Arrum, Anthony Douglas | 96 | 15/16 | ..... | 15/16 | M | 12 | May 16, 1943. |
| 95 | Arrum, Carnel Colorow | 97 | 7/8 | ..... | 7/8 | M | 4 | May 6, 1951. |
| 96 | Ashley, Velora J. LaRose | 98 | 3/4 | ..... | 3/4 | F | 37 | Sept. 25, 1918. |
| 97 | Ashta, Della | 99 | 4/4 | ..... | 4/4 | F | 70 | 1886. |
| 98 | Ashta, Lucy | 100 | 4/4 | ..... | 4/4 | F | 58 | 1898. |
| 99 | Ashta, Delores | 101 | 4/4 | ..... | 4/4 | F | 17 | Sept. 6, 1938. |
| 100 | Ashta, Post | 102 | 4/4 | ..... | 4/4 | M | 60 | 1896. |
| 101 | Atwine, Sidney | 103 | 4/4 | ..... | 4/4 | M | 54 | 1902. |
| 102 | Atwine, Eugenia Quitchapoo | 104 | 4/4 | ..... | 4/4 | F | 54 | 1902. |
| 103 | Atwine, Ruby Katie | 105 | 4/4 | ..... | 4/4 | F | 17 | Apr. 27, 1938. |
| 104 | Atwine, Betty Lee | 106 | 4/4 | ..... | 4/4 | F | 15 | July 1, 1940. |
| 105 | Atwine, Lorena | 107 | 4/4 | ..... | 4/4 | F | 13 | Jan. 4, 1942. |
| 106 | Atwine, Hubert Jane | 108 | 4/4 | ..... | 4/4 | M | 5 | Mar. 23, 1950. |
| 107 | Atwine, Jacqueline | 109 | 4/4 | ..... | 4/4 | F | 7 | Nov. 29, 1948. |
| 108 | Atwine, Charlie | 110 | 4/4 | ..... | 4/4 | M | 54 | 1902. |
| 109 | Atwine, Lula Johnson | 111 | 4/4 | ..... | 4/4 | F | 42 | June 21, 1913. |
| 110 | Atwine, Orville Dean | 112 | 4/4 | ..... | 4/4 | M | 20 | Apr. 25, 1935. |
| 111 | Atwine, Jim | 113 | 4/4 | ..... | 4/4 | M | 86 | 1870. |
| 112 | Atwine, Carmelita Jane | 114 | 4/4 | ..... | 4/4 | F | 16 | Feb. 16, 1940. |
| 113 | Atwine, Melvin Leo | 115 | 4/4 | ..... | 4/4 | M | 18 | July 17, 1937. |
| 114 | Atwine, Alden Ralph | 116 | 4/4 | ..... | 4/4 | M | 2 | Mar. 8, 1953. |
| 115 | Benally, Betty L. Chapoose | 117 | 4/4 | ..... | 4/4 | F | 23 | Mar. 21, 1932. |
| 116 | Begay, Jarvis Tom | 118 | 2/4 | 2/4 | 4/4 | M | 4 | July 25, 1951. |
| 117 | Brock, Roseline | 119 | 4/4 | ..... | 4/4 | F | 3 | Apr. 7, 1952. |
| 118 | Brock, Wallace | 120 | 4/4 | ..... | 4/4 | M | 55 | 1901. |



FINAL ROLL—FULL BLOOD GROUP—Continued

| Final roll No. | Name | Proposed roll No. | Degree of blood: Ute | Degree of blood: Other | Degree of blood: Total | Sex | Age | Date of birth |
|---|---|---|---|---|---|---|---|---|
| 119 | Brown, Wallace | 121 | 4/4 | ..... | 4/4 | M | 41 | Jan. 1, 1915. |
| 120 | Brown, Harriet Wyasket | 122 | 4/4 | ..... | 4/4 | F | 45 | Dec. 31, 1910. |
| 121 | Buck, LaMona Cheum | 124 | 4/4 | ..... | 4/4 | F | 29 | June 4, 1926. |
| 122 | Buck, Manuel Checora | 125 | 2/4 | 2/4 | 4/4 | M | 2 | June 17, 1953. |
| 123 | Burson, Edith LeRoy Shavanaugh | 126 | 4/4 | ..... | 4/4 | F | 27 | June 1, 1928. |
| 124 | Burson, LeRoy Barnett | 127 | 3/4 | ..... | 3/4 | M | 12 | Feb. 15, 1944. |
| 125 | Burson, Roberta Madeline | 128 | 3/4 | ..... | 3/4 | F | 8 | Nov. 25, 1947. |
| 126 | Burson, Gwenevlere Yvonne | 129 | 3/4 | ..... | 3/4 | F | 7 | Dec. 1, 1948. |
| 127 | Burson, James Emery | 130 | 3/4 | ..... | 3/4 | M | 5 | Apr. 23, 1950. |
| 128 | Burson, Charles Tiny | 131 | 3/4 | ..... | 3/4 | F | 3 | Mar. 15, 1942. |
| 129 | Burson, Freddie Kyle | 132 | 3/4 | ..... | 3/4 | M | 2 | Oct. 2, 1953. |
| 130 | Burson, Eva Johnson | 133 | 4/4 | ..... | 4/4 | F | 40 | Sept. 23, 1915. |
| 131 | Burson, Everett Charles | 134 | 3/4 | ..... | 3/4 | M | 8 | Sept. 28, 1947. |
| 132 | Burson, Ollie Irene | 135 | 3/4 | ..... | 3/4 | F | 6 | May 24, 1949. |
| 133 | Burson, Geraldine | 136 | 3/4 | ..... | 3/4 | F | 5 | Oct. 30, 1950. |
| 134 | Burson, Faye Yvonne | 137 | 3/4 | ..... | 3/4 | F | 4 | Jan. 30, 1952. |
| 135 | Bush, Charley J | 138 | 4/4 | ..... | 4/4 | M | 42 | Feb. 14, 1914. |
| 136 | Bush, Lena Archoop | 139 | 4/4 | ..... | 4/4 | F | 37 | May 10, 1918. |
| 137 | Bush, Sam | 140 | 4/4 | ..... | 4/4 | M | 45 | Apr. 20, 1910. |
| 138 | Bush, Mabel Cornpeach | 141 | 4/4 | ..... | 4/4 | F | 38 | Oct. 2, 1917. |
| 139 | Bush, Adolph Fredrick | 142 | 4/4 | ..... | 4/4 | M | 16 | Feb. 5, 1940. |
| 140 | Bush, Jeffery Sidney | 143 | 4/4 | ..... | 4/4 | M | 14 | Jan. 10, 1942. |
| 141 | Bush, Viola Annabelle | 144 | 4/4 | ..... | 4/4 | F | 11 | Aug. 3, 1944. |
| 142 | Bush, Samuel Joe | 145 | 4/4 | ..... | 4/4 | M | 9 | Jan. 26, 1947. |
| 143 | Bush, Shirley Lena | 146 | 4/4 | ..... | 4/4 | F | 5 | May 15, 1950. |
| 144 | Capoia, Frank | 147 | 4/4 | ..... | 4/4 | M | 75 | 1879. |
| 145 | Cesspooch, Alberto | 176 | 3/4 | ..... | 3/4 | M | 58 | 1898. |
| 146 | Cesspooch, Vessie Ioka | 148 | 4/4 | ..... | 4/4 | F | 58 | 1898. |
| 147 | Cesspooch, James Rafael | 149 | 7/8 | ..... | 7/8 | M | 20 | Feb. 11, 1936. |
| 148 | Cesspooch, Irene | 150 | 7/8 | ..... | 7/8 | F | 18 | Jan. 3, 1938. |
| 149 | Cesspooch, Clayton | 151 | 7/8 | ..... | 7/8 | M | 15 | Dec. 3, 1940. |
| 150 | Cesspooch, Alice | 152 | 7/8 | ..... | 7/8 | F | 13 | Jan. 5, 1943. |
| 151 | Cesspooch, Albert Allen | 153 | 7/8 | ..... | 7/8 | M | 10 | Nov. 15, 1945. |
| 152 | Cesspooch, George | 177 | 7/8 | ..... | 7/8 | M | 24 | Dec. 21, 1931. |
| 153 | Cesspooch, Roy Bird | 199 | 7/8 | ..... | 7/8 | M | 27 | Oct. 23, 1928. |
| 154 | Cesspooch, Cruz | 154 | 3/4 | ..... | 3/4 | M | 46 | July 14, 109. |
| 155 | Cesspooch, May McCook | 155 | 4/4 | ..... | 4/4 | F | 35 | Apr. 5, 1920. |
| 156 | Cesspooch, Amulia Madalele | 156 | 7/8 | ..... | 7/8 | F | 16 | Nov. 23, 1939. |
| 157 | Cesspooch, Beverly | 157 | 7/8 | ..... | 7/8 | F | 13 | Oct. 24, 1942. |
| 158 | Cesspooch, Beatrice | 158 | 7/8 | ..... | 7/8 | F | 6 | Oct. 13, 1949. |
| 159 | Cesspooch, Samuel | 159 | 7/8 | ..... | 7/8 | M | 4 | July 3, 1951. |
| 160 | Cesspooch, Delmar | 160 | 7/8 | ..... | 7/8 | M | 20 | Oct. 29, 1935. |
| 161 | Cesspooch, Devella Lupita | 161 | 7/8 | ..... | 7/8 | F | 19 | Sept. 23, 1936. |
| 162 | Cesspooch, Clarice | 162 | 7/8 | ..... | 7/8 | F | 1 | 1954. |
| 163 | Cesspooch, Clarinda | 163 | 15/16 | ..... | 15/16 | F | 3 | May 24, 1952. |
| 164 | Cesspooch, Frank R | 165 | 7/8 | ..... | 7/8 | M | 32 | July 15, 1923. |
| 165 | Cesspooch, Evelita Wissiup | 166 | 4/4 | ..... | 4/4 | F | 22 | Apr. 8, 1933. |
| 166 | Cesspooch, Lee Ray | 167 | 15/16 | ..... | 15/16 | M | 5 | Aug. 12, 1950. |
| 167 | Cesspooch, Frank Raymond | 168 | 15/16 | ..... | 15/16 | M | 3 | Mar. 30, 1952. |
| 168 | Cesspooch, Rose Marie | 169 | 15/16 | ..... | 15/16 | F | 2 | Apr. 28, 1953. |
| 169 | Cesspooch, Harold | 170 | 15/16 | ..... | 15/16 | M | 1 | June 4, 1954. |
| 170 | Cesspooch, Henry | 171 | 3/4 | ..... | 3/4 | M | 52 | 1904. |
| 171 | Cesspooch, Reuben Jones | 172 | 7/8 | ..... | 7/8 | M | 17 | Apr. 15, 1938. |
| 172 | Cesspooch, Joanna Marie | 173 | 7/8 | ..... | 7/8 | F | 16 | Jan. 13, 1940. |
| 173 | Cesspooch, Rodell Kelly | 174 | 7/8 | ..... | 7/8 | M | 13 | Dec. 28, 1942. |
| 174 | Cesspooch, Jimmy Michael | 175 | 7/8 | ..... | 7/8 | M | 8 | Apr. 17, 1946. |
| 175 | Cesspooch, Larry Lawrence | 178 | 15/16 | ..... | 15/16 | M | 4 | July 8, 1951. |
| 176 | Cesspooch, Juan | 179 | 3/4 | ..... | 3/4 | M | 48 | Mar. 20, 1907. |
| 177 | Cesspooch, Ellen T. Utt | 180 | 4/4 | ..... | 4/4 | F | 54 | 1902. |
| 178 | Cesspooch, Claude W | 181 | 7/8 | ..... | 7/8 | M | 11 | Aug. 13, 1944. |
| 179 | Cesspooch, Rose | 182 | 7/8 | ..... | 7/8 | F | 14 | Oct. 11, 1941. |
| 180 | Cesspooch, Lewis | 183 | 7/8 | ..... | 7/8 | M | 22 | Apr. 12, 1933. |
| 181 | Cesspooch, Francisco | 164 | 3/4 | ..... | 3/4 | M | 61 | 1895. |
| 182 | Cesspooch, Hannah Mt. Lion | 184 | 4/4 | ..... | 4/4 | F | 53 | 1903. |
| 183 | Cesspooch, Nelson Rex | 185 | 7/8 | ..... | 7/8 | M | 18 | Nov. 2, 1937. |
| 184 | Cesspooch, John Reeves | 186 | 7/8 | ..... | 7/8 | M | 15 | Jan. 10, 1941. |
| 185 | Cesspooch, Maida | 187 | 7/8 | ..... | 7/8 | F | 22 | Feb. 2, 1934. |
| 186 | Cesspooch, Ramon | 188 | 3/4 | ..... | 3/4 | M | 44 | Nov. 20, 1911. |
| 187 | Cesspooch, Bessie Sakniket | 189 | 4/4 | ..... | 4/4 | F | 40 | June 7, 1915. |
| 188 | Cesspooch, Evan Jose | 190 | 7/8 | ..... | 7/8 | M | 17 | Oct. 12, 1938. |
| 189 | Cesspooch, Vina LaVerne | 191 | 7/8 | ..... | 7/8 | F | 15 | Sept. 2, 1940. |
| 190 | Cesspooch, Ophelia | 192 | 7/8 | ..... | 7/8 | F | 13 | Oct. 10, 1942. |
| 191 | Cesspooch, Adrien Remon | 193 | 7/8 | ..... | 7/8 | M | 11 | Sept. 28, 1944. |
| 192 | Cesspooch, Curtis | 194 | 7/8 | ..... | 7/8 | M | 9 | Sept. 1, 1946. |
| 193 | Cesspooch, Everett | 195 | 7/8 | ..... | 7/8 | M | 7 | Sept. 7, 1948. |
| 194 | Cesspooch, Woodrow | 196 | 7/8 | ..... | 7/8 | M | 5 | May 14, 1950. |
| 195 | Cesspooch, Lucinda | 197 | 7/8 | ..... | 7/8 | F | 3 | Apr. 8, 1952. |

FINAL ROLL—FULL BLOOD GROUP—Continued

| Final roll No. | Name | Proposed roll No. | Degree of blood: Ute | Degree of blood: Other | Degree of blood: Total | Sex | Age | Date of birth |
|---|---|---|---|---|---|---|---|---|
| 196 | Cesspooch, Judy Ann | 198 | 7/8 | ..... | 7/8 | F | 1 | May 22, 1954. |
| 197 | Chapoose, Conner | 200 | 4/4 | ..... | 4/4 | M | 49 | Mar. 5, 1906. |
| 198 | Chapoose, Ruth Nannstz | 201 | 4/4 | ..... | 4/4 | F | 35 | Feb. 17, 1921. |
| 199 | Chapoose, Haskell Levi | 202 | 4/4 | ..... | 4/4 | M | 15 | Mar. 30, 1940. |
| 200 | Chapoose, William | 203 | 4/4 | ..... | 4/4 | M | 5 | Dec. 24, 1948. |
| 201 | Chapoose, Ernest L | 204 | 4/4 | ..... | 4/4 | M | 5 | July 12, 1950. |
| 202 | Chapoose, Lorena | 205 | 4/4 | ..... | 4/4 | F | 3 | Mar. 15, 1952. |
| 203 | Chapoose, Elijah Maxie | 206 | 3/4 | ..... | 3/4 | M | 35 | Sept. 11, 1920. |
| 204 | Chapoose, Thomas | 207 | 3/4 | ..... | 3/4 | M | 33 | Apr. 23, 1932. |
| 205 | Chapoose, Clarice Shavanaugh | 208 | 4/4 | ..... | 4/4 | F | 20 | Aug. 27, 1935. |
| 206 | Chapoose, Robert Conner | 209 | 4/4 | ..... | 4/4 | M | 22 | Apr. 2, 1933. |
| 207 | Chapoose, Lester Mack | 210 | 4/4 | ..... | 4/4 | M | 18 | Dec. 2, 1937. |
| 208 | Chapoose, Charlie Mack | 211 | 4/4 | ..... | 4/4 | M | 21 | Mar. 19, 1934. |
| 209 | Chapoose, Nataline Maxine | 212 | 4/4 | ..... | 4/4 | F | 13 | Feb. 6, 1943. |
| 210 | Chapoose, Ina Lou | 213 | 4/4 | ..... | 4/4 | F | 17 | Sept. 3, 1938. |
| 211 | Checora, Pauline | 214 | 4/4 | ..... | 4/4 | F | 19 | Dec. 2, 1936. |
| 212 | Checora, Alfred Scott | 215 | 4/4 | ..... | 4/4 | M | 24 | July 16, 1931. |
| 213 | Checora, Pauline Appawora | 216 | 4/4 | ..... | 4/4 | F | 20 | Apr. 2, 1935. |
| 214 | Checora, Sharranne | 217 | 4/4 | ..... | 4/4 | F | 5 | Sept. 15, 1950. |
| 215 | Checora, Luia Redeap Myore | 218 | 4/4 | ..... | 4/4 | F | 51 | Aug. 1, 1905. |
| 216 | Checora, Angela | 219 | 4/4 | ..... | 4/4 | F | 12 | Nov. 30, 1943. |
| 217 | Checora, Stanford | 220 | 4/4 | ..... | 4/4 | M | 9 | Nov. 3, 1946. |
| 218 | Chegup, Boyd Conrad | 221 | 4/4 | ..... | 4/4 | M | 7 | Dec. 26, 1948. |
| 219 | Chegup, Delores Ethel | 222 | 4/4 | ..... | 4/4 | F | 22 | May 16, 1933. |
| 220 | Chegup, Edwin C | 223 | 4/4 | ..... | 4/4 | M | 21 | Feb. 16, 1935. |
| 221 | Chegup, Elise | 224 | 4/4 | ..... | 4/4 | F | 26 | Jan. 29, 1930. |
| 222 | Chegup, Harry | 225 | 4/4 | ..... | 4/4 | M | 30 | Aug. 18, 1925. |
| 223 | Chegup, Ansel | 226 | 15/16 | ..... | 15/16 | M | 4 | June 29, 1951. |
| 224 | Chegup, Frank | 227 | 4/4 | ..... | 4/4 | M | 51 | 1905.* |
| 225 | Chegup, Florence Apporas | 228 | 4/4 | ..... | 4/4 | F | 42 | Dec. 5, 1913. |
| 226 | Chegup, Lorinda | 229 | 4/4 | ..... | 4/4 | M | 19 | Nov. 16, 1936. |
| 227 | Chegup, Alletta | 230 | 4/4 | ..... | 4/4 | F | 16 | Apr. 17, 1939. |
| 228 | Chegup, Angelita Merlynn | 231 | 15/16 | ..... | 15/16 | F | 3 | Feb. 20, 1953. |
| 229 | Chegup, John Hamilton | 232 | 4/4 | ..... | 4/4 | M | 28 | Nov. 10, 1927. |
| 230 | Chegup, Bernice Lawrence | 233 | 4/4 | ..... | 4/4 | F | 32 | Aug. 10, 1923. |
| 231 | Chegup, Kathleen Elise | 234 | 4/4 | ..... | 4/4 | F | 4 | May 20, 1951. |
| 232 | Chegup, Lavern | 235 | 4/4 | ..... | 4/4 | F | 2 | Dec. 26, 1952. |
| 233 | Chegup, James | 236 | 4/4 | ..... | 4/4 | M | 1 | Aug. 26, 1954. |
| 234 | Chegup, Willie A | 237 | 4/4 | ..... | 4/4 | M | 53 | 1903. |
| 235 | Chegup, Gladys W. Duncan | 238 | 4/4 | ..... | 4/4 | F | 47 | May 12, 1908. |
| 236 | Chegup, Venus | 239 | 4/4 | ..... | 4/4 | F | 18 | April 14, 1937. |
| 237 | Chegup, Roberta May | 240 | 4/4 | ..... | 4/4 | F | 13 | May 30, 1942. |
| 238 | Chegup, Isadore | 241 | 4/4 | ..... | 4/4 | M | 15 | Apr. 8, 1940. |
| 239 | Chegup, Amelia Rose | 242 | 4/4 | ..... | 4/4 | F | 12 | Feb. 21, 1944. |
| 240 | Chegup, Terry Jay | 243 | 4/4 | ..... | 4/4 | M | 9 | May 19, 1946. |
| 241 | Cohee, Ruth | 244 | 4/4 | ..... | 4/4 | F | 45 | Oct. 30, 1910. |
| 242 | Chimburas, Smith | 245 | 4/4 | ..... | 4/4 | M | 72 | 1884. |
| 243 | Chimburas, Grace Rasoomb | 246 | 4/4 | ..... | 4/4 | F | 47 | Mar. 20, 1908. |
| 244 | Chimburas, Evelyn Dorothy | 247 | 4/4 | ..... | 4/4 | F | 19 | Oct. 30, 1936. |
| 245 | Chimburas, Mary | 248 | 4/4 | ..... | 4/4 | F | 15 | Dec. 26, 1939. |
| 246 | Chimburas, Irene | 249 | 4/4 | ..... | 4/4 | F | 14 | Oct. 24, 1941. |
| 247 | Chimburas, Geneva | 250 | 4/4 | ..... | 4/4 | F | 9 | May 7, 1946. |
| 248 | Chimburas, Phillip | 251 | 4/4 | ..... | 4/4 | M | 8 | Dec. 22, 1947. |
| 249 | Colorow, Charley

FINAL ROLL—FULL BLOOD GROUP—Continued

| Final roll No. | Name | Proposed roll No. | Degree of blood | | | Sex | Age | Date of birth |
|---|---|---|---|---|---|---|---|---|
| | | | Ute | Other | Total | | | |
| 274 | Conetah, Rosella Myore | 277 | 4/4 | | 4/4 | F | 25 | Jan. 24, 1931. |
| 275 | Conetah, Mary Lee | 278 | 4/4 | | 4/4 | F | 8 | May 17, 1947. |
| 276 | Conetah, Wilford | 279 | 4/4 | | 4/4 | M | 7 | Aug. 19, 1948. |
| 277 | Conetah, Byron Edward | 280 | 4/4 | | 4/4 | M | 3 | May 23, 1952. |
| 278 | Conetah, Marianne | 281 | 4/4 | | 4/4 | F | 6 | Feb. 5, 1950. |
| 279 | Conetah, Franeine | 282 | 4/4 | | 4/4 | F | 3 | June 11, 1953. |
| 280 | Conetah, Edward A | 283 | 4/4 | | 4/4 | M | 59 | 1897. |
| 281 | Conetah, George Washington | 284 | 4/4 | | 4/4 | M | 19 | Feb. 22, 1937. |
| 282 | Copperfield, Alfred | 285 | 4/4 | | 4/4 | M | 20 | May 5, 1935. |
| 283 | Copperfield, Cordelia J | 286 | 4/4 | | 4/4 | F | 13 | May 24, 1942. |
| 284 | Copperfield, Donald Dale | 287 | 4/4 | | 4/4 | M | 8 | Dec. 26, 1946. |
| 285 | Copperfield, Myra L. Jack | 290 | 4/4 | | 4/4 | F | 7 | Apr. 23, 1948. |
| 286 | Copperfield, Perceline | 291 | 4/4 | | 4/4 | F | 15 | Oct. 10, 1940. |
| 287 | Cornpeach, Burton | 292 | 4/4 | | 4/4 | M | 31 | Dec. 16, 1922. |
| 288 | Cornpeach, Cecil | 293 | 4/4 | | 4/4 | M | 40 | July 5, 1915. |
| 289 | Cornpeach, Fontella Brock | 294 | 4/4 | | 4/4 | F | 24 | June 17, 1931. |
| 290 | Cornpeach, Cecelia Vivian | 295 | 4/4 | | 4/4 | F | 16 | Jan. 3, 1940. |
| 291 | Cornpeach, Stanford Dean | 296 | 4/4 | | 4/4 | M | 14 | July 21, 1941. |
| 292 | Cornpeach, John | 297 | 4/4 | | 4/4 | M | 24 | May 31, 1930. |
| 293 | Cornpeach, Albert | 298 | 4/4 | | 4/4 | M | 20 | Jan. 26, 1936. |
| 294 | Cornpeach, Paul | 299 | 4/4 | | 4/4 | M | 38 | Aug. 16, 1917. |
| 295 | Cornpeach, Louis | 300 | 4/4 | | 4/4 | M | 3 | Jan. 4, 1953. |
| 296 | Cornpeach, Helena Marie | 301 | 4/4 | | 4/4 | F | 16 | June 22, 1939. |
| 297 | Cornpeach, Merlin Ray | 302 | 4/4 | | 4/4 | M | 14 | Mar. 26, 1941. |
| 298 | Cornpeach, Florine Edith | 303 | 4/4 | | 4/4 | F | 11 | June 12, 1944. |
| 299 | Cornpeach, Clifford Leon | 304 | 4/4 | | 4/4 | M | 9 | Dec. 31, 1945. |
| 300 | Cornpeach, Virginia Lee | 305 | 4/4 | | 4/4 | F | 18 | Feb. 13, 1937. |
| 301 | Cotonuts, Billy | 306 | 4/4 | | 4/4 | M | 70 | 1886. |
| 302 | Cotonuts, Ellnor | 307 | 4/4 | | 4/4 | F | 19 | May 30, 1936. |
| 303 | Cotonuts, Harry | 309 | 4/4 | | 4/4 | M | 22 | May 4, 1933. |
| 304 | Cotonuts, William | 310 | 4/4 | | 4/4 | M | 39 | May 8, 1916. |
| 305 | Cotonuts, John Richard | 311 | 4/4 | | 4/4 | M | 16 | March 20, 1949. |
| 306 | Cotonuts, Gleu | 312 | 4/4 | | 4/4 | M | 21 | July 6, 1934. |
| 307 | Cotonuts, Alex Lee | 313 | 4/4 | | 4/4 | M | 2 | Aug. 12, 1953. |
| 308 | Cuch, Andrew | 314 | 4/4 | | 4/4 | M | 59 | 1897. |
| 309 | Cuch, Rose P. Mart | 315 | 4/4 | | 4/4 | F | 35 | Sept. 15, 1920. |
| 310 | Cuch, Reuben | 316 | 4/4 | | 4/4 | M | 6 | Dec. 17, 1949. |
| 311 | Cuch, Rose Mary | 317 | 4/4 | | 4/4 | F | 4 | Jan. 25, 1952. |
| 312 | Cuch, Joan | 318 | 4/4 | | 4/4 | F | 2 | Jan. 20, 1954. |
| 313 | Cuch, Alfonso | 319 | 4/4 | | 4/4 | M | 26 | Jan. 13, 1930. |
| 314 | Cuch, Charlie | 320 | 4/4 | | 4/4 | M | 49 | June 10, 1906. |
| 315 | Cuch, Eveline Grant | 321 | 4/4 | | 4/4 | F | 46 | 1910. |
| 316 | Cuch, Ina Jane | 322 | 4/4 | | 4/4 | F | 19 | Jan. 7, 1937. |
| 317 | Cuch, Flora Irene | 323 | 4/4 | | 4/4 | F | 17 | July 27, 1938. |
| 318 | Cuch, Charlie, Jr | 324 | 4/4 | | 4/4 | M | 15 | Sept. 1, 1940. |
| 319 | Cuch, James Doolittle | 325 | 4/4 | | 4/4 | M | 13 | Jan. 17, 1943. |
| 320 | Cuch, Howard Lee | 326 | 4/4 | | 4/4 | M | 10 | Mar. 13, 1945. |
| 321 | Cuch, Chauncey | 327 | 4/4 | | 4/4 | M | 63 | 1893. |
| 322 | Cuch, Victoria N. Washington | 328 | 4/4 | | 4/4 | F | 58 | 1898. |
| 323 | Cuch, Anita L. Washington | 383 | 4/4 | | 4/4 | F | 8 | Nov. 18, 1946. |
| 324 | Cuch, Curtis W | 329 | 4/4 | | 4/4 | M | 26 | Jan. 30, 1929. |
| 325 | Cuch, Geraldine Bush | 330 | 4/4 | | 4/4 | F | 20 | July 17, 1935. |
| 326 | Cuch, Doreen Edith | 331 | 4/4 | | 4/4 | F | 4 | Feb. 25, 1952. |
| 327 | Cuch, Ruth Ellen | 332 | 4/4 | | 4/4 | F | 2 | Apr. 30, 1953. |
| 328 | Cuch, Daniel | 333 | 4/4 | | 4/4 | M | 45 | Nov. 15, 1910. |
| 329 | Cuch, Cornelia Washington | 334 | 4/4 | | 4/4 | F | 31 | May 6, 1924. |
| 330 | Cuch, Allenia | 335 | 4/4 | | 4/4 | F | 10 | Jan. 10, 1946. |
| 331 | Cuch, Wilbert Wayne | 336 | 4/4 | | 4/4 | M | 7 | Jan. 8, 1949. |
| 332 | Cuch, Edwin | 337 | 4/4 | | 4/4 | M | 4 | July 23, 1951. |
| 333 | Cuch, Eli | 338 | 4/4 | | 4/4 | M | 65 | 1891. |
| 334 | Cuch, James Nebat | 339 | 4/4 | | 4/4 | M | 31 | Mar. 24, 1924. |
| 335 | Cuch, Nadine | 340 | 2/4 | 2/4 | 4/4 | F | 5 | Apr. 8, 1950. |
| 336 | Cuch, James Edmo | 341 | 2/4 | 2/4 | 4/4 | M | 3 | Jan. 12, 1953. |
| 337 | Cuch, Dennis | 382 | 2/4 | 2/4 | 4/4 | M | 1 | July 27, 1954. |
| 338 | Cuch, Rebecca Arrowchis | 342 | 4/4 | | 4/4 | F | 54 | 1902. |
| 339 | Cuch, Henry T | 343 | 4/4 | | 4/4 | M | 28 | June 28, 1927. |
| 340 | Cuch, Jasper W., Jr | 344 | 4/4 | | 4/4 | M | 25 | Apr. 17, 1930. |
| 341 | Cuch, Mildred Louise | 345 | 4/4 | | 4/4 | F | 21 | Nov. 2, 1934. |
| 342 | Cuch, Alice Nell | 346 | 4/4 | | 4/4 | F | 14 | Apr. 14, 1941. |
| 343 | Cuch, Jason | 347 | 4/4 | | 4/4 | M | 31 | Dec. 25, 1924. |
| 344 | Cuch, Josephine LaRose | 348 | 3/4 | | 3/4 | F | 39 | Apr. 28, 1916. |
| 345 | Cuch, Forrest S | 349 | 7/8 | | 7/8 | M | 4 | July 8, 1951. |
| 346 | Cuch, Jakey | 350 | 4/4 | | 4/4 | M | 53 | 1903. |
| 347 | Cuch, Alice Buscomb | 351 | 4/4 | | 4/4 | F | 54 | 1902. |
| 348 | Cuch, Marion Ray | 352 | 4/4 | | 4/4 | M | 29 | Aug. 21, 1926. |
| 349 | Cuch, Ruth Quinn | 353 | 4/4 | | 4/4 | F | 38 | July 25, 1917. |
| 350 | Cuch, Marion Theda | 354 | 4/4 | | 4/4 | F | 5 | May 18, 1950. |
| 351 | Cuch, Kathleen | 355 | 4/4 | | 4/4 | F | 4 | Apr. 4, 1951. |

FINAL ROLL—FULL BLOOD GROUP—Continued

| Final roll No. | Name | Proposed roll No. | Degree of blood | | | Sex | Age | Date of birth |
|---|---|---|---|---|---|---|---|---|
| | | | Ute | Other | Total | | | |
| 352 | Cuch, Janitta | 356 | 4/4 | | 4/4 | F | 3 | July 15, 1952. |
| 353 | Cuch, Dolly Rosaline | 357 | 4/4 | | 4/4 | F | 2 | Oct. 2, 1953. |
| 354 | Cuch, Nellie | 358 | 4/4 | | 4/4 | F | 76 | 1880. |
| 355 | Cuch, Nina | 359 | 4/4 | | 4/4 | F | 54 | June 22, 1903. |
| 356 | Cuch, Robert Lee | 360 | 4/4 | | 4/4 | M | 30 | June 8, 1925. |
| 357 | Cuch, Violet Mountain | 361 | 4/4 | | 4/4 | F | 23 | Nov. 15, 1931. |
| 358 | Cuch, Russell | 362 | 4/4 | | 4/4 | M | 41 | June 25, 1914. |
| 359 | Cuch, Newman R | 363 | 2/4 | 2/4 | 4/4 | M | 10 | Feb. 12, 1946. |
| 360 | Cuch, Sherwood | 364 | 2/4 | 2/4 | 4/4 | M | 7 | Aug. 30, 1948. |
| 361 | Cuch, Reginald Doyle | 365 | 2/4 | 2/4 | 4/4 | M | 5 | May 2, 1950. |
| 362 | Cuch, Lynn Mayette | 366 | 2/4 | 2/4 | 4/4 | M | 3 | Jan. 7, 1953. |
| 363 | Cuch, Vincent | 367 | 4/4 | | 4/4 | M | 36 | Dec. 16, 1918. |
| 364 | Cuch, Margaret Acciwanna | 368 | 4/4 | | 4/4 | F | 32 | Mar. 2, 1923. |
| 365 | Cuch, Eidra Nadine | 369 | 4/4 | | 4/4 | F | 12 | Feb. 18, 1944. |
| 366 | Cuch, Marilyn | 370 | 4/4 | | 4/4 | F | 10 | Sept. 8, 1945. |
| 367 | Cuch, Marvilla | 371 | 4/4 | | 4/4 | F | 8 | Aug. 4, 1947. |
| 368 | Cuch, Carlin D | 372 | 4/4 | | 4/4 | M | 6 | Oct. 25, 1949. |
| 369 | Cuch, Ruby Rebecca | 373 | 4/4 | | 4/4 | F | 4 | June 27, 1951. |
| 370 | Cuch, Aldric Ron | 374 | 4/4 | | 4/4 | M | 3 | Aug. 5, 1952. |
| 371 | Cuch, LouAnna K | 375 | 4/4 | | 4/4 | F | 2 | Nov. 8, 1953. |
| 372 | Cuch, Wilbur | 376 | 4/4 | | 4/4 | M | 33 | Nov. 7, 1921. |
| 373 | Cuch, Willard | 377 | 4/4 | | 4/4 | F | 6 | Sept. 1949. |
| 374 | Cuch, Orvilla | 378 | 4/4 | | 4/4 | F | 8 | Sept. 5, 1947. |
| 375 | Cuch, William | 379 | 4/4 | | 4/4 | M | 23 | July 23, 1932. |
| 376 | Cuch, Kenneth Ford | 380 | 4/4 | | 4/4 | M | 19 | Apr. 18, 1936. |
| 377 | Cuch, Stanley Charles | 381 | 4/4 | | 4/4 | M | 7 | Oct. 17, 1948. |
| 378 | Cuch, Delphina Joan | 384 | 4/4 | | 4/4 | F | 1 | July 31, 1954. |
| 379 | Daniels, Cleo Shavanaux | 385 | 3/4 | | 3/4 | F | 25 | June 19, 1930. |
| 380 | Denver, Beverley Ann | 386 | 9/16 | | 9/16 | F | 2 | Nov. 26, 1953. |
| 381 | DeRoe, Wilhelmina Wilson | 387 | 4/4 | | 4/4 | F | 53 | 1903. |
| 382 | Duncan, Ivan | 388 | 4/4 | | 4/4 | M | 43 | Aug. 30, 1912. |
| 383 | Duncan, Clara A. Chegup | 389 | 4/4 | | 4/4 | F | 44 | Jan. 15, 1912. |
| 384 | Duncan, Clifford Helm | 390 | 4/4 | | 4/4 | M | 22 | Apr. 10, 1933. |
| 385 | Duncan, Clinton | 391 | 4/4 | | 4/4 | M | 19 | Jan. 20, 1937. |
| 386 | Duncan, Madeline | 392 | 4/4 | | 4/4 | F | 16 | Mar. 3, 1939. |
| 387 | Duncan, Lillian Rose | 393 | 4/4 | | 4/4 | F | 14 | May 13, 1941. |
| 388 | Duncan, Delilah | 394 | 4/4 | | 4/4 | F | 12 | Apr. 19, 1943. |
| 389 | Duncan, Jeanette | 395 | 4/4 | | 4/4 | F | 10 | Apr. 15, 1945. |
| 390 | Duncan, Nettie | 396 | 4/4 | | 4/4 | F | 8 | Dec. 19, 1946. |
| 391 | Duncan, Luke James | 397 | 4/4 | | 4/4 | M | 5 | Mar. 14, 1950. |
| 392 | Duncan, Sally JoAnn | 398 | 4/4 | | 4/4 | F | 2 | Feb. 17, 1954. |
| 393 | Duncan, Ladora Faye | 399 | 4/4 | | 4/4 | F | 3 | Mar. 8, 1952. |
| 394 | Dushane, Edna Provo | 400 | 4/4 | | 4/4 | F | 38 | Sept. 9, 1916. |
| 395 | Dushane, Elwyn Leon | 401 | 2/4 | 2/4 | 4/4 | M | 17 | May 13, 1938. |
| 396 | Dushane, Edna Cloy | 402 | 2/4 | 2/4 | 4/4 | F | 16 | Jan. 26, 1940. |
| 397 | Dushane, Evadine Sarah | 403 | 2/4 | 2/4 | 4/4 | F | 13 | June 23, 1942. |
| 398 | Dushane, Jewel Kay | 404 | 2/4 | 2/4 | 4/4 | F | 11 | Apr. 1, 1944. |
| 399 | Dushane, Alfred Lynn | 405 | 2/4 | 2/4 | 4/4 | M | 10 | Jan. 1, 1946. |
| 400 | Ebenezer, Brian | 406 | 4/4 | | 4/4 | M | 64 | 1892. |
| 401 | Ebenezer, Charlotte Mt. Lion | 407 | 4/4 | | 4/4 | F | 48 | 1908. |
| 402 | Eddards, Mary Twohy | 408 | 4/4 | | 4/4 | F | 57 | 1899. |
| 403 | Fenno, Armvaroo | 410 | 4/4 | | 4/4 | F | 87 | 1869. |
| 404 | Frank, Willis G | 411 | 4/4 | | 4/4 | M | 38 | Aug. 16, 1917. |
| 405 | Frank, Alvina | 412 | 4/4 | | 4/4 | F | 17 | Aug. 23, 1938. |
| 406 | Garcia, Linda Kay | 413 | 4/4 | | 4/4 | F | 9 | May 29, 1946. |
| 407 | Garcia, Larry Milton | 414 | 2/4 | 2/4 | 4/4 | M | 8 | May 7, 1947. |
| 408 | Garcia, Judy | 415 | 2/4 | 2/4 | 4/4 | F | 6 | Aug. 17, 1949. |
| 409 | Garcia, JoHanna Joan | 416 | 2/4 | 2/4 | 4/4 | F | 4 | Apr. 25, 1951. |
| 410 | Gardner, Clarence | 417 | 4/4 | | 4/4 | M | 27 | May 3, 1928. |
| 411 | Gardner, Lorena | 1321 | 4/4 | | 4/4 | F | 26 | July 14, 1926. |
| 412 | Gardner, Ernest | 418 | 4/4 | | 4/4 | M | 8 | Sept. 3, 1947. |
| 413 | Gardner, Julia Tonner | 419 | 4/4 | | 4/4 | F | 65 | 1891. |
| 414 | Gardner, Lehi | 420 | 4/4 | | 4/4 | M | 61 | 1895. |
| 415 | Gardner, Audrey | 421 | 4/4 | | 4/4 | F | 17 | July 9, 1938. |
| 416 | Gardner, Lucinda | 422 | 4/4 | | 4/4 | F | 26 | Jan. 21, 1930. |
| 417 | Gardner, Victor | 423 | 4/4 | | 4/4 | M | 36 | Jan. 4, 1919. |
| 418 | Gardner, Emily Serawop | 424 | 4/4 | | 4/4 | F | 29 | Aug. 25, 1926. |
| 419 | Gardner, Estine | 425 | 4/4 | | 4/4 | F | 12 | Apr. 16, 1943. |
| 420 | Gardner, Willard Max | 426 | 4/4 | | 4/4 | M | 13 | May 24, 1942. |
| 421 | Gardner, Victor, Jr | 427 | 4/4 | | 4/4 | F | 6 | July 28, 1944. |
| 422 | Gardner, Victor, Jr | 428 | 4/4 | | 4/4 | M | 18 | Mar. 22, 1937. |
| 423 | Gardner, Gilbert Judd | 429 | 4/4 | | 4/4 | M | 16 | Jan. 20, 1939. |
| 424 | Gardner, Jonathan | 431 | 4/4 | | 4/4 | M | 4 | Sept. 22, 1951. |
| 425 | Gardner, Isobelle | 1320 | 4/4 | | 4/4 | F | 15 | Aug. 5, 1940. |
| 426 | Grant, Floyd | 432 | 4/4 | | 4/4 | M | 30 | June 5, 1925. |
| 427 | Grant, Emma Lou Johnson | 433 | 4/4 | | 4/4 | F | 27 | May 17, 1928. |
| 428 | Grant, Junius Dean | 434 | 4/4 | | 4/4 | M | 10 | Aug. 10, 1945. |
| 429 | Grant, Floydina June | 435 | 4/4 | | 4/4 | F | 12 | July 24, 1943. |



FINAL ROLL—FULL BLOOD GROUP—Continued

| Final roll No. | Name | Proposed roll No. | Degree of blood | | | Sex | Age | Date of birth |
|---|---|---|---|---|---|---|---|---|
| | | | Ute | Other | Total | | | |
| 430 | Grant, Herman | 436 | 4/4 | | 4/4 | M | 44 | 1912. |
| 431 | Grant, Violet Mart | 437 | 4/4 | | 4/4 | E1 | 31 | June 8, 1924. |
| 432 | Grant, Gloria Annette | 438 | 4/4 | | 4/4 | F | 13 | May 25, 1942. |
| 433 | Grant, Minnie Carol | 439 | 4/4 | | 4/4 | F | 2 | Dec. 12, 1953. |
| 434 | Grant, Kneale | 440 | 4/4 | | 4/4 | M | 40 | Oct. 16, 1915. |
| 435 | Grant, Ethel Wash | 441 | 4/4 | | 4/4 | F | 42 | Sept. 7, 1913. |
| 436 | Grant, Joan Wash | 442 | 4/4 | | 4/4 | F | 20 | Mar. 1, 1935. |
| 437 | Grant, Roberta K | 443 | 4/4 | | 4/4 | F | 19 | Oct. 10, 1936. |
| 438 | Grant, Morgan | 444 | 4/4 | | 4/4 | M | 40 | Apr. 2, 1909. |
| 439 | Grant, Hannah Louise | 445 | 4/4 | | 4/4 | F | 19 | Jan. 23, 1937. |
| 440 | Grant, Gerald | 446 | 4/4 | | 4/4 | M | 16 | Nov. 3, 1939. |
| 441 | Grant, Nancy Lee | 447 | 4/4 | | 4/4 | F | 13 | Apr. 21, 1942. |
| 442 | Grant, Ulysses S | 448 | 4/4 | | 4/4 | M | 66 | 1890. |
| 443 | Green, Nonie Marie Queenet | 449 | 4/4 | | 4/4 | F | 24 | Jan. 2, 1932. |
| 444 | Groves, Juanita Arrapoo | 450 | 3/4 | | 3/4 | F | 36 | Feb. 10, 1919. |
| 445 | Groves, Cyrus Christopher | 451 | 3/8 | 4/8 | 7/8 | M | 14 | Oct. 27, 1941. |
| 446 | Groves, Hubert Jay | 452 | 3/8 | 4/8 | 7/8 | M | 10 | July 16, 1945. |
| 447 | Groves, Roderick Lee | 453 | 3/8 | 4/8 | 7/8 | M | 9 | Feb. 27, 1947. |
| 448 | Groves, Merlyn Gay | 454 | 3/8 | 4/8 | 7/8 | F | 2 | Jan. 12, 1953. |
| 449 | Groves, Ronald Allen | 455 | 3/8 | 4/8 | 7/8 | M | 5 | Jan. 29, 1950. |
| 450 | Harvey, Shiela | 456 | 4/4 | | 4/4 | F | 4 | Aug. 26, 1951. |
| 451 | Hamilton, Janie Nick | 457 | 4/4 | | 4/4 | F | 52 | 1904. |
| 452 | Hamilton, LaDene Cesspooch | 458 | 7/8 | | 7/8 | F | 6 | May 27, 1949. |
| 453 | Lee, Daisy | 459 | 4/4 | | 4/4 | F | 80 | 1876. |
| 454 | Lee, Della Marie | 460 | 4/4 | | 4/4 | F | 18 | Oct. 8, 1937. |
| 455 | Lee, Michael Mort | 461 | 4/4 | | 4/4 | M | 3 | Apr. 22, 1952. |
| 456 | Lee, Dianna May | 462 | 4/4 | | 4/4 | F | 14 | July 28, 1941. |
| 457 | Lee, Partick | 463 | 4/4 | | 4/4 | M | 53 | 1903. |
| 458 | Lee, Leslie | 464 | 4/4 | | 4/4 | M | 22 | Mar. 25, 1933. |
| 459 | Ignacio, Carl | 465 | 4/4 | | 4/4 | M | 40 | May 25, 1915. |
| 460 | Ignacio, Alvin Carl* | M. B. 184 | 5/8 | | 5/8 | M | 14 | July 1, 1941. |
| 461 | Ignacio, Ronald* | M. B. 185 | 5/8 | | 5/8 | M | 10 | Mar. 29, 1945. |
| 462 | Ignacio, Carleen* | M. B. 186 | 5/8 | | 5/8 | F | 8 | Feb. 24, 1948. |
| 463 | Ignacio, Bruce* | M. B. 187 | 5/8 | | 5/8 | M | 4 | Aug. 19, 1951. |
| 464 | Ioupe, Winnie Arum | 467 | 4/4 | | 4/4 | F | 29 | Feb. 11, 1927. |
| 465 | Ioupe, Constance Rose | 466 | 4/4 | | 4/4 | F | 10 | Mar. 3, 1945. |
| 466 | Ioupe, Esabelle | 468 | 4/4 | | 4/4 | F | 2 | Dec. 29, 1953. |
| 467 | Ioupe, Dale E | 469 | 4/4 | | 4/4 | M | 11 | Feb. 14, 1945. |
| 468 | Ioupe, Angela Louise | 470 | 4/4 | | 4/4 | F | 8 | Apr. 27, 1947. |
| 469 | Ioupe, John Michael | 471 | 4/4 | | 4/4 | M | 6 | Oct. 28, 1949. |
| 470 | Ioupe, Ellnore Key | 472 | 4/4 | | 4/4 | F | 3 | Mar. 26, 1952. |
| 471 | Ioupe, John | 473 | 4/4 | | 4/4 | M | 27 | Aug. 17, 1928. |
| 472 | Ioupe, Phoebe Aiwine | 475 | 4/4 | | 4/4 | F | 17 | Apr. 27, 1938 |
| 473 | Ioupe, Joseph Lee Tapoof | 474 | 4/4 | | 4/4 | M | 6 | Jan. 14, 1950. |
| 474 | Ioupe, Louella Rosaline | 476 | 4/4 | | 4/4 | F | 1 | Mar. 18, 1954. |
| 475 | Jack, Happy No. 2 | 477 | 4/4 | | 4/4 | M | 66 | 1890. |
| 476 | Jack, Horace Tooley | 478 | 4/4 | | 4/4 | M | 55 | 1901. |
| 477 | Jack, May Ridley | 479 | 4/4 | | 4/4 | F | 51 | 1905. |
| 478 | Jack, Esther Naunutz | 480 | 4/4 | | 4/4 | F | 55 | 1901. |
| 479 | Jack, Jensen | 481 | 4/4 | | 4/4 | M | 28 | June 3, 1927. |
| 480 | Jack, Rose Cuch | 482 | 4/4 | | 4/4 | F | 31 | May 8, 1924. |
| 481 | Jack, Michael Washington | 483 | 4/4 | | 4/4 | M | 5 | Apr. 12, 1950. |
| 482 | Jack, Katie | 484 | 4/4 | | 4/4 | F | 71 | 1885. |
| 483 | Jack, Scott | 485 | 4/4 | | 4/4 | M | 53 | 1903. |
| 484 | Jack, Bessie Boliver | 486 | 4/4 | | 4/4 | F | 45 | 1911. |
| 485 | Jack, Roger | 487 | 4/4 | | 4/4 | M | 41 | June 3, 1914. |
| 486 | Jack, Esther Myore | 488 | 4/4 | | 4/4 | F | 30 | Feb. 11, 1926. |
| 487 | Jack, Gloria | 489 | 4/4 | | 4/4 | F | 7 | Oct. 12, 1948. |
| 488 | Jack, Luanne | 490 | 4/4 | | 4/4 | F | 5 | Apr. 6, 1950. |
| 489 | Jack, Glenn Dell | 491 | 4/4 | | 4/4 | M | 2 | July 17, 1952. |
| 490 | Jack, Ruberta | 492 | 4/4 | | 4/4 | F | 1 | June 6, 1954. |
| 491 | Jack, Eleanor Maxine | 493 | 4/4 | | 4/4 | F | 17 | Nov. 4, 1938. |
| 492 | Jack, Robert Lynn | 494 | 4/4 | | 4/4 | M | 15 | Mar. 21, 1940. |
| 493 | Jack, Deanna Dorine | 495 | 4/4 | | 4/4 | F | 13 | Jan. 23, 1942. |
| 494 | Jack, Charinda | 496 | 4/4 | | 4/4 | F | 12 | Oct. 15, 1943. |
| 495 | Jack, Larry Lawrence | 498 | 4/4 | | 4/4 | M | 16 | Mar. 15, 1939. |
| 496 | Jake, Mary Medicine Man | 497 | 4/4 | | 4/4 | F | 52 | 1904. |
| 497 | Jenkins, Milton | 499 | 4/4 | | 4/4 | M | 38 | Mar. 26, 1917. |
| 498 | Jenkins, Clara McKewan | 500 | 7/8 | | 7/8 | F | 21 | Aug. 18, 1934. |
| 499 | Jenkins, Johnnie | 501 | 15/16 | | 15/16 | M | 3 | June 3, 1952. |
| 500 | Jenkins, Melvin | 502 | 15/16 | | 15/16 | M | 1 | Mar. 18, 1954. |
| 501 | Jenkins, Annette | 503 | 4/4 | | 4/4 | F | 14 | June 19, 1941. |
| 502 | Jenkins, Waldo Budge | 504 | 4/4 | | 4/4 | M | 11 | June 14, 1944. |
| 503 | Jenkins, Arnel Bud | 505 | 4/4 | | 4/4 | M | 9 | Nov. 11, 1946. |
| 504 | Jenkins, Ronald Boyd | 506 | 4/4 | | 4/4 | M | 6 | June 28, 1949. |
| 505 | Jenks, Glenn | 507 | 4/4 | | 4/4 | M | 30 | July 4, 1925. |

FINAL ROLL—FULL BLOOD GROUP—Continued

| Final roll No. | Name | Proposed roll No. | Degree of blood | | | Sex | Age | Date of birth |
|---|---|---|---|---|---|---|---|---|
| | | | Ute | Other | Total | | | |
| 506 | Jenks, Lorna Serawop | 508 | 4/4 | | 4/4 | F | 22 | July 24, 1933 |
| 507 | Jenks, Glenna Ann | 509 | 4/4 | | 4/4 | F | 1 | May 18, 1954. |
| 508 | Jenks, Hazel | 510 | 4/4 | | 4/4 | F | 22 | Oct. —, 1933. |
| 509 | Jenks, Phillip | 511 | 4/4 | | 4/4 | M | 2 | July 28, 1953. |
| 510 | Jenks, Joyce | 512 | 4/4 | | 4/4 | F | 4 | Sept. 26, 1951. |
| 511 | Jenks, Hugh | 513 | 4/4 | | 4/4 | M | 30 | Apr. 5, 1925. |
| 512 | Jenks, Lawrence | 514 | 4/4 | | 4/4 | M | 50 | Oct. 28, 1905. |
| 513 | Jenks, Sarah Santio | 515 | 4/4 | | 4/4 | F | 51 | 1904. |
| 514 | Jenks, Stanley | 516 | 4/4 | | 4/4 | M | 19 | Feb. 8, 1937. |
| 515 | Jenks, Margaret Rose | 517 | 4/4 | | 4/4 | F | 16 | May 20, 1939. |
| 516 | Jenks, Alberta | 518 | 4/4 | | 4/4 | F | 11 | Mar. 9, 1944. |
| 517 | Jenks, Marvin | 519 | 4/4 | | 4/4 | M | 42 | Feb. 8, 1913. |
| 518 | Jenks, Jessie R. Wanna | 520 | 4/4 | | 4/4 | F | 38 | Oct. 5, 1917. |
| 519 | Jenks, Mary | 521 | 4/4 | | 4/4 | F | 18 | Apr. 19, 1937. |
| 520 | Jenks, Roger | 522 | 4/4 | | 4/4 | M | 17 | Jan. 20, 1939. |
| 521 | Jenks, Ernest Bounds | 523 | 4/4 | | 4/4 | M | 13 | Aug. 18, 1942. |
| 522 | Jenks, Raymond | 524 | 4/4 | | 4/4 | M | 10 | Feb. 22, 1946. |
| 523 | Jenks, Violet | 525 | 4/4 | | 4/4 | F | 8 | Feb. 23, 1948. |
| 524 | Jenks, Jason | 526 | 4/4 | | 4/4 | M | 4 | Apr. 16, 1950. |
| 525 | Jenks, Percy | 527 | 4/4 | | 4/4 | M | 4 | Dec. 19, 1951. |
| 526 | Jenks, Tom J | 528 | 4/4 | | 4/4 | M | 64 | 1892. |
| 527 | Jenks, Maude Tabbee | 529 | 4/4 | | 4/4 | F | 57 | 1897. |
| 528 | Jenks, Cecelia | 530 | 4/4 | | 4/4 | F | 18 | Apr. 20, 1937. |
| 529 | Jenks, Dorothy | 531 | 4/4 | | 4/4 | F | 15 | Mar. 26, 1940. |
| 530 | Jenks, Richard | 532 | 4/4 | | 4/4 | M | 20 | Jan. 1, 1936. |
| 531 | Jenks, Robert | 533 | 4/4 | | 4/4 | M | 24 | Apr. 19, 1931. |
| 532 | Jenks, Mary Opal S | 534 | 4/4 | | 4/4 | F | 31 | Oct. 15, 1924. |
| 533 | Jenks, Robert Michael | 535 | 4/4 | | 4/4 | M | 2 | Jan. 11, 1954. |
| 534 | Jim, Joe Bush | 536 | 4/4 | | 4/4 | M | 74 | 1880. |
| 535 | Jim, Donald | 537 | 4/4 | | 4/4 | M | 16 | May 27, 1939. |
| 536 | Jim, Marilyn | 538 | 4/4 | | 4/4 | F | 9 | Nov. 9, 1946. |
| 537 | Jim, Bernard | 539 | 4/4 | | 4/4 | M | 13 | Oct. 3, 1942. |
| 538 | Jim, Alberta Patricia | 540 | 4/4 | | 4/4 | F | 14 | Nov. 9, 1940. |
| 539 | Jim, Alonzo | 541 | 4/4 | | 4/4 | M | 8 | Apr. 30, 1947. |
| 540 | Jirop, Evangeline | 542 | 4/4 | | 4/4 | F | 65 | 1891. |
| 541 | John, Darland | 543 | 4/4 | | 4/4 | M | 32 | Mar. 27, 1923. |
| 542 | John, Long, Jr | 544 | 4/4 | | 4/4 | M | 54 | 1902. |
| 543 | Johnson, Myron | 545 | 4/4 | | 4/4 | M | 60 | 1896. |
| 544 | Johnson, Mamie Coperfield | 546 | 4/4 | | 4/4 | F | 59 | 1897. |
| 545 | Johnson, John Almond | 547 | 4/4 | | 4/4 | M | 20 | Mar. 5, 1935. |
| 546 | Johnson, Velman T | 548 | 4/4 | | 4/4 | M | 36 | Nov. 10, 1918. |
| 547 | Johnson, Nancy Oarnm | 549 | 4/4 | | 4/4 | F | 45 | 1911. |
| 548 | Johnson, Jack | 550 | 4/4 | | 4/4 | M | 82 | 1874. |
| 549 | Johnson, Orvil | 551 | 4/4 | | 4/4 | M | 58 | 1898. |
| 550 | Johnson, Gladys Perank | 552 | 4/4 | | 4/4 | F | 59 | 1897. |
| 551 | Johnson, Patricia Ann | 554 | 2/4 | 1/4 | 3/4 | F | 9 | Aug. 16, 1946. |
| 552 | Johnson, Roberta Marie | 553 | 2/4 | 1/4 | 3/4 | F | 5 | Mar. 15, 1950. |
| 553 | Johnson, Willard | 556 | 4/4 | | 4/4 | M | 13 | Mar. 9, 1942. |
| 554 | Jones, Helen Arrive | 557 | 4/4 | | 4/4 | F | 52 | 1904. |
| 555 | Katytogoov, Emma | 559 | 4/4 | | 4/4 | F | 76 | 1880. |
| 556 | Kanapatch, Terrocita | 560 | 3/4 | | 3/4 | F | 52 | 1904. |
| 557 | Kanip, Maude | 561 | 4/4 | | 4/4 | F | 51 | 1905. |
| 558 | Kanip, Antonio J | 562 | 4/4 | | 4/4 | M | 12 | Dec. 12, 1943. |
| 559 | Kanip, Geneva | 563 | 4/4 | | 4/4 | F | 8 | Mar. 28, 1947. |
| 560 | Kanip, Warren | 564 | 4/4 | | 4/4 | M | 34 | Dec. 29, 1921. |
| 561 | Kanip, Louise Streech | 565 | 7/8 | | 7/8 | F | 25 | Aug. 22, 1930. |
| 562 | Kochampanasken, Harry | 566 | 4/4 | | 4/4 | M | 67 | 1889. |
| 563 | Kochampanasken, Ingrid Louise | 567 | 4/4 | | 4/4 | F | 8 | Mar. 9, 1947. |
| 564 | Kockampanasken, Ralph | 568 | 4/4 | | 4/4 | M | 54 | 1902. |
| 565 | Kurip, Lester | 569 | 4/4 | | 4/4 | M | 66 | 1890. |
| 566 | Kurip, Maggie Wyasket | 570 | 4/4 | | 4/4 | F | 55 | 1901. |
| 567 | Kurip, Ella | 571 | 4/4 | | 4/4 | F | 22 | Jan. 21, 1934. |
| 568 | Kurip, Roger | 572 | 4/4 | | 4/4 | M | 26 | June 1929. |
| 569 | LaRose, Stella Chapoose | 574 | 4/4 | | 4/4 | F | 69 | 1897. |
| 570 | LaRose, Milton, Jr | 575 | 3/4 | | 3/4 | M | 34 | June 24, 1921. |
| 571 | LaRose, Frank | 576 | 3/4 | | 3/4 | M | 31 | Sept. 17, 1924. |
| 572 | LaRose, Mary E. Root | 577 | 4/4 | | 4/4 | F | 17 | Aug. 27, 1938. |
| 573 | LaRose, Sharen Mary | 578 | 7/8 | | 7/8 | F | 2 | Aug. 16, 1953. |
| 574 | LaRose, Jimmy, Jr | 579 | 3/4 | | 3/4 | M | 22 | May 25, 1933. |
| 575 | LaRose, Lupe Marie | 580 | 3/4 | | 3/4 | F | 21 | Dec. 10, 1934. |
| 576 | LaRose, Norma

FINAL ROLL—FULL BLOOD GROUP—Continued

| Final roll No. | Name | Proposed roll No. | Degree of blood | | | Sex | Age | Date of birth |
|---|---|---|---|---|---|---|---|---|
| | | | Ute | Other | Total | | | |
| 584 | Lee, Alice K. Derawop | 590 | 4/4 | ------- | 4/4 | F | 23 | Oct. 18, 1932. |
| 585 | Lee, Orvil Erick | 591 | 2/4 | 2/4 | 4/4 | M | 5 | June 15, 1950. |
| 586 | Lee, Douglas | 592 | 2/4 | 2/4 | 4/4 | M | 3 | Apr. 10, 1952. |
| 587 | Lee, Aldora | 593 | 2/4 | 2/4 | 4/4 | F | 2 | Sept. 21, 1953. |
| 588 | Lincoln, Martha Tavlan | 594 | 4/4 | ------- | 4/4 | F | 103 | 1848. |
| 589 | LoneBeer, Fred | 595 | 4/4 | ------- | 4/4 | M | 31 | Oct. 16, 1924. |
| 590 | LoneBear, Edwin Fred | 596 | 4/4 | ------- | 4/4 | M | 11 | July 21, 1944. |
| 591 | LoneBear, Beverly | 597 | 4/4 | ------- | 4/4 | F | 9 | Oct. 15, 1946. |
| 592 | LoneBear, Paul | 598 | 4/4 | ------- | 4/4 | M | 33 | Mar. 14, 1922. |
| 593 | LoneBear, Curtis Dean | 599 | 4/4 | ------- | 4/4 | M | 2 | Feb. 3, 1953. |
| 594 | Loney, Louis F | 600 | 4/4 | ------- | 4/4 | M | 54 | 1902. |
| 595 | Loney, Inez Ice Apporas | 601 | 4/4 | ------- | 4/4 | F | 43 | Aug. 17, 1912. |
| 596 | Loney, Gene Louis | 602 | 4/4 | ------- | 4/4 | M | 15 | Nov. 3, 1940. |
| 597 | Loney, Drusilla | 603 | 4/4 | ------- | 4/4 | F | 11 | Oct. 5, 1944. |
| 598 | Loney, Lyman | 604 | 4/4 | ------- | 4/4 | M | 7 | Sept. 6, 1948. |
| 599 | Loney, Glenn | 605 | 4/4 | ------- | 4/4 | M | 25 | Aug. 28, 1930. |
| 600 | Longhair, Harry Todd | 606 | 4/4 | ------- | 4/4 | M | 32 | Dec. 18, 1923. |
| 601 | Longhair, Carmelita | 607 | 4/4 | ------- | 4/4 | F | 12 | June 15, 1943. |
| 602 | Longhair, Alvin James | 608 | 4/4 | ------- | 4/4 | M | 11 | Aug. 20, 1944. |
| 603 | Longhair, Alta Mae | 609 | 4/4 | ------- | 4/4 | F | 16 | Jan. 27, 1941. |
| 604 | Longhair, Clayson | 610 | 4/4 | ------- | 4/4 | M | 3 | Mar. 6, 1952. |
| 605 | Longhair, LeRoy | 611 | 4/4 | ------- | 4/4 | M | 29 | June 9, 1926. |
| [illegible] | Longhair, Judd | 612 | 4/4 | ------- | 4/4 | M | 21 | Nov. 25, 1934. |
| 607 | Lopez, Clarice Cuch | 613 | 4/4 | ------- | 4/4 | F | 19 | Nov. 17, 1936. |
| 608 | Lopez, Nadine Nick | 614 | 2/4 | 2/4 | 4/4 | F | 2 | May 3, 1955. |
| 609 | Lucero, Margaret Queacut | 615 | 4/4 | ------- | 4/4 | F | 20 | Apr. 14, 1935. |
| 610 | Macheaveant | 616 | 4/4 | ------- | 4/4 | F | 87 | 1869. |
| 611 | Macheaveant, Edgar | 617 | 4/4 | ------- | 4/4 | M | 57 | 1899. |
| 612 | Manning, Albert | 618 | 4/4 | ------- | 4/4 | M | 20 | June 14, 1935. |
| 613 | Manning, Ferdinand, Jr | 619 | 4/4 | ------- | 4/4 | M | 26 | Oct. 12, 1929. |
| 614 | Manning, Frances Chegup | 620 | 4/4 | ------- | 4/4 | F | 23 | Feb. 13, 1933. |
| 615 | Manning, Marguerita | 621 | 4/4 | ------- | 4/4 | F | 42 | Feb. 26, 1913. |
| 616 | Manning, Ferdinand, Sr | 622 | 4/4 | ------- | 4/4 | M | 53 | 1903. |
| 617 | Manning, Annie Ice Cornpeach | 623 | 4/4 | ------- | 4/4 | F | 29 | Oct. 21, 1926. |
| 618 | Manning, Clifton | 624 | 4/4 | ------- | 4/4 | M | 9 | Dec. 9, 1946. |
| 619 | Manning, Earl Wayne | 625 | 4/4 | ------- | 4/4 | M | 7 | Jan. 28, 1949. |
| 620 | Manning, Eleanore | 626 | 4/4 | ------- | 4/4 | F | 3 | Aug. 24, 1950. |
| 621 | Mart, Al Smith | 627 | 4/4 | ------- | 4/4 | M | 22 | July 26, 1932. |
| 622 | Mart, Felix Alton | 628 | 4/4 | ------- | 4/4 | M | 25 | Apr. 12, 1930. |
| 623 | Mart, Nellie Jolean | 629 | 4/4 | ------- | 4/4 | F | 15 | July 10, 1940. |
| 624 | Martinez, Hattie Serawop | 630 | 4/4 | ------- | 4/4 | F | 26 | June 3, 1929. |
| 625 | Martinez, Kathleen | 631 | 2/4 | 2/4 | 4/4 | F | 7 | Aug. 20, 1948. |
| 626 | Martinez, Raymond | 632 | 2/4 | 2/4 | 4/4 | M | 5 | June 27, 1950. |
| 627 | Martinez, Merlin | 634 | 2/4 | 2/4 | 4/4 | M | 3 | July 16, 1952. |
| 628 | Martinez, Gerald | 633 | 2/4 | 2/4 | 4/4 | M | 16 | Nov. 12, 1939. |
| 629 | Martinez, Matilda | 635 | 2/4 | 2/4 | 4/4 | F | 3 | May 18, 1952. |
| 630 | Martinez, Madeline Carol | 636 | 2/4 | 2/4 | 4/4 | F | 13 | Nov. 2, 1942. |
| 631 | May, Tommy Dolan | 637 | 2/4 | 2/4 | 4/4 | M | 7 | May 28, 1948. |
| 632 | May, Linda May | 638 | 2/4 | 2/4 | 4/4 | F | 5 | Nov. 12, 1950. |
| 633 | McAdams, Ethel Tom | 639 | 4/4 | ------- | 4/4 | F | 26 | Aug. 15, 1928. |
| 634 | McCook, Frederick | 640 | 4/4 | ------- | 4/4 | M | 25 | June 10, 1930. |
| 635 | McCook, Franklin | 641 | 4/4 | ------- | 4/4 | M | 32 | Mar. 28, 1923. |
| 636 | McCook, Thelma Jane | 642 | 4/4 | ------- | 4/4 | F | 31 | Jan. 25, 1925. |
| 637 | McCook, Glenda Ann | 643 | 4/4 | ------- | 4/4 | F | 11 | Jan. 7, 1945. |
| 638 | McCook, James Franklin | 644 | 4/4 | ------- | 4/4 | M | 9 | Sept. 30, 1946. |
| 639 | McCook, Lynda Joyce | 645 | 4/4 | ------- | 4/4 | F | 5 | Dec. 11, 1950. |
| 640 | McCook, Kenneth J | 646 | 4/4 | ------- | 4/4 | M | 2 | Dec. 25, 1953. |
| 641 | McCook, Ouray | 647 | 4/4 | ------- | 4/4 | M | 38 | Mar. 23, 1917. |
| 642 | McCook, Georgina J. Williams | 648 | 4/4 | ------- | 4/4 | F | 36 | Nov. 27, 1919. |
| 643 | McCook, Floyd | 649 | 4/4 | ------- | 4/4 | M | 17 | May 5, 1938. |
| 644 | McCook, Orvid Roland | 650 | 4/4 | ------- | 4/4 | M | 14 | June 28, 1941. |
| 645 | McCook, Dianne | 651 | 4/4 | ------- | 4/4 | F | 12 | Mar. 19, 1943. |
| 646 | McCook, Stanford | 652 | 4/4 | ------- | 4/4 | M | 5 | Nov. 2, 1950. |
| 647 | McCook, Boyd | 653 | 4/4 | ------- | 4/4 | M | 8 | Aug. 23, 1947. |
| 648 | McCook, Loren Owen | 654 | 4/4 | ------- | 4/4 | M | 4 | Jan. 16, 1952. |
| 649 | McCook, Chipeta | 655 | 4/4 | ------- | 4/4 | F | 2 | Oct. 11, 1953. |
| 650 | McCook, LaFayette | 656 | 4/4 | ------- | 4/4 | M | 19 | Aug. 17, 1936. |
| 651 | McCook, Larry | 657 | 4/4 | ------- | 4/4 | M | 10 | Aug. 2, 1945. |
| 652 | McCook, Randolph Lee | 658 | 15/16 | ------- | 15/16 | M | 12 | Sept. 7, 1943. |
| 653 | McCurdy, Etta Parank | 659 | 4/4 | ------- | 4/4 | F | 38 | Jan. 11, 1918. |
| 654 | McKewan, Rosie Mae | 660 | 7/8 | ------- | 7/8 | F | 15 | Jan. 18, 1941. |
| 655 | McKewan, Bernice Berhemia | 661 | 15/16 | ------- | 15/16 | F | 19 | Mar. 24, 1936. |
| 656 | McKewan, Charley | 662 | 4/4 | ------- | 4/4 | M | 32 | 1904. |
| 657 | McKewan, Jackie | 663 | 4/4 | ------- | 4/4 | M | 18 | Dec. 25, 1937. |
| 658 | McKewan, Richard | 664 | 7/8 | ------- | 7/8 | M | 23 | May 15, 1932. |
| 659 | McKewan, Dick | 665 | 4/4 | ------- | 4/4 | M | 56 | 1900. |
| 660 | McKewan, Katy Kanapatch | 666 | 3/4 | ------- | 3/4 | F | 47 | Jan. 21, 1909. |

FINAL ROLL—FULL BLOOD GROUP—Continued

| Final roll No. | Name | Proposed roll No. | Degree of blood | | | Sex | Age | Date of birth |
|---|---|---|---|---|---|---|---|---|
| | | | Ute | Other | Total | | | |
| 661 | McKewan, Kathleen | 667 | 7/8 | ------- | 7/8 | F | 17 | Nov. 4, 1938. |
| 662 | McKewan, Frederick | 668 | 7/8 | ------- | 7/8 | M | 10 | Dec. 8, 1945. |
| 663 | McKewan, Gardenia | 669 | 7/8 | ------- | 7/8 | F | 8 | Sept. 29, 1947. |
| 664 | McKewan, Elaine Jane | 670 | 4/4 | ------- | 4/4 | F | 1 | July 10, 1951. |
| 665 | McKewan, Mary L. Wamlore | 1323 | 4/4 | ------- | 4/4 | F | 47 | July 15, 1908. |
| 666 | McKinley, Francis | 671 | 4/4 | ------- | 4/4 | M | 35 | Nov. 19, 1920. |
| 667 | McKinley, Frances Cesspooch | 672 | 7/8 | ------- | 7/8 | F | 21 | Sept. 30, 1934. |
| 668 | McKinley, Julienne Rita | 673 | 15/16 | ------- | 15/16 | F | 2 | Feb. 27, 1954. |
| 669 | Mescal, Goodrow Allen* | M. B. 260 | 2/4 | 2/4 | 4/4 | M | 3 | Feb. 2, 1952. |
| 670 | Mianna, Harvey | 674 | 4/4 | ------- | 4/4 | M | 58 | 1898. |
| 671 | Mills, Ethel Tapoof | 675 | 4/4 | ------- | 4/4 | F | 32 | Sept. 17, 1923. |
| 672 | Mills, Marguerita Cesspooch | 676 | 3/4 | ------- | 3/4 | F | 55 | 1901. |
| 673 | Mills, Lorna Kay | 677 | 2/4 | 2/4 | 4/4 | F | 3 | Sept. 22, 1952. |
| 674 | Mills, Delphina Rose | 678 | 2/4 | 2/4 | 4/4 | F | 1 | July 22, 1954. |
| 675 | Miller, Duane Gene | 679 | 2/4 | 2/4 | 4/4 | M | 18 | July 17, 1937. |
| 676 | Miller, LeRoy | 680 | 2/4 | 2/4 | 4/4 | M | 13 | Aug. 6, 1942. |
| 677 | Miller, Marion | 681 | 2/4 | 2/4 | 4/4 | F | 17 | Feb. 26, 1939. |
| 678 | Montes, Rozalia | 682 | 5/8 | ------- | 5/8 | F | 19 | May 30, 1936. |
| 679 | Montes, Linda Louise | 683 | 4/4 | ------- | 4/4 | F | 1 | Mar. 10, 1954. |
| 680 | Mountain, Ben T | 684 | 4/4 | ------- | 4/4 | M | 44 | Apr. 11, 1911. |
| 681 | Mountain, Carrie Yump | 685 | 4/4 | ------- | 4/4 | F | 46 | Apr. 15, 1908. |
| 682 | Mountain, Joshua M | 686 | 4/4 | ------- | 4/4 | M | 76 | 1880. |
| [illegible] | Mountain, Jubal | 687 | 4/4 | ------- | 4/4 | M | 19 | Oct. 10, 1906. |
| 684 | Mountain, Sarah Colorow | 688 | 4/4 | ------- | 4/4 | F | 15 | May 15, 1940. |
| 685 | Mountain, Leila | 689 | 4/4 | ------- | 4/4 | F | 17 | Sept. 14, 1938. |
| 686 | Mountain, Richard | 690 | 4/4 | ------- | 4/4 | M | 12 | Oct. 21, 1943. |
| 687 | Mountain, Sylvia Rose | 691 | 4/4 | ------- | 4/4 | F | 19 | Apr. 2, 1946. |
| 688 | Mountain, Arlene | 692 | 4/4 | ------- | 4/4 | F | 22 | Jan. 9, 1934. |
| 689 | Mt. Lion, Arthur | 693 | 4/4 | ------- | 4/4 | M | 27 | Nov. 30, 1928. |
| 690 | Mt. Lion, Frances Ankerpont | 694 | 3/4 | ------- | 3/4 | F | 32 | Jan. 15, 1922. |
| 691 | Mt. Lion, Rose Marie | 695 | 7/8 | ------- | 7/8 | F | 2 | Feb. 19, 1954. |
| 692 | Mt. Lion, Lester | 696 | 4/4 | ------- | 4/4 | M | 29 | Mar. 12, 1926. |
| 693 | Mt. Lion, Neva Colorow | 697 | 7/8 | ------- | 7/8 | F | 26 | Feb. 12, 1930. |
| 694 | Mt. Lion, Anna Joelyn | 698 | 15/16 | ------- | 15/16 | F | 9 | June 10, 1946. |
| 695 | Mt. Lion, Arthur, Jr | 699 | 15/16 | ------- | 15/16 | M | 7 | Apr. 15, 1948. |
| 696 | Mt. Lion, Gerald | 700 | 15/16 | ------- | 15/16 | M | 5 | Oct. 25, 1950. |
| 697 | Mt. Lion, Dorothy Cuch | 701 | 4/4 | ------- | 4/4 | F | 22 | Nov. 5, 1933. |
| 698 | Mt. Lion, Flora | 702 | 3/4 | ------- | 3/4 | F | 5 | Dec. 3, 1950. |
| 699 | Mt. Sheep, Pete | 703 | 4/4 | ------- | 4/4 | M | 42 | May 1, 1913. |
| 700 | Mowchean, Speers L | 704 | 4/4 | ------- | 4/4 | M | 60 | 1896. |
| 701 | Mowchean, Henrietta Seekits | 705 | 4/4 | ------- | 4/4 | F | 43 | Oct. —, 1912. |
| 702 | Mowchean, Virginia | 706 | 4/4 | ------- | 4/4 | F | 19 | Aug. 20, 1936. |
| 703 | Murphy, Bessie Pantaloon | 707 | 4/4 | ------- | 4/4 | F | 28 | Jan. 31, 1928. |
| 704 | Murphy, Robert Bryan | 708 | 2/4 | 1/4 | 3/4 | M | 2 | Nov. 13, 1953. |
| 705 | Murphy, Harley Wilson* | M. B. 300 | 2/4 | 1/4 | 3/4 | M | 10 | July 31, 1945. |
| 706 | Murray, Dora Wanzitz | 709 | 7/8 | ------- | 7/8 | F | 34 | Mar. 7, 1921. |
| 707 | Murray, Benjamin Harris | 710 | 11/16 | ------- | 11/16 | M | 5 | June 25, 1950. |
| 708 | Murray, Gregory Allen | 711 | 11/16 | ------- | 11/16 | M | 2 | Dec. 25, 1953. |
| 709 | Murray, Mary M. LaRose | 712 | 3/4 | ------- | 3/4 | F | 41 | May 9, 1914. |
| 710 | Murray, Raymond | 713 | 5/8 | ------- | 5/8 | M | 18 | Mar. 27, 1937. |
| 711 | Murray, Bonnie May | 714 | 5/8 | ------- | 5/8 | F | 17 | Dec. 29, 1938. |
| 712 | Murray, Julius Rex | 715 | 5/8 | ------- | 5/8 | M | 15 | Sept. 18, 1940. |
| 713 | Murray, James | 716 | 5/8 | ------- | 5/8 | M | 13 | Sept. 13, 1942. |
| 714 | Murray, Larry Dennis | 717 | 5/8 | ------- | 5/8 | M | 11 | July 27, 1944. |
| 715 | Murray, Rosemary | 718 | 5/8 | ------- | 5/8 | F | 9 | Aug. 24, 1946. |
| 716 | Murray, Constance Ell | 719 | 5/8 | ------- | 5/8 | F | 6 | Jan. 24, 1950. |
| 717 | Murray, Franklin R | 720 | 5/8 | ------- | 5/8 | M | 22 | Mar. 8, 1933. |
| 718 | Myore, Frank | 721 | 4/4 | ------- | 4/4 | M | 29 | June 26, 1927. |
| 719 | Myore, Helen Brock | 722 | 4/4 | ------- | 4/4 | F | 19 | June 21, 1936. |
| 720 | Myore, Sandra Kay | 723 | 7/8 | ------- | 7/8 | F | 10 | Apr. 27, 1945. |
| 721 | Myore, Franklin | 724 | 7/8 | ------- | 7/8 | M | 9 | Feb. 16, 1947. |
| 722 | Myore, Irene | 725 | 7/8 | ------- | 7/8 | F | 6 | Sept. 27, 1949. |
| 723 | Myore, Henry | 726 | 4/4 | ------- | 4/4 | M | 59 | 1888. |
| 724 | Myore, Eliza Arrapoo | 727 | 4/4 | ------- | 4/4 | F | 59 | 1897. |
| 725 | Myore, Eva | 728 | 4/4 | ------- | 4/4 | F | 24 | Sept. 9, 1931. |
| 726 | Myore, Joan JoAnn | 729 | 4/4 | ------- | 4/4 | F | 3 | Jan. 14, 1953. |
| 727 | Myore, Rosie | 730 | 4/4 | ------- | 4/4 | F | 15 | Sept. 5, 1940. |
| 728 | Myore, Kline | 731 | 4/4 | ------- | 4/4 | M | 21 | July 7, 1934. |
| 729 | Myore, Zoe Tabbee | 732 | 4/4 | ------- | 4/4 | F | 31 | Sept. 17, 1924. |
| 730 | Myore, Danny Kay | 733 | 4/4 | ------- | 4/4 | M | 2 | Nov. 16, 1953. |
| 731 | Myore, John T | 734 | 4/4 | ------- | 4/4 | M | 66 | 1890. |
| 732 | Myore, Virginia | 735 | 4/4 | ------- | 4/4 | F | 35 | Dec. 25, 1920. |
| 733 | Myore, Roxy Kay | 736 | 4/8 | 1/8 | 5/8 | F | 4 | Nov. 25, 1951. |
| 734 | Myore, William B | 737 | 4/4 | ------- | 4/4 | M | 36 | Sept. 11, 1919. |
| 735 | Myore, Blanche F. Wero | 738 | 4/4 | ------- | 4/4 | F | 25 | Jan. 3, 1931. |
| 736 | Myore, Alloin | 739 | 4/4 | ------- | 4/4 | M | 6 | Apr. 1, 1949. |

*Mixed blood members transferred to full blood roll by approved appeal.



FINAL ROLL—FULL BLOOD GROUP—Continued

| Final roll No. | Name | Proposed roll No. | Degree of blood | | | Sex | Age | Date of birth |
|---|---|---|---|---|---|---|---|---|
| | | | Ute | Other | Total | | | |
| 737 | Myore, ReNae | 740 | 4/4 | ------- | 4/4 | F | 7 | Mar. 2, 1948. |
| 738 | Myore, Mannuel | 741 | 4/4 | ------- | 4/4 | M | 2 | Feb. 4, 1953. |
| 739 | Myore, Rozalia Helen | 742 | 4/4 | ------- | 4/4 | F | 1 | Aug. 15, 1953. |
| 740 | Myore, Tyron Max | 743 | 4/4 | ------- | 4/4 | M | 6 | Nov. 2, 1949. |
| 741 | Myore, Madeline June | 744 | 4/4 | ------- | 4/4 | F | 11 | June 20, 1944. |
| 742 | Myore, Marilyn | 745 | 4/4 | ------- | 4/4 | F | 12 | Feb. 2, 1944. |
| 743 | Nannatz, Geoffery | 746 | 4/4 | ------- | 4/4 | M | 75 | 1881. |
| 744 | Nannatz, Minnie Tonegats | 747 | 4/4 | ------- | 4/4 | F | 49 | Oct. 5, 1907. |
| 745 | Nannatz, Frieda | 748 | 4/4 | ------- | 4/4 | F | 13 | July 24, 1942. |
| 746 | Nannatz, Ezolda | 749 | 4/4 | ------- | 4/4 | F | 26 | July 5, 1929. |
| 747 | Nannatz, Alfred Leon | 750 | 2/4 | 1/4 | 3/4 | M | 1 | June 4, 1954. |
| 748 | Nannatz, Mary Sue | 751 | 4/4 | ------- | 4/4 | F | 21 | Dec. 22, 1934. |
| 749 | Narnajo, Bessie Arrum | 752 | 4/4 | ------- | 4/4 | F | 58 | 1898. |
| 750 | Natchees, Edward | 753 | 4/4 | ------- | 4/4 | M | 60 | 1896. |
| 751 | Natchees, Vera Loney | 754 | 4/4 | ------- | 4/4 | F | 58 | 1898. |
| 752 | Natchees, Sarah | 755 | 4/4 | ------- | 4/4 | F | 34 | May 31, 1921. |
| 753 | Natchees, Maggie | 756 | 4/4 | ------- | 4/4 | F | 31 | Dec. 13, 1924. |
| 754 | Natchees, Violet Marie | 757 | 4/4 | ------- | 4/4 | F | 22 | Sept. 19, 1933. |
| 755 | Natchees, Sandra M. Brown | 758 | 2/4 | 2/4 | 4/4 | F | 9 | May 3, 1946. |
| 756 | Natchees, Harvey | 759 | 4/4 | ------- | 4/4 | M | 36 | May 26, 1919. |
| 757 | Natchees, Clara Areep | 760 | 4/4 | ------- | 4/4 | F | 33 | July 24, 1922. |
| 758 | Natchees, Millicent Maxine | 761 | 4/4 | ------- | 4/4 | F | 12 | Apr. 2, 1943. |
| 759 | Natchees, Amanda Marie | 762 | 4/4 | ------- | 4/4 | F | 1 | Apr. 5, 1954. |
| 760 | Navanick, George | 763 | 4/4 | ------- | 4/4 | M | 32 | Oct. 19, 1923. |
| 761 | Navanick, Evelyn Jane Brock | 764 | 4/4 | ------- | 4/4 | F | 18 | Dec. 14, 1937. |
| 762 | Navanick, Leon | 765 | 4/4 | ------- | 4/4 | M | 11 | Sept. 20, 1944. |
| 763 | Navanick, Donna Rozalda | 766 | 4/4 | ------- | 4/4 | F | 9 | Nov. 23, 1945. |
| 764 | Navanick, Blake | 767 | 4/4 | ------- | 4/4 | M | 7 | Sept. 23, 1948. |
| 765 | Navanick, Lorraine | 768 | 4/4 | ------- | 4/4 | F | 6 | Dec. 25, 1949. |
| 766 | Navanick, Dorothy Faye | 769 | 4/4 | ------- | 4/4 | F | 29 | May 7, 1926. |
| 767 | Navanick, Virgil | 770 | 4/4 | ------- | 4/4 | M | 35 | Nov. 21, 1920. |
| 768 | Navanick, Genevieve Williams | 771 | 4/4 | ------- | 4/4 | F | 34 | Sept. 5, 1921. |
| 769 | Navanick, Barbara | 772 | 4/4 | ------- | 4/4 | F | 14 | Oct. 24, 1941. |
| 770 | Navanick, Wendall | 773 | 4/4 | ------- | 4/4 | M | 11 | Aug. 12, 1948. |
| 771 | Navanick, Patsy Kay | 774 | 4/4 | ------- | 4/4 | F | 8 | Apr. 8, 1947. |
| 772 | Navanick, Lee Michael | 775 | 4/4 | ------- | 4/4 | M | 5 | Apr. 20, 1950. |
| 773 | Navanick, Roland | 776 | 4/4 | ------- | 4/4 | M | 4 | May 30, 1951. |
| 774 | Navanick, Yolanda | 777 | 4/4 | ------- | 4/4 | F | 3 | July 24, 1952. |
| 775 | Nephi, Fernando | 778 | 4/4 | ------- | 4/4 | M | 36 | Dec. 1, 1919. |
| 776 | Nephi, Darlene Pasecho | 779 | 4/4 | ------- | 4/4 | F | 32 | Mar. 26, 1923. |
| 777 | Nephi, Georgina | 780 | 4/4 | ------- | 4/4 | F | 16 | Feb. 22, 1939. |
| 778 | Nephi, Phyllis Marie | 781 | 4/4 | ------- | 4/4 | F | 15 | May 25, 1940. |
| 779 | Nephi, Fernando, Jr | 782 | 4/4 | ------- | 4/4 | M | 10 | Feb. 16, 1946. |
| 780 | Nephi, Robert | 783 | 4/4 | ------- | 4/4 | M | 14 | Mar. 28, 1941. |
| 781 | Nephi, Leland Max | 784 | 4/4 | ------- | 4/4 | M | 8 | Sept. 10, 1947. |
| 782 | Nephi, Laura | 785 | 4/4 | ------- | 4/4 | F | 26 | Apr. 24, 1929. |
| 783 | Nephi, Pauline | 786 | 4/4 | ------- | 4/4 | F | 6 | Jan. 24, 1949. |
| 784 | Nephi, Lonnie Seaton | 787 | 4/4 | ------- | 4/4 | M | 6 | Jan. 28, 1950. |
| 785 | Nephi, LeRoy | 788 | 4/4 | ------- | 4/4 | M | 21 | May 2, 1934. |
| 786 | Nephi, Robert LeRoy | 789 | 4/4 | ------- | 4/4 | M | 2 | May 10, 1953. |
| 787 | Nephi, Phillip | 790 | 4/4 | ------- | 4/4 | M | 16 | Sept. 10, 1939. |
| 788 | Nephi, Rudolph | 791 | 4/4 | ------- | 4/4 | M | 25 | June 20, 1930. |
| 789 | Nephi, Madgelene Williams | 792 | 4/4 | ------- | 4/4 | F | 23 | Feb. 19, 1932. |
| 790 | Nephi, Roderick Allen | 793 | 4/4 | ------- | 4/4 | M | 5 | Aug. 31, 1950. |
| 791 | Nephi, Carolee | 794 | 4/4 | ------- | 4/4 | F | 3 | May 4, 1952. |
| 792 | Nephi, Ruth Pauline | 795 | 4/4 | ------- | 4/4 | F | 22 | Dec. 25, 1932. |
| 793 | Nephi, Whitney | 796 | 4/4 | ------- | 4/4 | M | 2 | Dec. 21, 1953. |
| 794 | Nephi, Ivan James | 797 | 4/4 | ------- | 4/4 | M | 2 | Feb. 11, 1954. |
| 795 | Nez, Nevat Wyasket | 798 | 4/4 | ------- | 4/4 | F | 23 | Feb. — 1933. |
| 796 | Nez, Alice Jane | 799 | 2/4 | 2/4 | 4/4 | F | 5 | May 1, 1950. |
| 797 | Nez, Susie Bego | 800 | 2/4 | 2/4 | 4/4 | F | 4 | June 27, 1951. |
| 798 | Nez, Bobby Neal | 801 | 2/4 | 2/4 | 4/4 | M | 2 | Apr. 25, 1953. |
| 799 | Nick, Alice Louise | 802 | 4/4 | ------- | 4/4 | F | 20 | July 18, 1935. |
| 800 | Nick, Floyd | 803 | 4/4 | ------- | 4/4 | M | 22 | Feb. 2, 1934. |
| 801 | Nick, John Harper | 804 | 4/4 | ------- | 4/4 | M | 61 | 1895. |
| 802 | Nick, John | 805 | 4/4 | ------- | 4/4 | M | 53 | 1903. |
| 803 | Nick, Eva Nell | 806 | 4/4 | ------- | 4/4 | F | 13 | July 13, 1942. |
| 804 | Nick, Otis | 807 | 4/4 | ------- | 4/4 | M | 11 | Oct. 28, 1944. |
| 805 | Nick, Nancy Lee | 808 | 4/4 | ------- | 4/4 | F | 18 | Dec. 24, 1937. |
| 806 | Oarum, Clark | 809 | 4/4 | ------- | 4/4 | M | 49 | Aug. 12, 1906. |
| 807 | Oarum, Nettie Bullethead | 810 | 4/4 | ------- | 4/4 | F | 43 | Aug. 1, 1912. |
| 808 | Oarum, Clark, Jr | 811 | 4/4 | ------- | 4/4 | M | 19 | Feb. 22, 1936. |
| 809 | Oarum, Walter | 812 | 4/4 | ------- | 4/4 | M | 26 | Oct. 15, 1929. |
| 810 | Ouray, Robert P | 813 | 4/4 | ------- | 4/4 | M | 74 | 1882. |
| 811 | Padia, Marjorie Pigeon | 814 | 4/4 | ------- | 4/4 | F | 33 | Sept. 12, 1922. |
| 812 | Padia, Patrick Joseph | 815 | 8/16 | 7/16 | 15/16 | M | 3 | Sept. 2, 1952. |
| 813 | Panowitz, Leo L | 816 | 4/4 | ------- | 4/4 | M | 32 | Aug. 12, 1923. |
| 814 | Pargeets, Clarinda Rose | 818 | 4/4 | ------- | 4/4 | F | 11 | Dec. 17, 1944. |

FINAL ROLL—FULL BLOOD GROUP—Continued

| Final roll No. | Name | Proposed roll No. | Degree of blood | | | Sex | Age | Date of birth |
|---|---|---|---|---|---|---|---|---|
| | | | Ute | Other | Total | | | |
| 815 | Pargeets, Adelbert | 819 | 4/4 | ------- | 4/4 | M | 9 | July 8, 1946. |
| 816 | Pargeets, Christine | 820 | 4/4 | ------- | 4/4 | F | 5 | June 25, 1950. |
| 817 | Pariette, Alfred | 821 | 4/4 | ------- | 4/4 | M | 32 | Apr. 20, 1923. |
| 818 | Parriette, Annette Kaye | 822 | 2/4 | 2/4 | 4/4 | F | 3 | Jan. 16, 1953. |
| 819 | Parriette, Fred Wilford | 823 | 4/4 | ------- | 4/4 | M | 60 | 1896. |
| 820 | Parriette, Wilford Eugene | 824 | 2/4 | 2/4 | 4/4 | M | 5 | Jan. 10, 1951. |
| 821 | Parika, Pearl | 825 | 4/4 | ------- | 4/4 | F | 90 | 1866. |
| 822 | Pascho | 826 | 4/4 | ------- | 4/4 | M | 79 | 1877. |
| 823 | Patterson, Audrey | 827 | 4/4 | ------- | 4/4 | F | 25 | Feb. 19, 1931. |
| 824 | Patterson, Daisy | 828 | 4/4 | ------- | 4/4 | F | 19 | Apr. 18, 1936. |
| 825 | Patterson, Leo | 829 | 4/4 | ------- | 4/4 | M | 15 | Dec. 27, 1940. |
| 826 | Patterson, Arthur Gene | 830 | 4/4 | ------- | 4/4 | M | 12 | Jan. 4, 1944. |
| 827 | Patterson, Clifton | 831 | 4/4 | ------- | 4/4 | M | 12 | July 2, 1943. |
| 828 | Pawwinnee, Alfred | 832 | 4/4 | ------- | 4/4 | M | 37 | Aug. 13, 1918. |
| 829 | Pawwinnee, Clarice Hubbard | 833 | 4/4 | ------- | 4/4 | F | 27 | Dec. 29, 1928. |
| 830 | Pawwinnee, Linda Kay | 834 | 4/4 | ------- | 4/4 | F | 6 | Oct. 9, 1949. |
| 831 | Pawwinnee, Hazel | 836 | 4/4 | ------- | 4/4 | F | 36 | Dec. 21, 1919. |
| 832 | Pawwinnee, Charlene | 835 | 7/8 | ------- | 7/8 | F | 4 | Jan. 31, 1951. |
| 833 | Pawwinnee, Clyde | 837 | 4/4 | ------- | 4/4 | M | 49 | 1907. |
| 834 | Pawwinnee, Betty H. McKewan | 838 | 4/4 | ------- | 4/4 | F | 33 | Feb. 1, 1923. |
| 835 | Pawwinnee, Zelda | 839 | 4/4 | ------- | 4/4 | F | 7 | Jan. 25, 1949. |
| 836 | Pawwinnee, Eph | 840 | 4/4 | ------- | 4/4 | M | 4 | Apr. 26, 1951. |
| 837 | Pawwinnee, John Ignacio | 841 | 4/4 | ------- | 4/4 | M | 72 | 1884. |
| 838 | Pawwinnee, Elise Cohoe* | M. B. 344 | 4/4 | ------- | 4/4 | F | 63 | 1893. |
| 839 | Pawwinnee, Louise Henora | 842 | 4/4 | ------- | 4/4 | F | 24 | Dec. 31, 1931. |
| 840 | Pawwinnee, Nancy | 843 | 4/4 | ------- | 4/4 | F | 34 | Oct. 6, 1921. |
| 841 | Pawwinnee, Vernon Martin | 845 | 4/4 | ------- | 4/4 | M | 20 | Mar. 1, 1935. |
| 842 | Pawwinnee, Sallie | 844 | 4/4 | ------- | 4/4 | F | 26 | Feb. 10, 1930. |
| 843 | Pegaroose, Esther A | 846 | 4/4 | ------- | 4/4 | F | 67 | 1889. |
| 844 | Perank, Amos | 847 | 4/4 | ------- | 4/4 | M | 40 | Nov. 14, 1915. |
| 845 | Perank, Nettie Myore | 848 | 4/4 | ------- | 4/4 | F | 17 | Oct. 3, 1938. |
| 846 | Perank, Eldora Kaye | 849 | 4/4 | ------- | 4/4 | F | 3 | Jan. 16, 1953. |
| 847 | Perank, Edward | 850 | 4/4 | ------- | 4/4 | M | 35 | May 31, 1920. |
| 848 | Perank, Mary Myore | 851 | 4/4 | ------- | 4/4 | F | 24 | Sept. 9, 1931. |
| 849 | Perank, Leon George | 852 | 4/4 | ------- | 4/4 | M | 21 | Dec. 28, 1934. |
| 850 | Perank, Mary Colorow | 853 | 7/8 | ------- | 7/8 | F | 22 | Nov. 8, 1933. |
| 851 | Perank, Nellie | 854 | 4/4 | ------- | 4/4 | F | 33 | Sept. 29, 1922. |
| 852 | Perank, Wayne | 855 | 7/8 | ------- | 7/8 | M | 10 | July 17, 1945. |
| 853 | Peters, Sophia Kanapatch | 856 | 3/4 | ------- | 3/4 | F | 54 | 1902. |
| 854 | Pigeon, Allison | 857 | 4/4 | ------- | 4/4 | M | 63 | 1893. |
| 855 | Pigeon, Claudia Atwine | 858 | 4/4 | ------- | 4/4 | F | 59 | 1897. |
| 856 | Pigeon, Clyde | 859 | 4/4 | ------- | 4/4 | M | 39 | Feb. 10, 1917. |
| 857 | Pigeon, David | 860 | 4/4 | ------- | 4/4 | M | 23 | Aug. 20, 1932. |
| 858 | Pigeon, Elaine | 861 | 4/4 | ------- | 4/4 | F | 25 | July 23, 1930. |
| 859 | Pigeon, Dalliver | 862 | 4/4 | ------- | 4/4 | M | 57 | 1899. |
| 860 | Pike, Vaughn Leland | 863 | 5/8 | ------- | 5/8 | M | 14 | Sept. 26, 1941. |
| 861 | Pike, Stewart | 864 | 5/8 | ------- | 5/8 | M | 12 | Aug. 3, 1943. |
| 862 | Pinnecoose, Frederick A | 865 | 4/4 | ------- | 4/4 | M | 44 | 1912. |
| 863 | Pinnecoose, Guy | 866 | 4/4 | ------- | 4/4 | M | 48 | Aug. 18, 1907. |
| 864 | Pinnecoose, Esther Arrive | 867 | 4/4 | ------- | 4/4 | F | 28 | Jan. 30, 1928. |
| 865 | Pinnecoose, Viola Judy | 868 | 4/4 | ------- | 4/4 | F | 7 | Jan. 30, 1949. |
| 866 | Pinnecoose, Joseph | 869 | 4/4 | ------- | 4/4 | M | 5 | Nov. 5, 1950. |
| 867 | Pinnecoose, Lawrence | 870 | 4/4 | ------- | 4/4 | M |

FINAL ROLL—FULL BLOOD GROUP—Continued

| Final roll No. | Name | Proposed roll No. | Degree of blood | | | Sex | Age | Date of birth |
|---|---|---|---|---|---|---|---|---|
| | | | Ute | Other | Total | | | |
| 891 | Provo, Hiawatha | 894 | 4/4 | ..... | 4/4 | M | 26 | July 10, 1929. |
| 892 | Provo, Sumner | 895 | 4/4 | ..... | 4/4 | M | 79 | 1875. |
| 893 | Provo, Hester | 896 | 4/4 | ..... | 4/4 | F | 13 | Apr. 29, 1942. |
| 894 | Queacut, Charles E., Sr | 897 | 4/4 | ..... | 4/4 | M | 51 | 1905. |
| 895 | Queacut, Carrie Cuch | 898 | 4/4 | ..... | 4/4 | F | 46 | Apr. 16, 1909. |
| 896 | Queacut, Charles E., Jr | 899 | 4/4 | ..... | 4/4 | M | 18 | Dec. 6, 1936. |
| 897 | Queacut, Ethlyn | 900 | 4/4 | ..... | 4/4 | F | 16 | Dec. 27, 1939. |
| 898 | Queacut, Douglas M | 901 | 4/4 | ..... | 4/4 | M | 13 | Apr. 7, 1942. |
| 899 | Queacut, Jason | 902 | 4/4 | ..... | 4/4 | M | 11 | Aug. 4, 1944. |
| 900 | Queacut, Linda Darnell | 903 | 4/4 | ..... | 4/4 | F | 9 | Oct. 24, 1946. |
| 901 | Queacut, Jody | 904 | 4/4 | ..... | 4/4 | M | 7 | Dec. 9, 1948. |
| 902 | Queacut, Elizabeth | 905 | 4/4 | ..... | 4/4 | F | 5 | Feb. 25, 1951. |
| 903 | Quip, John | 906 | 4/4 | ..... | 4/4 | M | 70 | 1886. |
| 904 | Quitchapoo, Charlie Joe | 907 | 4/4 | ..... | 4/4 | M | 51 | 1905. |
| 905 | Quitchapoo, Lorena Saknikent | 908 | 4/4 | ..... | 4/4 | F | 43 | Jan. 26, 1912. |
| 906 | Quitchapoo, Charlene | 909 | 4/4 | ..... | 4/4 | F | 20 | July 19, 1935. |
| 907 | Quitchapoo, Phillis Joan | 910 | 4/4 | ..... | 4/4 | F | 18 | July 27, 1937. |
| 908 | Quitchapoo, Mary Lee | 911 | 4/4 | ..... | 4/4 | F | 16 | Feb. 22, 1940. |
| 909 | Quitchapoo, Joan Colleen | 912 | 4/4 | ..... | 4/4 | F | 14 | Feb. 2, 1942. |
| 910 | Redcap, Carver | 913 | 4/4 | ..... | 4/4 | M | 36 | Mar. 10, 1919. |
| 911 | Redcap, Katherine Copperfield | 914 | 4/4 | ..... | 4/4 | F | 38 | Jan. 26, 1918. |
| 912 | Redcap, Cherly Jean | 915 | 4/4 | ..... | 4/4 | F | 6 | Oct. 1, 1949. |
| 913 | Redcap, Robert | 916 | 4/4 | ..... | 4/4 | M | 2 | July 30, 1953. |
| 914 | Redfoot, Alton L | 917 | 4/4 | ..... | 4/4 | M | 40 | Dec. 17, 1915. |
| 915 | Redfoot, Ned | 918 | 4/4 | ..... | 4/4 | M | 47 | Feb. 16, 1909. |
| 916 | Redfoot, Helen Anna | 919 | 4/4 | ..... | 4/4 | F | 28 | July 9, 1927. |
| 917 | Redfoot, Douglas Starr | 920 | 4/4 | ..... | 4/4 | M | 9 | Sept. 7, 1946. |
| 918 | Redfoot, Jackie | 921 | 4/4 | ..... | 4/4 | M | 20 | Oct. 7, 1935. |
| 919 | Redfoot, Ralph | 922 | 4/4 | ..... | 4/4 | M | 48 | Mar. 17, 1907. |
| 920 | Redfoot, Nellie Loupe | 923 | 4/4 | ..... | 4/4 | F | 32 | Aug. 25, 1923. |
| 921 | Redfoot, Charlie | 924 | 4/4 | ..... | 4/4 | M | 21 | Nov. 2, 1934. |
| 922 | Redfoot, Roger | 925 | 4/4 | ..... | 4/4 | M | 42 | Sept. 16, 1913. |
| 923 | Redfoot, Jane Aciwanna | 926 | 4/4 | ..... | 4/4 | F | 27 | Jan. 30, 1929. |
| 924 | Redfoot, Martyn James | 927 | 4/4 | ..... | 4/4 | M | 8 | Jan. 12, 1948. |
| 925 | Redfoot, LeGrande | 928 | 4/4 | ..... | 4/4 | M | 6 | Oct. 20, 1949. |
| 926 | Redfoot, Roger Julius | 929 | 4/4 | ..... | 4/4 | M | 18 | Sept. 19, 1937. |
| 927 | Redfoot, Noretah Alice | 930 | 4/4 | ..... | 4/4 | F | 17 | Feb. 8, 1939. |
| 928 | Redfoot, Anna Marie | 931 | 4/4 | ..... | 4/4 | F | 15 | Dec. 12, 1940. |
| 929 | Redfoot, Norman Dale | 932 | 4/4 | ..... | 4/4 | M | 11 | Nov. 11, 1944. |
| 930 | Redfoot, Thomas | 933 | 4/4 | ..... | 4/4 | M | 13 | Dec. 27, 1942. |
| 931 | Redfoot, Carma Lee | 934 | 4/4 | ..... | 4/4 | F | 3 | July 16, 1952. |
| 932 | Redfoot, Perfelia May | 935 | 4/4 | ..... | 4/4 | F | 16 | Feb. 7, 1940. |
| 933 | Reed, Marietta Chapoose | 936 | 4/4 | ..... | 4/4 | F | 25 | July 26, 1930. |
| 934 | Reed, Carlos Earl | 937 | 3/4 | ..... | 3/4 | M | 4 | Apr. 20, 1951. |
| 935 | Reed, Charles Conrad | 938 | 3/4 | ..... | 3/4 | M | 6 | June 6, 1949. |
| 936 | Reed, Mary Jo | 939 | 3/4 | ..... | 3/4 | F | 2 | May 11, 1953. |
| 937 | Ridley, Benton | 940 | 4/4 | ..... | 4/4 | M | 36 | Mar. 29, 1919. |
| 938 | Ridley, Marjorie LaRose | 941 | 3/4 | ..... | 3/4 | F | 28 | Feb. 21, 1928. |
| 939 | Ridley, Elliot | 942 | 7/8 | ..... | 7/8 | M | 8 | Mar. 9, 1947. |
| 940 | Ridley, Steven | 943 | 7/8 | ..... | 7/8 | M | 12 | Feb. 9, 1944. |
| 941 | Ridley, Jeanet | 944 | 7/8 | ..... | 7/8 | F | 5 | Sept. 4, 1950. |
| 942 | Ridley, Linda | 945 | 7/8 | ..... | 7/8 | F | 3 | Apr. 21, 1952. |
| 943 | Ridley, Tibbs | 946 | 7/8 | ..... | 7/8 | M | 2 | Sept. 23, 1953. |
| 944 | Ridley, Benjamin St. Clair | 947 | 4/4 | ..... | 4/4 | M | 20 | July 24, 1935. |
| 945 | Ridley, Carter | 948 | 4/4 | ..... | 4/4 | M | 85 | 1871. |
| 946 | Ridley, Mamie Harrison | 949 | 4/4 | ..... | 4/4 | F | 80 | 1876. |
| 947 | Ridley, Richard | 950 | 4/4 | ..... | 4/4 | M | 33 | Nov. 21, 1922. |
| 948 | Ridley, Doris Unca Sam | 951 | 7/8 | ..... | 7/8 | F | 36 | Feb. 12, 1920. |
| 949 | Ridley, Patsy Ann | 952 | 15/16 | ..... | 15/16 | F | 8 | Sept. 16, 1947. |
| 950 | Ridley, Zorette Jo | 953 | 15/16 | ..... | 15/16 | F | 6 | May 18, 1949. |
| 951 | Ridley, Louise | 954 | 15/16 | ..... | 15/16 | F | 5 | Jan. 5, 1951. |
| 952 | Ridley, Tommy Dean | 955 | 15/16 | ..... | 15/16 | M | 3 | Apr. 21, 1952. |
| 953 | Ridley, Debra | 956 | 15/16 | ..... | 15/16 | F | 1 | May 27, 1954. |
| 954 | Root, Achilles Eugene | 957 | 4/4 | ..... | 4/4 | M | 12 | Sept. 28, 1943. |
| 955 | Root, Alfred Otto | 958 | 4/4 | ..... | 4/4 | M | 25 | Feb. 24, 1931. |
| 956 | Root, Mazie | 959 | 4/4 | ..... | 4/4 | M | 54 | 1902. |
| 957 | Root, Grace A. Paisanno | 960 | 4/4 | ..... | 4/4 | F | 50 | 1906. |
| 958 | Root, Nelson Frank | 961 | 4/4 | ..... | 4/4 | M | 17 | Apr. 23, 1938. |
| 959 | Root, Priscilla | 962 | 4/4 | ..... | 4/4 | F | 14 | Dec. 31, 1941. |
| 960 | Root, Katherine | 963 | 4/4 | ..... | 4/4 | F | 12 | Oct. 4, 1953. |
| 961 | Root, Willard | 964 | 4/4 | ..... | 4/4 | M | 9 | Apr. 23, 1946. |
| 962 | Root, Russell | 965 | 4/4 | ..... | 4/4 | M | 47 | Jan. 8, 1909. |
| 963 | Root, Vernon Wash | 966 | 4/4 | ..... | 4/4 | M | 42 | Jan. 23, 1914. |
| 964 | Root, Betty Redcap | 967 | 4/4 | ..... | 4/4 | F | 34 | July 24, 1921. |
| 965 | Root, Ellenette | 968 | 4/4 | ..... | 4/4 | F | 15 | Dec. 16, 1940. |
| 966 | Root, Rose Elma | 969 | 4/4 | ..... | 4/4 | F | 13 | Oct. 27, 1942. |
| 967 | Saknikent, Henderson | 970 | 4/4 | ..... | 4/4 | M | 68 | 1896. |
| 968 | Saknikent, Eva Atwine | 971 | 4/4 | ..... | 4/4 | F | 60 | 1896. |

FINAL ROLL—FULL BLOOD GROUP—Continued

| Final roll No. | Name | Proposed roll No. | Degree of blood | | | Sex | Age | Date of birth |
|---|---|---|---|---|---|---|---|---|
| | | | Ute | Other | Total | | | |
| 969 | Saknikent, Katherine | 972 | 4/4 | ..... | 4/4 | F | 66 | 1890. |
| 970 | Saknikent, Kneale | 973 | 4/4 | ..... | 4/4 | M | 30 | Mar. 12, 1919. |
| 971 | Saknikent, Rachel Cuch | 974 | 4/4 | ..... | 4/4 | F | 34 | Sept. 6, 1921. |
| 972 | Saknikent, Elaine Jane | 975 | 4/4 | ..... | 4/4 | F | 12 | Jan. 20, 1944. |
| 973 | Saknikent, Gary | 976 | 4/4 | ..... | 4/4 | M | 4 | June 28, 1951. |
| 974 | Santio, Charlie J | 977 | 4/4 | ..... | 4/4 | M | 67 | 1889. |
| 975 | Santio, Ida | 978 | 4/4 | ..... | 4/4 | F | 62 | 1894. |
| 976 | Santio, Dan | 979 | 4/4 | ..... | 4/4 | M | 27 | Feb. 2, 1929. |
| 977 | Santio, Hannah Serawop | 980 | 4/4 | ..... | 4/4 | F | 22 | Mar. 7, 1933. |
| 978 | Santio, Ina Louise | 981 | 4/4 | ..... | 4/4 | F | 5 | July 31, 1950. |
| 979 | Santio, Veronica | 982 | 4/4 | ..... | 4/4 | F | 13 | Apr. 27, 1952. |
| 980 | Santio, Jimmy Tahreep | 983 | 4/4 | ..... | 4/4 | M | 2 | Jan. 19, 1954. |
| 981 | Santio, Kenneth | 984 | 4/4 | ..... | 4/4 | M | 19 | May 22, 1936. |
| 982 | Santio, Lander | 985 | 4/4 | ..... | 4/4 | M | 31 | July 17, 1924. |
| 983 | Santio, Nema Myore | 986 | 4/4 | ..... | 4/4 | F | 19 | Dec. 3, 1936. |
| 984 | Santio, Elizabeth Rose | 987 | 4/4 | ..... | 4/4 | F | 5 | Aug. 8, 1950. |
| 985 | Santio, Irene Tahreep | 988 | 4/4 | ..... | 4/4 | F | 1 | Aug. 2, 1954. |
| 986 | Santio, Jolean | 989 | 4/4 | ..... | 4/4 | F | 4 | Nov. 1, 1951. |
| 987 | Santio, Moran | 990 | 4/4 | ..... | 4/4 | M | 79 | 1877. |
| 988 | Sapartuan, Jim | 991 | 4/4 | ..... | 4/4 | M | 77 | 1879. |
| 989 | Savage, Mary Alice | 992 | 4/4 | ..... | 4/4 | F | 52 | 1904. |
| 990 | Sawwarachook, Mary Arrive | 993 | 4/4 | ..... | 4/4 | F | 52 | 1904. |
| 991 | Secakuku, Honwanna | 994 | 4/4 | ..... | 4/4 | M | 27 | Aug. 23, 1929. |
| 992 | Secakuku, Frances Cuch | 995 | 4/4 | ..... | 4/4 | F | 23 | Aug. 26, 1932. |
| 993 | Secakuku, Terron | 996 | 7/8 | ..... | 7/8 | M | 6 | Apr. 11, 1949. |
| 994 | Serawap, Archie | 998 | 4/4 | ..... | 4/4 | M | 66 | 1900. |
| 995 | Serawop, Edna Tahguv | 999 | 4/4 | ..... | 4/4 | F | 49 | 1907. |
| 996 | Serawop, Charlie | 1000 | 4/4 | ..... | 4/4 | M | 25 | Sept. 9, 1930. |
| 997 | Serawop, Jena Marie | 1001 | 7/8 | ..... | 7/8 | F | 23 | July 16, 1932. |
| 998 | Serawop, Everett | 1002 | 15/16 | ..... | 15/16 | M | 2 | Feb. 20, 1951. |
| 999 | Serawop, Clifford | 1003 | 4/4 | ..... | 4/4 | M | 21 | Aug. 4, 1934. |
| 1000 | Serawop, David | 1004 | 4/4 | ..... | 4/4 | M | 59 | 1877. |
| 1001 | Serawop, Foos Wilson | 1005 | 4/4 | ..... | 4/4 | F | 42 | Dec. 25, 1913. |
| 1002 | Serawop, Bobby | 1006 | 4/4 | ..... | 4/4 | M | 11 | Feb. 22, 1945. |
| 1003 | Serawop, Preston Allen | 1007 | 4/4 | ..... | 4/4 | M | 2 | Sept. 24, 1953. |
| 1004 | Serawop, James Teddy | 1008 | 4/4 | ..... | 4/4 | M | 54 | 1902. |
| 1005 | Serawop, Petro W | 1009 | 4/4 | ..... | 4/4 | M | 17 | Jan. 8, 1939. |
| 1006 | Serawop, Ruth Dore | 1010 | 4/4 | ..... | 4/4 | M | 20 | July 22, 1935. |
| 1007 | Serawop, Lee Wilson | 1011 | 4/4 | ..... | 4/4 | M | 26 | May 3, 1929. |
| 1008 | Serawop, Sylvia Ruhogit | 1012 | 4/4 | ..... | 4/4 | F | 28 | Apr. 1, 1927. |
| 1009 | Serawop, Charles Eugene | 1013 | 15/16 | ..... | 4/4 15/16 | M | 2 | Apr. 17, 1953. |
| 1010 | Serawop, Marine | 1014 | 4/4 | ..... | 4/4 | F | 5 | Mar. 24, 1950. |
| 1011 | Serawop, Michael Lee | 1015 | 4/4 | ..... | 4/4 | M | 3 | Mar. 25, 1952. |
| 1012 | Serawop, Danny | 1016 | 4/4 | ..... | 4/4 | M | 1 | Mar. 14, 1954. |
| 1013 | Serawop, Gaylon | 1017 | 4/4 | ..... | 4/4 | M | 2 | Sept. 3, 1953. |
| 1014 | Serawop, Ralph | 1018 | 4/4 | ..... | 4/4 | M | 19 | Dec. 8, 1936. |
| 1015 | Serawop, Richie P | 1019 | 4/4 | ..... | 4/4 | M | 9 | Aug. 17, 1946. |
| 1016 | Serawop, Ratsky | 1020 | 4/4 | ..... | 4/4 | F | 78 | 1878. |
| 1017 | Serawop, Gwendolyn | 1021 | 4/4 | ..... | 4/4 | F | 6 | Mar. 27, 1949. |
| 1018 | Skevegits, Dolly Gallotta | 1022 | 4/4 | ..... | 4/4 | F | 70 | 1886. |
| 1019 | Shavanaux, Connie | 1023 | 4/4 | ..... | 4/4 | M | 46 | Oct. 20, 1909. |
| 1020 | Shavanaux, Vera Serawop | 1024 | 4/4 | ..... | 4/4 | F | 38 | May 5, 1917. |
| 1021 | Shavanaux, Dru Emery | 1025 | 4/4 | ..... | 4/4 | M | 2 | Apr. 10, 1953. |
| 1022 | Shavanaux, Charles | 1026 | 4/4 | ..... | 4/4 | M | 15 | Apr. 7, 1940. |
| 1023 | Shavanaux, Dale Austin | 1027 | 4/4 | ..... | 4/4 | M | 24 | Dec. 14, 1931. |
| 1024 | Shavanaux, Darrel Lee | 1028 | 4/4 | ..... | 4/4 | M | 13 | Oct. 3, 1942. |
| 1025 | Shavanaux, Edmond | 1029 | 4/4 | ..... | 4/4 | M | 9 | Aug. 25, 1946. |
| 1026 | Shavanaux, Corrine | 1030 | 4/4 | ..... | 4/4 | F | 19 | May 12, 1936. |
| 1027 | Shavanaux, Irvin | 1031 | 4/4 | ..... | 4/4 | M | 22 | May 4, 1933. |
| 1028 | Shayo, Lorie Longhair | 1032 | 4/4 | ..... | 4/4 | F | 34 | Sept. 10, 1921. |
| 1029 | Sibello, Brooks | 1033 | 4/4 | ..... | 4/4 | M | 61 | 1895. |
| 1030 | Sibicio, Rose Ruhogit | 1034 | 4/4 | ..... | 4/4 | F | 47 | June 28, 1908. |
| 1031 | Sibello, Reed Carnel | 1035 | 4/4 | ..... | 4/4 | M | 11 | Nov. 21, 1944. |
| 1032 | Sibello, Yvonne Brock | 1036 | 4/4 | ..... | 4/4 | F | 14 | Dec. 20, 1941. |
| 1033 | Sibello, Stan Bert | 1037 | 4/4 | ..... | 4/4 | M | 22 | Aug. 2, 1933. |
| 1034 | Sibello, Mary Lou | 1038 | 4/4 | ..... | 4/4 | F | 18 | July 8, 1937. |
| 1035 | Sireech, Kenneth Linn | 1039 | 4/4 | ..... | 4/4 | M | 8 | Jan. 11, 1948. |
| 1036 | Sireech, Charles R | 1040 | 4/4 | ..... | 4/4 | M | 23 | June 3, 1932. |
| 1037 | Sireech, Glenn | 1041 | 4/4 | ..... | 4/4 | M | 42 | Apr. 28, 1913. |
| 1038 | Sireech, Henry K | 1042 | 7/8 | ..... | 7/8 | M | 32 | Aug. 24, 1923. |
| 1039 | Sireech, John | 1043 | 4/4 | ..... | 4/4 | M | 55 | 1901. |
| 1040 | Sireech, Emma Mart | 1044 | 4/4 | ..... | 4/4 | F | 39 | Apr. 26, 1916. |
| 1041 | Sireech, Vivian | 1045 | 4/4 | ..... | 4/4 | F | 5 | Dec. 4, 1950. |
| 1042 | Sireech, Julius | 1046 | 4/4 | ..... | 4/4 | M | 19 | Apr. 5, 1936. |
| 1043 | Sireech, Sarah Jane | 1047 | 7/8 | ..... | 7/8 | F | 17-27 | July 27, 1936. |
| 1044 | Sireech, Richard Leon | 1048 | 7/8 | ..... | 7/8 | M | 17 | Aug. 10, 1938. |
| 1045 | Sireech, Vincent | 1049 | 4/4 | ..... | 4/4 | M | 31 | Aug. 9, 1924. |
| 1046 | Sireech, Edith Cesspooch | 1050 | 7/8 | ..... | 7/8 | F | 30 | June 12, 1925. |





FINAL ROLL—FULL BLOOD GROUP—Continued

| Final roll No. | Name | Proposed roll No. | Degree of blood | | | Sex | Age | Date of birth |
|---|---|---|---|---|---|---|---|---|
| | | | Ute | Other | Total | | | |
| 1047 | Sireech, Vincentia | 1051 | 15/16 | ..... | 15/16 | F | 7 | Aug. 14, 1948. |
| 1048 | Sireech, Vinita Loupita | 1052 | 15/16 | ..... | 15/16 | F | 6 | Feb. 16, 1950. |
| 1049 | Sireech, Boots | 1053 | 15/16 | ..... | 15/16 | M | 3 | Sept. 27, 1952. |
| 1050 | Sireech, Priscilla Irene | 1054 | 15/16 | ..... | 15/16 | F | 1 | Mar. 4, 1954. |
| 1051 | Sowsonicut, Tommy | 1055 | 4/4 | ..... | 4/4 | M | 43 | Aug. 1912. |
| 1052 | Sowsonicut, Genna Johnson | 1056 | 4/4 | ..... | 4/4 | F | 34 | Apr. 2, 1921. |
| 1053 | Sowsonicut, Imogene | 1057 | 4/4 | ..... | 4/4 | F | 16 | Sept. 23, 1939. |
| 1054 | Sowsonicut, Eunice | 1058 | 4/4 | ..... | 4/4 | F | 14 | Sept. 11, 1941. |
| 1055 | Sowsonicut, Kenneth | 1059 | 4/4 | ..... | 4/4 | M | 10 | May 19, 1945. |
| 1056 | Sowsonicut, Brant | 1060 | 4/4 | ..... | 4/4 | M | 7 | Apr. 11, 1948. |
| 1057 | Sowsonicut, Vicki Marie | 1061 | 4/4 | ..... | 4/4 | F | 5 | Sept. 21, 1950. |
| 1058 | Starr, Eugenia | 1062 | 4/4 | ..... | 4/4 | F | 71 | 1885. |
| 1059 | Starr, James | 1063 | 4/4 | ..... | 4/4 | M | 48 | July 20, 1907. |
| 1060 | Starr, Stella Bullethead | 1064 | 4/4 | ..... | 4/4 | F | 52 | 1904. |
| 1061 | Starr, Roland Alvin | 1065 | 4/4 | ..... | 4/4 | M | 12 | Sept. 2, 1943. |
| 1062 | Starr, Joseph | 1066 | 4/4 | ..... | 4/4 | M | 23 | Apr. 12, 1932. |
| 1063 | Starr, Ruby | 1067 | 4/4 | ..... | 4/4 | F | 19 | Apr. 18, 1936. |
| 1064 | Starr, Rufus MacAfee | 1068 | 4/4 | ..... | 4/4 | M | 14 | Jan. 23, 1942. |
| 1065 | Starr, Nathan | 1069 | 4/4 | ..... | 4/4 | M | 42 | Jan. 20, 1913. |
| 1066 | Starr, Scott L | 1070 | 4/4 | ..... | 4/4 | M | 50 | Sept. 5, 1905. |
| 1067 | Steele, Leota Arrive | 1071 | 4/4 | ..... | 4/4 | F | 34 | Sept. 1, 1921. |
| 1068 | Steele, Edmond | 1072 | 2/4 | 2/4 | 4/4 | M | 18 | Aug. 7, 1937. |
| 1069 | Steele, Berbert Frank | 1073 | 2/4 | 2/4 | 4/4 | M | 16 | Feb. 8, 1940. |
| 1070 | Steele, Ruby | 1074 | 2/4 | 2/4 | 4/4 | F | 13 | Apr. 12, 1942. |
| 1071 | Stone, Joseph | 1075 | 4/4 | ..... | 4/4 | M | 78 | 1976. |
| 1072 | Summers, Arita Taveapont | 1076 | 4/4 | ..... | 4/4 | F | 24 | Jan. 18, 1932. |
| 1073 | Tabbee, Albert Wallace | 1077 | 4/4 | ..... | 4/4 | M | 34 | Mar. 18, 1921. |
| 1074 | Tabbee, Arlyne Myore | 1078 | 4/4 | ..... | 4/4 | F | 38 | June 23, 1917. |
| 1075 | Tabbee, John Albert | 1079 | 4/4 | ..... | 4/4 | M | 14 | July 7, 1941. |
| 1076 | Tabbee, Julianne | 1080 | 4/4 | ..... | 4/4 | F | 13 | Feb. 20, 1943. |
| 1077 | Tabbee, Willard | 1081 | 4/4 | ..... | 4/4 | M | 9 | Aug. 26, 1946. |
| 1078 | Tabbee, Gloria Jean | 1082 | 4/4 | ..... | 4/4 | F | 7 | Jan. 23, 1949. |
| 1079 | Tabbee, Victoria | 1083 | 4/4 | ..... | 4/4 | F | 4 | Oct. 8, 1951. |
| 1080 | Tabbee, Lila | 1084 | 4/4 | ..... | 4/4 | F | 3 | Jan. 20, 1953. |
| 1081 | Tabbee, John | 1085 | 4/4 | ..... | 4/4 | M | 56 | 1900. |
| 1082 | Tabbee, Tahrah Quenecut | 1086 | 4/4 | ..... | 4/4 | F | 72 | 1884. |
| 1083 | Tabbee, Mary Louise | 1087 | 4/4 | ..... | 4/4 | F | 18 | Sept. 16, 1937. |
| 1084 | Tabbee, Katie Wyasket | 1088 | 4/4 | ..... | 4/4 | F | 53 | 1903. |
| 1085 | Tabbee, Clyde | 1089 | 4/4 | ..... | 4/4 | M | 19 | Feb. 27, 1937. |
| 1086 | Tabbee, Wilbur | 1090 | 4/4 | ..... | 4/4 | M | 43 | Feb. 5, 1913. |
| 1087 | Tabbee, Alice Tuck | 1091 | 4/4 | ..... | 4/4 | F | 41 | Oct. 15, 1914. |
| 1088 | Tabbee, Alvin | 1092 | 4/4 | ..... | 4/4 | M | 16 | Apr. 29, 1939. |
| 1089 | Tabbee, William | 1093 | 4/4 | ..... | 4/4 | M | 52 | 1904. |
| 1090 | Tabbee, Byrdie Queacut | 1094 | 4/4 | ..... | 4/4 | F | 48 | Feb. 10, 1908. |
| 1091 | Tabbee, Gertrude | 1095 | 4/4 | ..... | 4/4 | F | 15 | Jan. 5, 1941. |
| 1092 | Tabbee, Henderson | 1096 | 4/4 | ..... | 4/4 | M | 13 | Sept. 23, 1942. |
| 1093 | Tabbee, Nathaniel | 1097 | 4/4 | ..... | 4/4 | M | 8 | May 7, 1947. |
| 1094 | Tabbee, Shirleta | 1098 | 4/4 | ..... | 4/4 | F | 5 | Oct. 13, 1949. |
| 1095 | Tahgapoots, Tom | 1099 | 4/4 | ..... | 4/4 | M | 52 | 1904. |
| 1096 | Tailfeather, Wanda Apporas | 1100 | 4/4 | ..... | 4/4 | F | 31 | Oct. 30, 1924. |
| 1097 | Tailfeather, Elsworth Louis | 1101 | 2/4 | 2/4 | 4/4 | M | 5 | June 8, 1950. |
| 1098 | Tapoof, Bert | 1102 | 4/4 | ..... | 4/4 | M | 38 | Dec. 1, 1917. |
| 1099 | Tapoof, Robert | 1103 | 4/4 | ..... | 4/4 | M | 19 | Apr. 20, 1936. |
| 1100 | Tapoof, Marion | 1104 | 4/4 | ..... | 4/4 | F | 9 | Dec. 23, 1946. |
| 1101 | Tapoof, Adelbert | 1105 | 4/4 | ..... | 4/4 | M | 11 | Sept. 4, 1944. |
| 1102 | Tapoof, Venita | 1106 | 4/4 | ..... | 4/4 | F | 15 | Mar. 20, 1940. |
| 1103 | Tapoof, George | 1107 | 4/4 | ..... | 4/4 | M | 12 | Aug. 31, 1943. |
| 1104 | Tapoof, Leo | 1108 | 4/4 | ..... | 4/4 | M | 15 | Sept. 27, 1940. |
| 1105 | Tapoof, Millie Clara | 1109 | 4/4 | ..... | 4/4 | F | 17 | Feb. 21, 1939. |
| 1106 | Tahguv, Allen | 1110 | 4/4 | ..... | 4/4 | M | 17 | Apr. 4, 1938. |
| 1107 | Taveapont, Ray | 1111 | 4/4 | ..... | 4/4 | M | 49 | Dec. 1, 1906. |
| 1108 | Taveapont, Harriet Johnson | 1112 | 4/4 | ..... | 4/4 | F | 49 | June 1, 1906. |
| 1109 | Taveapont, Beatrice | 1113 | 4/4 | ..... | 4/4 | F | 15 | Oct. 30, 1940. |
| 1110 | Taveapont, Frank Lee | 1114 | 4/4 | ..... | 4/4 | M | 12 | Mar. 17, 1943. |
| 1111 | Taveapont, Patricia | 1115 | 4/4 | ..... | 4/4 | F | 9 | May 9, 1946. |
| 1112 | Taveapont, Lynn Ray | 1116 | 4/4 | ..... | 4/4 | M | 18 | July 5, 1937. |
| 1113 | Taveapont, Don Collard | 1117 | 4/4 | ..... | 4/4 | M | 6 | Jan. 2, 1950. |
| 1114 | Taveapont, Wilson J | 1118 | 4/4 | ..... | 4/4 | M | 21 | Jan. 19, 1935. |
| 1115 | Taveapont, Reed Smoot | 1119 | 4/4 | ..... | 4/4 | M | 27 | Feb. 21, 1929. |
| 1116 | Taveapont, Marie Cuch | 1120 | 4/4 | ..... | 4/4 | F | 25 | June 15, 1930. |
| 1117 | Taveapont, Venita Kay | 1121 | 4/4 | ..... | 4/4 | F | 6 | Feb. 4, 1950. |
| 1118 | Taveapont, Pansy | 1122 | 4/4 | ..... | 4/4 | F | 4 | Nov. 3, 1951. |
| 1119 | Taveapont, Sandra Louise | 1123 | 4/4 | ..... | 4/4 | F | 2 | Mar. 8, 1951. |
| 1120 | Taylor, Barbara Murray | 1322 | 5/8 | ..... | 5/8 | F | 20 | July 16, 1935. |
| 1121 | Taylor, Victoria Waratza | 1124 | 4/4 | ..... | 4/4 | F | 34 | Jan. 11, 1922. |
| 1122 | Thompson, George | 1125 | 4/4 | ..... | 4/4 | M | 60 | 1896. |
| 1123 | Thompson, Seth | 1226 | 4/4 | ..... | 4/4 | M | 38 | Dec. 19, 1917. |
| 1124 | Thompson, Josephine McKewan | 1227 | 7/8 | ..... | 7/8 | F | 30 | Feb. 7, 1920. |

FINAL ROLL—FULL BLOOD GROUP—Continued

| Final roll No. | Name | Proposed roll No. | Degree of blood | | | Sex | Age | Date of birth |
|---|---|---|---|---|---|---|---|---|
| | | | Ute | Other | Total | | | |
| 1125 | Thompson, Delbert Lee | 1128 | 15/16 | ..... | 15/16 | M | 15 | June 15, 1940. |
| 1126 | Thompson, Barbara Ann | 1129 | 15/16 | ..... | 15/16 | F | 13 | Dec. 26, 1942. |
| 1127 | Thompson, Leonard Lee | 1130 | 15/16 | ..... | 15/16 | M | 6 | Feb. 28, 1950. |
| 1128 | Thompson, Joellyn | 1131 | 15/16 | ..... | 15/16 | F | 3 | June 30, 1952. |
| 1129 | Thompson, Tommy | 1132 | 4/4 | ..... | 4/4 | M | 45 | May 18, 1910. |
| 1130 | Thompson, Lucille McCook | 1133 | 4/48 | ..... | 4/4 | F | 30 | Dec. 20, 1925. |
| 1131 | Thompson, Willard | 1134 | 4/4 | ..... | 4/4 | M | 8 | May 20, 1947. |
| 1132 | Thompson, Gloria Kay | 1135 | 4/4 | ..... | 4/4 | F | 5 | Apr. 2, 1950. |
| 1133 | Thompson, Susie Ann | 1136 | 4/4 | ..... | 4/4 | F | 1 | July 3, 1954. |
| 1134 | Thompson, Thomas Kent | 1137 | 4/4 | ..... | 4/4 | M | 3 | Mar. 24, 1952. |
| 1135 | Thompson, Willis | 1138 | 4/4 | ..... | 4/4 | M | 20 | Feb. 28, 1935. |
| 1136 | Thompson, Rose Mary | 1139 | 2/4 | 2/4 | 4/4 | F | 7 | Feb. 10, 1949. |
| 1137 | Tofpl, Fita Wash | 1140 | 4/4 | ..... | 4/4 | F | 37 | Mar. 13, 1918. |
| 1138 | Tom, Archie Ray | 1141 | 4/4 | ..... | 4/4 | M | 33 | Aug. 1, 1922. |
| 1139 | Tom, Lucille Pargeets | 1142 | 4/4 | ..... | 4/4 | F | 26 | May 3, 1929. |
| 1140 | Tom, Glenn | 1143 | 4/4 | ..... | 4/4 | M | 25 | May 23, 1930. |
| 1141 | Tom, Mary Jane Ice | 1144 | 4/4 | ..... | 4/4 | F | 24 | Mar. 25, 1931. |
| 1142 | Tom, Roger Dean | 1145 | 4/4 | ..... | 4/4 | M | 4 | Dec. 9, 1951. |
| 1143 | Tom, Ignacio | 1146 | 4/4 | ..... | 4/4 | M | 65 | 1891. |
| 1144 | Tom, Wilhelmina Wamiore | 1147 | 4/4 | ..... | 4/4 | F | 45 | Oct. 10, 1910. |
| 1145 | Tom, Lawrence | 1148 | 4/4 | ..... | 4/4 | M | 31 | Oct. 9, 1924. |
| 1146 | Tom, Orson | 1149 | 4/4 | ..... | 4/4 | M | 23 | Sept. 28, 1932. |
| 1147 | Tom, Richard | 1150 | 4/4 | ..... | 4/4 | M | 29 | Dec. 19, 1926. |
| 1148 | Tom, Millie B. Tapoof | 1151 | 4/4 | ..... | 4/4 | F | 42 | Mar. 21, 1913. |
| 1149 | Tom, Norma Jean | 1152 | 4/4 | ..... | 4/4 | F | 2 | Feb. 5, 1954. |
| 1150 | Tonegats, Carter | 1153 | 4/4 | ..... | 4/4 | M | 58 | 1898. |
| 1151 | Tonegats, Wilma Wopsock | 1154 | 4/4 | ..... | 4/4 | F | 44 | Feb. 25, 1912. |
| 1152 | Tonegats, Henry | 1155 | 4/4 | ..... | 4/4 | M | 51 | July 15, 1904. |
| 1153 | Tonegats, Eva Bannocky | 1156 | 4/4 | ..... | 4/4 | F | 43 | July 15, 1912. |
| 1154 | Tonegats, Alice | 1157 | 4/4 | ..... | 4/4 | F | 18 | Aug. 15, 1937. |
| 1155 | Tonegats, Henrietta** | | 4/4 | ..... | 4/4 | F | 15 | Jan. 17, 1941. |
| 1156 | Toney, Annie Ridley | 1158 | 4/4 | ..... | 4/4 | F | 54 | 1902. |
| 1157 | Toney, James | 1159 | 4/4 | ..... | 4/4 | M | 32 | Dec. 14, 1925. |
| 1158 | Toney, Alva Marie | 1160 | 4/4 | ..... | 4/4 | F | 2 | Apr. 23, 1953. |
| 1159 | Toney, Cy | 1161 | 4/4 | ..... | 4/4 | M | 1 | June 1, 1954. |
| 1160 | Tonompicket, Lucille Kurip | 1162 | 4/4 | ..... | 4/4 | F | 25 | July 18, 1930. |
| 1161 | Tonompicket, Letitia | 1163 | 4/4 | ..... | 4/4 | F | 9 | July 3, 1946. |
| 1162 | Toponotee, LeRoy | 1164 | 4/4 | ..... | 4/4 | M | 32 | Oct. 10, 1923. |
| 1163 | Toponotes, Rose Streech | 1165 | 7/8 | ..... | 7/8 | F | 27 | Apr. 8, 1928. |
| 1164 | Toponotes, Florence Mary | 1166 | 15/16 | ..... | 15/16 | F | 7 | Feb. 27, 1949. |
| 1165 | Toponotes, LeRoy | 1167 | 15/16 | ..... | 15/16 | M | 5 | Jan. 18, 1951. |
| 1166 | Toponotes, Charma | 1168 | 15/16 | ..... | 15/16 | F | 2 | June 5, 1953. |
| 1167 | Toponotes, Rodericka Joyce | 1169 | 4/4 | ..... | 4/4 | F | 15 | Apr. 1, 1940. |
| 1168 | Tuek, Henry Quiyaga | 1170 | 4/4 | ..... | 4/4 | M | 82 | 1874. |
| 1169

FINAL ROLL—FULL BLOOD GROUP—Continued

| Final roll No. | Name | Proposed roll No. | Degree of blood | | | Sex | Age | Date of birth |
|---|---|---|---|---|---|---|---|---|
| | | | Ute | Other | Total | | | |
| 1279 | Wopsock, Gloria | 1282 | 11/16 | ------ | 11/16 | F | 1 | May 18, 1954. |
| 1280 | Wopsock, Orin | 1283 | 4/4 | ------ | 4/4 | M | 73 | 1883. |
| 1281 | Wopsock, Orin Isaac** | ------ | 4/4 | ------ | 4/4 | M | 17 | Apr. 3, 1938. |
| 1282 | Wyasket, Victoria Elizabeth | 1286 | 7/8 | ------ | 7/8 | F | 6 | Apr. 6, 1949. |
| 1283 | Wyasket, Leslie Paul | 1287 | 7/8 | ------ | 7/8 | M | 4 | Sept. 9, 1951. |
| 1284 | Wyasket, Francis | 1288 | 4/4 | ------ | 4/4 | M | 30 | 1926. |
| 1285 | Wyasket, Esther Patterson | 1289 | 4/4 | ------ | 4/4 | F | 25 | May 18, 1930. |
| 1286 | Wyasket, Debra Kaye | 1290 | 4/4 | ------ | 4/4 | F | 23 | Dec. 1, 1933. |
| 1287 | Wyasket, Gilbert Wanzitz | 1291 | 7/8 | ------ | 7/8 | M | 24 | Mar. 18, 1931. |
| 1288 | Wyasket, Elmer | 1292 | 7/8 | ------ | 7/8 | M | 29 | Dec. 4, 1926. |
| 1289 | Wyasket, James | 1293 | 4/4 | ------ | 4/4 | M | 52 | 1904. |
| 1290 | Wyasket, Winifred Tahgapoots | 1295 | 4/4 | ------ | 4/4 | F | 45 | 1911. |
| 1291 | Wyasket, Virginia | 1294 | 4/4 | ------ | 4/4 | F | 2 | Feb. 23, 1954. |
| 1292 | Wyasket, Ramona | 1296 | 4/4 | ------ | 4/4 | F | 21 | Jan. 9, 1935. |
| 1293 | Wyasket, William | 1297 | 4/4 | ------ | 4/4 | M | 30 | June 1, 1926. |
| 1294 | Wyasket, Lydia Oorum | 1298 | 4/4 | ------ | 4/4 | F | 5 | Feb. 3, 1950. |
| 1295 | Wyasket, Ivan Wilson | 1299 | 15/16 | 2/4 | 15/16 | M | 3 | Aug. 19, 1952. |
| 1296 | Wyasket, Iron William | 1300 | 15/16 | ------ | 15/16 | M | 48 | Dec. 1, 1907. |
| 1297 | Wyasket, Zora | 1301 | 4/4 | ------ | 4/4 | M | 29 | Mar. 30, 1909. |
| 1298 | Wyasket, Floyd Martin | 1302 | 4/4 | ------ | 4/4 | F | 46 | Sept. 3, 1946. |
| 1299 | Wyasket, Patrick Wilbur | 1303 | 4/4 | ------ | 4/4 | M | 9 | Aug. 18, 1946. |
| 1300 | Wyasket, Zoa Ann | 1304 | 4/4 | ------ | 4/4 | F | 30 | Apr. 20, 1925. |
| 1301 | Wyasket, Ella Ronald | 1305 | 4/4 | ------ | 4/4 | F | 9 | July 5, 1946. |
| 1302 | Yannie, Tonita Kay | 1307 | 2/4 | 2/4 | 4/4 | F | 9 | July 5, 1946. |
| 1303 | Yannie, Billy Chapoose | 1308 | 2/4 | 2/4 | 4/4 | F | 8 | July 20, 1947. |
| 1304 | Yannie, Thomma Zina | 1309 | 2/4 | 2/4 | 4/4 | F | 7 | Sept. 30, 1948. |
| 1305 | Yannie, Patricia | 1310 | 2/4 | 2/4 | 4/4 | M | 22 | Jan. 4, 1934. |
| 1306 | Yannie, Donald | 1311 | 4/4 | ------ | 4/4 | F | 1 | Jan. 14, 1954. |
| 1307 | Yazzie, Rosella Checora | 1312 | 2/4 | 2/4 | 4/4 | M | 49 | Jan. 11, 1906. |
| 1308 | Yazzie, Robert Checora | 1313 | 2/4 | 2/4 | 4/4 | M | 1 | May 19, 1954. |
| 1309 | Yazzie, Raymond Checora | 1314 | 2/4 | 2/4 | 4/4 | M | 49 | Dec. 1, 1906. |
| 1310 | Yazzie, Ellen | 1315 | 4/4 | ------ | 4/4 | F | 53 | 1902. |
| 1311 | Yazzie, Sadie Fost | 1316 | 4/4 | ------ | 4/4 | M | 40 | Mar. 20, 1915. |
| 1312 | Yump, Oscar | 1317 | 4/4 | ------ | 4/4 | M | 20 | May 26, 1935. |
| 1313 | Yump, Shirley | 1318 | 4/4 | ------ | 4/4 | F | 3 | Oct. 16, 1952. |
| 1314 | Yump, Everett | | | | | | | |

**Omitted from proposed roll (approved appeal).

[F. R. Doc. 56-2451; Filed, Apr. 4, 1956; 8:45 a. m.]

## Bureau of Land Management

SOUTH DAKOTA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

MARCH 30, 1956.

The U. S. Forest Service, Department of Agriculture has filed an application, Serial No. Montana 021861 (SD), for the withdrawal of the lands described below, from location and entry under the general mining laws.

The applicant desires the land for recreation areas.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 1245 North 29th Street, Billings, Montana.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BLACK HILLS PRINCIPAL MERIDIAN

BLACK HILLS NATIONAL FOREST

Castle Creek Recreation Area:

T. 1 N., R. 3 E.,
Sec. 2: Lots 5, 6, 9, 10, 12, SW¼NE¼.
T. 1 N., R. 4 E.,
Sec. 6: S½SE¼SW¼, S½SW¼SE¼;
Sec. 7: Lot 2, N½NE¼;
Sec. 8: NW¼, N½NE¼SW¼.

Total area, 566.68 acres.



Hanna Recreation Area:

T. 4 N., R. 2 E.,
Sec. 26: NW¼NE¼SW¼, S½NE¼SW¼, N½SE¼SW¼, N½SW¼SW¼, S½NW¼SW¼, except M. S. 1603.

Total area, 89.06 acres.

O'Neill Recreation Area:

T. 3 N., R. 1 E.,
Sec. 21: NW¼SE¼, W½NE¼SE¼, W½SE¼NE¼, SE¼SW¼NE¼.

Total area, 90 acres.

R. D. NIELSON,
*State Supervisor.*

[F. R. Doc. 56-2552; Filed, Apr. 4, 1956; 8:55 a. m.]

[Classification Order 475]

## CALIFORNIA

SMALL TRACT CLASSIFICATION

MARCH 26, 1956.

1. Pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office, dated November 19, 1954 (19 F. R. 7697), I hereby classify, under the Small Tract Act of June 1, 1938, as amended (43 U. S. C. 682a), the tract of land in San Bernardino County described below, for lease and sale for residence site purposes only:

SAN BERNARDINO BASE AND MERIDIAN

T. 1 N., R. 7 E.,
Section 6, NE¼ (Lots 3 to 10, 27 to 34, 35 to 42, 59 to 66, incl.)

The land contains a total of 158.51 acres.

2. Classification of the above-described lands by this order segregates them from all appropriations, including location under the mining laws, except as to application under the mineral leasing laws.

3. The above-described land is situated approximately 6 miles north of Joshua Tree, California. The land has been surveyed with Government brass cap corners set at the section corner, one-quarter and one-sixteenth corners.

The greater portion of the land is fairly level to undulating, with some low hills in the eastern and northeastern areas. The soil is a loose, coarse sand to coarse loamy sand in the level areas, to scattered cobbles in the low hills.

4. The individual tracts, described as numbered lots or aliquot part thereof, vary in size from 2½ acres to 4.88 acres, and are square to rectangular in shape. Lots 3 to 10, inclusive, will be leased in whole lots. The remaining lots will be leased in 2½-acre parcels, requiring that the preference-right applicants of record select, upon request by the Bureau of Land Management, the 2½-acre parcel of the lot they wish to retain. A plat showing the location of each lot can be secured from the Bureau of Land Management, Room 706 California Fruit Building, 4th and J Streets, Sacramento 14, California.

The appraised value of the lots or aliquot parts thereof value from $100 to $200, as shown below. The tracts will be subject to all existing rights-of-way; and rights-of-way for access roads and public utilities will be reserved as shown below. Such rights-of-way may be utilized by the Federal Government or the State, County, or municipality in which the tract is located, or by any agency thereof.

| Lot No. | Acres | Advance rentals (3 years) | Width right-of-way | Appraised value (tract) |
|---|---|---|---|---|
| Lot No. 3 | 4.75 | $30.00 | 16½' N. & W. Boundary | $200.00 |
| Lot No. 4 | 4.77 | 30.00 | 16½' N. & E. Boundary | 200.00 |
| Lot No. 5 | 4.79 | 30.00 | 16½' N. & W. Boundary | 200.00 |
| Lot No. 6 | 4.80 | 30.00 | 16½' N. & E. Boundary | 200.00 |
| Lot No. 7 | 4.82 | 30.00 | 16½' N. & W. Boundary | 200.00 |
| Lot No. 8 | 4.84 | 30.00 | 16½' N. & E. Boundary | 200.00 |
| Lot No. 9 | 4.86 | 30.00 | 16½' N. & W. Boundary | 200.00 |
| Lot No. 10 | 4.88 | 30.00 | 16½' N. & E. Boundary | 200.00 |
| N½ Lots 34, 35, 66 | 2.50 | 30.00 | 16½' W. Boundary | 100.00 |
| S½ Lots 34, 35, 66 | 2.50 | 30.00 | 16½' W. Boundary | 100.00 |
| N½ Lots 33, 36, 65 | 2.50 | 30.00 | 16½' E. Boundary | 100.00 |
| S½ Lots 33, 36, 65 | 2.50 | 30.00 | 16½' E. Boundary | 100.00 |
| N½ Lots 32, 37, 64 | 2.50 | 30.00 | 16½' W. Boundary | 100.00 |
| S½ Lots 32, 37, 64 | 2.50 | 30.00 | 16½' W. Boundary | 100.00 |
| N½ Lots 31, 38, 63 | 2.50 | 30.00 | 16½' E. Boundary | 100.00 |
| S½ Lots 31, 38, 63 | 2.50 | 30.00 | 16½' E. Boundary | 100.00 |
| N½ Lots 30, 39, 62 | 2.50 | 30.00 | 16½' W. Boundary | 100.00 |
| S½ Lots 30, 39, 62 | 2.50 | 30.00 | 16½' W. Boundary | 100.00 |
| N½ Lots 29, 40, 61 | 2.50 | 30.00 | 16½' E. Boundary | 100.00 |
| S½ Lots 29, 40, 61 | 2.50 | 30.00 | 16½' E. Boundary | 100.00 |
| N½ Lots 28, 41, 60 | 2.50 | 30.00 | 16½' W. Boundary | 100.00 |
| S½ Lots 28, 41, 60 | 2.50 | 30.00 | 16½' W. Boundary | 100.00 |
| N½ Lots 27, 42, 59 | 2.50 | 30.00 | 16½' E. Boundary | 100.00 |
| S½ Lots 27, 42, 59 | 2.50 | 30.00 | 16½' E. Boundary | 100.00 |
| Lots 59, 60, 61, 62, 63, 64, 65, 66 | | | 16½' S. Boundary | |

5. Leases will be issued for a term of three (3) years and will contain an option to purchase in accordance with 43 CFR 257.13. Lessees who comply with the general terms and conditions of their leases will be permitted to purchase their tracts at the prices listed above provided that during the period of their leases they (a) construct the improvements specified in paragraph 6 or (b) file a copy of an agreement in accordance with 43 CFR 257.13 (d). Leases will not be renewable unless failure to construct the required improvements is justified under the circumstances and nonrenewal would work an extreme hardship on the lessee.

6. To maintain their rights under their leases, lessees will be required either (a) to construct substantial improvements on their leases or (b) file a copy of an agreement with their neighbors binding them to construct substantial improvements on their lands. Such improvements must conform with health, sanitation, and construction requirements of local ordinances, and must in addition meet the following standards:

The residence must be suitable for year-round use, erected on a permanent foundation and with a minimum of 400 square feet of floor space. The residence must be built in a workmanlike manner and of attractive materials properly finished. Adequate disposal and sanitary facilities must be installed. Conventional concrete, or concrete slab foundations are acceptable. Concrete piers are not acceptable as foundations.

7. The lands are now open to filing of drawing-entry cards (form 4–775) only by persons entitled to veterans' preference. In brief, persons entitled to such preference are (a) honorably discharged veterans who have served in the armed forces of the United States for a period of at least 90 days after September 15, 1940, (b) surviving spouse or minor orphan children of such veterans, and (c) with the consent of the veteran, the spouse of living veterans. The 90-day requirement does not apply to veterans who were discharged on account of wounds or disability incurred in the line of duty or the surviving spouse or minor children of veterans killed in the line of duty. Drawing entry-cards (form 4–775) are available, upon request, from the Manager, Land Office, 5th floor, Bartlett Building, 215 W. 7th Street, Los Angeles 14, California.

Drawing-entry cards will be accepted if filled out in compliance with the instructions on the form and with the above-named official prior to 10:00 a. m., July 31, 1956. A drawing will be held on that date or shortly thereafter. Any person who submits more than one card will be declared ineligible to participate in the drawing. Tracts will be assigned to entrants in the order in which their names are drawn. All entrants will be notified of the results of the drawing. Successful entrants will be sent copies of the application for lease forms (form 4–776) with instructions as to their execution and return and as to payment of fees and rentals.

8. All valid applications filed prior to 10:00 a. m., March 26, 1956, will be granted the preference right provided for by 43 CFR 257.5 (a) if preference-right applicants conform to the provisions of this Order as to area, reducing the size of Lots 27 to 66, inclusive, from 5 acres to 2½ acres.

R. G. SPORLEDER,
*Officer in Charge, Southern Field Division, Los Angeles, California.*

[F. R. Doc. 56–2521; Filed, Apr. 4, 1956; 8:47 a. m.]

[Doc. 107]

## ARIZONA

ORDER VACATING AND CANCELING SMALL TRACT CLASSIFICATION ORDER NO. 48

MARCH 28, 1956.

1. Pursuant to authority delegated by Document No. 43, Arizona, effective May 19, 1955 (20 F. R. 3514–15), Document No. 105, Small Tract Classification No. 48, published March 15, 1956, 21 F. R. 1659, is hereby revoked. The said docu-

ment classified the following described lands for lease and sale for residence and/or business purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended:

GILA AND SALT RIVER MERIDIAN

T. 1 N., R. 8 E.,
Sec. 34: W½NE¼, SE¼NE¼.

2. The order is revoked for the following reasons:

(a) That it does not provide for a simultaneous filing period for veterans.

(b) An unusual interest in these lands has developed and a further study is deemed advisable prior to the issuance of leases with the option to purchase, as provided in 43 CFR 257.13.

3. The above described lands shall not become subject to application under the Small Tract Act until it is so provided by an order to be issued by an authorized officer opening the lands to application with a preference right to Veterans of World War II and of the Korean Conflict and other qualified persons entitled to preference under the act of September 27, 1944 (52 Stat. 497; 43 USC 279–284), as amended.

E. R. TRAGITT,
*State Lands and Minerals, Staff Officer.*

[F. R. Doc. 56–2522; Filed, Apr. 4, 1956; 8:47 a. m.]

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OREGON

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

Department of Agriculture has filed an application, Serial No. Oregon 04881, for the withdrawal of the lands described below, from all forms of appropriation under the general mining laws, subject to valid existing rights.

The applicant desires the land, which is within the boundaries of the Malheur National Forest, for an administrative site.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 1001 N. E. Lloyd Boulevard, P. O. Box 3861, Portland 8, Oregon.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WILLAMETTE MERIDIAN, OREGON

MALHEUR NATIONAL FOREST, GRANT COUNTY, OREG.

T. 16 S., R. 28 E., Sec. 14: S½NE¼.
80 acres.

RUSSELL E. GETTY,
*Acting State Supervisor.*

MARCH 26, 1956.

[F. R. Doc. 56–2523; Filed, Apr. 4, 1956; 8:48 a. m.]

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## Bureau of Reclamation

HASSAYAMPA PROJECT, ARIZONA

FIRST FORM RECLAMATION WITHDRAWAL

JULY 27, 1953.

Pursuant to the authority delegated by Departmental Order No. 2515, of April 7, 1949, I hereby withdraw the following described lands from public entry under the first form of withdrawal as provided by section 3 of the Act of June 17, 1902, (32 Stat. 388).

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 9 N., R. 4 W.,
Sec. 35, S½SW¼.

The above area aggregates 80 acres.

G. W. LINEWEAVER,
*Assistant Commissioner.*

[65204]

MARCH 30, 1956.

I concur. The records of the Bureau of Land Management will be noted accordingly.

EDWARD WOOZLEY,
*Director,*
*Bureau of Land Management.*

*Notice for Filing Objections to Order Withdrawing Public Lands for the Proposed Hassayampa Project, Arizona*

JULY 27, 1953.

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of Arizona, for use in connection with the proposed Hassayampa Project, Arizona, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

G. W. LINEWEAVER,
*Assistant Commissioner.*

[F. R. Doc. 56–2524; Filed, Apr. 4, 1956; 8:48 a. m.]

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GRAND VALLEY PROJECT, COLORADO

ORDER OF REVOCATION

FEBRUARY 20, 1956.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954 (19 F. R. 5004), I hereby revoke Departmental Orders of July 2, 1902; July 27, 1908; and July 27, 1910, insofar as said orders affect the following described lands: *Provided, however,* That such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the lands hereinafter described:

UTE MERIDIAN, COLORADO

T. 1 N., R. 1 E.,
Sec. 25: E½W½, NW¼NW¼ and SW¼SW¼;
Sec. 36: All.

The above areas aggregate 880 acres.

E. G. NIELSEN,
*Assistant Commissioner.*

[1885953]

MARCH 30, 1956.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The E½W½, NW¼NW¼, SW¼SW¼, sec. 25 and the N½, N½S½, SE¼SE¼, sec. 36, have been patented.

The S½SW¼ and SW¼SE¼, sec. 36, are included in allowed homestead entries (Denver 035836, 035838, and 038444), and are therefore not subject to the provisions of the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, granting preference rights to veterans of World War II, the Korean Conflict, and others.

EDWARD WOOZLEY,
*Director,*
*Bureau of Land Management.*

[F. R. Doc. 56–2525; Filed, Apr. 4, 1956; 8:48 a. m.]

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MILK RIVER PROJECT, MONTANA

ORDER OF REVOCATION

NOVEMBER 16, 1955.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954 (19 F. R. 5004), I hereby revoke Departmental Order of April 28, 1909, insofar as said order affects the following described lands; provided, however, that such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the lands hereinafter described.

PRINCIPAL MERIDIAN, MONTANA

T. 30 N., R. 28 E.,
Sec. 15, Lots 9 and 10.

The above area aggregates 48.76 acres.

N. B. BENNETT,
*Acting Assistant Commissioner.*

[70212]

MARCH 30, 1956.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The lands are included in a first form Reclamation withdrawal of May 24, 1909.

EDWARD WOOZLEY,
*Director,*
*Bureau of Land Management.*

[F. R. Doc. 56–2526; Filed, Apr. 4, 1956; 8:48 a. m.]



MISSOURI RIVER BASIN PROJECT, MONTANA

ORDER OF REVOCATION

FEBRUARY 20, 1956.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954 (19 F. R. 5004), I hereby revoke Departmental Orders of February 28 and March 15, 1946, and September 29, 1948, insofar as said orders affect the following described lands: *Provided, however,* That such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the lands hereinafter described:

PRINCIPAL MERIDIAN

T. 9 N., R. 1 W.,
Sec. 1, lots 3 and 4.
T. 10 N., R. 1 W.,
Sec. 2, lot 4;
Sec. 11, NW¼NE¼SW¼, NW¼SW¼;
Sec. 12, W½NE¼SE¼;
Sec. 26, SW¼NW¼, W½SW¼, SE¼SW¼, and SW¼SE¼.
T. 7 N., R. 1 E.,
Sec. 1, lots 5 and 10.
T. 9 N., R. 1 E.,
Sec. 20, SW¼SW¼.

The above areas aggregate 487.02 acres.

E. G. NIELSEN,
*Assistant Commissioner.*

[2092919]

MARCH 30, 1956.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The SW¼NW¼, NW¼SW¼, and SW¼SE¼, sec. 26, T. 10 N., R. 1 W., are included in Power Site Classification No. 243 of December 10, 1949. Lots 5 and 10, sec. 1, T. 7 N., R. 1 E., are withdrawn in Power Site Classification No. 369 of October 24, 1944. These lands shall be opened to mining location pursuant to the act of August 11, 1955 (69 Stat. 683; 30 U. S. C. 621) on May 5, 1956.

The lands in section 1, T. 7 N., R. 1 E., and section 11, T. 10 N., R. 1 W., are inundated by the Canyon Ferry Reservoir. The remaining lands are rough to mountainous grazing lands.

No application for the remaining lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on May 5, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on August 4, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on August 4, 1956 will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

b. The lands have been open to applications and offers under the mineral-leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a. m. on August 4, 1956.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Billings, Montana.

EDWARD WOOZLEY,
*Director,*
*Bureau of Land Management.*

[F. R. Doc. 56–2527; Filed, Apr. 4, 1956; 8:49 a. m.]

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COLORADO RIVER STORAGE AND YUMA PROJECTS, ARIZONA

ORDER OF REVOCATION

JANUARY 26, 1956.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby revoke Departmental Orders of January 31, 1903, September 8, 1903, and June 4, 1930, insofar as said orders affect the following described lands; provided, however, that such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the land hereinafter described.

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 16 N., R. 21 W.,
Secs. 4, 6, and 8, all;
Sec. 16, W½;
Sec. 20, all;
Sec. 22, W½;
Sec. 34, all.
T. 17 N., R. 21 W.,
Secs. 6 and 8, all;
Sec. 16, W½;
Secs. 18, 20 and 28, all;
Sec. 34, W½.

The above area aggregates 6,616.30 acres.

E. G. NIELSEN,
*Acting Commissioner.*

[70786]

MARCH 30, 1956.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The released lands are included in prior withdrawals for the Fort Mohave Indian Reservation.

EDWARD WOOZLEY,
*Director,*
*Bureau of Land Management.*

[F. R. Doc. 56–2528; Filed, Apr. 4, 1956; 8:49 a. m.]

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## CIVIL AERONAUTICS BOARD

[Docket No. 7818]

HAWAIIAN AIRLINES FREIGHT RATE INVESTIGATION

NOTICE OF PREHEARING CONFERENCE

In the matter of an investigation of Hawaiian Airlines to determine whether the rates, charges and provisions contained in Hawaiian Airlines Limited's C. A. B. No. 12, including subsequent revisions and reissues thereof, are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful rates, charges and provisions.

Notice is hereby given that a prehearing conference in the above-entitled investigation is assigned to be held on April 19, 1956, at 10:00 a. m., e. s. t., in Room 5132, Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Thomas L. Wrenn.

Dated at Washington, D. C., April 2, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56–2554; Filed, Apr. 4, 1956; 8:55 a. m.]

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## INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 2, 1956.

Protests to the granting of an application must be prepared in accordance

with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31905: *Manganese ore—Newport News, Va., to Knoxville, Tenn.* Filed by R. E. Boyle, Jr., agent for interested rail carriers. Rates on manganese ore, carloads from Newport News, Va., to Knoxville, Tenn.

Grounds for relief: Circuitous route.

Tariff: Supplement 127 to Agent Spaninger's I. C. C. 1369.

FSA No. 31906: *Barytes ore—Missouri to Corpus Christi and Houston, Tex.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on crude barytes ore, not ground, carloads from Cadet, Fountain Farm, Mineral Point, Potosi, Tiff, and Vineland, Mo., to Corpus Christi and Houston, Tex.

Grounds for relief: Competition with traffic imported from foreign countries and circuity.

Tariff: Supplement 44 to Agent Kratzmeir's I. C. C. 4092.

FSA No. 31907: *Zinc and products to Waynesboro, Va.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on zinc, pig, slab or spelter and zinc anodes, straight or mixed carloads from specified points in Arkansas, Oklahoma and Texas to Waynesboro, Va.

Grounds for relief: Carrier competition and circuity.

Tariff: Supplement 94 to Agent Kratzmeir's I. C. C. 4045.

FSA No. 31908: *Roofing and building material to Wilmington, Ill.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on roofing and building materials and roofing slate, carloads from Dallas and Houston, Tex., to Wilmington, Ill.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 171 to Agent Kratzmeir's I. C. C. 4139.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56-2538; Filed, Apr. 4, 1956; 8:51 a. m.]

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[Ex Parte No. 202]

EASTERN AND WESTERN RAILROADS

INCREASED FARES, 1956

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 30th day of March A. D. 1956.

It appearing that on March 22, 1956, petitions were filed by agents and attorneys for and on behalf of eastern and western railroads named therein for authority to depart from the Commission's tariff publishing rules to the extent necessary to enable them to publish a general increase approximating 5 percent in passenger fares and charges, exclusive of commutation fares; and for modification of all outstanding orders of the Commission to the extent necessary to permit only the publication of the aforesaid increase in fares and charges.

It further appearing that by order of March 26, 1956, the Commission granted such special permission and modified all outstanding orders only to the extent necessary to permit the filing of tariffs containing the proposed increased fares and charges, subject to protest, suspension or rejection and stated: "That an investigation will be instituted into the lawfulness of the proposed increased fares and charges and a hearing afforded:"

And it further appearing that on March 30, 1956, the railroads filed their tariffs containing the general increases in passenger fares and charges above described to become effective May 1, 1956, together with statements of the railroads in justification of the proposed increases and application for fourth section relief and modification of outstanding orders, and with supporting verified statements and exhibits attached; and that the railroads will furnish copies of these statements in justification and verified statements to any interested party upon request, in writing, addressed to Mr. Richard R. Bongartz, 1740 Suburban Station Building, Philadelphia 4. Penna.

*It is ordered,* That:

1. An investigation under the caption hereof be, and it is hereby, instituted into and concerning the reasonableness and lawfulness of the proposed general increase in passenger fares and charges above described, including proposed general increases in passenger fares and charges which may be subsequently filed in this proceeding; and including possible suspension of the tariffs, and modification of outstanding orders to the extent necessary for the proposed increased fares and charges to become effective.

2. Except as provided in paragraphs 3 (a) and (b) hereof, all evidence, except oral cross-examination provided for in paragraph 4 hereof, will be submitted in the form of verified statements (affidavits) with or without exhibits attached.

3. Special rules of practice will apply as follows:

(a) *Protests.* Protests against the proposed increase in fares and charges, including requests for suspension of the tariffs and schedules, may be filed on or before April 19, 1956. Such protests should make reference to this proceeding by docket number, should state the grounds in support thereof, and indicate in what respect the protested tariff or schedule is considered to be unlawful. The protests will be considered as addressed to the discretion of the Commission and none shall include a prayer that it also be considered a formal complaint. Should a protestant desire to proceed further against said tariffs or schedules, in the event such tariffs or schedules are not suspended, a separate formal complaint or petition may be filed later. Protests as provided by this order may be in letter form and an original only need be filed with this Commission. Replies to said protests may be made in accordance with paragraph 3 (d) hereof. Unless orally objected to on the record at the hearing for cross-examination provided for in paragraph 4, these protests will also be received in evidence.

(b) *Use of Commission's records and other documents.* The Commission will take official notice of, and consider as part of the record in this proceeding, the following documents, except that objection to consideration of the particular matter contained in such documents may be made as specified herein:

Annual, quarterly and monthly reports of individual railroads, filed with the Commission;

Annual Report on the Statistics of Railways in the United States;

Annual Report on Transport Statistics in the United States, and Annual Returns of Railroads to Valuation Order No. 3.

Quarterly Reports: Series No. 750.

Monthly Reports: Series No. M-100, 125, 150, 200, 213, 215, 220, 230, 240, 250 and 300.

Monthly Transport Economics Publication of April 1956.

This will extend to such documents on file or to be filed or issued during the pendency of the proceeding, and is for the benefit of all parties as well as the Commission.

Parties desiring to enter objection to the consideration of such documents, or to any particular matter contained therein upon the ground of relevance or materiality, must orally enter such objection on the record at a timely stage of the hearing provided for in paragraph 4 hereof. The objection should specify the matter objected to and the reasons therefor.

(c) *Verified statements.* Evidence by parties other than respondents either in support of or against the proposed increased fares and charges must be submitted in the form of verified statements (affidavits) with or without exhibits attached. An original and 29 copies must be furnished to the Commission and 5 copies should be furnished to Mr. Roland J. Lehman, Room 1211, 80 East Jackson Blvd., Chicago, Ill., and also to Mr. Richard R. Bongartz, 1740 Suburban Station Building, Philadelphia 4, Penna., for the railroads. One copy of such verified statements should be sent by first-class mail to each of the Regional Offices of the Commission where it will be open to public inspection. A list of the addresses of Regional Offices and Regional Managers is set forth below as Appendix A. These verified statements must be filed by April 19, 1956.

(d) *Reply verified statements.* Verified statements (affidavits) in reply to the above, and verified statements in reply to protests submitted in accordance with paragraph 3 (b) hereof, must be filed by April 24, 1956. An original and 29 copies must be furnished to the Commission. The party whose verified statement or protest is being replied to should be served with a copy of the reply by first-class mail, and a copy of each verified reply statement should be sent to each of the Regional Offices of the Commission where it will be open to public inspection.

4. A hearing for the purpose of cross-examining witnesses who have filed verified statements or reply verified statements will be held at the office of the Commission in Washington, D. C., beginning at 10:00 o'clock a. m., April 25, 1956, before Division 2. If cross-examination of a witness is desired by any party, request therefor must be given to the Commission and to the witness or his attorney as promptly as circumstances will permit in time to enable the witness to reach Washington, D. C., for the hearing.

5. Memorandum briefs may be filed on or before April 27, 1956. An original and 29 copies must be furnished to the Commission and 5 copies should be sent to Mr. Roland J. Lehman, Room 1211, 80 East Jackson Blvd., Chicago 4, Illinois, and also to Mr. Richard R. Bongartz, 1740 Suburban Station Bldg., Philadelphia, Penna., and a copy sent to each of the Commission's Regional Offices where it will be open to public inspection.

6. Rule 42 of the Commission's general rules of practice relating to petitions for suspension of tariffs or schedules and Rule 21 (c) allowing 5 days' additional time for parties located at or west of the El Paso, Texas-Helena, Montana line will not apply in this proceeding.

*It is further ordered,* That the said railroads be, and they are hereby, made respondents to this proceeding;

*And it is further ordered,* That a copy of this order be served upon each of the respondents, and copies for public inspection be filed in the office of the Secretary of the Commission and with each of the Commission's Regional Offices, and a copy filed with the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

APPENDIX A—INTERSTATE COMMERCE COMMISSION REGIONAL OFFICES

Region 1—Territory: Maine, New Hampshire, Vermont, Rhode Island, Massachusetts. Headquarters: Boston 9, Mass., 824 New Post Office Building. In charge: George R. Nuzum, Regional Manager.

Region 2—Territory: New York, New Jersey, Connecticut. Headquarters: New York 13, N. Y., Room 1111, 346 Broadway. In charge: Thomas L. McClelland, Regional Manager.

Region 3—Territory: Eastern Pennsylvania, Maryland, Delaware, District of Columbia, Virginia. Headquarters: Philadelphia 6, Pa., 800 U. S. Custom House Building, Second and Chestnut Street. In charge: T. G. Reynolds, Regional Manager.

Region 4—Territory: Western Pennsylvania, Ohio, West Virginia. Headquarters: Columbus 15, Ohio, 311 Old Post Office Building. In charge: Roy M. Snetzer, Regional Manager.

Region 5—Not active.

Region 6—Territory: Georgia, Florida, Alabama, North Carolina, South Carolina. Headquarters: Atlanta 3, Ga., 743 Peachtree Street, Seventh Building, 50 Seventh Street NE. In charge: William Addams, Regional Manager.

Region 7—Territory: Kentucky, Tennessee, Mississippi. Headquarters: Nashville 3, Tenn., Room 701, U. S. Court House, 801 Broadway. In charge: E. S. Craig, Regional Manager.

Region 8—Territory: Indiana, Illinois, Michigan. Headquarters: Chicago 7, Ill., 852 U. S. Custom House Building, 610 South Canal Street. In charge: Harry P. Raymond, Regional Manager.

Region 9—Territory: *Wisconisin, Minnesota, North Dakota, South Dakota.* Headquarters: Minneapolis, Minn., 618 Metropolitan Building, Second Avenue South and Third Street. In charge: W. E. Hustleby, Regional Manager.

Region 10—Territory: *Iowa, Missouri, Nebraska, Kansas.* Headquarters: Kansas City 6, Mo., 500 Federal Office Building, 911 Walnut Street. In charge: H. Joseph Simmons, Regional Manager.

Region 11—Not active.

Region 12—Territory: *Texas, Oklahoma, Arkansas, Louisiana.* Headquarters: Fort Worth 2, Tex., Room 2104, 300 West Vickery Street. In charge: R. K. Hagarty, Regional Manager.

Region 13—Territory: *Wyoming, Colorado, New Mexico, Utah, Montana.* Headquarters: Denver, Colo., 251 New Customs Building, Nineteenth and Stout Streets. In charge: Bert L. Penn, Regional Manager.

Region 14—Not active.

Region 15—Territory: *Oregon, Washington, Idaho.* Headquarters: Portland, Oreg., 538 Pittock Block, 921 Southwest Washington Street. In charge: Frank E. Landsburg, Regional Manager.

Region 16—Territory: *Arizona, California, Nevada.* Headquarters: San Francisco 2, Calif., Room 944, Flood Building, 870 Market Street. In charge: Pete H. Dawson, Regional Manager.

[F. R. Doc. 56-2537; Filed, Apr. 4, 1956; 8:51 a. m.]

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[Drouth Order 55]

TEXAS

TRANSPORTATION OF LIVESTOCK AND LIVESTOCK FEED AT REDUCED RATES

In the matter of relief under section 22 of the Interstate Commerce Act.

It appearing that by reason of a prolonged drouth existing in the State of Texas, the Acting Secretary of Agriculture by letter dated March 29, 1956, has requested the Commission to enter an order under section 22 of the Interstate Commerce Act authorizing railroads subject to the Commission's jurisdiction to transport livestock and livestock feed from and to Texas at reduced rates:

*It is ordered,* That carriers by railroad participating in the transportation of livestock feed to, and livestock from, Texas, and in the subsequent return of livestock to Texas, be, and they are hereby, authorized under section 22 of the Interstate Commerce Act to establish and maintain until September 30, 1956, reduced rates for such transportation, the rates to be published and filed in the manner prescribed in section 6 of the Interstate Commerce Act except that they may be made effective one day after publication and filing instead of thirty.

*It is further ordered,* That the class of persons entitled to such reduced rates is hereby defined as persons designated as being in distress and in need of relief by the United States Department of Agriculture or by such State agents or agencies as may in turn be designated by the United States Department of Agriculture to assist in relieving the distress caused by the drouth.

*It is further ordered,* That during the period in which any reduced rates authorized by this order are effective the carriers may, notwithstanding the provisions of section 4 of the Interstate Commerce Act, maintain higher rates to directly intermediate points and maintain through rates in excess of the aggregate of intermediate rates over the same routes if one or more of the factors of such aggregate-of-intermediate rates is a reduced rate established under the authority of this order.

*And it is further ordered,* That any tariffs or tariff provisions published under the authority of this order shall explicitly so state, making reference to this order by number and date.

*And it is further ordered,* That notice to the affected railroads and the general public shall be given by depositing a copy of this order in the office of the Secretary of the Commission and by filing a copy with the Director, Division of the Federal Register; and that copies be mailed to the Chairman of the Traffic Executive Association-Eastern Railroads, New York, N. Y., the Chairman of the Southern Freight Association, Atlanta, Georgia, the Chairman of the Executive Committee, Western Traffic Association, Chicago, Illinois, the Traffic Vice-President of the Association of American Railroads, Washington, D. C., and to the President of the American Short Line Railroad Association, Washington, D. C.

Dated at Washington, this 2d day of April 1956.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56-2551; Filed, Apr. 4, 1956; 8:54 a. m.]

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1934
OF THE UNITED STATES

# FEDERAL REGISTER

VOLUME 21 NUMBER 67

Washington, Friday, April 6, 1956

## TITLE 6—AGRICULTURAL CREDIT

### Chapter III—Farmers Home Administration, Department of Agriculture

**Subchapter E—Account Servicing**

[FHA Instruction 451.1]

PART 361—ROUTINE

SUBPART A—ACCOUNT SERVICING POLICIES

REAMORTIZING DIRECT SOIL AND WATER CONSERVATION ACCOUNTS

Section 361.8 (h) in Title 6, Code of Federal Regulations (20 F. R. 9296), is hereby amended to include regulations for reamortizing direct Soil and Water Conservation accounts, and to read as follows:

§ 361.8 *Other account servicing information on Farm Ownership, Soil and Water Conservation, Other Real Estate, and Farm Housing accounts.* * * *

(h) *Reamortizing direct Farm Ownership, Farm Housing, and direct Soil and Water Conservation accounts.* (1) Direct Farm Ownership accounts will be reamortized when required by § 333.4 of this chapter in connection with making a subsequent Farm Ownership loan when a borrower whose loan was approved prior to November 1, 1946, and who signed Form FSA–LE–228 has such agreement canceled unless immediate foreclosure proceedings are recommended or the borrower was on or ahead of schedule as of the previous installment due date and is not obtaining a subsequent direct loan, and when a borrower who is not behind schedule and has made extra principal payments and refunds totaling 10 percent or more of his Farm Ownership loan, executes Form FHA–176, "Request for Reamortization of Farm Ownership Loan," and the State Director determines that the borrower is likely to have difficulty in meeting his obligations unless his account is reamortized. The unpaid principal, and future interest thereon at the rate specified in the note(s), will be reamortized so as to retire the debt in equal annual installments from the date of reamortization to the maturity date of the note(s). The unpaid accrued interest as of the date of reamortization will be divided into the same number of equal annual installments as indicated in the previous sentence. The revised annual installment will be the sum of the two annual installments mentioned in the two preceding sentences. However, each payment on such reamortized account will be applied first to unpaid interest and second to principal. The borrower's account will be on schedule as of the last installment due date preceding the date of reamortization. The installment due date will be March 31 for borrrowers whose entire Farm Ownership indebtedness is based on notes with December 31 due dates with 90-day grace periods, and borrowers who have an outstanding Farm Ownership note with March 31 due dates. The installment due date for other borrowers will be January 1. When the revised amortization schedule has been calculated, the Finance Office will notify the County Supervisor, who will notify the borrower of the change. It will not be necessary to obtain a new note(s) or to change the face value of the original note(s).

(2) Farm Housing and direct Soil and Water Conservation accounts will be reamortized when a borrower who is not behind schedule and has made extra principal payments and refunds totaling 10 percent or more of his loan, requests reamortization on Form FHA–176, and the State Director determines that the borrower is likely to have difficulty in meeting his obligations unless his account is reamortized. Reamortization of Farm Housing and direct Soil and Water Conservation accounts will be calculated in accordance with subparagraph (1) of this paragraph. The borrower's account will be on schedule as of the last installment due date preceding the date of reamortization. When the revised amortization schedule has been calculated, the Finance Office will notify the County Supervisor, who will make a notation thereof on the back of the original note, change the amount of the annual installment appearing in the heading of Form FHA–473B, and notify the borrower of the change. It will not be necessary to obtain a new note or to change the face value of the original note.

(Continued on p. 2229)

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**Title 32: Parts 800–1099 ($0.40)**

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Dated: April 2, 1956.

[SEAL] R. B. MCLEAISH,
*Administrator,*
*Farmers Home Administration.*

[F. R. Doc. 56–2564; Filed, Apr. 5, 1956; 8:47 a. m.]

## Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

**Subchapter B—Loans, Purchases, and Other Operations**

PART 430—DAIRY PRODUCTS

SUBPART—MILK AND BUTTERFAT PRICE SUPPORT PROGRAM

The U. S. Department of Agriculture has announced a price support program for milk and butterfat for the marketing year April 1956 through March 1957, through purchases by Commodity Credit Corporation (CCC) of dairy products as provided herein.

§ 430.190 *Price support program for milk and butterfat.* (a) The general levels of prices to producers for milk and butterfat will be supported from April 1, 1956 through March 31, 1957 at $3.15 per hundredweight for manufacturing milk of 3.95 percent butterfat (yearly average test) and 56.2 cents per pound of butterfat.

(b) (1) Price support for milk and butterfat will be through purchases by CCC of butter, nonfat dry milk solids and Cheddar cheese offered by manufacturers and handlers, subject to terms and conditions of purchase announcements issued by the Livestock and Dairy Division, Commodity Stabilization Service, U. S. Department of Agriculture, Washington 25, D. C. CCC will consider offers of such products at the following prices:

| Commodity | Description | Market location | Unit | Price |
|---|---|---|---|---|
| Butter | U. S. Grade A or higher | Chicago | Pound | $0.5750 |
| | | San Francisco | do | .5700 |
| | | Seattle | do | .5750 |
| | | New York [1] | do | .5825 |
| | U. S. Grade B | Chicago | do | .5550 |
| | | San Francisco | do | .5550 |
| | | Seattle | do | .5550 |
| | | New York [1] | do | .5625 |
| Cheddar cheese | U. S. Grade A or higher: | | | |
| | Standard moisture basis | United States | do | |
| | Produced before Apr. 1, 1956: | | | |
| | Domestic containers | do | do | 33.25 |
| | Export containers | do | do | 34.00 |
| | Produced on or after Apr. 1, 1956: | | | |
| | Domestic containers | do | do | 34.00 |
| | Export containers | do | do | 34.75 |
| Nonfat dry milk solids | Spray process: | | | |
| | Barrels and drums | do | do | .1600 |
| | Bags | do | do | .1515 |
| | Roller process: | | | |
| | Barrels and drums | do | do | .1425 |
| | Bags | do | do | .1340 |

[1] New York shall be deemed to include Jersey City, N. J.

(2) Offers to sell butter at any point other than the four markets designated in this paragraph will be considered at the price set forth in this paragraph for the designated market named by the seller, less 80 percent of the lowest published domestic railroad carlot freight rate per pound gross weight from such point to such designated market.

(3) For cheese offered on a "dry" basis the price in cents per pound shall be that indicated below under the columns for the applicable price, "standard moisture" basis, according to the percentage of moisture.

| Percent moisture | 33.25 | 34.00 | 34.75 |
|---|---|---|---|
| 37.3 to 37.7 | 34.07 | 34.84 | 35.60 |
| 36.8 to 37.2 | 34.34 | 35.11 | 35.89 |
| 36.3 to 36.7 | 34.61 | 35.39 | 36.17 |
| 35.8 to 36.2 | 34.89 | 35.67 | 36.46 |
| 35.3 to 35.7 | 35.16 | 35.95 | 36.74 |
| 34.8 to 35.2 | 35.43 | 36.23 | 37.03 |
| 34.3 to 34.7 | 35.70 | 36.51 | 37.31 |
| 33.8 to 34.2 | 35.98 | 36.79 | 37.60 |
| 33.3 to 33.7 | 36.25 | 37.07 | 37.88 |
| 32.8 to 33.2 | 36.52 | 37.34 | 38.17 |

(c) The butter shall be creamery butter of U. S. Grade B or higher. The nonfat dry milk solids shall be U. S. Extra Grade (except that maximum moisture content shall be 3½ percent). The Cheddar cheese shall be U. S. Grade A or higher.

(d) The foregoing prices are applicable to purchases of commodities packaged as follows:

(1) Butter packaged in accordance with specifications set forth in Announcement LD–15 and Supplements thereto dated May 13, 1955 and July 13, 1955.

(2) Cheese packaged in accordance with cheese box specifications Form Da–270, as revised April 1, 1954, and Supplement 1 thereto issued June 24, 1955.

(3) Nonfat dry milk solids packaged in accordance with specifications for bulk packaging for nonfat dry milk solids. Form Da–259, issued April 1, 1954.

(4) Purchases at the foregoing prices will be made in other bulk containers specifically approved by the Director, Livestock and Dairy Division, Commodity Stabilization service, provided CCC, at the time of offer, has an outlet for an equivalent quantity of the product in the container offered.

(5) Products in other containers may be purchased at prices determined by competitive bids or at prices stated in the respective Purchase Announcements for such other packaging.

(6) Specifications for packaging of these products are undergoing study in the Department, and it is anticipated that revisions therein will be made. Processors therefor should hold inventories of packaging materials to a minimum pending such revisions of specifications.

(e) The products purchased shall be produced and located in the continental United States. Purchases will be made in carlots. Grades and weights shall be evidenced by inspection certificates issued by the U. S. Department of Agriculture.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, sec. 201, 63 Stat. 1052, as amended; 15 U. S. C. 714c, 7 U. S. C. 1446)

Issued this 2d day of April 1956.

[SEAL] WALTER C. BERGER,
*Acting Executive Vice President, Commodity Credit Corporation.*

[F. R. Doc. 56–2563; Filed, Apr. 5, 1956; 8:47 a. m.]

## TITLE 7—AGRICULTURE

## Chapter II—Agricultural Marketing Service (School Lunch Program), Department of Agriculture

[Fiscal Year 1956]

PART 210—REGULATIONS AND PROCEDURE

APPENDIX—SECOND APPORTIONMENT OF FOOD ASSISTANCE FUNDS PURSUANT TO THE NATIONAL SCHOOL LUNCH ACT

The funds available for purposes of the National School Lunch Act (60 Stat.

230, 66 Stat. 591) for food assistance for the fiscal year ending June 30, 1956, are reapportioned as follows in order to effect a further apportionment of supplemental funds pursuant to section 4 of the act.

| State | Total | State agency | Withheld for private schools |
|---|---|---|---|
| Alabama | $2,328,625 | $2,266,025 | $62,600 |
| Alaska | 40,139 | 40,139 | |
| Arizona | 449,871 | 424,422 | 25,449 |
| Arkansas | 1,576,169 | 1,548,726 | 27,443 |
| California | 3,352,994 | 3,352,994 | |
| Colorado | 538,348 | 486,857 | 51,491 |
| Connecticut | 568,131 | 568,131 | |
| Delaware | 79,434 | 76,058 | 3,376 |
| District of Columbia | 186,840 | 186,860 | |
| Florida | 1,480,930 | 1,408,663 | 72,267 |
| Georgia | 2,278,139 | 2,278,139 | |
| Hawaii | 215,990 | 179,895 | 36,085 |
| Idaho | 320,678 | 310,652 | 10,026 |
| Illinois | 2,509,555 | 2,509,555 | |
| Indiana | 1,434,121 | 1,434,121 | |
| Iowa | 1,099,975 | 981,169 | 118,806 |
| Kansas | 802,305 | 802,305 | |
| Kentucky | 1,863,573 | 1,863,573 | |
| Louisiana | 1,703,822 | 1,703,822 | |
| Maine | 443,531 | 366,829 | 76,702 |
| Maryland | 830,538 | 708,520 | 122,018 |
| Massachusetts | 1,535,310 | 1,535,310 | |
| Michigan | 2,200,676 | 1,861,657 | 339,019 |
| Minnesota | 1,286,929 | 1,079,031 | 207,898 |
| Mississippi | 2,103,629 | 2,103,629 | |
| Missouri | 1,482,557 | 1,482,557 | |
| Montana | 247,150 | 220,416 | 26,734 |
| Nebraska | 550,321 | 483,452 | 66,869 |
| Nevada | 55,025 | 53,143 | 1,882 |
| New Hampshire | 200,018 | 200,018 | |
| New Jersey | 1,382,255 | 1,089,727 | 292,528 |
| New Mexico | 442,105 | 442,105 | |
| New York | 3,860,687 | 3,860,687 | |
| North Carolina | 2,911,205 | 2,911,205 | |
| North Dakota | 347,142 | 312,640 | 34,502 |
| Ohio | 2,549,191 | 2,159,834 | 389,357 |
| Oklahoma | 1,181,309 | 1,181,309 | |
| Oregon | 579,097 | 579,097 | |
| Pennsylvania | 3,563,253 | 2,875,655 | 687,598 |
| Puerto Rico | 2,700,088 | 2,700,088 | |
| Rhode Island | 258,701 | 258,701 | |
| South Carolina | 1,639,538 | 1,621,850 | 17,688 |
| South Dakota | 327,927 | 301,020 | 26,907 |
| Tennessee | 2,030,632 | 1,977,247 | 53,385 |
| Texas | 3,836,355 | 3,836,355 | |
| Utah | 369,249 | 363,819 | 5,430 |
| Vermont | 183,357 | 183,357 | |
| Virginia | 1,752,358 | 1,691,270 | 61,088 |
| Virgin Islands | 30,000 | 30,000 | |
| Washington | 814,135 | 755,242 | 58,893 |
| West Virginia | 1,179,750 | 1,153,075 | 26,675 |
| Wisconsin | 1,316,365 | 1,011,444 | 304,921 |
| Wyoming | 125,616 | 125,616 | |
| Total | 67,145,648 | 63,938,011 | 3,207,637 |

(60 Stat. 230, as amended; 42 U. S. C. 1751–1760)

Dated: April 3, 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator,*
*Agricultural Marketing Service.*

[F. R. Doc. 56–2593; Filed, Apr. 5, 1956; 8:54 a. m.]

## TITLE 9—ANIMALS AND ANIMAL PRODUCTS

### Chapter I—Agricultural Research Service, Department of Agriculture

#### Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 76]

PART 76—HOG CHOLERA, SWINE PLAGUE AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—VESICULAR EXANTHEMA

CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111–113, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 76.27, as amended, Subpart B, Part 76, Title 9, Code of Federal Regulations (21 F. R. 3417, 786, 1165, 1461, 1743), which contains a notice with respect to the States in which swine are affected with vesicular exanthema, a contagious, infectious, and communicable disease, and which quarantines certain areas in such States because of said disease, is hereby further amended in the following respects:

1. A new subdivision (vii) is added to subparagraph (1) of paragraph (d), relating to Atlantic County in New Jersey, to read:

(vii) Farm No. 644, Gloucester Farm and Town Association Subdivision, Galloway Township, owned and operated by Frank Tortello.

2. A new subdivision (xiv) is added to subparagraph (2) of paragraph (d), relating to Burlington County in New Jersey, to read:

(xiv) Cinnaminson Township.

3. New subdivision (lxxiii) and (lxxiv) are added to subparagraph (5) of paragraph (d), relating to Gloucester County in New Jersey, to read:

(lxxiii) Mantua Township.

(lxxiv) Lot 32, Block 233, in Deptford Township, owned and operated by William Cormany.

4. A new subdivision (xix) is added to subparagraph (9) of paragraph (d), relating to Monmouth County in New Jersey, to read:

(xix) Lot 32 D, Block 11, in Marlboro Township, owned by Mary F. Wilson Burrows, operated by Thomas Burrows.

*Effective date.* The foregoing amendment shall become effective upon issuance.

The amendment excludes certain areas in New Jersey from the areas heretofore quarantined because of vesicular exanthema. Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR, 1954 Supp., Part 76, Subpart B, as amended, will not apply to such areas. However, the restrictions pertaining to such movement from non-quarantined areas, contained in said Subpart B, as amended, will apply thereto.

The amendment relieves certain restrictions presently imposed, and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 111–113, 117, 120, 123, 125)

Done at Washington, D. C., this 2d day of April 1956.

[SEAL] M. R. CLARKSON,
*Acting Administrator,*
*Agricultural Research Service.*

[F. R. Doc. 56–2594; Filed, Apr. 5, 1956; 8:54 a. m.]

## TITLE 15—COMMERCE AND FOREIGN TRADE

### Chapter III—Bureau of Foreign Commerce, Department of Commerce

#### Subchapter B—Export Regulations

[7th Gen. Rev. of Export Regs., Amdt. 55]

PART 382—DENIAL OR SUSPENSION OF EXPORT PRIVILEGES

CHANGE IN TERMINOLOGY

Part 382 is amended by substituting the words "Export Control Investigation Staff" for the words "Director, Export Control Investigation Staff" wherever such words appear in the part.

This amendment shall become effective as of April 6, 1956.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
*Director,*
*Bureau of Foreign Commerce.*

[F. R. Doc. 56–2565; Filed, Apr. 5, 1956; 8:47 a. m.]

## TITLE 21—FOOD AND DRUGS

### Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 141b—STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PART 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS

DIHYDROSTREPTOMYCIN SULFATE VETERINARY; DIHYDROSTREPTOMYCIN HYDROCHLORIDE VETERINARY

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 507, 701, 52 Stat. 1055, 59 Stat. 463, 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR Part 141b) and certification of antibiotic and antibiotic-containing drugs (21 CFR Parts 146a, 146b) are amended as indicated below:

1. Section 141b.119 is amended in the following respects:



a. The section headnote and paragraph (a) are amended to read:

§ 141b.119 *Streptomycin sulfate veterinary; dihydrostreptomycin sulfate veterinary; dihydrostreptomycin hydrochloride veterinary*—(a) *Potency.* If it is streptomycin sulfate veterinary, proceed as directed in § 141b.101. If it is dihydrostreptomycin sulfate veterinary or dihydrostreptomycin hydrochloride veterinary, proceed as directed in § 141b.101 (j), using the dihydrostreptomycin working standard as the standard of comparison.

b. Section 141b.119 is further amended by adding the following new paragraph at the end thereof:

(e) *Streptomycin content (if it is dihydrostreptomycin).* Proceed as directed in § 141b.108 (b).

2. Section 141b.120 is amended by changing the section headnote and paragraph (a) to read as follows:

§ 141b.120 *Streptomycin sulfate powder oral veterinary; streptomycin sulfate granules oral veterinary; dihydrostreptomycin sulfate powder oral veterinary; dihydrostreptomycin sulfate granules oral veterinary; dihydrostreptomycin hydrochloride powder oral veterinary; dihydrostreptomycin hydrochloride granules oral veterinary*—(a) *Potency.* Proceed as directed in § 141b.101, except if it contains dihydrostreptomycin use the dihydrostreptomycin working standard as the standard of comparison. Its potency is satisfactory if it contains not less than 90 percent of the number of milligrams of streptomycin or dihydrostreptomycin per gram that it is represented to contain.

3. In § 146a.54 *Penicillin-streptomycin ointment* * * *, paragraph (a) (2) is amended by changing the last two sentences to read: "If the ointment is intended for human use, the streptomycin or dihydrostreptomycin used conforms to the standards prescribed by § 146b.101 (a) or § 146b.103 of this chapter, except the standards for sterility, pyrogens, and histamine. If the ointment is intended solely for veterinary use, the streptomycin or dihydrostreptomycin used may conform to the standards prescribed by § 146b.114 (a) of this chapter."

4. In § 146a.57 *Procaine penicillin and streptomycin in oil* * * *, paragraph (a) (1) is amended by changing the last two sentences to read: "The streptomycin or dihydrostreptomycin used conforms to the standards prescribed by § 146b.101 (a) or § 146b.103 of this chapter, except the standards for sterility, pyrogens, and histamine, or by § 146b.114 (a) of this chapter."

5. In § 146a.88 *Penicillin-streptomycin tablets* * * *, paragraph (a) (1) is amended by changing the last two sentences of the subparagraph to read: "If the tablets are intended for human use, the streptomycin or dihydrostreptomycin used conforms to the standards prescribed by § 146b.101 (a) or § 146b.103 of this chapter, except the standards for sterility and pyrogens. If the tablets are intended solely for veterinary use, the streptomycin or dihydrostreptomycin used may conform to the standards prescribed by § 146b.114 (a) of this chapter."

6. In § 146b.104 *Streptomycin tablets* * * *, paragraph (a) *Standards of identity* * * * is amended by changing the fifth and sixth sentences to read: "If the tablets are intended for human use, the streptomycin or dihydrostreptomycin used conforms to the standards prescribed by § 146b.101 (a) or § 146b.103, except the standards for sterility and pyrogens. If the tablets are intended solely for veterinary use, the streptomycin or dihydrostreptomycin used may conform to the standards prescribed by § 146b.114 (a)."

7. Section 146b.112 *Streptomycin for inhalation therapy* * * * is amended in the following respects:

a. Paragraph (a) *Standards of identity* * * * is amended by changing the second and third sentences to read: "If it is intended for human use, the streptomycin or dihydrostreptomycin used conforms to the standards prescribed by § 146b.101 (a) or § 146b.103, except the standards for sterility and pyrogens, and except that if it is packaged with inert gases its moisture content is not more than 0.5 percent. If it is intended solely for veterinary use, the streptomycin or dihydrostreptomycin used may conform to the standards prescribed by § 146b.114 (a), except that if it is packaged with inert gases its moisture content is not more than 0.5 percent."

b. In paragraph (d) *Request for certification; samples,* subparagraph (1) is amended by inserting in the second sentence, after the words "histamine content", the following parenthetical expression: "(unless it is intended solely for veterinary use),".

8. Section 146b.114 is amended in the following respects:

a. The section headnote and paragraph (a) are changed to read as follows:

§ 146b.114 *Streptomycin sulfate veterinary; dihydrostreptomycin sulfate veterinary; dihydrostreptomycin hydrochloride veterinary*—(a) *Standards of identity, strength, quality, and purity.* Streptomycin sulfate veterinary is the sulfate salt of a kind of streptomycin or a mixture of two or more such salts. Dihydrostreptomycin sulfate veterinary and dihydrostreptomycin hydrochloride veterinary are the hydrogenated sulfate or hydrochloride salt of a kind of streptomycin or a mixture of two or more such salts. Each such drug is so purified and dried that:

b. Section 146b.114 (a) is further amended by adding the following new subparagraph:

(5) If it is dihydrostreptomycin sulfate veterinary or dihydrostreptomycin hydrochloride veterinary, its content of streptomycin is not more than 5 percent when calculated as streptomycin base.

c. Paragraph (c) *Labeling* is amended by deleting from the introductory clause the words "of streptomycin sulfate oral veterinary".

d. Paragraph (c) (2) is amended by by changing the word "streptomycin" to read "streptomycin or dihydrostreptomycin".

e. Paragraph (c) (4) is amended by changing the word "oral" to read "nonsterile".

f. In paragraph (d) *Request for certification; samples,* subparagraph (1) is amended to read as follows:

(1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, the number of milligrams of streptomycin or dihydrostreptomycin per gram, and the total number of grams of streptomycin or dihydrostreptomycin in each package. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency, toxicity, moisture, pH, and streptomycin content if it is dihydrostreptomycin.

9. Section 146b.115 is amended in the following respects:

a. The section headnote and paragraph (a) are changed to read:

§ 146b.115 *Streptomycin sulfate powder oral veterinary; streptomycin sulfate granules oral veterinary; dihydrostreptomycin sulfate powder oral veterinary; dihydrostreptomycin sulfate granules oral veterinary; dihydrostreptomycin hydrochloride powder oral veterinary; dihydrostreptomycin hydrochloride granules oral veterinary.*—(a) *Standards of identity, strength, quality, and purity.* Streptomycin sulfate powder oral veterinary, streptomycin sulfate granules oral veterinary, dihydrostreptomycin sulfate powder oral veterinary, dihydrostreptomycin sulfate granules oral veterinary, dihydrostreptomycin hydrochloride powder oral veterinary, and dihydrostreptomycin hydrochloride granules oral veterinary are streptomycin sulfate veterinary, dihydrostreptomycin sulfate veterinary, or dihydrostreptomycin hydrochloride veterinary, with or without one or more suitable and harmless diluents and stabilizing agents and with or without one or more suitable sulfonamides. Its potency is not less than 333 micrograms per milligram. Its moisture content is not more than 7.0 percent. The streptomycin or dihydrostreptomycin used conforms to the standards prescribed by § 146b.114 (a). Each other ingredient used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

b. Paragraph (c) *Labeling* is amended by changing the word "streptomycin" in subparagraph (1) (ii) to read "streptomycin or dihydrostreptomycin".

c. Paragraph (c) (2) is amended to read as follows:

(2) On the label and labeling, if it contains one or more sulfonamides, after the name "streptomycin sulfate powder oral veterinary," "streptomycin sulfate granules oral veterinary," "dihydrostreptomycin sulfate powder oral veterinary," "Dihydrostreptomycin sulfate granules oral veterinary," "dihydrostreptomycin hydrochloride powder oral veterinary," or "dihydrostreptomycin hydrochloride granules oral veterinary," wherever such name appears, the words

"with sulfonamide(s)," in juxtaposition with such name.

d. In paragraph (d) *Request for certification; samples,* subparagraph (1) is amended by changing the words "streptomycin sulfate oral veterinary" to read "streptomycin or dihydrostreptomycin".

e. Paragraph (d) (2) (ii) is amended to read:

(ii) The streptomycin or dihydrostreptomycin used in making the batch; potency, toxicity, moisture, pH, and streptomycin content if it is dihydrostreptomycin.

f. Paragraph (d) (3) (ii) is amended by changing the words "streptomycin sulfate oral veterinary" to read "streptomycin or dihydrostreptomycin".

g. Paragraph (f) is amended by changing the paragraph headnote and the introduction to the paragraph to read:

(f) *Exemption of streptomycin sulfate powder oral veterinary, streptomycin sulfate granules oral veterinary, dihydrostreptomycin sulfate powder oral veterinary, dihydrostreptomycin sulfate granules oral veterinary, dihydrostreptomycin hydrochloride powder oral veterinary, and dihydrostreptomycin hydrochloride granules oral veterinary from certification.* Streptomycin sulfate powder oral veterinary, streptomycin sulfate granules oral veterinary, dihydrostreptomycin sulfate powder oral veterinary, dihydrostreptomycin sulfate granules oral veterinary, dihydrostreptomycin hydrochloride powder oral veterinary, and dihydrostreptomycin hydrochloride granules oral veterinary that conform to the requirements of paragraphs (a) (except that they may contain one or more essential vitamin and mineral substances for nutritive purposes), (b), and (c) of this section shall be exempt from the requirements of sections 502 (1) and 507 of the act, if they comply with all the following conditions: • • •

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry, since it conditionally relaxes existing requirements, and since it would be against public interest to delay providing for the amendments set forth above.

I further find the antibiotic drugs covered by amendment 9, above, need not comply with the requirements of sections 502 (1) and 507 of the Federal Food, Drug, and Cosmetic Act, in order to insure their safety and efficacy, provided they comply with paragraph (f) of § 146b.115.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: March 30, 1956.

[SEAL] GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F. R. Doc. 56-2567; Filed, Apr. 5, 1956; 8:48 a. m.]

# TITLE 14—CIVIL AVIATION

## Chapter I—Civil Aeronautics Board

### Subchapter A—Civil Air Regulations

[Supp. 35]

### PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

### CONVERSION FROM MILES PER HOUR TO KNOTS

The purpose of this supplement is to convert performance limitations data applicable to large aircraft from miles per hour to knots in accordance with § 42.22a (d) (14 CFR Part 42). Revision of the following rules does not impose any additional burden upon interested persons, and no useful purpose would be served by compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act. Therefore, compliance is unnecessary and is not required.

Sections 42.80–1 through 42.80–5; 42.80–7 and 42.80–8 are revised to read as follows:

§ 42.80–1 *Performance data on Curtiss model C46 aircraft certificated for maximum weights of 45,000 pounds to 48,000 pounds (CAA rules which apply to § 42.80).* The following performance limitations data, applicable to the Curtiss model C46 aircraft shall be used in determining compliance with § 42.80. These data are presented in tables 1 through 3 and figures 1 through 3.

TABLE 1.—TAKEOFF LIMITATIONS

(a) "Effective length" of runway required when effective length is determined in accordance with § 42.1 (a) (12). (Distance to accelerate to 93 knots TIAS, and stop, with zero wind and zero gradient.)

| Standard altitude in feet | Airplane weight in pounds | | | |
|---|---|---|---|---|
| | 39,000 | 42,000 | 45,000 | [1] 48,000 |
| | Distance in feet | | | |
| S. L. | 4,110 | 4,295 | 4,570 | 4,950 |
| 1,000 | 4,250 | 4,450 | 4,725 | 5,130 |
| 2,000 | 4,400 | 4,600 | 4,880 | 5,300 |
| 3,000 | 4,650 | 4,890 | 5,190 | 5,680 |
| 4,000 | 4,910 | 5,170 | 5,500 | 6,050 |
| 5,000 | 5,165 | 5,450 | 5,810 | 6,430 |
| 6,000 | 5,420 | 5,730 | 6,120 | 6,805 |
| 7,000 | 5,685 | 6,000 | 6,440 | 7,180 |
| 8,000 | 5,940 | 6,280 | 6,750 | 7,550 |

[1] For use with Curtiss model C46 airplanes when approved for this weight.

(b) Actual length of runway required when "effective length", considering obstacles, is not determined. (Distance to accelerate to 93 knots TIAS, and stop divided by the factor 0.85.)

| Standard altitude in feet | Airplane weight in pounds | | | |
|---|---|---|---|---|
| | 39,000 | 42,000 | 45,000 | [1] 48,000 |
| | Distance in feet | | | |
| S. L. | 4,835 | 5,050 | 5,375 | 5,825 |
| 1,000 | 5,000 | 5,235 | 5,555 | 6,035 |
| 2,000 | 5,175 | 5,410 | 5,740 | 6,235 |
| 3,000 | 5,470 | 5,750 | 6,105 | 6,680 |
| 4,000 | 5,775 | 6,080 | 6,470 | 7,121 |
| 5,000 | 6,075 | 6,410 | 6,830 | 7,565 |
| 6,000 | 6,375 | 6,740 | 7,200 | 8,005 |
| 7,000 | 6,690 | 7,060 | 7,575 | 8,445 |
| 8,000 | 6,990 | 7,390 | 7,940 | 8,880 |

[1] For use with Curtiss model C46 airplanes when approved for this weight.

TABLE 2—EN ROUTE LIMITATIONS

(a) Curtiss model C–46 certificated for maximum weight of 45,000 pounds (based on a climb speed of 113 knots (TIAS)).

| Weight (pounds) | Terrain clearance [1] (feet) | Blower setting |
|---|---|---|
| 45,000 | 6,450 | Low. |
| 44,000 | 7,000 | Do. |
| 43,000 | 7,550 | Do. |
| 42,200 | 8,000 | High. |
| 41,000 | 9,600 | Do. |
| 40,000 | 11,000 | Do. |
| 39,000 | 12,300 | Do. |

[1] Highest altitude of terrain over which airplane may be operated in compliance with § 42.82.

(b) Curtiss model C–46 certificated for maximum weight of 48,000 pounds or with engine installation approved for 2,550 revolutions per minute (1,700 brake horsepower). Maximum continuous power in low blower [1] (based on a climb speed of 113 knots (TIAS.))

| Weight (pounds) | Terrain clearance [1] (feet) | Blower setting |
|---|---|---|
| 48,000 | 5,850 | Low. |
| 47,000 | 6,300 | Do. |
| 46,000 | 6,700 | Do. |
| 45,000 | 7,200 | Do. |
| 44,500 | 7,450 | Do. |
| 44,250 | 8,000 | High. |
| 44,000 | 8,550 | Do. |
| 43,000 | 10,800 | Do. |
| 42,000 | 12,500 | Do. |
| 41,000 | 13,000 | Do. |

[1] Highest altitude of terrain over which airplane may be operated in compliance with § 42.82.

TABLE 3—LANDING LIMITATIONS

(a) "Effective length" of runway required when effective length is determined in accordance with § 42.1 (a) (12) with zero wind and zero gradient. (1) Curtiss model C–46 certificated for maximum weight of 45,000 pounds.

| Standard altitude in feet | Airplane weight in pounds and approach speeds [1] in knots | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | 40,000 | $V_{50}$ | 42,000 | $V_{50}$ | 44,000 | $V_{50}$ | 45,000 | $V_{50}$ |
| | Distance in feet | | | | | | | |
| S. L. | 3,700 | 86.0 | 3,855 | 88.0 | 4,030 | 90.5 | 4,110 | 91.0 |
| 1,000 | 3,800 | 86.0 | 3,960 | 88.0 | 4,140 | 90.5 | 4,220 | 91.0 |
| 2,000 | 3,900 | 86.0 | 4,070 | 88.0 | 4,250 | 90.5 | 4,335 | 91.0 |
| 3,000 | 4,050 | 86.0 | 4,180 | 88.0 | 4,360 | 90.5 | 4,450 | 91.0 |
| 4,000 | 4,110 | 86.0 | 4,290 | 88.0 | 4,475 | 90.5 | 4,565 | 91.0 |
| 5,000 | 4,215 | 86.0 | 4,400 | 88.0 | 4,595 | 90.5 | 4,680 | 91.0 |
| 6,000 | 4,330 | 86.0 | 4,515 | 88.0 | 4,710 | 90.5 | 4,800 | 91.0 |
| 7,000 | 4,430 | 86.0 | 4,635 | 88.0 | 4,845 | 90.5 | 4,930 | 91.0 |
| 8,000 | 4,550 | 86.0 | 4,755 | 88.0 | 4,970 | 90.5 | 5,060 | 91.0 |

[1] Steady approach speed through 50-foot height—knots TIAS denoted by symbol $V_{50}$.

[2] Engine installations having P & W R–2800–27, –43, –51, –71, –75, –79 engines can be approved for 1,700 brake horsepower in low blower. See engine specification chap. 19, p. 30.02 revised Oct. 10, 1949.



(2) Curtiss model C–46 certificated for maximum weight of 48,000 pounds.[2]

| Standard altitude in feet | Airplane weight in pounds and approach speeds [1] in knots | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | 42,000 | $V_{50}$ | 44,000 | $V_{50}$ | 46,000 | $V_{50}$ | 48,000 | $V_{50}$ |
| | Distance in feet | | | | | | | |
| S. L. | 2,890 | 80.5 | 3,000 | 82.0 | 3,110 | 84.5 | 3,215 | 86.0 |
| 1,000 | 2,960 | 80.5 | 3,070 | 82.0 | 3,180 | 84.5 | 3,285 | 86.0 |
| 2,000 | 3,035 | 80.5 | 3,145 | 82.0 | 3,250 | 84.5 | 3,360 | 86.0 |
| 3,000 | 3,110 | 80.5 | 3,215 | 82.0 | 3,330 | 84.5 | 3,430 | 86.0 |
| 4,000 | 3,185 | 80.5 | 3,300 | 82.0 | 3,410 | 84.5 | 3,520 | 86.0 |
| 5,000 | 3,260 | 80.5 | 3,370 | 82.0 | 3,495 | 84.5 | 3,615 | 86.0 |
| 6,000 | 3,330 | 80.5 | 3,460 | 82.0 | 3,580 | 84.5 | 3,700 | 86.0 |
| 7,000 | 3,415 | 80.5 | 3,545 | 82.0 | 3,670 | 84.5 | 3,800 | 86.0 |
| 8,000 | 3,500 | 80.5 | 3,635 | 82.0 | 3,765 | 84.5 | 3,900 | 86.0 |

[1] Steady approach speed through 50 foot-height-knots TIAS denoted by symbol $V_{50}$.

(b) Actual length of runway required when effective length, considering obstacles, is not determined in accordance with § 42.1 (a) (12).

(1) Curtiss model C–46 certificated for maximum weight of 45,000 pounds.[3]

| Standard altitude in feet | Airplane weight in pounds and approach speeds [1] in knots | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | 40,000 | $V_{50}$ | 42,000 | $V_{50}$ | 44,000 | $V_{50}$ | 45,000 | $V_{50}$ |
| | Distance in feet | | | | | | | |
| S. L. | 4,710 | 86.0 | 4,910 | 88.0 | 5,130 | 90.5 | 5,230 | 91.0 |
| 1,000 | 4,835 | 86.0 | 5,050 | 88.0 | 5,270 | 90.5 | 5,370 | 91.0 |
| 2,000 | 4,965 | 86.0 | 5,180 | 88.0 | 5,410 | 90.5 | 5,520 | 91.0 |
| 3,000 | 5,155 | 86.0 | 5,320 | 88.0 | 5,550 | 90.5 | 5,665 | 91.0 |
| 4,000 | 5,230 | 86.0 | 5,560 | 88.0 | 5,695 | 90.5 | 5,810 | 91.0 |
| 5,000 | 5,365 | 86.0 | 5,600 | 88.0 | 5,850 | 90.5 | 5,955 | 91.0 |
| 6,000 | 5,510 | 86.0 | 5,745 | 88.0 | 5,995 | 90.5 | 6,110 | 91.0 |
| 7,000 | 5,640 | 86.0 | 5,900 | 88.0 | 6,165 | 90.5 | 6,275 | 91.0 |
| 8,000 | 5,790 | 86.0 | 6,050 | 88.0 | 6,325 | 90.5 | 6,550 | 91.0 |

[1] For use with Curtiss model C–46 aircraft when approved for this weight.

(2) Curtiss C–46 certificated for maximum weight of 48,000 pounds.[4]

| Standard altitude in feet | Airplane weight in pounds and approach speeds [1] in knots | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | 42,000 | $V_{50}$ | 44,000 | $V_{50}$ | 46,000 | $V_{50}$ | 48,000 | $V_{50}$ |
| | [1] Distance in feet | | | | | | | |
| S. L. | 3,680 | 80.5 | 3,820 | 82.0 | 3,960 | 84.5 | 4,090 | 86.0 |
| 1,000 | 3,765 | 80.5 | 3,905 | 82.0 | 4,045 | 84.5 | 4,180 | 86.0 |
| 2,000 | 3,860 | 80.5 | 4,000 | 82.0 | 4,135 | 84.5 | 4,275 | 86.0 |
| 3,000 | 3,960 | 80.5 | 4,090 | 82.0 | 4,240 | 84.5 | 4,365 | 86.0 |
| 4,000 | 4,055 | 80.5 | 4,200 | 82.0 | 4,340 | 84.5 | 4,480 | 86.0 |
| 5,000 | 4,150 | 80.5 | 4,290 | 82.0 | 4,450 | 84.5 | 4,600 | 86.0 |
| 6,000 | 4,240 | 80.5 | 4,405 | 82.0 | 4,555 | 84.5 | 4,710 | 86.0 |
| 7,000 | 4,345 | 80.5 | 4,510 | 82.0 | 4,670 | 84.5 | 4,835 | 86.0 |
| 8,000 | 4,455 | 80.5 | 4,625 | 82.0 | 4,790 | 84.5 | 4,965 | 86.0 |

[1] Steady approach speed through 50 feet height—knots TIAS denoted by symbol $V_{50}$.

FIGURE 1—CURTISS C–46 MODELS CERTIFICATED FOR MAXIMUM WEIGHT OF 45,000 POUNDS TAKEOFF AND LANDING LIMITATIONS

NOTE: In chart for takeoff field lengths, change "$1.05V_{mc}$=107 m. p. h. (TIAS)" to "$1.05V_{mc}$=93 knots (TIAS)"; and in chart for landing field lengths, change "50 feet height=106 m. p. h." to "50 feet height=91 knots (TIAS)".

FIGURE 2—CURTISS C–46 MODELS CERTIFICATED FOR MAXIMUM WEIGHT OF 48,000 POUNDS TAKEOFF AND LANDING LIMITATIONS

NOTE: In chart for takeoff field lengths, change "$1.05V_{mc}$=107 m. p. h. (TIAS)" to "$1.05V_{mc}$=93 knots (TIAS)"; and in chart for landing field lengths, change "50 feet height=99 m. p. h. (TIAS)" to "50 feet height=86 knots (TIAS)".

FIGURE 3—CURTISS C–46 MODELS ENROUTE LIMITATIONS—ONE ENGINE INOPERATIVE

NOTE: In chart for Maximum Certificated Weight of 45,000 Pounds, change "Climb Speed=130 m. p. h. (TIAS)" to "Climb Speed=113 knots (TIAS)"; and in chart for Maximum Certificated Weight of 48,000 Pounds, change "Climb Speed=130 m. p. h. (TIAS)" to "Climb Speed=113 knots (TIAS)".

[2] For use with Curtiss model C–46 aircraft when approved for this weight.

[3] Steady approach speed through 50 foot-height-knots TIAS denoted by symbol $V_{50}$.

[4] For use with Curtiss model C–46 aircraft when approved for this weight.

§ 42.80–2 *Performance data on Douglas DC–3 aircraft (CAA rules which apply to § 42.80).* The following performance limitations data, applicable to all Douglas DC–3 aircraft with various engine models, shall be used in determining compliance with § 42.80. These data are presented in tables 1 through 4 and figures 1 through 3.

DOUGLAS DC–3 G102, AND C–47's, R4D's WITH COMPARABLE HORSEPOWER ENGINES

TABLE 1—TAKEOFF LIMITATIONS

(a) "Effective length" of runway required when effective length is determined in accordance with § 42.1 (a) (12). (Distance to accelerate to 80 knots TIAS, and stop, with zero wind and zero gradient.)

| Standard altitude in feet | Airplane weight in pounds | | | |
|---|---|---|---|---|
| | 22,000 | 23,000 | 24,000 | 25,200 |
| | Distance in feet | | | |
| S. L. | 3,325 | 3,395 | 3,460 | 3,545 |
| 1,000 | 3,425 | 3,495 | 3,560 | 3,645 |
| 2,000 | 3,610 | 3,685 | 3,760 | 3,840 |
| 3,000 | 3,800 | 3,880 | 3,960 | 4,050 |
| 4,000 | 3,990 | 4,080 | 4,170 | 4,270 |
| 5,000 | 4,200 | 4,290 | 4,390 | 4,500 |
| 6,000 | 4,415 | 4,520 | 4,630 | 4,760 |
| 7,000 | 4,650 | 4,770 | 4,895 | 5,050 |
| 8,000 | 4,900 | 5,040 | 5,190 | (1) |

[1] Limited by § 42.82.

(b) Actual length of runway required when "effective length," considering obstacles, is not determined. (Distance to accelerate to 80 knots TIAS, and stop, divided by factor 0.85.)

| Standard altitude in feet | Airplane weight in pounds | | | |
|---|---|---|---|---|
| | 22,000 | 23,000 | 24,000 | 25,200 |
| | Distance in feet | | | |
| S. L. | 3,910 | 3,990 | 4,070 | 4,170 |
| 1,000 | 4,030 | 4,110 | 4,185 | 4,285 |
| 2,000 | 4,245 | 4,335 | 4,420 | 4,515 |
| 3,000 | 4,470 | 4,565 | 4,655 | 4,765 |
| 4,000 | 4,690 | 4,800 | 4,905 | 5,020 |
| 5,000 | 4,940 | 5,045 | 5,160 | 5,280 |
| 6,000 | 5,190 | 5,315 | 5,445 | 5,600 |
| 7,000 | 5,470 | 5,610 | 5,755 | 5,940 |
| 8,000 | 5,760 | 5,925 | 6,105 | (1) |

[1] Limited by § 42.82.

DOUGLAS DC–3 G202A, S1C3G AND C47's, R4D's WITH COMPARABLE HORSEPOWER ENGINES

TABLE 2—TAKEOFF LIMITATIONS

(a) "Effective length" of runway required where effective length is determined in accordance with § 42.1 (a) (12). (Distance to accelerate to 80 knots TIAS, and stop, with zero wind and zero gradient.)

| Standard altitude in feet | Airplane weight in pounds | | | | | |
|---|---|---|---|---|---|---|
| | 22,000 | 23,000 | 24,000 | 25,000 | [1] 26,000 | 26,900 |
| | Distance in feet | | | | | |
| S. L. | 3,125 | 3,195 | 3,260 | 3,330 | 3,385 | 3,450 |
| 1,000 | 3,255 | 3,320 | 3,395 | 3,470 | 3,525 | 3,595 |
| 2,000 | 3,390 | 3,460 | 3,540 | 3,610 | 3,685 | 3,750 |
| 3,000 | 3,525 | 3,610 | 3,690 | 3,775 | 3,850 | 3,920 |
| 4,000 | 3,680 | 3,775 | 3,860 | 3,950 | 4,035 | 4,110 |
| 5,000 | 3,855 | 3,960 | 4,060 | 4,150 | 4,255 | 4,315 |
| 6,000 | 4,060 | 4,170 | 4,280 | 4,385 | 4,490 | 4,575 |
| 7,000 | 4,300 | 4,415 | 4,530 | 4,640 | 4,750 | 4,845 |
| 8,000 | 4,600 | 4,700 | 4,810 | 4,925 | 5,055 | 5,150 |

[1] Cargo operation only but not required under § 42.80.

(b) Actual length of runway required where "effective length," considering ob-

stacles, is not determined. (Distance to accelerate to 80 knots TIAS, and stop, divided by factor 0.85.)

| Standard altitude in feet | Airplane weight in pounds | | | | | |
|---|---|---|---|---|---|---|
| | 22,000 | 23,000 | 24,000 | 25,000 | [1] 26,000 | [1] 26,900 |
| | Distance in feet | | | | | |
| S. L. | 3,675 | 3,755 | 3,835 | 3,915 | 3,980 | 4,055 |
| 1,000 | 3,830 | 3,905 | 3,990 | 4,080 | 4,145 | 4,230 |
| 2,000 | 3,985 | 4,070 | 4,165 | 4,245 | 4,335 | 4,410 |
| 3,000 | 4,145 | 4,245 | 4,340 | 4,440 | 4,530 | 4,610 |
| 4,000 | 4,330 | 4,440 | 4,540 | 4,645 | 4,745 | 4,835 |
| 5,000 | 4,535 | 4,655 | 4,775 | 4,880 | 5,005 | 5,075 |
| 6,000 | 4,775 | 4,905 | 5,035 | 5,155 | 5,280 | 5,380 |
| 7,000 | 5,055 | 5,190 | 5,325 | 5,455 | 5,585 | 5,700 |
| 8,000 | 5,410 | 5,525 | 5,655 | 5,790 | 5,945 | 6,055 |

[1] Cargo operation only but not required under § 42.80.

DOUGLAS DC-3 G102, G202A, S1C3G, AND C47's, R4D's WITH COMPARABLE HORSEPOWER ENGINES

TABLE 4—LANDING LIMITATIONS

(a) "Effective length" of runway required when effective length is determined in accordance with § 42.1 (a) (12) with zero wind and zero gradient.

| Standard altitude in feet | Airplane weight in pounds and approach speeds [1] in knots | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | 22,000 | $V_{50}$ | 23,000 | $V_{50}$ | 24,000 | $V_{50}$ | 25,200 | $V_{50}$ |
| | Distance in feet | | | | | | | |
| S. L. | 2,460 | 74.5 | 2,620 | 76.5 | 2,790 | 78.0 | 2,950 | 80.0 |
| 1,000 | 2,520 | 74.5 | 2,680 | 76.5 | 2,850 | 78.0 | 3,015 | 80.0 |
| 2,000 | 2,580 | 74.5 | 2,745 | 76.5 | 2,915 | 78.0 | 3,080 | 80.0 |
| 3,000 | 2,645 | 74.5 | 2,815 | 76.5 | 2,980 | 78.0 | 3,155 | 80.0 |
| 4,000 | 2,710 | 74.5 | 2,885 | 76.5 | 3,060 | 78.0 | 3,230 | 80.0 |
| 5,000 | 2,790 | 74.5 | 2,965 | 76.5 | 3,135 | 78.0 | 3,310 | 80.0 |
| 6,000 | 2,870 | 74.5 | 3,050 | 76.5 | 3,220 | 78.0 | 3,400 | 80.0 |
| 7,000 | 2,965 | 74.5 | 3,140 | 76.5 | 3,315 | 78.0 | 3,490 | 80.0 |
| 8,000 | 3,045 | 74.5 | 3,240 | 76.5 | 3,420 | 78.0 | 3,595 | 80.0 |

[1] Steady approach speed through 50 feet height-knots TIAS denoted by symbol $V_{50}$.

(b) Actual length of runway required when effective length, considering obstacles, is not determined in accordance with § 42.1 (a) (12).

| Standard altitude in feet | Airplane weight in pounds and approach speeds [1] in knots | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | 22,000 | $V_{50}$ | 23,000 | $V_{50}$ | 24,000 | $V_{50}$ | 25,000 | $V_{50}$ |
| | Distance in feet | | | | | | | |
| S. L. | 3,125 | 74.5 | 3,325 | 76.5 | 3,545 | 78.0 | 3,745 | 80.0 |
| 1,000 | 3,200 | 74.5 | 3,390 | 76.5 | 3,620 | 78.0 | 3,830 | 80.0 |
| 2,000 | 3,275 | 74.5 | 3,485 | 76.5 | 3,700 | 78.0 | 3,910 | 80.0 |
| 3,000 | 3,360 | 74.5 | 3,575 | 76.5 | 3,785 | 78.0 | 4,005 | 80.0 |
| 4,000 | 3,440 | 74.5 | 3,665 | 76.5 | 3,885 | 78.0 | 4,100 | 80.0 |
| 5,000 | 3,545 | 74.5 | 3,765 | 76.5 | 3,980 | 78.0 | 4,205 | 80.0 |
| 6,000 | 3,645 | 74.5 | 3,875 | 76.5 | 4,090 | 78.0 | 4,320 | 80.0 |
| 7,000 | 3,765 | 74.5 | 3,990 | 76.5 | 4,210 | 78.0 | 4,430 | 80.0 |
| 8,000 | 3,865 | 74.5 | 4,115 | 76.5 | 4,345 | 78.0 | 4,565 | 80.0 |

[1] Steady approach speed through 50 feet height-knots TIAS denoted by symbol $V_{50}$.

FIGURE 1—DC-3 G-102 TAKEOFF AND LANDING LIMITATIONS

NOTE: In chart for takeoff field length, change "$1.05V_{mc}$=92.4 m. p. h. (TIAS)" to "$1.05V_{mc}$=80 knots (TIAS)".

DOUGLAS DC-3, G102, G202A, S1C3G, C-47's, R4D's WITH COMPARABLE HORSEPOWER ENGINES

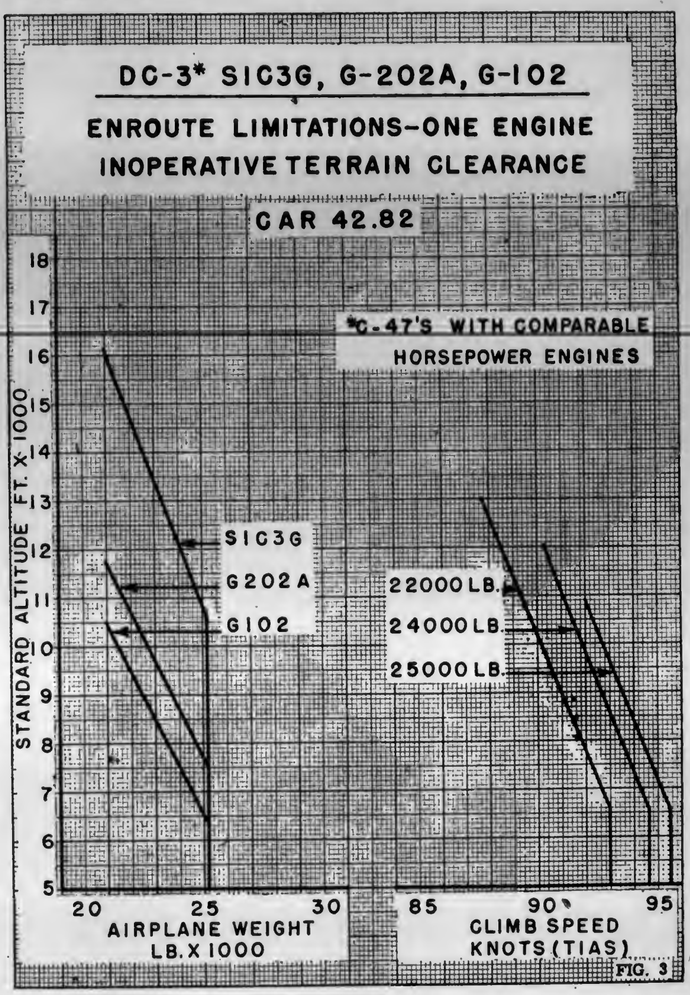
TABLE 3—EN ROUTE LIMITATIONS

| Weight in pounds | Terrain clearance [1] in feet and climb speed in knots TIAS | | | | | |
|---|---|---|---|---|---|---|
| | G102 | $V_x$ | G202A | $V_x$ | S1C3G | $V_x$ |
| 25,200 | 6,400 | 95.5 | 7,500 | 95.0 | 10,600 | 92.5 |
| 24,000 | 7,550 | 94.0 | 8,700 | 93.5 | 12,100 | 90.0 |
| 23,000 | 8,500 | 92.0 | 9,750 | 91.0 | 13,450 | 88.0 |
| 22,000 | 9,500 | 90.5 | 10,750 | 89.5 | 14,750 | 86.5 |
| 21,000 | 10,500 | 89.0 | 11,750 | 87.5 | 16,100 | 85.5 |

[1] Highest altitude of terrain over which airplane may be operated in compliance with § 42.82.

FIGURE 2—DC-3 S1C3G, G-202A TAKEOFF AND LANDING LIMITATIONS

NOTE: In chart for takeoff field length, change "$1.05V_{mc}$=92 m. p. h. (TIAS)" to "$1.05V_{mc}$=80 knots (TIAS)".






§ 42.80–3 *Performance data on Lockheed 18 G202A aircraft (CAA rules which apply to § 42.80).* The following performance limitations data, applicable to Lockheed 18 G202A aircraft shall be used in determining compliance with § 42.80. These data are presented in tables 1 through 3 and figures 1 and 2.

TABLE 1—TAKEOFF LIMITATIONS

(a) "Effective length" of runway required when effective length is determined in accordance with § 42.1 (a) (12). (Distance to accelerate to 99.5 knots TIAS, and stop, with zero wind and zero gradient.)

| Standard altitude in feet | Airplane weight in pounds | | |
|---|---|---|---|
| | 17,500 | 18,000 | 18,500 |
| | Distance in feet | | |
| S. L. | 5,470 | 5,670 | 5,830 |
| 1,000 | 5,725 | 5,925 | 6,100 |
| 2,000 | 5,980 | 6,185 | 6,380 |
| 3,000 | 6,260 | 6,460 | 6,670 |
| 4,000 | 6,520 | 6,740 | 6,950 |
| 5,000 | 6,800 | 7,030 | 7,250 |
| 6,000 | 7,100 | 7,330 | 7,570 |
| 7,000 | 7,405 | 7,650 | 7,890 |
| 8,000 | 7,750 | 8,090 | 8,240 |

(b) Actual length of runway required when "effective length," considering obstacles, is not determined. (Distance to accelerate to 99.5 knots TIAS, and stop, divided by the factor 0.85.)

| Standard altitude in feet | Airplane weight in pounds | | |
|---|---|---|---|
| | 17,500 | 18,000 | 18,500 |
| | Distance in feet | | |
| S. L. | 6,430 | 6,665 | 6,855 |
| 1,000 | 6,730 | 6,965 | 7,175 |
| 2,000 | 7,030 | 7,275 | 7,500 |
| 3,000 | 7,350 | 7,595 | 7,845 |
| 4,000 | 7,665 | 7,925 | 8,175 |
| 5,000 | 7,995 | 8,265 | 8,525 |
| 6,000 | 8,350 | 8,620 | 8,900 |
| 7,000 | 8,760 | 8,995 | 9,280 |
| 8,000 | 9,115 | 9,410 | 9,690 |

TABLE 2—EN ROUTE LIMITATIONS

| Weight in pounds | Terrain clearance [1] in feet and climb speed in knots TIAS | |
|---|---|---|
| | Feet | Knots |
| 18,500 | 9,800 | 104.5 |
| 18,000 | 10,600 | 103.0 |
| 17,500 | 11,350 | 102.0 |
| 17,000 | 12,150 | 101.0 |
| 16,500 | 12,900 | 100.0 |
| 16,000 | 13,700 | 99.0 |

[1] Highest altitude of terrain over which airplane may be operated in compliance with § 42.82.

TABLE 3—LANDING LIMITATIONS

(a) "Effective length" of runway required when effective length is determined in accordance with § 42.1 (a) (12) with zero wind and zero gradient.

| Standard altitude in feet | Airplane weight in pounds and approach speeds [1] in knots | | | | | |
|---|---|---|---|---|---|---|
| | 17,500 | $V_{50}$ | 18,000 | $V_{50}$ | 18,500 | $V_{50}$ |
| | Distance in feet | | | | | |
| S. L. | 3,715 | 83.0 | 3,810 | 84.0 | 3,885 | 86.0 |
| 1,000 | 3,825 | 83.0 | 3,910 | 84.0 | 3,995 | 86.0 |
| 2,000 | 3,930 | 83.0 | 4,020 | 84.0 | 4,105 | 86.0 |
| 3,000 | 4,040 | 83.0 | 4,130 | 84.0 | 4,220 | 86.0 |
| 4,000 | 4,150 | 83.0 | 4,240 | 84.0 | 4,335 | 86.0 |
| 5,000 | 4,240 | 83.0 | 4,350 | 84.0 | 4,450 | 86.0 |
| 6,000 | 4,370 | 83.0 | 4,460 | 84.0 | 4,570 | 86.0 |
| 7,000 | 4,480 | 83.0 | 4,575 | 84.0 | 4,690 | 86.0 |
| 8,000 | 4,595 | 83.0 | 4,690 | 84.0 | 4,810 | 86.0 |

[1] Steady approach speed through 50-foot height knots TIAS denoted by symbol $V_{50}$.

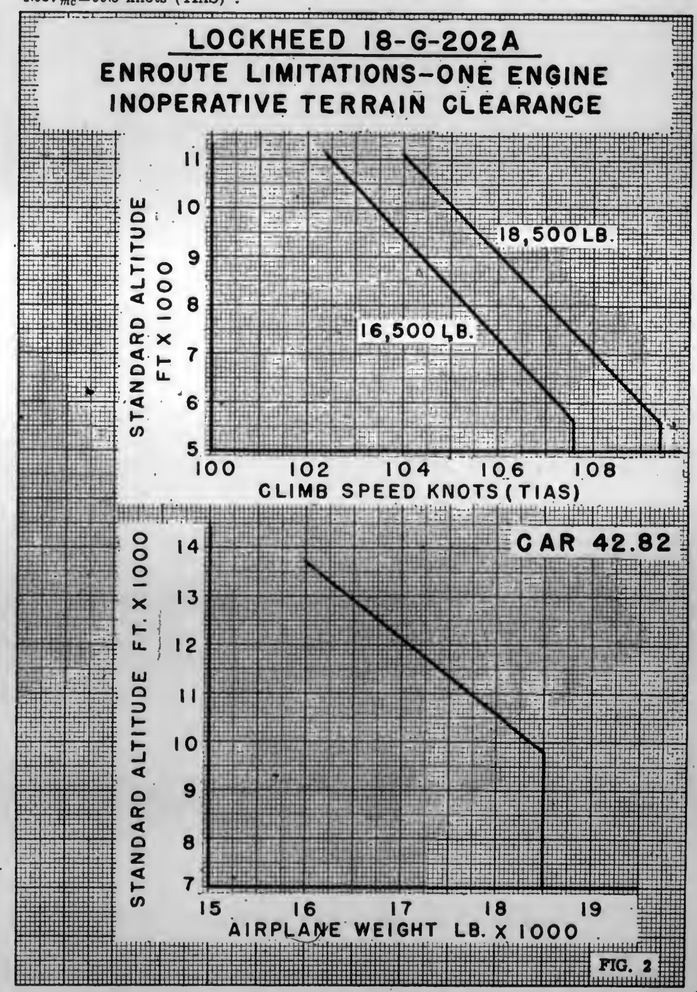
(b) Actual length of runway required when effective length, considering obstacles, is not determined in accordance with § 42.1 (a) (12).

| Standard altitude in feet | Airplane weight in pounds and approach speeds [1] in knots | | | | | |
|---|---|---|---|---|---|---|
| | 17,500 | $V_{50}$ | 18,000 | $V_{50}$ | 18,500 | $V_{50}$ |
| | Distance in feet | | | | | |
| S. L. | 4,720 | 83.0 | 4,840 | 84.0 | 4,935 | 86.0 |
| 1,000 | 4,860 | 83.0 | 4,965 | 84.0 | 5,075 | 86.0 |
| 2,000 | 4,990 | 83.0 | 5,105 | 84.0 | 5,215 | 86.0 |
| 3,000 | 5,130 | 83.0 | 5,245 | 84.0 | 5,360 | 86.0 |
| 4,000 | 5,270 | 83.0 | 5,385 | 84.0 | 5,505 | 86.0 |
| 5,000 | 5,385 | 83.0 | 5,525 | 84.0 | 5,650 | 86.0 |
| 6,000 | 5,550 | 83.0 | 5,685 | 84.0 | 5,805 | 86.0 |
| 7,000 | 5,690 | 83.0 | 5,810 | 84.0 | 5,955 | 86.0 |
| 8,000 | 5,835 | 83.0 | 5,955 | 84.0 | 6,110 | 86.0 |

[1] Steady approach speed through 50-foot height knots TIAS denoted by symbol $V_{50}$.

FIGURE 1—LOCKHEED 18 G202A TAKEOFF AND LANDING LIMITATIONS

NOTE: In chart for takeoff field length, change "$1.05V_{mc}$=114.5 m. p. h. (TIAS)" to "$1.05V_{mc}$=99.5 knots (TIAS)".



**§ 42.80–4 *Convair Model 28–5ACF and PBY–5A landplane aircraft (CAA rules which apply to § 42.80).*** The following performance limitations data, applicable to Convair Model 28–5ACF and PBY–5A landplane aircraft shall be used in determining compliance with § 42.80. These data are presented in tables 1 through 4 and figures 1 and 2.

TABLE 1—TAKEOFF LIMITATIONS

(a) "Effective length" of runway required when effective length is determined in accordance with § 42.1 (a) (12). (Distance to accelerate to 82.5 knots TIAS (28–5ACF), 79 knots TIAS (PBY–5A), and stop, with zero wind and zero gradient.)

| Standard altitude in feet | Airplane weight in pounds | | | | | |
|---|---|---|---|---|---|---|
| | 23,000 | 24,000 | 25,000 | 26,000 | [1]27,000 | [2]28,000 |
| | Distance in feet | | | | | |
| S. L. | 3,240 | 3,400 | 3,565 | 3,725 | 3,880 | 4,050 |
| 1,000 | 3,370 | 3,540 | 3,720 | 3,885 | 4,055 | 4,225 |
| 2,000 | 3,500 | 3,680 | 3,875 | 4,045 | 4,230 | 4,400 |
| 3,000 | 3,635 | 3,830 | 4,025 | 4,200 | 4,400 | 4,580 |
| 4,000 | 3,860 | 4,070 | 4,280 | 4,485 | 4,700 | 4,900 |
| 5,000 | 4,095 | 4,315 | 4,540 | 4,770 | 5,000 | 5,215 |
| 6,000 | 4,330 | 4,565 | 4,810 | 5,060 | 5,305 | 5,545 |
| 7,000 | 4,580 | 4,830 | 5,090 | 5,360 | 5,610 | 5,880 |
| 8,000 | 4,830 | 5,095 | 5,380 | 5,660 | 5,940 | 6,240 |

[1] Maximum weight for PBY–5A landplane.
[2] Maximum weight for 28–5ACF.

(b) Actual length of runway required when "effective length," considering obstacles, is not determined. (Distance to accelerate to 82.5 knots TIAS (28–5AACF), 79 knots TIAS (PBY–5A), and stop, divided by the factor 0.85.)

| Standard altitude in feet | Airplane weight in pounds | | | | | |
|---|---|---|---|---|---|---|
| | 23,000 | 24,000 | 25,000 | 26,000 | [1]27,000 | [2]28,000 |
| | Distance in feet | | | | | |
| S. L. | 3,810 | 4,000 | 4,190 | 4,380 | 4,560 | 4,760 |
| 1,000 | 3,965 | 4,165 | 4,375 | 4,570 | 4,770 | 4,970 |
| 2,000 | 4,115 | 4,330 | 4,557 | 4,755 | 4,975 | 5,175 |
| 3,000 | 4,275 | 4,505 | 4,735 | 4,940 | 5,175 | 5,385 |
| 4,000 | 4,540 | 4,785 | 5,035 | 5,275 | 5,525 | 5,760 |
| 5,000 | 4,815 | 5,075 | 5,340 | 5,610 | 5,880 | 6,130 |
| 6,000 | 5,090 | 5,370 | 5,655 | 5,950 | 6,240 | 6,520 |
| 7,000 | 5,385 | 5,680 | 5,985 | 6,305 | 6,600 | 6,915 |
| 8,000 | 5,680 | 5,990 | 6,325 | 6,655 | 6,985 | 7,340 |

[1] Maximum weight for PBY–5A landplane.
[2] Maximum weight for 28–5ACF.

TABLE 2—EN ROUTE LIMITATIONS

| Weight in pounds | Terrain clearance [1] in feet and climb speed in knots TIAS | | | |
|---|---|---|---|---|
| | Model PBY–5A | | Model 28–5ACF | |
| | Feet | Knots | Feet | Knots |
| 28,000 | ---- | ---- | 7,500 | 90.5 |
| 27,500 | ---- | ---- | 8,000 | 89.5 |
| 27,000 | 7,200 | 81.0 | 8,500 | 88.5 |
| 26,500 | 7,700 | 80.5 | 9,050 | 87.5 |
| 26,000 | 8,200 | 79.5 | 9,600 | 87.0 |
| 25,500 | 8,700 | 78.5 | 10,100 | 86.0 |
| 25,000 | 9,200 | 77.5 | 10,650 | 84.5 |
| 24,500 | 9,700 | 76.5 | 11,150 | 84.0 |
| 24,000 | 10,200 | 75.5 | 11,700 | 82.5 |

[1] Highest altitude of terrain over which airplane may be operated in compliance with § 42.82.

TABLE 3—LANDING LIMITATIONS

(a) "Effective length" of runway required when effective length is determined in accordance with § 42.1 (a) (12) with zero wind and zero gradient.

| Standard altitude in feet | Airplane weight in pounds and approach speeds [1] in knots TIAS | | | | | |
|---|---|---|---|---|---|---|
| | 23,000 | $V_{50}$ | 24,000 | $V_{50}$ | 25,000 | $V_{50}$ |
| | Distance in feet | | | | | |
| S. L. | 3,420 | 74.5 | 3,570 | 76.5 | 3,690 | 78.0 |
| 1,000 | 3,515 | 74.5 | 3,665 | 76.5 | 3,800 | 78.0 |
| 2,000 | 3,605 | 74.5 | 3,765 | 76.5 | 3,900 | 78.0 |
| 3,000 | 3,700 | 74.5 | 3,860 | 76.5 | 4,010 | 78.0 |
| 4,000 | 3,790 | 74.5 | 3,955 | 76.5 | 4,110 | 78.0 |
| 5,000 | 3,885 | 74.5 | 4,055 | 76.5 | 4,215 | 78.0 |
| 6,000 | 3,975 | 74.5 | 4,150 | 76.5 | 4,320 | 78.0 |
| 7,000 | 4,070 | 74.5 | 4,245 | 76.5 | 4,425 | 78.0 |
| 8,000 | 4,160 | 74.5 | 4,340 | 76.5 | 4,525 | 78.0 |

[1] Steady approach speed through 50 feet height in knots. TIAS denoted by symbol $V_{50}$.

(b) Actual length of runway required when effective length, considering obstacles, is not determined in accordance with § 42.1 (a) (12).

| Standard altitude in feet | Airplane weight in pounds and approach speeds [1] in knots TIAS | | | | | |
|---|---|---|---|---|---|---|
| | 23,000 | $V_{50}$ | 24,000 | $V_{50}$ | 25,000 | $V_{50}$ |
| | Distance in feet | | | | | |
| S. L. | 4,350 | 74.5 | 4,544 | 76.5 | 4,696 | 78.0 |
| 1,000 | 4,475 | 74.5 | 4,664 | 76.5 | 4,836 | 78.0 |
| 2,000 | 4,588 | 74.5 | 4,792 | 76.5 | 4,964 | 78.0 |
| 3,000 | 4,709 | 74.5 | 4,913 | 76.5 | 5,104 | 78.0 |
| 4,000 | 4,824 | 74.5 | 5,034 | 76.5 | 5,231 | 78.0 |
| 5,000 | 4,944 | 74.5 | 5,161 | 76.5 | 5,364 | 78.0 |
| 6,000 | 5,059 | 24.5 | 5,282 | 76.5 | 5,498 | 78.0 |
| 7,000 | 5,180 | 74.5 | 5,403 | 76.5 | 5,632 | 78.0 |
| 8,000 | 5,294 | 74.5 | 5,524 | 76.5 | 5,759 | 78.0 |

[1] Steady approach speed through 50 feet height in knots. TIAS denoted by symbol $V_{50}$.

TABLE 4—LANDING LIMITATIONS

(a) "Effective length" of runway required when effective length is determined in accordance with § 42.1 (a) (12) with zero wind and zero gradient.

| Standard altitude in feet | Airplane weight in pounds and approach speeds [1] in knots TIAS | | | | | |
|---|---|---|---|---|---|---|
| | 26,000 | $V_{50}$ | [2]27,000 | $V_{50}$ | [3]28,000 | $V_{50}$ |
| | Distance in feet | | | | | |
| S. L. | 3,830 | 80.0 | 3,965 | 81.0 | 4,100 | 82.5 |
| 1,000 | 3,940 | 80.0 | 4,080 | 81.0 | 4,220 | 82.5 |
| 2,000 | 4,050 | 80.0 | 4,200 | 81.0 | 4,345 | 82.5 |
| 3,000 | 4,160 | 80.0 | 4,315 | 81.0 | 4,470 | 82.5 |
| 4,000 | 4,275 | 80.0 | 4,430 | 81.0 | 4,595 | 82.5 |
| 5,000 | 4,385 | 80.5 | 4,550 | 81.0 | 4,720 | 82.5 |
| 6,000 | 4,495 | 80.0 | 4,665 | 81.0 | 4,840 | 82.5 |
| 7,000 | 4,610 | 80.0 | 4,785 | 81.0 | 4,970 | 82.5 |
| 8,000 | 4,720 | 80.0 | 4,900 | 81.0 | 5,090 | 82.5 |

[1] Steady approach speed through 50 feet height in knots. TIAS denoted by symbol $V_{50}$.
[2] Maximum weight for PBY–5A landplane.
[3] Maximum weight for 28–5ACF.

(b) Actual length of runway required when effective length, considering obstacles, is not determined in accordance with § 42.1 (a) (12).

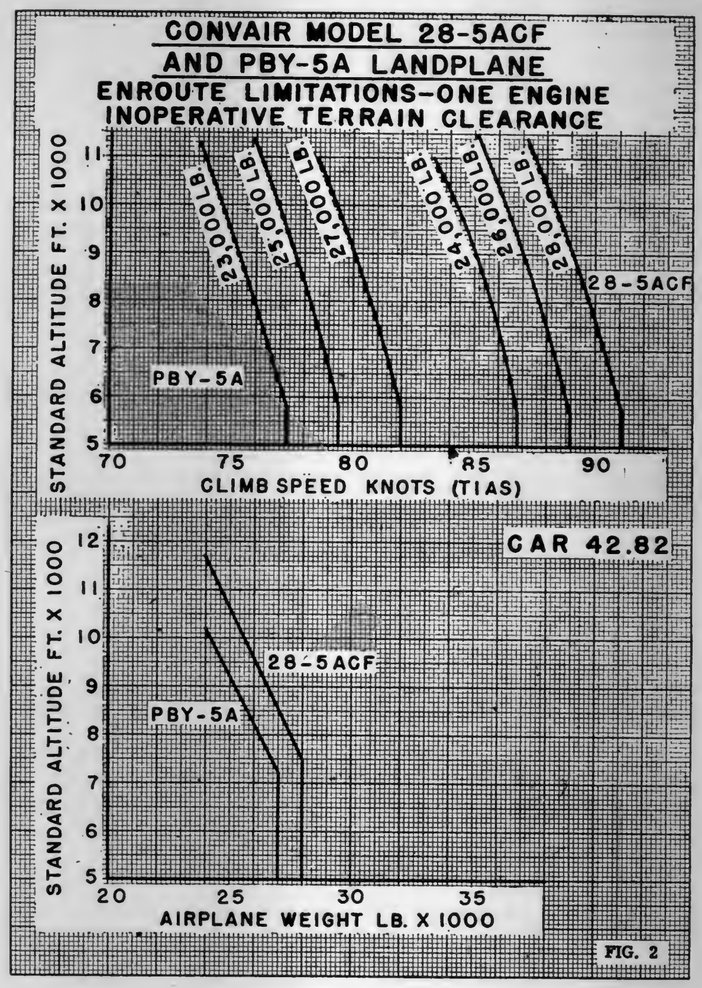
| Standard altitude in feet | Airplane weight in pounds and approach speeds [1] in knots TIAS | | | | | |
|---|---|---|---|---|---|---|
| | 26,000 | $V_{50}$ | [2]27,000 | $V_{50}$ | [3]28,000 | $V_{50}$ |
| | Distance in feet | | | | | |
| S. L. | 4,874 | 80.0 | 5,046 | 81.0 | 5,218 | 82.5 |
| 1,000 | 5,014 | 80.0 | 5,193 | 81.0 | 5,371 | 82.5 |
| 2,000 | 5,154 | 80.0 | 5,345 | 81.0 | 5,530 | 82.5 |
| 3,000 | 5,294 | 80.0 | 5,492 | 81.0 | 5,689 | 82.5 |
| 4,000 | 5,441 | 80.0 | 5,638 | 81.0 | 5,848 | 82.5 |
| 5,000 | 5,581 | 80.0 | 5,791 | 81.0 | 6,007 | 82.5 |
| 6,000 | 5,721 | 80.0 | 5,937 | 81.0 | 6,160 | 82.5 |
| 7,000 | 5,867 | 80.0 | 6,090 | 81.0 | 6,325 | 82.5 |
| 8,000 | 6,007 | 80.0 | 6,236 | 81.0 | 6,478 | 82.5 |

[1] Steady approach speed through 50 feet height in knots. TIAS denoted by symbol $V_{50}$.
[2] Maximum weight for PBY–5A landplane.
[3] Maximum weight for 28–5ACF.



FIGURE 1—CONVAIR MODEL 28–5ACF AND PBY–5A LANDPLANE TAKEOFF AND LANDING LIMITATIONS

NOTE: In chart for takeoff field length, change "28–5ACF $1.05V_{mc}$=95 m. p. h. (TIAS)" to "28–5ACF $1.05V_{mc}$=82.5 knots (TIAS)" and change "PBY–5A $1.05V_{mc}$=91 m. p. h. (TIAS)" to "PBY–5A $1.05V_{mc}$=79.0 knots (TIAS)".




**§ 42.80–5 *Performance data on Douglas B–18, RB–18A (R1820–53) aircraft (CAA rules which apply to § 42.80).*** The following performance limitations data, applicable to the Douglas B–18, RB–18A aircraft shall be used in determining compliance with § 42.80. These data are presented in tables 1 through 3 and figures 1 and 2. As indicated by the en route limitation data for the Douglas model B–18 (table 2), operation is restricted to impractical operating weights. Therefore takeoff and landing limitations are not presented for this model.

TABLE 1—TAKEOFF LIMITATIONS

MODEL RB–18A

(a) "Effective length" of runway required when effective length is determined in accordance with § 42.1 (a) (12). (Distance to accelerate to 81.5 knots TIAS, and stop, with zero wind and zero gradient.)

| Standard altitude in feet | Airplane weight in pounds | | | |
|---|---|---|---|---|
| | 19,000 | 20,000 | 21,000 | 21,300 |
| | Distance in feet | | | |
| S. L. | 3,605 | 3,695 | 3,790 | 3,820 |
| 1,000 | 3,710 | 3,815 | 3,920 | 3,950 |
| 2,000 | 3,835 | 3,945 | 4,045 | 4,085 |
| 2,500 | 3,890 | 4,000 | 4,110 | 4,150 |
| 3,000 | 4,015 | 4,130 | 4,230 | 4,275 |
| 4,000 | 4,240 | 4,355 | 4,475 | 4,525 |
| 5,000 | 4,475 | 4,595 | 4,720 | ---- |
| 6,000 | 4,710 | 4,835 | ---- | ---- |
| 7,000 | 4,935 | 5,065 | (1) | (1) |
| 8,000 | 5,170 | 5,300 | ---- | ---- |

[1] Limited by § 42.82.

(b) Actual length of runway required when "effective length", considering obstacles, is not determined. (Distance to accelerate to 81.5 knots TIAS, and stop, divided by the factor 0.85.)

| Standard altitude in feet | Airplane weight in pounds | | | |
|---|---|---|---|---|
| | 19,000 | 20,000 | 21,000 | 21,300 |
| | Distance in feet | | | |
| S. L. | 4,250 | 4,350 | 4,460 | 4,495 |
| 1,000 | 4,360 | 4,490 | 4,610 | 4,650 |
| 2,000 | 4,510 | 4,645 | 4,755 | 4,800 |
| 2,500 | 4,575 | 4,705 | 4,840 | 4,880 |
| 3,000 | 4,730 | 4,855 | 4,980 | 5,025 |
| 4,000 | 4,990 | 5,125 | 5,260 | 5,325 |
| 5,000 | 5,260 | 5,400 | 5,550 | ---- |
| 6,000 | 5,550 | 5,680 | ---- | ---- |
| 7,000 | 5,800 | 5,960 | (1) | (1) |
| 8,000 | 6,080 | 6,240 | ---- | ---- |

[1] Limited by § 42.82.

DOUGLAS B–18, RB18A (R–1820–53)

TABLE 2—EN ROUTE LIMITATIONS

MODEL B–18

| Weight in pounds: | *Terrain clearance [1] in feet* |
|---|---|
| 13,500 | 4,100 |
| 13,000 | 4,600 |

Section 42.82 limitation critical for all practical operating weights.

MODEL RB–18A

| Weight in pounds | Terrain clearance [1] in feet and climb speed in knots TIAS | | | |
|---|---|---|---|---|
| | Low blower | | High blower | |
| | Feet | Knots | Feet | Knots |
| 21,000 | 4,270 | 86.0 | ---- | ---- |
| 20,600 | ---- | ---- | 4,600 | 85.0 |
| 20,500 | ---- | ---- | 5,900 | 84.5 |
| 20,200 | ---- | ---- | 8,800 | 83.5 |
| 20,000 | ---- | ---- | 8,950 | 83.5 |
| 19,500 | ---- | ---- | 9,400 | 82.5 |

[1] Highest altitude of terrain over which airplane may be operated in compliance with § 42.82.

TABLE 3—LANDING LIMITATIONS

MODEL RB-18A

(a) "Effective length" of runway required when effective length is determined in accordance with § 42.1 (a) (12) with zero wind and zero gradient.

| Standard altitude in feet | Airplane weight in pounds and approach speeds [1] in knots | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | 19,000 | $V_{50}$ | 20,000 | $V_{50}$ | 21,000 | $V_{50}$ | 21,300 | $V_{50}$ |
| | Distance in feet | | | | | | | |
| S. L. | 2,850 | 74.5 | 3,110 | 77.0 | 3,370 | 78.5 | 3,445 | 79.0 |
| 1,000 | 2,930 | 74.5 | 3,200 | 77.0 | 3,470 | 78.5 | 3,545 | 79.0 |
| 2,000 | 3,010 | 74.5 | 3,290 | 77.0 | 3,565 | 78.5 | 3,640 | 79.0 |
| 3,000 | 3,085 | 74.5 | 3,380 | 77.0 | 3,660 | 78.5 | 3,740 | 79.0 |
| 4,000 | 3,165 | 74.5 | 3,470 | 77.0 | 3,755 | 78.5 | 3,835 | 79.0 |
| 5,000 | 3,245 | 74.5 | 3,560 | 77.0 | 3,850 | 78.5 | 3,935 | 79.0 |
| 6,000 | 3,325 | 74.5 | 3,650 | 77.0 | ------- | ------- | ------- | ------- |
| 7,000 | 3,405 | 74.5 | 3,735 | 77.0 | [2] | [2] | [2] | [2] |
| 8,000 | 3,485 | 74.5 | 3,825 | 77.0 | ------- | ------- | ------- | ------- |

[1] Steady approach speed through 50 feet height knots TIAS denoted by symbol $V_{50}$.
[2] Limited by § 42.82.

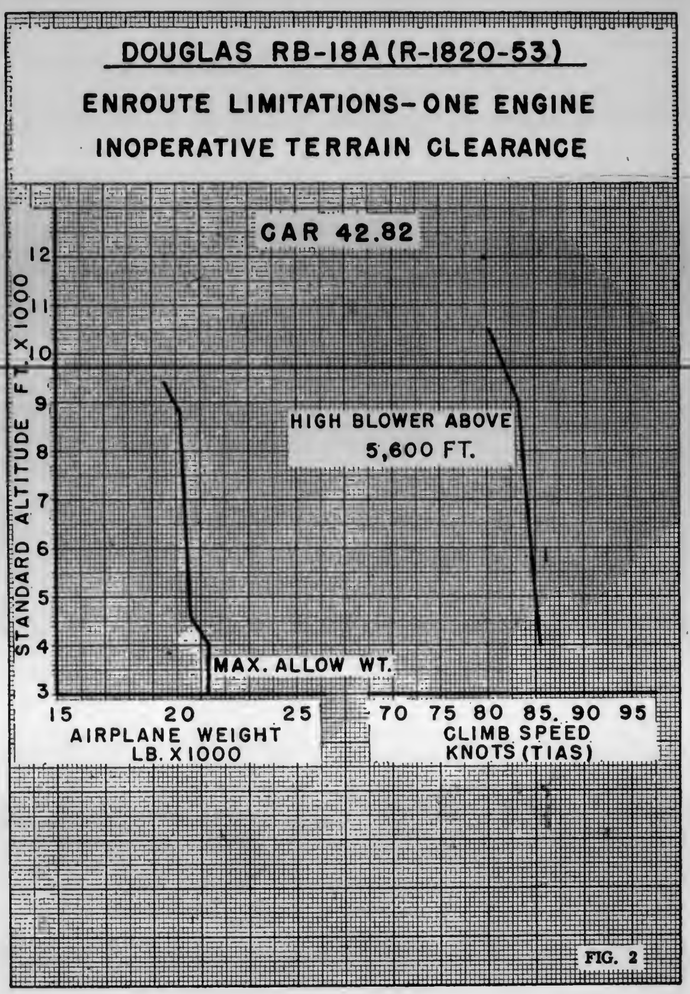
(b) Actual length of runway required when effective length, considering obstacles, is not determined in accordance with § 42.1 (a) (12).

| Standard altitude in feet | Airplane weight in pounds and approach speeds [1] in knots | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | 19,000 | $V_{50}$ | 20,000 | $V_{50}$ | 21,000 | $V_{50}$ | 21,300 | $V_{50}$ |
| | Distance in feet | | | | | | | |
| S. L. | 3,630 | 74.5 | 3,960 | 77.0 | 4,290 | 78.5 | 4,390 | 79.0 |
| 1,000 | 3,730 | 74.5 | 4,070 | 77.0 | 4,410 | 78.5 | 4,510 | 79.0 |
| 2,000 | 3,835 | 74.5 | 4,190 | 77.0 | 4,540 | 78.5 | 4,630 | 79.0 |
| 3,000 | 3,925 | 74.5 | 4,300 | 77.0 | 4,655 | 78.5 | 4,760 | 79.0 |
| 4,000 | 4,025 | 74.5 | 4,415 | 77.0 | 4,775 | 78.5 | 4,880 | 79.0 |
| 5,000 | 4,130 | 74.5 | 4,535 | 77.0 | 4,900 | 78.5 | 5,005 | 79.0 |
| 6,000 | 4,230 | 74.5 | 4,645 | 77.0 | ------- | ------- | ------- | ------- |
| 7,000 | 4,340 | 74.5 | 4,750 | 77.0 | ------- | [2] | [2] | ------- |
| 8,000 | 4,440 | 74.5 | 4,865 | 77.0 | ------- | ------- | ------- | ------- |

[1] Steady approach speed through 50 feet height—knots TIAS denoted by symbol $V_{50}$.
[2] Limited by § 42.82.

FIGURE 1—DOUGLAS RB-18A (R-1820-53) TAKEOFF AND LANDING LIMITATIONS

NOTE: In chart for takeoff field length, change "$1.05V_{mc}$=94 m. p. h. (TIAS)" to "$1.05V_{mc}$=81.5 knots (TIAS)".






§ 42.80–7 *Performance data on Boeing S–307 aircraft (CAA rules which apply to § 42.80).* The following performance limitations data applicable to Boeing S–307 aircraft, shall be used in determining compliance with § 42.80. These data are presented in tables 1 through 3 and Figures 1 and 2.

TABLE 1—TAKEOFF LIMITATIONS

(a) "Effective length" of runway required when effective length is determined in accordance with § 42.1 (a) (12) (distance to accelerate to $1.15V_{s_1}=1.15(85.4)\sqrt{\text{Wgt.}/50{,}000}$ knots TIAS and stop, with zero wind and zero gradient).

| Standard altitude in feet | Airplane weight in pounds and critical engine failure speeds in knots TIAS | | |
|---|---|---|---|
| | 46,000 $V_1$=94.0 | 48,000 $V_1$=96.5 | 50,000 $V_1$=98.0 |
| | Distance in feet | | |
| S. L. | 3,730 | 4,010 | 4,260 |
| 1,000 | 3,960 | 4,190 | 4,460 |
| 2,000 | 4,120 | 4,430 | 4,720 |
| 3,000 | 4,350 | 4,680 | 4,990 |
| 4,000 | 4,600 | 4,950 | 5,280 |
| 5,000 | 4,860 | 5,250 | 5,600 |
| 6,000 | 5,140 | 5,550 | 5,940 |
| 7,000 | 5,460 | 5,910 | 6,320 |
| 8,000 | 5,820 | 6,330 | 6,770 |

(b) Actual length of runway required when "effective length," considering obstacles, is not determined (distance to accelerate to 1.15 (85.4) $\sqrt{\text{Wgt.}/50{,}000}$ knots TIAS, and stop, divided by the factor 0.65).

| Standard altitude in feet | Airplane weight in pounds and critical engine failure speed ($V_1$) in knots TIAS | | |
|---|---|---|---|
| | 46,000 $V_1$=94.0 | 48,000 $V_1$=96.5 | 50,000 $V_1$=98.0 |
| | Distance in feet | | |
| S. L. | 4,390 | 4,720 | 5,010 |
| 1,000 | 4,590 | 4,930 | 5,245 |
| 2,000 | 4,845 | 5,210 | 5,555 |
| 3,000 | 5,120 | 5,505 | 5,870 |
| 4,000 | 5,410 | 5,825 | 6,210 |
| 5,000 | 5,720 | 6,175 | 6,590 |
| 6,000 | 6,045 | 6,530 | 6,990 |
| 7,000 | 6,425 | 6,955 | 7,435 |
| 8,000 | 6,845 | 7,415 | 7,965 |

TABLE 2—EN ROUTE LIMITATIONS

| Weight in pounds | Terrain clearance [1] in feet and climb speed in knots TIAS | | Weight in pounds | Terrain clearance [1] in feet and climb speed in knots TIAS | |
|---|---|---|---|---|---|
| | Feet | Knots | | Feet | Knots |
| 40,000 | 17,000 | 89.5 | 46,000 | 13,750 | 99.0 |
| 41,000 | 16,400 | 91.0 | 47,000 | 13,200 | 100.5 |
| 42,000 | 15,900 | 93.0 | 48,000 | 12,700 | 101.5 |
| 43,000 | 15,350 | 94.0 | 49,000 | 12,150 | 103.0 |
| 44,000 | 14,800 | 96.0 | 50,000 | 11,650 | 104.0 |
| 45,000 | 14,300 | 97.5 | | | |

[1] Highest altitude of terrain over which airplane may be operated in compliance with § 42.82.

TABLE 3—LANDING LIMITATIONS

(a) "Effective length" of runway required when effective length is determined in accordance with § 42.1 (a) (12) with zero wind and zero gradient.

| Standard altitude in feet | Airplane weight in pounds and approach speeds [1] in knots TIAS | | | | | |
|---|---|---|---|---|---|---|
| | 35,000 | $V_{50}$ | 40,000 | $V_{50}$ | 45,000 | $V_{50}$ |
| | Distance in feet | | | | | |
| S. L. | 3,065 | 81.0 | 3,445 | 86.5 | 3,815 | 91.0 |
| 1,000 | 3,145 | 81.0 | 3,540 | 86.5 | 3,915 | 91.0 |
| 2,000 | 3,225 | 81.0 | 3,630 | 86.5 | 4,015 | 91.0 |
| 3,000 | 3,310 | 81.0 | 3,725 | 86.5 | 4,120 | 91.0 |
| 4,000 | 3,390 | 81.0 | 3,820 | 86.5 | 4,225 | 91.0 |
| 5,000 | 3,480 | 81.0 | 3,925 | 86.5 | 4,340 | 91.0 |
| 6,000 | 3,575 | 81.0 | 4,035 | 86.5 | 4,460 | 91.0 |
| 7,000 | 3,670 | 81.0 | 4,140 | 86.5 | 4,580 | 91.0 |
| 8,000 | 3,770 | 81.0 | 4,260 | 86.5 | 4,715 | 91.0 |

[1] Steady approach speed through 50-foot height knots TIAS denoted by symbol $V_{50}$.

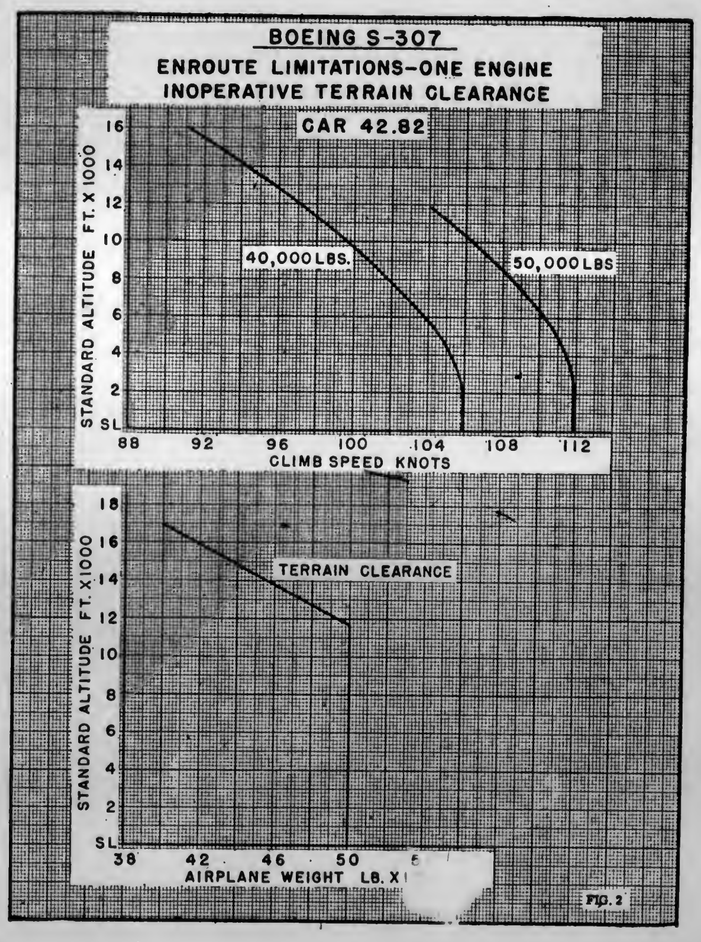
(b) Actual length of runway required when effective length, considering obstacles, is not determined in accordance with § 42.1 (a) (12).

| Standard altitude in feet | Airplane weight in pounds and approach speeds [1] in knots TIAS | | | | | |
|---|---|---|---|---|---|---|
| | 35,000 | $V_{50}$ | 40,000 | $V_{50}$ | 45,000 | $V_{50}$ |
| | Distance in feet | | | | | |
| S. L. | 3,890 | 81.0 | 4,375 | 86.5 | 4,845 | 91.0 |
| 1,000 | 3,995 | 81.0 | 4,495 | 86.5 | 4,970 | 91.0 |
| 2,000 | 4,095 | 81.0 | 4,610 | 86.5 | 5,100 | 91.0 |
| 3,000 | 4,205 | 81.0 | 4,730 | 86.5 | 5,230 | 91.0 |
| 4,000 | 4,305 | 81.0 | 4,850 | 86.5 | 5,365 | 91.0 |
| 5,000 | 4,420 | 81.0 | 4,985 | 86.5 | 5,510 | 91.0 |
| 6,000 | 4,540 | 81.0 | 5,125 | 86.5 | 5,665 | 91.0 |
| 7,000 | 4,660 | 81.0 | 5,260 | 86.5 | 5,815 | 91.0 |
| 8,000 | 4,790 | 81.0 | 5,410 | 86.5 | 5,990 | 91.0 |

[1] Steady approach speed through 50-foot height knots TIAS denoted by symbol $V_{50}$.

FIGURE 1—BOEING S-307 TAKEOFF AND LANDING LIMITATIONS

NOTE: In chart for takeoff field length, change "108.5 m. p. h. TIAS" to "94.0 knots TIAS"; "111.0 m. p. h. TIAS" to "96.5 knots TIAS"; and "113.0 m. p. h. TIAS" to "98.0 knots TIAS".



§ 42.80–8 *Performance data—operations from sod runway surfaces (CAA rules which apply to § 42.80)*—(a) *General.* The performance limitation data and information contained herein, are adopted to provide a comparable level of safety between operations utilizing sod surfaced runways and those utilizing paved surfaced runways. There are, of course, numerous types of runway surfaces which are neither paved nor sod. Obviously, it is not feasible at this time to categorize all of the runway surfaces and to establish specific correction factors for operations from them. Therefore, all runways which are not paved shall be regarded as sod runways, and the limitations data herein shall be applied to such runways, except in those individual cases where the Administrator finds that a particular runway surface is such as to justify the use of a specific correction factor.

(b) *Takeoff limitation data.* In computing the maximum allowable takeoff weights for operations from sod runways, the takeoff weight tables contained in §§ 42.80–1, 42.80–2, 42.80–3, 42.80–4, 42.80–5 or 42.80–7 shall be used in the following manner:

(1) Where the effective length of a sod runway has been established, the maximum allowable takeoff weight shall be the lesser gross weight as determined by application of the effective length to the appropriate takeoff table (a) and by application of the actual runway length to the corresponding takeoff table (b). Takeoff table (a) is used to determine the maximum allowable gross weight which will permit the aircraft to take off within the effective runway length, while table (b) is used to determine the maximum allowable gross weight which will permit the particular aircraft to be accelerated and brought to a full stop within the actual length of available runway.

(2) Where the effective length of a sod runway has not been established, the maximum allowable takeoff weight shall be determined by application of the actual runway length to the appropriate takeoff table (b). Tables (b) incorporate a correction factor (approximately 17.6 percent for an assumed obstruction height and/or a reduced coefficient of friction).

(c) *Landing limitations data.* In computing the maximum allowable landing weights for operations from sod runways, the landing weight tables contained in this section shall be used in the following manner:

(1) Where the effective length of a sod runway has been established, the maximum allowable landing weight shall be determined by application of the effective length to the appropriate landing weight table (a).

(2) Where the effective length of a sod runway has not been established, the maximum allowable landing weight shall be determined by application of the actual runway length to the appropriate landing weight table (b).

DOUGLAS DC–3 G102, C202A, S1C3G, AND C47's, R4D's WITH COMPARABLE HORSEPOWER ENGINES

TABLE 4—LANDING LIMITATIONS (SOD RUNWAY SURFACES)

(a) "Effective length" of runway required when effective length is determined in accordance with § 42.1 (a) (12) with zero wind and zero gradient.

| Standard altitude in feet | Airplane weight in pounds and approach speeds [1] in knots | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | 22,000 | $V_{50}$ | 23,000 | $V_{50}$ | 24,000 | $V_{50}$ | 25,200 | $V_{50}$ |
| | Distance in feet | | | | | | | |
| S. L. | 2,830 | 74.5 | 3,015 | 76.5 | 3,210 | 78.0 | 3,390 | 80.0 |
| 1,000 | 2,900 | 74.5 | 3,080 | 76.5 | 3,275 | 78.0 | 3,465 | 80.0 |
| 2,000 | 2,965 | 74.5 | 3,155 | 76.5 | 3,350 | 78.0 | 3,540 | 80.0 |
| 3,000 | 3,040 | 74.5 | 3,235 | 76.5 | 3,425 | 78.0 | 3,630 | 80.0 |
| 4,000 | 3,115 | 74.5 | 3,320 | 76.5 | 3,520 | 78.0 | 3,715 | 80.0 |
| 5,000 | 3,210 | 74.5 | 3,410 | 76.5 | 3,605 | 78.0 | 3,805 | 80.0 |
| 6,000 | 3,300 | 74.5 | 3,505 | 76.5 | 3,705 | 78.0 | 3,910 | 80.0 |
| 7,000 | 3,410 | 74.5 | 3,610 | 76.5 | 3,810 | 78.0 | 4,015 | 80.0 |
| 8,000 | 3,500 | 74.5 | 3,725 | 76.5 | 3,935 | 78.0 | 4,135 | 80.0 |

[1] Steady approach speed through 50 feet height—knots TIAS denoted by symbol $V_{50}$.

(b) Actual length of runway required when effective length, considering obstacles, is not determined in accordance with § 42.1 (a) (12).

| Standard altitude in feet | Airplane weight in pounds and approach speeds [1] in knots | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | 22,000 | $V_{50}$ | 23,000 | $V_{50}$ | 24,000 | $V_{50}$ | 25,000 | $V_{50}$ |
| | Distance in feet | | | | | | | |
| S. L. | 3,595 | 74.5 | 3,825 | 76.5 | 4,075 | 78.0 | 4,305 | 80.0 |
| 1,000 | 3,680 | 74.5 | 3,900 | 76.5 | 4,165 | 78.0 | 4,405 | 80.0 |
| 2,000 | 3,765 | 74.5 | 4,010 | 76.5 | 4,255 | 78.0 | 4,495 | 80.0 |
| 3,000 | 3,865 | 74.5 | 4,110 | 76.5 | 4,355 | 78.0 | 4,605 | 80.0 |
| 4,000 | 3,955 | 74.5 | 4,215 | 76.5 | 4,470 | 78.0 | 4,715 | 80.0 |
| 5,000 | 4,075 | 74.5 | 4,330 | 76.5 | 4,575 | 78.0 | 4,835 | 80.0 |
| 6,000 | 4,190 | 74.5 | 4,455 | 76.5 | 4,705 | 78.0 | 4,970 | 80.0 |
| 7,000 | 4,330 | 74.5 | 4,590 | 76.5 | 4,840 | 78.0 | 5,095 | 80.0 |
| 8,000 | 4,445 | 74.5 | 4,730 | 76.5 | 4,995 | 78.0 | 5,250 | 80.0 |

[1] Steady approach speed through 50 feet height—knots TIAS denoted by symbol $V_{50}$.

LOCKHEED 18 G202A AIRCRAFT

TABLE 3—LANDING LIMITATIONS (SOD RUNWAY SURFACES)

(a) "Effective length" of runway required when effective length is determined in accordance with § 42.1 (a) (12) with zero wind and zero gradient.

| Standard altitude in feet | Airplane weight in pounds and approach speeds [1] in knots | | | | | |
|---|---|---|---|---|---|---|
| | 17,500 | $V_{50}$ | 18,000 | $V_{50}$ | 18,500 | $V_{50}$ |
| | Distance in feet | | | | | |
| S. L. | 4,270 | 83.5 | 4,380 | 84.0 | 4,470 | 86.0 |
| 1,000 | 4,400 | 83.5 | 4,495 | 84.0 | 4,595 | 86.0 |
| 2,000 | 4,520 | 83.5 | 4,625 | 84.0 | 4,720 | 86.0 |
| 3,000 | 4,645 | 83.5 | 4,750 | 84.0 | 4,855 | 86.0 |
| 4,000 | 4,770 | 83.5 | 4,875 | 84.0 | 4,985 | 86.0 |
| 5,000 | 4,875 | 83.5 | 5,000 | 84.0 | 5,115 | 86.0 |
| 6,000 | 5,025 | 83.5 | 5,130 | 84.0 | 5,255 | 86.0 |
| 7,000 | 5,150 | 83.5 | 5,260 | 84.0 | 5,395 | 86.0 |
| 8,000 | 5,285 | 83.5 | 5,395 | 84.0 | 5,530 | 86.0 |

[1] Steady approach speed through 50 feet height—knots TIAS denoted by symbol $V_{50}$.

(b) Actual length of runway required when effective length, considering obstacles, is not determined in accordance with § 42.1 (a) (12).

| Standard altitude in feet | Airplane weight in pounds and approach speeds [1] in knots | | | | | |
|---|---|---|---|---|---|---|
| | 17,500 | $V_{50}$ | 18,000 | $V_{50}$ | 18,500 | $V_{50}$ |
| | Distance in feet | | | | | |
| S. L. | 5,430 | 83.5 | 5,565 | 84.0 | 5,675 | 86.0 |
| 1,000 | 5,590 | 83.5 | 5,710 | 84.0 | 5,835 | 86.0 |
| 2,000 | 5,740 | 83.5 | 5,870 | 84.0 | 5,995 | 86.0 |
| 3,000 | 5,900 | 83.5 | 6,030 | 84.0 | 6,165 | 86.0 |
| 4,000 | 6,060 | 83.5 | 6,195 | 84.0 | 6,330 | 86.0 |
| 5,000 | 6,195 | 83.5 | 6,355 | 84.0 | 6,495 | 86.0 |
| 6,000 | 6,390 | 83.5 | 6,515 | 84.0 | 6,675 | 86.0 |
| 7,000 | 6,545 | 83.5 | 6,690 | 84.0 | 6,850 | 86.0 |
| 8,000 | 6,710 | 83.5 | 6,850 | 84.0 | 7,025 | 86.0 |

[1] Steady approach speed through 50 feet height—knots TIAS denoted by symbol $V_{50}$.



CURTISS MODEL C–46 AIRCRAFT

TABLE 3—LANDING LIMITATIONS (SOD RUNWAY SURFACES)

(a) "Effective length" of runway required when effective length is determined in accordance with § 42.1 (b) (12) with zero wind and zero gradient.

(1) Curtiss model C–46 certificated for maximum weight of 45,000 pounds.

| Standard altitude in feet | Airplane weight in pounds and approach speeds [1] in knots | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | 40,000 | $V_{50}$ | 42,000 | $V_{50}$ | 44,000 | $V_{50}$ | 45,000 | $V_{50}$ |
| | Distance in feet | | | | | | | |
| S. L. | 4,255 | 86.0 | 4,435 | 88.0 | 4,635 | 90.5 | 4,725 | 91.0 |
| 1,000 | 4,370 | 86.0 | 4,555 | 88.0 | 4,760 | 90.5 | 4,835 | 91.0 |
| 2,000 | 4,485 | 86.0 | 4,680 | 88.0 | 4,890 | 90.5 | 4,985 | 91.0 |
| 3,000 | 4,660 | 86.0 | 4,805 | 88.0 | 5,015 | 90.5 | 5,120 | 91.0 |
| 4,000 | 4,730 | 86.0 | 4,935 | 88.0 | 5,145 | 90.5 | 5,250 | 91.0 |
| 5,000 | 4,845 | 86.0 | 5,060 | 88.0 | 5,285 | 90.5 | 5,380 | 91.0 |
| 6,000 | 4,980 | 86.0 | 5,190 | 88.0 | 5,415 | 90.5 | 5,520 | 91.0 |
| 7,000 | 5,095 | 86.0 | 5,330 | 88.0 | 5,570 | 90.5 | 5,670 | 91.0 |
| 8,000 | 5,235 | 86.0 | 5,470 | 88.0 | 5,713 | 90.5 | 5,820 | 91.0 |

[1] Steady approach speed through 50 feet height—knots TIAS denoted by symbol $V_{50}$.

(2) Curtiss model C–46 certificated for maximum weight of 48,000 pounds.

| Standard altitude in feet | Airplane weight in pounds and approach speeds [1] in knots | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | 42,000 | $V_{50}$ | 44,000 | $V_{50}$ | 46,000 | $V_{50}$ | 48,000 | $V_{50}$ |
| | Distance in feet | | | | | | | |
| S. L. | 3,325 | 80.5 | 3,450 | 82.0 | 3,575 | 84.5 | 3,695 | 86.0 |
| 1,000 | 3,405 | 80.5 | 3,530 | 82.0 | 3,655 | 84.5 | 3,780 | 86.0 |
| 2,000 | 3,490 | 80.5 | 3,615 | 82.0 | 3,740 | 84.5 | 3,865 | 86.0 |
| 3,000 | 3,575 | 80.5 | 3,695 | 82.0 | 3,830 | 84.5 | 3,945 | 86.0 |
| 4,000 | 3,675 | 80.5 | 3,795 | 82.0 | 3,920 | 84.5 | 4,050 | 86.0 |
| 5,000 | 3,750 | 80.5 | 3,875 | 82.0 | 4,020 | 84.5 | 4,155 | 86.0 |
| 6,000 | 3,830 | 80.5 | 3,980 | 82.0 | 4,115 | 84.5 | 4,255 | 86.0 |
| 7,000 | 3,925 | 80.5 | 4,075 | 82.0 | 4,220 | 84.5 | 4,370 | 86.0 |
| 8,000 | 4,025 | 80.5 | 4,180 | 82.0 | 4,330 | 84.5 | 4,485 | 86.0 |

[1] Steady approach speed through 50 feet height—knots TIAS denoted by symbol $V_{50}$.

(b) Actual length of runway required when effective length, considering obstacles, is not determined in accordance with § 41.1 (a) (12).

(1) Curtiss model C–46 certificated for maximum weight of 45,000 pounds.

| Standard altitude in feet | Airplane weight in pounds and approach speeds [1] in knots | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | 40,000 | $V_{50}$ | 42,000 | $V_{50}$ | 44,000 | $V_{50}$ | 45,000 | $V_{50}$ |
| | Distance in feet | | | | | | | |
| S. L. | 5,415 | 86.0 | 5,645 | 88.0 | 5,900 | 90.5 | 6,015 | 91.0 |
| 1,000 | 5,560 | 86.0 | 5,795 | 88.0 | 6,060 | 90.5 | 6,175 | 91.0 |
| 2,000 | 5,710 | 86.0 | 5,955 | 88.0 | 6,220 | 90.5 | 6,350 | 91.0 |
| 3,000 | 5,930 | 86.0 | 6,120 | 88.0 | 6,385 | 90.5 | 6,515 | 91.0 |
| 4,000 | 6,015 | 86.0 | 6,290 | 88.0 | 6,550 | 90.5 | 6,680 | 91.0 |
| 5,000 | 6,170 | 86.0 | 6,440 | 88.0 | 6,730 | 90.5 | 6,850 | 91.0 |
| 6,000 | 6,335 | 86.0 | 6,605 | 88.0 | 6,895 | 90.5 | 7,025 | 91.0 |
| 7,000 | 6,485 | 86.0 | 6,785 | 88.0 | 7,090 | 90.5 | 7,215 | 91.0 |
| 8,000 | 6,650 | 86.0 | 6,960 | 88.0 | 7,275 | 90.5 | 7,405 | 91.0 |

[1] Steady approach speed through 50 feet height—knots TIAS denoted by symbol $V_{50}$.

(2) Curtiss C–46 certificated maximum weight of 48,000 pounds.

| Standard altitude in feet | Airplane weight in pounds and approach speeds [1] in knots | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | 42,000 | $V_{50}$ | 44,000 | $V_{50}$ | 46,000 | $V_{50}$ | 48,000 | $V_{50}$ |
| | Distance in feet | | | | | | | |
| S. L. | 4,230 | 80.5 | 4,395 | 82.0 | 4,555 | 84.5 | 4,705 | 86.0 |
| 1,000 | 4,330 | 80.5 | 4,490 | 82.0 | 4,650 | 84.5 | 4,805 | 86.0 |
| 2,000 | 4,440 | 80.5 | 4,600 | 82.0 | 4,755 | 84.5 | 4,915 | 86.0 |
| 3,000 | 4,555 | 80.5 | 4,705 | 82.0 | 4,875 | 84.5 | 5,020 | 86.0 |
| 4,000 | 4,665 | 80.5 | 4,830 | 82.0 | 4,990 | 84.5 | 5,150 | 86.0 |
| 5,000 | 4,775 | 80.5 | 4,935 | 82.0 | 5,120 | 84.5 | 5,290 | 86.0 |
| 6,000 | 4,875 | 80.5 | 5,065 | 82.0 | 5,240 | 84.5 | 5,415 | 86.0 |
| 7,000 | 4,995 | 80.5 | 5,185 | 82.0 | 5,370 | 84.5 | 5,560 | 86.0 |
| 8,000 | 5,125 | 80.5 | 5,320 | 82.0 | 5,510 | 84.5 | 5,710 | 86.0 |

[1] Steady approach speed through 50 feet height—knots TIAS denoted by symbol $V_{50}$.

CONVAIR MODEL 28–5ACF AND PBY–5A

TABLE 3—LANDING LIMITATIONS (SOD RUNWAY SURFACES)

(a) "Effective length" of runway required when effective length is determined in accordance with § 42.1 (a) (12) with zero wind and zero gradient.

| Standard altitude in feet | Airplane weight in pounds and approach speeds [1] in knots | | | | | |
|---|---|---|---|---|---|---|
| | 23,000 | $V_{50}$ | 24,000 | $V_{50}$ | 25,000 | $V_{50}$ |
| | Distance in feet | | | | | |
| S. L. | 3,935 | 74.5 | 4,105 | 76.5 | 4,245 | 78.0 |
| 1,000 | 4,040 | 74.5 | 4,215 | 76.5 | 4,370 | 78.0 |
| 2,000 | 4,145 | 74.5 | 4,330 | 76.5 | 4,485 | 78.0 |
| 3,000 | 4,255 | 74.5 | 4,370 | 76.5 | 4,610 | 78.0 |
| 4,000 | 4,360 | 74.5 | 4,585 | 76.5 | 4,725 | 78.0 |
| 5,000 | 4,470 | 74.5 | 4,665 | 76.5 | 4,845 | 78.0 |
| 6,000 | 4,570 | 74.5 | 4,775 | 76.5 | 4,970 | 78.0 |
| 7,000 | 4,680 | 74.5 | 4,880 | 76.5 | 5,090 | 78.0 |
| 8,000 | 4,785 | 74.5 | 4,990 | 76.5 | 5,205 | 78.0 |

[1] Steady approach speed through 50 feet height—knots TIAS denoted by symbol $V_{50}$.

(b) Actual length of runway required when effective length, considering obstacles, is not determined in accordance with § 42.1 (a) (12).

| Standard altitude in feet | Airplane weight in ponnds and approach speeds [1] in knots | | | | | |
|---|---|---|---|---|---|---|
| | 23,000 | $V_{50}$ | 24,000 | $V_{50}$ | 25,000 | $V_{50}$ |
| | Distance in feet | | | | | |
| S. L. | 5,005 | 74.5 | 5,225 | 76.5 | 5,400 | 78.0 |
| 1,000 | 5,145 | 74.5 | 5,365 | 76.5 | 5,560 | 78.0 |
| 2,000 | 5,275 | 74.5 | 5,510 | 76.5 | 5,710 | 78.0 |
| 3,000 | 5,415 | 74.5 | 5,650 | 76.5 | 5,870 | 78.0 |
| 4,000 | 5,550 | 74.5 | 5,790 | 76.5 | 6,015 | 78.0 |
| 5,000 | 5,685 | 74.5 | 5,935 | 76.5 | 6,170 | 78.0 |
| 6,000 | 5,820 | 74.5 | 6,075 | 76.5 | 6,325 | 78.0 |
| 7,000 | 5,955 | 74.5 | 6,215 | 76.5 | 6,475 | 78.0 |
| 8,000 | 6,090 | 74.5 | 6,355 | 76.5 | 6,625 | 78.0 |

[1] Steady approach speed through 50 feet height—knots TIAS denoted by symbol $V_{50}$.

CONVAIR MODEL 28–5ACF AND PBY–5A

TABLE 4—LANDING LIMITATIONS

(a) "Effective length" of runway required when effective length is determined in accordance with § 42.1 (a) (12) with zero wind and zero gradient.

| Standard altitude in feet | Airplane weight in pounds and approach speeds [1] in knots | | | | | |
|---|---|---|---|---|---|---|
| | 26,000 | $V_{50}$ | [2] 27,000 | $V_{50}$ | [3] 28,000 | $V_{50}$ |
| | Distance in feet | | | | | |
| S. L. | 4,405 | 80.0 | 4,560 | 81.0 | 4,715 | 82.5 |
| 1,000 | 4,530 | 80.0 | 4,690 | 81.0 | 4,855 | 82.5 |
| 2,000 | 4,660 | 80.0 | 4,830 | 81.0 | 4,995 | 82.5 |
| 3,000 | 4,785 | 80.0 | 4,960 | 81.0 | 5,140 | 82.5 |
| 4,000 | 4,915 | 80.0 | 5,095 | 81.0 | 5,285 | 82.5 |
| 5,000 | 5,045 | 80.0 | 5,235 | 81.0 | 5,430 | 82.5 |
| 6,000 | 5,170 | 80.0 | 5,365 | 81.0 | 5,565 | 82.5 |
| 7,000 | 5,300 | 80.0 | 5,505 | 81.0 | 5,715 | 82.5 |
| 8,000 | 5,430 | 80.0 | 5,635 | 81.0 | 5,855 | 82.5 |

[1] Steady approach speed through 50 feet height—knots TIAS denoted by symbol $V_{50}$.
[2] Maximum weight for PBY–5A landplane.
[3] Maximum weight for 28–5ACF.

(b) Actual length of runway required when effective length, considering obstacles, is not determined in accordance with § 42.1 (a) (12).

BOEING MODEL S-307 AIRCRAFT

TABLE 3—LANDING LIMITATIONS (SOD RUNWAY SURFACES)

| Standard altitude in feet | Airplane weight in pounds and approach speeds [1] in knots | | | | |
|---|---|---|---|---|---|
| | 26,000 | $V_{s0}$ | [2] 27,000 | $V_{s0}$ | [2] 28,500 | $V_{s0}$ |
| | Distance in feet | | | | | |
| S. L. | 5,605 | 80.0 | 5,805 | 81.0 | 6,000 | 82.5 |
| 1,000 | 5,705 | 80.0 | 5,970 | 81.0 | 6,175 | 82.5 |
| 2,000 | 5,925 | 80.0 | 6,145 | 81.0 | 6,360 | 82.5 |
| 3,000 | 6,090 | 80.0 | 6,315 | 81.0 | 6,540 | 82.5 |
| 4,000 | 6,285 | 80.0 | 6,485 | 81.0 | 6,725 | 82.5 |
| 5,000 | 6,430 | 80.0 | 6,660 | 81.0 | 7,030 | 82.5 |
| 6,000 | 6,630 | 80.0 | 6,855 | 81.0 | 7,075 | 82.5 |
| 7,000 | 6,745 | 80.0 | 7,005 | 81.0 | 7,275 | 82.5 |
| 8,000 | 6,910 | 80.0 | 7,170 | 81.0 | 7,450 | 82.5 |

[1] Steady approach speed through 50 feet height—knots TIAS denoted by symbol $V_{s0}$.
[2] Maximum weight for PBY-5A landplane.
[3] Minimum weight for PBY-5A.

DOUGLAS RB-18A AIRCRAFT

TABLE 3—LANDING LIMITATIONS (SOD RUNWAY SURFACES)

(a) "Effective length" of runway required when effective length is determined in accordance with § 42.1 (a) (12) with zero wind and zero gradient.

| Standard altitude in feet | Airplane weight in pounds and approach speeds [1] in knots | | | | | |
|---|---|---|---|---|---|---|
| | 19,000 | $V_{s0}$ | 20,000 | $V_{s0}$ | 21,000 | $V_{s0}$ | 21,300 | $V_{s0}$ |
| | Distance in feet | | | | | | | |
| S. L. | 3,980 | 74.5 | 3,575 | 77.0 | 3,675 | 78.5 | 3,960 | 79.0 |
| 1,000 | 3,970 | 74.5 | 3,690 | 77.0 | 3,990 | 78.5 | 4,075 | 79.0 |
| 2,000 | 3,450 | 74.5 | 3,785 | 77.0 | 4,100 | 78.5 | 4,185 | 79.0 |
| 3,000 | 3,550 | 74.5 | 3,885 | 77.0 | 4,210 | 78.5 | 4,300 | 79.0 |
| 4,000 | 3,640 | 74.5 | 3,990 | 77.0 | 4,320 | 78.5 | 4,410 | 79.0 |
| 5,000 | 3,730 | 74.5 | 4,095 | 77.0 | 4,430 | 78.5 | 4,525 | 79.0 |
| 6,000 | 3,825 | 74.5 | 4,200 | 77.0 | (2) | (2) | (2) | (2) |
| 7,000 | 3,915 | 74.5 | 4,295 | 77.0 | | | | |
| 8,000 | 4,010 | 74.5 | 4,400 | 77.0 | | | | |

[1] Steady approach speed through 50 feet height—knots TIAS denoted by symbol $V_{s0}$.
[2] Limited by § 42.32.

(b) Actual length of runway required when effective length, considering obstacles, is not determined in accordance with § 42.1 (a) (12).

| Standard altitude in feet | Airplane weight in pounds and approach speeds [1] in knots | | | | | |
|---|---|---|---|---|---|---|
| | 19,000 | $V_{s0}$ | 20,000 | $V_{s0}$ | 21,000 | $V_{s0}$ | 21,300 | $V_{s0}$ |
| | Distance in feet | | | | | | | |
| S. L. | 4,175 | 74.5 | 4,555 | 77.0 | 4,935 | 78.5 | 5,050 | 79.0 |
| 1,000 | 4,190 | 74.5 | 4,690 | 77.0 | 5,070 | 78.5 | 5,185 | 79.0 |
| 2,000 | 4,310 | 74.5 | 4,830 | 77.0 | 5,220 | 78.5 | 5,325 | 79.0 |
| 3,000 | 4,515 | 74.5 | 4,945 | 77.0 | 5,355 | 78.5 | 5,475 | 79.0 |
| 4,000 | 4,630 | 74.5 | 5,075 | 77.0 | 5,490 | 78.5 | 5,610 | 79.0 |
| 5,000 | 4,750 | 74.5 | 5,215 | 77.0 | 5,635 | 78.5 | 5,753 | 79.0 |
| 6,000 | 4,865 | 74.5 | 5,340 | 77.0 | (2) | (2) | (2) | (2) |
| 7,000 | 4,990 | 74.5 | 5,465 | 77.0 | | | | |
| 8,000 | 5,105 | 74.5 | 5,590 | 77.0 | | | | |

[1] Steady approach speed through 50 feet height—knots TIAS denoted by symbol $V_{s0}$.
[2] Limited by § 42.32.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This supplement shall become effective April 1, 1956.

[SEAL] JAMES T. PYLE,
*Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 56-2494; Filed, Apr. 5, 1956; 8:45 a. m.]

# TITLE 32A—NATIONAL DEFENSE, APPENDIX

## Chapter I—Office of Defense Mobilization

[Defense Mobilization Order VII-4, Supp. 1, Amdt. 2]

### DMO VII-4, SUPP. 1—ODM POLICY GUIDANCE ON GOVERNMENT-OWNED PRODUCTION EQUIPMENT

Section 2 of Supplement 1 to DMO VII-4 of August 25, 1955, as amended (20 F. R. 6289, 7110), is amended to read as follows:

2. All idle equipment included in these two central inventories will be made available, upon request, to producing establishments crippled by major disasters as determined in accordance with provisions of Public Law 875, 81st Congress. Authority to arrange for the immediate leasing of such equipment to damaged facilities within major disaster areas, when necessary to the resumption of normal operations, is hereby granted to the Department of Defense and the Department of Commerce with respect to the items in their respective idle inventories. The procedure authorized in this supplement shall remain in effect only for such period of time as the areas in question are classified as disaster areas under authority of Public Law 875, 81st Congress, or until the Director of the Office of Defense Mobilization shall find that the application of the procedure to those areas would no longer serve to meet the objective of this supplement.

This amendment shall take effect April 4, 1956.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
*Director.*

[F. R. Doc. 56-2598; Filed, Apr. 4, 1956; 4:21 p. m.]

[Defense Mobilization Order VII-6, Supp. 3, Amdt. 2]

### DMO VII-6, SUPP. 3—EXPANSION GOALS FOR TAX AMORTIZATION

By virtue of the authority vested in me by Executive Order 10480 of August 14, 1953, as amended, the following is hereby ordered in connection with expansion goals and the issuance of necessity certificates pursuant to Section 168 of the Internal Revenue Code of 1954:

1. Expansion Goals in List I attached were closed by Supplement 3 to DMO-VII-6 issued on Septmeber 29, 1955. Any application for a necessity certificate which was filed with the Government prior to September 30, 1955 under the expansion goals in List I, attached, shall be considered for certification under the terms and conditions of the expansion goal involved.

2. Amendment 1 to Supplement 3 to DMO-VII-6 is modified accordingly.

3. This amendment shall take effect immediately.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
*Director.*

LIST I

CLOSED

| Goal No. | Title | Delegate Agency |
|---|---|---|
| 220 | Airport Facilities | Commerce. |
| 112 | Antimony | Interior. |
| 92 | Bauxite | Interior. |
| 10 | Cobalt | Interior. |
| 4 | Coke By-product | Interior. |
| 83 | Cryolite, Synthetic | Commerce. |
| 130 | Electrolytic Tin Plate | Commerce. |
| 171 | Gas Utility Industry, Pipe Lines. | Interior. |
| 214 | Grain-Oriented Steel Sheets | Commerce. |
| 204 | Gray Iron Castings (3,000 lbs. and over). | Commerce. |
| 218 | Inland Waterway Terminal Facilities. | ICC. |
| 98 | Inland Waterway Vessels (Specific Types). | ICC. |
| 132 | Iron Ore | Interior. |
| 152 | Locomotives, Diesel | ICC. |
| 96 | Lumber and Wood Products (Debarking and Chipping Facilities). | Commerce. |
| 216 | Motor Truck Terminal and Repair Facilities. | ICC. |
| 65C | Natural Gas Liquids Capacity | Interior. |
| 65D | Oil Pipe Line (Domestic) | Interior. |
| 65E | Oil Storage Facilities (Domestic). | Interior. |
| 90 | Ore Carriers, Great Lakes | ICC. |
| 113 | Ore Carriers, Ocean-going | Commerce. |
| 219 | Port Facilities | ICC. |
| 221 | Railroad Passenger Cars | ICC. |
| 135 | Railroad Terminal and Road Facilities. | ICC. |
| 114 | Special Manufacturing Facilities—Metal Cans. | Commerce. |
| 121 | Titanium Metal | Interior. |
| 217 | Warehousing and Storage Facilities. | ICC. |

[F. R. Doc. 56-2586; Filed, Apr. 5, 1956; 8:52 a. m.]



# TITLE 36—PARKS, FORESTS, AND MEMORIALS

## Chapter I—National Park Service, Department of the Interior

### PART 20—SPECIAL REGULATIONS

#### GRAND TETON NATIONAL PARK

1. A new paragraph (c) is added to § 20.22 *Grand Teton National Park* to read as follows:

(c) *Stock grazing.* (1) Permits for the grazing of domestic livestock based on authorized use of certain areas at the time of approval of Public Law 787, September 14, 1950, shall continue in effect or shall be renewed from time to time, except for failure to comply with the conditions and terms applicable thereto after reasonable notice of default and subject to the following provisions of tenure:

(i) Grazing privileges appurtenant to privately owned lands located within the park shall not be withdrawn until title to lands to which such privileges are appurtenant shall have vested in the United States.

(ii) Grazing privileges appurtenant to privately owned lands located outside the park shall not be withdrawn for a period of twenty-five years, after September 14, 1950, and thereafter during the lifetime of the original permittee and his heirs if they were members of his immediate family as described below:

(*a*) Members of the immediate family are those persons who are related to and were living with and directly dependent upon a person, or persons, living on or conducting grazing operations from lands, as of September 14, 1950, which the Service recognized as base lands appurtenant to grazing privileges in the park. Such interpretation excludes mature children who, as of that date, were established in their own households and were not directly dependent upon the base lands and appurtenant grazing recognized by the National Park Service.

(iii) If title to base lands lying outside the park is conveyed, or such base lands are leased to someone other than a member of the immediate family of the original permittee, the grazing preference shall be recognized only for a period of twenty-five years from September 14, 1950.

(2) Where no reasonable access or egress is available to permittee or nonpermittee stockmen who must cross park lands to reach grazing allotments and State or private lands within the exterior boundary of the park or to National Forest, State or private lands adjacent to the park, The Superintendent will grant, upon request, a temporary non-fee annual permit to herd stock across the park on a designated driveway, provided such herding does not require more than two trips across the park during the grazing season or consume more than five days per trip in either direction. Permittees or nonpermittees who allow stock to remain on Federal lands within the park in excess of the time granted in the temporary permit, or at any time or place, when or where herding or grazing is unauthorized may be assessed fifty cents per day per animal.

(3) Grazing preferences are based on actual use during the period March 15, 1938 through September 14, 1950 and henceforth no increase in the number of animals or animal unit months will be allowed on Federal lands in the park.

(4) (i) Any permittee whose grazing privilege is appurtenant to privately owned lands within the park will be granted non-use or reduced benefits for one or more years without nullifying his privilege in subsequent years.

(ii) A permittee whose privilege is appurtenant to lands outside the park may be granted non-use on a year to year basis not to exceed three consecutive years unless such a request is clearly beyond his control for such reasons as National emergencies due to protracted labor shortages, economic depressions, etc. Whenever non-use or reduced benefits are desired a written request must be made to the Superintendent at least 60 days before the grazing season starts.

(5) Grazing fees in the park shall be the same as those charged on the adjoining Teton National Forest and may be adjusted annually.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 31st day of January 1956.

[SEAL] FRANK R. OBERHANSLEY,
*Superintendent, Grand Teton National Park.*

[F. R. Doc. 56-2571; Filed, Apr. 5, 1956; 8:49 a. m.]

# TITLE 41—PUBLIC CONTRACTS

## Chapter II—Division of Public Contracts, Department of Labor

### PART 202—MINIMUM WAGE DETERMINATIONS

#### PHOTOGRAPHIC AND BLUEPRINTING EQUIPMENT AND SUPPLIES INDUSTRY

On November 5, 1955, notice was published in the FEDERAL REGISTER of a proposed decision of the Secretary of Labor determining prevailing minimum wages under the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U. S. C. 35 et seq.), for the Photographic and Blueprinting Equipment and Supplies Industry (20 F. R. 8338). The notice allowed a period of thirty days in which interested parties might submit exceptions to the proposed decision.

The exceptions and comments which have been received are as follows:

1. It is suggested that the definition of the blueprinting equipment and supplies branch of the industry should expressly exclude diazoprints (whiteprints) and should include diazotype sensitized film and other sensitized materials along with diazotype sensitized papers and cloths. These suggested amendments will more clearly express the coverage intended by the proposed definition and will be adopted.

2. It is argued that the proposed minimum rate of $1.18 per hour should be reduced or a subminimum rate should be provided for beginners or learners, for the reason that the $1.18 rate will require some wage adjustment on the part of most of the small independent plants not specializing in high precision manufacture. But only approximately 2 percent of all of the employees in the industry are paid less than $1.18 per hour. The determination must, of course, have impact on wages in some plants if it is to serve any useful purpose. The assumption that it will have impact in most plants of a particular segment of the industry is speculative and would be pertinent only if a separate determination were to be made for that segment. This has not been proposed, and moreover it would be inconsistent with the policy of the act as recently recognized in Mitchell v. Covington Mills, 12 WHC 701 (C. A. D. C.). In the Covington case the court

held that where, as here, there is substantial and active competition between the several segments of the industry, separate determinations for the lower wage segments would defeat the policy of the act.

The suggestion to provide a reduced or subminimum rate for beginners or learners is inappropriate, since the wage data on which the $1.18 rate is based included the wages paid learners and beginners.

3. Exception is taken to basing the determination primarily on minimum wages actually paid, rather than on the lowest hiring rates established by plants regardless of whether any worker was actually paid at the lowest hiring rate. The record shows that 42 percent of the establishments in the industry reported no such established hiring rates. In the plants which did report established hiring rates, 85 percent of the total production workers were employed in plants with lowest established hiring rates of $1.18 per hour or more. Under these circumstances it seems clear that the rates actually paid should take precedence over the established hiring rates not actually paid, and the hiring rates serve to confirm the conclusion that a rate below $1.18 would not be the prevailing minimum wages for persons employed in this industry.

Aside from the exceptions considered above, a review of the proposed determination reveals that the inclusion of the provision for the employment of handicapped workers is unnecessary. Section 201.1102 of the general regulations (41 CFR, Part 201) delineates the procedures to be followed for the employment of handicapped workers at wages lower than the prevailing minimum wage applicable under section 1 (b) of the act.

Upon reviewing the entire record in the light of all objections and exceptions filed, it is my conclusion that the proposed determination, amended by the incorporation of the suggestions relative to the definition mentioned above, and deletion of the special provision applicable to the employment of handicapped workers, should be adopted. Accordingly, pursuant to the authority vested in me by the Walsh-Healey Public Contracts Act, § 202.30 of Title 41, Part 202, of the Code of Federal Regulations is hereby amended to read as follows:

§ 202.30 *Photographic and blueprinting equipment and supplies industry*—(a) *Definition.* (1) The photographic equipment and supplies branch of the photographic and blueprinting equipment and supplies industry is defined as that industry which manufactures or furnishes such products as: still and motion-picture cameras; projection apparatus; photographic lenses; shutters; photocopy and microfilm machines; developing tanks and machines; enlargers; plate and film holders; tripods; film reels; picture projection screens; sensitized film, paper and plates; and prepared photographic developers, toners and fixers. Excluded are the making, processing or finishing of photographs or photographic reproductions of any kind, including still or motion pictures; photographic exposure meters; and photographic bulbs, tubes and related light sources.

(2) The blueprinting equipment and supplies branch of the photographic and blueprinting equipment and supplies industry is defined as that industry which manufactures or furnishes any of the following products: machines and other apparatus and equipment used in blueprinting, the diazotype process (whiteprinting), and other related processes; sensitized blueprint paper and cloth, diazotype sensitized paper, cloth, film, and other similarly sensitized materials; and specially prepared developing solutions intended for use with such sensitized materials, but not including the manufacture of blueprints or diazoprints (whiteprints).

(b) *Minimum wages.* The minimum wage for persons employed in the manufacture or furnishing of products of the photographic and blueprinting equipment and supplies industry under contracts subject to the Walsh-Healey Public Contracts Act shall be not less than $1.18 an hour arrived at either on a time or piece rate basis.

(c) *Subminimum wages authorized.* (1) (i) Apprentices may be employed at wage rates below the statutory minimum of the Fair Labor Standards Act upon the same terms and conditions as are prescribed for the employment of apprentices by the regulations of the Administrator of the Wage and Hour and Public Contracts Divisions of the United States Department of Labor (29 CFR Part 521), under section 14 of the Fair Labor Standards Act.

(ii) Apprentices may be employed at wage rates equal to or in excess of the statutory minimum of the Fair Labor Standards Act but less than the prevailing minimum wage applicable under section 1 (b) of the Public Contracts Act provided that the apprentice is employed under a written apprenticeship agreement or program which is recorded as meeting the standards or fundamentals of a State Apprenticeship Agency recognized by the Bureau of Apprenticeship, United States Department of Labor or of the Bureau of Apprenticeship, United States Department of Labor.

(d) *Effect on other obligations.* Nothing in this section shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

(e) *Effective date.* This determination shall be effective and the minimum wage hereby established shall apply to all contracts subject to the Public Contracts Act, bids for which are solicited or negotiations otherwise commenced on or after May 7, 1956.

(Sec. 4, 49 Stat. 2038, as amended; 41 U. S. C. 39)

Signed at Washington, D. C., this 3d day of April 1956.

JAMES P. MITCHELL,
*Secretary of Labor.*

[F. R. Doc. 56-2582; Filed, Apr. 5, 1956; 8:52 a. m.]

## TITLE 43—PUBLIC LANDS: INTERIOR

### Chapter I—Bureau of Land Management, Department of the Interior

#### Appendix—Public Land Orders

[Public Land Order 1279]

[BLM 041797]

MICHIGAN

REVOKING PUBLIC LAND ORDER NO. 237 OF JUNE 22, 1944, WHICH WITHDREW PUBLIC LANDS FOR USE OF THE DEPARTMENT OF THE NAVY AS A TARGET AREA FOR AERIAL BOMBING

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Public Land Order No. 237 of June 22, 1944, withdrawing the public lands within the following-described areas, largely in Lake Michigan, for use of the Department of the Navy as a target area for aerial bombing is hereby revoked:

MICHIGAN MERIDIAN

T. 39 N., R. 5 W.,
Secs. 6, 7, 18, 19, and 30, partly unsurveyed.
T. 40 N., R. 5 W.,
Secs. 30 and 31, unsurveyed.
T. 39 N., R. 6 W.,
Secs. 1 to 30, inclusive, partly unsurveyed.
T. 40 N., R. 6 W.,
Secs. 25 to 36, inclusive, unsurveyed.
T. 39 N., R. 7 W.,
Secs. 1 to 30, inclusive, unsurveyed.
T. 40 N., R. 7 W.,
Secs. 25 to 36, inclusive, unsurveyed.
T. 39 N., R. 8 W.,
Secs. 1 to 30, inclusive, partly unsurveyed.
T. 40 N., R. 8 W.,
Secs. 25 to 36, inclusive, partly unsurveyed.
T. 39 N., R. 9 W.,
Secs. 1 to 5, inclusive, secs. 8 to 17, inclusive, and secs. 20 to 29, inclusive, partly unsurveyed.
T. 40 N., R. 9 W.,
Secs. 25 to 29, inclusive, and secs. 32 to 36, inclusive, partly unsurveyed.

The surveyed lands within the areas described, including both public and nonpublic lands, aggregate 2,513.54 acres.

Portions of the lands are patented. Lot 1, sec. 33, T. 40 N., R. 8 W., and lot 1, sec. 17, T. 39 N., R. 9 W., were withdrawn by Public Land Order No. 365 of April 10, 1947, as part of the Michigan Islands National Wildlife Refuge, for use of the Department of the Interior as a refuge and breeding ground for migratory birds and other wildlife.

The remaining lands are embraced in forest exchange application, BLM 041797, filed by the State of Michigan under the act of July 31, 1912 (37 Stat. 241), by which the offered lands will benefit a Federal land program. This restoration, therefore, is not subject to the provisions contained in the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, granting preference rights to veterans of World War II, the Korean Conflict, and others.

WESLEY A. D'EWART,
*Assistant Secretary of the Interior.*

APRIL 2, 1956.

[F. R. Doc. 56-2568; Filed, Apr. 5, 1956; 8:48 a. m.]



[Public Land Order 1280]

[46961]

UTAH

REVOKING EXECUTIVE ORDER NO. 1673 OF DECEMBER 31, 1912, AND THE DEPARTMENTAL ORDER OF JANUARY 9, 1907, WHICH RESERVED PUBLIC LANDS FOR USE OF THE FOREST SERVICE AS ADMINISTRATIVE SITES

By virtue of the authority vested in the President by the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The orders described below, withdrawing public lands in Utah for use of the Forest Service, Department of Agriculture as administrative sites, are hereby revoked:

(a) Executive Order No. 1673 of December 31, 1912, reserving the following-described lands as the Comanche Administrative Site:

SALT LAKE MERIDIAN

T. 38 S., R. 13 W.,
Sec. 21, SE¼NW¼.

The area described contains 40 acres.

(b) The Departmental order of January 9, 1907, reserving the following-described lands as the Jubilee Ranger Station:

SALT LAKE MERIDIAN

T. 32 S., R. 2 E.,
Sec. 24, S½NE¼.

The area described contains 85.5 acres.

2. The land in T. 32 S., R. 2 E., is part of the Dixie National Forest. Subject to any valid existing rights and the requirements of applicable law, these lands are hereby opened to such applications, selections, and locations as are permitted on national forest lands, effective at 10:00 a. m. on May 8, 1956.

3. The land in T. 38 S., R. 13 W., is located in Washington County, Utah, about one-half mile west of New Harmony. The topography is rolling to broken rocky alluvial fan and the soil is of a rocky, sandy clay loam type. The land is within Utah Grazing District No. 4. North Ash Creek crosses the tract making water available for livestock.

4. No application for the restored lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

5. Subject to any valid existing rights and the requirements of applicable law, the restored lands are hereby open to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on May 8, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on August 7, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on August 7, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral-leasing laws, and to location for metalliferous minerals. They will be open to location for non-metalliferous minerals under the United States mining laws beginning at 10:00 a. m. on August 7, 1956.

Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the land shall be addressed to the Manager, Land Office, Bureau of Land Management, Salt Lake City, Utah.

WESLEY A. D'EWART,
*Assistant Secretary of the Interior.*

APRIL 2, 1956.

[F. R. Doc. 56-2569; Filed, Apr. 5, 1956; 8:48 a. m.]

## PROPOSED RULE MAKING

### DEPARTMENT OF AGRICULTURE

#### Agricultural Marketing Service

#### [ 7 CFR Part 52 ]

SUBPART—UNITED STATES STANDARDS FOR GRADES OF CANNED ASPARAGUS [1]

NOTICE OF PROPOSED RULE MAKING

Notice has heretofore been given (20 F. R. 651; 21 F. R. 643) that consideration is being given to the revision of United States Standards for Grades of Canned Asparagus, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended, et seq.; 7 U. S. C. 1621 et seq.). Interested persons were allowed a period of 30 days in which to submit written data, views, or arguments for consideration in connection with the proposed standards, which period expired on February 29, 1956. In view of further important changes in the previously proposed revision, interested persons are given the opportunity to submit data, views, and arguments with respect to the following revised proposal.

All persons who desire to submit written data, views, or arguments for consideration in connection with the following proposed standards should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D. C., not later than December 31, 1956.

The proposed revision is as follows:

PRODUCT DESCRIPTION, STYLES, GRADES, AND TYPES

Sec.
52.2541 Identity.
52.2542 Styles of canned asparagus.
52.2543 Grades of canned asparagus.
52.2544 Types of canned asparagus.

FILL OF CONTAINER AND DRAINED WEIGHTS

52.2545 Recommended fill of container.
52.2546 Recommended minimum drained weight.
52.2547 Compliance with recommended minimum drained weights.

SIZE (DIAMETER) OF SPEARS, TIPS, AND POINTS

52.2548 Size (diameter) of spears, tips, and points in canned asparagus.
52.2549 Compliance with single size recommendations.

FACTORS OF QUALITY

52.2550 Ascertaining the grade.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

Sec.
52.2551 Ascertaining the rating for the factors which are scored.
52.2552 Liquor.
52.2553 Color.
52.2554 Defects.
52.2555 Character.

DEFINITIONS AND EXPLANATIONS

52.2556 Definitions and explanations of terms.

LOT CERTIFICATION TOLERANCES

52.2557 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.2558 Score sheet for canned asparagus.

AUTHORITY: §§ 52.2541 to 52.2558 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

PRODUCT DESCRIPTION, STYLES, GRADES, AND TYPES

§ 52.2541 *Identity.* "Canned asparagus" means the canned product prepared from clean, sound, succulent shoots of the asparagus plant prepared and processed in accordance with good commercial practice as such product is defined in the standard of identity for canned asparagus (21 CFR 51.990) issued pursuant to the Federal Food, Drug, and Cosmetic Act.

§ 52.2542 *Styles of canned asparagus.* (a) "Spears" (Stalks), which may be peeled or unpeeled, is the style of canned asparagus that consists of the head and adjoining portion of the shoot that is 3¾ inches or more in length.

(b) "Tips" is the style of canned asparagus that consists of the head and adjoining portion of the shoot that is less than 3¾ inches but not less than 2¾ inches in length.

(c) "Points" is the style of canned asparagus that consists of the head and adjoining portion of the shoot that is less than 2¾ inches in length.

(d) "Cut Spears" (Cut Stalks) is the style of canned asparagus that consists of heads and portions of shoots cut transversely into units. This style shall contain an average of not less than 15 percent, by count, of heads if cut into units 1¼ inches or less in length. If more than 15 percent, by count, of units are longer than 1¼ inches, the product shall contain an average of not less than 20 percent, by count, of heads.

(e) "Bottom Cuts" or "Cuts—Tips Removed" is the style of canned asparagus that consists of portions of shoots with heads removed that are cut transversely into units.

(f) "Mixed" is the style of canned asparagus consisting of two or more of the foregoing styles.

§ 52.2543 *Grades of canned asparagus.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of canned asparagus that possesses a good flavor; that possesses a clear liquor; that possesses a good color; that is practically free from defects; that possesses a good character; and that for those factors which are scored in accordance with the scoring system outlined in this section the total score is not less than 85 points: *Provided,* That the canned asparagus may possess a fairly clear liquor and a fairly good color if the total score is not less than 85 points.

(b) "U. S. Grade C" or "U. S. Standard" is the quality of canned asparagus that possesses a fairly good flavor; that possesses a fairly clear liquor; that possesses a fairly good color; that is fairly free from defects; that possesses a fairly good character; and that scores not less than 70 points when scored in accordance with the scoring system outlined in this section.

(c) "Substandard" is the quality of canned asparagus that fails to meet the requirements of U. S. Grade C or U. S. Standard.

§ 52.2544 *Types of canned asparagus.* The type of canned asparagus is not incorporated in the grades of the processed product, since the type of canned asparagus is not a factor of quality for the purpose of these grades. The type of asparagus may be designated in accordance with the following requirements:

(a) "Green" (All Green) consists of units of canned asparagus which are typical green, light green, or yellowish green in color.

(b) "Green Tipped" consists of canned asparagus spears, tips, and points, of which one-half or more of the unit measured from the tip end is green, light green, or yellowish green in color.

(c) "Green Tipped and White" consists of (1) spears, tips, and points of canned asparagus which are typical white or yellowish white in color, and may have green, light green, or yellowish green heads, and the green color may extend to not more than one-half of the length of the stalk measured from the tip end and (2) green tipped and white spears, tips, and points, when cut into units, may consist of a mixture of typical white, yellowish white, green, light green, or yellowish green units.

(d) "White" consists of units of canned asparagus which are typical white or yellowish white in color.

FILL OF CONTAINER AND DRAINED WEIGHTS

§ 52.2545 *Recommended fill of container.* The recommended fill of container for canned asparagus is not incorporated in the grades of the processed product, since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container of canned asparagus be filled as full as practicable with asparagus without impairment of quality.

§ 52.2546 *Recommended minimum drained weight.* The minimum drained weight recommendations in Table No. I are not incorporated in the grades of the processed product, since drained weight, as such, is not a factor of quality for the purpose of these grades. The drained weight of canned asparagus is determined by emptying the contents of the container upon a United States Standard No. 8 sieve of proper diameter, inclining the sieve to facilitate drainage, and allow to drain for two minutes. The drained weight is the weight of the sieve and the asparagus less the weight of the dry sieve. A sieve 8 inches in diameter is used for the No. 2½ size can (401 x 411) and smaller sizes, and a sieve 12 inches in diameter is used for containers larger than the No. 2½ size can.

§ 52.2547 *Compliance with recommended minimum drained weights.* Compliance with the recommended minimum drained weight for canned asparagus is determined by averaging the drained weights of all of the containers which are representative of a specific lot. Such lot is considered as meeting recommendations, if:

(a) At least one-half of the containers meet the recommended minimum drained weight;

(b) The drained weights of the containers which do not meet the recommended minimum drained weight are within the range of variability of good commercial practice; and

(c) The average drained weight of all of the containers which are representative of the lot does not fall below the minimum recommended drained weight.

TABLE NO. I—RECOMMENDED MINIMUM DRAINED WEIGHT (IN OUNCES) OF ASPARAGUS

| Container size or designation | Container dimensions (inches) water capacity (ounces avoirdupois) | | Spears, tips, points (small, medium, large, and blends of these sizes) | | Spears, tips, and points (extra large, colossal, giant, or blends including these sizes) | | Cut spears, bottom cuts or cuts, tips removed (all sizes) | |
|---|---|---|---|---|---|---|---|---|
| | Diameter | Height | Green tipped and white | Green and green tipped | Green tipped and white | Green and green tipped | Green tipped and white | Green |
| 8 ounce tall | 2 1/16 | 3 3/16 | 5¼ | 5 | 5¼ | 5 | 5 | 4¾ |
| 8 ounce jar | 8.5 oz. | | 5¾ | 5 | 5¾ | 5 | 5 | 4¾ |
| No. 1 picnic | 2 1/16 | 4 | 7 | 6¼ | 6½ | 6 | 6½ | 6 |
| 12Z | 2 1/16 | 4 6/16 | 8 | 7½ | 7¾ | 7¼ | 7¾ | 7¼ |
| No. 300 | 3 | 4 3/16 | 9½ | 8¾ | 9 | 8 | 9 | 8¼ |
| No. 300 x 409 | 3 | 4 9/16 | 9¾ | 9 | 9¼ | 8½ | 9¼ | 8¾ |
| No. 300 cylinder | 3 | 5 9/16 | | 11 | | 10½ | | 9¾ |
| No. 1 tall | 3 1/16 | 4 15/16 | 10¾ | 9¾ | 10½ | 9¼ | 10¼ | 9¾ |
| No. 303 | 3 3/16 | 4 5/16 | 10¾ | 9¾ | 10½ | 9¼ | 10¼ | 9¼ |
| No. 303 jar | 17.8 oz. | | 10¾ | 9¾ | 10½ | 9¼ | 10¼ | 9¼ |
| No. 2 | 3 7/16 | 4 9/16 | 13½ | 12¼ | 12¾ | 11¾ | 12¾ | 11¾ |
| No. 2½ (round) | 4 1/16 | 4 13/16 | 19½ | 17¾ | 18½ | 17¼ | 18½ | 16¾ |
| No. 2½ jar | 29.5 oz. | | 19¾ | 17½ | 18¼ | 17 | 18½ | 16¾ |
| No. 5 squat | 6 3/16 | 4 5/16 | 43 | 39 | 41 | 38 | 42 | 38 |
| No. 10 | 6 3/16 | 7 | 64½ | 63 | 64½ | 60¼ | 64½ | 60¼ |
| 13½Z | 14.5 oz. | | 8¾ | 8 | 8¼ | 7½ | | |



SIZE (DIAMETER) OF SPEARS, TIPS, AND POINTS

§ 52.2548 *Size (diameter) of spears, tips, and points in canned asparagus.* The size (diameter) of asparagus spears, tips, and points in canned asparagus is determined by measuring the largest diameter across the base at right angles to the longitudinal axis of the unit. Units compressed in processing should be restored to their approximate original contour before sizing. Asparagus spears longer than 5 inches are measured at a point 5 inches from the top of the spear. Units 5 inches in length and less are measured at the base or largest cut end of the unit.

§ 52.2549 *Compliance with single size recommendations.* Canned asparagus spears, tips, and points will be considered as meeting a designated size when not more than 20 percent, by count, of all the units are of the next size smaller or the next size larger than the diameter range of the particular size designation.

TABLE NO. II—SIZES (DIAMETER) OF ASPARAGUS SPEARS, TIPS, AND POINTS IN CANNED ASPARAGUS

| Word designation | Diameter (16th's of inch) |
|---|---|
| Small | 5/16 and under. |
| Medium | 5/16 to 7/16. |
| Large | 7/16 to 9/16. |
| Extra Large or Mammoth | 9/16 to 13/16. |
| Colossal | 13/16 to 15/16. |
| Giant | 15/16 and over. |
| Mixture or blend of sizes | A mixture of 2 or more of the foregoing sizes and fails to meet a single size. |

FACTORS OF QUALITY

§ 52.2550 *Ascertaining the grade—*(a) *General.* In addition to considering other requirements outlined in the standards, the following quality factors are evaluated in ascertaining the grade of the product:

(1) *Factor not rated by score points.* (i) Flavor.

(2) *Factors rated by score points.* The relative importance of each factor which is rated is expressed numerically on the scale of 100. The maximum number of points that may be given each such factor is:

| Factors: | Points |
|---|---|
| Liquor | 10 |
| Color | 20 |
| Defects | 30 |
| Character | 40 |
| Total score | 100 |

(b) "Good flavor" means that the product has a good, characteristic normal flavor and odor and is free from objectionable flavors and objectionable odors of any kind.

(c) "Fairly good flavor" means that the product may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

§ 52.2551 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is rated by score points are so described that the value may be ascertained for such factors and expressed numerically. The numerical range within each such factor is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.2552 *Liquor—*(a) *(A) classification.* Canned asparagus that possesses a clear liquor may be given a score of 9 or 10 points. "Clear liquor" means that the liquor may possess a typical yellow or green color and is fairly free from suspended material and sediment.

(b) *(C) classification.* If the canned asparagus possesses a fairly clear liquor a score of 7 or 8 points may be given. "Fairly clear liquor" means that the liquor may be cloudy but not excessively cloudy or may possess an accumulation of sediment which may be slightly gray or slightly brown but is not seriously objectionable and is not off color.

(c) *(SStd.) classification.* Canned asparagus that fails to meet the requirements of the foregoing paragraph (b) of this section may be given a score of 0 to 6 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2553 *Color—*(a) *General.* The color of asparagus in canned asparagus is based on the type and style of asparagus and the characteristic and predominant color of the units.

(b) *(A) classification.* Canned asparagus that possesses a good color may be given a score of 17 to 20 points. "Good color" has the following meanings with respect to the following types and styles of canned asparagus:

(1) *Spears, tips, or points—(a) Green.* The units possess a good, characteristic, green, light green, or yellowish green color typical of well developed asparagus, and the bottom portion of not more than 10 percent, by count, of the units, or one unit, whichever is larger, may possess typical white or yellowish white color not to exceed one-eighth of the length of the unit.

(b) *Green tipped.* The units possess a good, characteristic, green, light green, or yellowish green color with typical white or yellowish white color at the base ends, typical of well developed asparagus, and not more than 10 percent, by count, of the units, or one unit, whichever is larger, may possess typical white or yellowish white color in excess of one-half of the length of the unit or may be all green.

(c) *Green tipped and white.* The units possess a fairly good, characteristic, green, light green, or yellowish green heads and adjacent areas, typical of well developed asparagus, and not more than 20 percent, by count, of the units may possess green, light green, or yellowish green heads and adjacent areas exceeding one-half of the length of the unit.

(d) *White.* The units possess a good, characteristic, white or yellowish white color typical of well developed asparagus, and not more than 10 percent, by count, of the units, or one unit, whichever is larger, may possess green, light green, or yellowish green heads and adjacent areas not to exceed one-half of the length of the unit.

(2) *Cut spears, bottom cuts or cuts—Tips removed, and mixed—(a) Green.* The units possess a good, characteristic, green, light green, or yellowish green color typical of well developed asparagus, and not more than 10 percent, by count, of the units may be green and white or white: *Provided,* That not more than 2 percent, by count, of all the units may be white.

(b) *Green tipped and white or white.* The units possess a good, characteristic color typical of well developed green tipped and white or white asparagus.

(c) *(C) classification.* If the canned asparagus possesses a fairly good color, a score of 14 to 16 points may be given. "Fairly good color" has the following meanings with respect to the following types and styles of canned asparagus:

(1) *Spears, tips, or points—(a) Green.* The units possess a fairly good, characteristic, green, light green, or yellowish green color typical of fairly well developed asparagus and the bottom portion of not more than 20 percent, by count, of the units may possess typical white or yellowish white color not to exceed one-fourth of the length of the unit.

(b) *Green tipped.* The units possess a fairly good, characteristic, green, light green, or yellowish green color with typical white or yellowish white color at the base ends, typical of fairly well developed asparagus, and not more than 25 percent, by count, of the units may possess typical white or yellowish white color in excess of one-half of the length of the unit, or may be all green.

(c) *Green tipped and white.* The units possess a fairly good, characteristic, white or yellowish white color and may possess green, light green, or yellowish green heads and adjacent areas typical of fairly well developed asparagus, and not more than 50 percent, by count, of the units may possess green, light green, or yellowish green heads and adjacent areas in excess of one-half of the length of the unit.

(d) *White.* The units possess a fairly good, characteristic, white or yellowish white color typical of fairly well developed white asparagus, and not more than 20 percent, by count, of the units may possess green, light green, or yellowish green heads and adjacent areas not to exceed one-half of the length of the unit.

(2) *Cut spears, bottom cuts or cuts—tips removed, and mixed—(a) Green.* The units possess a fairly good characteristic, green, light green, or yellowish green color typical of fairly well developed asparagus and not more than 20 percent, by count, of the units may be green and white or white: *Provided,* That not more than 5 percent, by count, of all the units may be white.

(b) *Green tipped and white or white.* The units possess a fairly good, characteristic color typical of fairly well developed green tipped and white or white asparagus.

(d) *(SStd.) classification.* Canned asparagus that fails to meet the requirements of paragraph (c) of this section or is definitely off color may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of

the total score for the product (this is a limiting rule).

§ 52.2554 *Defects*—(a) *General.* The factor of defects refers to the degree of freedom from grit or silt, loose material, shattered heads, poorly cut units, damaged units, and seriously damaged units.

(1) "Grit or silt" means sand or any other particle of earthy material.

(2) "Loose material" means shattered asparagus material and cut or broken pieces which are less than ⅜ inch in length.

(3) "Shattered head" means any unit with the asparagus head broken or shattered to the extent that the appearance is seriously affected.

(4) "Misshapen" means any spear, tip, or point that is badly crooked, or any unit that is seriously affected in appearance by doubles or other malformations.

(5) "Poorly cut" means a unit that has a very ragged, stringy, or frayed edge or edges, or a unit that is partially cut, or is cut at an angle of less than approximately 45 degrees.

(6) "Damaged" means damaged by discoloration, mechanical injury, or damaged by other means to the extent that the appearance or edibility of the unit is materially affected.

(7) "Seriously damaged" means damaged to such an extent that the appearance or edibility of the unit is seriously affected.

(b) (*A*) *classification.* Canned asparagus that is practically free from defects may be given a score of 25 to 30 points. "Practically free from defects" means that no grit or silt may be present that affects the appearance or edibility of the product; that loose material may be present that does not materially affect the appearance of the product; and that with respect to the following styles of canned asparagus:

(1) *Spears, tips, and points.* There may be present with respect to green and tipped types not more than 10 percent, and with respect to green tipped and white and white types not more than 15 percent, by count, of units with shattered heads, misshapen units and poorly cut units, and damaged and seriously damaged units: *Provided,* That not more than 3 percent, by count, of the units may be seriously damaged, or one unit in a single container may be seriously damaged if such unit exceeds the allowance of 3 percent: *And further provided,* That in all of the containers comprising the sample such damaged units do not exceed an average of 3 percent, by count, of the total number of units.

(2) *Cut spears, bottom cuts or cuts—tips removed, and mixed.* There may be present for the applicable style not more than 10 percent, by count, of units with shattered heads, misshapen units and poorly cut units, and damaged and seriously damaged units: *Provided,* That not more than 2 percent, by count, of the units may be seriously damaged, or one unit in a single container may be seriously damaged if such unit exceeds the allowance of 2 percent: *Provided,* That in all of the containers comprising the sample such damaged units do not exceed an average of 2 percent, by count, of the total number of units.

(c) (*C*) *classification.* If the canned asparagus is fairly free from defects, a score of 21 to 24 points may be given. Canned asparagus that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that not more than a trace of grit or silt may be present that affects the appearance or edibility of the product; that loose material may be present that does not seriously affect the appearance of the product; and that with respect to the following styles of canned asparagus:

(1) *Spears, tips, and points.* There may be present with respect to green and green tipped types not more than 20 percent, and with respect to green tipped and white and white types not more than 30 percent, by count, of units with shattered heads, misshapen units and poorly cut units, and damaged and seriously damaged units: *Provided,* That not more than 10 percent, by count, of the units may be seriously damaged, or one unit in a single container may be seriously damaged if such unit exceeds the allowance of 10 percent: *Provided,* That in all of the containers comprising the sample such damaged units do not exceed an average of 10 percent, by count, of the total number of units.

(2) *Cut spears, bottom cuts or cuts—tips removed, and mixed.* There may be present for the applicable style not more than 20 percent, by count, of units with shattered heads, misshapen units and poorly cut units, and damaged and seriously damaged units: *Provided,* That not more than 7 percent, by count, of all the units may be seriously damaged.

(d) (*SStd.*) *classification.* Canned asparagus that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2555 *Character*—(a) *General.* The factor of character refers to the degree of development of the head and bracts and to the tenderness and texture of the unit.

(1) "Well developed" means that the appearance of the head is not materially affected by a seedy appearance, and is practically compact.

(2) "Fairly well developed" means that the head may show a seedy appearance over the surface of the head and the head and bracts may be elongated but not so developed or elongated as to give a definitely spread or branching appearance.

(b) (*A*) *classification.* Canned asparagus that possesses a good character may be given a score of 34 to 40 points. "Good character" has the following meanings with respect to the following styles and types of canned asparagus:

(1) *Spears, tips, and points.* Not less than 85 percent, by count, of the heads are well developed, and the remaining units are at least fairly well developed, and with respect to green and green tipped types not more than 10 percent, and with respect to green tipped and white and white types not more than 20 percent, by count, of the units, or one unit in a container if such unit exceeds the allowances provided for the respective type, may be tough.

(2) *Cut spears, bottom cuts or cuts—tips removed, and mixed.* For the applicable style, not less than 50 percent, by count, of the heads are well developed, and the remainder are at least fairly well developed, and with respect to green and green tipped types not more than 10 percent, and with respect to green tipped and white and white types not more than 20 percent, by count, of the units may be tough.

(c) (*C*) *classification.* If the canned asparagus possesses a fairly good character, a score of 28 to 33 points may be given. Canned asparagus that falls into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good character" has the following meanings with respect to the following styles and types of canned asparagus:

(1) *Spears, tips, and points.* Not less than 90 percent, by count, of the heads are at least fairly well developed, and the remaining units may fail to meet the requirements for fairly well developed heads, and with respect to green and green tipped types not more than 30 percent, and with respect to green tipped and white and white types not more than 50 percent, by count, of the units may be tough.

(2) *Cut spears, bottom cuts or cuts—tips removed, and mixed.* For the applicable style, not less than 90 percent, by count, of the heads are at least fairly well developed, and the remainder may fail to meet the requirements for fairly well developed heads, and with respect to green and green tipped types not more than 25 percent, and with respect to green tipped and white and white types not more than 50 percent, by count, of the units may be tough.

(d) (*SStd.*) *classification.* Canned asparagus that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

DEFINITIONS AND EXPLANATIONS

§ 52.2556 *Definitions and explanations of terms*—(a) *Head.* "Head" in cut spears means the tip end which has been cut from an asparagus shoot which is ⅝ inch or more in length with respect to the green type and which is ⅜ inch or more in length with respect to green tipped and white and white types, or the upper portion of a spear which possesses a substantial amount of head material which has been cut from near the tip end and which is approximately the same length as the other cut units.

(b) *Unit.* "Unit" means any individual portion of an asparagus shoot ⅜ inch or more in length in canned asparagus.

(c) *Percent, by count, of heads.* "Percent, by count, of heads" means the percent determined by averaging the percent, by count, of heads in all of the containers comprising the sample.

(d) *Tough unit.* "Tough unit" means a unit which is not cut through in 5 seconds or less when tested as outlined herein by means of the fiberometer, and which possesses fibrous material which is materially objectionable upon eating. The test by fiberometer on spears, tips, and points is made at a point 1 inch from the cut end with respect to the green type and at a point 1½ inches from the cut end with respect to the green tipped type, and at the midpoint of the unit with respect to the green tipped and white and white types. The test is made at the midpoint of the unit on cut spears, bottom cuts or cuts—tips removed, and mixed styles which are 2 inches or less in length and at a point 1 inch from each end on cut units which are more than 2 inches in length.

(e) *Asparagus fiberometer.* The cutting wire of the fiberometer shall be 0.031 inch diameter stainless steel wire and is mounted in a metal frame having an overall weight of 3 pounds avoirdupois. The slots in the block supporting the asparagus unit to be tested shall be not less than 0.039 inch nor more than 0.042 inch in width.

LOT CERTIFICATION TOLERANCES

§ 52.2557 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of canned asparagus the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if (1) such containers meet all of the applicable grade requirements of the factors of quality that are not rated by score points, (2) all containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification, and (3) with respect to those factors which are rated by score points:

(i) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(ii) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(iii) None of the containers falls more than one grade below the grade indicated by the average of such total scores; and

(iv) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample.



SCORE SHEET

§ 52.2558 *Score sheet for canned asparagus.*

| | |
|---|---|
| Number, size, and kind of container | |
| Label | |
| Container mark or identification | |
| Net weight (ounces) | |
| Vacuum (inches) | |
| Drained weight (ounces) | |
| Type | |
| Style | |
| Size or sizes (Spears, Tips, and Points) | |
| Length of cut | |
| Heads (cut) (percent, by count) | |

| Factors | Score points | | |
|---|---|---|---|
| Liquor | 10 | (A) | 9–10 |
| | | (C) | 7–8 |
| | | (SStd.) | ¹ 0–6 |
| Color | 20 | (A) | 17–20 |
| | | (C) | 14–16 |
| | | (SStd.) | ¹ 0–13 |
| Defects | 30 | (A) | 25–30 |
| | | (C) | ¹ 21–24 |
| | | (SStd.) | ¹ 0–20 |
| Character | 40 | (A) | 34–40 |
| | | (C) | ¹ 28–33 |
| | | (SStd.) | ¹ 0–27 |
| Total score | 100 | | |

| | |
|---|---|
| Flavor (A, C, or SStd.) | |
| Grade | |

¹ Indicates limiting rule.

Dated: April 3, 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator,*
*Marketing Services.*

[F. R. Doc. 56–2562; Filed, Apr. 5, 1956; 8:46 a. m.]

## DEPARTMENT OF LABOR

### Division of Public Contracts

### [ 41 CFR Part 202 ]

ELECTRIC LAMP INDUSTRY

NOTICE OF PROPOSED DETERMINATION OF PREVAILING MINIMUM WAGE FOR THE ELECTRIC LAMP INDUSTRY

This matter is before the Department pursuant to the act of June 30, 1936 (49 Stat. 2036; 41 U. S. C. sec. 35 et seq.), known as the Walsh-Healey Public Contracts Act.

Notice of a public hearing to be held on April 26, 1955, was published in the March 19, 1955, issue of the FEDERAL REGISTER (20 F. R. 1680). Copies of the notice and of a press release announcing the hearing were mailed to all known trade associations, unions, and other interested persons in the Electric Lamp Industry. In addition, the press release was distributed to newspapers and to trade publications.

This notice informed interested persons of the time and place at which they could appear and offer testimony as to (1) the propriety of the definition of the industry proposed in the notice; (2) the prevailing wages in the industry; (3) whether there should be included in any determination for this industry provision for the employment of learners, beginners or apprentices at subminimum rates and on what terms or limitations, if any, such employment should be permitted; and (4) whether a single determination for all of the area in which the industry operates or a separate determination for each of several different geographic areas (including the appropriate limits of such areas) should be made. The notice particularly invited information with respect to (1) the identity of any products not now included in the definition of the industry which should be included and of any products now included which should not be included; (2) the number and location of establishments in the industry; (3) the minimum job rates paid, the number of workers receiving such wages, and the occupations in which they are employed; (4) the minimum wages paid to apprentices, learners, or beginners, the scale of wages paid during the apprenticeship, learning, or probationary period, the length of such periods, the number of workers receiving such wages and the occupations in which they are employed; and (5) the extent to which there is competition in this industry between plants in different geographical areas. The notice also made available to interested persons upon request the employment and wage data which had been prepared in the Department of Labor.

Pursuant to the notice, a public hearing was commenced on April 26, 1955 in the Department of Labor Building, Washington, D. C., and concluded on May 27, 1955. At the hearing management representatives appeared for the following, among others: General Electric Company; Westinghouse Electric Corporation; Sylvania Electric Products, Inc.; Western Electric Company, Inc.; Tung-Sol Electric Inc.; Amplex Corporation; the Lamp Industry Panel (a group of manufacturers); and the Incandescent Lamp Manufacturers Association. In addition, representatives of the following labor organizations, among others, were present: International Union of Electrical, Radio and Machine Workers (CIO); American Federation of Labor; and International Brotherhood of Electrical Workers (AFL). The record was held open until August 17, 1955 for any party who wished to present proposed findings and conclusions, briefs, reply briefs, or arguments in support thereof. The record was certified by Hearing Examiner Clifford P. Grant on September 6, 1955.

*Definition.* The notice of hearing designated the industry as the Electric Lamp Industry and defined it as follows: "The Electric Lamp Industry is that industry which manufactures electric bulbs, tubes and related light sources, including but not limited to such products as incandescent filament lamps, sealed beam headlights composed of a filament in a glass shell, vapor and fluorescent lamps, photoflash and photoflood lamps, and the following electric lamp components: lead-in-wires, support wires, filaments, welds, hooks, and metal bases; provided, however, that this definition shall not include electrotherapeutic lamp units, electronic tubes, X-ray tubes, sealed beam headlights

composed of an electric lamp enclosed in a shell of glass or of glass and metal, carbon arc lamps, custom made luminous tube signs, electric lighting fixtures, plastic lamp bases, chemicals, gases, glass blanks, glass tubing, glass rod, and dumet, molybdenum and tungsten wire. For the purpose of this definition an electric lamp is defined as any device the primary purpose of which is to convert electric energy into radiation within the visible spectrum and/or into ultra-violet radiations of wave lengths of not less than 500 Angstrom units, and/or infrared radiation not longer than 100,000 Angstrom units." The above definition was the basis on which the Department of Labor had assembled employment and wage data for the hearing.

The Lamp Industry Panel proposed that the following statement be added to the definition: "Provided that this definition shall have no application to contracts for items included therein which are manufactured for or are available to commercial as well as Government users". This proposal obviously relates to the "open market" exemption contained in section 9 of the act, and not to any matter covered by the notice of hearing.

As the notice clearly indicates, the sole purpose of this proceeding is to determine the minimum wage prevailing in the Electric Lamp Industry. Plainly, the open market exemption has nothing to do with the question of what this industry is or what the prevailing minimum wage in the industry is. There is no attempt here to determine what contracts will be subject to the open market or any other exemption. The general interpretation of that exemption is in fact dealt with in separate published interpretative rules and regulations. (Rulings and Interpretations No. 3, section 13; regulations, 41 CFR 201.2 (a)). Whether the determination, when it is issued, will apply to particular procurement contracts for products of the industry enumerated in the definition is not only an entirely different matter, but it is one which presents questions that can only be determined on a case by case basis.

After full consideration of the record, I find that the definition as proposed is appropriate for this industry.

*Locality.* At the hearing and in post hearing briefs arguments were presented by representatives of both labor and management with regard to whether recognition of a single industry-wide rate would be consistent with the statutory language and intent of the Public Contracts Act. It was argued by counsel representing the Lamp Industry Panel that section 1 (b) of the act requires that minimum rates be established separately for each small geographic area in which electric lamps are produced, and that the act cannot be construed as authorizing industry-wide rates. In accordance with this interpretation, the Lamp Industry Panel introduced an extensive wage survey of 37 localities in which lamp plants are located. It is the Lamp Industry Panel's contention that the localities to be used are those areas from which the labor force is drawn, and that each of these areas generally conforms to the metropolitan area in which the plant is located.

Labor representatives at the hearing presented arguments to show that the statutory language and the purpose of the Public Contracts Act require a construction which would permit recognition of an industry-wide minimum, and that the factors present in the Electric Lamp Industry require that a single industry-wide minimum be recognized in this case.

The United States Court of Appeals for the District of Columbia Circuit has recently confirmed the Secretary's long-standing interpretation of section 1 (b) as authorizing the determination of prevailing minimum wages on an industry-wide basis. Mitchell v. Covington Mills, et al., decided December 1, 1955. In upholding an industry-wide determination for a branch of the Textile Industry, the Court stated that such an industry-wide determination is authorized, if indeed not required, by the purpose of the act where "the competition is industry-wide," and that "to fix separate minima according to the wages that prevail in each separate * * * community * * * would freeze the competitive advantage of concerns that operate in low wage communities and would in effect offer a reward for moving into such communities," which "[obviously * * * would defeat the purpose of the Act." The Court further ruled that "it is not true that the plain meaning of the Walsh-Healey Act forbids the Secretary to fix an industry-wide minimum" and that "[it] is not plain that every minimum wage determination under the Act must be limited to a 'locality'." Stating that the "locality" phrase "is not plainly intended to qualify any other term than 'groups of industries' ", the Court upheld the industry-wide wage determination there involved both on the basis of the "similar work" and the "particular industry" standards.

Accordingly, there is authoritative and compelling support for the conclusion that an industry-wide determination is permissible where the marketing and competitive factors warrant it.

*Marketing and competitive factors.* Electric lamp plants are located in various parts of the country, with the heaviest concentration being found in the Middle Atlantic Region. Of the 63 establishments in the industry, 25 plants are located in the Middle Atlantic Region, 8 plants in the New England Region, 5 plants in the Border Region, 6 plants in the Southeast and Southwest Regions, 2 plants in the Middle West Region, 16 plants in the Great Lakes Region, and 1 plant in the Pacific Region.

Virtually all Government purchases of electric lamps are made from the Federal Supply Schedule. Eight firms were listed in this schedule for the period September 1, 1953 to August 31, 1954. To demonstrate the marketing pattern of the industry applicable to Government business, the Government presented a detailed analysis in tabular form of lamp shipments to Air Force and Navy Installations for that period, the latest period for which complete data were available. This analysis indicates that purchases were made under the Federal Supply Schedule from each of the eight firms appearing therein. As a result of these purchases, lamps valued at approximately two and one-half million dollars went to destinations in 17 states and the District of Columbia, extending from New York to California and New Hampshire to Florida.

In addition to General Electric, Westinghouse, and Sylvania, five smaller firms were included among those plants making shipments to the Air Force and Navy. Four of these were single plant operations and the other firm had two plants in the same region, but made deliveries to the Government from only one of the two plants. Each of these firms shipped to most of the seven regions designated in the tabulation and two companies shipped to installations in all seven regions. In no instance did a majority of the shipments of a firm go to any one region.

Although 40 percent of all establishments in the industry employing 34 percent of the total covered employees are located in the Middle Atlantic Region, according to the Bureau of Labor Statistics' survey, only 19 percent of the 539 shipments to Air Force and Navy Installations went to destinations within that region and the value of these shipments represented only 7 percent of the total value of all shipments.

Each of the three large multi-plant companies (General Electric, Westinghouse and Sylvania) has warehouses from which Government orders generally are shipped. The stock in a warehouse consists of lamps produced in various factories of the firm.

Approximately 90 percent of the shipments from General Electric to the Government are made from the company's 27 warehouses distributed throughout the country. Lamps of factories located in different sections of the country are represented in the stock of each warehouse. The remaining shipments are made directly from the factories.

The central warehouse and order service department of Westinghouse are located at Trenton and most of the types of lamps are stocked there. A Government order placed with the Washington or Trenton office of the company would ordinarily be filled from stock in that warehouse. If not available there, it would be sent from one of the other warehouses to the point where the lamp was to be used. An order sent to one of the Westinghouse regional offices is handled in a similar manner. If the regional office warehouse does not have an item ordered, the order service manager in Trenton would be contacted to determine if it were available in any other warehouse. If lamps required under a particular purchase order, regardless of point of delivery, were available in only one warehouse, they would be supplied from that warehouse. If not available in any warehouse, placement of the order with a factory for manufacture would not necessarily depend upon its nearness to the point of destination, but possibly upon the workload of the plant, if the material were available at that plant.



Westinghouse plants at Belleville, New Jersey, and Paris, Texas, manufacture lamp parts which are within the scope of the definition. These parts, which go into most or all of the finished lamps made by Westinghouse, include lamp bases from the Belleville plant and lamp bases, lead wires and coils from the Paris plant. The lead wires and bases, in addition to being distributed to all Westinghouse lamp plants, are also sold to other lamp companies throughout the country.

Sylvania maintains 13 field service warehouses, located throughout the country. Each warehouse is supplied by the company's various plants.

Items listed in contracts between the Government and General Electric, Sylvania, and Westinghouse are manufactured in 30 different establishments located in every region in which a lamp plant is located. For a large majority of the items, deliveries were made from a single plant location (Government Exhibits No. 10–A, 10–B, and 10–C). Representatives of General Electric, Westinghouse, and Sylvania also testified that particular types of lamps are manufactured in only one plant. Shipments of these lamps would be made from a single plant location to all designated points of delivery and therefore would be on a nation-wide basis. Furthermore, counsel for the Lamp Industry Panel stated in his post hearing brief, that his group "has never contended that sales competition among lamp producers is not nation-wide", and had no objection to stipulating "that the marketing area for which the various lamp companies compete is nation-wide".

It is thus apparent that no geographic limitations are feasible in this industry. The area of competition is industrywide. Firms, no matter where located, generally ship their products all over the country. Multi-plant firms do not make every type of lamp in each of their plants, so that no plant may be said to serve any specific geographic area exclusively. It is impossible to predict precisely where any particular contract materials will be manufactured when bids are invited. For these reasons I find that the locality in which the materials, supplies, articles, or equipment are to be manufactured or furnished under Government contracts extends to all of that area in which the industry has its plants, and that geographic differentials cannot be adopted for this industry without defeating the purposes of the Public Contracts Act.

*Nature and adequacy of wage data.* The Bureau of Labor Statistics' survey of plants in the Electric Lamp Industry (Government Exhibit No. 4) covered all plants employing eight or more workers known to be in the Lamp Industry as defined. The wage data pertain to a representative payroll period in October 1954.

It was originally estimated that in October 1954 there were 62 establishments employing 18,470 covered workers in the industry as defined. More than 98 percent of the 18,470 covered workers were employed in the 58 plants studied by the Bureau of Labor Statistics. After the survey was completed and tabulations prepared, information was received for an additional plant in the Middle Atlantic Region with approximately 250 covered workers.

Harry M. Douty, Chief of the Division of Wages and Industrial Relations, of the Bureau of Labor Statistics, testified that he believed the omission of this plant did not significantly affect any of the tabulations with the possible exception of Table 2–B, namely, percentage distribution of covered workers in the lowest labor grade with work experience of three months or less, by straight-time average hourly earnings. On request of Dr. Modley, Lamp Industry Panel Adviser, however, corrections for the three average hourly earnings tabulations were read into the record. Also at industry's request a tabulation of establishments and workers by lowest rate actually paid to covered workers irrespective of work experience was prepared. No question was raised regarding the reliability or completeness of the survey coverage of the Lamp Industry. I find that the Bureau of Labor Statistics' survey adequately reflects the wages of all workers employed in the production of products covered by the definition.

Locality wage data pertaining to the 37 areas in which lamp plants are located were presented by the Lamp Industry Panel. The Lamp Industry Panel also presented a tabulation of "indicated determinations of prevailing wages" for each of the 37 localities, based upon lowest established starting or hiring rates for all types of work and for light repetitive work requiring training of three months or less. These tabulations were based upon data obtained for the Lamp Industry Panel by the Audits and Survey Company. However, in view of my decision to make this determination on an industry-wide basis for the reasons mentioned above, further consideration of the Panel's data is unnecessary.

The International Union of Electrical, Radio and Machine Workers (CIO) presented data in the form of a tabulation of lowest entrance rates and lowest job rates in 13 lamp plants where their contracts are in effect. The approximate number of workers covered by each contract, totalling about 10,600, and the number of workers at the lowest entrance rates in each plant are also shown. In answer to a question raised by Lamp Industry Panel Counsel, it was indicated that the products of one of the plants (General Electric, Bridgeville, Pennsylvania) are tubing, bulb-drawing, cutting and forming. This plant, therefore, is outside the scope of the industry as defined for this determination. The employment figures were also questioned as they do not refer only to workers covered by the Walsh-Healey Act. Questions were also raised concerning some of the rates shown as well as the method of determining the lowest job rate.

A tabulation of starting rates and job rates in 9 lamp plants having contracts with an independent union was also presented. The products of three of the plants, however, as shown in the table, are outside the scope of the industry as defined for this determination. In addition to "hiring in" rate, the lowest job rate and "second labor grade" rate for day work and piecework earnings in lowest labor grade are also shown for each plant.

Wage and employment data were presented for 16 electric lamp establishments "with non-selective hiring policies" by the Incandescent Lamp Manufacturers' Association. The information indicates the starting or hiring rate and lowest rate actually paid, number of establishments and covered workers, by five cent intervals. These 16 plants were all included in the data presented by the Bureau of Labor Statistics.

It is apparent from the foregoing description of the wage data presented at the hearing, that they are ample to make an industry-wide determination for the Electric Lamp Industry.

*Recommendations on prevailing minimum wages.* The International Union of Electrical, Radio and Machine Workers (CIO) recommended an industry-wide prevailing minimum rate of not less than $1.30 an hour for all covered workers, based upon an analysis of the Bureau of Labor Statistics Tables 2, 2–A, and 5, and the IUE tabulation of lowest entrance and job rates (IUE-CIO Exhibit No. 1).

The International Brotherhood of Electrical Workers (AFL) also requested an industry-wide minimum rate of $1.30 an hour for all covered workers. The American Federation of Labor representative also recommended a rate of at least $1.30 an hour based on the data shown in Bureau of Labor Statistics Tables 5 and 2–A and also on the fact that increases had been negotiated in some plants since October 1954, the date of the Bureau of Labor Statistics' survey. Although the American Federation of Labor recommendation was intended to apply to all covered workers, it was stated that if a choice is to be made between the establishment of a $1.30 minimum rate with a tolerance for beginners as against a lower minimum rate to apply to all workers, their preference would be the former.

A minimum of $1.35 an hour was recommended by an independent union. Data presented in its own tabulation, as well as Bureau of Labor Statistics Tables 2–A, 3 and 5 served as a basis for this recommendation.

Charts and tabulations were presented by the Lamp Industry Panel Adviser, Dr. Rudolph Modely, pertaining, to both the method of determining a prevailing minimum wage, and what the rate should be. Industry Exhibit No. 38–A, based on Bureau of Labor Statistics' survey data, was introduced to show that the Lamp Industry Panel's analysis of straight-time average earnings data indicates a nation-wide determination of $1.00 an hour. It further undertakes to show that if different processes of analyzing the established minimum rate data are used, determinations of $0.91 an hour and $1.23 an hour may be found. However, although data were presented to show what the Lamp Industry Panel believes the minimum rate determination should be if based upon nation-wide data and upon wages actually paid, it was contended that the determination

should be made on the basis of tables showing lowest established hiring rates of all manufacturing establishments located within so-called "wage areas". In line with this, Industry Exhibit No. 45 was presented, showing the Lamp Industry Panel's proposed determination of the prevailing minimum wage for each of 37 areas in which electric lamp plants are located, based on the lowest established hiring rates. Two sets of proposals were made, one based on rates established for all types of work, and the other based on rates established for "light, repetitive work requiring training of three months or less." Both sets of rates are based on employments in various industries in the given wage areas and not on plants in the lamp industry alone.

The Incandescent Lamp Manufacturers' Association, an organization of 16 small firms which maintained that they have "nonselective hiring policies", requested two determinations, one for the big corporations which have "selective hiring policies", very large production, and high wage rates, and another for the group of firms "That does not have the selective hirings or more liberal approach to the hirings and that have a substantially lower wage rate". However, no specific rates were proposed. The wage data for these 16 establishments are included in the record, and therefore will have appropriate weight in the determination.

*Analysis of wage data.* The prevailing minimum rates proposed by the unions ($1.30 and $1.35 an hour) appear high since establishments paying all workers at least $1.30 an hour are in the minority. The evidence submitted by the American Federation of Labor that increases have been negotiated in some plants since October 1954, the date of the Bureau of Labor Statistics survey, is not sufficiently specific to justify a conclusion that these plants have become a majority. Plainly establishments with lowest paid actual rates of $1.35 an hour are even smaller in number (Bureau of Labor Statistics Table 3–B). If consideration is limited to covered workers exclusive of those in the lowest labor grade with work experience of three months or less (Bureau of Labor Statistics Table 3 and data reported for the sixty-third plant), a minority of the 63 establishments paid $1.30 or more an hour, and one-third of the plants paid $1.35 or more an hour to all workers in this category. Lowest established hiring rates of $1.30 or more were reported by 35 percent of the 60 plants reporting established hiring rates (Bureau of Labor Statistics Table 4). Bureau of Labor Statistics Table 3 and data for the sixty-third plant show that 56 percent of the 63 establishments with 77 percent of the total covered worker employment paid at least $1.26 an hour to all covered workers, exclusive of those in the lowest labor grade with work experience of three months or less. No higher minimum rate for such workers was actually paid by a majority of the establishments employing a majority of the covered workers. Bureau of Labor Statistics Table 3–B indicates that more than half (51 percent) of the 63 establishments which employed 75 percent of the 18,732 covered workers, paid all covered workers, irrespective of work experience, at least $1.26 an hour.

Consideration has also been given to the lowest established rates in lamp plants effective after work experience of three months (Bureau of Labor Statistics Table 4–A), although some reported rates may not have been paid during a recent period. Nearly one-half (47 percent) of the 60 establishments reporting such established rates, had rates of $1.26 or more. Approximately two-thirds of the covered workers in the 60 plants were employed in the 28 plants with rates of $1.26 or more.

The 14 plants for which entrance and job rates are shown in IUE–CIO Exhibit No. 1 all had lowest job rates in excess of $1.26. Though not material, it may be noted that the product of one plant is outside the scope of the industry.

The survey of starting rates and job rates in the independent union's lamp plants, made in March 1955, shows no plant with a job rate as low as $1.26. Data are shown for nine plants, but three of these (Niles, Mahoning, and Bucyrus) are outside the definition of the industry.

Therefore, based upon the above information, I find that the prevailing minimum hourly wage in the Electric Lamp Industry is $1.26 an hour for all covered workers exclusive of those in the lowest labor grade with work experience of three months or less.

*Subminimum rates.* The unions recommended that no tolerance be provided for inexperienced workers. There is no mention of tolerance for beginners or apprentices in either the Lamp Industry Panel's Summary of Indicated Nationwide Determinations on the basis of the Bureau of Labor Statistics survey (Industry Exhibit No. 38–A) or in the indicated area determinations (Industry Exhibit No. 45). In general, however, these proposals were based on established hiring rates which would be applicable to beginners.

Separate wage data were collected by the Bureau of Labor Statistics for beginners (those in the lowest labor grade with work experience of three months or less), and those data justify a separate determination for such workers.

Thirty-one (52 percent) of the 60 establishments having established hiring rates reported lowest established rates of $1.20 an hour or more (BLS Table 4). More than three-fourths (78 percent) of the total covered workers in the 60 establishments were employed in the 31 establishments with rates of $1.20 or more. Only a minority of the 60 plants had established hiring rates above $1.20 an hour. Consideration has also been given to BLS Table 3–A which shows the lowest rate actually paid to covered workers in the lowest labor grade with work experience of three months or less. Sixty-six percent of the covered workers in the 34 establishments employing such workers at the time of the wage survey were employed in those plants paying more than $1.20 an hour to all covered workers.

IUE–CIO Exhibit No. 1 shows lowest entrance rates of $1.20 an hour or more for all 14 establishments. "Hiring-in" rates of $1.20 an hour or more also were reported for the 9 lamp plants having contracts with an independent union.

Guided by the above information, I conclude that an hourly wage rate of $1.20 an hour shall be permitted for beginners with 480 hours or less experience.

The record indicates that apprentices are not widely employed in the industry. However, since it has consistently been the policy of the Department to encourage the training of workers in the skilled trades, it appears appropriate to permit employment of bona fide apprentices at rates lower than $1.26 provided their employment is in accordance with standards approved by the Bureau of Apprenticeship, United States Department of Labor.

The general regulations presently permit employment of handicapped workers at subminimum rates on contract work under the act. This authorization was not an issue in the proceedings. For purposes of clarity, however, it appears advisable to include in the determination a specific authorization for such employment.

*Proposed determination.* Accordingly, upon the findings and conclusions stated herein, notice is hereby given that I propose to amend Title 41 of the Code of Federal Regulations, Part 202, by the addition of § 202.53 (41 CFR Part 202) to read as follows:

§ 202.53 *Electric lamp industry*—(a) *Definition.* The electric lamp industry is defined as that industry which manufactures electric bulbs, tubes and related light sources, including but not limited to such products as incandescent filament lamps, sealed beam headlights composed of a filament in a glass shell, vapor and fluorescent lamps, photoflash and photoflood lamps, and the following electric lamp components: Lead-in-wires, support wires, filament, welds, hooks, and metal bases: *Provided, however,* That this definition shall not include electro-therapeutic lamp units, electronic tubes, X-ray tubes, sealed beam headlights composed of an electric lamp enclosed in a shell of glass or of glass and metal, carbon arc lamps, custom made luminous tube signs, electric lighting fixtures, plastic lamp bases, chemicals, gases, glass blanks, glass tubing, glass rod, and dumet, molybdenum and tungsten wire. For the purpose of this definition an electric lamp is defined as any device the primary purpose of which is to convert electric energy into radiation within the visible spectrum and/or into ultra-violet radiations of wavelengths of not less than 500 Angstrom units, and/or infra-red radiation not longer than 100,000 Angstrom units.

(b) *Minimum wages.* The minimum wage for persons employed in the manufacture or furnishing of products of the electric lamp industry under contracts subject to the Walsh-Healey Public Contracts Act shall be not less than $1.26 an hour arrived at either on a time or incentive basis.

(c) *Subminimum wages authorized.* (1) Beginners may be employed at wages not less than $1.20 an hour for a period not to exceed 480 hours. A beginner for the purpose of this determination is a worker who has had no more than 480 hours of experience in the plant.

(2) (i) Handicapped workers may be employed in the industry at wages below the applicable minimum wage specified by the Fair Labor Standards Act of 1938 upon the same terms and conditions as are prescribed for the employment of handicapped workers by the regulations of the Administrator of the Wage and Hour Division of the Department of Labor (29 CFR Parts 524 and 525) under section 14 of the Fair Labor Standards Act.

(ii) The Administrator of the Public Contracts Division is authorized to issue certificates under the Public Contracts Act for the employment of handicapped workers not subject to the Fair Labor Standards Act or subject to different minimum rates of pay under the two acts, at appropriate rates of compensation and in accordance with the standards and procedures prescribed by the applicable regulations issued under the Fair Labor Standards Act.

(3) (i) Apprentices may be employed at wage rates below the statutory minimum of the Fair Labor Standards Act upon the same terms and conditions as are prescribed for the employment of apprentices by the regulations of the Administrator of the Wage and Hour and Public Contracts Divisions of the United States Department of Labor (29 CFR Part 521), under section 14 of the Fair Labor Standards Act.

(3) (ii) Apprentices may be employed at wage rates equal to or in excess of the statutory minimum of the Fair Labor Standards Act but less than $1.26 an hour, provided the apprentice is employed under a written apprenticeship agreement or program which is recorded as meeting the standards of a State Apprenticeship Agency recognized by the Bureau of Apprenticeship, United States Department of Labor; or the standards of the Bureau of Apprenticeship, United States Department of Labor, or which substantially conforms to such standards.

(d) *Effect on other obligations.* Nothing in this section shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

Within thirty days from the date of the publication of this notice in the FEDERAL REGISTER, interested parties may submit written exceptions to the proposed actions above described. Exceptions should be addressed to the Secretary of Labor, United States Department of Labor, Washington 25, D. C.

Signed at Washington, D. C., this 2nd day of April 1956.

JAMES P. MITCHELL,
*Secretary of Labor.*

[F. R. Doc. 56–2581; Filed, Apr. 5, 1956; 8:51 a.m.]



# NOTICES

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

OREGON

REDELEGATION OF AUTHORITY TO SPECIFIED CLASSES OF EMPLOYEES

MARCH 30, 1956.

Pursuant to authority delegated by Order No. 541 of the Director of the Bureau of Land Management, as amended, the following redelegations of authority are made in accordance with section 2.1 (a) (1) to become effective immediately upon publication in the FEDERAL REGISTER. The authority delegated may not be redelegated.

PART I: SPECIAL LAND USE PERMITS

SECTION 1. District Range Managers may issue special land use permits for lands outside established grazing districts but within their respective areas of responsibility.

PART II: GOVERNMENT CONTESTS

SECTION 1. The State Lands and Minerals Officer may initiate Government contests against claims asserted to public lands and take all necessary actions involving the prosecution of such contests except the presentation of Government's case at the hearings.

PART III. CLASSIFICATION AND WITHDRAWALS

SECTION 1. The Lands and Minerals Staff Officer may take all actions authorized by section 2.5 of Order No. 541 of the Director of the Bureau of Land Management.

PART IV: MINERALS

SECTION 1. The State Lands and Minerals Officer may take all actions authorized by section 2.6 (k) of Order No. 541, which may be necessary to conduct a comprehensive mineral examination of mineral applications and unpatented mining claims and sign mineral reports ordinarily signed by the State Supervisor.

VIRGIL T. HEATH,
*State Supervisor.*

[F. R. Doc. 56–2570; Filed, Apr. 5, 1956; 8:49 a. m.]

### Bureau of Reclamation

HELLS CANYON PROJECT, IDAHO-OREGON

ORDER OF REVOCATION

SEPTEMBER 12, 1952.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby revoke Departmental Order of April 12, 1951, insofar as said order affects the following described land: *Provided, however,* That such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described:

WILLAMETTE MERIDIAN, OREGON

T. 12 S., R. 45 E., W. M.,

| Sec. 14: | Acres |
|---|---|
| E½NE¼NW¼ | 20.00 |
| N½NW¼NE¼ | 20.00 |
| N½SW¼NW¼NE¼ | 5.00 |
| SW¼SW¼NW¼NE¼ | 2.50 |
| NW¼SE¼SW¼NW¼NE¼ | .625 |
| N½NW¼SE¼NW¼NE¼ | 1.25 |
| N½SW¼NW¼SE¼NW¼NE¼ | .3125 |

The above area aggregates approximately 49.6875 acres, more or less.

G. W. LINEWEAVER,
*Assistant Commissioner.*

[61564]

APRIL 2, 1956.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The lands are included in Power Site Classification No. 421 of November 30, 1951.

DEPUE FALCK,
*Acting Director,*
*Bureau of Land Management.*

[F. R. Doc. 56–2572; Filed, Apr. 5, 1956; 8:49 a. m.]

SAN CARLOS PROJECT, NEW MEXICO

ORDER OF REVOCATION

JANUARY 27, 1956.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby revoke Departmental Orders of January 18, 1906, March 15, 1920, May 25, 1920, and December 15, 1941, insofar as said Orders affect the following described lands: *Provided, however,* That such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the land hereinafter described.

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 10 S., R. 20 W.,
Sec. 4, all;
Sec. 6, SE¼;
Sec. 7, E½;
Secs. 8, 9, and 17, all;
Sec. 18, lots 2, 3, and 4, E½, SE¼NW¼, E½SW¼;
Secs. 19 and 20, all;
Sec. 21, S½;
Sec. 27, SW¼;
Secs. 28, 29, 30, 32, 33, and 34, all.

T. 11 S., R. 20 W.,
Secs. 2, 3, and 4, all;
Sec. 5, lots 1 to 20 incl., SE¼;
Sec. 8, E½;
Sec. 9, all;
Sec. 10, N½;
Sec. 16, all;
Sec. 21, NE¼;
Sec. 22, W½;

Sec. 26, SW¼;
Sec. 27, all.

The above area aggregates 16,517.91 acres.

E. G. NIELSEN,
*Acting Commissioner.*

[927833]

APRIL 2, 1956.

I concur. The records of the Bureau of Land Management will be noted accordingly.

All of the lands released from withdrawal by this order are within the Gila National Forest. Subject to any valid existing rights, the provisions of existing withdrawals, and the requirements of applicable law, the lands are hereby opened to such applications, selections, and locations as are permitted on national forest lands, effective at 10:00 a. m. on May 8, 1956.

Inquiries concerning applications and offers under the mineral-leasing laws and locations under the mining laws shall be addressed to the Manager, Land Office, Bureau of Land Management, Santa Fe, New Mexico. Other inquiries shall be addressed to the Regional Forester, Tower Building, 510 Second St., N. W., Albuquerque, New Mexico.

DEPUE FALCK,
*Acting Director,*
*Bureau of Land Management.*

[F. R. Doc. 56-2573; Filed, Apr. 5, 1956; 8:49 a. m.]

## DEPARTMENT OF COMMERCE

### Bureau of Foreign Commerce

ISRAEL DAVID

ORDER DENYING RESPONDENT'S APPLICATION TO VACATE DEFAULT AND/OR TO REOPEN HEARING

In the matter of the application of Israel David, 511 State Street, Long Beach, New York, respondent; Case No. 144; for a reopening or rehearing of a compliance proceeding.

The respondent Israel David, having applied for an order vacating the "Order Revoking and Denying License Privileges" insofar as the same was directed against him, (18 F. R. 1406); and said application having been referred to the Compliance Commissioner, who has held a hearing thereon and duly filed his report and recommendation that the application be denied, it is now, after reading the entire record and considering the report and recommendation of the Compliance Commissioner, hereby

*Ordered,* That the respondent's application dated January 5, 1956, be, and the same hereby is denied in its entirety, both upon the law and in the exercise of discretion.

Dated: April 3, 1956.

JOHN C. BORTON,
*Director,*
*Office of Export Supply.*

[F. R. Doc. 56-2566; Filed, Apr. 5, 1956; 8:47 a. m.]



## CIVIL AERONAUTICS BOARD

[Docket No. 7887 et al.]

CITY OF PORTSMOUTH SERVICE INVESTIGATION

NOTICE OF POSTPONEMENT OF PREHEARING CONFERENCE

In the matter of an investigation to determine: (a) Whether the public convenience and necessity requires authorization of a route on a temporary basis and only until the Board's decision in The Great Lakes Local Service Area Case, of local service air transportation over a route between the terminal point Cincinnati, Ohio, the intermediate point Portsmouth, Ohio and the terminal point Columbus, Ohio, without the right to overfly Portsmouth; (b) and, if so, what carrier (if any) should operate the route. See Order No. E-10141.

Notice is hereby given that the prehearing conference in the above-entitled investigation now assigned for April 11 is postponed to April 16, 1956, 2:30 p. m., e. s. t., Room E-210, Temporary Building No. 5, Seventeenth Street and Constitution Avenue NW., Washington, D. C., before Examiner John A. Cannon.

Dated at Washington, D. C., April 3, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56-2595; Filed, Apr. 5, 1956; 8:54 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11364, 11663; FCC 56-276]

RCA COMMUNICATIONS, INC., AND WESTERN UNION TELEGRAPH CO.

MEMORANDUM OPINION AND ORDER DESIGNATING MATTERS FOR CONSOLIDATED HEARING ON STATED ISSUES

In the matter of RCA Communications, Inc., v. The Western Union Telegraph Company, complaint with respect to Area "C" Pacific Traffic under the International Formula; Docket No. 11364.

In the matter of RCA Communications, Inc., request for appropriate Commission action with respect to alleged illegal practices of The Western Union Telegraph Company in handling traffic destined to various Far Eastern points; Docket No. 11663.

*Preliminary statement.* 1. This matter is before us as a result of a petition filed by RCA Communications, Inc. (RCAC), on June 24, 1955, asking us to reconsider our Memorandum Opinion and Order (Opinion)[1] of May 25, 1955 (released May 26, 1955), in which we denied a request by RCAC that we institute compliance proceedings against The Western Union Telegraph Company (Western Union) for alleged violations of our decision in Commercial Pacific Cable Co., et al., Docket No. 9292 (1953) and the affirming decision of the Second Circuit Court of Appeals in The Western Union Telegraph Co. v. United States, 217 F. 2d 579 (2d Cir. 1954). In addition to the request for reconsideration, RCAC, in the petition, asks for further relief[2] not contained in its original request.

*Background.* 2. Under date of April 7, 1955, RCAC, by letter, wrote to the Commission, alleging that Western Union was handling traffic to points in the Far East[3] listed in the International Formula (Formula)[4] as Area C (Pacific)[5] points, and that such practice was in violation of the decisions above mentioned. In its letter RCAC requested that we ask Western Union to state its intentions with respect to the distribution of this traffic, and that, if it did not forthwjth distribute it to the international carriers entitled under the Formula to traffic destined to Area C (of which Western Union allegedly is not one), we institute compliance proceedings.

3. At the same time that RCAC sent this letter to the Commission, RCAC filed a formal complaint (Docket No. 11364) wherein it incorporated said letter, and sought reparations for the deprivation of this traffic through the alleged illegal actions of Western Union. We have not as yet made any disposition of the complaint but propose to act thereon herein.

4. On April 20, 1955, Western Union wrote to the Commission in answer to the RCAC letter. In this answer Western Union contended that RCAC's position was based on a misunderstanding of the scope and effect of the above two decisions, and requested a denial of the RCAC request. On May 18, 1955, Western Union filed an answer to the RCAC complaint in Docket No. 11364, wherein it incorporated its April 20 letter, and, after denying the material allegations of the complaint, requested dismissal thereof.

5. RCAC, by letter of April 27, replied to the Western Union letter, and supported its original position. On May 25, it filed a reply to the Western Union answer to the formal complaint in Docket No. 11364, wherein it incorporated its letter of April 27.

[1] In the matter of RCA Communications, Inc., Request for appropriate Commission action with respect to alleged illegal practices of The Western Union Telegraph Company in handling traffic destined to various Far Eastern points, Mimeo. No. FCC 55-611.

[2] The details with respect to the further relief are set forth below in paragraphs 7 and 8 hereof.

[3] Japan, Korea, Hong Kong, Okinawa, Indonesia, Vietnam, Thailand, Australia, New Zealand, and other points in Australasia are mentioned.

[4] The Commission, as required by section 222 (c) of the Communications Act of 1934, as amended, prescribed a "Formula, Pursuant to section 222 (c) (1) of the Communications Act for the Distribution of Outbound International Traffic Handled by The Western Union Telegraph Company following Merger with Postal Telegraph, Inc." See Application for Merger Western Union and Postal Telegraph, Separate Report of the Commission on Formulas, 10 F. C. C. 184 (1943).

[5] Area C is defined in the Formula as follows: Pacific, Sub-areas: Hawaii; Midway and Guam; Australasia; Remainder of the Far East.



6. In our Opinion of May 25, 1955, which was issued in response to the RCAC letters, we considered the situation described in the RCAC letters and concluded that it was clearly distinguishable from that adjudicated in Docket No. 9292. We, therefore, denied the request of RCAC that we institute compliance proceedings against Western Union.

*The instant pleadings.* 7. The RCAC petition: In support of its petition of June 24, RCAC alleged that there are two fundamental errors in the Commission's Opinion, namely:

(a) That there was a violation of due process in that the Opinion is based on matters outside "the official record," which according to RCAC consists of only the RCAC letter of April 7, the Western Union letter of April 20, and the RCAC letter of April 27; and

(b) That the Opinion errs in using an "overlap" theory under which traffic to the points in question is classified as being Area A[6] or Area C traffic under the Formula in accordance with the route used to destination (that is, whether it is transmitted across the Atlantic Ocean or the Pacific Ocean, respectively), rather than only by the geographic location of the point of destination.[7]

8. On the basis of the foregoing, RCAC requested that the Commission:

(a) Reconsider and set aside the Opinion;

(b) Order Western Union:

(i) To cease and desist from claiming traffic to the points in question for its cable system;

(ii) To distribute such traffic as Area C traffic under the Formula to the International carriers listed therein as "interested" in Area C; and

(c) Grant RCAC the relief requested in its complaint in Docket No. 11364, and such other relief as the Commission deems appropriate.

9. The Western Union opposition: In its opposition, filed July 1, 1955, Western Union argued (a) that there was no error in considering facts "outside the record," in that all the Commission did was to refuse the RCAC request that the Commission institute compliance proceedings against Western Union to make it comply with the RCAC interpretation of the Commission decision in Docket No. 9292, and in so refusing, clarified the scope and extent of that decision, and interpreted the Formula it prescribed, and is not limited in such clarification and interpretation; (b) that such other rights as RCAC may have in the premises remain undisturbed; and (c) that the Commission is correct in the substantive portions of its Opinion.

[6] Area A is defined in the Formula as "Area 'A'—Atlantic, Sub-areas: United Kingdom and Eire; Continental Europe; Beyond the Continent; including Greenland and Iceland (but excluding Liberia); Liberia; Saint Pierre-Miquelon."

[7] In this connection, it is also alleged that in arriving at the "overlap" theory the Commission made several material factual errors and omitted data essential to the Opinion. These allegations will be considered more fully below, see paragraph 19, infra.

10. The RCAC reply: In its reply, filed on July 11, 1955, RCAC reiterated its contentions with respect to the violation of due process and the incorrectness of the Commission's theory in the Opinion.

*Discussion.* 11. Due process: In alleging that the Commission has followed an "unfair and arbitrary procedure" in arriving at its Opinion, and that the Opinion violates "the first principle of due process," RCAC appears to assume that its letter instituted a legal proceeding and that as a result of such proceeding we issued an Opinion designed to adjudicate the respective rights of it and Western Union to the traffic in question. RCAC then argues, evidently on the basis of this assumption, that our Opinion must be based on the "record" before the Commission, which, it alleges, consists only of its letter of April 7, 1955, the Western Union letter of April 20, 1955, and the RCAC letter of April 27, 1955. We need not consider whether the RCAC argument would be accurate if, in fact, its letter had instituted a legal proceeding before this Commission. An examination of what transpired shows clearly that the aforementioned correspondence from RCAC and Western Union did not institute any such proceeding before us. Instead, the only matter before us was an informal request, submitted by letter, that we exercise our discretion to institute and expedite compliance proceedings because of an alleged violation of a previous order issued by this Commission in Docket No. 9292.

12. A legal proceeding of the type RCAC appears to believe it instituted, is properly instituted pursuant to section 208 of the Act[8] and Section 1.575 et seq. of our rules. RCAC is well aware of this, as is shown by its complaint in Docket No. 11364, described above. That complaint was, however, designed to determine only the extent of the damages RCAC suffered as a result of the Western Union activities therein described and was based upon the assumption of a pre-existing adjudication that such activities were unlawful. But, in the matter now before us for reconsideration, RCAC did not avail itself of the above-described procedure for instituting a legal proceeding. Instead, it by-passed such procedures and merely requested by informal letter that we institute compliance proceedings on our own initiative and without holding formal hearings,[9] on the basis of RCAC's representations that there was a violation of our decision and order in another proceeding, namely, Docket No. 9292.

13. In its original letter, RCAC did not specify the exact nature of the compliance proceedings it desired we take, but made it clear that it felt that such proceedings should be instituted without the necessity of a hearing and that "ample reason and authority" existed for us to so do, particularly in view of the statement in section 1 of the Communications Act of 1934 (act) that we "shall execute and enforce the provisions of this act." However, in its letter of April 27, 1955, RCAC made specific reference to section 401 of the act, which provides for compliance proceedings. In view of the foregoing, it appeared to us that RCAC was asking that we institute proceedings, on our own initiative, pursuant to the provisions of section 401 (b) of the act, which provides as follows:

> (b) If any person fails or neglects to obey any order of the Commission other than for the payment of money, while the same is in effect, the Commission or any party injured thereby, or the United States, by its Attorney General, may apply to the appropriate district court of the United States for the enforcement of such order. If, after hearing, that court determines that the order was regularly made and duly served, and that the person is in disobedience of the same, the court shall enforce obedience to such order by a writ of injunction or other proper process, mandatory or otherwise, to restrain such person or the officers, agents, or representatives of such person, from further disobedience of such order, or to enjoin upon it or them obedience to the same.

14. It appeared to us that sound administrative policy required that such an exercise of our discretion—namely, affirmative action on a request that we invoke judicial process—must be preceded by a careful examination of all relevant factors. Accordingly, we felt it necessary to determine for ourselves whether the handling of the traffic in question herein was in contravention of our decision and order in Docket No. 9292, either expressly or by necessary implication.

15. In making such a determination, we are not aware of any principle of law or equity which required us to limit our examination of the relevant factors solely to the matters set forth in the letters from RCAC and Western Union, but rather are of the opinion that such exercise of our initiative is a matter to be determined by such reasonable means as we feel to be appropriate under the circumstances.[10] Nor do we feel that our determination as to whether or not we wish to invoke judicial process under section 401 (b) is the type of determination to which RCAC can legally take exception, particularly in view of the fact that under such section RCAC could

[8] Section 208 governs the procedure for filing and handling of complaints regarding "* * * anything done or omitted to be done by any common carrier subject to this act, in contravention of the provisions thereof, * * *."

[9] We note that in its letters RCAC urged that we take action promptly and asserted that a hearing where Western Union would have had an opportunity to justify its actions, was "neither necessary nor desirable" but instead that such a hearing was "contrary to the public interest."

[10] We wish to point out that at least one authority has stated that a "regulatory agency has an affirmative duty to carry out a program, to protect a public interest which frequently is otherwise unrepresented. When parties fail to produce needed facts, the regulatory agency typically must take the initiative in aggressively making its own factual investigation." Davis, Administrative Law 476 (1951). This statement is made in the context of a discussion relating to adversary proceedings in formal hearings before an administrative agency. It is, therefore, more strongly applicable to a situation of the type now before us, which involves only a request addressed to the discretion of the Commission.

itself have instituted, and probably still can institute, compliance proceedings as a purportedly injured party.

16. In view of the foregoing, it would appear that the Commission not only had a right, but also an obligation, to examine any relevant information in its possession to determine whether, on the basis of such information, the situation described by RCAC could properly come within the context of our decision and order in Docket No. 9292. In making our determination, we studied such data as was available in our files and also reviewed the purpose and intent of our decision in Docket No. 9292.

17. We could have disposed of the RCAC request by a simple letter in response to the RCAC letters. However, in view of the importance attached to the matter by RCAC, as evidenced by the claim for damages in the sum of three and one-half million dollars set forth in its complaint in Docket No. 11364, we felt that we should apprize the parties fully of our reasons for denying the RCAC request. Accordingly, we issued our Opinion of May 25, 1955. We should like to emphasize that in such Opinion we acted only upon the request before us, namely, that we institute compliance proceedings against Western Union. We did not purport to preclude RCAC from instituting any formal proceedings designed to establish relevant factual data nor from seeking substantive relief on the basis thereof.

18. In view of all of the foregoing we must specifically reject the RCAC allegation that our procedure herein was either "unfair and arbitrary" or that it violated any "principle of due process." Since there was no proceeding before the Commission, there can be no question of due process or the violation thereof.

19. Reconsideration: As noted above, RCAC also alleged that our Opinion sets forth an incorrect interpretation of the Formula in that it is based on a so-called "overlap" theory [1] and that such interpretation is based on material factual errors. These allegations are amplified and set forth in detail in an affidavit (attached to and made part of the petition) by Lon A. Cearley, Vice President and Controller of the petitioner. Mr. Cearley states that our Opinion is erroneous "in that it contains, among other errors, misstatements of fact, draws erroneous inferences, omits data essential to the scope of the Opinion, and fails to specify to which Far Eastern points the cable system of Western Union is entitled to traffic." On the basis of the foregoing, RCAC asked, among other things, that we reconsider and set aside our Opinion of May 25, 1955.

20. We cannot find that any of the foregoing allegations, even if we were to accept them as accurate, provide a basis for reconsideration of our Opinion and the institution of a compliance proceeding under section 401 of the Act. Section 401 may be invoked only if there is failure or neglect to obey an order of this Commission. There is no showing that Western Union has failed to obey any outstanding order of the Commission with respect to the traffic in question. Docket No. 9292, to which RCAC referred in its original letter and in its petition for reconsideration, was, as is set forth more fully in our Opinion of May 25, 1955, herein, a complaint proceeding which involved certain contracts between Western Union, on the one hand, and Globe and Tropical, on the other hand. At the conclusion of the proceedings in that matter we issued an order requiring Western Union to cease and desist from exchanging traffic with Globe and Tropical pursuant to the aforementioned contracts between Western Union and such companies. So far as we are informed, Western Union has in fact obeyed this order and is no longer exchanging traffic with Globe and Tropical pursuant to the contracts at issue in Docket No. 9292. We have also determined in our Opinion of May 25, 1955, that we did not purport to include in our decision in Docket No. 9292 any general interpretation of the meaning, scope, or applicability of the Formula, except insofar as it was necessary to interpret and apply such Formula to the contracts at issue in that proceeding. Accordingly, even if we were to accept all of the allegations set forth in RCAC's petition for reconsideration and its reply to Western Union's opposition to such position as accurate, there would be no basis for the institution of compliance proceedings by this Commission pursuant to the provisions of section 401 of the act. We must, therefore, deny the petition of RCAC insofar as it asks that we reconsider and vacate our Order of May 25, 1955.

21. Further relief: However, as set forth above, the petition for reconsideration also contains requests for additional relief, which are in the nature of a new complaint against Western Union. In support of such additional relief RCAC raises substantive issues which we feel should be resolved. We shall, therefore, deny the petition for reconsideration without prejudice to RCAC insofar as its right to raise such substantive matters as are set forth in its petition for reconsideration and subsequent reply to the Western Union opposition in further proceedings before us is concerned.

22. The RCAC complaints: We do not feel that a petition for reconsideration is a proper vehicle to request entirely new and different relief or to present substantive allegations to the Commission for the first time. Under ordinary circumstances we would have terminated this matter with the denial of the RCAC petition without prejudice to its right to file such new complaint as it deemed proper. However, there is already pending before us in Docket No. 11364 a complaint from RCAC alleging that because of certain illegal actions on the part of Western Union insofar as the handling of traffic to points in Area C is concerned, RCAC has suffered substantial monetary injury. In this complaint RCAC has asked that we issue an order directing Western Union to transfer additional traffic to RCAC to compensate it for such loss or otherwise make restitution for such loss, and that we grant such further relief as may be warranted in the circumstances. Originally this complaint was based on the assumption that our decision in Docket No. 9292 precluded Western Union from handling the traffic in question. In the petition for reconsideration RCAC has raised substantive issues relating to the right of Western Union to handle such traffic. It also appears that Western Union, the party directly affected thereby, as well as all carriers interested in Area C traffic, were served with copies of the RCAC petition for reconsideration. It further appears that Western Union filed an opposition to such petition wherein it entered a general denial to the RCAC allegations and likewise served all carriers interested in Area C traffic. Finally, it appears that RCAC filed a reply and again served all carriers interested in this traffic. In view of this fact, namely, that in essence the issue has been joined, and in the interest of a prompt disposition of this matter, it does not appear to us that the public interest requires or would be served by action on our part which would (a) necessitate the filing of a formal complaint by RCAC wherein it would again set forth the data contained in its petition for reconsideration, and wherein it would seek the additional relief therein requested, and (b) necessitate a further answer from Western Union wherein it would reiterate what it has already stated in its opposition to the RCAC petition for reconsideration. Accordingly, we shall treat this portion of the petition for reconsideration as if it were a properly filed complaint which has been answered by the defendant, Western Union.

23. As has been set forth above, in its petition for reconsideration, RCAC raises numerous issues of fact with respect to the manner in which Western Union has handled traffic filed with it and destined to the points in Area C at issue herein, as well as with respect to other subjects relevant to a substantive disposition of its complaints. It appears to us that these issues, together with the questions of law raised by RCAC, are sufficiently serious to warrant setting this matter for hearing. Upon consideration of all the facts which will be adduced at such a hearing and of the arguments made by the parties on the basis thereof, we shall be in a position to dispose of this matter. Since the damages sought by RCAC in its complaint in Docket No. 11364 are based on the alleged wrongful actions set forth in the RCAC petition for reconsideration, it appears to us that both matters should be considered together for a prompt and expeditious disposition thereof. Accordingly, we shall consolidate the proceeding we are setting on the complaint issues raised by the RCAC petition for reconsideration with the complaint in Docket 11364.

24. *Accordingly, it is ordered,* This 28th day of March that the petition for reconsideration, insofar as it requests that we reconsider and set aside our Memorandum Opinion and Order of May 25, 1955, is denied without prejudice to the right of RCA Communications, Inc., (RCAC), The Western Union Telegraph Company (Western Union) or any other party to the proceedings which we are setting for hearing herein to adduce such evidence and make such arguments as may be relevant to a decision on the issues set for hearing herein;

*It is further ordered,* That, pursuant to the provisions of sections 201, 208 and 222 of the Communications Act of 1934, as amended (act), a public hearing shall be held at a time and place to be specified in a subsequent order on the substantive issues presented in connection with the request for further relief set forth in the petition for reconsideration filed by RCAC on June 24, 1955, the opposition thereto filed by Western Union on July 1, 1955, and the reply filed by RCAC on July 11, 1955, insofar as such further relief was requested in such reply;

*It is further ordered,* That, pursuant to the provisions of Sections 206 through 209 of the Act, a public hearing shall be held on the issues presented by the pleadings in the complaint proceeding in Docket No. 11364 and that such hearing shall be consolidated with the hearing ordered herein in Docket No. 11663;

*It is further ordered,* That, without in any way limiting the scope of the hearing on the above-referred to issues, such hearing shall include the following matters:

(a) The manner in which Western Union has heretofore and is now disposing of traffic to the points at issue;

(b) Whether Western Union handled any traffic out of the continental United States over its own facilities directly or by intermediate relay at an overseas or foreign point to any point at issue during the base period for establishing quotas to such points, and, if so, the volume thereof, as well as the routes used from point of origin to point of destination;

(c) Whether Western Union now has a route whereby it handles traffic to any point at issue, and if so, the route used to handle any such traffic from point of origin to point of destination and when such route was established;

(d) Whether Western Union was at any time, or is now, assigned a quota to any point at issue, and if so, whether such quota was, or is, properly assigned, and if not, whether such quota was, or is, properly denied;

(e) The terms of any contract between RCAC and Western Union in effect on September 27, 1943, relating to the interchange of traffic destined to any of the points at issue;

(f) Whether any such contract or any modification thereof is still in effect and, if so, the present terms thereof;

(g) The effect of any such contract, if still in effect, upon the manner in which Western Union must dispose of traffic routed via its facilities and destined to any of the points at issue;

(h) The position taken by the Committee, or members thereof, established pursuant to section XI of the Formula to administer the Formula, with respect to the right of Western Union to handle traffic to the points at issue herein;

(i) What criteria shall be used to determine, with respect to any particular carrier, the area or subarea in which a country is located;

(j) Whether any point may be considered to be in more than one area, and if so, the basis for such determination;

(k) Whether Western Union may lawfully handle traffic to any of the points at issue, and if so, under what conditions.

*It is further ordered,* That, a copy of this order shall be served on the parties complainant and defendant herein, upon each international telegraph carrier subject to the jurisdiction of this Commission and upon each telegraph carrier entitled to share, in international fixed point-to-point telegraph traffic pursuant to any of the Formulas approved or prescribed by the Commission in the proceedings in Application for Merger of Western Union and Postal Telegraph (Separate Report of the Commission on Formulas, etc.) 10 F. C. C. 184, 197–198 (1943).

*It is further ordered,* That, each of the persons other than the parties hereto ordered served herein may participate in the proceedings herein by filing a notice of intention to participate within twenty days after the date this order is released.

Adopted: March 28, 1956.

Released: March 30, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56–2555; Filed, Apr. 5, 1956; 8:45 a. m.]

[1] As has been set forth above, under what RCAC calls the "overlap" theory the "area" in which a point is located depends upon the route used by a carrier to serve such point, rather than the actual geographic location of the point. RCAC contends that only the latter criteria is proper.



[Docket No. 11519; FCC 56–291]

GREENVILLE BROADCASTING CORP.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of the Greenville Broadcasting Corporation, Greenville, Ohio, Docket No. 11519, File No. BP–9522; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of March 1956;

The Commission having under consideration the above-entitled application of The Greenville Broadcasting Corporation for a construction permit for a new standard broadcast station to operate on 930 kilocycles with a power of 500 watts with directional antenna, daytime only, at Greenville, Ohio;

It appearing that the applicant is legally, technically, financially and otherwise qualified to operate its proposed station but that the proposed operation may cause interference to Stations WEOL, Elyria, Ohio (930 kc, 1 kw, DA–2, U), WBAA, West Lafayette, Indiana (920 kc, 1 kw, 5 kw-LS, DA–N, U) and WPFB, Middleton, Ohio (910 kc. 100 w, 1 kw–LS, U); and that the interference which would be received by the proposed operation from the aforementioned stations and from Stations WSAZ, Huntington, West Virginia (930 kc, 1 kw, 5 kw–LS, DA–N, U) and WBCK, Battle Creek, Michigan (930 kc, 1 kw, DA–2, U) would result in a loss in population which would be excessive under § 3.28 (c) of the Commission's rules; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject application was advised by letter dated February 6, 1956, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing that timely replies were received from Stations WEOL, WBAA and WPFB each expressing an intention of appearing at a hearing; and

It further appearing that in a letter dated March 5, 1956, the applicant indicated an intention of appearing at a hearing; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

*It is ordered,* That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operation, and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation would cause interference to Stations WEOL, Elyria, Ohio; WBAA, West Lafayette, Indiana; and WPFB, Middleton, Ohio, or any other existing standard broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other primary service to such areas and populations.

3. To determine whether the operation proposed by The Greenville Broadcasting Corporation would comply with § 3.28 (c) of the Commission's rules; and if compliance with § 3.28 (c) is not achieved, whether circumstances exist which would warrant a waiver of said section of the rules.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether the above-entitled application should be granted.

*It is further ordered,* That the Elyria-Lorain Broadcasting Company, Purdue University and Paul F. Braden, licensees of Stations WEOL, WBAA and WPFB, respectively, are made parties to the proceeding.

Released: March 30, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56–2556; Filed, Apr. 5, 1956; 8:45 a. m.]

[Docket No. 11670; FCC 56–293]

NEWS ON THE AIR, INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of News on the Air, Inc., Port Clinton, Ohio, Docket No.

11670, File No. BP-9977; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of March 1956;

The Commission having under consideration the above-entitled application of News on the Air, Inc., for a construction permit for a new standard broadcast station to operate on 1250 kilocycles with a power of 500 watts, directional antenna, daytime only, at Port Clinton, Ohio; and

It appearing that the applicant is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate the station as proposed, but that operating as proposed the applicant may cause interference to Station WCHO, Washington Court House, Ohio (1250 kc, 500 w, daytime only) and WXYZ, Detroit, Michigan (1270 kc, 5 kw, DA-N, unlimited time); and that the interference to be received by the proposed operation due to Stations WGL, Fort Wayne Indiana, WCAE, Pittsburgh, Pennsylvania, and WCHO, Washington Court House, Ohio, may be such that the population loss would prohibit compliance with § 3.28 (c) of the Commission's rules; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated September 30, 1955, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing that Stations WXYZ and WCHO in pleadings filed August 24 and October 21, 1955, respectively, requested that the subject application be designated for hearing; and

It further appearing that the Commission, after consideration of the subject application and the above-described communications is of the opinion that a hearing is necessary:

*It is ordered*, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would be served by the proposed operation, and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation would cause objectionable interference to Stations WCHO, Washington Court House, Ohio, and WXYZ, Detroit, Michigan, or any other existing broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether, because of the interference received, the proposal of News on The Air, Inc. would comply with § 3.28 (c) of the Commission's rules; and if compliance with § 3.28 (c) is not achieved, whether circumstances exist with would warrant a waiver of said section of the rules.

4. To determine, in the light of the evidence adduced with respect to the foregoing issues, whether a grant of the subject application would serve the public interest, convenience or necessity.

*It is further ordered*, That the Court House Broadcasting Co., licensee of Station WCHO, Washington Court House, Ohio, and WXYZ, Inc., licensee of Station WXYZ, Detroit, Michigan, are made parties to the proceeding.

Released: March 30, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-2557; Filed, Apr. 5, 1956; 8:45 a. m.]

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[Docket No. 11666; FCC 56-290]

BLACKSTONE BROADCASTING CO. (KTBB)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Blackstone Broadcasting Company (KTBB) Tyler, Texas, Docket No. 11666, File No. BP-10087; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 28th day of March 1956;

The Commission having under consideration the above-entitled application of the Blackstone Broadcasting Company for a construction permit to increase the daytime power of Station KTBB, Tyler, Texas, from 500 watts to one kilowatt to operate on 600 kilocycles with directional antenna at night, unlimited time; and a request by KTBB for a waiver of § 3.28 (c) of the Commission's rules;

It appearing that the applicant is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate Station KTBB as proposed, but that the proposed operation may be involved in objectionable interference with Station KTBC, Austin, Texas (590 kc, 1 kw, 5kw-LS, DA-N, U), and that the proposed operation would receive interference from Station KTBC which would be excessive under § 3.28 (c) of the Commission's rules; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated December 30, 1955, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing that the applicant, in a reply dated February 8, 1956, stated that KTBC had agreed to accept the interference that would be caused to that station and attached a copy of a letter addressed to the applicant, dated August 26, 1954, stating that KTBC would not "protest the increase in power"; that the proposed operation would not violate § 3.28 (c) of the rules; and that, in the event the Commission rules that the proposed operation would violate § 3.28 (c), the applicant requests a waiver of that section; and

It further appearing that the Commission is unable to make a determination in this matter on the basis of the data before it and is of the opinion that an evidentiary hearing is necessary to obtain complete information relative to the above-entitled application and the grounds advanced in support of the request for waiver of § 3.28 (c) of the rules to enable the Commission to determine whether the public interest would be served by a grant thereof;

*It is ordered*, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KTBB as proposed, and the availability of other primary service to such areas and populations.

2. To determine whether the operation proposed by KTBB would cause objectionable interference to Station KTBC, Austin, Texas, or any other existing standard broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other primary service to such areas and populations.

3. To determine whether, because of the interference received, the proposal of KTBB would comply with § 3.28 (c) of the Commission's rules; and if compliance with § 3.28 (c) is not achieved, whether circumstances exist which would warrant a waiver of said section of the rules.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether the above-entitled application of KTBB should be granted.

*It is further ordered*, That the LDJ Company, licensee of Station KTBC, Austin, Texas, is made a party to the proceeding.

Released: March 30, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-2558; Filed, Apr. 5, 1956; 8:46 a. m.]

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[Docket Nos. 11668, 11669; FCC 56-292]

LAWRENCE A. REILLY ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Lawrence A. Reilly and James L. Spates, Groton, Connecticut, Docket No. 11668, File No. BP-10138; The Thames Broadcasting Corporation, Bridgehampton, New York, Docket No. 11669, File No. BP-10146; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 26th day of March 1956;

The Commission having under consideration the above-entitled applications of Lawrence A. Reilly and James L. Spates for a construction permit for a new standard broadcast station to operate on 980 kilocycles with a power of one kilowatt, daytime only, at Groton, Connecticut; and The Thames Broadcasting Corporation for a construction permit for a new standard broadcast station to operate on 980 kilocycles with a power of 500 watts, daytime only, at Bridgehampton, New York;

It appearing that each of the applicants is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate its proposed station, but that the operation of both stations as proposed would result in mutually destructive interference; and that the proposal of The Thames Broadcasting Corporation may not comply with § 3.28 (c) of the Commission's rules; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated December 29, 1955, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that a timely reply was filed by each of the applicants; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

*It is ordered*, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposed operations, and the availability of other primary service to such areas and populations.

2. To determine whether, because of the interference received, the proposal of The Thames Broadcasting Corporation would comply with § 3.28 (c) of the Commission's rules; and if compliance with § 3.28 (c) is not achieved, whether circumstances exist which would warrant a waiver of said section of the rules.

3. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-entitled applications would better provide a fair, efficient and equitable distribution of radio service.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

Released: March 30, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-2559; Filed, Apr. 5, 1956; 8:46 a. m.]





[Change List 101]

CANADIAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES, AND CORRECTIONS IN ASSIGNMENTS

MARCH 15, 1956.

Notification under the provisions of part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes and corrections in assignments of Canadian Broadcast Stations Modifying Appendix containing assignments of Canadian Broadcast Stations (Mimeograph 47214-3) attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

| Call Letters | Location | Power | Antenna | Schedule | Class | Probable date of change or commencement of operation |
|---|---|---|---|---|---|---|
| | | *600 kilocycles* | | | | |
| CFCF | Montreal, Province of Quebec (changes in transmitter site and antenna pattern only). | 5 kw | DA-1 | U | III | Mar. 1, 1957. |
| | | *800 kilocycles* | | | | |
| CJBQ | Belleville, Ontario (PO: 0.25 kw on 1230 kc.). | 1 kw | DA-1 | U | II | Do. |
| | | *1070 kilocycles* | | | | |
| CJET | Smiths Falls, Ontario (PO: 0.25 kw on 1070 kc.). | 1 kw | ND | D | II | Do. |
| | | *1500 kilocycles* | | | | |
| New | Port Hope, Ontario | 1 kw | DA | D | II | Do. |
| | | *1560 kilocycles* | | | | |
| CFRS | Simcoe, Ontario (assignment of call letters) | 0.25 kw | ND | D | II | |
| | | *1570 kilocycles* | | | | |
| New | Portage la Prairie, Manitoba | 0.25 kw | ND | U | II | Do. |
| | | *1480 kilocycles* | | | | |
| CHUB | Nanaimo, B. C. (delete assignment) | 1 kw | DA-1 | U | III | |

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-2560; Filed, Apr. 5, 1956; 8:46 a. m.]

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## FEDERAL POWER COMMISSION

[Docket No. E-6585]

SOUTH CAROLINA GENERATING CO.

ORDER EXTENDING TIME FOR FILING EXCEPTIONS AND SETTING DATE FOR ORAL ARGUMENT

On March 21, 1956, the staff filed its exceptions to Examiner's Decision and motion in which it excepted generally to the Examiner's Decision issued March 1, 1956, in the above-entitled proceeding. By telegram received March 26, 1956, the Georgia Public Service Commission, citing the illness of its Chief Engineer who has been assigned to this case, joined in the motion of staff counsel, and, in the alternative, requested a period of ten days within which to file exceptions to the Examiner's Decision.

The Commission finds: It is appropriate and in the public interest to grant an extension of time for filing exceptions and to hear oral argument as provided below.

The Commission orders:

(A) All parties including staff counsel are hereby granted an extension of time until April 12, 1956, to file exceptions, or supplemental exceptions to the Examiner's Decision referred to above.

(B) Oral argument be had before the Commission on May 10, 1956, at 10:00 a. m., e. d. s. t., in the hearing room of the Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented in this proceeding.

(C) Those parties to this proceeding who intend to participate in the oral argument shall notify the Secretary of the Commission on or before April 12, 1956, of such intention and of the time required for presentation of their argument.

Issued: April 2, 1956.

By the Commission.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56-2575; Filed, Apr. 5, 1956; 8:50 a. m.]

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[Docket No. E-6671]

SOUTHERN NEVADA POWER CO.

NOTICE OF APPLICATION; CORRECTION

APRIL 2, 1956.

The Notice of Application dated March 29, 1956, published in the FEDERAL REGISTER on March 31, 1956 (21 F. R. 2120) should be corrected so that the name, Southern Nevada Power Company, will be substituted for that of Sierra Nevada Power Company.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56-2576; Filed, Apr. 5, 1956; 8:50 a. m.]

## INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 3, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31909: *Trailer-on flat-car service—Boston & Maine Railroad.* Filed by Boston and Maine Railroad for interested rail carriers. Rates on various commodities, moving on class and commodity rates, in motor-truck trailers loaded on railroad flat cars between Boston and Maine Railroad stations in Maine, Massachusetts, and New Hampshire, on the one hand, and (a) points in New York and Pennsylvania, and (b) points in Illinois, Indiana, Michigan, Ohio, and Missouri, on the other.

Grounds for relief: Motor truck competition.

Tariff: Boston and Maine Railroad tariff I. C. C. A–3248.

FSA No. 31910: *Scrap iron or steel—Chicago, Ill., Group to Hamilton, Ont.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on scrap iron or steel (not copper clad), carloads from Chicago, Ill., and points in the Chicago switching district taking same rates to Hamilton, Ont., Canada.

Grounds for relief: Barge Competition and circuity.

Tariff: Carriers shown in appendix "A" of the application.

FSA No. 31911: *Roofing materials—Shreveport, La., to St. Louis, Mo. Area.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on roofing or building material and roofing slate, carloads from Shreveport, La., to St. Louis, Mo., and East St. Louis, Ill.

Grounds for relief: Circuitous routes.

Tariff: Supplement 135 to Agent Kratzmeir's I. C. C. 4087.

FSA No. 31912: *Ammunition boxes—South to Kingsbury, Ind.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on boxes, ammunition, shell shipping or smokeless powder, wooden or wood reinforced with metal, metal lined or not lined, carloads from Millport, Ala., to Kingsbury and Kingsbury (Dillon), Ind.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 197 to Agent Spaninger's I. C. C. 1351.

FSA No. 31913: *Electrodes—Natco, Tenn., to Keokuk, Iowa.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on electrodes, carbon furnace or electrolytic bath (carbon plugs) noibn, green electro mix, straight or mixed carloads from Natco, Tenn., to Keokuk, Iowa.

Grounds for relief: Truck-barge competition and circuity.

Tariff: Supplement 197 to Agent Spaninger's I. C. C. 1351.

FSA No. 31914: *Manufactured iron and steel articles—Solon, Ohio to Official Territory.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on articles of iron and steel manufacture, carloads from Solon, Ohio to specified points in official territory.

Grounds for relief: Short-line distance formulas and circuity.

Tariffs: Supplement 216 to Agent Hinsch's I. C. C. 3388; Supplement 257 to Agent Hinsch's I. C. C. 3422.

FSA No. 31915: *Iron and steel articles to and from extended Zone "C" Territory.* Filed jointly by C. W. Boin, and O. E. Swenson, Agents, for interested rail carriers. Rates on iron and steel articles, carloads between points in official territory on the one hand, and points in extended zone "C" territory in Wisconsin, including Beaver Dam, Beaver Dam Jct., and Rolling Prairie, Wis., on the other.

Grounds for relief: Short-line distance formula and circuity.

Tariffs: Supplement 140 to Agent Boin's I. C. C. No. A–686 and four other tariffs.

FSA No. 31916: *Sugar—Southwestern Louisiana to the South.* Filed by J. H. Marque, Alternate Agent, for interested rail carriers. Rates on sugar, carloads from specified points in Louisiana west of the Mississippi River to specified points in Alabama, Kentucky, Mississippi and Tennessee, also to Cairo, Metropolis, Ill., Cincinnati, Ohio, Evansville and New Albany, Ind.

Grounds for relief: Market competition and circuity.

Tariff: Supplement 297 to Alternate Agent Marque's I. C. C. 380.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 56–2583; Filed, Apr. 5, 1956; 8:52 a. m.]

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ORGANIZATION OF DIVISIONS AND BOARDS AND ASSIGNMENT OF WORK

TRANSFER OF MOTOR CARRIER RATE PROCEEDINGS TO BUREAU OF FORMAL CASES; ORGANIZATION OF BOARD OF REVIEW AUTHORIZED IN THE SECTION OF COMPLAINTS, BUREAU OF MOTOR CARRIERS

At a general session of the Interstate Commerce Commission held at its office in Washington, D. C., on the 5th day of August 1955, the following action was taken:

Voted that the responsibility for processing all motor carrier rate cases be transferred from the Section of Complaints, Bureau of Motor Carriers, to the Bureau of Formal Cases, by September 30, 1955. (The changeover was completed on September 15, 1955.)

Voted, further, that there be organized in the Section of Complaints, Bureau of Motor Carriers, by September 30, 1955, a Board of Review, consisting of two separate units, one to handle matters relating to application cases, and the other matters relating to finance cases.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 56–2584; Filed, Apr. 5, 1956; 8:52 a. m.]

## OFFICE OF DEFENSE MOBILIZATION

TERMINATION OF PRODUCTION EQUIPMENT LEASING PROCEDURES FOR FLOODED DISASTER AREAS

In accordance with the provisions of section 2 of Supplement 1 to DMO VII–4, as amended (20 F. R. 6289, 7110; F. R. Doc. 56–2598, supra) I hereby find that the application after this date of the procedure authorized in Supplement 1 to DMO VII–4 to those areas of the Northeastern United States which because of the recent floods were determined to be disaster areas under Public Law 875, 81st Congress, would no longer serve to meet the objective of that Supplement 1.

Dated: April 4, 1956.

OFFICE OF DEFENSE MOBILIZATION, ARTHUR S. FLEMMING, *Director.*

[F. R. Doc. 56–2597; Filed, Apr. 4, 1956; 4:21 p. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 70–3454]

COLUMBIA GAS SYSTEM, INC.

ORDER AUTHORIZING ISSUANCE AND SALE AT COMPETITIVE BIDDING OF PRINCIPAL AMOUNT OF DEBENTURES

APRIL 2, 1956.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, has filed a declaration and amendments thereto pursuant to section 7 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 thereunder, regarding the following proposed transaction:

Columbia proposes to issue and sell, subject to the competitive bidding requirements of Rule U-50, $40,000,000 principal amount of __ percent debentures, Series F due 1981. The interest rate to be borne by the debentures (which shall be a multiple of ⅛ percent) and the price (exclusive of accrued interest) to be paid for the debentures (which shall be not less than 99 percent nor more than 101½ percent of the principal amount) will be determined by the bidding.

The debentures will be issued under the indenture between Columbia and Guaranty Trust Company of New York as Trustee, dated as of August 1, 1950, as heretofore supplemented and as to be further supplemented by a fifth supplemental indenture, dated as of April 1, 1956.

Columbia states that the net proceeds from the sale of the debentures will be used to prepay, on or about April 20, 1956, $25,000,000 of its construction bank loans due July 31, 1956, and the balance, together with other funds of the corporation, will be available to finance a part of the 1956 construction program of the system.

The fees and expenses in connection with the proposed transaction are estimated as follows:



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|---|---|
| Filing fee | $4,080 |
| Printing of registration statement, prospectus, indenture and other documents | 18,000 |
| Printing and issuance of temporary debentures | 18,000 |
| Printing and engraving and issuance of definitive debentures | 27,800 |
| Legal fees, Cravath, Swaine & Moore | 15,000 |
| Engineering fees, Ralph E. Davis | 10,000 |
| Accounting fees, Arthur Andersen & Co | 7,000 |
| Services of system service company (at cost) | 12,000 |
| Original issue tax | 44,000 |
| Listing fee, New York Stock Exchange | 4,800 |
| Other miscellaneous expenses | 3,000 |
| Total | 163,680 |

Sherman & Sterling & Wright, counsel for the underwriters, have stated their fee at $12,500 and they have estimated their expenses at not exceeding $1,700; of which Columbia has agreed to reimburse filing fees and expenses incurred in Blue Sky matters not exceeding $1,500. The firm's fee and the balance of its expenses are to be paid by the successful bidders.

Due notice having been given of the filing of said declaration and a hearing not having been requested of or ordered by the Commission, and the Commission finding with respect to the proposed transaction that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that the declaration as amended be permitted to become effective forthwith:

*It is ordered,* Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration as amended be, and it hereby is, permitted to become effective forthwith, subject to the conditions prescribed in Rules U-50 and U-24.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 56–2577; Filed, Apr. 5, 1956; 8:50 a. m.]

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[File No. 812–1000]

INTERNATIONAL MINING CORP. AND SUNSET OIL CO.

NOTICE OF AND ORDER FOR HEARING ON APPLICATION FOR AN ORDER EXEMPTING CERTAIN TRANSACTIONS INCIDENT TO A MERGER

APRIL 2, 1956.

Notice is hereby given that International Mining Corporation ("International"), a Delaware corporation and a registered close-end non-diversified investment company, has filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 ("act") for an order exempting from the provisions of section 17 (a) of the act certain transactions incident to a proposed merger of Sunset Oil Company ("Sunset"), a California corporation, into and with International which is to be the surviving corporation. On the effective date of the proposed merger, International's proposed name is to be changed to Sunset International Petroleum Corporation.

*Introductory.* The Boards of Directors of International and Sunset have taken the steps required of them for approval of the proposed merger by applicable statutes. The proposed merger will also require the affirmative vote of the holders of not less than two-thirds of the outstanding shares of the capital stock of International and Sunset. The Delaware and California statutes confer upon the shareholders of corporations proposing to merge or consolidate the right, upon compliance with certain statutory provisions, to require the appraisal of their shares and the payment of the appraised value in cash.

International was organized in 1936 as successor to a company of the same name organized in 1929. Prior to and since its registration as an investment company under the Act in 1942, International, in addition to its investment securities activities, has owned interests directly or indirectly in mining operations. International's last major operating property, a gold and copper mine located in Mexico was damaged by fire in 1955, and International disposed of this property early in 1956 reserving only a royalty interest. The assets of International now consist principally of cash, United States Government obligations, and investments in securities of unaffiliated issuers. In addition, International has mineral land and natural resource interests which the company characterizes as "minor".

Sunset was organized in 1934 under a plan of reorganization to acquire the properties of Sunset Pacific Oil Company, Marine Corporation, and Marine Refining Company. In 1951, Sunset acquired the producing, refining, and marketing assets of Eagle Oil and Refining Co., Inc. ("Eagle Oil") in exchange for Sunset common stock. The application states that Sunset is primarily engaged in the exploration for and production of oil and gas, and that in conjunction with its producing operations, Sunset operates pipe line and refining facilities, and a retail marketing distribution system.

The capitalization of International at December 31, 1955, consisted of 488,973 shares of outstanding common stock including 1,000 shares of treasury stock with a par value of $1 a share. International's stock is listed on the New York Stock Exchange. The capitalization of Sunset at the same date consisted of 678,788 shares of outstanding common stock with an aggregate stated value of $267,217. Sunset stock is not listed on any securities exchange.

Eagle Oil owns 177,750 shares of International's outstanding common stock and 353,789 shares of Sunset's outstanding common stock, equivalent to 36.35 percent and 52.12 percent, respectively, of the outstanding common stock of International and of Sunset.

Eagle Oil has outstanding 1,000,000 shares of common stock. Of this amount, 125,000 shares are owned by George C. Sheahan, a Vice-President and Director of both Sunset and International, and 365,692 shares are owned beneficially by the following persons and their families:

V. D. Sterling, President and Director of Eagle and Sunset, Morton A. Sterling, Executive Vice-President and Director of Sunset, and Barry H. Sterling, Vice-President and Director of Eagle Oil and Assistant Secretary-Treasurer and Director of International.

*Statutory requirements.* Eagle Oil is an affiliate of International, and Sunset is an affiliate of Eagle Oil within the definition of "affiliated person" contained in section 2 (a) (3) of the act. Therefore Sunset is an affiliated person of an affiliated person of a registered investment company. Generally speaking, section 17 (a) of the act prohibits an affiliated person of a registered investment company or any affiliated person of such a person, from selling to or purchasing from such registered investment company or any company controlled by such registered investment company, any securities or property, subject to certain exceptions not pertinent here. The Commission upon application pursuant to section 17 (b) may grant an exemption from the provisions of section 17 (a) if it finds that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transactions are consistent with the policy of each registered company concerned, as recited in its registration statement and reports filed under the act and is consistent with the general purposes of the act.

*The proposed merger.* As previously indicated, Sunset will be merged into International which will become the surviving corporation under the name of Sunset International Petroleum Corporation.

The merger agreement provides that the authorized stock of the surviving corporation shall be 5,000,000 shares of common stock with a par value of $1 a share. Each share of the outstanding common stock of Sunset will be converted into three shares of common stock of the surviving corporation. The present shareholders of International will continue to hold their shares as shares of the surviving corporation.

The application states that upon consummation of the merger, the surviving corporation will concentrate on the acquisition, development and exploration of oil and gas properties. It appears that the merger will change the nature of International's business from that of an investment company to an oil and gas enterprise.

International and Sunset have been advised by counsel that, in their opinion, for Federal income tax purposes, no taxable gain or loss will be realized by any of the stockholders of International or Sunset as a result of the merger. The merger agreement also provides that the surviving corporation shall pay all expenses of the merger.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the application;

*It is ordered,* Pursuant to section 40 (a) of said act, that a hearing on the afore-

said application under the applicable provisions of the act and of the rules of the Commission thereunder be held on the 24th day of April 1956 at 10:00 a. m., in the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in this proceeding is directed to file with the Secretary of the Commission his application as provided by Rule XVII of the Commission's rules of practice, on or before the date provided in the rule, setting forth any issues of law or facts which he desires to controvert or any additional issues which he deems raised by this notice and order or by such application.

*It is further ordered,* That William W. Swift, or any officer or officers of the Commission, designated by it for that purpose, shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under Sections 41 and 42 (b) of the Investment Company Act of 1940 and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation having advised the Commission that it has made a preliminary examination of the application, and that upon the basis thereof the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether the terms of the proposed transactions, including the considerations to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned;

(2) Whether the proposed transactions are consistent with the policy of International, as recited in its registration statement and reports filed pursuant to the act;

(3) Whether the proposed transactions are consistent with the general purposes of the act.

*It is further ordered,* That at the aforesaid hearing attention be given to the foregoing matters and questions.

*It is further ordered,* That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this notice and order by registered mail to International Mining Corporation and that notice to all persons shall be given by publication of this notice and order in the FEDERAL REGISTER and that a general release of this Commission in respect of this notice and order be distributed to the press and mailed to the mailing list for releases.

*It is further ordered,* That International Mining Corporation shall give notice of this hearing to all of its stockholders (insofar as the identity of such security holders is known or available) by mailing to each of said persons a copy of this notice and order to his last known address at least 13 days prior to the date set for said hearing.

By the Commission.

[SEAL] NELLYE A. THORSEN,
*Assistant Secretary.*

[F. R. Doc. 56-2578; Filed, Apr. 5, 1956; 8:50 a. m.]

## SMALL BUSINESS ADMINISTRATION

[S. B. A. Pool Request No. 15]

AMERICAN SCIENTIFIC TECHNICAL RESEARCH ORGANIZATION, INC. (A. S. T. R. O., INC.)

REQUEST TO OPERATE AS A SMALL BUSINESS PRODUCTION POOL AND REQUEST TO CERTAIN COMPANIES TO PARTICIPATE IN THE OPERATIONS OF SUCH POOL

Pursuant to section 217 of the Small Business Act of 1953, as amended, the Attorney General, after consultation with the Chairman of the Federal Trade Commission and the Administrator of the Small Business Administration, has approved the following request to the American Scientific Technical Research Organization, Inc. (hereinafter referred to as A. S. T. R. O., Inc.) to operate as a small business production pool and the following request to the companies hereinafter listed to participate in the operations of such pool. The voluntary program, in accordance with which the pool shall operate, has been approved by the Administrator of the Small Business Administration and found to be in the public interest as contributing to the national defense.

REQUEST TO A. S. T. R. O., INC.

I hereby approve your proposed voluntary program to operate as a small business production pool and find it to be in the public interest as contributing to the national defense.

In my opinion, the operations of your organization as a small business production pool will assist in the accomplishment of our national defense program. Therefore, in accordance with the provisions of section 217 of the Small Business Act of 1953, as amended, you are hereby requested to operate as such a pool in the manner set forth in the approved voluntary program.

While no obligation is imposed upon you, by virtue of this request, to operate as such a pool or to seek or obtain any Government contracts, if you wish to commence operations as a small business production pool you may do so upon notifying me in writing of your acceptance of this request. Section 217, referred to above, provides in part that no act or omission to act pursuant to this approved program shall be construed to be within the prohibition of the antitrust laws or the Federal Trade Commission Act of the United States.

The Attorney General has approved this request after consultations with respect thereto among his representatives, representatives of the Chairman of the Federal Trade Commission and my representatives, pursuant to Section 217 of the Small Business Act of 1953, as amended.

Sincerely yours,

[S] WENDELL B. BARNES,
*Administrator.*

REQUEST TO COMPANIES

The voluntary program of A. S. T. R. O., Inc. to operate as a small business production pool has been found to be in the public interest as contributing to the national defense and has therefore been approved.

Inasmuch as your concern is included among the prospective members of the pool, in my opinion your participation in its operations will assist in the accomplishment of our national defense program. Therefore, in accordance with the provisions of section 217 of the Small Business Act of 1953, as amended, you are hereby requested to participate in the operations of the pool in the manner set forth in its voluntary program.

While no obligation is imposed upon you, by virtue of this request, to participate in the operations of this pool, if you wish to participate you may do so by notifying me in writing of your acceptance of this request. Section 217, referred to above, provides in part that no act or omission to act pursuant to this approved program shall be construed to be within the prohibition of the antitrust laws or the Federal Trade Commission Act of the United States.

The Attorney General has approved this request after consultation with respect thereto among his representatives, representatives of the Chairman of the Federal Trade Commission and my representatives, pursuant to Section 217 of the Small Business Act of 1953, as amended.

Sincerely yours,

[S] WENDELL B. BARNES,
*Administrator.*

A. S. T. R. O., Inc. accepted the request set forth above to operate as a small business production pool.

*Names and Addresses of Companies Accepting Request to Participate*

Control Devices, Inc., 9918 Charlevoix Avenue, Detroit 14, Michigan.

Dri-Flo Manufacturing Company, 410 East Fifth Street, Royal Oak, Michigan.

Dr. Charles Arthur Nagler, Ph. D., Metallurgical Consultants, Inc., 14513 Puritan Avenue, Detroit 27, Michigan.

Hefco Laboratories, Inc., 20120 Sherwood Avenue, Detroit 34, Michigan.

Reynolds Plastics, Inc., 3351 Oakley Park Road, Walled Lake, Michigan.

(Sec. 217 of Pub. Law 163, 83d Cong.; E. O. 10493, Oct. 16, 1953, 18 F. R. 6583)

Dated: March 30, 1956.

WENDELL B. BARNES,
*Administrator.*

[F. R. Doc. 56-2579; Filed, Apr. 5, 1956; 8:51 a. m.]

[S. B. A. Pool Request No. 16]

W. W. WICHTERMAN & CO.

WITHDRAWAL FROM MEMBERSHIP IN ALLIED SPECIALTIES COMPANY; A SMALL BUSINESS PRODUCTION POOL

Pursuant to section 708 of the Defense Production Act of 1950, as amended, the name of the following company, which has withdrawn from participation in the operations of Allied Specialties Company, Philadelphia, Pennsylvania, is herewith published.

The acceptance of this company appeared in 18 F. R. 4259, on August 1, 1953.

W. W. Wichterman & Company, 2316 East Hagert Street, Philadelphia 25, Pa.

(Sec. 708, 64 Stat. 818; 50 U. S. C. App. 2158; E. O. 10493, October 16, 1953, 18 F. R. 6583)

Dated: March 29, 1956.

WENDELL B. BARNES,
*Administrator.*

[F. R. Doc. 56-2580; Filed, Apr. 5, 1956; 8:51 a. m.]



## DEPARTMENT OF JUSTICE

### Immigration and Naturalization Service

[56335/52-D]

STATEMENT OF ORGANIZATION

MISCELLANEOUS AMENDMENTS

Effective upon publication in the FEDERAL REGISTER, the following amendments to the Statement of Organization of the Immigration and Naturalization Service (19 F. R. 8071, December 8, 1954) are prescribed:

Section 1.21 is amended to read as follows:

SECTION 1.21. *Field Service; Officers in Charge.* Under the general direction of a district director, an officer in charge performs assigned duties within a designated part of a district.

Section 1.51 is amended to read as follows:

SEC. 1.51 *Field Service.* The territory within which officials of the Immigration and Naturalization Service are located is divided into regions, districts, and suboffices, as follows:

(a) *Regional Offices.* The Northeast Regional Office, located in Burlington, Vermont, has jurisdiction over districts 1, 2, 3, 7, 21, 22, and 23. The Southeast Regional Office, located in Richmond, Virginia, has jurisdiction over districts 4, 5, 6, 24, 25, 26, 27, and 28. The Northwest Regional Office, located in St. Paul, Minnesota, has jurisdiction over districts 8, 9, 10, 11, 12, 29, 30, 31, and 32. The Southwest Regional Office, located in San Pedro, California, has jurisdiction over districts 13 14, 15, 16, 17, 18, 19, and 20.

(b) *District Offices.* The following districts, which are designated by numbers, have fixed headquarters and are divided as follows:

1. *St. Albans, Vermont.* The district office in St. Albans, Vermont, has jurisdiction over the State of Vermont; also, over the United States immigration stations located in the Province of Quebec, Canada.

2. *Boston, Massachusetts.* The district office in Boston, Massachusetts, has jurisdiction over the States of New Hampshire, Massachusetts, and Rhode Island.

3. *New York City, New York.* The district office in New York City, New York, has jurisdiction over the following counties in the State of New York: Bronx, Columbia, Dutchess, Greene, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, Sullivan, Ulster, and Westchester; and for primary inspection purposes only, the following counties in the State of New Jersey: Bergen, Essex, Hudson, Middlesex, and Union.

4. *Philadelphia, Pennsylvania.* The district office in Philadelphia, Pennsylvania, has jurisdiction over the States of Pennsylvania, Delaware, and West Virginia.

5. *Baltimore, Maryland.* The district office in Baltimore, Maryland, has jurisdiction over the State of Maryland.

6. *Miami, Florida.* The district office in Miami, Florida, has jurisdiction over the State of Florida.

7. *Buffalo, New York.* The district office in Buffalo, New York, has jurisdiction over the State of New York except that part within the jurisdiction of district No. 3; also, over the United States immigration stations located in the Province of Ontario, Canada.

8. *Detroit, Michigan.* The district office in Detroit, Michigan, has jurisdiction over the State of Michigan.

9. *Chicago, Illinois.* The district office in Chicago, Illinois, has jurisdiction over the States of Illinois, Indiana, and Wisconsin.

10. *St. Paul, Minnesota.* The district office in St. Paul, Minnesota, has jurisdiction over the States of Minnesota, North Dakota, and South Dakota; also, over the United States immigration station in the Province of Manitoba, Canada.

11. *Kansas City, Missouri.* The district office in Kansas City, Missouri, has jurisdiction over the States of Kansas and Missouri.

12. *Seattle, Washington.* The district office in Seattle, Washington, has jurisdiction over the State of Washington; also, over the United States immigration stations located in the Province of British Columbia, Canada.

13. *San Francisco, California.* The district office in San Francisco, California, has jurisdiction over the State of Nevada and over the following counties in the State of California: Alameda, Alpine, Amador, Butte, Calaveras, Colusa, Contra Costa, Del Norte, Eldorado, Fresno, Glenn, Humboldt, Kings, Lake, Lassen, Madera, Marin, Mariposa, Mendocino, Merced, Modoc, Mono, Monterey, Napa, Nevada, Placer, Plumas, Sacramento, San Benito, San Francisco, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Shasta, Sierra, Siskiyou, Solano, Sonoma, Stanislaus, Sutter, Tehama, Trinity, Tulare, Tuolumne, Yolo, and Yuba.

14. *San Antonio, Texas.* The district office in San Antonio, Texas, has jurisdiction over the following counties in the State of Texas: Aransas, Atascosa, Bandera, Bastrop, Bee, Bell, Bexar, Blanco, Brazos, Brooks, Brown, Burleson, Burnet, Caldwell, Calhoun, Callahan, Cameron, Coke, Coleman, Comal, Concho, Coryell, Crockett, De Witt, Dimmit, Duval, Edwards, Falls, Fayette, Frio, Gillespie, Glasscock, Goliad, Gonzales, Guadalupe, Hays, Hidalgo, Irion, Jackson, Jim Hogg, Jim Wells, Jones, Karnes, Kendall, Kenedy, Kerr, Kimble, Kinney, Kleberg, Lampasas, La Salle, Lavaca, Lee, Live Oak, Llano, McCulloch, McLennan, McMullen, Mason, Maverick, Medina, Menard, Milam, Mills, Nueces, Reagan, Real, Refugio, Robertson, Runnels, San Patricio, San Saba, Schleicher, Starr, Sterling, Sutton, Taylor, Tom Green, Travis, Uvalde, Val Verde, Victoria, Webb, Willacy, Williamson, Wilson, Zapata, and Zavala.

15. *El Paso, Texas.* The district office in El Paso, Texas, has jurisdiction over the State of New Mexico, and the following counties in Texas: Brewster, Crane, Culberson, Ector, El Paso, Hudspeth, Jeff Davis, Loving, Midland, Pecos, Presidio, Reeves, Terrell, Upton, Ward, and Winkler.

16. *Los Angeles, California.* The district office in Los Angeles, California, has jurisdiction over the following counties in the State of California: Imperial, Inyo, Kern, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura.

17. *Honolulu, Hawaii.* The district office in Honolulu, Territory of Hawaii, has jurisdiction over the Territory of Hawaii.

18. *Tucson, Arizona.* The district office in Tucson, Arizona, has jurisdiction over the State of Arizona.

19. *Denver, Colorado.* The district office in Denver, Colorado, has jurisdiction over the States of Colorado, Utah, and Wyoming.

20. *Dallas, Texas.* The district office in Dallas, Texas, has jurisdiction over the States of Oklahoma, Arkansas, and the following counties in Texas: Anderson, Andrews, Angelina, Archer, Armstrong, Austin, Bailey, Baylor, Borden, Bosque, Bowie, Brazoria, Briscoe, Camp Carsen, Cass, Castro, Chambers, Cherokee, Childress, Clay, Cochran, Collin, Collingsworth, Colorado, Comanche, Cooke, Cottle, Crosby, Dallam, Dallas, Dawson, Dear Smith, Delta, Denton, Dickens, Donley, Eastland, Ellis, Erath, Fannin, Fisher, Floyd, Foard, Fort Bend, Franklin, Freestone, Gaines, Galveston, Garza, Gray, Grayson, Gregg, Grimes, Hale, Hall, Hamilton, Hansford, Hardeman, Hardin, Harris, Harrison, Hartley, Haskell, Hemphill, Henderson, Hill, Hockley, Hood, Hopkins, Houston, Howard, Hunt, Hutchinson, Jack, Jasper, Jefferson, Johnson, Kaufman, Kent, King, Knox, Lamar, Lamb, Leon, Liberty, Limestone, Lipscomb, Lubbock, Lynn, Madison, Marion, Martin, Matagorda, Mitchell, Montague, Montgomery, Moore, Morris, Motley, Nacogdoches, Navarro, Newton, Nolan, Ochiltree, Oldham, Orange, Palo Pinto, Panola, Parker, Parmer, Polk, Potter, Rains, Randall, Red River, Roberts, Rockwell, Rusk, Sabine, San Augustine, San Jacinto, Scurry, Shackelford, Shelby, Sherman, Smith, Somervell, Stephens, Stonewall, Swisher, Tarrant, Terry, Throckmorton, Titus, Trinity, Tyler, Upshur, Van Zandt, Walker, Waller, Washington, Wharton, Wheeler, Wichita, Wilbarger, Wise, Wood, Yoakum, and Young.

21. *Newark, New Jersey.* The district office in Newark, New Jersey, has jurisdiction over the State of New Jersey (except that for primary inspection purposes only the district office in New York City, New York, has jurisdiction over the counties of Bergen, Essex, Hudson, Middlesex, and Union).

22. *Portland, Maine.* The district office in Portland, Maine, has jurisdiction over the State of Maine; also, over the United States immigration stations lo-

cated in Canada at Yarmouth, Nova Scotia, and St. John, New Brunswick.

23. *Hartford, Connecticut.* The district office in Hartford, Connecticut, has jurisdiction over the State of Connecticut.

24. *Cleveland, Ohio.* The district office in Cleveland, Ohio, has jurisdiction over the States of Ohio and Kentucky.

25. *Washington, D. C.* The district office in Washington, D. C., has jurisdiction over the District of Columbia, and the States of Virginia and North Carolina.

26. *Atlanta, Georgia.* The district office in Atlanta, Georgia, has jurisdiction over the States of Georgia, South Carolina, Alabama, and Tennessee.

27. *San Juan, Puerto Rico.* The district office in San Juan, Puerto Rico, has jurisdiction over the Commonwealth of Puerto Rico; also, over the Virgin Islands of the United States.

28. *New Orleans, Louisiana.* The district office in New Orleans, Louisiana, has jurisdiction over the States of Louisiana and Mississippi.

29. *Omaha, Nebraska.* The district office in Omaha, Nebraska, has jurisdiction over the States of Iowa and Nebraska.

30. *Helena, Montana.* The district office in Helena, Montana, has jurisdiction over the States of Montana and Idaho.

31. *Portland, Oregon.* The district office in Portland, Oregon, has jurisdiction over the State of Oregon.

32. *Anchorage, Alaska.* The district office in Anchorage, Alaska, has jurisdiction over the Territory of Alaska.

(c) *Suboffices.* The following offices, in addition to the facilities maintained at class A ports of entry listed in 8 CFR 231, are designated as suboffices:

Albany, New York, Albuquerque, New Mexico, Boise, Idaho, Cincinnati, Ohio, El Centro, California, Fairbanks, Alaska, Fresno, California, Hammond, Indiana, Manchester, New Hampshire, Memphis, Tennessee, Pittsburgh, Pennsylvania, Phoenix, Arizona, Reno, Nevada, Sacramento, California, Salt Lake City, Utah, St. Louis, Missouri, Spokane, Washington, Syracuse, New York.

Dated: March 29, 1956.

J. M. SWING,
*Commissioner of Immigration and Naturalization.*

[F. R. Doc. 56-2574; Filed, Apr. 5, 1956; 8:50 a. m.]

## Office of Alien Property

[Vesting Order SA-6]

BANCA COMMERCIALE ITALIANA E RUMENA

In re: Debts owing to Banca Commerciale Italiana e Rumena, F-57-96.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows:

a. That certain debt or other obligation of the Superintendent of Banks of the State of New York, Albany, N. Y., as Liquidator of the Business and Property in New York of Banca Commerciale Italiana, arising out of a blocked account entitled, "Banca Commerciale Italiana e Rumena, Bucharest, Roumania," representing a 100 percent liquidating dividend on an account payable to said Banca Commerciale e Rumena as a creditor of Banca Commerciale Italiana, New York Agency, maintained by the aforesaid Superintendent of Banks, together with any and all rights to demand, enforce and collect the same;

b. That certain debt or other obligation of the Superintendent of Banks of the State of New York, Albany, N. Y., as Liquidator of the Business and Property in New York of Banca Commerciale Italiana, arising out of a blocked account entitled, "Banca Commerciale Italiana e Rumena, Bucharest, Roumania," representing a liquidating dividend of 100 percent on account of an "Advised Dollar Drafts Outstanding" account payable to said Banca Commerciale e Rumena by Banca Commerciale Italiana, New York Agency, maintained by the aforesaid Superintendent of Banks, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947 was, owned directly or indirectly by Banca Commerciale Italiana e Rumena, Bucharest, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to Section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on April 2, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
*Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-2587; Filed, Apr. 5, 1956; 8:52 a. m.]

[Vesting Order SA-7]

GOVERNMENT OF RUMANIA

In re: Debt owing to the Government of Rumania, F-57-3.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of Credit Suisse New York Agency, 25 Pine Street, New York, N. Y., arising out of an account entitled "Administration Commerciale des Ports et Voies Navigables, Bucarest, Roumanie", maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947 was, owned directly or indirectly by Rumania, as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the



extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on April 2, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
*Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-2588; Filed, Apr. 5, 1956; 8:53 a. m.]

[Vesting Order SA-8]

BANQUE D'ESCOMPTE DE ROUMANIE S. A.

In re: Debt owing to Banque d'Escompte de Roumanie S. E. A., F-57-100.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of The Chase Manhattan Bank, 18 Pine Street, New York, New York, arising out of an account entitled "Banque d'Escompte de Roumanie, Bucarest, Rumania", maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947 was, owned directly or indirectly by Banque d'Escompte de Roumanie S. A., Bucarest, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to Section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on April 2, 1956.

For the Attorney Genearl.

[SEAL] DALLAS S. TOWNSEND,
*Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-2589; Filed, Apr. 5, 1956; 8:53 a. m.]

[Vesting Order TA-9]

CARTEA ROMANEASCA S. A.

In re: Debt owing to Cartea Romaneasca S. A., F-57-190.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of the Guaranty Trust Company of New York, 140 Broadway, New York, N. Y., arising out of an account entitled "Cartea Romaneasca S. A., Hold Mail—Main Office" maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947 was, owned directly or indirectly by Cartea Romaneasca S. A., Bucarest, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to Section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on April 2, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
*Assistant Attorney General, Director, Officer of Alien Property.*

[F. R. Doc. 56-2590; Filed, Apr. 5, 1956; 8:53 a. m.]

[Vesting Order SA-11]

PANNONIA UNGARISCHE RUCKVERSICHERUNGS ANSTALT

In re: Debt owing to Pannonia Ungarische Ruckversicherungs Anstalt, F-34-1207.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of Guaranty Trust Company of New York, 140 Broadway, New York 15, N. Y., arising out of a deposit account entitled, "Pannonia Ungarische Ruckversicherungs Anstalt (In Liquidation)", maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947 was, owned directly or indirectly by Pannonia Ungarische Ruckversicherungs Anstalt, Budapest, Hungary, a national of Hungary as defined in Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to Section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on April 2, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
*Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-2592; Filed, Apr. 5, 1956; 8:53 a. m.]

[Vesting Order SA-10]

## DACIA-ROUMANIA SOCIETATE GENERALA DE ASIGURARE IN BUCURESTI

In re: Debts owing to Dacia-Roumania Societate Generala de Asigurare in Bucuresti, F-57-231.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows:

a. That certain debt or other obligation of J. P. Morgan & Co., Incorporated, 23 Wall Street, New York 8, New York, arising out of an account entitled, "Dacia-Roumania Societate Generala de Asigurare in Bucuresti (S-7910)", maintained by the aforesaid corporation, together with any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation of J. P. Morgan & Co., Incorporated, 23 Wall Street, New York 8, New York, arising out of an account entitled, "Dacia-Roumania Societate Generala de Asigurare in Bucuresti—General Ruling No. 6 A/C (8227)", maintained at the aforesaid Corporation, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947 was, owned directly or indirectly by Dacia-Roumania Societate Generala de Asigurare in Bucuresti, Bucarest, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to Section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on April 2, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
*Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-2591; Filed, April 5, 1956; 8:53 a. m.]

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# FEDERAL REGISTER

VOLUME 21 1934 NUMBER 68

*Washington, Saturday, April 7, 1956*

## TITLE 7—AGRICULTURE

### Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 82]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.382 *Navel Orange Regulation 82*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on April 5, 1956, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., April 8, 1956, and ending at 12:01 a. m., P. s. t., April 15, 1956, is hereby fixed as follows:

(i) District 1: 231,000 cartons;
(ii) District 2: 693,000 cartons;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) Navel oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "District 1," "District 2," "District 3," and "District 4," have the same meaning as when used in said amended marketing agreement and order; and "carton" means the standard one-half orange, grapefruit, or lemon box set forth as standard container number 58 in section 828.83, as amended, of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 6, 1956.

[SEAL] G. R. GRANGE,
*Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-2735; Filed, Apr. 6, 1956; 11:27 a. m.]

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FEDERAL REGISTER

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**(As of January 1, 1956)**

The following Supplements are now available:

**Titles 22 and 23 ($1.00)**
**Title 26: Parts 80–169 ($0.50)**
**Title 32: Parts 800–1099 ($0.40)**

Previously announced: Title 3, 1955 Supp. ($2.00); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 18 ($0.50); Title 24 ($0.75); Title 25 ($0.50); Title 26: Parts 1–79 ($0.35), Parts 170–182 ($0.30), Parts 183–299 ($0.35); Title 32: Parts 700–799 ($0.35), Part 1100 to end ($0.35); Titles 40–42 ($0.65); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

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[Valencia Orange Reg. 62]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.362 *Valencia Orange Regulation 62*—(a) *Findings.* (1) Pursuant to Order No. 22 (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective March 31, 1954, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on April 5, 1956, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., April 8, 1956, and ending at 12:01 a. m., P. s. t., April 15, 1956, is hereby fixed as follows:

(i) District 1: 29,860 cartons;

(ii) District 2: Unlimited movement;

(iii) District 3: Unlimited movement.

(2) Valencia oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "handler," "District 1," "District 2," and "District 3," have the same meaning as when used in said order; and "carton" means the standard one-half orange, grapefruit or lemon box set forth as standard container number 58 in section 828.83, as amended, of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 6, 1956.

[SEAL] G. R. GRANGE,
*Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-2736; Filed, Apr. 6, 1956; 11:27 a. m.]



[Lemon Regulation 636]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.743 *Lemon Regulation 636*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 8451), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on April 4, 1956, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., April 8, 1956, and ending at 12:01 a. m., P. s. t., April 15, 1956, is hereby fixed as follows:

(i) District 1: 4,650 cartons;

(ii) District 2: 251,100 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," and "District 3" have the same meaning as when used in the said amended marketing agreement and order; and "carton" means the standard one-half orange, grapefruit or lemon box set forth as standard container number 58 in section 828.83, as amended, of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 5, 1956.

[SEAL] G. R. GRANGE,
*Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-2660; Filed, Apr. 6, 1956; 8:52 a. m.]

# TITLE 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket 6494]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

NORITO CO. AND I. R. F. SPIEGEL

Subpart—*Advertising falsely or misleadingly:* § 13.170 *Qualities or properties of product or service;* § 13.205 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order. The Norito Company et al., Chicago, Ill., Docket 6494, March 27, 1956]

*In the Matter of The Norito Company, a Corporation, and I. R. F. Spiegel, Individually and as an Officer and Director of Said Corporation*

This proceeding was heard by a hearing examiner upon the complaint of the Commission—charging a corporation and its president, with office in Chicago, with advertising in newspapers, magazines, circulars, etc., that the "Norito-Plus Tablets" they sold and distributed in commerce constituted a reliable treatment and cure for any kind of arthritis or rheumatism; constituted an effective substitute for laboratory-made ACTH and would relieve ACTH deficiency in the body; would stimulate the pituitary gland to produce more ACTH and thereby increase the body's production of

cortisone-like substances; would erect a "pain-block" in the thalamus to prevent pain impulses from reaching the brain; and would "expel pain-continuing pain-wastes" more quickly—and respondents' answer admitting all the material allegations of the complaint.

Upon this basis, the hearing examiner made his initial decision, including findings and order to cease and desist, which, by the Commission's order of March 27, 1956, became the "Decision of the Commission".

Said order to cease and desist is as follows:

*It is ordered*, That respondents, The Norito Company, a corporation, and its officers, and I. R. F. Spiegel, individually and as an officer and director of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of Norito-Plus Tablets or any other product of substantially the same composition or possessing substantially similar properties whether sold under the same name or under any other name, do forthwith cease and desist from, directly or indirectly:

1. Disseminating, or causing to be disseminated, by means of the United States mails, or by any other means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication:

(a) That Norito-Plus Tablets, in any amount, however taken,

(1) Will constitute an adequate, effective or reliable treatment for any kind of arthritis or rheumatism;

(2) Will arrest the progress of, correct the underlying causes, or cure any kind of arthritis or rheumatism;

(3) Will constitute an adequate or effective substitute for laboratory-made ACTH and relieve ACTH deficiency in the body;

(4) Will stimulate the pituitary gland in the human body to produce more ACTH and will increase the production of cortisone-like substances in the human body;

(5) Will erect a "pain-block" in the thalamus or prevent pain impulses from reaching the brain;

(6) Will afford any relief of the pains of arthritis or rheumatism in excess of temporary relief of minor pains; or that said preparation will prevent the recurrence of pain;

(7) Will expel "pain-continuing pain-wastes";

(b) That pain causes pain-wastes;

2. Disseminating or causing to be disseminated any advertisements by any means, for the purpose of inducing, or which are likely to induce, directly, or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of the drug preparation Norito-Plus Tablets, which advertisements contain any of the representations prohibited in paragraph 1. of this order.

By said "Decision of the Commission," report of compliance was required as follows:

*It is ordered*, That respondents The Norito Company, a corporation, and I. R. F. Spiegel, individually and as an officer and director of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: March 27, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-2600; Filed, Apr. 6, 1956; 8:45 a. m.]

# TITLE 19—CUSTOMS DUTIES

## Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54056]

### INVOICE REQUIREMENTS AND EXEMPTIONS, AND ELIMINATION OF CERTAIN CONSULAR CERTIFICATIONS

In view of the elimination of the requirement for consular certification of invoices on foreign service Form 138 (Invoice of Merchandise) by T. D. 53869 (20 F. R. 5914) and the future replacement of such form with a "Special Customs Invoice" form or forms, the Customs Regulations are amended to conform with such changes.

To further simplify customs documentary practices, the Customs Regulations are amended to eliminate the requirements for consular action in connection with certain other foreign service forms.

### PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

The first sentence of § 4.14 (c) is amended to read as follows: "The master shall file with the entry receipts showing the costs of items enumerated in the said section 466."

(Sec. 498, 46 Stat. 728, as amended; 19 U. S. C. 1498)

### PART 7—CUSTOMS RELATIONS WITH INSULAR POSSESSIONS AND GUANTANAMO BAY NAVAL AIR STATION

Section 7.1 (c) is amended by substituting "special customs" for "consular."

(Sec. 484, 46 Stat. 722, as amended; 19 U. S. C. 1484)

### PART 8—LIABILITY FOR DUTIES, ENTRY OF IMPORTED MERCHANDISE

1. Section 8.50 (d) is amended by substituting "The" for all matter preceding "consignee."

2. Section 8.51 (c) is amended by substituting "special customs" for "certified."

(Sec. 498, 46 Stat. 728, as amended; 19 U. S. C. 1498).

### PART 9—IMPORTATIONS BY MAIL

Section 9.4 is amended by deleting "consular fees or" in the fourth sentence.

(Sec. 484, 46 Stat. 722, as amended; 19 U. S. C. 1484)

### PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

1. Section 10.1 (a) (1) is amended by deleting "certified by the American consular officer".

2. Section 10.1 (e) is amended by deleting "or invoice" and "or 138" from the second sentence.

(Sec. 201 (par. 1615), 46 Stat. 674, as amended; 19 U. S. C. 1201 (par. 1615))

3. The headnote of § 10.5 is amended by substituting "collector's" for "consular."

4. Paragraphs (e), (f), (g), and (h) of § 10.5 are amended to read as follows:

(e) A certificate of exportation, customs Form 4479, describing the shooks and staves in the manner set forth in the notice of intent to export, shall be issued by the collector in triplicate after verification from the manifest of the exporting vessel and the return of the lading officer. The certificate shall show the number of bundles of shooks and staves exported, the number of shooks of each size, and the number of superficial feet of lumber contained in each shipment. The original certificate shall be forwarded by the collector to the consignee. The duplicate copy shall be given to the exporter and the triplicate copy shall be retained.

(f) Whenever boxes or barrels alleged to have been manufactured from American shooks or staves are shipped to the United States from a person abroad other than the one to whom they were exported from the United States, the importer shall be required to obtain from the foreign consignee to whom the shooks or staves were originally exported from this country the certificate or certificates, customs Form 4479, covering the exportation of the shooks or staves from the United States, or an extract therefrom signed by such consignee, showing the number of shooks or staves covered by such certificate or certificates, together with the number of superficial feet of such shooks or staves. Such Form 4479, or extract therefrom, shall be filed by the importer in connection with the entry of the boxes or barrels.

(g) Accounts shall be kept by the collector of customs at the port of exportation of the shooks and staves as to each exportation thereof and as to the returns thereof in boxes, barrels, etc. Notifications of such returns shall be given to the port of exportation by the collector at the port of importation. When returns in the form of boxes, barrels, etc. entirely account for the shooks and staves exported as shown on the appropriate customs Form 4479, the collector maintaining the account shall so inform the collector making inquiry about the merchandise being imported and alleged to contain shooks or staves covered by the particular exportation.

(h) A record of cloth boards of domestic manufacture exported to be wrapped with foreign textiles shall be kept by collectors of customs in a similar manner as for shooks and staves. If such boards are advanced in value or improved in condition while abroad, free entry shall be denied on importation.



(Secs. 1 (par. 408), 201 (par. 1615), 46 Stat. 630, 674, as amended; 19 U. S. C. 1001 (par. 408), 1201 (par. 1615))

5. Section 10.6 (a) is amended by substituting "send" for "file in the American consulate, preferably"; by deleting the comma following "barrels" where that word appears the second time; by deleting "foreign service Form 130,".

6. Section 10.6 is further amended by deleting paragraphs (c), (d), and (e); and by adding a new paragraph (c) to read as follows:

(c) If a claim accompanied by an appropriately modified customs Form 3311 is made by the importer at the time of filing the entry for an exemption from duty on account of boxes or barrels made from American shooks or staves, the certificate of the foreign shipper with the annexed certificate of the box maker may be accepted if produced at any time prior to the liquidation of the entry. Upon receipt, from the collector at the port of exportation of the shooks and staves, of corroboration that the records of exportation do not conflict materially with such claim, the exemption may be allowed. If the claim for an exemption is disallowed in full or in part, the importer may file a request, within 15 days of the date of the collector's notice to him of any disallowance, for referral of the question to the Commissioner of Customs for review.

(Sec. 201 (par. 1615), 46 Stat. 674, as amended; 19 U. S. C. 1201 (par. 1615))

7. Section 10.7 (b) is amended by substituting "a certificate of the foreign shipper in the form prescribed by paragraph (c) of this section" for the matter following "customs Form 3289 and" in the first sentence.

8. Section 10.7 (c) is amended by substituting "for the use of the collector at the port of entry" for "to the American consul at the place of shipment" in the first sentence.

9. Section 10.7 (d) is amended to read:

(d) The collector, after verification of the foreign shipper's certificate with the records of the collector at the port of exportation in this country, shall allow free entry to the extent the basis for such allowance is verified. The procedure in the last two sentences of § 10.6 (c) shall be applicable.

10. Section 10.7 (e) is amended by substituting "certificate" for "certificates", by deleting "and American consul", and by transferring to the end of paragraph (e) the citation of authority now at the end of paragraph (f).

11. Section 10.7 (f) is deleted.

(Sec. 201 (par. 1615), 46 Stat. 674, as amended; 19 U. S. C. 1201 (par. 1615))

12. Section 10.21 is amended by substituting "special customs" for "certified" in the last sentence of paragraph (b), and by deleting "certified" from the first sentence of paragraph (e).

(Sec. 498, 46 Stat. 728, as amended; 19 U. S. C. 1498)

13. Section 10.30a (e) is amended by substituting "No" for "Certified or other customs" and by deleting "not."

(Sec. 498, 46 Stat. 728, as amended; 19 U. S. C. 1498)

14. Section 10.30c (d) is amended by substituting "No" for "Certified or other customs" and by deleting "not."

(Sec. 1, 63 Stat. 666; 19 U. S. C. 196a)

15. Section 10.36 is amended by substituting "special customs" for "certified" wherever the latter word precedes the word "invoice" in paragraph (a) or (c), by deleting "certified by an American consul" in the last sentence of paragraph (a).

(Sec. 308, 46 Stat. 690, as amended; 19 U. S. C. 1308)

16. Section 10.42 is amended by deleting "and without the requirement of a certified invoice," from paragraph (a); by deleting the last sentence of paragraph (b); and by deleting "without the requirement of a certified invoice" from the second sentence of paragraph (c).

(Sec. 201 (par. 1615), 46 Stat. 674, as amended; 19 U. S. C. 1201 (par. 1615))

17. Section 10.50 is amended by deleting "made before the United States consul at the place of exportation," and "made before a customs officer at the port of entry".

(Sec. 201 (par. 1810), 46 Stat. 685; 19 U. S. C. 1201 (par. 1810))

18. Section 10.54 (b) is amended by deleting "before the American consul" from the first sentence.

(Secs. 201 (par. 1812), 624, 46 Stat. 685, 759; 19 U. S. C. 1201 (par. 1812), 1624)

19. Section 10.66 (a) (2) is amended by deleting "before the United States consul".

(29 Stat. 122, 30 Stat. 1372; 19 U. S. C. 194, 195)

20. Section 10.67 (a) (2) is amended by deleting "before the United States consul".

(Sec. 201 (par. 1815), 46 Stat. 672, as amended; 19 U. S. C. 1201 (par. 1815))

21. Section 10.79 (b) is amended by substituting "filed in connection with the entry together with a declaration of the purchaser or his agent." for the matter following "foreign port and shall be" in the first sentence; by deleting the second sentence; by inserting "attached to the invoice and be" after "shall be" in the third sentence; and by deleting the certification paragraph at the end of the form set forth therein.

(Sec. 484, 46 Stat. 722, as amended; 19 U. S. C. 1484)

### PART 11—PACKING AND STAMPING; MARKING; TRADE-MARKS AND TRADE NAMES; COPYRIGHTS

Section 11.16 is amended by deleting the paragraph designation "(a)" and by deleting paragraph (b).

(Sec. 42, 60 Stat. 440; 15 U. S. C. 1124)

### PART 12—SPECIAL CLASSES OF MERCHANDISE

1. Section 12.11 is amended by deleting paragraph (b) and by redesignating paragraph (c) as paragraph (b).

(Sec. 484, 46 Stat. 722, as amended; 19 U. S. C. 1484)

2. Section 12.34 (b) is amended by deleting the part of the certificate form beginning with the heading "Consulate of the United States."

(Secs. 1 (par. 1516), 624, 46 Stat. 661, 759, 68A Stat. 570; 19 U. S. C. 1001 (par. 1516), 1624, 26 U. S. C. 4805 (a))

3. Section 12.43 (a) is amended by inserting a period after "owner of the article" in the first sentence and deleting the remainder of the sentence; by substituting "signed" for "so signed and sworn to" in the second sentence; by substituting "certify" for "do solemnly swear (affirm)" and by deleting all material following the "(Signature)" line in the form prescribed for the certificate of origin.

(Sec. 307, 46 Stat. 689; 19 U. S. C. 1307)

### PART 14—APPRAISEMENTS

Section 14.3 (b) is amended to read as follows:

(b) The time of exportation referred to in section 402 of the tariff act, as amended, is the date on which the merchandise actually leaves the country of exportation for the United States. However, if the merchandise is not exported directly by water and no positive evidence is at hand as to the date of exportation, the date of the special customs or commercial invoice shall be considered to be the date of exportation unless the invoice appears to be dated after the date the merchandise actually left the country of exportation. If such invoice covers several individual bills of different dates, the latest of such dates, unless it appears to be later than the actual date of export, shall be considered to be the date of exportation. In the case of indirect shipments exported from one country through another, if the invoice is post dated, the date of the bill of lading may be considered to be the date of exportation in the absence of other evidence if the bill of lading was issued in the country of exportation. A bill of lading showing the date of shipment shall be accepted as evidence of the date of exportation, if such bill has been certified in accordance with the provisions of section 2904, Revised Statutes (19 U. S. C. 240).

(Secs. 402, 500, 624, 46 Stat. 708, as amended, 729, 759; 19 U. S. C. 1402, 1500, 1624)

[SEAL] RALPH KELLY, *Commissioner of Customs.*

Approved: March 30, 1956.

DAVID W. KENDALL, *Acting Secretary of the Treasury.*

[F. R. Doc. 56-2612; Filed, Apr. 6, 1956; 8:48 a. m.]

# TITLE 14—CIVIL AVIATION

## Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 190]

## PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

### PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, GCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is canceled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

| City and State; airport name, elevation; facility: class and identification; procedure No.; effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance, facility to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| ANCHORAGE, ALASKA.<br>Anchorage International Airport, 114'.<br>SBRAZ-VPDTX-ANC.<br>Procedure No. 1.<br>Amendment No. 4.<br>Effective date: May 5, 1956.<br>Supersedes Amendment M-3, dated October 1, 1955.<br>Major changes: Realignment of SW course. | Turnagain Intersection. (Intersection SW course ANC LFR and 302° bearing to ANC LOM) (final). | 003—4.7 nautical miles to Jewel Lake FM | 800 | Nonstandard.<br>W side of SW course:<br>183° outbound.<br>063° inbound.<br>1,500' within 10 nautical miles.<br>Procedure turn W due high terrain E. | 800 over Jewel Lake FM | Jewel Lake FM 304—2.6 nautical miles | 2 engines or less<br>T-dn<br>C-dn<br>S-dn 31<br>A-dn | 300-1<br>500-1<br>400-1<br>800-2 | 300-1<br>500-1<br>400-1<br>800-2 | Within 2.6 nautical miles after passing Jewel Lake FM climb to 1,500' on SW course (183°) Anchorage LFR within 20 nautical miles.<br>Alternate missed approach: Procedures when directed by ATC: (1) Proceed direct to Anchorage LOM, climb to 1,500' on course of 244° within 20 nautical miles. (2) Climb to 1,500' on NW course Anchorage LFR (296°) to hold at Susitna Intersection. (3) Climb to 2,500' on NW course Merrill LFR (326°) within 20 nautical miles.<br>CAUTION: 346' hill 1.8 miles SW of airport 1.5 miles W of final approach between facility and airport. |
| | Radar transition within 25 nautical miles of ASR station as directed by ATC. | | | | | | More than 2 engines<br>T-dn<br>C-dn<br>S-dn 31<br>A-dn | ----------<br>----------<br>----------<br>---------- | 200-½<br>500-1½<br>400-1<br>800-2 | |
| ANCHORAGE, ALASKA.<br>Anchorage International Airport, 114'.<br>SBRAZ-VPDTX-ANC.<br>Procedure No. 2.<br>Amendment No. 5.<br>Effective date: May 5, 1956.<br>Supersedes Amendment M-4, dated October 1, 1955.<br>Major changes: Realignment of SW course. | Radar transition within 25 nautical miles of ASR station as directed by ATC. | | | W side of NE course:<br>360° outbound.<br>180° inbound.<br>1,500' within 10 nautical miles.<br>(Not authorized beyond 10 nautical miles.) | 1,000 | 216—4.2 | 2 engines or less<br>T-dn<br>C-dn<br>A-dn | 300-1<br>500-1<br>800-2 | 300-1<br>500-1<br>800-2 | Within 4.2 miles climb to 1,500' on SW course (183°) Anchorage LFR within 20 nautical miles.<br>Alternate missed approach: Procedures when directed by ATC: (1) Proceed direct to Anchorage LOM, climb to 1,500' on course of 244° within 20 nautical miles. (2) Climb to 1,500' on NW course Anchorage LFR (296°) to hold at Susitna Intersection. (3) Climb to 2,500' on NW course Merrill LFR (326°) within 20 nautical miles. |
| | | | | | | | More than 2 engines<br>T-dn<br>C-dn<br>A-dn | ----------<br>----------<br>---------- | 200-½<br>500-1½<br>800-2 | |





LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| City and State; airport name, elevation; facility: class and identification; procedure No.; effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance, facility to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| GALENA, ALASKA.<br>Galena Airport, 120'.<br>SBRAZ-PDVT-GAL.<br>Procedure No. 1.<br>Amendment No. 8.<br>Effective date: April 15, 1956.<br>Supersedes Amdt. 7, dated April 14, 1956.<br>Major changes: Raise procedure turn altitude. | Shuttle:<br>E course: 065° outbound, 245° inbound, to 3,000' within 20 nautical miles. | ---------- | ---------- | Nonstandard.<br>S side of E course:<br>065° outbound.<br>245° inbound.<br>2,000' within 10 nautical miles.<br>Not authorized beyond 10 nautical miles. | 1,200 | 245—2.9 nautical miles | 2 engines or less<br>T-dn<br>C-dn<br>S-dn 25<br>A-dn | 300-1<br>400-1<br>400-1<br>800-2 | 300-1<br>500-1<br>400-1<br>800-2 | Within 2.9 nautical miles, climb to 3,000' on W course (245°) Galena LFR within 20 nautical miles.<br>CAUTION: Higher terrain N of final approach course. Make all turns to S side of final approach course. |
| | | | | | | | More than 2 engines<br>T-dn<br>C-dn<br>S-dn 25<br>A-dn | ----------<br>----------<br>----------<br>---------- | 200-½<br>500-1½<br>400-1<br>800-2 | |
| HOMER, ALASKA.<br>Homer Airport, 80'.<br>SBRAZ-VPDT-HOM.<br>Procedure No. 1.<br>Amendment No. 12.<br>Effective date: May 5, 1956.<br>Supersedes Amendment M-11, dated September 10, 1955.<br>Major changes: Item 3—Distance increased to 31 miles. | Anchor Point Intersection (final). | 061—28 nautical miles | 1,900 | S side W course:<br>241° outbound.<br>061° inbound.<br>1,900' within 10 nautical miles. | 1,900 | *063—1.6 nautical miles | 2 engines or less<br>T-dn<br>C-dn<br>A-dn | 400-1<br>500-2<br>800-2 | 400-1<br>500-2<br>800-2 | Within 5.2 nautical miles, turn right, climb to 2,500' on W course (241° outbound) within 20 nautical miles.<br>*Let-down from facility on magnetic course 090° to minimums.<br>CAUTION: Terrain within 1 mile N and W rising to 1,000' and continuing to rise to 1,900' within 4 miles. All maneuvers prior to landing must be accomplished SE of airport. Turn right after takeoff runway 3, turn left after takeoff runway 21. |
| | | | | | | | More than 2 engines<br>T-dn<br>C-dn<br>A-dn | ----------<br>----------<br>---------- | 400-1<br>500-2<br>800-2 | |
| KENAI, ALASKA.<br>Kenai Airport, 93'.<br>SBRAZ-VPDT-ENA.<br>Procedure No. 1.<br>Amendment No. 8.<br>Effective date: May 5, 1956.<br>Supersedes Amendment No. 7, dated August 27 1955.<br>Major changes: 1. Realignment of SW and NE courses. | ---------- | ---------- | ---------- | N side of NE course:<br>003° outbound.<br>183° inbound.<br>1,400' within 10 nautical miles. | 800 | 187—2.1 nautical miles | 2 engines or less<br>T-dn<br>C-dn<br>S-dn 18<br>A-dn | 300-1<br>500-1<br>400-1<br>800-2 | 300-1<br>500-1<br>400-1<br>800-2 | Within 2.1 nautical miles, climb to 1,400' on SW course (187°) within 20 nautical miles. |
| | | | | | | | More than 2 engines<br>T-dn<br>C-dn<br>S-dn 18<br>A-dn | ----------<br>----------<br>----------<br>---------- | 200-½<br>500-1½<br>400-1<br>800-2 | |
| LOUISVILLE, KY.<br>Standiford, 497'.<br>SBMRLZ-DTXV-LOU.<br>Procedure No. 1.<br>Amendment No. 5.<br>Effective date: May 5, 1956.<br>Supersedes Amendment 4 dated January 22, 1951.<br>Major changes: Procedure turn altitude revised. | Eastwood FM (final)---------- | 266—9 | 1,500 | S side E course:<br>086° outbound.<br>266° inbound.<br>2,400' within 10 miles. | 1,500 | 242—6.1 | 2 engines or less<br>T-dn<br>C-d<br>C-n<br>S-d 24<br>S-n 24<br>A-dn | 300-1<br>500-1<br>500-2<br>500-1<br>500-2<br>800-2 | 300-1<br>600-1<br>600-2<br>500-1<br>500-2<br>800-2 | Within 6.1 miles, climb to 2,100' on W course of Louisville LFR within 10 miles. |
| | | | | | | | More than 2 engines<br>T-dn<br>C-d<br>C-n<br>S-d 24<br>S-n 24<br>A-dn | ----------<br>----------<br>----------<br>----------<br>----------<br>---------- | 200-½<br>600-1½<br>600-2<br>500-1½<br>500-2<br>800-2 | |

**2. The automatic direction finding procedures prescribed in § 609.8 are amended to read in part:**

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and latitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area as set forth below.

| City and State; airport name, elevation; facility; class and identification; procedure No.; effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance, facility to airport | Ceiling and visibility minimums: Condition | 2 engines or less: 65 knots or less | 2 engines or less: More than 65 knots | More than 2 engines (more than 65 knots) | If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| ANCHORAGE, ALASKA.<br>Anchorage International Airport, 114'.<br>MHW-JEL.<br>Procedure No. 2.<br>Amendment No. 2.<br>Effective date: May 5, 1956.<br>Supersedes Amendment No. 1 dated October 1, 1955.<br>Major changes: 1. Realinement of SW course. | Merrill LFR-MRI | 200—6.9 | 1,500 | Nonstandard.<br>W side of course:<br>183° outbound.<br>003° inbound.<br>1,500' within 10 miles.<br>Procedure turn W due high terrain E. | 800 | 314—1.8 | T-dn<br>C-dn<br>S-dn 31<br>A-dn | 300-1<br>500-1<br>400-1<br>800-2 | 300-1<br>500-1<br>400-1<br>800-2 | 200-½<br>500-1½<br>400-1<br>800-2 | Within 1.8 miles, climb to 1,500' on SW course Anchorage LFR (183°) within 20 miles. Alternate missed approach procedure when directed by ATC: 1. Proceed direct to Anchorage LOM, climb to 1,500' on course of 214° within 20 miles; 2. climb to 1,500' on NW course Anchorage LFR (296°) to hold at Susitna Intersection; 3. climb to 2,500' on NW course Merrill LFR 326° outbound within 20 miles.<br>CAUTION: 346' hill 1.8 miles SW of airport and 1.5 miles W of final approach between facility and airport. |
| | Anchorage LFR-ANC | 193—4.6 | 1,500 | | | | | | | | |
| | Delta Island Intersection | 063—14.3 | 1,500 | | | | | | | | |
| | Susitna Intersection | 134—14.2 | 1,500 | | | | | | | | |
| | Turnagain Intersection (Intersection SW course ANC LFR and 302° bearing to ANC LOM) final. | 353—4.9 | 800 | | | | | | | | |
| | Radar transition within 25 nautical miles of ASR station as directed by ATC. | | | | | | | | | | |
| DETROIT, MICH.<br>Willow Run, 716'.<br>Detroit Wayne Major.<br>ILS-LOM-RM.<br>Procedure No. 3.<br>Amendment No. 1.<br>Effective date: March 22, 1955. | PROCEDURE CANCELED FEBRUARY 11, 1956—NO LONGER USED BY APPROACH CONTROL. APPROACH TO RUNWAY 32 NOW ACCOMMODATED BY TVOR 32 | | | | | | | | | | |
| SEATTLE, WASH.<br>Boeing Field, 17'.<br>SBRAZ-SEA.<br>Jet Aircraft.<br>Procedure No. 1.<br>Amendment No. 1.<br>Effective date: May 5, 1956.<br>Supersedes Amendment, Original date November 26, 1955.<br>Major changes: Delete standard procedure turn; specify teardrop procedure turn; revise missed approach wording; add initial approach altitude 20,000'. | All directions | | 20,000 | Teardrop type procedure turn:<br>150° outbound.<br>356° inbound.<br>Start descent over station. At one-half initial approach altitude execute descending right turn within 20 miles, complete turn on 356° inbound course minimum altitude 5,000'. | *1,500 | 290—2.1 | | All aircraft | | | Within 2.1 miles, turn left climb to 2,000' on 260° course outbound from SEA-LFR. At 10 miles from LFR commence climb to 14,000' within 25 miles of station or as directed by ATC.<br>*Descent from 2,000' to 1,500' authorized after passing LOM or 4 mile DME fix S of VOR-DME inbound. |
| | | | | | | | T-dn<br>C-dn<br>A-dn | 300-1<br>1,500-2<br>1,500-2 | 300-1<br>1,500-2<br>1,500-2 | 300-1<br>1,500-2<br>1,500-2 | |
| SEATTLE, WASH.<br>Boeing Field, 17'.<br>SBRAZ-SEA.<br>Jet Aircraft.<br>Procedure No. 2.<br>Amendment No. 1.<br>Effective date: May 5, 1956.<br>Supersedes original dated, November 26, 1955.<br>Major changes: Delete standard procedure turn; specify teardrop procedure turn; revise missed approach wording; add initial approach altitude 20,000'. | All directions | | 20,000 | Teardrop type procedure turn:<br>270° outbound.<br>117° inbound.<br>Start descent over station at one-half initial approach altitude execute descending right turn within 20 miles complete turn on 117° course minimum altitude 4,000'. | Over Harbor Island FM* 2,000 | 117—3.2 From Harbor Island FM | | All aircraft | | | Within 3.2 miles of Harbor Island FM turn right climb to 2,000' on 260° course outbound from SEA-LFR. At 10 miles from LFR commence climb to 14,000' within 25 miles of station, or as directed by ATC.<br>*Or 9 miles from SEA-VOR-DME. |
| | Kitsap Intersection (final) | 117—12.0 | 2,000 | | | | T-dn<br>C-dn<br>A-dn | 300-1<br>1,500-2<br>1,500-2 | 300-1<br>1,500-2<br>1,500-2 | 300-1<br>1,500-2<br>1,500-2 | |





**3. The very high frequency omnirange procedures prescribed in § 609.9 (a) are amended to read in part:**

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

| City and State; airport name, elevation; facility; class and identification; procedure No.; effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance, facility to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| BROWNSVILLE, TEX.<br>Rio Grande Valley International, 22'.<br>BVOR-BRO.<br>Procedure No. 1.<br>Amendment 2.<br>Effective date: May 5, 1956.<br>Superseded Amendment 1, dated January 22, 1955.<br>Major changes: Lower missed approach altitude. Minor changes in transition courses. | Brownsville LFR | 103—3.7 nautical miles | 1,200 | N side of course:<br>062° outbound.<br>242° inbound.<br>1,200' within 10 nautical miles. | 600 | 242—2.3 nautical miles | 2 engines or less<br>T-dn<br>C-dn<br>S-dn 26<br>A-dn | 300-1<br>400-1<br>400-1<br>800-2 | 300-1<br>500-1<br>400-1<br>800-2 | Within 2.3 nautical miles climb to 1,200' on radial 242° within 20 nautical miles.<br>CAUTION: 156' water tank 0.5 miles W of airport. |
| | Los Fresnos FM | 138—10.2 nautical miles | 1,200 | | | | | | | |
| | Brownsville LOM | 138—3.9 nautical miles | 1,200 | | | | More than 2 engines<br>T-dn<br>C-dn<br>S-dn 26<br>A-dn | ----------<br>----------<br>----------<br>---------- | 200-½<br>500-1½<br>400-1<br>800-2 | |
| SEATTLE, WASH.<br>Boeing Field, 17'.<br>BVOR-DME-SEA.<br>Jet aircraft.<br>Procedure No. 1.<br>Amendment No. 1.<br>Effective date: May 5, 1956.<br>Supersedes original dated November 26, 1955.<br>Major changes: Delete standard procedure turn; specify teardrop type procedure turn; revise missed approach wording; add initial approach altitude, 20,000'. | All directions | ---------- | 20,000 | Teardrop type procedure turn:<br>290° outbound.<br>145° inbound.<br>Start descent over station at one-half initial approach altitude; execute descending right turn within 20 nautical miles. Complete turn on 145° inbound course, minimum altitude 4,000'. | Over Harbor Island FM* 2,000 | 117—3.2 nautical miles from Harbor Island FM | All aircraft<br>T-dn<br>C-dn<br>A-dn | 300-1<br>1,500-2<br>1,500-2 | 300-1<br>1,500-2<br>1,500-2 | Within 3.2 nautical miles of Harbor Island FM turn right climb to 2,000' outbound on 270° radial SEA-VOR. At 10 nautical miles from VOR commence climb to 14,000' within 25 nautical miles or as directed by ATC.<br>*Or 9 nautical miles from SEA-VOR/DME. |
| | From 15 nautical mile fix to Harbor Island FM (final). | 145—6 nautical miles | 2,000 | | | | | | | |
| SEATTLE, WASH.<br>Boeing Field, 17'.<br>BVOR-DME-SEA.<br>Jet aircraft.<br>Procedure No. 2.<br>Amendment No. 1.<br>Effective date: May 5, 1956.<br>Supersedes original dated November 26, 1955.<br>Major changes: Delete standard procedure turn; specify teardrop procedure turn; revise missed approach wording; add initial approach altitude 20,000'. | All directions | ---------- | 20,000 | Teardrop type procedure turn:<br>250° outbound.<br>010° inbound.<br>Start descent over station. At one-half initial approach altitude execute descending left turn within 20 nautical miles; complete turn on 010° inbound course minimum altitude 4,000'. | 2,000 | 342—5.0 nautical miles | All aircraft<br>T-dn<br>C-dn<br>A-dn | 300-1<br>1,500-2<br>1,500-2 | 300-1<br>1,500-2<br>1,500-2 | Within 5 nautical miles turn left climb to 2,000' outbound on 270° radial SEA-VOR. At 10 nautical miles commence climb to 14,000' within 25 nautical miles, or as directed ATO. |
| | 20 nautical mile fix to SEA-VOR-DME (final). | 010—20 nautical miles | 2,000 | | | | | | | |

**4. The very high frequency omnirange procedures prescribed in § 609.9 (b) are amended to read in part:**

TVOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a TVOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

| City and State; airport name, elevation; facility; class and identification; Procedure No. (TVOR); effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance from int. runway center line, extended and final course to approach end of runway | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at TVOR or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| FRESNO, CALIF.<br>Fresno Air Terminal, 331′.<br>BVOR-DME-FNO.<br>TVOR-11.<br>Original.<br>Effective date: May 5, 1956.<br>Supersedes: None. | FNO LFR | 046—6.1 nautical miles | 1,700 | S side of course:<br>307° outbound.<br>127° inbound.<br>1,700′ within 10 nautical miles.<br>Not authorized beyond 10 nautical miles.<br>Procedure turn not required with DME. | #800 | 108—1.6 nautical miles | 2 engines or less<br>T-dn<br>C-dn<br>S-dn 11<br>A-dn | 300–1<br>#500–1<br>#400–1<br>800–2 | 300–1<br>#500–1<br>#400–1<br>800–2 | Climb to 2,000′ on radial 127° FNO VOR within 20 nautical miles.<br>#1,100′ mean sea level (800′ ceiling) required if DME not available or if ADF bearing 183° to FNO LFR not identified on final. |
| | 5 nautical mile DME fix R-307 (final). | 127—5 nautical miles | #800 | | | | More than 2 engines<br>T-dn<br>C-dn<br>S-dn 11<br>A-dn | ----------<br>----------<br>----------<br>---------- | 200–½<br>#500–1½<br>#400–1<br>800–2 | |
| | From 10 nautical mile to 5 nautical mile fixes on R-307. | 127—5 nautical miles | 1,100 | | | | | | | |
| | Orbiting between 10 nautical miles and 15 nautical miles at 1,700′ authorized between radials 271° and 312° in either direction. | | | | | | | | | |
| FRESNO, CALIF.<br>Fresno Air Terminal, 331′.<br>BVOR-DME-FNO.<br>TVOR-29.<br>Amendment 1.<br>Effective date: May 5, 1956.<br>Supersedes Original, dated, November 5, 1953.<br>Major changes: Missed approach changed; new format. | FNO LFR | 046—6.1 nautical miles | 1,700 | S side of course:<br>095° outbound.<br>275° inbound.<br>1,700′ within 10 nautical miles.<br>Not authorized beyond 10 nautical miles. | #800 | 288—2.1 nautical miles | 2 engines or less<br>T-dn<br>C-dn<br>S-dn 29<br>A-dn | 300–1<br>500–1<br>#400–1<br>800–2 | 300–1<br>500–1<br>#400–1<br>800–2 | Climb to 2,000′ on 275° radial FNO VOR within 20 nautical miles.<br>#800′ mean sea level (500′ ceiling) required if DME not available or if ADF bearing abeam FNO LOM not identified on final. |
| | 5 nautical mile DME fix R-095 (final). | 275—5 nautical miles | #700 | | | | More than 2 engines<br>T-dn<br>C-dn<br>S-dn 29<br>A-dn | ----------<br>----------<br>----------<br>---------- | 200–½<br>500–1½<br>#400–1<br>800–2 | |
| LANCASTER, PA.<br>Municipal, 403′.<br>TVOR-LRP.<br>TVOR-8.<br>Effective date: May 5, 1956.<br>Amendment "Original".<br>Facility owned and operated by the Lancaster Airport Authority. | Lancaster Radiobeacon or Intersection. | 060—5 | 2,000 | S side of course:<br>262° outbound.<br>082° inbound.<br>2,000′ within 10 miles of TVOR. | #900 | 076—0.5 | 2 engines or less<br>T-dn<br>C-dn<br>S-dn 8<br>A-dn | 300–1<br>500–1<br>500–1<br>800–2 | 300–1<br>600–1<br>500–1<br>800–2 | Climb to 2,000′ on radial 082° within 10 miles and return to TVOR at 2,000′.<br>#Maintain 1,200′ until after passing Landisville Intersection. If aircraft not equipped to identify Landisville Intersection, ceiling minimum of 800′ is applicable for landing.<br>*Intersection, Lancaster, Pa., TVOR 082° radial and Harrisburg, Pa., 115° radial or 133° bearing to Lancaster, Pa., Radiobeacon.<br>CAUTION: 1,490′ tower 17 miles SW of airport. |
| | Landisville Intersection* (final). | 082-6.5 | #900 | | | | | | | |
| LANCASTER, PA.<br>Municipal, 403′.<br>TVOR-LRP.<br>TVOR-13 (using Lancaster Radiobeacon).<br>Effective Date: May 5, 1956.<br>Amendment "Original."<br>Facility owned and operated by the Lancaster Airport Authority. | Lancaster Radiobeacon or Intersection. | 060—5 | 2,000 | S side of course:<br>300° outbound.<br>120° inbound.<br>2,000′ within 10 miles of Manheim Intersection. | #900 | 128—0.5 | 2 engines or less<br>T-dn<br>C-dn<br>S-dn 13<br>A-dn | 300–1<br>500–1<br>500–1<br>800–2 | 300–1<br>600–1<br>500–1<br>800–2 | Climb to 2,000′ on radial 120° within 10 miles and return to Lancaster TVOR at 2,000′.<br>#Maintain 1,400′ until after passing Manheim Intersection. If aircraft not equipped to receive Manheim Intersection, ceiling minimum of 1,000′ is applicable for landing.<br>*Intersection Lancaster, Pa., TVOR radial 300° and 188° bearing to Lancaster, Pa., Radiobeacon. |
| | Manheim Intersection* (final). | 120—4.5 | #900 | | | | | | | |



TVOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| City and State; airport name, elevation; facility; class and identification; Procedure No. (TVOR); effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance from int. runway center line extended and final course to approach end of runway | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at TVOR or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| LANCASTER, PA.<br>Municipal, 403′.<br>TVOR-LRP.<br>TVOR-31.<br>Effective date: May 5, 1956.<br>Amendment, "Original."<br>Facility owned and operated by the Lancaster Airport Authority. | Lancaster Radiobeacon or Intersection. | 060—5 | 2,000 | N side of course:<br>137° outbound.<br>317° inbound.<br>2,000′ within 10 miles. | 1,000 | 308—0.5 | 2 engines or less<br>T-dn<br>C-dn<br>A-dn | 300–1<br>600–1<br>800–2 | 300–1<br>600–1<br>800–2 | Climb to 2,000′ on radial 317° within 10 miles. Make left turn and return to Lancaster TVOR at 2,000′. |

**5. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:**

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

| City and State; airport name, elevation; facility; class and identification; procedure No.; effective date | Transition to ILS: From— | To— | Course and distance (nautical miles) | Minimum altitudes (ft.) | Procedure turn (—) side of final approach course (outbound and inbound; altitudes; limiting distances | Minimum altitude at glide slope intercept ion inbound (ft.) | Altitude of glide slope and distance to approach end of runway at—: Outer marker | Middle marker | Ceiling and visibility minimums: Condition | Type aircraft: 75 m.p.h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established upon descent to authorized landing minimums or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| ALBUQUERQUE, N. MEX.<br>Kirtland AFB/MUN 5,352′.<br>Procedure No. 1, Amendment No. 13.<br>Effective date: May 5, 1956.<br>Supersedes Amendment No. 12, dated December 11, 1955.<br>Major changes: Add transitions from Bernardo Intersection and Belen MH.<br>Distances indicated in nautical miles. | Albuquerque LFR | LOM | 159—1.1 | 7,000 | W side S course:<br>170° outbound.<br>350° inbound.<br>7,000′ within 10 nautical miles. | 6,400 | 6,400—3.8 nautical miles | 5,530—0.6 nautical miles | 2 engines or less<br>T-dn<br>C-dn | 300–1<br>400–1 | 300–1<br>500–1 | Turn left to 325° heading and climb to 8,000′ on N course ABQ LFR or 010 radial ABQ VOR within 20 nautical miles.<br>Alternate missed approach: When directed by ATC turn left and climb to 8,000′ on 256 radial ABQ VOR within 20 nautical miles.<br>CAUTION: Terrain exceeding 8,000′ E of ILS localizer—all turns to be made W of course. |
| | Albuquerque VOR | LOM | 104—11.7 | 7,000 | | | | | S-dn<br>Runway 35 | 200–½ | 200–½ | |
| | La Joya Intersection | LOM | 354—25 | 7,500 | | | | | A-dn | 600–2 | 600–2 | |
| | Peralta Intersection/FM (final). | LOM | 350—9.1 | 6,400 | | | | | More than 2 engines<br>T-dn<br>C-dn | ----------<br>---------- | 200–½<br>500–1½ | |
| | Aden Intersection | LOM | 170—26 | 9,000 | | | | | S-dn<br>Runway 35 | ---------- | 200–½ | |
| | Weiler Intersection | LOM | 170—16.5 | 7,000 | | | | | A-dn | ---------- | 600–2 | |
| | Kirtland Intersection | LOM | 170—5.0 | 7,000 | | | | | | | | |
| | Intersection 090 radial ABQ VOR and ILS S course. | LOM | 170—2.6 | 7,000 | | | | | | | | |
| | Intersection 107 radial ABQ VOR and ILS S course. | LOM | 350—0.7 | 7,000 | | | | | | | | |
| | Belen Radiobeacon | LOM | 004—13.1 | 7,000 | | | | | | | | |
| | Bernardo Intersection | LOM | 349—34 | 8,000 | | | | | | | | |

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| City and State; airport name, elevation; facility: class and identification; procedure No.; effective date | Transition to ILS: From— | Transition to ILS: To— | Transition to ILS: Course and distance (nautical miles) | Transition to ILS: Minimum altitudes (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude at glide slope interception inbound (ft.) | Altitude of glide slope and distance to approach end of runway at—: Outer marker | Altitude of glide slope and distance to approach end of runway at—: Middle marker | Ceiling and visibility minimums: Condition | Ceiling and visibility minimums: Type aircraft: 75 m.p.h. or less | Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h. | If visual contact not established upon descent to authorized landing minimums or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| ANCHORAGE, ALASKA. Anchorage International Airport 114'. ILS-I-ANC. LOM-AN. Combination ILS and ADF. Procedure No. 1. Amendment No. 3. Effective date: May 5, 1956. Supersedes Amendment M-2 dated October 1, 1955. Major changes: (1) Realignment of SW course. | Anchorage LFR | LOM | 234—8.7 | 1,500 | S side of W course: 244° outbound, 064° inbound, 1,500' within 10 nautical miles of LOM. | ILS 1,500 / ADF 1,500 over LOM | 1,500—4.8 nautical miles | 320—0.6 nautical miles | 2 engines or less | | | Within 4.8 nautical miles after passing LOM (ADF) climb to 1,500' on SW course (183°) ANC LFR within 20 nautical miles. Alternate missed approach procedures when directed by ATC: (1) climb to 1,500' on W course ILS (244° ADF) within 20 nautical miles of LOM. (2) climb to 1,500' on NW course ANC LFR (296°) to hold at Susitna Intersection. (3) Climb to 2,500' on NW course Merrill LFR (326°) within 20 nautical miles. |
| | Merrill LFR | LOM | 230—11 | 1,500 | | | | | T-dn | 300-1 | 300-1 | |
| | Delta Island Intersection | LOM | 050—8.9 | 1,500 | | | | | C-dn | 500-1 | 500-1 | |
| | Jewel Lake FM | LOM | 265—6.9 | 1,500 | | | | | S-dn | | | |
| | Jewel Lake Radiobeacon | LOM | 263—6.1 | 1,500 | | | | | 6-ILS | 300-½ | 300-½ | |
| | Susitna Intersection | LOM | 159—11.5 | 1,500 | | | | | 6-ADF | 400-1 | 400-1 | |
| | Turn again Intersection (Intersection SW course ANC LFR and 302° bearing to ANC LOM) final. | LOM | 302—7.5 | 1,500 | | | | | A-dn ILS | 600-2 | 600-2 | |
| | | | | | | | | | ADF | 800-2 | 800-2 | |
| | | | | | | | | | More than 2 engines | | | |
| | | | | | | | | | T-dn | ---------- | 200-½ | |
| | | | | | | | | | C-dn | ---------- | 500-1½ | |
| | | | | | | | | | S-dn 6-ILS | ---------- | 300-½ | |
| | | | | | | | | | 6-ADF | ---------- | 400-1 | |
| | | | | | | | | | A-dn ILS | ---------- | 600-2 | |
| | | | | | | | | | ADF | ---------- | 800-2 | |
| | Radar transition within 25 nautical miles of ASR station as directed by ATC. | | | | | | | | | | | |
| BURBANK, CALIF. Lockheed Air Terminal 764'. ILS-BUR. Procedure No. 1. Amendment No. 6. Effective date: May 5, 1956. Supersedes Amendment No. 5, dated August 6, 1955. Major changes: Second transition from Fillmore added; transitions from Shoreline Intersection and Saugus Intersection added. | Burbank LFR | LOM | 251—9.5 | *5,000 | S side of course: 256° outbound, 076° inbound, 4,100' within 10 nautical miles W of LOM. Beyond 10 nautical miles not authorized. | 4,100 | 4,078—12.3 nautical miles | 1,268—1.7 nautical miles / Inner compass Locator 882—0.4 nautical miles | All aircraft | | | Turn right and climb to 4,100' on W course of BUR ILS to LOM. Alternate missed approach: When directed by ATC, climb to 3,000' on SE course of BUR LFR, then make 180° right turn, continuing climb to 5,000' while homing on BUR LFR and hold at BUR LFR in nonstandard 2 minute pattern on SE course; or, if directed by ATC, climb to 5,000' on SE course of BUR LFR. CAUTION: 2,000' terrain 2½ miles NE of airport rising to 3,126' approximately 4 miles E-NE of airport. *4,100' authorized after track is established westbound on ILS localizer. #600-1 required for all take-offs when departing via SE course BUR LFR. 200-½ authorized for take-off on runway 25 for 4-engine aircraft. |
| | Saugus Intersection | LOM | 184—19 | 7,000 | | | | | #T-dn | 300-1 | 300-1 | |
| | Simi Intersection (final) | LOM | 131—7.8 | 4,100 | | | | | C-d | 900-1½ | 900-1½ | |
| | Broome Intersection (final) | LOM | 076—13.8 | 4,100 | | | | | C-n | 900-2 | 900-2 | |
| | Malibu Intersection | LOM | 358—19.1 | 5,000 | | | | | S-dn Ry 7 | 600-1 | 600-1 | |
| | Shoreline Intersection | LOM | 344—11 | 5,000 | | | | | A-dn | 900-2 | 900-2 | |
| | Newhall LFR | LOM | 181—12.2 | 6,000 | | | | | | | | |
| | Fillmore VOR | LOM | 109—16.5 | 5,000 | | | | | | | | |
| | Fillmore VOR (final) | ILS CRS | 120—13 | 5,000 | | | | | | | | |



6. The ground controlled approach procedures prescribed in § 609.13 are amended to read in part:

GCA STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. NOTE: Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a GCA instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with GCA to final authorized landing minimums the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a PAR approach, or for more than 30 seconds during an ASR approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

| City and State; airport name; airport elevation; effective date | Radar terminal area; maneuvering altitudes by sectors and limiting distances | Ceiling and visibility minimums: Runway No. | Condition | Precision approach (PAR): 2 engines or less: 65 knots or less | Precision approach (PAR): 2 engines or less: Over 65 knots | Precision approach (PAR): More than 2 engines: Over 65 knots | Surveillance approach (ASR): 2 engines or less: 65 knots or less | Surveillance approach (ASR): 2 engines or less: Over 65 knots | Surveillance approach (ASR): More than 2 engines: Over 65 knots | Missed approach procedure |
|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| ANCHORAGE, ALASKA. Anchorage International Airport 114'. Procedure No. 1. Amendment No. 1. Effective date: May 5, 1956. Supersedes Amendment No. Original, dated May 21, 1955. Major changes: 1. Realinement of SW course. | All bearings are to the radar with sector azimuths progressing clockwise. | All runways | T-dn | ---------- | ---------- | ---------- | 300-1 | 300-1 | 200-½ | Climb to 1,500' on SW course Anchorage LFR (183° outbound) within 20 nautical miles of Jewel Lake MH/FM. Alternate missed approach procedures when directed by ATC: (1) Climb to 1,500' proceeding direct to Anchorage LOM, thence on course of 244° outbound, 064° inbound within 20 nautical miles. (2) Climb to 1,500' on NW course Anchorage LFR (296° outbound) to hold at Susitna Intersection. (3) Climb to 2,500' on NW course of Merrill LFR (326° outbound) within 20 nautical miles. *ASR approach on runway 24 not authorized due high terrain E and ground clutter. CAUTION: Terrain 346' MSL 2 miles SSW of airport and 1.5 miles west of approach course to runway 31. |
| | | | C-dn | ---------- | ---------- | ---------- | 500-1 | 500-1 | 500-1½ | |
| | | | A-dn | ---------- | ---------- | ---------- | 800-2 | 800-2 | 800-2 | |
| | Within 5 miles: 340°-200° 1,400'. 200°-300° 2,500'. 300°-340° 1,400'. | 24° | S-dn | ---------- | ---------- | ---------- | NA | NA | NA | |
| | | 6, 31, 13 | S-dn | ---------- | ---------- | ---------- | 400-1 | 400-1 | 400-1 | |
| | Within 8 miles: 340°-200° 1,400'. 200°-300° 9,000'. 300°-340° 1,400'. | | | | | | | | | |
| | Within 15 miles: 340°-200° 1,500'. 200°-300° 9,000'. 300°-340° 5,000'. | | | | | | | | | |
| | Within 20 miles: 340°-200° 1,500'. 200°-300° 9,000'. 300°-340° 6,000'. | | | | | | | | | |
| | Within 25 miles: 340°-200° 1,500'. 200°-300° 9,500'. 300°-340° 6,500'. | | | | | | | | | |

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

JAMES T. PYLE,
*Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 56-2443; Filed, Apr. 6, 1956; 8:45 a. m.]

# TITLE 32—NATIONAL DEFENSE

## Chapter I—Office of the Secretary of Defense

### Subchapter A—Armed Services Procurement Regulations

[Amdt. 11]

MISCELLANEOUS AMENDMENTS

The following amendments are made to this subchapter:

PART 1—GENERAL PROVISIONS

SUBPART C—BASIC POLICIES

A new § 1.309 has been added to implement P. L. 664, 83d Congress (15 U. S. C. 616a, 68 Stat. 832), which amends section 901 of the Merchant Marine Act, 1936 (46 U. S. C. 1241). The amendment requires, generally, the transportation of at least 50 percent of certain military supplies by privately owned United States commercial vessels when such supplies are transported by sea. Section 1.309 reads as follows:

§ 1.309 *Preference for United States-flag privately owned ocean carriers*—(a) *Definitions.* As used in this section:

(1) "Dry bulk carriers" are ships for the carriage of shipload lots of homogeneous unmarked cargoes such as grain, coal, cement and lumber;

(2) "Dry cargo liners" are ships used for the carriage of heterogeneous marked cargoes in parcel lots. However, any cargo can be carried in such ships, including part cargoes of bulk items such as those mentioned in subparagraph (1) of this paragraph, or, when carried in deep tanks, bulk liquids such as petroleum and vegetable oils;

(3) "Tankers" are ships used for the carriage of bulk liquid cargoes such as liquid petroleum products, vegetable oils and molasses;

(4) "Government vessel" means a vessel owned by the United States Government and operated directly by the Government or for the Government by an agent or contractor, including privately owned United States-flag vessels under bareboat charter to the Government;

(5) "Private United States vessel" means a privately owned United States-flag commercial vessel, including such vessels when under voyage or time charter to the United States Government, and including Government-owned vessels under bareboat charter to private operators; and

(6) "United States-flag vessels" when used independently means both Government vessels and private United States vessels.

(b) *General.* It is the policy of the Department of Defense, in furtherance of the Cargo Preference Act (68 Stat. 832; 46 U. S. C. A. 1241 (b)) and the act of April 28, 1904 (33 Stat. 518; 10 U. S. C. 1365; 34 U. S. C. 528), to encourage and foster the American merchant marine. When transportation of supplies by ocean vessel is required:

(1) Private United States vessels shall be employed for the transportation of at least 50 percent of the aggregate gross tonnage per annum of the following categories of supplies:

(i) Supplies owned by the Government and in the possession of a Military Department, or of a contractor, or subcontractor of any tier, of a Military Department;

(ii) Supplies for the use of the United States which are contracted for and require subsequent delivery to a Military Department but are not owned by the Government at the time of shipment; and

(iii) Supplies procured, contracted for or otherwise obtained for nonreimbursable contribution to foreign assistance programs, but which are not owned by the Government at the time of shipment: *Provided,* That this requirement shall not extend to the ocean transportation between foreign countries of supplies procured with local currency funds made available, or derived from funds made available, under the Mutual Security Act.

*Provided,* That the allocation of gross tonnage will be computed separately for dry bulk carriers, dry cargo liners, and tankers and in such a manner as to assure fair and reasonable participation by geographic areas; *and provided,* That pivate United States vessels are available at fair and reasonable rates for such vessels;

(2) Only United States-flag vessels will be employed for the transportation of the supplies defined in subparagraph (1) (i) of this paragraph unless such vessels are not available at fair and reasonable United States-flag rates.

(c) *Applicability.* (1) For the purposes of this paragraph the following geographic areas are established:

(i) *North Atlantic.* Includes Eastern Canada from the United States border to Goose Bay, Labrador; and Narsarssuak, Greenland.

(ii) *U. S. East Coast.* Includes the eastern United States from the Canadian border to (and including) Key West, Florida.

(iii) *U. S. Gulf.* Extends from (but excluding) Key West, Florida, to the Mexican border.

(iv) *Caribbean.* Includes Bermuda; Bahamas, Cuba, Puerto Rico; Haiti; Dominican Republic; Jamaica; Windward and Leeward Islands; Trinidad; the eastern coast of Mexico; the eastern coast of Central America; and the northern coast of South America up to (and including) French Guiana.

(v) *Eastern South America.* Includes the eastern coast of South America from (but excluding) French Guiana to Cape Horn.

(vi) *North Europe.* From the northern boundary of Portugal includes northern Atlantic and Biscay ports of Spain; Bordeaux/Hamburg range; Scandinavian and Baltic Sea ports; England, Wales, Scotland and Ireland; Iceland.

(vii) *Mediterranean.* Includes Azores; Canary Islands; French and Spanish Morocco; Mediterranean ports extending from Gibraltar to Suez Canal; ports on Adriatic and Aegean Sea, Sea of Marmora and Black Sea; and Atlantic ports of Portugal and Spain from Gibraltar to the northern boundary of Portugal.

(viii) *West Africa.* Includes the western coast of Africa from northern boundary of Rio de Oro to southern boundary of Angola and includes the Cape Verde Islands, Ascension Island and St. Helena.

(ix) *South and East Africa.* Includes the southern and eastern coast of Africa and Madagascar from southern boundary of Angola on the west coast and around the south and east coast to Cape Guardafui between the Gulf of Aden and the Indian Ocean.

(x) *South Asia.* Extends from Suez to but excluding New Guinea. Includes the shores of the Red Sea; shore of the Gulf of Aden; the northern shores of the Indian Ocean including extensions such as the Persian Gulf; the East Indies including Borneo, the Celebes, etc., but excluding the Philippines and New Guinea; and the Malay peninsula excluding Thailand.

(xi) *New Guinea-Australia.* Includes Australia; New Guinea; Tasmania; New Zealand and Melanesia (comprising generally the Admiralty Islands, New Ireland, New Britain, the Solomons, New Hebrides and New Caledonia).

(xii) *East Asia.* Includes the ports of the mainland and islands of East Asia from and including Thailand to and including Japan; includes the Philippines, Formosa, the Ryukyu Islands and the Bonins.

(xiii) *Hawaii-Central Pacific.* Hawaiian Islands; Wake/Marcus; and Oceania and Micronesia (comprising generally Palau, Marianas, Carolines, Gilberts, Fijis, Marquesas, Taumotu Archipelago, etc., but excluding oceanic island possessions of South American countries).

(xiv) *Alaska and Aleutian Islands.* Includes the western coast of Canada and Alaska (including the Aleutian Islands) south of Cape Prince of Wales.

(xv) *U. S. Northwest.* Includes all Oregon and Washington ports.

(xvi) *U. S. West Coast.* Includes all California.

(xvii) *Western Mexico and Central America.* Includes the western coast of Mexico and the western coast of Central America.

(xviii) *Western South America.* Includes the western coast of South America from (and including) the Republic of Colombia to Cape Horn, and the Pacific Island possessions of South American countries.

(xix) *Exempt areas.* (*a*) Alaska, north of Cape Prince of Wales.

(*b*) Greenland, except Narsarssuak.

(*c*) Northern and eastern Canada from Goose Bay, Labrador, to Alaska.

(*d*) Ports and facilities under security restrictions in otherwise nonexempt areas.

(*e*) Antarctica.

(2) The procedures set forth in this subparagraph are applicable to all ocean shipments of supplies except:

(i) Shipments in vessels assigned to United States Navy fleets other than the Military Sea Transportation Service;

(ii) Shipments which originate or terminate in "exempt areas" as established in subparagraph (1) of this paragraph;



(iii) Shipments which originate and terminate in the same geographic area: *Provided, however,* That supplies of the type described in paragraph (b) (1) (i) of this section shall be transported in United States-flag vessels to the extent such vessels are available at fair and reasonable United States-flag rates;

(iv) Shipments aboard vessels of the Panama Canal Company; and

(v) Shipments of classified supplies where the classification prohibits the use of non-Government vessels.

(d) *Procedures.* (1) Ocean transportation of supplies owned by the Government and in the possession of either a Military Department, or a contractor, or subcontractor of any tier, of a Military Department, will be provided by the Military Sea Transportation Service. Accordingly, any contract which may involve ocean transportation of property owned by the Government and in the possession of the contractor or any of its subcontractors (including any contract under which title to property may pass to the Government prior to shipment) shall include a provision requiring the shipment of such property only as directed by the Contracting Officer, who shall be guided by this subchapter and applicable Departmental procedures. The Military Sea Transportation Service shall take such action as may be necessary and practicable to assure proper utilization of Government vessels and private United States vessels in accordance with § 1.310 and applicable service regulations. The Commander of the Military Sea Transportation Service, or his designated representative, is authorized to make any determination as to availability of United States-flag vessels required to assure such proper utilization.

(2) (i) Except as provided in subdivision (ii) of this subparagraph, procuring activities shall include the following clause in any contract which may involve the ocean transportation of supplies of the type described in paragraph (b) (1) (ii) and (iii) of this section:

EMPLOYMENT OF OCEAN GOING VESSELS

If ocean transportation is required after the date of award of this contract in delivering any of the supplies to be furnished hereunder, the Contractor, promptly after each shipment, shall furnish to the Contracting Officer one copy of the applicable ocean shipping document indicating for each shipment made under this contract the name and nationality of the vessel and the measurement tonnage (40 cubic feet) of dry cargo, or long tons (2,240 pounds) of bulk liquid cargo, shipped on such vessel.

Additional provisions concerning the vessels to be used may be inserted in accordance with Departmental procedures.

(ii) The contract shall include the following clause in lieu of the clause set forth in subdivision (i) of this subparagraph (*a*) when determined by the head of a Procuring Activity to be necessary to assure proper implementation of the policy expressed in this section or (*b*) when the procuring activity has been instructed, pursuant to paragraph (e) (2) of this section, that particular supplies of the type described in paragraph (b) (1) (ii) and (iii) of this section are to be carried exclusively in private United States vessels:

PREFERENCE FOR UNITED STATES-FLAG VESSELS

(a) After the date of award of this contract, the Contractor shall employ privately owned United States-flag commercial vessels, and no others, in the transportation by sea of any supplies to be furnished hereunder: *Provided, however,* That if such vessels are not available for timely shipment at fair and reasonable rates for such vessels, the Contractor shall so notify the Contracting Officer and request authorization to ship in foreign flag vessels or designation of available United States-flag vessels. If the Contractor is authorized in writing by the Contracting Officer to ship such supplies in foreign flag vessels, the contract price shall be equitably adjusted to reflect the difference in costs of shipping such supplies on privately owned United States-flag commercial vessels and foreign flag vessels.

(b) Promptly after each shipment the Contractor shall furnish the Contracting Officer one copy of the applicable shipping document indicating for each shipment made under this contract the name and nationality of the vessel and the measurement tonnage (40 cubic feet) of dry cargo, or long tons (2,240 pounds) of bulk liquid cargo, shipped on such vessels.

(e) *Responsibilities*—(1) *Military Departments.* (i) Each Military Department will furnish quarterly reports to the Office of the Secretary of Defense, showing the gross tonnage of all supplies owned, procured, contracted for or otherwise obtained (computed separately for dry bulk carriers, dry cargo liners, and tankers) which have been transported by ocean carrier, during the report period. Such report will consist of two parts. Part I will include all tonnage subject to this section except Mutual Defense Assistance Program tonnage and Part II will show all Mutual Defense Assistance Program tonnage. The report will also show the geographic area of origin and of destination and shall separately reflect all such information for:

(*a*) Private United States vessels;

(*b*) Government vessels (showing separately where Government vessels were used due to nonavailability of private United States vessels); and

(*c*) Foreign-flag vessels (showing separately where foreign vessels were used due to nonavailability of United States-flag vessels).

Cargoes transported under arrangements made by the Military Sea Transportation Service will be excluded from the reports made by the Military Departments. Until a Department of Defense report form is announced in Part 16 of this subchapter, the Military Departments will maintain records of required information and prepare reports in accordance with Departmental procedures. After promulgation, the appropriate Department of Defense form will be used by the Military Departments in furnishing the required reports, except that if a Military Department develops, for its own use, reports which meet the requirements of this section, and which are acceptable to the Assistant Secretary of Defense (Supply and Logistics), such reports may be forwarded in lieu of the Department of Defense form.

(ii) The Department of Navy will also furnish quarterly reports in two parts as described in subdivision (i) of this subparagraph to the Office of the Secretary of Defense showing the gross tonnage of all supplies (computed separately for dry bulk carriers, dry cargo liners, and tankers) for which transportation has been arranged by the Military Sea Transportation Service by geographic areas of origin and destination for:

(*a*) Private United States vessels;

(*b*) Government vessels (showing separately where Government vessels were used due to nonavailability of private United States vessels); and

(*c*) Foreign-flag vessels (showing separately where foreign vessels were used due to nonavailability of United States-flag vessels).

(2) *Office of the Secretary of Defense.* The Office of the Secretary of Defense will evaluate the reports submitted under subparagraph (1) of this paragraph. In the event the evaluation of the reports indicates the need for increased utilization of private United States vessels, the Office of the Secretary of Defense will issue appropriate instructions to the Military Departments.

PART 3—PROCUREMENT BY NEGOTIATION

SUBPART D—TYPES OF CONTRACTS

Section 3.405–3 has been added to set forth uniform policy concerning conditions under which letter contracts may be awarded, limitations upon the authority to use them, and minimum requirements concerning contract clauses.

§ 3.405–3 *Letter contract*—(a) *Description.* A letter contract is a written preliminary contractual instrument which authorizes immediate commencement of manufacture of supplies, or performance of services, including, but not limited to, preproduction planning and the procurement of necessary materials.

(b) *Applicability.* A letter contract may be entered into when (1) the interests of national defense demand that the contractor be given a binding commitment so that work can be commenced immediately, and (2) negotiation of a definitive contract in sufficient time to meet the procurement need is not possible, as, for example, when the nature of the work involved prevents the preparation of definitive requirements, specifications, or cost data.

(c) *Limitations.* (1) A letter contract shall be used only after a determination in accordance with Departmental procedures that no other type of contract is suitable.

(2) A letter contract shall not be entered into without competition when competition is practicable.

(3) A letter contract shall be superseded by a definitive contract at the earliest practicable date. This date shall be prior to:

(i) the expiration of 180 days from the date of the letter contract; or

(ii) 40 percent of the production of the supplies, or the performance of the work, called for under the contract; whichever occurs first. In extreme cases, an additional period may be au-

thorized in accordance with Departmental procedures.

(4) The maximum liability of the Government stated in the letter contract generally shall not exceed 50 percent of the total estimated cost of the procurement, but this liability may be increased in accordance with Departmental procedures.

(d) *Content.* Letter contracts shall be specifically negotiated and shall, as a minimum requirement, include agreement as to the following:

(1) That the contractor will proceed immediately with performance of the contract, including procurement of necessary materials;

(2) The extent and method of payments in the event of termination either for the convenience of the Government or for default;

(3) That the contractor is not authorized to expend moneys or incur obligations in excess of the maximum liability of the Government as stated in the letter contract;

(4) The type of definitive contract;

(5) As many definitive contract provisions as possible;

(6) That the contractor shall provide such price and cost information as may reasonably be required by the Contracting Officer;

(7) That the contractor and the Government shall promptly enter into negotiations in good faith to reach agreement upon and execute a definitive contract.

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PART 5—INTERDEPARTMENTAL PROCUREMENT

SUBPART A—PROCUREMENT UNDER FEDERAL SUPPLY SCHEDULE CONTRACTS

Revisions to §§ 5.103, 5.501 through 5.508 and 5.701, prescribe forms to be used in connection with interdepartmental procurements (from GSA and under the Economy Act of 1932). In addition, these revisions clarify the procedure in connection with the purchase of blind-made products.

§ 5.103 *Mandatory use of Federal Supply Schedules.* Those classes of supplies and services, the procurement of which under Federal Supply Schedules is designated as mandatory on the Department of Defense, are listed in § 5.103–2. Procurement of such supplies and services shall be effected by placing delivery orders on DD Form 702 or DD Form 738 (see §§ 16.303 and 16.304 of this subchapter) under the applicable Federal Supply Schedule contract as required by the provisions of the corresponding Federal Supply Schedule.

SUBPART E—PROCUREMENT OF BLIND-MADE SUPPLIES

Sections 5–501 to 5.506 have been revised as follows and §§ 5.507 and 5.508 revoked:

§ 5.501 *General.* Supplies listed in the Schedule of Blind-Made Products shall be procured in accordance with the policies and procedures set forth in this subpart.

§ 5.502 *Schedule of supplies which are blind-made.* Supplies manufactured by agencies for the blind are listed in the Schedule of Blind-Made Products (referred to in this subpart as the Schedule), now printed in separate loose-leaf form, copies of which may be obtained from any of the General Services Administration Regional Offices or Depots listed in § 5.204. Items available from stocks at General Services Administration Stores Depots are so identified in the Schedule.

§ 5.503 *Mandatory procurement of blind-made supplies.* (a) Except as provided in § 5.402, supplies listed in the Schedule shall be procured from agencies for the blind. Orders for such supplies shall be submitted to the General Services Administration Stores Depot which can best serve the procuring activity or installation, except that when one of the conditions set forth in this paragraph is present, procurement shall be through the National Industries for the Blind.

(1) Supplies require overseas packaging or packing;

(2) Supplies are required in carload lots, as described in the Consolidated Freight Classification for the commodity concerned;

(3) Supplies are stocked by General Services Administration Stores Depots, but the procuring activity or installation is so located that it is more practical and economical to purchase directly from the agency for the blind which manufactures the supplies, rather than from the stores depot; or

(4) The schedule indicates that the supplies are not stocked by General Services Administration Stores Depots.

(b) Supplies listed in the Schedule may be procured from commercial sources under any of the conditions set forth below without securing clearance;

(1) Military necessity requires delivery within two weeks;

(2) The procurement is less than a single unit as listed in the Schedule or is for $25 or less; or

(3) Supplies are both procured and used outside the continental United States and Alaska.

§ 5.504 *Procurement procedure.*

§ 5.504–1 *From General Services Administration Stores Depots.* When procurement of blind-made supplies is to be effected from a General Services Administration Stores Depot, such procurement shall be made by submitting a delivery order on DD Form 702 or DD Form 738 (see §§ 16.303, 16.304 of this subchapter) to the General Services Administration Stores Depot which can best serve the procuring activity or installation.

§ 5.504–2 *Through National Industries for the Blind.* When procurement of blind-made supplies is to be effected through the National Industries for the Blind, such procurement shall be made by submitting directly to the National Industries for the Blind, 15 West 16th Street, New York 11, New York, a request, in letter form, for an allocation. Upon receipt of the request, requirements will be allocated by the National Industries for the Blind and the procuring activity will be notified of the name and location of the agency designated to manufacture the requirements. Upon receipt of such notification, a delivery order on DD Form 702 or DD Form 738, as appropriate, shall be issued to the designated agency for the blind.

§ 5.505 *Clearances.* In addition to the exceptions listed in § 5.503 (b) the Military Departments may procure from commercial sources, supplies of the types listed in the Schedule only to the extent that such procurement is specifically authorized in clearances issued by National Industries for the Blind or General Services Administration as provided below.

§ 5.505–1 *Emergency requirements.* In an emergency when the required delivery date is in excess of two weeks, procurement of supplies of the classes listed in the Schedule may be made from a commercial source: *Provided, however,* That a clearance shall be obtained, prior to the purchase, from the General Services Administration regional office which normally serves the procuring activity or installation.

§ 5.505–2 *Supplies not available from agencies for the blind.* When a request for supplies is submitted to National Industries for the Blind and notification is received that none of the agencies for the blind can furnish the supplies within the period specified, an open-market purchase of the items listed in such notification may be effected: *Provided,* That purchase action is instituted within 30 days from the date of notification.

§ 5.506 *Optional procurement of blind-made supplies.* Supplies of any type or classification may be procured from agencies for the blind in any quantity, including less than carload lots, when such agency is the low bidder or offeror in response to an invitation for bids or request for proposals.

SUBPART G—PROCUREMENT UNDER THE ECONOMY ACT FROM OR THROUGH ANOTHER FEDERAL AGENCY

Section 5.701, as revised, reads as follows:

§ 5.701 *Authorization and policy relating to placing and filling orders.* Each procuring activity, when it is in the interest of the Government to do so, may place delivery orders, on DD Form 702 or DD Form 738 (see §§ 16.303 and 16.304 of this subchapter), with any other Government department or agency for supplies or services that any such requisitioned department or agency may be in a position to furnish or perform or to obtain by contract. Generally, an order for supplies or services will not be placed with a department or agency which is not in a position to furnish the supplies or is not equipped to perform the services, except that an order may be filled by means of an outside contract with a commercial source of supply if the order is placed by any one of the following: Department of the Army, Department of the Navy, Department of the Air Force, Department of the Treasury, Civil Aeronautics Administration, or Maritime Commission. An order for services shall not be placed with a department or agency when such services can be performed as conveniently or more cheaply by private contractors.



PART 7—CONTRACT CLAUSES AND FORMS

SUBPART A—CLAUSES FOR FIXED-PRICE SUPPLY CONTRACTS

1. Section 7.103–8 has been revised as follows: The "no set-off" provisions authorized by P. L. 30, 82d Congress, will not be inserted in negotiated contracts with foreign contractors. Section 7.103–8, as revised, reads as follows:

§ 7.103–8 *Assignment of claims.*

ASSIGNMENT OF CLAIMS

(a) Pursuant to the provisions of the Assignment of Claims Act of 1940 as amended (31 U. S. Code 203, 41 U. S. Code 15), if this contract provides for payments aggregating $1,000 or more, claims for moneys due or to become due the Contractor from the Government under this contract may be assigned to a bank, trust company, or other financing institution, including any Federal lending agency, and may thereafter be further assigned and reassigned to any such institution. Any such assignment or reassignment shall cover all amounts payable under this contract and not already paid, and shall not be made to more than one party, except that any such assignment or reassignment may be made to one party as agent or trustee for two or more parties participating in such financing. Notwithstanding any other provision of this contract, payments to an assignee of any moneys due or to become due under this contract shall not, to the extent provided in said Act as amended, be subject to reduction or set-off.

(b) In no event shall copies of this contract or of any plans, specifications, or other similar documents relating to work under this contract, if marked "Top Secret," "Secret," or "Confidential," be furnished to any assignee of any claim arising under this contract or to any other person not entitled to receive the same: *Provided,* That a copy of any part or all of this contract so marked may be furnished, or any information contained therein may be disclosed, to such assignee upon the prior written authorization of the Contracting Officer.

The last sentence of paragraph (a) of the foregoing clause shall be included in contracts only in time of war, or national emergency proclaimed by the President (including the National Emergency Proclamation of December 15, 1950) or by Act or Joint Resolution of the Congress and shall not be included in contracts entered into after such war or national emergency has been terminated: *Provided,* That in cases where special circumstances make it advisable in the best interests of the Government, and in accordance with Departmental procedures, such sentence may be omitted. In any event the sentence will be deleted from negotiated contracts entered into with foreign contractors.

Pursuant to the provisions of the Assignment of Claims Act of 1940, as amended by Public Law 30, 82d Congress, the effect of the last sentence of paragraph (a) of the foregoing clause is that payments to be made to an assignee after May 15, 1951 of any moneys due or to become due under the contract shall not be subject to reduction or set-off for any liability of any nature of the Contractor to the Government which arises independently of the contract, or for any liability of the Contractor on account of (a) renegotiation under any renegotiation statute or under any statutory renegotiation clause in the contract, (b) fines, (c) penalties (which term does not include amounts which may be collected or withheld from the Contractor in accordance with or for failure to comply with the terms of the contract), or (d) taxes, Social Security contributions, or the withholding or nonwithholding of taxes or Social Security contributions, whether arising from or independently of the contract.

The assignee is required by said Act, as amended, to "File written notice of the assignment together with a true copy of the instrument of assignment with (1) the Contracting Officer or the head of his department or agency; (2) the surety or sureties upon the bond or bonds, if any, in connection with such contract; and (3) the disbursing officer, if any, designated in such contract to make payment."

2. In § 7.103–11 (b) the phrase "usually severe weather", has been corrected to "unusually severe weather" as follows:

§ 7.103–11 *Default.* • • •

(b) The Contractor shall not be liable for any excess costs, if any failure to perform the contract arises out of causes beyond the control and without the fault or negligence of the Contractor. Such causes include, but are not restricted to, acts of God or of the public enemy, acts of the Government, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, unusually severe weather, and defaults of subcontractors due to any of such causes unless the Contracting Officer shall determine that the supplies or services to be furnished by the subcontractor were obtainable from other sources in sufficient time to permit the Contractor to meet the required delivery schedule.

* * * * * *

3. A revised Renegotiation clause is set forth in § 7.103–13. Since the clause is now both self-effectuating and self-deleting, it has been removed from § 7.104, and its insertion is required in all supply contracts, both fixed-price and cost-reimbursement type.

§ 7.103–13 *Renegotiation.*

RENEGOTIATION

(a) This contract is subject to the Renegotiation Act of 1951 (Pub. Law 9, 82d Cong., 65 Stat. 7) as amended (Pub. Law 764, 83d Cong., 68 Stat. 1116; Pub. Law 216, 84th Cong., 69 Stat. 447), and to any subsequent act of Congress providing for the renegotiation of contracts. Nothing contained in this clause shall impose any renegotiation obligation with respect to this contract or any subcontract hereunder which is not imposed by an act of Congress heretofore or hereafter enacted. Subject to the foregoing this contract shall be deemed to contain all the provisions required by section 104 of the Renegotiation Act of 1951, and by any such other act, without subsequent contract amendment specifically incorporating such provisions.

(b) The Contractor agrees to insert the provisions of this clause, including this paragraph (b), in all subcontracts, as that term is defined in section 103g of the Renegotiation Act of 1951 or in any subsequent act of Congress providing for the renegotiation of contracts.

4. Section 7.104–3 has been deleted. Deletion of § 7.104–3 renders it unnecessary (any longer) to include the contract clause relating to Employment of Aliens in contracts entered into pursuant to the authority of the Armed Services Procurement Act. It has been determined that the "Employment of Aliens" clause is required only when contracts are made under the authority of the Air Corps Act of 1926 (see section 10j).

5. Section 7.104.10 *Renegotiation Act of 1951* has been deleted. A new § 7.104.10 *Aircraft in the open* has been added, as follows:

§ 7.104–10 *Aircraft in the open.* In all negotiated fixed-price type contracts for production or modification of aircraft (or missiles having the general characteristics of aircraft), insert the clause set forth in § 10.404 of this subchapter.

SUBPART B—CLAUSES FOR COST-REIMBURSEMENT TYPE SUPPLY CONTRACTS

1. A new § 7.203–13 *Renegotiation* has been added as follows, making it mandatory to insert the clause set forth in § 7.103–13 in all supply contracts both fixed-price and cost-reimbursement type. The Contracting Officer is no longer required to determine in advance whether a particular contract is subject to renegotiation.

§ 7.203–13 *Renegotiation.* Insert the contract clause set forth in § 7.103–13.

2. Section 7.204–3 has been deleted. Deletion of § 7.204–3 renders it unnecessary (any longer) to include the contract clause relating to Employment of Aliens in contracts entered into pursuant to the authority of the Armed Services Procurement Act. It has been determined that the "Employment of Aliens" clause is required only when contracts are made under the authority of the Air Corps Act of 1926 (see section 10j).

3. Section 7.204–10 Renegotiation has been revoked.

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PART 9—PATENTS AND COPYRIGHTS

SUBPART A—PATENTS

Section 9.107–1 has been revised for the purpose of clarifying several aspects of the Patent Rights Clauses. Section 9.107–1, as revised, reads as follows:

§ 9.107 *Patent rights under contracts involving research or development.*

§ 9.107–1 *License rights*—(a) *General rule.* Under any contract or modification thereof having experimental, developmental, or research work as one of its purposes, the Government should receive a royalty-free, nonexclusive license to practice or have practiced any inventions conceived or first actually reduced to practice in the course of performing such work or in the course of performing any prior experimental, developmental, or research work done upon the understanding in writing that a contract would be awarded. The contract cost or price should in no event be increased merely by reason of the inclusion of the Patent Rights clause set forth in paragraph (d) of this section.

(b) *Inventions first actually reduced to practice under contracts.* Upon request of the Contractor, the Contracting

Office shall carefully consider and may exclude from the grant in the Patent Rights clause any invention covered by a United States patent issued or application for patent filed by or on behalf of the Contractor prior to the award of a contract when he finds one or more of the following circumstances to be established:

(1) The Contractor has expended sums in developing the invention (as represented by research and development costs and expenses for preparing and prosecuting the patent application) which are relatively large in comparison to the amount of the proposed contract or such portion of the proposed contract amount as can be allocated in advance for the development of such an invention, or

(2) The practicability of such an invention has been established as by engineering design, or

(3) The invention covers a basic material and it is not the purpose of the contract to develop such material, or

(4) The invention is useful only for military purposes and the Contractor does not have facilities for furnishing the item to the Government in production quantities.

Any inventions to be excluded from the license grant by reason of the foregoing circumstances shall be specifically identified and listed in the Schedule.

(c) *Contract clause.* The clause set forth below shall be included in all contracts or modifications thereof under the conditions outlined in paragraph (a) of this section, but shall not otherwise be included in a contract. See § 16.809 of this subchapter for an approved form for optional use by contractors in reporting information required by paragraphs (c) (ii), (c) (iii), and (h) of the clause. In the administration of paragraph (e) of the clause, a request for conveyance of foreign rights to the Government is not required when the contractor does not file an application for patent in a foreign country under the conditions provided in that paragraph, unless the Government intends to apply for such patent.

PATENT RIGHTS

(a) As used in this clause, the following terms shall have the meanings set forth below:

(i) The term "Subject Invention" means any invention, improvement or discovery (whether or not patentable) conceived or first actually reduced to practice either—

(A) In the performance of the experimental, developmental, or research work called for or required under this contract; or

(B) In the performance of any experimental, developmental, or research work relating to the subject matter of this contract which was done upon an understanding in writing that a contract would be awarded;

*Provided*, That the term "Subject Invention" shall not include any invention which is specifically identified and listed in the Schedule for the purpose of excluding it from the license granted by this clause.

(ii) The term "Technical Personnel" means any person employed by or working under contract with the Contractor (other than a subcontractor whose responsibilities with respect to rights accruing to the Government in inventions arising under subcontracts are set forth in (g), (h), and (i) below) who, by reason of the nature of his duties in connection with the performance of this contract, would reasonably be expected to make inventions.

(iii) The terms "subcontract" and "subcontractor" means any subcontract or subcontractor of the Contractor, and any lower-tier subcontract or subcontractor under this contract.

(b) (1) The Contractor agrees to and does hereby grant to the Government an irrevocable, nonexclusive, nontransferable, and royalty-free license to practice, and cause to be practiced by or for the United States Government, throughout the world, each Subject Invention in the manufacture, use and disposition according to law, of any article or material, and in the use of any method. No license granted herein shall convey any right to the Government to manufacture, have manufactured, or use any Subject Invention for the purpose of providing services or supplies to the general public in competition with the Contractor or the Contractor's commercial licensees in the licensed fields.

(2) With respect to:

(i) Any Subject Invention made by other than Technical Personnel;

(ii) Any Subject Invention conceived prior to, but first actually reduced to practice in the course of, any of the experimental, developmental, or research work specified in (a) (i) above; and

(iii) The practice of any Subject Invention in foreign countries; the obligation of the Contractor to grant a license as provided in (b) (1) above, to convey title as provided in (d) (ii) (B) or (d) (iv) below, and to convey foreign rights as provided in (e) below, shall be limited to the extent of the Contractor's right to grant the same without incurring any obligation to pay royalties or other compensation to others solely on account of said grant. Nothing contained in this Patent Rights clause shall be deemed to grant any license under any invention other than a Subject Invention.

(c) The Contractor shall furnish to the Contracting Officer the following information and reports concerning Subject Inventions which reasonably appear to be patentable:

(i) A written disclosure promptly after conception or first actual reduction to practice of each such Invention together with a written statement specifying whether or not a United States patent application claiming the Invention has been or will be filed by or on behalf of the Contractor;

(ii) Interim reports, at least every twelve months, commencing with the date of this contract, each listing all such Inventions conceived or first actually reduced to practice more than three months prior to the date of the report, and not listed on a prior interim report, or certifying that there are no such unreported Inventions; and

(iii) Prior to final settlement of this contract, a final report listing all such Inventions including all those previously listed in interim reports. (d) In connection with each Subject Invention referred to in (c) (i) above, the Contractor shall do the following:

(i) If the Contractor specifies that a United States patent application claiming such Invention will be filed, the Contractor shall file or cause to be filed such application in due form and time; however, if the Contractor, after having specified that such an application would be filed, decides not to file or cause to be filed said application, the Contractor shall so notify the Contracting Officer at the earliest practicable date and in any event not later than eight months after first publication, public use or sale.

(ii) If the Contractor specifies that a United States patent application claiming such Invention has not been filed and will not be filed (or having specified that such an application will be filed thereafter notifies the Contracting Officer to the contrary), the Contractor shall:

(A) Inform the Contracting Officer in writing at the earliest practicable date of any publication of such Invention made by or known to the Contractor or, where applicable, of any contemplated publication by the Contractor, stating the date and identity of such publication or contemplated publication; and

(B) Convey to the Government the Contractor's entire right, title, and interest in such Invention by delivering to the Contracting Officer upon written request such duly executed instruments (prepared by the Government) of assignment and application, and such other papers as are deemed necessary to vest in the Government the Contractor's right, title, and interest aforesaid, and the right to apply for and prosecute patent applications covering such Invention throughout the world, subject, however, to the right of the Contractor specified in (e) below to file foreign applications, and subject further to the reservation of a nonexclusive and royalty-free license to the Contractor (and to its existing and future associated and affiliated companies, if any, within the corporate structure of which the Contractor is a part) which license shall be assignable to the successor of that part of the Contractor's business to which such Invention pertains;

(iii) The Contractor shall furnish promptly to the Contracting Officer on request an irrevocable power of attorney to inspect and make copies of each United States patent application filed by or on behalf of the Contractor covering any such Invention;

(iv) In the event the Contractor, or those other than the Government deriving rights from the Contractor, elects not to continue prosecution of any such United States patent application filed by or on behalf of the Contractor, the Contractor shall so notify the Contracting Officer not less than sixty days before the expiration of the response period and, upon written request, deliver to the Contracting Officer such duly executed instruments (prepared by the Government) as are deemed necessary to vest in the Government the Contractor's entire right, title, and interest in such Invention and the application, subject to the reservation as specified in (d) (ii) above; and

(v) The Contractor shall deliver to the Contracting Officer duly executed instruments fully confirmatory of any license rights herein agreed to be granted to the Government.

(e) The Contractor, or those other than the Government deriving rights from the Contractor, shall have the exclusive rights to file applications on Subject Inventions in each foreign country within:

(i) Nine months from the date a corresponding United States application is filed;

(ii) Six months from the date permission is granted to file foreign applications where such filing had been prohibited for security reasons; or

(iii) Such longer period as may be approved by the Contracting Officer. The Contractor shall, upon written request of the Contracting Officer, convey to the Government the Contractor's entire right, title, and interest in each Subject Invention in each foreign country in which an application has not been filed within the time above specified, subject to the reservation of a non-exclusive and royalty-free license to the Contractor together with the right of the Contractor to grant sublicenses, which license and right shall be assignable to the successor of that part of the Contractor's business to which the Subject Invention pertains.

(f) If the Contractor fails to deliver to the Contracting Officer the interim reports required by (c) (ii) above, or fails to furnish the written disclosures for all Subject Inventions required by (c) (i) above shown to be due in accordance with any interim report delivered under (c) (ii) or otherwise known to be unreported, there shall be withheld from payment until the Contractor shall have corrected such failures either ten percent (10%) of the amount of this contract, as from time to time amended, or five thousand dollars ($5,000), whichever is less. After payment of eighty percent (80%) of the amount of this contract, as from time to time amended, payment shall be withheld until a reserve of either ten percent (10%) of such amount or five thousand dollars ($5,000), whichever is less, shall have been set aside, such reserve or balance thereof to be retained until the Contractor shall have furnished to the Contracting Officer:

(i) The final report required by (c) (iii) above;

(ii) Written disclosures for all Subject Inventions required by (c) (i) above which are shown to be due in accordance with interim reports delivered under (c) (ii) above or in accordance with such final reports or are otherwise known to be unreported; and

(iii) The information as to any subcontractor required by (h) below. The maximum amount which may be withheld under this paragraph (f) shall not exceed ten percent (10%) of the amount of this contract or five thousand dollars ($5,000), whichever is less, and no amount shall be withheld under this paragraph (f) when the amount specified by this paragraph (f) is being withheld under other provisions of this contract. The withholding of any amount or subsequent payment thereof to the Contractor shall not be construed as a waiver of any rights accruing to the Government under this contract. This paragraph (f) shall not be construed as requiring the Contractor to withhold any amounts from a subcontractor to enforce compliance with the patent provisions of a subcontract.

(g) The Contractor shall exert all reasonable effort in negotiating for the inclusion of this Patent Rights clause in any subcontract hereunder of three thousand dollars ($3,000) or more having experimental, developmental, or research work as one of its purposes. In the event of refusal by a subcontractor to accept the Patent Rights clause, the Contractor shall not proceed with the subcontract without written authorization of the Contracting Officer, and upon obtaining such authorization, shall cooperate with the Government in the negotiation with such subcontractor of an acceptable patent rights clause: *Provided, however*, That the Contractor shall in any event require the subcontractor to grant to the Government patent rights under Subject Inventions of no less scope and on no less favorable terms than those which the Contractor has under such subcontracts, except that in no event shall the subcontractor be required to grant to the Government patent rights in excess of those herein agreed to be granted to the Government by the Contractor.

(h) The Contractor shall, at the earliest practicable date, notify the Contracting Officer in writing of any subcontract containing a patent rights clause, furnish the Contracting Officer a copy of such clause, and notify the Contracting Officer when such subcontract is completed. It is understood that with respect to such subcontract clause, the Government is a third party beneficiary; and the Contractor hereby assigns to the Government all the rights that the Contractor would have to enforce the subcontractor's obligations for the benefit of the Government with respect to Subject Inventions. The Contractor shall not be obligated to enforce the agreements of any subcontractor hereunder relating to Subject Inventions.

(i) When the Contractor shows that it has been delayed in the performance of this contract by reason of its inability to obtain in accordance with (g) above a suitable patent rights clause from a qualified subcontractor for any item or service required under this contract for which the Contractor itself does not have available facilities or qualified personnel, the Contractor's delivery dates shall be extended for a period of time equal to the duration of such delay; and, upon request of the Contractor, the Contracting Officer shall determine to what extent, if any, an additional extension of the delivery dates and an increase in contract prices based upon additional costs incurred by such delay are proper under the circumstances; and the contract shall be modified accordingly. If the Contractor, after exerting all reasonable effort, is unable to obtain a qualified subcontractor as set forth above, the Contractor may submit to the Contracting Officer a written request for waiver or modification of the requirement that a suitable patent rights clause be included in the subcontract.

Such request shall specifically state that the Contractor has used all reasonable effort to obtain such qualified subcontractor, and shall cite the waiver or termination provision hereinafter set forth. If, within thirty-five (35) days after the date of receipt of such request for a waiver or modification of said requirement, the Contracting Officer shall fail to deny in writing such request, the requirement shall be deemed to have been waived by the Government. If within such period the Contractor shall receive a written denial of such request by the Contracting Officer, this contract shall thereupon automatically terminate and the rights and obligations of the parties shall be governed by the provisions of the clause of this contract providing for termination for the convenience of the Government.

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## PART 10—BONDS AND INSURANCE

### SUBPART D—INSURANCE UNDER FIXED-PRICE CONTRACTS

Section 10.404 has been added in order to conform with Government self-insuring policy (cross-referenced to the revised § 7.104–10 *Aircraft in the open*) which provides for Government assumption of risk of loss or damage in fixed-price contracts with respect to aircraft stored in the open, under conditions approved by the Contracting Officer. The term "aircraft" is specially defined for the purposes of the clause, and includes among other things missiles having the general characteristics of aircraft. In general, the Government may assume the same risks as are assumed in connection with Government-furnished property in fixed-price contracts.

Section 10.404, reads as follows:

§ 10.404 *Aircraft in the open.* Negotiated fixed-price type contracts for production or modification of aircraft (or missiles having the general characteristics of aircraft) shall provide that the Government shall assume the risk of loss or damage to aircraft in the open, and such contracts shall include the clause set forth below. Such assumption of risk shall be limited to aircraft in the open under conditions approved by the contracting officer.

AIRCRAFT IN THE OPEN

(a) Subject to the definitions and limitations prescribed in this clause, the Government assumes the risk of damage to or loss or destruction of aircraft[1] in the open: *Provided*, That such damage, loss, or destruction is caused by any of the following perils:

(i) Fire; lightning, windstorm, cyclone, tornado, hail; explosion; riot, riot attending a strike, civil commotion, vandalism and malicious mischief, sabotage; aircraft or objects falling therefrom; vehicles running on land or tracks, excluding vehicles owned or operated by the Contractor or any agent or employee of the Contractor; smoke; earthquake or volcanic eruption; flood, meaning thereby rising of a body of water; hostile or warlike action, including action in hindering, combating, or defending against an actual, impending or expected attack by any government or sovereign power (de jure or de facto), or by any authority using military, naval, or air forces, or by any agent of any such government, power, authority, or forces; or

(ii) Other peril of a type not listed above, if such other peril is customarily covered by insurance (or by a reserve for self-insurance) in accordance with the normal practice of the Contractor, or a prevailing practice in the industry in which the Contractor is engaged with respect to similar property.

(b) For purposes of this clause:

(i) The term "Aircraft" means aircraft to be furnished to the Government under this contract, including complete aircraft; and aircraft in the course of manufacture or modification, including engines, instruments, subassemblies, parts, and equipment installed therein, or in process of installation, and all uninstalled property withdrawn from stores for installation in aircraft in the open or temporarily removed from such aircraft, provided such uninstalled property is in the open.

(ii) The term "in the open" means located wholly outside of buildings or roofed structures.

(c) The Government's obligation under this clause shall extend only to aircraft in the open under conditions approved by the Contracting Officer, and shall not extend to the following:

(i) Loss, destruction, or damage resulting from the failure of the Contractor, due to willful misconduct or lack of good faith of any of the Contractor's managerial personnel, to maintain and administer a program for the maintenance, repair, protection, and preservation of aircraft in the open, in accordance with sound industrial practice. The term "Contractor's managerial personnel" means the Contractor's directors, officers, and any of its managers, superintendents, or other equivalent representatives who have supervision or direction of all or substantially all of the Contractor's business, or all or substantially all of the Contractor's operation at any one plant or separate location at which this contract is performed, or a separate and complete major industrial operation in connection with the performance of this contract;

(ii) Loss, destruction or damage to aircraft in the possession or control of any subcontractor, except to the extent that the subcontract, with the approval of the Contracting Officer and consistent with this clause, may otherwise provide.

(d) The Contractor warrants that the contract price does not and will not include any charge or reserve for insurance (including self-insurance funds or reserves) covering damage to or loss or destruction of aircraft in the open caused by any of the perils set forth in paragraph (a) hereof.

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[1] When the above clause is included in contracts for the procurement of missiles having the general characteristics of aircraft, substitute in the clause the word "missile" for the word "aircraft," in each instance where the latter appears.

(e) In the event of damage to or loss or destruction of aircraft in the open, the Contractor shall take all reasonable steps to protect such aircraft from further damage, separate damaged and undamaged aircraft, put all aircraft in the best possible order, and furnish to the Contracting Officer a statement of:

(i) The lost, destroyed, or damaged aircraft;

(ii) The time and origin of the loss, destruction, or damage;

(iii) All known interests in commingled property of which aircraft in the open are a part;

(iv) The insurance, if any, covering any part of the interest in such commingled property.

The Contractor shall be reimbursed for expenditures made by it in performing its obligations under this paragraph, to the extent approved by the Contracting Officer and this contract shall be modified in writing accordingly.

(f) If prior to acceptance by and delivery to the Government any aircraft in the open is lost, destroyed, or damaged due to any of the perils set forth in paragraph (a) hereof, the Government may, unless otherwise provided in this contract, elect to require that such aircraft be replaced by the Contractor or restored by the Contractor to the condition in which it was immediately prior to such damage. If the Government requires the aircraft to be replaced or restored, an equitable adjustment shall be made in the amount due under this contract and in the time required for its performance, and this contract shall be modified in writing accordingly. Alternatively, the Government may elect to terminate this contract as to any such lost, destroyed, or damaged aircraft, and in that event the rights of the parties shall be as provided in the clause entitled Termination for Convenience of the Government.

(g) In the event the Contractor is at any time reimbursed or compensated by any third person for any damage to or loss or destruction of any aircraft in the open caused by any peril set forth in paragraph (a) hereof for which the Contractor has been compensated by the Government, it shall equitably reimburse the Government. The Contractor shall do nothing to prejudice the Government's rights to recover against third parties for any such loss, destruction or damage and, upon the request of the Contracting Officer, shall at the Government's expense, furnish to the Government all reasonable assistance and cooperation (including the prosecution of suit and the execution of instruments of assignment or subrogation in favor of the Government) in obtaining recovery.

(h) Any loss or destruction of, or damage to, property furnished by the Government will be governed by the clause of this contract entitled "Government-furnished Property," to the extent that such clause is, by its terms, applicable.

(i) Any loss, or destruction of, or damage to, aircraft occurring in connection with operations of said aircraft will be governed by the clause of this contract entitled "Flight Risk," to the extent that such clause is, by its terms, applicable.

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## PART 13—GOVERNMENT PROPERTY

### SUBPART E—CONTRACT CLAUSES

Sections 13.505 and 13.506 have been revised for the purpose of clarifying clauses relating to Government Property and Government-furnished Property in connection with research and development contracts entered into with non-profit institutions.

Sections 13.505 and 13.506, as revised, read as follows:

§ 13.505 *Government-furnished property clause for fixed-price type contracts with non-profit institutions.* The following clause shall be used in fixed-price research and development contracts with non-profit institutions (provided such contracts are executed on a non-profit basis) under which a Department is to furnish property to the contractor:

GOVERNMENT-FURNISHED PROPERTY

(a) The Government shall deliver to the Contractor, for use in connection with and under the terms of this contract, the property described in the Schedule or specifications, together with such related data and information as the Contractor may request and as may reasonably be required for the intended use of such property (hereinafter referred to as "Government-furnished Property"). The delivery or performance dates for the supplies or services to be furnished by the Contractor under this contract are based upon the expectation that Government-furnished Property suitable for use will be delivered to the Contractor at the times stated in the Schedule, or, if not so stated, in sufficient time to enable the Contractor to meet such delivery or performance dates. In the event that Government-furnished Property is not delivered to the Contractor by such time or times, the Contracting Officer shall, upon timely written request made by the Contractor, make a determination of the delay occasioned the Contractor thereby, and shall equitably adjust the delivery or performance dates or the contract price, or both, and any other contractual provision affected by the delay. In the event that Government-furnished Property is received by the Contractor in a condition not suitable for its intended use, the Contractor shall, upon receipt thereof, notify the Contracting Officer of such fact and, as directed by the Contracting Officer, either (i) return such property at the Government's expense or otherwise dispose of such property, or (ii) effect repairs or modifications. Upon completion of (i) or (ii) above, the Contracting Officer upon timely written request of the Contractor shall equitably adjust the delivery or performance dates or the contract price, or both, and any other contractual provision effected by the return, disposition, repair or modification. The foregoing provisions for adjustment are exclusive and the Government shall not be liable to suit for breach of contract by reason of any delay in delivery of Government-furnished Property or delivery of such property in a condition not suitable for its intended use.

(b) By notice in writing the Contracting Officer may decrease the property furnished or to be furnished by the Government under this contract. In any such case, the Contracting Officer upon timely written request of the Contractor shall equitably adjust the delivery or performance dates or the contract price, or both, and any other contractual provisions affected by the decrease.

(c) Title to the Government-furnished Property shall remain in the Government. Title to Government-furnished Property shall not be affected by the incorporation or attachment thereof to any property not owned by the Government, nor shall such Government-furnished Property, or any part thereof, be or become a fixture or lose its identity as personalty by reason of affixation to any realty.

(d) The Government-furnished Property shall, unless otherwise provided herein, and except as may be otherwise approved by the Contracting Officer, be used only for the performance of this contract.

(e) The Contractor shall maintain and administer, in accordance with sound business practice, a program for the maintenance, repair, protection and preservation of Government-furnished Property, until disposed of by the Contractor in accordance with this clause. In the event that any damage occurs to Government-furnished Property the risk of which has been assumed by the Government under this contract, the Government shall replace such items or the Contractor shall make such repair of the property as the Government directs; provided, however, that if the Contractor cannot effect such repair within the time required, the Contractor may reject such property. The contract price includes no compensation to the Contractor for the performance of any repair or replacement for which the Government is responsible, and an equitable adjustment will be made in the contract price for any such repair or replacement of Government-furnished Property made at the direction of the Government. Any repair or replacement for which the Contractor is responsible under the provisions of this contract shall be accomplished by the Contractor at its own expense.

(f) The provisions of Part III, Appendix C, Armed Services Procurement Regulation, Manual for Control of Government Property in possession of Non-Profit Research and Development Contractors, as in effect on the date of this contract are hereby incorporated by reference and made a part of the contract, insofar as they relate to Government-furnished Property. The Contractor agrees to comply with the provisions thereof relating to the keeping of property control records, identification and marking, segregation and commingling, taking of inventories, and control of salvage and scrap, and the Contractor also accepts the responsibilities set forth in said Part III with respect to Government-furnished Property.

(g) The Contractor agrees to make available to authorized representatives of the Contracting Officer at all reasonable times at the office of the Contractor all of its property records under this contract, and access to any premises where any of the Government-furnished Property is located.

(h) (i) The Contractor shall not be liable for any loss of or damage to the Government-furnished Property, or for expenses incidental to such loss or damage except that the Contractor shall be liable for any such loss or damage (including expenses incidental thereto):

(A) Which results from willful misconduct or lack of good faith on the part of any of the Contractor's directors or officers, or on the part of any of its managers, superintendents, or other equivalent representatives who have supervision or direction of all or substantially all of the Contractor's business, or all or substantially all of the Contractor's operations at any one plant, laboratory, or separate location in which this contract is being performed; or

(B) Which results from a failure on the part of the Contractor, due to the willful misconduct or lack of good faith on the part of any of its directors, officers, or other representatives mentioned in subparagraph (A) above, to maintain and administer, in accordance with sound business practice, the program for maintenance, repair, protection and preservation of Government-furnished Property as required by subparagraph (e) above; or

(C) For which the Contractor is otherwise responsible under the express terms of the clause or clauses designated in the Schedule; or

(D) Which results from a risk expressly required to be insured under some other provision of this contract, or of the schedules or task orders thereunder, but only to the extent of the insurance so required to be procured and maintained or to the extent of insurance actually procured and maintained, whichever is greater; or

(E) Which results from a risk which is in fact covered by insurance or for which the Contractor is otherwise reimbursed, but only to the extent of such insurance or reimbursement;

*Provided*, That, if more than one of the above exceptions shall be applicable in any case, the Contractor's liability under any one exception shall not be limited by any other exception.

(ii) The Contractor represents that it is not including in the price hereunder, and agrees that it will not hereafter include in any price to the Government, any charge or reserve for insurance (including self-insurance funds or reserves) covering loss or destruction of or damage to the Government-furnished Property, except to the extent that the risk of loss is imposed on the Contractor under (i) (C) above, or insurance has been required under (i) (D) above.

(iii) Upon the happening of loss or destruction of or damage to any Government-furnished Property, the Contractor shall notify the Contracting Officer thereof and shall communicate with the Loss and Salvage Organization, if any, now or hereafter designated by the Contracting Officer, and with the assistance of the Loss and Salvage Organization so designated (unless the Contracting Officer has directed that no such organization be employed) shall take all reasonable steps to protect the Government-furnished Property from further damage, separate the damaged and undamaged Government-furnished Property, put all the Government-furnished Property in the best possible order, and furnish to the Contracting Officer a statement of:

(A) The lost, destroyed and damaged Government-furnished Property;

(B) The time and origin of the loss, destruction or damage;

(C) All known interests in commingled property of which the Government-furnished Property is a part; and

(D) The insurance, if any, covering any part of or interest in such commingled property.

The Contractor shall be reimbursed for the expenditures made by it in performing its obligations under this subparagraph (iii) (including charges made to the Contractor by the Loss and Salvage Organization, except any of such charges the payment of which the Government has, at its option, assumed directly), to the extent approved by the Contracting Officer and set forth in a Supplemental Agreement or amendment to this contract.

(iv) With the approval of the Contracting Officer after loss or destruction of or damage to Government-furnished Property, and subject to such conditions and limitations as may be imposed by the Contracting Officer, the Contractor may, in order to minimize the loss to the Government or in order to permit resumption of business or the like, sell for the account of the Government any item of Government-furnished Property which has been damaged beyond practicable repair, or which is so commingled or combined with property of others, including the Contractor, that separation is impracticable.

(v) Except to the extent of any loss or destruction of or damage to Government-furnished Property for which the Contractor is relieved of liability under the foregoing provisions of this clause, and except for reasonable wear and tear or depreciation, or the utilization of the Government-furnished Property in accordance with the provisions of this Contract, the Government-furnished Property (other than property permitted to be sold) shall be returned to the Government in as good condition as when received by the Contractor in connection with this contract, or as repaired under paragraph (e) above.

(vi) In the event the Contractor is reimbursed or compensated for any loss or destruction of or damage to the Government-furnished Property, it shall equitably reimburse the Government. The Contractor shall do nothing to prejudice the Government's rights to recover against third parties for any such loss, destruction or damage and, upon the request of the Contracting Officer, shall at the Government's expense, furnish to the Government all reasonable assistance and cooperation (including assistance in the prosecution of suit and the execution of instruments of assignment in favor of the Government) in obtaining recovery.

(vii) (Where applicable). In the event any aircraft are to be furnished under this contract, any loss or destruction of, or damage to, such aircraft or other Government-furnished Property occurring in connection with operations of said aircraft will be governed by the clause of this contract captioned "Flight Risks," to the extent such clause is, by its terms applicable.

(i) Upon completion or expiration of this contract, any Government property which has not been consumed in the performance of this contract, or which has not been disposed of as hereinafter provided in subparagraph (i) of this article, or for which the Contractor has not otherwise been relieved of responsibility, shall be disposed of in the same manner, and subject to the same procedures, as is provided in subparagraph (g) of the clause of this contract entitled "Termination for the Convenience of the Government" with respect to termination inventory. The proceeds of any such disposition shall be applied in reduction of any payments to be made by the Government to the Contractor under this contract, or shall otherwise be credited to the price or costs of the work covered by this contract, or shall be paid in such other manner as the Contracting Officer may direct. Pending final disposition of such property, the Contractor agrees to take such action as may be necessary, or as the Contracting Officer may direct, for the protection and preservation thereof.

(j) If the Contracting Officer determines that the interests of the Government require removal of any Government-furnished Property, or if the Contractor determines any Government-furnished Property to be in excess of its needs under this contract, such Government-furnished Property shall be disposed of in the same manner as covered by paragraph (i) above. In the event that the Contracting Officer requires the removal of any Government-furnished Property under this subparagraph (j) or subparagraph (i) above, upon timely written request of the Contractor, an equitable adjustment shall be made in the contract price to cover the direct cost to the Contractor of such removal and of any property damage occasioned thereby.

§ 13.506 *Government property clauses for cost-reimbursement type research and development contracts with non-profit institutions.* The following clause shall be used in cost-reimbursement type research and development contracts with non-profit institutions (provided such contracts are executed on a no-fee basis) under which a Department is to furnish Government property to the contractor, or the contractor is to acquire property for the account of the Government:

GOVERNMENT PROPERTY

(a) The Government shall deliver to the Contractor, for use, in connection with and under the terms of this contract, the property described in this contract, together with such related data and information as the Contractor may request and as may reasonably be required for the intended use of such property (hereinafter referred to as "Government-furnished Property"). The delivery or performance dates for the supplies or services to be furnished by the Contractor under this contract are based upon the expectation that Government-furnished Property suitable for use will be delivered to the Contractor at the times stated in the Schedule of this contract or, if not so stated, in sufficient time to enable the Contractor to meet such delivery or performance dates. In the event that Government-furnished Property is not delivered to the Contractor by such time or times, the Contracting Officer shall, upon timely written request made by the Contractor, make a determination of the delay occasioned the Contractor and shall equitably adjust the estimated cost, or delivery or performance dates, or both, and any other contractual provisions affected by such delay. In the event that the Government-furnished Property is received by the Contractor in a condition not suitable for the intended use, the Contractor shall, upon receipt thereof, notify the Contracting Officer of such fact and, as directed by the Contracting Officer, either (i) return such property at the Government's expense or otherwise dispose of such property, or (ii) effect repairs or modifications. Upon completion of (i) or (ii) above, the Contracting Officer upon timely written request of the Contractor shall equitably adjust the estimated cost, or delivery or performance dates, or both, and any other contractual provision affected by the return, disposition, repair or modification. The foregoing provisions for adjustment are exclusive and the Government shall not be liable to suit for breach of contract by reason of any delay in delivery of Government-furnished Property or delivery of such property in a condition not suitable for its intended use.

(b) The Government may deliver to the Contractor Government-furnished Property in addition to that set forth in this contract. Upon such delivery this contract may be amended, if appropriate, to accomplish an equitable adjustment in its terms and provisions.

(c) Title to all property furnished by the Government shall remain in the Government. Title to all property purchased by the Contractor, for the cost of which the Contractor is to be reimbursed as a direct item of cost under this contract, shall pass to and vest in the Government upon delivery of such property by the vendor. Title to other property, the cost of which is to be reimbursed to the Contractor under this contract, shall pass to and vest in the Government upon (i) issuance for use of such property in the performance of this contract, or (ii) commencement of processing or use of such property in the performance of this contract, or (iii) reimbursement of the cost thereof by the Government, whichever first occurs. All Government-furnished Property, together with all property acquired by the Contractor, title to which vests in the Government under this paragraph, are subject to the provisions of this clause and are hereinafter collectively referred to as "Government Property."

(d) Title to the Government Property shall not be affected by the incorporation or attachment thereof to any property not owned by the Government, nor shall such Government Property, or any part thereof, be or become a fixture or lose its identity as personalty by reason of affixation to any realty.

(e) The Government Property provided or furnished pursuant to the terms of this contract shall, unless otherwise provided herein and except as may be otherwise approved by the Contracting Officer, be used only for the performance of this contract.

(f) The Contractor shall maintain and administer in accordance with sound business practice a program for the maintenance, repair, protection and preservation of Government Property so as to assure its full availability and usefulness for the performance of this contract. The Contractor shall

take all reasonable steps to comply with all appropriate directions or instructions which the Contracting Officer may prescribe as reasonably necessary for the protection of the Government Property.

(g) The provisions of Part III, Appendix C, Armed Services Procurement Regulation, Manual for Control of Government Property in Possession of Non-Profit Research and Development Contractors, as in effect on the date of this contract, are herein incorporated by reference and made a part of this contract. The Contractor agrees to comply with the provisions thereof relating to the keeping of property control records, identification and marking, segregation and commingling, taking of inventories, and control of salvage and scrap, and the Contractor also accepts the responsibilities set forth in said Part III with respect to Government Property.

(h) The Contractor agrees to make available to authorized representatives of the Contracting Officer at all reasonable times at the office of the Contractor all of its property records under this contract, and access to any premises where any of the Government Property is located.

(i) (1) The Contractor shall not be liable for any loss of or damage to the Government Property, or for expenses incidental to such loss or damage, except that the Contractor shall be responsible for any such loss or damage (including expenses incidental thereto):

(i) Which results from willful misconduct or lack of good faith on the part of any of the Contractor's directors or officers, or on the part of any of its managers, superintendents, or other equivalent representatives, who has supervision or direction of all or substantially all of the Contractor's business, or all or substantially all of the Contractor's operations at any one plant, laboratory, or separate location in which this contract is being performed;

(ii) Which results from a failure on the part of the Contractor, due to the willful misconduct or lack of good faith on the part of any of its directors, officers, or other representatives mentioned in (i) above, (A) to maintain and administer, in accordance with sound business practice, the program for maintenance, repair, protection and preservation of Government Property as required by (f) above, or (B) to take all reasonable steps to comply with any appropriate written directions of the Contracting Officer under (f) above;

(iii) For which the Contractor is otherwise responsible under the express terms of the clause or clauses designated in the schedule;

(iv) Which results from a risk expressly required to be insured under some other provision of this contract, but only to the extent of the insurance so required to be procured and maintained, or to the extent of insurance actually procured and maintained, whichever is greater; or

(v) Which results from a risk which is in fact covered by insurance or for which the Contractor is otherwise reimbursed, but only to the extent of such insurance or reimbursement: *Provided*, That, if more than one of the above exceptions shall be applicable in any case, the Contractor's liability under any one exception shall not be limited by any other exception.

(2) The Contractor shall not be reimbursed for, and shall not include as an item of overhead, the cost of insurance, or any provision for a reserve, covering the risk of loss of or damage to the Government Property, except to the extent that the Government may have required the Contractor to carry such insurance under any other provision of this contract.

(3) Upon the happening of loss or destruction of or damage to the Government Property, the Contractor shall notify the Contracting Officer thereof, and shall communicate with the Loss and Salvage Organization, if any, now or hereafter designated by the Contracting Officer, and with the assistance of the Loss and Salvage Organization so designated (unless the Contracting Officer has designated that no such organization be employed), shall take all reasonable steps to protect the Government Property from further damage, separate the damaged and undamaged Government Property, put all the Government Property in the best possible order, and furnish to the Contracting Officer a statement of:

(i) The lost, destroyed and damaged Government Property;

(ii) The time and origin of the loss, destruction or damage;

(iii) All known interests in commingled property of which the Government Property is a part; and

(iv) The insurance, if any, covering any part of or interest in such commingled property.

The Contractor shall make repairs and renovations of the damaged Government Property or take such other action as the Contracting Officer directs.

(4) In the event the Contractor is indemnified, reimbursed, or otherwise compensated for any loss or destruction of or damage to the Government property, it shall use the proceeds to repair, renovate or replace the Government property involved, or shall credit such proceeds against the cost of the work covered by the contract, or shall otherwise reimburse the Government, as directed by the Contracting Officer. The Contractor shall do nothing to prejudice the Government's right to recover against third parties for any such loss, destruction or damage and, upon the request of the Contracting Officer, shall, at the Government's expense, furnish to the Government all reasonable assistance and cooperation (including assistance in the prosecution of suit and the execution of instruments of assignment in favor of the Government) in obtaining recovery.

(5) (Where applicable.) In the event any aircraft are to be furnished under this contract, any loss or destruction of, or damage to, such aircraft or other Government Property occurring in connection with operations of said aircraft will be governed by the clause of this contract captioned "Flight Risks," to the extent such clause is, by its terms, applicable.

(j) The Government Property shall remain in the possession of the Contractor for such period of time as is required for the performance of this contract unless the Contracting Officer determines that the interests of the Government require removal of such property. In such case the Contractor shall promptly take such action as the Contracting Officer may direct with respect to the removal and shipping of Government Property. In any such instance, this contract may be amended to accomplish an equitable adjustment in its terms and provisions.

(k) Upon completion or expiration of this contract, any Government Property which has not been consumed in the performance of this contract, or which has not been disposed of as hereinafter provided in subparagraph (1) of this clause, or for which the Contractor has not otherwise been relieved of responsibility, shall be disposed of in the same manner, and subject to the same procedures, as is provided in subparagraph (g) of the clause of this contract entitled "Termination for the Convenience of the Government" with respect to termination inventory. The proceeds of any such disposition shall be applied in reduction of any payments to be made by the Government to the Contractor under this contract, or shall otherwise be credited to the cost of the work covered by this contract, or shall be paid in such other manner as the Contracting Officer may direct. Pending final disposition of such property, the Contractor agrees to take such action as may be necessary, or as the Contracting Officer may direct, for the protection and preservation thereof.

(l) If the Contracting Officer determines that the interests of the Government require removal of any Government Property, or if the Contractor determines any Government Property to be in excess of its needs under this contract, such Government Property shall be disposed of in the same manner as provided by subparagraph (k) above. In the event that the Contracting Officer requires the removal of any Government Property under this subparagraph (l) or subparagraph (k) above, the direct cost to the Contractor of such removal and of any property damage occasioned thereby shall constitute an allowable cost thereunder.

(m) Unless otherwise provided herein, the Government shall not be under any duty or obligation to restore or rehabilitate, or to pay the costs of the restoration or rehabilitation of the Contractor's plant or any portion thereof which is affected by the removal of any Government Property.

(n) Directions of the Contracting Officer and communications of the Contractor issued pursuant to this clause shall be in writing.

## PART 16—PROCUREMENT FORMS

### SUBPART H—MISCELLANEOUS FORMS

Section 16.809 has been added making DD Form 882 available for optional use by Contractors in reporting information required by the newly revised Patent Rights Clause set forth in § 9.107–1.

Section 16.809 reads as follows:

§ 16.809 *Report of inventions and subcontracts (DD Form 882).* DD Form 882 is approved for optional use by contractors in reporting information required by paragraphs (c) (ii), (c) (iii), and (h) of the Patent Rights clause set forth in § 9.107–1 of this subchapter.

(R. S. 161; 5 U. S. C. 22)

T. P. PIKE,
*Assistant Secretary of Defense,*
*(Supply and Logistics).*

[F. R. Doc. 56–2601; Filed, Apr. 6, 1956; 8:45 a. m.]

## TITLE 31—MONEY AND FINANCE: TREASURY

### Chapter I—Monetary Offices, Department of the Treasury

[1956 Dept. Circular 1]

### PART 129—VALUES OF FOREIGN MONEYS

### QUARTER BEGINNING APRIL 1, 1956

APRIL 1, 1956.

§ 129.19 *Calendar year, 1956.* * * *

(b) *Quarter beginning April 1, 1956.* Pursuant to section 522, title IV, of the Tariff Act of 1930, reenacting section 25 of the act of August 27, 1894, as amended, the following estimates by the Director of the Mint of the values of foreign monetary units, are hereby proclaimed to be the values of such units in terms of the money of account of the United States that are to be followed in estimating the value of all foreign merchandise exported to the United States during the quarter beginning April 1, 1956, expressed in any such foreign monetary units: *Provided, however*, That if no such value has been proclaimed, or if the value so proclaimed varies by 5 per centum or more from a value measured by the buying rate in the New York market at noon on the day of exportation, conversion shall be made at a value measured by such buying rate as determined and certified by the Federal Reserve Bank of New York and published by the Secretary of the Treasury pursuant to the provisions of section 522, title IV, of the Tariff Act of 1930.

[SEAL] DAVID W. KENDALL,
*Acting Secretary of the Treasury.*

[The value of foreign monetary units, as shown below in terms of United States money, is the ratio between the legal gold content of the foreign unit and the legal gold content of the United States dollar. It should be noted that this value, with respect to most countries, varies widely from the present exchange rates. Countries not having a legally defined gold monetary unit, or those for which current information is not available, are omitted]

| Country | Monetary unit | Value in terms of U. S. money | Remarks |
|---|---|---|---|
| Colombia | Peso | $0.5128 | Monetary Law No. 90 of Dec. 16, 1948, effective Dec. 18, 1948, content of peso 0.50637 gram of gold 9/10 fine. Obligation to sell gold suspended Sept. 24, 1931. |
| Costa Rica | Colon | .1781 | Parity of 0.158267 fine gram gold established by decree law effective Mar. 22, 1947. |
| Denmark | Krone | .4537 | Conversion of notes into gold suspended Sept. 29, 1931. |
| Dominican Republic | Peso | 1.0000 | By monetary law No. 1528 effective Oct. 9, 1947, gold content of peso equal to 0.888671 gram fine. |
| Ethiopia | Dollar | .4025 | New unit established by Proclamation of the Emperor on May 25, 1945, effective July 23, 1945. |
| Finland | Markka | .0426 | Conversion of notes into gold suspended Oct. 12, 1931. |
| Guatemala | Quetzal | 1.0000 | Decree No. 203 of Dec. 10, 1945, defined the monetary unit as 15 5/21 grains gold 9/10 fine. Conversion of notes into gold suspended Mar. 6, 1933. |
| Haiti | Gourde | .2000 | National bank notes redeemable on demand in U. S. dollars. |
| Peru | Sol | .4740 | Conversion of notes into gold suspended May 18, 1932; exchange control established Jan. 23, 1945. |
| Philippines | Peso | .5000 | International value according to the Central Bank Act approved June 15, 1948. Exchange control established. |
| Sweden | Krona | .4537 | Conversion of notes into gold suspended Sept. 29, 1931. |
| Uruguay | Peso | .6583 | Present gold content of 0.585018 gram fine established by law of Jan. 18, 1938. Conversion of notes into gold suspended Aug. 2, 1914; exchange control established Sept. 7, 1931. |
| Venezuela | Bolivar | .3267 | Exchange control established Dec. 12, 1936. |

(Sec. 522, 46 Stat. 739; 31 U. S. C. 372)

[F. R. Doc. 56–2613; Filed, Apr. 6, 1956; 8:48 a. m.]



# PROPOSED RULE MAKING

## FEDERAL COMMUNICATIONS COMMISSION

### [ 47 CFR Part 31 ]

[Docket No. 11402; FCC 56–275]

### UNIFORM SYSTEM OF ACCOUNTS

### CLASS A AND CLASS B TELEPHONE COMPANIES

In the matter of amendments of Part 31 (Uniform System of Accounts for Class A and Class B Telephone Companies) of the Commission's rules and regulations.

1. The American Telephone and Telegraph Company (A. T. & T.) and the U. S. Independent Telephone Association (USITA) by letters dated September 30, 1954, and February 21, 1955, respectively, requested the Commission to revise Part 31 of its rules. The proposed revisions would provide that the telephone companies charge their contributions to, and membership fees and dues in, organizations engaged in activities beneficial to the community, to the operating expense account, "Other expenses" (account 675), or to the appropriate operating departmental expense accounts, if directly related thereto, rather than to the "below-the-line" account, "Miscellaneous income charges" (account 323), as currently required.

2. The Commission released a notice of proposed rule making in this matter on June 3, 1955 (published in 20 F. R. 3962), inviting interested parties to present their views to the Commission concerning the industry's proposal as well as the following:

(a) Include the costs of the items in question in a specially designed operating expense account or in account 675, "Other expenses", thereby eliminating the use of departmental expense accounts as proposed by the industry.

(b) If charitable contributions were to be charged to operating expenses, whether such contributions should be limited in amount or type by the accounting rules.

(c) Continue the current requirement that all the items in question be charged to account 323, "Miscellaneous income charges", but amend the rules to eliminate the effect on net operating income of the reduction in federal and state income taxes attributable to charitable contributions by crediting account 323 in the amount of such tax reduction with an offsetting charge to an operating expense account, such as a subdivision of account 305, "Operating taxes".

3. Comments were received from twenty-one parties. Four carriers, A. T. & T.,[1] Hawaiian Telephone Company, R. C. A. Communications, Inc., and The Western Union Telegraph Company, supported the industry's proposal and either criticized,[2] opposed, or ignored the above-described related proposals. The latter two companies urged that the telephone industry's proposed rule revision be extended to the appropriate parts of the Uniform Systems of Accounts relating to telegraph carriers. Eleven state regulatory agencies responded; namely, those of the States of California, Kentucky, Louisiana, Michigan, New Jersey, New York, North Carolina, Pennsylvania, Washington, West Virginia and Wisconsin. All the regulatory agencies from the above States opposed amendment of the accounting rules to permit the telephone companies to charge the cost of contributions and memberships to operating expenses, except the Washington Public Service Commission which favored an amendment permitting such items to be charged to a single operating expense account.[3] Of the two responding associations, the National Association of Railroad and Utilities Commissioners' Committee on Accounts and Statistics opposed any change in the accounting rules, while USITA supported the industry's proposal and opposed the related proposals enumerated above in paragraph two. One public accounting firm, Arthur Andersen & Co., favored the industry's proposal.[4] The Communication Workers of America opposed any amendments of the accounting rules. Two individuals submitted comments opposing the industry's proposal. Reply comments were received from A. T. & T.

4. In general, the proponents of the revised rule to permit the charging of the items in question to operating expenses contended that such items are necessary and legitimate operating expenses; that if private contributions are insufficient to support community welfare agencies, government subsidization thereof with consequent increased taxes would follow, with increased taxes reflected in the carriers' operating expenses; and that while charitable contributions not directly benefiting corporate donors were once generally considered ultra vires, such contributions are now recognized in most jurisdictions as within management's authority, and have been deductible for federal income tax purposes for many years. Those opposed to permitting charitable contributions to be charged to operating expenses generally contended that such accounting would ultimately result in the rate payers bearing the costs of the contributions contrary to the majority of the reported cases; that if charitable contributions are made, the carriers have

[1] A. T. & T. also submitted a statement from Lybrand, Ross Bros. and Montgomery, a public accounting firm, which favored the industry's proposal in substance.

[2] Two carriers (Hawaiian and RCAC), while critical of the tax normalization proposal, indicated that it was preferable to the current rules.

[3] Many of the agencies did not comment specifically on the related proposals enumerated in paragraph two. However, those agencies which referred to the related proposals opposed such proposals with the exception of the Washington Public Service Commission, as noted above.

[4] This firm also indicated that the tax normalization proposal was preferable to the current rules regarding contributions.

an obligation to make them out of net income rather than exact involuntary donations from the rate payers who have no choice in the selection of the beneficiaries and who have their own individual charitable obligations; that the regulatory burden of analyzing the accounts for rate making would increase; and that a lack of uniformity in utility accounting would result. In reply to the comments of those opposed to any rule revisions, A. T. & T. stated in part that if the expenditures in question are not legitimate operating expenses, as contended by many of the respondents, then management, having no authority to pay to third parties portions of net income belonging to stockholders, would in effect be doing that by making charitable contributions under express statutory authority in most states; that the stockholders' individual charitable responsibilities must be considered as well as those of the rate payers; and that the proposed rule revisions relate only to the accounting for the costs of contributions and memberships rather than the treatment of such items for rate making which is not now in issue.

5. With respect to the variation to the industry's proposal whereby the expenditures in question would be charged to a single operating expense account, several respondents stated that such method would facilitate regulatory analysis more readily than departmentalized expense accounts. On the other hand, several respondents commented that the single account procedure would obscure the true nature of the expenditures and would hamper the companies' internal control over such expenditures. All the comments mentioning the proposal to limit by amount or type the expenditures in question chargeable to operating expenses generally opposed the proposed rule either as arbitrary, unworkable or unsound. The tax normalization proposal (described above in paragraph 2c) was criticized in those comments responding to such proposal because tax adjustment accounting: (1) would complicate the accounts and financial statements making them difficult for the layman to understand; (2) could not be justified by the precedent of tax adjustment accounting for unusual, nonrecurring distortive items because contributions are of a continuing nature in relatively uniform amounts and not of sufficient magnitude to materially distort net operating income; and (3) would result in an unsound accounting practice of splitting the items in question between operating expenses and "below-the-line" deductions.

6. The classification of the expenditures in question as operating expenses for rate making is a controversial matter. Many of the reported rate decisions indicate that these expenditures are not allowable as operating expenses. While we recognize that this rule making proceeding concerns accounting, not rate making, we find particularly appropriate the following statement of this Commission taken from a previous accounting case: [1]

> The Commission is here concerned with preserving the identity and usefulness of an operating expense account by requiring the exclusion therefrom of charges which might distort its character and which might become submerged before occasion arose for review of their merits. In order to provide essential information in the form which the Commission considers most serviceable, operating expense accounts should reflect only clear-cut current costs. The inclusion therein of doubtful items or of items pertaining to other fiscal periods would require time-consuming and expensive reappraisal and analysis of each such item questioned in a regulatory rate proceeding and might be misleading to members of the public interested in the accounts.

Likewise, the inclusion of the doubtful items in question herein in the operating expense accounts, as proposed, is likely to require burdensome, detailed regulatory analysis of the accounts and cause delay in rate proceedings to the disadvantage of regulatory authorities and carriers. Such accounting also could mislead the public.

7. We believe our accounting rules should facilitate expeditious rate proceedings, insofar as possible, and should not impose upon the Commission, to the possible detriment of the rate payers, the burden of ferreting out doubtful or improper items from the accounts. Our current accounting rules are conducive to a rate case procedure whereby each contribution and membership item, currently charged "below-the-line", can be advanced by the carrier as properly includible in operating expenses, and such inclusion therein can be supported by pertinent evidence and argument (the latter might well include nearly every contention contained in the comments of the proponents of the proposed rule revision). The Commission could then rule on the merits of the issues at the proper time. In view of the controversy concerning the rate making treatment of the community welfare expenditures, the amendment of our accounting rules to permit the charging of such expenditures to any of the operating expense accounts might indicate to interested parties that we lean toward allowing such expenditures as operating expense for rate making. Since this matter is not now before us, we do not intend that this document should be construed as setting forth any opinion concerning the rate making aspects of the items at issue.

8. In our opinion, it would be unwise to adopt the proposed tax normalization rule, under which charitable contributions would continue to be charged to account 323, but an amount equal to the income tax reduction attributable to such contributions would be credited to account 323 with an offsetting charge to operating expenses. Even if we assume tax normalization accounting to be desirable in principle, we have doubts whether such accounting should be applied in the case of charitable contributions by the telephone companies. Our records indicate that annual contributions are relatively uniform and not of such magnitude as to produce tax reductions which could distort net operating income to any appreciable extent. Tax normalization accounting is usually applied to extraordinary non-recurring transactions which are of sufficient magnitude to substantially distort net income. Further, tax normalization accounting for contributions would complicate the accounts and may confuse some readers of the carriers' financial statements.

9. Aside from the above-mentioned obection to the proposed tax normalization rule, we believe that such proposal might more appropriately be considered, if at all, as part of a comprehensive review of the entire subject of tax normalization accounting. Such comprehensive subject is beyond the scope of this proceeding. Finally, we feel that if we were to apply tax normalization accounting solely to the matters now under consideration, such action might be construed as an indication that we were of the opinion that carriers may partially charge contributions to operating expenses for rate making purposes. As we have already stated, we do not at this time take any position on such matter.

10. In view of the foregoing, the Commission has concluded that there is no current need to adopt any of the proposed amendments to the accounting rules, and that the current rules are well adapted to serve the regulatory purposes and the public interest: *Accordingly, it is ordered*, That the proceeding in Docket No. 11402 is terminated.

Adopted: March 28, 1956.

Released: April 4, 1956.

FEDERAL COMMUNICATIONS COMMISSION [2]

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 56-2615; Filed, Apr. 6, 1956; 8:49 a. m.]

[1] In the Matter of Additional Charges to Operating Expense Account 672, Docket No. 5188, 9 F. C. C. 232, 244 (1942).

[2] Commissioners McConnaughey, Hyde and Doerfer dissenting. Dissenting statements of Commissioners McConnaughey and Doerfer filed as part of the original document.

# NOTICES

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

[Bureau Order 566, Amdt. 3]

AREA DIRECTORS

REDELEGATION OF AUTHORITY WITH RESPECT TO CONSTRUCTION, SUPPLY AND SERVICE CONTRACTS AND NEGOTIATING CONTRACTS FOR SERVICES OF ENGINEERING AND ARCHITECTURAL FIRMS

Section 4 of Order 566, as amended (19 F. R. 3971; 20 F. R. 2092, 5703), is revised to read as follows:

SEC. 4. *Authority of Area Directors to redelegate.* An Area Director may redelegate the authority delegated to him by this order. Each redelegation shall be published in the FEDERAL REGISTER.

GLENN L. EMMONS, *Commissioner.*

APRIL 3, 1956.

[F. R. Doc. 56-2607; Filed, Apr. 6, 1956; 8:46 a. m.]



## DEPARTMENT OF AGRICULTURE

### Commodity Stabilization Service

1956 CROP OF UPLAND COTTON

NOTICE OF REDELEGATION OF FINAL AUTHORITY OF STATE AGRICULTURAL STABILIZATION AND CONSERVATION COMMITTEE

Section 722.729 (b) of the Regulations Pertaining to Acreage Allotments for the 1956 Crop of Upland Cotton (20 F. R. 8247) issued pursuant to the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301–1376), provides that any authority delegated to a State Agricultural Stabilization and Conservation Committee by the regulations in §§ 722.717 to 722.729 (a), inclusive, may be redelegated by the State Committee. In accordance with section 3 (a) (1) of the Administrative Procedure Act (5 U. S. C. 1002 (a)), which requires delegations of final authority to be published in the FEDERAL REGISTER, there are set out herein the redelegations which have been made by the Alabama Agricultural Stabilization and Conservation State Committee of the final authority vested in such committee by the Secretary of Agriculture in the regulations referred to above. These redelegations are in addition to those contained in the notice published in the FEDERAL REGISTER on December 22, 1955 (20 F. R. 9870) and February 16, 1956 (21 F. R. 1077). Shown below are the section of the regulations in which such authority appears and the persons, designated by name and by title, to whom the authority has been redelegated:

ALABAMA

Section 722.729 (a)—Fred M. Acuff, Program Specialist and John L. Hoover, Program Specialist.

Issued at Washington, D. C., this 3d day of April 1956.

[SEAL] WALTER C. BERGER, *Acting Administrator.*

[F. R. Doc. 56-2629; Filed, Apr. 6, 1956; 8:51 a. m.]

PEANUTS

NOTICE OF REDELEGATION OF FINAL AUTHORITY BY ALABAMA STATE AGRICULTURAL STABILIZATION AND CONSERVATION COMMITTEE

Section 729.731 of the Marketing Quota Regulations for the 1956 Crop of Peanuts (20 F. R. 6033), issued pursuant to the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301–1393), provides that any authority delegated to the State Agricultural Stabilization and Conservation Committee by the regulations may be redelegated by the State Committee. In accordance with section 3 (a) (1) of the Administrative Procedure Act (5 U. S. C. 1002 (a)), which requires delegations of final authority to be published in the FEDERAL REGISTER, there are set out herein the redelegations of final authority which have been made by the Alabama State Agricultural Stabilization and Conservation Committee of authority vested in such committee by the Secretary of Agriculture in the regulations referred to above. Shown below are the sections of the regulations in which such authority appears and the persons to whom the authority has been redelegated:

ALABAMA

Section 729.728—Fred M. Acuff and John L. Hoover, Program Specialists of the Office of the State ASC Committee.

Issued at Washington, D. C., this 3d day of April 1956.

[SEAL] WALTER C. BERGER, *Acting Administrator, Commodity Stabilization Service.*

[F. R. Doc. 56-2628; Filed, Apr. 6, 1956; 8:50 a.m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

PUBLIC WARNING AGAINST HOXSEY CANCER TREATMENT

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 705 (b), 52 Stat. 1058; 21 U. S. C. 375 (b)) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), and upon the conclusion by the Commissioner that the Hoxsey Cancer Treatment is imminently dangerous to health and constitutes gross deception of the consumer, the following notice is issued:

Sufferers from cancer, their families, physicians, and all concerned with the care of cancer patients are hereby advised and warned that the so-called Hoxsey treatment for internal cancer has been found by the United States Court of Appeals for the Fifth Circuit, on the basis of evidence presented by the Food and Drug Administration, to be a worthless treatment.[1]

The Federal Food, Drug, and Cosmetic Act authorizes dissemination of information regarding drugs in situations involving imminent danger to health or gross deception of the consumer, *supra*. The Hoxsey treatment for internal cancer involves such drugs. Its sale represents a gross deception of the consumer. It is imminently dangerous to rely upon it in neglect of competent and rational treatment.

The Hoxsey treatment costs the patient $400, plus $60 in additional fees—expenditures that will yield nothing of any value in the cure of cancer. It begins with a superficial and inadequate examination of the patient at the Hoxsey Cancer Clinic, Dallas, Texas, or Portage, Pennsylvania. The patient at Dallas is then supplied with one of the following "cancer" medicines: Black pills, red pills, a brownish-black liquid, or a light-red liquid. The black pills and the brownish-black liquid contain potassium iodide, licorice, red clover blossoms, burdock root, Stillingia root, berberis root, pokeroot, cascara sagrada, prickly ash bark, and buckthorn powder. The red pills contain potassium iodide, red clover, Stillingia root, pokeroot, buckthorn, and pepsin. At Portage the patient is given the same "cancer" medication, although the colors of the pills are different. The light-red liquid medicine is potassium iodide in elixir of lactated pepsin. There is evidence that potassium iodide accelerates the growth of some cancers.

The Food and Drug Administration has conducted a thorough and long-continuing investigation of Hoxsey's treatment. His claimed cures have been extensively studied, and the Food and Drug Administration has not found a single verified cure of internal cancer effected by the Hoxsey treatment. In addition, the National Cancer Institute of the United States Public Health Service has reviewed case histories submitted by Hoxsey and has advised him that the cases provided no scientific evidence that the Hoxsey treatment has any value in the treatment of internal cancer.

On October 26, 1953, Harry M. Hoxsey, the Clinic, and all persons in active concert with him were enjoined by the United States District Court at Dallas, Texas, from shipping their worthless cancer medicines in interstate commerce with labeling representing, suggesting, or implying that the products are effective in the treatment of any type of internal cancer. While the Government intends to prosecute violations of the injunction, this warning is necessary for the immediate protection of cancer victims who may be planning to take the Hoxsey treatment.

Those afflicted with cancer are warned not to be misled by the false promise that the Hoxsey cancer treatment will cure or alleviate their condition. Cancer can be cured only through surgery or radiation. Death from cancer is inevitable when cancer patients fail to obtain proper medical treatment because of the lure of a painless cure "without the use of surgery, X-ray, or radium" as claimed by Hoxsey.

Dated: April 3, 1956.

[SEAL] GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F. R. Doc. 56-2608; Filed, Apr. 6, 1956; 8:47 a. m.]

[1] The court decisions may be found in Vol. 198, Federal Reporter, 2d series, p. 273, and Vol. 207, Federal Reporter, 2d Series, p. 567.

## DEPARTMENT OF COMMERCE

### Maritime Administration

BLOOMFIELD STEAMSHIP CO.

NOTICE OF APPLICATION FOR PERMISSION TO OPERATE VESSEL

Notice is hereby given of the application of Bloomfield Steamship Company for written permission of the Maritime Administrator under section 805 (a) of the Merchant Marine Act, 1936, 46 U. S. C. 1223, to permit operation of its

owned vessel S. S. "Alice Brown" by the charterer of said vessel, States Marine Corporation, on a voyage commencing on or about May 1, 1956, carrying lumber and lumber products from United States North Pacific ports to United States Atlantic ports, north of Cape Hatteras.

Any person, firm, or corporation having any interest in such application and desiring a hearing on issues pertinent to section 805 (a) should within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER notify the Secretary, Maritime Administration, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Administration.

If no request for hearing and petition for leave to intervene is received within the specified time, the requested permission will be granted.

Dated: April 4, 1956.

By order of the Maritime Administrator.

[SEAL] A. J. WILLIAMS,
*Secretary.*

[F. R. Doc. 56–2614; Filed, Apr. 6, 1956; 8:48 a. m.]

## Office of the Secretary

RAY W. IRELAND

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

Statement of changes in financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

1. Name of appointee: Ray W. Ireland.

2. Employing agency: Department of Commerce, Defense Air Transportation Administration, Office of the Secretary, Office of the Under Secretary for Transportation.

3. Date of appointment: March 5, 1952.

4. Title of position: Consultant.

5. Name of private employer: United Air Lines, Inc.

6. Changes in names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

A. Deletions: Melville Shoe Corporation, Common; Woolworth, Common; Public Service, Electric and Gas 1.40 Preference Common.

B. Additions: None.

This supplements my statement of financial interests reported in the FEDERAL REGISTER of January 7, 1956, 21 F. R. 163.

Dated: March 10, 1956.

R. W. IRELAND.

[F. R. Doc. 56–2602; Filed, Apr. 6, 1956; 8:46 a. m.]

HAROLD L. GRAHAM, JR.

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

Statement of changes in financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

1. Name of appointee: Harold L. Graham, Jr.

2. Employing agency: Department of Commerce, Office of the Under Secretary for Transportation, Defense Air Transportation Administration.

3. Date of appointment: June 28, 1955.

4. Title of position: Consultant (Air Transportation).

5. Name of private employer: Resort Airlines, Inc.

6. Changes in names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

A. Deletions: None.
B. Additions: None.

This supplements my statement of finnancial interests reported in the FEDERAL REGISTER of December 31, 1955, 20 F. R. 10168–69.

Dated: March 29, 1956.

HAROLD L. GRAHAM, JR.

[F. R. Doc. 56–2603; Filed, Apr. 6, 1956; 8:46 a. m.]

ROBERT E. LEE TURNER

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

Statement of changes in financial interests required by Section 710 (b) (6) of the Defense Production Act of 1950, as amended.

1. Name of appointee: Robert E. Lee Turner.

2. Employing agency: Department of Commerce, Defense Air Transportation Administration, Office of the Under Secretary for Transportation.

3. Date of appointment: June 19, 1952.

4. Title of position: Consultant.

5. Name of private employer: Northeast Airlines, Inc.

6. Changes in names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

A. Deletions: None.
B. Additions: 304 Shares of Common Stock, Northeast Airlines, Inc.

This supplements my statement of financial interests reported in the FEDERAL REGISTER of December 14, 1955, 20 F. R. 9348–49.

Dated: March 8, 1956.

ROBERT L. TURNER.

[F. R. Doc. 56–2604; Filed, Apr. 6, 1956; 8:46 a. m.]

PAUL BUTLER

STATEMENT OF CHANGE IN FINANCIAL INTERESTS

Statement of changes in financial interests required by Section 710 (b) (6) of the Defense Production Act of 1950, as amended.

1. Name of appointee: Paul Butler.

2. Employing agency: Department of Commerce, Defense Air Transportation Administration, Office of the Secretary—Office of the Under Secretary for Transportation.

3. Date of appointment: August 1, 1954.

4. Title of position: Consultant.

5. Name of private employer: Butler Company, Chicago, Illinois.

6. Changes in names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

A. Deletions: None.
B. Additions: None.

This supplements my statement of financial interests reported in the FEDERAL REGISTER of December 14, 1955, 20 F. R. 9348–49.

Dated: March 1956.

PAUL BUTLER.

[F. R. Doc. 56–2605; Filed, Apr. 6, 1956; 8:46 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 6584, 6585; FCC 56M–320]

ALBUQUERQUE BROADCASTING CO. (KOB)

ORDER POSTPONING HEARING CONFERENCE

In re applications of: Albuquerque Broadcasting Company (KOB), Albuquerque, New Mexico, Docket No. 6584, File No. BMP–1738; for modification of construction permit. Albuquerque Broadcasting Company (KOB), Albuquerque, New Mexico, Docket No.. 6585, File Nos. BL–1799, BZ–1583; for license to cover construction permit as modified and authority to determine operating power by direct measurement.

The Hearing Examiner having under consideration a motion, filed on April 2, 1956, on behalf of American Broadcasting Company (WABC), requesting that the hearing conference in the above-entitled proceeding, now scheduled to be held on April 4, 1956, be postponed until 10:00 o'clock a. m., April 10, 1956; and

It appearing that sufficient facts have been set forth in the above motion to warrant a grant of the relief requested herein; and

It further appearing that all of the parties to the proceeding have consented to a grant of the said motion and to a waiver of § 1.745 of the Commission's rules;

*It is ordered*, This 3d day of April 1956, that the above motion be, and it is hereby, granted and that the hearing conference in the above-entitled proceeding is hereby postponed until 10:00 o'clock a. m. on April 10, 1956, in the offices of this Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56–2616; Filed, Apr. 6, 1956; 8:49 a. m.]

[Docket No. 9030, etc.; FCC 56M–312]

QUEEN CITY BROADCASTING CO. ET AL.

ORDER CONTINUING HEARING

In re applications of Queen City Broadcasting Company, Seattle, Washington, Docket No. 9030, File No. BPCT–453; KXA, Incorporated, Seattle, Washington, Docket No. 10758, File No. BPCT–902; Puget Sound Broadcasting Co., Inc., Seattle, Washington, Docket No. 10759, File No. BPCT–1592; for construction permits for new television stations (Channel 7).

At the oral request of counsel for Puget Sound Broadcasting Co., Inc., and with the consent of all other participants to grant of the request and to its early consideration;

*It is ordered*, This 2d day of April 1956, that further hearing in the above entitled proceeding now scheduled for 10:00 a. m., April 9, 1956, is continued to 10:00 a. m., April 12, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56–2617; Filed, Apr. 6, 1956; 8:49 a. m.]

[Docket Nos. 11364, 11363; FCC 56M–313]

RCA COMMUNICATIONS, INC., AND WESTERN UNION TELEGRAPH CO.

ORDER SCHEDULING HEARING

In the matter of RCA Communications, Inc. v. The Western Union Telegraph Company, Docket No. 11364; complaint with respect to Area "C" Pacific Traffic under the International Formula.

In the matter of RCA Communications, Inc., Docket No. 11663; request for appropriate Commission action with respect to alleged illegal practices of The Western Union Telegraph Company in handling traffic destined to various Far Eastern points.



*It is ordered*, This 2d day of April 1956, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on May 15, 1956, in Washington, D. C.

Released: April 3, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56–2618; Filed, Apr. 6, 1956; 8:49 a. m.]

[Docket No. 11519; FCC 56M–314]

GREENVILLE BROADCASTING CORP.

ORDER SCHEDULING HEARING

In re application of The Greenville Broadcasting Corporation, Greenville, Ohio, Docket No. 11519, File No. BP–9522; for construction permit.

*It is ordered*, This 2d day of April 1956, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on June 5, 1956, in Washington, D. C.

Released: April 3, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56–2619; Filed, Apr. 6, 1956; 8:49 a. m.]

[Docket No. 11600; FCC 56M–322]

TWIN-CITY BROADCASTING CO., INC.

ORDER CONTINUING HEARING

In re application of Twin-City Broadcasting Company, Inc., Shreveport, Louisiana, Docket No. 11600, File No. BP–10032; for construction permit.

At the oral request of counsel for the Broadcast Bureau and with the consent of all other participants to grant of the request and to its early consideration;

*It is ordered*, This 3d day of April 1956, that hearing in the above-entitled proceeding now scheduled for 10:00 a. m., April 4, 1956, is continued to 10:00 a. m., April 25, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56–2620; Filed, Apr. 6, 1956; 8:49 a. m.]

[Docket No. 11609; FCC 56M–301]

ANNA BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of Pierce E. Lackey and F. E. Lackey d/b as Anna Broadcasting Company, Anna, Illinois, Docket No. 11609, File No. BP–10033; for construction permit.

The Hearing Examiner having under consideration a Petition for Continuance filed March 26, 1956 on behalf of the applicant, requesting an indefinite continuance of the hearing now scheduled to commence on March 30, 1956; and

It appearing from the statements made in the petition that the respondent in this proceeding and counsel for the Broadcast Bureau have consented to a waiver of § 1.745 of the Commission's rules and to a grant of the instant petition; and

It further appearing that good cause for an indefinite continuance is shown by petitioner's allegation that it desires additional time of a presently unforeseeable duration within which to have made on its behalf engineering studies and surveys for the purpose of undertaking to eliminate the problems suggested by the hearing issues in this proceeding, and that the requested indefinite continuance will conduce to the orderly dispatch of the Commission's business;

*Now therefore, it is ordered* This 28th day of March 1956, that the above Petition for Continuance be and it is hereby granted, and that the hearing in this proceeding is continued from March 30, 1956 to a date to be fixed by subsequent order.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56–2621; Filed, Apr. 6, 1956; 8:49 a. m.]

[Docket No. 11626 etc.; FCC 56M–325]

GRAND PRAIRIE BROADCASTING CO. ET AL.

STATEMENT AND ORDER AFTER PREHEARING CONFERENCE

In re applications of Grand Prairie Broadcasting Co., Grand Prairie, Texas, Docket No. 11626, File No. BP–9779; William P. Davis, tr/as Waxahachie Radio, Waxahachie, Texas, Docket No. 11627, File No. BP–9838; Bernice Schwartz and R. M. Hetherington, d/b as Grand Prairie Broadcasting Company, Grand Prairie, Texas, Docket No. 11628, File No. BP–9923; Radio Center, Inc., Arlington, Texas, Docket No. 11629, File No. BP–9958; James Harvey Grove, Henrietta May Grove, and Howard Marion Grove, d/b as Parker County Broadcasting Company, Weatherford, Texas, Docket No. 11630, File No. BP–10044; for construction permits.

1. A prehearing conference was held on February 28 and April 3, 1956. It was agreed by all counsel present that the Hearing Examiner need not issue a detailed statement of all the matters considered at the conference, but need only set out a timetable. It is held, therefore, that the transcript of the prehearing conference shall be referred to with respect to stipulations, order of proof, and all other items therein set forth, and that the following timetable shall apply:

(a) Exchange of written case under Rule 1.841—May 8, 1956, at 5 p. m.

(b) Further conference under Rule 1.841—May 15, 1956, at 10 a. m., in Washington, D. C.

(c) Commencement of evidentiary hearing—May 22, 1956, at 10 a. m., in

Washington, D. C. (continued from April 23, 1956, at session of February 28, 1956).

So ordered, this 3d day of April 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-2622; Filed, Apr. 6, 1956; 8:50 a. m.]

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[Docket No. 11638; FCC 56M-321]

CAPITAL BROADCASTING CO. (KFNF)

ORDER CONTINUING HEARING

In re application of Capital Broadcasting Company (KFNF), Shenandoah, Iowa, Docket No. 11638, File No. BP-10222; for construction permit to change antenna-transmitter location and increase antenna height.

*It is ordered*, This 3d day of April 1956, that, pursuant to a pre-hearing conference between counsel of all parties herein, the hearing now scheduled for April 16, 1956 be, and the same is hereby, continued to May 7, 1956, at the Commission's offices in Washington, D. C., at 10:00 a. m.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-2623; Filed, Apr. 6, 1956; 8:50 a. m.]

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[Docket No. 11666; FCC 56M-316]

BLACKSTONE BROADCASTING CO. (KTBB)

ORDER SCHEDULING HEARING

In re application of Blackstone Broadcasting Company (KTBB), Tyler, Texas, Docket No. 11666, File No. BP-10087; for construction permit.

*It is ordered*, This 2d day of April 1956, that J. D. Bond will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on June 5, 1956, in Washington, D. C.

Released: April 3, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-2624; Filed, Apr. 6, 1956; 8:50 a. m.]

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[Docket Nos. 11668, 11669; FCC 56M-318]

LAWRENCE A. REILLY ET AL.

ORDER SCHEDULING HEARING

In re applications of Lawrence A. Reilly and James L. Spates, Groton, Connecticut, Docket No. 11668, File No. BP-10138; The Thames Broadcasting Corporation, Bridgehampton, New York, Docket No. 11669, File No. BP-10146; for construction permits.

*It is ordered*, This 2d day of April 1956, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on June 5, 1956, in Washington, D. C.

Released: April 3, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-2625; Filed, Apr. 6, 1956; 8:50 a. m.]

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[Docket No. 11670; FCC 56M-319]

NEWS ON THE AIR, INC.

ORDER SCHEDULING HEARING

In re application of News on the Air, Inc., Port Clinton, Ohio, Docket No. 11670, File No. BP-9977; for construction permit.

*It is ordered*, This 2d day of April 1956, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on June 11, 1956, in Washington, D. C.

Released: April 3, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-2626; Filed, Apr. 6, 1956; 8:50 a. m.]

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## FEDERAL POWER COMMISSION

[Docket No. G-8512 etc.]

HOUSTON NATURAL GAS PRODUCTION CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

APRIL 2, 1956.

In the matters of Houston Natural Gas Production Company, Lindsey G. Morgan, Margaret H. Stodder, Sheldon Coleman, Clarence Coleman, Docket No. G-8512; The Texas Company, Docket No. G-8831; Alfred Production Company,[1] Docket No. G-8832;[2] J. Keet Lewis, Drilling and Exploration Company, O. G. McClain, O. K. Smith Drilling Company, Reylow Corporation, Calvert & Manley, Manco, Edwin Singer, Trustee, Pontiac Refining Corporation, Republic Natural Gas Company, Charles A. Daubert, Walter J. Achning, Leonard R. Sayers, G. D. Morris, H. E. Hamilton, Dr. Ray M. Morgan, T. E. Alexander, Virginia Lee Riedel and Chester H. Riedel, W. E. Nierth, W. H. Larkin, Jimmie Mumme and J. B. Mumme, Cecil B. Burton, Ellen Oil & Gas Company, Lewis O. Kelsey, Docket No. G-8832;[2] A. O. Phillips, Docket No. G-8838; C. N. Housh, Docket No. G-8873; Dalport Oil Corporation, Edward Wright, Jr., E. H. Reeder Construction Company, Inc., Jack B. Shook, James S. Hudnall, G. W. Pirtle, Norman E. Loomis, George & Wrather Oil Company, Docket No. G-8887; Michaelis Drilling Company, Docket No. G-8984; Northern Natural Gas Producing Company, Docket No. G-9011; Michaelis Drilling Company, Docket No. G-9179; Continental Oil Company, Docket No. G-9248; Warren Petroleum Corporation, Docket No. G-9306; Warren Petroleum Corporation, Docket No. G-9307; Champlin Refining Company, Docket No. G-9328; Acco Oil & Gas Company, Docket No. G-9367; The Atlantic Refining Company, Docket No. G-9379; Samedan Oil Corporation, A. A. Kemnitz, Docket No. G-9456; Sun Oil Company (Gulf Coast Division), Docket No. G-9483; The Texas Company, Docket No. G-9493; Michaelis Drilling Company, Docket No. G-9497; Champlin Refining Company, Docket No. G-9519; Nortex Oil & Gas Corporation, Docket No. G-9537; Roy H. Gardner, Docket No. G-9544; The Shallow Water Refining Company, Docket No. G-9559; Michaelis Drilling Company, Docket No. G-9626; Logan Reip Gas Company, Docket No. G-9639; Perry Gas Company, Docket No. G-9640; Lona Wears Gas Company, Docket No. G-9641; Orville H. Parker, Melvin F. Endicott, John S. Bottomly, Robert L. Wickser, Stephen Paine, George Moatsos, Michel Porges, Spiro N. Conmantaros, William E. Benjamin II, Marshall Norling, Samuel M. Marcus, Paul Pennoyer, Robert B. Meech, Morton Fearey, Robert S. Armacost, Sr., Charles B. Meech, Franz T. Stone, Robert F. Chick, Robert W. MacPherson, Mrs. Rose B. Meech, Dorothy B. Strong, Barbara Kierman, William C. Chick, Jr., George F. Rand III, Howard A. Schumacher, John P. Wickser, Joseph Stewart, Peter Henderson Oil Company, M. Foss and Company, Jerome B. Chambers and Margaret L. Chambers d/b/a Cummins Diesel Sales of Colorado Company, Docket No. G-9655; Pubco Development, Inc. (N. S. L.), Docket No. G-9665; Humble Oil & Refining Company, Docket No. G-9702; Ross Walker, Docket No. G-9703; Champlin Refining Company, Docket No. G-9710; Amerada Petroleum Corporation, Docket No. G-9728; The Hunter Company, Inc., Docket No. G-9733; Anderson-Prichard Oil Corporation, Docket No. G-9735; Anderson-Prichard Oil Corporation, Docket No. G-9736; The Texas Company, Docket No. G-9743; Trippett Gas Company, Docket No. G-9747; Standard Oil Company of Texas, H. R. Smith, Progress Petroleum Company, Docket No. G-9766; Edwin L. Cox, Docket No. G-9768; The Texas Company, Docket No. G-9778; The Texas Company, Docket No. G-9779; G. J. Hollandsworth,[3] Ralph R. Gilster, James E. Kemp, C. H. Lyons, Sr., C. T. McCord, Jr., G. L. Logan, C. H. Lyons, Jr., Hall M. Lyons, G. F. Abendroth, E. L. Hilliard, J. T. Palmer, Docket No. G-9788; Arkansas Fuel Oil Corporation, Docket No. G-9789; Trice Production Company, Docket No. G-9790; The British-American Oil Producing Company, Docket No. G-9814; Anderson-Prichard Oil Corporation, Docket No. G-9828; Anderson-Prichard Oil Corporation, Docket No. G-9829; Stanolind Oil and Gas Company, Docket No. G-9830; E. B. Germany d/b/a E. B. Germany & Sons, Docket No. G-9837; Renwar Oil Corporation, Docket No. G-9844; Mark Edwin Andrews, Docket No. G-9847; H. R. Smith, Docket No. G-9855; Paul Shaffer, Docket No. G-9859; Seabolt Gas Company, Docket No. G-9862; Northern Natural Gas Producing Company, Docket No. G-9863; J. M. Huber Corporation, Docket No. G-9871; Phillips Petroleum Company, Docket No. G-9874; Phillips Petroleum Company, Docket No. G-9875; J. E. Jackson, Docket No. G-9878; Jules G. Franks, Docket No. G-9880; Sinclaid Oil & Gas Company, Docket No. G-9883; Socs Vratis, Lamar Cecil, Jimmy P. Cokinos, Harry Berlowitz, Stanley V. Rush, Docket No. G-9884; Gulf Oil Corporation, Docket No. G-9885; Cecil A. Johnson, Gilbert C. Swanson, W. Clarke Swanson, Stearns Petroleum, Inc., Trans-Era Petroleum, Inc., Docket No. G-9888; Tennessee Gas Transmission Company, Docket No. G-9889; General Crude Oil Company, Docket No. G-9895; E. J. Hudson,[4] R. A. Irwin, Docket No. G-9896; Fred LaRue, Docket No. G-9903; W. Calvin Wells, III, Docket No. G-9904; Calvin L. Wells, Docket No. G-9905; Pauline F. Wells, Docket No. G-9906; Pauline Wells Montgomery, Docket No. G-9907; Emily R. Clark, Docket No. G-9908; Charles H. Russell, Docket No. G-9909; Harrison H. Russell, Docket No. G-9910; Isabel Russell McCarty, Docket No. G-9911; W. R. Newman, Docket No. G-9912; Elizabeth B. Newman, Docket No. G-9913; Toddie L. Wynne, Jr., Docket No. G-9914; Amerada Petroleum Corporation, Docket No. G-9917; Smith & Baker Oil and Gas Company, Docket No. G-9919; Cyprus Oil Company, Docket No. G-9924; Petroleum, Inc., Docket No. G-9929; Petroleum, Inc., Docket No. G-9930; Schermerhorn Oil Corporation, Kenwood Oil Company, J. Hiram Moore, Docket No. G-9936; Skelly Oil Company, Docket No. G-9937; Siznod Oil Corporation, Irving A. Shefts d/b/a Mim Oil Company, R. E. Schiefelbein, Docket No. G-9940; Grace Oil Company, Docket No. G-9941; Anderson-Prichard Oil Corporation, Docket No. G-9946; Cabot Carbon Company, Docket No. G-9950; Phillips Petroleum Company, Docket No. G-9958; Christensen & Mathews, Docket No. G-9973; The Atlantic Refining Company, Docket No. G-9980; Aladdin Petroleum Corporation, Docket No. G-9984; Elmer F. Huebsch,[5] W. B. Greene, Robert P. Marcus, Norris Darrell, Norman Levene, Gillmore M. Perry, William H. Alger, J. Milburn Smith, O. B. Kibler, Louis Putze, Docket No. G-9985; Woodley Petroleum Company, Docket No. G-9987; N. C. Ginther, H. C. Warren, W. L. Ginther, Docket No. G-9996; The Texas Company, Docket No. G-10021.

Take notice that the persons as hereinabove captioned (Applicants), filed, as hereinafter indicated in the various dockets, separate applications for certificates of public convenience and necessity pursuant to Section 7 of the Natural Gas Act, authorizing Applicants to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

Each Applicant in each docket proposes to sell natural gas in interstate commerce from production of certain leases, units or acreage located in the area indicated to the respective purchasers as indicated for resale.

*Docket No.; Date Filed; Applicant's Address; Source of Gas; and Purchaser*

G-8512; 2-24-55; P. O. Box 1188, Houston 1, Tex.; Hagist Ranch Field, Duval County, Tex.; Tennessee Gas Transmission Company.

G-8831; 4-29-55; P. O. Box 2332, Houston 1, Tex.; Alfred Field, Jim Wells County, Tex.; Alfred Production Company.

G-8832; 4-29-55, 10-24-55; 608 Wilson Building, Corpus Christi, Tex.; Alfred Field, Jim Wells and Nueces Counties, Tex.; Trunkline Gas Company.

G-8832; 4-29-55, 10-24-55; 608 Wilson Building, Corpus Christi, Tex.; Alfred Field, Jim Wells and Nueces Counties, Tex.; Alfred Production Company.

G-8838; 4-29-55; 2507 Mercantile Bank Building, Dallas, Tex.; Englehart Field, Colorado County, Tex.; Texas Eastern Transmission Corporation.

G-8873; 5-9-55; 586 Gulf Building Addition, Houston 2, Tex.; Cecil Noble Field, Colorado County, Tex.; Tennessee Gas Transmission Company.

G-8887; 5-11-55; 930 Fidelity Union Life Building, Dallas, Tex.; Morales Field, Jackson County, Tex.; Tennessee Gas Transmission Company.

G-8984; 5-31-55; 1019 East Second Street, Wichita, Kans.; Hugoton Field, Seward and Haskell Counties, Kans.; Northern Natural Gas Company.

G-9011; 6-7-55; 2223 Dodge Street, Omaha 1, Nebr.; Hugoton Field, Haskell, Finney, Seward, and Stevens Counties, Kans.; Northern Natural Gas Company.

G-9179; 7-25-55; 1019 East Second Street, Wichita, Kans.; Hugoton Field, Haskell County, Kans.; Northern Natural Gas Company.

G-9248; 8-19-55; P. O. Box 2197, Houston 1, Tex.; Panhandle Field, Hutchinson County, Tex.; Phillips Petroleum Company.

G-9306; 9-7-55; P. O. Box 1589, Tulsa, Okla.; LaGloria Field, Jim Wells County, Tex.; Transcontinental Gas Pipe Line Corporation.

G-9307; 9-7-55; P. O. Box 1589, Tulsa, Okla.; LaGloria Field, Jim Wells County, Tex.; Texas-Illinois Natural Gas Pipe Line Company.

G-9328; 9-15-55; 318 West Cherokee Avenue, Enid, Okla.; East Pleasant Valley Field, Logan County, Okla.; Cities Service Gas Company.

G-9367; 9-19-55; 500 San Jacinto Building, Houston, Tex.; West Indian Hills Field, Harris and Montgomery Counties, Tex.; Tennessee Gas Transmission Company.

G-9379; 9-20-55; P. O. Box 2819, Dallas 1, Tex.; Orange Grove Field, Jim Wells County, Tex.; Orange Grove Flare Gas Gathering Company.

G-9456; 10-10-55; P. O. Box 959, Ardmore, Okla.; Penrose-Skelly Field, Lee County, N. Mex.; Permian Basin Pipeline Company.

G-9483; 10-13-55; 1608 Walnut Street, Philadelphia 3, Pa.; Nelsonville Field, Austin County, Tex.; Tennessee Gas Transmission Company.

G-9493; 10-17-55; P. O. Box 2332, Houston 1, Tex.; Nelsonville Field, Austin County, Tex.; Tennessee Gas Transmission Company.

G-9497; 10-17-55; 1019 East Second Street, Wichita, Kans.; Hugoton Field, Finney County, Kans.; Kansas-Nebraska Natural Gas Company, Inc.

G-9519; 10-20-55; 318 West Cherokee Avenue, Enid, Okla.; East Pleasant Valley Field, Logan County, Okla.; Cities Service Gas Company.

G-9537; 10-24-55; Fidelity Union Life Building, Dallas, Tex.; Taft-West Field (Sinton Sand), San Patricio County, Tex.; Tennessee Gas Transmission Company.

G-9544; 10-24-55; 345 San Jacinto Building, Houston 2, Tex.; North Tidehaven Field, Matagorda County, Tex.; Tennessee Gas Transmission Company.

G-9559; 10-26-55; Ward Parkway Bank Building, Kansas City, Mo.; Hugoton Field, Finney County, Kans.; Northern Natural Gas Company.

G-9626; 11-7-55; 1019 East Second Street, Wichita, Kans.; Hugoton Field, Haskell County, Kans.; Colorado Interstate Gas Company.

G-9639; 11-10-55; Grantsville, W. Va.; Washington District, Calhoun County, W. Va.; Hope Natural Gas Company.

G-9640; 11-10-55; P. O. Box 962, Logan, W. Va.; Tridelphia District, Logan County, W. Va.; Hope Natural Gas Company.

G-9641; 11-10-55; Arnoldsburg, W. Va.; Washington District, Calhoun County, W. Va.; Hope Natural Gas Company.

G-9655; 11-14-55; Highway 77 and Shirlee Avenue, Ponca City, Okla.; Glenwood Field, Beaver County, Okla.; Cities Service Gas Company.

G-9665; 11-16-55; 111 Fifth Street SW., Albuquerque, N. Mex.; Permian Basin Field, San Juan County, N. Mex.; El Paso Natural Gas Company.

G-9702; 11-25-55; P. O. Box 2180, Houston 1, Tex.; Fuhrman-Mascho, Means and Nolley-Wolfcamp, Deeprock-Ellenberger, and Shafter Lake-San Andres Fields, Andrews County, Tex.; Phillips Petroleum Company.

G-9703; 11-25-55; 516 Peoples Bank Building, Tyler, Tex.; Maxie and Pistol Ridge Fields, Forrest County, Miss.; United Gas Pipe Line Company.

G-9710; 11-28-55; 318 West Cherokee Avenue, Enid, Okla.; East Pleasant Valley Field, Logan County, Okla.; Cities Service Gas Company.

G-9728; 12-2-55, 2-1-56; P. O. Box 2040, Tulsa 2, Okla.; Bloomington Field, Victoria County, Tex.; Texas Illinois Natural Gas Pipeline Company.

G-9733; 12-5-55; 906 Market Street, Shreveport, La.; Greenwood-Waskom Field, Caddo Parish, La.; United Gas Pipe Line Company.

G-9735; 12-5-55; Liberty Bank Building, Oklahoma City, Okla.; Cliff Field, Logan County, Colo.; Kimball Gas Products Company.

G-9736; 12-5-55; Liberty Bank Building, Oklahoma City, Okla.; Cliff Field, Logan County, Colo.; Kimball Gas Products Company.

G-9743; 12-5-55; P. O. Box 2332, Houston 1, Tex.; Rock Island Field, Colorado County, Tex.; Tennessee Gas Transmission Company.

G-9747; 12-6-55; Beatrice, Ritchie County, W. Va.; Sherman District, Calhoun County, W. Va.; Hope Natural Gas Company.

G-9766; 12-12-55; City National Bank Building, Houston, Tex.; South Fowlerton Area, La Salle and McMullen Counties, Tex.; Tennessee Gas Transmission Company.

G-9768; 12-12-55; 2100 Adolphus Tower, Dallas 2, Tex.; Greenwood Field, Morton County, Kans.; Colorado Interstate Gas Company.

G-9778; 12-15-55; P. O. Box 2332, Houston 1, Tex.; West Panhandle Field, Gray County, Tex.; Northern Natural Gas Company.

G-9779; 12-15-55; P. O. Box 2332, Houston 1, Tex.; Guymon-Hugoton Gas Field, Texas County, Okla.; Panhandle Eastern Pipe Line Company.

G-9788; 12-16-55; 404 Texas Eastern Building, Shreveport, La.; Carthage Field, Panola

[1] While application pending, Alfred Production Company changed its legal form of business from that of a partnership to a Texas corporation.

[2] A joint application covering sales by J. Keet Lewis et al. to Alfred Production Company (Alfred) and covering sales by Alfred to Trunkline Gas Company.

[3] Application styles Lyons & Logan as Applicant.

[4] Application styles Hudson Gas & Oil Corporation as Applicant.

[5] Application filed by Breuer-Robinson Oil Company as Agent.

County, Tex.; Tennessee Gas Transmission Company.

G–9789; 12–19–55; Slattery Building, P. O. Box 1117, Shreveport, La.; Willow Springs Field, Gregg County, Tex.; Texas Eastern Transmission Corporation.

G–9790; 12–19–55; P. O. Box 1471, Longview, Tex.; West Rock Island Field, Colorado County, Tex.; Tennessee Gas Transmission Company.

G–9814; 12–23–55; P. O. Box 749, Dallas, Tex.; West Rock Island Field, Colorado County, Tex.; Tennessee Gas Transmission Company.

G–9828; 12–29–55; Liberty Bank Building, Oklahoma City, Okla.; Dilworth Field, Kay County, Oklahoma City, Okla.; Wunderlich Development Company.

G–9829; 12–29–55; Liberty Bank Building, Oklahoma City, Okla.; Dilworth Field, Kay County, Okla.; Wunderlich Development Company.

G–9830; 12–30–55; 511 South Boston Avenue, Tulsa 3, Okla.; Lake Creek Field, Montgomery County, Tex.; Superior Oil Company.

G–9837; 1–3–56; P. O. Box 8007, Dallas 5, Tex.; San Juan Basin, Rio Arriba County, N. Mex.; El Paso Natural Gas Company.

G–9844; 1–3–56; 1501 Wilson Tower, Corpus Christi, Tex.; East Mathis Field, San Patricio County, Tex.; Gas Gathering Company.

G–9847; 1–4–56; 537 Mellie Esperson Building, Houston, Tex.; Dallas Husky Field, North Berclair Area, Goliad County, Tex.; Texas Eastern Transmission Corporation.

G–9855; 1–9–56, 1–12–56; P. O. Box 98, Alice, Tex.; North Magnolia City Field, Jim Wells County, Tex.; Tennessee Gas Transmission Company.

G–9859; 1–9–56; P. O. Box 369, Huntington, W. Va.; Nicholas County, W. Va.; Columbian Carbon Company.

G–9862; 1–11–56; P. O. Box 96, Spencer, W. Va.; Smithfield District, Roane County, W. Va.; South Penn Natural Gas Company.

G–9863; 1–12–56; 2223 Dodge Street, Omaha 1, Nebr.; Hugoton Field, Stevens County, Kans.; Northern Natural Gas Company.

G–9871; 1–16–56; P. O. Box 831, Borger, Tex.; Glenwood Gas Field, Beaver County, Okla.; Cities Service Gas Company.

G–9874; 1–16–56; Bartlesville, Okla.; Monument Field, Lea County, N. Mex.; Warren Petroleum Corporation.

G–9875; 1–16–56; Bartlesville, Okla.; Jack Herbert Field, Upton County, Tex.; Lone Star Producing Company.

G–9878; 1–17–56; 201–203 Perkins Building, Duncan, Okla.; Velma Field, Stephens County, Okla.; Lone Star Gas Company.

G–9880; 1–18–56; Room 2242, 123 South Broad Street, Philadelphia 9, Pa.; Sheridan District, Calhoun County, W. Va.; Hope Natural Gas Company.

G–9883; 1–18–56; P. O. Box 521, Tulsa, Okla.; Langlie-Mattix Field, Lea County, N. Mex.; El Paso Natural Gas Company.

G–9884; 1–18–56; P. O. Box 1126, Port Arthur, Tex.; Tomball Field, Harris County, Tex.; Tennessee Gas Transmission Company.

G–9885; 1–19–56; P. O. Box 1166, Pittsburgh 30, Pa.; Southwest Helen Gohlke Field, Victoria County, Tex.; Texas Eastern Transmission Company.

G–9888; 1–20–56; 1210 Douglas Street, Omaha, Nebr.; Clark County, Kans.; Northern Natural Gas Company.

G–9889; 1–20–56; P. O. Box 2511, Houston 1, Tex.; Spraberry Trend Area, Reagan County, Tex., and West Blanco Area, San Juan County, N. Mex.; El Paso Natural Gas Company.

G–9895; 1–23–56; P. O. Box 2252, Houston 1, Tex.; Lea County, N. Mex.; Permian Basin Pipeline Company.

G–9896; 1–23–56; P. O. Box 4128, Centenary Station, Shreveport, La.; Iota Field, Acadia Parish, La.; Texas Gas Transmission Corporation.

G–9903; 1–24–56; P. O. Box 3499, Jackson, Miss.; Maxie-Pistol Ridge Fields; Forrest, Lamar, and Pearl River Counties, Miss.; United Gas Pipe Line Company.

G–9904; 1–24–56; Ninth Floor, Lamar Life Building, Jackson, Miss.; Maxie-Pistol Ridge Fields; Forrest, Lamar, and Pearl River Counties, Miss.; United Gas Pipe Line Company.

G–9905; 1–24–56; 702 Pennsylvania Street, Jackson, Miss.; Maxie-Pistol Ridge Fields; Forrest, Lamar, and Pearl River Counties, Miss.; United Gas Pipe Line Company.

G–9906; 1–24–56; 3520 Hawthorn Drive, Jackson, Miss.; Maxie-Pistol Ridge Fields; Forrest, Lamar, and Pearl River Counties, Miss.; United Gas Pipe Line Company.

G–9907; 1–24–56; Inverness, Miss.; Maxie-Pistol Ridge Fields; Forrest, Lamar, and Pearl River Counties, Miss.; United Gas Pipe Line Company.

G–9908; 1–24–56; 1039 Manship Street, Jackson, Miss.; Maxie-Pistol Ridge Fields; Forrest, Lamar, and Pearl River Counties, Miss.; United Gas Pipe Line Company.

G–9909; 1–24–56; 1510 North State Street, Jackson, Miss.; Maxie-Pistol Ridge Fields; Forrest, Lamar, and Pearl River Counties, Miss.; United Gas Pipe Line Company.

G–9910; 1–24–56; 130 Woodland Circle, Jackson, Miss.; Maxie-Pistol Ridge Fields; Forrest, Lamar, and Pearl River Counties, Miss.; United Gas Pipe Line Company.

G–9911; 1–24–56; 120 Pinehaven Drive, Jackson, Miss.; Maxie-Pistol Ridge Fields; Forrest, Lamar, and Pearl River Counties, Miss.; United Gas Pipe Line Company.

G–9912; 1–24–56; 3535 Hawthorn Drive, Jackson, Miss.; Maxie-Pistol Ridge Fields; Forrest, Lamar, and Pearl River Counties, Miss.; United Gas Pipe Line Company.

G–9913; 1–24–56; 3535 Hawthorn Drive, Jackson, Miss.; Maxie-Pistol Ridge Fields; Forrest, Lamar, and Pearl River Counties, Miss.; United Gas Pipe Line Company.

G–9914; 1–24–56; P. O. Box 8105, Dallas, Tex.; Maxie Field, Forrest County, Miss.; United Gas Pipe Line Company.

G–9917; 1–25–56; P. O. Box 2040, Tulsa 2, Okla.; San Juan Field, Rio Arriba County, N. Mex.; El Paso Natural Gas Company.

G–9919; 1–26–56; Box 405, Grantsville, W. Va.; Lee District, Calhoun County, W. Va.; Hope Natural Gas Company.

G–9924; 1–26–56; Oil and Gas Building, 706 Lamar Avenue, Houston, Tex.; Bauer Ranch Field, Jefferson County, Tex.; Texas Gas Corporation.

G–9929; 1–27–56; 311 East Third Street, Wichita, Kans.; Hugoton Field, Finney County, Kans.; Kansas-Nebraska Natural Gas Company, Inc.

G–9930; 1–27–56; 311 East Third Street, Wichita, Kans.; Hugoton Field, Kearny County, Kans.; Cities Service Gas Company.

G–9936; 1–30–56; P. O. Box 287, Tulsa, Okla.; Eumont Field, Lea County, N. Mex.; El Paso Natural Gas Company.

G–9937; 1–30–56; Box 1650, Tulsa, Okla.; Logan County, Colo.; Kansas-Nebraska Natural Gas Company, Inc.

G–9940; 1–31–56; Milam Building, San Antonio, Tex.; Holzmark Field, Bee County, Tex.; Texas Eastern Transmission Corporation.

G–9941; 1–31–56; P. O. Box 600, Houston 1, Tex.; Blanco Creek, Refugio County, Tex.; Tennessee Gas Transmission Company.

G–9946; 2–1–56; Liberty Bank Building, Oklahoma City, Okla.; Crosby Field, Lea County, N. Mex.; El Paso Natural Gas Company.

G–9950; 2–3–56; 77 Franklin Street, Boston 10, Mass.; Wolfcamp-Queens Sand Fields, Andrews County, Tex.; Phillips Petroleum Company.

G–9958; 2–8–56; Bartlesville, Okla.; Lea County, N. Mex.; El Paso Natural Gas Company.

G–9973; 2–20–56; San Jacinto Building, Houston, Tex.; N. W. Hartburg Field, Newton County, Tex.; Tennessee Gas Transmission Company.

G–9980; 2–20–56; P. O. Box 2819, Dallas 1, Tex.; Camrick Southeast Gas Pool, Tex., and Beaver Counties, Okla.; Natural Gas Pipeline Company of America.

G–9984; 2–21–56; 809 Petroleum Building, Wichita 2, Kans.; Stevens Field, Meade County, Kans.; Panhandle Eastern Pipe Line Company.

G–9985; 2–21–56; 333 North Michigan Avenue, Chicago 1, Ill.; Zim Field, Starr County, Tex.; Tennessee Gas Transmission Company.

G–9987; 2–23–56; P. O. Box 1403, Houston 1, Tex.; Lea County, N. Mex.; El Paso Natural Gas Company.

G–9996; 2–27–56; 1714 Esperson Building, Houston 2, Tex.; Pawnee Creek Field, Logan County, Colo.; Kansas-Nebraska Natural Gas Company, Inc.

G–10021; 2–29–56; P. O. Box 2332, Houston 1, Tex.; Bayou Penchant Field, Terreborne Parish, La.; Tennessee Gas Transmission Company.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Tuesday, May 8, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 19, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56–2599; Filed, Apr. 6, 1956; 8:45 a. m.]

## CIVIL SERVICE COMMISSION

CERTAIN POSITIONS OF PROFESSIONAL ENGINEERS AND PHYSICAL SCIENTISTS IN CONTINENTAL UNITED STATES; ITS TERRITORIES AND POSSESSIONS (EXCEPT PUERTO RICO); AND IN FOREIGN COUNTRIES

NOTICE OF INCREASE IN MINIMUM RATES OF PAY

Under the provisions of section 803 of the Classification Act of 1949, as amended (68 Stat. 1106; 5 U. S. C. 1133) pursuant to 5 CFR 25.103, 25.105, the Commission has increased the minimum rate of pay for positions at GS–5 and GS–7 in the series and specializations as indicated below. The new rate for GS–5 has been set at $4,480 (the top step of the grade) and for GS–7 at $5,335 (the top step of the grade). These increases will be effective on April 3, 1956.

The new increased rates apply throughout the continental United States; its territories and possessions (except Puerto Rico); and in foreign countries.

All professional engineering positions in the GS–800 series:
- Architect, GS–1040.
- Patent examiner, GS–1224.
- Physicist, GS–1310.
- Electronic scientist, GS–1312.
- Chemist, GS–1320.
- Metallurgist, GS–1321.
- Astronomer, GS–1330.
- Mathematician, GS–1520.
- Technologist, GS–1390.

N. B. Technologist in the following specializations only:
- Aviation survival equipment.
- Industrial radiography.
- Packaging and preservation.
- Photographic equipment.
- Plastics.
- Rubber and plastics.

Geophysicists, GS–1313.

N. B. Geophysicist in the following specializations only:
- Earth physics.
- Geomagnetics.
- Seismology.
- Meteorologists, GS–1340—GS–5 only.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
*Executive Assistant.*

[F. R. Doc. 56–2627; Filed, Apr. 6, 1956; 8:50 a. m.]

## DEPARTMENT OF JUSTICE

### Office of Alien Property

STATE OF NETHERLANDS FOR BENEFIT OF MEYER POOL ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

The State of the Netherlands for the benefit of Meyer Pool; L. S. Claim No. 4; all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to Atchison, Topeka & Santa Fe Railway Company 4/95 Bond No. 9702, in the principal amount of $1,000; Kansas City Southern Railway Company 3/50 Bond No. 22839, in the principal amount of $1,000; Norfolk & Western Railway Company 4/96 Bond No. 4277, in the principal amount of $1,000; and Union Pacific Railroad Company 4/47 Bond No. 58409, in the principal amount of $1,000.

The State of the Netherlands for the benefit of Karel Hartogenais; L. S. Claim No. 6; all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to Atchison, Topeka & Santa Fe Railway Company 4/95 Bond No. 53515, in the principal amount of $1,000.

The State of the Netherlands for the benefit of Ernst Bonnist; L. S. Claim No. 10; all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to Atchison, Topeka & Santa Fe Railway Company 4/95 Bond No. 88738, in the principal amount of $1,000; and Southern Pacific Railroad Company 4/55 Bond Nos. 90830 and 129815, in the principal amount of $1,000 each.

The State of the Netherlands for the benefit of Rebecca van Dien, nee da Silva; L. S. Claim No. 43; all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to Cities Service Company 5/58 Debenture Nos. 8100 and 35845, in the principal amount of $1,000 each.

The State of the Netherlands for the benefit of Sellie Cohen; L. S. Claim No. 62; all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to Cities Service Company 5/58 Debenture No. 44498, in the principal amount of $1,000; and Cities Service Company 5/69 Debenture No. 31175, in the principal amount of $1,000. Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on March 29, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 56–2611; Filed, Apr. 6, 1956; 8:47 a. m.]

ZELMAN VOLPERT ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., and Property*

Zelman Volpert, New York, New York; Eugene J. Rivoche, Washington, D. C.; Marcos Bunimovitch, Caracas, Venezuela; to Marcos Bunimovitch an undivided ¾ths part and to Zelman Volpert and Eugene J. Rivoche, jointly, an undivided ¼th part of property described in Vesting Order No. 2434 (8 Fed. Reg. 16327, December 4, 1943), relating to United States Letters Patent No. 2,119,155; Claim No. 63792.

Executed at Washington, D. C., on March 29, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 56–2609; Filed, Apr. 6, 1956; 8:47 a. m.]

DR. DVORAH ROSEN-JAFFE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Dr. Dvorah Rosen-Jaffe, 29 Mitudela Street, Jerusalem, Israel, Claim No. 63101; Vesting Order No. 3715; all right, title, interest, and claim of any kind or character whatsoever of Max Rosenbaum, who was one of six children of Isaac Rosenbaum, deceased, in and to that property acquired by the Attorney General of the United States pursuant to Vesting Order No. 3715, filed with the FEDERAL REGISTER on June 2, 1944 (9 F. R. 6038), as the property of the child or children, names unknown, of Isaac Rosenbaum, deceased, and their legitimate descendants, names unknown, in and to the Trust created by the Will of Henrietta Friend, also known as Henriette Friend, deceased. The property is in the process of administration by the First Wisconsin Trust Company, Milwaukee, Wisconsin, Trustee, acting under the judicial supervision of the County Court of Milwaukee County, Wisconsin.

Executed at Washington, D. C., on March 29, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 56–2610; Filed, Apr. 6, 1956; 8:47 a. m.]

## INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 4, 1946.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31917: *Sodium products to Cincinnati, Ohio, and Indianapolis, Ind.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on sodium products, including caustic soda, sal soda, bicarbonate, etc., carloads, from Detroit and Wyandotte, Mich., Solvay and Syracuse, N. Y., Barberton, Fairport Harbor, Painesville, Perry, Ohio, Saltville, Va., also Charleston, W. Va., and group to Cincinnati, Ohio and Indianapolis, Ind.

Grounds for relief: Motor-truck and market competition, and circuity.

Tariff: See appendix "A" of the application.

FSA No. 31918: *Substituted service—motor-rail-motor—N&W and Pennsylvania Railroads.* Filed by Southern

Motor Carriers Rate Conference, Agent, for interested rail and motor carriers. Rates on various commodities, in highway trailers loaded on railroad flat cars between Winston-Salem, N. C., and Kearny, N. J., and Philadelphia, Pa., on traffic originating at points beyond the named points reached by motor carriers.

Grounds for relief: Competition with all-motor carriers.

Tariff: Southern Motor Carrier Rate Conference, Agent, I. C. C. No. 29.

FSA No. 31919: *Lumber—Georgia to Chicago, Ill.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on lumber and related articles, carloads from specified points in Georgia to Chicago, Ill.

Grounds for relief: Circuitous routes.

Tariff: Supplement 23 to Agent Spaninger's I. C. C. 1443.

FSA No. 31920: *Vermiculite to Marysville, Ohio, and Utica, N. Y.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on vermiculite, broken, crushed or ground, dried or not dried, carloads, from Kearny and Travelers Rest, S. C., to Marysville, Ohio and Utica, N. Y.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 99 to Agent Spaninger's I. C. C. 1346.

FSA No. 31921: *Sugar to Ohio River crossings and related Kentucky points.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on sugar, carloads from specified south Atlantic and Gulf ports and points in western Louisiana to Cincinnati, Ohio, Lexington, Louisville, Winchester, Ky., and Evansville, Ind.

Grounds for relief: Circuitous routes.

Tariff: Supplement 297 to Alternate Agent Marque's I. C. C. 380.

FSA No. 31922: *Sulphuric acid—Copper Hill, Tenn., to Richmond, Va.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on sulphuric acid, tank-car loads from Copperhill, Tenn., to Richmond, Va.

Grounds for relief: Circuitous routes.

Tariff: Supplement 24 to Louisville and Nashville Railroad Company's tariff I. C. C. A-16805.

FSA No. 31923: *Merchandise—between Texas and New Mexico points and Shreveport, La., group.* Filed by J. F. Brown, Agent, for interested rail carriers. Rates on freight, all kinds, less-than-carloads between points in Texas and New Mexico, on the one hand, and points in the Shreveport, La., group, on the other.

Grounds for relief: Equalization of rates with those from or to Houston, Tex., short-line distance formula and circuity.

Tariff: Supplement 11 to Agent J. F. Brown's I. C. C. 835.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56-2606; Filed, Apr. 6, 1956; 8:46 a. m.]


# FEDERAL REGISTER

VOLUME 21 NUMBER 69

Washington, Tuesday, April 10, 1956


THE NATIONAL ARCHIVES OF THE UNITED STATES — LITTERA SCRIPTA MANET — 1934

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## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

AERONAUTICAL RESEARCH SCIENTIST

The headnote of § 24.64 is amended as set out below.

§ 24.64 *Aeronautical Research Scientist, GS-5 through GS-18.* * * *

(Sec. 11, 58 Stat. 390; 5 U. S. C. 860)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL, *Executive Assistant.*

[F. R. Doc. 56-2642; Filed, Apr. 9, 1956; 8:47 a. m.]

## TITLE 7—AGRICULTURE

### Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

[ACP-1956—Alaska, Supp. 3]

PART 1104—AGRICULTURAL CONSERVATION; ALASKA

SUBPART—1956

RESPONSIBILITY FOR TECHNICAL PHASES OF PRACTICES; STREAMBANK PROTECTION TO PREVENT EROSION OF FARMLAND

Pursuant to the authority vested in the Secretary of Agriculture under sections 7-17 of the Soil Conservation and Domestic Allotment Act, as amended, and the Department of Agriculture and Farm Credit Administration Appropriation Act, 1956, the 1956 Agricultural Conservation Program for Alaska, approved August 2, 1955 (20 F. R. 5629), as amended November 21, 1955 (20 F. R. 8667), and February 21, 1956 (21 F. R. 1262), is further amended as follows:

1. Section 1104.508 (a) is amended by revising the first sentence to read as follows: "The Soil Conservation Service is responsible for the technical phases of the practices contained in §§ 1104.551 to 1104.553, 1104.555, 1104.556, 1104.559, 1104.560, and 1104.561 (practices 1, 2, 3, 5, 6, 9, 10, and 11)."

2. A new § 1104.561 is added as follows:

§ 1104.561 *Practice 11: Streambank protection to prevent erosion of farmland.* This practice is to control streambank erosion to protect farmland. This practice shall not be approved in cases where there is any likelihood that it will create an erosion or flood hazard to other adjacent land. Plans for each installation must be designed by a qualified technician and approved by the Soil Conservation Service and the county committee. The Soil Conservation Service is responsible for laying out and supervising the installation.

*Maximum Federal cost-share.* 25 percent of the cost.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7-17, 49 Stat. 1148, as amended, 69 Stat. 55; 16 U. S. C. 590g-590q)

Done at Washington, D. C., this 5th day of April 1956.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 56-2644; Filed, Apr. 9, 1956; 8:47 a. m.]

## TITLE 50—WILDLIFE

### Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter C—Management of Wildlife Conservation Areas

PART 31—PACIFIC REGION

REVOCATION OF CERTAIN REGULATIONS; CORRECTION

In F. R. Document 55-10018 appearing in the issue for Wednesday, December 14, 1955 (20 F. R. 9345), the section numbers listed under the Subpart—Hart Mountain National Antelope Refuge, Oregon; Hunting, as §§ 33.131, 33.132, 33.133, 33.134, 33.135, and 33.136 should have read §§ 31.131, 31.132, 31.133, 31.134, 31.135, and 31.136, respectively.

Issued at Washington, D. C., and dated April 4, 1956.

JOHN L. FARLEY, *Director, Fish and Wildlife Service.*

[F. R. Doc. 56-2649; Filed, Apr. 9, 1956; 8:49 a.m.]

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FEDERAL REGISTER

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**CFR SUPPLEMENTS**

**(As of January 1, 1956)**

The following Supplements are now available:

**Titles 22 and 23 ($1.00)**
**Title 26: Parts 80–169 ($0.50)**
**Title 32: Parts 800–1099 ($0.40)**

Previously announced: Title 3, 1955 Supp. ($2.00); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 18 ($0.50); Title 24 ($0.75); Title 25 ($0.50); Title 26: Parts 1–79 ($0.35), Parts 170–182 ($0.30), Parts 183–299 ($0.35); Title 32: Parts 700–799 ($0.35), Part 1100 to end ($0.35); Titles 40–42 ($0.65); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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# PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### [ 7 CFR Parts 61, 64 ]

GRADING HEMP LINE AND HEMP TOW; COTTONSEED SOLD OR OFFERED FOR SALE FOR CRUSHING PURPOSES

PROPOSED TERMINATION AND REVISION OF REGULATIONS

Notice is hereby given that the United States Department of Agriculture is considering a revision of the regulations governing cottonseed sold or offered for sale for crushing purposes (7 CFR 61.1–61.46) pursuant to authority contained in the Agricultural Marketing Act of 1946 as amended (60 Stat. 1087; 7 U. S. C. 1621 et seq.).

The proposed amendment will implement Public Law 272, 84th Congress, 1st Session, approved August 9, 1955, amending the Agricultural Marketing Act of 1946, by designating the certificates, memoranda, marks, and other identifications and devices for making such marks or identifications, with respect to sampling, inspection, class, grade, quality, or condition, that are official for the purpose of said Act. The proposal would also make minor changes in the method of making payment for services but does not involve any changes in fees.

The proposed amendment would also delete Part 64 (7 CFR 64.1–64.11), Grading Hemp Line and Hemp Tow, in its entirety because these regulations are now obsolete.

Any interested person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Director, Cotton Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 10 days after publication of this notice in the FEDERAL REGISTER.

The proposed amendment is as follows:

1. Add new § 61.2a to read as follows:

§ 61.2a *Designation of official certificates, memoranda, marks, other identifications, and devices for purpose of the Agricultural Marketing Act.* Subsection 203 (h) of the Agricultural Marketing Act of 1946, as amended by Public Law 272, 84th Congress, provides criminal penalties for various specified offenses relating to official certificates, memoranda, marks, or other identifications, and devices for making such marks or identifications, issued or authorized under section 203 of said act, and certain misrepresentations concerning the inspection or grading of agricultural products under said section. For the purposes of said subsection and the provisions in this part, the terms listed below shall have the respective meanings specified:

(a) "Official certificate" means any form of certification, either written or printed, used under this part to certify with respect to the inspection, sampling, class, grade, quality, quantity, or condition of products (including the compliance of products with applicable specifications).

(b) "Official memorandum" means any initial record of findings made by an authorized person in the process of grading, inspecting, or sampling, pursuant to this part, any processing or plant-operation report made by an authorized person in connection with grading, inspecting, or sampling under this part, and any report made by an authorized person of services performed pursuant to this part.

(c) "Official mark" means the grade mark, inspection mark, and any other mark, approved by the Administrator and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product, stating that the product was graded or inspected or both, or indicating the appropriate U. S. grade or condition of the product, or for the purpose of maintaining the identity of products graded or inspected or both under this part.

(d) "Official identification" means any United States (U. S.) standard designation of class, grade, quality, quantity, or condition specified in this part and §§ 28.401 to 28.404 of this chapter, or any symbol, stamp, label, or seal indicating that the product has been officially graded or inspected and/or indicating the class, grade, quality, quantity, or condition of the product, approved by the Administrator and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product.

(e) "Official device" means a stamping appliance, branding device, stencil, printed label, or any other mechanically or manually operated tool that is approved by the Administrator for the purpose of applying any official mark or other identification to any product or the packaging material thereof.

2. Delete the second sentence in § 61.46 and substitute therefor the following: "Remittance to cover such fee, in the form of a check, draft, or money order payable to the 'Agricultural Marketing Service, USDA,' shall accompany each application for review."

3. Delete Part 64 (7 CFR 64.1–64.11), Grading Hemp Line and Hemp Tow, in its entirety.

Done in Washington, D. C., this 5th day of April 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator,*
*Agricultural Marketing Service.*

[F. R. Doc. 56-2661; Filed, Apr. 9, 1956; 8:50 a. m.]



## DEPARTMENT OF LABOR

### Office of the Secretary

### [ 29 CFR Part 4 ]

[Order 13]

CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATION

OCCUPATIONS INVOLVED IN MANUFACTURE OF BRICK, TILE, AND KINDRED PRODUCTS; HEARING ON PROPOSED FINDING AND ORDER

In accordance with the procedure governing determinations of hazardous-occupations (29 CFR Part 4, Subpart D), an investigation has been conducted for the purpose of ascertaining what occupations involved in the manufacture of brick, tile, and kindred products are particularly hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being and thus constitute oppressive child labor as defined in section 3 (l) of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.).

A report of the investigation, entitled "Occupational Hazards To Young Workers, Report No. 13, The Manufacture of Brick, Tile, and Kindred Products" has been submitted. The report concludes that certain occupations involved in the manufacture of brick, tile, and kindred products are particularly hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being. Copies of this report will be made available to interested persons upon request to the Bureau of Labor Standards, United States Department of Labor, Washington 25, D. C.

On the basis of such conclusions and pursuant to authority conferred by section 3 (l) of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.) and Reorganization Plan No. 2 (60 Stat. 1095) effective July 16, 1946, it is proposed to issue a finding and order in the form set forth below.

Accordingly, notice is hereby given of a public hearing to be held May 22, 1956, commencing at 10:00 a. m., in Room 2203, United States Department of Labor Building, 14th Street and Constitution Avenue, Northwest, Washington 25, D. C., before a presiding officer to be hereafter designated, at which hearing interested parties may appear and be heard with respect to said proposed finding and order. All interested persons desiring to appear at the hearing are requested to notify the Secretary of Labor at least five days prior to the date fixed for the hearing. Any interested person who is unable to appear in person may file a written comment or brief with the Secretary of Labor not later than the day prior to the hearing in order that the same may be made a part of the record at the hearing.

PROPOSED FINDING AND ORDER

§ 4.64 *Occupations involved in the manufacture of brick, tile, and kindred products*—(a) *Findings and declaration of fact.* The following occupations involved in the manufacture of clay construction products and of silica refractory products are particularly hazardous for the employment of minors between 16 and 18 years of age or detrimental to their health or well-being.

(1) All work in or about establishments in which clay construction products are manufactured, except (i) work in storage and shipping; (ii) work in offices, laboratories, and storerooms; and (iii) work in the drying departments of plants manufacturing sewer pipe.

(2) All work in or about establishments in which silica brick or other silica refractories are manufactured, except work in offices.

(b) *Definitions.* (1) The term "clay construction products" shall mean the following clay products: brick, hollow structural tile, sewer pipe and kindred products, refractories, and other clay products such as architectural terra cotta, glazed structural tile, roofing tile, stove lining, chimney pipes and tops, wall coping, and drain tile. The term shall not include the following nonstructural-bearing clay products: Ceramic floor and wall tile, mosaic tile, glazed and enameled tile, faience, and similar tile, nor shall the term include non-clay construction products such as sand-lime brick, glass brick, or non-clay refractories.

(2) The term "silica brick or other silica refractories" shall mean refractory products produced from raw materials containing free silica as their main constituent.

(c) This section shall not justify noncompliance with a Federal or State law or municipal ordinance establishing a higher standard than the standard established herein.

Signed at Washington, D. C., this 2d day of April 1956.

[SEAL] JAMES MITCHELL,
*Secretary of Labor.*

[F. R. Doc. 56-2656; Filed, Apr. 9, 1956; 8:49 a. m.]

## FEDERAL TRADE COMMISSION

[ 16 CFR Ch. I ]

[File No. 21-504]

PROPOSED TRADE PRACTICE RULES FOR THE ACCIDENT AND HEALTH INSURANCE INDUSTRY

NOTICE OF HEARING AND OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS, OR OBJECTIONS

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, firms, corporations, organizations, or other parties, including farm, labor, and consumer groups, affected by or having an interest in the proposed trade practice rules for the Accident and Health Insurance Industry, to present to the Commission their views concerning the said rules, including such pertinent information, suggestions, or objections as they may desire to submit, and to be heard in the premises. For this purpose they may obtain copies of the proposed rules upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication to be filed with the Commission not later than April 30, 1956. Opportunity to be heard orally will be afforded at the hearing beginning at 10 a. m., d. s. t., April 30, 1956, in Room 232, Federal Trade Commission Building, Pennsylvania Avenue and Sixth Street NW., Washington, D. C., to any such persons, firms, corporations, organizations, or other parties, who desire to appear and be heard. After due consideration of all matters presented in writing or orally, the Commission will proceed to final action on the proposed rules.

Insurers for which trade practice rules are sought to be established are comprised of individuals, corporations, associations, partnerships, reciprocal exchanges, inter-insurers, Lloyds, fraternal benefit societies, and any other legal entities engaged in the advertisement of policies of accident and health insurance. The rules would also cover agents and brokers to the extent that they are responsible for the advertisement of any policy. These proceedings were instituted pursuant to Commission authorization to establish trade practice rules which have for their purpose the elimination and prevention of harmful acts and practices in connection with the sale and offering for sale of accident and health insurance.

A general trade practice conference was held in Washington, D. C., on February 8 and 9, 1956, at which the National Association of Insurance Commissioners submitted proposals for Commission consideration. The announced hearing constitutes a further step in the proceedings.

Issued: April 5, 1956.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-2640; Filed, Apr. 9, 1956; 8:47 a. m.]

# NOTICES

## DEPARTMENT OF COMMERCE

### Bureau of Foreign Commerce

GEBRS. MELMAN

ORDER TEMPORARILY DENYING EXPORT PRIVILEGES

In the matter of: Gebrs. Melman, Zuid Oosterfront 122, 's-Hertogenbosch, Netherlands; Respondent.

The respondent, Gebrs. Melman, is the subject of an investigation concerning alleged false representations made to induce the exportation of borax and chromic acid from the United States with the object of transshipping the same to communist dominated destinations, and the Acting Director, Investigation Staff, Bureau of Foreign Commerce, has applied for an order temporarily denying to the respondent all export privileges pending completion of the investigation and the determination of any charges which may be brought against it. The application was made pursuant to § 382.11 (b) of the Export Regulations (Title 15, Chapter III, Subchapter B, CFR), and, in accordance with the practice thereunder, was referred to the Compliance Commissioner of the Bureau of Foreign Commerce who, after considering evidence in support thereof, has recommended that it be granted.

Now, upon receipt of the Compliance Commissioner's recommendation, after reviewing and considering the evidence submitted in support of the application, being of the opinion that there is reasonable ground to believe that the respondent has engaged in a persistent and deliberate campaign of making false representations to induce the exportation of chemicals from the United States with the intention to transship them to Communist dominated destinations, and that the respondent, unless prevented by action of this Department, may transship or attempt to transship to unauthorized destinations commodities exported from the United States under general license or under validated licenses, restricted to specified designations only, and, having concluded (a) that it is advisable that persons in the United States and in other parts of the world be informed by publication of this order of the provisions hereafter set forth so that the respondent may be prevented from receiving and so transshipping commodities exported from the United States, and (b) that this order is reasonable and necessary to protect the public interest and to achieve effective enforcement of the Export Control Act,

*It is hereby ordered:*

(1) All outstanding validated export licenses in which the respondent appears or participates as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation;

(2) The respondent, its successors or assigns, directors, officers, partners, representatives, agents, and employees, are hereby denied all privileges of participating directly or indirectly in any manner, form, or capacity in an exportation of any commodity or technical data from the United States to any foreign destination, including Canada. Without limitation of the generality of the foregoing, participation in an exportation shall include and prohibit said respondent's and such other persons' and firms' participation (a) as a party or as a representative of a party to any validated export license application; (b) in the obtaining or using of any validated or general export license or other export control document; (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported from the United States; and (d) in the financing, forwarding, transporting, or other servicing of exports from the United States;

(3) This denial of export privileges shall apply not only to the respondent, but also to any person, firm, corporation, or business organization with which it now or hereafter may be related by ownership, control, position of responsibility, or other connection in the conduct of trade involving exports from the United States or services connected therewith;

(4) This order shall be published in the FEDERAL REGISTER, shall be effective forthwith and shall remain in effect until the completion of the investigation of the conduct of the respondent and until the final determination of any compliance proceeding which may be brought against it, except insofar as this order may be amended or modified hereafter in accordance with the export control regulations;

(5) No person, firm, corporation, or other business organization, within the United States or elsewhere, and whether or not engaged in trade relating to exports from the United States, shall, without prior disclosure of the facts to, and specific authorization from, the Bureau of Foreign Commerce, directly or indirectly in any manner, form, or capacity (a) apply for, obtain, transfer, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any exportation of commodities from the United States, or (b) order, receive, buy, use, dispose of, finance, transport, forward, or otherwise service or participate in an exportation from the United States, or in a reexportation of any commodity exported from the United States, with respect to which any of the persons or companies within the scope of paragraphs (2) and (3) hereof have any interest or participation of any kind or nature, direct or indirect.

(6) A certified copy of this order shall be served upon the respondent by registered mail.

(7) In accordance with the provisions of § 382.11 (c) of the export control regulations, the respondent may move at any time prior to the entry of a final order of suspension to vacate or modify this temporary suspension order by filing an appropriate application therefor, supported by evidence, with the Compliance Commissioner and it may request oral hearing thereon, which, if requested, shall be held before the Compliance Commissioner at Washington, D. C., at the earliest possible date.

Dated: April 5, 1956.

JOHN C. BORTON, *Director, Office of Export Supply.*

[F. R. Doc. 56-2648; Filed, Apr. 9, 1956; 8:48 a. m.]



### Office of the Secretary

WILBUR F. DUERINGER

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

*Report of Appointment*

1. Name of appointee: Wilbur F. Dueringer.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: March 12, 1956.

4. Title of position: Director, Power Equipment Division.

5. Name of private employer: Allis-Chalmers Manufacturing Company.

CARLTON HAYWARD, *Director of Personnel.*

*Statement of Financial Interests*

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Allis-Chalmers Manufacturing Company.
Bank deposits.
Rent from real property.

Dated: March 27, 1956.

WILBUR F. DUERINGER.

[F. R. Doc. 56-2657; Filed, Apr. 9, 1956; 8:50 a. m.]

GEORGE E. HARDING

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

*Report of Appointment*

1. Name of appointee: George E. Harding.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: March 19, 1956.

4. Title of position: Consulant.

5. Name of private employer: Howes Leather Company, Inc.

CARLTON HAYWARD, *Director of Personnel.*

*Statement of Financial Interests*

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Bonds of the Howes Leather Company.
Howes Leather Company—Private employer.
Bank deposits.
Building and loan deposits.

Dated: March 27, 1956.

GEORGE E. HARDING.

[F. R. Doc. 56-2658; Filed, Apr. 9, 1956; 8:50 a. m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

NEVADA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

MARCH 27, 1956.

The Fish and Wildlife Service has filed an application, Serial No. Nevada-034594, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining laws but not the mineral leasing laws.

The applicant desires the land for development, management and protection by the Nevada Fish and Game Commission of a Wildlife management area.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 1551, Reno, Nevada.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

MOUNT DIABLO MERIDIAN, NEVADA

T. 24 N., R. 29 E.
Sec. 12, all;
Sec. 14, all;
Sec. 24, all;
Sec. 26, E½SE¼, SW¼SE¼, and N½;
Sec. 36, all.
T. 25 N., R. 29 E.
Sec. 24, E½NE¼, E½W½NE¼, SE¼;
Sec. 26, all.
T. 24 N., R. 30 E.,
Sec. 2, Lots 1 and 2, S½NE¼, and S½;
Sec. 4, Lots 1 to 4, incl., S½N½, and S½;
Sec. 6, Lots 1 to 7, incl., S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 8, all;
Sec. 10, all;
Sec. 11, all;
Sec. 16, all;
Sec. 18, Lots 1 to 4 incl., E½W½, and E½;
Sec. 20, all;
Sec. 22, NW¼;
Sec. 30, Lots 1 to 4 incl., E½W½, and E½.
T. 25 N., R. 30 E.,
Sec. 4, Lots 1 to 6, incl., S½N½, E½SW¼, and SE¼;
Sec. 6, Lots 1 to 7, incl., S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 8, Lots 1 to 9, incl., NW¼, NE¼SW¼, NW¼SE¼, and SW¼NE¼;
Sec. 10, Lots 1 to 5, incl., E½NW¼, NE¼SW¼, and E½;
Sec. 14, NW¼ and S½;
Sec. 16, all;
Sec. 18, Lots 1 to 9 incl., E½NW¼, NE¼SW¼, N½SE¼, S½NE¼;
Sec. 20, all;
Sec. 22, all;
Sec. 24, NW¼, S½;
Sec. 26, all;
Sec. 28, all;
Sec. 30, Lots 1 to 4, incl., E½W½, and E½;
Sec. 32, Lots 1 to 4, incl., N½S½, and N½;
Sec. 34, Lots 1 to 4, incl., N½S¼, and N½;
Sec. 36, NW¼.

The areas described aggregate 19,578.28 acres, more or less.

[SEAL] E. R. GREENSLET, *State Supervisor.*

[F. R. Doc. 56-2650; Filed, Apr. 9, 1956; 8:49 a. m.]

## DEPARTMENT OF LABOR

### Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learn-

ing periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645).

The following learner certificates were issued to the companies listed below manufacturing miscellaneous products. The learner rates, occupations, learning periods, number or proportion of learners authorized to be employed, and the effective dates of the certificates, are as indicated:

Atlanta Belting Co., 508-510 Whitehall Street SW., Atlanta, Ga.; not less than 90 cents per hour for the occupations of hand cutter; assembler, and finisher; a maximum of 320 hours; authorizing 3 learners for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (leather belting and strapping).

Arlington Hat Co., Inc., 900 Broadway, New York, N. Y.; not less than 85 cents per hour for the occupations of sewing machine operator, hand sewing, finishing operations involving hand sewing; a maximum of 240 hours; authorizing 5 learners for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (cowboy hats).

American Coat Pad Co., 801-07 West Baltimore Street, Baltimore, Md.; not less than 85 cents per hour for the first 100 hours and 90 cents per hour for the remaining 180 hours of the 280 hour learning period, for the occupation of sewing machine operator; authorizing 5 percent of the total number of factory production workers for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (shoulder pads).

Acme Cloth Reel Co., 216 West McBee Avenue, Greenville, S. C.; not less than 85 cents per hour for the occupations of reinforcing ends of cloth reels and posting lettered labels; a maximum of 160 hours; authorizing 4 learners for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (cloth winding boards).

Edward Alden Studios, Inc., 1425 Broadway, Detroit, Mich.; not less than 80 cents for the first 160 hours and 85 cents for the remaining 160 hours of the 320-hour learning period, for the occupation of hand sewer; authorizing 10 learners for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (fabric lamp shades).

Advertisers Manufacturing Co., 121-131 East Jackson Street, Ripon, Wis.; not less than 85 cents per hour for the occupation of sewing machine operator; a maximum of 320 hours; authorizing 10 percent of the total number of factory production workers for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (advertising caps, aprons, etc.).

ABC Headware Co., 217 Paterson Street, Paterson, N. J.; not less than 85 cents per hour for the occupation of sewing machine operator; a maximum of 240 hours; authorizing 5 learners for normal labor turnover purposes; effective 3-9-56 to 9-8-56 (shop caps).

Allied Wood Products Co., Inc., Prescott, Ark.; not less than 80 cents per hour for the first 320 hours and 85 cents per hour for the remaining 160 hours of the 480-hour learning period, for the occupations of machine operator, assembler, paint sprayer, trim and decorator; authorizing 13 learners for plant expansion purposes; effective 3-1-56 to 8-31-56 (tables, desks, and chairs).

American Uniform Co., Plant No. 2, Euclid Avenue SE., Cleveland, Tenn.; not less than 85 cents per hour for the occupation of sewing machine operator; a maximum of 320 hours; authorizing 10 percent of the total number of factory production workers for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (towels, napkins, and table cloths).

Astoria Braid Manufacturing Co., Inc., Boonville, N. C.; not less than 85 cents per hour for the occupations of machine operators, tenders, fixers, and jobs immediately incidental thereto; a maximum of 240 hours; authorizing 10 learners for plant expansion purposes; effective 3-1-56 to 8-31-56 (braids and trimmings).

American Radionic Co., Inc., 51 Austin Street, Danbury, Conn.; not less than 90 cents per hour for the occupation of basic hand and machine production operations; a maximum of 480 hours; authorizing 10 learners for normal labor turnover purposes; effective 3-8-56 to 9-7-56 (paper capacitors).

Bonita Cap Co., D. V. Truax, DBA, 904½ Main Street, Dallas, Tex.; not less than 85 cents per hour for the occupation of sewing machine operator; a maximum of 240 hours; authorizing 2 learners for normal labor turnover purposes; effective 3-9-56 to 9-8-56 (boys' caps).

Bodner Neckwear Co., 1716-20 North Fifth Street, Philadelphia, Pa.; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupations of sewing machine operator, pressing, hand sewing, and finishing operations involving hand sewing; authorizing 5 learners for normal labor turnover purposes; effective 3-8-56 to 9-7-56 (men's and boys' neckwear).

Beal Bros., Inc., Hadley, Pa.; not less than 90 cents per hour for the occupation of automatic welding machine operator; a maximum of 240 hours; authorizing 3 learners for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (lead-in-wires).

Bedford Novelty Co., Walsh and Lawrence Avenues, New Windsor, N. Y.; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupations of stitching machine operator, hand cutter, parer, framer, die and clicker machine operator, automatic paring machine operator, and pocketbook makers' helper; authorizing 5 learners for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (handbags).

Beebe Rubber Co., 20-22 Marshall Street, Nashua, N. H.; not less than 87 cents per hour for the first 240 hours and 93 cents for the remaining 80 hours of the 320-hour learning period, for the occupation of rubber heel trimmer; authorizing 2 learners for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (rubber heels, etc.).

Belle Counter Co., Belle, Mo.; not less than 87 cents per hour for the first 240 hours and 98 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of moulding machine operator, skiving machine operator, and nesting and inspecting; authorizing ten percent of the total number of factory production workers for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (shoe counters).

Belmont Box Co., Inc., Belmont, N. C.; not less than 85 cents per hour or the first 160 hours and 90 cents per hour for the demaining 80 hours of the 240-hour learning period, for the occupations of basic hand and machine production operators except cutting, scoring, and slitting; authorizing 3 learners for normal labor turnover purposes; effective 3-9-56 to 9-8-56 (set-up paper boxes).

Bess Manufacturing Co., 2613 North Howard Street, Philadelphia, Pa.; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupation of sewing machine operator; authorizing 2 learners for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (scarf sets).

Blount-Parker Corp., Lacona, N. Y.; not less than 85 cents per hour for the occupation of sewing machine operator; a maximum of 240 hours; authorizing 4 learners for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (baby baths).

Beckley Manufacturing Corp., Skelton, W. Va.; not less than 80 cents per hour for the first 240 hours, 85 cents per hour for the next 120 hours, and 90 cents per hour for the remaining 120 hours of the 480-hour learning period, for the occupations of basic hand and mechine production operations; authorizing 10 percent of the total number of factory production workers for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (radio and television components).

Beckley Manufacturing Corp., Skelton, W. Va.; not less than 80 cents per hour for the first 240 hours, 85 cents per hour for the next 120 hours, and 90 cents per hour for the remaining 120 hours of the 480-hour learning period, for the occupations of basic hand and machine production operations; authorizing 75 learners for plant expansion purposes; effective 3-1-56 to 8-31-56 (radio and television components).

Beckley Manufacturing Corp., Skelton, W. Va.; not less than 80 cents per hour for the first 240 hours, 85 cents per hour for the next 120 hours, and 90 cents per hour for the remaining 120 hours of the 480-hour learning period, for the occupations of basic hand and machine production operations; authorizing an additional 300 learners for plant expansion purposes upon completion of new facilities; effective 3-1-56 to 8-31-56 (radio and television components).

Brady Felt Products Co., 2640 Fifth Avenue, Pittsburgh, Pa.; not less than 85 cents per hour for the occupations of chenille machine operator and embroidery machine operator; a maximum of 240 hours; authorizing 4 learners for normal labor turnover purposes; effective 3-8-56 to 9-7-56 (chenille letters and emblems).

Broadway Neckwear Co., 91 East Broadway, New York, N. Y.; not less than 85 cents per hour for the first 160 hours and 90 cents for the remaining 160 hours of the 320-hour learning period, for the occupation of sewing machine operator; authorizing 1 learner for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (neckties).

Brentwood Neckwear Corp., 701 Eighty-second Street, Union City, N. J.; not less than 85 cents per hour for the first 160 hours and 90 cents per hour the remaining 160 hours of the 320-hour learning period; for the occupation of hand sewers; authorizing 5 percent of the total number of factory production workers for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (men's neckwear).

Bradstone Rubber Co., Woodbine, N. J.; not less than 87 cents per hour for the first 240 hours and 93 cents per hour for the remaining 160 hours of the maximum 320-hour learning period, for the occupation of rubber heel trimmer; not less than 87 cents per hour for a maximum of 160 hours, for the occupation of inspector; authorizing 10 percent of the total number of factory production workers for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (rubber heels).

John Bromley & Sons, Inc., Lehigh Avenue, A to B Streets, Philadelphia, Pa.; not less than 90 cents per hour for the first 80 hours and 95 cents per hour for the remaining 80 hours of the 160-hour learning period, for the occupation of sewing machine operator; authorizing 4 learners for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (lace covers, curtains, nets).

Brown & Clark, Inc., 128 Standish Avenue, Plymouth, Mass.; not less than 85 cents per hour for the occupation of sewing machine operator; a maximum of 320 hours; authorizing 10 learners for normal labor turnover purposes; effective 3-8-56 to 8-31-56 (curtains).



Callaway Rug and Carpet Mills, Inc., 521 West Main, El Paso, Tex.; not less than 85 cents per hour for the occupation of tufting machine operator; a maximum of 120 hours; authorizing 10 learners for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (carpets, rugs, etc.).

Camel Manufacturing Co., 329 South Central Street, Knoxville, Tenn.; not less than 85 cents per hour for the first 80 hours, 90 cents per hour for the second 80 hours, and 95 cents per hour for the remaining 80 hours of the 240-hour learning period, for the occupation of sewing machine operator; authorizing 10 learners for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (canvas products).

Central Counter Co., 4515 Shaw Avenue, St. Louis, Mo.; not less than 87 cents per hour for the first 240 hours and 93 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of moulding machine operator, skiving machine operator, cutting machine operator, and nesting and inspecting; authorizing 10 percent of the total number of factory production workers for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (shoe counters, etc.).

Cohen and Rappoport, 159 Thatford Avenue, Brooklyn, N. Y.; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 80 hours of the 240-hour learning period, for the occupation of sewing machine operator; authorizing 3 learners for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (leather hair curlers).

Colonial Felt Mills, 221 East Fourth Street, St. Paul, Minn.; not less than 85 cents per hour for the occupation of weaver; a maximum of 240 hours; authorizing the employment of 2 learners for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (scatter rugs).

Cover Manufacturing Corp., Sumter, S. C.; not less than 85 cents per hour for the occupation of sewing machine operator; a maximum of 320 hours; authorizing 3 learners for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (mattress and quilt covers, etc.).

Creme Lure Co., 1414 Piedmont Avenue, Akron, Ohio; not less than 80 cents per hour for the first 320 hours, and 85 cents per hour for the remaining 120 hours of the 480-hour learning period, for the occupation of plastic caster; authorizing 4 learners for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (artificial lures).

Cornell-Dubilier Electric Corp., New Bedford Division, 1605 Rodney French Boulevard, New Bedford, Mass.; not less than 83 cents per hour for the first 240 hours, 85 cents per hour for the next 120 hours, and 90 cents per hour for the remaining 120 hours of the 480-hour learning period, for the occupations of basic hand and machine production operations; authorizing 10 percent of the total number of factory production workers for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (electrical capacitors).

Cornell-Dubilier Electric Corp., Fuquay Springs, N. C.; not less than 80 cents per hour for the first 240 hours, 85 cents per hour for the next 120 hours, and 90 cents per hour for the remaining 120 hours of the 480-hour learning period, for the occupations of basic hand and machine production operations; authorizing ten percent of the total number of factory production workers for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (auto radio and heavy duty vibrators, antenna rotators).

Cornell-Dubilier Electric Corp., Fuquay Springs, N. C.; not less than 80 cents per hour for the first 240 hours, 85 cents per hour for the next 120 hours, and 90 cents per hour for the remaining 120 hours of the 480-hour learning period, for the occupations of basic hand and machine production operations; authorizing 100 learners for plant expansion purposes; effective 3-1-56 to 8-31-56 (auto radio and heavy duty vibrators, antenna rotators).

Cornell-Dubilier Electric Corp., Dairymple Street, Sanford, N. C.; not less than 80 cents per hour for the first 240 hours, 85 cents per hour for the next 120 hours, and 90 cents per hour for the remaining 120 hours of the 480-hour learning period, for the occupations of basic hand and machine production operations; authorizing ten percent of the total number of factory production workers for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (electrical condensers).

Cornell-Dubilier Electric Corp., Dairymple Street, Sanford, N. C.; not less than 80 cents per hour for the first 240 hours, 85 cents per hour for the next 120 hours, and 90 cents per hour for the remaining 120 hours of the 480-hour learning period, for the occupations of basic hand and machine production operations; authorizing 350 learners for plant expansion purposes; effective 3-1-56 to 8-31-56 (electrical condensers).

Cornell-Dubilier Electric Corp., Providence Division, 55 Cromwell Street, Providence, R. I.; not less than 80 cents per hour for the first 240 hours, 85 cents per hour for the next 120 hours, and 90 cents per hour for the remaining 120 hours of the 480-hour learning period, for the occupations of basic hand and machine production operations; authorizing ten percent of the total number of factory production workers for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (electrical capacitors).

De Haan & Co., Tenth Street, and Morton Avenue, Chester, Pa.; not less than 80 cents per hour for the first 160 hours and 85 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupation of handsewer; authorizing 3 learners for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (lampshades).

Doyle Stationery, Inc., Marshall, Mo.; not less than 80 cents per hour for the first 240 hours and 90 cents for the remaining 240 hours of the 480-hour learning period, for the occupations of press feeder, folding machine operator, and Address-o-graph operator; authorizing 4 learners for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (paper napkins).

Danielson Curtain Co., Inc., Attawaugan, Conn.; not less than 85 cents per hour for the occupation of sewing machine operator; a maximum learning period of 320 hours; authorizing 10 percent of the total number of factory production workers for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (kitchen curtains).

Desley Fabrics, Chicopee, Mass.; not less than 85 cents per hour for the occupation of sewing machine operator; a maximum of 320 hours; authorizing 12 learners for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (draperies, bedspreads).

Dexter-Mahnke Inc., 233 East Erie Street, Milwaukee, Wis.; not less than 80 cents per hour for the first 160 hours and 85 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupations of painters and assemblers; authorizing 10 percent of the total number of factory production workers for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (plaster and wood novelties).

Dovesheer Hosiery Co., 435 West Broadway, New York, N. Y.; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 80 hours of the 240-hour learning period, for the occupations of hand painters, screener, and flocker; authorizing 10 learners for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (flocking and handpainting hosiery, ties, shirts).

Ecclesiastical Press, 925 Spruce Street, Easton, Pa.; not less than 80 cents per hour for the first 160 hours and 90 cents for the remaining 160 hours of the 320-hour learning period, for the occupation of binder; authorizing 1 learner for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (ministers' supplies).

Economy Bias Binding Co., Inc., 41 East Eleventh Street, New York, N. Y.; not less than 85 cents per hour for the first 160 hours and 90 cents for the remaining 80 hours of the 240-hour learning period, for the occupation of sewing machine operator; authorizing 4 learners for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (bias bindings, trimmings, etc.).

Ehrhardt Packing Co., Ehrhardt, S. C.; not less than 80 cents per hour for the occupation of hand pickle packing; a maximum of 120 hours; authorizing 10 learners for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (pickle packing).

Ellsworth Mills, Ellsworth, Maine; not less than 90 cents per hour; a maximum of 320 hours for the occupations of mule piecer, drawer in, percher, gill box tender, cap spinner, ring spinner, twister, spooler, and sewer; a maximum of 240 hours for the occupations of chain builder, burler, drop wire hand, winder, and reeler; authorizing 60 learners for plant expansion purposes; effective 3-1-56 to 8-31-56 (worsted yarns).

Excelsior Pearl Works, Inc., Berlin, Md.; not less than 85 cents per hour for the first 320 hours and 90 cents per hour for the remaining 160 hours of the 480 hour learning period, for the occupation of blank button cutting; authorizing 25 learners for plant expansion purposes; effective 3-15-56 to 9-14-56 (pearl buttons).

Frontier Glove Co., Inc., North Street, Springville, N. Y.; not less than 85 cents per hour for the occupation of sewing machine operator; a maximum of 320 hours; authorizing 4 learners for plant expansion purposes; effective 3-1-56 to 8-31-56 (industrial gloves).

Globe Furniture Co., Mangum Avenue, High Point, N. C.; not less than 85 cents per hour for the occupations of sewer, upholsterer, and springer; a maximum of 480 hours; authorizing 10 percent of the total number of factory production workers for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (upholstered furniture).

Granite State Rubber Co., Berlin, N. H.; not less than 87 cents per hour for the first 240 hours and 93 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupation of sewing machine operator; authorizing 10 percent of the total number of factory production workers for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (canvas shoe uppers).

Grant County Manufacturing Co., Williamstown, Ky.; not less than 80 cents per hour for the first 320 hours and 85 cents per hour for the remaining 160 hours of the 480-hour learning period, for the occupation of hand sewer; authorizing 10 learners for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (baseballs and softballs).

General Display Corp., 25 Opera Place, Cincinnati, Ohio; not less than 85 cents per hour for the occupations of slipping-up, beading, tying, pasting, rose making, branching, and stemming; a maximum of 160 hours; authorizing 10 learners for normal labor turnover purposes; effective 3-8-56 to 9-7-56 (artificial flowers).

Grass-Grossinger Co., 312 Penn Avenue, Scranton, Pa.; not less than 85 cents per hour for the occupations of sewing machine operator, hand sewing, and finishing operations involving hand sewing; a maximum of 240 hours; authorizing 5 learners for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (headwear).

Goldcrest Fashions, Inc., 12 North Cherry, Poughkeepsie, N. Y.; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupations of stitching machine operator, hand cutter, parer, and framer; not less than 85 cents per

hour for the 160-hour learning period, for the occupations of die and clicker machine operator, automatic paring machine operator, and pocketbook maker's helper; authorizing 7 learners for normal labor turnover purposes; effective 3-8-56 to 9-7-56 (ladies' handbags).

Grant County Manufacturing Co., Corinth Division, Corinth, Ky.; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupation of sewing machine operator; authorizing 5 learners for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (baseball uniforms).

Hagen-Renaker Potteries, 915 South Alta Vista Avenue, Monrovia, Calif.; not less than 80 cents per hour for the first 160 hours and 90 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupation of decorator; not less than 80 cents per hour for the 160-hour learning period, for the occupations of caster and finisher, and glazer; authorizing 10 percent of the total number of factory production workers for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (ceramic figures).

Hoffman Lion Mills Co., Inc., 38 Hillside Street, Fall River, Mass.; not less than 85 cents per hour for the occupation of sewing machine operator; a maximum of 240 hours, authorizing 1 learner for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (ball twine units, miscellaneous toys, etc.).

Hamilton Curtain Corp., Third and Westmoreland Streets, Philadelphia, Pa.; not less than 90 cents per hour for the occupation of sewing machine operator; a maximum of 320 hours; authorizing 8 learners for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (curtains, bedspreads, draperies).

Hammarlund Manufacturing Co., Inc., Mars Hill, N. C.; not less than 80 cents per hour for the first 240 hours, 85 cents per hour for the next 120 hours, and 90 cents per hour for the remaining 120 hours of the 480-hour learning period, for the occupations of basic hand and machine production operations; authorizing 10 percent of the total number of factory production workers for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (variable capacitors, communication receivers, etc.).

Louis Hand, Inc., 847 Pleasant Street, Fall River, Mass.; not less than 85 cents per hour for the occupation of sewing machine operator; a maximum of 320 hours; authorizing 10 percent of the total number of factory production workers for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (curtains).

Heflin Chenille Manufacturing Corp., Heflin, Ala.; not less than 85 cents per hour for the occupations of sewing and chenille machine operator, punchwork and electric embroidery machine operator; a maximum of 240 hours; authorizing 10 percent of the total number of factory production workers for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (chenille housecoats).

Hickory Paper Box Co., Inc., 532 Eighth Street NE., Hickory, N. C.; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 80 hours of the 240-hour learning period, for the occupations of basic hand and machine operations with the exception of cutting, scoring and slitting; authorizing 5 learners for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (paper boxes).

Holland Cotton Products Co., 455 Columbia Avenue, Holland, Mich.; not less than 85 cents per hour for the occupation of sewing machine operator; a maximum of 320 hours; authorizing 10 percent of the total number of factory production workers for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (quilted cotton mattress protectors).

Hudson Hosiery Co., Charlotte, N. C.; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 80 hours of the 240-hour learning period, for the occupations of basic hand and machine operations, with the exception of cutting, scoring and slitting; authorizing 3 learners for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (set-up boxes).

International Hat Co., Oran, Mo.; not less than 85 cents per hour for the occupation of sewing machine operator; a maximum of 240 hours; authorizing 5 learners for normal labor turnover purposes; effective 8-1-56 to 8-31-56 (cloth headwear).

Industrial Textile Mills, Inc., 426 East Shaffer, Cleburne, Tex.; not less than 85 cents per hour for the occupation of sewing machine operator; a maximum of 320 hours; authorizing 10 percent of the total number of factory production workers for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (industrial wiping cloths).

Keystone Adjustable Cap Co., 1030 South Tenth Street, Philadelphia, Pa.; not less than 85 cents per hour for a maximum learning period of 240 hours for the occupation of sewing machine operator; not less than 80 cents per hour for the first 240 hours and 90 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupation of printing press operator; authorizing 4 learners for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (sanitary hardware).

Kraft Hat Manufacturers, Inc., 440 Lafayette Street, New York, N. Y.; not less than 85 cents per hour for the occupations of sewing machine operator, hand sewing, and finishing operations involving hand sewing; a maximum of 240 hours; authorizing 5 learners for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (men's and boys' cloth hats and caps).

Kusan-Auburn, Inc., Eddy Lane, Franklin, Tenn.; not less than 90 cents per hour for the occupations of assembler, painter, and decorator; a maximum of 160 hours; authorizing 20 learners for plant expansion purposes; effective 3-1-56 to 8-31-56 (electric trains).

Kewanee Headwear Co., 410 Second Street, Kewanee, Ill.; not less than 85 cents per hour for the occupation of sewing machine operator; a maximum of 240 hours; authorizing 5 learners for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (hats and caps).

Levine Bros., 1422 Grand Street, Hoboken, N. J.; not less than 85 cents per hour for the occupation of sewing machine operator; a maximum of 240 hours; authorizing 5 learners for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (headwear).

Langenberg Hat Co., Berger, Mo.; not less than 85 cents per hour for the occupations of sewing machine operator, hand sewing, and finishing operations involving hand sewing; a maximum of 240 hours; authorizing 5 learners for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (caps).

Luhr Jensen & Sons, Hood River, Oreg.; not less than 80 cents per hour for the first 240 hours, and 85 cents per hour for the remaining 80 hours of the 320-hour learning period, for the occupations of lure painter, lure assembler, and lure maker; authorizing 5 learners for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (fishing lures).

Markay Bags, Inc., 1000 North Avenue, Plainfield, N. J.; not less than 85 cents per hour for a maximum learning period of 160 hours for the occupations of die and clicker machine operator, automatic paring machine operator, and pocketbook makers' helper; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupations of stitching machine operator, hand cutter, parer, and framer; authorizing 10 learners for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (ladies' handbags).

Mohawk Lining Co., 804 Broadway, Schenectady, N. Y.; not less than 80 cents per hour for the first 320 hours and 90 cents per hour for the remaining 160 hours of the 480-hour learning period, for the occupation of glove lining sewer; authorizing 3 learners for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (fur glove linings).

Mike Mennies, & Son, 3163 North Witte Street, Philadelphia, Pa.; not less than 85 cents per hour for the occupation of hand sewer; a maximum of 240 hours; authorizing 4 learners for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (slipper socks).

Micamold Corp. of Virginia, Tazewell, Va.; not less than 80 cents per hour for the first 240 hours, 85 cents per hour for the next 120 hours, and 90 cents per hour for the remaining 120 hours of the 480-hour learning period, for the occupations of basic hand and machine production operations; authorizing 10 percent of the total number of factory production workers for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (capacitors).

Micamold Corp. of Virginia, Tazewell, Va.; not less than 80 cents per hour for the first 240 hours, 85 cents per hour for the next 120 hours, and 90 cents per hour for the remaining 120 hours of the 480-hour learning period, for the occupations of basic hand and machine production operations; authorizing 200 learners for plant expansion purposes; effective 3-1-56 to 8-31-56 (capacitors).

Micamold Corp of Virginia, Tazewell, Va.; not less than 80 cents per hour for the first 240 hours, 85 cents per hour for the next 120 hours, and 90 cents per hour for the remaining 120 hours of the 480-hour learning period, for the occupations of basic hand and machine production operations; authorizing 100 learners for plant expansion purposes; effective 3-1-56 to 5-31-56 (capacitors).

Malhame Vestment Co., Milford, Pa.; not less than 85 cents per hour for the occupation of sewing machine operator; a maximum of 320 hours; authorizing 2 learners for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (altar boys' cassocks and supplies etc.).

Meister Candies, Inc., Madison Street, Cambridge, Wis.; not less than 90 cents per hour for the first 120 hours and 95 cents per hour for the remaining 120 hours of the 240-hour learning period, for the occupations of basic hand and machine production operations; authorizing ten percent of the total number of factory production workers for normal labor turnover purposes; effective 3-9-56 to 9-8-56 (candy bars and bulk candy).

MacGregor Sport Products, Inc., Findlay and John Streets, Cincinnati, Ohio; not less than 85 cents per hour for the first 160 hours and not less than 90 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupation of sewing machine operator; authorizing 18 learners for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (baseball uniforms, etc.).

Midvale Paper Box Co., 19 Bailey Street, Plains, Pa.; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 80 hours of the 240-hour learning period, for the occupations of basic hand and machine production operations with the exception of cutting, scoring, and slitting; authorizing 6 learners for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (set-up paper boxes).

Miller Studio, Inc., 735 Fair Avenue, NW., New Philadelphia, Ohio; not less than 80 cents per hour for the first 160 hours and 90 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupations of air brush operators, decorator, and caster; authorizing ten percent of the total number of factory production workers for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (decorative wall plaques).



Modern Upholstered Chair Co., Inc., Trade Street, Morristown, Tenn.; not less than 80 cents per hour for the first 320 hours and 85 cents per hour for the remaining 160 hours of the 480-hour learning period, for the occupation of upholsterer; authorizing 10 percent of the total number of factory production workers for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (upholstered furniture).

Monticello Bobbin Co., Monticello, Ga.; not less than 85 cents per hour for the occupations of lathe operator, boring machine operator, and general machine operator; a maximum of 160 hours; authorizing 5 learners for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (wooden bobbins).

George C. Moore Co., Skyline Plant, Scottsboro, Ala.; not less than 85 cents per hour for the occupations of machine operator, fixer, tender, and jobs immediately incidental thereto; a maximum of 240 hours; authorizing 12 learners for plant expansion purposes; effective 3-1-56 to 8-31-56 (elastic braid).

George C. Moore Co., Greeneville, Tenn.; not less than 85 cents per hour for the occupations of machine operator, fixer, tender, and jobs immediately incidental thereto; a maximum of 240 hours; authorizing 3 percent of the total number of factory production workers for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (elastic web and braid).

George C. Moore Co., Greeneville, Tenn.; not less than 85 cents per hour for the occupations of machine operator, fixer, tender, and jobs immediately incidental thereto; a maximum of 240 hours; authorizing 15 learners for plant expansion purposes; effective 3-1-56 to 8-31-56 (elastic web and braid).

Morgan Manufacturing Co., Inc., Black Mountain, N. C.; not less than 85 cents per hour for the occupations of machine sander, circular saw operator, shaper, router, machine operator, boring machine operator, and inspector; a maximum of 320 hours; authorizing 10 percent of the total number of factory production workers for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (hardwood furniture parts).

George E. Mousley, Inc., 129 Brookside Avenue, Warwick, R. I.; not less than 85 cents per hour for the occupation of sewing machine operator; a maximum of 240 hours; authorizing 10 percent of the total number of factory production workers for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (Christmas stockings).

The John Mueller Licorice Co., 1515 Freeman Avenue, Cincinnati, Ohio; not less than 82 cents per hour for the first 160 hours and 85 cents per hour for the remaining 80 hours of the 240-hour learning period, for the occupations of basic hand and machine production operations; authorizing 10 percent of the total number of factory production workers for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (licorice candy).

Mystic Stamp Co., Main Street, Camden, N. Y.; not less than 80 cents per hour for the first 40 hours, 85 cents for the second 40 hours, 90 cents for the third 40 hours, and 95 cents for the remaining 40 hours of the 160-hour learning period, for the occupations of stamp sorter, classifier, mounter, assembler, and catalogers; authorizing 3 learners for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (stamps).

Nani Sportswear, Ltd., 1311 Kamaile Street, Honolulu, Hawaii; not less than 80 cents per hour for the first 320 hours and 85 cents per hour for the remaining 160 hours of the 480-hour learning period, for the occupation of sewing machine operator; authorizing 5 learners for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (sportswear—silk and cotton).

National Licorice Co., 2334 Fourth Avenue, Moline, Ill.; not less than 95 cents per hour for the occupations of basic hand and machine production operations; a maximum of 176 hours; authorizing 12 learners for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (licorice specialties candy).

National Licorice Co., 106 John Street, Brooklyn, N. Y.; not less than 95 cents per hour for the occupations of basic hand and machine production operations; a maximum of 176 hours; authorizing 12 learners for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (licorice specialties).

National Licorice Co., Thirteenth Street and Washington Avenue, Philadelphia, Pa.; not less than 95 cents per hour for the occupations of basic hand and machine production operations; a maximum of 176 hours; authorizing 12 learners for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (licorice specialties).

National Textile Corp., Hampton, Ga.; not less than 85 cents per hour for the occupation of sewing machine operator; a maximum of 320 hours; authorizing 10 learners for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (towels, napkins, tablecovers, etc.).

New York Drop Cloth Manufacturing Co., Naples, N. C.; not less than 85 cents per hour for the occupation of sewing machine operator; a maximum of 320 hours; authorizing 10 learners for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (canvas specialties).

Noble Products Co., 306 West Street, Caldwell, Ohio; not less than 85 cents per hour for the occupation of sewing machine operator; a maximum of 320 hours; authorizing 5 learners for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (life preserver).

Old Colony Box Co., Inc., First and Robertson Streets, Radford, Va.; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 40 hours of the 200-hour learning period, for the occupations of basic hand and machine operations, with the exception of cutting, scoring and slitting; authorizing 5 learners for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (paper boxes).

Original Toy & Novelty Corp., Braymer, Mo.; not less than 90 cents per hour for the occupation of sewing machine operator; a maximum of 160 hours; authorizing 29 learners for new plant purposes; effective 3-1-56 to 8-31-56 (stuffed toy animals).

Oxford Fabrics Co., Oxford, N. C.; not less than 85 cents per hour for the occupations of machine operator, tender, fixer, and jobs immediately incidental thereto; a maximum of 240 hours; authorizing 12 learners for plant expansion purposes; effective 3-1-56 to 8-31-56 (lace).

P & K, Inc., 122 North Dixie Highway, Momence, Ill.; not less than 80 cents per hour for the first 240 hours and 85 cents per hour for the remaining 60 hours of the 300-hour learning period, for the occupations of fish hook bender, fish hook brazer, fly tying, lacquer lures, and assemble stringers; authorizing 10 learners for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (fishing tackle).

Paperlynen Co., 555 West Goodale Street, Columbus, Ohio; not less than 85 cents per hour for the first 160 hours and not less than 90 cents per hour for the remaining 80 hours of the 240-hour learning period, for the occupations of inspector and folder; authorizing 10 percent of the total number of factory production workers for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (adjustable paper caps).

Park Manufacturing Co., Inc., 43 Park Street, Dover, N. H.; not less than 87 cents per hour for the first 240 hours and 93 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupation of punch press operator; not less than 87 cents per hour for the first 240 hours and 93 cents per hour for the remaining 80 hours of the 320-hour learning period, for the occupations of heel builder, compressor, slugger; not less than 87 cents per hour for a maximum learning period of 160 hours, for the occupation of finisher; authorizing 10 percent of the total number of factory production workers for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (shoe heels).

Richard Paul, Inc., 1600 Newport Pike, Wilmington, Del.; not less than 85 cents per hour for the first 240 hours and 90 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupation of sewing machine operator; authorizing 8 learners for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (peds and foot covers).

Pattonsburg Manufacturing Co., Pattonsburg, Mo.; not less than 85 cents per hour for the occupations of sewing machine operator, hand sewing, and finishing operations involving hand sewing; a maximum of 240 hours; authorizing 5 percent of the total number of factory production workers for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (leather and cloth headwear).

Pattonsburg Manufacturing Co., Pattonsburg, Mo.; not less than 85 cents per hour for the occupations of sewing machine operator, hand sewing, and finishing operations involving hand sewing; a maximum of 240 hours; authorizing 50 learners for plant expansion purposes; effective 3-1-56 to 8-31-56 (leather and cloth headwear).

Pittsburgh Fabric Products Co., 6526 Hamilton Avenue, Pittsburgh, Pa.; not less than 85 cents per hour for the occupation of sewing machine operator; a maximum of 320 hours; authorizing 3 learners for normal labor turnover purposes; effective 3-7-56 to 9-6-56 (zipper bags).

Penn Pad Co., Fourth and Cumberland Streets, Philadelphia, Pa.; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupation of sewing machine operator; authorizing 2 learners for normal labor turnover purposes; effective 3-7-56 to 9-6-56 (shoulder pads, sleeve pads, etc.).

Pilgrim Curtain Co., Inc., 135 Alden Street, Fall River, Mass.; not less than 85 cents per hour for the occupation of sewing machine operator; a maximum of 320 hours; authorizing 10 percent of the total number of factory production workers for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (draperies and curtains).

Samuel Polinsky, 367 Main Street, Brockton, Mass.; not less than 85 cents per hour for a maximum learning period of 160 hours, for the occupation of die and clicker machine operator; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 160 hours of a maximum 320-hour learning period, for the occupations of stitching machine operator, hand cutter, and assembler and finisher; authorizing 10 learners for normal labor turnover purposes; effective 3-1-56 to 3-31-56 (leather trimmings for suspenders).

Production Engineering Co., Villa Rica, Ga.; not less than 80 cents per hour for the first 160 hours and not less than 90 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupations of assembler, webber, preassembly, and fabricator; authorizing 10 learners for plant expansion purposes; effective 3-1-56 to 8-31-56 (chairs).

Rees Printing Co., Masonic Building, Winchester, Ky.; not less than 80 cents per hour for the first 160 hours and 90 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupation of printer assistant; authorizing 2 learners for normal labor turnover purposes; effective 3-1-56 to 8-31-56 (job printing).

Regal China Co., 506 North Avenue, Antioch, Ill.; not less than 85 cents per hour for the first 160 hours and not less than 90 cents per hour for the remaining 160 hours of the 320-hour learning period, for the oc-

cupations of caster, finisher, glazer, sprayer, decorator, and assembler; authorizing ten percent of the total number of factory production workers for normal labor turnover purposes; effective 3–1–56 to 8–31–56 (chinaware).

Rex Curtain Corp., 50–01 Rockaway Beach Boulevard, Edgemere, N. Y.; not less than 85 cents per hour for the occupation of sewing machine operator; a maximum of 320 hours; authorizing 5 learners for plant expansion purposes; effective 3–1–56 to 8–31–56 (curtains and draperies).

Riegel Textile Corp., Johnston Division, Johnston, S. C.; not less than 85 cents per hour for the occupation of sewing machine operator; a maximum of 320 hours; authorizing 50 learners for plant expansion purposes; effective 3–1–56 to 8–31–56 (pillow cases, diapers, crib sheets, etc.).

Henry Roberts Co., Inc., 101 South Gordon Street, Pomona, Calif.; not less than 85 cents per hour for a maximum learning period of 160 hours, for the occupations of die and clicker machine operator, automatic paring machine operator, and pocketbook makers' helper; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 160 hours of the 320-hour learning period for the occupations of stitching machine operator, hand cutter, parer, and framer; authorizing 10 learners for normal labor turnover purposes; effective 3–1–56 to 8–31–56 (ladies' handbags).

Ruckels Potteries, Inc., White Hall, Ill.; not less than 80 cents per hour for the first 160 hours and 90 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupations of hand jigger wheel operator, automatic jigger wheel operator, finishing wheel operator, tunnel kiln burner operator, simpson mixer operator and hammermill operator; authorizing 20 learners for plant expansion purposes; effective 3–1–56 to 8–31–56 (containers, lawn and garden pottery, etc.).

Royal China & Novelty Co., Inc., 2715 Archer Avenue, Chicago, Ill.; not less than 85 cents per hour for the first 160 hours and not less than 90 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupation of decorator; authorizing 5 learners for normal labor turnover purposes; effective 3–1–56 to 8–31–56 (chinaware).

Standard Handkerchief Co., Inc., 1 Bond Street, New York, N. Y.; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupation of sewing machine operator; authorizing five percent of the total number of factory production workers for normal labor turnover purposes; effective 3–1–56 to 8–31–56 (handkerchiefs).

Stanberry Manufacturing Co., Stanberry, Mo.; not less than 85 cents per hour for the occupation of sewing machine operator; a maximum of 240 hours; authorizing 5 percent of the total number of factory production workers for normal labor turnover purposes; effective 3–1–56 to 8–31–56 (headwear, caps, etc.).

Star Supporter Manufacturing Co., Inc., 1325 Federal Street, Philadelphia, Pa.; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupation of sewing machine operator; authorizing five percent of the total number of factory production workers for normal labor turnover purposes; effective 3–1–56 to 8–31–56 (athletic supporters).

State Coat Front Co., Inc., 90 Wareham Street, Boston, Mass.; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupation of sewing machine operator; authorizing 5 learners for normal labor turnover purposes; effective 3–1–56 to 8–31–56 (canvas coat fronts).

See-Gal Manufacturing Co., 220 Franklin Street, Johnstown, Pa.; not less than 87 cents per hour for the first 160 hours and 90 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupation of sewing machine operator; authorizing 3 learners for normal labor turnover purposes; effective 3–1–56 to 8–31–56 (ladies' belts).

A. Schreter & Sons Co., Inc., 16 South Eutaw Street, Baltimore, Md.; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupations of sewing machine operator and presser; authorizing 10 learners for plant expansion purposes; effective 3–1–56 to 8–31–56 (neckties).

A. Schreter & Sons Co., Inc., 16 South Eutaw Street, Baltimore, Md.; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupations of sewing machine operator and presser; authorizing 5 percent of the total number of factory production workers for normal labor turnover purposes; effective 3–1–56 to 8–31–56 (neckties).

Schifman Bros. West Virginia, Inc., Ranson, W. Va.; not less than 85 cents per hour for the occupations of sewing machine operator and box spring maker; a maximum of 320 hours; authorizing 6 learners for plant expansion purposes; effective 3–1–56 to 8–31–56 (box springs).

Siegel-Ansel Bag & Burlap Co., Inc., 509–17 Locust Street, Lancaster, Pa.; not less than 85 cents per hour for the occupation of sewing machine operator; a maximum of 320 hours; authorizing 1 learner for normal labor turnover purposes; effective 3–9–56 to 9–8–56 (mending burlap and cotton bags).

Seal Sac, Inc., 28 Anawan Street, Fall River, Mass.; not less than 85 cents per hour for the occupation of sewing machine operator; a maximum of 320 hours; authorizing 10 learners for normal labor turnover purposes; effective 3–1–56 to 8–31–56 (infant headwear).

Town-Talk Manufacturing Co., 445 Baxter Avenue, Louisville, Ky.; not less than 85 cents per hour for the occupations of sewing machine operator, hand sewing, and finishing operations involving hand sewing; a maximum of 240 hours; authorizing 5 learners for normal labor turnover purposes; effective 3–1–56 to 8–31–56 (caps).

Texas Miller Products, Inc., Corsicana, Tex.; not less than 85 cents per hour for the occupations of sewing machine operator, hand sewing, and finishing operations involving hand sewing; a maximum of 240 hours; authorizing 5 percent of the total number of factory production workers for normal labor turnover purposes; effective 3–1–56 to 8–31–56 (felt and straw hats).

Taub & Fox, 1007 Grand Street, Hoboken, N. J.; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupation of sewing machine operator; authorizing 6 learners for normal labor turnover purposes; effective 3–9–56 to 9–8–56 (ladies' handbags).

Textile Hardwood Manufacturing Co., Inc., Thirteenth Avenue and Fifth Street West, Huntsville, Ala.; not less than 85 cents per hour for the occupation of woodworking machine operator; a maximum of 160 hours; authorizing 5 learners for normal labor turnover purposes; effective 3–9–56 to 9–8–56 (broom, mop, and sweeper handles).

E. W. Twitchell, Inc., Dothan, Ala.; not less than 85 cents per hour for the occupations of machine operator, tender, fixer, and jobs immediately incidental thereto; a maximum of 240 hours; authorizing 10 learners for plant expansion purposes; effective 3–1–56 to 8–31–56 (woven paper fabric).

United Wood Heel Co., 621 Russell Boulevard, St. Louis, Mo.; not less than 87 cents per hour for the first 240 hours and 93 cents for the remaining 240 hours of the maximum 480-hour learning period, for the occupation of turner; not less than 87 cents per hour for the first 240 hours and 93 cents per hour for the remaining 80 hours of the maximum 320 hour learning period for the occupation of coverer; not less than 87 cents per hour for a maximum 160 hour learning period for the occupation of finisher; authorizing 30 learners for plant expansion purposes; effective 3–1–56 to 8–31–56 (wood blocks).

Valley Forge Flag Co., Spring City, Pa.; not less than 85 cents per hour for the occupation of sewing machine operator; a maximum of 320 hours; authorizing 5 learners for normal labor turnover purposes; effective 3–8–56 to 9–7–56 (sewing American flags).

Victor Products Corp. of Pennsylvania, Gettysburg, Pa.; not less than 87 cents per hour for the first 240 hours and 93 cents per hour for the remaining 240 hours of the 240-hour learning period, for the occupation of pressman; not less than 87 cents per hour for the first 240 hours and 93 cents per hour for the remaining 80 hours of the 320-hour learning period, for the occupations of compounder and trimmer; not less than 87 cents per hour for a maximum 160-hour learning period, for the occupation of inspector; authorizing 10 percent of the total number of factory production workers for normal labor turnover purposes; effective 3–1–56 to 8–31–56 (rubber heels).

Vogue Art Ware & China Co., Fifth and Logan Streets, Dennison, Ohio; not less than 80 cents per hour for the first 160 hours and 90 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupations of finisher, spongers, inspectors, decorators, glaze dipper, and kiln placer; authorizing 7 learners for normal labor turnover purposes; effective 3–1–56 to 8–31–56 (artware pottery).

Western Art Manufacturing Co., 16 West Thirteenth Avenue, Denver, Colo.; not less than 85 cents per hour for the first 160 hours and 90 cents per hour the remaining 160 hours of the 320-hour learning period, for the occupations of sewing machine operator and hand sewing on ties; authorizing five percent of the total number of factory production workers for normal labor turnover purposes; effective 3–1–56 to 8–31–56 (children's novelty sleepwear, souvenir pillow tops, ties, etc.).

Wagner Bag Co., 144 West Third Street, Salt Lake City, Utah; not less than 85 cents per hour for the occupation of sewing machine operator; a maximum of 320 hours; authorizing 5 learners for normal labor turnover purposes; effective 3–7–56 to 9–6–56 (textile bags).

Wolverine Hat & Cap Manufacturing Co., Inc., Reform, Ala.; not less than 85 cents per hour for the occupation of sewing machine operator; a maximum of 240 hours; authorizing 5 learners for normal labor turnover purposes; effective 3–1–56 to 8–31–56 (sports headwear).

Wagenvoord & Co., 306 North Grand Avenue, Lansing, Mich.; not less than 80 cents per hour for the first 160 hours and 90 cents per hour for the remaining 160 hours of the 320 hour learning period, for the occupation of bindery worker; authorizing 5 learners for normal labor turnover purposes; effective 3–1–56 to 8–31–56 (rebinding books).

Waldensian Hosiery Mills, Inc., Paper Box Division, Valdese, N. C.; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 80 hours of the 240-hour learning period, for the occupation of basic hand and machine operations, with the exception of cutting, scoring and slitting; authorizing 4 learners for normal labor turnover purposes; effective 3–1–56 to 8–31–56 (set-up paper boxes).

The Weber Lifelike Fly Co., Stevens Point, Wis.; not less than 80 cents per hour for the first 240 hours and 85 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupation of fly and lure tier; not less than 80 cents per hour for the first 240 hours and 85 cents per hour for the remaining 80 hours of the 320-hour learning period, for the occupations of fly and lure painter, snelled hook tier, and wrapper, leader tier and roller, coiling machine operator, leader solderer, weedless hook, spinner, and lure assembler, and molding machine operator helper; authorizing 10 percent of the total number of factory production workers for normal labor turnover purposes; effective 3–1–56 to 8–31–56 (fishing tackle).

Welch Manufacturing Co., Marshfield, Mo.; not less than 80 cents per hour for the first 320 hours and 85 cents per hour for the remaining 160 hours of the 480-hour learning period, for the occupations of machine operator, sprayers, and sander; not less than 80 cents per hour for the first 160 hours and 85 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupation of assembler; authorizing 5 learners for normal labor turnover purposes; effective 3–1–56 to 8–31–56 (souvenirs and gifts).

Wisconsin Porcelain Co., Sun Prairie, Wis.; not less than 80 cents per hour for the first 160 hours and 90 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupation of finisher; authorizing 25 learners for normal labor turnover purposes; effective 3–1–56 to 8–31–56 (dry pressed porcelain).

Yorktown Manuacturing Co., Pilot Grove, Mo.; not less than 80 cents per hour for the first 320 hours and 85 cents per hour for the remaining 160 hours of the 480-hour learning period, for the occupations of sawyer, shaperman, planer, paint finisher, and woodworking machine operator; not less than 80 cents per hour for the first 160 hours and 85 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupation of assembler; authorizing 15 learners for plant expansion purposes; effective 3–1–56 to 8–31–56 (cabinet making and general woodwork).

The following learner certificates were issued in Puerto Rico and the Virgin Islands to the companies hereinafter named. The effective and expiration dates, the number of learners, the learner occupations, the length of the learning periods, and the learner wage rates are indicated, respectively:

Akron International, Inc., P. O. Box 546, Guaynabo, P. R.; effective 3–1–56 to 8–31–56; 17 learners; to be employed in the occupations of furnace operators, molders, cut-off operators, grinders, sand system operators, and core blower operators, 200 hours at 58 cents per hour; machine tool operators and maintenance mechanics, 160 hours at 58 cents per hour and 80 hours at 66 cents per hour (manufacturers of aluminum fittings for sprinkler irrigation).

The Bravada Corp., Arecibo, P. R.; effective 2–9–56 to 8–8–56; 59 learners; to be employed in the occupation of sewing machine operator, 160 hours at 30 cents per hour, 160 hours at 36 cents per hour, and 160 hours at 42 cents per hour; examining, folding, trimming, clipping, boxing, and bundling, 160 hours at 36 cents per hour (manufacturers of men's underwear).

Carolina Brassiere Co., Isla Verde-Carolina Road, Carolina, effective 2–20–56 to 8–19–56; 10 learners to be employed in the occupation of sewing machine operator, 240 hours at 45 cents per hour, 240 hours at 50 cents per hour (manufacturers of brassieres).

Finrico, Inc., Cayey, P. R., effective 3–1–56 to 8–31–56; 20 learners to be employed in the occupations of run-on, stitch down, marking, buttonhole operator, button sewer, trim and button, pressing, mending, and labeling, 160 hours at 30 cents per hour, 160 hours at 37½ cents per hour, 160 hours at 45 cents per hour (finishing full-fashioned sweaters).

International Molded Plastics of Puerto Rico, Inc., Isla Verde-Carolina Road, Carolina, effective 2–14–56 to 8–13–56; 10 learners; to be employed in the occupations of preformer, molder, sander, and buffer, 200 hours at 50 cents per hour; inspector, 160 hours at 50 cents per hour (manufacturing plastic dishes).

McKinley Mills, Inc., 23 West McKinley Street, Mayaguez, P. R., effective 3–1–56 to 8–31–56; 4 learners to be employed in the occupations of finger knitting and finger closing, 480 hours at 30 cents per hour (manufacturers of seamless knitted gloves).

Panoramic Industries, Inc., Stop 28, Hato Rey, P. R., effective 2–14–56 to 8–13–56; 10 learners to be employed in the occupation of machine embroiderer, 160 hours at 30 cents per hour, 160 hours at 36 cents per hour, 160 hours at 42 cents per hour (machine embroidery).

Somtex Knitting Mills, Inc., Yauco, P. R., effective 2–9–56 to 8–8–56; 46 learners to be employed in the occupations of knitter, topper, looper, presser, seamer, winder, buttoner, buttonholer, and hand-sewer, 160 hours at 30 cents per hour, 160 hours at 37½ cents per hour, 160 hours at 45 cents per hour (manufacturers of sweaters).

Virgin Islands Art Flowers, Inc., 9–10 Curacoa Gade, St. Thomas, V. I., effective 2–20–56 to 8–19–56; 25 learners to be employed in the hand manufacture of artificial flowers, except cutting, pressing, and packing, 160 hours at 30 cents per hour (artificial flowers).

Yauco Knitting Mills, Inc., Yauco, P. R., effective 2–14–56 to 8–13–56; 34 learners to be employed in the occupations of knitter, topper, looper, seamer, buttonholer, button sewer, ribbon sewer, presser, and marker, 160 hours at 30 cents per hour, 160 hours at 37½ cents per hour, 160 hours at 45 cents per hour (manufacturers of sweaters).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 23d day of March 1956.

MILTON BROOKE,
*Authorized Representative of the Administrator.*

[F. R. Doc. 56–2632; Filed, Apr. 9, 1956; 8:45 a. m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 4192 et al.]

PACIFIC NORTHWEST; LOCAL AIR SERVICE PATTERN

NOTICE OF POSTPONEMENT OF PREHEARING CONFERENCE

Notice is hereby given that the prehearing conference in the above-entitled proceeding now assigned for April 18, 1956, is postponed to May 9, 1956, 10:00 a. m., e. d. s. t., Room E–210, Temporary Building No. 5, Seventeenth Street and

Constitution Avenue NW., Washington, D. C., before Examiner F. Merritt Ruhlen.

Dated at Washington, D. C., April 5, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56-2659; Filed, Apr. 9, 1956; 8:50 a. m.]

## FEDERAL POWER COMMISSION

[Docket Nos. G-1521, G-2659]

GREENFIELD GAS CO., INC. AND ILLINOIS POWER CO.

NOTICE OF FINDINGS AND ORDERS

APRIL 4, 1956.

Notice is hereby given that on March 22, 1956, the Federal Power Commission issued its findings and orders, dismissing applications in the above-entitled matters.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56-2634; Filed, Apr. 9, 1956; 8:45 a. m.]

[Docket No. G-2777]

TEXAS EASTERN PRODUCTION CORP. ET AL.

NOTICE OF DATE OF HEARING

APRIL 3, 1956.

In the matter of Texas Eastern Production Corporation, Clegg & Hunt, and Buford Goodwin, Docket No. G-2777.

Take notice that pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on April 25, 1956, at 9:30 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application filed on September 15, 1954, in the above-entitled matter; *Provided, however,* That the Commission may, after a non-contested hearing dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

Due notice of the application filed herein has been had by publication in the FEDERAL REGISTER on October 12, 1954, (19 F. R. 6558). No protests or petitions to intervene have been received.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56-2633; Filed, Apr. 9, 1956; 8:45 a. m.]



[Docket No. G-8550]

DAVIDOR & DAVIDOR

NOTICE OF ORDER REVERSING INITIAL DECISION

APRIL 3, 1956.

Notice is hereby given that on March 22, 1956, the Federal Power Commission issued its order, reversing initial decision of the Presiding Examiner and permitting rate increase to continue in effect, in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56-2637; Filed, Apr. 9, 1956; 8:46 a. m.]

[Docket Nos. G-8706, G-9504]

PENNSYLVANIA GAS CO. AND KANSAS-NEBRASKA NATURAL GAS CO., INC.

NOTICE OF FINDINGS AND ORDERS

APRIL 3, 1956.

Notice is hereby given that on March 22, 1956, the Federal Power Commission issued its findings and orders, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56-2638; Filed, Apr. 9, 1956; 8:46 a. m.]

[Docket Nos. G-9674, G-9675]

KIO OIL & DEVELOPMENT CO. AND TEKOIL CORP.

NOTICE OF ORDER AMENDING ORDER

APRIL 4, 1956.

Notice is hereby given that on March 22, 1956, the Federal Power Commission issued its order, amending order issued January 10, 1956 (21 F. R. 656) issuing a certificate of public convenience and necessity and permitting abandonment in the above-entitled matters.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56-2635; Filed, Apr. 9, 1956; 8:45 a. m.]

[Project No. 16]

NIAGARA MOHAWK POWER CORP.

NOTICE OF ORDER PERMITTING WITHDRAWAL OF APPLICATION

APRIL 3, 1956.

Notice is hereby given that on March 22, 1956, the Federal Power Commission issued its order, permitting withdrawal of application for amendment of license in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56-2639; Filed, Apr. 9, 1956; 8:46 a. m.]

[Project No. 2030]

PORTLAND GENERAL ELECTRIC CO.

NOTICE OF ORDER AMENDING LICENSE (MAJOR)

APRIL 4, 1956.

Notice is hereby given that on March 23, 1956, the Federal Power Commission issued its order, amending license (Major) in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56-2636; Filed, Apr. 9, 1956; 8:46 a. m.]

## HOUSING AND HOME FINANCE AGENCY

### Public Housing Administration

PUBLIC HOUSING ADMINISTRATION FIELD OFFICES AND FIELD OFFICE OFFICIALS

CHANGE IN NAME

Effective April 2, 1956, the PHA "Field Offices" shall be called "Regional Offices" and the term "Field Office" in the titles of PHA officials is hereby changed to "Regional": *Provided,* That any references to PHA Field Offices or Field Office officials shall be construed as referring to PHA Regional Offices and Regional Office officials.

Date approved: April 2, 1956.

[SEAL] JOHN D. CURRIE,
*Acting Commissioner.*

[F. R. Doc. 56-2641; Filed, Apr. 9, 1956; 8:47 a. m.]

## INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 5, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31924: *Phosphatic fertilizer solution to Mt. Victory, Ohio.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on phosphatic fertilizer solution, tank-car loads from Nashville, Tenn., to Mt. Victory, Ohio.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 68 to Agent Spaninger's I. C. C. 1366.

FSA No. 31925: *Cottonseed and products between western points.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on cottonseed, cottonseed hulls and linters, carloads between points in Arizona, California, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, and Washington, on the one hand, and specified points in Colorado, Oklahoma, and Texas, on the other.

Grounds for relief: Circuitous routes.

Tariff: Supplement 20 to Agent Prueter's I. C. C. 1557.



FSA No. 31926: *Crude rubber—Borger, Tex., to Memphis, Tenn.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on rubber, crude, artificial, synthetic or neoprene, carloads from Borger, Tex., to Memphis, Tenn.

Grounds for relief: Market competition and circuity.

Tariff: Supplement 172 to Agent Kratzmeir's I. C. C. 4139.

FSA No. 31927: *All freight—Cleveland, Ohio, to Lawrenceburg, Tenn.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on freight, all kinds, carloads from Cleveland, Ohio to Lawrenceburg, Tenn.

Grounds for relief: Motor truck competition and circuity.

Tariff: Supplement 3 to Agent Hinsch's I. C. C. 4685.

FSA No. 31928: *Commodities from and to points in Official Territory.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on brass, bronze or copper articles, carloads and various other commodities, in carloads, as described in the application from specified points in official territory to specified points in official and southern territories.

Grounds for relief: Carrier competition, and circuity.

FSA No. 31929: *Fullers earth—Attapulgus, Ga., to New Orleans, La.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on Fullers earth, carloads from Attapulgus, Ga., to New Orleans, La.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 26 to Agent Spaninger's I. C. C. 1491.

By the Commission.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F. R. Doc. 56-2647; Filed, Apr. 9, 1956; 8:48 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3456]

CENTRAL AND SOUTH WEST CORP.

ORDER PERMITTING EFFECTIVENESS TO DECLARATION REGARDING PROPOSED AMENDMENT TO CERTIFICATE OF INCORPORATION INCREASING TOTAL AUTHORIZED COMMON STOCK AND SOLICITATION OF PROXIES IN RESPECT THEREOF

APRIL 4, 1956.

Central and South West Corporation ("Central"), a registered holding company, has filed with this Commission a declaration and an amendment pursuant to the requirements of sections 6 (a) (2), 7, and 12 (e) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-62 promulgated thereunder and embracing certain proposed transactions which are summarized as follows:

Central proposes to submit to the vote of its stockholders, at the regular annual meeting of such stockholders, to be held on May 15, 1956, a proposal to amend the Certificate of Incorporation of Central so as to increase the total authorized common stock, par value $5 per share, from 10,000,000 shares to 12,000,000 shares.

Central represents that it does not presently intend to issue or sell any shares of common stock during 1956; that the actual issuance and sale of such stock will depend upon prevailing market and other conditions; and that the issuance and sale, when undertaken, will be subject to requisite approval of this Commission.

The material to be sent to stockholders of Central in respect of the annual meeting scheduled for May 15, 1956, includes a solicitation of proxies in respect of the proposed charter amendment. Copies of all this material have been included in the instant filing.

Central proposes to pay fees and expenses, applicable to the proposed transactions, estimated to total $7,400. These fees include the printing, preparation, and mailing of the solicitation material and notice of the annual meeting. No fees or expenses for company counsel or other counsel have been indicated. Company counsel of Central is on an annual retainer.

No State commission and no Federal regulatory body other than this Commission has jurisdiction over the transactions proposed in the instant declaration.

Notice of the filing of the declaration having been duly given in the manner prescribed by Rule U-23 and no hearing having been requested of or ordered by the Commission; the Commission finding that the applicable provisions of the act and the rules thereunder are satisfied; that the fees and expenses set forth above are not unreasonable; and that the declaration as amended should be permitted to become effective forthwith:

*It is ordered,* Pursuant to Rule U-23 and the applicable provisions of the act, that said amended declaration be, and the same hereby is, permitted to become effective forthwith subject to the terms and conditions contained in Rule U-24.

By the Commission.

[SEAL] NELLYE A. THORSEN,
*Assistant Secretary.*

[F. R. Doc. 56-2651; Filed, Apr. 9, 1956; 8:49 a. m.]

[File No. 24NY-3663]

BUDGET FUNDING CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

APRIL 4, 1956.

I. Budget Funding Corporation, the last known address of which was 167–10 Hillside Avenue, Jamaica, New York, having filed with the Commission on April 20, 1954, a notification on Form 1–A and an offering circular and subsequently filed amendments thereto relating to an offering of 149,850 shares of 7 percent cumulative preferred stock, $2.00 par value, and 29,970 shares of common stock, $0.01 par value, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. A. The Commission having been advised that a permanent injunction was issued on February 24, 1956, in the Supreme Court of the State of New York for New York County against Budget Funding Corporation permanently enjoining it from directly or indirectly engaging in any business relating to the purchase and sale of securities; and that on February 27, 1956, the aforesaid court issued a permanent injunction against Inter-City Securities Corporation, William Spiller, treasurer of Inter-City Securities Corporation and president, director and promoter of Budget Funding Corporation, enjoining them from engaging in any business relating to the purchase and sale of any security; and

B. The Commission having reasonable cause to believe that the terms and conditions of Regulation A have not been complied with in that the issuer failed to file, as required by Rule 224, reports of sales on Form 2–A.

III. *It is ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this Order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

*It is further ordered,* That this order and notice shall be served upon Budget Funding Corporation, 167–10 Hillside Avenue, Jamaica, New York; Inter-City Securities Corporation, 167–10 Hillside Avenue, Jamaica, New York, and William Spiller, 163–03 89th Avenue, Jamaica, New York, personally or by registered mail or by confirmed telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] NELLYE A. THORSEN,
*Assistant Secretary.*

[F. R. Doc. 56-2652; Filed, Apr. 9, 1956; 8:49 a. m.]

[File No. 24D-1558]

MIZPAH URANIUM & OIL CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

APRIL 4, 1956.

I. Mizpah Uranium & Oil Corp., the last known address of which was 411 Denham Building, Denver, Colorado, and

1814 Central Avenue, Cheyenne, Wyoming, having filed with the Commission on January 11, 1955, a notification on Form 1–A and an offering circular and subsequently filed amendments thereto relating to a proposed public offering of 5,000,000 shares of common stock, par value 1 cent, at 5 cents per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. A. The Commission having reasonable cause to believe that the terms and conditions of Regulation A have not been complied with in that Mizpah Uranium & Oil Corp. has failed to file with the Commission the reports on Form 2–A required by Rule 224 under Regulation A within the period prescribed by such rule; and

B. The Commission having reasonable cause to believe that the notification and offering circular contain untrue statements of material facts and omit to state material facts necessary to make the statements made, in the light of the circumstances under which they are made, not misleading and do not meet the terms and conditions of Regulation A, particularly in that the issuer is no longer engaged in business or actively functioning and has no present address, and its officers and directors are no longer participating in its affairs.

III. *It is ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this Order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

*It is further ordered,* That this order and notice shall be served upon Mizpah Uranium & Oil Corp., 411 Denham Building, Denver, Colorado, and 1814 Central Avenue, Cheyenne, Wyoming, and upon Harold H. Williams, Secretary-Treasurer and Director, Longhorn Motel, 5110 South Santa Fe Drive, Littleton, Colorado, personally or by registered mail or confirmed telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] NELLYE A. THORSEN,
*Assistant Secretary.*

[F. R. Doc. 56–2653; Filed, Apr. 9, 1956; 8:49 a. m.]

[File No. 24D–1593]

## LUCKY LAKE URANIUM, INC.

### NOTICE OF AND ORDER FOR HEARING

APRIL 4, 1956.

Lucky Lake Uranium, Inc., Darling Building, 320 South Main Street, Salt Lake City, Utah, having filed with the Commission on February 9, 1955 a notification on Form 1–A and an offering circular, and subsequently having filed amendments thereto, relating to a proposed public offering of 8,000,000 shares of its 2 cent par value common stock for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

The Commission, on March 20, 1956, having issued an order pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, temporarily suspending the conditional exemption under Regulation A and affording to any person having any interest therein an opportunity to request a hearing pursuant to said Rule 223, and a written request for a hearing having been received by the Commission on March 28, 1956, from the corporation; and

The Commission deeming it necessary and appropriate to determine whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption:

*It is hereby ordered,* That a hearing under the applicable provisions of the Securities Act of 1933 and the rules of the Commission be held on April 16, 1956, at 10:00 a. m., m. s. t., at the Salt Lake City Branch Office of the Commission, at 201 Boston Building, Salt Lake City, Utah, with respect to the following specified matters and questions, without prejudice, however, to the specification of additional issues which may be present in these proceedings:

A. Whether the terms and conditions of Regulation A have not been complied with in that:

(1) Written offers of said securities were made or sent to prospective investors and offering circulars were not concurrently delivered or previously given or sent to such persons under such circumstances that they would normally have been received at or prior to the time of such written offer, as required by Rule 219 (a); and

(2) Materials were used in the offering and sale of the securities which were not filed prior to the use thereof as required by Rule 221.

B. Whether the sales literature used in the offering and sale of said securities contains untrue statements of material facts or omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, more particularly:

(1) Whether representations to the effect that Lucky Lake Uranium, Inc., had ore reserves in the amount of approximately $70,791,000 were made, and whether such representations were either false or misleading by virtue of the omission to state that such ore reserves were not based upon sufficient supporting data;

(2) Whether representations to the effect that Lucky Lake Uranium, Inc., had over $8.00 worth of ore for every 2 cents a share were made, and whether such representations were false or misleading by virtue of the omission to disclose that the ore estimate was not predicated upon sufficient supporting data;

(3) Whether representations to the effect that a small number of shares are available at 2 cents were made, and whether such representations were false when made; and

(4) Whether representations to the effect that stock of Lucky Lake Uranium, Inc., should sell many times higher when trading starts—soon—were made, and whether such representations were false or misleading;

C. Whether the use of said sales material would and did operate as a fraud or deceit upon the purchasers.

D. Whether the order dated March 20, 1956 suspending the exemption under Regulation A with respect to Lucky Lake Uranium, Inc., should be vacated or made permanent.

*It is further ordered,* That James G. Ewell, or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing, and any officer or officers so designated to preside at any such hearing is hereby authorized to exercise all of the powers granted to the Commission under sections 19 (b), 21 and 22 (c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

*It is further ordered,* That the Secretary of the Commission shall serve a copy of this order, by registered mail, on Lucky Lake Uranium, Inc., Darling Building, 320 South Main Street, Salt Lake City, Utah; Stanley J. Lake, President of Lucky Lake Uranium, Inc., 1429 Sigsbee Avenue, Salt Lake City, Utah; and Melvin G. Flegal & Company, 26 West Broadway, Salt Lake City, Utah, that notice of the entering of this order shall be given to all other persons by general release of the Commission, and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in such hearing shall file with the Secretary of the Commission on or before April 13, 1956, a request relative thereto as provided in Rule XVII of the Commission's rules of practice.

By the Commission.

[SEAL] NELLYE A. THORSEN,
*Assistant Secretary.*

[F. R. Doc. 56–2654; Filed, Apr. 9, 1956; 8:49 a. m.]

[File No. 24D–1923]

## MINERAL AGGREGATES CORP.

### NOTICE OF AND ORDER FOR HEARING

APRIL 4, 1956.

Mineral Aggregates Corporation, a Colorado corporation, 225 Travel Center Building, Denver, Colorado (formerly known as Minerals Processing, Inc., and herein called "Mineral") having filed with the Commission on September 9, 1955, a notification on Form 1–A and an offering circular and subsequently filed amendments thereto, relating to a proposed public offering of 300,000 shares of its common stock, par value $1, at $1 per share for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

The Commission, on February 17, 1956, having issued an order pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933 temporarily suspending the conditional exemption under Regulation A and affording to any person having any interest therein an opportunity to request a hearing pursuant to said Rule 223, and a written request for a hearing having been received by the Commission on March 1, 1956 from the corporation, and counsel for Mineral having waived the 20-day period specified in Rule 223 (b); and

The Commission deeming it necessary and appropriate to determine whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption:

*It is hereby ordered,* That a hearing under the applicable provisions of the Securities Act of 1933 and the rules of the Commission be held on April 23, 1956 at 10:00 a. m., m. s. t., at the Denver Regional Office of the Commission, at Room 573, New Customhouse, Denver, Colorado, with respect to the following specified matters and questions, without prejudice, however, to the specification of additional issues which may be present in these proceedings:

A. Whether the offering circular dated December 21, 1955, and filed with the Denver Regional Office on December 27, 1955, contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading. In particular, whether:

1. The statements on pages 5 and 6 of the offering circular, dated December 21, 1955, to the effect that Mineral holds certain mining properties under a lease with The Calcium Company (hereinafter called "Calcium") under which Mineral is required to pay as rental the sum of $1,000 per month, that it paid rental for nine months in advance, and is required to pay on October 15, 1955, another three months rental in advance, are misleading by failing to disclose that Mineral failed to pay the rent due October 15, 1955; that notice of default was given to the company on or about October 25, 1955, that if the rent is not paid in 60 days after service of the notice, the lessor will retake possession of the premises and declare the forfeiture of the lease; and that more than 60 days have elapsed since the service of such notice and Mineral has failed to pay the rent due October 15, 1955; and

2. The statements on page 7 of the offering circular to the effect that Calcium holds record possessory title to the mining claims leased by it to Mineral and that Mineral also has an option to purchase such claims are false; and whether these statements are misleading by failing to disclose that title to these properties is in dispute; and that on November 30, 1955, Calcium instituted an action in the District Court in and for the County of Fremont, State of Colorado, against Mineral and others, to quiet its title to the claims and for damages; and

3. The statement on page 3 of the offering circular that the officers and directors have no interest in any assets or properties to be operated or acquired by Mineral is false; and whether it is misleading by failing to disclose that George Swallow, president of Mineral, is the record owner of the property described in the offering circular.

B. Whether the use of said offering circular would and did operate as a fraud or deceit upon purchasers.

C. Whether the order dated February 17, 1956, suspending the exemption under Regulation A with respect to Mineral should be vacated or made permanent.

*It is further ordered,* That James G. Ewell or any officer or officers of the Commission designated by it for that purpose shall preside at the hearing, and any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all of the powers granted to the Commission under sections 19 (b), 21 and 22 (c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

*It is further ordered,* That the Secretary of the Commission shall serve a copy of this order, by registered mail, on Mineral Aggregates Corporation, 225 Travel Center Building, Denver, Colorado; its attorney, William L. Lloyd, 501 Thatcher Building, Pueblo, Colorado; and Harvell Investment Co., 223 Travel Center Building, Denver, Colorado; that notice of the entering of this order shall be given to all other persons by general release of the Commission, and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise wishes to participate in such hearing shall file with the Secretary of the Commission on or before April 19, 1956 a request relative thereto as provided in Rule XVII of the Commission's rules of practice.

By the Commission.

[SEAL] NELLYE A. THORSEN,
*Assistant Secretary.*

[F. R. Doc. 56–2655; Filed, Apr. 9, 1956; 8:49 a. m.]

## SUBVERSIVE ACTIVITIES CONTROL BOARD

[Docket No. 116–56]

### INTERNATIONAL UNION OF MINE, MILL AND SMELTER WORKERS

### NOTICE OF HEARING

Herbert Brownell, Jr., Attorney General of the United States, petitioner, v. International Union of Mine, Mill and Smelter Workers, respondent.

Notice is hereby given that, pursuant to the Subversive Activities Control Act of 1950 (Title I of the Internal Security Act of 1950, Pub. Law 831, 81st Cong., 50 U. S. C. 781 et seq.), as amended by the Communist Control Act of 1954 (Pub. Law 637, 83d Cong., 50 U. S. C. 841 et seq.), and particularly section 13A of the act as amended, a hearing in the above-entitled proceeding on the petition of the Attorney General for an order of the Board determining that the International Union of Mine, Mill and Smelter Workers is a Communist-infiltrated organization as defined by section 3 of the act, as amended (50 U. S. C. 782), will be held commencing May 16, 1956, at 10:00 a. m., e. d. t., in Room 111, Lafayette Building, 811 Vermont Avenue NW., Washington, D. C.

Dated at Washington, D. C., April 4, 1956.

[SEAL] THOMAS J. HERBERT,
*Chairman.*

[F. R. Doc. 56–2643; Filed, Apr. 9, 1956; 8:47 a. m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[P. & S. Docket 383]

### MARKET AGENCIES AT ST. LOUIS NATIONAL STOCK YARDS

### NOTICE OF PETITION FOR MODIFICATION OF RATE ORDER

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued on April 25, 1955 (14 A. D. 275), continuing in effect to and including May 31, 1956, the order of May 7, 1954 (13 A. D. 488), authorizing respondents to assess the current schedule of rates and charges.

On March 28 and April 2, 1956, petitions were filed on behalf of respondents requesting authority to put into effect, upon the expiration of the current schedule, a schedule of rates and charges, filed with the petitions, containing certain modifications in the presently authorized rates and charges. Those parts of the proposed new schedule which contain modifications of the currently authorized schedule are set forth below.

SECTION D

BUYING CHARGES

*Sheep.* Maximum charge on any purchase order of sheep shipped out by rail shall not exceed an amount of $30 multiplied by the number of single-deck cars plus $40 multiplied by the number of double-deck cars in which the order is shipped out.

The proposed modifications, if authorized, will produce additional revenue for the respondent market agencies and increase the cost of marketing livestock. Accordingly, it appears that this public notice should be given of the petitions and their contents in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within fifteen days from the date of publication of this notice.

Done at Washington D. C., this 4th day of April 1956.

[SEAL] H. E. REED,
*Director, Livestock Division, Agricultural Marketing Service.*

[F. R. Doc. 56-2645; Filed, Apr. 9, 1956; 8:48 a. m.]

## Commodity Credit Corporation

### APRIL 1956 MONTHLY SALES LIST

SALES OF CERTAIN COMMODITIES

Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F. R. 6669), and subject to the conditions stated therein, the commodities listed below are available for sale in the quantities stated and on the price basis set forth. The Commodity Credit Corporation will entertain offers from prospective buyers for the purchase of any such commodity.

The Commodity Credit Corporation reserves the right, before making any sale, to define or limit export areas. Announcements containing the contractual terms and conditions of sale for the respective commodities will be furnished upon request. For ready reference a number of these announcements are identified by code number in the following list. Commodity Credit Corporation also reserves the right to amend, from time to time, any of its announcements, which amendments shall be applicable to and be made a part of the sales contracts thereafter entered into.

APRIL 1956 MONTHLY SALES LIST

| Commodity and approximate quantity available (subject to prior sale) | Sales price or method of sale |
|---|---|
| Dairy products | Domestic prices apply "in store" [1] at location of stocks.<br>Export prices apply f. a. s. U. S. port of export, or in store at location of stocks at f. a. s. price less export freight rate to agreed port of export.<br>Available through Cincinnati and Portland CSS Commodity Offices for domestic sale, and through the Livestock and Dairy Division, CSS, USDA, Washington 25, D. C., for export sale. |
| Nonfat dry milk solids (in carloads only): Spray, 33,000,000 pounds; roller, as available. | Domestic, unrestricted use: Spray process, U. S. Extra Grade, in barrels and drums, 17 cents per pound; in bags (as available), 16.15 cents per pound.<br>Roller process, U. S. Extra Grade, in barrels and drums, 15.25 cents per pound; in bags, 14.40 cents per pound.<br>Domestic, restricted use (animal and poultry feed): Delivered under the terms and conditions of Announcement LD-14 and supplements. In barrels and drums, 11.5 cents per pound; in bags (as available) 10.65 cents per pound.<br>Export, unrestricted use: Spray process, U. S. Extra Grade, in barrels and drums, 11.75 cents per pound; in bags (as available), 10.90 cents per pound.<br>Roller process, U. S. Extra Grade, in barrels and drums, 10 cents per pound; in bags, 9.15 cents per pound.<br>Special export: Competitive bid on 8,800,000 pounds spray and roller process and under the terms and conditions of Announcement LD-5 and amendments. |
| Salted creamery butter (in carloads only) as available. | Domestic, unrestricted use: 61.25 cents per pound, New York, New Jersey, Pennsylvania, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. All other States, 60.5 cents per pound.<br>Domestic, restricted use: Competitive bid and under the terms and conditions of Announcement DA-111 and supplements for use as an extender for cocoa butter in the manufacture of chocolate.<br>Export, unrestricted use: U. S. Grade A, 41 cents per pound; U. S. Grade B, 39 cents per pound.<br>Export, restricted use: Competitive bid (1) under the terms and conditions of Announcement DA-111 and supplements for use (a) in recombining with U. S. produced nonfat dry milk solids into liquid milk and evaporated milk, and (b) in making butter oil or ghee; and (2) under the terms and conditions of Announcement LD-19 and supplements for industrial uses.<br>Special export: Competitive bid on 6,600,000 pounds butter under terms and conditions of Announcement LD-7. |
| Cheddar cheese, cheddars, flats, twins, and ringless blocks (standard moisture basis in carloads only), 220,000,000 pounds. | Domestic: 37 cents per pound, for New York, New Jersey, Pennsylvania, New England, and other States bordering the Atlantic and Pacific Oceans and Gulf of Mexico. All other States 36 cents per pound.<br>Export: U. S. Grade A, 25.5 cents per pound, basis port of export; U. S. Grade B, 24.5 cents per pound, basis port of export.<br>Cheese prices are subject to usual adjustments for moisture content.<br>Special export: Competitive bid on 12,700,000 pounds under terms and conditions of LD-5 and amendments. |

See footnotes at end of table.

APRIL 1956 MONTHLY SALES LIST—Continued

| Commodity and approximate quantity available (subject to prior sale) | Sales price or method of sale |
|---|---|
| Cotton, Upland and Extra Long Staple. | Domestic or export: Competitive bid and under the terms and conditions of Announcements NO-C-5 as amended (Upland) and NO-C-6 (Extra Long Staple), but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC.<br>Catalogs showing quantities, qualities and locations may be obtained for a nominal fee from the New Orleans CSS Commodity Office.[2] |
| Cotton Linters | Domestic or export: Competitive bid and under the terms and conditions of Announcement NO-CL-6 in carlot quantities as follows: (a) First Cut Linters and Mill Run Linters catalogued on U. S. Grades, (b) Mill Run Linters and hull fiber catalogued on a cellulose content, and will be sold on basis of 73 percent cellulose, with premiums and discounts of 0.04 cent per pound, fractions in proportion, for each 1 percent of cellulose above or below 73 percent.<br>Catalogs showing quantities, qualities, and locations may be obtained for a nominal fee from the New Orleans CSS Commodity Office. |
| Wool, shorn and pulled grease (including small quantities of scoured wool and wool tops), 121,000,000 pounds. | Domestic or export: Limited quantities (not more than 6,250,000 pounds in April) on competitive bid each Tuesday under terms and conditions as announced. Additional quantities at prices basis exwarehouse where stored as determined by the Boston CSS Commodity Office, reflecting not less than 103 percent of the 1954 schedule of loan rates per pound plus an allowance for sales commission, Boston basis, adjusted for net freight on wool stored outside the Boston storage area. |
| Tung oil | Domestic or export: Competitive bid, limited quantity monthly under the terms and conditions of Announcement CT-OP-8 and amendments thereto. Available Cincinnati CSS Commodity Office. |
| Peanuts | Domestic (for crushing) or export: Competitive bid on limited quantities as may be announced by any of the Peanut Cooperative Associations. Domestic sales subject to terms and conditions of CCC Peanut Form 34 (1955). Export sales subject to terms and conditions of CCC Peanut Form 59 (1955). Available Dallas CSS Commodity Office. |
| Corn, bulk | Domestic or export: Commercial corn-producing area: Market price, basis in store,[1] but not less than the legal minimum price (1955 loan rate basis point of production for class, grade, and quality plus 24 cents per bushel).<br>Examples of minimum price per bushel including average paid-in freight: Chicago No. 3 yellow, $2.01; Minneapolis No. 3 yellow, $1.92; Kansas City No. 3 yellow, $2; Portland No. 3 yellow, $2.17.<br>Noncommercial corn-producing area: Market price, basis in store,[1] but not less than 133 percent of applicable 1955 loan rate, plus 24 cents per bushel.<br>Available Chicago, Dallas, Kansas City, Minneapolis, and Portland CSS Commodity Offices.<br>Corn is also available as follows: (1) Nonstorable corn at the above offices. (2) In flat storage in the Pacific Northwest on competitive bid basis for export. |
| Wheat | Domestic: Commercial wheat-producing area: Market price, basis in store,[1] but not less than the legal minimum price (1955 loan rate for class, grade, quality, and location, plus 33 cents per bushel).<br>Examples of minimum price per bushel: Chicago No. 1 RW, $2.71; Minneapolis No. 1 DNS, $2.74; Kansas City No. 1 HW, $2.71.<br>Noncommercial wheat-producing area: Market price, basis in store,[1] but not less than 133 percent of applicable 1955 county loan rate plus 33 cents per bushel.<br>Export: Under the terms and conditions of Announcements GR-212, GR-261 revised, and, GR-262 revised, at prices announced daily. Export may be made either as wheat or flour.[3]<br>Available Dallas, Chicago, Minneapolis, Kansas City, and Portland CSS Commodity Offices for domestic or export sale. |
| Oats, bulk | Domestic: Market price, basis in store,[1] but not less than the legal minimum price (1955 loan rate basis point of production for class, grade, and quality, plus 17 cents per bushel).<br>Examples of minimum price per bushel including average paid-in freight: Chicago No. 3 oats or better, $0.91; Minneapolis No. 3 oats or better, $0.86.<br>Export: Price as determined by CCC. Offerings also on competitive bid as announced by the Minneapolis, Chicago, Kansas City, Portland, or Dallas CSS Commodity Offices.[3]<br>Available at the above offices for domestic or export sale. |
| Barley, bulk | Domestic: Market price, basis in store,[1] but not less than the legal minimum price (1955 applicable loan rate for class, grade, quality, and location plus 24 cents per bushel).<br>Example of minimum price per bushel: Minneapolis No. 2 barley, $1.38.<br>Export: Price as determined by CCC. Offerings also on competitive bid as announced by the Minneapolis, Kansas City, Chicago, Dallas, or Portland CSS Commodity Offices.[3]<br>Available at above offices for domestic or export sale. |

APRIL 1956 MONTHLY SALES LIST—Continued

| Commodity and approximate quantity available (subject to prior sale) | Sales price or method of sale |
|---|---|
| Rye, bulk | Domestic: Market price, basis in store,[1] but not less than the legal minimum price (1955 applicable loan rate for class, grade, quality and location plus 26 cents per bushel).<br>Example of minimum price per bushel: Minneapolis No. 2 or better, $1.65.<br>Export: Price as determined by CCC. Offerings also on competitive bid as announced by the Minneapolis, Kansas City, Dallas, Chicago, and Portland CSS Commodity Offices.[3] Available at above offices for domestic or export sale. |
| Grain sorghums, bulk | Domestic: Market price, basis in store,[1] but not less than the legal minimum price (1955 applicable loan rate for class, grade, quality and location plus 43 cents per 100 pounds).<br>Example of minimum price per hundredweight: Kansas City No. 2 or better, $2.65.<br>Available Dallas and Kansas City CSS Commodity Offices. |
| Rice, rough, 1,400,000 hundredweight. | Export: Competitive bid as announced by Dallas CSS Commodity Office.<br>Domestic, unrestricted use: Market price as determined by CCC, but not less than the legal minimum price (1955 loan rate basis point of production plus 5 percent plus 51 cents per hundredweight).<br>Domestic, restricted use (for feed only): Competitive bid basis by Dallas CSS Commodity Office under the terms and conditions of DL-RRG 200/55.<br>Export, unrestricted use: 1955 support rate f. a. s., West Gulf ports (port at option of CCC). Where deliveries are made at points other than ports, deductions will be made for minimum freight charges to port.<br>Export, restricted use (to be ground in the USA and used for feed and industrial purposes only): Competitive bid basis by Dallas CSS Commodity Office. Available Dallas CSS Commodity Office for domestic or export sale.[3] |
| Rice, milled, 1,000,000 hundredweight. | Domestic: For U. S. No. 2 (4 percent brokens), the market price but not less than the legal minimum price (the equivalent loan rate for rough rice by varieties plus 5 percent, adjusted for milling, plus 64 cents per hundredweight).<br>Examples of minimum prices of milled rice per hundredweight, at mills: |

| | Head U. S. No. 2 (4 percent brokens) | U. S. No. 5 (35 percent brokens) | Second heads U. S. No. 3 |
|---|---|---|---|
| Bluebonnet | $11.53 | $9.36 | $6.50 |
| Zenith | 9.81 | 8.19 | 6.00 |

Export: A schedule of prices as announced by Dallas CSS Commodity Office.
Examples of prices of milled rice per hundredweight, f. a. s., West Gulf ports (port at option of CCC):

| | Head U. S. No. 2 (7 percent brokens) | U. S. No. 5 (35 percent brokens) | | Second Heads U. S. No. 3 |
|---|---|---|---|---|
| | | 1954 | 1953 | |
| Bluebonnet | $10.20 | $7.80 | ------- | $4.45 |
| Zenith | 8.70 | 6.49 | $6.00 | 4.20 |
| Pearl | 8.70 | 6.49 | ------- | 4.20 |

1953 crop rice (U. S. No. 5, 35 percent brokens) is available f. o. b. Texas-Mexican border points at same price as at West Gulf ports.
Specific prices and quantities may be obtained from Dallas CSS Commodity Office.[4]

| | |
|---|---|
| Dry edible beans (bagged) | Special export: Competitive bid under terms and conditions announced by the Dallas CSS Commodity Office.[4]<br>Prices for domestic sale are for U. S. No. 1, f. o. b. indicated points of production. Amount of paid-in freight to be added as applicable.<br>For other grades of all beans, adjust by market differentials. |
| Pinto beans 1954 crop, 851,000 hundredweight. | Domestic: Market price but not less than $6.88 per 100 pounds, points of production, Denver rate area. For other areas adjust by the 1955 support price differentials. Available Kansas City and Portland CSS Commodity Offices.<br>Export: Competitive bid as announced by the Kansas City and Portland CSS Commodity Offices. |
| Pea beans, 1955 crop | Domestic: Market price but not less than $8.05 per hundredwieght, f. o. b. Michigan points. Available Chicago CSS Commodity Office.<br>Export: Competitive bid as announced by Chicago CSS Commodity Office. |

See footnotes at end of table.

APRIL 1956 MONTHLY SALES LIST—Continued

| Commodity and approximate quantity available (subject to prior sale) | Sales price or method of sale |
|---|---|
| Dry edible beans (bagged)—Con. Baby lima beans, 1954 crop, as available. | Domestic: Market price but not less than $5.72 per 100 pounds, California points of production. For other areas adjust by the 1955 support price differentials. Available Portland CSS Commodity Office.<br>Export: Competitive bid as announced by the Portland CSS Commodity Office. |
| Hay and pasture seeds (bagged) | F. o. b. point of production plus any paid-in freight as applicable basis current freight rate at time of sale. Premiums and discounts may be obtained from the Commodity Offices for qualities above or below basic specification. Offers will not be accepted for less than warehouse receipt lot or minimum weight carlot as prescribed by railroad carrier's regulation at point of storage. |
| Tall fescue seed (common) 22,080 hundredweight. | Domestic, unrestricted use: $18 per 100 pounds. Available Portland, Dallas, and Chicago CSS Commodity Offices.[4]<br>Domestic, restricted use (for feed only): Competitive bid basis for certain lots of low germination seed from common and certified stocks under terms and conditions of Announcement CH-GR-17 and amendments. Available Chicago, Dallas, and Portland CSS Commodity Offices. |
| Tall fescue seed (certified), 81,690 hundredweight. | Export: Competitive bid as announced by Chicago CSS Commodity Office.<br>Domestic: $20 per 100 pounds Available Portland, Dallas and Chicago CSS Commodity Offices.[4] |
| Gum rosin (in galvanized metal drums averaging 517 pounds net). | Domestic or export: Offer and acceptance, "as is" in the stated quantities at the designated storage yards, subject to the prices, terms and conditions of Announcement TB-21 and Supplements issued not more often than weekly by the American Turpentine Farmers' Association Cooperative, Valdosta, Ga. |
| Gum turpentine (bulk in tanks) | Domestic or export: Offer and acceptance, "as is" in the stated quantities in the designated storage tanks, subject to the prices, terms, and conditions of Announcement TB-21 and Supplements issued not more often than weekly by the American Turpentine Farmers' Association Cooperative, Valdosta, Ga. |

[1] At the processor's plant or warehouse but with any prepaid storage and outhandling charges for the benefit of the buyer.
[2] Sales of grains made under Title I, Public Law 480, may be made on terms and conditions of GR-301 revised and GR-302. Other commodities under the announcement indicated.
[3] In those counties in which grain is stored in CCC bin sites, delivery will be made f. o. b., buyer's conveyance at bin site without additional cost; sales will also be made in store approved warehouses in such county and adjacent counties at the same price, provided the buyer makes arrangements with the warehousemen for storage documents.
[4] Prices for basic specifications will not be reduced through the period ending June 30, 1956.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U. S. C. 1427, sec. 208, 63 Stat. 901)

Issued: April 4, 1956.

[SEAL] EARL M. HUGHES,
*Executive Vice-President, Commodity Credit Corporation.*

[F. R. Doc. 56-2646; Filed, Apr. 9, 1956; 8:48 a. m.]

## Rural Electrification Administration

[Administrative Order T-774]

TENNESSEE

LOAN ANNOUNCEMENT

FEBRUARY 16, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | *Amount* |
|---|---|
| Cornersville Telephone Company, Inc., Tennessee 556-A Cornersville | [1] $181,000 |

[1] Simultaneous allocation and loan.

[SEAL] ANCHER NELSEN,
*Administrator.*

[F. R. Doc. 56-2662; Filed, Apr. 9, 1956; 8:51 a. m.]

[Administrative Order T-775]

OHIO

LOAN ANNOUNCEMENT

FEBRUARY 21, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | Amount |
|---|---|
| Ottoville Mutual Telephone Company, Ohio 513–A Ottoville | [1] $145,000 |

[1] Simultaneous allocation and loan.

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 56–2663; Filed, Apr. 9, 1956; 8:51 a. m.]

[Administrative Order T–776]

NEW YORK

LOAN ANNOUNCEMENT

FEBRUARY 23, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | Amount |
|---|---|
| Marathon Killawog Telephone Company, Inc., New York 511–A Marathon | [1] $374,000 |

[1] Simultaneous allocation and loan.

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 56–2664; Filed, Apr. 9, 1956; 8:51 a. m.]

[Administrative order T–777]

OKLAHOMA

LOAN ANNOUNCEMENT

FEBRUARY 24, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | Amount |
|---|---|
| Choteau Telephone Company, Oklahoma 532–B Choteau | $71,000 |

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 56–2665; Filed, Apr. 9, 1956; 8:51 a. m.]

[Administrative Order T–778]

ILLINOIS

LOAN ANNOUNCEMENT

FEBRUARY 24, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | Amount |
|---|---|
| Adams Telephone Cooperative, Illinois 518–D Adams | $42,000 |

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 56–2666; Filed, Apr. 9, 1956; 8:51 a. m.]

[Administrative Order T–779]

ARIZONA

LOAN ANNOUNCEMENT

FEBRUARY 27, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | Amount |
|---|---|
| Parker Valley Telephone Company, Inc., Arizona 503–B Parker | $65,000 |

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 56–2667; Filed, Apr. 9, 1956; 8:51 a. m.]

[Administrative Order T–780]

ARKANSAS

LOAN ANNOUNCEMENT

FEBRUARY 28, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | Amount |
|---|---|
| Western Arkansas Telephone Company, Arkansas 519–A Russellville | [1] $2,432,000 |

[1] Simultaneous allocation and loan.

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 56–2668; Filed, Apr. 9, 1956; 8:51 a. m.]

[Administrative Order T–781]

KENTUCKY

LOAN ANNOUNCEMENT

MARCH 1, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | Amount |
|---|---|
| Echo Telephone Company, Kentucky 531–A Echo | [1] $549,000 |

[1] Simultaneous allocation and loan.

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 56–2669; Filed, Apr. 9, 1956; 8:52 a. m.]

[Administrative Order T–782]

SOUTH DAKOTA

LOAN ANNOUNCEMENT

MARCH 2, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan bearing the following designation has been approved on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | Amount |
|---|---|
| Sully Buttes Telephone Cooperative, Inc., South Dakota 522–B Sully Buttes | $172,000 |

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 56–2670; Filed, Apr. 9, 1956; 8:52 a. m.]

[Administrative Order T–783]

GEORGIA

LOAN ANNOUNCEMENT

MARCH 2, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | Amount |
|---|---|
| Homerville Telephone Company, Inc., Georgia 533–A Homerville | [1] $381,000 |

[1] Simultaneous allocation and loan.

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 56–2671; Filed, Apr. 9, 1956; 8:52 a. m.]

[Administrative Order T–784]

MAINE

LOAN ANNOUNCEMENT

MARCH 8, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | Amount |
|---|---|
| Hartland and St. Albans Telephone Company, Maine 518–A Hartland | [1] $150,000 |

[1] Simultaneous allocation and loan.

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 56–2672; Filed, Apr. 9, 1956; 8:52 a. m.]

[Administrative Order T–785]

ALABAMA

LOAN ANNOUNCEMENT

MARCH 8, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | Amount |
|---|---|
| Arab Telephone Company, Inc., Alabama 508–C Arab | $45,000 |

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 56–2673; Filed, Apr. 9, 1956; 8:52 a. m.]



[Administrative Order T–786]

TEXAS

LOAN ANNOUNCEMENT

MARCH 9, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | Amount |
|---|---|
| Clifton Telephone Company, Texas 587–A Clifton | [1] $308,000 |

[1] Simultaneous allocation and loan.

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 56–2674; Filed, Apr. 9, 1956; 8:52 a. m.]

[Administrative Order T–787]

WASHINGTON

LOAN ANNOUNCEMENT

MARCH 9, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | Amount |
|---|---|
| Skagit Valley Telephone Company, Washington 514–C Skagit | $435,000 |

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 56–2675; Filed, Apr. 9, 1956; 8:52 a. m.]

[Administrative Order T–788]

NORTH DAKOTA

LOAN ANNOUNCEMENT

MARCH 12, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | Amount |
|---|---|
| United Telephone Mutual Aid Corporation, North Dakota 522–B United | $476,000 |

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 56–2676; Filed, Apr. 9, 1956; 8:52 a. m.]

[Administrative Order T–789]

OREGON

LOAN ANNOUNCEMENT

MARCH 14, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | Amount |
|---|---|
| Fossil Telephone Exchange, Oregon 517–A Fossil | [1] $146,000 |

[1] Simultaneous allocation and loan.

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 56–2677; Filed, Apr. 9, 1956; 8:53 a. m.]

[Administrative Order T–790]

OKLAHOMA

LOAN ANNOUNCEMENT

MARCH 14, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | Amount |
|---|---|
| Elmore City Telephone Company, Oklahoma 507–A Elmore | [1] $221,000 |

[1] Simultaneous allocation and loan.

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 56–2678; Filed, Apr. 9, 1956; 8:53 a. m.]

[Administrative Order T–791]

CALIFORNIA

LOAN ANNOUNCEMENT

MARCH 19, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | Amount |
|---|---|
| Sierra Telephone Company, Inc., California 515–A Sierra | [1] $353,000 |

[1] Simultaneous allocation and loan.

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 56–2679; Filed, Apr. 9, 1956; 8:53 a. m.]

[Administrative Order T–792]

GEORGIA

LOAN ANNOUNCEMENT

MARCH 19, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | Amount |
|---|---|
| Dixie Telephone Company, Georgia 555–A Dixie | [1] $244,000 |

[1] Simultaneous allocation and loan.

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 56–2680; Filed, Apr. 9, 1956; 8:53 a. m.]

[Administrative Order T–793]

MICHIGAN

LOAN ANNOUNCEMENT

MARCH 20, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | Amount |
|---|---|
| Calhoun County Telephone Company, Michigan 522–A Calhoun | [1] $658,000 |

[1] Simultaneous allocation and loan.

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 56–2681; Filed, Apr. 9, 1956; 8:53 a. m.]

[Administrative Order T–794]

MISSOURI

LOAN ANNOUNCEMENT

MARCH 21, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | Amount |
|---|---|
| Mid-Missouri Telephone Company, Missouri 558–A Gilliam | [1] $359,000 |

[1] Simultaneous allocation and loan.

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 56–2682; Filed, Apr. 9, 1956; 8:53 a. m.]

[Administrative Order T–795]

OREGON

LOAN ANNOUNCEMENT

MARCH 22, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a

loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | Amount |
|---|---|
| Aurora Mutual Telephone Co. Ltd., Oregon 515–A Aurora | [1] $297,000 |

[1] Simultaneous allocation and loan.

[SEAL] FRED H. STRONG,
*Acting Administrator.*

[F. R. Doc. 56–2683; Filed, Apr. 9, 1956; 8:53 a. m.]

---

[Administrative Order T–796]

TEXAS

LOAN ANNOUNCEMENT

MARCH 22, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | Amount |
|---|---|
| Quinlan Telephone Company, Incorporated, Texas 543–A Quinlan | [1] $485,000 |

[1] Simultaneous allocation and loan.

[SEAL] J. K. O'SHAUGHNESSY,
*Acting Administrator.*

[F. R. Doc. 56–2684; Filed, Apr. 9, 1956; 8:53 a. m.]

---

[Administrative Order T–797]

WYOMING

LOAN ANNOUNCEMENT

MARCH 23, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | Amount |
|---|---|
| Cokeville Telephone Company, Incorporated, Wyoming 513–A Cokeville | [1] $70,000 |

[1] Simultaneous allocation and loan.

[SEAL] J. K. O'SHAUGHNESSY,
*Acting Administrator.*

[F. R. Doc. 56–2685; Filed, Apr. 9, 1956; 8:53 a. m.]

---

[Administrative Order T–798]

OKLAHOMA

LOAN ANNOUNCEMENT

MARCH 23, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | Amount |
|---|---|
| McLoud Telephone Company, Oklahoma 535–A McLoud | [1] $218,000 |

[1] Simultaneous allocation and loan.

[SEAL] J. K. O'SHAUGHNESSY,
*Acting Administrator.*

[F. R. Doc. 56–2686; Filed, Apr. 9, 1956; 8:54 a. m.]

---

[Administrative Order T–799]

OKLAHOMA

LOAN ANNOUNCEMENT

MARCH 27, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | Amount |
|---|---|
| Cross Telephone Company, Oklahoma 510–B Warner | $131,000 |

[SEAL] FRED H. STRONG,
*Acting Administrator.*

[F. R. Doc. 56–2687; Filed, Apr. 9, 1956; 8:54 a. m.]

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[Administrative Order T–800]

TENNESSEE

LOAN ANNOUNCEMENT

MARCH 27, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | Amount |
|---|---|
| Twin Lakes Telephone Cooperative Corporation, Tennessee 544–C Twin Lakes | $613,000 |

[SEAL] FRED H. STRONG,
*Acting Administrator.*

[F. R. Doc. 56–2688; Filed, Apr. 9, 1956; 8:54 a. m.]

---

[Administrative Order T–801]

MISSOURI

LOAN ANNOUNCEMENT

MARCH 27, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | Amount |
|---|---|
| Klem Telephone Company, Missouri 555–A Winfield | [1] $262,000 |

[1] Simultaneous allocation and loan.

[SEAL] FRED H. STRONG,
*Acting Administrator.*

[F. R. Doc. 56–2689; Filed, Apr. 9, 1956; 8:54 a. m.]

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[Administrative Order T–802]

MONTANA

LOAN ANNOUNCEMENT

MARCH 27, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | Amount |
|---|---|
| Mid-Rivers Telephone Cooperative, Montana 512–C Mid-Rivers | $75,000 |

[SEAL] FRED H. STRONG,
*Acting Administrator.*

[F. R. Doc. 56–2690; Filed, Apr. 9, 1956; 8:54 a. m.]

---

[Administrative Order T–803]

INDIANA

LOAN ANNOUNCEMENT

MARCH 27, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | Amount |
|---|---|
| Cutler Co-operative Telephone Company, Indiana 532–A Cutler | [1] $150,000 |

[1] Simultaneous allocation and loan.

[SEAL] FRED H. STRONG,
*Acting Administrator.*

[F. R. Doc. 56–2691; Filed, Apr. 9, 1956; 8:54 a. m.]

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[Administrative Order T–804]

ILLINOIS

LOAN ANNOUNCEMENT

MARCH 27, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | Amount |
|---|---|
| Champaign County Telephone Company, Illinois 506–D Champaign | $116,000 |

[SEAL] FRED H. STRONG,
*Acting Administrator.*

[F. R. Doc. 56–2692; Filed, Apr. 9, 1956; 8:54 a. m.]



[Administrative Order T–805]

KANSAS

LOAN ANNOUNCEMENT

MARCH 28, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | Amount |
|---|---|
| The Craw-Kan Telephone Cooperative Association, Inc., Kansas 548–C Craw-Kan | $672,000 |

[SEAL] ANCHER NELSEN,
*Administrator.*

[F. R. Doc. 56–2693; Filed, Apr. 9, 1956; 8:54 a. m.]

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[Administrative Order T–806]

ILLINOIS

LOAN ANNOUNCEMENT

MARCH 28, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | Amount |
|---|---|
| Chesterfield-Medora Telephone Company, Illinois 528–A Chesterfield | [1] $427,000 |

[1] Simultaneous allocation and loan.

[SEAL] ANCHER NELSEN,
*Administrator.*

[F. R. Doc. 56–2694; Filed, Apr. 9, 1956; 8:55 a. m.]

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[Administrative Order T–807]

PENNSYLVANIA

LOAN ANNOUNCEMENT

MARCH 28, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | Amount |
|---|---|
| Luthersburg Telephone Company, Pennsylvania 518–A Luthersburg | [1] $483,000 |

[1] Simultaneous allocation and loan.

[SEAL] ANCHER NELSEN,
*Administrator.*

[F. R. Doc. 56–2695; Filed, Apr. 9, 1956; 8:55 a. m.]

---

[Administrative Order T–808]

KANSAS

LOAN ANNOUNCEMENT

MARCH 28, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | Amount |
|---|---|
| Wilson Telephone Company, Inc., Kansas 569–A Wilson | [1] $357,000 |

[1] Simultaneous allocation and loan.

[SEAL] ANCHER NELSEN,
*Administrator.*

[F. R. Doc. 56–2696; Filed, Apr. 9, 1956; 8:55 a. m.]

---

[Administrative Order T–809]

KANSAS

LOAN ANNOUNCEMENT

MARCH 29, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | Amount |
|---|---|
| Zenda Telephone Company, Inc., Kansas 568–A Zenda | [1] $125,000 |

[1] Simultaneous allocation and loan.

[SEAL] ANCHER NELSEN,
*Administrator.*

[F. R. Doc. 56–2697; Filed, Apr. 9, 1956; 8:55 a. m.]

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[Administrative Order T–810]

NORTH CAROLINA

LOAN ANNOUNCEMENT

MARCH 30, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | Amount |
|---|---|
| Wilkes Telephone Membership Corporation, North Carolina 521–A Wilkes | [1] $550,000 |

[1] Simultaneous allocation and loan.

[SEAL] ANCHER NELSEN,
*Administrator.*

[F. R. Doc. 56–2698; Filed, Apr. 9, 1956; 8:55 a. m.]

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[Administrative Order T–811]

OKLAHOMA

LOAN ANNOUNCEMENT

MARCH 30, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | Amount |
|---|---|
| Pioneer Telephone Cooperative, Oklahoma 533–C Kingfisher | $376,000 |

[SEAL] ANCHER NELSEN,
*Administrator.*

[F. R. Doc. 56–2699; Filed, Apr. 9, 1956; 8:55 a. m.]

---

[Administrative Order T–812]

NEW JERSEY

LOAN ANNOUNCEMENT

MARCH 30, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | Amount |
|---|---|
| West Jersey Telephone Co., New Jersey 501–C West Jersey | $230,000 |

[SEAL] ANCHER NELSEN,
*Administrator.*

[F. R. Doc. 56–2700; Filed, Apr. 9, 1956; 8:55 a. m.]

UNIVERSITY OF MICHIGAN
APR 13 1956
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1934
OF THE UNITED STATES

# FEDERAL REGISTER

VOLUME 21 NUMBER 70

*Washington, Wednesday, April 11, 1956*

## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

PART 2—FILLING COMPETITIVE POSITIONS

RESTORATION OF ELIGIBILITY

Section 2.209 (b) is amended as set out below.

§ 2.209 *Restoration of eligibility.* * * *

(b) *Persons who lost eligibility because of military service.* (1) Anyone who has served on active duty in the military service since June 30, 1950, and for that reason lost a period of eligibility on a register may have his eligibility restored, if he meets all of the following conditions:

(i) He has not served more than four (4) years following the date of his entrance upon active military duty, exclusive of any additional service imposed pursuant to law. The date of entrance on duty means the first date between June 30, 1950, and July 1, 1959, on which he began a new period of active military duty, whether it was by original entry, reentry, or extension.

(ii) He is honorably separated from active military service.

(iii) He applies for restoration of eligibility within ninety (90) days after discharge from active military duty or from hospitalization continuing after discharge for not more than one (1) year.

(iv) He is still qualified to perform the duties of the position for which the register is used.

(2) A person who establishes his right to restoration of eligibility in accordance with subparagraph (1) of this paragraph shall have his name entered at the top of the appropriate group on the register, if another eligible standing lower on the register on which his name formerly appeared was given a career or a career-conditional appointment from such register while he was on active military duty after June 30, 1950. (All eligibles shall be considered as one group for professional and scientific positions in and above grades GS–9 of the Classification Act of 1949, as amended, and in comparable pay levels under other pay-fixing authority; for all other positions, veterans with a compensable service-connected disability of ten percent or more shall be in one group and all other eligibles in another.)

(3) Anyone who meets the conditions for entry on a register in accordance with subparagraph (2) of this paragraph, shall have his name listed for certification for career or career-conditional appointment, if the original register has been terminated and no successor register exists.

(Sec. 1, 67 Stat. 173)
(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
*Executive Assistant.*

[F. R. Doc. 56–2756; Filed, Apr. 10, 1956; 8:54 a. m.]

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PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE INTERIOR

Effective upon publication in the FEDERAL REGISTER, paragraph (g) (1) is added to § 6.110 as set out below.

§ 6.110 *Department of the Interior.*

* * *

(g) *Bureau of Reclamation.* (1) Appraisers and examiners employed on a temporary, intermittent, or part-time basis on special valuation or prospective-entrymen-review projects where knowledge of local values or conditions or other specialized qualifications not possessed by regular Bureau employees are required for successful results. Employment under this provision shall not exceed 130 working days a year in any individual case; provided that such employment may, with prior approval of the Commission, be extended for not to exceed an additional fifty days in any single year.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
*Executive Assistant.*

[F. R. Doc. 56–2738; Filed, Apr. 10, 1956; 8:52 a. m.]

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FEDERAL REGISTER

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**CFR SUPPLEMENTS**

**(As of January 1, 1956)**

The following Supplements are now available:

**Titles 22 and 23 ($1.00)**
**Title 26: Parts 80–169 ($0.50)**
**Title 32: Parts 800–1099 ($0.40)**

Previously announced: Title 3, 1955 Supp. ($2.00); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 18 ($0.50); Title 24 ($0.75); Title 25 ($0.50); Title 26: Parts 1–79 ($0.35), Parts 170–182 ($0.30), Parts 183–299 ($0.35); Title 32: Parts 700–799 ($0.35), Part 1100 to end ($0.35); Titles 40–42 ($0.65); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF THE ARMY

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (5) of § 6.305 is revoked and paragraph (a) (2) is amended as set out below.

§ 6.305 *Department of the Army*—(a) *Office of the Secretary.* • • •

(2) One Deputy or Special Assistant to each Assistant Secretary of the Army.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
*Executive Assistant.*

[F. R. Doc. 56-2737; Filed, Apr. 10, 1956; 8:52 a. m.]

## Chapter III—Foreign and Territorial Compensation

[Departmental Reg. 108.283]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

Section 325.11 *Designation of differential posts* is amended as follows, effective on the dates indicated:

1. Effective as of the beginning of the first pay period following April 7, 1956, paragraph (a) is amended by the deletion of the following post:

Calama, Chile.

2. Effective as of the beginning of the first pay period following April 7, 1956, paragraph (b) is amended by the deletion of the following posts:

Boudenib, Morocco.

India, all posts except Bangalore, Bhopal, Bokaro, Bombay, Chandigarh, Cuddalore, Cuttack, Gwalior, Hazaribagh, Hyderabad, Izatnagar, Kharagpur, Lucknow, Madras, Nabha, Nagpur, New Delhi, Patiala, Patna, Poona, Simla, Trivandrum and Vellore.

3. Effective as of the beginning of the first pay period following April 7, 1956, paragraph (c) is amended by the deletion of the following post:

Madras, India.

4. Effective as of the beginning of the first pay period following April 7, 1956, paragraph (d) is amended by the deletion of the following posts:

Libya, all posts except Barce, Cirene, Derna, El Aweila, Garian, Misurata, Sebha, Tripoli, Wheelus Field, Zavia, Zliten and Zuara.

5. Effective as of the beginning of the first pay period following December 31, 1955, paragraph (b) is amended by the addition of the following post:

Cuenca, Ecuador.

6. Effective as of the beginning of the first pay period following April 7, 1956, paragraph (b) is amended by the addition of the following posts:

Homs, Libya.

India, all posts except Bangalore, Bhopal, Bokaro, Bombay, Calcutta, Chandigarh, Cuddalore, Cuttack, Gwalior, Hazaribagh, Hyderabad, Izatnagar, Kharagpur, Lucknow, Madras, Nabha, Nagpur, New Delhi, Patiala, Patna, Poona, Simla, Trivandrum and Vellore.

7. Effective as of the beginning of the first pay period following April 7, 1956, paragraph (c) is amended by the addition of the following post:

Calcutta, India.

8. Effective as of the beginning of the first pay period following April 7, 1956, paragraph (d) is amended by the addition of the following posts:

Libya, all posts except Barce, Cirene, Derna, El Aweila, Garian, Homs, Misurata, Tripoli, Wheelus Field, Zavia, Zliten and Zuara.
Madras, India.

(Sec. 102, Part I, E. O. 10,000, 13 F. R. 5453; 3 CFR, 1948 Supp.)

For the Secretary of State.

J. W. CARPENTER, Jr.,
*Assistant Secretary-Controller.*

MARCH 29, 1956.

[F. R. Doc. 56-2720; Filed, Apr. 10, 1956; 8:49 a. m.]

# TITLE 15—COMMERCE AND FOREIGN TRADE

## Chapter II—National Bureau of Standards, Department of Commerce

Subchapter A—Test Fee Schedules

PART 214—RADIO STANDARDS

EDITORIAL NOTE: Part 284—Radio Standards of Chapter II of Title 15, appearing at page 1980 of the issue of March 30, 1956, is hereby redesignated "Parts 214—Radio Standards", and the numbering pattern within the tabular material and other references in Subchapter A are changed accordingly.

# TITLE 14—CIVIL AVIATION

## Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 62-1]

PART 62—NOTIFICATION AND REPORTING OF AIRCRAFT ACCIDENTS AND OVERDUE AIRCRAFT

NOTIFICATION AND REPORTING OF ACCIDENTS INVOLVING SMALL FIXED-WING AIRCRAFT TO THE CIVIL AERONAUTICS ADMINISTRATION

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 5th day of April 1956.

Section 62.12 of Part 62 of the Civil Air Regulations requires that reports of accidents involving small fixed-wing aircraft be made in triplicate on an accident report form furnished by the Civil Aeronautics Administration. The Civil Aeronautics Administration has adopted a new reporting form which does not require duplicate copies; therefore, the requirement that reports be "in triplicate" is unnecessary.

Since this is a minor amendment and does not adversely affect the public interest, notice of proposed rule making is unnecessary, and it may be made effective immediately.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 62 of the Civil Air Regulations (14 CFR Part 62, as amended) as follows, effective April 5, 1956:

By amending § 62.12 by deleting therefrom the words "in triplicate".

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
*Secretary.*

[F. R. Doc. 56-2748; Filed, Apr. 10, 1956; 8:54 a. m.]

## Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 191]

### PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

### PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, GCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The very high frequency omnirange procedures prescribed in § 609.9 (c) are amended to read in part:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

La Grange, Ga., Callaway Airport; elevation 700'; facility BVOR-DME; identification LGC; Amendment No. Original; effective date May 12, 1956.

| Transition to facility or transition to DME orbit | | | | Procedure turn; side of approach radial; altitude; limiting distances | Minimum altitude on approach radial | | | Procedure No.; direct or right or left turn to final approach orbit; Runway No. | Minimum altitude on final approach orbit | | | Condition | Ceiling and visibility minimums | | | If visual contact not established at authorized landing minimums or if specified, or if landing not accomplished— |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| From—(mi.) | To—(mi.) | Radial | Minimum altitude (ft.) | | From—(mi.) | To—(mi.) | Radial | Minimum altitude (ft.) | From radial | To radial | Minimum altitude (ft.) | | 2 engines or less | | More than 2 engines | |
| | | | | | | | | | | | | | 65 knots or less | More than 65 knots | More than 65 knots | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 |
| ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | 10 | ----- | ----- | ----- | T-dn<br>C-d<br>n<br>A-dn | 300-1<br>500-1<br>500-2<br>800-2 | 300-1<br>500-1<br>500-2<br>800-2 | 200-1½<br>500-1½<br>500-2<br>800-2 | Turn left, return to VOR climbing to 2,000'. |
| ----- | ----- | ----- | ----- | S side 262° 2,000' within 10 miles (not required with DME). | 10 | 0 | 262 | 1,500 | 050 | 078 | 1,200 final | T-dn<br>C-d<br>n<br>A-dn | 300-1<br>500-1<br>500-2<br>800-2 | 300-1<br>500-1<br>500-2<br>800-2 | 200-1½<br>500-1½<br>500-2<br>800-2 | Turn right, return to VOR climbing to 2,000'. |
| ----- | ----- | ----- | ----- | | 0 | 6 | 082 | 1,500 | | | | | | | | |
| ----- | ----- | ----- | ----- | | 6 | 10.2 airport | 082 | *1,200 final | | | | | | | | |
| 20 | 10 | 050 | 2,000 | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- |
| ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- | Procedure No. 2 left 10 miles runway 12. | ----- | ----- | ----- | ----- | ----- | ----- | ----- | ----- |

*DME not required for Procedure No. 1, but maintain 1,500' mean sea level (800' ceiling) to airport if aircraft not equipped with DME.
AIR CARRIER NOTE: No reduction in night landing or takeoff minima authorized.

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] JAMES T. PYLE,
*Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 56-2804; Filed, Apr. 10, 1956; 8:59 a. m.]



# TITLE 7—AGRICULTURE

## Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

### Subchapter C—Regulations and Standards Under the Farm Products Inspection Act

### PART 51—FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS) [1]

#### MISCELLANEOUS AMENDMENTS

Under the authority conferred by the provisions in the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended; 7 U. S. C. 1621 et seq.), for the investigation and certification of the class, quality, and condition of agricultural commodities and food products and products containing agricultural commodities or derivatives thereof, the regulations governing the inspection and certification of fruits, vegetables and other products (§§ 51.1 through 51.51) are hereby amended, effective on and after 12:01 a. m., e. s. t., April 13, 1956, as follows:

1. Change the main heading "Fees and Charges", immediately preceding § 51.36 *Amount of fees, rates, and charges* so that it will read "Fees and Charges (Destination Markets)";

2. Change the section numbering of §§ 51.46 to 51.51, both inclusive, which sections follow the main heading "Miscellaneous", so that said sections will be renumbered as §§ 51.53, 51.54, 51.55, 51.56, 51.57, and 51.58, respectively; and

3. Add the following new main heading and new sections immediately after existing § 51.45 *Disposition of fees* and immediately prior to the main heading "Miscellaneous";

#### FEES AND CHARGES (SHIPPING AREAS)

§ 51.46 *Schedule of fees.* In the absence of specific provisions therefor contained in cooperative agreements entered into pursuant to § 51.39, the fees to be charged and collected for any inspection service performed in shipping areas shall be based on the applicable rates specified in this section.

(a) *Base fee for fruits and vegetables.* The base fee shall be $10.00 per carload of the customary size for the products in the area from which shipped: *Provided,* That the base fee shall be adjusted on an approximately proportional basis to determine the fee for any lot which is smaller or larger than a carload of the customary size, based either on the number of pounds or the number of containers.

(b) *Additional fee for multiple products.* An additional fee of $0.50 (fifty cents) per commodity shall be charged whenever the carload or other quantity inspected consists of more than one fruit or vegetable.

(c) *Additional fee for certified weight or count.* An additional fee of $2.00 per lot shall be charged for determining certified weight and $1.00 per lot shall be charged for determining certified count.

(d) *Base fee for peanuts, pecans, or other nuts.* The base fee for peanuts (shelled), pecans, or other nuts shall be $12.50 per carload of the customary size for such products in the area from which shipped: *Provided,* That the base fee shall be adjusted on an approximately proportional basis to determine the fee for any lot which is smaller or larger than a carload of the customary size based either on the number of pounds or the number of containers: *And provided further,* That the fee for farmers' stock (unshelled) peanuts shall be $1.50 per ton.

(e) *Minimum fee.* The minimum fee for performing any inspection shall be $2.00 regardless of the size of the lot involved.

§ 51.47 *Additional charges for inspections performed at night, Sundays, or holidays.* Whenever inspections are performed at the request of the applicant between the hours of 6 o'clock p. m. and 6 o'clock a. m., on Sundays or on holidays, the charge for inspection shall be $2.00 per hour or portion thereof per inspector in addition to the regular lot fees specified in this subpart.

§ 51.48 *Charges for inspection service on a contract basis.* Irrespective of the fees and charges prescribed in §§ 51.46 and 51.47, the Administrator may enter into contracts with applicants to perform inspection services for the purpose of establishing prescribed minimum charges for specified periods of time whenever the Administrator determines that the regular lot fees will not reimburse the Agricultural Marketing Service for the full cost of rendering such inspection services: *Provided,* That the fees and charges actually levied shall in no event be less than the regular lot fees per carload or per ton specified in this subpart.

§ 51.49 *Inspections for government agencies.* Unless otherwise provided in a written agreement between the applicant and the Administrator, the fees to be charged for any inspection service performed at the request of the United States or of any State, or any agency or instrumentality thereof, shall be at the rate of $4.00 per hour.

§ 51.50 *Travel and other expenses.* Charges may be made to cover the cost of travel and other expenses incurred in connection with the performance of any inspection service.

§ 51.51 *Fees for additional copies of certificates.* Additional copies of any inspection certificate, other than those provided in § 51.21, may be supplied to any interested party upon payment of a fee of $1.50 for each set of three, or less, copies.

§ 51.52 *Payment of fees.* Fees shall be paid by the applicant in accordance with directions on the fee bill furnished him by the inspector. Either payment in advance or an advance of funds or surety bond in an amount suitable to the Administrator may be required prior to rendering inspection service.

It is hereby found that it would be impracticable and contrary to the public interest to give preliminary notice and engage in public rule making procedure with respect to these amendments, or to postpone the effective date of said amendments later than 12:01 a. m., e. s. t., April 13, 1956, for the reasons that: (1) The fees and charges of the nature to be provided for under the amendment numbered (3) have heretofore been specified in individual cooperative agreements entered into pursuant to § 51.39; (2) the cooperative agreement in effect in Texas is being terminated as of the close of business on April 12, 1956, and it is necessary that there be in effect on and after April 13, 1956, new provisions to cover the costs of inspections in such a situation; (3) the changes specified in the amendments numbered 1 and 2 are designed merely to make the other sections of these regulations conform with the new provisions added by the amendment numbered 3; and (4) the services provided herein are permissive and the industries affected do not require additional time to comply with these amendments.

(Sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624)

Dated: April 6, 1956.

[SEAL] FRANK E. BLOOD,
*Acting Deputy Administrator, Marketing Services.*

[F. R. Doc. 56-2752; Filed, Apr. 10, 1956; 8:55 a. m.]

[1] Among such other products are the following: Raw nuts; Christmas trees and greens; flowers and flower bulbs; and onion sets.

# TITLE 8—ALIENS AND NATIONALITY

## Chapter I—Immigration and Naturalization Service, Department of Justice

### MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

### PART 214f—ADMISSION OF NONIMMIGRANTS: STUDENTS

1. Section 214f.4 *Certificate of acceptance* is amended by adding the following sentence at the end thereof: "Form I–20 presented by a student returning from foreign contiguous territory may be retained by the student and used for reentries from foreign contiguous territory any number of times within six months from date of issuance."

2. Section 214f.5 *Prerequisites for admission* is amended by deleting the last sentence thereof.

### PART 214k—ADMISSION OF AGRICULTURAL WORKERS UNDER SPECIAL LEGISLATION

1. The introductory material of § 214k.2, paragraph (a) and subparagraph (4) of paragraph (c) of that section are amended to read as follows:

§ 214k.2 *Period for which admitted.* An agricultural worker may be admitted to the United States temporarily as a nonimmigrant pursuant to the provisions of Title V of the Agricultural Act of 1949, as amended, *Provided:*

(a) That the initial period of admission shall be for not less than four weeks and not more than six months. The initial period of admission or any extension thereof shall not extend beyond June 30, 1959;

• • • • •

(c) That the period of temporary admission shall be subject to immediate revocation, without notice, by the district director of the district having jurisdiction over the place of the alien's employment upon—

• • • • •

(4) Termination of the Migrant Labor Agreement of 1951, as amended.

2. Paragraph (c) of § 214k.4 *Compliance by employer* is amended to read as follows:

(c) If a Mexican agricultural worker leaves his employment without proper authorization, the employer shall report such departure immediately or within five days thereof to the reception center where the worker was admitted. Such notification shall contain the individual worker's name, as shown in the employer's copy of the contract; the worker's Form I–100C number; the date the worker left the employer, and the present whereabouts of the worker, if known.

3. Paragraph (a) of § 214k.6 *Readmission after temporary visits to Mexico* is amended to read as follows:

(a) An agricultural worker who has been admitted to the United States under the provisions of this part or of prior regulations pertaining to Title V of the Agricultural Act of 1949, as amended, may be readmitted after temporary visits to Mexico on presentation of Form I–100C, Alien Laborer's Permit, if he is still maintaining the status of an agricultural worker in the United States.

4. Section 214k.21 *Recruitment centers; preliminary inspection* is amended by deleting the words "Form I–100a" and "Form I–100" and by substituting therefor the words "Form I–100C".

5. Sections 214k.22, 214k.23, and 214k.24 are amended to read as follows:

§ 214k.22 *Immigration inspection at reception centers—(a) Authority to admit.* An alien who presents a conditional permit, as described in § 214k.21, duly noted by an immigration officer at a recruitment center, may be admitted at the reception center if he is found admissible by the examining immigration officer. The examining officer shall fingerprint each alien admitted. The alien shall be given the Form I–100C bearing his photograph and stating his name and place of birth. Such form shall be duly noted by an immigration officer to show the date, place, and period of the alien's admission to the United States and shall be signed by such officer across the photograph. Such noted card shall be the sole document required for admission to the United States as an agricultural worker under this part.

(b) *Hearing before special inquiry officer.* If the examining immigration officer is not satisfied that an alien seeking admission under this part is admissible, the alien shall be held for hearing before a special inquiry officer, and the hearing procedure applicable generally to aliens seeking admission to the United States under the immigration laws shall be followed: *Provided, however,* That the case of an alien believed to be inadmissible to the United States under the provisions of paragraph (27), (28), or (29) of section 212 (a) of the Immigration and Nationality Act shall be handled in accordance with the provisions of section 235 (c) of that act and § 235.15 of this chapter.

§ 214k.23 *Recontracting in the United States.* During the period for which he is admitted, or any authorized extension thereof, an agricultural worker may be recontracted by another employer. When an agricultural worker is recontracted, his Form I–100C shall be appropriately noted and the admitting reception center notified.

§ 214k.24 *Duplicate identification cards.* A duplicate Form I–100C may be issued by the admitting reception center when the original has been lost, mutilated, or destroyed. An application for such a card shall be made on Form I–102.

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PART 243—DEPORTATION OF ALIENS IN THE UNITED STATES

The first sentence of subparagraph (2) of paragraph (b) *Stay of deportation* of § 243.3 *Execution of warrants of deportation* is amended to read as follows: "If the request for a stay of deportation is predicated upon a claim by the alien that he would be subject to physical persecution if deported to the country designated by the Service, he shall be requested, upon notice, to appear before a special inquiry officer for interrogation under oath."

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PART 299—IMMIGRATION FORMS

The list of forms in § 299.1 *Prescribed forms* is amended by adding the following in numerical sequence:

I–100C—Alien Laborer's Permit.
I–102—Application for copy of Alien Laborer's Permit in lieu of one lost, mutilated, or destroyed.

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PART 316a—RESIDENCE, PHYSICAL PRESENCE, AND ABSENCE

Paragraph (b) of § 316a.21 *Application for benefits with respect to absences: appeal* is amended by deleting the last sentence thereof.

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PART 341—CERTIFICATES OF CITIZENSHIP

Part 341 is amended to read as follows:

SUBPART A—SUBSTANTIVE PROVISIONS

§ 341.1 *Application.* A person who claims to have derived United States citizenship through the naturalization of a parent or parents or through the naturalization or citizenship of a husband, or who claims to be a citizen at birth outside the United States under the provisions of any of the statutes or acts specified in section 341 of the act, or who claims to be a citizen at birth outside the United States under the provisions of section 309 (c) of the act, may apply for a certificate of citizenship on Form N–600. The applicant shall be notified of the decision and, if the application is denied, of the reasons therefor and of his right to appeal within 10 days from the receipt of such notification in accordance with Part 7 of this chapter. If the application is granted, the certificate shall be issued on Form N–560 or N–562, as appropriate. The applicant shall, unless he is too young to understand the meaning thereof, take and subscribe to, before an officer or employee of the Service authorized to administer oaths, the oath of renunciation and allegiance prescribed by Part 337 of this chapter. Thereafter, personal delivery of the original of the certificate shall be made to the applicant, or to his parent or guardian, who shall sign a receipt therefor.

SUBPART B—PROCEDURAL AND OTHER NONSUBSTANTIVE PROVISIONS [RESERVED]

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply secs. 287, 309, 332, 333, 337, 341, 344; 66 Stat. 233, 238, 252, 254, 258, 263, 264; 8 U. S. C. 1357, 1409, 1443, 1444, 1448, 1452, 1455)

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PART 499—NATIONALITY FORMS

The list of forms in § 499.1 *Prescribed forms* is amended by adding the following in numerical sequence:

N–562—Certificate of Citizenship.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order, other than those which relieve restrictions and are clearly advantageous to persons affected thereby and those which relate to interpretative rules, relate to matters of agency procedure.

Dated: April 6, 1956.

J. M. SWING,
*Commissioner of Immigration and Naturalization.*

[F. R. Doc. 56–2747; Filed, Apr. 10, 1956; 8:54 a. m.]

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# TITLE 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

### Subchapter A—General

PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

EXEMPTION OF CERTAIN DRUGS AND DEVICES FROM LABELING REQUIREMENTS

Pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 502 (f) (1), 52 Stat. 1051; 21 U. S. C. 352 (f) (1)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 F. R. 1996), Part 1 of the regulations for the enforcement of the act (21 CFR 1.106) is amended as follows:

Section 1.106 *Drugs and devices; directions for use* is amended by changing paragraph (m) to read as follows:

(m) *Exemption for drugs and devices for use in teaching, law enforcement, research, and analysis.* A drug or device subject to paragraph (b), (c), or (d) of this section shall be exempt from section 502 (f) (1) of the act if shipped or sold to, or in the possession of, persons regularly and lawfully engaged in instruction in pharmacy, chemistry, or medicine not involving clinical use, or engaged in law enforcement, or in research not involving clinical use, or in chemical analysis, or physical testing, and is to be used only for such instruction, law enforcement, research, analysis, or testing.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the exemption granted applies only to drugs and devices shipped, sold, or in the possession of persons engaged in law-enforcement and in such cases the labeling requirements are not necessary for the protection of the public health; since the amendment relaxes existing requirements; and since it would be against public interest to delay providing for the amendment.

This order shall become effective upon publication in the FEDERAL REGISTER.

(Secs. 502 (f) (1), 701, 52 Stat. 1051, 1055, as amended; 21 U. S. C. 352 (f) (1), 371)

Dated: April 5, 1956.

[SEAL] GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F. R. Doc. 56–2709; Filed, Apr. 10, 1956; 8:46 a. m.]

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PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

PESTICIDE CHEMICALS; FURTHER EXTENDED DATES ON WHICH STATUTE SHALL BECOME FULLY EFFECTIVE

Requests have been received for further extensions of the date when the amendment to section 402 (a) of the Federal Food, Drug, and Cosmetic Act (68 Stat. 511 et seq.; 21 U. S. C. 342, 346a) shall become effective for certain pesticide chemicals. Extensions requested involve nonseasonal uses and in some instances involve petitions that have recently been submitted but not yet processed by the agencies of the Government. Extensions are necessary for the uses of the pesticide chemicals listed below.

Now, therefore, in exercise of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 402 (a) (2), 408, 68 Stat. 511, 517 (Ch. 559, Secs. 2, 5); 21 U. S. C. 342 (a) (2) and note 1 under section 342; 346a) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), the following order is promulgated:

Section 3.44 *Pesticide chemicals; further extended dates on which statute shall become fully effective,* published in the FEDERAL REGISTER December 20, 1955 (21 CFR 3.44; 20 F. R. 9553) as amended (20 F. R. 9884; 21 F. R. 445, 1172, 1463) is further amended by rearranging and adding to the list of pesticide chemicals in paragraph (a) (6), so that as changed this paragraph reads as follows:

(6) Effective date July 22, 1956:

Carbon bisulfide: As a grain fumigant. (Extended from March 1, 1956. See subparagraph (2) of this paragraph.)

Carbon tetrachloride: As a grain fumigant. (Extended from March 1, 1956. See subparagraph (2) of this paragraph.)

Chloropicrin: As a grain fumigant. (Extended from March 1, 1956. See subparagraph (2) of this paragraph.)

DDT: In or on meat, sweetpotatoes. (Extended, as to meat, from March 1, 1956. See subparagraph (2) of this paragraph.)

Ethylene dibromide: As a fumigant. (Extended from March 1, 1956, See subparagraph (2) of this paragraph.)

Ethylene dichloride: As a grain fumigant. (Extended from March 1, 1956. See subparagraph (2) of this paragraph.)

Malathion: On citrus. (Extended from March 1, 1956. See subparagraph (2) of this paragraph.)

MGK 264: In fly sprays. (Extended from March 1, 1956. See subparagraph (2) of this paragraph, as amended 20 F. R. 9884.)

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 402, 52 Stat. 1046, as amended, sec. 408, 68 Stat. 511; 21 U. S. C. 342, 346a)

Dated: April 5, 1956.

[SEAL] GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F. R. Doc. 56–2707; Filed, Apr. 10, 1956; 8:46 a. m.]

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# TITLE 25—INDIANS

## Chapter I—Bureau of Indian Affairs, Department of the Interior

### Subchapter I—Irrigation Projects; Operation and Maintenance

PART 130—OPERATION AND MAINTENANCE CHARGES

FLATHEAD INDIAN IRRIGATION PROJECT, MONTANA

Pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238), and authority contained in the acts of Congress approved August 1, 1914, May 18, 1916, and March 7, 1928 (38 Stat. 583; 39 Stat. 142), and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs (Order No. 2508; 14 F. R. 258), and by virtue of the authority delegated by the Commissioner of Indian Affairs to the Area Director (Bureau Order No. 551, Amendment No. 1; 16 F. R. 5454–7), notice is hereby given of the intention to modify §§ 130.16 and 130.17 of Title 25, Code of Federal Regulations, dealing with the irrigable lands of the Flathead Indian Irrigation Project, Montana, that are subject to the jurisdiction of the several irrigation districts. There was published on March 1, 1956, in the daily issue of the FEDERAL REGISTER, notice of intention to modify §§ 130.16 and 130.17 of Title 25, Code of Federal Regulations, as follows:

Interested persons were thereby given opportunity to participate in preparing the modification by submitting data or written arguments within 30 days from the publication of the notice. No objections were submitted. Accordingly, §§ 130.16 and 130.17 are modified as follows:

§ 130.16 *Charges, Jocko Division.* (a) An annual minimum charge of $2.97 per acre, for the season of 1956 and thereafter until further notice, shall be made against all assessable irrigable land in the Jocko Division that is not included in an Irrigation District organization, regardless of whether water is used.

(b) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to one and one-half acre feet per acre for the entire assessable area of the farm unit, allotment or tract. Additional water, if available will be delivered at the rate of one dollar and ninety-seven cents ($1.97) per acre foot or fraction thereof.

§ 130.17 *Charges, Mission Valley and Camas Divisions.* (a) (1) An annual minimum charge of $3.38 per acre, for the season of 1956 and thereafter until further notice, shall be made against all assessable irrigable land in the Mission Valley Division that is not included in an Irrigation District organization regardless of whether water is used.

(2) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to one and one-half acre feet per acre for the entire assessable area of the farm unit, allotment or tract. Additional water, if available, will be delivered at the rate of two dollars and twenty-six cents ($2.26) per acre foot or fraction thereof.

(b) (1) An annual minimum charge of $3.18 per acre, for the season of 1956 and thereafter until further notice, shall be made against all assessable irrigable land in the Camas Division that is not included in an irrigation district organization regardless of whether water is used.

(2) The minimum charge when paid shall be credited on the delivery of the pro rata per acre share of the available water up to one and one-half acre feet per acre for the entire assessable area of the farm unit, allotment or tract. Additional water, if available, will be delivered at the rate of two dollars and twelve cents per acre foot ($2.12) or fraction thereof.

(Sec. 1, 3, 33 Stat. 270, 272, as amended; 25 U. S. C. 385)

M. A. JOHNSON,
*Acting Area Director.*

[F. R. Doc. 56–2710; Filed, Apr. 10, 1956; 8:46 a. m.]

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# TITLE 26—INTERNAL REVENUE

## Chapter I—Internal Revenue Service, Department of the Treasury

### Subchapter D—Employment Taxes

[Regs. 114; T. D. 6168]

PART 411—EMPLOYERS' TAX, EMPLOYEES' TAX, AND EMPLOYEE REPRESENTATIVES' TAX UNDER THE RAILROAD RETIREMENT TAX ACT

MISCELLANEOUS AMENDMENTS

In order to conform Regulations 114 (26 CFR (1939) Part 411), relating to

the employers' tax, employees' tax, and employee representatives' tax under the Railroad Retirement Tax Act (subchapter B, chapter 9, Internal Revenue Code of 1939), to sections 201, 202, 203, 204, 205, and 402 of the act of August 31, 1954 (68 Stat. 1040, 1042), and to the decision in Shattuck v. Gallagher (C. A. 6th 1955) 218 F. 2d 428, relating to the measure of the employee representatives' tax, such regulations are amended as follows:

PARAGRAPH 1. Immediately preceding the caption "Section 3797 (a) and (b) of the Internal Revenue Code" as set forth preceding § 411.201, the following is inserted:

SECTION 205 OF THE ACT OF AUGUST 31, 1954 (68 STAT. 1040)

Subsection (e) of section 1532 of the Railroad Retirement Tax Act is hereby amended by inserting at the end thereof the following sentence: "Compensation for service as a delegate to a national or international convention of a railway labor organization defined as an 'employer' in subsection (a) of this section shall be disregarded for purposes of determining the amount of taxes due pursuant to this subchapter if the individual rendering such service has not previously rendered service, other than as such a delegate, which may be included in his 'years of service' for purposes of the Railroad Retirement Act."

SECTION 402 OF THE ACT OF AUGUST 31, 1954 (68 STAT. 1042)

The provisions of sections • • • 205 • • • of this Act shall be effective with respect to compensation paid on and after April 1, 1954.

PAR. 2. Immediately preceding the caption "Section 1511 of the act" as set forth preceding § 411.205, the following is inserted:

SECTION 205 OF THE ACT OF AUGUST 31, 1954 (68 STAT. 1040)

Subsection (e) of section 1532 of the Railroad Retirement Tax Act is hereby amended by inserting at the end thereof the following sentence: "Compensation for service as a delegate to a national or international convention of a railway labor organization defined as an 'employer' in subsection (a) of this section shall be disregarded for purposes of determining the amount of taxes due pursuant to this subchapter if the individual rendering such service has not previously rendered service, other than as such a delegate, which may be included in his 'years of service' for purposes of the Railroad Retirement Act."

SECTION 402 OF THE ACT OF AUGUST 31, 1954 (68 STAT. 1042)

The provisions of sections • • • 205 • • • of this Act shall be effective with respect to compensation paid on and after April 1, 1954.

PAR. 3. Immediately preceding the caption "Section 1532 (e) of the act" as set forth preceding § 411.301, the following is inserted:

SECTION 201 OF THE ACT OF AUGUST 31, 1954 (68 STAT. 1040)

Section 1500 of the Railroad Retirement Tax Act is hereby amended by inserting after the word "month" the following: "before July 1, 1954, and as is not in excess of $350 for any calendar month after June 30, 1954".

PAR. 4. Immediately preceding § 411.301, the following is inserted:

SECTION 205 OF THE ACT OF AUGUST 31, 1954 (68 STAT. 1040)

Subsection (e) of section 1532 of the Railroad Retirement Tax Act is hereby amended by inserting at the end thereof the following sentence: "Compensation for service as a delegate to a national or international convention of a railway labor organization defined as an 'employer' in subsection (a) of this section shall be disregarded for purposes of determining the amount of taxes due pursuant to this subchapter if the individual rendering such service has not previously rendered service, other than as such a delegate, which may be included in his 'years of service' for purposes of the Railroad Retirement Act."

SECTION 402 OF THE ACT OF AUGUST 31, 1954 (69 STAT. 1042)

The provisions of sections • • • 205 • • • of this Act shall be effective with respect to compensation paid on and after April 1, 1954.

PAR. 5. Section 411.301 is amended as follows:

(A) By striking "paragraph (b)" in the first sentence of paragraph (a) and inserting in lieu thereof "paragraphs (b) and (c)".

(B) By striking "1946" at the end of the first sentence of paragraph (a) and inserting in lieu thereof "December 31, 1946, and before July 1, 1954, and excluding the amount of compensation in excess of $350 which is paid after December 31, 1946, to the employee for services rendered during any one calendar month after June 30, 1954."

(C) By adding at the end thereof the following new paragraph (c):

(c) *Exception; delegate to national or international convention of railway-labor-organization employer.* Compensation paid on and after April 1, 1954, for service as a delegate to a national or international convention of a railway-labor-organization employer shall be disregarded for the purpose of determining the employees' tax if the individual rendering such service has not previously rendered service, other than as such a delegate, which may be included in his "years of service" for purposes of the Railroad Retirement Act of 1937.

PAR. 6. Immediately preceding the caption "Section 3661 of the Internal Revenue Code" as set forth preceding § 411.303, the following is inserted:

SECTION 202 OF THE ACT OF AUGUST 31, 1954 (68 STAT. 1040)

Section 1501 of the Railroad Retirement Tax Act is hereby amended by inserting after the figure "300" where it first appears the following: "for any month before July 1, 1954, or in excess of $350 for any month after June 30, 1954"; and by inserting after the figure "300" where it appears the second time, the following: "if such month is before July 1, 1954, or is less than $350 if such month is after June 30, 1954".

PAR. 7. Section 411.303 (b) is amended as follows:

(A) By revising the heading to read *"Collection; aggregate monthly compensation paid by two or more employers exceeds maximum taxable compensation."*

(B) By striking "after 1946" in that part of § 411.303 (b) which precedes subparagraph (1) and inserting in lieu thereof "after December 31, 1946, and before July 1, 1954".

(C) By striking the parenthetical sentence appearing immediately after subparagraph (6).

(D) By adding at the end thereof the following: "If an employee is paid compensation after December 31, 1946, by two or more employers for services rendered during any one calendar month after June 30, 1954, and if the aggregate compensation paid to such employee after December 31, 1946, by all employers for services rendered during such month is in excess of $350, the employees' tax to be deducted by each employer from the compensation as and when paid by him to the employee shall be determined in accordance with the provisions of subparagraphs (1) through (6) of this paragraph, except that the determination shall be made with reference to $350 rather than $300. (For provisions relating to the circumstances under which certain compensation is to be disregarded for the purpose of determining the employees' tax, see § 411.301 (b) and (c).)"

PAR. 8. Section 411.303 (e) is amended by inserting the following immediately after the second sentence: "With respect to that part of the compensation earned by any employee for the month of July 1954 or for the period August 1 through August 30, 1954, which is in excess of $300 but not more than $350, the employer shall be liable for the employees' tax only to the extent that the employer has under his control at any time subsequent to August 30, 1954, amounts of compensation earned at any time by the employee."

PAR. 9. Immediately preceding the caption "section 1532 (e) of the act" as set forth preceding § 411.401, the following is inserted:

SECTION 204 OF THE ACT OF AUGUST 31, 1954 (68 STAT. 1040)

Section 1520 of the Railroad Retirement Tax Act is hereby amended by inserting after the word "month" where it first appears the phrase: "before July 1, 1954"; by inserting after the figure "$300" where it first appears the following: ", and for any calendar month after June 30, 1954, not in excess of $350"; by inserting after the phrase "shall apply" where it first appears the phrase: ", with respect to any calendar month before July 1, 1954,"; by inserting after the figure "300" where it appears the second time, the phrase: ", and with respect to any calendar month after June 30, 1954, to not more than $350,"; and by inserting after the figure "300" where it appears the third time the phrase: "if the month is before July 1, 1954, or is less than $350 if the month is after June 30, 1954".

PAR. 10. Immediately preceding § 411.401, the following is inserted:

SECTION 205 OF THE ACT OF AUGUST 31, 1954 (68 STAT. 1040)

Subsection (e) of section 1532 of the Railroad Retirement Tax Act is hereby amended by inserting at the end thereof the following sentence: "Compensation for service as a delegate to a national or international convention of a railway labor organization defined as an 'employer' in subsection (a) of this section shall be disregarded for purposes of determining the amount of taxes due pursuant to this subchapter if the individual rendering such service has not previously rendered service, other than as such a delegate, which may be included in his 'years of service' for purposes of the Railroad Retirement Act."

SECTION 402 OF THE ACT OF AUGUST 31, 1954 (68 STAT. 1042)

The provisions of sections • • • 205 • • • of this Act shall be effective with respect to compensation paid on and after April 1, 1954.

PAR. 11. Section 411.401 is amended as follows:

(A) By striking "1946" at the end of the first sentence of paragraph (a) and inserting in lieu thereof "December 31, 1946, and before July 1, 1954, and excluding the amount of compensation in excess of $350 which is paid after December 31, 1946, by the employer to any employee for services rendered during any one calendar month after June 30, 1954."

(B) By revising the heading of paragraph (b) to read *"Aggregate monthly compensation paid by two or more employers exceeds maximum taxable compensation."*

(C) By striking "after 1946" in that part of paragraph (b) which precedes subparagraph (1) and inserting in lieu thereof "after December 31, 1946, and before July 1, 1954".

(D) By striking the parenthetical sentence appearing immediately after subparagraph (6) of paragraph (b).

(E) By adding at the end of paragraph (b) the following: "If an employee is paid compensation after December 31, 1946, by two or more employers for services rendered during any one calendar month after June 30, 1954, and if the aggregate compensation paid to such employee after December 31, 1946, by all employers for services rendered during such month is in excess of $350, the measure of the employers' tax of each employer with respect to the compensation paid by him after December 31, 1946, to the employee for the month shall be determined in accordance with the provisions of subparagraphs (1) through (6) of this paragraph except that the determination shall be made with reference to $350 rather than $300. (For provisions relating to the circumstances under which certain compensation is to be disregarded for the purpose of determining the employees' tax, see paragraph (c) of this section.)"

(F) By revising the heading of paragraph (c) to read *"Certain compensation to be disregarded—(1) Nominal monthly compensation earned by employee of local lodge or division of railway-labor-organization employer."*

(G) By adding at the end of paragraph (c) the following new subparagraph (2):

(2) *Compensation for service as delegate to national or international convention of railway-labor-organization employer.* Compensation paid on and after April 1, 1954, for service as a delegate to a national or international convention of a railway-labor-organization employer shall be disregarded for the purpose of determining the employers' tax if the individual rendering such service has not previously rendered service, other than as such a delegate, which may be included in his "years of service" for purposes of the Railroad Retirement Act of 1937.

PAR. 12. Immediately preceding § 411.501, the following is inserted:

SECTION 203 OF THE ACT OF AUGUST 31, 1954 (68 STAT. 1040)

Section 1510 of the Railroad Retirement Tax Act is hereby amended by inserting after the word "month" the following: "before July 1, 1954, and as is not in excess of $350 for any calendar month after June 30, 1954".

PAR. 13. Section 411.501 is amended to read as follows:

§ 411.501 *Measure of employee representatives' tax—*(a) *General rule.* Except as provided in paragraph (b) of this section, the employee representatives' tax with respect to compensation paid after December 31, 1948, for services rendered after December 31, 1946, is measured by the amount of such compensation paid to an individual for services rendered as an employee representative, excluding, however, the amount of compensation in excess of $300 which is paid after December 31, 1946, to the employee representative for services rendered during any one calendar month after December 31, 1946, and before July 1, 1954, and excluding the amount of compensation in excess of $350 which is paid after December 31, 1946, to the employee representative for services rendered during any one calendar month after June 30, 1954. (See §§ 411.205 to 411.208, inclusive, relating to compensation.)

(b) *Aggregate monthly compensation as employee representative and employee exceeds maximum taxable compensation.* (1) If during any one calendar month after December 31, 1946, and before July 1, 1954, an individual renders services as an employee representative and as an employee and the total compensation paid after December 31, 1946, to the individual for services rendered during such month as an employee representative and as an employee exceeds $300, the measure of the employee representatives' tax for such month shall be $300 minus the compensation paid after December 31, 1946, to such individual for services rendered by him during the month as an employee.

(2) If during any one calendar month after June 30, 1954, an individual renders services as an employee representative and as an employee and the total compensation paid after December 31, 1946, to the individual for services rendered during such month as an employee representative and as an employee exceeds $350, the measure of the employee representatives' tax for such month shall be $350 minus the compensation paid after December 31, 1946, to such individual for services rendered by him during the month as an employee.

(3) The application of subparagraphs (1) and (2) of this paragraph may be illustrated by the following example:

*Example.* A renders services as an employee representative during a particular calendar month before July 1, 1954, for which he is paid in the month or thereafter $100. During the same calendar month A also renders services as an employee for one or more employers and receives during the month or thereafter compensation of $275. Inasmuch as A's total compensation for services rendered during the month as an employee representative and as an employee exceeds $300 ($275 plus $100), the measure of the employee representatives' tax is $300 minus $275 (A's compensation for services rendered as an employee), or $25. (If the particular calendar month were a month after June 30, 1954, the measure of the employee representatives' tax would be $350 minus $275, or $75.)

Because this Treasury decision merely conforms the regulations to the provisions of sections 201, 202, 203, 204, 205, and 402 of the act of August 31, 1954 (68 Stat. 1040, 1042), and is liberalizing in nature to the extent that it gives effect to the decision in Shattuck v. Gallagher (C. A. 6th 1955) 218 F. 2d 428, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of said act.

(53 Stat. 183, 467; 26 U. S. C. 1535, 3791)

[SEAL] RUSSELL C. HARRINGTON,
*Commissioner of Internal Revenue.*

Approved: April 6, 1956.

DAN THROOP SMITH,
*Special Assistant to the Secretary in Charge of Tax Policy.*

[F. R. Doc. 56-2739; Filed, Apr. 10, 1956; 8:52 a. m.]





## TITLE 32—NATIONAL DEFENSE

### Chapter V—Department of the Army

**Subchapter F—Personnel**

PART 577—MEDICAL AND DENTAL ATTENDANCE

ARMY HOSPITAL REGULATIONS; MISCELLANEOUS AMENDMENTS

In § 577.15 (e), revise subparagraphs (15), (19), and (25), revoke subparagraph (23), and revise subparagraph (20) (i) (*a*) and (*b*), as follows:

§ 577.15 *Persons eligible to receive medical care at army medical treatment facilities.* • • •

(e) *Persons eligible.* • • •

(15) *Applicants for enlistment and registrants.* Applicants for enlistment and registrants while under military control whose physical fitness for military service cannot be determined without hospital study for a period not to exceed 3 days. In addition, applicants for enlistment who suffer acute illnesses and injuries while awaiting or undergoing enlistment processing at recruiting main stations or at Armed Forces Examining Stations may be furnished emergency medical care including hospitalization.

* * * * * *

(19) *Seamen.* Civilian seamen in the service of vessels operated by the Department of the Army or the Military Sea Transportation Service listed in subdivisions (i) and (ii) of this subparagraph, respectively, are still in the service of a vessel, although not on board and not engaged in their duties, as long as

they are under the power and jurisdiction of competent Department of the Army or Military Sea Transportation Service authorities. On-the-job emergency medical, surgical, and dental service may be provided under the Federal Civilian Employees' Health Service Program. When service is provided to civilian seamen in the service of vessels operated by Military Sea Transportation Service under this program, the outpatient rate will be collected locally from the Military Sea Transportation Service by the medical treatment facility concerned. Cases of traumatic injury or occupational disease incurred in the course of employment should be treated as Bureau of Employees' Compensation beneficiaries (see subparagraph (10) of this paragraph). The provisions of subdivisions (i) and (ii) of this subparagraph, respectively, apply to the furnishing of medical care to civilian seamen in the service of vessels operated by the Department of the Army or the Military Sea Transportation Service who are not beneficiaries of the Bureau of Employees' Compensation.

(i) *Civilian seamen in service of vessels operated by the Department of the Army.* These seamen are authorized medical care until completion of the agreed upon period of service, or until competent medical authority determines that such personnel have recovered from the illness or injury, whichever occurs first. Except in emergencies, those entitled to care by the Public Health Service will be furnished medical care only when facilities of that service are not available. Authorization for such care will be granted upon presentation of a certificate from the master or other appropriate administrative authority which may be dispensed with only in emergencies.

(ii) *Civilian seamen in service of vessels operated by the Military Sea Transportation Service.* For a reasonable time provided that, except in emergencies, those entitled to care by the Public Health Service will be furnished medical care only when facilities of that service or Naval facilities are not available. Authorization for such care will be granted upon presentation by the seamen concerned of a duly executed Bureau of Employees' Compensation Form CA–16 (Request for Treatment of injury Under the United States Employees' Compensation Act). In cases where immediate treatment is required and the employee concerned does not have the required Form CA–16, the nearest Military Sea Transportation Service command will be requested to submit a duly executed Form CA–16. (The use of BEC forms in these cases does not imply that these cases are to be treated as beneficiaries of the Bureau of Employees' Compensation.)

(iii) *American seamen.* American seamen to include both officers and members of the crew outside the continental United States, its Territories and its possessions. This category includes seamen aboard ships of United States registry such as those aboard Department of Defense time-chartered vessels of commercial operators; in emergency to save life or prevent undue suffering those aboard time-chartered vessels, other than those referred to above, and those on privately owned and operated vessels. A seaman whose condition would require retention in an Army medical treatment facility for a prolonged period of time, and when lack of transportation facilities prevents evacuation through the local ship's agent, may be evacuated through Army medical evacuation channels as soon as transfer without detriment to the patient is possible. No seaman in the service of a vessel of foreign registry will be evacuated to the continental United States.

(20) *Nationals of foreign governments.* (i) Nationals of foreign governments within the continental United States to include the following:

(a) Foreign military personnel in the attache system carried on the current "Diplomatic List" (Blue) published by the State Department.

(b) Foreign military personnel assigned or attached to United States military units for duty or training; and foreign military personnel on foreign government military missions accredited to one of the military departments by virtue of agreements entered into by the United States and the foreign government.

* * * * *

(23) *Employees of commercial airlines.* [Revoked]

* * * * *

(25) *Persons who contribute to accomplishment of oversea commander's mission.* Persons who contribute to the accomplishment of the oversea commander's mission and for whom medical care is deemed essential by the oversea commander concerned in the accomplishment of his mission.

[C2, AR 40–108, March 16, 1956] (R. S. 161; 5 U. S. C. 22)

[SEAL] JOHN A. KLEIN,
*Major General, U. S. Army,*
*The Adjutant General.*

[F. R. Doc. 56–2705; Filed, Apr. 10, 1956; 8:45 a. m.]

## TITLE 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

[Rules Amdts. 2–17 and 9–2; FCC 56–303]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 9—AVIATION SERVICES

MISCELLANEOUS AMENDMENTS

In the matter of amendment of §§ 2.1, 2.104 (a) (5) and § 9.3 of the Commission's rules and regulations.

At a session of the Federal Communications Commission held at its offices at Washington, D. C., on the 4th day of April 1956:

The Commission having under consideration the assignment of the frequency 3281 kc to Flight Test Stations and the proper designation of such stations when operating on this frequency; and

It appearing that Flight Test Stations, when operating on the frequency 3281 kc, should be classified as operating in the mobile service and therefore defined, in this instance, as Land Stations rather than Aeronautical Stations; and

It further appearing that the Commission's Table of Frequency Allocations should be amended properly to reflect frequency assignments made pursuant to the Atlantic City Radio Regulations (1947) and the Agreement of the Extraordinary Administrative Radio Conference (1951); and

It further appearing that general notice of proposed rule making, as provided by section 4 (a) of the Administrative Procedure Act, is unnecessary for the reason that the only purpose of the amendments herein ordered is to conform the Commission's rules and Table of Frequency Allocations to existing treaty provisions; and

It further appearing that the changes herein ordered are nonsubstantive in nature, and impose no new requirement on any applicant or licensee; and

It further appearing that authority for issuance of this Order is contained in sections 303 (a), (c) and (r) of the Communications Act of 1934, as amended:

*It is ordered,* That, effective May 16, 1956, Parts 2 and 9 of the Commission's rules are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: April 5, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

1. The definition of a Flight Test Station as set forth in §§ 2.1 and 9.3, is amended to read as follows:

*Flight Test Station.* An aeronautical station used for the transmission of essential communications in connection with the testing of aircraft or major components of aircraft: *Provided, however,* Flight Test Stations, when operating on the frequency 3281 kc, are designated as Land Stations, only with respect to operation on the frequency 3281 kc.

2. Section 2.104 (a) (5), the Table of Frequency Allocations is amended in the band 3240–3400 kc by changing columns 8, 9 and 11 entries to read as follows:

| 8 | 9 | 11 |
|---|---|---|
| a. Fixed.<br>b. Land mobile.<br>c. Maritime mobile.<br>d. Mobile. (NG33) | a. Base.<br>b. Coast.<br>c. Fixed.<br>d. Land.<br>e. Land Mobile.<br>f. Mobile.<br>g. Ship. | a. AVIATION (flight test and aeronautical fixed only).<br>b. FIXED (in Alaska).<br>c. INDUSTRIAL.<br>d. INTERNATIONAL FIXED PUBLIC.<br>e. MARITIME MOBILE.<br>f. PUBLIC SAFETY. |

[F. R. Doc. 56–2701; Filed, Apr. 10, 1956; 8:45 a. m.]



# PROPOSED RULE MAKING

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### [ 26 CFR (1954) Part 1 ]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of thirty days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] RUSSELL C. HARRINGTON,
*Commissioner of Internal Revenue.*

The following regulations for taxable years beginning after December 31, 1953, and ending after August 16, 1954, are hereby prescribed under section 214 of the Internal Revenue Code of 1954:

§ 1.214 *Statutory provisions; additional itemized deductions for individuals; expenses for care of certain dependents.*

SEC. 214. *Expenses for care of certain dependents*—(a) *General rule.* There shall be allowed as a deduction expenses paid during the taxable year by a taxpayer who is a woman or a widower for the care of one or more dependents (as defined in subsection (c) (1)), but only if such care is for the purpose of enabling the taxpayer to be gainfully employed.

(b) *Limitations*—(1) *In general.* The deduction under subsection (a)—

(A) Shall not exceed $600 for any taxable year; and

(B) Shall not apply to any amount paid to an individual with respect to whom the taxpayer is allowed for his taxable year a deduction under section 151 (relating to deductions for personal exemptions).

(2) *Working wives.* In the case of a woman who is married, the deduction under subsection (a)—

(A) Shall not be allowed unless she files a joint return with her husband for the taxable year, and

(B) Shall be reduced by the amount (if any) by which the adjusted gross income of the taxpayer and her spouse exceeds $4,500.

This paragraph shall not apply if the taxpayer's husband is incapable of self-support because mentally or physically defective.

(c) *Definitions.* For purposes of this section—

(1) *Dependent.* The term "dependent" means a person with respect to whom the taxpayer is entitled to an exemption under section 151 (e) (1)—

(A) Who has not attained the age of 12 years, and who (within the meaning of section 152) is a son, stepson, daughter, or stepdaughter of the taxpayer; or

(B) Who is physically or mentally incapable of caring for himself.

(2) *Widower.* The term "widower" includes an unmarried individual who is legally separated from his spouse under a decree of divorce or of separate maintenance.

(3) *Determination of status.* A woman shall not be considered as married if she is legally separated from her spouse under a decree of divorce or of separate maintenance at the close of the taxable year.

§ 1.214–1 *Expenses for the care of certain dependents*—(a) *General rule.* Section 214 allows a deduction from gross income of expenses paid for the care of certain dependents where the care is for the purpose of enabling the taxpayer to be gainfully employed. Such expenses are referred to in this section as "child care" expenses. The deduction may not exceed $600 for any taxable year (regardless of the number of dependents for whose care the expenses are paid) and is allowed only for expenses incurred while the taxpayer is gainfully employed or in active search of gainful employment. The employment which is the cause of the incurring of the expenses may, however, consist of services either within or without the home of the taxpayer. Self-employment constitutes employment for purposes of section 214.

(b) *Taxpayers who may qualify for the deduction.* The deduction provided in section 214 is allowed only to a woman or a widower. For the purpose of this paragraph, the following rules apply:

(1) *A widower.* The deduction is allowed for expenses paid by a taxpayer who is a widower at the time the expenses are incurred. The term "widower" includes (i) a man whose wife has died and who has not remarried, (ii) a man who is divorced from his wife under a decree of divorce, and has not remarried, and (iii) a man who is legally separated from his wife under a decree of legal separation.

(2) *A married woman whose husband is capable of self-support.* If the expenses are paid by a woman (i) who is married at the time the expenses are incurred, (ii) whose husband at that time is not incapable of self-support because he is mentally defective or physically disabled, and (iii) who is not divorced or legally separated at the end of the taxable year, the deduction is allowed, but only if the taxpayer files a joint income tax return with her spouse for the taxable year in which the expenses are paid. Further, the amount otherwise deductible shall be reduced by the amount, if any, by which the combined adjusted gross income of the taxpayer and her spouse exceeds $4,500 for the taxable year in which the expenses are paid. The amount otherwise deductible is the amount expended for child care or $600, whichever is lesser. The determination of whether the taxpayer's husband is incapable of self-support because of a mental defect or physical disability shall be made without regard to his income from sources other than his own earnings. For purposes of this subparagraph, the term "earnings" means wages, salaries, commissions, professional fees, and other amounts received as compensation for personal services actually rendered. It does not include income such as pensions, annuities, sick-pay, interest, dividends, or rents.

(3) *A married woman whose husband is incapable of self-support.* (i) The deduction is allowed without regard to the limitations described in subparagraph (2) of this paragraph for expenses paid by a married woman whose husband is incapable of self-support because he is mentally defective or physically disabled (as defined in subparagraph (2) of this paragraph) at the time the expenses are incurred; (ii) a married woman claiming a deduction under this subparagraph shall attach to her income tax return in which the deduction is claimed a statement disclosing (*a*) the nature of her husband's disability, (*b*) the period of the disability, and (*c*) if her husband had earnings during the period, the amount of his earnings, and the total amount expended for his support during the period. Where the husband is capable of self-support for part of a taxable year the child care expenses incurred for such part shall be treated under subparagraph (2) of this paragraph. See example (8) of paragraph (c) of this section.

(4) *A single woman.* The deduction is also allowed without regard to the limitation described in subparagraph (2) above for expenses paid by a woman who (i) is unmarried at the time the expenses are incurred, or (ii) is, at the close of her taxable year, legally separated from her husband under a decree of divorce or of separate maintenance.

(5) *Determination of status.* If child care expenses are incurred in one taxable year and paid in another, the status of a taxpayer described in subparagraphs (1) to (4) of this paragraph, inclusive, shall be determined as of the year in which the expenses are incurred, and not when such expenses are paid.

(c) *Computation of deduction.* The deduction for child care expenses is allowable only with respect to such expenses actually paid during the taxable year regardless of when the event which occasioned the expenses occurred and regardless of the method of accounting employed by the taxpayer in making his income tax return. If child care expenses are incurred but not paid during the taxable year, no deduction can be taken for such year. Thus, if an expenditure was incurred in December 1955, but not paid until January 1956, no deduction may be taken for the calendar year 1955. The following examples illustrate the computation of the deduction allowed by section 214 in the case of a taxpayer making his return on the basis of the calendar year. In each example it is assumed that the expenses are of the type which would qualify for the deduction.

*Example (1).* M was a widower during 1954, until September 1, when he remarried. He paid $50 each month in 1954 for child care expenses. He may take into account, for purposes of the deduction allowed by section 214, only the expenses paid during the taxable year which were incurred while he was unmarried. Since the expenses were $400 ($50 per month from January to August, inclusive), the amount of the deduction is $400. If M had paid $100 per month during 1954, the deduction would be limited to $600, although the expenses incurred while M was unmarried amount to $800.

*Example (2).* H and W were married during the entire year 1954. W, the wife, paid $900 for child care expenses incurred during the year. The combined adjusted gross income of H and W for 1954 was $5,000. The allowable deduction under section 214 is $100 ($600, the maximum deduction allowable, reduced by $500, the excess of adjusted gross income of $5,000 over $4,500). The deduction of $100 is allowable only if H and W made a joint return for 1954.

*Example (3).* The facts are the same as in example (2), except that the child care expenses paid during the year were $400. No deduction is allowable under section 214, since the amount of expenses paid, $400, is less than $500 (the excess of the adjusted gross income over $4,500).

*Example (4).* During 1954, W, a woman, paid $50 each month for child care expenses. She was unmarried until April 1, 1954, and was married for the remainder of the year. H, her husband, was capable of self-support, and the combined adjusted gross income of husband and wife was $4,700. H and W made a joint return for 1954. The total deduction allowable to W under section 214 is $400, computed as follows: $150 as expenses incurred while W was a single woman, and $250 as expenses incurred while W was married; the $250 is arrived at by taking the amount expended while H and W were married, $450, and reducing it by $200 (the excess of adjusted gross income, $4,700 over $4,500).

*Example (5).* The facts are the same as in example (4), except that the amounts paid are $75 per month ($225 being paid for expenses incurred while W was single and $675 while she was married). The total allowable deduction in this case is $600. $225 is deductible as expenses incurred while W was a single woman. $400 of the expenses incurred during the period of marriage is also deductible. However, the maximum deduction allowable to W is $600. The allowable amount for expenses incurred during the period of marriage is determined as follows: $675 (the amount expended during the period) is reduced to $600 (the maximum deduction allowable) and $600 is then reduced by $200 (the excess of adjusted gross income $4,700 over $4,500) to $400.

*Example (6).* H and W were married during 1954 prior to July 1, when they received a decree of divorce. She did not remarry during 1954. W paid $100 per month for child care expenses during 1954. The allowable deduction is $600. Since W is considered to have been a single woman during all of 1954, the limitations with respect to the deduction allowed to a married woman are not applicable, and only the $600 limitation applies.

*Example (7).* H and W married on July 1, 1954. At all times in 1954, until July 1, H was a widower and W was a widow. H and W each paid $750 for child care in 1954, prior to their marriage. Each is allowed a deduction for 1954 of $600, regardless of their adjusted gross income and of the amount of their child care expenditures while married, and whether or not a joint return was filed. However, no additional deduction would be allowed for child care expenses paid after their marriage.

*Example (8).* H and W were married at all times during the year 1954. As a result of an accident, H incurred injuries which rendered him incapable of self-support throughout 1954 until September 1. The adjusted gross income of H and W for 1954 was $4,700. W paid $60 each month in 1954 for child care expenses. The deduction allowable to W by section 214 is $520. This amount is composed of $480, representing the amounts paid during H's period of disability, and $40, representing the allowable deduction of expenses paid in the amount of $240 from September to December, inclusive ($240 is reduced by $200, the excess of the adjusted gross income ($4,700) over $4,500).

*Example (9).* H and W were married from January 1, 1954 to October 1, 1954, when H died. The combined adjusted gross income of the spouses was $4,800. W paid $50 per month for child care expenses throughout the entire year. The deduction allowed to W if she filed a separate return is $150, the amount paid while she was a widow. If a joint return is filed on behalf of the widow and her deceased husband, the deduction allowable is $300 which includes $150 deductible as a married woman (the amount expended during marriage, $450, being reduced by $300, the excess of $4,800 over $4,500).

(d) *Dependents.* (1) The deduction provided by section 214 is allowed only for expenses paid for the care of an individual who (for the taxable year of the taxpayer in which the expenses are incurred) is a dependent of the taxpayer for whom an exemption is allowed under section 151 (e) (1). Furthermore, the dependent must, at the time the expenses are incurred, be either—

(i) Under the age of 12 years, or

(ii) Physically or mentally unable to care for himself. It is not necessary that the dependent be permanently disabled in order for the amount expended for his care to be deductible. However, the mere fact that the disability, whether temporary or permanent, renders him incapable of self-support does not necessarily mean that he is incapable of self-care within the meaning of this subdivision.

(2) The rules provided in sections 151 and 152, with respect to the definition and qualification of an individual as a dependent, govern for the purpose of section 214. Thus, expenses for the care of a child under 12 whom the taxpayer supports are deductible even though the child has gross income of $600 or more. On the other hand, expenses for the care of an aged parent would not be deductible if the gross income condition of section 151 (e) (1) (A) is not met.

(e) *Payments to a dependent.* No deduction is allowed under section 214 for expenses paid to an individual for whom the taxpayer is allowed, for the taxable year in which the expenses are paid, an exemption under section 151. Thus, if the taxpayer, a working widow, supports her mother and is entitled to claim her as a dependent, she may not deduct amounts paid to the mother for the care of the taxpayer's children.

(f) *What expenses are deductible—* (1) *In general.* In order for an expense to be deductible under section 214, it must meet three conditions: First, the expense must be for the care of a dependent; second, it must be for a dependent's care while the taxpayer is gainfully employed or in search of gainful employment; and third, the expense must be for the purpose of enabling the taxpayer to be gainfully employed. In determining whether an expense meets these conditions, all the facts and circumstances of the case must be taken into consideration.

(2) *Definition of care of a dependent.* (i) In general, the phrase expenses for the care of a dependent means amounts expended for the primary purpose of assuring the dependent's well being and protection. It does not include all benefits which may be bestowed upon him. Accordingly, amounts expended to provide food, clothing, or education, are not, in themselves, amounts expended for "care" so as to be deductible under section 214. However, where the manner of providing care is such that the expense which must be incurred includes payments for other benefits which are inseparably a part of the care, the full amount of the expense will be considered to be incurred for care. Thus, the full amount paid to a nursery school will be considered to be for the care of the child, even though th eschool also furnishes lunch, recreational activities, and other benefits.

(ii) The manner of providing the care need not be the least expensive method available to the taxpayer. For example, the taxpayer's mother may reside at the taxpayer's home and be available to afford the taxpayer's child adequate care. Regardless of this fact, the expense incurred for the child at a nursery school or day camp may be expense for the care of the child. See, however, suparagraph (4) of this paragraph with respect to the requirement that the expense must be for the purpose of enabling the taxpayer to be gainfully employed.

(iii) Where a portion of an expenditure is for the care of a dependent and a portion is for other unrelated purposes, a reasonable allocation shall be made and only the portion of the amount paid which is attributable to the care shall be considered an amount to which section 214 is applicable. This rule is applicable if, for example, a servant performs household duties and also cares for the children of the taxpayer. In this case, however, where one of the children is under 12, and the other (or others), is over 12, there need be no further allocation between the children under 12 years and those over that age.

(3) *Period of employment.* Since the deduction is allowed only for expenses for care for those periods during which the taxpayer is gainfully employed (or in active search of gainful employment), an allocation may be required when an expense covers periods of care in which no employment is involved. Thus, if a taxpayer pays $50 each month during the year for care of his child at a foster home, and the taxpayer is employed (or in search of employment) for only two months during the year, the deduction is limited to $100.

(4) *Purpose of expenditure.* Even if an expense is incurred for the care of a dependent, it is not deductible unless it is incurred for the purpose of permitting the taxpayer to be gainfully employed. Whether that is the true purpose of the expense depends upon the facts and circumstances of the particular case. Thus, the fact that the cost of providing care for a dependent is greater than the amounts anticipated to be received from the employment of the taxpayer may indicate that the purpose of the expenditure is other than to permit the taxpayer to be gainfully employed.

(5) *Examples.* The following examples illustrate the application of this paragraph.

*Example (1).* A widow has a child who is too young to attend public school. In order that she may be gainfully employed, the widow places the child in a nursery school while she is at work. The expenses paid to the nursery school are child care expenses to which the deduction under section 214 is applicable. Assuming the nursery school provides lunch for the child, no allocation is required between that part of the expense which might be considered to be for the lunch as distinguished from the expense of assuring the child's protection.

*Example (2).* The taxpayer, a single woman, in order to be gainfully employed employs a housekeeper who cares for the taxpayer's two children, aged 9 and 13 years, respectively, in addition to performing regular household duties of cleaning and cooking. If it is assumed that the compensation paid to the housekeeper is $1,200 during the year, and that $500 is allocated to the care of the children, a deduction of $500 is allowed under section 214. No allocation is required for purposes of determining which part of the $500 is for the care of the 9 year old child. If the expenses allocable to the care of the children were $700, the amount of the deduction would be $600, the maximum amount allowable in a taxable year under section 214.

*Example (3).* The taxpayer, a single woman, has a child 10 years of age who has been attending public school. The taxpayer who has been working part time is offered a position involving full time employment which she can accept only if arrangements are made for the care of the child from 8 a. m. to 5:30 p. m. Such arrangements are made at a private school to which she sends the child. The expenses paid to the school are for the care of the child without allocation between that part of the expense which represents tuition and that part which represents true care. The expense is considered to be incurred for the purpose of enabling the taxpayer to be gainfully employed.

*Example (4).* The taxpayer, a widow with a substantial income, has a child aged 11 who has been attending boarding school for several years. The taxpayer, who has been performing gratuitous services for a philanthropic organization, accepts a part-time job with the organization for which she is paid a small salary. From these facts it would appear that the expense of continuing the child in the boarding school is not for the purpose of enabling the taxpayer to be gainfully employed, whether or not the expense is considered to be incurred for the care of the child.

*Example (5).* The taxpayer, a widower, has a child who is physically incapable of caring for himself. In order to be gainfully employed the taxpayer sends the child to a school for children who are physically handicapped. The expense of the school, whether a day school or a boarding school, is a child care expense.

*Example (6).* The taxpayer, a single woman, lives with her mother who is an invalid incapable of caring for herself. In order to be gainfully employed the taxpayer hires a practical nurse whose sole duty consists of providing for the care of the mother while the taxpayer is at work. The expense paid to the nurse may be a "child care" expense.

(g) *Expenses qualifying under section 213.* (1) An expense which may constitute an amount otherwise deductible under section 213, relating to medical, etc., expenses, may also, as in example (6) of paragraph (f) of this section, constitute an expense for which a deduction is allowable under section 214. In such a case, that part of the amount for which a deduction is allowed under section 214 shall not be treated as an expense under section 213.

(2) On the other hand, where an amount is treated as a medical expense under section 213 for purposes of determining the amount deductible under that section, it shall not be allowed as a deduction under section 214.

(3) The provisions of this paragraph may be illustrated by the following examples:

(i) W, a single woman, pays $720 during the taxable year for the care of her child who suffers from infantile paralysis. It is assumed that the expenses are of a nature which qualify as medical expenses under section 213. It is also assumed that these expenses are for the purpose of permitting W to be gainfully employed. W's adjusted gross income for the taxable year is $5,000. She is allowed a deduction of $600 for child care expenses under section 214. The balance of the expenses, or $120, she treats as medical expenses. However, this amount does not exceed 3 percent of her adjusted gross income and is thus not allowable as a deduction under section 213.

(ii) It would not be proper in the case presented in (i) for W first to determine under section 213 her deductible medical expenses (which would be $570 ($720 less 3% x $5,000)), and then claim as a deduction under section 214 the $150 which is not deductible under section 213. The $150 would be disallowed under section 214 for the reason that it was treated as a medical expense in determining the amount deductible under section 213.

(iii) W, a single woman, is also the head of a household. She pays $12,000 during the taxable year for child care expenses which also qualify as medical expenses under section 213. W's adjusted gross income for the taxable year is $18,000. She is allowed a deduction of $600 for child care expenses under section 214. The balance, or $11,400, is treated as medical expenses. The allowable deduction under section 213 for such expenses is the excess of 3% of W's adjusted gross income, or $10,860, but is limited to a maximum of $10,000.

[F. R. Doc. 56-2740; Filed, Apr. 10, 1956; 8:52 a. m.]



## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### [ 7 CFR Part 961 ]

[Docket No. AO-160-A17]

HANDLING OF MILK IN PHILADELPHIA, PA., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS THERETO WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED AMENDMENTS TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and proposed amendments to the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area.

Interested parties may file written exceptions to the recommended decision with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., not later than the 7th day after the publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

*Preliminary statement.* A public hearing, on the record of which the proposed marketing agreement and the proposed amending order were formulated, was called by the Agricultural Marketing Service, United States Department of Agriculture, following receipt of a petition filed on behalf of the Milk Distributors Association of the Philadelphia Area, Inc. Other proposals were filed on behalf of Inter-State Milk Producers' Cooperative, Inc., representing a substantial portion of the producers producing milk for the Philadelphia fluid market. The public hearing was held in Philadelphia, Pennsylvania, on February 1 to 7, 1956, pursuant to a notice thereof duly published in the FEDERAL REGISTER (21 F. R. 429 and 21 F. R. 647).

The material issues considered at the hearing were:

1. A lower pricing for milk disposed of in specified Class II uses during the months of February through July, 1956.
2. A revision of the producer milk plant definition.
3. Revision of the supply-demand adjustment provision in the Class I pricing formula.
4. The establishment of standards for determining, in the case of a handler operating under more than one Federal order, the order under which his milk shall be classified and priced.
5. Reconsideration of the pricing applicable to milk sold for Class I uses outside the marketing area.
6. Revision of the classification and allocation provisions.
7. Other administrative changes.

During the course of the hearing both the Milk Distributors Association and Inter-State Milk Producers' Cooperative, Inc., requested that issues Nos. 1, 2, and 3 be handled on an emergency basis and that a recommended decision and opportunity to file written exceptions thereto with respect to these three issues be omitted. After a careful review of the record evidence, the Assistant Secretary concluded that the conditions which prompted the requested emergency handling were not such that due and timely execution of his functions imperatively and unavoidably required the omission of the recommended decision, and accordingly, on February 17, 1956, issued an interim decision (21 F. R. 1203; F. R. Doc. 56-1370) directing that a recommended decision be issued covering all issues considered at the hearing, to

which interested parties might file written exceptions.

*Findings and Conclusions.* Upon the evidence adduced at the hearing and the record evidence thereof, it is hereby found and concluded that:

1. *Sub-Class II pricing.* No provision should be made for sub-Class II pricing under the Philadelphia order during the 1956 flush production season. Under the present terms of the order all milk other than that disposed of for Class I uses is priced at the same level, on the basis of Philadelphia cream or New York 92-score butter prices and roller nonfat dry milk solid prices as published in "Producer's Price Current." The Milk Distributors Association of the Philadelphia Area, Inc., proposed that a sub-Class II price be provided during the months of February through July for all milk, skim milk and butterfat dumped, disposed of for animal feed or manufactured into butter, cheese (except cream or cottage cheese), evaporated milk, milk chocolate, nonfat dry milk solids, soup, candy or bakery products. This proposal was also supported by Inter-State Milk Producers' Cooperative.

In support of the proposal, proponents stressed the fact that a sub-Class II price, of one kind or another, has been provided under the order during the flush production season for the past seven years. In this connection the fact that a sub-Class II price has been provided previously under the Philadelphia order during the flush months of production does not in itself justify continuation of such pricing. The regular Class II price under the Philadelphia order is directly related to cream, butter and nonfat dry milk values and is intended to reflect the use value of milk disposed of for manufacturing purposes. A considerable quantity of producer milk is disposed of as fluid cream in all months of the year and since, at the same time, substantial quantities of outside cream find a market locally throughout the year it is apparent that a ready market for cream from producer milk is available at all times.

As previously indicated, the Class II price and the Class II butterfat differential are directly related to the open market cream price in the Philadelphia area. This pricing has accommodated the disposal of producer butterfat in excess of Class I needs during all months except those in which a special sub-Class II price has been in effect. The record provides no basis for concluding that butterfat cannot be equally well disposed of during the 1956 flush production months since both the Class II price and the Class II butterfat differential will continue to reflect accurately current market values for butterfat during this period.

The bulk of the Class II disposition other than in fluid cream, soft cheeses, condensed milk and skim milk and ice cream, for which no special pricing has been provided or is requested, is in nonfat dry milk solids, soup, candy and bakery products. The regular New York Class III price, which during the flush months has been virtually identical to the Philadelphia Class II price, has regularly accommodated marketing of New York producer milk in these products. A substantial portion of Order 61 producer milk in excess of Class I needs is regularly disposed of in the manufacture of nonfat dry milk solids throughout the year and except during those months when a sub-Class II price has been effective this milk has been handled at the regular Class II price. In both 1954 and 1955 roughly 75 percent of all milk subject to the special subclass price was disposed of in nonfat dry milk solids. There is no apparent reason why such milk should not return to producers a price which reflects the adjacent New York open market nonfat solids price. The remainder of the excess producer milk previously subject to the sub-Class II price has been disposed of in various outlets, primarily evaporated milk, soup, candy and bakery products. The midwestern condensery pay price and the regular Philadelphia Class II price were virtually the same when compared on an annual basis for the years 1954 and 1955 at a 3.5 percent butterfat test. While there were substantial variations by individual months it is significant that prices during the flush months of April, May and June were within a few cents of being identical. Consequently, the regular Class II price should accommodate the disposition of producer milk in evaporated milk. The utilization of producer milk in nonfat dry milk solids, cream, ice cream, evaporated and condensed milk, for which the regular Class II price is reasonable, should afford ample outlets for all excess producer milk. If there is a market for producer milk in candy, soup or bakery products the price for milk in these products should not be lower than its value when used in competing products.

Proponents suggest that a special pricing in the form of a butter-cheese adjustment is contained in both the Boston and New York Federal orders and this provides a precedent for a sub-Class II price under the Philadelphia order. In this connection it should be pointed out that these prices under the Boston and New York orders are provided in recognition of the fact that butter and cheese represent less attractive manufacturing outlets for milk and that available facilities for manufacturing butter and cheese are needed in these markets for full disposition of producer milk in excess of fluid needs. The record indicates that very little producer milk in the Philadelphia market is disposed of in butter and cheese and no need is revealed for the disposal of milk in these products.

Milk produced for the Philadelphia fluid market, but which is in excess of fluid needs, must of course, be disposed of in available manufacturing outlets. While proponents grant the alignment of the Class II price with the New York Class III price and the Pennsylvania Milk Control Commission Class II price they point out that under the Pennsylvania Milk Control Commission milk also moves under so-called "B–I" pricing and that the volumes of such milk are greatest during the flush season. The record, however, does not indicate that the volume of milk moving at this price is sufficient to disrupt seriously orderly marketing at Order 61 prices.

Milk production under normal conditions varies from season to season with the greatest production occurring in the spring months as cows are turned onto lush spring pastures. In developing his procurement policy, a handler must make a decision as to whether to operate with a full year-round supply of producer milk or whether it is to his advantage to look to outside sources for supplemental supplies during the short season in order to minimize his surplus problems during the flush. A handler who uses nonproducer milk to supplement his producer supplies may find that, when handling and transportation costs are added to procurement cost, the overall cost for such supplemental supplies exceeds the cost of local producer milk. The order grants no compensation to such handlers for his additional procurement costs in such instances. The handler who operates with a full year-round supply should likewise expect to assume some direct responsibility and risk in the disposition of his seasonal surplus. As to which way he wishes to operate his plant is clearly the choice of the handler.

While production estimates were offered to show that producer receipts under the Boston and New York orders are expected to run substantially in excess of comparable receipts last year, at least during the flush production months, it is not clear what application these figures have to the Philadelphia market. While there has been an increase in producer receipts under the Philadelphia order during the past year, the record indicates that the rate of such increase over the same month of the previous year was substantially reduced during the late months of 1955. Total producer receipts for the three months of October, November, and December were one and three-fourths million pounds greater than receipts during a similar period in 1954. At the same time Class I sales for these months of 1955 were more than eleven million pounds in excess of those for the corresponding months of 1954. Conversely, the volume of producer milk disposed of during these same months of 1955 in Class II was almost eight million pounds less than for the similar period in 1954. The record fails to show any change in this trend for the month of January 1956. Under the circumstances, unless there is a substantial change from normal in the seasonality of production the surplus disposal problem during the forthcoming flush cannot be of the same magnitude as in 1954 and 1955.

It is extremely unlikely that the volume of producer milk in excess of Class I needs of the market could reach a critical point in any of the following flush months of 1956 with the possible exception of May. While there is little question but that the volume of Class II milk in the month of May will be somewhat in excess of the maximum volume of Class II milk which the market has handled in prior months without a sub-Class II price of one kind or another it does not follow that the market cannot handle such excess. The record fails to substantiate that the market lacks access to manufacturing facilities which would permit the orderly disposition of surpluses at prices which reflect current market values of cream, butter, and nonfat dry milk solids.



The request for a sub-Class II price below the actual use value of milk for manufacturing purposes seems to be primarily a matter of agreement between producers and handlers. While proponents contended that such a pricing method is necessary for competitive reasons it is admitted that there is extremely close alignment of regular surplus prices among New York, Philadelphia and Pennsylvania State Milk Control Commission regulatory programs. Handlers and producers stated that a sub-Class II pricing provision is an inexpensive safety valve for producers. However, the establishment of a sub-Class II price for Philadelphia has far reaching effect on prices paid generally for milk throughout the region. New York order pool plants are immediately placed at a pricing disadvantage in relation to Philadelphia producer milk plants. Lower manufacturing milk values at Philadelphia plants forces more general use of the so-called Pennsylvania Milk Control Commission "B–I" pricing, thus depressing returns to producers at State regulated plants and, through the same process, to producers at unregulated plants. This type of pricing, while perhaps a matter of immediate convenience to both handlers and producer proponents, is not in the general public interest.

2. *Revision of producer milk plant definition.* The producer milk plant definition should be amended to include any supply plant from which milk shipped, during any of the months of February through September, to a pasteurizing or bottling plant is allocated to Class I during such month(s).

Under the present order provisions a supply plant does not qualify as a producer milk plant in any month of the February through September period in which no more than 25,000 pounds of its milk shipments to a producer milk plant are allocated to Class I.

The proposal in the notice of hearing would delete the 25,000 pound allocation allowance in the months of February through June only. When effort was made to examine the appropriateness of this allowance with respect to the months of July through September the hearing officer ruled that the notice did not permit such examination. He stated that the notice was directed to a consideration of time and not plants and any examination directed to months other than February to June was beyond the scope of the hearing. It is concluded that the hearing officer erred in his ruling in this matter, and further, that the evidence in the record is conclusive with respect to the need for including the entire February–September period.

Through the application of the 25,000 pound allocation allowance to a number of supply plants, a handler may secure his entire supply of milk for Class I use from unregulated sources. Certain handlers with insufficient producer milk to fill their Class I needs have been able to use very substantial quantities of unregulated and unpriced milk for Class I purposes. During the months from February through September 1955 as many as seven handlers and in no case less than three handlers have utilized such milk in Class I. During three of these months the volume of nonproducer milk utilized by such handlers was 1,500,000 pounds or more and in no month was it less than 300,000 pounds.

Producer proponents favored the elimination of the 25,000 pound allocation allowance during the months of February through June. They pointed out that in earlier years the order allowed handlers rather general use of unregulated, unpriced milk throughout the year. As supplies of local producer milk became more adequate the provisions of the order were changed in an effort to restrain the entry onto the market of an unreasonable amount of unpriced milk. The present 25,000 pound Class I allocation allowance was written into the order effective January 1, 1954. In rendering his decision in this matter (18 F. R. 8176, F. R. Doc. 53–10374) the Acting Secretary stated that during the months of February through September it would appear possible for handlers to assure themselves without great difficulty of regular producer milk, either by direct receipt or by purchase from other handlers.

The Philadelphia market has a more than adequate supply of producer milk to meet total fluid needs during the February-September period. In 1954 no less than 22 percent of producer receipts were allocated to Class II during any of the months of February through September and in 1955 this minimum was 23 percent. Certainly the order need not accommodate the use of milk from non-producer sources for fluid purposes at the same time that price relief is being requested to facilitate the disposition of burdensome surpluses. In fact, unpriced milk allocated to Class I during any month in which ample producer milk is available displaces regular producer milk in Class I and forces it into Class II. Producers should have assurance that their milk will not be displaced by unpriced milk in Class I uses. Under the recommended revision in definition, handlers who are presently using nonproducer milk during the months of February through September will have opportunity to bring their present source of supply under regulation. On the other hand, they may prefer to take on their own producers or to secure their necessary supply from other regulated handlers. In any event the market will have assurance that during such months no handler is operating at a price advantage through his ability to use unregulated milk. To the extent that handlers now using unregulated milk turn to other regulated handlers for their milk supply the surplus problem of the market will be alleviated.

Certain handlers opposed the proposal to delete the 25,000 pound Class I allocation allowance claiming that it would jeopardize their ability to continue to get milk from their present suppliers. It is intended by the deletion of the 25,000 pound Class I allocation allowance to require that handlers bring under full regulation their regular sources of supply or change to presently regulated sources of supply. Unless this is done not only are regular producers deprived of their fluid market, but regulated handlers are also subjected to unfair competition in their regular business in the marketing area.

The deletion of the 25,000 pound Class I allocation allowance raises some question as to the appropriateness of continuing the present 10-day shipping allowance during the months of October through January. While there is somewhat less producer milk available during these months than in other months of the year the record indicates no month in the last two years in which less than 18 percent of producer receipts were classified as Class II milk and only in the months of October and November, 1955 did this percentage fall below 21 percent.

With supply plants fully regulated during the balance of the year there is little likelihood that a handler would give up his regular supply in order to gain a possible short term advantage by use of unpriced milk during the short season when milk is generally in demand and prices are highest. During the short production months a handler must have ready access to supplemental supplies if needed. Accordingly, it is desirable that shipping privileges during this period be left rather liberal. While there is serious question as to the reasonableness of the present allocation procedure which permits the assignment of nonproducer milk on a pro rata basis during the months of October through January, this matter was not a consideration at this hearing and no change in the procedure is being made on the basis of this record.

3. *Revision of the supply-demand adjuster in the Class I pricing formula.* No change should be made at this time in the supply-demand adjustment feature of the Class I pricing formula. Under the present order provision this adjuster moves the Class I price for a calendar quarter upward or downward, as the case may be, whenever supply during the 12-month period ending with the second preceding month is less than 115 percent or more than 137 percent of Class I sales, respectively. In the computation of these percentages receipts at plants which were not producer milk plants during three consecutive months are specifically excluded. Producers proposed that this exemption be extended to five consecutive months on the premise that the elimination of the 25,000 pound Class I allocation allowance in the producer milk plant definition might bring additional milk under regulation and thereby bring the supply-demand adjuster into operation. They contend that the fact that a supply plant comes under regulation is no basis for concluding that all of its receipts are needed in the market. In this connection price must be recognized as the primary factor in adjusting supply to meet the demand of the market. If new plants are added to the market they naturally bring additional volumes of milk and when the supply exceeds demand beyond the limits of the percentage presently set forth in the order it must be presumed that some price adjustment is appropriate. The fact that the supply-de-

mand adjuster is computed for a twelve-month period beginning with the second preceding month, the fact that it can become operative only at the beginning of a calendar quarter, and the fact that plants which have not been producer milk plants for three consecutive months are excluded in the computation, provide ample forewarning to the market of prospective changing supply-demand relation. Further encumbrances would merely tend to impede the intended action of this adjuster as a balancing mechanism.

4. *Regulation of a plant doing business under more than one Federal order.* The present order provisions should be amended to establish a specific criterion for determining, in the case of a plant doing business under more than one order of the Secretary, the order under which such plant should be regulated. The order presently contains no standards in this regard but merely exempts those plants which are regulated under another order. In this connection it is concluded that handlers who are directly involved, and who would be regulated, should, by referring to the order provisions, be able to ascertain under which order they would be regulated. Unless the respective orders are clear in this regard a handler may unknowingly place necessary to subject a plant to duplicate himself in financial jeopardy. It is not regulation. Neither should it be left to the market administrator(s) to make an unguided decision as to who shall be regulated, nor is it expedient that the Secretary make a separate decision as each individual situation arises.

It is concluded that in the event a Wilmington order is issued, any plant doing a Class I business in both the Philadelphia and the Wilmington, Delaware marketing areas, in all cases should be regulated under the Philadelphia order. In all other situations, a plant which meets the qualifications for a producer milk plant under this order, but which does a greater volume of its Class I business, under another Federal order, or in the case of a supply plant, supplies a greater volume of milk to a distributing plant(s) regulated by another order, should be exempted from regulation under this order if by such exemption it becomes a fully regulated plant under such other order. However, in order that the market administrator may be fully appraised of the continuing status of such a plant, the operator thereof, should, with respect to the total receipts and utilization or disposition of milk, skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

The Philadelphia-Wilmington relationship is somewhat unique and requires special consideration. In this connection official notice is taken of the recommended decision of the Deputy Administrator on a proposed marketing order for the Wilmington marketing area issued January 17, 1956 (21 F. R. 486; F. R. Doc. 56–514). While certain Philadelphia handlers distribute milk from their Philadelphia producer milk plants into the Wilmington marketing area, no Wilmington handlers have routes which extend into the Philadelphia marketing area. The proximity of the two markets, the pricing relationship that have existed, the manner in which Philadelphia handlers have extended their businesses, and the comparative sizes of the two markets, all point to Philadelphia as the primary market.

Philadelphia handlers have established their businesses in the Wilmington market under the existing Philadelphia prices and with an intermarket price relationship very similar to that which would prevail if the recommended Wilmington order were made effective. Notwithstanding the fact that general price alignment would prevail, the interrelationship of the geographic boundaries of the two milksheds suggests the possibility that if proportionate volumes of business were used as a standard, a Philadelphia handler might arrange his business so as to qualify his plant(s) for regulation under the Wilmington order and by so doing enjoy a substantial advantage in the Philadelphia market on the volume of his business done there. Such a situation would not be in the interest of orderly marketing and should not be permitted to develop.

5. *Reconsideration of the pricing applicable to Class I milk sold outside the marketing area.* The pricing provisions of the order should be revised to delete, except in the case of Class I milk disposed of in the New York marketing area, any special pricing on milk disposed of outside the Philadelphia marketing area. No change should be made in the basis of pricing presently provided for milk disposed of in the New York marketing area.

The order presently provides that for Class I milk disposed of outside the marketing area on wholesale or retail routes from which no milk is disposed of inside the marketing area, the applicable price payable to producers shall be, as ascertained by the market administrator, such price as is being paid to farmers for milk of equivalent use in such other markets where the milk is disposed of less the applicable transportation allowances in such outside market, but in no case more than 64 cents. If the market administrator is unable to ascertain such price the Class I price specified under the Philadelphia order applies. In the case of milk disposed of in another Federal milk marketing area, except New York, it is provided that the applicable price shall be the price established under such other order. For milk disposed of in the New York marketing area the price under the Philadelphia order is the New York Class IA price less any payment required to be made to the New York pool.

The market administrator testified that he is experiencing very substantial administrative difficulties in attempting to ascertain prices which farmers in other markets actually receive for milk of equivalent use. While an out-of-area price has been ascertained quite regularly for Pennsylvania Milk Control Commission's area IA and intermittently for New Jersey, the record indicates that such prices have been ascertained only on request, and only when the prices in such other areas were lower than the Philadelphia order price. The market administrator indicated that he has considerable reservation as to the accuracy of his past ascertainments, which in all cases have merely been the announced prices of the Pennsylvania Milk Control Commission or the New Jersey Office of Milk Industry, and he feels that any future ascertainments can only be made subsequent to the time that dairy farmers in the outside markets have actually been paid.

It is not clear why a price ascertainment has been made only during the period when outside prices have been lower than order prices. The order language makes no distinction here, nor does it suggest that ascertainment shall be only on request. Certainly any rationalization which required the ascertainment of prices in months when outside prices are lower than order prices would be equally applicable in establishing the need for such determination when outside prices were higher.

It is obvious that the order in its present form does not require, except in the case of milk disposed of in another Federal order market, that an ascertainment of price be made if the market administrator cannot satisfy himself of his ability to make such ascertainment. In this connection the market administrator has consistently refused to attempt price ascertainment in any totally unregulated area. Handlers in unregulated markets are not required to make any accounting of the disposition of their milk, and they purchase milk under varying types of buying plans and at variable prices. Hence, it would be virtually an impossible task to determine a price which the dairy farmers delivering to such handlers were paid for milk of equivalent use.

It is evident from the record that similar problems exist with reference to prices paid in State regulated areas. The State prices, as announced are for specified local areas and apply only to milk sold within such areas, whereas milk distributors operate across area boundaries and also in unregulated areas and accordingly are subject to, and pay, variable prices. The accounting and classification procedures employed by the States may, and do, differ from those under the Philadelphia order. All of these factors directly affect the ability of the market administrator to ascertain prices actually paid for milk of equivalent use, and certainly preclude such ascertainment until after dairy farmers have actually been paid.

While it may under certain conditions be possible to ascertain an average price subsequent to the time dairy farmers actually received payment, such ascertainment could only be made through a comprehensive analysis and audit of the records of a very substantial number of local individual handlers who are under no obligation to permit such review and audit or to supply accurate records of their business. Such analysis and audit, if permitted, could not be accomplished in sufficient time to provide a basis for fixing prices under the Philadelphia order for the current delivery period.



Under the circumstances it is impractical to attempt continuing application of the present outside area pricing provision as it applies to unregulated and State regulated markets.

The imminence of a Federal marketing order in the Wilmington, Delaware, marketing area requires review of the out-of-area pricing provision as it applies to milk disposed of in another Federal marketing area. If the recommended Wilmington order is made effective without a change in the out-of-area pricing provision of the Philadelphia order, the price applicable to Philadelphia Class I milk sold into the Wilmington market immediately would be reduced by approximately 15 cents plus any location adjustment applicable under the terms of the Wilmington order.

The essentials of the classified pricing plan in effect in the Philadelphia order, and generally applicable to all orders issued by the Secretary, are to establish one level of price for milk which is sold as fluid milk or fluid milk products for fluid consumption and another lower price or prices for the necessary surplus of the market which is disposed of in lower valued manufactured products. It is intended that the price level effective under the Philadelphia order shall bring forth a supply adequate to meet the demands of the marketing area but not necessarily to fulfill the requirements of outside markets at prices different from the price established for milk sold in the marketing area. Producer milk sold for fluid uses outside the Philadelphia marketing area has the same characteristics of bulk and perishability, is produced under identical conditions and cost, and is subject to the same transportation cost of moving from the farm to the handlers' producer milk plant, as is milk disposed of inside the marketing area. Different health and sanitation requirements in markets outside the marketing area might result in different costs of producing milk for those markets only, but would have no effect on the production cost of producer milk sold to Philadelphia handlers.

Reference was made on the record of the hearing to the I–C pricing provision of the New York order which provides a lower level of price for Class I milk sold in certain outside areas than the price for Class I milk disposed of in the marketing area. The pricing provisions of the New York order, of course, were not an issue at this hearing. While the I–C pricing provision under the New York order has long been a matter of controversy it must be recognized that the relationship existing between the New York market and surrounding local markets is unique and for this reason has required singular treatment. In recent years the scope of the application of the I–C pricing provision has been considerably restricted and it now applies only in Northern New Jersey and New York State. If recent proposals which have been made to the Secretary relative to the New York and New Jersey situation should be consummated there might be no further need for the I–C pricing provision under the New York order.



Producer prices in other federally regulated markets in which Philadelphia handlers may wish to sell may be either higher or lower than such prices in the Philadelphia market. In establishing the level of price in a Federal order market consideration is given to prices being paid for milk in competing adjacent markets. Under usual circumstances the variation in basic prices for milk of similar quality and use in various Federal markets reflect differences in transportation costs. These basic prices may be adjusted to reflect differences in seasonality of production and the local supply-demand situation. This general alignment of prices as between orders will tend to maintain equity and no further provision is necessary. In this connection the New York-Philadelphia situation must be handled as a specific exception.

Official notice is hereby taken of those parts of the final decision of the Secretary on proposed amendments to the Philadelphia order issued on April 10, 1952, (17 F. R. 3355, F. R. Doc. 52–4252) the notice of reopening of hearing and tentative findings and conclusions on proposed amendments to the Philadelphia order issued by the Assistant Administrator on December 18, 1952 (17 F. R. 11723, F. R. Doc. 52–13518) and the final decision of the Assistant Secretary issued on December 8, 1953 (18 F. R. 8176, F. R. Doc. 53–10374), dealing with the pricing of milk sold by Philadelphia handlers in the New York marketing area.

The present pricing scheme for milk sold into the New York marketing area was devised to prevent handlers, who might do a substantial business in the New York market and with only a casual association with the Philadelphia market, from using the Philadelphia order as a means of evading regulation and pooling under the New York order and thus depriving the New York pool and regular producers for that market of the value of the Class I sales made there. The reasoning which led to the adoption of the present procedure for pricing milk disposed of in the New York market is equally applicable at this time. The changes hereinbefore recommended in the producer milk plant definition may tend to increase the number of plants which do a fluid business in the two markets and hence, emphasizes the need for continuation of the present basis of pricing milk disposed of in the New York market.

The basic reasoning set forth in denying continuation of a different pricing for milk disposed of in another Federal marketing area is equally applicable in the case of sales into unregulated or State regulated areas. It is not intended that Federal regulation be susceptible of manipulation to permit the use of adjacent outside markets as a dumping ground for milk in excess of a market's needs. The fixing of a lower price for milk sold in other markets could have a depressing effect on the price paid farmers by competing unregulated distributors in such markets. Such action would tend to lower blended returns to producers in the Philadelphia market with the result that prices of milk sold within the regulated market might have to be raised to provide incentive for the production of a sufficient supply to fulfill the market needs. In this connection, the local consumers should not be called upon to subsidize consumers in out-of-area markets.

For these reasons it is concluded that any special out-of-area pricing except that applying to sales into the New York market shall be discontinued.

Because of the impact which the present out-of-area pricing provision would have on the price of milk sold by Philadelphia handlers into the Wilmington market if an order were made effective for Wilmington, it is necessary that this amendment be made effective prior to, or concurrently with, the effective date of the Wilmington order. Accordingly, no order can be issued for Wilmington until this condition has been met.

6. *Revision of the classification and allocation provisions.* The present classification provisions should be rewritten to specify more clearly the products which are included in the respective classes of utilization and to provide that "ice milk mixes" shall be classified as a Class II product.

Under the present wording of the order it is not always possible to determine clearly the intended classification of specific products. It has been necessary, from time to time, for the market administrator to issue interpretive memoranda advising the industry of the manner in which various products are to be classified. The language of the classification provisions should be sufficiently clear that the continuing issuance of such interpretive memoranda is unnecessary. Except in the case of "ice milk mixes" it is not intended in revising the language that the classification of any product should be changed. While the present wording of the provision would leave some doubt as to whether eggnog, for example, could be classified as other than Class I, interpretive memoranda have placed it in Class II and the order has been so administered over a considerable period of time. The industry has raised no question of the propriety of such a classification. This product is made and sold by manufacturers doing no fluid milk business in the area. Its classification as Class I would certainly present substantial administrative problems by bringing under regulation a large number of additional handlers who are not fluid milk distributors and whose business in the area would be of insufficient consequence to represent a significant competitive factor.

Frozen mixes known locally as "ice milk mixes" which under the present classification provisions are included as a Class I product, should be made a Class II product. These "ice milk mixes," which have a relatively low fat, high solids content, have physical characteristics most similar to ice cream and sherbet which under the classification scheme are Class II products. They are manufactured much in the same manner as ice cream and are dispensed over the counter through stores and soda fountains much in the manner as, and in competition with ice cream. As initially manufactured, these products have none

of the aspects of fluid products and the fact that they ultimately may be changed, (either with the addition of other ingredients or otherwise, by melting or beating) to a semi-solid state and consumed much as a thick milkshake should not affect their original classification as Class II.

The present order provisions are silent as to the treatment of receipts of condensed skim milk or nonfat dry milk solids which are disposed of in Class I products, either by reconstitution or for fortification. Through an interpretive memorandum issued on March 25, 1955 by the market administrator, accounting for such disposition has been on the basis of the skim milk equivalent of such condensed skim milk or powder. This is the basis of accounting which has been used since December 1, 1948 in the case of producer milk which is disposed of in such products which are in turn reused, either by reconstitution or for fortification, in Class I products. No change is proposed in this accounting; however, the order should set forth clearly the procedure which is actually followed.

The allocation provisions of the order should also be rewritten to provide more specific direction to the market administrator. Here, as in the case of classification, it has been necessary that the market administrator interpret the intent of the provision. The order presently sets forth no definite sequence of allocation. In this connection the sequence and manner in which milk is allocated is important to handlers since it may directly affect the handler's cost for producer milk. In like manner it is equally important to producers since producer returns are dependent on the classification resulting from allocation. Both handlers and producers, merely by review of the order language, should be able to ascertain the manner in which the allocation of milk to classes is made. Except in unusual circumstances it should not be necessary to rely on administrative interpretation. It is not intended in spelling out the allocation sequence, that any changes shall be made in the allocation as presently applied. The sequence of allocation as presently applied by the market administrator, was placed in the record. The sequence set forth in the proposed order language reflects this procedure.

7. *Other administrative changes.* The several order provisions should be made compatible with reference to the treatment to be accorded an individual who operates both a dairy farm and a fluid milk plant from which Class I milk is disposed of in the marketing area but who receives no milk from other dairy farmers. Under the present language of the order such an individual is included in both the producer and the handler definitions. Notwithstanding, under the application of provisions section, a producer-handler is specifically excepted from all terms of the order except for reporting and administrative assessment. In addition, the allocation provisions very specifically provide a different treatment for receipts of milk from a producer-handler than that given regular producer milk. While the order prescribes specific treatment for a producer-handler, there is no definition of such an individual. It is left to the market administrator to interpret the intended meaning.

Under these circumstances, the order as it has been administered, does not treat a producer-handler in the same manner as other producers. It is apparent that the market administrator has no responsibility under the order to enforce payment of minimum prices to a producer-handler. The application of the allocation procedure provided in the order results in the exemption from the pricing provisions of receipts from a producer-handler. While receipts of bulk milk and skim milk from a producer-handler may be allocated to classes in the same proportionate amounts as receipts from producers, the handler may elect to assign a greater proportion or all of such receipts to Class II. When such receipts are all assigned to Class II the handler would presumably return to the producer-handler not more than the Class II price.

While both handlers and producers raised numerous questions with reference to the operations of a producer-handler and the manner in which such an individual might be treated under a regulatory program, there was no supporting testimony for a treatment other than that which has prevailed under the administration of the order. Notwithstanding, the confusion which might exist because of conflicting order language, the treatment prescribed under the allocation provisions is controlling. Obviously, it was not intended that the producer-handler should enjoy the status of a regular producer. Otherwise there would have been no reason to prescribe a specific, and different treatment for such an individual under the allocation provisions.

The order should be amended to define specifically the type of operation to which the term "producer-handler" is intended to apply and the producer definition should be amended to exclude such an individual. While these changes will afford no different treatment of a producer-handler than that presently provided, they will provide greater specificity and compatibility in order language and thus facilitate order administration.

While there appear to be a number of additional changes which should be made in the language of the administrative provisions of the order to provide greater specificity and more categorical direction to the market administrator, these matters were not explored at this hearing and accordingly cannot be considered on the basis of the record.

*General findings.* (a) The proposed marketing agreement and the order as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The proposed marketing agreement and the order as amended, and as hereby proposed to be further amended, regulates the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in a proposed marketing agreement and order upon which a hearing has been held; and

(c) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum price specified in the proposed marketing agreement and the order as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk in the marketing area and be in the public interest.

*Rulings on proposed findings and conclusions.* Briefs were filed on behalf of interested parties. The briefs contained suggested findings of fact, conclusions, and arguments with respect to the proposals considered at the hearing. Every point covered in the briefs was carefully examined along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the suggested findings and conclusions are inconsistent with the findings and conclusions contained herein the request to make such findings or to reach such conclusions is denied.

*Recommended marketing agreement and order.* The following proposed order, amending the order as amended, is recommended as the detailed and appropriate means by which these conclusions may be carried out. The proposed marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the proposed amending order:

1. Delete the language of § 961.5 and substitute therefor the following:

§ 961.5 *Producer.* "Producer" means any person, except a producer-handler, who produces milk which is received directly at a producer milk plant.

2. Delete § 961.6 (c) and substitute therefor the following:

(c) Any other plant from which milk is supplied to a pasteurizing or bottling plant described in paragraph (b) of this section: *Provided,* That any such other plant shall not be included in this definition during any month in which there is shipped from the plant only Class II milk as defined in § 961.31 or during any of the months of October, November, December, and January in which shipments are made from the plant on less than 11 days to such pasteurizing and bottling plant, or to a plant or plants supplying such pasteurizing or bottling plant.

3. Delete the entire last sentence of § 961.6.

4. Delete the language of § 961.8 and substitute therefor the following:

§ 961.8 *Handler.* "Handler" means any person wherever located or operating, who engages in the handling of milk which is disposed of in the marketing area as milk, or skim milk.

5. Add a new § 961.10 as follows:

§ 961.10 *Producer-handler.* "Producer-handler" means any person who operates as his own personal enterprises both a dairy farm and a producer milk plant from which Class I milk is disposed of in the marketing area, but who receives no milk from producers.

6. Delete §§ 961.30 and 961.31 and substitute therefor the following:

§ 961.30 *Milk to be classified.* All milk, skim milk, and cream which is received within the month by a handler, which is required to be reported pursuant to §§ 961.50 and 961.51 shall be classified by the market administrator pursuant to the provisions of §§ 961.31 through 961.34.

§ 961.31 *Classes of utilization.* Subject to the conditions set forth in §§ 961.32 and 961.33 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all milk and skim milk (including the milk or skim milk equivalent of concentrated milk, and of dry whole milk, condensed skim milk and nonfat dry milk solids used in reconstituting or fortifying any Class I product) and butterfat disposed of in fluid form as milk, skim milk, buttermilk, milk drinks (plain or flavored) concentrated milk, or any mixture of milk, cream, or skim milk containing less than 18 percent butterfat (except sterilized products in hermetically sealed containers, ice cream mixes, ice milk mixes and eggnog) including such products which are:

(1) Disposed of to retail establishments which disposes of milk both for fluid and other uses, (2) contained in inventory variations of milk and milk products designated as Class I milk, or (3) not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all milk, skim milk and cream: (1) used to produce any product other than those designated as Class I milk pursuant to paragraph (a) of this section; (2) dumped or disposed of for livestock feed; (3) disposed of in bulk and used in soup, candy, bakery products or any other nondairy commercial food product; (4) contained in inventory variation of cream; and (5) accounted for as actual plant shrinkage not in excess of two percent of the total pounds of milk, skim milk and cream received by a handler at all of his producer milk plants.

7. Delete §§ 961.34 and 961.35 and substitute therefor the following:

§ 961.34 *Allocation of milk, skim milk and butterfat classified.* The market administrator shall determine the classification of producer milk received at the producer milk plant(s) of each handler as follows:

(a) The gross product pounds of milk and milk products classified shall be allocated in the following manner:

(1) If the total product pounds of all milk and milk products classified is less than the total product pounds of all milk and milk products received at the handlers producer milk plant(s) add to the product pounds of Class I and Class II milk the product pounds classified as plant shrinkage pursuant to § 961.31 (a) (3) and (b) (5);

(2) Subtract from the product pounds in Class II milk the product pounds in receipts from nonproducer milk plant(s) in the form of cream containing 18 percent or more butterfat and the milk or skim milk equivalent of such receipts of concentrated and dried milk or skim milk utilized in a reconstituted or fortified product: *Provided,* That if the product pounds of such receipts to be subtracted are greater than the product pounds in Class II milk, the balance shall be subtracted pro rata from the product pounds in the several price subdivisions of Class I milk;

(3) During the months of February through September, subtract from the remaining product pounds in Class II milk, the product pounds of milk and skim milk received from nonproducers milk plants: *Provided,* That if the product pounds of such receipts to be subtracted are greater than the remaining product pounds in Class II milk, the balance shall be subtracted pro rata from the product pounds in the several price subdivisions of Class I milk;

(4) Subtract from the product pounds remaining in each class, the product pounds of milk, skim milk and cream in receipts from producer milk plants of other handlers and assigned to such class pursuant to § 961.32: *Provided,* That if the product pounds of such receipts to be subtracted from Class II milk are greater than the remaining product pounds in such class, the balance shall be subtracted pro rata from the remaining product pounds in the several price subdivisions of Class I milk;

(5) During the months of October through January, subtract from the product pounds remaining in Class II milk the product pounds of milk and skim milk in receipts from nonproducer milk plants: *Provided,* That if the product pounds of such receipts to be subtracted are greater than the remaining product pounds in Class II milk, the balance shall be subtracted pro rata from the remaining product pounds in the several price subdivisions of Class I milk: *And provided further,* That a different allocation shall be made at the written request of the receiving handler if it does not result in a greater than pro rata allocation to Class I milk;

(6) Subtract from the product pounds remaining in Class II milk the product pounds of milk and skim milk received in bulk from producer-handlers: *Provided,* That if the product pounds of such receipts to be subtracted are greater than the remaining product pounds in Class II milk the balance shall be subtracted pro rata from the remaining product pounds in the several price subdivisions of Class I milk: *And provided further,* That a different allocation shall be made at the written request of the receiving handler if it does not result in a greater than pro rata allocation to Class I milk;

(7) If the remaining product pounds in Class I and Class II milk exceed the product pounds of milk, skim milk and cream in receipts from producers, subtract such excess pro rata from the remaining product pounds in each class. Any amount of excess so subtracted shall be called overage;

(b) Butterfat shall be allocated under the same procedure outlined for gross product pounds in paragraph (a) of this section.

(c) Divide the pounds of butterfat in each class or price subdivision by the hundredweight of product pounds in such class or price subdivision to determine the weighted average butterfat content of each class or price subdivision.

8. Delete the language of § 961.43 and substitute the following:

§ 961.43 *Class I milk disposed of in the New York marketing area.* The price to be paid by handlers for Class I milk disposed of in the New York metropolitan milk marketing area shall be the Class I–A price computed pursuant to the New York order less such payment as is required on such milk pursuant to the New York order.

9. Add a new § 961.61 to read as follows:

§ 961.61 *Plants subject to other Federal orders.* A plant specified in paragraph (a) or (b) of this section shall be considered as a nonproducer milk plant under this order except that the operator of such plant shall, with respect to total receipts and utilization at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to §§ 961.50 through 961.54) and allow verification of such reports by the market administrator.

(a) Any distributing plant which would be subject to the classification and pricing provisions of another order issued pursuant to the act (except the Wilmington, Delaware, marketing order), unless a greater volume of Class I milk is disposed of from such plant to retail or wholesale outlets (except producer milk plants) in the Philadelphia marketing area than in the marketing area regulated pursuant to such other order.

(b) Any supply plant which would be subject to the classification and pricing provisions of another order issued pursuant to the act (except the Wilmington, Delaware, marketing order) unless such plant disposes of a greater volume of milk to producer milk plants under the Philadelphia order than to plants distributing in marketing area regulated pursuant to such other order.

10. In § 961.70 (a) change the reference "§ 961.35" to read § 961.34".

Issued at Washington, D. C., this 5th day of April 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator.*

[F. R. Doc. 56–2753; Filed, Apr. 10, 1956; 8:55 a. m.]

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## [ 7 CFR Part 1014 ]

[AO–280]

### POTATOES GROWN IN NASSAU AND SUFFOLK COUNTIES, LONG ISLAND, NEW YORK

### NOTICE OF HEARING WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR 900 et seq.), notice is hereby given of a public hearing to be held in Polish Hall, Riverhead, Long Island, New York, beginning at 9:30 a. m., local time, April 30, 1956, with respect to Proposed Marketing Agreement No. 124 and Order No. 114, hereinafter referred to as the "marketing agreement" and "order", respectively, regulating the handling of Irish potatoes grown in Nassau and Suffolk counties, New York. The proposed marketing agreement and order have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions, which relate to the provisions of the proposed marketing agreement and order, which are hereinafter set forth, and appropriate modifications thereof.

The Suffolk County Potato Committee, the Suffolk County Extension Service Association, the Suffolk County Farm Bureau, Inc., and the Long Island Agricultural Marketing Association, Inc., proposed the marketing agreement and order and requested a hearing thereon.

DEFINITIONS

§ 1014.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 1014.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

§ 1014.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 1014.4 *Production area.* "Production area" means all territory included within the boundaries of Suffolk and Nassau Counties, New York.

§ 1014.5 *Potatoes.* "Potatoes" means all varieties of Irish potatoes grown within the production area.

§ 1014.6 *Handler.* "Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of potatoes owned by another person) who ships potatoes.

§ 1014.7 *Handle.* "Handle" or "ship" means to sell or transport potatoes within the production area or between the production area and any point outside thereof.

§ 1014.8 *Producer.* "Producer" means any person engaged in the production of potatoes for market.

§ 1014.9 *Fiscal period.* "Fiscal period" means the period beginning and ending on the dates approved by the Secretary pursuant to recommendations by the committee.

§ 1014.10 *Committee.* "Committee" means the Long Island Potato Committee, established pursuant to § 1014.25.

§ 1014.11 *Varieties.* "Varieties" means and includes all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 1014.12 *Seed potatoes.* "Seed potatoes" or "seed" means and includes all potatoes officially certified and tagged, marked, or otherwise appropriately identified under the supervision of the official seed potato certifying agency of the State of New York or other seed certification agencies which the Secretary may recognize.

§ 1014.13 *Table stock potatoes.* "Table stock potatoes" or "table stock" means and includes all potatoes not included within the definition of "seed potatoes."

§ 1014.14 *Pack.* "Pack" means a unit of potatoes in any type of container and which falls within specific weight limits or within specific grade limits recommended by the committee and approved by the Secretary.

§ 1014.15 *Grade and size.* "Grade" means any one of the officially established grades of potatoes, and "size" means any one of the officially established sizes of potatoes, as defined and set forth in:

(a) The United States Standards for Potatoes issued by the United States Department of Agriculture (§§ 51.1540 to 51.1559 of this title), or amendments thereto, or modifications thereof, or variations based thereon;

(b) United States Consumer Standards for Potatoes as issued by the United States Department of Agriculture (§§ 51.1575 to 51.1587 of this title), or amendments thereto, or modifications thereof, or variations based thereon; and

(c) State of New York Standards for Potatoes as issued by the Commissioner of Agriculture, State of New York, or amendments thereto, or modifications thereof, or variations based thereon.

§ 1014.16 *Grading.* "Grading" is synonymous with "preparing for market" and means the sorting or separating of potatoes into grades or sizes for market purposes.

§ 1014.17 *Container.* "Container" means a sack, bag, crate, box, basket, barrel, or bulk load or any other type of container which is used in the packaging, transportation, sale, shipment, or other handling of potatoes.

§ 1014.18 *Export.* "Export" means shipment of potatoes beyond the boundaries of continental United States.

§ 1014.19 *District.* "District" means each one of the geographical divisions of the production area established pursuant to § 1014.32.

COMMITTEE

§ 1014.25 *Establishment and membership.* (a) The Long Island Potato Committee consisting of fifteen members, of whom 10 shall be producers and five shall be handlers, is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(b) An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate during such member's absence. In the event of the death, removal, resignation, or disqualification of a member his alternate shall act for him until a successor for such member is selected and has qualified.

§ 1014.26 *Procedure.* (a) Eight members of the committee shall be necessary to constitute a quorum and eight concurring votes shall be required to pass any motion or approve any committee action.

(b) The committee may provide for meeting by telephone, telegraph, or other means of communication and any vote cast at such meeting shall be confirmed promptly in writing: *Provided*, That if any assembled meeting is held, all votes shall be cast in person.

§ 1014.27 *Selection.* (a) Persons selected as committee members or alternates to represent producers or handlers shall be producers or handlers, respectively, or officers or employees of a corporate producer or handler, respectively in the district for which selected and shall be residents of such district.

(b) The Secretary shall select two producer members of the committee, with their alternates, from District No. 1; two producer members, with their alternates, from District No. 2, and one producer member with his alternate, from each of the other districts. The Secretary shall select five handler members of the committee, with their respective alternates, from the production area at large.

(c) Any person selected by the Secretary as a committee member or as an alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 1014.28 *Term of office.* (a) The term of office of committee members and alternates shall be two years beginning February 1 and ending January 31. The terms of office of members and alternates shall be so determined that one-half of the total producer committee membership and one-half of the total handler committee membership shall terminate each January 31.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during the current term of office and continuing until the end thereof, and until their successors are selected and have qualified.

§ 1014.29 *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this subpart in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this subpart; and

(d) To recommend to the Secretary amendments to this subpart.

§ 1014.30 *Duties.* It shall be the duty of the committee:

(a) At the beginning of each fiscal period, to meet and organize, to select a chairman and such other officers as may be necessary, to select subcommittees of committee members, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(b) To act as intermediary between the Secretary and any producer or handler;

(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(e) To investigate, from time to time, and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to potatoes;

(f) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative;

(g) To make available to producers and handlers the committee voting record on recommended regulations and on other matters of policy;

(h) At the beginning of each fiscal period, to submit to the Secretary a budget of its expenses for such fiscal period, together with a report thereon;

(i) To cause the books of the committee to be audited by a competent accountant at least once each fiscal period, and at such other time as the committee may deem necessary or as the Secretary may request, and the report of such audit shall show the receipt and expenditure of funds collected pursuant to this subpart; and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers;

(j) To consult, cooperate, and exchange information with other potato marketing committees and other individuals or agencies in connection with all proper committee activities and objectives under this subpart; and

(k) To establish, and pay the expenses of, advisory subcommittees for the purpose of consulting with Federal, State, and other appropriate agencies with respect to the establishment of marketing research and development projects pursuant to § 1014.47.

§ 1014.31 *Expenses and compensation.* Committee members and their respective alternates when acting on committee business may be reimbursed for expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this subpart.

§ 1014.32 *District.* (a) For the purpose of selecting committee members, the following districts of the production area are hereby initially established and each such district shall consist of the following:

District No. 1: Southold Town.
District No. 2: Riverhead Town.
District No. 3: Brookhaven Town.
District No. 4: Southampton Town.
District No. 5: East Hampton and Shelter Island Towns.
District No. 6: Huntington Town.
District No. 7: Smithtown, Islip, and Babylon Towns.
District No. 8: Nassau County.

(b) The Secretary, upon the recommendation of the committee, may reestablish districts within the production area and may reapportion committee membership among the various districts: *Provided*, That in recommending any such changes in districts or representation, the committee shall give consideration to (1) the relative importance of new areas of production, (2) changes in the relative position of existing districts with respect to production, (3) the geographic location of areas of production as they would affect the efficiency of administering this part and (4) other relevant factors: *Provided further*, That there shall be no change in the total number of committee members.

§ 1014.33 *Nominations.* The Secretary may select the members of the Long Island Potato Committee and their respective alternates from nominations which may be made in the following manner:

(a) Nominations for members and alternates of the committee may be submitted by producers or handlers, as the case may be, or groups thereof, on an elective basis or otherwise.

(b) In order to provide nominations for committee members and alternates:

(1) The committee shall hold or cause to be held prior to January 1 of each year, after the effective date of this subpart, a meeting or meetings of producers and of handlers, respectively, in each of the districts designated in § 1014.32 in which the term of office of committee members, and their respective alternates, will commence the following February 1;

(2) In arranging for such meetings the committee may, if it deems desirable utilize the services and facilities of existing organizations and agencies;

(3) At each such meeting at least two nominees shall be designated for each position as member and for each position as alternate member on the committee which is vacant, or which is to become vacant the following January 31;

(4) Nominations for committee members and alternate members shall be supplied to the Secretary in such manner and form as he may prescribe, not later than January 1 of each year;

(5) Only producers may participate in designating nominees for producer committee members and their alternates and only handlers may participate in designating nominees for handler committee members and their alternates;

(6) Each person who is both a handler and a producer may vote either as a handler or as a producer and may elect the group in which he votes; and

(7) Regardless of the number of districts in which a person produces potatoes, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives, in designating nominees for committee members and alternates: *Provided*, That in the event a person is engaged in producing potatoes in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees: *Provided further*, That an eligible voter's privilege of casting only one vote, as aforesaid, shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.

(c) If nominations are not made within the time and in the manner specified by the Secretary pursuant to paragraph (b) of this section, the Secretary may, without regard to nominations, select the committee members and alternates on the basis of the representation provided for in this subpart.

§ 1014.34 *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a committee member or as an alternate to qualify or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate, a successor for his unexpired term may be selected by the Secretary from nominations made in the manner specified in § 1014.33, or the Secretary may select such committee member or alternate from previously unselected nominees on the current nominee list from the district involved. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of the representation provided for in this subpart.

EXPENSES AND ASSESSMENTS

§ 1014.40 *Expenses.* The committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred by it during each fiscal period for the maintenance and functioning of such committee and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. Handlers shall share expenses on the basis of each fiscal period. Each handler's share of such expense shall be proportionate to the ratio between the total quantity of potatoes handled during a fiscal period by him as the first handler thereof and the total quantity of potatoes handled during such fiscal period by all handlers as first handlers thereof.

§ 1014.41 *Budget.* At the beginning of each fiscal period and as may be necessary thereafter, the committee shall prepare an estimated budget of income and expenditures necessary for the administration of this part. The committee may recommend to the Secretary a rate or rates of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget to the Secretary with an accompanying report showing the basis for its calculations.

§ 1014.42 *Assessments.* (a) The funds to cover such expenses shall be acquired by the levying of assessments upon handlers as provided in this subpart. Each handler who first handles potatoes shall pay assessments to the committee upon demand, which assessments shall be in payment of such handlers' pro rata share of the committee's expenses.

(b) Assessments shall be levied upon handlers at rates established by the Secretary. Such rates may be established upon the basis of the committee's recommendations or other available information. Such rates may be applied equitably to each pack or unit. Such rates shall not exceed one cent per hundredweight.

(c) At any time during or subsequent to a given fiscal period the committee may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendations, or other available information, the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all potatoes which were regulated under this part and which were handled by the first handler thereof during such fiscal period.

§ 1014.43 *Accounting.* (a) All funds received by the committee pursuant to the provisions of this subpart shall be used solely for the purposes specified in this part.

(b) The Secretary may at any time require the committee, its members and alternates, employees, agents, and all other persons to account for all receipts and disbursements, funds, property, or records for which they are responsible. Whenever any person ceases to be a member or alternate of the committee he shall account for all receipts, disbursements, funds, and property (including but not being limited to books and other records) pertaining to such committee's activities for which he is responsible and deliver all such property and funds in his hands to such successor, agency, or person as may be designated by the Secretary, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in the designated successor, agency, or person the right to all such property and funds and all claims vested in such member or alternate.

(c) The committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other committee property during periods when regulations are not in effect and, if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for the committee.

§ 1014.44 *Refunds.* At the end of each fiscal period monies arising from the excess of assessments over expenses shall be accounted for as follows:

(a) Each handler entitled to a proportionate refund of the excess assessments at the end of a fiscal period shall be credited with such refund against the operation of the following fiscal period unless he demands payment thereof, in which event such proportionate refund shall be paid to him; or

(b) The Secretary, upon recommendation of the committee, may determine that it is appropriate for the maintenance and functioning of such committee that some of the funds remaining at the end of a fiscal period which are in excess of the expenses necessary for operation during such period may be carried over into following periods as a reserve for possible liquidation. Upon approval by the Secretary, such reserve may be used upon termination of this part to liquidate the affairs of the committee: *Provided,* That upon termination of this part any monies in the reserve for liquidation which are not required to defray the necessary expenses of liquidation shall to the extent practical be returned upon a prorata basis to all persons from whom such funds were collected.

RESEARCH AND DEVELOPMENT

§ 1014.47 *Research and development.* The committee, with the approval of the Secretary, may provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of potatoes.

REGULATION

§ 1014.50 *Marketing policy*—(a) *Preparation.* Prior to each marketing season the committee shall consider and prepare a proposed policy for the marketing of potatoes. In developing its marketing policy the committee shall investigate relevant supply and demand conditions for potatoes. In such investigations the committee shall give appropriate consideration to the following:

(1) Market prices for potatoes, including prices by grade, size, and quality in different packs, or in different containers, or in any other shipping unit;

(2) Supply of potatoes by grade, size, and quality in the production area and in other production areas;

(3) The trend and level of consumer income;

(4) Establishing and maintaining orderly marketing conditions for potatoes;

(5) Orderly marketing of potatoes as will be in the public interest; and

(6) Other relevant factors.

(b) *Reports.* (1) The committee shall submit a report to the Secretary setting forth the aforesaid marketing policy and it shall notify producers and handlers of the contents of such report.

(2) In the event it becomes advisable to shift from such marketing policy because of changed supply and demand conditions, the committee shall prepare a new marketing policy in accordance with the manner previously outlined. The committee shall submit a report thereon to the Secretary and notify producers and handlers of the contents of such report on the revised or amended marketing policy.

§ 1014.51 *Recommendations for regulations.* The committee shall recommend to the Secretary, grade, size, quality, and maturity regulations, or amendments thereto, or modifications thereof, whenever it finds that such regulations as provided in § 1014.52 will tend to effectuate the declared policy of the act. The committee also may recommend modifications, suspension, or termination of any regulation, or amendments thereto, in order to facilitate the handling of potatoes for the purposes authorized in § 1014.54. The committee may also recommend amendment, termination, or suspension of any regulation issued under this part.

§ 1014.52 *Issuance of grade, size, quality, and maturity regulations.* (a) The Secretary shall limit the shipment of potatoes whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulation would tend to effectuate the declared policy of the act. Such limitation may:

(1) Regulate in any or all portions of the production area, the handling of particular grades, sizes, and qualities, of any or all varieties of table stock or of seed potatoes, or both, during any period; or

(2) Regulate the handling of particular grades, sizes, or qualities of potatoes differently, for different varieties, for table stock, for seed, for different markets, for different portions of the production area, for different packs, for different sizes and types of containers, or for any combination of the foregoing, during any period;

(3) Provide a method through rules and regulations issued pursuant to this part for fixing the size, capacity, weight, dimensions, or pack of the container, or containers, which may be used in the packaging or handling of potatoes, or both; or

(4) Regulate the handling of potatoes by establishing, in terms of grades, sizes, or both, minimum standards of quality or maturity.

(b) The Secretary may amend any regulation issued under this subpart whenever he finds that such regulations would tend to effectuate the declared policy of the act. The Secretary may also terminate or suspend any regulation whenever he finds that such regulation obstructs or no longer tends to effectuate the declared policy of the act.

(c) The Secretary shall notify the committee of any such regulation issued pursuant to this section and the committee shall give reasonable notice thereof to handlers.

§ 1014.53 *Minimum quantities.* The committee, with the approval of the Secretary, may establish, for any or all portions of the production area, minimum quantities below which shipments will be free from regulations issued pursuant to §§ 1014.40 to 1014.60 inclusive.

§ 1014.54 *Handling for specified purposes.* (a) The Secretary upon the basis of recommendations of the committee, or upon the basis of other available information, may modify, suspend, or terminate regulations issued pursuant to §§ 1014.40 to 1014.60, inclusive, in order to facilitate the handling of potatoes for the purposes specified below, whenever he finds that such actions tend to effectuate the declared policy of the act. Adequate safeguards may be established pursuant to paragraph (c) of this section to prevent such shipments from entering channels of trade for other than the specified purposes:

(1) Shipments of potatoes for the purpose of having such potatoes graded or stored within the production area generally or within any specified portions thereof;

(2) Shipments of potatoes for export;

(3) Shipments of potatoes for distribution by relief agencies, or for consumption by charitable institutions;

(4) Shipments of potatoes for the purpose of having such potatoes manufactured or converted into specified products or by-products;

(5) Shipments of potatoes for livestock feed within the production area generally or any specified portions thereof; and

(6) For other specified purposes.

(b) Whenever the handling of seed potatoes is not subject to the same regulations as is the handling of table stock potatoes, issued pursuant to §§ 1014.40 to 1014.60, inclusive, the committee, with the approval of the Secretary, may prescribe adequate safeguards, pursuant to paragraph (c) of this section, to prevent diversion of such shipments from seed potato channels.

(c) The committee, with the approval of the Secretary, may prescribe adequate safeguards, authorized by paragraphs (a) and (b) of this section, which safeguards may include requirements that:

(1) Handlers shall file applications with the committee to handle potatoes pursuant to this section;

(2) Handlers shall obtain Federal-State inspection provided by § 1014.60 and pay the pro rata share of expenses provided by § 1014.42 in connection with potatoes handled under the provisions of this section: *Provided,* That such inspection and payment of expenses may be required at different times than otherwise specified by the aforesaid sections; and

(3) (i) Handlers shall obtain Certificates of Privilege from the committee for potatoes to be handled under the provisions of this section. The committee, with the approval of the Secretary, shall prescribe rules governing the issuance and the contents of such Certificates of Privilege.

(ii) The committee shall make monthly reports to the Secretary showing the number of applications for such certificates, the quantity of potatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of potatoes handled under duly issued certificates, and such other information as may be requested by the Secretary. The committee may rescind or deny Certificates of Privilege to any handler if evidence is obtained that potatoes handled by him for the purposes stated in this section have been diverted from such purposes contrary to the provisions of this part.

(d) (1) The Secretary shall give prompt notice to the committee of any modification, suspension, or termination of regulations pursuant to this section, or of any approval issued by him under the provisions of this section.

(2) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the Committee pursuant to the provisions of this section.

§ 1014.55 *Price posting*—(a) *Recommendation.* Whenever the committee finds that the declared policy of the act will tend to be effectuated by so doing, it may recommend that potatoes should be sold by handlers during specific periods only at prices filed by such handlers. Such recommendations shall include the time of commencement and termination of such price posting period and the manners in which such posted prices shall be filed.

(b) *Establishment.* The Secretary shall order that potatoes, or any grade, size, or quality thereof, shall be sold by handlers thereof only at prices filed by such handlers in the manner provided herein, whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulation would tend to effectuate the declared policy of the act. Such order may require that a schedule of prices shall be filed with the committee by each handler of potatoes setting forth the prices by grades, sizes, and qualities thereof at which such handler shall sell potatoes during specified periods of time. Such order may also establish the time, and manner in which, such prices shall be filed, and provide the methods by which such prices may be changed by the handler who filed them. Whenever the Secretary issues such an order establishing a period or periods of regulation during which potatoes shall be sold by handlers only at posted prices, he shall notify the committee of the regulation and the committee shall give reasonable notice thereof to handlers.

(c) *Price filing and posting.* Whenever any such regulation becomes effective, each handler shall file with the committee a complete schedule of prices at which, during the specified regulation period, he shall sell potatoes, or any grade, size, and quality thereof, whichever is applicable in accordance with the regulation. All such schedules shall be posted in the office of the committee and at such other places as the committee may deem appropriate. Such schedules of prices shall become effective at such time as the committee, with the approval of the Secretary, may prescribe.

(d) *Revision of filed price schedules.* In the event any handler desires to sell the aforesaid potatoes at a price or prices different from those contained in his price schedule, such handler may file with the committee a revised schedule of his prices. The foregoing requirements of this section applicable to price schedules shall also apply to revised price schedules. Each such revised price schedule shall become effective at such time as the committee, with the approval of the Secretary, may prescribe.

(e) *Manner of filing prices.* The committee shall prescribe with the approval of the Secretary, a standard form or forms of price schedules, including revised price schedules, on which each handler shall state his prices, discounts, all other terms and conditions of sale, and such other information as may be deemed necessary by the committee, with respect to potatoes or each grade, size, and quality thereof, whichever is applicable pursuant to the aforesaid regulation. The committee shall cause the exact time and date that any price schedule or revision thereof is received by it to be written on the forms prescribed therefor.

INSPECTION AND CERTIFICATION

§ 1014.60 *Inspection and certification.* (a) During any period in which the handling of potatoes is regulated pursuant to § 1014.42, § 1014.52, or § 1014.54, or any combination thereof, no handler shall handle potatoes unless such potatoes are inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary shall designate, and are covered by a valid inspection certificate, except when relieved from such requirements by the Secretary pursuant to recommendations by the committee.

(b) Regrading, resorting, or repacking any lot of potatoes shall invalidate any prior inspection certificates insofar as the requirements of this section are concerned. No handler shall handle potatoes after they have been regraded, resorted, repacked, or in any way further prepared for market, unless such potatoes are inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary shall designate: *Provided,* That such inspection requirements on regraded, resorted, or repacked potatoes may be modified, suspended, or terminated under rules and regulations recommended by the committee, and approved by the Secretary.

(c) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the committee with the approval of the Secretary.

(d) When potatoes are inspected in accordance with the requirements of this section, a copy of each inspection certificate issued shall be made available to the committee by the inspection service.

EXEMPTIONS

§ 1014.65 *Procedure.* The committee may adopt, subject to approval of the Secretary, the procedures pursuant to which certificates of exemption will be issued to producers of handlers.

§ 1014.66 *Granting exemptions.* (a) The committee may issue certificates of exemption to any producer who applies for such exemption and furnishes adequate evidence to the committee: (1) That by reason of a regulation issued pursuant to § 1014.52 he will be prevented from handling as large a proportion of his production as the average proportion of production handled by all producers in said applicant's immediate production area; and (2) that the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the producer to

handle the amount of potatoes specified thereon. Such certificates shall be transferred with such potatoes at time of shipment.

(b) The committee may issue certificates of exemption to any handler who applies for such exemption and furnishes adequate evidence to the committee: (1) That by reason of a regulation issued pursuant to § 1014.52 he will be prevented from handling as large a proportion of his storage holdings of ungraded potatoes, acquired during or immediately following the digging season, as the average proportion of ungraded storage holdings handled by all handlers in said applicant's immediate shipping area; and (2) that the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the handler to handle the amount of potatoes specified thereon. Such certificate shall be transferred with such potatoes at time of shipment.

(c) The committee shall be permitted at any time to make a thorough investigation of any producer's or handler's claim pertaining to exemptions.

§ 1014.67 *Appeal.* If any applicant for exemption certificates is dissatisfied with the determination by the committee with respect to this application, said applicant may file an appeal with the committee. Such an appeal must be taken promptly after the determination by the committee from which the appeal is taken. Any applicant filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application. The committee shall notify the appellant of the final determination and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

§ 1014.68 *Review, records, and reports of exemptions.* (a) The Secretary shall have the right to modify, change, alter, or rescind any procedure and any exemptions granted pursuant to § 1014.65, § 1014.66, § 1014.67, or any combination thereof.

(b) The committee shall maintain a record of all applications submitted for exemption certificates, a record of all exemption certificates issued and denied and the quantity of potatoes covered by such exemption certificates, a record of the amount of potatoes handled under exemption certificates, a record of appeals for reconsideration of applications, and such information as may be requested by the Secretary. Periodic reports on such records shall be compiled and issued by the committee upon request of the Secretary.

EFFECTIVE TIME AND TERMINATION

§ 1014.70 *Effective time.* The provisions of this subpart shall become effective at such time as the Secretary may declare above his signature attached to this subpart, and shall continue in force until terminated in one of the ways specified in this subpart.

§ 1014.71 *Termination.* (a) The Secretary may at any time terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal period, have been engaged in the production for market of potatoes: *Provided,* That such majority has, during such period, produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effective only if announced on or before February 1 of the then current fiscal period.

(d) The provisions of this subpart shall in any event terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 1014.72 *Proceedings after termination.* (a) Upon the termination of the provisions of this subpart, the then functioning members of the committee shall continue as trustees, for the purpose of liquidating the affairs of the committee, of all the funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 1014.73 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not: (a) Affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart of any regulation issued under this subpart; (b) release or extinguish any violation of this subpart or of any regulation issued under this subpart; or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

REPORTS

§ 1014.80 *Reports.* Upon request of the committee, made with approval of the Secretary, each handler shall furnish to the committee, in such manner and at such time as it may prescribe, such reports and other information as may be necessary for the committee to perform its duties under this part.

(a) Such reports may include, but are not necessarily limited to, the following: (1) The quantities of potatoes received by a handler; (2) the quantities disposed of by him, segregated as to the respective quantities subject to regulation and not subject to regulation; (3) the date of each such disposition and the identification of the carrier transporting such potatoes; and (4) identification of the inspection certificates and the exemption certificates, if any, pursuant to which the potatoes were handled, together with the destination of each exempted disposition, and of all potatoes handled pursuant to §§ 1014.53 and 1014.54.

(b) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers is authorized, subject to prohibition of disclosure of individual handlers identities or operations.

(c) Each handler shall maintain for at least two succeeding years such records of the potatoes received and disposed of by such handler as may be necessary to verify the reports he submits to the committee pursuant to this section.

MISCELLANEOUS PROVISIONS

§ 1014.81 *Compliance.* Except as provided in this subpart, no handler shall handle potatoes, the handling of which has been prohibted by the Secretary in accordance with provisions of this subpart, and no handler shall handle potatoes except in conformity to the provisions of this subpart.

§ 1014.82 *Right of the Secretary.* The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 1014.83 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 1014.84 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any agency in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 1014.85 *Derogation.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 1014.86 *Personal liability.* No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any handler or any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, or employee, except for acts of dishonesty.

§ 1014.87 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstances, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance or thing, shall not be affected thereby.

§ 1014.88 *Amendments.* Amendments to this subpart may be proposed from time to time, by the committee or by the Secretary.

§ 1014.89 *Counterparts.* This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.[1]

§ 1014.90 *Additional parties.* After the effective date hereof, any handler who has not previously executed this agreement may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.[1]

§ 1014.91 *Order with marketing agreement.* Each signatory handler favors and approves the issuance of an order by the Secretary regulating the handling of potatoes in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the act, such an order.[1]

Copies of this notice of hearing may be procured from the Hearing Clerk, United States Department of Agriculture, Room 112 Administration Building, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 6th day of April 1956.

F. R. BURKE,
*Acting Deputy Administrator.*

[F. R. Doc. 56-2751; Filed, Apr. 10, 1956; 8:55 a. m.]

[1] Applicable only to the proposed marketing agreement.





## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

### [ 21 CFR Part 120 ]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCE FOR RESIDUES OF ZINEB

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by Rohm and Haas Company, 222 West Washington Square, Philadelphia, Pennsylvania, proposing the establishment of a tolerance of 1 part per million for residues of zineb in or on wheat, and a tolerance of 60 parts per million in or on hops.

The analytical method proposed in the petition for determining residues of zineb is the method published in Analytical Chemistry, Volume 23, page 1846 (1951).

Dated: April 5, 1956.

[SEAL] GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F. R. Doc. 56-2708; Filed, Apr. 10, 1956; 8:46 a. m.]

## POST OFFICE DEPARTMENT

### [ 39 CFR Part 38 ]

POSTAGE METERS

NOTICE OF PROPOSED RULE MAKING

The Post Office Department proposes to place in effect the following amendment to Chapter I of Title 39, Code of Federal Regulations, which will incorporate in a new Part 38 thereof, regulations relating to the manufacture and leasing of postage meters.

The Postmaster General desires to afford patrons of the Postal Service an opportunity to present written data, views, or arguments for consideration by the Post Office Department prior to making the proposed regulations effective.

Written data, views, or arguments may be submitted to N. R. Abrams, Assistant Postmaster General, Bureau of Post Office Operations, Post Office Department, Washington 25, D. C., prior to May 15, 1956.

[SEAL] ABE MCGREGOR GOFF,
*The Solicitor.*

Chapter I of Title 39, Code of Federal Regulations, is hereby amended by the addition of new Part 38, to read as follows:

PART 38—POSTAGE METERS

§ 38.1 *Authorization to manufacture and lease*—(a) *Qualification.* Any concern desiring authorization to manufacture and lease postage meters for use by mailers under § 33.1 (d) of this chapter must qualify as follows:

(1) Satisfy the Department as to its integrity and financial responsibility.

(2) Obtain approval of at least one model postage meter incorporating all the mechanical features and safeguards specified in § 38.2.

(3) Have, or establish, and maintain under its supervision and control adequate manufacturing facilities suitable to carry out to the satisfaction of the Department the provisions of § 38.4. Such facilities shall be subject to inspection by representatives of the Department.

(4) Have, or establish, and maintain adequate facilities for the control, distribution and maintenance of postage meters, and their replacement when necessary. See §§ 38.4 and 38.5.

(b) *Application.* Any person or concern seeking authorization to manufacture postage meters may make application to the Department in person or in writing. Upon qualification and approval, the applicant will be authorized in writing to manufacture postage meters and to lease them to mailers. The name of the manufacturer will be listed in the Code of Federal Regulations.

(c) *Suspension.* The Department may require a manufacturer to suspend production and distribution of any or all his models of postage meters pending investigation to determine if his authorization should be revoked and will fully advise him of the facts which may warrant such action. The manufacturer will be given an opporunity to demonstrate or achieve compliance with all the lawful requirements within a reasonable, specified time limit.

(d) *Revocation.* Authorization may be revoked if the manufacturer engages in any scheme or enterprise of an unlawful character, fails in any of the qualifications in paragraph (a) of this section, or fails to comply with any of the provisions of this part.

§ 38.2 *Specifications.* Postage meters must incorporate all of the following mechanical features and safeguards:

(a) A postage meter may be either the detachable portion containing the printing die and registering mechanism of a mailing machine, or it may be complete in itself. In either case, it must be suitable for the mailer to bring to the Post Office for setting.

(b) A postage meter may be capable of printing one denomination of postage and registering the number of such impressions made (single denomination); or it may be capable of printing several

denominations and registering either multiples of the smallest unit printed (multi denomination) or the currency value of the impressions made (omni denomination). The printing die or dies, counters, and counter-actuating mechanism must be inseparable in the unit brought to the Post Office for setting.

(c) In each postage meter there must be two accurate and dependable counting devices, one ascending and registering the total imprinted, the other descending and registering the balance of the last setting remaining unused. The descending register must actuate a locking mechanism preventing further operation of the meter after the register has reduced to an amount less than the largest denomination printable in one operation or to zero. The descending register must be so constructed as to be easily set at the Post Office for any amount of postage or number of impressions within its capacity, prepaid by the mailer.

(d) The entire mechanism must be encased in a substantial housing. The descending register must be accessible to the Post Office by means of a door equipped with a suitable lock and provision for a Post Office seal. The ascending register and all other mechanism must be so shielded as not to be accessible even when the door is open. The readings of both registers must be easily obtainable at any time between operations, either by visibility through closed windows, or by imprint on tape or card, or by a combination of the two methods. The housing must be of such construction that it is impossible to alter the readings of the ascending register (except by normal operation) or to gain access to the internal mechanism (except for setting the descending register as provided in paragraph (c) of this section) without mutilation.

(e) The printing die must either conform in design to one already in use or be approved by the Department. It must include the serial number of the meter and identification of the manufacturer, and be so constructed or shielded that it is not practically possible without proper registration in the ascending and descending register to obtain imprints therefrom fraudulently.

(f) The meter die must include a postmark to print the name of the city and state from which mail is dispatched and the date of mailing. The postmark must be printed at the left of but adjacent to the denomination stamp and may be either included in an overall design with the denomination stamp or separated from it. Provision must be made so that the date may be either printed or omitted as required by the Department on the various classes of mail. Provision may be made to print an hour of mailing either within or in a close position outside the postmark. Provision may also be made to print designations such as "Nonprofit Org.", and the like, adjacent to and in the same operation with the meter stamp. The denomination die must not be completely exposed at any time during the process of installing or removing postmark dies, daters, hour type or special designation slugs, or when changing the date.

(g) Provision may be made in a meter for a Meter Slogan or Ad Plate to print to the left of and adjacent to the postmark. The size and position of a Slogan or Meter Ad must be such that it will not interfere with or obscure the meter stamp or postmark, and it must be easily possible to install the plate without the meter stamp die being exposed. Plates must be made of suitable, durable material which will not soften or disintegrate while in use. They must be well fitted and so securely fastened to the printing mechanism that they will not become loose or detached or otherwise interfere with proper operation of a meter.

(h) The entire mechanism must be of such solid, substantial and dependable construction as to protect the Department amply against loss of revenue from fraud, manipulation, misoperation, or breakdown.

§ 38.3 *Testing and approval*—(a) *Submission of each model.* Each model meter proposed for manufacture must be approved by the Post Office Department after being tested by the National Bureau of Standards at the expense of the manufacturer. A preliminary working model may be submitted for tentative approval. No meters of any model may be distributed or used for payment of postage until a complete unit manufactured by production methods has been submitted, tested and approved.

(b) *Furnishing specimen meter.* One production model of each meter approved must be deposited with the Department and no changes affecting the basic features or safeguards may be made thereafter without Departmental approval.

(c) *Tests after approval.* Additional meters from current manufacture must be submitted to the National Bureau of Standards for test at the expense of the manufacturer as may be requested by the Department.

§ 38.4 *Safeguards*—(a) *Materials and workmanship.* All meters must closely adhere to the quality in materials and workmanship of the approved production model and must be manufactured with suitable jigs, dies, tools, etc., to assure proper maintenance and interchangeability of parts.

(b) *Breakdown tests.* At reasonably frequent intervals meters must be taken at random by the manufacturer from production and subjected to breakdown tests to make certain that quality and performance standards are maintained.

(c) *Protection of printing dies.* During the process of fabricating parts and assembling postage meters, the manufacturer must exercise due care to prevent loss or theft of serially numbered postage printing dies or component parts, such as denomination printing dies, which might be used in some manner to defraud the Government of postal revenues. All serially numbered printing dies produced should be accounted for by assembly into meters or by evidence of mutilation or destruction. Postage printing dies removed from meters and not suitable for reassembly must also be mutilated beyond the possibility of use, or be completely destroyed.

(d) *Destruction of meter stamps.* All meter stamps printed in the process of testing dies or meters must be collected and destroyed.

(e) *Inspection of new and rebuilt meters.* All new and rebuilt meters must be carefully inspected before leaving the manufacturer's meter service station.

(f) *Keys and setting equipment.* The meter manufacturer must furnish keys and other essential equipment for setting his meters to all post offices under whose jurisdiction his meters are licensed for use. Such items must be protected and shall not be furnished to persons not authorized by the Post Office Department to have them.

§ 38.5 *Distribution*—(a) *Facilities.* Authorized manufacturers must maintain adequate facilities for the distribution, control, and maintenance of postage meters. All such facilities are subject to inspection by Post Office Department officials or their accredited representatives.

(b) *Controls.* Each authorized manufacturer is required to:

(1) Retain title permanently to all meters of his manufacture except such as may be purchased by the Post Office Department for use in post offices.

(2) Lease his meters only to mailers to whom meter licenses have been issued by the post office.

(3) Supply only such meter slogan or ad plates as meet the requirements of the Department for suitable quality and content.

(4) Deliver meters to post offices or postal stations only—never to mailers until set and sealed at a post office.

(5) Take reasonable precautions in the transportation and storage of his meters to prevent their reaching the hands of unauthorized individuals.

(6) Report the loss or theft of any of his meters immediately to the local postmaster, the local police, and the Post Office Department, Bureau of Post Office Operations, and report likewise the recovery of any such lost or stolen meters.

(7) Report to the appropriate Regional Controller of the Post Office Department each time a meter is presented at a post office for initial setting or to be checked out of service—the report to include the name and address of the mailer, the post office or postal station through which it was handled, and the readings of both registers at the time the meter left or was returned to the manufacturer's possession.

(8) Maintain at his headquarters a complete record by serial number of all meters manufactured, showing all movements of each from the time it is produced until it is scrapped, and the reading of the ascending register each time it is checked into or out of service through a post office. These records must be subject to inspection at any time during business hours by officials of the Post Office Department or their accredited representatives.

(9) Cancel his lease agreement with any mailer whose meter license is canceled by the Department and remove his meter promptly.

(10) Maintain a record by serial number of all meter keys issued to postmasters as well as those sections of the manufacturer's establishment in which their use is essential, preferably in the form of signed receipt cards.

(11) Examine each meter withdrawn from service for failure to record its operations correctly and accurately, and report to the Post Office Department the mechanical condition or fault which caused the failure.

(12) Submit such other reports to the Post Office Department as may be required from time to time.

§ 38.6 *Maintenance*—(a) *Replacement.* The manufacturer must maintain his meters in proper operating condition for mailers by replacing them when necessary or desirable to forestall mechanical breakdown.

(b) *Inspection of meters in use.* The manufacturer must have all of his meters in service with mailers inspected at least once each six months. Such inspections must be sufficiently thorough to determine that each meter is clean and in proper operating condition, is recording its operations correctly and accurately, and that neither the Post Office seal nor any seal placed by the manufacturer to prevent access to the mechanism has been removed or tampered with. Any irregularities found in the operation of a meter at any time or any improper usage of a meter must be reported immediately to the mailer's postmaster, and appropriate steps taken to have the meter discontinued.

(c) *Repair of internal mechanism.* Repair or reconditioning of meters involving access to internal mechanisms must be performed only within a factory or suitable meter repair department under the direct control and supervision of the manufacturer. Meters must be checked out of service through the Post Office of setting before they are opened or any internal repairs are undertaken.

§ 38.7 *Notice of proposed changes in regulations.* Insofar as may be consistent with the public interest, before any changes are made in the regulations of this part, the Department will give notice of any proposed changes sufficiently far in advance of the proposed effective date to enable persons who manufacture, or who may be interested in manufacturing postage meters, a reasonable opportunity to be heard and to adjust their operations to accord with the proposed changes if they are adopted.

(R. S. 161, 396, as amended; sec. 5, 41 Stat. 483, as amended, 47 Stat. 647; 5 U. S. C. 22, 369, 39 U. S. C. 273, 273a)

[F. R. Doc. 56-2725; Filed, Apr. 10, 1956; 8:50 a. m.]



# NOTICES

## DEPARTMENT OF COMMERCE

### Federal Maritime Board

[Docket No. 791]

PACIFIC LUMBER CO., INC., ET AL.

ORDER OF PROCEEDING OF INVESTIGATION

Agreements between the Pacific Lumber Co., Inc., Coast Pacific Lumber Co., Inc., Hammond Lumber Co., and Joseph R. Maginnis dba Fairhaven Forest Products Co.

At a session of the Federal Maritime Board held at its office in Washington, D. C., this 29th day of March 1956, a certain order was entered in the above entitled cause which reads as follows:

Whereas it appears that the Pacific Lumber Company, Inc., Coast Pacific Lumber Company, Inc., Hammond Lumber Company, and Joseph R. Maginnis dba Fairhaven Forest Products Company, own, operate or control docks in the Humboldt Bay area of California, and

Whereas it further appears that the aforementioned docks are operated "in connection with a common carrier by water" and the above-named companies are "other persons subject to this act" within the meaning of section 1, Shipping Act, 1916, as amended, and

Whereas it further appears that The Pacific Lumber Company, Inc., Coast Pacific Lumber Company, Inc., Hammond Lumber Company, and Joseph R. Maginnis dba Fairhaven Forest Products Company, have entered into an agreement whereby the use of their docks for loading of logs for export shall be denied to steamship companies, exporters and others, except that one C. T. Takahashi & Co., Inc., has the exclusive privilege of using the docks owned or controlled by Joseph R. Maginnis for loading of logs for export, and

Whereas it further appears that the aforementioned agreement has not been filed with the Federal Maritime Board pursuant to section 15, Shipping Act, 1916 (46 U. S. C. 814), and that the effectuation of any such agreement without proper Board approval is violative of said section 15 of the Shipping Act, 1916, and

Whereas it further appears that the aforementioned parties to this agreement have given undue and unreasonable preference to said C. T. Tukahashi & Co., Inc., and subjected other shippers and exporters of logs to undue and unreasonable prejudice and disadvantage in violation of section 16, Shipping Act, 1916, as amended, and

Whereas it further appears that the aforementioned parties to this agreement have established and enforced unreasonable regulations and practices in regard to the movement of logs across their docks in violation of section 17, Shipping Act, 1916, as amended,

*It is ordered*, That the Board, on its own motion, pursuant to sections 15, 16, 17, and 22 of said act (46 U. S. C. 814, 815, 816, and 821), enter upon a proceeding of investigation into and concerning the aforementioned matters; and

*It is further ordered*, That said parties be, and they are hereby named respondents in this proceeding, that copies of this order be served upon them and that this order be published in the FEDERAL REGISTER; and

*It is further ordered*, That this proceeding be assigned for hearing before an Examiner of the Board at a date and place to be fixed by the Chief Examiner.

Dated: April 5, 1956.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
*Secretary.*

[F. R. Doc. 56-2706; Filed, Apr. 10, 1956; 8:46 a. m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[Docket No. 107]

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

APRIL 2, 1956.

The Arizona State Highway Department has filed an application, Serial No. AR-05276, for the withdrawal of the lands described below, from all forms of appropriation including the mining and mineral leasing laws.

The applicant desires the land for use as a source of road construction material.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Room 233-A Main Post Office Building, Phoenix, Arizona.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

T. 12 N., R. 3 E.,
Sec. 3: NE¼SE¼SW¼, N½SE¼SE¼SW¼,
Sec. 20: W½NW¼NE¼NW¼, N½SW¼NE¼NW¼—West of Highway.

The area described totals 25 acres in the Prescott National Forest.

E. I. ROWLAND,
*State Supervisor.*

[F. R. Doc. 56-2711; Filed, Apr. 10, 1956; 8:46 a. m.]

[Document 108]

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

APRIL 2, 1956.

The Arizona State Highway Department has filed an application, Serial No. AR–06659, for the withdrawal of the lands described below, from all forms of appropriation including the mining and mineral leasing laws.

The applicant desires the land for use as a source of road construction material.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Room 233–A Main Post Office Building, Phoenix, Arizona.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

T. 18 N., R. 2 W.,
Sec. 13: S½NW¼NW¼.
Sec. 23: NW¼NE¼NE¼.

The area described totals 30 acres in the Prescott National Forest.

E. I. ROWLAND,
*State Supervisor.*

[F. R. Doc. 56–2712; Filed, Apr. 10, 1956; 8:47 a. m.]

[Document 109]

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

APRIL 2, 1956.

The Arizona State Highway Department has filed an application, Serial No. AR–09062, for the withdrawal of the lands described below, from all forms of appropriation including the mining and mineral leasing laws.

The applicant desires the land for use as a source of road construction material.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Room 233–A Main Post Office Building, Phoenix, Arizona.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

T. 19 N., R. 1 W.,
Sec. 31: SE¼NW¼NW¼SE¼, E½SW¼NW¼SE¼, S½NE¼NW¼SE¼, SE¼NW¼SE¼; North of Highway.

The area described totals 22½ acres in the Prescott National Forest.

E. I. ROWLAND,
*State Supervisor.*

[F. R. Doc. 56–2713; Filed, Apr. 10, 1956; 8:47 a. m.]

[Document 110]

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

APRIL 2, 1956.

The Arizona State Highway Department has filed an application, Serial No. AR–06642, for the withdrawal of the lands described below, from all forms of appropriation including the mining and mineral leasing laws.

The applicant desires the land for use as a source of road construction material.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Room 233–A Main Post Office Building, Phoenix, Arizona.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

T. 12 N., R. 1 E.,
Sec. 5: S½NE¼NW¼NW¼, N½SE¼NW¼NW¼, SE¼NW¼NW¼NW¼, NE¼SW¼NW¼NW¼, excluding H. E. S. No. 62.

The area described totals approximately 7½ acres in the Prescott National Forest.

E. I. ROWLAND,
*State Supervisor.*

[F. R. Doc. 56–2714; Filed, Apr. 10, 1956; 8:47 a. m.]

[Document 111]

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

APRIL 2, 1956.

The Bureau of Public Roads has filed an application, Serial No. AR–09753 Amended, for the withdrawal of the lands described below, from all forms of appropriation including the mining and mineral leasing laws.

The applicant desires the land for a source of road construction materials and access road.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Room 233–A Main Post Office Building, Phoenix, Arizona.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

T. 11 N., R. 11 E.,
Sec. 28: SE¼NE¼SW¼.
Sec. 29: S½NE¼SE¼.
Sec. 31: NE¼SW¼NE¼, NW¼SE¼NE¼.

The area described totals 50 acres in the Tonto National Forest.

E. I. ROWLAND,
*State Supervisor.*

[F. R. Doc. 56–2715; Filed, Apr. 10, 1956; 8:47 a. m.]

## Bureau of Reclamation

UMATILLA PROJECT, OREGON

ORDER OF REVOCATION

JUNE 17, 1955.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby revoke Departmental Order of August 16, 1905, insofar as said order affects the following described land: *Provided, however,* That such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the land hereinafter described:

WILLAMETTE MERIDIAN, OREGON

T. 4 N., R. 28 E.,
Sec. 3, Lot 1.
T. 5 N., R. 28 E.,
Sec. 27, NE¼NW¼.
T. 5 N., R. 29 E.,
Sec. 27, SE¼NE¼;
Sec. 32, SW¼NW¼.

The above areas aggregate approximately 130 acres.

DON S. CAMPBELL,
*Acting Assistant Commissioner.*

[69079]

APRIL 5, 1956.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The NE¼NW¼, sec. 27, T. 5 N., R. 28 E., the SE¼NE¼, sec. 27, and the SW¼NW¼, sec. 32, T. 5 N., R. 29 E., have been patented.

Lot 1, sec. 3, T. 4 N., R. 28 E., is included in allowed Desert Land Entry application, Oregon 0754, and is therefore not subject to the provisions of the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, granting preference rights to veterans of World War II, the Korean Conflict, and others.

EDWARD WOOZLEY,
*Director,*
*Bureau of Land Management.*

[F. R. Doc. 56–2716; Filed, Apr. 10, 1956; 8:48 a. m.]



RIO GRANDE PROJECT, NEW MEXICO

FIRST FORM RECLAMATION WITHDRAWAL

DECEMBER 21, 1954.

Pursuant to authority delegated by Departmental Order No. 2515 of April 7, 1949, I hereby withdraw the following described lands from public entry, under the first form withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

NEW MEXICO PRINCIPAL MERIDIAN—NEW MEXICO

T. 23 S., R. 1 E.
Sec. 5, Lots 2 and 3

The above area aggregates 79.06 acres.

FLOYD E. DOMINY,
*Acting Assistant Commissioner.*

[68245]

APRIL 5, 1956.

I concur. The records of the Bureau of Land Management will be noted accordingly.

EDWARD WOOZLEY,
*Director,*
*Bureau of Land Management.*

*Notice for Filing Objections To Order Withdrawing Public Lands for the Rio Grande Project, New Mexico*

Notice is hereby given that for a period of 30 days from the date of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of New Mexico, for use in connection with maintaining the South Branch Dam and Wasteway of the Picacho Arroyo Erosion Control Works, Rio Grande Project, may present their objections to the Department of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

FLOYD E. DOMINY,
*Acting Assistant Commissioner.*

[F. R. Doc. 56–2717; Filed, Apr. 10, 1956; 8:48 a. m.]

COLORADO RIVER STORAGE PROJECT, CALIFORNIA

FIRST FORM RECLAMATION WITHDRAWAL

DECEMBER 17, 1953.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby withdraw the following described lands from public entry under the first form of withdrawal as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 15 S., R. 16 E.,
Sec. 2, Lot 3, SE¼NW¼, E½SW¼;
Sec. 11, Lot 6, NW¼NE¼;
Sec. 26, E½NE¼.

The above areas aggregate 313.46 acres.

FLOYD E. DOMINY,
*Acting Assistant Commissioner.*

[66138]

APRIL 5, 1956.

I concur. The records of the Bureau of Land Management will be noted accordingly.

EDWARD WOOZLEY,
*Director,*
*Bureau of Land Management.*

*Notice for Filing Objections To Order Withdrawing Public Lands for the Colorado River Storage Project, California*

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of California, for use in connection with the Colorado River Storage Project, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand still be given to all interested parties of record and the general public.

FLOYD E. DOMINY,
*Acting Assistant Commissioner.*

[F. R. Doc. 56–2718; Filed, Apr. 10, 1956; 8:48 a. m.]

RIVERTON PROJECT, WYOMING

FIRST FORM RECLAMATION WITHDRAWAL

APRIL 19, 1955.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby withdraw the following described lands from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

WIND RIVER MERIDIAN, WYOMING

T. 1 N., R. 3 E.,
Sec. 9, NE¼;
Sec. 10, S½;
Sec. 13, Lot 1, W½;
Sec. 14, E½;
Sec. 24, N½.

T. 1 N., R. 4 E.,
Sec. 6, Lots 3, 4, 5, 6, 7, SE¼, E½SW¼, SE¼NW¼;
Sec. 7, all;
Sec. 8, W½;
Sec. 19, Lots 1, 2, E½NW¼.

The above areas aggregate 3,074.93 acres.

E. G. NIELSEN,
*Assistant Commissioner.*

[68737]

APRIL 5, 1956.

I concur. The records of the Bureau of Land Management will be noted accordingly.

EDWARD WOOZLEY,
*Director,*
*Bureau of Land Management.*

*Notice for Filing Objections To Order Withdrawing Public Lands for the Riverton Project, Wyoming*

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands which were formerly Indian ceded lands on the Wind River Indian Reservation in the State of Wyoming, for use in connection with the Riverton reclamation project may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in Department of the Interior, Washington 25, D. C.

In case any objection is filed and nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

E. G. NIELSEN,
*Assistant Commissioner.*

[F. R. Doc. 56–2719; Filed, Apr. 10, 1956; 8:48 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11287, 11288; FCC 56M–330]

EL MUNDO, INC., AND PONCE DE LEON BROADCASTING CO., INC., OF P. R.

ORDER CONTINUING HEARING

In re applications of El Mundo, Inc., Mayaguez, Puerto Rico, Docket No. 11287, File No. BPCT–1892; Ponce De Leon Broadcasting Co., Inc., of P. R., Mayaguez, Puerto Rico, Docket No. 11288, File No. BPCT–1906; for construction permits for new television broadcast stations.

The Hearing Examiner having under consideration a motion, filed on April 2, 1956, on behalf of Ponce de Leon Broadcasting Co., Inc., of P. R., requesting that the hearing now scheduled to be held in

the above-entitled proceeding on April 9, 1956, be continued until June 1, 1956; and

It appearing that sufficient "good cause" has been set forth in the said motion to warrant the postponement requested therein and that all of the parties to the proceeding have consented to a grant thereof;

*It is ordered*, This 4th day of April 1956, that the above motion be, and it is hereby granted; and that the hearing in the above-entitled proceeding is hereby continued until 10:00 o'clock a. m., on Friday, June 1, 1956, in the offices of this Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-2702; Filed, Apr. 10, 1956; 8:45 a. m.]

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[Docket No. 11621; FCC 56M-329]

LAS VEGAS BROADCASTERS, INC. (KLAS)

ORDER CONTINUING HEARING

In re application of Las Vegas Broadcasters, Inc. (KLAS), Las Vegas, Nevada, Docket No. 11621, File No. BP-8528; for construction permit.

*It is ordered*, This 4th day of April 1956, by the Hearing Examiner, on his own motion, that the hearing in the above-entitled proceeding, which is now scheduled to commence on April 12, 1956, in Washington, D. C., is hereby continued without date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-2703; Filed, Apr. 10, 1956; 8:45 a. m.]

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[Docket Nos. 11634, 11635; FCC 56M-328]

STEPHENVILLE BROADCASTING CO. AND OSAGE BROADCASTING CO.

ORDER SCHEDULING HEARING CONFERENCE

In re applications of Galen O. Gilbert and J. R. Kincaid d/b as Stephenville Broadcasting Company, Tahlequah, Oklahoma, Docket No. 11634, File No. BP-9978; John M. Mahoney and John Q. Adams d/b as Osage Broadcasting Company, Bartlesville, Oklahoma, Docket No. 11635, File No. BP-10096; for construction permits.

The Hearing Examiner having under consideration the procedure to be followed in the above-entitled matter which is scheduled for hearing on April 30, 1956; and

It appearing that a prehearing conference under §§ 1.813 and 1.841 of the Commission's rules should be scheduled and that the parties should be notified as hereinafter ordered; and

It further appearing from the Docket files herein that separate Statements of Appearance, pursuant to § 1.387 of the Commission's rules, have been timely filed by and on behalf of each of the two applicants and the two respondents named in the order of designation, and further that an appearance by attorney has been duly filed, pursuant to § 1.716 of the Commission's rules, on behalf of the respondent Radio Station KFH Company; and

It further appearing that the respondent's attorney and Bureau counsel have informally consented to appear at the prehearing conference hereinafter ordered, but that the other parties have not been informally or otherwise notified of the time and place of the herein scheduled conference;

*Now therefore it is ordered*, This 3d day of April 1956, pursuant to §§ 1.813 and 1.841 of the Commission's rules, that the parties or their attorneys shall appear at the offices of the Commission in Washington, D. C. at 10:00 a. m., on Thursday, April 19, 1956, for a conference to consider:

1. The necessity or desirability of simplification, clarification, amplification or limitation of the issues;
2. The possibility of stipulating with respect to facts;
3. The procedures to be followed prior to and at the hearing;
4. The limitation of the number of witnesses;
5. The procedures and schedules for the prior mutual exchange between the parties of prepared testimony and exhibits; and
6. Such other matters as may aid in the disposition of this proceeding; and

*It is further ordered*, That the Secretary send a copy of this order by Registered Mail, Return Receipt Requested, to the applicants and to the respondent Bartlesville Broadcasting Company (KWON).

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-2704; Filed, Apr. 10, 1956; 8:45 a. m.]

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## CIVIL AERONAUTICS BOARD

[Docket No. 7422]

REGIONAL TRAFFIC CONFERENCE OF IATA; INVESTIGATION AND COMPLAINT RELATING TO REGULATION AND CONDUCT

NOTICE OF HEARING

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding is assigned to be held on May 1, 1956, at 10:00 a. m., e. d. s. t., in Room E-224, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Walter W. Bryan.

Dated at Washington, D. C., April 5, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56-2749; Filed, Apr. 10, 1956; 8:54 a. m.]

## FEDERAL POWER COMMISSION

[Docket Nos. G-9740, G-9741]

IOWA ELECTRIC LIGHT AND POWER CO. AND LATERAL GAS PIPELINE CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

APRIL 5, 1956.

Take notice that Lateral Gas Pipeline Company (Lateral), an Iowa corporation with principal place of business in Security Building, Cedar Rapids, Iowa, and a wholly owned subsidiary of Iowa Electric Light and Power Company (Iowa Electric), filed, in Docket No. G-9741 on December 5, 1955, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Lateral to acquire from Iowa Electric certain natural gas facilities and to operate the same as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

And concurrently therewith, Iowa Electric, an Iowa corporation with principal place of business in Security Building, Cedar Rapids, Iowa, filed, in Docket No. G-9740 on December 5, 1955, pursuant to section 7 (b) of the Natural Gas Act, an application for permission to abandon the ownership and operation of the aforesaid natural gas facilities by sale thereof to Lateral as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Lateral proposes to acquire by purchase from Iowa Electric approximately 9.6 miles of 4½-inch pipeline, known as the Greenfield Lateral, extending from a point of connection with the transmission line of Natural Gas Pipeline Company of America Natural) in a northerly direction to or near the city limits of the City of Greenfield, Iowa, wherein Iowa Electric operates a distribution system and to operate the same for the purpose of transporting natural gas between said points for the account of Iowa Electric.

Iowa Electric proposes to abandon the operation of the Greenfield Lateral upon sale thereof to Lateral for its depreciated book value ($77,656) and to contract with Lateral for the transportation of natural gas from Natural's main transmission pipeline to the City of Greenfield for the account of Iowa Electric.

The applications state that Lateral will contract with Iowa Electric pursuant to the terms of Lateral's F. P. C. Gas Tariff, Original Volume No. 1, for the transportation of natural gas as hereinabove described, that said tariff is upon a cost-of-service basis, that the cost of transportation of gas will be no greater than the present cost of transportation by Iowa Electric and that the ownership and operation of the Greenfield Lateral are the only facilities and activities of Iowa Electric that would constitute it a "natural-gas company" within the meaning of the Natural Gas Act.



These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Monday, May 14, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 23, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56-2741; Filed, Apr. 10, 1956; 8:53 a. m.]

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[Docket No. G-9583]

OKLAHOMA NATURAL GAS CO. AND CONSOLIDATED GAS UTILITIES CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 4, 1956.

Take notice that, Oklahoma Natural Gas Company (Oklahoma) and Consolidated Gas Utilities Corporation (Consolidated), hereinafter referred to collectively as "Applicants", Delaware Corporations, having their principal places of business at Tulsa and Oklahoma City, Oklahoma respectively, filed on November 1, 1955, as amended March 19, 1956, a joint Application pursuant to section 7 of the Natural Gas Act, for authorization to exchange natural gas, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application, which is on file with the Commission and open to public inspection.

In the joint application as amended Applicants propose to exchange natural gas simultaneously at existing interconnections of their respective natural gas transmission systems as follows: (1) Consolidated will deliver gas to Oklahoma's Clinton (Western Oklahoma) system at an existing delivery point in Beckham County at an estimated volume of 10,000 to 15,000 Mcf per day and (2) Oklahoma will return equivalent volumes to Consolidated at an existing delivery point approximately 120 miles northeast of the Beckham County delivery point in Garfield County, Oklahoma.

Applicants state that under the proposed arrangement, Oklahoma will benefit by receiving additional natural gas, urgently needed to supply the increased cold weather requirements of its isolated Clinton system which supplies a number of communities in Western Oklahoma. Consolidated will benefit by having the gas returned to it approximately 120 miles closer to its principal markets.

Applicants further state that no new construction will be required and that under the proposed exchange no change in the total volume of gas available to the market of either Applicant is involved.

The exchange as proposed in the application will extend only from the date of first delivery until April 1, 1957.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 8, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street N. W., Washington, D. C. concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 20, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56-2721; Filed, Apr. 10, 1956; 8:49 a. m.]

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[Project No. 1927]

CALIFORNIA OREGON POWER CO.

NOTICE OF APPLICATION FOR AMENDMENT OF MAJOR LICENSE

APRIL 4, 1956.

Public notice is hereby given that The California Oregon Power Company of Medford, Oregon, on March 5, 1956, filed an application under the Federal Power Act (16 U. S. C. 791a-825r) for amendment of the license for Project No. 1927 located in Douglas County, Oregon, to construct, operate and maintain an additional 132 kv transmission line, designated as Line 58, as part of the project works. The licensee advises that the new line will be about 52 miles long, extending from the Clearwater Switching Station to Dixonville, Oregon. The new line will affect lands of the United States within the Umqua National Forest for a distance of about 26 miles. The licensee advises further that the new line is necessary because the existing lines do not have sufficient capacity to carry the full output of the Lemolo Plants and the plants previously completed.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is May 18, 1956. The application is on file with the Commission for public inspections.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56-2722; Filed, Apr. 10, 1956; 8:49 a. m.]

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## INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 201]

BROOKLYN, N. Y., TERMINALS

INVESTIGATION OF HANDLING OF FREIGHT CAR EQUIPMENT

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 2d day of April A. D., 1956.

The Commission having under consideration certain matters respecting car service furnished by trunk line rail carriers to the Brooklyn Eastern District Terminal Railroad, the Bush Terminal Railroad Company, the New York Dock Railway and The Jay Street Connecting Railroad at the Brooklyn, N. Y., terminals; and good cause appearing therefor:

*It is ordered*, That the Commission, upon its own motion, enter into an investigation into and concerning the matter of the charges, rules, regulations, practices and the terms of existing contracts, agreements and arrangements affecting car handling, methods of settlement of per diem and demurrage charges, reclaim allowances, car detention and interchange of freight between trunk line rail carriers and the Brooklyn Eastern District Terminal Railroad, the Bush Terminal Railroad Company, the New York Dock Railway, and The Jay Street Connecting Railroad at the Brooklyn, N. Y., terminals with a view to establishing reasonable rules, regulations, and practices with respect to the use, control, supply, movement, exchanges, interchange, and prompt return of freight cars, thereby promoting greater efficiency in the use and increase the supply of cars;

*It is further ordered*, That all trunk line rail carriers serving or having connection with the Brooklyn, N. Y., terminals, and the Brooklyn Eastern District Terminal Railroad, the Bush Terminal

Railroad Company, the New York Dock Railway and The Jay Street Connecting Railroad, be, and they are hereby, made respondents to this proceeding; that a copy of the order be served upon each of said respondents and upon the Association of American Railroads, Car Service Division, and that notice of this proceeding be given to the general public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by publishing it in the FEDERAL REGISTER;

*And it is further ordered,* That this proceeding be assigned for hearing at such time and place as may hereafter be designated.

By the Commission.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F. R. Doc. 56-2723; Filed, Apr. 10, 1956; 8:49 a. m.]

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[Notice 107]

MOTOR CARRIER APPLICATIONS

APRIL 6, 1956.

Protest consisting of an original and two copies to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in forms of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, pre-hearing conference, taking of depositions, or other proceeding shall notify the Commission by letter or telegram within 30 days of publication of this notice in the FEDERAL REGISTER. Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operations of Motor Carrier properties sought to be acquired in an application under section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 10207 Sub 5, filed March 30, 1956, ROSS McCLAIN, SAM McCLAIN AND JOHN McCLAIN, doing business as McCLAIN DRAY LINE, 404 Railroad Avenue, Marion, Ind. Applicant's attorney: James D. Collins, 314 Board of Trade Building, 143 North Meridian Street, Indianapolis 4, Ind. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of Bunker Hill Air Base, at or near Bunker Hill, Ind., as an off-route point in connection with carrier's regular route operations between Marion, Ind., and Chicago, Ill., over U. S. Highway 31. Applicant is authorized to conduct operations in Illinois and Indiana.

No. MC 19564 Sub 52, filed March 21, 1956, L. C. JONES TRUCKING COMPANY, a corporation, 4300 Southeast 29th Street, Oklahoma City, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City 2, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery, equipment, materials* and *supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and by-products, and *Machinery, equipment, materials* and *supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, except the stringing and picking up of pipe in connection with main or trunk pipe lines, between points in Colorado, on the one hand, and, on the other, ports of entry located at or near the International Boundary Line between the United States and Canada in Montana and North Dakota. RESTRICTION: The authority is to be restricted to shipments originating at or destined to points in Canada. Applicant is authorized to conduct operations in Colorado, North Dakota, Wyoming, Montana, Kansas, Louisiana, New Mexico, Oklahoma, Texas, Utah, South Dakota, Pennsylvania, and West Virginia.

No. MC 25684 Sub 4, filed March 12, 1956, ART CALVIN, HUDSON CALVIN, WILLARD CALVIN AND JAMES C. CALVIN, a partnership, doing business as ART CALVIN AND SONS, Temple St., Lenox, Iowa. Applicant's attorney: James E. Hughes, Hughes Building, Lenox, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Phosphate*, raw and acid treated, in bulk, in open top, low side trailer, from St. Joseph, Mo., to Lenox, Iowa. *Unprocessed agricultural products, livestock, building materials, farm implements, feed, farm machinery, twine*, and *household goods* as defined by the Commission, from Lenox, Iowa, to St. Joseph, Mo.

No. MC 30250 Sub 15, filed March 30, 1956, HOUSTON AND NORTH TEXAS MOTOR FREIGHT LINES, INC., 842 Slocum Street, Dallas, Tex. Applicant's attorney: Phinney and Hallman, First National Bank Bldg., Dallas 2, Tex. For authority to operate as a *common carrier*, transporting: *Government owned trailers*, loaded or empty, specially constructed for the transporting of one guided missile and container, and *guided missiles and guided missile containers*, moving on government owned trailers specially constructed for the transporting of one guided missile and container, from, to and between all points authorized to be served in the performance of regular, irregular and alternate route operations in and through Texas and Oklahoma as described in Certificates Nos. MC 30250, MC 30250 Sub 11, MC 30250 Sub 12, and MC 30250 Sub 13.

No. MC 30378 Sub 44, filed April 2, 1956, ASSOCIATED TRANSPORTS, INC., P. O. Box 85, Robertson, Mo. Applicant's attorney: T. D. Drury, 506 Olive Street, St. Louis 1, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *New automobiles, new trucks, new chassis* and *automobile parts and accessories* incidental to equipment of vehicles being transported, in initial movements, in driveaway and truckaway service, from Kansas City, Mo., to points in Missouri, and *damaged shipments* of the commodities specified on return movements. Applicant is authorized to conduct operations in all states in the United States except Arizona, California, Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, Washington, West Virginia, Wisconsin and the District of Columbia.

No. MC 34837 Sub 7, filed March 30, 1956, RELIABLE TRANSPORT INCORPORATED, 1601 Wake Forest Road, P. O. Box 2323, Raleigh, N. C. Applicant's attorney: Harry F. Gillis, Mills Building, Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Norfolk, Va., and points in Virginia within 10 miles of Norfolk, to points in North Carolina on and west of U. S. Highway 21. Applicant is authorized to conduct operations in Virginia and North Carolina.

No. MC 42487 Sub 309, filed March 29, 1956, CONSOLIDATED FREIGHTWAYS, INC., 2029 Northwest Quimby, Portland, Oreg. Applicant's attorney: Donald A. Schafer, Public Service Building, Portland 4, Oreg. For authority to operate as a *common carrier*, transporting: *Class A and B explosives*, for the U. S. Government, serving Whidby Island Naval Air Station (near Oak Harbor, Wash.), and points within five miles thereof as off-route points in connection with applicant's authorized regular route operations to and from Seattle, Wash. Applicant is authorized to conduct operations in California, Idaho, Montana, Nevada, North Dakota, Oregon and Washington.

No. MC 44447 Sub 12, filed March 30, 1956, SUBURBAN MOTOR FREIGHT, INC., 1100 King Avenue, Columbus, Ohio. Applicant's attorney: Taylor C. Burneson, 3510 LeVeque-Lincoln Tower, Columbus 15, Ohio. For authority to operate as a *common carrier*, transporting: *General commodities*, except Class A and B explosives, serving the site of the Ford Motor Company plant located about two miles east of Chicago Heights, Ill., at the intersection of Cottage Grove Avenue and U. S. Highway 30, as an off-route point in connection with applicant's authorized regular route operations from and to Chicago, Ill. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, Ohio and West Virginia.

No. MC 50002 Sub 27, filed March 29, 1956, T. CLARENCE BRIDGE AND HENRY W. BRIDGE, doing business as BRIDGE BROTHERS, Anderson and Bridge Streets, P. O. Box 588, Lamar, Colo. Applicant's attorney: C. Zimmerman, 503 Schweiter Building, Wichita 2, Kans. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Ulysses, Kans., and points within 15 miles thereof, to points in Nebraska on and south of Nebraska Highway 2 and points on and west of U. S. Highway 281, and points in Colorado on and east of a line beginning at the New Mexico-Colorado State line and extending along U. S. Highway 285 to Denver, Colo., thence over U. S. Highway 287 to junction Colorado Highway 7, thence over Colorado Highway 7 to Estes Park, Colo., thence east over Colorado Highway 66 to junction U. S. Highway 287, thence north over U. S. Highway 287 to the Colorado-Wyoming State line. Applicant is authorized to conduct operations in Kansas, Nebraska, Oklahoma, and Texas.

No. MC 52657 Sub 481, filed March 30, 1956, ARCO AUTO CARRIERS, INC., 91st Street and Perry Avenue, Chicago 20, Ill. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Shelters*, from DeKalb, Ill., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

No. MC 55874 Sub 16, filed March 26, 1956, INDEPENDENT TRUCKERS, INC., 4684 Leavenworth Street, Omaha 6, Nebr. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, liquid commodities in bulk, and those requiring special equipment, serving the site of the United States Air Force Academy, located west of U. S. Highway 85-87 near Husted, Colo., approximately 60 miles south of Denver, Colo. and 10 miles north of Colorado Springs, Colo., as an off-route point in connection with applicant's authorized regular route operations between Chicago, Ill., and Pueblo, Colo. Applicant is authorized to conduct operations in Illinois, Colorado, Nebraska, Iowa and Indiana.

No. MC 59375 Sub 4, filed March 27, 1956, HYER P. LARSEN, ANTON LARSEN, PETRA LARSEN, AND MARGUERITE LARSEN, doing business as HYER TRUCKING COMPANY, Limited, Amboy Avenue, Perth Amboy, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Floor coverings*, from the site of the shipper's plant in Hamilton Township, N. J., to points in Pennsylvania, New York, Maryland, Connecticut, Delaware, and the District of Columbia, and *Empty return pallets*, on return. Applicant is authorized to conduct operations in New Jersey, Pennsylvania, Maryland, New York, Connecticut, Delaware, and the District of Columbia.

No. MC 61620 Sub 11, filed March 22, 1956, H. E. HUDGINS AND C. DOUGLAS THOMAS, doing business as M & G TRANSPORTATION, Cobbs Creek, Va. Applicant's attorney: Jno. C. Goddin, State Planters Bank Building, Richmond 19, Va. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, from points in Mathews and Gloucester Counties, Va. to Richmond, Norfolk, and Portsmouth, Va., Baltimore, Md., and Washington, D. C. Applicant is authorized to conduct operations in Virginia, Maryland, and the District of Columbia.

No. MC 65658 Sub 2, filed March 22, 1956, HOWARD E. WAMSLEY, 25 Boisseau Street, Ettrick, Va. Applicant's attorney: John C. Goddin, State-Planters Bank Building, Richmond 19, Va. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Steel reinforcement materials for concrete, metal lath, metal floor anchors, iron and steel bar joists and supports* and *welded load transfer units* as more fully described in the application, from Richmond, Va., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, Delaware and Maryland; and *damaged shipments of the commodities specified*, on return movements. Applicant is authorized to conduct operations in North Carolina, South Carolina and Virginia.

No. MC 66562 Sub 1281, filed March 30, 1956, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Applicant's attorney: William H. Marx, Law Department (same address as applicant). For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, (1) between junction New York Highway 12 and New York Highway 12B and junction New York Highway 12 and unnumbered County Highway near Hubbardsville, N. Y., from junction New York Highway 12 and New York Highway 12B over New York Highway 12 to junction unnumbered County Highway near Hubbardsville, N. Y., and return over the same route, serving no intermediate points, and (2) between Waterville, N. Y., and junction New York Highway 8 and unnumbered County Highway at Cassville, N. Y., from Waterville over New York Highway 12 to junction U. S. Highway 20, thence over U. S. Highway 20 to junction New York Highway 8, thence over New York Highway 8 to junction unnumbered County Highway at Cassville, N. Y., and return over the same route, serving no intermediate points. RESTRICTION: The service authorized herein is subject to the following conditions. The service to be performed by carrier shall be limited to that which is auxiliary to, or supplemental of, air or railway express service. Shipments transported by said carrier shall be limited to those moving on a through bill of lading or express receipt covering, in addition to a motor carrier movement by said carrier, an immediately prior or immediately subsequent movement by rail or air, and such further conditions as we, in the future, may find it necessary to impose in order to restrict the operation to a service auxiliary to, or supplemental of, railway or air express service. Applicant requests elimination of portion of route in Certificate No. MC 66562 Sub 1026 as follows: "• • • to junction New York Highway 12B, thence over New York Highway 12B to Earlville, N. Y., thence over unnumbered county highway via Poolville and Hubbardsville, N. Y., to junction New York Highway 12 • • •", and elimination of the intermediate point of Earlville, N. Y., and the off-route point of North Brookfield, N. Y., on said portion of route, and that (1) hereinabove be in lieu thereof on the route. Applicant states that (2) herein applied for is for emergency use because of traffic conditions on the authorized unnumbered county highway three miles north of Waterville in Certificate No. MC 66562 Sub 1026, and applicant will retain the right to operate over unnumbered county highway for ordinary use. Applicant is authorized to conduct operations throughout the United States.

No. MC 74846 Sub 42, filed March 26, 1956, LEWIS G. JOHNSON, West Union Extension, P. O. Box 186, Newark, N. Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Pallets*, returned, empty, (1) from points in Bergen, Hudson, Union and Middlesex Counties, N. J., Luzerne, Wyoming, and Lackawanna Counties, Pa., and points in the New York, N. Y., Commercial Zone, to points in Wayne, Ontario and Yates Counties, N. Y., (2) from Harrisburg, Philadelphia and Scranton, Pa., Washington, D. C., and Baltimore, Md., to Penn Yan, Geneva, Newark, Holley, Hamlin, E. Rochester, Williamson, Rochester, Ontario, Alton, Sodus, Red Creek, Phelps, Manchester, Cannandaigua, Rushville, Hilton, Ontario Center and Marion, N. Y., (3) from Harrisburg, Pa., to Wolcott, Hall and Shortsville, N. Y., (4) from Washington, D. C., to Egypt, Lyons, Bellona Station, Wolcott, Hall, Gorham, Oaks Corners and Shortsville, N. Y., (5) from Baltimore, Md., to Wolcott, Egypt, Gorham, Lyons, Oaks Corners, Shortsville, Hall and Bellona Station, N. Y., (6) from Philadelphia,

Pa., Commercial Zone, to Wolcott, Shortsville, and Gorham, N. Y., (7) from Philadelphia, Pa., to Fredonia and Oswego, N. Y., and (8) from points in Pennsylvania on and north of U. S. Highway 322 to points in that part of New York bounded by a line beginning at Lake Ontario and extending in a southerly direction along New York Highway 19 to Warsaw, N. Y., thence in an easterly direction through Penn Yan, N. Y., to Cortland, N. Y., thence in a northeasterly direction along U. S. Highway 11 to Rouses Point, N. Y., thence in a westerly direction along the United States-Canada International Boundary line to the St. Lawrence River, thence along the St. Lawrence River to Lake Ontario, and thence along the shore of Lake Ontario to point of beginning, including points on the indicated portions of the highways specified.

No. MC 76470 Sub 2, filed March 23, 1956, F & M TRANSFER CO., a corporation, 8 South First Avenue, Yakima, Wash. Applicant's attorney: Nat. U. Brown, 626 Miller Building, P. O. Box 437, Yakima, Wash. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Yakima, Wash., and the Priest Rapids Dam Site, near Vernita, Wash., from Yakima over Washington Highway 11A to Vernita, thence over unnumbered highway to the Priest Rapids Dam Site, (a distance of approximately six (6) miles from Vernita to the destination point), and return over the same route, serving the intermediate points of Moxee City, Cold Creek, and Vernita, Wash. Applicant is authorized to conduct operations in Washington.

NOTE: Applicant states that the entire route is approximately a distance of 53 miles.

No. MC 83539 Sub 22, filed March 28, 1956, C & H TRANSPORTATION CO., INC., 2135 West Commerce Street, P. O. Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City 2, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and *machinery, equipment, materials and supplies* used in, or in connection with, the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, except the stringing and picking up of pipe in connection with main or trunk pipe lines, and *commodities*, other than those described above, the transportation of which, by reason of size or weight, require the use of special equipment, between points in Oklahoma, on the one hand, and, on the other, ports of entry on the International Boundary between the United States and Canada in Montana. RESTRICTION: Proposed operations to be restricted to shipments originating at or destined to points in Canada. Applicant is authorized to conduct operations in Arkansas, Illinois, Indiana, Kansas, Kentucky, Louisiana, Mississippi, New Mexico, North Dakota, Oklahoma, South Dakota, Texas and Wisconsin.

No. MC 85255 Sub 3, filed March 22, 1956, PUGET SOUND TRUCK LINES, INC., Pier 53, Seattle, Wash. Applicant's attorney: Thomas J. Hanify, Hoge Building, Seattle 4, Wash. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wood chips*, between points in Oregon, on the one hand, and, on the other, points in Cowlitz County, Wash.

No. MC 92354 Sub 5, filed March 29, 1956, STEVE SEFCIK, JR., R. F. D. No. 1, Hightstown, N. J. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Furniture frames*, and *frame parts, furniture materials*, and *component parts thereof*, between Trenton, N. J., and Coal City, Ill., and (2) *furniture frames* and *frame parts*, between Green Lane, and Philadelphia, Pa., on the one hand, and, on the other, Coal City, Ill.

No. MC 92983 Sub 160 (Correction), filed February 15, 1956, ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Commodities in bulk*, between points in the Chicago, Ill., Commercial Zone, as defined by the Commission, on the one hand, and, on the other, points in Illinois, Iowa, Kansas, Minnesota, Missouri, and Wisconsin, except no authority is being sought to render service between any two points located in the same State. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, West Virginia, and Wisconsin.

No. MC 103880 Sub 171, filed March 23, 1956, PRODUCERS TRANSPORT, INC., 530 Paw Paw Avenue, Benton Harbor, Mich. Applicant's Attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, in tank vehicles, from Montague, Mich., to points in Minnesota, Iowa, Missouri, Indiana, Wisconsin, Illinois, Kentucky, and Ohio. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin.

No. MC 105733 Sub 17, filed March 30, 1956, H. R. RITTER TRUCKING CO., INC., 210 N. J. State Highway No. 17, Paramus, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum distillate fuel oil*, in bulk, in tank vehicles, from Wind Gap, Pa., to points in Warren, Hunterdon, Morris and Sussex Counties, N. J. Applicant is authorized to conduct operations in New Jersey, New York, Pennsylvania, Connecticut, Delaware, Maryland, Massachusetts, Rhode Island, New Hampshire, and Vermont.

No. MC 105813 Sub 24, filed January 13, 1956, (Amended), published on January 25, 1956 on page 565, BELFORD TRUCKING CO., INC., 1299 Northwest 23d Street, Miami 42, Fla. Applicant's attorney: Dan R. Schwartz, Suite 716 Professional Building, Jacksonville 2, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Frozen foods*, and (2) *processed foods and juices*, containing citrus products, requiring refrigeration, from points in Florida to points in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities on return. Applicant is authorized to conduct operations in Delaware, Florida, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, and the District of Columbia. NOTE: Upon grant of authority herein applicant will request cancellation of any duplicating authority now held by it.

No. MC 106816 Sub 3, filed March 8, 1956, M & M FAST FREIGHT, INC., 650 Hanford Street, Seattle 4, Wash. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving Ice Harbor Dam Site (near Pasco, Washington) and points within 15 miles of said dam site as intermediate or off-route points in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Oregon, Utah and Washington.

No. MC 106914 Sub 12, filed March 28, 1956, HAROLD FINE, doing business as AMERICAN CARTAGE COMPANY, 1575 Fairfield Avenue, Cleveland, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Cleveland, Ohio and the site of Chrysler Corporation Stamping Plant near Twinsburg, Ohio. Applicant is authorized to conduct operations in Ohio, Pennsylvania, Illinois, and Wisconsin.

No. MC 107353 Sub 8, filed March 12, 1956, HAROLD MORSE and HENRY J. HOLIEN, doing business as HELPHREY MOTOR FREIGHT, North 407 Perry Street, Spokane, Wash. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods, as defined by the Commission, commodities in bulk, and commodities requiring special equipment, (1) between Spokane, Wash., and Great Falls, Mont., from Spokane over U. S. Highway 10 to Milltown, Mont., thence over Montana Highway 20 to Sun River, Mont., thence over U. S. Highway 91 to Great Falls, and return over the same route, serving all intermediate points between Milltown (but not including Milltown) and Great Falls on Montana Highway 20, and (2) between Coram, Mont., and Great Falls, Mont., from Coram over U. S. Highway 2 to Browning, Mont., thence over U. S. Highway 89 to Great Falls, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Montana, Washington, and Idaho.



No. MC 107913 Sub 4, filed March 28, 1956, F AND W EXPRESS, INCORPORATED, 678 Louisiana Street, Memphis, Tenn. Applicant's attorney: Ramsay Wall, First National Bank Building, Memphis, Tenn. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Lula, Miss., and West Helena, Ark., from Lula over unnumbered County Highways to the Mississippi River Ferry, thence across the Mississippi River, via ferry, to junction Arkansas Highway 20, thence over Arkansas Highway 20, via Helena, Ark., to West Helena, and return over the same route, serving the intermediate point of Helena, Ark. Applicant is authorized to conduct operations in Mississippi and Tennessee.

No. MC 111159 Sub 22, filed April 2, 1956, MILLER PETROLEUM TRANSPORTERS, LTD., P. O. Box 1123, Jackson, Miss. Applicant's attorney: Phineas Stevens, Suite 900 Milner Building., P. O. Box 141, Jackson, Miss. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acid*, in bulk, in tank vehicles, from Hattiesburg, Miss., to the site of the Citronelle Oil Field near Citronelle, Ala.

No. MC 113514 Sub 18, filed March 26, 1956, CHEMICAL TRANSPORTS, INC., 305 Simons Building, 1528 Main Street, P. O. Box 6745, Dallas, Tex. Applicant's attorney: W. D. White, 17th Floor Mercantile Bank Building, Dallas 1, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Muriatic (hydrochloric) acid*, in bulk, in tank vehicles, between points in Texas, and points in Oklahoma. Applicant is authorized to conduct operations in Alabama, Arkansas, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, and Texas.

No. MC 114019 Sub 2, filed March 27, 1956, THE EMERY TRANSPORTATION COMPANY, a corporation, 7000 South Pulaski Road, Chicago, Ill. Applicant's attorney: Clarence D. Todd, Suite 944 Washington Building, Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods*, from Waseca and Fairmont, Minn., to points in Connecticut, Delaware, Maine, Maryland, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, Massachusetts and the District of Columbia. Applicant conducts *contract carrier* operations under Permit MC 9685 and subs thereunder, section 210 (dual operations) may be here involved. Applicant is authorized to conduct operations in Indiana, Illinois, West Virginia, Pennsylvania, Kentucky, Ohio, Michigan, Wisconsin, Missouri, Minnesota and New York.

No. MC 114019 Sub 3, filed March 28, 1956, THE EMERY TRANSPORTATION COMPANY, a corporation, 7000 South Pulaski Road, Chicago, Ill. Applicant's attorney: Clarence D. Todd, Suite 944 Washington Building, Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Frozen foods* (including frozen eggs and frozen poultry), and *canned meats and poultry*, from Boonville, Cameron, Carrollton, Macon, Milan, Marshall, Moberly, and St. Joseph, Mo., and Wells, Minn., to points in Connecticut, Delaware, Illinois, (except Chicago), Indiana, Iowa, Kentucky, Maine, Maryland, Michigan, Minnesota, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, and (2) *dried eggs* (including *dried technical albumen*), from Moberly and Boonville, Mo. to the above-named destination points. Applicant conducts *contract carrier* operations under Permit MC 9685 and subs thereunder, section 210 (dual operations) may be here involved. Applicant is authorized to conduct operations in Indiana, Illinois, West Virginia, Pennsylvania, Kentucky, Ohio, Michigan, Wisconsin, Missouri, Minnesota, and New York.

No. MC 114021 Sub 1, filed March 28, 1956, MIDWEST TRANSFER COMPANY OF ILLINOIS, 7000 South Pulaski Road, Chicago, Ill. Applicant's attorney: Clarence D. Todd, Suite 944, Washington Building, Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Iron and steel products*, and *fencing materials and supplies*, from Sterling and Rock Falls, Ill., to points in Arkansas, Connecticut, Delaware, Kansas, Maine, Maryland, Massachusetts, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia, and those in Minnesota on and south of U. S. Highway 14, and those in Missouri on and north of a line beginning at St. Louis, Mo., and extending along U. S. Highway 66 to Lebanon, Mo., thence along Missouri Highway 5 to Camdenton, Mo., and thence along U. S. Highway 54 to the Missouri-Kansas State line. Applicant is authorized to conduct *contract carrier* operations in Illinois, Ohio, Michigan, Kentucky, Missouri and Iowa.

No. MC 114194 Sub 1, filed April 27, 1954, (Reopened for further hearing) KREIDER TRUCK SERVICE, INC., 304 East Clay Street, Collinsville, Ill. Applicant's attorney: Ernest A. Brooks, II, 1310 Ambassador Building, St. Louis 1, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Corn products, corn starch, corn sugar, corn syrup*, unmixed (glucose), and *corn oil*, in bulk, in tank vehicles between points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission, on the one hand, and, on the other, points in Tennessee, Kentucky, Ohio, Missouri, Illinois, and Indiana. Applicant is authorized to conduct operations in Illinois, Missouri, and Tennessee.

No. MC 114912 Sub 6 (Amended), filed March 13, 1956, published in the March 28, 1956, issue on page 1924, CHARLES J. KOTWICA, doing business as ROME EXPRESS, 714 West Court Street, Rome, N. Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Aluminum rod, wire, and cable*, bare and insulated, and *copper rod*, from Rome, N. Y., to Pompton Lakes and Passaic, N. Y., Bridgeport, Conn., Bristol, Providence, and Pawtucket, R. I., Philadelphia and Conshohocken, Pa., Springfield, Worcester, Holyoke and Brookfield, Mass., *Empty spools, reels and containers, or other such incidental facilities* (not specified) used in transporting the commodities specified above from the above-described destination points to Rome, N. Y., (2) *Copper wire*, from Rome, N. Y., to Leeds, Fitchburg, Cambridge, and West Acton, Mass., and Winsted, Wallingford, and Willimantic, Conn., and *empty spools, reels and containers, or other such incidental facilities* (not specified) used in transporting the commodities specified above, from the above-specified destination points to Rome, N. Y., (3) *Empty spools, reels and containers*, used in the transportation of copper and brass wire and wire cloth, from Providence, R. I., to Rome and Camden, N. Y., and (4) *Copper rod*, from Rome, N. Y., to Winsted, Conn., and *empty spools, reels and containers*, used in the transportation of copper rod, on return. Applicant is authorized to conduct operations in New York, Rhode Island, Connecticut, New Jersey, and Pennsylvania.

No. MC 115347 Sub 1, filed March 26, 1956, ARTHUR ORSINI, doing business as MISSISSIPPI EXPRESS, 209–02 Murdock Avenue, St. Albans, L. I., N. Y. Applicant's attorneys: Paul Somers, 40 Exchange Place, New York 5, N. Y.; Raymond A. Richards, P. O. Box 25, Webster, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Piece goods*, in cartons, boxes, cases, or rolls, from Rock Hill, Clearwater, Ware Shoals, and Lyman, S. C. to Baltimore, Md., Washington, D. C., Philadelphia, Pa., New York, N. Y., and points in Mississippi; *wearing apparel*, in cartons, boxes, cases, and on hangers, from points in Mississippi to Baltimore, Md., Washington, D. C., Philadelphia, Pa., and New York, N. Y.; *empty containers or other such incidental facilities* used in transporting the commodities specified in this application on return. Applicant is authorized to transport mens' and boys' sport shirts from named Mississippi points to Baltimore, Md., Washington, D. C., Philadelphia, Pa., and New York, N. Y.

No. MC 115541 Sub 2, filed March 7, 1956, LEONARD H. WING, doing business as HAVERHILL TANK SERVICE, 97 White Street, Haverhill, Mass. Applicant's attorney: John W. Coddaire, Jr., Forty Court Street, Boston 8, Mass. For authority to operate as a *common carrier*, over irregular routes, transport-

ing: *Bituminous asphalt paving mix*, in bulk, in dump trucks, (used for surfacing ways, roads and highways), in seasonal operations between March 15 and December 1, inclusive, of each year, from Haverhill and Groveland, Mass., to points in Strafford, Rockingham, and Hillsboro Counties, N. H.

No. MC 115548 Sub 2, filed March 7, 1956, RALPH L. BUZZELL, 63 School Street, Merrimac, Mass. Applicant's attorney: John W. Coddaire, Jr., Forty Court Street, Boston 8, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: *Bituminous asphalt paving mix*, in bulk, in dump trucks, (used for surfacing ways, roads and highways), in seasonal operations between March 15 and December 1, inclusive, of each year, from Haverhill and Groveland, Mass., to points in Strafford, Rockingham, and Hillsboro Counties, N. H.

No. MC 115584 Sub 1, filed March 27, 1956, ANDREW R. HORVATH, 3450 Northwest 79th Street, Miami, Fla. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Clay products* (except clay sewer pipe from Milledgeville, Ga., to Miami, Hollywood, Fort Lauderdale and West Palm Beach, Fla.), from Milledgeville, Ga., to points in Florida. Applicant is authorized to conduct operations in Florida and Georgia.

No. MC 115733 Sub 1, filed April 2, 1956, SAM LATTNER, Groesbeck, Tex. Applicant's attorney: Albert G. Walker, 202 Capital National Bank Building, Austin, Tex. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Mineral wool (rock slag and glass) insulation*, between Corsicana, Tex., on the one hand, and, on the other, points in Louisiana, Arkansas, and Oklahoma.

No. MC 115766, (amended) published March 7, 1956, issue, page 1477, filed February 21, 1956, EDWARD S. MILLER, doing business as E. S. MILLER TRUCKING, 110 Buttonwood Street, Jessup, Pa. Applicant's attorney: George A. Yavorek, Suite 107, Glen Alden Building, Scranton, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Caskets, casket shells, hardware, paints, and all items used in the manufacture and assembling of caskets*, between Archbald Borough, Pa., and points in Massachusetts, New Hampshire, Rhode Island, Connecticut, New York, New Jersey, Maryland, Virginia, Delaware, and the District of Columbia.

No. MC 115813, filed March 21, 1956, EUGENE CELLI and CARLO CELLI, doing business as CELLI TRUCKING COMPANY, 3521 Lake Street, Melrose Park, Ill. Applicant's attorney: Irving Stillerman, 11 S. LaSalle Street, Chicago 3, Ill. For authority to operate as a *contract carrier*, over regular routes, transporting: *Fly ash*, from Chicago, Ill., to Janesville, Wis., from Chicago over U. S. Highway 14 to Janesville, serving no intermediate points.

No. MC 115830 Sub 1, filed March 30, 1956, BABCOCK & LEE PETROLEUM TRANSPORTERS, INC., 1002 Third Avenue North Billings, Mont. Applicant's attorney: Franklin S. Longan, Suite 319 Securities Building, Billings, Mont. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Casper, Wyo., and points within 10 miles thereof, to points in Montana.

No. MC 115838, filed February 27, 1956, COMMODITY HAULAGE CORP., 189–03 Lewiston Avenue, St. Albans, New York, N. Y. Applicant's attorney: Harris J. Klein, 280 Broadway, New York 7, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities, including those of unusual value*, but excluding Class A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, and those requiring special equipment, between Idlewild and LaGuardia Airports, Queens County, N. Y., on the one hand, and, on the other, points in New York City, N. Y., and that part of New York in Nassau and Suffolk Counties, west of a line beginning at Port Jefferson and extending south of Bay Shore, N. Y., on and west of New York Highway 111.

NOTE: Transportation is to be limited to the transportation of property by motor vehicle which is incidental to transportation by aircraft.

No. MC 115864, filed March 12, 1956, HENRY BACON, doing business as BACON CARTAGE COMPANY, St. Joachim, Ontario, Canada. For authority to operate as a *common carrier*, over irregular routes, transporting: *Brick and tile*, from the boundary of the United States and Canada at the Windsor-Detroit Port of Entry, to Utica, Mich., Mt. Clemens, Mich., Monroe, Mich. and points in the Detroit, Mich. Commercial Zone, as defined by the Commission; *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return.

No. MC 115865, filed March 12, 1956, HENRY L. CAMPBELL, Helix, Oreg. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, including *household goods* as defined by the Commission but excepting commodities of unusual value, Class A and B explosives, commodities in bulk and those requiring special equipment, between Pendleton, Oreg., and Helix, Oreg., (1) from Pendleton north over Oregon Highway 11 to Helix Junction (junction of Oregon Highway 11 with Oregon State Market Road, an unnumbered highway), thence over unnumbered Oregon highway to Helix, and return over the same route, serving all intermediate points; and (2) from Pendleton over Oregon Highway 11 to Athena, thence over unnumbered Oregon Highway to Helix and return over the same route, serving no intermediate points, as an alternate route in connection with carrier's proposed operations as stated in (1) above.

No. MC 115881, filed March 26, 1956, NOBLE H. CAMPBELL, 747 West College Street, Pulaski, Tenn. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Malt beverages*, from Milwaukee, Wis., Terre Haute, Ind., St. Joseph, Mo., and Louisville, Ky., to Pulaski, Columbia, Tullahoma, Paris and Jackson, Tenn., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return.

No. MC 115887, filed March 26, 1956, ROBERT H. HENDERSON AND RAYMOND H. JENKINS, a partnership, doing business as HENDERSON & JENKINS, 2714 Caldwell Avenue, Richmond 24, Va. Applicant's attorney: John C. Goddin, State-Planters Bank Building, Richmond 19, Va. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Meats, meat products and meat by-products, and dairy products*, as defined by the Commission, in vehicles equipped with mechanical refrigeration, from Richmond, Va., to Princeton, Matoaka, North Fork and Bluefield, W. Va. *Damaged shipments* of the commodities specified, on return.

No. MC 115893, filed March 29, 1956, ROBERT G. LYONS, 9 Broadway, Portland, Maine. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Mouldings* and *detail millwork*, such as window frames, door frames, casings, casework, inside and outside finish, from Portland and Yarmouth, Maine to points in Massachusetts and New Hampshire; (2) *Lumber*, from points in Massachusetts to Portland and Yarmouth, Maine.

No. MC 115894, filed March 28, 1956, KEMPER, INC., Pin Hook Road, Lafayette, La. Applicant's attorney: George B. Hall, 607–611 Guaranty Bank Building, Alexandria, La. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Salt*, and *salt by-products*, in bulk or package, or a combination of both, from Avery Island and Jefferson Island, La. and points within 10 miles thereof, to points in Arkansas, Louisiana and Texas.

No. MC 115895, filed March 29, 1956, RELIABLE TRANSIT CORPORATION, 7954 Greenfield Road, Dearborn, Mich. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Prefabricated houses, prefabricated buildings*, (knocked down or in sections), *including all component parts, materials, supplies, fixtures*, and when shipped with such buildings, *accessories*, (used in the erection, construction and completion thereof), between points in Michigan, on the one hand, and, on the other, points in Wisconsin, Illinois, Indiana, Ohio, West Virginia, Pennsylvania, New York, and points in that part of Iowa on and east of U. S. Highway 65, and those in Kentucky on and north of a line commencing at the Kentucky-West Virginia State Line and extending along U. S. Highway 60 to junction with U. S. Highway 62 near Versailles, Ky., thence over U. S. Highway 62 to the Kentucky-Missouri State Line.

No. MC 115902, filed April 2, 1956, HERMAN KRAMER, INC., Blooming Grove, N. Y. Applicant's attorney: William F. Leahey, 4 Liberty Street, Poughkeepsie, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *temperature controlled milk storage tanks*, uncrated, and *fertilizer*, in bags, (1) from Smyrna, Del., to Blooming Grove, N. Y.; (2) from Baltimore, Md., to Blooming Grove, Montgomery, Washingtonville and Warwick, N. Y., and *damaged shipments* of the above-named commodities on return.

No. MC 115904, filed April 2, 1956, LOUIS GROVER, 612 Cleveland Street, Idaho Falls, Idaho. Applicant's attorney: John L. Bloem, Suite 201–5 Rogers Bldg., Idaho Falls, Idaho. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber, plywood* and *millwork*, (1) from Columbia Falls, Kalispel, Polson, Missoula, Milltown, Drumond, Hamilton and Darby, Mont., and points within 10 miles of each, to points in Idaho lying on or east of U. S. Highway 93, and points in Gooding, Jerome and Twin Falls Counties, Idaho, lying west of U. S. Highway 93; (2) from Salmon, Idaho and points within 5 miles thereof to Darby and Missoula, Mont., and points within 5 miles of each; (3) from Missoula and Bonner, Mont., and Salmon and Idaho Falls, Idaho, and points within 10 miles of each, to points in Utah on, or within 5 miles on either side of U. S. Highway 91 north of the south line of Juab County, Utah, and points on or within 5 miles on either side of U. S. Highway 191 from the northerly boundary of the State of Utah to its junction with U. S. Highway 91 at Brigham City, Utah.

CORRECTIONS

MC 79135 Sub 15, L. ALLEN COSSITT, dba COSSITT MOTOR EXPRESS, 63 West Kendrick Avenue, Hamilton, N. Y., published page 1922, issue of March 28, 1956. The off-route point designated as Camp Greene, N. Y., was in error. The correct point sought to be served is: Camp Guilford, N. Y.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 3647 Sub 194 (Amended), filed January 4, 1956, published in the January 25, 1956 issue, on page 567, PUBLIC SERVICE COORDINATED TRANSPORT, A Corporation, 80 Park Place, Newark, N. J. Applicant's attorney: Winslow B. Ingham, Associate General Solicitor, Public Service Terminal, Newark 1, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round-trip special operations, during racing seasons, to the following race tracks: (1) from Jersey City, N. J., to Aqueduct Race Track, New York City, N. Y., Jamaica Race Track, New York City, N. Y., Belmont Park Race Track, Elmont, N. Y., Yonkers Raceway, Yonkers, N. Y., and Roosevelt Raceway, Westbury, N. Y., and return to Jersey City, N. J., (2) from Newark, N. J., to Aqueduct Race Track, New York City, N. Y., Jamaica Race Track, New York City, N. Y., and Belmont Park Race Track, Elmont, N. Y., and return to Newark, N. J.

No. MC 3647 Sub 199, filed March 27, 1956, PUBLIC SERVICE COORDINATED TRANSPORT, a Corporation, 80 Park Place, Newark, N. J. Applicant's attorney: Frederick M. Broadfoot, Public Service Coordinated Transport Law Dept., Public Service Service Terminal, Newark 1, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in special operations, in round-trip sightseeing and pleasure tours, beginning and ending at points in Gloucester County, N. J., and extending to points in Pennsylvania, New York, Delaware, Maryland, Virginia, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont, Maine and the District of Columbia. Applicant is authorized to conduct operations in New Jersey, New York, Pennsylvania, Virginia and the District of Columbia.

No. MC 115891, filed March 28, 1956, INTER-COUNTY MOTOR COACH, INC., 245 Deer Park Avenue, Babylon, N. Y. Applicant's representative: William D. Traub, 60 East 42d Street, New York 17, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, restricted to charter operations, beginning and ending at points in Nassau and Suffolk Counties, N. Y., and extending to points in New Jersey, New York, Connecticut, Massachusetts, Rhode Island, Vermont, New Hampshire, Maine, Delaware, Maryland, Pennsylvania, Virginia, North Carolina, South Carolina, Georgia, Florida, and the District of Columbia.

APPLICATIONS UNDER SECTION 5 AND 210 (a) (b)

No. MC-F 6234. Authority sought for purchase by UNITED TRUCK LINES, INC., East 915 Springfield Avenue, Spokane, Wash., of the operating rights and certain property of MELVIN TAYLOR, doing business as WEISER TRANSFER, 328 West Commercial Street, Weiser, Idaho, and for acquisition by JOHN MANLOWE, also of Spokane, of control of such rights and property through purchase. Applicants' attorney: George LaBissoniere, 835 Central Building, Seattle 4, Wash. Operating rights sought to be transferred: *General commodities*, without exception, as a *common carrier*, over irregular routes, between points in that part of Idaho and Oregon within 50 miles of Weiser, Idaho, including Weiser; *general commodities*, except petroleum products, in bulk, between points in that part of Baker and Malheur Counties, Oreg., within 50 miles of Weiser, Idaho, on the one hand, and, on the other, points in Washington, Adams, Valley, Gem, Canyon, and Payette Counties, Idaho; *household goods* as defined by the Commission, *lumber, cement, seed, building materials and supplies, farm machinery*, and *agricultural commodities*, between points in Baker, Malheur, and Harney Counties, Oreg., within 100 miles of Weiser, Idaho, on the one hand, and, on the other, certain points in Idaho, Vendee is authorized to operate in Washington, Oregon, Idaho, and Montana. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6235. Authority sought for control by MERRITT-CHAPMAN & SCOTT CORPORATION, 260 Madison Avenue, New York, N. Y., of the operating rights and property of THE SAVIN CONSTRUCTION CORPORATION, 10 Village Street, East Hartford, Conn. Person to whom correspondence should be addressed: Fletcher Martin, Secretary, Merritt-Chapman & Scott Corporation, 260 Madison Avenue, New York 16, N. Y. Operating rights sought to be controlled: *Heavy machinery* and *heavy contractors' equipment*, as a *common carrier*, over irregular routes, between Hartford, Conn., and points within 75 miles of Hartford, on the one hand, and, on the other, points in Connecticut, New Hampshire, Massachusetts, Rhode Island, and Vermont, and those in New York within 100 miles of the Hudson River. MERRITT-CHAPMAN & SCOTT CORPORATION is authorized to continue operations as a *common carrier* by non-self-propelled vessels with the use of separate towing vessels, in the transportation of *general commodities*, between ports and points on Long Island Sound and Block Island Sound and their tributary waterways, Narrangansett Bay, Providence River, and in the area defined in Interstate Commerce Commission order of March 26, 1941, Ex Parte No. 140, *Determination of the Limits of New York Harbor and Harbors Contiguous Thereto;* operation by towing vessels in the performance of towage between the above named ports and points. A concurrent application has been filed by MERRITT-CHAPMAN & SCOTT CORPORATION to control WHALING CITY DREDGE AND DOCK CORPORATION, a wholly owned subsidiary of THE SAVIN CONSTRUCTION CORPORATION. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6237. Authority sought for control and merger by CONSOLIDATED FREIGHTWAYS, INC., 2029 Northwest Quimby Street, Portland, Oreg., of the operating rights and property of BELL LINES, INC., 6414 McCorkle, Charleston 4, W. Va. Applicant's attorney: Donald A. Schafer, 803 Public Service Building, Portland 4, Oreg. Operating rights sought to be controlled and merged: *General commodities* with certain exceptions including household goods, as a *common carrier* over regular routes, including routes between Charlotte, N. C., and Rock Hill, S. C., between Rock Hill, S. C., and Great Falls, S. C., between

Rock Hill, S. C., and Clover, S. C., between Rock Hill, S. C., and Lancaster, S. C., and between Bascomville, S. C., and Great Falls, S. C., serving certain intermediate points; *general commodities*, with certain exceptions not including household goods, over regular routes including routes between Indianapolis, Ind., and Winston-Salem, N. C., between Cleveland, Ohio, and Charleston, W. Va., between Pittsburgh, Pa., and Wytheville, Va., between Charleston, W. Va., and Wytheville, Va., between Charlotte, N. C., and Durham, N. C., between Winston-Salem, N. C., and Lexington, N. C., between Jenkins, Ky., and Kermit, W. Va., between Pikeville, Ky., and Racine, W. Va., between Parkersburg, W. Va., and Norton, W. Va., and between Portsmouth, Ohio, and Columbus, Ohio, serving certain intermediate points; alternate route for operating convenience only between Princeton, W. Va., and Fort Chiswell, Va.; *general commodities*, with certain exceptions including household goods, over irregular routes, from Charlotte, N. C., to points in North Carolina and South Carolina, and from points in South Carolina to Charlotte, N. C.; *general commodities*, with certain exceptions not including household goods, between certain points in North Carolina, West Virginia, Virginia, Ohio, Indiana, Pennsylvania, and Kentucky; *steel armor plate*, minimum 1,000 pounds, from Lexington, Va., to Dahlgren, Va. CONSOLIDATED FREIGHTWAYS, INC., is authorized to operate in California, Idaho, Illinois, Iowa, Minnesota, Montana, Nevada, North Dakota, Oregon, Utah, Washington, Wisconsin, and Wyoming. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6238. Authority sought for purchase by BURLINGTON TRUCK LINES, INC., 547 West Jackson Boulevard, Chicago 6, Ill., of the operating rights of TOM COFFEY, doing business as COFFEY'S TRANSFER, Alma, Nebr.

Applicants' attorney: Russell B. James, 547 West Jackson Boulevard, Chicago 6, Ill. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods, as a *common carrier*, over regular routes, between Omaha, Nebr., and St. Francis, Kans., between Holdrege, Nebr., and Alma, Nebr., and between Alma, Nebr., and Almena, Kans., serving certain intermediate points; alternate route for operating convenience only between Atlanta, Nebr., and Arapahoe, Nebr. Vendee is authorized to operate in Nebraska, Kansas, Colorado, Missouri, Illinois, Iowa, Montana, Wyoming, and Indiana. Application has been filed for temporary authority under section 210a, (b).

No. MC–F 6239. Authority sought for purchase by LEITNER'S EXPRESS AND TRUCKING CORPORATION, 423 39th Street, Union City, N. J., of the operating rights and property of JENNIE BELLE-FOUNTAINE, doing business as BARNEGAT EXPRESS, Barnegat, N. J. Applicant's attorney: Charles H. Trayford, 155 East 40th Street, New York 16, N. Y. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods, as a *common carrier*, over regular routes, between Philadelphia, Pa., and Beach Haven and Barnegat City, N. J., serving all intermediate and certain off-route points; *general commodities*, with certain exceptions not including household goods, between New York, N. Y., and Atlantic City, N. J., and between Manahawkin, Beach Haven, and Barnegat City, N. J., serving certain intermediate and off-route points; *household goods*, as defined by the Commission, over irregular routes, between points in New Jersey on and east of U. S. Highway 9 between Tom's River and Pleasantville, N. J., and those on and north of U. S. Highway 40, on the one hand, and, on the other, points in New York and Pennsylvania. Vendee is authorized to operate in New Jersey and New York. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6241. Authority sought for purchase by THE SHORT LINE, INC., Court House Square, Newport, R. I., of a portion of the operating rights and certain property of NEW ENGLAND TRANSPORTATION COMPANY, 402 Congress Street, Boston, Mass., and for acquisition by GEORGE M. SAGE, 50 Golfside Pkwy, Rochester, N. Y., of control of such operating rights and property through the purchase. Person to whom correspondence should be addressed: William A. Murray, Jr., Court House Square, Newport, R. I. Operating rights sought to be purchased: *Passengers and their baggage*, as a *common carrier* over regular routes, between Providence, R. I., and Bristol, R. I., and between junction Rhode Island Highways 114 and 103 and Rhode Island Highway 114 and Federal Road, serving certain intermediate points. Vendee is authorized to operate in Rhode Island and Massachusetts. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6242. Authority sought for purchase by HOWARD E. CLARKSON and EVERETT C. CLARKSON, doing business as CLARKSON BROS., Battleground Road, Cowpens, S. C., of a portion of the operating rights of SOUTHEASTERN FREIGHT LINES, INC., West Columbia, S. C. Applicants' attorney: Matthew Poliakoff, 116½ Magnolia St., Spartanburg, S. C. Operating rights sought to be transferred: *Textile machinery*, as a *common carrier* over irregular routes between Greenwood, S. C., and points within five miles thereof on the one hand, and, on the other, points in Alabama. Vendee is authorized to operate in North Carolina, South Carolina and Virginia. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56–2724; Filed, Apr. 10, 1956; 8:50 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 7–1789]

UNION PACIFIC RAILROAD CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

APRIL 4, 1956.

In the matter of application by the San Francisco Stock Exchange, for unlisted trading privileges in Union Pacific Railroad Company, common stock; File No. 7–1789.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F–1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before April 20, 1956, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 56–2726; Filed, Apr. 10, 1956; 8:50 a. m.]

[File No. 7–1788]

MONSANTO CHEMICAL CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

APRIL 4, 1956.

In the matter of application by the San Francisco Stock Exchange for unlisted trading privileges in Monsanto Chemical Company, common stock; File No. 7–1788.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F–1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before April 20, 1956, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 56–2727; Filed, Apr. 10, 1956; 8:50 a. m.]



[File No. 7–1787]

MERRITT-CHAPMAN & SCOTT CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

APRIL 4, 1956.

In the matter of application by the San Francisco Stock Exchange for unlisted trading privileges in Merritt-Chapman & Scott Corporation, common stock; File No. 7–1787.

The above-named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F–1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York and Midwest Stock Exchange.

Upon receipt of a request, on or before April 20, 1956, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 56–2728; Filed, Apr. 10, 1956; 8:50 a. m.]

[File No. 7–1786]

LEHMAN CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

APRIL 4, 1956.

In the matter of application by the San Francisco Stock Exchange for unlisted trading privileges in the Lehman Corporation Common Stock; File No. 7–1786.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F–1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before April 20, 1956, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 56–2729; Filed, Apr. 10, 1956; 8:51 a. m.]

[File No. 811–694]

J. D. ADAMS MANUFACTURING CO.

NOTICE OF APPLICATION FOR ORDER DECLARING THAT COMPANY HAS CEASED TO BE AN INVESTMENT COMPANY

APRIL 5, 1956.

Notice is hereby given that J. D. Adams Manufacturing Company ("Applicant"), an Indiana corporation and a closed-end non-diversified investment company registered as such under the Investment Company Act of 1940 ("act") has filed an application pursuant to section 8 (f) of the act for an order declaring that Applicant has ceased to be an investment company under the act, by virtue of the provisions of section 3 (c) (1) of the act.

The application makes the following representations:

Applicant, on or about October 12, 1955, the date of its registration as an investment company under the act, had outstanding 248,586 shares of common stock which were owned beneficially by 139 persons. Since that date, the number of Applicant's shareholders has been reduced as a result of the purchase of shares of Applicant's outstanding stock by two of its shareholders. At all times since December 29, 1955, Applicant's outstanding securities have been beneficially owned by not more than 100 persons, and as of the date of the application such securities were beneficially owned by not more than 89 persons. No company owns or has owned during such period 10 percent or more of the outstanding stock of Applicant.

Applicant states that it is not making and does not presently propose to make a public offering of its securities.

The application states that Applicant will, within 60 days after the issuance of the order requested herein, make an offer to purchase, at the net asset value at the time of the offer; all of its outstanding shares owned by any of its shareholders.

Section 3 (c) (1) of the act exempts from the definition of an "investment company" any issuer whose outstanding securities (other than short-term paper) are beneficially owned by not more than one hundred persons and which is not making and does not presently propose to make a public offering of its securities. Section 8 (f) of the act provides, in part, that whenever the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than April 26, 1956, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N–5 of the rules and regulations promulgated under the act:

*It is ordered*, That J. D. Adams Manufacturing Company shall give notice of this application to all of its shareholders (insofar as the identity of such shareholders is known or available) by mailing to each of said persons a copy of this Notice of Filing to his last known address on or before April 12, 1956.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 56–2731; Filed, Apr. 10, 1956; 8:51 a. m.]

[File No. 7–1785]

RAYONIER INC.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

APRIL 4, 1956.

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in Rayonier Incorporated, common stock; File No. 7–1785.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F–1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York and San Francisco Stock Exchanges.

Upon receipt of a request, on or before April 20, 1956, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 56-2730; Filed, Apr. 10, 1956; 8:51 a. m.]

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[File No. 812-999]

INSTITUTIONAL INCOME FUND, INC., AND HARE'S, LTD.

NOTICE OF FILING FOR ORDER PERMITTING REDUCED PUBLIC OFFERING PRICES ON PURCHASES OF COMPANY SHARES BY TAX-EXEMPT ORGANIZATIONS

APRIL 5, 1956.

Notice is hereby given that Institutional Income Fund, Inc. ("Institutional"), a registered open-end diversified investment company and Hare's Ltd., the principal underwriter for the Fund ("Applicants"), have filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 ("act") for an order of the Commission exempting from the provisions of section 22 (d) of the act the offering of shares of the Fund to certain tax-exempt organizations at a reduced sales load.

The regular public offering price of the shares of Institutional is equal to their net asset value plus a sales charge payable to Hare's, Ltd., of approximately the following percentages of the offering prices:

| Amount: | Sales commission (percent) |
|---|---|
| Less than $15,000 | 8½ |
| $15,000 to $24,999 | 7½ |
| $25,000 to $49,999 | 6 |
| $50,000 to $99,999 | 4 |
| $100,000 or more | 2¼ |

Institutional desires to accept subscriptions at a reduced sales load from charitable, religious, educational and similar corporations, associations or foundations exempt from taxation under section 501 of the Internal Revenue Code and employees' trusts exempt from taxation under section 401 of the Internal Revenue Code, at a reduced sales charge by computing the selling commission upon each additional purchase based on the quantity discount applicable to the amount then being purchased plus the amount previously acquired and still held by such purchaser.

Section 22 (d) of the act, with certain exceptions not pertinent here, prohibits registered investment companies from selling their redeemable securities to any person, other than a dealer or principal underwriter, at a price less than the current public offering price described in the prospectus. The offering of shares of the company to purchasers exempt from sections 501 and 401 of the Internal Revenue Code on the basis herein proposed, may involve an offering of its shares below the normal offering price, in contravention of the provisions of section 22 (d) of the act. Accordingly, Applicants have filed the instant application for an order of the Commission exempting the offering of Institutional's shares to the above-mentioned organizations from said provisions of the act.

Section 6 (c) of the act authorizes the Commission by order upon application to exempt, conditionally or unconditionally, any transaction from any provisions of the act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

Applicants state that such an exemption would not affect the net asset value received by Institutional for its shares, and would appear appropriate in that charitable, religious, educational and other nonprofit organizations are in common acceptance favored in their relations and transactions with others and thus enjoy tax exemptions and usually receive special treatment in their trade transactions. Such an exemption would also appear appropriate in view of the purposes and objectives of employees' trusts, which also receive tax exemptions, where created or organized in the United States and forming part of a stock bonus, pension, or profit sharing plan of an employer for the exclusive benefit of his employees or their beneficiaries.

For a more detailed statement of the matters of fact and law asserted, all interested persons are referred to said application which is on file in the office of the Commission in Washington, D. C.

Notice is further given that any interested person may, not later than April 19, 1956, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 56-2732; Filed, Apr. 10, 1956; 8:51 a. m.]

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[File No. 70-3459]

SOUTHWESTERN GAS AND ELECTRIC CO.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE REGARDING THE ISSUANCE OF SHORT-TERM NOTES TO BANKS

APRIL 5, 1956.

Southwestern Gas and Electric Company ("Southwestern"), a public-utility subsidiary of Central and South West Corporation, a registered holding company, has filed a declaration with this Commission pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act") promulgated thereunder regarding certain proposed transactions which are summarized as follows:

Southwestern proposes to borrow at any time or from time to time on or after April 25, 1956, from each of several banks amounts not to exceed an agreed percentage of $10,000,000, provided that all such borrowings from all of said banks shall not exceed, in the aggregate, the sum of $10,000,000. Such borrowing will be made pursuant to a Loan Agreement dated February 24, 1956, between Southwestern and said banks which provides, among other things, that such borrowings may be effected no later than May 1, 1957, or the maturity date of the notes evidencing the first borrowing thereunder, whichever is earlier.

The borrowings are to be evidenced by promissory notes to be issued and delivered by Southwestern from time to time in a principal amount equal to the amount of the borrowing made; and such notes are to be dated as of the date such borrowing is made, to mature one year from the date of the first borrowing under said Loan Agreement, to bear interest from the dates thereof at the prime rate of interest in effect at The First National Bank of Chicago at the date each such borrowing is made, payable at maturity, and after maturity at the rate of 5 percent per annum, and to be subject to prepayment by Southwestern at any time and from time to time without premium or penalty; all as provided in said Loan Agreement. Each borrowing and each prepayment shall be made in the ratio that the respective loans bear to the total loans to be made under the Loan Agreement.

The proceeds of such borrowings are required and will be used by Southwestern to finance temporarily a portion of its construction expenditures during a period of not to exceed one year from the date of the first of such borrowings, and such borrowings will be made from time to time as funds are required for the purpose.

It is contemplated that the notes proposed to be issued will be paid at or before maturity through the issuance and sale by Southwestern of such securities as may be considered most appropriate in the light of market conditions existing at the time and as may be approved by the Commission to the extent required by the act.

No State commission and no Federal commission other than this Commission has jurisdiction over the proposed transactions.

No commitment or other fees are proposed to be paid by Southwestern in connection with the proposed borrowings. The expenses to be incurred by the company in connection with the transaction will be nominal, consisting primarily of telephone expense and incidental and miscellaneous items of expense relating thereto, estimated at not to exceed $200.00.

Due notice of the filing of said declaration having been given in the manner prescribed by Rule U-23 promulgated under said act, and no hearing having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and of the rules promulgated thereunder are satisfied, that the expenses set forth above are not unreasonable, and that the declaration should be permitted to become effective forthwith:

*It is ordered,* Pursuant to Rule U-23 and the applicable provisions of the act that said declaration be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 56-2733; Filed, Apr. 10, 1956; 8:51 a. m.]

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[File No. 70-3444]

GENERAL PUBLIC UTILITIES CORP.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE REGARDING THE ISSUANCE OF SHORT-TERM NOTES TO BANKS

APRIL 5, 1956.

General Public Utilities Corporation ("GPU"), a registered holding company, has filed a declaration and an amendment pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act") regarding certain proposed transactions which are summarized as follows:

GPU proposes to effect temporary borrowings from time to time, from one or more commercial banks, through issuance of its unsecured notes in an aggregate amount not to exceed $10,000,000 outstanding at any one time. Each such temporary borrowing will mature ten months from the date effected, will bear interest at the prime rate for commercial borrowings at the date issued, and will be prepayable without premium. Any such temporary borrowing may be refunded in part or in whole out of the proceeds of further temporary borrowing of the same character, but no such temporary borrowing will be effected later than December 31, 1956. The proceeds of each such borrowing will be used for investment in one or more of GPU's public utility subsidiaries or to reimburse GPU's treasury for sums directly or indirectly expended therefrom for that purpose.

GPU proposes to supply the common stock equity component of its subsidiaries' 1956 financing programs through these temporary borrowings, and to repay the balance of such temporary borrowing then outstanding out of the proceeds of a GPU common stock financing in the latter part of 1956 or the early part of 1957. This common stock financing, which will be the subject of a subsequent declaration, is proposed to be of sufficient magnitude not only to provide for such repayment but also to provide the additional funds required by GPU in connection with supplying the common stock equity component of its subsidiaries' 1957 financing programs.

GPU agrees that when it shall have exhausted the authority sought in this declaration as amended to effect borrowings and re-borrowings and if it shall have failed to obtain through a common stock financing in 1957 the requisite funds with which to repay the balance of the borrowings and re-borrowings then outstanding pursuant to the authority granted on the basis of this declaration, GPU will not seek authority from the Commission to issue debt securities on the basis of section 7 (c) (2) (A) of the act for the purpose of refunding, extending or discharging such outstanding balance of borrowings and re-borrowings.

GPU has filed a final certificate, in File No. 70-3341, pursuant to Rule U-24, in which it reported the payment of all notes issued pursuant to this Commission's order dated March 8, 1955 (Holding Company Act Release No. 12814) which had not previously been paid and GPU surrendered the unexercised authority granted to it under this order.

No State commission and no Federal commission other than this Commission has jurisdiction over the proposed transactions.

It is estimated that GPU's only expenses in connection with the proposed transactions will be counsel fees and expenses of Berlack, Israels & Liberman, which are estimated at not in excess of $1,000.

Due notice of the filing of said declaration having been given in the manner prescribed by Rule U-23 promulgated under said act, and no hearing having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and of the rules promulgated thereunder are satisfied, that the fees and expenses set forth above are not unreasonable, and that the declaration, as amended, should be permitted to become effective forthwith:

*It is ordered,* Pursuant to Rule U-23 and the applicable provisions of the act that said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 56-2734; Filed, Apr. 10, 1956; 8:52 a. m.]





## DEPARTMENT OF AGRICULTURE

### Rural Electrification Administration

[Administrative Order 5299]

TEXAS

AMENDMENT OF LOAN ANNOUNCEMENT

MARCH 1, 1956.

I hereby amend:

(a) Administrative Order No. 410, dated November 8, 1939, as amended by Administrative Order No. 457, dated May 10, 1940, by rescinding the allocation of $4,000 therein made for "Texas O-7045W1 Limestone".

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 56-2754; Filed, Apr. 10, 1956; 8:55 a. m.]

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[Administrative Order 5300]

ARKANSAS

AMENDMENT OF LOAN ANNOUNCEMENT

MARCH 2, 1956.

Inasmuch as Carroll Electric Cooperative Corporation (Arkansas 18 Carroll) has transferred certain of its properties and assets to Petit Jean Electric Cooperative Corporation (Arkansas 28 Conway) and Petit Jean Electric Cooperative Corporation has assumed part of the indebtedness to the United States of America, of Carroll Electric Cooperative Corporation, arising out of a loan made by the United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 3105, dated December 30, 1950, by changing the project designation appearing therein as "Arkansas 18W Carroll" in the amount of $595,000 to read "Arkansas 18W Carroll" in the amount of $73,663.11 and "Arkansas 28TP1 Conway (Arkansas 18W Carroll)" in the amount of $521,336.89.

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 56-2755; Filed, Apr. 10, 1956; 8:55 a. m.]

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[Administrative Order 5301]

NEW MEXICO

LOAN ANNOUNCEMENT

MARCH 2, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
New Mexico 9Y Curry---------- $801,000

[SEAL] FRED H. STRONG,
*Acting Administrator.*

[F. R. Doc. 56-2756; Filed, Apr. 10, 1956; 8:55 a. m.]

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[Administrative Order 5302]

TENNESSEE

AMENDMENT OF LOAN ANNOUNCEMENT

MARCH 8, 1956.

I hereby amend:

(a) Administrative Order No. 346, dated May 18, 1939, by reducing the allocation of $193,000 therein made for "Tennessee 9009E1 Macon" by $2,254.77 so that the reduced allocation shall be $190,745.23.

[SEAL] ANCHER NELSEN,
*Administrator.*

[F. R. Doc. 56-2757; Filed, Apr. 10, 1956; 8:55 a. m.]

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[Administrative Order 5303]

IOWA

LOAN ANNOUNCEMENT

MARCH 9, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Iowa 38W Pocahontas---------- $200,000

[SEAL] ANCHER NELSEN,
*Administrator.*

[F. R. Doc. 56-2758; Filed, Apr. 10, 1956; 8:55 a. m.]

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[Administrative Order 5304]

OHIO

LOAN ANNOUNCEMENT

MARCH 9, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Ohio 65V Fairfield---------- $250,000

[SEAL] ANCHER NELSEN,
*Administrator.*

[F. R. Doc. 56-2759; Filed, Apr. 10, 1956; 8:55 a. m.]

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[Administrative Order 5305]

OHIO

LOAN ANNOUNCEMENT

MARCH 9, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Ohio 41P Licking---------- $1,050,000

[SEAL] ANCHER NELSEN,
*Administrator.*

[F. R. Doc. 56-2760; Filed, Apr. 10, 1956; 8:55 a. m.]

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[Administrative Order 5306]

ALABAMA

LOAN ANNOUNCEMENT

MARCH 9, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Alabama 9U Clarke-Washington ---------- $820,000

[SEAL] ANCHER NELSEN,
*Administrator.*

[F. R. Doc. 56-2761; Filed, Apr. 10, 1956; 8:56 a. m.]

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[Administrative Order 5307]

ALABAMA

LOAN ANNOUNCEMENT

MARCH 9, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Alabama 26P Barbour---------- $585,000

[SEAL] ANCHER NELSEN,
*Administrator.*

[F. R. Doc. 56-2762; Filed, Apr. 10, 1956; 8:56 a. m.]

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[Administrative Order 5308]

NORTH CAROLINA

LOAN ANNOUNCEMENT

MARCH 12, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
North Carolina 64L Hatteras Island---------- $50,000

[SEAL] ANCHER NELSEN,
*Administrator.*

[F. R. Doc. 56-2763; Filed, Apr. 10, 1956; 8:56 a. m.]

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[Administrative Order 5309]

MISSOURI

LOAN ANNOUNCEMENT

MARCH 12, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Missouri 71D Moniteau---------- $250,000

[SEAL] ANCHER NELSEN,
*Administrator.*

[F. R. Doc. 56-2764; Filed, Apr. 10, 1956; 8:56 a. m.]

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[Administrative Order 5310]

NORTH CAROLINA

LOAN ANNOUNCEMENT

MARCH 14, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
North Carolina 10Y Haywood---- $50,000

[SEAL] ANCHER NELSEN,
*Administrator.*

[F. R. Doc. 56-2765; Filed, Apr. 10, 1956; 8:56 a. m.]

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[Administrative Order 5311]

VIRGINIA

LOAN ANNOUNCEMENT

MARCH 14, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Virginia 2T Craig---------- $25,000

[SEAL] ANCHER NELSEN,
*Administrator.*

[F. R. Doc. 56-2766; Filed, Apr. 10, 1956; 8:56 a. m.]

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[Administrative Order 5312]

IOWA

AMENDMENT OF LOAN ANNOUNCEMENT

MARCH 14, 1956.

I hereby amend:

(a) Administrative Order No. 444, dated March 23, 1940, as amended by Administrative Order No. 457, dated May 10, 1940, Administrative Order No. 4061, dated March 9, 1953, and Administrative Order No. 4152, dated April 27, 1953, by rescinding the allocation of $3,000 therein made for "Iowa O-9040W1 Marion".

[SEAL] FRED H. STRONG,
*Acting Administrator.*

[F. R. Doc. 56-2767; Filed, Apr. 10, 1956; 8:58 a. m.]

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[Administrative Order 5313]

COLORADO

LOAN ANNOUNCEMENT

MARCH 15, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Colorado 7U Mesa---------- $504,000

[SEAL] FRED H. STRONG,
*Acting Administrator.*

[F. R. Doc. 56-2768; Filed, Apr. 10, 1956; 8:57 a. m.]

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[Administrative Order 5314]

KENTUCKY

LOAN ANNOUNCEMENT

MARCH 15, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Kentucky 51K Hardin---------- $325,000

[SEAL] FRED H. STRONG,
*Acting Administrator.*

[F. R. Doc. 56-2769; Filed, Apr. 10, 1956; 8:57 a. m.]

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[Administrative Order 5315]

MICHIGAN

LOAN ANNOUNCEMENT

MARCH 15, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Michigan 33AA Charlevoix------ $300,000

[SEAL] FRED H. STRONG,
*Acting Administrator.*

[F. R. Doc. 56-2770; Filed, Apr. 10, 1956; 8:57 a. m.]

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[Administrative Order 5316]

OREGON

LOAN ANNOUNCEMENT

MARCH 19, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Oregon 22P Clackamas---------- $50,000

[SEAL] ANCHER NELSEN,
*Administrator.*

[F. R. Doc. 56-2771; Filed, Apr. 10, 1956; 8:57 a. m.]

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[Administrative Order 5317]

WASHINGTON

LOAN ANNOUNCEMENT

MARCH 19, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Washington 14K King---------- $77,300

[SEAL] ANCHER NELSEN,
*Administrator.*

[F. R. Doc. 56-2772; Filed, Apr. 10, 1956; 8:57 a. m.]

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[Administrative Order 5318]

KANSAS

LOAN ANNOUNCEMENT

MARCH 19, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Kansas 42E Lane---------- $575,000

[SEAL] ANCHER NELSEN,
*Administrator.*

[F. R. Doc. 56-2773; Filed, Apr. 10, 1956; 8:57 a. m.]

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[Administrative Order 5319]

FLORIDA

LOAN ANNOUNCEMENT

MARCH 19, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Florida 34P Bay---------- $50,000

[SEAL] ANCHER NELSEN,
*Administrator.*

[F. R. Doc. 56-2774; Filed, Apr. 10, 1956; 8:57 a. m.]

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[Administrative Order 5320]

ALABAMA

LOAN ANNOUNCEMENT

MARCH 20, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Alabama 44G Covington---------- $520,000

[SEAL] FRED H. STRONG,
*Acting Administrator.*

[F. R. Doc. 56-2775; Filed, Apr. 10, 1956; 8:57 a. m.]

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[Administrative Order 5321]

KENTUCKY

LOAN ANNOUNCEMENT

MARCH 20, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Kentucky 35AA Warren---------- $1,840,000

[SEAL] FRED H. STRONG,
*Acting Administrator.*

[F. R. Doc. 56-2776; Filed, Apr. 10, 1956; 8:58 a. m.]

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[Administrative Order 5322]

MISSOURI

LOAN ANNOUNCEMENT

MARCH 20, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Missouri 60F Ripley---------- $1,006,000

[SEAL] FRED H. STRONG,
*Acting Administrator.*

[F. R. Doc. 56-2777; Filed, Apr. 10, 1956; 8:58 a. m.]

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[Administrative Order 5323]

WASHINGTON

LOAN ANNOUNCEMENT

MARCH 22, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Washington 37R Lincoln — Amount $320,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 56-2778; Filed, Apr. 10, 1956; 8:58 a. m.]

[Administrative Order 5324]

COLORADO

LOAN ANNOUNCEMENT

MARCH 22, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Colorado 40G Rio Blanco — Amount $290,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 56-2779; Filed, Apr. 10, 1956; 8:58 a. m.]

[Administrative Order 5325]

ARKANSAS

LOAN ANNOUNCEMENT

MARCH 23, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Arkansas 13Y Johnson — Amount $50,000

[SEAL] J. K. O'SHAUGHNESSY, *Acting Administrator.*

[F. R. Doc. 56-2780; Filed, Apr. 10, 1956; 8:58 a. m.]

[Administrative Order 5326]

GEORGIA

LOAN ANNOUNCEMENT

MARCH 23, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Georgia 95M Clinch — Amount $50,000

[SEAL] J. K. O'SHAUGHNESSY, *Acting Administrator.*

[F. R. Doc. 56-2781; Filed, Apr. 10, 1956; 8:58 a. m.]

[Administrative Order 5327]

FLORIDA

AMENDMENT OF LOAN ANNOUNCEMENT

MARCH 23, 1956.

I hereby amend:

(a) Administrative Order No. 10, dated August 11, 1936, by reducing the allocation of $48,500 therein made for "Florida 12 F. P. S." by $810 so that the reduced allocation shall be $47,690.

[SEAL] J. K. O'SHAUGHNESSY, *Acting Administrator.*

[F. R. Doc. 56-2782; Filed, Apr. 10, 1956; 8:58 a. m.]

[Administrative Order 5328]

MISSOURI

LOAN ANNOUNCEMENT

MARCH 26, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Missouri 40W Pettis — Amount $140,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 56-2783; Filed, Apr. 10, 1956; 8:58 a. m.]

[Administrative Order 5329]

NORTH CAROLINA

LOAN ANNOUNCEMENT

MARCH 26, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: North Carolina 31W Halifax — Amount $50,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 56-2784; Filed, Apr. 10, 1956; 8:58 a. m.]

[Administrative Order 5330]

WYOMING

LOAN ANNOUNCEMENT

MARCH 27, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Wyoming 14S Laramie — Amount $950,000

[SEAL] J. K. O'SHAUGHNESSY, *Acting Administrator.*

[F. R. Doc. 56-2785; Filed, Apr. 10, 1956; 8:59 a. m.]

[Administrative Order 5331]

GEORGIA

LOAN ANNOUNCEMENT

MARCH 27, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Georgia 95N Clinch — Amount $80,000

[SEAL] J. K. O'SHAUGHNESSY, *Acting Administrator.*

[F. R. Doc. 56-2786; Filed, Apr. 10, 1956; 8:59 a. m.]

[Administrative Order 5332]

WISCONSIN

LOAN ANNOUNCEMENT

MARCH 29, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Wisconsin 46P Lafayette — Amount $275,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 56-2787; Filed, Apr. 10, 1956; 8:59 a. m.]

[Administrative Order 5333]

WISCONSIN

AMENDMENT OF LOAN ANNOUNCEMENT

MARCH 29, 1956.

I hereby amend:

(a) Administrative Order No. 449, dated April 22, 1940, by reducing the allocation of $5,000 therein made for "Wisconsin O-R9019W3 Chippewa" by $2,184.20 so that the reduced allocation shall be $2,815.80; and

(b) Administrative Order No. 3817, dated September 25, 1952, by rescinding the loan of $50,000 therein made for "Wisconsin 19S Chippewa".

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 56-2788; Filed, Apr. 10, 1956; 8:59 a. m.]

[Administrative Order 5334]

ALABAMA

LOAN ANNOUNCEMENT

MARCH 30, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Alabama 39K Lamar — Amount $100,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 56-2789; Filed, Apr. 10, 1956; 8:59 a. m.]



[Administrative Order 5335]

NORTH CAROLINA

LOAN ANNOUNCEMENT

MARCH 30, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: North Carolina 58K Lee — Amount $175,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 56-2790; Filed, Apr. 10, 1956; 8:59 a. m.]

[Administrative Order 5336]

COLORADO

LOAN ANNOUNCEMENT

MARCH 30, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Colorado 42C Jackson — Amount $770,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 56-2791; Filed, Apr. 10, 1956; 8:59 a. m.]

[Administrative Order 5337]

IDAHO

LOAN ANNOUNCEMENT

MARCH 30, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Idaho 15M Idaho — Amount $282,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 56-2792; Filed, Apr. 10, 1956; 8:59 a. m.]

[Administrative Order 5338]

ILLINOIS

LOAN ANNOUNCEMENT

MARCH 30, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Illinois 48L Clay — Amount $75,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 56-2793; Filed, Apr. 10, 1956; 8:59 a. m.]

[Administrative Order 5339]

CALIFORNIA

LOAN ANNOUNCEMENT

MARCH 30, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: California 16P Plumas — Amount $195,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 56-2794; Filed, Apr. 10, 1956; 8:59 a. m.]

[Administrative Order 5340]

WASHINGTON

LOAN ANNOUNCEMENT

MARCH 30, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Washington 32M Okanogan — Amount $165,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 56-2795; Filed, Apr. 10, 1956; 8:59 a. m.]

[Administrative Order 5341]

TEXAS

LOAN ANNOUNCEMENT

MARCH 30, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Texas 86X Comanche — Amount $100,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 56-2796; Filed, Apr. 10, 1956; 8:59 a. m.]

[Administrative Order 5342]

INDIANA

LOAN ANNOUNCEMENT

MARCH 30, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Indiana 82R Jackson — Amount $600,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 56-2797; Filed, Apr. 10, 1956; 8:59 a. m.]

## DEPARTMENT OF JUSTICE

### Office of Alien Property

[Vesting Order SA-12]

BANQUE BULGARE DE COMMERCE

In re: Debt owing to Banque Bulgare de Commerce. F-11-94.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of Irving Trust Company, 1 Wall Street, New York 15, N. Y., arising out of an account entitled "Banque Bulgare de Commerce, c/o Banque National de Bulgarie No. 1, Sofia Bulgaria," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947 was, owned directly or indirectly by Banque Bulgare de Commerce, Sofia, Bulgaria, a national of Bulgaria as defined in Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to Section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on April 5, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
*Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-2742; Filed, Apr. 10, 1956; 8:53 a. m.]

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[Vesting Order SA-13]

COMMERCIAL BANK OF BUCAREST, LTD.

In re: Debt owing to Commercial Bank of Bucarest, Ltd., also known as Banque de Commerce de Bucarest S. A. F-57-213.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of Irving Trust Company, 1 Wall Street, New York 15, New York, arising out of an account entitled, "Commercial Bank of Bucarest, Ltd. in Liquidation, c/o Banque de la Republique Populaire Roumanié Banque d'Etat, Foreign Department, Bucharest, Rumania", maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947 was, owned directly or indirectly by Commercial Bank of Bucarest, Ltd., also known as Banque de Commerce de Bucarest S. A., Bucarest, Rumania, a national of Rumania as defined in said Executive Order 8389 as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on April 5, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
*Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-2743; Filed, Apr. 10, 1956; 8:53 a. m.]

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Fol. 117; J. 70000

[Vesting Order SA-14]

GOVERNMENT OF HUNGARY

In re: Debt owing to the Government of Hungary. F-34-548.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: The claim of the Government of Hungary under section 7 (j) (2) of the Settlement of War Claims Act of 1928, as amended (52 Stat. 437), for return from the United States Treasury Department, Washington 25, D. C., of the funds on deposit in an account numbered and entitled, "20X6717 Hungarian Special Deposit Account," maintained by the aforesaid Department, together with any and all rights to enforce said claim and to collect and receive said funds,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Hungary, as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to Section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on April 5, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
*Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-2744; Filed, Apr. 10, 1956; 8:53 a. m.]

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[Vesting Order SA-15]

LINIILE AERIENE ROMANE EXPLOATATE CU STATUL S. A. "L. A. R. E. S."

In re: Debt owing to Liniile Aeriene Romane Exploatate cu Statul S. A. "L. A. R. E. S.". F-57-858.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of the Irving Trust Company, One Wall Street, New York 15, New York, arising out of an account entitled "Liniile Aeriene Romane Exploatate cu Statul S. A., 'L. A. R. E. S.' in Liquidation, Roumania", maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,



is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Liniile Aeriene Romane Exploatate cu Statul S. A. "L. A. R. E. S.," Bucarest, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to Section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on April 5, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
*Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-2745; Filed, Apr. 10, 1956; 8:54 a. m.]

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[Vesting Order SA-16]

PESTER UNGARISCHE COMMERCIAL BANK

In re: Debt owing to Pester Ungarische Commercial Bank, also known as Hungarian Commercial Bank of Pest. F-34-256; F-19-201.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of The First National City Bank of New York, 55 Wall Street, New York 15, New York, arising out of an account entitled "A-S Aarhuus Privatbank, Uncertified Account," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was owned directly or indirectly by Pester Ungarische Commercial Bank, also known as Hungarian Commercial Bank of Pest, Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to Section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on April 5, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
*Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-2746; Filed, Apr. 10, 1056; 8:54 a. m.]

UNIVERSITY
OF MICHIGAN

APR 16 1956

MAIN
READING ROOM

THE NATIONAL ARCHIVES

# FEDERAL REGISTER

OF THE UNITED STATES

VOLUME 21 — 1934 — NUMBER 71

*Washington, Thursday, April 12, 1956*

## TITLE 3—THE PRESIDENT

### PROCLAMATION 3132

REVISING THE BOUNDARIES OF HOVENWEEP NATIONAL MONUMENT, UTAH AND COLORADO

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS it appears that public lands described as SW¼NE¼, section 20, Township 39 South, Range 26 East, Salt Lake Base and Meridian, which contain no objects of historic or scientific interest were erroneously included in the Hovenweep National Monument in Utah and Colorado by Proclamation No. 1654 of March 2, 1923 (42 Stat. 2299); and

WHEREAS it appears that public lands described as SE¼NE¼ of such section 20 which contain ruin groups worthy of preservation because of their historic and scientific value were erroneously omitted from the monument; and

WHEREAS there are other public lands contiguous to the monument which contain an important ruin group, Cutthroat Castle, an outstanding example of a defensive structure of the thirteenth century, the preservation of which is desirable because of its historic and scientific value; and

WHEREAS it appears that it would be in the public interest to reserve such lands as an addition to such monument:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the act of June 8, 1906, 34 Stat. 225 (16 U. S. C. 431), do proclaim as follows:

1. The following-described lands in the State of Utah are hereby excluded from the Hovenweep National Monument:

UTAH, SALT LAKE BASE AND MERIDIAN

T. 39 S., R. 26 E.,
Sec. 20, SW¼NE¼.

The lands hereby excluded from the monument shall not be subject to application, location, settlement, entry, or other forms of appropriation under public land laws until further order of an authorized officer of the Department of the Interior.

2. Subject to valid existing rights, the following-described public lands in the States of Utah and Colorado are hereby reserved and added to and made a part of the Hovenweep National Monument and shall be subject to all laws, rules, and regulations applicable to that monument:

UTAH, SALT LAKE BASE AND MERIDIAN

T. 39 S., R. 26 E.,
Sec. 20, SE¼NE¼.

COLORADO, NEW MEXICO PRINCIPAL MERIDIAN

T. 37 N., R. 19 W.,
Sec. 19, SE¼ of Lot 11 and E½SW¼ of Lot 11, excepting a portion of Segregated Tract 63 patented to Edward C. Forest.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set by hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this sixth day of April in the year of our Lord nineteen hundred and [SEAL] fifty-six, and of the Independence of the United States of America the one hundred and eightieth.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
*Secretary of State.*

[F. R. Doc. 56-2870; Filed, Apr. 10, 1956; 3:44 p. m.]

## TITLE 6—AGRICULTURAL CREDIT

### Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[FHA Instruction 401.2]

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS; UTAH

On April 2, 1956, for the purposes of title I of the Bankhead-Jones Farm Ten-

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FEDERAL REGISTER

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**(As of January 1, 1956)**

The following Supplements are now available:

**Titles 22 and 23 ($1.00)**
**Title 26: Parts 80–169 ($0.50)**
**Title 32: Parts 800–1099 ($0.40)**

*Previously announced:* Title 3, 1955 Supp. ($2.00); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 18 ($0.50); Title 24 ($0.75); Title 25 ($0.50); Title 26: Parts 1–79 ($0.35), Parts 170–182 ($0.30), Parts 183–299 ($0.35); Title 32: Parts 700–799 ($0.35), Part 1100 to end ($0.35); Titles 40–42 ($0.65); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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ant Act, as amended, average values of efficient family-type farm-management units for the counties identified below were determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 311.29, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

UTAH

| County: | *Average value* |
|---|---|
| Beaver | $25,000 |
| Box Elder | 28,000 |
| Cache | 28,000 |
| Carbon | 25,000 |
| Daggett | 25,000 |
| Davis | 30,000 |
| Duchesne | 25,000 |
| Emery | 25,000 |
| Garfield | 25,000 |
| Grand | 25,000 |
| Iron | 25,000 |
| Juab | 25,000 |
| Kane | 25,000 |
| Millard | 28,000 |
| Morgan | 25,000 |
| Piute | 25,000 |
| Rich | 28,000 |
| Salt Lake | 30,000 |

UTAH—Continued

| County: | *Average value* |
|---|---|
| San Juan | $28,000 |
| Sanpete | 25,000 |
| Sevier | 28,000 |
| Summit | 30,000 |
| Tooele | 25,000 |
| Uintah | 25,000 |
| Utah | 30,000 |
| Wasatch | 30,000 |
| Washington | 28,000 |
| Wayne | 25,000 |
| Weber | 30,000 |

(Sec. 41 (l), 50 Stat. 529, 7 U. S. C. 1015 (l))

Dated: April 9, 1956.

[SEAL] R. B. MCLEAISH,
*Administrator,*
*Farmers Home Administration.*

[F. R. Doc. 56-2838; Filed, Apr. 11, 1956; 8:52 a. m.]

### Subchapter G—Miscellaneous Regulations

[FHA Instruction 445.1]

### PART 381—PRODUCTION EMERGENCY AND PROPERTY DAMAGE LOANS

SUBPART A—LOANS UNDER SECTION 2, PUBLIC LAW 37, 81st CONGRESS

CLARIFICATION OF APPROVED LOAN PURPOSES

Section 381.5 (a) (6) in Title 6, Code of Federal Regulations (21 F. R. 1001), is hereby amended to clarify the description of this loan purpose as being limited to replacement or repair necessary as a direct result of the disaster, and to read as follows:

§ 381.5 *Loan purposes.* (a) • • •

(6) The replacement or repair of buildings, fences, drainage and irrigation systems on individual farms, necessary as a direct result of the disaster.

(R. S. 161; 5 U. S. C. 22)

Dated: April 6, 1956.

[SEAL] H. C. SMITH,
*Acting Administrator,*
*Farmers Home Administration.*

[F. R. Doc. 56-2837; Filed, Apr. 11, 1956; 8:52 a. m.]

## TITLE 7—AGRICULTURE

### Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

SUBPART—UNITED STATES STANDARDS FOR SWEET CHERRIES [1]

On December 8, 1955, a notice of proposed rule making was published in the FEDERAL REGISTER (20 F. R. 9017) regarding a proposed revision of United States Standards for Sweet Cherries.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Sweet Cherries are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

GRADES

Sec.
51.2646 U. S. No. 1.
51.2647 U. S. Commercial.

UNCLASSIFIED

51.2648 Unclassified.

APPLICATION OF TOLERANCES

51.2649 Application of tolerances.

DEFINITIONS

51.2650 Similar varietal characteristics.
51.2651 Mature.
51.2652 Fairly well colored.
51.2653 Well formed.
51.2654 Clean.
51.2655 Damage.
51.2656 Diameter.
51.2657 Serious damage.

AUTHORITY: §§ 51.2646 to 51.2657 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

GRADES

§ 51.2646 *U. S. No. 1.* "U. S. No. 1" consists of the cherries of similar varietal characteristics which are mature, but not soft, overripe, or shriveled, and which are fairly well colored, well formed, clean, and free from decay, worms or worm holes, undeveloped doubles and sun scald and free from damage caused by bruises, cracks, disease, hail, other insects, limbrubs, pulled stems, russeting, scars, skin breaks, sunburn, sutures, or mechanical or other means.

(a) Unless otherwise specified, the minimum diameter of each cherry shall be not less than three-fourths inch. The maximum diameter of the cherries in any lot may be specified in accordance with the facts.

(b) In order to allow for variations incident to proper grading and handling, not more than 5 percent, by count, of the cherries in any lot may fail to meet the specified minimum diameter and not more than 10 percent, by count, may fail to meet any specified maximum diameter. In addition, not more than a total of 10 percent, by count, of the cherries in any lot may fail to meet the remaining requirements of the grade: *Provided,* That not more than one-half of this amount, or 5 percent, shall be allowed for defects causing serious damage, including therein not more than 1 percent for cherries affected by decay. (See § 51.2649.)

§ 51.2647 *U. S. Commercial.* "U. S. Commercial" consists of cherries which meet the requirements of U. S. No. 1 grade except for minimum diameter and except for the increased tolerances specified in this section.

(a) Unless otherwise specified, the diameter of each cherry shall be not less than five-eighths inch. The maximum diameter of the cherries in any lot may be specified in accordance with the facts.

(b) In order to allow for variations incident to proper grading and handling, not more than 5 percent, by count, of the

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

cherries in any lot may fail to meet the specified minimum diameter and not more than 10 percent, by count, may fail to meet any specified maximum diameter. In addition, not more than a total of 20 percent, by count, of the cherries in any lot may fail to meet the remaining requirements of the grade: *Provided*, That not more than one-fourth of this amount, or 5 percent, shall be allowed for defects causing serious damage, including therein not more than 1 percent for cherries affected by decay. (See § 51.2649.)

UNCLASSIFIED

§ 51.2648 *Unclassified.* "Unclassified" consists of cherries which have not been classified in accordance with either of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards, but is provided as a designation to show that no grade has been applied to the lot.

APPLICATION OF TOLERANCES

§ 51.2649 *Application of tolerances.* (a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade:

(1) For a tolerance of 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified, except that when the package contains one pound or less, individual packages may contain not more than double the tolerance specified; and,

(2) For a tolerance of less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified, except that at least one defective and one off-size specimen may be permitted in any package.

DEFINITIONS

§ 51.2650 *Similar varietal characteristics.* "Similar varietal characteristics" means that the cherries in any container are similar in color and shape.

§ 51.2651 *Mature.* "Mature" means that the cherries have reached the stage of growth which will insure the proper completion of the ripening process.

§ 51.2652 *Fairly well colored.* "Fairly well colored" means that the cherries show characteristic color for mature cherries of the variety.

§ 51.2653 *Well formed.* "Well formed" means that the cherry has the normal shape characteristic of the variety, except that mature well developed doubles shall be considered well formed when each of the halves is approximately evenly formed.

§ 51.2654 *Clean.* "Clean" means that the cherries are practically free from dirt, dust, spray residue, or other foreign material.

§ 51.2655 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the individual cherry or the general appearance of the cherries in the container. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Cracks within the stem cavity when deep or not well healed, or when the appearance is affected to a greater extent than that of a cherry which has a superficial well healed crack one-sixteenth inch in width extending one-half the greatest circumference of the stem cavity;

(b) Cracks outside of the stem cavity when deep or not well healed, or when the crack has weakened the cherry to the extent that it is likely to split or break in the process of proper grading, packing and handling, or when materially affecting the appearance;

(c) Hail injury when deep or not well healed, or when the aggregate area exceeds the area of a circle three sixteenths inch in diameter;

(d) Insects when scale or more than one scale mark is present, or when the appearance is materially affected by any insect;

(e) Limbrubs when affecting the appearance of the cherry to a greater extent than the amount of scarring permitted;

(f) Pulled stems when the skin or flesh is torn, or when the cherry is leaking;

(g) Russeting when affecting the appearance of the cherry to a greater extent than the amount of scarring permitted;

(h) Scars when excessively deep or rough or dark colored and the aggregate area exceeds the area of a circle three-sixteenths inch in diameter, or when smooth or fairly smooth, light colored and superficial and the aggregate area exceeds the area of a circle one-fourth inch in diameter;

(i) Skin breaks when not well healed or when the appearance of the cherry is materially affected; and,

(j) Sutures when excessively deep or when affecting the shape of the cherry to the extent that it is not well formed.

§ 51.2656 *Diameter.* "Diameter" means the greatest dimension measured at right angles to a line from the stem to the blossom end of the cherry.

§ 51.2657 *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the cherry. Seriously damaged cherries include the following:

(a) Decay;

(b) Wormy cherries or cherries with worm holes;

(c) Skin breaks which are not well healed;

(d) Cracks which are not well healed; and,

(e) Pulled stems with skin or flesh of cherry torn or which causes the cherry to leak.

The United States Standards for Sweet Cherries contained in this subpart shall become effective 30 days after publication hereof in the FEDERAL REGISTER, and will thereupon supersede the United States Standards for Sweet Cherries which have been in effect since June 2, 1927.

Dated: April 9th, 1956.

[SEAL] FRANK E. BLOOD,
*Acting Deputy Administrator, Marketing Services.*

[F. R. Doc. 56-2799; Filed, Apr. 11, 1956; 8:45 a. m.]

## Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

[ACP-1956, Supp. 4]

PART 1101—NATIONAL AGRICULTURAL CONSERVATION

SUBPART—1956

EMERGENCY WIND EROSION CONTROL MEASURES

Pursuant to the authority vested in the Secretary of Agriculture under sections 7-17 of the Soil Conservation and Domestic Allotment Act, as amended, and Public Law 875, 81st Congress, the 1956 National Agricultural Conservation Program, approved June 14, 1955 (20 F. R. 4281), as amended July 22, 1955 (20 F. R. 5341), August 30, 1955 (20 F. R. 6511), and November 10, 1955 (20 F. R. 8491), is further amended as follows:

A new § 1101.797 is added as follows:

§ 1101.797 *Practice F-4: Emergency wind erosion control measures.* (a) This practice is applicable only in counties designated by the Secretary as subject to damage by excessive wind erosion during 1956. Emergency conservation practices may be approved by the Administrator, ACPS, upon recommendation by the State and county committees and designated representatives of the Soil Conservation Service and Forest Service at both the State and county levels. Eligible measures shall be specified in the wording of the practice as approved for use in the county.

(b) The cost-share computed for any person for this practice shall not be increased in accordance with § 1101.730, and shall not be included with the cost-shares computed for such person for other practices in applying the maximum Federal cost-share limitation in § 1101.731. The total of all Federal cost-shares for this practice to any person with respect to farms and ranches in any one county shall not exceed the sum of $1,500, except that, with the written prior approval of the State committee, a higher maximum may be approved in individual cases upon justification by the farmer or rancher on the basis of exceptional need and his inability to otherwise carry out the work.

(c) Costs for this practice will be shared only if the practice is started after January 1, 1956, and only if cost-sharing is requested by the farm or ranch operator before June 1, 1956, or before the date on which performance of the practice is started, whichever is the later. With the approval of the county committee, costs of performing this practice may be shared with farmers or ranchers who carry out eligible measures on their lands or, with the permission of the owners or operators of adjacent or nearby lands, on such adjacent or nearby lands.

(d) In cases where the farmer or rancher states in writing that he is unable to perform the practice to the needed extent unless a rate of cost-sharing in excess of 50 percent of the average cost of performing the practice is approved, the county committee, with the approval of the State committee, may approve a higher rate not in excess of the total cost of performing the practice.

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interprets or applies secs. 7-17, 49 Stat. 1148, as amended, 64 Stat. 1109, 66 Stat. 64; 16 U. S. C. 590g-590q, 42 U. S. C. 1855)

Done at Washington, D. C., this 9th day of April 1956.

[SEAL] E. L. PETERSON,
*Assistant Secretary.*

[F. R. Doc. 56-2836; Filed, Apr. 11, 1956; 8:52 a. m.]

# TITLE 14—CIVIL AVIATION

## Chapter I—Civil Aeronautics Board

### Subchapter A—Civil Air Regulations

[Supps. 24, 36]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

FLIGHT ENGINEER QUALIFICATION FOR DUTY; EDITORIAL CORRECTION

The purpose of this supplement is to correct § 41.75-1 and § 42.44-6 of this subchapter, published in 21 F. R. 678, January 31, 1956, to permit an airman assigned to check other flight engineers to apply time spent in giving flight engineer checks toward the recent experience requirements § 41.75 and/or § 42.44 of this subchapter, provided that such experience has been obtained within the preceding 12 months.

1. Section 41.75-1 is amended to read as follows:

§ 41.75-1 *Flight engineer qualifications for duty (CAA interpretations which apply to § 41.75).* An airman assigned to flight-check other flight engineers must meet the recent experience requirements of this part before serving as a flight engineer in air transportation. However, the time spent in giving flight engineer checks may be applied toward the 50-hour recent experience requirements on a particular type of aircraft. Unless such experience has been obtained within the preceding 12-month period, a check by the air carrier or an authorized representative of the Administrator is required.

2. Section 42.44-6 is amended to read as follows:

§ 42.44-6 *Flight engineer qualifications for duty (CAA interpretations which apply to § 42.44).* An airman assigned to flight-check other flight engineers must meet the recent experience requirements of this part before serving as a flight engineer in air transportation. However, the time spent in giving flight engineer checks may be applied toward the 50-hour recent experience requirements on a particular type of aircraft. Unless such experience has been obtained within the preceding 12-month period, a check by the air carrier or an authorized representative of the Administrator is required.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This supplement shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] JAMES T. PYLE,
*Acting Administrator, of Civil Aeronautics.*

[F. R. Doc. 56-2806; Filed, Apr. 11, 1956; 8:46 a. m.]

## Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 158]

PART 608—RESTRICTED AREAS

ALTERATIONS

The restricted area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure, and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.22, the Camp Atterbury, Indiana, area (R-65 formerly D-65), amended on January 26, 1951, in 16 F. R. 713, is further amended by changing the "Designated Altitudes" column to read: "Surface to 40,000 feet MSL".

2. In § 608.30, the Camp Lucas, Michigan, area (R-467 formerly D-467), published on October 1, 1954, in 19 F. R. 6324, is amended by changing the "Designated Altitudes" column to read: "Surface to 15,000 feet MSL".

3. In § 608.33, the Fort Leonard Wood, Missouri, area (R-199), amended on April 9, 1955, in 20 F. R. 2302, is further amended by changing the "Designated Altitudes" column to read: "Surface to 50,000 feet MSL", and the "Time of Designation" column to read: "Unlimited".

4. In § 608.39, the Guadalupe Mountains, New Mexico, area (R-212 formerly D-212), amended on November 10, 1950, in 15 F. R. 7548, is further amended by changing "Time of Designation" column to read: "Unlimited".

5. In § 608.57, the Camp McCoy, Wisconsin, area (R-200), amended on September 21, 1955, in 20 F. R. 7074, is further amended by changing the "Designated Altitudes" column to read: "Surface to 25,000 feet MSL".

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on May 5, 1956.

[SEAL] C. J. LOWEN,
*Administrator of Civil Aeronautics.*

[F. R. Doc. 56-2803; Filed, Apr. 11, 1956; 8:46 a. m.]

[Amdt. 98]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 610 is amended as follows: (Listed items to be placed in appropriate sequence in the sections indicated.)

1. Section 610.12 *Green civil airway 2* is amended by adding:

| From— | To— | Minimum altitude |
|---|---|---|
| Steventown INT, N. Y. | Albany, N. Y., LFR, northwestbound only. | 3,000 |

2. Section 610.12 *Green civil airway 2* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Bozeman, Mont., LFR | Livingston, Mont., LFR.[1] | 10,000 |

[1] 9,300'—Minimum crossing altitude at Livingston LFR, westbound.

3. Section 610.13 *Green civil airway 3* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Sacramento, Calif., LFR.[1] | Auburn INT, Calif.:[2] Northeastbound | 7,000 |
| | Southwestbound | 3,500 |
| Auburn INT, Calif. | Donner Summit, Calif., LFR. | 11,000 |
| Donner Summit, Calif., LFR. | Reno, Nev., LFR [3] | 12,000 |
| Blue Canyon, Calif., FM. | Auburn INT, Calif.: southwestbound only. | 7,000 |
| Lucin, Utah, LFR | Promontory Point, Utah, LF/RBN.[4] | 9,000 |
| Promontory Point, Utah, LF/RBN. | Ogden, Utah LFR.:[5] Eastbound | 11,000 |
| | Westbound | 9,000 |

[1] 3,000'—Minimum crossing altitude at Sacramento LFR, northeastbound.
[2] 7,500'—Minimum crossing altitude at Auburn INT, northeastbound.
[3] 10,500'—Minimum crossing altitude at Reno LFR, westbound.
[4] 10,000'—Minimum crossing altitude at Promontory Point, LF/RBN, eastbound.
[5] 7,500'—Minimum crossing altitude at Ogden LFR, westbound.

4. Section 610.20 *Green civil airway 10* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| U. S. Canadian Border | Bellingham, Wash., LFR.[1] | 1,500 |
| Yakima, Wash., LFR | Pendleton, Oreg., LFR.[2] | 5,000 |
| Pendleton, Oreg., LFR | Baker, Oreg., LFR | 10,000 |

[1] 2,000'—Minimum crossing altitude at Bellingham LFR, southbound.
[2] 5,100'—Minimum crossing altitude at Pendleton LFR, southeastbound.

5. Section 610.102 *Amber civil airway 2* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Las Vegas, Nev., LFR | Enterprise, Utah, LFR | 10,000 |
| Crystal, Nev., FM | Las Vegas, Nev., LFR, southwestbound only. | 6,500 |
| Malad City, Idaho, LFR | Pocatello, Idaho, LFR.[1] | 11,000 |
| Dillon, Mont., LFR | Whitehall, Mont., LFR.[2] | 10,500 |

[1] 8,700'—Minimum crossing altitude at Pocatello LFR, southbound.
[2] 9,300'—Minimum crossing altitude at Whitehall LFR, northbound.

6. Section 610.108 *Amber civil airway 8* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Redmond, Oreg., LFR | The Dalles, Oreg., LFR.[1] | 7,000 |

[1] 6,000'—Minimum crossing altitude at The Dalles LFR, north-bound.

7. Section 610.211 *Red civil airway 11* is amended by adding:

| From— | To— | Minimum altitude |
|---|---|---|
| Grafton, N. Y., FM | Albany, N. Y., LFR west-bound only. | 3,000 |

8. Section 610.211 *Red civil airway 11* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Claremore INT, Okla | Springfield, Mo., LFR. | 2,500 |

9. Section 610.244 *Red civil airway 44* is amended to read:

| From— | To— | Minimum altitude |
|---|---|---|
| Bellingham, Wash., LFR.[1] | Cultus Lake INT, Canada. | [2] 8,600 |

[1] 5,000'—Minimum crossing altitude at Bellingham LFR, northeast-bound.
[2] For that airspace over U. S. Territory.

10. Section 610.253 *Red civil airway 53* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Portland, Oreg., LFR[1] | The Dalles, Oreg., LFR.[2] | 7,000 |

[1] 4,000'—Minimum crossing altitude at Portland LFR, eastbound.
[2] 4,500'—Minimum crossing altitude at The Dalles LFR, westbound.

11. Section 610.254 *Red civil airway 54* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Promontory Point, Utah, LF/RBN. | Stansbury INT, Utah: Southbound / Northbound | 11,000 / 9,000 |

12. Section 610.255 *Red civil airway 55* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Goshen, Ind., LFR | Hicksville INT, Ohio | 2,800 |

13. Section 610.276 *Red civil airway 76* is amended to read:

| From— | To— | Minimum altitude |
|---|---|---|
| Williams, Calif., LFR | Auburn INT, Calif.: Westbound / Eastbound | 4,000 / 7,000 |

14. Section 610.296 *Red civil airway 96* is amended to delete:

| From— | To— | Minimum altitude |
|---|---|---|
| Baton Rouge, La., LFR. | Madisonville INT, La. | 1,300 |

15. Section 610.296 *Red civil airway 96* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Beaumont, Tex., LFR. | Lake Charles, La., LFR. | 1,500 |
| Lake Charles, La., LFR. | Lafayette, La., LF/RBN. | 1,500 |
| Lafayette, La., LF/RBN. | Baton Rouge, La., LFR. | 1,500 |

16. Section 610.309 *Red civil airway 109* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Portland, Oreg., LFR[1] | The Dalles, Oreg.,[2] LFR. | 7,000 |

[1] 4,000'—Minimum crossing altitude at Portland LFR, eastbound.
[2] 6,000'—Minimum crossing altitude at The Dalles LFR, northbound.

17. Section 610.606 *Blue civil airway 6* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Springfield, Ill., LFR[1] | Peoria, Ill., LFR | 2,300 |

[1] 2,000'—Minimum crossing altitude at Springfield LFR, northbound.

18. Section 610.651 *Blue civil airway 51* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Lucin, Utah, LFR | Burley, Idaho, LFR[1] | 12,000 |

[1] 8,000'—Minimum crossing altitude at Burley LFR, southwestbound.

19. Section 610.672 *Blue civil airway 72* is amended to read:

| From— | To— | Minimum altitude |
|---|---|---|
| Enid, Vance AFB, Okla., LF/RBN. | Oxford INT, Kans. | 2,600 |

20. Section 610.6001 *VOR civil airway 1* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Salisbury, Md., VOR | Atlantic City INT, N. J. | [1] 2,000 |
| Atlantic City INT, N. J. | Coyle, N. J., VOR | 1,500 |
| Coyle, N. J., VOR | Colts Neck, N. J., VOR. | 1,500 |

[1] 1,500'—Minimum terrain clearance altitude.

21. Section 610.6002 *VOR civil airway 2* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Ephrata, Wash., VOR | Spokane, Wash. VOR.[1] | 5,000 |
| Bozeman, Mont., VOR | Livingston, Mont., VOR.[2] | 10,000 |
| Miles City, Mont., VOR. | Dickinson, N. Dak., VOR. | 4,500 |

[1] 5,600'—Minimum crossing altitude at Spokane VOR, eastbound.
[2] 9,300'—Minimum crossing altitude at Livingston VOR, westbound.

22. Section 610.6002 *VOR civil airway 2* is amended by adding:

| From— | To— | Minimum altitude |
|---|---|---|
| Grafton, N. Y., FM | Albany, N. Y., VOR, westbound only. | 3,000 |



23. Section 610.6003 *VOR civil airway 3* is amended by adding:

| From— | To— | Minimum altitude |
|---|---|---|
| Jacksonville, Fla., VOR. | Brunswick, Ga., VOR. | 1,200 |
| Brunswick, Ga., VOR, via E alter. | Savannah, Ga., VOR, via E alter. | 1,500 |
| Jacksonville, Fla., VOR, via W alter. | Callahan INT, Fla., via W alter. | 1,200 |
| Callahan INT, Fla., via W alter. | Brunswick, Ga., VOR, via W alter. | 1,300 |

24. Section 610.6004 *VOR civil airway 4* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Yakima, Wash., VOR | Pendleton, Oreg., VOR.[1] | 5,000 |
| LaGrande, Oreg., FM | Pendleton, Wash., VOR northwestbound only. | 7,000 |
| Pendleton, Oreg., VOR. | Baker, Oreg., VOR | 10,000 |

[1] 4,400'—Minimum crossing altitude at Pendleton VOR, southeastbound.

25. Section 610.6005 *VOR civil airway 5* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Jacksonville, Fla., VOR, via W alter. | Callahan INT, Fla., via W alter. | 1,200 |
| Callahan INT, Fla., via W alter. | Alma, Ga., VOR, via W alter. | 1,600 |

26. Section 610.6006 *VOR civil airway 6* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Sacramento, Calif., VOR,[1] via N alter. | Auburn INT, Calif.,[2] via N alter: Northeastbound / Southwestbound | 11,000 / 7,000 |
| Auburn INT, Calif., via N alter. | Mt. Lola INT, Calif., via N alter. | 11,000 |
| Blue Canyon, Calif., FM, via N alter. | Auburn INT, Calif., via N alter, southwestbound only. | 7,000 |
| Wells, Nev., VOR | Lucin, Utah, VOR: Northeastbound / Southwestbound | 11,000 / 12,000 |
| Lucin, Utah, VOR | A beam of Promontory Point, Utah, LF/RBN.[3] | 9,000 |
| A beam of Promontory Point, Utah, LF/RBN. | Ogden, Utah, VOR: Eastbound / Westbound | 11,000 / 9,000 |

[1] 3,000'—Minimum crossing altitude at Sacramento VOR, northeastbound.
[2] 7,500'—Minimum crossing altitude at Auburn INT, northeastbound.
[3] 10,000'—Minimum crossing altitude at A beam Promontory Point, LF/RBN, eastbound.

27. Section 610.6008 *VOR civil airway 8* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Las Vegas, Nev., VOR. | Mormon Mesa, Nev., VOR. | 8,000 |
| Crystal, Nev., FM | Las Vegas, Nev., VOR southwestbound only. | 6,500 |

28. Section 610.6010 *VOR civil airway 10* is amended by adding:

| From— | To— | Minimum altitude |
|---|---|---|
| Colts Neck, N. J., VOR. | Woolf INT, N. J. | 1,500 |

29. Section 610.6011 *VOR civil airway 11* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Ft. Wayne, Ind., VOR. | Edgerton INT, Ind. | 2,800 |

30. Section 610.6014 *VOR civil airway 14* is amended by adding:

| From— | To— | Minimum altitude |
|---|---|---|
| Grafton, N. Y., FM | Albany, N. Y., VOR, westbound only. | 3,000 |

31. Section 610.6014 *VOR civil airway 14* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Neosho, Mo., VOR | Springfield, Mo., VOR. | 2,500 |

32. Section 610.6016 *VOR civil airway 16* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Memphis, Tenn., VOR. | Fisherville INT, Tenn.[1] | 2,000 |
| Fisherville INT, Tenn. | Williston INT, Tenn.[1] | 2,000 |
| Williston INT, Tenn. | Jackson, Tenn., VOR. | 2,000 |
| Jackson, Tenn., VOR. | Graham, Tenn., VOR. | [2] 2,500 |
| Memphis, Tenn., VOR via S alter. | Jackson, Tenn., VOR, via S alter. | 2,000 |
| Jackson, Tenn., VOR, via S alter. | Graham, Tenn., VOR, via S alter. | [2] 2,500 |
| Dover, Del., VOR | Coyle, N. J., VOR | 1,500 |
| Coyle, N. J., VOR | Woolf INT, N. J. | 1,500 |
| Woolf INT, N. J. | Riverhead, N. Y., VOR. | [3] 2,000 |

[1] 2,500'—Minimum reception altitude.
[2] 2,000'—Minimum terrain clearance altitude.
[3] 1,500'—Minimum terrain clearance altitude. (MRA at Woolf INT deleted.)

33. Section 610.6018 *VOR civil airway 18* is amended by adding:

| From— | To— | Minimum altitude |
|---|---|---|
| Shreveport, La., VOR, via N alter. | Monroe, La., VOR, via N alter. | [1] 2,000 |

[1] 1,900'—Minimum terrain clearance altitude.

34. Section 610.6021 *VOR civil airway 21* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Las Vegas, Nev., VOR. | Mormon Mesa, Nev., VOR. | 8,000 |
| Crystal, Nev., FM | Las Vegas, Nev., VOR southwestbound only. | 6,500 |
| Las Vegas, Nev., VOR, via E alter. | Mead INT, Nev., via E Alter. | 6,000 |
| Mead INT, Nev.,[1] via E alter. | Mormon Mesa, Nev., VOR, via E alter. | 7,000 |
| Malad City, Idaho, VOR. | Pocatello, Idaho, VOR.[2] | 11,000 |
| Dubois, Idaho, VOR.[3] | Dillon, Mont., VOR. | 11,500 |
| Dillon, Mont., VOR | Whitehall, Mont., VOR.[4] | 10,500 |

[1] 7,000'—Minimum crossing altitude at Mead INT, northbound.
[2] 9,000'—Minimum crossing altitude at Pocatello VOR, southbound.
[3] 9,600'—Minimum crossing altitude at Dubois VOR, northbound.
[4] 9,300'—Minimum crossing altitude at Whitehall VOR, northbound.

35. Section 610.6023 *VOR civil airway 23* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Ft. Jones, Calif., VOR. | Medford, Oreg., VOR[1] | 10,000 |
| Talent INT, Oreg. | Medford, Oreg., VOR, northbound only. | 8,000 |
| Ft. Jones, Calif., VOR, via E alter. | Medford, Oreg., VOR,[2] via E alter. | 9,500 |
| Klamath Junction INT, Oreg., via E alter. | Medford, Oreg., VOR, via E alter, northbound only. | 8,000 |

[1] 8,000'—Minimum crossing altitude at Medford VOR, southbound.
[2] 8,000'—Minimum crossing altitude at Medford VOR, southeastbound.

36. Section 610.6025 *VOR civil airway 25* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Stinson Beach INT, Calif. | Point Reyes, Calif., VOR. | 3,000 |
| The Dalles, Oreg., VOR.[1] | White Swan INT, Wash. | 8,000 |
| White Swan INT, Wash. | Yakima, Wash., VOR: Northbound / Southbound | 4,000 / 5,500 |
| The Dalles, Oreg., VOR,[1] via E alter. | Toppenish INT, Wash., via E alter. | 7,000 |
| Toppenish INT, Wash., via E alter. | Yakima, Wash., VOR, via E alter: Northbound / Southbound | 4,000 / 5,000 |

[1] 4,800'—Minimum crossing altitude at The Dalles VOR, northbound.

37. Section 610.6027 *VOR civil airway 27* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Salinas, Calif., VOR | Stinson Beach INT, Calif. | 5,000 |
| Stinson Beach INT, Calif. | Point Reyes, Calif., VOR | 3,000 |
| Pedro INT, Calif., via W alter. | Stinson Beach INT, Calif., via W alter. | 5,000 |
| Stinson Beach INT, Calif., via W alter. | Point Reyes, Calif., VOR via W alter. | 3,000 |

38. Section 610.6031 *VOR civil airway 31* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Harrisburg, Pa., VOR | Liverpool INT, Pa.[1] | 3,500 |
| Liverpool INT, Pa. | Selinsgrove, Pa., VOR | 3,500 |

[1] 4,000'—Minimum reception altitude.

39. Section 610.6037 *VOR civil airway 37* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Columbia, S. C., VOR | Blythewood INT, S. C.[1] | 2,000 |
| Blythewood INT, S. C. | Charlotte, N. C., VOR | 2,000 |

[1] 3,300'—Minimum reception altitude. (MRA at Richburg INT deleted.)

40. Section 610.6049 *VOR civil airway 49* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Dillon, Mont., VOR | Butte, Mont., VOR[1] | 11,500 |

[1] 10,200'—Minimum crossing altitude at Butte VOR, southbound.

41. Section 610.6051 *VOR civil airway 51* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Jacksonville, Fla., VOR, via W alter. | Callahan INT., Fla., via W alter. | 1,200 |
| Callahan INT, Fla., via W alter. | Alma, Ga., VOR, via W alter. | 1,600 |

42. Section 610.6060 *VOR civil airway 60* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Las Vegas, N. Mex., VOR. | Conchas Dam, INT, N. Mex. | 9,500 |
| Conchas Dam INT, N. Mex.[1] | Tucumcari, N. Mex., VOR. | 7,500 |

[1] 8,500'—Minimum crossing altitude at Conchas Dam INT, northeastbound.

43. Section 610.6064 *VOR civil airway 64* is amended to read:

| From— | To— | Minimum altitude |
|---|---|---|
| Long Beach, Calif., VOR[1] | Corona INT, Calif.: Westbound | 5,000 |
| | Eastbound | 7,000 |
| Corona INT, Calif. (deletes MCA at Corona INT). | Perris INT, Calif. | 8,000 |
| Perris INT, Calif.[2] | Thermal, Calif., VOR[3] | 12,000 |
| Thermal, Calif., VOR | Blythe, Calif., VOR | 7,000 |

[1] 5,000'—Minimum crossing altitude at Long Beach VOR, eastbound.
[2] 11,000'—Minimum crossing altitude at Perris INT, eastbound.
[3] 12,000'—Minimum crossing altitude at Thermal VOR, westbound.

44. Section 610.6086 *VOR civil airway 86* is amended to read:

| From— | To— | Minimum altitude |
|---|---|---|
| Butte, Mont., VOR | Whitehall, Mont., VOR[1] | 10,000 |
| Whitehall, Mont., VOR. | Bozeman, Mont., VOR. | 9,000 |

[1] 9,100'—Minimum crossing altitude at Whitehall VOR, westbound.

45. Section 610.6093 *VOR civil airway 93* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Albany, N. Y., VOR | Greenfield INT, Mass. | 5,500 |
| Grafton, N. Y., FM | Albany, N. Y., VOR westbound only. | 3,000 |
| Greenfield INT, Mass.[1] | Concord, N. H., VOR. | 5,000 |

[1] 5,500'—Minimum crossing altitude at Greenfield INT, westbound.

46. Section 610.6095 *VOR civil airway 95* is amended to read:

| From— | To— | Minimum altitude |
|---|---|---|
| Phoenix, Ariz., VOR[1] | Winslow, Ariz., VOR | 10,000 |
| Verde River INT, Ariz. | Phoenix, Ariz., VOR southwestbound only. | 7,000 |

[1] 7,000'—Minimum crossing altitude at Phoenix VOR, northeastbound.

47. Section 610.6105 *VOR civil airway 105* is amended by adding:

| From— | To— | Minimum altitude |
|---|---|---|
| Rock Springs INT, Ariz. | Phoenix, Ariz., VOR southbound only. | 7,500 |

48. Section 610.6107 *VOR civil airway 107* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Fillmore, Calif., VOR[1] | Hines INT, Calif.: Northbound | 11,000 |
| | Southbound | 7,000 |
| Hines INT, Calif. | Pinos INT, Calif.: Northbound | 11,000 |
| | Southbound | 9,500 |
| Pinos INT, Calif. | Maricopa INT, Calif.[2] | 11,000 |
| Maricopa INT, Calif. | McKettrick INT, Calif.: Northwestbound | 6,000 |
| | Southeastbound | 11,000 |
| McKettrick INT, Calif. | Coalinga, Calif., VOR. | 6,000 |

[1] 9,000'—Minimum crossing altitude at Fillmore VOR, northbound.
[2] 9,500'—Minimum crossing altitude at Maricopa INT; southeastbound.

49. Section 610.6112 *VOR civil airway 112* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Portland, Oreg., VOR[1] | The Dalles, Oreg., VOR | 7,000 |

[1] 4,700—Minimum crossing altitude at Portland VOR, eastbound.

50. Section 610.6182 *VOR civil airway 182* is amended to read in part:

| From— | To— | [1] Minimum altitude |
|---|---|---|
| Ukiah INT, Oreg. | Baker, Oreg., VOR [1] | 14,000 |
| Portland, Oreg.,[2] VOR. | The Dalles, Oreg., VOR | 7,000 |

[1] 10,200'—Minimum crossing altitude at Baker VOR, westbound
[2] 11,000'—Minimum terrain clearance alt.
[3] 4,700'—Minimum crossing altitude at Portland VOR, eastbound.

51. Section 610.6183 *VOR civil airway 183* is amended to read:

| From— | To— | Minimum altitude |
|---|---|---|
| Santa Barbara, Calif., VOR[1] | Maricopa INT, Calif. | 9,000 |
| Maricopa INT, Calif. | Bakersfield, Calif.,[2] VOR: Northeastbound | 3,000 |
| | Southwestbound | 7,000 |

[1] 8,000'—Minimum crossing altitude at Santa Barbara VOR, northeastbound.
[2] 3,000'—Minimum crossing altitude at Bakersfield VOR, southwestbound.

52. Section 610.6204 *VOR civil airway 204* is amended to read:

| From— | To— | Minimum altitude |
|---|---|---|
| Hoquiam, Wash., VOR. | Olympia, Wash., VOR.[1] | 4,300 |

[1] 2,800'—Minimum crossing altitude at Olympia VOR, westbound

53. Section 610.6212 *VOR civil airway 212* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Williams, Calif., VOR. | Wheatland INT, Calif. | 4,000 |
| Wheatland INT, Calif. | Auburn INT, Calif.: Eastbound | 7,000 |
| | Westbound | 4,000 |
| Auburn INT, Calif. | Coloma INT, Calif.:[1] Eastbound | 7,000 |
| | Westbound | 6,000 |

[1] 9,500'—Minimum crossing altitude at Coloma INT, northeastbound.

54. Section 610.6220 *VOR civil airway 220* is added to read:

| From— | To— | Minimum altitude |
|---|---|---|
| Kremmling, Colo., VOR | Ward INT, Colo. | 16,000 |
| Ward INT, Colo. | Longmont INT, Colo.[1] | 16,500 |
| Longmont INT, Colo.[1] | Roggen INT, Colo. | 10,500 |
| Roggen INT, Colo. | Wiggins INT, Colo. | 7,000 |
| Wiggins INT, Colo. | Akron, Colo., VOR | 6,600 |

[1] 16,500'—Minimum crossing altitude at Longmont INT, westbound.



55. Section 610.6221 *VOR civil airway 221* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Ft. Wayne, Ind. VOR. | Litchfield, Mich., VOR. | 2,800 |

56. Section 610.6222 *VOR civil airway 222* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| San Antonio, Tex. VOR. | Smithville INT, Tex.[1] | 2,500 |

[1] 2,300'—Minimum reception altitude.

57. Section 610.6225 *VOR civil airway 225* is amended to read in part:

| From— | To— | Minimum altitude |
|---|---|---|
| Ft. Myers, Fla. VOR. | Dixie Ranch INT Fla.[1] | [2] 1,500 |
| Dixie Ranch INT, Fla. | Vero Beach, Fla., VOR. | [2] 1,500 |

[1] 4,000'—Minimum reception altitude.
[2] 1,300'—Minimum terrain clearance altiiude.

58. Section 610.6230 *VOR civil airway 230* is added to read:

| From— | To— | Minimum altitude |
|---|---|---|
| Salinas, Calif. VOR. | Mendota INT, Calif. | 7,000 |
| Mendota INT, Calif. | Fresno, Calif., VOR. | 3,000 |

59. Section 610.6234 *VOR civil airway 234* is added to read:

| From— | To— | Minimum altitude |
|---|---|---|
| Anton Chico, N. Mex., VOR. | Conchas Dam INT, N. Mex. | 7,500 |
| Conchas Dam INT, N. Mex.[1] | Dalhart, Tex. VOR. | 10,000 |

[1] 8,500—Minimum crossing altitude at Conchas Dam INT, northeastbound.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective May 3, 1956.

[SEAL] JAMES T. PYLE,
*Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 56-2631; Filed, Apr. 11, 1956; 8:45 a. m.]



# TITLE 22—FOREIGN RELATIONS

## Chapter I—Department of State

[Departmental Reg. 108.284]

### PART 51—PASSPORTS

FEES TO BE RETAINED BY CLERKS OF COURTS OTHER THAN FEDERAL COURTS

Pursuant to the authority vested in me by Paragraph 126 of Executive Order No. 7856, issued on March 31, 1938 (3 F. R. 687, 22 CFR 51.77), under authority of section 1 of the Act of Congress approved July 3, 1926 (44 Stat. 887, 22 U. S. C. 211a), and Public Law 403, 84th Congress, 2d Session, approved February 10, 1956 (70 Stat. 11), "To increase the fee for executing an application for a passport", § 51.127 is hereby amended to read as follows:

§ 51.127 *Fees to be retained by clerks of courts other than Federal courts.* Clerks of courts other than Federal courts, who are authorized to take applications for passports, are hereby authorized to collect and retain a fee of $2.00 for executing each application for a passport. This fee shall be in addition to the passport fee of $9.00. They may not charge nor retain more than that amount for executing an application for a passport. This regulation does not in any manner restrict the right of any State to make laws or regulations concerning the disposition of fees retained by clerks of State courts for executing applications for passports.

(Sec. 1, 44 Stat. 887; 22 U. S. C. 211a)

Dated: April 6, 1956.

For the Secretary of State.

LOY W. HENDERSON,
*Deputy Under Secretary for Administration.*

[F. R. Doc. 56-2861; Filed, Apr. 11, 1956; 8:53 a. m.]

# TITLE 24—HOUSING AND HOUSING CREDIT

## Chapter II—Federal Housing Administration, Housing and Home Finance Agency

### Subchapter D—Multifamily and Group Housing Insurance

PART 241—COOPERATIVE HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS FOR PROJECT MORTGAGE

PART 243—COOPERATIVE HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS FOR INDIVIDUAL MORTGAGES COVERING PROPERTIES RELEASED FROM LIEN OF PROJECT MORTGAGE

MISCELLANEOUS AMENDMENTS

1. Section 241.7 (b) (2) and (e) are amended to read as follows:

§ 241.7 *Insurable amounts.*
(b) * * *

(2) A sum equal to the maximum amount which does not exceed $2,250 per room (or $7,200 per family unit if the number of rooms in such property or project averages less than four per family unit) for such part of such property or project as may be attributable to dwelling use; and not in excess of ninety per centum (90%) of the amount which the Commissioner estimates will be the replacement cost of the property or project when the proposed physical improvements are completed: *Provided*, That if at least 65 percent of the membership of the corporation or number of beneficiaries of the trust consists of veterans, the mortgage may involve a principal obligation not to exceed $2,375 per room (or $7,600 per family unit if the number of rooms in such property or project averages less than four per family unit) for such part of such property or project as may be attributable to dwelling use; and not to exceed ninety-five per centum (95%) of the amount which the Commissioner estimates will be the replacement cost of the property or project when the proposed physical improvements are completed.

* * * * * * *

(e) At the time a mortgage executed by a mortgagor of a Sales Type Project is insured, the mortgagor shall have paid on account of the property at least five percent (5%) of the Commissioner's estimate of the cost of acquisition or such larger amount as the Commissioner may determine in cash or its equivalent and each member or stockholder of the mortgagor shall have paid the amount required by § 243.9 (b) of this chapter. The amount required for working capital specified in § 241.26 may be included in the 5 percent payment required by this paragraph. This paragraph shall not be effective as to any case in which a Statement of Eligibility was outstanding on July 5, 1954.

2. Section 243.9 is amended to read as follows:

§ 243.9 *Maximum amount of mortgage and mortgagor's minimum investment.* (a) The mortgage must involve a principal obligation in multiples of $50 and must not exceed the unpaid balance of the project mortgage allocable to the property offered as security.

(b) At the time the mortgage is insured the mortgagor shall have paid on account of the property at least 5% of the Commissioner's estimate of the cost of acquisition of such larger amount as the Commissioner may determine in cash or its equivalent. The mortgagor's cash investment in the mortgagor corporation under the project mortgage may be credited against the amount required by this section.

(Sec. 211, 52 Stat. 23; 12 U. S. C. 1715b. Interpret or apply sec. 213, 64 Stat. 54, as amended; 12 U. S. C. 1715e)

Issued at Washington, D. C., April 10, 1956.

NORMAN P. MASON,
*Federal Housing Commissioner.*

[F. R. Doc. 56-2891; Filed, Apr. 11, 1956; 11:31 a. m.]

# TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

## Chapter I—Veterans Administration

### PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

PROVISIONAL REGULATIONS; DEFINITION OF STEPCHILD AND STEPPARENT FOR PURPOSES OF SERVICEMEN'S INDEMNITY ACT OF 1951

In Part 4, § 4.463 is revoked:

§ 4.463 *Definition of stepchild and stepparent for purposes of Servicemen's Indemnity Act of 1951.* (Instruction 1, Public Law 172, 84th Congress) [Revoked].

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective April 12, 1956.

[SEAL] J. C. PALMER,
*Assistant Deputy Administrator.*

[F. R. Doc. 56-2834; Filed, Apr. 11, 1956; 8:52 a. m.]

### PART 21—VOCATIONAL REHABILITATION AND EDUCATION

MISCELLANEOUS AMENDMENTS

1. In § 21.2032, paragraph (d) and that portion of paragraph (e) preceding subparagraph (1) are amended to read as follows:

§ 21.2032 *Change of program.* • • •

(d) *Adjustments not considered a change of program.* When the predetermined and identified objective is an educational objective with or without designation of a professional or vocational goal, such as attainment of a degree in an institution of higher learning, changes in types of courses pursued shall not be considered a change of program, provided such changes do not involve either a material loss of credit or an extension of the time originally planned for completion of the program. When the veteran's training status is changed by reason of such adjustments in program, however, such as changing from full-time training to part-time, the institution shall inform the Veterans Administration of such change.

(1) When the predetermined and identified objective is a baccalaureate degree or any named professional objective for which to qualify requires the completion of a 4-year undergraduate curriculum in an institution of higher learning (e. g., "agronomist," "chemist," "teacher" or "engineer"), the objective shall be considered to be the completion of a 4-year undergraduate curriculum leading to a baccalaureate degree, although a particular curriculum, degree objective or professional objective may have been designated by the veteran on his application or by the institution on the enrollment certification. Therefore, where a veteran and an institution desire to revise the specific undergraduate degree objective which had been designated by the institution on the veteran's enrollment certification to another undergraduate degree objective (for example, from "agronomist" or a B. S. degree in agriculture to an A. B. degree in liberal arts), the determination of whether such a revision constitutes a change of program will depend upon whether there is involved any extension of the time originally required to be expended for completion of the veteran's program, arising either by reason of factors affecting acceptance of previously determined credit hours toward the newly designated degree objective, or otherwise. When such a revision involves no extension of the time originally required to be expended for completion of the veteran's program no change of program is involved, but the institution must certify to the Veterans Administration for record purposes:

(i) That the change does not involve any such extension in point of time; and

(ii) The designation of the revised degree objective to which the veteran has changed.

The certification in each such case to be made on VA Form VB 7-1996a at the end of the month during which such change was made. When such a revision is proposed involving an extension of the time originally required to be expended for completion of the veteran's program, a request for approval of a change of program must be forwarded by the veteran to the Veterans Administration prior to effecting the revision, since such a proposed revision will constitute a change of program under the law.

(e) *Requests for change of program.* Any veteran who has not made a change of program of education or training and who desires to make such a change will be required to submit his request upon VA Form VB 7-1995 to the regional office in possession of his records provided:

• • • • • •

2. In § 21.2035, paragraph (a) (2) (i), (iv), (3), and (4) is amended and paragraph (a) (2) (v) is added as follows:

§ 21.2035 *Minimum number of nonveteran-students required.* (a) • • •

(2) In determining that proper ratio exists:

(i) Each part-time student will be counted on the basis of the ratio that the part-time training bears to full-time training. Such determinations may be made by converting all part-time students to the equivalent of full-time students or by ascertaining the total number of hours per week for which non-veteran-students are enrolled and the total number of hours per week for which all students are enrolled and determining the percentage ratio of total hours for non-veteran-students to the total hours of all students.

• • • • • •

(iv) In a school offering flight training courses, the actual hours of logged instructional flight time for all students enrolled in the course (eliminating plane rental time for which no bona fide instruction was furnished by the school) will provide the basis for the determination. The computation will be made by ascertaining for each course, controlled or non-controlled, the total hours of instructional flight time furnished by the institution to all students during the 30-day period immediately preceding the date the veteran is to be enrolled under the law and determining the percentage ratio of nonveteran hours to the total logged instructional hours of flight time for all students. The institution shall not submit VA Form VB 7-1999 to the Veterans Administration unless during such 30-day period the total hours of logged instructional flight time furnished in the course to nonveteran-students is 15 percent or more of the total hours of logged instructional flight time furnished to all students. In making this determination, the institution will for each controlled or non-controlled course:

(*a*) Recognize as a nonveteran-student only those students whose enrollment has been accepted for the specific purpose of qualifying for a CAA pilot rating not already held by the nonveteran; and

(*b*) Include in the total hours of flight training furnished during the preceding 30-day period only those hours which were furnished to nonveteran-students for the purpose of qualifying for the CAA rating examination appropriate to the course of training, and for which the nonveterans have made or will make payment.

(v) Where either veteran or nonveteran-students enrolled in a course are not required to adhere to regularly scheduled hours of attendance but are permitted to attend at hours of their own election, the actual hours of instruction furnished to both veteran and nonveteran-students will be used as the basis for the determination. The computation will be made by ascertaining the total hours of instruction furnished to all students enrolled in the course during the 30-day period immediately preceding the date the veteran is to be enrolled under the law and determining the percentage ratio of the total nonveteran hours to the total hours for all students. The educational institution shall not submit VA Form VB 7-1999 to the Veterans Administration unless during such 30-day period the total hours of instruction furnished to nonveteran-students is 15 percent or more of the total hours of instruction furnished to all students.

(3) A school will be deemed to be a proprietary nonprofit school when it is privately owned and operated whether by an individual or individuals or by a corporation, and when it is exempt from taxation under section 501 (a) of the Internal Revenue Code of 1954 (Pub. Law 591, 83d Cong.) as an organization described in section 501 (c) (3) of that code.

(4) At the time an eligible veteran is enrolled in an approved nonaccredited course below the college level offered by a proprietary profit or proprietary nonprofit educational institution, an authorized employee or official of the institution furnishing such course shall certify to the Veterans Administration on VA Form VB 7-1999 that, at the time of the enrollment of the individual veteran for which the certification is made, not more than 85 percent of the students then enrolled in the course are having all or any part of their tuition, fees, or other charges paid to or for them by the educational institution or the Veterans Administration under Part VII or Part VIII of Veterans Regulation 1 (a), as amended (38 U. S. C. ch. 12A), or Public Law 550, 82d Congress. (See § 21.2050.) The determination as to the percentage ratio shall be made pursuant to the provisions of this section. In any case where it appears that the certification by an authorized employee or official of an institution has been made improperly, the provision of § 21.2208 (d) shall be applied. If it is determined by the Committee on Educational Allowances that the false report was not the result of a knowing and willful act of the institution, payments to veterans already enrolled therein will not be discontinued. However, if it is determined that the false report was the result of a knowing and willful act of the institution, payments to all veterans enrolled in the institution under the law will be discontinued pursuant to the provisions of § 21.2208 (d) and the matter will be further processed pursuant to the provisions of § 21.2307.

3. In § 21.2052, paragraph (e) (4) and (6) is amended and paragraph (e) (7) (iii) is added as follows:

§ 21.2052 *Rates of education and training allowances.* • • •

(e) *Correspondence course.* • • •

(4) The training institution offering approved correspondence courses will transmit to the Director, Vocational Rehabilitation and Education Service, Veterans Administration, Washington 25, D. C., a list of all approved courses, and any additions or changes made subsequently thereto, and a certified statement of the established charges to nonveterans for each course. Such statement will list consecutively the lessons in each course, the books, supplies, tools, and equipment to be supplied with each lesson, other pertinent charges, the established practices in detail of servicing a lesson or lessons, and the standards for determining completed lessons, including a statement of the grading policy and methods of determining progress.

• • • • • •

(6) In the event an institution desires to change its charges for courses after a submittal of a statement of charges and services as set forth in this paragraph, such proposed charges will be promptly reported to the Director, Vocational Rehabilitation and Education Service, Veterans Administration, Washington 25, D. C., together with the effective date applicable to nonveteran-students. Where the Director, Vocational Rehabilitation and Education Service, determines on the basis of the information submitted that it is necessary to revise the education and training allowance for veterans enrolling after the effective date of such changes, the institution and the regional offices will be notified of the change in courses and charges which will affect the computation of the education and training allowance and the effective date thereof. The education and training allowance of an eligible veteran who is already enrolled in such course will continue to be based on established charges and services in effect on the date of his enrollment despite any changes made subsequent thereto.

(7) • • •

(iii) The books, supplies, tools, and equipment, including complete kits of such items, prescribed throughout the sequence of lessons, and approved as necessary and required for the successful pursuit of the lessons completed and serviced, have been furnished by the school and received by the veteran in the order and manner established for the course as approved.

• • • • • •

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. 11a, 701, 707, ch. 12A. Interpret or apply secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500–1504, 1506, 1507, 58 Stat. 286, 300, as amended, sec. 261, 66 Stat. 663; 38 U. S. C. 693g, 697–697d, 697f, g, 971, ch. 12A)

This regulation is effective April 12, 1956.

[SEAL] J. C. PALMER,
*Assistant Deputy Administrator.*

[F. R. Doc. 56-2833; Filed, Apr. 11, 1956; 8:51 a. m.]

# TITLE 43—PUBLIC LANDS: INTERIOR

## Chapter I—Bureau of Land Management, Department of the Interior

### Appendix—Public Land Orders

[Public Land Order 1281]

[Oregon 02948]

OREGON

WITHDRAWING PUBLIC LAND FOR PROTECTION OF WATER SUPPLY FOR CITY OF WALDPORT, OREGON

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public land in Oregon is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved under the jurisdiction of the Secretary of the Interior for the protection of the water supply for the city of Waldport, Oregon: *Provided,* That the timber resources on the land shall be subject to disposal by the Bureau of Land Management, Department of the Interior, pursuant to applicable law:

WILLAMETTE MERIDIAN

T. 14 S., R. 11 W.,
Sec. 5, lot 10.

The area described contains 40.62 acres.

DOUGLAS MCKAY,
*Secretary of the Interior.*

APRIL 5, 1956.

[F. R. Doc. 56-2808; Filed, Apr. 11, 1956; 8:47 a. m.]

# TITLE 32—NATIONAL DEFENSE

## Chapter V—Department of the Army

### Subchapter B—Claims and Accounts

### PART 536—CLAIMS AGAINST THE UNITED STATES

MISCELLANEOUS AMENDMENTS

1. Sections 536.1 to 536.8 are revised to read as follows:

GENERAL PROVISIONS

Sec.
536.1 General.
536.2 Determination of compensation for damage to or loss or destruction of property.
536.3 Determination of compensation for personal injury or death.
536.4 Effect on award of amounts paid by third parties.
536.5 Claims.
536.6 Settlement agreement.
536.7 Notice to claimant and appeals.
536.8 Effect of payment.

AUTHORITY: §§ 536.1 to 536.8 issued under R. S. 161; 5 U. S. C. 22.

SOURCE: AR 25-20, March 7, 1956.

§ 536.1 *General*—(a) *Statutory authority.* The Secretary of the Army has authority to settle claims administratively as shown in the claims chart in this part.

(b) *Purpose.* The regulations of §§ 536.1–536.8 govern the administrative settlement of claims against and in favor of the United States. They are intended to insure that incidents which may result in claims are promptly and efficiently investigated under supervision adequate to insure a sound basis for official action, and that all claims resulting from such incidents are expeditiously settled.

(c) *Scope.* The regulations of §§ 536.1–536.8 apply to claims under §§ 536.12–536.29; § 537.3 of this subchapter; and § 552.16a of this chapter, so far as consistent with those regulations. They also apply to all claims which may be provided for under any law or other regulations. Claims which arise from contracts, not specifically included within the scope of the regulations listed in this paragraph, are governed by AR 35–670 (Settlement of claims), AR 735–10 (Accounting for lost, damaged, and destroyed property), or other applicable regulations, including procurement regulations in Subchapter G of this chapter. Maritime claims against, or in favor of the United States are investigated and processed as prescribed in §§ 536.44, 536.45 and 537.6 of this subchapter. Claims under the Uniform Code of Mili-

tary Justice, Article 139, are disposed of under § 536.25. The tables in the claims chart may be used as a guide in determining which CFR sections apply.

(d) *Information and assistance.* (1) Government personnel are forbidden to represent any claimant or to receive any gratuity for services. They may not accept any interest in a claim or assist in its presentation (62 Stat. 862, 18 U. S. C. 283). They are prohibited from disclosing information which may be made the basis of a claim, or any evidence of record in any claim matter, except that they may exhibit to a claimant or his representative evidence originally furnished by the claimant. A person lacking authority to approve or disapprove a claim may not advise a claimant or his representative as to the disposition recommended.

(2) The prohibitions against furnishing information and assistance do not apply to the performance of official duty. Any person who inquires how to file a claim will be instructed generally as to procedure. He will be furnished forms, as prescribed in appropriate regulations and, when necessary, assisted in preparing the form and assembling evidence. In the vicinity of a field exercise or maneuver, information may be disseminated concerning the right to present claims, the procedures to be followed, and the names and locations of claims officers, engineer repair teams, etc. When the Government of a foreign country in which United States Armed Forces are stationed has assumed responsibility for the settlement of certain claims against the United States, officials of that country will be furnished pertinent information and evidence so far as security considerations permit.

(e) *Definitions and explanations.* The following terms as used in the regulations referred to in paragraph (c) of this section and the regulations of §§ 536.1–536.8 will have the meanings here indicated:

(1) *Claim.* A written demand for the payment of a specified sum of money, other than for ordinary obligations incurred for services, supplies, or equipment.

(2) *Small claim.* A claim which may be settled for $100 or less.

(3) *Claimant.* An individual, partnership, association, corporation, country, state, territory, or other political subdivision of such country, state, or territory, presenting a claim. The term does not include the United States Government or any of its instrumentalities.

(4) *Investigator.* A claims officer or a commissioned officer, warrant officer, enlisted man, or civilian, designated to conduct the investigation.

(5) *Within scope of employment.* Expressly or impliedly directed or authorized by competent authority, or within the design, aim, purpose, or instructions of the unit's or organization's mission, or in the interest of the Government. Determination of scope of employment is not necessarily governed by local law.

(6) *Proximate cause.* An act or omission which in natural and continuous unbroken sequence produced the result and without which that result would not have occurred. An act or omission except for which an incident would not have occurred, but which cannot be said to have caused it, will not sustain liability or (if committed by the claimant) justify denial of the claim. Proximate cause will normally be determined in accordance with local law.

(7) *Negligence.* Failure to exercise the degree of care required or prescribed by law, or which an ordinary prudent person would use, under the circumstances.

(8) *Combat activities.* Activities resulting from action by the enemy, or by United States Armed Forces engaged in combat, or in immediate preparation for impending combat.

(9) *Subrogation.* Substitution by operation of law of one person for another as owner of a right; for example, an insurer who, by paying a claim under a policy, succeeds to the position of the insured.

(10) *The Government.* The Government of the United States.

(11) *Claim file.* The claim, report of claims officer, or other report of investigation, supporting papers, and pertinent correspondence.

(12) *Approving authority.* Any officer designated by the Secretary of the Army, and any commission appointed by the Secretary of the Army or his designee, to approve or disapprove claims against the United States in accordance with applicable regulations listed in paragraph (c) of this section.

(f) *Responsibilities of The Judge Advocate General and staff judge advocates.* (1) The Judge Advocate General is responsible for training, staff supervision and inspection, as to all claims matters affecting the Department of the Army and the Army.

(2) Every staff judge advocate.

(i) Is responsible within the command to which he is assigned for:

(*a*) Supervision and administration of claims activities,

(*b*) Training of claims personnel and the continuing inspection of their activities, and

(*c*) Implementation of claims policies as announced by higher headquarters.

(ii) Will designate a commissioned officer or qualified civilian of his staff who is experienced in the conduct of investigations and the processing of claims to be in immediate charge of claims activities. Direct communication with respect to claims activities is authorized.

(g) *Claims waived or assumed by foreign government.* The governments of some foreign countries in which United States Armed Forces are stationed have by treaty or agreement waived or assumed, or may hereafter waive or assume, some claims against the United States. When this has occurred with respect to any claim, there is no authority to receive, consider, or pay, the claim under laws, appropriations, or regulations of the United States normally available for its administrative settlement.

§ 536.2 *Determination of compensation for damage to or loss or destruction of property*—(a) *Damaged property.* As to property damaged, the allowable compensation is the cost of repairs, which may not ordinarily exceed the difference between the value of the property immediately before the incident and the value afterward. Even when it does, however, evidence may be furnished justifying allowance of the cost of repairs under special circumstances. Within these limits, allowance may be made for depreciation resulting from the incident.

(b) *Lost or destroyed property.* As to property destroyed or lost, the compensation is the value of the property immediately before the incident, less any salvage value in the case of destroyed property.

(c) *Special damages.* (1) In the case of property used for business, agricultural, or residential purposes, compensation may be allowed for reasonable expense incurred for necessary substitute property during the period fairly required to effect repairs.

(2) In the case of registered or insured mail, compensation may include registration, insurance, and special delivery fees, and prepaid postage in the case of lost mail.

(3) The reasonable cost of securing required supporting evidence is allowable as an element of compensation. However, allowance may not be made for interest, inconvenience, or the like.

(d) *Example.* (1) As to annual crops, the allowable compensation is based on the number of acres or other unit measure, the average yield per acre in the neighborhood, the degree of maturity of the crop, and the futures price at the date of the incident if the crop is traded on commodity exchanges. If the crop is not traded on a commodity exchange, the allowable compensation may be based on the price obtained, or expected to be obtained, for similar crops in the neighborhood, reduced by the anticipated cost of cultivation from the date of the incident to maturity, harvesting, and marketing.

(2) As to perennial crops or pasture land, the allowable compensation is the value of the land with the growing crop less its value after the destruction of the crop.

(3) As to timberland, the allowable compensation is the difference between the value of the land and the stand before the incident and the value afterward.

(4) As to turf and soil, the allowable compensation is the cost of reconditioning the soil to its former state, unless the damage is of a permanent nature, in which case the allowable compensation is the difference between the value of the land before the incident and the value afterward.

(5) As to animals, the allowable compensation is generally the market value of the animal at the time and place of the incident. Special compensation may be appropriate in cases of loss or damage suffered in commercial operations involving fur-bearing animals, animals maintained for breeding purposes, and fowl.

(e) *Proof of damage.* The cost of repairs may be established by a written bill or estimate from a reputable dealer or repairman. Value may be established by the written appraisal of a disinterested, competent, licensed dealer or broker, by market quotations, by commercial catalogues, or by other evidence of the price at which the property can be obtained in the community. Estimates of recognized local authorities, such as tax appraisers, highway commission officials, insurance officials, or local agricultural organizations or agents, may be considered. The assistance of such persons in determining amount should be sought to the extent practicable. Although only one estimate or appraisal is ordinarily necessary, the claims officer may require the claimant to submit other evidence, including an estimate or appraisal from another source, or he may obtain such information himself. When practicable, the claims officer should examine damaged property to determine physical damage sustained and condition at the time of the incident.



§ 536.3 *Determination of compensation for personal injury or death*—(a) *General.* In cases involving personal injury or death, direct compensation allowable includes reasonable medical, hospital, and burial expenses necessarily incurred.

(b) *Special damages.* Except as limited by the respective substantive regulations listed in § 536.1 (c), the allowable compensation for personal injury or death may include compensation for loss of time, earnings, and services, diminution of earning capacity, anticipated medical expenses, physical disfigurement, and pain and suffering.

(c) *Proof of damage.* The allowable compensation may be established as to:

(1) Itemized bills for medical, hospital, or burial expenses necessarily incurred.

(2) Loss of time, earnings, diminution of earning capacity and anticipated medical expenses, a written statement of claimant's employer stating claimant's age, occupation, wage or salary, time lost from work as a result of the incident, whether the person injured was a full time employee, and his actual period of employment by dates. If the claimant is self-employed, written statements or other evidence showing the amount of earnings actually lost may be considered. A written statement by the attending physician should set forth the nature and extent of the injury and the treatment, the duration and extent of the disability involved, the prognosis, and the period of hospitalization or incapacity. When the personal injury appears to be more than slight, the claimant may, with his consent, be examined by a medical officer or other disinterested physician or surgeon to provide independent medical evidence against which to evaluate the statement of the claimant's physician.

(3) Loss of services, a statement of the cost necessarily incurred to replace the services to which the claimant is entitled in accordance with the law of the place where the incident occurred.

(4) Physical disfigurement, and pain and suffering, a written statement of the precedents and law in effect in the place where the incident occurred.

§ 536.4 *Effect on award of amounts paid by third parties.* The allowable compensation will be computed without regard to any money or property the claimant may have received or be entitled to receive from third parties as compensation for the damage or injury on which his claim is based. In determining the award, however, the amount so computed will be reduced by the amount of any compensation the claimant has received from the United States wrongdoer, the insurer of, or any other person, under contract with the United States wrongdoer, or any person or agency whose act or neglect, jointly with that of the Government, caused the incident. Voluntary contributions from persons not under contract with the United States wrongdoer, donations of charitable organizations, and the like, will not be deducted from the allowable compensation. Settlement by a claimant with the United States wrongdoer, or the insurer of or any other person under contract with the United States wrongdoer will not preclude consideration of the claim, but no award will be made if the amount of the settlement exceeds the allowable compensation computed without regard to the settlement.

§ 536.5 *Claims*—(a) *Who may present.* (1) A claim for damage, loss, or destruction of property may be presented by the owner of the property, or his duly authorized agent, legal representative, or survivors, only as authorized in the specific regulations listed in § 536.1 (c). "Owner," as so used, includes bailee, lessee, mortgagor, and conditional vendee, but does not include mortgagee, conditional vendor, nor another having title for purposes of security only.

(2) A claim for personal injury may be presented by the injured person or his duly authorized agent or legal representative.

(3) A claim based on death may be presented by the executor or administrator of the deceased's estate, or by any person determined to be legally or beneficially entitled.

(4) A claim presented by an agent or legal representative will be made in the name of the owner, will be signed by the agent or legal representative, showing his title or capacity, and will be accompanied by evidence of the authority of such person to act. An agent or legal representative may be required to submit the notice of appearance, DA Form 1627 (Notice of Appearance Before a Command or Agency of the Army Establishment), required by 18 U. S. C. 284 and § 583.1 of this chapter.

(5) A claim for expenses, medical, hospital or burial may be presented by any person who by reason of family relationship has in fact incurred the expenses for which claim is made, unless otherwise presented by a person with competent authority.

(b) *Transfer and assignments.* Except as they occur by operation of law (i. e., court order, insurer subrogation, etc.), every purported transfer or assignment of a claim against the United States, or of any part of or interest in a claim, whether absolute or conditional, and every power of attorney, or other purported authority to receive payment of all or part of any such claim, are null and void (R. S. 3477, as amended by the acts of October 9, 1940, 54 Stat. 1029, and of May 15, 1951, 65 Stat. 41; 31 U. S. C. 203), unless made after a warrant for the payment has been issued, or unless within the exceptions set forth in the acts above cited. See §§ 535.5–535.9b of this subchapter.

(c) *Action by claimant*—(1) *Form of claim.* The claimant will submit his claim in triplicate using authorized official forms whenever practicable.

(2) *Signatures.* The claim and all other papers requiring the signature of the claimant, will be signed in ink by him personally or by his duly authorized agent. The signature will include the first name, middle initial, if any, and surname, of both the claimant and the person signing the claim in his behalf. A married woman must sign her claim in her given name, e. g., "Mary A. Doe", rather than "Mrs. John Doe".

(3) *Presentation.* The claim will be submitted to the commanding officer of the unit involved if known, or of the fixed installation or other military establishment near where the incident occurred, or to a maneuver claims office. In a foreign country where no Armed Forces of the United States are stationed the claim may be submitted to any attache of the United States Armed Forces. Except as provided in § 536.1 (g), every claim presented will be accepted and handled under the regulations of §§ 536.1–536.8.

(d) *Evidence to be submitted by claimant.* The claimant will submit evidence available to him concerning the cause of the damage for which claim is made and the correctness of the amount claimed (§§ 536.2 and 536.3).

§ 536.6 *Settlement agreement.* (a) When a claim within the limits of the monetary jurisdiction of the approving authority has been approved for less than the amount claimed, the claimant will be requested to sign and return to the approving authority in triplicate, a claims settlement agreement, DA Form 1666 (Claims Settlement Agreement).

(b) When the approving authority considers that a claim in excess of his monetary jurisdiction to settle is meritorious in an amount within his jurisdiction, he will so inform the claimant and request a settlement agreement. If he considers it meritorious in an amount exceeding his jurisdiction, he will forward the claimant without disclosing his recommendation to the claimant and without requesting a settlement agreement.

(c) When two or more claims arising from the same incident are by reason of differences in amounts within the monetary jurisdiction of different approving authorities, decisions should be withheld upon those lesser in amount until action has been taken upon the largest of the claims, unless liability is clear.

CLAIMS CHART

| Applicable sections | Statute | Title | Coverage | Amount | Method of settlement | Personal injury | Personal property | Real property | Subrogation | Time limit | Remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|
| §§ 536.12–536.23 [AR 25–25]. | Sec. 1, act of July 3, 1943 (57 Stat. 372, as amended by act May 29, 1945 (59 Stat. 225); act June 28, 1946 (60 Stat. 332); act July 24, 1947 (61 Stat. 501; 31 U. S. C. 223b). | Military Claims Act. | Damage to or loss or destruction of property, or personal injury or death caused by military personnel or civilian employees, while acting within the scope of their employment; or otherwise incident to noncombat activities of the Department of the Army, settlement of which under these provisions is not precluded by the Federal Tort Claims Act, infra. | $1,000 maximum. Claims in excess of $1,000 may be reported to Congress. | Approved by designee of Secretary of the Army as provided in §§ 536.12–536.23, with appeal to the Secretary of the Army. If in excess of $1,000—Approval by Secretary of the Army, who submits to Bureau of the Budget for report to Congress. | Yes, to extent of reasonable medical, hospital, and burial expenses. | Yes... | Yes... | Entire amount allowed to subrogor but no payment to subrogee. | 1 year, except that if claim arises in time of war and war intervenes within 1 year, and good cause for delay is shown 1 year after peace is established. | Applicable if not within §§ 536.45, 536.29, 536.26, or 536.27. |
| §§ 536.12–536.23 and 536.29 [AR 25–50]. | Act of Aug. 31, 1954 (68 Stat. 1006; 31 U. S. C. 224i–3 to 224i–5). | Claims under Article VIII of agreement regarding Status of Forces of Parties to North Atlantic Treaty. | Damage to or loss of property or personal injury or death arising from the acts or omissions in the United States of members of the forces, or civilian components, of parties to the North Atlantic Treaty. | Same as in §§ 536.12–536.23, or 536.25. | Approved by Chief, Claims Division, or Chief or Asst. Chief, Military Claims Branch, OTJAG, Department of the Army, with appeal to the Secretary of the Army. If under act of July 3, 1943 (§§ 536.12–536.23) and in excess of $1,000, approval by the Secretary of the Army, who may submit to Congress for its consideration. | Yes, if under act of July 3, 1943, to extent of reasonable medical, hospital, and burial expenses. | Yes... | Yes... | Same as act of July 3, 1943 (§§ 536.12–536.23) or FTCA (§ 536.29). | Same as act of July 3, 1943 (§§ 536.12–536.23) or FTCA (§ 536.29). | Applicable if not within §§ 536.45, 536.29, 536.26, or 536.27. Not applicable in foreign countries. Generally the United States will be reimbursed by the party to the North Atlantic Treaty Organization agreement for 75 percent of the amount approved and paid. (For claims arising out of activities of U. S. Forces in foreign countries, see § 536.1 (g)). |
| § 536.45 [AR 25–60]. | Act of Oct. 20, 1951 (65 Stat. 572; 10 U. S. C. 1361–1366). | So-called "Maritime Claims Settlement Act". | Claims against the U. S. Damage caused by vessel of or in service of Department of the Army; towage and salvage services rendered to such vessels. | $500,000 maximum on settlements. | Approval by Secretary of the Army, or by his designee on settlements for $1,000 or less. | Yes | Yes... | Yes... | Entire or partial amount allowed and paid to subrogor and/or subrogee jointly or severally in accordance with their respective interests. | 2 years presentation of claim does not toll the statute of limitations. | Statute is supplementary to, and not instead of, all other provisions of law authorizing settlement of claims. Claims, sounding in tort and contract, are normally processed under the contract. Claims, also cognizable under §§ 536.12–536.23 and 536.26 are normally processed under § 536.45. Provisions are not applicable to claims within purview of § 536.27. |
| | | | do | Settlements in excess of $500,000. | Certified by Secretary of the Army to Congress. | | | | | | |
| | | | Claims in favor of U. S. damage cognizable in admiralty in U. S. District Court; damage caused by vessel or floating object to U. S. property under Department of the Army jurisdiction or property for which Department of the Army has assumed any obligation to respond for damage thereto. | $500,000 maximum on settlements. | Approval by Secretary of the Army, or his designee on settlements for $1,000 or less. | No | Yes... | Yes... | U. S. is subrogated to certain claims as a result of contracts. | U. S. is not normally subject to being time barred. | |
| | | | do | Claims in excess of $500,000. | Reported to The Judge Advocate General, Department of the Army, for action. | | | | | | |
| | | | Salvage services (including towage) rendered by Department of the Army to any vessel. | Unlimited | Approved by Secretary of the Army. | | | | | | |



CLAIMS CHART—Continued

| Applicable sections | Statute | Title | Coverage | Amount | Method of settlement | Personal injury | Personal property | Real property | Subrogation | Time limit | Remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|
| § 536.29 [AR 25–70]. | Federal Tort Claims Act as codified and amended by 28 United States Code. | Federal Tort Claims Act. | Damage to or loss of property or personal injury or death, where the total amount of the claim does not exceed $1,000 caused by the negligent of wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, under circumstances where the U. S., if a private person, would be liable to the claimant for such damage, loss, injury, or death, in accordance with the law of the place where the act or omission occurred. ("Employee of the Government" includes members of the military forces.) | $1,000 maximum claims in excess of $1,000 may be sued upon in United States District Courts. | Approval by Secretary of the Army or his designee, subject to appeal to the Secretary of the Army. | Yes, including all elements of compensatory damage allowed in jurisdiction where act or omission causing injury occurred. | Yes... | Yes... | Entire or partial amount allowed and paid to subrogor and/or subrogee jointly or severally in accordance with their respective interests. | 2 years | Not applicable in foreign countries. |
| § 536.25 [AR 25–80]. | Act of May 5, 1950 (64 Stat. 107; 50 U. S. C. 551–736). | Uniform Code of Military Justice Article 139. | Wilful damage to, or wrongful taking of property by members of the Armed Forces of the United States. | No limit | Approval by offender's commanding officer. Payment by local disbursing officer out of deductions from offender's pay. | No | Ye... | Yes... | Uninsured portion allowed to subrogor but no payment to subrogee. | 60 days | Not used when claim is payable under §§ 536.12–536.23, 536.45, 536.29, 536.26, or 536.27. |
| § 536.26 [AR 25–90]. | Act of January 1942 (55 Stat. 880); as amended by act April 22, 1943 (57 Stat. 66); act July 31, 1945 (59 Stat. 510; act July 25, 1947 (61 Stat. 449, 454; 31 U. S. C. 224d). | Foreign Claims Act. | Damage to or loss or destruction of property, or personal injury or death caused by United States Armed Forces or individual members and civilian employees thereof in foreign countries. | $5,000 maximum. Claims in excess of $5,000 may be reported to Congress. | Approval by a Foreign Claims Commission; if in excess of $2,500 must also be approved by theater, base, or comparable, commander, or by The Judge Advocate General. Payment by local disbursing officer on certification by such commission. Claims in excess of $5,000 approved by the Secretary of the Army may be reported to Congress. | Yes | Yes... | Yes... | Uninsured portion allowed to subrogor but no payment to subrogee. | 60 days | Applicable to exclusion of all other regulations when claimant is an inhabitant of the foreign country in which the claim arose, unless claim arise incident to service of such inhabitant in employ of the United States. |
| § 536–27 [AR 25–100]. | Act of May 29, 1945, 59 Stat. 225, as amended by act of July 2, 1947 (61 Stat. 501); Act of July 3, 1952 (66 Stat. 321); and act of Aug. 1, 1955 (67 Stat. 317; 31 U. S. C. 222c). | Military Personnel Claims Act. | Damage to or loss, destruction, capture, or abandonment of personal property of military personnel or civilian employees occurring incident to their service. | $2,500 | Approval by designee of Secretary of the Army. | No | Yes... | No... | Uninsured portion allowed to subrogor but no payment to subrogee. | 2 years except that if claim arises in time of war, or if war intervenes within 2 years it may, on good cause shown, be presented within 2 years after such good cause ceases to exist but not later than 2 years after peace is established. | Where applicable, the regulations of § 536.27 are used to the exclusion of all other regulations. |

§ 536.7 *Notice to claimant and appeals.* When the approving authority has approved a claim in part, or disapproved it, he will:

(a) Notify the claimant in writing for his action and the reason for it;

(b) When required, request a claim settlement agreement (DA Form 1666), and

(c) As to a claim under the act of July 3, 1943 (§§ 536.12–536.23), or under the Federal Tort Claims Act (§ 536.29), inform the claimant that he has the right to appeal to the Secretary of the Army, by filing with the approving authority within 30 days after receiving the notice, a written statement of the grounds for his appeal. No specific form for appeal is prescribed.

§ 536.8 *Effect of payment.* Acceptance of an award by the claimant constitutes for the military personnel, or civilian employee, whose act or omission gave rise to the claim, a release from all liability to the claimant based on the act or omission.

2. The following paragraphs and subparagraphs of various sections of Part 536 are revoked, as follows:

In § 536.13, revoke paragraph (b) *scope of employment,* and paragraph (c) *Proximate cause.*

In § 536.27 (q), revoke subparagraph (3) *Filing claim.*

In § 536.29 (c), revoke subparagraphs (2) *Scope of employment,* and (3) *Proximate cause.*

(R. S. 161; 5 U. S. C. 22)

[SEAL] JOHN A. KLEIN,
*Major General, U. S. Army,*
*The Adjutant General.*

[F. R. Doc. 56–2630; Filed, Apr. 11, 1956; 8:45 a. m.]

## Chapter XI—National Guard and State Guard, Department of the Army

PART 1101—NATIONAL GUARD REGULATIONS

SEPARATION

Section 1101.18 is amended in respect to paragraphs (c) and (d), adding subdivisions (vi) and (vii) to paragraph (c) (3), and revising paragraph (d) (1) and (7), rescinding paragraph (d) (2), and adding paragraph (d) (8), as follows:

§ 1101.18 *Separation from the National Guard.* • • •

(c) *Discharge criteria (concurrent).* • • •

(3) Upon discharge because of:

• • • • • •

(vi) Upon voluntary request of an individual who has become a regular or duly ordained minister of religion (section 233 (h), Armed Forces Reserve Act of 1952, as amended by Reserve Forces Act of 1955).

(vii) Upon application of an individual who for the purposes of pursuing theological studies, obtaining ordination, and/or taking final vows in a religious order is required to separate himself from any military status he may have.

• • • • • •

(d) *Discharge criteria (other).* An enlisted person having a remaining service obligation under the Universal Military Training and Service Act, as amended, will be discharged only from the National Guard under the criteria listed in this paragraph:

(1) When discharged because of expiration of enlistment unless the enlisted person signifies his intention to reenlist on the day following his discharge from the National Guard. (See paragraph (c) (4) of this section.)

(2) [Revoked.]

• • • • • •

(7) Upon voluntary request of an individual who is enrolled and preparing for the ministry in a recognized theological or divinity school which does not require the individual to separate himself from the military status he may have. (Sec. 233 (b), Armed Forces Reserve Act of 1952, as amended by Reserve Forces Act of 1955.)

(8) Upon voluntary request of an individual who has incurred a religious obligation the performance of which requires his full time service and results in his being unavailable for participation in prescribed training.

• • • • • •

[C 1, NGR 25–3, February 23, 1956] (Sec. 118, 39 Stat. 213; 32 U. S. C. 17)

[SEAL] JOHN A. KLEIN,
*Major General, U. S. Army,*
*The Adjutant General.*

[F. R. Doc. 56–2801; Filed, Apr. 11, 1956; 8:46 a. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

### [ 25 CFR Part 130 ]

KLAMATH INDIAN IRRIGATION PROJECT, OREGON

OPERATION AND MAINTENANCE CHARGES

Notice is hereby given that the United States Department of the Interior intends to amend § 130.48a *Areas assessable* of the Code of Federal Regulations, Title 25, Indians, relating to the operation and maintenance of the Klamath Indian Irrigation Project, Oregon, pursuant to authority contained in the act of April 4, 1910 (36 Stat. 270–272), as amended; 25 U. S. C. 385.

All interested persons are hereby given opportunity to participate in preparing the proposed amendment by submitting their views and data and arguments in writing to Mr. Don C. Foster, Area Director, Portland Area Office, Bureau of Indian Affairs, 1001 N. E., Lloyd Boulevard, P. O. Box 4097, Portland 8, Oregon, within thirty (30) days from the date of publication of this Notice of Intention in the daily issue of the FEDERAL REGISTER.

It is proposed to amend § 130.48a to read as follows:

§ 130.48a *Areas assessable.* (a) The area against which assessments shall be made on the Modoc Point Unit shall tentatively, pending approval thereof, be the area listed in the irrigable area survey completed in 1955, showing a total of 5,456.15 acres of irrigable land within the Modoc Point Unit of the Klamath Project.

(b) The area against which assessments shall be made on the Sand Creek Unit shall tentatively, pending approval thereof, be the area listed in the report entitled "Designation of Irrigable Areas and Cost of Irrigation Development" for Spring Creek, Agency and Sand Creek Units, Klamath Indian Reservation, Oregon, September, 1955, showing a total of 1,150 acres of irrigable land within the Sand Creek Unit of the Klamath Project.

DOUGLAS MCKAY,
*Secretary of the Interior.*

APRIL 6, 1956.

[F. R. Doc. 56–2807; Filed, Apr. 11, 1956; 8:46 a. m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### [ 7 CFR Part 922 ]

[Docket No. AO 250–A1]

VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO THE TENTATIVE MARKETING AGREEMENT AND ORDER REGULATING HANDLING

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the tentative marketing agreement, heretofore approved by the Secretary of Agriculture, and Order No. 22 (7 CFR Part 922), hereinafter referred to as "marketing agreement" and "order," respectively, regulating the handling of Valencia oranges grown in Arizona and designated part of California to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), hereinafter referred to as the "act." Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., not later than the close of business of the fifteenth



day after publication thereof in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

*Preliminary statement.* The public hearing, on the record of which the proposed amendments to the marketing agreement and order are formulated, was initiated by the Agricultural Marketing Service as a result of proposals submitted by the Valencia Orange Administrative Committee, the administrative agency established pursuant to the order. In accordance with the applicable provisions of the aforesaid rules of practice and procedure, a notice that such public hearing would be held in Los Angeles, California, beginning on January 25, 1956, to consider the proposed amendments was published in the FEDERAL REGISTER (20 F. R. 9972) on December 24, 1955.

*Material issues.* The material issues presented on the record of the hearing were concerned with amending the marketing agreement and order to:

(1) Substitute a definition of "carton" for the definition of "box" in recognition of the Valencia orange industry's shift from packing in boxes to packing in cartons;

(2) Redefine "carload" to conform with the industry's current practices with respect to the type and number of containers loaded in a railroad car;

(3) Provide that alternate members of the Administrative Committee may, at the discretion of the committee, be reimbursed for reasonable expenses and receive compensation for attending committee meetings notwithstanding that the members for whom they serve may also be present at such meetings;

(4) Change the time requirement for mailing the annual report and holding the annual meeting;

(5) Provide that whenever the control of oranges changes from one handler to another, and the change is occasioned by the transfer of ownership of the real property on which such oranges were produced, a quantity of oranges equal to the quantity upon which allotments were issued but which were not utilized thereon by the handler who lost the control shall be used in the computation of allotments for the handler who gained the control;

(6) Authorize limited overshipment of allotment during any week in which the handler's total allotment is not loaned to another handler, or is not required for the repayment of an allotment loan or as a deduction for a prior overshipment;

(7) Clarify the provisions with respect to loan transactions;

(8) Provide that when a limited quantity of oranges of a specified size may be handled, the quantity of such size that a handler may handle shall be established as a percentage of (a) the allotment issued to such handler for such week, or if an allotment is not so issued, (b) the total weekly shipments made by such handler during such week;

(9) Provide for continued volume regulation of Valencia oranges during any period when the season average price for such oranges is above the parity level in order to avoid unreasonable fluctuations in supplies and prices; and

(10) Change the date prior to which the biennial referendum shall be conducted to ascertain whether continuance of the marketing agreement and order is favored by producers.

*Findings and conclusions.* The findings and conclusions on the material issues, all of which are based upon the evidence adduced at the hearing and the record thereof, are as follows:

(1) When the marketing agreement and order regulating the handling of California-Arizona Valencia Oranges was established, the predominant container used in the handling of such oranges to fresh market was the standard two-compartment orange box. Each compartment of this box was 11½ by 11½ by 12 inches, and the total capacity was approximately 77 pounds of oranges. This box was approved as a standard container for use in the handling of oranges under applicable laws of the States of California and Arizona. Since this was the most prevalent and widely used container in the industry, and handlers records were generally kept in terms of such boxes, the "box" was defined in the marketing agreement and order and handlers were required to make reports in terms of such boxes. Likewise the "box" became the standard unit of measurement used by the Administrative Committee for statistical purposes. Recently, however, a half-box carton, approved as a standard container under applicable laws of California and Arizona, has displaced the box as the predominant container used in the handling of California-Arizona Valencia oranges. This container is referred to as standard container number 58 in section 828.83 of the Agricultural Code of California, as amended, and has a capacity of approximately 38½ pounds. At the present time, it is estimated that 85 to 90 percent of the Valencia oranges moving to fresh market in 1956, will be shipped in such cartons. Hence the definition of "box" should be replaced in the marketing agreement and order by a definition of "carton". Since oranges are handled in containers other than cartons, it is necessary to provide for the equivalent of a carton in order to convert quantities of oranges handled in such other types of containers to a carton basis. The committee should have the authority, with the approval of the Secretary, to redefine "carton" if the present carton should be replaced in the future by a container of a different dimension and capacity in order to facilitate a transition to such container. It is therefore concluded that § 922.16 of the marketing agreement and order should be amended as hereinafter set forth, and the provisions of said marketing agreement and order made to conform with such amendment by deleting the word "box" wherever it appears and inserting in lieu thereof the word "carton".

(2) The definition of "carload" currently in the marketing agreement and order is based on a quantity of oranges equivalent to 462 standard packed boxes which were customarily loaded in a railroad car for shipment to market at the time this regulatory program was placed into effect. The equivalent net weight of a 462 box carload is 924 cartons; and in view of the industry's shift from boxes to cartons, it is concluded that "carload" should be redefined in terms of 924 cartons. However, due to the lesser tare weight of cartons as compared with boxes, 924 cartons are not equal in gross weight to the minimum carload, based on 462 boxes, established by the railroads. At present, in order to take advantage of the freight charges which must be paid on the established minimum carload weight, handlers load 1,020 to 1,100 cartons of oranges in a rail car. The industry has plans to petition the railroad companies to establish a minimum carload weight based on 930 cartons. This matter is not settled, however, and it is in the interest of the marketing agreement and order program to provide a definition of "carload" in terms of the equivalent of 924 cartons, with provisions for redefinition of such term by the committee, with approval of the Secretary. This will facilitate efficient administration of the program and provide a means for the establishment of an appropriate definition to reflect such further changes as may be made in loading practices or minimum carload weights; and the marketing agreement and order should be amended accordingly.

(3) Current provisions of the marketing agreement and order provide that members of the Administrative Committee and alternates for such members, when serving as members, shall be reimbursed for expenses necessarily incurred by them in the performance of their duties and shall receive compensation not to exceed $10 for each day or portion thereof spent in performing such duties. The committee has found that there are several meetings during the year when it is desirable to have the alternates as well as members present. For example, prior to the beginning of the shipping season in each prorate district, a marketing policy meeting is held at which the marketing policies for the season are developed; and, when shipment is completed in all districts, the committee prepares an annual report, following which an annual meeting is held for all growers and handlers. At the annual meeting the regulatory operations of the past season are reviewed and recommendations for improvement of the program considered. The committee has found that alternates contribute greatly to the efficient operation of the program when they attend meetings of this type and give the committee the benefit of their knowledge and experience in making decisions which affect the whole industry. Moreover, the increased knowledge concerning the program and its operation gained by alternates at such meetings enables them to serve more effectively when called upon to serve as members. Since attendance at such meetings for the benefit of the committee involves the same loss of time from personal business, and equal expenses as that required in attending regular meetings in place of a member who is absent, it is concluded that alternates should receive compensation and be reimbursed for expenses in attending such meetings. It is therefore concluded that the marketing agreement and order should be amended to provide that, whenever specifically authorized or ap-

proved by the committee, alternate members may receive compensation at the rate applicable to members and be reimbursed for reasonable expenses in attending committee meetings, notwithstanding that the members for whom they serve as alternates also attend such meetings.

(4) The marketing agreement and order provides that the committee shall, prior to December 15 of each year prepare and mail an annual report to the Secretary and to each grower and handler of record, and that an annual meeting shall be held prior to January 31 of each year to review the record of operations under the program. It has been found, however, that distribution of Valencia oranges is not ordinarily completed by December 15. For the five marketing seasons just preceding that of 1951–52 (there was no program in effect during the 1951–52 and 1952–53 seasons) crop distribution was not completed in any season prior to December 15. The earliest completion date was December 19, and the latest January 27. In 1953–54 crop distribution extended to January 23, and in 1954–55 to January 1. Furthermore, considerable time is required following the close of the season for the committee to prepare the data, have it printed in report form, and to mail approximately 12,000 copies to growers, handlers and other interested persons. In order to comply with the time requirements for annual reports and meetings the committee has had to prepare and mail annual reports based on incomplete data. There appears to be no reason why preparation of the annual report should not be delayed until complete information on distribution of the crop is available to the committee. Likewise, it is in interest of the program to have complete information available for consideration at the annual meeting. Due to the erratic time of completion of crop distribution it is not feasible to establish fixed dates for issuance of the annual report and holding of the annual meeting. In order to be practical such times as are established should be flexible. It is therefore concluded that the marketing agreement and order should be amended to provide for preparation of the annual report "as soon as practicable" after distribution of the crop is completed, and for holding the annual meeting "as soon as practicable" after mailing of the annual report.

(5) The marketing agreement and order require that a handler who loses control of oranges and has handled a quantity of such oranges less than could have been handled under allotments issued to him by virtue of the fact that he had control of such oranges, shall have his oranges available for current shipment adjusted by deducting therefrom a quantity of oranges equal to that upon which allotments were issued but not utilized in the shipment of such oranges. However, the handler who gains control of such oranges is not entitled to have his oranges available for current shipment increased by the quantity so deducted. The evidence, however, shows that failure to provide an opportunity for the handling of the quantity of oranges covered by the unused allotment on a grove creates inequities with respect to any person who purchases the grove during the shipping season and transfers the control of the fruit to a new handler. Such person did not previously have an opportunity to select a handler for his oranges, and it appears reasonable to provide him with the same opportunity that other owners of groves had at the beginning of the season. It would be more equitable to such purchasers to provide that where the change in control of oranges is occasioned by a bona fide transfer in the ownership of the real property on which the oranges were produced, that the handler who gains control be given the benefit of the allotment previously earned by such oranges but not utilized thereon. The number of ownership transfers in a given season are few and this should not adversely affect the successful operation of the program. It is therefore concluded that the marketing agreement and order should be amended to provide for transfer of such allotment, as hereinafter provided, to the handler gaining control of oranges involved in a bona fide transfer of grove ownership.

(6) A current provision of the marketing agreement and order provides that whenever volume regulation is in effect a handler, if not required to reduce his allotment in repayment of a previous overshipment, or whose total allotment is not required for repayment of an allotment loan, may handle in addition to his allotment a quantity of oranges equivalent to 10 percent of his allotment, or 462 packed boxes, whichever is greater. This overshipment privilege was placed in the marketing agreement and order in recognition of the fact that a handler experiences difficulty in shipping during a week the exact quantity of oranges authorized by the allotment issued to him for such week; and some flexibility of operation under the allotment issued should be provided. Experience has shown that additional flexibility could be provided handlers, without adversely affecting the operation of the program, by authorizing such overshipment of allotment during any week in which a handler's total allotment is not loaned to another handler or is not required for the repayment of an allotment loan or as a deduction for a prior overshipment. These limitations are necessary to assure that during any season, the total shipment of oranges by a handler will not materially exceed the total amount of shipments authorized by allotments issued to him, and to insure that usage of such overshipment privilege will be in accordance with the basic reason for including it in the program; namely that of providing handlers with a measure of flexibility in their operations and, at the same time, preserving the effectiveness of the program. Accordingly, the marketing agreement and order should be amended in conformance with the foregoing.

(7) Provision for the lending of allotment between handlers in the same prorate district is included in the marketing agreement and order to provide them with needed flexibility in their operations. The marketing agreement and order do not explicitly state that the payment of a consideration to bring about a loan is prohibited. However, it was not intended that a market be established in the loaning of allotment, and it would not be in the interest of the program to permit such a development. The committee in administering the program has consistently interpreted the loan provisions as prohibiting such payment. There is an indication that all handlers may not have the same understanding of these provisions as the committee, however, and that some may have the impression that the payment of a consideration is permitted in connection with loan transactions. It is in the interest of this regulatory program to obtain the greatest possible understanding of the provisions of such program throughout the industry. It is therefore concluded that the marketing agreement and order should be amendd to make clear that no allotment may be loaned from one handler to another when such loan is brought about by the payment of a consideration.

(8) Current provisions of the marketing agreement and order provide for regulation of the sizes of oranges which may be handled. This provision authorizes the Secretary to restrict the handling of oranges to those of specified sizes. It has been a practice, in accordance with this provision, to prohibit the handling of certain sizes and to permit the handling of a portion of other sizes. For example, a size regulation was established which prohibited handling of all sizes smaller than 344's, and restricted the volume of the 344 size to a fixed percentage of the total quantity handled during a week. Thus, the percentage of such size that could be handled was related to a handler's weekly volume. The evidence shows that shippers have, at times, unintentionally violated the size regulation by handling in excess of the permitted percentage. That is, handlers early in the week would ship a volume of the size which was restricted to a percentage of the volume handled, anticipating that they would be able to move their entire allotment, and, when it later developed that they were unable to do so because of adverse weather, failure of packing house machinery and other operational difficulties, the percentage of such size handled was in excess of that permitted. This could be prevented by basing the percentage of a size permitted to be handled on the handler's allotment issued to him for the week when volume regulation is in effect. Such basic allotment remains constant for a weekly regulation period and it would be of substantial benefit to handlers and the committee in their operation to provide for the establishment of such size regulation on this basis since it would enable them to know at the beginning of the week the exact volume of the restricted size permitted to be handled during such week. However, it may be desirable to restrict the sizes of oranges during periods when no regulation of volume is in effect, therefore provision should be made to permit the establishment of percentage of size regulation during such periods on the volume of oranges handled in the manner currently authorized, since in the absence of the issuance of allotment this appears to be the best basis for establishing such a percentage. It is therefore concluded that the marketing agreement and order should provide for the establishment of size regulation in accordance with the foregoing, and that said marketing agreement and order should be amended to so provide.

(9) The marketing agreement and order should be amended as hereinafter set forth to permit the continued regulation of the flow of Valencia oranges to market even though the season average price may be above the parity level.

The provisions of the Agricultural Marketing Agreement Act of 1937, as amended, (7 U. S. C. 601 et seq.), in conformity with which the current marketing agreement and order program for Valencia oranges has been operative, did not, prior to the 1954 amendment, contain authority for volume regulations during any period with respect to which the Secretary determines that the season average price will be in excess of the parity price. The Agricultural Act of 1954 provides that authority may be included in marketing agreements and orders to establish and maintain such orderly marketing conditions for certain specified agricultural commodities, including Valencia oranges, as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season so as to avoid unreasonable fluctuations in supplies and prices. Authority to regulate the flow of Valencia oranges to market at all times is needed in this regulatory program because, where as the total supply of such oranges in a given prorate district are mature near the beginning of the marketing season, it is impossible to market such total supply immediately at prices which would permit growers to remain in business. It was for this reason that volume regulation was included initially as a major provision in this marketing agreement and order program. The evidence shows that prices for Valencia oranges are very sensitive to changes in supply, and that unrestricted movement of such oranges undoubtedly would result in unreasonable fluctuations in supplies and prices to the detriment of both producers and consumers. Since the Valencia orange crop in a given prorate district cannot be marketed to advantage immediately upon reaching maturity, it is the practice to hold them on the trees until needed for shipment to market. The marketing season covers the period from May to November and during this period the oranges stored on the trees are subject to a general lowering in quality from wind damage, insects, and almost certain loss from shrinkage due to oranges dropping off the trees as the season progresses. Consequently, there is strong pressure on handlers from producers to handle their oranges as quickly as possible. It is probable that these pressures would be intensified in above-parity price situations. The industry has the capacity to pack and ship a quantity of oranges substantially greater than that which experience has shown can be absorbed by the market at prices which will give producers a reasonable return. Whereas the level of weekly movement which has proved to be in line with the demand at reasonable prices is near 900 to 1,000 carloads during most of the marketing season, packing house capacity is in excess of 1,500 carloads. Thus, in the absence of volume restriction, and with pressure from producers to ship the crop as rapidly as possible, it is more than likely that excess supplies of Valencia oranges would be shipped to markets. Favorable prices, such as those prevailing in above-parity situations, would make it virtually impossible for handlers to pack and ship anything less than the maximum. The tendency would be for handlers to continue shipping as long as prices are favorable; and, due to the intransit time—10 to 14 days—required for oranges to move from the production area to the large consuming markets of the east, it is likely that substantial quantities would be en route to these markets before it became apparent to handlers that supplies already in the market were sufficient to take care of the demand. In these circumstances, even though they were to curtail or stop further shipments, it would not be possible for them to prevent the arrival on an already burdened market of such additional quantities of oranges as may be en route. Upon the arrival on a burdened market of these additional supplies, the market would be glutted. With markets demoralized, handlers would cease shipping. Following such demoralization, handlers would not ship oranges to market until prices were again favorable. Due to the length of time required for oranges to travel to markets, after such recovery of prices becomes apparent, periods of scarcity or famine of the commodity could occur and prices go unreasonably high. Such prices would again encourage handlers to flood the market. Thus the alternating series of events known as "gluts" and "famines" is set in motion to the despair of producers and consumers alike. Due to the reluctance of those concerned in the marketing of oranges to adjust prices to levels which will clear the market in a reasonable time, the lowering of such prices is generally delayed until there is a marked deterioration in the quality of oranges in oversupply and it is apparent that a drastic reduction is necessary to prevent a complete loss. Such deterioration in quality causes dissatisfaction among consumers, and it is probable that it is more than sufficient to offset any gain which consumers appear to make as result of lower prices. Furthermore, the indication is that consumers may pay a greater average price for oranges during a season when prices fluctuate widely than when such fluctuations are prevented by the regulation of supplies. Moreover, it appears that in the absence of regulation, the total supply of the commodity could be marketed very early in the season, and none of the commodity would be available to consumers during a large part of the time during which they have customarily consumed it. Operation of volume regulation, as authorized under present provisions of the marketing agreement and order has been directed toward the objective of achieving parity prices for Valencia oranges; and such operation has resulted in the development of a system which has proved effective in establishing and maintaining an orderly flow of such oranges to market. Such provisions of the marketing agreement and order, and the method of operation thereunder, are suitable for use in above-parity situations. Particularly applicable are those relating to the development of a marketing policy, the determination of prorate bases, the computation of allotments, and the fixing of the quantity of Valencia oranges that may be handled. Because of the unpredictable nature of short-run factors on the demand for Valencia oranges, it would be necessary to continue as now provided in the marketing agreement and order, weekly regulation of Valencia orange shipments so as to insure a flow of such oranges to market throughout the normal marketing season as will be consistent with the demand therefor. This would be effective in accomplishing the declared policy of the act by avoiding unreasonable fluctuations in the supplies and prices of such oranges and be in the interest of both producers and consumers. However, it should not be the purpose of volume regulation during any period when season average price exceeds the parity level to restrict the total quantity of Valencia oranges to market so as to increase prices. As previously stated, authority to include in marketing agreements and orders provision for regulating the flow of a commodity to market in above-parity price situations, in the interest of producers and consumers, became available subsequent to the time this marketing agreement and order program was made effective on California-Arizona Valencia oranges. Therefore, the definition of "act" as contained in said marketing agreement and order does not include a statutory reference to the amendment by which such authority was added to the Agricultural Marketing Agreement Act of 1937. Since it is proposed to include in the marketing agreement and order authority to regulate the flow of Valencia oranges in above-parity situations, and it is desirable to keep the definitions in such marketing agreement and order current, it is concluded that the marketing agreement and order should be amended to include a reference to such authority as hereinafter set forth.

(10) The marketing agreement and order provide that the Secretary shall, prior to December 15 of each even numbered year, conduct a referendum among the producers of Valencia oranges to ascertain whether continuance of said marketing agreement and order is favored by such producers. The first of these referendums is scheduled to be held in 1956. As the Valencia orange shipping season is from May to November, most of the packing houses will be closed during the referendum period. The majority of producers are affiliated with cooperative associations which vote as units through Boards of Directors. Since the packing houses of these associations will not be operating during the referendum

period, it would require the calling of special meetings of the Boards of Directors of several of the cooperative associations in order for them to make decisions regarding the continuance of the marketing agreement and order. If the date by which the referendum is to be held was changed to October 15, this would facilitate consideration of the matter at regular meetings of the cooperative associations, and would contribute to the securing of a more representative vote in the referendum. It is therefore concluded that the marketing agreement and order should be amended to provide for the holding of said referendum prior to October 15 of each even numbered year.

*General findings.* (1) The marketing agreement, as hereby proposed to be amended, and the order, as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act, including the establishment and maintenance of such orderly marketing conditions for Valencia oranges grown in the State of Arizona and designated part of California as will provide, in the interests of producers and consumers, an orderly flow thereof to market throughout its normal marketing season to avoid unreasonable fluctuations in supplies and prices;

(2) The marketing agreement, as hereby proposed to be amended, and the order, as hereby proposed to be amended, regulate the handling of Valencia oranges grown in the production area in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in, the marketing agreement upon which hearings have been held;

(3) The marketing agreement, as hereby proposed to be amended, and the order, as hereby proposed to be amended, are limited in their application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of such production area would not effectively carry out the declared policy of the act;

(4) The marketing agreement, as hereby proposed to be amended, and the order, as hereby proposed to be amended, prescribe, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of the oranges covered thereby; and

(5) All handling of Valencia oranges grown in the production area is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

*Rulings on proposed findings and conclusions.* February 13, 1956, was fixed as the latest date for the filing of briefs with respect to the facts presented in evidence at the hearing and the findings and conclusions which should be drawn therefrom. No such brief was filed within the prescribed time; hence, no ruling is necessary.

*Recommended amendments to the marketing agreement and order.* The following amendments to the marketing agreement and order are recommended as the detailed means by which the aforesaid conclusions may be carried out:

1. Delete the provisions of § 922.16 and substitute in lieu thereof the following:

§ 922.16 *Carton.* "Carton" means the standard container number 58 as defined in section 828.83 of the Agricultural Code of California, as amended, of a capacity of approximately 38½ pounds of oranges, or such other container and capacity as may be established by the committee with the approval of the Secretary, or the equivalent thereof.

2. Delete the provisions of § 922.18 and substitute in lieu thereof the following:

§ 922.18 *Carload.* "Carload" means a quantity of oranges equivalent to 924 cartons of oranges, or such other quantity of oranges as may be established by the committee with the approval of the Secretary.

3. Amend the provisions of § 922.31 by adding at the end of the section the following: "Whenever specifically authorized or approved by the committee, an alternate member shall be reimbursed for reasonable expenses necessarily incurred by him in attending committee meetings and shall receive compensation at the rate provided in this section, notwithstanding that the committee member for whom he serves as alternate also attends such meetings."

4. Amend the provisions of § 922.32 as follows:

a. Delete the first sentence thereof and substitute in lieu thereof the following: "The committee shall, as soon as practicable after the marketing of the crop is completed, prepare and mail an annual report to the Secretary and to each handler and grower of record."

b. Delete therefrom the words following (d) and substitute in lieu thereof the following: "notice of the time and place of an open meeting, to be held as soon as practicable after the mailing of the annual report, to review the whole record of the operations of this part."

5. Amend the provisions of paragraph (e) of § 922.53 *Prorate bases* by inserting the following as part of the last sentence in such paragraph: "; and, in the event the change in control of oranges is occasioned by a bona fide transfer of the ownership of the real property on which such oranges were produced, the person gaining the control of such oranges shall have his quantity of oranges available for current shipment adjusted by adding thereto a quantity of oranges equal to that which is so deducted."

6. Amend the provisions of § 922.55 by deleting therefrom the first sentence and substituting in lieu thereof the following: "During any week for which the Secretary has fixed the total quantity of oranges which may be handled, any person who has received an allotment for such week, and whose total allotment is not loaned, or is not required for the repayment of an allotment loan or as a deduction for a prior overshipment, may handle in addition to his allotment an amount of such oranges equivalent to 10 percent of his allotment, or one carload, whichever is the greater."

7. Amend the provisions of § 922.57 by adding a new paragraph (e) as follows:

(e) No allotment may be loaned from one handler to another when such loan is brought about by the payment of a consideration.

8. Amend the provisions of § 922.64 by inserting the following immediately after the first sentence of such section: "When any such size regulation restricts the handling of a portion of a specified size, the quantity of such size that may be handled by a handler during a particular week shall be established as a percentage of (a) the weekly allotment issued to such handler when volume regulation is in effect, and (b) the total weekly volume handled by such handler when volume regulation is not in effect."

9. Insert the following new sentence immediately preceding the last sentence of § 922.52 *Issuance of volume regulations:* "Such regulation may be made effective, as authorized by the act, irrespective of whether the season average price for Valencia oranges is in excess of the parity price specified therefor in the act."

10. Amend the provisions of § 922.71 by deleting therefrom the word "box" and substituting in lieu thereof the word "carton."

11. Immediately preceding the closing of the parenthesis at the end of § 922.2 *Act* insert the following: "; 68 Stat. 906, 1047."

12. Amend the provisions of § 922.83 (c) (3) by deleting therefrom the date "December 15" wherever it appears and substituting in lieu thereof the date "October 15."

Dated: April 6, 1956.

[SEAL] F. R. BURKE,
*Acting Deputy Administrator.*

[F. R. Doc. 56-2798; Filed, Apr. 11, 1956; 8:45 a. m.]

## FEDERAL POWER COMMISSION

### [ 18 CFR Part 154 ]

[Docket No. R-153]

RATE SCHEDULES AND TARIFFS

NONACCEPTABILITY OF CONTRACTS BETWEEN PRODUCERS AND INTERSTATE NATURAL-GAS COMPANIES CONTAINING CERTAIN TYPES OF AUTOMATIC ESCALATION AND FAVORED NATION CLAUSES

APRIL 4, 1956.

1. Notice is hereby given that the Commission has under consideration the amendment of its rules in the above-entitled matter.

2. Pursuant to the authority vested in it by the Natural Gas Act (52 Stat. 821) and particularly sections 4 and 16 thereof (15 U. S. C. 717c, 717o) the Commission proposes to amend § 154.93 of its general rules and regulations (18 CFR 154.93) to describe certain types of contracts for the sale of natural gas which will not be accepted for filing as rate schedules pursuant to section 4 of the Natural Gas Act.

3. The Natural Gas Act (15 U. S. C. 717–717w) subjects to Federal Power Commission supervision and control the transportation of natural gas in interstate commerce, the sale in interstate commerce of natural gas for resale, and natural-gas companies engaged in such transportation and sale.

4. Some of the natural gas transported in interstate commerce is purchased under contracts with producing and gathering companies which provide for automatic increases or escalation in charges paid by interstate natural-gas companies whenever the latter companies are permitted an increase in their wholesale rates, or whenever certain index figures are raised. Similar provisions, commonly referred to as "favored nation" clauses, call for an increase in the price paid to a producer by the interstate transporter if it or any other producer in the same field or other area of production receives higher prices from the same or another transporter, or if a bona fide offer to purchase gas has been made to it or any other producer within such areas.

5. It is generally desirable and for the protection of consumers that gas-purchase contracts by interstate pipeline companies when purchasing natural gas for interstate transportation or for later sale at wholesale in interstate commerce, shall cover periods of maximum duration rather than only short limited periods. Nevertheless, contracts such as those described in paragraph 4 are not in the public interest and should not be accepted for filing or given formal recognition merely for the purpose of extending the reserve contract period.

6. It is therefore proposed to amend Part 154, entitled Rate Schedules and Tariffs of Subchapter E, Regulations Under the Natural Gas Act, Chapter I of Title 18, Code of Federal Regulations by adding a proviso to § 154.93 *Rate schedule defined* to read as follows: "*Provided,* That after July 1, 1956, no contract will be accepted for filing pursuant to this part, which contains provision for the adjustment of the price of the seller by reason of (a) escalator clauses based on price indices or changes in the price received by the purchaser upon resale, or (b) the payment or offer of payment of higher prices by the purchaser or other purchasers in the same or other producing areas to the same or other sellers."

7. Any interested person may submit to the Federal Power Commission, Washington 25, D. C., on or before June 1, 1956, data, views, and comments in writing concerning the amendments proposed herein. The Commission will consider these written submittals before acting upon the proposed amendments. An original and 9 copies should be filed of any such submittals.

J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56-2832; Filed, Apr. 11, 1956; 8:51 a. m.]



# NOTICES

## ATOMIC ENERGY COMMISSION

ACCESS PERMITS

EXTENSION OF TERM OF PERMIT

1. Pursuant to the provisions of the Atomic Energy Act of 1954 (68 Stat. 919), each access permit issued by the Atomic Energy Commission and dated between May 16, 1955 and February 3, 1956, inclusive, is hereby amended by extending the term of the permit to the date two years after the date of the permit.

2. Any holder of an access permit affected by this amendment who desires his permit to terminate at an earlier date than that provided for in this amendment should submit a request therefor to the Atomic Energy Commission, 1901 Constitution Avenue NW., Washington 25, D. C., Attention, Division of Civilian Application.

Dated at Washington, D. C. this 5th day of April 1956.

K. E. FIELDS,
*General Manager.*

[F. R. Doc. 56-2802; Filed, Apr. 11, 1956; 8:46 a. m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[Doc. 117]

ARIZONA

PARTIALLY REVOKING AIR NAVIGATION SITE WITHDRAWAL NUMBER 229

APRIL 6, 1956.

1. By virtue of authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 43 U. S. C. 214), and pursuant to authority delegated by document No. 43, Arizona, effective May 19, 1955 (20 F. R. 3514–15), it is ordered as follows:

The order of the Acting Secretary of the Interior Department dated August 26, 1946 withdrawing certain public lands in Arizona for use by the Department of Commerce in the maintenance of Air Navigation facilities is hereby revoked insofar as it affects the following described land:

GILA AND SALT RIVER MERIDIAN

T. 16½ N., R. 18 W.,
Sec. 26: NW¼NW¼NW¼.

The area described contains 10 acres of public land.

2. The land is located approximately 6 miles south and 2 miles east of Yucca, Mohave County, Arizona, and is accessible by unimproved desert roads from U. S. Highway 66 which passes the land to the east. The topography is level to rolling and supports a sparse vegetative cover of desert shrubs, grasses and weeds. The soil ranges from gravel to sandy and the land is not considered suitable for any agricultural use, except grazing.

3. No application for this land will be allowed under the homestead, desert land, small tract, or any other non-mineral public land law, unless the land is classified as suitable for such application or shall be so classified upon consideration of the application. Any application that is filed will be considered on its merits and the land will not be subject to occupancy or disposition until the application is allowed.

4. This order shall not otherwise become effective to change the status of the land until 10 a. m. May 12, 1956. At that time the land shall become subject to application, location, and selection under applicable public laws, subject to valid existing rights and the provisions of existing withdrawals, and the 91 day preference right filing period for veterans of World War II or the Korean Conflict and others entitled to preference under the Act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended. All valid applications from persons entitled to veterans preference filed prior to 10 a. m. May 12, 1956 will be considered as simultaneously filed at that time. All valid applications from persons entitled to veterans preference filed after 10 a. m. May 12, 1956 will be considered in the order of filing. All valid applications from other persons filed after 10 a. m. May 12, 1956 and prior to 10 a. m. August 11, 1956 will be considered as simultaneously filed at that time. All valid applications filed after 10 a. m. August 11, 1956 will be considered in the order of filing.

5. The land will be opened to location under the United States mining laws beginning 10 a. m. August 11, 1956.

6. Inquiries concerning this land shall be addressed to the Land Office Manager, Bureau of Land Management, Room 251, Main Post Office Building, Phoenix, Arizona.

E. R. TRACITT,
*State Lands and Minerals Staff Officer.*

[F. R. Doc. 56-2812; Filed, Apr. 11, 1956; 8:47 a. m.]

COLORADO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

APRIL 5, 1956.

The United States Forest Service of the Department of Agriculture has filed an application, Serial No. Colorado 013229, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the general mining laws but not the mineral leasing laws, subject to existing valid claims.

The applicant desires the land for use as a site for the Buford Ranger Station for use in administration of the Burro Mountain Ranger District, White River National Forest.

For a period of thirty (30) days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned

official of the Bureau of Land Management, Department of the Interior, 357 New Custom House, P. O. Box 1018, Denver 1, Colorado.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 1 S., R. 91 W.,
Sec. 4: SE¼SW¼.

Total area: 40 acres.

J. ELLIOTT HALL,
*Acting State Supervisor.*

[F. R. Doc. 56-2813; Filed, Apr. 11, 1956; 8:48 a. m.]

## WYOMING

### CLASSIFICATION ORDER 1

Pursuant to authority delegated to me by Bureau Order No. 41, dated April 21, 1954 (19 F. R. 2473), I hereby classify the following described land in the Jackson Hole area restored to entry and disposition under the nonmineral public land laws by Public Land Order 1077 of February 25, 1955 as amended by Public Land Order 1162 of June 6, 1955:

(1) The land described below is isolated and lacks means of public ingress or egress; in most instances, unfavorable topography, flood hazard, high water table, and general unstableness of the land renders impracticable its classification for agricultural or small-tract purposes. Accordingly, after full consideration of all facts involved, I hereby classify the following described land as suitable for sale at public auction at not less than the appraised value indicated:

SIXTH PRINCIPAL MERIDIAN, WYOMING.

| Township | Range | Section | Subdivision | Acreage | Appraisal per acre | Remarks |
|---|---|---|---|---|---|---|
| 41 N. | 116 W. | 6 | Lot 6 | 14.85 | $138.20 | See Note 1. |
| 41 N. | 116 W. | 7 | Lots 1 and 3 | 63.21 | 5.10 | |
| 41 N. | 116 W. | 30 | E½NE¼ | 80.00 | 6.00 | |
| 41 N. | 116 W. | 32 | SW¼SW¼ | 40.00 | 5.00 | |
| 42 N. | 116 W. | 20 | Lot 4 | 22.89 | 51.30 | |
| 42 N. | 116 W. | 29 | Lot 3 | 40.51 | 15.00 | |
| 42 N. | 116 W. | 32 | Lots 2 and 3 | 31.74 | 109.95 | See Note 2. |
| 42 N. | 116 W. | 32 | Lot 6 | .98 | 20.00 | Do. |
| 42 N. | 116 W. | 32 | Lot 7 | 8.49 | 24.00 | Do. |
| 41 N. | 116 W. | 5 | Lot 2 | | | |
| 42 N. | 116 W. | 32 | Lot 1 | 27.35 | 20.00 | See Note 3. |
| 42 N. | 116 W. | 32 | Lot 4 | | | |
| 42 N. | 116 W. | 32 | Lot 5 | | | |
| 42 N. | 116 W. | 32 | Lot 8 | 122.46 | 20.00 | |
| 41 N. | 116 W. | 4 | Lot 5 | | | |
| 41 N. | 116 W. | 5 | Lot 1 | | | |
| 42 N. | 116 W. | 34 | Lot 7 | 26.66 | 3.75 | |

NOTE 1: Records disclose possible color of title claim to this tract by Nathan Dodge Estate, % Ellen D. Scott, Trustee, Post Office Box 287, Oquibquit, Maine.
NOTE 2: Records disclose possible color of title claim to these tracts of land by Stanley B. Resor, % Loomis, Lazear & Wilson, Attorneys at Law, Cheyenne, Wyoming.
NOTE 3: Records disclose possible color of title claim to this tract by Clifford P. Hansen, Jackson, Wyoming.

In view of the foregoing, the Manager of the Land Office, Cheyenne, Wyoming, will notify the respective color of title claimants by certified mail, allowing them 30 days from receipt of such notice to file formal color of title claim under the provisions of the act of December 22, 1928 (45 Stat. 1069; 43 U. S. C. 1068, 1068a), as amended, in accordance with procedure provided by Part 140, Title 43, Code of Federal Regulations. Public sale proceedings as to each respective tract of land covered by the above possible color of title claims will be suspended for the 30-day period indicated above and also until final adjudication of any color of title claim therefor filed pursuant to the above notification.

(2) The land described below adjoins the Teton National Forest along the north section line of Section 26 and along the west section lines of Section 26 and 35, T. 42 N., R. 117 W., 6th P. M., Wyoming; the land is isolated and lacks public means of ingress and egress; it varies in slope from 12° to 50°; the soil is very unstable, being rocky and loose, washes readily, and subject to snow slides carrying earth, boulders and other debris; the land is cut by five large draws carrying live water throughout the year; there is a large spring in the W½SW¼ of Section 26, as well as a good stand of Douglas fir (approximately 100,000 MBF) in the N½NE¼ of Section 26; the land is also within the Wilson area which supports a large population of deer, moose and bear as well as game birds.

In view of the foregoing, I hereby classify the following described land as primarily valuable for watershed, timber and wildlife purposes and it is determined that the land is required for retention in Federal ownership for those purposes:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 42 N., R. 117 W.,
Sec. 26: Lots 1, 2, 3, 4, N½NE¼, E½NW¼, NE¼SW¼;
Sec. 35: Lots 1, 2, 3, 4.

(3) As to the remaining lands covered by Public Land Order 1077 as amended by Public Land Order 1162, described below (except lots 3 and 4, Section 21, and lot 1, Section 28, T. 42 N., R. 116 W., which are patented lands, and the SW¼SW¼, Section 33, T. 41 N., R. 116 W., which is within the Teton National Forest), additional field work with respect to surveying and mineral examination is required before classification can be completed:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 41 N., R. 116 W.,
Sec. 18: Lot 1, SE¼SE¼;
Sec. 19: NE¼NE¼;
Sec. 28: W½NW¼, S½SW¼;
Sec. 29: E½NE¼, W½SE¼, SE¼SE¼;
Sec. 32: NE¼SW¼, N½NE¼;
Sec. 33: N½NW¼.
T. 42 N., R. 116 W.,
Sec. 2: Lot 4;
Sec. 20: Lot 1.

LOWELL M. PUCKETT,
*State Supervisor.*

[F. R. Doc. 56-2811; Filed, Apr. 11, 1956; 8:47 a. m.]

[Doc. 112]

## ARIZONA

### CORRECTION OF PROPOSED WITHDRAWAL AND RESERVATION OF LAND FOR BUREAU OF PUBLIC ROADS

APRIL 4, 1956.

Pursuant to authority delegated by Document No. 43, Arizona, effective May 19, 1955 (20 F. R. 3514-15) the notice of the proposed withdrawal and reservation of land in the Tonto National Forest for the Bureau of Public Roads, Department of Commerce, in accordance with the application serialized AR-09751 which was published in the FEDERAL REGISTER on March 29, 1956 (21 F. R. 1936), Document No. 102, is corrected to read as follows:

The land described as Sec. 14, T. 4 N., R. 8 E., (Unsurveyed) should read Sec. 24.

E. R. TRAGITT,
*State Lands and Minerals Staff Officer.*

[F. R. Doc. 56-2810; Filed, Apr. 11, 1956; 8:47 a. m.]

[Misc. 70787]

## ARIZONA

### NOTICE FOR FILING OBJECTIONS TO ORDER WITHDRAWING PUBLIC LANDS FOR SALT RIVER PROJECT, ARIZONA; CORRECTION

APRIL 6, 1956.

In Federal Register Document 56-1934, appearing at page 1607 of the issue for Wednesday, March 14, 1956, the name of the State in the first sentence of the first paragraph should read "Arizona".

EDWARD WOOZLEY,
*Director.*

[F. R. Doc. 56-2809; Filed, Apr. 11, 1956; 8:47 a. m.]

## Bureau of Reclamation

### UNCOMPAHGRE PROJECT, COLORADO

### ORDER OF REVOCATION

FEBRUARY 3, 1956.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954 (19 F. R. 5004), I hereby revoke Departmental Orders of January 31, 1902, October 24, 1902, April 20, 1904, March 30, 1905 (2 orders, 1 first form and 1 second form), November 30, 1914, December 1, 1916, August 13, 1917, May 25, 1920, September 3, 1920, April 24, 1922, February 25, 1936, and October 14, 1940 insofar as said orders affect the following described lands; provided, however, that such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the lands hereinafter described:

NEW MEXICO PRINCIPAL MERIDIAN, COLORADO

T. 48 N., R. 8 W.,
Sec. 5: E½ of lot 7, lot 10, SE¼ of lot 11, S½ of lot 13 and lot 14.
T. 49 N., R. 8 W.,
Sec. 22: N½SW¼ and SW¼SW¼;
Sec. 23: E½SE¼;
Sec. 24: W½SW¼;
Sec. 25: W½NW¼;
Sec. 26: N½N½, SW¼NE¼ and SW¼NW¼;
Sec. 27: N½ and NW¼SW¼.
T. 48 N., R. 9 W.,
Sec. 25: Lots 1, 2, 4, and 6 to 10, incl., W½NW¼, SW¼ and SW¼SE¼;
Sec. 26:
Sec. 27: NE¼ and N½SE¼;
Sec. 28: lots 1 to 5, incl., E½NW¼ and NE¼SE¼;
Sec. 35: E½, E½W½ and NW¼NW¼;
Sec. 36: lot 2, NW¼NE¼, S½NE¼, NW¼ and S½.
T. 50 N., R. 9 W.,
Sec. 16: N½SW¼ and SE¼SW¼;
Sec. 21: NE¼NW¼, S½NW¼ and SW¼;
Sec. 28: W½NE¼ and N½SE¼.
T. 51 N., R. 9 W.,
Sec. 16: W½SW¼;
Sec. 17: E½SE¼;
Sec. 30: SW¼SE¼;
Sec. 31: NW¼NE¼.
T. 48 N., R. 10 W.,
Sec. 1; lots 1 to 16, incl., and S½;
Sec. 2: lots 1 to 16, incl., and S½;
Sec. 9: N½;
Sec. 10: N½NE¼, SW¼NE¼ and NW¼;
Sec. 11: N½NE¼ and SE¼;
Sec. 12:
Sec. 13: E½NE¼.
T. 49 N., R. 10 W.,
Sec. 6: lots 6 and 7, E½SW¼, W½SE¼ and W½E½SE¼;
Sec. 7: lots 1 to 4, incl., E½ and E½W½;
Secs. 8 and 16;
Sec. 17: NE¼NE¼, S½NE¼, NW¼ and S½;
Sec. 18: NE¼;
Sec. 20: E½E½, W½NE¼ and E½NW¼;
Sec. 29: E½E½.
T. 49 N., R. 11 W.,
Sec. 1: lots 1 to 4, incl., SW¼NE¼, S½NW¼ and S½;
Sec. 2: SE¼SW¼ and SE¼;
Sec. 11: NE¼ and SE¼NW¼;
Sec. 12: NE¼ and N½NW¼.
T. 50 N., R. 11 W.,
Sec. 5: S½SW¼;
Sec. 6: lots 2 to 5, incl., SW¼NE¼, SE¼NW¼ and SE¼;
Sec. 7: NE¼NE¼;
Sec. 8: NW¼, NE¼SW¼ and SE¼;
Sec. 17: E½NE¼;
Sec. 22: SW¼NW¼, NW¼SW¼ and SW¼SE¼;
Sec. 26: E½, E½W½, NW¼NW¼ and W½SW¼;
Sec. 27: NE¼NE¼;
Sec. 35: NE¼, NE¼NW¼ and NE¼SE¼.
T. 51 N., R. 11 W.,
Sec. 30: lots 2, 3, and 4, SE¼SW¼ and SW¼SE¼;
Sec. 31: lots 1 to 4, incl., E½ and E½W½;
Secs. 32 to 36, incl.
T. 50 N., R. 12 W.,
Sec. 1: lot 1.
T. 51 N., R. 12 W.,
Sec. 24: W½SE¼;
Sec. 25: NW¼NE¼, S½NE¼ and S½;
Sec. 36: NE¼NW¼ and E½.

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 15 S., R. 94 W.,
Sec. 21: S½SE¼;
Sec. 28: N½NE¼, SW¼NE¼ and SE¼SE¼;
Sec. 33: E½NE¼.

The above areas aggregate 20,100.52 acres, of which 6,824.44 acres are vacant public land.

E. G. NIELSEN,
*Acting Commissioner.*

[724387]

APRIL 6, 1956.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The following-described lands have been patented with no mineral reservation to the United States:

NEW MEXICO PRINCIPAL MERIDIAN

T. 49 N., R. 8 W.,
Sec. 22, N½SW¼ and SW¼SW¼;
Sec. 23, SE¼SE¼;
Sec. 25, W½NW¼;
Sec. 26, N½N½, SW¼NE¼, and SW¼NW¼;
Sec. 27, N½ and NW¼SW¼.
T. 48 N., R. 9 W.,
Sec. 25, lots 1, 2, 4, and 6 to 10, inclusive, W½NW¼, SW¼, and SW¼SE¼;
Sec. 26;
Sec. 28, lots 1 to 5, inclusive, E½NW¼, and NE¼SE¼;
Sec. 35, E½, E½W½, and NW¼NW¼;
Sec. 36, lot 2, NW¼NE¼, S½NE¼, NW¼, and SE¼.
T. 48 N., R. 10 W.,
Sec. 1, lots 1 to 16, inclusive, and S½;
Sec. 2, lots 1 to 16, inclusive, and S½;
Sec. 9, N½;
Sec. 10, N½NE¼, SW¼NE¼, and NW¼;
Sec. 11, N½NE¼ and SE¼;
Sec. 12;
Sec. 13, E½NE¼.
T. 49 N., R. 10 W.,
Sec. 7, lots 1 to 4, inclusive, E½, E½W½;
Sec. 8, E½, E½NW¼;
Sec. 16, W½, W½NE¼, SE¼NE¼, W½SE¼, and NE¼SE¼;
Sec. 17, E½E½;
Sec. 20, E½NE¼;
Sec. 29, E½E½.
T. 49 N., R. 11 W.,
Sec. 1, lots 1, 2, 3, SE¼NW¼, and SW¼;
Sec. 2, NE¼SE¼;
Sec. 11, W½NE¼, SE¼NE¼, and SE¼NW¼.
T. 50 N., R. 11 W.,
Sec. 26, E½, E½W¼, and NE¼SW¼;
Sec. 35, NE¼ and NE¼NW¼.
T. 51 N., R. 11 W.,
Sec. 31, E½E½, NE¼NW¼, and SW¼SE¼.

The areas described aggregate approximately 9,680 acres.

The remaining lands, aggregating approximately 10,420 acres, are located in Montrose and Delta Counties, Colorado. They are generally rolling to rough in topography. The soil is sandy loam, heavily interspersed with sandstone rocks and ledges. Some areas are heavy clay or adobe with heavy concentrations of salts. Vegetative cover is generally sparse and none of the lands is suitable for cultivation.

No application for the restored lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any valid existing rights and the requirements of applicable law, the restored lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284 as amended), presented prior to 10:00 a. m. on May 12, 1956 will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on August 11, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on August 11, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral-leasing laws. They will be open to locations under the United States mining laws beginning at 10:00 a. m. on August 11, 1956.

Persons claiming veterans' preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference right based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Denver, Colorado.

EDWARD WOOZLEY,
*Director,*
*Bureau of Land Management.*

[F. R. Doc. 56-2814; Filed, Apr. 11, 1956; 8:48 a. m.]

HUMBOLDT DRAINAGE PROJECT, NEVADA

FIRST FORM RECLAMATION WITHDRAWAL

JULY 12, 1951.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949 (14 F. R. 1937), I hereby withdraw the following-described lands from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

MOUNT DIABLO MERIDIAN, NEVADA

T. 23 N., R. 28 E.,
Secs. 2, 4, 10, 12, 14, 16, 22, 24, 26, and 36, all.
T. 24 N., R. 28 E.,
Secs. 26, 34, and 36, all.
T. 24 N., R. 29 E.,
Secs. 12, 14, 24, all;
Sec. 26, E½SE¼, SW¼SE¼, and N½;
Sec. 36, all.
T. 25 N., R. 29 E.,
Sec. 24, E½NE¼, E½W½NE¼, and SE¼;
Sec. 36, Lots 5 and 6.
T. 24 N., R. 30 E.,
Sec. 2, Lots 1 and 2, S½NE¼, and S½;
Sec. 4, Lots 1 to 4, incl., S½N½, and S½;
Sec. 6, Lots 1 to 7, incl., S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Secs. 8, 10 and 16, all;
Sec. 18, Lots 1 to 4, incl., E½W½, and E½;
Secs. 20, 22 and 28, all;
Sec. 30, Lots 1 to 4, incl., E½W½, and E½;
Sec. 32, all.
T. 25 N., R. 30 E.,
Sec. 2, Lots 1 to 4, incl., S½N½, and S½;
Sec. 4, Lots 1 to 6, incl., S½N½, E½SW¼, and SE¼;
Sec. 6, Lots 1 to 7, incl., S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
Sec. 8, Lots 1 to 9, incl., NW¼, NE¼SW¼, NW¼SE¼, and SW¼NE¼;
Sec. 10, Lots 1 to 5, incl., E½NW¼, NE¼SW¼, and E½;
Sec. 14, NW¼, and S½;
Sec. 16, all;
Sec. 18, Lots 1 to 4, incl., E½W½, and E½;
Secs. 20, 22, 24, 26 and 28, all;
Sec. 30, Lots 1 to 4, incl., E½W½, and E½;
Sec. 32, Lots 1 to 4, incl., N½S½, and N½;
Sec. 34, Lots 1 to 4, incl., N½S½, and N½;
Sec. 36, NW¼.
T. 26 N., R. 30 E.,
Sec. 24, Lots 1 to 4, incl., W½E½, and W½;
Sec. 26, all;
Sec. 32, Lots 1 to 4, incl., N½S½, and N½;
Sec. 34, Lots 1 to 4, incl., N½S½, and N½;
Sec. 36, Lots 1 to 7, incl., W½NE¼, NW¼, N½SW¼, and NW¼SE¼.

The areas described aggregate 32,653.34 acres.

WESLEY R. NELSON,
*Assistant Commissioner.*

[62271]

APRIL 6, 1956.

I concur. The records of the Bureau of Land Management and the District Land Office will be noted accordingly.

EDWARD WOOZLEY,
*Director,*
*Bureau of Land Management.*

*Notice for Filing Objections to Order Withdrawing Public Lands for the Humboldt Drainage Project, Nevada*

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of Nevada for use in connection with the Humboldt Drainage Project, may present their objections to the Secretary of the Interior. Such objections should be in writing, addressed to the Secretary of the Interior, and filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

WESLEY R. NELSON,
*Assistant Commissioner.*

[F. R. Doc. 56-2815; Filed, Apr. 11, 1956; 8:48 a. m.]

## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

ALABAMA

SALE OF MINERAL INTERESTS; REVISED AREA DESIGNATION

Schedule A, entitled Fair Market Value Areas, and Schedule B, entitled One Dollar Areas, accompanying the Secretary's Order, dated June 26, 1951, (16 F. R. 6318) are amended as follows:

In schedule A, under Alabama, in alphabetical order, add the county "Autauga."

In schedule B, under Alabama, in alphabetical order, delete the county "Autauga."

Done at Washington, D. C., this 6th day of April 1956.

[SEAL] TRUE D. MORSE,
*Acting Secretary.*

[F. R. Doc. 56-2800; Filed, Apr. 11, 1956; 8:45 a. m.]

## DEPARTMENT OF COMMERCE

### Civil Aeronautics Administration

REGIONAL ADMINISTRATORS

DELEGATION OF AUTHORITY REGARDING COMPLIANCE WITH AIRPORT OPERATION AGREEMENTS

1. *Purpose.* The purpose of this delegation is to provide the Regional Administrators with general authority (a) to consent to or approve the leasing and use for non-airport purposes of certain public airport properties, and the conveyance or grant of rights of way and licenses with respect to certain public airports, and (b) to release certain surplus airport properties from the terms, conditions, reservations and restrictions of surplus airport property instruments of disposal.

2. *Authority.* This delegation is made pursuant to authority vested in the Administrator of Civil Aeronautics under Reorganization Plan No. 5 of 1950 (64 Stat. 1263; 5 U. S. C. 133z-15) and Department of Commerce Department Orders Nos. 86 (19 F. R. 2098) and 115 (15 F. R. 3195).

3. *Definitions:*

3.1 *Airport operation agreement.* The term "airport operation agreement" as used in this delegation means either:

(a) An agreement entered into under the program for the development of civil landing areas or the program for the development of landing areas for national defense conducted by the Civil Aeronautics Administration during the period 1940 through 1946 (generally known as an AP-4 agreement);

(b) A grant agreement executed pursuant to the Federal Airport Act (49 U. S. C. 1101); or

(c) A surplus airport property instrument of disposal issued pursuant to section 13 of the Surplus Property Act of 1944 (58 Stat. 765; 50 U. S. C. app. 1622).

3.2 *Regional Administrator.* The term "Regional Administrator" as used in this delegation means the Regional Administrator of any Civil Aeronautics Administration Region or any person serving in that position in an acting capacity under proper authorization.

3.3 *Chief, Airports Division.* The term "Chief, Airports Division" as used in this delegation means the Chief, Airports Division, in the Civil Aeronautics Administration Regional Office or any person serving in that position in an acting capacity under proper authorization.

4. *Delegation.* Authority is delegated to Regional Administrators in accordance with the following provisions of this section.

4.1 *Lease or use for non-airport purposes.* Each Regional Administrator is hereby delegated authority to consent to or approve, conditionally or unconditionally, the leasing or use for non-airport purposes of portions or facilities of an airport subject to an airport operation agreement, thereby modifying or amending the airport operation agreement to the extent that such lease or use is otherwise inconsistent or in conflict with the obligations of the airport owner under the agreement, and to execute such documents as are necessary to evidence such consent or approval: *Provided,* That in each case the Regional Administrator first determines

(a) That the portions or facilities so leased or used will not be required for airport purposes during the period of such lease or use, and

(b) That the use or exercise of the rights granted by the lease will not materially and adversely affect the use, operation, maintenance, development, or improvement of the airport;

*And provided further,* That such consent to or approval of any such lease or use of airport property that is subject to a surplus airport property instrument of disposal shall not be construed as releasing the property involved from the application of any other terms and conditions of the instrument, including the provisions of the national emergency use clause of such instrument.

4.2 *Easements.* Each Regional Administrator is hereby delegated authority to consent to or approve, conditionally or unconditionally, the conveyance or grants of rights of way (easements) and licenses for streets, roadways, utility lines and other pipe, pole and wire lines, and drainage and irrigation facilities on, over and under lands subject to an airport operation agreement, thereby modifying or amending the airport operation agreement to the extent that such conveyance or grant is otherwise inconsistent or in conflict with the obligations of the airport owner under the agreement, and to execute such documents as are necessary to evidence such consent or approval: *provided,* That in each case the Regional Administrator first determines that exercise of the rights granted by the right of way or license will not adversely and materially interfere with the use, operation, maintenance, development, or improvement of the airport.

4.3 *Leases for airport purposes.* Each Regional Administrator is hereby delegated authority to examine and approve leases and use agreements as to their conformity with the obligations of the owners of airports under airport operation agreements.

4.4 *Surplus structures and facilities.* Each Regional Administrator is hereby delegated authority to execute such instruments of release or correction or other instruments as may be necessary to release from any or all of the terms, conditions, reservations, and restrictions of surplus airport property instruments of disposal:

(a) Any structures, facilities or items of personal property (except electric, water, gas, heating, sewerage, aircraft fuel and other similar utility systems and the component parts thereof) which, in the opinion of the Regional Administrator, have outlived their useful life or deteriorated beyond economical repair, notwithstanding the performance of such maintenance work by the airport owner as he could reasonably have been expected to perform in maintaining the property in accordance with the applicable instrument of disposal;

(b) Any structures or facilities which, in the opinion of the Regional Administrator, must be removed to permit the accomplishment of needed airport improvement or expansion; and

(c) Any equipment such as machinery, machine tools, and vehicular equipment (other than component parts of electric, water, gas, heating, sewerage, aircraft fuel and other similar utility systems) which, in the opinion of the Regional Administrator, is no longer needed for the purpose for which it was conveyed or, because of size, type or other reason, is uneconomical to use for the purpose for which it was conveyed.

4.5 *Surplus property industrial restriction.* Each Regional Administrator is hereby delegated authority to execute such instruments as may be necessary to effect the removal of record of any restriction against use of structures for industrial purposes contained in any surplus airport property instrument of disposal.

5. *Redelegation.* Each Regional Administrator is authorized to redelegate the authorities delegated in section 4, above, to the Chief, Airports Division, of his Regional Office, but the Chief, Airports Division, may not redelegate this authority to any subordinate.

6. *Effective date.* This delegation of authority is effective February 20, 1956.

[SEAL] C. J. LOWEN,
*Administrator of Civil Aeronautics.*

[F. R. Doc. 56-2805; Filed, Apr. 11, 1956; 8:46 a. m.]





## CIVIL AERONAUTICS BOARD

[Docket No. 7596]

DALLAS TO THE WEST

NOTICE OF PREHEARING CONFERENCE

In the matter of the adequacy of trunkline air service between Dallas, Texas, and the West.

By direction of the Board, notice is hereby given that a prehearing conference in Docket No. 7596, the complaint and petition of the City and Chamber of Commerce of Dallas, Texas, in the matter of adequacy of trunkline air service between Dallas and the West, is assigned to be held on May 7, 1956, 10:00 a. m., e. d. s. t., in Room E-224, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before an Examiner of the Board.

Any motions for consolidation of applications in this proceeding should be filed on or before April 26, 1956.

Counsel will be expected to state the views of their clients with respect to the issues discussed at this conference.

Dated at Washington, D. C., April 6, 1956.

FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56-2835; Filed, Apr. 11, 1956; 8:52 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. E-6664]

NEW YORK STATE ELECTRIC & GAS CORP. ET AL.

AMENDMENT TO ORDER INSTITUTING RATE INVESTIGATION

In the matters of New York State Electric & Gas Corporation, Northern Pennsylvania Power Company, and Pennsylvania Electric Company; Docket No. E-6664.

By motion filed March 23, 1956, Pennsylvania Electric Company (Penelec), has requested that upon consummation of the merger into it of Northern Pennsylvania Power Company (Northern Penn), the Commission's order issued March 9, 1956, instituting a rate investigation, be amended so that all issues relating solely to Penelec's Rate Schedule FPC No. 13 for the sale of energy to Northern Penn shall be eliminated from the proceeding.

Penelec relates in its motion that all of its outstanding common stock is owned by Associated Electric Company (Aelec), whose outstanding securities in turn are owned by General Public Utilities (GPU), and that both GPU and Aelec are public utility holding companies registered with the Securities and Exchange Commission under the Public Utility Holding Company Act of 1935. It relates further that Northern Penn's outstanding common stock is owned by GPU, and that Northern Penn will be merged into Penelec within 60 days, pursuant to an order of the Pennsylvania Public Utility Commission dated September 8, 1953, and an order of the SEC dated March 2, 1956 (Holding Company Act Release No. 13116), although before the consummation of the merger technical amendments will be necessary to both the Pennsylvania Commission and SEC orders and approval of the New York State Public Service Commission will be required for acquisition by Penelec of the capital stock of The Waverly Electric Light and Power Company, a subsidiary of Northern Penn.

In accordance with its motion, Penelec has filed a notice of cancellation of its Rate Schedule FPC No. 13, effective on the date of the merger, and states that the notice of cancellation will be supplemented upon consummation of the merger by due notice to the Commission to that effect.

The Commission finds: It is appropriate in the administration of the Federal Power Act to amend the Commission's order issued March 9, 1956, in the manner specified below:

The Commission orders: The Commission's order issued March 9, 1956, in the above-entitled proceeding, is hereby amended so that upon (1) due cancellation of Penelec's Rate Schedule FPC No. 13 by notice given in accordance with applicable regulations and (2) the consummation of the merger of Northern Penn into Penelec, all issues relating solely to the question of the lawfulness of Penelec's Rate Schedule FPC No. 13 will be eliminated from the proceeding. Penelec and Northern Penn shall not, however, be relieved of the obligation to make a showing of the facts called for by paragraph B (3) of the Commission's order.

Issued: April 6, 1956.

By the Commission.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56-2818; Filed, Apr. 11, 1956; 8:49 a. m.]

[Docket No. E-6672]

SIERRA PACIFIC POWER CO.

NOTICE OF APPLICATION

APRIL 6, 1956.

Take notice that on April 2, 1956, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Sierra Pacific Power Company, a corporation organized under the laws of the State of Maine, and doing business in the States of California and Nevada, with its principal business office at Reno, Nevada, seeking an order authorizing the issuance of 80,500 shares of Preferred Stock, par value $50 per share; 62,576 shares of Common Stock, par value $7.50 per share and promissory notes in the aggregate face value of not exceeding $4,025,000.

Applicant requests an exemption from the competitive bidding requirements of the Commission's rules and regulations with respect to the issuance of said Preferred and Common Stocks. Applicant proposes to offer the 80,500 shares of Preferred Stock in exchange for the outstanding 6 percent Preferred Stock on the basis of 2.3 shares of New Preferred Stock for each one share of 6 Percent Preferred Stock. Any fractional interest will be settled in cash. Applicant will call the 6 Percent Preferred Stock for redemption at the same time it makes the exchange offer. Applicant proposes to offer the 62,576 shares of Common Stock pro rata to its Common Stockholders after exchange or redemption of all 6 Percent Preferred Stock, at a subscription price per share of not less than 90 percent of the bid price of the Common Stock of the Applicant in the over-the-counter market at the close of business the day next preceding the fixing of said subscription price by its Board of Directors, pursuant to preemptive rights of Common Stockholders on the basis of one share for each 10 shares of Common Stock held of record with an over-subscription privilege subject to allotment. Rights to subscribe will be evidenced by transferable subscription warrants. The unexchanged balance of the New Preferred Stock will be sold to underwriters and the shares so exchanged and sold will be issued on or about June 1, 1956. The Common Stock is proposed to be issued in June 1956, or such other time as determined by Applicant's Board of Directors. The promissory notes will be payable to such bank or banks from which Applicant may borrow funds up to but not exceeding $4,025,000 (in addition to the $3,500,000 previously authorized by the Commission in Dockets Nos. E–6630 and E–6659) face amount at any one time outstanding for a period not exceeding forty days from the date of original issue. Said notes will bear interest at a rate per annum not in excess of one-quarter of one percent over the prime rate in effect (in New York banks).

Any person desiring to be heard or to make any protest with reference to said application should on or before the 26th day of April 1956, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file and available for public inspection.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56–2821; Filed, Apr. 11, 1956; 8:49 a. m.]

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[Docket No. G–2018]

EL PASO NATURAL GAS CO.

ORDER FIXING DATES FOR FILING OF STATEMENTS IN SUPPORT OF MOTION TO DISMISS AND FOR FILING OF ANSWERS OR OBJECTIONS TO MOTION FOR AN ORDER REOPENING THE RECORD AND FOR RECEIPT OF EVIDENCE AND FIXING DATE FOR ORAL ARGUMENT

On March 29, 1956, in the course of hearing herein, all parties present stipulated to a statement of proposed settlement of this proceeding, excepting the Public Utilities Commission of the State of California, the Attorney General of the State of California, and the City of Los Angeles, California, each of which is an intervener.

On March 29, 1956, also in the course of hearing, the Public Utilities Commission of the State of California moved that this proceeding be dismissed on the ground that the decision of the Supreme Court of the United States in United Gas Pipe Line Co. v. Mobile Gas Service Corp., 350 U. S. (decided February 27, 1956), "may apply to the facts in issue." The Public Utilities Commission also indicated a desire to state its motion in writing to be filed with a supporting statement.

The stipulated statement of proposed settlement and the motion to dismiss have been duly transmitted to the Commission by the Presiding Examiner.

On April 5, 1956, Commission staff counsel filed with the Commission a motion for an order reopening the record in this proceeding and providing that there be made a part of the record all service agreements filed by El Paso Natural Gas Company since November 20, 1953, for sales of natural gas subject to the jurisdiction of the Commission and all superseded and replaced service agreements of El Paso.

The Commission orders:

(A) The Public Utilities Commission of the State of California may file on or before April 16, 1956, a written motion to dismiss this proceeding and a statement in support thereof or a statement in support of the oral motion heretofore made.

(B) Answers or objections to the aforementioned motion of Commission staff counsel, as filed on April 5, 1956, shall be filed on or before April 16, 1956.

(C) Oral argument will be heard on April 20, 1956, at 10:00 a. m., e. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C. with respect to (i) the aforesaid motion to dismiss and (ii) the motion for an order reopening the record and for the receipt of evidence: *Provided, however*, That argument with respect to the last-mentioned motion will be heard only if an answer or objection thereto is filed.

(D) Parties desiring to participate in the argument shall on or before April 18, 1956, notify the Secretary of the Commission of such intention and of the time requested in which to present argument.

Issued: April 6, 1956.

By the Commission.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56–2819; Filed, Apr. 11, 1956; 8:49 a. m.]

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[Docket No. G–2503 etc.]

TEXAS EASTERN TRANSMISSION CORP. AND TEXAS EASTERN PENN-JERSEY TRANSMISSION CORP.

ORDER REOPENING, CONSOLIDATING PROCEEDINGS, AND PRESCRIBING PROCEDURE

In the matters of Texas Eastern Transmission Corporation, Docket Nos. G–2503, G–9784, G–9785, G–9786 and Texas Eastern Penn-Jersey Transmission Corporation, Docket No. G–9787.

The United States Court of Appeals for the District of Columbia, on March 8, 1956, set aside our order accompanying Opinion No. 282 in Docket No. G–2503,[1] which permitted Texas Eastern Transmission Corporation (Texas Eastern) to retire from natural gas service that portion of its original Little Inch system which extends from Baytown, Texas, to Moundsville, West Virginia, and authorized Texas Eastern to construct facilities to replace the service provided by the Little Inch. These included a pipe line connecting its existing system in the vicinity of Beaumont, Texas, with its existing 30-inch pipeline at Kosciusko, Mississippi, the installation of compression facilities on said new pipeline, and the installation of new and additional compression on its existing 30-inch pipeline between Kosciusko and Connellsville, Pennsylvania, at which point said 30-inch line interconnects with Texas Eastern's Oakford Storage Pool and its system extending east to the Eastern Seaboard. On March 27, 1956, we received from the Court of Appeals a certified copy of the Opinion and Judgment remanding the case to us with directions to reopen the record in Docket No. G–2503 for the purpose of conducting further proceedings consistent with its opinion.

The Court of Appeals, in its opinion, required us, in determining the ultimate public convenience and necessity of the proposed project, to consider:

(1) Relevant evidence concerning "the question of future expansion as affecting the public convenience and necessity."[2] These questions as stated in the Court's opinion relate to the economic effect of the retirement of Texas Eastern's Little Inch line upon future expansion of the Texas Eastern gas system.

(2) Relevant evidence concerning (a) the effect of the proposed reconversion of the Little Inch upon petroleum products carriers, (b) the claims that reconversion may violate the national policy against monopoly expressed by the anti-trust laws, and (c) national defense problems.[3] The Court directed us to consider these questions as affecting public convenience and necessity in connection with the proposed conversion of the Little Inch to a products system even if we should find that the public convenience and necessity permitted the proposed retirement of the Little Inch from the standpoint of its natural gas service.

On July 1, 1955, we issued an order amending our order issuing a certificate to Texas Eastern, in Docket No. G–2503, and authorized Texas Eastern to construct a 30-inch pipeline between Beaumont, Texas, and Kosciusko, Mississippi, instead of the 24-inch pipeline previously authorized. On August 12, 1955, we granted a limited rehearing relating to said amendatory order. Such rehearing was held on September 14 and 16, 1955. Disposition of this matter has been withheld pending the outcome of the litigation above described.

[1] City of Pittsburgh et al. v. Federal Power Commission, No. 12895.
[2] Op. cit. supra., note 1, at p. 10.
[3] Op. cit. supra., note 1, at p. 18.



On December 16, 1955, Texas Eastern filed, in Docket No. G–9784, a request for authority to expand its natural gas system by approximately 250,000 Mcf per day, and to lease and operate other new facilities proposed to be constructed by Texas Eastern Penn-Jersey Transmission Corporation (Penn-Jersey) in Docket No. G–9787. The purpose is to satisfy alleged consumer demands for that quantity of gas.

Briefly, the facilities requested by Texas Eastern are:

(1) A new 30-inch pipeline system extending south from Beaumont, Texas, to the United States-Mexican border near McAllen, Texas; and,

(2) New and additional compression on its 30-inch pipeline extending from Beaumont to Kosciusko, which we authorized in Docket No. G–2503, and new and additional compression and approximately 530 miles of 30-inch loop line on its existing 30-inch line between Kosciusko and Connellsville.

Texas Eastern also applied, on December 16, 1955, in Docket No. G–9785, for authorization to import natural gas from Mexico, and, in Docket No. G–9786, for a permit to import such gas in accordance with Executive Order No. 10485. Such imported gas allegedly represents a substantial portion of the gas supply said to be available for its 250,000 Mcf per day expansion.

Penn-Jersey is a subsidiary of Texas Eastern which owns but does not operate a pipe line system interconnected with Texas Eastern's system. Texas Eastern operates this system as an integral part of its own system. Penn-Jersey's application, in Docket No. G–9787, requests authority to construct certain facilities to be leased to and operated by Texas Eastern, and to be used by Texas Eastern to transport and deliver that portion of the additional gas moving East from Texas Eastern's Oakford Storage Pool in western Pennsylvania to the Eastern Seaboard.

Pursuant to our notice dated February 16, 1956, these four dockets were consolidated and hearings were held on March 19–23, 1956, at which Texas Eastern presented its complete direct case. The Examiner granted a recess until April 16, 1956, to permit the parties to prepare for cross-examination.

Upon receipt of the certified opinion and judgment from the Court of Appeals, we directed the Examiner to certify to us the record in Docket Nos. G–9784, et al., in order that we might determine the nature and extent of the relationship, if any, between the remanded Docket No. G–2503 and said Docket Nos. G–9784, et al.

We find the evidence tendered and to be tendered in Docket G–9784, et al. to be material to our determination of the issues in Docket G–2503 for the following reasons: (1) The Court of Appeals directed us to inquire into the relative cost of carrying a given quantity of gas from Texas to the Appalachian region on alternative hypotheses: (i) That Little Inch is a part of the system, (ii) that Little Inch has been abandoned; (2) if we grant a certificate in G–9784, the evidence of gas operations heretofore tendered in G–2503 will be of little value since it no longer will present an accurate picture of Texas Eastern's anticipated gas operations; (3) Texas Eastern in G–9784 proposes to employ for expansion purposes the facilities authorized in G–2503 even if we should deny permission to abandon the Little Inch in G–2503; (4) the looping facilities proposed by Texas Eastern in G–9784 are admittedly excessive if we deny permission to abandon in G–2503. Texas Eastern has already tendered evidence in G–9784 et al. of a comparative case retaining the Little Inch in gas service and employing what it refers to as minimum looping facilities. Thus, if a certificate is to be granted in G–9784, the issue in G–2503 shifts from a comparison between (a) a system employing the Little Inch and a system eliminating the Little Inch and employing the facilities authorized in G–2503, to a comparison between (b) a system employing the Little Inch and the minimum looping facilities and a system eliminating the Little Inch and employing all the looping facilities proposed in G–9784.

Further, the direct evidence already offered by Texas Eastern in Docket No. G–9784 et al., comprises evidence of the type which the Court of Appeals has directed us to consider in Docket G–2503. We therefore determine that the proceedings should be consolidated.

We are fully cognizant of the fact that consolidation of these dockets will extend the time required for hearings and for our consideration of the issues. We also are aware that Texas Eastern's customers assert an urgent need for the approximately 250,000 Mcf per day of additional gas proposed to be sold herein and for prompt decision by us in order that they may attempt to replace this gas by gas from other sources or restrict additional sales before the heating season of 1957–58 if this certificate should be denied. In addition, certain of Texas Eastern's gas supply contracts are subject to cancellation if it has not secured a certificate of public convenience and necessity from us by specified dates, the earliest being September 1, 1956.

We do not now make any finding regarding the validity of the asserted demands for additional gas. We do find, however, that it is incumbent upon us to pass upon the propriety of those demands and Texas Eastern's proposal to supply them at the earliest possible moment, and prevent if possible the denial of satisfaction of those asserted consumer needs by reason of the mere passage of time. Proper discharge of our duties under the Natural Gas Act requires us to specify procedures designed to secure the most expeditious disposition possible of these consolidated matters, preserving at the same time the rights of all parties.

Texas Eastern asserts, and has tendered evidence designed to prove, that its expansion program and the facilities heretofore authorized in Docket G–2503 are required by the public convenience and necessity even though it is not permitted ultimately to retire the Little Inch from gas service. Thus its Exhibit No. 2 presents a system design reflecting the facilities prayed for in the applications assuming the retirement of the Little Inch, and its Exhibit No. 52 presents a system design reflecting only certain "minimum looping facilities"[5] between Beaumont and Connellsville, assuming the Little Inch is retained in gas service. The proposed pipe line extension to the Mexican Border and Penn-Jersey facilities are the same in either event. Evidence pertaining to the capital and operating costs of the system under each assumption likewise has been tendered.

While the opinion of the Court of Appeals requires that we give concurrent consideration to the comparative evidence presented by Texas Eastern and others under each of the above assumptions in determining the economic effect of the retirement of the Little Inch upon future expansion of the Texas Eastern system, section 7 (e) of the Natural Gas Act clearly empowers us to authorize "the whole or any part" of the facilities requested. We see no valid objection to our considering the natural gas aspects of this comparative evidence separately from the consideration the Court directs us to give to the public policy questions relating to Texas Eastern's proposed products operation, since authorization of only the minimum facilities described above would require the retention of the Little Inch in gas service and prevent its use for products operation.

It will be contrary to the interests of the public and the parties for us to hear protracted and controversial issues relating to products operations if we are to deny the abandonment on other grounds in any event. It is clear that if any certificate is to be issued before we have heard and determined the said question relating to products operations, it must be limited to such facilities as are required while the Little Inch is retained in gas service.

We shall, therefore, direct that these consolidated proceedings be conducted in two parts, as hereinafter ordered. In Part A the record will be limited to the issues raised by Texas Eastern's proposals in all consolidated dockets, insofar and only insofar as they relate to Texas Eastern's gas service, without consideration of the public policy questions related to Texas Eastern's proposed products service. Part B shall relate solely to the public policy matters arising out of the proposed operation of the Little Inch as a carrier of petroleum products. Upon conclusion of the hearing on Part A, the record shall be certified to us in order to determine:

(1) Whether the public convenience and necessity require:

(a) Authorization to make the proposed sales to the proposed customers as requested in Docket No. G–9784;

(b) The proposed importation of gas from Mexico, as requested in Docket Nos. G–9785 and G–9786, as being not inconsistent with the public interest;

[4] Op. cit. supra, note 1, at p. 17.

[5] Described in Ex. No. 54.

(c) The construction and operation of (i) the facilities previously authorized by our order and amendatory order in Docket No. G–2503, (ii) Texas Eastern's proposed "pipeline extension" to the Mexican Border and the proposed "minimum looping facilities" requested and described in Docket No. G–9784, and (iii) the proposed "Penn-Jersey facilities" requested in Docket No. G–9787; and,

(2) Whether, insofar as Texas Eastern's gas operations only are concerned, the public convenience and necessity permit the retirement of the Little Inch as requested in Docket No. G–2503, and require the construction and operation of the full looping facilities requested in Docket No. G–9784.

In the event our determination under point (2) above should be adverse to Texas Eastern, there will be no need for further proceedings. If our determination should be favorable to Texas Eastern, we shall order a resumption of the hearings to consider any proper evidence which may be offered by any proper party concerning the effect of Texas Eastern's proposed products service, pursuant to the instructions of the Court of Appeals.

The Commission further finds:

(1) The applications filed by Texas Eastern and Penn-Jersey in Docket Nos. G–9784, G–9785, G–9786, and G–9787, the case remanded to us by the Court of Appeals in Docket No. G–2503, and the limited rehearing in Docket No. G–2503 are interrelated and should be consolidated for hearing.

(2) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that the aforesaid matters be heard as expeditiously as possible, and due and timely execution of our functions imperatively and unavoidably requires that the procedure hereinafter prescribed should be followed so that our decision may be rendered with reasonable dispatch.

(3) Good cause exists to reopen the proceedings in Docket No. G–2503 and to consolidate said proceedings with the proceedings in Docket Nos. G–9784, G–9785, G–9786, and G–9787.

(4) It is reasonable and in the public interest and good cause exists for fixing the date of hearing in the proceeding in Docket No. G–2503 less than 15 days after publication of this Order in the FEDERAL REGISTER.

The Commission orders:

(A) The proceedings in Docket No. G–2503 be and the same hereby are reopened and consolidated with the proceedings in Docket Nos. G–9784, G–9785, G–9786, and G–9787 for the purpose of hearing.

(B) The record in the proceedings in Docket No. G–2503 and the record in the proceedings in Docket Nos. G–9784, G–9785, G–9786, and G–9787 be and the same are hereby remanded to the Examiner.

(C) The further proceedings in Docket No. G–2503 be held concurrently with and as a part of the continuing hearings in Docket Nos. G–9784, G–9785, G–9786, and G–9787, commencing on April 16, 1956.

(D) The procedure in Part A at the consolidated hearing referred to above shall be as follows:

(i) Applicants shall present any further direct testimony they may wish to offer as a result of this order: *Provided*, That applicants shall notify the Examiner and all parties of their election, and apprise them of the general nature of any such evidence not less than three days before the resumption of the hearing.

(ii) All parties shall be afforded an opportunity to cross-examine Applicants' witnesses who have presented direct testimony in any of the consolidated dockets, limited to relevant and material matters affecting or affected by Texas Eastern's gas operations: *Provided*, That if any party wishes to cross-examine Texas Eastern witnesses who appeared in Docket No. G–2503 but not in Docket Nos. G–9784, et al., with respect to matters permitted by the Opinion of the Court of Appeals and by this Order, such party shall request recall of such witnesses promptly upon the resumption of hearings herein, and the Examiner shall pass upon such request.

(iii) At the conclusion of such cross-examination, other parties shall be afforded an opportunity, in such order as the Examiner may prescribe, to present evidence relevant and material to Texas Eastern's gas operations, subject to such requirements as to advance service of exhibits and testimony as the Examiner may consider reasonably necessary to expedite the hearing. Following each party's presentation, the other parties shall be afforded an opportunity to cross-examine.

(iv) After completion of such cross-examination, Applicants shall be afforded an opportunity to present rebuttal testimony, and their witnesses may be cross-examined with respect thereto.

(v) The Examiner shall conduct the hearings in as expeditious a manner as possible, with due regard for the rights of all parties. To that end, the Examiner, if circumstances arising during the hearing render it desirable in his opinion to do so, may vary the order of presentation specified above.

(vi) Upon completion of all of the testimony referred to in subparagraphs (i) through (iv) hereof, the record shall be closed and certified to the Commission for decision as described hereinabove.

(E) Insofar as facilities are concerned, our decision will not authorize in any event more than the construction and operation of the minimum facilities required during the time the Little Inch is retained in gas service. If further hearings are required after our decision, we shall provide for retention of jurisdiction and set the date for such hearings in our order effectuating that decision.

Issued: April 5, 1956.

By the Commission.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56-2824; Filed, Apr. 11, 1956; 8:50 a. m.]

[Docket No. 5974, etc.]

## HAROLD L. WOODS, SR., ET AL.

### NOTICE OF APPLICATIONS AND DATE OF HEARING

Take notice that each of the Applicants listed below has filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing such Applicant to continue to sell natural gas subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open for public inspection. These matters should be consolidated and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on the date and at the place hereinafter stated, concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) not less than ten days before the date of hearing. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request for waiver is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

The dockets, Applicants and material averments in applications to which reference is made above are as follows:

*Docket No.; Name and Address; Filing Date; Gas Field and Purchaser*

G–5974; Harold L. Woods, Sr., Harold L. Woods, Jr., Wayne H. Woods and James A. Noe, Monroe, La.; 11–26–54; Monroe, Union Parish, La.; United Gas Pipeline Company, Memphis Natural Gas Company.

G–5977; Paul E. Plummer, Johnson, Kans.; 11–26–54; Hugoton, Station County, Kans.; Cities Service Gas Company.

G–5978; Donald T. Ingling, Agent for Peter J. Carroll and others, Wichita, Kans.; 11–26–54; Hugoton, Stephens County, Kans.; Northern Natural Gas Company.

G–5980; Hanley and Bird, a partnership, Bradford, Pa.; 11–26–54; Elk and Union Districts, Barbour County, W. Va.; Hope Natural Gas Company.

G–5981; Hanley and Bird, a partnership, Bradford, Pa.; 11–26–54; Banks, Meade, Buckhannon District, Upshur County, W. Va.; Cumberland and Allegheny Gas Company.

G–5982; Hanley and Bird, a partnership, Bradford, Pa.; 11–26–54; Banks, Jefferson County, Pa.; United Natural Gas Company.

G–5986; Commercial Petroleum & Transport Co., Houston, Tex.; 11–26–54; South Lucky, Matagorda County, Tex.; Tennessee Gas Transmission Company.

G–5987; Commercial Petroleum & Transport Co., Houston, Tex.; 11–26–54; Columbus, Colorado County, Texas; Trunkline Gas Company.

G–5988; Commercial Petroleum & Transport Co., and William L. Hernstadt, Houston, Tex.; 11–26–54; Cold Springs, San Jacinto, County, Tex.; Tennessee Gas Transmission Company.

G–5989; Simon Anisman, Pampa, Tex.; 11–26–54; West Panhandle, Gray County, Tex.; Phillips Petroleum Company.

G–5990; S and M Oil Co.; Borger, Tex.; 11–26–54; West Panhandle, Gray County, Tex.; Phillips Petroleum Company.

G–5992; Vernon Elledge and W. E. Hall, Jr., Houston, Tex., 11–26–54; Sligo, Bossier Parish, La.; Texas Gas Transmission Corporation.

G–5994; Baker & Taylor Drilling Company, Amarillo, Tex.; 11–26–54; West Pampa, Gray County, Tex.; Phillips Petroleum Company.

G–5995; Cosmos Oil Company, Pampa, Tex.; 11–26–54; East Panhandle, Gray County, Tex.; Phillips Petroleum Company.

G–5997; Lemon Farm Oil & Gas Company, Beatrice, W. Va.; 11–26–54; Murphy District, Ritchie County, W. Va.; Penova Interests.

G–5996; B. Baldridge, Pampa, Tex.; 11–26–54; East Panhandle, Gray County, Tex.; Phillips Petroleum Company.

G–5999; Saturn Oil & Gas Company, Inc., Cheyenne, Wyo.; 11–26–54; Hugoton, Grant, Norton, Stevens Counties, Kans.; Panhandle Eastern Pipe Line Company, Northern Natural Gas Company.

G–6000; Maxwell Oil & Gas Company, Beatrice, W. Va.; 11–26–54; Murphy District, Ritchie County, W. Va.; Penova Interests.

G–6001; Maxton Oil & Gas Company, Beatrice, W. Va.; 11–26–54; Murphy District, Ritchie County, W. Va.; Penova Interests.

G–6002; Parks Oil & Gas Company, Beatrice, W. Va.; 11–26–54; Murphy District, Ritchie County, W. Va.; Penova Interests.

G–6003; David Crow, Trustee, Shreveport, La.; 11–26–54; Bear Creek, Bienville Paris, La.; Southern Natural Gas Company.

G–6004; McAlester Fuel Company, Magnolia, Ark.; 11–26–54; Denton, Lea County, N. Mex; El Paso Natural Gas Company.

G–6018; Sweetland Land and Mineral Co., Huntington, W. Va.; 11–26–54; Harts Creek District, Lincoln County, W. Va.; United Fuel Gas Company.

G–6019; Sweetland Land and Mineral Co., Huntington, W. Va.; 11–26–54; Harts Creek District, Lincoln County, W. Va.; United Fuel Gas Company.

G–6020; Adams Gas Company, Huntington, W. Va.; 11–26–54; Harts Creek District, Lincoln County, W. Va.; United Fuel Gas Company.

G–6022; Stanolind Oil and Gas Company, Tulsa, Okla.; 11–26–54; Katie, Garvin County, Okla.; Lone Star Gas Company.

G–5973; Harway Producers Inc., Monroe, La.; 11–26–54; Ruston, Lincoln Parish, La.; Mississippi River Fuel Corporation, Arkansas-Louisiana Gas Company and others purchase gas from the Monroe field, and elsewhere in Claiborne, Union and Richland Parishes, La.

G–5985; Cresent Production Company, Inc., Monroe, La.; 11–26–54; Haynesville, Claiborne Parish, La.; North Ruston, Lincoln Parish, La.; East Haynesville, Claiborne Parish, La.; Sicily Island, Catahoula Parish, La.; Arkansas-Louisiana Gas Company, Mississippi River Fuel Corporation, Olin Gas Transmission Company, Hassie Hunt Trust.

G–5991; Texas Pacific Coal and Oil Company, Fort-Worth, Tex.; 11–26–54; West Panhandle, San Juan County, N. Mex.; Lea County, N. Mex.; B. Fullerton, Andrews, and Ward Counties, Texas; El Paso Natural Gas Company.

A public hearing will be held on the 7th day of May 1956, beginning at 9:30 a. m., e. d. s. t., in the hearing room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by the above applications.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

APRIL 6, 1956.

[F. R. Doc. 56-2817; Filed, Apr. 11, 1956; 8:48 a. m.]



[Docket No. G–9542]

## EL PASO NATURAL GAS CO.

### NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 6, 1956.

Take notice that El Paso Natural Gas Company (Applicant), a Delaware corporation with principal place of business in El Paso Natural Gas Company Building, Texas, at Stanton Streets, El Paso, Texas, filed on October 24, 1955, as supplemented on January 5, 1956, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate certain natural gas facilities as hereinafter described which are necessary and incident to the delivery and sale of natural gas by Applicant to (1) the Natural Gas Service Company of Arizona for resale by said company to the Picket Post Inn, (2) to the Arizona Public Service Compay for resale by said company to the Ligier Marble Quarry, and (3) to the Arizona Public Service Company for resale by said company in the Globe-Miami area of Gila County, Arizona to Miami Copper Company and the Hoopes Lime Kiln, together with a small number of domestic users.

Applicant proposes to construct and place in service:

(1) A main line tap with regulator, to be known as Picket Post Inn Tap, and appurtenances necessary for delivery of gas to Natural Gas Service Company of Arizona for resale to Picket Post Inn. The tap is to be located on Applicant's 6-inch O. D. Superior, Arizona lateral at approximately Mile Post 43 minus 1,050 feet in Pinal County, Arizona. The estimated cost of this installation is $275.

(2) A main line tap with regulator, to be known as Ligier Marble Quarry Tap, and appurtenances necessary for delivery of gas to Arizona Public Service Company for resale to Ligier Marble Quarry. The Tap is to be located on Applicant's 26-inch California main line at approximately Mile Post 427 in Cochise County, Arizona. The estimated cost of this installation is $275.

(3) A main line tap and a 4-inch single run orifice meter station to be known as Hoopes Lime City Gate and appurtenances necessary for delivery of gas to Arizona Public Service Company for resale to Miami Copper Company at Copper Cities, Arizona and to Hoopes Lime Kiln located approximately 5.5 miles north of Miami, Arizona together with a small number of domestic users. The tap is to be located on Applicant's 6⅝-inch O. D. Globe-Miami lateral in Gila County, Arizona. The estimated cost of this installation is $5,082.

The combined total estimated cost of the aforesaid installations is $5,632 and will be financed entirely from Applicant's current working funds.

The estimated gas requirements of the foregoing projects in Mcf for the first three years are as follows:

| | First year | Second year | Third year |
|---|---|---|---|
| Picket Post Inn: | | | |
| Annual | 700 | 700 | 700 |
| Peak day | 2.4 | 2.4 | 2.4 |
| Ligier Marble Co.: | | | |
| Annual | 3,321 | 4,381 | 10,219 |
| Peak day | 27.5 | 38.2 | 84.1 |
| Miami Copper Co., Hoopes Lime Kiln, and residential area: | | | |
| Annual: | | | |
| Residential | 2,000 | 2,000 | 2,000 |
| Nonresidential | 195,000 | 442,800 | 442,800 |
| Peak day: | | | |
| Residential | 26.4 | 26.4 | 26.4 |
| Nonresidential | 834.0 | 1,462.0 | 1,462.0 |
| Grand total: | | | |
| Annual | 201,021 | 449,881 | 455,719 |
| Peak day | 890.3 | 1,529.0 | 1,574.9 |

The proposed service will be rendered by Applicant pursuant to its A–1 (domestic) and B–1 (industrial) Firm Service Rate Schedules on file with the Commission.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Monday, May 14, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 24, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56-2822; Filed, Apr. 11, 1956; 8:49 a. m.]

[Docket No. G-6358]

AMERE GAS UTILITIES CO. ET AL.

ORDER FIXING DATE FOR ORAL ARGUMENT

In the matters of Amere Gas Utilities Company, Atlantic Seaboard Corporation, Central Kentucky Natural Gas Company, United Fuel Gas Company, The Ohio Fuel Gas Company, Cumberland and Allegheny Gas Company, Home Gas Company, The Manufacturers Light and Heat Company, and Natural Gas Company of West Virginia; Docket No. G-6358.

On February 29, 1956, the Presiding Examiner issued a decision in the above matter. Exceptions thereto were filed by the Public Service Commission of Wisconsin, sixteen Kentucky intervenor municipalities, and Commission Staff. The Kentucky municipalities, with their exceptions filed March 21, 1956, also filed a motion for opportunity to present oral argument before the Commission in support of their exceptions.

The Commission finds: It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that oral argument be had before the Commission in this matter as hereinafter ordered and provided.

The Commission orders:

(A) Oral argument shall be had before the Commission on May 15, 1956 at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by the Exceptions to the Presiding Examiner's Decision.

(B) Those parties to this proceeding who intend to participate in the oral argument shall notify the Secretary of the Commission on or before May 4, 1956 of such intention and the time required for presentation of their argument.

Issued: April 6, 1956.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 56-2820; Filed, Apr. 11, 1956; 8:49 a. m.]

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[Docket No. IT-5460]

MONTANA DAKOTA UTILITIES CO.

NOTICE OF APPLICATION FOR AUTHORIZATION TO EXPORT ELECTRIC ENERGY

APRIL 6, 1956.

Notice is hereby given that Montana Dakota Utilities Co. (Applicant), incorporated under the laws of the State of Delaware, qualified to do business as a foreign corporation in the States of Minnesota, Montana, North Dakota, South Dakota and Wyoming, with its principal place of business in Minneapolis, Minnesota, filed an application on March 30, 1956, requesting an increase in the authorization to export electric energy from the United States to Canada, heretofore granted pursuant to the provisions of section 202 (e) of the Federal Power Act, by order of the Commission issued May 28, 1954, so as to permit Applicant to (1) export up to 500,000 kwh per year at a maximum transmission rate of not to exceed 175 kw at North Portal, Saskatchewan, Canada, and (2) up to 40,000 kwh per year at a maximum transmission rate of 15 kw at Northgate, Saskatchewan, Canada. The application does not request an increase in the authorization granted by the aforementioned Commission order to export up to 5,000 kwh per year at a maximum transmission rate of 10 kw at Elmore, Saskatchewan, Canada, and up to 15,000 kwh per year at a maximum transmission rate of 10 kw at Marienthal, Saskatchewan, Canada.

The amounts of electric energy which Applicant proposes to export, like those heretofore exported pursuant to the authorization heretofore granted in the above-entitled matter, are to be transmitted to Canada from four points within the State of North Dakota over four 2.3 kv lines which are covered by a Presidential Permit signed by the President of the United States on May 18, 1942, and released to the Applicant by Commission order entered July 21, 1942, in the above docket; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard or to make any protest with reference to the application should on or before the 25th day of April 1956 file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's general rules and regulations. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 56-2823; Filed, Apr. 11, 1956; 8:49 a. m.]

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## HOUSING AND HOME FINANCE AGENCY

### Public Housing Administration

SPECIAL FIELD REPRESENTATIVE; LIST OF OFFICIALS

DELEGATIONS OF FINAL AUTHORITY

Section II *Delegations of final authority*, is amended as follows:

Paragraph E 11 is amended by deleting from the list of officials designated therein "Faye W. Hartman, Special Field Representative" and by inserting in place thereof "Special Field Representative."

Date approved: April 6, 1956.

[SEAL] CHARLES E. SLUSSER, *Commissioner.*

[F. R. Doc. 56-2825; Filed, Apr. 11, 1956; 8:50 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3450]

LOWELL ELECTRIC LIGHT CORP.

ORDER AUTHORIZING ISSUANCE AND SALE OF PRINCIPAL AMOUNT OF DEBENTURES

MARCH 28, 1956.

The Lowell Electric Light Corporation ("Lowell"), an electric utility subsidiary of New England Electric System ("NEES"), a registered holding company, has filed an application and an amendment thereto with this Commission pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("the act") and Rule U-42 (b) (2) thereunder with respect to the following proposed transactions:

Lowell proposes to issue for cash on or before March 30, 1956, to The First National Bank of Boston $6,000,000 aggregate principal amount of debentures, due in three years and bearing an interest rate of 3½ percent for the first year and 3¾ percent thereafter to maturity. It is stated that the present prime interest rate for short-term notes is 3½ percent per annum and that the proposed debentures are prepayable, in whole or in part, at any time without premium unless prepaid with funds obtained from another banking organization at a lower interest rate, in which case a premium of 1 percent must be paid.

Lowell states that the proceeds derived from the proposed debentures will be used to pay short-term bank borrowings presently outstanding in the aggregate principal amount of $5,700,000 and due March 30, 1956, and to pay for capitalizable expenditures or to reimburse its treasury therefor. According to the application it is contemplated that during 1956 Lowell will be involved in a merger with certain other subsidiaries of NEES and it is expected that the resultant company will issue bonds the proceeds of which will be used, in part, to retire the debentures proposed to be issued by Lowell.

The application states that the issue and sale of the debentures are solely for the purpose of financing the business of Lowell and have been expressly authorized by the Massachusetts Department of Public Utilities, the State commission of the State in which Lowell is organized and doing business. The application further states that incidental services in connection with the proposed issuance and sale of said debentures will be performed at cost by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed $2,400, with the total expenses in connection with the proposed issuance and sale of the debentures, including original issue stamp taxes of $6,600, being estimated not to exceed $9,000. The application further states that no other State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Lowell requests that the Commission's order herein become effective forthwith upon issuance.

Due notice having been given of the filing of said application, and a hearing not having been requested of or ordered by the Commission, and the Commission finding with respect to the proposed transactions that the applicable provisions of the act and the rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the application, as amended, be granted forthwith:



*It is ordered*, Pursuant to Rule U-23 and the applicable provisions of the act, that said application, as amended, be, and it hereby is, granted forthwith, subject to the conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-2830; Filed, Apr. 11, 1956; 8:51 a. m.]

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[File No. 70-3457]

DELAWARE POWER & LIGHT CO. AND EASTERN SHORE PUBLIC SERVICE COMPANY OF VIRGINIA

NOTICE OF PROPOSED ISSUE AND SALE OF NOTES AND COMMON STOCK BY SUBSIDIARY, AND THE ACQUISITION AND PLEDGE OF SAME BY PARENT COMPANY

MARCH 28, 1956.

Notice is hereby given that Delaware Power & Light Company ("Delaware"), a registered holding company, and Eastern Shore Public Service Company of Virginia ("Virginia"), a wholly owned public utility subsidiary of Delaware, have filed a joint application-declaration and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 (b), 9 (a), 12 (d), and 12 (f) thereof and Rules U-43 and U-44 thereunder as applicable to the proposed transactions, which are summarized as follows:

From time to time prior to December 31, 1957, as may be necessary to meet its cash requirements, Virginia will issue and sell to Delaware for cash, at face amount or par value and in equal proportions: (1) Its 3½ percent promissory notes due October 1, 1973, not exceeding $575,000 in aggregate principal amount, and (2) its common capital stock not exceeding 5,750 shares (par value $100 per share) in aggregate number.

The notes and stock to be acquired by Delaware will be pledged with The New York Trust Company, Trustee, in accordance with the provisions of the Indenture of Mortgage and Deed of Trust of Delaware to said Trustee, dated as of October 1, 1943.

It is stated that Virginia will use the proceeds from sales of said notes and stock to reimburse its treasury for moneys previously expended for construction requirements and to provide funds for future construction requirements. Proposed additions to Virginia's property and plant are estimated at $400,010 for 1956 and $1,328,100 for 1957.

Other than miscellaneous traveling expenses and Federal tax stamps, estimated at $632.50, and legal expenses estimated at $150.00, it is stated that the expenses to be incurred in connection with the proposed transactions will be nominal.

The State Corporation Commission of Virginia, which is the regulatory commission of the State in which Virginia is organized and doing business, has authorized the proposed transactions.

It is requested that the Commission's order herein be made effective upon issuance.

Notice is further given that any interested person may, not later than April 9, 1956 at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application-declaration which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date said application-declaration, as filed or as further amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-2829; Filed, Apr. 11, 1956; 8:51 a. m.]

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[File No. 70-3458]

DELAWARE POWER & LIGHT CO. AND EASTERN SHORE PUBLIC SERVICE COMPANY OF MARYLAND

NOTICE OF PROPOSED ISSUE AND SALE OF NOTES AND COMMON STOCK BY SUBSIDIARY, AND THE ACQUISITION AND PLEDGE OF SAME BY PARENT COMPANY

MARCH 28, 1956.

Notice is hereby given that Delaware Power & Light Company ("Delaware"), a registered holding company, and The Eastern Shore Public Service Company of Maryland ("Maryland"), a wholly owned public utility subsidiary of Delaware, have filed a joint application-declaration and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 (b), 9 (a), 12 (d) and 12 (f) thereof and Rules U-43 and U-44 thereunder as applicable to the proposed transactions, which are summarized as follows:

From time to time prior to December 31, 1957, as may be necessary to meet its cash requirements, Maryland will issue and sell to Delaware for cash, at face amount or par value and in equal proportions: (1) Its 3½ percent promissory notes due October 1, 1973, not exceeding $1,750,000 in aggregate principal amount, and (2) its common capital stock not exceeding 17,500 shares (par value $100 per share) in aggregate number.

The notes and stock to be acquired by Delaware will be pledged with The New York Trust Company, Trustee, in accordance with the provisions of the Indenture of Mortgage and Deed of Trust of Delaware to said Trustee, dated as of October 1, 1943.

It is stated that Maryland will use the proceeds from sale of said notes and stock to reimburse its treasury for moneys previously expended for construction requirements and to provide funds for future construction requirements. Proposed additions to Maryland's property and plant are estimated at $3,994,074 for 1956 and $3,801,248 for 1957.

Other than miscellaneous traveling expenses and Federal tax stamps, estimated at $1,925, and legal expenses estimated at $700, it is stated that the expenses to be incurred in connection with the proposed transactions will be nominal.

Application has been made by Maryland and Delaware to the Public Service Commission of Maryland, which is the regulatory commission of the State in which Maryland is organized and doing business, for approval of said transactions.

It is requested that the Commission's order herein be made effective upon issuance.

Notice is further given that any interested person may, not later than April 9, 1956 at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application-declaration which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date said application-declaration, as filed or as further amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-2831; Filed, Apr. 11, 1956; 8:51 a. m.]

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[File No. 70-3464]

PENNSYLVANIA ELECTRIC CO. ET AL.

NOTICE OF FILING REGARDING PROPOSED INCREASE IN AUTHORIZED COMMON STOCK AND ISSUANCE AND SALE FROM TIME TO TIME OF NOT TO EXCEED 300,000 SHARES OF ADDITIONAL COMMON STOCK

APRIL 6, 1956.

In the matter of Pennsylvania Electric Co., Associated Electric Co., General Public Utilities Corp.; File No. 70-3464.

Notice is hereby given that Pennsylvania Electric Company ("Penelec"), Associated Electric Company ("Aelec"), and General Public Utilities Corporation ("GPU") have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act"). Penelec is a public utility subsidiary of Aelec which in turn is a registered holding company subsidiary of GPU, a registered holding company. Applicants-declarants have designated sections 6 (b), 9 (a), 10 and

12 (b) of the act and Rule U-45 promulgated thereunder as being applicable to the transactions proposed therein which may be summarized as follows:

Penelec proposes to issue and sell to its parent, Aelec, an aggregate of 300,000 additional shares of $20 par value common stock for a total cash consideration of $6,000,000, representing the aggregate par value thereof. These shares are to be issued and sold from time to time during 1956, but not later than the issuance and sale by Penelec of additional first mortgage bonds. The proceeds from the sale of these shares of common stock are to be applied by Penelec to the cost of construction of property additions or to repay bank loans, the proceeds of which have been used for construction, or to reimburse its treasury for construction expenditures.

This Commission has heretofore authorized the dissolution of Aelec and the acquisition by GPU of all the assets of Aelec, including all the then outstanding common stock of Penelec, subject to the liabilities of Aelec. Consummation of the dissolution of Aelec has not yet been effectuated and the date of such consummation cannot at the present time be accurately determined. It is proposed in the instant filing that until Aelec's dissolution has been consummated it will purchase as many of the 300,000 shares of Penelec's common stock as shall theretofore be issued; and after Aelec's dissolution the balance, if any, of such shares will be purchased by GPU.

In order that Aelec may have sufficient funds with which to acquire the common stock of Penelec, GPU proposes to make cash capital contributions to Aelec from time to time in amounts equal to the purchase price from Penelec of its new stock. These contributions are to be credited by Aelec to its capital surplus account.

This Commission has also heretofore authorized the proposed merger of Northern Pennsylvania Power Company ("North Penn"), a direct public utility subsidiary of GPU, into Penelec. This merger, which has not yet been consummated, will require the issuance (as at December 31, 1955) of 452,750 shares of Penelec's common stock. Penelec's presently authorized common stock totals 3,250,000 shares of which 2,711,750 are now outstanding. Said 452,750 shares of Penelec's common stock together with the 300,000 additional shares proposed to be issued and sold pursuant to the present filing would exceed Penelec's presently authorized but unissued shares of common stock. Accordingly, Penelec is proposing in the instant filing to increase its authorized common stock to 3,500,000 shares.

The filing states that no State or Federal commission other than the Pennsylvania Public Utility Commission and the Securities and Exchange Commission has jurisdiction with respect to the proposed transactions.

The fees and expenses applicable to the proposed undertakings are estimated not to exceed $750 to GPU and $19,150 for Penelec, Aelec incurring no fees or expenses in connection with the transactions embraced in the filing.

Notice is further given that any interested person may, not later than April 24, 1956 at 5:30 p. m., request the Commission in writing that a hearing be held on this matter stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by such filing which he proposes to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the application-declaration, as filed or as it may hereafter be amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 56-2828; Filed, Apr. 11, 1956; 8:50 a. m.]

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[File No. 811-712]

ATOMIC, CHEMICAL & ELECTRONIC SHARES, INC.

NOTICE OF AND ORDER FOR HEARING CONCERNING CORPORATE NAME

APRIL 6, 1956.

Atomic, Chemical & Electronic Shares, Inc. ("Registrant"), filed with the Commission, on February 17, 1956, a notification of registration on Form N-8A, which notification states that the registrant proposes to engage in business as a diversified management investment company. Registrant filed a registration statement on Form N-8B-1 under the Investment Company Act of 1940 ("act") on February 23, 1956, which was later amended on March 22, 1955, and filed a registration statement on Form S-5 under the Securities Act of 1933 on February 17, 1956. Registrant has represented in its registration statements that its investments will be concentrated in companies in the atomic, chemical and electronic industries.

Applications have been filed by Atomic Development Mutual Fund, Inc. and Chemical Fund, Inc., for an order under section 35 (d) of the act declaring that the corporate name of Registrant is misleading and deceptive, or in the alternative for a hearing under section 35 (d) of the act by the Commission in order that it may determine whether the corporate name of Registrant is deceptive or misleading.

The application of Atomic Development Mutual Fund, Inc. ("Atomic Development") represents, among other things, in substance as follows:

(1) Atomic Development, a registered investment company, has been actively engaged in business since December 13, 1953, and sells its securities through approximately 1,500 securities dealers throughout the United States.

(2) As of December 31, 1955, it had net assets of $45,580,400, and had outstanding 3,161,738 shares of its capital stock in the hands of approximately 35,000 holders throughout the United States, its territories and in foreign countries.

(3) Approximately $400,000 was spent in 1954 and 1955 for advertising, public relations, printed matter, postage, etc. to build up and promote its goodwill and its name, as an investment medium for participation in growth of atomic science.

(4) It has become known and is referred to as the Atomic Fund by the public and securities dealers.

(5) Registrant will become known and referred to as the Atomic Fund and public confusion between the two funds will be created.

The application of Chemical Fund, Inc., a registered investment company, represents, among other things, in substance as follows:

(1) That it was incorporated in 1938, and as of December 31, 1955, it had net assets of approximately $110,928,321, with 6,949,891 shares of its capital stock outstanding in the hands of 26,135 shareholders located in the United States and in foreign countries.

(2) Among the 153 members of the National Association of Investment Companies there is no investment company other than Chemical Fund, Inc. which uses the word "Chemical" in its corporate name.

(3) That the combination of the words "Chemical", "Atomic" and "Electronic" will cause confusion among the investing public and among securities dealers as implying some relation to or merger of two or more of the large, well-established existing investment companies presently including said words in their respective corporate names.

(4) The result of the selection of the Registrant's corporate name is to create confusion and to permit it to derive benefit from the established goodwill of Chemical Fund, Inc. and the investment companies using the words "Atomic" and "Electronic" in their names and in that connection reference is made to a circular prepared for distribution to prospective underwriters which indicates that Registrant's name was selected because of its similarity to other well-established investment companies.

It appearing to the Commission that a substantial question may exist as to whether the use of the name "Atomic, Chemical & Electronic Shares, Inc." may be deceptive or misleading within the scope of section 35 (d) of the act;

*Wherefore it is ordered,* That a hearing under the applicable provisions of the Investment Company Act of 1940 and the rules of the Commission thereunder be held on the 30th day of April 1956, at 10:00 a. m., in the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington, D. C. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. At such hearing consideration will be given to the following matters and questions, without prejudice, however, to the specification of any additional issues which may be presented by the use of such corporate name:



(1) Whether the use of the name "Atomic, Chemical & Electronics Shares, Inc." is deceptive and misleading, within the meaning of section 35 (d) of the act, as leading to confusion between the name of Registrant and the names of the presently operating investment companies, Atomic Development Mutual Fund, Inc. or Chemical Fund, Inc.

(2) Whether the use of the name "Atomic, Chemical & Electronic Shares, Inc." is deceptive and misleading, within the meaning of section 35 (d) of the act, as having the effect of representing or implying that Registrant is a consolidation or combination of three presently operating investment companies, namely Atomic Development Mutual Fund, Inc., Chemical Fund, Inc., and Television-Electronics Fund, Inc.

(3) Whether for any other reasons such name is inconsistent with the provisions of the Investment Company Act or contrary to the interests of public investors.

(4) What order, if any, should be entered with respect to the use of such name or any words in such name, pursuant to the applicable provisions of the act.

*It is further ordered,* That Edward C. Johnson, or any officer or officers of the Commission designated by it for that purpose, shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under section 41 and 42 (b) of the Investment Company Act of 1940 and to a hearing officer under the Commission's rules of practice.

*It is further ordered,* That notice of such hearing is hereby given to Atomic, Chemical-Electronic Shares, Inc., registrant herein at 1 North Dean Street, Englewood, New Jersey, to Chemical Fund, Inc., 65 Broadway, New York, 6, New York, and to Atomic Development Mutual Fund, Inc., 1033 30th Street NW., Washington 7, D. C., such notice to be given by registered mail and by publication of this notice and order in the FEDERAL REGISTER. Notice is also given to any other person or persons whose participation in such proceedings may be necessary or appropriate in the public interest or for the protection of investors, such notice to be given by publication of this notice and order in the FEDERAL REGISTER and by general release of the Commission, distributed to the press and mailed to the mailing list for release.

*It is further ordered,* That any person, other than the registrant or the aforenamed applicants, desiring to be heard in said proceedings, shall file with the Secretary of the Commission his application as provided by Rule XVII of the rules of practice, on or before the date provided in that Rule setting forth any issues of law or facts which he desires to controvert or any additional issues which he deems raised by this notice and order or by such application.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 56-2827; Filed, Apr. 11, 1956; 8:50 a. m.]

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## INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 9, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31930: *Class rates from and to Casper Air Base and Mills, Wyo.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on various commodities, moving on class rates between Casper Air Base and Mills, Wyo., on the one hand, and points in the United States west of the Rocky Mountains included in Docket 28300, on the other.

Grounds for relief: Grouping with Casper, Wyo., short-line distance formula and circuity.

Tariff: Supplement 66 to Agent Prueter's I. C. C. A-3931.

FSA No. 31931: *Fresh meats—Nebraska to the South.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on fresh meats, carloads from Gering, North Platte, and Scottsbluff, Nebr., to specified points in States in southern territory.

Grounds for relief: Short-line distance formula, market competition and circuity.

Tariff: Supplement 46 to Agent Prueter's I. C. C. A-3911.

FSA No. 31932: *Grain and products—Memphis, Tenn., to western Louisiana.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on grain, grain products, and related articles, also seeds, carloads from Memphis, Tenn. (proper, and from beyond) to Fontenot, La., and other stations on the Missouri Pacific Railroad to and including Lake Charles, La.

Grounds for relief: Circuitous routes.

Tariff: Supplement 66 to Agent Kratzmeir's I. C. C. 3940.

FSA No. 31933: *Cement—Kansas, Nebraska, Oklahoma, and Missouri to Kansas and Missouri.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on cement, hydraulic, masonry, mortar, natural or portland, straight or mixed carloads from specified points in Kansas, Ada and Dewey, Okla., Kansas City and Sugar Creek, Mo., and Superior, Nebr., to specified points in Kansas and Missouri.

Grounds for relief: Short-line distance formula and circuity.

Tariffs: Supplement 91 to Agent Prueter's I. C. C. A-3815; Supplement 106 to Agent Prueter's I. C. C. A-3850.

FSA No. 31934: *Sugar between points in Texas.* Filed by J. F. Brown, Agent, for interested rail carriers. Rates on sugar, beet or cane, and sugar, corn or sorghum grain, carloads between points in Texas also from specified points in Texas to specified points in Texas.

Grounds for relief: Short-line distance formulas, intrastate competition and circuity.

Tariff: Supplement 16 to Agent Brown's I. C. C. 865.

AGGREGATE-OF-INTERMEDIATES

FSA No. 31935: *Sugar between points in Texas.* Filed by J. F. Brown, Agent, for interested rail carriers. Rates on sugar (beet or cane), carloads, and sugar, corn or sorghum grain, carloads between points in Texas, and from and to specified points in Texas.

Grounds for relief: Maintenance of present rates from or to points outside Texas without observing rates proposed in Texas as factors in constructing lower combination rates.

Tariff: Supplement 16 to Agent Brown's I. C. C. 865.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56-2826; Filed, Apr. 11, 1956; 8:50 a. m.]

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# FEDERAL REGISTER

OF THE UNITED STATES 1934

VOLUME 21 NUMBER 72

*Washington, Friday, April 13, 1956*

## TITLE 6—AGRICULTURAL CREDIT

### Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

**Subchapter B—Loans, Purchases, and Other Operations**

[1956 Honey Bulletin 1]

**PART 434—HONEY**

**SUBPART—1956 HONEY PRICE SUPPORT PROGRAM**

This bulletin contains the regulations applicable to the 1956 Honey Price Support Program whereby the Secretary of Agriculture makes price support for extracted honey available through the Commodity Credit Corporation and the Commodity Stabilization Service (hereinafter referred to as CCC and CSS respectively).

Sec.

434.701 Administration.
434.702 Availability of price support.
434.703 Eligible honey.
434.704 Ineligible honey.
434.705 Disbursement of loans.
434.706 Approved lending agencies.
434.707 Approved storage.
434.708 Applicable forms.
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434.713 Maturity of loans.
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434.717 Safeguarding the honey.
434.718 Insurance.
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434.723 Purchase of notes.
434.724 Charges not to be assumed by CCC.
434.725 Support rates.
434.726 CSS commodity offices.

AUTHORITY: §§ 434.701 to 434.726 issued under sec. 4, 62 Stat. 1070 as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 201, 401, 63 Stat. 1052, 1054; 15 U. S. C. 714c, 7 U. S. C. 1446, 1421.

§ 434.701 *Administration.* This subpart will be administered by the Sugar Division, CSS, under the general direction and supervision of the Executive Vice-President, CCC. In the field the program will be carried out by State and County Agricultural Stabilization and Conservation offices (hereinafter called State and county offices) under the supervision of State and County Agricultural Stabilization and Conservation Committees (hereinafter called State and county committees) and by CSS commodity offices. Producers interested in participating in the program should contact their county offices, through which the price support documents will be distributed. All documents will be completed and approved by the county offices, which will retain copies thereof. State and county committees and offices and CSS commodity offices do not have authority to modify or waive any of the provisions of this subpart, or any amendments or supplements to this subpart.

§ 434.702 *Availability of price support*—(a) *Method of support.* Price support on extracted honey will be made available to producers through loans on such honey stored in approved farm storage, and through purchase agreements.

(b) *Area.* Farm-storage loans and purchase agreements will be available wherever eligible honey is produced in the continental United States.

(c) *Where to apply.* Application for price support should be made at the county office of the county in which the producer's place of operation is located or, if producer has more than one place of operation, at the county office of the county in which the honey is stored.

(d) *When to apply.* Loans and purchase agreements will be available from April 1, 1956 through December 31, 1956, in Florida, Georgia, South Carolina, Alabama, Mississippi, Louisiana, Texas, New Mexico, Arizona and California. In all other States, loans and purchase agreements will be available from July 1, 1956 through December 31, 1956. Applicable documents must be signed by the producer and delivered to the county office not later than December 31, 1956.

(e) *Eligible producer.* (1) An eligible producer shall be any person, including a partnership, association or corporation, who, in 1956, extracts honey produced by bees owned by him.

(2) A cooperative marketing association of producers shall be eligible for a

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FEDERAL REGISTER

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**CFR SUPPLEMENTS**

**(As of January 1, 1956)**

The following Supplement is now available:

**Title 32: Parts 1–399 ($0.60)**

Previously announced: Title 3, 1955 Supp. ($2.00); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 18 ($0.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35); Title 32: Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Titles 40–42 ($0.65); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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loan or purchase agreement on eligible honey received from and produced by members of the association: *Provided*, That (i) the producer members are bound by contract to deliver their eligible honey to the association free from all liens and encumbrances; (ii) the proceeds of the eligible honey marketed by the association are shared proportionately among the producer-members according to the grade and quantity of such honey each delivers to the association; (iii) the association has authority to obtain a loan on the security of the honey and to give a lien thereon as well as authority to sell such honey. Only honey received from producers under such conditions may be delivered to CCC under a loan or purchase agreement. All determinations with respect to whether or not a given organization is a cooperative marketing association of producers pursuant to this section shall be made by or under the direction of the State Committee. The word "producer" as used



hereafter shall be deemed to include such a cooperative marketing association of producers.

§ 434.703 *Eligible honey.* Any honey other than that described in § 434.704 which at the time it is placed under loan or tendered for purchase under a purchase agreement meets the following requirements is eligible for price support.

(a) The honey must be of the 1956 crop, produced and extracted in continental United States by an eligible producer.

(b) The honey shall be packed in containers of a capacity of not less than 5 gallons nor greater than 70 gallons, and of a style used in normal commercial practice in the honey industry. Five-gallon containers shall be filled with 60 pounds net of honey. Larger containers shall be filled to their rated capacities.

(1) The 5-gallon containers shall be new, clean, sound, uncased and free from appreciable dents and rust. The handle of each container shall be firm and strong enough to permit carrying the filled can. The can closures shall be complete, including the cap liner prescribed for the particular style of can. The threads on both the cap and the can opening shall not be damaged in any way that will prevent a tight seal. Cans which are punctured, or which have been punctured and resealed by soldering, will not be acceptable.

(2) Steel drums shall be new drums, or used drums which have been reconditioned both inside and outside. Steel drums must be clean, and treated to prevent rusting. The drums must be fitted with gaskets which will provide a tight seal when closed.

(3) Other commercial containers, such as wooden barrels or kegs, which are new or which have been reconditioned, are acceptable if sound, clean and leakproof. Such containers must be closed with bungs or other appropriate leakproof closures.

(c) The beneficial interest in the honey must be in the producer tendering the honey for a loan, or for delivery under a purchase agreement, and must always have been in him, or must have been in him and a former producer whom, before the honey was extracted, he succeeded as owner of the bees producing the honey. In the case of a cooperative marketing association these stipulations as to beneficial interest shall apply to each producer delivering to the association.

(d) The honey must be equal to or better than Grade C of the United States Standards for Grades of Extracted Honey, effective April 16, 1951: *Provided, however*, That in areas in which the State Committee determines that existing conditions make fermentation of high moisture honey probable during the period of storage, the maximum moisture content allowable may be reduced by such committee from 20 percent to 18.6 percent for any or all floral sources.

(e) Honey offered for a farm-storage loan must have been stored, in containers specified in paragraph (b) of this section, for at least 15 days prior to drawing the inspection samples. The containers shall be stacked upright in a manner which will prevent damage to the containers in the stacks, and so arranged that the containers in the stacks are easily accessible for inspection.

§ 434.704 *Ineligible honey.* Andromeda, Athel, Avocado, Bitterweed, Broomweed, Cajeput, Carrot, Chinquapin, Dog Fennel, Desert Hollyhock, Gumweed, Mescal, Onion, Prickly Pear, Prune, Queen's Delight, Snowbrush (Ceanothus), Snow-On-The-Mountain, Tarweed, and similar objectionably-flavored honeys or objectionably-flavored blends of honey as determined by the Director, Sugar Division, CSS, will not be eligible for price support regardless of whether they meet other eligibility requirements.

§ 434.705 *Disbursement of loans.* Disbursement of loans will be made to producers by county offices by means of sight drafts drawn on CCC or by approved lending agencies under agreement with CCC. No disbursement shall be made later than 15 days after the final date of the availability of loans, unless recommended by the State committee and approved by the Executive Vice President, CCC. Payment in cash, credit to the producer's account, or the drawing of a check or draft, shall constitute disbursement. The producer shall not present the loan documents for disbursement of funds unless the honey is in existence, in approved storage, and in good condition. If the honey was not in existence, in approved storage, or in good condition at the time the producer received the disbursement, the proceeds shall be promptly refunded by the producer.

§ 434.706 *Approved lending agencies.* An approved lending agency shall be any bank, corporation, partnership, individual or legal entity with which CCC has entered into a lending agency agreement (CCC Form 322 or other form prescribed by CCC).

§ 434.707 *Approved storage.* Loans will be made only on honey in approved storage. Purchase agreements may be executed without regard to whether the honey is in approved storage.

(a) *Farm storage.* Approved farm storage shall consist of storage structures located on or off the farm (excluding public warehouses) which are determined by the county office to be so located and of such substantial and permanent construction as to afford safe storage of the honey. In carrying out its responsibility the county office should consider the extent to which the storage structures for honey are clean, dry, weatherproof and can be locked. Where such structure is used to house honey other than that which is covered by a single price support loan, a suitable partition shall be used to preserve the identity of the honey covered by each price support loan and segregate it from any other honey in the storage structure.

(b) *Cooperative storage.* Approved storage for cooperative marketing associations shall meet the requirements stated in paragraph (a) of this section. Preservation of the identity of each producer's honey in the lot covered by the mortgage will not be required.

§ 434.708 *Applicable forms.* The approved forms consist of the loan and purchase agreement forms and such other forms and documents as are specified in this subpart which, together with the provisions of this subpart, govern the rights and responsibilities of the producer. Note and supplemental loan agreements, chattel mortgages, and purchase agreements, must be dated, signed by the producer, and delivered to the county office on or before the final date of availability of loans or purchase agreements. Note and supplemental loan agreements, and chattel mortgages, must have State and documentary revenue stamps affixed thereto where required by law. Loan and purchase agreement documents executed by an administrator, executor or trustee will be acceptable only where legally valid.

(a) *Farm-storage loans.* Approved forms shall consist of Commodity Loan Form A, Producer's Note and Supplemental Loan Agreement, secured by Commodity Loan Form AA, Commodity Chattel Mortgage, and such other forms and documents as may be required by CCC. These forms shall also be used for honey stored by cooperative marketing associations of producers in warehouses under their control.

(b) *Purchase agreement documents.* The purchase agreement forms shall consist of the Purchase Agreement (Commodity Purchase Form 1) and Purchase Agreement Settlement (Commodity Purchase Form 4) signed by the producer and approved by the county office, and such other forms and documents as may be required by CCC.

§ 434.709 *Liens.* If there are any liens or encumbrances on honey placed under loan or delivered under purchase agreement, waivers acceptable to the county committee must be obtained.

§ 434.710 *Service charges.* Producers shall pay the following service charges on the quantity of honey placed under loan or specified in the purchase agreement. In the case of loans the service charges, except preliminary service charges, shall be collected from the proceeds of the loan at the time the loan is disbursed. In the case of purchase agreements, the service charges shall be collected at the time the purchase agreement is completed. An additional service charge shall be paid on any additional quantity delivered to and accepted by CCC under a loan.

(a) Rates:

| Method of price support | Rate (per 100 pounds net) | Minimum charge |
|---|---|---|
| | *Cents* | |
| Farm-storage loan | 5 | $3.00 |
| Purchase Agreement | 2½ | 1.50 |

(b) State committees are authorized to require prepayment of $3.00 of the service charge on a farm-storage loan at the time the producer applies for the loan.

(c) No refund of service charges will be made.

§ 434.711 *Determination of quantity.* (a) Determination of quantity of honey in connection with applications for farm-storage loans, shall be computed on the basis of 55 pounds for each 5-gallon can and 11 pounds for each gallon of rated capacity for containers larger than 5 gallon.

(b) Determination of quantity, at time of delivery to CCC, of honey under loan or purchase agreement shall be made by or under the direction of the State Committee. The quantity determination of honey delivered in 5-gallon cans shall be based upon the number of 5-gallon cans times the average per can net weight of honey rounded to the next lowest whole pound, or 60 pounds per can net weight of honey, whichever is lower. The weight determination of honey delivered in larger containers shall be the actual net weight of honey.

§ 434.712 *Determination of grade and color.* (a) Determination of grade and color in connection with applications for farm-storage loans shall be made on the basis of samples drawn by the county office and transmitted prepaid to an office of the Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service. Samples shall be provided by the producer at no cost to CCC. The cost of inspection shall be collected by the county office from the producer for the account of the Processed Products Standardization and Inspection Branch at the time samples are drawn.

(b) Determination of grade and color, at time of delivery to CCC, of honey under loan or purchase agreement, including the drawing of the samples, shall be by representatives of the Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, AMS. Samples shall be provided by the producer at no cost to CCC. The cost of such sampling, and of grade, and color determination at time of delivery, shall be paid by CCC.

(c) Table honey shall be so segregated according to color that the color for the lot as a whole is within the tolerances for color variations as outlined in the United States Standards for Grades of Extracted Honey, effective April 16, 1951. If a lot of honey is not segregated so that it can be certified in accordance with the foregoing, the loan, settlement for the loan, or purchase under purchase agreement, shall be made on the basis of the darkest color shown on the inspection certificate.

(d) Table honey should be so segregated from nontable honey that it can be certified for loan, settlement under loan, or purchase under purchase agreement, in accordance with the categories outlined in § 434.725. If a lot of honey is not segregated so that it can be given a single classification as either table or nontable honey, the loan, settlement for the loan, or purchase under purchase agreement, shall be made on the basis of nontable honey.

(e) In the case of blends of table and nontable honeys, the loan, settlement under loan, or purchase under purchase agreement, shall be made on the basis of nontable honey. If any blends of honey contain ineligible honey, the lot as a whole is ineligible.

§ 434.713 *Maturity of loans.* Loans mature on demand, but not later than March 31, 1957, in all States.

§ 434.714 *Set-offs.* If the producer is indebted to CCC on any accrued obligation, or if any installment or installments on any loan made available by CCC on farm-storage facilities or mobile drying equipment are past due, or are payable under the provisions of the note evidencing such loan out of the proceeds of the price support loan or purchase, he must designate CCC or the lending agency holding such note as the payee of the proceeds of the price support purchase or loan to the extent of such indebtedness or installments, but not to exceed that portion of the proceeds remaining after deduction of loan service charges and amounts due prior lienholders. If the producer is indebted to any other agency of the United States, and such indebtedness is listed on the county debt register, he must designate such agency as the payee of the proceeds as provided in this section. Indebtedness owing to CCC or to a lending agency as provided in this section shall be given first consideration after claims of prior lienholders. Compliance with the provisions of this section shall not constitute a waiver of any right of the producer to contest the justness of the indebtedness involved either by administrative appeal or legal action.

§ 434.715 *Interest rate.* Loans shall bear interest at the rate of 3½ per centum per annum from the date of disbursement of the loan: *Provided,* That if there is a default in satisfaction of the loan the amount remaining due on the date of such default (including accrued interest) and any costs incurred by the holder of the note shall bear interest thereafter at the rate of 6 per centum per annum: *Provided, further,* That if the producer has made a fraudulent representation in the loan documents or in obtaining the loan, the principal amount of the loan, and any costs incurred by the holder of the note, shall bear interest from the date of disbursement at the rate of 6 per centum per annum.

§ 434.716 *Transfer of producer's interest—(a) Farm-storage loans.* The producer shall not transfer either his remaining interest in, or his right to redeem, honey mortgaged as security for a farm-storage loan. A producer who wishes to liquidate all or part of his loan by contracting for the sale of the honey, must obtain written prior approval of the county office on Commodity Loan Form 12 to remove the honey from storage when the proceeds of the sale are needed to repay all or any part of the loan. Any such approval shall be subject to the terms and conditions set out in Commodity Loan Form 12, copies of which may be obtained by producers or prospective purchasers at the county office.

(b) *Purchase agreements.* The producer may not assign his interest in a purchase agreement.

§ 434.717 *Safeguarding the honey.* The producer obtaining a farm-storage loan is obligated to maintain the storage structure in good repair and to keep the honey in good condition, until the loan is liquidated.

§ 434.718 *Insurance.* CCC will not require the producer to insure the honey placed under loan; however, if the producer insures such honey and indemnity is paid thereon, such indemnity shall inure to the benefit of CCC to the extent of its interest, after first satisfying the producer's equity in the honey involved in the loss.

§ 434.719 *Loss or damage to honey.* If the honey is going out of condition, or is in danger of going out of condition, the producer shall notify the county office. The producer is responsible for any loss in quantity or quality of the honey placed under farm-storage loan, except that, subject to the provisions of § 434.718, physical loss or damage occuring after disbursement of the loan funds to the producer, without fault, negligence, or conversion on the part of the producer, resulting solely from external causes other than insect infestation, vermin, rodents, or animals, will be assumed by CCC to the extent of the settlement value of the quantity of the honey lost, stolen, or destroyed, or to the extent of the damage as determined by CCC, provided the producer has given the county office immediate notice, confirmed in writing, of such loss or damage, and provided there has been no fraudulent representation made by the producer in the loan documents or in obtaining the loan. Physical loss or damage occurring prior to disbursement of the loan funds to the producer will not be assumed by CCC. Where disbursement of funds is made by sight draft or check, the date of the draft or check shall constitute the date of disbursement of the funds.

§ 434.720 *Personal liability of the producer for the honey.* The making of any fraudulent representation by the producer in the loan documents, or in obtaining the loan, or the conversion or unlawful disposition of any portion of the honey by him, may render the producer subject to criminal prosecution under Federal law and will render him personally liable for the amount due on the loan and for any resulting expense incurred by any holder of the note.

§ 434.721 *Release of the honey under loan.* A producer may at any time obtain release of the honey remaining under loan by paying to the holder of the note and supplemental loan agreement, the principal amount thereof, plus charges and accrued interest. All charges in connection with the collection of the note shall be paid by the producer. Upon presentation of the paid note, the county office shall arrange for the release of the chattel mortgage. Partial release of the honey prior to maturity may be arranged with the county office after making payment to the holder of the note for the quantity of the honey released, plus charges and accrued interest. However, in the event the quantity of the honey contained in the storage structure and covered by the chattel mortgage is greater than the quantity with respect to which the amount was computed, application may be made to the county office for release of all or part of such excess without payment of the loan.



§ 434.722 *Liquidation of loans and delivery under purchase agreements—(a) Farm-storage loans.* The producer is required to pay off his loan on or before maturity, or to deliver the honey in accordance with instructions of the county office. Delivery points for farm-storage loans shall be limited to those recommended by the State committee and approved by the Director, Sugar Division, CSS. If the producer desires to deliver the honey, he should, prior to maturity, give the county office notice in writing of his intention to do so. The producer may, however, pay off his loan and redeem his honey at any time prior to delivery to CCC or removal by CCC. In the event the farm is sold or there is a change of tenancy, the honey under a farm-storage loan may be delivered before the maturity date of the loan, upon prior approval by the county office, or may be delivered before the maturity date of the loan for other reasons upon prior approval of the Executive Vice President of CCC. Settlement will be made at the applicable support rate in effect at the approved point of delivery subject to the provisions of the producer's note and supplemental loan agreement and this subpart, on the basis of the quantity, floral source, color and grade at the time of delivery as determined in accordance with §§ 434.711 (b) and 434.712 (b) (c) (d) and (e). If farm-stored honey is delivered to CCC prior to March 31, 1957, upon request of the producer and with the approval of CCC, the loan settlement shall be reduced at the rate of 1/20 of a cent per pound per month or fraction thereof, from the date delivery is accomplished, or from the final date for delivery shown in the delivery instructions issued by the county office, whichever is earlier, to and including March 31, 1957. Settlement value for honey delivered which does not meet the eligibility requirements with respect to grade shall be determined at the support rate for the honey placed under loan less the estimated cost, as determined by CCC, for conditioning such honey to conform to the grade of honey described in the loan documents. The settlement value for honey delivered which does not meet eligibility requirements because of floral source, or which cannot be conditioned to meet grade requirements, shall be the actual market value of such honey, if any, as determined by CCC. The producer shall pay CCC for any deficiency in quantity, floral source, grade or color. Any payment due the producer on settlement may be made by sight draft drawn on CCC by the county office.

(b) *Handling small amounts on settlement.* If the settlement value of the honey delivered under a farm-storage loan exceeds the amount due on the loan (excluding interest) by more than $3.00, such amount will be paid to the producer on the basis of the settlement documents. To avoid administrative costs of making small payments, if the amount found due the producer in such settlement is $3.00 or less such amount will be paid only upon his request. If the settlement value of the honey is less than the amount due on the loan (excluding interest), the amount of the deficiency, plus interest, shall be paid to CCC, or may be set off against any payment which would otherwise be due to the producer under any agricultural program administered by the Secretary of Agriculture, or any other payments which are due or may become due to the producer from CCC or any other agency of the United States. To avoid administrative costs of handling small accounts a deficiency of $3.00 or less, including interest, may be disregarded unless demand therefor is made by CCC upon the producer.

(c) *Purchase agreements.* The producer who signs a purchase agreement (Commodity Purchase Form 1) shall not be obligated to sell any quantity of the honey to CCC. However, the quantity stated in the purchase agreement shall be the maximum quantity he may sell to CCC. If the producer who signs a purchase agreement wishes to sell the honey to CCC, he shall have a 30-day period prior to the loan maturity date during which he must notify the county office of his intention to sell. Deliveries shall not be accepted before March 31, 1957, or such earlier date as prescribed by the Executive Vice President, CCC. The producer may be required to retain the honey for a period of 60 days after the loan maturity date, without any cost to CCC. Delivery under purchase agreements shall be made in accordance with instructions issued by the county office. Delivery points for purchase agreements shall be limited to those recommended by the State committee and approved by the Director, Sugar Division, CSS. Honey delivered under a purchase agreement must meet the requirements for eligible honey as set forth in §§ 434.703 and 434.712 (e). Payment for eligible honey delivered to CCC under purchase agreements shall be at the applicable support rate in effect at the approved delivery point, on the basis of the quantity, floral source, color, and grade at the time of delivery as determined in accordance with §§ 434.711 (b) and 434.712 (b), (c), (d), and (e). Such payment will be made to the producer by sight draft drawn on CCC by the county office.

§ 434.723 *Purchase of notes.* County offices will purchase notes evidencing loans from approved lending agencies in accordance with the lending agency agreement. The purchase price to be paid by CCC shall be the principal sums remaining due on such notes, plus an amount computed according to the lending agency agreement to cover interest. Lending agencies are required to submit Commodity Credit Corporation Form 500, or such other form as CCC may prescribe, for all payments received on producers' notes held by them, and are required to remit to CCC a part of the interest collected, computed according to the lending agency agreement. Lending agencies shall submit notes and reports to the ASC county office where the loan documents were approved.

§ 434.724 *Charges not to be assumed by CCC.* CCC will not pay or assume any insurance charges, storage charges, inspection charges to determine eligibility for a loan, or any handling or processing charges necessary to make the honey meet the eligibility requirements.

§ 434.725 *Support rates.* Loans will be made, and honey delivered under purchase agreements will be purchased, at the support rates set forth below:

*For States of Montana, Wyoming, Colorado, New Mexico and States West Thereof*

| | Rate (cents per pound) |
|---|---|
| 1. White and lighter table honey | 9.9 |
| 2. Extra Light Amber table honey | 9.4 |
| 3. Nontable and other table honey | 7.9 |

*For All States East of Montana, Wyoming, Colorado and New Mexico*

| | Rate (cents per pound) |
|---|---|
| 1. White and lighter table honey | 10.8 |
| 2. Extra Light Amber table honey | 10.3 |
| 3. Nontable and other table honey | 8.8 |

Loans will be made at the applicable support rate established for the State in which the honey is stored.

(a) "Table honey" means honey having the predominant flavor of not more than two floral sources, and preferably one, which can be readily marketed for table use in all parts of the country. Such honey includes those with the predominant flavors of Alfalfa, Brazil Brush, Catsclaw, Clover, Cotton, Fireweed, Gallberry, Huajillo, Lima Bean, Mesquite, Orange, Raspberry, Sage, Saw Palmetto, Sourwood, Star Thistle, Sweetclover, Tupelo, Vetch, Western Wild Buckwheat, Wild Alfalfa, and similar predominantly mild-flavored honeys, or predominantly mild-flavored blends of honey, as determined by the Director, Sugar Division, CSS.

(b) "Nontable honey" means honey having a predominant flavor of limited national acceptability for table use but considered to be suitable for table use in most areas in which it is produced. Such honeys include those with the predominant flavors of Aster, Buckwheat (except Western Wild Buckwheat), Cabbage Palmetto, Eucalyptus, Goldenrod, Heartsease (Smartweed), Horsemint, Mangrove, Manzanita, Mint, Partridge Pea, Rattan Vine, Salt Cedar (Tamarix gallica), Spanish Needle, Ti-ti, Toyon (Christmas Berry), Tulip-Poplar, and similarly-flavored honeys, or blends of such honeys, as determined by the Director, Sugar Division, CSS.

§ 434.726 *CSS commodity officers.* The CSS commodity offices and the areas served by them are shown below:

Chicago 5, Illinois, 623 South Wabash Avenue: Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia.

Dallas 1, Texas, 500 South Ervay Street: Alabama, Arkansas, Florida, Georgia, Louisi-

ana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas.

Kansas City 6, Missouri, Federal Office Building, 911 Walnut Street: Colorado, Kansas, Missiouri, Nebraska, Wyoming.

Minneapolis 8, Minnesota, 1006 West Lake Street: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

Portland 5, Oregon, 1218 Southwest Washington Street: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

Issued this 9th day of April 1956.

[SEAL] WALTER C. BERGER,
*Acting Executive Vice President,*
*Commodity Credit Corporation.*

[F. R. Doc. 56-2876; Filed, Apr. 12, 1956; 8:53 a. m.]

## TITLE 7—AGRICULTURE

### Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[945.301 Amdt. 5]

### PART 945—TOMATOES GROWN IN FLORIDA

#### LIMITATION OF SHIPMENT

*Findings.* (a) Pursuant to Marketing Agreement No. 125 and Order No. 45 (7 CFR Part 945; 20 F. R. 7357), regulating the handling of tomatoes grown in Florida, effective under the applicable provisions of the Agriculture Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Florida Tomato Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment later than April 16, 1956. The basic changes in the existing regulation which will be effected by this amendment are as follows: (1) The smallest size of tomatoes permitted to be handled will be increased from 1⅞ inch to 2⅛ inch diameter; (2) the minimum grade permissible for handling will be raised from U. S. No. 2 to a requirement that 85 percent of each lot must be U. S. No. 1, except that lots of tomatoes of 2$^{9}/_{32}$-inch minimum diameter may be of U. S. No. 2 or better grade other than for growth cracks, cat faces and scars; (3) any lot containing more than 10 percent mature green tomatoes shall be classified as mature green tomatoes for limitation under this amended regulation; and (4) minimum and maximum net weights will be specified for tomatoes packed in containers of dimensions customarily used in the handling of Florida tomatoes. These changes will impose additional limitations on the handling of Florida tomatoes. Such action is necessary because shipments of tomatoes are increasing in volume and such increases are expected to continue to the spring seasonal peak. Also, the price received for tomatoes has decreased within the last 10 days. The major volume of tomatoes for the winter and early spring season to date has originated primarily in South Florida. Tomatoes are now being marketed from the Fort Pierce, Immokalee, and West Coast producing sections, and such marketings will increase rapidly to a seasonal peak, with such increasing supplies having an additional depressing effect upon prices. The lowest recognized grades and the smaller sizes, such as 7 x 8 size, and the No. 2 grade size 7 x 7, return prices to growers which result in disorderly marketing conditions. Growers' prices also are adversely affected by overpacking, i. e., increasing the net weight of tomatoes per container in excess of customary or normal net contents, especially during periods of declining and low prices. A standard for determining when a lot of tomatoes shall be deemed to be "mature green" is essential and necessary as a basis for operation of this regulation. The time intervening between the date (April 4, 1956) when information upon this amendment is based became available and the time (April 16, 1956) when this amendment must become effective in order to effectuate the declared policy of the act is insufficient to permit the taking of the aforementioned actions. Compliance with this amendment will not require special preparation on the part of handlers which cannot be completed by April 16, 1956, and reasonable time is permitted, under the circumstances, for such preparation. Information regarding the committee's recommendations, which are herein adopted was made available to producers and handlers in the production area when such recommendations were made to this Department.

*Order, as amended.* The provisions of § 945.301 (b), as amended (21 F. R. 1981), are hereby further amended for the period April 16, 1956 to May 31, 1956, both dates inclusive, as follows:

(b) *Order.* (1) No person shall handle for shipment outside the production area any tomatoes unless such tomatoes are of a size not smaller than 2⅛ inches minimum diameter (size 7 x 7 and larger) and meet the requirements of 85 percent U. S. No. 1 or better grade, except that tomatoes which meet the minimum requirements of 2$^{9}/_{32}$ inches minimum diameter (size 6 x 7 and larger) may be handled for shipment outside the production area if they meet the requirements of U. S. No. 2 or better grade, except for growth cracks, catfaces, and scars. For purposes of these exceptions: (i) Growth cracks shall be well healed and no individual crack shall exceed 1 inch in length or ¼ inch in depth and the aggregate length of all cracks shall not exceed 2 inches; (ii) catfaces shall not have channels extending into the locules, and the aggregate area of fairly smooth catfaces shall not exceed that of a circle 1 inch in diameter on a tomato 2½ inches in diameter (smaller tomatoes shall have proportionately lesser areas and larger tomatoes may have proportionately greater areas); and (iii) scars (other than catfaces) shall not have an aggregate area exceeding that of a circle 1 inch in diameter on a tomato 2½ inches in diameter (smaller tomatoes shall have proportionately lesser areas of scars and larger tomatoes may have proportionately greater areas of scars). Not more than a total of 10 percent, by count, of the tomatoes in any lot may fail to meet the applicable grade requirements for the lot as modified by the preceding sentence of this subparagraph. Not more than 5 percent, by count, of the tomatoes in any lot may be smaller than the specified minimum diameter.

(2) Any lot of tomatoes containing more than ten (10) percent of mature green tomatoes shall be classified as mature green tomatoes for purpose of limitation of shipments pursuant to this subparagraph. Subject to the requirements of subparagraph (1) of this paragraph, no person shall handle for shipment outside the production area any such mature green tomatoes unless they are packed within one of the following ranges of diameters (expressed in terms of minimum and maximum):

| Size arrangements | Diameter (inches) |
|---|---|
| 7 x 7 | Over 2⅛ to 2$^{9}/_{32}$, inclusive. |
| 6 x 7 | Over 2$^{9}/_{32}$ to 2$^{17}/_{32}$, inclusive. |
| 6 x 6 and larger | Over 2$^{17}/_{32}$. |

Such mature green tomatoes shall be packed separately for each size range. To allow for variations incident to proper sizing, not more than a total of 10 percent, by count, of the mature green tomatoes in any lot may be smaller than the specified minimum diameter, or larger than the specified maximum diameter, except that not more than 5 percent, by count, of such tomatoes may be smaller than 2⅛ inches in diameter. The requirements of this subparagraph shall be applicable only to mature green tomatoes: deemed to be tomatoes generally showing a slight break in the ground color to a whitish green color over the shoulders: the contents of the seed cavities will be slightly moist and of a jelly or glue-like consistency; the seeds will be well developed, slightly hard, and in slicing the fruit with a sharp knife will usually be pushed aside rather than cut; and the contents of two or more locules must have a jelly-like consistency and well developed seeds. The requirements of this subparagraph shall not be applicable to "pink" tomatoes (deemed to be tomatoes usually hard or firm to feel; which are turning in color, with most of the surface of the fruit ranging from green to yellow, but showing some pink or yellow at the blossom end) and tomatoes having a greater degree of maturity.

(3) No person shall handle for shipment outside the production area any tomatoes packed in the following containers unless the net weight of such tomatoes in each such container is within the following minimum and maximum net weights set forth for each such container:



| Container usual description | Carrier container No. | Inside dimensions | Cubic content | Net weight of tomatoes (pounds) | |
|---|---|---|---|---|---|
| | | | | Minimum | Maximum |
| | | *Inches* | | | |
| 60-pound field box | None | 11 x 11 x 22¼ | 2692 | 60 | 62 |
| 60-pound wire bound crate | 4015 | 11$^{13}/_{16}$ x 11$^{13}/_{16}$ x 18¾ | 2672 | 60 | 62 |
| 50-pound drop pack | 50 [1] | 11 x 10¾ x 19 | 2247 | 50 | 51⅝ |
| 50-pound full telescope | None | 10$^{7}/_{16}$ x 10¾ x 18$^{9}/_{16}$ | 2083 | 50 | 51⅝ |
| 40-pound 2-piece cardboard box | 1915 | 10 x 9 x 19⅝ | 1728 | 40 | 41⅓ |
| 40-pound ½ RSC vent stitliner | 7007 | 12$^{1}/_{16}$ x 8 x 18⅝ | 1822 | 40 | 41⅓ |
| 40-pound bulge pack tomato box | SJ 27 [1] | 10 x 8⅝ x 19¾ | 1753 | 40 | 41⅓ |

[1] Manufacturer's number.

To allow for variations incident to proper packing, not more than a total of ten percent of the containers in any lot, by count, may vary in net weight of contents of tomatoes from the minimum and maximum net weights of tomatoes set forth above for each such container.

(4) Pursuant to § 945.53 each person may handle for shipment outside the production area not in excess of 300 pounds of tomatoes per day without regard to the requirements of this part: *Provided,* That this exception shall not be deemed to apply in case the tomatoes are shipped or transported in conjunction with tomatoes which are required to be inspected and certified pursuant to § 945.60.

(5) The requirements of subparagraphs (1) and (2) of this paragraph shall not be applicable to shipments of tomatoes to (i) canning plants, or (ii) for relief or charity.

(6) Each handler making shipments of tomatoes to canning plants or for relief or charity shall file an application pursuant to § 945.56 with the committee for a Certificate of Privilege for such shipments. Further, each handler who ships tomatoes for relief or charity shall, pursuant to § 945.80, furnish a record of such shipments to the committee. In addition, each application for a Certificate of Privilege to ship tomatoes for relief or charity or to canning plants shall be accompanied by the respective consignee's certification that the tomatoes to be shipped to him will be used only for canning or for relief or charity, as the case may be.

(7) No person shall handle for shipment outside the production area any tomatoes for which inspection is required unless an appropriate inspection certificate has been issued with respect thereto and the certificate is valid at the time of handling. For purposes of operation under this part, each inspection certificate is hereby determined, pursuant to paragraph (c) of § 945.60, to be valid for a period not to exceed 72 hours following completion of inspection as shown on the applicable certificate.

(8) "U. S. No. 2 Grade," as used in this section, shall have the same meaning assigned this term in the United States Standards for Fresh Tomatoes (§§ 51.1855 to 51.1876 of this title; 18 F. R. 7142), including the tolerances set forth therein. All other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 125 and Order No. 45 (§§ 945.1 to 945.92; 20 F. R. 7357).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 10th day of April 1956, to become effective April 16, 1956.

[SEAL] G. R. GRANGE,
*Acting Director,*
*Fruit and Vegetable Division.*

[F. R. Doc. 56-2875; Filed, Apr. 12, 1956; 8:53 a. m.]

### PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

#### QUALITY REGULATIONS

Notice was published in the FEDERAL REGISTER issue of March 15, 1956 (21 F. R. 1655), that the Department was giving consideration to the proposed amendment of the supplementing rules and regulations (7 CFR 969.110 et seq.; Subpart—Rules and Regulations; 20 F. R. 3557) currently in effect pursuant to the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969; 20 F. R. 4177), regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Avocado Administrative Committee (established pursuant to said amended marketing agreement and order as the agency to administer the provisions thereof), it is hereby found that the amendment, as hereinafter set forth, of the said rules and regulations is in accordance with the provisions of the said amended marketing agreement and order and will tend to effectuate the declared purposes of the Agricultural Marketing Agreement Act of 1937, as amended. Such amendment, modified to correct a typographical error, is hereby approved; and the said rules and regulations are amended as follows:

Amend § 969.130 of the supplementing rules and regulations (7 CFR 969.110 et seq.; 20 F. R. 3557), so that said section will read as follows:

§ 969.130 *Quality regulations.* Quality regulations recommended and established pursuant to § 969.50 shall be on the basis of the following specifications or appropriate modifications thereof:

(a) *No. 1 grade.* "No. 1 grade" consists of avocados of similar varietal characteristics which are mature but not overripe, well formed, clean, well colored, well trimmed, and which are free from decay, anthracnose, freezing injury and free from damage caused by bruises, cuts or other skin breaks, pulled stems, russetting or similar discoloration, scars or scab, sunburn, sunscald or sprayburn, cercospora spot, other disease, insects, or mechanical or other means. In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent, by count, of the avocados in any lot may fail to meet the requirements of this grade: *Provided,* That not more than one-half of this amount, or 5 percent, may be affected by anthracnose or decay, including therein not more than 1 percent for decay. (See Application of Tolerances and Standard Pack Requirements.)

(b) *Combination grade.* Any lot of avocados may be designated "Combination grade" when not less than 60 percent, by count, of the avocados in each container meet the requirements of the No. 1 grade and the remainder meet the requirements of the No. 2 grade. In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent, by count, of the avocados in any lot may fail to meet the requirements of the No. 2 grade: *Provided,* That not more than one-half of this amount, or 5 percent, may be affected by anthracnose or decay, including therein not more than 1 percent for decay. No part of any tolerance shall be allowed to reduce for the lot as a whole the percentage of No. 1 fruit required or specified in the combination, but individual containers may have not more than 10 percent less than the percentage of No. 1 fruit required or specified. (See Application of Tolerances and Standard Pack Requirements.)

(c) *No. 2 grade.* "No. 2 grade" consists of avocados of similar varietal characteristics which are mature but not overripe, fairly well formed, clean, fairly well colored, well trimmed and which are free from decay, freezing injury and free from serious damage caused by anthracnose, bruises, cuts or other skin breaks, pulled stems, russetting or similar discoloration, scars or scab, sunburn, sunscald or sprayburn, cercospora spot, other disease, insects, or mechanical or other means. In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent, by count, of the avocados in any lot may fail to meet the requirements of this grade: *Provided,* That not more than one-half of this amount, or 5 percent, shall be allowed for serious damage by anthracnose or decay, including therein not more than 1 percent for decay. (See Application of Tolerances and Standard Pack Requirements.)

(d) *No. 3 grade.* "No. 3 grade" consists of avocados of similar varietal characteristics which are mature but not overripe, which are not badly misshapen, and which are free from decay and free from serious damage caused by anthracnose and from very serious damage

caused by freezing injury, bruises, cuts or other skin breaks, pulled stems, russeting or similar discoloration, scars or scab, sunburn, sunscald or sprayburn, cerocospora spot, other disease, insects, dirt, or mechanical or other means. In order to allow for variations incident to proper grading and handling, not more than a total of 10 percent, by count, of the avocados in any lot may fail to meet the requirements of this grade, including therein not more than 2 percent of decay. (See Application of Tolerances and Standard Pack Requirements.)

(e) *Unclassified.* "Unclassified" consists of avocados which have not been classified in accordance with any of the foregoing grades. The term "unclassified" is not a grade, as used herein, but is provided as a designation to show that no grade has been applied to the lot.

(f) *Standard pack.* (1) The avocados shall be packed in accordance with good commercial practice and the pack shall be at least fairly tight. The size of the avocados may be specified by count. The weight of the smallest fruit in a container shall be not less than 75 percent of the weight of the largest fruit.

(2) In order to allow for variations incident to proper packing and sizing, not more than 5 percent of the containers may fail to meet the requirements for fairly tight. And not more than 5 percent, by count, of the avocados in any container may weigh less than 75 percent of the weight of the largest fruit: *Provided,* That no fruit, in any container, shall be less than 60 percent of the weight of the largest fruit.

(g) *Application of tolerances.* The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade:

(1) For packages which contain more than 20 avocados and a tolerance of 10 percent or more is provided, individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain more than 20 avocados and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one defective and one off-size specimen may be permitted in any package.

(2) For packages which contain 20 avocados or less, individual packages shall have not more than double the tolerance specified, except that at least one defective and one off-size specimen may be permitted in any package.

(h) *Definitions*—(1) *Similar varietal characteristics.* "Similar varietal characteristics" means that the avocados in any container are similar in shape, texture and color of skin and flesh.

(2) *Mature.* "Mature" means that the avocado has reached a stage of growth which will insure a proper completion of the ripening process.

(3) *Overripe.* "Overripe" means that the avocado is dead ripe with flesh soft or discolored and past commercial use.

(4) *Well formed.* "Well formed" means that the avocado has the normal shape characteristic of the variety.

(5) *Clean.* "Clean" means that the avocado is practically free from dirt, staining or other foreign material.

(6) *Well colored.* "Well colored" means that the avocado has the color characteristic of the variety.

(7) *Well trimmed.* "Well trimmed" means that the stem, when present, is cut off fairly smoothly at a point not more than one-fourth inch beyond the shoulder of the avocado.

(8) *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the individual fruit, or the general appearance of the fruits in the container. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(i) Cuts or other skin breaks when not healed and penetrating beneath the epidermis or the aggregate area exceeds the area of a rectangle one inch in length and one-eighth inch in width; or when healed and the appearance is materially affected.

(ii) Pulled stems when the exposed stem cavity is excessively deep, or when skin surrounding the stem cavity is more than slightly torn.

(iii) Russeting or similar discolorations when the appearance of the avocado is affected to a greater extent than that of an avocado which has light-brown surface discoloration aggregating 10 percent of the fruit surface.

(iv) Scars or scab when the appearance of the avocado is affected to a greater extent than that of an avocado which has light-brown superficial, fairly smooth scars aggregating 10 percent of the fruit surface.

(v) Sunburn when the appearance of the avocado is affected to a greater extent than that of an avocado which has greenish-yellow colored sunburn aggregated 10 percent of the fruit surface.

(vi) Sunscald or sprayburn when not well-healed, or when soft, or when the appearance of the avocado is affected to a greater extent than that of an avocado which has light-brown superficial, fairly smooth scars aggregating 10 percent of the fruit surface.

(9) *Fairly well formed.* "Fairly well formed" means that the avocado may be slightly abnormal in shape but not to the extent that the appearance is seriously affected.

(10) *Fairly well colored.* "Fairly well colored" means that the avocado shows a shade of color which is fairly characteristic of the variety.

(11) *Serious damage.* "Serious damage" means any defect which seriously affects the appearance, or the edible or shipping quality of the individual fruit, or the general appearance of the avocados in the container. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(i) Anthracnose when any spot exceeds the area of a circle one-fourth inch in diameter, or when more than 3 spots each exceeding the area of a circle three-sixteenths inch in diameter.

(ii) Cuts or other skin breaks when not healed and the aggregate area exceeds the area of a rectangle one inch in length and one-fourth inch in width, or when not healed and penetrating into the flesh of the fruit, or when healed and the appearance is seriously affected.

(iii) Pulled stems when the skin surrounding the exposed stem cavity is torn more than an aggregate area of a circle one-fourth inch in diameter, or when flesh is torn.

(iv) Russeting or similar discoloration when the appearance of the avocado is affected to a greater extent than that of an avocado which has light-brown surface discoloration aggregating 25 percent of the fruit surface.

(v) Scars or scab when the appearance of the avocado is affected to a greater extent than that of an avocado which has light-brown superficial, fairly smooth scars aggregating 25 percent of the fruit surface.

(vi) Sunburn when the appearance of the avocado is affected to a greater extent than that of an avocado which has greenish-yellow colored sunburn aggregating 25 percent of the fruit surface.

(vii) Sunscald or sprayburn when not well-healed, or when soft, or when the appearance of the avocado is affected to a greater extent than that of an avocado which has light-brown superficial, fairly smooth scars aggregating 25 percent of the fruit surface.

(viii) Cercospora spot when any spot exceeds the area of a circle ¼ inch in diameter or when more than three spots each of which exceeds the area of a circle $\frac{3}{16}$ inch in diameter, or when the aggregate area of all spots exceeds the area of a circle 1 inch in diameter.

(12) *Badly misshapen.* "Badly misshapen" means that the avocado is so badly curved, constricted, pointed or otherwise deformed that the appearance is very seriously affected.

(13) *Very serious damage.* "Very serious damage" means any defect which very seriously affects the appearance, or the edible or shipping quality of the avocado. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as very serious damage:

(i) Cuts or other skin breaks when not healed and penetrating into the flesh of the fruit, or any skin break very seriously affecting the appearance, or the edible or shipping quality.

(ii) Pulled stems when the skin surrounding the exposed stem cavity is torn more than an aggregate area of a circle one-half inch in diameter, or when the flesh is torn.

(iii) Russeting or similar discoloration when the appearance of the avocado is affected to a greater extent than that of an avocado which has light-brown surface discoloration aggregating 50 per cent of the fruit surface.

(iv) Scars or scab when the appearance of the avocado is affected to a greater extent than that of an avocado which has light-brown superficial, fairly smooth scars aggregating 50 per cent of the fruit surface.

(v) Sunburn when the appearance of the avocado is affected to a greater extent than that of an avocado which has greenish-yellow colored sunburn aggregating 50 per cent of the fruit surface.

(vi) Sunscald or sprayburn when not well healed, or when the appearance of the avocado is affected to a greater extent than that of an avocado which has light-brown superficial, fairly smooth scars aggregating 50 per cent of the fruit surface.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued this 10th day of April 1956, to be effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator.*

[F. R. Doc. 56-2850; Filed, Apr. 12, 1956; 8:47 a. m.]

# TITLE 15—COMMERCE AND FOREIGN TRADE

## Chapter II—National Bureau of Standards, Department of Commerce

### Subchapter A—Test Fee Schedules

APPROVAL OF REVISION OF SUBCHAPTER

The revised Schedule of Test Fees published in the FEDERAL REGISTER of March 30, 1956 (21 F. R. 1954) is hereby approved.

[SEAL] SINCLAIR WEEKS,
*Secretary of Commerce.*

[F. R. Doc. 56-2853; Filed, Apr. 12, 1956; 8:48 a. m.]

### Subchapter B—Standard Samples

PART 230—STANDARD SAMPLES AND REFERENCE STANDARDS ISSUED BY NATIONAL BUREAU OF STANDARDS

SUBPART B—STANDARD SAMPLES WITH SCHEDULE OF WEIGHTS AND FEES

DESCRIPTIVE LIST; MISCELLANEOUS AMENDMENTS

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on these schedules of fees are unnecessary for the reason that such procedures, because of the nature of these rules, serve no useful purpose. These schedules are effective from April 2, 1956.

Section 230.11 *Descriptive list,* is amended as follows:

1. The schedule in paragraph (m), *Spectrographic standards,* subparagraph (1) *Steels,* is amended by the addition of standards 445 through 450 and 845 through 850 to read as follows:

| Sample Nos.[1] | Description | Price per sample |
|---|---|---|
| 445 845 | Cr 13-Mo 0.9 (Modified AISI 410) | $6.00 |
| 446 846 | Cr 18-Ni 9 (Modified AISI 321) | 6.00 |
| 447 847 | Cr 24-Ni 13 (Modified AISI 309) | 6.00 |
| 448 848 | Cr 9-Mo 0.3 (Modified AISI 403) | 6.00 |
| 449 849 | Cr 5.5-Ni 6.5 | 6.00 |
| 450 850 | Cr 3-Ni 25 | 6.00 |

[1] Sizes are: 400 series, rods 5/32 inch in diameter, 4 inches long; 800 series, rods 1/2 inch in diameter, 2 inches long.





2. The schedule in paragraph (p) *Standards for rubber compounding,* is amended to read as follows:

| Sample No. | Name | Approximate weight of sample in grams | Price per sample |
|---|---|---|---|
| 370a | Zinc oxide | 2,000 | $2.15 |
| 371b | Sulfur | 1,400 | 1.75 |
| 372b | Stearic acid | 600 | 1.90 |
| 373b | Benzothiazyl disulfide | 500 | 1.75 |
| 374a | Tetramethyl thiuramdisulfide | 500 | 3.50 |
| 375c | Channel black | 7,500 | 3.50 |
| 376a | Light magnesia oxide | 450 | 2.40 |
| 377 | Phenyl-beta-naphthylamine | 600 | 4.00 |
| 378 | Oil furnace black | 7,000 | 3.50 |
| 379 | Conducting black | 5,500 | 3.50 |
| 380 | Calcium carbonate | 6,000 | 2.50 |
| 381 | Calcium silicate | 4,000 | 2.50 |
| 382 | Gas furnace black | 7,500 | 3.50 |

NOTE: Normally, samples are shipped railway express, express charges collect.

3. The schedule in paragraph (q) *Standard oils for use as viscometer calibrating liquids,* is amended to read as follows:

(q) *Standard oils for use as viscometer calibrating liquids.* These oils are not intended for use as permanent viscosity standards. They are not suitable for stockroom items and should be ordered only for immediate use. They are available only in containers of nominal one-pint capacity. This quantity is sufficient for the calibration of most viscometers. In cases where a larger quantity (e. g. duplicate samples) is required, a satisfactory explanation of the need for the larger quantity must be given in the order or accompanying letter. All available liquids are hydrocarbon oils and are listed in the tables below:

(1) *For use with viscometers calibrated in units of absolute or kinematic viscosity.* (i) Price covers the sample and a report containing accurate values at the time of shipment, for absolute viscosity, kinematic viscosity, and density at the following temperatures:

Oils D through N—— 20° C., 25° C., 100° F., and 210° F.
Oil OB———— 20° C., 25° C., and 40° C.
Oil P———— 30° C., 40° C., and 50° C.

(ii) Viscosity values at other temperatures in the range 20° C. to 100° C. (30° C. to 100° C. for Oil P) are supplied as a special service. For Oils D through N, the charge for this special service is $15 per sample per temperature. For Oils OB and P, the charge is $32 per sample per temperature. These special service charges are in addition to the charge for the sample and usual report.

(iii) The approximate viscosities and the prices of the calibrating oils are as follows:

| Oil | Absolute viscosity, in poises, at— | | | | Kinematic viscosity, in stokes, at— | | | | Price per sample f. o. b. Washington, D. C. |
|---|---|---|---|---|---|---|---|---|---|
| | 20° C. | 25° C. | 100° F. | 210° F. | 20° C. | 25° C. | 100° F. | 210° F. | |
| D | 0.020 | 0.018 | 0.014 | 0.006 | 0.026 | 0.023 | 0.019 | 0.008 | $15.00 |
| H | .071 | .063 | .044 | .013 | .091 | .078 | .055 | .017 | 15.00 |
| I | .12 | .10 | .066 | .017 | .14 | .12 | .081 | .022 | 15.00 |
| J | .21 | .17 | .11 | .023 | .25 | .21 | .13 | .028 | 15.00 |
| K | .41 | .32 | .18 | .032 | .48 | .38 | .22 | .040 | 15.00 |
| L | 1.0 | .74 | .37 | .049 | 1.1 | .84 | .43 | .060 | 15.00 |
| M | 3.0 | 2.1 | 1.0 | .089 | 3.4 | 2.4 | 1.1 | .12 | 15.00 |
| N | 14 | 9.6 | 4.0 | .25 | 16 | 11 | 4.6 | .30 | 15.00 |
| | 20° C. | 25° C. | 30° C. | 40° C. | 50° C. | 20° C. | 25° C. | 30° C. | 40° C. | 50° C. | |
| OB | 330 | 210 | | 62 | | 380 | 240 | | 70 | | $32.00 |
| P | | | 480 | 200 | 95 | | | 540 | 230 | 110 | 32.00 |

(2) *For use with Saybolt viscometers.* (i) Price covers the sample and a report containing an accurate value at the time of shipment, for viscosity at the indicated temperature. Viscosity values at other temperatures or in other units are not supplied.

(ii) The approximate viscosities and the prices of the Saybolt calibrating oils are as follows:

| Oil | Temperature ° F. | Viscosity | Price per sample (f. o. b. Washington, D. C. |
|---|---|---|---|
| SB | 100 | 300 sec., Saybolt Universal | $6.50 |
| SC | 130 | 300 sec., Saybolt Universal | 6.50 |
| SF | 122 | 100 sec., Saybolt Furol | 6.50 |

NOTE: On account of the nature of the material, samples of oils for use as viscometer calibrating liquids will be shipped via railway express, express charges collect.

(Sec. 9, 31 Stat. 1450, as amended; 15 U. S. C. 277. Interprets or applies sec. 8, 31 Stat. 1450, as amended; 15 U. S. C. 276)

[SEAL] A. V. ASTIN,
*Director,*
*National Bureau of Standards.*

Approved:

SINCLAIR WEEKS,
*Secretary of Commerce.*

[F. R. Doc. 56-2852; Filed, Apr. 12, 1956; 8:48 a. m.]

# TITLE 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket 5898]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

HARPER & BROTHERS

Subpart—*Discriminating in price under section 2, Clayton Act, as amended:*

§ 13.715 *Charges and price differentials;* § 13.770 *Quantity rebates or discounts.* Subparts—*Maintaining resale prices:* § 13.1145 *Discrimination:* Distributive channels and outlets generally.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 45, 13) [Cease and desist order, Harper & Brothers, New York, N. Y., Docket 5898, March 22, 1956]

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging a New York corporate book publisher in three counts with discriminating in price in the sale of trade books, through, (1) entering into contracts with book clubs which leased them the printing plates, granting them exclusive rights to publish, sell, and distribute "book club editions" of certain titles of their trade books; (2) fixing and maintaining minimum resale prices for its publisher's editions of certain of its trade books sold to retail book seller customers, while permitting book clubs to sell their "book club editions" of the same titles at any prices and on any terms and conditions they might determine; and (3) selling its trade books at greater discounts off list prices to some purchasers than to certain of their competitors—and an agreement between the parties providing for the entry of a consent order in settlement of counts 1 and 2 identical with that issued in the case of Doubleday & Company, Inc., Docket 5897, on August 31, 1955.

After receipt of a substantial amount of evidence in support of the charge in count 3, counsel for the parties entered into a stipulation of facts applicable to that count, which the hearing examiner accepted. He thereupon entered his order to cease and desist, and the Commission, after adopting an amendment requested by respondent and denying for lack of proof its alternative request on appeal, on March 22, 1956, adopted the initial decision, as modified, as the decision of the Commission.

Said order to cease and desist is as follows:

*It is ordered,* That respondent Harper & Brothers, a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the publication, sale or distribution of trade books in commerce, as "commerce" is defined, construed and understood in the Federal Trade Commission Act (15 U. S. C. A. 45) do forthwith cease and desist from: Entering into, maintaining or continuing any contract, agreement or understanding of any nature, with any book club or similar organization, whereby respondent, while exempting said book club or organization from any responsibility for resale price maintenance, undertakes to fix, establish or maintain the resale price, terms or conditions of sale of any literary work which it publishes and sells and which it also sub-licenses such book club or organization to publish and sell, in any area wherein said book club or organization and retail booksellers purchasing from respondent compete with one another in the sale of such work.

*It is further ordered,* That the respondent, Harper & Brothers, a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the sale of trade books in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from: Directly or indirectly discriminating in price between different purchasers of its trade books by selling such books to any of its purchasers at higher prices than it sells the same books by whatever titles, of like grade and quality, to others of its purchasers where such purchasers are in competition with each other in the resale or distribution of said books.

*It is further ordered,* That any and all other charges contained in the complaint are herewith dismissed.

By the Commission's order, report of compliance was required as follows:

*It is further ordered,* That Harper & Brothers, the respondent herein, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: March 23, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-2874; Filed, Apr. 12, 1956; 8:52 a. m.]

# TITLE 32—NATIONAL DEFENSE

## Chapter V—Department of the Army

### Subchapter B—Claims and Accounts

### PART 536—CLAIMS AGAINST THE UNITED STATES

#### STATUTORY PROVISIONS

Sections 536.90 and 536.100 are hereby amended by changing the last sentence of each to read as set forth below. This amendment was approved by the Deputy Secretary of Defense on March 3, 1956, and supersedes the amendment published at 20 F. R. 3955, June 8, 1955:

§ 536.90 *Statutory provisions.* • • • *Provided further,* That with respect to land acquired subsequent to July 27, 1954, but prior to July 15, 1955, reimbursement shall be restricted to those owners and tenants who used such land for residential or agricultural purposes.

§ 536.100 *Statutory provisions.* • • • *Provided further,* That with respect to land acquired subsequent to July 27, 1954, but prior to July 15, 1955, reimbursement shall be restricted to those owners and tenants who used such land for residential or agricultural purposes.

[Regs., January 17, 1956, 601.1 ENGLU] (Sec. 501, 65 Stat. 363. Interprets or applies sec. 509, 68 Stat. 562, sec. 513, 69 Stat. 352)

[SEAL] JOHN A. KLEIN, *Major General, U. S. Army, The Adjutant General.*

[F. R. Doc. 56-2841; Filed, Apr. 12, 1956; 8:45 a. m.]

# TITLE 43—PUBLIC LANDS: INTERIOR

## Chapter I—Bureau of Land Management, Department of the Interior

### Appendix—Public Land Orders

[Public Land Order 1142]

[Fairbanks 010165]

ALASKA

WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF THE AIR FORCE FOR MILITARY PURPOSES; CORRECTION

APRIL 9, 1956.

In Federal Register Document 55-3738, appearing at page 3151 of the issue for Tuesday, May 10, 1955, the location of Triangulation Station "Sparr" should be corrected to read:

Latitude 61°07'11.275" North;
Longitude 155°35'42.261" West.

EDWARD WOOZLEY, *Director.*

[F. R. Doc. 56-2844; Filed, Apr. 12, 1956; 8:46 a. m.]

[Public Land Order 1282]

[Colorado 012528]

COLORADO

RESERVING LANDS WITHIN GUNNISON NATIONAL FOREST FOR USE OF FOREST SERVICE FOR RESEARCH PURPOSES

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Gunnison National Forest in Colorado, are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved for use of the Forest Service, Department of Agriculture, as the Black Mesa Experimental Forest and Range, in connection with research projects being conducted in furtherance of the act of May 22, 1928 (45 Stat. 699; 16 U. S. C. 581, 581a–581k) as amended:

NEW MEXICO PRINCIPAL MERIDIAN

T. 49 N., R. 5 W.,
Sec. 6, lots 6, 7, SE¼, E½SW¼;
Sec. 7, lots 1, 2, 3, 4, E½, E½W½ (exclusive of patented portion);
Sec. 8, NW¼.
T. 49 N., R. 5½ W.,
Sec. 1, S½;
Sec. 11, lots 1, 2, 3, 4, E½E½;
Sec. 12 (exclusive of homestead entry);
Sec. 13, N½ (exclusive of homestead entry);
Sec. 14, lots 1, 2, E½NE¼.
T. 49 N., R. 6 W.,
Sec. 12, lots 3, 4, W½SE¼;
Sec. 13, lots 1, 2, W½NE¼.

The areas described aggregate 3,197.74 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

WESLEY A. D'EWART, *Assistant Secretary of the Interior.*

APRIL 9, 1956.

[F. R. Doc. 56-2845; Filed, Apr. 12, 1956; 8:46 a. m.]

[Public Land Order 1283]

[Utah 013175]

UTAH

EXTENDING THE BOUNDARIES OF THE FISHLAKE NATIONAL FOREST

By virtue of the authority vested in the President by section 24 of the act of March 3, 1891 (26 Stat. 1103; 16 U. S. C. 471) and the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473) and pursuant to Executive Order No. 10355 of May 26, 1952, and upon the recommendation of the Secretary of Agriculture, it is ordered as follows:

The boundaries of the Fishlake National Forest are hereby extended to include the following-described lands in Utah, and, subject to valid existing rights, such lands are hereby made a part of said national forest and hereafter shall be subject to all laws and regulations applicable thereto:

SALT LAKE MERIDIAN

T. 21 S., R. 2½ W.,
Sec. 1, NE¼, E½NW¼, N½SE¼, unsurveyed.

The areas described aggregate approximately 520 acres.

WESLEY A. D'EWART, *Assistant Secretary of the Interior.*

APRIL 9, 1956.

[F. R. Doc. 56-2846; Filed, Apr. 12, 1956; 8:46 a. m.]

[Public Land Order 1284]

[Misc. 1919712]

ALASKA

REVOKING PUBLIC LAND ORDER NO. 46 OF OCTOBER 8, 1942, WHICH WITHDREW LANDS FOR CLASSIFICATION AND IN AID OF LEGISLATION; WITHDRAWING A PORTION OF RELEASED LANDS FOR RECREATIONAL PURPOSES

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Order No. 46 of October 8, 1942, temporarily withdrawing certain lands in Alaska for classification and in aid of legislation, which was partially revoked by Public Land Order No. 616 of November 15, 1949 and No. 823 of May 9, 1952, is hereby revoked in its entirety. The following lands are released from withdrawal by this order:

COPPER RIVER MERIDIAN

T. 4 N., R. 1 W.,
Sec. 29, SW¼;
Sec. 30, SE¼;
Sec. 32, lots 1, 2, W½NE¼, NW¼.
T. 4 N., R. 2 W.,
Sec. 19, unsurveyed.

The areas described aggregate 1,248.44 acres.

2. Subject to valid existing rights, the following-described lands, which are a portion of the lands described in paragraph 1 of this order, are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and excepting disposals of materials under the act of July 31, 1947 (61 Stat. 681) as amended by the act of July 23, 1955 (69 Stat. 367; 30 U. S. C. 601–604), and reserved under jurisdiction of the Bureau of Land Management for public use as a scenic overlook:

COPPER RIVER MERIDIAN

T. 4 N., R. 1 W.,
Sec. 32, lot 2.

The area described contained 26.33 acres.

3. The following public lands are restored to disposition under the public-land laws by this order:

COPPER RIVER MERIDIAN

T. 4 N., R. 1 W.,
Sec. 29, SW¼;
Sec. 30, SE¼;
Sec. 32, lot 1, W½NE¼, NW¼.
T. 4 N., R. 2 W.,
Sec. 19, unsurveyed.

The areas described aggregate 1,222.11 acres.

4. Subject to any valid existing rights and the requirements of applicable law, the surveyed public lands described in paragraph 3 hereof, are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Alaska Home Site, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on May 15, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on August 14, 1956, will be governed by the time of filing.

5. Subject to any valid existing rights and the requirements of applicable law, the unsurveyed public lands released from withdrawal by paragraph 3 of this order, are hereby opened to filing of applications, selections, and locations as are allowable on unsurveyed lands in accordance with the following:

a. Subject to the applications and claims described in paragraph b (1) below, the lands beginning 10:00 a. m. on May 15, 1956, will be subject to settlement under the Homestead and Alaska Home Site Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended). Beginning at 10:00 a. m. on August 14, 1956, any remaining lands will be subject to settlement under those laws by other qualified persons.

b. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having preference rights conferred by existing laws or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on May 15, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications after that hour and before 10:00 a. m. on August 14, 1956, will be governed by the time of filing.

6. All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs 4 (a) (1) and (2) and 5 (b) (1) and (2) above, presented prior to 10:00 a. m. on August 14, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

7. The lands have been open to applications and offers under the mineral-leasing laws and to location for metalliferous minerals. They will be open to location for non-metalliferous minerals under the United States mining laws beginning at 10:00 a. m. on August 14, 1956.

8. Persons claiming veterans' preference rights under paragraphs 4 (a) (1) and (2) and 5 (b) (1) and (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which

may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Anchorage, Alaska.

WESLEY A. D'EWART,
*Assistant Secretary of the Interior.*

APRIL 9, 1956.

[F. R. Doc. 56-2847; Filed, Apr. 12, 1956; 8:47 a. m.]

## TITLE 50—WILDLIFE

### Chapter I—Fish and Wildlife Service, Department of the Interior

#### Subchapter B—Hunting and Possession of Wildlife

#### PART 6—MIGRATORY BIRDS AND CERTAIN GAME MAMMALS

#### ORDER REVOKING ORDER PERMITTING KILLING OF COOTS IN AGRICULTURAL AREAS OF CALIFORNIA

Pursuant to the authority conferred upon me by the order of the Secretary of the Interior, dated January 13, 1956 (21 F. R. 336), I have determined that coots are not likely to cause serious injury to agricultural crops through depredation in the counties of Fresno, Kern, Kings, Madera, Merced, Stanislaus, and Tulare, California, after April 15, 1956. Accordingly, the order permitting the killing of coots on or over agricultural crops in said counties, dated January 25, 1956 (21 F. R. 678), is revoked effective midnight April 15, 1956.

(Sec. 3, 40 Stat. 755, as amended, 16 U. S. C. 704. Interprets or applies E. O. 10250, 16 F. R. 5385, 3 CFR, 1951 Supp.)

Since this order is an emergency measure, notice and public procedure thereon are impracticable (60 Stat: 237; 5 U. S. C. 1001 et seq.).

Issued at Washington, D. C., and dated April 11, 1956.

ARNIE J. SUOMELA,
*Acting Director.*

[F. R. Doc. 56-2900; Filed, Apr. 11, 1956; 4:14 p. m.]

#### Subchapter E—Alaska Wildlife Protection

#### PART 46—TAKING ANIMALS, BIRDS, AND GAME FISHES

#### MISCELLANEOUS AMENDMENTS

*Basis and purpose.* On May 24, 1955, amendments to Part 46, Title 50, Code of Federal Regulations, were adopted to prescribe hunting, trapping, and fishing seasons and limits on game and fur animals, birds, and game fishes in Alaska for the season beginning July 1, 1955. These amendments were adopted pursuant to authority contained in section 9 of the Alaska Game Law of January 13, 1925, as amended (43 Stat. 743; 48 U. S. C. 198), and were published in the FEDERAL REGISTER on June 4, 1955 (20 F. R. 3895).

Wildlife investigations subsequently conducted in Southeastern Alaska have established that the land otter population has increased to a high level resulting from a relatively minor effort directed toward taking these animals. At its meeting conducted in Juneau, Alaska during the week of February 13, 1956, the Alaska Game Commission recommended that the regulations governing the taking of fur animals be so amended as to permit the trapping of land otters in the greater portion of Southeastern Alaska (Fur District 1) during the beaver season extending from April 15 to May 15, 1956. The Alaska Game Commission also recommended that sport fishing be allowed in the main stream and most tributaries of the Tanana River, thereby making it possible to utilize a grayling migration which is available only during the early spring months. Accordingly, the regulations under the Alaska Game Law are amended as follows:

1. Section 46.126 is amended to read as follows:

§ 46.126 *Methods and means.* Fur animals may be taken by any means except by aid or use of a set gun, a shotgun, artificial light of any kind, a steel bear trap or other trap with jaws having a spread exceeding 9 inches, poison, a dog (other than for taking wolves and coyotes in Fur Districts 5, 6, 7, and 8), a fish trap or net, by setting any trap or snare within 25 feet of a beaver house or den or within 100 feet of a fox den, by use of smoke or chemicals, by destroying or disturbing houses, dens, dams, or runways of such animals: *Provided*, That mink and beaver may be taken only by means of a steel trap or snare only by persons who have attained the age of 11 years: *Provided further*, That snares larger than No. 1 are prohibited on the Kenai Peninsula, except in the taking of beaver: *Provided further*, That land otter may not be taken with a steel trap smaller than size 48 during any closed season on mink and marten: *Provided further*, That wolves and coyotes may be killed at any time by means of a bow and arrow, rifle, shotgun, or pistol, by any person permitted to carry firearms: *Provided further*, That no aircraft shall be used in taking fur animals, except as a means of transportation between a settlement or point of outfitting and a single base camp, and for locating, but not for taking, polar bear, and for the taking of wolves and coyotes by authorized predator-control agents or by persons conducting operations under authority of a permit: *And provided further*, That no helicopter shall be used in any manner in the taking or transportation of fur animals, including polar bear.

2. The schedule constituting a part of § 46.128 *Seasons, limits, and other provisions*, as the same appears in 20 F. R. 3897, is amended by deleting the words "*land otter*" from the subheading "*Mink, marten, land otter, fox, lynx, weasel (ermine) and wolverine*" and by inserting in the schedule immediately following the respective column headings entitled "*Areas open to trapping*," "*Seasons*" and "*Limits*" the following:

| | | |
|---|---|---|
| *Land otter* | | |
| Fur District 1 (except within ¼ mile of the hightide line on the mainland beach from Thane to Eagle River near Juneau). | Apr. 15–May 15 | No limit. |
| Fur District 2: | | |
| Montague Island | No open season | No open season. |
| Drainage into Prince William Sound and eastward along the Gulf of Alaska to Cape Suckling. | Nov. 20–Dec. 20 | |
| Remainder of Fur District 2 | Nov. 16–Jan. 31 | No limit. |
| Fur Districts 3 through 8 | Nov. 16–Jan. 31 | |

3. The schedule constituting a part of § 46.156 *Seasons, limits, and other provisions*, as last revised September 27, 1955 (20 F. R. 7371), is further revised by deleting that part which reads: "The Tanana River Watershed," etc., and inserting in lieu thereof under the column headings entitled "*Areas open to fishing*" and "*Seasons*," respectively, the words and dates "Shaw Creek and the Tanana River for 3 miles below Shaw Creek (in Tanana River watershed)—July 1–Mar. 31 and May 28–June 30" and also by adding to that portion of the schedule which reads: "Remainder of Alaska for which a season is not prescribed above" the following: "*Provided*, That fishing in the stocked gravel pits along the Richardson Highway is permitted only for persons under 16 years of age: *Provided further*, That fly fishing only is permitted in the Salcha and Little Salcha Rivers." As so revised, the said schedule, in pertinent part, will read as follows:

| Areas open to fishing | Seasons | Limits |
|---|---|---|
| • • • | • • • | • • |
| Shaw Creek and the Tanana River for 3 miles below Shaw Creek (in Tanana River watershed). | July 1–Mar. 31 and May 28–June 30. | |
| Fielding Lake and its inlets (in Tanana River watershed) | July 1–Mar. 31 and June 10–June 30. | |
| Remainder of Alaska for which a season is not prescribed above: *Provided*, That fishing in the stocked gravel pits along the Richardson Highway is permitted only for persons under 16 years of age: *Provided further*, That fly fishing only is permitted in the Salcha and Little Salcha Rivers. | No closed season. | • • |

(Sec. 9, 43 Stat. 743, as amended; 48 U. S. C. 198)

Since the foregoing amendments relieve existing restrictions on the taking of land otter and game fish in the Territory of Alaska, notice and public procedure are unnecessary and they shall become effective immediately (5 U. S. C. 1003 (c)).

Issued at Washington, D. C., and dated April 6, 1956.

CLARENCE A. DAVIS,
*Acting Secretary of the Interior.*

[F. R. Doc. 56-2843; Filed, Apr. 12, 1956; 8:46 a. m.]



# PROPOSED RULE MAKING

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

### [21 CFR Part 19]

#### CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS; AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

#### NOTICE OF PROPOSAL TO ESTABLISH AN IDENTITY STANDARD FOR NUWORLD CHEESE AND TO AMEND THE IDENTITY STANDARDS FOR PASTEURIZED PROCESS CHEESE AND CERTAIN RELATED FOODS

In the matter of establishing a definition and standard of identity for nuworld cheese and amending the definition and standards of identity for pasteurized process cheese; pasteurized process cheese food; pasteurized process cheese spread; cold-pack cheese, club cheese, comminuted cheese; and cold-pack cheese food:

Notice is hereby given that a petition has been filed by the National Cheese Institute, Inc., 110 North Franklin Street, Chicago 6, Illinois, setting forth a proposal to establish a definition and standard of identity for nuworld cheese and proposing that the definitions and standards of identity for pasteurized process cheese (§ 19.750); pasteurized process cheese food (§ 19.765); pasteurized process cheese spread (§ 19.775); cold-pack cheese, club cheese, comminuted cheese (§ 19.785); and cold-pack cheese food (§ 19.787) be amended by inserting the words "nuworld cheese" after the words "blue cheese" in the first and second sentences of paragraph (a) (6) of each of these standards.

The proposal submitted by the National Cheese Institute for a definition and standard of identity for nuworld cheese is as follows:

§ 19.... *Nuworld cheese; identity.* (a) Nuworld cheese is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It is characterized by the presence of creamy-white mold throughout the cheese. It contains not more than 46 percent of moisture, and its solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in § 19.500 (c). It is not less than 60 days old.

(b) Milk, which may be pasteurized or clarified or both, which may be warmed, and which may be homogenized, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial green or blue coloring, in a quantity which neutralizes any natural yellow coloring in the curd, may be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride of the weight of the milk) is added to set the milk to a semisolid mass. The mass is cut into smaller portions and allowed to stand for a time. The mixed curd and whey is placed in forms permitting further drainage. While being placed in forms, spores of a white mutant of the mold Penicillium roquefortii are added. The forms are turned several times during drainage. When sufficiently drained, the shaped curd is removed from the form and salted with dry salt or brine. Perforations are then made in the shaped curd, and it is held at a temperature of approximately 50° F., at 90 percent to 95 percent relative humidity, until the characteristic mold growth has developed. During storage, the surface of the cheese may be scraped to remove surface growth of undesirable microorganisms. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of nuworld cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section, the word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one or more of the following: Cream, concentrated skim milk, nonfat dry milk solids, water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk solids used.

Pursuant to the authority of the Federal Food, Drug, and Cosmetic Act (sec. 401, 52 Stat. 1046, 68 Stat. 54; 21 U. S. C. 341), delegated to him by the Secretary of Health, Education, and Welfare (20 F. R. 1996), the Commissioner of Food and Drugs invites all interested persons to present their views in writing regarding these proposals and to submit such comments in quintuplicate prior to the thirtieth day following the publication of this notice in the FEDERAL REGISTER. Written comments should be addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, Health, Education, and Welfare Building, 330 Independence Avenue SW., Washington 25, D. C.

Dated: April 6, 1956.

[SEAL] GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F. R. Doc. 56-2842; Filed, Apr. 12, 1956; 8:45 a. m.]

# NOTICES

## DEPARTMENT OF COMMERCE

### Bureau of Foreign Commerce

[Case No. 207A]

#### PETER MEYNS & CO.

#### ORDER REVOKING EXPORT LICENSES AND DENYING EXPORT PRIVILEGES

In the matter of Peter Meyns, doing business under the firm name and style of Peter Meyns & Co., Gertrudenkirchhof 10, Hamburg 1, Germany; respondent.

Peter Meyns, doing business under the firm name and style of Peter Meyns & Co., in Hamburg, Germany, hereinafter referred to as the respondent, was charged by the Director, Investigation Staff, Bureau of Foreign Commerce of the Department of Commerce, with having violated the Export Control Act of 1949, as amended, in that, as alleged, (a) he knowingly transshipped to Communist China large quantites of potassium bichromate and sodium bichromate originally received by him from the United States; (b) he knowingly attempted to transship to Communist China a large quantity of potassium bichromate exported from the United States under a general license with a bill of lading restricting its destination to Germany; (c) he knowingly transshipped to Communist China a large quantity of paraffin wax exported from the United States after he had represented that the wax had been sold in West Germany; and (d) that with knowledge that certain butyl alcohol exported from the United States was destined for Communist China and that shipment to that destination was prohibited, he exported said commodity to Hong Kong. He duly answered the charges and interposed numerous defenses, alleging, (a) a belief that, in those cases where no validated export license was involved, reexportation could be made anywhere; (b) lack of knowledge of U. S. export control regulations prohibiting reexportation to Communist China; (c) that such reexportations as he had made were made pursuant to "transit licenses" issued by various European Governments; (d) that one of the transactions was handled by an employee without his approval; and (e) that his trade in American goods with China was an expedient to which he resorted when German goods became unavailable and that the goods were of no strategic importance. He also alleged that his profits were insignificant, that

he is no longer making purchases of U. S. goods, and that he had cooperated fully in the investigation.

In accordance with the practice, this case was referred to the Compliance Commissioner. After the evidence was submitted, the Compliance Commissioner in due course made his report and recommendation, which, upon the facts as hereinafter found, appears to be fair and just and is therefore adopted.

Now, after considering the entire record consisting of the charges, the answers of the respondents, the evidence submitted in support of the charges and the report and recommendation of the Compliance Commissioner, I hereby make the following findings of fact:

1. At all times hereinafter mentioned Peter Meyns was engaged in the export and import business under the firm name and style of Peter Meyns & Co., in Hamburg, Germany.

2. At all times hereinafter mentioned none of the commodities involved herein might have been shipped from the United States (or transshipped after shipment from the United States) to Hong Kong or China without prior approval from the Bureau of Foreign Commerce of the United States Department of Commerce.

3. In November 1954, an American exporter shipped to Meyns 50 tons of potassium bichromate and 100 tons of sodium bichromate and, at the time when these shipments were made, the bills of lading issued in connection therewith had endorsed thereon the legend, "These commodities licensed by U. S. for ultimate destination Germany. Diversion contrary to U. S. law prohibited."

4. On or about December 31, 1954, Meyns, with knowledge of such restriction against diversion and, having been informed that goods exported from the United States could not be transshipped to Communist China without prior approval, caused the same to be transshipped to Communist China via Poland without such prior approval.

5. On or about November 16, 1954, Meyns, after demand by his American supplier that he state the country of ultimate destination, informed his American supplier that 100 tons of paraffin wax being purchased by him were to be sold in West Germany.

6. The American supplier, in reliance upon such representation, exported to Meyns said 100 tons of paraffin wax.

7. Meyns thereafter, on or about the 25th day of February 1955, without prior approval by the Bureau of Foreign Commerce, caused said 100 tons of paraffin wax to be shipped to Communist China via Gdynia, Poland.

8. In July 1954, Meyns purchased approximately 100 tons of butyl alcohol from a supplier in the United States and said butyl alcohol was thereafter exported to him from the United States.

9. After said butyl alcohol arrived in Hamburg, Meyns, with knowledge that it was destined for Canton, China, caused approximately one-half thereof to be transshipped to Hong Kong. Such transshipment was effected on January 6, 1955, without prior approval by the Bureau of Foreign Commerce.

And, from the foregoing, it is my conclusion that Meyns knowingly diverted and transshipped or caused to be transshipped commodities exported from the United States in violation of § 381.6 of the export control regulations then in effect.

In his report the Compliance Commissioner said:

> All communications received from Meyns are replete with assertions of sincerity, lack of intention to violate, lack of knowledge of U. S. export control restrictions and promises to abide by all U. S. regulations in the future. He makes a very strong case, on its face, for lenient treatment. On the other hand, the information which has been brought to my attention is very much to the contrary and, in the last analysis, it appears that all transshipments were accomplished subsequent to a detailed warning received from the American vice-consul. Under the circumstances I see no reason to deviate from the previous practice, in cases of this nature, of denying export privileges so long as export controls are in effect. However, because of the strong protestations made by Meyns as to his intended conduct in the future, (because he has been temporarily denied export privileges since April 27, 1955) and because he seems to have cooperated in the investigation, it is further my recommendation that after the order to be entered herein has been in effect for two years, export privileges be restored to him conditioned upon his at all times thereafter complying with all export control regulations.

Having concluded that the recommended action is fair, just, and necessary to achieve effective enforcement of the law: *It is hereby ordered:*

I. All outstanding validated export licenses in which Peter Meyns or his firm Peter Meyns & Co. appears or participates as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation.

II. Henceforth, and for the duration of export controls, the said respondent be, and he hereby is suspended from and denied all privileges of participating, directly or indirectly, in any manner or capacity, in an exportation of any commodity or technical data from the United States to any foreign destination, including Canada, whether such exportation has heretofore or hereafter been completed. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation by the respondent, directly or indirectly, in any manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the obtaining or using of any validated or general export license or other export control documents, (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (d) in storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

III. Such denial of export privileges shall extend not only to the respondent, but also to any person, firm, corporation, or business organization with which he may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade in which may be involved exports from the United States or services connected therewith.

IV. Upon condition that the respondent complies in all respects with this order, and with all other requirements of the Export Control Act of 1949, as amended, and all regulations promulgated thereunder, commencing two years following the date hereof, he may engage in and enjoy all export privileges permitted by United States laws and regulations.

V. The privileges conditionally restored to the respondent under Part IV hereof, may be revoked summarily and without notice upon a finding by the Director of the Office of Export Supply, or such other official as may at that time be exercising the duties now exercised by him, that the respondent has, at any time following the date hereof, knowingly failed to comply with any of the conditions or provisions upon which or whereby, by Part IV hereof, he has been permitted to engage in any phase of the export business otherwise denied to him under Part II hereof, without prejudice to any other action which may be taken by reason of any such new or additonal violation. In the event that it be so determined that the respondent has breached the conditions of Part IV hereof, the suspension and denial of his export privileges shall be deemed to commence on the day of such determination and shall continue thereafter for the duration of export controls.

VI. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, during any time when the respondent is prohibited under the terms hereof from engaging in any activity within the scope of Part II hereof, shall, without prior disclosure to, and specific authorization from the Bureau of Foreign Commerce, directly or indirectly, in any manner or capacity, (a) apply for, obtain, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity, (b) order, receive, buy, use, dispose of, finance, transport or forward, any commodity on behalf of or in any association with the respondent, or (c) do any of the foregoing acts with respect to any commodity or exportation in which the respondent may have any interest of any kind or nature, direct or indirect.

Dated: April 10, 1956.

JOHN C. BORTON,
*Director,*
*Office of Export Supply.*

[F. R. Doc. 56-2872; Filed, Apr. 12, 1956; 8:51 a. m.]

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[Case No. 208]

## EUGENE HOBART COLE ET AL.

### ORDER REVOKING EXPORT LICENSES AND DENYING EXPORT PRIVILEGES

In the matter of Eugene Hobart Cole, Hidalgo, Texas; Jerome Herbert Ross, doing business under the firm name and style of Blake-Smith Pipe & Steel Co., 4121 Riverside Drive, Burbank, California; Blakely Smith, 2920 Rice Boulevard, Houston, Texas; respondents.



The respondents, Eugene Hobart Cole, Jerome Herbert Ross, doing business under the firm name and style of Blake-Smith Pipe & Steel Co., and Blakely Smith, were charged by the Director, Investigation Staff, Bureau of Foreign Commerce, with having violated the Export Control Act of 1949, as amended, in connection with the submission to the Office of International Trade (now the Bureau of Foreign Commerce) of an application for a license to ship used structural steel to a firm in Mexico, which license was thereafter utilized, with the aid of various export declarations, to export different material, ultimately delivered to a consignee other than the consignee named in the export license and in the export declarations. The respondent Cole originally appeared by attorney and filed an answer denying the charges. The respondent Ross failed to appear or answer. The respondent Blakely Smith has admitted the charges and has submitted a proposal for a consent order in accordance with § 382.10 of the export control regulations, and the Director of the Investigation Staff has agreed to such proposal. The charging letter, Cole's answer, and Smith's consent proposal were referred to the Compliance Commissioner, who has held a hearing at which the evidence in support of the charges was submitted. The Compliance Commissioner's report and recommendation have been received and, his recommendation appearing to be fair and just, it is hereby adopted.

Now, after reviewing the entire record and considering the report of the Compliance Commissioner, I hereby make the following findings of fact:

1. At all times hereinafter mentioned, Jerome Herbert Ross was engaged in business in Beverly Hills, California, under the firm name and style of Blake-Smith Pipe & Steel Co. and Blakely Smith was associated with him in that business, from time to time, including the times hereinafter mentioned.

2. That at some time prior to March 11, 1952, respondents Ross and Smith, together with respondent Eugene Hobart Cole, entered into an arrangement which contemplated the exportation by them of scrap from the United States to Mexico.

3. In furtherance of that arrangement, respondent Ross, on or about March 11, 1952, submitted to the Office of International Trade, (hereinafter referred to as OIT and now known as the Bureau of Foreign Commerce), an application for a license to export "used structural steel beams, channels and heavy plate (not including rails or axles) for rerolling into plate and skelp" to a consignee firm in Monterrey, Mexico, and by the said application represented that he had a contract for the sale of said metal to said consignee firm and that the metal would be "rerolled into plate and skelp to make oil pipe for the petroleum industry of Mexico."

4. In reliance on such representations, OIT, on March 21, 1952, issued to Ross a license authorizing the exportation of 2,240 tons of such metal, valued at $74,000 to the named consignee.

5. On or about April 17, 1952, respondent Cole obtained an order for the shipment of 2,000 metric tons of unprepared No. 1 scrap steel to another mill in Monterrey, Mexico, and, in furtherance of the arrangement among the respondents, paid to respondents Ross and Smith the sum of $2,240 and received from them the export license bearing the endorsement of Blake-Smith Pipe & Steel Co. by Blakely Smith and naming still another person as attorney-in-fact.

6. Thereafter, commencing May 16, 1952, having been provided with the license by Ross and Smith, respondent Cole caused to be executed three export declarations and himself executed twenty-one export declarations wherein and whereby he certified or caused to be certified that the shipments therein described were being exported to the mill in Monterrey, Mexico, which had been named in the export license and that the shipments were being made pursuant to that license.

7. Respondent Cole, at the times of presentation of said export declarations to United States Customs officials, exported from the United States, and then caused to be delivered to a consignee other than the consignee named in the license and the export declarations, scrap steel rather than used structural steel as described in such declarations and, in the aggregate, the scrap steel so exported amounted to about 1186 metric tons, none of which was ever received by the consignee named in the license and the export declarations, the actual recipient being the purchaser from whom Cole had obtained an order as set forth in Finding 5 above.

8. That at the time of the filing of the application for export license, respondent Ross had no agreement such as that set forth by him in said application for the sale of the used structural steel to the consignee therein named and the said application was filed by him in furtherance of the arrangement to which reference is made in Finding 2.

And, from the foregoing, it is my conclusion

A. That respondent Ross made false and misleading statements and representations in an application for an export license, in violation of § 381.1 (b) of the export control regulations then in effect;

B. That respondent Cole made false and misleading statements and representations in export declarations, in violation of § 381.1 (b) of the export control regulations then in effect;

C. That respondent Cole did make, and respondents Ross and Smith did cause to be made an unauthorized use of an export license, in violation of § 381.3 of the export control regulations then in effect.

In making his recommendation, the Compliance Commissioner took note of the fact that all the respondents herein were convicted upon criminal charges arising out of the facts set forth above; he has found Cole and Ross to have been more culpable than Smith and he has given additional consideration to the fact that Smith submitted a consent proposal to which the Director of the Investigation Staff has agreed. The recommendations of the Compliance Commissioner, as hereinafter embodied in this order, are fair and just and the action proposed is necessary to achieve effective enforcement of the law: *It is now therefore ordered:*

I. All outstanding validated export licenses in which Eugene Hobart Cole or Jerome Herbert Ross or Blake-Smith Pipe and Steel Co. or Blakely Smith appears or participates as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation.

II. (a) The respondents Eugene Hobart Cole and Jerome Herbert Ross, the latter doing business under the firm name and style of Blake-Smith Pipe & Steel Co., for the period of two years from the date hereof are hereby suspended from and denied all privileges of participating, directly or indirectly, in any manner or capacity, in an exportation of any commodity or technical data from the United States to any foreign destination, including Canada, whether such exportation has heretofore or hereafter been completed; (b) the respondent Blakely Smith, for the period of one year from the date hereof is hereby suspended from and denied the privileges of participating, directly or indirectly, in any manner or capacity, in an exportation of any commodity from the United States to any foreign destination, if a validated export license is required for the exportation of such a commodity, whether such exportation has heretofore or hereafter been completed. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation by respondents other than Smith, directly or indirectly, in any manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the obtaining or using of any validated or general export license or other export control documents, (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (d) in storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

III. Such denial of export privileges shall extend not only to each of the respondents, but also to any person, firm, corporation, or business organization with which any of them may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade in which may be involved exports from the United States or services connected therewith.

IV. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, during any time when any respondent is prohibited under the terms hereof from engaging in any activity

within the scope of Part II hereof, shall, without prior disclosure to, and specific authorization from the Bureau of Foreign Commerce, directly or indirectly, in any manner or capacity, (a) apply for, obtain, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity, (b) order, receive, buy, use, dispose of, finance, transport or forward, any commodity on behalf of or in any association with such respondent, or (c) do any of the foregoing acts with respect to any commodity or exportation in which such respondent may have an interest of any kind or nature, direct or indirect.

Dated: April 10, 1956.

JOHN C. BORTON,
*Director,*
*Office of Export Supply.*

[F. R. Doc. 56-2873; Filed, Apr. 12, 1956; 8:52 a. m.]

## DEPARTMENT OF THE TREASURY

### Bureau of Customs

[T. D. 54061]

COAL, COKE, AND BRIQUETTES IMPORTED FROM CERTAIN COUNTRIES

TAXABLE STATUS

Coal, coke made from coal, and coal or coke briquettes imported from the following countries and entered for consumption or withdrawn from warehouse for consumption during the period from January 1 to December 31, 1956, inclusive, will not be subject to the tax of 10 cents per 100 pounds prescribed in section 4531, Internal Revenue Code of 1954:

Canada.
United Kingdom.
West Germany.

Certain countries from which there have been no importations of coal or allied fuels since January 1, 1954, are not included in the above list. Further information concerning the taxable status of coal or allied fuels imported during the calendar year 1956 from countries not listed above will be furnished upon application therefor to the Bureau.

[SEAL] C. A. EMERICK,
*Acting Commissioner of Customs.*

[F. R. Doc. 56-2859; Filed, Apr. 12, 1956; 8:49 a. m.]

[475.43]

SURGICAL STOCKINGS

NOTICE OF CHANGE OF CLASSIFICATION

APRIL 10, 1956.

The Bureau of Customs published a notice in the FEDERAL REGISTER dated December 6, 1955 (20 F. R. 8971), that the tariff classification of certain surgical stockings was under review. The Bureau by its letter to the collector of customs at New York, New York, dated April 10, 1956, ruled that surgical stockings made of net or netting and in chief value of cotton and in part of rubber which were formerly believed to be knit articles are properly classifiable under the provision for articles, wholly or in part of net or netting in paragraph 1529 (a) [18] Tariff Act of 1930, at the rate of 90 percent ad valorem, rather than under the provision for knit cotton articles in paragraph 917, Tariff Act of 1930, as modified, with duty at the rate of 25 percent ad valorem.

As this ruling will result in the assessment of duty at a higher rate than has heretofore been assessed under a uniform practice, it shall be applied to such or similar merchandise only when entered, or withdrawn from warehouse, for consumption after 90 days after the date of publication of an abstract of this decision in the weekly Treasury Decisions.

[SEAL] C. A. EMERICK,
*Acting Commissioner of Customs.*

[F. R. Doc. 56-2860; Filed, Apr. 12, 1956; 8:49 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. G-6488, etc.]

RUTH CUNNINGHAM ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

Take notice that each of the Applicants listed below has filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing such Applicant to continue to sell natural gas subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open for public inspection. These matters should be consolidated and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on the date and at the place hereinafter stated, concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) not less than ten days before the date of hearing. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request for waiver is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

The dockets, Applicants and material averments in applications to which reference is made above are as follows:

*Docket No.; Name and Address; Filing Date; Gas Field; and Purchaser*

G-6488; Ruth Cunningham and Roy G. Hildreth, Spencer, W. Va.; 11-26-54; Center Dist., Gilmer County, W. Va.; Carnegie Natural Gas Company.

G-6601; Houston Oil Company of Texas, Houston, Texas; 11-30-54; Silsbee, Hardin County, Texas; Texas Eastern Transmission Corporation.

G-6602; Houston Oil Company of Texas, 11-30-54; Call, Camptown, Lemonville, South Gist and Northwest Hartburg Fields, Newton County, Texas; East Beach Creek, Elliot, Hampton, North Silsbee and Vickers Fields, Hardin County, Texas; Doty, Orange County, Texas, Castillo and West Gist Fields, Jasper County, Texas; Texas Eastern Transmission Corporation.

G-6666; Houston Oil Company of Texas, Houston, Texas; 11-30-54; Koontz, Victoria County, Texas; United Gas Pipe Line Company.

G-6667; Houston Oil Company of Texas, Houston, Texas; 11-30-54; Fields Field Area, Beauregard Parish, La.; Trunkline Gas Company.

G-7081; Columbian Carbon Company, New York City, N. Y.; 11-30-54; Mingo County, W. Va.; United Fuel Gas Company.

G-7360; Arkansas Dock and Channel Company, San Antonio, Texas; 12-1-54; Stedman, Nueces County, Texas; Tennessee Gas Transmission Company.

G-7467; J. Floyd Harrison, Wayne, W. Va.; 12-1-54; Butler District, Wayne County, W. Va.; United Fuel Gas Company, Butler District, Wyoming County, W. Va.; Amere Gas Utilities Company.

A public hearing will be held on the 8th day of May, 1956, beginning at 9:30 a. m., e. d. s. t., in the hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the above applications.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

APRIL 9, 1956.

[F. R. Doc. 56-2856; Filed, Apr. 12, 1956; 8:49 a. m.]

[Docket No. G-9331]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 9, 1956.

Take notice that Tennessee Gas Transmission Company (Applicant) a Delaware corporation having its principal place of business at Houston, Texas, filed an application on September 16, 1955, as supplemented on November 16, December 16 and 22, 1955, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to sell and deliver peak service gas, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is now on file with the Commission and open to public inspection.

Applicant proposes to provide peak service to all of its general service (full requirements) customers for the duration of their respective service contracts, such customers being required to qualify each year for the service as provided in Applicant's proposed rate schedule. Applicant proposes herein to deliver additional peak day volumes to certain customers only for the 1955-1956 winter season and only in the amount, if any, by which each customer's estimated peak day requirement exceeds its presently authorized daily quantity. In addition, Applicant proposes to increase the existing permanent authorized allocation of gas by 32 Mcf daily to the Berkshire Gas Company, an existing customer distributing gas to Pittsfield, Massachusetts.

Applicant states that no additional facilities will be required to deliver the proposed increased volumes because existing authorized facilities are adequate to render such service.

The price to be charged for the peak service gas is 70 cents per Mcf.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 8, 1956, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application:

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 23, 1956.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56-2857; Filed, Apr. 12, 1956; 8:49 a. m.]

[Docket No. G-9638]

UNITED GAS PIPE LINE CO.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 9, 1956.

Take notice that United Gas Pipe Line Company (Applicant), a Delaware corporation with principal place of business at 1525 Fairfield Avenue, Shreveport, Louisiana, filed on November 10, 1955, as supplemented December 1, 1955, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file and open for public inspection.

Applicant proposes to construct and operate certain natural gas facilities as necessary and incident to the proposed sale of natural gas in interstate commerce to The Utilities Board of the Town of Foley, Alabama, commonly known and doing business as Riviera Utilities, (1) for resale and distribution in the municipalities of Bon Secour, Foley, Loxley, Magnolia Springs and Southport, all in Baldwin County, Alabama, and their respective adjoining environs, (2) for resale to the Naval Air Station at Barin Field, near Foley, Alabama, and (3) for resale to farm taps and rural service consumers along and in the vicinity of its transmission lines leading to the aforesaid communities.

The facilities proposed to be constructed and operated by Applicant consist of two 4-inch taps and one 2-inch tap, 60 feet of 4-inch pipe and 25 feet of 2-inch pipe, scrubber installation, regulator station and dual 4-inch orifice meter station, all located near Mile Post 43.36 on Applicant's 12-inch and 16-inch loop lines between Mobile, Alabama, and Pensacola, Florida.

The estimated cost of construction of the proposed facilities is $16,385 which will be paid out of Applicant's current working funds.

The estimated annual requirements and maximum daily demands in Mcf for the first three years of the proposed project are as follows respectively: 1st year, 178,874 and 1,570; 2d year, 196,373 and 1,672; 3d year, 215,219 and 1,772.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Monday, May 16, 1956, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 26, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56-2858; Filed, Apr. 12, 1956; 8:49 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11539 etc.; FCC 56M-336]

MUSSER BROADCASTING CO. ET AL.

ORDER ADVANCING DATE OF CONFERENCE

In re applications of Sam Ferguson Musser and Gloria G. Musser, d/b as Musser Broadcasting Company, Elizabethtown, Pennsylvania, Docket No. 11539, File No. BP-9698; Will Groff, tr/as Colonial Broadcasting Company, Elizabethtown, Pennsylvania, Docket No. 11540, File No. BP-9759; H. Raymond Stadiem, Lester P. Etter and M. Leonard Savage, d/b as Radio Columbia, Columbia, Pennsylvania; Docket No. 11541, File No. BP-9940; for construction permits.

The Hearing Examiner having under consideration an informal agreement of participating parties regarding re-scheduling of the pre-hearing conference herein;

*It is ordered,* This 9th day of April 1956, that the pre-hearing conference herein, now scheduled for April 16, 1956, is advanced and re-scheduled for April 13, 1956, at 10:00 a. m.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-2877; Filed, Apr. 12, 1956; 8:53 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 2-10434]

HOUSEHOLD FINANCE CORP.

NOTICE OF APPLICATION AND OPPORTUNITY FOR HEARING

APRIL 9, 1956.

Notice is hereby given that Household Finance Corporation (Company) has filed an application under clause (ii) of section 310 (b) (1) of the Trust Indenture Act of 1939 for a finding by the Commission that trusteeship of The First National Bank of Chicago ("First National Bank") under an indenture dated as of September 1, 1953 (1953 Indenture), which was heretofore qualified under the act, and trusteeship by First National Bank under a proposed indenture to be dated as of March 1, 1956 (1956 Indenture), not to be qualified under the act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify said Trustee from acting as such under the 1953 Indenture and the 1956 Indenture.

Section 310 (b) of the act, which is included in section 7.08 of the 1953 Indenture, provides in part that if an indenture trustee under an indenture qualified under the act has or shall acquire any conflicting interest (as defined in the section), it shall, within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of this section provides, with certain exceptions stated therein, that a trustee is deemed to have a conflicting interest if it is acting as trustee under a qualified indenture of an issuer and becomes trustee under another indenture of the same issuer. However, pursuant to clause (ii) of subsection (1), an issuer may sustain the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under a qualified indenture and another indenture is not so likely to

involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under one of such indentures.

The Company alleges that:

1. It proposes to issue $25,000,000 (Canadian) aggregate principal amount of 4⅜ percent Sinking Fund Debentures due March 1, 1981, under the 1956 Indenture under which First National Bank is named indenture trustee, and to sell the new debentures to a limited number of purchasers such as banks, insurance companies, pension funds and other institutional or professional type investors, which will purchase the debentures for investment and not with a view to distribution, as a result of which the securities will be exempt from the registration requirements of the Securities Act of 1933 and the 1956 Indenture will be exempt from qualification under the Trust Indenture Act of 1939;

2. It has outstanding $25,000,000 principal amount of its 2¾ percent Sinking Fund Debentures due 1971, issued under an indenture dated as of December 1, 1946, as amended by a first supplemental indenture dated as of July 1, 1948, and by a second supplemental indenture dated as of June 1, 1951 (collectively called "1946 Indenture"), under which First National Bank also is trustee;

3. The 1946 Debentures were sold to a limited number of institutional investors which purchased them for investment and not for distribution as a result of which the offering was exempt from registration under the Securities Act of 1933 and the 1946 Indenture was exempt from qualification under the Trust Indenture Act of 1939;

4. The company also has outstanding $10,000,000 of five-year 3⅞ percent debentures due 1958 and $15,000,000 principal amount of fifteen-year 4⅛ percent debentures due 1968, issued under the 1953 Indenture dated as of September 1, 1953, under which First National Bank is trustee;

5. Debentures issued under the 1953 Debenture were registered under the Securities Act of 1933 and the 1953 Indenture was qualified under the Trust Indenture Act of 1939;

6. The 1953 Indenture and the 1956 Indenture are wholly unsecured;

7. Section 7.08 of the 1953 Indenture, which embodies the provisions of section 310 (b) (1) of the Trust Indenture Act, specifically excludes the 1946 Indenture from the operation of section (a) (1) of section 7.08;

8. The 1956 Indenture provides for payment of principal and interest on the debentures and certain other payments in Canadian money and requires the establishment of a sinking fund, whereas the 1953 Indenture provides for all payments in United States money, requires no sinking fund and provides for debentures with two maturities;

9. Except as to the foregoing and differences as to amounts, dates, interest rates, redemption prices and other procedural differences, most of the provisions of the two indentures are substantially alike;

10. The 1956 Indenture contains provisions conforming to the requirements of the Trust Indenture Act of 1939 except the provision embodying section 310 (b) (1) of the act does not become operative unless and until the indenture is qualified thereunder;

11. The company is not in default under the 1946 Indenture or the 1953 Indenture; and

12. The differences between the 1953 Indenture and the 1956 Indenture are not likely to involve a conflict of interest in the trusteeship.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file in the offices of the Commission at 425 Second Street NW., Washington, D. C.

Notice is further given that an order granting the application may be issued by the Commission at any time after April 25, 1956, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in clause (ii) of section 310 (b) (1) of the Trust Indenture Act of 1939. Any interested person may, not later than April 23, 1956, in writing, submit to the Commission his views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street, NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact and law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 56-2849; Filed, Apr. 12, 1956; 8:47 a. m.]

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[File No. 70-3460]

NEW ENGLAND ELECTRIC SYSTEM

ORDER AUTHORIZING ISSUANCE AND SALE OF COMMON STOCK PURSUANT TO A RIGHTS OFFERING

APRIL 9, 1956.

New England Electric System ("NEES"), a registered holding company has filed with this Commission a declaration and amendments thereto, pursuant to sections 7 and 12 of the Public Utility Holding Company Act of 1935 ("act") and Rules U-42 and U-50 promulgated thereunder with respect to the following proposed transactions:

NEES proposes to issue and sell 834,976 additional shares of its common stock of $1 par value. The shares are to be offered to the common stockholders of NEES for subscription during a period of not less than fourteen nor more than seventeen days on the basis of one share for each twelve shares held on the record date, which will be the effective date of the registration statement filed with this Commission in connection with such issue and sale. The rights to subscribe are to be evidenced by transferable subscription warrants. No fractional shares are to be issued. However, in lieu of rights for fractional shares, a stockholder will be entitled to subscribe for one additional share in excess of the whole number to which he would otherwise be entitled. Accordingly, if said proposed 834,976 shares are insufficient, NEES proposes to issue such additional shares in excess of this number as may be necessary. Subject to the subscription rights of the stockholders, the stock will be offered at the subscription price to full time employees of NEES and its subsidiaries who have had three years of continuous service and who have attained the age of thirty years. The proposed stock offering will be underwritten and NEES proposes to select the underwriters through competitive bidding pursuant to Rule U-50.

NEES, not later than twenty-four hours before the time to submit bids, will set the subscription price for the offer to the holders of warrants and employees, which will also be the price for the unsubscribed shares, if any, to be underwritten. NEES, by telegraphic or telephonic notice, will inform qualified bidders of the price set. Such price will be not more than the last reported sale price on the New York Stock Exchange prior to the fixing thereof and not less than such last reported sale price less 10%.

NEES proposes, if considered desirable, to stabilize the price of its common stock prior to acceptance or rejection of bids for the purpose of facilitating the offering and distribution of the additional shares of common stock by the purchase of not in excess of 41,749 shares of its common stock on the New York Stock Exchange, the Boston Stock Exchange, in the open market or otherwise.

The net proceeds to be derived from the proposed sale of the additional shares of common stock will be added to the general funds of NEES and applied in furtherance of the construction programs of its subsidiaries either through loans or the purchase of additional shares of their common stocks, any balance to be used for general corporate purposes.

Total expenses of the issuance and distribution of the additional shares of common stock are estimated by NEES at $169,000, including $20,000 for incidental services to be performed at cost by New England Power Service Company, an affiliated service company, and $75,000 for services of the subscription agents.

The fee of Messrs. Simpson Thacher & Bartlett, counsel for the underwriters, will be $8,500 and the expenses are estimated not to exceed $300 all of which will be paid by the underwriters.

It is represented that no State commission, or any other Federal commission, has jurisdiction over the proposed transactions. Declarant has waived the 30-day waiting period and requests that said order become effective upon issuance.

Due notice of the filing of said declaration having been given in the form and manner prescribed by Rule U-23 promulgated under the act, and the Commission not having requested a hearing with respect to said declaration, as amended, within the time specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the proposed transactions that all applicable provisions of the act and the rules promulgated thereunder are satisfied, that no adverse findings are required thereunder, that the expenses, as estimated, are not unreasonable; and deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration, as amended, to become effective forthwith, subject to the terms and conditions prescribed in Rules U-24 and U-50:

*It is ordered*, Pursuant to the applicable provisions of the act and the rules thereunder, that said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith, subject, however, to the provisions of Rules U-24 and U-50.

By the Commission.

[SEAL] NELLYE A. THORSEN,
*Assistant Secretary.*

[F. R. Doc. 56-2848; Filed, Apr. 12, 1956; 8:47 a. m.]



## SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 94]

OKLAHOMA

DECLARATION OF DISASTER AREA

Whereas, it has been reported that on or about April 2, 1956, because of disastrous effects of a tornado, damage resulted to residences and business property located in certain areas in the State of Oklahoma; and

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas, after reading and evaluating reports of such condutions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Offices below indicated from persons or firms whose property situated in Creek and Ottawa Counties (including any areas adjacent to the counties named) suffered damage or other destruction as a result of the catrastrophe above referred to:

Small Business Administration Regional Office
1114 Commerce Street
Dallas 2, Texas
Small Business Administration Branch Office
Bankers Service Life Building, Room 616
114 North Broadway
Oklahoma City, Oklahoma

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this declaration will not be accepted after October 31, 1956.

Dated: April 3, 1956.

WENDELL B. BARNES,
*Administrator.*

[F. R. Doc. 56-2854; Filed, Apr. 12, 1956; 8:48 a. m.]

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[Declaration of Disaster Area 95]

KANSAS

DECLARATION OF DISASTER AREA

Whereas, it has been reported that on or about April 2, 1956, because of disastrous effects of a tornado, damage resulted to residences and business property located in a certain area in the State of Kansas; and

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected; and

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Offices below indicated from persons or firms whose property situated in Cherokee County, Kansas (including any area adjacent to the county named) suffered damage or other destruction as a result of the catastrophe above referred to:

Small Business Administration Regional Office
Federal Office Building, 21st Floor
911 Walnut Street
Kansas City 6, Missouri
Small Business Administration Branch Office
Post Office Building, Room 506
401 North Market Street
Wichita, Kansas

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this declaration will not be accepted after October 31, 1956.

Dated: April 3, 1956.

WENDELL B. BARNES,
*Administrator.*

[F. R. Doc. 56-2855; Filed, Apr. 12, 1956; 8:48 a. m.]

## UNITED STATES TARIFF COMMISSION

[Investigation 48]

WOOD SCREWS OF IRON OR STEEL

INVESTIGATION DISCONTINUED AND DISMISSED AND HEARING CANCELED

The Tariff Commission on April 9, 1956, ordered that Investigation No. 48 under section 7 of the Trade Agreements Extension Act of 1951, as amended, and section 332 of the Tariff Act of 1930, with respect to screws, commonly called wood screws, of iron or steel, instituted on January 26, 1956 (21 F. R. 711), be discontinued and dismissed, and accordingly canceled the hearing in this investigation scheduled for June 12, 1956 (21 F. R. 1113).

The foregoing action was taken by the Commission after consideration of representations made in a letter of April 6, 1956, by the United States Wood Screw Service Bureau (the applicants in the investigation), and of other pertinent factors.

Issued: April 10, 1956.

By order of the Commission.

[SEAL] DONN N. BENT,
*Secretary.*

[F. R. Doc. 56-2871; Filed, Apr. 12, 1956; 8:51 a. m.]

## DEPARTMENT OF JUSTICE

### Office of Alien Property

[Vesting Order SA-17]

BANCA DE SCONT S. P. A.

In re: Debt owing to Banca de Scont S. P. A., also known as Escomptebank Aktiengessellschaft. F-57-275.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of The First National City Bank of New York, 55 Wall Street, New York 15, New York, arising out of an account entitled, "Escomptebank Aktiengesellschaft," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947 was, owned directly or indirectly by Banca de Scont S. P. A., also known as Escomptebank Aktiengesellschaft, Timisoara, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or

for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to Section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on April 9, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
*Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-2862; Filed, Apr. 12, 1956; 8:50 a. m.]

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[Vesting Order SA-19]

SARAL S. A.

In Re: Debt owing to Saral S. A., also known as S. A. R. A. L. S. A. F-57-739.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of Chrysler Corporation Export Division, Detroit 31, Michigan, arising out of an account payable entitled, "S. A. R. A. L. S. A., Str. Grig. Alexandrescu 59, Bucharest, Rumania, in Accounts Receivable Foreign-Chrysler Corporation Export Division," maintained by the aforesaid corporation, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15. 1947, was, owned directly or indirectly by Saral S. A., also known as S. A. R. A. L. S. A., Bucarest, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to Section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on April 9, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
*Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-2864; Filed, Apr. 12, 1956; 8:50 a. m.]

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[Vesting Order SA-18]

BANCA URBANA S. A.

In re: Debt owing to Banca Urbana S. A. F-57-84.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of the Irving Trust Company, One Wall Street, New York 15, New York, arising out of an account entitled "Banca Urbana, Calea Victoriei 7, Bucharest, Romania", maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947 was, owned directly or indirectly by Banca Urbana S. A., Bucarest, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to Section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on April 9, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
*Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-2863; Filed, Apr. 12, 1956; 8:50 a. m.]

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SCHULEM LAZAROWITSCH

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Schulem Lazarowitsch, 204 Worthington Street E., North Bay, Ontario, Canada; Claim No. 28363, Vesting Order No. 4617; $141.27 in the Treasury of the United States.

Executed at Washington, D. C., on April 5, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-2866; Filed, Apr. 12, 1956; 8:50 a. m.]



WILHELMINE KORNER ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Wilhelmine Korner, Vienna, Austria; Erich Korner, Vienna, Austria; Hildegard Kahler, Vienna, Austria; Claim No. 42787; Vesting Order No. 4101; $58.18 in the Treasury of the United States; $43.63 in the Treasury of the United States.

Executed at Washington, D. C., on April 5, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-2865; Filed, Apr. 12, 1956; 8:50 a. m.]

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MRS. H. C. LIZE-VREEZEN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Mrs. H. C. Lize-Vreezen, The Hague, Holland; Claim No. 64344, Vesting Order No. 17909; $262.82 in the Treasury of the United States.

Executed at Washington, D. C., on April 5, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-2867; Filed, Apr. 12, 1956; 8:50 a. m.]

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HATSUKO TANIGAWA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Hatsuko Tanigawa, a/k/a Grace Hatsuko Tanigawa now known as Hatsuko Matsuura, Tokyo, Japan; Claim No. 63989, Vesting Order No. 5264; $4,588.82 in the Treasury of the United States.

Executed at Washington, D. C., on April 5, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-2868; Filed, Apr. 12, 1956; 8:51 a. m.]

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HILDA VON MISES ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., and Property*

Hilda Von Mises, Pierce Hall, Harvard University, Cambridge 38, Massachusetts; $198.67 in the Treasury of the United States.

Fifty percent of all royalties payable or to become payable to the Attorney General of the United States pursuant to License No. A-958, issued by the Attorney General to Mary S. Rosenberg, New York, New York, for the publication of a book entitled "Vorlesungen Ueber Angewandte Mathematik Wahrscheinlichkeitsrechnung", by Richard Von Mises;

An undivided one-half interest in all right, title, interest and claim of whatsoever kind or nature in and to every copyright, claim of copyright, license, agreement, privilege, power and every right of whatsoever nature, including but not limited to monies and amounts, by way of royalties, share of profits or other emolument, and causes of action accrued or to accrue relating to the work entitled "Die Differential und Integralgleichungen der Mechanik und Physik", by Richard Von Mises and Philipp Frank, as listed in Exhibit A of Vesting Order No. 500A-35 (9 F. R. 7959, July 15, 1944), under the name of F. Vieweg & Sohn, to the extent owned by Richard Von Mises and Philipp Frank immediately prior to the vesting thereof by Vesting Order No. 500A-35;

$588.03 in the Treasury of the United States, representing twenty percent as editor's fee; plus $517.46 in the Treasury of the United States, representing twenty-two percent of eighty percent as contributor's share, of royalties received on Volume II of the work entitled "Die Differential und Integralgleichungen der Mechanik und Physik," by Richard Von Mises and Philipp Frank; plus $37.43 in the Treasury of the United States, representing one and eight-tenths percent of eighty percent as contributor's share of royalties received on Volume I of the work entitled "Die Differential und Integralgleichungen der Mechanik und Physik." Claim No. 27590.

The percentages described below of all royalties payable or to become payable to the Attorney General of the United States pursuant to License No. A-93, issued by the Attorney General to Mary S. Rosenberg, New York, New York, for the publication of the book entitled "Die Differential und Integralgleichungen der Mechanik und Physik," Volumes I and II, by Richard Von Mises and Philipp Frank; plus the percentages, as specified, of any future royalties for the publication in the United States of the book, "Die Differential und Integralgleichungen der Mechanik und Physik":

Erich H. Rothe, 413 South Forest Avenue, Ann Arbor, Michigan; $99.82 in the Treasury of the United States, representing four and eight-tenths percent of eighty percent thereof on Volume I; Claim No. 63875.

Richard Courant, 142 Calton Road, New Rochelle, New York; $62.39 in the Treasury of the United States, representing three percent of eighty percent thereof on Volume I; Claim No. 66318.

Gabor Szego, 805 North San Antonio Road, Los Altos, California; $449.19 in the Treasury of the United States, representing Twenty-one and six-tenths percent of eighty percent thereof on Volume I; Claim No. 66427.

Charles Loewner, 515 Benvenue Avenue, Los Altos, California; $280.74 in the Treasury of the United States, representing thirteen and five-tenths percent of eighty percent thereof on Volume I; Claim No. 66428.

Hans Rademacher, 913 South 48th Street, Philadelphia 43, Pennsylvania; $164.29 in the Treasury of the United States, representing seven and nine-tenths percent of eighty percent thereof on Volume I; Claim No. 66498.

Reinhold Henry Furth, Heath End, Bromley Lane, Chislehurst Common, Kent, England; $235.21 in the Treasury of the United States, representing ten percent of eighty percent thereof on Volume II; Claim No. 66519.

Gottfried E. Noether, 88 Duff Street, Watertown 72, Massachusetts; $129.37 in the Treasury of the United States, representing five and five-tenths percent of eighty percent thereof on Volume II; Claim No. 66551.

Herman D. Noether, 117-01 Park Lane South, Kew Gardens 18, New York; $129.37 in the Treasury of the United States, representing five and five-tenths percent of eighty percent thereof on Volume II; Claim No. 66613.

Reserving however, the right of the Attorney General of the United States to receive the shares of royalties due L. Bieberbach

(nine and three-tenths percent of eighty percent), C. Caratheodory (five and seven-tenths percent of eighty percent), R. Iglisch (five percent of eighty percent), Günther Schulz (two and one-tenth percent of eighty percent) and F. Vieweg & Sohn (one-tenth percent of eighty percent) on Volume I; and Guido Beck (eleven percent of eighty percent), A. Sommerfeld (twenty percent of eighty percent), Günther Schulz (seven percent of eighty percent) and E. Trefftz (twelve percent of eighty percent) on Volume II of the book entitled "Die Differential und Integralgleichungen der Mechanik und Physik."

Executed at Washington, D. C., April 5, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 56-2869; Filed, Apr. 12, 1956; 8:51 a. m.]

## INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 10, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT-HAUL

FSA No. 31936: *Fertilizer solutions between points in official territory.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on nitrogen fertilizer solution or fertilizer ammoniating solution, and phosphatic fertilizer solution, tank-car loads between points in official territory, excluding northern Illinois, southern Wisconsin, and extended zone "C" in Wisconsin.

Grounds for relief: Short-line distance formula, maintenance of higher level rates at intermediate points on routes through other territories, and circuity.

Tariff: Supplement 30 to Agent Hinsch's I. C. C. 4662.

FSA No. 31937: *Fertilizer solutions—Lima, Ohio, to the South.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on fertilizer ammoniating solution and nitrogen fertilizer solution, tank-car loads from Lima, Ohio to specified points in named States in southern territory.

Grounds for relief: Circuitous routes.

Tariff: Supplement 13 to Agent Hinsch's I. C. C. 4526.

FSA No. 31938: *Pig iron, etc.—Alabama points to Illinois, Indiana, Iowa, Missouri, and Wisconsin.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on pig iron, salamander iron, and broken iron or steel skulls, carloads from Alabama City, Attalla, Gadsden, Birmingham, Ala., and Birmingham Group points to specified points in Illinois, Indiana, Iowa, Missouri, and Wisconsin.

Grounds for relief: Circuitous routes in part west of the Mississippi River.

FSA No. 31939: *Furniture and parts—from Dayton and Eaton, Ohio.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on furniture and furniture parts, carloads, from Dayton and Eaton, Ohio, to specified points in official territory.

Grounds for relief: Carrier competition and circuity.

FSA No. 31940: *Vehicles—Kcokuk, Iowa, to Franklin, Pa.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on freight carts, trucks, trailers or wagons, noibn, carloads from Keokuk, Iowa, to Franklin, Pa.

Grounds for relief: Carrier competition and circuity.

FSA No. 31941: *Crushed stone—Alabama, Georgia, and Tennessee to Kentucky, Virginia, and West Virginia.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on stone, granite, limestone and marble, crushed, ground or pulverized, carloads (a) from Brownson, Gantt's Quarry, Ala., Cartersville, Tate and Whitestone, Ga., to specified points in Kentucky and Virginia, and (b) from Sparta, Tenn., to specified points in Kentucky, Virginia, and West Virginia (as to limestone).

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 52 to Agent Spaninger's I. C. C. 1469.

FSA No. 31942: *Sugar—New Orleans, La., group to Birmingham, Ala.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on sugar, carloads from New Orleans and Three Oaks, La., to Birmingham, Ala.

Grounds for relief: Circuitous routes.

Tariff: Supplement 299 to Alternate Agent Marque's I. C. C. 380.

FSA No. 31943: *Foreign woods—Gulf Ports to Antrim, N. H., and Corona, N. Y.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on lumber, logs or flitches of mahogany, Philippine and other foreign woods, straight or mixed carloads, also built-up woods and veneer, boards, etc., of such foreign woods, carloads from Baton Rouge, Kenner, New Orleans, La., Mobile, Ala., Laurel, Miss., and Pensacola, Fla., to Antrim, N. H., and Corona, N. Y.

Grounds for relief: Circuitous routes.

Tariff: Supplement 134 to Agent Spaninger's I. C. C. 1214.

FSA No. 31944: *Lumber—North Pacific Coast area to Wisconsin.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on lumber, shingles and other related articles of forest products, carloads from points in Idaho, Montana, Oregon, and Washington on the Union Pacific Railroad Company to specified points in Wisconsin on the Soo Line.

Grounds for relief: Circuitous routes through higher-rated intermediate destination groups.

Tariff: Supplement 73 to Agent Prueter's I. C. C. 1545.

FSA No. 31945: *Paper and paper articles to Kahoka, Mo.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on paper and paper articles, carloads from specified points in the upper peninsula of Michigan and in Wisconsin to Kahoka, Mo.

Grounds for relief: Circuitous routes.

Tariff: Supplement 23 to Agent Prueter's I. C. C. A-4032.

FSA No. 31946: *Sulphuric acid, to Nichols, Fla.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on sulphuric acid, tank-car loads from Bossier City and Shreveport, La., to Nichols, Fla.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 137 to Agent Kratzmeir's I. C. C. 4087.

FSA No. 31947: *Mahogany lumber, to Louisville, Ky.* Filed jointly by C. W. Boin and O. E. Swenson, Agents, for interested rail carriers. Rates on mahogany lumber, carloads from specified north Atlantic and Hampton Roads ports (as to import traffic) and Carteret, N. J. (as to domestic traffic), to Louisville, Ky.

Grounds for relief: Competition with southern ports (New Orleans, La.), and competition from Carteret with import traffic, circuitous routes.

Tariffs: Supplement No. 33 to Agent Boin's I. C. C. A-1017; Supplement No. 103 to Agent Boin's I. C. C. A-1015; Supplement No. 193, to Agent Swenson's I. C. C. 591; Supplement No. 20 to Agent R. B. LeGrande's I. C. C. No. 256.

FSA No. 31948: *Fertilizer solutions—South Point, Ohio, to Louisville, Ky.* Filed by Norfolk and Western Railway Company for itself and interested rail carriers. Rates on nitrogen fertilizer solution, and fertilizer ammoniating solution, tank-car loads from South Point, Ohio, to Louisville, Ky.

Grounds for relief: Circuitous routes.

Tariff: Supplement 28 to Norfolk & Western tariff I. C. C. No. 9548.

FSA No. 31949: *Asphalt—New England points to points in New York.* Filed jointly by C. W. Boin and O. E. Swenson, Agents, for interested rail carriers. Rates on asphalt (asphaltum), natural, by-product or petroleum, other than paint, stain or varnish and tar, paving or roofing, tank-car loads from specified points in Connecticut, Massachusetts, and Rhode Island to Blakeslee, Coopers, Horseheads, East Ithaca, and Norfolk, N. Y.

Grounds for relief: Modified short-line distance formula and circuitous routes.

Tariffs: Supplement No. 51 to B&M RR tariff I. C. C. No. A-3230; Supplement No. 5 to NYC RR tariff I. C. C. No. 1676; Supplement No. 34 to NYNH&H RR tariff I. C. C. No. F4346.

By the Commission.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F. R. Doc. 56-2840; Filed, Apr. 12, 1956; 8:45 a. m.]

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[Special Permission 68488]

INCREASE IN PASSENGER FARES AND CHARGES

TARIFF PUBLISHING RULES

At a general session of the Interstate Commerce Commission held at its office in Washington, D. C., this 9th day of April 1956.

Upon consideration of a petition for special permission filed by M. B. Duggan, Chairman, Southern Passenger Association, and Jarvis Langdon, Jr., and other attorneys, dated April 4, 1956, as



amended, for authority to depart from the Commission's tariff-publishing rules to the extent necessary to enable them to publish a general increase of five percent in passenger fares and charges with an increase in the minimum one-way and round-trip fares within southern territory and between southern territory, on the one hand, and eastern and western territories, on the other, as set forth in the petition, as amended, and for modification of all outstanding orders of the Commission to the extent necessary to permit only the publication of the aforesaid increase in fares and charges;

For good cause shown, *It is ordered:*

1. Carriers for and on whose behalf the above-mentioned petition, as amended, was filed, and their tariff-publishing agents, are hereby authorized to depart from the Commission's tariff-publishing rules when providing for increased fares and charges (exclusive of commutation fares) as set forth in the petition in the following manner:

(a) By publication and filing of a master tariff of increased fares and charges.

(b) By publication and filing of connecting link supplements to one or more tariffs connecting such tariff or tariffs with the master tariff of increased fares and charges.

(c) By publication and filing of tariffs or supplements of specific increased fares and charges.

(d) By publication and filing by carriers of individual or blanket supplements to their local tariffs containing conversion table.

2. Connecting link supplements authorized herein shall be exempt from the Commission's tariff-publishing rules relating to the number of supplements and volume of supplemental matter permitted until further ordered. All other relief from the Commission's tariff-publishing rules authorized herein shall continue until further ordered.

3. (1) Master tariffs, supplements thereto, and supplements to tariffs which are issued in short form method shall bear notation reading substantially as follows:

The form of this publication is permitted by authority of Interstate Commerce Commission Permission No. 68488 of April 9, 1956.

(2) Other tariffs or supplements containing specific increased fares or charges shall bear notation reading:

This publication is issued under authority of Interstate Commerce Commission Permission No. 68488 of April 9, 1956.

4. Outstanding orders of the Commission are modified only to the extent necessary to permit the filing of tariffs containing the proposed increased fares and charges, which tariffs will be subject to protest, suspension, or rejection.

*And it is further ordered,* That a copy of this order be filed with the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER as notice to interested parties.

By the Commission.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F. R. Doc. 56-2839; Filed, Apr. 12, 1956; 8:45 a. m.]

OF MICHIGAN
APR 16 1956
MAIN
READING ROOM

THE NATIONAL ARCHIVES

# FEDERAL REGISTER

VOLUME 21 — 1934 — NUMBER 73

*Washington, Saturday, April 14, 1956*

## TITLE 6—AGRICULTURAL CREDIT

### Chapter III—Farmers Home Administration, Department of Agriculture

**Subchapter B—Farm Ownership Loans**

[FHA Instruction 401.1]

PART 311—BASIC REGULATIONS

SUBPART A—GENERAL

PURCHASE OF NON-DELINQUENT INSURED MORTGAGES BY GOVERNMENT

Section 311.5 (e), Title 6, Code of Federal Regulations (16 F. R. 12415), is revised to refer to the period specified in the borrower-insurer-lender triple agreement or in the insurance endorsement on the note, as the case may be, as the redemption period for non-delinquent insured mortgages and to read as follows:

§ 311.5 *Terms of loans.* • • •

(e) *Sale of nondelinquent insured mortgages to the Government.* Any holder of an insured mortgage may, at his option, within a period of one year beginning after the expiration of the period specified in the borrower-insurer-lender triple agreement or in the insurance endorsement on the note secured by the mortgage, as the case may be, have the mortgage purchased by the Government even though the mortgage is not then in default. If the holder exercises such option, the Government will purchase the mortgage and pay the holder by United States Treasury check an amount equal to the value of the mortgage. For such purpose, the value of the mortgage will be determined by adding to then outstanding unpaid principal, the amount of any unpaid interest and the unpaid amount of any advances made by a holder for property insurance premiums, taxes, assessments, water charges, and other payments in discharge of liens which are prior to the mortgage. If the holder of the mortgage does not exercise the above-mentioned option, he may accept any new agreement which may be offered by the Government to purchase the mortgage, or the holder may retain the mortgage until it is paid in full, refinanced, or assigned to another lender.

(Sec. 41 (1), 50 Stat. 529, 60 Stat. 1066; 7 U. S. C. 1015 (1). Interprets or applies sec. 3 (b) (2), 50 Stat. 523, secs. 3 (a), (b), 12 (c) (4), (6), (7), (e) (1), 13 (a), (d), 44 (b), (c), 60 Stat. 1074, 1076, 1078, 1069, secs. 1, 2, 3, 5, 62 Stat. 534, 535; 7 U. S. C. 1003 (a), (b), 1005b (c) (4), (6), (7), (e) (1), (j), 1005c (a), (d), 1018 (b) (c))

Dated this 10th day of April 1956.

[SEAL] R. B. MCLEAISH,
*Administrator,*
*Farmers Home Administration.*

[F. R. Doc. 56-2911; Filed, Apr. 13, 1956; 8:50 a. m.]

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**Subchapter F—Security Servicing and Liquidations**

[FHA Instruction 465.9]

PART 375—ASSIGNMENT OF INSURED NOTES

PURCHASE OF NON-DELINQUENT INSURED NOTES BY GOVERNMENT

Section 375.4 (d) (3), Title 6, Code of Federal Regulations (20 F. R. 7958), is revised to refer to the period specified in the insurance endorsement on the note as the redemption period for non-delinquent insured notes and to read as follows:

§ 375.4 *General policies.* • • •

(d) *Responsibilities of the Director, Finance Office.* • • •

(3) Advise the holder of the options available to him at the expiration of the fixed period. Any holder of the note may, at his option, within a period of one year after the expiration of the period specified in the insurance endorsement on the note, have the note purchased by the Government even though the note is not then in default, and, if such option is exercised, the Government shall, upon assignment of the note to the Government, pay therefor by United States Treasury check the amount of unpaid principal and interest on the note. If the holder of the note does not exercise the above mentioned option, he may accept any new agreement which may be offered by the Government to purchase the note, or the holder may retain the note until it is paid in full, refinanced, or assigned to another lender.

(Sec. 6 (3), 50 Stat. 870, sec. 10 (a) (7), 68 Stat. 735, sec. 41 (1), 60 Stat. 1066, sec. 4 (c), 64 Stat. 100; 16 U. S. C. 590w (3), 590x-3 (a) (7), 7 U. S. C. 1015 (1), 40 U. S. C. 422 (c). Interprets or applies sec. 16, 69 Stat. 553, sec. 10 (a) (1)-(3), 68 Stat. 735, secs. 12 (1), 13 (a), 13 (d), 60 Stat. 1077, 1078, sec. 12 (j),

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# FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.



**CFR SUPPLEMENTS**

**(As of January 1, 1956)**

The following Supplement is now available:

**Title 32: Parts 1–399 ($0.60)**

*Previously announced:* Title 3, 1955 Supp. ($2.00); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 18 ($0.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35); Title 32: Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Titles 40–42 ($0.65); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

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Dated this 10th day of April 1956.

[SEAL] R. B. MCLEAISH,
*Administrator,*
*Farmers Home Administration.*

[F. R. Doc. 56-2910; Filed, Apr. 13, 1956; 8:50 a. m.]

# TITLE 7—AGRICULTURE

## Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 83]

### PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.383 *Navel Orange Regulation 83*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on April 12, 1956, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of Navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., April 15, 1956, and ending at 12:01 a. m., P. s. t., April 22, 1956, is hereby fixed as follows:

(i) District 1: 231,000 cartons;
(ii) District 2: 877,800 cartons;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) Navel oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "District 1," "District 2," "District 3," and "District 4," have the same meaning as when used in said amended marketing agreement and order; and "carton" means the standard one-half orange, grapefruit or lemon box set forth as standard container number 58 in section 828.83, as amended, of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 13, 1956.

[SEAL] G. R. GRANGE,
*Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-2986; Filed, Apr. 13, 1956; 11:26 a. m.]

[Valencia Orange Reg. 63]

### PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.363 *Valencia Orange Regulation 63*—(a) *Findings.* (1) Pursuant to Order No. 22 (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective March 31, 1954, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on April 12, 1956, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., April 15, 1956, and ending at 12:01 a. m., P. s. t., April 22, 1956, is hereby fixed as follows:

(i) District 1: 44,029 cartons;
(ii) District 2: Unlimited movement;
(iii) District 3: Unlimited movement.

(2) Valencia oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "handler," "District 1," "District 2," and "District 3," have the same meaning as when used in said order; and "carton" means the standard one-half orange,

grapefruit or lemon box set forth as standard container number 58 in section 828.83, as amended, of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 13, 1956.

[SEAL] G. R. GRANGE,
*Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-2987; Filed, Apr. 13, 1956; 11:26 a. m.]

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[Grapefruit Reg. 241]

## PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

### LIMITATION OF SHIPMENTS

§ 933.784 *Grapefruit Regulation 241*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than April 16, 1956. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until April 16, 1956; the recommendation and supporting information for continued regulation subsequent to April 15, 1956, were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on April 10, 1956; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., April 16, 1956, and ending at 12:01 a. m., e. s. t., April 30, 1956, no handler shall ship:

(i) Any white seeded grapefruit, grown in the State of Florida, which are not mature and do not grade at least U. S. No. 1 Bronze;

(ii) Any white seedless grapefruit, grown in Regulation Area I, which are not mature and do not grade at least U. S. No. 1 Bronze;

(iii) Any white seedless grapefruit, grown in Regulation Area II, which are not mature and do not grade at least U. S. No. 2;

(iv) Any white seedless grapefruit, grown in Regulation Area II, which are mature and which grade U. S. No. 2 or U. S. No. 2 Bright unless such seedless grapefruit (*a*) are in the same container with seedless grapefruit which grade at least U. S. No. 1 Russet and are of a size not smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box and (*b*) are not in excess of 40 percent, by count, of the number of all seedless grapefruit in such container;

(v) Any pink grapefruit, grown in the State of Florida, which are not mature and do not grade at least U. S. No. 2;

(vi) Any white seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(vii) Any pink seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(viii) Any white seedless grapefruit, grown in Regulation Area I, which are of a size smaller than a size that will pack 112 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(ix) Any white seedless grapefruit, grown in Regulation Area II, which grade U. S. Fancy, U. S. No. 1 Bright, U. S. No. 1, U. S. No. 1 Golden, U. S. No. 1 Bronze or U. S. No. 1 Russet, which are of a size smaller than a size that will pack 112 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(x) Any white seedless grapefruit, grown in Regulation Area II, which grade U. S. No. 2 Bright or U. S. No. 2, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(xi) Any pink seedless grapefruit, grown in the State of Florida, which grade U. S. Fancy, U. S. No. 1 Bright, U. S. No. 1, U. S. No. 1 Golden, U. S. No. 1 Bronze or U. S. No. 1 Russet, which are of a size smaller than a size that will pack 112 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(xii) Any pink seedless grapefruit, grown in the State of Florida, which grade U. S. No. 2 Bright or U. S. No. 2, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "handler," "ship," "Growers Administrative Committee," "Regulation Area I," and "Regulation Area II" shall have the same meaning as when used in said amended marketing agreement and order; the terms "U. S. Fancy," "U. S. No. 1 Bright," "U. S. No. 1," "U. S. No. 1 Golden," "U. S. No. 1 Bronze," "U. S. No. 1 Russet," "U. S. No. 2," "U. S. No. 2 Bright," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida Grapefruit (§§ 51.750–51.790 of this title); and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, Chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (Chapters 25149 and 28090) and also by section 601.18, as amended on June 2, 1955 (Chapter 29760).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 11, 1956.

[SEAL] G. R. GRANGE,
*Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-2908; Filed, Apr. 13, 1956; 8:50 a. m.]

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[Orange Reg. 295]

## PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

### LIMITATION OF SHIPMENTS

§ 933.785 *Orange Regulation 295*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all Florida oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than April 16, 1956. Shipments of all oranges, except Temple oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until April 16, 1956; the recommendation and supporting information for continued regulation subsequent to April 15, 1956, were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on April 10, 1956, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, except Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., April 16, 1956, and ending at 12:01 a. m., e. s. t, April 30, 1956, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet;

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than a size that will pack 288 oranges, packed in accordance with the requirements of a standard pack, in a standard 1⅗ bushel nailed box; or

(iii) Any Valencia, Lue Gim Gong, or similar late-maturing oranges of the Valencia type, grown in the State of Florida, which are of a size larger than 3⁶⁄₁₆ inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of oranges larger than such maximum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1186 of this title; 20 F. R. 7205); *Provided,* That in determining the percentage of oranges in any lot which are larger than 3⁶⁄₁₆ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 3 inches in diameter and larger.

(2) As used in this section, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet," "standard pack," and "standard 1⅗ bushel nailed box" shall have the same meaning as when used in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1186 of this title, 20 F. R. 7205).

Shipments of Temple oranges, grown in the State of Florida, are subject to the provisions of Orange Regulation 294 (§ 933.782, 21 F. R. 2039).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 11, 1956.

[SEAL] G. R. GRANGE,
*Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-2906; Filed, Apr. 13, 1956; 8:49 a. m.]

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[Tangerine Reg. 173]

## PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

### LIMITATION OF SHIPMENTS

§ 933.786 *Tangerine Regulation 173*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions effective not later than April 16, 1956. Shipments of tangerines, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order and will so continue until April 16, 1956; the recommendation and supporting information for continued regulation subsequent to April 15, 1956, were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on April 10, 1956; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines, and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., April 16, 1956, and ending at 12:01 a. m., e. s. t., April 30, 1956, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 2;

(ii) Any tangerines, grown in the State of Florida, which grade U. S. Fancy, U. S. No. 1, U. S. No. 1 Bronze or U. S. No. 1 Russet, that are of a size smaller than the size that will pack 246 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches); or

(iii) Any tangerines grown in the State of Florida, which grade U. S. No. 2, that are of a size smaller than the size that will pack 210 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches).

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. Fancy," "U. S. No. 1," "U. S. No. 1 Bronze," "U. S. No. 1 Russet," "U. S. No. 2," and "standard pack" shall have the same meaning as when used in the revised United States Standards for Florida Tangerines (§§ 51.1810 to 51.1836 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 11, 1956.

[SEAL] G. R. GRANGE,
*Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-2907; Filed, Apr. 13, 1956; 8:50 a. m.]

[Lemon Reg. 637]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.744 *Lemon Regulation 637*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 8451), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on April 11, 1956, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., April 15, 1956, and ending at 12:01 a. m., P. s. t., April 22, 1956, is hereby fixed as follows:



(i) District 1: 4,650 cartons;

(ii) District 2: 274,350 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," and "District 3" have the same meaning as when used in the said amended marketing agreement and order; and "carton" means the standard one-half orange, grapefruit or lemon box set forth as standard container number 58 in section 828.83, as amended, of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 12, 1956.

[SEAL] G. R. GRANGE,
*Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-2954; Filed, Apr. 13, 1956; 8:53 a. m.]

# TITLE 9—ANIMALS AND ANIMAL PRODUCTS

## Chapter I—Agricultural Research Service, Department of Agriculture

### Subchapter A—Meat Inspection Regulations

PART 40—IDENTIFICATION AND CERTIFICATION SERVICE FOR MEAT AND OTHER PRODUCT

MISCELLANEOUS AMENDMENTS

On October 11, 1955, there was published in the FEDERAL REGISTER (20 F. R. 7576) a notice of proposed amendments of Part 40 of the meat inspection regulations of the United States Department of Agriculture (9 CFR, 1954 Supp., Part 40, as amended). After due consideration of all relevant matters presented and pursuant to the authority conferred by sections 203 and 205 of the Agricultural Marketing Act of 1946 (7 U. S. C. 1622, 1624), as amended, and section 520 of the Revised Statutes (5 U. S. C. 511), Part 40 of the meat inspection regulations (9 CFR, 1954 Supp., Part 40, as amended) is further amended as follows:

1. The heading of Part 40 is amended to read as set forth above.

2. Section 40.3 is amended by adding the following sentence at the end thereof: "In order to meet requirements of a purchaser, or of a supplier, or others, that are not imposed or are in addition to those imposed by the regulations in Parts 1 through 29 of this chapter and the laws under which such regulations were issued, with respect to such carcass, tank carload, or other basic unit, to be exported, service may be furnished, upon application, under the regulations in this part to certify such characteristics of or factors concerning the product as may be requested in the application for service."

3. Section 40.4 is amended to read as follows:

§ 40.4 *Availability of service.* Service under the regulations in this part will be available only with respect to meat or other product which is sound, healthful, wholesome, and fit for human food at the time the service would be furnished; which can be identified as a portion of a carcass, tank carload, or other basic unit which was federally inspected and passed and so marked; and, in the case of identification service, which is on premises other than those of an official establishment.

The foregoing amendments of the regulations will provide for a certification service relating to requirements of purchasers, suppliers, and others that are not imposed or are in addition to those imposed by the Federal Meat Inspection Act and related laws and the regulations thereunder. The service will be available upon request of interested persons and use of such service will not be mandatory under the regulations in any respect. In order to be of maximum benefit to persons desiring the service, the amendments should be made effective less than 30 days after publication in the FEDERAL REGISTER. Therefore, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), good cause is found for making the amendments effective less than 30 days after such publication.

(34 Stat. 1264, sec. 306, 46 Stat. 689, sec. 205, 60 Stat. 1090, sec. 101, 66 Stat. 348; 21 U. S. C. 89, 19 U. S. C. 1306, 7 U. S. C. 414, 1624)

The foregoing amendments shall become effective on April 14, 1956.

Done at Washington, D. C., this 7th day of April 1956.

M. R. CLARKSON,
*Acting Administrator, Agricultural Research Service.*

[F. R. Doc. 56-2909; Filed, Apr. 13, 1956; 8:50 a. m.]

# TITLE 26—INTERNAL REVENUE, 1954

## Chapter I—Internal Revenue Service, Department of the Treasury

### Subchapter A—Income Tax

[T. D. 6169]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

COMPENSATION FOR INJURIES OR SICKNESS

On March 24, 1955, notice of proposed rule making regarding the regulations under sections 104, 105, and 106 of the Internal Revenue Code of 1954, was published in the FEDERAL REGISTER (20 F. R. 1779). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the following regulations are hereby prescribed for taxable years beginning after December 31, 1953 and ending after August 16, 1954:

Sec.
1.104 Statutory provisions; compensation for injuries or sickness.
1.104-1 Compensation for injuries or sickness.
1.105 Statutory provisions; amounts received under accident and health plans.
1.105-1 Amounts attributable to employer contributions.
1.105-2 Amounts expended for medical care.
1.105-3 Payments unrelated to absence from work.
1.105-4 Wage continuation plans.
1.105-5 Accident and health plans.
1.106 Statutory provisions; contributions by employer to accident and health plans.



Sec.
1.106-1 Contributions by employer to accident and health plans.

AUTHORITY: §§ 1.104 to 1.106-1 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805. Interpret or apply sec. 105, 68A Stat. 30; 26 U. S. C. 105.

§ 1.104 *Statutory provisions; compensation for injuries or sickness.*

SEC. 104. *Compensation for injuries or sickness*—(a) *In general.* Except in the case of amounts attributable to (and not in excess of) deductions allowed under section 213 (relating to medical, etc., expenses) for any prior taxable year, gross income does not include—

(1) Amounts received under workmen's compensation acts as compensation for personal injuries or sickness;

(2) The amount of any damages received (whether by suit or agreement) on account of personal injuries or sickness;

(3) Amounts received through accident or health insurance for personal injuries or sickness (other than amounts received by an employee, to the extent such amounts (A) are attributable to contributions by the employer which were not includible in the gross income of the employee, or (B) are paid by the employer); and

(4) Amounts received as a pension, annuity, or similar allowance for personal injuries or sickness resulting from active service in the armed forces of any country or in the Coast or Geodetic Survey or the Public Health Service.

(b) *Cross references.* (1) For exclusion from employee's gross income of employer contributions to accident and health plans, see section 106.

(2) For exclusion of part of disability retirement pay from the application of subsection (a) (4) of this section, see section 402 (h) of the Career Compensation Act of 1949 (37 U. S. C. 272 (h)).

§ 1.104-1 *Compensation for injuries or sickness*—(a) *In general.* Section 104 (a) provides an exclusion from gross income with respect to certain amounts described in paragraphs (b), (c), (d) and (e) of this section, which are received for personal injuries or sickness, except to the extent that such amounts are attributable to (but not in excess of) deductions allowed under section 213 (relating to medical, etc., expenses) for any prior taxable year. See section 213 and the regulations thereunder.

(b) *Amounts received under workmen's compensation acts.* Section 104 (a) (1) excludes from gross income amounts which are received by an employee under a workmen's compensation act (such as the Longshoremen's and Harbor Workers' Compensation Act, 33 U. S. C., c. 18), or under a statute in the nature of a workmen's compensation act which provides compensation to employees for personal injuries or sickness incurred in the course of employment. Section 104 (a) (1) also applies to compensation which is paid under a workmen's compensation act to the survivor or survivors of a deceased employee. However, section 104 (a) (1) does not apply to a retirement pension or annuity to the extent that it is determined by reference to the employee's age or length of service, or the employee's prior contributions, even though the employee's retirement is occasioned by an occupational injury or sickness. Section 104 (a) (1) also does not apply to amounts which are received as compensation for a nonoccupational injury or sickness nor to amounts received as compensation for an occupational injury or sickness to the extent that they are in excess of the amount provided in the applicable workmen's compensation act or acts. See, however, §§ 1.105-1 through 1.105-5 for rules relating to exclusion of such amounts from gross income.

(c) *Damages received on account of personal injuries or sickness.* Section 104 (a) (2) excludes from gross income the amount of any damages received (whether by suit or agreement) on account of personal injuries or sickness. The term "damages received (whether by suit or agreement)" means an amount received (other than workmen's compensation) through prosecution of a legal suit or action based upon tort or tort type rights, or through a settlement agreement entered into in lieu of such prosecution.

(d) *Accident or health insurance.* Section 104 (a) (3) excludes from gross income amounts received through accident or health insurance for personal injuries or sickness (other than amounts received by an employee, to the extent that such amounts (1) are attributable to contributions of the employer which were not includible in the gross income of the employee, or (2) are paid by the employer). Similar treatment is also accorded to amounts received under accident or health plans and amounts received from sickness or disability funds. See section 105 (e) and § 1.105-5. If, therefore, an individual purchases a policy of accident or health insurance out of his own funds, amounts received thereunder for personal injuries or sickness are excludable from his gross income under section 104 (a) (3). See, however, section 213 and the regulations thereunder, as to the inclusion in gross income of amounts attributable to deductions allowed under section 213 for any prior taxable year. Section 104 (a) (3) also applies to amounts received by an employee for personal injuries or sickness from a fund which is maintained exclusively by employee contributions. Conversely, if an employer is either the sole contributor to such a fund, or is the sole purchaser of a policy of accident or health insurance for his employees (on either a group or individual basis), the exclusion provided under section 104 (a) (3) does not apply to any amounts received by his employees through such fund or insurance. If the employer and his employees contribute to a fund or purchase insurance which pays accident or health benefits to employees, section 104 (a) (3) does not apply to amounts received thereunder by employees to the extent that such amounts are attributable to the employer's contributions. See § 1.105-1 for rules relating to the determination of the amount attributable to employer contributions. Although amounts paid by or on behalf of an employer to an employee for personal injuries or sickness are not excludable from the employee's gross income under section 104 (a) (3), they may be excludable therefrom under section 105. See §§ 1.105-1 through 1.105-5, inclusive.

(e) *Amounts received as pensions, etc., for certain personal injuries or sickness.* Section 104 (a) (4) excludes from gross income amounts which are received as a pension, annuity, or similar allowance for personal injuries or sickness resulting from active service in the armed forces of any country, or in the Coast and Geodetic Survey, or the Public Health Service. Section 104 (a) (4) is applicable to a pension, annuity, or similar allowance received by the beneficiaries of an individual by reason of the death of such individual due to a personal injury or sickness resulting from service in the armed forces of any country, or the Coast and Geodetic Survey, or the Public Health Service. For purposes of this section, that part of the disability retirement pay computed on the basis of years of active service which is in excess of the disability retirement pay that would be received if such disability pay were computed on the basis of percentage of disability shall not be deemed to be a pension, annuity, or similar allowance for personal injuries or sickness resulting from active service in the armed forces of any country, or in the Coast and Geodetic Survey, or the Public Health Service (see section 402 (h) of the Career Compensation Act of 1949, 37 U. S. C. 272 (h)).

§ 1.105 *Statutory provisions; amounts received under accident and health plans.*

SEC. 105. *Amounts received under accident and health plans*—(a) *Amounts attributable to employer contributions.* Except as otherwise provided in this section, amounts received by an employee through accident or health insurance for personal injuries or sickness shall be included in gross income to the extent such amounts (1) are attributable to contributions by the employer which were not includible in the gross income of the employee, or (2) are paid by the employer.

(b) *Amounts expended for medical care.* Except in the case of amounts attributable to (and not in excess of) deductions allowed under section 213 (relating to medical, etc., expenses) for any prior taxable year, gross income does not include amounts referred to in subsection (a) if such amounts are paid, directly or indirectly, to the taxpayer to reimburse the taxpayer for expenses incurred by him for the medical care (as defined in section 213 (e)) of the taxpayer, his spouse, and his dependents (as defined in section 152).

(c) *Payments unrelated to absence from work.* Gross income does not include amounts referred to in subsection (a) to the extent such amounts—

(1) Constitute payment for the permanent loss or loss of use of a member or function of the body, or the permanent disfigurement, of the taxpayer, his spouse, or a dependent (as defined in section 152), and

(2) Are computed with reference to the nature of the injury without regard to the period the employee is absent from work.

(d) *Wage continuation plans.* Gross income does not include amounts referred to in subsection (a) if such amounts constitute wages or payments in lieu of wages for a period during which the employee is absent from work on account of personal injuries or sickness; but this subsection shall not apply to the extent that such amounts exceed a weekly rate of $100. In the case of a period during which the employee is absent from work on account of sickness, the preceding sentence shall not apply to amounts attributable to the first 7 calendar days in such period unless the employee is hospitalized on account of sickness for at least one

day during such period. If such amounts are not paid on the basis of a weekly pay period, the Secretary or his delegate shall by regulations prescribe the method of determining the weekly rate at which such amounts are paid.

(e) *Accident and health plans.* For purposes of this section and section 104—

(1) Amounts received under an accident or health plan for employees, and

(2) Amounts received from a sickness and disability fund for employees maintained under the law of a State, a Territory, or the District of Columbia,

shall be treated as amounts received through accident or health insurance.

(f) *Rules for application of section 213.* For purposes of section 213 (a) (relating to medical, dental, etc., expenses) amounts excluded from gross income under subsection (c) or (d) shall not be considered as compensation (by insurance or otherwise) for expenses paid for medical care.

§ 1.105–1 *Amounts attributable to employer contributions*—(a) *In general.* Under section 105 (a), amounts received by an employee through accident or health insurance for personal injuries or sickness must be included in his gross income to the extent that such amounts (1) are attributable to contributions of the employer which were not includible in the gross income of the employee, or (2) are paid by the employer, unless such amounts are excluded therefrom under section 105 (b), (c), or (d). For purposes of this section, the term "amounts received by an employee through an accident or health plan" refers to any amounts received through accident or health insurance, and also to any amounts which, under section 105 (e), are treated as being so received. See § 1.105–5. In determining the extent to which amounts received for personal injuries or sickness by an employee through an accident or health plan are subject to the provisions of section 105 (a), rather than section 104 (a) (3), the rules of paragraphs (b), (c), (d), and (e) of this section shall apply.

(b) *Noncontributory plans.* All amounts received by employees through an accident or health plan which is financed solely by their employer, either by payment of premiums on an accident or health insurance policy (whether on a group or individual basis), by contributions to a fund which pays accident or health benefits, or by direct payment of the benefits under the plan, are subject to the provisions of section 105 (a), except to the extent that they are excludable under section 105 (b), (c), or (d). This rule may be illustrated by the following examples:

*Example (1).* Employer A maintains a plan for his employees which provides that he will continue to pay regular wages to employees who are absent from work due to sickness or personal injuries. Employees make no contributions to the plan and all benefits are paid by the employer. Amounts received by employees under the plan are subject to section 105 (a), and must be included in gross income unless excluded therefrom under section 105 (b), (c), or (d).

*Example (2).* Pursuant to a State nonoccupational disability benefits law, employer B maintains an accident and health plan for his employees. Although under the State law B is authorized to withhold from his employees' wages a specified amount for employee contributions to the State fund, in actual practice B does not so withhold and makes all contributions out of his own funds. All amounts received by B's employees from the State fund are subject to section 105 (a), and must be included in gross income unless excluded therefrom under section 105 (b), (c), or (d).

(c) *Contributory plans.* (1) In the case of amounts received by an employee through an accident or health plan which is financed partially by his employer and partially by contributions of the employee, section 105 (a) applies to the extent that such amounts are attributable to contributions of the employer which were not includible in the employee's gross income. The portion of such amounts which is attributable to such contributions of the employer shall be determined in accordance with paragraph (d) of this section in the case of an insured plan, or paragraph (e) of this section in the case of a noninsured plan. As used in this section, the phrase "contributions of the employer" means employer contributions which were not includible in the gross income of the employee. See section 106 for the exclusion from an employee's gross income of employer contributions to accident or health plans.

(2) A separate determination of the portion of the amounts received under the accident or health plan which is attributable to the contributions of the employer shall be made with respect to each class of employees in any case where the plan provides that some classes of covered employees contribute but others do not, or that the employer will make different contributions for different classes of employees, or that different classes of employees will make different contributions, and where in any such case both the contributions of the employer on account of each such class of employees and the contributions of such class of employees can be ascertained. For example, if employees contribute during the first year of employment but not thereafter, there will have to be a separate determination for first year employees, provided that the amount of the contributions of the employer on account of first-year employees and the contributions of such first-year employees can be ascertained for the required periods to apply the rules of paragraph (d) or (e) of this section. If in such a case the contributions of the employer to the plan on account of first-year employees are not distinguishable from his other contributions to the plan, then the determination shall be made for all employees under the plan, and such determination shall be used by all employees under the plan.

(3) If the plan provides accident or health benefits as well as other benefits for the employees, and if the respective contributions made by the employer and the employees to provide the accident or health benefits cannot be ascertained, the determination of the portion of the accident or health benefits received under such plan which is attributable to the contributions of the employer shall be made in accordance with the rules of paragraph (d) or (e) of this section on the basis of the contributions of the employer and of the employees to the entire plan.

(4) A determination of the portion attributable to the contributions of the employer, once made in accordance with the rules of this section, shall as to such portion be used for all purposes. For example, if an employee receives amounts under a wage continuation plan during the month of January and terminates his services during February, the portion of such amounts which is attributable to the contributions of the employer may be determined in order to provide the employee with such information at the time he is provided his Form W–2. The determination made for such purpose will also be used by the employee to report his income for his taxable year in which such amounts are received, without regard to the experience under the plan for the rest of the year.

(d) *Insured plans*—(1) *Individual policies.* If an amount is received from an insurance company by an employee under an individual policy of accident or health insurance purchased by contributions of the employer and the employee, the portion of the amount received which is attributable to the employer's contributions shall be an amount which bears the same ratio to the amount received as the portion of the premiums paid by the employer for the current policy year bears to the total premiums paid by the employer and the employee for that year. This rule may be illustrated by the following example:

*Example.* Employer A maintains a plan whereby he pays two-thirds of the annual premium cost on individual policies of accident and health insurance for his employees. The remainder of each employee's premium is paid by a payroll deduction from the wages of the employee. The annual premium for Employee X is $24, of which $16 is paid by the employer. Thus, 16/24 or two-thirds of all amounts received by X under such insurance policy are attributable to the contributions of the employer and are subject to section 105 (a), and the remaining one-third of such amounts is excludable from X's gross income under section 104 (a) (3).

(2) *Group policies.* If the accident or health coverage is provided under or is a part of a group insurance policy purchased by contributions of the employer and of the employees, and the net premiums for such coverage for a period of at least three policy years are known at the beginning of the calendar year, the portion of any amount received by an employee which is attributable to the contributions of the employer for such coverage shall be an amount which bears the same ratio to the amount received, as the portion of the net premiums contributed by the employer for the last three policy years which are known at the beginning of the calendar year, bears to the total of the net premiums contributed by the employer and all employees for such policy years. If the net premiums for such coverage for a period of at least three policy years are not known at the beginning of the calendar year but are known for at least one policy year, such determination shall be made by using the net premiums for such coverage which are known at the beginning



of the calendar year. If the net premiums for such coverage are not known at the beginning of the calendar year for even one policy year, such determination shall be made by using either (i) a reasonable estimate of the net premiums for the first policy year, or (ii) if the net premiums for a policy year are ascertained during the calendar year, by using such net premiums. These rules may be illustrated by the following example:

*Example.* An employer maintains a plan under which a portion of the cost of a group policy of accident and health insurance for his employees is paid through payroll deductions from wages of the employees. The remainder of the cost is borne by the employer. The policy year begins on November 1 and ends on October 31. The net premium for the policy year ended October 31, 1954, is not known on January 1, 1955, because certain retroactive premium adjustments, such as dividends and credits, are not determinable until after January 1. Therefore, for purposes of this computation the last three policy years are the policy years ended October 31, 1951, 1952, and 1953. The net premium for the policy year ended October 31, 1953, was $8,000, of which the employer contributed $3,000; the net premium for the policy year ended October 31, 1952, was $9,000, of which the employer contributed $3,500; and the net premium for the policy year ended October 31, 1951, was $7,000, of which the employer contributed $1,500. The portion of any amount received under the policy by an employee at any time during 1955 which is attributable to the contributions of the employer is to be determined by using the ratio of $8,000 ($3,000 plus $3,500 plus $1,500) to $24,000 ($8,000 plus $9,000 plus $7,000. Thus, $\frac{\$8,000}{\$24,000}$ or one-third, of the amounts received by an employee at any time during 1955 is attributable to contributions of the employer.

(e) *Noninsured plans.* If the accident or health benefits are a part of a noninsured plan to which the employer and the employees contribute, and such plan has been in effect for at least three years before the beginning of the calendar year, the portion of the amount received which is attributable to the employer's contributions shall be an amount which bears the same ratio to the amount received as the contributions of the employer for the period of three calendar years next preceding the year of receipt bear to the total contributions of the employer and all the employees for such period. If, at the beginning of the calendar year of receipt, such plan has not been in effect for three years but has been in effect for at least one year, such determination shall be based upon the contributions made during the 1-year or 2-year period during which the plan has been in effect. If such plan has not been in effect for one full year at the beginning of the calendar year of receipt, such determination may be based upon the portion of the year of receipt preceding the time when the determination is made, or such determination may be made periodically (such as monthly or quarterly) and used throughout the succeeding period. For example, if an employee terminates his services on April 15, 1955, and 1955 is the first year the plan has been in effect, such determination may be based upon the contributions of the employer and the employees during the period beginning with January 1 and ending with April 15, or during the month of March, or during the quarter consisting of January, February, and March.

§ 1.105–2 *Amounts expended for medical care.* Section 105 (b) provides an exclusion from gross income with respect to the amounts referred to in section 105 (a) (see § 1.105–1) which are paid, directly or indirectly, to the taxpayer to reimburse him for expenses incurred for the medical care (as defined in section 213 (e)) of the taxpayer, his spouse, and his dependents (as defined in section 152). However, the exclusion does not apply to amounts which are attributable to (and not in excess of) deductions allowed under section 213 (relating to medical, etc., expenses) for any prior taxable year. See section 213 and the regulations thereunder. Section 105 (b) applies ony to amounts which are paid specifically to reimburse the taxpayer for expenses incurred by him for the prescribed medical care. Thus, section 105 (b) does not apply to amounts which the taxpayer would be entitled to receive irrespective of whether or not he incurs expenses for medical care. For example, if under a wage continuation plan the taxpayer is entitled to regular wages during a period of absence from work due to sickness or injury, amounts received under such plan are not excludable from his gross income under section 105 (b) even though the taxpayer may have incurred medical expenses during the period of illness. Such amounts may, however, be excludable from his gross income under section 105 (d). See § 1.105–4. If the amounts are paid to the taxpayer solely to reimburse him for expenses which he incurred for the prescribed medical care, section 105 (b) is applicable even though such amounts are paid without proof of the amount of the actual expenses incurred by the taxpayer, but section 105 (b) is not applicable to the extent that such amounts exceed the amount of the actual expenses for such medical care. If the taxpayer incurs an obligation for medical care, payment to the obligee in discharge of such obligation shall constitute indirect payment to the taxpayer as reimbursement for medical care. Similarly, payment to or on behalf of the taxpayer's spouse or dependents shall constitute indirect payment to the taxpayer.

§ 1.105–3 *Payments unrelated to absence from work.* Section 105 (c) provides an exclusion from gross income with respect to the amounts referred to in section 105 (a) to the extent that such amounts (a) constitute payments for the permanent loss or permanent loss of use of a member or function of the body, or the permanent disfigurement, of the taxpayer, his spouse, or a dependent (as defined in section 152), and (b) are computed with reference to the nature of the injury without regard to the period the employee is absent from work. Loss of use or disfigurement shall be considered permanent when it may reasonably be expected to continue for the life of the individual. For purposes of section 105 (c), loss or loss of use of a member or function of the body includes the loss or loss of use of an appendage of the body, the loss of an eye, the loss of substantially all of the vision of an eye, and the loss of substantially all of the hearing in one or both ears. The term "disfigurement" shall be given a reasonable interpretation in the light of all the particular facts and circumstances. Section 105 (c) does not apply if the amount of the benefits is determined by reference to the period the employee is absent from work. For example, if an employee is absent from work as a result of the loss of an arm, and under the accident and health plan established by his employer, he is to receive $125 a week so long as he is absent from work for a period not in excess of 52 weeks, section 105 (c) is not applicable to such payments. See, however, section 105 (d) and § 1.105–4. However, for purposes of section 105 (c), it is immaterial whether an amount is paid in a lump sum or in installments. Section 105 (c) does not apply to amounts which are treated as workmen's compensation under § 1.104–1 (b), or to amounts paid by reason of the death of the employee (see section 101).

§ 1.105–4 *Wage continuation plans*—(a) *In general.* (1) Subject to the limitations provided in this section, section 105 (d) provides an exclusion from gross income with respect to amounts referred to in section 105 (a) which are paid to an employee through a wage continuation plan and which constitute wages or payments in lieu of wages for a period during which the employee is absent from work on account of personal injuries or sickness.

(2) (i) Section 105 (d) is applicable only if the wages or payments in lieu of wages are paid pursuant to a wage continuation plan. The term "wage continuation plan" means an accident or health plan, as defined in § 1.105–5, under which wages, or payments in lieu of wages, are paid to an employee for a period during which he is absent from work on account of a personal injury or sickness. Such term includes plans under which payments are continued as long as the employee is absent from work on account of personal injury or sickness. It includes plans under which there is a limitation on the period for which benefits will be paid, such as 13 or 26 weeks, and also plans under which benefits are continued until the employee either is able to return to work or reaches retirement age. Such term also includes a plan under which wages or payments in lieu of wages are paid to an employee who is absent from work on account of personal injury or sickness, even though the plan also provides that wages or payments in lieu of wages may be paid to an employee who is absent from work for reasons other than a personal injury or sickness.

(ii) Section 105 (d) is applicable if, and only if, the employee is absent from work and such absence is due to a personal injury or sickness. Thus, if an employer has a plan for continuing the wages of employees when they are absent from work, regardless of the cause of the absence from work, section 105 (d) is applicable to any payments made under this plan to an employee whose absence

from work is in fact due to a personal injury or sickness. On the other hand, although the terms of a plan provide that benefits are to be continued only as long as the employee is absent from work on account of a personal injury or sickness, section 105 (d) does not apply to payments made to an employee for a period of absence from work where such absence is not in fact due to a personal injury or sickness.

(3) (i) Section 105 (d) applies only to amounts attributable to periods during which the employee would be at work were it not for a personal injury or sickness. Thus, an employee is not absent from work if he is not expected to work because, for example, he has reached retirement age. If a plan provides that an employee, who is absent from work on account of a personal injury or sickness, will receive a disability pension as long as he is disabled, section 105 (d) is applicable to any payments which such an employee receives under this plan before he reaches retirement age, but section 105 (d) does not apply to the payments which such an employee receives after he reaches retirement age.

(ii) Similarly, an employee who incurs a personal injury or sickness during his paid vacation is not allowed to exclude under section 105 (d) any of the vacation pay which he receives, since he is not absent from work on account of the personal injury or sickness. Likewise, a teacher who becomes sick during the summer or other vacation period when he is not expected to teach, is not entitled to any exclusion under section 105 (d) for the summer or vacation period. However, if an employee who would otherwise be at work during a particular period is absent from work and his absence is in fact due to a personal injury or sickness, a payment which he receives for such period under a wage continuation plan is subject to section 105 (d).

(4) A period of absence from work shall commence the moment the employee first becomes absent from work and shall end the moment the employee first returns to work. However, the exclusion provided under section 105 (d) is applicable only to payments attributable to a period of absence from work which is due to a personal injury or sickness, and to payments attributable to a period when the employee would have been at work but for such personal injury or sickness.

(5) For the purpose of section 105 (d), whether an employee is absent from work depends upon all the circumstances. For example, an employee, who is a farm hand and who lives upon the premises of his employer, is absent from work when he is unable to work even though he remains on the premises of his employer. A member of the Armed Forces, who on a particular day has no assigned duties but to stand ready for duty, is absent from work if he is unable to answer any duty call that may be made upon him. An employee is not absent from work when he performs any services for his employer at his usual place or places of employment, whether or not the services are the usual services performed by the employee. Furthermore, the employee is not absent from work when he performs substantial services for his employer, even though they are performed at a place other than his usual place of employment. Thus, if an employee returns to his usual place or places of employment and performs any services for his employer, he has returned to work, but if he merely holds occasional short conferences concerning his work with other employees or clients while hospitalized or at home recuperating, such conferences do not constitute a return to work.

(b) *Determination of amount attributable to period of absence.* The amount which is paid to an employee as wages or payments in lieu of wages for a period of absence from work due to a personal injury or sickness shall be determined by reference to the plan under which the amount is paid, and to the contract, statute, or regulation which provides the terms of the employment. However, unless the plan, contract, statute, or regulation provides otherwise, it will be presumed that no wages or plan benefits are attributable to days (or portions of days) which are not normal working days for the particular employee. Also, section 105 (d) does not apply to amounts earned prior to or subsequent to the period of absence from work, even though received during such period. These rules may be illustrated by the following examples:

*Example (1).* Employee A, who receives regular wages of $70 per week, normally works five days (Monday through Friday) during each week. A is absent from work on a Friday and the succeeding Monday (two working days) on account of a personal injury, but receives his regular wages with respect to such period of absence under his employer's accident and health plan. Unless the plan of A's employer, or the contract, statute, or regulation under which A is employed, provides otherwise, it will be presumed that A is not paid with respect to nonworking days (Saturday and Sunday). Therefore, the amount received by A with respect to his period of absence from work due to injury is $28, which is two days regular wages. If the plan, or the employment contract, statute, or regulation had provided that wages were paid on a 7-day per week basis and that A must be available for call to work on Saturday and Sunday, A's daily wage would have been $10, and the amount attributable to the period of absence would have been $40 ($10 per day for four days).

*Example (2).* Employee B is a salesman who is paid on a commission basis. The employer purchases for B an accident and health insurance policy which provides that B shall receive $50 per week during any period (after a 7-day waiting period) that he is unable to work due to personal injuries or sickness. B incurs a personal injury and is incapacitated for two weeks. He receives $50 under the insurance policy with respect to the second week of absence. In addition, during the 2-week period of absence he receives a check for $40 from his employer as his commission on a sale which he made before becoming incapacitated. Section 105 (d) applies to the $50 received through the insurance policy, but does not apply to the $40 commission which B earned prior to the period of absence from work.

(c) *Limitation in the case of absence from work due to sickness.* (1) In the case of a period of absence from work on account of sickness, the exclusion provided by section 105 (d) does not apply to amounts attributable to the first seven calendar days of each such period, unless the employee is hospitalized on account of sickness for at least one day during the period of absence from work. This 7-day rule applies to each period of absence from work because of sickness, regardless of the frequency of such absences or the closeness in time to any prior period of absence from work because of sickness. For example, employee A becomes absent from work because of sickness on Tuesday, October 4, and returns to work on the morning of Thursday, October 13. He suffers a relapse and again becomes absent from work on the afternoon of Thursday, October 13. A's return to work on the morning of Thursday, October 13, terminates the first period of absence from work because of sickness, and a new period of absence from work because of sickness begins on the afternoon of Thursday, October 13. The 7-day limitation does not apply if the absence from work is due to personal injuries. These rules may be illustrated by the following examples:

*Example (1).* Employee C normally works five days (Monday through Friday) during each week. On Saturday, October 1 (a nonworking day), C becomes sick and as a result, he does not return to work until Thursday, October 13. The period of absence from work due to sickness commences on Monday, October 3, and terminates when C returns to work on Thursday, October 13. If C is not hospitalized during such period of absence from work, section 105 (d) does not apply to amounts which C receives under his employer's wage continuation plan attributable to the 7-day period commencing Monday, October 3, and ending Sunday, October 9, inclusive.

*Example (2).* Employee D incurs a personal injury which causes him to be absent from work two days. His regular wages are continued during this period in accordance with the wage continuation plan of his employer. Since D's absence from work was due to a personal injury, rather than sickness, the 7-day waiting period does not apply, and, subject to the other requirements of section 105 (d), D is entitled to an exclusion with respect to the amounts received under the employer's plan attributable to the 2-day period of absence.

(2) The term "personal injury", as used in this section, means an externally caused sudden hurt or damage to the body brought about by an identifiable event. The term "sickness", as used in this section, means mental illnesses and all bodily infirmities and disorders other than "personal injuries". Diseases, whether resulting from the occupation or otherwise, are not considered personal injuries, but they are treated as a sickness.

(3) For the purpose of starting the 7-day waiting period, if the period of absence due to sickness commences after the start of a working day, the amount received with respect to the portion of such day that the employee is absent from work shall be considered the amount attributable to the first calendar day of the period of absence from work due to sickness. This rule may be illustrated by the following example:

*Example.* Employee E normally works from 9 a. m. until 5:30 p. m. on five days (Monday through Friday) during each week. From noon on Friday, September 3, until noon on Monday, September 13, E is absent from work on account of sickness but is not hospitalized at any time during this period. Section 105 (d) does not apply to amounts received by E under his employer's wage continuation plan which are attributable to the calendar period beginning September 3 and ending September 9, inclusive. However, if the other requirements of section 105 (d) are met, E may exclude from gross income amounts attributable to the period beginning September 10 and ending at noon on September 13, inclusive.

(4) If the absence from work is due to sickness, the amount attributable to the first seven calendar days of such absence includes all amounts paid for such seven calendar days, regardless of the number of work days included in such seven calendar days. For example, if on one of such seven calendar days an employee would have worked two 8-hour shifts, the amount he is paid for the two shifts is considered to be an amount attributable to only one calendar day.

(5) An employee is considered to be hospitalized for one day only if he is admitted to and confined in a hospital as a bed patient for at least one hospital day. Entry into a hospital as an in-and-out patient does not constitute hospitalization for purposes of section 105 (d). The same applies to mere entry into the out-patient ward or the emergency ward of a hospital.

(d) *Exclusion not applicable to the extent that amounts exceed a weekly rate of $100*—(1) *In general.* Amounts received under a wage continuation plan which are not excludable from gross income as being attributable to contributions of the employee (see § 1.105–1) must be included in gross income under section 105 (d) to the extent that the weekly rate of such amounts exceeds $100. Thus, an employee, who receives $50 under his employer's wage continuation plan on account of his being absent from work for two days due to a personal injury, cannot exclude the entire $50 under section 105 (d) if the weekly rate of such benefits exceeds $100. If an employee receives payments under a wage continuation plan for less than a full pay period, the excludability of such payments shall be determined under subparagraph (2) of this paragraph. In all other cases, the weekly rate and excludability of such payments under a wage continuation plan shall be determined under subparagraph (3) of this paragraph. If, with respect to any pay period or portion thereof, the employee receives amounts under two or more wage continuation plans (whether such plans are maintained by or for the same employer or by different employers), the weekly rate and excludability of amounts received under each plan shall be determined under subparagraph (3) of this paragraph and the weekly rate for purposes of section 105 (d) shall be the sum of all such weekly rates. This rule may be illustrated by the following example:

*Example (1).* An employee whose weekly salary is $120 is covered by two wage continuation plans maintained by his employer. Plan A is a contributory insured plan to which the employee contributes 60 percent of the premiums and which provides a weekly payment of $30. Plan B is a salary continuation plan completely financed by the employer. Since 60 percent of the cost of plan A is contributed by the employee, 60 percent of the weekly payment of $30 ($18) is excluded from gross income under section 104 (a) (3). The remainder of each weekly payment ($12) is the weekly rate of plan A. Since the employer pays the entire cost of plan B, the weekly rate of this plan is the total amount paid per week. In the case of an employee whose weekly wages of $120 are continued under plan B, the weekly rate for the employee for purposes of section 105 (d) is $132 ($120 from plan B, plus $12 from plan A).

*Example (2).* Assume in Example (1) that plan A provides a waiting period of four calendar days while plan B is effective immediately. For the first four days of absence the weekly rate for purposes of section 105 (d) is $120, and for periods after the first four days the weekly rate for purposes of section 105 (d) is $132.

(2) *Daily exclusion.* If an employee receives payments under a wage continuation plan for less than a full pay period, the extent to which such benefits are excludable under section 105 (d) shall be determined by computing the daily rate of the benefits which can be excluded under section 105 (d). Such daily rate is determined by dividing the weekly rate at which wage continuation payments are excludable ($100) by the number of work days in a normal work week. This rule may be illustrated by the following example:

*Example.* Employee E is covered by a wage continuation plan maintained by his employer providing that E's regular salary of $220 semimonthly will be continued in case he is absent from work on account of a personal injury or sickness. E is absent from work on account of a personal injury for three days and under the plan he received $66 as wage continuation payments. The extent to which the $66 is excludable under section 105 (d) shall be determined by dividing $100 by 5, the number of work days in a normal work week for E, resulting in a daily exclusion of $20 and a total exclusion of $60.

(3) *Determination of weekly rate at which amounts are paid under a wage continuation plan.* (i) For purposes of this subparagraph the pay period of a particular wage continuation plan shall be determined by reference to such plan. If, in the usual operation of the plan, benefits are paid for the same periods as regular wages, then the pay period of such benefits shall be the period for which a payment of wages is ordinarily made to the employee by the employer. If plan benefits are ordinarily paid for different periods than regular wages then the pay period of such benefits shall be the period for which payment of such benefits is ordinarily made.

(ii) The weekly rate shall be determined in accordance with the following rules:

(*a*) *Weekly pay period.* If benefits are paid on the basis of a weekly pay period, the weekly rate at which such benefits are paid shall be the weekly amount of such benefits.

(*b*) *Biweekly pay period.* If benefits are paid on the basis of a biweekly pay period, the weekly rate at which such benefits are paid shall be one-half of the biweekly rate.

(*c*) *Semimonthly pay period.* If benefits are paid on the basis of a semimonthly pay period, the weekly rate at which such benefits are paid shall be the semimonthly rate multiplied by 24 and divided by 52.

(*d*) *Monthly pay period.* If benefits are paid on the basis of a monthly pay period, the weekly rate at which such benefits are paid shall be the monthly rate multiplied by 12 and divided by 52.

(*e*) *Other pay periods.* If benefits are paid on the basis of a period other than a period described in (*a*) through (*d*), of this subdivision the weekly rate at which such benefits are paid shall be determined by ascertaining the annual rate at which such benefits are paid and dividing such annual rate by 52.

(*f*) *Examples.* The operation of these rules may be illustrated by the following examples:

*Example (1).* A's employer maintains a noncontributory plan which provides for the continuation of regular salary during periods of absence from work due to personal injury or sickness. A, an office employee, receives regular salary of $520 per month, and he is paid on the basis of a monthly pay period. Since benefits under the salary continuation plan are paid for the same periods as regular salary, the pay period of the plan is monthly. For purposes of section 105 (d), the weekly rate at which benefits are paid to A under the plan is $120, determined as follows:

$520 (monthly rate) × 12 ---- $6,240 (annual rate)

$6,240 / 52 ---- $120 (weekly rate)

*Example (2).* B, a factory employee of the same employer, is paid regular wages on the basis of a 10-day pay period. B's regular wages are $200 per pay period. If B is absent from work for 15 days, the weekly rate of the amount he receives under his employer's plan will be determined as follows:

365 × $200 / 10 ---- $7,300 (annual rate)

$7,300 / 52 ---- $140.04 (weekly rate)

(iii) If the weekly rate for purposes of section 105 (d) (as determined in subdivision (ii)) does not exceed $100, the amount received which is not attributable to the 7-day waiting period described in § 1.105–4 (c) is fully excludable from gross income. If the weekly rate for purposes of section 105 (d) (as determined in subdivision (ii) of this subparagraph) exceeds $100, the amount received which is not attributable to the 7-day waiting period provided in § 1.105–4 (c) is only partially excludable. The excludable portion of such amount shall bear the same ratio to such amount as $100 bears to the weekly rate for purposes of section 105 (d). This rule may be illustrated by the following example:

*Example.* The weekly rate of benefits in the case of employee A in example (1) of subdivision (ii) was $120. If A does not receive amounts under any other plan, this is the weekly rate for purposes of section 105 (d). Assume that A is absent from work on account of a personal injury for one full month and receives full pay of $520 for such period of absence. Since there is no waiting

period requirement, the exclusion is $433.33, computed as follows:

$$\frac{\$100}{\$120} \times \$520 \text{ or } \$433.33.$$

§ 1.105–5 *Accident and health plans.* Sections 104 (a) (3) and 105 (b), (c), and (d) exclude from gross income certain amounts received through accident or health insurance. Section 105 (e) provides that for the purposes of sections 104 and 105 amounts received through an accident or health plan for employees, and amounts received from a sickness and disability fund for employees maintained under the law of a State, a Territory, or the District of Columbia, shall be treated as amounts received through accident or health insurance. In general, an accident or health plan is an arrangement for the payment of amounts to employees in the event of personal injuries or sickness. A plan may cover one or more employees, and there may be different plans for different employees or classes of employees. An accident or health plan may be either insured or noninsured, and it is not necessary that the plan be in writing or that the employee's rights to benefits under the plan be enforceable. However, if the employee's rights are not enforceable, an amount will be deemed to be received under a plan only if, on the date the employee became sick or injured, the employee was covered by a plan (or a program, policy, or custom having the effect of a plan) providing for the payment of amounts to the employee in the event of personal injuries or sickness, and notice or knowledge of such plan was reasonably available to the employee. It is immaterial who makes payment of the benefits provided by the plan. For example, payment may be made by the employer, a welfare fund, a State sickness or disability benefits fund, an association of employers or employees, or by an insurance company.

§ 1.106 *Statutory provisions; contributions by employer to accident and health plans.*

SEC. 106. *Contributions by employer to accident and health plans.* Gross income does not include contributions by the employer to accident or health plans for compensation (through insurance or otherwise) to his employees for personal injuries or sickness.

§ 1.106–1 *Contributions by employer to accident and health plans.* The gross income of an employee does not include contributions which his employer makes to an accident or health plan for compensation (through insurance or otherwise) to the employee for personal injuries or sickness incurred by him, his spouse, or his dependents, as defined in section 152. The employer may contribute to an accident or health plan either by paying the premium (or a portion of the premium) on a policy of accident or health insurance covering one or more of his employees, or by contributing to a separate trust or fund (including a fund referred to in section 105 (e)) which provides accident or health benefits directly or through insurance to one or more of his employees. However, if such insurance policy, trust, or fund provides other benefits in addition to accident or health benefits, section 106 applies only to the portion of the employer's contribution which is allocable to accident or health benefits. See § 1.104–1 (d) and §§ 1.105–1 through 1.105–5, inclusive, for rules relating to exclusion from an employee's gross income of amounts received through accident or health insurance and through accident or health plans.

[SEAL] O. GORDON DELK,
*Acting Commissioner of Internal Revenue.*

Approved: April 11, 1956.

DAN THROOP SMITH,
*Special Assistant to the Secretary in Charge of Tax Policy.*

[F. R. Doc. 56–2898; Filed, Apr. 13, 1956; 8:48 a. m.]

## TITLE 29—LABOR

### Chapter V—Wage and Hour Division, Department of Labor

PART 703—MEN'S AND BOYS' CLOTHING AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

PART 704—LEATHER, LEATHER GOODS, AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO, MINIMUM WAGE ORDER

WAGE ORDER GIVING EFFECT TO INDUSTRY COMMITTEE RECOMMENDATIONS

On January 19, 1956, pursuant to section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the Secretary of Labor by Administrative Order No. 455 (21 F. R. 405) directed Industry Committee No. 20–A to recommend the minimum rate or rates of wages to be paid under section 6 of the act to employees engaged in commerce or in the production of goods for commerce in the men's and boys' clothing and related products industry in Puerto Rico. As Administrative Order No. 455 includes the manufacture of men's and boys' belts in the definition of this industry, this wage order will automatically exclude such manufacture from the leather, leather goods, and related products industry in Puerto Rico (29 CFR 704.3 (a)). However, since leather belts are expressly mentioned in the definition of the general division of the leather, leather goods, and related products industry (29 CFR 704.3 (b) (4)), it is necessary to delete reference to belts in that definition in order to avoid possible confusion.

Subsequent to an investigation and hearing, conducted pursuant to notice published in the January 19, 1956, issue of the FEDERAL REGISTER (21 F. R. 405), the Committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matters referred to it. Accordingly, as authorized and required by section 8 of the act and General Order No. 45–A of the Secretary (15 F. R. 3290), these recommendations are hereby published in the following amendments to the Code of Federal Regulations:

1. Section 704.3 (b) (4) of Part 704, Title 29, Code of Federal Regulations is amended to read as follows:

(4) *General Division.* This division consists of the manufacture of athletic gloves, ring binders, portfolios, brief cases, luggage and all products and activities included in the leather, leather goods and related products industry, as defined in this section, except those included in the hide curing division, the leather tanning and processing division, and the small leather goods, baseball and softball division, as defined in this section.

2. Part 703 of Title 29, Code of Federal Regulations is amended to read as follows:

Sec.
703.1 Definition of the industry.
703.2 Wage rates.
703.3 Application and notice.

AUTHORITY: §§ 703.1 to 703.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply sec. 5, 52 Stat. 1062, as amended; 29 U. S. C. 205.

§ 703.1 *Definition of the industry.* The men's and boys' clothing and related products industry in Puerto Rico, to which this part shall apply, is hereby defined as follows: The manufacture from any material of men's and boys' clothing and related products, including, but without limitation, suits, coats, overcoats, trousers, shirts, underwear, nightwear, work clothing, sportswear (including bathing suits, riding habits, and athletic uniforms), heavy outerwear, neckties, caps, hats (except hand-made straw hats), belts, robes, dressing gowns, raincoats, suspenders, garters, academic caps and gowns, vestments, costumes, and other items of apparel and accessories (except gloves, handkerchiefs, sweaters, scarves, mufflers, hosiery, and shoes).

§ 703.2 *Wage rates*—(a) *Suits, coats, and jackets classification.* Wages at a rate of not less than 60 cents an hour shall be paid in the suits, coats, and jackets classification of the men's and boys' clothing and related products industry, and this classification shall be defined as the manufacture of men's, youths' and boys' suits, coats, and jackets (except denim work coats and jackets), overcoats, topcoats, fabric raincoats, and similar outerwear.

(b) *Necktie classification.* Wages at a rate of not less than 60 cents an hour shall be paid in the necktie classification of the men's and boys' clothing and related products industry, and this classification shall be defined as the manufacture of men's, youths' and boys' neckties and bow ties.

(c) *Hat and cap classification.* Wages at a rate of not less than 60 cents an hour shall be paid in the hat and cap classification of the men's and boys' clothing and related products industry, and this classification shall be defined as the manufacture of men's, youths' and boys' hats and caps.

(d) *General classification.* Wages at a rate of not less than 55 cents an hour shall be paid in the general classification of the men's and boys' clothing and related products industry, and this classification shall be defined as the manufacture of all products included in the men's and boys' clothing and related products industry in Puerto Rico, as defined in this part, except those included in the suits, coats, and jackets classification, the necktie classification and the hat and cap classification, as defined in this part.

§ 703.3 *Application and notice.* Wages of not less than the hourly wage rates specified in § 703.2 shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees who is engaged in commerce or in the production of goods for commerce in the men's and boys' clothing and related products industry in Puerto Rico. Every employer employing any such employees shall post in a conspicuous place in each department of his establishment where any such employees are working such notices of this order as shall be prescribed from time to time by the Administrator of the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Administrator may prescribe.

The above amendments are effective April 30, 1956.

Signed at Washington, D. C., this 10th day of April 1956.

NEWELL BROWN,
*Administrator, Wage and Hour Division.*

[F. R. Doc. 56–2893; Filed, Apr. 13, 1956; 8:48 a. m.]



## TITLE 32—NATIONAL DEFENSE

### Chapter XVI—Selective Service System

[Amdt. 68]

PART 1690—DETERMINATION OF AVAILABILITY OF MEMBERS OF THE STANDBY RESERVE OF THE ARMED FORCES FOR ORDER TO ACTIVE DUTY

I hereby prescribe the following regulations which shall be a portion of the Selective Service Regulations and which shall constitute Part 1690 of Title 32, Chapter XVI, Code of Federal Regulations:

Sec.
1690.1 Authority of local boards.
1690.2 Local board which has jurisdiction.
1690.3 Quorum, meetings, and disqualification of local board and its members.
1690.4 Minutes of meetings of local board.
1690.5 Jurisdiction, quorum, meetings, and disqualification of appeal board and its members.
1690.6 Standby reserve folder.
1690.7 Mailing and return of questionnaire.
1690.8 Assignment of standby reserve number.
1690.9 Presumption of availability for order to active duty.
1690.10 Duty of reservist to furnish information of his current status.
1690.11 Determination of availability and category.
1690.12 Category I–R: Reservist available for order to active duty.
1690.13 Category II–R: Reservist not available for order to active duty because of civilian occupation.
1690.14 Category III–R: Reservist not available for order to active duty by reason of extreme hardship and privation to dependents.
1690.15 Reconsideration and redetermination by local board of reservist's availability and category.
1690.16 Appeal to appeal board.
1690.17 Appeal to Director of Selective Service.
1690.18 Determination of availability and category by Director of Selective Service.
1690.19 Notification and recording of availability and category.
1690.20 Notifying armed force of availability of reservist.
1690.21 Records which are confidential.
1690.22 Availability and use of confidential records and information.
1690.23 Identification of records of reservists.

AUTHORITY: §§ 1690.1 to 1690.23 issued under sec. 10, 62 Stat. 618, as amended; 50 U. S. C. App. 460. Interpret or apply sec. 233, 66 Stat. 489, as amended; 50 U. S. C. 961; E. O. 9979, 13 F. R. 4177; 3 CFR, 1948 Supp.

§ 1690.1 *Authority of local boards.* (a) Local boards are authorized to determine the availability of members of the Standby Reserve of the Armed Forces for order to active duty under section 233 (a) of the Armed Forces Reserve Act of 1952, as amended, in time of war or national emergency declared by the Congress or whenever otherwise authorized by law. The authority conferred by this paragraph shall be subject to the rights of appeal to appeal boards and the Director of Selective Service provided by this part.

(b) Hereafter in this part a member of the Standby Reserve is referred to as a "reservist" which term shall include both male and female members of the Standby Reserve.

§ 1690.2 *Local board which has jurisdiction.* (a) If a reservist has registered under any provision of the Universal Military Training and Service Act, as amended, the local board with which the reservist is registered shall have jurisdiction to determine his availability for order to active duty. If a reservist is neither a registrant nor a special registrant, the local board in whose area is located the place of the address given by the reservist in Series I of the Standby Reserve Questionnaire (SSS Form No. 80) shall have such jurisdiction. Whenever the place of the address so given by a reservist is not within the area of any local board, District of Columbia Local Board No. 100 (Foreign) shall have such jurisdiction.

(b) Notwithstanding the provisions of paragraph (a) of this section, the Director of Selective Service may, at any time, designate the local board which shall have jurisdiction to determine the availability for order to active duty of any reservist. After such designation no other local board shall have or retain any jurisdiction with respect to the reservist under this part.

§ 1690.3 *Quorum, meetings, and disqualification of local board and its members.* The provisions of §§ 1604.52a, 1604.55, and 1604.56 of this chapter and the provisions of paragraphs (b) and (c) of § 1623.9 of this chapter concerning the quorum, meetings, and disqualification of a local board and the disqualification of members of a local board with respect to the classification of a registrant shall be applicable to a local board and its members when determining the availability of a reservist for order to active duty under this part.

§ 1690.4 *Minutes of meetings of local board.* A record of each meeting of the local board held for the purpose of determining the availability of a reservist for order to active duty shall be kept by the board on Standby Reserve Actions and Minutes (SSS Form No. 82) which shall be completed in duplicate. The original shall be filed in the local board office as minutes of such meetings and the copy shall be forwarded to the State Director of Selective Service.

§ 1690.5 *Jurisdiction, quorum, meetings, and disqualification of appeal board and its members.* (a) The provisions of §§ 1604.24, 1604.25, and 1604.26 of this chapter concerning the jurisdiction, quorum, meetings, and disqualification of an appeal board and the disqualification of members of an appeal board with respect to the classification of a registrant shall be applicable to an appeal board and its members when acting on the cases of reservists which are appealed to it under this part.

(b) Each appeal board or panel thereof shall keep minutes of each meeting it holds for the purpose of deciding appeals taken under this part.

§ 1690.6 *Standby reserve folder.* The local board shall open an individual file for each reservist by using a Cover Sheet (SSS Form No. 101) on the outside of which shall be placed the designation "Standby Reserve." This file shall be known as and hereafter in this part is referred to as, the "standby reserve folder." Every paper and document pertaining to the determination of the availability of the reservist for order to active duty, except such papers and documents as may be designated by the Director of Selective Service, shall be filed in his standby reserve folder.

§ 1690.7 *Mailing and return of questionnaire.* The local board shall mail a Standby Reserve Questionnaire (SSS Form No. 80) to each reservist in accordance with instructions to be issued by the Director of Selective Service. Unless the local board grants an extension of time, the reservist shall complete and return his Standby Reserve Questionnaire (SSS Form No. 80) within the time specified on the questionnaire by the local board which shall not be less than 10 days after the date on which it is mailed to the reservist.

§ 1690.8 *Assignment of standby reserve number.* (a) After the local board of jurisdiction has received the completed Standby Reserve Questionnaire (SSS Form No. 80) of a reservist who is not required to be registered under the Universal Military Training and Service Act, as amended, the local board shall assign the reservist a standby reserve number. The first element of the standby reserve number, reading from left to right, shall be the number of the

State in which the local board is located as shown on the list of States, Territories, and possessions in paragraph (b) of § 1621.2 of this chapter. The second element of the number shall be the number of the reservist's local board within the State. The third element of the number shall be assigned in numerical sequence, beginning with the numeral 1, according to the sequence in which the local board assigns standby reserve numbers to nonregistrant reservists. The fourth element of the number shall be the one of the following symbols which identifies the Ready Reserve of which the reservist is a member: "A" for Army Reserve, "AF" for Air Force Reserve, "N" for Naval Reserve, "MC" for Marine Corps Reserve, or "CG" for Coast Guard Reserve.

(b) As soon as a standby reserve number has been assigned to a reservist, the local board shall notify the reservist of his number and that he is under the jurisdiction of that local board.

(c) The local board shall keep a record of all standby reserve numbers it assigns to reservists on the Standby Reserve Register (SSS Form No. 81). Once a standby reserve number has been assigned to a reservist, the same number shall never be used again.

§ 1690.9 *Presumption of availability for order to active duty.* (a) Each reservist shall be considered available for order to active duty under section 233 (a) of the Armed Forces Reserve Act of 1952, as amended, until it is established to the satisfaction of the local board that he should not be available for order to active duty.

(b) The mailing by the local board of a Standby Reserve Questionnaire (SSS Form No. 80) to a reservist at the latest address furnished by him shall be notice to the reservist that unless information is presented to the local board, within the time specified for the return of the questionnaire, he will be found available for order to active duty.

§ 1690.10 *Duty of reservist to furnish information of his current status.* (a) It shall be the duty of every reservist to keep his local board currently informed of his occupational, marital, family, and dependency status, of every other circumstance which might affect a determination as to his availability for order to active duty, and of his mailing address. Every reservist shall, within 10 days after it occurs, report to his local board in writing every change in such status and circumstance and in his mailing address.

(b) A reservist shall submit to his local board in writing all information which the local board may at any time request from him concerning his occupational, marital, family, or dependency status or other circumstance which might affect a determination as to his availability for order to active duty. The reservist shall submit such information to his local board within 10 days after the date on which the local board mails him a request therefor, or within such longer period as may be fixed by the local board.

§ 1690.11 *Determination of availability and category.* (a) The availability of a reservist for order to active duty and his category shall be determined on the basis of (1) the information contained in his Standby Reserve Questionnaire (SSS Form No. 80), (2) such other written information as may be contained in his standby reserve folder and, if he is a registrant, in his Cover Sheet (SSS Form No. 101), and (3) current instructions issued by the Director of Selective Service. The local board shall proceed with the consideration of the reservist's case and determine whether he is available or not available for order to active duty whenever he fails to return his Standby Reserve Questionnaire (SSS Form No. 80) within the time allowed by the local board, or he fails to provide the local board with any other information concerning his status which he is requested or required to furnish.

(b) Every reservist shall be placed in Category I–R under the provisions of § 1690.12 except that when grounds are established to place a reservist in either Category II–R or Category III–R under the provisions of § 1690.13 or § 1690.14, the reservist shall be placed in whichever of such categories is applicable.

(c) Subject to the provisions of §§ 1690.15 and 1690.18 and the rights of appeal provided by this part, the determination of the local board as to the availability of a reservist for order to active duty and as to his category shall be final.

§ 1690.12 *Category I–R: Reservist available for order to active duty.* In Category I–R shall be placed every reservist who has failed to establish to the satisfaction of the local board, subject to appeal as provided by this part, that he should not be available for order to active duty.

§ 1690.13 *Category II–R: Reservist not available for order to active duty because of civilian occupation.* In Category II–R shall be placed any reservist whose continuance in his civilian employment, occupation, activity, or other endeavors in time of war or national emergency declared by the Congress is found to be more essential to the maintenance of the national health, safety, or interest than the performance by him of active duty in the Armed Forces.

§ 1690.14 *Category III–R: Reservist not available for order to active duty by reason of extreme hardship and privation to dependents.* (a) In Category III–R shall be placed any reservist who is found to be not available for order to active duty solely because his performance of active duty in the Armed Forces in time of war or national emergency declared by the Congress would result in extreme hardship and privation (1) to the reservist's husband, wife, divorced wife, child, parent, grandparent, brother, or sister who is dependent upon the reservist for support, or (2) to a person under 18 years of age or a person of any age who is physically or mentally handicapped whose support the reservist has assumed in good faith; provided, that a person shall be considered to be a dependent of a reservist under this paragraph only when such person is either a citizen of the United States or lives in the United States, its Territories, or possessions.

(b) The term "child" as used in this section shall include a legitimate or an illegitimate child from the date of its conception, a child legally adopted, a stepchild, a foster child, and a person who is supported in good faith by the reservist in a relationship similar to that of parent and child but shall not include any person 18 years of age or over unless he is physically or mentally handicapped.

§ 1690.15 *Reconsideration and redetermination by local board of reservist's availability and category.* (a) Except as otherwise provided in § 1690.18, the local board may at any time before it has notified the armed force concerned that such reservist is available for order to active duty reconsider and redetermine the reservist's availability for order to active duty and his category if such action is based upon facts not considered when such availability and category were previously determined under the provisions of this part which facts, if true, would justify changing the previous determination of the reservist's availability and category.

(b) The local board shall reconsider and redetermine a reservist's availability for order to active duty and his category upon the written request of the Director of Selective Service or the State Director of Selective Service.

§ 1690.16 *Appeal to appeal board.* (a) Except as otherwise provided in this section, an appeal to the appeal board from the determination by the local board of a reservist's availability for order to active duty and his category may be taken, processed, and determined in the same manner, under the same conditions, and in accordance with the same procedures as are prescribed in Part 1626 of this chapter with respect to an appeal from a classification of a registrant by the local board.

(b) An appeal authorized under paragraph (a) of this section may be taken only by the following persons:

(1) The Director of Selective Service.

(2) The State Director of Selective Service (as to a determination of a local board in his State).

(3) The reservist.

(4) Any person who claims to be a dependent of the reservist.

(5) Any person who, prior to the determination appealed from, filed a written request that the reservist be found not available for order to active duty because of his current civilian occupation.

(c) Such appeal may be taken at any time by the Director of Selective Service or by the State Director of Selective Service as to a determination of a local board in his State.

(d) Such appeal may be taken by any person described in subparagraphs (3), (4), and (5) of paragraph (b) of this section at any time within the following periods:

(1) Within 10 days after the date the local board mails to the reservist a Standby Reserve Notice of Availability (SSS Form No. 86).



(2) Within 30 days after the date the local board mails to the reservist a Standby Reserve Notice of Availability (SSS Form No. 86) if, on that date, it appears that the reservist is located in one and the local board which classified the reservist is located in another of the following: The continental United States, the Territory of Alaska, the Territory of Hawaii, Puerto Rico, the Virgin Islands, Guam, or the Canal Zone.

(3) Within 30 days after the date the local board mails to the reservist a Standby Reserve Notice of Availability (SSS Form No. 86) if, on that date, it appears that the reservist is located in Canada, Cuba, or Mexico.

(4) Within 60 days after the date the local board mails to the reservist a Standby Reserve Notice of Availability (SSS Form No. 86) if, on that date, it appears that the reservist is located outside the continental United States, the Territory of Alaska, the Territory of Hawaii, Puerto Rico, the Virgin Islands, Guam, the Canal Zone, Canada, Cuba, and Mexico.

(e) At any time before the local board has notified the armed force concerned that the reservist is available for order to active duty, the local board may permit any person described in subparagraphs (3), (4), and (5) of paragraph (b) of this section to appeal even though the period for taking an appeal has elapsed, if it is satisfied that the failure of such person to appeal within such period was due to a lack of understanding of the right to appeal or to some cause beyond the control of such person. Unless the local board thereafter permits an appeal, the right of such persons to appeal shall expire at the end of the period provided for in paragraph (d) of this section. If an extension of time to appeal is granted by the local board, a record thereof shall be entered on the Standby Reserve Questionnaire (SSS Form No. 80).

(f) The local board shall enter on the Standby Reserve Questionnaire (SSS Form No. 80) the date on which an appeal is filed, and, in lieu of preparing the Individual Appeal Record (SSS Form No. 120), shall prepare the Standby Reserve Individual Appeal Record (SSS Form No. 88) attaching the original to the inside of the cover of the reservist's standby reserve folder, which folder shall be forwarded to the appeal board. If the reservist is a registrant or special registrant, the local board shall also forward his Cover Sheet (SSS Form No. 101) to the appeal board. The local board shall enter on the Standby Reserve Availability Record (SSS Form No. 83) the date it transmits the reservist's file(s) to the appeal board.

(g) The appeal board shall use the Standby Reserve Docket Book of Appeal Board (SSS Form No. 89) in lieu of the Docket Book of Appeal Board (SSS Form No. 121).

(h) The appeal board shall determine the availability of the reservist for active duty and his category in accordance with the provisions of § 1690.11. Such determination shall be final, except when an appeal to the Director of Selective Service is taken: *Provided*, That this shall not be construed as prohibiting a local board from reconsidering and redetermining a reservist's availability and category in a proper case under the provisions of § 1690.15.

(i) The provisions of §§ 1626.25, 1626.26, 1626.31, 1626.41, and 1626.51 of this chapter and the provisions of paragraph (b) of § 1626.61 of this chapter shall not apply to appeals taken under this section.

§ 1690.17 *Appeal to Director of Selective Service.* (a) The State Director of Selective Service may at any time take an appeal to the Director of Selective Service from any determination of an appeal board under this part (1) by mailing to the local board a written notice of appeal and directing the local board to forward to him the reservist's standby reserve folder and, if the reservist is a registrant or special registrant, his Cover Sheet (SSS Form No. 101) or (2) by placing in the reservist's standby reserve folder a written notice of appeal and advising the local board thereof. Before he forwards to the Director of Selective Service the reservist's standby reserve folder, and Cover Sheet (SSS Form No. 101) if the reservist is a registrant or special registrant, the State Director of Selective Service shall place in the standby reserve folder a written statement of his reasons for taking the appeal.

(b) When a reservist's case has been reviewed by an appeal board of a State other than the State in which the reservist's local board is located, either the State Director of Selective Service of the State in which the reservist's local board is located or the State Director of Selective Service of the State in which the appeal board is located may appeal to the Director of Selective Service from the determination of the appeal board.

(c) The reservist, any person who claims to be a dependent of the reservist, or any person who, prior to the determination appealed from, filed a written request that the reservist be found not available for order to active duty because of his current civilian occupation, at any time within 10 days after the mailing by the local board of a Standby Reserve Notice of Availability (SSS Form No. 86) notifying the reservist of the determination of the appeal board, may appeal to the Director of Selective Service from such determination if the appeal board determined that the reservist was available for order to active duty and was in Category I–R and one or more members of the appeal board dissented from such determination. The local board may permit any person entitled to appeal to the Director of Selective Service under this paragraph to do so, even though the 10-day period provided for taking such an appeal has elapsed, if it is satisfied that the failure of such person to appeal within such 10-day period was due to a lack of understanding of the right to appeal or to some other cause beyond the control of such person.

(d) An appeal to the Director of Selective Service under the provisions of paragraph (c) of this section shall be taken by filing with the local board a written notice of appeal. Such notice need not be in any particular form but must state the name of the reservist and the name and identity of the person appealing so as to show the right of appeal, and the fact that such person wishes the Director of Selective Service to review the determination of the appeal board.

(e) When an appeal to the Director of Selective Service has been taken, the local board shall (1) notify the reservist that the appeal has been taken; (2) if the reservist's standby reserve folder or Cover Sheet (SSS Form No. 101), if any, is in its possession, forward such file(s) to the State Director of Selective Service; and (3) enter on the Standby Reserve Availability Record (SSS Form No. 83) under "Remarks" the date it forwards the file(s) or the date it receives notice that an appeal to the Director of Selective Service has been taken.

(f) When an appeal to the Director of Selective Service is taken, the State Director of Selective Service shall check the file(s) in his possession or forwarded to him to be sure that all procedural requirements have been properly complied with, including notice to the reservist that such an appeal has been taken, and, if he discovers any procedural defects, return the file(s) for correction. If any information has been placed in the file(s) which was not considered by the local board in making the determination from which the appeal to the Director of Selective Service is taken, the State Director of Selective Service shall review such information and, if he is of the opinion that such information, if true, would justify a different determination in the reservist's case, return the file(s) to the local board with instructions to reconsider and redetermine the reservist's availability and category.

(g) When the State Director of Selective Service has complied with the provisions of paragraph (f) of this section and has not returned the file(s) to the local board, he shall forward the file(s) to the Director of Selective Service.

(h) When the appeal to the Director of Selective Service has been decided, the file(s) shall be returned to the local board through the appropriate State Director of Selective Service.

§ 1690.18 *Determination of availability and category by Director of Selective Service.* Notwithstanding any other provisions of this part, the Director of Selective Service may at any time determine whether any reservist is available or not available for order to active duty and place the reservist in any category he may deem appropriate. Such action under this section by the Director of Selective Service shall be final unless he thereafter requests the local board to reconsider and redetermine the reservist's category.

§ 1690.19 *Notification and recording of availability and category.* As soon as practicable after the local board has determined or redetermined the reservist's eligibility and category and also after the local board receives notice of the determination of a reservist's case by the appeal board or the Director of Selective Service, the local board shall:

(a) Mail a notice thereof on a Standby Reserve Notice of Availability (SSS Form No. 86) to the reservist and on a Standby Reserve Availability Advice (SSS Form

No. 87) to every other person who has on file a current written request that the reservist be found not available for order to active duty, and enter upon each of such forms mailed concerning a determination of the appeal board, the record of the vote of the appeal board as follows: "Vote of appeal board—Yes ____ No____."

(b) Enter a notation of the determination of the reservist's availability and category on the Standby Reserve Questionnaire (SSS Form No. 80) and also enter on the Standby Reserve Availability Record (SSS Form No. 83) the category in which the reservist is placed.

(c) Enter on the Standby Reserve Availability Record (SSS Form No. 83) and on the Standby Reserve Questionnaire (SSS Form No. 80) the date of mailing of the Standby Reserve Notice of Availability (SSS Form No. 86) and also enter on the Standby Reserve Questionnaire (SSS Form No. 80) the date of mailing of each Standby Reserve Availability Advice (SSS Form No. 87) and the name of the person to whom it is mailed.

§ 1690.20 *Notifying armed force of availability of reservist.* The local board shall notify the armed force of which a reservist is a member of his availability for order to active duty at such time as is fixed by the Director of Selective Service.

§ 1690.21 *Records which are confidential.* The records in a reservist's standby reserve folder and the information contained in such records shall be confidential.

§ 1690.22 *Availability and use of confidential records and information.* (a) Information contained in records in a reservist's standby reserve folder may be disclosed or furnished to, or examined by, the following persons:

(1) The reservist, or any person having written authority signed by the reservist.

(2) All personnel of the Selective Service System while engaged in carrying out the functions of the Selective Service System or the functions conferred by this part.

(3) Any person having specific written authority from the Director of Selective Service.

(b) In the prosecution of a reservist for a violation of the Universal Military Training and Service Act, as amended, the regulations in this chapter, any orders or directions made pursuant to such act or regulations, or for perjury, any records in the reservist's standby reserve folder shall be produced in response to the subpena of the court in which such prosecution is pending.

(c) Except as provided in paragraph (b) of this section, no officer or employee of the Selective Service System shall produce a reservist's standby reserve folder, or any part thereof, or testify regarding any confidential information contained therein, in response to the subpena of any court without the consent, in writing, of the reservist concerned, or of the Director of Selective Service.

(d) Whenever, under the provisions of this section, a reservist's standby reserve folder, or any part thereof, is produced as evidence in the proceedings of any court, such folder shall remain in the personal custody of an official of the Selective Service System, and permission of the court be asked, after tender of the original folder, to substitute a copy of the folder with the court.

§ 1690.23 *Identification of records of reservists.* All forms in the titles of which the words "Standby Reserve" do not appear and all other records used by the Selective Service System in carrying out the functions conferred by this part shall be identified by stamping or otherwise placing thereon the words "Standby Reserve."

The foregoing regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

[SEAL] LEWIS B. HERSHEY,
*Director of Selective Service.*

APRIL 11, 1956.

[F. R. Doc. 56-2899; Filed, Apr. 13, 1956; 8:48 a. m.]

## TITLE 36—PARKS, FORESTS, AND MEMORIALS

### Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

YELLOWSTONE NATIONAL PARK

Section 20.13 *Yellowstone National Park* is amended by changing paragraph (f) to read as follows:

(f) *Commercial automobiles and busses.* The prohibition against the admission of commercial automobiles and busses to Yellowstone National Park, contained in § 1.36 of this chapter, shall be subject to the following exceptions: Motor vehicles operated on a general, infrequent, and nonscheduled tour on which the visit to the park is an incident to such tour, carrying only round-trip passengers traveling from the point of origin of the tour, will, subject to the conditions set forth in this paragraph, be accorded admission to the park for the purpose of delivering passengers to a point of stay while in the park. After passengers have completed their stay, such motor vehicles shall leave the park by the most convenient exit station, considering their destination. Motor vehicles admitted to the park under this paragraph shall not, while in the park, engage in general sightseeing operations. Admission will be accorded such vehicles upon establishing to the satisfaction of the Superintendent that the tour originated from such place and in such a manner as not to provide, in effect, a regular and duplicating service conflicting with, or in competition with, the services provided for the public at or outside of the park, pursuant to contract authorization from the Secretary. The Superintendent shall have the authority to specify the route to be followed by such vehicles within the park. Admission to the park will be accorded such motor vehicles upon payment of a special tour permit fee of $2.00 per passenger-carrying seat in the vehicle.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 2d day of April 1956.

[SEAL] E. T. SCOYEN,
*Acting Director,*
*National Park Service.*

[F. R. Doc. 56-2881; Filed, Apr. 13, 1956; 8:46 a. m.]

## PROPOSED RULE MAKING

### DEPARTMENT OF AGRICULTURE

#### Agricultural Marketing Service

#### [ 7 CFR Parts 930, 932, 960, 963, 965, 971, 972, 974, 975, 995, 1002, 1009 ]

[Docket Nos. AO-179-75-A14, AO-72-30-A20; AO-197-95-A3, AO-176-74-A12, AO-175-71-A13, AO-166-65-A21, AO-177-72-A16, AO-233-63-A5, AO-253-60-A1, AO-268-102-A2, AO-268-109-A2, AO-33-A23]

HANDLING OF MILK IN CLEVELAND, TOLEDO, LIMA, COLUMBUS, DAYTON-SPRINGFIELD, CINCINNATI, TRI-STATE, STARK COUNTY, AKRON, OHIO; GREATER WHEELING, WEST VIRGINIA, CLARKSBURG, WEST VIRGINIA; AND FORT WAYNE, INDIANA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENTS AND TO THE ORDERS, AS AMENDED

Notice is hereby given of a joint public hearing to be held at Southern Hotel, Main Ball Room, South High Street, Columbus, Ohio, beginning at 10:00 a. m., e. s. t., April 20, 1956, for the purpose of receiving evidence with respect to economic and emergency conditions which relate to the marketing of milk in each of the marketing areas hereinafter specified and to appropriate amendments of the Class I price provisions of the respective tentative marketing agreements heretofore approved by the Secretary of Agriculture and to the orders, now in effect, regulating the handling of milk in such marketing areas. More specifically, consideration will be given to (1) the nature, scope and similarity of price problems affecting producers, (2) determine whether or not such problems tend to disrupt the orderly marketing of milk, or constitute a threat to the adequacy of supplies of pure and wholesome milk, and (3) consider whether or not temporary, emergency price relief is necessary to promote orderly marketing. The hearing is called pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.) and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).



A substantial number of communications and requests for price action received by the Department from milk producer groups and recent conferences held with representative leaders of cooperative organizations of producers who supply the Ohio and adjacent fluid milk markets hereinafter set forth have represented the seriousness of conditions facing fluid milk producers at the present time which it is alleged are tending to disrupt the orderly marketing of fluid milk and threaten milk supplies.

The following market areas and order provisions are covered by this hearing notice:

*Market Area; Part (Order) No. Order Provisions; and Docket No.*

Cleveland, Ohio; 975; § 975.61; AO-179-75-A14.

Toledo, Ohio; 930; § 930.50 (a); AO-72-30-A20.

Lima, Ohio; 995; § 995.51; AO-197-95-A3.

Columbus, Ohio; 974; § 974.51 (a); AO-176-74-A12.

Dayton-Springfield, Ohio; 971; § 971.51; AO-175-71-A13.

Cincinnati, Ohio; 965; § 965.51 (a); AO-166-65-A21.

Tri-State (Ohio, West Virginia, Kentucky); 972; § 972.41; AO-177-72-A16.

Stark County, Ohio; 963; § 963.51; AO-233-63-A5.

Akron, Ohio; 960; § 960.50; AO-253-60-A1.

Greater Wheeling, W. Va.; 1002; § 1002.51 (a); AO-268-102-A2.

Clarksburg, W. Va.; 1009; § 1009.51 (a); AO-268-109-A2.

Fort Wayne, Ind.; 932; § 932.51; AO-33-A23.

Copies of this notice of hearing may be procured from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or from the Dairy Division, Agricultural Marketing Service, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: April 13, 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator.*

[F. R. Doc. 56-2991; Filed, Apr. 13, 1956; 12:17 p. m.]

#### [ 7 CFR Parts 1002, 1009 ]

[Docket No. AO-268]

MILK IN GREATER WHEELING, WEST VA., AND CLARKSBURG, WEST VA., MARKETING AREAS

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENTS, AND TO ORDERS

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed marketing agreements and proposed orders amending the orders regulating the handling of milk in the Greater Wheeling, West Virginia, and Clarksburg, West Virginia, marketing areas. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 3rd day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

*Preliminary statement.* The hearing on the record of which the proposed marketing agreements and orders were formulated was conducted at Wheeling, West Virginia, on March 2, 1956, pursuant to notice thereof which was issued on February 23, 1956 (21 F. R. 1274).

The material issues of record related to:

1. Class I price (Proposal 1).
2. Class II price (Proposals 2 and 4).
3. Lower price for milk, the skim of which is dumped, and lower Class II butterfat differential (Proposals 3 and 7).
4. Classification of milk disposed of as feed (Proposal 5).
5. Accounting for nonfat solids added to Class I products (Proposal 6).
6. Producer-handler definition (Proposal 8).

*Findings and conclusions.* The following findings and conclusions on the material issues are based upon evidence in the record.

1. *Class I prices.* Class I prices in the Greater Wheeling and Clarksburg areas should be changed in accordance with changes being made in the Stark County Class I price. Greater Wheeling and Clarksburg Class I prices were established, on the same seasonal patern as that of Stark County, at higher levels of 15 cents and 40 cents, respectively. The addition of these amounts to the revised differentials of the Stark County area would make Class I price differentials, in the Wheeling area, $1.50 during February–July and $1.95 during other months; in the Clarksburg area, $1.75 during February–July and $2.20 in other months.

Such alignment seems essential to stability in these marketing areas. After the amending of Cleveland prices, effective May 1, 1955, Stark County prices needed to be adjusted with reference to prices in Akron and Cleveland. The Cleveland amendments reduced the number of seasonal differentials from 3 to 2, and slightly raised their annual level in order to compensate for the effects of changes in the automatic supply-demand adjustment. When the Wheeling and Clarksburg orders were issued it was found that, because of extensive inter-area competitive relations, the Class I prices should be in a constant relationship to the Class I price in the Stark County order. In the few months of their operation there is no evidence that the established relationships are faulty. The recommended Class I price differentials for Wheeling and Clarksburg would preserve the original relationship. Reduction of seasonal changes in differentials, from 3 to 2, is suitable to these markets, with their base-excess method of producer payment. Changes in the Stark County Class I price differentials would raise their annual level only enough to offset changes made in the new supply-demand adjustment. Parallel changes in Class I price differentials should be made for the Greater Wheeling and Clarksburg areas.

Handlers objected to changes in Class I price differentials proposed by producers on two counts. First, they contended that the proposed increase in the annual level—amounting to 11½ cents—was excessive. Producers had proposed differentials for Wheeling and Clarksburg that were above the Class I price differentials for Stark County, in the recommended decision issued February 29, 1956, by 20 cents and 45 cents respectively. Such differentials would raise Class I prices in Wheeling and Clarksburg 5 cents more than the recommended increase in the Class I price in Stark County. Handlers are supported by the record in the position that Wheeling and Clarksburg differentials should not be increased more than Stark County differentials.

Secondly, handlers contended that any increase in Class I price differentials in Wheeling and Clarksburg would throw prices in these areas seriously out of line with prevailing prices in the Tri-State area. A little Tri-State milk is distributed in Clarksburg; but the inter-area trade with Tri-State is minor in comparison with relations with Stark County. Alignment of Wheeling and Clarksburg prices with Stark County prices, as here recommended, involves no material changes in relation to Tri-State prices, except with respect to seasonal variations. Patterns of seasonal price change are likely to vary among trade areas, that are no more closely associated than Clarksburg and Tri-State. In this case, it does not appear that the effects upon inter-area trade would be disturbing; there would be no material change in the annual level of Clarksburg prices. Any change in this respect would come from the new supply-demand price adjustment, adopted in Stark County, and thereby effective in Greater Wheeling and Clarksburg.

The Tri-State area operates under a different supply-demand adjustment provision. In recent months it has increased Class I prices from 3 to 24 cents. Over the same period the adjustment provision, that is employed in the Greater Wheeling and Clarksburg areas, has reduced prices by equally substantial amounts. Recommended changes in the price mechanism of these marketing areas are not likely to change annual price relations with the Tri-State area more than they have varied from the effects of their respective supply-demand adjustment provisions. Such fluctuations in relationship must be considered to be well within normal price relations between areas, where, as here, inter-area marketing is not extensive.

2. *Class II prices.* For May and June 1956, 20 cents per hundredweight reduction from the basic price for Class II milk should apply, without regard to the supply-demand adjustment feature provided in the Class II price formula.

It seems certain at this time that supplies of producer milk, in excess of Class I

requirements of bottling and distributing plants, during April, May and June this year, will exceed quantities that can be received and handled at basic prices. Current data from the market administrator and testimony of handlers indicate that receipts at pool plants are increasing seasonally at a rate that most likely will increase Class II utilization, in these months of heaviest production, to about 35 percent of receipts. Handlers testified that this much milk, in excess of fluid requirements, would swamp pool plant facilities for Class II utilization. An unestimated percentage of such excess could be received by handlers only for sale and transfer to manufacturing plants. Some of this milk may be moved directly from farms to manufacturing plant; but most of it must be delivered by producers to handlers' plants, where it must be recanned and reloaded for movement to manufacturers. Prices for milk delivered to these manufacturing plants may be 30 cents less than basic prices.

Under these circumstances the 20-cent reduction from basic prices, in the Class II price provision of these orders, should be effective. The supply-demand adjustment, as provided, has brought this price reduction into effect on April milk, and most likely would do so on May and June milk. But local market circumstances this Spring, as shown by this record, justify removing, for this season, any uncertainty regarding this adjustment to Class II prices.

Two other questions in regard to this adjustment were considered. Handlers requested that the reduction be 30 cents, instead of 20 cents, and that the period be extended to include July. They argued that they should be able to recover at least their costs of milk moved to manufacturing plants, where prices during flush months may be 30 cents below basic prices. In regard to this argument it may be observed that prices at these plants may not be as low as this. Even so, such transferred milk is only part of handlers' Class II disposition, and undoubtedly, the least profitable. The reduced Class II price for the flush months applies to all Class II disposition. On some portion of Class II utilization, perhaps in some cases most of it, handlers may be able to realize product values equivalent to basic prices. Such prices are paid for supplies in excess of fluid requirements, in many milk markets. Most pertinent, perhaps, is the fact that in Stark County, with its close trade relations with Wheeling and Clarksburg, the Spring reduction in Class II prices is less than 20 cents.

It is also concluded that July should not be included in the period of reduced Class II prices. Argument for it was mainly based on the fact that July is included in the period when the base-excess payment plan operates. But this fact, in itself, has little relevancy. July was not originally included because it seemed from the record that, in July, supplies tended to be less burdensome, and the markets for the chief Class II products more favorable, than in the three preceding months. This record sheds no more light on what Class II market conditions in July may be.

3. *Lower price for milk, the skim of which is dumped, and lower Class II butterfat differentials.* The price for milk, the fat of which is used for butter, should not be below the Class II price. Nor should the Class II butterfat differential be lowered.

One proposal would price milk, the skim of which is dumped, and the fat used for butter, solely on the basis of the prevailing price or the "support" price for butterfat. This proposal would not afford a reasonable basis of pricing any producer milk. Producer milk must be priced on the basis of skim and fat values in the market. Obviously, butterfat in producer milk has a higher market value than in farm cream. The fat value in top grade cream is much above the support price for butterfat. In the price for Class II milk, the fat value is determined from butter prices, as is also the butterfat differential. These factors in the Class II price would not seem to overprice the fat in Class II milk, even when utilized for butter. The fat value in the Class II price formula is no higher than in surrounding markets. The butterfat differential is about the same as that in prices paid for milk at manufacturing plants. It was not shown on the record that the fat in Class II milk is overpriced. Rather, this proposal to price the milk on a lower fat value was supported chiefly on the grounds that the skim was dumped. The fact that dumped skim is a loss does not justify a Class price lower than that at which such producer milk is generally utilized in the market.

For much the same reason the proposal to lower the Class II butterfat differential must be rejected. There was no showing that the present differential is too high. It is no higher than in surrounding markets. Apparently, it is little if any higher than fat differential rates at manufacturing plants to which some of the milk is moved. Handlers' use or dispose of butterfat in top quality cream, that usually has higher fat value than cream of only manufacturing quality. It was argued that if the cost of Class II butterfat were lowered, handlers could afford to use more skim in Class I products. But this would "Rob Peter to pay Paul". Class prices should price skim and butterfat in accordance with their relative market values.

4. *Classification of milk disposed of as feed.* The Class II definition should not be amended to include any milk or milk product with butterfat disposed of as feed.

This proposal would open Class II to include any milk or milk product disposed of as livestock feed. Such disposal in Class II is now limited to skim milk. Proponents urged the need for such amendment to permit Class II accounting for route returns from which the butterfat cannot be separated. They argued that such accounting would be as appropriate for milk products, with skim and fat, as it is for skim milk.

But the cases are not analogous, the feed and dumping provision is designed to permit a handler to account in Class II for skim milk, that is in effect only a plant by-product, for which, under certain circumstances, he has no product disposition. The more valuable part of producer milk has been used presumably in marketable Class II products. Without such provision, the rules for classification and accounting would place such by-product, in the utilization of Class II milk, into the Class I category, in the form of excess shrinkage, plant loss, or unaccounted for milk. It seems evident from the context of the classification scheme that the skim milk disposition as feed or by dumping has a validity that would be lacking in the case of route returns. For the route returns, in this case, consist of producer milk that is useless for the production of Class II products because of its processing for Class I usage. This would appear to place such returns in the same category as spoilage or stolen goods, that fall into Class I as plant loss or "unaccounted" for milk when in excess of the shrinkage allowance in Class II.

5. *Accounting for nonfat solids added to Class I products.* Nonfat solids added to Class I products should continue to be accounted for in terms of the skim milk equivalent used to produce them. The proposal to change to an accounting on the basis of actual pounds added should not be adopted.

In the decision of September 6, 1955, that issued these orders, the manner of accounting for milk products, that are added to Class I products, was fully considered. Various methods were studied, including the one here proposed. On the evidence, as shown by findings, it seemed that the method that was adopted was the most appropriate, equitable, and feasible. It is the one commonly employed in other orders. The testimony in this record adds little to the evidence in regard to this provision, certainly too little for a satisfactory re-examination. There was some speculation about an alleged deleterious effect upon the marketing of producer milk, but there was no substantial evidence of this. On the contrary, the testimony failed to dispel the appearance of discrimination, seemingly inherent in the proposed accounting method, against producer milk in Class I usage, or to reconcile the proposed accounting for Class I usage in "fortified" products with proper accounting for Class I usage in "concentrated" products.

6. *Producer-handler definition.* This definition should be clarified. Its meaning has been questioned. Revision as proposed would make explicit the intended conditions for producer-handler status. The conditions, as explained on the record, were not questioned.

*General findings.* (a) The proposed marketing agreements and the orders as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk, in the marketing area and the minimum prices specified in the proposed marketing agreements and the orders, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed orders, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity, specified in marketing agreements upon which a hearing has been held.

*Rulings on proposed findings and conclusions.* Briefs were filed which contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

*Recommended marketing agreements and amendments to the orders.* The following orders, amending the orders, regulating the handling of milk in the Greater Wheeling, West Virginia, and Clarksburg, West Virginia, marketing areas are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreements are not included in this decision because the regulatory provision thereof would be identical with those contained in the orders, and the orders as hereby proposed to be further amended.

*Order Amending the Order Regulating the Handling of Milk in the Greater Wheeling, West Virginia, Marketing Area*

1. Delete § 1002.13 and substitute the following:

§ 1002.13 *Producer-handler.* "Producer-handler" means a person who operates both a dairy farm and a milk processing or bottling plant at which each of the following conditions is met during the month:

(a) Milk is received from the dairy farm(s) of such person but from no other dairy farm;

(b) Fluid milk products are disposed of on routes or through a plant store to retail or wholesale outlets in the marketing area; and

(c) The butterfat or skim milk disposed of in fluid milk products does not exceed the butterfat or skim milk, respectively, received in the form of milk from the dairy farm(s) of such person and in the form of fluid milk products from pool plants of other handlers.

2. In § 1002.51 (a) delete the table of prices and substitute:

| Month: | *Amount* |
|---|---|
| February, March, April, May, June, and July | $1.50 |
| All others | 1.95 |

3. In § 1002.51 (b) delete the period at the end of the sentence and add the following: *"Provided, further,* That the Class II milk price for the months of May and June, 1956, shall be the basic formula price less 20 cents."

*Order Amending the Order Regulating the Handling of Milk in Clarksburg, West Virginia, Marketing Area*

1. Delete § 1009.13 and substitute the following:

§ 1009.13 *Producer-handler.* "Producer-handler" means a person who operates both a dairy farm and a milk processing or bottling plant at which each of the following conditions is met during the month:

(a) Milk is received from the dairy farm(s) of such person but from no other dairy farm;

(b) Fluid milk products are disposed of on routes or through a plant store to retail or wholesale outlets in the marketing area; and

(c) The butterfat or skim milk disposed of in fluid milk products does not exceed the butterfat or skim milk, respectively, received in the form of milk from the dairy farm(s) of such person and in the form of fluid milk products from pool plants of other handlers.

2. In § 1009.51 (a) delete the table of prices and substitute:

| Month: | *Amount* |
|---|---|
| February, March, April, May, June, and July | $1.75 |
| All others | 2.20 |

3. In § 1009.51 (b) delete the period at the end of the sentence and add the following: *"Provided, further,* That the Class II milk price for the months of May and June, 1956 shall be the basic formula price less 20 cents."

Issued at Washington, D. C., this 12th day of April 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator.*

[F. R. Doc. 56-2940; Filed, Apr. 13, 1956; 8:51 a. m.]



## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

### [ 21 CFR Part 120 ]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

GENERAL REGULATIONS FOR SETTING TOLERANCES AND GRANTING EXEMPTIONS FROM TOLERANCES; NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Commissioner of Food and Drugs, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 408, 701 (a), 52 Stat. 1055, 68 Stat. 511; 21 U. S. C. 348, 371), and in accordance with authority delegated to him by the Secretary of Health, Education, and Welfare (20 F. R. 1996), proposes to amend the regulations for setting tolerances and granting exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120; 21 F. R. 768, 1172) in the following respects:

1. Amend § 120.1 *Definitions and interpretations* by adding the following new paragraph:

(g) For the purpose of computing fees as required by § 120.33, each group of crops listed in § 120.34 (e) is counted as a single raw agricultural commodity in a petition or request for tolerances or exemption from the requirement of a tolerance for a nonsystemic pesticide. As a general rule, when considering a petition or request with respect to a systemic pesticide (see § 120.34 (c)) crops shall not be grouped.

2. In § 120.2 *Pesticide chemicals considered safe,* amend paragraph (a) to read as follows:

(a) As a general rule, pesticide chemicals other than sulfur, lime, lime-sulfur, sodium carbonate, and sodium polysulfide are not, for the purposes of section 408 (a) of the act, generally recognized as safe for use.

3. Amend § 120.3 *Tolerances for related pesticide chemicals* by adding the following new paragraph:

(e) Except as noted in subparagraphs (1) and (2) of this paragraph, where residues from two or more chemicals in the same class are present in or on a raw agricultural commodity the tolerance for the total of such residues shall be the same as that for the chemical having the lowest numerical tolerance in this class.

(1) Where residues from two or more chemicals in the same class are present in a raw agricultural commodity and there are available methods that permit quantitative determination of each residue, the quantity of combined residues that are within the tolerance may be determined as follows:

(i) Determine the quantity of each residue present.

(ii) Divide the quantity of each residue by the tolerance that would apply if it occurred alone, and multiply by 100 to determine the percentage of the permitted amount of residue present.

(iii) Add the percentages so obtained for all residues present.

(iv) The sum of the percentages shall not exceed 100 percent.

(2) Where residues from two or more chemicals in the same class are present on a raw agricultural commodity and there are available methods that permit quantitative determinations of one or more, but not all, of the residues, the amounts of such residues as may be determinable shall be deducted from the total amount of residues present, and the remainder shall have the same tolerance as that for the chemical having the lowest numerical tolerance in that class. The quantity of combined residues that are within the tolerance may be determined as follows:

(i) Determine the quantity of each determinable residue present.

(ii) Deduct the amounts of such residues from the total amount of residues present and consider the remainder to have the same tolerance as that for the chemical having the lowest numerical tolerance in that class.

(iii) Divide the quantity of each determinable residue by the tolerance that would apply if it occurred alone and the quantity of the remaining residue by the tolerance for the chemical having the lowest numerical tolerance in that class and multiply by 100 to determine the percentage of the permitted amount of residue present.

(iv) Add the percentages so obtained for all residues present.

(v) The sum of the percentages shall not exceed 100 percent.

(3) The following compounds are members of the class of dithiocarbamates.

Ferbam.
Maneb.
Thiram.
Ziram.
Zineb.

(4) The following compounds are members of the class of chlorinated hydrocarbons:

Aldrin.
Benzene hexachloride.
Chlordane.
Chlorinated camphene (toxaphene).
Chlorobenzilate (ethyl 4,4'-dichlorobenzilate).
p-Chlorophenyl-p-chlorobenzenesulfonate.
DDD (TDE).
DDT.
2,4-Dichlorophenoxy acetic acid.
Dieldrin.
Heptachlor.
Lindane.
Methoxychlor.
SES (sodium 2,4-dichlorophenoxyethyl sulfate).
Sulphenone (p-chlorophenyl phenyl sulfone).

(5) The following compounds are members of the class of organic phosphates:

EPN.
Malathion.
Methyl parathion.
Parathion.
Systox (O,O-diethyl-(2-ethylmercaptoethyl) thiophosphate, a mixture of the thiono and thiol isomers).

(6) The following compounds are members of the class of dinitro compounds:

Dinitro-O-cyclohexylphenol.
Dicyclohexylamine salt of dinitro-O-cyclohexylphenol.

4. In § 120.7 *Petitions proposing tolerances* * * *, amend paragraph (b), Item D so that it reads as follows:

D. The results of tests on the amount of residue remaining, including a description of the analytical method used. (See § 120.34 for further information about residue tests.)

5. In § 120.7, amend paragraph (b) by deleting from the end thereof the two undesignated paragraphs beginning "The petitioner will be notified * * *" and All Petitions Should Be Submitted * * *" and substituting therefor the following:

The petition shall be submitted in duplicate. The petitioner shall show that he has registered or has submitted an application for the registration of the pesticide chemical (economic poison) under the Federal Insecticide, Fungicide, and Rodenticide Act.

6. Amend Part 120 by adding a new section reading as follows:

§ 120.34 *Tests on the amount of residue remaining.* (a) Data in a petition on the amount of residue remaining in or on a raw agricultural commodity should establish the residue that may remain when the pesticide chemcial is applied according to directions registered under the Federal Insecticide, Fungicide, and Rodenticide Act, or according to directions contained in an application for registration. These data should establish the residues that may remain under conditions most likely to result in high residues on the commodity.

(b) The petition should establish the reliability of the residue data reported on each raw agricultural commodity on which a tolerance or exemption is requested. Sufficient information should be submitted about the analytical method to permit competent analysts to apply it successfully.

(c) If the pesticide chemical is absorbed into a living plant or animal when applied (is systemic), residue data may be needed on each plant or animal on which a tolerance or exemption is requested.

(d) If the pesticide chemical is not absorbed into the living plant or animal when applied (is not systemic), it may be possible to make a reliable estimate of the residues to be expected on each commodity in a group of related commodities on the basis of less data than would be required for each commodity in the group, considered separately.

(e) Each of the following groups of crops lists raw agricultural commodities that are considered to be related for the purpose of paragraph (d) of this section. Commodities not listed in this paragraph are not considered as related for the purpose of paragraph (d) of this section. This grouping of crops does not affect the certification of usefulness by the Secretary of Agriculture as contemplated by section 408 (l) of the act.

(1) Apples, crabapples, pears, quinces.
(2) Avocados, papayas.
(3) Blackberries, boysenberries, dewberries, loganberries, raspberries.
(4) Blueberries, currants, gooseberries, huckleberries.
(5) Cherries, plums, prunes.
(6) Oranges, citrus citron, grapefruit, kumquats, lemons, limes, tangelos, tangerines.
(7) Mangoes, persimmons.
(8) Peaches, apricots, nectarines.
(9) Beans, peas, soybeans (each in dry form).
(10) Beans, peas, soybeans (each in succulent form).
(11) Broccoli, brussels sprouts, cauliflower, kohlrabi.
(12) Cantaloups, honeydew melons, muskmelons, pumpkins, watermelons, winter squash.
(13) Carrots, garden beets, sugar beets, horseradish, parsnips, radishes, rutabagas, salsify roots, turnips.
(14) Celery, fennel.
(15) Cucumbers, summer squash.
(16) Lettuce, endive (escarole), Chinese cabbage, romaine, salsify tops.
(17) Onions, garlic, leeks, shallots (green, or in dry bulb form).
(18) Potatoes, Jerusalem artichokes, sweetpotatoes, yams.
(19) Spinach, beet tops, collards, dandelion, kale, mustard greens, parsley, Swiss chard, turnip tops, watercress.
(20) Tomatoes, eggplants, peppers, pimentos.
(21) Pecans, almonds, Brazil nuts, bush nuts, butternuts, chestnuts, filberts, hazelnuts, hickory nuts, walnuts.
(22) Field corn, popcorn, sweet corn (each in grain form).
(23) Milo, sorghum (each in grain form).
(24) Wheat, barley, oats, rice, rye (each in grain form).
(25) Clovers, alfalfa, cowpea hay, lespedeza, lupines, peanut hay, pea-vine hay, soybean hay, vetch.
(26) Corn forage, sorghum forage.
(27) Sugarcane, cane sorghum.

7. In § 120.101 *Specific tolerances for pesticide residues in or on fresh fruits and vegetables*, amend paragraph (a) to read as follows:

(a) The tolerances established for poisonous or deleterious substances in this section apply only to residues resulting from their application prior to harvest. A tolerance in terms of parts by weight for the poisonous or deleterious substance, or poisonous or deleterious residue resulting from its addition, to 1 million parts by weight of the fruit or vegetable is set forth after the name of each of the substances.

8. In § 120.101, amend paragraph (c) by deleting subparagraphs (4) and (5).

These proposed amendments are for the purpose of clarifying the regulations now in effect. They are not intended to change the Food and Drug Administration's present interpretation or administration of those sections of the Federal Food, Drug, and Cosmetic Act interpreted or applied.

All interested persons are invited to submit written comments, in quintuplicate, with respect to the above-proposed amendments to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, Health, Education, and Welfare Building, Fourth Street and Independence Avenue SW., Washington 25, D. C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Dated: April 9, 1956.

[SEAL] GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F. R. Doc. 56-2839; Filed, Apr. 13, 1956; 8:47 a. m.]



# NOTICES

## DEPARTMENT OF THE INTERIOR

### Office of the Secretary

[Order No. 2813]

DIRECTOR, OFFICE OF TERRITORIES

DELEGATION OF AUTHORITY

APRIL 9, 1956.

SECTION 1. *Delegation.* The Director, Office of Territories, is authorized, except as provided in section 2 of this order, to exercise the authority vested in the Secretary of the Interior pursuant to the act of June 30, 1932 (47 Stat. 446, 48 U. S. C., 321a et seq.), or any other act, with respect to the construction and maintenance of roads, tramways, ferries, bridges and trails, and other similar works in the Territory of Alaska.

SEC. 2. *Limitations.* Excepted from section 1 of this order is authority to:

(a) Take action on any matter covered by a delegation from the Secretary of the Interior to the head of each bureau, such as authority to authorize the publication of advertisements, notices, or proposals; authority with respect to personnel management; and authority with respect to contracts for construction, supplies, or services;

(b) Distribute in a manner or to an extent other than as provided by section 3 of this order, the duties and authority conferred by the act of June 30, 1932, supra;

(c) Make rules and regulations governing the use of roads, trails, and other works, including the fixing and collection of tolls as provided by section 3 of the act of June 30, 1932, supra; and

(d) Acquire any interest in property by condemnation.

SEC. 3. *Redelegation.* The Director, Office of Territories, may in writing redelegate the authority granted in this order to the Deputy Director and the Assistant Director, Alaskan Affairs, both in the Office of Territories; and to any officer or employee of the Alaska Road Commission. The Director, Office of Territories, may authorize written redelegation of such authority as he may redelegate.

SEC. 4. *Revocations.* The following orders are revoked:

No. 2448.
No. 2565 (15 F. R. 3798).

(Executive Order 10250, 3 CFR, 1951 Supp., 437; sec. 2, Reorganization Plan No. 3 of 1950, 5 U. S. C., 1952 ed., sec. 133z-15, note)

DOUGLAS MCKAY,
*Secretary of the Interior.*

[F. R. Doc. 56-2882; Filed, Apr. 13, 1956; 8:46 a. m.]

### CONFEDERATED TRIBES OF THE GRAND RONDE COMMUNITY

NOTICE OF PUBLICATION OF THE FINAL MEMBERSHIP ROLL

APRIL 6, 1956.

Pursuant to section 3 of the act of August 13, 1954 (68 Stat. 725), there is listed below the final membership roll of the Confederated Tribes of the Grand Ronde Community.

Disposition has been made of all appeals to the Secretary contesting the inclusion or omission of the name of any person on or from the proposed roll as published in the FEDERAL REGISTER on May 24, 1955 (Vol. 20, No. 101, pages 3636-3642).

DOUGLAS MCKAY,
*Secretary of the Interior.*

FINAL ROLL OF MEMBERS OF THE CONFEDERATED TRIBES OF THE GRAND RONDE COMMUNITY PURSUANT TO SECTION 3 OF THE ACT OF AUG. 13, 1954, PUBLIC LAW 588

| New roll No. | Old roll No. | Name | Allotment No. | Sex | Date of birth | Degree of blood |
|---|---|---|---|---|---|---|
| 1 | 6 | Allen, Cheryle Ann | | F | Apr. 3, 1948 | 11/16 |
| 2 | 1 | Allen, Cordelia Tom | | F | July 9, 1924 | 7/8 |
| 3 | | Allen, Deborah Lee | | F | July 1, 1951 | 11/16 |
| 4 | 3 | Allen, John M., Jr | | M | Sept. 19, 1944 | 11/16 |
| 5 | 7 | Allen, LeRoy Dale | | M | June 29, 1949 | 11/16 |
| 6 | 5 | Allen, Patricia G | | F | Jan. 19, 1947 | 11/16 |
| 7 | 2 | Allen, Pauline E | | F | Aug. 26, 1943 | 11/16 |
| 8 | 9 | Ash, Matilda Lafferty | | F | Dec. 31, 1908 | Full |
| 9 | 10 | Baker, Dollie Pichette | 109 | F | May 20, 1883 | 5/8 |
| 10 | 11 | Banke, Ethel M | | F | Jan. 25, 1900 | Full |
| 11 | 12 | Banke, Hazel M | | F | Oct. 24, 1924 | Full |
| 12 | 15 | Bean, Donna Marie | | F | Sept. 14, 1938 | 1/4 |
| 13 | 17 | Bean, Ellen Dianne | | F | Sept. 9, 1943 | 1/4 |
| 14 | 16 | Bean, Francis Earl | | M | Apr. 2, 1940 | 1/4 |
| 15 | 14 | Bean, Fremond F | | M | Dec. 14, 1914 | 1/2 |
| 16 | 20 | Bean, Joyce Ann | | F | Nov. 1, 1949 | 1/4 |
| 17 | 19 | Bean, Linda Margaret | | F | July 23, 1947 | 1/4 |
| 18 | 21 | Bean, Margaret | | F | Jan. 28, 1891 | Full |
| 19 | 18 | Bean, Thomas Joseph | | M | Sept. 14, 1945 | 1/4 |
| 20 | | Becker, Terry Lee | | F | Nov. 17, 1946 | 1/8 |
| 21 | | Beebe, Abraham J | | M | June 16, 1923 | 1/2 |
| 22 | | Beebe, Douglas R | | M | Jan. 10, 1951 | 3/8 |
| 23 | | Beebe, Robert J | | M | Dec. 7, 1950 | 3/8 |
| 24 | | Beebe, Sharon M | | F | Jan. 23, 1952 | 3/8 |
| 25 | 571 | Bellinger, Maude | | F | Nov. 20, 1896 | Full |
| 26 | 65 | Bennett, Donald B. (Day) | | M | May 3, 1947 | 3/8 |
| 27 | | Bennett, Everett L | | M | July 13, 1951 | 1/8 |
| 28 | | Bennett, Lonnie D | | M | Aug. 13, 1950 | 1/8 |
| 29 | | Bennett, Ramona | | F | Apr. 1, 1938 | 3/4 |
| 30 | 382 | Bennett, Rose M. Peters | | F | May 30, 1922 | 1/4 |
| 31 | | Blair, Harold W | | M | June 20, 1920 | 3/8 |
| 32 | | Blair, Jessie R | | F | Apr. 6, 1923 | 5/16 |
| 33 | 22 | Bloom, Agatha Howe | | F | Aug. 16, 1904 | Full |
| 34 | 24 | Bloom, Bernice (Howe) | | F | June 2, 1925 | 1/2 |
| 35 | | Bobb, Delila F. (Gardner) | | F | Feb. 26, 1934 | 1/2 |
| 36 | 29 | Bobb, Donica J. (Gardner) | | F | June 9, 1935 | 1/2 |
| 37 | 28 | Bobb, Lena Norwest | | F | Sept. 23, 1892 | Full |
| 38 | | Bobb, Steven Lee | | M | Apr. 7, 1949 | Full |
| 39 | | Bowman, Patricia | | F | Dec. 4, 1944 | 1/4 |
| 40 | | Brandon, Jerry Wayne | | M | Mar. 14, 1954 | 3/8 |
| 41 | | Brandon, Johnny Lee | | M | Feb. 16, 1953 | 3/8 |
| 42 | | Brandon, Linda | | F | Nov. 17, 1949 | 3/8 |
| 43 | | Brandon, Loraine | | F | Aug. 30, 1951 | 3/8 |
| 44 | 202 | Brandon, Myrna L | | F | June 6, 1932 | 3/8 |
| 45 | | Brooks, Dwight Victor | | M | June 4, 1950 | 1/4 |
| 46 | | Brooks, Gregory | | M | Nov. 26, 1945 | 1/4 |
| 47 | | Brooks, Jeffrey | | M | Nov. 5, 1948 | 1/4 |
| 48 | | Brooks, Mary Gayle | | F | June 7, 1953 | 1/4 |
| 49 | 302 | Brooks, Nadine Mercier | | F | May 15, 1920 | 1/2 |
| 50 | 45 | Brown, John Mercier | | M | Sept. 22, 1919 | 1/8 |
| 51 | | Brown, John, Jr | | M | Sept. 20, 1947 | 1/16 |
| 52 | | Brown, Robert | | M | Nov. 11, 1950 | 1/16 |
| 53 | 44 | Brown, Thomas Francis | | M | Aug. 1, 1917 | 1/8 |
| 54 | 30 | Bueno, Lavina V. (Hobb) | | F | Sept. 1, 1917 | 5/8 |
| 55 | 31 | Bueno, Rudolph | | M | June 29, 1941 | 5/8 |
| 56 | 333 | Burr, May H. (Pettie) | | F | May 24, 1918 | 13/32 |
| 57 | | Burr, Patricia | | F | Aug. 17, 1940 | 13/32 |
| 58 | 295 | Butler, Lois (Leno) | | F | Apr. 18, 1934 | 3/4 |
| 59 | | Carlton, Gene | | M | Mar. 13, 1916 | 1/8 |
| 60 | | Carlton, Nellie Shinville | | F | June 14, 1897 | 1/4 |
| 61 | | Carlton, Raymond | | M | | 1/8 |
| 62 | 39 | Calaffa, Josephine Tito | | F | July 11, 1911 | 3/4 |
| 63 | 37 | Chandler, Dennis Carl | | M | July 24, 1942 | 1/2 |
| 64 | 34 | Chandler, Geneva Haller | | F | Dec. 20, 1921 | 5/8 |
| 65 | 35 | Chandler, Grace Ellen | | F | Feb. 24, 1939 | 1/2 |
| 66 | 38 | Chandler, Joyce Ann | | F | Jan. 19, 1943 | 1/2 |
| 67 | 36 | Chandler, LeRoy Mack | | M | Oct. 25, 1940 | 1/2 |
| 68 | 40 | Chavez, Lizzie | | F | 1895 | 3/4 |
| 69 | 42 | Conrad, Esther | | F | June 28, 1902 | 1/4 |
| 70 | 43 | Cook, Elise Mercier | | F | Sept. 30, 1895 | 1/4 |
| 71 | 198 | Cook, Ivanetta | | F | Dec. 4, 1920 | 9/32 |
| 72 | | Cook, Lynn C | | M | Dec. 4, 1946 | 9/64 |
| 73 | | Cook, Marcus K | | M | Dec. 27, 1949 | 9/64 |
| 74 | | Cook, Michael K | | M | Dec. 27, 1949 | 9/64 |
| 75 | | Cook, Pamela Jane | | F | Sept. 25, 1952 | 9/64 |
| 76 | | Cook, Patrick G | | M | Apr. 6, 1948 | 9/64 |
| 77 | 46 | Copeland, Alvina | | F | Mar. 10, 1902 | 1/16 |
| 78 | 48 | Copeland, Josephine | | F | Mar. 1, 1923 | 1/32 |
| 79 | 49 | Copeland, Teresa | | F | Jan. 12, 1927 | 1/32 |
| 80 | 47 | Copeland, Veronica | | F | Apr. 27, 1921 | 1/32 |
| 81 | 51 | Countryman, Herman | | M | Oct. 9, 1904 | 1/4 |
| 82 | 53 | Countryman, Iva M | | F | Feb. 25, 1903 | 1/4 |
| 83 | 52 | Countryman, John | | M | Nov. 29, 1900 | 1/4 |
| 84 | 50 | Countryman, Mary Susie | | F | Aug. 9, 1876 | 1/2 |
| 85 | | Countryman, Rita M | | F | Feb. 22, 1948 | 1/8 |

FINAL ROLL OF MEMBERS OF THE CONFEDERATED TRIBES OF THE GRAND RONDE COMMUNITY PURSUANT TO SECTION 3 OF THE ACT OF AUG. 13, 1954, PUBLIC LAW 588—Continued

| New roll No. | Old roll No. | Name | Allotment No. | Sex | Date of birth | Degree of blood |
|---|---|---|---|---|---|---|
| 86 | 54 | Countryman, Samuel C | | M | Feb. 21, 1904 | 1/4 |
| 87 | | Craig, Joyce | | F | Feb. 1, 1946 | 1/16 |
| 88 | | Craig, Robert | | M | Aug. 22, 1947 | 1/16 |
| 89 | | Craig, Sharon Mercier | | F | Dec. 5, 1917 | 1/2 |
| 90 | | Craig, Thomas I | | M | Dec. 11, 1908 | 1/8 |
| 91 | 111 | Crane, Ellen | | F | Jan. 15, 1887 | 1/4 |
| 92 | | Crane, Clarice Holmes | | F | Nov. 11, 1927 | 1/2 |
| 93 | | Crane, Joyce Lynn | | F | Dec. 14, 1953 | 1/4 |
| 94 | | Crowley, James | | M | Dec. 19, 1908 | 7/16 |
| 95 | | Crowley, Jean | | F | Aug. 20, 1918 | 1/2 |
| 96 | | Crowley, Lorraine Leno | | F | Jan. 1, 1943 | 1/2 |
| 97 | 177 | Croy, Delmore | | M | Oct. 18, 1946 | 1/2 |
| 98 | | Croy, Delmore Jr | | M | July 21, 1930 | 1/2 |
| 99 | | Croy, Madelin Lola | | F | Sept. 21, 1954 | 1/4 |
| 100 | 55 | Cumminham, Kate | | F | Mar. 6, 1883 | 1/2 |
| 101 | | Cureton, Coreat Fae | | F | Nov. 13, 1940 | 1/2 |
| 102 | | Cureton, Laura Lee | | F | July 9, 1950 | 5/16 |
| 103 | 123 | Cureton, Phyllis Hailer | | F | June 25, 1930 | 5/8 |
| 104 | | Curetun, Victor G | | M | Nov. 6, 1951 | 5/16 |
| 105 | | Curl, Mary Ann | | F | May 28, 1951 | 1/4 |
| 106 | 136 | Curl, Juanita Norwest | | F | Mar. 31, 1900 | 3/16 |
| 107 | 490 | Darling, Gwendolyn Leno | | F | Apr. 2, 1899 | 1/2 |
| 108 | | Darling, Larry | | M | June 7, 1937 | 7/32 |
| 109 | | Davidson, April | | F | Feb. 10, 1870 | 1/8 |
| 110 | | Davidson, Arzzie Dowd | | F | Sept. 7, 1941 | 3/8 |
| 111 | | Davidson, Clare | | F | Jan. 2, 1943 | 3/4 |
| 112 | 114 | Davidson, Clyo Sulkey | | M | Apr. 17, 1905 | 3/4 |
| 113 | | Davidson, Harold | | M | May 10, 1944 | 3/8 |
| 114 | | Davidson, Opal Mercier | | F | Dec. 16, 1943 | 7/16 |
| 115 | 119 | Davis, Dorothy Lafferty (now Webb) | | F | Dec. 13, 1925 | 1/8 |
| 116 | 115 | Davis, Howard | | M | July 27, 1914 | 1/2 |
| 117 | | Davis, Marvin | | M | Sept. 29, 1947 | 5/8 |
| 118 | 62 | Day, Alexander | | M | Feb. 5, 1945 | 7/16 |
| 119 | 63 | Day, Clifford | | M | July 22, 1908 | 7/16 |
| 120 | 64 | Day, Floyd Joseph | | M | July 22, 1918 | 3/8 |
| 121 | 75 | Dowd, Barbara Jean | | F | Aug. 24, 1921 | 3/8 |
| 122 | 76 | Dowd, Daniel Rex | | M | May 23, 1947 | 7/16 |
| 123 | 67 | Dowd, Dorothy | | F | May 25, 1941 | 1/16 |
| 124 | 77 | Dowd, Drew Rex | | M | Apr. 28, 1908 | 1/2 |
| 125 | 68 | Dowd, Elnora Ann | | F | May 27, 1944 | 1/16 |
| 126 | 69 | Dowd, George H | | M | July 13, 1943 | 1/32 |
| 127 | | Dowd, George William | 47 | M | Sept. 11, 1886 | 1/8 |
| 128 | 129 | Dowd, Grace William | | F | Oct. 25, 1953 | 1/32 |
| 129 | 85 | Dowd, Ila Hudson | | F | Dec. 30, 1918 | 3/4 |
| 130 | 82 | Dowd, Jo Ann | | F | Nov. 30, 1944 | 7/32 |
| 131 | 84 | Dowd, Joseph | | M | June 10, 1903 | 9/16 |
| 132 | 71 | Dowd, Judith Dawn | | F | July 6, 1945 | 1/32 |
| 133 | 80 | Dowd, Mary Louise | | F | Jan. 3, 1917 | 1/32 |
| 134 | 72 | Dowd, Mary Patricia | | F | Sept. 21, 1941 | 1/32 |
| 135 | | Dowd, Michael | | M | June 25, 1940 | 1/32 |
| 136 | | Dowd, Michael V | | M | Oct. 4, 1905 | 1/32 |
| 137 | 71 | Dowd, Patrick Vincent | | M | Mar. 14, 1947 | 1/32 |
| 138 | 81 | Dowd, Susan Ruth | | F | Sept. 28, 1945 | 1/32 |
| 139 | | Dowd, Thomas Vincent | | M | Feb. 20, 1906 | 9/16 |
| 140 | 70 | Dowd, Vilas G | | M | Jan. 19, 1953 | 5/16 |
| 141 | 79 | Dowd, Vincent J | | M | Aug. 4, 1942 | 1/16 |
| 142 | 338 | Downs, Bertha Menard | | F | June 7, 1953 | 5/8 |
| 143 | 87 | Drake, Oleta Riggs | | F | May 14, 1943 | 5/8 |
| 144 | 88 | Drake, Rattle Riggs | | M | July 1, 1934 | 5/8 |
| 145 | 91 | Ducharme, Harold Dennis | | M | May 14, 1943 | 5/8 |
| 146 | 90 | Ducharme, Violet | | F | Mar. 13, 1941 | 5/8 |
| 147 | 92 | Ducharme, Yvonne R | | F | Mar. 15, 1949 | 5/16 |
| 148 | | Dugan, Clark | | M | Mar. 28, 1909 | 5/8 |
| 149 | 493 | Dugan, Frances Snyder | | F | Mar. 18, 1924 | 1/4 |
| 150 | | Durschmidt, Bill Jr | | M | Jan. 13, 1932 | 5/16 |
| 151 | | Durschmidt, Florence Martine | | F | Sept. 2, 1926 | 5/16 |
| 152 | 204 | Durschmidt, Florence C | | F | Jan. 1, 1930 | 5/8 |
| 153 | 41 | Emery, Zelda Dick | | F | Sept. 19, 1905 | 5/8 |
| 154 | | Engelhardt, Grace A | | F | Mar. 24, 1922 | 1/4 |
| 155 | | Erickson, Delores J | | F | Aug. 15, 1932 | 5/32 |
| 156 | 57 | Erickson, Florence R | | F | Dec. 30, 1940 | 5/16 |
| 157 | | Erickson, Richard L | | M | Feb. 13, 1921 | 5/32 |
| 158 | | Erickson, Sharon M | | F | Dec. 6, 1943 | 5/32 |
| 159 | | Foster, Darraline L | | F | Feb. 23, 1942 | 1/4 |
| 160 | | Foster, Deborah M | | F | Dec. 25, 1949 | 1/4 |
| 161 | | Foster, Esther R | | F | Sept. 9, 1952 | 1/4 |
| 162 | | Foster, Lauretta H | | F | May 12, 1931 | 1/2 |
| 163 | 66 | Hibbs, Thelma Warren | | F | Sept. 19, 1913 | 1/2 |
| 164 | 135 | Hibbs, Thelma Warren | | F | Sept. 19, 1913 | 3/4 |



FINAL ROLL OF MEMBERS OF THE CONFEDERATED TRIBES OF THE GRAND RONDE COMMUNITY PURSUANT TO SECTION 3 OF THE ACT OF AUG. 13, 1954, PUBLIC LAW 588—Continued

| New roll No. | Old roll No. | Name | Allotment No. | Sex | Date of birth | Degree of blood |
|---|---|---|---|---|---|---|
| 320 | | Johnson, Louise Clarice | | F | July 24, 1947 | 1/8 |
| 321 | 492 | Johnson, Mary Snider | | F | June 27, 1925 | Full |
| 322 | 189 | Johnson, Pauline Cora | | F | Apr. 26, 1905 | 1/4 |
| 323 | | Johnson, Regina | | F | Apr. 9, 1951 | 1/2 |
| 324 | | Johnson, Roy, Jr | | M | Jan. 6, 1945 | 1/8 |
| 325 | | Jones, Dorothy J | | F | May 23, 1917 | 1/8 |
| 326 | 192 | Jones, Harold William | | M | Dec. 24, 1952 | 7/8 |
| 327 | | Jones, Harold W., Jr | | M | Aug. 27, 1948 | 3/4 |
| 328 | | Jones, Naomi Kathryn | | F | Dec. 5, 1945 | 7/8 |
| 329 | 195 | Jones, Norma | | F | Feb. 9, 1933 | 3/4 |
| 330 | 194 | Jones, Robert L | | M | Sept. 27, 1929 | 3/4 |
| 331 | | Jones, Vera Cline | | F | Aug. 26, 1952 | 3/8 |
| 332 | 197 | Kenworthy, Mary Pettie | | F | Feb. 27, 1905 | 1/2 |
| 333 | 417 | Kessel, Zelda McKnight | | F | Dec. 12, 1917 | 3/4 |
| 334 | 203 | Kinsey, Marvin Loren | | M | Dec. 2, 1948 | 3/4 |
| 335 | 200 | Kinsey, Nora Loren | | F | Oct. 1, 1926 | 3/4 |
| 336 | | Kipp, Ethel Miller | | F | Oct. 18, 1948 | 1/8 |
| 337 | | Kipp, Gail | | F | Sept. 15, 1950 | 1/4 |
| 338 | | Kipp, Kevin | | M | Sept. 15, 1950 | 1/8 |
| 339 | 124 | Knight, Brenda Sue | | F | Oct. 31, 1931 | 5/16 |
| 340 | | Knight, Loretta Ann | | F | June 28, 1932 | 5/16 |
| 341 | | Knight, Ronald | | M | 1901 | Full |
| 342 | | Knight, Clifford | | M | 1905 | Full |
| 343 | | Knighton, Mary | | F | 1899 | Full |
| 344 | | LaBonte, Carol | | F | Mar. 9, 1944 | 1/2 |
| 345 | 212 | LaBonte, Esther | | F | 1852 | Full |
| 346 | | LaBonte, Eugene | | M | Dec. 10, 1942 | 1/2 |
| 347 | 206 | LaBonte, Floyd | | M | July 7, 1941 | 1/2 |
| 348 | | LaBonte, Gene Ann | | F | June 26, 1896 | 3/8 |
| 349 | 124 | LaBonte, Joseph A | | M | June 9, 1910 | 1/2 |
| 350 | | Knight, Loretta Ann | | F | Aug. 1, 1940 | 33/64 |
| 351 | 234 | LaChance, Alfred | | M | Feb. 23, 1933 | 3/8 |
| 352 | 232 | LaChance, Alvin | | M | Mar. 22, 1952 | 3/16 |
| 353 | | LaChance, Alvin, Jr | | M | May 13, 1899 | 1/2 |
| 354 | 219 | LaChance, Benjamin H | | M | Sept. 11, 1923 | 3/8 |
| 355 | | LaChance, Benjamin J | | M | Feb. 18, 1943 | 3/16 |
| 356 | | LaChance, Dora H | | F | Jan. 1, 1892 | 1/4 |
| 357 | 217 | LaChance, Elinore Gladys (now Crowler) | | F | Dec. 13, 1899 | 33/64 |
| 358 | 228 | LaChance, Edwin | | M | Aug. 21, 1899 | 1/2 |
| 359 | 233 | LaChance, Gary R | | M | Aug. 12, 1947 | 1/8 |
| 360 | 222 | LaChance, Harvey | | M | May 6, 1915 | 1/4 |
| 361 | | LaChance, Harvey R | | M | Aug. 18, 1885 | 1/4 |
| 362 | 223 | LaChance, Marie | | F | Sept. 6, 1913 | 3/16 |
| 363 | 238 | LaChance, Nan Christine | | F | Sept. 26, 1950 | 1/4 |
| 364 | | LaChance, Narcisse | 1/2 | F | Oct. 31, 1875 | 1/4 |
| 365 | 227 | LaChance, Norn T | | F | July 17, 1909 | 1/4 |
| 366 | 229 | LaChance, Prosper | | M | Oct. 11, 1895 | 1/4 |
| 367 | 230 | LaChance, Ralph | | M | Apr. 9, 1914 | 9/32 |
| 368 | | LaChance, Sharon Gale | | F | Apr. 6, 1945 | 5/32 |
| 369 | | LaChance, Thomas LeRoy | | M | May 23, 1949 | 1/8 |
| 370 | | LaFerty, Elizabeth | | F | Mar. 9, 1931 | 1/2 |
| 371 | | LaFerty, Gerald A | | M | Jan. 25, 1920 | 1/4 |
| 372 | | LaFerty, Kenneth | | M | Dec. 20, 1938 | 1/2 |
| 373 | | LaFerty, Norma | | F | Mar. 1, 1926 | 1/2 |
| 374 | | LaFerty, Vernon | | M | Mar. 24, 1914 | 1/4 |
| 375 | 215 | Lamkin, Carl | | M | Aug. 29, 1921 | 1/4 |
| 376 | 211 | Lamkin, Charles | | M | Mar. 22, 1942 | 1/4 |
| 377 | | Lamkin, Dolores | | F | Aug. 29, 1921 | 1/4 |
| 378 | | Lamkin, Mary Ann | | F | Sept. 17, 1922 | 1/4 |
| 379 | | Lamkin, Robert Allen | | M | Aug. 29, 1921 | 1/4 |
| 380 | | Lamkin, Sandra Lee | | F | Jan. 4, 1923 | 1/4 |
| 381 | | Lamkin, Vernon | | M | Sept. 29, 1917 | 1/8 |
| 382 | | Langley, Catherine Ann | | F | Dec. 20, 1940 | 1/8 |
| 383 | | Langley, Clinton | | M | Sept. 29, 1910 | 1/4 |
| 384 | | Langley, Dale | | M | June 4, 1941 | 1/2 |
| 385 | 248 | Langley, Elis Jack | | M | Nov. 25, 1951 | 15/32 |
| 386 | 253 | Langley, Erwin William | | M | Oct. 14, 1934 | 5/8 |
| 387 | 247 | Langley, Evelyn J | | F | Sept. 15, 1903 | 1/4 |
| 388 | 249 | Langley, Harry A | | M | Mar. 3, 1937 | 1/4 |
| 389 | 240 | Langley, Ira | | M | Oct. 18, 1906 | 1/4 |
| 390 | 244 | Langley, James L | | M | July 30, 1919 | 1/4 |
| 391 | 258 | Langley, Lenora M | | F | Apr. 7, 1885 | 1/8 |
| 392 | | Langley, Louise | | F | Sept. 29, 1917 | 1/4 |
| 393 | 251 | Langley, Ivan | | M | Oct. 21, 1903 | 1/4 |
| 394 | 252 | Langley, Ivan, Jr | | M | Oct. 21, 1953 | 1/8 |
| 395 | | Langley, Joel | | M | Sept. 30, 1951 | 1/4 |
| 396 | | Langley, Joely | | F | Sept. 25, 1953 | 1/8 |
| 397 | 254 | Langley, Joseph | | M | July 6, 1899 | 5/8 |
| 398 | | Langley, Kerma Marie | | F | July 12, 1953 | 15/64 |
| 399 | | Langley, Kerma Rae | | F | Nov. 6, 1949 | 1/8 |

FINAL ROLL OF MEMBERS OF THE CONFEDERATED TRIBES OF THE GRAND RONDE COMMUNITY PURSUANT TO SECTION 3 OF THE ACT OF AUG. 13, 1954, PUBLIC LAW 588—Continued

| New roll No. | Old roll No. | Name | Allotment No. | Sex | Date of birth | Degree of blood |
|---|---|---|---|---|---|---|
| 398 | 265 | Langley, Leonard LeRoy | | M | July 10, 1937 | 15/32 |
| 399 | 263 | Langley, Marvin John | | M | Feb. 20, 1941 | 5/8 |
| 400 | | Langley, Michael | | M | Mar. 4, 1950 | 3/16 |
| 401 | 262 | Langley, Myrna Jean | | F | Jan. 27, 1939 | 5/8 |
| 402 | 261 | Langley, Nerita Mary | | F | Mar. 18, 1937 | 5/8 |
| 403 | 255 | Langley, Oral | | M | July 6, 1911 | 7/16 |
| 404 | 257 | Langley, Roscoe Earl | | M | Aug. 4, 1909 | 1/2 |
| 405 | 259 | Langley, Roscoe, Jr | | M | Dec. 30, 1932 | 5/8 |
| 406 | 258 | Langley, Rosella Leno | | F | Apr. 15, 1914 | 3/4 |
| 407 | 264 | Langley, Roy N | | M | Nov. 1, 1907 | 7/16 |
| 408 | | Langley, Sadie Johnson | | F | | 1/2 |
| 409 | | Langley, Sandra Lois | | F | Apr. 8, 1947 | 5/8 |
| 410 | 250 | Langley, Sharon Eileen | | F | July 13, 1941 | 7/16 |
| 411 | | Langley, Sheila Diane | | F | Mar. 4, 1951 | 3/16 |
| 412 | 256 | Langley, William | | M | June 3, 1926 | 7/16 |
| 413 | 272 | Larsen, Carol Ann | | F | Feb. 11, 1946 | 7/16 |
| 414 | 270 | Larsen, Edward, Jr | | M | Dec. 4, 1943 | 7/16 |
| 415 | 268A | Larsen, Edward F | | M | Mar. 24, 1916 | 3/8 |
| 416 | 271 | Larsen, Jeanne L | | F | Mar. 29, 1948 | 7/16 |
| 417 | 273 | Larsen, Michael J | | M | Aug. 4, 1945 | 7/16 |
| 418 | | Larsen, Susan Rose | | F | Oct. 28, 1951 | 7/16 |
| 419 | 269 | Larsen, Verna Riggs | | F | July 8, 1916 | 1/2 |
| 420 | | Lash, Betty Ann | | F | Dec. 12, 1949 | 3/8 |
| 421 | | Lash, Jack W | | M | Apr. 15, 1953 | 3/8 |
| 422 | 278 | Lash, Linda Marcia | | F | May 13, 1947 | 3/8 |
| 423 | | Lash, Sandra Mae | | F | Jan. 15, 1949 | 3/8 |
| 424 | 277 | Lash, Vera Leno | | F | Feb. 22, 1924 | 3/4 |
| 425 | | Lawe, Dianne | | F | Nov. 16, 1941 | 1/2 |
| 426 | 274 | Lawe, Dorothy McKnight | | F | Mar. 11, 1920 | 1/4 |
| 427 | | Lawe, Renee | | F | Feb. 22, 1940 | 1/2 |
| 428 | 275 | Lawney, Abe (Tom) | | M | Apr. 5, 1891 | Full |
| 429 | 276A | Lawney, Elmer (Tom) | | M | Mar. 13, 1908 | 3/4 |
| 430 | 291 | Leno, Adeline Robinson | 109 | F | Apr. 14, 1888 | Full |
| 431 | 287 | Leno, Arnold | | M | Mar. 14, 1924 | 3/4 |
| 432 | | Leno, Charles R | | M | Apr. 18, 1951 | 3/8 |
| 433 | | Leno, Colleen | | F | Nov. 14, 1940 | 3/8 |
| 434 | | Leno, Darlene Marie | | F | Nov. 25, 1948 | 1/2 |
| 435 | 289 | Leno, David Arnold | | M | Oct. 27, 1942 | 1/2 |
| 436 | 279 | Leno, David | | M | Dec. 8, 1892 | 1/2 |
| 437 | | Leno, Deborah Lynn | | F | May 2, 1953 | 3/8 |
| 438 | | Leno, Dorothy R | | F | May 10, 1954 | 1/2 |
| 439 | 297 | Leno, Edwin B | | M | May 20, 1910 | 7/16 |
| 440 | 294 | Leno, Edwin Michael | | M | Sept. 7, 1937 | 17/32 |
| 441 | 280 | Leno, Emma | | F | Sept. 15, 1893 | Full |
| 442 | 290 | Leno, George | 110 | M | May 24, 1885 | 1/2 |
| 443 | 293 | Leno, Gus | | M | Apr. 2, 1900 | 1/2 |
| 444 | 296 | Leno, Hattie | 68 | F | May 4, 1881 | Full |
| 445 | 288 | Leno, Maxine McKnight | | F | Jan. 24, 1922 | 1/4 |
| 446 | 286 | Leno, Merle | | M | May 9, 1932 | 3/4 |
| 447 | | Leno, Michael Harvey | | M | May 5, 1946 | 3/8 |
| 448 | 294 | Leno, Mildred Isaac | | F | June 17, 1902 | Full |
| 449 | 300 | Leno, Nathan | | M | Mar. 11, 1909 | 3/4 |
| 450 | 282 | Leno, Orville A | | M | Jan. 9, 1919 | 3/4 |
| 451 | 298 | Leno, Patricia K | | F | May 14, 1939 | 17/32 |
| 452 | 331 | Leno, Ramona McKnight | | F | Oct. 25, 1929 | 1/4 |
| 453 | | Leno, Reynold | | M | Nov. 6, 1950 | 1/2 |
| 454 | | Leno, Robert M | | M | June 5, 1951 | 1/2 |
| 455 | 285 | Leno, Russell | | M | June 11, 1927 | 3/4 |
| 456 | | Leno, Thomas Elery | | M | Mar. 25, 1949 | 1/2 |
| 457 | 292 | Leno, Tillman | | F | June 22, 1859 | 1/4 |
| 458 | 283 | Leno, Wilmer A | | M | Sept. 6, 1921 | 3/4 |
| 459 | | Lewis, Deborah | | F | Sept. 13, 1950 | 1/4 |
| 460 | 304 | Lewis, Gary Wayne | | M | Mar. 2, 1943 | 1/4 |
| 461 | 303 | Lewis, Karen Lee | | F | Aug. 13, 1941 | 1/4 |
| 462 | | Lewis, Larry | | M | Jan. 22, 1952 | 1/4 |
| 463 | 302 | Lewis, Norma Mercier | | F | Nov. 22, 1922 | 1/2 |
| 464 | | Lewis, Thomas | | M | Mar. 25, 1954 | 1/4 |
| 465 | 305 | Lillard, Blanche Ford | | F | Apr. 8, 1918 | 1/2 |
| 466 | | Lillard, John August | | M | Feb. 20, 1949 | 1/4 |
| 467 | | Lillard, Norma Jean | | F | July 3, 1944 | 1/4 |
| 468 | | Lillard, Yvonne Rose | | F | Sept. 12, 1953 | 1/4 |
| 469 | 522 | Linton, Carolyn Marie | | F | Oct. 16, 1936 | 1/4 |
| 470 | | Linton, Christine | | F | Mar. 19, 1952 | 3/16 |
| 471 | 306 | Linton, Geraldine Mercier | | F | Aug. 3, 1913 | 5/16 |
| 472 | 307 | Linton, Gordon W | | M | Nov. 3, 1933 | 5/32 |
| 473 | 309 | Linton, Thomas Leslie | | M | Jan. 11, 1939 | 5/32 |
| 474 | | Lockwood, Betty Lou | | F | Mar. 5, 1947 | 1/8 |
| 475 | | Lockwood, Rose Larsen | | F | Oct. 17, 1890 | 1/2 |

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| New roll No. | Old roll No. | Name | Allotment No. | Sex | Date of birth | Degree of blood |
|---|---|---|---|---|---|---|
| 476 | | Logsden, Maxine Belgard | | F | Jan. 4, 1926 | 3/4 |
| 477 | | Logsden, Rachel | | F | June 3, 1896 | 3/4 |
| 478 | 310 | Long, Eric | | M | Mar. 2, 1909 | 3/4 |
| 479 | 311 | Long, Cora Voutrin | | F | Sept. 8, 1904 | 1/2 |
| 480 | | McCarthy, Gerald | | M | Dec. 31, 1921 | 1/8 |
| 481 | | McCarthy, Lillian | | F | Mar. 2, 1906 | 1/4 |
| 482 | | McCarthy, Terrance | | M | Apr. 21, 1926 | 1/8 |
| 483 | 153 | McCoy, Vivian | | F | Dec. 24, 1925 | Full |
| 484 | | McEachran, Barbara Jean | | F | Aug. 8, 1947 | 1/4 |
| 485 | | McEachran, George W | | M | July 6, 1948 | 1/4 |
| 486 | 23 | McEachran, Priscilla Howe | | F | Apr. 20, 1922 | 1/2 |
| 487 | | McEachran, Richard D | | M | Aug. 13, 1949 | 1/4 |
| 488 | 318 | McGee, Arthur R | | M | Jan. 17, 1950 | 1/4 |
| 489 | | McGee, David | | M | May 16, 1953 | 1/4 |
| 490 | | McGee, Dennis M | | M | Oct. 17, 1944 | 1/4 |
| 491 | 322 | McGee, Diana Mae | | F | June 30, 1942 | 17/32 |
| 492 | 320 | McGee, Edna Tom | | F | June 12, 1922 | Full |
| 493 | 317 | McGee, Frederick A | | M | Nov. 3, 1929 | 1/2 |
| 494 | | McGee, Joseph | | M | Apr. 19, 1951 | 1/4 |
| 495 | | McGee, Laura Jane | | F | Apr. 30, 1945 | Full |
| 496 | 321 | McGee, Richard L | | M | May 5, 1941 | 3/4 |
| 497 | 319 | McGee, Richard Melvin | | M | June 2, 1916 | 1/2 |
| 498 | | McGee, Ronald S | | M | July 23, 1948 | 1/4 |
| 499 | 323 | McGee, Wilfred | | M | June 24, 1914 | 1/2 |
| 500 | | McGee, William Wilfred | | M | Apr. 26, 1952 | 1/4 |
| 501 | 324 | McKay, Joseph | | M | Sept. 15, 1886 | 1/4 |
| 502 | 325 | McKay, Joseph D | | M | Mar. 25, 1938 | 1/8 |
| 503 | 100 | McKinney, Josephine | | F | Apr. 17, 1901 | Full |
| 504 | 336 | McKnight, Barbara | | F | May 4, 1940 | 1/4 |
| 505 | 334 | McKnight, Beverly | | F | Aug. 27, 1935 | 1/4 |
| 506 | 327 | McKnight, Cleo G | | F | May 15, 1922 | 1/4 |
| 507 | 330 | McKnight, Elvira | | F | Mar. 21, 1901 | 1/2 |
| 508 | 337 | McKnight, Judith | | F | Oct. 2, 1944 | 1/4 |
| 509 | | McKnight, June Drake | | F | June 9, 1930 | 5/16 |
| 510 | | McKnight, Leslie James, I | | M | Dec. 2, 1948 | 1/8 |
| 511 | | McKnight, Lory Glen | | M | Nov. 23, 1952 | 1/8 |
| 512 | | McKnight, Melvin | | M | Dec. 5, 1937 | 1/4 |
| 513 | 326 | McKnight, Myrtle | | M | Dec. 28, 1898 | 1/2 |
| 514 | | McKnight, Rae Ann | | F | Oct. 1, 1952 | 9/32 |
| 515 | 328 | McKnight, Ray L | | M | May 29, 1924 | 1/4 |
| 516 | | McKnight, Richard | | M | Jan. 1, 1947 | 1/4 |
| 517 | 333 | McKnight, Robert | | M | June 19, 1934 | 1/4 |
| 518 | | McKnight, Steven LaVerne | | M | Sept. 8, 1951 | 9/32 |
| 519 | 332 | McKnight, Wayne | | M | June 24, 1933 | 1/4 |
| 520 | 339 | Menard, Lindsey | | M | Sept. 2, 1893 | Full |
| 521 | 341 | Mercier, Agnes Leno | | F | Feb. 27, 1889 | 3/8 |
| 522 | 340 | Mercier, Arthur J | 129 | M | June 10, 1884 | 1/4 |
| 523 | 350 | Mercier, Beverly | | F | Sept. 3, 1931 | 17/32 |
| 524 | 346 | Mercier, Blanche | | F | Sept. 30, 1918 | 1/2 |
| 525 | 343 | Mercier, Blandine Holmes | | F | Feb. 15, 1924 | 3/4 |
| 526 | | Mercier, Brice | | M | Sept. 1953 | 17/64 |
| 527 | | Mercier, Bruce | | M | May 12, 1953 | 5/32 |
| 528 | | Mercier, Carmel M | | F | Feb. 10, 1947 | 1/4 |
| 529 | | Mercier, Carmen M | | F | Aug. 7, 1951 | 17/64 |
| 530 | | Mercier, Carol Ann | | F | Feb. 21, 1948 | 17/32 |
| 531 | | Mercier, Cheryll | | F | Feb. 22, 1953 | 17/64 |
| 532 | | Mercier, Constance | | F | June 1, 1950 | 17/64 |
| 533 | 358 | Mercier, Crystal M | | F | Nov. 5, 1941 | 17/32 |
| 534 | 345 | Mercier, Darlene | | F | Nov. 27, 1946 | 17/32 |
| 535 | 356 | Mercier, Darrel | | M | Sept. 23, 1929 | 17/32 |
| 536 | | Mercier, David M | | M | June 13, 1949 | 5/32 |
| 537 | | Mercier, Dennis H | | M | Oct. 27, 1948 | 17/32 |
| 538 | 359 | Mercier, Francis L | | M | May 12, 1944 | 17/32 |
| 539 | 361 | Mercier, Gertrude Hudson | | F | Sept. 12, 1896 | 3/4 |
| 540 | 347 | Mercier, Harold | | M | Feb. 12, 1909 | 5/16 |
| 541 | 349 | Mercier, Harold D., Jr | | M | Apr. 18, 1930 | 17/32 |
| 542 | | Mercier, Harold D., III | | M | Jan. 10, 1950 | 17/64 |
| 543 | 352 | Mercier, Harry V | | M | Jan. 6, 1890 | 1/4 |
| 544 | 354 | Mercier, Hubert | | M | Sept. 22, 1910 | 5/16 |
| 545 | | Mercier, Jacqueline | | F | Aug. 10, 1951 | 17/64 |
| 546 | | Mercier, Joanne | | F | Oct. 1, 1951 | 5/32 |
| 547 | | Mercier, Joseph A | | M | Dec. 10, 1922 | 5/16 |
| 548 | | Mercier, Lennis H | | M | Oct. 27, 1948 | 17/32 |
| 549 | | Mercier, Lonnell J | | M | July 19, 1949 | 1/4 |
| 550 | | Mercier, Marian | | F | July, 1954 | 5/32 |
| 551 | | Mercier, Mark A | | M | Oct. 27, 1952 | 17/64 |
| 552 | 355 | Mercier, Martha Hudson | | F | Apr. 11, 1910 | 3/4 |
| 553 | | Mercier, Michael G | | M | Feb. 7, 1951 | 1/4 |



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| New roll No. | Old roll No. | Name | Allotment No. | Sex | Date of birth | Degree of blood |
|---|---|---|---|---|---|---|
| 554 | 353 | Mercier, Pearl Hudson | | F | Sept. 7, 1895 | 3/4 |
| 555 | 344 | Mercier, Robert J | | M | July 14, 1943 | 17/32 |
| 556 | 348 | Mercier, Velma Hudson | | F | Jan. 5, 1907 | 3/4 |
| 557 | 364 | Mercier, Vernon B | | M | July 27, 1915 | 1/2 |
| 558 | 365 | Mercier, Vincent M | | M | Nov. 25, 1916 | 1/2 |
| 559 | 357 | Mercier, Winston J | | M | Mar. 19, 1931 | 17/32 |
| 560 | 366 | Metcalf, Edward | 128 | M | Apr. 15, 1873 | Full |
| 561 | 367 | Michelle, Clarence | | M | May 1, 1897 | Full |
| 562 | | Michelle, Dolores R | | F | July 16, 1944 | Full |
| 563 | | Michelle, Francis C., Jr | | M | Dec. 27, 1924 | Full |
| 564 | | Michelle, Jacqueline | | F | Aug. 2, 1951 | Full |
| 565 | 309 | Michelle, Joseph (Corner) | 131 | M | June 16, 1868 | Full |
| 566 | 370 | Michelle, Mabel Knighton | | F | 1907 | Full |
| 567 | 368 | Michelle, Mary Ann | | F | Jan. 6, 1871 | Full |
| 568 | | Michelle, Nora M | | F | Apr. 9, 1922 | Full |
| 569 | | Michelle, Norma (Carmaine) | | F | Apr. 19, 1922 | Full |
| 570 | | Michelle, Orville V | | M | Dec. 28, 1936 | Full |
| 571 | 371 | Miller, Tenie Smith | | F | Mar. 20, 1912 | 1/2 |
| 572 | | Misfeldt, Thomas L | | M | July 4, 1940 | 9/64 |
| 573 | | Muttal, Betty (Carlton) | | F | July 20, 1922 | 1/8 |
| 574 | 242 | Neault, Margie Lafferty | | F | May 15, 1927 | 1/2 |
| 575 | | Neault, Marlene | | F | June 22, 1950 | 1/4 |
| 576 | | Neault, Sharon | | F | Oct. 21, 1951 | 1/4 |
| 577 | 373 | Nelson, Mary Arcino | | F | Mar. 30, 1876 | 1/2 |
| 578 | | Nichols, Donald Lee | | M | Apr. 14, 1947 | 1/8 |
| 579 | | Nichols, Georgianna | | F | Dec. 27, 1923 | 1/4 |
| 580 | | Nichols, Kenneth Dale | | M | May 9, 1946 | 1/8 |
| 581 | | Nichols, Linda Darlene | | F | Apr. 30, 1952 | 1/8 |
| 582 | | Nichols, Richard Dean | | M | Jan. 6, 1949 | 1/8 |
| 583 | 375 | Norwest, Alex | 142 | M | Jan. 6, 1876 | Full |
| 584 | 374 | Norwest, Alpheus | | M | July 19, 1900 | Full |
| 585 | 376 | Norwest, Leo | | M | Sept. 25, 1894 | Full |
| 586 | | Olney, John Kane | | M | July 13, 1905 | 1/16 |
| 587 | | Palmer, Mabel | | F | Feb. 9, 1904 | Full |
| 588 | 377 | Pearsall, Betty Haller | | F | May 14, 1920 | 5/8 |
| 589 | 378 | Pearsall, Edward M | | M | Jan. 10, 1948 | 5/16 |
| 590 | | Pearsall, Ronnie Daniel | | M | Feb. 1, 1950 | 5/16 |
| 591 | 93 | Pellum, Marie Sorenson | | F | June 8, 1908 | 1/4 |
| 592 | 329 | Peters, Audrey McKnight | | F | Feb. 18, 1926 | 1/4 |
| 593 | 380 | Peters, Albert B | | M | Mar. 8, 1921 | 1/4 |
| 594 | | Peters, Audrey Marie | | F | Jan. 31, 1951 | 1/8 |
| 595 | 381 | Peters, Henry D., Jr | | M | June 20, 1924 | 1/4 |
| 596 | | Peters, Lavern C | | F | May 18, 1951 | 1/2 |
| 597 | 284 | Peters, Margaret Leno | | F | May 7, 1925 | 3/4 |
| 598 | 379 | Peters, Mary | | F | Mar. 13, 1900 | 1/2 |
| 599 | | Peters, Marlene A | | F | Dec. 22, 1952 | 1/2 |
| 600 | | Peters, Marsha L | | F | June 27, 1949 | 1/2 |
| 601 | | Peters, Nona M | | F | Apr. 4, 1948 | 1/2 |
| 602 | | Peters, Wayne Larry | | M | Aug. 6, 1946 | 1/8 |
| 603 | | Petite, Alice Jane | | F | May 29, 1950 | 13/32 |
| 604 | 188 | Petite, Amelia Isaac | | F | Mar. 15, 1912 | Full |
| 605 | 393 | Petite, Annabelle C | | F | July 12, 1939 | 13/32 |
| 606 | 391 | Petite, Ben Gene | | M | May 28, 1932 | 13/32 |
| 607 | | Petite, Cheri | | F | July 11, 1941 | 14/32 |
| 608 | 396 | Petite, Delores | | F | June 17, 1926 | 9/32 |
| 609 | | Petite, Dormalee | | F | Dec. 27, 1953 | 13/64 |
| 610 | 383 | Petite, Edward | 266 | M | July 2, 1876 | 1/2 |
| 611 | 384 | Petite, Edwin Paul | | M | Jan. 18, 1906 | 9/16 |
| 612 | 386 | Petite, Ernest Earl | | M | Sept. 16, 1952 | 13/64 |
| 613 | 387 | Petite, Ethel | | F | May 17, 1888 | 1/4 |
| 614 | 385 | Petite, Eula Hudson | | F | Nov. 27, 1911 | 3/4 |
| 615 | | Petite, Henry Dwight | | M | Sept. 29, 1948 | 13/32 |
| 616 | 397 | Petite, James | | M | May 22, 1896 | 9/16 |
| 617 | 388 | Petite, James Alvin | | M | May 24, 1923 | 13/32 |
| 618 | | Petite, Jeanne | | F | Feb. 15, 1947 | 13/64 |
| 619 | 392 | Petite, Lovey G | | F | Apr. 19, 1937 | 13/32 |
| 620 | 390 | Petite, Melvin | | M | Oct. 19, 1927 | 13/32 |
| 621 | 399 | Petite, Patricia | | F | Mar. 17, 1940 | 14/32 |
| 622 | 401 | Petite, Pete | | M | May 7, 1910 | 9/16 |
| 623 | 389 | Petite, Raymond | | M | May 31, 1925 | 13/32 |
| 624 | 395 | Petite, Raymond, Jr | | M | Oct. 13, 1947 | 13/64 |
| 625 | 394 | Petite, Violet | | F | Dec. 9, 1942 | 13/64 |
| 626 | 396 | Petite, Vivian Gladys | | F | July 7, 1944 | 13/64 |
| 627 | | Petite, Yvonne | | F | Jan. 17, 1944 | 13/64 |
| 628 | | Phelps, Caroleen Ritz | | F | Nov. 8, 1942 | 1/2 |
| 629 | 403 | Phelps, Jolene Kay | | F | Nov. 22, 1936 | 1/2 |
| 630 | | Phelps, Jaxeine Karla | | F | Feb. 12, 1947 | 1/2 |
| 631 | 402 | Phelps, Nettie Eva Smith | | F | Dec. 23, 1908 | 1/2 |

FINAL ROLL OF MEMBERS OF THE CONFEDERATED TRIBES OF THE GRAND RONDE COMMUNITY PURSUANT TO SECTION 3 OF THE ACT OF AUG. 13, 1954, PUBLIC LAW 588—Continued

| New roll No. | Old roll No. | Name | Allotment No. | Sex | Date of birth | Degree of blood |
|---|---|---|---|---|---|---|
| 632 | 405 | Pichette, Barbara | | F | Apr. 20, 1934 | 5/16 |
| 633 | 411 | Pichette, Carol Jo | | F | Jan. 31, 1944 | 5/16 |
| 634 | 404 | Pichette, David L | | M | Mar. 28, 1908 | 5/8 |
| 635 | 407 | Pichette, Earl R | | M | July 20, 1919 | 5/8 |
| 636 | | Pichette, Jimmy J | | M | Aug. 24, 1942 | 5/16 |
| 637 | 408 | Pichette, John B., Jr | | M | Apr. 27, 1921 | 5/8 |
| 638 | | Pichette, Judy Dale | | F | Aug. 24, 1942 | 5/16 |
| 639 | 406 | Pichette, Leonard | | M | Dec. 11, 1936 | 5/16 |
| 640 | 409 | Pichette, Oren G | | M | Apr. 7, 1913 | 5/8 |
| 641 | 410 | Pichette, Oren Jack | | M | Sept. 17, 1941 | 5/16 |
| 642 | 412 | Porter, Frances Houck | | F | Nov. 28, 1891 | 1/2 |
| 643 | | Provost, Jacqueline E | | F | Oct. 14, 1951 | 5/16 |
| 644 | | Provost, Kathleen L | | F | Apr. 14, 1950 | 5/16 |
| 645 | | Provost, Margaret June | | F | June 11, 1930 | 5/8 |
| 646 | | Purchase, Michael Gregg | | M | May 3, 1942 | 1/8 |
| 647 | 430 | Quenelle, Carol E | | F | Apr. 10, 1939 | 3/4 |
| 648 | 431 | Quenelle, Delores E | | F | Dec. 18, 1940 | 3/4 |
| 649 | 432 | Quenelle, Donald J | | M | Dec. 11, 1942 | 3/4 |
| 650 | | Quenelle, Eileen S | | F | Dec. 15, 1952 | 3/4 |
| 651 | 433 | Quenelle, Evelyn T | | F | Apr. 15, 1945 | 3/4 |
| 652 | 414 | Quenelle, Fabian | | M | Mar. 25, 1890 | Full |
| 653 | 434 | Quenelle, Larry J | 164 | M | Aug. 11, 1947 | 3/4 |
| 654 | 426 | Quenelle, Leonard J | | M | Jan. 4, 1905 | 3/4 |
| 655 | 428 | Quenelle, Leonard Jr | | M | July 4, 1935 | 3/4 |
| 656 | 427 | Quenelle, Lizette | | F | Dec. 14, 1911 | 3/4 |
| 657 | 416 | Ramoz, Betty Riggs | | F | Dec. 29, 1925 | 5/8 |
| 658 | | Ramoz, Iola Marie | | F | June 19, 1951 | 5/16 |
| 659 | | Ramoz, Rodney D | | M | Aug. 23, 1952 | 5/16 |
| 660 | 417 | Ramoz, Victoria J | | F | Jan. 5, 1947 | 5/16 |
| 661 | 33 | Ray, Florene Boydston | | F | Feb. 10, 1917 | 1/8 |
| 662 | | Ray, Judith Ann | | F | July 25, 1945 | 7/32 |
| 663 | | Reed, Clementine | | F | Apr. 29, 1925 | 1/8 |
| 664 | | Reed, Deanna | | F | Jan. 30, 1944 | 1/16 |
| 665 | | Reed, Janet | | F | June 12, 1945 | 1/16 |
| 666 | 425 | Reibach, Gary | | M | Feb. 18, 1944 | 1/4 |
| 667 | 421 | Reibach, Harris Lee | | M | Apr. 6, 1911 | 1/2 |
| 668 | 423 | Reibach, Jan Denton | | M | Nov. 25, 1944 | 1/4 |
| 669 | | Reibach, Michael Harris | | M | Mar. 30, 1949 | 1/4 |
| 670 | 424 | Reibach, Vernon A | | M | May 1, 1913 | 1/2 |
| 671 | 422 | Reibach, Vicki P | | F | Feb. 27, 1943 | 1/4 |
| 672 | 426 | Reibach, Wesley Arnold | | M | Mar. 29, 1915 | 1/2 |
| 673 | | Renfrow, Berdell Hurbert (now Howell) | | M | Oct. 25, 1912 | 1/8 |
| 674 | | Renfrow, Bernice Hattie (now Leeton) | | F | 1907 | 1/8 |
| 675 | | Renfrow, Eloisa (now Cabal) | | F | Oct. 21, 1910 | 1/8 |
| 676 | | Renfrow, Floyd (now Howell) | | M | Aug. 6, 1906 | 1/8 |
| 677 | | Renfrow, Georgia Jeffries | | F | Sept. 10, 1887 | 1/4 |
| 678 | | Renfrow, Luella (now Ames) | | F | Sept. 3, 1911 | 1/8 |
| 679 | | Riddle, Delores Lucille Renfrow | | F | June 20, 1927 | 1/8 |
| 680 | 431 | Riggs, Alfreda F | | F | Oct. 21, 1927 | 3/4 |
| 681 | 443 | Riggs, Allie | | F | 1877 | Full |
| 682 | 428 | Riggs, Amanda Jeffries | | F | Sept. 3, 1889 | 1/2 |
| 683 | 427 | Riggs, Andrew | | M | Dec. 8, 1880 | Full |
| 684 | 434 | Riggs, Boyd J | 174 | M | June 2, 1910 | 3/4 |
| 685 | | Riggs, Cheryl Jean | | F | Jan. 28, 1953 | 3/4 |
| 686 | 450 | Riggs, Clara | | F | Feb. 21, 1892 | Full |
| 687 | | Riggs, Co-Anne | | F | Aug. 21, 1933 | 1/2 |
| 688 | 437 | Riggs, Darlene | | F | Oct. 24, 1939 | 1/2 |
| 689 | 430 | Riggs, Floyd G | | M | Apr. 1, 1928 | 3/4 |
| 690 | 446 | Riggs, Frances Lena | | F | May 23, 1941 | 1/2 |
| 691 | | Riggs, Georgene Lee | | F | Oct. 24, 1947 | 1/2 |
| 692 | 440 | Riggs, Gloria | | F | Jan. 1, 1946 | 1/2 |
| 693 | 436 | Riggs, Jean | | F | Aug. 20, 1936 | 1/2 |
| 694 | | Riggs, Jacque Mardell | | F | Aug. 21, 1950 | 1/2 |
| 695 | 444 | Riggs, John B | | M | July 8, 1907 | 3/4 |
| 696 | 435 | Riggs, Laura M | | F | Aug. 24, 1908 | 1/4 |
| 697 | 445 | Riggs, Lewis L | | M | May 24, 1920 | 1/2 |
| 698 | 447 | Riggs, Lewis L., Jr | | M | Jan. 22, 1943 | 1/2 |
| 699 | | Riggs, Louise LaVerne | | F | Nov. 11, 1939 | 1/2 |
| 700 | 432 | Riggs, Lloyd E | | M | July 28, 1929 | 3/4 |
| 701 | 448 | Riggs, Roger C | | M | Feb. 17, 1917 | 3/4 |
| 702 | 449 | Riggs, Samuel | 176 | M | Jan. 28, 1888 | Full |
| 703 | | Riggs, Una Ianne | | F | Aug. 23, 1949 | 1/2 |
| 704 | 433 | Riggs, Wilmadena | | F | Feb. 20, 1934 | 3/4 |
| 705 | | Ritchie, Delight E | | F | June 20, 1947 | 5/16 |
| 706 | | Ritchie, Tyrone F | | M | Oct. 2, 1948 | 5/16 |
| 707 | | Rogers, Isabelle Jeffries | | F | July 5, 1915 | 5/16 |
| 708 | | Rowland, Kimm O | | M | Apr. 20, 1949 | 5/16 |
| 709 | | Rowland, Mark A | | M | Mar. 7, 1951 | 5/16 |

FINAL ROLL OF MEMBERS OF THE CONFEDERATED TRIBES OF THE GRAND RONDE COMMUNITY PURSUANT TO SECTION 3 OF THE ACT OF AUG. 13, 1954, PUBLIC LAW 588—Continued

| New roll No. | Old roll No. | Name | Allotment No. | Sex | Date of birth | Degree of blood |
|---|---|---|---|---|---|---|
| 788 | 500 | Surber, Dorothy | | F | Sept. 26, 1947 | 1/4 |
| 789 | 498 | Surber, Gerald | | M | Apr. 11, 1943 | 1/4 |
| 790 | 497 | Surber, Marie | | F | Nov. 22, 1944 | 1/4 |
| 791 | 501 | Surber, Nancy | | F | Nov. 22, 1948 | 1/4 |
| 792 | ---- | Tanner, Charlotte Quenelle | | F | Feb. 28, 1937 | 3/4 |
| 793 | 505 | Tanner, Frederick E | | M | Oct. 4, 1952 | 1/2 |
| 794 | 506 | Tanner, Willy Knighton | | F | Feb. 3, 1900 | Full |
| 795 | 508 | Taylor, Beatrice Knighton | | F | July 11, 1921 | 1/2 |
| 796 | ---- | Taylor, Richard E | | M | Mar. 7, 1922 | 1/2 |
| 797 | 363 | Taylor, Thomas | | M | | 1/4 |
| 798 | ---- | Thomas, Barbara Mercier | | F | May 27, 1927 | 1/2 |
| 799 | ---- | Thomas, Bruce | | M | Jan. 29, 1953 | 1/8 |
| 800 | ---- | Thomas, Candace Lloyd | | F | Jan. 24, 1947 | 1/8 |
| 801 | ---- | Thomas, David Mac | | M | Sept. 8, 1950 | 1/8 |
| 802 | ---- | Thomas, Donald LaRoy | | M | Mar. 1, 1941 | 5/32 |
| 803 | ---- | Thomas, Frankie Allen | | M | Feb. 21, 1944 | 1/8 |
| 804 | ---- | Thomas, Irene Shirley | | F | Mar. 12, 1936 | 5/32 |
| 805 | ---- | Thomas, Kent James | | M | Feb. 8, 1936 | 5/32 |
| 806 | ---- | Thomas, Robert L | | M | May 7, 1954 | 1/4 |
| 807 | ---- | Thomas, Laura Lee | | F | Feb. 24, 1944 | 5/32 |
| 808 | ---- | Thomas, Lanny LeRoy | | M | Aug. 3, 1943 | 5/32 |
| 809 | ---- | Thomas, Mary K | | F | Feb. 28, 1946 | 1/4 |
| 810 | ---- | Thomas, Mary May | | F | Mar. 10, 1923 | 5/32 |
| 811 | ---- | Thomas, Mary E | | F | Sept. 25, 1927 | 1/4 |
| 812 | ---- | Thomas, Mathilda | | F | May 17, 1918 | 5/16 |
| 813 | ---- | Thomas, Rodney | | M | June 11, 1949 | 1/4 |
| 814 | 511 | Tipton, Gerald O | | M | July 30, 1905 | Full |
| 815 | 512 | Tipton, Lilli | 28 | F | Jan. 7, 1877 | Full |
| 816 | 513 | Tom, Kathleen M | | F | Dec. 27, 1912 | Full |
| 817 | ---- | Tom, Leon C | | M | July 18, 1953 | 5/8 |
| 818 | ---- | Tom, Michael L | | M | Oct. 16, 1952 | 5/8 |
| 819 | ---- | Tom, Patricia A | | F | July 6, 1950 | 5/16 |
| 820 | ---- | Tom, Victoria M | | F | May 28, 1949 | 5/16 |
| 821 | 401 | Toups, Robert Jr. (Jones) | | M | Dec. 14, 1941 | 3/4 |
| 822 | ---- | Trusley, Mabel Quenelle | | F | Nov. 27, 1909 | 3/4 |
| 823 | 514 | Voutrin, Bart | | M | Mar. 23, 1908 | 3/4 |
| 824 | 515 | Voutrin, Caroline | | F | Aug. 8, 1874 | Full |
| 825 | 522 | Voutrin, Donald | | M | Sept. 12, 1916 | 1/2 |
| 826 | 516 | Voutrin, Everett | | M | Oct. 23, 1911 | 1/2 |
| 827 | 520 | Voutrin, Nancy Jo | | F | Apr. 6, 1939 | 1/4 |
| 828 | 523 | Warren, John Phillip | | M | June 10, 1940 | 7/8 |
| 829 | 530 | Warren, Phillip Leland | | M | June 6, 1945 | 3/4 |
| 830 | 526 | Warren, Raymond Walter | | M | Feb. 15, 1942 | 3/4 |
| 831 | 531 | Warren, Phyllis | | F | Apr. 13, 1923 | 3/4 |
| 832 | 527 | Warren, Shirley Anne | | F | Feb. 17, 1924 | 3/4 |
| 833 | 528 | Warren, William J | | M | July 1, 1927 | 7/8 |
| 834 | 529 | Warren, William J | | M | Feb. 12, 1917 | 3/4 |
| 835 | 533 | Watson, Gloria Jean | | F | Jan. 18, 1944 | 1/2 |
| 836 | 535 | Watson, Joyce Marie | | F | Jan. 20, 1941 | 1/8 |
| 837 | 539 | West, Gloria Jean | | F | Aug. 28, 1941 | 1/8 |
| 838 | 557 | West, Joyce Marie | | F | Apr. 12, 1953 | 1/8 |
| 839 | ---- | West, Judith K | | F | Jan. 1, 1948 | 1/8 |
| 840 | 560 | West, June Lorraine | | F | Apr. 27, 1923 | 1/8 |
| 841 | 558 | West, Marian W. Haller | | F | Oct. 1, 1942 | 3/8 |
| 842 | 561 | Wheeler, Theaton | | M | 1876, 16, 1901 | Full |
| 843 | 562 | Wheeler, Ida (Edmond) | 249 | F | Nov. 25, 1904 | Full |
| 844 | ---- | White, Evelyn June | | F | June 23, 1926 | 1/4 |
| 845 | 220 | White, JoAnn K | | F | Aug. 22, 1953 | 3/32 |
| 846 | 569 | White, Julie Ann Marian | | F | June 15, 1946 | 1/4 |
| 847 | ---- | White, Murch | | M | Mar. 14, 1949 | 1/4 |
| 848 | 567 | White, Orrin D | | M | May 3, 1936 | 1/4 |
| 849 | 565 | White, Orrin D Jr | | M | Aug. 20, 1913 | 1/2 |
| 850 | 568 | White, Pasquella A | | F | May 24, 1933 | 1/2 |
| 851 | ---- | White, Sandra E | | F | May 30, 1949 | 1/4 |
| 852 | ---- | White, Sharon D | | F | May 26, 1946 | 1/4 |
| 853 | ---- | White, Sue Ann Gail | | F | Aug. 6, 1947 | 1/4 |
| 854 | ---- | White, Thomas J | | M | July 6, 1950 | 1/4 |
| 855 | 564 | Williams, Colleen Mercier | | F | 1891 | 1/4 |
| 856 | 570 | Williams, Gold Day | | M | Mar. 19, 1912 | 5/8 |
| 857 | ---- | Willing, Charles | | M | Jan. 14, 1917 | 1/4 |
| 858 | 574 | Winslow, Edwina LaChance | | F | Dec. 27, 1914 | 1/4 |
| 859 | 573 | Winslow, Jerome Norman | | M | Aug. 29, 1933 | 1/2 |
| 860 | ---- | Winslow, Jerry | | M | Nov. 1, 1891 | 1/2 |
| 861 | ---- | Zavodski, Theresa Holmes | | F | | 1/4 |
| 862 | ---- | | | | | |
| 710 | ---- | Rowland, Susan C | | F | Feb. 4, 1952 | 5/16 |
| 711 | ---- | Rowland, Virginia | | F | Nov. 12, 1928 | 5/8 |
| 712 | ---- | Russle, Archie | | M | Jan. 19, 1950 | 3/8 |
| 713 | ---- | Russle, Eugene Bernard | | M | Mar. 31, 1929 | 3/8 |
| 714 | ---- | Russle, Gena G | | F | Apr. 22, 1950 | 3/16 |
| 715 | ---- | Russle, Harold James, Jr | | M | Oct. 17, 1950 | 3/16 |
| 716 | ---- | Russle, Harold James | | M | Oct. 20, 1927 | 3/8 |
| 717 | ---- | Russle, Judy | | F | Nov. 18, 1942 | 3/16 |
| 718 | ---- | Russle, Richard E | | M | Dec. 13, 1921 | 3/8 |
| 719 | ---- | Russle, Robert E. M | | M | Feb. 23, 1953 | 3/16 |
| 720 | ---- | Rutherford, Frances | | F | Sept. 11, 1920 | 1/4 |
| 721 | ---- | Scheese, Allan Ray | | M | Jan. 27, 1940 | 1/8 |
| 722 | ---- | Scheese, Anna Kathleen | | F | Nov 16, 1945 | 1/8 |
| 723 | ---- | Scheese, Jerry Lee | | M | Nov. 16, 1945 | 1/8 |
| 724 | 455 | Scheese, Larry David | | M | Nov. 13, 1950 | 1/4 |
| 725 | 456 | Schlosser, Marjorie LaChance | | F | June 11, 1921 | 5/8 |
| 726 | ---- | Schmid, Kenneth G | | M | Oct. 29, 1939 | 1/8 |
| 727 | ---- | Schmid, Richard A | | M | May 17, 1941 | 1/8 |
| 728 | 458 | Schmidt, Robert L | | M | Sept. 24, 1926 | 3/4 |
| 729 | ---- | Sell, Emaline LaBonte | | F | Dec. 12, 1917 | 3/4 |
| 730 | ---- | Sell, Eva May | | F | Oct. 20, 1945 | 5/16 |
| 731 | ---- | Sell, Marlene J | | F | Aug. 17, 1951 | 5/16 |
| 732 | ---- | Sell, Nancy Helen | | F | July 6, 1942 | 5/16 |
| 733 | ---- | Sell, Nellie June | | F | May 30, 1944 | 5/16 |
| 734 | ---- | Sell, Wayne LeRoy | | M | Sept. 19, 1943 | 1/4 |
| 735 | ---- | Severin, Leona McGee | | F | May 18, 1915 | Full |
| 736 | ---- | Seward, Mary L. (Hoffer) | | F | Feb. 18, 1908 | Full |
| 737 | 459 | Shaw, Jeanette Lafferty | | F | June 14, 1928 | Full |
| 738 | 454 | Shaw, Juanita | | F | Jan. 24, 1934 | 1/2 |
| 739 | ---- | Shaw, LeRoy | | M | June 8, 1951 | 1/4 |
| 740 | ---- | Shaw, Paul Leon | | M | Sept. 3, 1948 | 1/4 |
| 741 | ---- | Simmons, Deborah Jean | | F | Oct. 25, 1952 | 3/8 |
| 742 | ---- | Simmons, Donald H | | M | Sept. 16, 1942 | 3/4 |
| 743 | 471 | Simmons, Edgar | | M | Nov. 4, 1907 | 3/4 |
| 744 | 401 | Simmons, Edward David | | M | May 18, 1943 | 3/4 |
| 745 | ---- | Simmons, Mary Claudia | | F | Feb. 18, 1908 | 1/2 |
| 746 | 472 | Simmons, Sampson, Jr | | M | Mar. 25, 1947 | 3/8 |
| 747 | 468 | Simmons, Sampson, Jr | | M | Nov. 29, 1943 | 3/4 |
| 748 | 470 | Simmons, Sylvester | | M | Oct. 7, 1908 | 3/4 |
| 749 | 473 | Simmons, Walter F | | M | Nov. 27, 1939 | 3/8 |
| 750 | ---- | Simmons, William | 194 | M | Oct. 24, 1906 | 3/4 |
| 751 | 474 | Simmons, William Edward | | M | Sept. 2, 1941 | 3/8 |
| 752 | 469 | Smith, Celia (Tenie) | | F | June 15, 1887 | 1/2 |
| 753 | 480 | Smith, Faye M | | F | Oct. 29, 1938 | 3/8 |
| 754 | ---- | Smith, Gerald L | | M | June 14, 1901 | Full |
| 755 | ---- | Smith, Irene Lawson | | F | Sept. 11, 1953 | Full |
| 756 | 490 | Smith, James H | | M | July 17, 1895 | 1/4 |
| 757 | 481 | Smith, Jane | | F | Jan. 20, 1920 | 3/16 |
| 758 | 476 | Smith, Jennifer | | F | 1953 | 1/2 |
| 759 | ---- | Smith, Jesse B. Bahr | | M | Sept. 13, 1950 | Full |
| 760 | 479 | Smith, Lawrence | | M | Jan. 27, 1923 | Full |
| 761 | 484 | Smith, Lawrence, Jr | | M | Mar. 2, 1949 | Full |
| 762 | 487 | Smith, Lillian L | | F | Mar. 2, 1919 | Full |
| 763 | 483 | Smith, Lorene Belle | | F | Mar. 19, 1925 | Full |
| 764 | 486 | Smith, Loretta Jean | | F | Feb. 18, 1947 | Full |
| 765 | ---- | Smith, Mildred L | | F | Aug. 26, 1951 | Full |
| 766 | ---- | Smith, Ralph | | M | Aug. 22, 1903 | Full |
| 767 | 488 | Smith, Ronald Crosby | | M | Jan. 25, 1954 | 1/4 |
| 768 | 489 | Smith, Rodney J | | M | Mar. 7, 1949 | 3/32 |
| 769 | ---- | Smith, Rose Mary | | F | Apr. 27, 1921 | Full |
| 770 | 485 | Smith, Thelma Ruth | | F | Nov. 4, 1931 | 3/16 |
| 771 | 482 | Smith, Vernon H | | M | Apr. 13, 1920 | Full |
| 772 | ---- | Snider, Nancy Ingley | | F | Mar. 27, 1908 | 1/2 |
| 773 | 491 | Soderburg, Clarinda | | F | Feb. 21, 1883 | 3/4 |
| 774 | ---- | Soderburg, Arthur F | | M | Dec. 29, 1925 | 3/8 |
| 775 | 502 | Soderburg, William J | | M | Dec. 29, 1925 | 3/8 |
| 776 | 503 | Soreson, Clyde | | M | Mar. 3, 1928 | 1/8 |
| 777 | 94 | Spohn, Mary LaChance | | F | Jan. 7, 1903 | 1/2 |
| 778 | 504 | Stevenson, JoAnn Dee | | F | Mar. 28, 1950 | 5/16 |
| 779 | ---- | Strom, Jerome | | M | Mar. 25, 1930 | 5/16 |
| 780 | ---- | Strom, Judy G | | F | June 25, 1931 | 3/4 |
| 781 | ---- | Sulkey, Peter | | M | Jan. 11, 1950 | 5/16 |
| 782 | 505 | Summerlin, Dwight | | M | Oct. 30, 1944 | 5/16 |
| 783 | 494 | Summerlin, Mina Riggs | | F | June 28, 1918 | 5/8 |
| 784 | 495 | Surber, Arlene Holmes | | F | July 18, 1924 | 1/2 |
| 785 | 496 | Surber, Betty | | F | Feb. 14, 1946 | 1/4 |
| 786 | 499 | | | | | |
| 787 | ---- | | | | | |

[F. R. Doc. 56-2816; Filed, Apr. 13, 1956; 8:45 a. m.]



## SHIVWITS, KANOSH, KOOSHAREM AND INDIAN PEAKS BANDS OF PAIUTE INDIAN TRIBE

### NOTICE OF PUBLICATION OF FINAL MEMBERSHIP ROLLS

APRIL 6, 1956.

Pursuant to section 3 of the act of September 1, 1954 (68 Stat. 1099), there are listed below the final membership rolls of the Shivwits, Kanosh, Koosharem and Indian Peaks Bands of the Paiute Indian Tribe who were living on September 1, 1954. Since no valid appeals contesting the inclusion or omission of the name of any person on or from such rolls were filed, these rolls are the same as the proposed rolls published in the FEDERAL REGISTER on April 15, 1955 (Vol. 20, No. 74, page 2499–2503).

DOUGLAS MCKAY,
*Secretary of the Interior.*

FINAL ROLL, SHIVWITS BAND OF PAIUTE INDIANS OF THE STATE OF UTAH

| Roll No. Present | Roll No. Last | Name | Sex | Age | Date of birth | Degree of blood | Family relationship | Residence | Allotment No. | Remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 1 | Asket, Rex | M | 72 | 1884 | F | Head | Santa Clara, Utah | None | None. |
| 2 | 2 | Asket, Nora | F | 60 | 1896 | F | Wife | Santa Clara, Utah | None | Wife of 1. |
| 3 | 3 | Asket, Lester | M | 21 | Aug. 2, 1934 | F | Son | Santa Clara, Utah | None | Son of 1 and 2. |
| 4 | 5 | Bow (Nappy Loyd), Callie | F | 42 | July 15, 1913 | F | Head | Logandale, Nev | None | None. |
| 5 | 6 | Bushhead, Seth | M | 60 | 1896 | F | Head | Santa Clara, Utah | None | None. |
| 6 | 7 | Bushhead, Edrick | M | 42 | 1914 | F | Son | Santa Clara, Utah | None | Son of 5. |
| 7 | 8 | Bushhead, Warren | M | 32 | Nov. 7, 1923 | F | Son | Santa Clara, Utah | None | Son of 5. |
| 8 | 9 | Bushhead, Phillip Joe | M | 16 | Jan. 18, 1940 | F | Son | Santa Clara, Utah | None | Son of 5. |
| 9 | 10 | Bushhead, Smith | M | 26 | Nov. 18, 1929 | F | Son | Santa Clara, Utah | None | Son of 5. |
| 10 | ---- | Bushhead, Halwina | F | 11 | Apr. 6, 1944 | F | Daughter | Santa Clara, Utah | None | Daughter of 6. |
| 11 | 11 | Bushhead, Willard | M | 32 | 1924 | F | Head | Santa Clara, Utah | None | None. |
| 12 | 12 | Bushhead, Gilbert | M | 30 | Nov. 5, 1925 | F | Head | Santa Clara, Utah | None | None. |
| 13 | 13 | Ben (Tillahash), Wetona | F | 27 | Feb. 20, 1929 | F | Head | Santa Clara, Utah | None | None. |
| 14 | 14 | Ben, Tony M | M | 7 | Apr. 24, 1948 | 15/16 | Son | Santa Clara, Utah | None | None. |
| 15 | 15 | Ben, Claudia Marie | F | 6 | June 18, 1949 | 15/16 | Daughter | Santa Clara, Utah | None | Daughter of 13. |
| 16 | 16 | Blancard (Meyers), Adeline | F | 29 | Mar. 13, 1926 | F | Head | Santa Clara, Utah | None | None. |
| 17 | 17 | Blancard, Bert | M | 4 | Nov. 1951 | 1/2 | Son | Santa Clara, Utah | None | Son of 16. |
| 18 | 19 | Charles, Peterson | M | 34 | July 4, 1921 | F | Head | Santa Clara, Utah | None | None. |
| 19 | 20 | Charles, Kenneth | M | 38 | Oct. 21, 1917 | F | Head | Richfield, Utah | None | None. |
| 20 | 21 | Charles, Ardene | M | 12 | May 20, 1943 | F | Son | Richfield, Utah | None | Son of 19. |
| 21 | 22 | Charles, Cheryl Ann | F | 7 | Sept. 24, 1948 | F | Daughter | Richfield, Utah | None | Daughter of 19. |
| 22 | 23 | Charles, Melvera | F | 5 | June 16, 1950 | F | Daughter | Richfield, Utah | None | Daughter of 19. |
| 23 | ---- | Charles, Patrick K | M | 1 | Mar. 17, 1954 | F | Son | Richfield, Utah | None | Son of 19. |
| 24 | 24 | Fisher (Snow), Louise | F | 45 | 1911 | F | Head | Moapa, Nevada | None | None. |
| 25 | 25 | Flatcherhat (Snow), Larree | F | 21 | Oct. 16, 1934 | F | Head | Santa Clara, Utah | None | None. |
| 26 | 27 | Flatcherhat, Gaylean | F | 3 | Nov. 3, 1952 | F | Daughter | Santa Clara, Utah | None | Daughter of 25. |
| 27 | 28 | Rogers, Will | M | 30 | May 4, 1925 | F | Head | Santa Clara, Utah | None | None. |
| 28 | ---- | Rogers, Dwella | F | 22 | Aug. 7, 1933 | F | Wife | Santa Clara, Utah | None | Wife of 27. |
| 29 | ---- | Rogers, Glan | M | 2 | Oct. 2, 1953 | F | Son | Santa Clara, Utah | None | Son of 27 and 28. |
| 30 | 30 | Rogers, Ranford | M | 4 | Feb. 5, 1952 | F | Son | Santa Clara, Utah | None | Son of 27 and 28. |
| 31 | 31 | Rogers, Archie | M | 41 | 1915 | F | Head | Lund, Nev | None | None. |
| 32 | 33 | Rogers, Temelia | F | 16 | Mar. 11, 1939 | F | Daughter | Lund, Nev | None | Daughter of 31. |
| 33 | 34 | Rogers, Milton | M | 15 | Sept. 4, 1940 | F | Son | Lund, Nev | None | Son of 31. |
| 34 | 35 | Rogers, Lamina | F | 13 | Apr. 6, 1942 | F | Daughter | Lund, Nev | None | Daughter of 31. |
| 35 | 36 | Rogers, Wymer | M | 12 | Jan. 18, 1944 | F | Son | Lund, Nev | None | Son of 31. |
| 36 | 37 | Rogers, Jonny | M | 84 | 1872 | F | Head | Santa Clara, Utah | None | None. |
| 37 | 38 | Rogers (Mokeac), Sue | F | 64 | 1892 | F | Wife | Santa Clara, Utah | None | Wife of 36. |
| 38 | 39 | Bullets (Crissy), Ramona | F | 33 | 1923 | F | Head | Santa Clara, Utah | None | None. |
| 39 | ---- | Bullets (Foster), Danny | M | 2 | Oct. 2, 1953 | F | Son | Santa Clara, Utah | None | Son of 38. |
| 40 | 40 | Pikyvit (George), Mildred | F | 21 | Sept. 16, 1934 | F | Head | Meadow, Utah | None | None. |
| 41 | 41 | Grayman, Charley | M | 50 | 1906 | F | Head | Santa Clara, Utah | None | None. |
| 42 | 42 | Grayman (Bushhead), Esther | F | 38 | Sept. 15, 1917 | F | Wife | Santa Clara, Utah | None | Wife of 41. |
| 43 | 43 | Grayman, WaLeah | F | 15 | Apr. 26, 1940 | F | Daughter | Santa Clara, Utah | None | Daughter of 41 and 42. |
| 44 | 44 | Grayman, Helena | F | 14 | Sept. 8, 1941 | F | Daughter | Santa Clara, Utah | None | Daughter of 41 and 42. |
| 45 | 45 | Grayman, Patsy | F | 8 | Aug. 16, 1947 | F | Daughter | Santa Clara, Utah | None | Daughter of 41 and 42. |
| 46 | 46 | Grayman, Norman | M | 6 | June 16, 1949 | F | Son | Santa Clara, Utah | None | Son of 41 and 42. |
| 47 | 48 | Grayman, Judith | F | 12 | July 23, 1943 | F | Daughter | Santa Clara, Utah | None | Daughter of 41 and 42. |
| 48 | 49 | Grayman, Farman | M | 10 | May 1945 | F | Son | Santa Clara, Utah | None | Son of 41 and 42. |
| 49 | 50 | Grejeda (Pinkie), Rose | F | 66 | 1890 | F | Head | Caliente, Nev | None | None. |
| 50 | 51 | Benn, Edith | F | 30 | Sept. 29, 1925 | F | Daughter | Caliente, Nev | None | Daughter of 49. |
| 51 | 52 | Grejeda, Lola | F | 25 | Dec. 25, 1930 | F | Daughter | Caliente, Nev | None | Daughter of 49. |
| 52 | 53 | Grejeda, Albert | M | 22 | Apr 20 1933 | F | Son | Caliente, Nev | None | Son of 49. |
| 53 | 54 | John (Snow), Ada | F | 47 | 1909 | F | Head | Santa Clara, Utah | None | None. |
| 54 | 55 | John, Wendel | M | 28 | Dec 22, 1927 | F | Son | Santa Clara, Utah | None | Son of 53. |
| 55 | 56 | John, Cecilia | F | 16 | May 22, 1939 | F | Daughter | Santa Clara, Utah | None | Daughter of 53. |
| 56 | 57 | John, Clemont | M | 11 | Oct. 24, 1944 | F | Son | Santa Clara, Utah | None | Son of 53. |
| 57 | 58 | John, Clarence | M | 8 | Apr. 30, 1947 | F | Son | Santa Clara, Utah | None | Son of 53. |
| 58 | 59 | John, Delwin | M | 21 | Feb. 26, 1935 | F | Son | Santa Clara, Utah | None | Son of 53. |
| 59 | 60 | John, Lucius | F | 19 | Jan. 30, 1937 | F | Daughter | Santa Clara, Utah | None | Daughter of 53. |
| 60 | 61 | John, Melvin | M | 29 | July 8, 1926 | F | Head | Santa Clara, Utah | None | None. |
| 61 | 62 | John, Leona | F | 8 | July 7, 1947 | F | Daughter | Santa Clara, Utah | None | Daughter of 60. |
| 62 | 63 | John, Cliff | M | 3 | Dec. 10, 1952 | F | Son | Santa Clara, Utah | None | Son of 60. |
| 63 | 64 | Levi (Tillahash), Flora | F | 36 | Jan. 10, 1920 | F | Head | Santa Clara, Utah | None | None. |
| 64 | 65 | McFee, George | M | 52 | 1904 | F | Head | Santa Clara, Utah | None | None. |
| 65 | 66 | McFee (Snow), Marie | F | 43 | 1913 | F | Wife | Santa Clara, Utah | None | Wife of 64. |
| 66 | 67 | McFee, Wesley | M | 21 | Sept. 18, 1934 | F | Son | Santa Clara, Utah | None | Son of 64 and 65. |
| 67 | 68 | McFee, Laurene | F | 17 | July 13, 1938 | F | Daughter | Santa Clara, Utah | None | Daughter of 64 and 65. |
| 68 | 69 | McFee, Betty | F | 7 | Jan. 7, 1949 | F | Daughter | Santa Clara, Utah | None | Daughter of 64 and 65. |
| 69 | 70 | McFee, Clinton | M | 15 | July 14, 1940 | F | Son | Santa Clara, Utah | None | Son of 64 and 65. |
| 70 | 71 | McFee, Jenny | F | 12 | Jan. 27, 1944 | F | Daughter | Santa Clara, Utah | None | Daughter of 64 and 65. |
| 71 | 72 | McFee, Evelina | F | 8 | July 25, 1947 | F | Daughter | Santa Clara, Utah | None | Daughter of 64 and 65. |
| 72 | 73 | Marble, Bertha | F | 56 | 1900 | F | Head | Santa Clara, Utah | None | None. |
| 73 | 74 | Marble, Dorothy | F | 28 | Sept. 21, 1927 | F | Daughter | Santa Clara, Utah | None | Daughter of 72. |
| 74 | 75 | Marble, Alvin | M | 8 | May 5, 1947 | F | Son | Santa Clara, Utah | None | Son of 73. |
| 75 | 76 | Wall (Marble), Evelyn | F | 24 | Apr. 29, 1931 | F | Head | Santa Clara, Utah | None | None. |
| 76 | 77 | Wall, Gwendolyn | F | 8 | July 20, 1947 | F | Daughter | Santa Clara, Utah | None | Daughter of 75. |
| 77 | ---- | Wall, Marie | F | 3 | Aug. 20, 1952 | F | Daughter | Santa Clara, Utah | None | Daughter of 75. |
| 78 | 78 | Tom (Myers), Arlene | F | 30 | Mar. 11, 1925 | F | Head | Moccasin, Ariz | None | None. |
| 79 | 79 | Timiean (Myers), Clara | F | 28 | July 19, 1927 | F | Head | Grantsville, Utah | None | None. |
| 80 | 80 | Mose (Jake), Serena | F | 49 | 1907 | F | Head | Santa Clara, Utah | None | None. |
| 81 | 81 | Mokeac, Marvin | M | 17 | Mar. 24, 1938 | F | Son | Santa Clara, Utah | None | Son of 80. |
| 82 | 82 | Myers (Nappy), Flora | F | 44 | 1912 | F | Head | Santa Clara, Utah | None | None. |
| 83 | 83 | Myers, Effie | F | 23 | June 24, 1932 | F | Daughter | Santa Clara, Utah | None | Daughter of 82. |
| 84 | 84 | Myers, Ferrell | M | 22 | Feb. 17, 1934 | F | Son | Santa Clara, Utah | None | Son of 82. |
| 85 | 85 | Myers, Buddy | M | 20 | June 13, 1935 | F | Son | Santa Clara, Utah | None | Son of 82. |
| 86 | 87 | Myers, Dora | F | 19 | Oct. 15, 1936 | F | Daughter | Santa Clara, Utah | None | Daughter of 82. |
| 87 | 88 | Kay, Amy (Pinkie, Agnes M.) | F | 35 | Mar. 15, 1920 | F | Head | Santa Clara, Utah | None | None. |
| 88 | 90 | Rice, Edward | M | 47 | 1909 | F | Head | Santa Clara, Utah | None | None. |
| 89 | 91 | Rice, Sterling | M | 15 | Nov. 26, 1940 | F | Son | Santa Clara, Utah | None | Son of 88. |
| 90 | 92 | Smoke, Lyman | M | 32 | Feb. 23, 1924 | F | Head | Santa Clara, Utah | None | None. |
| 91 | 93 | Smoke, Sam | M | 69 | 1887 | F | Head | Santa Clara, Utah | None | None. |
| 92 | 94 | John (Smoke), Nevada | F | 29 | Sept. 28, 1926 | F | Head | Santa Clara, Utah | None | None. |
| 93 | 96 | John, Saundra | F | 3 | Jan. 14, 1953 | F | Daughter | Santa Clara, Utah | None | Daughter of 92. |
| 94 | 97 | Snow, Ida | F | 77 | 1879 | F | Head | Santa Clara, Utah | None | None. |

FINAL ROLL, SHIVWITS BAND OF PAIUTE INDIANS OF THE STATE OF UTAH—Continued

| Roll No. Present | Roll No. Last | Name | Sex | Age | Date of birth | Degree of blood | Family relationship | Residence | Allotment No. | Remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| 95 | 98 | Jake (Snow, McFee), Yetta | F | 39 | Mar. 7, 1916 | F | Head | Cedar City, Utah | None | None. |
| 96 | ------ | Jake (Rice), Marlyn | F | 18 | June 22, 1937 | F | Head | Cedar City, Utah | None | None. |
| 97 | 100 | Snow, Lee | M | 44 | 1912 | F | Head | Santa Clara, Utah | None | None. |
| 98 | 102 | Snow, Leon Mitchell | M | 19 | Mar. 4, 1936 | F | Son | Santa Clara, Utah | None | Son of 97. |
| 99 | 103 | Snow, Arnold | M | 18 | Feb. 26, 1938 | F | Son | Santa Clara, Utah | None | Son of 97. |
| 100 | 104 | Snow, Alvira | F | 11 | Dec. 19, 1942 | F | Daughter | Santa Clara, Utah | None | Daughter of 97. |
| 101 | 105 | McFee, Roland | M | 36 | Mar. 22, 1919 | F | Head | Santa Clara, Utah | None | None. |
| 102 | 106 | Snow, Stewart | M | 51 | 1905 | F | Head | Santa Clara, Utah | None | None. |
| 103 | 107 | Snow (Bushhead), Mary | F | 41 | 1915 | F | Wife | Santa Clara, Utah | None | Wife of 102. |
| 104 | 108 | Snow, Crawford | M | 12 | Aug. 10, 1943 | F | Son | Santa Clara, Utah | None | Son of 102 and 103. |
| 105 | 109 | Snow, Domitta | F | 9 | May 4, 1946 | F | Daughter | Santa Clara, Utah | None | Daughter of 102 and 103. |
| 106 | 110 | Snow, Beverley | F | 17 | Oct. 8, 1938 | F | Daughter | Santa Clara, Utah | None | Daughter of 102 and 103. |
| 107 | 111 | Snow, Aldean | F | 13 | May 26, 1942 | F | Daughter | Santa Clara, Utah | None | Daughter of 102 and 103. |
| 108 | 112 | Snow, Frank Mart | M | 4 | Feb. 10, 1952 | F | Son | Santa Clara, Utah | None | Son of 102 and 103. |
| 109 | ------ | Snow, Kim | M | 1 | Apr. 19, 1954 | F | Son | Santa Clara, Utah | None | Son of 102 and 103. |
| 110 | 113 | Tillahash, Tony | M | 70 | 1886 | F | Head | Santa Clara, Utah | None | None. |
| 111 | 114 | Tillahash (Simon), Bessie | F | 66 | Oct. 15, 1889 | F | Wife | Santa Clara, Utah | None | Wife of 110. |
| 112 | 115 | Tillahash, Clyde | M | 28 | June 24, 1927 | F | Son | Santa Clara, Utah | None | Son of 110 and 111. |
| 113 | 116 | Tillahash, Larna | F | 18 | Sept. 23, 1937 | F | Daughter | Santa Clara, Utah | None | Daughter of 110 and 111. |
| 114 | 117 | John (Tillahash), Lilly | F | 30 | Apr. 20, 1925 | F | Head | Santa Clara, Utah | None | None. |
| 115 | 118 | Tillahash, Arthur | M | 24 | Apr. 18, 1931 | F | Head | Santa Clara, Utah | None | None. |
| 116 | ------ | Tillahash, Darrell | M | 2 | Feb. 18, 1951 | F | Son | Santa Clara, Utah | None | Son of 115. |
| 117 | 121 | Wall (Tillahash), Eunice | F | 21 | Feb. 24, 1935 | F | Head | Santa Clara, Utah | None | None. |
| 118 | ------ | Wall, Karby | M | 4 | July 23, 1951 | F | Son | Santa Clara, Utah | None | Son of 117. |
| 119 | ------ | Wall, Marrall | M | 3 | July 31, 1952 | F | Son | Santa Clara, Utah | None | Son of 117. |
| 120 | ------ | Wall, Mitzie | F | 2 | Dec. 15, 1953 | F | Daughter | Santa Clara, Utah | None | Daughter of 117. |
| 121 | ------ | Yellow Jacket, James | M | 58 | 1898 | F | Head | Santa Clara, Utah | None | None. |
| 122 | ------ | George, Walter | M | 54 | 1902 | F | Head | Santa Clara, Utah | None | None. |
| 123 | ------ | Mokeac, Rex | M | 72 | 1884 | F | Head | Santa Clara, Utah | None | None. |
| 124 | ------ | Parashant, Katherine | F | 74 | 1882 | F | Head | Cedar City, Utah | None | None. |
| 125 | ------ | Parashant, May | F | 28 | Oct. 10, 1927 | F | Daughter | Cedar City, Utah | None | Daughter of 124. |
| 126 | 89 | Rice, Albert | M | 42 | 1914 | F | Head | Moapa, Nev | None | None. |
| 127 | ------ | Charles, Ida Mae | F | 5 | Aug. 28, 1950 | F | Daughter | Santa Clara, Utah | None | Daughter of 18. |
| 128 | ------ | John, Joseph Wundel | M | 1 | Aug. 15, 1954 | F | Son | Santa Clara, Utah | None | Son of 54. |
| 129 | ------ | Pete, Josephine | F | 55 | Aug. 11, 1900 | F | Head | Cedar City, Utah | None | None. |
| 130 | ------ | Benson, Ruth | F | 31 | Feb. 13, 1925 | F | Head | Cedar City, Utah | None | None. |

CERTIFICATES

I hereby certify that the foregoing roll consisting of 9 pages and containing a total of 130 names constitutes the final roll of the Shivwits Band of the Paiute Indians and is submitted in accordance with Section 3 of Public Law 762, 83d Congress, Chapter 1207, 2d Session (68 Stat. 1099), and further, that since no appeals were filed within sixty days of the publishing of the proposed rolls as provided in Public Law 762, the final roll is the same as the proposed roll.

FEBRUARY 17, 1956.

JOHN O. CROW,
*Superintendent.*

I hereby certify that the foregoing roll consisting of 9 pages and containing 130 names submitted and certified to by Mr. John O. Crow, Superintendent of the Uintah and Ouray Agency, Fort Duchesne, Utah, is the final roll of the Shivwits Band of the Paiute Indians pursuant to Public Law 762.

FEBRUARY 24, 1956.

F. M. HAVERLAND,
*Area Director.*

FINAL ROLL, KANOSH BAND OF PAIUTE INDIANS OF THE STATE OF UTAH

| Roll No. Present | Roll No. Last | Name | Sex | Age | Date of birth | Degree of blood | Family relationship | Residence | Allotment No. | Remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 5 | Brooks (Sobrequin), Joan | F | 30 | 1926 | F | Head | Tuba City, Ariz | None | None. |
| 2 | 6 | Provo (Sobrequin), Margene | F | 27 | Mar. 5, 1928 | F | Head | Kanosh, Utah | None | None. |
| 3 | 7 | Huncup, Isaac | M | 108 | 1848 | F | Head | Kanosh, Utah | None | None. |
| 4 | 9 | Levi, Wesley | M | 68 | 1888 | F | Head | Kanosh, Utah | PD A1.783591 | None. |
| 5 | 10 | Kominsky (Levi), Rena | F | 58 | 1898 | F | Head | Kanosh, Utah | None | None. |
| 6 | 11 | Levi, Johnson | M | 47 | 1909 | F | Head | Kanosh, Utah | 783588 | None. |
| 7 | 12 | Levi, Cecil Glenn | M | 13 | Jan. 29, 1943 | F | Son | Kanosh, Utah | None | Son of 6. |
| 8 | 13 | Levi, Wayne | M | 11 | Dec. 18, 1944 | F | Son | Kanosh, Utah | None | Son of 6. |
| 9 | 14 | Levi, Blanche | F | 9 | Oct. 9, 1946 | F | Daughter | Kanosh, Utah | None | Daughter of 6. |
| 10 | 15 | Levi, Patricia A | F | 7 | July 19, 1948 | F | Daughter | Kanosh, Utah | None | Daughter of 6. |
| 11 | 16 | Levi, Amy Thelma | F | 5 | Aug. 19, 1950 | F | Daughter | Kanosh, Utah | None | Daughter of 6. |
| 12 | 17 | Levi, Andy Arron | M | 4 | Dec. 31, 1951 | F | Son | Kanosh, Utah | None | Son of 6. |
| 13 | 18 | Levi, Fred | M | 51 | 1905 | F | Head | Santa Clara, Utah | PD A1.783590 | None. |
| 14 | 19 | Levi, Leonard | M | 18 | Oct. 9, 1937 | F | Son | Santa Clara, Utah | None | Son of 13. |
| 15 | 20 | Levi, Sherman | M | 14 | Sept. 21, 1941 | F | Son | Santa Clara, Utah | None | Son of 13. |
| 16 | 21 | Kouchomp, Lonnie | M | 64 | 1892 | F | Head | Kanosh, Utah | None | None. |
| 17 | 23 | Pikyavit, McKay | M | 25 | Aug. 12, 1930 | F | Head | Meadow, Utah | None | None. |
| 18 | 24 | Pikyavit, Duane | M | 4 | Oct. 16, 1951 | F | Son | Meadow, Utah | None | Son of 17. |
| 19 | 25 | Chelester, Orvilla | F | 34 | Oct. 10, 1922 | F | Head | Richfield, Utah | None | None. |
| 20 | 26 | Timicum, Shirley | F | 19 | Oct. 14, 1936 | F | Daughter | Richfield, Utah | None | Daughter of 19. |
| 21 | 27 | Woodie (Levi), Ida | F | 70 | ------ | F | Head | Koosharem, Utah | None | None. |
| 22 | 28 | Pikyavit, Joseph | M | 64 | 1892 | F | Head | Meadow, Utah | None | None. |
| 23 | 29 | Pikyavit, Emily | F | 43 | 1913 | F | Wife | Meadow, Utah | None | Wife of 22. |
| 24 | 30 | Pikyavit, Earl | M | 22 | Mar. 17, 1933 | F | Son | Meadow, Utah | None | Son of 22 and 23. |
| 25 | 31 | Pikyavit, Louise | F | 19 | Feb. 11, 1937 | F | Daughter | Meadow, Utah | None | Daughter of 22 and 23. |
| 26 | 32 | Pikyavit, Ralph | M | 16 | May 1, 1939 | F | Son | Meadow, Utah | None | Son of 22 and 23. |
| 27 | 33 | Pikyavit, Phil | M | 13 | Oct. 16, 1942 | F | Son | Meadow, Utah | None | Son of 22 and 23. |
| 28 | 34 | Pikyavit, Madeline | F | 12 | Dec. 31, 1943 | F | Daughter | Meadow, Utah | None | Daughter of 22 and 23. |
| 29 | 35 | Pikyavit, Frank | M | 8 | Aug. 23, 1947 | F | Son | Meadow, Utah | None | Son of 22 and 23. |
| 30 | 36 | Pikyavit, Vida Jane | F | 5 | July 27, 1950 | F | Daughter | Meadow, Utah | None | Daughter of 22 and 23. |
| 31 | 37 | Pikyavit, Florine | F | 4 | Jan. 19, 1951 | F | Daughter | Meadow, Utah | None | Daughter of 22 and 23. |
| 32 | 39 | Pikyavit, Francis | M | 16 | Dec. 1, 1939 | F | Son | Kanosh, Utah | None | Lilly Pikyavit, Goshute, mother of 32, 33, 34, 35 and 36. |
| 33 | 40 | Pikyavit, Elden | M | 12 | Nov. 16, 1943 | F | Son | Kanosh, Utah | None | See above. |
| 34 | 41 | Pikyavit, Ted, Jr | M | 3 | Dec. 2, 1952 | F | Son | Kanosh, Utah | None | See above. |
| 35 | 43 | Pikyavit, Geraldine | F | 11 | Aug. 25, 1944 | F | Daughter | Kanosh, Utah | None | See above. |
| 36 | 44 | Pikyavit, Darlene | F | 9 | May 23, 1946 | F | Daughter | Kanosh, Utah | None | See above. |
| 37 | ------ | Annikey, Annie | F | 85 | 1871 | F | Head | Kanosh, Utah | None | None. |
| 38 | ------ | Levi, Lena | F | 3 | Apr. 12, 1952 | F | Daughter | Kanosh, Utah | None | Daughter of 6. |
| 39 | ------ | Wicketts, Mary Ann | F | 68 | 1888 | F | Head | Kanosh, Utah | 78359 | None. |
| 40 | ------ | Chelester, Steve | M | 6 | Dec. 29, 1949 | F | Son | Richfield, Utah | None | Son of 19. |
| 41 | ------ | Kouchomp, Dorothy Dick | F | 64 | Oct. 8, 1891 | F | Wife | Kanosh, Utah | None | Wife of 16. |
| 42 | ------ | Pikyavit, Divina | F | 2 | Nov. 28, 1953 | F | Daughter | Kanosh, Utah | None | Daughter of 17. |



CERTIFICATES

I hereby certify that the foregoing roll consisting of 3 pages and containing a total of 42 names constitutes the final roll of the Kanosh Band of the Paiute Indians and is submitted in accordance with Section 3 of Public Law 762, 83d Congress, Chapter 1207, 2d Session (68 Stat. 1099), and further, that since no appeals were filed within sixty days of the publishing of the proposed rolls as provided in Public Law 762, the final roll is the same as the proposed roll.

FEBRUARY 17, 1956.

JOHN O. CROW,
*Superintendent.*

I hereby certify that the foregoing roll consisting of 3 pages and containing 42 names submitted and certified to by Mr. John O. Crow, Superintendent of the Uintah and Ouray Agency, Fort Duchesne, Utah, is the final roll of the Kanosh Band of Paiute Indians pursuant to Public Law 762.

FEBRUARY 24, 1956.

F. M. HAVERLAND,
*Area Director.*

FINAL ROLL, KOOSHAREM BAND OF PAIUTE INDIANS OF THE STATE OF UTAH

| Roll No. Present | Roll No. Last | Name | Sex | Age | Date of birth | Degree of blood | Family relationship | Residence | Allotment No. | Remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| 1 | ------ | Amnisky (Mix), Tommy | M | 62 | 1894 | F | Head | Richfield, Utah | None | None. |
| 2 | ------ | Arrowgarp, Dell | M | 37 | 1919 | F | Head | Richfield, Utah | None | None. |
| 3 | ------ | Timican, Emma | F | 70 | 1886 | F | Head | Richfield, Utah | None | None. |
| 4 | ------ | Charles (Timican), Vera | F | 28 | Mar. 25, 1927 | F | Head | Richfield, Utah | None | None. |
| 5 | ------ | Kanosh, Deere | M | 44 | Oct. 20, 1911 | F | Head | Richfield, Utah | None | None. |
| 6 | ------ | Kanosh, Doris D | F | 18 | Dec. 23, 1937 | F | Daughter | Richfield, Utah | None | None. |
| 7 | ------ | Kanosh, Jennie | F | 12 | Mar. 27, 1943 | F | Daughter | Richfield, Utah | None | Daughter of 5. |
| 8 | ------ | Kanosh, Clarice G | F | 10 | Aug. 3, 1945 | F | Daughter | Richfield, Utah | None | Daughter of 5. |
| 9 | ------ | Kanosh, Collene | F | 6 | Mar. 2, 1949 | F | Daughter | Richfield, Utah | None | Daughter of 5. |
| 10 | ------ | Kanosh, Florence | F | 67 | 1889 | F | Head | Richfield, Utah | None | Daughter of 5. |
| 11 | ------ | Kanosh, Edward | M | 37 | July 7, 1918 | F | Son | Richfield, Utah | None | None. |
| 12 | ------ | Kanosh, Lyman | M | 43 | Sept. 20, 1912 | F | Head | Richfield, Utah | None | Son of 10. |
| 13 | ------ | Kanosh, Linda | F | 6 | June 29, 1949 | F | Daughter | Richfield, Utah | None | None. |
| 14 | ------ | Kanosh, Larry B | M | 3 | Oct. 7, 1952 | F | Son | Richfield, Utah | None | Daughter of 12. |
| 15 | ------ | Kanosh, Lorraine | F | 1 | May 29, 1954 | F | Daughter | Richfield, Utah | None | Son of 12. |
| 16 | ------ | Timican, Minnie | F | 72 | 1884 | F | Head | Richfield, Utah | None | Daughter of 12. |
| 17 | ------ | Timican, Roy | M | 36 | Aug. 15, 1919 | F | Son | Richfield, Utah | None | None. |
| 18 | ------ | Timican, Rhoda Lee | F | 34 | Oct. 10, 1921 | F | Daughter | Richfield, Utah | None | Son of 16. |
| 19 | ------ | Timican, Henry | M | 27 | June 8, 1928 | F | Son | Richfield, Utah | None | Daughter of 16. |
| 20 | ------ | Timican, Genevieve | F | 24 | July 4, 1931 | F | Daughter | Richfield, Utah | None | Son of 16. |
| 21 | ------ | Timican, Douglas | M | 32 | Sept. 8, 1923 | F | Head | Richfield, Utah | None | Daughter of 16. |
| 22 | ------ | Timican, Jane | F | 7 | Oct. 17, 1948 | F | Daughter | Richfield, Utah | None | None. |
| 23 | ------ | Timican, Jim | M | 61 | 1895 | F | Head | Richfield, Utah | None | Daughter of 21. |
| 24 | ------ | Timican, Annie | F | 54 | 1902 | F | Head | Richfield, Utah | None | None. |
| 25 | ------ | Timican, Young | M | 45 | Sept. 9, 1910 | F | Head | Richfield, Utah (Koosharem, Utah). | None | None. |
| 26 | ------ | Woodie, Frank | M | 53 | Sept. 4, 1902 | F | Head | Richfield, Utah | None | None. |
| 27 | ------ | Yazzie (Timican), Julia | F | 28 | Apr. 25, 1927 | F | Head | Richfield, Utah | None | None. |
| 28 | ------ | Yazzie, Betty | F | 9 | Oct. 26, 1946 | F | Daughter | Richfield, Utah | None | Daughter of 27. |
| 29 | ------ | Yazzie, Joelee | F | 7 | Mar. 27, 1948 | F | Daughter | Richfield, Utah | None | Daughter of 27. |
| 30 | ------ | Yazzie, Bobby | M | 3 | Apr. 16, 1952 | F | Son | Richfield, Utah | None | Son of 27. |
| 31 | ------ | Yazzie, Fredena | F | 2 | Nov. 23, 1953 | F | Daughter | Richfield, Utah | None | Daughter of 27. |
| 32 | ------ | Lehi (Timican), Helen | F | 35 | Oct. 12, 1920 | F | Head | Richfield, Utah | None | None. |
| 33 | ------ | Lehi, Joyce | F | 3 | June 24, 1952 | F | Daughter | Richfield, Utah | None | Daughter of 32. |
| 34 | ------ | Lehi, Joy | F | 3 | June 24, 1952 | F | Daughter | Richfield, Utah | None | Daughter of 32. |

CERTIFICATES

I hereby certify that the foregoing roll consisting of 3 pages and containing a total of 34 names constitutes the final roll of the Koosharem Band of the Paiute Indians and is submitted in accordance with Section 3 of Public Law 762, 83d Congress, Chapter 1207, 2d Session (68 Stat. 1099), and further, that since no appeals were filed within sixty days of the publishing of the proposed rolls as provided in Public Law 762, the final roll is the same as the proposed roll.

FEBRUARY 17, 1956.

JOHN O. CROW,
*Superintendent.*

I hereby certify that the foregoing roll consisting of 3 pages and containing 34 names submitted and certified to by Mr. John O. Crow, Superintendent of the Uintah and Ouray Agency, Fort Duchesne, Utah, is the final roll of the Koosharem Band of Paiute Indians pursuant to Public Law 762.

FEBRUARY 24, 1956.

F. M. HAVERLAND,
*Area Director.*

FINAL ROLL INDIAN PEAKS BAND OF PAIUTE INDIANS OF THE STATE OF UTAH

| Roll No. Present | Roll No. Last | Name | Sex | Age | Date of birth | Degree of blood | Family relationship | Residence | Allotment No. | Remarks |
|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 1 | Anderson (Jake), Geneva | F | 30 | Aug. 7, 1925 | F | Head | Cedar City, Utah | None | None. |
| 2 | 2 | Anderson, Curtis | M | 7 | May 1, 1948 | F | Son | Cedar City, Utah | None | Son of 1. |
| 3 | 3 | Anderson, Geneal | F | 3 | Jan. 7, 1951 | F | Daughter | Cedar City, Utah | None | Daughter of 1. |
| 4 | ------ | Anderson, Jeanette | F | 2 | June 1, 1953 | F | Daughter | Cedar City, Utah | None | Daughter of 1. |
| 5 | 4 | Jake, Carl | M | 61 | 1895 | F | Head | Cedar City, Utah | None | None. |
| 6 | 5 | Jake, Minnie | F | 58 | 1898 | F | Wife | Cedar City, Utah | None | Wife of 5. |
| 7 | 6 | Jake, Manell | M | 8 | Jan. 28, 1948 | F | Son | Cedar City, Utah | None | Son of 5 and 6. |
| 8 | 7 | Jake, Ernestine | F | 12 | Feb. 25, 1944 | F | Daughter | Cedar City, Utah | None | Daughter of 5 and 6. |
| 9 | 8 | Jake, Wilford | M | 14 | June 3, 1941 | F | Son | Cedar City, Utah | None | Son of 5 and 6. |
| 10 | ------ | Jake, Shirley | F | 19 | 1937 | F | Daughter | Cedar City, Utah | None | Daughter of 5 and 6. |
| 11 | 9 | Jake, Clifford | M | 37 | 1919 | F | Head | Cedar City, Utah | None | None. |
| 12 | 10 | Jake, Darlena | F | 11 | June 22, 1944 | F | Daughter | Cedar City, Utah | None | Daughter of 11. |
| 13 | 11 | Jake, Bryant | M | 9 | Apr. 7, 1946 | F | Son | Cedar City, Utah | None | Son of 11. |
| 14 | 12 | Jake, Althea R | F | 6 | Mar. 15, 1949 | F | Daughter | Cedar City, Utah | None | Daughter of 11. |
| 15 | 13 | Jake, John | M | 23 | July 7, 1932 | F | Head | Cedar City, Utah | None | None. |
| 16 | ------ | Jake, John, Jr | M | 1 | May 7, 1954 | F | Son | Cedar City, Utah | None | Son of 15. |
| 17 | 19 | Kanosh (Jake), Edwina | F | 35 | 1921 | F | Head | Richfield, Utah | None | None. |
| 18 | ------ | Kanosh, Wilbert | M | 8 | Jan. 11, 1948 | F | Son | Richfield, Utah | None | Son of 17. |
| 19 | ------ | Kanosh, Milo Dee | M | 5 | Jan. 11, 1951 | F | Son | Richfield, Utah | None | Son of 17. |
| 20 | ------ | Kanosh, Don Boyden | M | 3 | Apr. 17, 1952 | F | Son | Richfield, Utah | None | Son of 17. |
| 21 | ------ | Kanosh, Karn Anna | F | 2 | Sept. 23, 1953 | F | Daughter | Richfield, Utah | None | Daughter of 17. |
| 22 | ------ | Kanosh, Kennard K | M | 16 | Feb. 28, 1940 | F | Son | Richfield, Utah | None | Son of 17. |
| 23 | 14 | Solis, Marie Ramona | F | 25 | Sept. 26, 1930 | 1/2 | Head | Cedar City, Utah | None | None. |
| 24 | 15 | Swallow, George M | M | 76 | 1880 | F | Head | Owyhee, Nev | None | None. |
| 25 | 16 | Tom, Roy | M | 58 | 1898 | F | Head | Moccasin, Ariz | None | None. |
| 26 | 17 | Wicketts, Eddie | M | 64 | 1892 | F | Head | Kanosh, Utah | None | None. |

CERTIFICATES

I hereby certify that the foregoing roll consisting of 2 pages and containing a total of 26 names constitutes the final roll of the Indian Peaks Band of the Paiute Indians and is submitted in accordance with section 3 of Public Law 762, 83d Congress, Chapter 1207, 2d Session (68 Stat. 1099), and further that since no appeals were filed within 60 days of the publishing of the proposed roll as provided in Public Law 762, the final roll is the same as the proposed roll.

JOHN O. CROW,
*Superintendent.*

FEBRUARY 17, 1956.

I hereby certify that the foregoing roll consisting of 2 pages and containing 26 names submitted and certified to by Mr. John O. Crow, Superintendent of the Uintah and Ouray Agency, Fort Duchesne, Utah, is the final roll of the Indian Peaks Band of Paiute Indians pursuant to Public Law 762.

F. M. HAVERLAND,
*Area Director.*

FEBRUARY 24, 1956.

[F. R. Doc. 56-2851; Filed, Apr. 13, 1956; 8:45 a. m.]

## DEPARTMENT OF COMMERCE

### Federal Maritime Board

SEAS SHIPPING CO., INC. AND ROBIN LINE, INC.

NOTICE OF APPLICATION FOR OPERATING-DIFFERENTIAL SUBSIDY

Notice is hereby given of the application of Robin Line, Inc., a subsidiary of Seas Shipping Company, Inc., for operating-differential subsidy for the operation of a minimum of 26 and a maximum of 36 subsidized sailings annually (the same number of sailings and with same vessels as are now incorporated in Seas' contract) on Trade Route No. 15A, beginning on termination of the operating-differential subsidy contract of Seas Shipping Company, Inc., on December 31, 1956, or on expiration of said contract on December 31, 1957.

Any citizen of the United States claiming that the effect of granting such application would be to give undue advantage or be unduly prejudicial as between citizens of the United States in the operation of vessels in competitive services, routes or lines should present evidence in support of such claim in writing to the Secretary, Federal Maritime Board, Washington 25, D. C., within fifteen (15) days after publication of this notice in the FEDERAL REGISTER.

By order of the Federal Maritime Board.

Dated: April 3, 1956.

[SEAL] A. J. WILLIAMS,
*Secretary.*

[F. R. Doc. 56-2892; Filed, Apr. 13, 1956; 8:48 a. m.]

## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

WYOMING

DISASTER ASSISTANCE; DESIGNATION OF AREA FOR SPECIAL EMERGENCY LOANS

For the purpose of making emergency loans pursuant to Public Law 727, 83d Congress, as amended, it is determined that in all of the counties in the State of Wyoming, except Laramie, Platte, and Goshen, there is a need for agricultural credit which cannot be met for a temporary period from commercial banks, cooperative lending agencies, the Farmers Home Administration under its regular programs, or under Public Law 38, 81st Congress (12 U. S. C. 1148a-2), as amended, or other responsible sources.

Pursuant to the authority set forth above, special emergency loans may be made to new applicants in the counties in the State of Wyoming designated herein, through June 30, 1956. Thereafter, special emergency loans may be made in said counties only to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 11th day of April 1956.

[SEAL] TRUE D. MORSE,
*Acting Secretary.*

[F. R. Doc. 56-2912; Filed, Apr. 13, 1956; 8:50 a. m.]

### Rural Electrification Administration

SPECIAL ASSISTANT FOR POWER SUPPLY

DELEGATION OF AUTHORITY

Authority has been delegated to the Special Assistant for Power Supply to approve or execute wholesale power contracts during the month of April 1956.

This delegation is in addition to prior delegations with reference to this subject matter.

Issued this 10th day of April 1956.

[SEAL] ANCHER NELSEN,
*Administrator.*

[F. R. Doc. 56-2890; Filed, Apr. 13, 1956; 8:47 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11124 etc.; FCC 56M-346]

HAROLD M. GADE ET AL.

ORDER AFTER THIRD PREHEARING CONFERENCE

In re applications of Harold M. Gade, Eatontown, New Jersey, Docket No. 11124, File No. BP-9096; Monmouth County Broadcasters, Long Branch, New Jersey, Docket No. 11125, File No. BP-9231; Herbert Scott and Ralph E. P. Mellon d/b as Long Branch Broadcasting Company, Long Branch, New Jersey, Docket No. 11587, File No. BP-9771; for construction permits.

*Appearances.* Mr. Philip M. Baker on behalf of Harold M. Gade, Mr. Stanley B. Cohen on behalf of Long Branch Broadcasting Company, and Mr. David I. Kraushaar on behalf of the Chief, Broadcast Bureau, Federal Communications Commission. The applicant Monmouth County Broadcasters and the respondents General-Times Television Corporation (WGTH) and Rollins Broadcasting, Inc. (WNJR) were not present or represented.

1. A prehearing conference was held on April 3, 1956, pursuant to Hearing Examiner's order dated March 22, 1956, at which three parties were represented by attorneys and three parties named in the Commission's order heretofore entered were not represented, all as indicated in the statement of appearances above. The procedures and schedules hereinafter set out were established as stated in the transcript, volume 3, pages 98-133, which is made a part of the record in this proceeding.

2. The evidence at the hearing will consist largely of engineering exhibits and testimony; accordingly, a conference or conferences of an informal nature will be engaged in by the engineers for the respective parties prior to the preparation of the affirmative case exhibits and testimony which are to be submitted in conformity with § 1.841 of the Commission's rules. It is expected that possible disagreements and minor conflicts of opinion among the engineers will have been eliminated through the informal conference procedure so that the necessity for cross-examination of engineering witnesses will be substantially if not entirely eliminated.

3. The applicants at or before 5:00 p. m. on Friday, June 1, 1956, shall exchange all of the direct affirmative case exhibits and testimony which are to be offered at the hearing, and copies thereof shall be provided to Bureau counsel and to the Hearing Examiner.

4. A further prehearing conference will be convened at 10:00 a. m. on Friday, June 8, 1956 for the purpose of considering the matters specified in §§ 1.813 and 1.841 of the Commission's rules.

5. The hearing will be commenced at 10:00 a. m. on Wednesday, June 27, 1956. Proposed findings of fact and conclusions of law will be required and a time for the filing of such pleadings will be fixed at the conclusion of the hearing.

*It is ordered,* This 10th day of April 1956, that unless modified for good cause the provisions of this order shall govern the course of the proceedings herein, and the prehearing conference shall be convened at 10:00 a. m. on Friday, June 8, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-2901; Filed, Apr. 13, 1956; 8:49 a. m.]

[Docket No. 11560; FCC 56M-341]

OLE MISS BROADCASTING CO. (WSUH)

ORDER SCHEDULING HEARING

In re applications of E. O. Roden, W. I. Dove and G. A. Pribbenow, d/b as Ole Miss Broadcasting Company (WSUH), Oxford, Mississippi, Docket No. 11560, File No. BP-9847; East Arkansas Broadcasters, Inc., Wynne, Arkansas, Docket No. 11561, File No. BP-9872; Warren L. Moxley, Blytheville, Arkansas, Docket No. 11562, File No. BP-9922; Sam C. Phillips, Clarence A. Camp and James E. Connolly, d/b as Tri-State Broadcasting Service (WHER), Memphis, Tennessee, Docket No. 11563, File No. BMP-6837; for construction permits and modification of construction permit.

The Hearing Examiner having under consideration a petition filed April 4, 1956, requesting further modification of the order controlling the conduct of hearing in the above-entitled proceeding; and

It appearing that each of the applicants herein requests modification of the order so as to specify later dates for various steps to be taken in the conduct of the hearing; and

It appearing that the reason for the requested amendment arises out of the fact that negotiations have been resumed looking toward the possible resolution of this matter without the need of a hearing, that there are no objections to the granting of the requested changes, and that good cause has been shown;

*It is ordered,* This the 10th day of April 1956 that the prior order for the conduct of hearing, as amended, is further amended so as to provide the following time schedule:

a. All exhibits and written testimony to be offered in evidence in response to Issues 1, 2 and 3 are to be exchanged on or before April 18, 1956.

b. Formal hearing for the introduction of the exhibits will begin on April 30, 1956, and that date shall be the controlling date for the other matters specified in subparagraphs c, d and e of paragraph 3 of the original order controlling the conduct of hearing.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-2902; Filed, Apr. 13, 1956; 8:49 a. m.]

[Docket No. 11655]

BREWSTER-PATEROS TV ASSN., INC.

NOTICE OF PLACE OF HEARING

In the matter of cease and desist order to be directed against Brewster-Pateros TV Association, Inc., Brewster, Washington; Docket No. 11655.

The hearing on the above-entitled matter presently scheduled for Monday, May 7, 1956, will be held at 10:00 a. m. in the North Court Room at the Chelan County Courthouse, Wenatchee, Washington.

Dated: April 10, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-2903; Filed, Apr. 13, 1956; 8:49 a. m.]

[Docket No. 11656]

EAO-TV CO., INC.

NOTICE OF PLACE OF HEARING

In the matter of cease and desist order to be directed against EAO-TV Company, Inc., Entiat, Washington; Docket No. 11656.

The hearing on the above-entitled matter presently scheduled for Thursday, May 3, 1956, will be held at 10:00 a. m. in the North Court Room at the Chelan County Courthouse, Wenatchee, Washington.

Dated: April 10, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-2904; Filed, Apr. 13, 1956; 8:49 a. m.]

APPLE VALLEY TV ASSN., INC.

NOTICE OF PLACE OF HEARING

In the matter of cease and desist order to be directed against Apple Valley TV Association, Inc., Wenatchee, Washington; Docket No. 11657.

The hearing on the above-entitled matter presently scheduled for Tuesday, May 8, 1956, will be held at 2:00 p. m. in the North Court Room at the Chelan County Courthouse, Wenatchee, Washington.

Dated: April 10, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-2905; Filed, Apr. 13, 1956; 8:49 a. m.]

[Docket No. 11667; FCC 56-301]

SARASOTA BROADCASTING CO. (WKXY)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Antonio G. Fernandez, Charles J. Fernandez and Gonzalo Fernandez d/b as Sarasota Broadcasting Company (WKXY) Sarasota, Florida, Docket No. 11667, File No. BMP-7046; for modification of construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 4th day of April, 1956;

The Commission having under consideration the above-entitled application of Antonio G. Fernandez, Charles J. Fernandez and Gonzalo Fernandez d/b as Sarasota Broadcasting Company for modification of a construction permit to increase the hours of operation of Station WKXY, Sarasota, Florida, from daytime only to unlimited time and to operate on 930 kilocycles with a power of 500 watts, nighttime, one kilowatt, daytime; and a request by WKXY for a waiver of § 3.28 (c) of the Commission's rules;

It appearing that the applicant is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate WKXY as proposed, but that interference to the proposed operation from Station WJAX, Jacksonville, Florida (930 kc, 5 kw, DA-N, Unl.) would affect more than 10 percent of the population within its normally protected primary service area; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated February 13, 1956, of the aforementioned deficiency and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing that in a letter dated February 17, 1956, the applicant requested a grant of the application without hearing and stated that if called upon to appear in a hearing that it would do so; and

It further appearing that the Commission is unable to make a determination in this matter on the basis of the data before it and is of the opinion that an evidentiary hearing is necessary to obtain complete information relative to the above-entitled application and the grounds advanced in support of the request for waiver of § 3.28 (c) of the rules to enable the Commission to determine whether the public interest would be served by a grant thereof;

*It is ordered,* That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WKXY as proposed, and the availability of other primary service to such areas and populations.

2. To determine whether, because of the interference received, the proposal of WKXY would comply with § 3.28 (c) of the Commission's rules; and if compliance with § 3.28 (c) is not achieved, whether circumstances exist which would warrant a waiver of said section of the rules.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether the above-entitled application of WKXY should be granted.

Released: April 6, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-2878; Filed, Apr. 13, 1956; 8:45 a. m.]

[Docket No. 11671]

WARNER AND TAMBLE RADIO SERVICE, INC.

ORDER TO SHOW CAUSE WHY LICENSE SHOULD NOT BE REVOKED

In the matter of Warner & Tamble Radio Service, Inc., Memphis, Tennessee, Docket No. 11671; order to show cause why the license for radiotelephone station WB-9369 should not be revoked or

an order to cease and desist should not issue.

The Commission having under consideration the matter of certain alleged violations in connection with the operation of the vessel Advance, WB–9369, licensed to Warner and Tamble Radio Service, Inc., Memphis, Tennessee;

It appearing that on December 14, 1955, an Order to Show Cause was issued in the above matter directing the licensee to appear at a hearing on February 13, 1956. A hearing was held on March 12, 1956 and the licensee was given two weeks to file a written supplementary statement of fact, with the Commission being allowed two weeks from that date to reply. On April 3, 1956, the hearing was reopened, a stipulation was introduced and the records were closed;

It further appearing that on March 16, 1956 the licensee again violated § 8.353 of the Commission's rules by transmitting general communications on 2182 kc, a frequency not assigned for that purpose by the Commission;

*It is ordered,* This 6th day of April 1956 pursuant to the provisions of § 312 (c) of the Communications Act of 1934, as amended, that the said Warner and Tamble Radio Service, Inc., P. O. Box 166, Memphis 1, Tennessee, show cause why the aforementioned license should not be revoked or why an order to cease and desist should not issue and appear and give evidence in respect thereto at a hearing [1] to be held before this Commission at Washington, D. C., at a time and place to be specified in a subsequent order;

*It is further ordered,* That the Secretary send a copy of the Order to the licensee by Registered Mail—Return Receipt Requested.

Released: April 6, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56–2879; Filed, Apr. 13, 1956; 8:46 a. m.]

[1] Section 1.402 of the Commission's rules provides that in order to have the opportunity to appear before the Commission at the time and place specified in an order to show cause, a licensee shall within thirty (30) days from the date of the receipt of a show cause order submit a written statement informing the Commission whether said licensee will appear at the designated hearing and present evidence upon the matters specified, or whether the rights to such a hearing are waived. Waiver of the hearing may be accompanied by a statement setting forth the reasons why the licensee believes that an order of revocation should not be issued. A waiver unaccompanied by such a statement will be deemed to be an admission of the allegations specified in the order to show cause. Failure to respond to a show cause order within the above-mentioned thirty (30) day period, or, having informed the Commission in writing within the above-mentioned thirty (30) day period that the licensee will appear at the hearing and present evidence upon the matter specified and then failing to appear at the hearing, will be deemed to be a waiver of the right to a hearing and an admission of the allegations specified in the order to show cause.

## FEDERAL POWER COMMISSION

[Docket No. E–6660]

KENTUCKY UTILITIES CO.

NOTICE OF ORDER AUTHORIZING MERGER

APRIL 10, 1956.

Notice is hereby given that on March 30, 1956, the Federal Power Commission issued its order, authorizing merger or consolidation of facilities in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56–2883; Filed, Apr. 13, 1956; 8:46 a. m.]

[Docket No. E–6662]

BLACK HILLS POWER AND LIGHT CO.

NOTICE OF ORDER AUTHORIZING ISSUANCE OF PROMISSORY NOTES

APRIL 10, 1956.

Notice is hereby given that on March 28, 1956, the Federal Power Commission issued its order, authorizing issuance of promissory notes in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56–2884; Filed, Apr. 13, 1956; 8:46 a. m.]

[Docket No. G–9558]

EAST TENNESSEE NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDER

APRIL 10, 1956.

Notice is hereby given that on March 29, 1956, the Federal Power Commission issued its findings and order, issuing a certificate of public convenience and necessity in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56–2885; Filed, Apr. 13, 1956; 8:46 a. m.]

[Docket No. IT–5743]

SAN DIEGO GAS & ELECTRIC CO.

NOTICE OF ORDER SUPERSEDING PREVIOUS AUTHORIZATION

APRIL 10, 1956.

Notice is hereby given that on April 2, 1956, the Federal Power Commission issued its order, authorizing transmission of electric energy from the United States to Mexico and superseding previous authorization in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56–2886; Filed, Apr. 13, 1956; 8:47 a. m.]

## UNITED STATES TARIFF COMMISSION

[Investigation 13]

SYNTHETIC STAR SAPPHIRES AND SYNTHETIC STAR RUBIES

INVESTIGATION DISCONTINUED AND DISMISSED

The Tariff Commission on April 10, 1956, ordered that Investigation No. 13, instituted September 16, 1953, upon complaint of the Linde Air Products Company, New York, N. Y., under section 337, Tariff Act of 1930, with respect to synthetic star sapphires and synthetic star rubies be discontinued and dismissed.

On March 5, 1956, the Tariff Commission submitted to the President the official record of this investigation, which included a recommendation that the President direct the Secretary of the Treasury to exclude from entry into the United States synthetic star sapphires and synthetic star rubies covered by claims of a patent owned by complainant.

After submission of the record to the President, the Commission received information with respect to an agreement between the complainant and the foreign manufacturer of the products involved in the Commission's findings. Inasmuch as the Commission was of the opinion that the aforementioned agreement had rendered the issue in this case moot and that no basis existed for the issuance of the exclusion order previously recommended, the Commission in view of the particular circumstances in this case in a letter of April 4 withdrew its recommendation to the President and suggested that the case be returned to it for final disposition. Pursuant to this suggestion, on April 10, 1956, the case was returned to the Commission.

Issued: April 11, 1956.

By order of the Commission.

[SEAL] DONN N. BENT,
*Secretary.*

[F. R. Doc. 56–2913; Filed, Apr. 13, 1956; 8:51 a. m.]

## DEPARTMENT OF JUSTICE

### Office of Alien Property

INGE EDINGER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Inge Edinger, $1,246.40 in the Treasury of the United States; Inge Edinger, as Natural Guardian of the minor, Zeev Edinger, Jerusalem, Israel, $2,908.25 in the Treasury of the United States; Claim No. 42037; Vesting Order No. 4395.

Executed at Washington, D. C., on April 9, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 56–2894; Filed, Apr. 13, 1956; 8:48 a. m.]



LILLIAN SACHIKO CREESON ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Lillian Sachiko Creeson, Columbia, South Carolina, $42.29 in the Treasury of the United States; Miyochi Arita, Hilo, Hawaii, $42.29 in the Treasury of the United States; Stanley Ikuo Arita, APO 500, % Postmaster, San Francisco, California, $42.29 in the Treasury of the United States; Eiko Arita, Hilo, Hawaii, $42.29 in the Treasury of the United States; Claim No. 62740; Vesting Order No. 14986.

Executed at Washington, D. C., on April 9, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 56–2895; Filed, Apr. 13, 1956; 8:48 a. m.]

ROSA KLARNER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Rosa Klarner, nee Amort, Vienna 12, Austria, $225.10 in the Treasury of the United States; Vesting Order No. 4739; Claim No. 40293.

Executed at Washington, D. C., on April 9, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 56–2896; Filed, Apr. 13, 1956; 8:48 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF EDMOND ELSBACH ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

The State of the Netherlands for the benefit of: all right title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to:

Edmond Elsbach, L. S. Claim No. 1, Atchison, Topeka & Santa Fe Railway Company 4/95 Bond No. 1865, in the principal amount of $1,000; and Atchison, Topeka & Santa Fe Railway Company 4/55 Bond No. 23167, in the principal amount of $1,000.

Willy Antoinette Josephine van der Velde, nee Wolff, L. S. Claim No. 5, Atchison, Topeka & Santa Fe Railway Company 4/95 Bond No. 20306, in the principal amount of $1,000.

Henri Polak, L. S. Claim No. 9, Atchison, Topeka & Santa Fe Railway Company 4/95 Bond No. 62065, in the principal amount of $1,000; and Norfolk & Western Railway Company 4/96 Bond No. 6992, in the principal amount of $1,000.

Dorus Eduard Stibbe, L. S. Claim No. 15, Atchison, Topeka & Santa Fe Railway Company 4/95 Bond No. 1325, in the principal amount of $500.

J. S. Hirsch, L. S. Claim No. 19, Central Pacific Railway Company 4/49 Bond No. 12511, in the principal amount of $1,000; Kansas City Southern Railway Company 3/50 Bond No. 11244, in the principal amount of $1,000; and Missouri-Kansas-Texas Railway Company 4/90 Bond No. 11597, in the principal amount of $1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on April 9, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 56–2897; Filed, Apr. 13, 1956; 8:48 a. m.]

## INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 11, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31950: *Sodium phosphates—Delaware, New Jersey, and Pennsylvania.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on sodium phosphate, di-sodium phosphate, and tri-sodium phosphate, carloads from specified points in Delaware, New Jersey, and Pennsylvania to Brunswick, Ga.

Grounds for relief: Short-line distance formulas and circuity.

Tariff: Supplement 11 to Agent Boin's I. C. C. A–1079.

FSA No. 31951: *Window glass—Pennsylvania and West Virginia to Durham, N. C.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on window glass, carloads from Jeannette and New Kensington, Pa., and Clarksburg, W. Va., to Durham, N. C.

Grounds for relief: Circuitous routes.

Tariff: Supplement 11 to Agent Boin's I. C. C. A–1079.

FSA No. 31952: *Cement—Cowan, Tenn., to Madisonville and Oak Ridge, Tenn.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on cement and related articles, carloads from Cowan, Tenn., to Madisonville and Oak Ridge, Tenn.

Grounds for relief: Circuitous route through Georgia.

Tariff: Supplement 54 to Agent Spaninger's I. C. C. 1447.

FSA No. 31953: *Sulphuric acid—Illinois to Nebraska.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on sulphuric acid, tank-car loads from Chicago and Joliet, Ill., to Omaha and South Omaha, Nebr.

Grounds for relief: Circuitous routes.

Tariff: Supplement 61 to Agent Prueter's I. C. C. A–4038.

FSA No. 31954: *Fertilizer and materials between Official and W. TL. Territories.* Filed by R. H. Hinsch, Agent, for interested rail carriers. Rates on fertilizer and fertilizer materials, dry, carloads between points in official territory, as described in the application, on the one hand, and points in western trunk line territory, as described in the application, on the other.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Agent Hinsch's tariff I. C. C. 4720.

FSA No. 31955: *Slate between the South and Ohio and Mississippi River crossings.* Filed by St. Louis-San Francisco Railway Company, for itself and interested rail carriers. Rates on slate, paving or flagging, and stone, bridge, curbing, flagging, paving or rubble, carloads between points in southern territory, on the one hand, and Ohio and Mississippi River crossings included in Agent C. A. Spaninger's tariff I. C. C. 1483, on the other.

Grounds for relief: Circuitous routes in part west of the Mississippi River.

FSA No. 31956: *Commodities from and to points in official territory.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on aluminum articles, carloads and other commodities, in carloads as described in the application from points in official territory to points in official and southern territories.

Grounds for relief: Carrier competition and circuity.

By the Commission.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F. R. Doc. 56–2887; Filed, Apr. 13, 1956; 8:47 a. m.]

[Rev. S. O. 562, Taylor's I. C. C. Order 68]

NEW YORK, ONTARIO AND WESTERN RAILWAY CO.

DIVERSION OR REROUTING OF TRAFFIC

In the opinion of Charles W. Taylor, Agent, the New York, Ontario and Western Railway Company, Ferdinand J. Sieghardt, Trustee, because of flood conditions is unable to transport traffic routed over its lines via Pittsburgh and Lehigh Junction or Genesee and Wyoming Junction.

*It is ordered*, That:

(a) Rerouting traffic: The New York, Ontario and Western Railway Company, Ferdinand J. Sieghardt, Trustee, and its direct connections, who are unable to deliver to the New York, Ontario and Western Railway Company, are hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroads desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carriers rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carriers' disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipments on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 3:00 p. m., April 5, 1956.

(g) Expiration date: This order shall expire at 11:59 p. m., April 13, 1956, unless otherwise modified, changed, suspended or annulled.

*It is further ordered*, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., April 5, 1956.

INTERSTATE COMMERCE COMMISSION,
[SEAL] CHARLES W. TAYLOR,
*Agent.*

[F. R. Doc. 56-2888; Filed, Apr. 13, 1956; 8:47 a. m.]

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# FEDERAL REGISTER

VOLUME 21 NUMBER 74

*Washington, Tuesday, April 17, 1956*

## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

DEPARTMENT OF DEFENSE

Effective upon publication in the FEDERAL REGISTER, paragraph (b) (1) of § 6.107 is amended as set out below.

§ 6.107 *Department of the Air Force.*

* * *

(b) *Office of the Inspector General.* (1) Until June 30, 1956, in order to provide civilian personnel complementary to military personnel, five Special Agent positions in the Office of the Assistant for Security, Plans and Policy, Deputy Inspector General, the Inspector General; five Special Agent positions in offices of the Office of Special Investigations overseas; and a total of 100 Special Agent positions in the Directorate of Special Investigations, the United States Air Force Special Investigations School (OSI) and the District Offices of the Office of Special Investigations, United States Air Force, in grades GS–11 or above.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
*Executive Assistant.*

[F. R. Doc. 56-2934; Filed, Apr. 16, 1956; 8:48 a. m.]

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (2) of § 6.314 is amended and paragraph (a) (12) is added as set out below.

§ 6.314 *Department of Health, Education, and Welfare*—(a) *Office of the Secretary.* * * *

(2) One Confidential Assistant to the Secretary.

* * * * *

(12) One Assistant Legislative Liaison Officer.

(R. S. 1753, sec. 2, 22 Stat. 403; U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
*Executive Assistant.*

[F. R. Doc. 56-2935; Filed, Apr. 16, 1956; 8:48 a. m.]

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

UNITED STATES INFORMATION AGENCY

Effective upon publication in the FEDERAL REGISTER, paragraph (e) of § 6.324 is revoked and paragraph (h) is added as set out below.

§ 6.324 *United States Information Agency.* * * *

(h) One Staff Assistant to the Chief, Office of Research and Intelligence.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
*Executive Assistant.*

[F. R. Doc. 56-2962; Filed, Apr. 16, 1956; 8:53 a. m.]

## TITLE 7—AGRICULTURE

### Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

SUBPART B—UNITED STATES STANDARDS FOR BEANS

GRADES, GRADE REQUIREMENTS, AND GRADE DESIGNATIONS

On December 31, 1955, a notice was published in the FEDERAL REGISTER (20 F. R. 10164), regarding the proposed revision of § 68.103 (d) of the United States

(Continued on p. 2463)

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# FEDERAL REGISTER

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**CFR SUPPLEMENTS**

**(As of January 1, 1956)**

The following Supplements are now available:

**Title 7: Parts 1–209 ($1.25)**

**Title 26: Part 300 to end, Ch. 1, ) and Title 27 ($1.00)**

**Title 32: Parts 1–399 ($0.60)**

*Previously announced:* Title 3, 1955 Supp. ($2.00); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 18 ($0.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35); Title 32: Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Titles 40–42 ($0.65); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.


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Standards for Beans (7 CFR 68.103 (d)). A supplemental notice was published in the FEDERAL REGISTER on March 10, 1956, (21 F. R. 1530). After due consideration of all relevant matters presented in connection with the aforesaid notices, and pursuant to the authority contained in the Agricultural Marketing Act of 1946 (7 U. S. C. and Supp. 1621 et seq.), it is hereby ordered as follows:

1. Said §268.103 (d) is revised to read:

(d) *Grades and grade requirements for the class Large Lima Beans (see also paragraph (h) of this section).*

| Grade | Maximum limits of—Blistered beans, wrinkled beans, splits, damaged beans, contrasting classes, and foreign material | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | Total | Splits | Damaged beans: Total | Damaged beans: Badly damaged | Contrasting classes | Foreign material: Total | Foreign material: Stones | Classes that blend |
| | *Percent* | *Percent* | *Percent* | *Percent* | *Percent* | *Percent* | *Percent* | *Percent* |
| U. S. Extra No. 1[1 2 3 4] | 4.0 | 2.0 | 1.0 | 0.2 | 0.2 | 0.2 | Trace | 2.0 |
| U. S. No. 1[1 4] | 6.0 | 3.0 | 2.0 | .5 | .5 | .5 | 0.2 | 5.0 |
| U. S. No. 2[1 4] | 9.0 | 5.0 | 3.0 | 1.0 | 1.0 | 1.0 | .3 | 10.0 |
| U. S. Substandard | U. S. Substandard shall include beans of this class which are not well screened or which otherwise do not come within the requirements of the specifications for the grades U. S. Extra No. 1, U. S. No. 1, U. S. No. 2, or U. S. Sample Grade. | | | | | | | |
| U. S. Sample Grade | U. S. Sample Grade shall include beans of this class which are musty, or sour, or heating, or materially weathered, or which are weevily, or which have any commercially objectionable odor, or which are otherwise of distinctly low quality. | | | | | | | |

[1] The beans in the grades U. S. Extra No. 1, U. S. No. 1, and U. S. No. 2, of this class shall be well screened.

[2] The beans in the grade U. S. Extra No. 1 of this class shall be of good natural color, and may contain not more than 17 percent moisture.

[3] The beans in the grade U. S. Extra No. 1 of this class may contain not more than 20 percent of beans that will pass through a 30/64 sieve, which 20 percent may include not more than 5 percent of beans that will pass through a 28/64 sieve.

[4] The beans in the grade U. S. No. 1 of this class may contain not more than 25 percent of beans that will pass through a 28/64 sieve, which 25 percent may include not more than 5 percent of beans that will pass through a 24/64 sieve.

[5] The beans in the grade U. S. No. 2 of this class may contain not more than 40 percent of beans that will pass through a 28/64 sieve, which 40 percent may include not more than 5 percent of beans that will pass through a 24/64 sieve.

[6] Broken beans: The beans in the grade U. S. Extra No. 1 of this class may contain not more than 3.0 percent of broken beans and in each of the grades U. S. No. 1 and U. S. No. 2 not more than 5.0 percent of broken beans.

2. The grade requirements for the class Baby Lima beans and the classes of miscellaneous Lima beans in present § 68.103 (d) are unchanged and are hereby set up in a new paragraph (e) as follows:

(e) *Grades and grade requirements for the class Baby Lima beans and for the classes of Miscellaneous Lima beans (see also paragraph (h) of this section).*

| Grade | Maximum limits of— Blistered, wrinkled, and/or broken | Splits | Defects consisting of damaged beans, contrasting classes, and foreign material: Total | Badly damaged beans | Contrasting classes | Foreign material: Total | Foreign material: Stones | Classes that blend |
|---|---|---|---|---|---|---|---|---|
| | *Percent* | *Percent* | *Percent* | *Percent* | *Percent* | *Percent* | *Percent* | *Percent* |
| U. S. Extra No. 1[1 2] | 2.0 | 2.0 | 1.0 | 0.5 | 0.2 | 9.2 | Trace | 2.0 |
| U. S. No. 1[1] | 3.0 | 3.0 | 2.0 | 1.0 | .5 | .5 | 0.2 | 5.0 |
| U. S. No. 2[1] | 5.0 | 5.0 | 3.0 | 1.5 | 1.0 | 1.0 | .3 | 10.0 |
| U. S. No. 3[1] | 8.0 | 8.0 | 5.0 | 2.0 | 2.0 | 1.5 | .6 | 13.0 |
| U. S. Substandard | U. S. Substandard shall include beans of any one of these classes which are not well screened or which otherwise do not come within the requirements of the specifications for the grades U. S. Extra No. 1, U. S. No. 1, U. S. No. 2, U. S. No. 3, or U. S. Sample Grade. | | | | | | | |
| U. S. Sample Grade | U. S. Sample Grade shall include beans of any one of these classes which are musty, or sour, or heating, or materially weathered, or which are weevily, or which have any commercially objectionable odor, or which are otherwise of distinctly low quality. | | | | | | | |

[1] The beans in the grades U. S. Extra No. 1, U. S. No. 1, U. S. No. 2, and U. S. No. 3 of any one of these classes shall be well screened.

[2] The beans in the grade U. S. Extra No. 1 of any one of these classes shall be of good natural color, and may contain not more than 17 percent moisture.

3. Paragraphs (e) *Grade designations;* (f) *Grade requirements and grade designation for the class Mixed beans;* and (g) *Special grades, special grade requirements, and special grade designations for all classes of beans,* are hereby redesignated (f), (g), and (h), respectively.

The foregoing changes shall become effective September 1, 1956.

(Sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624. Interprets or applies sec. 203, 60 Stat. 1087; 7 U. S. C. 1622)

Done at Washington, D. C., this 12th day of April 1956.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 56-2958; Filed, Apr. 16, 1956; 8:52 a. m.]

## Chapter III—Agricultural Research Service, Department of Agriculture

[P. P. C. 612, 2d Rev., Supp. 3]

### PART 301—DOMESTIC QUARANTINE NOTICES

### KHAPRA BEETLE QUARANTINE

### ADMINISTRATIVE INSTRUCTIONS DESIGNATING PREMISES AS REGULATED AREAS

Pursuant to § 301.76–2 of the regulations supplemental to the Khapra Beetle Quarantine (7 CFR Supp. 301.76–2, 20 F. R. 1012) under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), revised administrative instructions issued as 7 CFR Supp. 301.76–2a (20 F. R. 9899), effective December 23, 1955, as amended effective January 26, 1956 and March 14, 1956 (21 F. R. 573, 1575), are hereby amended in the following respects:

(a) The designation as regulated areas of the following premises, included in the list contained in such instructions, is hereby revoked, and the reference to such premises in the list is hereby deleted, it having been determined by the Chief of the Plant Pest Control Branch that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra beetle in and upon such premises:

ARIZONA

Farm Equipment & Supply, First Street and California Avenue, Parker.

Henry Leivas Farm, Route 1, Box 48–B, Parker.

R. F. Richter Feed Store, Box 51, Parker.

CALIFORNIA

Paul H. Aspey Farm Storage Bins, 1 mile south of Highway 80 on Highway 111, and 1 mile east of Acacia Canal Gate 67, El Centro. Mail address Box 264, El Centro.

E. M. Bevins Ranch, Route 2, Box 22, El Centro.

L. R. Bonesteel Ranch, located one-sixth mile north of Highway 98 from a point 1.7 miles east of Bonds Corner, Holtville. Mail address Route 1, Holtville.

Camp and Mebane Cattle Co. Feed Yard, 3½ miles east of Cawelo on Lerdo Road, Cawelo.

Bud Gunterman Ranch, on East G, one-half mile south of road 8 on west side of Acacia Canal at Gate 4, Calexico.

Gunterman Ranches (Bud Gunterman, owner), intersection of East L and Road 14, Calexico.

R. Langley Ranch, Route 2, Box 39A, Holtville.

Pilibos Bros. Ranch, 1919 South Willow, Fresno.

Paul Pryor Dairy, 5501 Olive Drive, Oildale, located four miles west of U. S. Highway 99, south side of Olive Drive, approximately three miles northwest of Bakersfield.

John Waterman Ranches, located one-eighth mile west of El Centro on Ross Avenue, Route 2, Box 95, El Centro.

Miguel D. Yslava Ranch, Route 1, Box 200, El Centro.

(b) The following premises are added to the list contained in such instructions, of warehouses, mills, and other premises in which infestations of the khapra beetle have been determined to exist. Such premises are thereby designated as regulated areas within the meaning of said quarantine and regulations:

ARIZONA

Elva Barnes Farm, Route 1, Box 113, Gilbert.
A. R. Hunter Poultry Farm, Route 2, Box 405, Tempe.
Delbert T. Mortenson Farm, Route 1, Box 116, Gilbert.
W. J. Muse Ranch, Box 1836, Parker.
Tom Neilsen Dairy, Route 1, Box 98, Tolleson.
Lou Park's Ranch, Casa Grande.
Milton P. Smith Ranch, Route 1, Maricopa.
P. E. Sterner Farm, Box 1782, Goodyear.

CALIFORNIA

Giffen Inc. property, located at southwest corner of SW¼ of sec. 6, T. 17 S., R. 15 E. Mail address Highway 33 and Elkhorn Avenue, Cantua.

Estella Hayes Ranch (Paul Pryor, lessee), four and one-half miles west of Highway U. S. 99, south side of Olive Drive. Mail address 5501 Olive Drive, Bakersfield.

Joseph Labandera property, located one-fourth mile south of Elkhorn on Westlawn, east side of street. Mail address Box 1B6, Burrel.

San Pasqual Land & Cattle Co. property, northwest corner County Roads No. 53 and West E. Westmoreland. Mail address 316 Main Street, Brawley.

This amendment shall become effective April 17, 1956.

This amendment revokes the designation as regulated areas of certain premises, it having been determined by the Chief of the Plant Pest Control Branch that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra beetle in and upon such premises. It also adds additional premises to the list of premises in which khapra beetle infestations have been determined to exist, and designates such premises as regulated areas under the khapra beetle quarantine and regulations.

This amendment in part imposes restrictions supplementing khapra beetle quarantine regulations already effective. It also relieves restrictions insofar as it revokes the designation of presently regulated areas. It must be made effective promptly in order to carry out the purposes of the regulations and to permit unrestricted movement of regulated products from the premises being removed from designation as regulated areas. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable and contrary to the public interest, and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 316; 7 U. S. C. 141. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 11th day of April 1956.

[SEAL] E. D. BURGESS,
*Chief, Plant Pest Control Branch.*

[F. R. Doc. 56-2960; Filed, Apr. 16, 1956; 8:52 a. m.]



## Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 927—MILK IN NEW YORK METROPOLITAN MARKETING AREA

SUBPART—CLASSIFICATION AND ACCOUNTING RULES AND REGULATIONS

APPROVAL OF AMENDMENT

Pursuant to the provisions of § 927.36 of Order No. 27, as amended (7 CFR Part 927), regulating the handling of milk in the New York metropolitan milk marketing area, the tentative amendment issued on April 2, 1956, by the Market Administrator of said Order No. 27, as amended, to the classification and accounting rules and regulations heretofore issued (7 CFR, 927.101 et seq.), pursuant to the provisions of said Order No. 27, as amended, is hereby approved and shall be effective on and after the first day of May 1956.

Order No. 27, as amended, requires that such rules and regulations, and amendments thereto, become effective on the first day of the month following their approval by the Secretary of Agriculture. The changes effected by this amendment to the rules and regulations to some extent tend to relieve restriction and otherwise do not require substantial or extensive preparation by handlers prior to the effective date of the amendment. Furthermore, the said tentative amendment as issued by the Market Administrator on April 2, 1956, was sent, on or about that date, to all handlers operating pool plants. In these circumstances, the time intervening between the date of approval of the tentative amendment and its effective date affords handlers a reasonable time to prepare for its effective date. It is, therefore, found and determined that May 1, 1956, herein fixed as the effective date for the said amendment, is reasonable and proper in the circumstances and that to defer the effective date of the said amendment to a date 30 days or more after publication in the FEDERAL REGISTER would be impracticable, unnecessary, and contrary to the public interest.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 12th day of April 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator.*

[F. R. Doc. 56-2955; Filed, Apr. 16, 1956; 8:51 a. m.]

PART 927—MILK IN NEW YORK METROPOLITAN MILK MARKETING AREA

SUBPART—CLASSIFICATION AND ACCOUNTING RULES AND REGULATIONS

TENTATIVE AMENDMENT TO RULES AND REGULATIONS

Pursuant to provisions of § 927.36 of the order, as amended (7 CFR Part 927), regulating the handling of milk in the New York metropolitan milk marketing area, and of the Administrative Procedure Act (5 U. S. C. 1001 et seq.), a public meeting was held at New York, New York, on March 6, 1956, to consider proposals for the amendment of the rules and regulations heretofore issued (7 CFR § 927.101 et seq.) pursuant to said order. Notice of said public meeting was issued on February 17, 1956, and published in the FEDERAL REGISTER on March 1, 1956 (21 F. R. 1357).

After due consideration of the data, views and arguments presented by interested parties at such public meeting, the rules and regulations heretofore amended are hereby further amended, subject to the approval of the Secretary of Agriculture to read as follows:

Add to the opening sentence of § 927.203 the following: "*Provided*, That if there is not sufficient skim milk available to be assigned to all skim milk subject to the fluid skim milk differential and to fluid skim milk established to have been utilized in the standardization of cream and sour cream, fluid skim milk shall be assigned to such standardization before any is assigned to skim milk in cultured milk drinks."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued this 2d day of April 1956 at New York, New York.

[SEAL] C. J. BLANFORD,
*Market Administrator.*

[F. R. Doc. 56-2956; Filed, Apr. 16, 1956; 8:51 a. m.]

# TITLE 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

### Subchapter B—Food and Food Products

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF DIELDRIN

A petition was filed with the Food and Drug Administration requesting the establishment of tolerances for residues of dieldrin in or on certain raw agricultural commodities. Later, the petition was amended. Tolerances requested in the amended petition are:

Zero in or on:

Beans (including black-eyed peas and soybeans).
Corn, grain (including sweet, field, and popcorn).
Corn, forage.
Melons (including cantaloups, muskmelons, watermelons, pumpkins, and winter squash).
Peas and cowpeas.
Legumes for forage (including clovers, alfalfa, soybean hay, pea hay, cowpea hay, and lespedeza).
Grain sorghum (including forage).

0.1 part per million in or on:

Cranberries.
Grapes.
Mangoes.
Plums and prunes.
Strawberries.
Asparagus.
Carrots, horseradish, parsnips, radishes (including tops), and salsify root.
Eggplant, peppers, and pimentos.
Potatoes and sweetpotatoes.
Tomatoes.
Grains (including barley, oats, rice, rye, and wheat).

0.25 part per million in or on:

Apples, pears, and quinces.
Cherries.
Citrus fruits (including oranges, grapefruit, lemons, limes, and tangerines).
Pineapple.
Beets (garden variety, including tops), turnips (including tops), and rutabagas.
Broccoli, brussels sprouts, and kohlrabi.
Cabbages and cauliflower.
Salsify tops.
Celery.
Collards, kale, mustard greens, spinach, and Swiss chard.
Cucumbers and summer squash.
Lettuce and endive (escarole).

0.75 part per million in or on:

Grain forage (including barley, oats, rice, rye, and wheat straws).

Data in the petition do not show that residues of dieldrin occur in or on the following crops when the pesticide chemical is applied according to directions in the petition: Alfalfa, beans, black-eyed peas, cantaloups, clover, corn grain, corn forage, cowpeas, cowpea hay, grain sorghum, grain sorghum forage, lespedeza, muskmelons, peas, pea hay, popcorn, pumpkins, soybeans, soybean hay, watermelons, winter squash. A tolerance greater than zero is not required for these uses.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120) are amended by adding the following new section:

§ 120.137 *Tolerances for residues of dieldrin.* Tolerances for residues of dieldrin in or on raw agricultural commodities are established, as follows:

(a) 0.75 part per million in or on barley straw, oat straw, rice straw, rye straw, wheat straw.



(b) 0.25 part per million in or on apples, beets (garden), garden beet tops, broccoli, brussels sprouts, cabbage, cauliflower, celery, cherries, collards, cucumbers, endive (escarole), grapefruit, kale, kohlrabi, lemons, lettuce, limes, mustard greens, oranges, pears, pineapple, quinces, rutabagas, salsify tops, spinach, summer squash, Swiss chard, tangerines, turnips, turnip tops.

(c) 0.1 part per million in or on asparagus, barley grain, carrots, cranberries, eggplant, grapes, horseradish, mangoes, oat grain, parsnips, peppers, pimentos, potatoes, plums and prunes, radishes, radish tops, rice grain, rye grain, salsify root, strawberries, sweetpotatoes, tomatoes, wheat grain.

(d) Zero in or on alfalfa, beans, black-eyed peas, cantaloups, clover, corn grain, corn forage, cowpeas, cowpea hay, grain sorghum, grain sorghum forage, lespedeza, muskmelons, peas, pea hay, popcorn, pumpkins, soybeans, soybean hay, watermelons, winter squash.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: April 11, 1956.

[SEAL] GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F. R. Doc. 56-2917; Filed, Apr. 16, 1956; 8:45 a. m.]

PART 141b—STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), the regulations for tests and methods of assay and certification of antibiotic and antibiotic-containing drugs (21 CFR Parts 141b, 146b, 146c) are amended as indicated below:

1. Part 141b is amended by adding the following new section:

§ 141b.130 *Streptomycin - dihydrostreptomycin for inhalation therapy*—(a) *Potency*—(1) *Total potency.* Using the dihydrostreptomycin working standard as the standard of comparison, proceed as directed in § 141b.101 (j), except if it is packaged with inert gases prepare the sample as directed in § 141b.117 (a) (1). Its total potency is satisfactory if it contains not less than 90 percent of the combined number of milligrams of streptomycin and dihydrostreptomycin that it is represented to contain.

(2) *Streptomycin content.* Proceed as directed in § 141b.118 (b). Its content of streptomycin is satisfactory if it contains not less than 45 percent and not more than 55 percent of the total potency as determined under subparagraph (1) of this paragraph.

(b) *Unless it is packaged with inert gases, toxicity, histomine, moisture, and pH.* Proceed as directed in § 141b.117 (b).

(c) *If it is packaged with inert gases, moisture.* Proceed as directed in § 141b.117 (c).

2. Part 146b is amended by adding the following new section:

§ 146b.125 *Streptomycin-dihydrostreptomycin for inhalation therapy.* (a) Streptomycin - dihydrostreptomycin for inhalation therapy conforms to all requirements and is subject to all procedures prescribed by § 146b.112 for streptomycin for inhalation therapy and dihydrostreptomycin for inhalation therapy, except that it is a mixture of equal parts of streptomycin and dihydrostreptomycin.

(b) *Exemption of streptomycin-dihydrostreptomycin for inhalation therapy from certification.* Streptomycin-dihydrostreptomycin for inhalation therapy that conforms to the requirements of paragraph (a) of this section shall be exempt from the requirements of sections 502 (1) and 507 of the act if it complies with all the following conditions:

(1) It is intended solely for veterinary use and is conspicuously so labeled.

(2) The label bears an expiration date that is not more than 48 months after the month during which the batch was last assayed and released by the manufacturer.

(3) The circular or other labeling within or attached to the package bears information that the antibiotics are for use only in the prevention or treatment of chronic respiratory disease (air-sac infection) in chickens and bears directions and warnings adequate for such use.

3. In § 146c.217 *Chlortetracycline calcium oral drops* * * *, subparagraph (1) (v) of paragraph (c) *Labeling* is amended by changing the colon after the word "certified" to a comma and adding the following new clause: "except that the blank may be filled in with the date that is 18 months after the month during which the batch was certified if the per-

son who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section:".

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industries, since it relaxes existing requirements, and since it would be against public interest to delay providing for the amendments set forth above.

I further find that streptomycin-dihydrostreptomycin for inhalation therapy intended solely for veterinary use need not comply with the requirements of sections 502 (1) and 507 of the Federal Food, Drug, and Cosmetic Act in order to insure their safety and efficacy, provided they comply with all the requirements set out in amendment 2 of this order.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended, 21 U. S. C. 357)

Dated: April 11, 1956.

[SEAL] GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F. R. Doc. 56-2916; Filed, Apr. 16, 1956; 8:45 a. m.]

# TITLE 32—NATIONAL DEFENSE

## Chapter XI—National Guard and State Guard, Department of the Army

PART 1101—NATIONAL GUARD REGULATIONS

COMMISSIONED OFFICERS

In § 1101.2, revise paragraphs (b) (3) and (e) to read as follows:

§ 1101.2 *Appointment.* • • •

(b) *Persons ineligible for Federal recognition.* • • •

(3) *Conviction for other than minor traffic violation.* Those who have a record of conviction by any type of military or civil court for other than minor traffic violation. The Department of the Army may grant waiver for conviction of minor violations which are nonrecurrent and which are not deemed prejudicial to performance of duty as an officer. Waiver of conviction involving moral turpitude or conviction of a felony is not authorized.

• • • • •

(e) *Waiver of benefits.* (1) As used herein, the term "benefits" pertains to a pension, retirement pay, disability compensation, or retired pay from the Government of the United States by virtue of prior military service.

(2) Applicants for appointment who are entitled to the above benefits, except those retired for physical disability, age, and enlisted men retired under the provisions of Public Law 190 (79th Cong.) are eligible for Federal recognition in the National Guard provided:

(i) They are otherwise qualified in all respects.

(ii) They waive, for the remainder of the current fiscal year and upon commencement of each fiscal year thereafter, either that portion of their benefits for the days for which they receive Federal pay for services as members of the federally recognized National Guard, or their National Guard pay and allowances.

[C3, NGR 20-1, February 27, 1956] (Sec. 118, 39 Stat. 213; 32 U. S. C. 17)

[SEAL] JOHN A. KLEIN,
*Major General, U. S. Army,*
*The Adjutant General.*

[F. R. Doc. 56-2914; Filed, Apr. 16, 1956; 8:45 a. m.]

# TITLE 33—NAVIGATION AND NAVIGABLE WATERS

## Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

GULF OF MEXICO OFF ST. ANDREW BAY, FLORIDA

Pursuant to the provisions of Chapter XIX of the Army Appropriation Act of July 9, 1918 (40 Stat. 892; 33 U. S. C. 3), § 204.131 is hereby prescribed to govern the use and navigation of a danger zone in the waters of the Gulf of Mexico in the vicinity of St. Andrew Bay, Florida, comprising a mine testing area, as follows:

§ 204.131 *Gulf of Mexico in vicinity of St. Andrew Bay, Florida; U. S. Navy Mine Defense Laboratory Mine Testing Area—*

(a) *The danger zone.* A rectangular area about 2,000 yards wide and 2,700 yards long, approximately parallel to and about 500 yards offshore in the vicinity of St. Andrew Bay, Florida. The area is bounded as follows: Beginning at latitude 30°10'00", longitude 85°48'03"; thence southeast to latitude 30°09'27", longitude 85°47'09"; thence southwest to latitude 30°08'21", longitude 85°48'02.5"; thence northwest to latitude 30°08'55", longitude 85°48'54"; thence northeast to the point of beginning. The respective corners of the test area will be marked by buoys showing a flashing white light.

(b) *The regulations.* (1) No vessel shall enter or remain in the danger zone at any time, except as authorized by the enforcing agency.

(2) The regulations in this section shall be enforced by the Commanding Officer, U. S. Navy Mine Defense Laboratory, Panama City, Florida, and such agencies as he may designate.

[Regs., March 29, 1956, 800.2121 (Mexico, Gulf of)—ENGWO] (40 Stat. 892; 33 U. S. C. 3)

[SEAL] JOHN A. KLEIN,
*Major General, U. S. Army,*
*The Adjutant General.*

[F. R. Doc. 56-2915; Filed, Apr. 16, 1956; 8:45 a. m.]

# TITLE 46—SHIPPING

## Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter F—Merchant Ship Sales Act of 1946

[Gen. Order 60, Supp. 5, Amdt. 4]

PART 299—RULES AND REGULATIONS, FORMS, AND CITIZENSHIP REQUIREMENTS

SUBPART G—FORMS

UNIFORM BAREBOAT CHARTER OF A WAR-BUILT DRY-CARGO VESSEL UNDER THE MERCHANT SHIP SALES ACT OF 1946, "SHIPSALESDEMISE 303"

Section 299.82 is hereby amended to read as follows:

§ 299.82 *Uniform bareboat charter of a war-built dry-cargo vessel under the Merchant Ship Sales Act of 1946, "Shipsalesdemise 303".* The bareboat charter of a war-built dry-cargo vessel shall be substantially as follows:

Form No. 303 Contract No. ------
Shipsalesdemise
(Rev. 1956)

UNITED STATES MARITIME ADMINISTRATION

BAREBOAT CHARTER AGREEMENT OF WAR-BUILT DRY-CARGO VESSELS

This charter party agreement (hereinafter called the "Agreement") dated as of ------, 19--, between the United States of America, acting by and through the Department of Commerce (Maritime Administration) (hereinafter called the "Owner") and ------ (hereinafter called the "Charterer"), whose address is ------,
Witnesseth:

PART I

CLAUSE A. *Uniform terms.* This Agreement consists of two parts, this Part I and Part II. Unless otherwise in this Part I expressly provided, all of the provisions of said Part II shall be a part of this Agreement as though fully set forth in this Part I. In the event of a conflict between the provisions of Parts I and II, the provisions of Part I shall govern to the extent of such conflict.

CLAUSE B. *Agreement of the parties.* The Owner hereby agrees to let, and the Charterer agrees to hire, the Vessel or Vessels listed in Clause C, Part I, or as may be included under this Agreement by addenda hereafter executed, for the carriage of lawful merchandise during the period, and upon the terms and conditions hereinafter set forth.

CLAUSE C. (1) *Vessels chartered and other details.* The Vessel or Vessels to which this Agreement relates and the respective ports or places of delivery (if known) at which the Vessel(s) shall be delivered by the Owner to the Charterer are as follows or as may be included hereunder by addenda hereafter executed:

| Name of vessel | Type | Place of delivery | Basic hire per calendar month |
|---|---|---|---|
| | | | |

The term "Vessels" as used in the plural in either Part I or Part II of this Agreement also refers to any single Vessel, whenever appropriate, and similarly the term "Vessel" as used in the singular refers to all Vessels within the Agreement whenever appropriate.

(2) *Period of vessel's use.* Subject to termination as provided in this Clause and in Clause 14, Part II, the Vessels covered by this Agreement are chartered for ------

*Provided,* That in event the period of Vessel's use hereunder extends beyond one year, this Agreement shall be subject to review by the Federal Maritime Board (as provided in section 5 (e) (1), Merchant Ship Sales Act of 1946, as amended) for the purpose of determining whether then existing conditions justify its continuance: *And provided further,* That whenever the President shall proclaim that the security of the national defense makes it advisable, or during any national emergency declared by proclamation of the President, or after a declaration of war or of national emergency made by Congress, the Owner may terminate this Agreement without cost to the United States, upon such notice to the Charterer as the President or Congress shall determine.

CLAUSE D. *Operating limits and service.* The vessel shall be operated only in ------

CLAUSE E. *Rate of basic charter hire.* Unless otherwise specially agreed, basic charter hire shall be paid at the rate appearing opposite the name of each Vessel listed in Clause C (1) and such addenda as may be executed.

CLAUSE F. *Amount of insurance.* The Charterer shall at all times during the period of the Vessel's use under this Agreement carry and maintain on each Vessel policies of insurance in the manner and form prescribed in Clause 16, Part II, in minimum amounts as follows:

| | |
|---|---|
| Marine hull and machinery | $-------- |
| War risk hull and machinery | -------- |
| Marine P & I (per GRT) | -------- |
| War risk P & I (per GRT) | -------- |
| Marine excess, general average, salvage, and collision liability | -------- |
| War risk excess, general average, salvage, and collision liability | -------- |

together with such additional amounts of P & I and excess liability insurance as the Owner may require from time to time.

The insertion of the amount of Marine and War Risk Hull and Machinery insurance shall be for the purpose of (a) fixing the minimum amount for the placing of insurance as prescribed in Clause 16, Part II, and (b) constituting the replacement or total loss value of the Vessel as between the Charterer and the Owner, but for no other purpose. The Charterer shall also at all times during the period of the Vessel's use under this Agreement carry and maintain such crew insurance as is required by the Charterer's current bargaining agreements.

CLAUSE G. *Amount of bond.* The Charterer, at or before delivery of each Vessel under this Agreement, shall furnish the Owner with a bond in the amount of $------ for each Vessel, in the manner prescribed in Clause 21, Part II of this Agreement.

CLAUSE H. *Special provisions.* (1) Notwithstanding the definition of "capital necessarily employed" in Clause 23 of Part II hereof, such "capital necessarily employed" shall in no event be deemed to be in excess of the greater of (a) the working capital requirements, or (b) the net worth requirements determined in the manner provided in the succeeding subparagraph of this clause.

(2) For the purposes of paragraph (a) of Clause 29, Part II, the minimum financial requirements shall be those prescribed in § 299.31 of United States Maritime Commission's General Order No. 60, Supplement 2, as adopted by its successor, the Maritime Administration, and amended from time to time—with the following modifications:

(a) The working capital requirements prescribed in paragraph (a) (2) (i) of said § 299.31 shall be reduced so as to include prepaid insurance for a period of six months rather than for a period of one year; and

(b) The net worth requirements prescribed in paragraph (a) (2) (ii) of said § 299.31 shall be reduced so as to include basic charter hire for a period of six months rather than for a period of one year; and

(c) The minimum financial requirements, as modified in subparagraphs (a) and (b) of this paragraph, shall be further reduced for Vessels in excess of five, as follows:

| | Percent |
|---|---|
| Sixth to tenth vessel, inclusive | 25 |
| Eleventh to fifteenth vessel, inclusive | 50 |
| All over fifteen vessels | 75 |

In witness whereof, this Agreement has been executed in triplicate by the Owner on the ------ day of ------, 19--, and by the Charterer on the ---- day of ------, 19--.

UNITED STATES OF AMERICA, DEPARTMENT OF COMMERCE
(MARITIME ADMINISTRATION)

By: ------
------
By: ------

[CORPORATE SEAL]

Attest:
------
(Secretary)

Form No. 303
Shipsalesdemise
(Rev. 1956)

PART II

CLAUSE 1. *Condition of vessel(s) on delivery.* The Vessel on her delivery shall be in Class A-1 American Bureau of Shipping or equivalent, with all required certificates, including but not limited to marine inspection certificates of the Coast Guard, Treasury Department, and so far as due diligence can make her so, tight, staunch, strong and well and sufficiently tackled, appareled, furnished and equipped, and in every respect seaworthy and in good running condition and repair, with clean swept holds and in all respects fit for service.

CLAUSE 2. *Surveys.* (a) The Vessels shall be jointly surveyed before delivery and before redelivery under this Agreement to determine and state the condition of the Vessels. Such surveys shall include drydocking to determine and state the condition of the underwater parts, unless, at Owner's option, the drydocking in connection with delivery is postponed, in which event the cost and time (including vessel expenses) of any damage to underwater parts found either upon redelivery or during the period of the Vessel's use under this Agreement shall be for Owner's account unless such damage is established, from the basis of all evidence, to have occurred during the period of the Vessel's use under this Agreement. The cost and time of such delivery survey shall be for the account of the Owner, and similarly the cost and time of such redelivery survey shall be for the account of the Charterer. Each party shall bear the cost of surveyors appointed by it in connection with both delivery and redelivery surveys.

(b) Subject to the foregoing provisions as to underwater parts in the event drydocking is postponed, and except as to items sighted prior to delivery and noted on the delivery survey report as defective, which shall be for the Owner's account, including cost and time (inclusive of vessel expenses), the delivery of the Vessel by the Owner and the acceptance thereof by the Charterer shall constitute full performance by the Owner of all the Owner's obligations under Clause 1 with respect to such Vessel, and thereafter the Charterer shall not be entitled to make or assert any claim against the Owner on account of any agreements, representations or warranties, expressed or implied, with respect to the condition of the Vessel; provided, however, that the Owner shall nevertheless be responsible for the cost and time (exclusive of vessel expenses) of repairs or renewals occasioned by latent defects in the Vessel, its machinery or appurtenances or defects due to locked in stresses in the Vessel existing at the time of delivery, not recoverable under the terms and conditions of the American Hull form of policy (American Institute Time (Hulls) December 1955) containing no deductible average clause.

CLAUSE 3. *Determination of class.* For the purpose of this Agreement a Vessel chartered hereunder shall be deemed to be in class, whether or not any requirements or recommendations of the Classification Society are outstanding at the time of delivery or redelivery, as the case may be, unless the time limit for the accomplishment of any such requirements or recommendations, including any extension or period of grace allowed, shall have expired.

CLAUSE 4. *Inventory.* A complete inventory of each Vessel's entire outfit, equipment, furniture, furnishings, appliances, spare and replacement parts and of all unbroached consumable stores, subsistence stores, slop chest, containers, and bunker fuel shall be jointly taken and mutually agreed upon as to items and quantities, at the time of delivery, by representatives of the Charterer and the Owner. The parties may agree, however, to accept any suitable prior inventory which may have been taken before the delivery of the Vessel under this Agreement. Such delivery inventory of consumable and subsistence stores, slop chest, containers, and bunker fuel shall be priced by the Charterer at the current market price prevailing at the port and time of delivery. At redelivery a complete inventory of each Vessel's entire outfit, equipment, furniture, furnishings, appliances and spare and replacement parts shall, also, be jointly taken and mutually agreed upon as to items and quantities by representatives of the Charterer and the Owner. In addition, a complete inventory of all broached and unbroached consumable stores, subsistence stores, slop chest, containers, and bunker fuel shall be taken by the Charterer immediately prior to redelivery. Such inventory shall be priced by the Charterer at the current market price prevailing at the port and time of performance of Charterer's redelivery obligations, and the Owner shall be furnished with three certified copies of such inventory, together with an affidavit certifying as to its correctness.

CLAUSE 5. *Consumable stores and fuel.* The Charterer shall accept and pay for any unbroached consumable stores, subsistence stores, slop chest, returnable containers, and bunker fuel on board or furnished by the Owner at the time of delivery at the market prices current at the time and place of repairs and outfitting. The Owner shall have no obligation upon redelivery to accept or pay for consumable stores (either broached or unbroached), subsistence stores, slop chest, or returnable containers, and shall accept and pay for bunker fuel only in such minimum amounts as the Owner may determine. (Bunkers accepted by the Owner shall be paid for at the current market price prevailing at the port and time of redelivery, or, in event of redelivery at a Reserve Fleet site, at the current market price at the port and time of redelivery repairs). Prior to redelivery, such items shall be removed from the Vessels by the Charterer in accordance with the provisions of NSA Order No. 64, as revised from time to time, and the fair and reasonable cost of such removal shall be charged in the Vessel's voyage accounts for the last voyage prior to redelivery. With respect to the aforesaid items, there shall be taken into account in the determination of additional charter hire, in accordance with Clause 13, Part II, of this Agreement, (a) the current market value thereof at the port and time of redelivery, in the event redelivery is effected at a redelivery port, or, in the event redelivery is effected at a Reserve Fleet Site, the current market value at the port and time of redelivery repairs, or (b)

the net proceeds from the disposition thereof, in the event the Charterer elects to dispose of the removed goods and notifies the Owner of such intention prior to redelivery. The manner of, time of, and determination of net proceeds from such disposition of the items shall be subject to approval of the Owner.

CLAUSE 6. *Use of equipment.* The Charterer shall have the use of all outfit, equipment, furniture, furnishings, appliances, spare and replacement parts on board the Vessel at the time of delivery under this Agreement without extra cost and the same shall be returned to the Owner upon redelivery in good order and condition. Any such items damaged or so worn in service as to be unfit for use or lost or destroyed shall be replaced or made good by the Charterer in kind at or before redelivery, or, at Owner's option, the Charterer shall pay for said items at the current market prices at the port and time of performance of Charterer's redelivery obligations, based upon the condition of the items at the time of delivery. The Owner shall have a right, but not an obligation, to accept any overages on the Vessel at redelivery. Any overages accepted by the Owner shall be paid for at the current market prices at the port and time of performance of Charterer's redelivery obligations, based upon the condition of the items at the time of redelivery. Overage and shortage statements shall be prepared and priced by the Charterer, subject to review and adjustment by the Owner.

CLAUSE 7. *Maintenance.* The Charterer, except as otherwise provided in Clause 2 (a) and 2 (b), shall, at its own expense, maintain the Vessels, their machinery, boilers, appurtenances, and spare parts during the period of the Vessel's use under this Agreement in good state of repair and in efficient operating condition and in accordance with good commercial maintenance practices and shall keep the Vessels in such condition as will entitle the Owner at all times to all required certificates, including, without limitation, the highest classification and rating for vessels of the same age and type in the American Bureau of Shipping and with unexpired marine inspection certificates of the Coast Guard, Treasury Department.

CLAUSE 8. *Drydocking.* The Charterer shall drydock the Vessels and clean and paint their underwater parts, when necessary, but not less than once in about every nine (9) months from date of delivery. The Charterer shall give the Owner reasonable notice of the time and place of drydocking and if practicable fifteen (15) days in advance thereof and afford the Owner an opportunity to inspect the Vessels while drydocked. The Charterer shall also promptly notify the Owner sufficiently in advance to enable its representative to be present at repairs or surveys of the Vessels, and shall furnish the Owner with copies of reports made pursuant to such surveys.

CLAUSE 9. *Inspections.* The Owner shall have the right at any time, without notice, to inspect or survey the Vessels at its own expense, to ascertain their condition and to satisfy itself that the Vessels are being properly repaired and maintained in accordance with good commercial maintenance practices, but such inspection shall be held at such time and in such manner as to not interfere with Vessel's schedule. The Charterer shall make all such repairs, at its own expense, as such inspection or survey may show to be required in compliance with the Charterer's obligations under this Agreement. The Charterer shall also permit the Owner to inspect the Vessel's logs whenever requested, and shall furnish the Owner upon request with full information regarding any casualties or other accidents or damage to the Vessels.

CLAUSE 10. *Charterer to man, etc.* During the period of this Agreement, the Charterer shall, at its own expense, and by its own procurement, man, victual, navigate, operate, supply, fuel, and, except as otherwise expressly provided in Clause 2 (a) and 2 (b) of this Agreement, repair the Vessels and pay all charges and expenses of every kind and nature whatsoever incident to the use and operation of the Vessels under this Agreement. The Owner reserves the right to require the removal of the Master or the Chief Engineer if it shall have reason to be dissatisfied with their conduct or if it considers their employment to be prejudicial to the interests of the United States. Except as otherwise expressly provided in this Clause and Clause 25 of this Agreement, the Charterer and not the Owner shall have exclusive possession, control and command of the Vessels during the entire period of use under this Agreement.

CLAUSE 11. *Structural changes.* The Charterer shall make no structural changes in the Vessel and shall make no changes in the machinery, boilers, appurtenances or spare parts thereof without in each instance first securing the written approval of the Owner.

CLAUSE 12. *Basic charter hire.* The Charterer shall pay to the Owner the basic charter hire at the monthly rate provided for in Part I hereof from the day and hour of delivery of the Vessels until and including the day and hour of redelivery to the Owner pursuant to the terms of this Agreement; or if any Vessel shall be lost, hire shall continue until the time of such loss, if known, or if the time of loss be uncertain then up to and including the time last heard from. Payment of such basic charter hire shall be made to the Owner at Washington, D. C., on delivery of the Vessel for the remainder of the calendar month in which delivery is made, and thereafter monthly in advance on the first day of each month.

CLAUSE 13. *Additional charter hire.* If at the end of the calendar year in which this Agreement becomes effective, or any subsequent calendar year or at the termination of this Agreement, cumulative net voyage profit (after the payment of the basic charter hire hereinabove specified and payment of the Charterer's fair and reasonable overhead expenses applicable to operation of the Vessels) shall exceed ten percentum (10%) per annum on the Charterer's capital necessarily employed in the business of the Vessels (all as hereinafter defined), the Charterer shall pay over to the Owner at Washington, D. C., within thirty (30) days after the end of such year or other period, as additional charter hire for such year or other period, an amount equal to the percentage of such cumulative net voyage profit in excess of ten (10) percentum per annum on such capital computed in accordance with the following table (but such cumulative net profit so accounted for shall not be included in any calculation of cumulative net profit in any subsequent year or period):

Cumulative net voyage profit (in excess of 10 percent per annum on capital necessarily employed) not in excess of $100 per day—50 percent.

Cumulative net voyage profit (in excess of 10 percent per annum on capital necessarily employed) in excess of $100 per day but not in excess of $300 per day—75 percent on such excess over $100 per day.

Cumulative net voyage profit (in excess of 10 percent per annum on capital necessarily employed) in excess of $300 per day—90 percent on such excess over $300 per day.

It is agreed that the term "cumulative net voyage profits" as herein used means, as between the parties, that losses (as hereinafter defined) under the Agreement at the end of any accounting period may be carried forward into the next accounting period for the purpose of determining additional charter hire, but that in no event shall profits under the Agreement (in excess of 10% per annum on "capital necessarily employed") at the end of any accounting period be carried forward into the next accounting period, such profits being subject to distribution at the end of each accounting period as herein provided. "Losses", as above used, means actual net voyage losses, if any, as well as any amount by which 10% per annum on the charterer's "capital necessarily employed" in the business of the chartered vessels exceeds the actual net voyage profits under the charter.

The Charterer agrees to make preliminary payments to the Owner on account of such additional charter hire at such times and in such manner and amounts as may be required by the Owner; provided, however, that such payment of additional charter hire shall be deemed to be preliminary and subject to adjustment either at the time of the rendition of preliminary statements or upon the completion of each final audit by the Owner, at which times such payments will be made to the Owner as such preliminary statements or final audit may show to be due, or such overpayments refunded to the Charterer as may be required.

CLAUSE 14. *Termination.* Either the Owner or the Charterer may terminate the period of use of any of the Vessels by giving written notice to the other party at least fifteen (15) days prior to the termination of any voyage hereunder, in which event the Vessel shall be redelivered pursuant to the terms of this Agreement, upon termination of the voyage during which such notice is given.

CLAUSE 15. *Redelivery of vessel(s)*—(a) *Port or place of redelivery.* The port of redelivery shall be the port of delivery or such other port as may be mutually agreed: *Provided*, That the Owner shall have the option of requiring the Charterer to place the Vessel(s) in layup at a Reserve Fleet Site designated by the Owner, on the same coast as the port of redelivery, in the manner and on the basis provided for in subparagraph (d) of this Clause. In the event the Owner exercises this option, the Owner shall have the right to designate the port at which Charterer's redelivery obligations under this Clause will be performed.

(b) *Redelivery conditions.* Each Vessel, unless lost, shall be redelivered to the Owner, pursuant to the terms of this Agreement, in the same good order and condition as that in which she was delivered, unless the lack of good order and condition is due solely to ordinary wear and tear, and with valid classification and Coast Guard certificates, whether or not classification or Coast Guard repairs are due wholly or in part to ordinary wear and tear. At the redelivery survey provided for in Clause 2, surveyors appointed by the Charterer and surveyors appointed by the Owner, shall be present, who shall determine and state the repairs or work necessary to place each Vessel on the date of redelivery in the condition and class required under this Clause, which findings shall include all repairs and work required to be performed at the time of redelivery by the Classification Society and all other regulatory bodies, and all repairs and work which are necessary to place each Vessel on the date of redelivery in the good order and condition required by this Clause. The Charterer, before redelivery, shall make all such repairs and do all such work so found to be necessary at its expense and time, or at Owner's option, the Charterer shall, on Owner's request, discharge such obligation by payment to the Owner of an amount sufficient to place each Vessel in such class, order and condition and to provide for the foregoing work and repairs at the prices current at the time of redelivery, which amount shall also include compensation at the rate of basic hire payable under this Agreement for the time reasonably required under then existing conditions to complete such work or repairs and compensation for all other expenses (including insurance) reasonably required incident to such work or repairs. In the event the Owner exercises this option, the Charter's redelivery repair



obligations shall be limited to the amount of Marine Hull and Machinery insurance required by the provisions of Part I hereof. The Charterer shall not be required to make any repairs which were for Owner's account under Clause 2 of this Agreement, but if such repairs were made after delivery under this Agreement and paid for by the Owner, they shall be considered as having been made at the time of delivery for the purpose of determining the Charterer's obligations under this Clause 15.

(c) *Disputes.* Should any dispute arise between the Owner and the Charterer with respect to responsibility for repairs, renewals, replacements, or condition of the Vessel(s), at the time of redelivery, the Charterer shall, without prejudice to its contentions, make and pay for such disputed repairs, renewals, or replacements, or any part thereof, before redelivery, and may recover the cost from the Owner, together with vessel expenses and charter hire during the period required for the performance of such work over and above the time required to perform the Charterer's redelivery repairs, in event Owner's liability therefor is established.

(d) *Vessel layup.* In the event that the Owner exercises its option under subparagraph (a) of this Clause to require the Charterer to place the Vessel(s) in layup following completion of Charterer's normal redelivery obligations, the Charterer shall perform and pay for all work required in connection with the preparation for layup and movement of the Vessel(s) to the Reserve Fleet Site designated by the Owner, as prescribed in NSA Orderer No. 64, as revised from time to time. In such event, (i) basic charter hire shall cease as of completion of Charterer's normal redelivery obligations, and (ii) all reasonable costs incurred by the Charterer during the period of the stripping and layup of the Vessel(s) as aforesaid, including but without limitation, cost of insurance, shall, to the extent authorized and approved by the Owner, be taken into account as voyage expense in the determination of additional charter hire under Clause 13.

CLAUSE 16. *Insurance.* (a) The Charterer shall at all times during the period of the Vessel's use under this Agreement, carry and maintain on the Vessel policies of insurance covering all marine and war risk hull and marine and war risk protection and indemnity risks, and all other hazards and liabilities in the amounts set out in Part I hereof, in such form and with such insurance companies, underwriters or funds as the Owner shall require and approve. All insurance required under the terms of this Agreement to be carried by the Charterer shall include the United States of America as an assured, without recourse against the United States for payment of premiums, or for assessments under any mutual form of policy. The underwriters shall have full rights of subrogation against the United States of America to the extent of any loss paid for which any assured other than the United States of America could bring suit against the United States of America, under the Suits in Admiralty, Public Vessels or Tucker Acts to recover for such loss, and notwithstanding the fact that the United States of America may be named as an assured and as payee in the policy, such loss shall be considered to have been paid to and sustained by any assured other than the United States of America, in the first instance.

(b) All losses under the policies of insurance carried on the Vessel, except those payable under crew insurance policies, shall be made payable to the Owner for distribution by it to itself and the Charterer as their interesta may appear, provided, however, that in the absence of specific instructions to the contrary, P & I insurance claims in amounts not exceeding $10,000 may be payable directly to the Charterer. Charterer shall at Charterer's expense keep the Vessel entered in the Marine Index Bureau, Inc. The originals of all cover notes or binders and policies, except those for crew insurance, shall be delivered promptly to the Owner for its custody and approval.

(c) In the event that any of the insurance hereinbefore provided for shall not, by reason of any act, omission, or negligence of the Charterer, be kept in full force and effect, or for any reason, including but without limitation the existence of any deductible average, franchise provisions, or other exclusion contained therein, but excluding insolvency of the underwriters, does not cover in full all losses, damages, claims or demands, the Charterer shall indemnify and hold harmless and defend the Owner against all such losses, claims, and demands.

(d) No tender of abandonment as a constructive total loss shall be made without the prior approval of the Owner, *Provided, however*, That in the event the Owner refuses to approve such tender or fails to act thereon within twenty (20) days after receipt of Charterer's request, then charter hire shall cease as of the date of such refusal or at the expiration of such twenty (20) day period, as the case may be, and provided further that charter hire shall cease only in the event that, but for the refusal of the Owner to agree to tender of abandonment, the amount which would have been recoverable from the hull insurance underwriters would have equalled or exceeded the amount set forth in Part I hereof.

CLAUSE 17. *Bills of lading or voyage charters.* All bills of lading or voyage charters issued under this Agreement shall contain directly or by reference substantially the following clauses:

(i) *Clause paramount:*

"This bill of lading shall have effect subject to the provisions of the Carriage of Goods by Sea Act of United States, approved April 16, 1936, which shall be deemed to be incorporated herein, and nothing herein contained shall be deemed a surrender by the Carrier of any of its rights or immunities or an increase of any of its responsibilities or liabilities under said Act. If any term of this bill of lading be repugnant to said Act to any extent, such term shall be void to that extent but no further."

(ii) *General average clause:*

"General Average shall be adjusted, stated, and settled, according to York-Antwerp Rules, 1950, exclusive of Rule 22, at such port or place in the United States as may be selected by the carrier, and as to matters not provided for by these Rules, according to the laws and usages at the port of New York. In such adjustment, disbursements in foreign currencies shall be exchanged into United States money at the rate prevailing on the dates made and allowances for damage to cargo claimed in foreign currency shall be converted at the rate prevailing on the last day of discharge at the port or place of final discharge of such damaged cargo from the ship. Average agreement or bond and such additional security, as may be required by the carrier, must be furnished before delivery of the goods. Such cash deposit as the carrier or his agents may deem sufficient as additional security for the contribution of the goods and for any salvage and special charges thereon, shall, if required, be made by the goods, shippers, consignees, or owners of the goods to the carrier before delivery. Such deposit shall, at the option of the carrier, be payable in United States money, and be remitted to the adjuster. When so remitted the deposit shall be held in a special account at the place of adjustment in the name of the adjuster pending settlement of the general average and refunds or credit balances, if any, shall be paid in United States money."

(iii) *Amended "Jason" clause:*

"In the event of accident, danger, damage, or disaster before or after commencement of the voyage resulting from any cause whatsoever, whether due to negligence or not, for which or for the consequence of which the carrier is not responsible by statute, contract, or otherwise, the goods, shippers, consignees, or owners of the goods shall contribute with the carrier in general average to the payment of any sacrifices, losses or expenses of a general average nature that may be made or incurred, and shall pay salvage and special charges incurred in respect of the goods. If a salving ship is owned or operated by the carrier, salvage shall be paid for as fully as if the salving ship or ships belong to strangers."

(iv) *Liberties clauses:*

"In any situation whatsoever and wheresoever occurring and whether existing or anticipated before commencement of or during the voyage, which in the judgment of the carrier or master is likely to give rise to risk of capture, seizure, detention, damages, delay or disadvantage to or loss of the ship or any part of her cargo, or to make it unsafe, imprudent, or unlawful for any reason to commence or proceed on or continue the voyage or to enter or discharge the goods at the port of discharge, or to give rise to delay or difficulty in arriving, discharging at or leaving the port of discharge or the usual place of discharge in such port, the carrier may before loading or before the commencement of the voyage, require the shipper or other person entitled thereto to take delivery of the goods at port of shipment and upon their failure to do so, may warehouse the goods at the risk and expense of the goods; or the carrier or master, whether or not proceeding toward or entering or attempting to enter the port of discharge or reaching or attempting to reach the usual place of discharge therein or attempting to discharge the goods there, may discharge the goods into depot, lazarette, craft or other place; or the ship may proceed or return, directly or indirectly, to or stop at any such port or place whatsoever as the master or the carrier may consider safe or advisable under the circumstances, and discharge the goods, or any part thereof, at any such port or place; or the carrier or the master may retain the cargo on board until the return trip or until such time as the carrier or the master thinks advisable and discharge the goods at any place whatsoever as herein provided; or the carrier or the master may discharge and forward the goods by any means at the risk and expense of the goods. The carrier or the master is not required to give notice of discharge of the goods or the forwarding thereof as herein provided. When the goods are discharged from the ship, as herein provided, they shall be at their own risk and expense; such discharge shall constitute complete delivery and performance under this contract and the carrier shall be freed from any further responsibility. For any service rendered to the goods as herein provided the carrier shall be entitled to a reasonable extra compensation.

The carrier, master and ship shall have liberty to comply with any orders or directions as to loading, departure, arrival, routes, ports of call, stoppages, discharge, destination, delivery or otherwise howsoever given by the government of any nation or department thereof or any person acting or purporting to act with the authority of such government or of any department thereof, or by any committee or person having, under the terms of the war risk insurance on the ship, the right to give such orders or directions. Delivery or other disposition of the goods in accordance with such orders or directions shall be a fulfillment of the contract voyage. The ship may carry contraband, explosives, munitions, warlike stores, hazardous cargo, and may sail armed or unarmed and with or without convoy.

"In addition to all other liberties herein the carrier shall have the right to withhold delivery of, reship to, deposit or discharge the goods at any place whatsoever, surrender or dispose of the goods in accordance with any direction, condition or agreement imposed upon or exacted from the carrier by any government or department thereof or any person purporting to act with the authority of either of them. In any of the above circumstances the goods shall be solely at their risk and expense and all expenses and charges so incurred shall be payable by the owner or consignee thereof and shall be a lien on the goods."

CLAUSE 18. *General and particular average.* Average adjusters shall be appointed by the Charterer from a list of adjusters satisfactory to the Owner, who shall attend to the settlement and collection of both general and particular average losses subject to customary charges. The Charterer agrees to assist the adjuster in preparing the average statement and to take all other possible measures to protect the interests of the Vessel and the Owner.

CLAUSE 19. *Salvage.* Earned salvage shall be prorated 25 percent to the Owner and 75 percent to the Charterer, after deducting Owner's and Charterer's expenses, Master's and Crew's shares, and legal and other expenses incident to the salvage: *Provided, however,* That hire of the Vessel shall not be considered an item of the Charterer's expense hereunder. Salvage earned by the Charterer shall be considered gross income as defined in Clause 23. Settlement of such claims for earned salvage shall be subject to the approval of both Owner and Charterer: *Provided,* That the amount of awards for the salvaging of vessels of which the United States, or any department or agency thereof, is the Owner or Owner pro hac vice, or for their cargoes and freights on such vessels, shall be determined by the Owner.

CLAUSE 20. *Libels.* Neither the Charterer nor the Masters of the Vessel(s) nor any other person shall have the right, power, or authority to create, incur, or permit to be placed upon the Vessel(s) any liens whatsoever other than for crew's wages or salvage. The Charterer agrees to carry a properly certified copy of this Agreement with the ship's papers on board each vessel, and agrees to exhibit the same to any person having business with such Vessel, and agrees also to exhibit the same to any representative of the Owner on demand.

The Charterer agrees to notify any person furnishing repairs, supplies, towage, or other necessaries to the Vessel(s) that neither the Charterer nor the Master has any right to create, incur, or permit to be imposed upon the Vessel(s) any liens whatsoever, except for crew's wages and salvage. Such notice as far as may be practicable shall be in writing. The Charterer further agrees to fasten in the Vessel(s) in a conspicuous place, and to maintain during the charter period, a notice reading as follows:

"This Vessel is the property of the United States of America. It is under charter to ---------- and, by the terms of the charter, neither the Charterer nor the Master has any right, power, or authority to create, incur, or permit to be imposed upon the Vessel any lien whatsoever, except for crew's wages and salvage."

The Owner shall indemnify, hold harmless and defend the Charterer against any liens, claims or liabilities of whatsoever nature upon the Vessel(s) at the time of their delivery under this Agreement. The Charterer shall indemnify and hold harmless and defend the Owner against any liens of whatsoever nature upon the Vessel(s) and against any claims against the Owner arising out of the operation of the Vessel(s) by the Charterer, or out of any act or neglect of the Charterer, in relation to the Vessel(s), or the operation thereof, except insofar as such liens or claims arise out of any matter covered by the insurance procured and in force, as provided herein. If a libel should be filed against any Vessel or if any Vessel is otherwise levied against or taken into custody by virtue of legal proceedings in any court because of any liens or claims arising out of the operation of the Vessel by the Charterer, the Charterer shall at its own expense, within fifteen (15) days thereof, cause the Vessel to be released and the lien to be discharged.

CLAUSE 21. *Bonds.* The Charterer, at or before delivery of each Vessel under this Agreement, shall furnish the Owner with a bond with sufficient surety, in the amount specified in Part I hereof, such bond to be approved by the Owner, both as to form and sufficiency of the sureties, and to be conditioned upon the true and faithful performance of all and singular the covenants and agreements of the Charterer contained in this Agreement, including, but not limited to, the Charterer's obligation to pay charter hire and damages and to indemnify against liens. The Charterer may, in lieu of furnishing such bond, pledge United States Government securities in the par value of the required amount under an agreement satisfactory in form and substance to the Owner.

CLAUSE 22. *Salaries and fees.* No salary or personal services in excess of $25,000 per annum paid to a director, officer, or employee by the Charterer, its affiliates, subsidiary, or associates, directly or indirectly, shall be taken into account under this Agreement. The terms "director", "officer", or "employee" shall be construed in the broadest sense to include, but not to be limited to, managing trustee or other administrative agent. The term "salary" shall include wages and allowances or compensation in any form for personal services which will result in a director, officer, or employee receiving total compensation for his personal services from such sources exceeding in amount or value $25,000 per annum.

CLAUSE 23. *Definitions.* The terms "net voyage profit", "fair and reasonable overhead expenses", and "capital necessarily employed" as used herein with respect to the operations of the Vessel and services incident thereto are hereby defined, for the purpose of this Agreement only, as follows:

(a) "Net voyage profit" shall be determined by deducting from gross income, as hereinafter defined, such direct vessel operating expenses, terminal and other auxiliary operating expenses, overhead expenses, interest expense, amortization of deferred charges, depreciation on property utilized in the operation of the vessels, and all other charges which are customarily made in accordance with sound accounting practice in determining net profits before provision for federal income taxes, all as the Owner may deem fair and reasonable, provided, that in instances where the Charterer engages in other activities in addition to the operation of the Vessel(s) covered by this Agreement, such charges, other than those directly and exclusively allocable to the operation of the Vessel(s) shall be prorated between these activities on such basis as the Owner may determine to be fair and reasonable.

"Gross income" shall include such items as revenue earned from the carriage of cargo, passengers, and mail, terminal and other auxiliary operations and miscellaneous profits and losses, such as those arising from pooling agreements, advance and prepaid beyond items, bar and slop chest, and such other transactions as the Owner may determine are properly included. "Gross Income" shall include also interest earned, dividends received, and other non-operating income, as well as all accruals to the Charterer as an operating-differential subsidy. If the Charterer engages in any other activities in addition to the operation of the Vessels, the revenues and miscellaneous income, other than those exclusively applicable to the operation of the Vessels, shall be prorated between these activities, on such basis as the owner may determine to be fair and reasonable.

Income consisting of capital gains and expenses consisting of capital losses shall in no event be included in the computation of "Net Voyage Profit", as above defined.

Income from and expenses attributable to assets, other than the Vessels, excluded in the computation of "Capital Necessarily Employed", as hereinafter defined, shall not be included in the computation of "Net Voyage Profit", as above defined.

(b) "Fair and reasonable overhead expenses" shall include those expenses actually and necessarily incurred in the conduct of the business of operating the Vessels, such as salaries of officers; wages of employees; legal and accounting fees and expenses; rent, heat, light, and power; communication expenses; office supplies, stationery, and printing; membership dues and subscriptions; entertaining and solicitation; traveling expenses; insurance and bond premiums; postage; maintenance of office equipment; and miscellaneous administrative and general expenses, all as the Owner may determine to be fair and reasonable and properly included, provided, that there shall be deducted from the total of such expenses, agency fees, commissions, brokerage, and such other miscellaneous earnings as the Owner may determine to be properly deductible.

"Fair and reasonable overhead expenses" shall include also freight, passenger, and other expenses incident to advertising the Vessels and the routes served; taxes, other than Federal income taxes; and management and operating commissions, but only if and in the cases where the express written consent of the Owner has been given the Charterer to employ any other person or concern as the managing or operating agent of the Charterer; all as the Owner may determine to be fair and reasonable and properly included.

If the Charterer engages in other activities in addition to the operation of the Vessels, the "fair and reasonable overhead expenses" other than those directly and exclusively allocable to the operation of the Vessels shall be prorated between such activities on such basis as the Owner may determine to be fair and reasonable.

(c) "Capital necessarily employed" shall be determined upon the basis of the net worth reported by the Charterer in its balance sheet as of the close of the month preceding the date of delivery of the first Vessel under this Agreement (or in the last previous balance sheet deemed by the Owner to fairly present the financial position of the Charterer, but adjusted to take into account subsequent changes in net worth and such other changes as the Owner may deem essential to a proper determination of "Capital Employed" as at the end of such month), and as at each succeeding December 31st during the effective period of the Agreement, adjusted as hereinafter provided. For the purpose of this determination, net worth, as stated in the balance sheet of the Charterer, shall be deemed to include capital stock, surplus and such subdivisions thereof as capital surplus, earned surplus, and accounts of like nature. Net worth, as thus stated, shall be adjusted in such manner as the Owner may determine to be fair and reasonable, including the elimination of appreciation, adequate statement of the liabilities, and such other adjustments as are consistent with sound accounting principles. In the computation of "Capital Necessarily Employed", good will, intangibles not actually purchased and paid for, and stock held in treasury shall be excluded:

Property and other assets utilized in the operation of the Vessels shall be valued at cost, including betterments and reconditioning costs, to the present owner or to any former owner at any time affiliated or associated directly or indirectly with the present owner, whichever is the lower, less depreciation; provided, that the cost of acquisition of assets acquired in exchange for capital shares or other securities of the Charterer from other than holding, subsidiary, affiliated, or associated companies, shall not be in excess of the fair value of such property at the date of acquisition.

Additional capital, in the form of cash or tangible property paid in during the charter period, shall be included in the computation of "Capital Necessarily Employed" from the date paid in. Conversely, any withdrawals of capital shall be deducted from the date withdrawn; provided, however, that no capital shall be withdrawn and no share capital shall be converted into debt without the prior written approval of the Owner. Earnings and capital gains (or losses) for any accounting period subsequent to the last day of the month preceding the month during which delivery of the first Vessel is made hereunder to the Charterer by the Owner, shall not be included in the computation of the "Capital Necessarily Employed" for the year or other accounting period in which realized (or sustained). Dividends paid out of earnings that have not been included in "Capital Employed" shall not be deducted from "Capital Employed".

If the Charterer engages in other activities in addition to the operation of the Vessel(s), the Owner shall determine the proper allocation of capital as between such activities. The amount so allocated to the operation of the Vessel(s) shall be deemed to be the "Capital Necessarily Employed".

CLAUSE 24. *Events of default.* The following shall constitute events of default under this Agreement:

(a) The failure of the Charterer to pay the charter hire on any Vessel as and when the same shall be due under the terms of this Agreement.

(b) The failure of the Charterer to operate any Vessel as required by Clause D of Part I or the operation of any Vessel on some other route without the prior written approval of the Owner.

(c) Any material misrepresentation by the Charterer in connection with this Agreement whether before or after execution hereof and whether made in an application, report or otherwise, or any willful failure by the Charterer to disclose information necessary to cause any material representation by it not to be misleading.

(d) The occurrence of any event causing the Charterer to be ineligible for charter of the Owner's vessels.

(e) A voluntary sale by the Charterer of this Agreement or any interest therein, or any assignment, transfer, agreement or arrangement whereby the maintenance, management or operation of the above described service, route, or Vessel shall pass out of the direct control of the Charterer without the consent of the Owner.

(f) The filing of a petition in bankruptcy by the Charterer, or the entry of an order, upon petition against the Charterer, adjudicating the Charterer a bankrupt, or the making of a general assignment for the benefit of creditors, or the Charterer losing its charter by forfeiture or otherwise, or the appointment of a receiver or receivers of any kind whatsoever, whether appointed or not in Admiralty, Bankruptcy, Common Law or Equity proceedings, and whether temporary or permanent, for the property of the Charterer, or the filing of a petition by the Charterer for reorganization under the Bankruptcy Act, or the filing of such a petition by creditors and the same approved by the court, or the approval of the court of a reorganization of the Charterer under said Act, whether proposed by a creditor, a stockholder or any other person whomsoever.

(g) Any breach by the Charterer of its obligations under this Agreement (including but without limitation, the obligation to maintain a Performance Bond as required by Clause G) or any agreement executed in connection therewith (including but not limited to any operating-differential subsidy agreement with respect to the Vessels, or any ship mortgage given to or construction agreement made with the United States.

(h) Failure by the Charterer to comply with any applicable provisions of the Merchant Marine Act, 1936, as amended, or of any law relating to the operation of the Vessel.

CLAUSE 25. *Termination upon default.* (a) The Owner may terminate this Agreement in whole or in part without notice to the Charterer in case any event of default specified in paragraphs (a), (b), (c), (d), (e), or (f) of the preceding Clause 24 shall occur or if any other default specified in paragraphs (g) or (h), of said Clause shall occur and shall continue for a period of thirty (30) days after notice thereof has been mailed or telegraphed by the Owner to the Charterer.

(b) Upon termination, the Owner may, at its option, retake the Vessels or any of them wherever the same may be found, whether upon the high seas or in any port, harbor, or other place, without prior demand and without legal process and for that purpose may enter upon any dock, pier, or other premises where the Vessels may be and may take possession thereof, or may require the Charterer to redeliver such Vessels in accordance with terms of this Agreement immediately upon the receipt of a notice demanding such redelivery.

(c) The rights conferred upon the Owner by this Clause are cumulative and in addition to any rights which it may have at law or in equity or by virtue of the terms of this Agreement.

CLAUSE 26. *Cancellation or modification by mutual consent.* This Agreement may be terminated, modified, or amended at any time by mutual consent.

CLAUSE 27. *Accounting, report and supervision.* (a) The Charterer and, to the extent required by the Owner, every affiliate, domestic agent, subsidiary, or holding company connected with, or directly or indirectly controlling or controlled by, the Charterer

(1) Shall keep its books, records and accounts relating to the management, operation, conduct of the business of and maintenance of the Vessels covered by this Agreement in accordance with the "Uniform System of Accounts for Maritime Carriers" prescribed by the Maritime Administration, U. S. Department of Commerce, in General Order 22, Revised (Issue of 1950), effective January 1, 1951, and under such regulations as may be prescribed by the Owner: *Provided,* That, notwithstanding the provisions of said General Order 22, Revised, such reserves as may be specifically authorized by the Owner shall be taken into account in the determination of "Net Voyage Profit" hereunder or the expenses to provide for which such reserves are so authorized shall be distributed over the period of use hereunder of the Vessels involved in such manner as will accomplish the same result as though such reserves were established, all pursuant to regulations prescribed by the Owner: *And provided further,* That if the Charterer is subject to the jurisdiction of the Interstate Commerce Commission, the Owner shall not require the duplication of books, records, and accounts required to be kept in some other form by that Commission; and

(2) Shall file, upon notice from the Owner, balance sheets, profit and loss statements, and such other statements of financial operations, special reports, memoranda of any facts and transactions, which in the opinion of the Owner affect the financial results in, the performance of, or transactions or operations under, this Agreement. The Owner reserves the right to require that all or any of such statements, reports and memoranda shall be certified by independent certified public accountants acceptable to the Owner.

(b) The Owner is hereby authorized to examine and audit the books, records and accounts of all persons referred to above in this Clause whenever it may deem it necessary or desirable, including an analysis of the surplus and all supporting accounts. The Charterer agrees to allow any and all auditors, inspectors, attorneys, and other employees, designated by the Owner, full, free and complete access at all reasonable times, to the Vessels when in port or undergoing repairs and to all books, records, papers, memoranda or other documents of the Charterer wherever located or of any holding company, subsidiary company or affiliated company of the Charterer pertaining to any activities relating in any way to the Vessel, and further agrees to permit the making of photostatic or other copies of any such books, records, papers, memoranda, or other documents and to furnish without charge adequate office space and other facilities reasonably required by such auditors, attorneys, or inspectors in the performance of their duties. The Charterer further agrees to establish and maintain from time to time such checks upon or systems of control of expenditures or revenues in connection with the operation of the Vessels as the Owner may request.

CLAUSE 28. *Termination of business.* Upon termination of this Agreement, the Charterer shall turn over to the Owner at such time and at such place as the Owner may direct, the Vessel and all property of whatsoever nature which the Owner may theretofore have delivered to the Charterer or to which the Owner is entitled under the terms of this Agreement, and the Charterer shall at its own expense make to the Owner such accounting as the owner may require of all matters arising out of the operation of the Vessels and this Agreement, and shall adjust, settle, and liquidate such accounts, provided, however, that the Owner may collect directly all freight moneys or other debts remaining unpaid and apply any moneys collected on any unpaid balance due from the Charterer to the Owner. All expenses of such collection shall be for the account of the Charterer.

CLAUSE 29. *Financial limitations.* (a) The Charterer agrees that (i) no capital shall be withdrawn, (ii) no share capital shall be redeemed or converted into debt, (iii) no dividend shall be paid, (iv) no loan or advance (except advances to cover current expenses of the Charterer) shall be made, either directly or indirectly, to any stockholder, director, officer, or employee of the Charterer or to any related company (as defined in section 299.1 (q) of United States Maritime Commission's General Order 60, as adopted by its successor, the Maritime Administration, and amended from time to time), (v) no investment shall be made in the securities of any related company (as defined in said section), (vi) no indebtedness to any stockholder, director, officer, or employee of the Charterer or to any related company (as defined in said section), which was classified as long-term or noncurrent in the balance sheet submitted with the application (or amendment thereto) to charter the Vessel, shall be repaid in whole or in part, and (vii) no salary at a rate in excess of $25,000 per annum shall be paid, if after such transaction, the amount of working capital or the amount of net worth thereby would be reduced below the minima prescribed in paragraph (a) of section 299.31 of said General Order 60, as amended.

(b) *Mergers, etc.; business not related to shipping.* The Charterer agrees that during the charter period it will not, without the prior written approval of the Owner, (1) effect any merger, consolidation or substantial acquisition or disposition of assets not in the ordinary course of business, or (2)

directly or indirectly embark upon any new enterprise or business activity not directly connected with the business of shipping.

(c) *Service by affiliates, etc.* Agreements or arrangements with any interested person or related company to render any service to or furnish any stores, supplies, equipment, materials, repairs, or facilities in connection with the operation of the Vessels hereunder shall be submitted to the Owner for approval as to employment. In the calculation of the cumulative net voyage profit for the purposes of determining the amount of additional charter hire payable to the Owner, pursuant to Clause 13 hereof, sums paid or payable to an interested person or related company in connection with the operation of the Vessels hereunder during the period with respect to which such calculation is made shall be taken into account only if such agreements or arrangements have been approved by the Owner, and then only in such amount as the Owner shall deem to be fair and reasonable. The term "interested person" shall mean any person, firm, or corporation in which the Charterer, or any related company of the Charterer, or any officer or director of the Charterer or any employee of the Charterer who is charged with executive or supervisory duties, or any member of the immediate family of any such officer, director or employee, or any officer or director of any related company of the Charterer or any member of the immediate family of an officer or director of any related company of the Charterer, owns any substantial pecuniary interest directly or indirectly. The term "related company", used to indicate a relationship with the Charterer for the purposes of this Clause only, shall include any person or concern that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, the Charterer. The term "control" (including the terms "controlled by" and "under common control with") as used herein means the possession, directly or indirectly, of the power to direct or cause the direction of the management and policies of the Charterer (or related company), whether through ownership of voting securities, by contract, or otherwise.

CLAUSE 30. *Freight rates.* For the purpose of computing additional charter hire under the provisions of Clause 13, Part II hereof, the Charterer hereby agrees that, except as hereinafter specifically provided, in any case where its commodities, or commodities of any interested person or related company, are carried on the Vessel, the Vessel's revenue account will be credited with full freight revenue for such carriage at the prevailing commercial rate for such commodities or at such other rates as are approved by the Owner. Over-carried cargoes, not exceeding 5,000 pounds, loaded at one port by a Vessel owned or operated by the Charterer, which are later delivered to original port of destination by a Vessel chartered under this Agreement, shall be specifically excepted from the foregoing provision with respect to payment of freight. For the purpose of this Clause, the terms "interested person" and "related company" shall be defined as provided in Clause 29 (c) of Part II hereof.

CLAUSE 31. *Efficient operation.* The Charterer agrees to conduct its business and its operations with respect to the Vessel in an economical and efficient manner.

CLAUSE 32. *Members or Delegates of Congress.* The Charterer shall not employ any Member of Congress, either with or without compensation, as an attorney, agent, officer, or director. Except to the extent permitted by law, no Member of or Delegate to Congress or any Resident Commissioner is or shall be admitted to any share or interest in this Agreement, or any benefit that may arise therefrom.

CLAUSE 33. *Warranty against contingent fees.* The Charterer warrants that no person or agency has been employed or retained to solicit or secure this Agreement upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial agencies maintained by the Charterer for the purpose of securing business. For breach or violation of this warranty, the Owner shall have the right to annul this contract without liability or in its discretion to require the Charterer to pay, in addition to the charter hire, the full amount of such commission, percentage, brokerage, or contingent fee.

CLAUSE 34. *Notices.* Unless otherwise provided in this Agreement or mutually agreed upon, all payments, notices and communications from the Owner to the Charterer, pursuant to the terms of or in connection with this Agreement, shall be made or addressed to the Charterer at the address provided herein and all payments, notices and communications from the Charterer to the Owner, pursuant to the terms of or in connection with this Agreement, shall be made or addressed to the Owner at its offices in Washington, District of Columbia.

CLAUSE 35. *Renegotiation.* This Agreement shall be deemed to contain all the provisions required by Section 104 of the Renegotiation Act of 1951, as amended and extended. The Contractor (which term as used in this sentence in the Bareboat Charter Agreement, means the Bareboat Charterer, and, as used in related subcontracts shall mean the party contracting to perform the work or furnish the materials required under such subcontract) shall, in compliance with said Section 104, insert the provisions of this Clause in each subcontract and purchase order made or issued in carrying out this Agreement.

CLAUSE 36. *Citizenship.* The Charterer hereby warrants and represents that it is and at all time during the period of this Agreement will continue to be a citizen of the United States within the meaning of Section 2 of the Shipping Act, 1916, as amended.

CLAUSE 37. *Nondiscrimination in employment.* In connection with the performance of work under this Agreement, the Charterer agrees not to discriminate against any employee or applicant for employment because of race, religion, color, or national origin. The aforesaid provision shall include, but not be limited to, the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Charterer agrees to post hereafter in conspicuous places, available for employees and applicants for employment, notices to be provided by the Owner setting forth the provisions of the nondiscrimination clause.

The Charterer further agrees to insert the foregoing provisions in all subcontracts hereunder, except subcontracts for standard commercial supplies or raw materials.

CLAUSE 38. *No transfer or assignment.* The Charterer shall not, without the Owner's written or telegraphic consent, sell, transfer, or assign this Agreement or any interest therein, or time charter or subcharter any Vessels, or make any arrangement whereby the maintenance, management, or operation of the Vessel(s) is to be performed by any other person.

CLAUSE 39. *Headnotes.* The use of headnotes at the beginning of the clauses of this Agreement is for the purpose of description only and shall not be construed as limiting or in any other manner affecting the substance of the clauses themselves.

(Sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114. Interprets or applies sec. 5, 60 Stat. 41, as amended; 50 U. S. C. App. 1738)

Dated: March 30, 1956.

By order of the Maritime Administrator.

[SEAL] A. J. WILLIAMS,
*Secretary.*

[F. R. Doc. 56-2961; Filed, Apr. 16, 1956; 8:53 a. m.]

## TITLE 50—WILDLIFE

### Chapter I—Fish and Wildlife Service, Department of the Interior

**Subchapter F—Alaska Commercial Fisheries**

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER 1

Basis and purpose: On the basis of further information developed by Fish and Wildlife Service field agents, it has been determined that the following changes in the Alaska commercial fishery regulations are necessary in the public interest.

These changes shall become effective immediately upon publication in the FEDERAL REGISTER.

PART 102—GENERAL PROVISIONS

1. Section 102.7 is amended in text by adding a new paragraph (f) to read as follows:

(f) Any records necessary to meet reporting requirements of these regulations need not be maintained more than 1 year after all required reports have been furnished to the Fish and Wildlife Service.

2. Section 102.51 is amended in text by deleting "Cook Inlet," and by deleting all text of the proviso after "Kuskokwim River."

PART 104—BRISTOL BAY AREA

Section 104.50 is amended in paragraph (d), subparagraphs (2) and (3) to read as follows: "(2) from 6 o'clock antemeridian to 6 o'clock postmeridian each Wednesday with gill nets only, and (3) between Snag Point and Bradford Point with set nets not exceeding 15 fathoms in length, if previously registered with the local representative of the Fish and Wildlife Service."

PART 109—COOK INLET AREA

1. Section 109.2 is amended in subparagraph (2) of paragraph (d) by deleting "August 8" and substituting in lieu thereof "August 12."

2. Section 109.10a is amended in paragraphs (c), (d), and (e) to read as follows:

(c) Between Barabara Point and the headland at the west side of the entrance to Jakalof Bay.

(d) That part of Seldovia Bay open to commercial fishing lying south of the latitude of Naskowhak Point.

(e) Between Danger Cape and the point south of English Bay at 59 degrees 20 minutes 48 seconds north latitude, 151 degrees 57 minutes 29 seconds west longitude.

3. Section 109.15h is deleted.



4. Section 109.15i is amended to read as follows:

§ 109.15i *Gill nets prohibited, Outer district.* The use of gill nets is prohibited in the Outer district.

5. Section 109.51 is amended in paragraph (c) to read as follows:

(c) Streams and lakes of the Cook Inlet drainage north of the latitude of the town of Homer, except by hand rod, hook and line.

6. Section 109.51a is amended in text to read as follows:

§ 109.51a *Bag limit.* Personal use fishing shall be limited to a take of two salmon over sixteen inches in length per person per day with hand rod, hook and line.

PART 111—PRINCE WILLIAM SOUND AREA

Section 111.11 is amended in paragraph (a) by changing the period to a comma and adding the following: "and within 2,500 feet of a point at 60 degrees 11 minutes 08 seconds north latitude, 147 degrees 49 minutes 47 seconds west longitude.

PART 119—SOUTHEASTERN ALASKA AREA, EASTERN DISTRICT, SALMON FISHERIES

1. Section 119.3 is amended in text in paragraph (a) by deleting "May 3" and substituting in lieu thereof "May 1."

2. Section 119.9 is amended in paragraph (k), subparagraph (4) to read as follows:

(4) Within 2,500 feet of a point at 56 degrees 51 minutes 39 seconds north latitude, 134 degrees 23 minutes 30 seconds west longitude.

PART 120—SOUTHEASTERN ALASKA AREA, STIKINE DISTRICT, SALMON FISHERIES

Section 120.4 is amended in text by deleting "May 3" and substituting in lieu thereof "May 1."

PART 122—SOUTHEASTERN ALASKA AREA, CLARENCE STRAIT DISTRICT, SALMON FISHERIES

1. Section 122.8 is amended in paragraphs (c) and (e) to read as follows:

(c) West coast of Marsh Island.

* * * * * * *

(e) Prince of Wales Island: East coast within 2,500 feet of a point at 55 degrees 56 minutes 50 seconds north latitude, 132 degrees 41 minutes 32 seconds west longitude.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

Since immediate action is necessary, notice and public procedure on this amendment are impracticable (60 Stat. 237; 5 U. S. C. 1001 et seq.).

ARNIE J. SUOMELA,
*Acting Director.*

APRIL 13, 1956.

[F. R. Doc. 56-3021; Filed, Apr. 16, 1956; 11:29 a. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[ 7 CFR Part 914 ]

[Docket No. AO 245-A2]

NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED FURTHER AMENDMENTS TO MARKETING AGREEMENT AND ORDER REGULATING HANDLING

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), hereinafter referred to as "marketing agreement" and "order," respectively, regulating the handling of navel oranges grown in Arizona and designated part of California, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), hereinafter referred to as the "act." Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., not later than the close of business of the fifteenth day after publication thereof in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

*Preliminary statement.* The public hearing, on the record of which the proposed amendments to the marketing agreement and order are formulated, was initiated by the Agricultural Marketing Service as a result of proposals submitted by the Navel Orange Administrative Committee, the administrative agency established pursuant to the marketing agreement and order. In accordance with the applicable provisions of the aforesaid rules of practice and procedure, a notice that such public hearing would be held in Los Angeles, California, beginning on January 27, 1956, to consider the proposed amendments was published in the FEDERAL REGISTER (20 F. R. 9972) on December 24, 1955.

*Material issues.* The material issues presented on the record of the hearing were concerned with amending the marketing agreement and order to:

(1) Substitute a definition of "carton" for the definition of "box" in recognition of the navel orange industry's shift from packing in boxes to packing in cartons;

(2) Redefine "carload" to conform with the industry's current practices with respect to the type and number of containers loaded in a railroad car;

(3) Change the term of office of members of the Administrative Committee;

(4) Provide that alternate members of the Administrative Committee may, at the discretion of the committee, be reimbursed for reasonable expenses and receive compensation for attending committee meetings, notwithstanding that the members for whom they serve may also be present at such meetings;

(5) Change the time requirement for mailing the annual report and holding the annual meeting;

(6) Provide that whenever the control of oranges changes from one handler to another, and the change is occasioned by the transfer of ownership of the real property on which such oranges were produced, a quantity of oranges equal to the quantity upon which allotments were issued but which were not utilized thereon by the handler who lost the control shall be used in the computation of allotments for the handler who gained the control;

(7) Authorize limited overshipment of allotment during any week in which the handler's total allotment is not loaned to another handler, or is not required for the repayment of an allotment loan or as a deduction for a prior overshipment;

(8) Clarify the provisions with respect to loan transactions;

(9) Provide that when a limited quantity of oranges of a specified size may be handled, the quantity of such size that a handler may handle during a particular week shall be established as a percentage of (a) the allotment issued to such handler for such week, or if an allotment is not so issued, (b) the quantity of oranges handled by such handler during such week;

(10) Provide for continued volume regulation of navel oranges during any period when the season average price for such oranges is above the parity level in order to avoid unreasonable fluctuations in supplies and prices; and

(11) Change the date prior to which the biennial referendum shall be conducted to ascertain whether continuance of the marketing agreement and order is favored by producers.

*Findings and conclusions.* The findings and conclusions on the material issues, all of which are based upon the evidence adduced at the hearing and the record thereof, are as follows:

(1) When the marketing agreement and order regulating the handling of California-Arizona navel oranges was established, the predominant container used in the handling of such oranges for the fresh market was the standard two-

compartment orange box. Each compartment of this box was 11½ by 11½ by 12 inches, and the total capacity was approximately 77 pounds of oranges. This box was approved as a standard container for use in the handling of oranges under applicable laws of the States of California and Arizona. Since this was the most prevalent and widely used container in the industry, and handler's records were generally kept in terms of such boxes, the term "box" was defined in the marketing agreement and order and handlers were required to make reports in terms of such boxes. Likewise the "box" became the standard unit of measurement used by the Administrative Committee for statistical purposes. Recently, however, a half-box carton, approved as a standard container under applicable laws of California and Arizona, has displaced the "box" as the predominant container used in the handling of California-Arizona navel oranges. This container is referred to as standard container number 58 in section 828.88 of the Agricultural Code of California, as amended, and has a capacity of approximately 38½ pounds. At the present time, it is estimated that 85 to 90 percent of the navel oranges shipped to fresh market are in such cartons. Handlers records are now kept in terms of cartons; and during recent months individual allotments and total quantities that may be handled have been fixed in terms of the carton. The definition of "box" should be replaced in the marketing agreement and order by a definition of "carton." Since oranges are handled in containers other than cartons, provision should be made for the equivalent of a carton as 38½ pounds of oranges in order to convert quantities of oranges handled in such other containers to a carton basis. The committee should have the authority, with the approval of the Secretary, to redefine "carton" if the present carton should be replaced in the future by a container of a different dimension and in capacity in order to facilitate a transition to such container. It is therefore concluded that § 914.15 of the marketing agreement and order should be amended as hereinafter set forth, and the provisions of said marketing agreement and order made to conform with such amendment by deleting the word "box" wherever it appears and inserting in lieu thereof the word "carton."

(2) The definiton of "carload" currently in the marketing agreement and order was based on the quantity of oranges equivalent to 462 standard packed boxes which were customarily loaded in a railroad car for shipment to market at the time this regulatory program was placed into effect. The equivalent net weight of a 462 box carload is 924 cartons; and in view of the industry's shift from boxes to cartons, it is concluded that "carload" should be defined in terms of 924 cartons. However, due to the lesser tare weight of cartons as compared with boxes, 924 cartons are not equal in gross weight to the minimum carload, based on 462 boxes, established by the railroads. At present, in order to take advantage of the freight charges which must be paid on the established minimum carload weight, handlers load 1,020 to 1,045 cartons of oranges in a rail car. The industry has plans to petition the railroad companies to establish a minimum carload weight based on 930 cartons. This matter is not settled, however, and it is in the interest of the marketing agreement and order program to provide a definiton of "carload" in terms of the equivalent of 924 cartons, with provision for redefinition of such term by the committee, with approval of the Secretary. This will facilitate efficient administration of the program and provide a means for the establishment of an appropriate definition to reflect such future changes as may be made in loading practices or minimum carload weights; and the marketing agreement and order should be amended accordingly.

(3) Under present provisions of the marketing agreement and order the term of office of members and alternates of the Navel Orange Administrative Committee begins on November 1 of each even-numbered year. The committee has found that such date does not allow a new committee sufficient time to make the necessary preparation for marketing policy meetings and establishment of marketing policies previous to the beginning of movement of the orange crop. Much of this preparation must take place in October, and the term of office beginning on November 1 has required members whose terms are to expire on October 31 to plan and establish policies which must be administered by members taking office on November 1. Amendment of the marketing agreement and order to provide that the term of office of members shall begin October 1 would make it possible for such members to plan the marketing program which they will administer, and place them in a better position to administer such program. It is concluded, therefore, that the marketing agreement and order should be so amended.

(4) Current provisions of the marketing agreement and order provide that members of the Administrative Committee and alternates for such members, when serving as members, shall be reimbursed for expenses necessarily incurred by them in the performance of their duties and shall receive compensation not to exceed $10 for each day or portion thereof spent in performing such duties. The committee has found that there are several meetings during the year when it is desirable to have the alternates as well as members present. For example, prior to the beginning of the shipping season in each prorate district, a marketing policy meeting is held at which the marketing policies for the season are developed; and, when shipment is completed in all districts the committee prepares an annual report, following which an annual meeting is held for all growers and handlers. At the annual meeting the regulatory operations of the past season are reviewed and recommendations for improvement of the program considered. The committee has found that alternates contribute greatly to the efficient operation of the program when they attend meetings of this type and give the committee the benefit of their knowledge and experience in decisions which affect the whole industry. Moreover, the increased knowledge concerning the program and its operation gained by alternates at such meetings enables them to serve more effectively when called upon to serve as members. Since attendance at such meetings for the benefit of the committee involves the same loss of time from personal, business, and equal expenses as that required in attending regular meetings in place of a member who is absent, it is concluded that alternates should receive compensation and be reimbursed for expenses in attending such meetings. Therefore, the marketing agreement and order should be amended to provide that, whenever specifically authorized or approved by the committee, alternate members may receive compensation at the rate applicable to members and be reimbursed for reasonable expenses in attending committee meetings, notwithstanding that the members for whom they serve as alternates also attend such meetings.

(5) The marketing agreement and order provides that the committee shall, prior to June 15 of each year, prepare and mail an annual report to the Secretary and to each grower and handler of record, and that an annual meeting shall be held prior to July 1 of each year to review the record of operations under the program. It has been found, however, that distribution of Navel oranges is not ordinarily completed by June 15. For the five marketing seasons just preceding that of 1951–52 (there was no program in effect during the 1951–52 and 1952–53 seasons) crop distribution was completed prior to June 15 in only one season and in another season crop distribution was not completed until the week ending July 9. In 1953–54 crop distribution extended to June 13, and in 1954–55 to June 26. Furthermore, it frequently requires two weeks or more, following the close of the season, for the committee to resolve discrepencies in handlers' reports before the information for the annual report is ready for printing. In order to comply with the time requirements for annual reports and meetings, the committee has had to prepare and mail annual reports based on incomplete data. There appears to be no reason why preparation of the annual report should not be delayed until complete information on distribution of the crop is available to the committee. Likewise, it is in the interest of the program to have complete information available for consideration at the annual meeting. Due to the erratic time of completion of crop distribution it is not feasible to establish fixed dates for issuance of the annual report and holding of the annual meeting. In order to be practical such times as are established should be flexible. It is therefore concluded that the marketing agreement and order should be amended to provide for preparation of the annual report "as soon as practicable" after distribution of the crop is completed, and for holding the annual meeting "as soon as practicable" after mailing of the annual report.



(6) The marketing agreement and order require that a handler who loses control of oranges and has handled a quantity of such oranges less than could have been handled under allotments issued to him by virtue of the fact that he had control of such oranges, shall have his oranges available for current shipment adjusted by deducting therefrom a quantity of oranges equal to that upon which allotments were issued but not utilized in the shipment of such oranges. However, the handler who gains control of such oranges is not entitled to have his oranges available for current shipment increased by the quantity so deducted. The evidence, however, shows that failure to provide an opportunity for the handling of the quantity of oranges covered by the unused allotment on a grove creates inequity with respect to any person who purchases the grove during a shipping season and transfers the control of the fruit to a new handler. Such person did not previously have an opportunity to select a handler for his oranges, and it appears reasonable to provide him with the same opportunity that other owners of groves had at the beginning of the season. It would be more equitable to such purchasers to provide where the change in control of oranges is occasioned by a bona fide transfer in the ownership of the real property on which the oranges were produced, that the handler who gains control be given the benefit of the allotment previously earned by such oranges but not utilized thereon. The number of ownership transfers in a season are few and this should not adversely affect the successful operation of the program. It is therefore concluded that the marketing agreement and order should be amended to provide for transfer of such allotment, as hereinafter provided, to the handler gaining control of oranges involved in a bona fide transfer of grove ownership.

(7) A current provision of the marketing agreement and order provides that whenever volume regulation is in effect a handler, if not required to reduce his allotment in repayment of a previous overshipment, or whose total allotment is not required for repayment of an allotment loan, may handle in addition to his allotment a quantity of oranges equivalent to 10 percent of his allotment or 462 packed boxes, whichever is greater. This overshipment privilege was placed in the marketing agreement and order in recognition of the fact that a handler experiences difficulty in shipping during a week the exact quantity of oranges authorized by the allotment issued to him for such week; and some flexibility of operation under the allotment issued should be provided. Experience has shown that additional flexibility could be provided handlers, without adversely affecting the operation of the program, by authorizing overshipment of allotment during any week in which the handler's total allotment is not loaned to another handler, or is not required for the repayment of an allotment loan or as a deduction for a prior overshipment. These limitations are necessary to assure that during any season, the total shipment of oranges by a handler will not materially exceed the total amount of shipments authorized by allotments issued to him, and to insure that usage of such overshipment privilege will be in accordance with the basic reason for including it in the program; namely that of providing handlers with a measure of flexibility in their operations and, at the same time, preserving the effectiveness of the program. Accordingly, the marketing agreement and order should be amended in conformance with the foregoing.

(8) Provision for the lending of allotment between handlers in the same prorate district is included in the marketing agreement and order to provide them with needed flexibility in their operations. The marketing agreement and order do not explicitly state that the payment of a consideration to bring about a loan is prohibited. However, it was not intended that a market be established in the loaning of allotment, and it would not be in the interest of the program to permit such a development. The committee in administering the program has consistently interpreted the loan provisions as prohibiting such payment. There is an indication that all handlers may not have the same understanding of these provisions as the committee, however, and that some may have the impression that the payment of a consideration is permitted in connection with loan transactions. It is in the interest of this regulatory program to obtain the greatest possible understanding of the provisions of such program throughout the industry. It is therefore concluded that the marketing agreement and order should be amended to make clear that no allotment may be loaned from one handler to another when such loan is brought about by the payment of a consideration.

(9) Current provisions of the marketing agreement and order provide for regulation of the sizes of oranges which may be handled. This provision authorizes the Secretary to restrict the handling of oranges to those of specified sizes. It has been a practice, in accordance with this provision, to prohibit the handling of certain sizes and to permit the handling of a portion of other sizes. For example, a size regulation was established which prohibited the handling of all sizes smaller than 344's, and restricted the volume of the 344 size to a fixed percentage of the total quantity handled during a week. Thus, the percentage of such size that could be handled was related to a handler's weekly volume. The evidence shows that handlers have, at times, unintentionally violated the size regulation by handling in excess of the permitted percentage. That is, handlers early in the week would ship a volume of the size which was restricted to a percentage of the volume handled, anticipating that they would be able to move their entire allotment, and, when it later developed that they were unable to do so because of adverse weather, failure of packing house machinery, and other operational difficulties, the percentage of such size handled was in excess of that permitted. This could be prevented by basing the percentage of a size permitted to be handled on the handler's allotment issued to him for the week when volume regulation is in effect. Such basic allotment remains constant for a weekly regulation period and it would be of substantial benefit to handlers and the committee in their operations to provide for the establishment of such size regulation on this basis since it would enable them to know at the beginning of any week the exact volume of the restricted size permitted to be handled during such week. However, it may be desirable to restrict the sizes of oranges that can be handled during periods when no regulation of volume is in effect; therefore, provision should be made to permit the establishment of a percentage of size regulation during such periods on the volume of oranges handled in the manner currently authorized, since in the absence of the issuance of allotment, this appears to be the best basis for establishing such a percentage. It is therefore concluded that the marketing agreement and order should provide for the establishment of size regulation in accordance with the foregoing, and that said marketing agreement and order should be amended to so provide.

(10) The marketing agreement and order should be amended as hereinafter set forth to permit the continued regulation of the flow of navel oranges to market even though the season average price may be above the parity level.

The provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), in conformity with which the current marketing agreement and order program for navel oranges has been operative, did not, prior to the 1954 amendment, contain authority for volume regulations during any period with respect to which the Secretary determines that the season average price will be in excess of the parity price. The Agricultural Act of 1954 provides that authority may be included in marketing agreements and orders to establish and maintain such orderly marketing conditions for certain specified agricultural commodities, including navel oranges, as will provide, in the interests of producers and consumers, an orderly flow of the supply thereof to market throughout the normal marketing season so as to avoid unreasonable fluctuations in supplies and prices. Authority to regulate the flow of navel oranges to market at all times is needed in this regulatory program because, whereas the total supply of such oranges in a given prorate district are mature near the beginning of the marketing season, it is impossible to market such total supply immediately at prices which would permit growers to remain in business. It was for this reason that volume regulation was included initially as a major provision in this marketing agreement and order program. The evidence shows that prices for navel oranges are very sensitive to changes in supply, and that unrestricted movement of such oranges undoubtedly would result in unreasonable fluctuations in supplies and prices to the detriment of both producers and consumers.

Since the navel orange crop in a given prorate district is mature and ready for shipment early in the marketing season,

the oranges must be stored on the trees until needed for shipment. As there is danger of frost damage in December and January, as well as general lowering in quality from wind damage, insects, and almost certain loss from shrinkage due to oranges dropping off the trees as the season progresses, there is strong pressure on handlers from producers to handle their oranges as quickly as possible. It is probable that these pressures would be intensified in above-parity price situations. The industry has the capacity to pack and ship a quantity of oranges substantially greater than that which experience has shown can be absorbed by the market at prices which will give producers a reasonable return. Whereas the level of weekly movement which has proved to be in line with the demand at reasonable prices is near 900 to 1,000 carloads during most of the marketing season, packing house capacity is in excess of 1,500 carloads. Thus, in the absence of volume restriction, and with pressure from producers to ship the crop as rapidly as possible, it is more than likely that excess supplies of navel oranges would be shipped to markets. Favorable prices, such as those prevailing in above-parity situations would make it virtually impossible for handlers to pack and ship anything less than the maximum. The tendency would be for handlers to continue shipping as long as prices are favorable; and due to the in-transit time—10 to 14 days—required for oranges to move from the production area to the large consuming markets of the east, it is likely that substantial quantities would be enroute to these markets before it became apparent to handlers that supplies already in the market were sufficient to take care of the demand. In these circumstances, even though they were to curtail or stop further shipments, it would not be possible for them to prevent the arrival on an already burdened market of such additional quantities of oranges as may be enroute. Upon the arrival on a burdened market of these additional supplies, the market would be glutted. With markets demoralized, handlers would cease shipping. Following such demoralization, handlers would not ship oranges to market until prices were again favorable. Due to the length of time required for oranges to travel to markets, after such recovery of prices becomes apparent, periods of scarcity or famine of the commodity could occur and prices go unreasonably high. Such prices would again encourage handlers to flood the market. Thus, the alternating series of events known as "glut" and "famines" is set in motion to the despair of producers and consumers alike.

Due to the reluctance of those concerned in the marketing of oranges to adjust prices to levels which will clear the market in a reasonable time, the lowering of such prices is generally delayed until there is a marked deterioration in the quality of the oranges in oversupply and it is apparent that a drastic reduction is necessary to prevent a complete loss. Such deterioration in quality causes dissatisfaction among consumers, and it is probable that it is more than sufficient to offset any gain which consumers appear to make as result of lower prices. Furthermore, the indication is that consumers may pay a greater average price for oranges during a season when prices fluctuate widely than when such fluctuations are prevented by the regulation of supplies. Moreover, it appears that, in the absence of such regulations, the total supply of the commodity could be marketed very early in the season, and none of the commodity would be available to consumers during a large part of the time during which they would customarily consume it. Operation of volume regulation under present provisions of the marketing agreement and order has been directed toward the objective of achieving parity prices for navel oranges; and such operation has resulted in the development of a system which has proved effective in establishing and maintaining an orderly flow of such oranges to market. Such provisions of the marketing agreement and order and the method of operation thereunder are suitable for use in above-parity situations. Particularly applicable are those relating to the development of a marketing policy, the determination of prorate bases, the computation of allotments, and the fixing of the quantity of navel oranges that may be handled. Because of the unpredictable nature of short-run factors on the demand for navel oranges, it would be necessary to continue as now provided in the marketing agreement and order, weekly regulation of navel orange shipments so as to insure a flow of such oranges to market throughout the normal marketing season as will be consistent with the demand therefor. This would be effective in accomplishing the declared policy of the act by avoiding unreasonable fluctuations in the supplies and prices of navel oranges and be in the interest of both producers and consumers. However, it should not be the purpose of volume regulation during any period when season average price exceeds the parity level to restrict the total quantity of navel oranges to market so as to increase prices.

As previously stated, authority to include in marketing agreements and orders provision for regulating the flow of a commodity to market in above-parity price situations, in the interest of producers and consumers, became available subsequent to the time this marketing agreement and order program was made effective on California-Arizona navel oranges. Therefore, the definition of "act" as contained in said marketing agreement and order does not include a statutory reference to the amendment by which such authority was added to the Agricultural Marketing Agreement Act of 1937. Since it is proposed to include in the marketing agreement and order authority to regulate the flow of navel oranges in above-parity situations, and it is desirable to keep the definitions in such marketing agreement and order current, it is concluded that the marketing agreement and order should be amended to include a reference to such authority as hereinafter set forth.

(11) The marketing agreement and order provide that the Secretary shall, prior to September 15 of each odd numbered year, conduct a referendum among the producers of navel oranges to ascertain whether continuance of said marketing agreement and order is favored by such producers. The first of these referendums was held during the period August 26 to September 10, 1955. As the navel orange shipping season is from November of one year to May of the year following, most of the packing houses were closed during the referendum period. The majority of producers are affiliated with cooperative associations which vote as units through Boards of Directors. Since the packing houses of these associations are not operating during the referendum period, it is usually necessary for a cooperative association to call a special meeting of its Board of Directors in order for it to make a decision regarding the continuance of the marketing agreement and order. If the date by which the referendum is to be held was changed to March 15, this would facilitate consideration of the matter at regular meetings of the cooperative associations, and would contribute to the securing of a more representative vote in the referendum. It is therefore concluded that the marketing agreement and order should be amended to provide for the holding of said referendum prior to March 15 of each odd numbered year.

*General findings.* (1) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act, including the establishment and maintenance of such orderly marketing conditions for navel oranges grown in the State of Arizona and designated part of California as will provide, in the interests of producers and consumers, an orderly flow thereof to market throughout its normal marketing season to avoid unreasonable fluctuations in supplies and prices;

(2) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, regulate the handling of navel oranges grown in the production area in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in, the marketing agreement upon which hearings have been held;

(3) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, are limited in their application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of such production area would not effectively carry out the declared policy of the act;

(4) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, prescribe, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of the oranges covered thereby; and

(5) All handling of navel oranges grown in the production area is in the current of interstate or foreign commerce, or directly burdens, obstructs, or affects such commerce.

*Rulings on proposed findings and conclusions.* February 13, 1956, was fixed as the latest date for the filing of briefs with respect to the facts presented in evidence at the hearing and the findings and conclusions which should be drawn therefrom. No such brief was filed within the prescribed time; hence, no ruling is necessary.

*Recommended amendments to the marketing agreement and order.* The following amendments to the marketing agreement and order are recommended as the detailed means by which the aforesaid conclusions may be carried out:

1. Delete the provisions of § 914.15 and substitute in lieu thereof the following:

§ 914.15 *Carton.* "Carton" means the standard container number 58 as defined in section 828.83 of the Agricultural Code of California, as amended, of a capacity of approximately 38½ pounds of oranges, or such other container and capacity as may be established by the committee with the approval of the Secretary, or the equivalent thereof.

2. Delete the provisions of § 914.17 and substitute in lieu thereof the following:

§ 914.17 *Carload.* "Carload" means a quantity of oranges equivalent to 924 cartons of oranges, or such other quantity of oranges as may be established by the committee with the approval of the Secretary.

3. Amend the provisions of § 914.21 by deleting therefrom the date "November 1" and substituting in lieu thereof the date "October 1."

4. Amend the provisions of § 914.31 by adding at the end of the section the following: "Whenever specifically authorized or approved by the committee, an alternate member shall be reimbursed for reasonable expenses necessarily incurred by him in attending committee meetings and shall receive compensation at the rate provided in this section, notwithstanding that the committee member for whom he serves as alternate also attends such meetings."

5. Amend the provisions of § 914.32 as follows:

a. Delete the first sentence thereof and substitute in lieu thereof the following: "The committee shall, as soon as practicable after the marketing of the crop is completed, prepare and mail an annual report to the Secretary and to each handler and grower of record."

b. Delete therefrom the words following (d) and substitute in lieu thereof the following: "notice of the time and place of an open meeting, to be held as soon as practicable after the mailing of the annual report, to review the whole record of the operations of this part."

6. Amend the provisions of paragraph (e) of § 914.53 *Prorate bases* by inserting the following as a part of the last sentence in such paragraph: "; and, in the event the change in control of oranges is occasioned by a bona fide transfer of the ownership of the real property on which such oranges were produced, the person gaining the control of such oranges shall have his quantity of oranges available for current shipment adjusted by adding thereto a quantity of oranges equal to that which is so deducted."

7. Amend the provisions of § 914.55 by deleting therefrom the first sentence and substituting in lieu thereof the following: "During any week for which the Secretary has fixed the total quantity of oranges which may be handled, any person who has received an allotment for such week, and whose total allotment is not loaned, or is not required for the repayment of an allotment loan or as a deduction for a prior overshipment, may handle in addition to his allotment an amount of such oranges equivalent to 10 percent of his allotment, or one carload, whichever is the greater."

8. Amend the provisions of § 914.57 by adding a new paragraph (e) as follows:

(e) No allotment may be loaned from one handler to another when such loan is brought about by the payment of a consideration.

9. Amend the provisions of § 914.64 by inserting the following immediately after the first sentence of such section: "When any such size regulation restricts the handling of a portion of a specified size, the quantity of such size that may be handled by a handler during a particular week shall be established as a percentage of (a) the weekly allotment issued to such handler when volume regulation is in effect, and (b) the total weekly volume handled by such handler when volume regulation is not in effect."

10. Insert the following new sentence immediately preceding the last sentence of § 914.52 *Issuance of volume regulations:* "Such regulation may be made effective, as authorized by the act, irrespective of whether the season average price for navel oranges is in excess of the parity price specified therefor in the act."

11. Amend the provisions of § 914.71 by deleting therefrom the word "box" and substituting in lieu thereof the word "carton."

12. Immediately preceding the closing of the parenthesis at the end of § 914.2 *Act* insert the following: "; 68 Stat. 906, 1047."

13. Amend the provisions of § 914.83 (c) (3) by deleting from the last sentence thereof the date "September 15" and substituting in lieu thereof the date "March 15."

Dated: April 12, 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator.*

[F. R. Doc. 56-2959; Filed, Apr. 16, 1956; 8:52 a. m.]





## [ 7 CFR Part 953 ]

[Docket No. AO 144-A7]

### LEMONS GROWN IN CALIFORNIA AND ARIZONA

### NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED FURTHER AMENDMENTS TO MARKETING AGREEMENT AND ORDER REGULATING HANDLING

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 8451)[1] hereinafter referred to as "marketing agreement" and "order," respectively, regulating the handling of lemons grown in California and Arizona, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), hereinafter referred to as the "act." Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., not later than the close of business of the fifteenth day after publication hereof in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

*Preliminary statement.* The public hearing, on the record of which the proposed amendments to the marketing agreement and order are formulated, was initiated by the Agricultural Marketing Service as a result of proposals submitted by the Lemon Administrative Committee, the administrative agency established pursuant to the marketing agreement and order. In accordance with the applicable provisions of the aforesaid rules of practice and procedure, a notice that a public hearing would be held in Los Angeles, California, beginning on January 25, 1956, to consider the proposed amendments was published in the FEDERAL REGISTER (20 F. R. 9973) on December 24, 1955.

*Material issues.* The material issues presented on the record of the hearing were concerned with amending the marketing agreement and order to:

(a) Substitute a definition of "carton" for the definition of "box" in recognition of the lemon industry's shift from packing lemons in boxes to packing in cartons; and

(b) Redefine "carload" to conform with the industry's current practices with respect to the type and number of containers loaded in a railroad car.

*Findings and conclusions.* The findings and conclusions on the material issues, all of which are based upon the

[1] The compilation of Order No. 53, as amended, appears in 20 F. R. 2913.

evidence adduced at the hearing and the record thereof, are as follows:

(a) At the time the marketing agreement and order regulating the handling of California-Arizona lemons was established, most lemons were shipped to fresh market in a standard wooden lemon box, with inside dimensions of 10 inches in depth, 13 inches in width, and 25⅝ inches in length. The capacity of this box is approximately 79 pounds of lemons. This was the container which lemon handlers were familiar with, and statistical reports in terms of boxes were meaningful to them. Therefore, in order to provide the Secretary with a unit for setting handler's allotments, to facilitate handler's reporting information regarding lemons handled, and to provide the Lemon Administrative Committee with a well recognized unit of measurement for statistical purposes, the definition of the above described "box" was included in the marketing agreement and order.

Following World War II the lemon industry, in its search for more efficient methods of handling lemons, conducted experiments in which lemons were packed and shipped in various types of fibreboard cartons. In general, these cartons were approximately one-half the size of the standard wooden box. It was found that the use of a half-box size of carton holding approximately 39½ pounds of lemons was a satisfactory container for the shipment of fresh lemons in both domestic and export channels. Moreover, this container facilitates a "volume fill" packing operation in which lemons are allowed to run directly into the carton, thus avoiding the expensive wrapping and place-packing of individual lemons by hand, as is required in the packing of lemons in standard wooden boxes. The majority of the handlers of lemons have adopted the carton and virtually 100 percent of the lemons now being handled to the fresh market are packed "volume fill" in half-box fibreboard cartons. The term "carton" has become as meaningful to shippers as "box" was at the time this lemon marketing program was established, and most handlers now speak in terms of cartons rather than boxes. Moreover, the State governments of California and Arizona have established the carton as a standard container under the applicable laws of these States. It is referred to as standard container number 58 in the Agricultural Code of California, as amended. Thus, the carton is recognized as the predominant container used in the shipping of lemons, and it is concluded that the definition of "carton" should be adopted in lieu of the definition of the term "box." Such definition should provide for the equivalent of a carton to facilitate the conversion of lemons handled in other types of containers to a carton basis. Also, in recognition of the fact that the industry is constantly seeking to increase efficiency and such developments may be achieved through a modification or refinement of the carton now in use, the Lemon Administrative Committee should have the authority to establish, with the approval of the Secretary, such other container and capacity under the definition of carton as may be adopted by a majority of the handlers in the lemon industry. It is therefore concluded that the marketing agreement and order should be amended in accordance with the foregoing.

(b) The current definition of the term "carload" is based on a quantity of lemons equivalent to 406 packed standard wooden boxes of lemons which were customarily loaded in a rail car when this marketing agreement and order program was established. The industry continued to use the 406 standard box load until, during World War II, the scarcity of railroad cars caused handlers to increase to 464 the number of standard boxes of lemons loaded in a railroad car. With the development of the half-box carton, various numbers of such cartons were loaded and shipped experimentally, and the industry has found that 930 cartons makes a good rail carload. At the present time the majority of lemons shipped by rail are in carloads of 930 cartons each. In recognition of this development the Lemon Administrative Committee recently adopted the 930 carton carload as a statistical measure in lieu of the carload based on the equivalent of 406 boxes, and has converted its records to this basis. Consequently, the term "carload" as now defined in the marketing agreement and order has become obsolete. A definition in terms of "the equivalent of 930 cartons, or such other quantity of lemons as may be established by the committee with the approval of the Secretary" would be more appropriate. It would facilitate efficient administration of the program and provide a means for the establishment of such quantity of lemons as may prove appropriate as a "carload" in the future. It is therefore concluded that the marketing agreement and order should be amended as hereinafter set forth to provide such a definition.

*General findings.* (a) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act, including the establishment and maintenance of such orderly marketing conditions for lemons grown in the States of California and Arizona as will provide, in the interests of producers and consumers, an orderly flow thereof to market throughout its normal marketing season to avoid unreasonable fluctuations in supplies and prices;

(b) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, regulate the handling of lemons grown in the States of California and Arizona in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in, the marketing agreement upon which hearings have been held;

(c) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, are limited in their application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of such production area would not effectively carry out the declared policy of the act; and

(d) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, prescribe, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of the lemons covered thereby.

*Rulings on proposed findings and conclusions.* February 13, 1956, was fixed as the latest date for the filing of briefs with respect to the facts presented in evidence at the hearing and the findings and conclusions which should be drawn therefrom. No such brief was filed within the prescribed time; hence, no ruling is necessary.

*Recommended amendments to the marketing agreement and order.* The following amendments to the marketing agreement and order are recommended as the detailed means by which the aforesaid conclusions may be carried out:

1. Delete the provisions of § 953.8 and substitute in lieu thereof the following:

§ 953.8 *Carload.* "Carload" means a quantity of lemons equivalent to 930 cartons of lemons, or such other quantity of lemons as may be established by the committee with the approval of the Secretary.

2. Delete the provisions of § 953.9 and substitute in lieu thereof the following:

§ 953.9 *Carton.* "Carton" means standard container number 58 as defined in Section 828.83 of the Agricultural Code of California, as amended, of a capacity of approximately 39½ pounds of lemons, or such other container and capacity as may be established by the committee with the approval of the Secretary, or the equivalent thereof.

Dated: April 12, 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator.*

[F. R. Doc. 56–2957; Filed, Apr. 16, 1956; 8:52 a. m.]

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## [ 7 CFR Part 1010 ]

[Docket No. AO–276]

### MILK IN WILMINGTON, DELAWARE, MARKETING AREA

### DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER REGULATING HANDLING

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Wilmington, Delaware, September 12–23, 1955, pursuant to a notice thereof which was issued on August 24, 1955 (20 F. R. 6299) upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Wilmington, Delaware, marketing area.



Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on January 17, 1956, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision and opportunity to file written exceptions thereto which was published in the FEDERAL REGISTER on January 21, 1955 (21 F. R. 486; F. R. Doc. 56–514).

*Rulings.* Within the period reserved for filing of exceptions, interested parties filed written exceptions to certain of the findings, conclusions, and actions recommended by the Deputy Administrator. In arriving at the findings, conclusions, and regulatory provisions of this decision, each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings, conclusions, and actions decided upon herein are at variance with the exceptions, such exceptions are overruled.

*Issues considered.* The material issues of record related to:

1. Whether the handling of milk in the market is in the current of interstate commerce or directly burdens, obstructs or affects interstate commerce in milk or its products;

2. Whether marketing conditions justify the issuance of a marketing agreement or order; and

3. If an order is issued what its provisions should be with respect to:

(a) The scope of regulation;

(b) The classification of milk;

(c) The level and method of determining class prices;

(d) The method to be used in distributing proceeds among producers; and

(e) Administrative provisions.

*Findings and conclusions.* Upon the evidence adduced at the hearing and the record thereof, it is hereby found and concluded that:

1. *Character of commerce.* The handling of milk in the Wilmington, Delaware, marketing area is in the current of interstate commerce and directly burdens, obstructs, or affects interstate commerce in the handling of milk and its products.

The Inter-State Milk Producers' Cooperative, a cooperative association, represents the majority of producers producing milk for the Wilmington, Delaware, marketing area. This association acts as the marketing agent for its members whose farms, in the case of the Wilmington market, are dispersed throughout parts of the States of Delaware, Pennsylvania, and Maryland. Of Inter-State's members shipping to five primary Wilmington handlers, farms of 61 percent are located within the State of Delaware, 29 percent are in Maryland and 10 percent are in Pennsylvania. Milk from these farms is in daily interstate commerce as it moves to the plants of Wilmington handlers for eventual disposition for fluid consumption to consumers in the Wilmington marketing area.

One substantial Wilmington handler with a bottling plant in Wilmington, receives no producer milk directly at such plant. Virtually all the requirements of this plant are received from producers at the handler's Order 61 receiving plants located in Oxford and Chester, Pennsylvania, and this milk is then moved in interstate commerce to Wilmington, for processing and bottling. In addition, this handler also bottles some Class I products for distribution in Wilmington area at his Philadelphia bottling plants which receive milk from producers located both in Pennsylvania and Maryland.

Another Wilmington handler bottles all of his Wilmington Class I needs at his Order 61 bottling and distributing plant located in Philadelphia, Pennsylvania. Milk is received at this plant from producers in the States of Delaware, New Jersey, Maryland, and Pennsylvania. A third Order 61 handler bottles milk for sale in Wilmington marketing area in his plant at Boothwyn, Pennsylvania.

A bottling plant located in Chesapeake City, Maryland, receives milk from producers located in the States of Maryland and Delaware and distributes bottled milk both in the Wilmington area and in the nearby Maryland area. Another local dairy located in Newark, Delaware, and doing business in the surrounding area in Delaware, also distributes milk in the nearby Maryland area. A New Jersey bottling plant with producers in both New Jersey and Delaware bottles milk which is later sold through store outlets in the Wilmington area. Still another handler bottles milk at his Lancaster, Pennsylvania, plant for distribution in the Wilmington area which milk is received from producers located in Pennsylvania and Maryland.

Processing facilities for the handling of milk excess to fluid needs in the plants of Wilmington dealers are limited. Milk in excess of the capacity of local facilities is accordingly disposed of through other plants, in many cases, located outside the State of Delaware. The record indicates that in the 12-month period June 1954 through May 1955, 4,040,771 pounds of excess milk, skim milk and cream, 6.2 percent of the total producer receipts at the plants of five Wilmington dealers, was sold out-of-State to dealers located in Pennsylvania, New Jersey, and Maryland.

The record shows that the health authorities permit milk to be brought into the market from beyond the limits of routine farm inspection whenever regular sources of supply are insufficient to meet the demands for fluid milk. While the record does not indicate the actual sources of such supplies it does show that during the period June 1954 through May 1955, 933,690 pounds of milk, skim milk and cream were received at the plants of Wilmington handlers from plants located outside the State of Delaware.

It is not possible from the record to determine whether any handler operating in the Wilmington market does solely an intrastate business. Even if this situation does exist such milk would be distributed in direct competition with milk which moves in interstate commerce as it moves from (1) the farm on which it was produced to the handler's plant for processing and bottling, (2) the processing and bottling plant where it is received, on routes to consumers in the marketing area, (3) the receiving plant outside the State of Delaware to the processing and bottling plant in the marketing area, or (4) the receiving plant in the marketing area to manufacturing plants located outside the State of Delaware.

From the foregoing it is evident that a sizable portion of milk in the Wilmington market moves in interstate commerce in the form of fluid milk as well as in milk products, and that the handling of milk in the market directly burdens, obstructs, or affects interstate commerce in milk or its products.

2. *Need for an order.* Marketing conditions in the Wilmington marketing area justify the issuance of a marketing agreement and order.

For a period of 13 years from 1942 until June 1955 marketing conditions in the Wilmington market were generally stabilized and there was no market disorder. Inter-State Milk Producers' Cooperative, a cooperative association, representing the majority of the producers on the market, acted effectively as marketing agent for its membership delivering to five primary Wilmington handlers. Milk was purchased under a classified pricing plan at prices generally related to prices in the Philadelphia market and under an accounting procedure approved and supervised by the cooperative asociation. Other dealers selling fluid milk in the area, to whom no Inter-State members shipped, and with whom there was therefor no basis for the cooperative association to bargain, paid prices for fluid milk sufficiently similar to those prices bargained by the association that resale and producer milk prices in the market were generally stable.

On June 1, a new company in the market began selling milk in multi-quart glass containers through their own stores at prices roughly four cents per quart under the generally prevailing price. Immediately on June 2 a large supplier of milk in paper containers to stores in the Wilmington area reduced the wholesale price to the point where stores could sell this milk in multi-quart containers competitively with the price of the new multi-quart glass container. This action was immediately followed by a reduction in the price of home delivered milk on the part of a large local distributor, and subsequently by a general reduction in resale prices by all handlers. On June 16 this large local distributor with whom Inter-State, acting as agent, had previously effectively bargained in the sale of its members' milk, notified the cooperative that effective June 23 it would pay only $4.50 per hundredweight for milk for Class I use, a decline of 67 cents from the prevailing price of $5.17. The cooperative was instructed to ship no milk after that date, except at the reduced price. Since there was no other available market except for manufacturing purposes Inter-State continued to ship its members'

milk at the dealer's price. Prices paid by other handlers were thereafter correspondingly reduced.

While producers' prices have improved somewhat since June 1955, the prevailing price has continued substantially below that which would have prevailed under the agreement effective prior to June 1 and the general relationship with the neighboring Philadelphia market has been destroyed. There appears little likelihood that the cooperative will be able to bargain effectively for reasonable class prices in face of the present competitive situation in the market.

Along with the disappearance of effective bargaining between the association and the handlers, the price relationship between producers delivering to handlers in the Wilmington market and those delivering to handlers in the Philadelphia and the nearby Maryland, Delaware, and New Jersey markets has been disrupted. This situation constitutes a continuing and serious threat to a dependable supply of pure and wholesome milk for the Wilmington market. While there has not yet been a serious exit of producers from the Wilmington market, it appears that only prompt action on the part of the cooperative association in requesting assistance under the act has thus far forestalled it. Orderly marketing of the milk produced for fluid consumption requires uniformly dependable methods for determining price according to the use made of the milk. The proximity of the Wilmington area to the larger markets of Baltimore, Philadelphia, and in New Jersey presents a very sensitive pricing problem. Any substantial price disparity will result in a loss of producers to the higher priced markets and will consequently seriously jeopardize an adequate supply of milk for the local market.

The primary handlers in the market join producers in recognition of the seriousness of the breakdown of effective bargaining relationships and offer no substantial objection to the requested Federal regulation.

It is concluded that the issuance of a marketing agreement and order for the Wilmington, Delaware, marketing area would contribute substantially to the stabilization of the fluid milk market and will tend to effectuate the declared policy of the act. The adoption of a classified price plan based on the audited utilization of handlers will provide a uniform system of pricing milk to all handlers and will assure a fair division of returns among producers of each handler operating in the market. The public hearing procedure required by the Agricultural Marketing Agreement Act will provide opportunity for representation of producers, handlers, and the public in presenting information on marketing conditions and participating in the determination of prices for milk in the area.

3. (a) *Scope of regulation.* It is necessary to designate clearly what milk and what persons would be subject to regulation under the various provisions of the order. This can best be done by providing definitions which set forth the categories of persons, plants and milk products for purposes of classification of milk and of application of other provisions of the order:

*Marketing area.* The marketing area should include all that territory lying within the north, east and west boundaries of the State of Delaware and north of the Chesapeake and Delaware Canal. This area, comprising roughly the northern half of New Castle County, is dominated by the city of Wilmington with a population of 110,000 persons as reported in the 1950 census. The remaining population of the area is estimated at 100,000 of which 62,000 represents the concentration of population in the urbanized area immediately beyond the Wilmington city limits and includes the city of Elsmere. Other population concentrations scattered over the area include the cities and towns of Newark, New Castle, Bellefonte, Delaware City, and Newport.

Milk for the marketing area as herein proposed is produced under the health regulations of either the city of Wilmington or of the State of Delaware. Milk produced under Wilmington inspection is sold throughout the area, since it is acceptable under the State ordinance for distribution throughout the State. While handlers operating only outside of the city of Wilmington under authority of the State health regulations do not hold permits to distribute in the city of Wilmington, nevertheless milk produced under each of these authorities is generally of similar quality. The separate ordinances are very similar as to provisions and the administration thereof appears comparable.

Handlers with plants located in Wilmington, who handle roughly 80 percent of the total volume of milk sold for fluid distribution in the entire marketing area as herein defined, operate extensive and intermingling routes throughout the area. There is no indication, however, that such handlers cross the State line into New Jersey, Pennsylvania, or Maryland. While, as previously indicated, certain smaller handlers both in Delaware and in Maryland do operate routes which cross the Maryland-Delaware line there appears to be no substantial outside competition which might be advantaged by the fact that these particular handlers are brought under full regulation.

While there are small segments of the marketing area herein defined which are sparsely populated and predominately rural in character, and in which little or no bottled fluid milk is presently distributed, it appears that such areas could be most economically served by the handlers who would be regulated by this order and the exclusion of such areas at this time would greatly complicate the clear delineation of the marketing area boundaries. Furthermore, in certain of such areas there are presently, indications of substantial industrial and residential development in the immediate future. This situation is particularly discernible in the extreme southern and southwesterly parts of the marketing area where a large oil company is presently conducting a substantial expansion program of its manufacturing facilities which will likely lead to considerable residential development in this area.

Handlers proposed that the marketing area include also that part of the village of St. Georges which lies on the southern side of the canal. The village of St. Georges is unincorporated and no suggestions were made at the hearing which would insure a clear delineation of area boundaries of that portion of the village south of the canal. In any event, the entire town of St. Georges, according to the 1950 census has a population of less than 350 and it is extremely unlikely that the portion south of the canal would be served by handlers other than those who would be regulated by this order. Any fluid distribution of unregulated milk that might occur there could not constitute a disruptive influence sufficient to disturb the orderly marketing of milk in the marketing area.

The marketing area as herein defined comprises a contiguous, generally populous territory, served by the same handlers. Such area is, in reality, a single milk market, all parts of which are regulated by health ordinances generally similar in scope and enforcement, and which constitutes a practical unit for the proposed regulation.

*Milk to be priced.* The milk to be regulated under this order should be that milk which is regularly received in a plant at which milk is pasteurized and bottled and from which milk is disposed of for fluid use to consumers in the marketing area or which is received at a plant which supplies milk to such a pasteurizing, bottling or distributing plant. The milk to be priced under the order should be that which constitutes the regular supply for the marketing area. This milk supply may be identified by providing appropriate definitions of the terms: "fluid milk plant," "non-fluid milk plant," "handler," "producer," and "producer-handler," and "other source" milk.

The minimum class prices of the order should apply to that milk which is received from dairy farmers at plants which supply fluid milk and fluid milk products for sale on retail or wholesale routes or through plant stores in the marketing area. Such plants are defined as "fluid milk plants."

Under usual circumstances dealers who distribute fluid milk products in the Wilmington marketing area receive sufficient milk direct from local dairy farmers to meet their full requirements. Accordingly, there is no need during the months of January through August, when production is greatest, to look to plant sources for supplemental supplies. While the order provisions should not be so constructed as to prevent a distributing handler from obtaining all or a part of his fluid needs from such a plant, the market should have assurance that a handler cannot gain a price advantage by such an operation. It is provided therefore that during the months of January through August any plant supplying milk to a distributing plant shall also be a fully regulated "fluid milk plant". Milk received at such supply plant should be considered a part of the regular market supply. During the short production months provision must be made to assure



that a handler will have ready access to supplemental supplies if needed. Producer proponents suggested that any supply plant shipping less than one hundred thousand pounds or shipping on no more than four days during the month be exempted from regulation. Both of these figures were apparently derived from a generalization of actual experience of handlers over the past several years.

Under the individual handler-type pooling hereinafter proposed for the Wilmington market each handler pools separately and returns to his own producers a blended price based solely on his own utilization. Under these circumstances irregular supply plants may be reluctant to sell milk to the market if in so doing they bring their operations under full regulation. With supply plants fully regulated the balance of the year there is little likelihood that a handler would give up his regular supply in order to gain a possible short term advantage by use of unpriced milk during the short season when milk is generally in demand and prices are highest. It is desirable that the shipping privileges during this period be left rather liberal and it is therefore concluded that shipping on 10 or less days should be permitted during any of the months of September through December before a plant becomes fully regulated.

Handlers should have assurance that they will not be fully regulated under more than one Federal order for the same milk. It is provided, therefore, that notwithstanding the conditions established for qualifying a plant as a fluid milk plant under this order, any plant meeting such conditions which is a regulated plant under another Federal order shall not be regulated under this order. However, the operator thereof is required to make such report of receipts and utilization at such plant as the market administrator shall require and to allow verification of such reports by the market administrator.

Producer proponents excepted to this conclusion and suggested that a plant doing business under more than one marketing order should be regulated by that order under which it does the greater Class I business. The proximity of the Wilmington market in relation to the Philadelphia and New York Federal order markets would point to these markets as the likely source of any supplemental federally regulated supplies needed in the market. While certain Philadelphia handlers distribute milk from their Philadelphia producer milk plants into the Wilmington market, no Wilmington handlers have routes which extend into the Philadelphia area. The proximity of the two markets, the pricing relationship which has existed, the manner in which Philadelphia handlers have extended their businesses, and the comparative size of the two markets all point to Philadelphia as the primary market and it is concluded that any plant doing a Class I business in both markets should be regulated under the Philadelphia market.

Under the provisions of the New York order any plant which is a qualified pool plant is fully regulated under that order, irrespective of the business done in other areas. In order to assure that no plant will be subject to full regulation under two orders it is necessary to exempt from regulation under this order any plant which is fully regulated under another order.

All milk plants other than those qualifying as "fluid milk plants" shall be "nonfluid milk plants."

A definition of "handler" is necessary in order to further specify the types of processors and distributors who are to be subject to regulation. The term should be defined as any person in his capacity as the operator of one or more fluid milk plants. This definition would make the operator of a fluid milk plant(s), as previously defined, the responsible individual for reporting to the market administrator and for accounting for milk and for paying producers.

A producer-handler is included within the handler definition in order that the market administrator may require such reports as he deems necessary to check receipts and disposition of such an operation.

The Deputy Administrator in his recommended decison proposed that the handler definition be sufficiently broad to include a cooperative association, even though it might not operate a plant, with respect to producer milk diverted by it from a fluid milk plant to a nonfluid milk plant for the account of such association. He concluded that this feature would permit the cooperative association to divert milk for Class I use which might otherwise be used or disposed of by proprietary handlers in Class II and thus would promote efficient utilization of producer milk in the highest available use class. The Inter-State Milk Producers' Cooperative excepted to this conclusion and pointed out that under an individual handler type pooling each handler strives to maintain the highest possible Class I utilization and hence there was no need for the cooperative to divert milk between handlers for Class I use.

It was not intended that the cooperative association, which operates no plant, should be a handler with respect to milk which it might divert from one regulated handler to another. The handler who first receives milk from producers is held as the responsible handler for establishing classification and paying producers. Under the provision as recommended any diversion by a cooperative association for which it would be a handler would be from a fluid milk plant to a nonfluid milk plant. The provision, as recommended, would make a cooperative a handler only at such time as it actually so diverted milk for its own account. However, since the cooperative has indicated that it has not operated in this manner, does not expect to so operate, and sees no way in which the provision could help in the disposition of surplus, it is unlikely that such provision would be used to facilitate the marketing of producer milk. The handler definition accordingly is revised to exclude a cooperative association with respect to producer milk which it might divert for its own account.

The term "producer" defines the dairy farmers to whom the minimum price specified in the order must be paid. It is intended that all of those dairy farmers who regularly supply the market shall be included under this definition. Under usual circumstances producers in Federal order markets are defined on the basis of approval by the appropriate health authority of the farm facilities for the production of milk for fluid use as evidenced by the holding of current inspection permits issued by such authority. In the case of both the city of Wilmington and the State of Delaware, the record is clear that the respective health departments make regular inspections and require that the dairy farmer hold a current permit in order to ship milk to a plant distributing milk in the marketing area. In situations where the regular supply of direct receipts at such plants is insufficient to meet market needs the record is not clear whether anything other than platform inspection is necessary. Accordingly, it is not possible to identify producers on the basis of permits. Under these circumstances it is necessary, therefore, that producers be identified on the basis of deliveries from the farm on which milk is produced to a fluid milk plant as herein defined.

The producer definition should be sufficiently broad to include that milk which is diverted from a fluid milk plant to a nonfluid milk plant for the account of the diverting handler. In the case of such diversion milk shall be deemed to have been received at the fluid milk plant from which it was diverted. This provision will facilitate interplant movements of milk for the purpose of adjusting to short-time variations in supply and requirements without depriving the farmers producing the milk of their status as producers.

A "producer-handler" is defined as any person who operates both a dairy farm and a fluid milk plant from which Class I milk is disposed of in the marketing area but who receives no milk from other dairy farmers. Since a producer-handler receives no milk from producers it is unnecessary to subject such an operation to the pricing and payment provisions of the order. However, as previously indicated it is necessary that the plant operator in his status as a handler be required to make reports to the market administrator in order that his continuing status as a producer-handler can be ascertained and to facilitate accounting with respect to transfers of milk from other handlers.

Classification provisions of the proposed order should provide that any milk in the form of Class I products transferred by a handler to a producer-handler will be Class I milk. Any supplemental supplies of milk which may be obtained from other handlers, by virtue of the type of operation involved, may be presumed to be needed by the producer-handler for fluid use and should be classified in the supplying handler's plant as Class I milk. A producer-handler may receive milk from other handlers and still maintain his status as a producer-handler. Any milk which a handler receives from a producer-handler should be other source

milk and would, therefore, be allocated to the lowest class utilization at the fluid milk plant(s) of a handler after the allocation of shrinkage on producer milk. Milk disposed of to another handler must be presumed to be surplus to the operation of the producer-handler and since other producers do not share in the Class I utilization of the producer-handler it would be unfair to ask such producers to share their Class I utilization with the excess milk of a producer-handler.

"Other source" milk represents skim milk and butterfat which is not subject to the pricing provisions of this order. Other source milk should be defined to include all skim milk and butterfat contained in products designated as Class I products and in fluid cream utilized by the handler in his operations, except milk received from producers and fluid cream and Class I products received from other fluid milk plants. It will include all milk products from nonfluid milk plants and all manufactured dairy products from any source which are reprocessed or converted into another product during the month. It will include those manufactured products from a plant's own production which are made and are reprocessed or converted into another product during the month.

Producers excepted to the inclusion in the other source milk definition of manufactured products made from producer milk and which are then reprocessed or converted to a Class I product. They contended that such milk should be considered as producer milk and the matter handled as a reclassification. The classification and allocation procedure hereinafter proposed gives absolute priority in Class I use to current producer receipts. It is neither practical nor reasonable to provide for reclassification in the case of producer milk which is currently manufactured into finished products, are then placed in storage and in later months, when producer receipts may be inadequate to meet Class I needs, are utilized to reconstitute or fortify Class I milk. If the milk is manufactured into finished products which are in turn reprocessed or converted to Class I milk in the same month, the classification and allocation procedure hereinafter provided would give producer milk full credit for such Class I disposition.

(b) *Classification of milk.* Milk and milk products received by each handler should be classified on the basis of skim milk and butterfat in accordance with the form in which, or the purpose for which, such skim milk and butterfat was used or disposed of as either Class I or Class II milk.

While it is intended that only producer milk be priced under this order, milk is actually received at a fluid milk plant not only from producers, but also from other handlers and from other sources, all of which milk is commingled in handlers' plants. It is necessary, therefore, to classify all receipts of milk in order to establish the classification of producer milk and to apply the classified price plan.

The products which are included in Class I are required by the health authorities in the marketing area to be made from milk or milk products obtained from approved sources. The extra cost of getting quality milk produced and delivered to the market in the condition and quantities required makes it necessary to provide a price for milk used in Class I products above the price for ungraded or manufacturing milk price. The higher price should be at that level which will yield a blend price to producers that will encourage production of a sufficient supply to meet market needs.

Excess milk not needed seasonally or at other times for Class I use must be disposed of in manufactured products. These products are less perishable and must be sold in competition with products made from ungraded milk. Milk so used should be classified as Class II milk and priced in accordance with its value in such outlets.

Class I milk should be all skim milk (including that used to produce concentrated milk and reconstituted skim milk) and butterfat disposed of in fluid form as milk, skim milk, buttermilk, cultured buttermilk, flavored milk, flavored milk drinks, concentrated milk, milk shake mix, and any other mixture of cream and milk or skim milk (other than ice cream, ice cream mixes, eggnog, and sterilized products in hermetically sealed containers) containing less than 18 percent butterfat and all skim milk and butterfat not accounted for as Class II milk.

All skim milk and butterfat used to produce products other than those classified in Class I milk should be Class II milk. This classification would include all of those products which are generally considered as manufactured milk products not required by the health authorities to be made from approved milk. Eggnog and fluid cream are specified exceptions, however, and are included as Class II even though the health ordinances would require that they be derived from approved milk. Eggnog can be made and sold into the marketing area by manufacturers not doing any fluid milk business in the area. The classification of this product as Class I could bring under regulation a substantial number of additional handlers who are not fluid milk distributors and whose business in the area would be of insufficient volume to represent a significant competitive factor.

The health ordinances of both the city of Wilmington and the State of Delaware contain emergency provisions which permit cream to be obtained from sources outside the routine inspection limits of the city of Wilmington. The proximity of this market to Philadelphia, a recognized open cream market, and the fact that several Philadelphia handlers do a substantial business here seem to require that for competitive reasons fluid cream be classified as Class II.

Handlers have inventories of milk and milk products at the beginning and end of each month which enter into the accounting for receipts and utilization. The accounting procedure will be facilitated by providing that end of month inventories of all Class I products be classified as Class II milk, regardless of whether such products are held in bulk or in packaged form. It is also proposed that fluid cream on hand at the end of the month be carried as a part of the inventory. Inventories of such products on hand will then be subtracted under the proposed allocation procedure from any available Class II disposition in the following month. The higher use values of any fluid cream or Class I products in inventory assigned to current producer receipts during the month and which may be allocated to Class I milk in the following month should be reflected in returns to producers. The mechanics of the attached order provide for the reclassification of inventories on that basis.

Inventories of Class I products and of fluid cream on hand at a fluid milk plant at the beginning of any month during which such plant becomes a regulated plant for the first time should likewise be allocated to any available Class II utilization of the plant during the month. This will preserve the priority of assignment of current producer receipts to current Class I use.

In the determination of shrinkage of producer milk, total shrinkage should first be prorated between receipts of producer milk and receipts of other source milk. Shrinkage of producer milk not in excess of two percent of total producer receipts should be classified as Class II and any shrinkage in excess of this quantity should be classified as Class I. None of the shrinkage should be assigned to milk received from other pool plants since shrinkage on such milk is allowed to the transferring handler. All shrinkage of other source milk should be classified as Class II. A plant which is operated in a reasonably efficient manner, and for which complete and accurate records of receipts and utilization are maintained, should have total shrinkage of no more than two percent of total receipts. However, the classification procedure herein recommended gives adequate protection in the classification of shrinkage on producer milk and it is unnecessary to limit the classification of shrinkage on other source milk in Class II.

Skim milk and butterfat are not used in most products in the same proportion as contained in the milk received from producers, and therefore, should be classified separately according to their separate uses. The skim milk and butterfat content of milk products received and disposed of by a handler can be determined through certain testing procedures. Some of these products, such as ice cream and condensed products, present a somewhat more difficult problem of accounting in that some of the water contained in the milk as originally received has been removed. It is proposed in the case of such products, that the respective volumes of skim milk and butterfat be ascertained through the use of adequate plant records made available to the market administrator or by the use of standard conversion factors of skim milk and butterfat used to produce such products. The accounting procedure to be used in the case of any concentrated product such as condensed milk or nonfat dry milk solids should be based on the pounds of milk or skim milk required to produce such product.



Butterfat and skim milk used to produce Class II products, except cream, should be considered to be disposed of when the product is made. Handlers will, of course, need to maintain inventory records on such products to facilitate audit of their utilization records by the market administrator. Fluid cream is excepted in this procedure to assure producers fullest protection in the classification of their milk. Cream may be added to products classified in Class I for the purposes of reconstituting or for increasing the butterfat content thereof. Such disposition of fluid cream is similar to that of other butterfat in Class I and producers should be assured of returns commensurate with such use value. Class II products from any source (except cream in inventory and in receipts from other fluid milk plants) used in the production of any product including products in Class I milk should be considered as a receipt of other source milk. This will maintain priority of assignment of current receipts of producer milk to Class I utilization.

Butterfat and skim milk in the form of Class I products may from time to time, because of spoilage or as a result of the handler's inability to salvage route returns, be disposed of for livestock feeding. It is provided that such disposition shall be classified in Class II if verifiable evidence of such disposition is available to the market administrator. Skim milk which a handler may, from time to time, find necessary to dump should also be classified in Class II. Such disposition, however, can be verified only by actually witnessing the action and it is therefore provided that such classification in Class II shall be allowed only when the handler has given prior notice to the market administrator of his intention to dump, so that the administrator, if he so desires, may have the dumping witnessed.

Each handler must be held responsible for a full accounting of all of his receipts of skim milk and butterfat in any form. The handler who first receives milk from producers should be held responsible for establishing the classification thereof and for making payments to producers. This principle is consistently followed in Federally regulated markets and is necessary to assure effective administration of the order.

Except in the case of shrinkage for which limited classification in Class II is provided, all skim milk and butterfat which is received and for which the handler cannot establish utilization should be classified as Class I. This provision is necessary to remove any advantage to handlers who fail to keep complete and accurate records and to assure that producers receive full value for their milk on the basis of its use. Accordingly, the burden of proof must rest on the handler to establish the utilization of any milk as other than Class I.

As previously indicated classification of butterfat and skim milk used in the production of Class II products (except cream) should be considered to have been established when the product is made. Classification of milk used to produce Class I products and fluid cream should be established when such products are actually disposed of. Classification of such products disposed of by transfer to another plant should, under certain circumstances, be determined on the basis of their utilization in the transferee plant.

Milk and skim milk in the form of any Class I product or of fluid cream transferred by a handler to the fluid milk plant of another handler, except that of a producer-handler, should be classified as Class I unless both handlers indicate in their reports to the market administrator that such classification should be Class II. However, sufficient Class II utilization must be available in the transferee plant for such agreement after the prior allocation of shrinkage, other source milk, and inventory of fluid cream and Class I products on hand at the beginning of the month. If either handler had other source milk during the month the assignment of fluid cream and Class I products so transferred during the month should be made in the manner which would allocate the greatest possible Class I utilization to the producer milk of both handlers.

As previously stated elsewhere in this decision butterfat or skim milk transferred in the form of any Class I product to a producer-handler should be classified in Class I and should not be subject to reclassification.

Milk and skim milk disposed of to a nonfluid milk plant, either by transfer or diversion, should be Class I milk, unless specified conditions are met. Utilization in Class II should be certified by both the transferor in his regular monthly report to the market administrator and by the transferee in writing to the market administrator on or before the 8th day of the month following such transaction. The operator of the nonfluid milk plant must maintain books and records showing the utilization of all skim milk and butterfat at his plant which books and records must be made available to the market administrator, if requested, for the purpose of verification and the transferee plant to which the milk was moved must have an equivalent use in Class II. Provision for verification by the market administrator is reasonable and necessary to assure that producer milk will be paid for in accordance with its utilization.

The class prices established by the order apply only to producer milk. Accordingly, since a plant may receive skim milk or butterfat from sources other than producer milk a procedure must be established whereby it may be determined what quantities in each class shall be assigned to producer milk. The milk of producers who are the regular suppliers of milk for the Wilmington market should be given priority in the assignment of Class I utilization at regulated plants. It is recognized that some supplemental milk may be needed during the short production months. When such milk is received it should be assigned to Class II milk first. Unless this procedure is followed there can be no assurance that such milk would not be used to displace producer milk in Class I when it was advantageous to the purchasing handler. If the order permitted handlers to obtain other source milk for Class I use whenever it was advantageous to do so while producer milk in the plant was utilized in Class II the order would not be effective in carrying out the purposes of the act and the market would be deprived of a dependable supply of milk. This procedure of allocation should in no way jeopardize a handler's ability or willingness to obtain other source milk if such milk is actually needed because of a shortage of regular producer milk.

Handlers excepted to the recommended decision and requested that the provisions of the Wilmington order be so drafted that producer milk under the Philadelphia order which is bottled in a Philadelphia producer milk plant, transferred to a Wilmington fluid milk plant, and disposed of as Class I milk in the Wilmington area be given first priority in the allocation of receipts to Class I milk in the Wilmington plant.

The record fails to reveal the circumstances, or manner, in which milk bottled in a Philadelphia producer milk plant might reach a Wilmington fluid milk plant for disposition as Class I milk in the marketing area. Notwithstanding, there appears no reason why milk which is fully priced under another Federal order market, and which moves as Class I milk in consumer packages from a regulated plant under such other order to a Wilmington fluid milk plant for distribution in the marketing area, should not be accorded priority allocation as Class I milk. Safeguards should be provided, however, to prevent unpriced milk from displacing regular producer milk. In this connection it is possible, under the present terms of the Philadelphia order for a handler to supplement an insufficient supply of producer milk with unregulated milk in Class I during the flush season and to obtain a pro rata allocation in Class I and Class II on all receipts from nonproducer milk plants during the short season. It is concluded therefore that only bottled receipts from another Federal order plant at which only producer milk is allocated to Class I should be given priority of assignment in Class I. This procedure will give producers assurance that their milk will not be displaced in Class I by unpriced milk, while at the same time permitting free movement of fully regulated milk between federally regulated markets.

If after making the various assignments of skim milk and butterfat pursuant to the allocation provisions of the order, the total of all Class I and Class II milk assigned to producer milk exceeds the amount of producer milk reported to have been received by the handler for whose fluid milk plant(s) the computation is being made, such "overage" should be assigned first to the available Class II utilization and any remainder to Class I. Such overage should be paid for by the handler at the applicable class prices. In the allocation procedure recognition is taken of all receipts of other source milk reported by the handler. When utilization records indicate a disposition greater than receipts it must be presumed that the handler has underreported his receipts of producer milk. This "overage" is thus charged to him at the applicable prices in the lowest available class usage.

(c) *The level and method of determining class prices.* The basic components of the Class I pricing formula presently contained in the Philadelphia Federal order should be incorporated into the Wilmington order as a basis for pricing milk in this market.

The normal supply area for the Wilmington market (Chester County, Pennsylvania, Cecil County, Maryland, Newcastle and Kent Counties, Delaware) is also a substantial source of supply for the adjacent Philadelphia market. To a lesser degree milk is also drawn from portions of this area for the Baltimore, Maryland, fluid market, for fluid markets in New Jersey, and to a minor extent, for the Washington, D. C., fluid market. The fact that producers for all these markets are intermingled within a common milkshed emphasizes the need for a rather delicate price alignment of Wilmington prices with competitive prices paid to producers supplying these neighboring, more substantial markets.

Over an extended period of 13 years the cooperative association, bargaining for its membership shipping to five of the primary Wilmington handlers, has maintained the Wilmington price in a general relationship to the effective Philadelphia price. The pricing which has existed has generally provided an adequate, dependable supply of milk for the Wilmington market.

The f. o. b. Wilmington plant price should be established at a level 15 cents below the f. o. b. Philadelphia order 61 plant price.

Proponents urged that a 12-cent differential be adopted, contending that this has been the historical difference which has existed in prices between the two markets. Actually Inter-State in the past has used the effective Philadelphia price as a basis of pricing milk in the Wilmington market. In every month since October 1953 this price has been the Pennsylvania State Milk Commission price. This basis of pricing has tended to narrow the differential in relation to the Philadelphia Federal order price. This has been more than offset, however, by the fact that a substantially different accounting procedure has been employed in Wilmington. The record is clear that the pricing and accounting procedure recommended by Inter-State, and generally similar to that effected by the Federal order in the Philadelphia market, would result in substantially increased milk cost variously estimated at from 10 to 17.4 cents per hundredweight.

The accounting procedure herein recommended is essentially similar to that proposed by producers and would result in some increase in costs of milk to handlers. This increase in cost is the result of a full accounting of both butterfat and skim milk and the subsequent classification in accordance with actual use.

It appears that the establishment of the Wilmington Class I price 15 cents under the Philadelphia price will maintain an appropriate alignment with the Philadelphia market and should be sufficiently high to maintain an adequate supply of local milk for the market. In the absence of complete data on utilization for all handlers it is impossible to predict exactly how average market blended prices as between Philadelphia and Wilmington would compare. In this connection both Philadelphia and the proposed Wilmington order would operate on the basis of individual handler pools and it is questionable whether such comparison would have any substantial significance. Such comparison on the basis of individual dealer blended prices paid in competing areas would be more meaningful. However, even in this case, variations in utilization would result in substantially different blends. It appears desirable to strive for a reasonable alignment of class prices and depend on differences in utilization and resulting blends to distribute milk among handlers and markets.

The Philadelphia Class I pricing formula has a supply-demand mechanism which is intended to increase or decrease, respectively, the price whenever the receipts of milk from producers during a preceding 12-month period are less than 115 percent or more than 137 percent of Class I sales in such period. However, this supply-demand adjustor has never affected the Class I price since its adoption in 1952 and its appropriateness for the Wilmington markets was not established. This supply-demand adjustor was developed to reflect conditions in the Philadelphia market and gives no weight to Wilmington conditions. While it is likely that any supply-demand adjustor for Wilmington must give recognition to the Philadelphia situation, it is desirable that localized market conditions be adequately reflected. Little consideration was given to this point at the hearing and it is concluded therefore, that a supply-demand adjustment provision should be given consideration at an amendment hearing at such time as adequate experience in the operation of the order has been realized and statistical data necessary for its proper formulation are available. At such a hearing it would be timely and appropriate to review the operation of the formula as herein provided. Provision is made therefore that the Class I pricing formula in the attached order shall not be effective beyond August 31, 1957. Such a provision will assure a reappraisal of the level of Class I price within a reasonable period after the order becomes effective.

No special pricing should be provided for Class I milk sold outside the Wilmington marketing area. Handlers proposed that milk sold by Wilmington handlers outside of the Wilmington marketing area into that part of Delaware lying south of the Chesapeake and Delaware Canal be priced 25 cents below the price established for milk sold within the marketing area. Producers proposed that milk sold outside the marketing area into another regulated area where prices are ascertainable by the market administrator be priced at the price applicable in such other area.

The marketing area herein provided encompasses virtually that area proposed by Wilmington handlers, which area, the record indicates, is the natural marketing area for such handlers and that area in which they do their substantial business. Handlers stated that they do some business in the area beyond the canal in competition with milk purchased from dairy farmers at prices lower than those which have been effective for milk disposed of in the Wilmington market. They further point out that the cooperative association has recognized this situation and has in the past provided milk for this outside area at a price 25 cents below the Wilmington price.

The price effective under the Wilmington order should be established at a level which will bring forth a supply adequate to meet the demands of the marketing area but not necessarily to fulfill the requirements of outside markets at prices different from the price established for the marketing area. Milk produced for sale in the Wilmington market must meet certain sanitation and health standards and these standards apply to all producer milk regardless of where it may be sold. Inferior health and sanitation requirements in markets outside the marketing area might result in lower costs of producing milk for those markets only, but would have no effect on the production cost of producer milk sold to Wilmington handlers. The fixing of a lower price for milk sold in other markets could have a depressing effect on the price paid farmers by competing unregulated distributors in such markets.

It is not intended that Federal regulation shall provide a basis whereby regulated handlers may use adjacent outside markets as a dumping ground for milk excess to their market area needs. Such an action would tend to lower the blended returns to producers with the result that prices of milk sold within the market might have to be raised to provide incentive for the production of a sufficient supply to fulfill the market needs. In this connection, the local consumers should not be called upon to subsidize consumers in out-of-area markets.

Producer prices in other regulated markets in which Wilmington handlers may wish to sell may be either higher or lower than such prices in the Wilmington market. In establishing the level of price in a Federal order market consideration is given to prices being paid for milk in competing adjacent markets. Under usual circumstances the variations in basic prices for milk of similar quality and use in various Federal markets reflect differences in transportation costs. These basic prices may be adjusted to reflect differences in seasonality of production and the local supply-demand situation. This general alignment of prices as between orders will tend to maintain equity between handlers affected and no further provision is necessary in this regard.

Both producers and handlers took specific exception to the conclusion that no out-of-area pricing should be provided under the terms of the order. The arguments presented, however, were the same arguments presented on the record of the hearing which were fully considered and reviewed in the recommended decision. In their exceptions to this and to other issues producers contend that on points on which there is agreement between producers and handlers the Secretary has no right to invoke his individual judgment. They suggest that the marketing order program is a method of



industry self regulation and that the Secretary may exercise his judgment only in cases of handler-producer disagreement which cannot be resolved. They further suggest that there is no place in the administration of the act for the development of departmental policy or standardized regulatory provisions.

The act is specific in giving to the Secretary sole authority to issue orders and to decide upon their terms and conditions. He is the sole custodian of the public interest. If his decision on the appropriate order terms were limited to only those on which handlers and producers could not agree, his delegation of authority for deciding what the terms and provisions of an order should be and of making his decision solely on the basis of the probative evidence in the hearing record would be vitiated.

Apparently, the parties rely upon the designation of the statute as the "Marketing Agreement Act" and its provision for "Marketing Agreement" as the basis for their argument that the Secretary is bound by agreements entered into by handlers and producers. But, clearly, the reference in the statute is to agreements drawn up in accordance with the standards and procedures set forth in the statute and entered into by the Secretary with handlers and others. Moreover, while the producer and handler organizations which appeared at the hearing represent a large majority of both producers and handlers in the market, they do not represent all producers and handlers.

Agreements entered into by only a part of the producers and handlers would, of course, not be binding on those who were not parties to the agreement. Provisions may be incorporated in milk marketing orders only when supported by substantial and probative evidence. Agreements among the parties is no substitute for such evidence and, consequently, the Secretary is not, and may not be, bound by such agreements.

The Class II price under the Wilmington order should be established on the same basis as is presently used in the pricing of Class II milk under the Philadelphia market.

Some milk in excess of Class I requirements is necessary in order to maintain an adequate supply of fluid milk for the market on an annual basis. The Class II price for such milk, excess to Class I needs, should be maintained at the highest level consistent with facilitating its movement to manufacturing outlets when it is not needed in the market for Class I purposes. It should not be established at a level sufficiently low to encourage handlers to procure milk supplies solely for the purpose of converting them into Class II products.

Most handlers who would be regulated under the proposed order have extremely limited facilities for handling any milk above that needed for their day-to-day fluid operations. A few handlers manufacture such by-products as cottage cheese and ice cream for their own use. However, most of the milk not needed for fluid distribution on the market must be transferred or diverted from the plant at which it is usually received to plants outside the market for processing.

The regular Class II pricing which has prevailed in the Philadelphia market has been effective in promoting the disposition of milk in excess of fluid needs during most of the year while at the same time returning to producers a competitive use value for such milk. The Philadelphia price is maintained in general alignment with the New York price and the price in surrounding areas under State regulation. Milk excess to fluid needs in the Wilmington market is disposed of to the same outlets used to handle the Philadelphia surplus or to outlets competitive therewith. For this reason the Philadelphia regular Class II pricing appears equally appropriate for Wilmington and it would be inappropriate to price such milk f. o. b. Wilmington at a price lower than the f. o. b. Philadelphia price.

Proponents proposed that a special surplus season pricing be provided for all Class II milk which is disposed of other than through the fluid milk plants of regulated handlers. They contend that because local manufacturing facilities are so limited it has been necessary in the past that this milk be priced through bargaining between the cooperative and the individual dealers. Such prices have been at or below the special sub-Class II price which has been part of the Philadelphia order from time to time.

It is unnecessary to price milk utilized in the plants of regulated handlers differently from milk disposed of for similar uses by diversion or transfer to other plants. Under usual circumstances the regular Class II pricing herein provided should permit full disposition of all milk excess to Class I needs. This Class II pricing is established on the basis of competitive market values of skim milk and butterfat for manufacturing uses and it is difficult to foresee why quality milk produced for a Grade A fluid market should not command at least the price for ungraded milk for manufacturing uses. It is, therefore, concluded that no special surplus pricing need be established under the Wilmington order on the basis of this record.

Proponents proposed that handlers be required to pay premiums for milk received as "premium Grade A." Both the Wilmington and Delaware State health regulations require that such milk meet the same production standards as regular Grade A except with reference to maximum bacteria count, temperature, and butterfat requirements. The record indicates that handlers have paid premiums of from 20 to 40 cents per hundredweight for premium milk, but only on such volumes as were needed to meet market demands for such milk. Roughly 90 percent of all of the milk in the market is received as regular Grade A. The total volume of "premium Grade A" milk thus represents only a very small proportion of total producer receipts. The establishment of quality premiums under the order would create serious administrative difficulties for the market administrator in ascertaining producer eligibility in and satisfying himself that the premiums were properly paid to eligible producers. Quality premiums were not an issue in the breakdown of bargaining between producers and handlers. The payment of such premiums appears to be a problem which can more properly be handled outside the order by negotiations between the cooperative and the handlers.

The pricing scheme herein proposed for the Wilmington market is intended to bring forth an adequate, but not excessive, supply of pure and wholesome milk for the market. The accounting on the basis of skim milk and butterfat, the basic class prices and the butterfat differentials proposed herein give producers assurance of returns commensurate with the use value for their milk. The prices under Federal regulation are minimum prices and there is nothing to preclude handlers from paying higher prices if they so desire. It is therefore concluded that no provision requiring payment of quality premiums is necessary under the Wilmington order.

Since skim milk and butterfat are being accounted for separately for classification purposes it is necessary to adjust the Class I and Class II prices of milk in accordance with the average test of milk in each class by appropriate differentials which will reflect variations in value due to variations in butterfat content. The Deputy Administrator in his decision concluded that a uniform differential should apply for both Class I and Class II and set forth in detail his reasoning in reaching this conclusion. Producers and handlers excepted to this conclusion and stated that intermarket relationships require the same differential apply under both the Philadelphia and Wilmington orders. They point out that the two markets have historically maintained similar differentials and unless this relationship is preserved price distortion will result.

Although historical practices and market custom do not necessarily justify continuation of such relationship under Federal regulation, on further review of the record in light of the filed exceptions, it appears undesirable at this time to disturb the intermarket relationship which has existed in the application of the butterfat differential. It is concluded therefore, that a Class I butterfat differential of five cents should apply to all Class I milk with a butterfat test of from three to six percent. On all Class I milk testing less than three percent and in excess of six percent and on all Class II milk the butterfat differential should be computed on the basis of the butterfat value determined in the computation of the Class II price.

The Deputy Administrator in his recommended decision also concluded that the basic pricing in the Wilmington market should be on the basis of 3.8 percent butterfat content which he indicated was the approximate test at which all regular Grade A milk from producers is received. He further pointed out that there has been a continuing steady decline in this test from earlier years when the average test of producer receipts was approximately four percent, and the average test of Class I milk disposed of by Wilmington handlers was 3.6 percent. Exception was taken to the decision on the premise that

the interrelationship of the Wilmington and Philadelphia markets required the pricing of milk at the same basic test and that serious difficulties would be created if the two markets were priced at different basic tests.

While the record generally supports the pricing of milk in the Wilmington market on a 3.8 percent basis, it appears on further review of such record that substantial confusion might be created at this time if the basic test, as established was different than that used in pricing in the Philadelphia market. Accordingly, it is concluded that milk should be priced on the basis of 4.0 percent basic test at this time to conform with the current practice under the Philadelphia order. The Class I pricing schedule set forth in § 1010.50 (a) (6) has been adjusted to reflect prices on a 4.0 percent butterfat basis.

Location differentials should be established for milk received at fluid milk plants located a substantial distance from the marketing area. Such differentials recognize the principle that milk similarly used and located should be similarly priced. Milk which originates nearest the market should command a higher price than milk more distantly located in order to reflect the differences in cost of transporting it to the marketing area. No advantage can be accorded any particular group of producers if the location differentials established realistically reflect only differences in transportation cost.

Since there are presently no receiving stations in the market no consideration need be given to differentials for plants within the radius from which milk should normally move direct from farm to city plant. Accordingly, it is concluded that no differential should be established on Class I milk received at plants located within a 45-mile radius of Wilmington. In the case of plants located 45 miles from the Wilmington City Hall it is concluded that a differential on Class I milk of 20 cents plus one cent for each additional 10 miles distance, or fraction thereof, which such plant is located from Wilmington should be appropriate. Under this scheme a plant located 46 miles from Wilmington would carry a 21-cent differential and one located 75 miles away would carry a 23-cent differential. Such differential will tend to equalize prices between Wilmington and Philadelphia plants at competing points.

Milk may be received at a fluid milk bottling plant direct from producers as well as from one or more receiving plants. Under such circumstances it is necessary to designate an assignment sequence which will protect producers from unnecessary transportation costs involving transfers for other than Class I uses. It is provided, therefore, that for purposes of computing allowable Class I location differentials, the Class I disposition from a fluid milk pasteurizing or bottling plant shall first be assigned to direct producer receipts and any remaining Class I use shall be assigned to receipts from other fluid milk plants in order of their nearness to Wilmington.

It is uneconomic to transport milk for considerable distances for disposition as Class II milk. The location differential established should encourage the processing of milk into Class II products at the source of such milk. Producers supplying milk for the fluid market should not be required to bear the cost of transporting whole milk to city plants for manufacture. In order to assure the most economical movements of milk the location differentials established should encourage the movement of nearby milk to the fluid market first. For these reasons it is concluded that differentials on Class II milk should not be established for plants within 70 miles of Wilmington. In the case of plants located beyond this point a differential of five cents per hundredweight plus one cent for each additional 70-mile distance or fraction thereof from Wilmington should apply. Such differential should reflect the cost of moving milk in the form of cream and skim milk powder and will promote continued price alignment between Philadelphia and Wilmington receiving plants located substantial distances from the market.

The pricing provisions herein proposed utilize a number of reported prices and indexes from various specified sources. From time to time it is possible that such individual price(s) or index may not be reported or published. Under such circumstances it is necessary to provide that the market administrator shall use a price or index determined by the Secretary to be equivalent to or comparable with the unreported or unpublished factor or price.

(d) *Distribution of the proceeds to producers.* The order should provide for the distribution of returns to producers on the basis of an individual-handler type of pooling. Under individual-handler pooling each handler's obligations are the same as under a marketwide type of pooling. Each handler must pay for all milk received from producers at the specified class prices in accordance with the actual utilization of such milk in his plant(s). All producers delivering milk to a particular handler are paid the blended price resulting from such handler's utilization instead of being paid a blended price equal to the average utilization of all handlers in the market. The order provisions are written to require in the case of a handler operating more than one fluid milk plant, the operation of a single pool for all producers delivering to his several plants.

Both producers and handlers favor individual-handler pools on the basis that this has been the manner in which the market historically has operated. The Wilmington market is a small market and the individual handlers operating therein have generally relied upon their own initiative in soliciting supplies when needed, or of disposing of milk excess to fluid needs. The surplus handling facilities in the market are virtually nonexistent and consequently no handler is in a position to assume large responsibility for surplus disposal for the market. The utilization of all handlers is very high and accordingly there has been no wide disparity in returns to producers. Under these circumstances it is concluded that an individual-handler type of pooling, as urged by both producers and handlers, will satisfactorily serve the market at this time.

The order should provide that each handler pay each producer for milk received from such producer, and for which payment is not made to a cooperative association, at not less than his uniform price on or before the 15th day after the end of each month. Since it is the practice in the market to pay producers semi-monthly, provision should be made for a partial payment to such producers on or before the last day of each month, for milk delivered during the first 15 days of such month. Such payment shall be at the handler's estimate of his uniform price per hundredweight for such month but in no case less than the Class II price for the preceding month. No adjustment in butterfat is required on such partial payment.

The Deputy Administrator concluded that the initial partial payment should be at not less than the Class II price for the previous month. Producers excepted to this conclusion pointing out that historically handlers have made payments on their estimates of their uniform prices and producers should have assurance of as prompt payment as possible for all of their milk. They further point out that the difference between the handlers' uniform prices and the Class II price represents a very substantial sum for the market as a whole, and they indicate that any delay in distribution of such monies could be of serious consequence to the producers.

Under the procedure set forth in the recommended decision the handler would be required to make a payment on or before the last day of the month, for milk received during the first 15 days of such month, at not less than the Class II price per hundredweight for the previous month. The wording suggested by the cooperative and herein adopted will make no basic change in this regard. As pointed out in the recommended decision the responsibility for making the estimate of the uniform price is that of the handler and the market administrator has no basis for enforcement in event the handler underestimates his blend to his own advantage. However, it is desirable that producers be paid in full as promptly as possible for milk delivered and to the extent that the wording herein recommended will facilitate this action it will tend to promote general market stability. The order provides that for the first month of operation the advance payment cannot be less than the minimum Class II price reported for the previous month under the Philadelphia order.

Producers further proposed that the final payment be made on the 20th day of the following month. Under the method of determining class prices herein proposed handlers will have ample time to make reports, process checks and make final payment by the 15th of the following month. All reporting and announcement dates herein provided are directed to this end. Under this schedule the handlers actually retain monies due producers for a full 30 days in the case of deliveries made on the 1st and 16th of the month and in any event for a minimum of 15 days in the case of deliveries made on the 15th and the 30th of the month. Under the individual-handler type pooling arrangement a handler's blended price is dependent solely on his own utilization and the market administrator is in a position to compute and announce his blended price within a short time after receipt of a handler's utilization report. Under the circumstances a delay in final payment until the 20th day after the end of the month is unnecessary.



In the event a handler has received milk from any producer which has an average butterfat content of more or less than 4.0 percent it is provided that there shall be added or subtracted, as the case may be, for each one-tenth of one percent that such average butterfat content is above or below such test, a differential which reflects the average of the return actually received from the sale of butterfat in producer milk. The rate to be used for this purpose would be determined by weighting each of the several differentials applicable to Class I milk and the Class II differential by the respective percentage of total butterfat in producer milk classified in such class or subclass and computing an average thereof. The use of this average differential will give producers assurance that they are being paid for their milk on the basis of its actual sales volume at the price provided in the order. The use of any different differential would tend to distort the skim milk and butterfat values and would not distribute returns among producers equitably.

In making payments to producers for milk received at plants located at least 45 miles from the City Hall at Wilmington the applicable uniform price should be reduced 20 cents plus one cent for each additional 10 miles distance or fraction thereof which such plant is located from the City Hall at Wilmington. Such a location differential will reflect cost of hauling milk to market by an efficient means and should tend to distribute returns to producers fairly.

In the case of producer milk which is caused to be delivered to a handler by a cooperative association for the account of such association the order should provide that payment for such milk be made to such association. The contract of the cooperative association with its members authorizes it to collect payment for their milk and this is the general practice in the market. The act provides for payments by handlers to a cooperative association of producers for milk delivered by them and it is concluded therefore, that each handler should, if requested in writing by a cooperative association, pay such association an amount equal to the sum of the individual payments otherwise payable to such producers.

Provision should also be made for the handler, if authorized in writing by the producer, to make proper deductions for goods or services furnished to or for payments made on behalf of the producer.

(e) *Administrative provisions.* The marketing agreement and order should provide for other general administrative provisions which are common to all orders and which are necessary for proper and efficient administration of the order.

Both handlers and producers proposed that the order be drafted in general language giving the market administrator wide discretion in the administration of the order. Experience under Federal milk orders has demonstrated the necessity of drafting the orders in detailed and specific terms which require a minimum of administrative interpretation and which give all handlers regulated thereunder assurance of equal and uniform treatment under specified circumstances.

In addition to the definitions discussed earlier in this decision which define the scope of regulation, definition of certain other terms is necessary for brevity and to assure that each usage of such terms denotes the same meaning. These include the terms "act," "Secretary," "Department of Agriculture," and "person" which are generally common to all Federal milk orders.

Provision should be made for the appointment by the Secretary of a market administrator, and should define his powers and duties, prescribe the information to be reported by handlers each month, set forth the rules to be followed by the market administrator in making computations required by the order, and provide for liquidation of the order in the event of its suspension or termination.

The powers of the market administrator as set forth in the order are specifically provided for in section 8c (7) (C) of the Agricultural Marketing Agreement Act of 1937, as amended, and the proposed language is essentially that of the statutory language. The duties of the market administrator as set forth are essentially those which are found in all Federal milk marketing orders and are necessary to define specifically the responsibility of the market administrator.

Producers excepted to the recommended decision, and stated that the market adminstrator should be required, as one of his regular duties, to announce each month the names and locations of all nonfluid milk plants from which other source milk was received during the month. They point out that such information is valuable to the market in that it may facilitate placement of producer milk and aid in the drafting of possible future amendments to the order.

Knowledge of the movements of other source milk into the market may assist producers in the placement of their milk. However, because of the small size of the Wilmington market and the relatively small number of handlers involved it is possible that in many instances the announcement of the originating plants supplying other source milk might violate the regulations prohibiting the revealing of confidential information by disclosing the operation of individual handlers. Accordingly, it is provided that as one of his duties the market administrator shall make such announcement of the sources of other source receipts as do not disclose confidential information regarding the operation of individual handlers.

Handlers should be required to maintain adequate records of their operations and to make reports necessary to establish classification of producer milk and the payments due therefor. Time limits must be provided for filing such reports and for making the payments to producers.

Handlers should maintain and make available to the market administrator all records and accounts of their operations together with facilities which are necessary to determine the accuracy of information reported to the market administrator or any other information upon which the classification of producer milk depends. The market administrator must likewise be permitted to check the accuracy of weights and tests of milk and milk products received and handled, and to verify all payments required under the order.

In addition to the regular reports required of handlers, provision is made for a handler to notify the market administrator when he intends to import other source milk and when he discontinues receipt of such milk, and when milk is first received from any producer. Such information is necessary to enable the market administrator to keep current check on all producers. Such information on a marketwide basis also may assist handlers in locating local sources of producer milk and may facilitate the transfer of milk among producers.

It is necessary that handlers retain records to prove utilization of all milk and that proper payments were made to producers. Since books and records of all handlers cannot be audited immediately after the milk is delivered to a plant it is necessary that the handler be required to retain such records for a reasonable time.

The order should provide limitations in the period of time handlers shall be required to retain such books and records and on the period of time in which obligations under the order shall terminate. Provision made in this regard is identical in principle with the general amendment made to all milk orders in operation on July 30, 1947, following the Secretary's decision of January 26, 1949 (14 F. R. 444). That decision covering retention of records and limitation of obligations is equally applicable in this situation and official notice thereof has been taken in the preparation of this decision.

Each handler should be required to pay the market administrator, as his pro rata share of the cost of administering the order, not more than five cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, on (a) all receipts of producer milk (including such handler's own production) and (b) other source milk in his fluid milk plant(s) which is classified as Class I milk.

The market administrator must have sufficient funds to enable him to administer properly the terms of the order. The act provides that such cost of administration shall be financed through an assessment on handlers. One of the duties of the market administrator is to verify the receipts and disposition

of all milk. The record indicates that at certain times of the year other source milk may be necessary to supplement local producer supplies of milk. Equity in sharing the cost of administration of the order among handlers will be achieved therefore, by applying the administrative assessment to all producer milk and to other source milk allocated to Class I.

Proponents suggested an administrative assessment of two cents per hundredweight on the basis of experience under the Philadelphia order. The volume of milk which would be regulated under the Wilmington order is roughly only five percent of that regulated under the Philadelphia order and accordingly it would be inappropriate to establish an assessment rate under this order on the basis of the Philadelphia rate. Experience under the Federal order program indicates that in a small market like Wilmington a rate of five cents per hundredweight may be necessary to provide the needed administrative funds.

It is contemplated that in the administration of the order the market administrator will do such checking of tests and weights of producer receipts as is necessary to assure himself that producers are receiving full use value for all milk delivered. It is also contemplated that the administrator will do such testing of finished products as is necessary to assure himself that handlers are accurately reporting disposition of skim milk and butterfat received. In addition the administrator should compile and release, for the benefit of producers, handlers and consumers, such market information as is not confidential, and which will facilitate the orderly and efficient production and marketing of milk in the market. These functions are all properly a part of the administration of the order and sufficient administrative funds must be provided to permit their execution.

The rate herein established is a maximum-rate and in no way deters the setting of a lesser rate if the Secretary later determines that a lesser rate will suffice.

*General findings.* (a) The proposed marketing agreement and order and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

*Order of the Secretary directing that a referendum be conducted; determination of representative period; and designation of agent to conduct such referendum.* Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among producers (as defined in the proposed order regulating the handling of milk in Wilmington marketing area) who, during the determined representative period were engaged in the production of milk for sale in the marketing area specified in the aforesaid order, to determine whether such producers favor the issuance of the order which is a part of this decision.

The month of January 1956 is hereby designated to be the representative period for the conduct of such referendum.

Andrew T. Radigan is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 25th day from the date this referendum order is issued.

*Marketing agreement and order.* Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Wilmington, Delaware, Marketing Area," and "Order Regulating the Handling of Milk in the Wilmington, Delaware, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

*It is hereby ordered,* That all of this decision except the attached marketing agreement be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order which will be published with this decision.

Issued at Washington, D. C., this 11th day of April 1956.

[SEAL] TRUE D. MORSE,
*Acting Secretary.*

*Order [1] Regulating the Handling of Milk in the Wilmington, Delaware, Marketing Area*

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§ 1010.0 *Findings and determinations—(a) Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Wilmington, Delaware, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.



market supply and demand for milk in the marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, five cents per hundredweight or such amount not exceeding five cents per hundredweight, as the Secretary may prescribe with respect to all: (a) receipts of producer milk including such handler's own production, and (b) other source milk at a fluid milk plant which is classified as Class I milk.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof the handling of milk in the Wilmington, Delaware, marketing area shall be in conformity to and in compliance with the following terms and conditions:

DEFINITIONS

§ 1010.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 1010.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 1010.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency as may be authorized by Act of Congress, or by Executive order, to perform the price reporting functions of the United States Department of Agriculture.

§ 1010.4 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 1010.5 *Wilmington, Delaware, milk marketing area.* "Wilmington, Delaware, Marketing Area," hereinafter called "the marketing area," means all of that territory situated within and bounded on the north, east and west by the boundary line of the State of Delaware, and on the south by the Chesapeake and Delaware Canal, all of which area lies within New Castle County, Delaware.

§ 1010.6 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 1010.7 *Fluid milk plant.* "Fluid milk plant" means (a) any pasteurizing or bottling plant from which milk is disposed of during the month as Class I milk in the marketing area on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except other fluid milk plants); (b) any plant during the months of January through August, from which shipments of Grade A milk or skim milk classified as Class I milk, are made during the month to a plant qualified pursuant to paragraph (a) of this section, and (c) any plant during the months of September through December from which shipments of Grade A milk or skim milk, classified as Class I, are made on more than ten days during the month to a plant qualified pursuant to paragraph (a) of this section.

§ 1010.8 *Nonfluid milk plant.* "Nonfluid milk plant" means any milk manufacturing, processing or bottling plant other than a fluid milk plant.

§ 1010.9 *Handler.* "Handler" means any person in his capacity as the operator of one or more fluid milk plants.

§ 1010.10 *Producer.* "Producer" means any person, except a producer-handler, who produces milk which is received at a fluid milk plant: *Provided,* That if such milk is diverted for his account by a handler from a fluid milk plant to a nonfluid milk plant it shall be deemed to have been received by the diverting handler at a fluid milk plant at the location of the plant from which it was diverted.

§ 1010.11 *Producer milk.* "Producer milk" means only that skim milk or butterfat contained in milk (a) received at a fluid milk plant directly from producers, or (b) diverted from a fluid milk plant to a nonfluid milk plant in accordance with the conditions set forth in § 1010.10.

§ 1010.12 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of fluid cream and of products designated as Class I milk pursuant to § 1010.41 (a) (1) except such products received from another fluid milk plant (other than that of a producer-handler), or as producer milk; and

(b) Products designated as Class II milk pursuant to § 1010.41 (b) (1) (other than fluid cream as provided in subparagraph (a) of this paragraph) from any source (including those from a plant's own production) which are reprocessed or converted to another product during the month.

§ 1010.13 *Producer-handler.* "Producer-handler" means any person who operates both a dairy farm and fluid milk plant from which Class I milk is disposed of in the marketing area, but who receives no milk from other dairy farmers.

MARKET ADMINISTRATOR

§ 1010.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1010.21 *Powers.* The market administrator shall have the following powers with respect to this order:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1010.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this order, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 1010.84, (1) the cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to his successor or to such other person as the Secretary may designate;

(f) Publicly disclose to handlers and producers, at his discretion, the name of any person who, within five days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 1010.30 and 1010.31, or (2) payments pursuant to §§ 1010.80 through 1010.84;

(g) Submit his books and records to examination by the Secretary, and furnish such information and reports as may be required by the Secretary;

(h) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and infor-

mation concerning the operation of this part;

(i) Verify all reports and payments by each handler by audit, if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(j) On or before the date specified, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the following: (1) The 8th day of each month, the Class II price and the handler butterfat differential, both for the preceding month; (2) the 15th day of the month preceding the start of each calendar quarter, the Class I price for such calendar quarter; and (3) the 12th day after the end of each month, the uniform price for each handler, computed pursuant to § 1010.71 and the producer butterfat differential both for the preceding month; and

(k) Publicly announce each month such information regarding the names and plant locations of all plants applying other source milk to the market as does not reveal confidential information on the operations of individual handlers.

REPORTS, RECORDS AND FACILITIES

§ 1010.30 *Reports of receipts and utilization.* On or before the 8th day after the end of each month each handler, except a producer-handler, shall report for each of his fluid milk plants for such month to the market administrator in the detail and on forms prescribed by the market administrator;

(a) The quantities of skim milk and butterfat contained in receipts of producer milk (including such handler's own production);

(b) The quantites of skim milk and butterfat contained in receipts from other fluid milk plants in the form of fluid cream and products designated as Class I in § 1010.41 (a) (1);

(c) The quantities of skim milk and butterfat contained in receipts of other source milk;

(d) Inventories of fluid cream and products designated as Class I milk pursuant to § 1010.41 (a) (1) on hand at the beginning and end of the month; and

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section.

§ 1010.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may request.

(b) Each handler, except a producer-handler, shall report to the market administrator, in the detail and on forms prescribed by the market administrator, as follows:

(1) On or before the 20th day after the end of the month for each of his fluid milk plants his producer payroll for such month which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, (iii) the average butterfat content of such milk, and (iv) the net amount of such handler's payment, together with the price paid and the amount and nature of any deductions;

(2) On or before the first day other source milk is received in the form of milk or fluid skim milk, at his fluid milk plant(s), his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such milk;

(3) Such other information with respect to the receipts and utilization of butterfat and skim milk as the market administrator may prescribe; and

(4) Promptly after milk is first received from any producer, (a) the name and address of such producer, (b) the date upon which such milk was first received, and (c) the plant at which such milk was received.

§ 1010.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data for each month with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and butterfat and other content of all milk, skim milk, cream, and other milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and milk products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions authorized by producers, and disbursement of money so deducted.

§ 1010.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if within such three-year period the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation, or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1010.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the month at fluid milk plants and which is required to be reported pursuant to § 1010.30 shall be classified by the market administrator pursuant to the provisions of §§1010.41 through 1010.46.

§ 1010.41 *Classes of utilization.* Subject to the conditions set forth in §§ 1010.43 and 1010.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including that used to produce concentrated and reconstituted or fortified skim milk) and butterfat (1) disposed of in fluid form as milk, skim milk, buttermilk, cultured buttermilk, flavored milk, flavored milk drinks, concentrated milk, milk shake mix, and any other mixture of cream and milk or skim milk (other than ice cream, ice cream mixes, eggnog, and sterilized products in hermetically sealed containers) containing less than 18 percent butterfat; and (2) not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used to produce any product other than those designated as Class I milk pursuant to paragraph (a) of this section; (2) disposed of for livestock feed; (3) contained in skim milk dumped, provided the market administrator is notified in advance and given opportunity to verify such dumping; (4) contained in inventory of fluid cream and of products designated as Class I milk pursuant to paragraph (a) of this section on hand at the end of the month; (5) in actual plant shrinkage not to exceed two percent of skim milk and butterfat, respectively, in producer milk; and (6) in shrinkage of other source milk.

§ 1010.42 *Shrinkage.* The market administrator shall allocate shrinkage at the fluid milk plant(s) of each handler as follows:

(a) Compute the shrinkage of skim milk and butterfat;

(b) Allocate the resulting amounts pro rata to the handler's receipts of skim milk and butterfat, respectively, in producer milk and in other source milk.

§ 1010.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1010.44 *Transfers.* Skim milk or butterfat disposed of each month from a fluid milk plant shall be classified:

(a) As Class I milk if transferred in the form of fluid cream or products designated as Class I milk in § 1010.41 (a) (1) to a fluid milk plant of another handler, except a producer-handler, unless utilization as Class II milk is claimed by both handlers in their reports submitted for the month to the market administrator pursuant to § 1010.30: *Provided,* That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee-handler after the subtraction of inventory pursuant to § 1010.46, and any additional amounts of such skim milk or butterfat shall be assigned to Class I milk: *And provided further,* That if either or both handlers have recieved other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I milk utilization to the producer milk of both handlers;

(b) As Class I milk if transferred to a producer-handler in the form of products designated as Class I milk in § 1010.41 (a) (1);

(c) As Class I milk if transferred or diverted in bulk form as milk or skim milk to a nonfluid plant unless:

(1) The handler claims Class II on the basis of utilization mutually indicated in writing to the market administrator by both buyer and seller on or before the 8th day after the end of the month within which such transaction occurred;

(2) The buyer maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available, if requested by the market administrator for the purpose of verification; and

(3) Not less than an equivalent amount of skim milk and butterfat was actually used as Class II milk in such buyer's plant.

§ 1010.45 *Computation of skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and other obvious errors the reports of each handler submitted pursuant to § 1010.30 and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk in the fluid milk plant(s) of such handler.

§ 1010.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 1010.45 the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk in producer milk classified pursuant to § 1010.41 (b) (5);

(2) Subtract from the pounds of skim milk in Class I milk the pounds of skim milk contained in milk and milk products specified in § 1010.41 (a) received in consumer packages from a regulated plant under another order issued by the Secretary at which plant only producer milk was allocated to Class I milk;

(3) Subtract from the remaining pounds of skim milk in Class II milk the pounds of skim milk in other source milk: *Provided,* That if the pounds of skim milk in other source milk are greater than the remaining pounds of skim milk in Class II milk, an amount equal to the excess shall be subtracted from the pounds of skim milk in Class I milk;

(4) Subtract from the remaining pounds of skim milk in Class II milk the pounds of skim milk contained in inventory of fluid cream and Class I products on hand at the beginning of the month: *Provided,* That if the pounds of skim milk in such inventory are greater than the remaining pounds of skim milk in Class II milk, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I milk;

(5) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk received from the fluid milk plants of other handlers in the form of fluid cream and products designated as Class I milk in § 1010.41 (a) (1) according to the classification thereof as determined pursuant to § 1010.44 (a);

(6) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(7) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be known as "overage".

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section; and

(c) Add the pounds of skim milk and the pounds of butterfat allocated to producer milk in each class, pursuant to paragraphs (a) and (b) of this section, and determine the weighted average butterfat content of each class.

MINIMUM PRICES

§ 1010.50 *Class prices.* Subject to the provisions of § 1010.51 and § 1010.52 each handler shall pay, at the time and in the manner set forth in § 1010.80 for each hundredweight of milk containing 4.0 percent of butterfat received at his fluid milk plant(s) during the month from producers or a cooperative association, not less than the following prices:

(a) *Class I milk.* For each month from the effective date of this order through August 1957 the price per hundredweight of Class I milk shall be the price computed pursuant to subparagraphs 1 through 6 of this paragraph:

(1) Compute an index of wholesale commodity prices by averaging the four latest weekly index figures of wholesale commodity prices published by the Bureau of Labor Statistics, United States Department of Labor, and convert the result to a 1936–1940 base period by dividing by 0.5108.

(2) Compute an index of prices paid by Pennsylvania farmers per hundredweight for 20 percent protein mixed dairy feed, using a 1936–1940 base period, by dividing by 0.01776 the monthly price for such feed published by the Pennsylvania Federal-State Crop Reporting Service.

(3) Compute an index of prices received by Pennsylvania farmers for farm products except dairy, in a 1936–1940 base period, by dividing the monthly index published by the Pennsylvania Federal-State Crop Reporting Service on a 1910–1914 base by 1.0915, and adjust the result for seasonal variation by dividing by the applicable figure indicated below for each month:

| | |
|---|---|
| January, February, March | 0.96 |
| April, May, June | 1.00 |
| July, August, September | 1.04 |
| October, November, December | 1.00 |

(4) Compute an index of prices paid for milk by 13 Midwest condenseries, using a 1936–40 base period, by dividing by 0.013945 the monthly average price paid by 13 Midwest condenseries as reported by the United States Department of Agriculture, and adjust the result for seasonal variation by dividing by the applicable figure indicated below for each month:

| | | | |
|---|---|---|---|
| January | 1.02 | July | 0.97 |
| February | 1.02 | August | 1.00 |
| March | 1.01 | September | 1.00 |
| April | 0.99 | October | 1.00 |
| May | 0.98 | November | 1.02 |
| June | 0.96 | December | 1.03 |

(5) Compute an index of average daily pounds of Class I milk sold by all handlers under Order 61 regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area during the previous month, except that milk which is moved to plants outside of New Jersey and Delaware from which no routes are operated in the Philadelphia marketing area, using a 1936–40 base period, by dividing the monthly figure by 16.640, and adjust the result for seasonal variation by dividing by the applicable figure indicated below for each month:

| | | | |
|---|---|---|---|
| January | 0.98 | July | 0.99 |
| February | 0.99 | August | 0.99 |
| March | 1.00 | September | 1.04 |
| April | 0.99 | October | 1.05 |
| May | 0.98 | November | 1.02 |
| June | 0.98 | December | 0.99 |

(6) Divide the sum of the indexes calculated in subparagraphs (1) through (5) of this paragraph by 5. This figure shall be the formula index, and shall determine the Class I price for each calendar quarter in accordance with the following table. If such index value is not within a bracket, the price for the calendar quarter shall be determined by the adjacent index bracket which is the same as or nearest to the bracket equivalent to the price in the previous quarter.

CLASS I PRICE SCHEDULE—CLASS I PRICE PER HUNDREDWEIGHT

| Formula index | January, February, March, July, August, September | April, May, June | October, November, December |
|---|---|---|---|
| 116.3–120.3 | 3.29 | 2.89 | 3.69 |
| 124.1–128.1 | 3.49 | 3.09 | 3.89 |
| 131.9–135.9 | 3.69 | 3.29 | 4.09 |
| 139.6–143.6 | 3.89 | 3.49 | 4.29 |
| 147.4–151.4 | 4.09 | 3.69 | 4.49 |
| 155.2–159.2 | 4.29 | 3.89 | 4.69 |
| 163.0–167.0 | 4.49 | 4.09 | 4.89 |
| 170.8–174.8 | 4.69 | 4.29 | 5.09 |
| 178.5–182.5 | 4.89 | 4.49 | 5.29 |
| 186.3–190.3 | 5.09 | 4.69 | 5.49 |
| 194.1–198.1 | 5.29 | 4.89 | 5.69 |
| 201.9–205.9 | 5.49 | 5.09 | 5.89 |
| 209.7–213.7 | 5.69 | 5.29 | 6.09 |
| 217.5–221.5 | 5.89 | 5.49 | 6.29 |
| 225.2–229.2 | 6.09 | 5.69 | 6.49 |
| 233.0–237.0 | 6.29 | 5.89 | 6.69 |
| 240.8–244.8 | 6.49 | 6.09 | 6.89 |
| 248.6–252.6 | 6.69 | 6.29 | 7.09 |
| 256.4–260.4 | 6.89 | 6.49 | 7.29 |

If the formula index is more than 260.4, this table shall be extended at the same rate as in the three highest index brackets shown above.

(b) *Class II milk.* The price per hundredweight of Class II milk during each month shall be the sum of the plus

values calculated by the market administrator pursuant to subparagraphs (1) and (2) of this paragraph.

(1) *Butterfat.* Add all market quotations (using the midpoint of any weekly range as one quotation) of prices per 40-quart can of fresh sweet cream of bottling quality of 40 percent butterfat content, not including prices for cream carrying special municipal approvals, reported at Philadelphia for each week ending within the month by the United States Department of Agriculture, divide by the number of quotations, subtract $2.00 and divide by 8.50: *Provided,* That such butterfat value shall not be less than 4.0 times 120 percent of the average of the daily wholesale selling prices for Grade A (92-score) butter at New York as reported by the United States Department of Agriculture for the month for which payment is to be made, less 19.0 cents.

(2) *Skim milk.* From the average of all the prices per pound for nonfat dry milk solids made by roller process, sold as "other brands" for human consumption in bags or barrels by carlots (using midpoint of any range as one quotation), published during such month in "Producer's Price Current," subtract 5 cents, multiply by 0.90 and multiply by 7.5.

§ 1010.51 *Butterfat differential to handlers.* For milk containing more or less than 4.0 percent butterfat, the class prices for the month calculated pursuant to § 1010.50 shall be increased or decreased, respectively, for each one-tenth percent variation in butterfat content at the appropriate rate determined as follows:

(a) *Class I milk.* Five cents per hundredweight: *Provided,* That in the case of milk containing less than 3.0 percent or more than 6.0 percent butterfat the Class II differential computed pursuant to paragraph (b) of this section shall apply.

(b) *Class II milk.* Divide by 40 the butterfat value computed pursuant to § 1010.50 (b) (1).

§ 1010.52 *Location differential to handlers*—(a) *Class I milk.* For that milk received from producers at a fluid milk plant located 45 miles from the City Hall in Wilmington, Delaware, by shortest highway distance, as determined by the market administrator, and classified as Class I milk, the Class I price set forth in § 1010.50 (a) shall be reduced 20 cents per hundredweight plus one cent for each additional 10-mile distance, or fraction thereof, which such plant is located from the City Hall in Wilmington: *Provided,* That for purpose of calculating such location differential, products designated as Class I milk which are transferred between fluid milk plants shall first be assigned to any remainder of Class II milk in the transferee-plant after making the calculation prescribed in § 1010.46 (a) (1) and (2) and the comparable steps in (b) for such plant. The assignment of such shipment to the transferor plants shall be made in sequence starting with the plant located farthest from the City Hall in Wilmington.

(b) *Class II milk.* For that milk received from producers at a fluid milk plant located 70 miles from the City Hall in Wilmington, Delaware, by shortest highway distance, as determined by the market administrator, and classified as Class II milk, the Class II price set forth in § 1010.50 (b) shall be reduced 5 cents plus one cent for each additional 70-mile distance, or fraction thereof, which such plant is located from the City Hall in Wilmington.

§ 1010.53 *Equivalent prices or indexes.* If for any reason a price or index specified by this order for use in computing class prices or for other purposes is not reported or published in the manner described in this order, the market administrator shall use a price or index determined by the Secretary to be equivalent to or comparable with the factor which is specified.

APPLICATION OF PROVISIONS

§ 1010.60 *Producer-handlers.* Sections 1010.40 through 1010.46, 1010.50 through 1010.52, 1010.70 through 1010.71 and 1010.80 through 1010.85, shall not apply to a producer-handler.

§ 1010.61 *Plants subject to other Federal orders.* Any plant which meets the requirements for a fluid milk plant set forth in § 1010.7 (a), (b), or (c) and which is fully subject to the classification and pricing provisions of another order issued pursuant to the act shall be considered as a nonfluid milk plant except that the operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 1010.30), and allow verification of such reports by the market administrator.

DETERMINATION OF UNIFORM PRICES

§ 1010.70 *Net obligation of handlers.* The net obligation of each handler for producer milk received at his fluid milk plant(s) each month shall be a sum of money computed by the market administrator as follows: (a) Multiply the total hundredweight of such milk in each class by the applicable class price; (b) add together the resulting amounts; (c) add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 1010.46 (a) (6) and (b) by the applicable class price; (d) add or subtract, as the case may be, an amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months; (e) add the amount computed by multiplying the difference between the Class II price for the preceding month and the appropriate Class I price for the current month by the hundredweight of producer milk classified in Class II during the preceding month, or the hundredweight of milk subtracted from Class I pursuant to § 1010.46 (a) (3) and (b), whichever is less.

§ 1010.71 *Computation of uniform prices for handlers.* For each month the market administrator shall compute a uniform price for the producer milk received by each handler as follows:

(a) Add to the amount computed pursuant to § 1010.70 the total of the location differential deductions to be made pursuant to § 1010.82.

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk received by such handler is less or more, respectively, than 3.8 percent, an amount computed by multiplying such difference by the butterfat differential to producers, and multiplying the result by the total hundredweight of producer milk.

(c) Add the amount represented by any deductions made for eliminating fractions of a cent in computing the uniform price(s) for such handler for the preceding month.

(d) Divide the resulting amount by the total hundredweight of producer milk received by such handler. The result, less any fraction of a cent per hundredweight, shall be known as the uniform price for such handler for milk of 3.8 percent butterfat content, f. o. b. market.

PAYMENTS

§ 1010.80 *Payments to producers.* Each handler shall make payment to each producer for milk received from such producer as follows: *Provided,* That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association which is authorized to collect payment for such milk, the handler shall, if requested in writing by the cooperative association, pay such association an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this section.

(a) On or before the last day of each month for milk received during the first 15 days of such month at not less than such handler's estimate of his uniform price per hundredweight but in no event less than the price per hundredweight for Class II milk for the preceding month: *Provided,* That for the first month after the effective date of this order such payment shall be at not less than the Class II price reported for the previous month under Order 61.

(b) On or before the 15th day after the end of each month for milk received during such month at not less than the uniform price per hundredweight, computed for such handler pursuant to § 1010.71, subject to the butterfat differential computed pursuant to § 1010.81 and the location differential computed pursuant to § 1010.82 less proper deductions authorized in writing by such producer and less payment made pursuant to paragraph (a) of this section.

§ 1010.81 *Butterfat differential to producers.* The applicable uniform prices to be paid each producer pursuant to § 1010.80 shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 4.0 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk of such handler allocated to the several subclasses of Class I and Class II milk pursuant to § 1010.46 (b) by the respective butterfat differential for each subclass or class computed pursuant to § 1010.51, dividing the sum of such value by the total pounds of such butterfat and rounding the resultant figure to the nearest half cent.



§ 1010.82 *Location differential to producers.* In making payments to producers pursuant to § 1010.80, the applicable uniform prices to be paid for producer milk received at a fluid milk plant located at least 45 miles from the City Hall in Wilmington, Delaware, by shortest highway distance, as determined by the market administrator, shall be reduced 20 cents plus one cent for each additional 10 miles distance, or fraction thereof, which such plant is located from the City Hall in Wilmington.

§ 1010.83 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, accounts, or verification of weights and butterfat tests of milk or milk products discloses errors, resulting in money due a producer or the market administrator from such handler, or due such handler from the market administrator, the market administrator shall notify such handler of any amount so due, and payment thereof shall be made on or before the next date for making payments, as set forth in the provisions under which such error occurred.

§ 1010.84 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of the month for such month five cents per hundredweight, or such amount not exceeding five cents per hundredweight as the Secretary may prescribe, with respect to all (a) receipts of producer milk including such handler's own production, and (b) other source milk at a fluid milk plant which is classified as Class I milk.

§ 1010.85 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator received the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or wilful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 1010.90 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1010.91.

§ 1010.91 *Suspension or termination.* The Secretary may suspend or terminate this part or any provisions of this part whenever he finds this part or any provisions of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

§ 1010.92 *Continuing obligations.* If upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1010.93 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignment or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1010.100 *Agents.* The Secretary may by designation in writing, name any officer or employee of the United States to act as his Agent or Representative in connection with any of the provisions of this part.

§ 1010.101 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

[F. R. Doc. 56-2941; Filed, Apr. 16, 1956; 8:49 a. m.]



# NOTICES

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[Classification 110]

ALASKA

SMALL TRACT CLASSIFICATION

APRIL 9, 1956.

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473), as amended, I hereby classify the following described public lands, totaling 40 acres in the Fairbanks Land District, Alaska, as suitable for lease and sale for recreational purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended:

BIRCH LAKE SMALL TRACT AREA

UNIT NO. 1

*For Lease and Sale; for Recreational Sites*

Fairbanks Meridian:
T. 7 S., R. 5 E.,
Section 13: SW¼SE¼.
Comprising 8 tracts aggregating 40 acres.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid with preference right to veterans of World War II and of the Korean conflict and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279–284), as amended.

4. All valid applications filed prior to the date of the signing of this order will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5 (a).

ROGER R. ROBINSON,
*Alaska Operations Supervisor.*

[F. R. Doc. 56–2918; Filed, Apr. 16, 1956; 8:45 a. m.]

## Office of Territories

Washington, D. C.

[Order 2]

THE ALASKA RAILROAD

RE DELEGATION OF AUTHORITY

APRIL 11, 1956.

SECTION 1. *Delegation.* The Deputy Director of the Office of Territories, the Assistant Director, Alaskan Affairs, Office of Territories, and the General Manager of The Alaska Railroad are severally authorized to exercise the authority delegated by the Secretary of the Interior to the Director, Office of Territories in Order No. 2748 (19 F. R. 915) with respect to the operation of The Alaska Railroad and its related activities. That authority does not extend to any administrative matter that may be covered by a general delegation to heads of bureaus (e. g., contracts and leases under Order No. 2509; personnel actions under Order No. 2803). In such matters the source of the Director's authority is the general delegation.

SEC. 2. *Redelegation.* The General Manager of The Alaska Railroad may in writing redelegate the authority granted to him in this order, to any officer or employee of The Alaska Railroad.

ANTHONY T. LAUSI,
*Director, Office of Territories.*

[F. R. Doc. 56–2919; Filed, Apr. 16, 1956; 8:45 a. m.]

## DEPARTMENT OF COMMERCE

### Office of the Secretary

STUART E. YEATON

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

*Report of Appointment*

1. Name of appointee: Mr. Stuart E. Yeaton.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: March 29, 1956.

4. Title of position: Director, Copper Division.

5. Name of private employer: John A. Roebling's Corporation, 640 South Broad Street, Trenton, New Jersey.

CARLTON HAYWARD,
*Director of Personnel.*

*Statement of Financial Interests*

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Peabody Coal Co.
Federal Pacific Electric Co.
Virginia Electric Power Co.
John A. Roebling's Sons Corp.
Bank deposits.

Dated: April 2, 1956.

STUART E. YEATON.

[F. R. Doc. 56–2938; Filed, April 16, 1956; 8:49 a. m.]

WILLIAM R. HEILBRUN

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

*Report of Appointment*

1. Name of appointee: Mr. William R. Heilbrun.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: March 29, 1956.

4. Title of position: Director, Automotive Division.

5. Name of private employer: Ford Motor Company, Detroit, Michigan.

CARLTON HAYWARD,
*Director of Personnel.*

*Statement of Financial Interests*

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Common Stock, Ford Motor Company, Detroit, Michigan; R & R Incorporated, Detroit, Michigan.
Interest and income from rents and mortgages.
Bank deposits and Savings & Loan Association.
Ford Motor Company, private employer.

Dated: April 3, 1956.

WILLIAM R. HEILBRUN.

[F. R. Doc. 56–2939; Filed, Apr. 16, 1956; 8:49 a. m.]

## DEPARTMENT OF LABOR

### Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended March 1, 1956, 21 F. R. 1349).

The following learner certificates were issued authorizing the employment of not more than 10 percent of the total number of factory production workers as learners for normal labor turnover purposes:

Aalfs-Baker Manufacturing Co., 1005–1007 Fourth Street, Sioux City, Iowa; effective 3–19–56 to 3–18–57 (ladies' jeans).

American Sportswear Co., Inc., 615 North Oxford Street, Vineland, N. J.; effective 3–30–56 to 3–29–57 (women's sportswear, dresses, blouses, etc.).

American Sportswear Co., 64 North Main Street, Brigham City, Utah; effective 4–2–56 to 4–1–57 (heavy outerwear).

Annville Products Co., Inc., King and Church Streets, Annville, Pa.; effective 3–28–56 to 3–27–57 (ladies' slips).

Atco Knitting Mills, Inc., White Horse Pike and Cherry Street, Atco, N. J.; effective 3–28–56 to 3–27–57 (shorts and pedal pushers).

Atlantic Romper Co., Inc., 2201 Edgar Road, Linden, N. J., and 50 Atlantic Street, Elizabeth, N. J.; effective 3–20–56 to 3–19–57 (boys' wash suits, shirts, etc.).

B. & F. Manufacturing Co., Inc., South Main Street, Mocksville, N. C.; effective 3–19–56 to 3–18–57 (men's and boys' sport shirts).



Banning Shirt Corp., 260 South San Gorgonio Street, Banning, Calif.; effective 3–19–56 to 3–18–57 (men's sport shirts).

Barbizon of Utah, Inc., 150 West 12th North, Provo, Utah; effective 4–10–56 to 4–9–57 (ladies' lingerie).

Barrow Manufacturing Co., Statham, Ga.; effective 3–22–56 to 3–21–57 (men's and boys' sport shirts).

Barrow Manufacturing Co., Winder, Ga.; effective 3–23–56 to 3–22–57 (work pants, sport shirts).

Adam H. Bartel Co., Richmond, Ind.; effective 3–27–56 to 3–26–57 (men's and women's dungarees).

The Boulevard Frocks Co., 510 First Avenue, North, Minneapolis, Minn.; effective 3–21–56 to 3–20–57 (dresses).

Burlington Manufacturing Co., Concordia, Mo.; effective 4–1–56 to 3–31–57 (pants, shirts and jackets).

Cameron Dress Co., 147 North Cameron Street, Harrisburg, Pa.; effective 4–2–56 to 4–1–57 (ladies' dresses).

Danville Manufacturing Co., Inc., 328 Ferry Street, Danville, Pa.; effective 3–24–56 to 3–23–57 (women's pajamas and nightgowns).

Davan Manufacturing Co., Inc., Allendale, S. C.; effective 3–23–56 to 3–22–57 (women's and children's robes).

Doncaster Collar & Shirt Co., Rutherfordton, N. C.; effective 3–26–56 to 3–25–57 (ladies' dresses).

Doyle Shirt Manufacturing Corp., Doyle, Tenn.; effective 3–28–56 to 3–27–57 (men's sport shirts).

Epstein-Harris Manufacturing Co., 309 Peabody Street, Nashville, Tenn.; effective 3–30–56 to 3–29–57 (dresses).

Freedman-Roedelheim Co., Fifth and Juniper and Apple Street, Quakertown, Pa.; effective 4–2–56 to 4–1–57 (men's dress shirts).

General Garment Division, Blue Ridge Manufacturers, Inc., Lawrenceville, Va.; effective 3–30–56 to 3–29–57 (men's and boys' sport shirts) (replacement).

General Garment Division, Blue Ridge Manufacturers, Inc., Canal and High Streets, Petersburg, Va.; effective 3–30–56 to 3–29–57 men's and boys' sport shirts) (replacement).

H. W. Gossard Co., Logansport, Ind.; effective 4–2–56 to 4–1–57 (women's foundation garments).

Greenwood Manufacturing Co., Greenwood, S. C.; effective 3–21–56 to 3–20–57 (dresses, blouses, etc.).

I. B. S. Manufacturing Co., New Albany, Miss.; effective 4–10–56 to 4–9–57 (sport shirts).

Irwin Manufacturing Co., New Albany, Miss.; effective 4–10–56 to 4–9–57 (sport shirts).

Iva Manufacturing Co., Inc., Iva, S. C.; effective 3–23–56 to 3–22–57 (ladies' blouses).

Juliette Originals, 400 First Avenue North, Minneapolis, Minn.; effective 3–29–56 to 3–28–57 (women's dresses).

Kahn Manufacturing Co., Inc., 150 North Royal Street, Mobile, Ala.; effective 4–1–56 to 3–31–57 (men's and boys' trousers).

J. A. Lamy Manufacturing Co., 108 West Pacific Avenue, Sedalia, Mo.; effective 4–10–56 to 4–9–57 (men's and women's dungarees).

Lexington Manufacturing Co., East Second Avenue, Lexington, N. C.; effective 3–28–56 to 3–27–57 (men's sport shirts).

Love Land Togs, Inc., 270 Bradford Street, Albany, N. Y.; effective 3–21–56 to 3–20–57 (children's dresses).

McNeer Dillon Co., Statesville, N. C.; effective 3–28–56 to 3–27–57 (shirts).

The Mack Shirt Corp., 412 East Sixth Street, Cincinnati, Ohio; effective 3–26–56 to 2–28–57 (ladies' shirts) (replacement).

The Mack Shirt Corp., 1101 Marshall Avenue, Cincinnati, Ohio; effective 3–26–56 to 2–28–57 (dress and sport shirts) (replacement).

John F. Moloney & Co., 3425 South Main Street, Los Angeles, Calif., 1133 South Greenwood, Montebello, Calif.; effective 3–22–56 to 3–21–57 (women's sports wear).

Newberry Manufacturing Co., Main Street, Newberry S. C.; effective 3–21–56 to 3–20–57 (ladies' house coats, dresses etc.).

Osan Manufacturing Co., Boyertown, Pa.; effective 4–2–56 to 4–1–57 (men's slacks).

Osborn Apparel Manufacturing Co., Salt Lake City, Utah; effective 3–29–56 to 3–28–57 (ladies' blouses).

Osted Manufacturing Co., Inc., 244 West Seneca Street, Oswego, N. Y.; effective 3–23–56 to 3–22–57 (dresses).

Palm Beach Co., Blackville, S. C.; effective 4–2–56 to 6–19–56 (men's pants) (replacement).

Par Ex Shirt Co., 20 Wooster Street, New Haven, Conn.; effective 3–23–56 to 3–22–57 (men's dress and sport shirts).

Phillips-Jones Co., Brinkley, Ark.; effective 3–27–56 to 3–26–57 (shirts).

Richman Bros. Co., Sixth and Main Streets, Sturgis, Ky.; effective 4–1–56 to 3–31–57 (men's single pants).

S. D. Dress Co., Mill and Frieda Streets, Dickson City, Pa.; effective 3–28–56 to 3–27–57 (children's and ladies' dresses).

Sagamore Manufacturing Co., Shirt Division, Weaver Street, Fall River, Mass.; effective 3–22–56 to 3–21–57 (men's shirts).

Schreiber-Wallach Co., 1239 West Ninth Street, Cleveland, Ohio; effective 3–26–56 to 3–25–57 (dresses).

Smart Set Manufacturing Co., Inc., 52 12th Street, Fall River, Mass.; effective 3–28–56 to 3–27–57 (ladies' cotton dresses).

Stein-Way Clothing Co., 711 West Walnut Street, Johnson City, Tenn.; effective 3–23–56 to 3–22–57 (men's trousers).

Levi Strauss & Co., 250 Valencia Street, San Francisco, Calif.; effective 3–22–56 to 3–21–57 (denim overalls, men, women, children's).

Terry-Ann Sportswear Co., Cherry Street, Slatington, Pa.; effective 3–21–56 to 3–20–57 (ladies' and childrens' sportswear).

Thomson Manufacturing Co., Inc., West Main Street, Bennington, Vt.; effective 3–23–56 to 3–22–57 (children's underwear).

Thurmond Manufacturing Co., Inc., Madison, Ga.; effective 3–26–56 to 3–25–57 (boys' shirts).

Thurmond Manufacturing Co., Inc., Rutledge, Ga.; effective 3–26–56 to 3–25–57 (boys' dress shirts).

Tioga Sportswear Corp., 69 Alden Street, Fall River, Mass.; effective 3–22–56 to 3–21–57 (sport jackets).

The Turner Manufacturing Co., West Cedar Street, Goodlettsville, Tenn.; effective 3–30–56 to 3–29–57 (shirts and dresses).

Wagener Manufacturing Co., Inc., Wagener, S. C.; effective 4–2–56 to 4–1–57 (sport shirts).

Walterboro Manufacturing Corp., Walterboro, S. C.; effective 3–28–56 to 3–27–57 (cotton dresses).

The Watson Shirt Co., The Watson Laundry Co., 334 Barclay Street, Salisbury, Md.; effective 3–20–56 to 3–19–57 (men's and boys' dress shirts).

Waynesboro Garment Co., Inc., Waynesboro, Ga.; effective 3–30–56 to 3–29–57 (men's and boys' bathrobes).

The following learner certificates were issued for normal labor turnover purposes and, except as otherwise indicated below, a maximum of 10 learners were authorized:

Aalfs-Baker Manufacturing Co., Le Mars, Iowa; effective 3–19–56 to 3–18–57 (men's dungarees).

Appleman Manufacturing Co., 723½ Central Avenue., Nebraska City, Nebr.; effective 3–23–56 to 3–22–57; 5 learners (men's heavy outerwear jackets).

A. G. Baba & Co., 1102 East Fourth Street, Bethlehem, Pa.; effective 3–30–56 to 3–29–57 (ladies' blouses).

H. C. Beaver Manufacturing Co., R. D. No. 1, Selinagrove, Pa.; effective 3–23–56 to 3–22–57; 5 learners (men's jackets).

Bedford-National, Inc., Page Mill, New Bedford, Mass.; effective 3–23–56 to 3–22–57; 5 learners (dresses).

Berkshire Maid Garment Manufacturing Co., 162 Chestnut Street, Springfield, Mass.; effective 3–22–56 to 3–21–57 (cotton aprons-pinafores).

Best Maid Apparel Co., 527 Main Street, Moosic, Pa.; effective 3–22–56 to 3–21–57; 5 learners (children's dresses).

Bilt-Rite Foundation Co., 20 West 22d Street, New York, N. Y.; effective 3–26–56 to 9–25–56; 1 learner (girdles).

Colette Dress Co., Moser Road, Pottstown, Pa.; effective 3–21–56 to 3–20–57 (children's dresses).

Dillsburg Dress Co., Dillsburg, Pa.; effective 3–30–56 to 3–29–57; 5 learners (ladies' house dresses).

Evergreen Fashions, Inc., 919 East Pike Street and 1426 Broadway, Seattle, Wash.; effective 3–27–56 to 3–26–57 (women's and girl's sportswear).

Flexible Manufacturing Corp., 2539 McDonald Avenue, Brooklyn, N. Y.; effective 3–19–56 to 9–18–56; 5 learners (outerwear).

Flushing Shirt Manufacturing Co., Grantsville, Md.; effective 3–22–56 to 3–21–57 (men's uniform shirts).

Gaye Manufacturing Co., Inc., Ashland, Ala.; effective 3–30–56 to 3–29–57 (men's sport shirts).

Hagerstown Manufacturing Co., 113 Summit Avenue, Hagerstown, Md.; effective 3–23–56 to 3–22–57 (children's dresses).

M. Handelsman, 18–20 Jefferson Avenue, Elizabeth, N. J.; effective 3–22–56 to 3–21–57; 5 learners (girls' slacks and shorts).

Hatfield Clothing Co., Inc., 21 East Lincoln Avenue, Hatfield, Pa.; effective 3–26–56 to 3–25–57; 5 learners (men's trousers).

Hickory Flat Manufacturing Co., Hickory Flat, Miss.; effective 4–10–56 to 4–9–57 (men's work shirts).

Holiday Sportswear, Inc., 130 East 12th Street, Baxter Springs, Kans.; effective 3–30–56 to 3–29–57 (sports shirts).

M. I. Huebschman, Inc., 1239 West Ninth Street, Cleveland, Ohio; effective 3–23–56 to 3–22–57 (maternity dresses).

Industrial Garment Manufacturing Co., 8 North Center Street, Springfield, Ohio; effective 3–22–56 to 3–21–57; 6 learners (men's cotton work clothes).

Jacobs Brothers, Inc., Manchester, Md.; effective 4–2–56 to 4–1–57 (nurses' and maids' uniforms).

Jo-Ann Fashions, 410 LaSalle Street, Berwick, Pa.; effective 3–30–56 to 3–29–57; 4 learners (ladies' dresses).

Johnnye Manufacturing Co., Fairfield, Ill.; effective 3–27–56 to 3–26–57 (dresses).

Jonny-Jax, Inc., Holsopple, Pa.; effective 3–23–56 to 3–22–57; 5 learners (jackets, pedal pushers, shorts).

Kingsboro Mills, Inc., Lebanon, Tenn.; effective 3–23–56 to 3–22–57; 5 learners (ladies' lingerie).

Lady Carrol Foundations, Inc., 37 West 21st Street, New York, N. Y.; effective 3–27–56 to 9–26–56; 3 learners (girdles).

Little Frocks, Inc., 545 West Main Street, Little Falls, N. Y.; effective 3–21–56 to 3–20–57 (ladies' cotton dresses).

Lodestar Blouse Corp., Sheppton, Pa.; effective 3–30–56 to 3–29–57 (women's blouses).

Luray Clothing Manufacturing Co., Inc., Main Street, Luray, Va.; effective 3–21–56 to 3–20–57 (dungarees).

Mode O'Day Corp., 401 West 23d Street, Fremont, Nebr.; effective 4–7–56 to 4–6–57 (wash dresses).

Murlaw Manufacturing Co., 152 West Ridge Street, Lansford, Pa.; effective 3–23–56 to 3–22–57; 5 learners (children's dresses).

Panther Valley Dress Co., Inc., 114 East Kline Avenue, Lansford, Pa.; effective 3–19–56 to 3–18–57; 5 learners (children's dresses).

Peerless Sportswear Manufacturing Co., 324 South Main Street, Wilkes-Barre, Pa.; effective 3–29–56 to 3–28–57 (girls' slacks and shorts).

Peninsula Manufacturing Co., 304 Washington Street, Snow Hill, Md.; effective 3–28–56 to 3–27–57; 3 learners (men's work trousers).

Pine Plains Manufacturing Co., Inc., Pine Plains, N. Y.; effective 3–23–56 to 3–22–57, 5 learners (children's apparel).

Pleasure Togs, Inc., 156 Trinity Avenue Southwest, Atlanta, Ga.; effective 3–26–56 to 3–25–57 (blouses, shirts, shorts, and pedal pushers).

Puritan Manufacturing Co., Inc., Walnut and Linden Streets, Lansdale, Pa.; effective 3–21–56 to 3–20–57 (men's sport coats).

Scafaria Brothers, Inc., East Broadway and Radnor Avenue, Clifton Heights, Pa.; effective 3–21–56 to 3–20–57 (rainwear).

Sednawey Co., 5 West 30th Street, New York, N. Y.; effective 4–2–56 to 10–1–56, 3 learners (ladies' house coats).

Silver Belle Manufacturing Co., 901 Pittston Avenue, Scranton, Pa.; effective 3–21–56 to 3–20–57; 2 learners (ladies' aprons).

Sorbeau Juvenile Manufacturing Co., 821 Central Avenue, Dubuque, Iowa; effective 3–23–56 to 3–1–57 (infants' layette garments) (replacement certificate).

Standard Garment Co., Inc., North Walnut Street, Dallestown, Pa.; effective 3–28–56 to 3–27–57 (ladies' wash dresses).

Standard Garment Co., Inc., 26 North Washington Street, Gettysburg, Pa.; effective 3–21–56 to 3–20–57; 5 learners (ladies' wash dresses).

Stanleys Sportswear, 26–30 Grove Street, Amsterdam, N. Y.; effective 3–27–56 to 3–26–57. 5 learners (surcoats).

Steingut Dress Co., 228 Everheart Street, Dupont, Pa.; effective 3–23–56 to 3–22–57. 5 learners (street dresses).

Waukesha Garments, Inc., 1620 Grandview Boulevard, Waukesha, Wis.; effective 3–22–56 to 3–21–57. 3 learners (dresses).

Womelsdorf Manufacturing Co., Inc., Rexmont, Pa.; effective 3–30–56 to 3–29–57. 2 learners (boys' robes).

The following learner certificates were issued for plant expansion purposes. The number of learners authorized is indicated:

Barbizon of Utah, Inc., 150 West 12th North, Provo, Utah; effective 3–22–56 to 9–21–56; 20 learners (ladies' lingerie).

Blue Bell, Inc., Homer, Ga.; effective 3–23–56 to 9–22–56; 75 learners (men's and boys' work and play clothes).

Calloway Manufacturing Co., Second and Poplar Streets, Murray, Ky.; effective 3–22–56 to 9–21–56; 50 learners (work trousers).

Charleston Manufacturing Co., Charleston, S. C.; effective 3–21–56 to 9–20–56; 35 learners (ladies' wash dresses).

Decatur Shirt Corp., Decatur, Miss.; effective 3–29–56 to 9–28–56; 100 learners (sport shirts).

Doyle Shirt Manufacturing Corp., Doyle, Tenn.; effective 3–28–56 to 9–27–56; 50 learners (men's sport shirts).

Kayler Manufacturing Inc., Seventh Street and Stevenson Boulevard, New Kensington, Pa.; effective 3–22–56 to 9–21–56; 15 learners (blouses).

Lilli-Rose Sportswear Co., 1305 Eighth Street, Tuscaloosa, Ala.; effective 3–22–56 to 9–21–56; 15 learners (sportswear).

Lordley, Inc., Wendell, N. C.; effective 3–23–56 to 9–22–56; 20 learners (men's sport shirts).

McAdoo Manufacturing Co., Inc., South Hancock Street, McAdoo, Pa.; effective 3–27–56 to 9–26–56; 35 learners (men's and ladies' polo shirts).

Meyers & Son Manufacturing Co., General Arnold Boulevard, Sarasota, Fla.; effective 4–3–56 to 10–1–56; 10 learners (work aprons).

Mode O'Day Corp., 607 Main Street, Osawatomie, Kans.; effective 3–21–56 to 9–20–56; 20 learners (blouses).

Palomar Shirt Co., 858 North Broadway, Escondido, Calif.; effective 3–23–56 to 9–22–56; 20 learners (sport shirts).

Pinnacle Manufacturing Co., Bramwell, Mercer County, W. Va.; effective 3–20–56 to 9–19–56; 30 learners (children's shorts and play clothes).

Strasburg Manufacturing Co., Inc., East King Street, Strasburg, Va.; effective 3–21–56 to 9–20–56; 15 learners (blouses).

Tennessee Textile Corp., Maryville, Tenn.; effective 3–15–56 to 9–14–56; 50 learners (work trousers).

Trego's Westwear, 1001–1005 Seventh Street, Woodward, Okla.; effective 3–30–56 to 9–29–56; 30 learners (men's and women's sportswear and outerwear).

Waterbury Garment Corp., 215 Cherry Street, Waterbury, Conn.; effective 3–23–56 to 9–22–56; 25 learners (women's and children's cotton pajamas and nightgowns).

Waynesboro Garment Co., Inc., Waynesboro, Ga.; effective 3–30–56 to 9–29–56; 30 learners (men's and boys' bathrobes).

White Mountain Outerwear Corp., Franklin, N. H.; effective 3–19–56 to 9–18–56; 15 learners (leather jackets).

Windon Manufacturing Co., Inc., Winona, Miss.; effective 4–15–56 to 10–14–56; 100 learners (men's sport shirts).

## Cigar Industry Learner Regulations (29 CFR 522.80 to 522.85, as amended March 1, 1956, 21 F. R. 629).

T. E. Brooks & Co., Poplar and Dewey Streets, York, Pa.; effective 4–2–56 to 4–1–57; 10 percent of the total number of factory production workers for normal labor turnover purposes (replacement certificate).

## Glove Industry Learner Regulations (29 CFR 522.60 to 522.65, as amended March 1, 1956, 21 F. R. 581).

The following learner certificates were issued for normal labor turnover purposes, except as otherwise indicated:

Fairfield Glove Co., Fairfield, Iowa; effective 3–28–56 to 9–27–56; 6 learners for plant expansion purposes (gloves and mittens).

Javarone Fur Co., 81 Helwig Street., Gloversville, N. Y.; effective 3–22–56 to 3–21–57; 2 learners (fur linings).

Zain Gloves Inc., Richmondville, N. Y.; effective 3–27–56 to 3–26–57; 10 percent of the total number of factory production workers engaged in the authorized occupations (leather dress gloves).

## Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.42, as amended March 1, 1956, 21 F. R. 629).

The following learner certificates were issued for normal labor turnover purposes, except as otherwise indicated:

Atlantic Hosiery, Inc., 948 White Horse Pike, Elwood, N. J.; effective 3–27–56 to 2–26–57; 5 learners.

Ballston-Stillwater Knitting Co., Inc., Ballston Spa, N. Y.; effective 3–28–56 to 3–27–57; 5 percent of factory production workers.

Ballston-Stillwater Knitting Co., Inc., Stillwater, N. Y.; effective 3–28–56 to 3–27–57; 5 percent of factory production workers.

Bridgeton Hosiery Mills, East Commerce Street, Bridgeton, N. J.; effective 3–30–56 to 3–29–57; 3 learners.

Codorus Hosiery Co., College at Newberry, York, Pa.; effective 3–29–56 to 3–28–57; 5 percent of factory production workers.

Crown Hosiery Mills, Inc., 449 South Wrena Street, High Point, N. C.; effective 3–19–56 to 3–18–57; 5 percent of factory production workers.

Davenport Hosiery Mills, Inc., Ellijay, Ga.; effective 3–9–56 to 8–31–56; 25 learners for expansion purposes.

Halifax County Hosiery Mills, Scotland Neck, N. C.; effective 3–28–56 to 3–27–57; 5 percent of factory production workers.

J. W. Landenberger & Co., Philadelphia, Pa.; effective 3–23–56 to 8–31–56; 225 learners for plant expansion purposes.

Wm. G. Leininger Knitting Co., Denver, Pa.; effective 3–20–56 to 3–19–57; 5 learners.

Wm. G. Leininger Knitting Co., Lyons Station, Pa.; effective 3–20–56 to 3–19–57; 5 learners.

Marum Knitting Mills, Inc., 15 Union Street, Lawrence, Mass.; effective 3–27–56 to 3–26–57; 5 learners.

Carol May Finishing Co., Inc., West Depot Street, Concord, N. C.; effective 3–29–56 to 3–28–57; 5 percent of factory production workers.

Mayo Knitting Mill, Inc., Tarboro, N. C.; effective 3–16–56 to 3–15–57; 5 percent of factory production workers.

Merrill Hosiery Co., Bank Street, Hornell, N. Y.; effective 3–23–56 to 3–22–57; 5 learners.

The Ohio Willow Wood Co., 79–85 Chestnut Street, Mt. Sterling, Ohio; effective 3–20–56 to 3–19–57; 5 learners.

The House of Savoy, 559 North Pennsylvania Avenue, Wilkes-Barre, Pa.; effective 3–30–56 to 3–29–57; 5 learners.

Singer Hosiery Mills, Inc., English Street Extension, High Point, N. C.; effective 3–16–56 to 3–15–57; 5 learners.

## Independent Telephone Industry Learner Regulations (29 CFR 522.70 to 522.74, as amended March 1, 1956, 21 F. R. 581).

Baldwin Telephone Exchange, Baldwin, Wis.; effective 3–21–56 to 3–20–57.

Dundee Telephone & Telegraph Co. Dundee, N. Y.; effective 3–21–56 to 3–20–57.

Hartington Telephone Co., Hartington, Nebr.; effective 3–29–56 to 3–28–57.

The Wellington Telephone Co., Wellington, Ohio; effective 3–26–56 to 3–25–57.

## Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended March 1, 1956, 21 F. R. 581).

The following learner certificates were issued for normal labor turnover purposes, except as otherwise indicated:

Anniston Knitting Co., Division Flagg-Utica Corp., Anniston, Ala.; effective 3–20–56 to 3–19–57; 5 percent of factory production workers (knit underwear).

Brumby Textile Mill, Inc., Murphy, N. C.; effective 3–27–56 to 3–26–57; 5 learners (men's tee shirts, etc.).

Burkey Underwear Co., Inc., Second and Pine Streets, Hamburg, Pa.; effective 3–1–56 to 2–26–57; 10 learners (underwear and sweaters) (replacement certificate).

Century Mills, Division of A. H. Schreiber Co., Inc., Lincoln and Reeder Streets, Riverside, N. J.; effective 3–20–56 to 2–28–57; 5 percent of factory production workers (ladies' and children's underwear) (replacement certificate).

Du Barry Associates, Inc., Canal Street, Philmont, N. Y.; effective 3–28–56 to 3–27–57; 5 learners (ladies' underwear).

Du Barry Associates, Inc., Tivoli, N. Y.; effective 3–28–56 to 3–27–57; 5 learners (ladies' underwear).

E-Cut Knitting Mills, Inc., First Avenue, Royersford, Pa.; effective 3–26–56 to 3–25–57; 5 learners (children's cotton knit underwear).

Emkay Manufacturing Co., 205 West Sixth Street, West Wyoming, Pa.; effective 4–1–56 to 3–31–57; 5 percent of factory production workers (swim suits).

General Knitting Mills, Inc., Curtis and Boser Streets, Monroe, Union County, N. C.; effective 3–30–56 to 3–29–57; 5 learners (knit underwear).

The Giffin Manufacturing Co., Inc., Mount Sterling, Ky.; effective 3–16–56 to 3–15–57; 5 learners (men's woven shorts).

Globe Mills, Inc., West Leesport, Pa.; effective 3–29–56 to 3–28–57; 5 learners (knit underwear).

Gloucester Knitting Mills, Inc., Black Horse Pike, Blackwood, N. J.; effective 3–30–56 to 3–29–57; 5 learners (sweaters).

Gordon Garment Corp., Goodson Street, Bristol, Va.; effective 3–28–56 to 3–27–57; 5 learners (ladies' underwear).

The Hadley Corp., Reems Creek Road, Weaverville, N. C.; effective 3–26–56 to 2–28–57; 5 learners (ladies' and men's full fashioned sweaters) (replacement certificate).

Kingsboro Mills, Inc., Lafayette, Tenn.; effective 3–27–56 to 3–26–57; 5 percent of factory production workers (ladies' lingerie).

Knitcraft, Inc., East Catawba Street, Belmont, N. C.; effective 3–19–56 to 3–18–57; 4 learners (ladies' outerwear and men's tee shirts).

Luray Lingerie, Inc., 13 Center Street, Rutland, Vt.; effective 3–29–56 to 3–28–57; 5 learners (ladies' nightgowns).

Pons Full Fashion Mills, Inc., Valdese, N. C.; effective 3–19–56 to 3–18–57; 5 learners (sweaters).

Port City Hosiery Mills, Inc., 715 Greenfield Street, Wilmington, N. C.; effective 3–19–56 to 10–6–56; 5 percent of factory production workers (acetate knit pajamas) (replacement certificate).

Prestige Knitting Mills, Inc., 18 Label Street, Montclair, N. J.; effective 3–16–56 to 3–15–57; 5 learners (ladies' full fashioned sweaters).

Redondo Lingerie Co., 963 High Lane, Redondo Beach, Calif.; effective 3–26–56 to 8–31–56; 40 learners for plant expansion purposes (knitted women's lingerie (replacement certificate).

Taylor Manufacturing Co., Division of Union Underwear Co., Inc., Greensburg Road, Campbellsville, Ky.; effective 3–26–56 to 9–25–56; 50 learners for plant expansion purposes (men's and boys' knit underwear).

Van Raalte Co., Inc., Main Street, Bristol, Vt.; effective 3–28–56 to 9–27–56; 30 learners for plant expansion purposes (women's underwear).

Womelsdorf Manufacturing Co., Inc., Third and Mulberry Streets, Womelsdorf, Pa.; effective 3–26–56 to 3–25–57; 5 learners (ladies' pajamas, slips, boys' robes).

## Shoe Industry Learner Regulations (29 CFR 522.50 to 522.55, as amended March 1, 1956, 21 F. R. 1195).

The following learner certificates were issued for normal labor turnover purposes, except as otherwise indicated:

A. J. Beford Shoe, Inc., Klein Street, Lititz, Pa.; effective 3–21–56 to 3–20–57; 10 percent of factory production workers.

Dadorf Shoe Co., Inc., West Lincoln Avenue, Lititz, Pa.; effective 3–15–56 to 3–14–57; 3 learners.

Farmington Shoe, Farmington, Maine.; effective 3–21–56 to 9–20–56; 300 learners for plant expansion purposes.

Goodyear Shoe Co., Carlisle, Pa.; effective 3–26–56 to 3–25–57; 5 learners.

International Shoe Co., Vandalia Sole Leather, Vandalia, Mo.; effective 3–20–56 to 3–19–57; 10 percent of factory production workers (leather soles, fibre heels).

Kessler Shoe Co., Kennebunk, Maine; effective 4–3–56 to 4–2–57; 10 percent of factory production workers.

Mutual Shoe Co., 135 Maple Street, Marlboro, Mass.; effective 3–20–56 to 2–28–57; 10 percent of factory production workers (replacement certificate).

Pleasant Valley Shoe Co., Westminster, Md.; effective 3–27–56 to 3–26–57; 10 percent of factory production workers.

Sham-O-Kin Shoe Corp., Franklin Street, Shamokin, Pa.; effective 3–20–56 to 9–19–56; 25 learners for expansion purposes.

Skippy Footwear Corp., Wayne and Madison Avenue, West Hazleton, Pa.; effective 4–3–56 to 4–2–57; 10 percent of factory production workers.

Sturdy Steps, Inc., 119 Neal Street, Martin, Tenn.; effective 3–29–56 to 3–28–57; 10 learners.

Tobin-Hamilton Co., Inc., Mansfield, Mo.; effective 3–28–56 to 3–27–57; 10 learners.

A. Werman & Sons, Inc., Third and Pine Streets, Marietta, Pa.; effective 4–1–56 to 3–31–57; 10 percent of factory production workers.

## Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645).

The following learner certificates were issued to the companies listed below manufacturing miscellaneous products. The learner rates, occupations, learning periods, number or proportion of learners authorized to be employed, and the effective dates of the certificates, are as indicated.

A. & G. Hat & Cap Manufacturing Co., Inc., 315 Penn Avenue, Scranton, Pa.; effective 3–26–56 to 9–25–56; not less than 85 cents per hour for the occupation of sewing machine operator; a maximum of 240 hours; authorizing 3 learners for normal labor turnover purposes (men's and boys' caps).

Bogene, Inc., 21–33 Lehman Street, Lebanon, Pa.; effective 3–29–56 to 9–28–56; not less than 85 cents per hour for a maximum of 240 hours, for the occupation of sewing machine operator; not less than 85 cents per hour for a maximum of 160 hours, for the occupation of heat sealing machine operator; authorizing a maximum of 10 learners for normal labor turnover purposes (garment, shoe, blanket, and storage bags).

Bradstone Rubber Co., 501 Adams Avenue, Woodbine, N. J.; effective 3–1–56 to 8–31–56; not less than 87 cents per hour for the first 240 hours and 93 cents per hour for the remaining 80 hours of the 320 hour learning period, for the occupation of trimmer; not less than 87 cents per hour for a maximum of 160 hours for the occupation of inspector; authorizing ten percent of the total number of factory production workers for normal labor turnover purposes (rubber heels) (replacement certificate).

Brooklyn Mailing Device Co., Inc., 233 South First Street, Brooklyn, N. Y.; effective 3–16–56 to 9–15–56; not less than 85 cents per hour for the occupation of sewing machine operator; a maximum of 160 hours; authorizing 2 learners for normal labor turnover purposes (mailing bags).

Callaway Rug & Carpet Mills, Inc., 521 West Main, El Paso, Tex.; effective 3–1–56 to 8–31–56; not less than 85 cents per hour for the occupation of tufting machine operator; a maximum of 240 hours; authorizing 10 learners for normal labor turnover purposes (carpets, rugs, bedspreads) (replacement certificate).

Carey's Wood Products, Benton, Pa.; effective 3–24–56 to 9–23–56; not less than 85 cents per hour for the occupations of woodworking machine operator and assembler; a maximum of 320 hours; authorizing 4 learners for normal labor turnover purposes (furniture frames).

Carolina Textile Engraving Co., Inc., 311 East 12th Street, Charlotte, N. C.; effective 3–19–56 to 9–18–56; not less than 80 cents per hour for the first 240 hours and 90 cents per hour for the remaining 240 hours of the 480 hour learning period, for the occupations of pantographer, roll painter, roll polisher, and sketchmaker; authorizing 20 learners for plant expansion purposes (engraved rollers for printing textiles).

Charleen Manufacturing Corp., Flint Mill No. 1, 135 Alden Street, Fall River, Mass.; effective 3–15–56 to 9–14–56; not less than 85 cents per hour for the occupation of sewing machine operator; a maximum of 320 hours; authorizing 6 learners for normal labor turnover purposes (curtains, draperies, and bedspreads).

Creme Lure Co., 1414 Piedmont Avenue, Akron, Ohio; effective 3–1–56 to 8–31–56; not less than 80 cents per hour for the first 320 hours and 85 cents per hour for the remaining 160 hours of the 480 hour learning period, for the occupation of plastic caster; authorizing 4 learners for normal labor turnover purposes (artificial lures) (replacement certificate).

Cuba Footwear Products Co., Cuba, Mo.; effective 3–26–56 to 9–25–56; not less than 87 cents per hour for the first 240 hours and 93 cents per hour for the remaining 80 hours of the 320 hour learning period, for the occupations of heel coverer, lacquer sprayer, top lift nailer, casing and cementing heels, beam cutter, and box toe skiver; authorizing 10 learners for normal labor turnover purposes (covered wood heels).

Delletters, Frontenac, Kans.; effective 3–24–56 to 9–23–56; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 160 hours of the 320 hour learning period, for the occupations of sewing machine operator, hand sewing, embroidery machine operator, and chenille machine operator; authorizing 2 learners for normal labor turnover purposes (chenille and embroidered emblems and letters).

Dunbar-Stanley Studios, 214–216 East Park Avenue, Charlotte, N. C.; effective 3–21–56 to 9–20–56; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 160 hours of the 320 hour learning period, for the occupations of photofilm printer and developer; authorizing 4 learners for normal labor turnover purposes (photographs).

Eldred Manufacturing Corporation, 675 Sixth Avenue, New York, N. Y.; effective 3–22–56 to 9–21–56; not less than 85 cents per hour for the first 280 hours and 90 cents for the remaining 200 hours of the 480 hour learning period, for the occupations of sewing machine operator, final pressing, hand sewing, and finishing operations involving hand sewing; authorizing five percent of the total number of factory production workers for normal labor turnover purposes (suits, sport jackets, slacks, etc.).

Frontier Glove Co., Inc., North Street, Springfield, N. Y.; effective 3–1–56 to 8–31–56; not less than 85 cents per hour for a maximum of 320 hours, for the occupation of sewing machine operator; not less than 85 cents per hour for a maximum of 160 hours, for the occupation of clicker machine operator; authorizing 6 learners for plant expansion purposes (industrial gloves) (replacement certificate).

William P. Goldman & Bros., Inc., 239 Varet Street, Brooklyn, N. Y.; effective 3–26–56 to 9–25–56; not less than 85 cents per hour for the occupations of handsewer, final pressing, and finishing operations involving hand sewing; a maximum of 108 hours; authorizing 5 percent of the total number of factory production workers for normal labor turnover purposes (men's clothing).

Greenwood Embroidery & Trimming Co., 331–333 Walker Avenue, Greenwood, S. C.; effective 3–21–56 to 9–20–56; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 160 hours of the 320 hour learning period, for the occupation of sewing machine operator; authorizing 2 learners for normal labor turn-

over purposes (embroidering dresses and blouses).

Harlic Bag Co., Inc., South Norwalk, Conn.; effective 3-22-56 to 9-21-56; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 160 hours of the 320 hour learning period, for the occupations of stitching machine operator, and hand cutter and framer; not less than 85 cents per hour for a maximum of 160 hours, for the occupations of die and clicker machine operator, and pocketbook maker's helper; authorizing 10 percent of the total number of factory production workers for normal labor turnover purposes (ladies' handbags).

Harris-Watson Co., d/b/a Wayne Watson Co., 1855-R Cheshire Bridge Road NE., Atlanta, Ga.; effective 4-1-56 to 9-30-56; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 160 hours of the 320 hours learning period, for the occupations of machine stitcher and chenille machine operator; authorizing 3 learners for normal labor turnover purposes (athletic wear lettering).

Hartshorne Sun, Hartshorne, Okla.; effective 3-23-56 to 9-22-56; not less than 80 cents per hour for the first 240 hours and 90 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of printing, press work, and sterotyping; authorizing 1 learner for normal labor turnover purposes (newspaper and commercial printing).

Jeans Fine Neckwear, Lakewood Road, New Egypt, N. J.; effective 3-9-56 to 9-8-56; not less than 85 cents per hour for the occupations of sewing machine operator and presser; a maximum of 160 hours; authorizing 3 learners for normal labor turnover purposes (ladies' neckwear).

Levine Bros. Bag Co., 38-46 Mill Street, Kingston, N. Y.; effective 3-30-56 to 9-29-56; not less than 85 cents per hour for the occupation of sewing machine operator; a maximum of 160 hours; authorizing 1 learner for normal labor turnover purposes (feed bags).

Liberty Garment Contractors, Inc., 473 Liberty Avenue, Brooklyn, N. Y.; effective 3-16-56 to 9-15-56; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupation of handsewer; authorizing five percent of the total number of factory production workers for normal labor turnover purposes (Army dress jackets).

Loring Studios, 320 Ann Street, Hartford, Conn.; effective 3-16-56 to 9-15-56; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 160 hours of the 320 hour learning period, for the occupation of photographic colorist; authorizing 3 learners for normal labor turnover purposes (colored photographs).

The Lyntone Co., 45 Northwest 41st Street, Oklahoma City, Okla.; effective 3-23-56 to 9-22-56; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 160 hours of the 320 hour learning period, for the occupations of stitching machine operator, hand cutter, and assembler and finisher; not less than 85 cents per hour for a maximum of 160 hours, for the occupation of die and clicker machine operator; authorizing 4 learners for normal labor turnover purposes (belts, billfolds).

Manhattan Scalloping & Embroidery Works, 121 West 27th Street, New York, N. Y.; effective 3-23-56 to 9-22-56; not less than 85 cents per hour for the occupation of embroidery machine operator; a maximum of 140 hours; authorizing five percent of the total number of factory production workers for normal labor turnover purposes (embroidering ladies' garments).

The Marietta Fruit Package & Lumber Co., Westview Avenue, Marietta, Ohio; effective 3-19-56 to 9-18-56; not less than 85 cents per hour for the occupation of weaver; a maximum of 240 hours; authorizing 3 learners for normal labor turnover purposes (fruit and vegetable packages).

Markay Bags, Inc., 1000 North Avenue, Plainfield, N. J.; effective 3-29-56 to 9-28-56; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 160 hours of the 320 hour learning period, for the occupations of stitching machine operator, hand cutter, parer, and framer; not less than 85 cents per hour for a maximum of 160 hours, for the occupations of die and clicker machine operator, automatic paring machine operator, and pocketbook maker's helper; authorizing ten percent of the total number of factory production workers for normal labor turnover purposes (ladies' handbags) (replacement certificate).

Montcrey Classics, Inc., 518 Lighthouse Avenue, Monterey, Calif.; effective 3-15-56 to 9-14-56; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 160 hours of the 320 hour learning period, for the occupations of sewing machine operator, hand sewing, and finishing operations involving hand sewing; authorizing 5 learners for normal labor turnover purposes (neckties).

Naylor Marine Products, 3616 Curlew Street, San Diego, Calif.; effective 3-19-56 to 9-18-56; not less than 80 cents per hour for the occupations of hand and machine operators; a maximum of 240 hours; authorizing 2 learners for normal labor turnover purposes (sea shell novelties).

Newton Bag Co., 107 East Brook Street, Neosho, Mo.; effective 3-21-56 to 9-20-56; not less than 85 cents per hour for the occupation of sewing machine operator; a maximum of 160 hours; authorizing 2 learners for normal labor turnover purposes (burlap and cotton bagging).

Peerless Handbag Co., Inc., 1-3-5 West Blackwell Street, Dover, N. J.; effective 3-21-56 to 9-20-56; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 160 hours of the 320 hour learning period, for the occupations of stitching machine operator, hand cutter, parer, and framer; not less than 85 cents per hour for a maximum of 160 hours, for the occupations of clicker machine operator, and pocketbook makers' helper; authorizing ten learners for normal labor turnover purposes (handbags).

Joseph J. Pietrafesa Co., Inc., 410 North State Street, Syracuse, N. Y.; effective 3-19-56 to 9-18-56; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480 hour learning period, for the occupations of sewing machine operator, and finishing operations involving hand sewing; authorizing five percent of the total number of factory production workers for normal labor turnover purposes (men's clothing).

Joseph J. Pietrafesa Co., Inc., 101 Salt Street, Syracuse, N. Y.; effective 3-19-56 to 9-18-56; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480 hour learning period, for the occupations of sewing machine operator, and finishing operations involving hand sewing; authorizing five percent of the total number of factory production workers for normal labor turnover purposes (men's clothing).

Pioneer Coat Front Corp., 1027 Callowhill Street, Philadelphia, Pa.; effective 3-26-56 to 9-25-56; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480 hour learning period, for the occupation of sewing machine operator; authorizing 5 learners for normal labor turnover purposes (men's coat fronts).

Power-Loom Rug Co., Inc., West Linden and Eighth Streets, Scranton, Pa.; effective 3-16-56 to 9-15-56; not less than 85 cents per hour for the occupation of weaver; a maximum of 240 hours; authorizing 2 learners for normal labor turnover purposes (rag rugs).

Regent Home of Charm, Mechanic Street, Pawcatuck, Conn.; effective 3-14-56 to 9-13-56; not less than 80 cents per hour for the occupation of upholsterer; a maximum of 320 hours; authorizing 3 learners for normal labor turnover purposes (upholstered chairs).

Richmond Pen Co., Inc., 3806 Jefferson Davis Highway, Richmond, Va.; effective 3-12-56 to 9-11-56; not less than 85 cents per hour for the occupation of pen and pencil assembler; a maximum of 240 hours; authorizing 10 learners for normal labor turnover purposes (fountain and ball-point pens, etc.).

Henry Roberts Co., Inc., 101 South Gordon Street, Pomona, Calif.; effective 3-23-56 to 9-22-56; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 160 hours of the 320 hour learning period, for the occupations of stitching machine operator, hand cutter, parer, and framer; not less than 85 cents per hour for a maximum of 160 hours, for the occupations of die and clicker machine operator, automatic paring machine operator, and pocketbook makers' helper; authorizing 10 learners for plant expansion purposes (ladies' handbags).

Royal Curtain Manufacturing Co., 283 Hyde Park Avenue, Jamaica Plain, Mass.; effective 3-19-56 to 9-18-56; not less than 85 cents per hour for the occupation of sewing machine operator; a maximum of 320 hours; authorizing 6 learners for normal labor turnover purposes (curtains, bedspreads, and draperies).

S & M Cap Manufacturing Co., 147 North Eighth Street, Philadelphia, Pa.; effective 3-15-56 to 9-14-56; not less than 85 cents per hour for the occupation of sewing machine operator; a maximum of 240 hours; authorizing 2 learners for normal labor turnover purposes (baseball, dress caps).

Seal Sac, Inc., 25 Broadway, Pawtucket, R. I.; effective 3-1-56 to 8-31-56; not less than 85 cents per hour for the occupation of sewing machine operator; a maximum of 320 hours; authorizing 8 learners for normal labor turnover purposes (plastic notions for closets and kitchens). (Replacement certificate).

Siegel Rothschild Gans Bros. Corp., 27 South Paca Street, Baltimore, Md.; effective 3-14-56 to 9-13-56; not less than 85 cents per hour for the occupations of machine umbrella sewer and hand umbrella tipper; a maximum of 320 hours; authorizing 6 learners for normal labor turnover purposes (umbrellas).

Sparta Pipes, Inc., Sparta, N. C.; effective 3-19-56 to 9-18-56; not less than 85 cents per hour for the occupations of hand and machine operators; a maximum of 240 hours; authorizing ten percent of the total number of factory production workers for normal labor turnover purposes (smoking pipes, etc.).

Swansea Manufacturing Co., Lindsey Lane, Swansea, Mass.; effective 3-15-56 to 9-14-56; not less than 85 cents per hour for the occupation of sewing machine operator; a maximum of 320 hours; authorizing 6 learners for normal labor turnover purposes (curtains, draperies, and bedspreads).

Union Bridge Manufacturing Corp., Union Bridge, Md.; effective 3-26-56 to 9-25-56; not less than 85 cents per hour for the first 280 hours and 90 cents for the remaining 200 hours of the 480 hour learning period, for the occupation of sewing machine operator; authorizing 15 learners for plant expansion purposes (men's washable suits).

Union County Pad Co., Inc., 1180 East Grand Street, Elizabeth, N. J.; effective 3-15-56 to 9-14-56; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 80 hours of the 240 hour learning period, for the occupation of sewing machine operator; authorizing 4 learners for normal labor turnover purposes (shoulder pads).

Valley Forge Flag Co., Spring City, Pa.; effective 3-26-56 to 9-7-56; not less than 85 cents per hour for the occupation of sewing machine operator; a maximum of 320 hours; authorizing 5 learners for normal labor turnover purposes (American flags) (supplemental certificate).

A. J. Weinstein Co., 308-10 Third Street, Carnegie, Pa.; effective 3-14-56 to 9-13-56; not less than 85 cents per hour for the occupation of sewing machine operator; a maximum of 320 hours; authorizing 2 learners for normal labor turnover purposes (vacuum cleaner bags).

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named:

Beatrice Needle Craft, Inc., Malecon Road, Mayaguez, P. R.; effective 3-12-56 to 9-11-56; not less than 55 cents per hour for the first 320 hours and 62½ cents per hour for the remaining 160 hours of the 480 hour learning period, for the occupation of sewing machine operator; authorizing the employment of 50 learners (brassieres).

Beatrice Needle Craft, Inc., 18 San Vincente Street, Mayaguez, P. R.; effective 3-12-56 to 3-11-57; not less than 55 cents per hour for the first 320 hours and 62½ cents per hour for the remaining 160 hours of the 480 hour learning period, for the occupation of sewing machine operator; authorizing the employment of 18 learners (brassieres).

Beatrice Needle Craft, Inc., Ponce-Guayanilla Road, Ponce, P. R.; effective 3-12-56 to 9-11-56; not less than 55 cents per hour for the first 320 hours and 62½ cents per hour for the remaining 160 hours of the 480 hour learning period, for the occupation of sewing machine operator; authorizing the employment of 40 learners (brassieres).

Borinquen Textiles, Inc., 1851 Ponce de Leon Avenue, Santurce, San Juan, P. R.; effective 3-13-56 to 9-12-56; not less than 42½ cents per hour for the occupation of warper; a maximum of 240 hours; authorizing the employment of 9 learners (textiles).

Caribe Glove Co., Box 285, Corozal, P. R.; effective 3-12-56 to 9-11-56; not less than 30 cents per hour for the occupations of finger knitting, finger closing, and mending; a maximum of 480 hours; authorizing the employment of 25 learners (gloves).

Carolina Brassiere Co., Isla Verde-Carolina Road, Carolina, P. R.; effective 3-5-56 to 8-19-56; not less than 55 cents per hour for the first 320 hours and 62½ cents per hour for the remaining 160 hours of the 480 hour learning period, for the occupation of sewing machine operator; authorizing the employment of 10 learners (brassieres) (replacement certificate).

Debmar Corp., Canovanas, P. R.; effective 3-5-56 to 3-20-56; not less than 55 cents per hour for the first 320 hours and 62½ cents for the remaining 160 hours of the 480 hour learning period, for the occupation of sewing machine operator; authorizing the employment of 150 learners (brassieres) (replacement certificate).

Debmar Corp., Canovanas, P. R.; effective 3-21-56 to 9-20-56; not less than 55 cents per hour for the first 320 hours and 62½ cents per hour for the remaining 160 hours of the 480 hour learning period, for the occupation of sewing machine operator; authorizing the employment of 72 learners (brassieres).

Delia Mojia, Inc., Ponce, P. R.; effective 3-9-56 to 9-8-56; not less than 30 cents per hour for the occupation of sewing machine operator; a maximum of 480 hours; authorizing the employment of 15 learners (girls' dresses).

Glamourette Fashion Mills, Inc., Km. 66.8 Road 2, Arecibo, P. R.; effective 3-22-56 to 7-8-56; not less than 30 cents per hour for the first 160 hours, 37½ cents per hour for the next 160 hours, and 45 cents per hour for the remaining 160 hours of the 480 hour learning period, for the occupation of knitting topping; authorizing the employment of 30 learners (full-fashioned sweaters) (replacement certificate).

Glamourette Fashion Mills, Inc., Quebradillas, P. R.; effective 3-22-56 to 7-8-56; not less than 30 cents per hour for the first 160 hours, 37½ cents per hour for the next 160 hours, and 45 cents per hour for the remaining 160 hours of the 480 hour learning period, for the occupations of looping, seaming, and mending; authorizing the employment of 34 learners (full-fashioned sweaters) (replacement certificate).

Jaru, Inc., Caguas, P. R.; effective 3-5-56 to 7-29-56; not less than 55 cents per hour for the first 320 hours and 62½ cents per hour for the remaining 160 hours of the 480 hour learning period, for the occupation of sewing machine operator; authorizing the employment of 30 learners (brassieres) (replacement certificate).

Juana Diaz Co., Inc., Juana Diaz, P. R.; effective 3-12-56 to 9-11-56; not less than 55 cents per hour for the first 320 hours and 62½ cents per hour for the remaining 160 hours of the 480 hour learning period, for the occupation of sewing machine operator; authorizing the employment of 25 learners (brassieres).

Linda Bra., Inc., Aguas Buenas, P. R.; effective 3-5-56 to 7-29-56; not less than 55 cents per hour for the first 320 hours and 62½ cents per hour for the remaining 160 hours of the 480 hour learning period, for the occupation of sewing machine operator; authorizing the employment of 20 learners (brassieres) (replacement certificate).

Pan American Products Corp., Matadero Road, Puerto Nuevo, P. R.; effective 3-21-56 to 6-11-56; not less than 50 cents per hour for the first 240 hours and 55 cents per hour for the remaining 240 hours of the 480 hour learning period, for the occupations of coiling and assembly; authorizing the employment of 20 learners (wire fillers for ventilated cushions) (replacement certificate).

Panoramic Industries, Inc., 161 Ponce de Leon Avenue, Stop 28, P. R.; effective 3-2-56 to 8-13-56; not less than 30 cents per hour for the first 160 hours, 36 cents per hour for the next 160 hours, and 42 cents per hour for the remaining 160 hours of the 480 hour learning period, for the occupation of machine embroiderer; authorizing the employment of 30 learners (machine embroidery) (supplementary certificate).

Paula Brassiere Co., Inc., Caguas, P. R.; effective 3-5-56 to 7-4-56; not less than 55 cents per hour for the first 320 hours and 62½ cents per hour for the remaining 160 hours of the 480 hour learning period, for the occupation of sewing machine operator; authorizing the employment of 10 learners (brassieres) (replacement certificate).

Southern Industries, Inc., 10 Mexico Street, Hato Rey, P. R.; effective 3-12-56 to 9-11-56; not less than 55 cents per hour for the first 320 hours and 62½ cents per hour for the remaining 160 hours of the 480 hour learning period, for the occupation of sewing machine operator; authorizing the employment of 10 learners (brassieres).

Standard Products Co., Inc., P. O. Box 595, Hato Rey, P. R.; effective 3-12-56 to 9-11-56; not less than 50 cents per hour for the first 240 hours and 60 cents per hour for the remaining 240 hours of the 480 hour learning period, for the occupations of machine winding, coil processing, stacking, saw operating, testing, finishing, and press operating; authorizing the employment of 20 learners (assembly of transformers).

Warner Bros. Company of Puerto Rico, Inc., Box 67, Guaynabo, P. R.; effective 3-5-56 to 9-4-56; not less than 55 cents per hour for the first 320 hours and 62½ cents per hour for the remaining 160 hours of the 480 hour learning period, for the occupation of sewing machine operator; authorizing the employment of 21 learners (brassieres).

Western Manufacturing Corp., of Puerto Rico, Gurabo, P. R.; effective 3-26-56 to 9-25-56; not less than 35 cents per hour for the first 160 hours and 40 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupations of tooler, sewing machine operator, and lacer; not less than 35 cents per hour for a maximum of 160 hours, for the occupations of clicker, embosser, skiver, sprayer, set-up, and finisher; authorizing the employment of 53 learners (ladies' leather handbags).

The following special learner certificates were issued in Hawaii to the companies hereinafter named:

Barbee's of Hawaii, 1733 Kalakaua Avenue, Honolulu, Hawaii; effective 3-28-56 to 9-27-56; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 160 hours of the 320 hour learning period, for the occupations of sewing machine operator and hand sewer; authorizing the employment of 3 learners for normal labor turnover purposes (beach accessories, hats, bags, etc.).

Nali'i Fashions, Ltd., 1522 Makaloa Street, Honolulu, Hawaii, effective 4-3-56 to 10-2-56; terms and conditions as established in Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended March 1, 1956, 21 F. R. 1349); authorizing the employment of 8 learners for plant expansion purposes (children's playsuits and resort wear) (replacement certificate).

Regulations Applicable to the Employment of Student-Workers (29 CFR 527.1 to 527.9, October 14, 1955. 20 F. R. 7737).

The following special student-worker certificates were issued in the school-operated industries listed below:

Campbellsville College, Campbellsville, Ky.; effective 3-16-56 to 8-31-56; not less than 80 cents per hour for the first 375 hours and 85 cents per hour for the remaining 375 hours of the 750-hour learning period, for the occupations of woodworking, machine operator, veneer machine operator, including glue reel, assembler, furniture finisher, and related skilled and semi-skilled occupations; not less than 80 cents per hour for the first 425 hours and 85 cents per hour for the remaining 425 hours of the 850-hour learning period, for the occupations of machine tool operators, including lathe, milling, planer, shaper, drill press, die casting, and related skilled and semi-skilled occupations; authorizing the employment of 80 student-workers (furniture, handiwork "do-it-yourself" kits, and metalworking).

Wisconsin Academy, Columbus, Wis.; effective 3-15-56 to 8-31-56; not less than 80 cents per hour for the first 375 hours and 85 cents per hour for the remaining 375 hours of the 750-hour learning period, for the occupations of woodworking machine operator, assembler, furniture finisher helper, and related skilled and semi-skilled occupations; authorizing the employment of an additional 3 student-workers (furniture) (supplemental certificate).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of

these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 5th day of April 1956.

MILTON BROOKE,
*Authorized Representative of the Administrator.*

[F. R. Doc. 56-2920; Filed, Apr. 16, 1956; 8:46 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. G-9145]

CITY OF MORGANFIELD, KY.

NOTICE OF FINDINGS AND ORDER DIRECTING FACILITY CONNECTION AND SALE OF NATURAL GAS

APRIL 10, 1956.

Notice is hereby given that on March 29, 1956, the Federal Power Commission issued its findings and order, directing physical connection of facilities and sale of natural gas in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56-2921; Filed, Apr. 16, 1956; 8:46 a. m.]

[Docket No. G-9688 etc.]

PERMIAN BASIN PIPELINE CO. ET AL.

NOTICE OF FINDINGS AND ORDERS ISSUING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

APRIL 10, 1956.

In the matters of Permian Basin Pipeline Company, Docket No. G-9688; Phillips Petroleum Company, Docket No. G-9724; The Manufacturers Light and Heat Company, Docket No. G-9714; Atlantic Seaboard Corporation, Docket No. G-9758.

Notice is hereby given that on March 30, 1956, the Federal Power Commission issued its findings and orders, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56-2922; Filed, Apr. 16, 1956; 8:46 a. m.]

[Docket No. G-237]

CARBONS CONSOLIDATED, INC.

NOTICE OF FINDINGS AND ORDER DISMISSING APPLICATION

APRIL 10, 1956.

Notice is hereby given that on March 30, 1956, the Federal Power Commission issued its findings and order, dismissing application in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56-2923; Filed, Apr. 16, 1956; 8:46 a. m.]



[Docket No. G-1875]

TEXAS ILLINOIS NATURAL GAS PIPELINE CO.

NOTICE OF FINDINGS AND ORDER PERMITTING ABANDONMENT AND ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

APRIL 10, 1956.

Notice is hereby given that on March 29, 1956, the Federal Power Commission issued its findings and order, permitting abandonment and amending order issued June 6, 1952 (17 F. R. 5377) issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56-2924; Filed, Apr. 16, 1956; 8:46 a. m.]

[Docket No. G-8326]

STANOLIND OIL AND GAS CO.

VACATING ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

APRIL 10, 1956.

Notice is hereby given that on March 29, 1956, the Federal Power Commission issued its order, vacating order issued June 27, 1955 (20 F. R. 4881) issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56-2925; Filed, Apr. 16, 1956; 8:46 a. m.]

[Docket No. G-9742]

CITY OF BERNIE, MO.

NOTICE OF ORDER DIRECTING PHYSICAL CONNECTION OF FACILITIES AND SALE OF NATURAL GAS

APRIL 10, 1956.

Notice is hereby given that on March 30, 1956, the Federal Power Commission issued its order, directing physical connection of facilities and sale of natural gas in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56-2926; Filed, Apr. 16, 1956; 8:47 a. m.]

[Docket No. G-9738]

EAST TENNESSEE NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

APRIL 11, 1956.

Notice is hereby given that on April 5, 1956, the Federal Power Commission issued its findings and order, issuing a certificate of public convenience and necessity in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56-2942; Filed, Apr. 16, 1956; 8:49 a. m.]

[Docket No. G-9965]

PIKE NATURAL GAS CO.

NOTICE OF DECLARATION OF EXEMPTION

APRIL 10, 1956.

Notice is hereby given that on April 5, 1956, the Federal Power Commission issued its declaration of exemption from the provisions of the Natural Gas Act in the above-entitled matters.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56-2943; Filed, Apr. 16, 1956; 8:50 a. m.]

[Docket No. ID-1192]

H. NEDWILL RAMSEY

NOTICE OF ORDER AUTHORIZING APPLICANT TO HOLD CERTAIN POSITIONS

APRIL 11, 1956.

Notice is hereby given that on April 5, 1956, the Federal Power Commission issued its order, authorizing applicant to hold certain positions pursuant to section 305 (b) of the Federal Power Act in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56-2944; Filed, Apr. 16, 1956; 8:50 a. m.]

[Docket No. G-9423]

UNITED GAS PIPE LINE CO.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 11, 1956.

Take notice that United Gas Pipe Line Company (Applicant), a Delaware corporation with principal place of business at 1525 Fairfield Avenue, Shreveport, Louisiana, filed, on October 3, 1955, as supplemented November 14, 1955, and November 23, 1955, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate certain natural gas facilities as hereinafter described which are necessary and incident to an initial sale and delivery by Applicant of natural gas in interstate commerce to Sabine Gas Company, Inc. (Sabine), for resale and distribution in the municipalities of Many, Pleasant Hill, Zwolle, in Sabine Parish, and Pelican and Oxford, in Desoto Parish, all in the State of Louisiana, and their respective environs.

The facilities proposed to be constructed and operated consist of a 2-inch tap, heater installation, regulator installation, dual 4-inch orifice meter station and appurtenant facilities near Mile Post 330.76 on the line from Agua Dulce Field to near Sterlington, Louisiana, all to be located in S4, T7N, R11W, Sabine Parish, Louisiana.

The estimated total cost of the proposed project is $14,761 which will be financed out of current working funds.

The total estimated peak day gas requirements and the annual gas requirements of Sabine in Mcf for the first three years are as follows:

| | First year | Second year | Third year |
|---|---|---|---|
| Peak day | 1,163 | 1,214 | 1,261 |
| Annual: | | | |
| To be acquired from Sabine's existing supply | 60,000 | 55,000 | 50,000 |
| To be supplied by applicant | 115,000 | 120,000 | 125,000 |
| Total annual | 175,000 | 175,000 | 175,000 |

The gas will be sold and delivered pursuant to Service Agreement between applicant and Sabine dated September 28, 1955 and service will be rendered under applicant's "G-C" Rate Schedule.

Applicant states that Sabine's principal supply of gas is obtained from Apex Gas Company, Inc. at the North end of Sabine's system; that Sabine also contains a part of its gas requirements from production of one well in Pleasant Hill Field now in production for many years whose failure would almost completely curtail service rendered in Zwolle and Many; that Sabine's existing facilities are inadequate to presently meet the peak demands of Zwolle and Many; that the estimated cost of replacement of these facilities with larger facilities would not be in the interest of its customers; and that Sabine's contract with Apex Gas Company, Inc., will be terminated by mutual agreement between the parties thereto.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, (pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Monday, May 21, 1956 at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before April 30, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDGE,
*Acting Secretary.*

[F. R. Doc. 56-2945; Filed, Apr. 16, 1956; 8:50 a. m.]

[Docket Nos. G-3717, G-3724—G-3725, G-3741]

TIDEWATER ASSOCIATED OIL CO.

NOTICE OF FINDINGS AND ORDER DISMISSING APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

APRIL 11, 1956.

Notice is hereby given that on April 2, 1956, the Federal Power Commission issued its order, dismissing applications for certificates of public convenience and necessity in the above-entitled matters.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56-2946; Filed, Apr. 16, 1956; 8:50 a. m.]

[Docket No. G-9933]

STANOLIND OIL AND GAS CO.

NOTICE OF ORDER MAKING EFFECTIVE PROPOSED RATE CHANGES

APRIL 11, 1956.

Notice is hereby given that on March 30, 1956, the Federal Power Commission issued its order, making effective proposed rate changes upon filing of undertaking to assure refund of excess charges in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56-2947; Filed, Apr. 16, 1956; 8:50 a. m.]

[Docket No. G-3923 etc.]

FIDELITY OIL AND ROYALTY CO. ET AL.

NOTICE OF FINDINGS AND ORDER DISMISSING AND GRANTING APPLICATIONS

APRIL 11, 1956.

In the matters of Fidelity Oil and Royalty Company, Mound Company, The Moran Company, P. R. Rutherford, W. N. Hooper, J. C. Lewis, Mrs. Eula Sims McDonald, E. L. McDonald, Stanolind Oil and Gas Company, Skelly Oil Company, Tidewater Associated Oil Company, Docket No. G-3923; Fidelity Oil and Royalty Company, Mound Company, W. J. Goldston, W. L. Goldston, J. B. Cutbirth, L. H. Pitkin, Bryant P. Seay, Lawrence J. O'Connor, Jr., Lillian Davis Atmar and husband, Robert Atmar, J. M. Bennett, George D. Stevens, Semp Russ, A. M. Russ, Russ Oil Company, Delta Gulf Drilling Company, Phillip Gully, Docket No. G-3924; Fidelity Oil and Royalty Company, Mound Company, W. L. Goldsten, Tulane Gordon, Docket No. G-3925; Fidelity Oil and Royalty Company, Mound Company, Docket Nos. G-3926 through G-3932, incl. and G-4097; Fidelity Oil and Royalty Company, Docket Nos. G-3933 and G-9336 through G-9348, incl.; Mound Company, Jane Gregory Marechal, individually, Jane Gregory Marechal and George Stuart Heyer, Jr., Docket Nos. G-9349 through G-9361, incl.

Notice is hereby given that on April 9, 1956, the Federal Power Commission issued its order, dismissing in whole and in part applications for certificates of public convenience and necessity, dismissing and granting applications for permission to abandon, and issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] J. H. GUTRIDE,
*Acting Secreary.*

[F. R. Doc. 56-2948; Filed, Apr. 16, 1956; 8:50 a. m.]

[Docket No. G-9698 etc.]

SKELLY OIL CO. ET AL.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

APRIL 11, 1956.

In the matters of Skelly Oil Company, Docket Nos. G-9698 and G-9774; Amerada Petroleum Corporation, Docket Nos. G-9727 and G-9757; Atlantic Refining Company, Docket Nos. G-9729, G-9730, G-9754; Mae Gas Company, Docket No. G-9731; T. Mayfield, Well Operator, Agent for R. H. Siegfried, L. F. Rooney, Manhattan Construction Company, T. A. Heater, and M. W. Staples, Docket No. G-9737; Coastal Trend Oil and Gas Corporation, Docket No. G-9745; O. Messenger Gas Company, Geo. W. Miller, Docket No. G-9750; Cabot Carbon Company, Docket No. G-9755; Edwin L. Cox, Docket Nos. G-9756 and G-9767; Wm. D. McBee, Operator, filing for himself and for Charles Hornburg, Jr., B. G., Byars, Paul Raigorodsky, and George E. Allen, Docket No. G-9762; The Carter Oil Company, Docket No. G-9765; The Texas Company, Docket No. G-9777; Texas Gulf Producing Company, Docket No. G-9783; Imperial Oil of Kansas, Inc., Docket No. G-9792; Roy G. Hildreth, Docket No. G-9794; John J. Redfern, Jr., Docket No. G-9796; Walter Reaser Gas Company, Docket No. G-9808; Joe Blalack, Operator, filing for himself and on behalf of Jim McMurray, Docket No. G-9810; Shell Oil Company, Docket No. G-9819; Plains Exploration Company, Operator, filing for itself and on behalf of Creekmore Drilling Company, Progress Petroleum Company, Whipple Van Ness Jones and William E. Porter, Docket No. G-9831; Jack L. Hamon, Docket No. G-9861.

Notice is hereby given that on April 10, 1956, the Federal Power Commission issued its order, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56-2948; Filed, Apr. 16, 1956; 8:51 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 1–816]

EXCHANGE BUFFET CORP.

ORDER POSTPONING DATE OF HEARING

APRIL 11, 1956.

In the matter of Exchange Buffet Corporation, Capital Stock; File No. 1–816.

The Commission having, by order dated March 12, 1956, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X–12D2–1 promulgated thereunder, ordered a hearing concerning the application of the New York Stock Exchange to strike from listing and registration the Capital Stock of Exchange Buffet Corporation, said hearing having been ordered to begin at 10:00 a. m., April 16, 1956, at the Regional Offices of the Commission, 42 Broadway, New York 4, New York, and

Counsel for Exchange Buffet Corporation having requested that the said hearing be postponed to April 23, 1956, at 10:00 a. m., and

The Commission having duly considered the matter and being fully advised in the premises;

*It is ordered*, That the said hearing be and hereby is postponed to April 23, 1956, at 10:00 a. m.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56–2929; Filed, Apr. 16, 1956; 8:47 a. m.]

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[File No. 7–1790]

FORD MOTOR CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

APRIL 10, 1956.

In the matter of application by the Cincinnati Stock Exchange for unlisted trading privileges in Ford Motor Company, Common Stock; File No. 7–1790.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X–12F–1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the Boston, Detroit, Midwest, Los Angeles, New York, Philadelphia-Baltimore and San Francisco Exchanges.

Upon receipt of a request, on or before April 24, 1956, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56–2927; Filed, Apr. 16, 1956; 8:47 a. m.]



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[File No. 54–132 etc.]

ENGINEERS PUBLIC SERVICE CO. ET AL.

ORDER AMENDING SUPPLEMENTAL ORDER APPROVING PAYMENT OF ADDITIONAL SUM IN SETTLEMENT OF CLAIMS FOR ADDITIONAL FEES AND DISBURSEMENTS

APRIL 10, 1956.

In the matter of Engineers Public Service Company, File No. 54–132; El Paso Electric Company, File No. 70–1149; Gulf States Utilities Company, File No. 70–1150; Virginia Electric and Power Company, File No. 70–1419.

The Commission having, by supplemental order dated March 14, 1956 (Holding Company Act Release No. 13129), authorized Engineers Public Service Company, a registered holding company, to pay the sum of $2,500 in settlement and compromise of the claims of Louis Boehm and Raymond L. Wise for services rendered and disbursements made subsequent to the filing of their original fee application in 1949; and it now appearing to the Commission that the last paragraph of the recitals and the ordering paragraph of said order should be amended so as to conform more fully with the request of Engineers Public Service Company and with the terms of the agreement of settlement:

*It is ordered*, That said order be and the same hereby is amended so that the last paragraph of the recitals of said order and the ordering paragraph thereof read as follows:

Engineers Public Service Company having now advised the Commission that it has reached a settlement with Louis Boehm and Raymond L. Wise whereby Engineers will, subject to the approval of the Commission, pay to Louis Boehm the sum of $2,500 in compromise of any claims which Louis Boehm and Raymond L. Wise may have for services rendered and disbursements made subsequent to the filing of their original fee application in 1949, and having requested that the Commission approve such payment; and it appearing to the Commission that such settlement is fair and reasonable and that the request of Engineers Public Service Company should be granted:

*It is ordered*, That Engineers Public Service Company be and it hereby is authorized and directed to pay to Louis Boehm the sum of $2,500 in full satisfaction of all claims of Louis Boehm and Raymond L. Wise against Engineers Public Service Company in connection with the reorganization proceedings of Engineers Public Service Company under section 11 (e) of the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56–2932; Filed, Apr. 16, 1956; 8:48 a. m.]

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[File No. 70–3446]

LOUISIANA POWER & LIGHT COMPANY

SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER CERTAIN FEES AND EXPENSES

APRIL 10, 1956.

Louisiana Power & Light Company ("Louisiana"), a public-utility company and a subsidiary of Middle South Utilities, Inc., a registered holding company, having filed a declaration and amendments thereto, pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 promulgated thereunder regarding the issuance and sale by Louisiana of 70,000 shares of $100 par value -- percent cumulative preferred stock at competitive bidding; and

The Commission having on March 12, 1956, issued its order (Holding Company Act Release No. 13127) permitting the declaration as amended to become effective, subject to a reservation of jurisdiction over the fees and expenses of counsel for Louisiana to be incurred in connection with the proposed transaction; and

Further information having been filed in support of the following fees and expenses of counsel for Louisiana:

| | |
|---|---|
| Reid & Priest: | |
| Fee | $7,000.00 |
| Expenses | 200.00 |
| Monroe & Lemann: | |
| Fee | 7,000.00 |
| Expenses | 1,100.00 |
| Total | 15,300.00 |

And the Commission having considered the record made in respect of the above fees and expenses and finding that they are not unreasonable and that the jurisdiction heretofore reserved with respect thereto should be released:

*It is ordered*, That the jurisdiction heretofore reserved with respect to the above fees and expenses be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56–2933; Filed, Apr. 16, 1956; 8:48 a. m.]

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[File No. 70–3458]

DELAWARE POWER & LIGHT COMPANY AND THE EASTERN SHORE PUBLIC SERVICE COMPANY OF MARYLAND

ORDER AUTHORIZING ISSUE AND SALE OF NOTES, AND COMMON STOCK BY SUBSIDIARY, AND ACQUISITION AND PLEDGE THEREOF BY PARENT COMPANY

APRIL 10, 1956.

Delaware Power & Light Company ("Delaware"), a registered holding company, and its wholly-owned public-utility subsidiary The Eastern Shore Public Service Company of Maryland ("Maryland") have filed a joint application-declaration and amendments thereto pursuant to sections 6 (b), 10, 12 (d) and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-43 and U-44 thereunder regarding the following proposed transactions:



From time to time prior to December 31, 1957, as may be necessary to meet its cash requirements, Maryland will issue and sell to Delaware for cash, at face amount or par value and in equal proportions: (1) Its 3½ percent promissory notes due October 1, 1973, not exceeding $1,750,000 in aggregate principal amount, and (2) its common capital stock not exceeding 17,500 shares (par value $100 per share) in aggregate number.

The notes and stock to be acquired by Delaware will be pledged with The New York Trust Company, Trustee, in accordance with the provisions of the Indenture of Mortgage and Deed of Trust of Delaware to said Trustee, dated as of October 1, 1943.

It is stated that Maryland will use the proceeds from sale of said notes and stock to reimburse its treasury for moneys previously expended for construction requirements and to provide funds for future construction requirements. Proposed additions to Maryland's property and plant are estimated at $3,994,074 for 1956 and $3,801,248 for 1957.

The Public Service Commission of Maryland, which is the regulatory commission of the State in which Maryland is organized and operating, has authorized the proposed transactions.

Due notice having been given of the filing of said application-declaration, and a hearing not having been requested of or ordered by the Commission, and the Commission finding with respect to the proposed transactions that the applicable provisions of the act and the rules thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that the application-declaration as amended be granted and permitted to become effective forthwith:

*It is ordered*, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration as amended be, and it hereby is, granted and permitted to become effective forthwith, subject to the conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56–2931; Filed, Apr. 16, 1956; 8:47 a. m.]

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[File No. 70–3457]

DELAWARE POWER & LIGHT COMPANY AND EASTERN SHORE PUBLIC SERVICE COMPANY OF VIRGINIA

ORDER AUTHORIZING ISSUE AND SALE OF NOTES AND COMMON STOCK BY SUBSIDIARY, AND ACQUISITION AND PLEDGE THEREOF BY PARENT COMPANY

APRIL 10, 1956.

Delaware Power & Light Company ("Delaware"), a registered holding company, and its wholly owned public-utility subsidiary, Eastern Shore Public Service Company of Virginia ("Virginia") have filed a joint application-declaration and an amendment thereto pursuant to sections 6 (b), 10, 12 (d) and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-43 and U-44 thereunder regarding the following proposed transactions:

From time to time prior to December 31, 1957, as may be necessary to meet its cash requirements, Virginia will issue and sell to Delaware for cash, at face amount or par value and in equal proportions: (1) Its 3½ percent promissory notes due October 1, 1973, not exceeding $575,000 in aggregate principal amount, and (2) its common capital stock not exceeding 5,750 shares (par value $100 per share) in aggregate number.

The notes and stock to be acquired by Delaware will be pledged with The New York Trust Company, Trustee, in accordance with the provisions of the Indenture of Mortgage and Deed of Trust of Delaware to said Trustee, dated as of October 1, 1943.

It is stated that Virginia will use the proceeds from sales of said notes and stock to reimburse its treasury for moneys previously expended for construction requirements and to provide funds for future construction requirements. Proposed additions to Virginia's property and plant are estimated at $400,010 for 1956 and $1,328,100 for 1957.

The State Corporation Commission of Virginia, which is the regulatory commission of the State in which Virginia is organized and doing business, has authorized the proposed transactions.

Due notice having been given of the filing of said application-declaration, and a hearing not having been requested of or ordered by the Commission, and the Commission finding with respect to the proposed transactions that the applicable provisions of the act and the rules thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that the application-declaration as amended be granted and permitted to become effective forthwith:

*It is ordered*, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration as amended be, and it hereby is, granted and permitted to become effective forthwith, subject to the conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56–2930; Filed, Apr. 16, 1956; 8:47 a. m.]

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[File No. 70–3466]

NATIONAL FUEL GAS CO. ET AL.

NOTICE OF PROPOSED ISSUANCE AND SALE BY HOLDING COMPANY OF COMMON SHARES PURSUANT TO RIGHTS OFFERING; ALSO PROPOSED BANK BORROWINGS BY HOLDING COMPANY, AND ISSUANCE AND SALE OF COMMON STOCKS AND NOTES BY SUBSIDIARIES TO HOLDING COMPANY

APRIL 11, 1956

In the matter of National Fuel Gas Company, Iroquois Gas Corporation, Republic Light, Heat and Power Company, Inc., United Natural Gas Company, and Pennsylvania Gas Company; File No. 70–3466.

Notice is hereby given that National Fuel Gas Company ("National"), a registered holding company, and its gas utility-company subsidiaries Iroquois Gas Corporation ("Iroquois"), Republic Light, Heat and Power Company, Inc. ("Republic"), United Natural Gas Company ("United"), and Pennsylvania Gas Company ("Pennsylvania") have filed with this Commission a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6, 7, 9 (a), 10, 12 (b) and 12 (f) of the act and Rules U-43 and U-45 promulgated thereunder as applicable to the proposed transactions, which are summarized as follows:

It is stated that all of said subsidiaries have substantial expansion programs during 1956 involving additional plant facilities and gas in storage, estimated to cost in the aggregate of $16,000,000; that Iroquois and Republic also have bank loans and notes due in 1956 in the aggregate amount of $1,244,296; and that, to provide the funds necessary to meet these needs, the following transactions are proposed:

*Transaction No. 1.* National proposes to issue and offer to the holders of its outstanding shares of Common Stock of record at the close of business on May 8, 1956, the right to subscribe for and purchase, at a subscription price to be fixed by the Board of Directors of National, not to exceed 447,797 shares of Common Stock at the rate of one share of additional Common Stock for each ten shares of outstanding Common Stock held of record on the record date. This offering, which will not be underwritten, is to be made in accordance with the preemptive right of stockholders, and is to be called the "Basic Subscription Right."

The right to subscribe to the additional Common Stock will be evidenced by transferable warrants expressed in terms of "rights", one right to be issued with respect to each share of presently outstanding Common Stock, and ten rights being necessary to exercise the Basic Subscription Right for one full share of additional Common Stock.

No fractional shares will be issued. However, subject to allotment, any holder of a warrant or warrants evidencing a number of rights in excess of ten but not divisible by ten may subscribe for one more full share than he would be entitled to under the Basic Subscription Right, and any holder of warrants evidencing less than ten rights may subscribe for one full share. This proposal is referred to as the "Primary Additional Subscription Privilege". No subscriber shall have or exercise more than one such Primary Additional Subscription Privilege.

Further, subject to allotment, any holder of a warrant or warrants who exercises either the Basic Subscription Right or the Primary Additional Subscription Privilege, or both, may subscribe for such additional number of shares as he may elect. This proposal is referred to as the "Secondary Additional Subscription Privilege".

It is proposed that the warrants will be issued on or about May 8, 1956, and that the Subscription Offer will expire on May 25, 1956.

*Transaction No. 2.* National has entered into an agreement with The Chase Manhattan Bank ("Chase Bank") under which the bank agrees to make loans to National up to an aggregate amount not to exceed $4,000,000 from September 1, 1956 to and including December 31 1956, each loan to be evidenced by a promissory note payable on July 15 1957, with interest at the bank's prime commercial rate currently in force on the issue date of each such note. National may prepay any note in whole at any time, or in part from time to time without penalty, but with the payment of the interest accrued to the date of such prepayment on the principal sum so prepaid; provided that, if any such prepayment results directly or indirectly from the proceeds of, or in anticipation of any bank borrowing, National will pay at the same time a premium of ½ of 1 percent on the principal sum so prepaid.

National expresses the intention to finance, on or before the maturity date, the repayment of its existing and proposed bank loans with the issuance and sale of long-term debentures and/or common stock.

National proposes to add the net proceeds from the sale of Common Stock outlined in Transaction 1 and the borrowings outlined in Transaction 2 to its general funds (including the net proceeds of its recent sale of the common stock and promissory notes of Provincial Gas Co., Limited), and then to purchase common stock of or to make loans to its operating subsidiaries, and to apply the residue to other corporate purposes. The following transactions between the subsidiaries and National are proposed.

*Transactions Nos. 3 and 4.* Iroquois proposes (in Transaction No. 3) to issue and sell to National 23,000 shares of its common capital stock of a par value of $100 per share for the sum of $2,300,000 cash; also (in Transaction No. 4) to issue and sell to National from time to time during 1956, serial promissory notes aggregating in principal amount not to exceed $2,000,000; and to use the net proceeds therefrom to provide its treasury with funds with which, together with funds available from current operations, to purchase additional gas for underground storage, to make needed additions to its utility plant during 1956, estimated to cost $4,450,000, and to discharge short-term bank borrowings in the amount of $600,000.

*Transaction No. 5.* Republic proposes to issue and sell to National 33,000 shares of its common capital stock of a par value of $100 per share for a gross consideration of $3,300,000, and to use the net proceeds therefrom to provide its treasury with funds with which, together with funds available from current operations, to purchase additional gas for underground storage, to make needed additions to its utility plant during 1956, estimated to cost $3,095,000, and to discharge outstanding short-term bank borrowings in the aggregate amount of $644,296.

*Transaction No. 6.* United proposes to issue and sell to National from time to time during 1956, serial promissory notes aggregating in principal amount not to exceed $2,800,000, and to use the net proceeds therefrom to provide its treasury with funds with which, together with funds available from current operations, to purchase additional gas for underground storage and to make needed additions to its utility plant during 1956, estimated to cost $3,179,000.

*Transaction No. 7.* Pennsylvania proposes to issue and sell to National from time to time during 1956, serial promissory notes aggregating in principal amount not to exceed $3,400,000, to provide its treasury with funds with which, together with funds available from current operations, to purchase additional gas for underground storage and to make needed additions to its utility plant during 1956, estimated to cost $3,484,000.

The serial notes proposed in Transactions Nos. 4, 6, and 7, will be in the principal amount of $200,000 each, will mature at annual intervals beginning May 1, 1959, and will bear interest at the prime commercial rate of Chase Bank currently in force on the date of issue, subject to adjustment as of the date of National's next debenture issue to the coupon rate applicable to such issue.

Iroquois and Republic have petitioned the Public Service Commission of New York for permission to issue and sell to National the stock proposed to be issued and sold under Transactions 3 and 5, and Iroquois has sought such permission for the promissory notes proposed to be issued and sold under Transaction 4. United and Pennsylvnaia have applied to the Pennsylvania Public Utility Commission for permission to register a Securities Certificate with respect to the promissory notes proposed to be issued and sold under Transactions 6 and 7.

As to Transaction 1, National's estimated expenses are:

| | |
|---|---|
| Federal stamp tax | $6,200 |
| Filing fee, this Commission | 806 |
| Fees and expenses of subscription agent (the Hanover Bank) | 23,530 |
| Fee of Ralph E. Davis, engineer | 10,000 |
| Listing fee, New York Stock Exchange | 1,125 |
| Fees and expenses of counsel: | |
| Stryker, Tams & Horner | 6,250 |
| Kenefick, Bass, Letchworth, Baldy & Phillips | 500 |
| Gifford, Graham, MacDonald & Illig | 500 |
| Cahill, Gordon, Reindel & Ohl (Blue Sky) | 1,900 |
| Auditor's fee, Price Waterhouse & Co | 4,000 |
| Printing and engraving | 22,100 |
| Miscellaneous | 8,089 |
| Total | 85,000 |

As to Transactions 2 through 7 the estimated expenses of the several companies are:

| | National | Iroquois | Republic | United | Pennsylvania |
|---|---|---|---|---|---|
| Filing fee | ------- | $830 | $730 | $10 | $10 |
| Fees and expenses of counsel [1] | $2,000 | 1,600 | 1,600 | 200 | 500 |
| Miscellaneous expenses | 1,500 | 4,430 | 5,530 | 500 | 500 |
| Total | 3,500 | 6,860 | 7,860 | 710 | 1,010 |

[1] National: Stryker, Tams & Horner. Iroquois and Republic: Kenefick, Bass, Letchworth, Baldy & Phillips. United and Pennsylvania: Gifford, Graham, MacDonald & Illig.

Applicants-declarants request that the Commission's order to be entered herein become effective upon issuance.

Notice is further given that any interested person may, not later than April 27, 1956, at 5:30 p. m., e. s. t., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 56-2928; Filed, Apr. 16, 1956; 8:47 a. m.]

## SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 93]

MICHIGAN

DECLARATION OF DISASTER AREA

Whereas it has been reported that on or about April 2, 1956, because of disastrous effects of a tornado, damage resulted to residences and business property located in certain areas in the State of Michigan; and

Whereas the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended; Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the offices below indicated from persons or firms whose property situated in the following counties (including any areas adjacent to the counties named) suffered damage or other destruction as a result of the catastrophe above referred to:

Counties of: Allegan, Barry, Benzie, Grand Traverse, Kent, Leelanau, Manistee, Montcalm, Ottawa, Van Buren.

Small Business Administration Regional Office, Federal Reserve Bank Building, Fourth Floor, 713 Superior Avenue, Cleveland 1, Ohio.

Small Business Administration Branch Office, U. S. Post Office & Courthouse, Rooms 618, 620, 622, 231 West Lafayette Boulevard, Detroit 26, Michigan.

2. Special field offices to receive and process such applications have been established at 4156 Lake Michigan Drive, Standale, Michigan, and at Hudsonville Community Bank, Hudsonville, Michigan.

3. Application for disaster loans under the authority of this declaration will not be accepted after October 31, 1956.

Dated: April 4, 1956.

WENDELL B. BARNES,
*Administrator.*

[F. R. Doc. 56-2936; Filed, Apr. 16, 1956; 8:48 a. m.]

[Declaration of Disaster Area 96]

TENNESSEE

DECLARATION OF DISASTER AREA

Whereas it has been reported that on or about April 3, 1956, because of disastrous effects of a tornado, damage resulted to residences and business property located in a certain area in the State of Tennessee; and

Whereas the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended; Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the offices below indicated from persons or firms whose property situated in Henderson County, Tennessee (including any areas adjacent to the county named) suffered damage or other destruction as a result of the catastrophe above referred to:

Small Business Administration Regional Office, Peachtree Seventh Building, Room 265, 50 Seventh Street Northeast, Atlanta 23, Georgia.

Small Business Administration Branch Office, 323 Falls Building, 22 N. Front Street, Memphis, Tennessee.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this declaration will not be accepted after October 31, 1956.

Dated: April 9, 1956.

WENDELL B. BARNES,
*Administrator.*

[F. R. Doc. 56-2937; Filed, Apr. 16, 1956; 8:48 a. m.]

## OFFICE OF DEFENSE MOBILIZATION

TERMINATION OF PRODUCTION EQUIPMENT LEASING PROCEDURES FOR FLOOD DISASTER AREAS

In accordance with the provisions of section 2 of Supplement 1 of Defense Mobilization Order VII–4, as amended (20 F. R. 6289, 2110, 21 F. R. 2242), I hereby find that the application, after this date of the procedure authorized in Supplement 1 to DMO VII–4 to those areas of the West Coast of the United States which because of the recent floods were determined to be disaster areas under Public Law 875, 81st Congress, would no longer serve to meet the objective of that Supplement 1.

Dated: April 15, 1956.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
*Director.*

[F. R. Doc. 56-3019; Filed, Apr. 16, 1956; 10:32 a. m.]

TERMINATION OF PREFERENTIAL PROCUREMENT PROCEDURES FOR FLOOD DISASTER AREAS

In accordance with the provisions of section 4 of Supplement 1 to Defense Mobilization Order VII–7, as amended, (20 F. R. 6259, 21 F. R. 1516), I hereby find that the application after this date of the procedure authorized in Supplement 1 to DMO VII–7 to those areas of the West Coast of the United States which because of the recent floods were classified as disaster areas under authority of Public Law 875, 81st Congress, would no longer serve to meet the objective of that Supplement 1.

Dated: April 15, 1956.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
*Director.*

[F. R. Doc. 56-3020; Filed, Apr. 16, 1956; 10:32 a. m.]

## DEPARTMENT OF JUSTICE

### Office of Alien Property

[Vesting Order SA–20]

I. G. DEUTSCH & SOHN

In re: Debt owing to I. G. Deutsch & Sohn. F–34–998.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of The First National City Bank of New York, 55 Wall Street, New York 15, New York, arising out of an account entitled, "I. G. Deutsch & Sohn," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same;

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947 was, owned directly or indirectly by I. G. Deutsch & Sohn, Budapest, Hungary a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to Section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on April 12, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
*Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-2950; Filed, Apr. 16, 1956; 8:51 a. m.]

[Vesting Order SA–21]

"FORESTA ITALO ROMANA" SOCIETATE ANONIMA ROMANO PENTRU INDUSTRIA SI COMMERCIUL LEMNULUI

In re: Debt owing to "Foresta Italo Romana" Societate Anonima Romana

Pentru Industria si Comeriul Lemnului, also known as Foresta Romana S. A. Pentru Industria Si Commerciul Lemnului. F–57–532.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of the Superintendent of Banks of the State of New York, Albany, N. Y. as Liquidator of the Business and Property in New York of Banca Commerciale Italiana, arising out of a blocked account entitled, "Foresta Romana, S. A. Pentru Industria Si Commerciul Lemnului, Bucharest, Rumania," representing a 100 percent liquidating dividend on an account payable to "Foresta Italo Romana" Societate Anonima Romana Pentru Industria si Comeriul Lemnului as a creditor of Banca Commerciale Italiana, New York Agency, maintained by the aforesaid Superintendent of Banks, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by "Foresta Italo Romana" Societate Anonima Romana Pentru Industria si Comeriul Lemnului also known as Foresta Romana S. A. Pentru Industria Si Commerciul Lemnului, Bucharest, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under, Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on April 12, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
*Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56–2951; Filed, Apr. 16, 1956; 8:51 a. m.]

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[Vesting Order SA–22]

SIEBENBUERGISCHE ESCOMPTE UND WECHSLERBANK A. G.

In re: Debt owing to Siebenbuergische Escompte und Wechslerbank A. G., also known as Banca de Scont si Schimb din Arden, S. A. F–57–1262.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of The Chase Manhattan Bank, 18 Pine Street, New York 15, N. Y., arising out of an account entitled, "Siebenbuergische Escompte Und Wechslerbank A. G., Old Account, Cluj, Rumania," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947 was, owned directly or indirectly by Siebenbuergische Escompte und Wechslerbank A. G., also known as Banca de Scont si Schimb din Arden, S. A., Cluj, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to Section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on April 12, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
*Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56–2952; Filed, Apr. 16, 1956; 8:51 a. m.]

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[Vesting Order SA–23]

NICOLAS A. TANACHOCA & FRERES, SOCIETE EN COMMANDITE SIMPLE POUR LE COMMERCE D'AUTOMOBILES

In re: Debt owing to Nicolas A. Tanachoca & Freres, Societe en Commandite Simple Pour le Commerce D'Automobiles, also known as Nicolas A. Tanasoca & Fratti, Societate in Comandita Simpla Pentru Comertui de Automobile. F–57–698.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of Chrysler Corporation Export Division, Detroit 31, Michigan, arising out of an account payable entitled, "Nicolas A. Tanachoca & Freres, Bucharest, Rumania, in Accounts Receivable Foreign—Chrysler Corporation Export Division," maintained by the aforesaid corporation, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947 was, owned directly or indirectly by Nicolas A. Tanachoca & Freres, Societe en Commandite Simple Pour le Commerce D'Automobiles, also known as Nicolae A. Tanasoca & Fratti, Societate in Comandita Simpla Pentru Comertui de Automobile, Bucharest, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold,



or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to Section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on April 12, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
*Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56–2953; Filed, Apr. 16, 1956; 8:51 a. m.]

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THE NATIONAL ARCHIVES

# FEDERAL REGISTER

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## TITLE 6—AGRICULTURAL CREDIT

### Chapter V—Agricultural Marketing Service, Department of Agriculture

**Subchapter B—Export and Domestic Consumption Programs**

[Amdt. 4]

PART 517—FRUITS AND BERRIES, FRESH

SUBPART—CITRUS FRUIT EXPORT PROGRAM WMX 135a

EXPORT SHIPMENT

Section 517.463 (g) is hereby amended to read as follows:

(g) *Export shipment.* Frehs oranges shall be exported from other than U. S. North Atlantic and Canadian Atlantic Ports in refrigerated space on ocean carriers and the export bills of lading covering such shipments shall show that the oranges are stowed in refrigerated space. Fresh oranges may be exported from U. S. North Atlantic and Canadian Atlantic Ports in ventilated space on ocean carriers until April 15, 1956, inclusive, following which date export shipments from such ports shall be made in refrigerated space: *Provided,* That fresh Arizona Valencia oranges may be exported from U. S. North Atlantic and Canadian Atlantic Ports in ventilated space on ocean carriers until April 30, 1956, inclusive, following which date export shipments from such ports shall be made in refrigerated space; *Provided further,* That fresh California Valencia oranges may be exported from U. S. North Atlantic and Canadian Atlantic Ports in ventilated space on ocean carriers until July 15, 1956, inclusive, following which date export shipments from such ports shall be made in refrigerated space: *And provided further,* That fresh Florida Valencia oranges may be exported from U. S. North Atlantic and Canadian Atlantic Ports in ventilated space on ocean carriers from April 16, 1956, to May 5, 1956, inclusive, if such oranges have been shipped from Florida to such ports under refrigeration (exporter's claim for payment must be supported with a copy of a bill of lading which shows that inland shipment was under refrigeration), and if any fresh oranges, which are packed in the half-size wirebound citrus crate (approximately 4/5 bu. capacity), are packed in containers with not less than 2 biphenyl-treated pads in each container. "U. S. North Atlantic Ports" means United States seaports north of Cape Hatteras.

(Sec. 32, 49 Stat. 774, as amended; 7 U. S. C. 612c)

*Effective date.* This amendment shall be effective April 16, 1956.

Dated this 13th day of April 1956.

[SEAL] G. R. GRANGE,
*Authorized Representative of the Secretary of Agriculture.*

[F. R. Doc. 56-3015; Filed, Apr. 17, 1956; 8:54 a. m.]

## TITLE 7—AGRICULTURE

### Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

**Subchapter B—Prohibition of Imported Commodities**

[Tomato Reg., Amdt. 3]

PART 1065—TOMATOES

TOMATO REGULATION 1

Pursuant to the authority vested in me under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 753, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), paragraph (b) of § 1065.1 *Tomato Regulation No. 1* (20 F. R. 9817, 21 F. R. 832, 987) is hereby further amended to read as follows:

(b) During the period from April 30, 1956, to May 31, 1956, both dates inclusive, and subject to the general regulations (7 CFR Part 1060; 19 F. R. 7707, 8012) applicable to the importation of listed commodities and the requirements of this section, no person shall import any tomatoes of any variety unless such tomatoes are of a size not smaller than 2⅛ inches minimum diameter (size 7 x 7 and larger) and meet the requirements of 85 percent U. S. No. 1 or better grade, except that tomatoes which meet the minimum requirements of 2$^{9}/_{32}$ inches minimum diameter (size 6 x 7 and larger) may be imported if they meet the requirements of U. S. No. 2, or better grade, except for growth cracks, catfaces, and scars. For purposes of these

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FEDERAL REGISTER

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**CFR SUPPLEMENTS**

**(As of January 1, 1956)**

The following Supplements are now available:

**Title 7: Parts 1–209 ($1.25)**

**Title 26: Part 300 to end, Ch. 1, and Title 27 ($1.00)**

**Title 32: Parts 1–399 ($0.60)**

Previously announced: Title 3, 1955 Supp. ($2.00); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 18 ($0.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35); Title 32: Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Titles 40–42 ($0.65); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

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exceptions: (1) Growth cracks shall be well healed and no individual crack shall exceed 1 inch in length or ¼ inch in depth and the aggregate length of all cracks shall not exceed 2 inches; (2) catfaces shall not have channels extending into the locules, and the aggregate area of fairly smooth catfaces shall not exceed that of a circle 1 inch in diameter on a tomato 2½ inches in diameter (smaller tomatoes shall have proportionately lesser areas and larger tomatoes may have proportionately greater areas); and (3) scars (other than catfaces) shall not have an aggregate area exceeding that of a circle 1 inch in diameter on a tomato 2½ inches in diameter (smaller tomatoes shall have proportionately lesser areas of scars and larger tomatoes may have proportionately greater areas of scars). Not more than a total of 10 percent, by count, of the tomatoes in any lot may fail to meet the applicable grade requirements for the lot as modified by the preceding sentence of this subparagraph. Not more than 5 percent, by count, of the tomatoes iny any lot may be smaller than the specified minimum diameter.

*Findings.* It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment later than April 30, 1956 (5 U. S. C. 1001 et seq.), in that (a) the requirements established by this import regulation were issued pursuant to section 8e of the act which makes such regulation mandatory; (b) a similar amendment to the grade, size, and quality regulations now in effect on domestic shipments of tomatoes pursuant to Order No. 45 (7 CFR Part 945) became effective April 16, 1956; and (c) notice hereof in excess of three days, the minimum prescribed by said section 8e, is given with respect to this amendment.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c. Interprets or applies sec. 401, 68 Stat. 907; 7 U. S. C. 608)

Done at Washington, D. C., this 12th day of April 1956 to become effective 12:01 a. m., e. s. t., April 30, 1956.

[SEAL] G. R. GRANGE,
*Acting Director,*
*Fruit and Vegetable Division.*

[F. R. Doc. 56-3014; Filed, Apr. 17, 1956; 8:54 a. m.]

## TITLE 14—CIVIL AVIATION

### Chapter I—Civil Aeronautics Board

[Reg. No. ER-209]

### PART 296—CLASSIFICATION AND EXEMPTION OF INDIRECT AIR CARRIERS

A notice of proposed rule-making was published in the FEDERAL REGISTER on September 3, 1955 (20 F. R. 6530), and circulated to the industry as Economic Regulations Draft Release No. 74, dated August 30, 1955, which proposed to revise Part 296 in order to implement the policy determinations made by the Board in the Air Freight Forwarder Investigation, Docket No. 5947 et al, and to revise the regulations insofar as they relate to cooperative shippers associations.

The principal purpose of this regulation is to establish a new general classification of interstate air carriers designated as "indirect air carriers." Separate subclassifications designated as "air freight forwarder" and "cooperative shippers association" have been established. In addition, the revised regulation permits all indirect air carriers to engage in joint loading with other such carriers of the same subclassification.

As originally published, the draft release authorized forwarders to act as the agent of either the shipper or of the direct air carrier rendering transportation services where freight accepted for consolidated shipment must be handled individually because of an inadequate volume. However, upon consideration of the comments filed by parties objecting to this provision of the proposed regulation, the Board has concluded that forwarders should not be permitted to act as agents of the direct air carrier. The basic obligation of a forwarder accepting goods for handling is to promote the interest of the shipper in the expeditious forwarding of the goods to their destination. Permitting the forwarder to shift his common carrier responsiblity to a fiduciary responsibility, as agent of the shipper, does not jeopardize this basic obligation. However, allowing the forwarder to act as carrier's agent permits the creation of a situation where conflicts of interest are almost inevitable. Such a situation is not good business practice, is not in the interest of the shipping public, and would be harmful to the freight forwarder industry. Consequently, this regulation has been rewritten to prohibit a forwarder from acting as agent of any direct air carrier with respect to shipments accepted for forwarding.

In line with the Board's objective of using such agency authorization as a "stop-loss" technique, this regulation has also been rewritten to prohibit a forwarder acting as agent of the shipper from charging any commission for its agency services in obtaining the direct air transportation and to limit its charges for those accessorial and surface transportation services actually rendered to the amounts separately specified in the forwarders filed tariffs.

Based upon the findings set forth in the Board's opinion in the Air Freight Forwarder Investigation, cited supra, issued concurrently herewith, to which reference is hereby made, and which opinion is incorporated herein as though set forth in full, the Board finds that it is in the public interest to relieve and exempt air carriers within the foregoing classifications and subclassifications from the provisions of the act to the extent, upon the terms and conditions, and for the periods, hereinafter set out.

The Board further finds that the classifications and subclassifications hereby established are just and reasonable in view of the nature of the services performed by such carriers, and that the regulations and limitations hereby promulgated to be applicable to and observed by such classes of air carriers are necessary and desirable in the public interest.

Interested persons have been afforded opportunity to participate in the formulation of this revision, and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 296 of the Economic Regulations (14 CFR Ch. I) effective June 12, 1956 to read as follows:

SUBPART A—GENERAL

Sec.
296.1 Definitions.
296.2 Classification.
296.3 Freight forwarder acting as agent of shipper.
296.4 Cooperative shippers association acting as agent of shipper.
296.5 Payment of transportation charges.
296.6 Separability.

SUBPART B—EXEMPTIONS

Sec.
296.11 Exemption of air freight forwarders.
296.12 Exemption of cooperative shippers associations.
296.13 Duration of exemptions.

SUBPART C—LIMITATIONS ON EXEMPTIONS; GENERAL

296.21 Limitations on use of aircraft.
296.22 Prohibition on use of aircraft.

SUBPART D—LIMITATIONS ON EXEMPTION; COOPERATIVE SHIPPERS ASSOCIATIONS

296.31 Filing of schedules or formulae used to compute charges to members.

SUBPART E—CONDITIONS ON EXEMPTION; AIR FREIGHT FORWARDERS

296.41 Necessity for Operating Authorization.
296.42 Application for issuance.
296.43 Issuance of Operating Authorization.
296.44 Effective period.
296.45 Conditions on Operating Authorization.
296.46 Restrictions on issuance of Operating Authorizations.
296.47 Nontransferability of Operating Authorizations.
296.48 Suspension of Operating Authorizations.
296.49 Revocation of Operating Authorizations.
296.50 Business name of air freight forwarder.

SUBPART F—INSURANCE

296.51 Insurance.

SUBPART G—CONTINUANCE OF OPERATIONS PENDING ISSUANCE OF OPERATING AUTHORIZATIONS PURSUANT TO THIS PART

296.60 Existing operations may be continued pending issuance of Operating Authorizations under § 296.43 (b).

AUTHORITY: §§ 296.1 to 296.60 issued under sec. 205, 52 Stat. 985; 49 U. S. C. 425. Interpret or apply secs. 1, 411, 416, 52 Stat. 977, 1003, 1004, as amended; 49 U. S. C. 401, 491, 496.

SUBPART A—GENERAL

§ 296.1 *Definitions.* For the purposes of this part:

(a) "Indirect Air Carrier" means any citizen of the United States[1] which engages indirectly in interstate air transportation[2] of property only, and which:

(1) Does not engage directly in the operation of aircraft in air transportation, and

(2) Does not engage in air transportation pursuant to any Board order which has been issued for the purpose of authorizing air express services under a contract with a direct air carrier.

(b) "Direct Air Carrier" means any air carrier directly engaged in the operation of aircraft, pursuant to a certificate of public convenience and necessity issued under section 401 of the Civil Aeronautics Act of 1938, as amended, or under the authority conferred by any applicable regulation or order of the Board.

§ 296.2 *Classification.* There is hereby established a classification of air carriers, having the attributes of, and which are designated as, "indirect air carriers". Such classification shall include the following subclassifications:

(a) "Air Freight Forwarder" means any indirect air carrier which, in the ordinary and usual course of its undertaking, assembles and consolidates or provides for assembling and consolidating such property or performs or provides for the performance of break-bulk and distributing operations with respect to consolidated shipments, and is responsible for the transportation of property from the point of receipt to point of destination and utilizes for the whole or any part of such transportation the services of a direct air carrier.

(b) "Cooperative Shippers Association" means a bona fide association of shippers, operating as an indirect air carrier on a non-profit basis, which:

(1) Undertakes to ship property for the account of such association or its members, by air, in the name of either the association or the members, in order to secure the benefits of volume rates or improved services for the benefit of its members, and

(2) Utilizes for the whole or any part of such transportation the services of a direct air carrier.

§ 296.3 *Freight forwarder acting as agent of shipper.* (a) Any air freight forwarder may, by complying with the requirements of this section, accept a particular shipment for forwarding on condition that it may exercise an expressly reserved option to deal therewith as the agent of the shipper thereof in the event that a volume of freight adequate to permit consolidated shipment cannot be assembled. An air freight forwarder shall not act as the agent of any direct air carrier with respect to shipments accepted for forwarding.

(b) Any air freight forwarder seeking to avail itself of this option must give notice that it reserves such right, in the case of every shipment accepted subject thereto, to handle the shipment as agent of the shipper. Such notice shall be given to the shipping public and to any person from whom any shipment is so accepted, and such notice shall be furnished such person in writing at the time when the shipment is accepted. Such notice shall be given by means of: (1) Notices with the heading "Notice to Shippers" conspicuously displayed at all premises operated by or under the control of the forwarder in connection with its air transportation activities so as to be clearly visible to the shipping public, (2) a legible statement set forth on all letterhead stationery used by the forwarder in connection with its air transportation activities, and (3) reasonably prominent statements on all the air waybills of such forwarder and on such receipts or other documentation as may be furnished to the shippers at the time of acceptance of the shipment.

(c) Any air freight forwarder exercising its option to act as such agent shall transmit a copy of its charges for the accessorial and surface transportation services actually rendered to the shipper with respect to all shipments billed to the consignee.

(d) In the event that it acts as such agent, the air freight forwarder shall not charge any commission for its agency services and shall limit its charges for accessorial and surface transportation services actually rendered, directly or indirectly, to those separately stated in the forwarder's own tariffs filed pursuant to Part 221 of this chapter.

§ 296.4 *Cooperative shippers association acting as agent of shipper.* Any cooperative shippers association may accept particular shipments for consolidation on condition that it may exercise an expressly reserved option to deal therewith as the agent of the shipper thereof in the event that a volume of freight adequate to permit consolidated shipment cannot be obtained.

§ 296.5 *Payment of transportation charges.* Freight bills from direct air carriers for all transportation charges shall be paid by every indirect air carrier within 7 days after being billed therefor.

§ 296.6 *Separability.* If any provision of this part or the application thereof to any air transportation, person, class of persons, or circumstance is held invalid, the remainder of the part and the application of such provisions to other air transportation, persons, classes of persons, or circumstances shall not be affected thereby.

SUBPART B—EXEMPTIONS

§ 296.11 *Exemption of air freight forwarders.* Subject to the other provisions of this part, air freight forwarders are hereby relieved from the provisions of title VI of the act, and from all provisions of title IV of the act, other than the following:

(a) Subsection 401 (1) (3) (Compliance with Labor Legislation);

(b) Section 403 (Tariffs);

(c) Subsection 404 (a) (Carrier's Duty to Provide Service, etc.), insofar as said subsection requires air carriers to provide safe service, equipment and facilities in connection with air transportation, and to establish, observe, and enforce just and reasonable individual rates, fares, and charges, and just and reasonable classifications, rules, regulations, and practices relating to air transportation;

(d) Subsection 404 (b) (Discrimination);

(e) Subsection 407 (a) (Filing of Reports): *Provided,* That no provision of any rule, regulation, term, condition, or limitation prescribed pursuant to said subsection 407 (a) shall be applicable to air freight forwarders unless such rule, regulation, term, condition, or limitation expressly so provides;

(f) Subsection 407 (b) (Disclosure of Stock Ownership);

(g) Subsection 407 (c) (Disclosure of Stock Ownership by Officers or Directors);

(h) Subsection 407 (d) (Form of Accounts): *Provided,* That no provision of any rule, regulation, term, condition, or limitation prescribed pursuant to said subsection 407 (d) shall be applicable to air freight forwarders unless such rule, regulation, term, condition, or limitation expressly so provides;

(i) Subsection 407 (e) (Inspection of Accounts and Property);

(j) Section 408 (Consolidation, Merger and Acquisition of Control);

(k) Section 409 (Prohibited Interests);

(l) Section 410 (Loans and Financial Aid);

(m) Section 411 (Methods of Competition);

(n) Section 412 (Pooling and Other Agreements);

(o) Section 413 (Form of Control);

(p) Section 414 (Legal Restraints);

(q) Section 415 (Inquiry into Air Carrier Management); and

(r) Section 416 (Classification and Exemption of Carriers).

*Provided, however,* That the provisions of sections 403 and 404 shall not be applicable insofar as they would otherwise prohibit any air freight forwarder from engaging in joint loading with any other air freight forwarder for the pooling of traffic for shipment in order to obtain the benefit of volume rates, and air freight forwarders are hereby relieved from the requirements of section 412 of the act with respect to contracts for such joint loading.

*Provided, further,* That the provisions of subsection 404 (b) shall not be applicable insofar as they would otherwise prohibit the exercise, by any air freight forwarder, of its reserved option to act as either a forwarder or as agent of the shipper, in accordance with provisions of § 296.3.

§ 296.12 *Exemption of cooperative shippers associations.* Subject to the other provisions of this part applicable thereto, cooperative shippers associations are hereby relieved from the provisions of title VI of the act, and from all provisions of title IV of the act, other than the following:

(a) Subsection 407 (a) (Filing of Reports): *Provided,* That no provision of any rule, regulation, term, condition, or limitation prescribed pursuant to said subsection 407 (a) shall be applicable to cooperative shippers associations unless such rule, regulation, term, condition, or limitation expressly so provides;

(b) Subsection 407 (b) (Disclosure of Stock Ownership);

(c) Subsection 407 (c) (Disclosure of Stock Ownership by Officers or Directors);

(d) Subsection 407 (e) (Inspection of Accounts and Property);

(e) Section 408 (Consolidation, Merger and Acquisition of Control);

(f) Section 409 (Prohibited Interests);

(g) Section 411 (Methods of Competition);

(h) Section 412 (Agreements);

(i) Section 413 (Form of Control);

(j) Section 414 (Legal Restraints);

(k) Section 415 (Inquiry into Air Carrier Management); and

(l) Section 416 (Classification and Exemption of Carriers).

*Provided, however,* That cooperative shippers associations are hereby relieved from the requirements of section 412 of the act with respect to agreements for joint loading entered into with any other cooperative shippers association for the pooling of traffic for shipment in order to obtain the benefit of volume rates.

*Provided further, however,* That unless the reserved option of any cooperative shippers association to act as an indirect air carrier or as agent of the shipper is exercised in accordance with the provisions of § 296.4, the provisions of subsection 404 (b) shall be applicable insofar as they would otherwise prohibit the exercise of such option.

§ 296.13 *Duration of exemptions.* The exemption authority provided by this part shall continue in effect until the Board shall find that the continuation of such authority in respect of either air freight forwarders or cooperative shippers associations, or both such classifications, is no longer in the public interest, and thereafter the authority with respect to such classification or classifications shall terminate: *Provided, however,* That the exemption authority of any air freight forwarder which the Board shall find to control, be controlled by, or be under common control with any common carrier by rail shall in any event terminate 5 years from the effective date of this part.

SUBPART C—LIMITATIONS ON EXEMPTIONS; GENERAL

§ 296.21 *Limitations on use of aircraft.* The exemption authority provided to indirect air carriers by this part shall be effective only with respect to shipments of property, by air, in aircraft operated in common carriage by (a) air carriers which have effective tariffs for the services thus utilized on file with the Board, or (b) air carriers which have been exempted from the filing of such tariffs. No indirect air carrier shall ship property, by air, except in aircraft operated in common carriage by a direct air carrier of the class specified in this section.

§ 296.22 *Prohibition on use of aircraft.* The exemption authority provided by this part, to indirect air carriers, shall not be effective to authorize any such air carrier to directly engage in the operation of aircraft in air transportation. No indirect air carrier may directly engage in the operation of aircraft in air transportation: *Provided, however,* That this limitation and prohibition shall not be construed to prohibit charters of aircraft by such indirect air carrier from a direct air carrier operating charter trips and special services under the authority conferred by any applicable regulation or order of the Board.

SUBPART D—LIMITATIONS ON EXEMPTION; COOPERATIVE SHIPPERS ASSOCIATIONS

§ 296.31 *Filing of schedules or formulae used to compute charges to members.* The exemption authority provided by this part with respect to any cooperative shippers association, shall be effective only after, and during only such periods of time as each such indirect air carrier has filed with the Board, and either distributed to its members or posted in each office where shipments are accepted, copies of all currently effective schedules or formulae used for assessing drayage and consolidation, air transportation, breakbulk, and any other charges to its members. Upon changing any of such schedules or formulae, each cooperative shippers association shall again comply with the requirements of this section.

SUBPART E—CONDITIONS ON EXEMPTION; AIR FREIGHT FORWARDERS

§ 296.41 *Necessity for Operating Authorization.* No person shall operate as an air freight forwarder, within the meaning of this part, unless there is in force with respect to such person a document entitled "Operating Authorization" authorizing him to engage in air transportation pursuant to the general exemption granted by this part.

§ 296.42 *Application for issuance.* Any person, other than those specified in § 296.43 (a), desiring to operate as an air freight forwarder may apply to the Board for an appropriate Operating Authorization. Such an applicant shall execute in duplicate, an "Application for Operating Authorization as an Air Freight Forwarder" (CAB Form 351.[3] The applicant shall also submit such other additional information pertinent to its proposed activities as may be requested by the Board with respect to any individual application.

§ 296.43 *Issuance of Operating Authorization*—(a) *To successful parties to the investigation.* Any air freight forwarder applicant whose application for issuance or renewal of operating authority was approved in the Air Freight Forwarder Investigation, Docket No. 5947 et al., shall be issued an Operating Authorization bearing the same effective date as this part.

(b) *To all other applicants.* (1) If, after the filing of an application for an Operating Authorization, it appears that the applicant is capable of performing the air transportation authorized by this part as an air freight forwarder and of conforming to the provisions of the act and all rules and requirements thereunder, and that the conduct of such operations by the applicant will not be inconsistent with the public interest, the applicant will be notified by letter. Such notification will advise the applicant that upon the filing of a valid tariff, an Operating Authorization will be issued to the applicant unless it has engaged in unauthorized air transportation or other activities prohibited by the act or the rules and regulations of the Board between the date of such notification and such filing. In the latter event, an Operating Authorization will not be issued unless and until a due showing is made by the applicant that it has terminated such unauthorized or prohibited activities, and that the issuance of such an authorization would be consistent with the public interest.

(2) If, after the filing of an application for an Operating Authorization, it appears that the applicant has not made a due showing of capability or that the conduct of operations by the applicant might otherwise be inconsistent with the public interest, the Board shall by letter notify the applicant of its findings to that effect. The Board may dismiss any such application unless within 30 days of the date of the mailing of such letter,

[1] As defined in section 1 (13) of the act.
[2] As defined in section 1 (21) of the act.
[3] Available from Publications Section.

the applicant has in writing requested reconsideration and submitted such additional information as it believes will make the necessary showing, or requested that the application be assigned for hearing, in which case the applicant shall outline the evidence to be presented at such hearing and shall show the need for hearing in order to properly present its case.

(3) In the event that reconsideration or hearing is requested the Board may, without notice or hearing, enter an order of approval or of disapproval in accordance with its determination of the public interest upon the showing made, or on its own initiative may assign the application for hearing.

§ 296.44 *Effective period.* Each Operating Authorization shall be effective upon the date specified therein, and shall continue in effect, unless sooner suspended or revoked, during such period as the authority provided by this part shall remain in effect, or if issued for a limited period of time, shall continue in effect until the expiration thereof unless sooner suspended or revoked.

§ 296.45 *Conditions on Operating Authorization*—(a) *Attachment of conditions to Operating Authorizations.* At the time of issuance, and from time to time thereafter, there shall be attached to the exercise of the privileges granted by any Operating Authorization issued under this part such reasonable terms, conditions, and limitations applicable to the person named therein as are necessary to carry out the requirements of the act and the regulations prescribed thereunder.

(b) *Operating Authorizations will not be issued to applicants having tainted officers or owners.* No Operating Authorization will be issued to an applicant which has, or proposes to have, as owner, partner, manager, officer, director, or stockholder holding a controlling interest, any person who is or has been connected in any such capacity with any other air freight forwarder, international air freight forwarder, cooperative shippers association, irregular air carrier, or noncertificated cargo carrier, if the letter of registration, Operating Authorization, or other exemption privilege of such carrier was suspended or revoked by the Board on account of acts or omissions which occurred during the time of such connection: *Provided, however,* That an Operating Authorization may be issued to such an applicant where the Board finds, upon a showing by applicant, that the public interest and applicant's intention and ability to conform to the provisions of the act and requirements thereunder are not adversely affected by such relationship.

(c) *Prohibition against holders of Operating Authorizations having tainted officers or owners.* No holder of an Operating Authorization shall have and retain as an owner, partner, manager, officer, director, or stockholder holding a controlling interest, any person who was, or is, affiliated in any of said capacities with any other air freight forwarder, international air freight forwarder, cooperative shippers association, irregular air carrier, or noncertificated cargo carrier, under the circumstances set forth in paragraph (b) of this section: *Provided, however,* That such holder may have and retain persons presently or previously affiliated, in the manner described above, where the Board finds that the public interest and the carrier's intention and ability to conform to the provisions of the act and requirements thereunder are not adversely affected by such relationship.

§ 296.46 *Restrictions on issuance of Operating Authorizations.* No Operating Authorization will be issued to an applicant which fails to demonstrate, as a part of its showing of capability, that it has such branch offices, associated companies, affiliated companies, or agents as tend to establish the ability of the applicant to perform pickup, delivery, and other necessary services to be performed in handling shipments.

§ 296.47 *Nontransferability of Operating Authorizations.* (a) An Operating Authorization shall be nontransferable and shall be effective only with respect to the person named therein or his successor by operation of law, subject to the provisions of this section. The following persons may temporarily continue operations under an Operating Authorization issued in the name of another person, for a maximum period of six months from the effective date of succession, by giving written notice of such succession to the Board within 60 days after the succession:

(1) Administrators or executors of deceased persons;

(2) Guardians of incapacitated persons;

(3) Surviving partner or partners collectively of dissolved partnerships; and

(4) Trustees, receivers, conservators, assignees or other such persons who are authorized by law to collect and preserve the property of financially disabled persons.

(b) All operations by successors, as above authorized, shall be performed in the name or names of the prior holder of the Operating Authorization and the name of the successor, whose capacity shall also be designated. Any successor desiring to continue operations after the expiration of the six-month period above authorized must file an application for a new Operating Authorization within 120 days after such succession. If a timely application is filed, such successor may continue operations until final disposition of the application by the Board.

§ 296.48 *Suspension of Operating Authorizations.* An Operating Authorization may be suspended by the institution of suspension proceedings in accordance with either the procedure specified in Subpart B or Part 302, of this chapter, or the procedure prescribed in paragraphs (a), (b) and (c) of this section.

(a) Whenever the Board contemplates the institution of suspension proceedings, pursuant to this section, which involve alleged knowing and wilful violations, it shall issue an order instituting a suspension proceeding. However, whenever the alleged violations are not knowing and wilful the Board shall, by letter, give the carrier the notice and warning specified in section 9 (b) of the Administrative Procedure Act. Such notice shall specifically recite the holder's failure to comply with any provisions of the act or any order, rule, or regulation issued under any such provision, or any term, condition or limitation of any authority issued under said act or regulation. Such notice shall also afford the holder a reasonable opportunity to demonstrate or achieve compliance with such legal requirements within a specified period of time. At the expiration of such period, the Board may issue an order instituting a suspension proceeding.

(b) Each order instituting a suspension proceeding will specify a period of time within which the holder must file a written response with the Board. In such response, the holder may deny noncompliance or adduce such considerations as it desires to rely upon in order to justify or excuse noncompliance.

(c) In the event such a written response is filed, the Board may assign the proceeding for hearing or oral argument or, in appropriate cases, enter an order of suspension or an order dismissing the suspension proceeding.

(d) Such suspension may continue until the Board finds that such suspended forwarder has complied with the provisions of the act, or with such rules, regulations, orders, terms, conditions, or limitations or until the expiration of such a minimum suspension period, of fixed duration, as the Board may prescribe. The Board may also order a suspension, of indefinite duration, during the pendency of a docketed revocation proceeding brought under § 296.49.

(e) Failure to seek reinstatement of an Operating Authorization suspended pursuant to the provisions of this section within a period of 60 days after the effective date of such suspension or prior to the expiration of any prescribed suspension period of fixed duration, whichever is later, shall automatically terminate all rights under such authorization.

§ 296.49 *Revocation of Operating Authorizations.* (a) Operating Authorizations shall be subject to revocation, after notice and hearing, for knowing and wilful violation of any provision of the act or of any order, rule, or regulation issued under any such provision, or of any term, condition, or limitation of any authority issued under said act or regulations.

(b) An Operating Authorization shall be revoked without prejudice [4] upon the filing by an air freight forwarder of a written notice with the Board indicating the discontinuance of common carrier activities, together with a tender of the Operating Authorization for cancellation: *Provided,* That the Board may refuse to accept such notice and to cancel the authorization if any proceedings or action is pending in which an air freight forwarder's authority may be subject to suspension or revocation action. The failure of any carrier to perform interstate air transportation services for a period of two years or failure for two successive periods to file the periodic reports required by this chapter may, for the purpose of this part, be deemed by the Board to constitute the filing of written notice indicating the discontinuance of the common carrier activities, and in such case the tender of the Operating Authorization shall not be necessary.

[4] To the filing of a subsequent application for such authorization.



§ 296.50 *Business name of air freight forwarder.* It shall be an express condition upon the exercise of the privileges herein granted and the operating authorizations issued hereunder, that the forwarder concerned, in holding out to the public and in performing air transportation services, shall do so only in a name the use of which is authorized under the provisions of this section or under § 296.47.

(a) Except as otherwise provided under paragraph (b) of this section, an air freight forwarder may do business in the name or names in which its Operating Authorization is then issued and outstanding, including abbreviations, contractions, initial letters, or other minor variations of such name or names which are readily identifiable therewith.

(b) An air freight forwarder may do business in such other and different name or names as the Board may permit in said Operating Authorization or by order, upon a finding that the use of such other name or names is not contrary to the public interest. Any such permission may be made conditional upon the abandonment of the use of the name in which its Operating Authorization is issued and outstanding, in air transportation services by the carrier concerned, or otherwise be made subject to such reasonable terms and conditions as the Board may find necessary to protect the public interest.

(c) Slogans shall not be considered names for the purposes of this section, and their use is not restricted thereby.

(d) Neither the provisions of this section nor the grant of a permission hereunder shall be deemed to constitute a finding for purposes other than for this section, or to effect a waiver of, or exemption from, any provisions of the Civil Aeronautics Act, or any orders, or regulations issued thereunder.

SUBPART F—INSURANCE

§ 296.51 *Insurance*—(a) *Cargo.* No air freight forwarder shall engage in air transportation pursuant to this part unless it shall have on file with the Board any one of the following: (1) A satisfactory certificate or certificates of insurance evidencing a properly endorsed policy of insurance (CAB Form 350);[3] (2) evidence of qualifications as a self-insurer (a self-insurance fund or other qualifications approved by the Board); or (3) a surety bond. Any such guaranty shall be not less than the amount prescribed in paragraph (c) (1) of this section, and shall cover risks of loss of or damage to the property it handles as a freight forwarder pursuant to the provisions of this part.

(b) *Public liability, property damage and personal injury.* No air freight forwarder shall engage in the performance of transfer, collection or delivery services pursuant to this part unless it shall file with the Board a satisfactory certificate or certificates of insurance evidencing a properly endorsed policy of insurance (CAB Form 350),[3] qualifications as a self-insurer (a self-insurance fund or other qualifications approved by the Board) or surety bond in not less than the amounts prescribed in paragraph (c) (2) and (3) of this section, conditioned to pay within the amount of such insurance coverage any final judgment recovered against it on account of bodily injuries to or death of any person, or loss of or damage to property (other than property covered by paragraph (c) (1) of this section) resulting from the negligent operation, maintenance or use of motor vehicles operated by or under its direction and control.

(c) *Minimum liability limits*—(1) *Cargo insurance.* For loss of or damage to property while carried on or resting in any one conveyance or premises; minimum $10,000 per conveyance or premises. Conveyance includes, but is not limited to, aircraft, motor vehicles, rail and watercraft;

(2) *Public liability; property.* For loss or damage to property occurring at any one time or place: minimum $5,000;

(3) *Public liability; personal injury.* Claims for bodily injury or death: minimum $10,000 for one person subject to that limit per person and $20,000 for all persons in any one accident.

SUBPART G—CONTINUANCE OF OPERATIONS PENDING ISSUANCE OF OPERATING AUTHORIZATIONS PURSUANT TO THIS PART

§ 296.60 *Existing operations may be continued pending issuance of Operating Authorizations under § 296.43 (b).* Notwithstanding the provisions of any other subpart of this part, any air freight forwarder presently authorized to operate under a letter of registration, issued by the Board, in accordance with the provisions of Part 296 as in effect prior to this amendment may continue its operations thereunder and in accordance therewith for 30 days after the effective date of this part, and thereafter until such time as the Board shall finally dispose of its application for issuance of an operating authorization, pursuant to § 296.43 (b), if before the expiration of said 30 days such forwarder files such application.

Effective: June 12, 1956.

Adopted: April 13, 1956.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
*Secretary.*

[F. R. Doc. 56-3010; Filed, Apr. 17, 1956; 8:53 a. m.]

[3] Available from Publications Section.

# TITLE 15—COMMERCE AND FOREIGN TRADE

## Chapter III—Bureau of Foreign Commerce, Department of Commerce

### Subchapter B—Export Regulations

[7th Gen. Rev. of Export Regs., Amdt. 56]

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

NONFERROUS COMMODITIES INCLUDING ORES, CONCENTRATES, OR UNREFINED PRODUCTS

Section 373.41 *Nonferrous commodities including ores, concentrates, or unrefined products,* paragraph (e) *Aluminum scrap (new and old) and aluminum remelt ingots* is amended to read as follows:

(e) *Aluminum scrap (new and old), aluminum remelt ingots, and aluminum metal and alloys in crude form*—(1) *General.* License applications to export aluminum scrap (new and old), Schedule B No. 630050, and aluminum remelt ingots, and aluminum metal and alloys in crude form, primary and secondary, including ingots, pigs, blooms, and slabs, Schedule B No. 630070, will be considered by the Bureau of Foreign Commerce for approval in accordance with the procedure described below.

(2) *Aluminum scrap (new and old), and aluminum remelt ingots*—(i) *Statement of Past Participation in Exports, Form IT- or FC-821.* Applicants are required to submit to the Bureau of Foreign Commerce a Statement of Past Participation in Exports on Form IT- or FC-821, in accordance with the procedure set forth in § 373.4, covering past exportations of aluminum scrap (new and old), Schedule B No. 630050, and aluminum remelt ingots, Schedule B No. 630070. A separate report on Form IT- or FC-821 shall be filed for each Schedule B number, broken down by countries of destination, and shall cover the quantity in Schedule B units of exports from the United States made during the second, third and fourth calendar quarters of 1954 and the first calendar quarter of 1955, where the total for such exports to all countries for each Schedule B number was $2,000 or over for the four quarters. In preparing Form IT- or FC-821, the heading above items (c) and (d) shall be changed to read "2nd, 3rd, 4th quarters, 1954", and the heading above items (e) and (f) shall read "1st quarter, 1955."

(ii) *Unsalable leaded aluminum foil.* Applications for licenses to export leaded aluminum foil scrap for which there is no market in the United States are not subject to the provisions of subdivision (i) of this subparagraph, but shall be supported by evidence of commercial unsalability in the domestic market. This evidence may be in the form of a letter or other statement from the applicant, supplier, or persons to whom the scrap was offered for sale. The evidence must be adequate to demonstrate that the scrap has been offered for sale without success in the normal domestic market at

reasonable and competitive prices. It shall include, as a minimum, the names and addresses of the potential users to whom the scrap has been offered, the terms at which it has been offered, and the reason(s) for rejection of offers to sell.

(iii) *Aluminum scrap containing 70 percent or less aluminum (including drosses, skimmings, slags, ashes, insulated wire and cable, paper-backed and cloth-backed aluminum foil).* Applications for licenses to export aluminum scrap containing 70 percent or less aluminum shall specify the weight of the aluminum alloy metal content of the scrap material to be exported.

(iv) *Time for submission of applications.* Applications for licenses to export aluminum scrap (new and old), Schedule B No. 630050, and aluminum remelt ingots, Schedule B No. 630070, shall be submitted in accordance with the time schedules set forth in § 373.71.

(v) *Validity period.* Licenses to export the aluminum materials covered by this subparagraph will be issued for a validity period ending on the last day of the month following the quarter during which the application for the license was filed with the Bureau of Foreign Commerce. For example, a license issued pursuant to an application filed in April 1956, would expire on July 31, 1956.

(vi) *Utilization of export quota.* (*a*) A licensee who determines that the full amount of the quantity of the aluminum materials shown on the validated license will not be exported during the validity period of that license should promptly submit a request for amendment on Form IT– or FC–763 to reduce the quantity of the aluminum materials licensed to the amount actually intended for export. The amendment procedure set forth in § 380.2 (g) of this subchapter shall be followed in requesting quantity reductions on outstanding licenses.

(*b*) Any quantities recovered as a result of this procedure will be considered for licensing in the same quarter in which they were recovered. The return of any unused quantities by an exporter will in no way affect the exporter's entitlement under the historical licensing procedure in future quarters.

(3) *Aluminum metal and alloys in crude form,* primary and secondary, including ingots (except remelt ingots), pigs, blooms, and slabs.

(i) *Availability for export.* Applications for licenses to export aluminum metal and alloys in crude form, primary and secondary, including ingots (except remelt ingots), pigs, blooms, and slabs, Schedule B No. 630070, shall contain one of the applicable certifications listed below. Applications will be considered only where the date of availability of the commodities for export is shown to be within 90 days from the date the application is filed with the BFC.

(*a*) Where materials are in possession of applicant, the applicant shall execute and submit to the Bureau of Foreign Commerce the following certification:

I (we) certify that the aluminum materials described in this license application are in my (our) possession and will be available for export not later than _____ (Date)

or

(*b*) Where materials are not in possession of applicant, the applicant shall submit to the Bureau of Foreign Commerce the following certification executed by the supplier of the materials:

I (we) certify that not later than _____ I (we) shall supply to (Date)

_____, (Name of applicant)

_____ short tons of (Quantity in short tons)

_____ in accordance (Type of aluminum material)

with the terms of contract sale number _____ dated _____ (Contract number) (Date of contract)

(ii) *Records.* All documents evidencing commitment of sale must be kept available for inspection, upon demand, by the Bureau of Foreign Commerce for three years from the date of receipt of the application, as shown on the Acknowledgment Card (Form IT– or FC–116).

(iii) *Validity period.* License applications to export the aluminum materials covered by this subparagraph will be issued for a validity period ending on the last day of the third month following the month during which the license is validated, e. g., a license issued on May 10, 1956, would expire on August 31, 1956.

(4) *Amendments to export licenses.* No amendments requesting an extension of the validity period of the license will be granted for export licenses issued under this procedure. Where an amendment request involves an action other than an extension of the validity period, it shall be submitted directly to the Bureau of Foreign Commerce.

This amendment shall become effective as of April 18, 1956.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
*Director,*
*Bureau of Foreign Commerce.*

[F. R. Doc. 56-3003; Filed, Apr. 17, 1956; 8:52 a. m.]

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[7th Gen. Rev. of Export Regs., Amdt. 57]

## PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

### TIME SCHEDULES FOR SUBMISSION OF APPLICATIONS FOR LICENSES TO EXPORT CERTAIN POSITIVE LIST COMMODITIES

Section 373.71 *Supplement 1; Time schedules for submission of applications for licenses to export certain Positive List commodities* is amended by adding the date "Before June 16, 1956" in the column headed "Second Quarter, 1956" for the following commodities:

| *Department of Commerce Schedule B No.* | *Commodity* |
|---|---|
| 630050---- | Aluminum scrap (new and old). |
| 630070---- | Aluminum remelt ingots. |

This amendment shall become effective as of April 18, 1956.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
*Director,*
*Bureau of Foreign Commerce.*

[F. R. Doc. 56-3004; Filed, Apr. 17, 1956; 8:52 a. m.]

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# TITLE 19—CUSTOMS DUTIES

## Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54065]

## PART 11—PACKING AND STAMPING; MARKING; TRADE-MARKS AND TRADE NAMES; COPYRIGHTS

### MISCELLANEOUS AMENDMENTS

In view of the amendment of title 17, United States Code, sections 9, 16, and 19, by the act approved August 31, 1954 (68 Stat. 1030), providing that works by nationals of, or first published in, countries adhering to the Universal Copyright Convention, which works contain the form of notice prescribed by paragraph (c) of section 9 of title 17, as amended, will receive copyright protection in this country without compliance with other United States formalities, §§ 11.19 and 11.21 of the Customs Regulations are hereby amended as follows:

Section 11.19 is amended to read as follows:

§ 11.19 *Recordation of copyrighted works.* (a) A person whose copyright claim has been registered in accordance with the provisions of the Copyright Act of July 30, 1947, as amended (17 U. S. C. 1–32),[21] or a person who claims copyright protection under section 9 (c) of that act, as amended (17 U. S. C. 9 (c)),[21a] by virtue of the Universal Copyright Convention, and has not registered a copyright claim, may secure to himself customs protection against importation of piratical copies of the copyrighted work in the following manner:

(1) In the case of books and other printed works which may be readily identified by title and name of the author, the copyright proprietor, or any person claiming actual or potential injury by reason of actual or contemplated importations of copies of such works, shall file in the Office of the Director, Customs Information Exchange, 201 Varick Street, New York 14, New York, a certificate of registration issued by the Copyright Office or, if copyright is claimed under section 9 (c) by virtue of the Universal Copyright Convention and no registration has been made, a statement setting forth the citizenship and domicile of the author at the time of publication, the date and place of publication, and a description of the work, including its title and the name of the author. There shall also be filed an application in duplicate for recordation of the copyrighted work, accompanied by 1,000 notices in the form indicated below, printed in 11-point Roman type on plain white cards of medium weight, size 3 x 5 inches, for distribution to customs field officers throughout the United States, including Puerto Rico, the Virgin Islands, Hawaii, and Alaska, and the fee of $25 prescribed by § 24.12 of this chapter. Checks or money orders in payment of the fee shall be made payable to the Collector of Customs, New York, New York.

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(Title of book or other printed work, and foreign title if different)

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(Author)

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(Citizenship of author at the time of publication)

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(Domicile of Author at time of publication)

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(Date of publication) (Place of publication)

Copyright claim registered ☐ Registration No. _____

Copyright claimed under 17 U. S. C. 9 (c) and no claim registered ☐

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(Name and address of copyright proprietor)

(2) In the case of copyrighted works not readily identifiable by title and author, application for recordation in the form of a letter shall be made to the Commissioner of Customs, Washington 25, D. C. Such application shall be accompanied by a certificate of registration issued by the Copyright Office, or, if copyright is claimed under section 9 (c) by virtue of the Universal Copyright Convention and no registration has been made, a statement setting forth the citizenship and domicile of the author at the time of publication, the date and place of publication, and a description of the work. There shall also be filed 500 photographic or other likenesses of the copyrighted work reproduced on paper 8 x 10½ inches in size, for distribution to all collectors of customs and appraisers of merchandise, accompanied by the fee of $25 prescribed by § 24.12 of this chapter. Checks or money orders in payment of the fee shall be made payable to the Head, Fiscal Section, Bureau of Customs.

(b) The following countries are parties to the Universal Copyright Convention:

Andorra, Cambodia, Chile, Costa Rica, France, German Federal Republic, Haiti, Holy See, Israel, Japan,[1] Laos, Luxembourg, Monaco, Pakistan, Spain, Switzerland, and United States of America.[2]

(Sec. 1, 61 Stat. 652, as amended; 17 U. S. C. 9, 109)

Part 11, is amended by appending to § 11.19 (a) a footnote designated 21a and reading as follows:

[21a] (c) When the Universal Copyright Convention, signed at Geneva on September 6, 1952, shall be in force between the United States of America and the foreign state or nation of which such author is a citizen or subject, or in which the work was first published. Any work to which copyright is extended pursuant to this subsection shall be exempt from the following provisions of this title: (1) The requirement in section 1 (e) that a foreign state or nation must grant to United States citizens mechanical reproduction rights similar to those specified therein; (2) the obligatory deposit requirements of the first sentence of section 13; (3) the provisions of sections 14, 16, 17, and 18; (4) the import prohibitions of section 107, to the extent that they are related to the manufacturing requirements of section 16; and (5) the requirements of sections 19 and 20: *Provided, however,* That such exemptions shall apply only if from the time of first publication all the copies of the work published with the authority of the author or other copyright proprietor shall bear the symbol © accompanied by the name of the copyright proprietor and the year of first publication placed in such manner and location as to give reasonable notice of claim of copyright.

Upon the coming into force of the Universal Copyright Convention in a foreign state or nation as hereinbefore provided, every book or periodical of a citizen or subject thereof in which ad interim copyright was subsisting on the effective date of said coming into force shall have copyright for twenty-eight years from the date of first publication abroad without the necessity of complying with the further formalities specified in section 23 of this title.

The provisions of this subsection shall not be extended to works of an author who is a citizen of, or domiciled in the United States of America regardless of place of first publication, or to works first published in the United States. (17 U. S. C. 9 (c))

Section 11.21 is amended to read as follows:

§ 11.21 *United States manufacturing requirements; copies not produced in accordance with 17 U. S. C. 16*[24] (a) Copies of books or periodicals for which manufacture in the United States is required by 17 U. S. C. 16 may not be imported during the existence of the United States copyright, unless importation is permitted under 17 U. S. C. 107,[22] or unless protection was secured under 17 U. S. C. 9 (c) by virtue of the Universal Copyright Convention or an ad interim copyright was extended to the full term by the provisions of 17 U. S. C. 9 (c).

(b) Up to 1500 copies of a book or periodical covered by ad interim copyright, when imported pursuant to the quantitative exception in 17 U. S. C. 16, may be released upon compliance with usual customs requirements if there is presented in connection with the entry an "Import Statement" issued by the Register of Copyrights on Copyright Office Form C–100, and such copies are otherwise admissible. The reverse side of the statement shall be completely filled in by the customs officer concerned and mailed at once to the Register of Copyrights as directed in the form.

(c) When an ad interim copyright is extended to a full term copyright, as provided for in 17 U. S. C. 23, notice of such extension, together with the full-term registration number and the date thereof, shall be communicated by the copyright proprietor to the Commissioner of Customs, Washington 25, D. C., within 30 days after such date.

(Sec. 1, 61 Stat. 652, as amended; 17 U. S. C. 16, 109)

Footnote 24 is amended to read as follows:

[24] *Mechanical work to be done in United States.* Of the printed book or periodical specified in section 5, subsections (a) and (b), of this title, except the original text of a book or periodical of foreign origin in a language or languages other than English, the text of all copies accorded protection under this title, except as below provided, shall be printed from type set within the limits of the United States, either by hand or by the aid of any kind of typesetting machine, or from plates made within the limits of the United States from type set therein, or, if the text be produced by lithographic process, or photoengraving process, then by a process wholly performed within the limits of the United States, and the printing of the text and binding of the said book shall be performed within the limits of the United States; which requirements shall extend also to the illustrations within a book consisting of printed text and illustrations produced by lithographic process, or photoengraving process, and also to separate lithographs or photoengravings, except where in either case the subjects represented are located in a foreign country and illustrate a scientific work or reproduce a work of art: *Provided, however,* That said requirements shall not apply to works in raised characters for the use of the blind, or to books or periodicals of foreign origin in a language or languages other than English, or to works printed or produced in the United States by any other process than those above specified in this section, or to copies of books or periodicals, first published abroad in the English language, imported into the United States within five years after first publication in a foreign state or nation up to the number of fifteen hundred copies of each such book or periodical if said copies shall contain notice of copyright in accordance with sections 10, 19, and 20 of this title and if ad interim copyright in said work shall have been obtained pursuant to section 22 of this title prior to the importation into the United States of any copy except those permitted by the provisions of section 107 of this title: *Provided further,* That the provisions of this section shall not affect the right of importation under the provisions of section 107 of this title. (17 U. S. C. 16)

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

[SEAL] D. B. STRUBINGER,
*Acting Commissioner of Customs.*

Approved: April 11, 1956.

DAVID W. KENDALL,
*Acting Secretary of the Treasury.*

[F. R. Doc. 56–2994; Filed, Apr. 17, 1956; 8:50 a. m.]

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[T. D. 54063]

## PART 73—IMPORTATION OF ARTICLES IN CONNECTION WITH THE WASHINGTON STATE FIFTH INTERNATIONAL TRADE FAIR AT SEATTLE, WASHINGTON, UNDER PUBLIC LAW NO. 462, 84TH CONGRESS[1]

The following regulations under Public Law No. 462, 84th Congress, approved April 2, 1956, relate to the entry of articles in connection with the Washington

[1] All articles which shall be imported from foreign countries for the purpose of exhibition at the Washington State Fifth International Trade Fair, to be held at Seattle, Washington, from May 4 to May 13, 1956, inclusive, by the International Trade Fair, Incorporated, a corporation, or for use in constructing, installing, or maintaining foreign exhibits at the said trade fair, upon which articles there shall be a tariff or customs duty, shall be admitted without payment of such tariff, customs duty, fees, or charges under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during or within three months after the close of the said trade fair to sell within the area of the

[1] Convention will come into force with respect to Japan April 28, 1956.

[2] Phillipines not included in list since there is a question whether it is presently a party. See Department of State Bulletin, Vol. XXXIV, No. 868, February 13, 1956, page 263, footnote 1.

State Fifth International Trade Fair to be held at Seattle, Washington, May 4 to May 13, 1956.

Sec.

73.1 Invoices; marking; bond.
73.2 Entry; appraisement; procedure.
73.3 Compliance, provisions of Plant Quarantine Act of 1912, and Federal Food, Drug and Cosmetic Act.
73.4 Detail of customs officers to protect revenue; expenses.
73.5 Withdrawal of articles from exhibition for exportation, abandonment, destruction, or for consumption or entry under the general tariff law; involuntary abandonment.

AUTHORITY: §§ 73.1 to 73.5, issued under Public Law No. 462, 84th Congress.

§ 73.1 *Invoices; marking; bond.* (a) Articles intended for exhibition under the provisions of Public Law No. 462, 84th Congress, and valued at over $500, are subject to the usual special customs invoice requirements if of a class for which such invoices are required under the Tariff Act of 1930, as amended, and the regulations issued thereunder. The invoices shall be on foreign service Form 138 (Invoice of Merchandise) and shall contain the information prescribed under section 481 of the Tariff Act of 1930. (19 U. S. C. 1481.)

(b) The marking requirements of the Tariff Act of 1930, as amended, and the regulations promulgated thereunder will not apply to articles imported under the regulations in this part except when such articles are withdrawn for consumption or use in the United States, in which case they shall be released from customs custody only upon a full compliance with the marking requirements of the tariff act, as amended, and the regulations promulgated thereunder.

(c) The International Trade Fair, Incorporated, shall give to the collector of customs at Seattle, Washington, a bond in an amount to be determined by the collector and containing such conditions for compliance with Public Law No. 462, 84th Congress, and the regulations in this part, as shall be approved by the Bureau of Customs.

§ 73.2 *Entry; appraisement; procedure.* (a) All entries under the regulations in this part shall be made at the port of Seattle, Washington, in the name of the International Trade Fair, Incorporated, which shall be deemed for customs purposes the sole consignee of the merchandise entered under the act and which shall be held responsible to the Government for all duties and charges due the United States on account of such entries; but, in the case of merchandise withdrawn from entry under this part, an entry under the general tariff law in the name of any person duly authorized in writing by the International Trade Fair, Incorporated, to make such entry may be accepted by the collector.

(b) Articles to be entered under the regulations in this part which arrive at ports other than Seattle shall be entered for immediate transportation without appraisement to the latter port in the manner prescribed by the general customs regulations.

(c) Upon the arrival at the port of Seattle of articles to be entered under the regulations in this part, they shall be entered on a special form of entry to read substantially as follows:

ENTRY FOR EXHIBITION

Entry No. ---------

Entry at the port of Seattle of articles consigned or transferred to the International Trade Fair, Incorporated, under ----------, ----------
(I. T. No.) (ex S. S.)
from ---------- on the ---------- day of ---------- 19 .., for exhibition purposes under Public Law No. 462 of the 84th Congress, approved April 2, 1956.

| Mark | Number | Package and contents | Quantity | Invoice value |
|---|---|---|---|---|
| | | | | |
| | | | | |
| | | | | |

INTERNATIONAL TRADE FAIR, INCORPORATED,
By ----------

(d) Upon such entry being made, the collector shall issue a special permit for the transfer of the articles covered thereby to the buildings in which they are to be exhibited or used, or, in the discretion of the collector, to the appraiser's stores for examination and subsequent transfer to the buildings in which they are to be exhibited or used. The articles shall be tentatively appraised prior to their exhibition or use. All imported exhibits entered under this part shall be kept segregated from domestic articles and imported duty-paid articles and shall not be removed from the exhibition building except in accordance with § 73.5 (a).

(e) If for any reason articles imported for entry under the regulations in this part are not upon their arrival to be delivered immediately at an exhibition building, the importer should so indicate to the collector in writing, who will cause such articles to be placed in a bonded warehouse under a "general order permit" at the importer's risk and expense, and such articles may be entered at any time within one year from the date of importation for exhibition, as herein provided for, or under the general tariff law, or for exportation. If not so entered within such period, they will be regarded as abandoned to the Government.

(f) Articles which have been admitted without payment of duty for exhibition under any customs law and which have remained in continuous customs custody or under a customs exhibition bond may be transferred to entry for exhibition at the fair in the manner prescribed in § 10.49 (c) of this chapter, except that in each case an entry under paragraph (c) of this section shall be filed, which shall supersede any previous entry, and no new bond other than that specified in § 73.1 (c) shall be required. Imported articles in bonded warehouses under the general tariff law may be transferred to entry for exhibition at the fair in the manner prescribed in § 8.33 of this chapter.

§ 73.3 *Compliance, provisions of Plant Quarantine Act of 1912, and Federal Food, Drug, and Cosmetic Act.* The entry of plant material subject to restriction under the Plant Quarantine Act of 1912, as amended (7 U. S. C. 151–164a, 167), shall not be permitted except under permits issued therefor by the Plant Quarantine Branch of the Agriculture Research Service, Department of Agriculture, and in accordance with the plant quarantine regulations. The entry of food products shall conform to the requirements of the Federal Food, Drug, and Cosmetic Act, as amended (21 U. S. C. 301 et seq.), and regulations issued thereunder.

§ 73.4 *Detail of customs officers to protect revenue; expenses.* (a) The collector of customs at Seattle, Washington, shall detail an officer to act as his representative at the fair and shall station inside the exhibition buildings as many additional customs officers and employees as may be necessary to properly protect the revenue.

(b) All actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisement, release, or custody of imported articles, together with the necessary charges for salaries of customs officers and employees in connection with the supervision and custody of, and accounting for, articles imported for exhibition at the fair or transferred thereto for exhibition, shall be reimbursed by the International Trade Fair, Incorporated, to the Government, payment to be made monthly to the collector of customs, Seattle, Washington, for deposit to the credit of the Treasurer of the United States as a refund to the appropriation "Collecting the Revenue from Customs."

§ 73.5 *Withdrawal of articles from exhibition for exportation, abandonment, destruction, or for consumption or entry under the general tariff law; involuntary abandonment.* (a) Any articles entered under the regulations of this part may be withdrawn for exportation, for abandonment to the Government, for destruction under customs supervision, or for consumption or entry under the general tariff law, but not otherwise, at any time prior to the opening of the fair or at any time during or within three months after the close of the fair. Upon the withdrawal of such articles for consumption or for entry under the general tariff law, or at the expiration of three months after the close of the fair in the case of articles not previously so withdrawn, they shall be appraised with due allowance made for diminution or deterioration from incidental handling or exposure. Such appraisal shall be final in the absence of an appeal to reappraisement, as provided in section 501 of the Tariff Act of 1930, as amended (19 U. S. C. 1501). In the case of such articles withdrawn for entry under the general tariff law under a warehouse bond or a bond conditioned upon exportation, the statutory period of the bond and any extension thereof shall be computed from the date of withdrawal from entry under the provisions of Public Law No. 462 of the 84th Congress.

(b) At any time prior to the opening of the fair, or at any time during or within three months after the close of the fair, any article entered hereunder may be abandoned to the Government or destroyed under customs supervision, as provided in § 15.4 of this chapter.

(c) Any articles entered under the regulations in this part which have not been withdrawn for consumption, entry under the general tariff law, or exportation, or which have not been abandoned to the Government or destroyed under customs supervision, before the expiration of three months after the close of the fair, shall be regarded as abandoned to the Government.

[SEAL] C. A. EMERICK,
*Acting Commissioner of Customs.*

Approved: April 11, 1956.

DAVID W. KENDALL,
*Acting Secretary of the Treasury.*

[F. R. Doc. 56-2993; Filed, Apr. 17, 1956; 8:50 a. m.]

trade fair any articles provided for herein, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury shall prescribe: *Provided*, That all such articles, when withdrawn for consumption or use in the United States, shall be subject to the duties, if any, imposed upon such articles by the revenue laws in force at the date of their withdrawal; and on such articles which shall have suffered diminution or deterioration from incidental handling or exposure, the duties, if payable, shall be assessed according to the appraised value at the time of withdrawal from entry hereunder for consumption or entry under the general tariff law: *Provided further*, That imported articles provided for herein shall not be subject to any marking requirements of the general tariff laws, except when such articles are withdrawn for consumption or use in the United States, in which case they shall not be released from customs custody until properly marked, but no additional duty shall be assessed because such articles were not sufficiently marked when imported into the United States: *Provided further*, That at any time during or within three months after the close of the trade fair, any article entered hereunder may be abandoned to the Government or destroyed under customs supervision, whereupon any duties on such article shall be remitted: *Provided further*, That articles which have been admitted without payment of duty for exhibition under any tariff law and which have remained in continuous customs custody or under a customs exhibition bond and imported articles in bonded warehouses under the general tariff law may be accorded the privilege of transfer to and entry for exhibition at the said trade fair under such regulations as the Secretary of the Treasury shall prescribe: *And provided further*, That the International Trade Fair, Incorporated, a corporation, shall be deemed, for customs purposes only, to be the sole consignee of all merchandise imported under the provisions of this joint resolution, and that the actual and necessary customs charges for labor, services, and other expenses in connection with the entry, examination, appraisement, release, or custody, together with the necessary charges for salaries of customs officers and employees in connection with the supervision, custody of, and accounting for, articles imported under the provisions of this joint resolution, shall be reimbursed by the International Trade Fair, Incorporated, a corporation, to the Government of the United States under regulations to be prescribed by the Secretary of the Treasury, and that receipts from such reimbursements shall be deposited as refunds to the appropriation from which paid, in the manner provided for in section 524, Tariff Act of 1930, as amended (U. S. C. 1946 edition, title 19, sec. 1524).



## TITLE 33—NAVIGATION AND NAVIGABLE WATERS

### Chapter II—Corps of Engineers, Department of the Army

PART 202—ANCHORAGE REGULATIONS

NANTUCKET HARBOR, MASS.

Pursuant to the provisions of section 7 of the River and Harbor Act of March 4, 1915 (38 Stat. 1053; 33 U. S. C. 471), § 202.142 is hereby prescribed designating a general anchorage area in Nantucket Harbor, Massachusetts, as follows:

§ 202.142 *Nantucket Harbor, Mass.*— (a) *The anchorage grounds.* In the Nantucket Harbor, beginning at a point 210 yards, 90° true, from Brant Point Light; thence easterly to latitude 41°17'23", longitude 70°05'14.5"; thence southerly to latitude 41°17'03", longitude 70°05'14.5"; thence southwesterly to latitude 41°16'54", longitude 70°05'23"; thence northwesterly to latitude 41°16'-55", longitude 70°05'31"; thence northeasterly to latitude 41°17'07.5", longitude 70°05'27"; thence northeasterly to the point of beginning.

(b) *The regulations.* The anchorage is for the use of commercial and pleasure craft. Temporary floats or buoys for marking anchors or moorings in place will be allowed. Fixed mooring piles or stakes are prohibited. The anchoring of vessels including the placing of anchors and moorings is subject to the supervision and approval of the local harbor master.

[Regs., 29 March 1956, 800.212 (Nantucket Harbor, Mass.)—ENGWO] (Sec. 7, 38 Stat. 1053; 33 U. S. C. 471)

[SEAL] JOHN A. KLEIN,
*Major General, U. S. Army,*
*The Adjutant General.*

[F. R. Doc. 56-2966; Filed, Apr. 17, 1956; 8:45 a. m.]

PART 210—PROCUREMENT ACTIVITIES OF THE CORPS OF ENGINEERS

APPEALS

Paragraph (e) of § 210.4 is revised to read as follows:

§ 210.4 *Rules of the Corps of Engineers Claims and Appeals Board.* * * *

(e) *Rule 5: Clearance of appellant's legal council or other representative.* The appellant may be represented by legal counsel or by any other duly authorized person. Each and every representative of the appellant who is an officer or employee (civilian or military) of the United States Government, or a former officer or employee (civilian or military) of the Government whose active service or employ terminated within the past two years or a retired officer of the Regular component of the Armed Forces shall file a Notice of Appearance on DA Form 1627 with the contracting officer or the Recorder of the Board. A copy of the form of Notice of Appearance may be obtained from either the contracting officer or the Recorder of the Board. The representative of the appellant must conform in all respects with the requirements of Army Regulations No. 632–35 dated February 27, 1956 (32 CFR 583.1).

* * * * *

[Regs., 6 April 1956, ENGAC–12] (R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. 151–161)

[SEAL] JOHN A. KLEIN,
*Major General, U. S. Army,*
*The Adjutant General.*

[F. R. Doc. 56–2967; Filed, Apr. 17, 1956; 8:45 a. m.]

## TITLE 43—PUBLIC LANDS: INTERIOR

### Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1285]

[Misc. 56736–7]

ARIZONA

POWER SITE CANCELLATION NO. 101, PARTIALLY REVOKING WATER POWER DESIGNATIONS NO. 4 AND 8; POWER SITE RESTORATION NO. 510, PARTIALLY REVOKING POWER SITE RESERVES NO. 83, 242 AND 590

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, and the act of June 20, 1910 (36 Stat. 557, 575), it is ordered as follows:

POWER SITE CANCELLATION NO. 101

1. The departmental order of February 1, 1917, as construed by Interpretation No. 87 of December 11, 1921, reserving certain lands in Arizona as Water Power Designation No. 4, Arizona No. 1, is hereby revoked so far as it affects the following-described lands:

GILA AND SALT RIVER MERIDIAN

WATER POWER DESIGNATION NO. 4

T. 3 S., R. 17 E.,
Sec. 24, NW¼SW¼;
Sec. 25, SW¼NE¼, SE¼NW¼, and NW¼SW¼;
Sec. 26, NE¼SW¼, S½SW¼, and N½SE¼;
Sec. 27, SE¼NE¼;
Sec. 28, NW¼NE¼, N½NW¼, and SW¼SE¼;
Sec. 29, N½NE¼; NE¼NW¼, and SE¼SW¼;
Sec. 30, SW¼SE¼;
Sec. 31, lot 3, NW¼NE¼, and SE¼SE¼;
Sec. 32, NE¼NW¼;
Sec. 33, NE¼NE¼;
Sec. 34, S½NE¼.
T. 4 S., R. 17 E.,
Sec. 6, lot 2, SW¼NE¼.
T. 4 S., R. 22 E.,
Sec. 23, lot 3;
Sec. 24, N½SW¼, and NW¼SE¼.
T. 6 S., R. 27 E.,
Sec. 36, S½ (fractional).
T. 7 S., R. 27 E.,
Sec. 1, N½NE¼, SE¼NE¼, and N½NW¼.
T. 6 S., R. 28 E.,
Sec. 30, SE¼SE¼;
Sec. 31, E½, NE¼SW¼, and S½SW¼.
T. 7 S., R. 28 E.,
Sec. 5, lot 4;
Sec. 6, lots 1, 2, 3, 4, 5, 6, and 7, S½NE¼, and SE¼NW¼.

The areas described aggregate 2,435.51 acres, of which the NE¼NW¼, sec. 32, T. 3 S., R. 17 E., is school land.

2. The departmental order of February 9, 1917, as construed by Interpretation No. 197 of August 17, 1932, reserving certain lands in Arizona as Water Power Designation No. 8, Arizona No. 5, is hereby revoked so far as it affects the following-described lands:

GILA AND SALT RIVER MERIDIAN

WATER POWER DESIGNATION NO. 8

T. 2 N., R. 7 E.,
Sec. 8;
Sec. 9, N½NE¼, and NW¼.
T. 4 N., R. 14 E.,
Sec. 30, NE¼SW¼, and W½SE¼.

The areas described aggregate 963.91 acres.

POWER SITE RESTORATION NO. 516

3. The departmental order of December 9, 1909, as construed by Interpretation No. 203 of December 19, 1932, and the Executive order of July 2, 1910, confirming that order, reserving certain lands in Arizona as Power Site Reserve No. 83, are hereby revoked so far as they affect the following-described lands:

GILA AND SALT RIVER MERIDIAN

POWER SITE RESERVE NO. 83

T. 6 S., R. 27 E.,
Sec. 35, lot 3;
Sec. 36, lots 4, and 5.
T. 7 S., R. 27 E.,
Sec. 1, N½NE¼.
T. 6 S., R. 28 E.,
Sec. 30, SE¼SE¼;
Sec. 31, lots 10, 11, 12, and 13.
T. 7 S., R. 28 E.,
Sec. 6, lots 4, 5, and 6.

The areas described aggregate 305.68 acres.

4. The Executive order of March 1, 1912, reserving certain lands in Arizona as Power Site Reserve No. 242, is hereby revoked so far as it affects the following-described lands:

GILA AND SALT RIVER MERIDIAN

POWER SITE RESERVE NO. 242

T. 4 S., R. 29 E.,
Sec. 13, NE¼SE¼.

The area described contains 40 acres.

5. The Executive order of March 21, 1917, as construed by Interpretations No. 87 of December 11, 1926 and No. 203 of December 19, 1932, reserving certain lands in Arizona as Power Site Reserve No. 590, is hereby revoked so far as it affects the following-described lands:

GILA AND SALT RIVER MERIDIAN

POWER SITE RESERVE NO. 590

T. 3 S., R. 17 E.,
Sec. 24, NW¼SW¼;
Sec. 25, SW¼NE¼, SE¼NW¼, and NW¼SW¼;
Sec. 26, NE¼SW¼, S½SW¼, and N½SE¼;
Sec. 27, SE¼NE¼;
Sec. 28, NW¼NE¼, N½NW¼, and SW¼SE¼;
Sec. 29, N½NE¼, NE¼NW¼, and SE¼SW¼;
Sec. 30, SW¼SE¼;
Sec. 31, lot 3, NW¼NE¼, and SE¼SE¼;
Sec. 32, NE¼NW¼;
Sec. 33, NE¼NE¼;
Sec. 34, S½NE¼;
T. 4 S., R. 17 E.,
Sec. 6, lot 2, SW¼NE¼.
T. 7 S., R. 27 E.,
Sec. 1, SE¼NE¼, and N½NW¼.
T. 7 S., R. 28 E.,
Sec. 5, lot 4;
Sec. 6, lots 1, 2, 3, and 7, S½NE¼, and SE¼NW¼.

The areas described aggregate 1,485.39 acres.

6. The following lands released from withdrawal by this order are patented:

GILA AND SALT RIVER MERIDIAN

T. 4 S., R. 22 E.,
Sec. 24, NE¼SW¼, and SW¼SE¼.
T. 6 S., R. 27 E.,
Sec. 36, lots 1, 2, 3, 6, and NE¼SE¼.
T. 7 S., R. 27 E.,
Sec. 1, lots 4 and 5.
T. 6 S., R. 28 E.,
Sec. 31, lots 4 to 9, inclusive, and NE¼SW¼.

The areas described aggregate 656.10 acres.

7. The lands released from withdrawal by this order shall be subject, until 10:00 a. m. on July 10, 1956, to application by the State of Arizona, under any statute or regulation applicable thereto, for rights-of-way for public highways or as a source of material for the construction and maintenance of such highways pursuant to section 24 of the Federal Power Act, as amended (41 Stat. 1075; 49 Stat. 846; 16 U. S. C. 818).

8. The lands described in paragraph 2, aggregating 963.91 acres, which comprise a part of the Tonto National Forest, shall be open, subject to any valid existing rights and to the requirements of applicable law, to such applications and selections as are permitted on national forest lands, effective at 10:00 a. m. on May 17, 1956. All the restored lands have been open to offers under the mineral leasing laws, and to location under the mining laws subject to the provisions of the act of April 11, 1955 (69 Stat. 681; 16 U. S. C. 621).

9. The restored lands, in the main, are grazing lands and are not arable.

10. No application for the restored lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

11. Subject to any valid existing rights and the requirements of applicable law, the restored lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager, mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on May 17, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on August 16, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on August 16, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

12. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Phoenix, Arizona.

WESLEY A. D'EWART,
*Assistant Secretary of the Interior.*

APRIL 11, 1956.

[F. R. Doc. 56–2969; Filed, Apr. 17, 1956; 8:46 a. m.]

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[Public Land Order 1286]

[Oregon 03888]

OREGON

RESERVING PUBLIC LAND IN CONNECTION WITH THE OCHOCO RESERVOIR PUBLIC FISHING AREA

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, and the act of March 10, 1934, as amended by the act of August 14, 1946 (48 Stat. 401; 60 Stat. 1080; 16 U. S. C. 661–666c), it is ordered as follows:

Subject to valid existing rights, the following-described public land in Oregon is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved under the jurisdiction of the Department of the Interior under such conditions as may be prescribed by the Secretary of the Interior, for use by the Oregon State Game Commission of the State of Oregon, in connection with the Ochoco Reservoir Public Fishing Area: *Provided*, That the lands shall continue to be administered for grazing purposes by the Bureau of Land Management until such time as exclusive use is required for the purpose for which they are reserved by this order:

WILLAMETTE MERIDIAN

T. 14 S., R. 17 E.,
Sec. 32, SE¼SE¼.

The area described aggregates 40 acres.

DOUGLAS MCKAY,
*Secretary of the Interior.*

APRIL 12, 1956.

[F. R. Doc. 56–2970; Filed, Apr. 17, 1956; 8:46 a. m.]



## TITLE 46—SHIPPING

### Chapter I—Coast Guard, Department of the Treasury

[CGFR 56–14]

PART 78—OPERATIONS

PART 90—GENERAL PROVISIONS

RECORDS OF NUMBER OF PASSENGERS CARRIED AND A DETERMINATION CONCERNING SEAGOING BARGE FOR INSPECTION PURPOSES

The masters of passenger vessels are required by 46 CFR 78.17–50 to maintain records showing the dates when fire and boat drills are conducted, number, and identification of lifeboats swung out at each lifeboat drill, the condition of the vessel and her equipment, and the number of passengers carried. The submission of this information each month on Form CG–941 by the master to the Coast Guard District Commander of the district in which the vessel was last inspected is no longer considered necessary, if the information can be obtained upon request. The present regulations require this information to be recorded in the vessel's official log book with the exception of the number of passengers carried on any particular day or for a particular voyage. To discontinue the submission each month of a report by the master on Form CG–941, 46 CFR 78.17–50 (e) is canceled and the requirements for maintenance of records of the number of passengers carried are transferred to 46 CFR 78.37–10 so that this information will be included in required log book entries. The provisions in 46 CER 78.17–40 (d) require entries in the official log book relative to each fire and boat drill conducted.

Sections 10, 11, and 12 of the Act of May 28, 1908, as amended (38 Stat. 428; 46 U. S. C. 395–397), require the inspection of the hull and equipment of every seagoing barge of 100 gross tons or over. This act did not define a seagoing barge for inspection purposes. Since the determination and classification of a vessel as to whether or not a barge is a seagoing barge is within the administrative discretion of the Coast Guard, the interpretation in a new regulation designated 46 CFR 90.05–25 is published for the information and guidance of all concerned.

Because the amendments to 46 CFR 78.17–50 and 78.37–10 are editorial in nature and abolish a requirement for submission of an administrative form and the new regulation designated 46 CFR 90.05–25 is an interpretation, it is hereby found that compliance with the Administrative Procedure Act respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof, is unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and Treasury Department Order No. 167–14, dated November 26, 1954 (19 F. R. 8026), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments of this document are prescribed and shall become effective upon the date of publication of this document in the FEDERAL REGISTER.

Section 78.17–50 *Fire and boat drills* is amended by canceling paragraph (e).

Section 78.37–10 is amended to read as follows:

§ 78.37–10 *Official log entries.* (a) In addition to other items required to be entered in the official log book on every vessel where an official log book is required, all items relative to the crew and passengers, including the count of passengers carried, and to casualties shall also be entered.

(b) On any vessel where an official log book is not required, the master shall keep a correct count of all the passengers received and delivered from day to day, which count shall be open to the inspection of the Coast Guard at all times, and the aggregate number of the passengers carried shall be furnished to the Coast Guard as often as called for (R. S. 4467, 46 U. S. C. 460).

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, 4418, 4426, 4453, as amended, secs. 1, 2, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 3, 54 Stat. 346, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 391, 392, 404, 435, 367, 133, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

Part 90 is amended by adding a new regulation designated § 90.05–25, reading as follows:

§ 90.05–25 *Seagoing barge.* (a) The phrase "of every seagoing barge of 100 gross tons or over" in section 10 of the act of May 28, 1908, as amended (38 Stat. 428; 46 U. S. C. 395), shall include every nonself-propelled vessel (100 gross tons or over) if such vessel by its design and construction is adapted to or fitted for use on the high seas or ocean and will navigate the high seas or ocean or waters directly connected therewith and substantially a part thereof. The phrase "nonself-propelled vessel" means a vessel without sufficient means for self-propulsion and required to be towed. The phrase "high seas or ocean" includes the waters of the Atlantic and Pacific Oceans and the Gulf of Mexico.

(b) If a nonself-propelled vessel (100 gross tons and over), whether or not designed for seagoing or ocean service, proceeds on a voyage to a foreign port via the high seas or ocean, or proceeds on a voyage between two domestic ports via the high seas or ocean, such vessel will be subject to inspection and certification as a seagoing barge.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4426, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 2, 54 Stat. 1028, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 404, 367, 526p, 463a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

Dated: April 11, 1956.

[SEAL] A. C. RICHMOND,
*Vice Admiral, U. S. Coast Guard, Commandant.*

[F. R. Doc. 56–2992; Filed, Apr. 17, 1956; 8: 50 a. m.]

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## TITLE 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

[Docket No. 8333; FCC 56–322]

[Rules Amdt. 1–4]

PART 1—PRACTICE AND PROCEDURE

ACCEPTANCE OF APPLICATIONS

In the matter of promulgation of rules and regulations and standards of good engineering practice concerning daytime skywave transmissions for standard broadcast stations, Docket No. 8333; amendment of § 1.371 of the Commission's rules and regulations, Rules Amdt. 1–4.

1. The Commission has before it for consideration a petition filed on December 15, 1955, by Central Broadcasting Company (WHO) Des Moines, Iowa, requesting the Commission to amend paragraphs 3 and 4 of Footnote 10 (b) to § 1.371 of its rules and regulations, an Opposition filed on December 30, 1955 by Radio American West Indies, Inc. (WIVI), Christiansted, St. Croix, Virgin Islands; and an opposition filed on January 25, 1956 by Albuquerque Broadcasting Company (KOB), Albuquerque, N. Mex.

2. The Commission is presently considering the problems involved in daytime skywave in an outstanding rule making proceeding in Docket No. 8333. In order to avoid the possibility of granting authorizations which might be inconsistent with its final decision in the daytime skywave proceeding, the Commission provided in Footnote 10 (b) to § 1.371 that until a decision is reached in that proceeding, action would be withheld on applications for daytime or limited time Class II assignments on I–A and I–B channels and on applications for unlimited time Class II assignments on I–B channels which propose different operation day and night. Since at that time the Commission did not authorize any unlimited time Class II stations on I–A frequencies, no reference is made to this category in the footnote.

3. On December 3, 1954, the Commission amended § 3.25 (a) of its rules to permit the assignment of Class II stations, under certain conditions, on I–A channels in Alaska, Hawaii, Virgin Is-

lands and Puerto Rico. However, the Commission did not at the same time revise Footnote 10 (b) to provide, as it does with unlimited time Class II stations on I–B channels, that such application on I–A channels in the Territories which propose different operation day and night would not be considered during the pendency of the daytime skywave proceeding.

4. Central Broadcasting Company is the licensee of Radio Station WHO operating on the Class I–A clear channel frequency of 1040 kc in Des Moines, Iowa. On December 15, 1955, Central filed a petition requesting the Commission to modify Footnote 10 (b) to provide that, pending a determination in the daytime skywave proceeding, applications for new stations, or for changes in frequency, which propose unlimited time Class II stations on I–A channels operating differently during the day and night will not be acted upon.

5. Central asserts that the Commission has clearly indicated that while the daytime skywave proceeding is in progress, it does not intend to authorize Class II stations proposing different daytime and nighttime powers to operate on any clear channel, whether I–A or I–B. From an engineering standpoint, Central argues, there is no basis for treating applications for unlimited time Class II stations on I–A channels any differently from those on I–B channels. The distances between the Territories and the continental United States, Central alleges, are sufficiently short that a Class II station operating with a daytime power greater than nighttime, or with a different daytime radiation pattern, could deliver a skywaye field intensity within the United States during daytime hours of sufficient magnitude to cause interference to the service area of a Class I station. Central contends that since Footnote 10 (b) is designed to insure that the operation of Class II stations on clear channels can be conformed to whatever decision is reached on daytime skywave, the provisions of Footnote 10 (b) should apply with equal force to Class II stations on I–A channels whenever different daytime and nighttime operation is contemplated. Central maintains, therefore, that the Commission's failure to modify Footnote 10 (b) at the time it amended its rules to permit unlimited time Class II stations on I–A channels in the Territories was merely an oversight.

6. On December 30, 1955, Radio American West Indies, Inc., licensee of Station WIVI on 1230 kc with 250 watts power at Christiansted, St. Croix, Virgin Islands, filed an Opposition to the Central petition. Radio American has an application on file to change the frequency of WIVI to 1040 kc—the Class I–A frequency on which Station WHO operates—and for 1 kw power daytime, 250 watts nighttime (File No. BP–9302).[1] Radio American explains that for more than two years it has been trying to improve its facilities. It has been operating on a local frequency with 250 watts power day and night, but submits that it has been difficult to render satisfactory service with such limited facilities. Radio American states that after the Commission amended § 3.25 (a) to permit Class II unlimited time stations on I–A channels in the Territories, it investigated the possibility of such operation and on January 31, 1955, amended a pending application to specify operation on 1040 kc with 1 kw power day and night. However, the station was advised that with this power the application would not meet conditions set out in the new rule since the 0.025 mv/m 10 percent nighttime skywave contour would cover part of Florida. The station thereafter amended its application to reduce nighttime power to 250 watts. Radio American urges that the sole effect of Central's petition would be to "freeze" its application indefinitely and to negate the effect of the amendment of § 3.25 (a). Radio American contends that Central is seeking merely to aggrandize the monopoly status which it enjoys as a clear channel station. Radio American argues that the Commission's failure to amend Footnote 10 (b) was not an oversight but, rather, that such action was taken with full knowledge of the alleged problems inherent in the operation of Class II stations on I–A channels in the Territories. Radio American maintains that when it took such action, the Commission considered and disposed of virtually identical arguments as those now advanced by Central.

7. On January 26, 1956, Albuquerque Broadcasting Company, licensee of Station KOB, Albuquerque, New Mexico, filed an Opposition to the Central request. KOB holds a construction permit for 50 kw, unlimited time, on 1180 kc and is an applicant for modification of its permit to specify 770 kc and for license to cover the permit. These applications are currently in hearing status (Docket Nos. 6584 and 6585). KOB submits that Central's request for amendment of Footnote 10 (b) to provide that action must be withheld on applications for unlimited time operation on Class I–A clear channels would be inconsistent with the proceedings now pending before the Commission involving its own applications since the suggested language might require withholding action on these applications.

8. Footnote 10 (b) to § 1.371 outlines the procedure for processing applications for Class II stations during the daytime skywave proceeding. At the time Footnote 10 (b) was revised to reflect this procedure, unlimited time Class II stations were not authorized for operation on I–A channels; and the Footnote does not refer to this category. Subsequently, however—in December 1954—§ 3.25 (a) was amended to permit unlimited time Class II stations in the Territories on I–A channels. But the Commission did not, at the same time, amend Footnote 10 (b) to make clear—as it does with respect to authorizations of Class II stations on I–B channels—that while the daytime skywave proceeding is pending, action will not be taken on applications which propose different operation daytime and nighttime. Our failure to amend the processing procedure was inadvertent. The purpose of the processing procedure prescribed by Footnote 10 (b) is to make sure that while the daytime skywave proceeding is pending stations which might be inconsistent with our ultimate decision in that proceeding will not be authorized. Authorization of unlimited time Class II stations on clear channels which would operate differently daytime and nighttime may render difficult the proper formulation and effectuation of any new rules which might be adopted as a result of this proceeding. The very same considerations which led us to withhold action on unlimited time Class II stations on I–B channels apply to such stations on I–A channels; there is no valid basis for treating applications for these two types of authorizations differently. Unlimited time Class II stations in the Territories on I–A channels which would operate differently daytime and nighttime may very well not conform to our decision in the daytime skywave proceeding. We are therefore amending Footnote 10 (b) to make clear that during the pendency of the daytime skywave proceeding, action will be withheld on applications for unlimited time Class II stations on I–A channels which propose to operate differently daytime and nighttime. However, we have revised the text of the proposed amendment suggested by Central in order that action on the applications of KOB, which warrant special consideration, will not have to be withheld. Under the text of the rule as now adopted, action can be taken on KOB's application.

9. The amendment adopted herein is procedural and, pursuant to the provisions of section 4 of the Administrative Procedure Act, may be adopted without prior notice of rule making and may be made effective imediately.

10. In view of the foregoing: *It is ordered*, That pursuant to sections 4 (i), 303 (c), (f), (h) and (r) of the Communications Act of 1934, as amended, effective April 11, 1956, Footnote 10 (b) of § 1.371 of the Commission's rules and regulations is amended to read as follows:

[10b] Pending conclusion of the proceeding in Docket No. 8333 action will be withheld on the following:

(1) Applications proposing daytime or limited time assignments on any of the frequencies specified in § 3.25 (a) and (b) of this chapter;

(2) Applications by existing daytime or limited time stations presently assigned to any of the frequencies specified in § 3.25 (a) and (b) of this chapter, proposing (a) a change in operation resulting in an increase in radiation towards the normally protected contour of a United States Class I station on the channel; or (b) proposing a change in transmitter location resulting in a material reduction in the distance from that station to the normally protected contour of a United States Class I station on the channel;

(3) Applications for new stations, and those for changes in frequency assignment of existing stations, proposing unlimited time Class II assignments which would operate differently during the day and night in the continental United States on any of the frequencies specified in § 3.25 (b) of this chapter, or in Alaska, Hawaii, Virgin Islands and Puerto Rico on any of the frequencies specified in § 3.25 (a) and (b) of this chapter;

(4) Applications for changes in existing stations, other than frequency, proposing unlimited time Class II facilities which would operate differently during the day and night in the continental United States on any of the frequencies specified in § 3.25 (b) of this chapter, or proposing unlimited time Class II facilities in Alaska, Hawaii, Virgin Islands and Puerto Rico on any of the frequencies specified in § 3.25 (a) and (b) of this chapter, where the resulting daytime and nighttime operations are different; and it is either (a) proposed to change daytime operation resulting in an increase in radiation towards the normally protected contour of a United States Class I station on the channel; or (b) it is proposed to change transmitter location resulting in a material reduction in the distance from that station to the normally protected contour of a United States Class I station on the channel.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: April 11, 1956.

Released: April 12, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56–2995; Filed, Apr. 17, 1956; 8:50 a. m.]

[1] On January 18, 1956, the Commission directed a letter to Radio American stating that the considerations which led the Commission to withhold action on certain applications as provided by Footnote 10 (b) apply with equal force to applications for unlimited time assignments on I–A channels and that action was being withheld on Radio American's application.

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[Docket No. 10377; FCC 56–331]

[Rules Amdts. 7–8, 8–13]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

MISCELLANEOUS AMENDMENTS

In the matter of amendment of Parts 7 and 8 of the Commission's rules to delete authority for operation by coast stations, ship stations and aircraft stations on currently assignable frequencies for telephony in the band 4000 kc to 18000 kc; and to include authority for operation of such stations on other frequencies for telephony within the same band; Docket No. 10377; Rules Amdts. 7–8 and 8–13.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of April 1956;

The Commission having under consideration that portion of its proposal in the above-entitled matter embodied in the Seventh Further Notice of Proposed Rule Making which relates to the availability of the public coast station frequency 4393.1 kc at New York, New York, which is to be paired with the present ship frequency 4087.7 kc, and which also relates to the correction of the existing pairing 4752.5 kc (coast)—4101.5 kc (ship) at New York to 4406.9 kc (coast)—4101.5 kc (ship);

It appearing, that in accordance with the requirements of section 4 (a) of the Administrative Procedure Act, Notice of Proposed Rule Making in this matter which made provision for the submission of written comments by interested parties, was duly published in the FEDERAL REGISTER on March 7, 1956 (21 F. R. 1465) and the period for filing comments has now expired; and

It further appearing, that The American Telephone and Telegraph Company filed comments in support of the proposal and no other comments or objections were received in the subject docket; and

It further appearing, that the public interest, convenience and necessity will be served by the amendments herein ordered, the authority for which is contained in the original Notice of Proposed Rule Making in this Docket;

*It is ordered*, That, effective June 1, 1956, Parts 7 and 8 of the Commission's rules are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended, 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended, 47 U. S. C. 303)

Released: April 12, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

A. Part 7 is amended as follows:

1. Section 7.304 (a) is amended by deleting from the table in this paragraph the frequency 4752.5 kc, and by adding thereto the frequency 4393.1 kc.

2. Section 7.306 (a) (1) is amended to read as follows:

(1) Working frequencies below 5000 kc:

| Coast station transmitting carrier frequency [1] kc | Coast station located in the vicinity of— | Coast station receiving carrier frequency (kc) |
|---|---|---|
| 2506 | San Francisco, Calif. | 2406 |
| 2530 | Hawaiian islands | 2134 |
| 2590 | New York, N. Y. | 2198 |
| 4060.1 | New York, N. Y. | 4087.7 |
| 4420.7 | Hawaiian Islands | 4115.3 |
| 4372.4 | San Francisco, Calif. | 4067 |
| 4406.9 | New York, N. Y. | 4101.5 |
| 4334.5 [2] | New York, N. Y. | [2] 4129.1 |

[1] These frequencies are those which may be specified in applications for coast station authorizations.
[2] Available for use annually during period Dec. 15 to Mar. 15.

3. Section 7.306 (b)—That portion of the frequency table dealing with New York, New York, is amended to read as follows:

| | | | | |
|---|---|---|---|---|
| New York, N. Y. | 2522 | None | 2126 | None. |
| | 2590 | None | 2198 | None. |
| | 2482 | Available on condition that harmful interference is not caused to the service of any coast station located in the vicinity of New Orleans, La., to which this carrier frequency is assigned for transmission. | 2382 | Available on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of New Orleans, La., and is transmitting on this frequency to a coast station located in the vicinity of that port. |
| | 2558 | None | 2166 | None. |
| | 4393.1 | None | 4087.7 | None. |
| | 4434.5 | Available for use annually during period Dec. 15 to Mar. 15. | 4129.1 | Available for use annually during period Dec. 15 to Mar. 15. |
| | 4406.9 | None | 4101.5 | None. |

B. Part 8 is amended as follows:

1. Section 8.354 (a) (1)—That portion of the frequency table dealing with New York, New York, is amended to read as follows:

| | | | | |
|---|---|---|---|---|
| New York, N. Y. | 2126 | None | 2522 | None. |
| | 2198 | None | 2590 | None. |
| | 2382 | Available on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of New Orleans, La., and is transmitting on this frequency to a coast station located in the vicinity of that port. | 2482 | Available on condition that harmful interference is not caused to the service of any coast station located in the vicinity of New Orleans, La., to which this carrier frequency is assigned for transmission. |
| | 2166 | None | 2558 | None. |
| | 4087.7 | None | 4393.1 | None. |
| | 4129.1 | Available for use annually during period Dec. 15 to Mar. 15. | 4434.5 | Available for use annually during period Dec. 15 to Mar. 15. |
| | 4101.5 | None | 4406.9 | None. |

[F. R. Doc. 56–2996; Filed, Apr. 17, 1956; 8:51 a. m.]

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[Docket No. 11598; FCC 56–325]

[Rules Amdt. 13–4]

PART 13—COMMERCIAL RADIO OPERATORS

AGE LIMIT, RESTRICTED RADIOTELEPHONE OPERATOR PERMIT

In the matter of amendment to Part 13—Commercial Radio Operator Rules to specify an age limit for applicants for the Restricted Radiotelephone Operator Permit; Docket No, 11598; Rules Amdt. 13–4.

At a session of the Federal Communications commission held at its offices in Washington, D. C., on the 11th day of April 1956;

The Commission having under consideration amendment of Part 13 of its rules so as to set a minimum age limit of fourteen years for applicants for the Restricted Radiotelephone Operator Permit; and

It appearing, that the Commission on January 4, 1956, adopted a Notice of Proposed Rule-Making in this matter which was published in the FEDERAL REGISTER on January 10, 1956, in accordance with

section 4 (a) of the Administrative Procedure Act; and

It further appearing, that the period in which interested persons were afforded an opportunity to submit comments with respect thereto has now expired and that no comments were received; and

It further appearing, that the public interest will be served by the amendment herein ordered and that authority therefor is contained in sections 4 (i), 303 (l), and 303 (r) of the Communications Act of 1934, as amended;

*It is ordered*, That effective June 1, 1956, Part 13 of the Commission's rules is amended in the particulars set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: April 12, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

Part 13, Commercial Radio Operators, is amended by adding the following new section:

§ 13.13 *Age limit, restricted radiotelephone operator permit.* An applicant for a restricted radiotelephone operator permit must be at least 14 years of age at the time the permit is issued.

[F. R. Doc. 56-2963; Filed, Apr. 17, 1956; 8:45 a. m.]

# TITLE 49—TRANSPORTATION

## Chapter I—Interstate Commerce Commission

[S. O. 911]

PART 95—CAR SERVICE

### RAILROAD OPERATING REGULATIONS FOR FREIGHT CAR MOVEMENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 12th day of April A. D. 1956.

It appearing that an acute shortage of freight cars exists in all sections of the country; that cars loaded and empty are unduly delayed in terminals and in placement at, or removal from industries; that present rules, regulations, and practices with respect to the use, supply control, movement, distribution, exchange, interchange, and return of freight cars are insufficient to promote the most efficient utilization of cars; it is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice: *It is ordered*, That:

§ 95.911 *Railroad operating regulations for freight car movement.* (a) Each common carrier by railroad subject to the Interstate Commerce Act shall observe, enforce and obey the following rules, regulations and practices with respect to its car service:

(1) *Placing loaded cars at final destination for unloading.* Loaded cars, which after placement will be governed by demurrage tariff rules applicable to detention of cars awaiting unloading, shall be placed on carrier's or consignee's unloading tracks within twenty-four hours after the first 7:00 a. m., following arrival at the destination station or serving yard.

(2) *Placing loaded cars held for terminal services.* Loaded cars held at billed destination for accessorial terminal services described in the applicable demurrage tariff, such as holding for orders or inspection, shall be placed on carrier's or consignee's unloading tracks, or inspection tracks, within twenty-four hours after disposition orders to place cars for unloading or inspection are actually received by the railroad. Carrier records shall show date and time such orders to place cars for unloading or inspection are received.

(3) *Constructive placement of loaded cars.* When delivery of a car for unloading cannot be made because of any condition attributable to the consignee, written notice that car is held and that the railroad is unable to deliver shall be sent or given consignees within twenty-four hours after arrival of car at hold point.

(4) *Removal of cars after unloading.* Where switching service is performed more than four days a week, empty cars shall be removed from point of unloading or interchange tracks of industrial plants within twenty-four hours after the first 7:00 a. m. following unloading or release by consignee, unless such cars are ordered or appropriated by the shipper for reloading within such twenty-four hour period.

(5) *Transporting loaded cars.* Where switching service is performed more than four days a week, all outbound loaded freight cars shall be pulled from loading place or interchange tracks of industrial plants within twenty-four hours after the first 7:00 a. m. following acceptance by the carrier of the shipping order. Such cars shall be forwarded in line haul service within twenty-four hours after the first 7:00 a. m. following their receipt in outbound makeup or classification yards.

(6) *Restriction on holding cars for prospective loading.* Except cars assembled for peak or seasonal movements and special types of cars for specific types of loading, no more cars shall be held for prospective loading at any time, for any industry, than those needed to protect current outbound loading.

(7) *Repair tracks.* Any cars taken out of service for repairs, or carded for repairs, shall be repaired at the earliest time consistent with efficient railroad operating practices.

(8) *Car Distribution Orders.* (i) Observe, obey and comply with freight car distribution orders now outstanding, or hereafter issued by the Car Service Division, Association of American Railroads, not inconsistent with any order of the Commission. Arthur H. Gass, Chairman of the Car Service Division, is directed to inform the Director of the Bureau of Safety and Service of such outstanding orders or similar orders which may be subsequently issued and, upon request, to advise the Director of the Bureau of Safety and Service of railroad performance and compliance with such orders.

(ii) C. W. Taylor, Director, Bureau of Safety and Service of the Interstate Commerce Commission, is hereby appointed Agent of the Commission with authority to issue such orders as he may find necessary with respect to the location, relocation and distribution of freight cars as between sections of the country, or carriers by railroads or on such carriers, throughout the United States.

(9) *Yard checks, supervision and records.* The necessary yard and track checks shall be made and sufficient supervision and records shall be maintained to enable carriers to comply with the above provisions of this section.

(b) Application: (1) The provisions of this section shall apply to intrastate and interstate commerce.

(2) The provisions of this section shall not apply to freight cars containing property held at or short of ports awaiting transfer of the property from the cars to off-shore vessels for movement beyond by water, nor to empty cars held at ports for transfer of property from such vessels to such cars.

(3) When computing the periods of time provided in this section, exclude Saturdays, Sundays, and such holidays as are listed in Item No. 25, Agent H. R. Hinsch's Demurrage Tariff I. C. C. 4677, or reissues thereof, only when they occur within the said periods of time, but not after.

(c) Regulations suspended; announcement required: The operation of all rules and regulations, insofar as they conflict with the provisions of this section, is hereby suspended and each railroad subject to this order, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter), announcing such suspension.

(d) Effective date: This section shall become effective at 7:00 a. m., April 23, 1956.

(e) Expiration date: This section shall expire at 11:59 p. m., December 31, 1956, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

*It is further ordered*, That a copy of this order and direction shall be served upon the railroad regulatory body of each State and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and all other carriers by railroad; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.



(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F. R. Doc. 56-3006; Filed, Apr. 17, 1956; 8:52 a. m.]

[S. O. 912]

PART 95—CAR SERVICE

### FREE TIME ON UNLOADING BOX AND REFRIGERATOR CARS AT PORTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 12th day of April, A. D. 1956.

It appearing that there is a critical shortage of box and refrigerator cars, that such cars are being delayed unduly in unloading at ports and that free time published in tariffs for unloading such cars aggravates the shortage; impeding the use, control, supply, movement, distribution, exchange, interchange and return of such cars; in the opinion of the Commission an emergency exists at all ports of the country requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice: *It is ordered*, That:

§ 95.912 *Free time on unloading box and refrigerator cars at ports.* (a) (1) No common carrier or carriers by railroad subject to the Interstate Commerce Act shall allow, grant or permit more than a combined total of 6 days' free time on any box or refrigerator car held for unloading at the point of transfer from car to vessel or storage or when held short of such transfer point. The provisions of this paragraph shall not be construed to require or permit the increase of any free time published in tariffs lawfully on file with this Commission, and in effect on the effective date of this section.

(2) Section 22 quotations: Common carrier or carriers by railroad, subject to the Interstate Commerce Act, who have entered or may enter into Section 22 agreements with the United States, providing for waiver of storage and/or demurrage charges at port areas where shipments are held for transfer to vessels or storage or where held short of such transfer or storage point shall, upon expiration of the combined total of 6 days' time, provided by this section, unload and release the car or cars for transportation service within 24 hours thereafter.

(b) Computation of free time: (1) All Saturdays, Sundays and the holidays listed in Item 25 of Agent Hinsch's Demurrage Tariff 4-C, I. C. C. No. 4677 and subsequent issues thereof shall be excluded in computing the free time provided in paragraph (a) of this section.

(2) The free time provided in paragraph (a) of this section shall be computed from the first 7:00 a. m., after notice of arrival or constructive placement is sent or given to the party entitled to receive same until final release of the car, less time required to move a constructively placed car from hold point to point of unloading.

(3) Any detention beyond the sixth day of free time provided in paragraph (a) of this section shall not be offset by credits earned under any average detention basis for settlement.

(c) Definition of box and refrigerator cars: The term "box car" as used in this section means freight equipment having a mechanical designation in the Official Railway Equipment Register prefixed by "X" or "V" and Class "R" refrigerator car type.

(d) Application: The provisions of this section shall apply to intrastate, interstate and foreign commerce, including commerce with insular possessions and the territories of Alaska and Hawaii.

(e) Regulations suspended; announcement required: The operation of all rules and regulations insofar as they conflict with the provisions of this section is hereby suspended and each railroad subject to this section, or its agent, shall publish, file and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter), announcing such suspension.

(f) Effective date: This section shall become effective at 7:00 a. m., April 23, 1956, and the provisions of this order shall apply to all cars on which the free time provided herein has not expired on the effective date and hour herein stated.

(g) Expiration date: This section shall expire at 11:59 p. m., December 31, 1956, unless otherwise modified, changed, suspended or annulled by order of this Commission.

(h) This order shall not change Demurrage Rule 8 of Tariff I. C. C. No. 4677 as amended or as reissued, or similar rules in other tariffs adjusting, cancelling, or refunding demurrage charges arising from the unusual conditions or circumstances described in said Rule 8 or similar rules in other tariffs.

*It is further ordered*, That a copy of this order and direction be served upon the State railroad regulatory bodies of each State and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F. R. Doc. 56-3007; Filed, Apr. 17, 1956; 8:53 a. m.]

[S. O. 913]

PART 95—CAR SERVICE

### FREE TIME ON FREIGHT CARS LOADED AT PORTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 12th day of April A. D. 1956.

It appearing that there is a critical shortage of freight cars, that freight cars are being delayed unduly in loading at ports, and that free time published in tariffs for loading such cars aggravates the shortage, impeding the use, control, supply, movement, distribution, exchange, interchange, and return of such cars; in the opinion of the Commission an emergency exists at all ports of the country requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice: *It is ordered*, That:

§ 95.913 *Free time on freight cars loaded at ports.* (a) No common carrier or carriers by railroad subject to the Interstate Commerce Act shall allow, grant or permit more than a combined total of 4 days' free time on any freight car held for loading at the point of transshipment from vessel or storage to car or when held out of such transfer point prior to the receipt of proper forwarding directions on such car. The provisions of this paragraph shall not be construed to require or permit the increase of any free time now published in tariffs lawfully on file with this Commission and in effect on the effective date of this section.

(b) Computation of time: (1) All Saturdays, Sundays and the holidays listed in Item No. 25 of Agent Hinsch's Demurrage Tariff 4-C, I. C. C. No. 4677 and subsequent issues thereof, shall be excluded in computing the free time provided in paragraph (a) of this section.

(2) The free time provided in paragraph (a) of this section shall be computed as follows:

(i) On cars ordered at the first 7:00 a. m. of the date for which ordered, provided such cars are actually placed at that time. When such cars are actually placed subsequent to the date for which ordered at the next 7:00 a. m. after actual placement.

(ii) When cars appropriated, at the next 7:00 a. m., after loading is started.

(c) Application: The provisions of this order shall apply to intrastate, interstate and foreign commerce, including commerce with insular possessions and the territories of Alaska and Hawaii.

(d) Regulations suspended; announcement required: The operation of all rules and regulations insofar as they conflict with the provisions of this section is hereby suspended and each railroad subject to this section, or its agent, shall publish, file and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k)

of this chapter), announcing such suspension.

(e) Effective date: This section shall become effective at 7:00 a. m., April 23, 1956, and the provisions of this section shall apply to all cars on which the free time provided herein has not expired on the effective date and hour herein stated.

(f) Expiration date: This section shall expire at 11:59 p. m., December 31, 1956, unless otherwise modified, changed, suspended or annulled by order of this Commission.

*It is further ordered,* That a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission.

HAROLD D. McCOY,
*Secretary.*

[F. R. Doc. 56-3008; Filed, Apr. 17, 1956; 8:53 a. m.]

# TITLE 50—WILDLIFE

## Chapter I—Fish and Wildlife Service, Department of the Interior

### Subchapter H—Whaling

### PART 151—WHALING PROVISIONS

*Basis and purpose.* The act of August 9, 1950 (64 Stat. 421; 16 U. S. C. 916-916.1), known as the Whaling Convention Act of 1949, implements the International Convention for the Regulation of Whaling signed at Washington, under date of December 2, 1946, by the United States of America and certain other Governments (62 Stat. 1716). Section 12 of the Whaling Convention Act of 1949 authorizes the Secretary of the Interior to adopt such regulations as may be necessary to carry out the purposes and objectives of the Convention, the regulations of the International Whaling Commission, and the said Whaling Convention Act of 1949.

By Notice of Proposed Rule Making published in the FEDERAL REGISTER on July 22, 1955 (20 F. R. 5258), the public was invited to submit written data, views, or arguments in connection with regulations proposed to be adopted by the Secretary of the Interior to give effect to Articles V, VII, VIII, and IX of the International Convention for the Regulation of Whaling and in furtherance of the responsibilities imposed upon the Secretary by section 12 of the Whaling Convention Act of 1949. Such written views were required to be filed with John L. Farley, Director, Fish and Wildlife Service, Department of the Interior, Washington 25, D. C., not later than 30 days from the publication of the notice in the FEDERAL REGISTER.

No data, views, or arguments having been received in response to the said notice, the following regulations, to become effective 30 days after publication in the FEDERAL REGISTER, are adopted to constitute a new part consisting of §§ 151.1 to 151.61:

DEFINITIONS


Sec.
151.1 Factory ship.
151.2 Land station.
151.3 Secondary processing land station.
151.4 Whale catcher.

LICENSES

151.10 Licenses required to engage in whaling.
151.11 Applications for licenses.

CLOSED SEASONS

151.20 Whale catchers attached to land stations taking baleen whales.
151.21 Whale catchers attached to land stations taking sperm whales.
151.22 Whale catchers attached to factory ships taking sperm whales.

RECORDS AND REPORTS

151.30 Records to be maintained on whale catchers.
151.31 Records to be maintained on factory ships and at land stations.
151.32 Records to be maintained at secondary processing land stations.
151.33 Report on employment, craft, and products of whaling operations.
151.34 Records retention period.

SALVAGE OF UNCLAIMED WHALES

151.40 No processing license required.
151.41 Reporting of salvage of dead whales required.

MOLESTING OR UNAUTHORIZED INTERFERENCE WITH WHALES

151.50 Molesting whales prohibited.

INSPECTION AND ENFORCEMENT

151.60 Fish and Wildlife Service employees designated as enforcement officers.
151.61 State officers designated as enforcement officers.


AUTHORITY: §§ 151.1 to 151.61 issued under Sec. 12, 64 Stat. 425; 16 U. S. C. 916j.

DEFINITIONS

§ 151.1 *Factory ship.* The words "factory ship" mean a vessel in which or on which whales are treated or processed, whether wholly or in part.

§ 151.2 *Land station.* The words "land station" mean a factory on the land at which whales are treated or processed, whether wholly or in part.

§ 151.3 *Secondary processing land station.* The words "secondary processing land station" mean a factory on the land which receives from a land station for further processing any or all of those parts of whales which are required, by paragraph 12 of the Schedule of the Whaling Convention of 1946, as amended (§ 351.12 of this title), to be processed by boiling or otherwise.

§ 151.4 *Whale catcher.* The words "whale catcher" mean a vessel used for the purpose of hunting, taking, towing, holding on to, or scouting for whales.

LICENSES

§ 151.10 *Licenses required to engage in whaling.* No person shall engage in the taking or processing of blue whales, fin whales; humpback whales, sei whales, minke whales, or sperm whales without first having obtained an appropriate license.

§ 151.11 *Applications for licenses.* Applications for licenses to engage in the taking and processing of whales of the species listed in § 151.10 shall be submitted to the Director, Fish and Wildlife Service, Department of the Interior, Washington 25, D. C. Such application shall be accompanied by the affidavit or affidavits prescribed in section 6 (d) and (e) of the Whaling Convention Act of 1949 and by a check or United States Postal Money Order payable to the United States Fish and Wildlife Service in the appropriate amount as prescribed by the scale of license fees in section 6 (b) of the Whaling Convention Act of 1949.

CLOSED SEASONS

§ 151.20 *Whale catchers attached to land stations taking baleen whales.* It is forbidden to use a whale catcher attached to a land station for the purpose of taking or killing blue whales, fin whales, humpback whales, sei whales or minke whales, except during the period May 1 to October 31 following, both days inclusive.

§ 151.21 *Whale catchers attached to land stations taking sperm whales.* It is forbidden to use a whale catcher attached to a land station for the purpose of taking or killing sperm whales except during the period April 1 to November 30 following, both days inclusive.

§ 151.22 *Whale catchers attached to factory ships taking sperm whales.* It is forbidden to use a whale catcher attached to a factory ship for the purpose of taking or killing sperm whales except during the period April 1 to November 30 following, both days inclusive.

RECORDS AND REPORTS [1]

§ 151.30 *Records to be maintained on whale catchers.* There shall be maintained on each whale catcher a suitable log book or other record in which shall be recorded the following information, and such record shall be available for inspection by any person authorized by law or by this part to act as an inspector or enforcement officer, who shall be permitted to abstract therefrom such information as may be needed by the United States Government:

(a) The date and hour of the killing or capture of each whale;

(b) The point in latitude and longitude where each whale is killed or captured;

(c) The species of each whale killed or captured;

(d) The time of delivery of each whale to the land station or factory ship;

(e) Data specified under paragraphs (a), (b), and (c) of this section for each whale killed and later lost, or for some other reason not delivered to a factory ship or land station for processing, with an account of the circumstances surrounding such loss or nondelivery; and

[1] The record-keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.



(f) Any observations on migration of whales and on location of calving grounds.

§ 151.31 *Records to be maintained on factory ships and at land stations.* (a) There shall be maintained in duplicate on board each factory ship and at each land station a detailed record of all whales received and processed as follows:

(1) Serial number of the whale (begin with number 1 on January 1 of each year).

(2) Species of the whale.

(3) Date and time killed and date and time received by the factory ship or land station.

(4) Sex of the whale.

(5) Length of the whale (length to be measured as specified in paragraph 9 (d) of the Schedule of the Whaling Convention of 1946, § 351.9 (d) of this title).

(6) Sex of embryo if present.

(7) Length of embryo in feet and inches.

(8) A description of the stomach contents of the whale.

(9) Name of whale catcher which took the whale.

(10) Name of gunner who killed the whale.

(11) The exact location in which the whale was taken, stated in degrees and minutes of latitude and longitude.

(12) Under "Remarks" enter, if the whale is a female, whether lactating or milk-filled as well as abnormalities or peculiarities concerning the whale and the character and quantity of any portion of the whale transferred to a secondary processing plant.

(b) Each sheet of such reports shall be verified or approved by a person authorized by law or by this part to act as inspector or enforcement officer, and the said duplicate reports for each calendar year shall be submitted to the Director of the Fish and Wildlife Service, Department of the Interior, Washington 25, D. C., within 30 days after the end of each calendar year.

§ 151.32 *Records to be maintained at secondary processing land stations.* (a) There shall be maintained by all licensed secondary processing land stations receiving from land stations parts of whales for further processing a suitable ledger or book in which the following information shall be recorded, and such records shall be available for inspection by any authorized person:

(1) The kind and quantity of parts of whales received.

(2) The date of receipt thereof.

(3) The kind and quantity of products derived therefrom.

(b) Said ledger or book or certified true copies thereof shall be submitted in duplicate to the Director, Fish and Wildlife Service, Department of the Interior, Washington 25, D. C., within 30 days after the end of each calendar year.

§ 151.33 *Report on employment, craft, and products of whaling operations.* The person or persons responsible for the operation of every factory ship, land station and secondary processing land station shall annually submit in duplicate to the Director, Fish and Wildlife Service, Department of the Interior, Washington 25, D. C., within 30 days after the end of each calendar year, a report on employment, craft and products, which shall show the number of persons employed, the nature of the task which each performs, and the manner in which each is remunerated; the number and type of vessels operated, including the net tonnage and horsepower of whale catchers and the gross tonnage and horsepower of other vessels; and the quantity and type of products manufactured, including semi-processed products delivered to secondary processing land stations. Such reports shall be subscribed and sworn to by the person or persons responsible for the operation of said factory ships, land station and secondary processing land station before a notary public or a person authorized by law or by this part to act as inspector or enforcement officer.

§ 151.34 *Records retention period.* The records required to be maintained under the regulations in this part shall be retained by the person or persons responsible for their preparation and maintenance for a period of six months following the end of the calendar year to which such records apply.

SALVAGE OF UNCLAIMED WHALES

§ 151.40 *No processing license required.* No license shall be required for the salvage and processing of any dead whale found upon a beach or stranded in shallow water, or of any unclaimed dead whale found floating at sea.

§ 151.41 *Reporting of salvage of dead whales required.* (a) Any person or persons salvaging and/or processing any dead whale of any of the species enumerated in § 151.10 shall submit a report in writing to the Director, Fish and Wildlife Service, Department of the Interior, Washington 25, D. C.

(b) Such report shall show the date and exact locality in which such dead whale was found, its species and length, the disposition made of the whale, the firm utilizing or processing it, the products derived therefrom, and any other relevant facts.

MOLESTING OR UNAUTHORIZED INTERFERENCE WITH WHALES

§ 151.50 *Molesting whales prohibited.* The chasing, molesting, exciting, or interfering, with firearms or by any other manner or means, with any whale of the species listed in § 151.10 or of the species protected by the provisions of the International Convention for the Regulation of Whaling of 1946 is prohibited. Persons violating this section shall, upon arrest and conviction, be subject to the penalties imposed by the Whaling Convention Act of 1949.

INSPECTION AND ENFORCEMENT

§ 151.60 *Fish and Wildlife Service employees designated as enforcement officers.* Any employee of the Fish and Wildlife Service duly appointed and authorized to enforce Federal laws and regulations administered by the Department of the Interior and the Fish and Wildlife Service is authorized and empowered to act as a law enforcement officer for the purposes set forth in the Whaling Convention Act of 1949.

§ 151.61 *State officers designated as enforcement officers.* Any employee of a State government who has been duly designated by the Director of the Fish and Wildlife Service, with the consent of the State government concerned, is authorized and empowered to act as a Federal law enforcement officer for the purposes set forth in the Whaling Convention Act of 1949.

Issued at Washington, D. C., and dated April 12, 1956.

DOUGLAS McKAY,
*Secretary of the Interior.*

[F. R. Doc. 56-2968; Filed, Apr. 17, 1956; 8:46 a. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF THE INTERIOR

### National Park Service

### [ 36 CFR Part 20 ]

ROCKY MOUNTAIN NATIONAL PARK; SPECIAL REGULATIONS

NOTICE OF PROPOSED RULEMAKING

MARCH 14, 1956.

Pursuant to section 4 (a) of the Administrative Procedure Act, approved June 11, 1946 (60 Stat. 238; 5 U. S. C., 1952 ed., Sec. 1003), and the authority contained in section 3 of the Act of August 25, 1916 (39 Stat. 535; 16 U. S. C., 1952 ed., Sec. 3), and Redelegation of Authority, contained in Region Two, Order 3, February 17, 1956 (21 F. R. 1494), notice is hereby given that the Superintendent of Rocky Mountain National Park intends to take the following action:

To amend § 20.7 *Rocky Mountain National Park,* Part 20, entitled, Special Regulations, in the following respect:

Section 20.7, Part 20, is amended by adding a new paragraph (i), reading as follows:

(i) *Regulations governing eating and drinking establishments on privately-owned lands*—(1) *Definitions.* The following definitions shall apply in the interpretation and enforcement of these regulations:

(i) *Restaurant.* The term "restaurant" shall mean restaurant, coffee shop, cafeteria, short order cafe, luncheonette, tavern, sandwich stand, soda fountain, and all other eating or drinking establishments, as well as kitchens or other places in which food or drink is prepared for sale elsewhere.

(ii) *Employee.* The term "employee" shall mean any person who handles food

or drink during preparation or serving, or who comes in contact with any eating or cooking utensils, or who is employed in a room in which food or drink is prepared or served.

(iii) *Utensils.* "Utensils" shall include any kitchenware, tableware, glassware, cutlery, utensils, containers, or other equipment with which food or drink comes in contact during storage, preparation, or serving.

(iv) *Superintendent.* The term "Superintendent" shall mean the Superintendent of Rocky Mountain National Park or his authorized representative.

(v) *Person.* The word "person" shall mean person, firm, corporation, or association.

(2) *Examination and condemnation of unwholesome or adulterated food or drink.* Samples of food, drink, and other substances may be taken and examined by the Superintendent as often as may be necessary for the detection of unwholesomeness or adulteration. The Superintendent may condemn and forbid the sale of, or cause to be removed or destroyed, any food or drink which is unwholesome or adulterated.

(3) *Sanitation requirements for restaurants.* All restaurants shall comply with all of the following items of sanitation:

(i) *Floors.* The floors of all rooms in which food or drink is stored, prepared, or served, or in which utensils are washed, shall be of such construction as to be easily cleaned, shall be smooth, and shall be kept clean and in good repair.

(ii) *Walls and ceilings.* Walls and ceilings of all rooms shall be kept clean and in good repair. All walls and ceilings of rooms in which food or drink is stored or prepared shall be finished in light color. The walls of all rooms in which food or drink is prepared or utensils are washed shall have a smooth, washable surface up to the level reached by splash or spray.

(iii) *Doors and windows.* When flies are prevalent, all openings into the outer air shall be effectively screened and doors shall be self-closing, unless other effective means are provided to prevent the entrance of flies.

(iv) *Lighting.* All rooms in which food or drink is stored or prepared or in which utensils are washed shall be well lighted.

(v) *Ventilation.* All rooms in which food or drink is stored, prepared, or served, or in which utensils are washed, shall be well ventilated.

(vi) *Toilet facilities.* Every restaurant shall be provided with adequate and conveniently located sanitary toilet facilities for its employees, conforming to the requirements of the Superintendent. The doors of all toilet rooms shall be self-closing. Toilet rooms shall be kept in a clean condition, in good repair, and well lighted and ventilated. Handwashing signs shall be posted in each toilet room used by employees. In case privies or earth closets are permitted and used, they shall be of a sanitary type, separate from the restaurant building, and shall be fly and rodent proof.

(vii) *Water supply.* Running water under pressure shall be easily accessible to all rooms in which food is prepared or utensils are washed, and the water supply shall be adequate, and of a safe, sanitary quality.

(viii) *Lavatory facilities.* Adequate and convenient hand-washing facilities shall be provided, including hot and cold running water, soap, and approved sanitary towels. The use of a common towel is prohibited. No employee shall resume work after using the toilet room without first washing his hands.

(ix) *Construction of utensils and equipment.* All multi-use utensils and all show and display cases or windows, counters, shelves, tables, refrigerating equipment, sinks, and other equipment or utensils used in connection with the operation of a restaurant shall be so constructed as to be easily cleaned and shall be kept in good repair. Utensils containing or plated with cadmium or lead shall not be used: *Provided,* That solder containing lead may be used for jointing.

(x) *Cleaning and bactericidal treatment of utensils and equipment.* (*a*) All equipment, including display cases or windows, counters, shelves, tables, refrigerators, stoves, hoods, and sinks, shall be kept clean and free from dust, dirt, insects, and other contaminating material. All cloths used by waiters, chefs, and other employees shall be clean. Single-service containers shall be used only once.

(*b*) All multi-use eating and drinking utensils shall be thoroughly cleaned and effectively subjected to an approved bactericidal process after each usage. All multi-use utensils used in the preparation or serving of food and drink shall be thoroughly cleaned and effectively subjected to an approved bactericidal process immediately following the day's operation. Drying cloths, if used, shall be clean and shall be used for no other purpose.

(c) No article, polish, or other substance containing any cyanide preparation or other poisonous material shall be used for the cleansing or polishing of utensils.

(xi) *Storage and handling of utensils and equipment.* After bactericidal treatment, utensils shall be stored in a clean, dry place protected from flies, dust, and other contamination, and shall be handled in such a manner as to prevent contamination as far as practicable. Single-service utensils shall be purchased only in sanitary containers, shall be stored therein in a clean, dry place until used, and shall be handled in a sanitary manner.

(xii) *Disposal of wastes.* All wastes shall be properly disposed of, and all garbage and trash shall be kept in suitable receptables, in such manner as not to become a nuisance.

(xiii) *Refrigeration.* All readily perishable food and drink shall be kept at or below 50° F. except when being prepared or served. Waste water from refrigeration equipment shall be properly disposed of.

(xiv) *Wholesomeness of food and drink.* All food and drink shall be clean, wholesome, free from spoilage, and so prepared as to be safe for human consumption. All milk, fluid milk products, ice cream, and other frozen desserts served shall be from approved sources. Milk and fluid milk products shall be served in the individual original containers in which they were received from the distributor or from a bulk container equipped with an approved dispensing device: *Provided,* That this requirement shall not aply to cream, which may be served from the original bottle or from a dispenser approved for such service. All oysters, clams, and mussels shall be from approved sources, and if shucked shall be kept until used in the containers in which they were placed at the shucking plant.

(xv) *Storage, display, and serving of food and drink.* All food and drink shall be so stored, displayed, and served as to be protected from dust, flies, vermin, depredation and pollution by rodents, unnecessary handling, droplet infection, overhead leakage, and other contamination. No animals or fowls shall be kept or allowed in any room in which food or drink is prepared or stored. All means necessary for the elimination of flies, roaches, and rodents shall be used.

(xvi) *Cleanliness of employees.* All employees shall wear clean outer garments and shall keep their hands clean at all times while engaged in handling food, drink, utensils, or equipment. Employees shall not expectorate or use tobacco in any form in rooms in which food is prepared.

(xvii) *Miscellaneous.* The premises of all restaurants shall be kept clean and free of litter or rubbish. None of the operations connected with a restaurant shall be conducted in any room used as living or sleeping quarters. Adequate lockers or dressing rooms shall be provided for employees' clothing and shall be kept clean. Soiled linens, coats, and aprons shall be kept in containers provided for this purpose.

(4) *Disease control.* No person who is affected with any disease in a communicable form or is a carrier of such disease shall work in any restaurant, and no restaurant shall employ any such person or any person suspected of being affected with any disease in a communicable form or of being a carrier of such disease. If the restaurant manager suspects that any employee has contracted any disease in a communicable form or has become a carrier of such disease he shall notify the Superintendent immediate. A placard containing this section shall be posted in all toilet rooms.

(5) *Procedure when infection suspected.* When suspicion arises as to the possibility of transmission of infection from any restaurant employee the Superintendent may require any or all of the following measures:

(i) The immediate exclusion of the employee from all restaurants.

(ii) The immediate closing of the restaurant concerned until no further danger of disease outbreak exists, in the opinion of the Superintendent.

(iii) Adequate medical examinations of the employee and of his associates, with such laboratory examinations as may be indicated.

Interested persons are hereby given an opportunity to participate in preparing the amendment for issuance as set forth above by submitting their views, data, or arguments, in writing, to the Superintendent, Rocky Mountain National Park, National Park Service, Department of the Interior, P. O. Box 1086, Estes Park, Colorado, within 30 days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

JAMES V. LLOYD,
*Superintendent.*

[F. R. Doc. 56-2973; Filed, Apr. 17, 1956; 8:46 a. m.]

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## [ 36 CFR Part 20 ]

### OLYMPIC NATIONAL PARK; SPECIAL REGULATIONS

### PRIVATELY OWNED LANDS; NOTICE OF PROPOSED RULEMAKING

Pursuant to section 4 (a) of the Administrative Procedure Act, approved June 11, 1946 (60 Stat. 238; 5 U. S. C., 1952 ed., sec. 1003), authority contained in section 3 of the act of August 25, 1916 (39 Stat. 535; 16 U. S. C., 1952 ed., sec. 3), National Park Service Order No. 14, 19 F. R. 8824; Regional Director, Region Four, Order No. 2, 19 F. R. 8826, notice is hereby given that the Superintendent of Olympic National Park intends to take the following action:

To amend Part 20, entitled Special Regulations, in the following respect:

Section 20.28, entitled Olympic National Park, is amended by adding a new paragraph, reading as follows:

(k) *Privately owned lands*—(1) *State health and safety laws.* Owners of privately owned lands and occupants of private lands (including business establishments) in that portion of Olympic National Park over which jurisdiction has been ceded by the State of Washington to the United States of America shall comply with the standards concerning safety and health established from time to time by or pursuant to the laws of the State of Washington which would apply to such lands, owners, and occupants if such lands were not located in Olympic National Park and personnel of the Park will consult and cooperate with State officials in the administration of this regulation. Although safety and health standards established from time to time by or pursuant to the laws of the State of Washington shall apply, such owners, and occupants of privately owned lands (including business establishments), shall not be required to obtain permits or licenses from the State of Washington or its political subdivisions, but shall submit plans for public use structures to the Superintendent, Olympic National Park, for approval.

(2) *State forest practice laws.* Any person, firm, or corporation harvesting or cutting timber on privately owned lands within that portion of Olympic National Park over which jurisdiction has been ceded by the State of Washington to the United States of America shall comply with the standards concerning forest practices established from time to time by or pursuant to the laws of the State of Washington which would apply to such operations if they were not being conducted in Olympic National Park and personnel of the Park will consult and cooperate with State officials in the administration of this regulation. Although forest practice standards established from time to time by or pursuant to the laws of the State of Washington shall apply, no person, firm, or corporation harvesting timber, on such privately owned lands shall be required to obtain permits or licenses from, or pay fees to, the State of Washington or its political subdivisions in connection with the harvesting or cutting of timber on such lands. Prior to the initiation of harvesting or cutting of timber on privately owned lands over which jurisdiction has been ceded to the United States, such operations shall be registered with the Superintendent of Olympic National Park.

(3) *Conflict with Federal laws.* If the standards established from time to time by or pursuant to the laws of the State of Washington, specified in subparagraphs (1) and (2) of this paragraph, are lower than or conflict with any established by Federal laws or regulations applicable to privately owned lands within Olympic National Park, the latter shall prevail.

Interested persons are hereby given an opportunity to participate in preparing the amendment for issuance as set forth above by submitting their views, data, or arguments, in writing, to the Superintendent, Olympic National Park, 600 East Park Avenue, Port Angeles, Washington, within 30 days from the date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

FRED J. OVERLY,
*Superintendent,*
*Olympic National Park.*

FEBRUARY 29, 1956.

[F. R. Doc. 56-2972; Filed, Apr. 17, 1956; 8:46 a. m.]

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# DEPARTMENT OF AGRICULTURE

## Agricultural Marketing Service

## [ 7 CFR Part 51 ]

### SHELLED RUNNER TYPE PEANUTS [1]

### U. S. STANDARDS

Notice is hereby given that the United States Department of Agriculture is considering the revision of United States Standards for Shelled Runner Type Peanuts pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 40 days after publication hereof in the FEDERAL REGISTER.

The proposed standards are as follows:

GRADES

Sec.
51.2710 U. S. No. 1 Runner.
51.2711 U. S. Runner Splits.
51.2712 U. S. No. 2 Runner.

APPLICATION OF TOLERANCES

51.2713 Application of tolerances.

DEFINITIONS

51.2714 Similar varietal characteristics.
51.2715 Whole.
51.2716 Split.
51.2717 Broken.
51.2718 Foreign material.
51.2719 Unshelled.
51.2720 Minor defects.
51.2721 Damage.

AUTHORITY: §§ 51.2710 to 51.2721 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

GRADES

§ 51.2710 *U. S. No. 1 Runner.* "U. S. No. 1 Runner" consists of shelled Runner type peanut kernels of similar varietal characteristics which are whole and free from foreign material, damage and minor defects, and which will not pass through a screen having $^{16}/_{64}$ x $^{3}/_{4}$ inch openings.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 1 percent for dissimilar varieties of peanuts;

(2) 3 percent for sound peanuts which are not whole;

(3) 1.5 percent for damaged or unshelled peanuts;

(4) 0.5 percent for minor defects: *Provided,* That in addition, any unused part of the tolerance for damaged or unshelled peanuts shall be allowed for minor defects;

(5) 0.1 percent for foreign material; and,

(6) 2 percent for sound whole peanuts which will pass through the prescribed screen.

§ 51.2711 *U. S. Runner Splits.* "U. S. Runner Splits" consists of shelled Runner type peanut kernels of similar varietal characteristics which are split or broken, but which are free from foreign material, damage and minor defects, and which will not pass through a screen having $^{17}/_{64}$ inch round openings.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 2 percent for dissimilar varieties of peanuts;

(2) 2 percent for damaged or unshelled peanuts and minor defects;

(3) 0.2 percent for foreign material;

(4) 2 percent for sound portions of peanuts which will pass through the prescribed screen; and,

(5) 4 percent for sound whole peanuts.

§ 51.2712 *U. S. No. 2 Runner:* "U. S. No. 2 Runner" consists of shelled Runner type peanut kernels of similar varietal characteristics which may be split or broken, but which are free from for-

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

eign material, damage and minor defects, and which will not pass through a screen having 17/64 inch round openings.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 2 percent for dissimilar varieties of peanuts;

(2) 2.5 percent for damaged or unshelled peanuts and minor defects;

(3) 0.2 percent for foreign material; and,

(4) 4 percent for sound peanuts or portions of peanuts which will pass through the prescribed screen.

APPLICATION OF TOLERANCES

§ 51.2713 *Application of tolerances.* The tolerances provided in these standards are on a lot basis and shall be applied to a composite sample representative of the lot. However, any container or group of containers in which the peanuts are obviously of a quality materially different from that in the majority of containers shall be considered a separate lot, and shall be sampled separately.

DEFINITIONS

§ 51.2714 *Similar varietal characteristics.* "Similar varietal characteristics" means that the peanut kernels in the lot are similar in color and shape.

§ 51.2715 *Whole.* "Whole" means that the peanut kernel is not split or broken.

§ 51.2716 *Split.* "Split" means the separated half of a peanut kernel.

§ 51.2717 *Broken.* "Broken" means that more than one-fourth of the peanut kernel is broken off.

§ 51.2718 *Foreign material.* "Foreign material" means pieces or loose particles of any substance other than peanut kernels or skins.

§ 51.2719 *Unshelled.* "Unshelled" means a peanut kernel with part or all of the hull (shell) attached.

§ 51.2720 *Minor defects.* "Minor defects" means that the peanut kernel is affected by one or more of the following:

(a) Flesh discoloration materially affecting the appearance of the kernel;

(b) Sprout extending more than one-eighth of an inch from the tip of the kernel;

(c) Dirt materially affecting the appearance of the kernel; and,

(d) Freezing injury causing abnormally hard, translucent or discolored flesh.

§ 51.2721 *Damage.* "Damage" means that the peanut kernel is affected by one or more of the following:

(a) Rancidity or decay;

(b) Mold; and,

(c) Insects, worm cuts, web or frass.

Dated: April 13, 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator,*
*Marketing Service.*

[F. R. Doc. 56-3016; Filed, Apr. 17, 1956; 8:55 a. m.]



## [ 7 CFR Part 51 ]

### SHELLED SPANISH TYPE PEANUTS[1]

### U. S. STANDARDS

Notice is hereby given that the United States Department of Agriculture is considering the revision of United States Standards for Shelled Spanish Type Peanuts pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 40 days after publication hereof in the FEDERAL REGISTER.

The proposed standards are as follows:

GRADES


Sec.
51.2730 U. S. No. 1 Spanish.
51.2731 U. S. Spanish Splits.
51.2732 U. S. No. 2 Spanish.


APPLICATION OF TOLERANCES


51.2733 Application of tolerances.


DEFINITIONS


51.2734 Similar varietal characteristics.
51.2735 Whole.
51.2736 Split.
51.2737 Broken.
51.2738 Foreign material.
51.2739 Unshelled.
51.2740 Minor defects.
51.2741 Damage.


AUTHORITY: §§ 51.2730 to 51.2741 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

GRADES

§ 51.2730 *U. S. No. 1 Spanish.* "U. S. No. 1 Spanish" consists of shelled Spanish type peanut kernels of similar varietal characteristics which are whole and free from foreign material, damage and minor defects, and which will not pass through a screen having 15/64 x 3/4 inch openings.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 1 percent for dissimilar varieties of peanuts;

(2) 2 percent for sound peanuts which are not whole;

(3) 0.75 percent for damaged or unshelled peanuts;

(4) 0.5 percent for minor defects: *Provided,* That in addition, any unused part of the tolerance for damaged or unshelled peanuts shall be allowed for minor defects;

(5) 0.1 percent for foreign material; and,

(6) 2 percent for sound whole peanuts which will pass through the prescribed screen.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

§ 51.2731 *U. S. Spanish Splits.* "U. S. Spanish Splits" consists of shelled Spanish type peanut kernels of similar varietal characteristics which are split or broken, but which are free from foreign material, damage and minor defects, and which will not pass through a screen having 16/64 inch round openings.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 2 percent for dissimilar varieties of peanuts;

(2) 2 percent for damaged or unshelled peanuts and minor defects;

(3) 0.2 percent for foreign material; and,

(4) 4 percent for sound peanuts and portions of peanuts which will pass through the prescribed screen; and,

(5) 4 percent for sound whole kernels.

§ 51.2732 *U. S. No. 2 Spanish.* "U. S. No. 2 Spanish" consists of shelled Spanish type peanut kernels of similar varietal characteristics which may be split or broken, but which are free from foreign material, damage and minor defects, and which will not pass through a screen having 16/64 inch round openings.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 2 percent for dissimilar varieties of peanuts;

(2) 2.5 percent for damaged or unshelled peanuts and minor defects;

(3) 0.2 percent for foreign material; and,

(4) 4 percent for sound peanuts and portions of peanuts which will pass through the prescribed screen.

APPLICATION OF TOLERANCES

§ 51.2733 *Application of tolerances.* The tolerances provided in these standards are on a lot basis and shall be applied to a composite sample representative of the lot. However, any container or group of containers in which the peanuts are obviously of a quality materially different from that in the majority of containers shall be considered a separate lot, and shall be sampled separately.

DEFINITIONS

§ 51.2734 *Similar varietal characteristics.* "Similar varietal characteristics" means that the peanut kernels in the lot are similar in color and shape.

§ 51.2735. *Whole.* "Whole" means that the peanut kernel is not split or broken.

§ 51.2736 *Split.* "Split" means the separated half of a peanut kernel.

§ 51.2737 *Broken.* "Broken" means that more than one-fourth of the peanut kernel is broken off.

§ 51.2738 *Foreign material.* "Foreign material" means pieces or loose particles of any substance other than peanut kernels or skins.

§ 51.2739 *Unshelled.* "Unshelled" means a peanut kernel with part or all of the hull (shell) attached.

§ 51.2740 *Minor defects.* "Minor defects" means that the peanut kernel is affected by one or more of the following:



(a) Skin discoloration which is dark brown, dark gray, dark blue or black and covers more than one-fourth of the surface;

(b) Flesh discoloration materially affecting the appearance of the kernel;

(c) Sprout extending more than one-eighth of an inch from the tip of the kernel;

(d) Dirt materially affecting the appearance of the kernel; and,

(e) Freezing injury causing abnormally hard, translucent or discolored flesh.

§ 51.2741 *Damage.* "Damage" means that the peanut kernel is affected by one or more of the following:

(a) Rancidity or decay;

(b) Mold; and,

(c) Insects, worm cuts, web or frass.

Dated: April 13, 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator, Marketing Services.*

[F. R. Doc. 56-3017; Filed, Apr. 17, 1956; 8:55 a. m.]

## [ 7 CFR Part 51 ]

### SHELLED VIRGINIA TYPE PEANUTS[1]

### U. S. STANDARDS

Notice is hereby given that the United States Department of Agriculture is considering the revision of United States Standards for Shelled Virginia Type Peanuts pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 40 days after publication hereof in the FEDERAL REGISTER.

The proposed standards are as follows:

GRADES


Sec.
51.2750 U. S. Extra Large Virginia.
51.2751 U. S. Medium Virginia.
51.2752 U. S. No. 1 Virginia.
51.2753 U. S. Virginia Splits.
51.2754 U. S. No. 2 Virginia.


APPLICATION OF TOLERANCES


51.2755 Application of tolerances.


DEFINITIONS


51.2756 Similar varietal characteristics.
51.2757 Whole.
51.2758 Split.
51.2759 Broken.
51.2760 Foreign material.
51.2761 Unshelled.
51.2762 Minor defects.
51.2763 Damage.


[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

AUTHORITY: §§ 51.2750 to 51.2763 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

GRADES

§ 51.2750 *U. S. Extra Large Virginia.* "U. S. Extra Large Virginia" consists of shelled Virginia type peanut kernels of similar varietal characteristics which are whole and free from foreign material, damage and minor defects, and which will not pass through a screen having 20/64 x 1 inch openings. Unless otherwise specified, the peanuts in any lot shall average not more than 512 per pound.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 0.75 percent for dissimilar varieties of peanuts;

(2) 3 percent for sound peanuts which are not whole;

(3) 1 percent for damaged or unshelled peanuts;

(4) 0.75 percent for minor defects: *Provided,* That in addition, any unused part of the tolerance for damaged or unshelled peanuts shall be allowed minor defects;

(5) 0.1 percent for foreign material; and,

(6) 2 percent for sound whole peanuts which will pass through the prescribed screen.

§ 51.2751 *U. S. Medium Virginia.* "U. S. Medium Virginia" consists of shelled Virginia type peanut kernels of similar varietal characteristics which are whole and free from foreign material, damage and minor defects, and which will not pass through a screen having 18/64 x 1 inch openings. Unless otherwise specified, the peanuts in any lot shall average not more than 640 per pound.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 1 percent for dissimilar varieties of peanuts;

(2) 3 percent for sound peanuts which are not whole;

(3) 1.25 percent for damaged or unshelled peanuts;

(4) 0.75 percent for minor defects: *Provided,* That in addition, any unused part of the tolerance for damaged or unshelled peanuts shall be allowed for minor defects;

(5) 0.1 percent for foreign material; and,

(6) 2 percent for sound whole peanuts which will pass through the prescribed screen.

§ 51.2752 *U. S. No. 1 Virginia.* "U. S. No. 1 Virginia" consists of shelled Virginia type peanut kernels of similar varietal characteristics which are whole and free from foreign material, damage and minor defects, and which will not pass through a screen having 15/64 x 1 inch openings. Unless otherwise specified, the peanuts in any lot shall average not more than 800 per pound.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 1 percent for dissimilar varieties of peanuts;

(2) 3 percent for sound peanuts which are not whole;

(3) 1.25 percent for damaged or unshelled peanuts;

(4) 0.75 percent for minor defects: *Provided,* That in addition, any unused part of the tolerance for damaged or unshelled peanuts shall be allowed for minor defects;

(5) 0.1 percent for foreign material; and,

(6) 2 percent for sound whole peanuts which will pass through the prescribed screen.

§ 51.2753 *U. S. Virginia Splits.* "U. S. Virginia Splits" consists of shelled Virginia type peanut kernels of similar varietal characteristics which are free from foreign material, damage and minor defects, and which will not pass through a screen having 20/64 inch round openings. Not less than 90 percent, by weight, shall be splits.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 2 percent for dissimilar varieties of peanuts;

(2) 2 percent for damaged or unshelled peanuts and minor defects;

(3) 0.2 percent for foreign material; and,

(4) 3 percent for sound peanuts and portions of peanuts which will pass through the prescribed screen.

§ 51.2754 *U. S. No. 2 Virginia.* "U. S. No. 2 Virginia" consists of shelled Virginia type peanut kernels of similar varietal characteristics which are free from foreign material, damage and minor defects, and which will not pass through a screen having 15/64 inch round openings. Not less than 25 percent, by weight, shall be splits.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted.

(1) 2 percent for dissimilar varieties of peanuts;

(2) 2.5 percent for damaged or unshelled peanuts and minor defects;

(3) 0.2 percent for foreign material; and,

(4) 4 percent for sound peanuts and portions of peanuts which will pass through the prescribed screen.

APPLICATION OF TOLERANCES

§ 51.2755 *Application of tolerances.* The tolerances provided in these standards are on a lot basis and shall be applied to a composite sample representative of the lot. However, any container or group of containers in which the peanuts are obviously of a quality materially different from that in the majority of containers shall be considered a separate lot, and shall be sampled separately.

DEFINITIONS

§ 51.2756 *Similar varietal characteristics.* "Similar varietal characteristics" means that the peanut kernels in the lot are similar in color and shape.

§ 51.2757 *Whole.* "Whole" means that the peanut kernel is not split or broken.

§ 51.2758 *Split.* "Split" means the separated half of a peanut kernel.

§ 51.2759 *Broken.* "Broken" means that more than one-fourth of the peanut kernel is broken off.

§ 51.2760 *Foreign material.* "Foreign material" means pieces or loose particles of any substance other than peanut kernels or skins.

§ 51.2761 *Unshelled.* "Unshelled" means a peanut kernel with part or all of the hull (shell) attached.

§ 51.2762 *Minor defects.* "Minor defects" means that the peanut kernel is affected by one or more of the following:

(a) Skin discoloration which is dark brown, dark gray, dark blue or black and covers more than one-fourth of the surface;

(b) Flesh discoloration materially affecting the appearance of the kernel;

(c) Sprout extending more than one-eighth of an inch from the tip of the kernel;

(d) Dirt materially affecting the appearance of the kernel; and,

(e) Freezing injury causing abnormally hard, translucent or discolored flesh.

§ 51.2763 *Damage.* "Damage" means that the peanut kernel is affected by one or more of the following:

(a) Rancidity or decay;
(b) Mold; and,
(c) Insects, worm cuts, web or frass.

Dated: April 13, 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator,*
*Marketing Services.*

[F. R. Doc. 56-3018; Filed, Apr. 17, 1956; 8:55 a. m.]

## DEPARTMENT OF LABOR

### Wage and Hour Division

### [ 29 CFR Parts 522, 524, 527, 528 ]

ANNULMENT OR WITHDRAWAL OF CERTIFICATES FOR EMPLOYMENT OF LEARNERS, HANDICAPPED PERSONS, AND STUDENT WORKERS AT SUBMINIMUM WAGES

NOTICE OF PROPOSED AMENDMENT AND ORDER

Pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 214), the Administrator has heretofore issued supplemental regulations for the employment of learners, handicapped persons, and student workers at subminimum wages (29 CFR Parts 522, 524, 527).

The purpose of this revision is to provide a uniform procedure for the annulment or withdrawal of certificates for the employment of learners, handicapped persons, and student workers at subminimum wage rates.

Interested persons may submit data, views, or arguments, either in support of or in opposition to the proposed revision, to the Administrator, Wage and Hour Division, United States Department of Labor, Washington, D. C. within 15 days from the date of the publication of this notice in the FEDERAL REGISTER. Prior to the final adoption of this revision careful consideration will be given to any such material which may be submitted in writing.

Accordingly, notice is hereby given pursuant to authority under section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 214), Reorganization Plan No. 6 (5 U. S. C. 611) and General Order No. 45-A (15 F. R. 3290), that the Administrator of the Wage and Hour Division, United States Department of Labor, proposes to issue Part 528 of Title 29, Code of Federal Regulations and amend Parts 522 and 524, Code of Federal Regulations as follows:

1. Section 522.9 of Part 522, is hereby revoked.

2. In § 522.10 (a) of Part 522, the words "denying, granting, or cancelling a learner certificate" are hereby amended to read "denying, or granting a learner certificate."

3. Sections 522.10, 522.11, and 522.12 of Part 522, are hereby redesignated as §§ 522.9, 522.10, and 522.11, respectively.

4. Sections 524.10 and 524.11 of Part 524, are hereby revoked and §§ 524.12 and 524.13, are redesignated as §§ 524.10 and 524.11, respectively.

5. Part 528 (29 CFR Part 528), entitled Annulment or Withdrawal of Certificates for the Employment of Learners, Handicapped Workers, and Student Workers at Subminimum Wages is hereby issued to read as follows:

PART 528—ANNULMENT OR WITHDRAWAL OF CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS, HANDICAPPED PERSONS, AND STUDENT WORKERS AT SUBMINIMUM WAGE RATES

Sec.
528.1 Applicability of the regulations in this part.
528.2 Definition of terms.
528.3 Withdrawal and annulment of certificates.
528.4 According opportunity to demonstrate or achieve compliance.
528.5 Proceedings for annulment or withdrawal.
528.6 Review.
528.7 Effect of annulment or withdrawal.

AUTHORITY: §§ 528.1 to 528.7 issued under section 14, 52 Stat. 1068, as amended; 29 U. S. C. 214.

§ 528.1 *Applicability of the regulations in this part.* The regulations in this part shall govern the annulment or withdrawal of any certificate (except a temporary certificate issued pending final action on an application) issued pursuant to Parts 522, 524, and 527 of this subchapter and having effect under section 14 of the Fair Labor Standards Act of 1938.

§ 528.2 *Definition of terms.* As used in the regulations contained in this part, the term:

(a) "Withdrawal" shall mean termination of validity of a certificate with prospective effect from the time of the action of withdrawal;

(b) "Annulment" shall mean withdrawal of a certificate with retroactive effect to the date of issuance;

(c) "Regional Director" shall include any Regional Director of the Wage and Hour and Public Contracts Divisions, the Territorial Director for Puerto Rico and the Virgin Islands, the Territorial Representative for Hawaii, and the Federal Representative for the Wage and Hour and Public Contracts Divisions in the State of North Carolina;

(d) "Supervising Investigators" shall include any employee of the Wage and Hour and Public Contracts Divisions who is authorized to use that title, the Territorial Representative for Alaska, the chief of the office of the Divisions in Alaska, and officers designated for this purpose by the Commissioner of the North Carolina Department of Labor.

§ 528.3 *Withdrawal and annulment of certificates.* (a) The Regional Director may withdraw a certificate from any employer who, acting under color of any certificate or application for the employment of learners, handicapped persons, or student workers at subminimum wages under section 14 of the act, fails to comply with the limitations in such certificate or otherwise violates the act.

(b) The Regional Director may annul a certificate affected by mistake in its issuance if the employer knowingly induced or knowingly took advantage of the mistake. Where the employer did not knowingly induce the mistake but knowingly took advantage of it, a new certificate shall be issued by the authorized officer if, and on such terms as, such certificate would have been issued had there been no mistake, limited in its term from the date of issuance to the date of annulment of the annulled certificate.

§ 528.4 *According opportunity to demonstrate or achieve compliance.* Prior to instituting proceedings for withdrawal of a certificate under § 528.3, except in cases of wilfulness, a supervising investigator shall mail a letter to the employer setting forth alleged facts or conduct which may warrant withdrawal of the certificate and fixing a time and place for a conference at which the employer shall be accorded opportunity to show that no cause for withdrawal under § 528.3 exists, or that he has achieved compliance by paying wages improperly withheld and by taking steps adequate to insure that new cause for annulment or withdrawal will not occur. By written report to the Regional Director, a copy of which shall be mailed to the employer, the supervising investigator shall concisely summarize the conference and shall include conclusions as to whether the employer demonstrated or achieved compliance. If the employer either demonstrated or achieved such compliance, no proceedings shall be instituted under § 528.3 for withdrawal of the certificate.

§ 528.5 *Proceedings for annulment or withdrawal.* The Regional Director shall institute proceedings for annulment or withdrawal of a certificate under §§ 528.3 and 528.4 by a letter mailed to the employer setting forth alleged facts which may warrant such annulment or withdrawal and advising him that such an annulment or withdrawal of the scope provided in § 528.7 hereof will take effect at a time specified unless facts are presented which convince the Regional Director that such action should not be taken. The letter shall advise the employer of his right to respond by mail or to appear by or with counsel or other duly qualified representative at the specified time and place. The proceedings shall be as informal as practicable commensurate with orderly dispatch and fairness. Department of Labor investigation files or reports, or portions thereof, may be considered in such proceedings to the extent they are made available for examination during the proceedings. If objection to the proposed annulment or withdrawal is made by such specified time, the Regional Director shall, after considering all pertinent matter presented, mail a letter to the employers setting out his findings of specific pertinent facts and conclusions, and his order concerning the proposed annulment or withdrawal. In proceedings instituted for annulment, the order may provide for withdrawal instead of annulment, if the proof warrants such withdrawal but fails to support adequately the annulment. Such an order shall be deemed issued and effective according to its terms when mailed to the employer. If no timely objection to the proposed annulment or withdrawal is expressed, the order shall be deemed issued and effective at the time stated in the letter proposing it.

§ 528.6 *Review.* Any employer who expressed objection to such an order may obtain review, limited to the question of whether the findings of fact support the order under the regulations in this part. Application for such review shall be in writing addressed to the Administrator and mailed within 15 days after the order is issued. The Administrator may affirm, modify, or reverse the order, or may remand it for further proceedings. The order under review shall not be stayed in effect pending such review.

§ 528.7 *Effect of order of annulment or withdrawal.* Except as otherwise expressly provided in such order, any order of annulment or withdrawal shall be effective to terminate all certifications to which the regulations in this part apply in effect at the establishment where the cause for withdrawal arose or where the annulled certificate had effect. After such annulment or withdrawal, such employer shall be ineligible to obtain or exercise the privileges granted in such a certificate until he satisfies the issuing officer that he will not again give cause for annulment or withdrawal if a certificate is issued.

Signed at Washington, D. C., this 12th day of April 1956.

NEWELL BROWN,
*Administrator,*
*Wage and Hour Division.*

[F. R. Doc. 56-3005; Filed, Apr. 17, 1956; 8:52 a. m.]





## CIVIL AERONAUTICS BOARD

### [ 14 CFR Part 234 ]

[Economic Regulations Draft Release No. 80]

FLIGHT SCHEDULES OF CERTIFICATED AIR CARRIERS

REALISTIC SCHEDULING AND ON-TIME PERFORMANCE REQUIRED

NOTICE OF PROPOSED RULE MAKING

APRIL 11, 1956.

Notice is hereby given that the Civil Aeronautics Board has under consideration the adoption of a new Part 234, of the Economic Regulations, designed to insure that the published flight schedules of all certificated air carriers engaged in interstate and overseas air transportation will realistically reflect actual arrival and departure times on at least 75 percent of scheduled flights (other than all cargo flights) performed over each route segment during a calendar month.

The principal features of the proposed regulation are explained in the Explanatory Statement and the proposed new Part 234 is set forth below.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate and addressed to the Secretary, Civil Aeronautics Board, Washington 25, D. C. All communications received on or before May 16, 1956, will be considered by the Board before taking action upon the proposed rule. Copies of such communications will be available on or after May 18, 1956, for examination by interested persons in the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

This regulation is proposed under authority of sections 205 (a), 404 (a), 405 (e) and 411 of the Civil Aeronautics Act of 1938, as amended (52 Stat. 984; 993, 994, 1003, 49 U. S. C. 425, 484, 489).

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
*Secretary.*

*Explanatory statement.* It appears that many certificated air carriers are currently publishing for the guidance of the public, and also filing with the Board pursuant to the provisions of Part 231 of the Economic Regulations, flight schedules which do not accurately reflect their actual times of departure and arrival. The Board is concerned with the relationship of these unrealistic scheduling practices to its statutory responsibilities to regulate economic aspects of air transportation.

Any carrier which misstates, by its scheduling practices, the actual arrival and departure times of a substantial part of its scheduled flights, operated between one or more of the pairs of points served, appears to be delinquent in its obligation to render good and adequate service and to deal fairly with the traveling public. In the light of the present stage of development of the air transport industry, passengers should be able to rely upon published flight schedules. Delays in transportation are of major importance because airline passengers are principally interested in the superior speed of air travel. Late arrivals frequently result in missed connections with other flights, missed appointments, and similar inconveniences.

Failure to perform flights on schedule also diminishes the value of airmail service to its users and hampers the Post Office Department in moving airmail on a priority basis. Moreover, unrealistic scheduling practices may under certain circumstances subject competing carriers, publishing more forthright schedules, to unfair competition.

These practical consequences point up the need for regulatory action by the Board to adequately protect the public interest. The Act imposes a duty upon air carriers furnishing interstate and overseas air transportation to provide adequate service. It likewise manifests a direct concern with airline scheduling practices by requiring the filing of all flight schedules with both the Board and the Postmaster General, and by making provision for the designation of mail schedules by the Postmaster General for his use. Finally, it condemns deceptive practices or unfair methods of competition in the sale of air transportation.

In view of the foregoing considerations, the Board believes that the public interest affirmatively requires that it exercise its duly granted statutory powers to compel both realistic scheduling and a proper degree of on-time performance of flight schedules. It is recognized, of course, that there are many adverse conditions not subject to the control of airline managements which affect the ability of an air carrier to perform a particular flight on schedule. Weather conditions, traffic congestion and similar circumstances will, from time to time, have such an impact. However, these adverse factors are very largely foreseeable in nature. Moreover, the proposed rule defines all flights not departing prematurely as on-time flights. Flights arriving within five minutes of scheduled time at any point less than 1,000 miles distant from the preceding point served are also regarded as having been completed on time within the meaning of this part. In the case of flights over route segments more than 1,000 miles long, any flight arriving at a point within fifteen minutes of scheduled time is not treated as a delayed flight. In view of these liberal margins of tolerance, it appears to be entirely feasible for management to fashion individual schedules (relating to separately designated flights) realistically so that at least a preponderance of all flights performed thereunder can be completed on time.

Consequently, the proposed rule prohibits the filing of any individual schedule unless it is constructed in a manner which should enable the air carrier to perform at least 75 percent of all flights actually flown pursuant thereto on schedule. Additionally, the proposed rule requires each air carrier to complete at least 75 percent of all flights performed pursuant to such a schedule on

time. These requirements have been respectively directed to the scheduling and performance, in each calendar month, of service over each route segment specified in an individual schedule.

The proposed rule declares that any air carrier failing to perform at least 75 percent of the flights actually operated pursuant to an individual schedule, in any calendar month, as on-time flights is deemed to have violated its requirements. However, it also provides that any such carrier may show, by way of justification of such violation or as grounds for opposition to an order directing a revision of schedules, that the delays are caused by conditions outside the scope of the carrier's control which could not have been anticipated by the exercise of reasonable prudence.

The Board desires to note that its selection of a 75 percent performance factor has been principally grounded upon its concept of the degree of on-time performance constituting adequate service and avoiding deceptive scheduling practices with respect to the aggregate of such scheduled flights flown between each single pair of points served. The promulgation of a rule embodying this concept does not, however, serve to relieve air carriers of their statutory duty to file realistic schedules and furnish adequate service thereunder on any or all of the remaining 25 percent of the total flights operated pursuant to an individual schedule. Therefore, deliberate and willful misstatement of departure or arrival times on any such schedule will continue to be a violation of all pertinent provisions of the act despite compliance with the aggregate scheduling and performance provisions of this part.

Proposed Part 234 has been limited in its application to certificated air carriers engaged in interstate and overseas air transportation. Finally, all cargo flights have been excluded from the provisions of the following regulation.

PART 234—FLIGHT SCHEDULES OF CERTIFICATED AIR CARRIERS REALISTIC SCHEDULES AND ON-TIME PERFORMANCE REQUIRED

§ 234.1 *Definitions.* For the purposes of this part:

(a) "Schedule" means any part of the "general schedule" on file with the Board, pursuant to Part 231 of this chapter.

(b) "Scheduled flight" means any periodically operated trip which is separately designated (by flight number or otherwise) in the schedules of the air carrier and is performed between a consecutive pair of points.

(c) "All-cargo flight" means any flight which does not carry revenue passengers or United States mail.

(d) "On-time flight" means any scheduled flight which:

(1) Departs no earlier than the time specified in the schedules of the air carrier and

(2) Arrives at the next point served by the air carrier no later than five minutes after the time specified in its schedules or, in the case of flights between any consecutive pair of points served through airports more than 1,000 miles apart,[1] no later than fifteen minutes thereafter.

(e) "Point" means each terminal or intermediate point served in accordance with the schedules of the air carrier where passengers are discharged or taken aboard, other than flag stops.

(f) "Arrive" means the time when the wheels of an airplane, which has taxied to the place where the passengers are to be discharged, finally stop moving.

(g) "Depart" means the time when the wheels of an airplane, which has taxied to the place where passengers are to be taken aboard, start moving.

(h) "Certificated air carrier" means any air carrier holding a certificate of public convenience and necessity issued under section 401 of the act.

§ 234.2 *Applicability.* This part applies to any certificated air carrier engaged in interstate and overseas air transportation with respect to all flights, other than all cargo flights, scheduled and performed in such transportation.

§ 234.3 *Prohibition of unrealistic scheduling and requirement of on-time performance.* All flight schedules filed with the Board or published for the guidance of the traveling public shall be designed so as to enable each certificated air carrier to safely perform as on-time flights (in accordance with all applicable legal requirements of the Federal Government), a minimum of 75 percent of all trips actually flown pursuant to each scheduled flight during each calendar month. Each certificated air carrier shall perform as on-time flights a minimum of 75 percent of all trips actually flown pursuant to each such scheduled flight during each calendar month.

§ 234.4 *Violation of this part.* Where it is shown that a certificated air carrier failed to perform as on-time flights a minimum of 75 percent of the trips actually flown pursuant to each scheduled flight in any calendar month, such failure shall constitute a violation of this part: *Provided, however,* That any such carrier may show, in justification of such violation or as grounds for opposition to an order directing a revision of schedules, that such violation was due to conditions which are not subject to its control and also could not have been anticipated in the exercise of reasonable prudence.

§ 234.5 *Requirement that published schedules conform to filed schedules.* No certificated air carrier shall publish any statement of aircraft regularly operated between points duly authorized to be served which sets forth the time of arrival and departure at each such point or any other information concerning such service unless such information is identical, in all regards, with that contained in the schedules filed pursuant to Part 231 of this chapter. This prohibition shall apply to statements included in a system time table, the Official Airline Guide, or any other document intended to be used by the general public.

[1] In accordance with the mileages specified in the Board's book of "Official Airport-to-Airport Mileages."

§ 234.6 *Separability.* If any provision of this part or the application thereof to any air transportation, person, class of person, or circumstance is held invalid, the remainder of the part and the application of such provisions to other air transportation, persons, classes of persons, or circumstances shall not be affected thereby.

[F. R. Doc. 56-3009; Filed, Apr. 17, 1956; 8:53 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

### [ 47 CFR Part 3 ]

[Docket No. 11677; FCC 56-323]

RADIO BROADCAST SERVICES

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of §§ 3.66, 3.274, and 3.572 of the Commission's rules and regulations relating to remote control operation of certain standard, FM and non-commercial educational FM broadcast stations.

1. Notice is hereby given that the Commission has received a proposal for rule making in the above-entitled matter.

2. The Commission has before it a petition filed on February 15, 1956, by the National Association of Radio and Television Broadcasters (NARTB), Washington, D. C., requesting amendment of §§ 3.66 (AM), 3.274 (FM) and 3.572 (non-commercial educational FM) of the rules and regulations to authorize the remote-control operation of all standard and FM broadcast stations, including those authorized to operate with directional antenna systems or with powers in excess of 10 kilowatts.

3. Present regulations, adopted in a Report and Order (FCC 53-68) released on January 27, 1953, in Docket No. 10214, permit remote operation, subject to certain conditions, only by Standard non-directional and FM broadcast stations authorized to operate with powers not in excess of 10 kilowatts. In finalizing the present rules we stated in the above Report and Order that the most important consideration was whether the revision of the rules to permit remote control operation would result in any degradation of the Commission's technical standards. We concluded in that proceeding, after consideration of over 2,000 comments, that, in light of the status of the equipment needed for remote control operation, the experimental demonstration of the feasibility of such operations, the conditions imposed upon remote control operation, and the salutary purposes to be accomplished by its use in appropriate situations, the authorization of remote control, if limited to standard non-directional and FM stations, operating with power of 10 kw or less, would not result in any degradation of our technical standards and was desirable. We reaffirmed this decision in a Memorandum Opinion and Order (FCC 53-355) released March 30, 1953, denying a petition for reconsideration of our January Report and Order. We again found that our rules authorizing remote control operation were in the public interest and that the question of whether the amendments permitting remote control operation would result in any degradation of our technical standards must be decided in the negative. We also pointed out that the authorization of remote control was only extended to stations authorized for non-directional operation with powers up to 10 kilowatts because of "our experience with problems arising with the utilization of very high power equipment and the showings made in this proceeding" and because we "felt that the relaxation should extend to that level of power at which no serious problems would be encountered because of the nature of the transmitting equipment itself."

4. In support of the requested amendments, the NARTB urges that the Commission considered and disposed of all objections to remote control operations in adopting the present rules relating to remote control operations; that the Commission's conclusions in the 1953 rule making proceeding are equally applicable to the Association's instant proposal for further relaxation of the rules; and that the only issue to be decided in determining whether its proposed amendments should be adopted is the question of whether a further relaxation of the rules would in any way result in a degradation of the Commission's technical standards. NARTB claims that the limitations in the present remote control rules were adopted solely because of the lack of technical proof that equipment of a higher power could operate without a degradation of the technical standards and urges that the engineering data furnished with its petition demonstrates that present remote control operations of all types indicate a high degree of reliability and that the experimental data submitted clearly demonstrates that remote control operation may be extended to stations utilizing directional antenna systems and high power with the assurance that equal reliability will be achieved. The Association alleges in its exhibits that the outage time of 198 stations now authorized for remote control operations amounted to only 0.04 percent of a total "on-air" figure of 630,790.5 hours reported, which it claims is less than one-third the amount for stations operating without remote control prior to 1953. It alleges that this figure shows that the Commission was right in its conclusion in 1953 that remote control operations would not result in excess outages and that it clearly demonstrates that transmitting equipment and remote control equipment have reached a high state of development. It urges that it is the consensus of a group of professional radio engineers who have studied remote control problems that remote operation of standard and FM broadcast stations, utilizing directional antenna systems and operating with powers up to and including 50 kilowatts, is feasible and should be authorized; that their opinion is confirmed by the data obtained from experimental remote operation of American stations with directional antenna systems and high power, from unattended operation of remote stations owned by the British Broadcasting Corporation, from unattended directional operation of radio range stations of the Civil Aeronautics Authority and from unattended directional operation of Canadian broadcast stations.

5. The Association also discusses the effect of its proposals upon the CONELRAD plan. It points out that the Commission likewise considered this matter before adopting the present rules; that it specifically determined that the operations necessary to place a station in CONELRAD operation could be accomplished by remote control and that it recognized that in the case of remote control, the expenses involved to effect such a switch might deter voluntary CONELRAD activity. The NARTB states that it also is vitally interested in the continued success of the CONELRAD plan and is concerned about the possibility that its proposals for relaxing the remote control operation rules might affect the CONELRAD operating stations not now authorized for remote control, even though it believes there is no real cause for concern. It proposes, however, that, in order to insure the continued effectiveness of CONELRAD, any future remote control authorization to a standard broadcast station, whether or not now participating in the CONELRAD operating system, be conditioned upon the station's equipping itself to be able to satisfactorily operate in the system and by remote switching of the transmitter or by using a separate transmitter change from its assigned frequency to the CONELRAD frequency specified by the Commission. It is pointed out, however, that this proposed rule would only require the installation of equipment capable of accomplishing this operation and that the actual participation in the operating system would remain on a voluntary basis. The Association urges that such a requirement will make it possible for stations to shift from their normal frequency to the CONELRAD frequency in a very brief period of time. The NARTB conclude that adoption of its proposed amendments will bring the remote control rules in conformity with the present state of the development of transmitting and remote control equipment; that it will relieve broadcasters from unnecessary limitations upon their ability to serve the public interest, convenience and necessity, and that it will provide an effective method of operation by the CONELRAD stations and insure the effectiveness of the system by providing for a sufficient number of stations equipped to participate in the operating system.

6. The Association proposes that the AM and FM rules relating to remote control operation be amended as follows:

1. Sections 3.66 *Remote Control Operation* (Standard Broadcast Stations).

a. Delete from § 3.66 (a) the phrase "which is authorized for non-directional operation with power of 10 kilowatts or less."

b. Add a new paragraph, § 3.66 (b), to read:

(b) In addition to the conditions set out in paragraph (a) of this section, a station, which is authorized to operate with a directional antenna, may be operated by remote control subject to the following conditions:

(1) Equipment shall be installed so that the base currents of each element of the antenna system and the common point current may be read at the remote control point and logged at least once each hour.

(2) A spare antenna base current meter, which complies with the requirements of § 3.39, shall be available and such meter shall be checked against the regular meter to insure that the error over the usable portion of the scale does not exceed two percent of the full scale value.

c. Add a new paragraph, § 3.66 (c), to read:

(c) In addition to the conditions set out in paragraph (a) of this section, a station, which is authorized for non-directional operation with power in excess of 10 kilowatts, may be operated by remote control subject to the condition that equipment shall be installed so that the base current of the antenna, or that current which is consistent with the Commission's rules, may be read at the remote control point and logged at least once each hour.

d. Add a new paragraph, § 3.66 (d), to read:

(d) A station, which is authorized to operate with a directional antenna or with power in excess of 10 kilowatts, may be operated by remote control only if equipped so that it can be operated on the CONELRAD frequency assigned and the necessary switching from the station's assigned frequency to the CONELRAD frequency can be accomplished from the remote control position.

2. Section 3.274 *Remote Control Operation* (FM Broadcast Stations). Delete from § 3.274 the phrase "which is authorized with transmitter power output of 10 kilowatts or less".

3. Section 3.572 *Remote Control Operation* (Noncommercial Educational FM Broadcast Stations). Delete from § 3.572 the phrase "which is authorized with transmitter power output of 10 kilowatts or less."

7. The Commission is of the view that rule making proceedings should be instituted on the proposed amendments of the NARTB in order that interested parties may submit their views and the Commission may have the benefit of such views prior to taking further action.

8. The Commission desires that parties filing comments in this proceeding direct their attention to the following questions raised by petitioner's proposal:

(1) Whether every 6 months during the first 3 years that remote control is authorized, the Commission should require submission of a skeleton proof of performance to show that the antenna system meets the terms of the license, and thereafter the submission of a skeleton proof with each license renewal application;

(2) Whether the Commission should require the logging of loop current ratios rather than base current ratios and how

often readings should be made and logged;

(3) Whether and how often the Commission should require the logging of phase relations;

(4) Whether and to what extent any of the information required to be logged by present or proposed regulations may be logged by automatic recording devices;

(5) Whether and to what extent the Commission should modify the requirements with respect to remote antenna meters, particularly with respect to scale and units in which they are required to be calibrated;

(6) Whether the Commission should require that remote equipment be capable of providing simultaneous readings of frequency, of modulation and of antenna current at the control point as currently provided by the rules;

(7) Whether the Commission should require the installation of equipment that will shut down the transmitter when it fails to function within the tolerances prescribed by Commission Rules;

(8) Whether and how often remote meters should be calibrated, and whether such calibration curves should be posted at the control point.

9. Parties filing comments should also direct their attention to whether, in the event the proposed amendments are adopted, each proposal for remote operation with a directional antenna should be accompanied by a sworn statement, by a competent engineer, describing the operational stability of the array, and which should also include the following:

(1) Weekly monitoring point readings for one year prior to the submission of the data.

(2) Daily base current ratios, loop current ratios, phase relations and common point current readings for a period of 30 days, commencing not more than 60 days prior to the submission of the data. The data should be accompanied by information respecting adjustments of phasing and other tuning of the transmitter and associated equipment it was found necessary to perform in this period.

(3) (a) A complete proof of performance on the directional antenna system if no such proof has been submitted to the Commission within five years from the date of application for remote control operation.

(b) A skeleton proof of performance (a minimum of 3 field intensity measurements including the monitoring point reading on each radial) on the directional antenna system if no complete proof of performance has been submitted to the Commission within 2 years from the date of application for remote control.

10. NARTB proposes that a station authorized to operate with directional antenna or with power in excess of 10 kw may operate by remote control only if equipped so that it can be operated on the CONELRAD frequency assigned and the necessary switching from the station's frequency to the CONELRAD frequency can be accomplished from the remote control position. The Commission desires that comments also be directed to whether the Commission should require all future remote control authorizations, regardless of power, to be conditioned upon the installation of equipment that will permit satisfactory operation on the CONELRAD frequency assigned and the necessary switching from the station's assigned frequency to the CONELRAD frequency.

11. Authority for the adoption of the proposed amendments is contained in sections 4 (i), 303 (b), 303 (e), 303 (g) and 303 (r) of the Communications Act of 1934, as amended.

12. Any interested person who is of the view that the proposal should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before June 1, 1956, written data, views, or arguments setting forth his comments. Comments in support of the proposal may also be filed on or before the same date. Comments or briefs in reply to such original comments as may be submitted should be filed within 20 days from the last day for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for filing such additional comments is established. The Commission will consider all such additional comments submitted before taking further action in this matter, and if any comments appear to warrant the holding of a hearing, oral argument, or demonstration, notice of the time and place of such hearing, oral argument or demonstration will be given.

13. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: April 11, 1956.

Released: April 12, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-2997; Filed, Apr. 17, 1956; 8:51 a. m.]

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## [ 47 CFR Part 9 ]

[Docket No. 11678; FCC 56-326]

### AVIATION SERVICES

### NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Part 9 of the Commission's rules to require the use of single sideband transmission in the aeronautical mobile service for radiotelephony on frequencies below 25,000 kc.

1. The Commission has under consideration changes in Part 9 of its Rules concerning emission requirements and technical standards for radiotelephony in the aeronautical mobile service. The changes contemplated would require the use of single sideband transmission for radiotelephony on frequencies below 25,000 kc.

2. On October 5, 1955, the Commission issued a Public Notice (FCC 55-988) summarizing plans for future consideration of single sideband requirements in the mobile service. At that time it was stated that since only one sideband is necessary for communication, the elimination of the extra sideband offers a possible means for reducing the radio frequency bandwidth occupied by each station. Additional channels might thereby be made available for new stations or to relieve congestion on existing channels. It was further stated that at a future date, in about one year, the Commission planned to give further consideration to requiring single sideband operation in the mobile service. The foregoing Public Notice (FCC 55-988) was issued to enable all interested parties to prepare to offer constructive comments to help in enlarging the use of this improved transmission method.

3. Subsequently, the Commission has observed an accelerated trend toward recognition of the advantages of single sideband operation and toward actual use of this technique in aeronautical mobile communications. It is, therefore, particularly important at this time for the Commission to be fully informed as to the current state of development of single sideband techniques and performance requirements in the aeronautical mobile service. In this way, the Commission will be in a position to provide adequate technical standards as guides to the design and operation of single sideband equipment. Consequently, the Commission is hereby initiating rule making proceedings looking toward the adoption of requirements for single sideband transmission in the aeronautical mobile service.

4. Accordingly, it is proposed to amend Part 9 of the Rules to require the use of single sideband operation by stations in the aeronautical mobile service using radiotelephony below 25,000 kc. It is further proposed that such amendment provide an adequate period of time for the continued use of existing apparatus and adequate technical standards for single sideband operation and equipment performance.

5. The Commission desires comments with regard to the foregoing proposal and, in particular, with regard to the following matters:

(a) Earliest date by which new radiotelephone installations should be capable of single sideband operation,

(b) Earliest date by which all radiotelephone installations should be capable of single sideband operation,

(c) What provisions should be made to insure compatible operation and satisfactory communication between single sideband and double sideband stations,

(d) Technical standards for single sideband equipment performance capability and operation, including audio characteristics, frequency stability, power specifications, bandwidth, spurious emissions, and degree of carrier reduction.

6. Any interested person who is of the opinion that the proposed amendments should not be adopted, or should not be adopted as proposed herein, may file with the Commission on or before October 5, 1956, written data, views or briefs setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments in reply to the original comments may be filed within 10 days from the last day for filing said original comments. No additional comments may be filed unless: (1) specifically requested by the Commission, or (2) good cause for the filing of additional comments is established. The Commission will consider all such comments prior to taking final action in this matter; and if comments are submitted warranting oral argument, notice of the time and place of such argument will be given.

7. This proposal is issued under the authority contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended.

8. Pursuant to the provisions of § 1.764 of the Commission's rules, an original and 14 copies of all statements, briefs or comments should be furnished the Commission.

Adopted: April 11, 1956.

Released: April 12, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-2964; Filed, Apr. 17, 1956; 8:45 a. m.]



# NOTICES

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

ALASKA

ALASKA PUBLIC SALE ACT CLASSIFICATION NO. 21

APRIL 6, 1956.

Pursuant to the authority delegated to me under section 2.5 of Order No. 541 of April 21, 1954, Bureau of Land Management, the following described land is classified for disposal under the Alaska Public Sale Act of August 30, 1949 (63 Stat. 679; 48 U. S. C. 364a-364e) for industrial, commercial, and/or housing purposes:

GLENNALLEN AREA

COPPER RIVER MERIDIAN

T. 4 N., R. 1 W.,
Sec. 19: Lots 81, 90, 91, 92, 93, 102, 103, 104, 105, 106, and S½SW¼NW¼SW¼SE¼, S½SE¼NW¼SW¼SE¼.

Containing 12.70 acres.

The above land will be offered for sale in accordance with regulations contained in 43 CFR 75.23-75.40. If no bid at the minimum acceptable price or above is made, the land may be held for future offering or the classification may be rescinded.

ROGER R. ROBINSON,
*Alaska Operations Supervisor.*

[F. R. Doc. 56-2971; Filed, Apr. 17, 1956; 8:46 a. m.]

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## CIVIL AERONAUTICS BOARD

[Docket No. 6247 et al.]

SERVICE TO PHOENIX CASE

NOTICE OF HEARING FOR ESTABLISHMENT OF NEW OR ADDITIONAL AIR SERVICE

In the matter of applications for establishment of new or additional air service to Phoenix, Arizona.

Pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, notice is hereby given that a hearing in the above-entitled proceeding is assigned to be held on May 1, 1956, at 10:00 a. m., m. s. t., at the Westward Ho Hotel, Phoenix, Arizona, before Examiner James S. Keith.

Without limiting the scope of the issues presented in said proceeding, particular attention will be directed to the following matters:

1. Do the public convenience and necessity require new or additional service to Phoenix by one or more of the following proposals:

A. The amendment of the certificate of Trans World Airlines, Inc., for route No. 2 by including Phoenix and San Diego as intermediate points between Denver and Los Angeles;

B. The amendment of the certificate of Western Air Lines, Inc., for route No. 35 or proposed consolidated route No. 13 so as to extend said route from (a) Denver to San Diego via Phoenix, (b) Denver to Los Angeles via Phoenix and Palm Springs, and (c) Salt Lake City to Phoenix;

C. The amendment of the certificate of Continental Air Lines, Inc., for route No. 29 so as to include Phoenix, Palm Springs and San Diego as intermediate points between Denver and Los Angeles;

D. The amendment of the certificate of United Air Lines, Inc., for route No. 1 so as to establish an alternate segment between Denver and Los Angeles via San Diego and Phoenix;

E. The amendment of the certificate of Frontier Airlines, Inc., for route No. 73 so as to extend said route from (a) Phoenix to Salt Lake City on a nonstop basis, (b) Phoenix to Salt Lake City via intermediate points Prescott, Flagstaff, Grand Canyon, St. George, Cedar City and Richfield, and (c) Denver to Phoenix on a nonstop basis;

F. The amendment of the certificate of Frontier Airlines, Inc., so as to alter or modify the terms, conditions, and limitations insofar as such terms, conditions, and limitations now require Frontier to stop at all points on each trip operated between Denver and Phoenix via Pueblo, Alamosa, Monte Vista, Durango, Farmington, Gallup, Winslow, Flagstaff and Prescott; and

G. The amendment of the certificate of Bonanza Air Lines, Inc., for route No. 105 so as to extend said route from (a) Phoenix to Salt Lake City via the intermediate points Prescott, Grand Canyon, St. George, Cedar City and Provo, and (b) Phoenix to Salt Lake City on a nonstop basis.

2. Do the public convenience and necessity require the amendment of the certificate of Bonanza Air Lines, Inc., so as to redesignate the intermediate point Indio on segment 3 Palm Springs-Indio;

3. Do the public convenience and necessity require the suspension of Western's service at Cedar City, Utah; and

4. Are the applicants fit, willing, and able to conduct the transportation and to conform to the Civil Aeronautics Act and the Rules and Regulations of the Board?

Notice is further given that any person other than the parties and interveners of record desiring to be heard in this proceeding may file with the Board on or before May 1, 1956, a statement setting forth the issues of fact and of law raised by this proceeding which he desires to controvert and such person may appear and participate in the hearing in accordance with § 302.14 of the Procedural Regulations under Title I of the Civil Aeronautics Act, as amended.

Dated at Washington, D. C., April 13, 1956.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56-3012; Filed, Apr. 17, 1956; 8:54 a. m.]

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[Docket No. 7818]

HAWAIIAN AIRLINES FREIGHT RATE INVESTIGATION

NOTICE OF POSTPONEMENT OF PREHEARING CONFERENCE

In the matter of an investigation of Hawaiian Airlines to determine whether the rates, charges and provisions contained in Hawaiian Airlines, Limited's C. A. B. No. 12, including subsequent revisions and reissues thereof, are, or will be, unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful to determine and prescribe the lawful rates, charges, and provisions.

At the request of Hawaiian Airlines and without objection of any party, the prehearing conference in the above-entitled investigation, now assigned to be held on April 19, 1956, is hereby postponed to April 30, 1956, at 10:00 a. m., e. d. s. t., in Room E-224, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Thomas L. Wrenn.

Dated at Washington, D. C., April 12, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56-3013; Filed, Apr. 17, 1956; 8:54 a. m.]

[Docket No. 7911]

LAURENTIAN AIR SERVICES, LTD.

NOTICE OF HEARING IN MATTER OF APPLICATION FOR EXTENSION OF FOREIGN AIR CARRIER PERMIT

In the matter of the application of Laurentian Air Services Limited for an extension of foreign air carrier permit issued April 1, 1953, pursuant to Section 402 of the Civil Aeronautics Act, to perform operations of a casual, occasional or infrequent nature, in common carriage, into the United States.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing on the above-entitled application is assigned to be held on April 18, 1956, at 10:00 a. m., e. s. t., in Room E-224, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., April 13, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56-3011; Filed, Apr. 17, 1956; 8:54 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11399, 11400; FCC 56-305]

NEW BRITAIN BROADCASTING CO. (WKNB-TV) ET AL.

MEMORANDUM OPINION AND ORDER AMENDING ISSUES

In re applications of The New Britain Broadcasting Company (WKNB-TV), New Britain, Connecticut, Docket No. 11399, File No. BMPCT-2787; for modification of construction permit (Channel 30). Julian Gross, et al. (Transferor) and National Broadcasting Company, Inc. (Transferee), Docket No. 11400, File No. BTC-1896; for transfer of control of New Britain Broadcasting Company, (WKNB and WKNB-TV).

1. At issue in this proceeding are two applications, one of which is filed on a contingent basis. The first of these was filed by the New Britain Broadcasting Company, licensee of station WKNB-TV in New Britain, Connecticut, for modification of construction permit to decrease antenna height from 970 feet to 750 feet, to increase power from 191 kw ERP to 453 kw (horizontal) and 1,000 kw (maximum), install a new transmitter and antenna system and to change transmitter site to a location 7.2 miles from the city limits of New Britain. The second involves the application of the New Britain Broadcasting Company for transfer of control of station WKNB, WKNB-TV and KCE-23 (TV-STL) from Julian Gross, et al., to the National Broadcasting Company, Inc. The grant of the transfer application is to be contingent upon a grant of the modification application. Based upon oppositions to these applications filed by Elm City Broadcasting Corporation, licensee of television station WHNC-TV, Channel 8, New Haven, Connecticut, and WATR, Inc., permittee of television station WATR-TV, Channel 53, Waterbury, Connecticut, and also based upon the Commission's May 4, 1955 letter sent to the applicants pursuant to the requirements of section 309 (b) of the Communications Act and the joint responses to said letter filed by the applicants on May 12, 1955, the Commission, by order released May 22, 1955 (FCC 55-620, Mimeo No. 19280) designated said applications for hearing. By this order the hearing was limited to oral argument on the matters raised by Elm City and WATR and the issues specified for this oral argument were three:

(1) To determine whether or not grants of the above-entitled applications would be consistent with the provisions of §§ 3.35 (l) [1] and 3.636 (l) of the Commission's rules and its policies promulgated thereunder.

(2) To determine whether or not grants of the above-entitled applications would be consistent with the provisions of § 3.658 (f) of the Commission's rules and its policies promulgated thereunder.

(3) To determine whether or not, on the basis of the hearing record adduced with respect to Issues "(1)" and "(2)" above grants of the above-entitled applications would serve the public interest, convenience and necessity.

2. Since issuance of the hearing order, a series of petitions and related comments, oppositions and replies, have been filed [2] requesting that a full evidentiary hearing be substituted for hearing by oral argument, that action herein be deferred pending completion of certain other actions mentioned in the petition, that the hearing issues be modified, and that this proceeding be consolidated with another.

*Request for evidentiary hearing.* 3. WATR, as an alternative, and Elm City Broadcasting Corporation and the Broadcasting Bureau request that the Commission order a full evidentiary hearing in this proceeding in lieu of a hearing confined to oral argument before the Commission en banc. This request is acceded to by New Britain Broadcasting Company and National Broadcasting Company. There being no opposition to this request and it appearing that a full evidentiary hearing would be desirable under the circumstances of this case, the Commission proposes to grant this request and to amend the hearing order accordingly.

*Withholding action.* 4. WATR has requested that the Commission withhold further action on the instant applications until such time as the investigation of the Senate Interstate and Foreign Commerce Committee and of the Commission with respect to network operating practices and station ownership have been completed and until a final decision has been made in the case of United States of America v. Radio Corporation of America (Civil Action No. 97-38, U. S. D. C. S. D. N. Y.) filed in the U. S. Court for the Southern District of New York on November 19, 1954 by the Department of Justice charging that RCA has continuously since November 22, 1932 attempted to monopolize and has in fact monopolized interstate commerce and radio television research, etc. WATR asserts that a grant of the applications prior to the completion of the Senate and Commission network investigations would prejudice any remedial action that might be recommended as a result thereof. Regarding the court proceeding, it is asserted that the acts alleged are clearly of the nature condemned by section 313 of the act and that in the face of these disqualifying charges no action should be taken by the Commission to vest additional licenses and power in NBC or its parent, RCA. Both NBC and the Broadcast Bureau oppose the request to defer action. NBC expresses the view that the petition has been filed for the purpose of delaying and obstructing the Commission's processes and asserts that it will, in all probability, require several years for the termination of the Senate and the Commission network investigations and for completion of the anti-trust court action. NBC also asserts that it is unable to understand WATR's opposition to the transfer of control represented by these applications since such transfer will bring network programs to a UHF station and will undoubtedly prove of tremendous value to UHF broadcasting in the Connecticut Valley. The Broadcast Bureau also opposes the delay, stating that inaction would contravene the intent of section 5 (e) of the Communications Act, particularly in view of the uncertain results of both types of proceedings.

5. The Commission has carefully considered the proposal to defer action on the instant applications and the arguments for and against. Uncertainty about when and how the investigations and court proceeding will be concluded, and the knowledge that if remedial action affecting the matters herein becomes necessary, it will not be barred or foreclosed by refusal now to defer action, convince the Commission that this aspect of WATR's petition must be denied. Also, it is noted that with an evidentiary hearing now being ordered in this case, final action on the applications is not imminent so that opportunity for reappraisal of this ruling will present itself should such be necessary.

[1] Should be § 3.35 (a) there being no part (l) to this rule.

[2] (a) petition to enlarge issues and grant a full evidentiary hearing filed on June 14, 1955 by WATR, Inc.; (b) petition for evidentiary hearing and for enlargement of issues filed June 16, 1955 by Elm City Broadcasting Corporation; (c) response to (a) and (b) filed by National Broadcasting Company on June 30, 1955; (d) response to (a) and (b) filed by Julian Gross and New Britian Broadcasting Company on June 30, 1955; (e) petition for modification of procedure filed by Broadcast Bureau on June 24, 1955; (f) comments on petitions (a) and (b) filed by the Broadcast Bureau on July 6, 1955; (g) response to Broadcast Bureau comment filed by National Broadcasting Company on July 12, 1955; (h) reply to comments and oppositions filed by WATR, Inc., on July 8, 1955; (i) petition to designate for hearing and consolidate filed by WGR Corporation on October 9, 1955; (j) response to WGR petition filed by Julian Gross and New Britain Broadcasting Company on October 21, 1955; (k) response to WGR petition filed by National Broadcasting Company on October 21, 1955.



*Enlargement of the issues.* 6. Among the numerous requests for enlargement of the hearing issues, there are two which should be granted. These relate to issues (1) and (2) of the hearing order. The first issue specified in the May 27, 1955 order of designation requires a determination whether grant of the applications would be consistent with the provisions of § 3.35 (a) and 3.636 (a) (1) of the rules. Elm City asks enlargement so that compliance with the provisions of § 3.35 (b) and § 3.636 (a) (2) can be ascertained. The effect of granting this request would be to permit inquiry not only into the question of whether the proposed grantee directly or indirectly owns, operates, or controls another television or standard broadcast station which would serve substantially the same area as the station to be acquired but also whether a concentration of control of television and standard broadcasting in a manner inconsistent with public interest, convenience, or necessity would result from a grant. Elm City asserts that without the additional issue evidence showing the extent of NBC's concentration of control of television and standard broadcasting facilities cannot be introduced. Such defect, according to the petitioner, would leave the Commission without a complete record upon which to judge whether the grants in question would serve the public interest, convenience and necessity.

7. This enlargement is opposed by NBC principally on the grounds that a similar request was contained in Elm City's original petition for designation of the applications for hearing, that the Commission has previously considered and rejected the request, and that no new matter has been presented. The Broadcast Bureau asserts that the rationale of Clarksburg Publishing Company v. FCC, which was decided subsequent to designation of the instant application for hearing, requires the enlargement.

8. It is the Commission's opinion that in order to assure a full and complete evidentiary record in this matter the enlargement sought by Elm City should be granted and the issues amended accordingly. Whether or not a transfer to NBC would result in a concentration of control in a manner inconsistent with the public interest is germane to evaluation of the applications before us, and sufficient facts have been alleged to justify enlargement to permit inquiry into these matters.

9. The second hearing issue already specified requires a determination of whether or not a grant of the applications would be consistent with the provisions of § 3.658 (f) of the rules. Section 3.658 (f) of the rules relates to network ownership of stations and provides in pertinent part that no license shall be granted to a network organization for a television broadcast station in any locality where the existing television broadcast stations are so few or of such unequal desirability (in terms of coverage, power, frequency, or other related matters) that competition would be substantially restrained by such licensing. Petitioner asks that a similar issue be included to determine whether the grants in question would be consistent with the provisions of § 3.106 (now § 3.136) of the Commission's rules. This section constitutes a like restriction on the network ownership of standard broadcast stations.[3] For the same reasons mentioned above in connection with Elm City's first request, NBC opposes the instant enlargement; the Broadcast Bureau agrees with Elm City that the issue should be enlarged. The proposed transfer of a standard broadcast station license being involved in the applications here at issue and the National Broadcasting Company now being the owner of other standard broadcast stations, enlargement of the issues to allow compliance with this rule to be ascertained is appropriate on the grounds stated in the preceding paragraph.

10. As an alternative to its request that action be deferred, WATR proposes an issue to determine whether the history of the affiliation agreements between NBC, Westinghouse Broadcasting Company and General Electric Company indicates a violation of the Commission's rules and regulations covering network affiliation contracts, and/or has resulted in combinations in restraint of trade contrary to sections 1 and 2 of the Sherman Act. After pointing out certain details of NBC affiliations with General Electric and Westinghouse, WATR insists that the Commission has a statutory duty to consider the question of concentration of control over broadcast facilities in this proceeding and must give weight to the over-all plans and policies of the applicant. NBC opposes the request for inclusion of this issue asserting that there is no allegation by WATR of a violation of any particular network rule, the contentions being grounded solely on speculation. With reference to General Electric, NBC states that that company is the licensee of only one television and only one radio station, that the television station has affiliation arrangements with all four national television networks and that the affiliation agreements with NBC have been filed regularly with the Commission and have complied in every respect with the rules. NBC points out that some of Westinghouse's important stations have never been affiliated with NBC, including KBIX which is a CBS affiliate, KDKA-TV which carries programs from all the national networks and KEX which is affiliated with ABC. Affiliation contracts between Westinghouse and NBC have also been filed regularly with the Commission and fully comply with the Commission's rules according to NBC. The Broadcast Bureau opposes the addition of the issue asserting that it is speculative and that no factual showing has been made in support of it. Replying to the oppositions, WATR maintains that under the provisions of § 3.636 (a) (2) of the Commission's rules, the Commission has the responsibility of determining whether a multiple ownership grant will result in a concentration of control in a manner inconsistent with public interest, a matter which the Commission must determine upon a case-to-case basis. WATR insists that the fact that General Electric and Westinghouse affiliation contracts have been filed with the Commission and have been in compliance with the Commission's rules does not make unnecessary inquiry into the effect of these agreements. It is denied that the proposed issue is speculative, since, according to WATR, it is limited to the affiliation relationship existing between NBC, Westinghouse and General Electric and the management contract history and the evidence of control disclosed by the pending exchange of facilities between Westinghouse and NBC.

11. There being no allegation by WATR of violations of the Commission's rules relative to network affiliation contracts or that these contracts have resulted in combinations in restraint of trade contrary to the provisions of sections 1 and 2 of the Sherman Act, the Commission is unable to agree that addition of this issue in the form and scope proposed is necessary. In the absence of factual averments which would support the inclusion of the issue requested, it is the view of the Commission that the request must be denied as based upon speculative matters. Our refusal to add this proposal of WATR does not in any way limit the scope of the other hearing issues, including the enlargements ordered herein.

12. The second new issue sought by WATR calls for a determination of what effect, if any, the ownership and operation of WKNB-TV will have on the availability of NBC network programs to the viewing public now served by WHNC-TV, Channel 8, New Haven, Connecticut, owned by Elm City. Asserting that it is increasingly self-evident that an affiliation with either CBS or NBC network may represent the difference between success and failure of any television station, WATR argues that with NBC's acquisition of a television station in the area here involved all competition for this affiliation will be removed, thus eliminating the availability of NBC programs to other stations in the area. Accordingly, argues petitioner, there will be an increase in NBC's concentration of control over broadcasting facilities. In opposition to the request, NBC asserts that the issue must be refused because of WATR's failure to show how a determination of the issue is likely to be dispositive of the pending applications. The Broadcast Bureau similarly objects. Replying to the oppositions, WATR states that the recent modification of the Commission's chain broadcasting regulations concerning territorial exclusivity demonstrates the merits of the issue request. WATR also claims that it is vitally interested in protecting and ex-

[3] Section 3.136 reads as follows: "'Network ownership of stations. No license shall be granted to a network organization, or to any person directly or indirectly controlled by or under common control with a network organization, for more than one standard broadcast station where one of the stations covera substantially the service area of the other station, or for any standard broadcast station in any locality where the existing standard broadcast stations are so few or of such unequal desirability (in terms of coverage, power, frequency, or other related matters) that competition would be substantially restrained by such licensing. (The word (control) as used herein, is not limited to full control but includes such a measure of control as would substantially affect the availability of the station to other networks.)"

panding its ability to secure network program service and that the possibility of securing NBC programs will be materially lessened by the proposed transfer. To the Commission it appears that this proposed issue presents one aspect of the broader inquiry contemplated by the already specified issues hereinabove enlarged, and that such particularization is unnecessary.

13. Both WATR and Elm City wish to explore the field of possible anti-trust violations attributable to the proposed transferee or its parent company, RCA, although the requests are stated in somewhat different form and with variations in emphasis. Thus, WATR proposes an issue to determine whether the undisposed complaints of the United States Department of Justice against the Radio Corporation of America charging it with violations of the laws of the United States relating to unlawful restraints and monopolies makes it inappropriate either to confirm or extend the powers and privileges of its subsidiary, NBC, as a licensee of radio and television stations. Elm City asks for an issue to permit obtaining information with respect to the participation of NBC, its officers, directors, stockholders, employees, or agents, in any violation of either Federal or State anti-trust laws, the extent and character of such participation, and the results of any litigation flowing from such participation. More specifically, Elm City requests an issue so that it may be ascertained whether the violations committed were wilful or inadvertent, whether they were committed over a long period of time or were isolated events, and whether the violations were recent. WATR supports its request by a reference to complaints by individuals and by the Department of Justice against RCA alleging violations of the anti-trust laws, particularly the action referred to in paragraph 4, supra, and insists that these matters should be explored in the hearing. Elm City urges enlargement in view of the Commission's long standing concern about anti-trust violations on the part of licensees, and the Commission's recent decision in the Fort Wayne case.

14. NBC opposes both requests on the ground that the matters to be examined are totally irrelevant to any conceivable issue as to the multiple ownership rules and points out that NBC is not a party to the Department of Justice case which, additionally, does not involve operation of radio or television stations. It is asserted, also, that NBC has never been directly involved in any anti-trust action. Consideration of anti-trust charges as affecting the character of NBC would be contrary to the legislative intent, according to NBC, even if there were such charges against it because the legislative history of the 1952 amendments of the Communications Act, in talking of Section 313 of the Act, speaks of convictions of anti-trust law violations as a basis for refusal of a grant of license. NBC maintains that use of the word "conviction" denotes criminal violation rather than the type of violation involved in civil action. NBC notes that in the ABC-Paramount merger case the Commission found that a grant was not precluded by the fact that private anti-trust suits had been filed against the applicant and that a number of them had been settled. The Fort Wayne case, supra, is distinguished on the ground that it was a comparative proceeding. Also pointed out in opposition is the fact that NBC's qualifications have been regularly passed on by the Commission over a long period of years. The basis for the Broadcast Bureau's opposition is that no Commission action has been taken on the past history of RCA consent decrees though the information has been available to the Commission and that predicating an issue on pending anti-trust suits against RCA is improper because of the uncertainty of the outcome.

15. The Commission is unable to agree with petitioners that the addition of either of the anti-trust issues requested is necessary to a proper disposition of the instant proceeding. The narrow issue proposed by WATR would require us to make a finding whether or not it would be appropriate to permit NBC to acquire the stations in question in view of the undisposed of complaints by the United States against the Radio Corporation of America charging the latter with violations of the anti-trust laws. With only a complaint upon which to base its request and with the complaint not being against the applicant itself, petitioner has failed to justify injection of this matter as another hearing issue. To allow the existence of this complaint with the uncertainty of the outcome in both time and content to delay the completion of the instant proceeding would place an excessive burden upon our administrative processes. If, prior to completion of the case before us, the anti-trust proceeding is concluded adversely to NBC's parent company, it would be within our power to take further administrative action to alter the proceeding before us and to take into account such matter. Assuming that the Commission has completed the instant case and thereafter conviction or other adverse holding should be had against RCA, other remedies, including those prescribed in sections 311 and 313 of the Act, are available to assure protection of the public interest.

16. As to the enlargement requested by Elm City, it appears to be based on either or both of two factors, that is, (1) the past record of consent decrees to which RCA was a party and (2) the presently pending anti-trust actions to which reference has already been made. With regard to the former, the information to which reference is made is not new; it has been available to the Commission but has not, in the opinion of the Commission, justified any action adverse to RCA's subsidiary, NBC. We have already indicated in previous portions hereof the reasons why we do not consider it necessary to include an issue relative to the outstanding anti-trust suits against RCA. While Elm City puts the issue in terms of NBC participation in the alleged unlawful activities, it is apparent that the subject matter is that at issue in the anti-trust action against the parent company. The outcome of this action is, as we have said, uncertain and it would be inappropriate to further complicate the issues herein by exploring these matters now in progress in the courts.

17. The final request to be considered is WATR's proposal for an issue to determine what effect, if any, the ownership of WKNB–TV will have on the plans and policies of NBC for affiliation with VHF and UHF television stations not owned and operated by NBC. WATR argues that by acquiring additional UHF stations NBC can use its ownership to effectuate permanent exclusive affiliation agreements assuring these stations' ability to survive and compete with either VHF or UHF stations. Also it is asserted that a grant of the application will serve to confirm the fact that unless NBC does own the station, it will not affiliate with a UHF where a free choice between UHF and VHF exists. NBC, in opposition, maintains that WATR has made no allegation how a determination of the issue is likely to be dispositive of the pending applications and that this defect is fatal. The Broadcast Bureau asserts that the requested issue raises broad general policy questions which cannot be appropriately treated in an adjudicatory proceeding.

18. The issue is so lacking in specificity that its inclusion in this proceeding would permit inquiry into matters far afield from the particular problem before the Commission, i. e., whether these particular applications should be granted. To treat these matters in this hearing would be inappropriate because broad general policy questions are raised which more properly are matters for inquiry in rule-making and investigatory proceedings already under study by the Commission. Of course, to some extent questions arising under the proposed issue may, if sufficiently specific, come within the scope of the existing hearing issues as enlarged, but this does not justify opening the case to the broad inquiry apparently contemplated by WATR's request.

*Petition of WGR.* 19. There remains the petition to designate for hearing and for consolidation filed by WGR Corporation, licensee of WGR–TV, Buffalo, New York. WGR asks that the Commission designate for hearing applications for assignment of license of stations WPTZ and KYW, Philadelphia, Pennsylvania, to NBC, and of stations WNBK and WTAM, Cleveland, Ohio, to Westinghouse Broadcasting Company, Inc. It further requests consolidation of the instant proceeding with the protest proceeding on the application for assignment of construction permit of station WBUF–TV, Buffalo, New York (Docket No. 11528).

20. Since the WGR petition was filed, the Cleveland and Philadelphia applications have been granted without further opposition from WGR. WGR, which is also protestant in the Buffalo proceeding, has petitioned to withdraw from that proceeding, an unopposed request which we have granted. Accordingly, WGR's petition for designation and for consolidation has become moot and should be dismissed.

21. In view of the foregoing: *It is ordered*, This 11th day of April 1956, that the designation order herein released May 27, 1955, is amended so that Issue (1) reads as follows:

To determine whether or not grants of the above-entitled applications would be consistent with the provisions of §§ 3.35 (a) and (b) and 3.636 (a) (1) and (2) of the Commission's rules and its policies promulgated thereunder.

and so that Issue (2) reads as follows:

To determine whether or not grants of the above-entitled applications would be consistent with the provisions of §§ 3.658 (f) and 3.136 of the Commission's rules and its policies promulgated thereunder.

*It is further ordered*, That said designation order is modified so that in lieu of the procedure provided for in the penultimate paragraph thereof, the hearing on the subject applications shall be a full evidentiary hearing before a Hearing Examiner and at a time and place to be specified subsequently.

*It is further ordered*, That in all other respects than those above indicated the petitions filed by WATR and Elm City are denied, and that the petition to designate for hearing and consolidation filed by WGR Corporation is dismissed as moot.

Released: April 13, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56–2998; Filed, Apr. 17, 1956; 8:51 a. m.]

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[Docket No. 11659; FCC 56M–339]

DONALD F. WHITMAN (KITN)

ORDER SCHEDULING PREHEARING CONFERENCE

In re application of Donald F. Whitman (KITN) Olympia, Washington, Docket No. 11659, File No. BP–9809; for construction permit.

The Hearing Examiner having under consideration the above-entitled proceeding;

*It is ordered*, This 9th day of April 1956, that all parties, or their attorneys, are directed to appear for a pre-hearing conference, pursuant to the provisions of § 1.813 of the Commission's rules, at the Commission's offices in Washington, D. C., at 10:00 a. m., April 24, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56–2965; Filed, Apr. 17, 1956; 8:45 a. m.]

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[Docket No. FCC 56M–351]

COOS COUNTY BROADCASTERS

ORDER CONTINUING HEARING

In re application of Harold C. Singleton, d/b as Coos County Broadcasters, Coos Bay, Oregon, Docket No. 11639 File No. BP–9758; for construction permit.

Pursuant to a pre-hearing conference with counsel held this date in the above-entitled proceeding: *It is ordered*, This 12th day of April 1956, that a further pre-hearing conference will be held in the offices of the Commission in Washington, D. C., on May 16, 1956, at 10:00 a. m., and the hearing now scheduled for April 25, 1956, will be continued to May 23, 1956, at 10:00 a. m.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56–2999; Filed, Apr. 17, 1956; 8:51 a. m.]

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[Docket No. 11679; FCC 56–332]

FARWEST FISHERMEN, INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In the matter of Farwest Fishermen, Inc., Anacortes, Washington, application for construction permit for a new limited Class II–B coast station, File No. 1619–M–K, Docket No. 11679.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of April 1956;

The Commission, having under consideration an application filed by Farwest Fishermen, Inc., Anacortes, Washington, for a construction permit for a new limited Class II–B coast station to be located at Anacortes, Washington, utilizing the frequency 2214 kc;

It appearing that §§ 7.171 and 7.365 set forth the applicability of certain requirements and conditions under which the frequency 2214 kc may be assigned and that by an exchange of letters and telegrams between the applicant and the Commission, constituting notice under the provisions of section 309 (b) of the Communications Act of 1934, as amended, the Commission informed the applicant of its inability to find that said requirements and conditions had been met by the applicant; and

It further appearing that although the Commission finds the above-named applicant is legally, technically and financially qualified to construct, own and operate a coast station such as proposed, and although the applicant's replies to the questions raised have been considered, the questions have not been resolved and the Commission is unable to find that the public interest, convenience and necessity would be served by a grant of the application;

*It is ordered*, Pursuant to section 309 (b) of the Communications Act of 1934, as amended, that said application is designated for hearing upon the following issues:

1. To determine the nature of the service that the applicant would provide, including to whom such service would be available and the geographical area to be served.

2. To determine the extent to which ship-shore radio communication would be provided over distances for which frequencies above 30 Mc would be suitable.

3. To determine the nature and extent of the deficiencies, if any, of the public coast station facilities available to provide radiocommunication service to the applicant insofar as such deficiencies affect the necessity for establishing a limited coast station using the frequency 2214 kc.

4. To determine whether the assignment of the frequency 2214 kc at Anacortes, Washington, as requested, may cause harmful interference to the service of United States or foreign stations operating on the same or adjacent frequencies and having priority thereon by reason of the provisions of the Commission's rules and the provisions of the Agreement of the Extraordinary Administrative Radio Conference, Geneva, 1951, to which the United States is a party.

5. To determine in the light of the evidence adduced under the above issues, whether a grant of the above-entitled application would serve the public interest, convenience and necessity.

*It is further ordered*, That the Farwest Fishermen, Inc., is hereby afforded an opportunity to obtain a hearing on the foregoing issues by filing a written appearance, in triplicate, within twenty days of the mailing of the Order designating the application for hearing, and, if the applicant fails to file such a written statement within the date specified, and has not filed prior to the expiration of that date a petition to dismiss without prejudice, his application shall be dismissed with prejudice for failure to prosecute, in accordance with § 1.387 of the Commission's rules;

*It is further ordered*, That the Pacific Telephone and Telegraph Company is hereby named a party respondent to this proceeding, provided that within twenty days of the mailing of this Order it shall file with the Commission a written appearance in triplicate;

*It is further ordered*, That the hearing herein shall be held at Seattle, Washington, on the 11th day of May 1956.

Released: April 12, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56–3000; Filed, Apr. 17, 1956; 8:51 a. m.]

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## FEDERAL POWER COMMISSION

[Docket No. E–6674]

CALIFORNIA ELECTRIC POWER CO.

NOTICE OF APPLICATION

APRIL 12, 1956.

Take notice that on April 9, 1956, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by California Electric Power Company ("Applicant"), a corporation organized under the laws of the State of Delaware, and doing business in the States of California and Nevada, with its principal business office at Riverside, California, seeking an order authorizing Applicant to assume certain obligations or liabilities of its wholly-owned Mexican subsidiary, Industrial Electrica Mexicana, S. A. de C. V. ("Industrial"), an electric utility

company operating in Baja California and Sonora, Republic of Mexico. Industrial proposes to borrow $700,000 from the Bank of America National Trust and Savings Association to be evidenced by Industrial's 3¾ percent serial notes to be issued to said bank. Applicant will agree that if Industrial shall fail to pay, when due, the principal amount of, or interest on, any such note or notes, Applicant will purchase such defaulted note or notes from said bank at the face amount thereof, plus accrued interset. Applicant is of the opinion that its proposed agreement with said bank constitutes an assumption of obligation or liability in respect of the securities of Industrial, and, therefore, seeks an authorization of the Commission to assume such obligation or liability.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 2d day of May 1956, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file and available for public inspection.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56–2974; Filed, Apr. 17, 1956; 8:47 a. m.]

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[Docket No. G–5159]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF CONTINUANCE

APRIL 12, 1956.

Notice is hereby given that the application of Tennessee Gas Transmission Company in Docket No. G–5159, which was filed on November 22, 1954, and supplemented on January 5, 1955, and scheduled for a hearing on April 17, 1956, at 9: 30 a. m., e. s. t., is hereby continued for a hearing date to be set by further notice.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56–2975; Filed, Apr. 17, 1956; 8: 47 a. m.]

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[Docket No. G–8472]

SOUTHERN NATURAL GAS CO.

NOTICE OF CONTINUANCE

APRIL 12, 1956.

Notice is hereby given that the application of Southern Natural Gas Company in Docket No. G–8472, which was filed on February 14, 1955, and scheduled for a hearing on April 16, 1956, at 9:30 a. m., e. s. t., is hereby continued for a hearing date to be set by further notice.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56–2976; Filed, Apr. 17, 1956; 8:47 a. m.]



[Docket No. G–3300 etc.]

SHAMROCK OIL AND GAS CORP. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

APRIL 11, 1956.

In the matters of Shamrock Oil and Gas Corporation, Docket Nos. G–3300 through G–3311, incl., G–3313 through G–3316, incl.; Jake L. Hamon, Operator, and on behalf of Edwin L. Cox, et al., and Argo Oil Corporation, Docket No. G–3662; Petroleum Inc., et al., Docket Nos. G–3672 and G–3673; H. Merlyn Christie et al. by Agent, Christie, Mitchell and Mitchell Co., Docket No. G–3751; G. & N. Oil Company, Docket No. G–3775; C. B. Webster, Docket No. G–3827; Mrs. Mary Dee Hinkle, individually and as Independent Executrix of the Estate of G. S. Hinkle, deceased, Docket No. G–3880; General Drilling Company, Docket No. G–3909; C. N. Housh, Docket No. G–3969; Joseph M. Jones et al., Docket No. G–4134; Hanlon-Boyle, Inc., Docket No. G–4342; Lamar Hunt Trust Estate, Docket No. G–4435; William Herbert Hunt Trust Estate, Docket No. G–4436; Haroldson L. Hunt, Jr. Trust Estate, Docket No. G–4437; D. Thompson Production Company, Inc., Docket No. G–4727; Mrs. Luna T. Holcomb, Docket No. G–4811; Big Chief Drilling Company, Docket Nos. G–5217 and G–5219, G–5222 through G–5226, incl.; Gulf Oil Corporation, Docket No. G–7142.

Take notice that each of the above Applicants has filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicants to render services as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in their respective applications, which are on file with the Commission and open for public inspection.

Applicants produce and sell natural gas for transportation in interstate commerce for resale, as indicated below;

*Docket No.; Location of Field; and Buyer*

G–3300 through G–3311, inclusive, G–3313 through G–3316, inclusive; W. & E. Panhandle, Hugoton and Guymon Hugoton Fields, Texas and Oklahoma; Sinclair Prairie Oil Company; Shell Oil Co.; Panhandle Eastern Pipe Line Company; Phillips Petroleum Company; Northern Natural Gas Company; Natural Gas Pipe Line Company of America; Kansas Nebraska Natural Gas Company.

G–3662; South Cottonwood Creek Field, DeWitt County, Tex.; Wilcox Trend Gathering System, Inc.

G–3672 and G–3673; Hugoton Field, Finney, Kearney and Stanton Counties, Kans.; Kansas-Nebraska Natural Gas Company; Cities Service Gas Company.

G–3751; Sabine Train Field, Newton County, Tex.; Trunkline Gas Company.

G–3775; Sand Draw Unit Area, Fremont County, Wyo.; Northern Utilities Company.

G–3827 and G–3880; Provident City Field, Lavaca County, Tex.; Shell Oil Company.

G–3909; Noble-Olson Zone, Chickasha Field, Grady County, Okla.; Consolidated Gas Utilities Corporation.

G–3969; Fostoria Field, Montgomery County, Tex.; Tennessee Gas Transmission Company.

G–4134; Northeast Lisbon Field, Claiborne Parish, La.; Hassie Hunt Trust.

G–4342; Tunstill Field, Lorring County, Tex.; Pecos Petroleum Company.

G–4435; East Haynesville Field, Claiborne Parish, La.; Arkansas Louisiana Gas Company.

G–4436; North Cottonwood and Arneckeville Fields, Liberty and DeWitt Counties, Tex.; East Haynesville Field, Claiborne Parish, La.; Texas Eastern Transmission Corporation; Arkansas Louisiana Gas Company.

G–4437; East Haynesville Field, Claiborne Parish, La.; Arkansas Louisiana Gas Company.

G–4727; Carthage Field, Panola County, Tex.; Arkansas Louisiana Gas Company.

G–4811; Carthage Field, Panola County, Tex.; Arkansas Louisiana Gas Company.

G–5217, G–5219, G–5222 through G–5226, inclusive; Wayne and Northwest Edmond Fields, McClain and Oklahoma Counties, Okla.; Levelland Field, Cochran County, Tex.; Warren Petroleum Company; Cities Service Oil Company; Kerr McGee Oil Industries, Inc., The Texas Company; Stanolind Oil & Gas Company; Magnolia Petroleum Company; Atlantic Refining Company; Phillips Petroleum Company; Continental Oil Company; and Llano Grande Corporation.

G–7142; North Lansing Field, Harrison County, Tex.; H. L. Hunt.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 15, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 1, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56–2977; Filed, Apr. 17, 1956; 8:47 a. m.]

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[Docket No. G–7053, etc.]

SEABOARD OIL CO.

NOTICE OF APPLICATIONS AND DATE OF HEARING

Take notice that each of the Applicants listed below has filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing such Applicant to continue to sell natural gas subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open for public inspection. These matters should be consolidated and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on the date and at the place hereinafter stated, concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) not less than ten days before the date of hearing. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request for waiver is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

The dockets, Applicants and material averments in applications to which reference is made above are as follows:

*Docket No.; Name and Address; Filing Date; Gas Field; and Purchaser*

G–7053; Seaboard Oil Company, Dallas, Tex.; 11–30–54; Boyce, Goliad County, Tex.; United Gas Pipe Line Company.

G–7054; Seaboard Oil Company, Dallas, Tex.; 11–30–54; Boyce, Goliad County, Tex.; United Gas Pipe Line Company.

G–7055; Seaboard Oil Company, Dallas, Tex.; 11–30–54; South Ceasar, Bee County, Tex.; United Gas Pipe Line Company.

G–7056; Seaboard Oil Company, Dallas, Tex.; 11–30–54; Chesterville, Colorado County, Tex.; Tennessee Gas Transmission Company.

G–7057; Seaboard Oil Company, Dallas, Tex.; 11–30–54; South Cottonwood Creek, Wharton County, Tex.; Texas Eastern Transmission Corporation.

G–7058; Seaboard Oil Company, Dallas, Tex.; 11–30–54; Coy City, Karnes County, Tex.; United Gas Pipe Line Company.

G–7059; Seaboard Oil Company, Dallas, Tex.; 11–30–54; El Campo, Wharton County, Tex.; United Gas Pipe Line Company.

G–7060; Seaboard Oil Company, Dallas, Tex.; 11–30–54; Holly Ridge, Tensas Parish, La.; Olin Gas Transmission Corporation.

G–7061; Seaboard Oil Company, Dallas, Tex.; 11–30–54; North Karon, Live Oak County, Tex.; Texas Eastern Transmission Corporation.

G–7062; Seaboard Oil Company, Dallas, Tex.; 11–30–54; North Lansing, Harrison County, Tex.; Arkansas-Louisiana Gas Company.

G–7063; Seaboard Oil Company, Dallas, Tex.; 11–30–54; Luby and Petronilla, Nueces County, Tex.; Transcontinental Gas Pipe Line Corporation.

G–7064; Seaboard Oil Company, Dallas, Tex.; 11–30–54; Odem, San Patricio County, Tex.; Transcontinental Gas Pipe Line Corporation.

G–7065; Seaboard Oil Company, Dallas, Tex.; 11–30–54; Plymouth, San Patricio County, Tex.; Tennessee Gas Transmission Company.

G–7066; Seaboard Oil Company, Dallas, Tex.; 11–30–54; Riverside, Nueces County, Tex.; Tennessee Gas Transmission Company.

G–7067; Seaboard Oil Company, Dallas, Tex.; 11–30–54; Seven Sisters, Duval County, Tex.; Tennessee Gas Transmission Company.

G–7069; Seaboard Oil Company, Dallas, Tex.; 11–30–54; Sparton, San Patricio County, Tex.; Tennessee Gas Transmission Company.

G–7070; Seaboard Oil Company, Dallas, Tex.; 11–30–54; Tatmus, Carter County, Okla.; Lone Star Gas Company.

G–7071; Seaboard Oil Company, Dallas, Tex.; 11–30–54; West Dollarhide, Lea County, N. Mex.; El Paso Natural Gas Company.

G–7072; Seaboard Oil Company, Dallas, Tex.; 11–30–54; Germania, Midland County, Tex.; El Paso Natural Gas Company.

A public hearing will be held on the 14th day of May 1956, beginning at 9:30 a. m., e. d. s. t., in the hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the above designated applications.

By the Commission.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

APRIL 11, 1956.

[F. R. Doc. 56–2978; Filed, Apr. 17, 1956; 8:47 a. m.]

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[Docket No. E–6665]

EL PASO ELECTRIC CO.

NOTICE OF ORDER AUTHORIZING ISSUE OF COMMON STOCK

APRIL 12, 1956.

Notice is hereby given that on April 6, 1956, the Federal Power Commission issued its order, authorizing issuance of common stock in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56–2988; Filed, Apr. 17, 1956; 8:49 a. m.]

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[Docket No. G–4354 etc.]

W. H. MOSSER & SON GAS CO. ET AL.

NOTICE OF FINDINGS AND ORDER

APRIL 12, 1956.

In the matters of W. H. Mosser & Son Gas Co., Docket No. G–4354; Aldridge Gas Company, Docket No. G–4456; Sandy Lease, H. L. Smith, Agent, Docket No. G–4891; Morrison Lease, H. L. Smith, Docket No. G–4892; Norman Lease, H. L. Smith, Docket No. G–4893; Blackshire Lease, H. L. Smith, Docket No. G–4894; Smith Lease, H. L. Smith, Docket No. G–4895; McKinney Lease, H. L. Smith, Docket No. G–4897; Porter Knob Gas Company, Docket No. G–5288; Beechy Branch Gas Company, Docket No. G–5289; R. C. Hardman Lease, L. B. Carrell, Docket No. G–5695; H. M. Hathaway Lease, L. B. Carrell, Docket No. G–5696; Patti Leavell, Executrix of John H. Leavell's Estate, Docket No. G–5940; Louis F. Silhol, Trustee, Docket No. G–5943; Charles S. Despard, Docket No. G–6009; Wade Gas Co., L. C. Foster, Docket No. G–6023; Fairground Well No. 2, Docket No. G–6028; Sweetland Land and Mineral Co., Docket No. G–6029; P. P. Bell et al., Lease, Docket No. G–6486; Harry Laviers and Others, Docket No. G–6499; R. H. Adkins, Agent, Docket No. G–7454; Mountain Lumber Co., Docket No. G–7455; H. A. Waggoner, Trustee, Docket No. G–7457; Elkins Gas Company, Docket No. G–7458; George Kroh et al., Docket No. G–7460; Dry Fork Gas Company, Docket No. G–7465.

Notice is hereby given that on April 6, 1956, the Federal Power Commission issued its order, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56–2989; Filed, Apr. 17, 1956; 8:49 a. m.]

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[Docket No. G–4695 etc.]

MURPHY CORP. ET AL.

NOTICE OF FINDINGS AND ORDER

APRIL 12, 1956.

In the matters of Murphy Corporation, Docket Nos. G–4695, G–4696, G–4697, G–4698, G–4699, G–4700, G–4701, G–4702, G–4703, G–4705, G–4706, G–4707; C. H. Murphy, Jr., Docket No. G–4708; J. J. Roberts and C. H. Murphy, Jr., dba Roberts & Murphy, Docket Nos. G–4712, G–4713, G–4714.

Notice is hereby given that on April 6, 1956, the Federal Power Commission issued its order, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56–2990; Filed, Apr. 17, 1956; 8:49 a. m.]

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[Docket No. G–9215 etc.]

REDLAND PIPELINE CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

APRIL 12, 1956.

In the matters of Redland Pipeline Company, Docket No. G–9215; R. W. Fair, Docket No. G–9216; Louisiana Nevada Transit Company, Docket No. G–9217.

Take notice that there have been filed with the Federal Power Commission in the above-entitled matters, application

for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the respective Applicants to construct and operate facilities and to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open to public inspection.

Louisiana Nevada Transit Company (Louisiana Nevada), a Nevada corporation with its principal place of business at Ada, Oklahoma, by its application requests authority to make physical connection with the proposed facilities of the Redland Pipeline Company, and accept delivery of an additional supply of gas from Redland Pipeline Company.

Redland Pipeline Company (Redland), a Delaware corporation with its principal place of business at Tyler, by its amended application requests authority to construct and operate 9 miles of pipeline facilities to enable it to sell natural gas in interstate commerce to Louisiana Nevada Transit Company for resale, which gas is purchased from R. W. Fair.

R. W. Fair, an individual having his principal place of business at Tyler, Texas, by his application requests authority to sell natural gas in interstate commerce to Redland Pipeline Company for resale, which gas is produced from the Redland Field, Bossier Parish, Louisiana.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 22, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C. concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 4, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56-3001; Filed, Apr. 17, 1956; 8:52 a. m.]

[Project No. 2200]

CALIFORNIA OREGON POWER CO.

NOTICE OF APPLICATION

APRIL 13, 1956.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U. S. C. 791a–825r) by The California Oregon Power Company of Medford, Oregon, for license for constructed hydroelectric Project No. 2200 on the Klamath River in California and Oregon and on the Link River in Oregon, in Siskiyou County, California in the vicinity of Hornbrook, and in Klamath County, Oregon in the vicinity of Keno and Klamath Falls, affecting lands and navigable waters of the United States and utilizing surplus water from the Link River Government dam near Klamath Falls, Oregon. The project has an initial hydroelectric installation of 51,560 kilowatts and develops about 395 feet of powerhead in about 60 miles of the upper Klamath River and Link River. The project includes five existing hydroelectric developments and an existing regulating dam, described as follows:

(1) East Side Development on Link River consisting of a canal and penstock extending from Link River Dam to the powerhouse containing a 4,250-horsepower turbine driving a 3,200-kilowatt generator;

(2) West Side Development on Link River consisting of a canal and penstock extending from Link River dam to the powerhouse containing a 1,040-horsepower turbine driving a 600-kilowatt generator;

(3) Keno Regulating Dam on Klamath River consisting of a wood bent structure with earth abutments and control works for maintaining the level of Ewauna Lake and Klamath River between Keno and Klamath Falls;

(4) Keno Development consisting of a low diversion dam across Klamath River about one mile below Keno and a short canal extending to the powerhouse containing a 600-horsepower turbine driving a 360-kilowatt generator and a 695-horsepower turbine driving a 400-kilowatt generator;

(5) Copco No. 1 Development on Klamath River about 30 miles below the Keno Development consisting of a concrete gravity arch dam with taintor gates creating a reservoir about 4½ miles long, penstocks, and a powerhouse containing two 18,600-horsepower turbines each driving a 10,000-kilowatt generator, a substation, and appurtenant facilities;

(6) Copco No. 2 Development on Klamath River consisting of a concrete and earth diversion dam about ¼ mile below the Copco No. 1 Development, a conduit composed of two tunnels, woodstave pipe and penstocks leading to the powerhouse containing two 20,000-horsepower turbines each driving a 13,500-kilowatt generator, a substation, and appurtenant facilities.

The application also includes the Link River Government dam which is utilized to release surplus water from Upper Klamath Lake for the operation of applicant's downstream hydroelectric developments. Link River dam is a low concrete structure controlling the level of Upper Klamath Lake.

As stated in the Commission's orders issued January 28, 1954 in Project No. 2082 and Docket No. E–6390, requiring the filing of this application, one of the questions in the proceeding on this application for license for Project No. 2200 is whether the project works involved should be included in the license issued for the Big Bend No. 2 Development (Project No. 2082), and another question is whether, in the interests of protection of life, health, and property, re-regulating facilities at or near the Iron Gate site are necessary and should be included in any license authorizing the continued operation of the aforesaid existing developments on the Klamath River.

Protests or petitions to intervene in this proceeding may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests and petitions to intervene may be filed is May 28, 1956. The application is on file with the Commission for public inspection.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56-3002; Filed, Apr. 17, 1956; 8:52 a. m.]

## SMALL BUSINESS ADMINISTRATION

REGIONAL DIRECTORS

DELEGATIONS OF AUTHORITY

1. *Amendment No. 1 to Delegation of Authority 19 F. R. 4433.* Section 13 is hereby deleted, and the following substituted in lieu thereof:

SEC. 13. "Regional Director" as used herein shall include Acting Regional Director.

2. *Amendment No. 1 to Delegation of Authority 19 F. R. 5119.* Section 2 is hereby deleted, and the following substituted in lieu thereof:

SEC. 2. "Regional Director" as used herein shall include Acting Regional Director.

These amendments are to be effective as of the date of publication in the FEDERAL REGISTER.

Dated: March 30, 1956.

WENDELL B. BARNES,
*Administrator,*
*Small Business Administration.*

[F. R. Doc. 56-2985; Filed, Apr. 17, 1956; 8:49 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 24D–1593]

LUCKY LAKE URANIUM, INC.

ORDER WITHDRAWING REQUEST FOR HEARING AND CANCELLING HEARING

APRIL 11, 1956.

The Commission by order dated April 4, 1956, having ordered that a hearing in the above-entitled matter pursuant to section 3 (b) of the Securities Act of 1933, as amended, and Rule 223 thereunder, commence on April 16, 1956 at 10:00 a. m., m. s. t., at the office of the Securities and Exchange Commission, 201 Boston Building, Salt Lake City, Utah; and

The company having requested a withdrawal of its request for a hearing and the Division of Corporation Finance not objecting thereto;

*It is ordered,* That the request for hearing be and it hereby is deemed withdrawn without prejudice.

*It is further ordered,* That the order dated April 4, 1956, scheduling a hearing for April 16, 1956 be and it hereby is rescinded.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 56-2982; Filed, Apr. 17, 1956; 8:48 a. m.]

[File No. 70-3468]

NEW ENGLAND ELECTRIC SYSTEM

NOTICE OF FILING REGARDING PROPOSED AMENDMENT TO AGREEMENT AND DECLARATION OF TRUST INCREASING TOTAL AUTHORIZED COMMON SHARES AND SOLICITATION OF PROXIES IN RESPECT THEREOF

APRIL 12, 1956.

Notice is hereby given that a declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act"), by New England Electric System ("NEES"), a registered holding company. NEES has designated sections 6 (a), 7 and 12 of the act and Rules U-62 and U-65 (b) promulgated thereunder as applicable to the proposed transactions, which are summarized as follows:

NEES proposes to submit to the vote of its shareholders at the regular annual meeting of such shareholders to be held on May 29, 1956, a proposal to increase the authorized number of shares from 11,500,000 to 15,000,000 and to amend the Agreement and Declaration of Trust to reflect such increase and in connection therewith to solicit proxies. It is stated in the filing that the proposed increase in authorized shares and proposed amendment to the Agreement and Declaration of Trust require the affirmative vote of a majority of the common shares present or represented at a shareholders' meeting held for such purpose.

Of the 11,500,000 shares presently authorized, NEES now has 1,480,293 unissued shares, which will be reduced to 645,317 upon the issuance of 834,976 shares proposed to be offered in April 1956. The filing states that the amendment is being proposed at the present time in order to provide additional authorized common shares to be issued by NEES to enable it to assist in the financing of the construction program of the subsidiaries and for such other purposes as the directors may determine.

The filing sets forth an estimate of fees and expenses totaling $25,500 in connection with the proposed transactions, including the preparation and mailing of the solicitation material and $2,500 for services performed, at cost, by New England Power Service Company, an affiliated service company. It is stated that no State commission and no Federal commission other than this Commission has jurisdiction over the proposed transactions.

Declarant requests that the Commission's order herein become effective upon issuance.

Notice is further given that any interested person may, not later than April 26, 1956, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 56-2984; Filed, Apr. 17, 1956; 8:49 a.m.]

[File No. 811–712]

NUCLEONICS, CHEMISTRY AND ELECTRONICS SHARES, INC.

ORDER RESCINDING ORDER FOR HEARING

APRIL 11, 1956.

The Commission having previously, by Notice of and Order for Hearing pursuant to section 35 of the Investment Company Act of 1940, directed that a hearing be held concerning the corporate name of Atomic, Chemical & Electronic Shares, Inc., such hearing to be held on April 30, 1956; and

Atomic, Chemical & Electronic Shares, Inc., having filed an amendment to its registration statement changing its name to Nucleonics, Chemistry and Electronics Shares, Inc., and objectors to the name of such Fund, who had requested a hearing with respect thereto having, on the basis of such change of name, withdrawn such request for hearing, and it appearing appropriate to the Commission that in view of such change of name, such order for hearing should be rescinded;

*It is ordered,* That the hearing heretofore ordered with respect to the corporate name of Atomic, Chemical & Electronic Shares, Inc., pursuant to section 35 of the Investment Company Act of 1940, be and is hereby rescinded.

*It is further ordered,* That notice of this order of recision shall be given to the registrant and to the other persons notified of the entry of said order of April 6, 1956, and that this order shall be published in the FEDERAL REGISTER and by general release of the Commission in the same manner as such previous order.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 56-2983; Filed, Apr. 17, 1956; 8:48 a. m.]

## INTERSTATE COMMERCE COMMISSION

[Notice 108]

MOTOR CARRIER APPLICATIONS

APRIL 13, 1956.

Protests consisting of an original and two copies to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40), protest shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in forms of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, pre-hearing conference, taking of depositions, or other proceeding shall notify the Commission by letter or telegram within 30 days of publication of this notice in the FEDERAL REGISTER. Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operations of Motor Carrier properties sought to be acquired in an application under section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 2202 Sub 144, filed April 3, 1956, ROADWAY EXPRESS, INC., 147 Park Street, Akron, Ohio. Applicant's attorney: Turney & Turney, 2001 Massachusetts Avenue NW., Washington 6, D. C. For authority to operate as a *common carrier,* over a regular route, transporting: *General commodities,* except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equip-

ment, between Madison, Ill., and junction of U. S. Highway By-Pass 40 and U. S. Highway 40, east of Troy, Ill., from Madison, over Illinois Highway 162 to junction of Illinois Highway 162 and U. S. Highway By-Pass 40, thence over U. S. Highway By-Pass 40 to junction of U. S. Highway By-Pass 40 and U. S. Highway 40 approximately 2½ miles east of Troy, Ill., and return over the same route, serving no intermediate points, as an alternate route in connection with carrier's authorized regular-route operations between Akron, Ohio, and San Antonio, Tex., and between Fremont, Ohio, and Tulsa, Okla. Applicant is authorized to conduct operations in Alabama, Delaware, Georgia, Illinois, Indiana, Kansas, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin and the District of Columbia.

No. MC 4405 Sub 275, filed April 2, 1956, DEALERS TRANSIT, INC., 12601 S. Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, 1624 Eye Street NW., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: (a) *Trailers, semi-trailers* and *trailer chassis*, other than those designed to be drawn by passenger automobiles, in initial movements, in truckaway and driveaway service, (b) *Tractors*, other than farm tractors, in secondary movements, in driveaway service, only when drawing trailers moving in initial driveaway service, (c) *truck and trailer bodies*, assembled or unassembled, from the Detroit, Michigan, Commercial Zone to points in the United States. Applicant is authorized to conduct operations in all States in the United States and the District of Columbia.

No. MC 8902 Sub 9, filed April 2, 1956, THE WESTERN EXPRESS COMPANY, a corporation, 1277 East 40th Street, Cleveland 14, Ohio. Applicant's representative: J. J. Kuhner, 736 Society for Savings Building, Cleveland 14, Ohio. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving Twinsburg, Ohio, as an off-route point in connection with applicant's regular route operations to and from Cleveland, Ohio. Applicant is authorized to conduct operations in Massachusetts, New York, and Ohio.

No. MC 9269 Sub 7, filed March 30, 1956, BEST WAY MOTOR FREIGHT, INC., 441 Holgate Street, Seattle, Wash. Applicant's attorney: Donald D. Flemming, 1405 Hoge Building, Seattle 4, Wash. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Ice Harbor Dam Site, located near Pasco, Wash., approximately (10) miles northeasterly from the confluency of the Snake and Columbia Rivers and points in Washington within (15) miles of Ice Harbor Dam Site as off-route points in connection with applicant's regular route operations Docket No. MC 9269 Sub 5, between Seattle, and Spokane, Wash. via Othello, Wash.

No. MC 11185 Sub 94, filed March 28, 1956, J–T TRANSPORT COMPANY, INC., 3501 Manchester Trafficway, Kansas City, Mo. Applicant's attorney: James F. Miller, 500 Board of Trade Building, 10th and Wyandotte Streets, Kansas City 6, Mo. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Uncrated airplane parts and equipment* requiring special handling and special equipment, except airplane engines, between Manhattan Beach, Calif., and Liberal and Wichita, Kans. Applicant is authorized to conduct operations throughout the United States.

No. MC 18141 Sub 1, filed March 30, 1956, JOHN COMINO, 670 Wolf Street, Easton, Pa. Applicant's practitioner: A. E. Enoch, Brodhead Block, 556 Main Street, Bethlehem, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household goods*, as defined by the Commission, and *new furniture*, uncrated, between Phillipsburg, N. J., and Easton, Pa., and points in New Jersey and Pennsylvania within 30 miles of Phillipsburg and Easton, on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia and the District of Columbia. Applicant is authorized to conduct operations in New Jersey, Pennsylvania, Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Virginia, West Virginia, and the District of Columbia.

No. MC 29964 Sub 8, filed April 9, 1956, COCHRANE TRANSPORTATION COMPANY, A Corporation, 1834 Ninth Street Road, Richmond, Va. Applicant's attorney: Glenn F. Morgan, 1008 Warner Building, Washington 4, D. C. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, commodities in bulk, and commodities requiring special equipment, between Philadelphia, Pa., and New York, N. Y., from Philadelphia over U. S. Highway 1 to New York, and return over the same route, serving all intermediate points. The applicant is authorized, among other authority to conduct the above operations in truckload lots only in Certificate No. MC 29964, and the purpose of this application is to remove the restriction as to the above-specified route so that applicant may transport any size of shipment.

No. MC 30319 Sub 62, filed April 2, 1956, SOUTHERN PACIFIC TRANSPORT COMPANY, 810 North San Jacinto Street, P. O. Box 4054, Houston, Tex. Applicant's attorney: Edwin N. Bell, 1600 Esperson Building, Houston, Tex. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including commodities having a prior or subsequent movement by air*, excepting those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between airports and commercial air fields adjacent to and within the business areas of points applicant is authorized to serve in Certificate No. 30319 and sub numbered certificates thereunder, and Certificates No. MC 21099 and MC 21099 Sub 2, and MC 59910 and sub numbered certificates thereunder acquired pursuant to proceedings in No. MC–F–5453, authorizing operations in the States of Texas and Louisiana. Applicant also seeks modification and amendment of restrictions contained in the above-indicated certificates so far as to provide for the transportation of air-borne freight having a prior or subsequent movement by air.

No. MC 30605 Sub 86 (Amended), filed March 15, 1956, published in the March 28, 1956, issue on page 1920, THE SANTA FE TRAIL TRANSPORTATION COMPANY, A Corporation, Broadway and English Streets, Wichita, Kans. Applicant's attorney: Francis J. Steinbrecher, Law Department, The Atchison, Topeka and Santa Fe Railway System, 80 East Jackson Boulevard, Chicago 4, Ill. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including Class A and B explosives* (except liquid nitro glycerin), but excluding commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment (other than those requiring refrigeration), in service that is auxiliary to and supplemental of rail service of the Gulf, Colorado and Santa Fe Railway Company, (1) between Fort Worth, Tex., and Temple, Tex., from Fort Worth over U. S. Highway 81 to junction Texas Highway 174, thence over Texas Highway 174 to junction Texas Highway 6, thence over Texas Highway 6 to junction Texas Highway 317, thence over Texas Highway 317 to junction Texas Highway 36, thence over Texas Highway 36 to Temple, and return over the same route, (2) between Cleburne, Tex., and Dallas, Tex., over U. S. Highway 67, (3) between junction Texas Highways 67 and 174 and Blum, Tex., from junction Texas Highways 67 and 174 over Texas Highway 174 to junction unnumbered highway, thence over unnumbered highway to Blum, and return over the same route, (4) between junction Texas Highway 174 and Spur 1859 and Kopperl, Tex., over Spur 1859, (5) between junction U. S. Highway 81 and Farm Road 731 and Crowley, Tex., over Farm Road 731, (6) between Dallas, Tex., and Sanger, Tex., over U. S. Highway 77, and (7) between Denton, Tex., and Krum, Tex., from Denton over U. S. Highway 24 to junction unnumbered highway, thence over unnumbered highway to Krum, and return over the same route. Serving all intermediate points located on the Gulf, Colorado and Santa Fe Railway Company, including the termini, and off-route points of Blum, Crowley and Kopperl, Tex., on the above-specified routes. Applicant is authorized to conduct operations in Arkansas, Colorado, Kansas, Missouri, Nebraska, New Mexico, Oklahoma and Texas.



No. MC 30605 Sub 87, filed March 28, 1956, THE SANTA FE TRAIL TRANSPORTATION COMPANY, A Corporation, Broadway and English Streets, Wichita, Kans. Applicant's attorney: Francis J. Steinbrecher, Law Department, The Atchison, Topeka and Santa Fe Railway System, 80 East Jackson Boulevard, Chicago 4, Ill. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except commodities of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment (other than those requiring refrigeration), (1) between Albuquerque, N. Mex., and Fort Sumner, N. Mex., from Albuquerque over U. S. Highway 66 to junction New Mexico Highway 41, thence over New Mexico Highway 41 to junction U. S. Highway 60, thence over U. S. Highway 60 to Fort Sumner, and return over the same route, serving all intermediate points, and the off-route point of Sais, N. Mex., and (2) between Willard, N. Mex., and Belen, N. Mex., from Willard over U. S. Highway 60 to junction New Mexico Highway 6, thence over New Mexico Highway 6 to Belen, and return over the same route, serving all intermediate points, and the off-route point of Sais, N. Mex. *Class A and B explosives* (except nitro-glycerin), in service that is auxiliary to and supplemental of rail service of The Atchison, Topeka and Santa Fe Railway Company, over routes (1) and (2) as specified above.

No. MC 30837 Sub 202, filed April 4, 1956, KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. Applicant's representative: Lyle DeVuyst, Traffic Manager, P. O. Box 351, 4519 76th Street, Kenosha, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Truck concrete mixers*, set-up, weighing in excess of 3,000 pounds each, from the site of the plant of the Whiteman Truck Mixer Company at Los Angeles, Calif., to points in the United States, except those in Arizona, Nevada, New Mexico, Oklahoma and Texas. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia.

No. MC 30837 Sub 203, filed April 4, 1956, KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. Applicant's representative: Lyle DeVuyst, Traffic Manager, P. O. Box 351, 4519 76th Street, Kenosha, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Self-propelled construction, earth moving and road building equipment*, from Portland, Oreg., to all points in the United States.

No. MC 30844 Sub 28, filed April 9, 1956, HEUER TRUCK LINES, INCORPORATED, 306 May Street, Marshalltown, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats* and *packinghouse products*, as defined by the Commission, from Cedar Rapids, Iowa, to Niles, Mich., and Mishawaka and Warsaw, Ind. Applicant is authorized to conduct operations in Missouri, Illinois, Iowa, Indiana, Michigan, Ohio, Pennsylvania, and New York.

No. MC 35493 Sub 1, filed April 2, 1956, MICHAEL SANTILLO, doing business as MICHAEL DELIVERY, 390 Spring Street, Buffalo, N. Y. Applicant's representative: Floyd B. Piper, Crosby Building, Franklin Street at Mohawk, Buffalo 2, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Such commodities as are dealt in by department stores*, in retail deliveries only, from Buffalo, N. Y., to points in Crawford, Elk, Erie, Forest, McKean, Potter, Venango, and Warren Counties, Pa., and *returned, repossessed, or traded-in merchandise* of the above-described commodities on return.

No. MC 35751 Sub 2, filed March 30, 1956, CAPITOL TRANSPORT COMPANY, INC., Moorehall Road, Malvern, Pa. Applicant's representative: G. Donald Bullock, Box 146, Wyncote, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, except liquefied petroleum gases, in bulk, in tank vehicles, from Delaware City, Del., to points in Adams, Bedford, Berks, Blair, Bradford, Bucks, Carbon, Chester, Centre, Clinton, Columbia, Cumberland, Dauphin, Delaware, Franklin, Fulton, Huntingdon, Juanita, Lackawanna, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Mifflin, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Pike, Schuylkill, Snyder, Sullivan, Susquehanna, Tioga, Union, Wayne, Wyoming, and York Counties, Pa. Applicant is authorized to conduct operations in Maryland and Pennsylvania.

No. MC 36015 Sub 2, filed March 19, 1956, THOMAS GOODFELLOW, INC., 5201 Twelfth Street, Detroit 8, Mich. Applicant's attorney: Wm. R. Hefferan, 1419–25 Majestic Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Machinery, boilers, contractors' equipment*, and *commodities*, the transportation of which because of size, weight or bulk, requires special handling or rigging or the use of special equipment (such as carry-all, winch or pole trailer equipment), between points in the Detroit, Mich., Commercial Zone, as defined by the Commission, on the one hand, and, on the other, points in Michigan; (2) *heavy plant machinery* requiring rigging by the carrier, the transportation of which, because of size, weight or bulk, requires the use of special equipment (such as carry-all, winch or pole trailer equipment), between points in Michigan, and (3) *commodities* of such size, weight or bulk, the transportation of which requires special handling or rigging or the use of special equipment (such as carry-all, winch or pole trailer equipment), (a) between points in Michigan on the one hand, and, on the other, the International boundary line between Detroit, Mich., and Windsor, Ontario, Canada, and (b) between points in Michigan, on the one hand, and, on the other, the International boundary line between Port Huron, Mich., and Sarnia, Ontario, Canada.

NOTE: Operations applied for in this application include those presently being conducted by applicant under a second proviso filing (MC 36015 Sub 1) and applicant has signed a request for dismissal thereof if and when the authority applied for herein is granted.

No. MC 37248 Sub 12, filed April 4, 1956, VIRGINIA-CAROLINA FREIGHT LINES, INCORPORATED, P. O. Box 832, Martinsville, Va. Applicant's representative: T. C. Clark, P. O. Box 832, Martinsville, Va. For authority to operate as a *common carrier*, over irregular routes, transporting: *New furniture*, between Martinsville, Va., on the one hand, and, on the other, points in Arizona, Arkansas, California, Colorado, Idaho, Illinois (except the Chicago, Ill., Commercial Zone as defined by the Commission), Iowa, Kansas, Louisiana, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Washington, Wisconsin and Wyoming.

No. MC 37473 Sub 15, filed April 5, 1956, DETROIT-PITTSBURGH MOTOR FREIGHT, INC., 5324 Grant Avenue, Cuyahoga Heights, Ohio. (Mailing address: P. O. Box 392, Station D, Cleveland 27, Ohio). Applicant's attorney: Taylor C. Burneson, 3510 LeVeque-Lincoln Tower, Columbus 15, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Iron* and *steel*, and *iron and steel articles*, between the site of the Ford Motor Company plant located approximately two (2) miles east of Chicago Heights, Ill., at the intersection of Cottage Grove Avenue and U. S. Highway 30, on the one hand, and, on the other, (a) points in Pennsylvania on and west of a line beginning at the Pennsylvania-West Virginia State line and extending along U. S. Highway 119 to Indiana, thence along U. S. Highway 422 to junction U. S. Highway 19, and thence along U. S. Highway 19 to Erie, Pa., (b) points in Ohio on and north of U. S. Highway 40, (c) points in Indiana on and north of U. S. Highway 40, (d) points in West Virginia on and north of U. S. Highway 50, and (e) points in Michigan on and south of a line beginning at Muskegon and extending along Michigan Highway 20 to Bay City, Mich., thence along Michigan Highway 25 to Port Austin, Mich., and thence along U. S. Highway 25 to Port Huron, Mich. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan, Ohio, Pennsylvania, and West Virginia.

NOTE: Applicant states it now has authority to transport *iron* and *steel* and *iron and steel articles* between Chicago, Ill., and points in the Chicago, Ill., Commercial Zone, as

defined by the Commission, on the one hand, and, on the other, the above-described points in Pennsylvania, Ohio, Indiana, West Virginia, and Michigan. Applicant further states that by the instant application it proposes to serve the Ford Motor Company plant near Chicago Heights, Ill., in the same manner as it presently serves other plants in Chicago, Ill., and in the Illinois portion of the Chicago, Ill., Commercial Zone as defined by the Commission.

No. MC 42329 Sub 123, filed April 5, 1956, HAYES FREIGHT LINES, INC., 628 East Adams Street, Springfield, Ill. Applicant's attorney: Robert H. Levy, 29 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities, including Class A and B explosives*, but not including those of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring refrigeration, serving the site of the Chrysler Corporation Stamping Plant, near Twinsburg, Ohio, as an off-route point in connection with carrier's regular route operations between Cleveland and Canton, Ohio, over Ohio Highway 8.

No. MC 42329 Sub 124, filed April 6, 1956, HAYES FREIGHT LINES, INC., 628 East Adams Street, Springfield, Ill. Applicant's attorney: Carl L. Steiner, 39 South LaSalle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Road building machinery, equipment and parts thereof*, from Mattoon, Ill., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Indiana, Kentucky, Massachusetts, Maine, Maryland, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, Vermont, West Virginia and Wisconsin.

No. MC 42343 Sub 5, filed April 2, 1956, DOMINIC MACHISE, doing business as MACHISE EXPRESS COMPANY, 500 North Egg Harbor Road, Hammonton, N. J. Applicant's attorney: Wilmer A. Hill, Transportation Bldg., Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, between Delaware City, Del., on the one hand, and, on the other, Trenton, Cookstown, Berlin, Hammonton, Vineland, Bridgeton, and Atlantic City, N. J.; *gasoline, fuel oil, diesel oil*, and *kerosene*, in bulk, in tank vehicles, between Delaware City, Del., on the one hand, and, on the other, Lakewood, Pleasantville, Batsto, Cologne, and Hammonton, N. J. and points within ten miles of Hammonton, except Williamstown, N. J. Applicant is authorized to conduct operations from Philadelphia to points in New Jersey.

No. MC 45194 Sub 3, filed April 2, 1956, LATTAVO BROTHERS, INC., 1620 Cleveland Avenue SW., Canton, Ohio. Applicant's attorney: Noel F. George, 44 East Broad Street, Columbus 15, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Iron and steel articles*, and *contractors'* and *builders' supplies* and *equipment*, between Neville Island and Coraopolis, Pa. on the one hand, and, on the other, points in that part of Ohio on and west of U. S. Highway 23.

NOTE: Applicant now has authority to serve under its Certificate No. MC 45194 transporting the above commodities between New Neville Island and Coraopolis, Pa. on the one hand, and, on the other, points in that part of Ohio east of U. S. Highway 23. The purpose of the instant application is to serve points on, as well as east of U. S. Highway 23.

No. MC 45764 Sub 6, filed March 28, 1956, MAURICE ROBBINS, 1517 South 52d Street, Philadelphia 43, Pa. Applicant's representative: Jacob Polin, 257 Ellis Road, Havertown, Pa. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Philadelphia, Pa. and Wilmington, Del., from Philadelphia over U. S. Highway 13 to Wilmington and return over the same route. Applicant is authorized to conduct operations in Pennsylvania and New Jersey, and from Philadelphia over U. S. Highway 130 serving specified intermediate points.

No. MC 47142 Sub 60, filed March 23, 1956, C. I. WHITTEN TRANSFER COMPANY, a corporation, 200 19th Street, Huntington, W. Va. Applicant's attorney: Chas. T. Dodrill, West Virginia Building, Huntington, W. Va. For authority to operate as a *common carrier*, over irregular routes, transporting: *Ammonium nitrate*, between Kenvil, N. J., and points in New Jersey within 10 miles of Kenvil, on the one hand, and, on the other, destinations applicant is authorized to serve in Certificates Nos. MC 47142 Subs 2, 51 and 54, respectively, in the transportation of explosives and blasting supplies, powder and dangerous explosives, and used empty containers therefor. Applicant is authorized to conduct operations in Pennsylvania, Ohio, Virginia, Kentucky, West Virginia, North Carolina, Illinois, New Jersey, Maryland, and Indiana.

NOTE: Applicant requests that if it presently holds authority to transport ammonium nitrate (in its belief that its present authority to transport blasting supplies is sufficiently broad in scope to authorize the transportation of ammonium nitrate), that this application be considered as a *"petition to interpret the meaning and extent of the term 'blasting supplies'"*, as contained in its Certificate No. MC 47142 Sub 2 and subs thereunder.

No. MC 50307 Sub 17, filed April 9, 1956, INTERSTATE DRESS CARRIERS, INC., 247 West 35th Street, New York, N. Y. Applicant's attorney: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wearing apparel and materials and supplies used in the manufacture thereof*, between New York, N. Y., and Jersey City, N. J., on the one hand, and, on the other, Atlanta, Ga.; Birmingham, Ala., Fayetteville, Tenn., and Montgomery, Ala. Applicant is authorized to conduct operations in New York, New Jersey, Pennsylvania, and Maryland.

No. MC 52579 Sub 29, filed April 6, 1956, GILBERT CARRIER CORP., 645 West 40th Street, New York, N. Y. Applicant's attorney: Harris J. Klein, 280 Broadway, New York 7, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Garments and wearing apparel on hangers*, and *hangers*, (1) between New York, N. Y., and Kearny, N. J., and (2) between Kearny, N. J., and St. Louis, Mo., restricted in all instances to the transportation of traffic moving between Kearny, N. J., and St. Louis, Mo., in applicant's trailers, on rail cars, in substituted rail for motor service, and, provided further, that the authority sought to be acquired and the authority presently held by applicant on the same commodities between New York, N. Y., and St. Louis, Mo., shall be construed as comprising a single operating right which shall not be severable by sale or otherwise. Applicant is authorized to conduct operations throughout the United States, except Connecticut, Maine, Massachusetts, Rhode Island, and Vermont.

NOTE: Applicant has irregular route authority for the transportation of garments and wearing apparel on hangers, and hangers, between New York, N. Y., and St. Louis, Mo. Applicant states that Kearny, N. J., is to be served solely for the purpose of pickup and delivering laden semi-trailers at the yards of the Pennsylvania Railroad in substitute service.

No. MC 52657 Sub 482, filed April 5, 1956, ARCO AUTO CARRIERS, INC., 91st Street and Perry Avenue, Chicago 20, Ill. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Trailers*, other than those designed to be drawn by passenger automobiles, in initial movements, in truckaway and driveaway service, from Marion, Ohio to all points in the United States, (2) *Tractors*, in secondary driveaway service, only when drawing trailers moving in initial driveaway service, as described above, from Marion, Ohio to points in Alabama, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Kansas, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, Wyoming and the District of Columbia. Applicant is authorized to conduct operations in all States in the United States and the District of Columbia.

No. MC 55811 Sub 29, filed March 29, 1956, CRAIG TRUCKING, INC., Albany, Ind. Applicant's attorney: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Foodstuffs, and such materials, supplies and equipment as are used or useful in the manufacture, packing, shipping, and sale of foodstuffs*, from Cincinnati, Ohio, to points in Delaware, Hancock and Henry Counties, Ind. Applicant is authorized to conduct operations in West Virginia, Iowa, Indiana, Wisconsin, Michigan, Kentucky, Missouri, Pennsylvania, Illinois, and Ohio.



No. MC 59185 Sub 18, filed March 26, 1956, HIGHWAY EXPRESS, INC., 2416 West Superior Avenue, Cleveland, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Cleveland, Ohio and the site of the new Chrysler Corporation plant, at or near Twinsburg, Ohio. Applicant is authorized to conduct operations in Michigan and Ohio.

No. MC 66562 Sub 1277, filed February 29, 1956, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Applicant's attorney: William H. Marx, same address as applicant. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, including *Class A and B explosives*, moving in express service, (1) between Pontiac, Mich., and South Lyon, Mich., from Pontiac over Michigan Highway 218 to junction U. S. Highway 16, thence west over U. S. Highway 16 to New Hudson, Mich., thence southwest over unnumbered County Highway, known as Pontiac Trail, to South Lyon, and return over the same route, serving the intermediate points of Walled Lake, Wixom, and New Hudson, Mich., and the site of the Lincoln Motor Division, Ford Motor Company plant, located on Michigan Highway 218 between Wixom and junction Michigan Highway 218 and U. S. Highway 16, and (2) between Chelsea, Mich., and Stockbridge, Mich., over Michigan Highway 92, serving no intermediate points. RESTRICTION: (a) The service to be performed by carrier will be limited to that which is auxiliary to, or supplemental of, rail or air express service; (b) Shipments to be transported will be limited to those moving on a through bill of lading or express receipt, covering in addition to a motor carrier movement by said applicant, an immediately prior or immediately subsequent movement by air or rail; and (c) Such further specific conditions as the Commission in the future may find it necessary to impose in order to restrict carrier's operations to service which is auxiliary to or supplemental of, rail or air express service. Applicant is authorized to conduct operations throughout the United States.

No. MC 68539 Sub 5, filed March 30, 1956, JOHN JACK ROMANS, doing business as ROMANS MOTOR FREIGHT, 142 North 15th Street, Ord, Nebr. Applicant's attorney: Conrad C. Erickson, Burwell, Nebr. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods, as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Comstock, Nebr., and St. Paul, Nebr., from Comstock over Nebraska Highway 106 to junction Nebraska Highway 183, thence over Nebraska Highway 183 to junction Nebraska Highway 80, thence over Nebraska Highway 80 to junction Nebraska Highway 58, thence over Nebraksa Highway 58 to junction Nebraska Highway 92, thence over Nebraska Highway 92 to St. Paul, and return over the same route, serving the intermediate point of Arcadia, Nebr., and the off-route points of Rockville, Boelus and Dannebrog, Nebr. Applicant is authorized to conduct operations in Nebraska.

No. MC 70662 Sub 84, filed April 2, 1956, CANTLAY & TANZOLA, INC., 2835 Santa Fe Avenue, Los Angeles 58, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Salt Lake City, Utah, and points within 1 mile thereof, to (1) Elko, Cobre, Lamoilla, Ely, Cherry Creek, Egan, Tippett, Anderson's Ranch, Aurum, Muncy, Ruth and Kimberly, Nev., (2) points on U. S. Highway 40 between Elko and the Utah-Nevada State line, (3) points on U. S. Highway 50 between Ely and the Utah-Nevada State Line, (4) points on U. S. Highway 93 between the junction of U. S. Highways 50 and 93 and the junction of U. S. Highways 40 and 93, and *contaminated* shipments of the above-named commodities on return. NOTE: The applicant states that the purpose of this application is to remove the restriction as set forth in MC 70662 Sub 45. Applicant is authorized to conduct operations in Arizona, California, Utah, Nevada, Idaho and Montana.

No. MC 71234 Sub 6, filed March 13, 1956, THE GORE FREIGHT LINE, INCORPORATED, 914 Main Street, Stamford, Conn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Such commodities as are dealt in by chain retail and mail order department stores*, the business of which is the sale of general merchandise, between points in Dutchess County, N. Y., south of U. S. Highway 44, points in Putnam County, N. Y.; and points in Westchester County, N. Y. north of a straight line from Armonk, to North Tarrytown, N. Y.

No. MC 76032 Sub 98, filed April 5, 1956, NAVAJO FREIGHT LINES, INC., 381 South Broadway, Denver 9, Colo. Applicant's attorney: O. Russell Jones, 54½ E. San Francisco Street, Santa Fe, N. Mex. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A, B, and C explosives, livestock, household goods, as defined by the Commission, commodities in bulk, and commodities requiring special equipment (not including those requiring refrigeration) serving the site of the Glenn L. Martin Company's plant approximately 10 miles south of Denver, Colo., North of Colorado Highway 75, opposite the community of Kassler (Waterton), Colo., as an off-route point in connection with applicant's regular-route operations between Denver, Colo., and Albuquerque, N. Mex. Applicant is authorized to conduct operations in California, New Mexico, Texas, Colorado, Illinois, Iowa, Nebraska, and Arizona.

No. MC 77404 Sub 6, filed April 9, 1956, MOHAWK MOTOR, INC., 40 Harrison Street, Tiffin, Ohio. Applicant's attorney: Taylor C. Burneson, 3510 Leveque-Lincoln Tower, Columbus 15, Ohio. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, furs, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving the site of the Ford Motor Company plant, Lincoln Division, in Lyon Township, Oakland County, Mich., located near the Village of Wixom at the intersection of Michigan Highway 218 (Wixom Road) and an unnumbered highway (West Lake Drive) north of U. S. Highway 16, as an off-route point in connection with carrier's regular route operations from and to Detroit, Mich., over U. S. Highways 24 and 25. Applicant is authorized to conduct regular route operations in Indiana, Michigan and Ohio, and irregular route operations in Michigan and Ohio.

No. MC 79135 Sub 16, filed April 9, 1956, L. ALLEN COSSITT, doing business as COSSITT MOTOR EXPRESS, 63 West Kendrick Avenue, Hamilton, N. Y. Applicant's practitioner: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *New furniture*, uncrated, from Oneida, N. Y., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, Pennsylvania, New Jersey, Maryland, Delaware, District of Columbia and New York; *Returned shipments* of the described commodity, from the described destination territory, to Oneida, N. Y.; *Hardwood lumber*, loose, from Boston, Mass., to Oneida, N. Y.

No. MC 95627 Sub 12, filed April 5, 1956, EUGENE NELMS, R. F. D. No. 4, Box 191, Suffolk, Va. Applicant's attorney: John C. Goddin, State-Planters Bank Building, Richmond 19, Va. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods, foods requiring refrigeration, meats, meat products* and *meat byproducts*, and *dairy products*, as defined by the Commission, in vehicles equipped for mechanical refrigeration, from Smithfield, Va., to Laurinburg, N. C. Applicant is authorized to conduct operations in Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Virginia, and the District of Columbia.

No. MC 95795 Sub 1, filed March 15, 1956, RICHARD OLEN SPARLIN, doing business as R. O. SPARLIN TRUCK SERVICE, 322 Main Street, Flora, Ill. Applicant's attorney: Grover C. Hoff, Suite 1121, Ridgely Building, Springfield, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Illinois (except points in Clay, Wayne, Effingham, Richland, Jasper and Marion Counties, Ill.), on the one hand, and, on the other, points in Missouri, Ohio and Indiana; and, between points in Illinois, on the one hand, and, on the other, points in Arkansas, Colorado, Iowa, Kentucky, Michigan, Oklahoma, Pennsyl-

vania, and Texas. Applicant is authorized to conduct operations in Illinois, Missouri, Ohio and Indiana.

No. MC 100858 Sub 12, filed April 2, 1956, MASHKIN FREIGHT LINES, INC., 115 Park Avenue, East Hartford, Conn. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale, retail and chain grocery and food business houses*, and in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, between Bridgeport and East Hartford, Conn., and points in Suffolk, Nassau, Rockland, Orange, and Ulster Counties, N. Y. Applicant is authorized to conduct operations in New York, Rhode Island, Vermont, Connecticut, and Massachusetts.

No. MC 102616 Sub 617, filed March 28, 1956, COASTAL TANK LINES, INC., Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Delaware City, Del., to points in Connecticut, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Virginia, West Virginia, and the District of Columbia. Applicant is authorized to conduct operations in Maryland, West Virginia, Delaware, Pennsylvania, Virginia, New Jersey, Ohio, Michigan, North Carolina, and the District of Columbia.

No. MC 103880 Sub 167 (Amended), filed February 1, 1956, published in the February 15, 1956, issue, on page 1060, PRODUCERS TRANSPORT, INC., 510 Paw Paw Avenue, Benton Harbor, Mich. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Nitric acid* and *aqua ammonia*, in bulk, in tank vehicles, from West Henderson, Ky., to points in Arkansas, Illinois, Indiana, Iowa, Michigan, Mississippi, Missouri, Ohio, Pennsylvania, West Virginia, North Carolina, South Carolina and Wisconsin. Applicant is authorized to conduct operations in Michigan, Ohio, Illinois, Indiana, Kentucky, New York, Pennsylvania, West Virginia, and Wisconsin.

No. MC 105265 Sub 31, filed April 2, 1956, DENVER-ARMARILO EXPRESS, INC., North Fillmore Street, Amarillo, Tex. Applicant's attorney: W. D. Benson, Jr., Suite 1105 Great Plains Life Building, Lubbock, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities* except those of unusual value, Class A and B explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, between Denver, Colo., and Glenn L. Martin Company Plant site located approximately 10 miles south of Denver, Colo., North of Colorado Highway 75, opposite the community of Kassler (Waterton), Colo. Applicant is authorized to conduct operations in Colorado, Texas, New Mexico, and Oklahoma.

No. MC 106223 Sub 36, filed March 23, 1956, BRUCE F. JARVIS, doing business as GREENLEAF MOTOR EXPRESS, 4606 State Avenue, Ashtabula, Ohio. Applicant's attorney: Edwin C. Reminger, Standard Building, Cleveland 13, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Latex, synthetic*, in bulk, in tank vehicles, from Louisville, Ky., to points in Wisconsin (except Burlington and Stoughton, Wis.), and from Akron, Ohio, to points in Wisconsin; and *plasticizer*, in bulk, in tank vehicles, from Avon Lake, Ohio, to North Kansas City, Mo., and points in Wisconsin (except Stoughton, Wis.). Applicant is authorized to conduct operations in Alabama, Connecticut, Illinois, Indiana, Kentucky, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee and Wisconsin.

No. MC 108703 Sub 19, filed March 30, 1956, LEE & EASTES, INC., 2326 Airport Way, Seattle, Wash. Applicant's attorney: Donald D. Flemming, 1405 Hoge Building, Seattle 4, Wash. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, petroleum products in bulk, and those requiring special equipment, serving Ice Harbor Dam Site located near Pasco, Wash., approximately (10) miles northeasterly from the confluence of Snake and Columbia Rivers and points within (15) miles of Ice Harbor Dam Site as off-routes points in connection with applicant's authorized regular route operations between Portland, Oreg. and Seattle, Wash. on the one hand, and, on the other, Pasco, Wash.

No. MC 109769 Sub 7, filed March 30, 1956, NEW JERSEY TRUCKING CORPORATION, 148–152 First Street, Jersey City 2, N. J. Applicant's attorney: Harris J. Klein, 280 Broadway, New York 7, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Nitrogen gas*, in bulk, in shipper-owned trailers, from Jersey City, N. J. to Morrisville, Pa.; *empty shipper-owned trailers* on return. Applicant is authorized to conduct operations in New Jersey, New York, Pennsylvania, and Connecticut.

No. MC 110525 Sub 297, filed April 5, 1956, CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downington, Pa. Applicant's attorney: John R. Sims, Jr., Munsey Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Coal tar products, acids* and *chemicals*, in bulk, in tank vehicles, from points in Mason County, W. Va., on the one hand, and, on the other, points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Pennsylvania and Rhode Island. Applicant is authorized to conduct operations in Maryland, New Jersey, New York, Pennsylvania, Kentucky, West Virginia, Ohio, Delaware, Michigan, Illinois, Indiana, Virginia, North Carolina, Tennessee, District of Columbia, Massachusetts, Connecticut, Rhode Island, Iowa, Missouri, and Wisconsin.

No. MC 110525 Sub 299, filed April 5, 1956, CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downington, Pa. Applicant's attorney: John R. Sims, Jr., Munsey Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Coal tar products, acids*, and *chemicals*, in bulk, in tank vehicles, from points in Mason County, W. Va., on the one hand, and, on the other, points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, Virginia and the District of Columbia. Applicant is authorized to conduct operations in Maryland, New Jersey, New York, Pennsylvania, Kentucky, West Virginia, Ohio, Delaware, Michigan, Illinois, Indiana, Virginia, North Carolina, Tennessee, District of Columbia, Connecticut, Massachusetts, Rhode Island, Iowa, Missouri, and Wisconsin.

No. MC 110525 Sub 300, filed April 6, 1956, CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Penna. Applicant's attorney: John R. Sims, Jr., Munsey Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Coal tar products, acids* and *chemicals*, in bulk, in tank vehicles, between points in Mason County, W. Va., on the one hand, and, on the other, points in Indiana, Illinois, Iowa, Michigan, Minnesota, Missouri, Ohio and Wisconsin. Applicant is authorized to conduct operations in Maryland, New Jersey, New York, Pennsylvania, Kentucky, West Virginia, Ohio, Delaware, Michigan, Illinois, Indiana, Virginia, North Carolina, Tennessee, District of Columbia, Connecticut, Massachusetts, Rhode Island, Iowa, Missouri and Wisconsin.

No. MC 111159 Sub 23, filed April 2, 1956, MILLER PETROLEUM TRANSPORTERS, LTD., P. O. Box 1123, Jackson, Miss. Applicant's attorney: Phineas Stevens, Suite 900 Milner Building, P. O. Box 141, Jackson, Miss. For authority to operate as a *common carrier*, over irregular routes, transporting: *Pentachlorophenol solution*, in bulk, in tank vehicles, from points in Tennessee in the Memphis, Tenn., Commercial Zone, to Jackson, Miss.

No. MC 111159 Sub 24, filed April 2, 1956, MILLER PETROLEUM TRANSPORTERS, LTD., P. O. Box 1123, Jackson, Miss. Applicant's attorney: Phineas Stevens, Suite 900 Milner Building, P. O. Box 141, Jackson, Miss. For authority to operate as a *common carrier*, over irregular routes, transporting: *Tung oil*, in bulk, in tank vehicles, from Bogalusa, La., to Jackson, Miss.

No. MC 113082 Sub 2, filed April 5, 1956, CLARK STOOKESBERRY, Milton, Iowa. Applicant's attorney: Russell F. Lundy, 310 Savings and Loan Building, Des Moines 9, Iowa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Steel wire bottle carrying crates*, and *wire baskets*, partially enclosed, from Keosauqua, Iowa to points in Pennsylvania, and West Virginia and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return.



No. MC 114045 Sub 27, filed April 6, 1956, R. L. MOORE AND JAMES T. MOORE, A Partnership, doing business as TRANS-COLD EXPRESS, 318 Cadiz Street, P. O. Box 5842, Dallas, Tex. Applicant's attorney: Ralph W. Pulley, Jr., First National Bank Building, Dallas 2, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen seafoods*, uncooked, cooked and precooked, and stuffed and breaded, from Boston, Gloucester, Chelsea, Lowell, New Bedford, Provincetown and Watertown, Mass., to New Orleans, Shreveport, Monroe and Baton Rouge, La., Springfield, Kansas City, St. Louis and Joplin, Mo., Wichita, Kansas City, Smith Center, Topeka, Hutchinson, Arkansas City, Independence, Coffeyville, Manhattan and Garden City, Kans., and Fort Smith, Little Rock, Pine Bluff and Texarkana, Ark. Applicant is authorized to conduct operations in New York, Pennsylvania, Virginia, Kentucky, Louisiana, Oklahoma, Texas, Massachusetts, Connecticut, New Jersey, Maryland, District of Columbia and West Virginia.

No. MC 114367 Sub 2, filed March 23, 1956, CHARLES COURTNEY TAYLOR, doing business as CHAS. C. TAYLOR, Siler Route, Winchester, Va. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Canned or preserved fruit products, fruit pectin, fruit pomace, vinegar, wooden baskets, boxes and crates, empty barrels, empty glass containers, bottle or jar caps, empty tin cans* and *fibre board or pulp board boxes*, from Martinsburg, W. Va., to Winchester, Va. (2) *Wooden baskets, boxes and crates, empty barrels, empty glass containers, bottle or jar caps, empty tin cans* and *fibre board or pulp board boxes* from Winchester, Va. to Martinsburg, W. Va. Applicant is authorized to conduct operations in Virginia, Maryland, Pennsylvania, West Virginia and the District of Columbia.

No. MC 115766, (amended) published April 11, 1956, issue, page 2356, filed February 21, 1956, EDWARD S. MILLER, doing business as E. S. MILLER TRUCKING, 110 Buttonwood Street, Jessup, Pa. Applicant's attorney: George A. Yavorek, Suite 107, Glen Alden Building, Scranton, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Caskets, casket shells*, and *hardware*, pertaining to casket shells, between Archbald Borough, Pa., and points in Massachusetts, New Hampshire, Rhode Island, Connecticut, New York, New Jersey, Maryland, Virginia, Delaware, and the District of Columbia.

No. MC 115868, filed March 12, 1956, C. C. TRANSPORT, INC., 1002 Second Avenue, Billings, Mont. Applicant's attorney: Howard C. Burton, 414 Strain Building, Great Falls, Mont. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Meats, meat products*, and *meat by-products, dairy products, articles distributed by meat-packing houses*, and *such commodities as are used by meat packers in the conduct of their business when destined to and for use by meat packers*, as defined by the Commission, in truckload lots, in special refrigerated vehicles equipped with meat racks and meat hooks, (originating in foreign commerce), from Sweetgrass, Mont., Eastport and Porthill, Idaho, and (originating in domestic commerce) from Great Falls, Butte and Billings, Mont. and points within 15 miles of the city limits of each of said cities to points in Nevada, California, Oregon and Washington.

No. MC 115870, filed March 13, 1956, CECIL J. BURNETT, 311 Gate City Highway, Bristol, Va. Applicant's attorney: Waldo G. Miles, Bristol, Va. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Fresh veal*, in quarters and halves and in whole carcasses with or without hides or skins on, *fresh beef*, in quarters, *fresh pork*, in whole carcasses, *fresh pork loins, fresh hams*, whole, and *fresh sausage*, in packages, from Bristol, Va., to New York, N. Y., Philadelphia, Pa., Andrews Air Force Base, Prince Georges County, Md., Walter Reed Army Medical Center and Fort Leslie J. McNair, Washington, D. C., Walter Reed Army Medical Center and Fort George G. Meade, Montgomery County, Md., Fort Holabird, Baltimore County, Md., Fort Bragg, Cumberland County, N. C., Camp LeJeune, Onslow County, N. C., Fort Jackson and the City of Columbia, Richland County, S. C., Shaw Air Force Base, Sumter County, S. C., Donaldson Air Force Base and the City of Greenville, Greenville County, S. C., Parris Island Marine Base, Beaufort County, S. C., Naval Air Station, Charleston, S. C., Fort Benning, Muscogee County, Ga., Camp Gordon, Richmond County, Ga., Hunter Air Force Base, Chatham County, Ga., and Fort McPherson and the City of Atlanta, Fulton County, Ga. *Calf hides*, from New York, N. Y., and Philadelphia, Pa., to Bristol, Va., restricted to hides from carcasses of veal transported by applicant from Bristol to New York and Philadelphia.

No. MC 115879, filed March 22, 1956, BRIDGE STATE CONSTRUCTION MATERIAL CO, INC., Newark Turnpike at Bergen Avenue, P. O. Box 162, Kearny, N. J. Applicant's attorney: Michael N. Chanalis, 9 Clinton Street, Newark 2, N. J. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Iron and steel castings*, and *steel gratings for catch basins*, between Atco, N. J., and points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Pennsylvania, Ohio, Virginia, West Virginia, Maryland, Delaware and the District of Columbia.

No. MC 115883, filed March 26, 1956, ROBERT A. WELSH, White Mills, Wayne County, Pa. Applicant's attorney: David M. Boyd, 114 Ninth Street, Honesdale, Pa. For authority to operate as a *contract carrier*, over regular routes, transporting: *Malt* and *brewed beverages*, (1) between Honesdale, Pa., and New York, N. Y.: From Honesdale over U. S. Highway 6 to Milford, Pa., thence over U. S. Highway 206 to junction with New Jersey Highway 94, thence over New Jersey Highway 94 to junction with unnumbered highway, thence over said unnumbered highway to junction with New Jersey Highway 23 near Franklin, N. J., thence over New Jersey Highway 23 to Singac, N. J., thence over U. S. Highway 46 to junction with New Jersey Highway 3, and thence over New Jersey Highway 3 to the Lincoln Tunnel and New York, and return over the same route, serving the intermediate point of Hawley, Pa., and off-route points within 10 miles of U. S. Highway 6 between Hawley and Scranton; (2) between Honesdale, Pa., and Newark, N. J.: From Honesdale over U. S. Highway 6 to Milford, Pa., thence over U. S. Highway 206 to Somerville, N. J., and thence over U. S. Highway 22 to Newark, and return over the same route, serving the intermediate point of Hawley, Pa., and off-route points within 10 miles of U. S. Highway 6 between Hawley and Scranton; (3) between Honesdale, Pa., and Cleveland, Ohio: From Honesdale over U. S. Highway 6 to Union City, Pa., thence over U. S. Highway 6N to Conneaut, Ohio, and thence over U. S. Highway 20 to Cleveland, and return over the same route, serving the intermediate point of Scranton, Pa., and off-route points within 10 miles of U. S. Highway 6 between Hawley and Scranton; (4) between Honesdale, Pa., and Trenton, N. J.: From Honesdale over U. S. Highway 6 to junction with Pennsylvania Highway 402, thence over Pennsylvania Highway 402 to Delaware Water Gap, thence over U. S. Highway 46 to junction with New Jersey Highway 69, and thence over New Jersey Highway 69 to Trenton, and return over the same route, serving the intermediate point of Hawley, Pa., and off-route points within 10 miles of U. S. Highway 6 between Hawley and Scranton, and (5) between Honesdale, Pa., and Philadelphia, Pa.: From Honesdale over U. S. Highway 6 to junction with Pennsylvania Highway 402, thence over Pennsylvania Highway 402 to Delaware Water Gap, thence over U. S. Highway 46 to junction with New Jersey Highway 69, thence over New Jersey Highway 69 to junction with U. S. Highway 202, thence over U. S. Highway 202 to Doylestown, Pa., and thence over U. S. Highway 611 to Philadelphia, and return over the same route, serving the intermediate point of Hawley, Pa., and off-route points within 10 miles of U. S. Highway 6 between Hawley and Scranton. *Empty containers or other such incidental facilities* used in transporting the commodities specified, on return.

No. MC 115886, filed March 26, 1956, FRANK ROUNDTREE PRODUCE COMPANY, A Corporation, 1404 North Broadway, Monett, Mo. Applicant's attorney: Henry Andrae, Central Trust Building, Jefferson City, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen and ice packed eviscerated and processed poultry*, from Sedalia, Monett and Crane, Mo., and the commercial zones thereof, to Los Angeles, Calif., Phoenix, Ariz., Denver, Colo., Sioux City, Iowa, Omaha, Nebr., East St. Louis and Chicago, Ill., St. Paul, Minn., and Detroit, Mich., and the commercial zones thereof, and *commercial fertilizer* (such as dry, sacked mixture of nitrogen, phosphate and potash), and *feed* (animal), from East St. St. Louis, Ill., to points in Newton, Jas-

per, Barton, Barry, Lawrence, Greene, Dade and Stone Counties, Mo.

No. MC 115896, filed March 30, 1956, GLEN COLE, doing business as COLE TRANSFER, 816 East Sixth Street, New Richmond, Wis. Applicant's attorney: W. P. Knowles, New Richmond, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Canned vegetables*, in case lots, *supplies* and *equipment* used in connection with canning operation, between New Richmond, Wis., and points in Minnesota.

No. MC 115897, filed March 30, 1956, FRAERING BROKERAGE COMPANY, INC., 423 South Front Street, New Orleans, La. Applicant's attorney: Robert A. Ainsworth, Jr., National Bank of Commerce Building, New Orleans 12, La. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Sugar*, in bags, from New Orleans and Mathews, La., to points in Texas, Mississippi, and Florida, together with a *Motion to Dismiss* and declare operations to be those of a private carrier.

No. MC 115900, filed April 2, 1956, T. J. ATKINSON, JR., McCredie, Mo. Applicant's attorney: J. R. Rose, Jefferson City, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Livestock and poultry feeds, fertilizer, wire fencing, wood and steel fence posts*, and *lumber*, from East St. Louis, Ill. to points in Callaway County, Mo.

No. MC 115906, filed April 3, 1956, H. F. YOUNG, Spencer, W. Va. Applicant's attorney: Charles E. Anderson, P. O. Box 1386, Charleston, W. Va. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Rough lumber*, between points in West Virginia and Cincinnati, Ohio, and (2) *Fertilizer*, in bulk, from Cincinnati, Ohio, to points in West Virginia.

No. MC 115907, filed April 2, 1956, MELVIN M. MORGAN, doing business as MEL MORGAN, Route No. 2, Box 317, Battle Ground, Wash. For authority to operate as a *common carrier*, over irregular routes, transporting: *Dairy products*, as defined by the Commission, including *ice cream mix* and *condensed milk*, from points in Clark County, Wash., except Vancouver, to Portland, Oreg., and *empty returned containers* of the above-described commodities and *surplus milk* on return.

No. MC 115910, filed April 4, 1956, SEABOARD FOOD EXPRESS, INC., a Florida corporation, 4550 West Colonial Drive, Orlando, Fla. Applicant's attorney: Harry F. Gillis, Mills Building, Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Processed food products* containing *Citrus products*, requiring refrigeration in transit, from points in Florida to points in Connecticut, Maryland, Massachusetts, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, and the District of Columbia.

No. MC 115913, filed April 9, 1956, FRANK J. PAAR, doing business as PAAR TRUCKING COMPANY, Box 103, Mount Jewett, Pa. Applicant's attorney: Arthur J. Diskin, 924 Frick Building, Pittsburgh 19, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Leather soles* and *leather cut soles*, from Mount Jewett and West Hickory, Pa. to Boston, Mass.

CORRECTION

No. MC 115865, HENRY L. CAMPBELL, Helix, Oreg., published page 2356, issue of April 11, 1956. Notification of the filing of this application was repeated in error. Only one application is involved.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 1510 Sub 55 (Amended), filed September 2, 1955, published in the September 21, 1955 issue, on page 7092, SOUTHWESTERN GREYHOUND LINES, INC., 210 East Ninth Street, Fort Worth, Tex. Applicant's attorney: William M. Brown, 1210 Electric Building, Fort Worth, Tex. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *newspapers, express* and *mail*, in the same vehicle with passengers, (1) between Houston, Tex., and Port Arthur, Tex., from Houston over Texas Highway 73, via Cove, Wallisville and Winnie, Tex., to Port Arthur, and return over the same route, serving all intermediate points, (2) between junction Texas Highways 73 and 61 and Winnie, Tex., from junction Texas Highways 73 and 61, east of Wallisville, Tex., over Texas Highway 61 to the intersection with Texas Highway 73–T, thence over Texas Highway 73–T to Stowell, Tex., thence over Texas Highway 124 to Winnie, and return over the same route, serving all intermediate points, (3) between Winnie, Tex., and Beaumont, Tex., from Winnie over Texas Highway 12, via Hamshire and Fannett, Tex., to Beaumont, and return over the same route, serving all intermediate points, and (4) between the point at the East end of the Trinity River Bridge on Texas Highway 73 and junction Texas Highways 61 and 73–T, from the East end of the Trinity River Bridge on Texas Highway 73 over the Wallisville-Liberty Road to its intersection with Farm-to-Market Road 563, thence over Farm-to-Market Road 563 and a County Road to its intersection with Texas Highway 61, thence over Texas Highway 61 to its intersection with Texas Highway 73–T, as an alternate route, in connection with applied-for operations above.

NOTE: Applicant states in connection with the amendment, it would show that the route applied for is an alternate route to that described in the original application, and covers that part of the route in the original application from the East end of the Trinity River Bridge to the intersection of State Highways 73 and 61.

No. MC 53342 Sub 2, filed March 26, 1956, BOHL TOURS, INC., Latham, N. Y. Applicant's attorney: Daniel H. Greenberg, Empire State Bldg., 350 Fifth Avenue, New York 1, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, (1) in charter and special service, round-trip all expense tours, beginning and ending at Albany, N. Y., and points within 25 miles thereof and extending to points in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming, (2) in charter service, beginning and ending at Albany, N. Y., and points within 25 miles thereof, and extending to points in Mississippi, and (3) in special service, beginning and ending at Albany, N. Y., and points within 25 miles thereof and extending to points in Missouri. Applicant is authorized to conduct operations in New York, Connecticut, Delaware, Illinois, Indiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia.

No. MC 109148 Sub 10, filed April 9, 1956, LAS VEGAS-TONOPAH-RENO STAGE LINE, INC., 917 Stewart Street, Las Vegas, Nev. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, between Las Vegas, Nev., and Shoshone, Calif., from Las Vegas over U. S. Highway 91 in a southerly direction, approximately nine (9) miles, to junction Nevada Highway 16 (Arden Road Junction), thence over Nevada Highway 16 to Pahrump, Nev., thence over Nevada-California Highway 52 to Shoshone, and return over the same route, serving all intermediate points, except those between junction Nevada Highway 16 and U. S. Highway 91, on the one hand, and, on the other, Las Vegas. Applicant is authorized to conduct operations in Arizona, California, and Nevada.

No. MC 109742 Sub 4, filed April 2, 1956, EDWARD J. NESTOR, doing business as POWDER RIVER BUS LINES, P. O. Box 248, 625 North Seventh Street, Miles City, Mont. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers* in the same vehicle with passengers, between Belle Fourche, S. Dak., and Sturgis, S. Dak., from Belle Fourche over U. S. Highway 85 to junction South Dakota Highway 24, thence over South Dakota Highway 24 to Sturgis, and return over the same route, serving no intermediate points.

No. MC 109763 Sub 5, filed April 3, 1956, PAUL W. WOLF, doing business as WOLF'S BUS LINE, York Springs, Pa. Applicant's attorney: Christian V. Graf, 11 North Front Street, Harrisburg, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, beginning and ending in the Borough of Dillsburg, York County, Pa., and the Village of Grantham, York and Cumberland Counties, Pa., and points in Adams County, Pa., and extending to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Tennessee, Kentucky, Ohio, Indiana, Illinois, Michigan, and the District of Columbia.



No. MC 115899, filed March 30, 1956, ALLENTOWN AND READING TRANSIT COMPANY, a corporation, 401 East Water Street, Charlottesville, Va. Applicant's attorney: James E. Wilson, Continental Building, Fourteenth at K Streets NW., Washington 5, D. C. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage, express, mail*, and *newspapers*, in the same vehicle with passengers, between Allentown, Pa., and Reading, Pa., from Allentown over U. S. Highway 222 to Reading, and return over the same route, serving all intermediate points and the off-route points of Blandon, Walnut Town, Fleetwood and Lyons, Pa.

APPLICATIONS UNDER SECTIONS 5 (a) AND 210 (a) (b)

No. MC–F 6175, published in the January 18, 1956, issue of the FEDERAL REGISTER on page 351. Amendment filed April 9, 1956, to show JAR CORPORATION and JAR NO. 2 CORPORATION as parties applicant.

No. MC–F 6240. Authority sought for control by JULIUS BLUMOFF and JACK G. BLUMOFF, 731 Campbell Avenue, St. Louis, Mo., of the operating rights and property of WALSH FREIGHT LINES, INC., and PIC FREIGHT CO., both of 731 Campbell Avenue, St. Louis, Mo. Applicants' attorney: B. W. La Tourette, 314 North Broadway, St. Louis 2, Mo. Operating rights sought to be controlled: (Walsh Freight Lines, Inc.) *General commodities*, with certain exceptions including household goods, as a *common carrier*, over regular routes, between St. Louis, Mo., and Jonesboro, Ark., between Jonesboro, Ark., and Memphis, Tenn., and between Jonesboro, Ark., and Gilkerson, Ark., serving certain intermediate and off-route points; four alternate routes for operating convenience only; (Pic Freight Co.) *General commodities*, with certain exceptions, including household goods, as a *common carrier*, over regular routes, between Kansas City, Mo., and Chicago, Ill., between Hannibal, Mo., and Bowling Green, Mo., between Lincoln, Ill., and Peoria, Ill., between St. Louis, Mo., and Springfield, Ohio, between Indianapolis, Ind., and Cincinnati, Ohio, between Chicago, Ill., and St. Louis, Mo., between Kansas City, Mo., and Lake City, Mo., and the site of the Lake City Ordnance Plant near Lake City, between St. Louis, Mo., and the site of the Weldon Spring Ordnance Plant and Weldon Spring, Mo., between St. Charles, Mo., and the site of the Weldon Spring Ordnance Plant and Weldon Spring, Mo., serving certain intermediate points; alternate route for operating convenience only between Cleves, Ohio, and Cincinnati, Ohio, wth service at Cleves for the purpose of joinder only; *general commodities*, with certain exceptions including household goods, over irregular routes, between points in the ST. LOUIS, MO.–EAST ST. LOUIS, ILL., COMMERCIAL ZONE, as defined by the Commission, Robertson, Mo., the site of the Ford Motor Company plant, near Robertson, the site of Lambert Airfield and Ferguson, Mo. JULIUS BLUMOFF and JACK G. BLUMOFF hold no authority from this Commission but are controlling stockholders of PIC FREIGHT CO. and WALSH FREIGHT LINES, INC., respectively. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6243. Authority sought for purchase by McFADDIN EXPRESS, INCORPORATED, 85 McGee Avenue, Stamford, Conn., of a portion of the operating rights and certain property of BAY STATE MOTOR EXPRESS COMPANY (SIDNEY J. KAGAN, RECEIVER), 53 State Street, Boston, Mass., and for acquisition by LOUIS DeBERADINIS, also of Stamford, of control of such rights and property through the purchase. Applicants' attorney: S. Harrison Kahn, 726–734 Investment Building, Washington 5, D. C. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods, as a *common carrier* over regular routes, between Cambridge, Mass., and Holyoke, Worcester, Haverhill and Lawrence, Mass., between Boston, Mass., and Stamford, Conn., between Boston, Mass., and Sturbridge, Mass., between Boston, Mass., and Franklin and Dover, N. H., and between Providence, R. I., and New Haven, Conn., serving certain intermediate and off-route points; *latex, washing compound* and *paper*, over irregular routes, from Boston, Mass., to Amsterdam, N. Y.; and *groceries, drugs, rugs* and *batteries*, from Boston, Mass., to Albany, N. Y. Vendee is authorized to operate in Connecticut, New York, Massachusetts, New Jersey, and Rhode Island. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6244. Authority sought for purchase by ST. JOHNSBURY TRUCKING COMPANY, INC., 38 Main Street, St. Johnsbury, Vt., of a portion of the operating rights and certain property of BAY STATE MOTOR EXPRESS COMPANY (SIDNEY J. KAGAN, RECEIVER), 53 State Street, Boston, Mass., and for acquisition by HARRY D. ZABARSKY, of St. Johnsbury, Vt., MILTON J. ZABARSKY, AND MAURICE ZABARSKY, both of Cambridge, Mass., of control of such operating rights and property through the purchase. Applicants' attorney: S. Harrison Kahn, 726–734 Investment Building, Washington 5, D. C. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods, as a *common carrier* over regular routes, between Cambridge, Mass., and Fall River, Mass., between Cambridge, Mass., and Attleboro, Mass., between junction of U. S. Highway 20 and Massachusetts Highway 15 and Hartford, Conn., between Hartford, Conn., and New Haven, Conn., between New Haven, Conn., and Waterbury, Conn., between Bridgeport, Conn., and Waterbury, Conn., between Hartford, Conn., and Waterbury Conn., and between Boston, Mass., and Providence, R. I., serving all intermediate and certain off-route points; two alternate routes for operating convenience only; *chemicals in truckload lots*, over irregular routes, from Boston, Mass., to Westerly, Newport, Coventry, Warwick, Centredale, Manville, Bradford, Fiskeville, Bristol, Barrington, and Warren, R. I., and *canned goods*, from Boston, Mass., to Newport, R. I. Vendee is authorized to operate in Vermont, New Hampshire, Maine, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, and Pennsylvania. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6245. Authority sought for purchase by PAN-ATLANTIC STEAMSHIP CORPORATION, 61 St. Joseph Street, Mobile, Ala., of the operating rights of AGWILINES, INC., Pier 34 North River, New York, N. Y., and for acquisition by MALCOLM P. McLEAN and McLEAN INDUSTRIES, INC., also of Mobile, of control of such operating rights through the purchase. Applicants' attorney: David G. MacDonald, 1625 K Street NW., Washington 6, D. C. Operating rights sought to be transferred: Authority to operate as a *common carrier* by self-propelled vessels, in interstate or foreign commerce, in the transportation of passengers and commodities generally, on a year-around basis, in the Atlantic and Gulf of Mexico coastwise trades between Boston, Mass., New York, N. Y., Charleston, S. C., Jacksonville, Miami, Key West and Tampa, Fla., and Houston, Tex. PAN-ATLANTIC STEAMSHIP CORPORATION is authorized to operate as a *common carrier* by self-propelled vessels, in interstate or foreign commerce, in the transportation of passengers and commodities generally between Boston, Mass., New York Harbor, Philadelphia, Pa., Baltimore, Md., Georgetown and Charleston, S. C., Jacksonville, Miami, Tampa, Port Saint Joe, Panama City and Pensacola, Fla., Mobile, Ala., New Orleans, La., and Houston and Galveston, Tex., but not including operation over the Gulf Intracoastal Waterway between Pensacola, Galveston, and Houston, or between those three ports, on the one hand, and other Gulf of Mexico ports, on the other. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56–2981; Filed, Apr. 17, 1956; 8:48 a. m.]

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FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 13, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31957: *Common salt—Eastern groups to North Pacific Coast.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on salt, common (sodium chloride), carloads from specified points in Illinois, Indiana, Kansas, Louisiana, Minnesota, Oklahoma, Texas and Wisconsin to specified points in states in the north Pacific coast area.

Grounds for relief: Circuitous routes.

Tariff: Supplement 12 to Agent Prueter's I. C. C. 1573.

FSA No. 31958: *Manufactured iron and steel articles in Western Territory.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on manufactured iron or steel articles, carloads between specified points in Illinois, Iowa, Missouri and Wisconsin, on the one hand, and points in Wisconsin in extended zone "C" territory, including Beaver Dam, Wis., also Menominee, Mich., on the other.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 36 to Agent Prueter's I. C. C. A–3821.

FSA No. 31959: *Fertilizer materials—Savannah, Ga., to Georgia.* Filed by Southern Railway Company, for itself. Rates on fertilizer materials, carloads from Savannah, Ga. (import traffic) to points in Georgia on The Southern Railway, Roberta to Fort Valley, Ga., inclusive.

Grounds for relief: Circuitous routes.

Tariff: Supplement 41 to Agent Spaninger's I. C. C. 1358.

FSA No. 31960: *Bituminous coal—Indiana to Argo, Ill.* Filed by The Chicago, Milwaukee, St. Paul and Pacific Railroad Company, for itself and other interested rail carriers. Rates on bituminous coal, carloads from specified mines in Indiana on the Chicago, Milwaukee, St. Paul and Pacific Railroad in the Clinton and Linton districts to Argo, Ill.

Grounds for relief: Maintenance of destination rate relations Argo with Chicago, Ill., and other Illinois points from Indiana mines, and circuity.

Tariff: Supplement 60 to Chicago, Milwaukee, St. Paul and Pacific Railroad tariff I. C. C. B–7717.

FSA No. 31961: *Fullers earth—Eastern defined groups to Pacific Coast.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on fullers earth, carloads from specified points in southwestern Illinois, and western trunkline territories to specified points in states in the North Pacific coast area.

Grounds for relief: Circuitous routes through higher-rated origin groups.

Tariff: Supplement 12 to Agent Prueter's I. C. C. 1573.

FSA No. 31962: *Zircon ore—Hampton Roads, Va., ports to Norton, Ala.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on zircon ore (crude zirconium silicate), not further processed than ground, carloads from Norfolk, Newport News, Pinners Point, and Portsmouth, Va. (import traffic), to Norton, Ala.

Grounds for relief: Circuitous routes.

Tariff: Supplement 130 to Agent Spaninger's I. C. C. 1369.

FSA No. 31963: *Liquefied petroleum gas to Indiana, Michigan, and Ohio.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on liquefied petroleum gas, tank-car loads from specified grouped points in Kansas, Louisiana, Missouri, Oklahoma and Texas to specified destinations in Indiana, Michigan and Ohio.

Grounds for relief: Grouping and maintenance of destination rate relations, circuity.

Tariff: Supplement 55 to Agent Kratzmeir's I. C. C. 4150.

FSA No. 31964: *Rubber tires between Ohio and Mississippi River crossings and southern points.* Filed by St. Louis-San Francisco Railway Company, for itself and other interested rail carriers. Rates on rubber tires and related articles, carloads between points in southern territory included in Agent C. A. Spaninger's tariff I. C. C. 1300, on one hand, and Ohio and Mississippi River crossings, St. Louis, Mo., Portsmouth, Ohio and south and east thereof, on the other.

Grounds for relief: Circuitous routes in part west of the Mississippi River.

FSA No. 31965: *Agricultural limestone—Ohio to Central and Trunk Line Territories.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on agricultural limestone, in bulk, carloads from specified points in Ohio to desinations in New York, Pennsylvania and West Virginia named in appendix A of the application.

Grounds for relief: Modified short-line distance formula and circuitous routes.

Tariffs: Supplement 168 to Agent Hinsch's I. C. C. No. 4542 and four other tariffs.

FSA No. 31966: *Stone—Dan, Ga., to Georgia points.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on stone, limestone, granite or marble, broken or crushed, carloads from Dan, Ga., to points in Georgia named in exhibit A of the application.

Grounds for relief: Short-line distance formula, intrastate competition and circuitous routes through South Carolina.

Tariff: Supplement 54 to Agent C. A. Spaninger's I. C. C. 1469.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56–2979; Filed, Apr. 17, 1956; 8:47 a. m.]

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NEW YORK, ONTARIO AND WESTERN RAILWAY CO.

[Rev. S. O. 562, Taylor's I. C. C. Order No. 68–A]

ORDER VACATING PREVIOUS ORDER

Upon further consideration of Taylor's I. C. C. Order No. 68 and good cause appearing therefor;

*It is ordered,* That:

(a) Taylor's I. C. C. Order No. 68, be, and it is hereby vacated and set aside.

(b) Effective date: This order shall become effective at 5:00 p. m., April 9, 1956.

*It is further ordered,* That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., April 9, 1956.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR, *Agent.*

[F. R. Doc. 56–2980; Filed, Apr. 17, 1956; 8:48 a. m.]


# FEDERAL REGISTER

VOLUME 21 NUMBER 76

Washington, Thursday, April 19, 1956


THE NATIONAL ARCHIVES LITTERA SCRIPTA MANET 1934 OF THE UNITED STATES
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APR 23 1956
MAIN READING ROOM

## TITLE 7—AGRICULTURE

### Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 907—MILK IN MILWAUKEE, WIS., MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1940 ed. 601 et seq.), hereinafter referred to as the "act," and of the order, as amended, regulating the handling of milk in the Milwaukee, Wisconsin, marketing area, hereinafter referred to as the "order" it is hereby found and determined that:

For the period ending July 31, 1956, the following provisions of § 907.51 (a) of the order do not tend to effectuate the declared policy o. the act: "the following amounts as indicated: August through November, inclusive * * * March through June, inclusive $0.66; and $0.86 in other months: *Provided,* That such Class I price differential shall be increased or decreased, respectively, 2 cents for each full percent that the adjusted supply-demand ratio computed pursuant to paragraph (e) of this section is greater than 72 percent, but shall not be increased or decreased more than 24 cents due to the adjusted supply-demand ratio."

It is hereby found and determined that notice of proposed rule making and public procedure thereon in connection with the issuance hereof is impracticable, unnecessary, and contrary to the public interest, in that (1) the information upon which this action is based did not become available in sufficient time for such compliance; (2) it is necessary to issue this suspension order effective as provided below to reflect current marketing conditions and to facilitate, promote, and maintain the orderly marketing of milk produced for the said marketing area; (3) this suspension order does not require of persons affected substantial or extensive preparation prior to its effective date; and (4) this suspension is necessary in connection with a similar suspension order affecting the order, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area, so as to preserve existing price relationships in the two markets.

Therefore, good cause exists for making this order effective for the period ending July 31, 1956.

*It is therefore ordered,* That the following provisions of § 907.51 (a) of the order are hereby suspended from the effective date as provided below, through July 31, 1956: "the following amounts as indicated: August through November, inclusive * * * March through June, inclusive $0.66; and $0.86 in other months: *Provided,* That such Class I price differential shall be increased or decreased, respectively, 2 cents for each full percent that the adjusted supply-demand ratio computed pursuant to paragraph (e) of this section is greater than 72 percent, but shall not be increased or decreased more than 24 cents due to the adjusted supply-demand ratio."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 13th day of April 1956 to become effective on April 16.

[SEAL] EARL L. BUTZ, *Assistant Secretary.*

[F. R. Doc. 56–3040; Filed, Apr. 18, 1956; 8:48 a. m.]

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PART 941—MILK IN CHICAGO, ILL., MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and of the order, as amended (7 CFR Part 941), regulating the handling of milk in the Chicago, Illinois, marketing area, hereinafter referred to as the "order", it is hereby found and determined that:

(a) The following provisions of § 941.52 (a) (1) will not tend to effectuate the declared policy of the act for the period ending July 31, 1956: "the following amount for the delivery periods indicated: August, September, October, and November * * * December, Janu-

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FEDERAL REGISTER

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**(As of January 1, 1956)**

The following Supplements are now available:

**Title 14: Part 400 to end ($1.00)**
**Titles 30 and 31 ($1.25)**
**Title 21 (Rev., 1955) ($5.50)**

Previously announced: Title 3, 1955 Supp. ($2.00); Title 7: Parts 1–209 ($1.25); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 18 ($0.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. 1, and Title 27 ($1.00); Title 32: Parts 1–399 ($0.60), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Titles 40–42 ($0.65); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

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ary, February, and July $0.90; all others, $0.70: *Provided*, That such Class I price differential shall be increased, or decreased, respectively, 2 cents for each full percent that the adjusted supply-demand ratio is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of the adjusted supply-demand ratio."

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof, are found to be impracticable, unnecessary, and contrary to the public interest in that:

(1) The information upon which this action is based did not become available in time sufficient for such compliance;

(2) Producers of more than 50 percent of the milk produced for this market, and handlers of most of the milk, have requested that these provisions be suspended;

(3) It is found necessary to issue and make effective this suspension order to reflect current marketing conditions and to facilitate, promote, and maintain orderly marketing conditions in this marketing area; and

(4) This suspension order does not require of persons affected substantial or extensive preparation prior to its effective date.

Therefore, good cause exists for making this order effective immediately for the period ending July 31, 1956.

*It is therefore ordered*, That the following provisions of § 941.52 (a) (1) of the order be and hereby are suspended from the effective date as provided below, through July 31, 1956: "the following amount for the delivery periods indicated: August, September, October, and November * * * December, January, February, and July $0.90; all others, $0.70: *Provided*, That such Class I price differential shall be increased, or decreased, respectively, 2 cents for each full percent that the adjusted supply-demand ratio is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of the adjusted supply-demand ratio."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 13th day of April 1956 to be effective on April 16.

[SEAL] EARL L. BUTZ,
*Assistant Secretary.*

[F. R. Doc. 56-3038; Filed, Apr. 18, 1956; 8:48 a. m.]

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### PART 967—MILK IN SOUTH BEND-LA PORTE, IND., MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress, as amended and reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1940 ed. 601 et seq.), hereinafter referred to as the "act," and of the order, as amended, regulating the handling of milk in the South Bend-LaPorte, Indiana, marketing area, hereinafter referred to as the "order," it is hereby found and determined that:

The following provisions contained in § 967.51 (a) do not tend to effectuate the declared policy of the act for the period ending July 31, 1956: "the following amount for the delivery period indicated: August, September, October, November, and December * * * January and February, $1.10; all others, $0.90: *Provided*, That such Class I price shall be increased, or decreased, respectively, 2 cents for each full percent that the adjusted supply-demand ratio is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of the adjusted supply-demand ratio."

It is hereby found and determined that notice of proposed rule making and public procedure thereon in connection with the issuance hereof is impractical, unnecessary and contrary to the public interest, in that:

(1) The information upon which this action is based did not become available in sufficient time for such compliance;

(2) The issuance of this suspension order effective as set forth below is necessary to reflect current marketing conditions and to facilitate, promote and maintain the orderly marketing of milk produced for the said marketing area;

(3) This suspension is necessary in connection with a similar suspension order affecting the order regulating the handling of milk in the Chicago, Illinois, marketing area, so as to preserve existing price relationships in the two markets; and

(4) The changes caused by this suspension order do not require of persons affected substantial or extensive preparation prior to its effective date.

Therefore, good cause exists for making this order effective immediately for the period ending July 31, 1956.

*It is therefore ordered*, That the following provisions of § 967.51 (a) of the order are hereby suspended from the effective date, as provided below, through July 31, 1956: "the following amount for the delivery period indicated: August, September, October, November and December * * * January, and February, $1.10; all others, $0.90: *Provided*, That such Class I price shall be increased or decreased, respectively, 2 cents for each full percent that the adjusted supply-demand ratio is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of the adjusted supply-demand ratio."

Done at Washington, D. C., this 13th day of April 1956 to be effective on April 16.

[SEAL] EARL L. BUTZ,
*Assistant Secretary.*

[F. R. Doc. 56-3039; Filed, Apr. 18, 1956; 8:48 a. m.

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## TITLE 6—AGRICULTURAL CREDIT

### Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

### PART 430—DAIRY PRODUCTS

SUBPART—MILK AND BUTTERFAT PRICE SUPPORT PROGRAM

The Cheddar cheese price under § 430.190 (b) (21 F. R. 2229) is changed to read as follows:

| Commodity | Description | Market location | Unit | Price |
|---|---|---|---|---|
| Cheddar cheese | U. S. Grade A or higher Standard moisture basis: | United States | Pound | |
| | Produced before Apr. 1, 1956: | | | |
| | Domestic containers | do | do | $0.3325 |
| | Export containers | do | do | .3400 |
| | Produced on or after Apr. 1, 1956: | | | |
| | Domestic containers | do | do | .3400 |
| | Export containers | do | do | .3475 |

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, sec. 201, 63 Stat. 1052; as amended by 68 Stat. 899, 15 U. S. C. 714c, 7 U. S. C. 1446)

Issued this 16th day of April 1956.

[SEAL] WALTER C. BERGER,
*Acting Executive Vice President,*
*Commodity Credit Corporation.*

[F. R. Doc. 56-3066; Filed, Apr. 18, 1956; 8:53 a. m.]

## TITLE 8—ALIENS AND NATIONALITY

### Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter A—General Provisions

PART 2—SERVICE RECORDS; FEES

PART 7—REGIONAL COMMISSIONERS: APPEALS

PART 9—AUTHORITY OF COMMISSIONER, REGIONAL COMMISSIONERS, AND ASSISTANT COMMISSIONERS

MISCELLANEOUS AMENDMENTS

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

1. Section 2.5 is amended as follows: The tenth and twentieth items are amended and one new item is added so that when taken with the introductory material such amended and added items will read as follows:

§ 2.5 *Fees for service, documents, papers, and records not specified in the Immigration and Nationality Act.* In addition to the fees enumerated in sections 281 and 344 of the Immigration and Nationality Act, the following fees and charges are prescribed:

* * * * *

For filing application for Alien Laborer's Permit in lieu of one lost, mutilated, or destroyed ..... $1.00

* * * * *

For filing application for stay of deportation under § 243.3 (b) of this chapter, except when made concurrently with a motion to reopen or reconsider a decision in a deportation proceeding ..... 25.00

* * * * *

For filing an application for certificate of citizenship by claimant under section 309 (c) of the act ..... 5.00

2. Subparagraph (13) of paragraph (a) of § 7.1 is amended so that when taken with the introductory material it will read as follows:

§ 7.1 *Regional commissioners—(a) Appellate jurisdiction.* Appeals shall lie to the regional commissioners from the following:

* * * * * *

(13) Decisions of district directors on applications for certificates of citizenship under Part 341 of this chapter;

3. Paragraph (vv) of § 9.5a is amended so that when taken with the introductory material it will read as follows:

§ 9.5a *Authority of Regional Commissioners.* The powers, privileges, and duties conferred or imposed upon officers or employees of the Service under this chapter with respect to the following-described matters are hereby conferred or imposed upon the regional commissioners:

* * * * *

(vv) Applications for certificates of citizenship under Part 341 of this chapter.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103. Interpret or apply sec. 501, 65 Stat. 290; 5 U. S. C. 140)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order relate to matters of agency management, with one exception which relates to a matter of very minor significance.

Dated: April 12, 1956.

HERBERT BROWNELL, Jr.,
*Attorney General.*

Recommended: April 6, 1956.

J. M. SWING,
*Commissioner of*
*Immigration and Naturalization.*

[F. R. Doc. 56-3047; Filed, Apr. 18, 1956; 8:50 a. m.]

## TITLE 14—CIVIL AVIATION

### Chapter I—Civil Aeronautics Board

Subchapter A—Civil Air Regulations

[Supp. 28]

PART 4b—AIRPLANE AIRWORTHINESS; TRANSPORT CATEGORIES

ANTISKID DEVICES AND INSTALLATIONS

The following amendments to Part 4b are issued to standardize the procedures for obtaining approval of an antiskid installation by prescribing the amount of flight testing and engineering evaluation involved. Further, § 4b.337-4 defines antiskid devices that are acceptable for installation on civil aircraft and lists the installation data and the tests and analyses acceptable to the Administrator.

Part 4b is amended as follows:

1. A new § 4b.115-4 is added as follows:

§ 4b.115-4 *Accelerate-stop distance with an antiskid device installed (CAA policies which apply to § 4b.115).* The policies outlined in § 4b.337-4 will apply.

2. A new § 4b.122-4 is added as follows:

§ 4b.122-4 *Determination of the landing distance with an antiskid device installed (CAA policies which apply to § 4b.122).* The policies outlined in § 4b.337-4 will apply.

3. A new § 4b.123-4 is added as follows:

§ 4b.123-4 *Procedure in determination of landing distance with an antiskid device installed (CAA policies which apply to § 4b.123).* The policies outlined in § 4b.337-4 will apply.

4. A new § 4b.170-3 is added as follows:

§ 4b.170-3 *Longitudinal stability and control with an antiskid device installed (CAA policies which apply to § 4b.170).* The policies outlined in § 4b.337-4 will apply.

5. A new § 4b.171-3 is added as follows:

§ 4b.171-3 *Directional stability and control with an antiskid device installed (CAA policies which apply to § 4b.170).* The policies outlined in § 4b.337-4 will apply.

6. A new § 4b.337-4 is added as follows:

§ 4b.337-4 *Antiskid devices and installations (CAA policies which apply to § 4b.337)*—(a) *Eligibility.* Antiskid devices meeting the airworthiness portions of Military Specification MIL-B-8075 (ASG) and any amendments[1] thereto, are acceptable for installation on civil aircraft. Requests for deviations from these specifications should be submitted to the CAA Regional Office, Aircraft Engineering Division. The installation of the antiskid device should comply with the requirements specified in paragraph (b) of this section. The antiskid device and its installation will be approved for use on civil aircraft when the tests specified in paragraph (c) of this section have been satisfactorily demonstrated.

(b) *Installation*—(1) *Data required.* An engineering evaluation of the antiskid installation as installed on the airplane, including all necessary components, should be conducted. This analysis and complete descriptive data should be submitted to the CAA. The data should include hydraulic and electric schematic diagrams of the installation, assembly drawings of antiskid system units, test results or stress analysis substantiating structural strength of attachments and modification of the axle or other structural members, installation drawings, recommended instructions pertaining to installation, maintenance and operation and analysis of flight test data and results. Schematic drawings should refer to all units in the normal and emergency brake systems. The engineering evaluation should also assure that the antiskid system does not cause undesirable and adverse yaw characteristics.

(i) Engineering evaluation should account for a bounce condition wherein the wheels may leave the runway after the brakes have been applied; for a condition wherein the wheels stay on the runway but the oleos are extended (if the system utilizes landing gear oleo compression in its operation) and for a condition in which the wheels of one main gear may not be in contact with the runway for a considerable time while the wheels of the other main gear are firmly on the runway. If the antiskid installation incorporates the "landing with brake pedals depressed" feature, then this type of operation should also be considered.

(ii) It should be shown that the brake cycling frequency imposed by the antiskid installation will not result in excessive loads on the landing gear because of proximity to resonant landing gear frequencies.

(2) *Systems.* The entire brake system (including both the basic brake system and the antiskid system) should conform to § 4b.337. The single failure criterion of § 4b.337 should be extended to include the antiskid system.

(i) In the event of a probable malfunction within the antiskid system which would result in loss of the antiskid feature in one or more brake units, those brake units affected should automatically revert to normal braking.

(ii) An indicating means should be provided to warn the pilot or copilot in the event of antiskid malfunction. For simple mechanical type antiskid installations wherein any single probable malfunction is considered remote and which will render only one braked wheel inoperative insofar as antiskid operation is concerned, the indicating means need not be located in the cockpit.

(iii) A means should be provided so that the pilot or copilot can readily deactivate the antiskid system. For simple mechanical type antiskid installations wherein any single probable malfunction is considered remote and which will render only one braked wheel inoperative insofar as antiskid operation is concerned, the deactivating means need not be located in the cockpit.

(iv) Antiskid installations should not cause surge pressures in the brake hydraulic system which would be detrimental to either the normal or emergency brake system and components.

(v) The antiskid equipment should insure satisfactory operation on slippery runways as well as on dry hard surfaced runways without additional antiskid adjustment.

(c) *Tests and analyses.* (1) When an antiskid system is included as original equipment on an airplane, it is not required that field length data,[2] with antiskid inoperative, be determined.

(2) Tests and analyses for the approval of an antiskid system to be used with a previously approved brake installation, without consideration for reduction of runway distances, should be conducted in accordance with this paragraph. When equivalent alternate procedures are developed and approved, they may be used in lieu of the method specified in this paragraph. If credit for shorter field lengths is requested on the basis of an antiskid installation, then complete flight tests should be conducted in accordance with §§ 4b.115, 4b.122, 4b.123, 4b.170 and 4b.171.

(3) When an antiskid system is installed, the braking performance and airplane stopping distances should be at least equivalent to those obtained during the accelerate-stop and landing type certification tests. The tests to be conducted are based on the high speed condition as being critical, both for airplane braking as controlled by the antiskid system, and for the functional integrity of an acceptable antiskid device. However, should it become necessary for a particular type of installation, these tests may be modified as warranted.

(i) Conduct at least one accelerate-stop test at each of the following speeds: 80, 90, and 100 percent of the highest $V_1$ speed for which the airplane is certificated.[3] The maximum landing weight, or the lowest weight above maximum landing weight necessary to keep the airplane from leaving the runway at the highest $V_1$ speed, should be used in the above three tests. When appropriate, the decelerate portions of the accelerate-stop tests may be demonstrated by landings with wing flaps in takeoff position in lieu of accelerating the airplane to $V_1$ speed on the runway. (See also § 4b.115-1.)

(ii) Conduct at least one landing deceleration test at each of the following weights: maximum landing weight, an intermediate landing weight and normal minimum landing weight.[4] All landings should be made from the highest corresponding contact speeds used in determining CAA Approved Airplane Flight Manual field lengths.

(4) Conduct controllability tests in accordance with §§ 4b.170 and 4b.171 (except for the emergency braking condition) after the occurrence of any single malfunction within the antiskid system (excluding the device and those components which were determined to be satisfactory based on laboratory tests). Single probable malfunctions, which analysis indicates may be likely to occur, should be simulated during landing or simulated landing deceleration tests. If analysis shows clearly that a particular malfunction would not adversely affect controllability, that malfunction need not be simulated in flight tests.

(5) Conduct taxi tests to demonstrate that repeated rapid full brake pedal application and release does not result in excessive delay in brake reapplications and that ground handling maneuvering characteristics and sensitivity of braking effect are satisfactory.

(6) Conduct tests and analyses to determine the effect of automatic cyclic brake action on the emergency brake system fluid supply. The fluid volume (reserved for emergency use in the reservoir or emergency accumulators of the basic brake system) may be adequate for manual braking but may be adversely affected by an antiskid installation. Hence, an engineering evaluation should be conducted to show that the antiskid system will not have an adverse effect on braking when the airplane is stopped by means of the emergency brake system, or to show that the antiskid system is automatically made inoperative when emergency braking is used.

(7) If, during the tests specified in this paragraph, adjustments or modifications to the antiskid device or its installation proved necessary and indicated the possibility of encountering unreliable operation due to maintenance difficulties or the need for frequent adjustments, then accelerated service functioning and reliability tests should be conducted as deemed necessary.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, as amended, 1009, as amended; 49 U. S. C. 551, 553)

This supplement shall become effective May 15, 1956.

[SEAL] JAMES T. PYLE,
*Acting Administrator*
*of Civil Aeronautics.*

[F. R. Doc. 56-3023; Filed, Apr. 18, 1956; 8:45 a. m.]

[1] Proposed amendments may be obtained from the Civil Aeronautics Administration, Washington 25, D. C.

[2] It is desirable to determine field length data with the antiskid inoperative in order that airplane operation may be conducted with antiskid inoperative if so desired by the operator.

[3] In order to assure stopping distances equivalent to those shown in the Airplane Flight Manual, camera recording, or equivalent recordation methods should be used. To ascertain that the measured stopping distances are equivalent to those in the Airplane Flight Manual it will be necessary to compare the measured antiskid data with the data obtained during the manufacturer's original certification tests for the weight used in the antiskid tests at the highest speed for that weight shown in the Airplane Flight Manual.

[4] If it can be shown by the accelerate-stop distance tests conducted and the data obtained in subdivision (i) of this subparagraph that the landing distances when using normal landing braking techniques, would not exceed the landing distances approved without antiskid devices, then the landing distance tests specified in subdivision (ii) of this subparagraph need not be conducted.



## TITLE 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket 6401]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

OLD EMPIRE, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Foreign status, branches, etc.; § 13.30 *Composition of goods;* § 13.155 *Prices:* Exaggerated as regular and customary; fictitious marking; § 13.205 *Scientific or other relevant facts;* § 13.235 *Source or origin:* Place: *Foreign, in general.* Subpart—*Aiding, assisting and abetting unfair or unlawful act or practice:* § 13.290 *Aiding, assisting and abetting unfair or unlawful act or practice.* Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—*Misbranding or mislabeling:* § 13.1185 *Composition:* § 13.1210 *Foreign status, branches, plants or properties;*

§ 13.1280 *Price;* § 13.1320 *Scientific or other relevant facts;* § 13.1325 *Source of origin:* Place: *Foreign, in general.* Subpart—*Misrepresenting one self and goods*—Business status, advantages or connections: § 13.1420 *Foreign status, branches, etc.;* [*Misrepresenting one self and goods*]—Prices: § 13.1805 *Exaggerated as regular and customary;* § 13.1810 *Fictitious marking.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Old Empire, Inc. (Newark, N. J.), et al., Docket 6401, April 3, 1956]

*In the Matter of Old Empire, Inc., a Corporation, and Julio de Elorza, Raymond Barnett, John de Elorza and Pearl de Elorza, Individually and as Officers of Old Empire, Inc.; Pierre Marche, Inc., a Corporation, and Louis Manus, Mrs. Samuel B. Kline, Also Known as Bebe Aaron, and Ruth Robbins, Individually and as Officers of Pierre Marche, Inc., and Samuel B. Kline, Individually and as General Manager of Pierre Marche, Inc.*

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging a corporate manufacturer of its "Marche Nuptiale" perfume, together with its corporate franchise distributor and their officers, with representing fasely through statements in brochures, circulars, and letters, and upon packages, containers, and labels that $25 per bottle was the customary retail price of the perfume, that it was displayed and sold by named large and well-known department stores, was manufactured from essence imported from France, and that they maintained a branch office in Paris; and with supplying to retail purchasers small gummed sticker-type labels bearing the figure "$25.00" to affix to the "Marche Nuptiale" packages—and an agreement between the parties containing consent order to cease and desist.

On this basis, the hearing examiner made his initial decision, including order to cease and desist, which became, on April 3, 1956, the decision of the Commission.

The order to cease and desist is as follows:

*It is ordered,* That respondent Old Empire, Inc., a corporation, its officers, and respondents Julio de Elorza, Raymond Barnett, John de Elorza and Pearl de Elorza, individually and as officers of Old Empire, Inc., and respondent Pierre Marche, Inc., a corporation, its officers, and respondents Louis Manus, Mrs. Samuel B. Kline, also known as Bebe Aaron, and Ruth Robbins, individually and as officers of Pierre Marche, Inc., and Samuel B. Kline, individually and as General Manager of Pierre Marche, Inc., their agents, representatives and employees, directly or through any corporate or other device in connection with the sale and distribution of perfumes, colognes, and allied products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Supplying customers or purchasers of said products or any of them with price tags, labels, stickers or other advertising material bearing amounts which are, in fact, in excess of the prices at which said products are usually and customarily sold.

2. Representing directly or by implication:

(a) That the retail price of any of said products is in excess of the price at which said product is usually and customarily sold.

(b) That said products or any of them are currently being displayed or sold by any specified store or any class of stores, when such is not the fact.

(c) That said perfumes are made from essences imported from France unless it is clearly and conspicuously disclosed, in immediate conjunction therewith, that part of the essences are not so imported, when such is the fact.

(d) That any of respondents maintain an office or establishment in France unless such is the fact.

By "Decision of the Commission", report of compliance was required as follows:

*It is ordered,* That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 3, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-3043; Filed, Apr. 18, 1956; 8:49 a. m.]

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[Docket 6389]

## PART 13—DIGEST OF CEASE AND DESIST ORDERS

### CORDAGE IMPORTERS ASSOCIATION, INC., ET AL.

Subpart—*Coercing and intimidating:* § 13.345 *Competitors:* By cutting off supplies.[1] Subpart—*Combining or conspiring:* § 13.410 *To eliminate or restrain competition in conspirators' goods;* § 13.425 *To enforce or bring about resale price maintenance;* § 13.430 *To enhance, maintain or unify prices;* § 13.432 *To fix and maintain uniform freight charges;*[1] § 13.450 *To limit distribution or dealing to regular, established or acceptable channels or classes;* § 13.472 *To restrain cooperatives' activities;*[1] § 13.475 *To restrict competition in buying.* Subpart—*Cutting off competitors' or others' supplies or service:* § 13.610 *Cutting off competitors' or others' supplies or service.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist orders, Cordage Importers Association, Inc. (New York, N. Y.), et al., Docket 6389, March 6, 1956, and March 31, 1956]

[1] New.

*In the Matter of Cordage Importers Association, Inc., a Corporation; Daniel Kelminson, Individually and as President and as a Member of the Board of Directors of Cordage Importers Association, Inc.; J. Howard Bancroft, Individually and as Vice President and Secretary, and as a Member of the Board of Directors of Cordage Importers Association, Inc.; Milton L. Mintzer, Individually and Doing Business Under the Trade Name of Milton L. Mintzer Company, as a Member of Cordage Importers Association, Inc., and as Treasurer and as a Member of the Board of Directors of Cordage Importers Association, Inc.; Howard Duizend, Individually and Doing Business Under the Trade Name of Atlas Cordage Company, as a Member of Cordage Importers Association, Inc., and as a Member of the Board of Directors of Cordage Importers Association, Inc.; G. C. Pierson, Individually and doing Business Under the Trade Name of Davis Cordage Company, as a Member of Cordage Importers Association, Inc., and as a Member of the Board of Directors of Cordage Importers Association, Inc.; Adolph A. Krejtman, Individually and as a Member of the Board of Directors of Cordage Importers Association, Inc.; Robert H. Stone, Individually and as a Copartner in the Partnership Doing Business Under the Trade Name of Bob Stone Cordage Company, as a Member of Cordage Importers Association, Inc., and as a Member of the Board of Directors of Cordage Importers Association, Inc.; and General Twine Corporation, a Corporation; Independent Cordage Company, a Corporation; Independent Twine & Yarn Company, Inc., a Corporation; A. A. Kretjman, Inc., a Corporation; Paulsen-Webber Cordage Corporation, a Corporation; Carl L. Ruch, Individually and Doing Business Under the Trade Name of The Cord-Tex Company; Fred L. V. Schoenfeld, Individually and Doing Business Under the Trade Name of Schoenfeld Mills Agency; Daniel H. Shield, Individually and Doing Business Under the Trade Name of Daniel H. Shield Cordage Company; Harold H. Short, Individually and Doing Business Under the Trade Name of Allied Cordage Company, J. C. Shuford, Individually and Doing Business Under the Trade Name of J. C. Shuford Company; Keith E. Stone, Individually and as Copartner in the Partnership Doing Business Under the Trade Name of Bob Stone Cordage Company, as Members of Cordage Importers Association, Inc.; and Edward Long, Individually and Doing Business Under the Trade Name of Mid-West Cordage Company*

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging 18 importers of Mexican twine, their trade association, and one non-member importer, together accounting for well over 50 percent of the total imports of such twine into the United States, with conspiring to hinder and suppress competition in the importation and sale of Mexican twine in commerce in the United States in pursuance of which conspiracy they (1) fixed and maintained prices, terms, and conditions for the purchase, sale, and resale of Mexican twine in the United States; (2) established and maintained classifications or uniform designations of purchasers for sale and resale of Mexican twine; (3) prevented and restricted the sale of Mexican twine to cooperatives, required that sales of twine imported into the United States to cooperatives be at the prices and conditions of sale which they specified for wholesale and dealer customers, and fixed resale prices and conditions of sale by cooperatives; (4) fixed and maintained uniform charges for freight for the transportation of Mexican twine; (5) enforced compliance with resale prices and conditions for resale of Mexican twine by the discontinuance, or threats of discontinuance, of sales to any importer who failed or refused to comply with such fixed prices and conditions; and (6) established and maintained a policy and practice of having the Mexican sources of supply discontinue the sale of twine to any importer reported as selling or reselling below their fixed prices—and an agreement between all respondents, with three exceptions, and counsel supporting the complaint, pursuant to which they submitted to the hearing examiner a form of proposed agreement containing consent order to cease and desist.

Upon this basis, the hearing examiner made his initial decision and order to cease and desist, which, by the Commission's order of March 6, 1956, became the decision of the Commission.

Said order to cease and desist is as follows:

*It is ordered,* That respondents Cordage Importers Association, Inc., a corporation; Daniel Kelminson, individually and as President and as a member of the Board of Directors of Cordage Importers Association, Inc.; J. Howard Bancroft, individually and as Vice President and Secretary, and as a member of the Board of Directors of Cordage Importers Association, Inc.; Milton L. Mintzer, individually and doing business under the trade name of Milton L. Mintzer Company, as a member of Cordage Importers Association, Inc., and as Treasurer and as a member of the Board of Directors of Cordage Importers Association, Inc.; Howard Duizend, individually and doing business under the trade name of Atlas Cordage Company and as a member of Cordage Importers Association, Inc.; G. C. Pierson, individually and doing business under the trade name of Davis Cordage Company, as a member of Cordage Importers Association, Inc., and as a member of the Board of Directors of Cordage Importers Association, Inc.; Adolph A. Krejtman, individually and as a member of the Board of Directors of Cordage Importers Association, Inc.; Robert M. Stone, individually and as a copartner in the partnership doing business under the trade name of Bob Stone Cordage Company, as a member of Cordage Importers Association, Inc., and as a member of the Board of Directors of Cordage Importers Association, Inc.; and General Twine Corporation, a corporation, Independent Cordage Company, a corporation, Independent Twine & Yarn Company, Inc., a corporation, A. A. Krejtman, Inc., a corporation, Carl L. Ruch, individually, Fred L. V. Schoenfeld, individually, Daniel H. Shield, individually and doing business under the trade name of Daniel H. Shield Cordage Company, Harold H. Short, individually and doing business under the trade name of Allied Cordage Company, and Keith E. Stone, individually and as a copartner in the partnership doing business under the trade name of Bob Stone Cordage Company, as members of Cordage Importers Association, Inc., shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Subsequent to the consent agreement of the 17 respondents, respondent Elwood Long, non-member of the association, together with his attorney, entered into an agreement with counsel supporting the complaint and pursuant thereto submitted to the hearing examiner a proposed agreement containing consent order to cease and desist, disposing of all the issues as to him, which was accepted.

The hearing examiner thereupon made his initial decision, including an order



tors of Cordage Importers Association, Inc.; and General Twine Corporation, a corporation, Independent Cordage Company, a corporation, Independent Twine & Yarn Company, Inc., a corporation, A. A. Krejtman, Inc., a corporation, Carl L. Ruch, individually, Fred L. V. Schoenfeld, individually, Daniel H. Shield, individually and doing business under the trade name of Daniel H. Shield Cordage Company, Harold H. Short, individually and doing business under the trade name of Allied Cordage Company, and Keith E. Stone, individually and as a copartner in the partnership doing business under the trade name of Bob Stone Cordage Company, as members of Cordage Importers Association, Inc., their respective officers, directors, agents, representatives and employees, together with the successors or assigns of such respondents, directly or through any corporate or other device, in connection with the purchase, offering for sale, sale, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of agricultural baler and binder twine, commercial wrapping twine, also called "ply" twine, and rope manufactured in Mexico, all of which are hereinafter referred to as "Mexican Twine," do forthwith cease and desist from entering into, continuing, cooperating in or carrying out any planned common and concerted course of action, understanding or agreement between any two or more of said respondents, or between any one or more of said respondents and others not parties hereto, to do or perform any of the following acts:

1. Fixing, establishing, maintaining, or adhering to, or attempting to fix, establish, maintain, or cause adherence to, by any means or method, any prices, terms or conditions for the purchase, sale or resale of Mexican twine in the United States;

2. Establishing or maintaining, or attempting to establish or maintain, any classifications or uniform designations of customers or purchasers for sale or resale of Mexican twine, for the purpose or with the effect of fixing or maintaining any purchase, sale or resale prices of such twine;

3. Preventing, restricting, or attempting to prevent or restrict, by any means or method, the sale of Mexican twine to cooperatives;

4. Fixing, establishing, maintaining, or adhering to, or attempting to fix, establish, maintain or cause adherence to, by any means or method, uniform charges or assessments for freight for the transportation of Mexican twine;

5. Enforcing or attempting to enforce compliance with, or adherence to, any resale prices or conditions for resale of Mexican twine in the United States, by the discontinuance, or threats of discontinuance, of sales to any importer of Mexican twine, who fails, or refuses, to comply with any such prices or conditions for resale, or by any other means or method of enforcement of compliance with, or adherence to, any such resale prices or conditions for resale;

6. Causing, directly or indirectly, or attempting to cause, directly or indirectly, by any means or method, the cancellation, or suspension, of orders for, or the discontinuance of sources of supply of, Mexican twine to any purchaser or prospective purchaser of same.

By "Decision of the Commission", report of compliance was required as follows:

*It is ordered,* That Respondents Cordage Importers Association, Inc., a corporation; Daniel Kelminson, individually and as President and as a member of the Board of Directors of Cordage Importers Association, Inc.; J. Howard Bancroft, individually and as Vice President and Secretary, and as a member of the Board of Directors of Cordage Importers Association, Inc.; Milton L. Mintzer, individually and doing business under the trade name of Milton L. Mintzer Company, as a member of Cordage Importers Association, Inc., and as Treasurer and as a member of the Board of Directors of Cordage Importers Association, Inc.; Howard Duizend, individually and doing business under the trade name of Atlas Cordage Company and as a member of Cordage Importers Association, Inc.; G. C. Pierson, individually and doing business under the trade name of Davis Cordage Company, as a member of Cordage Importers Association, Inc., and as a member of the Board of Directors of Cordage Importers Association, Inc.; Adolph A. Krejtman, individually and as a member of the Board of Directors of Cordage Importers Association, Inc.; Robert M. Stone, individually and as a copartner in the partnership doing business under the trade name of Bob Stone Cordage Company, as a member of Cordage Importers Association, Inc., and as a member of the Board of Directors of Cordage Importers Association, Inc.; and General Twine Corporation, a corporation, Independent Cordage Company, a corporation, Independent Twine & Yarn Company, Inc., a corporation, A. A. Krejtman, Inc., a corporation, Carl L. Ruch, individually, Fred L. V. Schoenfeld, individually, Daniel H. Shield, individually and doing business under the trade name of Daniel H. Shield Cordage Company, Harold H. Short, individually and doing business under the trade name of Allied Cordage Company, and Keith E. Stone, individually and as a copartner in the partnership doing business under the trade name of Bob Stone Cordage Company, as members of Cordage Importers Association, Inc., shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Subsequent to the consent agreement of the 17 respondents, respondent Elwood Long, non-member of the association, together with his attorney, entered into an agreement with counsel supporting the complaint and pursuant thereto submitted to the hearing examiner a proposed agreement containing consent order to cease and desist, disposing of all the issues as to him, which was accepted.

The hearing examiner thereupon made his initial decision, including an order

to cease and desist identical with the aforesaid order against the 17 other respondents, and dismissing the complaint as to respondent Paulsen-Webber Cordage Corp. and the late J. C. Shuford, deceased. By the Commission's order of March 30, 1956, the initial decision became, on March 31, 1956, the "Decision of the Commission".

The order to cease and desist is as follows:

*It is ordered*, That Respondent Elwood Long, individually and as president of Fayette Livestock Auction, Inc., a corporation, doing business as Midwest Cordage Company (erroneously named in the complaint as "Edward Long, individually and doing business under the trade name of Mid-West Cordage Company"), his agents, representatives and employees, directly or through any corporate or other device, in connection with the purchase, offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of agricultural baler and binder twine, commercial wrapping twine, also called "ply" twine, and rope manufactured in Mexico, all of which are hereinafter referred to as "Mexican twine", do forthwith cease and desist from entering into, continuing, cooperating in, or carrying out any planned common and concerted course of action, understanding or agreement with any one or more of the Respondents named in any other order or orders to cease and desist issued by the Commission against any of the other Respondents named in the complaint herein, or between him and others not parties to any such other order or orders to cease and desist issued by the Commission in this case, to do or perform any of the acts as set out in the cease and desist order above.

*It is further ordered*, That the complaint herein, insofar as it relates to Respondent Paulsen-Webber Cordage Corporation, a corporation, be, and the same hereby is, dismissed.

*It is further ordered*, That the complaint herein, insofar as it relates to Respondent the late J. C. Shuford, individually and doing business under the trade name of J. C. Shuford Company, be, and the same hereby is, dismissed.

By said "Decision of the Commission", report of compliance was required as follows:

*It is further ordered*, That respondent Elwood Long, individually and as president of Fayette Livestock Auction, Inc., a corporation, shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: March 30, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-3044; Filed, Apr. 18, 1956; 8:49 a. m.]

# TITLE 24—HOUSING AND HOUSING CREDIT

## Chapter II — Federal Housing Administration, Housing and Home Finance Agency

### Subchapter D—Multifamily and Group Housing Insurance

PART 243—COOPERATIVE HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS FOR INDIVIDUAL MORTGAGES COVERING PROPERTIES RELEASED FROM LIEN OF PROJECT MORTGAGE

MISCELLANEOUS AMENDMENTS

*Correction*

In F. R. Doc. 56-2891, appearing at page 2377 of the issue for Thursday, April 12, 1956, the following change should be made:

In the first sentence of § 243.9 (b), the words "acquisition of such larger amount" should read "acquisition or such larger amount."

# TITLE 25—INDIANS

## Chapter I—Bureau of Indian Affairs, Department of the Interior

### Subchapter Q—Leasing and Permitting of Restricted Indian Lands and Other Lands Administered by the Bureau of Indian Affairs for Farming, Farm Pasture, Business, and Other Purposes

PART 171—LEASING AND PERMITTING

Part 171 of Title 25 is amended to read as follows:

Sec.


171.1 Definitions.
171.2 Purpose of regulations.
171.3 Applicability of regulations.
171.4 Authority for leases or permits.
171.5 Ownership of improvements.
171.6 Duration of leases and permits of restricted land.
171.7 Power of superintendent to grant leases or permits for restricted lands of individual Indians.
171.8 Negotiation of individual leases and permits.
171.9 Negotiation of tribal leases and permits.
171.10 Grants of permits for the use of other lands.
171.11 Irrigable lands, drainage districts, payment of charges.
171.12 Farm and farm pasture units.
171.13 Grazing units excepted.
171.14 Minor's land, use by parents.
171.15 Bonds.
171.16 Subleases; assignments.
171.17 Special mandatory provision.
171.18 Advance execution of leases.
171.19 Payment of rentals.
171.20 Description of leased property.
171.21 Conservation and land use requirements.
171.22 Violation of lease or permit.
171.23 Business leases or permits.
171.24 Crow Reservation.
171.25 Fort Belknap Reservation.
171.26 Colorado River Reservation.
171.27 Appeals.
171.28 Fees.


AUTHORITY: §§ 171.1 to 171.28 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply sec. 3, 26 Stat. 795, sec. 1, 28 Stat. 305, secs. 1, 2, 31 Stat. 229, 246, secs. 7, 12, 34 Stat. 545, 34 Stat. 1015, 1034, 35 Stat. 70, 95, 97, sec. 4, 36 Stat. 856, sec. 1, 39 Stat. 128, 41 Stat. 415, as amended, sec. 1, 41 Stat. 751, sec. 1, 41 Stat. 1232, sec. 17, 43 Stat. 636, 641, 44 Stat. 658, as amended, 44 Stat. 894, 1365, as amended, 47 Stat. 1417, sec. 17, 48 Stat. 984, 988, sec. 5, 49 Stat. 115, 118, sec. 55, 49 Stat. 750, 781, 1135, sec. 3, 49 Stat. 1967, 54 Stat. 745, 1057, 60 Stat. 308, 962; sec. 5, 64 Stat. 46, 69 Stat. 539, 725; 25 U. S. C. 380, 393, 393a, 394, 395, 397, 402, 402a, 403, 403a, 403b, 403c, 413, 415, 415a, 415b, 415c, 415d, 477, 635.

§ 171.1 *Definitions.* As used in this part:

(a) "Secretary" means Secretary of the Interior.

(b) "Commissioner" means Commissioner of Indian Affairs.

(c) "Area Director" means the official in charge of an area office of the Bureau of Indian Affairs, or such other employee of the Bureau as he may properly designate in writing as acting director.

(d) "Superintendent" means the superintendent or other officer in charge of an Indian agency or unit under which the administration of restricted lands as described in this part has been placed.

(e) "Tribe" means a tribe, band, pueblo, rancheria, or other group of Indians.

(f) "Tribal Council" means the council, business committee, governor, or other body or individual authorized to represent the tribe.

(g) "Restricted lands" means lands or interests in lands held by Indian tribes in fee or by Indian title or held in trust by the United States for the benefit of Indian tribes; and lands or interests in lands held by the United States in trust for individual Indians or held by individual Indians subject to restrictions against alienation without the consent of the Secretary of the Interior or his duly authorized representative.

(h) "Permit" means a permit revocable in the discretion of the issuing or approving officer.

(i) "Farm-pasture" lease means a lease authorizing the grazing of livestock on areas of land used in connection with farming operations or which for any reason are not included in range units, pursuant to Part 71 of this chapter.

(j) "Specialized crops" means those crops requiring a deferred period of years for investment return.

§ 171.2 *Purpose of regulations.* The regulations in this part prescribe the terms and conditions under which restricted lands that are not in use by the Indian owners or the United States may be leased or permitted for farm, farm-pasture, business and other purposes authorized by statute. No leases shall be approved under the regulations of this part that contain any provision that will prevent or delay a termination of Federal trust responsibilities with respect to the land during the term of the lease.

§ 171.3 *Applicability of regulations.* This part is generally applicable but is subject to the special exceptions provided in §§ 171.24 to 171.26, inclusive.

§ 171.4 *Authority for leases or permits.* Either leases or permits may be granted for tribally or individually-owned restricted lands, except that, where no specific statutory authority to lease has been provided, permits only may be issued.

§ 171.5 *Ownership of improvements.* Leases granted under the regulations in this part shall be made for such terms and shall be limited in duration to a period that will permit amortization of the investment by the lessee in permanent improvements. All improvements made under the terms of the lease shall remain on the land as the property of the lessor unless specifically excepted therefrom under the terms of the lease. At the termination of the lease, the lessor shall have the option to purchase the improvements specifically excepted, which option shall be exercised in writing by the lessor by notice to the lessee at least sixty days prior to the expiration of the lease. The lessee shall have sixty days from the date of the expiration of his lease in which to remove the improvements.

§ 171.6 *Duration of leases and permits of restricted lands.* (a) Indian lands, whether tribally or individually owned, may be leased for public, religious, educational, recreational, residential, or business purposes for a period of not to exceed twenty-five years. With the consent of both parties, such leases may include provisions authorizing their renewal for one additional term of not to exceed twenty-five years.

(b) Farming, and agricultural development leases which require the making of a substantial investment for the production of specialized crops, and such farm leases which require the development or utilization of the soil and water resources in connection with their operation as determined by the Secretary or his authorized representative may be executed for a term of not to exceed twenty-five years.

(c) Farming leases not requiring such development may be executed for a term of not to exceed ten years.

(d) Grazing leases may be executed for a term of not to exceed ten years when such leases require substantial development or improvement.

(e) The rental on leases granted for more than five years shall be subject to adjustment at not more than five year intervals. With the exception set forth in paragraph (a) of this section there shall be no provision for renewal in the leases.

(f) Leases granted by the superintendent on lands of deceased Indians whose heirs have not been determined shall be limited to terms not exceeding one year, except as otherwise provided in § 171.7.

§ 171.7 *Power of superintendent to grant leases or permits for restricted lands of individual Indians.* (a) The superintendent may grant leases or permits for individual restricted lands on behalf of: (1) Indians non compos mentis and orphaned minors for whom no legal guardians have been appointed; (2) nonresidents whose whereabouts are unknown to him.

(b) The superintendent may grant leases or permits embracing inherited or devised restricted individual lands: (1) When the heirs or devisees of the decedents have not been determined, (2) when the heirs or devisees of the decedents have been determined and the lands are not in use by any of the heirs or devisees and the heirs or devisees have not been able during the three months period immediately following the date on which a lease may be renewed to agree upon a lease by reason of the number of heirs, their absence from the reservation or for any other cause.

(c) Where the majority interest in land being leased is owned by living Indians authorized to negotiate their leases as provided for in § 171.8 and such Indians have agreed to and executed a lease on terms satisfactory to the superintendent, the superintendent is authorized to execute the lease in behalf of undetermined presumptive heirs owning the minority interest in such lands and in behalf of such Indians whose lands he is authorized to lease under paragraphs (a) and (b) of this section, without advertising and without the limitation as to term as provided for in § 171.6 (d), and without advertising such minority interest.

(d) Except as provided in paragraph (c) of this section, the superintendent, prior to the granting by him of a lease or permit in accordance with the provisions set forth in the regulations of this part or in accordance with a power to issue a lease or permit granted by the owners, shall advertise the lands for lease, unless prior authority to waive advertising has been granted by the Commissioner or his duly authorized representative, and assure that the present fair market value is obtained for the owners. After exposure to the open competitive market, through advertisement for sealed bids, if the highest bid received is less than the appraised value, such bid may be accepted by the superintendent when the bid price is not substantially less than the appraised value with the consent of the owner. Leases granted by the superintendent may, in his discretion, provide for the payment of the rentals due thereunder to the person having custody of the owner of the lands.

§ 171.8 *Negotiation of individual leases and permits.* Adult Indians (other than those non compos mentis) may negotiate for themselves and for their minor children on forms approved by the Secretary or his duly authorized representative, leases or permits for the use of individual restricted lands, subject to the regulations of this part and the written approval of the superintendent. Unless such leases or permits provide otherwise, rentals shall be paid directly by the lessees or permittees to the adult Indian lessors or permitters for their lands. Rentals on minors' lands shall be paid to the superintendent except where under applicable statutes it is mandatory that such rentals be paid to the parents. Negotiated leases shall not be approved at less than the appraised fair rental value.

§ 171.9 *Negotiation of tribal leases and permits.* (a) Tribes, acting through their tribal councils or their authorized representatives, may negotiate on forms approved by the Secretary or his duly authorized representative, leases or permits with respect to tribal lands, at not less than the appraised value. A lease or permit may provide for the payment of rentals direct to the lessor when a tribe is organized and has facilities for handling its own funds, including an acceptable bonded officer to receipt for funds. Otherwise, the lease or permit shall provide for the payment of rentals to the superintendent for deposit to the credit of the tribe in the United States Treasury.

(b) The constitutions, bylaws, charters, ordinances, and resolutions, adopted by tribes organized pursuant to the Indian Reorganization Act of June 18, 1934 (48 Stat. 984, 25 U. S. C. 461–479), as amended June 15, 1935 (49 Stat. 378), and May 1, 1936 (49 Stat. 1250), and the Oklahoma Indian Welfare Act of June 26, 1936 (49 Stat. 1967, 25 U. S. C. 501–509), shall govern where inconsistent with the regulations in this part.

§ 171.10 *Grants of permits for the use of other lands.* In order to conserve and protect them from deterioration, lands acquired by the United States for Indian school or other Indian administrative purposes or transferred to or placed under the administration of the Bureau of Indian Affairs and which are not immediately needed for the purpose for which they were acquired or transferred, may be made available by the superintendent, subject to the approval of the Commissioner or his authorized representative, for farm, farm-pasture, business, or other purposes under permits for minimum periods conducive to proper use.

§ 171.11 *Irrigable lands, drainage districts, payment of charges.* Any lease or permit for restricted lands within an irrigation project shall require the lessee or permittee to pay on the due date annually in advance during the term of the instrument, and in the amounts determined by orders of the Secretary or his duly authorized representative, charges assessed against such lands. Such charges shall be in addition to the rental payments prescribed in the lease or permit. All payments of such charges and penalties shall be made to the superintendent or other officer designated by the Commissioner.

§ 171.12 *Farm and farm-pasture units.* (a) When areas of restricted land, consisting of parts or all of a number of allotments of individual lands or separate tracts of tribal lands, can be developed and effectively utilized under proper soil conservation and land use practices as single operational units, a suitable division shall be made by the superintendent of such lands into units: *Provided, however,* That the establishment of units containing in excess of 640 acres of irrigable land or in excess of 2,560 acres of dry farming or farm-pasture land shall be subject to the approval of the Commissioner or his authorized representative.

(b) A lease or permit may be issued by the superintendent on restricted land in a unit if such authority has been granted to the superintendent by the owners of the areas in the unit or if the

superintendent is authorized in accordance with the provisions of this part to issue leases or permits covering such lands without the consent of the owners.

§ 171.13 *Grazing units excepted.* Restricted grazing lands within range units established pursuant to Part 71 of this chapter, general grazing regulations, shall not be leased and permits respecting such lands shall not be issued under this part.

§ 171.14 *Minor's land, use by parents.* Any Indian who supports his dependent minor children may use their restricted lands during the period of their minority without charge for the use of their lands if such use will enable him to engage in a farming or business enterprise which will also be beneficial to his minor children; and any such Indian may also pledge the income from such lands for the period of his children's minority as security for a loan from the United States, an Indian chartered corporation, an unincorporated tribe, or an Indian credit association.

§ 171.15 *Bonds.* Unless otherwise provided by the Commissioner or his authorized representative, full performance of the conditions of each lease or permit issued under this part shall be guaranteed by a satisfactory corporate surety bond or individual surety bond in a penal sum of not less than one year's rental and other provided charges, plus the estimated value of any improvements to be constructed by the lessee or permittee for the benefit of the lessor or permitter. In lieu of furnishing a surety bond, a lessee or permittee may deposit with the superintendent cash or negotiable United States Treasury Bonds or other negotiable Treasury obligations in the appropriate amount, together with a power of attorney appointing and empowering the Commissioner or his authorized representative in the event of any breach of the lease or permit to pay over any such cash, or to dispose of any such bonds and pay over the proceeds derived therefrom, as liquidated damages to or for the benefit of the lessor or permitter.

§ 171.16 *Subleases: assignments.* A sublease or assignment of any lease or permit issued under this part may be made only with the written consent of all parties thereto, including the surety or sureties, and the Government officer or employee who had authority to approve the original lease or permit.

§ 171.17 *Special mandatory provision.* All leases or permits issued under this part shall contain liquor and morality provisions as follows:

> The lessee (permittee) further agrees that he will not use or permit to be used any part of said premises for any unlawful conduct or purpose whatsoever; that he will not use or permit to be used any part of said premises for the manufacture, sale, gift, transportation, drinking or storage of intoxicating liquors or beverages in violation of existing laws relating thereto, and that any violation of this clause by the lessee (permittee) or with his knowledge, shall render this lease voidable at the option of the Superintendent.

§ 171.18 *Advance execution of leases.* Except with the approval of the Commissioner or his authorized representative, no lease or permit shall be negotiated more than 12 months prior to the date when it is to become effective.

§ 171.19 *Payment of rentals.* No rent or other consideration for the use of land leased pursuant to the regulations of this part shall be paid or collected more than one year in advance, unless so provided in the lease. Any lease containing a provision for payment or collection of rental for more than one year in advance shall not be approved by the superintendent. Authority to approve such leases may be granted by the Area Director in his discretion.

§ 171.20 *Description of leased property.* When a lease covers only part of an allotment, a definite description by subdivision or by metes and bounds must be incorporated therein, accompanied by a plat of the part intended to be leased when the metes and bounds do not conform to the public survey.

§ 171.21 *Conservation and land use requirements.* All farming and grazing operations conducted under leases executed pursuant to the regulations of this part shall be in accordance with the lease terms and land use stipulations or a plan of conservation operations prepared by the superintendent in accordance with approved methods. Such stipulation or plan shall be annexed to and made a part of the lease.

§ 171.22 *Violation of lease or permit.* The superintendent is responsible for and shall enforce compliance with the requirements of leases or permits issued under this part and the applicable regulations. If he has reason to believe that a lessee or permittee has violated the lease or permit or the regulations, he shall serve written notice upon the lessee or permittee setting forth in detail the nature of the alleged violation and give the violator 10 days from the date of notice in which to show cause why the lease or permit should not be canceled. The surety or sureties on the lease or permit shall be notified of the alleged violation by promptly mailing to each surety a copy of each notice sent to the lessee or permittee. Where the breach of contract is satisfied by the payment of damages, the superintendent may approve the damage settlement. The failure of a lessee or permittee within the prescribed time to furnish satisfactory reasons why the lease or permit should not be canceled shall result in the cancellation of the instrument. The superintendent shall immediately notify the lessee or permittee in writing of the cancellation of the instrument, demand payment of all obligations due, and direct the premises be vacated promptly. This notice shall also inform the lessee or permittee that his failure to abide by the notice will necessitate the presentation of the case to the United States Attorney for appropriate action.

§ 171.23 *Business leases or permits.* Business leases or permits executed in accordance with § 171.6 may be approved by the superintendent where the annual rental does not exceed $5,000. All other business leases or permits shall be subject to the approval of the Commissioner or his authorized representative.

§ 171.24 *Crow Reservation.* (a) Notwithstanding paragraph (b) of § 171.6, no lease or permit of any irrigable allotment on the Crow Reservation shall be made for a period longer than five years, except that irrigable lands in Indian ownership within the Big Horn unit of the Crow Indian irrigation project may be leased or permits may be issued for farming purposes for periods not to exceed 10 years.

(b) A lease or permit respecting restricted land on this reservation may be negotiated for farming purposes not to exceed 18 months before it is to become effective.

(c) The approval of the superintendent of the Crow Agency shall not be required under § 171.8 with respect to leases or permits which are issued by Indian allottees whose names appear as competent on the rolls completed in accordance with the provisions of section 3 of the act of June 4, 1920 (41 Stat. 751), and which cover their own allotments or the allotments of their minor children for farming or grazing purposes, except that leases or permits of lands allotted pursuant to the act of May 19, 1926 (44 Stat. 566), as supplemented by the act of May 2, 1928 (45 Stat. 482), and heirship lands of Crow Indians require the approval of the superintendent. Copies of all leases or permits issued without the approval of the superintendent shall be filed promptly with the superintendent of the Crow Agency. Leases or permits requiring the approval of the superintendent shall provide that all rentals are to be paid by the lessee or permittee to the superintendent for the benefit of the Indian owners.

§ 171.25 *Fort Belknap Reservation.* Not to exceed 20,000 acres of allotted and tribal lands (nonirrigable as well as irrigable) on the Fort Belknap Reservation in Montana may be leased or permits respecting such lands may be granted for the culture of sugar beets and other crops in rotation for terms not exceeding 10 years.

§ 171.26 *Colorado River Reservation.* (a) For a period of two years from August 14, 1955, the Secretary of the Interior or his authorized representative may lease the unassigned lands on the Colorado River Reservation. Such lands may be leased for the purposes and terms provided for in § 171.6.

(b) Income from leases on land in the southern reserve, as defined in ordinance numbered 5 of the Colorado River Indian Tribes, dated February 3, 1945, shall be segregated from income from leases on land in the northern reserve, as defined by such ordinance, and from leases on land on the California side of the Colorado River. All income received prior to August 14, 1957, and prior to determination of the beneficial ownership of the lands, from leases on land in the northern reserve and land on the California side of the Colorado River may be expended by the Secretary or his authorized representative for the benefit of the Colorado River Indian Tribes and their members. All income received prior to August 14, 1957, and prior to determination of the beneficial ownership of the lands, from leases on land in the southern reserve may be expended by the Secretary or his authorized representative for the development or improvement of any land in the southern reserve. All income received after August 14, 1957, shall be held in a special account until the beneficial ownership of the land on the reservation has been determined. All income received after beneficial ownership has been determined shall be held in trust for the beneficial owners of the land from which the income was derived and shall be expended as otherwise authorized by law.



§ 171.27 *Appeals.* (a) Any heir or devisee who feels aggrieved by the action taken by the superintendent on leasing the restricted lands of deceased Indians may, within 10 days after the date of execution of the lease, file with the superintendent a notice of appeal to the Secretary. The notice of appeal shall be in writing and shall set forth the reasons for the appeal. Copies of the notice shall be furnished by the appellant to the superintendent, the lessee, and to all parties who share in the estate.

(b) The appeal, the lease or a true copy thereof, and all papers relating to the lease shall be submitted to the Secretary through the Commissioner.

(c) The appellant and any other interested party may, within 30 days from the date on which a notice of appeal is filed, submit written arguments to the Secretary.

(d) Copies of the decision of the Secretary on the appeal will be mailed to (1) the appellant, (2) all other heirs or devisees of the estate affected by the appeal, (3) the superintendent, (4) the Commissioner, (5) and the lessee.

§ 171.28 *Fees.* When lands are leased or permits are issued in accordance with the provisions of this part, or when they are subleased or assigned (including renewals or extensions), fees shall be fixed as follows:

(a) *To be paid by lessee, permittees, sublessee, or assignee.*

| Rental: | Fee |
|---|---|
| Not to exceed $100 | $1.00 |
| $100.01–$250 | 2.50 |
| $250.01–$500 | 5.00 |
| For each additional $500 or fraction thereof | 1.00 |

When, under the terms of the instrument, the occupant is to pay taxes accruing during the period of its operation, an amount equal to the estimated total amount of the taxes shall be included in the amount to be used in determining the fee to be charged. In the case of a sublease or assignment, the fee shall be based on the total rental which will accrue under the instrument from the effective date of the transaction. When the lease or permit period is extended with the mutual consent of the parties concerned, the fee shall be computed from the effective date on the same basis as the original instrument. The fee to be collected in case of crop-share or other noncash rental leases or permits shall be based on (1) an estimate of the cash rental value of the acreage, including all improvements to be placed on the land by the lessee or permittee for the benefit of the lessor or permitter, or (2) the estimated value of the lessor's share of the crops.

(b) *Fees, tribal employees.* When the clerical and ministerial work in connection with the grants of leases or permits is performed by tribal employees, fees may be fixed, subject to approval by the Commissioner or his authorized representative, by the respective tribes concerned in lieu of the fees prescribed in paragraph (a) of this section.

(c) *Disposition of fees.* Fees collected pursuant to paragraph (a) of this section shall be covered into the Treasury as miscellaneous receipts, except that when the clerical and ministerial work in the issuance of permits or leases of lands under this part is performed by Bureau employees paid from appropriated tribal funds, the fees shall be credited to such funds.

DOUGLAS MCKAY,
*Secretary of the Interior.*

APRIL 9, 1956.

[F. R. Doc. 56-2880; Filed, Apr. 17, 1956; 3:23 p. m.]

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## PART 256—RIGHTS OF WAY OVER INDIAN LANDS

### SERVICE LINES

*Correction*

In F. R. Doc. 56-2212, appearing at page 1798 of the issue for Friday, March 23, 1956, the following change should be made:

The last sentence of § 256.21 (b) should read as follows: "No agreement under this paragraph shall be valid unless its execution shall have been duly authorized in advance of construction by the governing body of the Indian tribe whose land is affected."

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# TITLE 45—PUBLIC WELFARE

## Subtitle A—Department of Health, Education, and Welfare, General Administration

### PART 12—DISPOSAL AND UTILIZATION OF SURPLUS REAL PROPERTY FOR EDUCATIONAL PURPOSES AND PUBLIC HEALTH PURPOSES

Part 12 of Title 45 CFR is hereby amended to read as follows:

Sec.
12.1 Definitions.
12.2 Scope.
12.3 General policies.
12.4 Limitations.
12.5 Awards.
12.6 Notice of available property.
12.7 Applications for surplus real property.
12.8 Assignment of surplus real property.
12.9 General disposal terms and conditions.
12.10 Special terms and conditions.
12.11 Utilization.
12.12 Form of Conveyance.
12.13 Compliance inspections and reports.

AUTHORITY: §§ 12.1 to 12.13 issued under sec. 203, 63 Stat. 385, as amended; 40 U. S. C. 484; Reorg. Plan No. 1 of 1953, as amended, 67 Stat. 18, 18 F. R. 2053, 3 CFR, 1953 Supp.

§ 12.1 *Definitions.* (a) "Act" means the Federal Property and Administrative Services Act of 1949, Public Law 152, 81st Congress (63 Stat. 377), as amended (40 U. S. C. 471 et seq.). Terms defined in the act and not defined in this section, shall have in this part the meaning given to them in the act.

(b) "Accredited" means approval by a recognized accreditation board or association on a regional, State, or national level, such as a State Board of Education or Health, State University, Middle States Association of Colleges and Secondary Schools, National Architectural Board, American College of Surgeons, etc. A college may be said to be accredited if its credits are accepted for transfer purposes by other colleges or universities not connected or associated with it.

(c) "Administrator" means the Administrator of General Services.

(d) "Approved" means recognition or approval by the State Department of Education, State Department of Health, or other appropriate authority in charge of educational or health activities in a State.

(e) "Assigned property" means real and related personal property which, in the discretion of the Administrator or his designee, has been made available to the Department for transfer for educational or for public health purposes, including research.

(f) "Department" means the Department of Health, Education, and Welfare.

(g) "Disposal agency" means the executive agency of the Government which has authority to assign or to consider assignment of property to the Department for transfer for health and educational utilization.

(h) "Excess" when used with respect to real property means any real property under the control of any Department or agency in the Executive Branch of the Government which is not required for its needs and the discharge of its responsibilities as determined by the head thereof.

(i) "Holding agency" means the executive agency of the Government which has control and accountability for the real property involved.

(j) "Non-profit institution" as used herein means any institution, organization, or association, whether incorporated or unincorporated, no part of the net earnings of which inures or may lawfully inure to the benefit of any private shareholder or individual, and which has been held by the Internal Revenue Service to be tax-exempt under either the provisions of section 101 (6) of the 1939 Internal Revenue Code, or section 501 (c) (3) of the 1954 Internal Revenue Code.

(k) "Off-site property" means surplus buildings, underground utilities and all other removable improvements, including related personal property, to be transferred where located, by the Department for educational or for public health purposes, including research, for removal and use away from the site.

(l) "On-site property" means surplus real property including related person-

alty, to be transferred by the Department for educational or for public health purposes, including research, for use in place.

(m) "Public benefit allowance" means a discount on the purchase price of real property to be transferred for educational or public health purposes, including research, representing any benefit determined by the Secretary which has accrued or may accrue to the United States from use of surplus real property for educational or public health purposes, including research.

(n) "Related personal property" means any personal property, (1) which is located on and is (i) an integral or necessary part of, or is (ii) essential to the operation of real property; or (2) is determined by the Administrator to be otherwise related to the real property.

(o) "Secretary" means the Secretary of Health, Education, and Welfare.

(p) "State" means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and the Territories and possessions of the United States.

(q) "Surplus" when used with respect to real property means any excess real property not required for the needs and the discharge of the responsibilities of all Federal agencies as determined by the Administrator or his designee.

§ 12.2 *Scope.* This part is applicable to surplus real property located within any State which is appropriate for assignment to, or which has been assigned to the Department for disposal for educational or public health purposes, as provided in section 203 (k) of the act.

§ 12.3 *General policies.* (a) It is the policy of the Department to foster and assure maximum utilization of surplus real property for educational and public health purposes, including research.

(b) Real property will only be requested for assignment when the Department has determined that the property is suitable and needed for health or educational purposes. Such property will not be requested for assignment unless it is needed at the time of application for educational or for public health purposes, including research, or unless it will be so needed within the immediate foreseeable future, except that where construction is contemplated, such construction may be initiated within 18 months after the date of transfer. The amounts of both real and related personal property to be transferred shall not be excessive to normal operating requirements.

(c) Transfers will be made only when the proposed program is not in conflict with State or local zoning restrictions, building codes, or similar limitations.

(d) Transfers may be made only to States, their political subdivisions and instrumentalities, tax-supported educational or public health institutions, and non-profit educational or public health institutions which have been held exempt from taxation under section 101 (6) of the Internal Revenue Code of 1939 (now substantially reenacted in section 501 (c) (3) of the Internal Revenue Code of 1954).

(e) Only those activities devoted to academic, vocational or professional instruction, or organized and operated to promote and protect the public health, are eligible. Examples of such eligible activities are universities, colleges, junior colleges, junior or senior high schools, elementary schools or school systems, vocational and specialized schools, research activities, public libraries, and similar activities primarily educational in character; general and specialty hospitals, mental institutions, clinics, health sanitation activities (including water and sewer departments), facilities providing public health services, and similar activities devoted primarily to the protection and promotion of public health. The program of an institution eligible for a transfer must contemplate use of the property as an integral part of an approved or accredited activity of the kind above described. The activity must obtain such licenses for operations as may be required by State and local law.

(f) Use of the property applied for must be for a fundamental educational or public health purposes. Examples of such fundamental utilizations are classrooms, vocational shops, libraries, laboratories, auditoriums, gymnasiums, cafeterias, dormitories, faculty housing, infirmaries, recreational facilities, hospitals, clinics, facilities providing public health services, and similar utilizations. The property applied for must be for a purpose for which the eligible organization would be authorized to expend its own funds to acquire.

§ 12.4 *Limitations.* (a) Surplus property transferred pursuant to this part shall be disposed of "as is", "where is", and without warranty of any kind.

(b) Where the assigned property is located on a known mineral structure, the transfer, with respect to which public benefit allowance is granted, will not include any mineral rights which, however, may be acquired separately by the applicant upon the payment of the fair value of such mineral rights.

§ 12.5 *Awards.* Where there is more than one applicant for the same property, the following principles shall be observed:

(a) Greater consideration will be given to programs of utilization most nearly consistent with the Government's purpose in acquiring or using the property. For instance, a surplus hospital will be considered for transfer for a health program in preference to an educational program.

(b) Property will be awarded to the applicant having a program of utilization which provides, in the opinion of the Department, the greatest public benefit.

(c) The Department will have, as an objective, the apportionment of an available property to fit the needs of as many applicant health and educational programs as is practicable.

§ 12.6 *Notice of available property.* Reasonable publicity shall be given to the availability of surplus real property which is suitable for assignment to the Department for disposal for educational or public health use. The Department shall establish procedures reasonably calculated to afford all eligible users having a legitimate interest in acquiring property for educational or public health purposes, including research, who show due diligence, a full and complete opportunity to make an application therefor; provided, however, that publicity need not be given as to the availability of surplus real property which is occupied and being used by an applicant for eligible educational or public health purposes, including research, at the time the property is declared excess and the Department determines that the applicant has a continuing need for the property and that the transfer for such continued utilization by the applicant is in the best interest of the United States.

§ 12.7 *Applications for surplus real property.* Applications for surplus real property for educational or public health purposes, including research, shall be made to the Department through the regional office specified in the notice of availability. Where cooperative agreements have been entered into with State Agencies for Surplus Property or where a State instrumentality has been designated by State law or executive order to represent or assist educational and health institutions in acquiring Federal surplus real property, the applications will be made through such State Agencies or instrumentalities to regional offices of the Department.

§ 12.8 *Assignment of surplus real property.* (a) Notice of interest in a specific property for educational or public health utilization shall be furnished the General Services Administration or other agency having disposal jurisdiction by the Department of Health, Education, and Welfare at the earliest possible date.

(b) Requests to the Administrator, or his designee disposal agency, for assignment of surplus real property to the Department for disposal for educational and public health purposes, including research, shall be based upon the following conditions:

(1) There is an acceptable application for the property of record with the Department.

(2) The applicant is willing, authorized, and in a position to assume immediate care, custody, and maintenance of the property.

(3) The applicant is able, willing, and authorized to pay the external administrative expenses incident to a transfer.

(c) A copy of each request for assignment of surplus real property shall be furnished the holding agency.

§ 12.9 *General disposal terms and conditions.* (a) Surplus real property disposals under this part shall be limited to transactions which are primarily for educational or public health purposes, including research. Transferees shall be entitled to public benefit allowances computed in consideration of benefits which have accrued or may accrue to the United States from the use of such property for educational or public health purposes, including research.

(b) Transfer of surplus real property for educational or public health purposes is subject to the disapproval of the Administrator within 30 days after notice is given to him of a proposed transfer.

(c) Transfer shall be on the following terms and conditions:

(1) The transferee shall be obligated to utilize the property in accordance with an approved plan of operation.

(2) The transferee shall not be permitted to sell, lease, mortgage, or otherwise dispose of the property except after authorization by the Department or its designee.

(3) The transferee shall file with the Department such reports covering the utilization of the property as may be required.

(4) With respect to on-site property, in the event of non-compliance with any of the terms and conditions of the transfer, title to the property transferred and right to immediate possession shall, at the option of the Department, revert to the Government. In the event title is reverted to the United States for noncompliance or voluntarily reconveyed in lieu of reverter, the transferee, at the option of the Department, shall be responsible and be required to reimburse the Government for the decreased value of the property not due to reasonable wear and tear, acts of God, and alterations and conversions made by the transferee to adapt the property to the educational or health use for which the property was acquired. The Government shall, in addition thereto, be reimbursed for such damages including such costs as may be incurred in recovering title to or possession of the property as it may sustain as the result of the noncompliance.

(5) With respect to off-site property, in the event of non-compliance with any of the terms and conditions of the transfer, the unearned public benefit allowance shall, at the option of the Department, become immediately due and payable, or, if the property or any portion thereof is sold, leased, or otherwise disposed of without authorization from the Department or its designee, such sale, lease, or other disposal shall be for the benefit and account of the United States and the United States shall be entitled to the proceeds of any such disposal. In the event the transferee fails to remove the property or any portion thereof within the time specified, then, in addition to the rights reserved above, at the option of the Department all right, title, and interest in and to such unremoved property shall be retransferred to other eligible applicants or shall be forfeited to the United States.

(6) With respect to on-site property, the Government, at its option, shall have the right during any period of emergency declared by the President of the United States or by the Congress of the United States to the full unrestricted use of the surplus real property, or of any portion thereof, disposed of in accordance with the provisions of this Part. Such use may be either exclusive or nonexclusive. Prior to the expiration or termination of the period of restricted use by the transferee, the Government shall not be obligated to pay rent or any other fees or charges during the period of emergency, except that the Government shall (i) bear the entire cost of maintenance of such portion of the property used by it exclusively or over which it may have exclusive possession or control, (ii) pay the fair share, commensurate with the use, of the cost of maintenance of such surplus real property as it may use nonexclusively or over which it may have non-exclusive possession or control, (iii) pay a fair rental for the use of improvements or additions to the surplus real property made by the purchaser or lessee without Government aid, and (iv) be responsible for any damage to the surplus real property caused by its use, reasonable wear and tear, the common enemy and acts of God excepted.

(7) The restrictions set forth in subparagraphs (1) through (5) of this paragraph shall extend for the following periods:

(i) Twenty (20) years for permanent facilities being acquired for use in-place;

(ii) Ten (10) years for temporary facilities being acquired with land for use in-place, except in those cases where the value of the underlying land is out of proportion to the value of the temporary facilities, in which event the limitations shall extend for twenty (20) years;

(iii) A minimum of five (5) years for facilities being acquired separately from land whether they are for use on-site or off-site. However, where the estimated economic life of the structures for the use for which they are requested is greater than five years, limitations on the use of the structures shall be equal to their estimated economic life.

(d) Transferees by obtaining the consent of the Department may be permitted to pay the unearned portion of any public benefit allowance granted and thereby secure abrogation of the restrictions set forth in the transfer terms, for all or any portion of the property, except that the Government's right of recapture for use during a period of emergency will not be released unless there are exceptional circumstances.

(e) Related personal property shall be transferred in accordance with real property procedures and forms and shall be transferred only as part of the real property transaction at the public benefit allowance granted therefor. Where related personal property is involved in an on-site transaction the related personal property may be transferred by a bill of sale imposing restrictions for a period not to exceed five years from the date of transfer, other terms and conditions being tied to and made a part of the real property transaction.

§ 12.10 *Special terms and conditions.* (a) In the case of on-site disposals, applicants shall be required to pay all external administrative costs which shall include, but not be limited to taxes, surveys, appraisals, inventorying costs, legal fees, title search, certificate or abstract expenses, decontamination costs, government moving costs, closing fees in connection with the transaction and service charges, if any, made by State Agencies for Surplus Property under the terms of a cooperative agreement with the Department.

(b) In transfers of off-site property, applicants will be required to post performance bonds, make performance guarantee deposits, or give such other assurances as may be required by the Department or the holding agency to insure adequate site clearance.

(c) Whenever negotiations are undertaken for disposal to non-profit public health or educational organizations which are not instrumentalities of State or local governments of any surplus real property which cost the Government one million dollars or more, the Department shall give notice to the Attorney General of the United States of the proposed disposal and the probable terms and conditions thereof. The applicant shall furnish to the Department such information and documents as the Attorney General may determine to be appropriate or necessary to enable him to give the advice as provided for by section 207 of the act or to determine whether any other disposition or proposed disposition of the surplus real property violates the anti-trust laws of the United States.

(d) Where an applicant proposes to acquire and use in place improvements located on land which the Government does not own, he shall be required, before disposal shall be consummated, to obtain a right to use the land commensurate with the duration of the restrictions applicable to the improvements. The applicant shall be required to assume, or obtain release of, the Government's obligations respecting the land including but not limited to such obligations as restoration, waste, and rent. At the option of the Department, the applicant may be permitted to post a bond to indemnify the Government against such obligations.

(e) The Department may require the inclusion in the transfer document of any other provision deemed desirable or necessary.

§ 12.11 *Utilization.* (a) Where property or any portion thereof is not being utilized for the purposes for which transferred, the transferee shall be required at the direction of the Department:

(1) To retransfer such property to other health or educational user as the Department may direct;

(2) To sell such property for the benefit and account of the United States;

(3) To return title to such property to the United States; or

(4) To abrogate the conditions and restrictions of the transfer, as set forth in § 12.9 (d), except that where property has never been placed in use for the purposes for which transferred, abrogation will not be permitted except under extenuating circumstances.

(b) Where the transferee desires to place the property in temporary use for a purpose other than that for which the property was transferred, approval of the Department must be obtained, and will be conditioned upon such terms as the Department may impose, including but not limited to the requirement that net revenues therefrom will be payable to the Department.

§ 12.12 *Form of conveyance* (a) Transfers of surplus real property shall be on forms approved by the General Counsel of the Department and shall include the disposal terms and conditions

set forth in this Part and such other terms and conditions as the General Counsel may deem appropriate or necessary.

(b) Transfers of on-site property normally shall be by quitclaim deed without warranty of title.

§ 12.13 *Compliance inspections and reports.* The Department, or its designee, shall make such compliance inspections as are necessary and shall require of the transferee such compliance reports and actions as are deemed necessary.

Dated: April 13, 1956.

[SEAL] M. B. FOLSOM,
*Secretary.*

[F. R. Doc. 56-3046; Filed, Apr. 18, 1956; 8:50 a. m.]

# TITLE 49—TRANSPORTATION

## Chapter I—Interstate Commerce Commission

[S. O. 910, Corrected]

### PART 95—CAR SERVICE

### RAILROAD OPERATING REGULATIONS FOR MOVEMENT OF LOADED FREIGHT CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 19th day of March A. D. 1956.

It appearing that an acute shortage of freight cars exists in all sections of the country; that the movement of loaded freight cars is being delayed solely for the purpose of gaining additional time; that present rules, regulations, and practices with respect to the use, supply, control, movement, distribution, exchange, interchange, and return of freight cars are insufficient to promote the most efficient utilization of cars; it is the opinion of the Commission that an emergency exists requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice: It is ordered that:

§ 95.910 *Railroad operating regulations for the movement of loaded freight cars.* (a) (1) No common carrier by railroad subject to the Interstate Commerce Act shall willfully delay the movement of loaded freight cars by holding such cars in yards, terminal, or sidings for the purpose of increasing the time in transit of such loaded cars.

(2) Loaded cars shall not be set out between terminals except in cases of emergencies or sound operating requirements.

(3) Backhauling loaded cars for the purpose of increasing the time in transit shall constitute willful delay and is prohibited.

(4) Through loaded cars shall not be handled on local or way freight trains for the purpose of increasing the time in transit of such loaded cars.

(5) The use by any common carrier by railroad, for the movement of loaded freight cars over its line, of any route other than its usual and customary fast freight route from point of receipt of the car from consignor or connecting line to point where delivered to consignee or connecting line, except in emergencies, or for the purpose of according a lawfully established transit privilege (not including a diversion or reconsignment privilege), is hereby prohibited.

(b) Application: The provisions of this section shall apply to instrastate and interstate commerce.

(c) Regulations suspended; announcement required: The operation of all rules and regulations, insofar as they conflict with the provisions of this section, is hereby suspended and each railroad subject to this order, or its agent, shall publish, file, and post a supplement to each of its tariffs affected hereby, in substantial accordance with the provisions of Rule 9 (k) of the Commission's Tariff Circular No. 20 (§ 141.9 (k) of this chapter), announcing such suspension.

(d) Effective date: This section shall become effective at 12:01 a. m., April 9, 1956.

(e) Expiration date: This section shall expire 11:59 p. m., December 31, 1956, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, that a copy of this order and direction shall be served upon the railroad regulatory body of each State and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and all other carriers by railroads; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12)

By the Commission, Division 3.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F. R. Doc. 56-3032; Filed, Apr. 18, 1956; 8:47 a. m.]

# TITLE 50—WILDLIFE

## Chapter I—Fish and Wildlife Service, Department of the Interior

### Subchapter F—Alaska Commercial Fisheries

### PART 108—KODIAK AREA

### CLOSED SEASON, KING CRABS

Basis and purpose: On the basis of catch sampling of the king crab trawl fishery in the Kodiak area, it has been determined that excessive numbers of female and soft-shell male crabs are being taken.

Therefore, effective immediately upon publication in the FEDERAL REGISTER, § 108.32 is amended to read as follows:

§ 108.32 *Closed season, king crabs.* Fishing for, or taking king crabs, except by pots, is prohibited throughout the Kodiak area from April 19 through June 2, 1956.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

Since immediate action is necessary, notice and public procedure on this amendment are impracticable (60 Stat. 237; 5 U. S. C. 1001 et seq.).

O. LLOYD MEEHAN,
*Acting Director.*

APRIL 17, 1956.

[F. R. Doc. 56-3091; Filed, Apr. 17, 1956; 4:17 p. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### [ 7 CFR Part 51 ]

### UNITED STATES STANDARDS FOR SOUTHERN PEAS [1]

### NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance of United States Standards for Southern Peas, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed standards are as follows:

GENERAL

Sec.
51.2670 General.

GRADES

51.2671 U. S. No. 1.
51.2672 U. S. Commercial.

UNCLASSIFIED

51.2673 Unclassified.

APPLICATION OF TOLERANCES

51.2674 Application of tolerances.
51.2675 Basis of calculating percentages.

DEFINITIONS

51.2676 Similar varietal characteristics.
51.2677 Fairly well formed.
51.2678 Fairly well filled.
51.2679 Overmature.
51.2680 Excessively young.
51.2681 Damage.
51.2682 Serious damage.

AUTHORITY: §§ 51.2670 to 51.2682 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

GENERAL

§ 51.2670 *General.* The standards contained in this subpart apply only to the seed pods of plants of the species Vigna sinensis, generally known as "southern peas" and often called "cowpeas" or "field peas." Well recognized general types are blackeyes, crowders, creams, and purple hulls, each of which includes many varieties.

GRADES

§ 51.2671 *U. S. No. 1.* "U. S. No. 1" consists of pods of southern peas of similar varietal characteristics which are fairly well formed, fairly well filled, not overmature or excessively young, and which are free from decay and worm holes, and free from damage caused by stems, leaves and trash, stings, or other insect injury, scars, discoloration, wilting, dirt or other adhering foreign material, disease, mechanical or other means.

(a) Unless otherwise specified, each pod shall be not less than 5 inches in length.

(b) In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted:

(1) 5 percent for pods which are shorter than the specified minimum length;

(2) 5 percent for pods which are excessively young; and,

(3) 10 percent for other grade defects, including not more than 5 percent for pods with worm holes or affected by decay, but not more than one-fifth of this amount, or 1 percent, for pods affected by decay. (See §§ 51.2674 and 51.2675.)

§ 51.2672 *U. S. Commercial.* "U. S. Commercial" consists of pods of southern peas which meet the requirements of U. S. No. 1 grade, except that they shall be free from serious damage caused by stems, leaves and trash, and there shall be no requirement for minimum length, and except for the increased tolerances specified in this section.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted:

(1) 10 percent for pods which are excessively young; and,

(2) 15 percent for other grade defects, including not more than 5 percent for pods with worm holes or affected by decay, but not more than two-fifths of this amount, or 2 percent, for pods affected by decay. (See §§ 51.2674 and 51.2675.)

UNCLASSIFIED

§ 51.2673 *Unclassified.* "Unclassified" consists of pods of southern peas which have not been classified in accordance with either of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

APPLICATION OF TOLERANCES

§ 51.2674 *Application of tolerances.* (a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade:

(1) For a tolerance of 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified; and,

(2) For a tolerance of less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified.

§ 51.2675 *Basis for calculating percentages.* Percentages shall be calculated on the basis of weight or on an equivalent basis.

DEFINITIONS

§ 51.2676 *Similar varietal characteristics.* "Similar varietal characteristics" means that the pods in any container shall be of the same general type. For example, varieties of the blackeye type shall not be mixed with varieties of the purple hull type or varieties of the crowder type; also small seeded varieties shall not be mixed with large seeded varieties.

§ 51.2677 *Fairly well formed.* "Fairly well formed" means that the pod is not curved or crooked to the extent that it forms approximately a semi-circle or right angle.

§ 51.2678 *Fairly well filled.* "Fairly well filled" means that at least two-thirds of the length of the pod is filled with peas which are at least fairly well developed for the variety, exclusive of the normal spaces between peas and vacant space for one pea at each end of the pod.

§ 51.2679 *Overmature.* "Overmature" means that the pod has developed beyond the stage at which it is desirable as a fresh product. Pods shall be considered overmature when they show definite drying or shriveling, or when green podded varieties show yellow or a conspicuous yellowish cast affecting one-half or more of the surface, or when purple hull varieties show excessively dark purplish color over the entire surface.

§ 51.2680 *Excessively young.* "Excessively young" means that the pod has not developed any peas of a size suitable for shelling for the variety. Such pods with only slightly developed peas are commonly called "snaps."

§ 51.2681 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the individual pod, or the general appearance of the pods in the container. The pods in a container shall be considered damaged when stems, leaves or trash are present in sufficient quantities to materially affect the general appearance. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Stings when any pea is discolored, or when the appearance of the pod is materially affected by numerous, discolored stings;

(b) Scars when the pod is so extensively blemished or distorted in shape as to materially affect its appearance;

(c) Discoloration such as that caused by rust, blight or insects when so extensive or in such contrast to the color of the pod as to materially affect its appearance;

(d) Wilting when the pod is badly wilted or very flabby; and,

(e) Dirt or other adhering foreign material when materially affecting the appearance of the individual pod or the general appearance of the pods in the container.

§ 51.2682 *Serious damage.* "Serious damage" means that stems, leaves and trash are present in sufficient quantities to seriously affect the appearance of the pods in the container.

Dated: April 13, 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator, Marketing Service.*

[F. R. Doc. 56-3061; Filed, Apr. 18, 1956; 8:52 a. m.]

### [ 7 CFR Part 51 ]

### UNITED STATES STANDARDS FOR SPINACH FOR PROCESSING [1]

### NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the revision of United States Standards for Spinach for Processing, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed standards are as follows:

GRADES

Sec.
51.2696 U. S. No. 1.
51.2697 U. S. No. 2.

UNCLASSIFIED

51.2698 Unclassified.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

DEFINITIONS

Sec.
51.2699 Fairly fresh.
51.2700 Damage.
51.2701 Small weeds.

AUTHORITY: §§ 51.2696 to 51.2701 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

GRADES

§ 51.2696 *U. S. No. 1.* "U. S. No. 1" consists of spinach which is fairly fresh and free from decay, mildew, grass, weeds, wood, muck chips or other foreign material, roots, and worms, and which is free from damage caused by discoloration, seedstems, seedbuds, coarse stalks and stems, other disease, other insects, spray residue, adhering dirt or mechanical or other means.

(a) Not more than 25 percent, by weight, of the spinach in any lot may consist of leaf stems.

(b) In order to allow for variations incident to proper handling, the following tolerances shall be permitted in a 100 ounce sample:

(1) For decay, mildew, grass, small weeds, and leaves which are damaged by discoloration, not more than a total of 20 pieces: *Provided*, That not more than three-fourths of this amount, or 15 pieces, shall be permitted for decay, grass and small weeds;

(2) For wood, muck chips, or other foreign material over one-half inch in length, not more than 2 pieces; and

(3) For other defects, including foreign material not over one-half inch in length, not more than 5 ounces.

None of the foregoing tolerances shall apply to worms.

§ 51.2697 *U. S. No. 2.* "U. S. No. 2" consists of spinach which meets all the requirements of U. S. No. 1 grade except for the increased tolerances specified in this section.

(a) In order to allow for variations incident to proper handling, the following tolerances shall be permitted in a 100 ounce sample:

(1) For decay, mildew, grass, small weeds, and leaves which are damaged by discoloration, not more than a total of 40 pieces;

(2) For wood, muck chips, or other foreign material over one-half inch in length, not more than 3 pieces; and,

(3) For other defects, including foreign material not over one-half inch in length, not more than 10 ounces.

None of the foregoing tolerances shall apply to worms.

UNCLASSIFIED

§ 51.2698 *Unclassified.* "Unclassified" consists of spinach which has not been classified in accordance with either of the foregoing grades. The term "Unclassified" is not a grade within the meaning of these standards, but is provided as a designation to show that no grade has been applied to the lot.

DEFINITIONS

§ 51.2699 *Fairly fresh.* "Fairly fresh" means that the spinach is not badly wilted.

§ 51.2700 *Damage.* "Damage" means any defect which materially affects the appearance, or the processing or edible quality of the spinach. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Discoloration of leaf blades when the appearance or processing quality is materially affected by brown or yellow discoloration, except that heart leaves shall not be considered as damaged when showing a normal yellowish cast;

(b) Discoloration of stalks and stems when the appearance or processing quality is materially affected by brownish or blackish discoloration or when the stalk or stem shows more than a tinge of pink or red color;

(c) Seedstems when seedbuds have formed and are plainly visible;

(d) Loose seedbuds when more than one-half inch in length;

(e) Coarse stalks and stems when the leafstems or central stalks are tough, or fibrous; and,

(f) Dirt or spray residue when it cannot be removed in the normal commercial washing process.

§ 51.2701 *Small weeds.* "Small weeds" means weeds which are not over 4 inches in length.

Dated: April 13, 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator,*
*Marketing Services.*

[F. R. Doc. 56-3062; Filed, Apr. 18, 1956; 8:53 a. m.]

## [ 7 CFR Parts 903, 905, 906, 913, 919, 921, 928, 946, 968, 977, 980 ]

[Docket Nos. AO-123-A19, AO-10-A20, AO-23-A16, AO-182-A5, AO-209-A7, AO-210-A8, AO-227-A6, AO-173-A8, AO-183-A4, AO-249-A1, AO-222-A7]

MILK IN LOUISVILLE, KY., ST. LOUIS, MO., GREATER KANSAS CITY, TOPEKA, KANS., OKLAHOMA CITY, OKLA., TULSA-MUSKOGEE, OKLA., NEOSHO VALLEY, WICHITA, KANS., PADUCAH, KY., SOUTHWEST KANSAS AND OZARKS

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENTS AND TO ORDERS, AS AMENDED

Notice is hereby given of a joint public hearing to be held at Hotel Melbourne, St. Louis, Missouri, beginning at 10:00 a. m., April 23, 1956, for the purpose of receiving evidence with respect to economic and emergency conditions which relate to the marketing of milk in each of the marketing areas hereinafter specified and to appropriate amendments of the Class I price provisions of the respective tentative marketing agreements heretofore approved by the Secretary of Agriculture and to the orders, now in effect, regulating the handling of milk in such marketing areas. More specifically, consideration will be given to (1) the nature, scope and similarity of price problems affecting producers, (2) determine whether or not such problems tend to disrupt the orderly marketing of milk, or constitute a threat to the adequacy of supplies of pure and wholesome milk, and (3) consider whether or not temporary, emergency price relief is necessary to promote orderly marketing. The hearing is called pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

A substantial number of communications and requests for price action received by the Department from milk producer groups and recent conferences held with representative leaders of cooperative organizations of producers who supply the fluid milk markets hereinafter set forth have represented the seriousness of conditions facing fluid milk producers at the present time which it is alleged are tending to disrupt the orderly marketing of fluid milk and threaten milk supplies.

The following market areas and order provisions are covered by this hearing notice:

*Market Area Part (Order) No.; Order Provisions; and Docket No.*

Louisville, Ky.; 946; § 946.51 (a); AO-123-A19.
St. Louis, Mo.; 903; § 903.51 (a); AO-10-A20.
Greater Kansas City; 913; § 913.51 (a); AO-23-A16.
Topeka, Kansas; 980; § 980.50 (a); AO-182-A5.
Oklahoma City, Okla.; 905; § 905.51 (a); AO-209-A7.
Tulsa-Muskogee, Okla.; 906; § 906.51 (a); AO-210-A8.
Neosho Valley; 928; § 928.51 (a); AO-227-A6.
Wichita, Kans.; 968; § 968.51 (a); AO-173-A8.
Paducah, Ky.; 977; § 977.51 (a); AO-183-A4.
Southwest Kans.; 919; § 919.51 (a); AO-249-A1.
Ozarks; 921; § 921.51 (a); AO-222-A7.

Copies of this notice of hearing may be procured from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or from the Dairy Division, Agricultural Marketing Service, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: April 16, 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator.*

[F. R. Doc. 56-3068; Filed, Apr. 18, 1956; 8:54 a. m.]

## [ 7 CFR Parts 911, 943, 949, 952, 966, 982, 998 ]

[Dockets Nos. AO-231-A7, AO-232-A5, AO-256-A3, AO-238-A5, AO-259-A1, AO-262-A1, AO-257-A2]

MILK IN NORTH TEXAS, SAN ANTONIO, AUSTIN-WACO, CENTRAL WEST TEXAS, CORPUS CHRISTI, TEXAS, THE TEXAS PANHANDLE, AND SHREVEPORT, LOUISIANA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENTS AND TO ORDERS, AS AMENDED

Notice is hereby given of a joint public hearing to be held at the Lower Colorado River Authority Building, 3700 Lake Austin Boulevard, Austin, Texas, beginning at 10:00 a. m., April 24, 1956, for the purpose of receiving evidence with respect to economic and emergency conditions which relate to the marketing of milk in each of the marketing areas hereinafter specified and to appropriate amendments of the Class I price provisions of the respective tentative marketing agreements heretofore approved by the Secretary of Agriculture and to the orders, now in effect, regulating the handling of milk in such marketing areas. More specifically, consideration will be given to (1) the nature, scope, and similarity of price problems affecting producers, (2) determine whether or not such problems tend to disrupt the orderly marketing of milk, or constitute a threat to the adequacy of supplies of pure and wholesome milk, and (3) consider whether or not temporary, emergency price relief is necessary to promote orderly marketing. The hearing is called pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.) and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

A substantial number of communications and requests for price action received by the Department from milk producer groups and recent conferences held with representatives of cooperative organizations of producers who supply the fluid milk markets hereinafter set forth have represented the seriousness of conditions facing fluid milk producers at the present time which it is alleged are tending to disrupt the orderly marketing of fluid milk and threaten milk supplies.

The following market areas and order provisions are covered by this hearing notice:

*Market Area; Part (Order) No.; Order Provisions; and Docket No.*

North Texas; 943; § 943.51; AO-231-A7.
San Antonio, Texas; 949; § 949.51; AO-232-A5.
Austin-Waco; 952; § 952.50; AO-256-A3.
Central West Texas; 982; § 982.50; AO-238-A5.
Corpus Christi, Texas; 998; § 998.51 (a); AO-259-A1.
Texas Panhandle; 911; § 911.51 (a); AO-262-A1.
Shreveport, Louisiana; 966; § 966.51 (a); AO-257-A2.

Copies of this notice of hearing may be procured from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or from the Dairy Division, Agricultural Marketing Service, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: April 16, 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator.*

[F. R. Doc. 56-3063; Filed, Apr. 18, 1956; 8:53 a. m.]





## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

### [ 21 CFR Part 120 ]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCES FOR RESIDUES OF SODIUM-O-PHENYLPHENATE

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by Vis-Ko, Inc., 925 Kincaid Avenue, Sumner, Washington, proposing the establishment of a tolerance of 5 parts per million for residues of sodium-o-phenylphenate, determined as o-phenylphenol, in or on the following raw agricultural commodities: Apples and pears.

The analytical method proposed in the petition for determining residues of o-phenylphenol in or on apples and pears is the method described in the notice of filing of the petition for establishing tolerances for residues of sodium-o-phenylphenate in or on citrus fruits in the FEDERAL REGISTER of December 20, 1956 (20 F. R. 9508).

Dated: April 13, 1956.

JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F. R. Doc. 56-3045; Filed, Apr. 18, 1956; 8:50 a .m.]

# NOTICES

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[61417]

FLORIDA

NOTICE OF FILING OF PLAT OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

1. Plats of survey of the lands described below, accepted September 16, 1955, will be officially filed in the Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C., effective at 10:00 a. m., May 14, 1956:

TALLAHASSEE MERIDIAN

T. 67 S., R. 25 E., sec. 25, lot 2.
T. 66 S., R. 27 E., sec. 34, lot 5.
T. 66 S., R. 28 E., sec. 27, lot 5.
T. 67 S., R. 28 E., sec. 2, lots 3 and 4.

2. The plat of T. 67 S., R. 25 E., represents the survey of an island, known locally as Monday Key, in the Gulf of Mexico, which was not included in the original survey of the township as shown upon the plat approved March 15, 1876.

3. The plat of T. 66 S., R. 27 E., represents the survey of an island in Upper Sugarloaf Sound which was not included in the original survey of the township as shown upon the plat approved March 15, 1876.

4. The plats of T. 66 S. and 67 S., R. 28 E., represents the survey of three islands in Hawk and Kemp Channels, two of which are known locally as Crab and Money Keys which were not included in the original survey of the townships or shown upon the plats approved January 21, 1876.

5. Available information indicates that the above-mentioned islands are of coral sands overlying the base coral formation with an average elevation from 2 to 4 feet above high tides; that the islands support a fair growth of grasses and vines with a scattered growth of buttonwood and scrub trees.

6. No application for these lots may be allowed under the Homestead or Small Tract or any other nonmineral public land laws unless the land has been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application.

7. At the hour specified on the above-mentioned effective date, the said land shall become subject to application, petition, location or selection, under applicable laws, subject to valid existing rights, the provisions of existing withdrawals and the 91-day preference right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

8. Information showing the periods during which and the conditions under which veterans and others may file applications for these lands may be obtained on request from the Supervisor, Eastern States Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C.

CHARLES P. MEAD,
*Acting Manager.*

[F. R. Doc. 56-3025; Filed, Apr. 18, 1956; 8:45 a. m.]

[Serial No. Idaho 07110]

IDAHO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

APRIL 11, 1956.

Pursuant to Determination DA-409, Idaho, of the Federal Power Commission and in accordance with Order No. 541, section 2.5 of the Director, Bureau of Land Management, approved April 21, 1954 (19 F. R. 2473), it is ordered:

1. Subject to valid existing rights, provisions of existing withdrawals, and proposed withdrawals of record, the lands hereinafter described, so far as they are withdrawn and reserved for power pur-

poses in Power Site Reserve No. 345 of March 3, 1913, are hereby restored to disposition under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended.

BOISE MERIDIAN, IDAHO

T. 21 N., R. 1 E.,
Sec. 11, NE¼SW¼.

The area described totals 40 acres of public land within the limits of Idaho Grazing District No. 1.

2. The public lands are located along the Salmon River in Idaho and Adams Counties. They consist of a small area generally suitable for cultivation. Part of the land is used for a cabin residence under occupancy by alleged color-of-title, recognized to be held in good faith.

3. No application will be allowed under the homestead, desert land, small tract, or other nonmineral public land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. Any disposition of the land shall be also subject to stipulation that if and when the land is required in whole, or in part, for purposes of power development, and structures and improvements located thereon, which shall be found to interfere with such power development, shall be removed or relocated as may be necessary to eliminate interference with such power development, without expense to the United States, its licensees or permittees.

5. The lands are included in color-of-title claim, Idaho 02170, and are not subject to the provisions of the Act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended, granting preference rights to veterans of World War II and others.

6. Inquiries concerning the above lands shall be addressed to the Manager, Land Office, Bureau of Land Management, P. O. Box 2237, Boise, Idaho.

MICHAEL T. SOLAN,
*Acting State Supervisor.*

[F. R. Doc. 56-3024; Filed, Apr. 18, 1956; 8:45 a. m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

DIRECTOR, DAIRY DIVISION

DELEGATION OF AUTHORITY

Pursuant to the authority vested in me by the Administrator of the Agricultural Marketing Service, January 1, 1954 (19 F. R. 35), the Director, Dairy Division, Agricultural Marketing Service, under my supervision and direction, is hereby delegated authority to exercise the powers and functions vested in the Administrator of the Agricultural Marketing Service under the regulations governing the grading, inspection, sampling, grade labeling, and supervision of packaging of butter, cheese, and other manufactured or processed dairy products, as amended, except the authority set forth in § 58.58, Debarment of Service (7 CFR Part 58).

The Director of the Dairy Division is further authorized to redelegate any or all of the aforesaid authority to any officer or employee of the Agricultural Marketing Service under his supervision.

Any action heretofore taken by the Director or his delegates with respect to the foregoing matters is hereby ratified and confirmed and shall remain in full force and effect unless and until expressly modified, amended, suspended, revoked or terminated.

The delegation of authority set forth herein shall not preclude the Administrator or the Deputy Administrator, Agricultural Marketing Service, from exercising any of the powers and functions or from performing any of the duties conferred hereby, and the delegation is subject at all times to withdrawal or amendment by the Administrator or Deputy Administrator.

Done at Washington, D. C., this 16th day of April 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator.*

[F. R. Doc. 56-3064; Filed, Apr. 18, 1956; 8:53 a. m.]

### Commodity Credit Corporation

APRIL 1956 MONTHLY SALES LIST; AMENDMENT

SALES OF CERTAIN COMMODITIES

The price listing of dry edible beans available for sale as shown in the April 1956 Monthly Sales List is amended by the withdrawal from the domestic list of the 1954-crop baby lima beans, effective April 6, pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F. R. 6669). Baby lima beans will continue to be available for export sale.

(Sec. 4, 62 Stat. 1070, as amended: 15 U. S. C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U. S. C. 1427, sec. 208, 63 Stat. 901)

Issued: April 16, 1956.

[SEAL] WALTER C. BERGER,
*Acting Executive Vice President, Commodity Credit Corporation.*

[F. R. Doc. 56-3065; Filed, Apr. 18, 1956; 8:53 a. m.]

### Commodity Stabilization Service

SUGARCANE IN FLORIDA

NOTICE OF HEARING ON WAGES AND PRICES AND DESIGNATION OF PRESIDING OFFICERS

Pursuant to the authority contained in subsection (c) (1) and (c) (2) of section 301 of the Sugar Act of 1948, as amended (61 Stat. 929; 7 U. S. C. Sup. 1131), and in accordance with the rules of practice and procedure applicable to fair price proceedings (7 CFR 802.1 et seq.), notice is hereby given that a public hearing will be held in Clewiston, Florida, in the Sugarland Park Auditorium on May 10, 1956, beginning at 10:00 a. m.

The purpose of this hearing is to receive evidence which may be of assistance to the Secretary of Agriculture in determining (1) pursuant to the provisions of section 301 (c) (1) of the act, fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of sugarcane in Florida during the period July 1, 1956 through June 30, 1957, on farms with respect to which applications for payment under the act are made, and (2) pursuant to the provisions of section 301 (c) (2) of the act, fair and reasonable prices for the 1956 crop of sugarcane to be paid, under either purchase or toll agreements, by producers who process sugarcane grown by other producers and who apply for payments under the act.

In the interest of obtaining the best possible information, all interested persons are requested to appear at the hearing to express their views and present appropriate data in regard to wages and prices.

The hearing, after being called to order at the time and place mentioned herein, may be continued from day to day within the discretion of the presiding officers and may be adjourned to a later day or to a different place without notice other than the announcement thereof by the presiding officers.

Thomas H. Allen and Ward S. Stevenson are hereby designated as presiding officers to conduct either jointly or severally the foregoing hearing.

Issued this 13th day of April 1956.

[SEAL] THOS. H. ALLEN,
*Director, Sugar Division.*

[F. R. Doc. 56-3041; Filed, Apr. 18, 1956; 8:48 a. m.]

## DEPARTMENT OF COMMERCE

### Federal Maritime Board

MATSON NAVIGATION CO. ET AL.

NOTICE OF AGREEMENTS FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. 814.

(1) Agreement No. 8055–2, between Matson Navigation Company and Compagnie Generale Transatlantique (French Line), modifies approved transhipment agreement (No. 8055) to include ports in Africa as ports of destination. Agreement No. 8055, as amended, presently covers the transportation of canned pineapple and canned pineapple juice under through bills of lading from Hawaii to Great Britain, Northern Ireland, Irish Free State, European Continental, Baltic, Scandinavian and Mediterranean Sea ports, with transhipment at U. S. Pacific Coast ports.

(2) Agreement No. 8075, between Matson Navigation Company and the carriers comprising the Hanseatic-Vaasa Line joint service, covers the transportation of canned pineapple and canned pineapple juice under through bills of lading from Hawaii to European Continental sea ports, with transhipment at U. S. Pacific Coast ports.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: April 16, 1956.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
*Secretary.*

[F. R. Doc. 56-3067; Filed, Apr. 18, 1956; 8:54 a. m.]



## BUREAU OF THE BUDGET

ORDER TRANSFERRING CERTAIN LANDS IN NORTH DAKOTA FROM DEPARTMENT OF AGRICULTURE TO DEPARTMENT OF THE ARMY FOR USE IN CONNECTION WITH GARRISON DAM AND RESERVOIR

By virtue of the authority vested in the President of the United States by the last sentence of section 32 (c) of Title III of the Bankhead-Jones Farm Tenant Act of July 22, 1937, 50 Stat. 522, 525 (7 U. S. C. 1011 (c)), and delegated to the Director of the Bureau of the Budget by section 1 (f) of Executive Order No. 10530 of May 10, 1954, and upon the recommendation of the Secretary of Agriculture, it is ordered as follows:

Subject to valid existing rights, jurisdiction over the following-described lands acquired by the Secretary of Agriculture under section 32 (a) of the said Bankhead-Jones Farm Tenant Act by virtue of the transfer made by Executive Order No. 7908 of June 9, 1938, as amended by Executive Orders Nos. 8531 of August 31, 1940, and 10175 of October 25, 1950, for use, administration, and disposition in accordance with the provisions of the said act, together with waters or water rights, improvements, and structures acquired or constructed in connection with the use and administration of said lands, is hereby transferred to the Department of the Army for use in connection with the construction, operation, and maintenance of the Garrison Dam and Reservoir Project, North Dakota:

NORTH DAKOTA—WESTERN NORTH DAKOTA PROJECT (ND–LU–24)

FIFTH PRINCIPAL MERIDIAN

T. 153 N., R. 93 W.,
Sec. 7, Lots 5 and 6, Lot 8, SW¼SE¼;
Sec. 8, Lot 3.
T. 153 N., R. 94 W.,
Sec. 12, Lot 2.
T. 154 N., R. 94 W.,
Sec. 28, Lot 5;
Sec. 32, Lot 2.
T. 154 N., R. 95 W.,
Sec. 28, Lot 5.

The transfer of the above-described lands, which aggregate 138.24 acres, is in addition to the lands transferred for similar purposes by Executive Order No. 10520 of March 10, 1954.

PERCIVAL F. BRUNDAGE,
*Director of the Bureau of the Budget.*

APRIL 16, 1956.

[F. R. Doc. 56-3042; Filed, Apr. 18, 1956; 8:49 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 8730 etc.; FCC 56-311]

WWSW, INC., ET AL.

ORDER AMENDING ISSUES

In re applications of WWSW, Inc., Pittsburgh, Pennsylvania, Docket No. 8730, File No. BPCT–254; Pittsburgh Radio Supply House, Inc., Pittsburgh, Pennsylvania, Docket No. 8840, File No. BPCT–345; for television construction permits; WWSW, Inc. (WIIC), Pittsburgh, Pennsylvania, Docket No. 11644, File No. BMPCT–3486; for modification of construction permit:

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of April 1956;

The Commission having under consideration its Memorandum Opinion and Order herein released November 28, 1955 (FCC 55–1166, Mimeo No. 25593); its order herein released March 9, 1956, designating for hearing WWSW's application for modification of construction permit (FCC 56–201, Mimeo No. 28890); a Supplement to Petition for Reconsideration and Petition to Designate for Hearing filed by Telecasting on November 3, 1955; an Answer to Supplement to Petition for Reconsideration filed by WWSW, Inc., on November 14, 1955; a Statement of the Broadcast Bureau re the Supplement to Petition for Reconsideration filed on November 14, 1955; a Reply to the Broadcast Bureau's Statement and WWSW's Answer filed by Telecasting on November 16, 1955; and a Petition for Reconsideration and Request for Interim Stay filed by Telecasting, Inc., on March 15, 1956;

It appearing that in the order released November 28, 1955, the Commission did not rule upon Telecasting's November 3 Supplement to Petition for Reconsideration and Petition to Designate for Hearing; that by its order released March 9, 1956, the Commission designated for hearing WWSW's application for modification of construction permit and consolidated such hearing with that specified in the November 28 order; that this action rendered moot all the matters raised in Telecasting's Supplement to Petition for Reconsideration except so much thereof as requested that the evidence adduced under the issues specified for hearing with respect to the modification application be considered in determining whether the original grant to WWSW should be set aside; and that this request is reiterated in Telecasting's March 15 petition for reconsideration and interim stay of the day for hearing on the modification application;

It further appearing that the time for submitting oppositions to Telecasting's March 15 Petition for Reconsideration and Interim Stay has expired without the filing of any oppositions;

It further appearing that the issues specified in the March 9 order relate to possible premature construction contrary to the provisions of section 319 (a) of the Communications Act of 1934, as amended, and to possible violation of the provisions of § 3.613 (b) of the rules pertaining to changes in main studio location and that the evidence adduced under these issues, in addition to being used in deciding whether a grant of the application for modification of construction permit would be in the public interest, is relevant and material in determining whether the original grant to WWSW should be set aside;

It further appearing that hearings on the issues specified in the March 9 Order are scheduled to commence April 11, 1956, and that by taking action on this date a stay of said hearings is unnecessary;

*It is ordered*, That Telecasting's November 3, 1955, and March 15, 1956, petitions are granted to the extent that Issue No. 7 specified in the Commission's Memorandum Opinion and Order released November 28, 1955, herein, is amended to read as follows:

7. To determine in the light of the evidence adduced under the foregoing issues and under Issues 1 and 2 of the Order herein released March 9, 1956, whether the grant to WWSW, Inc., should be set aside.

*It is further ordered*, That in all other respects said petitions are denied.

Released: April 16, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3048; Filed, Apr. 18, 1956; 8:50 a. m.]

[Docket Nos. 11399, 11400; FCC 56M–358]

NEW BRITAIN BBOADCASTING CO. (WKNB–TV) ET AL.

ORDER SCHEDULING HEARING

In re applications of The New Britain Broadcasting Company (WKNB–TV), New Britain, Connecticut, Docket No. 11399, File No. BMPCT–2787; for modification of construction permit (channel 30); Julian Gross, et al. (Transferors) and National Broadcasting Company, Inc. (Transferee), Docket No. 11400, File No. BTC–1896; for transfer of control of The New Britain Broadcasting Company (WKNB and WKNB–TV).

*It is ordered*, This 13th day of April 1956, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on May 14, 1956, in Washington, D. C.

Released: April 16, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3049; Filed, Apr. 18, 1956; 8:50 a. m.]

[Docket No. 11591; FCC 56-314]

WEST GEORGIA BROADCASTING CO. (WWCS)

ORDER AMENDING ISSUES

In re application of West Georgia Broadcasting Company (WWCS), Bremen, Georgia, Docket No. 11591, File No. BP-10002; for construction permit for new standard broadcast station.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of April 1956;

The Commission having under consideration its Order herein released January 3, 1956 (FCC 55-1270, Mimeo No. 26412) designating the application of West Georgia Broadcasting Company for hearing on the basis of a protest filed pursuant to the provisions of section 309 (c) of the Communications Act of 1934, as amended, by Carroll Broadcasting Company, Inc., a motion to enlarge issues filed by Carroll on January 17, 1956; an opposition thereto filed by West Georgia on January 27, 1956; and an opposition filed by the Broadcast Bureau on the same date;

It appearing that petitioner asserts that an additional issue should be specified to determine whether the grant of a license to West Georgia would result in economic injury to the protestant and that in the protest the allegations of facts, matters and things relied upon were adequate to require the inclusion of such an issue at the time of designation;

It further appearing that issues were not stated in the protest; that the issues contained in the designation order were formulated by the Commission on the basis of what appeared to be the matters upon which the protestant desired to present evidence, but that upon reconsideration it appears that protestant's allegations were sufficient to predicate an issue concerning economic injury which may be caused to protestant by a grant to West Georgia;

It further appearing that addition of such an issue does not constitute a determination by the Commission that the competitive effect of West Georgia's proposed station upon protestant's existing operation is a material consideration and that this question will be resolved in the hearing process;

*It is ordered*, That the hearing issues specified in the designation order herein released January 3, 1956, are amended by addition of the following issue:

To determine whether a grant of the application would result in such an economic injury to the protestant as would impair the protestant's ability to continue serving the public, and if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

*It is further ordered*, That said issue is not adopted by the Commission and that the burden of proceeding with the introduction of evidence and the burden of proof as to this issue shall be on the protestant.

Released: April 16, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3050; Filed, Apr. 18, 1956; 8:51 a. m.]

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[Docket Nos. 11600, 11675; FCC 56-317]

TWIN-CITY BROADCASTING CO., INC., AND EL DORADO BROADCASTING CO. (KDMS)

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Twin-City Broadcasting Company, Inc., Shreveport, Louisiana, Docket No. 11600, File No. BP-10032; James A. West, Sr., and James A. West, Jr., d/b as El Dorado Broadcasting Company (KDMS), El Dorado, Arkansas, Docket No. 11675, File No. BP-10101; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of April 1956;

The Commission having under consideration the above-captioned application of James A. West, Sr., and James A. West, Jr., d/b as El Dorado Broadcasting Company for a construction permit to increase the power of Station KDMS, El Dorado, Arkansas, from one kilowatt to 5 kilowatts on 1290 kilocycles, daytime only;

It appearing that the applicant is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate the proposed station, but that the proposed operation would cause interference to and receive interference from the operation proposed in the above-entitled application of the Twin-City Broadcasting Company, Inc.; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, El Dorado Broadcasting Company was advised by letter dated January 31, 1956, of the aforementioned deficiency and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing that each of the above-captioned applicants has agreed to accept the interference that would be caused by the proposed operation of the other, but that the mutual interference may be of a substantial magnitude; and

It further appearing that the application of the Twin-City Broadcasting Company, Inc., was designated for hearing by order of the Commission dated January 4, 1956; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing on the application of El Dorado Broadcasting Company is necessary;

*It is ordered*, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application of the El Dorado Broadcasting Company is designated for hearing in a consolidated proceeding with the application of the Twin-City Broadcasting Company, Inc., (Docket No. 11600, File No. BP-10032) upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KDMS as proposed, and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation would involve objectionable interference with the operation proposed in the application (Docket No. 11600, File No. BP-10032) of Twin-City Broadcasting Company, Inc., for a new station at Shreveport, Louisiana, or any existing standard broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other primary service to such areas and populations.

3. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-entitled applications would better provide a fair, efficient and equitable distribution of radio service.

4. To determine in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the above-captioned applications should be granted.

*It is further ordered*, That the above Issues 2, 3 and 4 are made issues in the proceeding in Docket No. 11600.

Released: April 16, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3051; Filed, Apr. 18, 1956; 8:51 a. m.]

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[Docket No. 11631; FCC 56M-357]

ROCHESTER BROADCASTING CO.

STATEMENT AND ORDER CONTINUING HEARING

In re application of Victor J. Tedesco and Nicholas Tedesco d/b as The Rochester Broadcasting Company, Rochester, Minnesota, Docket No. 11631, File No. BP-9991; for construction permit.

An informal prehearing conference was held on April 13, 1956, attended by counsel for applicant, respondent WTCN, and the Broadcast Bureau. As a result of the discussion at the conference it is directed that:

(1) The hearing now scheduled for April 30, 1956, is indefinitely continued, with the expectation that a hearing date will be set at the further conference;

(2) Applicant shall furnish its written case exhibits under Rule 1.841 to the other parties and the Hearing Examiner by May 7, 1956, at 5 p. m.

(3) The further conference under Rule 1.841 is scheduled for May 14, 1956, at 10 a. m., in the offices of the Commission, Washington, D. C.

So ordered, this 13th day of April 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3052; Filed, Apr. 18, 1956; 8:51 a. m.]

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[Docket No. 11667; FCC 56M-349]

SARASOTA BROADCASTING CO. (WKXY)

ORDER SCHEDULING HEARING

In re application of Antonio G. Fernandez, Charles J. Fernandez and Gonzalo Fernandez, d/b as Sarasota Broadcasting Company (WKXY), Sarasota, Florida, Docket No. 11667, File No. BMP-7046; for modification of construction permit.

*It is ordered*, This 12th day of April 1956, that James D. Cunningham will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on June 4, 1956, in Washington, D. C.

Released: April 13, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3053; Filed, Apr. 18, 1956; 8:51 a. m.]

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[Docket Nos. 11673, 11674; FCC 56-315]

MISSISSIPPI BROADCASTING CO. (WCOC-TV) AND LAUREL TELEVISION CO., INC.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Mississippi Broadcasting Company (WCOC-TV), Pachuta, Mississippi, Docket No. 11673, File No. BMPCT-3213; for modification of construction permit; Laurel Television Company, Inc., Laurel, Mississippi, Docket No. 11674, File No. BPCT-2031; for construction permit for a new television broadcast station.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of April 1956;

The Commission having under consideration the above-entitled application of Mississippi Broadcasting Company, permittee of Station WCOC-TV, Channel 30, Meridian, Mississippi, for a modification of construction permit to operate on Channel 7 at Pachuta, Mississippi in lieu of Channel 30 at Meridian, and the application of Laurel Television Company, Inc., requesting a construction permit for a new television station to operate on Channel 7 at Laurel, Mississippi; and

It appearing that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing thereon, of all objections to their applications, and were given an opportunity to reply; and

It further appearing that upon due consideration of the above applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; that Mississippi Broadcasting Company is legally, financially, technically and otherwise qualified to construct and operate the proposed television broadcast station; and that Laurel Television Company, Inc., is legally, financially, technically and otherwise qualified to construct the proposed television station except as to issue "2" below;

*It is ordered*, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order upon the following issues:

1. To determine whether section 307 (b) of the Communications Act of 1934, as amended, requires a choice of the proposals of one applicant over those of the other, and, if so, which of the two proposals would provide a more fair, efficient, and equitable distribution of television service.

2. To determine whether there is a reasonable possibility that the antenna system at the site proposed by Laurel Television Company, Inc., may constitute a menace to air navigation.

3. To determine on a comparative basis which of the operations proposed in the above-entitled applications would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the applications as to:

(a) The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the above-captioned applications.

*It is further ordered*, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon sufficient allegations of fact in support thereof, by the addition of the following issue:

To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: April 16, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3054; Filed, Apr. 18, 1956; 8:51 a. m.]

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[Docket Nos. 11676; FCC 56-318]

KNORR BROADCASTING CORP. (WKMF)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Knorr Broadcasting Corporation (WKMF), Flint, Michigan, Docket No. 11676, File No. BP-10170; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 11th day of April 1956;

The Commission having under consideration the above-entitled application of the Knorr Broadcasting Corporation for a construction permit to increase the daytime power of Station WKMF, Flint, Michigan, from one kilowatt to 5 kilowatts and operate on 1470 kilocycles with a power of one kilowatt, nighttime, with directional antenna;

It appearing that the applicant is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate its proposed station, but that the proposed operation may cause interference to Stations WKLZ, Kalamazoo, Michigan (1470 kc, 500 w, Day) and WOHO, Toledo, Ohio (1470 kc, 1 kw, DA-2, U) and that a grant of the subject application may be in contravention of the provisions of Section 3.35 of the Commission's Rules on multiple ownership because of overlap of the services areas of the proposed operation and that of Station WSAM, Saginaw, Michigan, of which station the applicant is the licensee; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended the subject applicant was advised by letter dated February 16, 1956, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing, that by letters dated March 14 and 15, 1956, respectively, Stations WOHO and WKLZ indicated that the interference which would be caused is objectionable; and

It further appearing that the applicant replied by letter dated March 19, 1956, and contended that a grant of the application would not be in contravention of section 3.35 of the Commission's rules; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

*It is ordered*, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WKMF as proposed, and the availability of other primary service to such areas and populations.

2. To determine whether the operation proposed by Station WKMF would cause objectionable interference to Stations WKLZ, Kalamazoo, Michigan; and

WOHO, Toledo, Ohio, or any other existing standard broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether a grant of the subject application would be in contravention of the provisions of § 3.35 of the Commission's rule on multiple ownership.

4. To determine, whether, in the light of the evidence adduced pursuant to the foregoing issues, a grant of the subject WKMF application would serve the public interest.

*It is further ordered*, That The Circle Corporation and The Midwestern Broadcasting Co., licensees of Stations WKLZ and WOHO, respectively, are made parties to the proceeding.

Released: April 16, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3055; Filed, Apr. 18, 1956; 8:51 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. G-2867 etc.]

GAS LANDS CO. ET AL.

NOTICE OF APPLICATIONS AND SETTING DATE OF HEARING

APRIL 13, 1956.

In the matters of Gas Lands Company, Docket No. G-2867; Northwestern Oil and Natural Gas Company, Docket No. G-2868; Forest Oil Corporation, Docket No. G-2953; Shannon Oil Company, Docket No. G-3044; The Frontier Refining Company, Docket No. G-3173; Irma Dohn, Docket No. G-3253; Carper Drilling Company, Docket Nos. G-3566, G-3567, and G-3569; Joseph S. Gruss, Docket No. G-3605; Sunshine Royalty Company, Docket No. G-3697; Frank O. Elliott and Ora R. Hall, Jr., Docket No. G-3698; Kewanee Oil Company, Docket No. G-3776; William G. Rabe, Helen Whitney Gibson, and Whitney Bourne Choate, Docket No. G-3788; Howard Hogan, Howard S. Russell, C. T. Scott, H. J. Schnitz, and F. D. Lortscher, Docket No. G-3852; The Atlantic Refining Company, Docket No. G-3904; Resler and Sheldon, Docket No. G-3934; The Oklahoma Oil Company, Docket No. G-3948; C. N. Housh et al., Docket No. G-3970; Northeast Blanco Development Corporation, Docket No. G-3982; Argo Oil Corporation, Docket No. G-3996; G. C. Parker, Docket No. G-4098; Ben Dansby, Jr., Operator, et al. Docket No. G-4114; Lora B. McAlpin, Docket No. G-4128; G. T. McAlpin, Docket No. G-4129; Texas Consolidated Oils, Docket No. G-4133; Warren Petroleum Corporation, Docket Nos. G-4139; G-4142 through G-4147, inclusive; G-4149; G-4151; G-4154; G-4155; G-4157; G-4158; G-4160; G-4163; G-4165; and G-4174; William C. and Theodosia M. Nolan d/b/a Munoco Company, Docket Nos. G-4209 through G-4213, inclusive; G-4217 and G-4218; R. Olsen Oil Company, for itself and on behalf of The Wilson Broach Company, Docket No. G-4430; R. Olsen Oil Company, Docket Nos. G-4431 and G-4434; Bentex Oil Corporation, Docket No. G-4446; Amerada Petroleum Corporation, Docket Nos. G-4483 and G-4484; Earl A. Benson and William V. Montin, Docket No. G-4561; Greenbrier Oil Company, for itself and on behalf of Mendota Oil Company, Docket No. G-4581; H. L. Brown et al., Docket Nos. G-4590 and G-4591; Lockhart Oil Company of Texas, Docket No. G-4600; N. B. Hunt, Docket No. G-4649; W. P. Luse and Charles O. Ice, Docket No. G-4693; Ray S. Walker et al., Docket No. G-4926; Trigg Drilling Company, Inc., Docket Nos. G-5262 through G-5264, inclusive; Nabob Production Company, Docket Nos. G-5265; G-5272, and G-5279; W. H. Taylor Oil Company and McMahon Oil Company, Docket No. G-5266; Clayton-Dwyer Drilling Company, Docket Nos. G-5267; G-5273, and G-6088; G. R. Whittington et al., Docket Nos. G-5269; G-5275; G-5277, and G-5280; J. H. Hawley et al., Docket No. G-5270; W. B. and J. G. O'Brien, Individually and as Independent Executors and Trustees of the Estate of C. L. O'Brien, Deceased, Docket Nos. G-5274 and G-5278; Clayton-Dwyer Drilling Company, W. H. Taylor Oil Company, and Earl Clayton, Docket No. G-5276; W. H. Taylor Oil Company, Docket No. G-6089; W. H. Taylor et al., Docket No. G-6090; Helen J. Clayton et al., Docket No. G-6091.

Take notice that each of the above Applicants has filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicants to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in their respective applications which are on file with the Commission and open for public inspection.

Applicants produce and sell natural gas for transportation in interstate commerce for resale as indicated below:

*Docket No. G-; Location of Field; and Buyer*

2837 and 2868; Acreage in Fallon County, Montana and Bowman County, N. Dak.; Montana-Dakota Utilities Company.

2953; Denton Field, Lea County, N. Mex.; El Paso Natural Gas Company.

3044; South Sand Draw Unit Area, Fremont County, Wyo.; Northern Utilities Company.

3173; West Kutz Field, San Juan County, N. Mex.; El Paso Natural Gas Company.

3253; Baker Field, Fallon County, Mont.; Montana-Dakota Utilities Company.

3566, 3567 and 3569; Jalmat and Eunice Monument Fields, Lea County, N. Mex.; Phillips Petroleum Company; El Paso Natural Gas Company.

3605; Spraberry Field, Glasscock and Reagan Counties, Tex.; El Paso Natural Gas Company.

3697 and 3698; Dollarhide Pool, Lea County, N. Mex.; El Paso Natural Gas Company.

3776; Levelland Field, Cochran and Hockley Counties, Tex.; El Paso Natural Gas Company.

3788; Fulcher-Kutz Field, San Juan County, N. Mex.; El Paso Natural Gas Company.

3852; Acreage in Lea County, N. Mex.; El Paso Natural Gas Company.

3904; Peyton Field, Pecos County, Tex.; El Paso Natural Gas Company.

3934; Langlie Mattix Field, Lea County, N. Mex.; El Paso Natural Gas Company.

3948; West Kutz Canyon Field, San Juan County, N. Mex.; El Paso Natural Gas Company.

3970; Fairbanks Field, Harris County, Tex.; Texas Illinois Natural Gas Pipe Line Company, Montana-Dakota Utilities Company.

3982; Blanco Field, San Juan and Rio Arriba Counties, N. Mex.; El Paso Natural Gas Company.

3996; Elk Basin Field, Park County, Wyo.; Montana-Dakota Utilities Company.

4098; Acreage in Garvin County, Okla.; Bayou Field, Carter County, Okla., and Sheridan Field, Colorado County, Tex.; Lone Star Gas Company; Shell Oil Company.

4114; W. T. Cobie Lease, Levelland Field, Hockley and Cochran Counties, Tex.; Stanolind Oil and Gas Company.

4128 and 4129; Blanco Field, San Juan County, N. Mex.; El Paso Natural Gas Company.

4133; Levelland Field, Cochran and Hockley Counties, Tex.; Stanolind Oil and Gas Company.

4139; Southeast New Hope, New Hope, Maysville, Northeast Elmore, Southwest Antioch, Panther Creek, East Lindsay, Purdy, Southwest Wayne, Northwest Lindsay, and Erin Springs Fields, Garvin and McClain Counties Okla.; Lone Star Gas Company.

4142; Monument, Skaggs and Warren-McKee Fields, Lea County, N. Mex.; El Paso Natural Gas Company.

4143; Hugoton Field, Kearney, Seward, Haskell and Finney Counties, Kans.; Northern Natural Gas Company.

4144 and 4145; West Panhandle and Hugoton Fields, Moore and Sherman Counties, Tex.; Panhandle Eastern Pipe Line Company; Natural Gas Pipeline Company of America; Northern Natural Gas Company.

4146; Eumont Field, Lea County, N. Mex.; Permian Basin Pipeline Company.

4147; East Panhandle Field, Wheeler and Collingsworth Counties, Tex.; Lone Star Gas Company.

4149; Blanconia and South Blanconia Fields, Bee County, Tex.; United Gas Pipe Line Company.

4151, 4155 and 4157; Carthage Field, Panola County, Tex.; Texas Gas Transmission Corporation; United Gas Pipe Line Company; Tennessee Gas Transmission Company.

4154; Willow Springs Field, Gregg and Harrison Counties, Tex.; Texas Eastern Transmission Corporation.

4158; Maley Field, Bee County, Tex.; Texas Eastern Transmission Corporation.

4160; Homann Field, Gaines County, Tex.; Permian Basin Pipeline Company.

4163; Woodlawn Field, Harrison County, Tex.; Mississippi River Fuel Corporation.

4165; East Sweet Field, Gray and Wheeler Counties, Tex.; Public Service Corporation of Texas.

4174; South Eunice Field, Lea County, N. Mex.; El Paso Natural Gas Company.

4209; Athens Field, Claiborne Parish, La.; Arkansas-Louisiana Gas Company.

4210 and 4211; Bear Creek-Bryceland Field, Bienville Parish, La.; Arkansas-Louisiana Gas Company; Southern Natural Gas Company.

4212; Lake Bistineau Field, Bienville Parish, La.; United Gas Pipeline Company.

4213; Live Oak and McMullen Counties, Tex.; Texas-Illinois Natural Gas Pipeline Company.

4215; Ruston Field, Lincoln Parish, La.; Mississippi River Fuel Corporation.

4217; Simsboro Field, Lincoln Parish, La.; Arkansas-Louisiana Gas Company.

4218; Spraberry Area, Reagen County, Tex.; El Paso Natural Gas Company.

4430; Hankamer Field, Liberty County, Tex.; Texas Eastern Transmission Corporation.

4431 and 4434; Eunice Area, Lea County, N. Mex.; Skelly Oil Company; Gulf Oil Corporation.



4446; Spraberry Trend Area, Midland and Upton Counties, Tex.; El Paso Natural Gas Company.

4483 and 4484; Jalmat, Eunice and San Juan Fields, Lea and San Juan Counties, N. Mex.; El Paso Natural Gas.

4561; Gallegos Canyon Unit, San Juan, N. Mex.; El Paso Natural Gas Company.

4581; Blanco MV and North Elton Fields, San Juan County, N. Mex. and Allen Parish, La.; El Paso Natural Gas Company; Louisiana Natural Gas Corporation.

4590 and 4591; Spraberry Trend Area, Upton County, Tex.; Texas Gas Products Corporation.

4600; Riverside and North Ross Fields, Nueces and Starr Counties, Tex.; Tennessee Gas Transmission Company.

4649; Units and Leases in Lea County, N. Mex.; El Paso Natural Gas Company; Tennessee Gas Transmission Company.

4693; Payton (Devonian) Field, Ward County Tex.; El Paso Natural Gas Company.

4926; Medix-Run Field, Elk County, Pa.; New York State Natural Gas Corporation.

5262; Wayne District Pool, McClain County, Okla.; Warren Petroleum Corporation.

5263; Panther Creek Field, Garvin County, Okla.; Warren Petroleum Corporation; Cities Service Oil Company; The Texas Company; Kerr-McGee Oil Industries, Inc.; Oklahoma Natural Gas Company.

5264; Emond West Bartlesville Field, Oklahoma County, Okla.; Phillips Petroleum Company; Continental Oil Company.

5265, 5277, and 5279; E. and W. Panhandle Fields, Gray, Wheeler and Hutchinson Counties, Tex.; Phillips Pipeline Company; Phillips Petroleum Company; Frank C. Henderson Trust No. 2; Elizabeth P. Henderson Trust No. 2.

5266; E. Panhandle Field, Gray County, Tex.; Phillips Petroleum Company.

5267, 5273, and 6088; E. and W. Panhandle Fields, Gray and Carson Counties, Tex.; Phillips Petroleum Company.

5269, 5275, 5277, and 5280; E. and W. Panhandle, Waskom and Levelland Fields, Wheeler, Moore, Gregg and Hockley Counties, Tex.; Lone Star Gas Company; Phillips Petroleum Company; Arkansas Fuel Corporation; Stanolind Oil and Gas Company.

5270; E. Panhandle Field, Gray County, Tex.; Phillips Petroleum Company.

5274 and 5278; E. Panhandle Field, Gray and Wheeler Counties, Tex.; Phillips Petroleum Company; Lone Star Gas Company.

5276; E. Panhandle Field, Gray County, Tex.; Phillips Petroleum Company.

6089; E. Panhandle Field, Gray County, Tex.; Phillips Petroleum Company.

6090; E. Panhandle Field, Gray County, Tex.; Phillips Petroleum Company.

6091; E. Panhandle Field, Gray County, Tex.; Phillips Petroleum Company.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 16, 1956, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 2, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56-3026; Filed, Apr. 18, 1956; 8:46 a. m.]

[Docket No. G-4723 etc.]

FRED GOODSTEIN ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

APRIL 13, 1956.

In the matters of Fred Goodstein, Docket Nos. G-4723 and G-4724; The Carter Oil Company, Docket No. G-4909; Shell Oil Company, Docket Nos. G-4995 through G-5014, inclusive; G-5018; G-5019; G-5024; G-5025; G-5033; G-5034; G-5036 through G-5049, inclusive; G-5056; G-5058 through G-5064, inclusive; G-5066 through G-5071, inclusive; G-5073; G-5075 through G-5077, inclusive; G-5080; G-5083; G-5087; G-5096; G-5110 and G-5111.

Take notice that each of the above named Applicants has filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicants to render services as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in their respective applications which are on file with the Commission and open for public inspection.

Applicants produce and sell natural gas for transportation in interstate commerce for resale, as indicated below:

*Docket No. G-; Location of Field; and Buyer*

4723 and 4724; Worland Unit and Trigood Field, Washakie and Big Horn Counties, Wyo.; Montana-Dakota Utilities Company.

4909; Worland Unit, Big Horn and Washakie Counties, Wyo.; Montana-Dakota Utilities Company.

4995; Carthage Field, Panola County, Tex.; Texas Eastern Transmission Corporation.

4996; Clayton Field, Live Oak County, Tex.; Texas Illinois Natural Gas Pipeline Company.

4997; East Falfurrias Field, Brooks and Jim Wells Counties, Tex.; Texas Illinois Natural Gas Pipeline Company.

4998 and 4999; Gohlke Field, De Witt County, Tex.; Texas Eastern Transmission Corporation.

5000; Nada Field, Colorado County, Tex.; Tennessee Gas Transmission Company.

5001 through 5003, inclusive; North Lansing Field, Harrison County, Tex.; Arkansas Louisiana Gas Company; Texas Eastern Transmission Corporation.

5004; Provident City Field, Lavaca County, Tex.; Texas Eastern Transmission Corporation.

5005; Red Fish Bay Field, Nueces County, Tex.; United Gas Pipe Line Company.

5006; Seeligson Field, Jim Wells County, Tex.; Tennessee Gas Transmission Company.

5007; Stedman Island Field, Nueces County, Tex.; Tennessee Gas Transmission Company.

5008; Midway Lane Field, Crockett County, Tex.; El Paso Natural Gas Company.

5009; Monahans-Tubbs Field, Ward and Winkler Counties, Tex.; El Paso Natural Gas Company.

5010; Monahans Field, Ward and Winkler Counties, Tex.; El Paso Natural Gas Company.

5011; Ratliff-Bedford Field, Andrews County, Tex.; El Paso Natural Gas Company.

5012; TXL Field, Ector County, Tex.; El Paso Natural Gas Company.

5013; Wasson and Brahaney Fields, Yoakum County, Tex.; El Paso Natural Gas Company.

5014 and 5076; Panhandle Field, Moore County, Tex.; Panhandle Eastern Pipe Line Company.

5018 and 5019; Langmat Field, Lea County, N. Mex.; El Paso Natural Gas Company.

5024; Tubb-Blinberry Field, Lea County, N. Mex.; El Paso Natural Gas Company.

5025; Tubb-Blinberry, Eumont, Jalco and Langmat Fields, Lea County, N. Mex.; El Paso Natural Gas Company.

5033 and 5034; Athens Field, Claiborne Parish, La.; Arkansas Louisiana Gas Company.

5036; Chatham Field, Jackson Parish, La.; Tennessee Gas Transmission Company.

5037; Gibson Field, Terrebonne Parish, La.; United Gas Pipe Line Company.

5038; Iowa Field, Calcasieu and Jefferson Davis Parishes, La.; United Gas Pipe Line Company.

5039; Lake Long Field, Terrebonne Parish, La.; United Gas Pipe Line Company.

5040; Roanoke Field, Jefferson Davis Parish, La.; United Gas Pipe Line Company.

5041; South Houma Field, Terrebonne Parish, La.; United Gas Pipe Line Company.

5042; St. Gabriel Field, Iberville and Ascension Parishes, La.; United Gas Pipe Line Company.

5043; Turtle Bayou Field, Terrebonne Parish, La.; United Gas Pipe Line Company.

5044; Vixen Field, Caldwell Parish, La.; Olin Gas Transmission Corporation.

5045; Weeks Island Field, Iberia Parish, La.; United Gas Pipe Line Company.

5046; West Lake Venet Field, St. Martin Parish, La.; United Gas Pipe Line Company.

5047; Hewitt, Lone Grove, and Bayou Fields, Carter County, Okla.; Lone Star Gas Company.

5048, 5049, and 5056; Fox-Graham Field, Carter County, Okla.; Lone Star Gas Company.

5058 through 5064, inclusive; 5066 through 5071, inclusive; Kansas Hugoton Field, Grant, Kearney, Stanton, Haskell, Hamilton, and Seward Counties, Kans.; Panhandle Eastern Pipe Line Company; Cities Service Gas Company; Colorado Interstate Gas Company; Northern Natural Gas Company.

5073; Keyes Field, Cimarron and Texas Counties, Okla.; Colorado Interstate Gas Company.

5075; Otis Field, Barton County, Kans.; Northern Natural Gas Company.

5077; Walker, Mt. Hope, and Springdale Fields, Logan County, Colo.; Kansas-Nebraska Natural Gas Company.

5080; Riverside Field, Nueces County, Tex.; Tennessee Gas Transmission Company.

5083; Bagley Field, Lea County, N. Mex.; El Paso Natural Gas Company.

5087; Scholem Alechem Field, Carter County, Okla.; Lone Star Gas Company.

5096; Denton Field, Lea County, N. Mex.; El Paso Natural Gas Company.

5110 and 5111; Langlie-Mattix Field, Lea County, N. Mex.; El Paso Natural Gas Company.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 17, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 3, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56-3027; Filed, Apr. 18, 1956; 8:46 a. m.]

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[Docket Nos. G-6389 etc.]

PAPALOTE CORP. ET AL.

NOTICE OF FINDINGS AND ORDER

APRIL 13, 1956.

In the matters of Papalote Corporation, Docket No. G-6389; Mustang Oil Corporation, Docket No. G-6392; Ralph E. Fair, Docket No. G-6559; C. T. Palmer, Docket No. G-6572; Conservation Oil & Gas Co., Docket No. G-6573; Dutchman Gas Company, Docket No. G-6574; Marshall Gas Company, Docket No. G-6575; Joseph S. & Will Crews, Docket Nos. G-6577 and G-6578; Porter Brothers, Docket No. G-6581; James D. Conway, Archie D. Marvel, Claren Kerr, A. Q. Schimmel and John P. McKnight, Docket No. G-6582; Francitas Gas Company, Docket No. G-6600; Sultana Oil Company, Docket No. G-6604.

Notice is hereby given that on April 10, 1956, the Federal Power Commission issued its findings and order, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56-3028; Filed, Apr. 18, 1956; 8:46 a. m.]

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[Docket No. G-7468]

DR. P. E. SMITH

NOTICE OF FINDINGS AND ORDER

APRIL 13, 1956.

Notice is hereby given that on April 9, 1956, the Federal Power Commission issued its findings and order, issuing a certificate of public convenience and necessity in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56-3029; Filed, Apr. 18, 1956; 8:46 a. m.]

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[Docket No. G-10246]

J. M. HUBER CORP.

ORDER INSTITUTING INVESTIGATION

J. M. Huber Corporation (Huber), a New Jersey Corporation is engaged in the production of natural gas in the West Panhandle Field of Texas and in the sale thereof in interstate commerce for resale for ultimate public consumption, and, therefore is a natural-gas company within the meaning of the Natural Gas Act as heretofore found by the United States District Court for the District of New Jersey in Federal Power Commission v. J. M. Huber Corporation, No. 244-55, decided August 16, 1955.

J. M. Huber Corporation previously tendered for filing with the Commission in Docket Nos. G-9310 and G-9416 proposed changes in rates for sales of natural gas from the West Panhandle Field to Panhandle Eastern Pipe Line Company and Northern Natural Gas Company. The existing rates for these sales were established by contract and the unilateral changes proposed by Huber were rejected by order issued today in Docket Nos. G-9310 and G-9416 in conformity with the decision of the Supreme Court of the United States in United Gas Pipe Line Company v. Mobile Gas Service Corporation and Federal Power Commission v. Mobile Gas Service Corporation, Nos. 17 and 31, October Term, 1955, decided February 27, 1956.

In its attempted filing of changes in rates Huber alleged that the existing rates for sales included in such filings were unjust, unduly discriminatory, preferential, otherwise unlawful, and not in keeping with the public interest and requested the Commission to fix just and reasonable rates for the sale of such natural gas.

Huber's attempted filings are deemed a request for an investigation of its rates and charges and based on the information contained in such filings and data available to the Commission, it appears that the rates, charges, services, and classifications for or in connection with the sale of natural gas by Huber subject to the jurisdiction of the Commission, and rules, regulations, practices and contracts relating thereto may be unjust, unreasonable, unduly discriminatory, preferential or otherwise unlawful.

The Commission finds: It is necessary and proper, in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that an investigation be instituted by the Commission on its own motion into and concerning all rates, charges, or classifications demanded, observed, charged, or collected by J. M. Huber Corporation for or in connection with any sale of natural gas, subject to the jurisdiction of the Commission, and any rules, regulations, practices, or contracts affecting such rates, charges or classifications.

The Commission orders:

(A) An investigation of J. M. Huber Corporation be and it hereby is instituted under the provisions of the Natural Gas Act for the purpose of enabling the Commission (1) to determine with respect to said J. M. Huber Corporation, whether in connection with any sale of natural gas, subject to the jurisdiction of the Commission, any rates, charges, or classifications, demanded, observed, charged, or collected, or any rules, regulations, practices or contracts affecting such rates, charges, or classifications are unjust, unreasonable, unduly discriminatory, or preferential; and (2) if the Commission, after hearing has been had, shall find that any such rates, charges, classifications, rules, regulations, practices, or contracts are unjust, unreasonable, unduly discriminatory, or preferential, to determine and fix by appropriate order or orders, just and reasonable rates, charges, classifications, rules, regulations, practices, or contracts to be thereafter observed and in force.

(B) Pursuant to the authority contained in sections 5 and 15 of the Natural Gas Act, a public hearing be held upon a date to be fixed by further order of the Commission concerning the matters specified in paragraph (A) above.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: April 13, 1956.

By the Commission.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56-3031; Filed, Apr. 18, 1956; 8:47 a. m.]

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[Docket Nos. G-9310, G-9416]

J. M. HUBER CORP.

ORDER VACATING SUSPENSION PROCEEDINGS, REJECTING PROPOSED UNILATERAL CHANGES IN RATES AND DENYING MOTIONS TO MAKE RATES EFFECTIVE

On August 15, 1955, J. M. Huber Corporation (Huber) tendered for filing a new schedule of rates designated Supplement No. 8 to Huber's FPC Gas Rate Schedule No. 4 to be effective September 21, 1955. Said Supplement No. 8 proposed to increase the rate for gas sold by Huber in the West Panhandle Field, Carson and Hutchinson Counties, Texas, to Panhandle Eastern Pipe Line Company (Panhandle) from the present rate of 4.0 cents to 10.7 cents per Mcf at 14.65 psia. Huber's present rate is set forth in a contract with Panhandle. Panhandle has not consented to the change and has filed a protest with the Commission against such change. By order issued September 13, 1955 in Docket No. G-9310, the Commission suspended the proposed change in rate until February 21, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

On September 1, 1955, Huber tendered for filing a new schedule of rates designated Supplement No. 5 to Huber's FPC Gas Rate Schedule No. 2 to be effective October 1, 1955. Said Supplement No. 5 proposed to increase the rate for gas sold by Huber in the West Panhandle Field, Carson and Hutchinson Counties, Texas to Northern Natural Gas Company (Northern) from the present rate of 3.66 cents to 10.72 cents per Mcf at 14.65 psia. Huber's present rate is set forth in a contract with Northern and no evidence has been submitted with Huber's filing indicating that Northern has agreed to such change. By order issued September 30, 1955, in Docket No. G-9416 the Commission suspended the proposed change in rate until March 1, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

The proceedings in Docket Nos. G-9310 and G-9416 not having been concluded, Huber, on March 2, 1956, filed motions requesting that Supplement No. 8 to Huber's FPC Gas Rate Schedule No. 4 and Supplement No. 5 to Huber's FPC Gas Rate Schedule No. 2 be made effective February 21, 1956 and March 1, 1956 respectively, subject to corporate undertakings to refund charges in excess of those found by the Commission to be justified.

On February 27, 1956, the Supreme Court of the United States, in the cases of United Gas Pipe Line Company v. Mobile Gas Service Corporation et al., and Federal Power Commission v. Mobile Gas Service Corporation (Nos. 17 and 31, October Term, 1955), held that rates established by contract may not be unilaterally changed by one of the parties to the contract and that such a unilateral change is not a change in rate permitted to be filed with the Commission under section 4 (d) of the Natural Gas Act. The Court stated:

> From our conclusion that the Natural Gas Act gives a natural gas company no power to change its contracts unilaterally, it follows that the new schedule filed by United was a nullity insofar as it purported to change the rate set by its contract with Mobile and that the contract rate remained the only lawful rate. There can be no doubt of the authority of the Commission to reject the unauthorized filing under its general powers to issue orders "necessary or appropriate to carry out the provisions of this act," section 16, and its failure to do so and its order "permitting" the new rates to become effective were in error • • •

Accordingly, the new schedules filed by Huber on August 15, 1955, and September 1, 1955, constituting unilateral changes of rates established by contract, are ineffective and cannot be filed under section 4 (d) of the Natural Gas Act.

The Commission finds:

(1) J. M. Huber's Corporation's proposed Supplement No. 8 to its FPC Gas Rate Schedule No. 4 and Supplement No. 5 to its FPC Gas Rate Schedule No. 2 constitute attempted unilateral changes in rates established by contract and are ineligible for filing under section 4 (d) of the Natural Gas Act.

(2) The suspension proceedings with respect to the foregoing Supplements should be vacated and the filings should be rejected.

The Commission orders:

(A) The suspension proceedings in Docket Nos. G-9310 and G-9416 with respect to Supplement No. 8 to Huber's FPC Gas Rate Schedule No. 4 and Supplement No. 5 to Huber's FPC Gas Rate Schedule No. 2 respectively are hereby vacated and the filings of such Supplements on August 15, 1955, and September 1, 1955, are hereby rejected.

(B) The motions filed by Huber on March 2, 1956, in Docket Nos. G-9310 and G-9416 requesting that Supplement No. 8 to Huber's FPC Gas Rate Schedule 4 and Supplement No. 5 to Huber's FPC Gas Rate Schedule No. 2 respectively be made effective subject to refund be and the same are hereby denied.

Issued: April 13, 1956.

By the Commission.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56-3030; Filed, Apr. 18, 1956; 8:46 a. m.]





## SECURITIES AND EXCHANGE COMMISSION

[File No. 24A-859]

DOLORES OF FLORIDA, INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

APRIL 13, 1956.

I. Dolores of Florida, Inc., a Tennessee corporation with its principal office located at 1311 East Main Street, Lakeland, Florida, having filed with the Commission on January 24, 1955, a notification on Form 1-A and an offering circular, and subsequently having filed amendments thereto relating to an offering of 20,000 shares of no par value common stock, at $5.00 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having reasonable cause to believe that the terms and conditions of Regulation A have not been complied with in that the company has failed to file on Form 2-A reports of sales as required by Rule 224 of Regulation A, and has ignored requests by the Commission's staff for such reports.

III. *It is ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

*It is further ordered*, That this Order and Notice shall be served upon Dolores of Florida, Inc., and Robert Y. Powell, President, 1311 East Main Street, Lakeland, Florida, personally or by registered mail or confirmed telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 56-3034; Filed, Apr. 18, 1956; 8:47 a. m.]

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[File No. 24D-1973]

NAVAJO URANIUM & THORIUM CORP.

ORDER TEMPORARILY DENYING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

APRIL 13, 1956.

I. Navajo Uranium & Thorium Corporation, a Nevada corporation, 223 Fremont Street, Las Vegas, having filed with the Commission on November 10, 1955 a notification on form 1-A relating to an offering of 6,000,000 shares of 5 cents par common stock at 5 cents per share for an aggregate of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

The Commission having reasonable cause to believe that the terms and conditions of Regulation A have not been complied with in that;

1. The notification, Item 3, failed to reflect prior sales of securities by the issuer and its affiliates within the past year.

2. The aggregate amount of securities to be offered by the issuer would exceed the limitation of $300,000, prescribed by Rule 217 (a) of Regulation A.

3. The notification and offering circular contain untrue statements of material facts in representing William U. January as an officer, director and stockholder of the company and as a salesman of the company's stock, and in omitting to state material facts ncesessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, in failing to disclose that January has resigned as an officer, has not received stock which was to be issued to him, and has advised the company that he will not be connected with the company in any capacity.

II. *It is ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933,

as amended, that the exemption under Regulation A be, and it hereby is, temporarily denied.

Notice is hereby given that any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this Order of Denial should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

*It is further ordered*, That this order and notice shall be served upon Navajo Uranium & Thorium Corporation, 223 Fremont Street, Las Vegas, Nevada, personally, or by registered mail or confirmed telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-3035; Filed, Apr. 18, 1956; 8:47 a. m.]

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[File No. 24D-1923]

MINERAL AGGREGATES CORP.

ORDER WITHDRAWING REQUEST FOR HEARING AND CANCELLING HEARING

APRIL 13, 1956.

The Commission by order dated April 4, 1956 having ordered that a hearing in the above-entitled matter pursuant to section 3 (b) of the Securities Act of 1933, as amended, and Rule 223 thereunder, commence on April 23, 1956 at 10:00 a. m. Mountain Standard Time, at the office of the Securities and Exchange Commission, Room 573, New Custom House, Denver, Colorado; and

The company having requested a withdrawal of its request for a hearing and the Division of Corporation Finance not objecting thereto;

*It is ordered*, That the request for hearing be and it hereby is deemed withdrawn without prejudice.

*It is further ordered*, That the order dated April 4, 1956, scheduling a hearing for April 23, 1956, be and it hereby is rescinded.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-3037; Filed, Apr. 18, 1956; 8:48 a. m.]

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[File No. 70-3463]

OHIO POWER CO.

NOTICE OF FILING REGARDING ACQUISITION OF COMMON STOCK OF NEWLY FORMED SUBSIDIARY COMPANY

APRIL 13, 1956.

Notice is hereby given that Ohio Power Company ("Ohio"), a subsidiary electric utility company of American Gas and Electric Company, a registered holding company, has filed an application with the Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") and has designated sections 9 (a) and 10 of said act as applicable to the proposed transaction, which is summarized as follows:

Ohio proposes to acquire 1,000 shares of the capital stock, $1 par value, being all of the capital stock proposed to be issued, of Captina Operating Company ("Captina"), a West Virginia corporation, at a purchase price of $1 per share.

Ohio has entered into a Memorandum Agreement, under date of November 14, 1955, with Olin Mathieson Chemical Corporation ("Olin"), Pittsburgh Consolidation Coal Company ("Pitt") and Ohio's associate, Wheeling Electric Company ("Wheeling"), providing generally for the construction by Ohio of what is, initially, to be a two-225,000 kilowatt unit power plant near Cresap, West Virginia. One unit of this plant is to be owned by Olin Mathieson Generating Corporation ("Olin Sub"), a company organized by Olin and Pitt, and one unit is to be owned by Ohio. Olin Sub is to use its unit to supply energy to Olin for reduction of aluminum and, in addition, it will make excess capacity of the unit available to Wheeling and Ohio. Said Memorandum Agreement further provides that a subsidiary of Ohio should be formed to operate the entire plant for Ohio and Olin Sub, and Captina has been organized for such purpose.

It is presently contemplated that Captina will supervise the operation, on behalf of Ohio and Olin Sub, of the generating plant which is to be known as the Kammer Plant, and that Ohio and Olin Sub will reimburse Captina for all its expenses in the operation of the Kammer Plant in the ratio of the energy used by each, and, in addition, Olin Sub will pay Captina a fee of ½ mill per kilowatt hour generated at the plant for Olin Sub.

Notice is further given that any interested person may, not later than April 30, 1956, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date said application, as filed or as further amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-3036; Filed, Apr. 18, 1956; 8:48 a. m.]

## DEPARTMENT OF JUSTICE

### Office of Alien Property

[Vesting Order SA-24]

BANCA TIMISOAREI SI SOCIETATE COMERCIALA PE ACTIUNI

In re debt owing to Banca Timisoarei si Societate Comerciala pe Actiuni, also known as Temesvarer Bank und Handels A. G. F-57-1184.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of the Irving Trust Company, One Wall Street, New York 15, N. Y., arising out of an account entitled, "Temesvarer Bank und Handels A. G.," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947 was, owned directly or indirectly by the Banca Timisoarei si Societate Comerciala pe Actiuni, also known as Temesvarer Bank und Handels A. G., Timisoara, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to Section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on April 13, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-3056; Filed, Apr. 18, 1956; 8:52 a. m.]

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[Vesting Order SA-25]

BANCA TIMISOAREI SI SOCIETATE COMERCIALA PE ACTIUNI

In re debt owing to Banca Timisoarei si Societate Comerciala pe Actiuni, also known as Temesvarer Bank und Handels A. G., F-57-1184.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of the Swiss Bank Corporation, New York Agency, 15 Nassau Street, New York 5, N. Y., arising out of an account entitled, "Banca Timisoarei si Societate Comerciala pe Actiuni, Timisoara, Rumania, Blocked Account," maintained at the aforesaid corporation, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947 was, owned directly or indirectly by Banca Timisoarei si Societate Comerciala pe Actiuni, also known as Temesvarer Bank und Handels A. G., Timisoara, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to Section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on April 13, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-3057; Filed, Apr. 18, 1956; 8:52 a .m.]

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[Vesting Order SA-26]

"ALBINA" INSTITUT DE CREDIT SI DE ECONOMII

In re debt owing to "Albina" Institut de Credit si de Economii. F-57-395.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of The Chase Manhattan Bank, 18 Pine Street, New York 15, N. Y., arising out of an account entitled, "'Albina' Institut de Credit si de Economii, 'Old Account', Sibiu, Rumania," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947 was, owned directly or indirectly by "Albina" Institut de Credit si de Economii, Sibiu, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to Section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on April 13, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-3058; Filed, Apr. 18, 1956; 8:52 a. m.]

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[Vesting Order SA-27]

"ALBINA" INSTITUT DE CREDIT SI DE ECONOMII

In re debt owing to "Albina" Institut de Credit si de Economii. F-57-395.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of the Guaranty Trust Company of New York, 140 Broadway, New York 15, N. Y., arising out of an account entitled, "'Albina', Institute De Credit Si De Economii, (Sibiu) in Liquidation, C/o Banque De La Republique Populaire Roumaine, Banque D'Etat, Bucharest, Roumania," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by "Albina" Institut de Credit si de Economii, Sibiu, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the

International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to Section 205 of said Title II (69 Stat. 562) which provides that:

> Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on April 13, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
*Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-3059; Filed, Apr. 18, 1956; 8:52 a. m.]

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[Vesting Order SA-28]

"ALBINA" INSTITUT DE CREDIT SI DE ECONOMII

In re Debt owing to "Albina" Institut de Credit si de Economii. F-57-395.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of the Irving Trust Company, One Wall Street, New York 15, N. Y., arising out of an account entitled, "'Albina' Institut de Credit si de Economii, in liquidation, C/o Banque de la Republique Populaire Roumanie, Banque d'Etat, Foreign Department, Bucharest, Roumania," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947 was, owned directly or indirectly by "Albina" Institut de Credit si de Economii, Sibiu, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to Section 205 of said Title II (69 Stat. 562) which provides that:

> Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on April 13, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
*Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-3060; Filed, Apr. 18, 1956; 8:52 a. m.]

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## INTERSTATE COMMERCE COMMISSION

[Docket No. 31977]

CENTRAL OF GEORGIA RAILWAY CO. ET AL.

INVESTIGATION OF CONTROL

At a session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 12th day of April A. D. 1956.

It appearing that by application filed December 6, 1955, in Finance Docket No. 19159, entitled Central of Georgia Railway Company et al. Control, the St. Louis-San Francisco Railway Company seeks authority under section 5 (2) of the Interstate Commerce Act, as amended, to acquire direct control through purchase of additional capital stock of Central of Georgia Railway Company, and indirectly thereby the common carrier subsidiaries controlled by Central of Georgia Railway Company;

It further appearing that, as of November 25, 1955, the Central of Georgia Railway Company had issued and outstanding 337,236 shares of common stock and 170,417 shares of preferred stock, and that, on or prior to that date, the St. Louis-San Francisco Railway Company had acquired 158,197 shares of said common stock and 81,512 shares of said preferred stock, and that an additional 14,118 shares of stock are necessary to constitute a majority of all issued and outstanding stock of the Central of Georgia Railway Company;

It further appearing that since November 25, 1955, the St. Louis-San Francisco Railway Company has acquired additional shares of stock of said Central of Georgia Railway Company and that, as of March 17, 1956, said St. Louis-San Francisco Railway Company owned 169,697 shares of common stock and 83,492 shares of preferred stock of Central of Georgia Railway Company;

It further appearing that the St. Louis-San Francisco Railway Company may have acquired control of the Central of Georgia Railway Company without having obtained prior approval therefor from this Commission, and there being reasonable cause therefor:

*It is ordered*, That an investigation by this Commission on its own motion be, and it is hereby, instituted under the provisions of section 5 (7) of the Interstate Commerce Act for the purpose of determining whether the provisions of section 5 (4) of said act have been violated, and into all matters connected therewith and related thereto, with the view that this Commission may take such action as it may find appropriate;

*It is further ordered*, That the St. Louis-San Francisco Railway Company be, and it is hereby, made respondent in this proceeding;

*It is further ordered*, That this matter be, and it is hereby, referred to Examiner John L. Bradford for hearing on April 16, 1956, at 9:30 o'clock a. m., United States Standard Time, at the U. S. Court Rooms, Savannah, Ga., said hearing to be held in conjunction with the hearing in Finance Docket No. 19159, Central of Georgia Railway Company et al. Control, scheduled before said Examiner John L. Bradford, at the same time and place herein designated, and for recommendation of an appropriate order thereon, accompanied by the reasons therefor;

*And it is further ordered*, That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission, at Washington, D. C., and by filing a copy with the Director of the Division of the Federal Register, Washington, D. C., and by service upon the said respondent.

By the Commission, Division 4.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F. R. Doc. 56-3033; Filed, Apr. 18, 1956; 8:47 a. m.]


# FEDERAL REGISTER

VOLUME 21 NUMBER 77

Washington, Friday, April 20, 1956


UNIVERSITY OF MICHIGAN APR 1956 MAIN READING ROOM

## TITLE 6—AGRICULTURAL CREDIT

### Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[FHA Instruction 401.2]

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS; OHIO

On April 9, 1956, for the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below were determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 311.29, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

OHIO

| County | Average value | County | Average value |
|---|---|---|---|
| Adams | $25,000 | Harrison | $25,000 |
| Allen | 40,000 | Henry | 40,000 |
| Ashland | 32,000 | Highland | 35,000 |
| Ashtabula | 30,000 | Hocking | 25,000 |
| Athens | 30,000 | Holmes | 30,000 |
| Auglaize | 40,000 | Huron | 35,000 |
| Belmont | 25,000 | Jackson | 25,000 |
| Brown | 25,000 | Jefferson | 25,000 |
| Butler | 40,000 | Knox | 35,000 |
| Carroll | 30,000 | Lake | 35,000 |
| Champaign | 40,000 | Lawrence | 25,000 |
| Clark | 40,000 | Licking | 35,000 |
| Clermont | 25,000 | Logan | 38,000 |
| Clinton | 40,000 | Lorain | 35,000 |
| Columbiana | 25,000 | Lucas | 40,000 |
| Coshocton | 25,000 | Madison | 40,000 |
| Crawford | 35,000 | Mahoning | 30,000 |
| Cuyahoga | 35,000 | Marion | 35,000 |
| Darke | 40,000 | Medina | 35,000 |
| Defiance | 40,000 | Meigs | 25,000 |
| Delaware | 35,000 | Mercer | 40,000 |
| Erie | 35,000 | Miami | 40,000 |
| Fairfield | 35,000 | Monroe | 25,000 |
| Fayette | 40,000 | Montgomery | 40,000 |
| Franklin | 40,000 | Morgan | 30,000 |
| Fulton | 40,000 | Morrow | 30,000 |
| Gallia | 25,000 | Muskingum | 25,000 |
| Geauga | 35,000 | Noble | 25,000 |
| Greene | 40,000 | Ottawa | 35,000 |
| Guernsey | 25,000 | Paulding | 40,000 |
| Hamilton | 40,000 | Perry | 35,000 |
| Hancock | 40,000 | Pickaway | 40,000 |
| Hardin | 38,000 | Pike | 30,000 |
| | | Portage | 35,000 |
| | | Preble | 40,000 |
| | | Putnam | 40,000 |
| | | Richland | 40,000 |
| | | Ross | 35,000 |
| | | Sandusky | 35,000 |
| | | Scioto | 30,000 |
| | | Seneca | 35,000 |
| | | Shelby | 40,000 |
| | | Stark | 35,000 |
| | | Summit | $35,000 |
| | | Trumbull | 30,000 |
| | | Tuscarawas | 35,000 |
| | | Union | 36,000 |
| | | Van Wert | 40,000 |
| | | Vinton | 25,000 |
| | | Warren | 35,000 |
| | | Washington | 35,000 |
| | | Wayne | 40,000 |
| | | Williams | 40,000 |
| | | Wood | 40,000 |
| | | Wyandot | 35,000 |

(Sec. 41 (1), 50 Stat. 529, as amended; 7 U. S. C. 1015 (i))

Dated: April 16, 1956.

[SEAL] R. B. McLEAISH,
*Administrator, Farmers Home Administration.*

[F. R. Doc. 56-3081; Filed, Apr. 19, 1956; 8:47 a. m.]

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Subchapter B—Farm Ownership Loans

[FHA Instruction 443.2, Admn. Letter 440 (440)]

PART 332—PROCESSING INITIAL LOANS

Subchapter C—Production and Subsistence Loans

[FHA Instruction 441.3, Admn. Letter 440 (440)]

PART 342—PROCESSING

Subchapter D—Soil and Water Conservation Loans

[FHA Instruction 442.2, Admn. Letter 440 (440)]

PART 352—PROCESSING LOANS TO INDIVIDUALS

REVOCATION OF PROVISIONS

Sections 332.7 (f), 342.3 (n), and 352.1 (c) (8), Title 6, Code of Federal Regulations (20 F. R. 8619), are hereby revoked.

(Sec. 41 (1), 50 Stat. 529, as amended; 7 U. S. C. 1015 (i))

Dated: April 16, 1956.

[SEAL] R. B. McLEAISH,
*Administrator, Farmers Home Administration.*

[F. R. Doc. 56-3082; Filed, Apr. 19, 1956; 8:47 a. m.]

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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**CFR SUPPLEMENTS**

**(As of January 1, 1956)**

The following Supplements are now available:

**Title 14: Part 400 to end ($1.00)**
**Titles 30 and 31 ($1.25)**
**Title 21 (Rev., 1955) ($5.50)**

Previously announced: Title 3, 1955 Supp. ($2.00); Title 7: Parts 1–209 ($1.25); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 18 ($0.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. 1, and Title 27 ($1.00); Title 32: Parts 1–399 ($0.60), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Titles 40–42 ($0.65); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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# TITLE 14—CIVIL AVIATION

## Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 1–1]

### PART 1—CERTIFICATION, IDENTIFICATION, AND MARKING OF AIRCRAFT AND RELATED PRODUCTS

#### ELIMINATION OF THE ANNUAL INSPECTION OF GENERAL AIRCRAFT

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 13th day of April 1956.

These amendments to Part 1 of the Civil Air Regulations are being made concurrently with amendments to other parts of the Civil Air Regulations in order to simplify the present procedures for the return to service of general aircraft and to permit the industry to assume more responsibility for the continued airworthiness of such aircraft.

By amendment of § 1.64, the airworthiness certificate will remain in effect as long as the maintenance provisions of Part 43 of the Civil Air Regulations are complied with. This will facilitate the procedure for returning an aircraft to service after a periodic inspection by eliminating the need for the issuance of a new airworthiness certificate by the Administrator upon the satisfactory completion of the required inspections.

Interested persons have been afforded an opportunity to participate in the making of this amendment (20 F. R. 7380), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 1 of the Civil Air Regulations (14 CFR Part 1, as amended) effective July 17, 1956.

1. By amending § 1.64 (a) to read as follows:

§ 1.64 *Duration.* (a) Unless sooner surrendered, suspended, revoked, or a termination date is otherwise established by the Board, an airworthiness certificate shall remain in effect as long as the maintenance requirements of Part 43 of this subchapter are complied with.

* * * * *

2. By redesignating §§ 1.75 and 1.76 as §§ 1.76 and 1.77, respectively, and by adding a new § 1.75 to read as follows:

§ 1.75 *Experimental - certificates; duration.* (a) An experimental certificate shall remain in effect for one year from the date of issuance or renewal, unless a shorter period is established by the Administrator.

(b) The Administrator may, from time to time, reinspect any aircraft or part thereof to ascertain whether it is in airworthy condition. The owner, operator, or bailee of the aircraft shall, upon request, make it available for such inspection.

(c) Upon suspension, revocation, or termination by order of the Board of an experimental certificate, the owner, operator, or bailee of an aircraft shall, upon request, surrender the certificate to an authorized representative of the Administrator.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 603, 52 Stat. 1007, 1009; 49 U. S. C. 551, 553)

By the Civil Aeronautics Board.[1]

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 56-3096; Filed, Apr. 19, 1956; 8:50 a. m.]

[Supp. 11]

### PART 6—ROTORCRAFT AIRWORTHINESS

#### CIRCUIT BREAKERS

The following new § 6.625–2 is added which states the position of the CAA that circuit protective devices should not be bypassed by an overriding type of control.

§ 6.625–2 *Circuit breakers (CAA policies which apply to § 6.625).* All resettable type circuit protective devices should be so designed that, when an overload or circuit fault exists, they will open the circuit irrespective of the position of the operating control.[2]

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, as amended, 1009, as amended; 49 U. S. C. 551, 553)

This supplement shall become effective May 15, 1956.

[SEAL] C. J. LOWEN, *Administrator of Civil Aeronautics.*

[F. R. Doc. 56-3069; Filed, Apr. 19, 1956; 8:45 a. m.]

[Civil Air Regs., Amdt. 18–6]

### PART 18—MAINTENANCE, REPAIR, AND ALTERATION OF AIRFRAMES, POWERPLANTS, PROPELLERS, AND APPLIANCES

#### ELIMINATION OF ANNUAL INSPECTION OF GENERAL AIRCRAFT

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 13th day of April 1956.

Currently effective Part 18 of the Civil Air Regulations establishes rules for the maintenance, repair, and alteration of certificated aircraft, sets forth the classes of persons who are authorized to perform and approve maintenance, repair, and alteration, describes the required records, and establishes a minimum standard of maintenance.

Amendments to other parts of the Civil Air Regulations being adopted concurrently with these amendments to Part 18 are intended to simplify the present procedures for the inspection and return to service of general aircraft and to assign to the industry the final responsibility for making inspections and for maintaining documentary evidence of continued airworthiness subject to such surveillance activities as the Administrator determines necessary.

These amendments set forth the persons authorized to conduct 100-hour, periodic, and progressive inspections, and those who are authorized to return the aircraft to service after such inspections. In addition, provision is made with respect to the form and disposition of periodic and progressive inspection records and the standards required in such inspections.

Interested persons have been afforded an opportunity to participate in the making of these amendments (20 F. R. 7380), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 18 of the Civil Air Regulations (14 CFR Part 18, as amended) effective July 17, 1956.

1. By amending § 18.1 (a) by adding new subparagraphs (19a), (19b), (22a), and (24a) to read as follows:

§ 18.1 *Definitions.* (a) * * *

(19a) *One-hundred-hour inspection.* A 100-hour inspection is an inspection of an aircraft required within each 100 hours of time in service and is a complete airworthiness inspection of such aircraft and its various components and systems in accordance with procedures prescribed by the Administrator.

(19b) *Periodic inspection.* A periodic inspection is an inspection of an aircraft required once each 12 calendar months and is a complete airworthiness inspection of such aircraft and its various components and systems in accordance with procedures prescribed by the Administrator.

* * * * *

(22a) *Progressive inspection.* A progressive inspection is a continuing airworthiness inspection of an aircraft and its various components and systems at scheduled intervals in accordance with procedures prescribed by the Administrator.

* * * * *

(24a) *Time in service.* Time in service, as used in computing maintenance and inspection time records, is the time from the moment an aircraft leaves the ground until it touches the ground at the end of a flight.

2. By amending § 18.11 (b) by adding a new subparagraph (7) to read as follows:

§ 18.11 *Persons authorized to approve maintenance, repairs, and alterations.* * * *

(b) *Major repairs and major alterations.* * * *

[1] Adams, Vice Chairman, dissenting.

[2] Circuit protective devices which conform to the above description are known commercially as "trip-free," that is, the tripping mechanism cannot be overridden by the operating control. Such circuit protective devices can be reset on an overload or circuit fault, but will trip subsequently in accordance with their current-time characteristics.

(7) A certificated mechanic holding both airframe and powerplant ratings when authorized by the Administrator in accordance with the provisions of Part 24 of this subchapter, if the work has been performed in accordance with a manual, specification, or other technical data approved by the Administrator.

3. By adding a new § 18.12 to read as follows:

§ 18.12 *Persons authorized to perform and approve one-hundred-hour, periodic, and progressive inspections*—(a) *One-hundred-hour inspection.* No person shall perform and approve 100-hour inspections except one of the following:

(1) Certificated mechanics who together hold airframe and powerplant ratings, or a certificated mechanic holding both such ratings; or

(2) An appropriately rated certificated repair station; or

(3) The manufacturer holding the type certificate for the aircraft and who is operating under an approved production inspection system or a production certificate.

(b) *Periodic inspection.* No person shall perform and approve periodic inspections except one of the following:

(1) A certificated mechanic holding both airframe and powerplant ratings when authorized by the Administrator in accordance with Part 24 of this subchapter; or

(2) An appropriately rated certificated repair station; or

(3) The manufacturer holding the type certificate for the aircraft and who is operating under an approved production inspection system or a production certificate.

(c) *Progressive inspection.* No person shall perform or supervise and approve progressive inspections except one of the following:

(1) A certificated mechanic holding both airframe and powerplant ratings when authorized by the Administrator in accordance with Part 24 of this subchapter; or

(2) An appropriately rated certificated repair station; or

(3) The manufacturer holding the type certificate for the aircraft and who is operating under an approved production inspection system or a production certificate.

NOTE: § 18.12 does not apply to persons engaged in the inspection and maintenance of aircraft operated in accordance with Part 40 or Part 41 or aircraft of more than 12,500 pounds maximum certificated take-off weight operated in accordance with the provisions of Part 42 of this subchapter.

4. By redesignating present § 18.23 as § 18.24 and by adding a new § 18.23 to read as follows:

§ 18.23 *Form and disposition of periodic and progressive inspection records.* A record of periodic and progressive inspections shall be entered on a form prescribed by the Administrator. Such form shall be completed and disposed of in a manner prescribed by the Administrator.

5. By amending § 18.30 by adding a new paragraph (c) to read as follows:

§ 18.30 *Standard of performance; general.* * * *

(c) *Inspections.* One-hundred-hour, periodic, and progressive inspections shall be accomplished in accordance with procedures prescribed by the Administrator.

NOTE: The reporting and/or record-keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 603, 52 Stat. 1007, 1009; 49 U. S. C. 551, 553)

By the Civil Aeronautics Board.[1]

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 56-3097; Filed, Apr. 19, 1956; 8:50 a. m.]

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[Civil Air Regs., Amdt. 24-4]

## PART 24—MECHANIC AND REPAIRMAN CERTIFICATES

### ELIMINATION OF ANNUAL INSPECTION OF GENERAL AIRCRAFT

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 13th day of April 1956.

Currently effective §§ 24.40, 24.41, and 24.42 of Part 24 of the Civil Air Regulations establish the privileges and limitations of a mechanic certificate. Such privileges, however, do not include returning aircraft to service after an annual inspection or major maintenance has been accomplished. Such privileges have heretofore been exercised by an authorized representative of the Administrator.

Amendments to other parts of the Civil Air Regulations are being adopted concurrently with these amendments to Part 24 in order to simplify the procedures for inspection and return to service of general aircraft and to assign to the industry the final responsibility for making inspections and for maintaining documentary evidence of continued airworthiness subject to such surveillance activities as the Administrator determines necessary.

The amendments herein permit certificated mechanics who together hold airframe and powerplant ratings, or a certificated mechanic holding both such ratings, to release an aircraft for service after the required 100-hour inspection has been accomplished. In addition, they establish, and provide for the issuance of, an authorization for qualified certificated mechanics which will permit them to return aircraft to service after periodic or progressive inspections or major maintenance have been accomplished.

Interested persons have been afforded an opportunity to participate in the making of these amendments (20 F. R. 7380), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 24 of the Civil Air Regulations (14 CFR Part 24, as amended) effective July 17, 1956.

1. By amending § 24.40 by adding the reference "18.12" after the reference "18.11" and by adding the reference "24.43" after the reference "24.42".

2. By amending § 24.41 by adding the following sentence at the end thereof: "In addition, he may perform the 100-hour inspection required by Part 43 of this subchapter on an airframe, or any component thereof, and may return the same to service."

3. By amending § 24.42 by adding the following sentence at the end thereof: "In addition, he may perform the 100-hour inspection required by Part 43 of this subchapter on a powerplant or propeller, or any component thereof, and may release the same to service."

4. By adding a new § 24.43 to read as follows:

§ 24.43 *Airframe and powerplant ratings.* (a) A certificated mechanic holding both airframe and powerplant ratings and having such other qualifications as the Administrator may deem appropriate, when issued an inspection authorization by the Administrator under paragraph (b) of this section, may:

(1) Inspect and return to service aircraft or aircraft components thereof (excluding aircraft operated in accordance with the provisions of Part 40 or Part 41 of this subchapter, or aircraft of more than 12,500 pounds maximum certificated take-off weight when operated in accordance with the provisions of Part 42 of this subchapter) after major repairs and major alterations have been made in accordance with the provisions of Part 18 of this subchapter; and

(2) Perform the periodic, and perform or supervise the progressive inspections required by Part 43 of this subchapter. The activities conducted under authority of this subparagraph shall be in accordance with procedures and standards prescribed by the Administrator.

(b) The Administrator shall issue an appropriate, written inspection authorization to any person qualified under paragraph (a) of this section who shall apply therefor in a manner and form specified by the Administrator.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009; 49 U. S. C. 551, 553)

By the Civil Aeronautics Board.[1]

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 56-3098; Filed, Apr. 19, 1956; 8:50 a. m.]

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[Supp. 37]

## PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

### AREA OF OPERATION

This revision eliminates the necessity of listing individually in the operations specifications each country to and from which the air carrier is authorized to conduct overseas and international operations when the air carrier has shown its capability of operating safely anywhere in the world.

Section 42.5-7 is added to read:

§ 42.5-7 *Application for worldwide operation (CAA policies which apply to § 42.5).* If the air carrier is able to show to the satisfaction of the assigned agent that it is able to conduct operations on a worldwide basis, the following phraseology should be used by the air carrier in filling out the section of the operations specifications pertaining to area of operation:

The air carrier is authorized to conduct operations between any point within the United States and any point outside thereof.

If the air carrier does not desire to conduct operations on a worldwide basis or the assigned agent finds that it is not able to do so, the specific areas to and from which operations are authorized should be listed in the operations specifications. Such listing should show the particular countries or possessions of such countries instead of continental areas. When a country or possession is comprised of a number of islands, the island group rather than the individual island should be listed.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies secs. 601, 604, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554)

This supplement shall become effective May 15, 1956.

[SEAL] C. J. LOWEN, *Administrator of Civil Aeronautics.*

[F. R. Doc. 56-3070; Filed, Apr. 19, 1956; 8:45 a. m.]

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[Civil Air Regs., Amdt. 42-7]

## PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

### ELIMINATION OF ANNUAL INSPECTION OF GENERAL AIRCRAFT

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 13th day of April 1956.

Currently effective § 42.31 (a) (2) of Part 42 of the Civil Air Regulations requires small aircraft to be maintained and inspected in accordance with a continuous maintenance and inspection system as provided for in the air carrier maintenance manual or to be given a periodic inspection each 100 hours of flight time and an annual inspection every 12 months.

Amendments are being made to Part 43 and other parts of the Civil Air Regulations concurrently with this amendment of Part 42 in order to simplify the procedures for the inspection and return to service of general aircraft, which includes small aircraft operated under Part 42. In order to bring § 42.31 (a) (2) into agreement with the inspection provisions of § 43.22 of Part 43 of the Civil Air Regulations, Part 42 is being amended to provide the owner or operator with a choice of two methods of inspection. The first requires a periodic inspection once each year by an authorized mechanic; and, in addition, requires an inspection each 100 hours of time in service. The second, or alternate method, requires the use of a system whereby the inspection may be conducted on a progressive or continuous basis.

Interested persons have been afforded an opportunity to participate in the making of these amendments (20 F. R. 7380), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 42 of the Civil Air Regulations (14 CFR Part 42, as amended) effective July 17, 1956:

By amending § 42.31 (a) (2) to read as follows:

§ 42.31 *Inspection and maintenance.* (a) * * *

(2) Small aircraft shall be inspected in accordance with the inspection provisions of Part 43 of this subchapter.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 603, 52 Stat. 1007, 1009; 49 U. S. C. 551, 553)

By the Civil Aeronautics Board.[1]

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 56-3099; Filed, Apr. 19, 1956; 8:50 a. m.]

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[Civil Air Regs., Amdt. 43-2]

## PART 43—GENERAL OPERATION RULES

### ELIMINATION OF ANNUAL INSPECTION OF GENERAL AIRCRAFT

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 13th day of April 1956.

Currently effective maintenance provisions of Part 43 of the Civil Air Regulations require owners and operators of general aircraft to maintain their aircraft in accordance with Part 18 and to have the aircraft inspected once a year by a representative of the Administrator or an appropriately certificated repair station. In addition, prior to the annual inspection, such aircraft must receive a periodic inspection conducted by an appropriately certificated mechanic or repair station. If the aircraft is used for hire, it must also receive an inspection each 100 hours of operation. The owner or operator is presently required to retain various CAA forms in addition to his aircraft and engine records.

Amendments to other parts of the Civil Air Regulations are being made concurrently with these amendments to Part 43 in order to simplify the procedures for inspection, retention of records, and return to service, of general aircraft and to assign to the industry the final responsibility for making inspections and for maintaining documentary evidence of continued airworthiness subject to such surveillance activities as the Administrator determines necessary.

Part 43 is being amended to provide the owner or operator of an aircraft with two methods of inspection. The first requires a periodic inspection once each year; and, in addition, requires a 100-hour inspection on those aircraft used for carrying passengers for hire or used for flight instruction for hire. The second, or alternate method, requires the use of a system whereby the inspection may be conducted on a progressive or continuous basis which permits a balanced or equalized workload, thus allowing increased utilization of the aircraft. An authorized representative of the Administrator is not required to return the aircraft to service after any of these inspections.

A record of the time in service of the aircraft and each engine, inspections, maintenance, compliance with mandatory notes, weight and balance record, equipment list, and a reference to major repairs and major alterations are now required to be kept in the aircraft log.

Interested persons have been afforded an opportunity to participate in the making of these amendments (20 F. R. 7380), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 43 of the Civil Air Regulations (14 CFR Part 43, as amended) effective July 17, 1956:

1. By amending § 43.20 to read as follows:

§ 43.20 *General.* No person shall operate an aircraft unless it is in an airworthy condition. Maintenance shall be performed in accordance with Part 18 of this subchapter.

2. By amending § 43.22 to read as follows:

§ 43.22 *Inspections*—(a) *Periodic and one-hundred-hour inspections.* No aircraft shall be operated, except when it carries a special flight authorization or a currently effective experimental certificate, unless within the preceding 12 calendar months it has been given a periodic inspection in accordance with the requirements of Part 18 of this subchapter and has been approved for return to service by a person authorized by Part 18 of this subchapter. Additionally, an aircraft shall not carry passengers for hire or be used for flight instruction for hire unless within each 100 hours of time in service it has been inspected in accordance with the requirements of Part 18 of this subchapter and has been approved for return to service by a person authorized in Part 18 of this subchapter: *Provided,* That this interval may be exceed by not more than 10 hours when necessary to reach a point at which the inspection may be accomplished, in which event such time must be included in the next 100-hour interval. The periodic inspection required above will be accepted as a 100-hour inspection.

(b) *Progressive inspection.* An aircraft shall be exempt from the provisions of paragraph (a) of this section if the owner or operator provides or makes arrangements for suitable procedures, personnel, and facilities for progressive inspection as prescribed by the Administrator in accordance with Part 18 of this subchapter.

(c) *Other exemptions.* An aircraft shall be exempt from the provisions of paragraphs (a) and (b) of this section if:

(1) It is an aircraft operated in accordance with the provisions of Part 40 or Part 41 of this subchapter; or

[1] Adams, Vice Chairman, dissenting.

[1] Adams, Vice Chairman, dissenting.

(2) It is an aircraft of more than 12,500 pounds maximum certificated takeoff weight and is operated in accordance with the provisions of Part 42 of this subchapter.

NOTE: Until the expiration or exchange of the currently effective airworthiness certificate, an aircraft will be operated in accordance with the provisions of § 43.22 prior to its revision. However, the owner or operator may, at his option, exchange the old certificate at any time prior to its expiration date. For the purpose of implementing this amendment, the inspection for original issuance or renewal of the airworthiness certificate may be considered equivalent to the periodic inspection required by the amended § 43.22 (a). The periodic inspection required by § 43.22 (b) prior to this amendment will be considered equivalent to a 100-hour inspection required by the amended § 43.22 (a).

3. By amending § 43.23 to read as follows:

§ 43.23 *Aircraft and engine maintenance records.* The registered owner or operator shall maintain a maintenance record in a form and manner prescribed by the Administrator which shall include a current and accurate record of the total time in service on the aircraft and on each engine, a record of inspections, and the record of maintenance required by Part 18 of this subchapter. Such records shall be:

(a) Presented for required entries each time inspection or maintenance is accomplished on the aircraft or engine,

(b) Transferred to the new registered owner or operator upon disposition of the aircraft or engine involved, and

(c) Made available for inspection by authorized representatives of the Administrator or Board.

4. By amending § 43.70 by adding, in proper alphabetical order, the following definitions:

§ 43.70 *Definitions.* • • •

*Aircraft.* An aircraft means any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air, including airframe, powerplant, propeller, and appliances.

*Maintenance.* Maintenance, which includes preventive maintenance, means the inspection, overhaul, repair, upkeep, and preservation of airframes, powerplants, propellers, and appliances, including the replacement of parts.

*Operate.* Operate means to cause or authorize the operation of aircraft, whether with or without the right of legal control (in the capacity of owner, lessee, or otherwise) of the aircraft.

*One-hundred-hour inspection.* A 100-hour inspection is an inspection of an aircraft required within each 100 hours of time in service and is a complete airworthiness inspection of such aircraft and its various components and systems in accordance with procedures prescribed by the Administrator.

*Periodic inspection.* A periodic inspection is an inspection of an aircraft required once each 12 calendar months and is a complete airworthiness inspection of such aircraft and its various components and systems in accordance with procedures prescribed by the Administrator.

*Progressive inspection.* A progressive inspection is a continuing airworthiness inspection of an aircraft and its various components and systems at scheduled intervals in accordance with procedures prescribed by the Administrator.

*Time in service.* Time in service, as used in computing maintenance and inspection time records, is the time from the moment an aircraft leaves the ground until it touches the ground at the end of a flight.

NOTE: The reporting and/or record-keeping requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009; 49 U. S. C. 551, 553)

By the Civil Aeronautics Board.[1]

[SEAL] M. C. MULLIGAN,
*Secretary.*

[F. R. Doc. 56-3100; Filed, Apr. 19, 1956; 8:50 a. m.]

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[Civil Air Regs., Amdt. 52-1]

PART 52—REPAIR STATION CERTIFICATES

ELIMINATION OF ANNUAL INSPECTION OF GENERAL AIRCRAFT

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 13th day of April 1956.

Concurrently effective § 52.22 (d) of Part 52 of the Civil Air Regulations provides that at least one of the individuals employed by a repair station holding an airframe rating shall possess experience in the methods and procedures prescribed by the Administrator for returning aircraft to service after annual inspections, and the issuance of other flight authorizations.

Currently effective § 52.41 (d) provides that one of the privileges of a certificated repair station with an airframe rating is to return the aircraft to service after annual inspection and to issue other flight authorizations in a form and manner approved by the Administrator.

These amendments to Part 52, and others being adopted concurrently to other parts of the Civil Air Regulations, are intended to simplify the procedures for inspection and return to service of general aircraft and to assign to the industry the final responsibility for making inspections and for maintaining documentary evidence of continued airworthiness subject only to such surveillance activities as the Administrator determines necessary.

These amendments will permit a certificated repair station holding an airframe rating to perform and approve 100-hour, periodic, and progressive inspections.

Interested persons have been afforded an opportunity to participate in the making of these amendments (20 F. R. 7380), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 52 of the Civil Air Regulations (14 CFR Part 52, as amended) effective July 17, 1956.

1. By amending § 52.22 (d) by deleting the words "annual inspections" and inserting in lieu thereof the words "100-hour, periodic, and progressive inspections."

2. By amending § 52.41 (d) by deleting the words "annual inspection" and inserting in lieu thereof the words "100-hour, periodic, and progressive inspections."

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009; 49 U. S. C. 551, 553)

By the Civil Aeronautics Board.[1]

[SEAL] M. C. MULLIGAN,
*Secretary.*

[F. R. Doc. 56-3101; Filed, Apr. 19, 1956; 8:50 a. m.]

[1] Adams, Vice Chairman, dissenting.

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# TITLE 19—CUSTOMS DUTIES

## Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54069]

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

POWER OF ATTORNEY

In order to provide for the execution of customs powers of attorney for corporations by any person duly authorized on its behalf for such purpose, as the practice is for many corporations in many matters, § 8.19 of the Customs Regulations is amended as follows:

Paragraph (e) is amended by substituting the following material for that part of the second sentence preceding the colon: "When a power of attorney is required for a resident corporation, it shall be executed by a person duly authorized for such purpose, and a certificate of the secretary, assistant secretary, or other corporate officer, but not the person executing the power, showing the authority of such officer or person to execute the power of attorney shall be executed under seal as follows:".

(R. S. 161, 251, sec. 624, 46 Stat. 759, 5 U. S. C. 22, 19 U. S. C. 66, 1624)

[SEAL] C. A. EMERICK,
*Acting Commissioner of Customs.*

Approved: April 13, 1956.

DAVID W. KENDALL,
*Acting Secretary of the Treasury.*

[F. R. Doc. 56-3086; Filed, Apr. 19, 1956; 8:49 a. m.]

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[T. D. 54067]

PART 19—CUSTOMS WAREHOUSES AND CONTROL OF MERCHANDISE THEREIN

MANIPULATION IN BONDED WAREHOUSES AND ELSEWHERE

In a recent decision the United States Customs Court held that where manipulation under section 562 of the Tariff Act of 1930, as amended, produced two separate articles which constitute an entirety, they are classifiable separately whether or not withdrawn for consumption under a single withdrawal.

To conform to that decision, § 19.11 (d) of the Customs Regulations is amended by substituting a period for the semicolon following "section 562" in the third sentence and by deleting the remainder of that sentence.

(Sec. 624, 46 Stat. 759; 5 U. S. C. 1624. Interprets or applies secs. 556, 562, 46 Stat. 743, 745, as amended; 19 U. S. C. 1556, 1562)

C. A. EMERICK,
*Acting Commissioner of Customs.*

Approved: April 13, 1956.

DAVID W. KENDALL,
*Acting Secretary of the Treasury.*

[F. R. Doc. 56-3084; Filed, Apr. 19, 1956; 8:48 a. m.]

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[T. D. 54068]

PART 56—EXTENSIONS OF TIME PURSUANT TO PROCLAMATION OF THE PRESIDENT UNDER SECTION 318, TARIFF ACT OF 1930

EXTENSION OF BONDS

Present regulations require that where merchandise was entered for warehouse and charged against a General Term Bond for Entry of Merchandise, or against a Blanket Smelting and Refining Bond, to obtain an extension of time pursuant to Proclamation No. 2948 of the President (3 CFR, 1951 Supp.; T. D. 52896) the agreement of the principal and sureties on the bond shall be furnished to the collector of customs and forwarded to the Bureau of Customs for approval.

It is now deemed advisable to eliminate the requirement that extension agreements relating to such bonds be forwarded to the Bureau for approval.

Accordingly, § 56.3 (d) of the Customs Regulations (T. D. 52896) is amended by deleting "and forwarded by the collector to the Bureau of Customs for approval" from the first sentence and "retention of the original in the Bureau and" from the last sentence.

(Sec. 624, 46 Stat. 759; 19 U. S. C. 1624. Interprets or applies sec. 318, 46 Stat. 696; 19 U. S. C. 1318)

C. A. EMERICK,
*Acting Commissioner of Customs.*

Approved: April 13, 1956.

DAVID W. KENDALL,
*Acting Secretary of the Treasury.*

[F. R. Doc. 56-3085; Filed, Apr. 19, 1956; 8:45 a. m.]

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# TITLE 7—AGRICULTURE

## Chapter III—Agricultural Research Service, Department of Agriculture

PART 319—FOREIGN QUARANTINE NOTICES

SUBPART—NURSERY STOCK, PLANTS, AND SEEDS

POSTENTRY QUARANTINE

On March 1, 1956, there was published in the FEDERAL REGISTER (21 F. R. 1369) under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), a notice of rule making relating to the proposed amendment of § 319.37–19 (c) of the regulations supplemental to the quarantine relating to the importation of nursery stock, plants, and seeds (7 CFR 1954 Supp. 319.37–19 (c)). After due consideration of all relevant matters presented, and under the authority of sections 5 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 159, 162), § 319.37–19 (c) is hereby amended in the following respects:

(a) There are deleted from the list of restricted plant material therein the 23 species of Rhododendron that are to be grown under postentry quarantine when imported from Europe, Japan, and Siberia.

(b) There is substituted for the deleted material the following item:

| *Plants to be grown under postentry quarantine* | *Where imported from* |
|---|---|
| Rhododendron spp., including azaleas (evergreen plants of all species and varieties; and any deciduous species or varieties in foliage). | Europe, Asia, New Zealand, and North America north of the United States-Canadian border. (If the United States Department of Agriculture acquires evidence it considers to be conclusive, indicating that the rust, Chrysomyxa ledi (Alb. & Schw.) d By. var. rhododendri (DC.) Savile (formerly known as C. rhododendri (DC.) d By.), does not occur within any country in the areas named and that it is being prevented entry therein by adequate plant quarantine measures, such plants shall be permitted entry in accordance with the provisions of § 319.37–6.) |

The purpose of this amendment is to prevent the likelihood of further introduction into the United States of the rust disease, Chrysomyxa ledi (Alb. & Schw.) d By. var rhododendri (DC.) Savile. This will be done by requiring the postentry quarantine growing of all species and varieties of evergreen rhododendrons as well as all deciduous species or varieties of rhododendrons when imported in foliage, if they are imported from the geographical areas designated in the amendment. Deciduous species or varieties not in foliage are excluded from the amendment. If the Department acquires evidence it considers to be conclusive, indicating that this rust does not occur within a country in one of the named areas and upon a finding that the rust is being prevented entry therein by adequate plant quarantine measures, provision will be made for the importation therefrom of such plants without growing under postentry quarantine but in accordance with § 319.37–6.

As a result of comments made since publication of the proposal, a qualifying clause in the amendment has been made to clarify its meaning.

(Sec. 9, 37 Stat. 318; 7 U. S. C. 162. Interprets or applies sec. 5, 37 Stat. 316; 7 U. S. C. 159)

This amendment shall become effective May 21, 1956.

Done at Washington, D. C., this 17th day of April 1956.

[SEAL] M. R. CLARKSON,
*Acting Administrator, Agricultural Research Service.*

[F. R. Doc. 56-3094; Filed, Apr. 19, 1956; 8:49 a. m.]

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## Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

**Subchapter B—Sugar Requirements and Quotas**

[Sugar Reg. 814.32, Amdt. 1]

PART 814—ALLOTMENT OF SUGAR QUOTAS

DOMESTIC BEET SUGAR AREA, 1956

*Basis and purpose.* This amendment is issued under section 205 (a) of the Sugar Act of 1948, as amended (hereinafter called the "act"), for the purpose of revising Sugar Regulation 814.32 (20 F. R. 9853), which established preliminary allotments of the 1956 sugar quota for the Domestic Beet Sugar Area.

*Omission of recommended decision and effective date.* The record of the hearing regarding the subject of this order shows that 1,560,000 tons of 1955-crop sugar will be available for marketing in 1956 and that such a quantity of sugar, along with production of sugar from 1956-crop sugar beets would result in a supply available for marketing in 1956 sufficiently in excess of the 1,800,000 short tons, raw value, quota for the area to cause disorderly marketing and prevent some interested persons from having equitable opportunities to market sugar unless the quota is allotted (R. 10, 11). The allotments established by this order differ significantly from the allotments of that quota established by Sugar Regulation 814.32. Thus, to permit the individual processors to plan their marketings within such allotments and avoid disorderly marketings, it is imperative that such allotments be in effect at the earliest possible date (R. 34, 35). Since this proceeding was instituted for the purpose of issuing allotments to prevent disorderly marketing of sugar and to afford all interested persons an equitable opportunity to market, it is hereby found that due and timely execution of the functions imposed upon the Secretary under the act imperatively and unavoidably requires omission of a recommended decision in this proceeding. It is hereby further found that compliance with the 30-day effective date requirement of the Administrative Procedure Act (60 Stat. 237), is impracticable and contrary to the public interest and, consequently, this order shall be effective when published in the FEDERAL REGISTER.

*Preliminary statement.* Section 205 (a) of the act requires the Secretary to allot a quota whenever he finds that the allotment is necessary (1) to assure an orderly and adequate flow of sugar or liquid sugar in the channels of interstate or foreign commerce, (2) to prevent the disorderly marketing of sugar or liquid sugar, (3) to maintain a continuous and

stable supply of sugar or liquid sugar, or (4) to afford all interested persons equitable opportunities to market sugar within the quota for the area. Section 205 (a) also requires that such allotment be made after such hearing and upon such notice as the Secretary may by regulation prescribe.

Pursuant to the applicable rules of practice and procedure (7 CFR 801.1 et seq.) a preliminary finding was made that allotment of the quota is necessary and a notice was published on February 25, 1956 (21 F. R. 1274) of a public hearing to be held at Washington, D. C., in Room 2W, Administration Building, of the Department of Agriculture on March 8, 1956, at 10:00 a. m., e. s. t., for the purpose of receiving evidence to enable the Secretary to establish a fair, efficient and equitable allotment of the 1956 quota for the Domestic Beet Sugar Area for the calendar year 1956 and to permit the presentation of evidence relating to the proration of area deficits or deficits in the allotment for any allottee, and the effect on allotments of certain marketings of molasses. The hearing was opened by the hearing examiner at the time and place specified in the notice of hearing and was continued by him to March 15, 1956, at 10:00 a. m., e. s. t., at the Statler-Hilton Hotel, Dallas, Texas.

*Basis for findings and conclusions.* Section 205 (a) of the act reads in pertinent part as follows:

> • • • Allotments shall be made in such manner and in such amounts as to provide a fair, efficient and equitable distribution of such quota or proration thereof, by taking into consideration the processings of sugar or liquid sugar from sugar beets or sugarcane to which proportionate shares, determined pursuant to the provisions of subsection (b) of section 302, pertained; the past marketings or importations of each such person; and the ability of such person to market or import that portion of such quota or proration thereof allotted to him. • • •

The record of the hearing indicates that prospective domestic beet sugar supplies for 1956 sufficiently exceed the quota for the Domestic Beet Sugar Area that allotment of the quota is necessary (R. 10, 11).

A representative of the industry testified that the processors named in Sugar Regulation 814.32 unanimously recommended, in the form of a stipulation (Ex. 6), a schedule of allotments for consideration of the Secretary (R. 21, 22).

The Government witness introduced for the record annual data on processings, past marketings and inventories for the period 1948 through 1955 (R. 11, 12; Ex. 5). He also submitted for the record additional data for evaluating the proposed stipulated 1956 beet sugar allotments (R. 24; Ex. 8). The data contained in Exhibit 8 indicate that the allotments as proposed in Exhibit 6 have a relationship with the statutory factors of processings, past marketings, and ability to market reflected in the data set forth in Exhibit 5. The Government witness stated that, in view of the recommended schedule of allotments, no proposal by the Government for the allotment of the quota appeared to be necessary (R. 28).

The record indicates general agreement (R. 29; Ex. 6) that the allotment of the 1956 quota should be revised without further notice and hearing to prorate any increase in the Domestic Beet Sugar Area quota arising from a deficit in another quota or any portion of an allotment which an allottee cannot market among the allottees able to supply the additional sugar on the basis of allotments to them of the quota of 1,800,000 short tons, raw value.

The Government witness proposed and all allottees agreed that a provision be incorporated in the order as follows: "If sugar beets or molasses derived from sugar beets are sold by a processor but retained and processed by such processor and the sugar or liquid sugar processed therefrom is delivered to or for the account of the buyer of the sugar beets or molasses, the marketing of such sugar or liquid sugar shall, at the time such sugar or liquid sugar is so delivered, be charged to the allotment of the processor who sold and processed such sugar beets or molasses" (R. 33; Ex. 6).

The Government witness testified that in past years, because of the acquisition of sugar beet processing facilities of one processor by another through various types of corporate action, it had been necessary to consider allowing the acquiring sugar beet processor to market sugar within all or a portion of the allotment established for the other processor and that it is desirable to formalize the manner in which such cases are handled (R. 35). He proposed that the order allotting the 1956 sugar quota for the Domestic Beet Sugar Area provide that the Director of the Sugar Division, Commodity Stabilization Service, may permit marketings to be made by one allottee, or other person, within the allotment or portion thereof established for another allottee under circumstances where one allottee relinquishes its allotment because of a merger, consolidation, sale of facilities or other action of similar effect (R. 36).

No exceptions were taken at the hearing to any of the foregoing proposals, and no written briefs, arguments or proposed findings and conclusions were filed by interested persons within the time established by the hearing examiner therefor.

*Findings and conclusions.* On the basis of the record of the hearing, I hereby find and conclude that:

(1) For the calendar year 1956 Domestic Beet Sugar Area processors will have available for marketing from 1955-crop sugar beets about 1,560,000 short tons, raw value, of sugar and probably 20 percent of the sugar from a 1956 beet crop amounting to between 1,750,000 to 1,850,000 tons would be marketed in 1956 if marketings are not restricted. Such marketings would exceed the quota for the Domestic Beet Sugar Area.

(2) The allotment of the 1956 quota for the Domestic Beet Sugar Area is necessary to prevent disorderly marketing and to afford all interested persons equitable opportunities to market sugar processed from sugar beets in that area.

(3) By taking into consideration the "processings of sugar or liquid sugar from sugar beets • • • to which proportionate shares, • • • pertained," "the past marketings," and "the ability • • • to market," of each allottee, it is found that the schedule of allotments unanimously recommended by all processors in the Domestic Beet Sugar Area and the quantities set forth in the order constitute a fair, efficient and equitable distribution of the quota of 1,800,000 short tons, raw value of sugar for that area, and meet the requirements of section 205 (a) of the act.

(4) The order shall be revised, without further notice or hearing, for the purpose of allotting any additional quota resulting from proration of deficits in the quota for other supply areas, or any deficit in the allotment for any allottee under the order, by allotting any such additional quota or deficit to allottees, who are able to supply the additional sugar, in the proportion that the respective allotments of such allottees of the quota of 1,800,000 short tons, raw value, bear to the total of such allotments of such allottees.

(5) To assure that the marketing of sugar or liquid sugar is charged against the proper allotment, it is necessary that the order provide for charges to allotments of processors who sell sugar beets, or molasses derived from sugar beets, but retain and process such sugar beets or molasses into sugar or liquid sugar for delivery to or for the account of the buyer.

(6) In order that appropriate and proper utilization of allotments may be made, it is necessary that the allotment order provide that the Director of the Sugar Division, Commodity Stabilization Service, may permit marketings to be made by one allottee, or other person, within the allotment or portion thereof established for another allottee, upon submission to him of acceptable evidence of a corporate merger, consolidation, transfer of sugar processing facilities or other action of similar effect upon the allottees or persons involved, and upon relinquishment by one of the allottees of all or a portion of its allotment.

(7) The quota for the Domestic Beet Sugar Area of 1,800,000 short tons, raw value, is equivalent to 33,644,860 one hundred pound bags of beet sugar.

*Order.* Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act, it is hereby ordered that § 814.32 be revised to read as follows:

§ 814.32 *Allotment of the 1956 sugar quota for the Domestic Beet Sugar Area*—(a) *Allotments.* The 1956 sugar quota for the Domestic Beet Sugar Area of 1,800,000 short tons, raw value, is hereby allotted to the following processors in the amounts which appear in column (1) opposite their respective names:



| Processor | Allotments | |
|---|---|---|
| | Short tons, raw value (1) | Equivalent in hundredweight refined beet sugar (2) |
| Amalgamated Sugar Co., The | 226,572 | 4,235,000 |
| American Crystal Sugar Co | 267,500 | 5,000,000 |
| Buckeye Sugars, Inc | 8,614 | 161,000 |
| Franklin County Sugar Co | 9,630 | 180,000 |
| Garden City Co., The | 9,630 | 180,000 |
| Great Western Sugar Co., The | 379,254 | 7,088,860 |
| Holly Sugar Corp | 298,530 | 5,580,000 |
| Layton Sugar Co | 8,614 | 161,000 |
| Menominee Sugar Co | 6,099 | 114,000 |
| Michigan Sugar Co | 75,435 | 1,410,000 |
| Monitor Sugar Division of Robt. Gage Coal Co | 31,244 | 584,000 |
| National Sugar Manufacturing Co., The | 4,226 | 79,000 |
| Northern Ohio Sugar Co | 23,272 | 435,000 |
| Spreckels Sugar Co | 193,938 | 3,625,000 |
| Superior Sugar Refining Co | 4,601 | 86,000 |
| Union Sugar Division of Consolidated Foods Corp | 79,180 | 1,480,000 |
| Utah-Idaho Sugar Co | 173,661 | 3,246,000 |
| Any other person | 000 | 000 |
| Total | 1,800,000 | 33,644,860 |

(b) *Marketing of sugar beets and molasses.* If sugar beets or molasses derived from sugar beets are sold by a processor but retained and processed by such processor and the sugar or liquid sugar processed therefrom is delivered to or for the account of the buyer of the sugar beets or molasses, the marketing of such sugar or liquid sugar shall, at the time such sugar or liquid sugar is so delivered, be charged to the allotment of the processor who sold and processed such sugar beets or molasses.

(c) *Transfer of allotment.* The Director of the Sugar Division, Commodity Stabilization Service, of the Department, may, consistent with the provisions and objectives of the Sugar Act, permit marketings to be made by one allottee, or other person, within the allotment or portion thereof established for another allottee upon receipt of evidence satisfactory to him of a merger, consolidation, transfer of sugar processing facilities, or other action of similar effect upon the allottees or persons involved, and upon relinquishment by one of the allottees of all or a portion of its allotment.

(d) *Restrictions on marketing.* During the calendar year 1956 each person named in paragraph (a) of this section and any other person are hereby prohibited from marketing in interstate commerce, or in competition with sugar or liquid sugar shipped, transported or marketed in interstate or foreign commerce, any sugar or liquid sugar produced from sugar beets grown in the Domestic Beet Sugar Area in excess of his allotment established in paragraph (a) of this section.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 205, 209; 61 Stat. 926, 928; 7 U. S. C. 1115, 1120)

Done at Washington, D. C., this 17th day of April 1956.

No. 77——2

Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 56-3095; Filed, Apr. 19, 1956; 8:50 a. m.]

## Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

### PART 930—MILK IN TOLEDO, OHIO, MARKETING AREA

#### ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and of the order, as amended (7 CFR Part 930), regulating the handling of milk in the Toledo, Ohio, marketing area, hereinafter referred to as the "order", it is hereby found and determined that:

(a) The following provisions of § 930.50 (a) (1) will not tend to effectuate the declared policy of the act for the period ending July 31, 1956: "the following amount for the delivery period indicated:

| Delivery period: | *Amount* |
|---|---|
| April, May and June | $0.75 |
| February, March and July | 1.00 |
| All others." | |

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof, are found to be impracticable, unnecessary, and contrary to the public interest in that:

(1) The information upon which this action is based did not become available in time sufficient for such compliance;

(2) Producers of more than 50 percent of the milk produced for this market, and handlers of most of the milk, have requested that these provisions be suspended;

(3) It is found necessary to issue and make effective this suspension order to reflect current marketing conditions and to facilitate, promote, and maintain orderly marketing conditions in this marketing area; and

(4) This suspension order does not require of persons affected substantial or extensive preparation prior to its effective date.

Therefore, good cause exists for making this order effective immediately for the period ending July 31, 1956.

*It is therefore ordered,* That the following provisions of § 930.50 (a) (1) of the order be and hereby are suspended from the effective date as provided below, through July 31, 1956: "the following amount for the delivery period indicated:

| Delivery period: | *Amount* |
|---|---|
| April, May and June | $0.75 |
| February, March and July | 1.00 |
| All others." | |

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 16th day of April 1956, to be effective on April 17, 1956.

[SEAL] EARL L. BUTZ,
*Assistant Secretary.*

[F. R. Doc. 56-3080; Filed, Apr. 19, 1956; 8:47 a. m.]

# TITLE 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

### PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

#### PESTICIDE CHEMICALS; FURTHER EXTENDED DATES ON WHICH STATUTE SHALL BECOME FULLY EFFECTIVE

Additional extensions of the date on which the pesticide amendment to the Federal Food, Drug, and Cosmetic Act (68 Stat. 511 et seq.; 21 U. S. C. 342, 346a) shall become fully effective are necessary to permit the Food and Drug Administration to process petitions received and to permit additional data to be secured in support of some petitions for tolerances or exemptions from the requirement of tolerances for residues that remain from post-harvest application of certain pesticide chemicals to raw agricultural commodities.

In exercise of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 402 (a) (2), 408; 68 Stat. 511, 517 (Ch. 559, Secs. 2, 5); 21 U. S. C. 342 (a) (2) and note 1 under section 342, 346a) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), the following order is promulgated:

Section 3.44 *Pesticide chemicals; further extended dates on which statute shall become fully effective,* published in the FEDERAL REGISTER on December 20, 1955 (21 CFR 3.44; 20 F. R. 9553), as amended (20 F. R. 9884; 21 F. R. 443, 1172, 1463, 2327) is further amended by inserting, in proper alphabetical order, in subparagraph (6) *Effective date July 22, 1956,* of paragraph (a), new items as follows:

Allethrin: On livestock as a fly spray. (Extended from March 1, 1956. See subparagraph (2) of this paragraph.)

Piperonyl butoxide: On livestock as a fly spray; on stored raw agricultural commodities as follows: Almonds, beans, cocoa beans, copra, grain sorghum, peanuts, peas, walnuts. (Extended from March 1, 1956. See subparagraph (2) of this paragraph.)

Pyrethrins: On livestock as a fly spray; on stored raw agricultural commodities as follows: Almonds, beans, cocoa beans, copra, grain sorghum, peanuts, peas, walnuts. (Extended from March 1, 1956. See subparagraph (2) of this paragraph.)

Diphenyl: In citrus. (Extended from April 22, 1956. See subparagraph (3) of this paragraph.)

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies secs. 402, 408, 68 Stat. 511, 517)

Dated: April 13, 1956.

[SEAL] JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F. R. Doc. 56-3072; Filed, Apr. 19, 1956; 8:45 a. m.]

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

PESTICIDE CHEMICALS; RESIDUES OF PESTICIDES IN OR ON RAW AGRICULTURAL COMMODITIES FOR WHICH EXTENSION OF EFFECTIVE DATE HAS EXPIRED

Under the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 408, 701, 52 Stat. 1055, 68 Stat. 511; 21 U. S. C. 346a, 371) and pursuant to the authority delegated to him by the Secretary of Health, Education, and Welfare (20 F. R. 1996), the Commissioner of Food and Drugs issues the following statement of policy for the purpose of clarifying the status of foods bearing residues for which the effective date of the statute (supra) has been extended:

§ 3.46 *Pesticide chemicals; residues of pesticides in or on raw agricultural commodities for which extension or effective date has expired.* Use prior to July 22, 1956, of a pesticide chemical for which extension is granted may yield a raw agricultural commodity that bears residues of the chemical. In such case, the raw agricultural commodity will not be considered as adulterated within the meaning of the Federal Food, Drug, and Cosmetic Act even though it is marketed after July 22, 1956, provided the commodity bearing such residues would have been legal in interstate commerce in 1956, prior to July 22.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: April 13, 1956.

[SEAL] JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F. R. Doc. 56-3071; Filed, Apr. 19, 1956; 8:45 a. m.]

## TITLE 23—HIGHWAYS

### Chapter I—Bureau of Public Roads, Department of Commerce

PART 1—REGULATIONS UNDER THE FEDERAL-AID ROAD ACT OF JULY 11, 1916, AS AMENDED AND SUPPLEMENTED

RAILWAY-HIGHWAY CROSSING PROJECTS

Section 1.14 (a) of the regulations under the Federal-Aid Road Act of July 11, 1916, as amended and supplemented, published and effective July 27, 1954, is hereby amended to read as follows, effective upon publication in the FEDERAL REGISTER:

§ 1.14 *Railway-highway crossing projects.* (a) Before a project for the elimination of hazards at a railway-highway crossing shall be approved for construction, either (1) an agreement shall have been entered into between the State highway department and the railroad concerned; or (2) an order authorizing the project shall have been issued by the State public utility commission. Such agreement or order shall contain provisions covering construction, maintenance, and railroad contributions relating to the project, which conform to, and are not inconsistent with, the policies, classifications of projects and procedures prescribed by the Commissioner.

(Sec. 18, 42 Stat. 216; 23 U. S. C. 19)

Recommended:

C. D. CURTISS,
*Commissioner of Public Roads.*

Issued:

[SEAL] SINCLAIR WEEKS,
*Secretary of Commerce.*

[F. R. Doc. 56-3083; Filed, Apr. 19, 1956; 8:48 a. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

### [ 43 CFR Parts 192, 201 ]

OIL AND GAS LEASES AND LEASES COVERING MINERAL DEPOSITS IN THE OUTER CONTINENTAL SHELF

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that, pursuant to the authority vested in the Secretary of the Interior by the act of February 25, 1920 (41 Stat. 437; 30 U. S. C., sec. 181, et seq.) as amended and supplemented, and also the act of August 7, 1953 (67 Stat. 462; 30 U. S. C., sec. 1331, et seq.), it is proposed to revise 43 CFR 192.100 (e) and 43 CFR 201.50, as hereinafter set forth.

Interested parties may submit in triplicate written comments and suggestions with respect to these amendments to the Director, Bureau of Land Management, Washington 25, D. C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Dated: April 16, 1956.

CLARENCE A. DAVIS,
*Acting Secretary of the Interior.*

1. Section 192.100 (e) is amended to read as follows:

§ 192.100 *Amount of bonds required of lessee.* • • •

(e) In lieu of bonds required under any of the preceding paragraphs the holder of leases or of operating agreements approved by the Department or holder of operating rights by virtue of being designated operator or agent by the lessees pending departmental approval of operating agreements, may furnish a bond the amount of which must be $150,000 for full nationwide coverage under both the Mineral Leasing Act and the Mineral Leasing Act for Acquired Lands of 1947 (61 Stat. 1913; 30 U. S. C. 351–369), or at the rate of $25,000 for each unit of coverage. A unit of coverage shall be all the lands in any one State or Territory held by the principal under either the Mineral Leasing Act or the Mineral Leasing Act for Acquired Lands. Coverage under both acts in one State or Territory constitutes two units. In lieu of a surety bond a personal bond in a like amount may be given by the obligor with the deposit as security therefor of negotiable bonds of the United States of a par value equal to the amount specified in the bond. Whereupon a default, the surety makes payment to the Government of any indebtedness due under a lease, the face amount of the surety bond and the surety's liability thereunder shall be reduced by the amount of such payment. Thereafter, upon penalty of cancellation of all of the leases covered by such bond the principal shall post a new nationwide bond in the amount of $150,000 or a unit bond, as the case may be, within 6 months after notice, or within such shorter period as the authorized officer of the Bureau of Land Management may fix. However, in lieu thereof, the principal may within that time file separate bonds for each lease. The provisions of this paragraph may be made applicable to any nationwide or unit bond in force at the time of the approval of the amendment of this paragraph by filing in the appropriate land office a written consent to that effect and an agreement to be bound by the provisions hereof executed by the principal and the surety. Upon receipt thereof the bond will be deemed to be subject to the provisions of this paragraph.

2. Section 201.50 is amended to read as follows:

§ 201.50 *Amount of bond required of lessee.* The successful bidder prior to the issuance of an oil and gas or sulphur lease must furnish a corporate surety bond in the sum of $15,000 conditioned on compliance with all of the terms of the lease, unless he already maintains or furnishes a bond in the sum of $100,000 conditioned on compliance with the terms of oil and gas and sulphur leases held by him on the Outer Continental Shelf in the (a) Gulf of Mexico, (b) along the Pacific Coast, or (c) along the Atlantic Coast, as may be appropriate. An operator's bond in the same amount may be substituted at any time for the lessee's bond. The United States reserves the right to require additional security in the form of a supplemental bond or bonds or to increase the coverage of an existing bond if, after operations or production have begun, such additional security is deemed necessary. The amount of bond coverage on leases for other minerals will be determined at the time of the offer to lease and will be stated in the notice of lease offer. Whereupon a default, the surety on an Outer Continental Shelf Mineral Lease Bond (Form 4–1258) makes payment to the Government of any indebtedness under a lease secured thereby, the face amount of such bond and the surety's liability thereunder shall be reduced by the amount of such payment. Thereafter, upon penalty of cancellation of all of the leases covered by such bond, the principal shall post a new bond on Form 4–1258 in the amount of $100,000 within 6 months after notice, or within such shorter period as the authorized officer of the Bureau of Land Management may fix. However, in lieu thereof, the principal may within that time file separate bonds for each lease. The provisions of this section may be made applicable to any bond on Form 4–1258 in force at the time of the approval of the amendment of this section by filing in the local office of the Bureau of Land Management in New Orleans, Louisiana, a written consent to that effect and an agreement to be bound by the provisions hereof executed by the principal and surety. Upon receipt thereof the bond will be deemed to be subject to the provisions of this section.

[F. R. Doc. 56-3074; Filed, Apr. 19, 1956; 8:46 a. m.]



## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### [ 7 CFR Parts 908, 918, 923, 976, 978, 988 ]

[Docket Nos. AO–184–A13, AO–243–A2, AO–237–A4, AO–219–A6, AO–251–A2, AO–195–A8]

MILK IN NASHVILLE, TENN., CENTRAL ARKANSAS, FORT SMITH, ARK., MEMPHIS, TENN., APPALACHIAN, KNOXVILLE, TENN.

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENTS AND TO ORDERS, AS AMENDED

Notice is hereby given of a joint public hearing to be held at County Court Room, Davidson County Court House, Nashville, Tennessee, beginning at 10:00 a. m., April 24, 1956, for the purpose of receiving evidence with respect to economic and emergency conditions which relate to the marketing of milk in each of the marketing areas hereinafter specified and to appropriate amendments of the Class I price provisions of the respective tentative marketing agreements heretofore approved by the Secretary of Agriculture and to the orders, now in effect, regulating the handling of milk in such marketing areas. More specifically, consideration will be given to (1) the nature, scope and similarity of price problems affecting producers, (2) determine whether or not such problems tend to disrupt the orderly marketing of milk, or constitute a threat to the adequacy of supplies of pure and wholesome milk, and (3) consider whether or not temporary, emergency price relief is necessary to promote orderly marketing. The hearing is called pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.) and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

A substantial number of communications and requests for price action received by the Department from milk producer groups and recent conferences held with representative leaders of cooperative organizations of producers who supply the fluid milk markets hereinafter set forth have represented the seriousness of conditions facing fluid milk producers at the present time which it is alleged are tending to disrupt the orderly marketing of fluid milk and threaten milk supplies.

The following market areas and order provisions are covered by this hearing notice:

*Market Area; Part (Order) No.; Order Provisions; Docket No.*

Nashville, Tenn; 978; § 978.51 (a); AO–184–A13.
Central Ark.; 908; § 908.51 (a); AO–243–A2.
Fort Smith, Ark.; 976; § 978.51 (a); AO–237–A4.
Memphis, Tenn.; 918; § 918.51 (a); AO–219–A6.
Appalachian; 923; § 923.51 (a); AO–251–A2.
Knoxville, Tenn.; 988; § 988.51 (a); AO–195–A8.

Copies of this notice of hearing may be procured from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or from the Dairy Division, Agricultural Marketing Service, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: April 17, 1956.

[SEAL] F. R. BURKE,
*Acting Deputy Administrator.*

[F. R. Doc. 56-3107; Filed, Apr. 19, 1956; 8:51 a. m.]

### [ 7 CFR Parts 987, 1004 ]

[Docket Nos. AO–252–A3 and AO–271–A1]

MILK IN CENTRAL MISSISSIPPI AND CENTRAL ARIZONA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENTS AND TO ORDERS, AS AMENDED

Notice is hereby given of a joint public hearing to be held concurrently with other Federal order milk hearings, notice of which was issued April 16, 1956, at the Lower Colorado River Authority Building, 3700 Lake Austin Boulevard, Austin, Texas, beginning at 10:00 a. m., April 24, 1956, for the purpose of receiving evidence with respect to economic and emergency conditions which relate to the marketing of milk in each of the marketing areas hereinafter specified and to appropriate amendments of the Class I price provisions of the respective tentative marketing agreements heretofore approved by the Secretary of Agriculture and to the orders, now in effect, regulating the handling of milk in such marketing areas. More specifically, consideration will be given to (1) the nature, scope, and similarity of price problems affecting producers, (2) determine whether or not such problems tend to disrupt the orderly marketing of milk, or constitute a threat to the adequacy of supplies of pure and wholesome milk, and (3) consider whether or not temporary, emergency price relief is necessary to promote order marketing. The hearing is called pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.) and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

A substantial number of communications and requests for price action received by the Department from milk producer groups and recent conferences held with representatives of cooperative organizations of producers who supply the fluid milk markets hereinafter set forth have represented the seriousness of conditions facing fluid milk producers at the present time which it is alleged are tending to disrupt the orderly marketing of fluid milk and threaten milk supplies.

The following market areas and order provisions are covered by this hearing notice:

*Market Area; Part (Order) No.; Order Provisions; Docket No.*

Central Miss.; 987; § 987.51 (a); AO–252–A3.
Central Ariz.; 1004; § 1004.51 (a); AO–271–A1.

Copies of this notice of hearing may be procured from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or from the Dairy Division, Agricultural Marketing Service, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: April 17, 1956.

[SEAL] F. R. BURKE,
*Acting Deputy Administrator.*

[F. R. Doc. 56-3108; Filed, Apr. 19, 1956; 8:51 a. m.]

## INTERSTATE COMMERCE COMMISSION

### [ 49 CFR Parts 73, 78 ]

[Docket No. 3666; Supplemental Notice 24]

EXPLOSIVES AND OTHER DANGEROUS ARTICLES

NOTICE OF EXTENSION OF TIME FOR SUBMISSION OF WRITTEN DATA, VIEWS, OR ARGUMENTS

APRIL 11, 1956.

In the matter of regulations for the transportation of explosives and other dangerous articles.

The Commission is in receipt of applications for extending the time for submission of written data, views, or arguments relating to the proposed amendments to the above-entitled regulations

as set forth in Notice No. 24 dated February 23, 1956 which provided for submission of such data, views or arguments on or before April 2, 1956.

Consideration has been given to these applications for additional time as well as to the volume and technical nature of the proposals and, accordingly, the time for making the submissions is hereby extended until May 15, 1956.

Notice to the general public will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection, and by filing a copy of the notice with the Director, Division of the Federal Register.

(Sec. 204, 49 Stat. 546, as amended, sec. 835, 62 Stat. 739; 49 U. S. C. 304, 16 U. S. C. 835)

By the Commission.

HAROLD D. McCOY,
*Secretary.*

[F. R. Doc. 56-3077; Filed, Apr. 19, 1956; 8:47 a. m.]

# NOTICES

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

OREGON

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

APRIL 13, 1956.

The Bureau of Land Management has filed an application, Serial No. Oregon 04914, for the withdrawal of the lands described below, from all forms of appropriation under general mining laws, subject to valid existing rights.

The applicant desires the land for a source of hard rock to be used for surfacing and maintenance of the upper Siuslaw and Oxbow timber access roads.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 1001 Lloyd Blvd., P. O. Box 3861, Portland 8, Oregon.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WILLAMETTE MERIDIAN, OREGON

T. 19 S., R. 6 W.,
Sec. 17: NW¼NE¼, N½NW¼, SE¼NE¼.
Lane County—160 acres.

VIRGIL T. HEATH,
*State Supervisor.*

[F. R. Doc. 56-3073; Filed, Apr. 19, 1956; 8:46 a. m.]

### Office of Territories

[Order 1]

ALASKA ROAD COMMISSION

REDELEGATION OF AUTHORITY

APRIL 11, 1956.

SECTION 1. *Delegation.* The Deputy Director of the Office of Territories, the Assistant Director, Alaskan Affairs, Office of Territories, and the Director, Alaska Road Commission, are severally authorized to exercise the authority delegated by the Secretary of the Interior to the Director, Office of Territories in Order No. 2813 (21 F. R. 2447) with respect to the construction and maintenance of roads, tramways, ferries, bridges and trails, and other similar works in the Territory of Alaska. That authority does not include authority to:

(a) Take action on any matter covered by a delegation from the Secretary of the Interior to the head of each bureau, such as authority to authorize the publication of advertisements, notices, or proposals; authority with respect to personnel management; and authority with respect to contracts for construction, supplies, or services;

(b) Distribute in a manner or to an extent other than as provided by section 3 of that order, the duties and authority conferred by the act of June 30, 1932 (47 Stat. 446, 48 U. S. C., 321a et seq);

(c) Make rules and regulations governing the use of roads, trails, and other works, including the fixing and collection of tolls as provided by section 3 of the act of June 30, 1932, supra; and

(d) Acquire any interest in property by condemnation.

SEC. 2. *Redelegation.* The Director, Alaska Road Commission, may in writing redelegate the authority granted to him in this order to any officer or employee of the Alaska Road Commission.

ANTHONY T. LAUSI,
*Director, Office of Territories.*

[F. R. Doc. 56-3075; Filed, Apr. 19, 1956; 8:46 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3850]

AXE SCIENCE & ELECTRONICS CORP.

NOTICE OF APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

APRIL 16, 1956.

In the matter of Axe Science & Electronics Corporation, Capital Stock, File No. 1-3850.

The above named issuer, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to withdraw the specified security from listing and registration on the American Stock Exchange.

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The issuer is registered as a management, open-end investment company under the Investment Company Act of 1940. Its shares are presently redeemable at 99 percent of liquidating value. Its Board of Directors on March 21, 1956 authorized initiation of a continuous public offering of its shares through a principal underwriter at prices based on current net asset value plus a sales charge. It is stated to be inconsistent with such a continuous offering to maintain trading on a securities exchange and the applicant's Board of Directors accordingly has authorized withdrawal of its shares from listing on the American Stock Exchange and from registration under the Securities Exchange Act of 1934. The American Stock Exchange has stated that it will not appear in opposition thereto. The continuous offering and other matters are to be voted upon at the issuer's annual meeting on May 2, 1956.

Upon receipt of a request, on or before May 2, 1956, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Echange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 56-3079; Filed, Apr. 19, 1956; 8:47 a. m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[P. & S. Docket No. 435]

MARKET AGENCIES AT UNION STOCK YARDS, DENVER, COLO.

NOTICE OF PETITION FOR MODIFICATION OF RATE ORDER

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued on June 30, 1955 (14 A. D. 472), continuing in effect to and including July 31, 1956, the order of July 20, 1954 (13 A. D. 688), which authorized the respondents to put into effect and assess the current schedule of rates and charges.

On April 9, 1956, respondents filed a petition requesting authority to file and put into effect a supplement to the current schedule of rates and charges modifying Article 3 of such schedule, entitled Extra Service Charges, by adding a new Section F to provide for "a service charge on * * * breeding animals during the National Western Stock Show consigned to market agencies for sale and returned to owners unsold as follows:

| | *Per head* |
|---|---|
| Purebred or registered bulls | $5.00 |
| Purebred or registered cows or heifers | 3.00" |

The modifications, if authorized, will produce additional revenue for the respondent market agencies and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days from the date of publication of this notice.

Done at Washington, D. C., this 16th day of April 1956.

[SEAL] H. E. REED,
*Director, Livestock Division, Agricultural Marketing Service.*

[F. R. Doc. 56-3092; Filed, Apr. 19, 1956; 8:49 a. m.]

WAGNER LIVESTOCK SALES CO.

POSTING OF STOCKYARD

The Secretary of Agriculture has information that the Wagner Livestock Sales Co., Wagner, South Dakota, is a stockyard as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of that act.

Therefore, notice is hereby given that the Secretary of Agriculture proposes to issue a rule designating the stockyard named above as a posted stockyard subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), as is provided in section 302 of that act. Any interested person who desires to do so may submit, within 15 days of the publication of this notice, any data, views or arguments, in writing, on the proposed rule to the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C., this 17th day of April 1956.

[SEAL] H. E. REED,
*Director, Livestock Division, Agricultural Marketing Service.*

[F. R. Doc. 56-3093; Filed, Apr. 19, 1956; 8:49 a. m.]



## CIVIL AERONAUTICS BOARD

[Docket No. 7863]

LINEAS AEREAS DE NICARAGUA, S. A.

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of Lineas Aereas de Nicaragua, S. A., for a foreign air carrier permit authorizing it to engage in foreign air transportation of persons, property and mail between the terminal points Managua, Nicaragua and Miami, Florida, via the intermediate points Guatemala City, Guatemala and San Salvador, El Salvador.

Notice is hereby given that a prehearing conference in the above-entitled application is assigned to be held on April 30, 1956, at 10:00 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue, NW., Washington, D. C., before Examiner John A. Cannon.

Dated at Washington, D. C., April 16, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56-3102; Filed, Apr. 19, 1956; 8:50 a. m.]

## INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 17, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT-HAUL

FSA No. 31967: *Potatoes—Maine and Canada to East Petersburg, Pa.* Filed jointly by C. W. Boin and O. E. Swenson, Agents, for interested rail carriers. Rates on potatoes (Irish), carloads from specified points in Maine and in New Brunswick, Canada, carloads to East Petersburg, Pa.

Grounds for relief: Circuitous routes.

Tariff: Supplement 34 to Agent Swenson's I. C. C. 611.

FSA No. 31968: *Roofing and building material between Memphis, Tenn., and New Orleans, La.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on roofing and building materials, carloads between Memphis, Tenn., on one hand, and New Orleans, La., on the other.

Grounds for relief: Circuitous routes.

Tariff: Agent Spaninger's I. C. C. 1532.

FSA No. 31969: *Roofing and building material—St. Louis, Mo., Group, to New Orleans, La.* Filed by Southern Railway Company, for itself and other interested rail carriers. Rates on roofing and building material, carloads from East St. Louis, Ill., and St. Louis, Mo., to New Orleans, La.

Grounds for relief: Circuitous route.

Tariff: Agent Spaninger's I. C. C. 1532.

FSA No. 31970: *Clay, kaolin and pyrophyllite in Southern Territory.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on clay, kaolin, and pyrophyllite, carloads from specified points in Alabama, Florida, Georgia, North Carolina and South Carolina to Huber, Ga., Cherry Point, N. C., and Etowah, Tenn.

Grounds for relief; Short-line distance formula and circuity.

Tariff: Supplement 28 to Agent Spaninger's I. C. C. 1491.

FSA No. 31971: *Commodities, from, to, and between the South.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on acids and other commodities, in carloads, as described in exhibit A of the application from specified points in southern and official territories to specified points in southern and official territories.

Grounds for relief: Carrier competition and circuity.

FSA No. 31972: *Commodities in Official Territory.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on magazines, periodicals, parts or sections, and newspaper supplements, carloads, also scrap sponge or foam rubber, carloads from specified points in Kentucky and Ohio to specified points in New York, Pennsylvania, and Rhode Island.

Grounds for relief: Carrier competition and circuity.

FSA No. 31973: *Commodities from and to points in the Southwest.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on crude rubber, chemicals, and other commodities, carloads, as described in exhibit A of the application, from specified points in Florida, Georgia, Louisiana, Missouri, North Carolina, Ohio and Texas to specified points in southern, southwestern and official territories.

Grounds for relief: Carrier competition and circuity.

FSA No. 31974: *Automobile parts—South Bend, Ind., to Buffalo, N. Y.* Filed by The Chicago South Shore and South Bend Railroad and the Wabash Railroad Company. Rates on automobile parts, carloads from South Bend, Ind., to Buffalo, N. Y., and Detroit, Mich.

Grounds for relief: Circuitous routes.

Tariff: Supplement 16 to Chicago South Shore and South Bend Railroad tariff I. C. C. No. 193.

FSA No. 31975: *Liquefied petroleum gas, from Maryneal, Tex.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on liquefied petroleum gas, natural gasoline or iso-pentane, carloads from Maryneal, Tex., to specified points in Arkansas, Kansas, Louisiana, Missouri and Oklahoma.

Grounds for relief: Short-line distance formula grouping, and circuity.

Tariff: Supplement 79 to Agent Kratzmeir's I. C. C. 4086.

FSA No. 31976: *Manganese ore—Carrollton, Ohio, to Jackson, Tenn.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on manganese ore, carloads from Carrollton, Ohio, to Jackson, Tenn.

Grounds for relief: Circuitous routes.

Tariff: Supplement 23 to Agent Hinsch's I. C. C. 4664.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56-3076; Filed, Apr. 19, 1956; 8:47 a. m.]

## DEPARTMENT OF JUSTICE

### Office of Alien Property

DOMENICA GALLINATTI ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Domenica Gallinatti, Agile Canavese, Torino, Italy; Secondo Allaria, Agile Canavese, Torino, Italy; and Natalina Allaria Kalliris, Box 169, Route 1, La Mesa, California; Claim No. 45887, Vesting Order No. 2548; to each of the claimants, Domenica Gallinatti and Secondo Allaria, an undivided four-ninths (4/9) part of the real property described in Vesting Order No. 2548 (8 F. R. 16470, December 7, 1943) and known as 1030 Seventeenth Street, Merced, California, and a four-ninths (4/9) interest in the sum of $3,229.39 in the Treasury of the United States.

To Natalina Allaria Kalliris an undivided one-ninth (1/9) part of the real property referred to above, and a one-ninth (1/9) interest in the sum of $3,229.39 in the Treasury of the United States.

Executed at Washington, D. C., on April 13, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-3090; Filed, Apr. 19, 1956; 8:49 a. m.]

IDA BISIO AND LINA BONO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Ida Bisio, nee Molinari, Cassano Spinola, Alessandria, Italy, Claim No. 42580; and Lina Bono, nee Molinari, Novi Ligure, Alessandria, Italy, Claim No. 42581; to Ida Bisio $758.15 and to Lina Bono $758.07 in the Treasury of the United States.

To each claimant one-half of the following property: 2 shares of common stock of Bank of America National Trust and Savings Association, California, evidenced by Certificates Nos. 90163 and N6140, each for one share, and 5 shares of common stock of Transamerica Corporation, evidenced by Certificate No. 56011. The Certificates are in the custody of the Federal Reserve Bank of New York.

Vesting Order No. 2283.

Executed at Washington, D. C., on April 13, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-3088; Filed, Apr. 19, 1956; 8:49 a. m.]

STATE OF THE NETHERLANDS FOR THE BENEFIT OF WILLEM BENDIEN ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

The State of the Netherlands for the benefit of: All right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to:

Willem Bendien, L. S. Claim No. 22; Central Pacific Railway Company 4/49 Bond No. 79125, in the principal amount of $1,000; and Southern Pacific Railroad Company 4/55 Bond No. 17846, in the principal amount of $1,000.

Elizabeth Hijman and Paul Stibbe, L. S. Claim No. 45; Cities Service Company 5/58 Debenture Nos. 4972 and 24569, in the principal amount of $1,000 each.

Jacob Jacobson, L. S. Claim No. 49; Cities Service Company 5/58 Debenture No. 10574, in the principal amount of $1,000.

Isaak Kisch and Rebecca Kisch, L. S. Claim No. 50; Cities Service Company 5/58 Debenture No. 11081, in the principal amount of $1,000; and Missouri-Kansas-Texas Railway Company 4/90 Bond No. 29267, in the principal amount of $1,000.

M. van de Rijn, nee Rozenberg, L. S. Claim No. 53; Cities Service Company 5/69 Debenture No. 43384, in the principal amount of $1,000; and Cities Service Company 5/58 Debenture No. 4605, in the principal amount of $1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on April 13, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-3087; Filed, Apr. 19, 1956; 8:49 a. m.]

ROSE VON SEYDLITZ-KURZBACH

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Mrs. Rose von Seydlitz-Kurzbach, Viktoriastrasse 2, Bad Woerishofen, Bayern, Germany; Claim No. 39437, Vesting Order No. 4702; all right, title, interest and claim of any kind or character whatsoever of Rose von Seydlitz-Kurzbach in and to the trust established under the will of Oscar Heisler, deceased, such property being in the process of administration by City Bank Farmers Trust Company, as trustee, acting under the judicial supervision of the Supreme Court, Richmond County, State of New York.

Executed at Washington, D. C., April 13, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-3089; Filed, Apr. 19, 1956; 8:49 a. m.]


# FEDERAL REGISTER

VOLUME 21 NUMBER 78

Washington, Saturday, April 21, 1956


UNIVERSITY OF MICHIGAN
APR
MAIN READING ROOM

## TITLE 3—THE PRESIDENT

### PROCLAMATION 3133

NATIONAL MARITIME DAY, 1956

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS American merchant ships are continuing to serve in their historic role of linking this Nation with its neighbors across the seas by means of trade and commerce; and

WHEREAS the continuance of trade between the United States and the other free nations of the world is vital to peace and prosperity; and

WHEREAS the Congress by a joint resolution approved May 20, 1933 (48 Stat. 73), designated May 22 as National Maritime Day, thus honoring our Merchant Marine by commemorating the departure from Savannah, Georgia, on May 22, 1819, of the *Savannah* on the first transoceanic voyage by any steamship, and requested the President to issue a proclamation annually calling for the observance of that day:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby urge the people of the United States to honor our Merchant Marine on Tuesday, May 22, 1956, by displaying the flag of the United States at their homes or other suitable places; and I direct the appropriate officials of the Government to arrange for the display of the flag on all Government buildings on that day. I also request that all ships sailing under the American flag dress ship on Tuesday, May 22, in tribute to our Merchant Marine.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this eighteenth day of April in the year of our Lord nineteen hundred and fifty-six, and of the Independence of the United States of America the one hundred and eightieth.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES, *The Secretary of State.*

[F. R. Doc. 56-3188; Filed, Apr. 20, 1956; 10:58 a. m.]

## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES

Effective upon publication in the FEDERAL REGISTER, paragraph (a) of § 6.150 is revoked.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL, *Executive Assistant.*

[F. R. Doc. 56-3127; Filed, Apr. 20, 1956; 8:49 a. m.]

## TITLE 6—AGRICULTURAL CREDIT

### Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

PART 430—DAIRY PRODUCTS

SUBPART—MILK AND BUTTERFAT PRICE SUPPORT PROGRAM

The program heretofore announced to support prices to producers for milk and butterfat for the marketing year April 1956–March 1957 (21 F. R. 2229, 2557) through purchases by Commodity Credit Corporation (CCC) of dairy products as provided therein is hereby amended effective on the date of filing hereof to read as follows:

§ 430.190 *Price support program for milk and butterfat.* (a) The general levels of prices to producers for milk and butterfat will be supported during the marketing year April 1956–March 1957 at $3.25 per hundredweight for manufacturing milk of 3.95 percent butterfat (yearly average test) and 58.6 cents per pound of butterfat.

(b) (1) Price support for milk and butterfat will be through purchases by CCC of butter, nonfat dry milk solids and Cheddar cheese offered by manufacturers and handlers, subject to terms and conditions of purchase announce-

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FEDERAL REGISTER

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**CFR SUPPLEMENTS**

**(As of January 1, 1956)**

**The following Supplements are now available:**

**Title 14: Part 400 to end ($1.00)**
**Title 19 ($0.50)**
**Titles 30 and 31 ($1.25)**
**Title 21 (Rev., 1955) ($5.50)**

*Previously announced:* Title 3, 1955 Supp. ($2.00); Title 7: Parts 1–209 ($1.25); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 18 ($0.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. 1, and Title 27 ($1.00); Title 32: Parts 1–399 ($0.60), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Titles 40–42 ($0.65); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

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ments issued by the Livestock and Dairy Division, Commodity Stabilization Service, U. S. Department of Agriculture, Washington 25, D. C. CCC will consider offers of such products at the following prices, in cents per pound:

| Commodity | Description | Market location | Produced before Apr. 1, 1956 | Produced on or after Apr. 1, 1956 |
|---|---|---|---|---|
| Butter | U. S. Grade A or higher | Chicago | 57.5 | 59.5 |
| | do | San Francisco | 57.5 | 59.5 |
| | do | Seattle | 57.5 | 59.5 |
| | do | New York [1] | 58.25 | 60.25 |
| | U. S. Grade B or higher | Chicago | 55.5 | 57.5 |
| | | San Francisco | 55.5 | 57.5 |
| | do | Seattle | 55.5 | 57.5 |
| | do | New York [1] | 56.25 | 58.25 |
| Cheddar cheese | U. S. Grade A or higher, standard moisture basis. | United States | 33.25 | 35.00 |
| Nonfat drymilk solids | Spray process: | | | |
| | Barrels and drums | do | 16.00 | 16.00 |
| | Bags | do | 15.15 | 15.15 |
| | Roller process: | | | |
| | Barrels and drums | do | 14.25 | 14.25 |
| | Bags | do | 13.40 | 13.40 |

[1] New York shall be deemed to include Jersey City, N. J.

(2) Offers to sell butter at any point other than the four markets designated in this paragraph will be considered at the price set forth in this paragraph for the designated market named by the seller, less 80 percent of the lowest published domestic railroad carlot freight rate per pound gross weight from such point to such designated market.

(3) For the purpose of applying the foregoing prices with respect to cheese, cheese will be deemed to have been produced on or after April 1, 1956 if it was removed from the vat on or after that date.

(4) For cheese offered on a "dry" basis the price in cents per pound shall be that indicated below under the columns for the applicable price, "standard moisture" basis, according to the percentage of moisture.

| Percent moisture | 33.25 | 35.00 |
|---|---|---|
| 37.3 to 37.7 | 34.07 | 35.86 |
| 36.8 to 37.2 | 34.34 | 36.15 |
| 36.3 to 36.7 | 34.61 | 36.43 |
| 35.8 to 36.2 | 34.89 | 36.72 |
| 35.3 to 35.7 | 35.16 | 37.01 |
| 34.8 to 35.2 | 35.43 | 37.30 |
| 34.3 to 34.7 | 35.70 | 37.58 |
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(c) The butter shall be creamery butter of U. S. Grade B or higher. The nonfat dry milk solids shall be U. S. Extra Grade (except that maximum moisture content shall be 3½ percent). The Cheddar cheese shall be U. S. Grade A or higher.

(d) The foregoing prices are applicable to purchases of commodities packaged as follows:

(1) Butter packaged in accordance with specifications set forth in Announcement LD–15 and Supplements thereto dated May 13, 1955 and July 13, 1955.

(2) Cheese packaged in accordance with cheese box specifications Form Da–270, as revised April 1, 1954, and Supplement 1 thereto issued June 24, 1955.

(3) Nonfat dry milk solids packaged in accordance with specifications for bulk packaging for nonfat dry milk solids, Form Da–259, issued April 1, 1954.

(4) Purchases at the foregoing prices will be made in other bulk containers specifically approved by the Director, Livestock and Dairy Division, Commodity Stabilization Service, provided CCC, at the time of offer, has an outlet for an equivalent quantity of the product in the container offered.

(5) Products in other containers may be purchased at prices determined by competitive bids or at prices stated in the respective Purchase Announcements for such other packaging.

(6) Specifications for packaging of these products are undergoing study in the Department, and it is anticipated that revisions therein will be made. Processors therefore should hold inventories of packaging materials to a minimum pending such revisions of specifications.

(e) The products purchased shall be produced and located in the continental United States. Purchases will be made in carlots. Grades and weights shall be evidenced by inspection certificates issued by the U. S. Department of Agriculture.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, sec. 201, 63 Stat. 1052; as amended by 68 Stat. 899, 15 U. S. C. 714c, 7 U. S. C. 1446)

Issued this 19th day of April 1956.

[SEAL] WALTER C. BERGER,
*Acting Executive Vice President, Commodity Credit Corporation.*

[F. R. Doc. 56–3161; Filed, Apr. 19, 1956; 2:59 p. m.]



# TITLE 7—AGRICULTURE

## Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 84]

### PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.384 *Navel Orange Regulation 84*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on April 19, 1956, after giving due notice thereof, to consider supply and market conditions for Navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., April 22, 1956, and ending at 12:01 a. m., P. s. t., April 29, 1956, is hereby fixed as follows:

(i) District 1: 138,600 cartons;
(ii) District 2: 1,016,400 cartons;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) Navel oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "District 1," "District 2," "District 3," and "District 4," have the same meaning as when used in said amended marketing agreement and order; and "carton" means the standard one-half orange, grapefruit or lemon box set forth as standard container number 58 in section 828.83, as amended, of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 20, 1956.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56–3190; Filed, Apr. 20, 1956; 11:22 a. m.]

[Valencia Orange Reg. 64]

### PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.364 *Valencia Orange Regulation 64*—(a) *Findings.* (1) Pursuant to Order No. 22 (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective March 31, 1954, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the pub-

lic interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on April 19, 1956, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., April 22, 1956, and ending at 12:01 a. m., P. s. t., April 29, 1956, is hereby fixed as follows:

(i) District 1: 54,220 cartons;

(ii) District 2: 26,674 cartons;

(iii) District 3: Unlimited movement.

(2) Valencia oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "handler," "District 1," "District 2," and "District 3," have the same meaning as when used in said order; and "carton" means the standard one-half orange, grapefruit or lemon box set forth as standard container number 58 in section 828.83, as amended, of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 20, 1956.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-3189; Filed, Apr. 20, 1956; 11:22 a. m.]

[Lemon Reg. 638]

## PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

### LIMITATION OF SHIPMENTS

§ 953.745 *Lemon Regulation 638*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 8451), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on April 18, 1956, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., April 22, 1956, and ending at 12:01 a. m., P. s. t., April 29, 1956, is hereby fixed as follows:

(i) District 1: 4,650 cartons;

(ii) District 2: 251,100 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," and "District 3" have the same meaning as when used in the said amended marketing agreement and order; and "carton" means the standard one-half orange, grapefruit or lemon box set forth as standard container number 58 in section 828.83, as amended, of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 19, 1956.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-3172; Filed, Apr. 20, 1956; 8:56 a. m.]

[970.302, Amdt. 4]

## PART 970—IRISH POTATOES GROWN IN MAINE

### LIMITATION OF SHIPMENTS

*Findings.* (a) Pursuant to Marketing Agreement No. 122 and Order No. 70 (7 CFR Part 970) regulating the handling of Irish potatoes grown in the State of Maine, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Maine Potato Marketing Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this amendment, (3) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted, under the circumstances, for such preparation, (5) this amendment relieves restrictions on the handling of potatoes grown in the aforesaid production area, and (6) the benefits to be derived from this amendment should be made available to producers and handlers as soon as practicable.

*Order, as amended.* The provisions of § 970.302 (b) (3), (20 F. R. 6815, 8091; 21 F. R. 1285, 1818) are hereby amended to read as follows:

(3) No handler shall ship potatoes for export unless such potatoes meet the requirements of (i) the U. S. Commercial, or better grade, 1½ to 2½ inches in diameter, or (ii) the U. S. No. 1, or better grade, 1⅞ inches minimum diameter.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 18th day of April 1956, to become effective April 23, 1956.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-3128; Filed, Apr. 20, 1956; 8:49 a. m.]



# TITLE 12—BANKS AND BANKING

## Chapter II—Federal Reserve System

### Subchapter A—Board of Governors of the Federal Reserve System

## PART 224—DISCOUNT RATES

### MISCELLANEOUS AMENDMENTS

Pursuant to section 14 (d) of the Federal Reserve Act, and for the purpose of adjusting discount rates with a view to accommodating commerce and business in accordance with other related rates and the general credit situation of the country, Part 224 is amended as set forth below:

1. Section 224.2 is amended to read as follows:

§ 224.2 *Advances and discounts for member banks under sections 13 and 13a.* The rates for all advances and discounts under sections 13 and 13a of the Federal Reserve Act (except advances under the last paragraph of such section 13 to individuals, partnerships or corporations other than member banks) are:

| Federal Reserve Bank of— | Rate | Effective |
|---|---|---|
| Boston | 2¾ | Apr. 13, 1956 |
| New York | 2¾ | Do. |
| Philadelphia | 2¾ | Do. |
| Cleveland | 2¾ | Do. |
| Richmond | 2¾ | Do. |
| Atlanta | 2¾ | Do. |
| Chicago | 2½ | Nov. 18, 1955 |
| St. Louis | 2¾ | Apr. 13, 1956 |
| Minneapolis | 3 | Do. |
| Kansas City | 2¾ | Do. |
| Dallas | 2¾ | Do. |
| San Francisco | 3 | Do. |

2. Section 224.3 is amended to read as follows:

§ 224.3 *Advances to member banks under section 10 (b).* The rates for advances to member banks under section 10 (b) of the Federal Reserve Act are:

| Federal Reserve Bank of— | Rate | Effective |
|---|---|---|
| Boston | 3¼ | Apr. 13, 1956 |
| New York | 3½ | Do. |
| Philadelphia | 3½ | Do. |
| Cleveland | 3½ | Nov. 18, 1955 |
| Richmond | 3½ | Nov. 22, 1955 |
| Atlanta | 3¼ | Apr. 13, 1956 |
| Chicago | 3½ | Nov. 18, 1955 |
| St. Louis | 3½ | Apr. 13, 1956 |
| Minneapolis | 4¼ | Do. |
| Kansas City | 3¾ | Do. |
| Dallas | 3¾ | Do. |
| San Francisco | 4 | Do. |

3. Section 224.4 is amended to read as follows:

§ 224.4 *Advances to persons other than member banks.* The rates for advances to individuals, partnerships or corporations other than member banks secured by direct obligations of the United States under the last paragraph of section 13 of the Federal Reserve Act are:

| Federal Reserve Bank of— | Rate | Effective |
|---|---|---|
| Boston | 3¼ | Apr. 13, 1956 |
| New York | 3½ | Do. |
| Philadelphia | 3½ | Do. |
| Cleveland | 3½ | Nov. 18, 1955 |
| Richmond | 3½ | Nov. 22, 1955 |
| Atlanta | 3¼ | Apr. 13, 1956 |
| Chicago | 3½ | Nov. 18, 1955 |
| St. Louis | 3½ | Apr. 13, 1956 |
| Minneapolis | 4¼ | Do. |
| Kansas City | 3¾ | Do. |
| Dallas | 3¾ | Do. |
| San Francisco | 4 | Do. |

4. Section 224.5, relating to rates on advances to industrial and commercial businesses (including loans made in participation with financial institutions) under section 13b of the Federal Reserve Act, is amended so as to change the percentage rate on loans for the Federal Reserve Bank of Atlanta from 2¾–5 to 3–5½, effective April 13, 1956.

5. Section 224.6, relating to loans to financing institutions under section 13b of the Federal Reserve Act, is amended so as to change the percentage rate for the Federal Reserve Bank of St. Louis on discounts or purchases on the portion for which the institution is obligated from 2½–3 to 2¾–3¼, effective April 13, 1956.

For the reasons and good cause found as stated in § 224.7, there is no notice, public participation, or deferred effective date in connection with this action.

(Sec. 11, 38 Stat. 262; 12 U. S. C. 248. Interpret or apply sec. 14, 38 Stat. 264, as amended; 12 U. S. C. 357)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
*Secretary.*

[F. R. Doc. 56-3116; Filed, Apr. 20, 1956; 8:46 a. m.]

# TITLE 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket 6438]

## PART 13—DIGEST OF CEASE AND DESIST ORDERS

### DODGE INCORPORATED ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.30 *Composition of goods.* § 13.175 *Quality of product or service;* § 13.285 *Value.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) Cease and desist order, [Dodge Incorporated et al., Chicago, Ill., Docket 6438, April 4, 1956]

*In the Matter of Dodge Incorporated, a Corporation and Ray E. Dodge and J. J. Kuhn, Individually and as Officers of Said Corporation*

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging a Chicago corporate manufacturer and its officers with falsely representing that their trophies, awards, and miscellaneous jewelry of synthetic composition, with lettering of simulated silver, were genuine onyx or marble, through describing them as "Rio Onyx" and "Marbelette" and as engraved in silver, in catalogs, leaflets, and other advertising matter furnished to retailers and dealers and by them widely distributed to prospective purchasers—and an agreement between the parties providing for the entry of a consent order.

Upon this basis, the hearing examiner made his initial decision and order to cease and desist, which, by the Commission's order of April 4, 1956, became the decision of the Commission.

The order to cease and desist is as follows:

*It is ordered,* That respondents, Dodge Incorporated, a corporation, and its officers, and Ray E. Dodge and J. J. Kuhn, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in the offering for sale, sale or distribution of trophies, cups, plaques, and gift items, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the words "Rio Onyx" or any other word or words implying genuine onyx to describe the aforesaid or other articles not made of genuine onyx, provided, however, that nothing contained herein shall provent representations, not implying genuineness, that the aforesaid articles have the color of onyx.

2. Using the word "Marbelette" or any other word or words implying genuine marble to describe the aforesaid or any other articles not made of genuine marble without revealing the fact that such articles are not made of genuine marble;

3. Using the word "Silver" or other words implying precious metals to describe lettering not made of silver or precious metals on the aforesaid or other articles, provided, however, that nothing contained herein shall prevent representations that the lettering on the aforesaid or such other articles has the color of silver or other precious metals.

By "Decision of the Commission", report of compliance was required as follows:

*It is ordered,* That respondents Dodge Incorporated, a corporation, and Ray E. Dodge and J. J. Kuhn, individually and as officers of said corporation, shall,

within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 4, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-3124; Filed, Apr. 20, 1956; 8:48 a. m.]

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[Docket 6440]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

HUDNUT SALES CO., INC.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Payment for services or facilities for processing or sale under 2 (d): § 13.824 *Advertising expenses.*[1]

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Hudnut Sales Co., Inc., New York, N. Y., Docket 6440, April 4, 1956]

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging a New York corporate manufacturer of cosmetics with discriminating in price in violation of Sec. 2 (d) of the Clayton Act, as amended, through entering into cooperative advertising arrangements with certain favored customers whereby it paid all, or a portion, of the cost of newspaper advertisements dealing with its products run by such customers—and an agreement between the parties providing for the entry of a consent order.

On this basis, the hearing examiner made his initial decision and order to cease and desist, which, by the Commission's order, became, on April 4, 1956, the decision of the Commission.

The order to cease and desist is as follows:

*It is ordered,* That respondent, Hudnut Sales Co., Inc., a corporation, its officers, employees, agents and representatives, directly or through any corporate or other device, in connection with the sale or offering for sale of cosmetics, beauty aids and toilet preparations in commerce, as "commerce" is defined in the Clayton Act as amended, do forthwith cease and desist from:

Paying, or contracting to pay, to, or for the benefit of, any customer of respondent, anything of value as compensation or in consideration for advertising, display, demonstrator, promotional, or other services or facilities furnished by or through such customer in connection with the handling, processing, sale, or offering for sale of respondent's products unless such payment or consideration is made available on proportionally equal terms to all other customers competing in the resale of such products.

[1] New.

By "Decision of the Commission", report of compliance was required as follows:

*It is ordered,* That respondent Hudnut Sales Co., Inc., a corporation, shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: April 4, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-3125; Filed, Apr. 20, 1956; 8:49 a. m.]

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[Docket 6429]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

FELLER'S, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.30 *Composition of goods:* Fur Products Labeling Act; § 13.73 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.135 *Nature:* Product or service; § 13.140 *Old, reclaimed, or reused as new;* § 13.235 *Source or origin:* Place: *Foreign, in general.* Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1260 *Nature;* § 13.1325 *Source or origin:* Place: *Fur Products Labeling Act.* Subpart—*Misrepresenting oneself and goods*—Goods: § 13.1590 *Composition;* § 13.1623 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1745 *Source or origin:* Place: *Foreign, in general.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1870 *Nature:* Fur Products Labeling Act; § 13.1900 *Source or origin:* Fur Products Labeling Act: *Place.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; Sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Feller's, Inc., et al., Harrisburg, Pa., Docket 6429, April 4, 1956.]

*In the Matter of Feller's, Inc., a Corporation, and Charles Feller and Oscar Feller, Individually and as Officers of Feller's, Inc.*

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging a corporation and its officers, with place of business in Harrisburg, Pa., with violating the Fur Products Labeling Act: through misbranding fur products in that they labeled them falsely with respect to the names of the animals that produced the fur, failed to attach labels, or attached labels which did not carry the information required by the act; through advertising in newspapers which did not give the correct name of the animal producing the fur or the country of origin of imported furs, did not disclose that certain products were made of artificially colored fur or were secondhand, or named animals other than those producing the fur; through false invoices furnished to purchasers which set forth the name of an animal in addition to that which produced the fur and misrepresented the country of origin of imported furs—and an agreement between the parties providing for the entry of a consent order.

On this basis, the hearing examiner made his initial decision and order to cease and desist, which, by the Commission's order of April 4, 1956, became the decision of the Commission.

The order to cease and desist is as follows:

*It is ordered,* That the respondents Feller's, Inc., a corporation, and its officers, and Charles Feller and Oscar Feller, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of fur products, or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur", and "fur products" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

(1) Falsely or deceptively labeling or otherwise identifying any such product as to the name or names of the animal or animals that produce the fur from which such product was manufactured;

(2) Failing to affix labels to fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

(c) The name of the country of origin of any imported furs used in the fur products;

(d) The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

(e) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(3) Setting forth on labels attached to fur products, the name or names of any animal or animals other than the name or names provided for in paragraph A (2) (a) above;

(4) Setting forth on labels attached to fur products:

(a) Non-required information mingled with required information;

(b) Required information in abbreviated form;

B. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, notice, or in any other manner, which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

(1) Fails to disclose:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur products contain or are composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

(c) The name of the country of origin of any imported furs contained in fur products;

(2) Sets forth, directly or by implication:

(a) The name or names of any animal or animals other than the name or names provided for in Paragraph Five (a) (5) of the Fur Products Labeling Act;

C. Falsely or deceptively invoicing fur products by:

(1) Failing to furnish invoices to purchasers of fur products showing:

(a) The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(b) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur, when such is a fact;

(c) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is a fact;

(d) The name and address of the person issuing such invoice;

(e) The name of the country of origin of any imported furs contained in a fur product;

(2) Using on invoices the name or names of any animal or animals other than the name or names provided for in paragraph C (1) (a) above, or furnishing invoices which misrepresent the country of origin of imported furs contained in fur products, or which contain any form of misrepresentation or deception, directly or by implication, with respect to such fur products.

By "Decision of the Commission", report of compliance was required as follows:

*It is ordered,* That respondents Feller's, Inc., a corporation, and Charles Feller and Oscar Feller, individually and as officers of Feller's, Inc., shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 4, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-3126; Filed, Apr. 20, 1956; 8:49 a. m.]



## TITLE 32—NATIONAL DEFENSE

### Chapter XVI—Selective Service System

[Amdt. 69]

PART 1690—DETERMINATION OF AVAILABILITY OF MEMBERS OF THE STANDBY RESERVE OF THE ARMED FORCES FOR ORDER TO ACTIVE DUTY

STANDBY RESERVE NUMBERS

Paragraph (a) of § 1690.8 of the Selective Service Regulations is amended to read as follows:

§ 1690.8 *Assignment of standby reserve number.* (a) After the local board of jurisdiction has received the completed Standby Reserve Questionnaire (SSS Form No. 80) of a reservist who is not required to be registered under the Universal Military Training and Service Act, as amended, the local board shall assign the reservist a standby reserve number. The first element of the standby reserve number, reading from left to right, shall be the number of the State in which the local board is located as shown on the list of States, Territories, and possessions in paragraph (b) of § 1621.2 of this chapter. The second element of the number shall be the number of the reservist's local board within the State. The third element of the number shall be assigned in numerical sequence, beginning with the numeral 1, according to the sequence in which the local board assigns standby reserve numbers to nonregistrant reservists. The fourth element of the number shall be the one of the following symbols which identifies the Standby Reserve of which the reservist is a member: "A" for Army Reserve, "AF" for Air Force Reserve, "N" for Naval Reserve, "MC" for Marine Corps Reserve, or "CG" for Coast Guard Reserve.

(Sec. 10, 62 Stat. 618, as amended; 50 U. S. C. App. 460. Interprets or applies sec. 233, 66 Stat. 489, as amended; 50 U. S. C. 961; E. O. 9979, 13 F. R. 4177; 3 CFR, 1948 Supp.)

The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

[SEAL] LEWIS B. HERSHEY, *Director of Selective Service.*

APRIL 18, 1956.

[F. R. Doc. 56-3120; Filed, Apr. 20, 1956; 8:47 a. m.]

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# PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### [ 7 CFR Parts 916, 917, 924, 929, 931, 935, 948, 956, 973, 985 ]

[Docket Nos. AO-248-A1, AO-229-A3, AO-225-A8, AO-260-A2, AO-178-A7, AO-240-A1, AO-086-A10, AO-122-A8, AO-235-A3, AO-247-A2]

MILK IN BLACK HILLS (S. D.), CEDAR RAPIDS-IOWA CITY, IOWA, DETROIT, MICH., EASTERN SOUTH DAKOTA, MINNEAPOLIS-ST. PAUL, MINN., MUSKEGON, MICH., OMAHA-LINCOLN-COUNCIL BLUFFS NEBR.-IOWA), SIOUX CITY, IOWA, SIOUX FALLS-MITCHELL, S. DAK., UPSTATE MICHIGAN MARKETING AREAS

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENTS AND TO ORDERS, AS AMENDED

Notice is hereby given of a joint public hearing to be held in the Hall Auditorium, North American Life and Casualty Building, 1750 Hennepin Avenue, Minneapolis, Minnesota, beginning at 10:00 a. m., c. s. t., April 25, 1956, for the purpose of receiving evidence with respect to economic and emergency conditions which relate to the marketing of milk in each of the marketing areas hereinafter specified and to appropriate amendments of the Class I price provisions of the respective tentative marketing agreements heretofore approved by the Secretary of Agriculture and to the orders, now in effect, regulating the handling of milk in such marketing areas. More specifically, consideration will be given to (1) the nature, scope and similarity of price problems affecting producers, (2) determine whether or not such problems tend to disrupt the orderly marketing of milk, or constitute a threat to the adequacy of supplies of pure and wholesome milk, and (3) consider whether or not temporary, emergency price relief is necessary to promote orderly marketing. The hearing is called pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, (7 U. S. C., 601 et seq.) and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900).

A substantial number of communications and requests for price action received by the Department from milk producer groups and recent conferences held with representative leaders of cooperative organizations of producers who supply the fluid milk markets hereinafter set forth have represented the seriousness of conditions facing fluid milk producers at the present time which it is alleged are tending to disrupt the orderly marketing of fluid milk and threaten milk supplies.

The following market areas and order provisions are covered by this hearing notice:

*Market Area; Part (Order) No.; Order Provisions; and Docket No.*

Black Hills, S. Dak.; 917; § 917.51 (a); AO–248–A1.
Cedar Rapids-Iowa City; 931; § 931.50 (a); AO–229–A3.
Detroit, Mich., 924; § 924.51 (a); AO–225–A8.
Eastern South Dakota; 929; § 929.51 (a); AO–260–A2.
Minneapolis-St. Paul, Minn.; 973; § 973.53; AO–178–A7.
Muskegon, Mich.; 985; § 985.51; AO–240–A1.
Omaha-Lincoln-Council Bluffs; 935; § 935.51 (a); AO–86–A10.
Sioux City, Iowa; 948; § 948.51 (a); AO–122–A8.
Sioux Falls-Mitchell, S. Dak.; 956; § 956.50 (a); AO–235–A3.
Upstate Michigan; 916; § 916.51; AO–247–A2.

Copies of this notice of hearing may be procured from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or from the Dairy Division, Agricultural Marketing Service, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: April 18, 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator.*

[F. R. Doc. 56–3129; Filed, Apr. 20, 1956; 8:50 a. m.]

## [ 7 CFR Part 945 ]

TOMATOES GROWN IN FLORIDA

TRUNK SHIPMENTS

Notice is hereby given that the Secretary of Agriculture is considering the approval of an amendment, as hereinafter set forth, of the existing general rules and regulations (21 F. R. 353), which has been adopted by the Florida Tomato Committee, established pursuant to Marketing Agreement No. 125 and Order No. 45 (7 CFR Part 945; 20 F. R. 7357) regulating the handling of tomatoes grown in Florida, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

Consideration will be given to any data, views, or arguments pertaining thereto which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than five days following publication of this notice in the FEDERAL REGISTER.

The proposed amendment is as follows: Amend the existing general rules and regulations (21 F. R. 353) by adding the following new main heading and new section at the end thereof (i. e., immediately after present § 945.135):



INSPECTION

§ 945.140 *Truck shipments.* In case of the transportation by truck outside of the production area of any tomatoes which are required to be inspected and certified as complying with any applicable requirements under this part, such tomatoes shall be accompanied by, and made available for examination at any time upon request, a copy of the appropriate inspection certificate or a copy of the appropriate transfer clearance receipt (Form FV–418) issued by the Federal-State Inspection Service, the official inspection agency for this program, showing that such tomatoes have been so inspected and certified.

It is also contemplated that appropriate references to said new main heading and new section will be incorporated in the table of contents for said rules and regulations.

Dated: April 17, 1956.

[SEAL] S. R. SMITH,
*Director,*
*Fruit and Vegetable Division.*

[F. R. Doc. 56–3106; Filed, Apr. 20, 1956; 8:45 a. m.]

## [ 7 CFR Part 966 ]

[Docket No. AO–257–A1]

MILK IN THE SHREVEPORT, LA., MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO RECOMMENDED DECISION WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 *et seq.*), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900) notice is hereby given that the time for filing exceptions to the recommended decision with respect to a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Shreveport, Louisiana marketing area, which was issued April 2, 1956 (21 F. R. 2154), is hereby extended to May 1, 1956.

Dated: April 18, 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator.*

[F. R. Doc. 56–3132; Filed, Apr. 20, 1956; 8:50 a. m.]

## [ 7 CFR Part 973 ]

[Docket No. AO 178–A8]

MILK IN MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and in accordance with the applicable rules of practice and procedure, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Hall Auditorium, North American Life and Casualty Insurance Building, 1750 Hennepin Avenue, Minneapolis, Minnesota, beginning at 10:00 a. m., April 26, 1956.

*Subjects and issues involved in the hearing.* This public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the handling of milk in the Minneapolis-St. Paul, Minnesota, milk marketing area and to the provisions specified in the proposals listed below or some appropriate modifications thereof.

The amendments to the order (No. 73), as amended, were proposed as follows:

Proposed by the Twin City Milk Producers Association:

1a. Amend § 973.75 (a) to read as follows:

§ 973.75 *Determination of base for each producer.* (a) Any producer who delivers milk during the delivery periods of July, August, September and October, shall have a base computed by the market administrator, to be applicable during the following January through June, equal to the total pounds of milk delivered in the four month period, divided by the number of days of production represented during said period, but not less than 100: *Provided,* That for the period starting with the effective date of this amendment and ending June 30, 1957, any producer who delivers milk during the delivery periods of August, September and October shall have a base computed by the market administrator, to be applicable during the following January through June, equal to the total pounds of milk delivered in the three month period, divided by the number of days of production represented during said period, but not less than 78.

b. Delete paragraph (b).

2. Delete § 973.76 *Establishing a new base.*

3. Delete the words "daily average" in the fifth line, and the words "on which the milk was produced" from the last sentence of § 973.17.

Copies of this notice of hearing may be procured from the Market Administrator, 1750 Hennepin Avenue, Room 307, Minneapolis, Minnesota, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: April 18, 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator.*

[F. R. Doc. 56–3130; Filed, Apr. 20, 1956; 8:50 a. m.]



## [ 7 CFR Parts 1002, 1009 ]

[Docket No. AO–268]

MILK IN THE GREATER WHEELING, W. VA., AND CLARKSBURG, W. VA., MARKETING AREAS

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO RECOMMENDED DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENTS, AND TO ORDERS

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900), notice is hereby given that the time for filing exceptions to the recommended decision with respect to proposed amendments to the tentative marketing agreements and to the orders, regulating the handling of milk in the Greater Wheeling, West Virginia, and Clarksburg, West Virginia, marketing areas, which was issued April 12, 1956 (21 F. R. 2443) is hereby extended to April 20, 1956. This extension requires that exceptions shall be delivered to Hearing Clerk, not later than the close of business April 20, 1956.

Dated: April 17, 1956.

[SEAL] F. R. BURKE,
*Acting Deputy Administrator.*

[F. R. Doc. 56–3131; Filed, Apr. 20, 1956; 8:50 a. m.]

# NOTICES

## DEPARTMENT OF THE INTERIOR

### Geological Survey

COLORADO, NEW MEXICO, AND WYOMING

DEFINITION OF KNOWN GEOLOGIC STRUCTURES OF PRODUCING OIL AND GAS FIELDS

Former paragraph (c) of § 227.0, Part 227, Title 30, Chapter II, Code of Federal Regulations (1947 Supp.), codification of which has been discontinued by a document published in Part II of the FEDERAL REGISTER dated December 31, 1948, is hereby supplemented by the addition of the following list of structures defined effective as of the dates shown.

*Name of Field, Effective Date, Acreage*

(2) COLORADO

Piceance Creek, February 24, 1956.. 23,583

(5) NEW MEXICO

San Juan (Revision), April 9, 1956.. 1,252,440

(9) WYOMING

Corley (Revocation), April 16, 1956---------- 641

THOMAS B. NOLAN,
*Director.*

APRIL 16, 1956.

[F. R. Doc. 56–3109; Filed, Apr. 20, 1956; 8:45 a. m.]

## FEDERAL POWER COMMISSION

### OFFICE OF SPECIAL ASSISTANTS TO COMMISSION

ORGANIZATION AND FUNCTIONS

APRIL 17, 1956.

Pursuant to the requirements of section 3 (a) of the Administrative Procedure Act, notice is hereby given that by Administrative Order No. 51, adopted by the Commission on March 21, 1956, the Commission established, effective April 23, 1956, an Office of Special Assistants to the Commission, under the immediate direction of the Commission.

The Office of Special Assistants to the Commission will furnish such assistance, with respect to cases assigned to the Office, as the Commission may require in the preparation of opinions, orders, and other legal documents. When instructed by the Commission in given cases, the Office will analyze exceptions to decisions, prepare summaries of facts and issues, and perform other related duties as assigned. The preparation of opinions or orders will include assignments from individual Commissioners, or a minority of the Commission, for assistance in connection with separate concurring or dissenting opinions.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56–3110; Filed, Apr. 20, 1956; 8:45 a. m.]

[Project No. 5]

MONTANA POWER CO.

NOTICE OF ORDER FURTHER AMENDING LICENSE (MAJOR)

APRIL 16, 1956.

Notice is hereby given that on April 10, 1956, the Federal Power Commission issued its order, further amending license (Major) in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56–3111; Filed, Apr. 20, 1956; 8:45 a. m.]

[Project No. 599]

FERN GOLD MINING CO.

NOTICE OF ORDER DISMISSING APPLICATION FOR NEW LICENSE (MINOR)

APRIL 16, 1956.

Notice is hereby given that on April 9, 1956, the Federal Power Commission issued its order, dismissing application for new license (Minor) in the above-entitled matter.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56–3112; Filed, Apr. 20, 1956; 8:45 a. m.]

[Docket No. G–9869]

SOUTHERN NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 16, 1956.

Take notice that Southern Natural Gas Company (Applicant), a Delaware corporation with principal place of business in Watts Building, Birmingham, Alabama, filed, on January 16, 1956, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate, as an integral part of its existing natural gas system, certain natural gas facilities as hereinafter described which are necessary to the transportation and delivery in interstate commerce of natural gas to be sold by Applicant on an interruptible basis to Johns-Manville Products Corporation of Georgia (Johns-Manville) pursuant to a ten-year contract dated January 9, 1956, for use primarily as a process fuel in a plant for the production of roofing materials to be constructed by Johns-Manville near Savannah, Georgia.

The facilities proposed to be constructed and operated by Applicant consist of:

1. A line tap at or near Mile Post 110.344 on Applicant's existing 14-inch Savannah line and approximately 200 feet of 4½-inch O. D. pipeline running westerly from said tap to a meter station to be located at or near the proposed plant.

2. A measuring and regulating station at the terminus of the line described above.

The estimated cost of construction of the proposed facilities is $8,690 which will be financed out of cash on hand.

Applicant states that Johns-Manville estimates its maximum daily requirements at 504 Mcf and normal annual requirements at 87,840 Mcf. Applicant estimates that Applicant will deliver approximately 77,000 Mcf annually to the plant based on 320 delivery days of the plant's requirements per year.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Wednesday, May 23, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's

rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 3, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56-3115; Filed, Apr. 20, 1956; 8:46 a. m.]

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[Docket No. G-1116 etc.]

PANHANDLE EASTERN PIPE LINE CO. ET AL.

NOTICE OF DATE OF HEARING

APRIL 16, 1956.

In the matters of Panhandle Eastern Pipe Line Company, Docket Nos. G-1116, G-1240, G-1317, G-1344, G-1417, G-1725, G-1754 and G-2101; City of Port Huron, City of Marysville, City of St. Clair, Michigan, municipal corporations, G-1152; Southeastern Michigan Gas Company, Michigan Consolidated Gas Company, complainant, G-1415; v. Panhandle Eastern Pipe Line Company, defendant, G-1379; Northern Indiana Fuel and Light Company, G-1457 and G-2234; Missouri Central Natural Gas Company, G-1509; The Central West Utility Company, G-1616; Michigan Gas Utilities Company, G-1625; City of Auburn, Illinois, G-1659.

On February 24, 1956, the Commission issued an order in the above entitled proceedings modifying its order of December 30, 1955, and, as modified, affirming that order and denying petitions for rehearing and modification inconsistent with that order. Furthermore the order of February 24, 1956, required Panhandle to make certain refunds as originally provided for by the Commission's orders of March 5, 1952, and March 5, 1955, and as set forth in the bond and undertaking filed by Panhandle. Said refunds were to be accomplished within 30 days and a report thereof including the details of its calculations and a tabulation of the principal and interest due each customer was to be filed within forty-five days. On April 4, 1956, Panhandle filed such report and tabulation. The order of February 24, 1956, also provided as follows:

(E) Within thirty days after the filing by Panhandle of the data provided in paragraph (D) above, there shall be convened at a date and place to be fixed by notice of the Secretary a hearing concerning the principal and interest payments made pursuant to paragraph (C) hereof and the effect of such interest payments on Panhandle's Federal Income Tax.

(F) At the hearing the burden of proof to justify the principal and interest payments made shall be upon Panhandle.



Take notice that pursuant to the provisions of said order of February 24, 1956, and to the authority contained in the Natural Gas Act and to the Commission's rules of practice and procedure, a hearing will be held on Tuesday, May 1, 1956, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented with regard to the payments required by the Commission's order of March 5, 1952, March 4, 1955, and December 30, 1955, and February 24, 1956, and by the bond and undertaking filed by Panhandle.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56-3113; Filed, Apr. 20, 1956; 8:46 a. m.]

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[Docket No. G-9763]

MIKE LITTLE

NOTICE OF APPLICATION FOR ORDER TO ESTABLISH PHYSICAL CONNECTION OF NATURAL GAS TRANSPORTATION FACILITIES

APRIL 16, 1956.

Take notice that Mike Little (Applicant), an individual whose address is Melvin, Kentucky, filed on December 12, 1955, pursuant to section 7 (a) of the Natural Gas Act, an application for an order directing Kentucky West Virginia Gas Company (Kentucky West Virginia) to establish physical connection of its natural gas transportation facilities with Applicant's existing natural gas facilities and to sell natural gas to Applicant for local distribution to forty-three residential consumers within the town of Burton, Floyd County, Kentucky.

The application states that the estimated peak day requirement of the natural gas system is 65 Mcf at 14.73 psia and the annual gas requirement is estimated to be 6,000 Mcf at 14.73 psia.

Applicant states that the residences of the forty-three residential consumers were formerly owned by Inland Steel Company (Inland); that said consumers are presently receiving natural gas service at retail from Inland; that Applicant has acquired by purchase for the sum of $4,500 the aforesaid gas distribution properties; that Applicant has entered into a gas purchase agreement with Kentucky West Virginia; that Kentucky West Virginia was authorized by this Commission to serve Inland in Docket No. G-272; and that this application does not place any additional burden upon Kentucky West Virginia beyond making a physical connection and installing measuring and regulating equipment at the same location as that now serving Inland.

Kentucky West Virginia Gas Company filed on December 29, 1955, pursuant to § 1.9 (a) of the Commission's rules of practice and procedure, an Answer to the aforesaid application wherein it stated that it has no objection to serving the Applicant with the volumes of natural gas as set forth in Applicant's application and is able to do so without affecting the supply of gas available for other customers. Said Answer denies the allegation of Applicant that a gas purchase agreement has been entered into but adds, however, that Kentucky West Virginia is willing to enter into such an agreement.

The application hereinabove described, as more fully described in the application, is on file with the Commission and open for public inspection. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 4, 1956.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56-3114; Filed, Apr. 20, 1956; 8:46 a. m.]

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## GENERAL SERVICES ADMINISTRATION

EMETINE HYDROCHLORIDE HELD IN NATIONAL STOCK PILE

DISPOSITION

Pursuant to the provisions of section 3 (e) of the Strategic and Critical Materials Stock Piling Act, 60 Stat. 597, 50 U. S. C. 98b (e), notice is hereby given of a proposed disposition of approximately 3,302 ounces of emetine hydrochloride now held in the National Stock Pile.

This quantity of emetine hydrochloride is no longer needed in the National Stock Pile because of a revised determination by the Office of Defense Mobilization that emetine hydrochloride is obsolescent for use in time of war because of the development of new and better materials.

The emetine hydrochloride will be offered for sale generally. All those considered by the General Services Administration to be interested in purchasing such material will be requested to submit offers. It is believed that this plan will protect the United States against avoidable loss and also protect producers, processors and consumers against avoidable disruption of their usual markets.

This material will be available for disposition on and after October 24, 1956.

Dated: April 18, 1956.

R. A. HEDDLESTON,
*Acting Commissioner, Emergency Procurement Service, General Services Administration.*

[F. R. Doc. 56-3117; Filed, Apr. 20, 1956; 8:47 a. m.]

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SECRETARY OF AGRICULTURE

DELEGATION OF AUTHORITY WITH RESPECT TO ENTERING INTO CONTRACTS FOR PROCUREMENT OF ENGINEERING SERVICES

1. Pursuant to authority vested in me by the provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, authority is hereby delegated to the Secretary of Agriculture to enter into contracts for professional engineering services required for all roads, trails, bridges, dams, buildings, and cadastral surveys that are involved in programs of the Forest Service and those incident to the construction of dams, channels, silting basins and other water use and control structures in connection with the watershed and flood prevention programs of the Soil Conservation Service, without advertising pursuant to section 302 (c) (4) and (9) of the said act.

2. This delegation of authority shall be subject to all provisions of Title III of the said act with respect to negotiated contracts, and to all other provisions of law.

3. The authority delegated herein may be redelegated to any officer or employee of the Department of Agriculture.

4. This delegation shall be effective as of the date hereof, and shall not extend beyond July 1, 1957. The prior delegation of authority on the same subject to the Secretary of Agriculture, dated November 3, 1954 (19 F. R. 7245), is hereby superseded.

Dated: April 17, 1956.

FRANKLIN G. FLOETE,
*Administrator.*

[F. R. Doc. 56-3119; Filed, Apr. 20, 1956; 8:47 a. m.]

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## OFFICE OF DEFENSE MOBILIZATION

EDWIN H. LAND

CHANGES IN APPOINTEE'S STATEMENT OF BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of Form ODM-163.

This amends statement previously published in the FEDERAL REGISTER December 31, 1955 (20 F. R. 10188).

NOTE: Bureau of Budget No. 98-R016. Approval expires February 29, 1960.

Dated: April 12, 1956.

EDWIN H. LAND.

[F. R. Doc. 56-3103; Filed, Apr. 20, 1956; 8:45 a. m.]

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DR. EMANUEL R. PIORE

CHANGES IN APPOINTEE'S STATEMENT OF BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Addition: Director, Avco Manufacturing Corporation.

This amends statement previously published in the FEDERAL REGISTER December 31, 1955 (20 F. R. 10183).

NOTE: Bureau of Budget No. 98-R016. Approval expires February 29, 1960.

Dated: April 12, 1956.

E. R. PIORE.

[F. R. Doc. 56-3105; Filed, Apr. 20, 1956; 8:45 a. m.]



## INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 18, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31977: *Paper and paper articles—Southwest to Minneapolis, Minn.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on paper and paper articles, carloads from specified points in Arkansas, Louisiana, Oklahoma, and Texas to Minneapolis, Minn., on the Minneapolis, Northfield and Southern Railway.

Grounds for relief: Circuitous route.

Tariff: Supplement 9 to Agent Kratzmeir's I. C. C. 4122; Supplement 12 to Agent Kratzmeir's I. C. C. 4151.

FSA No. 31978: *Fresh fruits and vegetables in California—Trailer-on-flatcar service.* Filed by J. P. Haynes, Agent, for interested rail carriers. Rates on fresh-fruits and vegetables (other than cold-pack or frozen), minimum quantities of 30,000 pounds in refrigerated semi-trailers loaded on railroad flat cars between San Francisco, Calif., and other specified points in central California, on the one hand, and Los Angeles, Calif., and other specified points in southern California, on the other.

Grounds for relief: Circuity and to meet intrastate rates.

Tariff: Supplement 11 to Agent Haynes' tariff I. C. C. 1579.

FSA No. 31979: *Liquefied petroleum gas from Hulldale, Tex.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on liquefied petroleum gas, natural gasoline or iso-pentane, carloads from Hulldale, Tex., to specified destinations in Illinois, official, southern, southwestern and western trunk line territories.

Grounds for relief: Short-line distance formula, grouping, and circuity.

Tariff: Supplement 80 to Agent Kraztmeir's I. C. C. 4086 and five other tariffs.

FSA No. 31980: *Liquefied chlorine gas to Chattanooga, Tenn., group and Calhoun, Tenn.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on liquefied chlorine gas, carloads from specified points in Alabama, Louisiana, Kentucky, Tennessee and West Virginia to Chattanooga, North Chattanooga, Boyce and Calhoun, Tenn.

Grounds for relief: Market competition and circuity.

Tariff: Supplement 276 to Agent Spaninger's I. C. C. 1062 and three other tariffs.

FSA No. 31981: *Magnesite—Michigan and Ohio to Norton, Ala.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on Calcined and dead burned magnesite, carloads from St. Louis, Mich., Narlo and Maple Grove, Ohio, to Norton, Ala.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 23 to Agent Hinsch's I. C. C. No. 4664.

FSA No. 31982: *Petroleum lubricating oil—Wellsville, N. Y., to East Chicago, Ind.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on petroleum lubricating oil, tank-car loads from Wellsville, N. Y., to East Chicago, Ind.

Grounds for relief: Truck-barge competition and circuity.

Tariff: Supplement 108 to Agent Boin's I. C. C. A-1015.

FSA No. 31983: *Paper articles—Memphis, Tenn., to Baton Rouge and New Orleans, La., and group.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on facial cleansing tissues, toilet paper, paper napkins, and paper towels, straight or mixed carloads from Memphis, Tenn., to Baton Rouge and New Orleans, La., and points grouped therewith as taking same rates.

Grounds for relief: Circuitous routes in part west of the Mississippi River.

FSA No. 31984: *Grain—Eastern Washington to Seattle and Tacoma, Wash.* Filed by Union Pacific Railroad Company, for and on behalf of itself. Rates on grain and related articles, carloads from points in eastern Washington on the Union Pacific Railroad to Seattle and Tacoma, Wash., on traffic transited at Seattle and Tacoma.

Grounds for relief: Circuitous routes.

By the Commission.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F. R. Doc. 56-3118; Filed, Apr. 20, 1956; 8:47 a. m.]

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## DEPARTMENT OF JUSTICE

### Office of Alien Property

[Vesting Order SA-29]

MALINOWSKY CO., INC.

In re: Debt owing to Malinowsky Company, Inc., F-11-118, F-11-152.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of The Goodyear State Bank, Akron 5, Ohio, arising out of an account entitled, "Malinowsky Company, Inc. Sofia, Bulgaria," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947 was, owned directly or indirectly by Malinowsky Company, Inc., Sofia, Bulgaria, a national of Bulgaria as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the prop-

erty described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to Section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on April 17, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
*Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-3121; Filed, Apr. 20, 1956; 8:48 a. m.]

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[Vesting Order SA-30]

GOVERNMENT OF RUMANIA

In re Debt owing to the Government of Rumania. F-57-8.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of Credit Suisse New York Agency, 25 Pine Street, New York 5, New York, arising out of an account entitled "Directiunea Dunarea Maritima, Bulevardul Take Ionescu 1, Bucharest, Roumania," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947 was, owned directly or indirectly by Rumania, as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to Section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on April 17, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
*Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-3122; Filed, Apr. 20, 1956; 8:48 a. m.]

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[Vesting Order SA-31]

SOCIETE PAR ACTIONS "LOSSO"

In re: Debt owing to Societe Par Actions "Losso". F-11-184.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of Chrysler Corporation, Export Division, Detroit 31, Michigan, arising out of an account payable entitled, "Societe Par Actions 'Losso' of Sofia, Bulgaria, in Accounts Receivable Foreign-Chrysler Corporation Export Division," maintained by the aforesaid corporation, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Societe Par Actions "Losso", Sofia, Bulgaria, a national of Bulgaria as defined in said Executive Order, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on April 17, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
*Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-3123; Filed, Apr. 20, 1956; 8:48 a. m.]


# FEDERAL REGISTER

VOLUME 21 NUMBER 79

*Washington, Tuesday, April 24, 1956*


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UNIVERSITY OF MICHIGAN

APR 26 1956

MAIN READING ROOM

## TITLE 6—AGRICULTURAL CREDIT

### Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter F—Security Servicing and Liquidations

[FHA Instruction 462.1]

PART 371—SECURITY SERVICING AND LIQUIDATIONS; OPERATING LOANS

RELEASE OF SECURITY PROPERTY

1. Section 371.4 (d), Title 6, Code of Federal Regulations (19 F. R. 3988), is amended to permit the County Supervisor to delegate authority to other County Office employees to execute releases and to read as follows:

§ 371.4 *Disposition of security property other than real estate.* * * *

(d) The County Supervisor is authorized to redelegate the authority to release security property as provided in this section to Assistant County Supervisors provided it is determined that the individual to whom such authority is being redelegated has had sufficient training and experience to exercise the authority properly. The County Supervisor also may redelegate such authority to any other employees in bonded positions in his office under the same conditions, except that basic security may be released only in the event the use to be made of the proceeds therefrom has been agreed to by the County Supervisor or Assistant County Supervisor if the Assistant County Supervisor has been redelegated release authority.

2. Section 371.7 (c), Title 6, Code of Federal Regulations (19 F. R. 6021), is amended to permit County Supervisors to redelegate authority to execute waivers in favor of the Commodity Credit Corporation to other County Office employees and to read as follows:

§ 371.7 *Waivers of crop liens for borrowers receiving loans under the Commodity Credit Corporation Program.* * * *

(c) *Authority to redelegate.* The County Supervisors are authorized to redelegate to any employees in bonded positions in their offices authority to execute waivers of Farmers Home Administration liens on property (other than real estate) in favor of the Commodity Credit Corporation, or its associate lending agencies, as provided in this section.

(R. S. 161, sec. 6 (3), 50 Stat. 870, sec. 41 (1), 60 Stat. 1066, 62 Stat. 1038, sec. 1 (a), (b), (d), 63 Stat. 43, 44, sec. 2 (a), 63 Stat. 44, sec. 1A (b), 67 Stat 149; 5 U. S. C. 22, 16 U. S. C. 590w (3), 7 U. S. C. 1015 (l), 12 U. S. C. 1148a-1 (a), (b), (d), 1148A-2 (a), (b))

Dated: April 18, 1956.

[SEAL] R. B. MCLEAISH,
*Administrator,*
*Farmers Home Administration.*

[F. R. Doc. 56-3179; Filed, Apr. 23, 1956; 8:53 a. m.]

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### Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1955 C. C. C. Grain Price Support Bulletin 1, Supp. 1 (Revised), Amdt. 3, Rice]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1955-CROP RICE LOAN AND PURCHASE AGREEMENT PROGRAM

MISCELLANEOUS AMENDMENTS

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service, published in 20 F. R. 8031, 8211, 9297, and 21 F. R. 573, and containing the specific requirements for the 1955-Crop Rice Support Program are hereby amended to provide the basis for settlement with producers who place rice under identity-preserved or modified commingled warehouse storage loans in cases where warehousemen fail to properly maintain the identity of the identity-preserved or modified commingled lot(s) of rice.

1. Section 421.1346 (a) (1) is amended by adding at the end thereof the following sentence: "Notwithstanding the foregoing provisions of this subparagraph, if

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# FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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**CFR SUPPLEMENTS**

**(As of January 1, 1956)**

The following Supplements are now available:

**Title 14: Part 400 to end ($1.00)**
**Title 19 ($0.50)**
**Titles 30 and 31 ($1.25)**
**Title 21 (Rev., 1955) ($5.50)**

*Previously announced:* Title 3, 1955 Supp. ($2.00); Title 7: Parts 1–209 ($1.25); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 18 ($0.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. 1, and Title 27 ($1.00); Title 32: Parts 1–399 ($0.60), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Titles 40–42 ($0.65); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.


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CCC determines that the warehouseman failed to maintain the identity of rice covered by an identity-preserved warehouse storage loan, the producer will not be required to furnish lot inspection and weight certificates, and settlement with the producer will be made at the applicable support rate for the quantity and quality of rice shown on the warehouse receipt and supporting documents."

2. Section 421.1346 (b) (1) is amended by adding at the end thereof the following sentence: "Notwithstanding the foregoing provisions of this subparagraph, if CCC determines that the warehouseman failed to maintain the identity of any lot of rice covered by a modified commingled warehouse storage loan, the producer will not be required to furnish lot inspection certificates, and settlement with the producer will be made at the applicable support rate for the quantity and quality of rice shown on the warehouse receipt and supporting documents."

(Sec. 4, 62 Stat. 1070 as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. 714c, 7 U. S. C. 1421, 1441)

Issued this 18th day of April 1956.

[SEAL] EARL M. HUGHES,
*Executive Vice President,*
*Commodity Credit Corporation.*

[F. R. Doc. 56–3177; Filed, April 23, 1956; 8:53 a. m.]

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PART 468—MOHAIR

SUBPART—1956 PAYMENT PROGRAM FOR MOHAIR

§ 468.51 *Payment program for mohair*—(a) *Level of price support.* The Commodity Stabilization Service and Commodity Credit Corporation hereby announce the 1956 payment program for mohair. The program will be carried out under the general supervision and direction of the Executive Vice President of Commodity Credit Corporation through the Commodity Stabilization Service. Prices of mohair will be supported at a level which will yield an average return to growers of 70 cents a pound for all mohair sold in the 1956 marketing year (April 1, 1956, through March 31, 1957). The price of mohair will be supported by payments to producers if the national average return to producers for all mohair sold in the marketing year is less than the support level of 70 cents a pound. Mohair prices are now above that level.

(b) *Provisions of regulations.* If market conditions become such that it appears that payments to producers will be necessary, regulations containing the detailed program requirements will be issued. Such regulations will be generally similar to the regulations under the 1956 Incentive Payment Program for Shorn Wool, issued by the Acting Secretary of Agriculture on March 23, 1956 (21 F. R. 1877), except that there will be no deductions from payments under the mohair program based on any purchases of goats. Applicants for payments under a mohair program will submit sales documents meeting the requirements as to sales documents for shorn wool (§§ 472.710 and 472.709 (b) (c) (d) of this subchapter), and producers of mohair are cautioned to obtain and keep such documents for use under a mohair program if one is instituted.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 702–709, 68 Stat. 910–912; 15 U. S. C. 714c, 7 U. S. C. 1781–1787, 1446)

Issued this 18th day of April 1956.

[SEAL] EARL M. HUGHES,
*Executive Vice President,*
*Commodity Credit Corporation.*

[F. R. Doc. 56–3177; Filed, April 23, 1956; 8:53 a. m.]

# TITLE 7—AGRICULTURE

## Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 52—PROCESSED FRUITS AND VEGETABLES, PROCESSED PRODUCTS THEREOF, AND CERTAIN OTHER PROCESSED FOOD PRODUCTS

SUBPART—UNITED STATES STANDARDS FOR GRADES OF FRUIT PRESERVES (OR JAMS)[1]

CONSISTENCY

On March 6, 1956, a notice of proposed rule making was published in the FEDERAL REGISTER (21 F. R. 1451) regarding a proposed amendment to the United States Standards for Grades of Fruit Preserves (or Jams), 7 CFR 52.1111–52.1123.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following amendment to the United States Standards for Grades of Fruit Preserves (or Jams) is hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.):

In § 52.1118, paragraph (b) (2) is amended in its entirety to read:

(2) Cherry: Whole or almost whole or pieces of pitted cherries or combinations thereof.

The United States Standards for Grades of Fruit Preserves (or Jams) as herein amended and as contained in this subpart shall become effective 30 days after the date of publication hereof in the FEDERAL REGISTER and thereupon will supersede the United States Standards for Grades of Fruit Preserves (or Jams) which have been in effect since January 23, 1953 (7 CFR 52.1111–52.1123).

(Sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624)

Dated: April 19, 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator,*
*Marketing Services.*

[F. R. Doc. 56–3173; Filed, Apr. 23, 1956; 8:52 a. m.]

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# TITLE 9—ANIMALS AND ANIMAL PRODUCTS

## Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 7]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—VESICULAR EXANTHEMA

CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as

[1] Compliance with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111–113, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 76.27, as amended, Subpart B, Part 76, Title 9, Code of Federal Regulations (21 F. R. 3, 417, 786, 1165, 1461, 1743, 2230), which contains a notice with respect to the States in which swine are affected with vesicular exanthema, a contagious, infectious, and communicable disease, and which quarantines certain areas in such States because of said disease, is hereby further amended in the following respects:

1. Subparagraph (1) of paragraph (a), relating to Los Angeles County in California, is deleted.

2. Subparagraph (5) of paragraph (a), relating to Santa Clara County in California, is deleted.

3. Subparagraph (7) of paragraph (d), relating to Hunterdon County in New Jersey, is amended to read:

(7) Lebanon Township in Hunterdon County.

4. A new subdivision (xx) is added to subparagraph (9) of paragraph (d), relating to Monmouth County in New Jersey, to read:

(xx) That part of Freehold Township lying west of State Highway No. 79, north of East Freehold Road, and east of Robertsville Road.

*Effective date.* The foregoing amendment shall become effective upon issuance.

The amendment excludes certain areas in California and New Jersey from the areas heretofore quarantined because of vesicular exanthema. Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR, 1954 Supp., Part 76, Subpart B, as amended, will not apply to such areas. However, the restrictions pertaining to such movement from non-quarantined areas, contained in said Subpart B, as amended, will apply thereto.

The amendment relieves certain restrictions presently imposed, and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 111–113, 117, 120, 123, 125)

Done at Washington, D. C., this 18th day of April 1956.

[SEAL] B. T. SHAW,
*Administrator,*
*Agricultural Research Service.*

[F. R. Doc. 56–3151; Filed, Apr. 23, 1956; 8:48 a. m.]

## TITLE 14—CIVIL AVIATION

### Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 159]

PART 608—RESTRICTED AREAS

ALTERATIONS

The restricted area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure, and effective date, provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.61, the Kodiak Island, Alaska, area (R–349 formerly D–349), published on July 16, 1949 in 14 F. R. 4298, is rescinded.

2. In § 608.61, the Lighthouse Rock, Alaska, area (R–353 formerly D–353), published on September 6, 1950 in 15 F. R. 5990, is rescinded.

3. In § 608.61, the Sealion Rock, Alaska, area (R–351 formerly D–351), published on July 16, 1949 in 14 F. R. 4298, is rescinded.

4. In § 608.61, Adak Island, Alaska, area (R. 354 formerly D–354), published on July 16, 1949 in 14 F. R. 4297, is rescinded.

5. In § 608.61, Adak Island, Alaska, area (R–355 formerly D–355), published on July 16, 1949 in 14 F. R. 4297, is rescinded.

6. In § 608.61, the Adak Island, Alaska, area (R–357 formerly D–357), published on July 16, 1949 in 14 F. R. 4297, is rescinded.

7. In § 608.61, the Adak Island, Alaska, area (R–358 formerly D–358), published on July 16, 1949 in 14 F. R. 4297, is rescinded.

8. In § 608.61, the Tanaga Island, Alaska, area (R–359 formerly D–359), published on July 16, 1949 in 14 F. R. 4298 is rescinded.

9. In § 608.61, the Attu Island, Alaska, area (R–360 formerly D–360), published on July 16, 1949 in the 14 F. R. 4297, is rescinded.

10. In § 608.61, the Attu Island, Alaska, area (R–361 formerly D–361), published on July 16, 1949 in 14 F. R. 4297, is rescinded.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies Sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on May 9, 1956.

[SEAL] C. J. LOWEN,
*Administrator of Civil Aeronautics.*

[F. R. Doc. 56–3162; Filed, Apr. 23, 1956; 8:50 a. m.]

## TITLE 18—CONSERVATION OF POWER

### Chapter I—Federal Power Commission

[Docket No. R–154; Order No. 186]

PART 1—RULES OF PRACTICE AND PROCEDURE

MISCELLANEOUS AMENDMENTS

The Commission has under consideration in this proceeding the amendment of § 1.36 *Public information,* and of § 1.1 (f) *Definitions,* of Part 1 of its rules of practice and procedure (18 CFR 1.36, 1.1 (f)). The purpose of these amendments is to enlarge and clarify the scope of the files and records of the Commission which are available for public reference without special Commission order, and to clarify the Commission's practice with respect to notice of its proceedings and publication of its decisions.

It appears that the adoption of such amendments is a matter of procedure which does not require notice or hearing under section 4 (a) of the Administrative Procedure Act.

The Commission finds: The amendments hereinafter adopted are necessary and appropriate to carry out the provisions of the Federal Power Act and the Natural Gas Act and to aid in the discharge of the Commission's duties under other statutory provisions and executive orders conferring powers or duties upon the Commission.

The Commission orders: (A) Section 1.36 *Public information,* of Part 1, rules of practice and procedure, is hereby amended to read as follows:

§ 1.36 *Public information*—(a) *Notice of proceedings.* (1) Notice of applications, formal complaints, and petitions other than petitions to intervene, is provided for in §§ 1.17 and 1.37. Notice of applications for certificates of public convenience and necessity under section 7 of the Natural Gas Act is provided for by § 1.57.9 of this chapter. Notice of hearings and of initiation or pendency of rule making proceedings is provided for in § 1.19. Notice of applications under Part I of the act for preliminary permits and licenses is provided for by §§ 4.31 and 4.81 of this chapter.

(2) Notice of proposed alterations or surrenders of license under section 6 of the Federal Power Act may be given by filing and publication in the FEDERAL REGISTER as provided in § 1.19 (a), and, where deemed desirable by the Commission, by local newspaper advertisement. Notice of rates charged and changes therein is provided for by the filing requirements of Parts 35 and 154 of this chapter. Any other notice required by statute, rule, regulation, or order, or deemed desirable, may be given by filing and publication in the FEDERAL REGISTER as provided in § 1.19 (a) or by service as provided in § 1.17 (a).

(b) *Notice and publication of decisions.* Service of intermediate and final decisions upon parties to the proceedings is provided in § 1.30 (a), (b), and (i).



Rules or amendments of rules adopted will be filed and published in the FEDERAL REGISTER. Commission opinions together with accompanying orders, Commission orders, and intermediate decisions will be released to the press and made available to the public promptly. Copies of Commission opinions, orders in the nature of opinions, and intermediate decisions which have become final may be procured from the Superintendent of Documents, United States Government Printing Office, Washington (25), D. C., upon payment of prescribed charges and will be published in the Commission's Reports (— F. P. C. —).

(c) *Public files and records.* Except as provided in paragraph (d), of this section, the public files and records of the Commission which are available for public reference, insofar as consistent with the proper discharge of the Commission's duties, at its principal office during the prescribed hours of that office, are comprised of the following: [1]

(1) All submittals and filings.

(2) All parts of the formal record in any matter or proceeding set for hearing.

(3) All Commission correspondence relating to (i) any submittal or filing, (ii) matter or proceeding, (iii) any furnishing of data or information, except to or by another branch, department, or agency of the Government.

(4) Any Commission memoranda, in a matter or proceeding set for hearing, received or sent by the Commission after the commencement of hearing and before final Commission action.

(5) All presiding officer actions and all presiding officer correspondence and memoranda to or from others relating to any matter or proceeding pending before them.

(6) All Commission orders, notices, findings, opinions, determinations, and other actions in any matter or proceeding and all Commission minutes which have been approved.

(7) Commission correspondence and reports on legislative matters under consideration by the Bureau of the Budget or Congress but only if and after made public or released for publication by that Bureau or the committee or member of Congress involved.

(8) Commission correspondence with respect to the furnishing of data, information, comments, or recommendations to or by another branch, department, or agency of the government, but where the furnishing of such data, etc., to the other branch, etc., is the subject, such correspondence shall not become public files or records unless or until made public by that branch, etc., except where furnished to satisfy a specific requirement of a statute.

(9) Staff reports on statements of claimed cost by licensees where such reports have been served on the licensee.

(10) Commission correspondence on interpretation of the Uniform System of Accounts and letters on such interpretation signed by the Chief Accountant and sent to others than the Commission, a Commissioner, or any of the staff.

(11) Commission correspondence on the interpretation or applicability of any statute, rule, regulation, order, license, or permit issued or administered by the Commission and letters of opinion on that subject signed by the General Counsel and sent to others than the Commission, a Commissioner, or any of the staff.

(12) Copies of all filings, certifications, pleadings, records, briefs, orders, judgments, decrees, and mandates in court proceedings to which the Commission is a party and all correspondence with the courts or clerks of court.

(d) *Exceptions.* The following are excepted from the provisions of paragraph (c) of this section.[1]

(1) Files and records containing facts or information not permitted to be divulged by section 301 of the Federal Power Act or Section 8 of the Natural Gas Act because knowledge thereof was gained during the course of examination of books, records, data, or accounts pursuant to those Sections and divulgence thereof has not been ordered by the Commission.

(2) Communications relating to personnel matters received upon a confidential basis, and medical and other personal information, which, under general Governmental personnel practices, are not normally made public.

(3) Staff papers.

(4) Written communications between or among the Commission, members of the Commission, the Secretary, and expressly designated members of the staff while particularly assigned, in accordance with all applicable legal requirements, to aid the Commission in the drafting of any order and findings, with or without opinion, in any matter or proceeding in which a hearing has been held.

(5) Bids for goods or services received in response to Commission invitations prior to opening of all such bids, where applicable statutes restrict disclosure.

(6) Files and records classified under Executive Order No. 10501 for national security purposes.

(7) Confidential reports made as permitted by Instruction 5, FPC Form No. 2, prescribed by Order No. 162, issued October 30, 1951.

(8) Engineering reports, submitted to the Commission in support of applications for licenses under Part I of the Federal Power Act, which have been prepared at substantial expense to the applicant and as to which the applicant claims it has an interest against disclosure, unless or until a hearing is set on the application.

(9) Unaccepted offers of settlement in any matter or proceeding unless or until made public by act of the offeror.

(e) *Other records.* Files and records not made part of the public files and records by this Section will be made available for public reference only pursuant to written request and a showing in support thereof, by order of the Commission or the Chairman, where consistent with the public interest.

(f) *Procedure in event of subpena.* If an officer or employee of the Commission is served with a subpena duces tecum, material which is not part of the public files and records of the Commission shall be produced only as authorized by the Commission. Service of such a subpena shall immediately be reported to the Commission with a statement of all relevant facts. The Commission will thereupon enter such order or give such instructions as it deems advisable.

(B) Section 1.1 (f) *Definitions,* of Part 1, Rules of Practice and Procedure, is hereby amended by adding at the end thereof the following additional subparagraphs:

(17) "Filings and submittals." For the purpose of this paragraph and § 1.36, filings and submittals include the following: (i) Applications, declarations, complaints, petitions, and other papers seeking Commission action; (ii) financial and statistical and other reports to the Commission, power system statements, statements of claimed cost of licensed projects, original cost and reclassification studies, proposed accounting entries, certificates of notification (under section 204 (e) of the Federal Power Act), rates or rate schedules and related data and concurrences, and other filings and submittals to the Commission in compliance with the requirement of any statute, executive order, or Commission rule, regulation, order, license, or permit; (iii) all answers, replies, responses, objections, protests, motions, stipulations, exceptions, other pleadings, notices, depositions, certificates, proofs of service, transcripts of oral arguments, and briefs in any matter or proceeding; (iv) all exhibits, attachments and appendices to, amendments and corrections of, supplements to, or transmittals or withdrawals of, any of the foregoing.

(18) "Matter or proceeding." For the purpose of this paragraph and § 1.36, matter or proceeding means the Commission's elucidation of the relevant facts and applicable law, consideration thereof, and action thereupon with respect to a particular subject within the Commission's jurisdiction, initiated by a filing or submittal or a Commission notice or order.

(19) "Formal record." For the purpose of this paragraph and § 1.36, the formal record includes in addition to all the filings and submittals in a matter or proceeding, any notice or Commission order initiating the matter or proceeding, and, if a hearing is held, the following: the designation of the presiding officer, transcript of hearing, all exhibits received in evidence, all exhibits offered but not received in evidence, offers of proof, motions, stipulation, subpenas, proofs of service, references to the Commission, and determinations made by the Commission thereon, certifications to the Commission, and anything else upon which action of the presiding officer or the Commission may be based; it does not include any proposed testimony or exhibits not offered or received in evidence.

(20) "Staff papers." For the purpose of this paragraph and § 1.36 staff papers include the Commission staff's working notes, papers, records, memoranda, and correspondence, except: any such papers, not relating to a proposed settlement or to an application, permission, filing, or submittal under § 35.13 or § 154.66 of

[1] See definitions in § 1.1 (f) (17)–(22).

this chapter, which are intended for the Commission's consideration and are within the terms of paragraph (c) (iv) of § 1.36 and subparagraph (21) of this paragraph, because received by the Commission in a matter or proceeding after hearing has commenced and before final Commission action; and any such papers made a part of the public rules and records by inclusion in a formal record (see subparagraph (19) of this paragraph, and said § 1.36 (c) (ii)) or in any Commission memorandum or correspondence which is part of the public files and records (see subparagraphs (21) and (22) of this paragraph and said § 1.36 (c)).

(21) "Commission memoranda." For the purpose of this paragraph and § 1.36, Commission memoranda include all written communications from the staff or a presiding officer which are intended for the Commission's consideration and all those to the staff or a presiding officer which are signed or transmitted by or on behalf of the Chairman, a Commissioner, the Secretary, or the Executive Director.

(22) "Commission correspondence." For the purpose of this paragraph and § 1.36, Commission correspondence includes all written communications and enclosures received from others than the staff and intended for the Commission or sent to others than the staff and signed by the Chairman, a Commissioner, the Secretary, the Executive Director, or other authorized official, except those which are purely personal.

(Sec. 309, 49 Stat. 858, sec. 16, 52 Stat. 830; 16 U. S. C. 825h, 15 U. S. C. 717o)

Issued: April 19, 1956.

By the Commission.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56-3167; Filed, Apr. 23, 1956; 8:51 a. m.]

## TITLE 19—CUSTOMS DUTIES

### Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54072]

PART 12—SPECIAL CLASSES OF MERCHANDISE

MERCHANDISE SUBJECT TO IMPORT QUOTAS

In order to eliminate certain extraneous material and to clarify requirements pertaining to the entry, or withdrawal, for consumption of merchandise subject to quota limitations, the Customs Regulations are amended as follows:

1. Section 12.49 is amended to read as follows:

§ 12.49 *Proclamations establishing import quotas.* The provisions of Presidential proclamations establishing tariff-rate quotas[33] or absolute import quotas are published in the Treasury decisions.

2. Footnote 33 to § 12.49 is amended to read as follows:

[33] Modified duty rates under tariff-rate quotas established pursuant to section 350 of the Tariff Act of 1930, as amended and extended, are not applicable to imports from the countries or areas listed on page 1 of United States Import Duties (1952), as amended.

3. Section 12.50 is amended as follows:

a. Paragraph (a) is amended by inserting the following as the second sentence: "Consumption entries and withdrawals for consumption covering quota commodities shall be accepted only during the official office hours when the customhouse is fully staffed and open for the transaction of all customs business."

b. Paragraph (d) is amended by deleting the next-to-last sentence.

c. Paragraphs (e) and (f) are amended to read as follows:

(e) When any tariff-rate quota is nearing fulfillment, the exact date, hour, and minute of official acceptance shall be noted on each entry and withdrawal and reported to the bureau. When any absolute quota is nearing fulfillment and it is necessary to secure Bureau approval before accepting entries or withdrawals thereunder, the time of presentation of each entry or withdrawal shall be reported to the Bureau.

(f) If quota-class merchandise is the subject of an application for release under an immediate delivery permit, the time of presentation of entry shall not precede the time when the importing carrier reaches the limits of the port where entry is to be made. See §§ 8.4 and 8.59 of this chapter.

(R. S. 161, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 1624

[SEAL] D. B. STRUBINGER,
*Acting Commissioner of Customs.*

Approved: April 17, 1956.

DAVID W. KENDALL,
*Acting Secretary of the Treasury.*

[F. R. Doc. 56-3159; Filed, Apr. 23, 1956; 8:50 a. m.]

## TITLE 21—FOOD AND DRUGS

### Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF 3-(*p*-CHLOROPHENYL)-1-1-DIMETHYLUREA AND 3-(3,4,-DICHLOROPHENYL)-1-1-DIMETHYLUREA

Petitions were filed with the Food and Drug Administration requesting the establishment of a tolerance of 1 part per million for residues of 3-(*p*-chlorophenyl)-1,1-dimethylurea in or on grapes and a tolerance of 1 part per million for residues of 3-(3,4-dichlorophenyl) 1,1-dimethylurea in or on potatoes.

The Secretary of Agriculture has certified that these pesticide chemicals are useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petitions and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120) are amended as follows:

1. Section 120.106 *Tolerance for residues of 3-(3,4-dichlorophenyl) 1,1-dimethylurea* is amended by inserting the word "potatoes," after the word "pineapple" in the list of raw agricultural commodities.

2. Section 120.108 *Tolerance for residues of 3-(p-chlorophenyl)-1,1-dimethylurea* is amended by inserting the word "grapes", after the word "cottonseed" in the list of raw agricultural commodities.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 512; 21 U. S. C. 346a)

Dated: April 18, 1956.

[SEAL] GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F. R. Doc. 56-3143; Filed, Apr. 23, 1956; 8:46 a. m.]

PART 141b—STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS

STREPTOMYCIN-NEOMYCIN POWDER; DIHYDROSTREPTOMYCIN-NEOMYCIN POWDER

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, 61 Stat. 11; 21 U. S. C. 357 and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), the regulations for tests and methods of assay and certification of streptomycin (or dihydrostreptomycin) and streptomycin- (or dihydrostreptomycin-) containing drugs (21 CFR Parts 141b, 146b) are amended by adding the following new sections:

§ 141b.131 *Streptomycin - neomycin powder; dihydrostreptomycin-neomycin powder*—(a) *Potency*—(1) *Streptomycin content.* Proceed as directed in § 141b.101 (a) through (i). Its content of streptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams per gram that it is represented to contain.

(2) *Dihydrostreptomycin content.* Proceed as directed in subparagraph (1) of this paragraph, using the dihydrostreptomycin working standard as the standard of comparison. Its content of dihydrostreptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams per gram that it is represented to contain.

(3) *Neomycin content.* Proceed as directed in § 141e.410 (b) (1) of this chapter, except use as the test organism the Food and Drug Administration dihydrostreptomycin- and streptomycin-resistant strain of M. pyogenes var. aureus (P. C. I. 1209 R. D.), which is grown and maintained on media containing 1,000 μg. of dihydrostreptomycin per milliliter of agar. Its content of neomycin is satisfactory if it contains not less than 85 percent of the number of milligrams per gram that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.8 (b) of this chapter.

§ 146b.126 *Streptomycin-neomycin powder; dihydrostreptomycin-neomycin powder*—(a) *Standards of identity, strength, quality, and purity.* Streptomycin-neomycin powder and dihydrostreptomycin-neomycin powder are streptomycin and neomycin or dihydrostreptomycin and neomycin, with or without suitable and harmless absorbent ingredients, buffer substances, preservatives, diluents, colorings, and flavorings. It contains not less than 15 milligrams of streptomycin or dihydrostreptomycin and not less than 5.25 milligrams of neomycin per gram of powder. Its moisture content is not more than 7.5 percent. The streptomycin used conforms to the standards prescribed therefor by § 146b.101 (a), except § 146b.101 (a) (2) and (4). The dihydrostreptomycin used conforms to the standards prescribed therefor by § 146b.103, except the standards for sterility and pyrogens. The neomycin used conforms to the standards prescribed therefor by § 146e.410 (a) (2) of this chapter. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U. S. P. The composition of the immediate container shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.



(c) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of milligrams of streptomycin or dihydrostreptomycin and the number of milligrams of neomycin in each gram of the batch.

(iii) The statement "Expiration date ------," the blank being filled in with the date that is 12 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(iv) The name and quantity of each absorbent ingredient and preservative used, and the name of each buffer substance used.

(2) On the outside wrapper or container:

(i) The statement "Caution: Federal law prohibits dispensing without prescription," unless it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled.

(ii) If it is packaged for dispensing and it is intended for use by man, a reference specifically identifying a readily available medical publication containing information (including contradications and possible sensitization) adequate for the use of such drug by practitioners licensed by law to administer it; or a reference to a brochure or other printed matter containing such information, and a statement that such brochure or other printed matter will be sent on request: *Provided, however,* That this reference may be omitted from the immediate container if the information is contained in a circular or other labeling within or attached to the package.

(3) On the circular or other labeling within or attached to the package, if it is packaged for dispensing and it is intended solely for veterinary use and is conspicuously so labeled, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless they were previously submitted) the dates on which the latest assays of the streptomycin or dihydrostreptomycin and neomycin used in making the batch were completed, the number of milligrams of streptomycin or dihydrostreptomycin and the number of milligrams of neomycin in each gram of the batch, the quantity of each ingredient used in making the batch, the date on which the latest assay of the drug comprising such batch was completed, and a statement that each ingredient used in making the batch conforms to the requirements prescribed therefor, if any, by this section.

(i) Except as otherwise provided in subparagraph (4) of this paragraph, such person shall submit in connection with his request, results of tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch: The number of milligrams of streptomycin or dihydrostreptomycin and the number of milligrams of neomycin per gram, and moisture content.

(ii) The streptomycin or dihydrostreptomycin used in making the batch: Potency, toxicity, histamine content, pH, streptomycin content if it is dihydrostreptomycin, and crystallinity if it is crystalline dihydrostreptomycin.

(iii) The neomycin used in making the batch: Potency, toxicity, moisture, and pH.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch: 1 immediate container for each 5,000 immediate containers in the batch, but in no case less than 5 immediate containers or more than 12 immediate containers, collected by taking single immediate containers at such intervals throughout the entire time of packaging the batch that the quantities packaged during the intervals are approximately equal.

(ii) The streptomycin or dihydrostreptomycin used in making the batch: 5 packages containing approximately equal portions of not less than 0.5 gram each, packaged in accordance with the requirements of § 146b.101 (b).

(iii) The neomycin used in making the batch: 5 packages containing approximately equal portions of not less than 0.5 gram each.

(iv) In case of an initial request for certification, each other ingredient used in making the batch: 1 package of each containing approximately 5 grams.

(4) No result referred to in subparagraph (2) (ii) and (iii) of this paragraph, and no sample referred to in subparagraph (3) (ii) and (iii) of this paragraph, is required if such result or sample has been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) (i), (iii), and (iv) of this section; $10.00 for each package in the sample submitted in accordance with paragraph (d) (3) (ii) of this section.

(2) If the Commissioner considers that investigations other than examinations of such packages are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the

request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industries and since it would be against public interest to delay providing for the amendments set forth above.

This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: April 18, 1956.

[SEAL] GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F. R. Doc. 56-3144; Filed, Apr. 23, 1956; 8:46 a. m.]

# TITLE 26—INTERNAL REVENUE, 1954

## Chapter I—Internal Revenue Service, Department of the Treasury

### Subchapter E—Alcohol, Tobacco, and Other Excise Taxes

[T. D. 6170]

PART 275—MANUFACTURED TOBACCO; MANUFACTURERS, IMPORTERS, AND DEALERS.

AMOUNT OF BOND

On January 24, 1956, a notice of proposed rulemaking with respect to regulations designated as Part 275 of Title 26 (1954) of the Code of Federal Regulations was published in the FEDERAL REGISTER (21 F. R. 544). The purposes of the proposal were to prescribe that packages of imported manufactured tobacco bear a warning similar to that required on packages of domestic manufactured tobacco and to clarify the provisions relating to the amount of bonds. After consideration of all such relevant matter as was presented by interested persons relating to the rules proposed, the amendment to 26 CFR (1954) Part 275, set forth below, is hereby adopted.

Section 275.112 is amended by striking out, in the first sentence thereof, the words "equal to" and inserting, in lieu thereof, the words "not less than".

This Treasury decision shall be effective on the first day of the first month which begins not less than 30 days following the date of publication in the FEDERAL REGISTER.

(68A Stat. 917; 26 U. S. C. 7805)

[SEAL] O. GORDON DELK,
*Acting Commissioner of Internal Revenue.*

Approved: April 19, 1956.

DAN THROOP SMITH,
*Special Assistant to the Secretary in Charge of Tax Policy.*

[F. R. Doc. 56-3160; Filed, Apr. 23, 1956; 8:50 a. m.]

# TITLE 32A—NATIONAL DEFENSE, APPENDIX

## Chapter XVIII — National Shipping Authority, Maritime Administration, Department of Commerce

[NSA Order 6 (INS-1, 5th Revision)]

INS-1—MARINE PROTECTION AND INDEMNITY INSURANCE INSTRUCTIONS UNDER GENERAL AGENCY AND BERTH AGENCY AGREEMENTS

Effective as of March 31, 1956, midnight, e. s. t., NSA Order No. 6 (INS-1, Fourth Revision), published in the FEDERAL REGISTER issue of April 15, 1955 (20 F. R. 2483), is hereby revised to read as follows:

Sec.
1. What this order does.
2. Insurer.
3. Assured.
4. Vessels insured and terms of insurance.
5. Assumption of risk by owner and attachment and cancellation dates of commercial insurance.
6. Issuance of policies or certificates by Underwriter.
7. Insurance premiums.
8. Reports of accidents and occurrences.
9. Settlement of claims.
10. Litigation and employment of counsel.
11. Report of claims.
12. Application and interpretation of this order.

AUTHORITY: Sections 1 to 12 issued under sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114.

SECTION 1. *What this order does.* Effective as of March 31, 1956, midnight e. s. t., this order prescribes instructions with respect to the placing of commercial marine protection and indemnity (referred to in this order as "P & I") insurance and the handling of claims of a P & I insurance nature, required to be followed by General Agents and Berth Agents under General Agency Agreements and Berth Agency Agreements respectively, with the United States of America, acting by and through the Director, National Shipping Authority, Maritime Administration, Department of Commerce (referred to in this order as the "Owner").

SEC. 2. *Insurer.* The Continental Insurance Company, New York, New York, (referred to in this order as the "Underwriter"), acting by and through Marine Office of America, 116 John Street, New York 38, N. Y. (referred to in this order as the "Underwriting Agent"), entered into an insuring agreement with the Owner covering the period from March 31, 1956, midnight, e. s. t., to March 31, 1957, midnight, e. s. t.

SEC. 3. *Assured.* The assureds are (a) the United States of America, acting by and through the Director, National Shipping Authority, Maritime Administration, Department of Commerce, and (b) its General Agents and Berth Agents, and Sub-Agents acting on behalf of either.

SEC. 4. *Vessels insured and terms of insurance.* The Underwriter has agreed to provide P & I insurance with respect to General Agency vessels operated in the employment of the Military Sea Transportation Service (referred to in this order as "MSTS"), for a period of one year from midnight, e. s. t., March 31, 1956, at an annual rate of $2.22½ per gross registered ton on a daily pro rata basis, attaching as provided in section 5 (a), (b), (c), (d), and (e) of this order and terminating as of midnight, e. s. t., March 31, 1957, or in accordance with section 5, paragraphs (c), (f), (g), (h) or (i) of this order. This insurance covers the vessels' liability of a P & I insurance nature except for any loss, damage or expense in respect to cargo, including baggage and personal effects of passengers, if any, or cargo's proportion of general average or special charges, or in any other way relating to cargo which is to be carried, is being carried, or has been carried on board such vessels. The limit of liability in any claim shall be $250,000 for each accident or occurrence per vessel, with a deduction of $500 for each accident or occurrence resulting in personal injury, illness, or death, and $250 for each accident or occurrence of other types except "putting in" and burial expenses. Claims for "putting in" and burial expenses are not subject to any deduction. The Underwriter has agreed to accept liability not to exceed $200 for burial expenses.

SEC. 5. *Assumption of risk by Owner and attachment and cancellation dates of commercial insurance*—(a) *Vessels allocated and delivered to General Agents at fleet site under General Agency Agreement 3–19–51.* When vessels are allocated and delivered to General Agents at fleet site, the Owner will assume the risks of a P & I insurance nature from the date and hour of the vessel's delivery to the General Agent at fleet site to 12:01 a. m., of the day the vessel is accepted by MSTS, or until 12:01 a. m. of the day the first man signs articles, whichever shall occur first. (See NSA Order No. 49 (DTO–1), revised, for particulars.) As of that time, the P & I risks shall be commercially insured with the Underwriter, and the General Agents shall arrange with the Underwriting Agent to have the insurance so attached.

(b) *Vessels delivered from bareboat charter and allocated for operation under General Agency Agreement 3–19–51.* When vessels are delivered from bareboat charter and delivered to General Agents for operation under General Agency Agreement 3–19–51, the P & I insurance risks shall be commercially insured with the Underwriter and the General Agents shall arrange with the Underwriting Agent to have P & I insurance attached as of the date and hour of the vessel's delivery under the Agreement.

(c) *Vessels transferred from one General Agent to another under General Agency Agreement 3–19–51.* When a vessel is withdrawn from operation under one General Agent and allocated to another for operation, the respective General Agents shall, unless advised to the contrary, arrange with the Underwriting Agent for the termination and reattachment of P & I insurance as of the respective dates and hours of redelivery and delivery of the vessel from and to the respective General Agents.



(d) *New vessels allocated and delivered under General Agency Agreement 3–19–51.* When new vessels are allocated and delivered to General Agents directly from the builder's yard, the General Agents shall, unless advised to the contrary, arrange for commercial P & I insurance with the Underwriter and request the Underwriting Agent to have the insurance attach as of the date and hour of the vessel's delivery under the Agreement.

(e) *Vessels presently in operation under General Agency Agreement 3–19–51.* In respect to the vessels in operation on the effective date of the new P & I insurance contract, the General Agents shall immediately declare such vessels to the Underwriting Agent and/or Underwriter, and the insurance shall attach on each such vessel in accordance with the new P & I insurance contract as of midnight, eastern standard time, March 31, 1956.

(f) *Vessels designated for redelivery.* General Agents shall terminate the commercial P & I insurance on these vessels as of midnight, e. s. t., of the day the vessel is redelivered by MSTS to the General Agent or midnight of the day the last man signs off Articles, whichever shall last occur.

(g) *Notice of attachment and termination of insurance.* General Agents shall promptly notify the Chief, Division of Insurance, Office of Comptroller, Maritime Administration, Washington 25, D. C., of the date and hour of the attachment or of the termination of P & I insurance after either is effected in accordance with paragraphs (a), (b), (c), (d), (e), (f), and (g) of this section.

SEC. 6. *Issuance of policies or certificates by Underwriter.* The Underwriting Agent, upon receipt of applications from General Agents, will arrange for execution and delivery of the Underwriter's policy and/or certificates to such General Agents with respect to each vessel named in such applications. The Underwriting Agent will also obtain and furnish such copies of policies and/or certificates as may be required by the Owner and the General Agents. The original of all policies and/or certificates shall be promptly forwarded by each General Agent to the Chief, Division of Insurance, Office of Comptroller, Maritime Administration, Department of Commerce, Washington 25, D. C. Upon cancellation of this insurance, the Underwriter will issue an endorsement with respect to such cancellation, showing the cancellation date and amount of return premium.

SEC. 7. *Insurance premiums*—(a) *Payment of premiums.* Premiums for P & I insurance provided under the policies shall be paid by each General Agent quarterly, in advance, for the period from the date of attachment of such insurance to March 31, 1957, midnight, e. s. t. Brokerage, if any, shall be allowed, but in no event to exceed 5 percent of the annual premiums, or the total of quarterly premiums accrued to date of cancellation.

(b) *Return premiums.* Each General Agent shall be responsible for collection or obtaining credit for return premiums provided for in the current policy for all vessels insured with the Underwriter pursuant to this order. Such return premiums shall be computed in accordance with the provisions of such policy. Statements or credit memoranda shall be obtained in duplicate from the Underwriter; the originals thereof shall be filed in the General Agent's office and shall be subject to inspection by the Owner's auditors. The duplicate copies thereof shall be forwarded to the Chief, Division of Insurance, Office of Comptroller, Maritime Administration, Department of Commerce, Washington 25, D. C.

SEC. 8. *Reports of accidents and occurrences*—(a) *Reports to underwriter.* All accidents and occurrences of a P & I insurance nature, arising subsequent to the attachment of P & I insurance (as provided in section 5 of this order) shall be promptly reported by General Agents to the Underwriter and/or the Underwriting Agent, together with all available information. The General Agents shall also obtain the names of the Underwriter's outport representatives from the Underwriting Agent and supply such information to the Master of each vessel so that he may report to and/or obtain from these representatives such information and assistance as may be required under the circumstances.

(b) *Reports to owner.* All accidents and occurrences of a P & I insurance nature, arising prior to the attachment and subsequent to the termination of this insurance (as provided in section 5 of this order) shall be reported to the Chief, Division of Insurance, Office of Comptroller, Maritime Administration, Washington 25, D. C.

SEC. 9. *Settlement of claims*—(a) *On risks insured under commercial marine protection and indemnity policies.* General Agents of vessels described in this order are hereby authorized to settle without prior approval, all claims of a P & I insurance nature where the settlement amounts do not exceed the applicable deductions set forth in the P & I policy. When the proposed settlement amounts of such claims exceed the applicable deductions, General Agents shall obtain the Underwriter's approval of the proposed settlements and, immediately after payment in full, or, of any portion thereof over the applicable deductions, make formal claim for reimbursement from the Underwriter. All claims which do not exceed the deductions in the policy are chargeable to vessel expense and shall be accounted for in accordance with current accounting and/or auditing instructions. When settling any claim, the General Agent shall advise the claimant that such settlement is not to be construed as an admission of liability by or on behalf of the Owner, or its General Agents and Berth Agents or their Sub-Agents, but that the settlement is a compromise of a disputed claim. General Agents shall be expected to apply sound judgment and follow standard practices of steamship operators in the settlement or other disposition of P & I claims and shall avail themselves of the advice and assistance of the Underwriter, and may also consult with the appropriate District Counsel of the Maritime Administration, and the Chief, Division of Insurance, Office of Comptroller, Maritime Administration, Washington 25, D. C. Berth Agents shall furnish reports and render all necessary assistance to the General Agents in handling P & I insurance claims. A claim shall be settled only when the amount of the settlement is reasonable under the circumstances, is adequately supported, and is in the best interests of the United States.

(b) *On risks assumed by the owner.* General Agents are hereby authorized to settle claims of a P & I insurance nature, arising under conditions where the risk is assumed by the Maritime Administration (as set forth in section 5 of this order), without prior approval, provided the proposed settlement amount of each claim does not exceed $1,000.00. If the proposed settlement amount of any such claim exceeds $1,000.00 the General Agent shall, prior to payment, obtain the approval of the proposed settlement from the Chief, Division of Insurance, Office of Comptroller, Maritime Administration, Washington 25, D. C. The amounts and costs of these settlements are chargeable to vessel operating expense and shall be accounted for in accordance with current accounting and/or auditing instructions. When settling any claim hereunder, General Agents shall be governed by the procedure and instructions set forth in paragraph (a) of this section insofar as applicable.

(c) *Claims declined by Underwriters.* Any claim of a P & I insurance nature, whether arising prior or subsequent to March 31, 1956, which has been declined by this Underwriter, or by any other Underwriters under prior insuring agreements, shall be forwarded to the Chief, Division of Insurance, Office of Comptroller, Maritime Administration, Washington 25, D. C., for review and further instruction.

SEC. 10. *Litigation and employment of counsel.* (a) As to any suit arising out of the activities of a General Agent in the course of his official duties, wherein the General Agent is named a party or one of the parties respondent or defendant, and whether or not the risk is covered by P & I insurance, such General Agent shall immediately, by air mail, forward copies of the pleadings and all other related legal documents to the General Counsel, Maritime Administration, Department of Commerce, Washington 25, D. C., and to the Attorney General, Admiralty and Shipping Section, Department of Justice, Washington 25, D. C. No General Agent, Berth Agent, or Sub-Agent, shall incur any legal expenses in connection with any claim covered by P & I insurance unless approved in advance by the Underwriter, or in connection with any other claim unless approved in advance by the General Counsel, Maritime Administration, except in an emergency where time will not permit such approval to be obtained.

(b) In addition to the foregoing, in the case of any attachment or seizure of a vessel, whether or not the risk is covered by P & I insurance, the General Agent shall immediately, by telegram, radio, or cable, notify the nearest Mari-

time Administration representative or the General Counsel, Maritime Administration, Washington 25, D. C.

SEC. 11. *Report of claims.* (a) All General Agents shall submit to the Chief, Division of Insurance, Office of Comptroller, Maritime Administration, Washington 25, D. C., semi-annual reports of all claims, listed separately as per the attached form.

(b) The first of such reports shall cover the semi-annual period ending June 30, 1956, and shall be submitted as soon as possible after said date. Subsequent reports shall be made promptly after the conclusion of each semi-annual period thereafter. A claim previously reported as closed shall not be reported on subsequent statements unless it is reopened. The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

SEC. 12. *Application and interpretation of this order.* General Agents shall communicate directly with the Chief, Division of Insurance, Office of Comptroller, Maritime Administration, Washington 25, D. C., regarding all questions of application, intrepretation, or intent of this order.

Notice and public procedure are not necessary prerequisites to the promulgation of this revised order. This revised order makes no substantial change in the prior rules and it is in the public interest that the effective date shall be March 31, 1956; accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

Dated: April 4, 1956.

[SEAL] WALTER C. FORD,
*Director, National Shipping Authority, Maritime Administration, Department of Commerce.*

| Vessel | Name of injured or claimant | Nature and date of injury, loss or damage | Amount(s) paid if any | Date and amount of billing to underwriter | Date and amount of reimbursement received from underwriter | Estimated future cost | Status and/or remarks |
|---|---|---|---|---|---|---|---|
| INSURED CLAIMS RECORDED SINCE LAST REPORT | | | | | | | |
| INSURED CLAIMS PAID OR CLOSED SINCE LAST REPORT | | | | | | | |
| INSURED CLAIMS PENDING AS OF DATE OF THIS REPORT | | | | | | | |
| ASSUMED RISK CLAIMS RECORDED SINCE LAST REPORT | | | | | | | |
| ASSUMED RISK CLAIMS PAID OR CLOSED SINCE LAST REPORT | | | | | | | |
| ASSUMED RISK CLAIMS PENDING AS OF DATE OF THIS REPORT | | | | | | | |

[F. R. Doc. 56-3181; Filed, Apr. 23, 1956; 8:54 a. m.]

## TITLE 33—NAVIGATION AND NAVIGABLE WATERS

### Chapter I—Coast Guard, Department of the Treasury

[CGFR 56-3]

PART 8—REGULATIONS, UNITED STATES COAST GUARD RESERVE

ADVANCEMENT AND CHANGES IN RATINGS OF ENLISTED MEN

By virtue of the authority contained in the act approved July 9, 1952 (66 Stat. 481), and Title 14, U. S. Code, the following amendments are being prescribed and shall become effective upon publication in the FEDERAL REGISTER.

1. Section 8.3301 is hereby amended to read as follows:

§ 8.3301 *Requirements for advancement of members on active duty.* (a) Except for temporary members of the Coast Guard Reserve, enlisted members serving on extended active duty may be advanced in pay grades to fill vacancies in quotas in ratings and pay grades in accordance with the requirements established for the advancement of enlisted persons of the Regular Coast Guard for similar pay grades.

(b) In computing the service of enlisted members to meet the minimum requirements for the first advancement subsequent to the commencement of extended active duty, credit will be given for service performed on inactive duty in an authorized training program for the Coast Guard Reserve immediately prior to the commencement of extended active duty at the rate of one month for every three months of such inactive service.

2. Section 8.3302 is hereby amended to read as follows:

§ 8.3302 *Requirements for advancement of members on inactive duty.* (a) Enlisted members serving on inactive duty may be advanced in pay grades under such instructions as may be prescribed by the Commandant.

(b) Such instructions shall include, but are not necessarily limited to, the following:

(1) Specified periods of time to be served in each pay grade.

(2) The minimum training and professional requirements for eligibility for consideration.

(c) Unless specifically authorized by the Commandant, enlisted members shall not be advanced more than one pay grade at a time.

3. Section 8.3303 is hereby amended to read as follows:

§ 8.3303 *Lateral changes in rate in the same pay grade.*

Lateral changes in rate within the same pay grade may be made upon a finding by the Commandant that the Reservist concerned is professionally qualified to perform the duties of the new rate.

4. Section 8.3304 is hereby amended to read as follows:

§ 8.3304 *Appointment of petty officers to warrant officer grade.* (a) Chief petty officers and petty officers, first class may be recommended for appointment to the grade of warrant officer W-1 under such instructions as may be prescribed by the Commandant. Quotas shall be established by the Commandant based upon the mobilization needs of the Coast Guard.

(b) Such instructions shall include, but are not necessarily limited to, the criteria prescribed in § 8.3302.

5. Sections 8.3305, 8.3306, and 8.3307 are hereby deleted.

6. Section 8.3308 is hereby renumbered as § 8.3305.

(Sec. 4, 62 Stat. 605, as amended, 63 Stat. 545, sec. 251, 66 Stat. 495; 50 U. S. C. App. 454, 14 U. S. C. 633, 50 U. S. C. 1002)

Approved:

[SEAL] DAVID W. KENDALL,
*Acting Secretary of the Treasury.*

Concurred in: March 21, 1956.

ALBERT PRATT,
*Acting Secretary of the Navy.*

[F. R. Doc. 56-3158; Filed, Apr. 23, 1956; 8:49 a. m.]

[CGFR 56-10]

PART 8—REGULATIONS, UNITED STATES COAST GUARD RESERVE

TRANSFERS TO AND PLACEMENT IN RESERVE CATEGORIES

By virtue of the authority contained in the act of July 9, 1952 (66 Stat. 481), Title 14, U. S. Code, and Executive Order 10651, the following amendments are hereby prescribed and shall become effective upon publication in the FEDERAL REGISTER.

1. A new § 8.4407 is hereby added as follows:

§ 8.4407 *Screening of the Ready Reserve*—(a) *Policy.* As prescribed by the President, the Commandant shall provide for the continuous screening of the Ready Reserve. Such screening shall insure that the Ready Reserve is composed of members who:

(1) Meet age requirements and service standards of mental, moral, professional, and physical fitness.

(2) Possess the required military qualifications in the various ranks, grades, ratings, and specialties.

(3) Are immediately available for active military service during a national emergency without seriously impairing production and research vital to the national military effort or activities necessary to maintenance of the national health, safety or interest, or without creating extreme personal or community hardship.

(b) *Disposition of members.* (1) Members of the Ready Reserve who do not meet age requirements or standards of mental, moral, professional, and physical fitness shall be transferred to the Standby Reserve, upon application placed in the Retired Reserve, if qualified, or discharged, as appropriate.

(2) Other members of the Ready Reserve who are determined to come within the regulations prescribed by the President and within this section of these regulations shall be transferred to the Standby Reserve under instructions issued by the Commandant.

(c) *Preference for transfer.* As between members of the Ready Reserve who are otherwise equally eligible, preference for transfer to the Standby Reserve shall be accorded in the following order:

(1) Those who have participated in combat.

(2) Those who have the least amount of remaining obligated service in the Ready Reserve.

(d) *Criteria for transfer to the Standby Reserve in certain instances*—(1) *Fulfillment of Ready Reserve obligation.* Upon a finding that a member of the Ready Reserve has fulfilled his Ready Reserve obligation and that he has failed to execute a written agreement to remain in the Ready Reserve for a minimum period of one year, such member shall be transferred to the Standby Reserve.

(2) *Elective and appointive officials.* Upon a finding that a member of the Ready Reserve has failed to execute a written agreement to remain in the Ready Reserve and that he comes within one of the below listed categories, such member shall be transferred to the Standby Reserve:

(i) Vice President of the United States.

(ii) Member of the Cabinet.

(iii) Presidential appointee requiring Senate confirmation.

(iv) Governor of a State, Territory or possession.

(v) Member of the legislative body of the United States, or of a State, Territory or possession.

(vi) Judge of a court of record of the United States or of a State, Territory or possession, or of the District of Columbia.

(3) *Extreme personal hardship.* A member of the Ready Reserve desiring transfer to the Standby Reserve must establish by documentary evidence that his dependents would, by his call to active duty, suffer extreme hardship greater than that which dependents of other Reservists can be expected to experience from the Reservist's order to active duty. In order to insure a uniform standard, the specific criteria established by the Commandant shall conform generally with current Selective Service regulations on extreme hardship deferment. In cases where the Reservist is registered with Selective Service, documentary evidence may include a recommendation by the State Director of Selective Service of the State in which the registrant's Local Board is located. Requests for consideration under this paragraph must be initiated by the Reservist or by his dependents.



(4) *Extreme community hardship.* A member of the Ready Reserve desiring transfer to the Standby Reserve must establish by documentary evidence that his withdrawal from the community in a national emergency would have a substantial adverse effect on the health, safety, or welfare of the community. In cases where the Reservist is registered with Selective Service, documentary evidence may include a recommendation by the State Director of Selective Service of the State in which the registrant's Local Board is located. Requests for consideration under this paragraph must be initiated by the Reservist.

(5) *Critical civilian occupations.* Members of the Ready Reserve who are engaged or employed in critical civilian occupations as established by the Secretary of Labor, shall be transferred to the Standby Reserve, in such numbers as are in excess of the requirements of the Ready Reserve except that no person shall be transferred hereunder who possesses a critical military skill as established for the Coast Guard or who volunteers to remain in the Ready Reserve and executes a written agreement to remain in such Reserve for a minimum period of one year.

(6) *Utilization of volunteers with critical civilian occupations.* Members of the Ready Reserve in excess of requirements with critical civilian occupations who have been selected for transfer to the Standby Reserve and who then volunteer and execute a written agreement to remain in the Ready Reserve for a minimum period of one year shall, if requirements exist, be given a military assignment utilizing their critical civilian occupations. If no military requirements exist for their critical civilian occupations and they possess other critical military skills, they shall be utilized in such skills. If no requirements exist for them in a critical occupation or in a critical military skill, they shall be utilized, insofar as possible, in related military assignments.

(7) *Critical military skills.* Members of the Ready Reserve who possess a critical military skill, as established for the Coast Guard, shall be transferred to the Standby Reserve in such numbers as are in excess of requirements of the Ready Reserve.

(8) *Apprentices and students.* Members of the Ready Reserve who are apprentices or students shall be transferred to the Standby Reserve in accordance with the following subdivisions of this subparagraph except that no person shall be transferred hereunder who has not had active training and service, possesses a critical military skill or volunteers and executes a written agreement to remain in the Ready Reserve for a minimum period of one year.

(i) *Apprentices.* Members of the Ready Reserve who are undergoing apprenticeship training in critical civilian occupations and who meet the standards and requirements established by the Department of Defense shall be transferred to the Standby Reserve in such numbers as are in excess of the requirements for the Ready Reserve for such occupations.

(ii) *Students.* Members of the Ready Reserve who are students in colleges or universities pursuing studies that will qualify them for critical civilian occupations and who meet the standards and requirements established by the Department of Defense shall be transferred to the Standby Reserve. Excluded from consideration are those students enrolled or enlisted in programs leading to appointment to commissioned rank. At such time as the Reservist ceases to qualify for consideration as a student, he shall be considered for transfer to the Ready Reserve.

(9) *Ministerial students.* Members of the Ready Reserve who are preparing for the ministry in a recognized theological or divinity school shall be transferred to the Standby Reserve unless they execute a written agreement to remain in the Ready Reserve for a minimum period of one year.

(10) *Ready Reservists not otherwise provided for.* (i) Members of the Ready Reserve not immediately available for active duty as determined by the Commandant for reasons not otherwise specified in this section shall be transferred to the Standby Reserve.

(ii) Members of the Reserve who possess military skills in excess of requirements of the Ready Reserve shall be transferred to the Standby Reserve in such numbers as are in excess of requirements in order to maintain a proper balance of such skills within the grade, rank and rate structure of the Ready Reserve.

(11) *Exceptions.* Members of the Ready Reserve who are serving pursuant to the provisions of sections 263 (a) and 263 (b) of the Armed Forces Reserve Act of 1952, as amended, shall not be eligible for transfer to the Standby Reserve under subparagraphs (5), (7), (8), and (10) of this paragraph.

2. A new § 8.4408 is hereby added as follows:

§ 8.4408 *Members who become liable for induction if screened into the Standby Reserve.* Members of the Ready Reserve provided for in section 6 (b) (2) and section 6 (c) (1) of the Universal Military Training and Service Act, as amended, are exempt from induction so long as they serve satisfactorily as members of an organized unit of the Reserve. Therefore, such members within the ages of Selective Service liability may, if screened into the Standby Reserve, lose such exempt classification. Such members who meet the criteria for transfer into the Standby Reserve shall be given ample opportunity to volunteer to remain in the Ready Reserve if they are qualified.

3. A new § 8.4409 is hereby added as follows:

§ 8.4409 *Transfer of Standby Reservists with Ready Reserve obligation.* (a) Members of the Standby Reserve who have not completed their obligated period of military service in the Ready Reserve shall be transferred to the Ready Reserve, if qualified and a requirement exists, whenever the reason for their transfer to the Standby Reserve no longer exists.

(b) With respect to those persons with critical skills who served on active duty

for training for six months and were subsequently transferred to the Standby Reserve prior to completion of their Ready Reserve obligation, the Commandant shall transfer such persons to the Ready Reserve, if they are qualified and requirements exist, whenever such persons cease to be employed in critical defense supporting industries or research activities affecting national defense.

4. A new § 8.4410 is hereby added as follows:

§ 8.4410 *Reports.* The Commandant shall make such periodic reports to the Secretary of the Treasury concerning the screening of the Ready Reserve of the Coast Guard as may be required.

(Sec. 4, 62 Stat. 605, as amended, 63 Stat. 545, sec. 251, 66 Stat. 495; 50 U. S. C. App. 454, 14 U. S. C. 633, 50 U. S. C. 1002. E. O. 10651, 21 F. R. 169)

Approved: March 22, 1956.

[SEAL] DAVID W. KENDALL,
*Acting Secretary of the Treasury.*

Concurred in: April 3, 1956.

J. H. SMITH, Jr.,
*Assistant Secretary of the Navy.*

[F. R. Doc. 56-3157; Filed, Apr. 23, 1956; 8:49 a. m.]

## TITLE 46—SHIPPING

### Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

**Subchapter G—Emergency Operations**

[Gen. Order 75, Amdt. 5]

PART 308—WAR RISK INSURANCE

UNDERWRITING AGENCY AGREEMENT

Whereas, the Maritime Administrator and the American War Risk Agency have agreed upon a revised form of Underwriting Agency Agreement,

Therefore, it is ordered that § 308.7 of this part (General Order 75, 17 F. R. 8295, 18 F. R. 1211, 18 F. R. 3690, 18 F. R. 5663, 19 F. R. 4407, 19 F. R. 4499, 20 F. R. 6100, 20 F. R. 7829) is hereby deleted in its entirety and a new section is substituted therefor to read as follows:

§ 308.7 *War risk insurance underwriting agency agreement.* The following is the standard form of underwriting agency agreement which will be executed by the Maritime Administrator and domestic insurance companies, or groups of domestic insurance companies authorized to do a marine insurance business in any States of the United States, appointing such companies or groups of companies as Underwriting Agents to issue binders and policies covering hull, protection and indemnity, and Second Seamen's war risk insurance under Subparts B, C, and D of this part:

Form MA-355 (3-56)

UNITED STATES OF AMERICA
DEPARTMENT OF COMMERCE
MARITIME ADMINISTRATION
UNDERWRITING AGENCY AGREEMENT

This Agreement, made and entered into this ____ day of ----------, 195__, by and between the United States of America (herein called the "United States"), acting by the Secretary of Commerce (herein called the "Secretary"), represented by the Maritime Administrator (herein called the "Administrator"), and ----------, (herein called the "Underwriting Agent"), having an office for the transaction of business at ----------, an association of domestic insurance companies (herein called the "Participating Members"), each of which is authorized to do a marine insurance business in a State of the United States.

WITNESSETH

Whereas, pursuant to title XII of the Merchant Marine Act, 1936, as amended, Public Law 763—81st Congress (herein called the "act"), the Secretary is authorized under certain circumstances to provide marine insurance and reinsurance against loss or damage by the risks of war, and to employ domestic companies or groups of domestic companies authorized to do a marine insurance business in any State of the United States to act as his Underwriting Agent; and

Whereas, the Secretary has delegated authority to the Administrator to perform the functions vested in the Secretary by title XII of the act, except the authority "to find that insurance adequate to the needs of the water-borne commerce of the United States cannot be obtained on reasonable terms and conditions in companies authorized to do an insurance business in a State of the United States" which was reserved to the Secretary. (Section 6.01, subsection 2, paragraph (3) of Department Order No. 117 (Amended), published as section 5 (a) (2) (iii) in the FEDERAL REGISTER September 15, 1953, 18 F. R. 5518, 5519); and

Whereas, the Administrator has determined to employ the Underwriting Agent as an underwriting agent in providing war risk insurance as set forth in paragraphs (a), (c), (d), (e), and (f) of section 1203 of the act upon the terms and conditions herein set forth:

Now, therefore, in consideration of the premises and of the mutual covenants and agreements, and upon the terms and conditions herein set forth, the parties hereto agree as follows:

1. *Appointment of agent.* The Administrator hereby authorizes the Underwriting Agent, as an agent acting on behalf of the Administrator and not as an independent contractor, to utilize its offices and facilities to make available the insurance which the Secretary is authorized to provide pursuant to paragraphs (a), (c), (d), (e), and (f) of section 1203 of the act and to perform the functions hereinafter provided for, upon the terms and conditions hereinafter set forth and in accordance with the rules, regulations and instructions which will be issued from time to time to the Underwriting Agent by the Administrator. The Underwriting Agent hereby agrees to utilize its offices and facilities to make such insurance available, as agent for the Administrator, and to perform the functions hereinafter provided for to the best of its ability. The Underwriting Agent may act through its home office, branch offices or agencies which are authorized to write insurance on its behalf.

2. *Duties of agent.* The duties of the Underwriting Agent shall be as follows:

(a) *Receive applications and issue binders and policies.* The Underwriting Agent shall receive applications for insurance, subject to the rates and conditions specified by the Administrator upon forms prescribed by the Administrator. After determining that the applications have been submitted in complete and proper form and are accompanied by remittances in the amount of the premiums required for the insurance applied for, the Underwriting Agent shall countersign binders or policies of insurance, or both binders and policies of insurance, subject to the rules, rates, terms and conditions specified by the Administrator on forms prescribed by the Administrator. The insurer under such policies shall be the United States.

(b) *Keep records.* The Underwriting Agent shall keep a full and complete record of all applications, binders, and policies, and shall also record all premiums, charges or deposits required by the terms of the binders and policies, so that a record may be available at all times to the Administrator, both as to all applications received and all binders and policies issued, and as to all payments made by the assured in connection with such binders and policies.

(c) *Receive money and reports.* The Underwriting Agent shall receive checks made payable to the order of the Maritime Adm.-Commerce for the premiums and charges involved, which checks shall be deposited by the Underwriting Agent in the Federal Reserve Bank nearest to its office, or in such other bank as may be authorized by the Administrator to receive such deposits. The Underwriting Agent shall receive from the bank in which the deposits are made receipts therefor in such number as may be prescribed in instructions to the Underwriting Agent and handle the receipts so received in accordance with such instructions.

(d) *Report monthly.* The Underwriting Agent shall prepare a monthly report, in summary form, of all applications received, and binders and policies issued or cancelled by the Underwriting Agent on a standard form approved by the Administrator, and transmit them, together with receipts for deposits made as above provided, to the Administrator.

(e) *Other reports.* The Underwriting Agent shall prepare and transmit such other reports as may be required by the Administrator.

(f) *Process claims for return premiums.* The Underwriting Agent shall receive from holders of policies issued by such Underwriting Agent any claims for return premiums on a standard form prescribed by the Administrator and shall certify thereon, if such is the fact, that the amounts with respect to which such return is claimed were previously paid and that based upon the statements included in such application by the assured the return premium applied for is payable in accordance with the regulations of the Administrator. Such applications and certifications shall be transmitted promptly to the Administrator.

(g) *Process claims for losses.* The Underwriting Agent shall receive reports of losses on vessels and disbursements (insured pursuant to paragraphs (a) and (c), section 1203 of the act), assemble all pertinent documents and facts relating thereto required to determine the validity of the claims, including the amounts thereof, and submit the same to the Administrator with its recommendation as to payment.

(h) *Help establish advisory committee.* The Underwriting Agent shall, if requested by the Administrator, cooperate with the Administrator to establish and maintain an advisory underwriting committee to consult with and advise the Administrator in connection with specific underwriting problems, subject to the rules, regulations and instructions of the Administrator, and to establish and maintain such other advisory committees as may be deemed necessary from time to time to safeguard the interests of the Administrator, including a loss committee to act as a recipient for information concerning losses and to pass upon any recommendations made by the Underwriting Agent as to losses and payments of claims arising therefrom in excess of an amount to be fixed by the Administrator.

3. *Compensation*—(a) *Fair and reasonable.* The Underwriting Agent shall receive for its services such amount as the Administrator and the Underwriting Agent may, from time to time, agree to be fair and reasonable compensation. In addition to such fair and reasonable compensation, the Underwriting Agent shall receive reimbursement for out-of-pocket expenditures reasonably incurred, meaning payments to persons not regularly employed by the Underwriting Agent but excluding payments to attorneys unless such employment has been authorized by the Administrator: *Provided, however,* That all such expenditures shall be subject to the review of the Administrator, and further provided that, except as authorized by section 1209 (d) of the act, such expenditures shall not include any fee or other consideration paid to an insurance broker or any person acting in a similar intermediary capacity for services by virtue of his participation in arranging any of such insurance nor include any payment on account of solicitation for or stimulation of such insurance.

(b) *Paid monthly.* A statement of the compensation due to the Underwriting Agent (including reimbursement for out-of-pocket expenses as herein provided) shall be submitted by the Underwriting Agent to the Administrator monthly or at such other intervals as the Administrator may direct, with an appropriate voucher, and the amount of such compensation, if approved, shall be promptly paid to the Underwriting Agent.

4. *Standard of performance.* In the discharge of its duties and obligations pursuant to this Agreement, the Underwriting Agent shall conform to a standard of performance and accuracy reasonably to be expected of an insurance company in the administration of its own business and consistent with the highest degree of good faith. It is agreed, however, that the Underwriting Agent shall not be responsible for errors or omissions of agents or employees in whose selection and supervision it has exercised reasonable care, provided, however, that the Underwriting Agent, in any such case, shall have conformed to the standards of performance required hereunder, and provided further, that the Underwriting Agent assumes full and complete responsibility for the disposition of any funds received by it or its agents or employees under and pursuant to this Agreement. The exercise of reasonable care in the selection of agents and employees by the Underwriting Agent shall be deemed to include a determination by the Underwriting Agent that the agents or employees so selected are experienced in the transaction of such phases of the marine insurance business as may be delegated to such agents or employees by the Underwriting Agent.

5. *Writing insurance for own account.* It is understood that the Participating Members of the Association constituting the Underwriting Agent are or may be engaged in writing for their own account war risk insurance, as well as other types of insurance, for the benefit of holders of policies issued by the Underwriting Agent hereunder and of other parties; and it is agreed that such insurance may be written notwithstanding the activities of the Underwriting Agent hereunder on behalf of the Administrator, pursuant to this Agreement.

6. *Books and records*—(a) *Maintained subject to audit.* The Underwriting Agent shall keep books, records and accounts covering the operations and activities under this Agreement which shall be the property of the United States represented by the Administrator and shall be kept separate from those relating to other business of the Underwriting Agent or of the Participating Members thereof, in accordance with regulations made from time to time by the Administrator, and shall at all times be subject to audit and inspection by the Administrator.

(b) *Comptroller General may examine.* The Comptroller General of the United States or any of his duly authorized representatives shall have access to and the right to examine any pertinent books, documents, papers and records of the Underwriting Agent or of the Participating Members thereof in the performance of and involving transactions related to this Agreement.

7. *Act only as agent.* The Underwriting Agent shall act only in the capacity of agent for the Administrator as principal, in the performance of the functions provided for hereunder. The Underwriting Agent shall have no authority other than as provided in this Agreement and in the rules, regulations and instructions issued to it by the Administrator under and pursuant to this Agreement. The Underwriting Agent may accompany its signature in all binders and policies countersigned by it hereunder with a statement that, in countersigning such binders and policies, it acts solely under the powers conveyed to it by the Administrator and that it does not thereby warrant its authority to accept applications for insurance or its authority to countersign, nor the authority of the Administrator to issue such binders and policies.

8. *Special circumstances*—(a) *Reimbursement of taxes and fees.* In the event that the Underwriting Agent or any Participating Member or Members thereof, after giving notice to the Administrator, shall be compelled to pay to the United States, its territories or possessions, or to any State of the United States or political subdivision thereof, or to any foreign country or political subdivision thereof, any tax (excepting income taxes of every nature) or fee or interest or penalty relating thereto claimed to be due by reason of the business transacted pursuant to this Agreement and which would not have been payable except for the activities of the Underwriting Agent or any Member or Members thereof hereunder, the Administrator shall reimburse the Underwriting Agent and any Participating Member or Members therefor and for any special expenses necessarily incurred in connection therewith.

(b) *Indemnification.* If any legal suit or proceeding (whether or not based on negligence) is brought against the Underwriting Agent or any Participating Member or Members thereof on account of anything done or not done, by the Underwriting Agent or any Participating Member or Members thereof or the Administrator, in connection with the issuance or non-issuance or cancellation of insurance or the acceptance or denial of applications for binders or policies of insurance on behalf of the Administrator or the payment or non-payment of claims for loss or return premium arising thereunder (including, without in any way limiting the foregoing, anything done or not done pursuant to any rules, regulations or instructions of the Administrator or anything done or not done in conflict with or because of any limitation on the powers of the Administrator), the Administrator shall, upon due notice and at the expense of the United States, defend any such proceeding. If, in or as a result of any such legal suit or proceeding, the Underwriting Agent or any Participating Member or Members thereof be compelled or required to make any payment or incur any expense, the Administrator shall reimburse the Underwriting Agent or any Participating Member or Members thereof for the amount thereof; provided always that the Administrator shall not be obligated to make any such reimbursement unless, in connection with the action complained of, the Underwriting Agent shall have complied with the standard of performance required thereunder. In any of the foregoing cases, the Underwriting Agent shall render to the Administrator such reasonable cooperation and assistance as the Administrator may require.

9. *Effective date, amendment, termination.* This Agreement shall become effective as of the date of its execution by the Administrator and shall continue in force until terminated. This Agreement may be terminated, modified or amended at any time by mutual written consent. Once this Agreement becomes effective, it shall continue in force until terminated by mutual written consent or by either party, giving at least thirty (30) days' written notice by registered mail to the other party, stating the effective date and time on which this Agreement shall terminate. Such termination shall not affect the obligations of the parties hereto with respect to any binders or policies of insurance issued or expenditures incurred prior to the effective date of such termination.

10. *No commission or contingent fee.* The Underwriting Agent warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Underwriting Agent for the purpose of securing business. For breach or violation of this warranty the Administrator shall have the right to annul this contract without liability or in his discretion to deduct from the contract price or consideration the full amount of such commission, percentage, brokerage, or contingent fee.

11. *No discrimination.* In connection with the performance of work under this contract, the Underwriting Agent agrees not to discriminate against any employee or applicant for employment because of race, color, creed, or national origin; and further agrees to insert the foregoing provision in all subcontracts hereunder except subcontracts for standard commercial supplies or for raw materials.

12. *No member or delegate.* No Member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of this contract, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

13. *Renegotiation.* This contract shall be subject to any act of the Congress, whether heretofore or hereafter enacted and to the extent indicated therein, providing for the renegotiation of said contract and shall be deemed to contain all of the provisions required by any such act without subsequent amendment of this contract specifically incorporating such provisions.

The contractor (which term as used in this sentence means the party contracting to perform the work or furnish the materials required by this contract) shall insert the provisions of this article in each subcontract and purchase order made or issued in carrying out the contract.

Nothing contained in this clause shall impose any renegotiation obligation with respect to this contract or any subcontract hereunder which is not imposed by an act of the Congress, heretofore or hereafter enacted.

14. *Participating Members*—(a) *Indebted to United States.* The Participating Members of the association constituting the Underwriting Agent, severally but not jointly and limited each to its participation therein, shall be indebted to the United States for such amounts as the Secretary is entitled to recover from the Underwriting Agent in accordance with the foregoing provisions and, in the event of failure to pay on demand, the Secretary may bring an action or actions in any court in the United States to recover such amount or amounts from the Participating Members, severally but not jointly, on behalf of the United States.

(b) *Change of shares.* Without cancelling this Agreement, the Participating Members of the association constituting the Underwriting Agent may, upon not less than ten (10) days' prior written notice to the Administrator, change their share of participation by agreement among themselves, including the termination of the interests of one Participating Member and the assumption of its share by one or more of the other Participat-

ing Members or by the admission of other eligible domestic insurance companies to membership in the association. Any such change of apportionment or termination of participation shall not relieve any Participating Member of its obligations in respect to matters which occurred prior to any change or termination of its interest. Unless the Underwriting Agent is notified in writing by the Administrator, within ten (10) days after receipt of notice from the Underwriting Agent, that the proposed change in participation or termination or assumption is disapproved, such change shall be understood to be acceptable to the Administrator.

In witness whereof, the parties hereto have duly executed this Agreement in quadruplicate as of the day and year first above written.

UNITED STATES OF AMERICA,
SECRETARY OF COMMERCE.
By: MARITIME ADMINISTRATOR.

---
(Maritime Administrator)

---
(Underwriting Agent)
By: ---

Attest:
---

Attest:
---

Approved as to form:
---
(Assistant General Counsel,
Maritime Administration)

I, ---, certify that I am the duly chosen, qualified, and acting Secretary of ---, a party to this Agreement, and, as such, I am the custodian of its official records and the minute books of its governing body; that ---, who signed this Agreement on behalf of said association, was then the duly qualified --- of said association; that said officer affixed his manual signature to said Agreement in his official capacity as said officer for and on behalf of said association by authority and direction of its governing body duly made and taken; that said Agreement is within the scope of the lawful powers of this association.

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The effective date hereof shall be upon publication in the FEDERAL REGISTER.

(Sec. 204, 49 Stat. 1987, as amended, sec. 1209, 64 Stat. 775; 46 U. S. C. 1114, 1289)

Dated: April 13, 1956.

[SEAL] WALTER C. FORD,
*Acting Maritime Administrator.*

[F. R. Doc. 56-3180; Filed, Apr. 23, 1956; 8:54 a. m.]

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[General Order 75, Amdt. 6]

## PART 308—WAR RISK INSURANCE

### CLEARING AGENCY AGREEMENT FOR CARGO

Part 308 (General Order 75, 17 F. R. 8295, 18 F. R. 1211, 18 F. R. 3690, 18 F. R. 5663, 19 F. R. 4407, 19 F. R. 4499, 20 F. R. 6100 and 20 F. R. 7829) is hereby amended by adding the following new section:

§ 308.551 *War Risk insurance clearing agency agreement for cargo.* The following is the standard form of clearing agency agreement which will be executed by the Maritime Administrator and domestic insurance companies, or groups of domestic insurance companies authorized to do a marine insurance business in any State of the United States, appointing such companies or groups of companies as clearing agents:



Form MA-321 (3-56)

UNITED STATES OF AMERICA

DEPARTMENT OF COMMERCE

MARITIME ADMINISTRATION

CLEARING AGENCY AGREEMENT FOR CARGO

This Agreement, made and entered into this ------ day of 195---, by and between the United States of America (herein called the "United States"), acting by the Secretary of Commerce (herein called the "Secretary"), represented by the Maritime Administrator (herein called the "Administrator"), and ---, (herein called the "Clearing Agent"), having an office for the transaction of business at ---, ---, an association of domestic insurance companies (herein called the "Participating Members"), each of which is authorized to do a marine insurance business in a State of the United States.

WITNESSETH

Whereas, pursuant to title XII of the Merchant Marine Act, 1936, as amended, Public Law 763—81st Congress (herein called the "Act"), the Secretary is authorized under certain circumstances to provide marine insurance and reinsurance against loss or damage by the risks of war, and to employ domestic companies or groups of domestic companies authorized to do a marine insurance business in any State of the United States to act as his underwriting agent; and

Whereas, the Secretary has delegated authority to the Administrator to perform the functions vested in the Secretary by title XII of the act, except the authority "to find that insurance adequate to the needs of the water-borne commerce of the United States cannot be obtained on reasonable terms and conditions in companies authorized to do an insurance business in a State of the United States" which was reserved to the Secretary. Section 6.01, subsection 2, paragraph (3) of Department Order No. 117 (amended), published as section 5 (a) (2) (iii) in the FEDERAL REGISTER September 15, 1953, 18 F. R. 5518, 5519); and

Whereas, the Administrator is prepared, under the authority of section 1209 (d) of the act, to enter into Underwriting Agency Agreements with each of the Participating Members and with other Domestic Companies authorized to do an insurance business in any State of the United States and having facilities similar to the Participating Members (hereinafter collectively called the "Underwriting Agents"), for the purpose of performing certain functions on behalf of the Administrator, including the receipt of applications and countersignature of policies, in connection with the issuance of insurance pursuant to section 1203 (b) of the act; and

Whereas, the Administrator has determined to utilize the services and facilities of ---, to act as clearing agent to coordinate the issuance of cargo war risk insurance and facilitate the administration of the cargo war risk program by the Maritime Administrator;

Now, therefore, in consideration of the premises and of the mutual covenants and agreements, and upon the terms and conditions hereinafter set forth, the parties hereto agree as follows:

1. *Appointment of Agent.* The Administrator hereby authorizes the Clearing Agent, as an agent acting on behalf of the Administrator and not as an independent contractor, to utilize its offices and facilities in cooperation with the Underwriting Agents for the purpose of coordinating and facilitating the issuance of cargo war risk insurance pursuant to section 1203 (b) of the act and to perform the functions hereinafter provided for, upon the terms and conditions hereinafter set forth and in accordance with the rules, regulations and instructions which will be issued from time to time by the Administrator to the Clearing Agent. The Clearing Agent hereby agrees to utilize its offices and facilities and to perform the functions hereinafter provided for to the best of its ability on behalf of the Administrator. The Clearing Agent may act through and use the facilities of the --- and such other agents as may be approved by the Administrator, to the extent it deems necessary in the performance of its duties hereunder.

2. *Duties of Agent.* The duties of the Clearing Agent shall be as follows:

(a) The Clearing Agent, when and as instructed by the Administrator, shall promptly transmit to the Underwriting Agents all applicable rules, regulations, instructions and information which it receives from the Administrator in connection with the program of insurance authorized by section 1203 (b) of the act. The Clearing Agent shall promptly transmit to the Administrator any notice, demand, request or report submitted to it by the Underwriting Agents for transmission to the Administrator, in accordance with this Agreement and the Underwriting Agency Agreements.

(b) The Clearing Agent, when and as required by the Administrator, shall receive reports from the Underwriting Agents, setting forth in summary form, all applications received, policies issued, invalidated, cancelled, reduced or extended, premiums collected and returned and such other information as the Administrator may from time to time request. The Clearing Agent shall prepare and submit to the Administrator, at such regular intervals as the Administrator may direct, a report on a form approved by the Administrator, combining and summarizing the information which shall have been reported to it by the Underwriting Agents as aforesaid and including such other information as may be reasonably required by the Administrator. The Clearing Agent shall from time to time prepare and submit to the Administrator such other reports and information relating to its activities hereunder as the Administrator may from time to time reasonably request.

(c) The Clearing Agent shall receive from the Underwriting Agents reports and claims of losses submitted to said Agents together with the pertinent documents and recommendations relating thereto which the Underwriting Agents shall have prepared and assembled. The Clearing Agent shall promptly transmit all such reports, documents and recommendations to the Administrator, together with any additional information relating to such claims which the Administrator may reasonably require in determining their eligibility for settlement and payment.

(d) The Clearing Agent shall receive from the Underwriting Agents claims submitted to said Agents for return of all or part of premiums previously collected under policies, if any, providing for return premiums, together with the required certifications of said Agents in connection with such claims. The Clearing Agent shall promptly transmit said claims and certifications to the Administrator, together with any further information which the Administrator may reasonably require in connection therewith.

(e) The Clearing Agent shall maintain a complete, separate system of books of records and accounts covering its operations and activities under this Agreement, including a record of all statements, vouchers and other information received by it from the Underwriting Agents. These books of records and accounts shall be the property of the Administrator. They shall be kept available by the Clearing Agent at all times for audit and inspection by duly authorized representatives



of the Administrator and by the Comptroller General of the United States or their duly authorized representatives during the period of this Agreement and up to thirty-six (36) months after its termination and thereafter until final settlement of any outstanding claims against the Administrator by holders of policies issued by the Underwriting Agents.

(f) The Clearing Agent shall receive such periodic statements and vouchers of compensation and other payments claimed by the Underwriting Agents as the Underwriting Agents may be required to submit pursuant to the Underwriting Agency Agreements. The Clearing Agent shall consolidate such statements and vouchers into a single monthly statement of compensation claimed by the Underwriting Agents as of the last day of the month covered by such consolidated statement and shall certify thereon that the amounts set forth therein truly and correctly reflect the statements and vouchers received from the Underwriting Agents. The Clearing Agent shall then submit such consolidated statement to the Administrator, who upon his approval thereof, shall promptly forward to the Clearing Agent his check payable to the order of the Clearing Agent in the total amount of such statement as approved by the Administrator. The Clearing Agent shall thereupon make payments to the order of the individual Underwriting Agents in the respective amounts set forth in the statement as approved by the Administrator.

3. *Compensation*—(a) *Fair and reasonable.* The Clearing Agent shall receive for its services such amount as the Administrator and the Clearing Agent may, from time to time, agree to be fair and reasonable compensation. In addition to such fair and reasonable compensation, the Clearing Agent shall receive reimbursement for out-of-pocket expenditures reasonably incurred, meaning payments to persons not regularly employed by the Clearing Agent but excluding payments to attorneys unless such employment has been authorized by the Administrator, provided, however, that all such expenditures shall be subject to the review of the Administrator, and further provided that, except as authorized by section 1209 (d) of the act, such expenditures shall not include any fee or other consideration paid to an insurance broker or any person acting in a similar intermediary capacity for services by virtue of his participation in arranging any of such insurance nor include any payment on account of solicitation for or stimulation of such insurance.

(b) *Paid monthly.* A statement of the compensation due to the Clearing Agent (including reimbursement for out-of-pocket expenses as herein provided) shall be submitted by the Clearing Agent to the Administrator monthly or at such other intervals as the Administrator may direct, with an appropriate voucher, and the amount of such compensation, if approved, shall be promptly paid to the Clearing Agent.

4. *Standard of performance.* In the discharge of its duties and obligations pursuant to this Agreement, the Clearing Agent shall conform to a standard of performance and accuracy reasonably to be expected of an insurance company in the administration of its own business and consistent with the highest degree of good faith. It is agreed, however, that the Clearing Agent shall not be responsible for errors or omissions of agents or employees in whose selection and supervision it has exercised reasonable care, provided, however, that the Clearing Agent, in any such case, shall have conformed to the standards of performance required hereunder, and provided further, that the Clearing Agent assumes full and complete responsibility for the disposition of any funds received by it or its agents or employees under and pursuant to this Agreement. The exercise of reasonable care in the selection of agents and employees by the Clearing Agent shall be deemed to include a determination by the Clearing Agent that the agents or employees so selected are experienced in the transaction of such phases of the marine insurance business as may be delegated to such agents or employees by the Clearing Agent.

5. *Writing insurance for own account.* It is understood that the Participating Members of the Association constituting the Clearing Agent are or may be engaged in writing for their own account war risk insurance, as well as other types of insurance, for the benefit of holders of policies issued by the Clearing Agent hereunder and of other parties; and it is agreed that such insurance may be written notwithstanding the activities of the Clearing Agent hereunder on behalf of the Administrator, pursuant to this Agreement.

6. *Books and records*—(a) *Maintained subject to audit.* The Clearing Agent shall keep books, records and accounts covering the operations and activities under this Agreement which shall be the property of the United States represented by the Administrator and shall be kept separate from those relating to other business of the Clearing Agent or of the Participating Members thereof, in accordance with regulations made from time to time by the Administrator, and shall at all times be subject to audit and inspection by the Administrator.

(b) *Comptroller General may examine.* The Comptroller General of the United States or any of his duly authorized representatives shall have access to and the right to examine any pertinent books, documents, papers and records of the Clearing Agent or of the Participating Members thereof in the performance of and involving transactions related to this Agreement.

7. *Act only as agent.* The Clearing Agent shall act only in the capacity of agent for the Administrator as principal, in the performance of the functions provided for hereunder. The Clearing Agent shall have no authority other than as provided in this Agreement and in the rules, regulations and instructions issued to it by the Administrator under and pursuant to this Agreement.

8. *Special circumstances*—(a) *Reimbursement of taxes and fees.* In the event that the Clearing Agent or any Participating Member or Members thereof, after giving notice to the Administrator, shall be compelled to pay to the United States, it territories or possessions, or to any State of the United States or political subdivision thereof, or to any foreign country or political subdivision thereof, any tax (excepting income taxes of every nature) or fee or intcrest or penalty relating thereto claimed to be due by reason of the business transacted pursuant to this Agreement and which would not have been payable except for the activities of the Clearing Agent hereunder, the Administrator shall reimburse the Clearing Agent and any Participating Member or Members therefor and for any special expenses necessarily incurred in connection therewith.

(b) *Indemnification.* If any legal suit or proceeding (whether or not based on negligence) is brought against the Clearing Agent or any Participating Member or Members thereof on account of anything done or not done, by the Clearing Agent or any Participating Member of Members thereof or the Administrator, in connection with the issuance or non-issuance or cancellation of insurance on behalf of the Administrator or the payment or non-payment of claims for loss or return premiums arising thereunder (including, without in any way limiting the foregoing, anything done or not done pursuant to any rules, regulations, or instructions of the Administrator or anything done or not done in conflict with or because of any limitation on the powers of the Administrator), the Administrator shall, upon due notice and at the expense of the United States, defend any such proceeding. If, in or as a result of any such legal suit or proceeding, the Clearing Agent or any Participating Member or Members thereof be compelled or required to make any payment or incur any expense, the Administrator shall reimburse the Clearing Agent or any Participating Member or Members thereof for the amount thereof; provided always that the Administrator shall not be obligated to make any such reimbursement unless, in connection with the action complained of, the Clearing Agent shall have complied with the standard of performance required thereunder. In any of the foregoing cases, the Clearing Agent shall render to the Administrator such reasonable cooperation and assistance as the Administrator may require.

9. *Effective date, amendment, termination.* This Agreement shall become effective as of the date of its execution by the Administrator and shall continue in force until terminated. This Agreement may be terminated, modified or amended at any time by mutual written consent. Once this Agreement becomes effective, it shall continue in force until terminated by mutual written consent or by either party, giving at least thirty (30) days' written notice by registered mail to the other party, stating the effective date and time on which this Agreement shall terminate. Such termination shall not affect the obligations of the parties hereto with respect to any binders or policies of insurance issued or expenditures incurred prior to the effective date of such termination.

10. *No commission or contingent fee.* The Clearing Agent warrants that no person or selling agency has been employed or retained to solicit or secure this contract upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by the Clearing Agent for the purpose of securing business. For breach or violation of this warranty the Administrator shall have the right to annul this contract without liability or in his discretion to deduct from the contract price or consideration the full amount of such commission, percentage, brokerage, or contingent fee.

11. *No discrimination.* In connection with the performance of work under this contract, the Clearing Agent agrees not to discriminate against any employee or applicant for employment because of race, color, creed, or national origin; and further agrees to insert the foregoing provision in all subcontracts hereunder except subcontracts for standard commercial supplies or for raw materials.

12. *No member or delegate.* No Member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any share or part of this contract, or to any benefit that may arise therefrom; but this provision shall not be construed to extend to this contract if made with a corporation for its general benefit.

13. *Renegotiation.* This contract shall be subject to any act of the Congress, whether heretofore or hereafter enacted and to the extent indicated therein, providing for the renegotiation of said contract and shall be deemed to contain all of the provisions required by any such act without subsequent amendment of this contract specifically incorporating such provisions.

The contractor (which term as used in this sentence means the party contracting to perform the work or furnish the materials required by this contract) shall insert the provisions of this article in each subcontract and purchase order made or issued in carrying out the contract.

Nothing contained in this clause shall impose any renegotiation obligation with respect to this contract or any subcontract hereunder which is not imposed by an act of the Congress, heretofore or hereafter enacted.

14. *Participating Members*—(a) *Indebted to United States.* The Participating Mem-

bers of the association constituting the Clearing Agent, severally but not jointly and limited each to its participation therein, shall be indebted to the United States for such amounts as the Secretary is entitled to recover from the Clearing Agent in accordance with the foregoing provisions and, in the event of failure to pay on demand, the Secretary may bring an action or actions in any court in the United States to recover such amount or amounts from the Participating Members, severally but not jointly, on behalf of the United States.

(b) *Change of shares.* Without cancelling this Agreement, the Participating Members of the association constituting the Clearing Agent may, upon not less than ten (10) days' prior written notice to the Administrator, change their share of participation by agreement among themselves, including the termination of the interests of one Participating Member and the assumption of its share by one or more of the other Participating Members or by the admission of other eligible domestic insurance companies to membership in the association. Any such change of apportionment or termination of participation shall not relieve any Participating Member of its obligations in respect to matters which occurred prior to any change or termination of its interest. Unless the Clearing Agent is notified in writing by the Administrator, within ten (10) days after receipt of notice from the Clearing Agent, that the proposed change in participation or termination or assumption is disapproved, such change shall be understood to be acceptable to the Administrator.

In witness whereof, the parties hereto have duly executed this Agreement in quadruplicate as of the day and year first above written.

UNITED STATES OF AMERICA,
SECRETARY OF COMMERCE,
By: MARITIME ADMINISTRATOR.

---

(Maritime Administrator)

---

(Clearing Agent)

By:

---

Attest:

---

Attest:

---

Approved as to form:

---

(Assistant General Counsel Maritime Administration)

I, ----------, certify that I am the duly chosen, qualified, and acting Secretary of ----------, a party to this Agreement, and, as such, I am the custodian of its official records and the minute books of its governing body; that ----------, who signed this Agreement on behalf of said association, was then the duly qualified ---------- of said association; that said officer affixed his manual signature to said agreement in his official capacity as said officer for and on behalf of said association by authority and direction of its governing body duly made and taken; that said Agreement is within the scope of the lawful powers of this association.

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The effective date hereof shall be upon publication in the FEDERAL REGISTER.

(Sec. 204, 49 Stat. 1987, as amended, sec. 1209, 64 Stat. 775; 46 U. S. C. 1114, 1289)

Dated: April 13, 1956.

[SEAL] WALTER C. FORD,
*Acting Maritime Administrator.*

[F. R. Doc. 56-3182; Filed, Apr. 23, 1956; 8:54 a. m.]



# TITLE 43—PUBLIC LANDS: INTERIOR

## Chapter I—Bureau of Land Management, Department of the Interior

### Subchapter Q—Reclamation and Irrigation

[Circular 1952]

### PART 230—RECLAMATION OF ARID LANDS BY THE UNITED STATES

EXCHANGES

Paragraph (a) of footnote 1 to Part 230 is amended to read as follows:

1 • • •

(a) The act of August 13, 1953 (67 Stat. 566; 43 U. S. C. secs. 451-451k), provides for the exchange of certain unpatented farm units or private lands on a Federal irrigation project, for farm units available on the same or any other such project, and the amendment of farm units by the addition of contiguous or noncontiguous land on the same project. For the regulations under this act see Part 406, Chapter II, of this title.

(Sec. 10, 32 Stat. 390, as amended; 43 U. S. C. 373)

CLARENCE A. DAVIS,
*Acting Secretary of the Interior.*

APRIL 17, 1956.

[F. R. Doc. 56-3166; Filed, Apr. 23, 1956; 8:51 a. m.]

# TITLE 49—TRANSPORTATION

## Chapter I—Interstate Commerce Commission

### Subchapter A—General Rules and Regulations

### PART 1—GENERAL RULES OF PRACTICE

MISCELLANEOUS AMENDMENTS

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 2d day of April A. D. 1956.

There being under consideration Rules 15, 22 (a), and 101 (e) of the general rules of practice (§§ 1.15, 1.22 (a), and 1.101 (e)):

*It is ordered,* That § 1.15 be, and the same is hereby, amended by deleting therefrom the last two sentences and substituting in lieu thereof the following:

§ 1.15 *Typographical specifications generally.* • • • A pleading or brief in excess of 50 pages (except a pleading under modified or shortened procedure), including cover pages, indexes, and appendixes, must be printed. Printing by off-set press will be accepted, provided that the type used is the same size as that required for typewritten documents and that where the pleading or brief exceeds 50 pages the impression is on both sides of the paper.

*It is further ordered,* That § 1.22 (a) be, and the same is hereby, amended by deleting the first sentence and substituting in lieu thereof the following:

§ 1.22 *Service; pleadings and papers to show*—(a) *Generally.* Except as otherwise provided in paragraph (b) of this section, or as otherwise provided respecting applications (§ 1.38 (b)), formal complaints (§ 1.34), and informal complaints (§ 1.24 (b)), every pleading, document, or paper must, when filed, or tendered to the Commission for filing, include a certificate showing simultaneous service thereof upon all parties to the proceeding. • • •

*It is further ordered,* That § 1.101 (e) be, and the same is hereby, amended so as to read as follows:

§ 1.101 *Petitions for rehearing, reargument or reconsideration.* • • •

(e) *Time for filing.* Except for good cause shown, and upon leave granted, petitions under this rule must be filed within 30 days after the date of service of a decision or order.

*It is further ordered,* That this order shall become effective June 21, 1956.

*And it is further ordered,* Notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission, Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

(Secs. 12, 17, 24 Stat. 383, as amended, 385, as amended, 49 Stat. 546, as amended, 548, as amended, sec. 201, 54 Stat. 933, sec. 1, 56 Stat. 285; 49 U. S. C. 12, 17, 304, 305, 904, 1003)

By the Commission.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F. R. Doc. 56-3147; Filed, Apr. 23, 1956; 8:47 a. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[7 CFR Part 52]

### FROZEN SPINACH[1]

UNITED STATES STANDARDS FOR GRADES; NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the revision of United States Standards for Grades of Frozen Spinach (7 CFR Part 52; 18 F. R. 8055), pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended, et seq.; 7 U. S. C. 1621 et seq.). These standards, if made effective, will be the sixth issue of United States Standards for Grades of Frozen Spinach.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 60 days after publication hereof in the FEDERAL REGISTER.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

The proposed revision is as follows:

PRODUCT DESCRIPTION, STYLES, AND GRADES

Sec.
52.1921 Product description.
52.1922 Styles of frozen spinach.
52.1923 Grades of frozen spinach.

FACTS OF QUALITY

52.1924 Ascertaining the grade.
52.1925 Ascertaining the score for the factors which are rated.
52.1926 Color.
52.1927 Defects.
52.1928 Character.
52.1929 Definition of terms.
52.1930 Method of analysis.
52.1931 Tolerances for certification of officially drawn samples.
52.1932 Score sheet for frozen spinach.

AUTHORITY: §§ 52.1921 through 52.1932 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.1921 *Product description.* Frozen spinach is prepared from the whole or cut, clean, sound, succulent leaves and stems of fresh spinach (Spinacea oleracea) by sorting, trimming, washing, and proper blanching and draining of such leaves and stems. The product is then frozen in accordance with good commercial practices and maintained at temperatures necessary for the preservation of the product.

§ 52.1922 *Styles of frozen spinach.* (a) "Whole Leaf" spinach is the style of frozen spinach that consists substantially of the leaf and adjoining portion of the stem.

(b) "Cut" or "Chopped" spinach is the style of frozen spinach that consists of the leaf and adjoining portion of the stem which has been cut or chopped into small pieces.

§ 52.1923 *Grades of frozen spinach.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen spinach that possesses a good flavor; that possesses a good color; that possesses a good character; that is practically free from defects; and that scores not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade B" or "U. S. Extra Standard" is the quality of frozen spinach that possesses a reasonably good flavor; that possesses a reasonably good color; that possesses a reasonably good character; that is reasonably free from defects; and that scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of frozen spinach that fails to meet the requirements of U. S. Grade B or U. S. Extra Standard.

FACTORS OF QUALITY

§ 52.1924 *Ascertaining the grade.* (a) In addition to considering other requirements outlined in the standards the following quality factors are evaluated:

(1) *Factor not rated by score points.*
(i) Flavor.

(2) *Factors rated by score points.* The relative importance of each factor which is rated is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

| Factors: | Points |
|---|---|
| Color | 20 |
| Defects | 60 |
| Character | 20 |
| Total score | 100 |

(b) The score for the factors of color and defects is determined immediately after thawing to the extent that the product is substantially free from ice crystals and can be handled as individual units. The evaluation of the factors of character and flavor of frozen spinach is made after thawing and after the product is cooked.

(c) "Good flavor" means that the product has a good characteristic, normal flavor and odor and is free from objectionable flavors and objectionable odors of any kind.

(d) "Reasonably good flavor" means that the product may be lacking in good flavor and odor but is free from objectionable flavors and objectionable odors of any kind.

§ 52.1925 *Ascertaining the score for the factors which are rated.* The essential variations within each factor which is rated are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is rated is inclusive (for example, "17 to 20 points" means 17, 18, 19, or 20 points).

§ 52.1926 *Color*—(a) *(A) classification.* Frozen spinach that possesses a good color may be given a score of 17 to 20 points. "Good color" means that the frozen spinach possesses a bright, characteristic green color; that yellow heart leaves, or portions thereof, may be present that do not materially affect the appearance of the product; and that discolored leaves and stems, or portions thereof, do not more than slightly affect the appearance of the product.

(b) *(B) classification.* If the frozen spinach possesses a reasonably good color, a score of 14 to 16 points may be given. Frozen spinach that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means that the frozen spinach possesses a characteristic green color that may be slightly dull; that yellow heart leaves, or portions thereof, may be present that do not seriously affect the appearance of the product; and that discolored leaves and stems, or portions thereof, do not materially affect the appearance of the product.

(c) *(SStd.) classification.* Frozen spinach that fails to meet the requirements of paragraph (b) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1927 *Defects*—(a) *General.* The factor of defects refers to the degree of freedom from grit, sand, or silt, harmless extraneous vegetable material, seed heads, root stubs, crowns, and damage.

(1) "Grit, sand, or silt" means any particle of earthy material.

(2) "Harmless extraneous vegetable material" means:

(i) Green, fine, string-like blades of grass and weeds;

(ii) Green, coarse grass and weeds; and

(iii) Grass and weeds other than green.

(3) "Seed head" means the seed bearing portion of a spinach plant that is longer than one inch or that is objectionable in appearance.

(4) "Root stub" means any portion of the root whether or not leaves are attached.

(5) "Crown" means the solid area of a spinach plant between the root and attached leaf or cluster of leaves.

(6) "Damage" means any discoloration or other injury on a leaf or stem, or portion thereof, that affects the appearance or eating quality of the unit. Minute, insignificant discoloration or other injury shall not be considered damage.

(b) *(A) classification.* Frozen spinach that is practically free from defects may be given a score of 51 to 60 points. "Practically free from defects" has the following meanings with respect to the following styles of frozen spinach:

(1) *Whole Leaf style.* (i) No grit, sand, or silt may be present that affects the appearance or eating quality of the product;

(ii) That for approximately each 48 ounces, net weight, there may be present not more than 1 root stub;

(iii) That for each 10 ounces, net weight, there may be present not more than:

(*a*) An aggregate of 8 inches in length of green, fine, string-like blades of grass and weeds; and green, coarse grass and weeds, of which not more than 2 inches in length may be green, coarse grass and weeds (no grass and weeds other than green);

(*b*) 1 seed head;

(*c*) 1 crown;

(*d*) Damage affecting not more than 5 leaves and stems, or portions thereof: *Provided,* That on the units so affected the damage does not exceed an aggregate area of more than 3 square inches; and that

(iv) The presence of grit, sand, or silt; harmless extraneous vegetable material; root stubs; seed heads; crowns; and damaged leaves and stems, or portions thereof, individually and collectively, does not materially affect the appearance and eating quality of the product.

(2) *Cut or Chopped style.* (i) No grit, sand, or silt may be present that affects the appearance and eating quality of the product;

(ii) That for each 10 ounces, net weight, there may be present not more than an aggregate area of 3 square inches of damaged portions of leaves and stems; and that

(iii) The presence of grit, sand, or silt; harmless extraneous vegetable material;

portions of root stubs, seed heads, crowns; and damaged portions of leaves and stems, individually and collectively, does not materially affect the appearance and eating quality of the product.

(c) *(B) classification.* Frozen spinach that is reasonably free from defects may be given a score of 42 to 50 points. Frozen spinach that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" has the following meanings with respect to the following styles of frozen spinach:

(1) *Whole Leaf style.* (i) A trace of grit, sand, or silt may be present that does not materially affect the appearance and eating quality of the product;

(ii) That for approximately each 48 ounces, net weight, there may be present not more than 3 root stubs;

(iii) That for each 10 ounces, net weight, there may be present not more than:

*(a)* An aggregate of 12 inches in length of green, fine, string-like blades of grass and weeds; and green, coarse grass and weeds, of which not more than 3 inches in length may be green, coarse grass and weeds, and grass and weeds other than green;

*(b)* 3 seed heads;

(c) 3 crowns;

*(d)* Damage affecting not more than 10 leaves and stems, or portions thereof: *Provided,* That on the units so affected the damage does not exceed an aggregate area of more than 6 square inches, and that

(iv) The presence of grit, sand, or silt; harmless extraneous vegetable material; root stubs; seed heads; crowns; and damaged leaves and stems, or portions thereof, individually and collectively, does not seriously affect the appearance and eating quality of the product.

(2) *Cut or Chopped style.* (i) A trace of grit, sand, or silt may be present that does not materially affect the appearance and eating quality of the product;

(ii) That for each 10 ounces, net weight, there may be present not more than an aggregate area of 6 square inches of damaged portions of leaves and stems; and that

(iii) The presence of grit, sand, or silt; harmless extraneous vegetable material; portions of root stubs; seed heads; crowns; and damaged portions of leaves and stems, individually and collectively, does not seriously affect the appearance and eating quality of the product.

(d) *(SStd.) classification.* Frozen spinach that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 41 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.1928 *Characacter*—(a) *General.* The factor of character refers to the tenderness and condition of the leaves and stems, or portions thereof, the relation of stem to leaf material, and the degree of freedom from pieces of leaves and ragged or shredded portions of leaves and stems.

(1) "Stem material" means that portion of the spinach material below the point of attachment to the leaf.

(2) "Pieces of leaf" means any piece of a leaf (other than stem material) having an area less than 2 square inches in Whole Leaf style.

(b) *(A) classification.* Frozen spinach that possesses a good character may be given a score of 17 to 20 points. "Good character" has the following meanings with respect to the following styles:

(1) *Whole Leaf style.* (i) That the spinach is tender and practically free from coarse and tough leaves and stems, or portions thereof;

(ii) That there may be present not more than 20 percent, by weight, of stem material; and

(iii) That there may be present not more than 15 percent, by weight, of pieces of leaves.

(2) *Cut or Chopped style.* (i) That the spinach is tender and practically free from coarse and tough portions of leaves and stems; and

(ii) That the presence of stem material and ragged or shredded portions of leaves and stems does not materially affect the eating quality of the product or present a pureed appearance.

(c) *(B) classification.* Frozen spinach that possesses a reasonably good character may be given a score of 14 to 16 points. Frozen spinach that falls into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good character" has the following meanings with respect to the following styles:

(1) *Whole Leaf style.* (i) That the spinach is reasonably tender and reasonably free from coarse and tough leaves and stems, or portions thereof;

(ii) That there may be present not more than 30 percent, by weight, of stem material; and

(iii) That there may be present not more than 30 percent, by weight, of pieces of leaves.

(2) *Cut or Chopped style.* (i) That the spinach is reasonably tender and reasonably free from coarse and tough portions of leaves and stems; and

(ii) That the presence of stem material and ragged or shredded portions of leaves and stems does not seriously affect the appearance and eating quality of the product.

(d) *(SStd.) classification.* Frozen spinach that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

DEFINITIONS AND METHOD OF ANALYSIS

§ 52.1929 *Definition of terms*—(a) *Aggregate area.* "Aggregate area" means the aggregate surface covered by the material stated when such material, or portions thereof, is placed in a contiguous position with practically no intervening spaces.

§ 52.1930 *Method of analysis.* (a) "By weight of stem material" and "by weight of pieces of leaves" are determined by the following method:

(1) *Equipment.*

8 inch, 8 mesh screen.
Flat surface suitable as cutting board.
Small knife.
Suitable scales.

(2) *Procedure.* (i) If the sample is 10 ounces or less use the entire sample, but if the sample is of a size exceeding 10 ounces, use a representative portion which will yield at least 10 ounces of drained spinach.

(ii) After thawing the sample and grading for all other factors, spread on an 8 inch, 8 mesh screen and drain for 6 minutes. Separate the stem material from the leaf material, cutting the stem from the leaf at the point of attachment, and at the same time separate the pieces of leaves. Weigh the stem material, the pieces of leaves, and the remaining leaf material. The sum of these weights divided into the weight of stem material, multiplied by 100 will give the percentage "by weight of stem material," and the sum of these weights divided into the weight of pieces of leaves, multiplied by 100 will give the percentage "by weight of pieces of leaves." The spinach may be floated in water to facilitate separation but if this is done the stem material, pieces of leaves, and remaining leaf material should all be drained an additional 6 minutes prior to weighing.

LOT CERTIFICATION TOLERANCES

§ 52.1931 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of frozen spinach, the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if (1) such containers meet all of the applicable grade requirements of the factors of quality that are not rated by score points, (2) all containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification, and (3) with respect to those factors which are rated by score points:

(i) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(ii) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(iii) None of the containers falls more than one grade below the grade indicated by the average of such total scores; and

(iv) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample.

SCORE SHEET

§ 52.1932 *Score sheet for frozen spinach.*

| | | | |
|---|---|---|---|
| Container size | | | |
| Container code or marking | | | |
| Label | | | |
| Net weight (ounces) | | | |
| Style | | | |
| **Factors** | **Score points** | | |
| Color | 20 | (A) | 17–20 |
| | | (B) | ¹ 14–16 |
| | | (SStd.) | ¹ 0–13 |
| Defects | 60 | (A) | 51–60 |
| | | (B) | ¹ 42–50 |
| | | (SStd.) | ¹ 0–41 |
| Character | 20 | (A) | 17–20 |
| | | (B) | ¹ 14–16 |
| | | (SStd.) | ¹ 0–13 |
| Total score | 100 | | |
| Grade | | | |
| Flavor and odor | | | |

¹ Indicates limiting rule.

Dated: April 19, 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator,*
*Marketing Services.*

[F. R. Doc. 56-3174; Filed, Apr. 23, 1956; 8:52 a. m.]

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## [ 7 CFR Part 52 ]

## COMB HONEY [1]

UNITED STATES STANDARDS FOR GRADES; NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the revision of United States Standards for Grades of Comb Honey, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087, as amended, et seq.; 7 U. S. C. 1621 et seq.). These standards, if made effective, will be the third issue of United States Standards for Grades of Comb Honey.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed standards should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D. C., not later than December 31, 1956.

PRODUCT DESCRIPTION, TYPES, STYLES, AND GRADES

Sec.
52.2861 Product description.
52.2862 Types of comb honey.
52.2863 Styles of comb honey.
52.2864 Grades of comb honey.

DRAINED WEIGHT AND FILL OF CONTAINER

52.2865 Recommended fill of container for Style III—Cut Comb Honey—in Extracted Honey; Chunk Comb Honey.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.



Sec.
52.2866 Minimum drained weight for Style III—Cut Comb Honey—in Extracted Honey; Chunk Comb Honey.
52.2867 Compliance with recommended minimum drained weight for Style III—Cut Comb Honey—in Extracted Honey; Chunk Comb Honey.

FACTORS OF QUALITY

52.2868 Ascertaining the grade.
52.2869 Ascertaining the score for the factors which are rated.
52.2870 Flavor.
52.2871 Color.
52.2872 Defects.
52.2873 Character.

DEFINITIONS AND METHODS OF ANALYSES

52.2874 Soluble solids; Brix.
52.2875 Color of honey in comb honey.
52.2876 Application of U. S. D. A. permanent glass color standards for extracted honey in classifying the color of honey in comb honey.
52.2877 Tolerance for certification of color of officially drawn samples.
52.2878 Uniform in color.
52.2879 Uncapped cells.
52.2880 Attachment area.
52.2881 Project beyond edge of section.
52.2882 Dry cells.
52.2883 Through holes.
52.2884 Leaking.
52.2885 Bruising.
52.2886 Uniformity of surface of comb.
52.2887 Methods of analysis.

LOT CERTIFICATION TOLERANCES

52.2888 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.2889 Score sheet for comb honey.

AUTHORITY: §§ 52.2861 through 52.2889 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

PRODUCT DESCRIPTION, TYPES, STYLES, AND GRADES

§ 52.2861 *Product description.* Comb honey is the clean, sound product of honey bees contained in the cells of honey comb. The comb may be cut and the cut comb wrapped or packed in extracted honey under sanitary conditions, in accordance with good commercial practice.

§ 52.2862 *Types of comb honey.* (a) "Section comb honey" means comb honey produced in individual sections.

(b) "Shallow frame comb honey" means comb honey produced in shallow frames giving a comb of approximately one inch in thickness.

§ 52.2863 *Styles of comb honey.* (a) "Style I—Section Comb Honey" means comb honey in the original section.

(b) "Style II—Cut Comb Honey—Wrapped" means comb honey cut into practically uniform pieces and packed in individual transparent, leakproof cartons.

(c) "Style III—Cut Comb Honey—in Extracted Honey;" "Chunk Comb Honey" means comb honey cut into practically uniform pieces and packed in extracted honey.

§ 52.2864 *Grades of comb honey.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of comb honey containing honey having not less than 81.4 percent soluble solids; [2] that possesses a good flavor for the predominant floral source; that is practically uniform in color; that is practically free from defects; that possesses a good character; and that scores not less than 90 points when scored in accordance with the scoring system outlined in this subpart. The minimum net weight of section comb honey of this grade shall be not less than 12 ounces avoirdupois unless otherwise specified.

(b) "U. S. Grade B" or "U. S. No. 1" is the quality of comb honey containing honey having not less than 81.4 percent soluble solids; [2] that possesses a reasonably good flavor for the predominant floral source; that is reasonably uniform in color; that is reasonably free from defects; that possesses a reasonably good character; and that for those factors which are scored in accordance with the scoring system, outlined in this subpart the total score is not less than 80 points: *Provided,* That the comb honey may be fairly uniform in color if the total score is not less than 80 points. The minimum net weight of section comb honey of this grade shall be not less than 11 ounces avoirdupois unless otherwise specified.

(c) "U. S. Grade C" or "U. S. No. 2" is the quality of comb honey containing honey having not less than 81.4 percent soluble solids; [2] that possesses a fairly good flavor for the predominant floral source; that is fairly uniform in color; that is fairly free from defects; that possesses a fairly good character; and that scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart. The minimum net weight of section comb honey of this grade shall be not less than 10 ounces avoirdupois unless otherwise specified.

(d) "Substandard" is the quality of comb honey that fails to meet the requirements of U. S. Grade C or U. S. No. 2.

§ 52.2865 *Recommended fill of container for Style III—Cut Comb Honey—in Extracted Honey; Chunk Comb Honey.* The recommended fill of container is not incorporated in the grades of the product since fill of container, as such, is not a factor of quality for the purpose of these grades. It is recommended that each container of Style III Comb Honey be filled with honey as full as practicable and that the extracted honey and comb shall fill the container to not less than 95 percent of its total capacity.

§ 52.2866 *Minimum drained weight for Style III—Cut Comb Honey—in Extracted Honey; Chunk Comb Honey.* The drained weight for Style III Comb Honey, as specified in Table No. 2 of this section, is determined by emptying the contents of the container upon a United States Standard No. 8 sieve of proper diameter, inclining the sieve to facilitate drainage and allowing to drain for 5 minutes. After draining, the comb is emptied from the sieve into a dry scale pan and weighed. The contents of the

[2] Percent soluble solids, moisture, and other equivalents may be ascertained from Table No. 4 of this subpart.

container is heated to bring the liquid honey to approximately 54.4° C. (130° F.) before determining the drained weight. A sieve 8 inches in diameter is used for containers of 3 pounds and less and a sieve 12 inches in diameter is used for containers larger than 3 pounds net content.

TABLE NO. 2—MINIMUM DRAINED WEIGHT OF COMB HONEY IN CHUNK COMB HONEY

| Container size: | *Comb honey percent of net weight* |
|---|---|
| 1 pound net weight and under | 25 |
| Over 1 pound net weight | 35 |

§ 52.2867 *Compliance with minimum drained weight for Style III—Cut Comb Honey—in Extracted Honey; Chunk Comb Honey.* Compliance with the minimum drained weight for Style III Comb Honey is determined by averaging the drained weights of all containers which are representative of a specific lot. Such lot is considered as meeting the requirements if:

(a) At least three-fourths of the containers meets the minimum drained weight;

(b) The drained weights of the containers which do not meet the minimum drained weight are within the range of variability of good commercial practice; and

(c) The average drained weight of all of the containers which are representative of the lot does not fall below the minimum drained weight.

FACTORS OF QUALITY

§ 52.2868 *Ascertaining the grade*—(a) *General.* In addition to considering other requirements outlined in the standards, the following quality factors are evaluated:

(1) *Factor not rated by score points.* (i) Percent soluble solids.

(2) *Factors rated by score points.* The relative importance of each factor which is rated is expressed numerically on a scale of 100. The maximum number of points that may be given each such factor is:

| Factors: | *Points* |
|---|---|
| Flavor | 40 |
| Color | 20 |
| Defects | 30 |
| Character | 10 |
| Total score | 100 |

§ 52.2869 *Ascertaining the score for the factors which are rated.* The essential variations within each factor which is rated are so described that the value may be ascertained for each such factor and expressed numerically. The numerical range within each factor which is rated is inclusive (for example, "8 to 10 points" means 8, 9, or 10 points).

§ 52.2870 *Flavor*—(a) *General.* The factor of flavor refers to the prominence of the honey flavor and aroma of the predominant floral source.

(b) (*A*) *classification.* Comb honey that possesses a good flavor for the predominant floral source may be given a score of 37 to 40 points. "Good flavor for the predominant floral source" means that the product has a good, normal flavor and aroma for the predominant floral source and that the honey is free from objectionable flavor caused by fermentation, smoke, chemicals, or other causes, with the exception of the predominant floral source.

(c) (*B*) *classification.* If the comb honey possesses a reasonably good flavor for the predominant floral source, a score of 34 to 36 points may be given. Honey that falls into this classification shall not be graded above U. S. Grade B or U. S. No. 1, regardless of the total score for the products (this is a limiting rule). "Reasonably good flavor for the predominant floral source" means that the product has a reasonably good, normal flavor and aroma and that the honey is free from objectionable flavor caused by fermentation, smoke, chemicals, or other causes, with the exception of the predominant floral source.

(d) (*C*) *classification.* Comb honey that possesses a fairly good flavor for the predominant floral source may be given a score of 31 to 33 points. Honey that falls into this classification shall not be graded above U. S. Grade C or U. S. No. 2, regardless of the total score for the product (this is a limiting rule). "Fairly good flavor for the predominant floral source" means that the product has a fairly good, normal flavor and aroma for the predominant floral source and that the honey is free from objectionable flavor caused by fermentation, smoke, chemicals, or other causes, with the exception of the predominant floral source.

(e) (*SStd.*) *classification.* Comb honey that fails to meet the requirements of paragraph (d) of this section may be given a score of 0 to 30 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2871 *Color*—(a) *General.* The color of comb honey has reference to the predominating color of the exterior surface of the comb, to the uniformity of the color of the honey throughout the comb, and to the color of the extracted honey used in Style III Comb Honey.

(1) U. S. D. A. permanent glass color standards means the color standards described in the Department publication AIC–307, "Permanent Glass Color Standards for Extracted Honey."

(2) Information regarding these color standards may be obtained by writing to the Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, U. S. Department of Agriculture, Washington 25, D. C.

(b) (*A*) *classification.* Comb honey that possesses a good color and is uniform throughout the comb may be given a score of 18 to 20 points. "Good color" means that the comb honey is free from any noticeable variation in the color of the surface of the comb or in the honey in the cells throughout the comb; and that when packed in extracted honey the color of the honey in the comb may be darker than the extracted honey but not darker than the next darker color classification as determined by the U. S. D. A. permanent glass color standards for extracted honey.

(c) (*B*) *classification.* If the comb honey possesses a reasonably good color, a score of 16 or 17 points may be given. "Reasonably good color" means that the appearance or eating quality of the product is not materially affected by a variation in the color of the surface of the comb or in the honey in the cells throughout the comb; and that when packed in extracted honey the color of the honey in the comb may be darker than the next darker color classification for the extracted honey but not darker than the second darker color classification as determined by the U. S. D. A. permanent glass color standards for extracted honey.

(d) (*C*) *classification.* Comb honey that possesses a fairly good color may be given a score of 14 or 15 points. Comb honey that falls into this classification shall not be graded above U. S. Grade C or U. S. No. 2, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the appearance or eating quality of the product is not seriously affected by a variation in the color of the surface of the comb or in the honey in the cells throughout the comb; and that when packed in extracted honey the color of the honey in the comb may be darker in color than the extracted honey but not darker than the second darker color classification as determined by the U. S. D. A. permanent glass color standards for extracted honey.

(e) (*SStd.*) *classification.* Comb honey that fails to meet the requirements of paragraph (d) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2872 *Defects*—(a) *General.* "Defects" refers to the uniformity of the surface of the comb; the uniformity of the capping and the degree of freedom from uncapped cells, dry cells, and through holes; from cells of pollen, leaky cells, honeydew and granulation; and from damage caused by bruising and by any other means which may affect the appearance or edibility of the product.

(b) (*A*) *classification.* Comb honey that is practically free from defects may be given a score of 27 to 30 points. "Practically free from defects" means that the comb shall contain no dry cells; shall be free from cells of pollen; and that the surface of the comb shall be practically uniform in appearance. The cappings shall present a practically uniform, even appearance and shall be free from damage caused by bruising or by other means. The honey shall be free from granulation and honeydew. The product shall meet the following additional requirements with respect to the various styles of comb honey:

(1) *Style I—Section Comb Honey.* The section shall be practically free from propolis, staining, or other discoloration. The comb shall have no uncapped cells except in the row attached to the section; shall be attached to not less than 75 percent of the attachment area of the section if the outside row of cells is empty or attached to not less than 60 percent of the attachment area if the outside row is filled with honey; shall have not more than a total of 2½ linear inches of through holes; and shall not project beyond the edge of the section. The cappings shall be dry and free from leaking.

(2) *Style II—Cut Comb Honey—Wrapped.* The comb shall have no uncapped cells except at the cut edges, and the cappings shall be free from leaking.

(3) *Style III—Cut Comb Honey—in Extracted Honey; Chunk Comb Honey.* The comb may contain watery cappings but not more than one uncapped cell per square inch of comb surface; and shall be packed in U. S. Grade A extracted honey.

(c) (*B*) *classification.* If the comb honey is reasonably free from defects, a score of 24 to 26 points may be given. Comb honey that falls into this classification shall not be graded above U. S. Grade B or U. S. No. 1, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the comb shall contain no dry cells; shall be free from cells of pollen; and that the surface of the comb shall be reasonably uniform in appearance. The cappings shall present a reasonably uniform, even appearance, and shall be free from damage caused by bruising or by other means. The honey shall be reasonably free from granulation and honeydew. The product shall meet the following additional requirements with respect to the various styles of comb honey:

(1) *Style I—Section Comb Honey.* The section shall be reasonably free from propolis, staining, or other discoloration. The comb shall have no uncapped cells except in the row attached to the section and in the row adjoining the outside row, in the corners, and along the lower edge: *Provided*, That the number of uncapped cells does not exceed 15 in a section. The comb shall be attached to not less than 60 percent of the attachment area of the section; shall have not more than a total of 4 linear inches of through holes; and shall not project beyond the edge of the section. The cappings shall be dry and free from leaking.

(2) *Style II—Cut Comb Honey—Wrapped.* The comb shall have no uncapped cells except at the cut edges and not to exceed 15 uncapped cells in the row adjoining the cut edges. The cappings shall be free from leaking.

(3) *Style III—Cut Comb Honey—in Extracted Honey; Chunk Comb Honey.* The comb may contain watery cappings and not more than 2 uncapped cells per square inch of comb surface; and shall be packed in U. S. Grade A extracted honey.

(d) (*C*) *classification.* Comb honey that is fairly free from defects may be given a score of 21 to 23 points. Comb honey that falls into this classification shall not be graded above U. S. Grade C or U. S. No. 2, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the comb shall be fairly free from cells of pollen; and that the surface of the comb shall be fairly uniform in appearance. The cappings shall be fairly free from damage caused by bruising or by other means. The honey shall be fairly free from granulation and honeydew. The product shall meet the following additional requirements with respect to the various styles of comb honey:

(1) *Style I—Section Comb Honey.* The section shall be fairly free from propolis, staining, or other discoloration. The comb shall have no uncapped cells except in the row attached to the section and in the row adjoining the outside row, in the corners, and along the lower edge: *Provided*, That the number of uncapped cells does not exceed 30 in a section; shall have not more than 5 uncapped cells throughout the body of the comb; and of the total uncapped cells not more than 20, exclusive of those in the outside row, may be empty. The comb shall be attached to not less than 60 percent of the attachment area of the section; shall have not more than a total of 6 linear inches of through holes; shall not project beyond the edge of the section; and shall have no dry holes larger than ⅜ inch across, if more than 1⅜ inches from the section.

(2) *Style II—Cut Comb Honey—Wrapped.* The comb shall have no dry holes and no uncapped cells except at the cut edges and not to exceed 30 uncapped cells in the row adjoining the cut edges. The cappings shall be free from leaking.

(3) *Style III—Cut Comb Honey—in Extracted Honey; Chunk Comb Honey.* The comb may contain watery cappings and not more than 4 uncapped cells per square inch of comb surface; and may be packed U. S. Grade B extracted honey.

(e) (*SStd.*) *classification.* Comb honey that fails to meet the requirements of paragraph (d) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

§ 52.2873 *Character*—(a) *General.* The factor of character has reference to the tenderness, texture, and condition of the comb in comb honey.

(b) (*A*) *classification.* Comb honey that possesses a good character may be given a score of 8 to 10 points. "Good character" means that the honey comb is tender and is practically free from firm or tough comb that may affect the appearance or eating quality of the honey.

(c) (*B*) *classification.* If the comb honey possesses a reasonably good character, a score of 6 or 7 points may be given. "Reasonably good character" means that the honey comb is reasonably tender and that the presence of firm or tough comb does not materially affect the appearance or eating quality of the honey.

(d) (*C*) *classification.* Comb honey that possesses a fairly good character may be given a score of 4 or 5 points. "Fairly good character" means that the honey comb may be lacking in tenderness but that the presence of firm or tough comb does not seriously affect the appearance or eating quality of the honey.

(e) (*SStd.*) *classification.* Comb honey that fails to meet the requirements of paragraph (d) of this section may be given a score of 0 to 3 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule).

DEFINITIONS AND METHODS OF ANALYSES

§ 52.2874 *Soluble solids; Brix.* The soluble solids content of honey throughout the comb and of extracted honey may be determined by means of the refractometer corrected to 20° C. (68° F.). The refractive indices and corresponding percent soluble solids, percent moisture, and other equivalents may be ascertained from Table No. 4 of this subpart. The soluble solids content of comb and extracted honey may also be determined by the double dilution method by means of a Brix hydrometer corrected to 20° C. (68° F.).

§ 52.2375 *Color of honey in comb honey.* The color of honey throughout the comb is not a factor of quality for the purpose of these grades.

(a) The color classification of honey throughout the comb is determined by means of the U. S. D. A. permanent glass color standards for extracted honey.

(b) In classifying the color of honey throughout the comb, a sample of the liquid honey shall be drained from a cut or broken comb. The extracted honey in which Style III is packed may be separated from the comb by emptying contents of container on a U. S. Standard No. 8 screen and allowing to drain into a suitable container. Crystallized honey and partially crystallized honey is liquefied by heating to approximately 54.4° C. (130° F.) and cooling to approximately 20° C. (68° F.) before ascertaining the color by means of the U. S. D. A. permanent glass color standards for extracted honey.

(c) The respective color designation and applicable range of each color for comb honey and liquid honey are shown in Table No. 3 of this subpart.

TABLE NO. 3—COLOR DESIGNATION OF HONEY IN COMB HONEY AND EXTRACTED HONEY AND RANGE FOR EACH COLOR

| Color designation for honey in comb honey | Color designation for extracted honey | Color range U. S. D. A. color standards |
|---|---|---|
| | Water white | Honey that is water white or lighter in color than water white color standard. |
| | Extra white | Honey that is darker than water white but not darker than extra white color standard. |
| White | White | Honey that is darker than extra white but not darker than white color standard. |
| | Extra light amber | Honey that is darker than white but not darker than extra light amber or golden color standard. |
| Light amber | Light amber | Honey that is darker than extra light amber but not darker than light amber color standard. |
| Amber | Amber | Honey that is darker than light amber but not darker than amber color standard. |
| Dark amber | Dark amber | Honey that is darker than amber color standard. |

§ 52.2876 *Application of U. S. D. A. permanent glass color standards for extracted honey in classifying the color of honey in comb honey*—(a) *Sample containers.* The sample containers for use in making the visual color determination, as set forth herein, are square bottles of colorless transparent glass, having an internal width at the center of 3.15 centimeters (1.24 inches), with outside base dimensions of approximately 1 7/16 inches by 1 7/16 inches, and having a capacity of approximately 2 ounces.

(b) *Comparator; viewing box.* Two comparators or viewing boxes are required for the entire color range in the visual comparison test. Each comparator is divided into five compartments approximately 1½ inches square, with each compartment provided with openings approximately 1 3/16 inches square in the two parallel sides. The U. S. D. A. permanent glass color standards are mounted in a fixed position in the front openings of compartments 1, 3, and 5 of the two comparators, compartments 2 and 4 being adapted to receive the sample containers.

(c) *Clear blanks.* Six clear blanks of distilled water in capped sample containers are required. The clear blanks are placed in the compartments provided behind each permanent glass color standard.

(d) *Cloudy suspensions.* Three cloudy suspensions in distilled water, each in a capped sample container, are required. These are referred to as "Cloudy No. 1," "Cloudy No. 2," and "Cloudy No. 3," corresponding to varying degrees of cloudiness within the range of the different grades of honey. The cloudy suspensions replace the clear blanks when cloudy honey is to be classified for color.

(e) *Visual comparison test.* The color of a sample of honey is compared with the U. S. D. A. permanent glass color standards in the following manner to determine its color classification:

(1) Place the sample of honey in a clean, dry sample container.

(2) Place the clear blanks behind each permanent glass color standard.

(3) Place the container filled with the sample of honey successively in compartments 2 and 4 of the comparator and visually compare the color of the sample with that of each of the glass color standards by looking through them at a diffuse source of natural or artificial daylight. The color is classified in accordance with the color range as given in Table No. 3 of this subpart.

(4) If the sample is appreciably cloudy in appearance, the clear blanks are replaced by the cloudy suspensions, "Cloudy No. 1," "Cloudy No. 2," or "Cloudy No. 3," respectively, to facilitate color classification.

§ 52.2877 *Tolerance for certification of color of officially drawn samples.* When certifying the color of samples that have been officially drawn and which represent a specific lot of comb honey, the lot shall be considered as of one color if not more than one-sixth of the containers comprising the sample contains comb honey of a different color classification: *Provided,* That the honey in none of the containers falls below the next darker color designation.

§ 52.2878 *Uniform in color.* Uniform in color means that no pronounced variation in color is apparent in the honey on looking through the comb toward the light.

§ 52.2879 *Uncapped cells.* Uncapped cells means cells of honey comb which may be either empty or filled with honey which are not sealed or capped over by the bees.

§ 52.2880 *Attachment area.* Attachment area means the inner area of the wood section to which the honey comb is attached.

§ 52.2881 *Project beyond edge of section.* This means the projection of the comb beyond the widest part of the wood section.

§ 52.2882 *Dry cells.* Dry cells are holes in the honeycomb larger than a cell, not next to the section, which may extend partly or entirely through the comb.

§ 52.2883 *Through holes.* Through holes are holes or passages through the comb from one side of the comb to the other, between the edges of the comb and the wood section.

§ 52.2884 *Leaking.* Leaking or weeping is the seepage of honey through the cappings, forming small drops of honey which finally run down the surface of the comb.

§ 52.2885 *Bruising.* Bruising is any injury by accident or pressure causing sufficient indentation of the surface of the comb to result in leaking.

§ 52.2886 *Uniformity of surface of comb.* Uniformity of the surface of the comb refers to the degree of uniformity of the surface of the comb and the freedom from irregularities other than those incident to the work of the bees in completing the comb.

§ 52.2887 *Methods of analysis.* The analyses indicated in this subpart shall be made in accordance with methods of analyses given in Official Methods of Analysis of the Association of Official Agricultural Chemists or by any other means which give equivalent results.

TABLE NO. 4—REFRACTIVE INDICES AND CORRESPONDING PERCENT OF SOLUBLE SOLIDS, EQUIVALENT SPECIFIC GRAVITY, AND PERCENT MOISTURE IN EXTRACTED HONEY [1]

| Refractive index at 20° C. | Soluble solids (percent by weight or degrees Brix) | Specific gravity (20°/20° C.) at 20° C. | Moisture (percent) |
|---|---|---|---|
| 1.4871 | 80.2 | 1.4046 | 19.8 |
| 1.4876 | 80.4 | 1.4060 | 19.6 |
| 1.4880 | 80.6 | 1.4074 | 19.4 |
| 1.4885 | 80.8 | 1.4087 | 19.2 |
| 1.4890 | 81.0 | 1.4101 | 19.0 |
| 1.4895 | 81.2 | 1.4115 | 18.8 |
| 1.4900 | 81.4 | 1.4129 | 18.6 |
| 1.4905 | 81.6 | 1.4143 | 18.4 |
| 1.4910 | 81.8 | 1.4156 | 18.2 |
| 1.4915 | 82.0 | 1.4171 | 18.0 |
| 1.4920 | 82.2 | 1.4184 | 17.8 |
| 1.4925 | 82.4 | 1.4197 | 17.6 |
| 1.4930 | 82.6 | 1.4212 | 17.4 |
| 1.4935 | 82.8 | 1.4225 | 17.2 |
| 1.4940 | 83.0 | 1.4239 | 17.0 |
| 1.4945 | 83.2 | 1.4254 | 16.8 |
| 1.4950 | 83.4 | 1.4267 | 16.6 |
| 1.4955 | 83.6 | 1.4282 | 16.4 |
| 1.4960 | 83.8 | 1.4295 | 16.2 |
| 1.4965 | 84.0 | 1.4310 | 16.0 |
| 1.4970 | 84.2 | 1.4324 | 15.8 |
| 1.4975 | 84.4 | 1.4338 | 15.6 |
| 1.4980 | 84.6 | 1.4352 | 15.4 |
| 1.4985 | 84.8 | 1.4367 | 15.2 |
| 1.4990 | 85.0 | 1.4381 | 15.0 |
| 1.4995 | 85.2 | 1.4395 | 14.8 |
| 1.5000 | 85.4 | 1.4409 | 14.6 |
| 1.5005 | 85.6 | 1.4424 | 14.4 |
| 1.5010 | 85.8 | 1.4438 | 14.2 |
| 1.5015 | 86.0 | 1.4453 | 14.0 |
| 1.5020 | 86.2 | 1.4466 | 13.8 |
| 1.5025 | 86.4 | 1.4481 | 13.6 |
| 1.5030 | 86.6 | 1.4495 | 13.4 |
| 1.5035 | 86.8 | 1.4510 | 13.2 |
| 1.5041 | 87.0 | 1.4525 | 13.0 |

[1] Temperature corrections: If refractometer reading is made at temperatures above 20° C. (68° F.) add 0.00023 to the refractive index for each degree C., or 0.00013 for each degree F. If made below 20° C. (68° F.) subtract correction. The moisture content of honey and equivalent values may be determined by any other method which gives equivalent results.

LOT CERTIFICATION TOLERANCES

§ 52.2888 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of comb honey the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if (1) such containers meet all of the applicable grade requirements of the factors of quality that are not rated by score points, (2) all containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification, and (3) with respect to those factors which are rated by score points:

(i) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(ii) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(iii) None of the containers falls more than one grade below the grade indicated by the average of such total scores; and

(iv) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample.

TABLE NO. 4—REFRACTIVE INDICES AND CORRESPONDING PERCENT OF SOLUBLE SOLIDS, EQUIVALENT SPECIFIC GRAVITY, AND PERCENT MOISTURE IN EXTRACTED HONEY [1]

| Refractive index at 20° C. | Soluble solids (percent by weight or degrees Brix) | Specific gravity (20°/20° C.) at 20° C. | Moisture (percent) |
|---|---|---|---|
| 1.4844 | 79.0 | 1.3966 | 21.0 |
| 1.4849 | 79.2 | 1.3979 | 20.8 |
| 1.4853 | 79.4 | 1.3992 | 20.6 |
| 1.4858 | 79.6 | 1.4006 | 20.4 |
| 1.4862 | 79.8 | 1.4020 | 20.2 |
| 1.4866 | 80.0 | 1.4033 | 20.0 |

See footnote at end of table.



SCORE SHEET

§ 52.2889 *Score sheet for comb honey.*

| | | | |
|---|---|---|---|
| Size and kind of container | | | ---- |
| Label | | | ---- |
| Container mark or identification | | | ---- |
| Style and weight | Style I—Section comb honey, net weight (ounces) | | ---- |
| | Style II—Cut comb honey, wrapped, net weight (ounces) | | ---- |
| | Style III—Cut comb honey, in extracted honey, chunk comb honey, net weight, drained weight (ounces) | | ---- |
| Soluble solids (percent); Brix (degrees); at 20° C. | | | ---- |
| Moisture (percent) | | | ---- |
| Specific gravity | | | ---- |
| Factors | | Score points | |
| Flavor | 40 | (A) 37–40 | |
| | | (B) [1] 34–36 | |
| | | (C) [1] 31–33 | |
| | | (SStd.) [1] 0–30 | |
| Color | 20 | (A) 18–20 | |
| | | (B) 16–17 | |
| | | (C) [1] 14–15 | |
| | | (SStd.) [1] 0–13 | |
| Defects | 30 | (A) 27–30 | |
| | | (B) [1] 24–26 | |
| | | (C) [1] 21–23 | |
| | | (SStd.) [1] 0–20 | |
| Character | 10 | (A) 8–10 | |
| | | (B) 6–7 | |
| | | (C) 4–5 | |
| | | (SStd.) [1] 0–3 | |
| Total score | 100 | | |
| Grade | | | ---- |
| Color of honey in comb honey | | | ---- |
| Color of comb surface in comb honey | | | ---- |
| U. S. Grade of extracted honey in style III, chunk comb honey | | | ---- |
| Color of extracted honey in style III, chunk comb honey | | | ---- |
| Comb honey in style III, chunk comb honey (percent) | | | ---- |
| Floral source or sources | | | ---- |

[1] Indicates limiting rule.

Dated: April 19, 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator,*
*Marketing Services.*

[F. R. Doc. 56–3175; Filed, Apr. 23, 1956; 8:52 a. m.]

## [7 CFR Part 1011]

[AO 277]

IRISH POTATOES GROWN IN NEW JERSEY

NOTICE OF HEARING WITH RESPECT TO PROPOSED MARKETING AGREEMENT NO. 129 AND ORDER NO. 111

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR 900.0 et seq.), notice is hereby given of a public hearing to be held at the Hightstown Grange Hall, Hightstown, New Jersey, beginning at 9:30 a. m., local time, May 21, 1956, with respect to proposed Marketing Agreement No. 129 and Order No. 111, regulating the handling of Irish potatoes grown in the State of New Jersey. The proposed marketing agreement and order have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the provisions of the marketing agreement and order, hereinafter set forth, or appropriate modifications thereof.

Growers and shippers in the State of New Jersey, as represented by the New Jersey State Potato Association, requested a hearing on the following proposed marketing agreement and order authorizing regulation of the handling of potatoes in the proposed production area.

DEFINITIONS

§ 1011.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 1011.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

§ 1011.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 1011.4 *Production area.* "Production area" means all territory included within the boundaries of the State of New Jersey.

§ 1011.5 *Potatoes.* "Potatoes" means all varieties of Irish potatoes grown within the State of New Jersey.

§ 1011.6 *Handler.* "Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of potatoes owned by another person) who ships potatoes.

§ 1011.7 *Handle.* "Handle" or "ship" means to sell or transport potatoes within the production area or between the production area and any point outside thereof.

§ 1011.8 *Producer.* "Producer" means any person engaged in the production of potatoes for market.

§ 1011.9 *Fiscal period.* "Fiscal period" means the period beginning and ending on the dates approved by the Secretary pursuant to recommendations by the committee.

§ 1011.10 *Committee.* "Committee" means the New Jersey Potato Committee, established pursuant to § 1011.25.

§ 1011.11 *Varieties.* "Varieties" means and includes all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 1011.12 *Seed potatoes.* "Seed potatoes" or "seed" means and includes all potatoes officially certified and tagged, marked, or otherwise appropriately identified under the supervision of the official seed potato certifying agency of the State of New Jersey, or other seed certification agencies which the Secretary may recognize.

§ 1011.13 *Table stock potatoes.* "Table stock potatoes" or "table stock" means and includes all potatoes not included within the definition of "seed potatoes."

§ 1011.14 *Pack.* "Pack" means a unit of potatoes in any type of container and which falls within specific weight limits or within specific grade limits recommended by the committee and approved by the Secretary.

§ 1011.15 *Grade and size.* "Grade" means any one of the officially established grades of potatoes, and "size" means any one of the officially established sizes of potatoes, as defined and set forth in:

(a) The United States Standards for Potatoes issued by the United States Department of Agriculture (§§ 51.1540 to 51.1559 of this title), or amendments thereto, or modifications thereof, or variations based thereon;

(b) United States Consumer Standards for Potatoes as issued by the United States Department of Agriculture (§§ 51.1575 to 51.1587 of this title), or amendments thereto, or modifications thereof, or variations based thereon; and

(c) New Jersey Standards for White Potatoes as issued by the New Jersey Department of Agriculture or amendments thereto, or modifications thereof, or variations based thereon.

§ 1011.16 *Grading.* "Grading" is synonymous with "preparing for market" which means the sorting or separating of potatoes into grades and sizes for market purposes.

§ 1011.17 *Container.* "Container" means a sack, bag, crate, box, basket, barrel, or bulk load or any other type of container which is used in the packaging, transportation, sale, shipment or other handling of potatoes.

§ 1011.18 *Export.* "Export" means shipment of potatoes beyond the boundaries of continental United States.

§ 1011.19 *District.* "District" means each one of the geographical divisions of the production area established pursuant to § 1011.32.

COMMITTEE

§ 1011.25 *Establishment and membership.* (a) The New Jersey Potato Committee consisting of twelve members, of whom eight shall be producers and four shall be handlers, is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(b) An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate during such member's absence. In the event of the death, removal, resignation, or disqualification of a member his alternate shall act for him until a successor for such member is selected and has qualified.

§ 1011.26 *Procedure.* (a) Eight members of the committee shall be necessary to constitute a quorum and eight concurring votes will be required to pass any motion or approve any committee action.

(b) The committee may provide for meeting by telephone, telegraph, or other means of communication and any vote cast at such meeting shall be confirmed

promptly in writing: *Provided*, That if any assembled meeting is held, all votes shall be cast in person.

§ 1011.27 *Selection.* (a) Persons selected as committee members or alternates to represent producers or handlers shall be producers or handlers, respectively, or officers or employees of a corporate producer or handler, respectively, in the district for which selected and shall be residents of such district.

(b) The Secretary shall select six producer members of the committee, with their alternates, from District No. 1, one producer member with his alternate, from District No. 2, and one producer member with his alternate, from District No. 3. The Secretary shall select four handler members of the committee, with their respective alternates, from the production area at large.

(c) Any person selected by the Secretary as a committee member or as an alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 1011.28 *Term of office.* (a) The term of office of committee members and alternates shall be two years beginning May 1 and ending April 30. The terms of office of members and alternates shall be so determined that one-half of the total produeer committee membership and one-half of the total handler committee membership shall terminate each April 30.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during the current term of office and continuing until the end thereof, and until their successors are selected and have qualified.

§ 1011.29 *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this subpart in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this subpart; and

(d) To recommend to the Secretary amendments to this subpart.

§ 1011.30 *Duties.* It shall be the duty of the committee:

(a) At the beginning of each fiscal period, to meet and organize, to select a chairman and such other officers as may be necessary, to select subcommittees of committee mombers, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(b) To act as intermediary between the Secretary and any producer or handler;

(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(e) To investigate, from time to time, and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to potatoes;

(f) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books and records shall be subject to examination at any time by the Secretary or his authorized agent or representative;

(g) To make available to producers and handlers the committee voting record on recommended regulations and on other matters of policy;

(h) At the beginning of each fiscal period, to submit to the Secretary a budget of its expenses for such fiscal period, together with a report thereon;

(i) To cause the books of the committee to be audited by a competent accountant at least once each fiscal period, and at such other time as the committee may deem necessary or as the Secretary may request, and the report of such audit shall show the receipt and expenditure of funds collected pursuant to this subpart, and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers;

(j) To consult, cooperate, and exchange information with other potato marketing committees and other individuals or agencies in connection with all proper committee activities and objectives under this subpart; and

(k) To establish, and pay the expenses of, advisory subcommittees for the purpose of consulting with Federal, State, and other appropriate agencies with respect to the establishment of marketing research and development projects pursuant to § 1011.47.

§ 1011.31 *Expenses and compensation.* Committee members and their respective alternates when acting on committee business may be reimbursed for expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this subpart.

§ 1011.32 *Districts.* (a) For the purpose of selecting committee members, the following districts of the production area are hereby initially established:

*District No. 1.* Mercer, Middlesex, Monmouth and all counties lying north thereof in the State of New Jersey;

*District No. 2.* Burlington, Camden, Gloucester, and Ocean Counties; and

*District No. 3.* Atlantic, Cape May, Cumberland, and Salem Counties.

(b) The Secretary, upon the recommendation of the committee, may reestablish districts within the production area and may reapportion committee membership among the various districts: *Provided*, That in recommending any such changes in districts or representation, the committee shall give consideration to (1) the relative importance of new areas of production, (2) changes in the relative position of existing districts with respect to production, (3) the geographic location of areas of production as they would affect the efficiency of administering this part and (4) other relevant factors: *Provided further*, That there shall be no change in the total number of committee members or in the total number of districts.

§ 1011.33 *Nominations.* The Secretary may select the members of the New Jersey Potato Committee and their respective alternates from nominations which may be made in the following manner:

(a) Nominations for members and alternates of the committee may be submitted by producers or handlers, as the case may be, or groups thereof, on an elective basis or otherwise.

(b) In order to provide nominations for committee members and alternates:

(1) The committee shall hold or cause to be held prior to March 1 of each year, after the effective date of this subpart, a meeting or meetings of producers and handlers, respectively, in each of the districts designated in § 1011.32 in which the term of office of committee members, and their respective alternates, will commence the following May 1;

(2) In arranging for such meetings the committee may, if it deems desirable, utilize the services and facilities of existing organizations and agencies;

(3) At each such meeting at least two nominees shall be designated for each position as member and for each position as alternate member on the committee which is vacant, or which is to become vacant the following April 30;

(4) Nominations for committee members and alternate members shall be supplied to the Secretary in such manner and form as he may prescribe, not later than March 31 of each year;

(5) Only producers may participate in designating nominees for producer committee members and their alternates and only handlers may participate in designating nominees for handler committee members and their alternates;

(6) Each person who is both a handler and a producer may vote either as a handler or as a producer and may elect the group in which he votes; and

(7) Regardless of the number of districts in which a person handles or produces potatoes, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives, in designating nominees for committee members and alternates: *Provided*, That in the event a person is engaged in handling or producing potatoes in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees: *Provided further*, That an eligible voter's privilege of casting only one vote, as aforesaid, shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.

(c) If nominations are not made within the time and in the manner specified by the Secretary pursuant to paragraph (b) of this section, the Secretary may, without regard to nominations, select the committee members and alternates on the basis of the representation provided for in this subpart.

§ 1011.34 *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a committee member or as an alternate to qualify or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate, a successor for his unexpired term may be selected by the Secretary from nominations made in the manner specified in § 1011.33, or the Secretary may select such committee member or alternate from previously unselected nominees on the current nominee list from the district involved. If the names of nominees to fill any vacancy are not made available to the Secretary within 30 days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of the representation provided for in this subpart.



EXPENSES AND ASSESSMENTS

§ 1011.40 *Expenses.* The committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred by it during each fiscal period for the maintenance and functioning of such committee and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. Handlers shall share expenses on the basis of each fiscal period. Each handler's share of such expense shall be proportionate to the ratio between the total quantity of potatoes handled during a fiscal period by him as the first handler thereof and the total quantity of potatoes handled during such fiscal period by all handlers as first handlers thereof.

§ 1011.41 *Budget.* At the begining of each fiscal period and as may be necessary thereafter, the committee shall prepart an estimated budget of income and expenditures necessary for the administration of this part. The committee may recommend to the Secretary a rate or rates of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget to the Secretary with an accompanying report showing the basis for its calculations.

§ 1011.42 *Assessments.* (a) The funds to cover such expenses shall be acquired by the levying of assessments upon handlers as provided in this subpart. Each handler who first handles potatoes shall pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of the committee's expenses.

(b) Assessments shall be levied upon handlers at rates established by the Secretary. Such rates may be established upon the basis of the committee's recommendations and other available information. Such rates may be applied equitably to each pack or unit.

(c) At any time during or subsequent to a given fiscal period the committee may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendations, or other available information, the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all potatoes which were regulated under this part and which were handled by the first handler thereof during such fiscal period.

§ 1011.43 *Accounting.* (a) All funds received by the committee pursuant to the provisions of this subpart shall be used solely for the purposes specified in this part.

(b) The Secretary may at any time require the committee, its members and alternates, employees, agents, and all other persons to account for all receipts and disbursements, funds, property, or records for which they are responsible. Whenever any person ceases to be a member or alternate of the committee he shall account for all receipts, disbursements, funds, and property (including but not being limited to books and other records) pertaining to such committee's activities for which he is responsible and deliver all such property and funds in his hands to such successor, agency, or person as may be designated by the Secretary, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in the designated successor, agency, or person the right to all such property and funds and all claims vested in such member or alternate.

(c) The committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other committee property during periods when regulations are not in effect and, if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for the committee.

§ 1011.44 *Refunds.* At the end of each fiscal period monies arising from the excess of assessments over expenses shall be accounted for as follows:

(a) Each handler entitled to a proportionate refund of the excess assessments at the end of a fiscal period shall be credited with such refund against the operation of the following fiscal period unless he demands payment thereof, in which event such proportionate refund shall be paid to him; or

(b) The Secretary, upon recommendation of the committee, may determine that it is appropriate for the maintenance and functioning of such committee that some of the funds remaining at the end of a fiscal period which are in excess of the expenses necessary for operation during such period may be carried over into following periods as a reserve for possible liquidation. Upon approval by the Secretary, such reserve may be used upon termination of this part to liquidate the affairs of the committee: *Provided*, That upon termination of this part any monies in the reserve for liquidation which are not required to defray the necessary expenses of liquidation shall to the extent practical be returned upon a pro rata basis to all persons from whom such funds were collected.

RESEARCH AND DEVELOPMENT

§ 1011.47 *Research and development.* The committee, with the approval of the Secretary, may provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of potatoes.

REGULATION

§ 1011.50 *Marketing policy*—(a) *Preparation.* Prior to each marketing season the committee shall consider and prepare a proposed policy for the marketing of potatoes. In developing its marketing policy the committee shall investigate relevant supply and demand conditions for potatoes. In such investigations the committee shall give appropriate consideration to the following:

(1) Market prices for potatoes, including prices by grade, size, and quality in different packs, or in different containers, or any other shipping unit;

(2) Supply of potatoes by grade, size, quality, and maturity in the production area and in other production areas;

(3) The trend and level of consumer income;

(4) Establishing and maintaining orderly marketing conditions for potatoes;

(5) Orderly marketing of potatoes as will be in the public interest; and

(6) Other relevant factors.

(b) *Reports.* (1) The committee shall submit a report to the Secretary setting forth the aforesaid marketing policy and it shall notify producers and handlers of the contents of such report.

(2) In the event it becomes advisable to shift from such marketing policy because of changed supply and demand conditions, the committee shall prepare a new marketing policy in accordance with the manner previously outlined. The committee shall submit a report thereon to the Secretary and notify producers and handlers of the contents of such report on the revised or amended marketing policy.

§ 1011.51 *Recommendations for regulations.* The committee shall recommend to the Secretary, grade, size, quality, and maturity regulations, or amendments thereto, or modifications thereof, whenever it finds that such regulations as provided in § 1011.52 will tend to effectuate the declared policy of the act. The committee also may recommend modification, suspension, or termination of any regulation, or amendments thereto, in order to facilitate the handling of potatoes for the purpose authorized in § 1011.54. The committee may also recommend amendment, termination, or suspension of any regulation issued under this part.

§ 1011.52 *Issuance of grade, size, quality, and maturity regulations.* (a) The Secretary shall limit the shipment of potatoes whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulation would tend to effectuate the declared policy of the act. Such limitation may:

(1) Regulate in any or all portions of the production area, the handling of particular grades, sizes, qualities, or maturities of any or all varieties of table stock or of seed potatoes, or both, during any period; or

(2) Regulate the handling of particular grades, sizes, or qualities of potatoes differently, for different varieties, for table stock, for seed, for different portions of the production area, for different packs, for different sizes and types of containers, or for any combination of the foregoing, during any period;

(3) Provide a method through rules and regulations issued pursuant to this part for fixing the size, capacity, weight, dimensions, or pack of the container, or containers, which may be used in the packaging or handling of potatoes, or both; or

(4) Regulate the handling of potatoes by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity.

(b) The Secretary may amend any regulations issued under this subpart whenever he finds that such regulation would tend to effectuate the declared policy of the act. The Secretary may also terminate or suspend any regulation whenever he finds that such regulation obstructs or no longer tends to effectuate the declared policy of the act.

(c) The Secretary shall notify the committee of any such regulation issued pursuant to this section and the committee shall give reasonable notice thereof to handlers.

§ 1011.53 *Minimum quantities.* The committee, with the approval of the Secretary, may establish, for any or all portions of the production area, minimum quantities below which shipments will be free from regulations issued pursuant to §§ 1011.40 to 1011.60 inclusive.

§ 1011.54 *Handling for specified purposes.* (a) The Secretary upon the basis of recommendations of the committee, or upon the basis of other available information, may modify, suspend, or terminate regulations issued pursuant to §§ 1011.40 to 1011.60, inclusive, in order to facilitate the handling of potatoes for the purposes specified below, whenever he finds that such actions tends to effectuate the declared policy of the act. Adequate safeguards may be established pursuant to paragraph (c) of this section to prevent such shpiments from entering channels of trade for other than the specified purposes:

(1) Shipments of potatoes for the purpose of having such potatoes graded or stored within the production area generally or within any specified portions thereof;

(2) Shipments of potatoes for export;

(3) Shipments of potatoes for distribution by relief agencies, or for consumption by charitable institutions;

(4) Shipments of potatoes for the purpose of having such potatoes manufactured or converted into specified products or by-products;

(5) Shipments of potatoes for livestock feed within the production area generally or any specified portions thereof; and

(6) For other specified purposes.

(b) Whenever the handling of seed potatoes is not subject to the same regulations as is the handling of table stock potatoes, issued pursuant to §§ 1011.40 to 1011.60, inclusive, the committee, with the approval of the Secretary, may prescribe adequate safeguards, pursuant to paragraph (c) of this section, to prevent diversion of such shipments from seed potato channels.

(c) The committee, with the approval of the Secretary, may prescribe adequate safeguards, authorized by paragraphs (a) and (b) of this section, which safeguards may include requirements that:

(1) Handlers shall file applications with the committee to handle potatoes pursuant to this section;

(2) Handlers shall obtain Federal-State inspection provided by § 1011.60 and pay the pro rata share of expenses provided by § 1011.41 in connection with potatoes handled under the provisions of this section: *Provided,* That such inspection and payment of expenses may be required at different times than otherwise specified by the aforesaid sections; and

(3) (i) Handlers shall obtain Certificates of Privilege from the committee for potatoes to be handled under the provisions of this section. The committee, with the approval of the Secretary, shall prescribe rules governing the issuance and the contents of such Certificates of Privilege.

(ii) The committee shall make monthly reports to the Secretary showing the number of applications for such certificates, the quantity of potatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of potatoes handled under duly issued certificates, and such other information as may be requested by the Secretary. The committee may rescind or deny Certificates of Privilege to any handler if evidence is obtained that potatoes handled by him for the purposes stated in this section have been diverted from such purposes contrary to the provisions of this subpart.

(d) (1) The Secretary shall give prompt notice to the committee of any modification, suspension or termination of regulations pursuant to this section, or of any approval issued by him under the provisions of this section.

(2) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

INSPECTION AND CERTIFICATION

§ 1011.60 *Inspection and certification.* (a) During any period in which the handling of potatoes is regulated pursuant to §§ 1011.42, 1011.52, or 1011.54, or any combination thereof, no handler shall handle potatoes unless such potatoes are inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary shall designate, and are covered by a valid inspection certificate, except when relieved from such requirements pursuant to § 1011.53 or § 1011.54 or both.

(b) Regrading, resorting, or repacking any lot of potatoes shall invalidate any prior inspection certificates insofar as the requirements of this section are concerned. No handler shall handle potatoes after they have been regraded, resorted, repacked, or in any way further prepared for market, unless such potatoes are inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary shall designate: *Provided,* That such inspection requirements on regraded, resorted, or repacked potatoes may be modified, suspended, or terminated under rules and regulations recommended by the committee, and approved by the Secretary.

(c) Upon recommendation of the committee, and approval of the Secretary, all lots so inspected and certified shall be identified by appropriate seals, stamps, or tags to be affixed to the containers by the handler under the direction and supervision of the Federal-State or Federal inspector or the Committee. Master containers may bear the identification instead of the individual containers within said master container.

(d) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the committee with the approval of the Secretary.

(e) When potatoes are inspected in accordance with the requirements of this section, a copy of each inspection certificate issued shall be made available to the committee by the inspection service.

EXEMPTIONS

§ 1011.65 *Procedure.* The committee may adopt, subject to approval of the Secretary, the procedures pursuant to which certificates of exemption will be issued to producers or handlers.

§ 1011.66 *Granting exemptions.* (a) The committee may issue certificates of exemption to any producer who applies for such exemption and furnishes adequate evidence to the committee: (1) That by reason of a regulation issued pursuant to § 1011.52 he will be prevented from handling as large a proportion of his production as the average proportion of production handled by all producers in said applicant's immediate production area; and (2) that the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the producer to handle the amount of potatoes specified thereon. Such certificates shall be transferred with such potatoes at time of shipment.

(b) The committee may issue certificates of exemption to any handler who applies for such exemption and furnishes adequate evidence to the committee: (1) That by reason of a regulation issued pursuant to § 1011.52 he will be prevented from handling as large a proportion of his storage holdings of ungraded potatoes, acquired during or immediately following the digging season, as the average proportion of ungraded storage holdings handled by all handlers in said applicant's immediate shipping area; and (2) that the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the handler to handle the amount of potatoes specified thereon. Such certificate shall be transferred with such potatoes at time of shipment.

(c) The committee shall be permitted at any time to make a thorough investigation of any producer's or handler's claim pertaining to exemptions.

§ 1011.67 *Appeal.* If any applicant for exemption certificates is dissatisfied with the determination by the committee with respect to this application, said applicant may file an appeal with the committee. Such an appeal must be taken promptly after the determination by the committee from which the appeal is taken. Any applicant filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application. The committee shall notify the appellant of the final determination and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

§ 1011.68 *Review, records, and reports of exemptions.* (a) The Secretary shall have the right to modify, change, alter, or rescind any procedure and any exemptions granted pursuant to § 1011.65, § 1011.66, § 1011.67, or any combination thereof.

(b) The committee shall maintain a record of all applications submitted for exemption certificates, a record of all exemption certificates issued and denied and the quantity of potatoes covered by such exemption certificates, a record of the amount of potatoes handled under exemption certificates, a record of appeals for reconsideration of applications, and such information as may be requested by the Secretary. Periodic reports on such records shall be compiled and issued by the committee upon request of the Secretary.

EFFECTIVE TIME AND TERMINATION

§ 1011.70 *Effective time.* The provisions of this subpart shall become effective at such time as the Secretary may declare above his signature attached to this subpart, and shall continue in force until terminated in one of the ways specified in this subpart.

§ 1011.71 *Termination.* (a) The Secretary may at any time terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers who, during the preceding fiscal period, have been engaged in the production for market of potatoes: *Provided,* That such majority has, during such period, produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effective only if announced on or before April 30 of the then current fiscal period.

(d) The provisions of this subpart shall in any event terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 1011.72 *Proceedings after termination.* (a) Upon the termination of the provisions of this subpart, the then functioning members of the committee shall continue as trustees, for the purpose of liquidating the affairs of the committee, of all the funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 1011.73 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not: (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or of any regulation issued under this subpart; (b) release or extinguish any violation of this subpart or of any regulation issued under this subpart; or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

REPORTS

§ 1011.80 *Reports.* Upon request of the committee, made with approval of the Secretary, each handler shall furnish to the committee, in such manner and at such time as it may prescribe, such reports and other information as may be necessary for the committee to perform its duties under this part.

(a) Such reports may include, but are not necessarily limited to, the following: (1) The quantities of potatoes received by a handler; (2) the quantities disposed of by him, segregated as to the respective quantities subject to regulation and not subject to regulation; (3) the date of each such disposition and the identification of the carrier transporting such potatoes; and (4) identification of the inspection certificates and the exemption certificates, if any, pursuant to which the potatoes were handled, together with the destination of each exempted disposition, and of all potatoes handled pursuant to §§ 1011.53 and 1011.54.

(b) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers is authorized, subject to prohibition of disclosure of individual handlers identities or operations.

(c) Each handler shall maintain for at least two succeeding years such records of the potatoes received and disposed of by such handler as may be necessary to verify the reports he submits to the committee pursuant to this section.

§ 1011.81 *Compliance.* Except as provided in this subpart, no handler shall handle potatoes, the handling of which has been prohibited by the Secretary in accordance with provisions of this subpart, and no handler shall handle potatoes except in conformity to the provisions of this subpart.

§ 1011.82 *Right of the Secretary.* The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 1011.83 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any persons by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 1011.84 *Agents.* The Secretary may by designation in writing, name any person, including any officer or employee of the Government, or name any agency in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 1011.85 *Derogation.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 1011.86 *Personal liability.* No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever to any handler or any

person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, employee or agent, except for acts of dishonesty.

§ 1011.87 *Separability.* If any provision of this subpart is declared invalid or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 1011.88 *Amendments.* Amendments to this subpart may be proposed from time to time, by the committee or by the Secretary.

§ 1011.89 *Counterparts.* This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.[1]

§ 1011.90 *Additional parties.* After the effective date hereof, any handler who has not previously executed this agreement may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.[1]

§ 1011.91 *Order with marketing agreement.* Each signatory handler favors and approves the issuance of an order by the Secretary regulating the handling of potatoes in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the act, such an order.[1]

Copies of this notice of hearing may be procured from the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 19th day of April 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator.*

[F. R. Doc. 56-3176; Filed, Apr. 23, 1956; 8:52 a. m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

### [ 21 CFR Part 165 ]

[Docket No. FDC 30 (a)]

CHEMICAL DERIVATIVES OF SUBSTANCES DESIGNATED AS HABIT FORMING

ORDER EXTENDING TIME FOR FILING EXCEPTIONS TO PROPOSED ORDER

On March 27, 1956, there was published in the FEDERAL REGISTER (21 F. R. 1866) proposed findings of fact and conclusions reached after public hearing issued by the Commissioner of Food and Drugs in the matter of amending the regulations designating certain chemical derivatives of substances named in section 502 (d) of the Federal Food, Drug, and Cosmetic Act as habit forming by removing acetylcarbromal and bromural from the list of habit-forming chemical derivatives of carbromal. The proposal privides that any person whose appearance was filed at the hearing may within 30 days from the date of publication file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, Health, Education, and Welfare Building, 330 Independence Avenue SW., Washington 25, D. C., written exceptions to the proposed order, which exceptions may be accompanied by a memorandum or brief.

The Commissioner of Food and Drugs having been petitioned by interested persons whose appearances were filed at the hearing to extend the time within which such exceptions and supporting memoranda or briefs may be filed, and good cause therefor appearing: *It is ordered,* That the time for filing exceptions and briefs be hereby extended to and including May 25, 1956, and that such extension shall apply to any interested person whose appearance was filed at the hearing.

Dated: April 18, 1956.

[SEAL] GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F. R. Doc. 56-3156; Filed, Apr. 23, 1956; 8:49 a. m.]

[1] Applicable only to the proposed marketing agreement.

## SECURITIES AND EXCHANGE COMMISSION

### [ 17 CFR Part 240 ]

SOLICITATION OF PROXIES

NOTICE OF PROPOSED RULE MAKING

On May 5, 1955 the Securities and Exchange Commission published a proposal to adopt § 240.14b–1 (Rule X-14B–1) under the Securities Exchange Act of 1934, particularly sections 14 and 23 (a) thereof, to set out the conditions under which certain members, brokers or dealers could give proxies, consents or authorizations in respect of a security registered on a national securities exchange and carried for the account of a customer. This proposal was also the subject of a public hearing held by the Commission on November 17, 1955, when certain proposed revisions of the proxy rules (Regulation X–14) were also considered.

Many valuable comments and suggestions have been received with respect to proposed § 240.14b–1 (Rule X-14B–1); and after further study the Commission has revised its proposal and now invites further comments and suggestions on the revised proposal not later than May 15, 1956. The revisions made to the original proposal, the text of which was set out in Securities Exchange Act Release No. 5166, include the following:

1. The definition of the term "proxy material" has been clarified and made more specific. The "annual report" is no longer considered to be "proxy material" by definition. The circumstances under which an annual report is required to be transmitted are set out in paragraph (g) of the rule.

2. The definition of the term "owner" has been clarified to mean the beneficial owner at the record date for the determination of security holders entitled to vote with respect to the subject matter or meeting; and it specifically provides that unless a broker knows or has reason to know that the person for whose account he carries a security is not the owner he may deem such person to be the owner.

3. The term "voting instructions" is not defined to mean written or oral instructions with respect to the giving of a proxy for a particular matter or meeting.

4. When a broker gives a proxy pursuant to oral voting instructions he must make a written memorandum summarizing the substance of such oral instructions and promptly send a copy to the owner.

5. Matters as to which voting instructions are required are spelled out in detail in the rule.

6. Requirements with respect to the transmission of proxy material are clarified (paragraphs (c) and (e)) and a broker or dealer who requests voting instructions from the owner of any security carried by him for the account of a customer would be required to transmit proxy material to the owners of all securities carried by him for the account of customers and entitled to vote with respect to such subject matter or meeting, all subject to specified exceptions.

As was pointed out in Securities Exchange Act Release No. 5166, the rule would not relieve any member of a national securities exchange from compliance with exchange rules requiring the forwarding of proxy soliciting material, or imposing other conditions to the giving of proxies.

The text of proposed § 240.14b–1 as revised is as follows:

§ 240.14b–1 *Giving of proxies by members, brokers or dealers*—(a) *General provisions.* (1) This section shall apply to every member of a national securities exchange and every broker or dealer who transacts a business in securities through the medium of any such member.

(2) It shall be unlawful for any member, broker or dealer subject to this section to give a proxy in respect to any security registered on a national securities exchange and carried for the account of a customer, unless such proxy is given in compliance with this section.

(b) *Definitions.* For the purpose of this section, the following terms shall have the meanings indicated unless the context clearly indicates otherwise:

(1) A security shall be deemed to be "carried for the account of a customer" if it is registered in the name of a member, broker or dealer subject to this section, or his nominee, who is not the "owner" of the security, as hereinafter defined.

(2) The term "proxy" includes every proxy, consent, authorization, or revocation, or a request not to give any of the foregoing.

(3) The term "give a proxy" shall be deemed to include giving instructions to a nominee, causing a nominee to give a proxy, and voting in person at a meeting.

(4) The term "proxy material", when used with reference to material distributed by any person who is soliciting proxies relating to any subject matter or meeting, means (i) the proxy statement furnished by such person pursuant to § 240.14a–3 (Rule X-14A–3), and (ii) all other written material relating to such subject matter or meeting which is distributed by any such person concurrently with or subsequent to such proxy statement to all security holders of record entitled to vote on such matter or at such meeting or to a particular class or classes of such security holders.

(5) The term "owner" of a security means the beneficial owner at the record date for the determination of security holders entitled to vote or give consent with respect to the subject matter or meeting, or an executor, administrator, guardian, trustee or similar representative or fiduciary holding the security on such date in such capacity, with authority to vote. Unless the member, broker or dealer knows, or has reason to know, that the person for whose account he carries a security is not the owner, he may deem such person to be the owner.

(6) The term "voting instructions" means instructions with respect to the giving of a proxy for a particular matter or meeting, given in writing or orally.

(c) *Proxies.* A member, broker or dealer subject to this section may give a proxy with respect to a security carried for the account of a customer:

(1) To the owner; or

(2) Pursuant to voting instructions from the owner or any custodian (other than the member, broker or dealer, or his nominee) having possession of the security and authority from the owner to request a proxy: *Provided,* That the member, broker or dealer has not requested or solicited such instructions; or

(3) Pursuant to voting instructions given by the owner in response to a request therefor made by the member, broker or dealer, if such request conforms to the following conditions:

(i) The member, broker, or dealer furnished promptly to the owner a copy of all proxy material with respect to the same subject matter or meeting theretofore received by him from any person who furnished copies thereof for such purpose and who, if requested, defrays the reasonable expense to be incurred in forwarding such material: *Provided, however,* That proxy material need not be furnished to any person who has in writing requested that such material not be sent to him or who, to the knowledge of the member, broker or dealer is also the owner of record of securities entitled to vote at such meeting or with respect to such subject matter and as such will receive proxy material directly from persons soliciting proxies; and

(ii) Such request for instructions is made in an impartial manner: *Provided, however,* That a member, broker or dealer, at the request of the owner, may give his recommendations with respect to the voting of the security; and

(iii) Such request includes a statement that the member, broker or dealer will, on request of the owner, give the proxy to the owner or any person designated by the owner; and

(iv) Such member, broker or dealer promptly makes and preserves a written memorandum summarizing the substance of any oral voting instructions received from any owner and promptly sends a copy thereof by first-class mail to such owner.

(4) Without voting instructions from the owner if:

(i) The member, broker or dealer has promptly requested voting instructions in conformity with the conditions provided for in subparagraph (3) of this paragraph, accompanied by a statement that if such instructions are not received by the 5th day prior to the meeting (or the 10th day prior to the meeting, if the request for instructions is transmitted 20 days or more before the meeting), then the owner of record may give a proxy with respect to the security; and

(ii) The proxy given does not include, to the knowledge of the member, broker or dealer, authorization to vote upon any matter with respect to which voting instructions are required by paragraph (d) of this section.

(d) *Matters requiring voting instructions.* A member, broker or dealer subject to this section shall not give a proxy with respect to any matter without voting instructions (except to the owner) if, to the knowledge of the member, broker or dealer:

(1) Any person or group of persons is soliciting proxies with respect to such matter, in opposition to the solicitation of any other person or group of persons, and both such solicitations are subject to Regulation X-14, or

(2) A proposal with respect to such matter is included in the management's proxy statement pursuant to § 240.14a–8 but is not supported by the management, or

(3) Such matter falls within any one or more of the following categories:

(i) It involves authorization of or relates to: a merger or consolidation; a mortgage of corporate property; the creation of indebtedness; an increase in the authorized amount of indebtedness; the creation of preferred stock or an increase in the authorized amount of preferred stock; the waiver or modification of preemptive rights; or any alteration of the rights of any class of stock or the terms or provisions of any outstanding indebtedness; or

(ii) It involves a change in the quorum requirements for meetings of stockholders, or the authorized number of directors or their terms of office; or

(iii) It involves authorization of the issuance of stock, or options to purchase stock, to directors, officers or employees in the amount of 5 percent or more of the outstanding shares of the class involved; or

(iv) It involves authorization of the acquisition of property, securities or assets of another person if (*a*) any officer, director, or holder of 10 percent or more of the voting stock of the issuer has a material interest, direct or indirect, in the property, securities or assets to be acquired, or (*b*) the property to be acquired equals 20 percent or more of the total assets of the issuer, or (*c*) the average earnings after taxes, of the person whose property, securities or assets are to be acquired, for the last three fiscal years equals or exceeds 20 percent of the average earnings of the issuer during such period, or (*d*) stock of the issuer in an amount equal to or exceeding 20 percent of the outstanding stock of the class involved is to be issued in consideration of property, securities or assets; or

(v) It involves authorization of a profit sharing, pension or retirement plan, the estimated annual cost of which amounts to more than 10 percent of the average annual income of the issuer before taxes for the preceding five years, or authorization of an amendment to such a plan which increases its cost above such amount, unless the plan is based upon an agreement or negotiation with a labor union or is a related plan for the benefit of non-union employees having terms substantially equivalent to the terms of a union-negotiated plan and which is submitted for action of stockholders concurrently with such union-negotiated plan; or

(vi) It involves authorization of a change in the purposes or powers of the issuer which would permit it to engage in a materially different line of business; or

(vii) It involves a reduction in earned surplus by 50 percent or more, or to an amount less than the aggregate of three years common stock dividends computed at the current rate.

(e) *Transmittal of proxy material.* A member, broker or dealer subject to this section who has requested voting instructions with respect to any subject matter or meeting shall promptly send by first class mail or otherwise deliver to the owners of all securities carried by him for the account of customers, the holders of which are entitled to vote at such meeting or with respect to such subject matter, a copy of all proxy material received by him (whether before or after the giving of any proxy) from any person who shall furnish copies thereof for such purpose and who shall if requested defray the reasonable expenses to be incurred in forwarding such material: *Provided, however,* That if a person furnishing proxy material does not, upon request, furnish and defray the reasonable expenses of forwarding sufficient copies, the member, broker or dealer need only transmit the number so furnished to him to owners selected in any reasonable manner: *And provided, further,* That the member, broker or dealer need not transmit proxy material to any owner if (1) such owner has requested in writing that proxy material not be transmitted to him, or (2) such owner, is to the knowledge of the member, broker or dealer, a holder of record of such securities and as such may be expected to receive proxy material directly, or (3) the member, broker or dealer does not know the identity, or does not know the address, of such owner.

(f) Whenever a member, broker or dealer who has given a proxy pursuant to this section receives additional voting instructions from the owner of the security, he shall take any reasonable action necessary to comply with such additional instructions, including the revocation of such proxy in whole or in part or the giving of a new proxy if required.

(g) A member, broker or dealer subject to this rule who has requested voting instructions from the owner of a security pursuant to this section, or intends to request such instructions with respect to any subject matter or meeting within a period of 6 months, shall transmit to such owner the annual report referred to in § 240.14a–3 (except under the circumstances referred to in the proviso clause of paragraph (e) of this section) if copies thereof are furnished to him for such purpose and if the issuer or any other person, or request, defrays the reasonable expense to be incurred in forwarding such report.

(h) *Special provision.* (1) In case any member, broker or dealer subject to this section has relinquished possession or control of a security carried for the account of a customer he may comply with the voting instructions of any other member, broker or dealer who furnished a written statement that such voting instructions were obtained or are given by such other member, broker or dealer after compliance with the preceding paragraphs of this section which would be applicable to such other member, broker or dealer if such other member, broker or dealer were to give a proxy for such securities.

(2) It shall be unlawful for such other member, broker or dealer to furnish such voting instructions and such statement to a member, broker or dealer to cause such member, broker or dealer to give a proxy unless such other member, broker or dealer has obtained or given such voting instructions in the manner required by this section.

(i) *Validity of proxies.* Failure to comply with this rule shall not invalidate any proxy: *Provided, however,* That this paragraph shall not be construed to prevent the granting of injunctions in any proper proceeding or to exempt any person from any proceeding, penalty or prohibition provided by the act in respect of violations of the act or any rules or regulations thereunder.

All interested persons are invited to submit views and comments on the revised proposal in writing to Securities and Exchange Commission, Washington 25, D. C., on or before May 15, 1956. Views and comments received will be available for public inspection unless in any case a person requests that his comments shall not be made public.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

APRIL 16, 1956.

[F. R. Doc. 56–3148; Filed, Apr. 23, 1956; 8:47 a. m.]

# NOTICES

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[Serial Nos. Idaho 06389, 06445, 06688, 06977]

IDAHO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

APRIL 16, 1956.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934, as amended, the following described lands have been reconveyed to the United States:

BOISE MERIDIAN, IDAHO

PARCEL NO. 1

T. 3 S., R. 30 E.,
Sec. 20, S½SE¼, NE¼SE¼;
Sec. 21, W½SW¼.
T. 3 S., R. 33 E.,
Sec. 30, Lot 1, NE¼, E½NW¼.

PARCEL NO. 2

T. 3 S., R. 29 E.,
Sec. 10, E½W½, W½SW¼, SW¼NW¼;
Sec. 11, NW¼NW¼;
Sec. 14, W½;
Sec. 15, E½;
Sec. 26, S½.
T. 3 S., R. 30 E.,
Sec. 17, N½S½, S½SW¼, SW¼SE¼.
T. 3 S., R. 33 E.,
Sec. 18, E½NE¼, NE¼SE¼;
Sec. 19, Lots 3, 4, E½SW¼, E½;
Sec. 20, NW¼, W½NE¼.
T. 4 S., R. 30 E.,
Sec. 28, W½W½, E½SW¼;
Sec. 29, NE¼, SE¼NW¼, E½SW¼, SW¼SW¼, N½SE¼, SE¼SE¼.
T. 8 N., R. 33 E.,
Sec. 2, SW¼;
Sec. 3, Lots 1, 2, S½NE¼, SE¼, SE¼SW¼;
Sec. 9, SW¼.

The areas described total 3,930.10 acres of public lands.

The lands in Parcel No. 1 are withdrawn for stock driveway purpose, Idaho stock driveways No. 23 and No. 26, and are, therefore, not subject to the provisions of the Act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended, granting preference rights to veterans of World War II, the Korean conflict, and others.

The lands in Parcel No. 2 are located in Idaho Grazing District No. 3. These lands are arid and generally of irregular topography. Most subdivisions have occasional rock outcroppings or surface float rock. Soil depths vary, but are usually shallow. Soils are mainly light-colored silt loam to clay loam with small gravel. Land suitable for cultivation under irrigation varies from a small acreage in some subdivisions to the major portion of other subdivision. No adequate source of irrigation water is known to exist at present. Native vegetation is principally sagebrush, cheatgrass and associated species.

No application for these lands will be allowed under the homestead, desert-land, small-tract, or any other nonmineral public-land law, unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any existing valid rights and the requirements of applicable law, the lands described in Parcel No. 2 hereof are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the homestead, desert-land, and small-tract laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the Act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284, as amended), presented prior to 10:00 a. m. on May 22, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on August 21, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m. on August 21, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws, beginning 10:00 a. m. on August 21, 1956.

Persons claiming veteran's preference rights under paragraph a (2) above, must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries and applications concerning the above lands shall be addressed to the Manager, Land Office, Bureau of Land Management, P. O. Box 2237, Boise, Idaho.

J. R. PENNY,
*State Supervisor.*

[F. R. Doc. 56–3145; Filed, Apr. 23, 1956; 8:47 a. m.]

[70815]

LOUISIANA

NOTICE OF FILING OF PLAT OF SURVEY

APRIL 18, 1956.

1. Original plat of survey of an island in Timbalier Bay, Louisiana, described as lot 1, sec. 32 and lot 1, sec. 33, T. 23 S., R. 20 E., La. M., Louisiana, will be officially filed in the Eastern States Land Office, Washington, D. C., effective at 10:00 a. m., on March 8, 1956. The area described aggregates 32.99 acres.

2. Available information indicates that the above-described lots are low being near sea level to 1 foot above; that the island is wet and swampy, of deltaic silt; that the land is principally swamp in character and appears to be swamp and overflowed within the meaning of the act of March 2, 1849 (9 Stat. 352), and the act of September 28, 1850 (9 Stat. 519). Should the land finally be determined to be swamp and overflowed in character, it must be held to have inured to the State and any application adverse to the State in conflict with swamp land claim will be governed by § 271.2 of Title 43 of the Code of Federal Regulations.

3. Inquiries concerning the land shall be addressed to the Acting Manager, Eastern States Land Office, Bureau of Land Management, Department of the Interior, Washington 25, D. C.

S. T. HOFFMAN,
*Supervisor.*

[F. R. Doc. 56–3165; Filed, Apr. 23, 1956; 8:51 a. m.]

ALASKA

ALASKA PUBLIC SALE ACT CLASSIFICATION NO. 22

APRIL 17, 1956.

Pursuant to the authority delegated to me under section 2.5 of Order No. 541 of April 21, 1954, Bureau of Land Management, the following described land is classified for disposal under the Alaska Public Sale Act of August 30, 1949 (63 Stat. 679; 48 U. S. C. 364a–364e) for commercial, and/or housing purposes:

ILIAMNA LAKE AREA

(U. S. Surveys pending acceptance and official filing.)

1. U. S. Survey 3438, containing 3.98 acres on the northeast shore of Battle Lake;
2. U. S. Survey 3439, containing 2.36 acres at the western end of Nonvianuk Lake;
3. U. S. Survey 3440, Tract 1, containing 10.64 acres on the eastern shore of Nonvianuk Lake; and
4. U. S. Survey 3440, Tract 2, containing 80 acres 600 feet east of the eastern shore of Nonvianuk Lake.

The above land will be offered for sale in accordance with regulations contained in Title 43 CFR 75.23 to 75.40. If no bid at the minimum acceptable price or above is made, the land may be held for future offering or the classification may be rescinded.

ROGER R. ROBINSON,
*Alaska Operations Supervisor.*

[F. R. Doc. 56–3171; Filed, Apr. 23, 1956; 8:51 a. m.]

### Bureau of Indian Affairs

[Billings Area Office Redelegation Order 2]

ASSISTANT AREA DIRECTOR, ADMINISTRATION, AND AREA PROPERTY AND SUPPLY OFFICER

REDELEGATIONS OF AUTHORITY WITH RESPECT TO CONSTRUCTION, SUPPLY AND SERVICE CONTRACTS AND NEGOTIATING CONTRACTS FOR SERVICES OF ENGINEERING AND ARCHITECTURAL FIRMS

SECTION 1. *Authority.* The authority delegated to the Area Director by the Commissioner of Indian Affairs in Order No. 566 (19 F. R. 3971) as amended (20 F. R. 2092 and 20 F. R. 5703), pertaining to construction, supply and service contracts and negotiating without advertising, contracts for services of engineering and architectural firms is hereby redelegated as indicated in this order.

SEC. 2. *Assistant Area Director, Administration, and Area Property and Supply Officer.* (a) The Assistant Area Director, Administration, may enter into construction, supply and service contracts and negotiate, without advertising, contracts for services of engineering and architectural firms, irrespective of the amounts involved, and perform the duties of Contracting Officer in regard to such contracts.

(b) The Area Property and Supply Officer may enter into supply and service contracts when the amount in individual cases does not exceed $10,000 and perform the duties of Contracting Officer in regard to such contracts.

SEC. 3. *Authorized representative of Contracting Officer.* (a) With respect to contracts entered into by the Area Director, the Assistant Area Director, Administration, is designated as the authorized representative of the Contracting Officer as such term is used in such contracts and may perform the duties of the Contracting Officer except as follows:

(1) Functions relating to the termination of a contract.

(2) Disputes concerning questions of fact which are not disposed of by agreement.

SEC. 4. *Appeals.* An appeal from a findings of fact or decision of a Contracting Officer shall be made by notice of appeal in writing addressed to the Board of Contract Appeals, Office of the Solicitor, Department of the Interior, Washington 25, D. C., and shall be mailed to or filed with the Contracting Officer, within the time allowed by the contract. The notice of appeal shall specify the portion of the findings of fact or decision from which the appeal is taken, and the reasons why the findings or decision are deemed erroneous. Immediately upon receipt of the notice of appeal, the Contracting Officer shall inform the Board by air mail that the appeal has been received. (Regulations governing appeals are published in 19 F. R. 9389.)

M. A. JOHNSON,
*Acting Area Director.*

Approved: APRIL 18, 1956.

GLENN L. EMMONS,
*Commissioner.*

[F. R. Doc. 56–3164; Filed, Apr. 23, 1956; 8:50 a. m.]

## DEPARTMENT OF COMMERCE

### Maritime Administration

GREAT LAKES-WESTERN EUROPE

CONCLUSIONS AND DETERMINATIONS REGARDING ESSENTIALITY AND UNITED STATES FLAG SERVICE REQUIREMENTS OF TRADE ROUTE NO. 32

Notice is hereby given that the Acting Maritime Administrator has considered the comments and views submitted by interested persons, firms or corporations with respect to the conclusions and determinations regarding the essentiality and United States flag service requirements of Trade Route No. 32, Great Lakes-Western Europe, as published in the FEDERAL REGISTER issue of February 15, 1956 (21 F. R. 1050), and has directed that said conclusions and determinations shall stand unchanged.

By order of the Acting Maritime Administrator.

Dated: April 19, 1956.

[SEAL] A. J. WILLIAMS,
*Secretary.*

[F. R. Doc. 56–3183; Filed, Apr. 23, 1956; 8:54 a. m.]

PACIFIC FAR EAST LINE, INC.

NOTICE OF APPLICATION TO CARRY DIRECTORY PAPER AND/OR NEWSPRINT

Notice is hereby given of the application of Pacific Far East Line, Inc., for written permission of the Maritime Administrator under section 805 (a) of the Merchant Marine Act, 1936, as amended, 46 U. S. C. 1223, to permit Pacific Far East Line, Inc., to carry approximately 4,000 tons of directory paper and/or newsprint from Portland, Oregon, to San

Francisco and/or Los Angeles, on or about May 5, 1956, on the vessel S. S. "William Luckenbach".

Any person, firm, or corporation having any interest in such application and desiring a hearing on issues pertinent to section 805 (a) should within five (5) days from the date of publication of this notice in the FEDERAL REGISTER notify the Secretary, Maritime Administration, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Administration.

If no request for hearing and petition for leave to intervene is received within the specified time, the application will be processed without a hearing.

By order of the Assistant Deputy Maritime Administrator.

Dated: April 20, 1956.

[SEAL] GEO. A. VIEHMANN,
*Assistant Secretary.*

[F. R. Doc. 56-3212; Filed, Apr. 23, 1956; 8:55 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. G-228]

BORDER PIPE LINE CO. AND AMERICAN SMELTING AND REFINING CO.

NOTICE OF APPLICATION TO FURTHER AMEND ORDER AUTHORIZING THE EXPORTATION OF NATURAL GAS

APRIL 18, 1956.

Take notice that Border Pipe Line Company (Border), of Houston, Texas, and American Smelting and Refining Company (American), of New York, New York, hereinafter collectively referred to as "Applicants," filed a joint application on March 30, 1956, requesting amendment of orders heretofore adopted by the Commission, authorizing Applicants, pursuant to section 3 of the Natural Gas Act, to export natural gas produced from the San Salvador Field in Hidalgo County, and the Rincon Field in Starr County, Texas, to the Republic of Mexico, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application, which is on file with the Commission and open to public inspection.

Applicants propose that the Commission's order adopted October 10, 1942, as amended November 4, 1942, and July 11, 1950, in the above-entitled matter be further amended to authorize a change in the source of the natural gas utilized for the purpose of export under the existing order from fields in Hidalgo and Starr Counties, Texas, to fields in Webb County, Texas, which gas will be purchased from Skelly Oil Company.

Applicants state that the proposed change will be of considerable advantage to all concerned as it will (a) free gas reserves for the domestic market which are otherwise committed to the export market, (b) substitute for above reserves, reserves for which there is no present foreseeable adequate domestic market, (c) make available a source of supply of gas for American, which, subject to Commission approval, may extend many years in the future, whereas gas from the Rincon Field area and the San Salvador Field will not be available for this purpose after March 27, 1960, and (d) the present arrangement of carrying gas approximately 143 miles, including as it does recompression by Border, has proven uneconomical, whereas it is believed that the substitution of the nearby Webb County Field reserves will place the operation upon a sound and economical basis.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 7, 1956.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-3104; Filed, Apr. 23, 1956; 8:45 a. m.]

[Docket No. G-8430]

FRANK A. WARNER

NOTICE OF HEARING

APRIL 17, 1956.

Take notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 8, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application filed on January 31, 1955, by Frank A. Warner, in the above-entitled matter: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Due notice of the application filed herein has been published in the FEDERAL REGISTER on March 11, 1955 (20 F. R. 1515 and 1516). No protests or petitions to intervene have been received.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56-3152; Filed, Apr. 23, 1956; 8:48 a. m.]

[Docket No. G-10050]

EL PASO NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 17, 1956.

Take notice that El Paso Natural Gas Company (Applicant), a Delaware corporation with its principal place of business located at El Paso, Texas, filed an application on March 5, 1956, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing it to construct and operate certain gas facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application, which is on file with the Commission and open for public inspection.

Applicant states that it proposes to construct and operate two main line taps and appurtenant measuring facilities on its 30-inch Permian-San Juan line to sell gas to Southern Union Gas Company (Southern) for resale in Lea County, New Mexico, and to initiate a direct industrial interruptible service in McKinley County, New Mexico, to El Paso Natural Gas Products Company, a wholly-owned subsidiary of Applicant.

Applicant also states that Southern is an existing customer of Applicant, distributing gas in communities in New Mexico.

Under Proposal (1), Applicant further states that it plans to sell and deliver firm gas to Southern through the proposed G. B. Spears tap in Lea County, New Mexico, for resale to approximately ten families for domestic use, and, in addition, sales for non-residential use as fuel for irrigation pumps. Butane is presently being used in the area both for domestic use and as fuel for the irrigation pumps. The use of natural gas, according to Applicant, will be of economic advantage to the consumers over the use of the competitive fuel.

Applicant alleges that Southern will construct and operate, at an initial cost of about $28,600, approximately 7.7 miles of pipe line in connection with the proposed service to the area. These facilities will be owned and operated by Southern. The latter has received a franchise from the County Commissioners of Lea County, New Mexico, to engage in the proposed service.

Applicant also alleges that the estimated deliveries to Southern to be made through the Spears tap are given by Applicant as follows:

[Mcf at 14.73 p. s. i. a.]

| Annual | First year | Second year | Third year |
|---|---|---|---|
| Residential | 500 | 1,500 | 2,000 |
| Nonresidential (irrigation) | 17,500 | 26,000 | 26,000 |
| Total | 18,000 | 27,500 | 28,000 |
| Peak day | 152.5 | 216.2 | 217.6 |

These deliveries are to be made under the existing service agreement between Southern and El Paso dated October 31, 1953, as amended on February 10, 1956.

Under proposal (2), Applicant states that it plans to sell and deliver through the proposed main-line tap in McKinley County, New Mexico, approximately 320,400 Mcf per year and up to 1,300 Mcf per day (at 14.73 p. s. i. a.) to El Paso Gas Products Company for fuel in operation of the latter's Prewitt Refinery. The service will be direct and interruptible. Present fuels in use at the refinery are bottled gas and fuel oil. Applicant has estimated the annual saving of fuel costs by the conversion to natural gas at approximately $42,000, and that additional facilities required to initiate the service will consist of approximately one mile of 2-inch line to be constructed by Gas Products at a cost of about $4,400.



Applicant also states that the capital cost of installing its proposed facilities are estimated at approximately $6,032, which includes $275 for the construction of the G. B. Spears tap and $5,757 for the construction of the Gas Products tap, which will be financed out of Applicant's current working funds.

Applicant further states that the proposed service to Southern at the Spears tap will be made under Applicant's FPC Rate Schedules A-2 and D-3 presently on file with the Commission. These rate schedules provide a price of 28.92 cents per Mcf for residential service and 23.97 cents per Mcf for irrigation service. The rate to be charged Gas Products is 19.77 cents per Mcf, which is set forth under a sales agreement between Applicant and Gas Products dated February 15, 1956. This rate is subject to adjustment depending on the cost of gas to Applicant. The contract is for a one-year term and month to month thereafter. The 19.77 cents rate is higher than the commodity charge in El Paso's G Rate Schedule on file with the Commission.

Applicant has submitted an approximation of the annual operating expenses attributable to the proposed facilities. They are $119 for the service to Southern and $1,116 for the service to Gas Products, exclusive of the cost of gas, and gross annual revenues from the proposed service to Southern is estimated at $4,340 for the first year and $6,666 for each of the second and third years of proposed operation. Gross annual revenues from the service to Gas Products is given at $63,343 for each of the first three years of proposed operation.

Applicant states that the new interruptible load should tend to increase the load factor at which the Permian-San Juan line is operated and thus reduce the system cost of service.

Applicant submits that the amount of gas involved in the proposed services is of such small amount as to have no appreciable effect upon Applicant's overall system gas reserves.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 22, 1956, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 7, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56-3153; Filed, Apr. 23, 1956; 8:49 a. m.]

[Docket No. G-10275]

STANOLIND OIL AND GAS CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Stanolind Oil and Gas Company (Applicant) on March 23, 1956, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

*Description; Purchaser; Rate Schedule Designation; Effective Date* [1]

Notice of change, dated March 22, 1956; Hassle Hunt Trust; Supplement No. 6 to Applicant's FPC Gas Rate Schedule No. 149; April 23, 1956.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until September 23, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Issued: April 18, 1956.

By the Commission.[2]

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56-3154; Filed, Apr. 23, 1956; 8:49 a. m.]

[Docket No. G-10276]

L. H. PUCKETT ET AL.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

L. H. Puckett et al. (Applicant) on March 23, 1956, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

*Description; Purchaser; Rate Schedule Designation; Effective Date* [1]

Notice of change, dated March 19, 1956; Phillips Petroleum Company; Supplement No. 3 to Applicant's FPC Gas Rate Schedule No. 1; May 1, 1956.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary, concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until October 1, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

[1] The stated effective date is the first day after expiration of the required thirty days notice, or the effective date proposed by Applicant if later.

[2] Commissioner Digby dissenting.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Issued: April 18, 1956.

By the Commission.[1]

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 56-3155; Filed, Apr. 23, 1956; 8:49 a. m.]

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[Docket No. G-1705, etc.]

PANHANDLE EASTERN PIPE LINE CO. ET AL.

ORDER DEFERRING ACTION ON APPLICATION FOR TEMPORARY CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AND FIXING DATE FOR ORAL ARGUMENT

In the matters of Panhandle Eastern Pipe Line Company, Docket Nos. G-1705, G-1937, G-2433, G-2475, G-8665; Missouri Public Service Company, Docket No. G-2057; City of Montgomery, Missouri, Docket No. G-2932; Town Gas Company of Illinois, Docket No. G-3159; Missouri Central Natural Gas Company, Docket No. G-4611; Village of Westville, Illinois, Docket No. G-4666; Village of Pleasant Hill, Illinois, Docket No. G-4940; City of Waverly, Illinois, Docket No. G-5139; Village of Rossville, Illinois, Docket No. G-5979; Central Illinois Electric and Gas Company, Docket No. G-8428; City of Winchester, Illinois, Docket No. G-8431; Village of Franklin, Illinois, Docket No. G-8471; City of Hickman, Kentucky, Docket No. G-8526; Trunkline Gas Company, Docket No. G-8664; City of McLeansboro, Illinois, Docket No. G-8676; City of Vienna, Illinois, Docket No. G-8677; City of Clinton, Kentucky, Docket No. G-8771; City of LaCenter, Kentucky, Docket No. G-8888; City of Bardwell, Kentucky, Docket No. G-8939; City of Wickliffe, Kentucky, Docket No. G-8962; Lake County Utility District, Docket No. G-8963.

On March 16, 1956, Panhandle Eastern Pipe Line Company (Panhandle), filed an application for a temporary certificate of public convenience and necessity for the construction and operation of 16,000 horsepower of compressor capacity pending final decision herein. A prior application for temporary authorization for such facilities was denied by our order issued October 5, 1955, without prejudice to further consideration of the matter upon further showing by Panhandle of the necessity for the immediate construction of a part of the additional capacity.

The decision of the Presiding Examiner in these consolidated proceedings issued March 6, 1956 granted authorization for the construction and operation of the additional compressor facilities; however, exception was taken to the granting of such authorization by Staff Counsel.

This exception was one of a number filed to the decision by Staff Counsel and other parties to the proceedings. Additionally there have been several motions for oral argument herein.

The Commission finds: Good cause exists and it is appropriate in carrying out the provisions of the Natural Gas Act that the motions for oral argument be granted and that decision be reserved on the granting of temporary authorization for the construction and operation of the 16,000 horsepower of additional horsepower capacity applied for on March 16, 1956 pending such argument.

The Commission orders:

(A) Oral argument be had before the Commission on May 4, 1956, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning all matters involved and issues presented in the exceptions to the Presiding Examiner's decision issued March 6, 1956.

(B) Parties who desire to participate in the oral argument shall notify the Secretary on or before April 25, 1956, of their intention to participate together with their request for allotment of time.

(C) Decision on the application for a temporary certificate of public convenience and necessity for the construction and operation of 16,000 horsepower of additional compressor capacity is hereby deferred pending the argument ordered herein.

Issued: April 17, 1956.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 56-3168; Filed, Apr. 23, 1956; 8:51 a. m.]

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[Docket No. G-9447]

SOUTHERN PRODUCTION CO., INC.

ORDER GRANTING REQUEST FOR RECONSIDERATION AND POSTPONING HEARING

Southern Production Company, Inc. ("Southern"), filed on April 2, 1956, a motion for postponement of the hearing scheduled for May 1, 1956, in the above-designated matter.

The Secretary on April 5, 1956, issued a notice denying said motion for postponement of hearing.

Southern filed on April 11, 1956, a request for reconsideration of motion for postponement of hearing.

The Commission finds: Good cause has been shown for postponing the aforementioned hearing from May 1, 1956 to May 3, 1956.

The Commission orders: The hearing in the above-designated matter now scheduled for May 1, 1956 be and it is hereby postponed to May 3, 1956, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission at 441 G Street NW., Washington, D. C.

Issued: April 17, 1956.

By the Commission.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

[F. R. Doc. 56-3169; Filed, Apr. 23, 1956; 8:51 a. m.]

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[Docket No. G-7085 etc.]

COLUMBIA CARBON CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

Take notice that each of the Applicants listed below has filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing such Applicant to continue to sell natural gas subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open for public inspection. These matters should be consolidated and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on the date and at the place hereinafter stated, concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) not less than ten days before the date of hearing. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request for waiver is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

The dockets, Applicants and material averments in applications to which reference is made above are as follows:

*Docket No.; Name and Address; Filing Date; Gas Field; and Purchaser*

G-7085; Columbia Carbon Company, New York City, N. Y.; 11-30-54; Garret County, Md.; Cumberland and Allegheny Gas Company.

G-7086; Columbia Carbon Company, New York City, N. Y.; 11-30-54; Preston County, W. Va.; Hope Natural Gas Company.

G-7087; Columbia Carbon Company, New York City, N. Y.; 11-30-54; Boone County, W. Va.; South Penn Natural Gas Company.

G-7088; Columbia Carbon Company, New York City, N. Y.; 11-30-54; Monroe, Union, Morehouse and Ouachia Parishes, La.; Texas Gas Transmission Corporation.

G-7089; Columbia Carbon Company, New York City, N. Y.; 11-30-54; Wasson, Yoakum County, Tex.; El Paso Natural Gas Company.

G-7090; Coltexo Corporation; 11-30-54; Wasson, Yoakum County, Tex.; El Paso Natural Gas Company, Columbian Carbon Company.

G-7091; Coltexo Corporation, New York City, N. Y.; 11-30-54; Wasson, Yoakum County; Tex.; El Paso Natural Gas Company, Columbian Carbon Company.

G-7092; T. J. McIntyre, Crowley, La.; 11-30-54; Iota, Acadia Parish, La.; Louisiana Natural Gas Corporation.

G-7097, Tela Corporation, Houston, Tex.; 11-30-54; Waddell, Winkler County, Tex.; El Paso Natural Gas Company.

G-7101; J. C. Barnes, Trustee, Midland, Tex.; 11-30-54; TXL, Yarbrough-Allen, Ector County, Tex.; Shell Oil Company, Texas Company, Superior Oil Company, El Paso Natural Gas Company.

G-7102; Jane B. Ramsland, Midland, Tex.; 11-30-54; TXL, Yarbrough-Allen Ector County, Tex.; Shell Oil Company, Texas Company, Superior Oil Company and El Paso Natural Gas Company.

G-7103; J. C. Barnes, Jr., Midland, Tex.; 11-30-54; TXL, Yarbrough-Allen, Ector County, Tex.; Shell Oil Company, Texas Company, Superior Oil Company and El Paso Natural Gas Company.

G-7104; KIO Oil & Development Company, Chicago, Ill.; 11-30-54; West Edmond, Logan, Canadian, Oklahoma and Kingfisher Counties, Okla.; Cities Service Gas Company.

G-7105; Earl Goodwin et al., Jane Lew, W. Va.; 11-30-54; Freeman's Creek District, Lewis County, W. Va.; Equitable Gas Company.

G-7109; J. Ray McDermott & Co., Inc., Paul F. Barnhart and Victoria Johnson Co., Houston, Tex.; 11-30-54; Yenter, Logan County, Colo.; Kansas Nebraska Natural Gas Company.

G-7110; J. Ray McDermott & Co., Inc., Houston, Tex.; 11-30-54; Maxie, Acadia Parish, La.; Louisiana Natural Gas Company.

G-7111; J. Ray McDermott & Co., Inc., Paul F. Barnhart, Houston, Tex.; 11-30-54; Graylin, Logan County, Colo.; Kansas Nebraska Natural Gas Company.

A public hearing will be held on the 15th day of May 1956, beginning at 9:30 a. m., e. d. s. t., in the hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the above applications.

[SEAL] J. H. GUTRIDE, *Acting Secretary.*

APRIL 17, 1956.

[F. R. Doc. 56-3170; Filed, Apr. 23, 1956; 8:51 a. m.]

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## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11323 etc.; FCC 56M-365]

B. J. PARRISH ET AL.

ORDER SCHEDULING HEARING CONFERENCE

In re applications of B. J. Parrish, Pine Bluff, Arkansas, Docket No. 11323, File No. BP-8698; James S. Rivers, tr/as The Southeastern Broadcasting System, Macon, Georgia, Docket No. 11326, File No. BP-8747; James A. Noe (KNOE), Monroe, Louisiana, Docket No. 11327, File No. BP-9161; Radio Columbus, Inc. (WDAK), Columbus, Georgia, Docket No. 11328, File No. BP-9260; for construction permits.

*It is ordered,* This 16th day of April 1956, that a hearing conference in the above-entitled proceeding will be held in the offices of the Commission, Washington, D. C., commencing at 10:00 a. m., Tuesday, April 24, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 56-3133; Filed, Apr. 23, 1956; 8:45 a. m.]

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[Docket Nos. 11399, 11400; FCC 56M-360]

NEW BRITAIN BROADCASTING CO., INC. (WKNB-TV) ET AL.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of The New Britain Broadcasting Company (WKNB-TV), New Britain, Connecticut; Docket No. 11399, File No. BMPCT-2787, for modification of construction permit (Channel 30); Julian Gross, et al., (Transferor) and National Broadcasting Company, Inc. (Transferee), Docket No. 11400, File No. BTC-1896, for transfer of control of New Britain Broadcasting Company (WKNB and WKNB-TV).

On the Hearing Examiner's own motion: *It is ordered,* This 16th day of April, 1956, that a prehearing conference under § 1.813 is scheduled for Tuesday, April 24, 1956, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 56-3134; Filed, Apr. 23, 1956; 8:45 a. m.]

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[Docket Nos. 11565, 11566; FCC 56M-368]

ROLLINS BROADCASTING OF DELAWARE, INC.; AND FRANKLIN BROADCASTING CO.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of Rollins Broadcasting of Delaware, Inc., Philadelphia, Pennsylvania, Docket No. 11565, File No. BP-9500; Lawrence M. C. Smith, d/b as Franklin Broadcasting Company, Philadelphia, Pennsylvania, Docket No. 11566, File No. BP-9633; for construction permits.

The Hearing Examiner having under consideration a Petition for Continuance filed April 6, 1956, on behalf of Franklin Broadcasting Company, requesting continuance of the hearing date for a period of 60 days from April 18, 1956; and

It appearing that the attorneys for the parties have informally consented to the continuance because, among other reasons, one of the applicants who is now abroad will require further time upon his return in April to prepare for the hearing, that the circumstances alleged show good cause for the continuance, and that the granting of the petition will conduce to the orderly dispatch of the Commission's business; and

It further appearing that a specific date for the prehearing conference in this proceeding should be scheduled; now therefore:

*It is ordered,* This 17th day of April 1956, that the above Petition for Continuance is granted, that the hearing in this proceeding now scheduled to commence on April 18, 1956 is continued to 10:00 a. m. on Monday, June 18, 1956; and

*It is further ordered,* That, pursuant to §§ 1.813 and 1.841 of the Commission's rules, the parties of their attorneys shall appear at the offices of the Commission in Washington, D. C. at 10:00 a. m. on Tuesday, May 15, 1956 for a prehearing conference to consider:

1. The necessity or desirability of simplification, clarification, amplification or limitation of the issues;

2. The possibility of stipulating with respect to facts;

3. The procedures to be followed prior to and at the hearing;

4. The limitation of the number of witnesses;

5. The procedures and schedules for the prior mutual exchange between the parties of prepared testimony and exhibits; and

6. Such other matters as may aid in the disposition of this proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 56-3135; Filed, Apr. 23, 1956; 8:45 a. m.]

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[Docket Nos. 11572, 11671]

WARNER & TAMBLE RADIO SERVICE, INC.

ORDER TO CONSOLIDATE PROCEEDINGS AND REOPEN RECORD

In the matter of Warner & Tamble Radio Service, Inc., Memphis, Tenn.; Docket No. 11572; order to show cause why the license for radiotelephone station WB-9369 should not be revoked; Warner & Tamble Radio Service, Inc., Memphis, Tenn.; Docket No. 11671, order to show cause why the license for radiotelephone station WB-9369 should not be revoked or an order to cease and desist should not issue.

The Commission having under consideration the proceedings in the above Docket Cases on April 13, 1956;

It appearing that a hearing was held on March 12, 1956, in Docket No. 11572 and on April 3, 1956, the record was reopened to introduce an agreed stipulation and then was closed;

It further appearing that on March 16, 1956, the licensee committed a violation of § 8.353 of the Commission's rules for which a new Order to Show Cause was issued on April 6, 1956: Docket No. 11671;

*It is ordered,* That the Hearing Examiner be directed to reopen the record in Docket No. 11572 at a time and place to be specified in a subsequent order for the purpose of admitting evidence of the recent violation and to enable the Trial Examiner to issue an Initial Decision covering the consolidated proceedings;

*It is further ordered,* That the proceedings in the above-numbered Dockets 11572 and 11671 be consolidated;

*It is further ordered,* That the Secretary send a copy of this Order to the licensee by Registered Mail—Return Receipt Requested.

Released: April 16, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 56-3136; Filed, Apr. 23, 1956; 8:45 a. m.]

[1] Commissioner Digby dissenting.

[Docket No. 11655; FCC 56M-364]

BREWSTER-PATEROS TV ASSN., INC.

ORDER CONTINUING HEARING

In the matter of cease and desist order to be directed against Brewster-Pateros TV Association, Inc., Brewster, Washington, Docket No. 11655.

*It is ordered*, This 16th day of April 1956, by the Hearing Examiner, on his own motion, that the hearing in the above-entitled proceeding, now scheduled to be held on Monday, May 7, 1956, at Wenatchee, Washington, is hereby continued until 2:00 p. m., on Tuesday, May 8, 1956, in the North Court Room at the Chelan County Courthouse, Wenatchee, Washington.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3137; Filed, Apr. 23, 1956; 8:46 a. m.]

[Docket No. 11656; FCC 56M-366]

EAO-TV CO., INC.

ORDER CONTINUING HEARING

In the matter of cease and desist order to be directed against EAO-TV Company, Inc., Entiat, Washington, Docket No. 11656.

*It is ordered*, This 16th day of April 1956, by the Hearing Examiner, on his own motion, that the hearing in the above-entitled proceeding, now scheduled to be held on Thursday, May 3, 1956, at Wenatchee, Washington, is hereby continued until 10:00 a. m., on Monday, May 7, 1956, in the North Court Room at the Chelan County Courthouse, Wenatchee, Washington.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3138; Filed, Apr. 23, 1956; 8:46 a. m.]

[Docket No. 11657; FCC 56M-367]

APPLE VALLEY TV ASSN., INC.

ORDER CONTINUING HEARING

In the matter of cease and desist order to be directed against Apple Valley TV Association, Inc., Wenatchee, Washington, Docket No. 11657.

*It is ordered*, This 16th day of April 1956, by the Hearing Examiner, on his own motion, that the hearing in the above-entitled proceeding, now scheduled to be held on Tuesday, May 8, 1956, at Wenatchee, Washington, is hereby continued until 10:00 o'clock a. m., on Thursday, May 10, 1956, in the North Court Room at the Chelan County Courthouse, Wenatchee, Washington.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3139; Filed, Apr. 23, 1956; 8:46 a. m.]

[Docket No. 11676; FCC 56M-370]

KNORR BROADCASTING CORP. (WKMF)

ORDER SCHEDULING HEARING

In re application of Knorr Broadcasting Corporation (WKMF), Flint, Michigan, Docket No. 11676, File No. BP-10170; for construction permit.

*It is ordered*, This 13th day of April 1956, that Hugh B. Hutchison will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on June 25, 1956, in Washington, D. C.

Released: April 18, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3140; Filed, Apr. 23, 1956; 8:46 a. m.]

[Docket No. 11679; FCC 56M-362]

FARWEST FISHERMAN, INC.

ORDER CONTINUING HEARING

In the matter of Farwest Fisherman, Inc., Anacortes, Washington, application for construction permit for a new limited Class II-B coast station; Docket No. 11679, File No. 1619-M-K.

*It is ordered*, This 16th day of April 1956, by the Hearing Examiner, on his own motion, that the hearing in the above-entitled proceeding, now scheduled to be held at Seattle, Washington, on May 11, 1956, is hereby continued until 10:00 o'clock a. m., on Monday, May 14, 1956, at Seattle, Washington, at a place to be specified in a subsequent notice.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3141; Filed, Apr. 23, 1956; 8:46 a. m.]

[Change List 99]

CANADIAN BROADCAST STATIONS

CHANGES, PROPOSED CHANGES AND CORRECTIONS IN ASSIGNMENTS

FEBRUARY 13, 1956.

Notification under the provisions of part III, section 2, of the North American Regional Broadcasting Agreement.

List of changes, proposed changes and corrections in assignments of Canadian Broadcast Stations Modifying Appendix containing assignments of Canadian Broadcast Stations (Mimeograph 47214-3) attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

| Call letters | Location | Power (kc) | Antenna | Schedule | Class | Expected date of commencement of operation |
|---|---|---|---|---|---|---|
| | | *1090 kilocycles* | | | | |
| New | St. Jean, Province of Quebec | 1 | ND | D | II | Feb. 1, 1957. |
| | | *1290 kilocycles* | | | | |
| CKSL | London, Ontario (assignment of call letters) | 5 | DA-1 | U | III-B | |
| | | *1490 kilocycles* | | | | |
| CFHR | Hay River, Northwest Territories (delete assignment) | 0.25 | ND | U | IV | |

FCC NOTE: This Change List was received in the FCC out of order after receipt of Change Lists Number 100 and 101.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3142; Filed, Apr. 23, 1956; 8:46 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3465]

UNION ELECTRIC COMPANY OF MISSOURI AND HEVI-DUTY ELECTRIC COMPANY

NOTICE OF FILING REGARDING ISSUANCE AND DELIVERY BY SUBSIDIARY OF ADDITIONAL SHARES OF COMMON STOCK TO PARENT, DISTRIBUTION OF SUBSIDIARY'S COMMON STOCK TO COMMON STOCKHOLDERS OF PARENT, AND AMENDMENT OF ARTICLES OF INCORPORATION OF SUBSIDIARY

APRIL 17, 1956.

Notice is hereby given that Union Electric Company of Missouri ("Union Electric"), a registered holding company, and Hevi-Duty Electric Company ("Hevi-Duty"), a wholly owned non-utility subsidiary company of Union Electric, have filed an application and declarations with this Commission pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("act") and the rules and regulations promulgated thereunder. Applicants have designated sections 6, 7, 9, 10, and 12 (c) of the act and Rules U-42, U-43, U-44, and U-46 as applicable to the proposed transactions.

The transactions hereinafter described are proposed to effect the disposition by Union Electric of its interest in Hevi-Duty in compliance with paragraph 2 of the order of this Commission dated October 31, 1952 (Holding Company Act Release No. 11530), as modified by order of this Commission dated August 10, 1955 (Holding Company Act Release No. 12963), extending the time for such compliance with respect to Hevi-Duty to August 10, 1956.

All interested persons are referred to the application-declarations on file in the offices of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Union Electric now owns all of the authorized and outstanding common stock of Hevi-Duty, a Wisconsin corporation, consisting of 2,500 shares without par value, which were acquired by Union Electric in February 1955 from The North American Company ("North American") upon the liquidation and dissolution of North American pursuant to the plan approved by this Commission by the above-mentioned order of October 31, 1952. Hevi-Duty also has authorized and outstanding 2,500 shares of 6 percent cumulative preferred stock, of the par value of $100 per share, which have no voting rights except under special circumstances as set forth in its Articles of Incorporation, as amended. Such preferred stock is held by six stockholders and Union Electric does not own, directly or indirectly, any of such preferred stock.

It is proposed that the Articles of Incorporation of Hevi-Duty be amended to reclassify the 2,500 shares of its presently authorized and outstanding common stock without par value into 345,230 shares of common stock, of the par value of $5 per share; to increase the number of authorized shares of common stock as so reclassified to 1,000,000; and to provide for limited preemptive rights for the new common stock and for cumulative voting rights in the election of directors. Union Electric proposes to vote its holdings of 100 percent of the present common stock of Hevi-Duty in favor of such proposals. In connection with such reclassification, Hevi-Duty proposes to increase its common stock capital account from $50,000 to $1,726,150 (the aggregate par value of the 345,230 shares of its new common stock to be outstanding as a result of such reclassification) by the transfer to common stock capital account of $1,000,000 from capital surplus and $676,150 from earned surplus. Hevi-Duty, although it has no present plans for the issue of additional shares of its common stock, deems it advisable, at the time of such reclassification, to increase the authorized number of shares of its new common stock to provide for capital requirements in the future.

Union Electric proposes to acquire, in connection with such reclassification of Hevi-Duty common stock, the 345,230 shares of new Hevi-Duty common stock in exchange for and upon surrender of certificates representing the 2,500 shares of Hevi-Duty common stock presently owned by Union Electric, and to record such new common stock of Hevi-Duty at Union Electric's carrying value for the 2,500 surrendered shares of old common stock.

Union Electric proposes to distribute thereafter, on June 29, 1956, to its stockholders of record at the close of business on May 31, 1956, the shares of new common stock of Hevi-Duty at the rate of 1 share of common stock of Hevi-Duty for each 30 shares of Union Electric common stock held of record at that time.

No fractional share certificates or scrip will be issued in connection with such distribution. Each Union Electric stockholder of record who is entitled to a fractional interest in a share of new common stock of Hevi-Duty will receive a non-transferable Order Card, showing the amount of his fractional-share interest arising from the distribution, for use in electing either (a) to purchase the additional fractional-share interest required to make up one full share or (b) to sell his fractional-share interest. Prior to the distribution date, common stock of Hevi-Duty to cover the total amount of fractional-share interests will be transferred and deposited by Union Electric with J. P. Morgan & Co. Incorporated, which as agent for the stockholders and for their individual accounts, will execute such purchase and sale orders, including the offsetting of such orders to the extent practicable. Such order cards will become void after August 10, 1956, and any shares held to cover fractional-share interests with respect to which such agent does not receive completed Order Cards from Union Electric stockholders before the close of business on August 10, 1956, will be sold by the agent for the account of such stockholders, and the proceeds distributed pro rata to them. Union Electric will bear all expenses of such services of J. P. Morgan & Co. Incorporated, as such agent.

On the basis of an analysis of the stock records of Union Electric as of February 29, 1956, it is estimated that approximately 329,100 shares of Hevi-Duty common stock will be distributed directly to Union Electric stockholders and that approximately 16,130 shares will be deposited with J. P. Morgan & Co. Incorporated, as agent, to cover fractional-share interests.

In connection with the proposed distribution, Union Electric proposes to charge to Capital Surplus an amount aggregating the total carrying value of its investment in Hevi-Duty (approximately $2,437,000), and to charge the expenses of such distribution to earned surplus.

It is proposed that promptly after the distribution, the members of the Board of Directors of Hevi-Duty who are also directors of Union Electric will resign and the Board of Hevi-Duty will elect new directors to serve for the unexpired terms of the resigning directors. The Commission will be advised as to the identity of such new directors prior to their election.

The filing requests that the order or orders issued by the Commission in connection with these transactions contain appropriate recitals conforming to the requirements of sections 1081 (f) and 4382 (b) (2) of the Internal Revenue Code of 1954.

The application-declarations state that no State commission or Federal commission other than this Commission has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, on or before May 3, 1956, request the Commission in writing that a hearing be held on this matter, stating the nature of his interest, the reason or reasons for such request, and the issues of fact or law raised by such application-declarations which he proposes to controvert, or he may request that he be notified if this Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application-declarations as filed or as they may hereafter be amended, may be granted or permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 56-3149; Filed, Apr. 23, 1956; 8:48 a. m.]

[File No. 24SF-1874]

INSURED SAVINGS LIFE INSURANCE CO.

NOTICE OF AND ORDER FOR HEARING

APRIL 18, 1956.

Insured Savings Life Insurance Company ("issuer"), 1017 North Central Avenue, Phoenix, Arizona, having filed with the Commission on February 26, 1954, a notification on Form 1-A and an offering circular, and subsequently having filed amendments thereto, relating to an offering of 125,000 shares of its Class A Nonvoting Common Stock, $1 par value, to be sold at $2 per share for an aggregate of $250,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to section 3 (b) thereof and Regulation A promulgated thereunder; and

The Commission, on March 1, 1956, having entered an order pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the conditional exemption under Regulation A and affording to any person having any interest therein an opportunity to request a hearing pursuant to said Rule 223, and a written request for a hearing having been received by the Commission on April 2, 1956, from the issuer, and counsel for the issuer having waived hearing within twenty days as specified in Rule 223 (b), and having stipulated with counsel for the Commission's Division of Corporation Finance that such hearing may be set for 10:00 a. m., April 30, 1956, at the Hearing Room of the Arizona Corporation Commission, State Building, Phoenix, Arizona; and

The Commission deeming it necessary and appropriate to determine whether to vacate the temporary suspension order or to enter an order permanently suspending the exemption;

*It is hereby ordered*, That a hearing under the applicable provisions of the Securities Act of 1933, as amended, and the rules of the Commission be held on April 30, 1956, at 10:00 a. m. at the hearing room of the Arizona Corporation Commission, State Building, Phoenix, Arizona, with respect to the following

specified matters and questions, without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the issuer has not complied with the terms and conditions of Regulation A in that:

1. The issuer failed to file, as required by Rule 221, certain written communications used in the offer and sale of the securities, including a sales kit, a booklet entitled "The Hidden Way to Wealth" and a leaflet entitled "You are nominated."

2. The issuer failed to give an offering circular meeting the requirements of Rule 219 (c) to persons to whom the securities were sold with or prior to the confirmation of such sales, or prior to payment by the purchasers of all or part of the purchase price of the securities, whichever occurred first, as required by Rule 219 (a) (2).

B. Whether a device, scheme and artifice to defraud is being and will be employed in connection with the sale of the securities, and the offering is being and will be made in a manner operating as a fraud and deceit upon the purchasers thereof, in that:

1. The issuer caused Insured Savings Insurance Company to be incorporated under the laws of the State of Arizona, for the purpose of engaging in the business of a mutual benefit life insurance company; the issuer has restricted and is restricting the sale of securities of the issuer to persons who purchase policies of life insurance written by said mutual benefit insurance company; the issuer has limited and is purportedly limiting the amount of stock available to an individual purchaser on the basis of a specified ratio to the amount of premiums paid and payable on such life insurance policies so purchased, and has advised and is advising prospective investors that the ratio of stock available to an investor per dollar of premiums paid would and will be reduced in the immediate future; and

2. In connection with the offer or sale of its securities, the issuer has made and is making untrue statements of material facts and is inducing and attempting to induce salesmen employed by it to make untrue statements of material facts relating to (a) the nature and source of "dividends" to be paid on the policy of insurance written by said mutual benefit company; (b) the amount of such "dividends" which would be payable under said policy; (c) the amount of earnings and dividends to be anticipated from an investment in a life insurance policy and the securities of the issuer; (d) the increase in value of the securities of the issuer to be anticipated; (e) the safety of an investment in such securities; (f) the investigation, regulation and supervision of the issuer and the mutual benefit insurance company by this Commission and State and Federal agencies.

*It is further ordered*, That Herman Marx, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing, and any officer or officers so designated to preside at such hearing are hereby authorized to exercise all of the powers granted to the Commission under sections 19 (b), 21 and 22 (c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

*It is further ordered*, That the Secretary of the Commission shall serve a copy of this order, by registered mail, on Insured Savings Life Insurance Company, 1017 North Central Avenue, Phoenix, Arizona, and shall serve a copy of the order on Rawlins, Davis, Christy, Kleinman & Burrus, Security Building, Phoenix, Arizona, counsel for the issuer, that notice of the entering of this order shall be given to all other persons by general release of the Commission, and by publication in the FEDERAL REGISTER. Any person who desires to be heard or otherwise participate in the hearing shall file with the Secretary of the Commission on or before April 26, 1956, a request relative thereto as provided in Rule XVII of the Commission's rules of practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-3150; Filed, Apr. 23, 1956; 8:48 a. m.]

## INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 19, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31985: *Substituted service—Motor-rail-motor, Pennsylvania R. R.* Filed by Eastern Central Motor Carriers Association, Agent, for interested motor carriers in connection with the Pennsylvania Railroad Company. Rates on various commodities moving on class and commodity rates in highway trailers loaded on railroad flat cars between Chicago, Ill., and Philadelphia, Pa., and Kearny, N. J., and points beyond also served by applicant motor carriers, on the other.

Grounds for relief: Competition with all-motor carriers.

Tariff: Eastern Central Motor Carriers Association, Agent, tariff I. C. C. No. 7.

FSA No. 31986: *Substituted service—Motor-rail-motor, Pennsylvania R. R.* Filed by Eastern Central Motor Carriers Association, Agent, for interested motor carriers in connection with the Pennsylvania Railroad Company. Rates on various commodities, moving on class and commodity rates, in highway trailers loaded on railroad flat cars between Indianapolis, Ind., and points beyond served by applicant motor carriers, on one hand, and Kearny, N. J., and Philadelphia, Pa., and points beyond also served by applicant motor carriers, on the other.

Grounds for relief: Competition with all-motor carriers.

Tariff: Eastern Central Motor Carriers Association, Agent, tariff I. C. C. No. 7.

FSA No. 31987: *Substituted service—Motor-rail-motor, Pennsylvania R. R.* Filed by Transamerican Freight Line, Inc., Agent, for itself, other motor carriers and the Pennsylvania Railroad Company. Rates on various commodities moving on class and commodity rates in highway trailers loaded on railroad flat cars between Chicago, Ill., and Philadelphia, Pa., and Kearny, N. J., and points beyond served by applicant motor carriers, on one hand, and Philadelphia, Pa., and Kearny, N. J., and points beyond also served by applicant motor carriers, on the other.

Grounds for relief: Competition with all-motor carriers.

Tariff: Eastern Central Motor Carriers Association, Agent, tariff I. C. C. No. 7.

FSA No. 31986: *Substituted service—Motor-rail-motor, Pennsylvania R. R.* Filed by Transamerican Freight Line, Inc., Agent, for itself, other motor carriers and the Pennsylvania Railroad Company. Rates on various commodities moving on class and commodity rates in highway trailers loaded on railroad flat cars between Indianapolis, Ind., and points beyond served by applicant motor carriers, on one hand, and Kearny, N. J., and Philadelphia, Pa., and Pittsburgh, Pa., and Kearny, N. J., and points beyond served by applicant motor carriers, on the other.

Grounds for relief: Competition with all-motor carriers.

Tariff: Transamerican Freight Lines, Inc., Agent, tariff I. C. C. No. 3.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 56-3146; Filed, Apr. 23, 1956; 8:47 a. m.]

UNIVERSITY OF MICHIGAN
APR 27 1956
MAIN READING ROOM

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

# FEDERAL REGISTER

VOLUME 21 NUMBER 80

*Washington, Wednesday, April 25, 1956*

## TITLE 3—THE PRESIDENT

### EXECUTIVE ORDER 10665

RESTORING CERTAIN LANDS OF THE SCHOFIELD BARRACKS MILITARY RESERVATION TO THE JURISDICTION OF THE TERRITORY OF HAWAII

WHEREAS certain lands in Waianae-Uka, District of Waianae, and Waikakalaua, District of Ewa, Island of Oahu, Territory of Hawaii, which form a part of the public lands ceded and transferred to the United States under the joint resolution of annexation of July 7, 1898, 30 Stat. 750, were reserved for military purposes by Executive Order of July 20, 1899, as modified by Executive Orders No. 1137, of November 15, 1909, No. 1242 of August 23, 1910, No. 2800 of February 4, 1918, No. 5771 of January 4, 1932, No. 9995 of September 2, 1948 and No. 10454 of May 18, 1953; and

WHEREAS the hereinafter-described parcel of such lands is desired by the Territory of Hawaii as a site for a National Guard Armory; and

WHEREAS it is deemed advisable and in the public interest that it be restored to the possession, use, and control of the Territory of Hawaii, subject to the limitations hereinafter set forth:

NOW, THEREFORE, by virtue of the authority vested in me by section 91 of the act of April 30, 1900, 31 Stat. 159, as amended by section 7 of the act of May 27, 1910, 36 Stat. 447, it is ordered as follows:

Subject to the conditions hereinafter stated, the following-described parcel of land comprising part of the Schofield Barracks Military Reservation, located on the Island of Oahu, Territory of Hawaii, is hereby restored to the possession, use, and control of the Territory of Hawaii:

Being a portion of Schofield Barracks Military Reservation (Presidential Executive Order No. 2800 dated February 4, 1918).

Situate at Waianae-Uka, Wahiawa, Oahu, T. H.

Beginning at the southwest corner of this piece of land, on the east side of Kamehameha Highway and on the north side of Land Court Application 1000, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Waipio Uka" being: 11,029.86 feet North and 5,661.83 feet West, thence running by azimuths measured clockwise from true South:

1. 170° 13' 50" 241.64 feet along the east side of Kamehameha Highway;
2. 164° 33' 100.49 feet along same;
3. 170° 13' 50" 170.00 feet along same;
4. 276° 20' 480.00 feet along the remainder of Schofield Barracks Military Reservation (Presidential Executive Order No. 2800 dated February 4, 1918);
5. 249° 06' 44" 314.91 feet along same;
6. 328° 59' 04" 133.90 feet along same;
7. 58° 59' 04" 867.71 feet along Land Court Application 1000 to the point of beginning and containing an area of 5.05 acres, reserving and excepting a perpetual easement for power lines over and under that strip of land described as follows:

Being a strip of land ten (10.00) feet wide, extending five (5.00) feet on each side of the following described center line:

Beginning at the north end of this center line, on the north side of the above described piece of land, the direct azimuth and distance to the end of course 3 of the above described piece of land being: 96° 20' 5.20 feet, and the coordinates of said point of beginning referred to Government Survey Triangulation Station "Waipio Uka" being: 11,531.82 feet North and 5,753.28 feet West, thence running by azimuths measured clockwise from true South:

1. 350° 13' 50" 168.31 feet;
2. 344° 33' 100.49 feet;
3. 350° 13' 50" 50.25 feet, and containing an area of 0.073 acre.

The Territory of Hawaii shall have the right to relocate the said power line at no cost to the United States of America, provided that such relocation shall be acceptable to the Commanding General, United States Army, Pacific, and that the United States of America shall be furnished a map showing the new location of the power line, whereupon the right-of-way shall be deemed to be reestablished at such new location.

Until and unless otherwise permitted by the Department of the Army, the parcel of land hereinabove described is to be used for National Guard purposes only, and in the event the said land is used for other purposes, in whole or in part, and such other uses shall continue for a period of sixty days after notice to cease and desist therefrom, then the parcel of land hereinabove described shall revert to the jurisdiction and control of the Department of the Army as a part of the Schofield Barracks Military Reservation.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
*April 23, 1956.*

[F. R. Doc. 56-3245; Filed, Apr. 23, 1956; 12:33 p. m.]

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FEDERAL REGISTER

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The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

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**CFR SUPPLEMENTS**

**(As of January 1, 1956)**

The following Supplements are now available:

**Title 14: Part 400 to end ($1.00)**
**Title 19 ($0.50)**
**Titles 30 and 31 ($1.25)**
**Title 21 (Rev., 1955) ($5.50)**

Previously announced: Title 3, 1955 Supp. ($2.00); Title 7: Parts 1–209 ($1.25); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 18 ($0.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. 1, and Title 27 ($1.00); Title 32: Parts 1–399 ($0.60), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Titles 40–42 ($0.65); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

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# RULES AND REGULATIONS

## TITLE 4—ACCOUNTS

### Chapter I—General Accounting Office

[Comptroller General's Order 1.10]

PART 3—SAFEGUARDING OFFICIAL DOCUMENTS AND PAPERS OF THE GENERAL ACCOUNTING OFFICE

Part 3 is rescinded in its entirety and a new Part 3 is substituted as follows:

Sec.
3.1 Preservation of records and return of personal documents.
3.2 Unlawful destruction or alienation of records.
3.3 Access to records.
3.4 Furnishing documents or information.
3.5 Court requests and subpoenas.
3.6 Charges for furnishing copies and certifications.

AUTHORITY: §§ 3.1 to 3.6 issued under sec. 311, 42 Stat. 25, as amended; 31 U. S. C. 52. Interpret or apply sec. 309, 42 Stat. 25; 31 U. S. C. 49. Other statutory provisions interpreted or applied are cited to text in parentheses.

§ 3.1 *Preservation of records and return of personal documents.* (a) All documents and papers of whatever nature of the General Accounting Office, wherever they may be located, except original certificates of discharge from the Armed Forces of the United States, original birth and marriage certificates, or other purely personal documents, shall be preserved by or for the General Accounting Office in accordance with established retention standards.

(b) Personal documents, submitted in support of matters to be settled by the General Accounting Office, shall be returned to persons submitting them immediately after the official need has been served.

§ 3.2 *Unlawful destruction or alienation of records.* (a) Records of the General Accounting Office shall not be alienated or destroyed except in accordance with the provisions of the act of July 7, 1943, 57 Stat. 380, as amended, 44 U. S. C. 366–376 and 378–380, and only upon the specific approval of the Administrative Officer or the Chief, Records Management and Services Branch, Office of Administrative Services, General Accounting Office.

(Sec. 2071, 62 Stat. 795, 18 U. S. C. 2071)

§ 3.3 *Access to records.* (a) No persons other than officials and employees of the General Accounting Office and others authorized by law, in the regular discharge of their official duties, shall be allowed access to or furnished information from the files and records of the General Accounting Office, wherever such records may be located, except as provided in this part. In no case shall information be given that may be made the basis of a claim against the United States, except in the proper discharge of official duties.

(Sec. 283, 62 Stat. 697, as amended, 18 U. S. C. 283)

(b) Claimants and accountable officers, and other persons having a direct and immediate interest in the transaction, or their duly authorized legal representatives, may be permitted, by direction of the head of the division or office of the General Accounting Office under whose custody such records are maintained, to examine their claims or accounts, under proper supervision, upon a satisfactory showing as to the reasons therefor.

§ 3.4 *Furnishing documents or information*—(a) *Original records.* Original records of the General Accounting Office shall not be removed from their designated locations for use outside the General Accounting Office when copies will serve the required purpose. When it is impracticable to furnish copies, original records will be made available for examination in the custody of a responsible employee of the General Accounting Office or may be loaned, when necessary, to proper officials of other Government agencies by the Administrative Officer or the Chief, Records Management and Services Branch, Office of Administrative Services, General Accounting Office. However, the Finance Centers of the Departments of the Air Force, Army, and Navy may continue to have access to and the use of original documents on file at the Air Force, Army, and Navy Audit Branches, and the Debt Section of Claims Division at Indianapolis, under existing procedures. Also, the Chief, Depositary Accounts Branch, Division of Audits, will continue to furnish original paid checks to the Office of the Treasurer of the United States, Treasury Department, upon proper request. When it is necessary to transmit loaned documents through the mails they shall be sent by registered mail and a return receipt shall be requested. Original documents which are loaned to other Government agencies or presented for examination must not be marked or altered, or their value as evidence affected, impaired, or destroyed. Such documents shall not be presented as evidence or otherwise used in any manner by reason of which they may lose their identity as official records of the General Accounting Office.

(b) *Certified copies of records.* Certified copies of documents will be furnished to proper parties in interest or to their authorized attorneys or representatives, where required, by the Records Management and Services Branch, Office of Administrative Services, General Accounting Office, including certified copies of documents furnished upon application pursuant to section 3 of the Miller Act, 49 Stat. 794, 40 U. S. C. 270 (c).

(c) *Uncertified copies of records and information from records.* Except as may be authorized by the Administrative Officer or the Chief, Records Management and Services Branch, copies of any books, records, papers, or documents, and transcripts of or information from the books and proceedings of the General Accounting Office will be furnished for use outside the General Accounting Office to proper parties in interest or their authorized attorneys or representatives only upon the submission of a written statement satisfactorily showing the purpose and necessity therefor. Photostatic and other uncertified copies of documents and transcripts of or information from the records of the General Accounting Office will be furnished, upon proper request, by the division or office in which the records are maintained, except that the Transportation Division will furnish uncertified copies of or information from all transportation documents wherever they may be located. The Records Management and Services Branch will handle all requests received in the General Accounting Office involving records held by the agencies for audit at the site and records located at Federal Records Centers.

§ 3.5 *Court requests and subpoenas.* (a) Whenever the originals of any documents of the General Accounting Office, wherever located, or copies or transcripts of records are desired by or on behalf of private parties to a suit in any court, they will be made available only to the court, and only in response to a subpoena or request from the court, which should be directed to the Comptroller General of the United States and served upon the Chief, Records Management and Services Branch, Office of Administrative Services. If subpoenas or requests from the court are served upon any other official, they should be referred to the Records Management and Services Branch which will secure the required documents, properly prepare such records, and arrange for their exhibition in court. If the records requested by the court cannot be located, after diligent inquiry and search, proofs of the lack of records under Rule 44 (b), Federal Rules of Civil Procedure will be furnished the court.

(b) Original documents shall not be presented as evidence or otherwise used in any manner by reason of which they may lose their identity as official records of the General Accounting Office. They must not be marked or altered, or their value as evidence affected, impaired, or destroyed.

(c) In addition to the original records, certified copies should be presented for evidentiary purposes since they are considered as competent evidence equally with the originals.

(d) Where copies of records are requested, certified copies shall be furnished.

(Sec. 306, 42 Stat. 24, 31 U. S. C. 46)

§ 3.6 *Charges for furnishing copies and certifications.* (a) Charges for furnishing copies of official records or certifications of authenticity shall be made in accordance with the following schedule of rates:

(1) 50 cents for each photostatic sheet of checks, contracts, bonds, vouchers, and other documents, except that for copies of contracts or other multiple sheet documents furnished, the charge shall be 50 cents for each of the first four sheets and 25 cents for each sheet furnished in addition thereto;

(2) $1.00 for each certification of authenticity of copies of records;

(3) $1.00 for each certification of the date of final settlement of a contract pursuant to section 3 of the Miller Act, 49 Stat. 794, 40 U. S. C. 270 (c).

(b) Where the cost computed in accordance with the above schedule is less than $2.00 no charge will be made, except that when an advance remittance is received with a request a charge will be made for the copies or certifications actually furnished and any excess remittance of $1.00 or more will be refunded. If no copies or certifications are furnished the entire remittance will be refunded.

(c) No charge shall be made for copies of records or certifications of authenticity furnished for official use by any court or an officer of any branch of the United States Government.

(d) Letters in response to requests for copies of documents or certifications shall include a statement of charges assessed or refunds due. Copies of such letters shall be transmitted to the Administrative Finance Section, Office of Administrative Services, for all necessary accounting, collection, or refund action in accordance with procedures established by the Administrative Officer, Office of Administrative Services.

[SEAL] JOSEPH CAMPBELL,
*Comptroller General of the United States.*

[F. R. Doc. 56-3199; Filed, Apr. 24, 1956; 8:47 a. m.]

# TITLE 7—AGRICULTURE

## Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 68—REGULATIONS AND STANDARDS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

SUBPART B—UNITED STATES STANDARDS FOR BEANS

GRADES, GRADE REQUIREMENTS, AND GRADE DESIGNATIONS

*Correction*

In F. R. Doc. 56-2958, appearing at page 2461 of the issue for Tuesday, April 17, 1956, the following changes should be made:

1. In the amendatory language of item 1, "§ 268.103 (d)" should read "§ 68.103 (d)."

2. In the table of § 68.103 (e), the figure "9.2" for U. S. Extra No. 1, under the column Foreign material-Total, should read "0.2."

## Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders); Department of Agriculture

[Navel Orange Reg. 83, Amdt. 1]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

*Findings.* 1. Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914; 19 F. R. 2941), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restrictions on the handling of navel oranges grown in Arizona and designated part of California.

*Order, as amended.* The provisions in paragraph (b) (1) (i) of § 914.383 Navel Orange Regulation 83; 21 F. R. 2429) are hereby amended to read as follows:

(i) District 1: 323,400 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 20, 1956.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-3213; Filed, Apr. 24, 1956; 8:50 a. m.]

PART 927—MILK IN NEW YORK METROPOLITAN MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and of the order, as amended (7 CFR Part 927), regulating the handling of milk in the New York metropolitan milk marketing area, hereinafter referred to as the "order", it is hereby found and determined, that:

(a) The following provisions of the order do not tend to effectuate the declared policy of the act:

(1) For the period May 1-4, 1956, all provisions of subparagraph (11) of § 927.40 (a) except the provision "(11) Multiply the result determined pursuant to subparagraph (10) of this paragraph by" and the provision "0.88."

(2) For the period May 5-31, 1956, all provisions of subparagraph (11) of § 927.40 (a) except the provisions "(11) Multiply the result determined pursuant to subparagraph (10) of this paragraph by" and the provision "0.94."

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof, are found to be impracticable, unnecessary, and contrary to the public interest in that:

(1) The information upon which this action is based did not become available in time sufficient for such compliance;

(2) A substantial majority of the producers of milk for the market have requested this action;

(3) It is found necessary to issue and make effective this suspension order to reflect current marketing conditions and to facilitate, promote, and maintain orderly marketing conditions in the marketing area; and

(4) This suspension order does not require of persons affected substantial or extensive preparation prior to its effective date.

Therefore, good cause exists for issuance of this order.

*It is therefore ordered,* That, the following provisions appearing in § 927.40 (a) of the order be and hereby are suspended:

(1) For the period May 1-4, 1956, all provisions of subparagraph (11) of § 927.40 (a) except the provision "(11) Multiply the result determined pursuant to subparagraph (10) of this paragraph by" and the provision "0.88."

(2) For the period May 5-31, 1956, all provisions of subparagraph (11) of § 927.40 (a) except the provision "(11) Multiply the result determined pursuant to subparagraph (10) of this paragraph by" and the provision "0.94."

(Sec. 5, 49 Stat. 753, as amended, 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 20th day of April 1956.

[SEAL] TRUE D. MORSE,
*Acting Secretary.*

[F. R. Doc. 56-3215; Filed, Apr. 24, 1956; 8:51 a. m.]

[Lime Order 1, Amdt. 4]

PART 1001—LIMES GROWN IN FLORIDA

QUALITY AND SIZE REGULATION

*Findings.* (1) Pursuant to the marketing agreement and Order No. 101 (7 CFR Part 1001; 20 F. R. 4179) regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations of the Florida Lime Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than May 1, 1956. Shipments of designated varieties of Florida limes are currently subject to quality regulation pursuant to Lime Order 1, as amended (§ 1001.301; 20 F. R. 4711; 4897; 6676; 21 F. R. 1819), and, unless sooner modified or terminated, will continue to be so regulated until May 1, 1956; determinations as to the need for, and extent of, continued regulation of Florida lime shipments must await the development of the crop and the availability of information on the demand for such fruit; the recommendation and supporting information for continued regulation of lime shipments subsequent to May 1, 1956, and in the manner herein provided, was promptly submitted to the Department after an open meeting of the Florida Lime Administrative Committee on April 10; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this amendment, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of Florida limes; it is necessary, in order to effectuate the declared policy of the act, to make this amendment effective during the period hereinafter set forth; and compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

*It is therefore ordered,* That the provisions of subparagraph (1) of paragraph (b) of § 1001.301 (Lime Order 1, as amended; 20 F. R. 4711; 4897; 6676; 21 F. R. 1819) are hereby further amended so as to extend the effective time of the provisions of said paragraph (b) from May 1, 1956, to May 1, 1957, such action to be effected by changing that part of the provisions of said subparagraph (1) immediately preceding subdivision (i) thereof to read as follows:

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., September 12, 1955, and ending at 12:01 a. m., e. s. t., May 1, 1957, no handler shall handle:

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 19, 1956.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-3191; Filed, Apr. 24, 1956; 8:46 a. m.]



## Chapter XI—Agricultural Conservation Program Service, Department of Agriculture

[ACP-1955, Supp. 15]

PART 1101—NATIONAL AGRICULTURAL CONSERVATION

SUBPART—1955

ESTABLISHMENT OF VEGETATIVE COVER TO PROTECT CROPLAND THROUGHOUT 1955 CROP YEAR

Pursuant to the authority vested in the Secretary of Agriculture under sections 7-17 of the Soil Conservation and Domestic Allotment Act, as amended, and the Department of Agriculture Appropriation Act, 1955, the 1955 National Agricultural Conservation Program, approved July 1, 1954 (19 F. R. 4138), as amended August 3, 1954 (19 F. R. 4953), September 15, 1954 (19 F. R. 6059), October 25, 1954 (19 F. R. 6910), March 1, 1955 (20 F. R. 1336), April 7, 1955 (20 F. R. 2414), April 26, 1955 (20 F. R. 2881), May 16, 1955 (20 F. R. 3494), June 10, 1955 (20 F. R. 4209), June 14, 1955 (20 F. R. 4281), July 22, 1955 (20 F. R. 5340), August 30, 1955 (20 F. R. 6511), November 10, 1955 (20 F. R. 8491), February 21, 1956 (21 F. R. 1261), and March 14, 1956 (21 F. R. 1717), is further amended as follows:

Section 1101.688 is amended by revising the next to the last sentence to read as follows: "No annual crop seeded in the fall of 1955 may be harvested for hay or seed in 1956 if such seeding is one of the two required seedings of such annual crops, except that the State committee may authorize the harvesting of the growth for hay or silage in areas where it determines that a serious shortage of hay or silage exists due to adverse weather conditions and the growth harvested is needed for use on farms in the area."

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interprets or applies secs. 7-17, 49 Stat. 1148, as amended, 68 Stat. 311; 16 U. S. C. 590g-590q)

Done at Washington, D. C., this 20th day of April 1956.

[SEAL] E. L. PETERSON,
*Assistant Secretary.*

[F. R. Doc. 56-3217; Filed, Apr. 24, 1956; 8:51 a. m.]

[ACP-1956, Supp. 5]

PART 1101—NATIONAL AGRICULTURAL CONSERVATION

SUBPART—1956

PRACTICES INVOLVING ESTABLISHMENT OR IMPROVEMENT OF VEGETATIVE COVER; ESTABLISHMENT OF VEGETATIVE COVER TO PROTECT CROPLAND THROUGHOUT 1956 CROP YEAR

Pursuant to the authority vested in the Secretary of Agriculture under sections 7-17 of the Soil Conservation and Domestic Allotment Act, as amended, and the Department of Agriculture and Farm Credit Administration Appropriation Act, 1956, the 1956 National Agricultural Conservation Program, approved June 14, 1955 (20 F. R. 4281), as amended July 22, 1955 (20 F. R. 5341), August 30, 1955 (20 F. R. 6511), November 10, 1955 (20 F. R. 8491), and April 9, 1956 (21 F. R. 2372), is further amended as follows:

1. Section 1101.725 is amended by adding the following at the end thereof: "Cost-sharing in such cases may be approved also for repeat applications of measures previously carried out or for additional eligible measures. Cost-sharing for such measures shall be approved for the extents of such measures needed to assure a good stand even though such extents are less than the extents required by the applicable practice wording for initial approvals."

2. Section 1101.788 is amended by deleting the fourth sentence and substituting therefor the following: "Pasturing consistent with good management may be permitted. No crop may be harvested for seed in 1956. No annual crop seeded in the fall of 1956 may be harvested for seed in 1957 if such seeding is one of the two required seedings of such annual crops. No crop may be harvested for hay or silage in 1956 and no annual crop seeded in the fall of 1956 may be harvested for hay or silage in 1957 if such seeding is one of the two required seedings of such annual crops, except that the State committee may authorize the harvesting of the growth for hay or silage in areas where it determines that a serious shortage of hay or silage exists due to adverse weather conditions and the growth harvested is needed for use on farms in the area."

(Sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7-17, 49 Stat. 1148, as amended, 69 Stat. 55; 16 U. S. C. 590g-590q)

Done at Washington, D. C., this 20th day of April 1956.

[SEAL] E. L. PETERSON,
*Assistant Secretary.*

[F. R. Doc. 56-3216; Filed, Apr. 24, 1956; 8:51 a. m.]

# TITLE 32A—NATIONAL DEFENSE, APPENDIX

## Chapter I—Office of Defense Mobilization

[Defense Mobilization Order VII-6, Supp. 7]

DMO VII-6—EXPANSION GOALS

1. Defense Mobilization Order VII-6, dated December 3, 1953 (18 F. R. 7876) is supplemented by transferring the following expansion goal from List III, Open, to List I, Closed:

| *Goal No.; Title; and Delegate Agency* |
|---|
| 65; Petroleum, Refining Capacity; Interior. |

2. This supplement shall take effect immediately.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
*Director.*

[F. R. Doc. 56-3200; Filed, Apr. 24, 1956; 8:48 a. m.]

# TITLE 14—CIVIL AVIATION

## Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 192]

## PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

### PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, GCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is canceled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

**1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:**

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

| City and State; airport name, elevation; facility: class and identification; procedure No.; effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance, facility to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| GREENSBORO, N. C. Greensboro-High Point, 923'. SBRATX-VDT-GSO. Procedure No. 1. Amendment No. 10. Effective date: May 19, 1956. Supersedes Amendment 9, dated February 2, 1954. Major changes: Revises course from VOR and airport elevation. Lower minima 2-engine aircraft. | Summit Hill FM (final) | 237—8 nautical miles | 1,800 | N side of NE course: 057° outbound. 237° inbound. 2,300' within 10 nautical miles. | 1,800 | 250—1.2 nautical miles | 2 engines or less: T-dn | 300-1 | 300-1 | Within 1.2 nautical miles turn left, climb to 2,300' on SE course within 20 nautical miles or when directed by ATC turn right, climb to 4,000' on NW course of Greensboro LFR within 20 nautical miles. |
| | Greensboro VOR | 042—4.9 nautical miles | 2,300 | | | | C-dn | 400-1 | 500-1 | |
| | | | | | | | More than 2 engines: T-dn | | 200-½ | |
| | | | | | | | C-dn | | 500-1½ | |
| | | | | | | | All aircraft: A-dn | 800-2 | | |
| HOUSTON, TEX. International, 50'. SBRAZ-DTV-HOU. Procedure No. 1. Amendment No. 17. Effective date: May 19, 1956. Supersedes Amendment 16, dated October 22, 1955. Major changes: Increase radar terminal area maneuvering and procedure turn altitudes. | Friendswood Intersection (final) | 310—4.4 nautical miles | 700 | E side of SE course: 130° outbound. 310° inbound. 1,700' within 10 nautical miles. Beyond 10 nautical miles not authorized. | 700 | 310—1.9 nautical miles | 2 engines or less: T-dn | 300-1 | 300-1 | Within 1.9 nautical miles climb to 1,800' on NW course within 20 nautical miles. *590' per minute descent required at 120 miles per hour. |
| | Arcola FM | 039—14.1 nautical miles | 1,500 | | | | C-dn | 400-1 | 500-1 | |
| | | | | | | | *S-30-dn | 400-1 | 400-1 | |
| | | | | | | | A-dn | 800-2 | 800-2 | |
| | Houston FM | 130—7.5 nautical miles | 1,300 | | | | More than 2 engines: T-dn | | 200-½ | |
| | | | | | | | C-dn | | 500-1½ | |
| | | | | | | | *S-30-dn | | 400-1 | |
| | | | | | | | A-dn | | 800-2 | |
| | Houston VOR | 137—1.9 nautical miles | 1,200 | | | | | | | |
| | Radar terminal area maneuvering altitude 2,200' within 20 nautical miles. | | | | | | | | | |





LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| City and State; airport name, elevation; facility: class and identification; procedure No.; effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance, facility to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| HOUSTON, TEX. International, 50'. SBRAZ-DTV-HOU. Procedure No. 2. Amendment No. 11. Effective date: May 19, 1956. Supersedes Amendment 10, dated October 22, 1955. Major changes: Increase procedure turn and radar terminal area maneuvering altitudes. | Friendswood Intersection | 310—4.4 nautical miles | 1,200 | W side of NW course: 310° outbound. 130° inbound. 1,800' within 10 nautical miles. | 1,500 over HOU FM | 130—4.9 nautical miles | 2 engines or less: T-dn | 300-1 | 300-1 | Within 4.9 nautical miles from Houston FM climb to 1,700' on SE course within 15 nautical miles. |
| | Arcola FM | 039—14.1 nautical miles | 1,500 | | | | C-dn | 400-1 | 500-1 | |
| | | | | | | | S-dn 12 | 400-1 | 400-1 | |
| | | | | | | | A-dn | 800-2 | 800-2 | |
| | Fairbanks Intersection (final) | 130—8.3 nautical miles to HOU FM | 1,500 | | | | More than 2 engines: T-dn | | 200-½ | |
| | | | | | | | C-dn | | 500-1½ | |
| | | | | | | | S-dn 12 | | 400-1 | |
| | | | | | | | A-dn | | 800-2 | |
| | Houston VOR | 137—1.9 nautical miles | 1,200 | | | | | | | |
| | Radar terminal area maneuvering altitude all directions 2,200' within 20 nautical miles. | | | | | | | | | |

**2. The automatic direction finding procedures prescribed in § 609.8 are amended to read in part:**

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and latitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

| City and State; airport name, elevation; facility: class and identification; procedure No.; effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance, facility to airport | Ceiling and visibility minimums: Condition | 2 engines or less: 65 knots or less | 2 engines or less: More than 65 knots | More than 2 engines (more than 65 knots) | If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| VERO BEACH, FLA. Vero Beach, 25'. BMH-VRB. Procedure No. 1. Amendment No. 9. November 12, 1954. | PROCEDURE CANCELED, EFFECTIVE MARCH 15, 1956, OR DATE OF DECOMMISSIONING OF VRB-BMH. | | | | | | | | | | |

3. The very high frequency omnirange procedures prescribed in § 609.9 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses, and radials are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area as set forth below.

| City and State; airport name, elevation; facility; class and identification; procedure No.; effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance, facility to airport | Ceiling and visibility minimums | | | | If visual contact not established at authorized minimums after passing facility within distance specified or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Condition | 2 engines or less | | More than 2 engines; more than 65 knots | |
| | | | | | | | | 65 knots or less | More than 65 knots | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| GALVESTON, TEX.<br>Municipal, 7'.<br>BVOR-GLS.<br>Procedure No. 1.<br>Amendment No. 1.<br>Effective date: May 19, 1956.<br>Supersedes original, dated August 13, 1954.<br>Major changes: New format. Raise procedure turn altitude. Add caution note. | Galveston LFR | 278—4.0 | 1,100 | S side of course:<br>291° outbound.<br>111° inbound.<br>1,700' within 10 miles.<br>Beyond 10 miles not authorized. | ,100 | 111—7.5 | T-dn<br>C-dn<br>S-dn 13<br>A-dn | 300-1<br>400-1<br>400-1<br>800-2 | 300-1<br>500-1<br>400-1<br>800-2 | 200-½<br>500-1½<br>400-1<br>800-2 | Within 7.5 miles, climb to 1,300' on radial 111° within 15 miles.<br>CAUTION: 231' mean sea level radio tower 7,000' NE of airport. TV tower 1,236' mean sea level 14 miles NW of VOR. |
| HOUSTON, TEX.<br>International, 50'.<br>BVOR-HOU.<br>Procedure No. 1.<br>Amendment No. 2.<br>Effective date: May 19, 1956.<br>Supersedes Amendment 1, dated October 22, 1955.<br>Major changes: Raise radar terminal area maneuvering and missed approach altitudes. | HOU LFR | 317—1.9 | 1,200 | W side of course:<br>306° outbound.<br>126° inbound.<br>1,800' within 10 miles of HOU FM. | HOU FM<br>*1,500 | From HOU FM 126—4.9 | T-dn<br>C-dn<br>S-dn 12<br>A-dn | 300-1<br>400-1<br>400-1<br>800-2 | 300-1<br>500-1<br>400-1<br>800-2 | 200-½<br>500-1½<br>400-1<br>800-2 | Within 4.9 miles of HOU FM climb to 1,700' on R-134 within 15 miles.<br>*If Houston FM not identified on final, descent below 1,500' not authorized. |
| | Fairbanks Intersection (final) | 126—8.3 to HOU FM | 1,500 | | | | | | | | |
| | Radar terminal area maneuvering altitude all directions within 20 miles. | ---------- | 2,200 | | | | | | | | |
| KNOXVILLE, TENN.<br>McGhee-Tyson 989'.<br>BVOR-TYS.<br>Procedure No. 1.<br>Amendment No. 3.<br>Effective date: May 19, 1956.<br>Supersedes Amendment 2, dated November 12, 1955.<br>Major changes: Lowers procedure turn to 2,500'. Changes final approach radial from 63° to 69° to aline with V-16. | Piedmont FM (final) # | 249—15.6 | 1,900 | N side of course:<br>069° outbound.<br>249° inbound.<br>2,500' within 10 miles. | 1,900 over VOR | 221—6.9 | T-dn<br>C-d<br>C-n<br>S-d<br>S-n<br>22R A-dn | 300-1<br>500-1<br>500-1½<br>500-1<br>500-1½<br>800-2 | 300-1<br>500-1<br>500-1½<br>500-1<br>500-1½<br>800-2 | 200-½<br>500-1½<br>500-1½<br>500-1<br>500-1½<br>800-2 | Within 6.9 miles after passing BVOR, climb to 3,000' on radial 249° within 20 miles.<br>*Rockford Fix: Intersection final approach course (221°) and 90° bearing from LFR. Descent below 1,600' not authorized unless 90° bearing from LFR received.<br>#Maintain 2,400' until 6 miles past Piedmont FM. |
| | Knoxville LFR | 053—4.7 | 2,400 | | 1,600 over Rockford Fix* | 221—3.1 | | | | | |



4. The very high frequency omnirange procedures prescribed in § 609.9 (b) are amended to read in part:

TVOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses, and radials are magnetic. NOTE: Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a TVOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

| City and State; airport name, elevation; facility; class and identification; Procedure No. (TVOR); effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance from int. runway center line extended and final course to approach end of runway | Ceilings and visibility minimums | | | | If visual contact not established at TVOR, or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Condition | 2 engines or less | | More than two engines; more than 65 knots | |
| | | | | | | | | 65 knots or less | More than 65 knots | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| HOUSTON, TEX.<br>International.<br>BVOR-DME.<br>Amendment No. 2.<br>Effective date: May 19, 1956.<br>Supersedes Amendment 1, dated February 4, 1956.<br>Major changes: Raise missed approach altitude on TVOR 12-17-21. Raise procedure turn altitude on TVOR 30-35; revise initial approach on TVOR-30. | TVOR-3:<br>25 to 10-mile fix#<br>10 to 5-mile fix#<br>5-mile fix# to airport (final). | 051—15<br>051—5<br>051—5 | 2,100<br>1,500<br>500 | S side:<br>231° outbound.<br>051° inbound.<br>2,100' within 10 miles.ϕ | *500 | 036—0.83 | Minimums for all procedures:<br>T-dn<br>C-dn<br>%S-dn<br>A-dn | 300-1<br>400-1<br>400-1<br>800-2 | 300-1<br>500-1<br>400-1<br>800-2 | 200-½<br>500-1½<br>400-1<br>800-2 | Climb to 1,600' on R-036 within 20 miles. |
| | TVOR-12:<br>25 to 10-mile fix#<br>10 to 5-mile fix#<br>5-mile fix# to airport (final). | 118—15<br>118—5<br>118—5 | 1,800<br>1,500<br>500 | W side:<br>298° outbound.<br>118° inbound.<br>1,800' within 10 miles.ϕ | *500 | 126—0.34 | | | | | Climb to 1,700' on R-134 within 20 miles. |
| | TVOR-17:<br>25 to 10-mile fix#<br>10 to 5-mile fix#<br>5-mile fix# to airport (final). | 146—15<br>146—5<br>146—5 | 1,800<br>1,500<br>500 | W side:<br>326° outbound.<br>146° inbound.<br>1,800' within 10 miles.ϕ | *500 | 171—0.95 | | | | | Climb to 1,700' on R-134 within 20 miles. |
| | TVOR-21:<br>25 to 5-mile fix#<br>5-mile fix# to airport (final). | 197—20<br>197—5 | 1,500<br>500 | W side:<br>017° outbound.<br>197° inbound.<br>1,500' within 10 miles.ϕ | *500 | 216—0.75 | | | | | Climb to 2,100' on R-218 within 20 miles. |
| | TVOR-30:<br>25 to 10-mile fix#<br>10 to 5-mile fix#<br>5-mile fix# to airport (final). | 321—15<br>321—5<br>321—5 | 2,200<br>1,500<br>500 | E side:<br>141° outbound.<br>321° inbound.<br>2,200' within 10 miles.ϕ | *500 | 306—0.71 | | | | | Climb to 1,800' on R-306 within 20 miles. |
| | TVOR-35:<br>25 to 5-mile fix#<br>5-mile fix# to airport (final). | 019—20<br>019—5 | 1,500<br>500 | E side:<br>199° outbound.<br>019° inbound.<br>2,200' within 10 miles.ϕ | *500 | 351—1.12 | | | | | Climb to 1,600' on R-009 within 20 miles. |

All procedures: #Fixes may be determined by either DME or radar. Radar terminal area maneuvering altitude all directions 2,200' within 20 nautical miles.
ϕWhen authorized by ATC, DME may be used within 10 nautical miles at 2,200' orbiting altitude to position aircraft for a final approach with the elimination of a procedure turn.
*After completion of procedure turn, descent below 1,500' not authorized until passing 5 nautical mile DME or radar fix.
%Straight-in to runway indicated by procedure number.

**5. The very high frequency omnirange procedures prescribed in § 609.9 (c) are amended to read in part:**

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses, and radials are magnetic. Elevations and altitude are in feet MSL.
If a VOR/DME instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator of Civil Aeronautics for such airport. Initial approaches shall be made over specific routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.
NOTE: Distances are in nautical miles unless otherwise indicated except visibilities, which are in statute miles.

College Station, Tex.; Easterwood Airport; elevation 319'; facility BVOR; identification CLL; amendment No. Original; effective date May 19, 1956.

| Transition to facility or transition to DME orbit | | | | Procedure turn; side of approach radial; altitudes; limiting distances | Minimum altitude on approach radial | | | | Procedure No.; direct or right or left turn to final approach orbit; Runway No. | Minimum altitude on final approach orbit | | | Ceiling and visibility minimums | | | | If visual contact not established at authorized landing minimums at fix specified, or if landing not accomplished— |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | | | Condition | 2 engines or less | | More than 2 engines | |
| From—(mi.) | To—(mi.) | Radial | Minimum altitude (ft.) | | From—(mi.) | To—(mi.) | Radial | Minimum altitude (ft.) | | From radial | To radial | Minimum altitude (ft.) | | 65 knots or less | More than 65 knots | More than 65 knots | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 |
| ---- | ---- | ---- | ---- | S side: 278° 1,500' within 10 miles. | 10 | 0 | 278 | 900 (final) | Procedure No. 1 direct to airport. | ---- | ---- | ---- | T-dn | 300-1 | 300-1 | 200-½ | Within 2.5 miles climb to 1,500' on radial 125° within 20 miles. |
| | | | | | | | | | | | | | C-dn | 400-1 | 500-1 | 500-1½ | |
| | | | | | | | | | | | | | S-dn 10 | 400-1 | 400-1 | 400-1 | |
| | | | | | 0 | 2.5 | 098 | 700 (final) | | | | | A-dn | 800-2 | 800-2 | 800-2 | |
| ---- | ---- | ---- | ---- | N side: 298° 1,800' within 15 miles. | 15 | 8 | 098 | 900 (final) | Procedure No. 2 back course to airport. | ---- | ---- | ---- | T-dn | 300-1 | 300-1 | 200-½ | At 3.4 miles climb to 1,700' on radial 278° within 20 miles. |
| | | | | | | | | | | | | | C-dn | 400-1 | 500-1 | 500-1½ | |
| | | | | | | | | | | | | | S-dn 28 | 400-1 | 400-1 | 400-1 | |
| | | | | | 8 | 3.4 | 098 | 700 (final) | | | | | A-dn | 800-2 | 800-2 | 800-2 | |

NOTE: When authorized by ATC, DME may be used within 15 miles, at 1,800' orbiting altitude to position aircraft for a final approach with elimination of procedure turn. Without DME, Procedure No. 1 authorized, but procedure turn required.



**6. The ground controlled approach procedures prescribed in § 609.13 are amended to read in part:**

GCA STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. NOTE: Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a GCA instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with GCA to final authorized landing minimums the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a PAR approach, or for more than 30 seconds during an ASR approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

| City and State; airport name; airport elevation; effective date | Radar terminal area; maneuvering altitudes by sectors and limiting distances | Runway No. | Condition | Ceiling and visibility minimums: Precision approach (PAR) 2 engines or less: 65 knots or less | Precision approach (PAR) 2 engines or less: Over 65 knots | Precision approach (PAR) More than 2 engines: Over 65 knots | Surveillance approach (ASR) 2 engines or less: 65 knots or less | Surveillance approach (ASR) 2 engines or less: Over 65 knots | Surveillance approach (ASR) More than 2 engines: Over 65 knots | Missed approach procedure |
|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| HOUSTON, TEX. International, 50'. Procedure No. 1. Amendment No. 5. Effective date: May 19, 1956. Supersedes Amendment 4, dated October 22, 1955. Major changes: Raise altitudes, columns 2 and 9. | 2,200' within 5 to 20-mile radius... | All | T-dn | ---- | ---- | ---- | 300-1 | 300-1 | 200-½ | Climb to 2,200' straight ahead, then proceed to Houston LFR or VOR or proceed as directed by ATC. |
| | | 3, 12, 30 | S-dn | ---- | ---- | ---- | 400-1 | 400-1 | 400-1 | |
| | | 3, 12, 30 | C-dn | ---- | ---- | ---- | 400-1 | 500-1 | 500-1½ | |
| | | 17, 35 | S-dn | ---- | ---- | ---- | 500-1 | 500-1 | 500-1 | |
| | | 17, 35 | C-dn | ---- | ---- | ---- | 500-1 | 500-1 | 500-1½ | |
| | | 21 | S-dn | ---- | ---- | ---- | 600-1 | 600-1 | 600-1 | |
| | | 21 | C-dn | ---- | ---- | ---- | 600-1 | 600-1 | 600-1½ | |
| | | All | A-dn | ---- | ---- | ---- | 800-2 | 800-2 | 800-2 | |
| | Aircraft on any direct course to Houston VOR may descend to 750' mean sea level from 5-mile radar fix. | All runways... | C-dn | ---- | ---- | ---- | 700-1½ | 700-1½ | 700-1½ | |
| | | | A-dn | ---- | ---- | ---- | 800-2 | 800-2 | 800-2 | |

These procedures shall become effective on the dates indicated.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

C. J. LOWEN,
*Administrator of Civil Aeronautics.*

[F. R. Doc. 56-3022; Filed, Apr. 24, 1956; 8:45 a. m.]

# TITLE 26—INTERNAL REVENUE, 1954

## Chapter I—Internal Revenue Service, Department of the Treasury

### Subchapter E—Alcohol, Tobacco, and Other Excise Taxes

[T. D. 6171]

PART 221—PRODUCTION OF BRANDY

PART 225—WAREHOUSING OF DISTILLED SPIRITS

MISCELLANEOUS AMENDMENTS

In order to authorize brandy of any proof to be transferred by pipeline and in tank cars or tank trucks to internal revenue bonded warehouses for deposit in storage tanks and subsequent packaging, with or without reduction in proof, 26 CFR Parts 221 and 225 are amended as follows:

PARAGRAPH 1. 26 CFR (1954) Part 221, Production of Brandy, is amended as follows:

(A) Section 221.515 is amended to read as follows:

§ 221.515 *For transfer to internal revenue bonded warehouses.* Brandy of any proof may be removed to internal revenue bonded warehouses, without, or after, reduction in proof, as follows:

(a) In approved containers for storage in such approved containers or in storage tanks; and

(b) In wooden packages, each containing two or more metallic cans having a capacity of not less than 5 wine gallons each, for the purpose of exportation only.

(68A Stat. 633, 634, 640; 26 U. S. C. 5193, 5194, 5215)

PAR. 2. 26 CFR (1954) Part 225, Warehousing of Distilled Spirits, is amended as follows:

(A) Section 225.370 is amended as follows:

(1) By striking from the first sentence the words "and wine spirits may be received by pipeline or in tank cars or tank trucks from a fruit distillery".

(2) By inserting in (a) of the proviso, after the words "by pipeline", the phrase "or in tank cars or tank trucks".

(B) Section 225.371 is amended as follows:

(1) By striking from the first sentence the words "and wine spirits may be received by pipeline or in tank cars or tank trucks from a fruit distillery".

(2) By inserting as (a) of the proviso the following: "(a) brandy of any proof may be received by pipeline or in tank cars or tank trucks from a fruit distillery for deposit in storage tanks;"

(3) By redesignating (a) and (b) of the proviso as (b) and (c), respectively.

(C) Section 225.372 is amended as follows:

(1) By striking the words "and wine spirits received in tank cars or tank trucks from a fruit distillery,".

(2) By inserting in the proviso as (a) the following: "(a) brandy of any proof may be received in tank cars or tank trucks from a fruit distillery or internal revenue bonded warehouse for deposit in storage tanks;"

(3) By redesignating (a) and (b) of the proviso as (b) and (c), respectively.

(D) Section 225.382 is amended by changing the proviso at the end of the fifth sentence to read, "*Provided*, That brandy, gin, or vodka may be transferred to storage tanks in accordance with § 225.402."

(E) Section 225.400 (d) (4) is amended to read as follows: "(4) in any warehouse, if the spirits are brandy, gin, or vodka: *Provided*, That tanks for the storage of vodka must be metal, porcelain, glass, or paraffin-lined; and"

(F) The proviso at the end of the second sentence of § 225.402 is amended to read as follows: "*Provided*, That any brandy, gin, or vodka received in tank cars or tank trucks may be transferred to storage tanks."

(G) Section 225.408 is amended as follows:

(1) By inserting after the first sentence the following new sentence: "Brandy in warehouse storage tanks may be reduced in such storage tanks to not less than 100 degrees of proof prior to being drawn into packages."

(2) By amending the proviso at the end of the third sentence to read as follows: "*Provided*, That any brandy, gin, or vodka may be withdrawn from storage tanks into tank cars or tank trucks for transfer in bond."

(3) By amending the last sentence to read, "The proof of wine spirits intended for use in wine production may not be reduced."

(4) By amending the statutory citation to read:

(68A Stat. 634, 640; 26 U. S. C. 5194, 5215)

(H) The undesignated centerheading preceding § 225.583 is amended to read, "Addition of Burnt Sugar or Caramel, or Oak Chips".

(I) The headnote of § 225.584 is amended to read, "*Addition of burnt sugar or caramel after tax determination.*"

(J) By inserting a new section, reading as follows, immediately after § 225.584:

§ 225.584a *Addition of burnt sugar or caramel to brandy in storage tanks.* Caramel or burnt sugar may be added to brandy in storage tanks when the brandy is being reduced prior to being drawn into wooden packages. The burnt sugar or caramel shall not contain any substantial quantity of sugar which has not been caramelized, or possess any material sweetening properties. The caramel may be dissolved in a small quantity of hot water or in a small quantity of brandy removed from the tank for that purpose, before it is added to the bulk of the brandy in the tank. After the burnt sugar or caramel is added, the brandy in the tank will be thoroughly agitated and its proof determined. The proof so ascertained will be regarded as the proof of the brandy run into all packages filled from the tank. Packages containing brandy to which burnt sugar or caramel has been added, in addition to all other marks and brands required by this part, shall be marked with the letters, "B. S. A." A similar notation shall be made on Form 1520 covering the gauge of the brandy filled from the tank.

(68A Stat. 607; 26 U. S. C. 5025)

(Sec. 7805, 68A Stat. 917; 26 U. S. C. 7805)

This Treasury decision shall be effective on publication in the FEDERAL REGISTER.

Compliance with the public rule making and effective date requirements of section 4 (a) and (c) of the Administration Procedure Act (60 Stat. 238; 5 U. S. C. 1003) is impracticable and unnecessary in connection with the issuance of this Treasury decision because the amendments are of a liberalizing nature and impose no new restrictions on the industry.

[SEAL] O. GORDON DELK,
*Acting Commissioner of Internal Revenue.*

Approved: April 19, 1956.

DAN THROOP SMITH,
*Special Assistant to the Secretary in Charge of Tax Policy.*

[F. R. Doc.–56–3204; Filed, Apr. 24, 1956; 8:48 a. m.]

## TITLE 43—PUBLIC LANDS: INTERIOR

### Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1287]

[248761]

NEW MEXICO

REVOKING EXECUTIVE ORDER NO. 1560 OF JULY 10, 1912, WHICH RESERVED PUBLIC LANDS FOR USE OF THE FOREST SERVICE AS THE RICO SARCO ADMINISTRATIVE SITE

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Executive Order No. 1560 of July 10, 1912, which temporarily withdrew the following-described lands in New Mexico for use of the Forest Service, Department of Agriculture, as the Rico Sarco Administrative Site, is hereby revoked:

NEW MEXICO PRINCIPAL MERIDIAN

Township 19 North, Range 10 East, N. M. P. M., sections 4 and 9. Beginning at the Southeast corner of the tract designated as R. 1, whence the quarter corner common to sections 10 and 11, T. 19 N., R. 10 E., N. M. P. M., bears the following courses and distances:

S. 63° E. 0.76 chains.
N. 36° E. 20.32 chains.
N. 61° 20' E. 2.15 chains.
S. 50° E. 1.10 chains.
S. 77° E. 20.00 chains.
S. 62° E. 30.52 chains.
S. 24° E. 2.39 chains.
N. 81° E. 15.00 chains.
S. 88° E. 5.00 chains.
S. 59° E. 4.67 chains.
S. 79° 30' E. 4.00 chains.
S. 54° E. 6.00 chains.
South 26.00 chains.
Thence N. 60° 30' W. 19 chains to R. 2;
Thence N. 12° W. 13 chains to R. 3;
Thence N. 12° E. 45.75 chains to R. 4;
Thence 86° 45' E. 14 chains to R. 5;
Thence S. 3° 30' W. 66.50 chains to R. 1, the place of beginning;
Magnetic variation 13° 30' East.

The area described contains 112.90 acres.

The land is located in Santa Fe County, New Mexico, west of the Santa Fe National Forest. The topography is rolling to mountainous and bisected by several large canyons. Soils are medium textured to rocky. Vegetation consists of Ponderosa pine, oak brush, and native grasses. The land is unsuitable for farming.

No application for the restored lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any existing valid rights and the requirements of applicable law, the lands are hereby opened to filing of such applications, selections, and locations as are permitted on unsurveyed lands in accordance with the following:

a. Applications and selections which are permitted on unsurveyed lands under the nonmineral public-land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having preference rights conferred by existing laws or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on May 25, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications after that hour and before 10:00 a. m. on August 24, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m. on August 24, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral-leasing laws, and to location for metalliferous minerals. They will be open to location for non-metalliferous minerals under the United States mining laws beginning at 10:00 a. m. on August 24, 1956.

Persons claiming veterans preference rights under paragraph (2) above must enclose with their application proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon statutory preference or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Santa Fe, New Mexico.

WESLEY A. D'EWART,
*Assistant Secretary of the Interior.*

APRIL 19, 1956.

[F. R. Doc. 56–3193; Filed, Apr. 24, 1956; 8:46 a. m.]

## TITLE 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

[Rules Amdt. 3–12]

PART 3—RADIO BROADCAST SERVICES

MISCELLANEOUS AMENDMENTS

In the matter of amendment of Part 3 of the Commission's rules and regulations to effect certain editorial changes therein.

The Commission has under consideration the desirability of making certain editorial changes in Part 3 of its rules and regulations.

The amendments adopted herein are editorial in nature, and, therefore, prior publication of Notice of Proposed Rule Making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately.

The amendments adopted herein are issued pursuant to authority contained in sections 4 (i), 5 (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and section 0.341 (a) of the Commission's rules and regulations.

*It is ordered*, That effective April 19, 1956, Part 3 of the Commission's rules and regulations is revised as set forth below:

1. The title of § 3.40 (e) is changed to: (e) *Spare tubes.*

2. The quotation "Ergebrisse einer Theorie uber * * * Leitfahigkeit" appearing in § 3.184 (c) is changed to read: "Ergebnisse einer Theorie ueber die Fortpflanzung elektron magnetischer Wellen ueber eine Kugel endlicher Leitfahigheit."

3. The first sentence of § 3.188 (i) is changed to read: "(i) Figure M3 (See Note to § 3.183 (c)) and Figure R3 of § 3.190 indicates effective conductivity values in the United States, and are to be used for determining the extent of broadcast station coverage when adequate field intensity measurements over the path in question are not available."

4. The reference to § 3.318 in § 3.295 (j) is changed to: § 3.319.

5. The figure for 37 degrees 23 minutes in Table III of § 3.698 is changed to: 55.031.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; sec. 5, 66 Stat. 713; 47 U. S. C. 303, 155)

Adopted: April 19, 1956.

Released: April 19, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56–3184; Filed, Apr. 24, 1956; 8:45 a. m.]



## TITLE 49—TRANSPORTATION

### Chapter I—Interstate Commerce Commission

[Service Order 910]

PART 95—CAR SERVICE

RAILROAD OPERATING REGULATIONS FOR MOVEMENT OF LOADED FREIGHT CARS

APRIL 13, 1956.

Notice is hereby given that in deference to a temporary restraining order issued by the United States District Court for the District of Oregon, Civil Action No. 8541, dated April 7, 1956, no action will be taken to enforce Service Order No. 910 (21 F. R. 1798) until further order of the Commission.

Notice will be given to the general public by depositing a copy of this notice in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F. R. Doc. 56–3078; Filed, Apr. 24, 1956; 8:45 a. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

[ 26 CFR (1954) Part 1 ]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

ITEMS SPECIFICALLY INCLUDED IN GROSS INCOME; ALIMONY AND SEPARATE MAINTENANCE PAYMENTS

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] RUSSELL C. HARRINGTON,
*Commissioner of Internal Revenue.*

The following regulations are prescribed under section 71 of the Internal Revenue Code of 1954, relating to alimony and separate maintenance payments. Except as otherwise stated in the regulations, the rules are applicable to taxable years beginning after December 31, 1953, and ending after August 16, 1954.

ITEMS SPECIFICALLY INCLUDED IN GROSS INCOME

§ 1.71 *Statutory provisions; alimony and separate maintenance payments.*

SEC. 71. *Alimony and separate maintenance payments*—(a) *General rule*—(1) *Decree of divorce or separate maintenance.* If a wife is divorced or legally separated from her husband under a decree of divorce or of separate maintenance, the wife's gross income includes periodic payments (whether or not made at regular intervals) received after such decree in discharge of (or attributable to property transferred, in trust or otherwise, in discharge of) a legal obligation which, because of the marital or family relationship, is imposed on or incurred by the husband under the decree or under a written instrument incident to such divorce or separation.

(2) *Written separation agreement.* If a wife is separated from her husband and there is a written separation agreement executed after the date of the enactment of this title, the wife's gross income includes periodic payments (whether or not made at regular intervals) received after such agreement is executed which are made under such agreement and because of the marital or family relationship (or which are attributable to property transferred, in trust or otherwise, under such agreement and because of such relationship). This paragraph shall not apply if the husband and wife make a single return jointly.

(3) *Decree for support.* If a wife is separated from her husband, the wife's gross income includes periodic payments (whether or not made at regular intervals) received by her after the date of the enactment of this title from her husband under a decree entered after March 1, 1954, requiring the husband to make the payments for her support or maintenance. This paragraph shall not

apply if the husband and wife make a single return jointly.

(b) *Payments to support minor children.* Subsection (a) shall not apply to that part of any payment which the terms of the decree, instrument, or agreement fix, in terms of an amount of money or a part of the payment, as a sum which is payable for the support of minor children of the husband. For purposes of the preceding sentence, if any payment is less than the amount specified in the decree, instrument, or agreement, then so much of such payment as does not exceed the sum payable for support shall be considered a payment for such support.

(c) *Principal sum paid in installments*—(1) *General rule.* For purposes of subsection (a), installment payments discharging a part of an obligation the principal sum of which is, either in terms of money or property, specified in the decree, instrument, or agreement shall not be treated as periodic payments.

(2) *Where period for payment is more than 10 years.* If, by the terms of the decree, instrument, or agreement, the principal sum referred to in paragraph (1) is to be paid or may be paid over a period ending more than 10 years from the date of such decree, instrument, or agreement, then (notwithstanding paragraph (1)) the installment payments shall be treated as periodic payments for purposes of subsection (a), but (in the case of any one taxable year of the wife) only to the extent of 10 percent of the principal sum. For purposes of the preceding sentence, the part of any principal sum which is allocable to a period after the taxable year of the wife in which it is received shall be treated as an installment payment for the taxable year in which it is received.

(d) *Rule for husband in case of transferred property.* The husband's gross income does not include amounts received which, under subsection (a), are (1) includible in the gross income of the wife, and (2) attributable to transferred property.

(e) *Cross references.* (1) For definitions of "husband" and "wife", see section 7701 (a) (17).

(2) For deduction by husband of periodic payments not attributable to transferred property, see section 215.

(3) For taxable status of income of an estate or trust in case of divorce, etc., see section 682.

§ 1.71–1 *Alimony and separate maintenance payments; income to wife or former wife*—(a) *In general.* Section 71 provides rules for treatment in certain cases of payments in the nature of or in lieu of alimony or an allowance for support as between spouses who are divorced or separated. For convenience, the payee spouse will hereafter in this section be referred to as the "wife" and the spouse from whom she is divorced or separated as the "husband." See section 7701 (a) (17). For rules relative to the deduction by the husband of periodic payments not attributable to transferred property, see section 215 and the regulations thereunder. For rules relative to the taxable status of income of an estate or trust in case of divorce, etc., see section 682 and the regulations thereunder.

(b) *Alimony or separate maintenance payments received from the husband*—(1) *Decree of divorce or separate maintenance.* (i) In the case of divorce or legal separation, paragraph (1) of section 71 (a) requires the inclusion in the gross income of the wife of periodic payments (whether or not made at regular intervals) received by her after a decree of divorce or of separate maintenance. Such periodic payments must be made in discharge of a legal obligation imposed upon or incurred by the husband because of the marital or family relationship under a court order or decree divorcing or legally separating the husband and wife or a written instrument incident to such divorce status or legal separation status.

(ii) For treatment of payments attributable to property transferred (in trust or otherwise), see paragraph (c) of this section.

(2) *Written separation agreement.* (i) Where the husband and wife are separated and living apart and do not file a joint income tax return for the taxable year, paragraph (2) of section 71 (a) requires the inclusion in the gross income of the wife of periodic payments (whether or not made at regular intervals) received by her pursuant to a written separation agreement executed after August 16, 1954. The periodic payments must be made under the terms of the written separation agreement after its execution and because of the marital or family relationship. Such payments are includible in the wife's gross income whether or not the agreement is a legally enforceable instrument. Moreover, if the wife is divorced or legally separated subsequent to the written separation agreement payments made under such agreement continue to fall within the provisions of section 71 (a) (2).

(ii) For purposes of section 71 (a) (2), any written separation agreement executed on or before August 16, 1954, which is altered or modified in writing by the parties in any material respect after that date will be treated as an agreement executed after August 16, 1954, with respect to payments made after the date of alteration or modification.

(iii) For treatment of payments attributable to property transferred (in trust or otherwise), see paragraph (c) of this section.

(3) *Decree for support.* (i) Where the husband and wife are separated and living apart and do not file a joint income tax return for the taxable year, paragraph (3) of section 71 (a) requires the inclusion in the gross income of the wife of periodic payments (whether or not made at regular intervals) received by her after August 16, 1954, from her husband under any type of court order or decree (including an interlocutory decree of divorce or a decree of alimony pendente lite) entered after March 1, 1954, requiring the husband to make the payments for her support or maintenance. It is not necessary for the wife to be legally separated or divorced from her husband under a court order or decree; nor is it necessary for the order or decree for support to be for the purpose of enforcing a written separation agreement.

(ii) For purposes of section 71 (a) (3), any decree which is altered or modified by a court order entered after March 1, 1954, will be treated as a decree entered after such date.

(4) *Scope of section 71 (a).* Section 71 (a) applies only to payments made because of the family or marital relationship in recognition of the general obligation to support which is made specific by the decree, instrument, or agreement. Thus, section 71 (a) does not apply to that part of any periodic payment which is attributable to the repayment by the husband of, for example, a bona fide loan previously made to him by the wife, the satisfaction of which is specified in the decree, instrument, or agreement as a part of the general settlement between the husband and wife.

(5) *Year of inclusion.* Periodic payments are includible in the wife's income under section 71 (a) only for the taxable year in which received by her. As to such amounts, the wife is to be treated as if she makes her income tax returns on the cash receipts and disbursements method, regardless of whether she normally makes such returns on the accrual method. However, if the periodic payments described in section 71 (a) are to be made by an estate or trust, such periodic payments are to be included in the wife's taxable year in which they are includible according to the rules as to income of estates and trusts provided in sections 652, 662, and 682, whether or not such payments are made out of the income of such estates or trusts.

(6) *Examples.* The foregoing rules are illustrated by the following examples in which it is assumed that the husband and wife file separate income tax returns on the calendar year basis:

*Example (1).* W files suit for divorce from H in 1953. In consideration of W's promise to relinquish all marital rights and not to make public H's financial affairs, H agrees in writing to pay $200 a month to W during her lifetime if a final decree of divorce is granted without any provision for alimony. Accordingly, W does not request alimony and no provision for alimony is made under a final decree of divorce entered December 31, 1953. During 1954, H pays W $200 a month, pursuant to the promise. The $2,400 thus received by W is includible in her gross income under the provisions of section 71 (a) (1). Under section 215, H is entitled to a deduction of $2,400 from his gross income.

*Example (2).* During 1945, H and W enter into an antenuptial agreement, under which, in consideration of W's relinquishment of all marital rights (including dower) in H's property, and, in order to provide for W's support and household expenses, H promises to pay W $200 a month during her lifetime. Ten years after their marriage, W sues H for divorce but does not ask for or obtain alimony because of the provision already made for her support in the antenuptial agreement. Likewise, the divorce decree is silent as to such agreement and H's obligation to support W. Section 71 (a) does not apply to such a case. If, however, the decree were modified so as to refer to the antenuptial agreement, or if reference had been made to the antenuptial agreement in the court's decree or in a written instrument incident to the divorce status, section 71 (a) (1) would require the inclusion in W's gross income of the payments received by her after the decree. Similarly, if a written separation agreement were executed after August 16, 1954, and incorporated the payment provisions of the antenuptial agreement, section 71 (a) (2) would require the inclusion in W's income of payments received by W after W begins living apart from H, whether or not the divorce decree was subsequently entered and whether or not W was living apart from H when the separation agreement was executed, provided that such payments were made after such agreement was executed and pursuant to its terms. As to including such payments in W's income, if made by a trust created under the antenuptial agreement, regardless of whether referred to in the decree or a later instrument, or created pursuant to the written separation agreement, see section 682 and the regulations thereunder.

*Example (3).* H and W are separated and living apart during 1954. W sues H for support and on February 1, 1954, the court enters a decree requiring H to pay $200 a month to W for her support and maintenance. No part of the $200 a month support payments is includible in W's income under section 71 (a) (3) or deductible by H under section 215. If, however, the decree had been entered after March 1, 1954, or had been altered or modified by a court order entered after March 1, 1954, the payments received by W after August 16, 1954, under the decree as altered or modified would be includible in her income under section 71 (a) (3) and deductible by H under section 215.

*Example (4).* W sues H for divorce in 1954. On January 15, 1954, the court awards W temporary alimony of $25 a week pending the final decree. On September 1, 1954, the court grants W a divorce and awards her $200 a month permanent alimony. No part of the $25 a week temporary alimony received prior to the decree is includible in W's income under section 71 (a), but the $200 a month received during the remainder of 1954 by W is includible in her income for 1954. Under section 215, H is entitled to deduct such $200 payments from his income. If, however, the decree awarding W temporary alimony had been entered after March 1, 1954, or had been altered or modified by a court order entered after March 1, 1954, temporary alimony received by her after August 16, 1954, would be includible in her income under section 71 (a) (3) and deductible by H under section 215.

(c) *Alimony and separate maintenance payments attributable to property.* (1) (i) In the case of divorce or legal separation, paragraph (1) of section 71 (a) requires the inclusion in the gross income of the wife of periodic payments (whether or not made at regular intervals) attributable to property transferred, in trust or otherwise, and received by her after a decree of divorce or of separate maintenance. Such property must have been transferred in discharge of a legal obligation imposed upon or incurred by the husband because of the marital or family relationship under a decree of divorce or separate maintenance or under a written instrument incident to such divorce status or legal separation status.

(ii) Where the husband and wife are separated and living apart and do not file a joint income tax return for the taxable year, paragraph (2) of section 71 (a) requires the inclusion in the gross income of the wife of periodic payments (whether or not made at regular intervals) received by her which are attributable to property transferred, in trust or otherwise, under a written separation agreement executed after August 16, 1954. The property must be transferred because of the marital or family relationship. The periodic payments attributable to the property must be received by the wife after the written separation agreement is executed.

(iii) The periodic payments received by the wife attributable to property transferred under subdivisions (i) and (ii) of this subparagraph and includible in her gross income are not to be included in the gross income of the husband.

(2) The full amount of periodic payments received under the circumstances described in section 71 (a) (1), (2), and (3) is required to be included in the gross income of the wife regardless of the source of such payments. Thus, it matters not that such payments are attributable to property in trust, to life insurance, endowment, or annuity contracts, or to any other interest in property, or are paid directly or indirectly by the husband from his income or capital. For example, if in order to meet an alimony or separate maintenance obligation of $500 a month the husband purchases or assigns for the benefit of his wife a commercial annuity contract paying such amount, the full $500 a month received by the wife is includible in her income, and no part of such amount is includible in the husband's income or deductible by him. See section 72 (k) and the regulations thereunder. Likewise, if property is transferred by the husband, subject to an annual charge of $5,000, payable to his wife in discharge of his alimony or separate maintenance obligation under the divorce or separation decree or written instrument incident to the divorce status or legal separation status or if such property is transferred pursuant to a written separation agreement and subject to a similar annual charge, the $5,000 received annually is, under section 71 (a) (1) or (2), includible in the wife's income, regardless of whether such amount is paid out of income or principal of the property.

(3) The same rule applies to periodic payments attributable to property in trust. The full amount of periodic payments to which section 71 (a) (1) and (2) applies is includible in the wife's income regardless of whether such payments are made out of trust income. Such periodic payments are to be included in the wife's income under section 71 (a) (1) or (2) and are to be excluded from the husband's income even though the income of the trust would otherwise be includible in his income under subpart E, part I, subchapter J, Internal Revenue Code of 1954, relating to trust income attributable to grantors and others as substantial owners. As to periodic payments received by a wife attributable to property in trust in cases to which section 71 (a) (1) or (2) does not apply because the husband's obligation is not specified in the decree or an instrument incident to the divorce status or legal separation status or the property was not transferred under a written separation agreement, see section 682 and the regulations thereunder.

(4) Section 71 (a) (1) or (2) does not apply to that part of any periodic payment attributable to that portion of any interest in property transferred in discharge of the husband's obligation under the decree or instrument incident to the divorce status or legal separation status, or transferred pursuant to the written separation agreement, which interest originally belonged to the wife. It will apply, however, if she received such interest from her husband in contemplation of or as an incident to the divorce or separation without adequate and full consideration in money or money's worth, other than the release of the husband or his property from marital obligations. An example of the first rule is a case where the husband and wife transfer securities, which were owned by them jointly, in trust to pay an annuity to the wife. In this case, the full amount of that part of the annuity received by the wife attributable to the husband's interest in the securities transferred in discharge of his obligation under the decree, or instrument incident to the divorce status or legal separation status, or transferred under the written separation agreement, is taxable to her under section 71 (a) (1) or (2), while that portion of the annuity attributable to the wife's interest in the securities so transferred is taxable to her only to the extent it is out of trust income as provided in part I of subchapter J. If, however, the husband's transfer to his wife is made before such property is transferred in discharge of his obligation under the decree or written instrument, or pursuant to the separation agreement in an attempt to avoid the application of section 71 (a) (1) or (2) to part of such payments received by his wife, such transfers will be considered as a part of the same transfer by the husband of his property in discharge of his obligation or pursuant to such agreement. In such a case, section 71 (a) (1) or (2) will be applied to the full amount received by the wife. As to periodic payments received under a joint purchase of a commercial annuity contract, see section 72 and the regulations thereunder.

(d) *Periodic and installment payments.* (1) In general, installment payments discharging a part of an obligation the principal sum of which is, in terms of money or property, specified in the decree, instrument, or agreement are not considered "periodic payments" and therefore are not to be included under section 71 (a) in the wife's income.

(2) An exception to the general rule stated in subparagraph (1) is provided, however, in cases where such principal sum, by the terms of the decree, instrument, or agreement, may be or is to be paid over a period ending more than 10 years from the date of such decree, instrument, or agreement. In such cases, the installment payment is considered a periodic payment for the purposes of section 71 (a) but only to the extent that the installment payment, or sum of the installment payments, received during the wife's taxable year does not exceed 10 percent of the principal sum. This 10-percent limitation applies to installment payments made in advance but does not apply to delinquent installment payments for a prior taxable year of the wife made during her taxable year.

(3) (i) Where payments under a decree, instrument, or agreement are to be paid over a period ending 10 years or less from the date of such decree, instrument, or agreement, such payments are not installment payments discharging a part of an obligation the principal

sum of which is, in terms of money or property, specified in the decree, instrument, or agreement (and are considered periodic payments for the purposes of section 71 (a)) only if such payments meet the following two conditions:

(*a*) Such payments are subject to any one or more of the contingencies of death of either spouse, remarriage of the wife, or change in the economic status of either spouse, and

(*b*) Such payments are in the nature of alimony or an allowance for support.

(ii) Payments meeting the requirements of subdivision (i) are considered periodic payments for the purposes of section 71 (a) regardless of whether—

(*a*) The contingencies described in subdivision (i) (*a*) are set forth in the terms of the decree, instrument, or agreement, or are imposed by local law, or

(*b*) The aggregate amount of the payments to be made in the absence of the occurrence of the contingencies described in subdivision (i) (*a*) of this subparagraph is explicitly stated in the decree, instrument, or agreement or may be calculated by multiplying the dollar amounts of the individual payments by the maximum number of payments, or

(c) The total amount which will be paid may be calculated actuarially.

(4) The rules as to periodic and installment payments are illustrated by the following examples:

*Example* (*1*). Under the terms of a written instrument, H is required to make payments to W which are in the nature of alimony, in the amount of $100 a month for nine years. The instrument provides that if H or W dies the payments are to cease. The payments are periodic.

*Example* (*2*). The facts are the same as in example (1) except that the written instrument explicitly provides that H is to pay W the sum of $10,800 in monthly payments of $100 over a period of nine years. The payments are periodic.

*Example* (*3*). Under the terms of a written instrument, H is to pay W $100 a month over a period of nine years. The monthly payments are not subject to any of the contingencies of death of H or W, remarriage of W, or change in the economic status of H of W under the terms of the written instrument or by reason of local law. The payments are not periodic.

*Example* (*4*). A divorce decree in 1954 provides that H is to pay W $20,000 each year for the next five years, beginning with the date of the decree, and then $5,000 each year for the next ten years. Assuming the wife makes her returns on the calendar year basis, each payment received in the years 1954 to 1958, inclusive, is treated as a periodic payment under section 71 (a) (1), but only to the extent of 10 percent of the principal sum of $150,000. Thus, for such taxable years, only $15,000 of the $20,000 received is includible under section 71 (a) (1) in the wife's income and is deductible by the husband under section 215. For the years 1959 to 1968, inclusive, the full $5,000 received each year by the wife is includible in her income and is deductible from the husband's income.

*Example* (*5*). Under the terms of a separation agreement incident to the status of a divorce granted in December 1953, H agrees to pay W $500 on the first day of each month, beginning with the month after the decree, for 12 years. W makes her income tax returns on the calendar year basis while H makes his returns on the basis of the fiscal year ending June 30. H makes the promised payments in 1954 and, in addition, on December 31, 1954, pays W $1,500 as an advance payment of installments for the next three months. In the calendar year 1955, H makes no payments at all because of financial straits. On January 1, 1956, H inherits $15,000, which he immediately pays to W in satisfaction of not only his back alimony installments for the last nine months of 1955 but also his alimony installments for the next 21 months. The results as to H and W are as follows:

As to W: In the calendar year 1954, W received $7,500. Since 10 percent of $72,000 (the principal sum) is $7,200, only $7,200 of the $7,500 so received is includible in her income for 1954. For 1955 nothing is includible in her income under section 71 (a) (1). In 1956, W received $15,000. Of this amount $4,500 is in payment of back installments and therefore is includible without limitation in her income for 1956. Of the balance of $10,500, only $7,200 is includible in her income for 1956.

As to H: For the taxable year ended June 30, 1954, H paid $3,000, all of which is deductible by H. In the taxable year ended June 30, 1955, H paid W $4,500, which, not being in excess of 10 percent of the principal sum, is deductible for such year. In his taxable year ended June 30, 1956, H paid $15,000, of which $11,700 (the sum of $4,500 and $7,200) is deductible.

(e) *Payments for support of minor children.* Section 71 (a) does not apply to that part of any periodic payment which, by the terms of the decree, instrument, or agreement under section 71 (a), is specifically designated as a sum payable for the support of minor children of the husband. The statute prescribes the treatment in cases where an amount or portion is so fixed but the amount of any periodic payment is less than the amount of the periodic payment specified to be made. In such cases, to the extent of the amount which would be payable for the support of such children out of the originally specified periodic payment, such periodic payment is considered a payment for such support. For example, if the husband is by terms of the decree, instrument, or agreement required to pay $200 a month to his divorced wife, $100 of which is designated by the decree, instrument, or agreement to be for the support of their minor children, and the husband pays only $150 to his wife, $100 is nevertheless considered to be a payment by the husband for the support of the children. If, however, the periodic payments are received by the wife for the support and maintenance of herself and of minor children of the husband without such specific designation of the portion for the support of such children, then the whole of such amounts is includible in the income of the wife as provided in section 71 (a). Except in cases of a designated amount or portion for the support of the husband's minor children, periodic payments described in section 71 (a) received by the wife for herself and any other person or persons are includible in whole in the wife's income, whether or not the amount or portion for such other person or persons is designated.

[F. R. Doc. 56-3205; Filed, Apr. 24, 1956; 8:49 a. m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### [ 7 CFR Part 53 ]

OFFICIAL UNITED STATES STANDARDS FOR GRADES OF SLAUGHTER CATTLE

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given in accordance with Section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Department of Agriculture, under the provisions of Sections 203 and 205 of the Agricultural Marketing Act of 1946 (7 U. S. C. 1622 and 1624) as amended and the general language in the item for the Agricultural Marketing Service contained in the Department of Agriculture and Farm Credit Administration Appropriation Act, 1956 (69 Stat. 56-57), is considering amending §§ 53.203 and 53.204 of the official United States standards for grades of slaughter cattle (7 CFR 53.203, 53.204) as follows, to divide the Commercial grade for steers, heifers, and cows into two new grades designated as Standard and Commercial grades in order to conform with the revised carcass beef standards which are to become effective June 1, 1956.

1. In § 53.203, paragraph (b) (2) would be amended to read as follows:

(2) Since evidences of maturity in the beef carcass vary among animals of the same approximate age, only general age limitations can be used for descriptive standards for slaughter cattle. Approximate maximum age limitations for the specified grades of steers, heifers and cows are as follows: Prime—36 months; Choice—42 months; Good—48 months; and Standard—48 months. The Commercial grade for steers, heifers, and cows applies only to cattle over approximately 48 months. There are no age limitations for the Utility, Cutter and Canner grades of steers, heifers, and cows.

2. In § 53.204, paragraphs (d), (e), (f), and (g) would be redesignated (e), (f), (g), and (h), respectively.

3. A new paragraph (d) would be inserted in § 53.204, and redesignated paragraph (e) of § 53.204 would be amended, to read, respectively, as follows:

(d) *Standard.* Cattle possessing the minimum qualifications for the Standard grade may differ somewhat in appearance because of the numerous possible combinations of age, conformation, finish, and quality. The maximum maturity for steers, heifers, and cows of the Standard grade is approximately 48 months. In conformation, Standard grade cattle tend to be slightly rangy, thin fleshed, slightly narrow through the crops, back, and loin, somewhat prominent at the hips, and shallow in the twist and quarter. The loin, rump, and rounds appear flat with no evidence of fullness. Cattle ranging from 30 to 48 months of age carry a slightly thin fat covering which is primarily in evidence over the back, loin, and ribs. The brisket, rear flanks, and cod or udder show only slight fullness. Cattle under 30 months of age carry only a thin covering of fat which is largely restricted to the back, loin, and upper rib. Standard grade cattle frequently have the heavy bone and prominent hips and shoulders associated with coarseness or the small bone, tight hide, and angularity denoting overrefinement.

(e) *Commercial.* The Commercial grade for steers, heifers, and cows is limited to cattle over approximately 48 months of age and, therefore, too advanced in maturity for the Good or Standard grades. Cattle possessing the minimum qualifications for Commercial grade may vary slightly in appearance because of different possible combinations of the grade factors. In conformation, Commercial grade cattle tend to be slightly rangy and slightly thin fleshed. They appear deep through the fore-rib and moderately wide over the back and loin. The hips and shoulders are prominent, and the quarters are thin and shallow with no apparent bulge or fullness. Cattle near the minimum maturity for the grade carry a slightly thick fat covering over the back, ribs, loin, and rump. Fully mature cattle usually carry at least a moderately thick fat covering and considerable patchiness is evident about the tailhead. The brisket, flanks, and cod or udder appear slightly to moderately full. Commercial grade cattle tend to be rather coarse and rough with prominent shoulders and hips, slightly coarse bone, and moderately thick, heavy hide.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendment may do so by filing them with the Director of the Livestock Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington 25, D. C., within 15 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 20th day of April 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator.*

[F. R. Doc. 56-3214; Filed, Apr. 24, 1956; 8:50 a. m.]

## CIVIL AERONAUTICS BOARD

### [ 14 CFR Part 60 ]

[Draft Release No. 56-10]

AIR TRAFFIC RULES

ESTABLISHMENT OF AIR NAVIGATION FACILITIES AND SAFETY STANDARDS FOR INSTRUMENT OPERATIONS AT AIRPORTS LOCATED OUTSIDE CONTROLLED AIRSPACE

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board amendments to Part 60 of the Civil Air Regulations governing operation of air navigation facilities for public use by agencies other than the Civil Aeronautics Administration. These regulations may also apply to locations having Federally-owned facilities but no airport control zone.





Recently the Board published a notice of proposed rule-making (21 F. R. 1748) which proposed amendments to §§ 60.30 and 60.31 of Part 60 to establish VFR minimums for flight in a control zone with an air traffic control clearance. Although the amendments proposed herein would also amend §§ 60.30 and 60.31, these proposals are being published as a separate notice of proposed rule-making in the belief that such a procedure will be more informative.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulations, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by June 20, 1956. Copies of such communications will be available after June 22, 1956, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

The Civil Aeronautics Administration is responsible for the operation of the civil airways system. However, the Civil Aeronautics Administration is unable to install air navigation facilities at all airports in the country, and thus it has necessarily established its facilities at those airports where their use is of greatest importance. Since navigational aids substantially improve the reliability and regularity of operations at airports, particularly under reduced ceiling or visibility conditions, certain State aeronautics authorities have indicated a desire to install and operate navigational aids at airports provided that instrument approach procedures would be published by the Administrator for public use at such airports. Such action would increase the availability and usefulness of the airport served and also provide a facility available for all types of users.

These proposed rules are intended for use at airports located outside of controlled airspace and at which non-Federal air navigation facilities are contemplated. Public use of instrument approach procedures at such airports would create a collision hazard unless additional safeguards were applied. Examples of four possible collision hazards which exist in any area in which instrument approaches are being conducted without traffic control are as follows:

1. Collision between two aircraft making instrument approaches.

2. Collision of aircraft making instrument approach with local VFR traffic flying in the approach area close to the clouds.

3. Collision of aircraft making instrument approach with departing VFR or IFR traffic.

4. Collision of aircraft making instrument approach with en route aircraft flying close to or within the overcast.

The purpose of the proposed regulation is to offer as much protection as possible against all of these hazards. It is recognized, however, that only partial protection can be afforded against the hazard created by a non-radio equipped itinerant VFR flight, since it is possible that such a flight may proceed to the airport before ascertaining that operation within the zone is restricted by the provisions of this regulation.

To encourage the establishment of non-Federal navigational aids at airports by agencies desiring to make such aids available for public use, it is proposed herein to promulgate particular rules for the safety of air traffic. In general, these rules would permit the Administrator to designate certain areas of defined dimensions as noncontrolled instrument approach zones. The proposed zone will extend upward from the surface to an altitude of 3,000 feet, and will encompass only that horizontal area which the Administrator determines is required for the instrument approach procedure for the particular airport. The proposed rules will affect the operation of aircraft in these zones only when the visibility is less than three miles or the ceiling is less than 1,000 feet, and only during the published hours of operation of the navigation facility associated therewith. The regulations to be applicable in non-controlled instrument approach zones under IFR conditions are similar to those presently existing for IFR operations in control zones or control areas.

When the ceiling or visibility falls below the above minimums and a light signal is being displayed to signify that an aircraft is making an instrument approach, all aircraft operating out of or around the airport will be required to remain clear of the non-controlled instrument approach zone until the aircraft making the instrument approach has landed. The light signal to be used will consist of a lighted rotating beacon during daylight hours and flashing outline lights on the traffic direction indicator (tetrahedron, wind tee, or other traffic device) during the hours of darkness. Aircraft with airborne communication equipment will maintain a listening watch on the appropriate published frequency for information from ground personnel. This proposal envisions that the communication facility will be provided by the agency that operates the navigational aid. When aircraft making IFR approaches have landed, the light signals will be turned off and normal VFR operations will be resumed. This procedure will not impose an unreasonable burden on VFR operations, since aircraft may be operated from any airport within the non-controlled instrument approach zone except while the light signal is being displayed to indicate that an aircraft is making an instrument approach. Furthermore, the percentage of time that reduced ceiling or visibility conditions exist is comparatively small and the IFR approaches made during such time are relatively few.

In view of the foregoing, notice is hereby given that it is proposed to recommend to the Board that Part 60 of the Civil Air Regulations be amended:

1. By amending § 60.30 by redesignating present paragraph (b) as (c), and by adding a new paragraph (b) and a note to read as follows:

§ 60.30 *Ceiling and distance from clouds.* • • •

(b) *Within non-controlled instrument approach zones.* During such time as a light signal is displayed which signifies that an instrument approach is in progress in the zone, aircraft shall not be flown either:

(1) Beneath the ceiling when it is less than 1,000 feet; or

(2) Less than 500 feet vertically under, 1,000 feet vertically over, and 2,000 feet horizontally from any cloud formation.

NOTE: It is the responsibility of each person intending to conduct VFR flight within a noncontrolled instrument approach zone to determine, prior to such flight, whether instrument operations are in progress. This determination may be made by radio contact with the appropriate communication station or by observing a visual signal displayed at the airport associated with the navigational aid. The visual signal and its characteristics shall be prescribed by the Administrator. Signals and their meanings are published in the Flight Information Manual.

2. By amending § 60.31 by redesignating paragraphs (c) and (d) as (d) and (e), respectively, and by adding a new paragraph (c) to read as follows:

§ 60.31 *Visibility.* • • •

(c) *Flight visibility within noncontrolled instrument approach zones.* When the flight visibility is less than 3 miles and a light signal is displayed signifying that instrument operations are in progress, no person shall operate an aircraft within the noncontrolled instrument approach zone. When such instrument approach light signal is not displayed, paragraph (e) of this section applies.

3. By amending § 60.31 (e) to read as follows:

§ 60.31 *Visibility.* • • •

(e) *Flight visibility elsewhere.* When outside of control zones, noncontrolled instrument approach zones, and control areas, or within noncontrolled instrument approach zones when an instrument approach light signal is not displayed, no person shall operate an aircraft in flight when the flight visibility is less than one mile. However, helicopters may be flown at or below 700 feet above the surface when the flight visibility is less than one mile if operated at a reduced speed which will give the pilot of such helicopter adequate opportunity to see other air traffic or any obstruction in time to avoid collision.

[It is not intended to amend or delete the current note that follows § 60.31 (e). It is omitted here in the interest of brevity.]

4. By amending § 60.47 by designating the present paragraph as paragraph (a) and by adding a new paragraph (b) to read as follows:

§ 60.47 *Radio communications.* • • •

(b) Prior to entering or commencing flight in a non-controlled instrument approach zone, the pilot in command of the aircraft shall establish radio contact on the appropriate published frequency and shall report position, altitude, estimated time of arrival over the facility, and the type of operation intended; i. e., take-off, en route, or instrument approach. Thereafter, while within the non-controlled instrument approach zone, he shall maintain a continuous watch on the appropriate frequency. If an instrument approach is being conducted, position shall be reported when over the station, when completing procedure turn on final approach, and when the airport of intended landing is in sight.

NOTE: The foregoing rule is intended to provide a source of traffic information which, in the absence of traffic control, will enable pilots to provide aircraft separation with the assistance of an advisory service.

5. By amending § 60.60 by adding a definition to read as follows:

§ 60.60 *Definitions.* • • •

*Noncontrolled instrument approach zone.* An airspace of defined dimensions designated by the Administrator extending upward from the surface to 3,000 feet above the surface, within which instrument approaches are to be executed without benefit of air traffic control, and within which particular rules apply during the published hours of operation of the navigation facilities associated therewith.

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. These proposals may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply secs. 601–610, 52 Stat. 1007–1012, as amended, 49 U. S. C. 551–560)

Dated at Washington, D. C., April 16, 1956.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
*Director.*

[F. R. Doc. 56-3208; Filed, Apr. 24, 1956; 8:49 a. m.]

# NOTICES

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[Document 120]

ARIZONA

SMALL TRACT CLASSIFICATION NO. 50

APRIL 17, 1956.

1. Pursuant to authority delegated by Document No. 43, Arizona, effective May 19, 1955 (20 F. R. 3514–15), the following described land totaling 160 acres and comprising 64 small tracts in Pinal County, Arizona, is hereby classified for lease and sale for residence and/or business purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended:

GILA AND SALT RIVER MERIDIAN

T. 1 N., R. 8 E.,
Sec. 25: SW¼.

2. Classification of the above described land by this order segregates it from all appropriations, including location under the mining laws, except as to applications under the Small Tract and applications under the mineral leasing laws.

3. The land is located approximately 18 miles east of Mesa and 3½ miles southeast of Apache Junction. The climate is arid with an average annual precipitation of about 9 inches. The elevation is approximately 1700 feet above sea level. The temperature varies from a high of about 115° F. in summer to a low of about 25° F. in winter. The soil is sandy and supports a fair vegetative cover of paloverde, mesquite, creosote, ocotillo, various species of cacti, including saguaro and cholla, and a few annual weeds and grasses.

Culinary water is not available from any known source but can probably be developed from wells at a depth of about 300 feet. Electric power is available from transmission lines approximately one mile distant.

4. (a) The individual tracts are all approximately 2½ acres in size and shall conform to a 1/256 of a section.

(b) The purchase price of each tract is $150.

(c) The advance three year rental for a residence tract is $30.00. The advance three year rental for a business tract is $60.00. However, if the gross business exceeds $2,000.00 per annum, the rental will be calculated in accordance with the schedule incorporated in the lease.

(d) Rights-of-way 33 feet in width for streets, roads and public utilities will be reserved on all section lines and quarter, sixteenth and sixty-fourth subdivision lines.

5. Leases will be issued for a term of three years and will contain an option to purchase in accordance with 43 CFR 257.13. Lessees who comply with general terms and conditions of their leases will be permitted to purchase their tracts at the appraised price provided that during the period of their leases they either, (a) construct the improvements specified in paragraph 6, or (b) file a copy of an agreement in accordance with 43 CFR 257.13 (d) (1). Leases will not be renewable unless failure to construct the required improvement is justified under the circumstances and non-renewal would work an extreme hardship on the lesee. All mineral rights will be reserved to the United States.

6. A residence must be suitable for year-round occupancy and contain a minimum of 500 square feet fully enclosed floor space. It must be of substantial construction to withstand the elements and on a full solid foundation. The residence must be built in a workmanlike manner out of attractive materials properly finished. All sewage shall be by underground septic tank or cesspool.

7. (a) Applicants must file, in duplicate, with the Manager Land Office, Room 251 Main Post Office Building, Phoenix, Arizona, application Form 4-776 filled out in compliance with the instructions on the form and accompanied by any showings or documents required by those instructions. Copies of the application form may be secured from the above-named official.

(b) The application must be accompanied by a filing fee of $10 plus the advance rental specified in paragraph 4 (c). Failure to transmit these payments will render the application void. Advanced rental will be returned to unsuccessful applicants. All filing fees will be retained by the United States.

8. The land is now subject to application under the Small Tract Act,

(a) All valid applications filed prior to February 1, 1956 will be granted the preference right provided by 43 CFR 257.5 (a) provided such applications are made to conform to the terms of this order.

(b) All valid applications from persons entitled to veterans' preference filed after February 1, 1956 and prior to 10:00 a. m. May 23, 1956 will be considered as simultaneously filed at that time.

(c) All valid applications from persons entitled to veterans' preference filed after 10:00 a. m., May 23, 1956 will be considered in the order of filing.

(d) All valid applications from other persons filed after February 1, 1956 and prior to 10:00 a. m. August 22, 1956 will be considered as simultaneously filed at that time.

(e) All valid applications filed after 10:00 a. m. August 22, 1956 will be considered in the order of filing.

9. Inquiries concerning this land shall be addressed to the Manager, Land Office, Room 251 Main Post Office Building, Phoenix, Arizona.

E. R. TRAGITT,
*State Lands and Minerals Staff Officer.*

[F. R. Doc. 56-3194; Filed, Apr. 24, 1956; 8:46 a. m.]

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[Serial No. Idaho 06937]

IDAHO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

APRIL 17, 1956.

1. By virtue of the authority contained in section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U. S. C. 214), and in accordance with Order No. 541, section 2.5, of the Director, Bureau of Land Management, approved April 21, 1954 (19 F. R. 247), it is ordered as follows:

The order of the Assistant Secretary of the Department of the Interior, dated May 20, 1932, withdrawing certain public lands in Idaho for use by the Department of Commerce in the maintenance of air navigation facilities is hereby revoked insofar as it affects the following-described land:

BOISE MERIDIAN, IDAHO

T. 6 N., R. 1 W.,
Sec. 29, NE¼NW¼.

The area described contains 40 acres of public land.

2. The land is located approximately two and one-half miles southerly from Emmett, Idaho, and is accessible via State Highway No. 16. The land lies on the abrupt breaks between the Payette River Valley and the upper plains. The elevational range is estimated at about 350'. Soils are a sandy loam, with the vegetation composed of sagebrush, mountain mahogany, cheat and other native grasses.

3. Evidence has been presented through field investigation that on this subdivision, there is an uncommon variety of sand in large volume, a sand of value in the manufacture of glass. In view of the distinct and special value of this sand, the entire tract has been classified as mineral land, and, therefore, is not subject to classification under section 7 of the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269), as amended.

4. Subject to valid existing rights and the provisions of existing withdrawals, the above-described lands shall, commencing at 10:00 a. m. on May 23, 1956, be open to location, entry and patenting under the United States mining laws.

5. Inquiries and applications concerning the above lands shall be addressed to the Manager, Land Office, Bureau of Land Management, P. O. Box 2237, Boise, Idaho.

NOLAN F. KEIL,
*Acting State Supervisor.*

[F. R. Doc. 56-3201; Filed, Apr. 24, 1956; 8:48 a. m.]

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### Bureau of Mines

[Administrative Order No. 5]

VARIOUS OFFICIALS; HELIUM ACTIVITY

DELEGATION OF AUTHORITY TO EXECUTE CONTRACTS

1. In accordance with the provisions of paragraph 205.2.4A (4) of the Bureau of Mines Manual, the following officials of the Helium Activity, Bureau of Mines, may, subject to the limitations herein prescribed, execute and approve contracts and purchase orders for equipment, supplies, or services, including maintenance and repairs in conformity with applicable regulations and statutory requirements, except that contracts and purchase orders in the following categories require approval by the Assistant Director—Helium, or the Director, Bureau of Mines (see subparagraph 205.2.4A (1)):

(a) Any for more than $500.
(b) Purchase of land.
(c) Printing and binding.
(d) Automobiles and trucks.
(e) Microfilm equipment and services over $100.
(f) Construction.
(g) Drilling.
(h) Working fund agreements with other Government agencies.
(i) Cooperative agreements on research programs.

Chief, Division of Production.
Chief, Division of Gas Fields Operation.
Chief, Division of Engineering.
Chief, Division of Research.
Chief, Division of Administration.
Chief, Helium Operations: *Provided*, That under this subparagraph the fiscal limitation in item (a) shall be $2,000.

2. Change orders and extra work orders—With respect to any contract (including a contract approved by the Director or the Assistant Director—Helium) the officials mentioned above may, up to $500, issue change orders and extra work orders pursuant to the contract, enter into any modifications and amendments of the contract which are legally permissible, and terminate the contract if such action is legally authorized.

3. Authorities delegated by this order may not be redelegated without the approval of the Assistant Director—Helium.

4. The delegations contained herein supersede those in Paragraph 2, Helium Activity Administrative Order No. 2, and Paragraph 2, Helium Activity Administrative Order No. 2, Amendment No. 1, pertaining to "Purchasing and Contracts" for Chiefs of Divisions.

C. W. SEIBEL,
*Assistant Director; Helium.*

Approved: April 18, 1956.

PAUL ZINMER,
*Acting Deputy Director, Bureau of Mines.*

[F. R. Doc. 56-3195; Filed, Apr. 24, 1956; 8:47 a. m.]

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## DEPARTMENT OF AGRICULTURE

### Commodity Stabilization Service

SUGARCANE IN FLORIDA

NOTICE OF HEARING ON WAGES AND PRICES AND DESIGNATION OF PRESIDING OFFICERS

*Correction*

In F. R. Doc. 56-3041, appearing at page 2572 of the issue for Thursday, April 19, 1956, the title of the signing officer, Thos. H. Allen, should read: *Acting Director, Sugar Division.*

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### Office of the Secretary

MICHIGAN

DESIGNATION OF AREAS FOR PRODUCTION EMERGENCY LOANS

For the purpose of making Production Emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), as amended, it has been determined that in Barry and Van Buren Counties in the State of Michigan a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

The time for making new Production Emergency loans in Allegan, Benzie,

Kent, Leelanau, Manistee, Montcalm, and Ottawa Counties in the State of Michigan is hereby extended from June 30, 1956, through December 31, 1956. Allegan, Benzie, Kent, Manistee, and Ottawa Counties were previously designated in 20 F. R. 4663 for making Production Emergency loans to new applicants through June 30, 1956. Leelanau County was previously designated in 20 F. R. 1613 for making Production Emergency loans to new applicants through October 31, 1955, and the designation thereof was extended in 20 F. R. 6567 through June 30, 1956, for making such loans to farmers whose credit needs arose by reason of freeze in the spring of 1955. Montcalm County was previously designated in 21 F. R. 874 for making Production Emergency loans to new applicants through June 30, 1956.

After December 31, 1956, Production Emergency loans in the above-named counties may be made only to applicants who previously received such assistance, and who can qualify therefor under established policies and procedures.

Done at Washington, D. C., this 19th of April 1956.

[SEAL] TRUE D. MORSE,
*Acting Secretary.*

[F. R. Doc. 56-3192; Filed, Apr. 24, 1956; 8:46 a. m.]

## DEPARTMENT OF COMMERCE

### Office of the Secretary

CARL M. VUCKEL

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

Statement of changes in financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

1. Name of appointee: Carl M. Vuckel.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: September 16, 1955.
4. Title of position: Consultant.
5. Name of private employer: Retired.
6. Changes in names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

A. Deletions: No changes.
B. Additions: No changes.

This statement is made as of March 16, 1956.

Dated: April 17, 1956.

CARL M. VUCKEL,

[F. R. Doc. 56-3206; Filed, Apr. 24, 1956; 8:49 a. m.]

OLIVER J. GREENWAY

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

*Report of Appointment*

1. Name of appointee: Mr. Oliver J. Greenway.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: April 10, 1956.
4. Title of position: Consultant.
5. Name of private employer: International Resistance Company.

CARLTON HAYWARD,
*Director of Personnel.*

*Statement of Financial Interests*

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Ashland Oil Company.
Axe Science & Electronics.
Insurance Company of North America.
International Resistance Company.
American Cyanamid Company.
Corning Glass Company.
National Dairy Company.
Merritt Chapman & Scott Company.
Hycor Company, Puerto Rico.
Circuit Instruments Company.
E. M. E. C. Corporation.
Bank Deposit.

Dated: April 10, 1956.

OLIVER J. GREENWAY.

[F. R. Doc. 56-3207; Filed, Apr. 24, 1956; 8:49 a. m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 7192 et al.]

QUAD CITIES-TWIN CITIES CASE

NOTICE OF HEARNG REGARDING APPLICATIONS TO CONDUCT AIR TRANSPORTATION SERVICE

In the matter of various applications for authority to conduct air transportation service between the Quad Cities and Twin Cities via Cedar Rapids, Iowa and Rochester, Minn.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 401 of the said act and the applicable regulations thereunder that a hearing in the above-entitled proceeding is assigned to be held on May 8, 1956, at 10:00 a. m., local time, in the Roosevelt Hotel, Cedar Rapids, Iowa, before Examiner Joseph L. Fitzmaurice.

Without limiting the scope of the issues presented by the applications consolidated herein, particular attention will be directed to the following matters:

1. Whether the public convenience and necessity require the amendment of an existing certificate or the issuance of a new certificate of public convenience and necessity to either North Central Airlines, Inc. or Ozark Air Lines, Inc. so as to authorize the air transportation of persons, property and mail between Davenport, Iowa/Moline, Ill. and Minneapolis/St. Paul, Minn. via Cedar Rapids, Iowa and Rochester, Minn.

2. Whether the applicant is fit, willing and able to conduct the proposed air transportation and to conform to the provisions of the act and the regulations of the Board thereunder.

For further details of the issues involved in this proceeding interested parties are referred to the applications, petitions, motions, and orders entered in the docket in this proceeding, all of which are on file with the Civil Aeronautics Board.

Notice is further given that any person not a party of record desiring to be heard in support of or in opposition to questions involved in this proceeding must file with the Board on or before May 8 1956, a statement setting forth matters of fact or law which he desires to advance. Any persons filing such a statement may appear at the hearing in accordance with Rule 14 of the Board's rules of practice in economic proceedings.

Dated at Washington, D. C., April 17, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56-3209; Filed, Apr. 24, 1956; 8:50 a. m.]

[Docket No. 7887 et al.]

CITY OF PORTSMOUTH SERVICE INVESTIGATION

NOTICE OF HEARING

In the matter of an investigation to determine: (a) Whether the public convenience and necessity requires authorization of a route on a temporary basis and only until the Board's decision in The Great Lakes Local Service Area Case, of local service air transportation over a route between the terminal point Cincinnati, Ohio, the intermediate point Portsmouth, Ohio and the terminal point Columbus, Ohio, without the right to overfly Portsmouth; (b) and, if so, what carrier (if any) should operate the route. See Order No. E-10141.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on May 14, 1956, at 10:00 a. m., local time, in the Scioto County Court House, Third Floor, Portsmouth, Ohio, before Examiner John A. Cannon.

Dated at Washington, D. C., April 20, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56-3210; Filed, Apr. 24, 1956; 8:50 a. m.]



[Docket No. 7927]

BRANIFF AIRWAYS INVESTIGATION

NOTICE OF PREHEARING CONFERENCE

In the matter of an investigation to determine whether the public convenience and necessity require that Braniff's certificate of public convenience and necessity for Route No. 26 be altered, amended or modified to authorize and require Braniff to continue to provide service to Mitchell and Yankton, S. Dak., Norfolk, Nebr., and Worthington, Minn., and to provide service beyond Sioux Falls, S. Dak., to the terminal point Fargo, N. Dak., via the intermediate points Watertown and Brookings, S. Dak., until a date sixty days after the date of the Board's final decision in the Seven States Area Case with respect to this service.

Notice is hereby given that a prehearing conference in the above-entitled investigation is assigned to be held on April 26, 1956, at 10:00 a. m., e. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Leslie G. Donahue.

Dated at Washington, D. C., April 19, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56-3211; Filed, Apr. 24, 1956; 8:50 a. m.]

## SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 97]

WISCONSIN

DECLARATION OF DISASTER AREA

Whereas, it has been reported that on or about April 3, 1956, because of disastrous effects of floods, damage resulted to residences and business property located in a certain area in the State of Wisconsin; and

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected; and

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Office below indicated from persons or firms whose property situated in Trempealeau County, Wisconsin (including any areas adjacent to the county named) suffered damage or other destruction as a result of the catastrophe above referred to:

Small Business Administration Regional Office, 301 Metropolitan Building, Second Avenue and Third Street, Minneapolis 1, Minnesota.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this declaration will not be accepted after October 31, 1956.

Dated: April 16, 1956.

WENDELL B. BARNES,
*Administrator.*

[F. R. Doc. 56-3202; Filed, Apr. 24, 1956; 8:48 a. m.]

[Declaration of Disaster Area 98]

ALABAMA

DECLARATION OF DISASTER AREA

Whereas, it has been reported that on or about April 15, 1956, because of disastrous effects of a tornado, damage resulted to residences and business property located in a certain area in the State of Alabama; and

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected; and

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Offices below indicated from persons or firms whose property situated in Jefferson County, Alabama (including any areas adjacent to the county named) suffered damage or other destruction as a result of the catastrophe above referred to:

Small Business Administration Regional Office, Peachtree Seventh Building, Room 265, 50 Seventh Street Northeast, Atlanta 23, Georgia.

Small Business Administration Branch Office, Old Post Office Building, Rooms 311-312, Dexter and Lawrence Streets, Montgomery 4, Alabama.

2. A special field office to receive and process such applications has been established at Birmingham, Alabama.

3. Applications for disaster loans under the authority of this declaration will not be accepted after October 31, 1956.

Dated: April 16, 1956.

WENDELL B. BARNES,
*Administrator.*

[F. R. Doc. 56-3203; Filed, Apr. 24, 1956; 8:48 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11508, 11509; FCC 56M-354]

MIDWESTERN BROADCASTING CO. AND STRAITS BROADCASTING CO.

ORDER CONTINUING HEARING

In re applications of Midwestern Broadcasting Company, Cheboygan, Michigan; Docket No. 11508, File No. BPCT-1992; R. E. Hunt, d/b as Straits Broadcasting Company, Cheboygan, Michigan; Docket No. 11509, File No. BPCT-1998; for construction permits for new television stations (Channel 4).

The Hearing Examiner having under consideration a motion filed April 9, 1956, by and on behalf of both applicants herein requesting that the dates presently scheduled for the exchange of Midwestern Broadcasting Company's affirmative engineering presentation and oral testimony in connection therewith be continued for approximately two weeks; and

It appearing that the reason for the requested continuance is the fact that both parties have determined that additional time is necessary to prepare the engineering exhibits necessary to respond to Issue 4 (d), that there are no objections to the granting of the requested continuance, and that good cause has been shown that the requested continuance be granted;

*It is ordered*, This the 12th day of April 1956, that the motion for continuance filed April 9, 1956, be and the same is hereby granted and the dates specified for the exchange of the exhibits pertaining to the engineering issue above identified is continued from April 11, 1956 to April 25, 1956, and the date for the evidentiary hearing on such exhibits is continued from April 25, 1956 to May 9, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3185; Filed, Apr. 24, 1956; 8:45 a. m.]

[Docket Nos. 11634, 11635; FCC 56M-369]

STEPHENVILLE BROADCASTING CO. AND OSAGE BROADCASTING CO.

ORDER CONTINUING HEARING

In re applications of Galen O. Gilbert and J. R. Kincaid d/b as Stephenville Broadcasting Company, Tahlequah, Oklahoma; Docket No. 11634, File No. BP-9978; John M. Mahoney and John Q. Adams d/b as Osage Broadcasting Company, Bartlesville, Oklahoma; Docket No. 11635, File No. BP-10096; for construction permits.

The Hearing Examiner having under consideration a Petition for Continuance filed on behalf of Osage Broadcasting Company on April 12, 1956; and

It appearing from statements in the petition and a supplementary telegram from the applicant that Stephenville Broadcasting Company and Bureau counsel have informally agreed to the continuance as requested, that respondents have not objected, and that the public interest and effective action require an immediate ruling on the petition as allowed in § 1.745 of the Commission's rules; and

It further appearing that the reason assigned for continuance is to allow petitioner additional time within which to prepare and present an amendment to its application so that "a hearing might be averted", and that these circumstances suggest that an indefinite continuance as hereinafter ordered will conduce to the

proper dispatch of the Commission's business and to the ends of justice;

*Now therefore, it is ordered*, This 17th day of April 1956, that the above Petition for Continuance is granted, and that the prehearing conference and the hearing in this proceeding are continued from April 19 and April 30, 1956, to such dates as may be fixed by subsequent order; and

*It is further ordered*, That the Secretary send a copy of this order by registered mail, return receipt requested, to the applicants and to the respondent Bartlesville Broadcasting Company (KWON).

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3186; Filed, Apr. 24, 1956; 8:45 a. m.]

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[Docket Nos. 11673, 11674; FCC 56M-372]

MISSISSIPPI BROADCASTING CO. (WCOC-TV) AND LAUREL TELEVISION CO., INC.

ORDER SCHEDULING HEARING

In re applications of Mississippi Broadcasting Company (WCOC-TV), Pachuta, Mississippi, Docket No. 11673, File No. BMPCT-3213; for modification of construction permit; Laurel Television Company, Inc., Laurel, Mississippi, Docket No. 11674, File No. BPCT-2031; for construction permit for a new television broadcast station.

*It is ordered*, This 17th day of April 1956, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on June 25, 1956, in Washington, D. C.

Released: April 18, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3187; Filed, Apr. 24, 1956; 8:45 a. m.]

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## INTERSTATE COMMERCE COMMISSION

[Notice 109]

MOTOR CARRIER APPLICATIONS

APRIL 20, 1956.

Protest consisting of an original and two copies to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40), protest shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in forms of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, pre-hearing conference, taking of depositions, or other proceeding shall notify the Commission by letter or telegram within 30 days of publication of this notice in the FEDERAL REGISTER. Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operations of Motor Carrier properties sought to be acquired in an application under section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 665 Sub 49, filed March 29, 1956, MISSOURI-ARKANSAS TRANSPORTATION COMPANY, 1505 Maiden Lane, Joplin, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Canned goods*, other than frozen, *frozen foods*, and *frozen juices*, between points in Benton, Crawford, Sebastian, and Washington Counties, Ark. and points in Kansas, Missouri, and Oklahoma; *empty containers or other such incidental facilities* (not specified) used in transporting the above-mentioned commodities on return. Applicant is authorized to conduct operations in Kansas, Missouri, Arkansas, and Oklahoma.

No. MC 2202 Sub 145, filed April 13, 1956, ROADWAY EXPRESS, INC., 147 Park Street, Akron, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D. C. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving the plant site of Haynes Lithograph Company, Rockville, Md., as an off-route point in connection with applicant's authorized regular route operations from and to Washington, D. C. Applicant is authorized to conduct operations in Alabama, Connecticut, Georgia, Illinois, Indiana, Kansas, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia.

No. MC 5648 Sub 14, filed April 13, 1956, P. E. KRAMME, INC., Monroeville, N. J. Applicant's attorney: Paul F. Barnes, 811-819 Lewis Tower Building, 225 South Fifteenth Street, Philadelphia 2, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Liquid chocolate, liquid chocolate coating, liquid chocolate liquor, liquid cocoa butter*, and *liquid vegetable oil coating*, in bulk, in tank vehicles, between Boston and Mansfield, Mass.; Hershey, Bethlehem, Philadelphia, Lititz, Elizabethtown, and Mount Joy, Pa.; Jersey City, Newark, and Camden, N. J.; New York, Fulton, and Buffalo, N. Y., on the one hand, and, on the other, points in Indiana, Illinois, Ohio, Missouri, Pennsylvania, Delaware, New York, New Jersey, Connecticut, Rhode Island, and Massachusetts. Applicant is authorized to conduct operations in Connecticut, Illinois, Massachusetts, New Jersey, New York, Ohio, and Pennsylvania.

No. MC 11528 Sub 1, filed April 16, 1956, STATEWIDE TRANS., INC., 36 Hancock Street, Malden, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: *New furniture*, from Boston and Malden, Mass., to points in Massachusetts, Tiverton, R. I., and points in Kent and Providence Counties, R. I., that part of Maine south of Maine Highway 25, and those in New Hampshire south and east of a line beginning at the Maine-New Hampshire State Line, and extending along New Hampshire Highway 25 to junction New Hampshire Highway 3A, thence south along New Hampshire Highway 3A to junction New Hampshire Highway 3, thence along New Hampshire Highway 3, via Concord and Manchester, N. H., to the Massachusetts-New Hampshire State line, including points on the indicated portion of the highways specified, and *Repossessed new furniture* on return.

No. MC 16742 Sub 2, filed April 12, 1956, PERRY DUNMIRE AND HERSHEL DUNMIRE, doing business as DUNMIRE BROTHERS, Box 333, Plain City, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Livestock*, other than ordinary livestock, and, in connection therewith, *personal effects of attendants, supplies* and *equipment*, including *mascots*, incidental to the care, transportation and exhibition of such livestock, between points in Alabama, Arkansas, Illinois, Indiana, Florida, Georgia, Kentucky, Louisiana, Michigan, Mississippi, Missouri, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, and West Virginia, on the one hand, and, on the other, points in Delaware, Maryland, New Jersey, Virginia and the District of Columbia. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Michigan, Mississippi, Missouri, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, and West Virginia.

No. MC 17227 Sub 8, filed April 10, 1956, LINDNER BROS. TRUCKING, INC., 2115 South First Street, Milwaukee 7, Wis. Applicant's attorney: Thomas N. Dowd, Ring Building, Washington 6, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Such merchandise as is dealt in by wholesale and retail chain grocery and food business houses*, and, in connection therewith, *premiums and advertising material*, from Chicago, Ill. to points in Milwaukee, Rock, Kenosha, Racine, Waukesha, Jefferson, Dane, Dodge, Green, Walworth, Columbia, Iowa, Lafayette, Ozaukee, Richland, Sauk, Washington, Crawford, Grant, Adams, Brown, Calumet, Door, Fond du Lac, Green Lake, Jackson, Juneau, Kewaunee, La Crosse, Manitowoc, Marquette, Monroe, Oconto, Outagamie, Portage, Shawano, Sheboygan, Vernon, Waupaca, Waushara, Wood, and Winnebaga Counties, Wis.; *returned, damaged, or defective shipments* on return.

NOTE: Applicant states that by this application it seeks authority to transport additional commodities under its contract with Procter & Gamble Distributing Company in a territory it is now authorized to serve.

No. MC 20722 Sub 9, filed April 16, 1956, M. & G. CONVOY, INC., 590 Elk Street, Buffalo 5, N. Y. Applicant's attorney: George S. Dixon, 2150 Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *New passenger automobiles, including ambulances, hearses and taxis*, and *automobile chassis*, in initial movements, in truckaway service, from Newark, Del. to points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia; *damaged vehicles*, as stipulated above, on return. Applicant is authorized to conduct operations in Michigan, Delaware, Maryland, New Jersey, Pennsylvania, New York, North Carolina, Virginia, and the District of Columbia.

No. MC 21567 Sub 5, filed March 30, 1956, MRS. GWENNIE KREBS, ROBERT KREBS AND MRS. JANET KREBS McCAMLEY, a partnership, doing business as KREBS BROS. TRANSFER CO., 111 Merrill Street, Clearfield, Pa. Applicant's attorney: William C. Chase, Keystone Building, Clearfield, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cafeteria and kitchen equipment*, stainless steel and galvanized steel, uncrated, from Lawrence Township, Borough of Clearfield, (Clearfield County), Pa., to points in Alabama, Florida, Delaware, Georgia, Indiana, Kentucky, Maryland, Michigan, Mississippi, New Jersey, New York, North Carolina, South Carolina, Ohio, Tennessee, Virginia, West Virginia and the District of Columbia. Applicant has authority to transport household goods and general commodities in Pennsylvania, Maryland, Virginia, Michigan, Kentucky, Indiana, Ohio, West Virginia, New York, New Jersey, Connecticut, Rhode Island, Massachusetts, Delaware, and the District of Columbia.

No. MC 22300 Sub 5, filed April 10, 1956, SMITH TRADING CO., INC., 244 South Fourth West, Salt Lake City, Utah. Applicant's attorney: Harry D. Pugsley, Continental Bank Bldg., Salt Lake City 1, Utah. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Salt* and *salt products*, from points within 10 miles of Great Salt Lake in Tooele and Salt Lake Counties, Utah, to points in Idaho and Montana and points in Spokane, Whitman, Garfield, Columbia, Walla Walla, Adams, Benton, Lincoln, Yakima, Stevens, Asotin and Franklin Counties, Wash., Wallowa, Baker, Union, Umatilla and Morrow Counties, Oreg., Lincoln, Sublette, Sweetwater, Carbon, Fremont, Teton, Uinta, Park, Big Horn, Washakie, Hot Springs, Natrona, Albany, and Yellowstone National Park Counties, Wyo., Delta, Dolores, Garfield, Gunnison, Hinsdale, La Plata, Mesa, Moffat, Montrose, Montezuma, Ouray, Pitkin, Rio Blanco, Routt, San Miguel, and San Juan Counties, Colo. Applicant is authorized to conduct operations in Utah, Idaho, and Montana.

No. MC 26907 Sub 10, filed April 16, 1956, RIPON TRUCKING CO., a corporation, Oshkosh Street, Ripon, Wis. Applicant's attorney: Edward A. Solie, 715 First National Bank Building, Madison 3, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Animal feed* and *poultry feed*, from Minneapolis and St. Paul, Minn., to points in Adams, Columbia, Dodge, Fond du Lac, Green Lake, Marquette, Ozaukee, Sheboygan, Washington, and Waushara Counties, Wis. Applicant is not authorized to transport the commodities specified.

No. MC 28263 Sub 5, filed March 12, 1956, McMAKEN TRANSPORTATION COMPANY, a corporation, 933 North 24th Street, Omaha, Nebr. Applicant's attorney: Loyal G. Kaplan, Suite 924 City National Bank Building, Omaha 2, Nebr. For authority to operate as a *common carrier*, over regular routes, transporting: *Glass* and *glassware*, as described by the Commission (1) between Oklahoma City, Okla., and Omaha, Nebr., from Oklahoma City over U. S. Highway 66 to junction U. S. Highway 75, thence over U. S. Highway 75 to Omaha, and return over the same route, serving the intermediate point of Sapulpa, Okla., and the off-route points of Okmulgee, Henryetta, Sand Springs, and Muskogee, Okla., and serving Oklahoma City, Okla., and Omaha, Nebr., for joinder purposes only in connection with applicant's regular route operations; (2) between Muskogee, Okla., and Wichita, Kans., from Muskogee over U. S. Highway 64 to junction Oklahoma Highway 11 at or near Tulsa, Okla., thence over Oklahoma Highway 11 to junction U. S. Highway 77 at or near Ponca City, Okla., thence over U. S. Highway 77 to junction Kansas Highway 55, thence over Kansas Highway 55 to junction Kansas Highway 15, thence over Kansas Highway 15 to Wichita, and return over the same route, serving no intermediate points, but serving the off-route points of Henryetta, Okmulgee, Sapulpa, and Sand Springs, Okla., for pick-up, and serving junction U. S. Highways 60 and 77 at or near Ponca City, Okla., as a point of joinder in connection with applicant's regular route operations; and (3) serving Beatrice, Fairbury, Grand Island, and Hastings, Nebr., for delivery only, and as off-route points in connection with applicant's regular route operations between Omaha, Nebr., and Wichita, Kans. Applicant is authorized to conduct regular route operations in Iowa, Kansas, Nebraska, and Oklahoma, and irregular route operations in Kansas, Nebraska, and Oklahoma.

No. MC 29780 Sub 4, filed March 28, 1956, JOE A. HARRIS, doing business as HARRIS TRUCK LINE, 720 South Second Street, Raton, N. Mex. Applicant's attorney: Harold O. Waggoner, Simms Building, P. O. Box 1035, Albuquerque, N. Mex. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, commodities in bulk, and commodities requiring special equipment, between Tucumcari, N. Mex. and Clovis, N. Mex., (1) from Tucumcari over New Mexico Highway 18 to Clovis, and return over the same route, serving the intermediate points of Quay, Ragland, Forrest, Grady, Broadview, and Claude; (2) from Tucumcari over U. S. Highway 66 to junction New Mexico Highway 39, thence over New Mexico Highway 39 to junction New Mexico Highway 18, and thence over New Mexico Highway 18 to Clovis, and return over the same routes, serving the intermediate points of Claude Broadview, Wheatland, Logan, and San Jon, except that no service shall be rendered between Tucumcari and San Jon. Applicant is authorized to conduct operations in Colorado and New Mexico.

No. MC 30319 Sub 66, filed April 9, 1956, SOUTHERN PACIFIC TRANSPORT COMPANY, 810 North San Jacinto Street, Houston, Tex. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Houston, Tex., and Port Arthur, Tex., over Texas Highway 73, serving no intermediate points, as an alternate route in connection with applicant's regular-route operations between Houston and Port Arthur, Tex., over U. S. Highways 90 and 69. RESTRICTION: (1) Service to be performed by carrier shall be limited to service which is auxiliary to, or supplemental of rail service of applicant's affiliate, the Texas & New Orleans Railroad Company, (2) Carrier shall not serve any point not a station on the railroad, (3) All contractual arrangements between said carrier and the railroad shall be reported to the Interstate Commerce Commission and shall be subject to the revision of and as the Commission finds it to be necessary in order that such arrangements shall be fair and equitable to the parties, and (4) Such further specific conditions as the Commission, in the future, may find it necessary to impose in order to restrict said carrier's operation to service which is auxiliary to or supplemental of rail service.

No. MC 30897 Sub 7, filed April 9, 1956, CONSOLIDATED FREIGHT COMPANY, a Corporation, 100 Carroll Street, Saginaw, Mich. Applicant's attorney: Robert A Sullivan, 2606 Guardian Building, Detroit 26, Mich. For authority to oper-

ate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment (1) serving the site of the Ford Motor Company's Parts and Equipment Division Plant, located near the village of Rawsonville at the intersection of Huron River Drive (Textile Road) and McKean Road in Ypsilanti Township, Washtenaw County, Mich.; and (2) the site of the Ford Motor Company, Lincoln Division Plant, located at the intersection of Michigan Highway 218 (Wixom Road) and unnumbered highway known as West Lake Drive, north of U. S. Highway 16, in Lyon Township, Oakland County, Mich., as off-route points in connection with applicant's regular route operations from and to Detroit, Mich. Applicant is authorized to conduct operations in Illinois, Michigan and Ohio.

No. MC 31600 Sub 405, filed April 16, 1956, P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham 54, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid commodities*, except gasoline, fuel oil, benzene, kerosene, and raw milk in bulk, in tank vehicles, between points in West Virginia, on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

No. MC 35396 Sub 13, filed March 19, 1956, published in the April 4, 1956 issue, page 2160, amended, ARNOLD LIGON, doing business as ARNOLD LIGON TRUCK LINE, 208 Darby Street, Princeton, Ky. Applicant's attorney: Robert M. Pearce, 711 McClure Building, Frankfort, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wooden pallets, crating, boxes, skids*, and *shipping bases*, assembled, unassembled, and knocked down, and *lumber*, between points in Kentucky on and west of U. S. Highway 31E, on the one hand, and, on the other, points in Alabama, Arkansas, Colorado, Connecticut, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, and Wisconsin. Applicant is authorized to conduct operations in Indiana, Kentucky, Tennessee, Pennsylvania, West Virginia, New York, and Ohio.

No. MC 37755 Sub 1, filed April 9, 1956, MARLIN K. SCARLETT AND LLOYD GRAHEM, doing business as S & G LINES, Ozawkie, Kans. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fertilizer*, in containers, between Valley Falls, Kans., and points within 16 miles of Valley Falls, on the one hand, and, on the other, Kansas City, Kans., Kansas City, Mo., and St. Joseph, Mo. Applicant is not authorized to transport the commodity specified.

No. MC 42487 Sub 310, filed March 29, 1956, CONSOLIDATED FREIGHTWAYS, INC., 2029 Northwest Quimby, Portland, Oreg. Applicant's attorney: Donald A. Schafer, Public Service Building, Portland 4, Oreg. For authority to operate as a *common carrier*, transporting: *General commodities*, except liquid petroleum products in bulk, in tank vehicles, serving Rocky Reach Dam Site (located on Columbia River between Wenatchee and Orondo, Wash.), and points within five miles thereof, and Wells Dam Site (located on the Columbia River between Beebe and Azwell, Wash.), and points within five miles thereof, as off-route points in connection with applicant's authorized regular route operations between Wenatchee and Spokane, Wash., over U. S. Highway 2 (formerly U. S. Highway 10). Applicant is authorized to conduct operations in California, Idaho, Minnesota, Montana, Nevada, North Dakota, Oregon and Washington.

No. MC 43683 Sub 25, filed April 16, 1956, BAKER DRIVEAWAY COMPANY, INC., 5242 East Outer Drive, Detroit 34, Mich. Applicant's attorney: George S. Dixon, 2150 Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *New passenger automobiles, including ambulances, hearses, and taxis*, and *automobile chassis*, in initial movements, in truckaway service, from Newark, Delaware, to points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia; *damaged vehicles, as stipulated above*, on return. Applicant is authorized to conduct operations in Michigan, Missouri, Pennsylvania, Maryland, Indiana, North Carolina, South Carolina, Ohio, Virginia, West Virginia, New York, Illinois, and the District of Columbia.

No. MC 50404 Sub 40, filed April 16, 1956, THE MAXWELL CO., P. O. Box 37, 2200 Glendale-Milford Road, Cincinnati, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Paint removing compound*, in bulk, in tank vehicles, from Cincinnati, Ohio to Louisville, Ky.

No. MC 52657 Sub 481, filed March 30, 1956, (Amended), published April 11, 1956 on Page 2353, ARCO AUTO CARRIERS, INC., 91st Street and Perry Avenue, Chicago 20, Ill. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Communication shelters*, equipped or unequipped, from DeKalb, Ill., to points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

No. MC 52903 Sub 12, filed April 16, 1956, METROPOLITAN CONVOY CORPORATION, 92–10 147th Place, P. O. Box 122 Central Station, Jamaica 35, N. Y. Applicant's attorney: George S. Dixon, 2150 Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *New passenger automobiles, including ambulances, hearses and taxis*, and *automobile chassis*, in initial movements, in truckaway service, from Newark, Del., to points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia: *damaged vehicles*, as stipulated above, on return. Applicant is authorized to conduct operations in Michigan, New Jersey, New York, and Pennsylvania.

No. MC 55811 Sub 30, filed April 12, 1956, CRAIG TRUCKING, INC., Albany, Ind. Applicant's attorney: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Containers for foodstuffs*, (1) from Chicago, Ill., to points in Marshall County, Ind., and (2) from Hoopeston, Ill., to points in Hancock, Henry, and Marshall Counties, Ind., and *damaged shipments* of the above-specified commodity on return.

No. MC 60076 Sub 13, filed April 2, 1956, VERN F. WARNER, CLIFFORD V. WARNER, and KEITH D. WARNER, a partnership, doing business as V. F. WARNER and SONS, 104 West Charles Street, Champaign, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Concrete handling equipment* (as more fully described in the application), between Champaign, Ill., and points in the United States, and *empty containers and other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return.

No. MC 63562 Sub 24, filed April 11, 1956, NORTHERN PACIFIC TRANSPORT COMPANY, A Corporation, 176 East Fifth Street, St. Paul 1, Minn. Applicant's attorney: Frank S. Farrell, Assistant Commerce Counsel, Law Department, Northern Pacific Railway Company, St. Paul 1, Minn. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Polson, Mont., and Kalispell, Mont., from Polson over Montana Highway 35 to junction U. S. Highway 2, thence over U. S. Highway 2 to Kalispell, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Idaho, Montana, North Dakota, and Washington.

No. MC 65525 Sub 8, filed April 8, 1956, WHITE BROTHERS TRUCKING CO., a corporation, Wasco, Ill. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago 41, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Concrete pipe* and *concrete pressure pipe*, and *portable concrete plants and equipment*, used in the manfacture of concrete pipe, between points in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, New York, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin, (2) *Reinforced concrete construction members*, including *Pre-stressed concrete slabs, Beams, Columns* and *Pilings* and *installation accessories*, between points in Illinois, Indiana and Ohio, on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Chio, and Wisconsin, (3) *Sand and Gravel*, in bulk, from South Beloit, Ill. to Monroe, Wis. Applicant holds authority to conduct operations in Illinois, Indiana, Iowa, Michigan, Ohio, Wisconsin, Kentucky, West Virginia, Pennsylvania, and New York, transporting the above mentioned commodities, with the exception of Sand and gravel.

No. MC 66562 Sub 1283, filed April 9, 1956, RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Applicant's attorney: William H. Marx, Law Department, Railway Express Agency, Incorporated (same address as applicant). For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Seattle, Wash., and Aberdeen, Wash., from Seattle over U. S. Highway 99 to Tacoma, Wash., thence over U. S. Highway 410 via Elma and Montesano, Wash., to Aberdeen, and return over the same route, serving the intermediate and off-route points of Tacoma, South Tacoma, Lakeview, Fort Lewis, Olympia, Elma and Montesano, Wash. RESTRICTIONS: The service to be performed by said carrier shall be limited to service which is auxiliary to, or supplemental of, express service. Shipments transported by said carrier shall be limited to those moving on a through bill of lading, or express receipt, covering in addition to a movement by said carrier, an immediately prior or immediately subsequent movement by rail or air. Such further specific conditions as the Commission, in the future, may find it necessary to impose in order to restrict said carrier's operation to service which is auxiliary to, or supplemental of, express service. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states interchange with rail express service will be made at Seattle, Wash., and that the proposed service will connect with and be an extension of applicant's existing operations between Aberdeen-Hoquiam and Centralia authorized in Certificates No. MC 66562 Subs 603 and 616, and between Olympia and Shelton authorized in Certificate No. MC 66562 Sub 162.

No. MC 71722 Sub 3, filed April 9, 1956, ARDEN L. BROWN, R. R. No. 1, St. Johns, Ohio. Applicant's attorney: Sanborn, Nacey and Brandon, 810 Hartman Building, Columbus, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Brass rods, brass tubing* and *scrap brass*, (1) between points in Henderson County, Tenn., on the one hand, and, on the other, points in Perry Township, Logan County, Ohio, Marion County, Ind., Cook County, Ill., Wayne County, Mich., and Cuyahoga County, Ohio, (2) between points in Perry Township, Logan County, Ohio, on the one hand, and, on the other, points in Marion County, Ind. Applicant is authorized to conduct operations in Illinois, Michigan and Ohio.

No. MC 76032 Sub 99, filed April 9, 1956, NAVAJO FREIGHT LINES, INC., 381 South Broadway, Denver 9, Colo. Applicant's attorney: O. Russell Jones, 54½ East San Francisco Street, Santa Fe, N. Mex. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including Class A, B, and C explosives, ammunition not included in Class A, B, and C explosives*, and *component parts of explosives and ammunition*, but excepting commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment (not including those requiring refrigeration), between Springer, N. Mex. and Clovis, N. Mex., from junction U. S. Highway 85 and New Mexico Highway 58 at Springer, N. Mex. over New Mexico Highway 58 to junction New Mexico Highway 39, thence over New Mexico Highway 39 to junction New Mexico Highway 18 at or near Grady, N. Mex., and thence over New Mexico Highway 18 to Clovis, N. Mex., and return over the same routes, serving all intermediate points and the points of Springer and Clovis. Applicant is authorized to conduct operations between San Jon, N. Mex. and Clovis, N. Mex. serving all intermediate points but with no service at Clovis, and holds authority from the junction of U. S. Highway 66 and New Mexico Highway 39 at San Jon over the above-described route to Springer as an alternate route for operating convenience only serving no intermediate points. Applicant is authorized to conduct operations in Colorado, New Mexico, Arizona, California, Texas, Illinois, Missouri, Kansas, Nebraska, and Iowa.

No. MC 77477 Sub 12, filed April 11, 1956, ATLANTIC FREIGHT LINES, INC., 706 Second National Bank Building, P. O. Box 32, Uniontown, Pa. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus, Ohio. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving the site of Chrysler Corporation Stamping Plant near Twinsburg, Ohio, as an off-route point in connection with applicant's authorized regular route operations to and from Cleveland, Ohio, over Ohio Highways 14 and 8. Applicant is authorized to conduct operations in Pennsylvania, Ohio, West Virginia, New Jersey, New York, and Maryland.

No. MC 77459 Sub 6, filed March 23, 1956, C. C. WHITE, THOMAS L. WHITE, AND JACK C. WHITE doing business as WHITE'S TRANSPORTATION, Route 2, Box 36, Manteca, Calif. Applicant's attorney: J. Richard Townsend, Mills Tower, San Francisco, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber* and *box shook* from Standard, Calif. to San Francisco, Oakland, and Alameda, Calif.

No. MC 78643 Sub 38, filed April 5, 1956, HART MOTOR EXPRESS, INC., 2600 University Avenue, S. E., Minneapolis 14, Minn. Applicant's attorney: Donald A. Morken, 1100 First National-Soo Line Building, Minneapolis 2, Minn. For authority to operate as a *common carrier*, over a regular route, transporting: *Horsemeat*, in bulk, in containers, in vehicles equipped with mechanical refrigeration, between Jamestown, N. Dak., and Jefferson, Wis.; From Jamestown over U. S. Highway 10 to Minneapolis, Minn., thence over U. S. Highway 12 to Madison, Wis., and thence over U. S. Highway 18 to Jefferson, and return over the same route, serving no intermediate or off-route points. *Empty containers or other such incidental facilities*, used in transporting the commodity specified, on return.

No. MC 82100 Sub 16, filed April 16, 1956, EASTERN AUTOMOBILE FORWARDING COMPANY, INC., 2727 William Street, Buffalo 25, N. Y. Applicant's attorney: George S. Dixon, 2150 Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *New passenger automobiles, including ambulances, hearses, and taxis*, and *automobile chassis*, in initial movements, in truckaway service, from Newark, Del. to points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia; *damaged vehicles*, as stipulated above, on return. Applicant is authorized to conduct operations in Michigan, New York, New Jersey, Pennsylvania, Connecticut, Massachusetts, Rhode Island, and Vermont.

No. MC 98551 Sub 1, filed April 9, 1956, E. S. WESTERFIELD, doing business as DUMAS MOTOR FREIGHT LINE, 1101 Grant Street, Box 1208, Amarillo, Tex. Applicant's attorney: Sterling E. Kinney, Suite 630, Amarillo Building, Amarillo, Tex. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between the Texas-New Mexico State line on U. S. Highway 66 and Amarillo, Tex., over U. S. Highway 66, serving all intermediate points; (2) between Amarillo, Tex., and Guymon, Okla., from Amarillo over U. S. Highway 287 to Stratford, Tex., thence over U. S. Highway 54 to Guymon, and return over the same route, serving all intermediate points; (3) between Dumas,

Tex., and Sunray, Tex., from Dumas over U. S. Highway 287 to junction Farm to Market Road 119, thence over Farm to Market Road 119 in a northeasterly direction to Sunray, and return over the same route, serving all intermediate points, and the off-route points of Panhandle Eastern Gasoline Plant, located approximately 5/8 mile east of Farm to Market Road 119, and the American Zinc Company, American Potash Company, Shamrock Oil Refinery, Southwestern Public Service Plant, and the Northern Natural Gas Plant, all located adjacent to Farm to Market Road 119, as well as the intermediate and off-route points of the Continental Carbon Company, Columbia Carbon Company, United Carbon Company, Phillips Oil Company Plant, and the Shamrock Oil and Gas Company Plant, all located on Farm to Market Road 119 or on unnumbered county highways; (4) between Etter, Tex., and Sunray, Tex., over Farm to Market Road 1266, serving all industrial plants as intermediate points; (5) between junction U. S. Highway 287 and Farm to Market Road 1913 and junction Farm to Market Road 1913 and unnumbered highway, a distance of approximately 6½ miles east of U. S. Highway 287, over Farm to Market Road 1913, serving all intermediate points, and the off-route point of the Colorado Interstate Gas Company (Four-way Station); and (6) between junction U. S. Highway 287 and Texas Highway 354 and Dumas, Tex., from junction U. S. Highway 287 and Texas Highway 354, approximately a distance of four (4) miles west, to junction Farm to Market Road 2202, thence north (approximately a distance of 4½ miles), over Farm to Market Road 2202 to junction Farm to Market Road 722, thence north and east over Farm to Market Road 722 (approximately a distance of 8 miles), to Dumas, and return over the same route, serving all intermediate points, and the off-route points of the plants of El Paso Natural Gas Company and Phillips Petroleum Company, both adjacent to Farm to Market Road 722.

NOTE: Applicant proposes to coordinate the above-described operations with those operations conducted by applicant under section 206 (a) (1) of the act, as outlined in carrier's second proviso filing in Docket No. MC 98551.

No. MC 98749 Sub 4, filed March 29, 1956, DURWARD L. BELL, doing business as BELL TRANSPORT COMPANY, 100 South Second Street, Longview, Tex. Applicant's attorney: Joe T. Lanham, Perry-Brooks Building, Austin, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Chemicals*, as defined by the Commission, including *dry chemicals*, in bulk, in tank vehicles, from Longview, Tex., to points in Alabama, Arkansas, California, Colorado, Georgia, Kansas, Michigan, Minnesota, Mississippi, Nebraska, Oklahoma, Oregon, Washington, and Wisconsin.

No. MC 101667 Sub 2, filed March 26, 1956, JAMES W. NEAL, 1204 West Green Street, Champaign, Ill. Applicant's attorney: Alfred H. Reichman, 318 North Hickory Street, Champaign, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Milk*, raw, dried and condensed, *butter, cheese, ice cream, ice cream mix, oleomargarine, eggs, supplies and equipment* used in creameries, and *empty containers*, between Champaign, Galesburg, Springfield, Bloomington, Decatur, Mattoon, Kankakee and Farmer City, Ill., and Vincennes, Clinton, Rockville, LaFayette, Boswell, Kentland and Logansport, Ind., St. Louis, Mo., Nashville, Tenn., and Beloit, Wis. *Liquid ice cream mix* ("Tastee Freeze"), from Champaign, Ill., to points in Indiana. Applicant is authorized to conduct operations in Illinois and Indiana.

No. MC 105265 Sub 31 (amended), filed April 2, 1956, published April 18, 1956, page 2550, DENVER-AMARILLO EXPRESS, INC., North Fillmore Street, Amarillo, Tex. Applicant's attorney: W. D. Benson, Jr., Suite 1105 Great Plains Life Building, Lubbock, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities including Class A and B explosives*, but excluding those of unusual value, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, between Denver, Colo., and Glenn L. Martin Company Plant Site located approximately 10 miles south of Denver, Colo., North of Colorado Highway 75, opposite the community of Kassler (Waterton), Colo. Applicant is authorized to conduct operations in Colorado, Texas, New Mexico, and Oklahoma.

No. MC 105733 Sub 18, filed April 11, 1956, H. R. RITTER TRUCKING CO., INC., 210 N. J. State Highway No. 17, P. O. Box 309, Paramus, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquefied Petroleum gases*, in bulk, in pressure tank vehicles, from Delaware City, Del., to points in New Jersey, New York, Connecticut, Maine, Maryland, Massachusetts, New Hampshire, Rhode Island, Vermont, Pennsylvania, North Carolina, Ohio, South Carolina, Virginia, West Virginia and the District of Columbia. Applicant is authorized to conduct operations in New Jersey, Connecticut, Delaware, Maryland, Massachusetts, Rhode Island, New Hampshire, Vermont, New York, and Pennsylvania.

No. MC 106603 Sub 43, filed April 13, 1956, DIRECT TRANSIT LINES, INC., 200 Colrain Street SW., Grand Rapids, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Calcium chloride*, in bulk, except liquid, from Ludington, Mich., to points in Wisconsin, Indiana, Illinois, Ohio, West Virginia, and Kentucky.

No. MC 106621 Sub 17, filed April 16, 1956, MELTON TRANSPORT COMPANY, a corporation, P. O. Box 1163, Cheyenne, Wyo. Applicant's attorney: Marion F. Jones, Suite 526 Denham Building, Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, between points in Colorado, on the one hand, and, on the other, points in Nebraska.

No. MC 107107 Sub 77, filed April 5, 1956, ALTERMAN TRANSPORT LINES, INC., P. O. Box 65, Allapattah Station, 2424 NW., 46th Street, Miami 42, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meat, meat products, and meat by-products*, as defined by the Commission, from Green Bay, Wis., to points in Georgia and Florida. Applicant is authorized to conduct operations in Arkansas, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Virginia, Wisconsin, and the District of Columbia.

No. MC 107151 Sub 16, filed April 12, 1956, H. F. JOHNSON, INC., P. O. Box 1403, Billings, Mont. Applicant's attorney: T. H. Burke, Securities Building, Billings, Mont. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, as defined by the Commission, in bulk, in tank vehicles, between points in Sheridan, Johnson, Campbell and Crook Counties, Wyo., and those in Big Horn County, Mont., on the one hand, and, on the other, Lodge Grass, Mont., and points within 10 miles thereof. Applicant is authorized to conduct irregular route operations in Idaho, Montana, North Dakota and Wyoming and regular route operations in Idaho, Montana, and Wyoming.

No. MC 107622 Sub 16, filed April 16, 1956, GULF & SOUTHERN TRANSPORTATION COMPANY, INC., 101 Palafox Street, South Flomaton, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, roughed or dressed, (1) from points in Monroe, Mobile and Escambia Counties, Ala., to points in Florida west of the Apalachicola River, (2) from Century, Fla., and points within 1 mile thereof, to points in Alabama on and south of U. S. Highway 80, including Montgomery, Ala. Applicant is authorized to conduct operations in Alabama and Florida.

No. MC 107952 Sub 55, filed April 13, 1956, CLARENCE R. MILLER, doing business as BEVERAGE TRANSPORTATION COMPANY, 615 Broad Street Bank Building, Trenton, N. J. Applicant's attorney: S. Harrison Kahn, 726–34 Investment Building, Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Malt beverages*, in containers, from Newark, N. J., to points in Pennsylvania and New York, and *Empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return.

No. MC 110420 Sub 115, filed April 12, 1956, QUALITY MILK SERVICE, INC., Calumet Street, Burlington, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid commodities*, in bulk, in tank vehicles, between points in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio and Wisconsin, on the one hand, and, on the other, points in Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Virginia and West Virginia. Applicant has authority to conduct operations in Illinois, Wisconsin, Iowa, Minnesota, Missouri, Indiana, Nebraska, Michigan, Ohio, Alabama, Florida, Kansas, Louisiana, Mississippi, Massachusetts, New York, Oklahoma, Pennsylvania, Tennessee, Texas, Arkansas, Kentucky, South Dakota, Virginia, and West Virginia.



No. MC 110420 Sub 117, filed April 16, 1956, QUALITY MILK SERVICE, INC., Calumet Street, Burlington, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid commodities*, in bulk, in tank vehicles, between points in Illinois, Michigan, Missouri, and Wisconsin, on the one hand, and, on the other, points in Alabama, Colorado, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, South Dakota, Texas, and Wisconsin. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

No. MC 110436 Sub 21, filed April 16, 1956, ROBERTSON TRANSPORTS, INC., 5700 Polk Avenue, P. O. Box 9218, Houston, Tex. Applicant's attorney: Charles D. Mathews, Brown Building, Austin 1, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from points in Harris County, Tex., to points in New Mexico on and south of U. S. Highway 66 (except petroleum lubricating oil from Baytown, Tex., to points within five miles of Oil Center, Jal, Eunice, Carlsbad, Gage, Deming, Hobbs, Gallup and Farmington, N. Mex., and except petroleum lubricating oil from points in the Houston, Tex., Commercial Zone, to points in Eddy, Lea and Chaves Counties, N. Mex.), and (2) *petroleum* and *petroleum products*, in bulk, in tank vehicles, from points in Harris County, Tex., to points in Arizona. *Damaged shipments* from the above-specified destination points to the above-specified origin points, on return.

No. MC 110525 Sub 303, filed April 16, 1956, CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Gerald L. Phelps and John R. Sims, Jr., Munsey Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Ethylene gas*, in bulk, in manifold cylinder trailers, from Port Arthur, Tex., to Avon Lake, Ohio. Applicant is authorized to conduct operations in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Texas, Virginia, West Virginia, Wisconsin and the District of Columbia.

No. MC 110988 Sub 41, filed April 16, 1956, KAMPO TRANSIT, INC., 200 Cecil Street, Neenah, Wis. Applicant's attorney: Edward Solie, 715 First National Bank Building, Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, in tank vehicles, from St. Louis, Mo., and East St. Louis, Ill., Commercial Zone, to points in Wisconsin.

No. MC 112471 Sub 1, filed April 16, 1956, JOHN A. RUDELITCH, Route 1, Lehighton, Pa. Applicant's attorney: William J. Wilcox, Suite 619 Commonwealth Building, Allentown, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Coal*, from Hazleton, Pa., and points in Luzerne County within (5) miles of Hazleton, and points in Schuylkill County, to points in Essex, Somerset and Union Counties, N. J.

No. MC 112617 Sub 20, filed April 16, 1956, LIQUID TRANSPORTERS, INC., P. O. Box 35, Cherokee Station, Louisville 5, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from points in Davidson County, Tenn., to points in Kentucky. Applicant is authorized to conduct operations in Alabama, Georgia, Illinois, Indiana, Kentucky, Maryland, Michigan, Mississippi, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia and West Virginia.

No. MC 113336 Sub 6, filed April 12, 1956, PETROLEUM TRANSIT COMPANY, INC., East Second Street, P. O. Box 921, Lumberton, N. C. Applicant's attorney: James E. Wilson, Continental Building, 14th at K Street NW., Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, (1) from Fayetteville, N. C., to points in South Carolina, and (2) from Greer, S. C., to points in North Carolina. Applicant is authorized to conduct operations in Georgia, Maryland, North Carolina, and South Carolina.

No. MC 113336 Sub 7, filed April 12, 1956, PETROLEUM TRANSIT COMPANY, INC., East Second Street, P. O. Box 921, Lumberton, N. C. Applicant's attorney: James E. Wilson, Continental Building, 14th at K Street NW., Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Delaware City, Del., to points in North Carolina, Maryland, Pennsylvania, South Carolina, Virginia, West Virginia, Georgia, Kentucky and the District of Columbia. Applicant is authorized to conduct operations in Georgia, Maryland, North Carolina, and South Carolina.

No. MC 113336 Sub 8, filed April 12, 1956, PETROLEUM TRANSIT COMPANY, INC., East Second Street, P. O. Box 921, Lumberton, N. C. Applicant's attorney: James E. Wilson, Continental Building, 14th at K Street NW., Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wine*, in bulk, in tank vehicles, from Petersburg, Va., to Washington, D. C., and points in Virginia and Maryland, and *denatured rum*, in bulk, in tank vehicles, from Covington, Ky., to Reidsville and Durham, N. C., and Richmond, Va.

No. MC 113388 Sub 17, filed April 9, 1956, LESTER C. NEWTON TRUCKING CO., Bridgeville, Del. Applicant's attorney: Glenn F. Morgan, 1008 Warner Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods*, from Houston, Del., to points in Rhode Island, Vermont, New Hampshire, Maine, and those in Massachusetts except Boston and Cambridge, and *empty containers or other such incidental facilities* (not specified) on return. Applicant is authorized to conduct operations in Virginia, Delaware, Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Maryland, North Carolina, and the District of Columbia.

No. MC 113427 Sub 3, filed April 9, 1956, JOHN E. GRANDBOUCHE, Sixth and Kansas, Atchison, Kans. Applicant's attorney: Floyd D. Strong, 214 Insurance Building, 701 Jackson Street, Topeka, Kans. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Ice cream mix, Ice milk mix, sweet cream and condensed milk in cans*, from Ottawa, Kans., to points in Jackson, Clay and Pratt Counties, Mo., and *empty containers or other such incidental facilities* used in transporting the commodities specified on return.

No. MC 113514 Sub 15, filed March 16, 1956, (Amended), published April 4, 1956, on Page 2164, CHEMICAL TRANSPORTS, INC., 305 Simons Building, 1528 Main Street, P. O. Box 6745, Dallas, Tex. Applicant's attorney: W. D. White, 17th Floor Mercantile Bank Building, Dallas 1, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids* and *chemicals, paint*, and *vinyl acetate* and *polyvinyl acetate*, in bulk, in tank vehicles, from Kansas City, Mo., to points in Texas.

No. MC 113642 Sub 6, filed April 9, 1956, JAMES I. WINN, JR., doing business as WINN TRUCKING SERVICE, Horse Cave, Ky. Applicant's attorney: Ollie L. Merchant, 712 Louisville Trust Building, Louisville 2, Ky. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Iron and steel products*, (as more fully described in the application), from Middletown, Ohio, to points in Kentucky. Applicant is authorized to conduct operations in Kentucky, Illinois, Indiana, Ohio, and Tennessee.

No. MC 113760 Sub 2, filed March 26, 1956, HAROLD M. POPP, doing business as H. M. POPP TRUCK LINE, East Highway 40, (Box 641), Hays, Kans. Applicant's attorney: J. Wm. Townsend, 204–206 Central Building, Topeka, Kans. For authority to operate as a *common*

*carrier*, over irregular routes, transporting: *Crude oil*, in bulk, in tank vehicles, between points in Kansas and points in Nebraska, and *empty containers and other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return.

No. MC 114019 Sub 4, filed April 10, 1956, THE EMERY TRANSPORTATION COMPANY, a corporation, 7000 South Pulaski Road, Chicago, Ill. Applicant's attorney: Clarence D. Todd, Suite 944 Washington Building, Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, packinghouse products, and commodities used by packing houses*, as defined by the Commission, from Cudahy, Wis., to points in Connecticut, Delaware, Kentucky, Maine, New Hampshire, New Jersey, Maryland, Massachusetts, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. Applicant has contract carrier authority under Permit No. MC 9685 and subs thereunder—section 210 (dual operations) may be involved. Applicant is authorized to conduct *contract carrier*, regular route, operations in Indiana, Ohio, and Tennessee, and irregular route operations in Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, Wisconsin, and the District of Columbia.

No. MC 114019 Sub 5, filed April 10, 1956, THE EMERY TRANSPORTATION COMPANY, a corporation, 7000 South Pulaski Road, Chicago, Ill. Applicant's attorney: Clarence D. Todd, Suite 944 Washington Building, Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meat, packing-house products, and commodities used by packing houses*, as defined by the Commission, from Madison, Wis., to points in Connecticut, Delaware, Kentucky, Maine, New Hampshire, New Jersey, Maryland, Massachusetts, Rhode Island, Vermont, Virginia, West Virginia and the District of Columbia. Applicant now has authority to transport the above commodities under its contract carrier Permit Docket Nos. MC 9685 and Sub numbers thereunder, in Wisconsin, Indiana, Illinois, Iowa, Michigan, Ohio, Pennsylvania, New York, Kentucky, Missouri, Minnesota, West Virginia, Maryland, New Jersey, Virginia, Massachusetts, and the District of Columbia.

No. MC 114119 Sub 2, filed April 9, 1956, C. R. PINGREE AND C. L. AVERY, doing business as STAR MOTOR FREIGHT, 10th and Idaho Streets, Lewiston, Idaho. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment (not including those requiring temperature control), between Cottonwood, Idaho and the Radar Station Near Keuterville, Idaho, over unnumbered highway. Applicant is authorized to conduct operations in Idaho.

No. MC 114365 Sub 1, filed April 13, 1956, RAY ACKERMAN, 283 Roosevelt, Iron Mountain, Mich. Applicant's attorney: Michael D. O'Hara, Spies Building, Menominee, Mich. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Malt beverages*, from Chicago, Ill., to Iron Mountain, Mich., and *empty malt beverage containers* on return. Applicant is authorized to conduct operations in Michigan and Wisconsin.

No. MC 114492 Sub 5, filed April 16, 1956, TRANSPORT TRUCKING CO. OF TEXAS, a corporation, P. O. Box 61, Texico, N. Mex. Applicant's attorney: Harold D. Waggoner, Simms Building, Albuquerque, N. Mex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Used automobiles, used trucks, used automobile chassis* and *used truck chassis*, by truckaway method, from Denver, Colo., to points in Texas on and west of U. S. Highway 83, and points in Arizona. Applicant is authorized to conduct operations in Texas, Arizona, Colorado, New Mexico, and Utah.

No. MC 115806 Sub 1, filed March 15, 1956, THOMAS RITCHIE, Checotah, Okla. Applicant's attorney: Thomas Harper, Kelley Building, Fort Smith, Ark. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Concrete* and *light weight concrete building blocks* as more fully described in the application, and *steel wall ties*, from Fort Smith, Ark., to points Craig, Ottawa, Mayes, Delaware, Cherokee, Adair, Sequoyah, Wagoner, Muskogee, Haskell, Le Flore, Latimer, Pittsburg, McIntosh, Okmulgee and Okfuskee Counties, Okla.

No. MC 115882, filed March 26, 1956, JOHN G. AND HARRY N. JOHNSON, doing business as JOHNSON BROS., 415 East Court Street, Cambridge, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Feed*, from Clinton, Davenport and Iowa City, Iowa, to points in Cambridge, Munson, Geneseo, Edford, Osco, Western, Andover, Clover and Waller Townships, Ill., and *damaged shipments* on return.

No. MC 115903, filed April 2, 1956, MARVIN PHILLIP DICUS, Steelville, Mo. Applicant's attorney: Earl E. Roberts, Steelville, Mo. For authority to operate as a *contract carrier*, over regular routes, transporting: *Grain, feed, fertilizer, livestock*, and *farm equipment*, such as tractors, plows, drills, combines, hay bailers and small farm machinery, (1) Between Steelville, Mo., and Hartsburg, Ill., from Steelville over Missouri Highway 19 to Cuba, thence over U. S. Highway 66 to St. Louis, Mo., thence over the Mississippi River to E. St. Louis, Ill., thence over City U. S. Highway 66 to junction U. S. Highway 66, thence over U. S. Highway 66 to Lincoln, Ill., thence over Illinois Highway 21 to Hartsburg, and return over the same route; (2) between Steelville, Mo., and Decatur, Ill., from Steelville over Missouri Highway 19 to Cuba, thence over U. S. Highway 66 to St. Louis, thence over U. S. Highway 66 to junction Illinois Highway 48, thence over Illinois Highway 48 to Decatur, and return over the same route; (3) between Steelville, Mo., and Jacksonville, Ill., from Steelville over Missouri Highway 19 to Cuba, thence over U. S. Highway 66 to St. Louis, thence over U. S. Highway 67 to Jacksonville, and return over the same route, serving all intermediate points on the highways specified in the above 3 route descriptions.

No. MC 115908, filed April 4, 1956, ROBERT N. SADLER, doing business as BOB'S HOT SHOT SERVICE, 208 East Scharbauer Street, Hobbs, N. Mex. Applicant's attorney: O. Russell Jones, 54½ East San Francisco Street, Southwest Corner Plaza, Santa Fe, N. Mex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Small oilfield tools* and *small oilfield equipment*, when used in, or in connection with, the discovery, development, production, refining, manufacture, processing and storage of natural gas and petroleum and their products and by-products, with no shipment to exceed one thousand five hundred (1,500) pounds, between Roosevelt, Chaves, Lea and Eddy Counties, N. Mex., on the one hand, and, on the other, points in Yoakum, Terry, Lynn, Scurry, Gaines, Dawson, Borden, Andrews, Martin, Howard, Loving, Winkler, Ector, Midland, Reeves, Ward and Crane Counties, Tex.

No. MC 115915, filed April 9, 1956, FRED E. HAGEN, doing business as HAGEN TRUCK LINE, 4120 Floyd Ave., Sioux City, Iowa. Applicant's attorney: Donald R. Wigton, 1221 Badgerow Building, Sioux City 1, Iowa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Meats, meat products and meat by-products, dairy products* and *articles distributed by meat-packing houses*, as described by the Commission, from Sioux City, Iowa, to (1) points in Illinois beginning at the Iowa-Illinois State line on and north of U. S. Highway 52 to junction with Illinois Highway 78, and on and west of Illinois Highway 78 to the Illinois-Wisconsin State line, (2) points in Wisconsin on and west of Wisconsin Highway 78 to junction with Wisconsin Highway 81, on and south of Wisconsin Highway 81 to Junction with Wisconsin Highway 35, on and south of Wisconsin Highway 35 to junction with U. S. Highway 18, and on and south of U. S. Highway 18 to the Wisconsin-Iowa State line, and (3) points in Iowa on and south of U. S. Highway 18 to junction with Iowa Highway 150, on and east of Iowa Highway 150 to junction with Iowa Highway 64, and on and north of Iowa Highway 64 to the Iowa-Illinois State line. *Returned or damaged shipments* of the described commodities, from the described destination territory, to Sioux City, Iowa.

No. MC 115916, filed April 10, 1956, RALPH S. RICH, 250 North Delaware Avenue, Philadelphia, Pa. Applicant's attorney: Paul F. Barnes, 811–819 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cheese* and *cheese products*, from Bellefontaine, Ohio and Elnora, Ind., and points in Minnesota and Wisconsin, to Philadelphia, Pa.



No. MC 115919, filed April 11, 1956, JAMES L. CALHOUN AND CLARENCE L. JOHNSON, doing business as CENTRAL TRANSPORT COMPANY, North Platte, Nebr. Applicant's attorney: R. E. Powell, 1005–6 Trust Building, Lincoln, Nebr. For authority to operate as a *common carrier*, over irregular routes, transporting: *Beer, malt liquors* and *malt beverages*, from St. Louis and St. Joseph, Mo., Milwaukee, Wis., and Peoria, Ill., to North Platte, Scottsbluff, Sidney and Alliance, Nebr., and *empty containers or other such incidental facilities* used in transporting the commodities specified on return.

No. MC 115925, filed April 12, 1956, WISCONSIN A & L COMPANY, INC., 3567 East Barnard Avenue, Cudahy, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Canned foods, Processed foods, Frozen foods, Dairy products*, as defined by the Commission, and *such commodities as are used by processors of canned foods including frozen foods*, between points in Wisconsin on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, Colorado, Florida, Georgia, Kansas, Kentucky, Louisiana, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, Utah, West Virginia and Wyoming.

No. MC 115926, filed April 13, 1956, CHRIS BECK, Kandiyohi, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Animal feed* and *poultry feed*, in bulk, and in packages, from New Richmond, Wis. to points in Swift and Kandiyohi Counties, Minn., and *empty containers and other such incidental facilities* (not specified), used in transporting the commodities specified in this application on return.

No. MC 115927, filed April 16, 1956, T. L. McCURLEY, Crosby, Miss. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Lumber* and *piling*, from Crosby, Miss., to points in Assumption, Iberville, Jefferson, Lafourche, Plaquemines, St. Landry, St. Bernard, St. Mary, Lafayette, St. Charles, and St. Martin Parishes, La.

No. MC 115928, filed April 16, 1956, ELWOOD BOYKIN, Crosby, Miss. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Lumber* and *piling*, from Crosby, Miss., to points in Assumption, Iberville, Jefferson, Lafourche, Plaquemine, St. Landry, St. Bernard, St. Mary, Lafayette, St. Charles and St. Martin Parishes, La.

No. MC 115932, filed April 16, 1956, E. A. MINKS, Liberty, Miss. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Lumber* and *piling*, from Crosby, Miss., to points in Assumption, Iberville, Jefferson, Lafourche, Plaquemine, St. Landry, St. Bernard, St. Mary, Lafayette, St. Charles and St. Martin Parishes, La.

No. MC 115934, filed April 16, 1956, WILL BATEMAN, Route 1–A, Liberty, Miss. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Lumber* and *piling*, from Crosby, Miss., to points in Assumption, Iberville, Jefferson, Lafourche, Plaquemine, St. Landry, St. Bernard, St. Mary, Lafayette, St. Charles and St. Martin Parishes, La.

### APPLICATIONS FOR BROKERAGE LICENSES

No. MC 12644, filed April 9, 1956, LUCIA ELDRIDGE FULLER, Box 1147 Burnhurst, New Bern, N. C. For a license (BMC 5) for authority to operate as a *broker* at New Bern, N. C., in arranging for transportation in interstate or foreign commerce, by motor vehicle, of *passengers and their baggage*, in the same vehicle with passengers, in charter service, in round-trip all-expense tours, beginning and ending at New Bern, N. C., and extending to points in the United States.

NOTE: Applicant proposes to procure business by direct solicitation, mail and newspaper advertising for the purchase of package vacation trips for a fixed sum of money for which applicant proposes to provide transportation, meals, hotel accommodations and sightseeing. No tickets will be sold to customers but written receipts will be issued for any monies advanced.

### APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 84690 Sub 18, filed April 11, 1956, NORTHERN PACIFIC TRANSPORT COMPANY, A Corporation, 176 East Fifth Street, St. Paul 1, Minn. Applicant's attorney: Frank S. Farrell, Assistant Commerce Counsel, Law Department, Northern Pacific Railway Company, St. Paul 1, Minn. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage, express* and *newspapers* in the same vehicle with passengers, between Butte, Mont., and Garrison, Mont., over U. S. Highway 10 South, serving as intermediate or off-route points all stations on the lines of railroad of Northern Pacific Railway Company between Butte, Mont., and Garrison, Mont. Applicant is authorized to conduct operations in Idaho, Montana, Washington and Wyoming.

No. MC 109665 Sub 3, filed April 12, 1956, W. L. CHOWNING, JR., AND HARRY G. ASHLOCK, doing business as ARGENTINE TRANSIT LINES, 1800 Steele Road, Kansas City, Kans. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, between junction 57th Street and Swartz Road, Kansas City, Kans., and Kansas City, Mo.: From 57th Street and Swartz Road, south on 57th Street to Pawnee Street, thence west on Pawnee Street to 57th Street Terrace thence north on 57th Street Terrace to Swartz Road, thence east on Swartz Road to 56th Street, thence north on 56th Street to Clark Street, thence east on Clark Street to 55th Street, thence south on 55th Street to Swartz Road, thence east on Swartz Road to 51st Street, thence south on 51st Street to Argentine Boulevard, thence east on Argentine Boulevard to 49th Street, thence south on 49th Street to Swartz Road, thence east on Swartz Road to 42d Street, thence south on 42d Street to Strong Avenue, thence east on Strong Avenue to 26th Street, thence south on 26th Street to Metropolitan Avenue, thence east on Metropolitan Avenue to 21st Street, thence south on 21st Street to Ruby Avenue, thence east on Ruby Avenue to 12th Street, thence north on 12th Street to Argentine Boulevard, thence northeast on Argentine Boulevard to Kansas Avenue, thence east on Kansas Avenue to 23d Street Viaduct, thence east on 23d Street Viaduct to Missouri-Kansas State Line, thence continue over 23d Street Viaduct to Southwest Boulevard, thence in a northeasterly direction over southwest Boulevard to Baltimore Avenue, thence north on Baltimore Avenue to 9th Street, thence east on 9th Street to Main Street, thence south on Main Street to 15th Street, thence west on 15th Street to Baltimore Avenue, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Kansas and Missouri.

No. MC 115888, filed March 28, 1956, NEIL DAVIS, doing business as DAVIS CHARTER BUS SERVICE, Box 377, Mt. Vernon, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter operations, beginning and ending at points in Jefferson County, Ill., and extending to Evansville, Ind., St. Louis, Mo., and points in Edmonson County, Ky.

No. MC 115918, filed April 11, 1956, MATTHEW GROBOSKY, RD No. 1, Syracuse 9, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in special or charter operations, during the baseball season, beginning and ending at Syracuse, N. Y., and extending to Reading, Allentown, Johnstown, and Williamsport, Pa., RESTRICTED to the transportation of members of the Syracuse Baseball Club and their equipment.

### APPLICATIONS OF MOTOR CARRIERS UNDER SECTIONS 5 AND 210 (a) (b)

No. MC–F 5717, published in the September 9, 1954, issue of the FEDERAL REGISTER on page 5849. Petition filed March 20, 1956, to substitute OHIO SOUTHERN EXPRESS, INC., as vendee in lieu of W. D. BUFFALOE, doing business as OHIO SOUTHERN EXPRESS.

No. MC–F 5984, published in the May 25, 1955, issue of the FEDERAL REGISTER on page 3665. The application for control was approved by order of the Commission entered February 16, 1956. By petition for reopening and supplemental order filed April 16, 1956, PACIFIC INTERMOUNTAIN EXPRESS CO. requests that a supplemental order be issued authorizing it to acquire the operative rights and property of ORANGE TRANSPORTATION COMPANY, INC., and COLLETT TANK LINES for ownership, management and operation.

No. MC–F 6236. Authority sought for control by MERRITT-CHAPMAN & SCOTT CORPORATION, 260 Madison Avenue, New York, N. Y., of the operating rights and property of WHALING CITY DREDGE & DOCK CORPORATION, Buell Street, Groton, Conn. Per-

son to whom correspondence should be addressed: Fletcher Martin, Secretary, Merritt-Chapman & Scott Corporation, 260 Madison Avenue, New York 16, N. Y. Operating rights sought to be controlled: *General towage, as a common carrier,* over irregular routes, between ports and points along the Atlantic Coast and tributary waters from New Haven, Conn., to Boston, Mass., inclusive, and on Nantucket, Martha's Vineyard, Plum, Fishers, and Gull Islands. MERRITT-CHAPMAN & SCOTT CORPORATION is authorized to continue operations as a *common carrier* by non-self propelled vessels with the use of separate towing vessels, in the transportation of *general commodities,* between ports and points on Long Island Sound and Block Island Sound and their tributary waterways, Narragansett Bay, Providence River, and in the area defined in Interstate Commerce Commission Order of March 26, 1941, Ex Parte No. 140, *Determination of the Limits of New York Harbor and Harbors Contiguous Thereto;* operation by towing vessels in the performance of towage between the above-named ports and points. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6246. Authority sought for purchase by BARBER TRANSPORTATION CO., 321 Sixth Street, Rapid City, S. Dak., of the operating rights of CHICAGO NORTHWEST EXPRESS, INC., 3215 South Hamilton, Chicago, Ill., and for acquisition by MILO H. BARBER, also of Rapid City, of control of such operating rights through the purchase. Applicants' attorneys: W. E. Griffin and Lee Reeder, both of 1012 Baltimore Avenue, Kansas City 5, Mo., and Franklin R. Overmeyer, 111 West Monroe Street, Chicago 3, Ill. Operating rights sought to be transferred: *General commodities,* with certain exceptions including household goods, as a *common carrier* over regular routes between Chicago, Ill., and Sioux City, Iowa, serving certain intermediate and off-route points; *alcohol, alcoholic compounds, alcoholic liquors* and *wines,* from Pekin, Ill., to Yankton and Sioux Falls, S. Dak., serving the intermediate point of Peoria, Ill., restricted to pick-up only; *butter, eggs,* and *live and dressed poultry,* over irregular routes, from Orange City, Akron, Le Mars, Marcus, Cherokee, and Storm Lake, Iowa, to Chicago, Ill.; and *beer* and *empty beer containers,* between Chicago, Ill., on the one hand, and, on the other, Le Mars and Cherokee, Iowa. Vendee is authorized to operate in South Dakota and Wyoming. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6247. Authority sought for control and merger by BUCKINGHAM TRANSPORTATION, INC., Omaha and West Boulevard, Rapid City, S. Dak., of the operating rights and property of NORTHWEST DISPATCH, INC., 2303 Third Avenue North, Fargo, N. Dak., and for acquisition by EARL F. BUCKINGHAM and HAROLD D. BUCKINGHAM, both of Rapid City, of control of such rights and property through the transaction. Applicant's attorneys: Marion F. Jones, 526 Denham Building, Denver 2, Colo., and Franklin J. Van Osdel, 506 First National Bank Building, Fargo, N. Dak. Operating rights sought to be controlled and merged: *General commodities,* with certain exceptions including household goods, as a common carrier over irregular routes between certain points in Minnesota and North Dakota. Vendee is authorized to operate in Minnesota, South Dakota, Nebraska, Iowa, North Dakota, Montana, Wyoming, Colorado, California, Washington, Arizona, Idaho, Oregon and Wisconsin. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6248. Authority sought for control by H. M. O'NEILL, F. J. O'NEILL and W. J. O'NEILL, all of 11700 Shaler Boulevard, Cleveland, Ohio, of the operating rights and property of SUGAR TRANSPORT, INC., 11700 Shaker Boulevard, Cleveland, Ohio. Applicant's attorney: Roland Rice, 618 Perpetual Building, 1111 E Street NW., Washington 4, D. C. Authority applied for by SUGAR TRANSPORT, INC., and sought to be controlled by applicants: *Liquid sugar,* in bulk, in tank vehicles, and *invert sugar,* in bulk, in tank vehicles, as a *contract carrier,* over irregular routes, from place of manufacture in Port Wentworth, Ga., to points within a 350 mile radius of Port Wentworth. Applicants hold no authority from the Commission but own controlling stock interest in ANCHOR MOTOR FREIGHT, INC., OF DELAWARE, ANCHOR MOTOR FREIGHT, INC., OF MICHIGAN, ANCHOR MOTOR FREIGHT, N. Y. CORP., RELAY TRANSPORT INC., SIGNAL DELIVERY SERVICE, INC., and WAREHOUSE TRANSPORTATION CO., which are authorized to operate in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6249. Authority sought for purchase by DIRECT TRANSIT LINES, INC., 200 Colrain Street, SW., Grand Rapids 8, Mich., of a portion of the operating rights of HECK DeTAVERNIER, INC., JOHN M. STIVASON, RECEIVER, 21262 Telegraph Road, Detroit, Mich., and for acquisition by BERT GLUPKER, also of Grand Rapids, of control of such operating rights through the purchase. Applicants' attorneys: Arthur P. Boynton and Wilhelmina Boersma, both of 2850 Penobscot Building, Detroit 26, Mich. Operating rights sought to be transferred: *Calcium chloride,* in bulk, except in liquid form, as a *common carrier* over irregular routes from Ludington, Mich., to points in Wisconsin, Indiana, Ohio, West Virginia and Kentucky. Vendee is authorized to operate in Michigan, Illinois, Ohio, Indiana, Iowa, Wisconsin and Minnesota. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6250. Authority sought for control and merger by LEE WAY MOTOR FREIGHT, INC., P. O. Box 2488, 3000 West Reno, Oklahoma City, Okla., of the operating rights and property of ST. LOUIS FORWARDING COMPANY, INC., 1125 Hickory Street, St. Louis, Mo., and for acquisition by R. W. LEE and LEE INVESTMENTS, INC., both of Oklahoma City, of control of such rights and property through the transaction. Applicant's attorney: Sidney P. Upsher, 3000 West Reno, Oklahoma City, Okla. Operating rights sought to be controlled and merged: *General commodities,* with certain exceptions including household goods, as a *common carrier* over a regular route between St. Louis, Mo., and Chicago, Ill., serving certain intermediate and off-route points; *bags* and *matches,* over irregular routes, from St. Louis, Mo., to Aurora and Spring Valley, Ill. Vendee is authorized to operate in Oklahoma, Texas, New Mexico, Missouri and Kansas. Application has been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56–3198; Filed, Apr. 24, 1956; 8:47 a. m.]

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### FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 20, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT-HAUL

FSA No. 31988: *Grain and products—Nebraska to Colorado and Wyoming.* Filed by The Union Pacific Railroad Company, for itself and other interested rail carriers. Rates on grain, grain products, and related articles, carloads from specified points in Nebraska to specified points in Wyoming west of Cheyenne.

Grounds for relief: Motor carrier competition and circuity.

Tariff: Supplement 12 to Union Pacific Railroad Company's tariff I. C. C. 5377.

FSA No. 31989: *Iron ore—Philadelphia, Pa., to Monessen, Pa.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on iron ore, in bulk, carloads from Philadelphia, Pa., to Monessen, Pa.

Grounds for relief: Circuitous route.

Tariff: Supplement 27 to Pennsylvania Railroad Company tariff AA I. C. C. 2737.

FSA No. 31990: *Foodstuffs—New England territory to official territory.* Filed jointly by C. W. Boin, and O. E. Swenson, Agents, for interested rail carriers. Rates on canned or preserved foodstuffs, carloads from points in New England territory to points in official territory including zone "C" in Wisconsin.

Grounds for relief: Circuitous routes (all-rail differential routes).

Tariff: Agent Boin's tariff I. C. C. A–1098.

FSA No. 31991: *Scrap iron or steel—Louisville, Ky., to Huntington, W. Va.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on scrap iron or steel (not copper clad) and other related commodities, carloads from Louisville, Ky., to Huntington, W. Va.

Grounds for relief: Barge-truck competition and circuity.

Tariffs: Supplement 37 to Agent Hinsch's I. C. C. 4251; supplement 8 to Chesapeake and Ohio Railway Co. tariff I. C. C. 13435.

FSA No. 31992: *Grain and products—Illinois to eastern points.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on grain and grain products, carloads from specified points in Illinois to North Atlantic ports and inland points in New York.

Grounds for relief: Circuitous routes.

Tariff: Supplement 73 to Agent Hinsch's I. C. C. 4403.

FSA No. 31993: *Commodities from, to and between official territory.* Filed jointly by C. W. Boin and O. E. Swenson, Agents, for interested rail carriers. Rates on various commodities, carloads from, to and between specified points in official territory.

Grounds for relief: Carrier competition and circuity.

FSA No. 31994: *Sesame seed—Illinois and related gateways to official territory.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on sesame seeds, carloads from Gateways of Chicago, Peoria, and East St. Louis, Ill., other Illinois gateways, and upper Mississippi River crossings, on traffic originating in Arkansas, Kansas, Louisiana (west of the Mississippi River), Missouri, New Mexico, Oklahoma, and Texas to destinations in official territory east of the Illinois-Indiana State line.

Grounds for relief: Grouping and circuity.

Tariffs: Supplement 73 to Agent Hinsch's I. C. C. 4403; Supplement 34 to Agent Hinsch's I. C. C. 4409.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56–3196; Filed, Apr. 24, 1956; 8:47 a. m.]

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[Sec. 5a Application 60]

### ROCKY MOUNTAIN CARRIERS

APPLICATION FOR APPROVAL OF AGREEMENT

APRIL 20, 1956.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed April 16, 1956 by: K. Tracy Power, Attorney-in-fact, 4045 Pecos Street, Denver 11, Colo.

Agreement involved: An agreement between and among common carriers by motor vehicle relating to rates, exceptions to classification ratings, rules, regulations and practices, applicable to the transportation of property (1) between points in all or portions of Arizona, Colorado, Nevada, Oregon, Idaho, Montana, South Dakota, Nebraska, Utah, and Wyoming (2) between points in the area noted in (1) above, on the one hand, and, on the other, points in California, and (3) between points in the United States situated east of U. S. Highway No. 85, on the one hand, and, on the other, points in the United States situated on and west of U. S. Highway No. 85, and procedures for the joint consideration, initiation, or establishment thereof.

The complete application may be inspected at the office of the Commission in Washington, D. C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the General Rules of Practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56–3197; Filed, Apr. 24, 1956; 8:47 a. m.]

# FEDERAL REGISTER

VOLUME 21 NUMBER 81

Washington, Thursday, April 26, 1956



THE NATIONAL ARCHIVES OF THE UNITED STATES — LITTERA SCRIPTA MANET — 1934

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APR 30 1956

MAIN READING ROOM


## TITLE 7—AGRICULTURE

### Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 988—MILK IN KNOXVILLE, TENN., MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "Act", and of the order, as amended (7 CFR Part 900), regulating the handling of milk in the Knoxville, Tennessee, marketing area, hereinafter referred to as the "order", it is hereby found and determined that:

1. The following provisions of § 988.93 will not tend to effectuate the declared policy of the act for the months of May, June and July 1956:

(a) For the months of March through July, subtract the Class II price, adjusted for Class II butterfat differential, from the Class I price, adjusted by the Class I butterfat differential and the Class 1 location differential.

(b) For the months of August through February * * *

2. Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof, are found to be impracticable, unnecessary, and contrary to the public interest in that:

(a) The information upon which this action is based did not become available in sufficient time for such compliance;

(b) This suspension order will relieve handler(s) who operate nonpool plant(s), distributing less than 15 percent of receipts of milk in the marketing area, of making payments for such milk distributed in the marketing area. Petitioner's producers are intermingled with producers supplying regulated handlers under this order. Petitioner has made payments required under § 988.93 (b) during the past several months and these payments have been sufficient during this period to maintain an orderly marketing situation. To increase such payments as required by § 988.93 (a) at this time would be disruptive of orderly marketing conditions;

(c) This suspension order is necessary to reflect current marketing conditions and to facilitate, promote, and maintain orderly marketing conditions in such marketing area; and

(d) This suspension order does not require of persons affected substantial or extensive preparation prior to its effective date.

Therefore, good cause exists for making this order effective for the period May, June and July 1956.

*It is therefore ordered,* That the following provisions of § 988.93 of the order be and hereby are suspended for May, June and July 1956;

(a) For the months of March through July, subtract the Class II price, adjusted for Class II butterfat differential, from the Class I price, adjusted by the Class I butterfat differential and the Class I location differential.

(b) For the months of August through February * * *

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 23d day of April 1956, to be effective on and after May 1, 1956.

[SEAL] EARL L. BUTZ, *Assistant Secretary.*

[F. R. Doc. 56-3260; Filed, Apr. 25, 1956; 8:53 a. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter I—Office of the Secretary of Defense

PART 141a—SOLICITATION OF COMMERCIAL LIFE INSURANCE ON MILITARY INSTALLATIONS IN OVERSEA AREAS

This part is added to this chapter.

Sec.

141a.1 General.
141a.2 Application.
141a.3 DOD Life Insurance Board.
141a.4 Minimum requirements for companies.
141a.5 Announcement of findings.
141a.6 Change in status.

AUTHORITY: §§ 141a.1 to 141a.6 issued under sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 171a.

§ 141a.1 *General.* Pursuant to § 141.3 (d) of this subchapter, companies desir-

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FEDERAL REGISTER

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**CFR SUPPLEMENTS**

**(As of January 1, 1956)**

The following Supplements are now available:

**Title 16 ($1.25)**
**Title 17 ($0.60)**
**Title 20 ($1.00)**

Previously announced: Title 3, 1955 Supp. ($2.00); Title 7: Parts 1–209 ($1.25); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Part 400 to end ($1.00); Title 18 ($0.50); Title 19 ($0.50); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. I, and Title 27 ($1.00); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Titles 40–42 ($0.65); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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ing to sell commercial life insurance to members of the Armed Forces on military installations under United States jurisdiction in oversea areas may, on application, be authorized to do so in accordance with DOD Instruction 1344.1, dated December 15, 1955, subject: "Solicitation of Commercial Life Insurance on Military Installations." (FEDERAL REGISTER, Vol. 21, No. 14, January 21, 1956.)

§ 141a.2 *Applications.* (a) Applications will be submitted to the Department of Defense May 1 to June 30, each year. They will not be accepted or considered at any other time. Applications will be in letter form and appropriately documented. They must be signed by the President or Vice President of the company and attested to. The corporate seal must be affixed to the application by an authorized official. The application must furnish the following information:

(1) Foreign countries and commands (e. g.: Army, Europe, Air Force, Europe; Navy, Far East; Air Force, Northeast; etc.) where is is desired to solicit on military bases or installations.

(2) Plans for control of and supervision to be exercised by the company over its agents.

(3) List of States and jurisdictions in which the company is licensed and dates of such licensing.

(4) Information from each of the last five annual statements to include:

(i) Admitted assets.

(ii) Net reserve.

(iii) Combined paid up capital and surplus, or surplus.

(iv) Insurance in force, reported by classes.

(5) A statement that the company has complied with or will comply with the applicable laws of the country or countries wherein it proposes to silicit (By "laws of the country" is meant all national, provincial, city or country laws or ordinances of any country, as applicable), and upon being authorized to do business in such country or countries, a statement to that effect.

(6) Rate of lapse of policies sold to military personinel, including only life insurance, but excluding group life insurance, for each of the last five years and an explanation of the methods or formulae used in computing.

(7) An authenticated copy of the current annual statement as sworn to by authorized company officials and filed with the insurance department of the state of domicile.

(8) An authenticated copy of a current convention or "association type" report of examination if the company is licensed by more than one state, otherwise, a current report of one insurance department.

(9) A sworn statement covering the following items:

(i) That the policies to be offered adhere to the standards prescribed by § 141.4 of this subchapter (Paragraph VB, DOD Instruction 1344.1, December 15, 1955).

(ii) The amount of unassigned surplus and paid up capital or only surplus if a non-stock company. In computing the amount of unassigned surplus, include as liabilities all debts due or to become due, contingent or otherwise as provided in the Life Insurance Act of the District of Columbia Act of June 19, 1934; C 672, 48 Stat. 1125, as amended.

(iii) That the policies to be offered for sale (*a*) do not contain other than standard provisions such as those prescribed by the Life Insurance Act of the District of Columbia (cited in subdivision (ii) of this subparagraph), and (*b*) do not provide for a variation in the amount of death benefit depending upon the length of time the policy has been in force.

(iv) That none of its officers, directors, or principal stockholders, or any members of his immediate family, receives or has any contract to receive commissions, directly or indirectly, from military business currently transacted by the company, or if the company cannot so attest, a disclosure and justification for such contracts.

(v) That the company has not made any loan (except policy loans) to any director, officer, or principal stockholder, or any member of his immediate family, within the last year, and there is not currently outstanding any loan to such person made prior to that period.

(vi) That the company will be responsible for the acts of its agents actually connected with the sale of insurance to military personnel.

(10) The ratio of military business to total business (including only life insurance, but excluding group life insurance) annually for the last five years computed on the basis of the following:

(i) Number of policy holders.

(ii) Insurance in force.

(iii) Premium income.

(11) Name, age, legal residence, citizenship and present address of each agent who will solicit overseas, the state or states in which such agents are licensed; the date of licensing, expiration dates, and the area in which each agent will solicit.

(b) Any explanatory remarks that will assist the Department of Defense in evaluating applications are invited.

(c) Applications and any correspondence relating thereto should be addressed to:

Chairman, Life Insurance Board, Department of Defense, The Pentagon Building, Washington 25, D. C.

§ 141a.3 *Department of Defense Life Insurance Board.* (a) The Department of Defense Life Insurance Board is hereby established to act as principal advisor to the Secretary of Defense on all matters pertaining to the sale of commercial life insurance to servicemen.

(b) Duties and functions. In addition it shall be the duty and function of the Board to:

(1) Recommend final action on applications received from Insurance Companies to solicit commercial life insurance on overseas bases and installations under U. S. jurisdiction.

(2) Maintain a current list of agents representing life insurance companies authorized to solicit on military installations overseas.

(3) Receive and review reports of violations of regulations governing solicitation on bases and installations.

(4) Recommend final penalty action against companies for cause to include the withdrawal of soliciting privileges.

(5) Perform such other related functions as may be directed.

§ 141a.4 *Minimum requirements for companies.* (a) The Department of Defense will require, among other things, that the following minimum standards be met by companies authorized to solicit on overseas bases and installations:

(1) The company must have demonstrated continuous successful operation in the life insurance business within the continental limits of the United States or the territories or possessions for a period of five years, immediately preceding the date of application.

(2) The company affirms its intentions and ability to comply with the applicable laws of the country or countries wherein it proposes to engage in business.

(3) The company must be licensed to do business by any twelve (or more) of the states, territories, or the District of Columbia; or must comply with the following:

(i) Be licensed to do business in at least one of the states, territories, or the District of Columbia.

(ii) Meet minimum standards for initial licensing under current laws where domiciled even though presently doing business under statutes previously enacted.

(iii) Have unassigned surplus and paid up capital (or surplus, if a non-stock company) at least equal to the average required by all the states and the District of Columbia when computed by the method prescribed by the Life Insurance Act of the District of Columbia as cited in § 141a.2 (a) (9) (ii).

(b) In making its recommendation the Board will also consider the integrity and stability of the company's management as evidenced by the information submitted in § 141a.2 and such other relevant information as may be officially brought to its attention.

§ 141a.5 *Announcement of findings.* (a) Final action upon applications for authorization will be forwarded by registered mail. Approvals shall not be construed or interpreted as Department of Defense indorsement of any company.

(b) In the event the finding is unfavorable, specific reasons for such finding shall be included.

(c) Upon receipt of notification of an unfavorable finding, the company shall have 30 days in which to file an appeal for reconsideration. Such appeals will be accompanied by substantiating evidence.

§ 141a.6 *Change in status.* (a) It is incumbent on companies to maintain with the Department of Defense a current list of agents, together with areas in which doing business. Changes must be promptly reported. Failure to report such change will result in non-acceptance of the agents credentials by overseas commanders.

(b) Material changes affecting the company's status as certified to in ac-

cordance with § 141a.2 must be reported promptly. The Department of Defense reserves the right to withdraw authorization for failure to report such changes when such change is material to the original authorization.

CARTER L. BURGESS,
*Assistant Secretary of Defense,*
*(Manpower, Personnel and Reserve).*

[F. R. Doc. 56-3246; Filed, Apr. 25, 1956; 9:44 a. m.]

## TITLE 32A—NATIONAL DEFENSE, APPENDIX

### Chapter I—Office of Defense Mobilization

[Defense Mobilization Order IX-2]

DMO IX-2—CREATING A TELECOMMUNICATIONS ADVISORY BOARD

By virtue of the authority vested in me pursuant to the National Security Act of 1947, as amended; Reorganization Plan No. 3, effective June 12, 1953; the Defense Production Act of 1950, as amended; Executive Order 10460 of June 16, 1953 and Executive Order 10480 of August 15, 1953, it is hereby ordered:

1. There is established in the Office of Defense Mobilization a Telecommunications Advisory Board which shall consist of the Assistant to the Director for Telecommunications as Chairman, and a representative from each of the following departments and agencies: Department of State, Department of Defense, Department of Commerce, Central Intelligence Agency, Federal Civil Defense Administration, Federal Communications Commission.

2. The Telecommunications Advisory Board shall be called upon to furnish advice and guidance to the Director of the Office of Defense Mobilization with regard to:

(a) The relationship of national telecommunication policies to specific national mobilization plans.

(b) The compatibility of national telecommunication policies and programs with other policies and programs involving the national security.

(c) Such other related national telecommunication matters as may be requested.

3. This order shall take effect April 23, 1956.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
*Director.*

[F. R. Doc. 56-3218; Filed, Apr. 25, 1956; 8:45 a. m.]

## TITLE 33—NAVIGATION AND NAVIGABLE WATERS

### Chapter II—Corps of Engineers, Department of the Army

PART 208—FLOOD CONTROL REGULATIONS

TUOLUMNE RIVER PROJECT, CALIF.; HETCH HETCHY, CHERRY VALLEY, AND DON PEDRO DAMS AND RESERVOIRS

Pursuant to the provisions of section 7 of the act of Congress approved December 22, 1944 (58 Stat. 890; 33 U. S. C. 709), and of contract no. DA-04-167-Eng-38 dated August 29, 1949 between the United States of America and the City and County of San Francisco, California, the Turlock Irrigation District, Turlock, California, and the Modesto Irrigation District, Modesto, California, § 208.82 is hereby prescribed to govern the use and operation jointly of Hetch Hetchy Dam and Reservoir, Cherry Valley Dam and Reservoir, and Don Pedro Dam and Reservoir, all on Tuolumne River and tributaries, California, for flood-control purposes:

§ 208.82 *Hetch Hetchy, Cherry Valley, and Don Pedro Dams and Reservoirs.* The Turlock Irrigation District and Modesto Irrigation District, acting jointly, hereinafter called the Districts, shall operate Don Pedro Dam and Reservoir in the interest of flood control, and the City and County of San Francisco, hereinafter called the City, shall operate Hetch Hetchy Dam and Reservoir and Cherry Valley Dam and Reservoir in the interest of flood control all as follows:

(a) Storage space in Don Pedro Reservoir shall be kept available for flood-control purposes in accordance with the Flood-Control Storage Reservation Diagram currently in force for that reservoir, except when storage of floodwater is necessary as prescribed in paragraph (d) of this section. The Flood-Control Storage Reservation Diagram in force as of the promulgation of this section is that dated 4 April 1956, File No. TU-1-26-7, and is on file in the Office of the Chief of Engineers, Department of the Army, Washington, D. C., in the office of the Turlock Irrigation District, Turlock, California, and in the office of the Modesto Irrigation District, Modesto, California. Revisions of the Flood-Control Storage Reservation Diagram may be developed from time to time as necessary by the Corps of Engineers and the Districts. Each such revision shall be effective upon the date specified in the approval thereof by the Chief of Engineers and by the presidents of the Districts and from that date until replaced shall be the Flood-Control Storage Reservation Diagram currently in force for the purpose of this section. Copies of the Flood-Control Storage Reservation Diagram currently in force shall be kept on file in and may be obtained from the office of the District Engineer, Corps of Engineers, in charge of the locality, the office of the Turlock Irrigation District, Turlock, California, and the office of the Modesto Irrigation District, Modesto, California.

(b) Storage space in Hetch Hetchy Reservoir shall be kept available for flood-control purposes in accordance with the Flood-Control Storage Reservation Diagram for that reservoir currently in force, except when storage of floodwater is necessary as prescribed in paragraph (e) of this section. The Flood-Control Storage Reservation Diagram in force as of the promulgation of this section is that dated April 4, 1956, File No. TU-3-26-1, and is on file in the Office, Chief of Engineers, Department of the Army, Washington, D. C., and in the office of the Public Utilities Commission of the City and County of San Francisco, California. Revisions of the Flood-Control Storage Reservation Diagram may be developed from time to time as necessary by the Corps of Engineers and the City. Each such revision shall be effective upon the date specified in the approval thereof by the Chief of Engineers and by the Public Utilities Commission of the City and County of San Francisco, California, and from that date until replaced shall be the Flood-Control Storage Reservation Diagram currently in force for the purpose of this section. Copies of the Flood-Control Storage Reservation Diagram currently in force shall be kept on file in and may be obtained from the office of the District Engineer, Corps of Engineers, in charge of the locality, and the office of the Public Utilities Commission of the City and County of San Francisco, California.

(c) Storage space in Cherry Valley Reservoir shall be kept available for flood-control purposes in accordance with the Flood-Control Reservation Diagram currently in force for that reservoir except when storage of floodwater is necessary as prescribed in paragraph (e) of this section. The Flood-Control Storage Reservoir Diagram in force as of the promulgation of this section is that dated April 4, 1956, File No. TU-2-26-6, and is on file in the Office, Chief of Engineers, Corps of Engineers, Department of the Army, Washington, D. C., and in the office of the Public Utilities Commission of the City and County of San Francisco, California. Revisions of the Flood-Control Storage Reservation Diagram may be developed from time to time as necessary by the Corps of Engineers and the City. Each such revision shall be effective upon the date specified in the approval thereof by the Chief of Engineers and by the Public Utilities Commission of the City and County of San Francisco, California, and from that date until replaced shall be the Flood-Control Storage Reservation Diagram currently in force for the purpose of this section. Copies of the Flood-Control Storage Reservation Diagram currently in force shall be kept on file in and may be obtained from the office of the District Engineer, Corps of Engineers, in charge of the locality, and the office of the Public Utilities Commission of the City and County of San Francisco, California.

(d) Any water temporarily stored in the flood-control space indicated by the Flood-Control Storage Reservation Diagram currently in force for Don Pedro Reservoir shall be released as rapidly as can be accomplished without causing flows in Tuolumne River below LaGrange Dam to exceed 7,000 c. f. s. during rain floods or to exceed 9,000 c. f. s. at all other times.

(e) Any water temporarily stored in the flood-control space indicated by the Flood-Control Storage Reservation Diagrams currently in force for Hetch Hetchy and Cherry Valley Reservoirs shall be released as rapidly as can be accomplished without exceeding the respective safe channel capacities, and without materially contributing to major encroachment into the flood-control space at Don Pedro Reservoir. Such releases shall be proportioned between Hetch Hetchy and Cherry Valley Reservoirs in such manner as to assure that the percentage of encroachment into the flood-control space at the two reservoirs will tend toward equality insofar as possible. Whenever the storage space in Don Pedro Reservoir is less than 90 percent of that indicated by the Flood-Control Storage Reservation Diagram currently in force for that reservoir, releases from Hetch Hetchy and Cherry Valley Reservoirs shall be restricted to those required in connection with the generation of hydroelectric power in the power system of the City and in connection with diversion into the water supply system of the City.

(f) In the event that the water level in Don Pedro Reservoir rises above elevation 605.55 at the dam (top of spillway gates), subsequent operation of the dam shall be such as to cause downstream flows to exceed as little as possible the criteria prescribed in paragraph (d) of this section, and in no event to cause the maximum subsequent release from the reservoir to exceed the estimated maximum subsequent inflow to the reservoir.

(g) In the event that the water level in Hetch Hetchy Reservoir rises above elevation 3806 at the dam (top of spillway gates), subsequent operation of the dam shall be such as to cause downstream flows to exceed as little as possible the criteria prescribed in paragraph (e) of this section, and in no event to cause the maximum subsequent release from the reservoir to exceed the estimated maximum subsequent inflow to the reservoir.

(h) In the event that the water level in Cherry Valley Reservoir rises above elevation 4700 at the dam (spillway crest), subsequent operation of the dam shall be such as to cause downstream flows to exceed as little as possible the criteria prescribed in paragraph (e) of this section, and in no event to cause the maximum subsequent release from the reservoir to exceed the estimated maximum subsequent inflow to the reservoir.

(i) Nothing in the regulations of this section shall be construed to require dangerously rapid changes in magnitudes of releases from any of the reservoirs.

(j) The Districts shall procure such current basic hydrologic data, make such current determinations of required flood-control storage reservation in Don Pedro Reservoir, and current calculations of permissible releases from Don Pedro Reservoir as are required to accomplish the flood-control objectives of the regulations of this section.

(k) The City shall procure such current basic hydrologic data, and make such current calculations of permissible releases from Hetch Hetchy and Cherry Valley Reservoirs as are required to accomplish the flood-control objectives of the regulations of this section.

(l) The City shall keep the District Engineer, Corps of Engineers, in charge of the locality, and the Districts currently advised of reservoir releases, reservoir storages, basic operating criteria which affect the schedule of operations, and such other operating data as the District Engineer, Corps of Engineers, may request for Hetch Hetchy, Eleanor, and Cherry Valley Reservoirs.

(m) The Districts shall keep the District Engineer, Corps of Engineers, in charge of the locality, and the City currently advised of reservoir releases, reservoir storages, basic operating criteria which affect the schedule of operations, and such other operating data as the District Engineer, Corps of Engineers, may request for Don Pedro Reservoir.

(n) The flood-control regulations of this section are subject to temporary modification by the District Engineer, Corps of Engineers, if found necessary in time of flood emergency. Request for and action on such modifications may be made by any available means of communication, and such action shall be confirmed in writing under date of same day to the operating agency for the reservoir affected.

[Regs., April 4, 1956, ENGWE] (Sec. 7, 58 Stat. 890; 33 U. S. C. 709)

[SEAL] JOHN A. KLEIN,
*Major General, U. S. Army,*
*The Adjutant General.*

[F. R. Doc. 56-3219; Filed, Apr. 25, 1956; 8:45 a. m.]



## TITLE 39—POSTAL SERVICE

### Chapter I—Post Office Department

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter I of Title 39 is amended in the following respects:

PART 3—MAIL TREATED IN CONFIDENCE

a. Amend the part caption of Part 3 to read as set forth above.

b. Amend the section caption of § 3.1 *Confidential treatment of mail* to read as follows:

§ 3.1 *Mail treated in confidence.* * * *

(R. S. 161, 396, as amended; 5 U. S. C. 22, 369)

PART 4—INFORMATION ON POSTAL MATTERS

a. In § 4.2 *General postal publications* make the following changes:

1. Amend paragraph (a) (4) to read as follows:

(4) You may obtain chapters 1 and 2 (3-hole punched for filing) from the Superintendent of Documents, Washington 25, D. C., together with periodic looseleaf supplements, for approximately 1 year, for $2.

2. Amend paragraph (b) to read as follows:

(b) *Directory of post offices.* The Directory of Post Offices contains an alphabetical list of post offices and a list of post offices arranged alphabetically by States. You may purchase this directory with binder for $8, or without binder for $5, from the Superintendent of Documents, Washington 25, D. C. These prices include subscription to looseleaf amendments for an indefinite period.

3. Add new paragraph (c) to read as follows:

(c) *Directory of international mail.* The Directory of International Mail contains rates and other conditions in detail governing mail to foreign countries, but excludes the information covered in general for all countries in Subchapters K-T of this chapter. This directory may be purchased with binder for $5, without binder for $2.50, from the Superintendent of Documents, Washington 25, D. C. These prices include subscription to looseleaf amendments for an indefinite period.

b. Section 4.3 *Confidential matter* is amended to read as follows:

§ 4.3 *Privileged matter.* The following records, documents, and information are privileged matter, and may not be disclosed by subordinate officers or employees of the Department without authorization:

(a) Reports of Postal Inspectors.

(b) Records of the Postal Inspection Service.

(c) Names of post office box holders.

(d) Names and addresses of post office patrons and former patrons, except as provided in § 13.5 of this chapter.

(e) Records regarding mail matter.

(f) Records regarding postal savings accounts.

(g) Records regarding money orders.

(R. S. 161, 396, as amended; 5 U. S. C. 22, 369)

PART 46—RURAL SERVICE

In § 46.5 *Rural boxes* amend the listing of manufacturers in paragraph (a) as follows:

1. Change the address of the Akron Metal Sales Co. to read as follows:

Akron Metal Sales Co., 275 North Forge Street, Akron 4, Ohio.

2. Delete from the listing the following companies:

Dayton Plastic & Metal Stampings, 321 North Western Avenue, Post Office Box 852, Dayton 7, Ohio.

Northwestern Mail Box Co., 2655-2723 Spruce Street, St. Louis 3, Mo.

(R. S. 161, 396, as amended; sec. 1, 39 Stat. 423; 5 U. S. C. 22, 369, 39 U. S. C. 191, 192)

[SEAL] ABE MCGREGOR GOFF,
*The Solicitor.*

[F. R. Doc. 56-3256; Filed, Apr. 25, 1956; 8:52 a. m.]

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter I of Title 39 is amended in the following respects:

PART 13—ADDRESSES

In § 13.1 *General information* add new paragraph (g) to read as follows:

(g) All mail should bear the name and address of the sender. See §§ 12.4 (d), 16.1 (b) (6), 25.5 (a) (1), 26.6 (a), 47.7 (b), 48.3, 48.4 (a) (2), 51.5 (a), 52.1 (b), and 53.1 (b) of this chapter for mail which must show a return address.

(R. S. 161, 396, as amended; 5 U. S. C. 22, 369)

PART 16—BULK MAILINGS

In § 16.1 *Second class publications* make the following changes:

1. Amend paragraph (b) to read as follows:

(b) *Wrapping.* (1) Single copies not tied in bundles or wrapped in packages as specified in paragraph (d) (4) of this section must be enclosed in wrappers or envelopes.

(2) All single copies addressed to Army-Air Force post offices must be enclosed in wrappers or envelopes.

(3) Heavy magazines should be wrapped singly, and publications of small size or of a filmsy nature should be placed in envelopes.

(4) Use white or other light-colored paper for wrapping. Do not use old newspapers.

(5) Use wrappers that may be easily removed and replaced.

(6) Envelopes used as wrappers must show in the upper left corner of the address side the name and address of the publication and in the upper right corner a notice of entry.

2. Amend paragraph (c) (6) to read as follows:

(6) When the address is placed on the wrapper it should appear on the flat side and never on the fold. Addresses, including address strips, must be placed in a visible position either on the wrapper or directly on the copies.

3. Amend paragraph (d) (4) to read as follows:

(4) *Copies for same Post Office.* When there are more than five individually addressed copies of a publication for subscribers at the same post office they must be securely wrapped in packages or tied in bundles and labeled for the post office. The twine and paper used must be strong enough for the weight and size of the package or bundle. When the packages and bundles for one post office will fill approximately one-third of a sack, they must be placed in a direct sack, or sacks, for that post office. When there is less than one-third of a sack for a post office, a direct sack shall not be made up except where a direct sack is necessary materially to advance the mail.

4. Amend paragraph (g) to read as follows:

(g) *Controlled circulation publications.* The weight of mailings of controlled circulation publications (see Part 23 of this chapter) is obtained in the manner prescribed for obtaining the weight of mailings of second-class publications. Controlled circulation postage is collected and accounted for in the same manner as second-class postage. Each mailing must be prepared and made up for dispatch in the manner prescribed for second-class mail (see paragraphs (a) through (d), of this section).

(R. S. 161, 396, as amended; sec. 203, 62 Stat. 1262; 5 U. S. C. 22, 369, 39 U. S. C. 291b)

PART 22—SECOND CLASS

In § 22.4 *What may be mailed at the second-class rates* amend subdivision (iv) of paragraph (h) (3) to read as follows:

(iv) Pages having printed paper illustrations pasted to them.

(R. S. 161, 396, as amended; 5 U. S. C. 22, 369)

PART 24—THIRD CLASS

a. In § 24.1 *Rates* amend the table in the following respect: In the column headed "Kind of mail" strike out "Hotel and steamship room keys (mailed uncovered)" and insert in lieu thereof the following: "Keys and identification devices (mailed without cover under conditions in § 24.2 (a) (3))."

b. In § 24.2 *Classification* make the following changes:

1. Amend paragraph (a) (3) to read as follows:

(3) Keys, identification cards, identification tags, or similar identification devices which bear, contain, or have securely attached the name and complete post office address of a person, organization, or concern with instructions to return to such address and a statement guaranteeing the payment, on delivery, of the postage due.

2. Amend the last sentence of paragraph (b) (2) to read as follows: "(See § 16.2 of this chapter and § 24.4 for other conditions governing acceptance of bulk mailings)."

3. Add new subparagraph (4) to paragraph (b) to read as follows:

(4) The rate for keys and identification items placed loose in the mails under the conditions in paragraph (a) (3) of this section is applied to each item according to its weight. When there are several items for the same addressee, the office of mailing will place them in an envelope or wrapper addressed to the intended recipient and marked to show the amount of postage due. The amount of postage will be computed on each item and not on the bulk weight of the mailing piece.

c. Section 24.3 *Weight and size limitations* is amended to read as follows:

§ 24.3 *Weight and size limitations*—(a) *Weight.* The weight of each piece may not exceed 8 ounces, except for items described in § 24.2 (a) (3) and (4) and letters for the blind. (See Part 28 of this chapter.)

(b) *Size.* No limit.

d. In § 24.4 *Payment of postage* make the following changes:

1. Amend paragraph (a) (2) to read as follows:

(2) Mail any number of pieces at one time. Authorized nonprofit organizations which mail books and catalogs, seeds, cuttings, bulbs, roots, cions, and plants at the special single piece rate for these articles must mark the articles "Nonprofit Organization" or "Nonprofit Org." in the upper right corner adjacent to the postage.

2. Amend subdivision (ii) of paragraph (b) (4) to read as follows:

(ii) Authorized nonprofit organizations mailing at special bulk rates must print the words "Nonprofit Organization" or "Nonprofit Org."

(R. S. 161, 396, as amended; sec. 7, 20 Stat. 358, as amended, sec. 1, 25 Stat. 1, as amended, sec. 5, 41 Stat. 583, as amended, sec. 206, 43 Stat. 1067, as amended; 5 U. S. C. 22, 369, 39 U. S. C. 221, 235, 249, 291a)

PART 27—FRANKED, PENALTY, AND FREE MAIL

a. In § 27.2 *Penalty mail* make the following changes:

1. Amend paragraph (a) (4) to read as follows:

(4) Bulletins, reports, periodicals, reprints of articles, and other publications necessary for the dissemination of results of researches and experiments, including lists of publications available for distribution, when mailed by agricultural experiment stations designed by the act of March 2, 1887, as amended by the act of August 11, 1955, as follows: The officer in charge of a station that claims the privilege of sending materials free through the mails must file an application with the Bureau of Post Office Operations, Mail Classification Division, through the post office where the station is located, stating the date of establishment of the station, its name or designation, its official organization, the names of its officers, the name of the college, school or institution to which it is attached, if any, the legislation of the State or Territory providing for its establishment, and any other legislation granting it the benefits of the act of Congress referred to in this section.

2. Amend paragraph (b) (3) to read as follows:

(3) Official mailings by agricultural experiment stations must bear in the upper left corner of the address side the name of the station, the name of the post office at which the matter is to be accepted, and the name and title of the officer in charge of the station, followed by the words "Publication—Free." The title of the bulletin or report followed by the word "Free" may be used.

3. Amend paragraph (c) (3) to read as follows:

(3) Official mail may not be sent in penalty envelopes by special delivery without prepayment of the fee or by airmail without prepayment of the air postage. Exception: Penalty envelopes containing urgent official communications of the Postal Service may be sent special delivery or airmail without payment of fee or postage.

b. In § 27.6 *Absentee balloting materials* amend paragraph (a) to read as follows:

(a) *Purpose.* Balloting materials consisting of post card applications, ballots, voting instructions, and envelopes, are sent through the mails free of postage, including airmail postage, for the purpose of enabling every person in any of the following categories to vote by absentee ballot when he is absent from the place of his voting residence and is otherwise eligible to vote:

(1) Members of the Armed Forces while in the active service and their spouses and dependents.



(2) Members of the merchant marine of the United States and their spouses and dependents.

(3) Civilian employees of the United States in all categories serving outside the United States and the District of Columbia and their spouses and dependents when residing with or accompanying them, whether or not the employee is subject to the civil-service laws and the Classification Act of 1949, and whether or not paid from funds appropriated by the Congress.

(4) Members of religious groups or welfare agencies assisting members of the Armed Forces, who are officially attached to and serving with the Armed Forces, and their spouses and dependents.

(R. R. 161, 396, as amended; sec. 7, 18 Stat. 343, as amended, secs. 5, 6, 19 Stat. 335, as amended, secs. 101, 102, 69 Stat. 584; 5 U. S. C. 22, 369, 2171, 2172, 39 U. S. C. 321, 329)

PART 34—PERMIT IMPRINTS

In § 34.3 *Content of permit imprints* add the following to paragraph (a): "Exception: The date may be omitted from post cards."

(R. S. 161, 396, as amended; sec. 5, 41 Stat. 583, as amended, 47 Stat. 647; 5 U. S. C. 22, 369; 39 U. S. C. 273, 273a)

PART 37—PREPAYMENT AND REFUNDS

In § 37.2 *Refunds* make the following changes:

1. Amend paragraphs (b) to read as follows:

(b) *Application.* Submit an application on Form 3533, in duplicate, to the postmaster together with the envelope or wrapper, or the portion thereof having names and addresses of sender and addressee, canceled postage and postal markings, or other evidence of payment of the amount of postage and fees for which refund is desired.

2. Amend paragraph (i) to read as follows:

(i) *Special services.* Special delivery, special handling and certified mail fees may be refunded when the article fails to receive the special service for which the fee has been paid. Registered, insured, and COD fees are not refundable after the mail has been accepted by the post office even through the article is later withdrawn from the mailing post office. The fees paid for restricted delivery of registered, insured, COD, or certified mail, and the fee paid for return receipt on registered, insured, or certified mail, may be refunded when failure to render service is the fault of the Postal Service. (See § 51.4 (f) of this chapter.)

(R. S. 161, 396, as amended; sec. 2, 33 Stat. 1091; 5 U. S. C. 22, 369, 39 U. S. C. 300)

PART 47—FORWARDING MAIL

In § 47.3 *Postage for forwarding* add new subparagraph (7) to paragraph (b) to read as follows:

(7) Controlled circulation publications (See Part 23 of this chapter) are subject to additional postage for forwarding at the single-piece third- or fourth-class rate according to weight. These publications are forwarded only when the sender or addressee has guaranteed forwarding postage.

(R. S. 161, 396, as amended; sec. 1, 64 Stat. 210; 5 U. S. C. 22, 369, 39 U. S. C. 278a)

PART 48—UNDELIVERABLE MAIL

In § 48.2 *Treatment by classes* amend paragraph (i) to read as follows:

(i) *Foods, drugs, and cosmetics.* (1) Undeliverable packages containing food or drugs will be destroyed. They will not be sold, donated or retained as dead parcel post.

(2) Undeliverable packages containing cosmetics such as soaps, perfumes, powders, home permanent waves, hand lotions, hand creams, after-shave lotions and deodorant sticks or pastes which bear no statements claiming medicinal properties will be treated as dead parcel post. Lipsticks will be destroyed. If there is any question whether the use of a cosmetic might, as the result of deterioration or for other reason, jeopardize life or health, the article will be destroyed.

(R. S. 161, 396, as amended; 5 U. S. C. 22, 369)

PART 51—REGISTRY

a. In § 51.3 *Declaration by sender* add new paragraphs (c) and (d), to read as follows:

(c) *Official paid mail.* Government agencies or officials not entitled to register official mail free under § 51.4 (g) must declare the actual value of the matter presented and pay fees and surcharges prescribed by § 51.4 (a).

(d) *Official free mail.* A declaration of value is not required on mail registered free under the provisions of § 51.4 (g).

b. In §51.4 *Fees, surcharges, and return receipts* amend paragraph (g) to read as follows:

(g) *Free registration of mail.* (1) All mail relating to the census and addressed to the Census Office, or to any official thereof, that is endorsed "Official Business, Census Office," may be sent by registered mail without payment of a registration fee.

(2) All mail relating to naturalization, including duplicate papers required to be sent to the Immigration and Naturalization Service by clerks of State or Federal courts addressed to the Department of Justice or to the Immigration and Naturalization Service, may be sent by registered mail without payment of a registration fee, if endorsed "Official Business."

(3) Diplomatic Corps of the countries of the Postal Union of the Americas and Spain who are stationed in the United States may send correspondence by registered mail without payment of the registration fee. See § 27.3 (a) of this chapter for preparation of such mail.

(4) Official correspondence may be sent by registered mail between consulates (consuls and vice consuls) of the countries of the Postal Union of the Americas and Spain stationed in the United States and by such consulates to the Government of the United States or to their respective embassies or legations without payment of the registration fee. See § 27.3 (b) of this chapter for preparation of such mail.

(5) Currency sent to the Treasurer of the United States, Washington, D. C., for redemption, contained in letters or parcels with postage prepaid by the sender, and redeemed currency mailed to the Treasurer of the United States, may be transmitted by registered mail without payment of registration fee, under the following conditions:

(i) The contents must be exhibited to the postmaster and a list furnished giving a detailed description of the money. For currency, the serial number, series date, and denomination must be given. Coin need be described only by number and denomination of pieces.

(ii) After the contents have been compared with the list and found correct, the letter or parcel must be sealed in the presence of the postmaster.

(iii) The list must be left with the postmaster.

(iv) No liability is assumed by the Postal Service. If coverage is desired, the regular registration fees must be paid for liability.

(6) Official matter of executive departments or independent Government institutions located in Washington, D. C., or of the Public Printer may be registered free. Government officers officially stationed at Washington, D. C., whose official mail is registered free from there, have the same privilege elsewhere when temporarily away from Washington if the mail is endorsed "Temporarily Absent From Washington, D. C." This privilege does not apply to officers not officially stationed at Washington or those in the field service of their departments.

(7) Letters or parcels relating exclusively to the business of the United States Civil Service Commission, Washington, D. C., and addressed to the Commission by members of local boards of examiners outside Washington, are registered free.

(8) Official mail of the Postal Service which requires registration may be registered without payment of a fee.

(9) The value is not required to be declared on matter entitled to free registration. No indemnity will be paid for any matter registered free.

c. In § 51.7 *Delivery* amend paragraph (d) to read as follows:

(d) *Notice of arrival.* If the carrier is unable to deliver registered mail, he will leave a notice for you. If your mail is not delivered by carrier, a notice of arrival will be issued through your regular mail channels, and if the mail is not delivered within 5 days a second notice will be issued, provided the maximum period for which the mail may be held permits.

(R. S. 161, 396, 3926, as amended; 5 U. S. C. 22, 369)

PART 52—INSURANCE

In § 52.1 *Description* amend paragraph (b) to read as follows:

(b) *Classes of mail to which applicable.* You may insure only third- and fourth-class mail or airmail which contains third- or fourth-class matter. Insured airmail may contain incidental first-class enclosures. The mail must bear the complete names and addresses of sender and addressee. The following are not acceptable for insurance.

(1) Parcels marked Insured but not insured by the Postal Service.

(2) Parcels containing matter offered for sale, addressed to prospective purchasers who have not ordered or authorized their sending. If such matter is received in the mails, payment will not be made for loss, rifling, or damage.

(3) Nonmailable matter.

(4) Articles that are so fragile as to prevent their safe carriage in the mails regardless of packaging.

(5) Articles which are not adequately packed to withstand normal handling in the mail.

(R. S. 161, 396, as amended; sec. 8, 37 Stat. 558, as amended; sec. 1, 41 Stat. 581; 5 U. S. C. 22, 369, 39 U. S. C. 244, 382)

PART 53—COD

In § 53.1 Description, add new paragraph (d) to read as follows:

(d) *Canal Zone.* There is no COD service with the Canal Zone.

(R. S. 161, 396, as amended; sec. 8, 37 Stat. 558, as amended; sec. 1, 41 Stat. 581; 5 U. S. C. 22, 369; 39 U. S. C. 244, 382)

PART 54—PAYMENT FOR LOSSES

In § 54.1 *Payments permitted* strike out the present introductory statement and insert in lieu thereof the following and redesignate present paragraphs (a) through (k) as subparagraphs (1) through (11):

§ 54.1 *Payments permitted*—(a) *Limit of payment.* The amount paid for registered, insured, and COD losses will not exceed the maximum amount of liability prescribed in §§ 51.4, 52.2, and 53.2 of this chapter for the fee paid.

(b) *Wrong fee collected.* Whenever it is shown to the satisfaction of the Postmaster General that the sender was charged a fee less than that required to cover the amount of insurance desired by the sender, through error on the part of the Postal Service, the deficiency in fee may be collected from the sender and postal insurance may be paid within the limit fixed for the higher fee.

(c) *Rules for payment.* The following rules apply to payments by the Postal Service:

* * * * *

(R. S. 161, 396, 3926, as amended; sec. 8, 37 Stat. 558, as amended, sec. 1, 41 Stat. 581; 5 U. S. C. 22, 369, 39 U. S. C. 244, 381, 382)

PART 56—SPECIAL DELIVERY

In § 56.2 *Payment for special delivery* amend paragraph (b) by converting "Post Office Department" to "Postal Service."

(R. S. 161, 396, as amended; 5 U. S. C. 22, 369)

PART 58—CERTIFIED MAIL

a. In § 58.2 *Class of mail to which applicable* add the following to the text: "Official matter of the Postal Service may be sent as certified mail without payment of the fee."

b. Section 58.4 *Mailing* is amended to read as follows:

§ 58.4 *Mailing*—(a) *Payment of fees and postage.* A certified mail stamp is available for the fee. However, the fee and postage may be paid by ordinary postage stamps, meter stamps, or by permit imprints.

(b) *Where to mail.* You may mail certified mail at the post office, branch, or station or give it to a rural carrier. It may also be deposited in mail drops in post offices, street letter boxes, or any other receptacles for first-class mail, provided you follow specific directions in paragraph (c) of this section.

(c) *How to mail.* Obtain blank certified mail coupons (no charge) at your post office or from your rural mail carrier. Also obtain blank return receipt forms if needed. Following is the procedure:

(1) Enter on the receipt portion of the certified mail coupon the name and complete address of the person or firm to whom the mail is addressed.

(2) If return receipt is wanted, check block on the mailing receipt to show the fee and endorse the article on the address side near the certified mail endorsement "Return Receipt Requested" or "Return Receipt Requested Showing Address Where Delivered." See § 58.3 (b). Enter the certified mail number on the return receipt card, address it to yourself and attach it to the back of small envelopes and on front of packages and large envelopes if it will not cover the address. If you desire the return receipt to show the address where the article was delivered, there is a block at the top of the form which must be checked by you.

(3) Be sure to attach to the envelope sufficient postage stamps to pay for the certified mail fee, first-class postage, return receipt fee, or special-delivery fee.

(4) If you want a postmarked sender's receipt, attach the certified mail sticker to the address side of the article and present the article and the completed coupon to the postal employee. If given to a rural carrier, he will bring the postmarked receipt back to you.

(5) If you do not want a postmarked receipt, attach the Certified Mail sticker to the address side of the article, detach your receipt, and mail the article. Mark your receipt to show the date.

(6) If you desire to restrict delivery of certified mail to the addressee or someone named by him in writing, endorse the mail "Deliver to Addressee Only" or "Deliver to Addressee or Order."

(d) *Firm mailing books.* If you mail an average of three or more letters at one time, you may use mailing books. Form 3877a, which is furnished by the Postal Service without charge, or specially printed mailing bills. A series of numbers will be furnished you. The sheets of the book become the sender's receipts. If you want the firm mailing bills receipted by the Postal Service, present the books with the articles to be mailed. You must also obtain at your expense a stamp for endorsing the certified letters, or you may have your envelope overprinted with the endorsement. The endorsement must be a facsimile or proportionate enlargement of the official endorsement shown in § 58.1. Following are instructions for use of the forms:

(1) Insert the word "Certified" in the space provided at the top of the form.

(2) The mailer must endorse and number the letters. If return receipt or special-delivery services are requested, mark the letters "Return Receipt Requested," "Return Receipt Requested Showing Address Where Delivered," or "Special Delivery." Prepare and attach return receipt to the back of the envelopes with the receipt side showing.

(3) Show on the bill the number of each article and the name and address of addressee.

(4) Enter only the amount of fees paid for return receipts.

(5) Affix necessary postage to the articles.

(6) The accepting employee will count the items, receipt the bill for the total number, and return the bill to you.

(R. S. 161, 388, 396; secs. 304, 309, 42 Stat. 24, 25, sec. 501, 65 Stat. 290, sec. 12, 65 Stat. 676; 5 U. S. C. 22, 140, 361, 369, 39 U. S. C. 246f)

[SEAL] ABE MCGREGOR GOFF, *The Solicitor.*

[F. R. Doc. 56-3257; Filed, Apr. 25, 1956; 8:52 a. m.]

## TITLE 43—PUBLIC LANDS: INTERIOR

### Chapter I—Bureau of Land Management, Department of the Interior

#### Appendix—Public Land Orders

[Public Land Order 1288]

[1495407]

ALASKA

PARTIALLY REVOKING EXECUTIVE ORDER NO. 6132 OF MAY 15, 1933, WHICH WITHDREW LANDS FOR THE ALASKA COMMUNICATION SYSTEM

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910, c. 421 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Executive Order No. 6132 of May 15, 1933, which withdrew certain public lands in Alaska for use of the War Department as a site for the Army radio station at Point Barrow, is hereby revoked so far as it affects the following-described lands:

Beginning at corner No. 6, U. S. Survey No. 2979, thence
S. 13° 02' E., 460.00 feet
N. 76° 58' E., 120.00 feet
N. 13° 02' W., 460.00 feet to line 5-6 U. S. S. 2979
S. 77° 03' W., 120.00 feet along line 5-6 U. S. C. 2979 to point of beginning.



The tract described contains 1.26 acres.

The lands are withdrawn by Public Land Order No. 82 of January 22, 1943.

WESLEY A. D'EWART, *Assistant Secretary of the Interior.*

APRIL 20, 1956.

[F. R. Doc. 56-3220; Filed, Apr. 25, 1956; 8:45 a. m.]

## TITLE 49—TRANSPORTATION

### Chapter I—Interstate Commerce Commission

#### Subchapter B—Carriers by Motor Vehicle

[Ex Parte No. MC-40]

PART 193—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

QUALIFICATIONS AND MAXIMUM HOURS OF SERVICE OF EMPLOYEES OF MOTOR CARRIERS AND SAFETY OF OPERATION AND EQUIPMENT

At a General Session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 12th day of April A. D. 1956.

The matter of parts and accessories necessary for safe operation, particularly the provisions of § 193.91 relating to aisle seats in buses, as prescribed by order dated April 14, 1952, effective July 1, 1952, the record in the above entitled proceeding, and petition of National Bus Traffic Association, Inc., dated February 8, 1956, for modification of that section being under consideration; and

It appearing that modification of the said section will be in the public interest; and that the modification is permissive in nature or otherwise such that the public rule making requirements of section 4 (a) of the Administrative Procedure Act are deemed unnecessary;

*It is ordered*, That effective May 1, 1956, § 193.91 of the Motor Carrier Safety Regulations (49 CFR 193.91) be, and it is hereby, amended by changing the period at the end thereof to a comma and adding the following: "*Provided, however*, That this section shall not apply with respect to any bus while engaged exclusively in the transportation of agricultural workers in charter transportation if such bus carries not to exceed eight passengers on temporary folding seats located in the center aisle of the bus; *and provided further*, That if such temporary seats are used, the carrier at the end of each month in which such transportation is provided, shall promptly file a report with the Bureau of Motor Carriers of this Commission containing the following information: (a) Number of bus trips during the month involving the use of such temporary seats; (b) aggregate passenger miles of such trips; (c) details concerning any injuries sustained by persons riding on the temporary seats; (d) details of injuries sustained by others in same bus not riding the temporary seats."

Notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission, Washington, D. C., and by filing a copy thereof with the Director, Division of the Federal Register.

(49 Stat. 546, as amended; 49 U. S. C. 304)

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 56-3241; Filed, Apr. 25, 1956; 8:49 a. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### [ 7 CFR Part 52 ]

FROZEN FRIED FISH STICKS

UNITED STATES STANDARDS FOR GRADES [1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance of United States Standards for Grades of Frozen Fried Fish Sticks pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.). These proposed grade standards are recommended by the Fish and Wildlife Service, U. S. Department of Interior, based on data developed by that agency. This proposal, if made effective, will be the first issue by the Department of grade standards for this product.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington 25, D. C., not later than 60 days after publication hereof in the FEDERAL REGISTER.

[1] Compliance with these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

The proposed standards are as follows:

PRODUCT DESCRIPTION, AND GRADES

Sec.
52.3141 Product description.
52.3142 Grades of frozen fried fish sticks.

WEIGHTS AND DIMENSIONS

52.3143 Recommended weights and dimensions.

FACTORS OF QUALITY

52.3144 Ascertaining the grade for frozen fried fish sticks.
52.3145 Ascertaining the score for the factors which are rated.
52.3146 Appearance.
52.3147 Defects.
52.3148 Character.

LOT CERTIFICATION TOLERANCES

52.3149 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.3150 Score sheet for frozen fried fish sticks.

AUTHORITY: §§ 52.3141 to 52.3150 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

PRODUCT DESCRIPTION AND GRADES

§ 52.3141 *Product description.* Frozen fried fish sticks are clean, wholesome, rectangularly-shaped portions of breaded, pre-cooked, and frozen fish flesh. The portions of fish flesh, composed primarily of large pieces, are coated with a suitable batter and breading; are cooked by frying in suitable oil or fat; and are frozen in accordance with good commercial practice and maintained at temperatures necessary for the preservation of the product. Frozen fried fish sticks contain not less than 60 percent, by weight, of fish flesh. All sticks comprising an individual package are prepared from the flesh of only one species of fish.

§ 52.3142 *Grades of frozen fried fish sticks.* (a) "U. S. Grade A" is the quality of frozen fried fish sticks that possess a good flavor and odor, that possess a good appearance, that are practically free from defects, that possess a good character, and that for those factors which are rated in accordance with the scoring system outlined in this subpart the total score is not less than 85 points: *Provided*, That the frozen fried fish sticks may possess a reasonably good appearance and a reasonably good character if the total score is not less than 85 points.

(b) "U. S. Grade B" is the quality of frozen fried fish sticks that possess a reasonably good flavor and odor, that possess a reasonably good appearance, that are reasonably free from defects, that possess a reasonably good character, and that for those factors which are rated in accordance with the scoring system outlined in this subpart the total score is not less than 70 points: *Provided*, That the frozen fried fish sticks may fail to possess a reasonably good appearance and fail to possess a reasonably good character if the total score is not less than 70 points.

(c) "Substandard" is the quality of frozen fried fish sticks that fail to meet the requirements of U. S. Grade B.

WEIGHTS AND DIMENSIONS

§ 52.3143 *Recommended weights and dimensions.* The recommended weights

and dimensions of frozen fried fish sticks are not incorporated in the grades of the finished product since weights and dimensions, as such, are not factors of quality for the purposes of these grades. It is recommended that the largest dimension of a fish stick be at least three times that of the next largest dimension and that the average weight of the individual sticks be not less than ¾ ounce and not greater than 1¼ ounces.

FACTORS OF QUALITY

§ 52.3144 *Ascertaining the grade*—(a) *General.* In addition to considering other requirements outlined in the standards, the following quality factors are evaluated in ascertaining the grade of the product:

(1) *Factor not rated by score points.* (i) Flavor and odor.

(2) *Factors rated by score points.* The relative importance of each factor which is rated is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

| Factors: | Points |
|---|---|
| Appearance | 35 |
| Defects | 40 |
| Character | 25 |
| Total score | 100 |

(b) The grade of frozen fried fish sticks is ascertained by observing the product in the frozen state and after it has been heated in a suitable manner.

(c) *Percent of fish flesh.* "Percent of fish flesh" means the average percent, by weight, of fish flesh in an individual package.

(d) *Good Flavor and odor.* "Good flavor and odor" means that the product has the good flavor and odor of properly prepared breaded fish sticks. The flesh portion has the good flavor and odor of properly prepared fish of the particular species. The coating has the good flavor and odor obtained when all components have been properly prepared, used, and maintained. The product is free from rancidity, bitterness, and staleness, from bacterial spoilage flavors and odors, and from off-flavors and off-odors of any kind.

(e) *Reasonably good flavor and odor.* "Reasonably good flavor and odor" means that the product may be somewhat lacking in good flavor and odor, but is free from rancidity and from objectionable bacterial spoilage flavor, and from off-flavors and off-odors of any kind.

(f) *Heating in a suitable manner.* "Heating in a suitable manner" means heating in accordance with the recommendations accompanying the product. However, if specific instructions are lacking the product should be heated as follows:

(1) Place the product while still in the frozen state on a flat or shallow pan of sufficient size that at least 10 ounces of the product can be spread evenly on the pan with no portion of a stick closer than ¼ inch to another or to the edge of the pan.

(2) Place the pan and frozen contents in a properly ventilated oven pre-heated to 400 degrees Fahrenheit and remove when the product is thoroughly heated.

§ 52.3145 *Ascertaining the score for the factors which are rated.* The essential variations within each factor which is rated are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is rated is inclusive. (For example, "21 to 25 points" means 21, 22, 23, 24, or 25 points).

§ 52.3146 *Appearance*—(a) *General.* The factor of appearance refers to the uniformity of size and shape of the frozen sticks, the color of the heated sticks, and the continuity of the coating of the product after heating.

(b) (*A*) *classification.* Frozen fried fish sticks that possess a good appearance may be given a score of 30 to 35 points. "Good appearance" means that the sticks are practically uniform in size and shape; that the product after heating possesses a practically uniform light brown to golden brown color or reddish-brown color characteristic of properly prepared frozen fried fish sticks; and that the sticks, after heating, possess a continuity of the coating not more than slightly affected by cracking or slipping.

(c) (*B*) *classification.* Frozen fried fish sticks that possess a reasonably good appearance may be given a score of 25 to 29 points. "Reasonably good appearance" means that the sticks are reasonably uniform in size and shape; that the product after heating possesses a reasonably uniform light brown to golden-brown color or reddish-brown color characteristic of properly prepared frozen fried fish sticks; and that the sticks, after heating, possess a continuity of the coating not materially affected by cracking or slipping.

(d) (*SStd.*) *classification.* Frozen fried fish sticks which fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 24 points, and shall not be graded above U. S. Grade B regardless of the total score for the product (this is a partial limiting rule).

§ 52.3147 *Defects*—(a) *General.* The factor of defects refers to the degree of freedom from bones, broken sticks, damaged sticks, and from blemishes.

(1) *Bones.* "Bones" means any bones that can be separated from the product, can be identified, and are of such character as to be potentially harmful.

(2) *Broken stick.* "Broken stick" means a fish stick which is separated in two or more parts or is strained apart to the extent that it cannot be readily handled as one stick.

(3) *Damaged stick.* "Damaged stick" means a fish stick which has been crushed or otherwise mutilated to the extent that its appearance is materially affected.

(4) *Blemished.* "Blemished" means the presence (in or on the fish flesh) of blood spots, bruises, skin, protein curd spots, and objectionable dark layer fat, and (on or in the coating) of burned material, dark carbon specks, and other harmless extraneous material.

(5) *Seriously blemished.* "Seriously blemished" means blemished to the extent that the appearance is seriously affected.

(b) (*A*) *classification.* Frozen fried fish sticks that are practically free from defects may be given a score of 34 to 40 points. "Practically free from defects" means that:

(1) None of the sticks are broken;

(2) The sticks may be blemished to only a minor degree; and

(3) Not more than a total of 20 percent, by count, of the sticks may be damaged or contain bones: *Provided,* That bones may be present in not more than 10 percent, by count, of all the sticks.

(c) (*B*) *classification.* Frozen fried fish sticks that are reasonably free from defects may be given a score of 28 to 33 points. Frozen fried fish sticks that fall into this classification may not be graded above U. S. Grade B regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that not more than a total of 30 percent, by count, of the sticks may be defective because of bones, or are damaged sticks, broken sticks, or seriously blemished sticks: *Provided,* That

(1) Not more than 10 percent, by count, may be broken sticks;

(2) Not more than 30 percent, by count, may be damaged sticks;

(3) Not more than 20 percent, by count, of the sticks may contain bones; and

(4) Not more than 10 percent, by count, of the sticks may be seriously blemished.

(d) (*SStd.*) *classification.* Frozen fried fish sticks that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 27 points, and may not be graded above substandard regardless of the total score for the product (this is a limiting rule).

§ 52.3148 *Character*—(a) *General.* The factor of character refers to the presence or absence of free oil in the package and its effect on the condition of the package; the ease of separating the frozen sticks without damaging the coating or breaking the sticks; the tendency of the sticks to remain whole and unbroken when they are heated, handled, and served in the normal manner; the degree of freedom of the breading from either an oiliness or crumbliness; the tenderness and moistness of the flesh; the consistency of the breading in the heated product; and the adherence of the coating of the heated product.

(b) (*A*) *classification.* Frozen fried fish sticks that possess a good character may be given a score of 21 to 25 points. "Good character" means that oil from the product does not more than slightly damage the package; that there may be present not more than a very small amount of loose breading in the package; that the sticks may be separated easily; that the sticks are not more than very slightly damaged by the normal handling incident to heating and serving; that no excess oil remains on the cooking utensil; that the breading is not more than slightly oily; that the flesh after heating has a good texture which is firm, tender and moist, characteristic of properly fried fish sticks for the species used; and that after heating the coating has a good crisp, tender texture not more than slightly affected by blistering or wrinkling.

(c) (*B*) *classification.* Frozen fried fish sticks that possess a reasonably good character may be given a score of 17 to 20 points. "Reasonably good character" means that oil from the product does not materially damage the package; that there may be present not more than a reasonable amount of loose breading in the package; that the sticks may be separated with only moderate damage to the coating; that the sticks are not more than moderately damaged by the normal handling incident to heating and serving; that the breading is not more than moderately oily; that the flesh after heating has a reasonably good texture which is not more than moderately tough, stringy, crumbly, mushy or spongy; and that after heating the coating has a reasonably good texture which may be not more than moderately pasty, mushy, tough, or crumbly and is not materially affected by blistering or wrinkling.

(d) (*SStd.*) *classification.* Frozen fried fish sticks that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 16 points and shall not be graded above U. S. Grade B regardless of the total score for the product (this is a partial limiting rule).

LOT CERTIFICATION TOLERANCES

§ 52.3149 *Tolerances for certification of officially drawn samples.* (a) The grade of a specific lot from which samples have been officially drawn may be certified on the basis of such samples: *Provided,* That (1) all packages contain one species of fish; (2) all packages meet applicable provisions of the Federal Food, Drug, and Cosmetic Act in effect at the time of the aforesaid certification: *And provided further,* That, with respect to those factors which are rated by score points, such grade will be determined by averaging the total scores, if:

(i) Not more than one-sixth of the packages fail to meet the grade indicated by the average of such total scores;

(ii) None of the packages fall more than one grade below the grade indicated by the average of such total scores; and

(iii) The average score of all packages for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the packages comprising the sample.



SCORE SHEET

§ 52.3150 *Score sheet for frozen fried fish sticks.*

| | | | |
|---|---|---|---|
| Label | | | |
| Size and kind of container | | | |
| Species of fish | | | |
| Container mark or identification | | | |
| Size of lot | | | |
| Number of samples | | | |
| Net weight (oz.) | | | |
| Number of sticks per container | | | |
| **Factors** | **Score points** | | |
| Appearance | 35 | (A) | 30–35 |
| | | (B) | 25–29 |
| | | (SStd.) [1] | 0–24 |
| Defects | 40 | (A) | 34–40 |
| | | (B) | [2] 28–33 |
| | | (SStd.) [2] | 0–27 |
| Character | 25 | (A) | 21–25 |
| | | (B) | 17–20 |
| | | (SStd.) [1] | 0–16 |
| Total score | 100 | | |
| Grade | | | |
| Flavor | | | |

[1] Indicates partial limiting rule.
[2] Indicates limiting rule.

Dated: April 23, 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator,*
*Marketing Services.*

[F. R. Doc. 56–3259; Filed, Apr. 25, 1956; 8:53 a. m.]

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## [ 7 CFR Part 1015 ]

[AC–281]

## CUCUMBERS GROWN IN FLORIDA

NOTICE OF HEARING WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR 900 et seq.), notice is hereby given of a public hearing to be held in the Court Room, Lee County Court House, Fort Myers, Florida, beginning at 9:30 a. m., local time May 28, 1956, with respect to a proposed marketing agreement and order authorizing regulation of the handling of cucumbers in the proposed production area.

DEFINITIONS

§ 1015.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States, or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 1015.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

§ 1015.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 1015.4 *Production area.* "Production area" means all territory in the State of Florida south or east of the Suwannee River.

§ 1015.5 *Cucumbers.* "Cucumbers" means all varieties of the edible fruit commonly known as cucumbers and grown within the production area.

§ 1015.6 *Handler.* "Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of cucumbers owned by another person) who handles cucumbers or causes cucumbers to be handled.

§ 1015.7 *Handle.* "Handle" or "ship" means to transport, sell, or in any other way to place cucumbers in the current of commerce within the production area or between the production area and any point outside thereof: *Provided,* That such terms shall not include: (a) The transportation, sale, or delivery of cucumbers by a producer to a handler registered as such with the committee and who has adequate facilities within the production area for grading; or (b) the transportation to and sale of cucumbers at auction markets designated by the committee. In the event a producer sells cucumbers other than as indicated in paragraphs (a) and (b) of this section, such producer shall be the first handler of such cucumbers.

§ 1015.8 *Producer.* "Producer" means any person engaged in a proprietary capacity in the production of cucumbers for market.

§ 1015.9 *Grading.* "Grading" is synonymous with "preparation for market" and means the sorting or separation of cucumbers into grades, sizes, and packs for market purposes.

§ 1015.10 *Grade and size.* "Grade" means any one of the established grades of cucumbers and "Size" means any one of the established sizes of cucumbers set forth for each grade in U. S. Standards for Cucumbers (§§ 51.2220 to 51.2238 of this title) issued by the United States Department of Agriculture, or amendments thereto, or modifications thereof, or variations based thereon recommended by the committee and approved by the Secretary.

§ 1015.11 *Pack.* "Pack" means a unit of cucumbers in any type of container which falls within specific weight limits or within specific grade limits recommended by the committee and approved by the Secretary.

§ 1015.12 *Container.* "Container" means a box, bag, crate, hamper, basket, package, bulk load or any other type of unit used in the packaging, transportation, sale, shipment, or handling of cucumbers.

§ 1015.13 *Committee.* "Committee" means the Florida Cucumber Committee, established pursuant to § 1015.22.

§ 1015.14 *Fiscal period.* "Fiscal period" means the period beginning August 1 and ending July 31 following.

§ 1015.15 *District.* "District" means each of the geographic divisions of the production area initially established pursuant to § 1015.24, or as reestablished pursuant to § 1015.25.

§ 1015.16 *Export.* "Export" means shipment of cucumbers beyond the boundaries of continental United States.

COMMITTEE

§ 1015.22 *Establishment and membership.* (a) The Florida Cucumber Committee consisting of twelve members, of whom eight shall be producers and four shall be handlers, is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(b) Persons selected as committee members or alternates to represent producers or handlers shall be producers or handlers, respectively, or officers or employees of a producer or handler, respectively, in the district for which selected, and a resident of the production area.

§ 1015.23 *Term of office.* (a) The term of office of committee members, and their respective alternates, shall be for 1 year and shall begin as of August 1 and end as of July 31.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during such term of office and continuing until the end thereof, and until their successors are selected and have qualified.

§ 1015.24 *Districts.* For the purpose of determining the basis for selecting committee members the following districts of the production area are hereby initially established:

(a) *District No. 1.* The counties of Dade, Broward, Palm Beach, St. Lucie, Indian River, Martin, and Okeechobee in the State of Florida;

(b) *District No. 2.* The counties of Lee, Collier, Charlotte, Hendry, Monroe, and Glades in the State of Florida;

(c) *District No. 3.* The counties of Hardee, Manatee, DeSoto, Highlands, Hillsborough, Polk, Sarasota, and Pinellas in the State of Florida; and

(d) *District No. 4.* All the remaining counties within the production area not included in Districts 1, 2, and 3.

§ 1015.25 *Redistricting.* The committee may recommend, and pursuant thereto, the Secretary may approve, the reapportionment of members among districts, and the reestablishment of districts within the production area. In recommending any such changes, the committee shall give consideration to: (a) Shifts in cucumber acreage within districts and within the production area during recent years; (b) the importance of new production in its relation to existing districts; (c) the equitable relationship of committee membership and districts; (d) economies to result for producers in promoting efficient administration due to redistricting or reapportionment of members within districts; and (e) other relevant factors. No change in the districting or in apportionment of members within districts may become effective within less than 30 days prior to the date on which terms of office begin each year and no recommendations for such redistricting or reapportionment may be made less than six months prior to such date.

§ 1015.26 *Selection.* The Secretary shall select 2 producer members and 1 handler member of the committee with their respective alternates from each district.

§ 1015.27 *Nomination.* The Secretary may select the members of the committee and alternates from nominations which may be made in the following manner:

(a) A meeting or meetings of producers and handlers shall be held in each district to nominate members and alternates for the committee. For nominations to the initial committee, the meetings may be sponsored by the United States Department of Agriculture or by any agency or group requested to do so by such department. For nominations for succeeding members and alternates on the committee, the committee shall hold such meetings or cause them to be held prior to July 1 of each year, after the effective date of this subpart;

(b) At each such meeting at least two nominees shall be designated for each position as member and for each position as alternate member on the committee and eligible voters at such meetings may ballot to indicate the ranking of their choice for each nominee;

(c) Nominations for committee members and alternates, shall be supplied to the Secretary in such manner and form as he may prescribe, not later than July 15 of each year;

(d) Only producers may participate in designating nominees for producer members and alternates and only handlers may participate in designating nominees for handler members and alternates. In the event a person is engaged in producing or handling cucumbers in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees; and

(e) Regardless of the number of districts in which a person produces or handles cucumbers, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives in designating nominees for committee members and alternates. An eligible voter's privilege of casting only one vote as aforesaid shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.

§ 1015.28 *Failure to nominate.* If nominations are not made within the time and in the manner specified in § 1015.27, the Secretary may, without regard to nominations, select the committee members and alternates, which selection shall be on the basis of the representation provided for in §§ 1015.24 through 1015.26, inclusive.

§ 1015.29 *Acceptance.* Any person selected as a committee member or alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 1015.30 *Vacancies.* To fill committee vacancies, the Secretary may select such members or alternates from unselected nominees on the current nominee list from the district involved, or from nominations made in the manner specified in § 1015.27. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, such vacancy may be filled without regard to nominations, which selection shall be made on the basis of the representation provided for in §§ 1015.24 through 1015.26, inclusive.

§ 1015.31 *Alternate members.* An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence. In the event of the death, removal, resignation, or disqualification of a member, his alternate shall act for him until a successor of such member is selected and has qualified.

§ 1015.32 *Procedure.* (a) Eight members of the committee shall be necessary to constitute a quorum and eight concurring votes shall be required to pass any motion or approve any committee action.

(b) The committee may provide for meeting by telephone, telegraph, or other means of communication, and any vote cast at such a meeting shall be promptly confirmed in writing: *Provided,* That if any assembled meeting is held, all votes shall be cast in person.

§ 1015.33 *Expenses and compensation.* Committee members and alternates may be reimbursed for expenses necessarily incurred by them in the performance of duties and in the exercise of powers under this part.

§ 1015.34 *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.



§ 1015.35 *Duties.* It shall be, among other things, the duty of the committee:

(a) At the beginning of each term of office, to meet and organize, to select a chairman and such other officers as may be necessary, to select subcommittees of committee members and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(b) To act as intermediary between the Secretary and any producer or handler;

(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(e) To investigate from time to time and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to cucumbers;

(f) To prepare a marketing policy;

(g) To recommend marketing regulations to the Secretary;

(h) To recommend rules and procedures for, and to make determinations in connection with, issuance of certificates of privilege or exemptions, or both;

(i) To investigate an applicant's claim for exemption;

(j) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books and records shall be subject to examination at any time by the Secretary or his authorized agent or representative. Minutes of each committee meeting shall be reported promptly to the Secretary;

(k) At the beginning of each fiscal period, to prepare a budget of its expenses for such fiscal period, together with a report thereon;

(l) To cause the books of the committee to be audited by a competent accountant at least once each fiscal period, and at such other time as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this part; a copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers; and

(m) To consult, cooperate, and exchange information with other marketing agreement committees and other individuals or agencies in connection with all proper committee activities and objectives under this part.

EXPENSES AND ASSESSMENTS

§ 1015.40 *Expenses.* The committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred during each fiscal period for its maintenance and functioning, and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. Handlers shall share expenses upon the basis of a fiscal period. Each handler's share of such expense shall be proportionate to the ratio between the total quantity of cucumbers handled by him as the first handler thereof during a fiscal period and the total quantity of cucumbers handled by all handlers as first handlers thereof during such fiscal period.

§ 1015.41 *Budget.* At the beginning of each fiscal period and as may be necessary thereafter, the committee shall prepare an estimated budget of income and expenditures necessary for the administration of this part. The committee may recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget to the Secretary with an accompanying report showing the basis for its calculations.

§ 1015.42 *Assessments.* (a) The funds to cover the committee's expenses shall be acquired by the levying of assessments upon handlers as provided in this subpart. Each handler who first handles cucumbers shall pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of the committee's expenses.

(b) Assessments shall be levied upon handlers at rates established by the Secretary. Such rates may be established upon the basis of the committee's recommendations and other available information. Such rates may be applied to specified containers used in the production area.

(c) At any time during, or subsequent to, a given fiscal period the committee may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendations, or other available information, the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all cucumbers which were regulated under this part and which were shipped by the first handler thereof during such fiscal period.

(d) The payment of assessments for the maintenance and functioning of the committee may be required under this part throughout the period it is in effect irrespective of whether particular provisions thereof are suspended or become inoperative.

§ 1015.43 *Accounting.* (a) All funds received by the committee pursuant to the provisions of this subpart shall be used solely for the purposes specified in this part.

(b) The Secretary may at any time require the committee, its members and alternates, employees, agents and all other persons to account for all receipts and disbursements, funds, property, or records for which they are responsible. Whenever any person ceases to be a member of the committee or alternate, he shall account to his successor, the committee, or to the person designated by the Secretary, for all receipts, disbursements, funds and property (including but not being limited to books and other records) pertaining to the committee's activities for which he is responsible, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor, committee, or designated person, the right to all of such property and funds and all claims vested in such person.

(c) The committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other committee property during periods of suspension of this subpart, or during any period or periods when regulations are not in effect and, if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for the committee.

§ 1015.44 *Refunds.* At the end of each fiscal period, monies arising from the excess of assessments over expenses shall be accounted for as follows:

(a) Each handler entitled to a proportionate refund of the excess assessments at the end of a fiscal period shall be credited with such refund against the operations of the following fiscal period unless he demands payment thereof, in which event such proportionate refund shall be paid to him; or

(b) The Secretary, upon recommendation of the committee, may determine that it is appropriate for the maintenance and functioning of the committee that some of the funds remaining at the end of a fiscal period which are in excess of the expenses necessary for committee operations during such period may be carried over into following periods as a reserve for possible liquidation. Upon approval by the Secretary, such reserve may be used upon termination of this order to liquidate the affairs of the committee: *Provided,* That upon termination of this part any monies in the reserve for liquidation which are not required to defray the necessary expenses of committee liquidation shall be returned upon a pro rata basis to all persons from whom such funds were collected.

RESEARCH AND DEVELOPMENT

§ 1015.48 *Research and development.* The committee, with the approval of the Secretary, may establish or provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of cucumbers. The expenses of such projects shall be paid from funds collected pursuant to § 1015.42.

REGULATION

§ 1015.50 *Marketing policy.* Prior to or at the same time as initial recommendations are made pursuant to § 1015.51, the committee shall submit to the secretary a report setting forth the marketing policy it deems desirable for the industry to follow in handling cucumbers during the ensuing season. Additional reports shall be submitted from time to time if it is deemed advisable by the committee to adopt a new or modified marketing policy because of changes in the demand and supply situation with respect to cucumbers. The committee shall publicly an-

nounce the submission of each such marketing policy report and copies thereof shall be available at the committee's office for inspection by any producer or any handler. In determining each such marketing policy the committee shall give due consideration to the following:

(a) Market prices of cucumbers including prices by grades, sizes, and quality in different packs, in the production area and in competing areas;

(b) Supply of cucumbers, by grade, size, and quality in the production area, and in other production areas;

(c) Trend and level of consumer income;

(d) Marketing conditions affecting cucumber prices; and

(e) Other relevant factors.

§ 1015.51 *Recomendations for regulations.* The committee, upon complying with the requirements of §§ 1015.32 and 1015.50, may recommend regulations to the Secretary whenever it finds that such regulations, as are provided for in this subpart, will tend to effectuate the declared policies of the act.

§ 1015.52 *Issuance of regulations.* The Secretary shall limit the handling of cucumbers whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulation would tend to effectuate the declared policy of the act. Such regulation may:

(a) Limit, in any or all portions of the production area, the handling of particular grades, sizes, qualities, maturities, varieties, or packs of cucumbers during any period; or

(b) Limit the handling of particular grades, sizes, qualities, maturities, or packs of cucumbers differently, for different varieties, for different portions of the production area, for different containers, for different markets, for different purposes specified in § 1015.54, or any combination of the foregoing, during any period; or

(c) Limit the handling of cucumbers by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity; or

(d) Fix the size, weight, capacity, dimensions, or pack of the container or containers which may be used in the packaging, transportation, sale, shipment, or other handling of cucumbers.

§ 1015.53 *Minimum quantities.* The committee, with the approval of the Secretary, may establish, for any or all portions of the production area, minimum quantities below which handling will be free from regulations issued or effective pursuant to §§ 1015.42, 1015.52, 1015.54, 1015.60, or any combination thereof.

§ 1015.54 *Shipments for special purposes.* Upon the basis of recommendations and information submitted by the committee, or other available information, the Secretary, whenever he finds that it will tend to effectuate the declared policy of the act, shall modify, suspend, or terminate regulations issued pursuant to §§ 1015.42, 1015.52, 1015.53, 1015.60, or any combination thereof, in order to facilitate handling of cucumbers for the following purposes:

(a) For export;

(b) For relief or for charity;

(c) For processing; or

(d) For other purposes which may be specified by the committee, with the approval of the Secretary.

§ 1015.55 *Notification of regulation.* The Secretary shall notify the committee of any regulations issued or of any modification, suspension, or termination thereof. The committee shall give reasonable notice thereof to handlers.

§ 1015.56 *Safeguards.* (a) The committee, with the approval of the Secretary, may prescribe adequate safeguards to prevent handling of cucumbers pursuant to § 1015.53 or § 1015.54 from entering channels of trade for other than the specific purpose authorized therefor, and rules governing the issuance and the contents of Certificates of Privilege if such certificates are prescribed as safeguards by the committee. Such safeguards may include requirements that:

(1) Handlers shall file applications with the committee to ship cucumbers pursuant to §§ 1015.53 and 1015.54; or

(2) Handlers shall obtain inspection provided by § 1015.60, or pay the assessment levied pursuant to § 1015.42, or both, in connection with shipments made under § 1015.54; or

(3) Handlers shall obtain Certificates of Privilege from the committee to handle cucumbers effected or to be effected under the provisions of §§ 1015.53 and 1015.54.

(b) The committee may rescind or deny Certificates of Privilege to any handler if proof is obtained that cucumbers handled by him for the purposes stated in §§ 1015.53 and 1015.54 were handled contrary to the provisions of this part.

(c) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

(d) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of cucumbers covered by such applications, the number of such applications denied and certificates granted, the quantity of cucumbers handled under duly issued certificates, and such other information as may be requested.

INSPECTION

§ 1015.60 *Inspection and certification.* (a) During any period in which handling of cucumbers are regulated pursuant to § 1015.52 or § 1015.54, or any combination thereof, no handler shall handle cucumbers unless each such handling is inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary shall designate, except when relieved from such requirements pursuant to § 1015.53 or § 1015.54, or both.

(b) Regrading, resorting, or repacking any lot of cucumbers shall invalidate any prior inspection certificates insofar as the requirements of this section are concerned. In such event, the person responsible shall be considered the first handler of the regraded, resorted, or repacked quantity and liable for the payment of assessments thereon pursuant to § 1015.42. No handler shall handle cucumbers after they have been regraded, resorted, repacked, or in any other way further prepared for market, unless each lot of such cucumbers is inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary shall designate: *Provided,* That the committee, with approval of the Secretary, may provide for waiving inspection requirements on any cucumbers in circumstances where it appears reasonably certain that, after regrading, resorting, or repacking, such cucumbers meet the applicable quality and other standards then in effect. All lots so inspected and certified shall be identified by appropriate seals, stamps, or tags to be affixed to each of the outer containers under the supervision of the committee or the inspection agency.

(c) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the committee with aproval of the Secretary.

(d) When the cucumbers are inspected in accordance with the requirements of this section a copy of each inspection certificate issued shall be made available to the committee by the inspection service.

EXEMPTIONS

§ 1015.65 *Procedure.* The committee may adopt, with approval of the Secretary, the procedures pursuant to which certificates of exemption will be issued to producers or handlers.

§ 1015.66 *Granting exemptions.* The committee shall issue certificates of exemption to any producer who applies for such exemption and furnishes adequate evidence to the committee, that by reason of a regulation issued pursuant to § 1015.52 he will be prevented from handling as large a proportion of his production as the average proportion of production handled during the entire season, or such portion thereof as may be determined by the committee, by all producers in said applicant's immediate production area and that the grade, size or quality of the applicant's cucumbers have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the producer to handle the amount of cucumbers specified thereon. Such certificate shall be transferred with such cucumbers at time of transportation or sale.

§ 1015.67 *Investigation.* The committee shall be permitted at any time to make a thorough investigation of any producer's or handler's claim pertaining to exemptions.

§ 1015.68 *Appeal.* If any applicant for exemption certificates is dissatisfied with the determination by the committee with respect to his application, said applicant may file an appeal with the committee.



Such an appeal must be taken promptly after the determination by the committee from which the appeal is taken. Any applicant filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application. The committee shall notify the appellant of the final determination, and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

§ 1015.69 *Records.* (a) The committee shall maintain a record of all applications submitted for exemption certificates, a record of all exemption certificates issued or denied, the quantity of cucumbers covered by such exemption certificates, a record of the amount of cucumbers handled under exemption certificates, a record of appeals for reconsideration of applications, and such information as may be requested by the Secretary. Periodic reports on such records shall be compiled and issued by the committee upon request of the Secretary.

(b) The Secretary shall have the right to modify, change, alter, or rescind any procedure and any exemptions granted pursuant to §§ 1015.65, 1015.66, 1015.67, 1015.68, or any combination thereof.

EFFECTIVE TIME AND TERMINATION

§ 1015.70 *Effective time.* The provisions of this subpart, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in this subpart.

§ 1015.71 *Termination.* (a) The Secretary may at any time terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operations of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers, who during a representative period, have been engaged in the production for market of cucumbers: *Provided,* That such majority has, during such representative period, produced for market more than fifty percent of the volume of such cucumbers produced for market.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 1015.72 *Proceedings after termination.* (a) Upon the termination of the provisions of this subpart the then functioning members of the committee shall continue as joint trustees for the purpose of liquidating the affairs of the committee of all the funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 1015.73 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (b) release or extinguish any violation of this subpart or of any regulations issued under this subpart, or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violations.

REPORTS

§ 1015.80 *Reports.* Upon request of the committee, made with approval of the Secretary, each handler shall furnish to the committee, in such manner and at such time as it may prescribe, such reports and other information as may be necessary for the committee to perform its duties under this part.

(a) Such reports may include, but are not necessarily limited to, the following: (1) The quantities of cucumbers received by a handler; (2) the quantities disposed of by him, segregated as to the respective quantities subject to regulation and not subject to regulation; (3) the date of each such disposition and the identification of the carrier transporting such cucumbers; and (4) identification of the inspection certificates and the exemption certificates, if any, pursuant to which the cucumbers were handled, together with the destination of each exempted disposition, and of all cucumbers handled pursuant to §§ 1015.53 and 1015.54.

(b) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers is authorized, subject to prohibition of disclosure of individual handlers identities or operations.

(c) Each handler shall maintain for at least two succeeding years such records of the cucumbers received and disposed of by such handler as may be necessary to verify the reports he submits to the committee pursuant to this section.

MISCELLANEOUS PROVISIONS

§ 1015.81 *Compliance.* Except as provided in this part, no handler shall handle cucumbers, the handling of which has been prohibited by the Secretary in accordance with provisions of this part, and no handler shall handle cucumbers except in conformity to the provisions of this part.

§ 1015.82 *Right of the Secretary.* The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 1015.83 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 1015.84 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the United States, or name any agency in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 1015.85 *Derogation.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 1015.86 *Personal liability.* No member or alternate of the committee nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, agent, or employee, except for acts of dishonesty, willful misconduct, or gross negligence.

§ 1015.87 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 1015.88 *Amendments.* Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary.

§ 1015.89 *Counterparts.* This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.[1]

§ 1015.90 *Additional parties.* After the effective date hereof, any handler who has not previously executed this agreement may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.[1]

§ 1015.91 *Order with marketing agreement.* Each signatory handler favors and approves the issuance of an order by the Secretary regulating the handling of cucumbers in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the act, such an order.[1]

Copies of this notice may be obtained from the Hearing Clerk, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 23d day of April 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator.*

[F. R. Doc. 56-3258; Filed, Apr. 25, 1956; 8:53 a. m.]

## FEDERAL TRADE COMMISSION

### [ 16 CFR Ch. I ]

[File No. 486]

TRADE PRACTICE RULES FOR THE PLASTICS HOUSEWARES INDUSTRY

NOTICE OF HEARING AND OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS, OR OBJECTIONS

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, firms, corporations, organizations, or other parties, including farm, labor, and consumer groups, affected by or having an interest in the proposed trade practice rules for the plastics housewares industry, to present to the Commission their views concerning said rules, including such pertinent information, suggestions, or objections as they may desire to submit and to be heard in the premises. For this purpose they may obtain copies of the proposed rules upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication, to be filed with the Commission not later than May 9, 1956. Opportunity to be heard orally will be afforded at the hearing beginning at 10 a. m., d. s. t., May 9, 1956, in Room 332, Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street NW., Washington, D. C., to any such persons, firms, corporations, organizations, or other parties, who desire to appear and be heard. After due consideration of all matters presented in writing or orally, the Commission will proceed to final action on the proposed rules.

The industry for which trade practice rules are sought to be established through these proceedings is composed of persons, firms, corporations, and organizations engaged in the manufacture, design, offering for sale, sale, and distribution of plastics housewares, which include, but are not limited to, articles such as the following: Bowls, breadboxes, butter dishes, cake dishes, canister sets, cheese slicers, clothesline reels, clothespins, coasters, coat hangers, cookie jars, defroster trays, egg trays, flavor servers, forks, funnels, knives, measuring spoons, napkin holders, necktie racks, paper-towel holders, potato mashers, refrigerator boxes, refrigerator dishes, salt and pepper shakers, scoops, scourers, shoe racks, sink strainers, silverware trays, soap dishes, straws, tea strainers, toilet-paper holders, towel racks and holders, tumblers, utility trays, and waste baskets, which are molded of plastics. Not included as products of the industry are melamine dinnerware or articles made from thermoplastic film.

These proceedings were instituted pursuant to an industry application and have for their purpose the establishment of a comprehensive set of trade practice rules directed to the maintenance of fair competitive conditions in the industry and to the elimination and prevention of such acts and practices as are deemed violative of statutes administered by the Federal Trade Commission. A general trade practice conference for the industry was held in Washington, D. C., and this announced hearing constitutes a further step in the proceedings.

Of the Group II rules included in the tentative draft of rules considered at the conference, Rules A, B, C, and E thereof have been omitted in the draft of proposed rules for the reason that the same are of the type presently the subject of general study by the Commission. If, after completion of such study, it is determined that provisions of this type may be included as Group II rules for industries, an opportunity will then be afforded to the members of this industry to have such rules included.

Issued: April 23, 1956.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH,
*Secretary.*

[F. R. Doc. 56-3236; Filed, Apr. 25, 1956; 8:49 a. m.]

### [ 16 CFR Ch. I ]

[File No. 491]

TRADE PRACTICE RULES FOR THE BLUEPRINT AND DIAZOTYPE COATERS INDUSTRY

NOTICE OF HEARING AND OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS, OR OBJECTIONS

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, firms, corporations, organizations, or other parties, affected by or having an interest in the proposed trade practice rules for the blueprint and diazotype coaters industry, to present to the Commission their views concerning said rules, including such pertinent information, suggestions, or objections as they may desire to submit, and to be heard in the premises. For this purpose they may obtain copies of the proposed rules upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication, to be filed with the Commission not later than May 14, 1956.

Opportunity to be heard orally in the matter will be afforded at the hearing commencing at 10 a. m., e. d. s. t., May 14, 1956, in Room 332, Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street NW., Washington, D. C., to any such persons, firms, corporations, organizations, or other parties, who desire to appear and be heard.

After due consideration of all matters presented in writing or orally, the Commission will proceed to final action on the proposed rules.

The industry for which trade practice rules are sought to be established through this proceeding consists of persons, firms, corporations, and organizations engaged in the coating and sale of blueprint and/or diazotype light-sensitive paper, cloth, film, or other material, used for reproducing engineering and architectural drawings, designs, formulae, and office or business communications.

Proceedings looking to the promulgation of trade practice rules for this industry were instituted pursuant to an industry application. The rules are directed to the maintenance of fair competitive conditions in the industry and full protection of the purchasing public. A general trade practice conference was held in Chicago, Illinois, on November 21, 1955, at which rules were proposed for Commission consideration. The announced hearing constitutes a further step in the proceedings.

No Group II rules have been included for the reason that the Group II rules recommended by the industry are of a type presently the subject of general study by the Commission. If, after completion of such study, it is determined that provisions of this type may be included as Group II rules for industries, an opportunity will then be afforded to the members of this industry to have such rules included.

Issued: April 23, 1956.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH,
*Secretary.*

[F. R. Doc. 56-3237; Filed, Apr. 25, 1956; 8:49 a. m.]

### [ 16 CFR Ch. I ]

[File No. 487]

TRADE PRACTICE RULES FOR THE MELAMINE DINNERWARE INDUSTRY

NOTICE OF HEARING AND OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS, OR OBJECTIONS

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, firms, corporations, organizations, or other parties, including farm, labor, and consumer groups, affected by or having an interest in the proposed trade practice rules for the melamine dinnerware industry, to present to the Commission their views concerning said rules, including such pertinent information, suggestions, or objections as they may desire to submit and to be heard in the premises. For this purpose they may obtain copies of the proposed rules upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication, to be filed with the Commission not later than May 10, 1956. Opportunity to be heard orally will be afforded at the hearing beginning at 10 a. m., d. s. t., May 10, 1956, in Room 332, Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street NW., Washington, D. C., to any such persons, firms, corporations, organizations, or other parties, who desire to appear and be heard. After due consideration of all matters presented in writing or orally, the Commission will proceed to final action on the proposed rules.

The industry for which trade practice rules are sought to be established through these proceedings is composed of persons, firms, corporations, and organizations engaged in the manufacture, design, distribution, or sale of melamine molded dinnerware.

These proceedings were instituted pursuant to an industry application and have for their purpose the establishment of a comprehensive set of trade practice rules directed to the maintenance of fair competitive conditions in the industry and to the elimination and prevention of such acts and practices as are deemed violative of statutes administered by the Federal Trade Commission. A general trade practice conference for the industry was held in Washington, D. C., and this announced hearing constitutes a further step in the proceedings.

Of the Group II rules included in the tentative draft of rules considered at the conference, Rules A, C, and D thereof have been omitted in the draft of proposed rules for the reason that the same are of the type presently the subject of general study by the Commission. If, after completion of such study, it is determined that provisions of this type may be included as Group II rules for industries, an opportunity will then be afforded to the members of this industry to have such rules included.

Issued: April 23, 1956.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH,
*Secretary.*

[F. R. Doc. 56-3238; Filed, Apr. 25, 1956; 8:49 a. m.]

[1] Applicable only to the proposed marketing agreement.



# NOTICES

## DEPARTMENT OF THE TREASURY

### Bureau of Customs

[426.8311]

RIFLE BARRELS WHEN IMPORTED ASSEMBLED WITH RIFLE ACTIONS

NOTICE OF PROSPECTIVE SEPARATE TARIFF CLASSIFICATION

APRIL 20, 1956.

It appears probable that a correct interpretation of paragraph 365, Tariff Act of 1930, requires that barrels although imported assembled with rifle actions be separately classified under the provision for "barrels for * * * rifles, further advanced in manufacture than rough bored only" at a rate of duty higher than that heretofore assessed under an established and uniform practice on such rifle barrels when so imported.

Pursuant to § 16.10a (d) of the Customs Regulations (19 CFR 16.10a (d)), notice is hereby given that the existing uniform practice of considering barrels imported assembled with rifle actions as a single tariff entity and classifying the whole under paragraph 365, Tariff Act of 1930, as parts of rifles is under review in the Bureau of Customs.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct tariff classification of barreled rifle actions which are submitted in writing to the Bureau of Customs, Washington 25, D. C. To assure consideration of such communications, they must be received in the Bureau not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearings will be held.

[SEAL] RALPH KELLY,
*Commissioner of Customs.*

[F. R. Doc. 56-3253; Filed, Apr. 25, 1956; 8:51 a. m.]

[443.7]

BICYCLE ACCESSORIES AND LAMPS IMPORTED WITH BICYCLES

NOTICE OF PROSPECTIVE TARIFF CLASSIFICATION

APRIL 20, 1956.

It appears probable that a correct interpretation of paragraph 371, Tariff Act of 1930, as modified, requires (1) that bicycle accessories imported with complete bicycles be treated as separate tariff entities and be classified in the same manner as though imported separately, and (2) that since bicycle lamps are parts of bicycles, following the principle of C. D. 556, as distinguished from accessories, their weight should be taken into account in determining the weight of the bicycle for the purposes of paragraph 371, as modified.

Such an interpretation would result in some instances in a rate of duty higher than that heretofore assessed on bicycle accessories and bicycles under an established and uniform practice. For instance, if the weight of a bicycle lamp causes a bicycle having wheels over 25 inches in diameter, not designed for use with tires having a cross-sectional diameter of over 1⅝ inches, valued over $16.66⅔, to weigh 36 pounds or more, the rate applicable to the bicycle would be 22½ percent ad valorem rather than 11¼ percent ad valorem. The lamp which is assessed with duty at the rate applied to the bicycle with which it is an entirety would be subject to the changed rate applicable to the bicycle.

In the case of accessories, such as the luggage carriers or kick stands in common use, the rate would change from the bicycle rate applicable under the provisions of paragraph 371, as modified, which is 11¼ percent or 30 percent ad valorem in some instances, to 22½ percent ad valorem under the provisions of paragraph 397 of the tariff act, as modified. The rates of duty applicable to other accessories would vary according to the character of the accessories.

Pursuant to § 16.10a (d) of the Customs Regulations (19 CFR 16.10a (d)), notice is hereby given that the Bureau of Customs has under review the existing uniform practices of (1) classifying bicycle accessories at the rates applicable under the provisions of paragraph 371, Tariff Act of 1930, as modified, to the bicycles with which they are imported, and (2), of not including the weight of bicycle lamps in the weight of the bicycles for the purposes of paragraph 371.

Consideration will be given to any relevant data, views, or arguments pertaining thereto which are submitted in writing to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., and received not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER. No hearings will be held.

[SEAL] RALPH KELLY,
*Commissioner of Customs.*

[F. R. Doc. 56-3254; Filed, Apr. 25, 1956; 8:51 a. m.]

## DEPARTMENT OF JUSTICE

### Immigration and Naturalization Service

STATEMENT OF ORGANIZATION

MISCELLANEOUS AMENDMENTS

Effective upon publication in the FEDERAL REGISTER, the following amendments to the Statement of Organization of the Immigration and Naturalization Service (19 F. R. 8071, December 8, 1954), as amended, are prescribed:

1. The first sentence of paragraph (a) *Regional Offices* of section 1.51 *Field Service* is amended to read as follows: "The Northeast Regional Office, located in Burlington, Vermont, has jurisdiction over districts 1, 2, 3, 7, 21, 22, and 23, and the United States Immigration Station located at Hamilton, Bermuda."

2. District 17 of paragraph (b) *District Offices* of section 1.51 *Field Service* is amended to read as follows:

17. *Honolulu, T. H.* The district office in Honolulu, Territory of Hawaii, has jurisdiction over the Territory of Hawaii and Guam, Mariana Islands.

3. Paragraph (c) of section 1.51 *Field Service* is amended to read as follows:

(c) *Suboffices.* The following offices, in addition to the facilities maintained at Class A ports of entry listed in subparagraph (2), indicated by an asterisk, are designated as suboffices:

(1) *Interior locations.*

Albany, N. Y.
Albuquerque, N. Mex.
Boise, Idaho.
Cincinnati, Ohio.
Fairbanks, Alaska.
Fresno, Calif.
Hammond, Ind.
Manchester, N. H.
Memphis, Tenn.
Pittsburgh, Pa.
Phoenix, Ariz.
Reno, Nev.
Sacramento, Calif.
Salt Lake City, Utah.
St. Louis, Mo.
Spokane, Wash.
Syracuse, N. Y.

(2) *Ports of entry for aliens arriving by vessel or by land transportation.* Subject to the limitations prescribed in this subparagraph, the following places are hereby designated as ports of entry for aliens arriving by any means of travel other than aircraft. The designation of such a port of entry may be withdrawn whenever, in the judgment of the Commissioner, such action is warranted.



The ports are listed according to location by districts and are designated either Class A, Class B, or Class C. Class A means that the port is a designated port of entry for all aliens. Class B means that the port is a designated port of entry for aliens who at the time of applying for admission are lawfully in possession of valid resident aliens' border-crossing identification cards or valid nonresident aliens' border-crossing identification cards or are admissible without documents under the documentary waivers contained in 8 CFR 212.3 (a) (1) and (2). Class C means that the port is a designated port of entry only for aliens who are arriving in the United States as crewmen as that term is defined in section 101 (a) (10) of the act with respect to vessels.

DISTRICT NO. 1—ST. ALBANS, VT.

CLASS A

*Alburg, Vt.
*Alburg Springs, Vt.
*Beebe Plain, Vt.
*Beecher Falls, Vt.
*Canaan, Vt.
*Derby Line, Vt.
*East Richford, Vt.
*Highgate Springs, Vt.
*Newport, Vt.
*North Troy, Vt.
*Norton, Vt.
*Richford, Vt.
St. Albans, Vt.
*West Berkshire, Vt.

CLASS B

Morses Line, Vt.

DISTRICT NO. 2—BOSTON, MASS.

CLASS A

Boston, Mass. (the port of Boston includes, among others, the port facilities at Braintree, Cambridge, Chelsea, Everett, Medford, Quincy, Somerville, and Weymouth, Mass.)
Gloucester, Mass.
New Bedford, Mass.
Connecticut Lakes, N. H.
*Providence, R. I.

CLASS C

Beverly, Mass.
Buzzards Bay, Mass.
Danvers, Mass.
Fairhaven, Mass.
Fall River, Mass.
Lynn, Mass.
Marblehead, Mass.
Nantucket, Mass.
Newburyport, Mass.
Oak Bluffs, Mass.
Plymouth, Mass.
Provincetown, Mass.
Salem, Mass.
Scituate, Mass.
Somerset, Mass.
Woods Hole, Mass.
Portsmouth, N. H.
Davisville, R. I.
Melville, R. I.
Newport, R. I.
Quonset Point, R. I.

DISTRICT NO. 3—NEW YORK, N. Y.

CLASS A

New York, N. Y. (the port of New York includes, among others, the port facilities at Bayonne, Carteret, Elizabeth, Elizabethport, Guttenberg, Hoboken, Jersey City, Linden, Newark, Perth Amboy, Port Newark, Sayreville, Sewaren, and Weehawken, N. J.; and at Poughkeepsie and Yonkers, N. Y.).

DISTRICT NO. 4—PHILADELPHIA, PA.

CLASS A

*Erie, Pa.
Philadelphia, Pa. (the port of Philadelphia includes, among others, the port facilities at Deleware City, Lewes, New Castle, and Wilmington, Del.; at Artificial Island, Billingsport, Camden, Deepwater Point, Fisher's Point, Gibbstown, Gloucester City, Paulsboro, and Trenton, N. J.; and at Chester, Essington, Fort Mifflin, Marcus Hook, and Morrisville, Pa.).

DISTRICT NO. 5—BALTIMORE, MD.

CLASS A

Baltimore, Md.

CLASS C

Piney Point, Md.

DISTRICT NO. 6—MIAMI, FLA.

CLASS A

Apalachicola, Fla.
Bocagrande, Fla.
Fernandina, Fla.
Fort Pierce, Fla.
*Jacksonville, Fla.
*Key West, Fla.
Miami, Fla.
Panama City, Fla.
Pensacola, Fla.
*Port Everglades, Fla. (Ft. Lauderdale).
St. Augustine, Fla.
*Tampa, Fla.
*West Palm Beach, Fla.

CLASS C

Carrabelle, Fla.
Port St. Joe, Fla.
St. Petersburg, Fla.

DISTRICT NO. 7—BUFFALO, N. Y.

CLASS A

Alexandria Bay, N. Y.
Buffalo, N. Y.
Cape Vincent, N. Y.
*Champlain, N. Y.
*Chateaugay, N. Y.
Clayton, N. Y.
*Fort Covington, N. Y.
Lewiston, N. Y.
Malone, N. Y.
*Mooers, N. Y.
Morristown, N. Y.
*Niagara Falls, N. Y.
*Ogdensburg, N. Y.
Oswego, N. Y.
Rochester, N. Y.
*Rooseveltown, N. Y.
*Rouses Point, N. Y.
*Thousand Island Bridge, N. Y.
*Trout River, N. Y.
Waddington, N. Y.
Youngstown, N. Y.

CLASS B

Cannons Corners, N. Y.
Churubusco, N. Y.
Hogansburg, N. Y.
Jamison's Line, N. Y.
Thousand Island Park, N. Y. (June, July, and August only).

CLASS C

Dunkirk, N. Y.
Sodus Point, N. Y.

DISTRICT NO. 8—DETROIT, MICH.

CLASS A

*Algonac, Mich.
Detroit, Mich.
Isle Royale, Mich.
*Marine City, Mich.
Marysville, Mich.
*Port Huron, Mich.
*Roberts Landing, Mich.
*St. Clair, Mich.
*Sault Ste. Marie, Mich.



CLASS B

Detour, Mich.
Mackinac Island, Mich.

CLASS C

Alpena, Mich.
Baraga, Mich.
Bay City, Mich.
Detour, Mich.
Escanaba, Mich.
Grand Haven, Mich.
Holland, Mich.
Houghton, Mich.
Mackinac Island, Mich.
Manistee, Mich.
Marquette, Mich.
Menominee, Mich.
Munising, Mich.
Muskegon, Mich.
Port Island, Mich.
Rogers City (Calcite), Mich.
Saginaw, Mich.
South Haven, Mich.

DISTRICT NO. 9—CHICAGO, ILL.

CLASS A

Chicago, Ill.
*Green Bay, Wis.
*Milwaukee, Wis.

CLASS C

East Chicago, Ind.
Gary, Ind.
Michigan City, Ind.
Algoma, Wis.
Ashland, Wis.
Bayfield, Wis.
Kenosha, Wis.
Kewaunee, Wis.
Manitowoc, Wis.
Marinette, Wis.
Oconto, Wis.
Peshtigo, Wis.
Port Washington, Wis.
Racine, Wis.
Sheboygan, Wis.
Sturgeon Bay, Wis.
Washburn, Wis.

DISTRICT NO. 10—ST. PAUL, MINN.

CLASS A

*Baudette, Minn.
*Duluth, Minn. (the port of Duluth includes, among others, the port facilities of Superior, Wis.).
*International Falls, Minn.
*Lancaster, Minn.
*Noyes, Minn.
*Pigeon River, Minn.
*Pine Creek, Minn.
Ranier, Minn.
*Roseau, Minn.
*Warroad, Minn.
*Winton, Minn.
*Ambrose, N. Dak.
*Antler, N. Dak.
*Carbury, N. Dak.
*Dunseith, N. Dak.
*Fortuna, N. Dak.
*Hannah, N. Dak.
*Hansboro, N. Dak.
*Maida, N. Dak.
*Neche, N. Dak.
*Noonan, N. Dak.
*Northgate, N. Dak.
Pembina, N. Dak.
*Portal, N. Dak.
*St. John, N. Dak.
*Sarles, N. Dak.
*Sherwood, N. Dak.
*Walhalla, N. Dak.
*Westhope, N. Dak.

CLASS B

Crane Lake, Minn.
Gunflint Lake, Minn.
Indus, Minn.
Oak Island, Minn.
Lake Metegoshe, N. Dak.

CLASS C

Grand Marais, Minn.
Two Harbors, Minn.

DISTRICT NO. 12—SEATTLE, WASH.

CLASS A

*Aberdeen, Wash. (the port of Aberdeen includes, among others, the port facilities at South Bend and Raymond, Wash.).
*Anacortes, Wash.
*Bellingham, Wash.
*Blaine, Wash.
*Danville, Wash.
Ferry, Wash.
Friday Harbor, Wash. (the port of Friday Harbor includes, among others, the port facilities at Roche Harbor, Wash.).
*Laurier, Wash.
Longview, Wash.
*Lynden, Wash.
*Metaline Falls, Wash.
Neah Bay, Wash.
*Northport, Wash.
Olympia, Wash.
*Oroville, Wash.
*Port Angeles, Wash.
Port Townsend, Wash.
Seattle, Wash. (the port of Seattle includes, among others, the port facilities at Bangor, Blake Island, Bremerton, Eagle Harbor, Edmonds, Everett, Holmes Harbor, Houghton, Kennydale, Keyport, Kingston, Manchester, Mukilteo, Orchard Point, Point Wells, Port Gamble, Port Ludlow, Port Orchard, Poulsbo, Shuffleton, and Winslow, Wash.).
*Sumas, Wash.
*Tacoma, Wash. (the port of Tacoma includes, among others, the port facilities at Dupont, Wash.).

CLASS B

Nighthawk, Wash.
Point Roberts, Wash.

DISTRICT NO. 13—SAN FRANCISCO, CALIF.

CLASS A

San Francisco, Calif.

CLASS C

Eureka, Calif.

DISTRICT NO. 14—SAN ANTONIO, TEX.

CLASS A

*Brownsville, Tex. (the port of Brownsville includes, among others, the port facilities at Port Isabel, Tex.).
*Corpus Christi, Tex. (the port of Corpus Christi includes, among others, the port facilities at Harbor Island and Ingleside, Tex.).
*Del Rio, Tex.
*Eagle Pass, Tex.
*Falcon Heights, Tex.
*Hidalgo, Tex.
*Laredo, Tex.
*Los Ebanos, Tex.
*Progreso, Tex.
*Rio Grande City, Tex.
*Roma, Tex.

CLASS B

San Ygnacio, Tex.

DISTRICT NO. 15—EL PASO, TEX.

CLASS A

*Columbus, N. Mex.
El Paso, Tex.
*Fabens, Tex.
*Presidio, Tex.
*Ysleta, Tex.

CLASS B

Antelope Wells, N. Mex.
Monument No. 67, Near Cloverdale, N. Mex.
Boquillas, Tex.
Candelaria, Tex.
Castolon, Tex.
Chinati, Tex.
Fort Hancock, Tex.
Hot Springs, Tex.
Lajitis, Tex.
Polovo, Tex.
Porvenir, Tex.
Ruidosa, Tex.

DISTRICT NO. 16—LOS ANGELES, CALIF.

CLASS A

*Andrade, Calif.
*Calexico, Calif.
*San Diego, Calif.
*San Luis Obispo, Calif. (the port of San Luis Obispo includes, among others, the port facilities at Avila, Calif.)
*San Pedro, Calif. (this is the port of Los Angeles and includes, among others, the port facilities at El Segundo, Long Beach Harbor Area, and Redondo Beach, Calif.)
*San Ysidro, Calif.
*Tecate, Calif.
Ventura, Calif. (the port of Ventura includes, among others, the port facilities at Port Hueneme and Elwood, Calif.)

CLASS B

Campo, Calif.

DISTRICT NO. 17—HONOLULU, T. H.

CLASS A

*Agana, Guam, M. I. (including the port facilities at Apra Harbor, Guam).
Honolulu, T. H.

CLASS C

Hilo, T. H.
Kahului, T. H.
Nawiliwili, T. H.
Port Allen, T. H.

DISTRICT NO. 18—TUCSON, ARIZ.

CLASS A

*Douglas, Ariz.
*Lukeville, Ariz.
*Naco, Ariz.
*Nogales, Ariz.
*Sasabe, Ariz.
*San Luis, Ariz.

CLASS B

Lochial, Ariz.

DISTRICT NO. 20—DALLAS, TEX.

CLASS A

Beaumont, Tex.
Freeport, Tex.
*Galveston, Tex. (the port of Galveston includes, among others, the port facilities at Port Bolivar and Texas City, Tex.).
*Houston, Tex. (the port of Houston includes, among others, the port facilities at Baytown, Tex.).
*Port Arthur, Tex. (the port of Port Arthur includes, among others, the port facilities at Orange and Sabine, Tex.).

DISTRICT NO. 22—PORTLAND, MAINE

CLASS A

*Bangor, Maine (the port of Bangor includes, among others, the port facilities at Bar Harbor, Belfast, Brewer, Bucksport, Jonesport, Northeast Harbor, Prospect Harbor, Sandypoint, Seal Harbor, Searsport, and South West Harbor, Maine).
*Bridgewater, Mains.
*Calais, Maine (includes Ferry Point, Union and Milltown Bridges).
*Coburn Gore, Maine.
*Eastport, Maine.
*Fort Fairfield, Maine.
*Fort Kent, Maine.
*Houlton, Maine.
*Jackman, Maine.
*Limestone, Maine.
Lubec, Maine.
*Madawaska, Maine.
Portland, Maine.
*Van Buren, Maine.
*Vanceboro, Maine.

CLASS B

Boundary Cottage, Maine.
Easton, Maine.
Estcourt, Maine.
Forest City, Maine.
Four Falls Road, Maine.
Hamlin, Maine.
Hodgdon, Maine.
Holeb, Maine.
Knoxford Line Road (Mars Hill), Maine.
Lake Frontier, Maine.
Littleton, Maine.
Monticello, Maine.
Orient, Maine.
Robbinston, Maine.
St. Aurelie, Maine.
St. Pamphile, Maine.

CLASS C

Bath, Maine.
Boothbay Harbor, Maine.
Rockland, Maine.

DISTRICT NO. 23—HARTFORD, CONN.

CLASS C

Bridgeport, Conn.
New Haven, Conn.
New London, Conn. (includes the port facilities at Groton, Conn.)
Stamford, Conn.

DISTRICT NO. 24—CLEVELAND, OHIO

CLASS A

Cleveland, Ohio.
*Sandusky, Ohio.
*Toledo, Ohio.

CLASS C

Ashtabula, Ohio.
Conneaut, Ohio.
Fairport, Ohio.
Huron, Ohio.
Lorain, Ohio.
Marblehead, Ohio.

DISTRICT NO. 25—WASHINGTON, D. C.

CLASS A

Moorehead City, N. C.
*Wilmington, N. C.
*Newport News, Va.
*Norfolk, Va.

CLASS C

Alexandria, Va.
Fort Monroe, Va.
Richmond, Va.
U. S. Navy Mine Depot, Cheatham Annex, Va.

DISTRICT NO. 26—ATLANTA, GA.

CLASS A

*Mobile, Ala.
*Brunswick, Ga.
*Savannah, Ga.
*Charleston, S. C.
Georgetown, S. C.

CLASS C

Beaufort, S. C. (the port of Beaufort includes Parris Island, Port Royal Island, and adjacent waters).

DISTRICT NO. 27—SAN JUAN, P. R.

CLASS A

Aguadilla, P. R.
Ensenada, P. R.
Fajardo, P. R.
Humacao, P. R.
Jobos, P. R.
Mayaguez, P. R.
Ponce, P. R.
San Juan, P. R.
Christiansted, St. Croix, V. I.
Frederiksted, St. Croix, V. I.
Cruz Bay, St. John, V. I.
*Charlotte Amalie, St. Thomas, V. I.



DISTRICT NO. 28—NEW ORLEANS, LA.

CLASS A

Lake Charles, La.
New Orleans, La. (the port of New Orleans includes, among others, the port facilities at Avondale, Bell Chasse, Braithwaite, Chalmette, Destrahan, Gretna, Harvey, Marrero, Norco, Port Sulphur, St. Rose, and Westwego, La.).
Gulfport, Miss.

CLASS C

Baton Rouge, La.
Morgan City, La.
Pascagoula, Miss.

DISTRICT NO. 30—HELENA, MONT.

CLASS A

*Eastport, Idaho.
*Porthill, Idaho.
*Babb, Mont.
Chief Mountain, Mont. (May–October).
Del Bonita, Mont.
Goathaunt Camp, Mont. (May–October).
*Havre, Mont.
*Morgan, Mont.
*Opheim, Mont.
*Raymond, Mont.
*Roosville, Mont.
*Scobey, Mont.
*Sweetgrass, Mont.
*Turner, Mont.
*Whitetail, Mont.

CLASS B

Trail Creek, Mont.
Whitlash, Mont.

DISTRICT NO. 31—PORTLAND, OREG.

CLASS A

*Astoria, Oreg.
Coos Bay, Oreg.
Portland, Oreg.

DISTRICT NO. 32—ANCHORAGE, ALASKA

CLASS A

Anchorage, Alaska (the port of Anchorage includes, among others, the port facilities at Seward and Whittier, Alaska).
Eagle, Alaska (May–September).
Haines, Alaska.
*Juneau, Alaska (the port of Juneau includes, among others, the port facilities at Pelican, Sitka, and Taku Inlet, Alaska).
*Ketchikan, Alaska (the port of Ketchikan includes, among others, the port facilities at Wrangell and Petersburg, Alaska).
*Skagway, Alaska.
*Tok Junction, Alaska.

(3) *Ports of entry for aliens arriving by aircraft.* In addition to the following international airports which are hereby designated as ports of entry for aliens arriving by aircraft, other places where permission for certain aircraft to land officially has been given and places where emergency or forced landings are made under 8 CFR 239 shall be regarded as designated for the entry of aliens arriving by such aircraft:

DISTRICT NO. 1—ST. ALBANS, VT.

Burlington, Vt., Burlington Municipal Airport.

DISTRICT NO. 6—MIAMI, FLA.

Fort Lauderdale, Fla., Broward County Airport.
Key West, Fla., Meacham Field.
Miami, Fla., Chalks Flying Service Seaplane Base.
Miami, Fla., Miami International Airport.
Tampa, Fla., Tampa International Airport.
West Palm Beach, Fla., Palm Beach International Airport.

DISTRICT NO. 7—BUFFALO, N. Y.

Albany, N. Y., Municipal Airport.
Buffalo, N. Y., Municipal Airport.
Malone, N. Y., Malone Dufort Airport.
Massena, N. Y., Massena Airport.
Ogdensburg, N. Y., Ogdensburg Harbor.
Ogdensburg, N. Y., Ogdensburg Municipal Airport.
Rochester, N. Y., Rochester Municipal Airport.
Rouses Point, N. Y., Rouses Point Seaplane Base.
Watertown, N. Y., Watertown Municipal Airport.

DISTRICT NO. 8—DETROIT, MICH.

Detroit, Mich., Detroit Municipal Airport.
Detroit, Mich., Detroit-Wayne Major Airport.
Port Huron, Mich., St. Clair County Airport.
Sault Ste. Marie, Mich., Sault Ste. Marie Airport.

DISTRICT NO. 9—CHICAGO, ILL.

Chicago, Ill., Chicago Midway Airport.

DISTRICT NO. 10—ST. PAUL, MINN.

Baudette, Minn., Baudette Municipal Airport.
Duluth, Minn., Duluth Municipal Airport.
Duluth, Minn., Sky Harbor Airport.
International Falls, Minn., International Falls Municipal Airport.
Grand Forks, N. Dak., Grand Forks Municipal Airport.
Pembina, N. Dak., Port Pembina Airport.
Portal, N. Dak., Portal Airport.

DISTRICT NO. 12—SEATTLE, WASH.

Bellingham, Wash., Bellingham Airport.
Friday Harbor, Wash., Friday Harbor.
Oroville, Wash., Dorothy Scott Municipal Airport.
Oroville, Wash., Dorothy Scott Seaplane Base.
Port Townsend, Wash., Port Townsend Airport.
Seattle, Wash., Boeing Municipal Air Field.
Seattle, Wash., Lake Union.
Spokane, Wash., Felts Field.

DISTRICT NO. 14—SAN ANTONIO, TEX.

Brownsville, Tex., Rio Grande Valley International Airport at Brownsville, Tex.
Eagle Pass, Tex., Eagle Pass Airport.
Laredo, Tex., Laredo Municipal Airport.

DISTRICT NO. 15—EL PASO, TEX.

El Paso, Tex., International Airport.

DISTRICT NO. 16—LOS ANGELES, CALIF.

Calexico, Calif., Calexico Municipal Airport.
San Diego, Calif., San Diego Municipal Airport (Lindbergh Field).

DISTRICT NO. 17—HONOLULU, T. H.

Agana, Guam, Mariana Islands, Agana Field.

DISTRICT NO. 18—TUCSON, ARIZ.

Douglas, Ariz., Bisbee-Douglas Airport.
Nogales, Ariz., Nogales International Airport.

DISTRICT NO. 22—PORTLAND, MAINE

Caribou, Maine, Caribou Municipal Airport.

DISTRICT NO. 24—CLEVELAND, OHIO

Akron, Ohio, Municipal Airport.
Cleveland, Ohio, Cleveland Hopkins Airport.
Put in Bay, Ohio, Put in Bay Airport.
Sandusky, Ohio, John G. Hinde Airport.

DISTRICT NO. 30—HELENA, MONT.

Cut Bank, Mont., Cut Bank Airport.
Great Falls, Mont., Gore Field.
Havre, Mont., Havre-Hill County Airport.

DISTRICT NO. 32—ANCHORAGE, ALASKA

Fort Yukon, Alaska, Fort Yukon Airfield.
Juneau, Alaska, C. A. A. Field.
Juneau, Alaska, Juneau Airport.
Ketchikan, Alaska, Ketchikan Airport.
Skagway, Alaska, Skagway Municipal Airport.
Wrangell, Alaska, Wrangell Seaplane Base.



(4) *Immigration stations in foreign countries.* The following designated United States immigration stations in foreign countries are within the organization of the districts or regions indicated:

NORTHEAST REGION, BURLINGTON, VT.

Hamilton, Bermuda.

DISTRICT NO. 1—ST. ALBANS, VT.

Montreal, Quebec, Canada.
Quebec, Quebec, Canada.

DISTRICT NO. 7—BUFFALO, N. Y.

Toronto, Ontario, Canada.

DISTRICT NO. 10—ST. PAUL, MINN.

Winnipeg, Manitoba, Canada.

DISTRICT NO. 12—SEATTLE, WASH.

Vancouver, British Columbia, Canada.
Victoria, British Columbia, Canada.

DISTRICT NO. 22—PORTLAND, MAINE

St. John, New Brunswick, Canada.
Yarmouth, Nova Scotia, Canada.

Dated: April 19, 1956.

J. M. SWING,
*Commissioner of Immigration and Naturalization.*

[F. R. Doc. 53-3247; Filed, Apr. 25, 1956; 8:50 a. m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

OREGON

ORDER PROVIDING FOR THE OPENING OF PUBLIC LAND RESTORED FROM AIR-NAVIGATION SITE WITHDRAWAL NO. 252

APRIL 17, 1956.

Pursuant to the request of the Department of Commerce, Civil Aeronautics Administration, of March 15, 1956, and in accordance with authority delegated to me by Director, Bureau of Land Management by section 2.5 of Order 541, dated April 21, 1954 (19 F. R. 2473, 2476), as amended, it is ordered as follows:

The lands hereinafter described, so far as they are withdrawn by Departmental Order of August 4, 1948, under provision of section 4, of the act of May 24, 1928 (49 U. S. C. Sec. 214) for Air-Navigation Site No. 252, are hereby opened for disposition under the public land laws as provided below.

1.

WILLAMETTE MERIDIAN, OREGON

T. 34 S., R. 39 E.,
Sec. 13: SW¼SW¼, SW¼SE¼SW¼.
50.00 acres.

2. The topography of the land is almost level and is at an elevation of 3,500 feet. The soil is a shallow coarse sandy loam frequently intermingled with gravel and rock. The land supports a fair stand of sagebrush, cheat, bunch grass and weeds, and is in the semi-arid region of southeastern Oregon, with an annual precipitation of 10 inches. The land is suitable for the grazing of livestock. Due to the low natural precipitation, lack of irrigation water and poor shallow soil, none of the land is suitable for cultivation.

3. No application for the restored land may be allowed under the homestead, desert land, small tract or any other nonmineral public land law until so classified upon consideration of an application. Any application that is filed will be considered on its merits. The land will not be subject to occupancy or disposition until it has been classified.

4. Subject to any existing valid rights and the requirements of applicable law, the land described in paragraph 1 hereof, is hereby opened to filing of applications, selections and locations in accordance with the following:

(a) Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs.

(1) Applications by persons having prior existing settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, presented prior to 10:00 a. m. on May 23, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on August 22, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m. on August 22, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

(b) The lands will be open to location under United States mining laws beginning 10:00 a. m. on August 22, 1956.

Persons claiming veteran's preference rights under paragraph (2) above must enclose with their application, proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference or equitable claims must enclose properly corroborated statements in support of their application, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these applications shall be addressed to Manager, Land Office, Bureau of Land Management, 1001 Northeast Lloyd Boulevard, Post Office Box 3861, Portland 8, Oregon.

RUSSELL E. GETTY,
*Acting State Supervisor.*

[F. R. Doc. 56-3221; Filed, Apr. 25, 1956; 8:45 a. m.]

OREGON

RESTORATION ORDER UNDER FEDERAL POWER ACT

APRIL 17, 1956.

Pursuant to Determination No. DA-444 Oregon, of the Federal Power Commission and in accordance with Order No. 541, section 2.5 of the Director, Bureau of Land Management, approved April 21, 1954 (19 F. R. 2473), as amended, it is ordered as follows:

The lands hereinafter described, so far as they are withdrawn and reserved for power purposes in either Power Site Reserve No. 584 or Water Power Designation No. 3, both dated January 19, 1917, are hereby restored, subject to the provisions of section 24, of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended; *Provided, however,* That such restoration shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described;

WILLAMETTE MERIDIAN, OREGON

T. 39 S., R. 3 E.,
Sec. 3: SW¼SE¼;
Sec. 11: W½NW¼, NW¼SW¼;
Sec. 15: S½NE¼, NW¼NW¼, SE¼SW¼;
Sec. 21: N½NE¼, NE¼NW¼.
440.00 acres.

The lands released from withdrawal by this order shall not become subject to the initiation of any rights or to any disposition under the public land laws until it is so provided by an order of classification to be issued by an authorized officer opening the lands to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, with a ninety-one day preference right period for filing such applications by veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 497; U. S. C. 279–284), as amended.

RUSSELL E. GETTY,
*Acting State Supervisor.*

[F. R. Doc. 56-3222; Filed, Apr. 25, 1956; 8:46 a. m.]

[C-013293, C-013312, C-013325]

COLORADO

RESTORATION ORDER UNDER FEDERAL POWER ACT

APRIL 20, 1956.

Pursuant to the following listed determinations of the Federal Power Commission and in accordance with au-

thority delegated to me by the Director, Bureau of Land Management, by section 2.5 of Order No. 541, dated April 21, 1954 (19 F. R. 2473–2476), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the lands hereinafter described, so far as they are withdrawn or reserved for power purposes, are hereby opened to disposition under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended. The lands described in DA–375 are further subject to the prior right of the United States, its licensees or permittees, to use for power purposes those portions of the above-described land within the project boundary of Project No. 2187 as shown on the map designated Exhibit "K" (FPC No. 2187–3) and filed in the office of the Federal Power Commission on June 6, 1955, as part of the application for license for Project No. 2187.

| Determination No. | Dates and types of withdrawal | Description of Lands |
|---|---|---|
| DA–375 | Power Site Reserve No. 81 of July 2, 1910 | 6th Principal Meridian, Colo.: T. 4 S., R. 74 W., Sec. 17, SE¼. |
| | Power Site Reserve No. 342 of Aug. 25, 1916, etc. | Unpatented portion. |
| DA–377 | Power Site Reserve No. 81 of July 2, 1910 | T. 3 S., R. 72 W., Sec. 33, S½NE¼ and SE¼NW¼. |
| DA–376 | Power Site Reserve No. 50 of July 2, 1910 | New Mexico Principal Meridian, Colo.: T. 50 N., R. 1 E., Sec. 4, SE¼SW¼. |

The above described lands contain 320 acres more or less of public land.

The lands described in DA–375 and 377 are near Georgetown and Idaho Springs, Colorado, respectively. The land described in DA–376 is about 5 miles northeast of Gunnison, Colorado, along the Gunnison River. The lands are only moderately accessible and are topographically unfit for agriculture other than grazing. It is unlikely that any of the lands are suitable for homesites.

No application for the lands will be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

The lands described will be subject to application by the State of Colorado for a period of 90 days beginning April 20 and ending July 20, 1956, for right-of-way for public highways or as a source of material for construction and maintenance of such highways, in accordance with and subject to the provisions of section 24 of the Federal Power Act, as amended.

Subject to any existing rights and the requirements of applicable law, the lands described are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. The lands have been open to location and entry under the United States Mining Laws pursuant to the act of August 11, 1955 (69 Stat. 683; 30 U. S. C. 621), and to applications and offers under the Mineral Leasing Laws. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the homestead, desert land, and small tract laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284, as amended), presented prior to 10:00 a. m. on May 26, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on August 25, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on August 25, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

Persons claiming veterans' preference rights under paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries regarding the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, 357 New Custom House, Box 1018, Denver 1, Colorado.

MAX CAPLAN,
*State Supervisor.*

[F. R. Doc. 56–3223; Filed, Apr. 25, 1956; 8:46 a. m.]

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GROUP 297, ARIZONA

NOTICE OF FILING OF PLATS OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

APRIL 16, 1956.

Notice is given that the plats of survey accepted November 30, 1955, of T. 2 S., R. 22 E., T. 3 S., R 16 E., T. 3 S., R. 22 E., T. 3 S., R. 23 E., T. 3 S., R. 24 E., T. 4 S., R. 16 E., T. 4 S., R. 24 E., and T. 7 S., R. 20 E., G. & S. R. B. & M., Arizona, including lands hereinafter described, will be officially filed in the Land Office at Phoenix, Arizona, effective at 10:00 a. m. on the 35th day after the date of this notice:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 2 S., R. 22 E.,
Lots 1, 2, 3, 4, Sec. 2;
All Sec. 36.
T. 3 S., R. 16 E.,
Lots 1, 2, 3, 4, S½S½, Sec. 16;
All Sec. 32.
T. 3 S., R. 22 E.,
All Sec. 36.
T. 3 S., R. 23 E.,
Lots 1, 2, 3, 4, 5, S½N½, SW¼, W½SE¼, NE¼SE¼, (All), Sec. 2;
Lots 1, 2, 3, 4, S½N½, S½, (All), Sec. 3;
All Sec. 16.
T. 3 S., R. 24 E.,
All Sec. 32.
T. 4 S., R. 16 E.,
Lots 1, 2, 3, 4, 5, W½NW¼, NW¼SW¼, (W½), Sec. 32, N½, Sec. 36.
T. 4 S., R. 24 E.,
Lots 1, 2, 3, 4, S½N½, S½, (All), Sec. 2;
All Secs. 32 and 36.
T. 7 S., R. 20 E.,
Lots 1, 2, 3, 4, N½S½N½, (All), Sec. 32.

Within the above-described areas are 2,737.66 acres of public lands.

Available data indicates the lands in T. 2 S., R. 22 E. are very rough, with rocky ledges, rocky outcroppings and occasional rocky peaks. The soil is rocky clay and is very poor. The tracts in T. 3 S., R. 16 E. lie for the most part on the south slope of a high, rocky limestone ridge. The soil is rocky clay, and no part of the township is suited for farming. Sec. 36, T. 3 S., R. 22 E. is rolling, the soil is sand and rocky clay, and it is suitable only for grazing. The land in T. 3 S., R. 23 E. is very rocky and rough, and is suitable only for grazing. The soil is rocky and sandy loam. Sec. 32, T. 3 S., R. 24 E. is very high, rough and broken, and is good only for grazing. The soil is rocky loam. The tracts in T. 4 S., R. 16 E. consist mostly of high, rocky ridges and peaks. The soil is rocky, sandy clay, and is used for grazing purposes only. In T. 4 S., R. 24 E., Sec. 2, the land consists of high, rocky ridges and peaks, and Secs. 32 and 36, are made up of rolling, rocky ridges and peaks, and dry washes. The soil is rocky clay, and the only use is for grazing. Sec. 32, T. 7 S., R. 20 E. consists of rolling ridges, and the soil is rocky clay.



Subject to valid, existing rights, the State's title will attach to the following lands upon the official filing of the township plats: Lots 1, 2, 3, 4, Sec. 2, S½, S½N½, and N½NW¼, Sec. 36, T. 2 S., R. 22 E., Lots 1, 2, 3, 4, S½S½, Sec. 16, All Sec. 32, T. 3 S., R. 16 E., N½, W½SW¼, Sec. 36, T. 3 S., R. 22 E., Lots 3, 4, S½NW¼, NW¼SW¼, and 25.14 acres in the W½NE¼, Sec. 2, and All Sec. 16, T. 3 S., R. 23 E., All Sec. 32, T. 3 S., R. 24 E., Lots 1, 2, 3, 4, 5, W½NW¼, and the NW¼SW¼, Sec. 32, T. 4 S., R. 16 E., NW¼SW¼, Sec. 2, T. 4 S., R. 24 E., All Sec. 32, T. 4 S., R. 24 E., SW¼SE¼, Sec. 36, T. 4 S., R. 24 E., and Lots 1, 2, 3, 4, N½S½, N½, (All), Sec. 32, T. 7 S., R. 20 E.

The N½, Sec. 36, T. 4 S., R. 16 E. was withdrawn by Executive Order of September 19, 1934, for the San Carlos Indians.

No applications for the remainder of these lands, namely, the N½NE¼, Sec. 36, T. 2 S., R. 22 E., SE¼, E½SW¼, Sec. 36, T. 3 S., R. 22 E., SW¼SW¼, E½SW¼, SW¼SE¼, SE¼SE¼, E½NE¼, NE¼SE¼, NW¼SE¼, and 56 acres in the W½NE¼, Sec. 2, Lots 1, 2, 3, 4, S½N½, S½, (All), Sec. 3, T. 3 S., R. 23 E., Lots 1, 2, 3, 4, S½N½, SE¼, E½SW¼, SW¼SW¼, Sec. 2, and W½, NE¼, N½SE¼, and the SE¼SE¼, Sec. 36, T. 4 S., R. 24 E., may be allowed under the homestead, small tract, desert land, or any other non-mineral public land laws, unless the land has already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified. At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on May 22, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on August 21, 1956, will be governed by the time of filing.

All valid applications and selections under the non-mineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on August 21, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

The lands will be open to mining locations under the United States mining laws beginning at 10:00 a. m. August 21, 1956.

Persons claiming veterans' preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Phoenix, Arizona.

THOS. F. BRITT,
*Manager.*

[F. R. Doc. 56–3224; Filed, Apr. 25, 1956; 8:46 a. m.]

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ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

APRIL 20, 1956.

The Department of Territorial Police has filed an application, Serial No. Fairbanks 013140, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including mining and mineral leasing laws. The applicant desires the land for use as an administrative site.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

U. S. Survey 2770:
Lots 1 and 2.
Containing 2.49 acres.

ROGER R. ROBINSON,
*Alaska Operations Supervisor.*

[F. R. Doc. 56–3225; Filed, Apr. 25, 1956; 8:46 a. m.]

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## DEPARTMENT OF LABOR

### Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended March 1, 1956, 21 F. R. 1349).

The following learner certificates were issued authorizing the employment of not more than 10 percent of the total number of factory production workers as learners for normal labor turnover purposes:

Amory Garment Co., Inc., South Main and Third Streets, Amory, Miss.; effective 4–11–56 to 4–10–57 (men's pants).

Bay Manufacturing Co., Bay Minette, Ala.; effective 4–6–56 to 4–5–57 (men's slacks).

Belair Manufacturing Co., Williams and Nichols Street, Belair, Md.; effective 4–2–56 to 4–1–57 (rainwear).

Burnley Shirt Corp., 502 22d Avenue, South Meridian, Miss.; effective 4–9–56 to 4–8–57 (men's shirts).

Cluett, Peabody & Co., Inc., Lewistown, Pa.; effective 4–15–56 to 4–14–57 (shirts).

Dunn Manufacturing Co., 211–21 North 13th Street, Philadelphia, Pa.; effective 4–5–56 to 4–4–57 (dresses).

Elder Manufacturing Co., Bloomfield, Mo.; effective 4–13–56 to 4–12–57 (boys' outerwear).

Elder Manufacturing Co., McLeansboro, Ill.; effective 4–16–56 to 4–15–57 (men's shirts).

Elder Manufacturing Co., 13th and Lucas Avenue, St. Louis, Mo.; effective 4–4–56 to 4–3–57 (boys' apparel).

Elder Manufacturing Co., 7025 Pennsylvania Avenue, St. Louis, Mo.; effective 4–4–56 to 4–3–57 (men's shirts).

Elcesser-Haynemann Co., 1161 Mission Street, San Francisco, Calif.; effective 4–4–56 to 4–3–57 (work pants, overalls).

Forest City Manufacturing Co., 1641 Washington Avenue, St. Louis 3, Mo.; effective 4–5–56 to 4–4–57 (dresses).

Glenridge Trouser Corp., Tipton, Mo.; effective 4–17–56 to 4–16–57 (men's trousers).

The H. W. Gossard Co., 220 North Court Street, Sullivan, Ind.; effective 4–4–56 to 4–3–57 (ladies' foundation garments).

Granby Manufacturing Co., Inc., Granby, Mo.; effective 4–18–56 to 4–17–57 (single pants).

Kennebec Manufacturing Co., Inc., Northern Avenue, Gardiner, Maine; effective 4–4–56 to 5–25–56 (boys' pants) (replacement).

Lancaster Garment Co., Inc., 239–241 North Ann Street, Lancaster, Pa.; effective 4–6–56 to 4–5–57 (children's dresses).

Toby Lane, Inc., 1111 Washington Avenue, St. Louis, Mo.; effective 4–4–56 to 4–3–57 (misses' dresses).

Logan Manufacturing Co., North Main Street, Russellville, Ky.; effective 4–4–56 to 4–3–57 (men's work pants).

Loungeray, Inc., Canal Street, Hollidaysburg, Pa.; effective 4–2–56 to 4–1–57 (ladies' robes, negligees).

R. Lowenbaum Manufacturing Co., 2223 Locust Street, St. Louis 3, Mo.; effective 4-4-56 to 4-3-57 (junior dresses).

Mandel Manufacturing Co., 1110 Washington, St. Louis, Mo.; effective 4-4-56 to 4-3-57 (ladies' apparel).

Mode O'Day Corp., Plant No. 3, 59 South First Street, West, Logan, Utah; effective 4-7-56 to 4-6-57 (dresses).

Newberry Garment Co., 319 Caldwell Street, Newberry, S. C.; effective 4-4-56 to 4-3-57 (men's shirts).

M. H. Raab-Meyerhoff Co., Inc., northwest corner Eighth and Dauphin Streets, Philadelphia 33, Pa.; effective 4-2-56 to 4-1-57 (men's shirts).

Regal Shirt Corp., 208 South Third Street, Catawissa, Pa.; effective 4-4-56 to 3-22-57 (men's shirts) (replacement).

Royal Pants Manufacturing, Co., Inc., 410 Walnut Street, Perkasie, Pa.; effective 4-9-56 to 4-8-57 (single pants).

S & S Clothing Co., 44-48 Lehigh Street, Wilkes-Barre, Pa.; effective 4-16-56 to 4-15-57 (men's pants).

William Schwartz & Co., Inc., 22d and Lehigh Avenue, Philadelphia, Pa.; effective 4-9-56 to 4-8-57 (children's sportswear and outerwear).

Shawnee Manufacturing Co., Inc., 1324 Lindsay Street, Newberry, S. C.; effective 4-4-56 to 4-3-57 (men's shirts).

Southern Athletic Co., Inc., 111 17th Street, Knoxville, Tenn.; effective 4-2-56 to 4-1-57 (athletic wear).

Southern Manufacturing Co., Plant No. 2, 1202 Broadway, Nashville, Tenn.; effective 4-11-56 to 4-10-57 (men's sport shirts).

Standard Romper Co., Inc., 558 Roosevelt Avenue, Central Falls, R. I.; effective 4-5-56 to 8-1-56 (boys' shirts and pants) (replacement).

Style Rite Robes, Inc., 1531 Washington Avenue, St. Louis 3, Mo.; effective 4-5-56 to 4-4-57 (men's robes).

Tailorcraft Blouses, Inc., 206 Union Street, Taylor, Pa.; effective 4-9-56 to 4-8-57 (ladies' blouses).

Thurmond Manufacturing Co., Inc., Duluth, Ga.; effective 4-9-56 to 4-8-57 (boys' shirts and pajamas).

Thurmond Manufacturing Co., Inc., Monticello, Ga.; effective 4-4-56 to 4-3-57 (boys' shirts and pants).

A. Tumminelli & Sons, Inc., 345 Monroe Street, Passaic, N. J.; effective 4-9-56 to 4-8-57 (men's pants).

Vidalia Garment Co., Ltd., Vidalia, Ga.; effective 4-11-56 to 4-10-57 (men's sport shirts).

Wildman Manufacturing Co., 920 Washington Avenue, St. Louis 1, Mo.; effective 4-5-56 to 4-4-57 (cotton dresses).

The following learner certificates were issued for normal labor turnover purposes and, except as otherwise indicated below, a maximum of 10 learners were authorized:

Apparel Contractors, 808 Washington, St. Louis, Mo.; effective 4-4-56 to 4-3-57; 5 learners (women's apparel).

Fances Free Manufacturing Co., 6609 Oliva Boulevard, St. Louis 5, Mo.; effective 4-5-56 to 4-4-57; 5 learners (maternity wear, undergarments, etc.).

Frager Bros. Manufacturing Co., 615 North Eighth Street, St. Louis 1, Mo.; effective 4-5-56 to 4-4-57; 5 learners (dresses).

Frayne Sportswear Manufacturers, 1911 12th Avenue, Tampa, Fla.; effective 4-4-56 to 4-3-57; 5 learners (women's apparel and beachwear).

Gale-Sobel Co., 1015 Washington Avenue, St. Louis 1, Mo.; effective 4-4-56 to 4-3-57 (work clothes).

The H. W. Gossard Co., Bicknell, Ind.; effective 4-4-56 to 4-3-57; 5 learners (girdles and brassieres).

The H. W. Gossard Co., corner Pine and Jasper, Gwinn, Mich.; effective 4-4-56 to 4-3-57 (brassieres).

Horton Garment Co., Atchison, Kans.; effective 4-4-56 to 4-3-57 (junior dresses).

Maiouf Co., No. 1, 517 Jackson Street, Dallas 2, Tex.; effective 4-3-56 to 4-2-57 (women's apparel).

May Belle Co., 923 Washington Avenue, St. Louis, Mo.; effective 4-5-56 to 4-4-57; 5 learners (dresses, ladies' outerwear).

Monroe Garment Co., Southerland Avenue, Monroe, N. C.; effective 4-5-56 to 4-4-57 (work shirts).

National Garment Co., 239 South Boyle Avenue, St. Louis, Mo.; effective 4-6-56 to 4-5-57; 5 learners (men's and children's outerwear).

New Era Shirt Co., 901 Lucas, St. Louis 1, Mo.; effective 4-4-56 to 4-3-57 (ladies' blouses).

The Geo. W. Prior Co., 1531 Wazee Street, Denver, Colo.; effective 4-3-56 to 4-2-57; 5 learners (ladies' shirts).

Sandra Kay, 923 Washington Avenue, St. Louis 1, Mo.; effective 4-5-56 to 4-4-57; 5 learners (ladies' apparel).

Strouse Baer Co., 110 South Paca Street, Baltimore 1, Md.; effective 4-2-56 to 4-1-57 (boys' wash clothes).

Tompkinsville Garment Co., K. W. Pollocks d b/a, Tompkinsville, Ky.; effective 4-13-56 to 4-12-57 (dungarees).

Turner Sportswear Co., 107 12th Avenue, Nashville, Tenn.; effective 4-17-56 to 4-16-57 (men's sport shirts).

The following learner certificates were issued for plant expansion purposes. The number of learners authorized is indicated:

Ackerman Manufacturing Co., Ackerman, Miss.; effective 4-5-56 to 8-31-56; 40 learners (work shirts) (supplemental certificate).

Chester Manufacturing Co., Inc., Chester, S. C.; effective 4-6-56 to 8-31-56; 35 learners (men's dress shirts) (supplemental certificate).

Danville Properties, Inc., North Main Street, corner Parkland Drive, Danville, Va.; effective 4-4-56 to 10-3-56; 15 learners (children's outerwear).

Devil Dog Manufacturing Co., Inc., Zebulon, N. C.; effective 4-4-56 to 10-3-56; 25 learners (children's outerwear).

Etowah Garment Co., Inc., Etowah, Tenn.; effective 4-5-56 to 8-31-56; 100 learners (utility shirts, jackets, etc.) (supplemental certificate).

Mid-American Manufacturing Co., Inc., 304 South First Street, Ponca City, Okla.; effective 4-5-56 to 10-4-56; 20 learners (jeans).

Oklahoma Clothing Manufacturing, Inc., Wewoka, Okla.; effective 4-6-56 to 10-5-56; 15 learners (boys' jeans) (supplemental certificate).

Pendleton Woolen Mills, 8816 Southeast 17th Avenue, Portland 2, Oreg.; effective 4-4-56 to 10-3-56; 50 learners (men's, ladies' slacks, shorts).

Roberta Manufacturing Co., Inc., Roberta, Ga.; effective 4-9-56 to 10-8-56; 25 learners (girl's shirts).

Twin Rivers Manufacturing Co., Inc., River Street, Franklin, N. H.; effective 4-4-56 to 10-3-56; 20 learners (dresses).

## Cigar Industry Learner Regulations (29 CFR 522.80 to 522.85, as amended March 1, 1956, 21 F. R. 629).

DWG Cigar Corp., 214-16 Broadway, Findlay, Ohio; effective 4-5-56 to 8-31-56; 25 additional learners for plant expansion purposes (supplemental certificate).

## Glove Industry Learner Regulations (29 CFR 522.60 to 522.65, as amended March 1, 1956, 21 F. R. 581).

Boss Manufacturing Co., Oneida, Tenn.; effective 4-9-56 to 10-8-56; 50 learners for plant expansion purposes (work gloves).

Dinberg Glove Corp., 215 Gilbert Street, Ogdensburg, N. Y.; effective 4-4-56 to 4-3-57; 5 learners for normal labor turnover purposes (lined leather gloves).

## Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.43, as amended March 1, 1956, 21 F. R. 629).

H. W. Anthony Co., Strausstown, Pa.; effective 4-2-56 to 4-1-57; 4 learners for normal labor turnover purposes.

Frances Seaming & Mending Co., Route 6, Burlington, N. C.; effective 4-5-56 to 4-4-57; 3 learners for normal labor turnover purposes.

Glen Raven Knitting Mills, Inc., Altamahaw, N. C.; effective 4-6-56 to 4-5-57; 5 percent of factory production workers for normal labor turnover purposes.

## Independent Telephone Industry Learner Regulations (29 CFR 522.70 to 522.74, as amended March 1, 1956, 21 F. R. 581).

Hot Springs Telephone Co., Truth or Consequences, N. Mex.; effective 4-5-56 to 4-4-57.

## Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended March 1, 1956, 21 F. R. 581).

The following learner certificates were issued for normal labor turnover purposes:

Blakely Manufacturing Co., Inc., 310 South Blakely Street, Dunmore, Pa.; effective 4-4-56 to 4-3-57; 5 learners (knit and woven slips and petticoats).

Eagle Beef Cloth Co., Inc., 276 Newport Street, Brooklyn, N. Y.; effective 4-2-56 to 2-28-57; 5 percent of the total number of factory production workers (stockinettes and tubing) (replacement certificate).

Devon Knitting Mills, Bechtelville R. F. D. No. 1, Eshbach, Pa.; effective 4-2-56 to 4-1-57; 4 learners (knit athletic shirts).

Iredell Knitting Mills, Inc., Statesville, N. C.; effective 4-6-56 to 4-5-57; 5 learners (children's knit and woven garments).

Modern Lingerie, Inc., 333 Hamilton Street, Allentown, Pa.; effective 4-9-56 to 4-8-57; 5 learners (ladies' slips).

Saluda Corp., Saluda, S. C.; effective 4-5-56 to 4-4-57; 5 percent of the total number of factory production workers (men's underwear).

A. H. Schreiber Co., Inc., Mount Holly Division, Washington Street, Mount Holly, N. J.; effective 4-1-56 to 2-28-57; 5 percent of the total number of factory production workers (ladies' underwear) (replacement certificate).

## Shoe Industry Learner Regulations (29 CFR 522.50 to 522.55, as amended March 1, 1956, 21 F. R. 1195).

Muskin Shoe Co., Pine Street, Millersburg, Pa.; effective 4-4-56 to 4-4-57; 10 percent of factory production workers for normal labor turnover purposes.

Oxford Slipper Co., Inc., 448 East Eighteenth Street, Paterson, N. J.; effective 4-5-56 to 4-4-57; 10 learners for normal labor turnover purposes.

Riverside Shoe Corp., Millersburg, Pa.; effective 4-6-56 to 4-5-57; 10 percent of factory production workers for normal labor turnover purposes.

## Regulations applicable to the Employment of Learners (29 CFR 522.1 to 522.12,



as amended February 28, 1955, 20 F. R. 645).

The following learner certificates were issued for normal labor turnover purposes to the companies listed below manufacturing miscellaneous products. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as follows:

Acme Pad Co., 31-37 East Lee Street, Baltimore, Md.; effective 4-6-56 to 10-4-56; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupation of sewing machine operator; authorizing the employment of 2 learners (shoulder pads).

Chic Bag Co., Bethlehem, Pa.; effective 4-3-56 to 10-2-56; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupations of stitching machine operator, hand cutter, parer, and framer; not less than 85 cents per hour for a maximum of 160 hours, for the occupations of die and clicker machine operator, automatic paring machine operator, and pocketbook makers' helper; authorizing the employment of 10 percent of factory production workers as learners (ladies' handbags).

Consolidated Airplane Luggage Manufacturing Corp., 1056 Brown Street, Peekskill, N. Y.; effective 4-3-56 to 10-2-56; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupations of stitching machine operator, hand cutter, liner, coverer, assembler, and finisher, and woodworking machine operator; not less than 85 cents per hour for a maximum of 160 hours, for the occupation of die and clicker machine operator; authorizing the employment of 5 learners (luggage).

Daniels Manufacturing Co., Inc., 5403 18th Avenue, Brooklyn, N. Y.; effective 4-3-56 to 10-2-56; not less than 87 cents per hour for the first 240 hours and 93 cents per hour for the remaining 80 hours of the 320-hour learning period, for the occupations of embroidery machine operator and stitching machine operator; authorizing the employment of 5 learnera (decorated shoe findings, etc.).

Frank L. Deaner & Son, Inc., Route 1, Sodus, Mich.; effective 4-5-56 to 10-4-56; not less than 85 cents per hour, for the occupations of basket and box machine operator, and hand laying staves into web; a maximum of 240 hours; authorizing the employment of 8 learners (wooden berry boxes).

Dust Proof Mattress Cover Co., Ellwood City, Pa.; effective 4-2-56 to 10-1-56; not less than 85 cents per hour, for the occupation of sewing machine operator; a maximum of 320 hours; authorizing the employment of 5 learners (mattress covers, bedspreads, etc.).

Jeannette Box Co., Thomas Avenue, and Lafferty Street, Jeannette, Pa.; effective 4-2-56 to 10-1-56; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 80 hours of the 240-hour learning period, for the occupations of basic hand and machine operations, with the exception of cutting, scoring, and slitting; authorizing the employment of 10 percent of factory production workers as learners (set-up paper boxes).

Paristyle Bags, Inc., Phillipsburg, N. J.; effective 4-3-56 to 10-2-56; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupations of stitching machine operator, hand cutter, parer, and framer; not less than 85 cents per hour for a maximum of 160 hours, for the occupations of die and clicker machine operator, automatic paring machine operator, and pocketbook makers' helper; authorizing the employment of 10 percent of factory production workers as learners (ladies' handbags).

Quality Shoulder Strap Co., 47 Tiffany Place, Brooklyn, N. Y.; effective 4-6-56 to 10-5-56; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupation of sewing machine operator; authorizing the employment of 5 learners (brassiere and slip shoulder straps).

Sparta Furniture Manufacturing Co., West Broadway, Sparta, Tenn.; effective 4-4-56 to 10-3-56; not less than 80 cents per hour for the first 320 hours and 85 cents per hour for the remaining 160 hours of the 480-hour learning period, for the occupations of sewing machine operator and upholsterer; authorizing the employment of 10 learners (sofa beds and chairs).

Trenton Crockery Co., 205 Arch Street, Philadelphia, Pa.; effective 4-9-56 to 10-8-56; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupation of china decorator; authorizing the employment of 1 learner (decorated earthenware).

Unitog Co., 138 West Pine Street, Warrensburg, Mo.; effective 4-3-56 to 10-2-56; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupations of embroidery machine operator and power sewing machine operator; authorizing the employment of 4 learners (industrial uniforms).

Utah Pickle Co., 741 South Third West Street, Salt Lake City, Utah; effective 4-9-56 to 10-8-56; not less than 80 cents per hour for the remaining 80 hours of the 240-hour learning period, for the occupation of hand pickle packer; authorizing the employment of 10 learners (pickle products).

The following special learner certificate was issued in Hawaii pursuant to the Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended March 1, 1956, 21 F. R. 1349):

Sun Fashions of Hawaii, 1016 Kapahulu Avenue, Honolulu, Hawaii; effective 4-5-56 to 4-4-57; 5 learners for normal labor turnover purposes (men's and women's apparel).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 17th day of April 1956.

MILTON BROOKE,
*Authorized Representative of the Administrator.*

[F. R. Doc. 56-3226; Filed, Apr. 25, 1956; 8:46 a. m.]

# CIVIL AERONAUTICS BOARD

[Docket No. 6515]

REEVE ALASKA AIRMOTIVE AND REEVE ALEUTIAN AIRWAYS, INC.

NOTICE OF PREHEARING CONFERENCE

In the matter of interlocking and control relationships involving Reeve Alaska Airmotive and Reeve Aleutian Airways, Inc.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on May 3, 1956, at 10:00 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Paul N. Pfeiffer.

Dated at Washington, D. C., April 23, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56-3255; Filed, Apr. 25, 1956; 8:52 a. m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11364, 11663; FCC 56M-381]

RCA COMMUNICATIONS, INC. AND WESTERN UNION TELEGRAPH CO.

ORDER SCHEDULING PREHEARING CONFERENCE

In the matter of RCA Communications, Inc., v. The Western Union Telegraph Company, Docket No. 11364; complaint with respect to Area "C" Pacific Traffic under the International Formula.

In the matter of RCA Communications, Inc., Docket No. 11663; request for appropriate Commission action with respect to alleged illegal practices of The Western Union Telegraph Company in handling traffic destined to various Far Eastern points.

The Hearing Examiner having under consideration the above-entitled proceeding;

*It is ordered*, This 20th day of April 1956, that all parties, or their attorneys, are directed to appear for a prehearing conference, pursuant to the provisions of § 1.813 of the Commission's rules, at the Commission's offices in Washington, D. C., at 10:00 a. m., May 10, 1956, and the hearing now scheduled to commence on May 15, 1956, will be continued to a date to be hereinafter determined.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3248; Filed, Apr. 25, 1956; 8:50 a. m.]

[Docket No. 11539, etc., FCC 56M-380]

MUSSER BROADCASTING CO. ET AL.

FIRST STATEMENT CONCERNING PRE-HEARING CONFERENCES AND ORDER CONTINUING HEARING

In re applications of Sam Ferguson Musser and Gloria G. Musser, d/b as Musser Broadcasting Company, Eliza-

bethtown, Pennsylvania, Docket No. 11539, File No. BP-9698; Will Groff, tr/as Colonial Broadcasting Company, Elizabethtown, Pennsylvania, Docket No. 11540, File No. BP-9759; H. Raymond Stadiem, Lester P. Etter and M. Leonard Savage, d/b as Radio Columbia, Columbia, Pennsylvania, Docket No. 11541, File No. BP-9940; for construction permits.

Pre-hearing conferences were held herein on December 13, 1955,[1] March 5, 1956,[1] and April 13, 1956. Agreements were reached among the parties and stated on the record at the third conference, as reflected in the transcript which is incorporated herein by reference. Such agreements are found to be acceptable and approved by the Hearing Examiner. They include the following:

1. The direct cases, in written form, shall be prepared as follows: (a) The testimony of each witness shall be prepared in narrative form and shall be submitted under the affidavit of the particular witness (tr. 16–17).

(b) All narrative statements (except engineering exhibits) shall be prepared in double-spaced form; each page and each line shall be numbered, and carbon copies shall not be acceptable (tr. 17).

(c) Parties shall be designated by abbreviated names, as follows: Musser, Colonial, Columbia, WPGC and Commission Counsel (tr. 17–18).

(d) Each party shall mark each of its exhibits with its name and a number. Narrative statements shall be numbered in series, beginning with one. An exhibit connected with a narrative statement shall be given the same number as the narrative statement, plus an identifying letter in series, such as "Musser No. 1–A." (Engineering exhibits may vary from this style.) (tr. 17)

2. Where the direct case in written form contains testimony of witnesses whose direct testimony appropriately could have been taken by deposition, parties will not object to taking cross-examination of such witnesses through deposition procedures rather than requiring those witnesses to be brought to Washington (tr. 18–19).

3. With reference to program proposals in direct cases: unless a stipulation to the contrary is reached, applicants will submit, as a minimum, (a) complete program schedule of programs, including the classification of each program by type and source; (b) non-network program descriptions; (c) analyses of proposed typical week by type and source, together with information on spot announcements as required by FCC Form 301 (tr. 19).

4. The direct written cases shall be exchanged on or before April 23, 1956 (tr. 27).

5. On or before April 30, 1956, counsel for each party shall serve upon all other counsel and the Examiner (in triplicate for the Examiner) a written statement containing (a) a list of all objections it desires to make to the receipt in evidence of any exhibits or specific portions thereof contained in the direct cases already exchanged, together with a brief statement of the reason for each objection; and (b) list of items of additional information it requests from any other party or parties (tr. 24–28).

6. On or before May 3, 1956, counsel for all parties shall meet in informal conference, without the Hearing Examiner, for the purpose of discussing such objections and requests for information and reaching agreements thereon insofar as possible. All agreements reached shall be reduced to writing, signed by the parties and given to the Examiner (in triplicate), on or before May 7, 1956, together with a list of the objections on which agreement was not reached and items of information refused to be furnished (tr. 27).

7. On or before May 7, 1956, each party shall serve upon all other parties and the Examiner (in triplicate for the Examiner), a notice stating which witnesses it desires to be produced for cross-examination (a) in Washington, or (b) through deposition procedures (tr. 27).

8. All parties shall attempt to reach a stipulation with reference to engineering facts (tr. 27).

9. On May 11, 1956, at 10:00 a. m., a further pre-hearing conference shall be held for the purposes stated in § 1.841 (c) (tr. 27).

10. Hearing is continued from April 30, 1956 to 10:00 a. m. May 22, 1956 (tr. 27).

11. Any information required to be submitted at the May 11 conference shall be supplied so as to be in the hands of all parties by May 17, 1956 (tr. 28–30).

12. The order of procedure will be as follows unless changed by agreement of the parties and the Examiner:

(a) Submission of direct written cases, in order of ascending docket numbers, and cross-examination thereon (tr. 48, 51);

(b) Submission of rebuttal cases in same order, including affirmative testimony attacking other applicants' proposals, if any (tr. 49–51); and

(c) Submission of surrebuttal, in same order, if surrebuttal is necessary (tr. 50–1).

*It is ordered*, This 19th day of April 1956, that the foregoing agreements and requirements shall govern the course of the proceeding to the extent indicated, unless modified by the Hearing Examiner for cause or by the Commission upon review of the Hearing Examiner's ruling; and the hearing herein, now scheduled for April 30, 1956, is continued until May 22, 1956, at 10:00 a. m.; and the fourth pre-hearing conference is scheduled for May 11, 1956, at 10:00 a. m.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3249; Filed, Apr. 25, 1956; 8:50 a. m.]

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[Docket No. 11662; FCC 56 M-376]

FIRM C. PETTY

ORDER CONTINUING HEARING

In the matter of Firm C. Petty, Randallstown, Maryland, Docket No. 11662; suspension of restricted radiotelephone operator permit.

It appearing that conditions exist which require the presence of both the respondent and one of the subpoenaed witnesses to be present in Baltimore on the date now set for hearing; and

It further appearing that a continuance will afford time for the respondent and counsel for the Commission's Field Engineering and Monitoring Bureau to reach stipulations with respect to various facts, the proof of which would otherwise be time consuming at hearing; and

It further appearing that counsel for the Commission's Field Engineering and Monitoring Bureau has no objection to grant of the continuance here ordered;

*It is ordered*, This 18th day of April 1956, on the Hearing Examiner's own motion that hearing in the above-entitled matter is continued from 10:00 a. m. April 19, 1956, to 10:00 a. m. May 28, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3250; Filed, Apr. 25, 1956; 8:51 a. m.]

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[Docket Nos. 11673, 11674; FCC 56M-379]

MISSISSIPPI BROADCASTING CO. (WCOC-TV) AND LAUREL TELEVISION CO. INC.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of Mississippi Broadcasting Company (WCOC-TV), Pachuta, Mississippi, Docket No. 11673, File No. BMPCT-3213; for modification of construction permit; Laurel Television Company, Inc., Laurel, Mississippi, Docket No. 11674, File No. BPCT-2031; for construction permit for a new television broadcast station (Channel 7).

*It is ordered*, This 19th day of April 1956, that a prehearing conference under §§ 1.813 and 1.841 is scheduled for Monday, April 30, 1956, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3251; Filed, Apr. 25, 1956; 8:51 a. m.]

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[Docket No. 11681]

JOSEPH THOMAS COLLINS

ORDER DESIGNATING MATTER FOR HEARING ON STATED ISSUES

In the matter of Joseph Thomas Collins, Thiensville, Wisconsin, Docket No. 11681; suspension of amateur radio operator license.

The Commission having under consideration the application of Joseph Thomas Collins, Lake Shore Drive, Thiensville, Wisconsin, for a hearing in the above-entitled matter;

It appearing that the said Joseph Thomas Collins, by his Attorney Clarence C. Ollrogge, 1937–49 W. Fond Du Lac Avenue, Milwaukee, Wisconsin, acting in accordance with the provisions of Section 303 (m) (2) of the Communications Act of 1934, as amended, filed with the Commission within the time provided therefor, an application requesting a hearing on the Commission's Order of March 26, 1956, suspending his amateur radio operator license for a period of one year; and

It further appearing that under the provisions of section 303 (m) (2) of the Communications Act of 1934, as amended, said licensee is entitled to a hearing in the matter, and that upon the filing of timely written application therefor, the Commission's Order of Suspension is held in abeyance until the conclusion of proceedings in the said hearing:

*It is ordered*, This 20th day of April 1956, under authority contained in section 303 (m) (2) of the Communications Act of 1934, as amended, and section 0.292 (f) of the Commission's Rules, that the matter of the suspension of the amateur radio operator license of Joseph Thomas Collins, be designated for hearing before a Commissioner Examiner at a time and at a place later to be specified, upon the following issues:

1. To determine whether the licensee committed the violations of the Commission's rules as set forth in the Commission's Order of Suspension.

2. If the licensee committed such violations, to determine whether the facts or circumstances in connection therewith would warrant any change in the Commission's Order of Suspension.

*It is further ordered*, That a copy of this order be transmitted by Registered Mail—Return Receipt Requested to Mr. Clarence C. Ollrogge, Attorney at Law, 1937–49 W. Fond Du Lac Avenue, Milwaukee, Wisconsin, and to the licensee Joseph Thomas Collins, Lake Shore Drive, Thiensville, Wisconsin.

Released: April 23, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3252; Filed, Apr. 25, 1956; 8:51 a. m.]

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[1] The first two conferences were continued because of the pendency of related applications on which the Commission had not completed administrative procedures.



## FEDERAL POWER COMMISSION

[Docket No. G-9983]

OHIO FUEL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 20, 1956.

Take notice that The Ohio Fuel Gas Company, Applicant, an Ohio corporation and a subsidiary of The Columbia Gas System, Inc., having its principal place of business at 99 North Front Street, Columbus, Ohio, filed on February 21, 1956, an application for a disclaimer of jurisdiction or, in the alternative, for a certficate of public convenience and necessity under section 7 of the Natural Gas Act, authorizing it to construct and operate certain proposed facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

The proposed facilities are requested for the purpose of providing natural gas purchased under an industrial curtailable contract for industrial service to the Berea Tile Company to be used in its plant near Berea, Cuyahoga County, Ohio for processing brick and tile in kilns and are described as follows:

Approximately 150 feet of 2⅜-inch O. D. pipe as a direct connection from 10¾ inch O. D. transmission Line L-2305 to a regulating and measuring station to be installed by Applicant in a building provided by the customer.

The estimated normal delivery to the tile company is 480 Mcf per day and 172,800 Mcf on an annual basis.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Wednesday, May 23, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street, N. W., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 10, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-3227; Filed, Apr. 25, 1956; 8:47 a. m.]

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[Docket No. G-10000]

TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

APRIL 20, 1956.

Take notice that Transcontinental Gas Pipe Line Corporation (Transco), a Delaware corporation having its principal place of business in Houston, Texas, filed an application on February 27, 1956, pursuant to Section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing the construction and operation of certain facilities, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application, which is on file with the Commission and open for public inspection.

Transco states that it proposes to construct and operate facilities in two stages:

(1) Under "1956 construction," which is to commerce on or about July 1, 1956, and is expected to be completed on or about December 1, 1956, if authorization is granted:

(a) 160.02 miles of 36-inch main line loops extending from Louisiana through Mississippi, Alabama, Georgia, South Carolina, North Carolina, Virginia, Maryland, and Pennsylvania;

(b) 23.63 miles of 24-inch lateral loop in Louisiana;

(c) 67.22 miles of 30-inch main line loop extending from Virginia through Maryland and Pennsylvania;

(d) 0.19 and 0.87 miles of 30-inch line at the river crossings of the James and Susquehanna Rivers, respectively;

(e) A total of 12,750 H. P. units at various compressor stations, additional facilities at its existing compressor stations and a 30-inch discharge line at Station 20, and various distribution meter stations.

(2) Under "1957 construction," which would be done during the calendar year 1957:

(a) 25.26 miles of 36-inch main line loop extending from Louisiana through Mississippi, Alabama, Georgia, and South Carolina.

Transco estimates the cost of the proposed 1956 facilities is $38,500,000 and the 1957 estimated cost of said proposed facilities is $3,808,000, making an estimated cost for the entire project of $42,308,000, which will be met out of a financing program by Transco, involving the issuance of bonds and debentures.

Transco states that its existing delivery capacity is presently being utilized or will be utilized under presently existing allocations by its presently existing customers and that the construction and operation of the facilities herein sought to be authorized are necessary in order to:

(1) Sell and deliver on a firm basis approximately an additional 104,481 Mcf per day of natural gas to certain of its existing customers and to certain new customers, as follows:

(a) Supply 40,000 Mcf per day to presently unserved areas in North and South Carolina;

(b) The balance is to be sold to certain existing customers and to certain new customers.

The particular customers are more fully set out in Exhibit I of the application, which is on file with the Commission and open for public inspection.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 10, 1956.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-3228; Filed, Apr. 25, 1956; 8:47 a. m.]

[Docket No. G-3275, etc.]

HOWARD W. FLEET ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

APRIL 19, 1956.

In the matters of Howard W. Fleet, et al., Docket No. G-3275; M. F. Powers, Docket Nos. G-4814 through G-4819, incl.; John A. Barnett, Docket No. G-5191; Big Chief Drilling Company, Docket Nos. G-5218, G-5220 and G-5221; Havenstrite Oil Company of Texas, Docket Nos. G-5291 and G-5292; Shell Oil Company, Docket No. G-5659; Baker and Taylor Drilling Company, Docket No. G-5993; The Superior Oil Company, Docket No. G-6180; Amerada Petroleum Corporation, Docket Nos. G-6319, G-6321 through G-6324, incl.; Continental Oil Company, Docket Nos. G-6342, G-6346, G-6353 and G-6355; Kerr-McGee Oil Industries, Inc., Docket No. G-6378; Joseph I. O'Neil, Jr., Docket No. G-6393; Southwestern Exploration Company (a Copartnership), Docket Nos. G-6406 and G-6407; Bass & Vessels, et al., Docket No. G-6429; Phillips Drilling Corporation, Docket No. G-6608; Sun Oil Company, Docket Nos. G-6619, G-6620, G-6626 through G-6656, incl., G-6658 through G-6664, incl., and G-6670; Cabot Carbon Company, Docket No. G-6825; Hanco Oil and Gas Company, Ltd., Docket No. G-6950; Sue Reeder Turner, Docket No. G-6994; Gulf Oil Corporation, Docket Nos. G-7136 through G-7141, incl., G-7143 through G-7145, incl., G-7147 through G-7158, incl.; Fraley Gas Company, Docket No. G-7706; N. B. Hunt, Docket No. G-7734; Wiley Page, Docket No. G-7738; W. W. Lechner and R. E. Hubbard, Docket No. G-7755; G. B. Cree and H. E. Schwartz, Docket No. G-7761; H. E. Schwartz, G. B. Cree and Southern Production Company, Inc., Docket No. G-7762; Harold Davidor and R. H. Davidor, d. b. a. Davidor & Davidor, Docket No. G-7768; Late Oil Company, Docket Nos. G-7769 and G-7770; Orville H. Parker, et al., Docket No. G-7811; Phil D. Phillips, et al., Docket No. G-7812; Clayton A. Woofter, et al., Lease, Roy G. Hildreth, et al., and Roy G. Hildreth, Agent, Docket No. G-7813; H. C. Grady, Jr. and J. W. Graham, Jr., Docket No. 7815; J. D. Caruthers, Docket Nos. G-7816 and G-7821; Lisbon Exploration Company, Inc., Docket No. G-7822; Malco Refineries, Inc., Docket No. G-7823; Cree Oil, H. E. Schwartz and D. E. Williams, Docket No. G-7824; H. W. Klein, Docket No. G-7825; Charles N. Compton Oil and Gas Co., Docket No. G-7839; Seward Butch Martin Oil and Gas Co., Docket No. G-7840; Blanton Oil and Gas Co., Docket No. G-7841; H. C. Hall Oil and Gas Co., Docket No. G-7842; Little Rough Oil and Gas Co., Docket No. G-7843; Ben Compton Oil and Gas Co., Docket No. G-7844; Louis C. Quin, H. R. Wofford, Jr., and Arthur F. Graf, Jr., Docket No. G-7851; Goliad Corporation, Docket No. G-7852; Peerless Oil and Gas Company, Docket No. G-8083.

Take notice that each of the above Applicants has filed an application for a certificate of public convenience and necessity pursuant to Section 7 of the Natural Gas Act, authorizing Applicants to render services as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in their respective applications which are on file with the Commission and open for public inspection.

Applicants produce and sell natural gas for transportation in interstate commerce for resale, as indicated below:

*Docket No. G-; Location of Field; and Buyer*

3275; Denton Gasoline Plant; El Paso Natural Gas Company.

4814 through 4817, incl., and 4819; Hugoton Field, Kearney County, Kans.; Colorado Interstate Gas Company; Cities Service Gas Company; Kansas-Nebraska Natural Gas Company.

4818; Carthage Field, Panola County, Tex.; Texas Gas Transmission Corporation.

5191; Spraberry Trend Area, Midland and Glasscock Counties, Tex.; Texas Gas Products Corporation.

5218, 5220, and 5221; Chris Hunt, Hitch Gray, and Stanolind-Wiggins Leases in Keyes Field, Cimarron County, Okla.; Colorado Interstate Gas Company.

5291 and 5292; Anna Wells and Pembrook, Leases in Upton County, Tex.; Texas Gas Products Corporation.

5659; Tubb-Blinberry Field, Lea County, N. Mex.; El Paso Natural Gas Company.

5993; Acreage in Lea County, N. Mex.; El Paso Natural Gas Company.

6180; Canyon Largo Unit, Rio Arriba County, N. Mex.; El Paso Natural Gas Company.

6319; Ignacio Field, La Plata County, Colo.; El Paso Natural Gas Company.

6321, 6323 and 6324; Langlie-Mattix Field, Lea County, N. Mex.; El Paso Natural Gas Company.

6322; Fields in Lea County, N. Mex.; El Paso Natural Gas Company.

6342, 6346, 6353, and 6355; Eumont-Jalmat, Arrow, Tubb, Blinberry, Monument, McKee, and Langmat Fields, Lea County, N. Mex.; El Paso Natural Gas Company.

6378; Keyes Field, Cimarron County, Okla.; Colorado Interstate Gas.

6393; Jack Herbert Field, Upton County, Tex.; El Paso Natural Gas Company.

6406; Hugoton Field, Haskell, Stanton, and Seward Counties, Kans.; Colorado Interstate Gas Company; Northern Natural Gas Company.

6407; Greenwood Field, Baca County, Colo., and Morton County, Kans.; Colorado Interstate Gas Company.

6429; North Sun Field, Starr County, Tex.; Tennessee Gas Transmission Company.

6608; Allison Unit Area, San Juan County, N. Mex., and La Plata and Archuleta Counties, Colo.; El Paso Natural Gas Company.

6619; Levelland Field, Hockley County, Tex.; El Paso Natural Gas Company.

6620, 6640, 6643, 6645, 6648, 6653, 6655 and 6662; Carthage Field, Panola County, Tex.; Texas Gas Transmission Corporation; United Gas Pipe Line Company; Texas Eastern Transmission Corporation; Tennessee Gas Transmission Company; Southern Natural Gas Company.

6626; Mission Valley Field, Victoria County, Tex.; Transcontinental Gas Pipe Line Corporation.

6627; Shield Field, Nueces County, Tex.; Transcontinental Gas Pipe Line Corporation.

6628; La Gloria Field, Jim Wells County, Tex.; Transcontinental Gas Pipe Line Corporation.

6629; Various Fields in Starr County, Tex.; Transcontinental Gas Pipe Line Corporation.

6630; Quinto Creek Field, Jim Wells County, Tex.; Transcontinetal Gas Pipe Line Corporation.

6631; N. Government Wells Field, Duval County, Tex.; Tennessee Gas Transmission Company.

6632; Brayton Field, Nueces County, Tex.; Tennessee Gas Transmission Company.

6633; Gyp Hill Field, Brooks County, Tex.; Tennessee Gas Transmission Company.

6634; Placedo Field, Victoria County, Tex.; Tennessee Gas Transmission Company.

6635; Chesterville Field, Colorado County, Tex.; Tennessee Gas Transmission Company.

6636; Seeligson Field, Jim Wells County, Tex.; Tennessee Gas Transmission Company.

6637; Edinburg Field, Hidalgo County, Tex.; Tennessee Gas Transmission Company.

6638; Red Fish Bay Field, Nueces County, Tex.; United Gas Pipe Line Company.

6639 and 6642; Cabeza Creek Field, Goliad County, Tex.; United Gas Pipe Line Company.

6641; Blanconia Field, Bee County, Tex.; United Gas Pipe Line Company.

6644; Hordes Creek Field, Goliad County, Tex.; United Gas Pipe Line Company.

6646; N. Minoak Field, Bee County, Tex.; Texas Eastern Transmission Corporation.

6647; Corpus Christi Channel Field, Nueces County, Tex.; Tennessee Gas Transmission.

6649; Payton-Devonian Field, Pecos County, Tex.; El Paso Natural Gas Company.

6650; Richard King Field, Nueces County, Tex.; Tennessee Gas Transmission.

6651; Helen Gohlke Field, Victoria County, Tex.; Texas Eastern Transmission Corporation.

6652; Heyser Field, Victoria County, Tex.; Tennessee Gas Transmission Company.

6654 and 6664; Delhi Field, Richland Parish, La.; Texas Eastern Transmission Corporation.

6656 and 6660; Jalco Field, Lea County, N. Mex.; El Paso Natural Gas Company.

6858; Gwinville Field, Jefferson Davis County, Miss.; Southern Natural Gas Company.

6659; Langmat Field, Lea County, N. Mex.; El Paso Natural Gas Company.

6661; Burnell-North Pettus Field, Karnes County, Tex.; United Gas Pipe Line Company.

6663; Eumont Field, Lea County, N. Mex.; Permian Basin Pipe Line Company.

6670; North Bay City and North Markham Fields, Matagorda County, Tex.; Transcontinental Gas Pipe Line Corporation.

6825; Keyea Field, Texas County, Okla.; Colorado Interstate Gas Company.

6950; San Juan Basin, Rio Arriba County, N. Mex.; El Paso Natural Gas Company.

6994; Acreage in San Juan County, N. Mex.; El Paso Natural Gas Company.

7136; Winnsboro Field, Wood County, Tex.; Lone Star Gas Company.

7137; Woodlawn Field, Harrison County, Tex.; Mississippi River Fuel Corporation.

7138; Waskom Field, Harrison and Panola Counties, Tex.; Arkansas-Louisiana Gas Company.

7139; Lemonville and West Gist Fields, Newton and Jasper Counties, Tex.; Texas Eastern Transmission Corporation.

7140; New Ulm Field, Austin County, Tex.; Tennessee Gas Transmission Company.

7141; North Lansing Field, Harrison County, Tex.; Arkansas-Louisiana Gas Company.

7143; Heyser Field, Calhoun County, Tex.; Tennessee Gas Transmission Company.

7144; Mustang Island Field, Nueces County, Tex.; United Gas Pipe Line Company.

7145; Placedo Field, Victoria County, Tex.; Tennessee Gas Transmission Company.

7147; N. McFaddin Field, Victoria County, Tex.; United Gas Pipe Line Company.

7148; Harleton (Whelan) Field, Harrison County, Tex.; H. L. Hunt.

7149; Stowell Field, Chambers County, Texas; Texas Gas Corporation.

7150; Keystone, Waddell and McKee Fields, Winkler County, Tex.; El Paso Natural Gas Company.

7151; Jalmat and Blinberry Fields, Lea County, N. Mex.; El Paso Natural Gas Company.



7152; Carson Field, Gray County, Tex.; Phillips Petroleum Company.

7153; Sweetie Peck Field, Midland County, Tex.; El Paso Natural Gas Company.

7154; S. Fullerton Field, Andrews County, Tex.; El Paso Natural Gas Company.

7155; Denton Field, Lea County, N. Mex.; El Paso Natural Gas Company.

7156; Waddell, Edwards, Sand Hills, University-Waddell, and Dune Fields, Crane County, Tex.; El Paso Natural Gas Company.

7157; Jack Herbert (Penn) Field, Upton County, Tex.; El Paso Natural Gas Company.

7158; Arrowhead, Blinberry, Brunson, Drinkard, Hair, S. Hair, McCormick, Paddock and Penrose-Skelly Fields, Lea County, N. Mex.; El Paso Natural Gas Company.

7706; Fields in Wayne County, West Va.; United Fuel Gas Company.

7734; Fields in Lea County, N. Mex.; El Paso Natural Gas Company.

7738; North Lansing Field, Harrison County, Tex.; Louisiana-Nevada Transit Company.

7755; North Lansing Field, Harrison County, Tex.; H. L. Hunt.

7761; East Panhandle Field, Gray County, Tex.; Phillips Petroleum Company.

7762; West Panhandle Field, Gray County, Tex.; Cabot Carbon Company.

7768; North Whiterock Field, Noble County, Okla.; Cities Service Gas Company.

7769; Langmat Field, Lea County, N. Mex.; El Paso Natural Gas Company.

7770; Eumont Field, Lea County, N. Mex.; El Paso Natural Gas Company; Phillips Petroleum Company.

7811; Hugoton Field, Stevens County, Kans.; Northern Natural Gas Company.

7812; Washington District, Calhoun County, W. Va.; Godfrey L. Cabot, Inc.

7813; Glenville District, Gilmer County, W. Va.; Equitable Gas Company.

7815; East Panhandle Field, Gray County, Tex.; Warren Petroleum Company.

7816, 7821, and 7822; Lisbon Field, Lincoln and Claiborne Parishes, La.; Mississippi River Fuel Corporation; Arkansas-Louisiana Gas Company; H. W. Klein.

7823; Ignacio Field, La Plata County, Colo.; Wasson Field, Yoakum County, Tex.; El Paso Natural Gas Company; Shell Oil Company; Coltexo Corporation.

7824; West Panhandle Field, Gray County, Tex.; Cities Service Gas Company.

7825; Lisbon Field, Claiborne and Lincoln Parishes, La.; Arkansas-Louisiana Gas Company.

7839 and 7844; Sucker Creek Field, Pike County, Ky.; Kentucky West Virginia Gas Company.

7840; Virgie Field, Pike County, Ky.; United Fuel Gas Company.

7841; Wolfe Creek Field, Martin County, Ky.; United Fuel Gas Company.

7842; Right Beaver Creek Field, Knott County, Ky.; Kentucky West Virginia Gas Company.

7843; Johns Creek Field, Floyd County, Ky.; Kentucky West Virginia Gas Company.

7851; South Porter Field, Karnes County, Tex.; United Gas Pipe Line Company.

7852; Live Oak County, Tex.; Transcontinental Gas Pipe Line Corporation.

8083; Langmat Pool, Lea County, N. Mex.; El Paso Natural Gas Company.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 21, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 7, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-3229; Filed, Apr. 25, 1956; 8:47 a. m.]

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[Docket No. G-6366 etc.]

KERR-MCGEE OIL INDUSTRIES, INC., ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

APRIL 19, 1956.

In the matters of Kerr-McGee Oil Industries, Inc., Docket Nos. G-6366, G-6367, G-6368, and G-6877; D. R. Lauck Oil Company, Inc., et al., Docket No. G-6409; Alden E. Branine, F. G. Holl and B. Kim Carter, Docket No. G-6860; J. C. Trahan (J. C. Trahan, Drilling Corporation, Inc.), et al., Docket No. G-6278; G. Scott Hammonds et al., Docket No. G-6298; G. Scott Hammonds et al., Docket No. G-6299; Tekoil Corporation (G. S. Hammonds, Predecessor), Docket No. G-6300; Champlin Refining Company, Docket No. G-6613; Amerada Petroleum Corporation, Docket Nos. G-6311—6318, incl., G-6320, G-6325 and G-6326; Waterford Oil Company (Christie, Mitchell and Mitchell Agent), Docket No. G-6812; The Carter Oil Company, Docket No. G-6827; Burge and Beren Oil and Gas Company, Docket No. G-7100; Jesse M. Brooks and M. James Brooks, Jr., Docket No. G-7116; St. Paul Church Lease, Docket No. G-7117; Wirt County Oil & Gas Company, Docket No. G-7118; Hunter M. Bennett Lease (K. M. Hunt), Docket No. G-7120; Carroll Gas Company, Docket No. G-7121; Collins Gas Company, Docket No. G-7122; Bryan E. Miller et al., Docket No. G-7123; Kuntz Farm Gas Company, Docket No. G-7124; Parsonage Lot Lease, Docket No. G-7127; Park Norman Lease, Docket No. G-7128; Glen Wilson Lease, Docket No. 7129; Simmons Gas Company, Docket No. G-7130; Stump Gas Company, Docket No. G-7131; Mill Lot Gas Company, Docket No. G-7132; Gay Wilson Lease, Docket No. G-7133; Bonnie Weaver Lease, Docket No. G-7134; Mary L. Taylor Gas Company, Docket No. G-7135; Kirby Oil & Gas Company, Docket No. G-7182; Gus Siers Oil and Gas Company, Docket No. G-7357; H. C. Arnold, Docket No. G-7390; Calvert Drilling, Inc., Docket No. G-7391; McRae Oil and Gas Corporation (J. A. McRae, Ltd.), J. F. Balderson, James C. Brady, Malcom G. Chace, Jr., Docket No. G-7447; Crow Drilling Company, Inc., Docket No. G-7448; Sinclair Oil & Gas Company, Docket No. G-7674; Graham-Messman-Rinehart Oil Company, Docket No. G-8122; Anderson-Prichard Oil Corporation, Docket No. G-8327; Ralph Tudesco, Docket No. G-8312; Big Injun Development Company, Docket No. G-8881; Citizens Bank of Hattiesburg, Mississippi, Docket No. G-8912; Miami Operating Company, Inc., Docket No. G-9464; Neumont Oil Company, Docket No. G-8293.

Take notice that each of the above Applicants have filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicants to render services as hereinafter described, consisting of the sale of or proposing to sell natural gas in interstate commerce for resale subject to the jurisdiction of the Commission, all as more fully represented in their respective applications, and/or supplements thereto, on file with the Commission and open for public inspection. The data relating to each Applicant and purchaser are tabulated hereinafter as follows:

*Docket No. G- ; Location of Field or Source of Production; and Purchaser*

6366; Texas-Hugoton Field, Sherman County, Tex.; Phillips Petroleum Co.

6367; Guymon-Hugoton Field, Texas County, Okla.; Phillips Petroleum Co.

6368; Tatums Field, Carter County, Okla.; Lone Star Gas Company.

6877; Texas-Hugoton Field, Sherman County, Tex.; Phillips Petroleum Co.

6409; Hugoton Gas Field, Kans.; Kansas-Nebraska Natural Gas Company, Inc.

6860; Embry Pool, Edwards County, Kans.; Northern Natural Gas Co.

6278; Bethany, Panola County, Tex.: George Bird Unit, Arkansas Louisiana Gas Co.; P. D. Roquemore Unit, Tennessee Gas Transmission Co.; Blanche Robinson Unit, Tennessee Gas Transmission Co.; W. L. Liston Unit, Tennessee Gas Transmission Co.; J. H. Mitchell Unit, Tennessee Gas Transmission Co.; Carrie Adams Unit, Tennessee Gas Transmission Co. Carthage, Panola County, Tex.: Hancock-Stillwell Unit, United Gas Pipeline Co. Joaquin, Shelby County, Tex.: E. O. Rushing Unit, United Gas Pipeline Co. Sentell, Caddo and Bossier, La.: Leonard Unit, Arkansas-Louisiana Gas Co.

6298; Charles Grayson Survey, Marion County, Tex.: Rodessa Field, Arkansas-Louisiana Gas Co.

6299; Florence and Price Lease, Charles Ames Survey, Cass County, Tex.: Rodessa Field, Arkansas-Louisiana Gas Co.

6300; Armit Unit, Section 15 GH&H Survey, Lissie Field, Wharton County, Tex.; Tennessee Gas Transmission Co.

6613; Yellowstone Field, Woods County, Okla. (6-11-54); Cities Service Gas Company. Hugoton Field, Kearney-Finney Counties, Kans. (12-31-49); Colorado Interstate Gas Co. Hugoton Field, Kearney County, Kans. (6-22-49); Colorado Interstate Gas Co. Hugoton Field, Finney County, Kans. (8-2-48); Colorado Interstate Gas Co. Hugoton Field, Finney County, Kans. (5-26-49); Colorado Interstate Gas Co. Hugoton Field, Kearney County, Kans. (4-8-52); Kansas-Nebraska Natural Gas

Company, Inc. Hugoton Field, Kearney County, Kans. (12–1–46); Kansas-Nebraska Natural Gas Company, Inc. Hugoton Field, Kearney County, Kans. (6–10–49); Kansas-Nebraska Natural Gas Company, Inc. Hugoton Field, Finney County, Kans. (8–25–49); Kansas-Nebraska Natural Gas Company, Inc. Hugoton Field, Kearney-Finney Counties, Kans. (5–26–9); Kansas-Nebraska Natural Gas Company, Inc. Hugoton Field, Finney County, Kans. (10–8–49); Kansas-Nebraska Natural Gas Company, Inc. Hugoton Field, Finney County, Kans. (6–23–53); Kansas-Nebraska Natural Gas Company, Inc. Hugoton Field, Finney County, Kans. (10–6–49); Kansas-Nebraska Natural Gas Company, Inc. Hugoton Field, Finney-Haskell-Kearney Counties, Kans. (5–31–50); Northern Natural Gas Co. Hugoton Field, Seward County, Kans. (3–7–49); Northern Natural Gas Co. Hugoton Field, Texas County, Okla. (1–30–52); Northern Natural Gas Co. Hugoton Field, Finney County, Kans. (10–3–51); Northern Natural Gas Co. Hugoton Field, Finney County, Kans. (4–28–52); Cities Service Gas Company. Hugoton Field, Stanton County, Kans. (11–12–51); Cities Service Gas Company. Hugoton Field, Stanton County, Kans. (9–18–51); Cities Service Gas Company. Hugoton Field, Finney County, Kans. (3–23–53); Cities Service Gas Company. Ryan Field, Rush County, Kans. (8–26–46); Kansas-Nebraska Natural Gas Company, Inc. South Fullerton Field, Andrews County, Tex. (1–1–49); El Paso Natural Gas Company. West Edmond Field, Logan County, Okla. (9–29–47); Cities Service Gas Company. West Edmond Field, Canadian-Kingfisher, Okla. (9–12–49); Cities Service Gas Company. Witcher Field, Okla. (3–21–49); Cities Service Gas Company.

6311; Leases in Eumont, Jalmat, Byers, Tubb and Bilnebry Fields, Lea County, N. Mex. (2–29–1952); Permian Basin Pipeline Co.

6312; Leases in Greenwood Field, Morton County, Kans. (2–26–53, 7–14–53, 7–24–53); Colorado Interstate Gas Co.

6313; Tailgates of Trindle, Hunton and Edmond Plants; Leases in West Edmond Field, Oklahoma County, Okla. (1–1–53); Cities Service Gas Company.

6314; State of New Mexico "JA" Lease, Rhodes Field, Lea County, N. Mex. (7–15–53); El Paso Natural Gas Co.

6315; Stevens B–18 Unit Lease Jalmat Field, Lea County, N. Mex. (7–17–48); El Paso Natural Gas Co.

6316; Falby Lease and State of New Mexico LMT Lease in Langlie-Mattix Field, Lea County, N. Mex. (3–26–51); El Paso Natural Gas Co.

6317; Saltmount and Travis Leases, Teague Field, Lea County, N. Mex. (3–1–51); El Paso Natural Gas Co.

6318; Hodge Lease, Langlie-Mattix Field, Lea County, N. Mex. (7–15–53); El Paso Natural Gas Co.

6320; Leases in Ignacio Field, La Plata County, Colo. (1–2–54); El Paso Natural Gas Co.

6325; Leases in Southeast Aylesworth Field, Bryan County, Okla. (1–1–53); Lone Star Gas Company.

6326; Reviere Lease, West Oklahoma Field, Stevens County, Okla. (5–5–53); Lone Star Gas Company.

6812; Bass Lease, Colorado County, Tex. (7–10–54); Shell Oil Company.

6827; Tretbar Unit, Beaver County, Okla. (12–23–54); Michigan Wisconsin Pipe Line Company.

7100; Sherman District, Calhoun County, W. Va.; Hope Natural Gas Company.

7116; Rodessa Field, Caddo Parish, La.; Arkansas-Louisiana Gas Co.

7117; Center District, Calhoun County, W. Va.; Godfrey L. Cabot, Inc.

7118; Burning Springs District, Wirt County, W. Va.; Godfrey L. Cabot, Inc.

7120; Center District, Gilmer County, W. Va.; Godfrey L. Cabot, Inc.

7121; Sheridan District, Calhoun County, W. Va.; Godfrey L. Cabot, Inc.

7122; Center District, Gilmer County, W. Va.; Godfrey L. Cabot, Inc.

7123; Center District, Gilmer County, W. Va.; Carnegie Natural Gas Co.

7124; Jefferson District, Nicholas County, W. Va.; Godfrey L. Cabot, Inc.

7127; Lee District, Calhoun County, W. Va.; Godfrey L. Cabot, Inc.

7128; Center District, Gilmer County, W. Va.; Godfrey L. Cabot, Inc.

7129; Sherman District, Calhoun County, W. Va.; Godfrey L. Cabot, Inc.

7130; Lee District, Calhoun County, W. Va.; Godfrey L. Cabot, Inc.

7131; Center District, Gilmer County, W. Va.; Godfrey L. Cabot, Inc.

7132; Geary District, Roane County, W. Va.; Godfrey L. Cabot, Inc.

7133; Sheridan District, Calhoun County, W. Va.; Godfrey L. Cabot, Inc.

7134; DeKalb District, Gilmer County, W. Va.; Godfrey L. Cabot, Inc.

7135; Geary District, Roane County, W. Va.; Godfrey L. Cabot, Inc.

7182; East Gohlke Field, Victoria County, Tex.; Tennessee Gas Transmission Co.

7357; Washington District, Calhoun County, W. Va.; Hope Natural Gas Co.

7390; State "A" Lease, Logan County, Colo.; Kansas-Nebraska Natural Gas Company, Inc.

7391; State "A" Lease, Logan County, Colo.; Kansas-Nebraska Natural Gas Company, Inc.

7447; Little Hoot Field, Logan County, Colo.; Kansas-Nebraska Natural Gas Company, Inc.

7448; Cotton Valley D Sand, Caddo Parish, La.; Arkansas-Louisiana Gas Co.

7674; Grayson County, Tex.; Lone Star Gas Company.

8122; Southwest Sweeney Pool, Pawnee County, Kans.; Kansas-Nebraska Natural Gas Company, Inc.

8293; Southwest Sweeney Pool, Pawnee County, Kans.; Kansas-Nebraska Natural Gas Company, Inc.

8327; Northwest Lindsay Field, McClain County, Okla.; Warren Petroleum Corporation, Cities Services Oil Company, Kerr-McGee Oil Industries, Inc., Oklahoma Natural Gas Company, The Texas Company, owners of gasoline plants operated by Warren Petroleum produce residue gas sold in interstate commerce to Cities Service Gas Company, and Lone Star Gas Company.

8312; Sherman District, Calhoun County, W. Va.; Hope Natural Gas Company.

8881; Grant District, Calhoun County, W. Va.; Hope Natural Gas Company.

8912; Maxie and Pistol Ridge Gas Fields, Forrest County, Miss.; United Gas Pipe Line Co.

9464; Producing horizons down to and including Pennsylvania Formation in Garvin County, Okla.; Lone Star Gas Company.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 14, 1956 at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 1, 1956. Failure of any party to appear at and participate in the hearing shall be construed as a waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for the Applicants to be represented at the hearing.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56–3230; Filed, Apr. 25, 1956; 8:47 a. m.]

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[Docket No. G–6123 etc.]

FRANK E. O'BRIEN ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

Take notice that each of the Applicants listed below has filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing such Applicant to continue to sell natural gas subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open for public inspection. These matters should be consolidated and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on the date and at the place hereinafter stated, concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) not less than ten days before the date of hearing. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request for waiver is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

The dockets, Applicants and material averments in applications to which reference is made above are as follows:



*Docket No.; Name and Address; Filing Date; Gas Field; and Purchaser*

G–6123; Frank E. O'Brien & Phillip F. Weintraub, Trustees, Rochester, N. Y.; 11–26–54; Wharton Township, Potter County, Pa.; North Penn Gas Company.

G–6125; West Virginia Gas Corporation, Charleston, W. Va.; 11–26–54; Roane County, W. Va.; Hope Natural Gas Corporation, Poca District, Ripley District, Elk District, and Ravenwood District, Kanawha, Jackson, Logan Counties, W. Va.; United Fuel Gas Company.

G–6138; Wm. McKinley Trent, Trustee (Stepp Well No. 1), Huntington, W. Va.; 11–26–54; Kermit District, Mingo County, W. Va.; United Fuel Gas Company.

G–6139; Wm. McKinley Trent, Trustee (Stepp Well No. 2), Huntington, W. Va.; 11–26–54; Kermit District, Mingo County, W. Va.; United Fuel Gas Company.

G–6140; Wm. McKinley Trent, Trustee (Stepp Wells Nos. 3, 4, 5, 6), Huntington, W. Va.; 11–26–54; Kermit District, Mingo County, W. Va.; United Fuel Gas Company.

G–6141; Wm. McKinley Trent, Trustee (Stepp Well No. 7), Huntington, W. Va.; 11–26–54; Kermit District, Mingo County, W. Va.; United Fuel Gas Company.

G–6142; Wm. McKinley Trent, Trustee (Mamonca Well No. 1), Huntington, W. Va.; 11–26–54; Kermit District, Mingo County, W. Va., United Fuel Gas Company.

G–6143; Wm. McKinley Trent, Trustee (Mamonca Well No. 2), Huntington, W. Va.; 11–26–54; Kermit District, Mingo County, W. Va., United Fuel Gas Company.

G–6144; Wm. McKinley Trent, Trustee (Trent Well No. 1), Huntington, W. Va.; 11–26–54; Kermit District, Mingo County, W. Va.; United Fuel Gas Company.

G–6145; Wm. McKinley Trent, Trustee (Trent Well No. 3), Huntington, W. Va.; 11–26–54; Kermit District, Mingo County, W. Va.; United Fuel Gas Company.

G–6146; Wm. McKinley Trent, Trustee (Trent Wells Nos. 5, 7), Huntington, W. Va.; 11–26–54; Kermit District, Mingo County, W. Va.; United Fuel Gas Company.

G–6147; Wm. McKinley Trent, Trustee (Trent Well No. 6), Huntington, W. Va.; 11–26–54; Kermit District, Mingo County, W. Va.; United Fuel Gas Company.

G–6148; Wm. McKinley Trent, Trustee (Trent Wells Nos. 8, 9, 10), Huntington, W. Va.; 11–26–54; Williamson, Mingo County, W. Va.; United Fuel Gas Company.

G–6193 and G–6194; Sunray Mid-Continent Oil Company, Tulsa, Okla.; 11–29–54; Highland Township, Elk County, Pa.; Pennsylvania Gas Company.

A public hearing will be held on the 16th day of May, 1956, beginning at 9:30 a. m., e. d. s. t., in the hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the above applications.

[SEAL] LEON M. FUQUAY,
*Secretary.*

APRIL 20, 1956.

[F. R. Doc. 56–3231; Filed, Apr. 25, 1956; 8:48 a. m.]

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[Docket No. G–9689 etc.]

CENTRAL KENTUCKY NATURAL GAS CO. ET AL.

NOTICE OF APPLICATIONS, CONSOLIDATION OF PROCEEDINGS, AND DATE OF HEARING

APRIL 20, 1956.

In the matters of Central Kentucky Natural Gas Company, Kentucky Gas Transmission Corporation, and United Fuel Gas Company, Docket No. G–9689; The Manufacturers Light and Heat Company and Natural Gas Company of West Virginia, Docket No. G–9694; The Ohio Fuel Gas Company and Natural Gas Company of West Virginia, Docket No. G–9695.

Take notice that Central Kentucky Natural Gas Company (Central), a Kentucky corporation and a subsidiary of The Columbia Gas System, Inc., and Kentucky Gas Transmission Corporation (Transmission), a recently organized Delaware corporation, filed on November 22, 1955, a joint application for authority for the abandonment and sale by Central of certain natural gas transmission and storage facilities in Kentucky and for a certificate of public convenience and necessity, authorizing the acquisition and operation by Transmission of said facilities, described in the application as follows:

1. Approximately 111.5 miles of 10" gas transmission pipeline (Line KA–10") extending in a westerly direction from a point of interconnection with the transmission facilities of United Fuel Gas Company near Inez, Martin County, Kentucky to the City of Lexington, Fayette County, Kentucky.

2. Approximately 41.6 miles of 12" gas transmission pipeline (Line G–12") extending in a westerly direction from Central's Menifee Compressor Station situate in Menifee County, Kentucky to the City of Lexington, Fayette County, Kentucky.

3. Approximately 2.3 miles of 8" gas transmission pipeline (Line F–8") extending in a northwesterly direction from Central's Menifee Compressor Station, Menifee County, Kentucky to a point of interconnection with Central's Line E–14" at South Means, Montgomery County, Kentucky.

4. Approximately 66.5 miles of 14" gas transmission pipeline (Line E–14") extending in a northwesterly direction from a point of interconnection with the transmission facilities of Gulf Interstate Gas Company and Tennessee Gas Transmission Company at South Means, Montgomery County, Kentucky to Central's Foster Regulating Station near Foster, Bracken County, Kentucky.

5. Approximately 62.6 miles of 20" gas transmission pipeline (Line E–20") extending in a northwesterly direction from a point of interconnection with the transmission facilities of Tennessee Gas Transmission Company at North Means, Montgomery County, Kentucky to Central's Foster Regulating Station near Foster, Bracken County, Kentucky.

6. Approximately 3.9 miles of 20" gas transmission pipeline (Line EM–2) extending in a northerly direction from a point of interconnection with the transmission facilities of Gulf Interstate Gas Company at South Means, Montgomery County, Kentucky to a point of interconnection with Central's Line E–20" at North Means, Montgomery County, Kentucky.

7. Approximately 12.1 miles of 8" gas transmission pipeline (Line KH–8") extending in a northerly direction from a point of interconnection with Lines KA–10" and G–12" to the City of Paris, Kentucky.

8. Approximately 118.2 miles of 20" gas transmission pipeline (Line A–20") extending in a northwesterly direction from a point of interconnection with the transmission facilities of United Fuel Gas Company near Leach, Boyd County, Kentucky to Central's Cold Springs Measuring Station situate in Campbell County, Kentucky.

9. Approximately 24.2 miles of 24" gas transmission pipeline (Line AM–4) extending in a northwesterly direction from Central's Foster Regulating Station near Foster, Bracken County, Kentucky to a point of interconnection with the facilities of Cincinnati Gas & Electric Company at Cincinnati's California Measuring Station in the City of Cincinnati, Hamilton County, Ohio.

10. Approximately 15.1 miles of 24" gas transmission pipeline (Line AM–7) extending in a northwesterly direction from Central's Cold Springs Measuring Station situate in Campbell County, Kentucky to a point of interconnection with the facilities of Cincinnati Gas & Electric Company at Cincinnati's Anderson Ferry Measuring Station in the City of Cincinnati, Hamilton County, Ohio.

11. Lexington Compressor Station situate near the City of Lexington, Fayette County, Kentucky consisting of three 110 horsepower gas engine driven compressor units, together with all piping, auxiliary equipment, structures and properties appurtenant thereto and utilized in connection with the operation of Lexington Compressor Station.

12. Tollesboro Compressor Station situate in Lewis County, Kentucky, consisting of four 600 horsepower gas engine driven compressor units, together with all piping, auxiliary equipment, structures and properties appurtenant thereto and utilized in the operation of Tollesboro Compressor Station.

13. Means Compressor Station situate in Montgomery County, Kentucky, consisting of four 880 horsepower gas engine driven compressor units, together with all piping, auxiliary equipment, structures and properties appurtenant thereto and utilized in connection with the operation of Means Compressor Station.

14. Menifee Compressor Station situate in Menifee County, Kentucky, consisting of five 880 and two 170 horsepower gas engine driven compressor units, together with all piping, auxiliary equipment, structures and properties appurtenant thereto and utilized in connection with the operation of Menifee Compressor Station.

15. Manifee Storage Pool consisting of a storage reservoir in the corniferous lime formation underlying approximately 41,698 acres of land located in the counties of Menifee, Powell and Montgomery, Kentucky, together with all land rights, storage wells, field facilities, auxiliary equipment, structures and properties appurtenant thereto and utilized in the operation of Menifee Storage Pool.

Transmission also makes application for a certificate of public convenience and necessity authorizing it to acquire, relocate and operate two existing measuring stations at Cynthiana and Win-

chester, Kentucky, now owned by Central and to construct and operate three new measuring and regulating stations, more particularly described as follows:

(i) Winchester Station, located on 10" Line KA in Clark County, Kentucky, measuring and regulating volumes of gas sold to Central for resale in the City of Winchester, Kentucky.

(ii) Mt. Sterling Station, located on 10" Line KA in Montgomery County, Kentucky, measuring and regulating volumes of gas sold to Central for resale in the City of Mt. Sterling, Kentucky.

(iii) Foster Station, located on 20" Line A in Bracken County, Kentucky, measuring and regulating volumes of gas sold to Central for resale in the City of Foster, Kentucky.

United Fuel Gas Company (United), a West Virginia corporation and also a subsidiary of The Columbia Gas System, Inc. joins in the application to request the issuance to it of a certificate of public convenience and necessity authorizing it to sell and deliver natural gas at wholesale to Transmission in lieu of its existing service to Central.

Following final consummation of the proposed sale and acquisition, Transmission will become a wholly owned subsidiary of The Columbia Gas System, Inc. The principal place of business of all the applicants is at 1033 Quarrier Street, Charleston, West Virginia.

The cost of construction of Transmission's three proposed regulating stations, and the relocation costs of the two stations to be acquired is estimated at $22,950. Transmission will finance the construction and relocation out of funds to be obtained from the acquisition of the assets and properties of Central as set forth under the acquisition agreement.

These three applications constitute the first step in the proposed plan for realignment of Columbia Gas System properties by which it is proposed to create one interstate transmission company selling gas at wholesale and operating all properties subject to regulation by the Federal Power Commission; and to create one retail distribution company to serve in each state and subject to the jurisdiction of only one state regulatory commission.

By the application in Docket No. G-9689 it is proposed that United sell gas to Transmission, in lieu of Central, under United's FPC filed tariff. Transmission will in turn sell such gas to Central and several non-affiliates for resale under Central's presently filed FPC tariff. Central will distribute gas under rates subject to the jurisdiction of the Public Service Commission of the Commonwealth of Kentucky.

Applicants allege that the proposed realignment will not change in any way the service presently rendered to Central's existing customers.

It is proposed that four pipelines now classified by Central as "transmission" lines be retained by Central but be reclassified as "distribution" lines. They include the following:

(1) 5 miles of 4-inch line extending to Camargo, Kentucky.

(2) 13.8 miles of 6-inch line extending to Cynthiana, Kentucky.

(3) 9.1 miles of 6-inch line extending to Georgetown, Kentucky.

(4) 44.3 miles of 2- to 10-inch lines extending to Frankfort, Lexington, Midway and Versailles, Kentucky.

This proposed realignment means that the retail customers served exclusively by these reclassified pipe lines will bear 100 percent of the costs on such lines, rather than only about 10 to 12 percent of such costs as at present.

The Manufacturers Light and Heat Company (Manufacturers), a Pennsylvania corporation, and Natural Gas Company of West Virginia (Natural Gas Company), a West Virginia corporation, subsidiaries of The Columbia Gas System, Inc., each having its principal place of business at 800 Union Trust Building, Pittsburgh, Pennsylvania, Applicants in Docket No. G-9694 filed on November 24, 1955, a joint application and on February 9, 1956 a Supplement thereto, whereby Manufacturers requests the Commission to issue a certificate of public convenience and necessity authorizing it to acquire and operate the following described facilities of Natural Gas Company:

*Group 1.* The McFarland Gas Production Field located in Madison and St. Clair Township, Columbiana County, Ohio, comprising 25 operating wells and the associated well lines, field gathering lines, measuring and regulating equipment and one principal transmission line, No. 6012, which is connected at the Mick Meter to Manufacturers' 6" transmission line from this field south to the Wellsville, Ohio area. The portion of Line No. 6012 included in the proposed acquisition is that from Station 717+03 to the Mick Meter, consisting of 7,103 feet of 6" and 1,208 feet of 8" line. With minor exceptions, the other lines in the Group 1 properties are production lines.

*Group 2.* Approximately 3.2 miles of 8" transmission pipe, Line No. 6159, from the Riverview Meter on the Ohio River in Pultney Township, Belmont County, Ohio, to the Rock Hill Measuring Station in the same Township, County and State, and approximately 2.2 miles of 8" pipe, Line No. 6157, from the said Rock Hill Measuring Station back to a point on the Ohio River in Pease Township, Belmont County, Ohio, together with the measuring station, meters and services associated therewith. At present gas is sold by Manufacturers to Natural Gas Company at the Riverview Meter, and is transported thence westward through Line No. 6159 to the Rock Hill Measuring Station, at which point most of the gas is sent southwestwardly in Natural Gas Company's system. Part of the gas, however, moves northeastwardly through Line No. 6157 to a point on the Ohio River in Pease Township, Belmont County, where the line ends. Natural Gas Company supplies retail customers directly from these transmission lines, including 56 customers of Manufacturers at Overlook Court, Pultney Township.

Natural Gas Company seeks authority to abandon the following described facilities and the service rendered thereby as soon as the connections with retail customers served directly therefrom can be connected to Manufacturers' 16-inch Brinker-Beaver Falls line presently under construction.

*Group 3.* Approximately 2.45 miles of 8" transmission line, Line No. 6023, from Brinker Compressor Station, Salem Township, Columbiana County, Ohio, to the commencement of Manufacturers' present 8" line on the Haag Farm, Fairfield Township, in the same County and State.

Natural Gas Company also seeks authority to abandon by removal or sale for salvage:

*Group 4.* That part of Line No. 6012 included in this group extending from the Cooper Farm in Wayne Township, Columbiana County, Ohio, to a point in the McFarland Field, known as Station 717+03 and consisting of 7.9 miles of 8" pipeline. Line No. 6013 extends from its junction with Line No. 6012 in Madison Township, Columbiana County, northeastwardly to a connection with Manufacturers at the Ohio-Pennsylvania border and consists of 13.22 miles of 8" pipeline. The field gathering lines known as Units A and B connect with Line No. 6012 from the south.

As consideration for the properties it will acquire from Natural Gas Company, Manufacturers will pay to Natural Gas Company the depreciated original cost of the properties it proposes to acquire as of the date of transfer. This amount ($122,812 as of December 31, 1954) can be paid by Manufacturers out of its cash on hand.

The depreciated original cost of the properties of Natural Gas Company which will be removed from service (sold for salvage value) is $12,000, which represents anticipated salvage, according to the application.

In Docket No. G-9695 The Ohio Fuel Gas Company, an Ohio Corporation (Ohio Fuel), and also a subsidiary of The Columbia Gas System, Inc., having its principal place of business at 99 North Front Street, Columbus, Ohio, and Natural Gas Company of West Virginia, filed on November 23, 1955, a joint application whereby Ohio Fuel requests a certificate of public convenience and necessity to acquire and operate all the property and facilities of Natural Gas Company, after the completion of the proposed abandonment of facilities by Natural Gas Company and after the proposed sale of facilities to Manufacturers; and Natural Gas Company seeks to abandon all its facilities and the service rendered thereby upon merger with and into Ohio Fuel.

Natural Gas Company's production, transmission, distribution, and storage system, including approximately 327.5 miles of pipelines of various sizes more particularly described in the application, which is to be transferred by merger into Ohio Fuel consists of interconnected facilities extending from Ellsworth and Canfield Townships, Mahoning County, Ohio, on the north; to Adams, Center, and Salem Townships, Monroe County, Ohio, on the south; and from Sugar Creek Township in Stark County, Ohio, in the west; to Springfield Township, Columbiana County, Ohio, and Pultney Township, Belmont County, Ohio, in the east.

Service presently being rendered by Natural Gas Company will be continued by Ohio Fuel and Manufacturers.

The application recites that the depreciated original cost of the properties to be acquired by Ohio Fuel from Natural Gas Company is $7,614,889 as of December 31, 1954, and the depreciated original cost of the properties to be acquired by Manufacturers from Natural Gas Company is $122,812 as of December 31, 1954.

The application further states that Columbia will make a cash capital contribution to Natural Gas Company in the Amount of its deficit in surplus, plus $30. Ohio Fuel will then issue to Columbia 125,494 shares of its $45 par value stock, which will aggregate $30 more in par value than the 56,472 outstanding $100 par value shares of Natural Gas Co. held by Columbia and Columbia will surrender its Natural Gas Company capital stock to Ohio Fuel for cancellation. Ohio Fuel will assume the indebtedness and other obligations as well as acquire the assets of Natural Gas Company.

The application in each of the above numbered dockets is on file with the Commission and open for public inspection.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 21, 1956 at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington D. C., concerning the matters involved and the issues presented by such applications.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 8, 1956.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-3232; Filed, Apr. 25, 1956; 8:48 a. m.]

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[Docket No. G-8132 etc.]

WAYNE MOORE ET AL.

NOTICE OF FINDINGS AND ORDER

APRIL 19, 1956.

In the matters of Wayne Moore, W. H. Gilmore, Dixilyn Oil Company, James C. Hayes, Paul H. Umbach, Lee A. Swedlund d/b/a Sterling Oil Company, Docket No. G-8132; Jay M. Shields, Lawrence R. Howell, Theodore A. Lynn, J. Henry Schweitzer, John E. Freeman, Jr., Garth A. Duell, Richard T. Byrne, Albert L. Goeppinger, Margaret C. Proctor, Richard C. Bergen, Emmett C. Gallup, Miriam B. Gallup, Maurice Thorner, Arrowhead Associated, Inc., Jane D. Shields, Docket No. G-8134; E. C. Miller and Earl Knotts, Docket No. G-8136; L. L. Booher Gas Company, Docket No. G-8137; P. L. and Josie Hall Lease, Docket No. G-8146; C. W. Beecher and L. W. Beecher, Docket No. G-8287; Guyan Gas Producers, Inc., Docket No. G-8317; S & S Gas Company, Docket No. G-8371; G. A. Kane, The Cooperative Refinery Association, Docket No. G-8379; Hester M. Ayers Gas Company, Docket No. G-8413; David J. Flesh, Dr. Harold W. Goldberg, Leon S. Brach, Maurice C. Hill, William F. Joseph, Irving Geist, I. S. Greenfield, Howard Greenfield, Robert & Carol Rosenthiel, Ethel Bieber, Joan Carroll, Joseph R. Ferry, Docket No. G-8417; Briscoe Valley Development Association, Docket No. G-8437; Westates Petroleum Corporation, Docket No. G-8485; Ernest A. Strakosh, Docket No. G-8580; Mrs. Ruthe Greenewald, Docket No. G-8587; Pratt and Grace Barr Lease, Docket No. G-8594; Morris Oil and Gas Company, Inc., Docket No. G-8595; Fordee Rhoades Oil Company, Docket No. G-8641; Sinclair Oil & Gas Company, Docket No. G-8836; Durbin Bond & Co., Inc., Harry D. Owen, J. K. Wright, Jr., M. Q. Peterson d/b/a Petersen Drilling Company, Mrs. George F. Baker, Charles G. Cushing, Docket No. G-9061; Nelson Bunker Hunt, Docket No. G-9088; Continental Oil Company, Docket No. G-9260; Nabob Production Company, Docket No. G-9301; J. W. Braden Oil Company, Docket No. G-9478; J. W. Braden Oil Company, Docket No. G-9479; The Atlantic Refining Company, Docket No. G-9644; Fred Morgan, Docket No. G-9673; W. Y. Quisenberry, Docket No. G-9699; Western Pocahontas Corporation, Docket No. G-9704; W. E. Bakke, Docket No. G-9712; Musgrove Petroleum Corporation, Kenneth A. Spencer, G. M. Simpson, Chester W. Kettner, Docket No. G-9734; The Stevens County Oil & Gas Company, Docket No. G-9744; B. M. Britain and C. E. Weymouth, Docket No. G-9818; H & N Gas Company, Docket No. 9824; Victor Hale, Docket No. G-9826; Lamp Oil & Gas Co., Docket No. G-9849; L. M. Ayers, et al., Docket No. G-9851.

Notice is hereby given that on April 16, 1956, the Federal Power Commission issued its finding and order, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-3233; Filed, Apr. 25, 1956; 8:48 a. m.]

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[Docket Nos. G-9702, G-9789]

HUMBLE OIL & REFINING CO. AND ARKANSAS FUEL OIL CO.

NOTICE OF SEVERANCE AND POSTPONEMENT OF HEARING

APRIL 19, 1956.

Take notice that the hearing upon the two separate applications for certificates of public convenience and necessity as hereinafter described, which were scheduled to be heard at 9:30 a. m., e. d. s. t., on Tuesday, May 8, 1956 (published April 7, 1956, 21 F. R. 2294-2296), in the consolidated proceeding In the Matters of Houston Natural Gas Production Company et al., Docket Nos. G-8512, et al., is postponed as hereinafter indicated and the two applications are hereby severed from said consolidated proceeding.

The hearing upon the application in the matter of Humble Oil & Refining Company, Docket No. G-9702, filed November 25, 1955, is hereby postponed to a date to be hereafter fixed by further notice.

The hearing upon the application in the matter of Arkansas Fuel Oil Company, Docket No. G-9789, filed December 19, 1955, is hereby postponed, at the request of Applicant, to a date to be hereafter fixed by further notice.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-3234; Filed, Apr. 25, 1956; 8:48 a. m.]

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[Docket No. G-10277]

J. R. MCGILL ET AL.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

J. R. McGill, et al. (Applicant), on March 23, 1956, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

*Description; Purchaser; Rate Schedule Designation; and Effective Date* [1]

Notice of change, undated; Phillips Petroleum Company; Supplement No. 2 to Applicant's FPC Gas Rate Schedule No. 1; May 1, 1956.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in Sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary, concerning the lawfulness of said proposed changes in rates and charges; and,

[1] The stated effective date is the first day after expiration of the required thirty days notice, or the effective date proposed by Applicant, if later.

pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until October 1, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Issued: April 19, 1956.

By the Commission.[1]

[SEAL] J. H. GUTRIDE,
*Acting Secretary.*

[F. R. Doc. 56-3235; Filed, Apr. 25, 1956; 8:49 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3469]

PENNSYLVANIA ELECTRIC CO.

NOTICE OF FILING REGARDING PROPOSED ISSUANCE AND SALE OF PRINCIPAL AMOUNT OF FIRST MORTGAGE BONDS AND OF PREFERRED STOCK

APRIL 20, 1956.

Notice is hereby given that Pennsylvania Electric Company ("Penelec"), an indirect public utility subsidiary of General Public Utilities Corporation, a registered holding company, has filed an application and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935 ("act") designating section 6 (b) thereof and Rule U-50 promulgated thereunder as applicable to the transactions proposed therein which are summarized as follows:

Penelec proposes to issue and sell, for cash, pursuant to the competitive bidding provisions of Rule U-50, $12,500,000 principal amount of first mortgage bonds and 90,000 shares of preferred stock, with a par value of $100 per share. The interest rate on the bonds, which is to be a multiple of ⅛ of 1 percent, and the price thereof to Penelec, which is to be not less than 100 percent nor more than 102.75 percent of principal amount, and the dividend rate on the preferred stock, which is to be a multiple of 1/20 of 1 percent, and the price thereof to Penelec, which is to be not less than $100 per share nor more than $102.75 per share, are to be fixed by the competitive bidding.

The First Mortgage Bonds, which are designated in the application as the 1986 Series Bonds, will be issued under the mortgage and deed of trust between Penelec and Bankers Trust Company, as Trustee, dated as of January 1, 1942, as heretofore amended and supplemented and as to be amended and supplemented by a further supplemental indenture to be dated as of May 1, 1956. The new Preferred Stock will constitute a further series of Penelec's preferred stock and will not vary in its terms from the outstanding shares of Penelec's preferred stock except as to dividend rate and redemption price.

Penelec proposes to apply the proceeds derived from the sale of these new securities as follows: (a) $10,000,000 will be applied to the prepayment of Penelec's 3¼ percent notes due December 31, 1957, issued under its credit agreement dated February 27, 1953; (b) $2,000,000 will be applied to the prepayment of the 3¼ percent bank loans of Northern Pennsylvania Power Company ("North Penn") due June 29, 1956, which are expected to be assumed by Penelec on or about April 30, 1956, as a result of the proposed merger of North Penn into Penelec; and (c) the balance will be applied to the cost of construction of property additions, to the repayment of bank loans effected by Penelec since December 31, 1955, in connection with the construction of property additions, or to the reimbursement of Penelec's treasury for expenditures therefrom in connection with the construction of property additions.

Prior to the issuance of the 1986 Series Bonds and the 90,000 shares of Preferred Stock, Penelec proposes to declare and pay a special cash dividend on its common stock in the amount of $4,000,000 out of earned surplus accumulated prior to January 1, 1956.

The filing states that Penelec's financing program for 1956 is designed to make approximately $25,500,000 available to Penelec during the year 1956 for construction purposes and in addition to reimburse Penelec's treasury to the extent of $4,000,000 for expenditures made therefrom for construction purposes prior to January 1, 1956 (which reimbursement will be used for general corporate purposes, including the payment of the special dividend on common stock referred to above). It is further stated that of this amount approximately $9,500,000 will be provided from the sale of the 1986 Series Bonds and the 90,000 shares of Preferred Stock, $6,000,000 is to be provided from the sale of additional common stock (the application for which is now pending before the Commission (File No. 70-3464)), $1,500,000 will be provided from bank loans, and the balance, it is anticipated, will be provided from operations.

The filing indicates that no State or Federal commission other than the Pennsylvania Public Utility Commission and the Securities and Exchange Commission has jurisdiction with respect to the proposed issuance and sale of the new securities.

Notice is further given that any interested person may not later than May 7, 1956, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on the amended application stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said amended application which he desires to controvert or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date said amended application, as filed or as it may be further amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 56-3242; Filed, Apr. 25, 1956; 8:49 a. m.]

[File No. 812-997]

WESTERN UTILITIES CORP.

NOTICE OF APPLICATION FOR ORDER DECLARING THAT COMPANY IS NOT AN INVESTMENT COMPANY

APRIL 20, 1956.

Notice is hereby given that Western Utilities Corporation ("Western Utilities") has filed an application under section 3 (b) (2) of the Investment Company Act of 1940 ("act") for an order declaring it to be primarily engaged, through controlled companies, in a business or businesses other than that of investing, reinvesting, owning, holding or trading in securities.

The application contains the following facts and representations:

(1) Applicant, a Delaware corporation, has as its sole investment the common stocks of the following operating public utilities:

| | Shares | Percent of voting power |
|---|---|---|
| California Water & Telephone Co.. | 180,919 | 10.17 |
| West Coast Telephone Co..... | 160,000 | 19.28 |
| The Southwestern States Telephone Co..... | 30,173 | 5.65 |

(2) Each of the operating public utility companies are engaged in the telephone business and in addition, California Water & Telephone Company distributes and sells water.

(3) In June 1955, West Coast Utilities Corporation and Loveland and Company merged into Western Utilities. Prior to the merger Loveland owned 86 percent of the common stock of Western Utilities, 71 percent and 65 percent, respectively, of the preferred and common stocks of West Coast Utilities Corporation and 30,173 shares of common stock of the Southwestern States Telephone Company; Western Utilities owned 180,916 shares of common stock of California Water & Telephone Company, and West Coast Utilities owned 160,000 shares of West Coast Telephone Company.

(4) All of the securities of the three operating public utility companies now held by the applicant have been held by the applicant and/or the companies merged into it for more than 10 years, and during that time these securities have been their sole investment.

(5) For more than the past 20 years the active direction and management of the system companies has come from a single key group comprised of Chester H. Loveland, John L. Lilienthal and Charles de Y. Elks, who have been President, Vice President and Secretary, respectively, of each of the system companies during such period.

(6) In addition, other members of the board of directors and officers of the applicant are also directors and officers of the three operating public utility companies.

(7) During the same period the salaries and expenses of a single group of key employees have been paid from a common fund, the cost of which was shared by all of the companies.

(8) Applicant has not for the past 10 years, and does not now intend to invest in any securities other than those of corporations which are managed by and under the direction of the same management group as that of the applicant.

Section 3 (a) (3) of the act, in pertinent part, defines an investment company as any issuer which is engaged or proposes to engage in the business of investing, reinvesting, owning, holding or trading in securities, and owns or proposes to acquire investment securities having a value exceeding 40 percent of the value of such issuer's total assets (exclusive of Government securities and cash items) on an unconsolidated basis. Section 3 (b) (2) of the act, however, provides an exception from such definition for any issuer which the Commission upon application finds and by order declares to be primarily engaged in a business or businesses other than that of investing, reinvesting, owning, holding, or trading in securities either directly or (A) through majority-owned subsidiaries or (B) through controlled companies conducting similar types of businesses.

As defined in section 2 (a) (9) of the act, "Control" means the power to exercise a controlling influence over the management or policies of a company, unless such power is solely the result of an official position with such company. Section 2 (a) (9) further provides, in pertinent part, that any person who does not own beneficially more than 25 percent of the voting securities of a company shall be presumed not to control such company but such presumption may be rebutted by evidence. However, such presumption continues until a determination to the contrary is made by the Commission by order.

Within the past year each of the public utility operating companies has filed a registration statement with the Commission under the Securities Act of 1933 in connection with a public offering of its securities. In one instance the company represented that the directors of Western Utilities are also directors of such company, and in the other two cases it is stated that the directors of Western Utilities and those of the companies are identical.

Notice is further given that any interested person may, not later than May 4, 1956, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

It appearing to the Commission that it would be appropriate to extend the period of exemption from the Act accorded to Western Utilities Corporation as a result of the filing of the instant application pursuant to section 3 (b) (2) of the act until the disposition of such application.

*It is ordered*, That the period of exemption provided Western Utilities Corporation under section 3 (b) (2) of the act be extended until the disposition by the Commission of the application herein of Western Utilities Corporation.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 56-3243; Filed, Apr. 25, 1956; 8:50 a. m.]

[File No. 70-3470]

UNION ELECTRIC CO. OF MISSOURI

NOTICE OF FILING OF APPLICATION REGARDING ISSUANCE OF SHORT TERM NOTES

APRIL 20, 1956.

Notice is hereby given that Union Electric Company of Missouri ("Union"), a registered holding company, has filed with the Commission an application pursuant to the Public Utility Holding Company Act of 1935 ("act") and has designated the first and second sentences of section 6 (b) of said act as applicable to the proposed transactions, which are summarized as follows:

As of March 31, 1956 Union had outstanding $10,300,000 of promissory notes, of a maturity of nine months or less from date of issue, all maturing on September 14, 1956, and bearing interest at the rate of 3½ percent per annum, the prime rate at the date of issue thereof. Said notes were issued pursuant to the exemptive provisions contained in the first and second sentences of section 6 (b) of the act. It is stated that the maximum amount which Union may presently issue under such exemptive provisions is $16,944,942, or 5 per centum of the aggregate of the principal amount of Union's long term debt, the par value of its common stock and the fair market value at the dates of issue of its preferred stock without par value.

It is further stated that Union contemplates permanent financing prior to September 14, 1956, through the issue and sale of from $35,000,000 to $40,000,000 principal amount of additional First Mortgage Bonds to obtain funds for the repayment of its promissory notes and for continuation of its construction program, but that economic conditions may make it advisable to consummate such financing in July or August or the early part of September, 1956, rather than during the months of May and June.

The application further states that the estimated cash requirement of Union from external sources during the months April to September, 1956, both inclusive, is $18,500,000 and that Union has made informal arrangements with the present holders of its short term notes and with another financial institution for additional borrowings, without any commitment fees, as required by Union from time to time, to be evidenced by promissory notes to be dated as of the date of each particular borrowing, to mature on September 14, 1956, to bear interest at the prime rate effective at the particular time of borrowing, and to be prepayable prior to maturity without premium.

Accordingly, Union requests the Commission to enlarge the percentage which Union may borrow, pursuant to the first and second sentences of section 6 (b) of the act from 5 percent to 8 percent, such increase to remain in effect until September 14, 1956, or such earlier date upon which Union shall have consummated its permanent financing referred to above.

It is stated that no State or other Federal commission has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than May 7, 1956, at 5:30 p. m., request the Commission in writing that a hearing be held on this matter stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by such filing which he proposes to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the application as filed or as it may hereafter be amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 56-3244; Filed, Apr. 25, 1956; 8:50 a. m.]

## INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 23, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 31995: *Liquefied petroleum gas—Southwest to Nebraska.* Filed by

[1] Commissioner Digby dissenting.

F. C. Kratzmeir, Agent, for interested rail carriers. Rates on liquefied petroleum gas, tank-car loads, from specified points in Arkansas, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas, to specified points in Nebraska.

Grounds for relief: Modified short-line distance formula, application of rates through higher-rated intermediate points in western Iowa, truck competition in part, and circuity.

Tariff: Supplement 279 to Agent Kratzmeir's ICC 3825.

FSA No. 31996: *Brick—Nebraska to Michigan and Wisconsin.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on brick and related articles, carloads, from Endicott, Hastings, Lincoln, and Nebraska City, Nebr., to base points in upper peninsula of Michigan and in Wisconsin, and points taking same rates in National Rate Basis Tariff.

Grounds for relief: Short-line distance formula, and circuity.

Tariff: Supplement 101 to Agent Prueter's ICC A–3686.

FSA No. 31997: *Sugar—western points to central territory.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on sugar, beet or cane, carloads, from specified points in Colorado, Idaho, and other western States named in item 1844–B of exhibit 1 to the application, to specified points in Indiana, Kentucky, Michigan, Ohio, and Pennsylvania, named in item 1843–D of the same exhibit.

Grounds for relief: Circuitous routes.

Tariff: Supplement 101 to Agent Prueter's ICC A–3973.

FSA No. 31998: *Substituted service; motor-rail-motor—St. Louis-San Francisco.* Filed by J. D. Hughett, Agent, for interested rail and motor carriers. Rates on various commodities, in truck-load and less-than-truck-load quantities, in highway trucks, trailers, or semi-trailers, loaded on railroad flat cars, between Dallas, Tex., on traffic from or to points beyond served by motor carriers, on one hand, and Oklahoma City, Okla., on traffic from or to points beyond served by motor carriers.

Grounds for relief: All motor-truck competition.

Tariff: Supplement 5 to Agent Hughett's ICC 66.

FSA No. 31999: *Substituted service; motor-rail - motor — Missouri - Kansas-Texas.* Filed by J. D. Hughett, Agent, for interested rail and motor carriers. Rates on various commodities, in highway trailers loaded on railroad flat cars, between Muskogee, Okla., on one hand, and Dallas and Fort Worth, Tex., on the other, on traffic originating at and moving from or to points beyond served by motor carriers.

Grounds for relief: Competition of motor trucks.

Tariff: Supplement 5 to Agent Hughett's ICC 66.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56–3239; Filed, Apr. 25, 1956; 8:49 a. m.]

## NOTICES

[No. 31981]

### NEW HAVEN RAILROAD

### INCREASED COMMUTATION FARES, 1956

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 20th day of April A. D. 1956.

It appearing that on April 16, 1956, The New York, New Haven and Hartford Railroad Company filed schedules to become effective June 15, 1956, proposing to increase its interstate commutation fares between points in the States of Massachusetts, Rhode Island, Connecticut, and New York, by 25 percent;

It further appearing that such schedules were accompanied by a statement in justification thereof, with six supporting verified statements, and that such statements were served on the regulatory bodies and persons listed below, and that respondent will furnish like copies to any other interested party upon request in writing, addressed to Mr. J. W. Grady, The New York, New Haven and Hartford Railroad Company, 54 Meadow Street, New Haven, Conn.;

It further appearing that on April 18, 1956, the said railroad company filed schedules with the State regulatory bodies of Massachusetts, Rhode Island, and Connecticut, proposing like increased intrastate commutation fares within those States; and that it asks that the outstanding order in No. 30010, New York State Commutation Fares, New Haven Railroad, 279 I. C. C. 151, be modified to the extent necessary to permit the filing of a petition and/or schedules with the Public Service Commission of New York, for similar increased commutation fares within that State;

*It is ordered,* That:

1. (a) An investigation under the docket number and title hereof be, and it is hereby, instituted into and concerning the reasonableness and lawfulness otherwise of the proposed increased interstate commutation fares above described;

(b) That The New York, New Haven and Hartford Railroad Company be, and it is hereby, made respondent to this proceeding.

2. Special rules of practice will apply as follows:

(a) Protests against the proposed increase in interstate commutation fares, including requests for suspension of the schedules, may be filed on or before May 14, 1956. Such protests should make reference to this proceeding by docket number and title, should state the grounds in support of the protests, and indicate in what respect the protested schedules are considered to be unlawful. The protests may be in letter form and an original only need be filed with this Commission, with copy to Mr. J. W. Grady, representing the respondent. Replies to protests may be made in accordance with paragraph 2 (d) hereof. Unless orally objected to on the record at the hearing provided for in paragraph 3, these protests will be received in evidence.

(b) The Commission will take official notice of, and consider as part of the record in this proceeding, the annual, quarterly and monthly reports of the respondent to this Commission for the period from 1946 to the date of the hearing, and of the elements of value applicable to the respondent contained in the publication of this Commission's Bureau of Accounts, Cost Finding and Valuation, dated February 1, 1956, entitled "Elements of Value of Property of Class I Line Haul Carriers used in Common Carrier Service."

Parties desiring to enter objection to the consideration of such documents, or any particular matter contained therein upon the ground of relevance or materiality, must orally enter such objection on the record at a timely stage of the hearing provided for in paragraph 3 hereof. The objection should specify the matter objected to and the reasons therefor.

(c) Evidence in behalf of groups or associations either in support of or against the proposed fares, including evidence dealing with the cost of service or other technical matters, must be submitted in the form of verified statements (affidavits) with or without exhibits attached, on or before May 14, 1956, with fifteen copies to this Commission, two copies to Mr. Grady, and one copy to each of the regulatory bodies and persons listed in the appendix hereto, together with a copy to any other interested party requesting it.

(d) Verified statements (affidavits) in reply to the above, and verified statements in reply to protests submitted in accordance with paragraph 2 (a) hereof, must be filed on or before May 21, 1956. Fifteen copies must be furnished to this Commission. A copy should also be furnished to the party whose verified statement or protest is being replied to, with a copy to each of the regulatory bodies and persons listed in the appendix, together with a copy to any other interested party requesting it.

3. A hearing for the purpose of cross-examining witnesses who have filed verified statements or reply verified statements will be held at Room 35, U. S. Court House, Foley Square, New York, N. Y., beginning at 10:00 o'clock a. m., U. S. standard time, May 23, 1956, before Examiner Fuller. Opportunity will also be given at this session for the presentation of oral testimony in support of or in opposition to the proposed increased fares, by persons having an interest therein. A supplemental session will be held at Boston, Mass., at a time and place to be announced later, for the purpose of further presentation of such oral testimony, provided requests therefor are made to this Commission on or before May 14, 1956.

4. Memorandum briefs may be filed on or before June 6, 1956. An original and 14 copies must be furnished to the Commission, and one copy to each party filing an appearance at the hearing.

*It is further ordered,* That the outstanding order in No. 30010 be, and it is hereby, modified to the extent necessary to permit respondent to file a petition and/or schedules with the Public Service Commission of New York for similar increases in intrastate commutation fares within that State, and further modified to permit the respondent to maintain such increased intrastate commutation fares as may be approved by that Commission as a result of such petition.

*And it is further ordered,* That a copy of this order be served upon respondent, and furnished to each of the regulatory bodies in the States traversed by respondent, and copies for public inspection be filed in the office of the Secretary of the Commission, and with the Director, Division of the Federal Register, for publication in the FEDERAL REGISTER.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

INCREASED COMMUTATION FARES, NEW HAVEN RAILROAD

Public Service Commission of New York, Albany, N. Y.

Connecticut Public Utilities Commission, Hartford, Conn.

Rhode Island Public Utility Administrator, State Office Building, Providence, R. I.

Massachusetts Commissioners of the Department of Public Utilities, 100 Nashua Street, Boston, Mass.

Paul Bauman, 10 William Street, New York 38, N. Y.

Hon. Stanley W. Church, Mayor, City of New Rochelle, N. Y.

Thomas G. Early, 127 Sound Beach Avenue, Old Greenwich, Conn.

Monroe L. Fuchs, Wilton, Conn.

John M. Hanrahan, Corporation Counsel, Stamford, Conn.

R. Harrington, Jr., R. F. D. No. 6, Westport, Conn.

Orrin G. Judd, Judd & Gurfein, 655 Madison Avenue, New York 21, N. Y.

Alfred A. Lawton, New Canaan, Conn.

Peter R. Levin, Wilton, Conn.

Isadore M. Mackler, 41 Bank Street, Stamford, Conn.

Frank X. O'Donnell, Jr., 100 Palmer Avenue, Larchmont, N. Y.

B. Edwin Sackett, c/o Chamber of Commerce, 107 Greenwich Avenue, Greenwich, Conn.

Emanuel Schwartz, 110 East 42d Street, New York 17, N. Y.

Edward F. Huber, Esq., Dern, Magill & Huber, 55 Broadway, New York 6, N. Y.

Joseph J. Doran, Gov. Alfred E. Smith State Office Building, Albany, N. Y.

Samuel R. Madison, Gov. Alfred E. Smith State Office Building, Albany, N. Y.

V. M. Parshall, Public Service Commission, Albany, N. Y.

Herbert Askwith, 3 Concord Avenue, Larchmont, N. Y.

Harold Borgwald, Corporation Counsel, City Hall, Mount Vernon, N. Y.

John L. Delius, 100 Mamaroneck Avenue, Mamaroneck, N. Y.

Daniel E. Kelly, Corporation Counsel, Rye, N. Y.

William J. McWilliams, 70 Pine Street, New York 5, N. Y.

William L. Moran, Assistant Corporation Counsel, 22 Church Street, New Rochelle, N. Y.

Francis J. Morgan, County Office Building, White Plains, N. Y.

Anthony Sansone, 169 Pleasant Avenue, Mamaroneck, N. Y.

David Wolff, Assistant Town Attorney, Town Hall, Harrison, N. Y.

[F. R. Doc. 56–3240; Filed, Apr. 25, 1956; 8:49 a. m.]

UNIVERSITY OF MICHIGAN
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THE NATIONAL ARCHIVES

# FEDERAL REGISTER

VOLUME 21 NUMBER 82

Washington, Friday, April 27, 1956

## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

MISCELLANEOUS AMENDMENTS

Sections 24.75, 24.79 and 24.80 are revoked and the headnote of § 24.56 is amended as set out below.

§ 24.56 *Research Forester, GS–461–5–15.*

(Sec. 11, 58 Stat. 390; 5 U. S. C. 860)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
*Executive Assistant.*

[F. R. Doc. 56–3275; Filed, Apr. 26, 1956; 8:47 a. m.]

## TITLE 6—AGRICULTURAL CREDIT

### Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter C—Production and Subsistence Loans

[FHA Instruction 441.2]

PART 341—POLICIES AND AUTHORITIES

LIMITATIONS ON USE OF PRODUCTION AND SUBSISTENCE LOAN FUNDS

Since subparagraphs (5) through (13) of § 341.3 (a) of this chapter (20 F. R. 393) have been redesignated as subparagraphs (6) through (14) (21 F. R. 887), the introductory portion of § 341.3 (b) is hereby amended to refer to the redesignated subparagraph numbers, and to read as follows:

§ 341.3 *Use of loan funds.* • • •

(b) The use of Production and Subsistence loan funds for the purposes authorized in paragraph (a) (11), (12), and (13) of this section is subject to the following limitations: • • •

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (l))

Dated: April 24, 1956.

[SEAL] R. B. MCLEAISH,
*Administrator,*
*Farmers Home Administration.*

[F. R. Doc. 56–3293; Filed, Apr. 26, 1956; 8:52 a. m.]

## TITLE 7—AGRICULTURE

### Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 65]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.365 *Valencia Orange Regulation 65*—(a) *Findings.* (1) Pursuant to Order No. 22 (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective March 31, 1954, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on April 18, 1956, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period speci-

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FEDERAL REGISTER

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**(As of January 1, 1956)**

**The following Supplements are now available:**

**Title 16 ($1.25)**
**Title 17 ($0.60)**
**Title 20 ($1.00)**

***Previously announced:*** **Title 3, 1955 Supp. ($2.00); Title 7: Parts 1–209 ($1.25); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Part 400 to end ($1.00); Title 18 ($0.50); Title 19 ($0.50); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. I, and Title 27 ($1.00); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Titles 40–42 ($0.65); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)**

**Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.**

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fied herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s .t., April 29, 1956, and ending at 12:01 a. m., P. s. t., February 3, 1957, no handler shall handle any Valencia oranges, grown in District 2, which are of a size smaller than 2.31 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided,* That not to exceed 5 percent, by count, of the oranges contained in any type of container may measure smaller than 2.31 inches in diameter.

(2) As used in this section, "handle," "handler," and "District 2" shall have the same meaning as when used in said order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 24, 1956.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-3294; Filed, Apr. 26, 1956; 8:52 a. m.]

## TITLE 12—BANKS AND BANKING

### Chapter II—Federal Reserve System

#### Subchapter A—Board of Governors of the Federal Reserve System

#### PART 224—DISCOUNT RATES

#### MISCELLANEOUS AMENDMENTS

Pursuant to section 14 (d) of the Federal Reserve Act, and for the purpose of adjusting discount rates with a view to accommodating commerce and business in accordance with other related rates and the general credit situation of the country, Part 224 is amended in the following respects:

1. Section 224.2, relating to advances and discounts for member banks under sections 13 and 13a of the Federal Reserve Act, is amended so as to change the percentage rate for such advances and discounts by the Federal Reserve Bank of Chicago from 2½ to 2¾, effective April 20, 1956.

2. Section 224.3, relating to advances to member banks under section 10 (b) of the Federal Reserve Act, is amended so as to change the percentage rate for such advances by the Federal Reserve Bank of Chicago from 3 to 3¼, effective April 20, 1956.

3. Section 224.4, relating to advances to individuals, partnerships or corporations other than member banks secured by direct obligations of the United States under the last paragraph of section 13 of the Federal Reserve Act, is amended so as to change the percentage rate on such advances by the Federal Reserve Bank of Chicago from 3½ to 3¾, effective April 20, 1956.

4. Section 224.5, relating to advances to industrial and commercial businesses (including loans made in participation with financial institutions) under section 13b of the Federal Reserve Act, is amended so as to change the percentage rate on such advances by the Federal Reserve Bank of Chicago from 2½–5 to 3–5½, effective April 20, 1956.

For the reasons and good cause found as stated in § 224.7, there is no notice, public participation, or deferred effective date in connection with this action.

(Sec. 11, 38 Stat. 262; 12 U. S. C. 248. Interpret or apply sec. 14, 38 Stat. 264, as amended; 12 U. S. C. 357)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
*Assistant Secretary.*

[F. R. Doc. 56-3272; Filed, Apr. 26, 1956; 8:47 a. m.]

## TITLE 14—CIVIL AVIATION

### Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 160]

#### PART 608—RESTRICTED AREAS

#### HAWAII

The restricted area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Panel and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.62, the Mokuleia Island of Oahu, Territory of Hawaii, area (R–333 formerly D–333), amended on February 11, 1953, in 18 F. R. 844, is further amended by changing the "Designated Altitudes" column to read: "Surface to 40,000 feet MSL."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies Sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on May 18, 1956.

[SEAL] C. J. LOWEN,
*Administrator of Civil Aeronautics.*

[F. R. Doc. 56-3265; Filed, Apr. 26, 1956; 8:46 a. m.]

## TITLE 21—FOOD AND DRUGS

### Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

#### Subchapter A—General

#### PART 1—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

#### LABELING REQUIREMENTS FOR FOODS, DRUGS, AND COSMETICS

Under the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 701 (a), 52 Stat. 1055; 21 U. S. C. 371 (a)) and pursuant to authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (20 F. R. 1996), the following amendments are hereby promulgated:

1. In § 1.9 *Food; labeling; prominence of required statements* paragraph (c) (1) is amended by changing the period at the end thereof to a colon and adding the following clause: *"Provided, however,* That in the case of articles distributed solely in a Territory where the predominant language is one other than English, the predominant language may be substituted for English."

2. In § 1.103 *Drugs and devices; forms of making required statements* paragraph (c) (1) is amended by changing the period at the end thereof to a colon and adding the following clause: *"Provided, however,* That in the case of articles distributed solely in a Territory where the predominant language is one other than English, the predominant language may be substituted for English."

3. In § 1.203 *Cosmetic; labeling requirements, form of stating* paragraph (b) (1) is amended by changing the period at the end thereof to a colon and adding the following clause: *"Provided, however,* That in the case of articles distributed solely in a Territory where the predominant language is one other than English, the predominant language may be substituted for English."

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it relaxes existing requirements and since it would be against public interest to delay providing for the amendments set forth above.

*Effective date.* This order shall become effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply secs. 403, 502, 602, 52 Stat. 1047, 1050, 1054; 21 U. S. C. 343, 352, 362)

Dated: April 20, 1956.

[SEAL] GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F. R. Doc. 56-3281; Filed, Apr. 26, 1956; 8:49 a. m.]

Subchapter B—Food and Food Products

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCE FOR RESIDUES OF BASIC COPPER CARBONATE

A petition was filed with the Food and Drug Administration requesting an exemption from the requirement of a tolerance for residues of basic copper carbonate that result from post-harvest treatment of pears.

The evidence in the petition shows that the proposed use of basic copper carbonate does not leave residues in excess of 3 parts per million of combined copper. In the interests of the public health it is concluded that to provide for post-harvest use of basic copper carbonate on pears there should be established a tolerance of 3 parts per million of combined copper rather than an exemption.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purpose for which a tolerance is being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120) are amended by adding the following new section:

§ 120.136 *Tolerance for residues of basic copper carbonate.* The tolerance for residues of basic copper carbonate in or on pears from post-harvest use of the chemical is 3 parts per million of combined copper.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: April 20, 1956.

[SEAL] GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F. R. Doc. 56-3282; Filed, Apr. 26, 1956; 8:49 a.m.]

# TITLE 49—TRANSPORTATION

## Chapter I—Interstate Commerce Commission

PART 7—LIST OF FORMS, PART II, INTERSTATE COMMERCE ACT

REVOCATION OF CERTAIN SECTIONS

In the matter of applications under section 203 (b) (a) Interstate Commerce Act.

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 17th day of April A. D. 1956.

The matter of applications under the above title being under consideration:

It appearing that by order dated November 13, 1935, the Interstate Commerce Commission, Division 5, approved for adoption Form BMC 12, Applications for Determination of Status, under section 203 (b) (8), Motor Carrier Act, 1935, of carriers engaged in the local interstate transportation of passengers and Form BMC 16, Notice of the filing of application Form BMC 12 to be served on competing motor carriers; and that by order dated November 29, 1935, the Interstate Commerce Commisison, Division 5, approved for adoption Form BMC 18, Applications for Determination of Status, under section 203 (b) (8), Motor Carrier Act, 1935, of carriers engaged in the local interstate transportation of property and Form BMC 19, Notice of the filing of application Form BMC 18 to be served on competing motor carriers;

It further appearing that the use of Forms BMC 12 and BMC 18 in applying for Determination of Status under section 203 (b) (8) and the Notices, Forms BMC 16 and BMC 19, are no longer required by motor carriers and that there is no longer any need for the use of such forms; and good cause therefor appearing:

*It is ordered,* That the referred-to orders of November 13, 1935, and November 29, 1935, be, and they are hereby vacated, and that the application forms and notices adopted or prescribed thereby be, and they are hereby, canceled:

*It is further ordered,* That, § 7.12 *B. M. C. 12;* § 7.16 *B. M. C. 16;* § 7.18 *B. M. C. 18;* and § 7.19 *B. M. C. 19* be, and they are hereby, revoked and deleted in their entirety.

Notice of this order shall be given to motor carriers and the general public by depositing a copy in the office of the Secretary of the Commission, Washington, D. C., and by filing a copy thereof with the Director, Division of Federal Register.

(Sec. 204, 49 Stat. 546, as amended; 49 U. S. C. 304)

By the Commission, Division 1.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F. R. Doc. 56-3276; Filed, Apr. 26, 1956; 8:48 a. m.]

# TITLE 50—WILDLIFE

## Chapter III—International Regulatory Agencies (Fishing and Whaling)

[Departmental Reg. 108.285]

PART 301—PACIFIC HALIBUT FISHERIES

Regulations of the International Pacific Halibut Commission adopted pursuant to the Pacific Halibut Fishery convention between the United States of America and Canada, signed March 2, 1953.

Sec.
301.1 Regulatory areas.
301.2 Length of halibut fishing seasons.
301.3 Closed seasons.
301.4 Catch limits in Areas 2 and 3A.
301.5 Size limits.
301.6 Licensing of vessels.
301.7 Retention of halibut taken under permit.
301.8 Conditions limiting validity of permits.
301.9 Statistical return by vessels.
301.10 Statistical return by dealers.
301.11 Closed nursery grounds.
301.12 Dory gear prohibited.
301.13 Nets prohibited.
301.14 Retention of tagged halibut.
301.15 Responsibility of master.
301.16 Supervision of unloading and weighing.
301.17 Previous regulations superseded.

AUTHORITY: §§ 301.1 to 301.17 issued under Art. III, 50 Stat., Part 2, 1353.

§ 301.1 *Regulatory areas.* (a) Convention waters which include the territorial waters and the high seas off the western coasts of Canada and the United States of America including the southern as well as the western coasts of Alaska shall be divided into the following areas, all directions given being magnetic unless otherwise stated.

(b) Area 1A (South of Heceta Head) shall include all convention waters southeast of a line running northeast and southwest through Heceta Head Light, as shown on Chart 5802, published in July 1947, by the United States Coast and Geodetic Survey, which light is approximately latitude 44°08'18" N., longitude 124°07'36" W.

(c) Area 1B (Heceta Head to Willapa Bay) shall include all convention waters between Area 1A and a line running northeast and southwest through Willapa Bay Light on Cape Shoalwater, as shown on Chart 6185, published in July, 1939, by the United States Coast and Geodetic Survey, which light is approximately latitude 46°43'17" N., longitude 124°04'15" W.

(d) Area 2 (Willapa Bay to Cape Spencer) shall include all convention waters off the coasts of the United States of America and of Alaska and of Canada between Area 1B and a line running through the most westerly point of Glacier Bay, Alaska, to Cape Spencer Light as shown on Chart 8304, published in June, 1940, by the United States Coast and Geodetic Survey, which light is approximately latitude 58°11'57" N., longitude 136°38'18" W., thence south one-quarter east and is exclusive of the nursery areas closed to all halibut fishing in § 301.11.

(e) Area 3A (Cape Spencer to Shumagin Islands) shall include all the convention waters off the coast of Alaska that are between Area 2 and a straight line running southeast one-half east from the highest point on Kupreanof Point, which highest point is approximately latitude 55°34'08" N., longitude 159°36'00" W.; the highest point on Kupreanof Point shall be determined from Chart 8859 as published May 1954 (2d Edition) by the United States Coast and Geodetic Survey, Washington, D. C.

(f) Area 3B (West of Shumagin Islands including Bering Sea) shall include all the convention waters off the coast of Alaska which are not included in Area 3A or in Area 2 or in the nursery area described in paragraph (b) of § 301.11.

§ 301.2 *Length of halibut fishing seasons.* (a) In Area 1A, the halibut fishing season shall commence at 6:00 a. m. of the 12th day of May and terminate at 6:00 a. m. of the same day that the third halibut fishing season in Area 3B shall terminate.

(b) In Area 1B, the halibut fishing seasons shall commence and terminate at the same times as the halibut fishing seasons in Area 2 shall commence and terminate.

(c) In Area 2, there shall be two halibut fishing seasons: The first season commencing at 6:00 a. m. on the 12th day of May and terminating at 6:00 a. m. on a date to be determined and announced under paragraph (b) of § 301.4; the second season, commencing at 6:00 a. m. on the 10th day of August and terminating at 6:00 a. m. on the 17th day of August, or on a later date that may be announced by the Commission prior to commencement of the second season; or if the termination of the first season in Area 2 or in Area 3A be later than 6:00 a. m. on the 25th day of July the second season in Area 2 shall commence at 6:00 a. m., sixteen days after termination of the first season in Area 2 or in Area 3A, whichever shall be later, and shall terminate at 6:00 a. m., seven days after commencement of the second fishing season in Area 2, or on any later day that may be announced by the Commission prior to the commencement of the second season.

(d) In Area 3A, there shall be two halibut fishing seasons: The first season commencing at 6:00 a. m. on the 12th day of May and terminating at 6:00 a. m. on a date to be determined and announced under paragraph (b) of § 301.4; the second season commencing at 6:00 a. m. on the 10th day of August and terminating at 6:00 a. m. on the 19th day of August, or on a later date that may be announced by the Commission prior to commencement of the second season; or if the termination of the first season in Area 2 or in Area 3A be later than 6:00 a. m. on the 25th day of July the second season in Area 3A shall commence at 6:00 a. m., sixteen days after termination of the first season in Area 2 or in Area 3A, whichever shall be later, and shall terminate at 6:00 a. m. on the 25th day of August, or on any later day that may be announced by the Commission prior to the commencement of the second season.

(e) In Area 3B, there shall be three halibut fishing seasons: The first and the second fishing seasons commencing and terminating at the same times as the first and second fishing seasons respectively in Area 3A; the third season, of twenty-three days, commencing at 6:00 a. m., twelve days after the termination of the second fishing season and terminating at 6:00 a. m., thirty-five days after the termination of the second season provided the latter date is not later than 6:00 a. m. of the 1st day of December when all convention waters shall be closed to halibut fishing as provided in paragraph (b) of § 301.3.

(f) All hours of opening and closing of areas in this section and other sections of the regulations in this part shall be Pacific Standard Time.

301.3 *Closed seasons.* (a) Under paragraph 1 of Article I of the Convention, all convention waters shall be closed to halibut fishing except as provided in § 301.2.

(b) All convention waters, if not already closed under other provisions of the regulations in this part, shall be closed to halibut fishing at 6:00 a. m. of the 1st day of December and shall remain closed until reopened as provided in § 301.2, and the retention and landing of any halibut caught during this closed period sall be prohibited.

(c) Nothing contained in the regulations in this part shall prohibit the fishing for species of fish other than halibut or prohibit the International Pacific Halibut Commission, hereinafter in the regulations in this part referred to as "the Commission," from conducting or authorizing fishing operations for investigation purposes as provided for in paragraph 3 of Article I of the Convention.

301.4 *Catch limits in Areas 2 and 3A.* (a) The quantity of halibut to be taken during the first halibut fishing season in Area 2 and during the first halibut fishing season in Area 3A in 1956 shall be limited to 26,500,000 pounds and 28,000,000 pounds respectively of salable halibut, the weights in each limit to be computed as with heads off and entrails removed.

(b) The Commission shall as early in the said year as is practicable determine and announce the date on which it deems each limit of catch defined in paragraph (a) of this section will be attained, and the limit of each such catch shall then be that which shall be taken prior to said date, and fishing for halibut in the area or areas to which each limit applies shall at that date be prohibited until each area is reopened to halibut fishing as provided in § 301.2, and provided that if it shall at any time become evident to the Commission that the limit will not be reached by such date, it may substitute another date.

(c) No catch limits shall apply to the second halibut fishing season in Area 2 or to the second halibut fishing season in Area 3A, or to any halibut fishing season in any other area.

§ 301.5 *Size limits.* The catch of halibut to be taken from all areas shall be limited to halibut which with head on are 26 inches or more in length as measured from the tip of the lower jaw to the extreme end of the middle of the tail or to halibut which with the head off and entrails removed are 5 pounds or more in weight, and the possession of any halibut of less than the above length, or the above weight, according to whether the head is on or off, by any vessel or by any master or operator of any vessel or by any person, firm or corporation, is prohibited.

§ 301.6 *Licensing of vessels.* (a) All vessels of any tonnage which shall fish for halibut in any manner or hold halibut in possession in any area, or which shall transport halibut otherwise than as a common carrier documented by the Government of the United States or of Canada for the carriage of freight, must be licensed by the Commission, provided that vessels of less than five net tons or vessels which do not use set lines need not be licensed unless they shall require a permit as provided in § 301.7.

(b) Each vessel licensed by the Commission shall carry on board at all times while at sea the halibut license thus secured whether it is validated for halibut fishing or endorsed with a permit as provided in § 301.8 and this license shall at all times be subject to inspection by authorized officers of the Governments of Canada or the United States or by representatives of the Commission.

(c) The halibut license shall be issued without fee by the customs officers of the Governments of Canada or the United States or by representatives of the Commission or by fishery officers of the Governments of Canada or the United States at places where there are neither customs officers nor representatives of the Commission. A new license may be issued by the officer accepting statistical return at any time to vessels which have furnished proof of loss of the license form previously issued, or when there shall be no further space for record thereon, providing the receipt of statistical return shall be shown on the new form for any halibut or other species taken during or after the voyage upon which loss occurred.

(d) The halibut license of any vessel shall be validated before departure from port for each halibut fishing operation for which statistical return is required. This validation of a license shall be by customs officers or by fishery officers of the Governments of Canada or the United States when available at places where there are no customs officers and shall not be made unless the area in which the vessel will fish is entered on the license form and unless the provisions of § 301.9 have been complied with

for all landings and all fishing operations since issue of the license, provided that if the master or operator of any vessel shall fail to comply with the provisions of § 301.9, the halibut license of such vessel may be validated by customs officers or by fishery officers upon evidence either that there has been a judicial determination of the offense or that the laws prescribing penalties therefor have been complied with, or that the said master or operator is no longer responsible for, nor sharing in, the operations of said vessel.

(e) The halibut license of any vessel fishing for halibut in Area 1A as defined in § 301.1 must be validated at a port or place within Area 1A prior to each such fishing operation during the second halibut fishing season in Areas 1B and 2 as defined in paragraphs (b) and (c) of § 301.2 and when Areas 1B and 2 are closed to halibut fishing.

(f) The halibut license of any vessel fishing for halibut in Area 3B during the third halibut fishing season as defined in paragraph (e) of § 301.2 must be validated at a port or place within Area 3B prior to such fishing and again before said vessel departs from Area 3B subsequent to such fishing if said vessel has any halibut on board.

(g) A halibut license shall not be validated for departure for halibut fishing in Areas 1A or 1B or 2 more than 48 hours prior to the commencement of any halibut fishing season in said areas; nor for departure for halibut fishing in Areas 3A or 3B from any port or place inside said areas more than 48 hours prior to the commencement of any halibut fishing season in said areas; nor for departure for halibut fishing in Area 3A or 3B from any port or place outside said areas more than 5 days prior to the commencement of any halibut fishing season in said areas.

(h) A halibut license shall not be valid for halibut fishing in more than one of Areas 1A, 1B, 2 or 3A, as defined in § 301.1, during any one trip nor shall it be revalidated for halibut fishing in another of said areas while the vessel has any halibut on board.

(i) A halibut license shall not be valid for halibut fishing in any area closed to halibut fishing nor for the possession of halibut in any area closed to halibut fishing except while in actual transit to or within a port of sale and as provided in paragraph (l) of this section.

(j) Any vessel which is not required to be licensed for halibut fishing under paragraph (a) of this section shall not possess any halibut of any origin in any area closed to halibut fishing except while in actual transit to or within a port of sale.

(k) A halibut license shall not be valid for halibut fishing in any area while a permit endorsed thereon is in effect, nor shall it be validated while halibut taken under such permit is on board.

(l) A halibut license when validated for halibut fishing in Area 3A shall not be valid for the possession of any halibut in Area 2 if said vessel is in possession of baited gear more than 25 miles from Cape Spencer Light, Alaska; and a halibut license when validated for halibut fishing in Area 3B shall not be valid for the possession of any halibut in Area 3A, when Area 3A is closed to halibut fishing, if said vessel is in possession of baited gear more than 20 miles by navigable water route from the boundary between Areas 3A and 3B.

(m) No person on any vessel which is required to have a halibut license under paragraph (a) of this section shall fish for halibut or have halibut in his possession, unless said vessel has a valid license issued and in force in conformity with the provisions of this section.

§ 301.7 *Retention of halibut taken under permit.* (a) There may be retained for sale on any vessel which shall have a permit as provided in § 301.8 such halibut as is caught incidentally to fishing by that vessel in any area after it has been closed to halibut fishing under § 301.2 or § 301.4 with set lines (of the type commonly used in the Pacific Coast halibut fishery) for other species, not to exceed at any time one pound of halibut for each seven pounds of salable fish, actually utilized, of other species not including salmon or tuna, and such halibut may be sold as the catch of said vessel, the weight of all fish to be computed as with heads off and entrails removed, provided, that it shall not be a violation of this section for any such vessel to have in possession halibut in addition to the amount herein allowed to be sold if such additional halibut shall not exceed thirty percent of such amount and shall be forfeited and surrendered at the time of landing as provided in paragraph (e) of this section.

(b) There may be retained for sale on any vessel which shall have a permit as provided in § 301.8, such halibut as is caught incidentally to fishing for species of crab by that vessel in that part of Area 3B known as Bering Sea after 6:00 a. m. of the 12th day of May of the year 1956 with bottom trawl nets (of the type commonly used in the Bering Sea king crab fishery) whose cod ends or fish bags shall consist of webbing whose dry-stretched mesh shall measure not less than 12 inches between knots or hog rings, not to exceed at any time one pound of halibut for each five pounds drained weight of salable picked crab meat or the equivalent drained weight of crab meat in the shell or in vacuum-packed heat processed containers. The equivalent weight of meat in the shell shall be computed on the basis of 15 pounds of meat in the shell being equal to 6 pounds of drained picked crab meat and the equivalent weight of processed meat shall be computed on the basis of 6½ ounces of drained weight of processed crab being equal to 8 ounces of picked crab meat.

(c) Halibut retained under such permit shall not be filleted, fletched, steaked or butchered beyond the removal of the head and entrails while on the catching vessel.

(d) Halibut retained under such permit shall not be landed or otherwise removed or be received by any person, firm or corporation from the catching vessel until all halibut on board shall have been reported to a customs, fishery or other authorized enforcement officer of the Governments of Canada or the United States, by the captain or operator of said vessel and also by the person, firm or corporation receiving the halibut, and no halibut or other fish or crabs shall be landed or removed or be received from the catching vessel, except with the permission of said officer and under such supervision as the said officer may deem advisable.

(e) Halibut retained under such permit shall not be purchased or held in possession by any person other than the master, operator or crew of the catching vessel in excess of the proportion allowed in paragraph (a) of this section until such excess, whatever its origin, shall have been forfeited and surrendered to the customs, fishery or other authorized officers of the Governments of Canada or the United States. In forfeiting such excess, the vessel shall be permitted to surrender any part of its catch of halibut, provided that the amount retained shall not exceed the proportion herein allowed.

(f) Permits for the retention and landing of halibut caught in Areas 1A, 1B, 2, 3A or 3B, exclusive of that part known as Bering Sea, in the year 1956 shall become invalid at 6:00 a. m. of the 16th day of November of said year or at such earlier date as the Commission shall determine.

(g) Permits shall become invalid for the retention of halibut caught in that part of Area 3B known as Bering Sea after 6:00 a. m. of the 15th day of November in the year 1956 and shall become invalid for the landing of halibut caught under permit in that part of Area 3B known as Bering Sea after 6:00 a. m. of the 15th day of December of the year 1956 or at such earlier dates as the Commission shall determine.

§ 301.8 *Conditions limiting validity of permits.* (a) Any vessel which shall be used in fishing for other species than halibut in any area after it has been closed to halibut fishing under § 301.2 or § 301.4 must have a halibut license and a permit if it shall retain, land or sell any halibut caught incidentally to such fishing or possess any halibut of any origin during such fishing, as provided in § 301.7.

(b) The permit shall be shown by endorsement of the issuing officer on the face of the halibut license form held by said vessel and shall show the area or areas for which the permit is issued.

(c) The permit shall terminate at the time of the first landing thereafter of fish or crabs of any species and a new permit shall be secured before any subsequent fishing operation for which a permit is required.

(d) A permit shall not be issued to any vessel which shall have halibut on board taken while said vessel was licensed to fish in an open area unless such halibut shall be considered as taken under the issued permit and shall thereby be subject to forfeiture when landed if in excess of the proportion permitted in paragraph (a) or (b) of § 301.7.

(e) A permit shall not be issued to, or be valid if held by, any vessel which shall fish with other than set lines of the type commonly used in the Pacific Coast halibut fishery except in that part of



Area 3B known as Bering Sea as provided in paragraph (b) of § 301.7.

(f) The permit of any vessel shall not be valid unless the permit is granted before departure from port for each fishing operation for which statistical returns are required. This granting of a permit shall be by customs officers or by fishery officers of the Governments of Canada or the United States when available at places where there are no customs officers and shall not be made unless the area or areas in which the vessel will fish is entered on the halibut license form and unless the provisions of § 301.9 have been complied with for all landings and all fishing operations since issue of the license or permit, provided that if the master or operator of any vessel shall fail to comply with the provisions of § 301.9, the permit of such vessel may be granted by customs or fishery officers upon evidence either that there has been a judicial determination of the offense or that the laws prescribing penalties therefor have been complied with, or that the said master or operator is no longer responsible for, nor sharing in, the operations of said vessel.

(g) A permit shall not be valid for the landing of halibut caught incidentally to fishing for crabs in that part of Area 3B known as Bering Sea unless the vessel shall show documentary evidence of date of departure from some port or place within said area, or from Akutan, Alaska, subsequent to such fishing. Such documentary evidence may consist of a certified written statement of a properly identified and responsible resident within that part of Area 3B known as Bering Sea or at Akutan.

(h) The permit of any vessel shall not be valid if said vessel shall have in its possession at any time halibut in excess of the amount allowed under paragraph (a) or (b) of § 301.7.

(i) No person shall retain, land or sell any halibut caught incidentally to fishing for other species in any area closed to halibut fishing under § 301.2 or § 301.4, or shall have halibut of any origin in his possession during such fishing, unless such person is a member of the crew of and is upon a vessel with a halibut license and with a valid permit issued and in force in conformity with the provisions of § 301.7 and this section.

§ 301.9 *Statistical return by vessels.* (a) Statistical return as to the amount of halibut taken during fishing operations must be made by the master or operator of any vessel licensed under the regulations in this part and as to the amount of halibut and other species by the master or operator of any vessel operating under permit as provided for in §§ 301.7 and 301.8, within 96 hours of landing, sale or transfer of halibut or of first entry thereafter into a port where there is an officer authorized to receive such return.

(b) The statistical return must state the port of landing and the amount of each species taken within the area or areas defined in the regulations in this part, for which the vessel's license is validated for halibut fishing or within the area or areas for which the vessel's license is endorsed as a permit.

(c) The statistical return must include all halibut landed or transferred to other vessels and all halibut held in possession on board and must be full, true and correct in all respects herein required.

(d) The master or operator or any person engaged on shares in the operation of any vessel licensed or holding a permit under the regulations in this part may be required by the Commission or by any officer of the Governments of Canada or the United States authorized to receive such return to certify to its correctness to the best of his information and belief and to support the certificate by a sworn statement. Validation of a halibut license or issuance of a permit after such sworn return is made shall be provisional and shall not render the license or permit valid in case the return shall later be shown to be false or fraudulently made.

(e) The master or operator of any vessel holding a license or permit under the regulations in this part shall keep an accurate log of all fishing operations including therein date, locality, amount of gear used, and amount of halibut taken daily in each such locality. This log record shall be open to inspection by representatives of the Commission authorized for this purpose.

(f) The master, operator or any other person engaged on shares in the operation of any vessel licensed under the regulations in this part may be required by the Commission or by any officer of the Governments of Canada or the United States to certify to the correctness of such log record to the best of his information and belief and to support the certificate by a sworn statement.

§ 301.10 *Statistical return by dealers.* (a) All persons, firms or corporations that shall buy halibut or receive halibut for any purpose from fishing or transporting vessels or other carrier shall keep and on request furnish to customs officers or to any enforcing officer of the Governments of Canada or the United States or to representatives of the Commission, records of each purchase or receipt of halibut, showing date, locality, name of vessel, person, firm or corporation purchased or received from and the amount in pounds according to trade categories of the halibut and other species landed with the halibut.

(b) All persons, firms or corporations receiving fish from a vessel fishing under permit as provided in § 301.7 shall within 48 hours make to an authorized enforcement officer of the Governments of Canada or the United States a signed statistical return showing the date, locality, name of vessel received from and the amount of halibut and of other species landed with the halibut and certifying that permission to receive such fish was secured in accordance with paragraph (d) of § 301.7. Such persons, firms or corporations may be required by any officer of the Governments of Canada or the United States to support the accuracy of the above signed statistical return with a sworn statement.

(c) All records of all persons, firms or corporations concerning the landing, purchase, receipt and sale of halibut and other species landed therewith shall be open at all times to inspection by any enforcement officer of the Governments of Canada or the United States or of any authorized representative of the Commission. Such persons, firms or corporations may be required to certify to the correctness of such records and to support the certificate by a sworn statement.

(d) The possession by any person, firm or corporation of halibut which such person, firm or corporation knows to have been taken by a vessel without a valid halibut license or a vessel without a permit when such license or permit is required, is prohibited.

(e) No person, firm or corporation shall unload any halibut from any vessel that has fished for halibut in Area 3B during the third halibut fishing season as defined in paragraph (e) of § 301.2 unless the license of said vessel has been validated at a port or place in Area 3B as required in paragraph (f) of § 301.6 or unless permission to unload such halibut has been secured from an enforcement officer of the Governments of Canada or the United States.

§ 301.11 *Closed nursery grounds.* (a) The following areas have been found to be populated by small, immature halibut and are designated as nursery grounds and closed to halibut fishing, and no person shall fish for halibut in either of such areas, or shall have halibut in his possession while fishing for other species therein, or shall have halibut of any origin in his possession therein except in the course of a continuous transit across such area, or during continuous transit through such area for landing at the Port of Masset, Q. C. I.

(b) First, that area in the waters off the coast of Alaska within the following boundary as stated in terms of the magnetic compass unless otherwise indicated: From the north extremity of Cape Ulitka, Noyes Island, approximately latitude 55°33′48″ N., longitude 133°43′35″ W., to the south extremity of Wood Island, approximately latitude 55°39′44″ N., longitude 133°42′29″ W.; thence to the east extremity of Timbered Islet, approximately latitude 55°41′47″ N., longitude 133°47′42″ W.; thence to the true west extremity of Timbered Islet, approximately latitude 55°41′46″ N., longitude 133°48′01″ W.; thence southwest three-quarters south sixteen and five-eighths miles to a point approximately latitude 55°34′46″ N., longitude 134°14′40″ W.; thence southeast by south twelve and one-half miles to a point approximately latitude 55°22′23″ N., longitude 134°12′48″ W.; thence northeast thirteen and seven-eighths miles to the southern extremity of Cape Addington, Noyes Island, latitude 55°26′11″ N., longitude 133°49′12″ W.; and to the point of origin on Cape Ulitka. The boundary lines herein indicated shall be determined from Chart 8157, as published by the United States Coast and Geodetic Survey at Washington, D. C., in June 1929, and Chart 8152, as published by the United States Coast and Geodetic Survey at Washington, D. C., in March 1933, and reissued March 1939, except for the point of Cape Add-

ington which shall be determined from Chart 8158, as published by the United States Coast and Geodetic Survey in December 1923, provided that the duly authorized officers of the United States of America may at any time place a plainly visible mark or marks at any point or points as nearly as practicable on the boundary line defined herein, and such mark or marks shall thereafter be considered as correctly defining said boundary.

(c) Second, that area lying in the waters off the northern coast of Graham Island, British Columbia, within the following boundary, and including the waters of Sturgess Bay, Masset Sound, Masset Inlet, and bays and inlets thereof: from the northwest extremity of Wiah Point, latitude 54°06'50" N., longitude 132°19'18" W., true north five and one-half miles to a point approximately latitude 54°12'20" N., longitude 132°19'18" W.; thence true east approximately sixteen and three-tenths miles to a point which shall lie northwest (according to magnetic compass at any time) of the highest point of Tow Hill, Graham Island, latitude 54°04'24" N., longitude 131°48'00" W.; thence southeast to the said highest point of Tow Hill. The points on the shoreline of the above mentioned island shall be determined from Chart 3754, published at the Admiralty, London, April 11, 1911, provided that the duly authorized officers of Canada may at any time place a plainly visible mark or marks at any point or points as nearly as practicable on the boundary line defined herein, and such marks shall thereafter be considered as correctly defining said boundary.

§ 301.12 *Dory gear prohibited.* The use of any hand gurdy or other appliance in hauling halibut gear by hand power in any dory or small boat operated from a vessel licensed under the provisions of the regulations in this part is prohibited in all convention waters.

§ 301.13 *Nets prohibited.* (a) It is prohibited to retain halibut taken in Areas 1A, 1B, 2, 3A and in Area 3B, exclusive of that part known as Bering Sea, with a net of any kind or to have in possession any halibut in said areas while using any net or nets other than bait nets for the capture of other species of fish, nor shall any license or permit validated for said areas under the regulations in this part be valid during the use or possession on board of any net or nets other than bait nets, provided that the character and the use of said bait nets conform to the laws and regulations of the country where they may be utilized and that said bait nets are utilized for no other purpose than the capture of bait for said vessel.

(b) It is prohibited to retain halibut taken in that part of Area 3B known as Bering Sea with any net which does not have a cod end or fish bag of webbing whose dry-stretched mesh measures 12 inches or more between knots or hog rings, nor shall any license or permit held by any vessel fishing for crabs in that part of Area 3B known as Bering Sea be valid for the possession of halibut during the use or possession on board of any net which does not have a cod end or fish bag of webbing whose dry-stretched mesh measures 12 inches or more between knots or hog rings.

§ 301.14 *Retention of tagged halibut.* Nothing contained in these regulations shall prohibit any vessel at any time from retaining and landing any halibut which bears a Commission tag at the time of capture, provided that such halibut with the tag still attached is reported at the time of landing to representatives of the Commission or to enforcement officers of the Governments of Canada or the United States and is made available to them for examination.

§ 301.15 *Responsibility of master.* Wherever in the regulations in this part any duty is laid upon any vessel, it shall be the personal responsibility of the master or operator of said vessel to see that said duty is performed and he shall personally be responsible for the performance of said duty. This provision shall not be construed to relieve any member of the crew of any responsibility with which he would otherwise be chargeable.

§ 301.16 *Supervision of unloading and weighing.* The unloading and weighing of the halibut of any vessel licensed under the regulations in this part and the unloading and weighing of halibut and other species of any vessel holding a permit under the regulations in this part shall be under such supervision as the customs or other authorized officer may deem advisable in order to assure the fulfillment of the provisions of the regulations in this part.

§ 301.17. *Previous regulations superseded.* The regulations in this part shall supersede all previous regulations adopted pursuant to the Convention between Canada and the United States of America for the preservation of the halibut fishery of the Northern Pacific Ocean and Bering Sea, signed March 2, 1953, except as to offenses occurring prior to the approval of the regulations in this part. The regulations in this part shall be effective as to each succeeding year, with the dates herein specified changed accordingly, until superseded by subsequently approved regulations. Any determination made by the Commission pursuant to the regulations in this part shall become effective immediately.

SETON H. THOMPSON,
*Chairman.*
S. V. OZERE,
*Vice-Chairman.*
HAROLD S. HELLAND,
MATTIAS MADSEN,
J. W. MENDENHALL,
RICHARD NELSON.

Signed: SETON H. THOMPSON,
*Chairman.*
H. A. DUNLOP,
*Secretary.*

Approved:

DWIGHT D. EISENHOWER.

APRIL 18, 1956.

[F. R. Doc. 56-3271; Filed, Apr. 26, 1956; 8:47 a. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### [ 7 CFR Part 53 ]

CERTAIN PORK CARCASSES AND CERTAIN SWINE

NOTICE OF PROPOSED UNITED STATES STANDARDS FOR GRADES

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Department of Agriculture is considering the issuance of official United States standards for grades of sow carcasses and official United States standards for grades of slaughter sows, under sections 203 and 205 of the Agricultural Marketing Act of 1946 (7 U. S. C. 1622 and 1624), as amended by Public Law 272, 84th Congress, and under the general language in the item for the Agricultural Marketing Service in the Department of Agriculture and Farm Credit Administration Appropriation Act, 1956 (Pub. Law 40, 84th Congress; 69 Stat. 51). The document would appear in 7 CFR Part 53, Subpart B, as follows:

Sec.
53.144 Application of standards for grades of sow carcasses.
53.145 Specifications for official United States standards for grades of sow carcasses.
53.154 Application of standards for grades of slaughter sows.
53.155 Specifications for official United States standards for grades of slaughter sows.

§ 53.144 *Application of standards for grades of sow carcasses.* (a) The standards for grades of sow carcasses are based on (1) differences in yields of lean cuts and of fat cuts and (2) differences in quality of cuts. There are rather uniform differences in these characteristics from one grade to another. The U. S. No. 1 grade has about the minimum degree of finish required to produce cuts of acceptable palatability. The four major trimmed lean cuts—hams, loins, picnics, and butts—normally make up more than 48 percent of carcass weight. The U. S. No. 2 and U. S. No. 3 grades have successively higher degrees of finish resulting in lower yields of lean cuts and higher yields of fat cuts than U. S. No. 1 grade. Yields of lean cuts average 45 to 48 percent and under 45 percent of carcass weight, respectively, for U. S. No. 2 and U. S. No. 3 grades. In addition, the cuts from these grades have more fat remaining after trimming of external fat than do the cuts from U. S. No. 1 grade carcasses. Medium grade carcasses are underfinished and exhibit the lack of firmness and indications of little or no marbling (fat interspersed within the lean) associated with low palatability. Cull grade carcasses are decidedly underfinished and the pork is soft with very little evidence of marbling and is of low palatability.

(b) The standards for grades of sow carcasses apply only to carcasses with the firmness appropriate to their degree of finish. However, carcasses which are typically soft or oily as a result of feeds producing soft or oily fat may be graded in accordance with the standards provided they are identified as soft or oily along with the grade.

(c) There are differences in the bellies of sow carcasses which are peculiar to the class. Increasing numbers of litters farrowed and raised by a sow results in greater development of mammary tissue and increasing roughness of the belly along the teat line with accompanying seediness. In addition, when pigs were weaned only a short time before the sow was slaughtered the mammary tissue still contains milk and the bellies are commonly termed "wet". However, the smoothness or dryness of bellies has little appreciable effect on the basic grade determining factors and the standards contain no provision for altering the grade of a sow carcass due to these belly characteristics. Rather than forming a part of the basis for grade, it is the intent of the standards that smoothness and dryness of bellies should be a separate consideration used in conjunction with grade, weight, and other factors in evaluating sow carcasses.

(d) Average back fat thickness measurements provide a reliable indication of the yields of cuts and the quality of cuts which determine the grade of sow carcasses. Therefore, indication of a specific range in back fat thickness for each grade forms a part of the standards for grade. Analysis of measurement and cutting data for sow carcasses reveals that yields of cuts are approximately equal in carcasses which are equal in fat thickness but widely different in weight. Thus, to maintain comparable yields in a grade at all weights, back fat thickness requirements for a grade are the same at all weights. This is in contrast to the standards for barrows and gilts, in which the fat thickness for a grade increases for heavier or longer carcasses in order to maintain yields of cuts. With practice in the grading operation, visual estimates of fat thickness may often replace actual measurements with satisfactory accuracy. The following table of measurements provides an objective guide in determining the grade of sow carcasses.

| Grade: | *Average back fat thickness* [1] |
|---|---|
| U. S. No. 1 | 1.5 to 1.9 inches. |
| U. S. No. 2 | 1.9 to 2.3 inches. |
| U. S. No. 3 | 2.3 or more inches. |
| Medium | 1.1 to 1.5 inches. |
| Cull | Less than 1.1 inches. |

[1] Average of three measurements, skin included, made opposite first and last ribs and the last lumbar vertebra.

(e) In addition to the measurement guides to grade, the standards also include descriptive specifications outlining the characteristics of sow carcasses typical of the minimum degree of finish for each grade. Average back fat thickness is a major factor in grading, but more accurate appraisal of yields of cuts and quality of cuts is achieved in borderline cases by consideration of thickness of muscling, conformation of the major cuts, uniformity of fleshing and finish, firmness, and indications of marbling. However, in no case may the final grade of a carcass be more than one-half the width of a grade different than that indicated by average back fat thickness.

(f) The standards describe rather typical carcasses of each grade, and no attempt is made to describe the numerous combinations of characteristics that may qualify a carcass for a particular grade.

§ 53.145 *Specifications for official United States standards for grades of sow carcasses*—(a) *U. S. No. 1 grade.* U. S. No. 1 grade sow carcasses have about the minimum degree of finish required to produce pork cuts of acceptable palatability. Meatiness and yield of lean cuts from carcass weight are slightly high. Yield of fat cuts is slightly low. The ratio of total lean and fat to bone is slightly high. Carcasses with the minimum finish required for U. S. No. 1 grade are moderately long and slightly wide in relation to weight. The back and loins are moderately full and thick with a well-rounded appearance. Hams are usually moderately thick and plump and are slightly full in the lower part toward the hock. Bellies are moderately long, slightly thick, and moderately uniform in thickness with a slightly thick belly pocket. Shoulders are slightly thick and full. Carcasses are usually moderately well-balanced and moderately uniform in fleshing and finish. There are moderate quantities of interior fat in the pelvic area, a slightly thin but moderately extensive layer of fat lining the inside surface of the ribs, and a slightly small quantity of feathering, or fat intermingled with the lean between the ribs. The lean is firm. Both exterior and interior fats are firm, white, and of excellent quality. Carcasses with back fat thickness qualifying them for the fatter one-half of the U. S. No. 1 grade but with thin muscling in the major cuts, uneven fleshing and finish, or thick and uneven bellies shall be graded U. S. No. 2. Carcasses with back fat thickness qualifying them for the thinner one-half of the U. S. No. 1 grade but with only a moderately thin and incomplete rib lining, a moderately small quantity of feathering, slightly thin bellies with moderately thin belly pockets, and moderately soft lean and fat shall be graded Medium.

(b) *U. S. No. 2 grade.* U. S. No. 2 grade sow carcasses have a higher degree of finish than the minimum required to produce pork cuts of acceptable palatability. Meatiness and yield of lean cuts from carcass weight are slightly low. Yield of fat cuts is slightly high. The ratio of total lean and fat to bone is moderately high. Carcasses with the minimum finish required for U. S. No. 2 grade are slightly short and moderately wide in relation to weight. The back and loins are full and thick and are especially full near the edges. Hams are usually thick and plump and are moderately full in the lower part toward the hock. Bellies are slightly short, moderately thick, and rather uniform in thickness with a moderately thick belly pocket. Shoulders are moderately thick and full. Carcasses are usually well-balanced and uniform in fleshing and finish. There are slightly large quantities of interior fat in the pelvic area, a slightly thick and rather extensive layer of fat lining the inside surface of the ribs, and moderate feathering. The lean is firm. Both exterior and interior fats are firm, white, and of excellent quality. Carcasses with back fat thickness qualifying them for the fatter one-half of the U. S. No. 2 grade but with thin muscling in the major cuts, uneven fleshing and finish, or very thick and uneven bellies shall be graded U. S. No. 3. Carcasses with back fat thickness qualifying them for the thinner one-half of the U. S. No. 2 grade but with thick muscling in the major cuts, well-balanced fleshing and uniform finish, and slightly thick bellies shall be graded U. S. No. 1.

(c) *U. S. No. 3 grade.* U. S. No. 3 grade sow carcasses have a decidedly higher degree of finish than the minimum required to produce pork cuts of acceptable palatability. Meatiness and yield of lean cuts from carcass weight are low. Yield of fat cuts is high. The ratio of total lean and fat to bone is high. Carcasses with the minimum finish required for U. S. No. 3 grade are short and wide in relation to weight. The back and loins are very full and thick and are decidedly full at the edges. Hams are usually very thick and plump and are full in the lower part toward the hock due to a thick fat covering. Bellies are short and thick and uniform in thickness with a thick belly pocket. Shoulders are thick and full. Carcasses are usually well-balanced and uniform in fleshing and finish. There are large quantities of interior fat in the pelvic area, a moderately thick and extensive layer of fat lining the inside surface of the ribs, and slightly abundant feathering. The lean is firm. Both exterior and interior fats are firm, white, and of excellent quality. Carcasses with back fat thickness indicative of nearly minimum finish for the U. S. No. 3 grade but with thick muscling in the major cuts, well-balanced fleshing and uniform finish, and moderately thick bellies shall be graded U. S. No. 2.

(d) *Medium grade.* Medium grade sow carcasses have a lower degree of finish than the minimum required to produce pork cuts of acceptable palatability. Yield of lean cuts from carcass weight is moderately high. Yield of fat cuts is moderately low. The ratio of total lean and fat to bone is moderately low. Carcasses with the minimum finish required for Medium grade are long and rather narrow in relation to weight. The back and loins are rather thin, lack fullness, and slope away from the center. Hams are usually slightly thin, lack plumpness, and taper toward the hock. Bellies are long and moderately thin and

are somewhat uneven in thickness with a thin belly pocket. Shoulders are moderately thin and flat. Carcasses tend to be uneven and lack uniformity of fleshing and finish. There are slightly small quantities of interior fat in the pelvic area, a thin and incomplete layer of fat lining the inside surface of the ribs, and only a small quantity of feathering. The lean is moderately soft with little evidence of marbling. Both exterior and interior fats are moderately soft, white to creamy white, and of moderately low quality. Carcasses with back fat thickness qualifying them for the fatter one-half of the Medium grade that are firm and have slightly thick bellies and belly pockets, a slightly thin but moderately extensive rib lining, and a slightly small quantity of feathering shall be graded U. S. No. 1. Carcasses with back fat thickness qualifying them for the thinner one-half of the Medium grade but with little or no rib lining and feathering, thin bellies and very thin belly pockets, and soft lean and fat shall be graded Cull.

(e) *Cull grade.* Cull grade sow carcasses have a decidedly lower degree of finish than the minimum required to produce pork cuts of acceptable palatability. Yield of lean cuts from carcass weight is high. Yield of fat cuts is low. The ratio of total lean and fat to bone is low. Carcasses with the degree of finish typical of the Cull grade are long and narrow in relation to weight. The back and loins are thin and decidedly lacking in fullness with a definite slope toward the sides. Hams are usually thin and flat and taper toward the hock. Bellies are very long and thin and are uneven in thickness with a very thin belly pocket. Shoulders are thin and flat. Carcasses tend to be uneven and lack uniformity of fleshing and finish. There are only small quantities of interior fat in the pelvic area, little or no fat lining the inside surface of the ribs, and scant feathering. The lean is soft and watery with very little evidence of marbling. Both exterior and interior fats are soft, creamy white to white, and of low quality. Carcasses with back fat thickness indicative of nearly maximum finish for the Cull grade that are only moderately soft and have moderately thin bellies and belly pockets, a thin and incomplete rib lining, and a small quantity of feathering shall be graded Medium.

§ 53.154 *Application of standards for grades of slaughter sows.* (a) The standards for grades of slaughter sows are based on (1) differences in yields of lean cuts and of fat cuts and (2) differences in quality of cuts. These characteristics vary rather consistently from one grade to another. The U. S. No. 1 grade has about the minimum degree of finish necessary to produce pork carcasses with quality characteristics indicative of acceptable palatability in the cuts. The U. S. No. 2 grade is overfinished and the U. S. No. 3 grade is decidedly overfinished in relation to the minimum finish associated with acceptable palatability. Yields of lean cuts are lower and yields of fat cuts are higher, in proportion to the degree of overfinish, in these grades than in the U. S. No. 1 grade. Medium grade sows are underfinished and produce carcasses which are soft and have indications of insufficient quality for acceptably palatable cuts. Cull grade sows are decidedly underfinished and the pork is soft and watery with little or no marbling and low palatability.

(b) The grades for slaughter sows are closely related to the grades for sow carcasses, and the desired objective in grading sows is the accurate prediction of the carcass grade that will be produced. Degree of finish is an important factor in grading, and the expected average back fat thickness of carcasses produced by each grade of slaughter sows forms a part of the standards. The results of study of carcass measurement and cutting data show that carcasses equal in fat thickness are approximately equal in yields of cuts regardless of differences in weight. Therefore, the expected back fat thickness of carcasses from each grade of slaughter sows is the same at all weights. The following table outlines the carcass fat thickness guides for each grade of slaughter sows.

| Grade: | *Average back fat thickness* |
|---|---|
| U. S. No. 1 | 1.5 to 1.9 inches. |
| U. S. No. 2 | 1.9 to 2.3 inches. |
| U. S. No. 3 | 2.3 or more inches. |
| Medium | 1.1 to 1.5 inches. |
| Cull | Less than 1.1 inches. |

(c) The standards for grades also include descriptive specifications of the characteristics of slaughter sows with the minimum degree of finish for each grade. Application of the standards requires an accurate appraisal of these live animal characteristics indicative of carcass finish and grade. No attempt is made to describe in the standards the many combinations of characteristics which may qualify an animal for a particular grade, and sound judgment is required to appropriately analyze varying combinations.

(d) Slaughter sows that have produced several litters of pigs may show considerable roughness along the underline due to extensive development of mammary tissue. In addition, sows from which pigs were weaned only a short time prior to grading may show evidence that the mammary tissue is still active in milk production and not completely dry. Since smoothness and dryness of the underline have little effect on the basic grade determining factors, no provision is made in the standards for altering the grade of slaughter sows due to differences in these characteristics. It is recognized that the value determining factors to be considered in marketing sows include dryness and smoothness as well as such other factors as weight, degree of finish, quality, and fill. However, consideration of all such factors in determining grade would require a complicated system with a great number of grades in order to make each grade sufficiently restrictive to be practical and useful. Therefore, the grades outlined in these standards identify differences in slaughter sows with respect to yields of cuts and quality. They were designed as practical aids in evaluating slaughter sows when used in conjunction with other factors such as weight, fill, smoothness, and dryness.

§ 53.155 *Specifications for official United States standards for grades of slaughter sows.*—(a) *U. S. No. 1 grade.* U. S. No. 1 grade slaughter sows have an intermediate degree of finish near the minimum required to produce pork cuts of acceptable palatability. Sows with the minimum finish for U. S. No. 1 grade are moderately long and slightly wide in relation to weight. Width of body is rather uniform from top to bottom and from front to rear. The back, from side to side, is moderately full and thick with a well-rounded appearance and blends smoothly into the sides. The sides are moderately long and slightly thick; the flanks are slightly thick and full. Depth at the rear flank may be slightly less than depth at the fore flank. Hams are usually moderately thick and full with a slightly thick covering of fat. Jowls are usually moderately thick and full but appear trim. Sows in this grade produce U. S. No. 1 grade carcasses.

(b) *U. S. No. 2 grade.* U. S. No. 2 grade slaughter sows have a moderately high degree of finish that is somewhat greater than the minimum required to produce pork cuts of acceptable palatability. Sows with the minimum finish for the U. S. No. 2 grade are slightly short and moderately wide in relation to weight. Width of body is often greater over the top than at the underline and tends to be slightly greater through the shoulders than through the hams. The back, from side to side, is full and thick and appears slightly flat with a noticeable break into the sides. The sides are slightly short and moderately thick; the flanks are moderately thick and full. Depth at the rear flank is nearly equal to depth at the fore flank. Hams are usually thick and full with a moderately thick covering of fat, especially over the lower part. Jowls are usually full and thick, and the neck appears rather short. Sows in this grade produce U. S. No. 2 grade carcasses.

(c) *U. S. No. 3 grade.* U. S. No. 3 grade slaughter sows have a high degree of finish that is considerably greater than the minimum required to produce pork cuts of acceptable palatability. Sows with the minimum finish for U. S. No. 3 grade are short and wide in relation to weight. Width of body is often somewhat greater over the top than at the underline and tends to be greater through the shoulders than through the hams. The back, from side to side, is very full and thick and appears nearly flat with a pronounced break into the sides. The sides are short and thick; the flanks are thick and full. Depth at the rear flank is equal to depth at the fore flank. Hams are usually very thick and full with a thick covering of fat especially over the lower part. Jowls are usually very full and thick, and the neck appears short. Sows of this grade produce U. S. No. 3 grade carcasses.

(d) *Medium grade.* Medium grade slaughter sows have a low degree of finish which is somewhat less than the minimum required to produce pork cuts of acceptable palatability. Sows with the minimum finish for Medium grade are long and moderately narrow in relation to weight. Width of body is often less over the top than at the underline and tends to be slightly less through the shoulders than through the hams. The back, from side to side, is moderately thin and appears rather peaked at the center with a distinct slope toward the sides. The hips are moderately prominent. The sides are long and moderately thin; the flanks are thin. Depth at the rear flank is less than depth at the fore flank. Hams are usually moderately thin and flat and taper toward the shank. Jowls are usually slightly thin and flat, and the neck appears rather long. Sows in this grade produce Medium grade carcasses.

(e) *Cull grade.* Cull grade slaughter sows have a very low degree of finish which is considerably lower than that required to produce pork cuts of acceptable palatability. Sows with the finish typical of the Cull grade are long and narrow in relation to weight. Width of body is often somewhat less over the top than at the underline and tends to be less through the shoulders than through the hams. The back, from side to side, is thin and lacks fullness and is peaked at the center with a decided slope toward the sides. The hips are prominent. The sides are very long and thin; the flanks are very thin. Depth at the rear flank is considerably less than depth at the fore flank. Hams are usually thin and flat with a definite taper toward the shank. Jowls are usually very thin and flat, and the neck appears long. Sows in this grade produce Cull grade carcasses.

Any interested person who wishes to submit written data, views, or arguments concerning the proposed standards may do so by filing them with the Director of the Livestock Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington 25, D. C., within 60 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 24th day of April 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator.*

[F. R. Doc. 56-3262; Filed, Apr. 26, 1956; 8:45 a. m.]



# NOTICES

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

NEVADA

NOTICE OF FILING OF PLAT OF SURVEY

APRIL 17, 1956.

Notice is given that the plat of survey accepted February 28, 1950 will be officially filed in the Bureau of Land Management, Land Office, Reno, Nevada, effective at 10:00 a. m., on the 35th day after the date of this notice.

The lands affected by this notice are described as follows:

MOUNT DIABLO MERIDIAN, NEVADA

T. 33 N., R. 25 E.,
Sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35, and 36.

The areas surveyed aggregate 14,770.09 acres.

Available data indicates the above lands lie mostly in the north slope of an intermountain valley. The soil on the slopes is a sandy, slightly alkaline clay loam, 2nd rate, with widely scattered rocks. The undergrowth consists of sagebrush, with the salt brush near the dry lake shore. There is no timber in the township.

No application for the above-described lands may be allowed under the homestead, small tract, desert-land, or any other non-mineral public land laws, unless the land has already been classified as valuable or suitable for such type of application or shall be classified upon consideration of an application.

At the hour and date specified above the said lands shall, subject to valid existing rights and the requirements of applicable law, become subject to application, petition, location, or selection in accordance with the following:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the day specified above, the public lands affected by this notice shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a), as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279–284), as amended, subject to the requirements of applicable laws, and (2) application under any applicable public-land laws, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph either at or before 10:00 a. m. on the 35th day after the date of this notice shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this notice, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this notice, shall be treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides), of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land Office, Reno, Nevada, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Reno, Nevada.

JAMES E. KEOGH, Jr.,
*Manager, Land Office.*

[F. R. Doc. 56-3267; Filed, Apr. 26, 1956; 8:46 a. m.]

FLORIDA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LAND

APRIL 23, 1956.

The Office of Bureau of Yards and Docks, Department of the Navy, has filed an application, BLM 042163, for the withdrawal of the land described below, from all form of appropriation, including the mining and mineral leasing laws, subject to valid existing rights.

The applicant desires the land to prevent a potential security hazard and to protect the flight approach zone of the Naval Air Station, Key West, Florida.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Washington 25, D. C.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The land involved in the application is:

MONROE COUNTY, FLORIDA

T. 67 South, Range 25 E., Tall. Mer.,
Lot 2 or Monday Key, Sec. 25
containing 0.26 of an acre.

CHARLES P. MEAD,
*Acting Manager.*

[F. R. Doc. 56-3268; Filed, Apr. 26, 1956; 8:46 a. m.]

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[Misc. 52367, 1511956]

WYOMING

KENDRICK PROJECT; AMENDMENT OF CLASSIFICATION

APRIL 19, 1956.

Amendment of classification in order providing for opening of public lands restored from Kendrick Project (F. R. Doc. 51-12187; 16 F. R. 10388, October 5, 1951).

Pursuant to the authority delegated to me by Redelegation of Authority dated April 21, 1954, Chapter 3.1, Part II, Section 2.2 the following described public lands are classified, pursuant to Section 7 of the Taylor Grazing Act of June 28, 1934 as amended, as suitable for disposal for public sale:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 33 N., R. 81 W.,
Sec. 18: SE¼NW¼, SW¼NE¼.

The above land, among other lands, was classified in the original restoration order as "suitable for exchange purposes only". All of the lands were disposed of on exchange with the exception of the above 80 acres, which now constitutes an isolated tract entirely surrounded by patented land, which is not now required for retention in Federal ownership or other disposal.

The revocation of the withdrawal by the Bureau of Reclamation is therefore modified to the extent noted above.

LOWELL M. PUCKETT,
*State Supervisor.*

[F. R. Doc. 56-3280; Filed, Apr. 26, 1956; 8:49 a. m.]

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## Bureau of Reclamation

CENTRAL UTAH PROJECT, UTAH

FIRST FORM RECLAMATION WITHDRAWAL

JANUARY 30, 1956.

Pursuant to the authority delegated by Department Order No. 2765 of July 30, 1954, I hereby withdraw the following-described lands from public entry, under the first form of withdrawal, as provided by Section 3 of the Act of June 17, 1902 (32 Stat. 388):

UINTAH SPECIAL MERIDIAN

T. 2 N., R. 7 W.,
Secs. 8, 9, 16, and 17;
Sec. 18: lots 1 to 4, incl., E½ and E½W½;
Sec. 19: lots 1 to 4, incl., E½ and E½W½;
Secs. 20 and 21;
Sec. 22: S½;
Sec. 27;
Sec. 28: N½;
Sec. 30: lots 1 to 4, E½ and E½W½.
T. 1 N., R. 8 W.,
Sec. 4: lots 1 to 4, incl., S½N½ and S½;
Sec. 5: lots 1 to 4, incl., S½N½ and S½;
Sec. 6: lots 1 to 7, incl., S½NE¼, SE¼NW¼, E½SW¼ and SE¼;
Sec. 7: lots 1 to 4, incl., E½ and E½W½.
T. 2 N., R. 8 W.,
Sec. 24 to 27, incl.;
Sec. 31: lots 3 and 4, E½SW¼ and SE¼;
Secs. 32 to 35, incl.
T. 1 N., R. 9 W.,
Sec. 1: lots 1, 2, and 4, S½N½ and S½;
Sec. 2: lots 1 to 4, incl., S½N½ and S½;
Secs. 11, 12, and 14 to 17, incl.;
Sec. 19: lots 1 to 4, incl., E½ and E½W½;
Secs. 20 and 21.
T. 1 N., R. 10 W.
Sec. 25: N½, N½NE¼SW¼, SW¼NE¼SW¼, NW¼SW¼, S½SW¼, N½N½SE¼, N½SE¼NE¼SE¼, S½NE¼SW¼SE¼, NW¼SW¼SE¼, S½S½SE¼ and S½NW¼SE¼SE¼.
Secs. 26, 27, 28, 34, 35, and 36.
T. 1 S., R. 10 W.,
Sec. 3: lots 1 to 4, incl., S½N½ and S½;
Sec. 4: lots 1 to 4, incl., S½N½ and S½;
Secs. 8, 9, 10, 16, and 17;
Sec. 19: lots 1 to 4, incl., E½ and E½W½;
Secs. 20 and 21;
Sec. 29: N½ and N½SE¼;
Sec. 30: lots 1 to 4, incl., NE¼, E½W½, N½SE¼ and SW¼SE¼;
Sec. 31: lots 1 to 4, incl., and E½W½.
T. 2 S., R. 10 W.,
Sec. 5: lots 1 to 4, incl., S½N½ and S½;
Sec. 6: lots 3 to 7, incl., SW¼NE¼, SE¼NW¼, E½SW¼ and SE¼;
Sec. 7: lots 1 to 4, incl., E½ and E½W½;
Secs. 8 and 17.
T. 1 S., R. 11 W.,
Secs. 25 and 36.
T. 2 S., R. 11 W.,
Sec. 1: lots 1 and 2, S½NE¼ and SE¼.

The above areas aggregate 38,851.76 acres.

E. G. NIELSEN,
*Acting Commissioner.*

[69471]

APRIL 23, 1956.

I concur. The records of the Bureau of Land Management will be noted accordingly.

EDWARD WOOZLEY,
*Director,*
*Bureau of Land Management.*

*Notice for Filing Objections to Order Withdrawing Public Lands for the Central Utah Project, Utah*

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of Utah, for use in connection with the Central Utah Project, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

E. G. NIELSEN,
*Acting Commissioner.*

[F. R. Doc. 56-3269; Filed, Apr. 26, 1956; 8:46 a. m.]

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## Office of the Secretary

[Order 2558, Amdt. 5]

SOUTHEASTERN POWER ADMINISTRATION

ACTING ADMINISTRATOR

APRIL 23, 1956.

Section 3 of Order No. 2558, as amended (17 F. R. 8461; 18 F. R. 4688; 19 F. R. 6532), is superseded and revised to read as follows:

SEC. 3. *Acting Administrator.* (a) The Chief, Division of Power Operations, shall perform the duties of the Administrator in the event of the absence, sickness, resignation, or death of the Administrator.

(b) The Chief, Division of Fiscal Operations, shall perform the duties of the Administrator in the event of the absence, sickness, resignation, or death of the Administrator and the Chief, Division of Power Operations.

(c) The Chief, Division of Power Sales, shall perform the duties of the Administrator in the event of the absence, sickness, resignation, or death of the Administrator, the Chief, Division of Power Operations, and the Chief, Division of Fiscal Operations.

(d) The officer acting under authority of this section shall sign documents under the title "Acting Administrator."

(Sec. 2, Reorganization Plan No. 3 of 1950; 5 U. S. C., 1952 ed., sec. 133z-15, note)

CLARENCE A. DAVIS,
*Acting Secretary of the Interior.*

[F. R. Doc. 56-3270; Filed, Apr. 26, 1956; 8:47 a. m.]

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# DEPARTMENT OF THE TREASURY

## Foreign Assets Control

IMPORTATION OF SEMI-PRECIOUS STONES AND SEMI-PRECIOUS STONES JEWELRY DIRECTLY FROM HONG KONG

AVAILABLE CERTIFICATIONS BY THE GOVERNMENT OF HONG KONG

The notice published in the FEDERAL REGISTER on October 19, 1955, 20 F. R. 7881, relating to available certificates of origin issued by the Department of Commerce and Industry of the Government of Hong Kong under procedures agreed upon between that government and the Foreign Assets Control is hereby amended as follows:

The fourth item in the October 19, 1955 Notice which originally read: "Semi-precious stones and semi-precious stones jewelry (certain stones only)" has had the three words in parentheses deleted and now reads "Semi-precious stones and semi-precious stones jewelry."

[SEAL] ELTING ARNOLD,
*Acting Director,*
*Foreign Assets Control.*

[F. R. Doc. 56-3350; Filed, Apr. 26, 1956; 11:39 a. m.]

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IMPORTATION OF RUGS, WOOLEN (KNOTTED AND HOOKED) DIRECTLY FROM HONG KONG

AVAILABLE CERTIFICATIONS BY THE GOVERNMENT OF HONG KONG

Notice is hereby given that certificates of origin issued by the Department of Commerce and Industry of the Government of Hong Kong under procedures agreed upon between that government and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from Hong Kong of the following additional commodity:

Rugs, woolen (Knotted and hooked).

[SEAL] ELTING ARNOLD,
*Acting Director,*
*Foreign Assets Control.*

[F. R. Doc. 56-3351; Filed, Apr. 26, 1956; 11:39 a. m.]

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# DEPARTMENT OF AGRICULTURE

## Agricultural Marketing Service

CHIEF, INSPECTION AND GRADING BRANCH, DAIRY DIVISION

DELEGATION OF AUTHORITY

Pursuant to the authority vested in me by the Deputy Administrator of the Agricultural Marketing Service, on April 16, 1956 (21 F. R. 2572), the Chief of the Inspection and Grading Branch, Dairy Division, Agricultural Marketing Service, under my supervision and direction, is hereby delegated authority to exercise the powers and functions under the Regulations Governing the Grading, Inspection, Sampling, Grade Labeling, and Supervision of Packaging of Butter, Cheese, and other manufactured or processed dairy products, as amended, except the authority set forth in § 58.58, Debarment of Service (7 CFR Part 58).

The Chief of the Inspection and Grading Branch is further authorized to redelegate any or all of the aforesaid authority to any officer or employee of the Agricultural Marketing Service under his supervision.

Any action heretofore taken by the Chief of the Inspection and Grading Branch or his delegatees with respect to the foregoing matters is hereby ratified and confirmed and shall remain in full force and effect unless and until expressly modified, amended, suspended, revoked or terminated.

The delegation of authority set forth herein shall not preclude the Director, Dairy Division, Agricultural Marketing Service, from exercising any of the powers and functions or from performing any of the duties conferred hereby and the delegation is subject at all times to withdrawal or amendment by the Director of the Dairy Division.

Done at Washington, D. C., this 23d day of April 1956.

[SEAL] H. L. FOREST,
*Director,*
*Agricultural Marketing Service,*
*Dairy Division.*

[F. R. Doc. 56-3263; Filed, Apr. 26, 1956; 8:45 a. m.]

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[P. & S. Docket No. 1532]

MARKET AGENCIES AT MISSISSIPPI VALLEY STOCK YARDS

NOTICE OF PETITION FOR MODIFICATION OF RATE ORDER

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued on May 5, 1954 (13 A. D. 487), continuing in effect to and including June 18, 1956, the order of June 12, 1953 (12 A. D. 764), authorizing the respondents to put into effect and assess the current schedule of rates and charges.

On April 16, 1956, the respondents filed a petition requesting authority to put into effect a proposed new schedule of rates and charges, attached to the petition, containing certain modifications of the current schedule. The proposed new schedule of rates and charges reads as follows:

The commission charge for selling or purchasing livestock on this market shall be as follows:

SECTION A

DEFINITIONS

(1) A Consignment, for the purpose of assessing selling charges, is all the livestock of one species, cattle, calves (or bulls weighing 800 pounds or more) to be considered as of a different species, delivered in the name of one person to one market agency to be offered for sale during the trading hours of one day.

(2) A Purchase Order, for the purpose of assessing buying charges, is all the livestock of one species, cattle calves (or bulls weighing 800 pounds or more) to be considered as of a different species, bought at any time but shipped or delivered to one person in one market day.

(3) A Weight Draft, for the purpose of assessing extra service charges, is all the animals of one species in one consignment sold in one lot to one purchaser.

(4) A Person, is an individual, a partnership, a corporation, and/or association of any such acting as a unit.

(5) Cattle, are animals of the bovine species, weighed in drafts, the average weight of the animals being 400 pounds or over.

(6) Calves, are animals of the bovine species, weighed in drafts, the average weight of the animals being under 400 pounds.

(7) Bulls, are uncastrated male animals of the bovine species, weighed in drafts, wherein the average weight of the animals is 800 pounds or more.

(8) Hogs, are all swine, irrespective of weight.

(9) Sheep, are animals of the bovine species.

SECTION B

SELLING COMMISSIONS

| | Per head |
|---|---|
| Cattle: | |
| Consignments of 1 head and 1 head only | $1.45 |
| Consignments of more than 1 head: | |
| First 5 head in each consignment | 1.20 |
| Next 10 head in each consignment | 1.15 |
| Each head over 15 in each consignment | 1.10 |
| Maximum—Rail: $35 per car. | |
| Calves: | |
| Consignments of 1 head and 1 head only | .85 |
| Consignments of more than 1 head: | |
| First 5-head in each consignment | .70 |
| Next 10 head in each consignment | .60 |
| Each head over 15 in each consignment | .50 |
| Maximum—Rail: | |
| $35 single deck. | |
| $50 double deck. | |
| Bulls, 800 pounds and over | 2.00 |
| T. B., bangs, reactors, or subject cattle and calves, irrespective of weight | 2.00 |
| Hogs: | |
| Consignments of 1 head and 1 head only | .55 |
| Consignments of more than 1 head: | |
| First 10 head in each consignment | .41 |
| Next 15 head in each consignment | .36 |
| Each head over 25 in each consignment | .31 |
| Maximum [1]—Rail: | |
| $25 single deck. | |
| $35 double deck. | |
| Sheep and goats: | |
| Consignments of 1 head and 1 head only | .60 |
| Consignments of more than 1 head: | |
| First 10 head in each consignment | .40 |
| Next 50 head in each consignment | .30 |
| Next 60 head in each consignment | .20 |
| Each head over 120 in each consignment | .12 |
| Maximum—Rail: | |
| $25 single deck. | |
| $35 double deck. | |

[1] 17,000 pounds—plus 10 cents per hundredweight excess.

SECTION C

RESALES

| | |
|---|---|
| Cattle | 1.05 |
| Bulls | 1.80 |
| Calves | .50 |
| Hogs | .32 |
| Sheep | .35 |

SECTION D

BUYING COMMISSIONS

| | |
|---|---|
| Cattle: | |
| Consignments of 1 head and 1 head only | 1.45 |
| Consignments of more than 1 head: | |
| First 5 head in each consignment | 1.20 |
| Next 10 head in each consignment | 1.15 |
| Each head over 15 in each consignment | 1.10 |
| Maximum—Rail: $35 per car. | |
| Calves: | |
| Consignments of 1 head and 1 head only | .85 |
| Consignments of more than 1 head: | |
| First 5 head in each consignment | .70 |
| Next 10 head in each consignment | .60 |
| Each head over 15 in each consignment | .50 |

SECTION D—Continued

BUYING COMMISSIONS—continued

| | |
|---|---|
| Calves—Continued | |
| Maximum [1]—Rail: | |
| $35 single deck. | |
| $50 double deck. | |
| Bulls, 800 pounds and over | 2.00 |
| Maximum rates do not apply to bulls. | |
| Hogs: | |
| Consignments of 1 head and 1 head only | .55 |
| Consignments of more than 1 head: | |
| First 10 head in each consignment | .39 |
| Next 15 head in each consignment | .34 |
| Each head over 25 in each consignment | .29 |
| Maximum [2]—Rail: | |
| $25 single deck. | |
| $35 double deck. | |
| Sheep and goats: | |
| Consignments of 1 head and 1 head only | .60 |
| Consignments of more than 1 head: | |
| First 10 head in each consignment | .40 |
| Next 50 head in each consignment | .25 |
| Next 60 head in each consignment | .15 |
| Each head over 120 in each consignment | .12 |
| Maximum [1]—Rail: | |
| $25 single deck. | |
| $35 double deck. | |

[1] The maximum charge shall not exceed the per head rate.

[2] 17,000 pounds—plus 10 cents per hundredweight excess.

All purchases paid for by a commission merchant, or by his shipping clearance, whether made by or for a speculator, feeder-farmer or other person than a resident yard trader, shall be deemed a purchase and charged for at above rates. Purchaser to pay for all exchange rates and wires incident to credit arrangement.

SECTION E

EXTRA SERVICE CHARGES

The following extra service charges are applicable to each consignment (selling only).

| | Cents |
|---|---|
| Extra weight draft over one per species | 10 |
| Each additional copy of sale, check, or bank remittance | 10 |

SECTION F

DEDUCTIONS MADE BY REQUEST

The charges set forth below are for the accommodation of the shippers and the National Live Stock and Meat Board and are not collected at the behest of or by the Government.

MEAT BOARD SCHEDULE

Car Lots: Live stock, all species, 50 cents per car, single or double deck.

Driven or hauled in:

Cattle: 2 cents per head, not to exceed 50 cents to any one owner for a maximum of 30 head.

Calves and hogs: 2/5 cent per head, not to exceed 50 cents to any one owner for a maximum of 75 head.

Sheep: 2/5 cent per head, not to exceed 50 cents to any one owner for a maximum of 250 head.

*Provided, however,* That upon written objection filed with the Live Stock Commission Company by the producer or shipper within 60 days the amount collected by any market agency will be refunded by the National Live Stock and Meat Board, direct to the producer. In no instance shall the market agency be relieved from the obligation of making the deduction except where market agency has on file written objection by shipper or producer.

The modifications, if authorized, will produce additional revenue for the respondent market agencies and increase the cost of marketing livestock. Accordingly, it appears that this public notice of the filing of the petition and its contents should be given in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days after the date of publication of this notice.

Done at Washington, D. C., this 23d day of April 1956.

[SEAL] H. E. REED,
*Director, Livestock Division, Agricultural Marketing Service.*

[F. R. Doc. 56-3261; Filed, Apr. 26, 1956; 8:45 a. m.]

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AREA SUPERVISORS, INSPECTION AND GRADING BRANCH, DAIRY DIVISION

DELEGATION OF AUTHORITY

Pursuant to the authority tested in me by the Deputy Administrator, Agricultural Marketing Service, on April 16, 1956 (21 F. R. 2572), the Area Supervisors, Inspection and Grading Branch, Dairy Division, Agricultural Marketing Service, under my supervision and direction, are hereby delegated authority to exercise the powers and functions under §§ 58.12, 58.14, 58.24 and 58.25 of the regulations Governing the Grading, Inspection, Sampling, Grade Labeling, and Supervision of Packaging of Butter, Cheese, and Other Manufactured or Processed Dairy Products, as amended (7 CFR Part 58).

Any action heretofore taken by the respective Area Supervisors with respect to §§ 58.12, 58.14, 58.24 and 58.25 of the regulations is hereby ratified and confirmed and shall remain in full force and effect unless and until expressly modified, amended, suspended, revoked, or terminated.

The delegation of authority set forth herein shall not preclude the Director or the Chief, Inspection and Grading Branch, Dairy Division, Agricultural Marketing Service, from exercising any of the powers and functions or from performing any of the duties conferred hereby and the delegation is subject at all times to withdrawal or amendment by the Director of the Dairy Division.

Done at Washington, D. C., this 23d day of April 1956.

[SEAL] H. L. FOREST,
*Director, Agricultural Marketing Service, Dairy Division.*

[F. R. Doc. 56-3264; Filed, Apr. 26, 1956; 8:45 a. m.]

# DEPARTMENT OF COMMERCE

## Federal Maritime Board

BOARD OF PORT COMMISSIONERS, CITY OF OAKLAND, CALIF., AND HOWARD TERMINAL

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8085, between the Board of Port Commissioners, City of Oakland, California, and Howard Terminal, covering the lease of the City of Oakland's Grove Street Pier, Market Street Pier and Quay Wall Area adjacent to the Market Street Pier to Howard Terminal, subject to the terms and conditions set forth in the agreement which expires on January 31, 1957. This agreement supersedes and cancels Agreement No. 7551-A.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: April 23, 1956.

[SEAL] A. J. WILLIAMS,
*Secretary.*

[F. R. Doc. 56-3277; Filed, Apr. 26, 1956; 8:48 a. m.]

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## Federal Maritime Board and Maritime Administration

UNITED STATES LINES CO.

NOTICE OF TENTATIVE FINDINGS ON APPLICATION TO INCREASE SUBSIDIZED SAILINGS

Whereas the United States Lines Company now has on file with the Federal Maritime Board/Maritime Administration an application for increasing its subsidized sailings from a minimum of 22 and a maximum of 26 to a minimum of 30 and a maximum of 37 sailings with respect to its subsidized service described in its current Operating Differential Subsidy Agreement, Contract No. FMB-19, as follows:

Line G—U. S. South Atlantic/United Kingdom, Europe north of Portugal (Trade Route No. 11). Between U. S. Atlantic ports (Hampton Roads-Atlantic Coast Florida excluding Key West) and ports in United Kingdom, Eire and Continental Europe north of Portugal (including Scandinavian and Baltic ports, except as to cargo to and from Hampton Roads).

Whereas the Maritime Administrator has determined that the U. S. flag service requirements on Trade Route No. 11 as published in the FEDERAL REGISTER ON January 6 and March 11, 1955 should be increased to approximately 2 to 3 per month and that the ships that are suitable for operation in this service should include not only C-2 type freighters but also not to exceed two modernized Liberty vessels, such as the "SS Benjamin Chew" and "MS Thomas Nelson", as suitable for interim operation for a period not to exceed two years.

Now, therefore, notice is hereby given that the Federal Maritime Board on April 18, 1956, tentatively approved said increased sailings.

Parties having an interest in such application and findings and determinations may file with the Secretary, Federal Maritime Board, any objections thereto, on or before May 2, 1956.

Subsequent to the above date, the Federal Maritime Board will take such action with respect to the application and any objections thereto, as may be deemed appropriate.

Dated: April 23, 1956.

By order of the Federal Maritime Board/Maritime Administration.

[SEAL] A. J. WILLIAMS,
*Secretary.*

[F. R. Doc. 56-3278; Filed, Apr. 26, 1956; 8:48 a. m.]

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[Docket Nos. M-65, S-62]

POPE & TALBOT, INC. AND PACIFIC ARGENTINE BRAZIL LINE, INC.

NOTICE OF HEARING ON APPLICATIONS

Pope & Talbot, Inc., Docket No. M-65; Pacific Argentine Brazil Line, Inc., Docket No. S-62.

Notice is hereby given that a consolidated public hearing will be held on May 7, 1956, at 10:00 a. m., in Room 4519, New General Accounting Office Building, Fifth and G Streets NW., Washington, D. C., upon the application of Pope & Talbot, Inc., to bareboat charter three (3) Victory type dry cargo vessels for operation in the domestic trade between ports on the Pacific Coast and Atlantic Coast of the United States via Panama Canal for a period of one year, pursuant to section 5 (e) of the Merchant Ship Sales Act, 1946, as amended (Public Law 591, 81st Cong.) (50 U. S. C. App. 1738), and upon the application of Pacific Argentine Brazil Line, Inc., for such written permission as may be required by section 805 (a) of the Merchant Marine Act, 1936, as amended (46 U. S. C. 1223), for the aforementioned operation of vessels by Pope & Talbot, Inc., its parent corporation.

The purpose of the hearing is to receive evidence with respect to whether the service for which such vessels are proposed to be chartered is required in the public interest and is not adequately served, and with respect to the availability of privately owned American-flag vessels for charter on reasonable conditions and at reasonable rates for use in such service. Evidence will be received with respect to any restrictions or conditions that may be necessary or appropriate to protect the public interest in respect of such charter as may be granted and to protect privately owned vessels against competition from vessels chartered as a result of this proceeding.

Evidence will also be received as to whether additional written permission is required by said section 805 (a) and if so, whether the aforementioned operation of vessels will result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service or be prejudicial to the objects and policy of the Merchant Marine Act, 1936 (46 U. S. C. 1101 et seq.).

All persons having an interest in the applications will be given an opportunity to be heard if present.

A recommended decision will be issued and the time for filing exceptions thereto is hereby restricted to seven (7) days. No replies to exceptions will be received.

Dated: April 25, 1956.

By order of the Federal Maritime Board and the Assistant Deputy Maritime Administrator.

[SEAL] A. J. WILLIAMS,
*Secretary.*

[F. R. Doc. 56-3336; Filed, Apr. 26, 1956; 10:00 a. m.]

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# DEPARTMENT OF LABOR

## Office of the Secretary

EDWIN R. CHAPPELL

INFORMATION AS TO APPOINTMENT AND FINANCIAL INTEREST OF EMPLOYEE

The information required by sections 302 (a) and 302 (b) of Executive Order 10647 is attached for Edwin R. Chappell who was appointed under Executive Order 10647, section 101 (a):

(1) Edwin R. Chappell.
(2) Office of the Secretary.
(3) Special Assistant to the Secretary.
(4) Esso Standard Oil Company.

Signed at Washington, D. C., this 16th day of April 1956.

JAMES P. MITCHELL,
*Secretary of Labor.*

STATEMENT OF FINANCIAL INTEREST

The following statement of financial interests is submitted in accordance with the requirements of section 302 (b) of Executive Order 10647 dated November 28, 1955:

1. I am not now and have not been, within 60 days of my appointment, an officer or director of any corporation.

2. I own stock in the Standard Oil Company (New Jersey). I have all the rights and privileges of an employee of Esso Standard Oil Company, which includes salary and participation in all employee benefit plans and policies.

3. I am not and have not been within 60 days of my appointment a partner in any partnership.

4. I do not own and have not within 60 days of my appointment owned or had similar interest in any business.

Signed at Washington, D. C., this 23d day of April 1956.

EDWIN R. CHAPPELL,
*Special Assistant to the Secretary.*

[F. R. Doc. 56-3279; Filed, Apr. 26, 1956; 8:48 a. m.]

# CIVIL AERONAUTICS BOARD

[Docket No. 5031 et al.]

PAN AMERICAN WORLD AIRWAYS, INC.; REOPENED-TRANSPACIFIC CERTIFICATE RENEWAL CASE

NOTICE OF HEARING IN REGARD TO APPLICATION FOR AUTHORITY TO OPERATE BETWEEN CERTAIN POINTS

In the matter of the application of Pan American World Airways, Inc., for authority to operate between Los Angeles, San Francisco, Portland, and Seattle and points in the Far East via the Great Circle Route.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 401 of said act, and the applicable regulations thereunder, that a public hearing in the above-entitled proceeding is assigned to be held on May 15, 1956, at 10:00 a. m., e. d. s. t., in Room E-242, Temporary Building No. 5, 16th and Constitution Avenue NW., Washington, D. C., before Examiner William F. Cusick.

Without limiting the precise scope of the issues, particular attention will be directed to the following matters and questions:

(1) Whether the public convenience and necessity require the certification of Pan American World Airways, Inc., to operate over the so-called Great Circle Route between Los Angeles, San Francisco, Portland, and Seattle on the one hand and points in the Orient on the other.

(2) Whether the public convenience and necessity require the amendment of existing certificates of public convenience and necessity or the issuance of a new certificate to Pan American World Airways, Inc.

(3) Whether the applicant is fit, willing and able to conduct the proposed air transportation and to conform to the provisions of the Act and the regulations of the Board thereunder.

For further details regarding this proceeding, interested parties are referred to the Board's Orders Nos. E-9950, E-10055, and E-10076, the report of the prehearing conference in this matter, served February 13, 1956, and the docket in this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Notice is further given that any person not a party of record desiring to be heard in support or opposition to questions involved in this proceeding must file with the Board on or before May 15, 1956, a statement setting forth the matters of law or fact which he desires to advance. Any person filing such a statement may appear at the hearing in accordance with § 302.14 of the rules of practice in economic proceedings.

Dated at Washington, D. C., April 23, 1956.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56-3292; Filed, Apr. 26, 1956; 8:52 a. m.]

[Docket No. 6600]

HELICOPTER AIR SERVICE, INC., AND MIDWAY AIRLINES, INC.; CHICAGO AREA SERVICE CASE

NOTICE OF ORAL ARGUMENT

In the matter of the applications of Helicopter Air Service, Inc., and Midway Airlines, Inc., under section 401 of the Civil Aeronautics Act of 1938, as amended, for certificates of public convenience and necessity authorizing air transportation of persons, property, and mail in the Chicago metropolitan area and between other points.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on May 2, 1956, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between 14th and 15th Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., April 24, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56-3291; Filed, Apr. 26, 1956; 8:51 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11622, 11651]

SOUTHWESTERN BELL TELEPHONE CO.

ORDER ASSIGNING MATTERS FOR PUBLIC HEARING

In the matter of the application of Southwestern Bell Telephone Company, Docket No. 11622, (File No. P-C-3715); for a certificate under section 221 (a) of the Communications Act of 1934, as amended, to acquire certain telephone plant and properties of James Monroe Campbell and Minnie Elizabeth Campbell, his wife, d/b as Strafford Telephone Company, at Strafford, Missouri. In the matter of the application of Southwestern Bell Telephone Company, Docket No. 11651 (File No. P-C-3741); for a certificate under section 221 (a) of the Communications Act of 1934, as amended, to acquire certain telephone plant and properties of Mrs. Vera Mitchael, d/b as Buna Telephone Exchange, at Buna, Texas.

The Commission having under consideration applications filed by Southwestern Bell Telephone Company for certificates under section 221(a) of the Communications Act of 1934, as amended, that the proposed acquisition by Southwestern Bell Telephone Company of certain telephone plant and properties of James Monroe Campbell and Minnie Elizabeth Campbell, his wife, d/b as Strafford Telephone Company, and Mrs. Vera Mitchael, d/b as Buna Telephone Exchange, respectively, furnishing telephone service in and around Strafford, Missouri and Buna, Texas, respectively, will be of advantage to the persons to whom service is to be rendered and in the public interest;

*It is ordered*, This 23d day of April 1956, that pursuant to the provisions of section 221 (a) of the Communications Act of 1934, as amended, the above applications are assigned for public hearing in a consolidated proceeding for the purpose of determining whether the proposed acquisitions will be of advantage to the persons to whom service is to be rendered and in the public interest;

*It is further ordered*, That the hearing upon said applications be held at the offices of the Commission in Washington, D. C., beginning at 2:00 p. m. on the 15th day of May 1956, and that a copy of this order shall be served upon the Governor of Missouri; the Governor of Texas; Public Service Commission of the State of Missouri; Southwestern Bell Telephone Company; James Monroe Campbell and Minnie Elizabeth Campbell, d/b as Strafford Telephone Company; Mrs. Vera Mitchael, d/b as Buna Telephone Exchange and the Postmasters of Strafford, Missouri and Buna, Texas;

*It is further ordered*, That within ten days after the receipt from the Commission of a copy of this order, the applicant herein shall cause a copy hereof to be published in a newspaper or newspapers having general circulation in and around Strafford, Missouri and Buna, Texas, and shall furnish proof of such publication at the hearing herein.

Released: April 23, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3283; Filed, Apr. 26, 1956; 8:50 a. m.]

[Docket No. 11682; FCC 56-337]

GENERAL-TIMES TELEVISION CORP. AND COLUMBIA BROADCASTING SYSTEM, INC.

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of General-Times Television Corporation (Assignor) and Columbia Broadcasting System, Inc. (Assignee), Docket No. 11682, File No. BAPCT-159; for consent to the assignment of the construction permit for WGTH-TV, Hartford, Connecticut.

1. The Commission has before it for consideration (a) a "Protest and Petition for Reconsideration" filed on March 23, 1956, pursuant to sections 309 (c) and 405 of the Communications Act of 1934, as amended, by Elm City Broadcasting Corporation (Elm City), permittee of Station WNHC-TV, Channel 8, New Haven, Connecticut, and directed against the Commission's action of February 23, 1956, granting without hearing the above-entitled application for consent to the assignment of the construction permit for Station WGTH-TV,[1] Channel 18, Hartford, Connecticut, from General-Times Television Corporation (General-Times) to Columbia Broadcasting System, Inc. (CBS);[2] (b) an "Opposition of Columbia Broadcasting System, Inc., to 'Protest and Petition for Reconsideration' and Request for Oral Argument" filed April 5, 1956;[3] and (c) "Reply of Elm City to Opposition and Request for Oral Argument of CBS" filed on April 10, 1956.

2. Hartford, Connecticut has allocated to it Channels 3 (requested by two competing applicants now in hearing status); 18 (WGTH-TV); and 4 (an educational channel). Hartford also receives Grade A television service from WNHC-TV, New Haven, WKNB-TV, New Britain, and WATR-TV, Waterbury; and parts of the Grade B contour area of WGTH-TV receive Grade B service from WWLP (TV), Springfield, Massachusetts, WHYN-TV, Springfield-Holyoke, Massachusetts, WICC-TV, Bridgeport, Connecticut, and WMGT (TV), Adams, Massachusetts.[4] WGTH-TV has had an affiliation agreement with CBS since October 1, 1955, on which date its affiliation agreement with American Broadcasting Company (ABC) was cancelled. There are four AM and two FM stations licensed in Hartford. New Haven, Connecticut, approximately 35 miles from Hartford, has allocated to it Channel 8 (WNHC-TV, the protestant herein) and Channel 59 (WELI-TV). WNHC-TV has had an affiliation agreement with ABC since October 1, 1955, and, in the past and currently, since November 23, 1955, a contract (not considered an "affiliation agreement") with CBS for certain CBS programs. There are three AM and one FM stations (including WNHC and WNHC-FM) licensed in New Haven. In addition to WGTH-TV and WNHC-TV, the following other television stations in the state of Connecticut have construction permits:

Bridgeport—WCTB-TV, Ch. 71 (noncommercial educational).
Bridgeport—WICC-TV, Ch. 43 (ABC affiliate).
New Britain—WKNB-TV, Ch. 30 (NBC affiliate).
New London—WNLC-TV, Ch. 26.
Norwich—WCTN-TV, Ch. 63 (noncommercial educational).
Stamford—WSTF-TV, Ch. 27.
Waterbury—WATR-TV, Ch. 53 (ABC affiliate).

CBS is presently the licensee and/or permittee of three VHF and one UHF television stations and has an application pending for a new television station on Channel 11 in St. Louis, Missouri. It is also the licensee of six AM and three FM stations.

3. Protestant claims standing as a "party in interest" under section 309 (c) and as a "person aggrieved" by the grant within the meaning of section 405 of the Communications Act of 1934, as amended, by virtue of its status as the permittee of Station WNHC-TV[5] in New Haven. In support of its claim to such standing, protestant alleges in substance, that beginning with the date of the filing of the assignment application (July 15, 1955), it has lost CBS programs to WGTH-TV, will continue to lose more and finally, practically all, if not all, of such programs, which will amount to a revenue loss to protestant of approximately $185,600.00 per year; that even if it would secure all of ABC programs available during the corresponding time periods to replace those of CBS, which it is claimed is highly improbable, the revenue from ABC would be "at the rate of roughly $34,000 per year" and only four hours of ABC programming are available during the (15½) hours of CBS programs "which will be lost," which fact will necessitate the production of 11 additional hours of local programs at an additional cost of approximately $127,000 annually, only a quarter of which could be recouped by sale to non-network sponsors; that cancellation of commercial spot announcements by advertisers who desire placement before or after nationally popular CBS programs has taken place and will so continue to the extent of a revenue loss therefrom of approximately $180,000 per year; that since many of the protestant's non-network program time periods are sold to national, regional and local advertisers "because WNHC carries popular CBS programs," some of these sponsors will cancel, as one has already done, which will cause further economic injury to protestant; that loss of CBS programs will result in the loss to protestant of a large share of its audience both during the time periods when these programs were broadcast and at other periods during the broadcast day—the CBS programs that have been removed having already caused such losses particularly as reflected by the great increase in the audience rating in New Haven of CBS' New York station, WCBS-TV; that CBS ownership of WGTH-TV will further cause protestant injury in that WNHC-TV competes with WGTH-TV for the revenues from "spot" advertisers and local sponsors desiring to reach the Hartford market less than 35 miles away, and that WGTH-TV will not only become the only CBS outlet for Connecticut, but as seller of time to national advertisers "will also be in a better position to secure more of the national spot business designed to cover the Hartford market"; that WCBS-TV is now and WGTH-TV will be represented by "CBS Spot Sales" giving CBS "the power to attempt a 'squeeze play' to exclude WNHC-TV from the spot business designed to cover the New Haven market" and "would empower CBS to offer the two stations at a joint rate lower than the sum of their individual card rates," thus causing further spot business and revenue loss to WNHC-TV; that WGTH-TV presently provides a Grade B signal to New Haven, and if "the instant application is granted, the power of WGTH-TV will be increased to a million watts" from 187,000 watts (according to a story appearing in Variety on July 13, 1955, Vol. 199, No. 6, p. 27) which would allow WGTH-TV "to provide a Grade A signal (predicted) to 94 percent of the area of the City of New Haven" (an engineering statement attached to the protest purportedly showing these figures), which fact will cause protestant to lose further advertising revenues; that "CBS acquisition can also result in the exclusion of protestant from competition for the first-run showing in Connecticut of many independently produced television films," for WCBS-TV has attempted (and succeeded "in two cases") with respect to film purchases from "at least two television film distributors," to secure terms which would prevent WNHC-TV from showing the same films in New Haven during the period of WCBS-TV's contracts with the distributors; that the ownership, of WGTH-TV "would empower CBS to purchase films for WCBS-TV and WGTH jointly and to demand terms which would exclude WNHC-TV from competition for the films until after they were shown both by WCBS-TV and WGTH-TV," thus causing further financial injury to WNHC-TV in that "second-run films are difficult to sell to either spot or local advertisers"; that ABC and local New Haven markets presently provide not more than 13 percent of WNHC-TV's gross revenues and if CBS acquires WGTH-TV and NBC acquires WKNB-TV,[6] protestant may even lose the ABC affiliation to the new Channel 3 station when it becomes operative, because of the fact that networks generally favor VHF to UHF stations "except where they owned UHF stations"; and finally, that the CBS acquisition of WGTH-TV will necessarily cause a deterioration of WNHC-TV's high program quality and a consequent loss in services to the public because of its financial inability to continue the several and costly local sustaining and other public service programs (named in the protest petition) without off-setting revenues which have been and will be lost.

4. In support of its protest and request for a stay, protestant alleges, in substance, that "the acquisition of WGTH-TV by CBS would fail to serve any of the purposes for permitting network ownership of broadcast stations as those purposes have been stated in the Commission's 1941 Chain Broadcasting Report arguing, from the passages quoted from the Chain Broadcasting Report, that it prohibited CBS from acquiring additional radio stations but permitted continued ownership of those held in the largest metropolitan areas or 'key' cities in order to satisfy the network's need for (a) studios in the major talent centers where network programs are originated, (b) a minimum audience for sustaining programs, and (c) station facilities in order to experiment with new types of programming—alleging with example and discussion that none of such needs 'would be served by CBS' acquisition of WGTH-TV'; that the acquisition fails to serve the reasons or purposes stated in the Commission's Report and Order of September 17, 1954,[7] for amending § 3.636 of the Commission's rules (by increasing from five to seven the total number of television stations which a single entity, including networks, could hold, provided no more than five were in the VHF band and provided an undue concentration of control did not result) since the 'reason behind the amendment was the serious plight of UHF broadcasting'; that the Commission contemplated that the experience and financial resources of multiple owners would, through purchases of UHF stations in 'large pre-freeze markets where high VHF-only set saturation obtains,' pave the way for other UHF stations by promoting UHF conversions," whereas the Hartford area "has already been largely converted to UHF without the assistance of CBS ownership"—the present UHF conversion ratio having been "estimated to be about 93 percent of the total sets"; that there are indications that the present owners of WGTH-TV, with their other stations, and large resources, may not have sold to CBS voluntarily because of an article in Variety which stated the agreement to sell was made only because the station had "no assurance of securing a continued supply of network programs" and that "a strong factor was the threat of Channel 18 [WGTH-TV] facing a major network lockout, for CBS, in lieu of a U purchase would have made an affiliation with [the successful applicant for Channel 3, Hartford]." It was then pointed out that the application itself stated that the CBS offer was accepted "because of the existing uncertainty of UHF television in Hartford (by an operator other than a network)"; that the application itself show that a network affiliation is the sine qua non of successful television station operation and CBS' acquisition of WGTH-TV removes the CBS affiliation permanently from the competition of other stations in the area.

5. Protestant further contends that the CBS acquisition is violative of the television station multiple ownership rule (§ 3.636 (a) (2)) in that such ownership "would result in a concentration of control of television broadcasting in a manner inconsistent with public interest • • •" As support for this contention, protestant alleges that CBS' presently owned stations afford at least

[1] The construction permit was granted October 21, 1953, and the station began operation on September 14, 1954. The application to assign the construction permit to CBS was filed on July 15, 1955, and amended on October 18, 1955.

[2] The Commission's grant of February 23, 1956, also included consent to the assignment to CBS of the permit for a studio transmitter link (BAPTS-30, KCE-21). The status of that permit is dependent upon the final disposition of the main construction permit for WGTH-TV to which the Protest and this document have been directed.

[3] In response to a request of counsel for CBS for an extension of time within which to file the Opposition, the time was extended from April 2 to April 5, 1956.

[4] The two major Hartford newspapers regularly publish the program logs of WNHC-TV., WWLP(TV), WKNB-TV, WATR-TV, and WHYN-TV in addition to WGTH-TV.

[5] The station commenced operation on Channel 6 in June of 1948; was granted its license on November 18, 1949; changed its channel, pursuant to the Sixth Report and Order, to Channel 8 on December 21, 1952 (BPCT-1468); and applied for a license to cover its construction permit on August 6, 1955 (BLCT-355).

[6] NBC's application for transfer of control to it of the New Britain Broadcasting Company, licensee of WKNB and permittee of WKNB-TV, Channel 30, is presently pending before the Commission, having been set down for an evidentiary hearing by the Commission's Memorandum Opinion and Order (FCC 56-305; 30296) released April 13, 1956.

[7] 11 Pike & Fischer RR 1519.

Grade B service to 27 million people; that a grant of the St. Louis application of CBS would increase that figure by more than a million; that the CBS television network serves areas which account for at least 93 percent of the nation's population; that in 1954 the gross billings of CBS from television network sponsors was 45 percent of the total (with NBC billings being 40 percent of the total) and CBS directly or indirectly controlled 33 percent of the revenues earned by the entire television broadcast industry including not only the network but all stations (with NBC controlling 29 percent); that the "sources of network power" are found in the program dominance derived from (a) their nine hour per day "option time" provisions in affiliation agreements which operate in favor of the networks only and against the interest of non-network competitors who are denied the opportunity for securing outlets for their programs—the sponsors being interested in reaching the largest possible audience on a continual basis and in most markets the absence of VHF non-network stations makes choice time unavailable, (b) the "importance of network affiliations" to station success or even survival, (c) the ownership of stations which gives the networks an unfair leverage in dealing with their independently owned affiliates even to the point of forcing station sales to the network by owners who want to retain the network affiliations of their other stations. Protestant cites alleged examples of the actual exertion of this power by both NBC and CBS, and contends that the power derived by the network dominance results in serious restraints of trade and "gives the network an unfair competitive advantage against all other elements of the broadcast industry," enabling CBS and NBC to thwart the efforts of independent producers of programs to develop alternative sources of popular programs, to "discriminate in favor of larger advertisers by severely limiting the opportunity of local and small national advertisers to use television for their business purposes" and to curtail the role which national spot representatives can play in providing income to independent stations to help finance their broadcast operations. By way of a showing as to the existence and effectiveness of the "pressure which networks utilize to get affiliates to carry their programs," protestant proffers a "study of 12 typical affiliated stations" (each assumed to have 63 hours per week under network option) which purports to show that, in a particular week, each carried an excessive amount of network programs totaling from 64½ to 86¾ hours per week or from 2.4 to 37.7 percent increase of the 63 hours under option, thus each station doing much less than 50 percent of its own programing. From this, protestant concludes, that CBS and NBC "control the programs broadcast by their affiliates" and that the local or medium-sized regional or national advertiser is barred from all network hours which he does not need or cannot afford. Protestant argues that CBS and NBC seek to restrict competition further by being the "exclusive national sales representative for non-network business for many of the country's most important stations" whereby they are in a position of having an inordinate competitive advantage over the independent national spot representatives who cannot get the business of network affiliated stations which dare not give such spot representation to other than the CBS or NBC spot sales departments for fear of losing their network affiliations. Protestant urges that for all of the above asserted reasons, the case of Clarksburg Publishing Co. v. FCC, 225 F. 2d 511, 12 Pike & Fischer RR 2024 (D. C. Cir. 1955) requires that an evidentiary hearing be held on the issue involving § 3.636 (a) (2) of the Commission's rules.

6. Protestant further contends that because of the Grade B overlap between CBS' Station WCBS–TV in New York City and WGTH–TV in Hartford, a violation of the "duopoly rule" (§ 3.636 (a) (1)) will result. In support of this contention, protestant submitted an engineering affidavit purporting to show that the Grade B contours of said stations "overlap in an area including within its bounds 306,100 people, constituting 17 percent of WGTH–TV's present Grade B population and 2 percent of WCBS–TV's present Grade B population," which figures, it asserts, will be increased when CBS increases the wattage of WGTH–TV to 1,000,000. Protestant further asserts that CBS credits stations on Channels 2 to 6 with substantial public acceptance of signals of less than Grade B intensity—or within their 100 mv/m contours, and that if the instant application is granted "CBS would own two stations serving a continuous area along the eastern sea coast in which over 11 percent of the population of this country is concentrated." Protestant concludes that since the Court in the Clarksburg Publishing case deemed Grade B overlap significant and the important test on duopoly to be whether "receivers in the area of overlap would receive acceptable signals from both stations," a hearing is necessary, especially because any determination as to what constitutes sufficient overlap to warrant denying an application must depend on the facts of the case, developed at such hearing. Further, protestant alleges that CBS owns and operates the dominant radio network with its 1954 gross billings being 39 percent of the total of the nation; that each of its six radio stations had the largest audience of any station in their respective communities; and that in addition to its own station, the CBS network includes approximately 215 affiliated stations—all of which facts should be scrutinized by the Commission in an evidentiary hearing on the issue of whether concentration of control over the broadcast industry in the hands of CBS is consistent with the Commission's policy against "concentration of the media of mass communication" or the policy of "diversification." Another violation which it is asserted is brought about by the CBS acquisition is the so-called "Charlotte" provision of the Chain Broadcasting Rules (§ 3.658 (f)) which prohibits the issuance of a license to a network "in any locality where the existing television broadcast stations are so few or of such unequal desirability (in terms of coverage, power, frequency, or other related matters) that competition would be substantially restrained by such licensing." Protestant points out that only one other commercial television station is allocated to Hartford and that, since under the AM equivalent of § 3.658 (f) (§ 3.136) CBS was compelled to divest itself of WBT in Charlotte when there were two other stations in the market, acquisition by CBS of WGTH–TV cannot be justified. Protestant contends that "locality" means "some measurable boundary such as the corporate limits of the City of Hartford or the bounds of the Hartford metropolitan area" and not a general area including all the cities in Connecticut and Massachusetts whose stations supply television service to part of the service area of WGTH–TV, since such an interpretation would render the rule meaningless, at least in Zone I where it is difficult to find any important area which does not receive at least Grade B service from two or more stations.

7. Finally, protestant refers to "numerous charges" that "have been made over the years" that CBS has, in various affiliation actions, used its power in a manner "inconsistent with the public interest and the antitrust laws," and alleges (a) that the son of a CBS vice-president secured a management contract, a 50 percent profit, and a stock option from the owners of WKOW, Madison, Wisconsin, in return for a promise to secure a CBS affiliation; that the management contract was dropped after an FCC investigation, but the affiliation retained; (b) that the "switch" affiliation of CBS with stations belonging wholly or partially to its talent (Gene Autry and Lowell Thomas) is indicative of impropriety; and that 10 of the 14 AM and television stations owned by a multiple owner, Storer Broadcasting Company, are now affiliated with CBS to the loss and injury of former affiliates who were individual or smaller licensees, all of which, it is alleged, is further indicative of the necessity of examining "CBS fitness as a licensee." In conclusion, protestant requests (a) that section 309 (c) of the act as it read prior to January 20, 1956, be considered applicable to the instant protest; that the above-entitled application be designated for an evidentiary hearing on specified issues; that the burden of proof be placed on the applicants; and that the effective date of the Commission's grant be postponed. The issues specified by the protestant are as follows:

(1) To determine whether CBS ownership of WGTH–TV would serve the purposes for permitting network ownership of broadcast stations as those purposes have been stated by the Commission in its Chain Broadcasting Report or its Report and Order of September 17, 1954 (11 RR 1519).

(2) To determine whether CBS ownership of WGTH–TV would be consistent with the provisions of the Commission's multiple ownership rule (§ 3.636 (a) (2) of the Commission's rules ) and its policies promulgated thereunder in view of CBS' concentration of control in the television broadcast industry.



(3) To determine whether CBS ownership of WGTH–TV would be consistent with the provisions of the Commission's duopoly rule (§ 3.636 (a) (1) of the Commission's rules) and its policies promulgated thereunder in view of the overlap in coverage areas served by WCBS–TV and WGTH–TV and the effects of that overlap upon the public interest.

(4) To determine whether CBS ownership of WGTH–TV would be consistent with the Commission's policy against concentration of the media of mass communication in view of CBS' concentration of control in the radio and television broadcast industry.

(5) To determine whether CBS ownership of WGTH–TV would be consistent with the "Charlotte" provision of the Commission's Chain Broadcasting Rules (§ 3.658 (f) of the Commission's rules).

(6) To obtain full information with respect to CBS affiliation practices and, in particular, to determine whether any of the affiliation practices referred to in the protest are in violation of the federal antitrust laws or the public interest.

(7) To determine whether any film licensing contracts between CBS and film distributors contain terms which prevent or hinder television stations located in communities outside of New York City from broadcasting the films covered by the contracts during the same period as they are broadcast by WCBS–TV, and, if so, whether such contracts are inconsistent with the provisions of the Commission's territorial exclusivity rule (§ 3.658 (b) of the Commission's rules and regulations), with the anti-trust laws or the public interest.

(8) To determine whether or not, on the basis of the hearing record adduced with respect to Issues 1 through 7 above, a grant of the above-entitled application would serve the public interest, convenience and necessity.

8. The opposition of the applicant, CBS, is addressed primarily to the proposition, which is termed "controlling," that section 309 (c) of the act confers no right of protest upon Elm City. CBS contends that the case does not involve the grant of an "instrument of authorization" within the meaning of section 309 (c); that the language of the act itself, its legislative history and the factors which prompted Congress to treat the field of broadcasting as one of open and free competition all support this contention. The applicant then traces the legislative history of section 309 (c) and contends that the journey unmistakably supports the conclusion that "protests were only intended to be applicable to grants of new instruments of authorization which are made pursuant to applications for new or improved facilities," and not to applications for assignment or transfer of existing facilities. Applicant urges that the contrary language of the Court of Appeals in the case of Camden Radio, Inc. v. FCC, 220 F. 2d 191 (D. C. Cir. 1954) was evoked by a set of facts different and distinguishable from those present in the instant case. The opposition further contends that the allegations of the protestant "are so speculative and variegated as to defy categorical treatment, and that even if true and susceptible of categorical treatment they "could not warrant the result which Elm City seeks"; that reduced profits as a result of increased competition is a normal element of a free competitive system—competition being the very basis of our broadcast system; that the Supreme Court in the Sanders case explicitly recognized that Congress never intended either expressly or implicitly to "protect Station A as against Station B when both are conforming to the necessary rules of allocation and to the prescribed engineering standards"; that the Commission, in law and in fact, "is not constituted to function as a guardian of the financial conduct and well being of Elm City or of any other operator (including networks) in the television field" except in cases where new service will destroy one that is being rendered in a certain area, which, the applicant asserts, is not the case at hand; that protestant's real injury does not arise from the ownership of WGTH–TV by CBS but from the loss of CBS programs due to the change in the CBS affiliation which protestant does not claim is improper and even "concedes that: 'CBS network programs can be provided to the Hartford area as effectively by a WGTH–TV affiliated with CBS as by a WGTH–TV owned by CBS' "; that these portions of the protest which attempt to show that Elm City is a party in interest "consist largely of speculations and conclusions and are based on the assumption * * * that no other owner of WGTH–TV could compete as effectively with Elm City as could the proposed assignee"; and finally, that protestant's claims of financial injury "amount to a contention that changes in the ownership and program structure of a station 35 miles distant give it a right which others do not have (or at least have not asserted) to delay or prevent such changes"—a right not given by 309 (c).

9. Applicant asserts further that virtually the entire contents of the August 1955 petition of Elm City to designate the above-entitled application for hearing have been restated, with expansion, in the protest; that the expansion includes, for some 29 pages, nothing more than a restatement of a memorandum entitled "Television Network Regulation and the UHF Problem" submitted in 1955 to, but never adopted by, the Senate Committee on Interstate and Foreign Commerce; that "this is, of course, not an appropriate forum for debating the pros and cons of our present concept of free competition among the networks and between stations, nor is the time and place for an evaluation of such established rules as those providing for network option time and for multiple ownership of broadcast stations"; that the memorandum specifically advocates "extensive regulation of all networks"; and that nowhere in the protest does Elm City contend that CBS or any other network "has violated the law or the Commission's regulations" but rather argues with the efficacy of the rules themselves. It is urged that if it be assumed for purposes of argument that consent to the mere assignment of the construction permit of an existing station is the granting of an "instrument of authorization" which is subject to protest, then none of the issues requested by Elm City should be made the subject of an evidentiary hearing. Discussing each of the proposed issues, CBS contends that protestant has stated no facts "with particularity"; that it has relied on "speculative argument"; that it has brought in "totally irrelevant subjects"; that no grounds have been presented for setting aside the grant; that the request is facetious; and that there has been no showing of impropriety on the part of CBS. As to the "Petition for Reconsideration," applicant contends it is inapplicable "in non-hearing cases" such as this, and, in any event, is "not a matter of right but of privilege" and should here be denied. Applicant requests dismissal of the Protest and Petition for Reconsideration; or, if that relief is denied, employment of the procedures including the demurrer procedures called for by 309 (c) as amended; and grant of oral argument "on the foregoing requests."

10. Elm City's reply to applicant's opposition responds primarily to the argument concerning the protestability of assignments and transfers. It reiterates its reliance on the "as if" language of section 310 (b) of the act and on the Court's language in the Camden case and points out that since that case, the Commission has, in four cases* held that protests lie to the grant without hearing of applications for consent to the transfer or assignment of broadcast stations. Elm City further states that whether the case is governed by the 309 (c) of 1952 as it contends, or the 309 (c) of 1956 as CBS contends, the Commission's action is subject to protest; that a stay of the grant is required under either the old or the new 309 (c); and that it has no objection to an oral argument "provided it is a preliminary step to an evidentiary hearing."

11. We have given careful consideration to the argument of the applicant, CBS, that the grants of Commission consent to assignments and transfers of existing broadcasting facilities are not subject to protest under section 309 (c) of the act, and we are not persuaded that the holding of the Court of Appeals in the Camden case is confined to the narrow "new facilities" interpretation urged by the applicant or that the instant case presents any exceptional or distinguishable factors which would justify a conclusion that the grant complained of is free from application of that Court's ruling. We conclude, therefore, that the Commission's action of February 23, 1956 is protestable under the holding in the Camden case. In view of the fact that protestant has alleged that it is the permittee of an operating television station in New Haven, located approximately 35 miles from Hartford; that it competes with WGTH–TV for programming, audience and advertising revenues; that, as a result of the Commission's grant of the above-entitled application, it has lost and will continue to lose revenues; that because of said grant, it has sustained and will continue to sustain the cancellation of commercial spot announcements by advertisers; and that the acquisition of WGTH–TV by CBS can

* Hyman Rosenblum et al., 11 RR 821 (1954); WMIE, Inc., 11 RR 1091 (1955); WBUF–TV, Inc., 13 RR 60 (1955); and WEAT, Inc., 12 RR 1427.

also result in the loss of first-run films and further revenues, we find that the protestant is a "party in interest" within the meaning of section 309 (c) of the Communications Act of 1934, as amended, and is a "person aggrieved" within the meaning of Section 405 of the Act. Federal Communications Commission v. Sanders, 309 U. S. 407; Camden Radio, Inc. supra. We find further that the protestant has specified with particularity the facts relied upon so as to warrant designating the above-entitled application for hearing on issues which are substantially those specified by protestant.

12. Certain of the proposed issues have been revised or consolidated without affecting the protestant's opportunity to submit evidence on the basis of the allegations set forth in the protest. In issue "(1)", protestant seeks a determination as to whether a grant of the above-entitled application would serve the "purposes" of the Commission's Chain Broadcasting and Multiple Ownership Report. We have revised this issue so as to relate it to the Commission's Chain Broadcasting Rules since the purposes for their enactment can be considered in determining the applicability of said rules. For the same reason, we have deleted the reference to the "purposes" of the Commission's Multiple Ownership Report. Inasmuch as proposed issues "(2)" and "(3)" relate to subparagraphs of § 3.636 of the rules, they have been consolidated into one issue and "purposes" can be considered in determining their applicability to the facts adduced at the hearing. In consolidating said issues, we have deleted certain conclusionary appendages contained therein as framed by protestant. A similar deletion of conclusionary language has been made with respect to issue "(4)". Issue "(5)" has been eliminated since it deals with only one subsection of the Commission's Chain Broadcasting Rules and the entire section is specified in the first issue. Issue "(6)" has been revised to eliminate general introductory language and to confine the issue to the practices alleged in the protest. It should be pointed out, however, that in making the above findings, and by including the issues set forth below, we do not determine or imply that any or all of these issues, even if the facts with respect thereto are as alleged by the protestant, are such that they could result in a determination that the grant to CBS was improper, contrary to the public interest, or should be set aside. Accordingly, said issues are not being adopted by the Commission and the burden of proof thereon, both in proving the facts alleged and in demonstrating their materiality and relevancy will be on the protestant.

13. As indicated above, the protestant has requested that section 309 (c) of the act as it read prior to January 20, 1956, be considered applicable to the case before us. On the other hand, CBS urges that section 309 (c), as amended on the latter date, be considered applicable and that the Commission permit oral argument thereon and on its other requests. We do not believe it necessary, in view of our determination on the aspects of demurrer[*] and postponement of the effective date of the grant, to resolve the question whether the amended act is or is not applicable to the instant case. For if the original version of section 309 (c) is deemed applicable, it follows that the effective date of the grant would be postponed since the authorization has not been shown to be necessary to the maintenance of an existing service. And the same result obtains if the amended 309 (c) is found to be the pertinent standard: For no showing has been made, and we ourselves find no grounds for the affirmative finding required by the new provision that the public interest requires the grant to remain in effect. In view of these considerations and our findings, we are of the opinion that the requested oral argument by the parties would serve no useful purpose and might further delay a final determination of the issues herein.

14. In view of the foregoing: *It is ordered*, That, pursuant to section 309 (c) of the Communications Act of 1934, as amended, effective immediately, the effective date of the grant of the above-entitled application is postponed pending a final determination by the Commission in the hearing ordered below with respect to the protest herein; that the petition for reconsideration is granted to the extent provided for below and is denied in all other respects; and that the above-entitled application is designated for hearing at the offices of the Commission in Washington, D. C., on the following issues:

(a) To determine whether a grant of the above-entitled application would be consistent with the provisions of § 3.658 of the Commission's rules and its policies promulgated thereunder.

(b) To determine whether a grant of the above-entitled application would be consistent with the provisions of § 3.636 of the Commission's rules and its policies promulgated thereunder.

(c) To determine whether CBS ownership of WGTH–TV would be consistent with the Commission's policy against concentration of the media of mass communication.

(d) To determine whether any of the affiliation practices referred to in the protest are in violation of the Federal anti-trust laws or the public interest.

(e) To determine whether any film licensing contracts between CBS and film distributors contain terms which prevent or hinder television stations located in communities outside of New York City from broadcasting the films covered by the contracts during the same period as they are broadcast by WCBS–TV, and, if so, whether such contracts are inconsistent with the provisions of the Commission's territorial exclusivity rule (§ 3.658 (b) of the Commission's rules and regulations), with the anti-trust laws or the public interest.

(f) To determine whether, on the basis of the hearing record adduced with respect to Issues (a) to (e), inclusive, a grant of the above-entitled application would serve the public interest, convenience and necessity.

The burden of proof as to each of the above issues shall be on the protestant.

15. *It is further ordered*, That the protestant and the Chief, Broadcast Bureau, are hereby made parties to the above-described proceedings, and that:

(a) The hearing on the above issues shall commence at 10:00 a. m. on May 28, 1956, before an Examiner of the Commission; and

(b) The parties to the proceedings herein shall have fifteen (15) days after the issuance of the Examiner's decision to file exceptions thereto and seven (7) days thereafter to file replies to any such exceptions; and

(c) The parties intending to participate in the hearing herein shall file their appearances not later than May 21, 1956.

Adopted: April 23, 1956.

Released: April 23, 1956.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 56–3284; Filed, Apr. 26, 1956; 8:50 a. m.]

[*] We do not, as shown by our prior findings, deem the issues here presented to be appropriate for utilization of the demurrer procedure.

## SECURITIES AND EXCHANGE COMMISSION

[File No. 24NY–4209]

BRIDGEHAVEN, INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

APRIL 23, 1956.

I. Bridgehaven, Inc., 50 Lefferts Avenue, Brooklyn, New York, having filed with this Commission on January 26, 1956, a notification on Form 1–A relating to a proposed offering of 500 shares of $100 par value non-voting Class A common stock at the price of $100 per share for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder;

II. The Commission having reasonable grounds to believe that:

A. The terms and conditions of Regulation A have not been complied with in that:

(1) The issuer failed to disclose in Item 3 of Form 1–A information concerning the sale of unregistered securities within one year prior to the filing of the notification;

(2) The issuer failed to file, as required by Rule 221, a brochure which the issuer caused to be mailed before and after the notification was filed with this Commission;

(3) The information contained in the brochure exceeded the limits permitted by Rule 220; and

[1] Commissioner Doerfer dissenting. Statement of concurrence in part and dissent in part of Commissioner Bartley is filed as part of the original document.



(4) The offering was commenced and securities sold prior to the time permitted by Rule 218; and

B. The brochure omitted to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly in that the brochure failed to indicate that ownership by the issuer of the properties discussed therein was the subject of further negotiations and the properties were not in fact owned.

III. *It is ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

*It is further ordered*, That this order and notice shall be served upon Bridgehaven, Inc., personally or by registered mail or by confirmed telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 56–3273; Filed, Apr. 26, 1956; 8:47 a. m.]

[File No. 812–992]

EMPLOYEES' INVESTMENT CO.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION OF CLOSED-END INVESTMENT COMPANY

APRIL 23, 1956.

Notice is hereby given that Employees' Investment Company ("Employees' "), a corporation organized under the laws of the State of California, has filed an application pursuant to section 6 (d) of the Investment Company Act of 1940 ("act"), and Rule N–6D–1 thereunder, for an order of the Commission exempting it from the provisions of the act. Employees' has agreed that it will accept and be subject to any specified provisions of the act if the Commission deems it necessary or appropriate in the public interest or for the protection of investors that it should be so subject.

Employees', a closed-end diversified management investment company as defined in the act, was organized on January 6, 1956. Its authorized capital consists of 200,000 shares of $1 par value common stock. The company proposes to offer at this time not to exceed 5,000 shares to residents of the State of California at an aggregate public offering price not to exceed $50,000.

Employees' proposes to sell its shares without sales load primarily within a group of employees and agents of Farmers Insurance Group who formed Employees' for their own benefit. The name Farmers Insurance Group does not apply to any legal entity but refers to a group of companies engaged in various lines of insurance under the supervision and control of a group of officers and directors which are substantially the same for all of the companies. It is represented that the organization known as the Farmers Insurance Group is in no way identified with the Applicant.

It is represented that Employees' principal activities will consist of investigation, research and analysis with respect to corporations of established success for the purpose of acquiring for investment, shares of such companies showing the most desirable income and growth prospects. It will not borrow any money; nor make investments (1) in real estate or commodities; (2) which involve promotions or business management of the corporation; (3) in securities about which there is no information as to history, management, assets and earnings; (4) which subject the company to unlimited liability; (5) on margin nor make short sales; (6) in excess of 5 percent of invested funds in securities of Farmers Insurance Group and its affiliates.

Section 6 (d) of the act provides in substance that the Commission by order upon application shall exempt a closed-end investment company from any or all provisions of the act, but subject to such terms and conditions as may be necessary or appropriate in the public interest or for the protection of investors, if the aggregate sums received from the sale of all its securities, outstanding and proposed to be offered, do not exceed $100,000 and if the sale of its securities is restricted to the residents of the state of its organization.

Section 6 (e) of the act provides that if, in connection with any provisions of section 7, the Commission deems it necessary or appropriate in the public interest or for the protection of investors that certain specified provisions of the act pertaining to registered investment companies shall be applicable in respect of such company, the provisions so specified shall apply to such company, and to other persons in their transactions and relations with such company, as though such company were a registered investment company.

The Division of Corporate Regulation has recommended that exemption be granted employees from the following provisions of the act and the respective rules and regulations promulgated under each of such provisions:

Section 7; section 8 (b), except the requirement to file the information required by Items 3, 4, and 5 of Form N–8B–1 and to report to the Commission any changes thereafter in respect thereof; section 14; section 20 (a); section 23 (c); section 24 (d) insofar as such section makes inapplicable the provisions of section 3 (a) (11) of the Securities Act of 1933 to any securities of a registered investment company; section 30 (a), section 30 (b), except that Employees' shall, pursuant to section 30 (b) (2), file with the Commission copies of all reports sent to stockholders pursuant to section 30 (d) which reports to stockholders shall be accompanied by a certificate of independent public accountants pursuant to section 30 (e); section 30 (f), to the extent that the subject persons shall not be required to file reports more than once each six months; and section 32 (a): *Provided*, That the applicant shall continue to comply with the provisions of sections 6 (d) (1) and 6 (d) (2) of the act and shall at all times maintain its classification as a closed-end company as defined in section 5 (a) (2) of the act.

Notice is further given that any interested person may, not later than May 7, 1956, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N–5 of the rules and regulations under the act.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 56–3274; Filed, Apr. 26, 1956; 8:47 a. m.]

## DEPARTMENT OF JUSTICE

### Office of Alien Property

GAETANO DELUCA AND DOMENICO ROBERTO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Gaetano DeLuca, Palermo, Italy, $683.56 in the Treasury of the United States.

Domenico Roberto, Montella, Italy, $1,367.12 in the Treasury of the United States. Claim No. 55597, Voluntary Turnover.

Executed at Washington, D. C., on April 19, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56–3285; Filed, Apr. 26, 1956; 8:50 a. m.]

FUNDACION FERNANDO DOGGENWEILER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Fundacion Fernando Doggenweiler, Santiago, Chile, Claim No. 62891; $8,507.90 in the Treasury of the United States; 5—United Steel Works Corporation Mortgage A 25 year 6½ percent S/F Mortgage Gold Bonds Series A, due 6/1/51 with coupons 6/1/41 and subsequent coupons attached, stamped-reducing to 3¼ percent, Certificates Nos. M5079, 28365, 23719, 16642, and 9432 of $1,000.00 face value each; 3—Conversion Office German Foreign Debts 3 percent Dollar Bonds, Series B, due 1/1/46 with coupons 7/1/41 and subsequent coupons attached: Certificate No. 13447 @ $1,000.00; Certificate No. 9291 @ $500.00; Certificate No. 58574 @ $100.00; and 2—Fractional Conversion Office German Foreign Debts 3 percent Dollar Bonds, Series B, due 1/1/46: Certificate No. 266798 @ $20.00; Certificate No. 066257 @ $5.00.

All of the above described securities are presently in the custody of the Federal Reserve Bank of New York.

Vesting Order No. 12251.

Executed at Washington, D. C., on April 19, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 56-3286; Filed, Apr. 26, 1956; 8:50 a. m.]

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SALOMON RENS ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

The State of the Netherlands for the benefit of: All right, title, and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to:

Salomon Rens and Frans Rens, L. S. Claim No. 55, Cities Service Company 5/58 Debenture No. 5147, in the principal amount of $1,000.

Max Stokvis, L. S. Claim No. 58, Cities Service Company 5/66 Debenture Nos. 8112, 8976 and 10820, in the principal amount of $1,000 each; and Missouri Pacific Railroad Company 4/75 Bond No. 10710, in the principal amount of $1,000.

Moses Nieuwendijk, L. S. Claim No. 69, Cities Service Company 5/69 Debenture No. 566, in the principal amount of $1,000; International Hydro-Electric System 6/44 Debenture No. 21842, in the principal amount of $1,000; and Southern Railway Company 4/56 Bond No. 6524, in the principal amount of $1,000.

M. van Vriesland, L. S. Claim No. 74, Cities Service Company 5/69 Debenture No. 2749, in the principal amount of $1,000.

Renée Blitz and Lya Blitz, L. S. Claim No. 79, Cities Service Company 5/69 Debenture No. 22637, in the principal amount of $1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on April 19, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 56-3287; Filed, Apr. 26, 1956; 8:51 a. m.]

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HENRI ALEXANDRE HIPPOLYTE JOSEPH SCHAFFNER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., and Property*

Henri Alexandre Hippolyte Joseph Schaffner, Paris, France, Claim No. 36640; Property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent No. 2,219,848.

Vesting Order No. 666.

Executed at Washington, D. C., on April 19, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 56-3288; Filed, Apr. 26, 1956; 8:51 a. m.]

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STÉ FINANCIÉRE DE TRANSPORTS ET ENTREPRISES INDUSTRIELLES

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., and Property*

Sté Financiére de Transports et Entreprises Industrielles, ("Sofina") 38, rue de Naples, Brussels, Belgium, Claim No. 39533; Property described in Vesting Order No. 675 (8 F. R. 5029, April 17, 1943), relating to United States Letters Patent No. 2,219,407.

Executed at Washington, D. C., on April 19, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 56-3289; Filed, Apr. 26, 1956; 8:51 a. m.]

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[Vesting Order 16931, Amdt.]

KAROLINE BADER AND ROBERT HUHN

In re: Interest in real property owned by Karoline Bader and Robert Huhn.

Vesting Order 16931, dated January 4, 1951, is hereby amended as follows and not otherwise:

By deleting the description as set forth in Exhibit A attached to and by reference made a part of Vesting Order 16931 and substituting therefor the following descriptions:

Those certain lots or parcels of land located in the Town of West Orange, Essex County, State of New Jersey, described as follows:

*Parcel* 1. Property known and designated as Lots 21 to 27 inclusive, 30 and 31 in Block 153–N, as shown on Map of Property of C. W. Fundus, West Orange, New Jersey, dated May 3, 1928, and filed on May 13, 1932, in the Office of the Register in Essex County, in Case No. 1278, and also on the Official Tax Maps of the Town of West Orange.

*Parcel* 2. Beginning at a point formed by the intersection of the northerly line of Harrington Terrace with the easterly line of Fundus Road, as shown on the aforesaid Map of C. W. Fundus, No. 1278, and from thence running (1) in a northeasterly direction along Fundus Road, 64.24 feet to the southerly line of Lot No. 21 as shown on said Map, (2) thence south 56 degrees 38 minutes east 41.76 feet, (3) thence South 18 degrees 46 minutes West 50.27 feet to the Northerly line of Harrington Terrace, (4) thence along Harrington Terrace North 71 degrees 14 minutes West 61.17 feet to the point of beginning. Said premises being also known as Lot 18 in Block 153–N on the Official Tax Maps of the Town of West Orange.

Parcel 3. Lots 41, 30, 29, 28, 26, and 27 in Block 153 as shown on Map of C. W. Fundus, No. 1278, above referred to, said lots also being known as Lots 24, 35 to 39 inclusive in Block 153–0 on the Official Tax Maps of the Town of West Orange.

Parcel 4. Beginning at a point formed by the intersection of the Northerly line of Harrington Terrace with the Westerly line of Fundus Road, as shown on the Map of C. W. Fundus, No. 1278, above referred to, and from thence running (1) along Fundus Road in a northeasterly direction for a distance of 77.60 feet to the southerly line of Lot 41 as shown on said Map, thence (2) North 56 degrees 38 minutes West 80.32 feet, thence (3) South 18 degrees 46 minutes West 94.05 feet, more or less, to the Northerly line of Harrington Terrace, and thence (4) along Harrington Terrace South 71 degrees 14 minutes East 52.66 feet to the point of beginning, said premises being also known as Lot 23 in Block 153–0 on the Official Tax Maps of the Town of West Orange.

All other provisions of said Vesting Order 16931 and all actions taken by or on behalf of the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on April 23, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
*Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-3290; Filed, Apr. 26, 1956; 8:51 a. m.]

# FEDERAL REGISTER

VOLUME 21 NUMBER 83

Washington, Saturday, April 28, 1956


THE NATIONAL ARCHIVES OF THE UNITED STATES 1934 LITTERA SCRIPTA MANET

MAIN READING ROOM

## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

HOUSING AND HOME FINANCE AGENCY

Effective upon publication in the FEDERAL REGISTER, paragraph (d) (1) of § 6.142 is amended as set out below.

§ 6.142 *Housing and Home Finance Agency.* * * *

(d) *Public Housing Administration.* (1) Until June 30, 1957, the position of Special Representative at San Diego, California.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
*Executive Assistant.*

[F. R. Doc. 56-3312; Filed, Apr. 27, 1956; 8:48 a. m.]

## TITLE 6—AGRICULTURAL CREDIT

### Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1955 C. C. C. Corn Bulletin A, Amdt. 2]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1955 CROP CORN PRICE SUPPORT PROGRAM

COMPLIANCE REQUIREMENTS; PRODUCERS, COMMERCIAL CORN-PRODUCING AREA

This Amendment 2 to the 1955 C. C. C. Corn Bulletin A, 20 F. R. 2075 and 20 F. R. 6115, is for the purpose of exempting from the aggregate compliance provisions of the 1955 corn price support program any farm, and the corn produced thereon, if such farm, including an interest in the 1955 corn crop, is purchased or sold prior to harvest and after all of the corn has been planted.

Section 421.1129 (a) is amended by adding a new subparagraph (3) to follow subparagraph (2) to read as follows:

§ 421.1129 *Compliance requirements; producers—(a) Commercial corn-producing area.* * * *

(3) Notwithstanding any other provision of this section, if a producer, prior to harvest and after all the corn has been planted, purchases or sells, or otherwise acquires or disposes of, a farm, including an interest in the 1955 corn crop on such farm, the corn acreage on such a farm shall not be considered in determining whether such a producer is eligible for price support under the aggregate compliance provisions of this section. A producer who thus purchases or acquires such a farm shall not be eligible for price support on corn produced on such a farm unless the county committee determines pursuant to § 421.1128 (e), that the 1955 crop corn acreage on such a farm is not in excess of the farm acreage allotment.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b)

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

APRIL 25, 1956.

[F. R. Doc. 56-3298; Filed, Apr. 27, 1956; 8:45 a. m.]

[1955 Incentive Payment Program (Shorn Wool), Amdt. 3]

PART 472—WOOL

SUBPART—1955 INCENTIVE PAYMENT PROGRAM FOR SHORN WOOL

WAIVER BY EXECUTIVE VICE PRESIDENT OR OTHER OFFICIAL

The regulations issued by Commodity Credit Corporation and the Commodity Stabilization Service, containing the requirements of the 1955 Incentive Payment Program for Shorn Wool (20 F. R. 2011, 5383 and 21 F. R. 1043), are further amended by the addition of a new section at the end of the subpart, to read as follows:

§ 472.622 *Waiver by Executive Vice President or other official.* The Executive Vice President of CCC or his designee and the Vice President of CCC who is Deputy Administrator, Production Adjustment, of CSS are authorized to approve waivers covering the submission of

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# FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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**CFR SUPPLEMENTS**

**(As of January 1, 1956)**

The following Supplements are now available:

**Title 16 ($1.25)**
**Title 17 ($0.60)**
**Title 20 ($1.00)**

*Previously announced:* Title 3, 1955 Supp. ($2.00); Title 7: Parts 1–209 ($1.25); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Part 400 to end ($1.00); Title 18 ($0.50); Title 19 ($0.50); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. I, and Title 27 ($1.00); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Titles 40–42 ($0.65); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.


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evidence by sales documents or by other procedural methods, with the same force and effect as if they were approved by the President of CCC.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 702–709, 68 Stat. 910–912; 15 U. S. C. 714c, 7 U. S. C. 1781–1787, 1446)

Issued this 25th day of April 1956.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture and President of Commodity Credit Corporation.*

[F. R. Doc. 56–3296; Filed, Apr. 27, 1956; 8:45 a. m.]

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[1955 Payment Program for Lambs and Yearlings (Pulled Wool), Amdt. 3]

### PART 472—WOOL

SUBPART—1955 PAYMENT PROGRAM FOR LAMBS AND YEARLINGS (PULLED WOOL)

WAIVER BY EXECUTIVE VICE PRESIDENT OR OTHER OFFICIAL

The regulations issued by Commodity Credit Corporation and the Commodity Stabilization Service, containing the requirements of the 1955 Payment Program for Lambs and Yearlings (Pulled Wool), as revised and amended (20 F. R. 5741, 7321 and 21 F. R. 1045), are further amended by the addition of a new section at the end of the subpart, to read as follows:

§ 472.676 *Waiver by Executive Vice President or other official.* The Executive Vice President of CCC or his designee and the Vice President of CCC who is Deputy Administrator, Production Adjustment, of CSS are authorized to approve waivers, as specified in this subpart or otherwise, covering the submission of evidence by sales documents, certifications, or other procedural methods, with the same force and effect as if they were approved by the President of CCC.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 702–709, 68 Stat. 910–912; 15 U. S. C. 714c, 7 U. S. C. 1781–1787, 1446)

Issued this 25th day of April 1956.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture and President, Commodity Credit Corporation.*

[F. R. Doc. 56–3298; Filed, Apr. 27, 1956; 8:45 a. m.]

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## TITLE 7—AGRICULTURE

### Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 85]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.385 *Navel Orange Regulation 85*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on April 26, 1956, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., April 29, 1956, and ending at 12:01 a. m., P. s. t., May 6, 1956, is hereby fixed as follows:

(i) District 1: 138,600 cartons;
(ii) District 2: 831,600 cartons;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) Navel oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "District 1," "District 2," "District 3," and "District 4," have the same meaning as when used in said amended marketing agreement and order; and "carton" means the standard one-half orange, grapefruit or lemon box set forth as standard container number 58 in section 828.83, as amended, of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 27, 1956.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56–3400; Filed, Apr. 27, 1956; 11:36 a. m.]

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[Valencia Orange Reg. 66]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.366 *Valencia Orange Regulation 66*—(a) *Findings.* (1) Pursuant to Order No. 22 (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective March 31, 1954, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it

is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on April 26, 1956, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., April 29, 1956, and ending at 12:01 a. m., P. s. t., May 6, 1956, is hereby fixed as follows:

(i) District 1: 184,069 cartons;

(ii) District 2: 47,338 cartons;

(iii) District 3: Unlimited movement.

(2) Valencia oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "handler," "District 1," "District 2," and "District 3," have the same meaning as when used in said order; and "carton" means the standard one-half orange, grapefruit or lemon box set forth as standard container number 58 in section 828.83, as amended, of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 27, 1956.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-3401; Filed, Apr. 27, 1956; 11:36 a. m.]

[Grapefruit Reg. 242]

## PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

### LIMITATION OF SHIPMENTS

§ 933.787 *Grapefruit Regulation 242*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than April 30, 1956. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until April 30, 1956; the recommendation and supporting information for continued regulation subsequent to April 29, 1956, were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on April 24, 1956; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., April 30, 1956, and ending at 12:01 a. m., e. s. t., May 14, 1956, no handler shall ship:

(i) Any white seeded grapefruit, grown in the State of Florida, which are not mature and do not grade at least U. S. No. 1 Bronze;

(ii) Any white seedless grapefruit, grown in Regulation Area I, which are not mature and do not grade at least U. S. No. 1 Bronze;

(iii) Any white seedless grapefruit, grown in Regulation Area II, which are not mature and do not grade at least U. S. No. 2;

(iv) Any white seedless grapefruit, grown in Regulation Area II, which are mature and which grade U. S. No. 2 or U. S. No. 2 Bright unless such seedless grapefruit (*a*) are in the same container with seedless grapefruit which grade at least U. S. No. 1 Russet and are of a size not smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box and (*b*) are not in excess of 40 percent, by count, of the number of all seedless grapefruit in such container;

(v) Any pink grapefruit, grown in the State of Florida, which are not mature and do not grade at least U. S. No. 2;

(vi) Any white seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(vii) Any pink seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(viii) Any white seedless grapefruit, grown in Regulation Area I, which are of a size smaller than a size that will pack 112 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(ix) Any white seedless grapefruit, grown in Regulation Area II, which grade U. S. Fancy, U. S. No. 1 Bright, U. S. No. 1, U. S. No. 1 Golden, U. S. No. 1 Bronze or U. S. No. 1 Russet, which are of a size smaller than a size that will pack 112 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(x) Any white seedless grapefruit, grown in Regulation Area II, which grade U. S. No. 2 Bright or U. S. No. 2, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(xi) Any pink seedless grapefruit, grown in the State of Florida, which grade U. S. Fancy, U. S. No. 1 Bright, U. S. No. 1, U. S. No. 1 Golden, U. S. No. 1 Bronze or U. S. No. 1 Russet, which are of a size smaller than a size that will pack 112 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(xii) Any pink seedless grapefruit, grown in the State of Florida, which grade U. S. No. 2 Bright or U. S. No. 2, which are of a size smaller than a size that will pack 96 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "handler," "ship," "Growers Administrative Committee," "Regulation Area I," and "Regulation Area II" shall have the same meaning as when used in said amended marketing agreement and order; the terms "U. S. Fancy," "U. S. No. 1 Bright," "U. S. No. 1," "U. S. No. 1 Golden," "U. S. No. 1 Bronze," "U. S. No. 1 Russet," "U. S. No. 2," "U. S. No. 2 Bright," "standard pack," and "standard nailed box" shall have the same meaning as when used in the revised United States Standards for Florida Grapefruit (§§ 51.750–51.790 of this title); and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, Chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (Chapters 25149 and 28090) and also by section 601.18, as amended on June 2, 1955 (Chapter 29760).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 25, 1956.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-3330; Filed, Apr. 27, 1956; 8:51 a. m.]

[Orange Reg. 296]

## PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

### LIMITATION OF SHIPMENTS

§ 933.788 *Orange Regulation 296*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all Florida oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than April 30, 1956. Shipments of all oranges, except Temple oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until April 30, 1956; the recommendation and supporting information for continued regulation subsequent to April 29, 1956, were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on April 24, 1956, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, except Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., April 30, 1956, and ending at 12:01 a. m., e. s. t., May 14, 1956, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet;

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than a size that will pack 288 oranges, packed in accordance with the requirements of a standard pack, in a standard 1⅗ bushel nailed box; or

(iii) Any Valencia, Lue Gim Gong, or similar late-maturing oranges of the Valencia type, grown in the State of Florida, which are of a size larger than 3⁹⁄₁₆ inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of oranges larger than such maximum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1186 of this title; 20 F. R. 7205): *Provided*, That in determining the percentage of oranges in any lot which are larger than 3⁹⁄₁₆ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 3 inches in diameter and larger.

(2) As used in this section, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 1 Russet," "standard pack," and "standard 1⅗ bushel nailed box" shall have the same meaning as when used in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140–51.1186 of this title; 20 F. R. 7205).

Shipments of Temple oranges, grown in the State of Florida, are subject to the provisions of Orange Regulation 294 (§ 933.782, 21 F. R. 2039).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 25, 1956.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-3333; Filed, Apr. 27, 1956; 8:52 a. m.]

[Tangerine Reg. 174]

## PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

### LIMITATION OF SHIPMENTS

§ 933.789 *Tangerine Regulation 174*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions effective not later than April 30, 1956. Shipments of tangerines, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order and will so continue until April 30, 1956; the recommendation and supporting information for continued regulation subsequent to April 29, 1956, were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on April 24, 1956; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been dis-

seminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines, and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., April 30, 1956, and ending at 12:01 a. m., e. s. t., May 14, 1956, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 2;

(ii) Any tangerines, grown in the State of Florida, which grade U. S. Fancy, U. S. No. 1, U. S. No. 1 Bronze or U. S. No. 1 Russet, that are of a size smaller than the size that will pack 294 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches); or

(iii) Any tangerines grown in the State of Florida, which grade U. S. No. 2, that are of a size smaller than the size that will pack 210 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches).

(2) As used in this regulation, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. Fancy," "U. S. No. 1," "U. S. No. 1 Bronze," "U. S. No. 1 Russet," "U. S. No. 2," and "standard pack" shall have the same meaning as when used in the revised United States Standards for Florida Tangerines (§§ 51.1810–51.1836 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 25, 1956.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-3331; Filed, Apr. 27, 1956; 8:51 a. m.]

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[945.301 Amdt. 6]

## PART 945—TOMATOES GROWN IN FLORIDA

### LIMITATION OF SHIPMENTS

*Findings.* (a) Pursuant to Marketing Agreement No. 125 and Order No. 45 (7 CFR Part 945; 20 F. R. 7357), regulating the handling of tomatoes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Florida Tomato Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment later than April 30, 1956. The basic changes in the existing regulation which will be effected by this amendment are as follows: Maximum net weights for tomatoes packed in containers of dimensions customarily used in the handling of Florida tomatoes will be amended. The changes will relieve minimum weight restrictions on containers now specified in § 945.301, Amdt. 5 (21 F. R. 2408) and will bring an additional container under maximum net weight regulation. Tomatoes are now being marketed from the Fort Pierce, Immokalee, and West Coast producing sections, and such marketings will increase rapidly to a seasonal peak, with such increasing supplies having a depressing effect upon prices. Growers' prices also are adversely affected by over packing, i. e., increasing the net weight of tomatoes per container in excess of customary or normal net contents, especially during periods of declining and low prices. Orderly marketing will be promoted by establishing the net maximum weight for tomatoes packed in the containers specified in this regulation. The time intervening between the date (April 24, 1956) when information upon which this amendment is based became available and the time (April 30, 1956) when this amendment must become effective in order to effectuate the declared policy of the act is insufficient to permit the taking of the aforementioned actions. Compliance with this amendment will not require special preparation on the part of handlers which cannot be completed by April 30, 1956, and reasonable time is permitted, under the circumstances, for such preparation. Information regarding the committee's recommendations, which are herein adopted was made available to producers and handlers in the production area when such recommendations were made to this Department.

*Order, as amended.* The provisions of § 945.301 (b) (3), as amended (21 F. R. 2408—April 13, 1956), are hereby further amended for the period April 30 to May 31, 1956, both dates inclusive, as follows:

(3) No person shall handle for shipment outside the production area any tomatoes packed in the following containers unless the net weight of such tomatoes in each such container does not exceed the maximum net weight set forth for each such container:

| Container usual description | Carrier container No. | Inside dimensions | Cubic content | Maximum net weight of tomatoes |
|---|---|---|---|---|
| | | *Inches* | | *Pounds* |
| 60-pound field box | None | 11 x 11 x 22¼ | 2692 | 63 |
| 60-pound wire bound crate | 4015 | 11 15/16 x 11 15/16 x 18¾ | 2672 | 63 |
| 60-pound tomato lug (corrugated) | 23104 [1] | 19½ x 13¾ x 12¾ | 3283 | 63 |
| 50-pound duo pack | 50 [1] | 11 x 10¾ x 19 | 2247 | 52½ |
| 50-pound full telescope | None | 10 7/16 x 10¾ x 18 9/16 | 2083 | 52½ |
| 40-pound 2-piece cardboard box | 1915 | 10 x 9 x 19⅞ | 1728 | 42 |
| 40-pound ½ RSC vent stitliner | 7097 | 12½ x 8 x 18⅞ | 1822 | 42 |
| 40-pound bulge pack tomato box | SJ 27 [1] | 10 x 8 7/16 x 19¾ | 1753 | 42 |

[1] Manufacturer's number.

To allow for variations incident to proper packing, not more than a total of ten percent of the containers in any lot, by count, may exceed the specified maximum net weight set forth above for each such container.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done as Washington, D. C., this 26th day of April 1956, to become effective April 30, 1956.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Division.*

[F. R. Doc. 56-3337; Filed, Apr. 27, 1956; 8:52 a. m.]

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[Lemon Reg. 639]

## PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

### LIMITATION OF SHIPMENTS

§ 953.746 *Lemon Regulation 639*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 8451), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on April 25, 1956, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., April 29, 1956, and ending at 12:01 a. m., P. s. t., May 6, 1956, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 395,250 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," and "District 3" have the same meaning as when used in the said amended marketing agreement and order; and "carton" means the standard one-half orange, grapefruit or lemon box set forth as standard container number 58 in section 828.83, as amended, of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: April 26, 1956.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-3381; Filed, Apr. 27, 1956; 9:12 a. m.]

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# TITLE 14—CIVIL AVIATION

## Chapter I—Civil Aeronautics Board

### Subchapter A—Civil Air Regulations

[Supp. 29]

## PART 4b—AIRPLANE AIRWORTHINESS: TRANSPORT CATEGORIES

### LANDING GEAR POSITION INDICATOR SWITCHES AND SAFETY CRITERIA FOR ELECTRIC UTILIZATION SYSTEMS

The purpose in issuing the following amendments to Part 4b is (1) to include landing gear position indicator switches (§ 4b.334–2) in the means for indicating when a retractable landing gear is secured in the extended or retracted position and to specify an acceptable method of positioning such switches; (2) to establish criteria (§ 4b.606–1) by which all systems using electrical power can be evaluated. Amendments as follows are hereby adopted to become effective May 25, 1956:

1. A new § 4b.334–2 is added to read as follows:

§ 4b.334–2 *Landing gear position indicator switches (CAA interpretations which apply to § 4b.334 (e)).* The phrase "means shall be provided for indicating to the pilot" includes a landing gear position indicator as well as the switches necessary to actuate such indicator. The switches must be so located and coupled to the landing gear mechanical system as to preclude the possibility of an erroneous indication of "down and locked" if the landing gear is not in a fully extended position, or "up and locked" if the landing gear is not in the completely retracted position. Location of the switches so that they are operated by the actual landing gear locking latch or device is an acceptable method of compliance with the requirements of this section.

2. A new § 4b.606–1 is added to read as follows:

§ 4b.606–1 *Safety criteria*[1] *for electric utilization system; (CAA policies which apply to § 4b.606 (a) and (b)).* Electric utilization systems[2] should be analyzed, inspected or tested to assure conformance to the following safety criteria.

(a) *Loss of system function.* The system should not be rendered inoperative by any probable malfunction,[3] if operation of this system is necessary to maintain controlled flight or effect a safe landing for any authorized flight operation.

(b) *Inadvertent operation of system.* The system should not be inadvertently set into operation by any probable malfunction, if such inadvertent operation can result in the inability to maintain controlled flight or effect a safe landing for any authorized flight operation.

(c) *Systems serving two or more engines.* No probable malfunction in the system should adversely affect the performance of more than one propulsion engine, consistent with the provisions of § 4b.401 (b).

(d) *System independence.* No probable malfunction in one system should render another system inoperative, if both systems are necessary in showing compliance with this part.

(e) *Misleading system indicators.* No probable malfunction in the system should result in a safe indication of an unsafe condition of flight, if such misleading information can result in the inability to maintain controlled flight or effect a safe landing for any authorized flight operation.

(f) *System overheat.* No probable malfunction in the system should result in overheat of electric equipment, such that hazardous quantities of smoke are generated within the cabin, or such that a fire hazard is created, unless adequate means are provided to detect and correct the overheat condition during flight.

(g) *Electric shock exposure.* No probable malfunction in the system should expose crew or passengers to harmful electric shock, during any normal activity on the aircraft.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, as amended, 1009, as amended; 49 U. S. C. 551, 553)

This supplement shall become effective May 25, 1956.

[SEAL] JAMES T. PYLE,
*Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 56-3299; Filed, Apr. 27, 1956; 8:46 a. m.]

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[1] When applying these criteria to particular systems, it should be clear that the degree of hazard resulting from a type of malfunction may vary considerably with the type of aircraft in which the system is installed, or with the nature of the operation in which the aircraft is utilized. Examples of systems which should be considered under certain of the above criteria are as follows: (a) Basic flight instruments, minimum navigation equipment; (b) propeller reversing system, trim-tab system, dive brake system, landing gear actuation systems; (c) fuel control valve system, propeller control system; (d) landing gear indicating system, radio navigation system, instrument landing system, gyroscopic instrument systems. Additional safety criteria are contained in sections of this part applicable to particular systems and components of the airplane.

[2] An electric utilization system is a system of electric equipment, devices and connected wiring, which utilizes electric energy to perform a specific aircraft function. The system includes all electric components beyond the nearest bus or sub-bus from which electric energy is supplied. Examples of such systems are: propeller control system, electric flight instrument system, radio navigation equipment system, fuel valve control system, flap and landing gear actuating systems.

[3] A probable malfunction is any single electrical or mechanical malfunction or failure within a utilization system which is considered probable on the basis of past service experience with similar components in aircraft applications. This definition should be extended to multiple malfunctions when: (1) The first malfunction would not be detected during normal operation of the system, including periodic checks established at intervals which are consistent with the degree of hazard involved, or (2) the first malfunction would inevitably lead to other malfunctions.

This definition of "probable malfunction" applies wherever this term is used in this section.

## Chapter II—Civil Aeronautics Administration, Department of Commerce

### PART 610—MINIMUM EN ROUTE IFR ALTITUDES

REVISION OF PART

The following revision of Part 610 is adopted in order to combine the numerous amendments to the part in a single document. This revision incorporates all the criteria, rules, MEA's, and amendments thereto in effect on May 3, 1956. Periodic revisions of the part will be issued so that it may be more effectively used by the public. In addition to changing the format of the part, the following changes have been made:

1. The criteria used by the Administrator in establishing a minimum en route altitude are incorporated in Subpart B of the revision.

2. The designated mountainous areas in the eastern part of the United States have been revised slightly.

3. Maps containing all designated mountainous areas in the United States and Alaska have been added.

4. The term "obstruction clearance" has been substituted for "terrain clearance".

5. Minor editorial changes have been made throughout the part.

Interested persons have been afforded an opportunity to participate in the making of the changes involved in this revision, and due consideration has been given to all relevant matter presented. Part 610 is hereby revised to become effective on May 3, 1956.

Subpart A—Introduction

Sec.

610.1 Basis and purpose.
610.2 Explanation of terms.

Subpart B—Criteria

610.3 Minimum en route IFR altitudes.

Subpart C—Operating Rules

610.6 Operating procedures over mountainous areas and along particular routes and intersections.

Subpart D—Designated Mountainous Areas

610.8 Mountainous areas.

Subpart E—Minimum En Route IFR Altitudes Over Particular Routes and Intersections

610.9 General.
610.11–610.20 Green civil airways Nos. 1–10.
610.101–610.119 Amber civil airways Nos. 1–19.
610.201–610.309 Red civil airways Nos. 1–109.
610.601–610.664 Blue civil airways Nos. 1–64.
610.1001 Direct routes; United States.
610.1002 Direct routes; Alaska.
610.6001–610.6234 VOR civil airways Nos. 1–234.
610.6401–610.6410 Hawaii VOR civil airways Nos. 1–10.

AUTHORITY: §§ 610.1 to 610.6410 issued under sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551.

### SUBPART A—INTRODUCTION

§ 610.1 *Basis and purpose.* The basis of this part is sections 205 and 601 of the Civil Aeronautics Act of 1938, as amended and §§ 40.408, 41.114, 42.53 and 60.17 of this title. The purpose of this part is to define the areas designated by the Administrator as mountainous areas and prescribe the minimum en route IFR altitudes at which an aircraft shall be flown over such mountainous areas and along particular routes or route segments designated herein.

§ 610.2 *Explanation of terms.* As used in this part:

"DME" means distance measuring equipment.

"FM" means fan marker.

"IFR" means instrument flight rules as prescribed in Part 60.

"ILS" means instrument landing system.

"INT" means intersection.

"L" means compass locator.

"LF/MF" means low frequency/medium frequency.

"LFR" means low frequency radio range.

"LMM" means compass locator at middle marker site of ILS.

"LOM" means compass locator at outer marker site of ILS.

"MCA" means minimum crossing altitude. Minimum crossing altitudes "MCA" are the lowest altitudes at certain radio fixes at which an aircraft must cross when proceeding in the direction of a higher minimum en route altitude.

"Minimum En Route IFR Altitudes" MEA means the altitude applicable to a particular route or route segment from radio fix to radio fix as specified in this part. For routes or route segments along a civil airway, the altitudes shall apply to the entire width of the airway. For off-airway routes published in this part, these altitudes apply only to that airspace five miles on each side of a course between the radio fixes defining the particular route or route segment. These altitudes do not apply to, and are not compatible with the navigation and obstruction clearance requirements for any other airspace, controlled or noncontrolled. Minimum en route IFR altitudes in effect between radio fixes, both on the colored and VOR airways and direct routes (VHF and LF), assure acceptable navigation signal coverage and meet obstruction clearance requirements between the radio fixes defining the particular route or route segment.

"MM" means middle marker (component of ILS).

"MOCA" means minimum obstruction clearance altitude. Minimum obstruction clearance altitude in effect between radio fixes on VOR airways or VOR off-airway routes or route segments meet obstruction clearance requirements for the entire route segment between the radio fixes specified and assure acceptable navigation signal coverage only within 25 miles of the VOR station.

"MRA" means minimum reception altitude applicable to an intersection. Minimum reception altitude in effect at an intersection is the lowest altitude at which the intersection can be determined.

"OM" means outer marker (component of ILS).

"RBN" means radiobeacon "H" facility.

"VAR" means visual aural radio range.

"VHF" means very high frequency.

"VOR" means very high frequency omnirange.

"VOR–E" means VOR and distance measuring equipment.

"Z" means a very high frequency location marker.

### SUBPART B—CRITERIA

§ 610.3 *Establishment of minimum en route altitudes.* The criteria set forth in this subpart are used by the Administrator in establishing minimum IFR en route altitudes.

(a) *Navigation aids*—(1) *Adequacy of navigation aids on airways and off-airway routes.* Minimum en route IFR altitudes will be established from radio fix to radio fix. Such altitudes will be premised on ground aids which are of such character and so oriented with respect to the route that course line over the route may be maintained within the confines of the route boundary by radio navigation.

(2) *Exceptions.* A minimum en route IFR altitude may be established for an airway or off-airway route segment at which altitude navigation signal coverage does not exist over the entire route segment: *Provided,* That it is found after considering the character of the terrain being traversed, weather phenomena peculiar to the area, the quality and quantity of the meteorological services, the navigation facilities available and other flight conditions that the safe conduct of flight permits or requires such altitudes. Altitudes will not be established premised on limited navigation signal coverage on "dog leg" airways and/or across intersections or along coincident or overlapping airways.

(3) *Navigation aids used to "break" MEA.* Radio ranges, radio beacons, ILS localizers, LOM(s), LMM(s), intersections,[1] VOR–DME fixes, and fan markers[2] will be utilized to "break" minimum en route IFR altitudes: *Provided,* A determination has been made that the navigation aid and/or intersections comprising the fix are adequate, reliable and compatible to the associated route structure.

(b) *Minimum obstruction clearance*—(1) *General.* The minimum en route IFR altitudes for routes over terrain not designated mountainous will provide for 1,000 feet obstruction clearance over the highest obstacle on the airway or off-airway route. The altitudes will be indicated to the nearest 100 feet.[3]

(2) *Areas designated mountainous.* Except as set forth in the exceptions, minimum en route IFR altitudes for airways or off-airway routes over terrain designated mountainous will provide for 2,000 feet obstruction clearance over the highest obstacle on the airway or off-airway route. The altitudes will be indicated to the nearest 100 feet.

(i) *Exceptions.* Altitudes may be established providing only 1,200 feet obstruction clearance in the designated mountainous areas of the eastern United States, and 1,600 feet obstruction clearance in the designated mountainous areas of the western United States and Alaska: *Provided,* That consideration will be given to the following items before altitudes providing less than 2,000 feet obstruction clearance in these areas are established:

(*a*) Areas characterized by precipitous terrain.

(*b*) Weather phenomena peculiar to a particular area.

(*c*) Phenomena conducive to marked pressure differentials.

(*d*) Owing to the action of the Bernoulli effect and of atmospheric eddies, vortices, waves, and other phenomena which occur in conjunction with the disturbed air flow attending the passage of strong winds over mountains, pressure deficiencies manifested as very steep horizontal pressure gradients develop over such regions. Since down drafts and low clouds are prevalent under these conditions, the hazards to air navigation are manifold.

(*e*) Type of navigational facilities and the distance between navigational fixes.

(*f*) Availability of weather reporting services throughout an area.

(*g*) Frequency and reliability of altimeter resetting points along routes within the area.

(*g*) Altitudes providing only 1,000 feet obstruction clearance over towers and/or other man-made obstructions may be established for airways and off-airway routes in designated mountainous areas where such obstructions are not actually located on precipitous terrain.

(3) *New construction within five miles of the outer boundary of an airway or off-airway route*[4]—(i) *Within 25 miles of the navigational facility.* In all areas, mountainous or non-mountainous where new construction such as towers, buildings, etc., are located in areas described as extending laterally for five miles measured at right angles to and from either side of the outer boundaries of an airway or off-airway route and extending longitudinally for a distance of twenty-five (25) miles measured along each airway or route from a radio navigational facility when such obstruction projects above an inclined surface having a slope of 50:1 extending upward and outward at right angles from the outer boundary of the airway or off-airway route at a level of 500 feet below the minimum en route IFR altitude, the minimum en route IFR altitude will be increased by application of the following formula:

(*a*) Add 500 feet to the mean sea level height of any new construction projecting above the slope line within 0–1 miles from the boundary of the airway or off-airway route.

(*b*) Add 400 feet to the mean sea level height of any new construction projecting above the slope line within 1–2 miles from the boundary of the airway or off-airway route.

(*c*) Add 300 feet to the mean sea level height of any new construction projecting above the slope line within 2–3 miles from the boundary of the airway or off-airway route.

(*d*) Add 200 feet to the mean sea level height of any new construction projecting above the slope line within 3–4 miles from the outer boundary of the airway or off-airway route.

(*e*) Add 100 feet to the mean sea level height of any new construction projecting above the slope line within 4–5 miles from the outer boundary of the airway or off-airway route.

(ii) *Beyond 25 miles of the navigational facility.* In all areas, mountainous or non-mountainous where new construction such as towers, buildings, etc., are located in areas described as extending laterally for five (5) miles measured at right angles to and from either side of the outer boundaries of an airway or off-airway route and extending longitudinally beyond a distance of twenty-five (25) miles measured along each airway or off-airway route from a navigational facility when such construction projects above a horizontal plane at a level of 500 feet below the minimum en route IFR altitude of the airway or off-airway route, the minimum en route IFR altitude will be increased to provide obstruction clearance of at least 500 feet above such construction.

(4) *Minimum crossing altitudes.* In all cases where obstructions intervene to prevent a normal climb to a higher minimum en route IFR altitude immediately after passing the point beyond which the higher minimum altitude applies, a minimum crossing altitude will be established at that point beyond which the higher

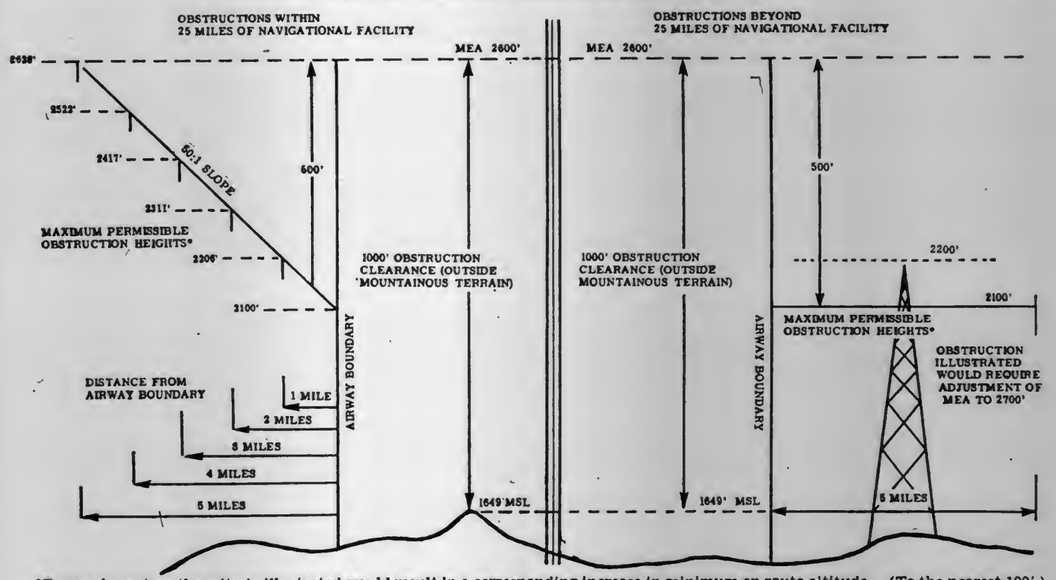
[1] Intersecting angles of VOR radials or ILS courses will be at least 30° when such intersections are used to "break" MEA(s). Intersecting angles of LF/MF or ADF bearings will be at least 45° when such intersections are used to "break" MEA(s).

[2] Fan markers will be used only to "break" an MEA to a lower altitude for one direction of flight only over a route segment. Climb to a higher IFR altitude will not be premised on a fan marker.

[3] All minimum en route IFR altitudes will be indicated to the nearest 100 feet (i. e., 1,149 feet will be indicated as 1,100 feet; 1,150 feet will be indicated as 1,200 feet, etc.).

[4] See diagram 1.

GRAPHIC ILLUSTRATION OF CRITERIA FOR ESTABLISHING MINIMUM EN ROUTE ALTITUDES PROVIDING FOR THE NECESSARY OBSTRUCTION CLEARANCE WITHIN FIVE MILES OF THE BOUNDARY OF AN AIRWAY OR ROUTE




*Encroachment on the criteria illustrated would result in a corresponding increase in minimum en route altitude. (To the nearest 100'.)

minimum en route IFR altitude is applicable. The standard for determining what the minimum crossing altitude will be or when climb will be accomplished after passing a fix will be based on a climb of 500 feet in a distance of four (4) miles up to flight altitudes of 6,000 feet and a climb of 300 feet in a distance of five miles for all flight altitudes above 6,000 feet, except in those instances where the elevation of the navigational fix is 4,000 feet or above the 500-foot-four-mile criteria will apply up to flight altitudes of 8,000 feet and the 300-foot-five-mile criteria thereafter. The same vertical and horizontal obstruction clearance criteria as utilized to establish minimum en route IFR altitudes will be used.

Example:

From *Ontario, Calif., VOR; to Palm Springs INT., Calif.; MEA 13,000. *8,000—MCA Ontario, eastbound.

(5) *Minimum reception altitudes—intersections.* At certain intersections, VOR reception may not be adequate at the lowest minimum en route IFR altitude associated with the intersection. In such instances where the minimum reception altitude to determine the fix is higher than the lowest minimum en route IFR altitude associated therewith, a minimum reception altitude will be established and denoted by footnote for such intersection or listed as an additional intersection.

Example:

From Colts Neck, N. J., VOR; to *Woolf INT, N. J.; MEA 1,500. *2,000—MRA.

(6) *Minimum obstruction clearance altitudes.* At certain locations, VOR reception may not be adequate over an entire route segment under normal operation conditions to assure acceptable VOR reception at an altitude meeting obstruction clearance requirements. In such cases an altitude assuring acceptable VOR reception will be established as the minimum en route IFR altitude and where this altitude is higher than an altitude required for obstruction clearance it will be denoted by a footnote and a "minimum obstruction clearance altitude" will also be established for the route segment.

Example:

From Abilene, Tex., VOR, via N alter.; to Mineral Wells, Tex., VOR, via N alter.; MEA *3,500. *3,000—MOCA.

### SUBPART C—OPERATING RULES

§ 610.6 *Operating procedures over mountainous areas and along particular routes.* Except where necessary for takeoff or landing, all IFR operations over the mountainous areas designated in Subpart D of this part and along the routes or portions thereof designated in Subpart E of this part shall be conducted at or above the altitudes prescribed therefor and in accordance with the following procedures: [5]

[5] Pilots operating under IFR outside of control areas and control zones must comply with not only the minimum en route altitudes prescribed herein, but also the cruising altitudes prescribed in § 60.44 of this title.

(a) *Climb.* Climb to a higher IFR altitude shall begin immediately after passing the point beyond which the higher minimum applies except when ground obstructions intervene, the point beyond which the higher minimum applies shall be crossed at or above the minimum crossing altitude set forth in this part.[6]

(b) *Descent.* Except when otherwise specified by Air Traffic Control, descent to a lower IFR altitude minimum may begin immediately after passing the point beyond which the lower minimum applies. When it is necessary to expedite traffic to a lower en route IFR altitude, Air Traffic Control may specify the use of altitudes down to the initial approach altitude prescribed for the area in lieu of the minimum IFR altitudes prescribed in this part.

(c) *Minimum reception altitudes; intersections.* When a minimum reception altitude is prescribed for an intersection and it is necessary to utilize in the operation of the flight such intersection, the flight shall arrive at and cross the intersection at or above the minimum reception altitude specified for the intersection.[7]

(d) *Minimum obstruction clearance altitudes.* When a "minimum obstruction clearance altitude" has been established for a route segment, flight may be conducted at this altitude within 25 miles of a VOR station based on a reasonable estimate of that distance.

(e) *Minimum en route IFR altitudes over mountainous areas.* All IFR operation along any route or portion thereof over the terrain described in Subpart D of this part shall be conducted at altitudes of at least 2,000 feet above the highest obstacle located within a horizontal distance of five miles from the center-line of the course intended to be flown: *Provided,* That this rule shall not apply to take-offs or landings, or to operations along routes or route segments designated in Subpart E of this part for which a different altitude has been prescribed.

### SUBPART D—DESIGNATED MOUNTAINOUS AREAS

§ 610.8 *Mountainous areas*—(a) *Eastern United States.*[9] All of the following area excluding those portions specified in the exceptions.

(1) *Area.*

Beginning at latitude 47°10′ N., longitude 67°55′ W.; thence west and south along the Canadian Border to latitude 45°00′ N., longitude 74°15′ W.; thence to latitude 44°20′ N., longitude 75°30′ W.; thence to latitude 43°05′ N., longitude 75°30′ W.; thence to latitude 42°57′ N., longitude 77°30′ W.; thence to latitude 42°52′ N., longitude 78°42′ W.; thence to latitude 42°26′ N., longitude 79°13′ W.; thence to latitude 42°05′ N., longitude 80°00′ W.; thence to latitude 40°50′ N., longitude 80°00′ W.; thence to latitude 40°26′ N., longitude 79°54′ W.; thence to latitude 38°25′ N., longitude 81°46′ W.; thence to latitude 36°00′ N., longitude 86°00′ W., thence to latitude 33°37′ N., longitude 86°45′ W.; thence to latitude 32°30′ N., longitude 86°25′ W.; thence to latitude 33°22′ N., longitude 85°00′ W.; thence to latitude 36°35′ N., longitude 79°20′ W.; thence to latitude 40°11′ N., longitude 76°24′ W.; thence to latitude 41°24′ N., longitude 74°30′ W.; thence to latitude 41°43′ N., longitude 72°40′ W.; thence to latitude 42°13′ N., longitude 72°44′ W.; thence to latitude 42°13′ N., longitude 72°44′ W.; thence to latitude 43°12′ N., longitude 71°30′ W.; thence to latitude 43°45′ N., longitude 70°30′ W.; thence to latitude 45°00′ N., longitude 69°30′ W.; thence to latitude 47°10′ N., longitude 67°55′ W., point of beginning.

(2) *Exceptions.* The area bounded by the following coordinates:

Beginning at latitude 45°00′ N., longitude 73°26′ W.; thence to latitude 44°32′ N., longitude 73°04′ W.; thence to latitude 42°51′ N., longitude 73°41′ W.; thence to latitude 41°38′ N., longitude 73°46′ W.; thence to latitude 41°16 N., longitude 73°50′ W.; thence to latitude 41°17′ N., longitude 74°00′ W.; thence to latitude 41°25′ N., longitude 73°58′ W.; thence to latitude 41°26′ N., longitude 74°01′ W.; thence to latitude 41°37′ N., longitude 73°58′ W.; thence to latitude 42°41′ N., longitude 73°55′ W.; thence to latitude 43°02′ N., longitude 76°15′ W.; thence to latitude 43°17′ N., longitude 75°21′ W.; thence to latitude 42°59′ N., longitude 74°43′ W.; thence to latitude 42°52′ N., longitude 73°53′ W.; thence to latitude 44°30′ N., longitude 73°18′ W.; thence to latitude 45°00′ N., longitude 73°39′ W.; thence to latitude 45°00′ N., longitude 73°26′ W., point of beginning.

(b) *Western United States.*[9] All of the following area excluding that portion specified in the exceptions:

(1) *Area.* From the Pacific coastline of the United States, eastward along the Canadian and Mexican borders, to the following coordinates:

Beginning at latitude 49°00′ N., longitude 108°00′ W.; thence to latitude 46°45′ N., longitude 104°00′ W.; thence to latitude 44°06′ N., longitude 103°15′ W.; thence to latitude 43°00′ N., longitude 103°15′ W.; thence to latitude 41°52′ N., longitude 103°39′ W.; thence to latitude 35°11′ N., longitude 103°39′ W.; thence to latitude 33°17′ N., longitude 104°27′ W.; thence to latitude 32°17′ N., longitude 104°14′ W.; thence to latitude 29°48′ N., longitude 102°00′ W.

(2) *Exceptions.*

Beginning at latitude 35°25′ N., longitude 119°09′ W.; thence to latitude 35°29′ N., longitude 118°58′ W.; thence to latitude 36°49′ N., longitude 119°37′ W.; thence to latitude 38°30′ N., longitude 121°24′ W.; thence to latitude 39°30′ N., longitude 121° 32′ W.; thence to latitude 40°08′ N., longitude 122°08′ W.; thence to latitude 40°06′ N., longitude 122°20′ W.; thence to latitude 39°05′ N., longitude 122°12′ W.; thence to latitude 38°01′ N., longitude 121°51′ W.; thence to latitude 37°37′ N., longitude 121° 12′ W.; thence to latitude 37°00′ N., longitude 120°58′ W.; thence to latitude 36°14′ N., longitude 120°11′ W., point of beginning.

(c) *Alaskan area.*[10] All of the following area excluding those portions specified in the exceptions:

[6] Points where ground obstructions intervene shall be denoted by a footnote followed by the minimum crossing altitude specified for the associated fix.

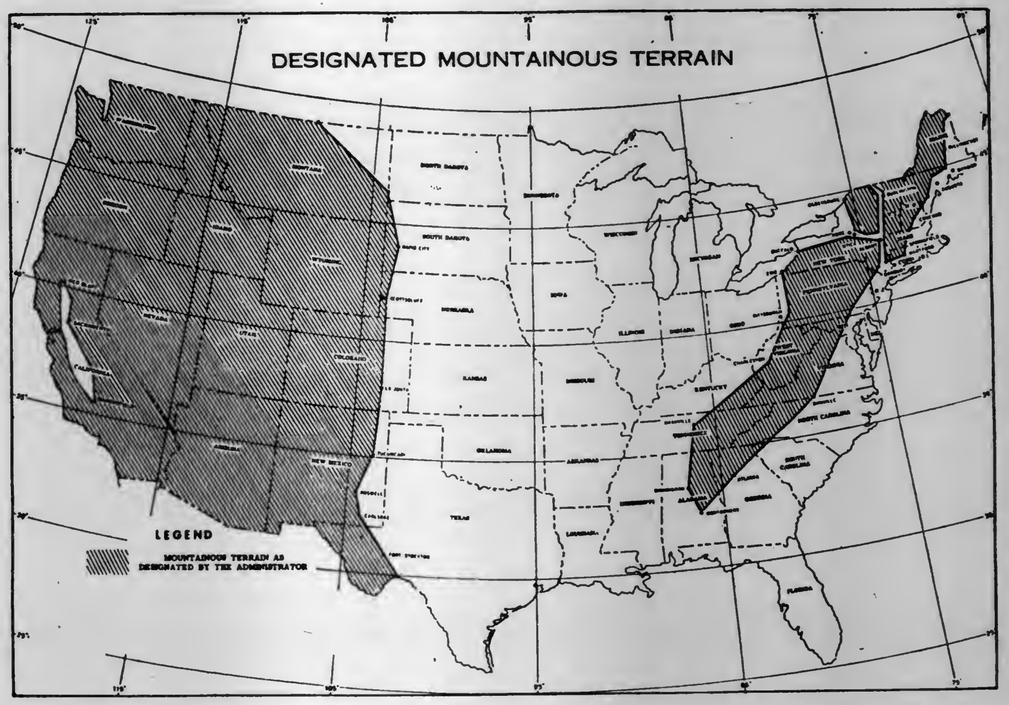
[7] Such intersections will be denoted by a footnote followed by the minimum reception altitude specified for the intersection or listed as an additional intersection under § 610.10.

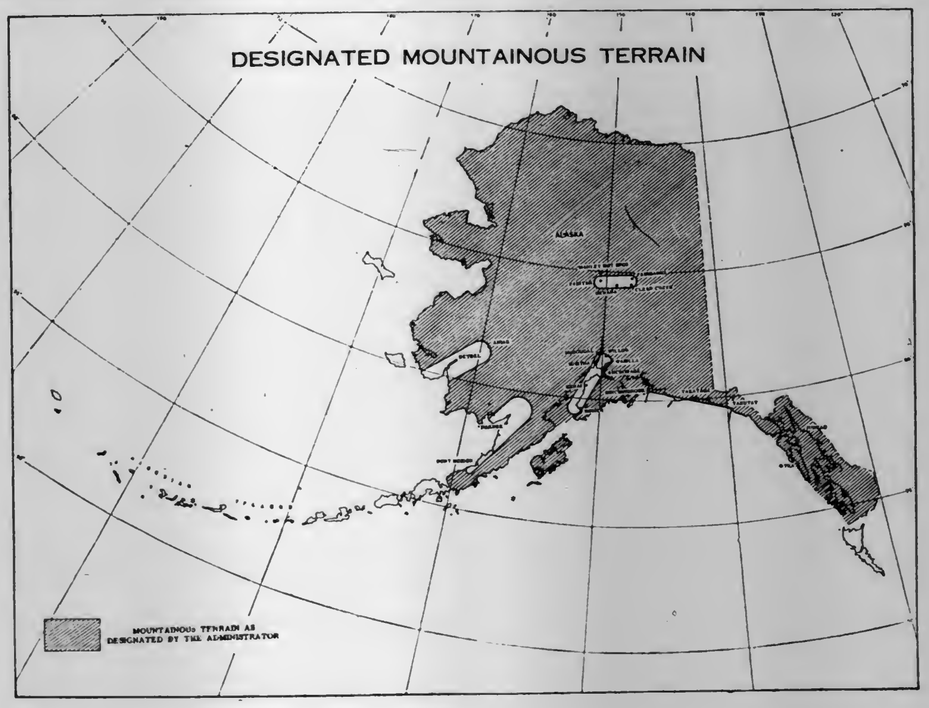
[8] See diagram mountainous areas eastern United States.

[9] See diagram mountainous areas western United States.

[10] See diagram mountainous areas Alaska.





(1) *Area.* The Territory of Alaska.
(2) *Exceptions.*

(i) Beginning at latitude 64°54' N., longitude 147°20' W.; thence to latitude 64°50' N., longitude 151°22' W.; thence to latitude 64°26' N., longitude 151°22' W.; thence to latitude 64°25' N., longitude 147°20' W.; thence to latitude 64°54' N., longitude 147°20' W., point of beginning.

(ii) Beginning at latitude 61°50' N., longitude 151°12' W.; thence to latitude 61°24' N., longitude 150°28' W.; thence to latitude 59°40' N., longitude 152°23' W.; thence to latitude 59°33' N., longitude 151°28' W.; thence to latitude 60°31' N., longitude 150°43' W.; thence to latitude 61°13' N., longitude 149°39' W.; thence to latitude 61°37' N., longitude 149°15' W.; thence to latitude 61°44' N., longitude 149°48' W.; thence to latitude 62°23' N., longitude 149°54' W.; thence to latitude 62°23' N., longitude 150°14' W.; thence to latitude 61°50' N., longitude 151°12' W., point of beginning.

(iii) Beginning at latitude 58°56' N., longitude 156°58' W.; thence to latitude 58°47' N., longitude 156°27' W.; thence to latitude 56°43' N., longitude 158°39' W.; thence to latitude 56°50' N., longitude 159°00' W.; thence along the shore line to latitude 58°56' N., longitude 156°58' W., point of beginning.

(iv) Beginning at latitude 61°47' N., longitude 159°40' W.; thence to latitude 61° 34' N., longitude 159°15' W.; thence to latitude 60°32' N., longitude 161°42' W.; thence to latitude 60°45' N., longitude 162°06' W.; thence to latitude 61°47' N., longitude 159°40' W., point of beginning.

(v) All of the Aleutian group.

### SUBPART E—MINIMUM EN ROUTE IFR ALTITUDES OVER PARTICULAR ROUTES AND INTERSECTIONS

§ 610.9 *General.* The following minimum IFR altitudes are prescribed for flights along a particular route or route segment and over an additional intersection not listed as a part of a route or route segment.

§ 610.11 *Green civil airway 1.*

From Megantic, Quebec, LFR; to Kokadjo INT, Maine; MEA 5,000.
From Kokadjo INT, Maine; to Millinocket, Maine, LFR; MEA 5,000.
From Millinocket, Maine, LFR; to Orient INT, Maine; MEA 2,100.

§ 610.12 *Green civil airway 2.*

From *Seattle, Wash., LFR; to Ellensburg, Wash., LFR; MEA 8,000. *4,000—MCA Seattle LFR, eastbound.
From Ellenburg, Wash., LFR; to Ephrata, Wash., LFR; MEA 7,000.
From Trinidad, INT, Wash.; to Ephrata, Wash., LFR, eastbound; MEA 4,000.
From Ephrata, Wash., LFR; to Spokane, Wash., LFR; MEA 5,000.
From Harrington, Wash., FM to Ephrata, Wash., LFR, westbound only; MEA 4,000.
From Rockford, Wash., FM; to Spokane, Wash., LFR, westbound only; MEA 6,000.
From *Spokane, Wash., LFR; to Mullan Pass, Mont., IFR; MEA 9,000. *6200—MCA Spokane, LFR, eastbound.
From Mullan Pass, Mont., LFR; to Missoula, Mont., LFR; MEA 9,000.
From Missoula, Mont., LFR; to Drummond, Mont., LFR; MEA 9,000.
From Drummond, Mont., LFR; to Helena, Mont., LFR; MEA 9,000.
From Helena, Mont., LFR; to Bozeman, Mont., LFR; MEA 9,000.
From Bozeman, Mont., LFR; to *Livingston, Mont., LFR; MEA 10,000. *9,300—MCA Livingston, LFR; westbound.
From Livingston, Mont., LFR; to Billings, Mont., LFR; MEA 9,000.
From Billings, Mont., LFR; to Miles City, Mont., LFR; MEA 5,000.
From Miles City, Mont., LFR; to Dickinson, N. Dak., LFR; MEA 4,500.
From Dickinson, N. Dak., LFR; to Bismarck, N. Dak., LFR; MEA 3,800.
From Bismarck, N. Dak., LFR; to Jamestown, N. Dak., LFR; MEA 3,400
From Jamestown, N. Dak., LFR; to Fargo, N. Dak., LFR; MEA 2,700.
From Fargo, N. Dak., LFR; to Alexandria, Minn., LFR; MEA 2,800.
From Alexandria, Minn., LFR; to Minneapolis, Minn., LFR; MEA 2,600.
From Hamel, Minn., FM; to Minneapolis, Minn., LFR, southeast bound only; MEA 2,500.
From Minneapolis, Minn., LFR; to Red Wing INT, Minn.; MEA 2,400.
From Red Wing, INT, Minn.; to La Crosse, Wis., LFR; MEA 2,600.
From La Crosse, Wis., LFR; to Lone Rock INT, Wis., MEA 2,600.
From Lone Rock INT, Wis.; to Madison, Wis., LFR; MEA 2,500.
From Madison, Wis., LFR; to Genesee, Wis., FM; MEA 2,500.
From Genesee, Wis., FM; to Milwaukee, Wis., LFR, eastbound; MEA 2,300.
From Milwaukee, Wis., LFR; to Genesee, Wis., FM, westbound; MEA 2,500.
From Milwaukee, Wis., LFR; to Muskegon, Mich., LFR; MEA 2,000.
From Muskegon, Mich., LFR; to Grand Rapids, Mich., LFR; MEA 1,900.
From Grand Rapids, Mich., LFR; to Lansing, Mich., LFR; MEA 2,200.
From Lansing, Mich., LFR; to White Lake INT, Mich.; MEA 2,900.
From White Lake INT, Mich.; to Detroit, Mich., LFR; MEA 2,500.
From Detroit, Mich., LFR; to Windsor, Canada, LFR; MEA 2,300.
From Clear Creek, Ontario, LFR; to Dunkirk, N. Y., LF/RBN; MEA *2,000. *For that airspace over U. S. Territory.
From Dunkirk, N. Y., LF/RBN; to Buffalo, N. Y., LFR; MEA 2,000.
From Buffalo, N. Y., LFR; to Rush INT, N. Y.; MEA 2,100.
From E. Pembroke, N. Y., FM; to Buffalo, N. Y., LFR, westbound only; MEA 1,900.
From Rush INT, N. Y.; to Rochester, N. Y., LFR; MEA 2,000.
From Rochester, N. Y., LFR; to Syracuse, N. Y., LFR; MEA 2,000.
From Syracuse, N. Y., LFR; to Albany, N. Y., LFR; MEA 3,000.
From Steventown INT, N. Y.; to Albany, N. Y., LFR, northwestbound only; MEA 3,000.
From Albany, N. Y., LFR; to Westfield, Mass., LFR; MEA 4,500.
From Westfield, Mass., LFR; to Woodstock, INT, Conn.; MEA 2,500.
From *Woodstock INT, Conn.; to North Scituate INT, R. I.; MEA 2,000. *2,400—MCA Woodstock INT, westbound.
From North Scituate INT, R. I.; to Boston, Mass., LFR; MEA 1,810.

§ 610.13 *Green civil airway 3.*

From Golden Gate INT, Calif.; to San Francisco, Calif., LFR; MEA 3,000.
From San Francisco, Calif., LFR; to Oakland, Calif., LFR; MEA 3,000.
From Oakland, Calif., LFR; to Bay Point, Calif., FM; MEA 5,000.
From Bay Point, Calif., FM; to Rio INT, Calif., northeastbound; MEA 2,000.
From Rio INT, Calif.; to Sacramento, Calif., LFR, northeastbound; MEA 2,000.
From *Sacramento, Calif., LFR; to **Auburn INT, Calif., northeastbound; MEA 7,000; southwestbound; MEA 3,500. *3,000 MCA Sacramento LFR, northeastbound. **7,500—MCA Auburn INT, northeastbound.
From Auburn INT, Calif., to Donner Summit, Calif., LFR; MEA 11,000.
From Donner Summit, Calif., LFR; to *Reno, Nev., LFR; MEA 12,000. *10,500—MCA Reno LFR, westbound.
From Blue Canyon, Calif., FM; to Auburn INT, Calif., southwestbound only; MEA 7,000.
From *Reno, Nev., LFR; to Lovelock, Nev., LFR; MEA 10,000. *10.500—MCA Reno LFR, westbound.
From Lovelock, Nev., LFR; to Battle Mountain, Nev., LFR; MEA 12,000.
From Battle Mountain, Nev., LFR; to Elko, Nev., LFR; MEA 11,000.
From Elko, Nev., LFR; to Lucin, Utah, LFR; MEA 12,000.
From Lucin, Utah, LFR; to *Promontory Point, Utah, LF/RBN; MEA 9,000. *10,000—MCA Promontory Point LF/RBN, eastbound.
From Promontory Point, Utah, LF/RBN; to *Ogden, Utah, LFR; eastbound, MEA 11,000; westbound, MEA 9,000. *7,500—MCA Ogden LFR, westbound.
From *Ogden, Utah, LFR; to Ft. Bridger, Wyo., LFR; MEA 12,000. *11,000—MCA Ogden, LFR, eastbound.
From Ft. Bridger, Wyo., LFR; to Rock Springs, Wyo., LFR; MEA 10,000.
From Rock Springs, Wyo., LFR; to Sinclair, Wyo., LFR; MEA 10,000.
From Sinclair, Wyo., LFR; to Medicine Bow INT, Wyo.; MEA 11,000.
From Medicine Bow INT, Wyo.; to Two Rivers INT, Wyo.; MEA 11,000.
From Two Rivers INT, Wyo.; to Sherman Hill INT, Wyo.; MEA 10,500.
From Sherman Hill INT, Wyo.; to *Cheyenne, Wyo., LFR; MEA 10,500. *8,500—MCA Cheyenne LFR, westbound.
From Cheyenne, Wyo., LFR; to Egbert INT, Wyo.; MEA 7,300.
From Egbert INT, Wyo.; to Kimball INT, Nebr.; MEA 6,600.
From Kimball INT, Nebr.; to Chappell INT, Nebr.; MEA 5,900.
From Chappell INT, Nebr.; to North Platte, Nebr., LFR; MEA 5,100.
From North Platte, Nebr., LFR; to Grand Island, Nebr., LFR; MEA 4,100.
From Grand Island, Nebr., LFR; to Weston INT, Nebr.; MEA 3,000.
From Weston INT, Nebr.; to Omaha, Nebr., LFR; MEA 2,700.
From Omaha, Neb,. LFR; to Des Moines, Iowa, LFR; MEA 2,600.
From Des Moines, Iowa, LFR; to Moline, Ill., LF/RBN; MEA 2,200.
From Moline, Ill., LF/RBN; to Harmon INT, Ill.; MEA 2,300.
From Harmon INT, Ill.; to Aurora INT, Ill.; MEA 2,000.
From Aurora INT, ILL.; to Wilhelmi INT, Ill.; MEA 2,000.
From Wilhelmi INT, Ill.; to *Monee INT, Ill.; MEA 2,300. *2,300—MCA Monee INT, westbound.
From Monee INT, Ill.; to INT 180 T from McCool, Ind., LF/RBN and W crs. Goshen, Ind., LFR; MEA 2,000.
From INT 180 T from McCool, Ind., LF/RBN and W crs, Goshen, Ind., LFR; to Goshen, Ind., LFR; MEA 2,100.
From Goshen, Ind., LFR; to Archbold INT, Ohio; MEA 2,300.
From Archbold INT, Ohio; to Toledo, Ohio, LFR; MEA 2,000.
From Toledo, Ohio, LFR; to Sandusky INT, Ohio; MEA 2,000.
From Sandusky INT, Ohio; to Cleveland, Ohio, LFR; MEA 1,900.
From Cleveland, Ohio, LFR; to Parkman INT, Ohio; MEA 3,000.
From Brecksville, Ohio, FM; to Parkman INT, Ohio, eastbound only; MEA 2,500.
From Parkman INT, Ohio, to Youngstown, Ohio, LFR; MEA 2,500.
From Youngstown, Ohio, LFR; to Mercer INT, Pa.; MEA 2,600.
From Mercer INT, Pa.; to Philipsburg, Pa., LFR; MEA 4,000.
From Philipsburg, Pa., LFR; to Selinsgrove, Pa., LF/RBN; MEA 4,000.
From Selingsgrove, Pa., LF/RBN; to Slatington INT, Pa.; MEA 3,500.



From Slatington INT, Pa.; to Allentown, Pa., LFR; MEA 3,000.
From Allentown, Pa., LFR; to *Belle Mead INT, N. J.; MEA 2,500. *1,700—MCA Belle Mead INT, westbound.
From Belle Mead INT, N. J.; to New Brunswick INT, N. J.; MEA 2,000.
From New Brunswick INT, N. J.; to Flatbush INT, N. Y.; MEA 1,500.
From Flatbush INT, N. Y.; to LaGuardia, N. Y., LFR; MEA 2,500.

§ 610.14 *Green civil airway 4.*

From Camarillo, Calif., LFR; to Newhall, Calif., LFR; northeastbound, MEA 8,000; southwestbound, MEA 6,000.
From *Newhall, Calif.; to **Palmdale, Calif.; MEA 9,000. *7,000—MCA Newhall LFR; northeastbound. **9,000—MCA Palmdale LFR, southwestbound.
From Palmdale, Calif., LFR; to Daggett, Calif., LFR; MEA 6,000.
From Daggett, Calif., LFR; to Needles, Calif., LFR; MEA 9,000.
From Needles, Calf., LFR; to Prescott, Ariz., LFR; MEA 10,000.
From Prescott, Ariz., LFR; to Winslow, Ariz., LFR; MEA 10,000.
From Winslow, Ariz., LFR; to Zuni, N. Mex., LFR; MEA 10,000.
From Zuni, N. Mex., LFR; to Albuquerque, N. Mex., LFR; MEA 11,000.
From *Albuquerque, N. Mex., LFR; to **Otto, N. Mex., LFR; MEA 11,000. *10,300—MCA Albuquerque LFR, eastbound. **9,600—MCA Otto LFR, westbound.
From Otto, N. Mex., LFR; to Tapia INT, N. Mex.; MEA 9,500.
From Tapia INT, N. Mex., to Cuervo INT, N. Mex.; MEA 9,000.
From Cuervo INT, N. Mex.; to *Tucumcari, N. Mex., LFR; MEA 7,000. *6,000—Minimum crossing altitude at Tucumcari LFR, westbound.
From Tucumcari, N. Mex., LFR; to Amarillo, Tex., LFR; MEA 5,500.
From Amarillo, Tex., LFR; to INT E crs of Amarillo and SW crs of Gage, Okla., LFR; MEA 4,700.
From INT E crs of Amarillo and SW crs of Gage, Okla., LFR; to Gage, Okla., LFR; MEA 4,500.
From Gage, Okla., LFR; to Danville INT, Kans.; MEA 3,600.
From Danville INT, Kans.; to Wichita, Kans., LFR; MEA 2,800.
From Wichita, Kans., LFR; to Cassoday INT, Kans.; MEA 2,800.
From Cassoday INT, Kans.; to Centropolis INT, Kans.; MEA 3,000.
From Centropolis INT, Kans.; to DeSoto INT, Kans.; MEA 2,300.
From DeSoto INT, Kans.; to Kansas City, Mo., LFR; MEA 2,400.
From Kansas City, Mo., LFR; to Liberty, Mo., LF/RBN; MEA 2,200.
From Liberty, Mo., LF/RBN; to Columbia, Mo., LFR; MEA 2,200.
From Columbia, Mo., LFR; to St. Peters INT, Mo.; MEA 2,600.
From St. Peters INT, Mo.; to St. Louis, Mo., LFR; MEA 1,800.
From St. Louis, Mo., LFR; to Wood River INT, Ill.; MEA 1,800.
From Wood River INT, Ill.; to Effingham, Ill., LFR; MEA 2,000.
From Effingham, Ill., LFR; to Terre Haute, Ind., LFR; MEA 2,000.
From Terre Haute, Ind., LFR; to Indianapolis, Ind., LFR; MEA 2,000.
From Indianapolis, Ind., LFR; to Greenfield INT, Ind.; MEA 2,900.
From Greenfield INT, Ind.; to North Hampton INT, Ohio; MEA 2,300.
From North Hampton INT, Ohio; to Columbus, Ohio, LFR; MEA 2,400.
From Columbus, Ohio, LFR; to Adamsville INT, Ohio; MEA 2,400.
From Adamsville INT, Ohio; to Wheeling, W. Va., LF/RBN; MEA 2,600.
From Wheeling, W. Va., LF/RBN; to Pittsburgh, Pa., LFR; MEA 2,500.
From Pittsburgh, Pa., LFR; to *New Alexandria, Pa., LF/RBN; MEA 3,000. *4,000—MCA New Alexandria LF/RBN eastbound.
From New Alexandria, Pa., LF/RBN; to Altoona, Pa., LFR; MEA 4,500.
From Altoona, Pa., LFR; to New Kingston, Pa., FM; MEA 4,000.
From New Kingston, Pa., FM, to Harrisburg, Pa., LFR; MEA 2,500.
From Harrisburg, Pa., LFR; to Lancaster INT, Pa.; MEA 2,000.
From Lancaster INT, Pa.; to Boothwyn INT, Pa.; MEA 2,000.
From Boothwyn INT, Pa.; to Philadelphia, Pa., LFR; MEA 1,800.

§ 610.15 *Green civil airway 5.*

From Los Angeles, Calif., LFR; to LaHabra INT, Calif., eastbound; MEA 5,000.
From LaHabra INT, Calif.; to Los Angeles, Calif., LFR westbound; MEA 3,000.
From *LaHabra INT, Calif.; to Riverside, Calif., LFR; MEA 5,000. *5,000—MCA LaHabra INT, eastbound.
From *Riverside, Calif., LFR; to Palm Springs INT, Calif.; MEA 13,000. *11,000—Minimum crossing altitude at Riverside LFR, eastbound.
From Banning, Calif., FM; to Riverside, Calif., LFR, westbound only; MEA 10,000.
From *Palm Springs INT, Calif.; to Blythe, Calif., LFR; MEA 8,000. *13,000—MCA Palm Springs INT, westbound.
From Blythe, Calif., LFR; to White Tank INT, Ariz.; MEA 6,000.
From White Tank INT, Ariz.; to Phoenix, Ariz., LFR; MEA 5,000.
From Phoenix, Ariz., LFR; to Casa Grande INT, Ariz.; MEA 5,000.
From Casa Grande INT, Ariz.; to Tucson, Ariz., LFR; MEA 7,000.
From *Tucson, Ariz., LFR; to Cochise, Ariz., LFR; MEA 11,000. *8,000—MCA Tucson LFR, eastbound.
From Cochise, Ariz., LFR; to Columbus, N. Mex., LFR; MEA 12,000.
From Hilltop, Ariz., FM; to Cochise, Ariz., LFR westbound only; MEA 10,000.
From Hilltop, Ariz., FM; to Columbus, N. Mex., LFR eastbound only; MEA 10,000.
From Columbus, N. Mex., LFR; to El Paso, Tex., LFR; MEA 8,500.
From El Paso, Tex., LFR; to Salt Flat, Tex., LFR; MEA 8,000.
From *Salt Flat, Tex., LFR; to Wink, Tex., LFR; MEA 10,000. *8,900—MCA Salt Flat LFR, eastbound.
From Guadaloupe Pass, Tex., FM; to Wink, Tex., LFR, eastbound only; MEA 8,000.
From Wink, Tex., LFR; to Midland INT, Tex.; MEA 4,900.
From Midland INT, Tex.; to Big Spring, Tex., LFR; MEA 4,000.
From Big Spring, Tex., LFR; to Colorado City INT, Tex.; MEA 4,000.
From Colorado City INT, Tex.; to Abilene, Tex., LFR; MEA 3,600.
From Abilene, Tex., LFR; to Pala Pinto INT, Tex.; MEA 3,000.
From Palo Pinto INT, Tex.; to Mineral Wells, Tex., LF/RBN; MEA 2,400.
From Mineral Wells, Tex., LF/RBN; to Fort Worth, Tex., LFR; MEA 2,300.
From Fort Worth, Tex., LFR; to Bedford INT, Tex.; MEA 1,900.
From Bedford INT, Tex.; to Farmers Branch INT, Tex.; MEA 2,200.
From Farmers Branch INT, Tex.; to Greenville INT, Tex.; MEA 1,900.
From Greenville INT, Tex.; to Sulphur Springs, Tex., LF/RBN; MEA 1,800.
From Sulphur Springs, Tex., LF/RBN; to Texarkana, Ark., LFR; MEA 1,800.
From Texarkana, Ark., LFR; to Pine Bluff, Ark., LF/RBN; MEA 1,600.
From Bine Bluff, Ark., LF/RBN; to Memphis, Tenn., LFR; MEA 1,500.
From Memphis, Tenn., LFR; to Jackson, Tenn., LFR; MEA 2,000.
From Jackson, Tenn., LFR; to Nashville, Tenn., LFR; MEA 3,000.
From Nashville, Tenn., LFR; to Lebanon INT, Tenn.; MEA 3,000.
From Lebanon INT, Tenn.; to Smithville, Tenn., LF/RBN; MEA 3,500.
From Smithville, Tenn., LF/RBN; to *Watts Bar INT, Tenn.; MEA 4,500.
From *Watts Bar INT, Tenn.; to Knoxville, Tenn., LFR; MEA 3,000. *4,500—MCA Watts Bar INT, westbound.
From Knoxville, Tenn., LFR; to Gray INT, Tenn.; MEA 5,000.
From Gray INT, Tenn.; to Tri-City, Tenn., LFR; MEA 4,000.
From Tri-City, Tenn., LFR; to Abingdon INT, Va.; MEA 4,000.
From Abingdon INT, Va.; to Pulaski, Va., LFR; MEA 7,000.
From Pulaski, Va., LFR; to Roanoke, Va., LFR; MEA 6,000.
From Roanoke, Va., LFR; to James River INT, Va.; MEA 6,200.
From James River INT, Va.; to Gordonsville, Va., LFR; MEA 6,000.
From Gordonsville, Va., LFR; to Quantico, Va., LFR; MEA 3,000.
From Quantico, Va., LFR; to Andrews, Md., LFR; MEA 1,500.
From Andrews, Md., LFR; to Hartly INT, Del.; MEA 1,500.
From Hartly INT, Del.; to Millville, N. J., LFR; MEA 1,500.
From Millville, N. J., LFR; to Ambrose INT, N. J.; MEA 1,500.
From Ambrose INT, N. J.; to Mitchel AFB N. Y., LFR; MEA 1,500.
From Mitchel AFB, N. Y., LFR; to St. James INT, N. Y.; MEA 1,500.
From St. James INT, N. Y.; to Salem INT, Conn.; MEA 1,800.
From Salem INT, Conn.; to Moosup INT, Conn.; MEA 1,800.
From Moosup INT, Conn.; to North Scituate INT, R. I.; MEA 1,700.

§ 610.16 *Green civil airway 6.*

From Laredo, Tex., LFR; to San Diego, Tex., LF/RBN; MEA 1,900.
From San Diego, Tex., LF/RBN; to Alice, Tex., LFR; MEA 1,500.
From Alice, Tex., LFR; to Corpus Christi, Tex., LFR; MEA 1,600.
From Corpus Christi, Tex., LFR; to Gregory INT, Tex.; MEA 1,400.
From Gregory INT, Tex., to Palacios, Tex., LFR; MEA 1,300.
From Palacios, Tex., LFR; to Galveston, Tex., LFR; MEA 1,200.
From Galveston, Tex., LFR; to Port Arthur INT, Tex.; MEA 1,400.
From Port Arthur INT, Tex.; to Lake Charles, La., LFR; MEA 1,500.
From Lake Charles, La., LFR; to Lafayette, La., LF/RBN; MEA 1,500.
From Lafayette, La., LF/RBN; to New Orleans, La., LFR; MEA 1,400.
From New Orleans, La., LFR; to Horn INT, Miss.; MEA 1,400.
From Horn INT, Miss.; to Bay Minette, Ala., LF/RBN; MEA 1,600.
From Bay Minette, Ala., LF/RBN; to Maxwell AFB, Ala., LFR; MEA 1,500.
From Maxwell AFB, Ala., LFR; to Atlanta Ga., LFR; MEA 2,000.
From Atlanta, Ga., LFR; to Spartanburg, S. C., LFR; MEA 2,800.
From Spartanburg, S. C., LFR; to Mooresville INT, N. C.; MEA 2,800.
From Mooresville INT, N. C.; to Greensboro, N. C., LFR; MEA 2,400.
From Greensboro, N. C., LFR; to South Boston INT, Va.; MEA 2,300.
From South Boston INT, Va.; to Blackstone, Va., LFR; MEA 2,000.
From Blackstone, Va., LFR; to Richmond, Va., LFR; MEA 1,500.
From Richmond, Va., LFR; to Norfolk, Va., LFR; MEA 1,500.

§ 610.17 *Green civil airway 7.*

From Nome, Alaska, LFR; to Moses Point, Alaska, LFR; MEA 5,000.

From Moses Point, Alaska, LFR; to Koyuk INT, Alaska; MEA 4,000.
From *Koyuk INT, Alaska; to Galena, Alaska, LFR; MEA 6,000. *6,000 MCA Koyuk INT, eastbound.
From Galena, Alaska, LFR; to Galtan INT, Alaska; MEA 5,800.
From Galtan INT, Alaska; to Fairtan INT, Alaska; MEA 5,000.
From Fairtan INT, Alaska; to Fairbanks, Alaska, LFR; MEA 3,900.

§ 610.18 *Green civil airway 8.*

From Cold Bay, Alaska, LFR; to King Salmon, Alaska, LFR; MEA 4,000.
From King Salmon, Alaska, LFR; to Kukaklek INT, Alaska; MEA 4,500.
From Kukaklek INT, Alaska; to Bruin Bay INT, Alaska; MEA 5,900.
From Bruin Bay INT, Alaska; to Anchor Point INT, Alaska; MEA 6,000.
From Anchor Point INT, Alaska; to Kenai, Alaska, LFR; MEA 1,400.
From Kenai, Alaska, LFR; to Delta Island INT, Alaska; MEA 1,500.
From Delta Island INT, Alaska; to Anchorage, Alaska, LFR; MEA 1,500.

§ 610.19 *Green civil airway 9.*

From South Port Allen INT, T. H.; to Makai INT, T. H.; eastbound, MEA 2,000, westbound, MEA 1,000.
From Makai INT, T. H.; to *Honolulu, T. H., LFR; MEA 2,000. *6,000—MCA Honolulu LFR, eastbound.
From Honolulu, T. H., LFR; to 30 miles NE Honolulu, T. H., LFR; MEA 6,500.
From 30 miles NE Honolulu, T. H., LFR; to North Maui INT, T. H.; MEA 6,000.
From North Maui INT, T. H.; to North Hilo INT, T. H.; MEA 1,000.

§ 610.20 *Green civil airway 10.*

From U. S.-Canadian Border; to *Bellingham, Wash., LFR; MEA 1,500. *2,000—MCA Bellingham LFR, southbound.
From Bellingham, Wash., LFR; to Burlington INT, Wash.; MEA 4,000.
From Burlington INT, Wash.; to Everett, Wash., LFR; MEA 3,000.
From Everett, Wash., LFR; to *Seattle, Wash., LFR; MEA 2,500. *4,000—MCA Seattle LFR, eastbound.
From Seattle, Wash., LFR; to Ellensburg, Wash., LFR; MEA 8,000.
From Ellensburg, Wash., LFR; to INT NW Yakima and S Ellensburg, Wash., LFR; MEA 5,500.
From INT NW Yakima and S Ellensburg, Wash., LFR; to Yakima, Wash., LFR; MEA 4,500.
From Yakima, Wash. LFR; to *Pendleton, Oreg., LFR; MEA 5,000. *5,100—MCA Pendleton LFR, southeastbound.
From Pendleton, Oreg., LFR; to Baker, Oreg., LFR; MEA 10,000.
From LaGrande, Oreg., FM; to Pendleton, Oreg., LFR, northwestbound only; MEA 7,000.
From Baker, Oreg., LFR; to Boise, Idaho, LFR; MEA 9,000.
From Payette, Idaho, FM; to Boise, Idaho, LFR, southeastbound; MEA 5,500.
From Boise, Idaho, LFR; to *King Hill INT, Idaho; MEA 9,000. *9,000—MCA King Hill INT, northwestbound.
From King Hill INT, Idaho; to Burley, Idaho, LFR; MEA 7,000.
From Mountain Home, Idaho, FM; to Boise, Idaho, LFR, northwestbound only; MEA 7,600.
From *Burley, Idaho, LFR; to Malad City, Idaho, LFR; MEA 11,000. *7,000—MCA Burley LFR, eastbound.
From Malad City, Idaho, LFR; to Kemmerer INT, Wyo.; MEA 12,000.
From Kemmerer INT, Wyo.; to Rock Springs, Wyo., LFR; MEA 10,000.
From Rock Springs, Wyo., LFR; to Sinclair, Wyo., LFR; MEA 10,000.
From Sinclair, Wyo., LFR; to Medicine Bow INT, Wyo.; MEA 11,000.
From Medicine Bow INT, Wyo.; to Two Rivers INT, Wyo.; MEA 11,000.
From Two Rivers INT, Wyo.; to *Laramie, Wyo., LFR; MEA 10,500. *10,500—MCA Laramie, LFR, southeastbound.
From Laramie, Wyo., LFR; to *Dacono INT, Colo.; MEA 11,500. *10,500—MCA Dacono INT, northwestbound.
From Dacono INT, Colo.; to Denver, Colo., LFR; MEA 7,500.

§ 610.101 *Amber civil airway 1.*

From U. S.-Mexican Border LFR; to San Diego, Calif., LFR; MEA 2,500.
From San Diego, Calif., LFR; to Oceanside, Calif., LF/RBN, northbound; MEA 3,000; southbound; MEA 2,500.
From Oceanside, Calif., LF/RBN; to Long Beach, Calif., LFR; MEA 4,000.
From Long Beach, Calif., LFR; to Los Angeles, Calif., LFR; MEA 1,800.
From *Los Angeles, Calif., LFR; to Burbank, Calif., LFR; MEA 4,000. *3,000—MCA Los Angeles, LFR, northbound.
From *Burbank, Calif., LFR; to Newhall, Calif., LFR; MEA 7,000. *5,000—MCA Burbank, LFR, northbound.
From *Newhall, Calif., LFR; to Lebec, Calif., FM, northbound; MEA 10,000. *7,000—MCA Newhall, LFR, northbound.
From Lebec, Calif., FM; to Castaic, Calif., FM; MEA 10,000.
From Castaic, Calif., FM; to Newhall, Calif., LFR, southbound; MEA 8,000.
From Lebec, Calif., FM; to Bakersfield, Calif., LFR, northbound; MEA 6,000.
From *Bakersfield, Calif., LFR; to Lebec, Calif., FM, southbound; MEA 10,000. *7,000 MCA Bakersfield, LFR, southbound.
From Bakersfield, Calif., LFR; to Fresno, Calif., LFR; MEA 3,000.
From Famosa, Calif., FM; to Fresno, Calif., LFR, northwestbound; MEA 2,000.
From Fresno, Calif., LFR; to Sacramento, Calif., LFR; MEA 2,000.
From Sacramento, Calif., LFR; to Williams, Calif., LFR, southeastbound; MEA 3,000.
From Williams, Calif., LFR; to Red Bluff, Calif., LFR; MEA 3,000.
From Red Bluff, Calif., LFR; to Delta INT, Calif.; MEA 8,000.
From Delta INT, Calif.; to Redding, Calif., FM, southbound only; MEA 7,000.
From Redding, Calif., FM; to Red Bluff, Calif., LFR, southbound only; MEA 3,000.
From Delta INT, Calif.; to Ft. Jones, Calif., LFR; MEA 10,000.
From Ft. Jones, Calif., LFR; to *Medford, Oreg., LFR; MEA 10,000. *8,000—MCA Medford LFR, southbound.
From Ashland INT, Oreg.; to Medford, Oreg., LFR, northbound only; MEA 8,000.
From Medford, Oreg., LFR; to Eugene, Oreg., LFR; MEA 6,500.
From Eugene, Oreg., LFR; to Portland, Oreg., LFR; MEA 3,000.
From Portland, Oreg., LFR; to Toledo, Wash., LFR; MEA 5,000.
From Toledo, Wash., LFR; to Tacoma, Wash., LFR; MEA 5,000.
From Tacoma, Wash., LFR; to Seattle, Wash., LFR; MEA 3,000.
From Seattle, Wash., LFR; to Port Gamble INT, Wash.; MEA 2,000.
From *Port Gamble INT, Wash.; to **Dungeness INT, Wash.; MEA 5,000. *3,000—MCA Port Gamble INT, northbound; **4,000—MCA Dungeness INT, southbound.
From Dungeness INT, Wash.; to Patricia Bay, British Columbia, LFR; MEA *2,500. *For that airspace over U. S. territory.
From Dixon INT, British Columbia; to Sitka, Alaska, LFR; MEA 5,600.
From Sitka, Alaska, LFR; to Cape Spencer, INT, Alaska; MEA 5,300.
From Cape Spencer, Alaska, LFR; to Yakutat, Alaska, LFR; MEA 1,200.
From Yakutat, Alaska, LFR; to South Yakataga INT, Alaska; MEA 1,500.
From *Hinchinbrook, Alaska, LFR; to East Cordova INT, Alaska; MEA 2,000. *3,000—MCA Hinchinbrook LFR, westbound.
From East Cordova INT, Alaska; to South Yakataga INT, Alaska; MEA 5,000.
From Hinchinbrook, Alaska, LFR; to *Whittier INT, Alaska; MEA 4,800. *8,600—MCA Whittier INT, westbound.
From Whittier INT, Alaska; to *Anchorage, Alaska, LFR; MEA 9,000. *6,700—MCA Anchorage LFR, southeastbound.
From Anchorage, Alaska, LFR; to Susitna INT, Alaska; MEA 1,500.
From Susitna INT, Alaska; to *Skwentna, Alaska, LFR; MEA 4,200. *7,000—MCA Skwentna LFR, westbound.
From *Skwentna, Alaska, LFR; to Puntilla Lake, Alaska, LF/RBN; MEA 9,100. *7,000—MCA Skwentna LFR, westbound.
From Puntilla Lake, Alaska, LF/RBN; to *Farewell, Alaska, LFR; MEA 9,100. *8,600—MCA Farewell LFR, southeastbound.
From Farewell, Alaska, LFR; to McGrath, Alaska, LFR; MEA 4,000.
From McGrath, Alaska, LFR; to Unalakleet, Alaska, LFR; MEA 6,000.
From Unalakleet, Alaska, LFR; to Nome, Alaska, LFR; MEA 2,800.

§ 610.102 *Amber civil airway 2.*

From San Pedro INT, Calif.; to Long Beach, Calif., LFR; MEA 4,000.
From Long Beach, Calif., LFR; to *La Habra INT, Calif.; MEA 3,000. *10,000—MCA La Habra INT, northeastbound.
From La Habra, INT, Calif.; to Fairgrounds INT, Calif.; northeastbound, MEA 12,000; southeastbound, MEA 4,000.
From Fairgrounds INT, Calif.; to Daggett, Calif., LFR; MEA 12,000.
From Daggett, Calif., LFR; to Las Vegas, Nev., LFR; MEA 9,500.
From Las Vegas, Nev., LFR; to Enterprise, Utah, LFR; MEA 10,000.
From Crystal, Nev., FM; to Las Vegas, Nev., LFR, southwestbound only; MEA 6,500.
From Enterprise, Utah, LFR; to Delta, Utah, LFR; MEA 11,000.
From Delta, Utah; LFR; to Fairfield, Utah; LFR; MEA 11,000.
From Fairfield, Utah, LFR; to *Salt Lake City, Utah, LFR; MEA 12,000. *10,000—MCA Salt Lake City, LFR, southbound.
From Riverton, Utah, FM; to Salt Lake City, Utah, LFR, northbound only; MEA 11,000.
From Salt Lake City, Utah, LFR; to Ogden, Utah, LFR; MEA 8,500.
From *Ogden, Utah, LFR; to Malad City, Idaho, LFR; MEA 11,000. *9,000—MCA Ogden LFR, northbound.
From Malad City, Idaho, LFR; to *Pocatello, Idaho, LFR; MEA 11,000. *8,700—MCA Pocatello LFR, southbound.
From Pocatello, Idaho, LFR; to Idaho Falls, Idaho, LFR; MEA 7,500.
From Idaho Falls, Idaho, LFR; to Dubois, Idaho, LFR; MEA 7,500.
From *Dubois, Idaho, LFR; to Dillon, Mont., LFR; MEA 11,500. *10,000—MCA Dubois LFR, northbound.
From Dillon, Mont., LFR; to *Whitehall, Mont., LFR; MEA 10,500. *9,300—MCA Whitehall, LFR, northbound.
From Whitehall, Mont., LFR; to Helena, Mont., LFR; MEA 10,500.
From Helena, Mont., LFR; to Craig INT, Mont.; MEA 9,500.
From Craig INT, Mont.; to *Great Falls, Mont., LFR; MEA 8,500. *6,600—MCA Great Falls, LFR, southwestbound.
From Great Falls, Mont., LFR; to Cut Bank, Mont., LFR; MEA 6,000.
From Cut Bank, Mont., LFR; to Lethbridge, Canada, LFR; MEA 6,000.
From Snag, Yukon Territory, Canada, LFR; to Northway, Alaska, LFR; MEA 6,400.
From Northway, Alaska, LFR; to Big Delta, Alaska, LFR; MEA 8,000.
From Big Delta, Alaska, LFR; to Chena INT, Alaska; MEA 5,000.



From Chena INT, Alaska; to Fairbanks, Alaska, LFR; MEA 2,400.
From Fairbanks, Alaska, LFR; to Beetles, Alaska, LFR; MEA 5,500.
From Beetles, Alaska, LFR; to *Umiat, Alaska, LF/RBN; MEA 9,800. *5,000—MCA Umiat LF/RBN, southbound.
From Umiat, Alaska, LF/RBN; to Point Barrow, Alaska, LF/RBN; MEA 3,000.

§ 610.103 *Amber civil airway 3.*

From Harrington Ranch INT, N. Mex.; to Truth or Consequences, N. Mex., LFR; MEA 10,000.
From Truth or Consequences, N. Mex., LFR; to Belen, N. Mex., LF/RBN; MEA 10,000.
From Belen, N. Mex., LF/RBN; to Albuquerque, N. Mex., LFR; MEA 8,000.
From Tapia INT, N. Mex.; to Las Vegas, N. Mex., LFR; MEA 9,600.
From Las Vegas, N. Mex., LFR; to *Trinidad, Colo., LFR; MEA 11,000. *11,000—MCA Trinidad LFR, southbound.
From Trinidad, Colo., LFR; to Pueblo, Colo., LFR; MEA 7,500.
From Pueblo, Colo., LFR; to Colorado Springs, Colo., LF/RBN, southbound, MEA 7,000; northbound, MEA 8,000.
From Colorado Springs, Colo., LF/RBN; to Denver, Colo., LFR; MEA 8,900.
From Denver, Colo., LFR; to Cheyenne, Wyo., LFR; MEA 7,500.
From Cheyenne, Wyo., LFR; to Diamond INT, Wyo.; MEA 7,500.
From Diamond INT, Wyo.; to Casper, Wyo., LFR; MEA 7,500.
From Casper, Wyo., LFR; to Ucross INT, Wyo.; MEA 7,500.
From Ucross INT, Wyo.; to Sheridan, Wyo., LFR; MEA 7,000.
From Sheridan, Wyo., LFR; to Billings, Mont., LFR; MEA 8,000.
From Billings, Mont., LFR; to Lavina, Mont., FM, northbound; MEA 8,000.
From Lavina, Mont., FM; to Billings, Mont., LFR, southbound; MEA 6,000.
From Lavina, Mont., FM; to Lewistown, Mont., LFR; MEA 8,000.
From Lewistown, Mont., LFR; to *Great Falls, Mont., LFR; MEA 9,000. *6,800—MCA Great Falls LFR, eastbound.

§ 610.104 *Amber civil airway 4.*

From Brownsville, Tex., LFR; to Kingsville INT, Tex.; MEA 1,300.
From Kingsville INT, Tex.; to Alice, Tex., LFR; MEA 1,400.
From Alice, Tex., LFR; to Losoya INT, Tex.; MEA 1,800.
From Losoya INT, Tex.; to San Antonio, Tex., LFR; MEA 2,200.
From San Antonio, Tex., LFR; to Cibolo Creek INT, Tex.; MEA 2,400.
From Cibolo Creek INT, Tex.; to Austin, Tex., LFR; MEA 2,600.
From Austin, Tex., LFR; to Belton INT, Tex.; MEA 2,000.
From Belton INT, Tex.; to Waco, Tex., LFR; MEA 2,100.
From Waco, Tex., LFR; to Clifton INT, Tex.; MEA 2,000.
From Clifton INT, Tex.; to Stadium INT, Tex.; MEA 2,100.
From Stadium INT, Tex.; to Ft. Worth, Tex., LFR; MEA 2,200.
From Ft. Worth, Tex., LFR; to Decatur INT, Tex.; MEA 2,000.
From Decatur INT, Tex.; to Saint Jo INT, Tex.; MEA 2,400.
From Saint Jo INT, Tex.; to Ringling INT, Okla.; MEA 2,000.
From Ringling INT, Okla.; to Oklahoma City, Okla., LFR; MEA 2,500.
From Oklahoma City, Okla., LFR; to Shawnee INT, Okla.; MEA 2,700.
From Shawnee INT, Okla.; to Tulsa, Okla., LFR; MEA 2,400.
From Tulsa, Okla., LFR; to Verdigris INT, Okla.; MEA 1,900.
From Verdigris INT, Okla.; to Claremore INT, Okla.; MEA 2,000.
From Claremore INT, Okla.; to Chanute, Kans., LFR; MEA 2,200.
From Chanute, Kans., LFR; to Baldwin City, INT, Kans.; MEA 2,300.
From Kansas City, Mo., LFR; to Glenwood INT, Nebr.; MEA 2,500.
From Glenwood INT, Nebr.; to Omaha, Nebr., LFR; MEA 2,700.
From Omaha, Nebr., LFR; to Sioux City, Iowa, LFR; MEA 2,500.
From Sioux City, Iowa, LFR; to Sioux Falls, S. Dak., LFR; MEA 3,000.
From Sioux Falls, S. Dak., LFR; to Huron, S. Dak., LFR; MEA 2,800.
From Huron, S. Dak., LFR; to Aberdeen, S. Dak., LFR; MEA 2,500.
From Aberdeen, S. Dak., LFR; to Bismarck, N. Dak., LFR; MEA 3,500.
From Bismarck, N. Dak., LFR; to Minot, N. Dak., LFR; MEA 3,400.

§ 610.105 *Amber civil airway 5.*

From Grand Isle, La., LFR; to New Orleans, La., LFR; MEA 1,400.
From New Orleans, La., LFR; to Jackson, Miss., LFR; MEA 2,000.
From Jackson, Miss., LFR; to Greenwood, Miss., LFR; MEA 1,700.
From Greenwood, Miss., LFR; to Nesbitt INT, Tenn.; MEA 1,800.
From Nesbitt INT, Tenn.; to Memphis, Tenn., LFR; MEA 1,500.
From Nesbitt, Tenn., FM; to Memphis, Tenn., LFR, northbound only; MEA 1,500.
From Memphis, Tenn., LFR; to Cuba INT, Tenn.; MEA 2,300.
From Cuba INT, Tenn.; to Advance, Mo., LFR; MEA 2,000.
From Advance, Mo., LFR; to Waterloo INT, Mo.; MEA 2,000.
From Waterloo INT, Mo.; to St. Louis, Mo., LFR; MEA 2,200.
From St. Louis, Mo., LFR; to Jerseyville INT, Ill.; MEA 2,000.
From Jerseyville INT, Ill.; to Springfield, Ill., LFR; MEA 1,900.
From *Springfield, Ill., LFR; to Pontiac INT, Ill.; MEA 2,000. *2,000—MCA Springfield LFR, northeastbound.
From Pontiac INT, Ill.; to Joliet, Ill., LFR; MEA 2,000.
From Joliet, Ill., LFR; to Downers Grove INT, Ill.; MEA 2,300.
From Downers Grove INT, Ill.; to Wilson INT, Ill.; MEA 2,300.
From Wilson INT, Ill.; to INT E crs Rockford, and S crs Milwaukee, Wis., LFR; MEA 2,500.
From INT E crs Rockford and S crs Milwaukee, Wis., LFR; to Milwaukee, Wis., LFR; MEA 2,100.

§ 610.106 *Amber civil airway 6.*

From Jacksonville, Fla., LFR; to Alma, Ga., LFR; MEA 1,600.
From Alma, Ga., LFR; to Macon, Ga., LFR; MEA 1,600.
From Macon, Ga., LFR; to Atlanta, Ga., LFR; MEA 2,200.
From Atlanta, Ga., LFR; to Smyrna INT, Ga., MEA 3,000.
From Smyrna INT, Ga., to Cartersville INT, Ga., MEA 3,000.
From Cartersville INT, Ga., to Chattanooga, Tenn., LFR; MEA 4,000.
From Chattanooga, Tenn., LFR; to Nashville, Tenn., LFR; MEA 4,000.
From Nashville, Tenn., LFR; to Green Brier INT, Tenn., MEA 3,000.
From Green Brier INT, Tenn., to Bowling Green, Ky., LFR; MEA 2,000.
From Bowling Green, Ky., LFR; to Louisville, Ky., LFR; MEA 2,200.
From Louisville, Ky., LFR; to Union, Ky., FM; MEA 2,400.
From Union, Ky., FM; to Cincinnati, Ohio, LFR; MEA 2,400.
From Cincinnati, Ohio, LFR; to West Jefferson INT, Ohio; MEA 2,200.
From Columbus, Ohio, LFR; to A Beam, Mansfield, Ohio, LF/RBN; MEA 2,500.
From A Beam, Mansfield, Ohio, LFR; to Brighton INT, Ohio; MEA 2,500.
From Brighton INT, Ohio; to Elyria, Ohio, LF/RBN; MEA 2,200.
From Parkman INT, Ohio, to Perry, Ohio, LF/RBN; MEA 2,500.
From Perry, Ohio, LF/RBN; to Clear Creek, Ontario, LFR; MEA 2,000.

§ 610.107 *Amber civil airway 7.*

From Key West, Fla., LFR; to Miami, Fla., LFR; MEA 1,400.
From Miami, Fla., LFR; to Bayshore INT, Fla.; MEA 1,400.
From Bayshore INT, Fla.; to West Palm Beach, Fla., LFR; MEA 1,500.
From West Palm Beach, Fla., LFR; to Melbourne, Fla., LFR; MEA 1,300.
From Melbourne, Fla., LFR; to Daytona Beach, Fla., LFR; MEA 1,300.
From Daytona Beach, Fla., LFR; to Jacksonville, Fla., LFR; MEA 1,300.
From Jacksonville, Fla., LFR; to Savannah, Ga., LFR; MEA 1,300.
From Savannah, Ga., LFR; to Charleston, S. C., LFR; MEA 1,500.
From Charleston, S. C., LFR; to Florence, S. C., LFR; MEA 1,300.
From Florence, S. C., LFR; to Lumberton INT, N. C.; MEA 1,400.
From Lumberton INT, N. C.; to Raleigh, N. C., LFR; MEA 2,000.
From Raleigh, N. C., LFR; to Brodnax INT, Va.; MEA 1,800.
From Brodnax INT, Va.; to Richmond, Va., LFR; MEA 1,500.
From Richmond, Va., LFR; to Washington, D. C., LFR; MEA 1,500.
From Washington, D. C., LFR; to Riverdale, Md., LF/RBN; MEA 1,800.
From Riverdale, Md., LF/RBN; to Relay INT, Md.; MEA 1,600.
From Relay INT, Md.; to Loch Raven INT, Md.; MEA 1,800.
From Lock Raven INT, Md.; to Boothwyn INT, Pa.; MEA 1,800.
From Boothwyn INT, Pa.; to Philadelphia, Pa., LFR; MEA 1,800.
From Philadelphia, Pa., LFR; to North Philadelphia, Pa., LFR; MEA 1,800.
From North Philadelphia, Pa., LFR; to Newark, N. J., LFR; MEA 1,500.
From Newark, N. J., LFR; to Little Ferry INT, N. Y.; MEA 2,500.
From Little Ferry INT, N. Y.; to Port Chester INT, N. Y.; MEA 1,900.
From Port Chester INT, N. Y.; to Meriden INT, Conn.; MEA 2,000.
From Meriden INT, Conn.; to Hartford, Conn., LFR; MEA 2,000.
From Hartford, Conn., LFR; to Woodstock INT, Conn., northbound; MEA 2,400.
From Woodstock INT, Conn.; to Hartford, Conn., LFR, southbound; MEA 2,000.
From Woodstock INT, Conn.; to Bedford, Mass., LF/RBN; MEA 2,400.
From Bedford, Mass., LF/RBN; to Boston, Mass., LFR; MEA 1,700.
From Boston, Mass., LFR; to INT SE crs Concord, N. H., and N crs Boston, Mass., LFR; MEA 1,300.
From INT SE crs Concord, N. H., and LFR, N crs Boston, Mass., LFR; to Portland, Maine; MEA 1,700.
From Portland, Maine, LFR; to Augusta, Maine, LFR; MEA 1,800.
From Augusta, Maine, LFR; to Millinocket, Maine, LFR; MEA 2,500.
From Millinocket, Maine, LFR; to St. Croix INT, Maine; MEA 3,500.
From St. Croix INT, Maine; to Presque Isle, Maine, LFR; MEA 2,500.
From Presque Isle, Maine, LFR; to U. S.-Canada Border LFR; MEA 3,500.

§ 610.108 *Amber civil airway 8.*

From Los Angeles, Calif., LFR; to *Malibu INT, Calif.; MEA 2,000.

From *Malibu INT, Calif.; to Camarillo, Calif., LFR; MEA 5,000. *3,500—MCA Malibu INT, northwestbound.

From Camarillo, Calif., LFR; to Santa Barbara, Calif., LFR, southeastbound only, MEA 4,000; northwestbound, MEA 6,000.

From Santa Barbara, Calif., LFR; to Bradley INT, Calif.; MEA 7,000.

From Bradley INT, Calif.; to Salinas, Calif., LFR; MEA 5,000.

From Salinas, Calif., LFR; to Lightship INT, Calif.; MEA 5,000.

From Lightship INT, Calif.; to Golden Gate INT, Calif.; MEA 3,000.

From Golden Gate INT, Calif.; to Richmond INT, Calif.; MEA 4,000.

From Richmond INT, Calif.; to *Travis AFB, Calif., LFR; MEA 3,000. *3,000—MCA Travis AFB, southwestbound.

From Travis AFB, Calif., LFR; to INT NE crs Travis AFB, Calif., and NW crs Sacramento, Calif., LFR; MEA 2,000.

From Red Bluff, Calif., LFR; to Whitmore, Calif., LFR; MEA 6,000.

From Whitmore, Calif., LFR; to Red Bluff, Calif., LFR southbound only; MEA 5,000.

From *Whitmore, Calif., LFR; to Klamath Falls, Oreg., LFR; MEA 10,000. *7,000—MCA Whitmore LFR, northbound.

From Tennant INT, Calif.; to Klamath Falls, Oreg., LFR, northbound only; MEA 9,000.

From Klamath Falls, Oreg., LFR; to Redmond, Oreg., LFR; MEA 10,000.

From Redmond, Oreg., LFR; to *The Dalles, Oreg., LFR; MEA 7,000. *6,000—MCA The Dalles LFR, northbound.

From The Dalles, Oreg., LFR; to Yakima, Wash., LFR; MEA 8,000.

From Yakima, Wash., LFR; to INT NW Yakima and S Ellensburg, Wash., LFR; MEA 4,500.

From INT NW Yakima and S. Ellensburg, Wash., LFR; to Ellensburg, Wash., LFR; MEA 5,500.

### § 610.109 *Amber civil airway 9.*

From Charleston, S. C., LFR; to Myrtle Beach, S. C., LF/RBN; MEA 1,200.

From Myrtle Beach, S. C., LF/RBN; to Wilmington, N. C., LF/RBN; MEA 1,400.

From Wilmington, N. C., LF/RBN; to New Bern, N. C., LF/RBN; MEA 1,300.

From New Bern, N. C., LF/RBN; to Williamston, N. C., VAR; MEA 1,200.

From Williamston, N. C., VAR; to Harrellsville INT, N. C.; MEA 1,200.

From Harrellsville INT, N. C.; to Norfolk, Va., LFR; MEA 1,400.

### § 610.110 *Amber civil airway 10.*

From South Honolulu INT, T. H.; to Honolulu, T. H., LFR, northbound; MEA 5,000; southbound; MEA 1,000.

### § 610.111 *Amber civil airway 11.*

From South Maui INT, T. H.; to Maui, T. H., LFR; northbound; MEA 6,000; southbound; MEA 1,000.

From Maui, T. H., LFR; to North Maui INT, T. H.; MEA 8,000.

### § 610.112 *Amber civil airway 12.*

From 25 Mi. South of Hilo, T. H., LFR; to Hilo, T. H., LFR; MEA 4,000.

From Hilo, T. H., LFR; to Kuku Point INT, T. H., northbound; MEA 3,000; southbound; MEA 4,000.

From Kuku Point INT, T. H.; to North Hilo INT, T. H.; MEA 1,000.

### § 610.113 *Amber civil airway 13.*

From Riverdale, Md., LF/RBN; to Baltimore, Md., LFR; MEA 1,500.

From Baltimore, Md., LFR; to INT N crs Baltimore and SW crs Philadelphia, Pa., LFR; MEA 2,000.

From INT N crs Baltimore, Md., and SW crs Philadelphia, Pa., LFR; to Philadelphia, Pa., LFR; MEA 1,800.

From Philadelphia, Pa., LFR; to North Philadelphia, Pa., LFR; MEA 1,800.

From North Philadelphia, Pa., LFR; to Newark, N. J., LFR; MEA 1,500.

### § 610.114 *Amber civil airway 14.*

From Riverdale, Md., LF/RBN; to Ellicott City INT, Md.; MEA 2,000.

From Ellicott City INT, Md.; to Westminster INT, Md.; MEA 2,000.

From Westminster INT, Md.; to Lancaster, Pa., LF/RBN; MEA 2,000.

From Lancaster, Pa., LF/RBN; to Willow Grove, Pa., LFR; MEA 2,500.

From Willow Grove, Pa., LFR; to Belle Mead INT, N. J.; MEA 1,700.

From Belle Mead INT, N. J.; to Chatham, N. J. LF/RBN; MEA 2,000.

### § 610.115 *Amber civil airway 15.*

From Riverdale, Md., LF/RBN; to Baltimore, Md., LFR; MEA 1,500.

From Baltimore, Md., LFR; to INT N crs Baltimore and SW crs Philadelphia, Pa., LFR; MEA 2,000.

From INT N crs Baltimore, Md., and SW crs Philadelphia, Pa., LFR; to Philadelphia, Pa., LFR; MEA 1,200.

From Philadelphia, Pa., LFR; to Mt. Holly INT, N. J.; MEA 1,800.

From Mt. Holly INT, N. J.; to Freehold INT, N. J.; MEA 1,500.

From Freehold INT, N. J.; to Idlewild, N. Y., LFR; MEA 1,500.

### § 610.119 *Amber civil airway 19.*

From Riverdale, Md., LF/RBN; to Baltimore, Md., LFR; MEA 1,500.

From Baltimore, Md., LFR; to INT N crs Baltimore, Md., and SW crs Philadelphia, Pa., LFR; MEA 2,000.

From INT N crs Baltimore, Md., and SW crs Philadelphia, Pa., LFR; to Philadelphia, Pa., LFR; MEA 1,800.

From Philadelphia, Pa., LFR; to Mt. Holly INT, N. J.; MEA 1,800.

From Mt. Holly INT, N. J., to Freehold INT, N. J.; MEA 1,500.

From Freehold INT, N. J.; to Flatbush INT, N. Y.; MEA 1,500.

From Flatbush INT, N. Y.; to LaGuardia, N. Y., LFR; MEA 2,500.

### § 610.201 *Red civil airway 1.*

From Kelly, Tex., LFR; to Medina INT, Tex.; MEA 2,700.

From Medina INT, Tex.; to C. B. Ranch INT, Tex.; MEA 3,500.

From C. B. Ranch INT, Tex.; to Big Spring, Tex., LFR; MEA 4,000.

### § 610.202 *Red civil airway 2.*

From Sheridan, Wyo., LFR; to Wright INT, Wyo.; MEA 7,000.

From Wright INT, Wyo.; to *Rapid City, S. Dak., LFR; MEA 9,000. *7000—MCA Rapid City LFR, westbound.

### § 610.203 *Red civil airway 3.*

From Phillipsburg, Pa., LFR; to Harrisburg, Pa., LFR; MEA 4,000.

From Philadelphia, Pa., LFR; to Mt. Holly INT., N. J.; MEA 1,800.

From Mt. Holly INT, N. J.; to Freehold INT, N. J.; MEA 1,500.

From Freehold INT, N. J.; to Flatbush INT, N. Y.; MEA 1,500.

From LaGuardia, N. Y., LFR; to Port Chester INT, N. Y.; MEA 1,500.

### § 610.204 *Red civil airway 4.*

From Las Vegas, N. Mex., LFR; to Cuervo INT, N. Mex.; MEA 9,500.

### § 610.205 *Red civil airway 5.*

From Sioux Falls, S. Dak., LFR; to Minneapolis, Minn., LFR; MEA 3,000.

From Jordan, Minn., FM; to Minneapolis, Minn., LFR, eastbound only; MEA 2,500.

### § 610.206 *Red civil airway 6.*

From Denver, Colo., LFR; to Akron, Colo., LFR; MEA 6,600.

From Akron, Colo., LFR; to North Platte, Nebr., LFR; MEA 5,500.

From North Platte, Nebr., LFR; to Grand Island, Nebr., LFR; MEA 4,100.

From Grand Island, Nebr., LFR; to Lincoln, Nebr., LFR; MEA 3,200.

From Lincoln, Nebr., LFR; to Omaha, Nebr., LFR; MEA 2,700.

### § 610.207 *Red civil airway 7.*

From Greenville, S. C., LFR; to Beacon 14 INT, S. C.; MEA 3,000.

From Beacon 14 INT, S. C.; to Spartanburg, S. C., LFR; MEA 2,800.

From Spartanburg, S. C., LFR; to Charlotte, N. C., LFR; MEA 2,800.

From Charlotte, N. C., LFR; to Mooresville INT, N. C.; MEA 2,500.

From Winston-Salem, N. C., LFR; to Greensboro, N. C., LFR; MEA 2,400.

### § 610.208 *Red civil airway 8.*

From Rushville INT, Ind.; to Liberty INT, Ohio; MEA 2,200.

From *Liberty INT, Ohio; to **Wright-Patterson AFB, Ohio, LFR; MEA 3,000. *3,000—MCA Liberty INT, eastbound. **3,000—MCA Wright-Patterson AFB LFR, westbound.

From Wright-Patterson AFB, Ohio, LFR; to Lockbourne INT Ohio; MEA 2,200.

From Lockbourne INT, Ohio; to Zanesville, Ohio, LF/RBN; MEA 2,400.

From Zanesville, Ohio, LF/RBN; to Bergholz, Ohio, LF/RBN; MEA 2,500.

From Bergholz, Ohio, LF/RBN; to Butler, Pa., LF/RBN; MEA 2,500.

From Butler, Pa., LF/RBN; to Brookville, Pa., LF/RBN; MEA 3,600.

From Brookville, Pa., LF/RBN; to Lock Haven INT, Pa.; MEA 4,400.

From Lock Haven INT, Pa.; to Williamsport, Pa., LFR; MEA 3,500.

From Williamsport, Pa., LFR; to Plymouth INT, Pa.; MEA 4,000.

From Plymouth INT, Pa.; to Stroudsburg INT, Pa.; MEA 3,500.

From Stroudsburg INT, Pa.; to Newark, N. J., LFR; MEA 2,700.

### § 610.209 *Red civil airway 9.*

From *San Diego, Calif., LFR; to El Centro, Calif., LFR eastbound; MEA 8,000. *3,000—MCA San Diego LFR, eastbound.

From *El Centro, Calif., LFR; to Barrett Lake, Calif., FM westbound; MEA 8,000. *6,000—MCA El Centro LFR, westbound.

From Barrett Lake, Calif., FM; to Jamul, Calif., LF/RBN westbound; MEA 6,000.

From Jamul, Calif., LF/RBN; to San Diego, Calif., LFR westbound; MEA 4,500.

From El Centro, Calif., LFR; to Yuma, Ariz., LFR; MEA 3,000.

From Yuma, Ariz., LFR; to Gila Bend, Ariz., LFR; MEA 4,000.

From Gila Bend, Ariz., LFR; to Casa Grande INT, Ariz.; MEA 5,000.

### § 610.210 *Red civil airway 10.*

From Amarillo, Tex., LFR; to Clarendon, Tex., LFR; MEA 4,700.

From Clarendon, Tex., LFR; to Wichita Falls, Tex., LFR; MEA 3,900.

From Wichita Falls., Tex., LFR; to Alvord INT, Tex.; MEA 2,300.

From Alvord INT, Tex.; to Justin INT, Tex.; MEA 2,100.

From Justin INT, Tex.; to Dallas, Tex., LFR; MEA 2,200.

From Dallas, Tex., LFR; to Hainsville INT, Tex.; MEA 2,000.

From Hainsville INT, Tex.; to Shreveport, La., LFR; MEA 1,900.

From Shreveport, La., LFR; to Minden INT, La.; MEA 1,500.

From Minden INT, La.; to Monroe, La., LFR; MEA 1,800.



From Monroe, La., LFR; to Jackson, Miss., LFR; MEA 1,500.

From Jackson, Miss., LFR; to Meridian, Miss., LFR; MEA 2,000.

From Meridian, Miss., LFR; to Birmingham, Ala., LFR eastbound; MEA 2,500.

From Birmingham, Ala., LFR; to Meridian, Miss., LFR westbound; MEA 2,000.,

From Birmingham, Ala., LFR; to Tallapoosa INT, Ga.; MEA 4,000.

From Tallapoosa INT, Ga.; to Campbellton, Ga., LFR; MEA 2,600.

From Campbellton, Ga., LFR; to Atlanta, Ga., LFR; MEA 2,300.

From Atlanta, Ga., LFR; to Thomson INT, Ga.; MEA 2,300.

From Thomson INT, Ga., to Augusta, Ga., LFR eastbound only; MEA 2,000.

From Aiken, S. C., LF/RBN; to Charleston, Ga., LFR; MEA 1,500.

### § 610.211 *Red civil airway 11.*

From INT NW crs Enid, Vance AFB Okla., and NE crs Gage, Okla., LFR; to Enid, Vance AFB Okla., LFR; MEA 2,600.

From Enid, Vance AFB Okla., LFR; to Mulhall INT, Okla.; MEA 2,600.

From Claremore INT, Okla.; to Springfield, Mo., LFR; MEA 2,500.

From Springfield, Mo., LFR; to Vichy, Mo., LF/RBN; MEA 2,600.

From Vichy, Mo., LF/RBN; to St. Peters INT, Mo., MEA 2,200.

From INT S crs Indianapolis, Ind., and W crs Louisville, Ky., LFR; to Louisville, Ky., LFR; MEA 2,100.

From Louisville, Ky., LFR; to Georgetown INT, Ky.; MEA 2,400.

From Albany, N. Y., LFR; to Greenfield INT, Mass.; MEA 5,500.

From Grafton, N. Y., FM; to Albany, N. Y., LFR, westbound only; MEA 3,000.

From Greenfield INT, Mass.; to Gardner INT, Mass.; MEA 3,000.

From Gardner INT, Mass.; to Bedford INT, Mass.; MEA 3,000.

From Boston, Mass., LFR; to East Boston INT, Mass.; MEA 1,500.

### § 610.212 *Red civil airway 12.*

From Joliet, Ill., LFR; to Int. NE crs Joliet, Ill., LFR and W crs South Bend, Ind., LFR; MEA 2,000.

From Int. NE crs Joliet, Ill., LFR and W crs South Bend, Ind., LFR; to South Bend, Ind., LFR; MEA 2,100.

From South Bend, Ind., LFR; to Union INT, Mich.; MEA 2,000.

From Union INT, Mich.; to *Manchester INT, Mich.; MEA 2,400. *2,300—MCA Manchester INT, westbound.

From Manchester INT, Mich.; to Detroit, Mich., LFR; MEA 2,000.

From U. S.-Canada Boundary; to Erie, Pa., LFR; MEA 2,000.

### § 610.213 *Red civil airway 13.*

From Wheeling, W. Va., LF/RBN; to Clinton, Pa., LF/RBN; MEA 2,700.

From Clinton, Pa., LF/RBN; to Butler, Pa., LF/RBN; MEA 2,500.

From Butler, Pa., LF/RBN; to Ford INT, Pa.; MEA 3,000.

From Ford INT, Pa.; to Phillipsburg, Pa., LFR; MEA 4,000.

From Sunbury, Pa., LFR; to Wilkes-Barre, Pa., LFR; MEA 4,000.

From Wilkes-Barre, Pa., LFR; to Stewart, N. Y., LF/RBN; MEA 3,500.

From Stewart, N. Y., LF/RBN; to Poughkeepsie, N. Y., LFR; MEA 3,000.

From Poughkeepsie, N. Y., LFR; to Hartford, Conn., LFR; MEA 3,000.

From Hartford, Conn., LFR; to Moosup INT, Conn.; MEA 2,000.

From Moosup INT, Conn.; to Providence, R. I., LFR; MEA 1,600.

From Providence, R. I., LFR; to Bedford, Mass., LF/RBN; MEA 1,800.



### § 610.214 *Red civil airway 14.*

From Lone Rock Int, Wis.; to Avon INT, Wis.; MEA 2,700.

From Avon INT, Wis.; to Rockford, Ill., LFR; MEA 2,300.

From Rockford, Ill., LFR; to Aurora INT, Ill.; MEA 2,100.

From Aurora INT, Ill.; to Chicago, Ill., LFR; MEA 2,300.

From Chicago, Ill., LFR; to Rensselaer INT, Ind.; MEA 1,800.

From Rensselaer INT, Ind.; to Halsmer INT, Ind.; MEA 2,300.

From Halsmer INT, Ind.; to Indianapolis, Ind., LFR; MEA 2,100.

From Indianapolis, Ind., LFR; to Lanesville INT, Ind.; MEA 2,200.

### § 610.215 *Red civil airway 15.*

From Falion, Nev., LFR; to Wadsworth INT, Nev.; MEA 10,000.

From Las Vegas, Nev., LFR; to Willow Beach INT, Ariz.; MEA 8,000.

From Willow Beach INT, Ariz.; to Prescott, Ariz., LFR; MEA 10,000.

From Prescott, Ariz., LFR; to Phoenix, Ariz., LFR; MEA 10,000.

### §-610.216 *Red civil airway 16.*

From Tallahassee, Fla., LFR; to Albany, Ga., LFR; MEA 1,600.

From Albany, Ga., LFR; to Macon, Ga., LFR; MEA 1,600.

From Augusta, Ga., LFR; to Columbia, S. C., LFR; MEA 2,000.

From Columbia, S. C., LFR; to Motbridge INT, S. C.; MEA 1,500.

From Motbridge INT, S. C.; to Florence, S. C., LFR; MEA 1,300.

### § 610.217 *Red civil airway 17.*

From Waterloo INT, Ill.; to Scott AFB, Ill., LFR; MEA 2,000.

From Scott AFB, Ill., LFR; to St. Elmo INT, Ill.; MEA 1,900.

From Chanute, Ill., LFR; to Rensselaer INT, Ill.; MEA 1,900.

From Ft. Wayne, Ind., LFR; to Findlay, Ohio, LF/RBN; MEA 2,100.

From Findlay, Ohio, LF/RBN; to Mansfield, Ohio, LF/RBN; MEA 2,500.

From Mansfield, Ohio, LF/RBN; to Bergholz, Ohio, LF/RBN; MEA 2,500.

From Bergholz, Ohio, LF/RBN; to Pittsburgh, Pa., LFR; MEA 2,700.

From McKeesport, Pa., LF/RBN; to Johnstown, Pa., LF/RBN; MEA 4,500.

From Martinsburg, W. Va., LFR; to Lisbon INT, Md.; MEA 3,000.

From Lisbon INT, Md.; to Relay INT, Md.; MEA 2,000.

From Relay INT, Md.; to Baltimore, Md., LFR; MEA 1,500.

From Baltimore, Md., LFR; to INT E crs Baltimore and SW crs Millville, N. J., LFR; MEA 1,500.

### § 610.218 *Red civil airway 18.*

From Greenfield INT, Ind.; to Cincinnati, Ohio, LFR; MEA 2,300.

From Cincinnati, Ohio, LFR; to Huntington, W. Va., LF/RBN; MEA 2,300.

From Huntington, W. Va., LF/RBN; to Charleston, W. Va., LFR; MEA 2,500.

From Charleston, W. Va., LFR; to Sutton INT, W. Va., eastbound; MEA 5,700.

From Sutton INT, W. Va.; to Charleston, W. Va., westbound; MEA 3,700.

From Sutton INT, W. Va.; to Elkins, W. Va., LFR; MEA 5,700.

From Elkins, W. Va., LFR; to Petersburg INT, W. Va.; MEA 6,800.

From Petersburg INT, W. Va.; to Front Royal, Va., LFR; MEA 5,300.

From Front Royal, Va., LFR; to Ashburn INT, Va.; MEA 4,000.

From Ashburn INT, Va.; to Herndon INT, Va.; MEA 3,000.

### § 610.219 *Red civil airway 19.*

From Traverse City, Mich., LFR; to Gladwin, Mich., LF/RBN; MEA 2,500.

From Gladwin, Mich., LF/RBN; to Saginaw, Mich., LF/RBN; MEA 2,000.

From Saginaw, Mich., LF/RBN; to Flint, Mich., ILS/LOM; MEA 2,200.

From Flint, Mich., ILS/LOM; to White Lake INT, Mich.; MEA 2,200.

From White Lake INT, Mich.; to Detroit, Mich., LFR; MEA 2,500.

From Detroit, Mich., LFR; to South Bass INT, Ohio; MEA 2,300.

From South Bass INT, Ohio; to Sandusky INT, Ohio; MEA 1,900.

From Sandusky INT, Ohio; to INT Se crs Detroit, and W crs Akron LFR; MEA 2,300.

From INT SE crs Detroit and W crs Akron LFR; to Akron, Ohio, LFR; MEA 2,500.

From Remington INT, Va.; to Quantico, Va., LFR; MEA 2,000.

From INT N crs Richmond, Va.; and NW crs Tappahannock LFR; to Gwynn INT, Va.; MEA 1,500.

From Gwynn INT, Va.; to Norfolk, Navy Va., LFR; MEA 1,500.

### § 610.220 *Red civil airway 20.*

From Lansing, Mich., LFR; to Flint, Mich., ILS/LOM; MEA 2,400.

From Flint, Mich., ILS/LOM; to Goodrich INT, Va.; MEA 2,200.

From Goodrich INT, Va.; to *Windsor, Ontario, Canada; MEA 2,300. *For that airspace over U. S. Territory.

From Windsor, Ontario, Canada, LFR; to Cleveland, Ohio, LFR; MEA 1,900.

From Cleveland, Ohio, LFR; to Akron, Ohio, LFR; MEA 3,000.

From Akron, Ohio, LFR; to Columbiana INT, Ohio; MEA 2,500.

From Columbiana INT, Ohio; to Pittsburgh, Pa., LFR; MEA 2,600.

From Pittsburgh, Pa., LFR; to *Mt. Pleasant INT, Pa.; MEA 3,000. *4,000—MCA Mt. Pleasant INT, eastbound.

From Mt. Pleasant INT, Pa.; to Flintstone INT, Md.; MEA 4,500.

From Flintstone INT, Md.; to Martinsburg, W. Va., LFR; MEA 4,000.

From Martinsburg, W. Va., LFR; to Herndon INT, Va.; MEA 3,000.

From Herndon INT, Va.; to Washington, D. C., LFR; MEA 1,800.

From Washington, D. C., LFR; to Huntington INT, Md.; MEA 1,500.

From Huntington INT, Md.; to Meekins Neck INT, Md.; MEA 1,500.

### § 610.221 *Red civil airway 21.*

From Huntington INT, N. Y.; to Bridgeport, Conn., LFR; MEA 1,500.

From Bridgeport, Conn., LFR; to INT NE crs Bridgeport, Conn., LFR and SE crs Hartford, Conn., LFR; MEA 2,000.

From New London INT, Conn.; to Wyoming INT, R. I.; MEA 1,700.

From Wyoming INT, R. I.; to Providence, R. I., LFR; MEA 1,600.

From Providence, R. I., LFR; to Squantum, Mass., LFR; MEA 2,000.

From Squantum, Mass., LFR; to East Boston INT, Mass.; MEA 1,500.

### § 610.222 *Red civil airway 22.*

From Selfridge, Mich., LFR; to INT SE crs Selfridge and U. S.-Canadian Boundary LFR; MEA 1,700.

From U. S.-Canadian Boundary, LFR; to Buffalo, N. Y., LFR; MEA 2,100.

From Buffalo, N. Y., LFR; to Rochester, N. Y., LFR; MEA 2,000.

From Syracuse, N. Y., LFR; to Utica, N. Y., LFR; MEA 1,900.

From Utica, N. Y., LFR; to Starkville INT, N. Y.; MEA 3,000.

§ 610.223 *Red civil airway 23.*

From *Lakehead, Canada, LFR; to Houghton, Mich., LFR; MEA 2,800. *For that airspace over U. S. Territory.
From Houghton, Mich., LFR; to Grand Marais, Mich., LFR; MEA 2,500.
From Grand Marais, Mich., LFR; to Sault Ste. Marie, Mich., LFR; MEA 2,500.
From Sault Ste. Marie, Mich., LFR; to U. S.-Canadian Border LFR; MEA 2,500.
From U. S.-Canadian Border LFR; to Buffalo, N. Y., LFR; MEA 2,000.
From Buffalo, N. Y., LFR; to Dansville, N. Y., LF/RBN; MEA 3,500.
From Dansville, N. Y., LF/RBN; to Elmira, N. Y., LFR; MEA 3,500.
From Elmira, N. Y., LFR; to Branchville INT, N. J.; MEA 3,500.
From Branchville INT, N. J.; to Paterson, N. J., LF/RBN; MEA 3,000.
From Paterson, N. J., LF/RBN; to La Guardia, N. Y., LFR; MEA 1,700.
From La Guardia, N. Y., LFR; to St. James INT, N. Y.; MEA 1,500.

§ 610.224 *Red civil airway 24.*

From Amarillo, Tex., LFR; to Alanreed INT, Tex.; MEA 4,700.
From Alanreed INT, Tex.; to Bessie INT, Okla.; MEA 4,000.
From Bessie INT, Okla.; to Oklahoma City, Okla., LFR; MEA 2,500.

§ 610.225 *Red civil airway 25.*

From U. S.-Canadian Border; to Kokadjo INT, Maine; MEA 5,500.
From Kokadjo INT, Maine; to East Dover INT, Maine; MEA 6,000.

§ 610.226 *Red civil airway 26.*

From Matoca INT, Va.; to Waverly, Va., LFR; MEA 1,500.
From Waverly, Va., LFR; to Corapeake INT, Va.; MEA 1,400.

§ 610.227 *Red civil airway 27.*

From INT S crs Atlanta NAS, Ga., and NE crs Campbellton, Ga., LFR; to Atlanta NAS, Ga., LFR; MEA 3,000.
From Atlanta NAS, Ga., LFR; to Knoxville, Tenn., LFR; MEA 7,000.
From Knoxville, Tenn., LFR; to Corbin, Ky., VAR; MEA 4,700.
From Corbin, Ky., VAR; to Lexington, Ky., LF/RBN; MEA 3,600.
From Lexington, Ky., LF/RBN; to INT 358 T from Lexington LF/RBN and E crs Louisville, Ky., LFR; MEA 2,300.
From Toledo, Ohio, LFR; to Dundee INT, Mich.; MEA 2,100.
From Dundee INT, Mich.; to Ann Arbor INT, Mich.; MEA 2,000.

§ 610.228 *Red civil airway 28.*

From Rockford, Ill., LFR; to Wauconda INT, Ill.; MEA 2,500.
From Wauconda INT, Ill.; to Chicago, Ill., LFR; MEA 2,500.
From Chicago, Ill., LFR; to Benton Harbor INT, Mich.; MEA 2,500.
From Benton Harbor INT, Mich; to Bangor INT, Mich.; MEA 1,900.
From Bangor INT, Mich.; to Grand Rapids, Mich., LFR; MEA 2,200.
From Lansing, Mich., LFR; to INT 309–129 mag. brg. Lansing and W crs. Salem, Mich., VAR; MEA 2,900.
From INT 309–129 mag. brg. Lansing and W crs Salem, Mich., VAR; to INT 309–129 mag. brg. Lansing and S crs Salem, Mich., VAR; MEA 2,300.

§ 610.229 *Red civil airway 29.*

From INT SW crs Elmira and N crs Williamsport, Pa., LFR; to Williamsport, Pa., LFR; MEA 4,000.
From Williamsport, Pa., LFR; to Harrisburg, Pa., LFR; MEA 8,500.
From Harrisburg, Pa., LFR; to INT S crs Harrisburg and NE crs Arcola, Va., LFR; MEA 2,500.
From INT S crs Harrisburg and NE crs Arcola, Va., LFR; to INT S crs Harrisburg and W crs Baltimore, Md., LFR; MEA 2,000.
From Baltimore, Md., LFR; to INT S crs Baltimore and SE crs Andrews, Md., LFR; MEA 1,500.

§ 610.230 *Red civil airway 30.*

From Shreveport, La., LFR; to Converse INT, La.; MEA 1,600.
From Converse INT, La.; to Alexandria, La., LFR; MEA 1,500.
From Alexandria, La., LFR; to Baton Rouge, La., LFR; MEA 1,500.
From Baton Rouge, La., LFR; to New Orleans, La., LFR; MEA 1,500.
From New Orleans, La., LFR; to Bay Minette, Ala., LF/RBN; MEA 1,500.
From Bay Minette, Ala., LF/RBN; to Crestview, Fla., LFR; MEA 1,400.
From Crestview, Fla., LFR; to Marianna INT, Fla.; MEA 1,400.
From Marianna INT, Fla.; to Tallahassee, Fla., LFR; MEA 1,500.
From Tallahassee, Fla., LFR; to Drifton INT, Fla.; MEA 1,400.
From Drifton INT, Fla.; to Lee INT, Fla.; MEA 1,300.
From Lee INT, Fla.; to Suwannee INT, Fla.; MEA 1,200.
From Suwannee INT, Fla.; to Jacksonville, Fla., LFR; MEA 1,300.

§ 610.231 *Red civil airway 31.*

From Egbert INT, Wyo.; to Scottsbluff, Nebr., LFR; MEA 6,600.
From Scottsbluff, Nebr., LFR; to Rapid City, S. Dak., LFR; MEA 5,700.
From Rapid City, S. Dak., LFR; to INT E crs Rapid City and SW crs Pierre, S. Dak., LFR; MEA 4,400.
From INT E crs Rapid City and SW crs Pierre, S. Dak., LFR; to Pierre, S. Dak., LFR; MEA 3,500.
From Pierre, S. Dak., LFR; to Virgil INT, S. Dak.; MEA 3,300.
From Virgil INT, S. Dak.; to Huron, S. Dak., LFR; MEA 2,500.
From Minneapolis, Minn., LFR; to Stanton, Minn., LF/RBN; MEA 2,200.

§ 610.232 *Red civil airway 32.*

From Laredo, Tex., LFR; to Kelly, Tex., LFR; MEA 2,000.
From Kelly, Tex., LFR; to INT W crs San Antonio and NE crs Kelly, Tex., LFR; MEA 2,200.
From Austin, Tex., LFR; to Smithville, Tex., LF/RBN; MEA 2,000.
From Smithville, Tex., LF/RBN; to Richmond, Tex., LFR; MEA 1,600.
From Richmond, Tex., LFR; to Arcola INT, Tex.; MEA 1,600.

§ 610.233 *Red civil airway 33.*

From Buckroe Beach, INT, Va.; to Richmond, Va., LFR; MEA 1,500.
From Gordonsville, Va., LFR; to Remington INT, Va.; MEA 3,000.
From Remington INT, Va.; to Arcola, Va., LFR; MEA 2,400.
From Arcola, Va., LFR; to Lisbon INT, Md.; MEA 2,500.
From Lisbon INT, Md.; to New Freedom INT, Pa.; MEA 2,500.
From New Freedom INT, Pa.; to Lancaster INT, Pa.; MEA 2,000.
From INT E crs Poughkeepsie, N. Y. and SW crs Westover, Mass., LFR; to Westover, Mass., LFR; MEA 3,000.
From Westover, Mass., LFR; to Gardner INT, Mass.; MEA 3,000.

§ 610.234 *Red civil airway 34.*

From Charleston, W. Va., LFR; to Pulaski, Va., LFR; MEA 6,000.
From Pulaski, Va., LFR; to Cove INT, N. C.; MEA 6,000.
From *Cove INT, N. C.; to Greensboro, N. C., LFR; MEA 3,000. *4,000—MCA Cove INT, northwestbound.
From INT NE crs Greensboro and NW crs Raleigh, N. C., LFR; to Raleigh, N. C., LFR; MEA 2,000.
From Harrellsville INT, N. C.; to Weeksville, N. C., LFR; MEA 1,300.

§ 610.235 *Red civil airway 35.*

From Pueblo, Colo., LFR; to La Junta, Colo., LFR; MEA 6,000.
From La Junta, Colo., LFR; to Garden City, Kans., LFR; MEA 5,500.
From Garden City, Kans., LFR; to Hutchinson, Kans., LFR; MEA 4,000.
From Hutchinson, Kans., LFR; to Newton INT, Kans.; MEA 3,300.
From Newton INT, Kans.; to Cassoday INT, Kans.; MEA 2,700.
From Cassoday INT, Kans.; to Forbes, Kans., LFR; MEA 3,000.
From Forbes AFB, Kans., LFR; to INT NE crs Forbes and NW crs Kansas City, Kans., LFR; MEA 2,400.

§ 610.236 *Red civil airway 36.*

From Stanton, Minn., LFR; to Rochester, Minn., LFR; MEA 2,800.
From Rochester, Minn., LFR; to La Crosse, Wis., LFR; MEA 2,600.

§ 610.237 *Red civil airway 37.*

From Tyler, Tex., LFR; to Hainsville INT, Tex.; MEA 1,700.
From Hainsville INT, Tex.; to INT N crs. Tyler LFR and W crs. Shreveport, La., LFR; MEA 1,700.
From Prescott INT, Ark.; to Little Rock, Ark., LFR; MEA 1,800.
From Little Rock, Ark., LFR; to Stuttgart, Ark., LFR; MEA 1,500.
From Stuttgart, Ark., LFR; to Aubry INT, Ark.; MEA 1,500.
From Charleston, W. Va., LFR; to Roanoke, Va., LFR; MEA 6,000.
From INT 215–35 mag. crs Montebello, Va., VOR and W crs. Lynchburg, Va., LFR; to Lynchburg, Va., LFR, eastbound only; MEA 3,000.
From Roanoke, Va., LFR; to Lynchburg, Va., LFR; MEA 5,000.
From Lynchburg, Va., LFR; to Gordonsville, Va., LFR; MEA 4,000.
From Sweet Briar INT, Va.; to Lynchburg, Va., LFR, southwestbound only; MEA 3,000.

§ 610.238 *Red civil airway 38.*

From Mertzon INT, Tex.; to San Angelo, Tex., LFR; MEA 3,500.
From San Angelo, Tex., LFR; to C–B Ranch INT, Tex.; MEA 3,500.
From Medina INT, Tex.; to Beckmann INT, Tex.; MEA 2,700.
From Beckmann INT, Tex.; to San Antonio, Tex., LFR; MEA 2,200.

§ 610.239 *Red civil airway 39.*

From Bethel, Alaska, LFR; to Aniak, Alaska, LFR; MEA 2,300.
From *Aniak, Alaska, LFR; to McGrath, Alaska, LFR; MEA 5,800. *3,500—MCA Aniak LFR, northeastbound.
From McGrath, Alaska, LFR; to Minchumina, Alaska, LFR; MEA 6,800.
From Minchumina, Alaska, LFR; to Nenana, Alaska, LFR; MEA 4,800.
From Nenana, Alaska, LFR; to Fairbanks, Alaska, LFR; MEA 3,900.

§ 610.240 *Red civil airway 40.*

From Kodiak, Alaska, LFR; to Shuyak, Alaska, LF/RBN; MEA 4,000.
From Shuyak, Alaska, LF/RBN; to *Homer, Alaska, LFR; MEA 6,000. *3,900—MCA Homer, LFR, southbound.



From Homer, Alaska, LFR; to Skilak INT, Alaska; MEA 4,000.
From Skilak INT, Alaska; to Anchorage, Alaska, LFR; MEA, 1,500.
From Homer, Alaska, LFR; to Skilak INT, Alaska; MEA 4,000.
From Skilak INT, Alaska; to Anchorage, Alaska, LFR; MEA, 1,500.

§ 610.241 *Red civil airway 41.*

From Cape Spencer INT, Alaska; to Gustavus, Alaska, LFR; MEA 5,500.

§ 610.242 *Red civil airway 42.*

From Sullivan INT, Wis.; to Wauconda INT, Wis.; MEA 2,400.
From Glenview, Ill., LFR; to INT SW crs. Glenview, Ill., and W crs. Chicago, Ill., LFR; MEA 2,500.

§ 610.243 *Red civil airway 43.*

From Wauconda INT, Ill.; to Highland Park INT, Ill.; MEA 2,000.
From Highland Park INT, Ill.; to Momence INT, Ill.; MEA 2,000.

§ 610.244 *Red civil airway 44.*

From *Bellingham, Wash., LFR; to Cultus Lake INT, Canada; MEA **8,600. *5,000—MCA Bellingham LFR, northeastbound. **For that airspace over U. S. Territory.

§ 610.245 *Red civil airway 45.*

From Blackstone, Va., LFR; to Manakin, Va., LF/RBN; MEA 1,500.
From Manakin, Va., LF/RBN; to Quantico, Va., LFR; MEA 1,500.
From Quantico, Va., LFR; to Springfield, Va., LF/RBN; MEA 1,500.
From Springfield, Va., LF/RBN; to McLean INT, Va.; MEA 1,800.
From Riverdale, Md., LF/RBN; to Baltimore, Md., LFR; MEA 1,500.
From Baltimore, Md., LFR; to Loch Raven INT, Md.; MEA 2,000.
From Loch Raven INT, Md.; to Lancaster, Pa., LF/RBN; MEA 2,000.
From Lancaster, Pa., LF/RBN; to Willow Grove, Pa., LFR; MEA 2,500.

§ 610.246 *Red civil airway 46.*

From U. S.-Canadian Border LFR; to Minot, N. Dak., LFR; MEA 4,000.
From Minot, N. Dak., LFR; to Jamestown, N. Dak., LFR; MEA 3,400.

§ 610.247 *Red civil airway 47.*

From Tampa, Fla., LFR; to Orlando, Fla., LFR; MEA 1,700.
From Orlando, Fla., LFR; to Daytona Beach, Fla., LFR; MEA 1,300.

§ 610.248 *Red civil airway 48.*

From Canton INT, Mont.; to Sixteen INT, Mont.; MEA 11,000.
From Sixteen INT, Mont.; to Livingston, Mont., LFR, southbound; MEA 10,000; northbound; MEA 11,000.

§ 610.249 *Red civil airway 49.*

From *Elko, Nev., LFR; to Wendover, Utah, LFR; MEA 12,500. *12,000—MCA Elko LFR, eastbound.
From Wendover, Utah, LFR; to Salt Lake City, Utah, LFR; MEA 11,000.
From *Salt Lake City, Utah, LFR; to Ft. Bridger, Wyo., LFR; MEA 13,000. *12,000 MCA Salt Lake City, LFR, northeastbound.
From Ft. Bridger, Wyo., LFR; to Kemmerer INT, Wyo.; MEA 10,000.

§ 610.250 *Red civil airway 50.*

From Galtan INT, Alaska; to Tanana, Alaska, LFR; MEA 3,800.
From Tanana, Alaska, LFR; to Fairtan INT, Alaska; MEA 4,000.

§ 610.251 *Red civil airway 51.*

From Blackstone, Va., LFR; to Dinwiddie INT, Va.; MEA 1,500.
From Dinwiddie INT, Va.; to Langley, Va., LFR; MEA 1,500.

§ 610.252 *Red civil airway 52.*

From Memphis, Tenn, LFR; to Muscle Shoals, Ala., LFR; MEA 2,000.
From Muscle Shoals, Ala., LFR; to Garden City INT, Ala.; MEA 2,500.

§ 610.253 *Red civil airway 53.*

From *Portland, Oreg., LFR; to **The Dalles, Oreg., LFR; MEA 7,000. *4,000—MCA Portland LFR, eastbound. **4,500—MCA The Dalles LFR, westbound.
From the Dalles, Oreg., to LFR; to Pendleton, Oreg., LFR; MEA 4,000.
From Pendleton, Oreg., LFR; to Walla Walla, Wash., LFR; MEA 5,000.
From Walla Walla, Wash., LFR; to Spokane, Wash., LFR; MEA 5,000.

§ 610.254 *Red civil airway 54.*

From *Burley, Idaho, LFR; to Spring Bay INT, Utah; MEA 11,500. *10,000—MCA Burley LFR. southeastbound.
From Spring Bay INT, Utah; to Promontory Point, Utah, LF/RBN; MEA 11,000.
From Promontory Pt., Utah, LF/RBN; to Stansbury INT, Utah, southbound; MEA 11,000; northbound; MEA 9,000.

§ 610.255 *Red civil airway 55.*

From Mid Lake INT, Ill.; to South Bend, Ind., LFR; MEA 2,300.
From South Bend, Ind., LFR; to Goshen, Ind., LFR; MEA 2,400.
From Goshen, Ind., LFR; to Hicksville INT, Ohio; MEA 2,800.
From Hicksville INT, Ohio; to Findlay, Ohio, LF/RBN; MEA 2,300.
From Findlay, Ohio, LF/RBN; to Columbus, Ohio, LFR; MEA 2,500.

§ 610.256 *Red civil airway 56.*

From Delta INT, Calif.; to Whitmore, Calif., LFR; MEA 8,000.

§ 610.257 *Red civil airway 57.*

From Des Moines, Iowa, LFR; to Cedar Rapids, Iowa, LF/RBN; MEA 2,200.
From Cedar Rapids, Iowa, LF/RBN; to Moline, Ill., LF/RBN; MEA 2,100.
From Moline, Ill., LF/RBN; to Rockford, Ill., LFR; MEA 2,500.
From Rockford, Ill., LFR; to Milwaukee, Wis., LFR; MEA 2,500.
From Milwaukee, Wis., LFR; to Battle Creek, Mich., LFR; MEA 2,500.
From Battle Creek, Mich., LFR; to Toledo, Ohio, LFR; MEA 2,200.
From *Akron, Ohio, LFR; to Youngstown, Ohio, LFR; MEA 2,500. *2,500—MCA Akron LFR, eastbound.

§ 610.258 *Red civil airway 58.*

From Augusta, Maine, LFR; to Bangor, Maine, LFR; MEA 2,300.
From Bangor, Maine, LFR; to U. S.-Canadian Boundary LFR; MEA 2,500.

§ 610.259 *Red civil airway 59.*

From Garden City, Kans., LFR; to INT S crs Garden City and NW crs Gage, Okla., LFR; MEA 4,300.
From INT S crs Garden City and NW crs Gage, Okla., LFR; to Gage, Okla., LFR; MEA 4,000.
From Gage, Okla., LFR; to Oklahoma City, Okla., LFR; MEA 3,500.

§ 610.260 *Red civil airway 60.*

From Oakland, Calif., LFR; to Altamont INT, Calif.; MEA 5,000.
From Altamont INT, Calif.; to Stockton, Calif., LFR, westbound; MEA 4,000; eastbound; MEA 3,000.
From Stockton, Calif., LFR; to Peters INT, Calif.; MEA 2,000.
From Peters INT, Calif.; to *Copper INT, Calif.; MEA 3,000. *8,000—MCA Copper INT, northeastbound.

§ 610.261 *Red civil airway 61.*

From Butler, Pa., LF/RBN; to *New Alexandria, Pa., LF/RBN; MEA 3,000. *4,000—MCA New Alexandria LF/RBN, southbound.
From New Alexandria, Pa., LF/RBN; to Johnstown, Pa., LF/RBN; MEA 4,500.
From Johnstown, Pa., LF/RBN; to Flintstone INT, Md.; MEA 4,500.
From Flintstone INT, Md.; to Martinsburg, W. Va., LFR; MEA 4,000.
From Martinsburg, W. Va., LFR; to Arcola, Va., LFR; MEA 3,000.
From Arcola, Va., LFR; to Mt. Vernon INT, Va.; MEA 1,500.

§ 610.262 *Red civil airway 62.*

From Mt. Pleasant INT, Pa.; to Johnstown, Pa., LF/RBN; MEA 4,500.
From Johnstown, Pa., LF/RBN; to Altoona, Pa., LFR; MEA 4,500.

§ 610.263 *Red civil airway 63.*

From Bangor INT, Mich.; to Battle Creek, Mich., LFR; MEA 2,200.
From Battle Creek, Mich., LFR; to Jackson, Mich., LF/RBN; MEA 2,300.
From INT N crs Detroit and 265–085 mag. brg. Sarnia, Ontario, LF/RBN; to *Sarnia, Ontario, Canada, LF/RBN; MEA 2,400. *For that airspace over U. S. Territory.

§ 610.264 *Red civil airway 64.*

From Dixon INT, B. C.; to Annette Island, Alaska, LFR; MEA 4,700.

§ 610.265 *Red civil airway 65.*

From *Los Angeles, Calif., LFR; to Oceanside, Calif., LF/RBN; MEA 4,000. *2,000—Minimum crossing altitude at Los Angeles LFR, southbound.
From *Oceanside, Calif., LF/RBN; to Julian, Calif., LF/RBN; eastbound; MEA 9,000; westbound; MEA 7,000. *7,000—MCA Oceanside LF/RBN eastbound.
From Julian, Calif., LF/RBN; to Hayfield Lake, Calif., LF/RBN; MEA 9,000.
From Salton INT, Calif.; to Hayfield Lake, Calif., LF/RBN, northeastbound; MEA 8,000.

§ 610.266 *Red civil airway 66.*

From Santa Barbara, Calif., LFR; to *Newhall, Calif., LFR; MEA 9,000. *8,000—MCA Newhall, LFR, westbound.

§ 610.267 *Red civil airway 67.*

From Crestview, Fla., LFR; to Dothan, Ala., LFR; MEA 1,400.
From Dothan, Ala., LFR; to Columbus, Ga., LFR; MEA 1,700.
From Columbus, Ga., LFR; to Madras INT, Ga.; MEA 2,400.

§ 610.268 *Red civil airway 68.*

From El Paso, Tex., LFR; to Clint, Tex., LFR; MEA 6,000.
From Clint, Tex., LFR; to Hudspeth, Tex., VAR; MEA 7,500.
From Hudspeth, Tex., VAR; to Culberson, Tex., VAR; MEA 7,500.
From Culberson, Tex., VAR; to Monahans INT, Tex.; MEA 6,100.
From Monahans INT, Tex.; to Midland, Tex., LFR; MEA 4,500.
From Midland, Tex., LFR; to San Angelo, Tex., LFR; MEA 4,400.
From San Angelo, Tex., LFR; to Paint Rock INT, Tex.; MEA 3,000.
From Paint Rock INT, Tex.; to Abilene, Tex., LFR; MEA 3,800.
From Palo Pinto INT, Tex.; to Lipan INT, Tex.; MEA 2,300.
From Lipan INT, Tex.; to Stadium INT, Tex.; MEA 2,200.
From Stadium INT, Tex.; to Hensley INT, Tex.; to 2,700.

From Hensley INT, Tex.; to Dallas, Tex., LFR; MEA 1,900.
From Tyler, Tex., LFR; to Shreveport, La., LFR; MEA 2,300.

§ 610.269 *Red civil airway 69.*

From Midland, Tex., LFR; to INT NE crs Midland and W crs Big Spring LFR; MEA 4,400.

§ 610.270 *Red civil airway 70.*

From Midland, Tex., LFR; to Lubbock, Tex., LFR; MEA 4,500.
From Lubbock, Tex., LFR; to Childress, Tex., VAR; MEA 4,500.
From Childress, Tex., VAR; to Hobart, Okla., VAR; MEA 3,500.
From Hobart, Okla., VAR; to Oklahoma City, Okla., LFR; MEA 3,000.

§ 610.271 *Red civil airway 71.*

From Hueco Mt. INT, Tex.; to Roswell, N. Mex., LFR; MEA 8,800.
From Roswell, N. Mex., LFR; to Elkins INT, N. Mex.; MEA 5,600.
From Elkins INT, N. Mex.; to Flying M INT, N. Mex.; MEA 5,500.
From Flying M INT, N. Mex.; to Lubbock, Tex., LFR; MEA 5,200.
From Lubbock, Tex., LFR; to Guthrie, Tex., VAR; MEA 4,500.
From Guthrie, Tex., VAR; to Wichita Falls, Tex., LFR; MEA 3,000.

§ 610.272 *Red civil airway 72.*

From Hartly INT, Del.; to New Castle, Del., LFR; MEA 1,600.
From New Castle, Del., LFR; to INT N crs New Castle and W crs Philadelphia, Pa.; MEA 1,800.
From West Chester INT, Pa.; to Wing INT, Pa.; MEA 1,900.
From Wing INT, Pa.; to Willow Grove, Pa., LFR; MEA 2,000.
From Willow Grove, Pa., LFR; to Belle Mead INT, N. J.; MEA 1,700.
From Belle Mead INT, N. J.; to Chatham, N. J., LF/RBN; MEA 2,000.
From Chatham, N. J., LF/RBN; to Paterson, N. J., LF/RBN; MEA 2,000.

§ 610.273 *Red civil airway 73.*

From INT W course New Castle, Del., and W course Philadelphia, Pa., LFR; to New Castle, Del., LFR; MEA 1,800.
From New Castle, Del., LFR; to Elmer INT, N. J.; MEA 1,600.

§ 610.276 *Red civil airway 76.*

From Williams, Calif., LFR; to Auburn INT, Calif., westbound; MEA 4,000; eastbound; MEA 7,000.

§ 610.277 *Red civil airway 77.*

From Greensboro, N. C., LFR; to Lynchburg, Va., LFR; MEA 3,000.
From Lynchburg, Va., LFR; to Sheppard INT, Va.; MEA 3,000.
From Sheppards INT, Va.; to Morven INT, Va., eastbound; MEA 2,000; westbound; MEA 3,000.
From Morven INT, Va.; to Richmond, Va., LFR; MEA 2,000.
From Richmond, Va., LFR; to Tappahannock, Va., LFR; MEA 1,500.
From Tappahannock, Va., LFR; to Dover, Del., LFR; MEA 1,500.
From Dover, Del., LFR.; to Atlantic City, N. J., LFR; MEA 1,500.

§ 610.278 *Red civil airway 78.*

From Ashland INT, Oreg.; to Klamath Falls, Oreg., LFR; MEA 9,500.

§ 610.279 *Red civil airway 79.*

From Nean Bay, Wash., LFR; to Port Angeles, CGAS Wash., LF/RBN; MEA 6,000.
From Port Angeles, CGAS Wash., LF/RBN; to Dungeness, Wash., FM; MEA 3,000.
From Port Gamble INT, Wash.; to Everett, Wash., LFR; MEA 2,000.

§ 610.280 *Red civil airway 80.*

From Avon INT, Mont.; to Craig INT, Mont.; MEA 9,500.
From Craig INT, Mont.; to *Great Falls, Mont., LRF; MEA 8,500. *6600—MCA Great Falls LFR, southwestbound.
From *Great Falls, Mont., LFR; to Lewistown, Mont., LFR; MEA 9,000. *6,800—MCA Great Falls LFR, eastbound.
From Lewistown, Mont., LFR; to Forest Grove INT, Mont.; MEA 8,000.
From Forest Grove INT, Mont.; to Miles City, Mont., LFR; MEA 7,000.

§ 610.281 *Red civil airway 81.*

From Lansing, Mich., LFR; to Chelsea INT, Mich.; MEA 2,900.
From Chelsea INT, Mich.; to Manchester INT, Mich.; MEA 2,300.

§ 610.282 *Red civil airway 82.*

From Skwentna, Alaska, LFR; to Willow INT, Alaska; MEA 4,200.
From *Willow INT, Alaska; to Wasilla INT, Alaska; MEA 7,000. *6,400—MCA Willow INT, eastbound.

§ 630.283 *Red civil airway 83.*

From White Tank INT, Ariz.; to Gila Bend, Ariz., LFR; MEA 5,000.
From Gila Bend, Ariz., LFR; to Tucson, Ariz., LF/RBN; MEA 7,000.

§ 610.284 *Red civil airway 84.*

From Meridian, Miss., LFR; to Marion INT, Ala.; MEA 2,000.
From Marion INT, Ala.; to Montgomery, Maxwell AFB, Ala., LFR; MEA 1,500.
From Montgomery, Maxwell AFB, Ala., LFR; to Columbus, Lawson AFB, Ga., LFR; MEA 2,000.

§ 610.285 *Red civil airway 85.*

From Columbiana INT, Ohio; to Butler, Pa., LF/RBN; MEA 2,500.
From Butler, Pa., LF/RBN; to Apollo INT, Pa., MEA 3,000.
From Apollo INT, Pa.; to Altoona, Pa., LFR; MEA 4,500.

§ 610.286 *Red civil airway 86.*

From St. Croix INT, Maine; to Houlton, Maine, LFR; MEA 2,500.

§ 610.287 *Red civil airway 87.*

From 100 miles W of Port Allen, T. H., LFR; to Port Allen, T. H. LFR; MEA 7,000.
From Port Allen, T. H., LFR; to Makai INT, T. H., eastbound; MEA 3,000; westbound; MEA 6,000.
From Honolulu, T. H., LFR; to *Maui, T. H., LFR; MEA 6,000. *8,000—MCA Maui LFR, eastbound; 6,000—westbound.
From Maui, T. H., LFR; to *Kuku Point INT, T. H.; MEA 8,000. *5,000—MCA Kuku Point INT, eastbound. Descent below 8,000 not authorized prior to reaching 20 miles E of Maui, T. H.
From Hilo, T. H. LFR; to East Hilo INT, T. H., eastbound; MEA 1,000; westbound; MEA 4,000.
From East Hilo INT, T. H.; to 100 miles E of Hilo, T. H., LFR; MEA 1,000.

§ 610.288 *Red civil airway 88.*

From Albuquerque, N. Mex., LFR; to Roswell, N. Mex., LFR; MEA 12,000.
From Roswell, N. Mex., LFR; to Hobbs, N. Mex., LFR; MEA 5,500.
From Hobbs, N. Mex., LFR; to INT E crs Hobbs, and S crs Lubbock, N. Mex., LFR; MEA 5,000.

§ 610.289 *Red civil airway 89.*

From Quincy, Ill., LFR; to Peoria, Ill., LFR; MEA 2,000.
From Peoria, Ill., LFR; to Pontiac INT, Ill.; MEA 2,300.

§ 610.290 *Red civil airway 90.*

From Camarillo, Calif., LFR; to Canoga Park, Calif., ILS/LOM; MEA 5,000.
From Canoga Park, Calif., ILS/LOM; to Burbank, Calif., LFR; eastbound, MEA 8,000; westbound, MEA 5,000.

§ 610.291 *Red civil airway 91.*

From *Dunkirk, N. Y., LF/RBN; to Dansville, N. Y., LF/RBN; MEA 4,000. *3,000—MCA Dunkirk LF/RBN, eastbound.
From Dansville, N. Y., LF/RBN; to Waterloo INT, N. Y.; MEA 4,000.
From Waterloo INT, N. Y.; to Syracuse, N. Y., LFR; MEA 2,000.

§ 610.292 *Red civil airway 92.*

From Sault Ste. Marie, Mich., LFR; to *Sudbury, Ontario, Canada, LFR; MEA 3,000. *For that airspace over U. S. Territory.

§ 610.293 *Red civil airway 93.*

From Lincoln, Nebr., LFR; to Glenwood INT, Iowa; MEA 2,500.

§ 610.294 *Red civil airway 94.*

From Providence, R. I., LFR; to Otis, Mass., LF/RBN; MEA 1,500.
From Otis, Mass., LF/RBN; to Hyannis, Mass., LF/RBN; MEA 1,500.

§ 610.295 *Red civil airway 95.*

From Elmira, N. Y., LFR; to Sherrill INT, N. Y.; MEA 3,500.
From Sherrill INT, N. Y.; to Utica, N. Y., LFR; MEA 3,000.

§ 610.296 *Red civil airway 96.*

From Palacios, Tex., LFR; to Arcola, INT, Tex.; MEA 1,400.
From Arcola INT, Tex.; to Houston, Tex., LFR; MEA 1,400.
From Houston, Tex., LFR; to Beaumont, Tex., LFR; MEA 1,600.
From Beaumont, Tex., LFR; to Lake Charles, La., LFR; MEA 1,500.
From Lake Charles, La., LFR; to Lafayette, La., LF/RBN; MEA 1,500.
From Lafayette, La., LF/RBN; to Baton Rouge, La., LFR; MEA 1,500.

§ 610.297 *Red civil airway 97.*

From Lakehead, Ontario, Canada, LFR; to Sault Ste Marie, Mich., LFR; MEA *2,800. *For that airspace over U. S. Territory.
From Sault Ste Marie, Mich., LFR; to Wiarton, Ontario, Canada, LFR; MEA *2,100. *For that airspace over U. S. Territory.

§ 610.298 *Red civil airway 98.*

From Vichy, Mo., LF/RBN; to Belleville, Ill., Scott AFB, LFR; MEA 2,500.

§ 610.299 *Red civil airway 99.*

From Kukaklek INT, Alaska; to Iliamna, Alaska, LFR; MEA 4,000.
From Iliamna, Alaska, LFR; to Bruin Bay INT, Alaska; MEA 5,500.

§ 610.300 *Red civil airway 100.*

From South Bend, Ind., LFR; to Battle Creek, Mich, LFR; MEA 2,300.

§ 610.302 *Red civil airway 102.*

From INT S crs Louisville, Ky., and 88–268 mag. brg. Lexington, Ky., LF/RBN; to Lexington, Ky., LF/RBN; MEA 2,200.
From Lexington, Ky., LF/RBN; to Huntington, W. Va., LF/RBN; MEA 2,500.

§ 610.303 *Red civil airway 103.*

From Kenai, Alaska, LFR; to Skilak INT, Alaska; MEA 1,500.
From *Skilak INT, Alaska; to Cleare INT, Alaska; MEA 9,000. *6,100—MCA Skilak INT, southeastbound.



From Cleare INT, Alaska; to Middleton Island, Alaska, LF/RBN; MEA 2,000.

§ 610.304 *Red civil airway 104.*

From Greensboro, N. C., LFR; to Pittsboro INT, N. C.; MEA 2,500.
From Pittsboro INT, N. C.; to INT SE Greensboro and South Raleigh, N. C., LFR; MEA 1,600.

§ 610.305 *Red civil airway 105.*

From Cassoday INT, Kans.; to Chanute, Kans., LFR; MEA 2,800.
From Chanute, Kans., LFR; to INT E crs Chanute and 336 mag. rad. Neosho, Mo., LFR; MEA 2,300.

§ 610.306 *Red civil airway 106.*

From Scottsbluff, Nebr., LFR; to Chappell INT., Nebr.; MEA 5,800.

§ 610.307 *Red civil airway 107.*

From Stanton, Minn., LF/RBN; to Red Wing INT, Minn.; MEA 2,400.

§ 610.308 *Red civil airway 108.*

From Promontory Point, Utah, LF/RBN; to Corinne, Utah, LF/RBN; MEA 11,000.
From Corinne, Utah, LF/RBN; to Fort Bridger, Utah, LFR; MEA 12,000.

§ 610.309 *Red civil airway 109.*

From *Portland, Oreg., LFR; to **The Dalles, Oreg., LFR; MEA 7,000. *4,000—MCA Portland LFR, eastbound. **6,000—MCA The Dalles LFR, northbound.
From The Dalles, Oreg., LFR; to Yakima, Wash., LFR; MEA 8,000.
From Yakima, Wash., LFR; to INT northwest Yakima and south Ellensburg, Wash., LFR; MEA 4,500.
From INT northwest Yakima and south Ellensburg, Wash., LFR; to Ellensburg, Wash., LFR; MEA 5,500.
From Ellensburg, Wash., LFR; to Ephrata, Wash., LFR; MEA 7,000.
From Trinidad INT, Wash.; to Ephrata, Wash., LFR eastbound only; MEA 4,000.
From Ephrata, Wash., LFR; to Spokane, Wash., LFR; MEA 5,000.
From Harrington, Wash., FM; to Ephrata, Wash., LFR, westbound only; MEA 4,000.

§ 610.601 *Blue civil airway 1.*

From Miami, Fla., LFR; to La Belle INT, Fla.; MEA 1,100.
From La Belle INT, Fla.; to Tampa, Fla., LFR; MEA 1,300.

§ 610.602 *Blue civil airway 2.*

From INT SE crs. Craig AFB, Ala. and N crs. Crestview, Fla., LFR; to Greenville INT, Ala.; MEA 1,800.
From Greenville INT, Ala.; to Mulberry INT, Ala.; MEA 1,700.
From Mulberry INT, Ala.; to Birmingham, Ala., LFR; MEA 2,700.
From Birmingham, Ala., LFR; to Garden City INT, Ala.; MEA 2,500.
From Garden City INT, Ala.; to Chattanooga, Tenn., LFR; MEA 4,000.
From Chattanooga, Tenn., LFR; to *Watts INT, Tenn.; MEA 3,000. *3,000—MCA Watts INT, southbound.
From Pittsburgh, Pa., LFR; to Butler, Pa., LF/RBN; MEA 3,000.
From Butler, Pa., LF/RBN; to Erie, Pa., LFR; MEA 3,000.

§ 610.603 *Blue civil airway 3.*

From Miami, Fla., LFR; to Tamiami INT, Fla.; MEA 1,100.
From Tamiami INT, Fla.; to Ft. Myers, Fla., LF/RBN; MEA 1,200.
From Ft. Myers, Fla., LF/RBN; to Tampa, Fla., LFR; MEA 1,200.
From Tampa, Fla., LFR; to Tidewater INT, Fla.; MEA 1,500.
From Tidewater INT, Fla.; to Cross City, Fla., LFR; MEA 1,200.
From Cross City, Fla., LFR; to Drifton INT, Fla.; MEA 1,300.
From Marianna INT, Fla.; to Dothan, Ala., LFR; MEA 1,400.
From Dothan, Ala., LFR; to Mt. Meigs, Ala., LF/RBN; MEA 1,700.
From Mt. Meigs, Ala., LF/RBN; to Maxwell AFB, Ala., LFR; MEA 1,600.
From Maxwell AFB, Ala., LFR; to Eden INT, Ala., MEA 2,500.
From Muscle Shoals, Ala., LFR; to Fairview INT, Tenn.; MEA 2,500.
From Kokoma, Ind., LF/RBN; to Goshen, Ind., LFR; MEA 2,100.
From Goshen, Ind., LFR; to Union INT, Mich.; MEA 2,200.
From Union INT, Mich.; to Kalamazoo INT, Mich.; MEA 2,300.
From Kalamazoo INT, Mich.; to Grand Rapids, Mich., LFR; MEA 2,200.
From Grand Rapids, Mich., LFR; to Traverse City, Mich., LFR; MEA 2,800.
From Traverse City, Mich., LFR; to Pellston, Mich., LF/RBN; MEA 2,400.
From Pellston, Mich., LF/RBN; to Sault Ste Marie, Mich., LFR; MEA 2,200.

§ 610.604 *Blue civil airway 4.*

From INT N crs Boston and SE crs Concord, N. H., LFR; to Concord, N. H., LFR; MEA 2,000.
From Concord, N. H., LFR; to Northfield INT, Vt.; MEA 5,000.
From Northfield INT, Vt.; to Huntington, Vt., FM; MEA 6,000.
From Huntington, Vt., FM; to Burlington, Vt., LFR; northbound; MEA 2,600.
From *Burlington, Vt., LFR; to Huntington, Vt., FM, southbound; MEA 6,000. *3,500—MCA Burlington LFR, southeastbound.
From Burlington, Vt., LFR; to *Hemingford, Province of Quebec, Canada, LF/RBN; MEA 1,500. *For that airspace over U. S. Territory.

§ 610.605 *Blue civil airway 5.*

From Galveston, Tex., LFR; to Houston, Tex., LFR; MEA 1,400.
From Houston, Tex., LFR; to Bryan, Tex., LFR; MEA 1,800.
From Bryan, Tex., LFR; to Waco, Tex., LFR; MEA 2,000.
From Waco, Tex., LFR; to Waxahachie INT, Tex.; MEA 2,000.
From Waxahachie INT, Tex.; to *Duncanville, Tex., LF/RBN; MEA 2,800. *2,200—MCA Duncanville LF/RBN; southbound.
From Duncanville, Tex., LF/RBN; to Dallas, Tex., LFR; MEA 2,000.
From Dallas, Tex., LFR; to Farmers Branch INT, Tex.; MEA 1,800.
From Farmers Branch INT, Tex.; to Pilot Point INT, Tex.; MEA 1,800.
From Pilot Point INT, Tex.; to Ardmore, Okla., LF/RBN; MEA 2,200.
From Ardmore, Okla., LF/RBN; to Tinker AFB, Okla., LFR; MEA 2,700.
From Oklahoma City, Okla., LFR; to Crescent INT, Okla.; MEA 3,100.
From Crescent INT, Okla.; to Oxford INT, Kans.; MEA 3,000.
From Oxford INT, Kans.; to Wichita, Kans., LFR; MEA 2,500.
From Wichita, Kans., LFR; to Newton INT, Kans.; MEA 3,000.
From INT E crs Hutchinson & S crs Salina, Kans., VAR; to Salina, Kans., VAR; MEA 2,800.

§ 610.606 *Blue civil airway 6.*

From Abilene, Tex., LFR; to Wichita Falls, Tex., LFR; MEA 3,000.
From Wichita Falls, Tex., LFR; to Washington INT, Okla.; MEA 2,700.
From Scott AFB, Belleville, Ill., LFR; to Wood River INT, Ill.; MEA 2,100.
From Wood River INT, Ill.; to Jerseyville INT, Ill.; MEA 2,000.
From *Springfield, Ill. LFR; to Peoria, Ill., LFR; MEA 2,300. *2,000—MCA Springfield LFR, northbound.
From N. Liberty INT, Ind.; to South Bend, Ind., LFR; MEA 2,000.
From South Bend, Ind., LFR; to Benton Harbor INT, Mich.; MEA 2,100.
From Bangor INT, Ind.; to Muskegon, Mich., LFR; MEA 1,800.

§ 610.607 *Blue civil airway 7.*

From Gilroy INT, Calif.; to Altamont INT, Calif.; MEA 6,500.
From Altamont INT, Calif.; to Travis AFB, Calif., LFR; MEA 5,000.
From Travis AFB, Calif., LFR; to Williams, Calif., LFR; MEA 4,000.

§ 610.608 *Blue civil airway 8.*

From Fargo, N. Dak., LFR; to Grand Forks, N. Dak., LFR; MEA 2,300.
From Grand Forks, N. Dak., LFR; to Pembina, N. Dak., LFR; MEA 2,100.
From Pembina, N. Dak., LFR; to U. S.-Canadian Border LFR; MEA 2,000.

§ 610.609 *Blue civil airway 9.*

From Springfield, Mo., LFR; to Columbia, Mo., LFR; MEA 2,300.
From Rochester, Minn., LFR; to Red Wing INT, Minn.; MEA 2,800.
From Minneapolis, Minn., LFR; to *Duluth, Minn., LFR; MEA 2,500. *3,000—MCA Duluth LFR northbound.
From Duluth, Minn., LFR; to U. S.-Canadian Boundary LFR; MEA 3,300.

§ 610.610 *Blue civil airway 10.*

From Fresno, Calif., LFR; to Los Banos INT, Calif.; MEA 3,000.
From Los Banos INT, Calif.; to Morgan Hill, Calif., FM; MEA 6,000.
From Morgan Hill, Calif., FM; to *Evergreen, Calif., LF/RBN, northwestbound only; MEA 5,000; southeastbound; MEA 6,000. *6,000—MCA Evergreen LF/RBN, southeastbound.
From *Evergreen, Calif., LF/RBN; to Oakland, Calif., LFR; MEA 5,000. *6,000—MCA Evergreen LF/RBN southeastbound.
From Oakland, Calif., LFR; to Richmond INT, Calif., MEA 3,000.
From Richmond INT, Calif.; to Williams, Calif., LFR; MEA 6,000.

§ 610.611 *Blue civil airway 11.*

From Findlay, Ohio, LF/RBN; to Alvada INT, Ohio; MEA 2,100.
From Alvada INT, Ohio; to Cleveland, Ohio, LFR; MEA 2,000.
From Cleveland, Ohio, LFR; to Perry, Ohio, LF/RBN; MEA 2,500.
From Perry, Ohio, LF/RBN; to INT N crs Youngstown and SW crs Erie, Pa., LFR; MEA 2,300.
From INT N crs Youngstown and SW crs Erie, Pa., LFR; to Erie, Pa., LFR; MEA 2,000.
From Erie, Pa., LFR; to *Dunkirk, N. Y., LF/RBN; MEA 2,500. *3,000—MCA Dunkirk LF/RBN, eastbound.

§ 610.613 *Blue civil airway 13.*

From Houston, Tex., LFR; to Lufkin, Tex., LF/RBN; MEA 1,500.
From Lufkin, Tex., LF/RBN; to Shreveport, La., LFR; MEA 1,700.
From Shreveport, La., LFR; to Texarkana, Ark., LFR; MEA 1,900.
From Texarkana, Ark., LFR; to *Hartford INT, Ark.; MEA 3,800.
From *Hartford INT, Ark.; to Ft. Smith, Ark., LF/RBN; MEA 3,800. *6,000—MRA.
From Liberty INT, Mo.; to Des Moines, Iowa, LFR; MEA 2,300.

§ 610.614 *Blue civil airway 14.*

From INT W crs El Centro, Calif., and a brg. 150 mag. from Julian, Calif., LF/RBN; to Julian, Calif., LF/RBN; MEA 9,000.
From Fontana, Calif., FM, southbound; to Riverside, Calif., LFR; MEA 5,000.

From *Riverside, Calif., LFR, northbound; to Fontana, Calif., FM; MEA 12,000. *11,000—MCA Riverside LFR, northbound.
From Fontana, Calif., FM; to *Palmdale, Calif., LFR; MEA 12,000. *11,000—MCA Palmdale LFR, southeastbound.
From *Palmdale, Calif., LFR; to Wheeler Ridge INT, Calif.; MEA 10,000. *8,000—MCA Palmdale LFR, northwestbound.
From Los Banos INT, Calif.; to Stockton, Calif., LFR; MEA 3,000.
From Stockton, Calif., LFR; to Galt INT, Calif.; MEA 2,000.

§ 610.615 *Blue civil airway 15.*

From Huntington, W. Va., LF/RBN; to Columbus, Ohio, LFR; MEA 2,500.
From Akron, Ohio, ILS/LOM; to Alliance INT, Ohio; MEA 2,500.
From Alliance INT, Ohio; to Hubbard, Ohio, LF/RBN; MEA 3,000.

§ 610.616 *Blue civil airway 16.*

From Boykins INT, Va.; to Waverly, Va., LFR; MEA 1,500.
From Waverly, Va., LFR; to Tappahannock, Va., LFR; MEA 1,400.

§ 610.617 *Blue civil airway 17.*

From Topsfield INT, Maine; to Houlton, Maine, LFR; MEA 2,500.
From Houlton, Maine, LFR; to Maple Grove, INT, Maine; MEA 3,000.
From Maple Grove INT, Maine; to Presque Isle, Maine, LFR; MEA 2,000.

§ 610.618 *Blue civil airway 18.*

From Freehold INT, N. J.; to Idlewild, N. Y., LFR; MEA 1,500.
From Idlewild, N. Y., LFR; to Glen Cove INT, N. Y.; MEA 1,500.
From Ridgewood INT, N. J.; to West Point INT, N. Y.; MEA 2,500.
From West Point INT, N. Y.; to Poughkeepsie, N. Y., LFR; MEA 2,600.
From Poughkeepsie, N. Y., LFR; to Hyde Park INT, N. Y.; MEA 2,600.
From Hyde Park INT, N. Y.; to Red Hook INT, N. Y., northbound; MEA 5,000; southbound; MEA 2,600.
From Red Hook INT, N. Y.; to Albany, N. Y., LFR; MEA 5,000.
From Coxsackie, N. Y., FM; to Albany, N. Y., LFR, northbound; MEA 2,200; southbound; MEA 5,000.
From Albany, N. Y., LF/RBN; to Burlington, Vt., LFR; MEA 4,500.
From Glens Falls, N. Y., LF/RBN; to Albany, N. Y., LF/RBN, southbound only; MEA 3,000.
From Vergennes, N. Y., FM; to Burlington, Vt., LFR, northbound; MEA 2,000.
From Burlington, Vt., LFR; to Vergennes, N. Y., LFR, southbound; MEA 4,500.
From Burlington, Vt., LFR; to U. S.-Canadian Boundary LFR; MEA 3,000.

§ 610.619 *Blue civil airway 19.*

From Key West, Fla., LFR; to Miami, Fla., LFR; MEA 1,400.
From Miami, Fla., LFR; to Melbourne, Fla., LFR; MEA 1,300.
From Melbourne, Fla., LFR; to Orlando, Fla., LFR; MEA 1,200.

§ 610.620 *Blue civil airway 20.*

From Port Norris INT, N. J., to Millville, N. J., LFR; MEA 1,500.
From Millville, N. J., LFR; to Philadelphia, Pa., LFR; MEA 1,500.
From Philadelphia, Pa., LFR; to Wings INT, Pa.; MEA 2,000.
From Wings INT, Pa.; to Allentown, Pa., LFR; MEA 2,500.

§ 610.622 *Blue civil airway 22.*

From Corner Stone INT, Ark.; to Little Rock, Ark., LFR; MEA 1,800.
From Little Rock, Ark., LFR; to Ft. Smith, Ark., LF/RBN; MEA 3,800.
From Ft. Smith, Ark., LF/RBN; to Tulsa, Okla., LFR; MEA 2,600.
From Tulsa, Okla., LFR; to Oxford INT, Kans.; MEA 2,500.

§ 610.623 *Blue civil airway 23.*

From Norfolk, Navy Va., LFR; to Chincoteague, Navy Va., LFR; MEA 1,500.

§ 610.625 *Blue civil airway 25.*

From Seal INT, Alaska; to Rocks INT, Alaska; MEA 1,000.
From Rocks INT, Alaska; to Hinchinbrock, Alaska, LFR; MEA 4,300.
From *Hinchinbrook, Alaska, LFR; to Gulkana, Alaska, LFR; MEA 9,500. *7,400—MCA Hinchinbrook LFR, northeastbound.
From Gulkana, Alaska, LFR; to *Big Delta, Alaska, LFR; MEA 13,000. *10,600—MCA Big Delta LFR, southbound.

§ 610.626 *Blue civil airway 26.*

From Anchorage, Merrill, Alaska, LFR; to Willow INT, Alaska; MEA 2,500.
From *Willow INT, Alaska; to Talkeetna, Alaska, LFR; MEA 4,800. *2,500—MCA Willow INT, northbound.
From *Talkeetna, Alaska, LFR; to Summit, Alaska, LFR; MEA 10,000. *6,400—MCA Talkeetna LFR, northbound.
From Summit, Alaska, LFR; to *Nenana, Alaska, LFR; MEA 9,500. *6,000—MCA Nenana LFR, southbound.
From Healy, Alaska, FM; to Nenana, Alaska, LFR, northbound only; MEA 6,500.
From *Nenana, Alaska, LFR; to Nenabank INT, Alaska; MEA 2,600. *7,000—MCA Nenana LFR, southbound.

§ 610.627 *Blue civil airway 27.*

From *Kodiak, Alaska, LFR; to Rocky Point INT, Alaska; MEA 6,700. *3,800—MCA Kodiak LFR, westbound.
From Rocky Point INT, Alaska; to King Salmon, Alaska, LFR; MEA 8,300.
From King Salmon, Alaska, LFR; to Bethel, Alaska, LFR; MEA 7,500.
From Bethel, Alaska, LFR; to Nome, Alaska, LFR; MEA 3,500.
From *Nome, Alaska, LFR; to **Kotzebue, Alaska, LFR; MEA 6,000. *4,000—MCA Nome LFR, northeastbound. **1,200—MCA Kotzebue LFR, southwestbound.

§ 610.628 *Blue civil airway 28.*

From Charleston, S. C., LFR; to Columbia, S. C., LFR; MEA 1,500.
From Columbia, S. C., LFR; to Spartanburg, S. C., LFR; MEA 2,000.
From Spartanburg, S. C., LFR; to Fairview INT, N. C.; MEA 6,300.
From Fairview INT, N. C.; to Bulls Gap INT, Tenn.; MEA 8,000.

§ 610.629 *Blue civil airway 29.*

From Raleigh, N. C., LFR; to South Boston INT, Va.; MEA 2,000.
From South Boston INT, Va.; to Lynchburg, Va., LFR; MEA 2,500.

§ 610.630 *Blue civil airway 30.*

From Kingsville INT, Tex.; to Driscoll INT, Tex.; MEA 1,300.
From Driscoll INT, Tex.; to Corpus Christi, Tex., LFR; MEA 1,400.
From Corpus Christi, Tex., LFR; to Clareville INT, Tex.; MEA 1,400.
From Clareville INT, Tex.; to Losoya INT, Tex.; MEA 1,800.
From Losoya INT, Tex.; to Kelly, Tex., LFR; MEA 2,000.
From Big Spring, Tex., LFR; to Lubbock, Tex., LFR; MEA 4,500.
From Lubbock, Tex., LFR; to Amarillo, Tex., LFR; MEA 5,000.
From Amarillo, Tex., LFR; to Dalhart, Tex., LF/RBN; MEA 5,300.
From Dalhart, Tex., LF/RBN; to Purgatoire River INT, Colo.; MEA 8,900.
From Purgatoire River INT, Colo.; to Pueblo, Colo., LFR; MEA 7,500.

§ 610.631 *Blue civil airway 31.*

From Monmouth INT, Ill.; to Moline, Ill., LF/RBN; MEA 2,100.
From Avon INT, Ill.; to Madison, Ill., LFR; MEA 2,400.

§ 610.632 *Blue civil airway 32.*

From *Skwentna, Alaska, LFR; to Talkeetna, Alaska, LF/RBN; MEA 5,000. *4,100—MCA Skwentna LFR, northeastbound.

§ 610.633 *Blue civil airway 33.*

From Lansing, Mich., LFR; to Saginaw, Mich., LF/RBN; MEA 2,000.

§ 610.634 *Blue civil airway 34.*

From Terre Haute, Ind., LFR; to Clinton INT, Ind.; MEA 2,000.
From Clinton INT, Ind.; to Chanute, Ill. LFR; MEA 1,900.
From Chanute, Ill., LFR; to INT NW Chanute, Ill., and SW Joliet, Ill., LFR; MEA 1,900.

§ 610.635 *Blue civil airway 35.*

From *Camarillo, Calif., LFR; to Wheeler Ridge INT Calif.; MEA 10,000. *7000—MCA Camarillo, LFR, northbound.

§ 610.636 *Blue civil airway 36.*

From Akron, Colo., LFR; to Kimball INT, Colo.; MEA 6,100.

§ 610.637 *Blue civil airway 37.*

From Medicine Bow INT, Wyo.; to *Casper, Wyo., LFR; MEA 11,000. *10,000—MCA Casper LFR, southbound.
From Casper, Wyo., LFR; to Wright INT, Wyo.; MEA 7,500.

§ 610.638 *Blue civil airway 38.*

From Five Finger, Alaska, LF/RBN; to Sisters Island INT, Alaska; MEA 7,000.
From Sisters Island INT, Alaska; to Gustavus, Alaska, LFR; MEA 4,500.
From *Gustavus, Alaska, LFR; to Haines, Alaska, LF/RBN; MEA 9,400. *7,000—MCA Gustavus LFR, northeastbound.
From Haines, Alaska, LF/RBN; to Whitehorse, Y. T., LFR; MEA *10,300. *For that airspace over U. S. Territory.

§ 610.639 *Blue civil airway 39.*

From Savannah, Ga., LFR; to Millen INT, Ga.; MEA 1,400.
From Millen INT, Ga.; to Augusta, Ga., LFR; MEA 1,500.
From Augusta, Ga., LFR; to Greenville, S. C., LFR, northbound; MEA 3,000; southbound; MEA 2,000.
From Tri-City, Tenn., LFR; to Paynesville, W. Va., LF/RBN; MEA 6,300.
From Paynesville, W. Va., LF/RBN; to Charleston, W. Va., LFR; MEA 5,000.
From Sutton INT, W. Va.; to Morgantown, W. Va., LFR; MEA 4,000.
From Morgantown, W. Va., LFR; to Mt. Pleasant INT, Pa.; MEA 3,600.
From Mt. Pleasant INT, Pa.; to New Alexandria, Pa., LF/RBN; MEA 3,600.
From INT SW crs Elmira, N. Y. and E crs Philipsburg, Pa., LFR; to Elmira, N. Y., LFR; MEA 4,500.

§ 610.640 *Blue civil airway 40.*

From Concord, N. H., LFR; to Lebanon, N. H., LFR; MEA 5,000.
From Lebanon, N. H., LFR; to Montpelier, Vt., LFR; MEA 4,500.
From Montpelier, Vt., LFR; to *Burlington, Vt., LFR; MEA 6,000. *3,500—MCA Burlington LFR, southbound.

§ 610.641 *Blue civil airway 41.*

From Port Chester INT, N. Y.; to Bridgeport, Conn., LFR; MEA 1,500.



From Bridgeport, Conn., LFR; to Hartford, Conn., LFR; MEA 2,000.
From Hartford, Conn., LFR; to Westfield, Mass., LFR; MEA 2,500.
From Westfield, Mass., LFR; to Hadley INT, Mass.; MEA 3,000.
From Hadley INT, Mass.; to Greenfield INT, Mass.; MEA 3,500.
From Greenfield INT, Mass.; to Concord, N. H., LFR; MEA 5,000.
From Concord, N. H., LFR; to Portland, Maine, LFR; MEA 2,500.
From Rockland, Maine, LF/RBN; to Bangor, Maine, LFR; MEA 2,500.
From Bangor, Maine, LFR; to Topsfield INT, Maine; MEA 2,500.
From Topsfield INT, Maine; to U. S.-Canadian Boundary, LFR; MEA 2,500.

§ 610.642 *Blue civil airway 42.*

From Burr Oak INT, Mich.; to Battle Creek, Mich., LFR; MEA 2,100.
From Battle Creek, Mich., LFR; to INT N crs Battle Creek and SE crs Grand Rapids, LFR; MEA 2,200.
From INT N crs Battle Creek and SE crs Grand Rapids, LFR; to Grand Rapids, Mich., LFR; MEA 2,000.
From Grand Rapids, Mich., LFR; to Saginaw, Mich., LF/RBN; MEA 2,200.

§ 610.644 *Blue civil airway 44.*

From Indianapolis, Ind., LFR; to Kokomo, Ind., LF/RBN; MEA 2,800.
From Kokomo, Ind., LF/RBN; to Ft. Wayne, Ind., LFR; MEA 2,000.
From Ft. Wayne, Ind., LFR; to Archbold INT, Ohio; MEA 2,300.
From Dundee INT, Mich.; to U. S.-Canada Boundary, LFR; MEA 2,300.

§ 610.645 *Blue civil airway 45.*

From Greenfield INT, Mass.; to Keene, N. H., LF/RBN; MEA 5,000.
From Keene, N. H., LF/RBN; to Lebanon, N. H., LF/RBN; MEA 5,000.
From Montpelier, Vt., LFR; to Newport, Vt., LF/RBN; MEA 5,000.

§ 610.646 *Blue civil airway 46.*

From Memphis, Tenn., LFR; to Cuba INT, Tenn.; MEA 2,300.
From Cuba INT, Tenn.; to Dyersburg, Tenn., LF/RBN; MEA 2,000.
From Dyersburg, Tenn., LF/RBN; to Paducah, Ky., LF/RBN; MEA 1,500.

§ 610.647 *Blue civil airway 47.*

From INT NE crs Raleigh, N. C., and SE crs Blackstone, Va. LFR; to Blackstone, Va., LFR; MEA 1,500.
From Blackstone, Va., LFR; to *Gordonsville, Va., LFR; MEA 2,000. *3,000—MCA Gordonsville LFR, northbound.
From INT SE crs Front Royal, Va., and SE crs Arcola, Va., LFR; to Front Royal, Va., LFR; MEA 5,000.
From Front Royal, Va., LFR; to INT N crs Front Royal, Va., and NW crs Arcola, Va., LFR; MEA 4,500.
From Flint Stone INT, Md.; to Altoona, Pa., LFR; MEA 4,500.
From Altoona, Pa., LFR; to Philipsburg, Pa., LFR; MEA 4,500.
From Philipsburg, Pa., LFR; to Bradford, Pa., LF/RBN; MEA 4,000.
From Bradford, Pa., LF/RBN; to *Dunkirk, N. Y., LF/RBN; MEA 4,200. *3,000—MCA Dunkirk LF/RBN, southeastbound.

§ 610.649 *Blue civil airway 49.*

From INT SE crs Philadelphia, Pa., and SW crs Atlantic City, N. J., VAR; to Millville, N. J., LFR; MEA 1,500.
From Millville, N. J., LFR; to INT NW crs Millville and E crs New Castle, Del., LFR; MEA 1,600.
From INT NW Millville and E crs New Castle LFR; to Boothwyn INT, Pa.; MEA 1,800.

§ 610.651 *Blue civil airway 51.*

From Speedway INT, Utah; to Lucin, Utah, LFR; MEA 12,000.
From Lucin, Utah, LFR; to *Burley, Idaho, LFR; MEA 12,000. *8,000—MCA Burley LFR, southwestbound.
From Burley, Idaho, LFR; to Minidoka INT, Idaho; MEA 7,000.
From Minidoka INT, Idaho; to Pocatello, Idaho, LFR; MEA 7,000.
From Pocatello, Idaho, LFR; to Dubois, Idaho, LFR; MEA 7,500.

§ 610.652 *Blue civil airway 52.*

From Bradley INT, Calif.; to Fresno, Calif., LFR; MEA 7,000.

§ 610.653 *Blue civil airway 53.*

From Salem INT, Conn.; to Hartford, Conn., LFR; MEA 2,000.

§ 610.654 *Blue civil airway 54.*

From *Evergreen, Calif., LF/RBN; to San Francisco, Calif., LFR; MEA 3,000. *6,000—MCA Evergreen LF/RBN, southeastbound.

§ 610.655 *Blue civil airway 55.*

From Crestview, Fla., LFR; to Andalusia INT, Ala.; MEA 1,500.
From Andalusia INT, Ala.; to Maxwell AFB, Ala., LFR; MEA 2,500.

§ 610.656 *Blue civil airway 56.*

From Weeksville, N. C., LFR; to Norfolk, Va., VAR; MEA 1,500.
From Hampton INT, Va., to Langley, Va., LFR; MEA 1,500.
From Langley, Va., LFR; to Andrews, Md., LFR; MEA 1,500.

§ 610.657 *Blue civil airway 57.*

From Bishop Creek INT, Nev.; to Goose Creek INT, Nev.; MEA 12,000.
From Goose Creek INT, Nev.; to Oakley INT, Idaho; MEA 12,000.

§ 610.658 *Blue civil airway 58.*

From Nantucket, Mass., LF/RBN; to Hyannis, Mass., LF/RBN; MEA 1,500.
From Hyannis, Mass., LF/RBN; to Squantum, Mass., LFR; MEA 1,500.

§ 610.659 *Blue civil airway 59.*

From Pensacola, Fla., LFR; to McDavid INT, Fla.; MEA 1,300.
From McDavid INT, Fla.; to Goodway INT, Ala.; MEA 1,400.

§ 610.660 *Blue civil airway 60.*

From Moffett NAS, Calif., LFR; to INT NE crs Moffett NAS, and W crs Stockton LFR; MEA 5,000.

§ 610.661 *Blue civil airway 61.*

From Springfield, Mo., LFR; to Belton INT, Mo.; MEA 2,500.
From Belton INT, Mo.; to Kansas City, Mo., LFR; MEA 3,000.

§ 610.663 *Blue civil airway 63.*

From Concord, N. H., LFR; to Laconia, N. H., LF/RBN; MEA 4,000.
From Laconia, N. H., LF/RBN; to North Conway, N. H., LF/RBN; MEA 6,000.
From North Conway, N. H., LF/RBN; to Berlin, N. H., LF/RBN; MEA 8,000.

§ 610.664 *Blue civil airway 64.*

From Wink, Tex., LFR; to Hobbs, N. Mex., LFR; MEA 5,000.

§ 610.665 *Blue civil airway 65.*

From Shuyak, Alaska, LF/RBN; to Anchor Point INT, Alaska; MEA 4,000.
From Anchor Point INT, Alaska; to Homer, Alaska, LFR; MEA 2,500.

§ 610.666 *Blue civil airway 66.*

From Bridgeport, Conn., LFR; to Poughkeepsie, N. Y., LFR; MEA 2,400.

§ 610.667 *Blue civil airway 67.*

From Yuma, Ariz., LFR; to Blythe, Calif., LFR; MEA 5,000.
From Blythe, Calif., LFR; to Needles, Calif., LFR; MEA 6,000.
From Needles, Calif., LFR; to Willow Beach INT, Ariz.; MEA 8,000.

§ 610.668 *Blue civil airway 68.*

From Midland, Tex., LFR; to Midland INT, Tex.; MEA 4,000.

§ 610.669 *Blue civil airway 69.*

From St. Louis, Mo., LFR; to Quincy, Ill., LF/RBN; MEA 2,000.

§ 610.670 *Blue civil airway 70.*

From Clifton INT, Tex.; to Lipan INT, Tex.; MEA 2,300.
From Lipan INT, Tex.; to Mineral Wells, Tex., LF/RBN; MEA 2,300.
From Mineral Wells, Tex., LF/RBN; to Alvord INT, Tex.; MEA 2,500.
From Alvord INT, Tex.; to Ardmore, Okla., LF/RBN; MEA 2,600.
From Ardmore, Okla., LF/RBN; to Okemah INT, Okla.; MEA 2,700.
From Okemah INT, Okla.; to Tulsa, Okla., LFR; MEA 2,400.

§ 610.671 *Blue civil airway 71.*

From Toledo, Wash., LFR; to Shelton, Wash., LF/RBN; MEA 4,000.
From Shelton, Wash., LF/RBN; to Seattle, Wash., LFR; MEA 2,000.

§ 610.672 *Blue civil airway 72.*

From Enid, Vance AFB, Okla., LF/RBN; to Oxford INT, Kans.; MEA 2,600.

§ 610.675 *Blue civil airway 75.*

From Cleveland, Ohio, LFR; to *London, Ont., Canada, LFR; MEA 2,400. *For that airspace over U. S. territory.

§ 610.676 *Blue civil airway 76.*

From Sinclair, Wyo., LFR; to *Casper, Wyo., LFR; MEA 11,000. *10,000—MCA Casper LFR, southwestbound.

§ 610.678 *Blue civil airway 78.*

From Spring Bay INT, Utah; to Malad City, Idaho, LFR; MEA 11,000.

§ 610.679 *Blue civil airway 79.*

From Banks INT, Canada; to Annette Island, Alaska, LFR; MEA 2,800.
From *Annette Island, Alaska, LFR; to Guard Island INT, Alaska; MEA 4,700. *3,200—MCA Annette Island LFR, northwestbound.
From Guard Island INT, Alaska; to Petersburg, Alaska, LFR; MEA 5,700.
From Petersburg, Alaska, LFR; to Five Finger, Alaska, LF/RBN, MEA 5,700.
From Five Finger, Alaska, LF/RBN; to Thane INT, Alaska; MEA 8,000.
From Thane INT, Alaska; to Haines, Alaska, LFR; MEA 9,000.

§ 610.680 *Blue civil airway 80.*

From Darby INT, Alaska; to Moses Point, Alaska, LFR; MEA 3,600.

§ 610.681 *Blue civil airway 81.*

From Charleston, W. Va., LFR; to Zanesville, Ohio, LF/RBN; MEA 2,500.
From Zanesville, Ohio, LF/RBN; to Akron, Ohio, LFR; MEA 2,400.
From Akron, Ohio, LFR; to Parkman INT, Ohio, MEA 2,500.

§ 610.684 *Blue civil airway 84.*

From Augusta, Maine, LFR; to Rockland, Maine, LF/RBN; MEA 2,000.

From Rockland, Maine, LF/RBN; to Bar Harbor, Maine, LF/RBN; MEA 2,000..
From Bar Harbor, Maine, LF/RBN; to Bangor, Maine, LFR; MEA 2,500.
From Bangor, Maine, LFR; to Millinocket, Maine, LFR; MEA 2,300.

§ 610.685 *Blue civil airway 85.*

From Danville INT, Kans.; to Hutchinson, Kans., LFR; MEA 2,800.

§ 610.686 *Blue civil airway 86.*

From Goshen, Ind., LFR; to Ft. Wayne, Ind., LFR; MEA 2,300.

§ 610.687 *Blue civil airway 87.*

From Lexington, Ky., LF/RBN; to Cincinnati, Ohio, LFR; MEA 2,300.
From Cincinnati, Ohio, LFR; to Wright-Patterson AFB, Dayton, Ohio, LFR; MEA 2,500.
From Wright-Patterson AFB, Dayton, Ohio, LFR; to North Hampton INT, Ohio; MEA 2,200.

§ 610.1001 *Direct routes; United States.*

From Albany, Ga., LFR; to Columbus, Lawson AFB, Ga., LFR; MEA 1,600.
From Albany, Ga., LFR; to Walnut INT, Ga.; MEA 2,200.
From Albany, Ga., LFR; to Valdosta, Ga.; LF/RBN; MEA 1,600.
From Albany, N. Y., VOR; to Massena, N. Y., VOR; MEA 6,500.
From Alexandria, La., LFR; to Monroe, La., LFR; MEA 1,500.
From Alice, Tex., LFR; to Austin, Tex., LFR; MEA 3,000.
From Allentown, Pa., LFR; to Chatham, N. J., LF/RBN; MEA 2,500.
From Alma, Ga., LFR; to Albany, Ga., LFR; MEA 1,600.
From Altamont INT, Calif.; to Newark, Calif., LF/RBN, southwestbound only; MEA 5,000.
From Amarillo, Tex., LFR; to Roswell, N. Mex., LFR; MEA 5,500.
From Ashton INT, Idaho; to Dubois, Idaho, LFR; MEA 9,000.
From Ashton INT, Idaho; to Idaho Falls, Idaho, LFR; MEA 8,000.
From Atlanta, Ga., LFR; to Savannah, Ga., LFR; MEA 2,000.
From Atlanta, Ga., LFR; to Rome, Ga., LFR; MEA 3,100.
From Atlanta, Ga., LFR; to Atlanta NAS, Ga., LFR; MEA 3,000.
From Atlanta NAS, Ga., LFR; to Knoxville, Tenn., LFR; MEA 7,000.
From Atlanta, Ga., LFR, via LFR direct; to Columbus, Ga., VOR, via VOR direct; MEA 2,900.
From Augusta, Ga., LFR; to Spartanburg, S. C., LFR; MEA 2,300.
From Austin, Tex., LFR; to San Angelo, Tex., LFR; MEA 3,500.
From Baker, Oreg., LFR; to La Grande, Oreg., LF/RBN, northbound, MEA 8,000; southbound; MEA 10,000.
From *Bakersfield, Calif., LFR; to **Palmdale, Calif., LFR; MEA 10,000. *8,000—MCA Bakersfield LFR, southeastbound. **8,000—MCA Palmdale LFR, northwestbound.
From *Bakersfield, Calif., LFR; to Daggett, Calif., LFR; MEA 10,000. *9,000—MCA Bakersfield LFR, southeastbound.
From Baldwin City INT, Kans.; to Topeka, Kans., LF/RBN; MEA 2,400.
From Baton Rouge, La., LFR; to Lake Charles, La, LFR; MEA 1,500.
From Bay Point, Calif., FM; to Newark, Calif., LF/RBN southbound only; MEA 6,000.
From Beaumont, Tex., LFR; to Lufkin, Tex., LF/RBN; MEA 1,500.
From Beaumont, Tex., LFR; to Galveston, Tex., LFR; MEA 1,400.
From Belton INT, Mo.; to Liberty, Mo., LF/RBN; MEA 2,400.
From Binghamton, N. Y., VOR; to Poughkeepsie, N. Y., VOR; MEA 6,500.
From Binghamton, N. Y., VOR; to Wilton, Conn., VOR; MEA 5,000.
From Birmingham, Ala., LFR; to Huntsville, Ala., VOR; MEA 2,500.
From Birmingham, Ala., VOR, via radial 008; to Huntsville, Ala., VOR, via radial 135; MEA 4,000.
From Birmingham, Ala., LFR; to Jackson, Miss., LFR, westbound; MEA 2,000.
From Birmingham, Ala., LFR; to Muscle Shoals, Ala., LFR; MEA 2,500.
From Birmingham, Ala., LFR; to INT S crs Muscle Shoals, Ala., LFR with a direct crs between Birmingham, Ala., and Memphis, Tenn,. LFR; MEA 2,500.
From Birmingham, Ala., LFR; to Memphis, Tenn., LFR; MEA 2,500.
From INT S crs Muscle Shoals, Ala., LFR with a direct crs between Birmingham, Ala., and Memphis, Tenn., LFR; to Memphis, Tenn., LFR; MEA 2,000.
From Blackwell INT, Okla.; to Ponca City, Okla., LF/RBN; MEA 2,300.
From *Blythe, Calif., LFR; to Gila Bend, Ariz., LFR; MEA 7,000. *5,000—MCA Blythe LFR, southeastbound.
From Bonner Springs INT, Kans.; to Farley, Mo., LF/RBN northbound only; MEA 2,400.
From Boothwyn INT, Pa.; to Reading INT, Pa.; MEA 2,500.
From *Boston, Mass., VOR; to Worcester, Mass., VOR; MEA 2,000. *This operation is over V–3 utilizing the Worcester LOM.
From Buckner INT, Mo.; to Liberty, Mo., LF/RBN westbound only; MEA 2,200.
From *Burbank, Calif., LFR; to Simi INT, Calif.; MEA 6,000. *5,000—MCA Burbank LFR, northwestbound.
From Burbank, Calif., LFR; to *Downey, Calif., LF/RBN; MEA 5,000. *4,000 MCA Downey LF/RBN, northwestbound.
From Canoga Park, Calif., LF/RBN; to Downey, Calif., LF/RBN; MEA 5,000.
From Canoga Park, Calif., LF/RBN; to Los Angeles, Calif., LF/RBN; MEA 5,000.
From Carlsbad, N. Mex., LFR; to Orla INT, Tex.; MEA 5,000.
From Carlsbad, N. Mex., VOR; to Gore INT, Tex.; MEA 6,000.
From Carlsbad, N. Mex., VOR; to Wink, Tex., LFR, via direct radial; MEA 4,500.
From Cartersville, INT, Ga.; to Rome, Ga., LFR; MEA 2,800.
From Casper, Wyo., LFR; to INT N crs Sinclair, Wyo., LFR and W crs Casper, Wyo., LFR eastbound only; MEA 8,800.
From Charleston, S. C., LFR; to Lumberton, N. C., LF/RBN; MEA 1,300.
From Charleston, S. C., LFR; to Norfolk, Va., LFR; MEA 1,400.
From Charleston, W. Va., LFR; to Columbus, Ohio, LFR; MEA 2,200.
From Charlotte, N. C., LFR; to Hickory, N. C., VAR; MEA 3,500.
From Charlotte, N. C., LFR; to INT of a direct crs between Charlotte, N. C., LFR and Raleigh, N. C., with the SE crs of Greensboro, N. C., LFR; MEA 2,100.
From INT of a direct crs between Charlotte, N. C., LFR and Raleigh, N. C., with the SE crs of Greensboro, N. C., LFR; to Raleigh, N. C., LFR; MEA 2,100.
From Charlotte, N. C., LFR; to Greensboro, N. C., LFR; MEA 2,800.
From Charlotte, N. C., LFR; to Winston-Salem, N. C., LFR; MEA 2,800.
From Charlotte, N. C., LFR; to Sprout Springs INT, N. C.; MEA 2,200.
From Chatham, N. J., LF/RBN; to INT 79–259 mag. crs Chatham, N. J., LF/RBN and W crs La Guardia LFR southwestbound only; MEA 2,000.
From Chatham, N. J., LF/RBN; to Little Ferry INT, N. Y.; MEA 2,000.
From Chatham, N. J., LF/RBN; to Yonkers INT, N. Y.; MEA 2,000.
From Chattanooga, Tenn., LFR; to Birmingham, Ala., LFR; MEA 4,000.
From Chattanooga, Tenn., LFR; to Louisville, Ky., LFR; MEA 4,500.
From Chattanooga, Tenn., LFR; to INT direct crs between Chattanooga, Tenn., and Louisville, Ky., LFR with a 60 mag. brg. from Bowling Green, Ky., LFR; MEA 4,500.
From INT direct crs between Chattanooga, Tenn., and Louisville, Ky., LFR with a 60 mag. brg. from Bowling Green, Ky., LFR; to Louisville, Ky., LFR; MEA 2,600.
From Cleveland, Ohio, LFR; to Clear Creek, Ont., Canada, LFR; MEA 2,400.
From Cleveland, Ohio, LFR; to London, Ont., Canada, LFR; MEA 2,100.
From Clint, Tex., LF/RBN; to Van Horn, Tex., LF/RBN; MEA 9,000.
From Clinton INT, Kans.; to Topeka, Kans., LF/RBN; MEA 2,400.
From Clovis AFB, N. Mex., LF/RBN; to *Field INT, N. Mex.; MEA 7,000. *11,500—MRA.
From Clovis AFB, N. Mex., LF/RBN; to Pleasant Hill INT, N. Mex.; MEA 7,000.
From Clovis AFB, N. Mex., LF/RBN; to *Farwell INT, Tex.; MEA 5,500. *10,000—MRA.
From Columbia, S. C., LFR; to Greensboro, N. C., LFR; MEA 2,500.
From Columbia, S. C., LFR; to Charlotte, N. C., LFR; MEA 2,500.
From Columbia, S. C., LFR; to Atlanta, Ga., LFR; MEA 2,800.
From Columbia, S. C., LFR; to Bold Springs INT, Ga.; MEA 2,000.
From Columbia, S. C., LFR; to Greenville, S. C., LFR; MEA 2,400.
From Columbia, Mo., LFR; to Olathe, Kans., LFR; MEA 2,400.
From Columbus, Ga., LFR; to Montgomery, Ala., LFR; MEA 1,600.
From Columbus, Ga., VOR, via LFR direct; to Maxwell, Ga., LFR, via LFR direct; MEA 2,000.
From Columbus, Ga., LFR; to Atlanta, Ga., LFR; MEA 2,900.
From Columbus, N. Mex., LFR; to Deming, N. Mex., LF/RBN; MEA 9,400.
From Coyle INT, N. J.; to McGuire, N. J., LFR; MEA 1,500.
From Crescent INT, Okla.; to Tulsa, Okla., LFR; MEA 2,400.
From Cross City, Fla., LFR; to Albany, Ga., LFR; MEA 1,500.
From Culberson, Tex., VOR; to Gore INT, Tex.; MEA 6,300.
From Dallas, Tex., LFR; to Greenville INT, Tex.; MEA 2,000.
From Dallas, Tex., LFR; to Houston, Tex., LFR; MEA 2,000.
From Dallas, Tex., LFR; to Tulsa, Okla., LFR; MEA 2,200.
From Dallas, Tex., LFR; to INT direct crs Dallas to Van Buren, Ark., LF/RBN and SE crs Perrin LFR; MEA 2,300.
From INT direct crs Dallas to Van Buren, Ark., LF/RBN and SE crs Perrin, LFR; to Van Buren, Ark., LF/RBN; MEA 4,000.
From *DeGraff INT, Kans.; to Towanda, Kans., LF/RBN, westbound only; MEA 2,800. *4,800—MRA.
From Des Moines, Iowa, LFR; to Sioux City, Iowa, LFR; MEA 2,600.
From De Soto INT, Kans.; to Topeka, Kans., LF/RBN; MEA 2,500.
From Dothan, Ala., LFR; to Columbus, Ga., LFR; MEA 1,600.
From Duluth, Minn., LFR; to Fargo, N. Dak., LFR; MEA 3,100.
From Duncanville, Tex., LF/RBN; to Greenville INT, Tex.; MEA 2,000.
From Dyersburg, Tenn., VOR; to Nashville, Tenn., VOR; MEA 2,500.
From Dyersburg, Tenn., LF/RBN; to Nashville, Tenn., LFR; MEA 2,500.
From Dyersburg, Tenn., LF/RBN; to Memphis, Tenn., LFR; MEA 2,300.
From Elko, Nev., LFR; to Boise, Idaho, LFR, northbound, MEA 12,500; southbound, MEA 13,500.
From El Paso, Tex., LFR; to Van Horn, Tex., LF/RBN; MEA 9,000.



From Enid, Vance AFB, Okla., LFR; to Oklahoma City, Okla., LFR; MEA 2,500.
From Enid, Vance AFB, Okla., LFR; to Ponca City, Okla., LF/RBN; MEA 2,600.
From Enid, Vance AFB, Okla., LFR; to Gage, Okla., LFR; MEA 3,600.
From INT S crs Erie, Pa., LFR and SW crs Buffalo, N. Y., LFR; to Dunkirk, N. Y., LF/RBN; MEA 3,500.
From Farley, Kans., LF/RBN; to De Soto INT, Kans.; MEA 2,400.
From Farley, Kans., LF/RBN; to Topeka, Kans., LF/RBN; MEA 2,500.
From Farley, Mo., LF/RBN; to St. Joseph, Mo., ILS/LOM; MEA 2,400.
From Fayetteville, N. C., LF/RBN; to Myrtle Beach, N. C., LF/RBN; MEA 1,500.
From Flintstone INT, Md.; to INT W crs Martinsburg, W. Va., LFR and S crs Altoona, Pa., LFR; MEA 4,000.
From Florence, S. C., LFR; to Greensboro, N. C., LFR; MEA 3,000.
From Forbes, Kans., LFR; to Topeka, Kans., LF/RBN; MEA 3,000.
From Fort Jones, Calif., LFR; to *Fort Jones INT, Calif.; MEA 11,000. *8,000—MCA Fort Jones INT, eastbound.
From Fort Jones INT, Calif.; to Arcata, Calif., LFR; MEA 6,000.
From Fort Jones, Calif., LFR; to Montague, Calif., LF/RBN; MEA 9,000.
From Fort Smith, Ark., LF/RBN; to Springfield, Mo., LFR; MEA 3,800.
From Fortuna, Calif., VOR; to Fort Jones INT, Calif.; MEA 6,000.
From Fort Worth, Tex., LFR; to Dallas, Tex., LFR; MEA 2,000.
From Fort Worth, Tex., LFR; to Duncanville, Tex., LF/RBN; MEA 2,200.
From Forth Worth INT, Tex.; to Duncanville, Tex., LF/RBN; MEA 2,200.
From Fort Worth, Tex., LFR; to INT SW crs Wichita Falls, Tex., LFR and a direct crs between Ft. Worth, Tex., LFR and Lubbock, Tex., LFR; MEA 2,500.
From INT SW crs Wichita Falls, Tex., LFR and a direct crs between Ft. Worth, Tex., LFR and Lubbock, Tex., LFR; to INT S crs Guthrie, Tex., VAR and a direct crs between Ft. Worth, Tex.; LFR and Lubbock, Tex., LFR; MEA 3,500.
From INT S crs Guthrie, Tex., VAR and a direct crs between Ft. Worth, Tex., and Lubbock, Tex., LFR; to Lubbock, Tex., LFR; MEA 4,500.
From Ft. Worth, Tex., VOR; to Oklahoma City, Okla., VOR; MEA *6,300. *2,400—MOCA.
From Galveston, Tex., LFR; to INT N crs Galveston, Tex., LFR and E crs Houston, Tex., LFR; MEA 1,400.
From INT N crs Galveston, Tex., LFR and E crs Houston, Tex., LFR; to INT N crs Galveston, Tex., LFR and NE crs Richmond, Tex., LFR; MEA 1,600.
From Garden City, Kans., LFR; to Gage, Okla., LFR; MEA 4,300.
From Gila Bend, Ariz., LFR; to Phoenix, Ariz., LFR; MEA 6,500.
From Glen Cove, N. J., LF/RBN; to New Rochelle, N. Y., LF/RBN; MEA 1,500.
From Gordonsville, Va., LFR; to Elkins, W. Va., LFR; MEA 7,000.
From Gordonsville, Va., VOR; to Elkins, W. Va., VOR; MEA 7,000.
From Greenfield, Ind., FM; to Advance, Ind., FM; MEA 2,400.
From Greenfield INT, Mass.; to Lebanon, N. H., LF/RBN; MEA 5,100.
From Greensboro, N. C., LFR; to Roanoke, Va., LFR; MEA 5,500.
From Greensboro, N. C., LFR; to Lynchburg, Va., LFR; MEA 3,300.
From Greenville, S. C., to LFR; to Augusta, Ga., LFR; MEA 2,400.
From Greenville, S. C., LFR; to Hendersonville INT, N. C., northbound; MEA 6,200; southbound; MEA 5,200.
From Greenville, S. C., LFR; to INT S crs Asheville, N. C., VAR and W crs Greenville, S. C., LFR; MEA 4,500.
From Half Moon Bay, Calif., FM; to Newark, Calif., LF/RBN; MEA 4,500.
From Harrington Ranch INT, N. Mex.; to Clint, Tex., LF/RBN; MEA 8,500.
From Hartly INT, Del.; to INT E crs Baltimore, Md., LFR and SW Atlantic City, N. J., VAR via E crs Baltimore, Md., LFR; MEA 1,500.
From Haslet, Tex., LF/RBN; to Dallas INT, Tex.; MEA 2,200.
From Haslet, Tex., LF/RBN; to Dallas, Tex., LFR; MEA 2,200.
From Haydenburg INT, Tenn.; to Corbin, Ky., VAR; MEA 4,000.
From Hickory, N. C., VAR; to Asheville, N. C., LF/RBN; MEA 6,500.
From Hickory, N. C., VAR; to INT N crs Hickory, N. C., VAR and NE crs Tri-City, Tenn., LFR; MEA 7,000.
From Hobbs, N. Mex., LFR; to Midland, Tex., LFR; MEA 5,000.
From Hobbs, N. Mex., VOR, via direct radial; to Big Spring, Tex., VOR via direct radial; MEA 4,900.
From Hobbs, N. Mex., LFR; to Roswell, N. Mex., LFR; MEA 6,000.
From Houlton, Maine, LFR; to Presque Isle, Maine, LFR via Sprague ville, Maine, LFR; MEA 2,700.
From Houston, Tex., LFR; to Prairie Hill, Tex., LF/RBN; MEA 1,800.
From Huntington INT, N. Y.; to Mitchel Field, N. Y., LFR; MEA 1,500.
From Huntsville, Ala., VOR; to Muscle Shoals, Ala., LFR; MEA 2,500.
From Huntsville, Ala., VOR; to Muscle Shoals, Ala., VOR, westbound; MEA 2,500; eastbound; MEA 3,000.
From Huntsville, Ala., VOR; to Nashville, Tenn., VOR; MEA 3,000.
From Hutchinson, Kans., LF/RBN; to Newton INT, Kans.; MEA 3,000.
From Hutchinson, Kans., VOR; to Anness INT, Kans.; MEA 3,000.
From Hutchinson, Kans., LFR; to Viola, Kans., LF/RBN; MEA 2,800.
From Hutchinson, Kans., VOR; to Wichita, Kans., ILS/LOM; MEA 2,800.
From Hutchinson, Kans., LFR; to Wichita, Kans., LFR; MEA, 3,400.
From INT Seattle, Wash., VOR 247 T rad. and Olympia, Wash., VOR 013 T rad.; to INT Olympia, Wash., VOR 013 T rad. and NW crs Seattle, Wash., LFR; MEA 5,000.
From INT NE crs Idlewild, N. Y., ILS and NW crs; to INT NW crs Islip, N. Y., VAR and S crs; MEA 5,000.
From Islip, N. Y., VAR; to Poughkeepsie, N. Y., LFR.
From Imperial, Nebr., VOR; to North Platte, Nebr., VOR; MEA 4,500.
From Jackson, Miss., LFR; to Baton Rouge, La., LFR; MEA 2,000.
From Jackson, Miss., LFR; to Birmingham, Ala., LFR eastbound only; MEA 2,500.
From Jacksonville, Fla., LFR; to Valdosta, Ga., LF/RBN; MEA 1,200.
From Johnstown, Pa., LF/RBN; to Philipsburg, Pa., LFR; MEA 4,500.
From Joliet, Ill., LFR; to Peoria, Ill., LFR; MEA 2,000.
From Kansas City, Mo., LFR; to Columbia, Mo., LFR; MEA 4,000.
From Kansas City, Mo., LFR; to Des Moines, Iowa, LFR; MEA 2,500.
From Kansas City, Mo., ILS/LOM; to *Plattsburg INT, Mo., via Kansas City ILS localizer crs, northbound; MEA 4,500; southbound; MEA 2,500. *4,500—MRA Kansas City ILS localizer crs at Plattsburg INT, Mo.
From Kansas City, Mo., LFR; to Topeka, Kans., LF/RBN; MEA 2,500.
From Kearney INT, Mo.; to Liberty, Mo., LF/RBN southbound only; MEA 2,200.
From Key West, Fla., LFR; to Miami, Fla., LFR; MEA 1,400.
From Key West, Fla., LFR; to Tampa, Fla., LFR; MEA 1,500.
From Kitsap INT, Wash.; to Paine AFB, Wash., LF/RBN; MEA 3,000.
From Knoxville, Tenn., LFR; to Chattanooga, Tenn., LFR; MEA 3,500.
From Kokomo, Ind., LF/RBN; to Lafayette, Ind., VOR; MEA 2,200.
From Kokomo, Ind., LF/RBN; to Richmond, Ind., LF/RBN; MEA 2,300.
From La Grande, Oreg., LF/RBN; to Pendleton, Oreg., LFR; MEA 8,000.
From LaGrange, Ga., VOR; to Columbus, Ga., VOR; MEA 2,000.
From *La Habra, Calif., FM; to Burbank, Calif., LFR; MEA 5,000. *4,000—MCA La Habra FM, northwestbound only.
From La Junta, Colo., LFR; to Colorado Springs, Colo., LFR; MEA 8,000.
From La Junta, Colo., LFR; to INT NW crs La Junta, Colo., LFR and N crs Pueblo, Colo., LFR; MEA 8,000.
From Lake Carey, Pa., FM; to Binghamton, N. Y., VOR; MEA 3,500.
From Lakehurst, N. J., LFR; to Asbury Park, N. J., FM; MEA 1,500.
From Lansing, Mich., LFR; to Bangor INT, Mich.; MEA 2,300.
From Laredo, Tex., LFR; to INT SE crs Laredo, Tex., LFR and W crs Brownsville, Tex., LFR; MEA 1,900.
From INT SE crs Laredo, Tex., LFR and W crs Brownsville, Tex., LFR; to Brownsville, Tex., LFR; MEA 1,600.
From Lexington, Ky., LF/RBN; to Louisville, Ky., LFR; MEA 2,400.
From Little Rock, Ark., LFR; to Advance, Mo., LFR; MEA 1,800.
From Little Rock, Ark., LFR; to INT 357–177 mag. Little Rock, Ark., LFR and SE crs Springfield, Mo., LFR; MEA 3,000.
From INT 357–177 mag. Little Rock, Ark., LFR and SE crs Springfield, Mo., LFR; to Springfield, Mo., LFR; MEA 3,000.
From Long Beach, Calif., LFR; to Downey, Calif., LF/RBN; MEA 3,000.
From Los Gatos INT, Calif.; to Moffett, Calif., LFR, northbound only; MEA 4,000.
From Louisville, Ky., LFR; to Smithville, Tenn., LFR; MEA 2,400.
From Lovelock, Nev., LFR; to Rome, Oreg., LFR; MEA 12,000.
From Lovelock, Nev., VOR; to Sod House, Nev., VOR; MEA 12,000.
From Lubbock, Tex., LFR; to Abilene, Tex., LFR; MEA 5,100.
From Lubbock, Tex., VOR via direct radial; to Abilene, Tex., VOR via direct radial; MEA 5,100.
From Lubbock, Tex., LFR; to Hobbs, N. Mex., LFR, MEA 5,000.
From Lubbock, Tex., LFR; to Tucumcari, N. Mex., LFR; MEA 6,500.
From Lufkin, Tex., LF/RBN; to Tyler, Tex., LFR; MEA 2,000.
From McGuire, N. J., LFR; to Columbus INT, N. J.; MEA 1,500.
From Martha's Vineyard, Mass., LF/RBN; to INT 196–16 mag crs Martha's Vineyard, Mass., LF/RBN and W crs Nantucket, Mass., VAR; MEA 1,300.
From Martha's Vineyard, Mass., LF/RBN; to Nantucket, Mass.; VAR and/or Nantucket, Mass., LF/RBN; MEA 1,300.
From Mason City, Iowa, LFR; to Rochester, Minn., LFR; MEA 2,500.
From Memphis, Tenn., VOR; to Flippin, Ark., VOR; MEA 3,800.
From Memphis, Tenn., LFR; to INT of a direct line between Memphis, Tenn., LFR and Little Rock, Ark., LFR and N crs Stuttgart, Ark., LFR; MEA 1,800.
From INT of a direct line between Memphis, Tenn., LFR and Little Rock, Ark., LFR and N crs Stuttgart, Ark., LFR; to Little Rock, Ark., LFR; MEA 1,500.
From Milwaukee, Wis., LFR; to South Bend, Ind., LFR; MEA 2,500.
From Minneapolis, Minn., ILS/LOM; to Redwood Falls, Minn., VOR; MEA *3,500. *2,200—MOCA.
From *Mirage INT, Calif.; to Summit INT, Calif.; MEA 12,000. *12,000—MCA Mirage INT, southbound.

From Mitchel Field, N. Y., LFR; to Idlewild, N. Y., LFR; MEA 1,500.
From Momence INT, Ill.; to Veedersburg INT, Ind.; MEA 2,000.
From Monroe, La., LFR; to Alexandria, La., LFR; MEA 1,500.
From Monument Houston, Tex., LF/RBN; to Beaumont, Tex., LFR; MEA 1,600.
From Mount Vernon INT, Va.; to Charlotte Hall, Md., LF/RBN; MEA 1,500.
From Murphy, N. C., LF/RBN; to Chattanooga, Tenn., LFR; MEA 6,500.
From Murphy, N. C., LF/RBN; to INT SW crs Asheville, N. C., VAR and W crs Greenville, S. C., LFR; MEA 7,500.
From INT SW crs Asheville, N. C., VAR and W crs Greenville, S. C., LFR; to Greenville, S. C., LFR; MEA 4,500.
From Nashville, Tenn., LFR; to Bowling Green, Ky., LFR; MEA 2,000.
From Neah Bay, Wash., LFR; to Dungeness INT, Wash.; MEA 5,000.
From Newalla, Okla., FM; to Washington, Okla., FM; MEA 2,500.
From Newark, N. J., LFR; to Ambrose INT, N. J.; MEA 1,500.
From Newark, N. J., LFR; to Asbury Park, N. J. FM; MEA 1,500.
From Newark, N. J., LFR; to Paterson, N. J., LF/RBN; MEA 2,000.
From New Brunswick INT, N. J.; to Flatbush, N. Y., LF/RBN; MEA 1,500.
From New Castle, Del., LFR; to Millville, N. J., LFR; MEA 1,600.
From New Castle, Del., LFR; to INT E crs New Castle, Del., LFR and N crs Atlantic City, N. J., LFR; MEA 1,500.
From Newton INT, Kans.; to North Fork, Kans., LF/RBN; MEA 3,000.
From INT W crs New Castle, Del., LFR and N crs Baltimore, Md., LFR; to Calvert INT, Md., via W crs New Castle, Del., LFR; MEA 2,000.
From New Orleans, La., LFR; to Meridian, Miss., LFR; MEA 1,700.
From New Rochelle, N. Y., LF/RBN; to Paterson, N. J., LF/RBN; MEA 2,000.
From New Rochelle, N. Y., LF/RBN; to Poughkeepsie, N. Y., LFR; MEA 2,800.
From New York, La Guardia, N. Y., LFR; to Poughkeepsie, N. Y., LFR; MEA 2,800.
From New York, La Guardia, N. Y., LFR; to Paterson, N. J., LF/RBN; MEA 2,500.
From North Fork, Kans., LF/RBN; to Wichita, Kans., ILS/LOM; MEA 2,800.
From North Phila., Pa., LFR; to Willow Grove, Pa., LFR; MEA 1,800.
From North Platte, Nebr., LFR; to Sioux Falls, S. Dak., LFR; MEA 4,500.
From INT E crs Oklahoma City, Okla., LFR and SW crs Tulsa, Okla., LFR; to INT E crs Oklahoma City, Okla., LFR and 20–200 mag. bearing Tulsa, Okla., LFR; MEA 2,100.
From Omaha, Nebr., LFR; to Minneapolis, Minn., LFR; MEA 2,800.
From Orlando, Fla., LFR; to Jacksonville, Fla., LFR; MEA 1,500.
From Orrick INT, Mo.; to Liberty, Mo., LF/RBN, westbound only; MEA 2,200.
From Otis AFB, Mass., LF/RBN; to Martha's Vineyard, Mass., LF/RBN; MEA 1,500.
From Ottawa INT, Kans., to Forbes AFB, Kans., LFR; MEA 2,400.
From Oxford, Kans., LF/RBN; to Viola, Kans., LF/RBN; MEA 2,500.
From Palacios, Tex., LFR; to Richmond, Tex., LFR; MEA 1,500.
From Palm Springs INT, Calif.; to Needles, Calif., LFR northeastbound only; MEA 8,000.
From Pensacola, Fla., LFR; to Harold INT, Fla.; MEA 1,500.
From Philadelphia, Pa., LFR; to Atlantic City, N. J., LFR; MEA 1,500.
From Plattsburg INT, Mo.; to St. Joseph, Mo., LFR westbound only; MEA 2,400.
From Ponca City, Okla., LF/RBN; to Oklahoma City, Okla., LFR; MEA 3,100.
From Ponca City, Okla., LF/RBN; to Wichita, Kans., LFR; MEA 2,500.
From Ponca City, Okla., LF/RBN; to Viola, Kans., LF/RBN; MEA 2,500.
From Ponca City, Okla., LF/RBN; to Tulsa, Okla., LFR; MEA 2,400.
From Port Arthur INT, Tex.; to Beaumont, Tex., LFR; MEA 1,400.
From Raleigh, N. C., LFR; to Wilmington, N. C., LF/RBN; MEA 2,000.
From Reading, Pa., ILS localizer; to *INT S crs Reading, Pa., ILS and E crs Harrisburg, Pa., LFR; MEA 2,500. *Control area extension—601.1017.
From Reading, Pa., LF/RBN; to Philadelphia, Pa., LFR; MEA 2,000.
From Red Bluff, Calif., VOR; to Fortuna, Calif., VOR; MEA 9,500.
From Richmond, Ind., LF/RBN; to Mount Healthy, Ohio, LF/RBN; MEA 2,200.
From Richmond, Ind., LF/RBN; to Cincinnati, Ohio, LFR; MEA 2,200.
From Richmond, Tex., LFR; to Fairbanks INT, Tex.; MEA 1,800.
From Fairbanks INT, Tex.; to INT NE crs Richmond, Tex., LFR and a dir. crs Houston, Tex., LFR Lufkin, Tex., LFR; MEA 1,500.
From Richmond, Va., LFR; to Wilmington, N. C. LF/RBN; MEA 1,500.
From Richmond, Va., LFR; to Rocky Mount, N. C., VAR; MEA 1,500.
From Riverdale, Md., LF/RBN; to Lisbon INT, Md.; MEA 2,000.
From Roanoke, Va., LFR; to Elkins, W. Va., LFR; MEA 7,000.
From Roanoke, Va., LFR; to Danville, Va., LF/RBN southeastbound; MEA 4,200.
From Roanoke, Va., LFR; to Danville, Va., LFR, northwestbound; MEA 4,500.
From Rochester Minn., VOR; to Diamond Bluff INT, Wis.; MEA 2,800.
From Rocky Mount, N. C., VAR; to Raleigh, N. C., LFR; MEA 1,500.
From Rocky, Ga., LFR; to Chattanooga, Tenn., LFR; MEA 3,900.
From Rome, Oreg., VOR; to Boise, Idaho, VOR; MEA 10,000.
From Roswell, N. Mex., LFR; to Lubbock, Tex., LFR; MEA 6,000.
From St. Joseph, Mo., VOR; to INT S crs Lincoln, Nebr., LFR and 101–284 mag. brg. Grand Island LFR and St. Joseph, Mo., VOR via St. Joseph, Mo., VOR and Grand Island LFR; MEA 2,600.
From INT S crs Lincoln Nebr., LFR and 101–284 mag. brg. Grand Island, LFR and St. Joseph, Mo., VOR; to Lincoln, Nebr., LFR; MEA 2,700.
From St. Joseph, Mo., VOR; to Lincoln Nebr., LFR; MEA 2,700.
From St. Louis, Mo., LFR; to Belleville, Scott AFB, Ill., LFR; MEA 2,100.
From St. Louis, Mo., LFR; to Jamestown INT, Ill.; MEA 2,000.
From St. Louis, Mo., LFR; to Vichy, Mo., LFR; MEA 2,200.
From St. Peters INT, Mo.; to Jerseyville INT, Ill.; MEA 2,000.
From Salinas, Calif., VOR; to Evergreen, Calif., LF/RBN; MEA 6,000.
From Salinas, Calif., VOR; to Moffett, Calif., LFR; MEA 6,000.
From San Angelo, Tex., LFR; to Abilene, Tex., LFR; MEA 3,800.
From San Francisco, Calif., LFR; to Half Moon Bay INT, Calif.; MEA 4,000.
From San Francisco, Calif., LFR; to Newark, Calif., LF/RBN; MEA 4,000.
From Savannah, Ga., LFR; to Columbia, S. C., LFR; MEA 1,500.
From Savannah, Ga., LFR; to Macon, Ga., LFR; MEA 1,600.
From Shreveport, La., LFR; to Prescott INT, Ark.; MEA 1,700.
From Shreveport, La., LFR; to Texarkana, Ark., LFR; MEA 1,700.
From Silver Lake, Calif., LFR; to Granite INT, Calif.; MEA 9,000.
From Sioux City, Iowa, VOR; to Mason City, Iowa, VOR; MEA *5,600. *2,800—MOCA.
From Sioux City, Iowa, LFR; to Mason City, Iowa, VOR; MEA 2,800.
From Smithville, Tenn., LFR; to Chattanooga, Tenn., LFR; MEA 4,500.
From Smyrna INT, Ga.; to Bold Springs INT, Ga.; MEA 2,800.
From Sod House, Nev., VOR; to Rome, Oreg., VOR; MEA 10,500.
From Sod House, Nev., VOR; to Boise, Idaho, VOR; MEA 11,000.
From Spartanburg, S. C., LFR; to Charlotte, N. C., LFR; MEA 2,800.
From Spartanburg, S. C., LFR; to Chattanooga, Tenn., LFR; MEA 7,500.
From Spartanburg, S. C., LFR; to Greenville, S. C., LFR; MEA 3,000.
From Springfield, Mo., LFR; to Joplin, Mo., LFR; MEA 2,600.
From Sprout Springs INT, N. C.; to Wilmington, N. C., VAR; MEA 1,500.
From Stockton, Calif., LFR; to Newark, Calif., LF/RBN; MEA 5,000.
From Tampa, Fla., LFR; to Suwannee INT, Fla.; MEA 1,300.
From Terre Haute, Ind., VOR; to Chicago Heights, Ill., VOR; MEA 1,900.
From The Dalles, Oreg., VOR; to Yakima, Wash., VOR; MEA 8,000.
From Thurman, Colo., VOR; to Akron, Colo., VOR; MEA 6,000.
From Topeka, Kans., VOR; to St. Joseph, Mo., VOR; MEA 2,400.
From Travis AFB, Calif., LFR; to Stockton, Calif., LFR; MEA 3,000.
From Tri-City, Tenn., LFR; to INT of a direct crs between Tri-City, Tenn., and Winston-Salem, N. C., LFR with the N crs of Hickory, N. C., VAR; MEA 7,500.
From INT of a direct crs between Tri-City, Tenn., LFR and Winston-Salem, N. C., LFR with the N crs of Hickory, N. C., VAR; to Winston-Salem, N. C., LFR; MEA 6,500.
From Tulsa, Okla., LFR; to Ft. Worth, Tex., LFR; MEA 2,500.
From Tuscaloosa, Ala., LF/RBN; to Muscle Shoals, Ala., LFR; MEA 2,500.
From Tyler, Tex., LFR; to Dallas, Tex., LFR; MEA 2,000.
From Tyler, Tex., LFR; to Houston, Tex., LFR; MEA 1,600.
From Ukiah, Calif., VOR; to Williams, Calif., LFR; MEA 7,000.
From Valdosta, Ga., LF/RBN; to Tallahassee, Fla., LFR; MEA 1,400.
From Van Buren, Ark., LF/RBN; to Springfield, Mo., LFR; MEA 3,800.
From Vinland INT, Kans.; to Topeka, Kans., LF/RBN; MEA 2,400.
From West Palm Beach, Fla., LFR; to Ft. Myers, Fla., LFR; MEA 1,400.
From West Palm Beach, Fla., LFR; to Tampa, Fla., LFR; MEA 2,100.
From Weston INT, Nebr.; to Lincoln, Nebr., LFR; MEA 2,500.
From White Water INT, Kans.; to Towanda, Kans., LF/RBN, southbound only; MEA 2,800.
From Wichita, Kans., VOR; to Walton INT, Kans.; MEA 3,400.
From Wichita Falls, Tex., LFR; to Big Spring, Tex., LFR; MEA 4,000.
From INT SW crs Wichita Falls, Tex., LFR and direct crs between Ft. Worth, Tex., LFR and Lubbock, Tex., LFR; to Lubbock, Tex., LFR; MEA 4,500.
From Wilkes-Barre-Scranton, Pa., VOR; to Stroudsburg INT, Pa.; MEA 4,000.
From Willow Grove, Pa., LFR; to Allentown, Pa., LFR; MEA 2,500.
From Winston-Salem, N. C., LFR; to Hickory, N. C., VAR; MEA 4,000.
From Winston-Salem, N. C., LFR; to Roanoke, Va., LFR; MEA 6,000.
From Worcester, Mass., LF/RBN LOM; to Boston, Mass., VOR; MEA 2,000.
From Worcester, Mass., VOR; to *Hartford, Conn., VOR; MEA 2,400. *This operation is over V–3 utilizing the Worcester LOM.
From Yoakum, Tex., LF/RBN; to Losoya INT, Tex; MEA 2,200.
From Yoakum, Tex., LF/RBN; to Kelly, Tex., LFR; MEA 2,200.
From Yoakum, Tex., LF/RBN; to Richmond, Tex., LFR; MEA 1,500.

§ 610.1002 *Direct routes; Alaska.*

From Galena, Alaska, LFR; to Kotzebue, Alaska, LF/RBN; MEA 5,500.
From *Gustavus, Alaska, LFR; to **Sitka, Alaska, LFR; MEA 5,500. *2,500—MCA Gustavus LFR, southbound. **2,500—MCA Sitka LFR, northbound.
From McGrath, Alaska, LFR; to Galena, Alaska, LFR; MEA 5,500.
From Middleton Island, Alaska, LF/RBN; to Seal INT, Alaska; MEA 2,000.
From *Sisters Island, Alaska, LF/RBN; to INT 55–235 mag. brg. Sisters Island LF/RBN and 145–325 mag. brg. Gustavus LFR; MEA 5,500. *3,000—MCA Sisters Island LF/RBN, westbound.
From *Sisters Island, Alaska, LF/RBN; to **Sitka, Alaska, LFR; MEA 7,500. *4,000—MCA Sisters Island LF/RBN, southbound. **2,500—MCA Sitka LFR, northbound.
From *Skwentna, Alaska, LFR; to **Farewell, Alaska, LFR; MEA 11,500. *9,000—MCA Skwentna LFR, westbound. **11,000—MCA Farewell LFR, southeastbound.
From Wichita, Kans., VOR; to North Fork, Kans., LF/RBN; MEA 3,000.
From Wichita, Kans., LFR; to North Fork, Kans., LF/RBN; MEA 3,000.

§ 610.6001 *VOR civil airway 1.*

From Myrtle Beach, S. C., VOR; to Wilmington, N. C., VOR; MEA 1,400.
From Wilmington, N. C., VOR; to New Bern, N. C., VOR; MEA 1,400.
From New Bern, N. C., VOR; to Williamston, N. C., VAR; MEA 1,200.
From Williamston, N. C., VAR; to Harrelsville INT, Va.; MEA *1,200. *1,100—MOCA.
From Harrelsville INT, Va.; to Norfolk, Va., ILS localizer; MEA 1,500.
From Norfolk, Va., ILS localizer; to Whitehurst INT, Va.; MEA 1,500.
From Charleston, S. C., VOR; to *Jamestown INT, S. C.; MEA 1,300. *2,200—MRA.
From Jamestown INT, S. C.; to Myrtle Beach, S. C., VOR; MEA 1,300.
From Whitehurst INT, Va.; to Salisbury, Md., VOR; MEA 1,500.
From Salisbury, Md., VOR; to Atlantic City INT, N. J.; MEA *2,000. *1,500—MOCA.
From Atlantic City INT, N. J.; to Coyle, N. J., VOR; MEA 1,500.
From Coyle, N. J., VOR; to Colts Neck, N. J., VOR; MEA 1,500.

§ 610.6002 *VOR civil airway 2.*

From *Seattle, Wash., VOR; to Ellensburg, Wash., VOR; MEA 8,000. *4,000—MCA Seattle VOR, eastbound.
From *Seattle, Wash., VOR; via S alter.; to Cumberland INT, Wash., via S alter., southeastbound; MEA 10,000; northwestbound; MEA 4,000. *6,000—MCA Seattle VOR, southeastbound.
From Cumberland INT, Wash., via S alter.; to Ranger Creek INT, Wash., via S alter.; MEA 10,000.
From Ranger Creek INT, Wash., via S alter.; to Thorp INT, Wash., via S alter.; MEA 10,000.
From Thorp INT, Wash., via S alter.; to *Ellensburg, Wash., VOR via S alter., eastbound, MEA 7,000; westbound, MEA 10,000. *6,700—MCA Ellensburg VOR, westbound.
From Ellensburg, Wash., VOR; to Ephrata, Wash., VOR; MEA 7,000.
From Ephrata, Wash. VOR; to *Spokane, Wash. VOR; MEA 5,000. *5,600—MCA Spokane VOR, eastbound.
From Rockford, Wash., FM; to Spokane, Wash., VOR westbound only; MEA 6,000.
From Spokane, Wash., VOR; to Mullen Pass, Idaho, VOR; MEA 9,000.
From Mullen Pass, Idaho, VOR; to Missoula, Mont., VOR; MEA 9,000.
From Missoula, Mont., VOR; to Drummond, Mont., VOR; MEA 9,000.
From Drummond, Mont., VOR; to Helena, Mont., VOR; MEA 9,000.
From INT 119 T. rad. Helena and 338 T. rad. Bozeman, Mont., VOR; to Bozeman, Mont., VOR; MEA 11,000.
From Bozeman, Mont., VOR; to *Livingston, Mont., VOR; MEA 10,000. *9,300—MCA Livingston VOR, westbound.
From Livingston, Mont., VOR; to Billings, Mont., VOR; MEA 9,000.
From Billings, Mont., VOR; to Miles City, Mont., VOR; MEA 5,000.
From Miles City, Mont., VOR; to Dickinson, N. Dak., VOR; MEA 4,500.
From Dickinson, N. Dak., VOR; to Bismarck, N. Dak., VOR; MEA 4,000. Via N alter.; MEA 4,000.
From Bismarck, N. Dak., VOR; to Jamestown, N. Dak., VOR; MEA 3,400. Via N alter.; MEA 3,400.
From Jamestown, N. Dak., VOR; to Fargo, N. Dak., VOR; MEA 2,800. Via N alter.; MEA 2,800.
From Fargo, N. Dak., VOR; to Alexandria, Minn., VOR; MEA 2,800. Via N alter.; MEA 2,800.
From Alexandria, Minn., VOR; to Minneapolis, Minn., VOR; MEA 2,600.
From Minneapolis, Minn., VOR; to *Wabasha INT, Wis.; MEA 2,500.
From *Wabasha INT, Wis.; to La Crosse, Wis., VOR; MEA 2,600. *3,000—MRA.
From Minneapolis, Minn., VOR via N alter.; to Elmo INT, Wis., via N alter.; MEA 2,500.
From Elmo INT, Wis., via N alter.; to La Crosse, Wis., VOR via N alter.; MEA 2,600.
From La Crosse, Wis., VOR; to Lone Rock, Wis., VOR; MEA 2,600. Via N alter.; MEA 2,600.
From Lone Rock, Wis., VOR; to Milwaukee, Wis., VOR; MEA 2,500. Via N alter.; MEA 2,500.
From Milwaukee, Wis., VOR; to *Cardinal INT, Wis.; MEA 2,700. *2,700—MCA Cardinal INT, westbound.
From Cardinal INT, Wis.; to Muskegon, Mich., VOR; MEA 2,000.
From Milwaukee, Wis., VOR via S alter.; to *New Berlin INT, Wis., via S alter.; MEA 2,300. *4,300—MRA.
From New Berlin INT, Wis., via S alter.; to *Racine INT, Wis., via S alter.; MEA 2,000. *3,000—MRA.
From Racine INT, Wis., via S alter.; to Sun Fish INT (Lake Michigan); via S alter.; MEA *3,000. *2,000—MOCA.
From Sun Fish INT (Lake Michigan), via S alter.; to Muskegon, Mich., VOR; via S alter.; MEA 2,000.
From Muskegon, Mich., VOR via S alter.; to Grand Rapids, Mich., ILS/LOM; via S alter.; MEA 2,200.
From Grand Rapids, Mich., ILS/LOM via S alter.; to Lansing, Mich., VOR; via S alter.; MEA 2,200.
From Milwaukee, Wis., VOR via N alter.; to Muskegon, Mich., VOR; via N alter.; MEA 1,900.
From Muskegon, Mich., VOR; to Lansing, Mich., VOR; MEA 2,500. Via S alter.; MEA 2,200.
From Lansing, Mich., VOR; to Salem, Mich., VOR; MEA 2,900.
From Buffalo, N. Y., VOR; to Rochester, N. Y., VOR; MEA 2,100.
From East Pembroke, N. Y., FM; to Buffalo, N. Y., VOR, westbound only; MEA 1,900.
From Rochester, N. Y., VOR; to *Fairville INT, N. Y.; MEA 2,000.
From *Fairville INT, N. Y.; to Syracuse, N. Y., VOR; MEA 2,000. *3,000—MRA.
From Syracuse, N. Y., VOR; to Albany, N. Y., VOR; MEA 3,000.
From Syracuse, N. Y., VOR via S alter.; to Albany, N. Y., VOR via S alter.; MEA 4,500.
From Albany, N. Y., VOR; to Greenfield INT, Mass.; MEA 5,500.
From Grafton, N. Y., FM; to Albany, N. Y., VOR, westbound only; MEA 3,000.
From *Greenfield INT, MASS.; to Gardner, Mass., VOR; MEA 3,000. *5,500—MCA Greenfield INT, westbound.
From Gardner, Mass., VOR; to Boston, Mass., VOR; MEA 3,000.

§ 610.6003 *VOR civil airway 3.*

From Key West, Fla., VOR; to Miami, Fla., VOR; MEA 1,900.
From Miami, Fla., VOR; to Golden Beach INT., Fla.; MEA 1,400.
From Golden Beach INT, Fla.; to West Palm Beach, Fla., VOR; MEA 1,500.
From West Palm Beach, Fla., VOR; to Vero Beach, Fla., VOR; MEA 1,500. Via E alter.; MEA 1,500.
From Daytona Beach, Fla., VOR; to Jacksonville, Fla., VOR; MEA 1,300. Via E alter.; MEA *1,700. *1,300—MOCA.
From Jacksonville, Fla., VOR; to Brunswick, Ga., VOR; MEA 1,200.
From Brunswick, Ga., VOR; to Savannah, Ga., VOR; MEA 1,500. Via E alter.; MEA 1,500.
From Jasksonville, Fla., VOR via W alter.; to Callahan INT, Fla., via W alter.; MEA 1,200.
From Callahan INT, Fla., via W alter.; to Brunswick, Ga., VOR via W alter.; MEA 1,300.
From Savannah, Ga., VOR; to Charleston, S. C., VOR; MEA 1,400. Via W alter.; MEA 1,400.
From Charleston, S. C., VOR; to *Lake Moultrie INT, S. C.; MEA 1,300. *2,000—MRA.
From Lake Moultrie INT, S. C.; to Florence, S. C., VOR; MEA 1,300.
From Charleston, S. C., VOR via E alter.; to Florence, S. C., VOR via E alter.; MEA 1,300.
From Florence, S. C., VOR; to Lumberton, S. C., VOR; MEA 2,100.
From Lumberton, S. C., VOR; to *Murray INT, N. C.; MEA 2,100. *3,300—MRA.
From Murray INT, N. C.; to Raleigh-Durham, N. C., VOR; MEA 2,100.
From Florence, N. C., VOR via W alter.; to Raleigh-Durham, N. C., VOR via W alter.; MEA *2,400. *1,800—MOCA.
From Raleigh-Durham, N. C., VOR; to Lawrenceville, Va., VOR; MEA 1,800.
From Lawrenceville, Va., VOR; to Flat Rock, Va., VOR; MEA 1,500.
From Flat Rock, Va., VOR; to Potomac INT, Va.; MEA *3,000. *1,500—MOCA.
From Lisbon INT, Va.; to Parkton INT, Va.; MEA *3,000. *2,500—MOCA.
From Parkton INT, Va.; to West Chester, Pa., VOR; MEA 2,000.
From West Chester, Pa., VOR; to Caldwell, N. J., VOR; MEA 2,000.
From Caldwell, N. J., VOR; to Wilton, Conn., VOR; MEA 2,000.
From Wilton, Conn., VOR; to Hartford, Conn., VOR; MEA 2,000.
From Hartford, Conn., VOR; to Millbury INT, Mass.; MEA 2,400.
From Millbury INT, Mass.; to Boston, Mass., VOR; MEA *3,000. *2,000—MOCA.
From Boston, Mass., VOR; to Kennebunk, Maine, VOR; MEA 1,700.
From Kennebunk, Maine, VOR; to Augusta, Maine, VOR; MEA 2,000.
From Augusta, Maine, VOR; to Bangor, Maine, VOR; MEA 2,300.
From Bangor, Maine, VOR; to Houlton, Maine, VOR; MEA 2,000.
From Houlton, Maine, VOR; to Presque Isle, Maine, VOR; MEA 2,700.

§ 610.6004 *VOR civil airway 4.*

From *Seattle, Wash., VOR; to Cumberland INT, Wash., southeastbound; MEA 10,000; northwestbound; MEA 4,000. *6,000—MCA Seattle VOR, southeastbound.
From Cumberland INT, Wash.; to Ranger Creek INT, Wash.; MEA 10,000.
From Ranger Creek INT, Wash.; to Tieton INT, Wash.; MEA 10,000.
From Tieton INT, Wash.; to *Selah INT, Wash., southeastbound; MEA 5,000; north-

westbound; MEA 7,000. *7,000—MCA Selah INT, northwestbound.

From Selah INT, Wash.; to Yakima, Wash., VOR; MEA 4,500.

From *Seattle, Wash., VOR via S alter.; to **Carbonado INT, Wash., via S alter.; MEA 6,000. *3,000—MCA Seattle VOR, southbound. **8,500—MCA Carbonado INT, eastbound.

From Carbonado INT, Wash., via S alter.; to Mud Lake INT, Wash., via S alter., eastbound; MEA 10,000; westbound; MEA 8,500.

From Mud Lake INT, Wash., via S alter.; to Ranger Creek INT, Wash., via S alter.; MEA 10,000.

From Ranger Creek INT, Wash., via S alter.; to Tieton INT, Wash., via S alter.; MEA 10,000.

From Tieton INT, Wash., via S alter.; to *Selah INT, Wash., via S alter., southeastbound; MEA 5,000; northwestbound; MEA 7,000. *7,000—MCA Selah INT, northwestbound.

From Selah INT, Wash., via S alter.; to Yakima, Wash., VOR via S alter.; MEA 4,500.

From Yakima, Wash., VOR; to *Pendleton, Oreg., VOR; MEA 5,000. *4,400—MCA Pendleton VOR, southeastbound.

From LaGrande, Oreg., FM; to Pendleton, Wash., VOR, northwestbound only; MEA 7,000.

From Pendleton, Oreg., VOR; to Baker, Oreg., VOR; MEA 10,000.

From *Pendleton, Oreg., VOR; to Baker, Oreg., VOR; MEA 10,000. *4,000—MCA Pendleton VOR, southeastbound.

From Baker, Oreg., VOR; to Boise, Idaho, VOR; MEA 9,000.

From Payette, Idaho, FM; to Boise, Idaho, VOR, southeastbound only; MEA 5,500.

From Boise, Idaho, VOR; to Glenns Ferry INT, Idaho; MEA 8,500.

From Glenns Ferry INT, Idaho; to Burley Idaho, VOR; MEA 9,000.

From Mountain Home, Idaho, FM; to Boise, Idaho, VOR, northwestbound only; MEA 7,600.

From Boise, Idaho, VOR via S alter.; to Glenns Ferry INT, Idaho, via S alter.; MEA 8,500.

From Glenns Ferry INT, Idaho, via S alter.; to Twin Falls, Idaho, VOR via S alter.; MEA 8,500.

From Twin Falls, Idaho, VOR via S alter.; to Burley, Idaho, VOR via S alter.; MEA 6,700.

From *Burley, Idaho, VOR; to Malad City, Idaho, VOR; MEA 11,000. *7,100—MCA Burley VOR, eastbound.

From Malad City, Idaho, VOR; to Green River INT, Wyo.; MEA *13,800. *12,000—MOCA.

From Green River INT, Wyo.; to Rock Springs, Wyo., VOR; MEA 10,000.

From Rock Springs, Wyo., VOR; to Cherokee, Wyo. VOR; MEA 10,000. Via N alter.; MEA 10,000.

From Cherokee, Wyo., VOR; to *Laramie, Wyo., VOR; MEA 14,000. *13,000—MCA Laramie VOR, westbound.

From *Laramie, Wyo., VOR; to **Dacono INT, Colo.; MEA 11,500. *10,500—MCA Laramie VOR, southeastbound. **8,000—MCA Dacono INT, northwestbound.

From *Dacono INT, Colo.; to Denver, Colo., VOR; MEA 7,500. *8,000—MCA Dacono INT, northwestbound.

From Laramie, Colo., VOR, via N alter.; to Nunn INT, Colo.; via N alter.; MEA *12,500. *11,000—MOCA.

From Nunn INT, Colo., via N alter.; to *Gill INT, Colo., via N alter.; MEA **14,000. *14,000—MRA. **7,500—MOCA.

From Gill INT, Colo., via N alter.; to Denver, Colo., VOR via N alter.; MEA 7,500.

From Denver, Colo., VOR via S alter.; to Thurman, Colo., VOR via S alter.; MEA 6,900.

From Thurman, Colo., VOR via N alter.; to Goodland, Kans., VOR via N alter.; MEA 5,800.

From Goodland, Kans., VOR via N alter.; to Hill City, Kans., VOR via N alter.; MEA 4,700.

From Hill City, Kans., VOR; to Russell, Kans., VOR; MEA 3,800.

From Russell, Kans., VOR; to Salina, Kans., VOR; MEA 3,000.

From Salina, Kans., VOR via S alter.; to Topeka, Kans., VOR via S alter.; MEA *3,600. *3,000—MOCA.

From Topeka, Kans., VOR; to Kansas City, Mo., VOR; MEA 2,400. Via N alter.; MEA 2,400.

From Topeka, Kans., VOR via S alter.; to Bonner Springs INT, Kans., via S alter.; MEA 2,400.

From Bonner Springs INT, Kans., via S alter.; to Blue Springs, Mo., VOR via S alter.; MEA *4,000. *3,000—MOCA.

From Blue Springs, Mo., VOR via S alter.; to Columbia, Mo., VOR via S alter; MEA 4,000. *2,400—MOCA.

From Kansas City, Mo., VOR; to *Marshall INT, Mo.; MEA **3,400. *4,000—MRA. **2,400—MOCA.

From *Marshall INT, Mo.; to Columbia, Mo., VOR; MEA **3,400. *4,000—MRA. **2,400—MOCA.

From Kansas City, Mo., VOR via N alter.; to Excelsior INT, Mo., via N alter.; MEA 2,400.

From Excelsior INT, Mo., via N alter.; to Tina INT, Mo., via N alter.; MEA *3,000. *2,400—MOCA.

From Tina INT, Mo., via N alter.; to Columbia, Mo. VOR via N alter.; MEA *4,900. *2,400—MOCA.

From Columbia, Mo., VOR; to *New Florence INT, Mo.; MEA 2,100. *3,000—MRA.

From New Florence INT, Mo.; to *Monroe INT, Mo.; MEA 2,100. *3,000—MRA.

From Monroe INT, Mo.; to St. Louis, Mo., VOR; MEA 2,100.

From Columbia, Mo., VOR; to St. Louis, Mo., VOR via N alter.; MEA 2,100. Via S alter.; MEA 2,200.

From St. Louis, Mo., VOR; to Troy, Ill., VOR; MEA 2,100.

From Troy, Ill., VOR; to Centralia, Ill., VOR; MEA 2,000.

From St. Louis, Mo., VOR via S alter.; to Centralia, Ill., VOR via S alter.; MEA 2,200.

From Centralia, Ill., VOR via S alter.; to Evansville, Ind., VOR via S alter.; MEA 2,100.

From Evansville, Ind., VOR; to Apalona INT, Ind.; MEA 2,500.

From Apalona INT, Ind.; to *Elizabeth INT, Ind.; MEA 2,500, *4,200—MRA.

From Elizabeth INT, Ind.; to Louisville, Ky., VOR; MEA 2,500.

From Evansville, Ind., via N alter.; to Louisville, Ky., via N alter.; MEA 2,500.

From Louisville, Ky., VOR; to *Mt. Eden INT, Ky.; MEA 2,200. *4,000—MRA.

From *Mt. Eden INT, Ky.; to Lexington, Ky., VOR; MEA 2,200. *4,000—MRA.

From Louisville, Ky., VOR; to Lexington, Ky., VOR via S alter.; MEA 2,200. Via N alter.; MEA 2,300.

From Lexington, Ky., VOR; to Wayne INT, W. Va.; MEA *4,000. *2,500—MOCA.

From Wayne INT, W. Va., to Charleston, W. Va., VOR, eastbound; MEA 2,500; westbound; MEA 4,000.

From Charleston, W. Va., VOR; to Ivydale INT, W. Va.; MEA 5,000.

From Ivydale INT, W. Va.; to Flat Woods INT, W. Va.; MEA 4,000.

From Flat Woods INT, W. Va.; to Elkins, W. Va., VOR; MEA 5,000.

From Charleston, W. Va., VOR via S alter.; to Elkins, W. Va., VOR via S alter.; MEA 5,000.

From Elkins, W. Va., VOR; to Petersburg INT, W. Va.; MEA 6,800.

From *Petersburg INT, W. Va.; to Front Royal, Va., VOR; MEA 5,300. *6,000—MCA Petersburg INT, westbound.

From Front Royal, Va., VOR; to Herndon, Va., VOR; MEA 4,000.

### § 610.6005 *VOR civil airway 5.*

From Miami, Fla., VOR; to New River INT, Fla.; MEA 1,300.

From New River INT, Fla.; to Belle Glade INT, Fla; MEA 2,000.

From Belle Glade INT, Fla.; to Dixie Ranch INT, Fla.; MEA *10,000. *1,300—MOCA.

From Dixie Ranch INT, Fla.; to Kissimmee INT, Fla.; MEA *4,000. *1,200—MOCA.

From Kissimmee INT, Fla.; to Orlando, Fla., VOR; MEA *1,500. *1,300—MOCA.

From Orlando, Fla., VOR; to *Crescent Lake INT, Fla.; MEA **3,000. *3,000—MRA. **1,300—MOCA.

From Crescent Lake INT, Fla.; to Jacksonville, Fla., VOR; MEA *3,000. *1,500—MOCA.

From Orlando, Fla., VOR via E alter.; to Daytona Beach, Fla., VOR via E alter.; MEA 1,500.

From Daytona Beach, Fla., VOR via E alter.; to *Crescent Lake INT, Fla., via E alter.; MEA 1,200. *3,000—MRA.

From Crescent Lake INT, Fla., via E alter.; to Jacksonville, Fla., VOR via E alter.; MEA *3,000. *1,500—MOCA.

From Jacksonville, Fla., VOR; to Alma, Ga., VOR; MEA 1,600. Via E alter., MEA *1,400. *1,200—MOCA.

From Jacksonville, Fla., VOR via W alter.; to Callahan INT, Fla., via W alter.; MEA 1,200.

From Callahan INT, Fla., via W alter.; to Alma, Ga., VOR via W alter.; MEA 1,600.

From Alma, Ga., VOR; to *Red Dog INT, Ga.; MEA 1,800.

From *Red Dog INT, Ga.; to Macon, Ga., VOR; MEA 1,800. *3,100—MRA.

From Macon, Ga., VOR; to *McDonough INT, Ga.; MEA **2,700. *2,700—MRA. **2,200—MOCA.

From McDonough INT, Ga.; to Atlanta, Ga., VOR; MEA 2,200.

From Alma, Ga., VOR via W alter.; to Powersville INT, Ga., via W alter.; MEA *6,800. *1,700—MOCA.

From Powersville INT, Ga., via W alter.; to Atlanta, Ga., VOR via W alter.; MEA *3,500. *2,300—MOCA.

From Atlanta, Ga., VOR; to Chattanooga, Tenn., VOR; MEA *4,000. *3,500—MOCA.

From Chattanooga, Tenn., VOR; to Nashville, Tenn., VOR; MEA 4,000.

From Nashville, Tenn., VOR; to Bowling Green, Ky., VOR; MEA 2,100.

From Bowling Green, Ky., VOR; to Louisville, Ky., VOR; MEA 2,200.

From Bowling Green, Ky., VOR via E alter.; to Campbellsville INT, Ky., via E alter.; MEA *3,000. *2,400—MOCA.

From Campbellsville INT, Ky., via E alter.; to Louisville, Ky., VOR via E alter.; MEA *3,000. *2,400—MOCA.

From Louisville, Ky., VOR; to *Warsaw INT, Ky.; MEA 2,400.

From *Warsaw INT, Ky.; to Cincinnati, Ohio, VOR; MEA 2,000. Via E alter.; MEA 2,400. *2,000—MRA.

From Cincinnati, Ohio, VOR; to Columbus, Ohio, VOR; MEA 2,500.

From Columbus, Ohio, VOR; to *Fredricktown INT, Ohio; MEA 2,500.

From *Fredricktown INT, Ohio; to Mansfield, Ohio, VOR; MEA 2,500. *4,500—MRA.

From Columbus, Ohio, VOR via E alter.; to Mansfield, Ohio, VOR via E alter.; MEA 2,500.

From Mansfield, Ohio, VOR; to Cleveland, Ohio, VOR; MEA 2,500.

From Cleveland, Ohio, VOR; to U. S.-Canadian border; MEA 2,500.

### § 610.6006 *VOR civil airway 6.*

From Half Moon Bay INT, Calif.; to Oakland, Calif., VOR; MEA 4,000.

From Oakland, Calif., VOR; to Sacramento, Calif., VOR; MEA 4,000.

From Bay Point, Calif., FM; to Sacramento, Calif., VOR, eastbound only; MEA 2,000.

From Sacramento, Calif., VOR; to Folsom INT, Calif.; MEA 3,000.

From Folsom INT, Calif.; to *Coloma INT, Calif., northeastbound; MEA 9,500. Southwestbound; MEA 5,000. *9,500—MCA Coloma INT, northeastbound.

From Coloma INT, Calif.; to Tahoe INT, Calif.; northeastbound; MEA 13,000. Southwestbound; MEA 9,500.

From Tahoe INT, Calif.; to *Reno, Nev., VOR; MEA 13,000. *12,000—MCA Reno VOR, southwestbound.

From *Sacramento, Calif., VOR via N alter.; to **Auburn INT, Calif., via N alter.; northeastbound; MEA 11,000; southwestbound; MEA 7,000. *3,000—MCA Sacramento VOR, northeastbound. **7,500—MCA Auburn INT, northeastbound.

From Auburn INT, Calif., via N alter.; to Mt. Lola INT, Calif., via N alter.; MEA 11,000.

From Blue Canyon, Calif., FM, via N alter.; to Auburn INT, Calif., via N alter., southwestbound only; MEA 7,000.

From Mt. Lola INT, Calif., via N alter.; to *Reno, Nev., VOR, via N alter.; MEA 11,000. *10,000—MCA Reno VOR, westbound.

From Reno, Nev., VOR; to Lovelock, Nev., VOR; MEA 10,000.

From Lovelock, Nev., VOR; to Battle Mountain, Nev., VOR; MEA 12,000.

From Battle Mountain, Nev., VOR to Wells, Nev., VOR; MEA 12,000.

From Battle Mountain, Nev., VOR via S alter.; to Elko, Nev., VOR via S alter.; MEA 11,000.

From Elko, Nev., VOR via S alter.; to Wells, Nev., VOR via S alter.; MEA 13,000.

From Wells, Nev., VOR; to Lucin, Utah, VOR; northeastbound; MEA 11,000; southwestbound; MEA 12,000.

From Lucin, Utah, VOR; to *A beam of Promontory Point, Utah, LF/RBN; MEA 9,000. *10,000—MCA A beam of Promontory Point, LF/RBN, eastbound.

From a beam of Promontory Point, Utah LF/RBN; to Ogden, Utah, VOR; eastbound; MEA 11,000; westbound; MEA 9,000.

From *Ogden, Utah, VOR; to Fort Bridger, Wyo., VOR; MEA 12,000. *11,000—MCA Ogden VOR, eastbound.

From *Ogden, Utah, VOR via N alter.; to Fort Bridger, Wyo., VOR via N alter.; MEA 13,000. *11,000—MCA Ogden VOR, eastbound.

From Fort Bridger, Wyo., VOR; to Rock Springs, Wyo., VOR; MEA 10,000. Via N alter.; MEA 10,000.

From Rock Springs, Wyo., VOR; to Cherokee, Wyo., VOR; MEA 10,000. Via N alter.; MEA 10,000.

From Cherokee, Wyo., VOR; to *Rock River, Wyo., VOR; MEA 12,000. Via N alter.; MEA 12,000. *12,000—MCA Rock River VOR, westbound.

From *Rock River, Wyo., VOR; to Cheyenne, Wyo., VOR; MEA 10,500. Via N alter.; MEA 10,500. *12,000—MCA Rock River VOR, northbound.

From *Cheyenne, Wyo., VOR; to Sidney, Nebr., VOR; MEA 7,200. Via N alter.; MEA 7,200. *8,500—MCA Cheyenne VOR, westbound.

From Sidney, Nebr., VOR; to Ogallala INT, Nebr.; MEA 6,100.

From Ogallala INT, Nebr.; to North Platte, Nebr., VOR; MEA *5,600. *5,400—MOCA.

From Sidney, Nebr., VOR via N alter.; to North Platte, Nebr., VOR via N alter.; MEA 6,100.

From North Platte, Nebr., VOR; to Grand Island, Nebr., VOR; MEA *4,800. Via N alter.; MEA *5,400. *4,100—MOCA.

From Grand Island, Nebr., VOR; to Omaha, Nebr., VOR; MEA *3,700. Via S alter.; MEA **4,000. Via N alter.; MEA ***4,000. *3,200—MOCA. **3,500—MOCA. ***2,900—MOCA.

From Omaha, Nebr., VOR; to *Lyman INT, Iowa; MEA 2,600. *5,500—MRA.

From Lyman INT, Iowa; to *Middle River INT, Iowa; MEA 2,600. *3,000—MRA.

From Middle River INT, Iowa; to Des Moines, Iowa, VOR; MEA 2,600.

From Omaha, Nebr., VOR via S alter.; to Des Moines, Iowa, VOR via S alter.; MEA *3,600. *2,700—MOCA.

From Des Moines, Iowa, VOR via N alter.; to *Monroe INT, Iowa, via N alter.; MEA 2,200. *3,500—MRA.

From Monroe INT, Iowa, via N alter.; to Iowa City, Iowa, VOR via N alter.; MEA 2,200.

From Des Moines, Iowa, VOR; to Iowa City, Iowa, VOR; MEA 2,200. Via S alter.; MEA 2,200.

From Iowa City, Iowa, VOR; to Moline, Ill., VOR; MEA 2,000. Via S alter.; MEA 2,100.

From Moline, Ill., VOR; to *Shabbona INT, Ill.; MEA 2,100. *2,500—MRA.

From Shabbona INT, Ill.; to Naperville, Ill., VOR; MEA 2,100.

From Moline, Ill., VOR via N alter.; to Naperville, Ill., VOR via N alter.; MEA 2,400.

From Naperville, Ill., VOR; to South Bend, Ind., VOR; MEA 2,300.

From South Bend, Ind., VOR; to Elmira INT, Ohio; MEA *3,000. *2,300—MOCA.

From Elmira INT, Ohio; to Waterville, Ohio, VOR; MEA 2,000.

From Waterville, Ohio, VOR; to Cleveland, Ohio, VOR; MEA 2,000.

From Cleveland, Ohio, VOR via N alter.; to Youngstown, Ohio, VOR via N alter.; MEA 2,600.

From Cleveland, Ohio, VOR; to Chagrin Falls INT, Ohio; MEA 3,000.

From Brecksville, Ohio, FM; to Chagrin Falls INT, Ohio, eastbound only; MEA 2,500.

From Chagrin Falls INT, Ohio; to Youngstown, Ohio, VOR; MEA 2,500.

From Youngstown, Ohio, VOR; to *Mercer INT, Pa., MEA 2,600. *4,000—MRA.

From Mercer INT, Pa.; to *Brookville INT, Pa.; MEA 4,000. *4,000—MRA.

From Brookville INT, Pa.; to Phillipsburg, Pa., VOR; MEA 4,000.

From Phillipsburg, Pa., VOR; to Selinsgrove, Pa., VOR; MEA 4,000.

From Selingsgrove, Pa., VOR; to Allentown, Pa., VOR; MEA 3,500.

From Allentown, Pa., VOR; to Belle Mead INT, N. J.; MEA 2,500.

From Belle Mead INT, N. J.; to New Brunswick INT, N. J.; MEA 2,000.

From New Brunswick INT, N. J.; to Colts Neck, N. J., VOR; MEA 1,900.

### § 610.6007 *VOR civil airway 7.*

From Miami, Fla., VOR; to *Hammock INT, Fla.; MEA 1,200.

From *Hammock INT, Fla.; to Ft. Myers, Fla., VOR; MEA 1,200. *1,500—MRA.

From Ft. Myers, Fla., VOR; to *Arcadia INT, Fla.; MEA **2,000.

From *Arcadia INT, Fla.; to Lakeland, Fla., VOR; MEA **2,000. *2,500—MRA. **1,300—MOCA.

From Ft. Myers, Fla., VOR via E alter.; to *La Belle INT, Fla., via E alter.; MEA 1,300.

From *La Belle INT, Fla., via E alter.; to Lakeland, Fla., VOR via E alter.; MEA **6,000. *5,000—MRA. **1,300—MOCA.

From Ft. Myers, Fla. VOR via W alter.; to Tampa, Fla., VOR via W alter.; MEA 1,500.

From Lakeland, Fla., VOR; to Cross City, Fla., VOR; MEA *2,000. *1,300—MOCA.

From Tampa, Fla., VOR, via W alter.; to *Homo INT, Fla., via W alter.; MEA **1,500. *2,000—MRA. **1,200—MOCA.

From *Homo INT, Fla., via W alter.; to Cross City, Fla., VOR via W alter.; MEA **2,000. *2,000—MRA. **1,300—MOCA.

From Cross City, Fla., VOR via W alter.; to Lobster INT, Fla., via W alter.; MEA *2,000. *1,500—MOCA.

From Lobster INT, Fla., via W alter.; to *St. Marks INT, Fla., via W alter.; MEA, **2,000. *2,000—MRA. **1,000—MOCA.

From St. Marks INT, Fla., via W alter.; to Tallahassee, Fla., VOR via W alter.; MEA 1,500.

From Tallahassee, Fla., VOR; to Marianna, Fla., VOR; MEA 1,400.

From Marianna, Fla., VOR; to *Shady Grove INT, Fla.; MEA **2,500. *3,500— MRA. **1,800—MOCA.

From Shady Grove INT, Fla.; to Montgomery, Ala., VOR; MEA *2,000. *1,800—MOCA.

From Marianna, Fla., VOR via W alter.; to *Gantt INT, Ala., via W alter.; MEA **5,500. *5,500—MRA. **2,900—MOCA.

From *Gantt INT, Ala., via W alter.; to Montgomery, Ala., VOR via W alter.; MEA 2,500. *5,500—MRA.

From Montgomery, Ala., VOR to Birmingham, Ala., VOR; MEA 2,800. via W alter.; MEA *2,700. *2,600—MOCA.

From Montgomery, Ala., VOR via E alter.; to Birmingham, Ala., VOR, via E alter.; MEA *4,000. *3,500—MOCA.

From Birmingham, Ala., VOR; to Muscle Shoals, Ala., VOR; MEA 2,500.

From Muscle Shoals, Ala., VOR; to Graham, Tenn., VOR; MEA 2,500.

From Graham, Tenn., VOR; to Nashville, Tenn., VOR; MEA 3,000.

From Nashville, Tenn., VOR; to Lewisburg INT, Ky.; MEA 3,000.

From Lewisburg INT, Ky.; to Evansville, Ind., VOR; MEA *3,000. *2,500—MOCA.

From Evansville, Ind., VOR; to Terre Haute, Ind., VOR; MEA 1,900. Via W alter.; MEA 1,900.

From Terre Haute, Ind., VOR; to Lafayette, Ind., VOR; MEA 1,900. Via W alter.; MEA 1,900.

From Lafayette, Ind., VOR; to Shelby INT, Ind.; MEA 2,300.

From Shelby INT, Ind.; to Chicago Heights, Ill., VOR; MEA 2,000.

From Lafayette, Ind., VOR, via E alter.; to Newland INT, Ind., via E alter.; MEA 2,300.

From Newland INT, Ind., via E alter.; to Chicago Heights, Ill., VOR via E alter.; MEA 2,000.

From Chicago Heights, Ill., VOR; to City INT, Ill.; MEA 2,000.

From City INT, Ill.; to *Lake Forest INT, Ill.; MEA **3,000. *3,600—MRA. **2,500—MOCA.

From Lake Forest INT, Ill.; to *Bristol INT, Wis.; MEA **3,000. *3,000—MRA. **2,000—MOCA.

From Bristol INT, Wis.; to *Wind Lake INT, Wis.; MEA **3,000. *3,200—MRA. **2,000—MOCA.

From Wind Lake INT, Wis.; to Milwaukee, Wis., VOR; MEA 2,000.

From Milwaukee, Wis., VOR; to Green Bay, Wis., VOR; MEA 2,600.

### § 610.6008 *VOR civil airway 8.*

From Kingfish INT, Calif.; to Long Beach, Calif., VOR; MEA 3,500.

From Long Beach, Calif., VOR; to Ontario, Calif., VOR; MEA 5,000.

From *Ontario, Calif., VOR; to Daggett, Calif., VOR; MEA 10,000. *8,000—MCA Ontario VOR, northeastbound.

From Fontana, Calif., FM; to Ontario, Calif., VOR, southwestbound only; MEA 5,000.

From Daggett, Calif., VOR; to *Silver Lake INT, Calif.; MEA 9,500. *13,000—MRA.

From Silver Lake INT, Calif.; to Las Vegas, Nev., VOR; MEA 9,500.

From Las Vegas, Nev., VOR; to Mormon Mesa, Nev., VOR; MEA 8,000.

From Crystal, Nev., FM; to Las Vegas, Nev., VOR, southwestbound only; MEA 6,500.

From Mormon Mesa, Nev., VOR; to Bryce Canyon, Utah, VOR; MEA 13,000.

From Bryce Canyon, Utah, VOR; to Hanksville, Utah, VOR; MEA 13,000.

From Hanksville, Utah, VOR; to Grand Junction, Colo., VOR; MEA 10,000.

From Grand Junction, Colo., VOR; to *Kremmling, Colo., VOR; MEA 14,000. *16,000—MCA Kremmling VOR, eastbound.

From Kremmling, Colo., VOR; to *Denver, Colo., VOR; MEA 16,000. Via N alter.; MEA 16,000. *14,000—MCA Denver VOR, westbound.

From Superior, Colo., FM; to Denver, Colo., VOR, eastbound only; MEA 10,000.

From Denver, Colo., VOR; to Akron, Colo., VOR; MEA 6,600. Via N alter.; 6,600.
From Denver, Colo., VOR via S alter.; to Bennett INT, Colo., via S alter.; MEA 6,600.
From Bennett INT, Colo., via S alter.; to Akron, Colo., VOR via S alter.; MEA *8,500. *6,600—MOCA.
From Akron, Colo., VOR; to Imperial, Nebr., VOR; MEA 5,600. Via S alter.; MEA 5,600.
From Imperial, Nebr., VOR; to Grand Island, Nebr., VOR; MEA *6,000. Via S alter.; MEA *8,500. *4,300—MOCA.
From Grand Island, Nebr., VOR; to Omaha, Nebr., VOR; MEA *3,700. Via S alter.; MEA **4,000. Via N alter.; MEA ***4,000. *3,200—MOCA. **3,500—MOCA. ***2,900—MOCA.
From Omaha, Nebr., VOR; to *Lyman INT, Iowa; MEA 2,600. *5,500—MRA.
From Lyman INT, Iowa; to *Middle River INT, Iowa; MEA 2,600. *3,000—MRA.
From *Middle River INT, Iowa; to Des Moines, Iowa, VOR; MEA 2,600. *3,000—MRA.
From Omaha, Nebr., VOR via S alter.; to Des Moines, Iowa, VOR via S alter.; MEA *3,600. *2,700—MOCA.
From Moline, Ill., VOR; to *Shabbona INT, Ill.; MEA 2,100. *2,500—MRA.
From Shabbona INT, Ill.; to Naperville, Ill., VOR; MEA 2,100.
From Naperville, Ill., VOR; to City INT, Ill.; MEA 2,300.
From Chicago Heights, Ill., VOR; to Wheeler INT, Ind.; MEA 2,000.
From Wheeler INT, Ind.; to Goshen, Ind., VOR; MEA 2,100.
From Goshen, Ind., VOR; to Antwerp INT, Ohio; MEA 3,000.
From Antwerp INT, Ohio; to Findlay, Ohio, VOR; MEA 2,000.
From Findlay, Ohio, VOR; to Mansfield, Ohio, VOR; MEA 2,500.
From Mansfield, Ohio, VOR; to *Mt. Hope INT, Ohio; MEA 2,500.
From *Mt. Hope INT, Ohio; to Bergholz INT, Ohio; MEA 2,500. *4,000—MRA.
From Bergholz INT, Ohio; to Pittsburgh, Pa., VOR; MEA 2,700.
From Pittsburgh, Pa., VOR; to *Scottsdale INT, Pa.; MEA 3,000. *4,000—MCA Scottsdale INT, eastbound.
From Scottsdale INT, Pa.; to Flint Stone INT, Md.; MEA 4,500.
From Flint Stone INT, Md.; to Martinsburg, W. Va., VOR; MEA 4,000.
From Martinsburg, W. Va., VOR; to Dawsonville INT, Va.; MEA 3,000.
From Dawsonville INT, Va.; to Washington, D. C., TVOR; MEA 2,000.

### § 610.6009 *VOR civil airway 9.*

From New Orleans, La., VOR; to *Mid Lake INT, La.; MEA 1,700. *2,000—MRA.
From Mid Lake INT, La.; to *Hammond INT, La.; MEA 1,700. *2,000—MRA.
From Hammond INT, La.; to McComb, Miss., VOR; MEA 1,700.
From New Orleans, La., VOR via W alter.; to McComb, Miss., VOR via W alter.; MEA 1,700.
From McComb, Miss., VOR; to Jackson, Miss., VOR; MEA 2,000. Via W alter.; MEA 2,000.
From Jackson, Miss., VOR; to Greenwood, Miss., VOR; MEA *2,000. Via W alter.; MEA *2,000. *1,700—MOCA.
From Greenwood, Miss., VOR; to Memphis, Tenn., VOR; MEA *2,000. Via E alter.; MEA **2,000. *1,800—MOCA. **1,600—MOCA.
From Memphis, Tenn., VOR; to Malden, Mo., VOR; MEA 2,300. Via E alter.; MEA 2,300.
From Malden, Mo., VOR; to Farmington, Mo., VOR; MEA 2,400. Via W alter.; MEA 2,400.
From Farmington, Mo., VOR via W alter.; to St. Louis, Mo., VOR via W alter.; MEA 2,400.
From Farmington, Mo., VOR; to *Crystal City INT, Mo.; MEA 2,500.
From *Crystal City INT, Mo.; to Meramec INT, Mo.; MEA 2,500. *3,000—MRA.
From Meramec INT, Mo.; to St. Louis, Mo., VOR; MEA 2,000.
From St. Louis, Mo., VOR; to Springfield, Mo., VOR; MEA 2,000. Via W alter.; MEA 2,000.
From St. Louis, Mo., VOR; to *Fidelity INT, Ill.; MEA 2,000. *3,000—MRA.
From *Fidelity INT, Ill.; to Springfield, Ill., VOR; MEA 2,000.* *3,000—MRA.
From Springfield, Ill., VOR; to Pontiac, Ill., VOR; MEA *2,500. *2,300—MOCA.
From Pontiac, Ill., VOR; to Joliet, Ill., VOR; MEA 2,000.
From Joliet, Ill., VOR; to Naperville, Ill., VOR; MEA 2,000.
From Naperville, Ill., VOR; to Milwaukee, Wis., VOR; MEA 2,500.
From Naperville, Ill., VOR via W alter.; to Woodstock INT, Wis., via W alter.; MEA 2,200.
From Woodstock INT, Wis., via W alter.; to Milwaukee, Wis., VOR via W alter.; MEA 2,400.

### § 610.6010 *VOR civil airway 10.*

From Pueblo, Colo., VOR; to Lamar, Colo., VOR; MEA 6,000. Via N alter.; MEA 6,800.
From Lamar, Colo., VOR; to Garden City, Kans., VOR; MEA 5,000. Via N alter.; MEA 5,500.
From Garden City, Kans., VOR; to Dodge City, Kans., VOR; MEA 4,000.
From Dodge City, Kans., VOR; to Hutchinson, Kans., VOR; MEA 4,000.
From *Stafford INT, Kans.; to Hutchinson, Kans., VOR, eastbound only; MEA 3,000. *5,000—MRA.
From Dodge City, Kans., VOR via S alter.; to Hutchinson, Kans., VOR via S alter.; MEA 4,300. *3,700—MOCA.
From Dodge City, Kans., VOR via N alter.; to *Great Bend INT, Kans., via N alter.; MEA **4,500. *4,500—MRA. **3,600—MOCA.
From *Great Bend INT, Kans., via N alter.; to Hutchinson, Kans., VOR via N alter.; MEA **4,000. *4,500—MRA. **3,300—MOCA.
From Hutchinson, Kans., VOR via N alter.; to Emporia, Kans., VOR via N alter.; MEA 3,300.
From Hutchinson, Kans., VOR; to Florence INT, Kans.; MEA 3,300.
From Florence INT, Kans.; to Emporia, Kans., VOR; MEA 3,000.
From Emporia, Kans., VOR; to *Pomona INT, Kans.; MEA *2,800. *2,800—MRA. **2,500—MOCA.
From Pomona INT, Kans.; to Kansas City, Mo., VOR; MEA *2,800. *2,500—MOCA.
From Kansas City, Mo., VOR; to Lawson INT, Mo.; MEA 2,400.
From Lawson INT, Mo.; to *Chillicothe INT, Mo.; MEA **3,400.
From *Chillicothe INT, Mo.; to Kirksville, Mo., VOR; MEA **3,400. *4,000—MRA. **2,400—MOCA.
From Kansas City, Mo., VOR via N alter.; to Kirksville, Mo., VOR via N alter.; MEA *2,900. *2,400—MOCA.
From Kirksville, Mo., VOR; to Burlington, Iowa, VOR; MEA 2,100. Via S alter.; MEA *2,300. *2,100—MOCA.
From Burlington, Iowa, VOR; to Bradford, Ill., VOR; MEA 2,000. Via N alter.; MEA 2,000.
From Bradford, Ill., VOR; to Naperville, Ill., VOR; MEA 2,000.
From Naperville, Ill., VOR via N alter.; to Mid Lake INT, Ill., via N alter.; MEA 2,500.
From Mid Lake INT, Ill., via N alter.; to South Bend, Ind., VOR via N alter.; MEA 2,300.
From South Bend, Ind., VOR; to Union INT, Ind.; MEA 2,000.
From Union INT, Ind.; to Litchfield, Mich., VOR; MEA 2,400.
From South Bend, Ind., VOR via N alter.; to Litchfield, Mich., VOR via N alter.; MEA 2,400.
From Litchfield, Mich., VOR; to Milan INT, Mich.; MEA 2,400.
From Milan INT, Mich.; to Carleton, Mich., VOR; MEA 2,000.
From Carleton, Mich., VOR; to Detroit River INT, Mich.; MEA 2,000.
From Detroit River INT, Mich.; to *Pelee INT, Ontario, Canada; MEA **#2,500. *2,500—MRA. **2,000—MOCA. #For that airspace over U. S. territory.
From Pelee INT, Ontario, Canada; to Perry, Ohio, LF/RBN; MEA *#9,000. *2,500—MOCA. #For that airspace over U. S. territory.
From Perry, Ohio, LF/RBN; to Youngstown, Ohio, VOR; MEA 2,500.
From Youngstown, Ohio, VOR; to *Mercer INT, Pa.; MEA 2,600. *4,000—MRA.
From Mercer INT, Pa.; to *Brookville INT, Pa.; MEA 4,000. *4,000—MRA.
From Brookville INT, Pa.; to Philipsburg, Pa., VOR; MEA 4,000.
From Philipsburg, Pa., VOR; to Selinsgrove, Pa., VOR; MEA 4,000.
From Selinsgrove, Pa., VOR; to Allentown, Pa., VOR; MEA 3,500.
From Allentown, Pa., VOR; to Belle Mead INT, N. J.; MEA 2,500.
From Belle Mead INT, N. J.; to New Brunswick INT, N. J.; MEA 2,000.
From New Brunswick INT, N. J.; to Colts Neck, N. J., VOR; MEA 1,500.
From Colts Neck, N. J., VOR; to Woolf INT, N. J.; MEA 1,500.

### § 610.6011 *VOR civil airway 11.*

From Memphis, Tenn., VOR; to Dyersburg, Tenn., VOR; MEA 2,300. Via E alter.; MEA 2,300.
From Memphis, Tenn., VOR via W alter.; to Dyersburg, Tenn., VOR via W alter.; MEA 2,300.
From Dyersburg, Tenn., VOR; to Paducah, Ky., VOR; MEA 2,000.
From Paducah, Ky., VOR; to Evansville, Ind., VOR; MEA 2,000.
From Evansville, Ind., VOR; to Scotland, Ind., VOR; MEA 1,800. Via E alter.; MEA 2,000.
From Scotland, Ind., VOR; to Indianapolis, Ind., VOR; MEA 2,000.
From Scotland, Ind., VOR via W alter.; to *Cloverdale INT, Ind., via W alter.; MEA 2,800.
From *Cloverdale INT, Ind., via W alter.; to Indianapolis, Ind., VOR via W alter.; MEA 2,200. *2,800—MCA Cloverdale INT, southbound.
From Scotland, Ind., VOR via E alter.; to *Paragon INT, Ind., via E alter.; MEA **3,000. *3,000—MRA. **2,200—MOCA.
From *Paragon INT, Ind., via E alter.; to Indianapolis, Ind., VOR via E alter.; MEA 2,200. *3,000—MRA.
From Indianapolis, Ind., VOR; to Zionsville INT, Ind.; MEA 2,800.
From Zionsville INT, Ind.; to Ft. Wayne, Ind., VOR; MEA 2,200.
From Ft. Wayne, Ind., VOR; to Edgerton INT, Ind.; MEA 2,800.
From Edgerton INT, Ind.; to Hudson INT, Ind.; MEA *4,000. *2,100—MOCA.
From Hudson INT, Ind.; to Tipton INT, Ind.; MEA *2,300. *2,100—MOCA.
From Tipton INT, Ind.; to Bridgewater INT, Ind.; MEA 2,300.
From Bridgewater INT, Ind.; to Salem, Ind., VOR; MEA 2,300.

### § 610.6012 *VOR civil airway 12.*

From Santa Barbara, Calif., VOR; to Fillmore, Calif., VOR; MEA 8,000.
From Fillmore, Calif., VOR; to *Palmdale, Calif., VOR; MEA 9,000. *9,000—MCA Palmdale VOR, southwestbound.
From *Palmdale, Calif., VOR; to Daggett, Calif., VOR; MEA 6,000. *9,000—MCA Palmdale VOR, southwestbound.



From Daggett, Calif., VOR; to Needles, Calif., VOR; MEA 9,000.
From Needles, Calif., VOR; to Prescott, Ariz., VOR; MEA 10,000.
From Prescott, Ariz., VOR; to Winslow, Ariz., VOR; MEA 10,000.
From Winslow, Ariz., VOR, via N alter.; to Zuni, N. Mex., VOR; MEA 10,000. Via N alter.; MEA 10,000.
From Zuni, N. Mex., VOR; to Grants, N. Mex., VOR; MEA 11,000.
From Grants, N. Mex., VOR; to Albuquerque, N. Mex., VOR; MEA 10,000.
From *Albuquerque, N. Mex., VOR; to **Otto, N. Mex., VOR; MEA 12,000. *10,700—MCA Albuquerque VOR, eastbound. **10,200—MCA Otto VOR, westbound.
From Otto, N. Mex., VOR; to Anton Chico, N. Mex., VOR; MEA 10,000.
From Anton Chico, N. Mex., VOR; to Tucumcari, N. Mex., VOR; MEA 7,500. Via N alter.; MEA 7,500.
From Tucumcari, N. Mex., VOR; to Amarillo, Tex., VOR; MEA 5,500. Via N alter.; MEA 6,000.
From Amarillo, Tex., VOR; to Gage, Okla., VOR; MEA 4,900. Via N alter.; MEA 4,900.
From Gage, Okla., VOR; to Anthony, Kans., VOR; MEA 3,500.
From Gage, Okla., VOR via N alter.; to Aetena INT, Okla., via N alter.; MEA 3,500.
From Aetena INT, Okla., via N alter.; to Rago INT, Kans., via N alter.; MEA *4,500. *3,500—MOCA.
From Rago INT, Kans., via N alter.; to Wichita, Kans., VOR via N alter.; MEA 3,400.
From Anthony, Kans., VOR; to Wichita, Kans., VOR; MEA 2,900. Via N alter.; MEA 2,900. Via S alter.; MEA 2,500.
From Wichita, Kans., VOR; to *DeGraff INT, Kans.; MEA 3,000.
From *De Graff INT, Kans.; to Emporia, Kans., VOR; MEA 3,000. *4,800—MRA.
From Wichita, Kans., VOR via N alter.; to Emporia, Kans., VOR via N alter.; MEA 3,000.
From Emporia, Kans., VOR; to *Pomona INT, Kans.; MEA **2,800. *2,800—MRA. **2,500—MOCA.
From Pomona INT, Kans.; to Kansas City, Mo., VOR; MEA *2,800. *2,500—MOCA.
From Kansas City, Mo., VOR; to *Marshall INT, Mo.; MEA **3,400. *4,000—MRA. **2,400—MOCA.
From Marshall INT, Mo.; to Columbia, Mo., VOR; MEA *3,400. *2,400—MOCA.
From Kansas City, Mo., VOR via N alter.; to Excelsior INT, Mo., via N alter., MEA 2,400.
From Excelsior INT, Mo., via N alter.; to Tina INT, Mo., via N alter.; MEA *3,000. *2,400—MOCA.
From Tina INT, Mo., via N alter.; to Columbia, Mo., VOR via N alter.; MEA *4,900. *2,400—MOCA.
From Columbia, Mo., VOR; to *New Florence INT, Mo.; MEA 2,100. *3,000—MRA.
From New Florence INT, Mo.; to *Monroe INT, Mo.; MEA 2,100. *3,000—MRA.
From Monroe INT, Mo.; to St. Louis, Mo., VOR; MEA 2,100.
From Columbia, Mo. VOR; to St. Louis, Mo., VOR; via S alter.; MEA 2,200. Via N alter.; MEA 2,100.
From St. Louis, Mo., VOR; to Vandalia, Ill., VOR; MEA 2,000.
From Vandalia, Mo., VOR; to *Union Center INT, Mo.; MEA 2,000.
From *Union Center INT, Mo.; to Terre Haute, Ind., VOR; MEA 2,000. *2,400—MRA.
From Terre Haute, Ind., VOR; to Indianapolis, Ind., VOR; MEA 2,200. Via N alter.; MEA 2,200.
From Terre Haute, Ind. VOR via S alter.; to Cloverdale INT, Ind., via S alter.; MEA 2,300.
From Cloverdale INT, Ind. via S alter.; to Indianapolis, Ind. VOR via S alter.; MEA 2,200.
From Indianapolis, Ind., VOR; to *Maxwell INT, Ind.; MEA 2,400.
From *Maxwell INT, Ind.; to Dayton, Ohio, VOR; MEA 2,300. *4,000—MRA.
From Indianapolis, Ind., VOR via N alter.; to *Castleton INT, Ind., via N alter.; MEA 2,800.
From *Castleton INT, Ind., via N alter.; to Dayton, Ohio, VOR via N alter.; MEA 2,500. *2,800—MCA Castleton INT, westbound.
From Dayton, Ohio, VOR; to *Mechanicsburg INT, Ohio; MEA 2,500. *3,500—MRA.
From Mechanicsburg INT, Ohio; to *W. Jefferson INT, Ohio; MEA 2,500. *3,800—MRA.
From West Jefferson INT, Ohio; to Columbus, Ohio, VOR; MEA 2,500.
From Dayton, Ohio, VOR via N alter.; to *Irwin INT, Ohio, via N alter.; MEA 2,500. *2,700—MRA.
From Irwin INT, Ohio, via N alter.; to Columbus, Ohio, VOR via N alter.; MEA 2,500.
From Columbus, Ohio, VOR; to *Moorefield INT, Ohio; MEA 2,500. *3,000—MRA.
From Moorefield INT, Ohio; to *Adena INT, Ohio; MEA 2,500. *3,500—MRA.
From Adena INT, Ohio; to Wheeling, W. Va., VOR; MEA 2,500.
From Columbus, Ohio, VOR, via N alter.; to *Baltic INT, Ohio, via N alter.; MEA **3,500. *3,500—MRA. **2,500—MOCA.
From Baltic INT, Ohio, via N alter.; to Wheeling, W. Va., VOR via N alter.; MEA *3,500. *2,500—MOCA.
From Wheeling, W. Va., VOR; to Pittsburgh, Pa., VOR; MEA 2,500.
From Pittsburgh, Pa., VOR; to *Latrobe INT, Pa.; MEA 3,000. *4,000—MCA Latrobe INT, eastbound.
From Latrobe INT, Pa.; to Johnstown, Pa., VOR; MEA 4,500.
From Pittsburgh, Pa., VOR via N alter.; to *New Alexandria INT, Pa., via N alter.; MEA 3,000. *4,000—MCA New Alexandria INT, southeastbound.
From New Alexandria INT, Pa., via N alter.; to Johnstown, Pa., VOR via N alter.; MEA 4,500.
From Johnstown, Pa., VOR; to Altoona INT, Pa.; MEA 4,500.
From Altoona INT, Pa.; to Harrisburg, Pa., VOR; MEA 4,000.
From Johnstown, Pa., VOR via S alter.; to *Burnt Cabins INT, Pa., via S alter.; MEA 4,500. *4,500—MRA.
From Burnt Cabins INT, Pa., via S alter.; to Harrisburg, Pa., VOR via S alter.; MEA 4,000.
From Harrisburg, Pa., VOR; to West Chester, Pa., VOR; MEA 2,000.

### § 610.6013 *VOR civil airway 13.*

From Houston, Tex., VOR; to *Humble INT, Tex.; MEA 1,600. *2,300—MRA.
From Humble INT, Tex.; to Lufkin, Tex., VOR; MEA 1,600.
From Houston, Tex., VOR via W alter.; to Lufkin, Tex., VOR via W alter.; MEA *2,000. *1,800—MOCA.
From Houston, Tex., VOR via E alter.; to *Daisetta INT, Tex., via E alter.; MEA 1,600. *4,000—MRA.
From Daisetta INT, Tex., via E alter.; to Lufkin, Tex., VOR via E alter.; MEA *4,000. *1,500—MOCA.
From Lufkin, Tex., VOR; to Shreveport, La., VOR; MEA 2,400.
From Shreveport, La., VOR; to Texarkana, Ark., VOR; MEA 1,700. Via W alter.; MEA 1,700.
From Ft. Smith, Ark., VOR; to Fayetteville, Ark., VOR; MEA 3,500.
From Fayetteville, Ark., VOR; to Neosho, Mo., VOR; MEA 2,700.
From Neosho, Mo., VOR; to Butler, Mo., VOR, MEA 2,500. Via W alter.; MEA *2,600. *2,500—MOCA.
From Butler, Mo., VOR; to Grandview INT, Mo.; MEA 2,400.
From Grandview INT, Mo.; to Kansas City, Mo., VOR; MEA 3,000.
From Kansas City, Mo., VOR; to Lamoni, Iowa, VOR; MEA 2,400.
From Kansas City, Mo., VOR via E alter.; to Lathrop INT, Mo., via E alter.; MEA 2,400.
From Lathrop INT, Mo., via E alter.; to *Jameson INT, Mo., via E alter.; MEA **2,900.
From *Jameson INT, Mo., via E alter.; to Lamoni, Iowa, VOR via E alter.; MEA **2,900. *3,000—MRA. **2,400—MOCA.
From Lamoni, Iowa, VOR; to *Osceola INT, Iowa; MEA 2,300. *4,300—MRA.
From Osceola INT, Iowa; to Des Moines, Iowa, VOR; MEA 2,300.
From Lamoni, Iowa, VOR via E or W alter.; to Des Moines, Iowa, VOR via E or W alter.; MEA 2,300.
From Des Moines, Iowa; to *Ames INT, Iowa; MEA **3,000. *5,000—MRA. **2,600—MOCA.
From Ames INT, Iowa; to Mason City, Iowa, VOR; MEA *3,000. *2,600—MOCA.
From Des Moines, Iowa, VOR; to Mason City, Iowa, VOR, via E alter.; MEA *3,000. Via W alter.; MEA *3,400. *2,600—MOCA.
From Mason City, Iowa, VOR; to Hope INT, Minn.; MEA *3,300. *2,800—MOCA.
From Hope INT, Minn.; to Lakeville INT, Minn.; MEA *3,300. *2,600—MOCA.
From Lakeville INT, Minn.; to Minneapolis, Minn., VOR; MEA 2,500.
From Mason City, Iowa, VOR via W alter.; to Prior INT, Minn., via W alter.; MEA 3,400. *2,600—MOCA.
From Prior INT, Minn., via W alter.; to Minneapolis, Minn., VOR via W alter.; MEA 2,500.
From Minneapolis, Minn., VOR; to Grantsburg, Wis., VOR; MEA 2,500.
From Grantsburg, Wis., VOR; to *Duluth, Minn., VOR; MEA 2,500. *3,000—MCA Duluth VOR, northbound.

### § 610.6014 *VOR civil airway 14.*

From Roswell, N. Mex., VOR; to *Caprock INT, N. Mex.; MEA **7,000. *7,500—MRA. **5,500—MOCA.
From Caprock INT, N. Mex.; to *Whiteface INT, Tex.; MEA **7,000. *7,000—MRA. **5,500—MOCA.
From Whiteface INT, Tex.; to Lubbock, Tex., VOR; MEA 4,800.
From Roswell, N. Mex., VOR via N alter.; to *Kenna INT, N. Mex., via N alter.; MEA **8,000. *9,000—MRA. **5,500—MOCA.
From Kenna INT, N. Mex., via N alter.; to *Pep INT, Tex., via N alter.; MEA **8,000. *8,000—MRA. **5,500—MOCA.
From Pep INT, Tex., via N alter.; to Lubbock, Tex., VOR via N alter.; MEA 4,600.
From Lubbock, Tex., VOR; to Childress, Tex., VOR; MEA 4,500.
From Childress, Tex., VOR; to Hobart, Okla., VOR; MEA 3,500.
From Hobart, Okla., VOR; to Oklahoma City, Okla., VOR; MEA 2,600.
From Oklahoma City, Okla., VOR; to Drumright INT, Okla.; MEA 3,700.
From Drumright INT, Okla.; to Tulsa, Okla., VOR; MEA 3,100.
From Oklahoma City, Okla., VOR via N alter.; to Tulsa, Okla., VOR via N alter.; MEA 3,200.
From Oklahoma City, Okla., VOR via S alter.; to Okemah INT, Okla., via S alter.; MEA *4,600.
From Okemah INT, Okla., via S alter.; to Tulsa, Okla., VOR via S alter.; MEA *4,600. *2,400—MOCA.
From Tulsa, Okla., VOR; to *Chelsea INT, Okla.; MEA 2,200.
From *Chelsea INT, Okla.; to Neosho, Mo., VOR; MEA 2,200. *2,600—MRA.
From Tulsa, Okla., VOR via N alter.; to Neosho, Mo., VOR via N alter.; MEA 2,300.
From Tulsa, Okla., VOR via S alter.; to Neosho, Mo., VOR via S alter.; MEA 2,000.
From Neosho, Mo., VOR; to Springfield, Mo., VOR; MEA 2,500.
From Neosho, Mo., VOR via N alter.; to Avilla INT, Mo., via N alter.; MEA 2,500.
From Avilla INT, Mo., via N alter.; to Springfield, Mo., VOR via N alter.; MEA 2,600.

From Neosho, Mo., VOR via S alter.; to Springfield, Mo., VOR via S alter.; MEA 2,600.
From Springfield, Mo., VOR; to *Conway INT, Mo.; MEA 2,500.
From *Conway INT, Mo.; to Vichy, Mo., VOR; MEA 2,600. *4,700—MRA.
From Springfield, Mo., VOR via N alter.; to Vichy, Mo., VOR via N alter.; MEA *2,500. *2,400—MOCA.
From Vichy, Mo., VOR; to St. Louis, Mo., VOR; MEA 2,200. Via N or S alter.; MEA 2,200.
From St. Louis, Mo., VOR; to Vandalia, Ill., VOR; MEA 2,000.
From Vandalia, Ill., VOR; to *Union Center INT, Ill.; MEA 2,000.
From *Union Center INT, Ill.; to Terre Haute, Ind., VOR; MEA 2,000. *2,400—MRA.
From Terre Haute, Ind., VOR; to Indianapolis, Ind., VOR; MEA 2,200.
From Terre Haute, Ind., VOR via S alter.; to Cloverdale INT, Ind., via S alter.; MEA 2,300.
From Cloverdale INT, Ind., via S alter.; to Indianapolis, Ind., VOR via S alter.; MEA 2,200.
From Indianapolis, Ind., VOR; to Coldwater INT, Ind.; MEA *4,300. *2,800—MOCA.
From Coldwater, INT, Ind.; to Findlay, Ohio, VOR; MEA 2,200.
From Findlay, Ohio, VOR; to Carey INT, Ohio, MEA 2,100.
From Carey INT, Ohio; to Cleveland, Ohio, VOR; MEA 2,000.
From Cleveland, Ohio, VOR; to Perry INT, Ohio; MEA 2,500.
From Perry INT, Ohio; to Kingsville INT, Pa.; MEA 2,300.
From Kingsville INT, Pa.; to Erie, Pa., VOR; MEA 2,000.
From Cleveland, Ohio, VOR, via N alter.; to Erie, Pa., VOR via N alter.; MEA 2,500.
From Erie, Pa., VOR; to Buffalo, N. Y., VOR; MEA 2,500.
From Buffalo, N. Y., VOR; to Rochester, N. Y., VOR; MEA 2,100.
From East Pembroke, N. Y., FM; to Buffalo, N. Y., VOR, westbound only; MEA 1,900.
From Rochester, N. Y., VOR; to *Fairville INT, N. Y.; MEA 2,000.
From *Fairville INT, N. Y.; to Syracuse, N. Y., VOR; MEA 2,000. *3,000—MRA.
From Syracuse, N. Y., VOR; to Albany, N. Y., VOR; MEA 3,000.
From Albany, N. Y., VOR; to Greenfield INT, Mass.; MEA 5,500.
From Grafton, N. Y., FM; to Albany, N. Y., VOR, westbound only; MEA 3,000.
From *Greenfield INT, Mass.; to Gardner, Mass., VOR; MEA 3,000. *5,500—MCA Greenfield INT, westbound.
From Gardner, Mass., VOR; to Franklin INT, Mass.; MEA 3,000.

### § 610.6015 *VOR civil airway 15.*

From Galveston, Tex., VOR; to Houston, Tex., VOR; MEA 1,400.
From Houston, Tex., VOR; to College Station, Tex., VOR; MEA 1,800.
From College Station, Tex., VOR; to Waco, Tex., VOR; MEA 2,000. Via E alter.; MEA 2,000.
From Waco, Tex., VOR; to Waxahachie INT, Tex.; MEA 2,000.
From Waxahachie INT, Tex.; to Lancaster INT, Tex.; MEA 2,600.
From Lancaster INT; to Dallas, Tex., VOR; MEA 2,000.
From Waco, Tex., VOR via E alter.; to *Ennis INT, Tex., via E alter.; MEA **2,400. *2,400—MRA. **1,800—MOCA.
From *Ennis INT, Tex., via E alter.; to Dallas, Tex., VOR via E alter.; MEA 2,000. *2,400—MRA.
From Dallas, Tex., VOR; to Frisco INT, Tex.; MEA 2,100.
From Frisco INT, Tex.; to Ardmore, Okla., VOR; MEA 2,200.
From Dallas, Tex., VOR via W alter.; to Little Elm INT, Tex., via W alter.; MEA 2,000.
From Little Elm INT, Tex., via W alter.; to Sanger INT, Tex., via W alter.; MEA *2,400. *1,800—MOCA.
From Sanger INT, Tex., via W alter.; to Ardmore, Okla., VOR via W alter.; MEA *2,400. *2,200—MOCA.
From Ardmore, Okla., VOR; to Tulsa, Okla., VOR; MEA *4,600. Via E alter.; MEA *4,600. *2,400—MOCA.
From Kansas City, Mo., VOR; to Camden INT, Mo.; MEA 2,400.
From Camden INT, Mo.; to St. Joseph, Mo., VOR; MEA 2,800.
From Kansas City, Mo., VOR via E alter.; to Plattsburg INT, Mo., via E alter.; MEA 2,400.
From Plattsburg INT, Mo., via E alter.; to St. Joseph, Mo., VOR via E alter.; MEA 2,800.
From St. Joseph, Mo., VOR; to *Randolph INT, Iowa; MEA 2,500. *5,400—MRA.
From *Randolph INT, Iowa; to Omaha, Nebr., VOR; MEA 2,500. *5,400—MRA.
From St. Joseph, Mo., VOR via E alter.; to Omaha, Nebr., VOR via E alter.; MEA 2,500.
From Omaha, Nebr., VOR; to Sioux City, Iowa, VOR; MEA 2,500. Via E alter.; MEA 2,500. Via W alter.; MEA 2,700.
From Sioux City, Iowa, VOR; to Sioux Falls, S. Dak., VOR; MEA 3,000. Via E alter.; MEA 3,000.
From Sioux Falls, S. Dak., VOR; to Huron, S. Dak., VOR; MEA 3,000. Via W alter.; MEA *2,900. *2,800—MOCA.
From Huron, S. Dak., VOR; to Aberdeen, S. Dak., VOR; MEA 2,500. Via W alter.; MEA 2,500.
From Aberdeen, S. Dak., VOR; to Bismarck, N. Dak., VOR; MEA 4,200. Via W alter.; MEA 4,200.
From Bismarck, N. Dak., VOR; to Minot, N. Dak., VOR; MEA 3,400.

### § 610.6016 *VOR civil airway 16.*

From Los Angeles, Calif., VOR; to Ontario, Calif., VOR; MEA 4,000.
From La Habra, Calif., FM; to Los Angeles, Calif., VOR westbound only; MEA 3,000.
From *Ontario, Calif., VOR; to Palm Springs INT, Calif.; MEA 13,000. *8,000—MCA Ontario VOR, eastbound.
From Banning, Calif., FM; to Ontario, Calif., VOR westbound only; MEA 8,000.
From *Palm Springs INT, Calif.; to Blythe, Calif., VOR; MEA 8,000. *13,000—MCA Palm Springs INT, westbound.
From Blythe, Calif., VOR; to Hassayampa, Ariz., VOR; MEA 6,000.
From Hassayampa, Ariz., VOR; to Phoenix, Ariz., VOR; MEA 5,000.
From Phoenix, Ariz., VOR; to Tucson, Ariz., VOR; MEA 7,000.
From *Tucson, Ariz., VOR; to Cochise, Ariz., VOR; MEA 11,000. *9,000—MCA Tucson VOR, eastbound.
From *Tucson, Ariz., VOR via S alter.; to Cochise, Ariz., VOR via S alter.; MEA 10,000. *9,000—MCA Tucson VOR, southeastbound.
From Cochise, Ariz., VOR; to Animas INT, N. Mex.; MEA 12,000.
From Animas INT, N. Mex.; to Columbus, N. Mex., VOR; eastbound; MEA 8,600. Westbound; MEA 10,000.
From Hilltop, Ariz., FM; to Animas INT, N. Mex., eastbound only; MEA 10,000.
From Columbus, N. Mex., VOR; to *Harrington Ranch INT, N. Mex.; MEA 8,500.
From *Harrington Ranch INT, N. Mex.; to El Paso, Tex., VOR; MEA 8,500. *10,000—MRA.
From Columbus, N. Mex., VOR via N alter.; to El Paso, Tex., VOR via N alter.; MEA 9,200.
From El Paso, Tex., VOR; to Salt Flat, Tex., VOR; MEA 8,000.
From *Salt Flat, Tex., VOR; to Gore INT, Tex.; MEA 10,000. *8,900—MCA Salt Flat VOR, eastbound.
From *Gore INT, Tex.; to Wink, Tex., VOR; MEA 6,000. *7,200—MCA Gore INT, westbound.
From *Salt Flat, Tex., VOR via N alter.; to Wink, Tex., VOR via N alter.; MEA 10,800. *8,900—MCA Salt Flat VOR, eastbound.
From Wink, Tex., VOR; to Midland, Tex., VOR; MEA 4,500. Via N alter.; MEA 4,500.
From Midland, Tex., VOR; to Big Spring, Tex., VOR; MEA 4,400.
From Big Spring, Tex., VOR; to Abilene, Tex., VOR; MEA 4,000. Via S alter.; MEA 4,000.
From Abilene, Tex., VOR; to Mineral Wells, Tex., VOR; MEA 3,100. Via N alter.; MEA *3,500. Via S alter.; MEA 3,200. *3,000—MOCA.
From Mineral Wells, Tex., VOR; to Ft. Worth, Tex., VOR; MEA 2,300.
From Fort Worth, Tex., VOR via S alter.; to Stadium INT, Tex., VOR via S alter.; MEA 2,000.
From Stadium INT, Tex., via S alter.; to Hensley INT, Tex., via S alter.; MEA 2,700.
From Hensley INT, Tex., via S alter.; to Dallas, Tex., VOR via S alter.; MEA 2,000.
From Ft. Worth, Tex., VOR; to Dallas, Tex., VOR; MEA 2,200.
From Dallas, Tex., VOR; to Sulphur Springs, Tex., VOR; MEA 2,000.
From Ft. Worth, Tex., VOR via N alter.; to Sulphur Springs, Tex., VOR via N alter.; MEA 2,200.
From Sulphur Springs, Tex., VOR; to Texarkana, Ark., VOR; MEA 1,800. Via N alter.; MEA 1,800.
From Texarkana, Ark., VOR; to Pine Bluff, Ark., VOR; MEA 2,500. Via S alter.; MEA 3,000.
From Pine Bluff, Ark., VOR; to Altheimer INT, Ark.; MEA 1,500.
From Altheimer INT, Ark.; to Memphis, Tenn., VOR; MEA *2,500. *1,500—MOCA.
From Pine Bluff, Ark., VOR via S alter.; to Memphis, Tenn., VOR via S alter.; MEA 3,000.
From Memphis, Tenn., VOR; to *Fisherville INT, Tenn.; MEA 2,000. *2,500—MRA.
From Fisherville INT, Tenn.; to *Williston INT, Tenn.; MEA 2,000. *2,500—MRA.
From Williston INT, Tenn.; to Jackson, Tenn.; VOR; MEA 2,000.
From Jackson, Tenn., VOR; to Graham, Tenn., VOR; MEA *2,500. *2,000—MOCA.
From Memphis, Tenn., VOR via S alter.; to Jackson, Tenn., VOR via S alter.; MEA 2,000.
From Jackson, Tenn., VOR via S alter.; to Graham, Tenn., VOR via S alter.; MEA *2,500. *2,000—MOCA.
From Graham, Tenn., VOR; to Nashville, Tenn., VOR; MEA 3,000.
From Graham, Tenn., VOR via S alter.; to Crossville, Tenn., VOR via S alter.; MEA 5,000.
From Nashville, Tenn., VOR; to Crossville, Tenn., VOR; MEA 5,000.
From Crossville, Tenn., VOR; to Sweetwater INT, Tenn.; MEA 5,000.
From Sweetwater INT, Tenn.; to Knoxville, Tenn., VOR; MEA 3,000.
From Knoxville, Tenn., VOR; to *Telford INT, Tenn.; MEA 6,000.
From Telford INT, Tenn.; to Tri-City, Tenn., VOR; MEA 6,000. *9,000—MRA.
From Tri-City, Tenn., VOR; to Pulaski, Va., VOR; MEA 7,700.
From Knoxville, Tenn., VOR via N alter.; to Yuma INT, Tenn., via N alter.; MEA *4,700. *4,400—MOCA.
From Yuma INT, Tenn., via N alter.; to Hilton INT, Tenn., via N alter.; MEA *5,500. *5,200—MOCA.
From Hilton INT, Tenn., via N alter.; to Hayters Gap INT, Tenn., via N alter.; MEA 6,000.
From Hayters Gap INT, Tenn., via N alter.; to Pulaski, Va., VOR via N alter.; MEA 6,500.
From Pulaski, Va., VOR; to Montebello, Va., VOR; MEA 6,000.
From Montebello, Va., VOR; to Gordonsville, Va., VOR; MEA 6,000.



From Gordonsville, Va., VOR; to *Locustgrove INT, Va.; MEA 3,000.
From *Locustgrove INT, Va.; to Andrews, Md., LFR; MEA 1,500. *2,000—MRA.
From Andrews, Md., LFR; to Dover, Del., VOR; MEA 1,500.
From Dover, Del., VOR; to Coyle, N. J., VOR; MEA 1,500.
From Coyle, N. J., VOR; to Woolf INT, N. J.; MEA 1,500.
From Woolf INT, N. J.; to Riverhead, N. Y., VOR; MEA *2,000. *1,500—MOCA.
From Riverhead, N. Y., VOR; to Salem INT, Conn.; MEA 1,800.
From Salem INT, Conn.; to Norwich, Conn., VOR; MEA 1,800.
From Norwich, Conn., VOR; to Boston, Mass., VOR; MEA 1,800.

### § 610.6017 *VOR civil airway 17.*

From Laredo, Tex., VOR; to Cotulla, Tex., VOR; MEA 1,800.
From Cotulla, Tex., VOR; to San Antonio, Tex., VOR; MEA 2,200.
From San Antonio, Tex., VOR via E alter.; to Austin, Tex., VOR via E alter.; MEA 2,500.
From San Antonio, Tex., VOR via W alter.; to Spring Branch INT, Tex., via W alter.; MEA *3,000. *2,600—MOCA.
From Spring Branch INT, Tex., via W alter.; to Austin, Tex., VOR via W alter.; MEA *3,000. *2,700—MOCA.
From Austin, Tex., VOR; to Waco, Tex., VOR; MEA 2,000. Via E alter.; MEA 2,500.
From Waco, Tex., VOR; to *Riovista INT, Tex.; MEA 2,000.
From *Riovista INT, Tex.; to Fort Worth, Tex., VOR; MEA 2,100. *3,000—MRA.
From Waco, Tex., VOR via W alter.; to Fort Worth, Tex., VOR via W alter.; MEA *2,300. *2,000—MOCA.
From Ft. Worth, Tex., VOR; to Forestburg INT, Tex.; MEA 2,100.
From Forestburg INT, Tex.; to Bradley INT, Okla.; MEA *5,000. *2,600—MOCA.
From Bradley INT, Okla.; to Oklahoma City, Okla., VOR; MEA 2,600.
From Oklahoma City, Okla., VOR; to Gage, Okla., VOR; MEA *3,900. *3,600—MOCA.
From Gage, Okla., VOR; to Garden City, Kans., VOR; MEA *4,400. *4,300—MOCA.
From Garden City, Kans., VOR; to Goodland, Kans., VOR; MEA *5,500. Via W alter.; MEA *6,400. *5,000—MOCA.

### § 610.6018 *VOR Civil airway 18.*

From Dallas, Tex., VOR; to Quitman, Tex., VOR; MEA 2,000.
From Quitman, Tex., VOR; to Caddo Lake INT, La.; MEA 1,800.
From Caddo Lake INT, La.; to Shreveport, La., VOR; MEA 1,700.
From Shreveport, La., VOR; to Monroe, La., VOR; MEA 1,800.
From Shreveport, La., VOR via N alter.; to Monroe, La., VOR via N alter.; MEA *2,000. *1,900—MOCA.
From Monroe, La., VOR; to Jackson, Miss., VOR; MEA 1,500. Via S alter.; MEA 1,500.
From Jackson, Miss., VOR; to Meridian, Miss., VOR; MEA 2,000. Via S alter.; MEA 2,000.
From Meridian, Miss., VOR; to Tuscaloosa, Ala., VOR; MEA 2,500. Via N alter.; MEA 2,500.
From Tuscaloosa, Ala., VOR; to Birmingham, Ala., VOR; MEA 2,000.
From Birmingham, Ala., VOR; to Anniston, Ala., VOR; MEA 3,000.
From Anniston, Ala., VOR; to Carrollton INT, Ga.; MEA 4,000.
From Carrollton INT, Ga.; to Campbellton INT, Ga.; MEA 2,700.
From Campbellton INT, Ga.; to Atlanta, Ga., ILS localizer; MEA 2,200.
From Atlanta, Ga., ILS localizer; to Oxford INT, Ga.; MEA 2,200.
From Oxford INT, Ga.; to *Madison INT, Ga.; MEA **3,500. *3,500—MRA. **2,100—MOCA.
From Madison INT, Ga.; to Raytown INT, Ga.; MEA *3,800. *1,800—MOCA.
From Raytown INT, Ga.; to Augusta, Ga., VOR; MEA 1,800.
From Anniston, Ala., VOR via S alter.; to Roopville INT, Ga., via S alter.; MEA 4,000.
From Roopville INT, Ga., via S alter.; to Atlanta, Ga., VOR via S alter.; MEA *3,000. *2,200—MOCA.
From Atlanta, Ga., VOR via S alter.; to *McDonough INT, Ga., via S alter.; MEA 2,200. *2,700—MRA.
From McDonough INT, Ga., via S alter.; to Augusta, Ga., VOR via S alter.; MEA *3,700. *2,200—MOCA.
From Augusta, Ga., VOR; to Charleston, S. C., VOR; MEA *2,800. *2,000—MOCA.

### § 610.6019 *VOR civil airway 19.*

From El Paso, Tex., VOR; to *Harrington Ranch INT, N. Mex.; MEA 8,500.
From *Harrington Ranch INT, N. Mex.; to Truth or Consequences, N. Mex., VOR; MEA 10,000. *10,000—MRA.
From Truth or Consequences, N. Mex., VOR; to Albuquerque, N. Mex., VOR; MEA 10,000.
From Albuquerque, N. Mex., VOR; to Santa Fe, N. Mex., VOR; MEA 9,000.
From *Santa Fe, N. Mex., VOR; to **Las Vegas, N. Mex., VOR; MEA 12,500. *11,600—MCA Santa Fe VOR, eastbound. **11,300—MCA Las Vegas VOR, westbound.
From Las Vegas, N. Mex., VOR; to Raton, N. Mex., VOR; MEA 11,000. Via E alter.; MEA 11,000.
From Raton, N. Mex., VOR; to Pueblo, Colo., VOR; MEA 11,000.
From Denver, Colo., VOR; to Cheyenne, Wyo., VOR; MEA 7,500.
From Denver, Colo., VOR via E alter.; to *Gill INT, Colo., via E alter.; MEA 7,500. *14,000—MRA.
From Gill INT, Colo., via E alter.; to Hereford INT, Wyo., via E alter.; MEA 7,500.
From Hereford INT, Wyo., via E alter.; to Cheyenne, Wyo., VOR via E alter.; MEA 7,300.
From Cheyenne, Wyo., VOR; to Douglas, Wyo., VOR; MEA 9,000. Via E alter.; MEA 7,500.
From Douglas, Wyo., VOR; to Casper, Wyo., VOR; MEA 8,000. Via E alter.; MEA 7,500.
From Casper, Wyo., VOR; to Crazy Woman, Wyo., VOR; MEA 7,500. Via E alter.; MEA 7,500.
From Crazy Woman, Wyo., VOR; to *Sheridan, Wyo., VOR; MEA 9,500. Via E alter.; MEA 7,500. *8,500—MCA Sheridan VOR, southeastbound.
From Sheridan, Wyo., VOR; to Billings, Mont., VOR; MEA 8,000.
From Billings, Mont., VOR; to Lewistown, Mont., VOR; MEA 8,000.
From Lavina, Mont., FM; to Billings, Mont., VOR southbound only; MEA 6,000.
From Lewistown, Mont., VOR; to *Great Falls, Mont., VOR; MEA 9,000. *6,800—MCA Great Falls VOR, eastbound.

### § 610.6020 *VOR civil airway 20.*

From Laredo, Tex., VOR; to Corpus Christi, Tex., VOR; MEA 2,100.
From Corpus Christi, Tex., VOR; to Palacios, Tex., VOR.; MEA 1,300.
From Palacios, Tex., VOR; to Houston, Tex., VOR; MEA 2,100.
From Palacios, Tex., VOR via N alter.; to Richmond INT, Tex., via N alter.; MEA *2,000. *1,400—MOCA.
From Richmond INT, Tex., via N alter.; to Houston, Tex., VOR via N alter.; MEA 2,100.
From Houston, Tex., VOR; to Beaumont, Tex., VOR; MEA 1,600.
From Houston, Tex., VOR via N alter.; to *Crosby INT, Tex., via N alter.; MEA 1,600. *1,900—MRA.
From Crosby INT, Tex., via N alter.; to Beaumont, Tex., VOR via N alter.; MEA *1,900. *1,600—MOCA.
From Houston, Tex., VOR via S alter.; to High Island INT, Tex., via S alter.; MEA 1,500.
From High Island INT, Tex., via S alter.; to Lake Charles, La., VOR via S alter.; MEA *2,000. *1,400—MOCA.
From Beaumont, Tex., VOR; to Lake Charles, La., VOR; MEA 1,400.
From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 1,300.
From Lafayette, La., VOR; to New Orleans, La., VOR; MEA 1,400.
From New Orleans, La., VOR; to Mobile, Ala., VOR; MEA 2,500.
From Mobile, Ala., VOR; to Evergreen, Ala., VOR; MEA 1,500.
From Evergreen, Ala., VOR; to Montgomery, Ala., VOR; MEA 1,800.
From Montgomery, Ala., VOR; to Kent INT, Ala., VOR; MEA 2,000.
From Kent INT, Ala.; to La Grange, Ga., VOR; MEA 1,900.
From La Grange, Ga., VOR; to *Madras INT, Ga.; MEA 2,000.
From *Madras INT, Ga.; to Atlanta, Ga., VOR; MEA 2,000. *3,000—MRA.
From Atlanta, Ga., VOR; to Royston, Ga., VOR; MEA 2,700.
From Royston, Ga., VOR; to Spartanburg, S. C., VOR; MEA 2,300.
From Atlanta, Ga., VOR via N alter.; to Norcross, Ga., VOR via N alter.; MEA 3,000.
From Norcross, Ga., VOR via N alter.; to Homer INT, Ga.; via N alter.; MEA 2,500.
From Homer INT, Ga., via N alter.; to Clemson INT, S. C., via N alter.; MEA *4,500. *3,200—MOCA.
From Clemson INT, S. C., via N alter.; to Spartanburg, S. C., VOR via N alter.; MEA *4,500. *3,200—MOCA.
From Spartanburg, N. C., VOR; to Mooresville INT, N. C.; MEA 2,500.
From Mooresville INT, N. C.; to Greensboro, N. C., VOR; MEA 3,000.
From Greensboro, N. C., VOR; to *Reid INT, N. C.; MEA 2,300.
From *Reid INT, N. C.; to South Boston, Va., VOR; MEA 2,300. *3,500—MRA.
From South Boston, Va., VOR; to Flat Rock, Va., VOR; MEA 2,000.

### § 610.6021 *VOR civil airway 21.*

From Kingfish INT, Calif.; to Long Beach, Calif., VOR; MEA 3,500.
From Long Beach, Calif., VOR; to Ontario, Calif., VOR; MEA 5,000.
From *Ontario, Calif., VOR; to Daggett, Calif., VOR; MEA 10,000. *8,000—MCA Ontario VOR, northeastbound.
From Fontana, Calif., FM; to Ontario, Calif., VOR southwestbound only; MEA 5,000.
From Daggett, Calif., VOR; to *Silver Lake INT, Calif.; MEA 9,500. *13,000—MRA.
From Silver Lake INT, Calif.; to Las Vegas, Nev., VOR; MEA 9,500.
From Las Vegas, Nev., VOR via E alter.; to Mead INT, Nev., via E alter.; MEA 6,000.
From *Mead INT, Nev.; via E alter.; to Mormon Mesa, Nev., VOR via E alter.; MEA 7,000. *7,000—MCA Mead INT, northbound.
From Las Vegas, Nev., VOR; to Mormon Mesa, Nev., VOR; MEA 8,000.
From Crystal, Nev., FM; to Las Vegas, Nev., VOR southwestbound only; MEA 6,500.
From Mormon Mesa, Nev., VOR; to Milford, Utah, VOR; MEA 10,000.
From Milford, Utah, VOR; to Delta, Utah, VOR; MEA 9,000.
From Delta, Utah, VOR; to Salt Lake City, Utah, VOR; MEA 12,000. *10,000—MCA Salt Lake City VOR, southbound.
From Riverton, Utah, FM; to Salt Lake City, Utah, VOR northbound only; MEA 11,000.
From Salt Lake City, Utah, VOR; to Ogden, Utah, VOR; MEA 6,500.
From *Ogden, Utah, VOR; to Malad City, Idaho, VOR; MEA 11,000. *9,000—MCA Ogden VOR, northbound.

From Corinne, Utah, FM; to Ogden, Utah, VOR southbound only; MEA 10,000.
From Malad City, Idaho, VOR; to *Pocatello, Idaho, VOR; MEA 11,000. *9,000—MCA Pocatello VOR, southbound.
From Pocatello, Idaho, VOR; to Dubois, Idaho, VOR; MEA 7,500. Via W alter.; MEA 7,500.
From *Dubois, Idaho, VOR; to Dillon, Mont., VOR; MEA 11,500. *9,600—MCA Dubois VOR, northbound.
From Dillion, Mont., VOR; to *Whitehall, Mont., VOR; MEA 10,500. *9,300—MCA Whitehall VOR, northbound.
From Whitehall, Mont., VOR; to Helena, Mont., VOR; MEA 10,500.
From Helena, Mont., VOR; to Wolf Creek INT, Mont.; MEA 9,500.
From Wolf Creek INT, Mont.; to *Great Falls, Mont., VOR; MEA 8,500. *6,600—MCA Great Falls VOR, southwestbound.
From Great Falls, Mont., VOR; to Cut Bank, Mont., VOR; MEA 6,000.
From Cut Bank, Mont., VOR; to U. S.-Canadian boundary VOR; MEA 6,000.

§ 610.6022 *VOR civil airway 22.*

From New Orleans, La., VOR; to *Cat INT, La.; MEA **3,600. *3,600—MRA. **1,600—MOCA.
From Cat INT, La.; to Mobile, Ala., VOR; MEA 1,400.
From Mobile, Ala., VOR; to McDavid INT, Fla.; MEA *3,000. *1,500—MOCA.
From McDavid INT, Fla.; to Crestview, Fla., VOR; MEA *1,500. *1,400—MOCA.
From Crestview, Fla., VOR; to Marianna, Fla., VOR; MEA 1,400.
From Marianna, Fla., VOR; to Tallahassee, Fla., VOR; MEA 1,500. Via N alter.; MEA 1,500.
From Tallahassee, Fla., VOR; to Greenville INT, Fla.; MEA 1,500.
From Greenville INT, Fla.; to *Genoa INT, Fla.; MEA **3,000. *3,000—MRA. **1,500—MOCA.
From Genoa INT, Fla.; to Jacksonville, Fla., VOR; MEA *2,500. *1,300—MOCA.

§ 610.6023 *VOR civil airway 23.*

From San Diego, Calif., VOR; to Oceanside, Calif., VOR; northbound; MEA 3,000; southbound; MEA 2,500.
From Oceanside, Calif., VOR; to Long Beach, Calif., VOR; MEA 4,000.
From Long Beach, Calif., VOR; to *Los Angeles, Calif., VOR; MEA 2,000. *3,000—MCA Los Angeles VOR, northbound.
From Los Angeles, Calif., VOR; to Pacoima INT, Calif.; northbound; MEA 5,000; southbound; MEA 4,000.
From Pacoima INT, Calif.; to *Saugus INT, Calif.; MEA 7,000. *8,000—MCA Saugus INT, northbound.
From Saugus INT, Calif.; to *Bakersfield, Calif., VOR; MEA 10,000. *7,000—MCA Bakersfield VOR, southbound.
From White Oaks INT, Calif.; to Bakersfield, Calif., VOR northbound only; MEA 6,000.
From Bakersfield, Calif., VOR; to Fresno, Calif., VOR; MEA 3,000.
From Fresno, Calif., VOR; to Modesto, Calif., VOR; MEA 2,000. Via E alter.; MEA 4,500.
From Modesto, Calif., VOR; to Sacramento, Calif., VOR; MEA 2,000.
From Sacramento, Calif., VOR; to Red Bluff, Calif., VOR; MEA 4,000.
From Grimes INT, Calif.; to Sacramento, Calif., VOR southeastbound only; MEA 2,000.
From Red Bluff, Calif., VOR; to Delta INT, Calif.; MEA 8,000.
From Delta INT, Calif.; to Redding, Calif., FM southbound; MEA 7,000.
From Redding, Calif., FM; to Red Bluff, Calif., VOR southbound; MEA 3,000.
From Delta INT, Calif.; to Ft. Jones, Calif., VOR; MEA 10,000.
From Ft. Jones, Calif., VOR; to *Medford, Oreg., VOR; MEA 10,000. *8,000—MCA Medford VOR, southbound.
From Talent INT, Oreg.; to Medford, Oreg., VOR northbound only; MEA 8,000.
From Ft. Jones, Calif., VOR via E alter.; to *Medford, Oreg., VOR via E alter.; MEA 9,500. *8,000—MCA Medford VOR, southeastbound.
From Klamath Junction INT, Oreg., via E alter.; to Medford, Oreg., VOR via E alter., northbound only; MEA 8,000.
From Medford, Oreg., VOR; to Eugene, Oreg., VOR; MEA 8,000.
From Eugene, Oreg., VOR; to Portland (Manor), Oreg., VOR; MEA 4,000.
From Eugene, Oreg., VOR via W alter.; to Monmouth INT, Oreg., via W alter.; MEA 5,000.
From Monmouth INT, Oreg., via W alter.; to Newberg, Oreg., VOR via W alter.; MEA 3,200.
From Newberg, Oreg., VOR via W alter.; to Portland (Manor), Oreg., VOR via W alter.; MEA 3,200.
From Portland (Manor), Oreg., VOR; to Seattle, Wash., VOR; MEA 5,000.
From Ranier INT, Wash.; to Seattle, Wash. VOR northbound only; MEA 3,000.
From Portland, Oreg., VOR via W alter.; to Toledo INT, Wash., via W alter.; MEA 5,000.
From Toledo INT, Wash., via W alter.; to Olympia, Wash., VOR via W alter; southbound; MEA 5,000; northbound; MEA 4,000.
From Olympia, Wash., VOR via W alter.; to Shelton INT, Wash., via W alter.; MEA 3,000.
From Shelton INT, Wash., via W alter.; to Seattle, Wash., VOR via W alter.; MEA 3,000.
From Seattle, Wash., VOR; to Bellingham, Wash., VOR; MEA 4,000.
From Bellingham, Wash., VOR; to *Vancouver, B. C., LFR; MEA 2,000. *For that airspace over U. S. Territory.

§ 610.6024 *VOR civil airway 24.*

From Aberdeen, S. Dak., VOR; to Watertown, S. Dak., VOR; MEA 3,000. Via N alter.; MEA 3,000.
From Watertown, S. Dak., VOR; to Redwood Falls, Minn., VOR; MEA *3,400. Via N alter.; MEA *3,700. *3,300—MOCA.

§ 610.6025 *VOR civil airway 25.*

From Camarillo, Calif., LFR; to *Santa Barbara, Calif., VOR; MEA 6,000. *8,000—MCA Santa Barbara VOR, northwestbound.
From Santa Barbara, Calif., VOR; to Paso Robles, Calif., VOR; MEA 8,000.
From Paso Robles, Calif., VOR; to San Ardo INT, Calif.; MEA 5,000.
From San Ardo INT, Calif.; to *San Francisco, Calif., VOR; MEA 6,000. *4,000—MCA San Francisco VOR, southeastbound.
From Campbell INT, Calif.; to San Francisco, Calif., VOR northwestbound only; MEA 4,000.
From San Francisco, Calif., VOR; to Stinson Beach INT, Calif.; MEA 3,000.
From Stinson Beach INT, Calif.; to Point Reyes, Calif., VOR; MEA 3,000.
From Point Reyes, Calif., VOR; to *Geyserville INT, Calif.; MEA 8,500. *8,500—MRA. 13,500—MCA Geyserville INT, northbound.
From Geyserville INT, Calif.; to Lakeport INT, Calif.; MEA *13,500. *7,000—MOCA.
From Lakeport INT, Calif.; to *Red Bluff, Calif., VOR; southbound; MEA 13,500; northbound; MEA 9,000. *5,000—MCA Red Bluff VOR, southbound.
From Red Bluff, Calif., VOR; to Klamath Falls, Oreg., VOR; MEA 10,000.
From Klamath Falls, Oreg., VOR; to Redmond, Oreg., VOR; MEA *12,000. *10,000—MOCA.
From Redmond, Oreg., VOR; to The Dalles, Oreg., VOR; MEA 7,500.
From *The Dalles, Oreg., VOR; to White Swan INT, Wash.; MEA 8,000. *4,800—MCA The Dalles VOR, northbound.
From White Swan INT, Wash.; to Yakima, Wash., VOR; northbound; MEA 4,000; southbound; MEA 5,500.
From *The Dalles, Oreg., VOR via E alter.; to Toppenish INT, Wash., via E alter.; MEA 7,000. *4,800—MCA The Dalles VOR, northbound.
From Toppenish INT, Wash., via E alter.; to Yakima, Wash., VOR via E alter.; northbound; MEA 4,000; southbound; MEA 5,000.
From Ellensburg, Wash., VOR; to Selah INT, Wash.; MEA 5,500.
From Selah INT, Wash.; to Yakima, Wash., VOR; MEA 4,500.

§ 610.6026 *VOR civil airway 26.*

From Cherokee, Wyo., VOR; to *Casper, Wyo., VOR; MEA 11,000. *10,000—MCA Casper VOR, southbound.
From Casper, Wyo., VOR; to Sand Creek INT, Wyo.; MEA 7,500.
From Sand Creek INT, Wyo.; to *Rapid City, S. Dak., VOR; MEA **13,000. *6,000—MCA Rapid City VOR, westbound. **10,000—MOCA.
From Rapid City, S. Dak., VOR; to Philip, S. Dak., VOR; MEA 4,400. Via N alter.; MEA 4,400.
From Philip, S. Dak., VOR; to Pierre, S. Dak., VOR; MEA 3,400. Via S alter.; MEA 3,400.
From Pierre, S. Dak., VOR; to Huron, S. Dak., VOR; MEA 3,400. Via S alter.; MEA 3,400.
From Huron, S Dak., VOR; to Oakwood INT, S. Dak. MEA *3,900.
From Oakwood INT, S. Dak.; to Redwood Falls, Minn., VOR; MEA *3,900. *2,800—MOCA.
From Huron, S. Dak., VOR; via S alter.; to Redwood Falls, Minn., VOR via S alter.; MEA *4,700. *2,800—MOCA.
From Redwood Falls, Minn., VOR; to Minneapolis, Minn., VOR; MEA 2,200. Via S alter.; MEA 2,300.
From Minneapolis, Minn., VOR; to Houlton INT, Wis.; MEA 2,500.
From Houlton INT, Wis.; to Eau Claire, Wis., VOR; MEA 2,800.
From Eau Claire, Wis., VOR; to *Cadott INT, Wis.; MEA 2,400. *2,400—MRA.
From Cadott INT, Wis.; to *Wausau, Wis., VOR; MEA 3,200. *3,200—MCA Wausau VOR, westbound.
From Eau Claire, Wis., VOR via S alter.; to Wausau, Wis., VOR via S alter.; MEA 3,200.
From Wausau, Wis., VOR; to Green Bay, Wis., VOR; MEA 2,400.
From Wausau, Wis., VOR via S alter.; to Big Falls INT, Wis., via S alter.; MEA 2,400.
From Big Falls INT, Wis., via S alter.; to Green Bay, Wis., VOR via S alter.; MEA 2,100.
From Green Bay, Wis., VOR; to Pentwater INT, Mich.; MEA 2,700.
From Pentwater INT, Mich.; to White Cloud, Mich., VOR; MEA 2,000.
From White Cloud, Mich., VOR; to Lansing, Mich., VOR; MEA 2,000.
From Muskegon, Mich., VOR via S alter.; to Lansing, Mich., VOR via S alter.; MEA 2,200.
From Lansing, Mich., VOR; to Salem, Mich., VOR; MEA 2,900.
From Salem, Mich., VOR; to Eloise INT, Mich.; MEA 2,000.
From Eloise INT, Mich.; to *Pelee INT, Canada; MEA **#2,500. *2,500—MRA. **2,000—MOCA. #For that airspace over U. S. Territory.
From Pelee INT, Canada; to Cleveland, Ohio, VOR; MEA *#2,500. *1,900—MOCA. #For that airspace over U. S. Territory.

§ 610.6027 *VOR civil airway 27.*

From *Santa Barbara, Calif., VOR; to Paso Robles, Calif., VOR; MEA 8,000. Via W alter.; MEA 7,000. *8,000—MCA Santa Barbara VOR, northwestbound.
From Paso Robles, Calif., VOR; to Salinas, Calif., VOR; MEA 5,000.
From Salinas, Calif., VOR; to Stinson Beach INT, Calif.; MEA 5,000.
From Stinson Beach INT, Calif.; to Point Reyes, Calif., VOR; MEA 3,000.



From Point Reyes, Calif., VOR; to *Geyserville INT, Calif.; MEA 8,500. *8,500—MRA. 8,500—MCA Geyserville INT, southbound.
From Geyserville INT, Calif.; to Ukiah, Calif., VOR; MEA 6,000.
From Salinas, Calif., VOR via W alter.; to Davenport INT, Calif., via W alter.; southeastbound; MEA 5,000; northwestbound; MEA 7,000.
From Davenport INT, Calif., via W alter.; to Pedro INT, Calif., via W alter.; MEA 7,000.
From Pedro INT, Calif., via W alter.; to Stinson Beach INT, Calif., via W alter.; MEA 5,000.
From Stinson Beach INT, Calif., via W alter.; to Point Reyes, Calif., VOR via W alter.; MEA 3,000.
From Salinas, Calif., VOR via E alter.; to *San Francisco, Calif., VOR via E alter.; MEA 6,000. *4,000—MCA San Francisco VOR, southeastbound.
From Ames INT, Calif., via E alter.; to San Francisco, Calif., VOR via E alter., northwestbound only; MEA 3,000.
From San Francisco, Calif., VOR via E alter.; to Oakland, Calif., VOR via E alter.; MEA 3,000.
From Oakland, Calif., VOR via E alter.; to Point Reyes, Calif., VOR via E alter.; MEA 6,000.
From Ukiah, Calif., VOR; to Fortuna, Calif., VOR; MEA 6,500.
From Fortuna, Calif., VOR; to Crescent City, Calif., VOR; MEA 3,000.
From Crescent City, Calif., VOR; to North Bend, Oreg., VOR; MEA *8,000. *6,400—MOCA.
From North Bend, Oreg., VOR; to Newport, Oreg., VOR; MEA *6,000. *4,500—MOCA.
From Newport, Oreg., VOR; to Hoquiam, Wash., VOR; MEA *7,000. *5,000—MOCA.
From Hoquiam, Wash., VOR; to Shelton INT, Wash.; MEA 3,500.
From Shelton INT, Wash.; to Seattle, Wash., VOR; MEA 3,000.

§ 610.6028 *VOR civil airway 28.*

From Oakland, Calif., VOR; to Modesto, Calif., VOR; MEA 4,000.
From *Modesto, Calif., VOR; to **West Point INT, Calif.; MEA 8,000. *4,000—MCA Modesto VOR, northeastbound. **10,000—MCA West Point INT northeastbound.
From West Point INT, Calif.; to *Reno, Nev., VOR; MEA 13,000. *10,500—MCA Reno VOR, southwestbound.

§ 610.6029 *VOR civil airway 29.*

From Chincoteague, Md., VOR; to Salisbury, Md., VOR; MEA 1,500.
From Salisbury, Md., VOR; to Dover, Del., VOR; MEA 1,700.
From Dover, Del., VOR; to West Chester, Pa., VOR; MEA 1,600.
From West Chester, Pa., VOR; to Allentown, Pa., VOR; MEA 2,500.
From Allentown, Pa., VOR; to Wilkes-Barre-Scranton, Pa., VOR; MEA 3,500.
From Wilkes-Barre-Scranton, Pa., VOR; to Binghamton, N. Y., VOR; MEA 4,000.
From Binghamton, N. Y., VOR; to Syracuse, N. Y., VOR; MEA 3,500.
From Syracuse, N. Y., VOR; to Watertown, N. Y., VOR; MEA 2,000.
From Watertown, N. Y., VOR; to Massena, N. Y., VOR; MEA 2,000.
From Massena, N. Y., VOR; to U. S.-Canadian Boundary VOR; MEA 2,000.

§ 610.6030 *VOR civil airway 30.*

From Milwaukee, Wis., VOR; to Sun Fish INT (Lake Michigan); MEA 2,000.
From Sun Fish INT (Lake Michigan); to Pullman, Mich., VOR; MEA *2,700. *2,000—MOCA.
From Milwaukee, Wis., VOR via S alter.; to *New Berlin INT, Wis., via S alter.; MEA 2,300. *4,300—MRA.
From New Berlin INT, Wis., via S alter.; to *Racine INT, Wis., via S alter.; MEA 2,000. *3,000—MRA.
From Racine INT, Wis., via S alter.; to *Taylor INT, Wis., via S alter.; MEA **2,500. *4,300—MRA. **2,000—MOCA.
From Taylor INT, Wis., via S alter.; to Pullman, Mich., VOR via S alter.; MEA *2,500. *2,000—MOCA.
From Pullman, Mich., VOR; to Litchfield, Mich., VOR; MEA 2,200.
From Litchfield, Mich., VOR; to Hudson INT, Mich.; MEA 2,600.
From Hudson INT, Mich.; to Waterville, Ohio, VOR; MEA 2,200.
From Waterville, Ohio, VOR; to Bellevue INT, Ohio.; MEA 1,900.
From Bellevue INT, Ohio; to INT 348 rad. Mansfield, Ohio, and W crs Wellington VAR; MEA 2,000.
From INT 348 rad. Mansfield, Ohio, and W crs Wellington VAR; to Wellington, Ohio, VAR; MEA 2,000.
From Wellington, Ohio, VAR; to Falls INT, Ohio; MEA 2,500.
From Falls INT, Ohio; to Youngstown, Ohio, VOR; MEA 2,500.
From Youngstown, Ohio, VOR; to *Mercer INT, Pa.; MEA 2,600. *4,000—MRA.
From Mercer INT, Pa.; to *Brookville INT, Pa.; MEA 4,000. *4,000—MRA.
From Brookville INT, Pa.; to Philipsburg, Pa., VOR; MEA 4,000.
From Philipsburg, Pa., VOR; to Selinsgrove, Pa., VOR; MEA 4,000.
From Selinsgrove, Pa., VOR; to Allentown, Pa., VOR; MEA 3,500.
From Allentown, Pa., VOR; to Chatham INT, N. J.; MEA 2,500.
From Idlewild, N. Y., VOR; to Patchogue INT, N. Y.; MEA *2,000. *1,500—MOCA.
From Patchogue INT, N. Y.; to Mastic INT, N. Y.; MEA *4,000. *1,500—MOCA.
From Mastic INT, N. Y.; to *White Cap INT, N. Y.; MEA **11,000. *6,000—MRA. **1,500—MOCA.
From White Cap INT, N. Y.; to Newport INT, R. I.; MEA *6,000. *1,500—MOCA.
From Newport INT, R. I.; to Nantucket, Mass., VOR; MEA *2,000. *1,500—MOCA.

§ 610.6031 *VOR civil airway 31.*

From Baltimore, Md., VOR; to Harrisburg, Pa., VOR; MEA 3,000.
From Harrisburg, Pa., VOR; to *Liverpool INT, Pa.; MEA 3,500. *4,000—MRA.
From Liverpool INT, Pa.; to Selinsgrove, Pa., VOR; MEA 3,500.
From Selingsgrove, Pa., VOR; to Williamsport, Pa., VOR; MEA 3,500.
From Williamsport, Pa., VOR; to *Grover INT, Pa.; MEA 4,000.
From *Grover INT, Pa.; to Elmira, N. Y., VOR; MEA 4,000. *5,000—MRA.
From Elmira, N. Y., VOR; to Bellona INT, N. Y.; MEA 3,500.
From Bellona INT, N. Y.; to Rochester N. Y., VOR; MEA 3,000.

§ 610.6032 *VOR civil airway 32.*

From Battle Mountain, Nev., VOR; to Elko, Nev., VOR; MEA 11,000.
From Elko, Nev., VOR; to Bonneville, Utah, VOR; MEA 13,000.
From Elko, Nev., VOR via N alter.; to Wells, Nev., VOR via N alter; MEA 13,000.
From Wells, Nev., VOR via N alter.; to Bonneville, Utah, VOR via N alter.; MEA 12,000.
From Bonneville, Utah, VOR; to *Salt Lake City, Utah, VOR; MEA 11,000. *12,000—MCA Salt Lake City VOR, eastbound.
From Salt Lake City, Utah, VOR; to Ft. Bridger, Wyo., VOR; MEA 13,000.

§ 610.6033 *VOR civil airway 33.*

From Baltimore, Md., VOR; to Harrisburg, Pa., VOR; MEA 3,000.
From Harrisburg, Pa., VOR; to Philipsburg, Pa., VOR; MEA 4,000.
From Philipsburg, Pa., VOR; to Bradford, Pa., VOR; MEA 4,000.
From Bradford, Pa., VOR; to *Olean INT, Pa.; MEA 4,500.
From *Olean INT, Pa.; to Buffalo, N. Y., VOR; MEA 4,500. *6,000—MRA.

§ 610.6034 *VOR civil airway 34.*

From Rochester, N. Y., VOR; to Bellona INT, N. Y.; MEA 3,000.
From Bellona INT, N. Y.; to Binghamton, N. Y., VOR; MEA 3,500.
From Binghamton, N. Y., VOR; to Newburgh INT, N. Y.; MEA 4,000.
From Newburgh INT, N. Y.; to West Point INT, N. Y.; MEA 3,000.
From West Point INT, N. Y.; to Wilton, Conn., VOR; MEA 2,500.
From Wilton, Conn., VOR; to Saybrook INT, Conn.; MEA 2,000.

§ 610.6035 *VOR civil airway 35.*

From Miami, Fla., VOR; to *Tamiami INT, Fla.; MEA 1,200. *2,000—MRA.
From Tamiami INT, Fla.; to Ft. Myers, Fla., VOR; MEA *2,000. *1,200—MOCA.
From Ft. Myers, Fla., VOR; to Tampa, Fla., VOR; MEA 1,500.
From Tampa, Fla., VOR; to *Shrimp INT, Fla.; MEA **1,500. *6,000—MRA. **1,200—MOCA.
From Shrimp INT, Fla.; to Lobster INT, Fla.; MEA *6,000. *1,000—MOCA.
From Lobster INT, Fla.; to *St. Marks INT, Fla.; MEA **2,000. *2,000—MRA. **1,000—MOCA.
From St. Marks INT, Fla.; to Tallahassee, Fla., VOR; MEA 1,500.
From Tallahassee, Fla., VOR; to Albany, Ga., VOR; MEA 1,500.
From Albany, Ga., VOR; to Macon, Ga., VOR; MEA 1,600.
From Macon, Ga., VOR; to *Madison INT, Ga.; MEA **2,600. *3,500—MRA. **2,000—MOCA.
From Madison INT, Ga.; to Athens INT, Ga.; MEA *2,600. *2,000—MOCA.
From Athens INT, Ga.; to Royston, Ga., VOR; MEA 2,000.
From Royston, Ga., VOR; to Asheville, N. C., VOR; MEA 6,000.
From Asheville, N. C., VOR; to *Roan Mt. INT, N. C.; MEA 8,500. *7,000—MCA Roan Mt. INT, southbound.
From Roan Mt. INT, N. C.; to Tri-City, Tenn., VOR; MEA 6,000.
From Tri-City, Tenn., VOR; to Paynesville, W. Va., LF/RBN; MEA 6,600.
From Paynesville, W. Va., LF/RBN; to Charleston, W. Va., VOR; MEA 4,500.
From Charleston, W. Va., VOR; to *Sandyville INT, W. Va.; MEA 2,500.
From *Sandyville INT, W. Va.; to Parkersburg, W. Va., VOR; MEA 2,500. *4,000—MRA.
From Parkersburg, W. Va., VOR; to Pittsburgh, Pa., VOR; MEA 3,000.
From Pittsburgh, Pa., VOR; to *New Alexandria INT, Pa.; MEA 3,000. *4,000—MCA New Alexandria INT, eastbound.
From New Alexandria INT, Pa.; to Philipsburg, Pa., VOR; MEA 4,000.
From Philipsburg, Pa., VOR; to Elmira, N. Y., VOR; MEA 4,500.
From Elmira, N. Y., VOR; to Syracuse, N. Y., VOR; MEA 3,500. Via E alter.; MEA 3,500.

§ 610.6036 *VOR civil airway 36.*

From U. S.-Canadian Border; to Buffalo, N. Y., VOR; MEA 2,000.
From Buffalo, N. Y., VOR; to Elmira, N. Y., VOR; MEA 3,500.
From Elmira, N. Y., VOR; to Scranton, Pa., VOR; MEA 3,500.
From Wilkes-Barre-Scranton, Pa., VOR; to Branchville INT, N. J.; MEA 3,500.
From Branchville INT, N. J.; to Paterson INT, N. J.; MEA 3,000.

§ 610.6037 *VOR civil airway 37.*

From Savannah, Ga., VOR; to Columbia, S. C., VOR; MEA 1,400.
From Columbia, S. C., VOR; to *Blythewood INT, S. C.; MEA 2,000. *3,300—MRA.
From Blythewood INT, S. C.; to Charlotte, N. C., VOR; MEA 2,000.
From Elkins, W. Va., VOR; to Morgantown, W. Va., VOR; MEA 5,000.
From Morgantown, W. Va., VOR; to Millsboro INT, Pa.; MEA 4,000.
Fran Millsboro INT, Pa.; to Pittsburgh, Pa., VOR; MEA 3,000.
From Pittsburgh, Pa., VOR; to Turnpike INT, Pa.; MEA 3,000.
From Turnpike INT, Pa.; to Erie, Pa., VOR; MEA *4,000. *3,000—MOCA.

§ 610.6038 *VOR civil airway 38.*

From Peotone, Ill., VOR; to Thayer INT, Ind.; MEA 2,000.
From Thayer INT, Ind.; to Ft. Wayne, Ind., VOR; MEA *4,000. *2,200—MOCA.
From Ft. Wayne, Ind., VOR; to Findlay, Ohio, VOR; MEA 2,600.
From Findlay, Ohio, VOR; to Columbus, Ohio, VOR; MEA 2,500. Via S alter.; MEA 2,500.
From Columbus, Ohio, VOR; to *Glenford INT, Ohio; MEA 2,500. *3,000—MRA.
From Glenford INT, Ohio; to Parkersburg, W. Va., VOR; MEA 2,500.
From Parkersburg, W. Va., VOR; to Elkins, W. Va., VOR; MEA 5,000.

§ 610.6039 *VOR civil airway 39.*

From South Boston, Va., VOR; to Gordonsville, Va., VOR; MEA 3,000.
From Gordonsville, Va., VOR; to Herndon, Va., VOR; MEA 3,000.
From Herndon, Va., VOR; to INT Herndon, rad. 45 T and Baltimore, Md., rad. 281 T; MEA 2,500.
From Lancaster INT, Pa.; to Allentown, Pa., VOR; MEA 2,500.
From Allentown, Pa., VOR; to Stroudsburg, Pa., VOR; MEA 2,700.
From Stroudsburg, Pa., VOR; to Poughkeepsie, N. Y., VOR; MEA 3,000.
From Poughkeepsie, N. Y., VOR; to Gardner, Mass., VOR; MEA 3,500.
From Gardner, Mass., VOR; to Concord, N. H., VOR; MEA 4,000.
From Concord, N. H., VOR; to Kennebunk, Maine, VOR; MEA 2,500.

§ 610.6040 *VOR civil airway 40.*

From Peru INT, Ohio; to Wellington, Ohio, VAR; MEA 2,000.
From Wellington, Ohio, VAR; to Bergholz INT, Ohio; MEA 2,500.
From Bergholz INT, Ohio; to Pittsburgh, Pa., VOR; MEA 2,700.

§ 610.6041 *VOR civil airway 41.*

From Pittsburgh, Pa., VOR; to Palestine INT, Pa.; MEA 2,500.
From Palestine INT, Pa.; to Youngstown, Ohio, VOR; MEA 3,000.

§ 610.6042 *VOR civil airway 42.*

From Salem, Mich., VOR; to *Riverside INT, Ontario, Canada; MEA #2,300. *4,500—MRA. #For that airspace over U. S. Territory.
From Riverside INT, Ont., Canada; to *Essex, Ont., Canada, VOR; MEA **#4,500. *3,700—MRA. **2,300—MOCA. #For that airspace over U. S. Territory.
From Essex INT, Ont., Canada; to *Pelee INT, Canada; MEA **#3,700. *2,500—MRA. **2,300—MOCA. #For that airspace over U. S. Territory.
From Pelee INT, Canada; to Cleveland, Ohio, VOR; MEA *#2,500. *1,900—MOCA. #For that airspace over U. S. Territory.
From Cleveland, Ohio, VOR; to Atwater INT, Ohio; MEA 2,500.
From Atwater INT, Ohio; to *Sebring INT, Ohio; MEA **3,500. *3,500—MRA. **2,500—MOCA.
From Sebring INT, Ohio; to Power Point INT, Pa.; MEA 2,600.
From Power Point INT, Pa.; to Pittsburgh, Pa., VOR; MEA 2,500.
From Pittsburgh, Pa., VOR; to *Latrobe INT, Pa.; MEA 3,000. *4,000—MCA Latrobe INT, eastbound.
From Latrobe INT, Pa.; to Johnstown, Pa., VOR; MEA 4,500.
From Johnstown, Pa., VOR; to Martinsburg, W. Va., VOR; MEA 4,500.
From Martinsburg, W. Va., VOR; to Dawsonville INT, Va.; MEA 3,000.
From Dawsonville INT, Va.; to Washington, D. C., TVOR; MEA 2,000.

§ 610.6043 *VOR civil airway 43.*

From Columbus, Ohio, VOR; to Tiverton INT, Ohio; MEA 2,500.
From Tiverton INT, Ohio; to *Mt. Hope INT, Ohio; MEA **4,000. *4,000—MRA. **2,500—MOCA.
From Mt. Hope INT, Ohio; to Marchand INT, Ohio; MEA *4,000. *2,500—MOCA.
From Marchand INT, Ohio; to Youngstown, Ohio, VOR; MEA 2,500.
From Youngstown, Ohio, VOR; to Kingsville, Ohio, VOR; MEA 2,200.
From Kingsville, Ohio, VOR; to Erie, Pa., VOR; MEA 2,000.

§ 610.6044 *VOR civil airway 44.*

From Louisville, Ky., VOR; to *Georgetown INT, Ky.; MEA **3,000. *3,000—MRA. **2,500—MOCA.
From *Georgetown INT, Ky.; to York, Ky., VOR; MEA **5,000. *3,000—MRA. **2,500—MOCA.
From York, Ky., VOR; to Parkersburg, W. Va., VOR; MEA 2,500.
From Parkersburg, W. Va., VOR; to Morgantown, W. Va., VOR; MEA 4,000.
From Morgantown, W. Va., VOR; to Martinsburg, W. Va., VOR; MEA 5,000.
From Martinsburg, W. Va., VOR; to INT Martinsburg, rad. 100 T and Baltimore, Md., rad. 280 T VOR; MEA 3,000.
From INT Martinsburg, rad. 100 T and Baltimore, Md., rad. 280 T VOR; to Baltimore, Md., VOR; MEA 2,000.
From Baltimore, Md., VOR; to Engleside INT, Md.; MEA 1,500.

§ 610.6045 *VOR civil airway 45.*

From Lexington, Ky., VOR; to York, Ky., VOR; MEA 2,600.
From York, Ky., VOR; to Columbus, Ohio, VOR; MEA 2,500.
From Columbus, Ohio, VOR; to Carey INT, Ohio; MEA 2,400.
From Carey INT, Ohio; to Waterville, Ohio, VOR; MEA 2,000.
From Waterville, Ohio, VOR; to *Henrietta INT, Mich.; MEA 2,300.
From *Henrietta INT, Mich.; to Lansing, Mich., VOR; MEA 2,300. *3,000—MRA.

§ 610.6046 *VOR civil airway 46.*

From Glen Cove INT, N. Y.; to Riverhead, N. Y., VOR; MEA 1,700.
From Riverhead, N. Y., VOR; to Newport INT, R. I.; MEA *3,000. *1,500—MOCA.
From Newport INT, R. I.; to Nantucket, Mass., VOR; MEA *2,000. *1,500—MOCA.
From Riverhead, N. Y., VOR via S alter.; to *White Cap INT, N. Y., via S alter.; MEA 1,500. *6,000—MRA.
From *White Cap INT, N. Y., via S alter.; to Newport INT, R. I., via S alter.; MEA **6,000. *6,000—MRA. **1,500—MOCA.

§ 610.6047 *VOR civil airway 47.*

From Louisville, Ky., VOR; to Nabb INT, Ind.; MEA 2,100.
From Nabb INT, Ind.; to Cincinnati, Ohio, VOR; MEA 2,400.
From Cincinnati, Ohio, VOR; to Hamilton INT, Ohio; MEA 3,000. Southbound; MEA 2,300.
From Hamilton INT, Ohio, via W alter.; to Dayton, Ohio, VOR; MEA 3,000. Via W alter. MEA 2,500.
From Dayton, Ohio, VOR; via W alter.; to Findlay, Ohio, VOR; via W alter.; MEA 2,300.
From Dayton, Ohio, VOR; to *Sidney INT, Ohio; MEA 2,200. *3,000—MRA.
From *Sidney INT, Ohio, to Findlay, Ohio, VOR; MEA 2,200. *3,000—MRA.
From Findlay, Ohio, VOR; to Waterville, Ohio, VOR; MEA 2,100.
From Waterville, Ohio, VOR; to Midcraft INT, Mich.; MEA 2,300.
From Midcraft INT, Mich.; to Detroit Willow Run Arpt. ILS localizer; MEA 2,700.

§ 610.6048 *VOR civil airway 48.*

From Burlington, Iowa, VOR; to Peoria, Ill., LFR; MEA 1,900.
From Peoria, Ill., VOR; to Pontiac, Ill., VOR; MEA 2,300.

§ 610.6049 *VOR civil airway 49.*

From Dillon, Mont., VOR; to *Butte, Mont., VOR; MEA 11,500. *10,200—MCA Butte VOR, southbound.
From Butte, Mont., VOR; to INT Butte, Mont., 343 and Helena, Mont., 253 mag. rads; MEA 9,000.
From INT Butte, Mont., 343 and Helena, Mont., 253 mag. rads.; to Avon INT, Mont.; MEA 9,000.
From Avon INT, Mont.; to Wolf Creek INT, Mont.; MEA 9,500.
From Wolf Creek INT, Mont.; to *Great Falls, Mont., VOR; MEA 8,500. *6,600—MCA Great Falls VOR, southwestbound.

§ 610.6050 *VOR civil airway 50.*

From St. Joseph, Mo., VOR; to Santa Rosa INT, Mo.; MEA 2,400.
From Santa Rosa INT, Mo.; to Kirksville, Mo., VOR; MEA *3,000. *2,400—MOCA.
From Kirksville, Mo., VOR; to Quincy, Ill., VOR; MEA 2,500.
From Kirksville, Mo., VOR via S alter.; to Warren INT, Mo.; via S alter.; MEA *2,500. *2,000—MOCA.
From Warren INT, Mo., via S alter.; to Quincy, Ill., VOR via S alter.; MEA 2,000.
From Quincy, Ill. VOR; to Springfield, Ill., VOR; MEA 2,000.
From Springfield, Ill., VOR; to Hindsboro INT, Ill.; MEA *4,000. *2,300—MOCA.
From Hindsboro INT, Ill.; to Terre Haute, Ind., VOR; MEA 2,200.
From Terre Haute, Ind., VOR; to Cloverdale INT, Ind.; MEA 2,300.
From Cloverdale INT, Ind.; to Monrovia INT, Ind.; MEA 2,300.

§ 610.6051 *VOR civil airway 51.*

From Miami, Fla. VOR; to New River INT, Fla.; MEA 1,300.
From New River INT, Fla.; to Belle Glade INT, Fla.; MEA 2,000.
From Belle Glade INT, Fla.; to Vero Beach, Fla., VOR; MEA *2,000. *1,400—MOCA.
From Vero Beach, Fla., VOR; to Daytona Beach, Fla., VOR; MEA 1,300.
From Daytona Beach, Fla., VOR; to Jacksonville, Fla., VOR; MEA 1,300.
From Jacksonville, Fla., VOR; to Alma, Ga., VOR; MEA 1,600. Via E alter.; MEA *1,400. *1,200—MOCA.
From Jacksonville, Fla., VOR via W alter.; to Callahan INT, Fla., via W alter.; MEA 1,200.
From Callahan INT, Fla., via W alter.; to Alma, Ga., VOR via W alter.; MEA 1,600.
From Alma, Ga., VOR; to *Red Dog INT, Ga.; MEA 1,800. *3,100—MRA.
From *Red Dog INT, Ga.; to Macon, Ga., VOR; MEA 1,800. *3,100—MRA.
From Macon, Ga., VOR; to *McDonough INT, Ga.; MEA **2,700. *2,700—MRA. **2,200—MOCA.



From McDonough INT, Ga.; to Atlanta, Ga., VOR; MEA 2,200.
From Alma, Ga., VOR via W alter.; to Powersville INT, Ga., via W alter.; MEA *6,800. *1,700—MOCA.
From Powersville INT, Ga.; via W alter.; to Atlanta, Ga., VOR via W alter.; MEA *3,500. *2,300—MOCA.
From Atlanta, Ga., VOR; to Chattanooga, Tenn., VOR; MEA *4,000. *3,500—MOCA.
From Chattanooga, Tenn., VOR; to Crossville, Tenn., VOR; MEA 4,200.
From Crossville, Tenn., VOR; to Highway INT, Tenn.; MEA 4,200.
From Highway INT, Tenn.; to Campbellsville INT, Ky.; MEA *5,000. *3,000—MOCA.
From Campbellsville INT, Ky.; to Louisville, Ky., VOR; MEA *3,000. *2,400—MOCA.
From Louisville, Ky., VOR; to Nabb INT, Ky.; MEA 2,100.
From Nabb INT, Ky.; to Hartsville INT, Ind.; MEA *4,800. *2,100—MOCA.
From Hartsville INT, Ind.; to Indianapolis, Ind., VOR; MEA 2,300.
From Indianapolis, Ind., VOR; to *Pittsboro INT, Ind.; MEA 2,100. *2,300—MRA.
From *Pittsboro INT, Ind.; to Lafayette, Ind., VOR; MEA 2,300. *2,300—MRA.
From Lafayette, Ind., VOR via E alter.; to Newland INT, Ind., via E alter.; MEA 2,300.
From Newland INT, Ind., via E alter.; to Chicago Hgts., Ill., VOR via E alter.; MEA 2,000.
From Lafayette, Ind., VOR; to Shelby INT, Ind.; MEA 2,300.
From Shelby INT, Ind.; to Chicago Heights, Ill., VOR; MEA 2,000.
From Chicago Heights, Ill., VOR; to City INT, Ill.; MEA 2,000.

§ 610.6052 *VOR civil airway 52.*

From Des Moines, Iowa, VOR; to *Knoxville INT, Iowa; MEA 2,200. *3,400—MRA.
From Knoxville INT, Iowa; to Ottumwa, Iowa, VOR; MEA 2,200.
From Des Moines, Iowa, VOR via S alter.; to Ottumwa, Iowa, VOR via S alter.; MEA 2,500.
From Ottumwa, Iowa, VOR; to *Quincy, Ill., VOR; MEA 2,600. Via N alter.; MEA 2,600. *2,600—MCA Quincy VOR, northwestbound.
From Quincy, Ill., VOR; to St. Louis, Mo., VOR; MEA 2,000. Via N alter.; MEA 2,000.

§ 610.6053 *VOR civil airway 53.*

From Charleston, S. C., VOR; to *Holly Hill INT, S. C.; MEA 1,400. *3,800—MRA.
From Holly Hill INT, S. C.; to Columbia, S. C., VOR; MEA 1,400.
From Spartanburg, S. C., VOR; to Asheville, N. C., VOR; MEA 6,000.
From Asheville, N. C., VOR; to *Roan Mt. INT, N. C.; MEA 8,500. *7,000—MCA Roan Mt. INT, southbound.
From Roan Mt. INT, N. C.; to Tri-City, Tenn., VOR; MEA 6,000.
From Tri-City, Tenn., VOR; to Daley INT, Ky.; MEA 6,200.
From *Daley INT, Ky.; to Lexington, Ky., VOR; MEA 3,500. *5,000—MCA Daley INT, southeastbound.
From Lexington, Ky., VOR; to *Mt. Eden INT, Ky.; MEA 2,200.
From *Mt. Eden INT, Ky.; to Louisville, Ky., VOR; MEA 2,200. *4,000—MRA.
From Louisville, Ky., VOR; to *Henryville INT, Ind.; MEA 2,600. *3,100—MRA.
From Henryville INT, Ind.; to Banta INT, Ind.; MEA 2,600.
From Banta INT, Ind.; to Indianapolis, Ind., VOR; MEA 2,300.
From Louisville, Ky., VOR via W alter.; to *Martinsburg INT, Ind., via W alter.; MEA **3,000. *3,600—MRA. **2,600—MOCA.
From Martinsburg INT, Ind., via W alter.; to *Mitchell INT, Ind., via W alter.; MEA **3,000. *3,000—MRA. **2,600—MOCA.
From Mitchell INT, Ind., via W alter.; to Sanders INT, Ind., via W alter.; MEA *3,000. *2,600—MOCA.
From Sanders INT, Ind., via W alter.; to *Paragon INT, Ind., via W alter.; MEA 2,500.
From *Paragon INT, Ind., via W alter.; to Indianapolis, Ind., VOR via W alter.; MEA 2,200. *3,000—MRA.
From Indianapolis, Ind., VOR; to *Pittsboro INT, Ind.; MEA 2,100. *2,300—MRA.
From Pittsboro INT, Ind.; to Lafayette, Ind., VOR; MEA 2,300.
From Indianapolis, Ind., VOR via W alter.; to Lafayette, Ind., VOR via W alter.; MEA 2,100.
From Lafayette, Ind., VOR; to Peotone, Ill., VOR; MEA *3,000. *2,300—MOCA.
From Peotone, Ill., VOR; to Chicago Midway Arpt, Ill., TVOR; MEA 2,300.

§ 610.6054 *VOR civil airway 54.*

From Texarkana, Ark., VOR; to Malvern INT, Ark., MEA 2,500.
From Malvern INT, ARK., to Little Rock, Ark., VOR; MEA 1,800.
From Texarkana, Ark., VOR via N alter.; to Benton INT, Ark., via N alter.; MEA *3,000. *2,500—MOCA.
From Benton INT, Ark., via N alter.; to Little Rock, Ark., VOR via N alter.; MEA 1,800.
From Little Rock, Ark., VOR via N alter.; to Lonoke INT, Ark., via N alter.; MEA 1,500.
From Lonoke INT, Ark., via N alter.; to *Round Pond INT, Ark., via N alter.; MEA **2,500. *2,500—MRA. **1,600—MOCA.
From Round Pond INT, Ark., via N alter.; to Memphis, Tenn., VOR via N alter.; MEA 1,700.
From Little Rock, Ark., VOR; to Hazen INT, Ark.; MEA 1,500.
From Hazen INT, Ark.; to Memphis, Tenn., VOR; MEA *2,500. *1,700—MOCA.
From Memphis, Tenn., VOR; to Muscle Shoals, Ala., VOR; MEA 2,400.
From Chattanooga, Tenn., VOR; to *Crandall INT, Ga.; MEA 3,000. *6,000—MCA Crandall INT, eastbound.
From Crandall INT, Ga.; to Murphy INT, N. C.; MEA *6,600. *6,000—MOCA.
From Murphy INT, N. C.; to Cleveland INT, S. C.; MEA 7,000.
From Cleveland INT, S. C.; to Spartanburg, S. C., VOR; MEA 4,000.
From Spartanburg, S. C., VOR; to Charlotte, N. C., VOR; MEA 2,100.

§ 610.6055 *VOR civil airway 55.*

From Dayton, Ohio, VOR; to Ft. Wayne, Ind., VOR; MEA 2,200. Via W alter.; MEA 2,200.
From Ft. Wayne, Ind., VOR; to Goshen, Ind., VOR; MEA 2,300.
From Goshen, Ind., VOR; to South Bend, Ind., VOR; MEA 2,400.
From South Bend, Ind., VOR; to Pullman, Mich., VOR; MEA 1,900.
From Pullman, Mich., VOR; to Muskegon, Mich., VOR; MEA 1,900.
From Muskegon, Mich., VOR; to Pentwater INT, Mich.; MEA 2,000.
From Pentwater INT, Mich.; to Green Bay, Mich., VOR; MEA 2,700.

§ 610.6056 *VOR civil airway 56.*

From Montgomery, Ala., VOR; to Columbus, Ga., VOR; MEA 2,100.
From Montgomery, Ala., VOR via N alter.; to Kent INT, Ala., via N alter.; MEA 2,000.
From Kent INT, Ala., via N alter.; to Columbus, Ga., VOR via N alter.; MEA 2,000.
From Columbus, Ga., VOR; to Hamilton INT, Ga.; MEA 2,400.
From Hamilton INT, Ga.; to Macon, Ga., VOR; MEA *3,000. *2,400—MOCA.
From Macon, Ga., VOR; to Augusta, Ga., VOR; MEA *2,700. *1,800—MOCA.
From Augusta, Ga., VOR; to Columbia, S. C., VOR; MEA 2,000.
From Columbia, S. C., VOR; to Florence, S. C., VOR; MEA 1,500.
From Columbia, S. C., VOR via N alter.; to *Blythewood INT, S. C., via N alter.; MEA 2,000.
From *Blythewood INT, S. C., via N alter.; to Florence, S. C., VOR via N alter.; MEA **3,300. *3,300—MRA. **1,800—MOCA.

§ 610.6057 *VOR civil airway 57.*

From Graham, Tenn., VOR; to Bowling Green, Ky., VOR; MEA *2,400. *2,500 MOCA.
From Bowling Green, Ky., VOR; to Scotland, Ind., VOR; MEA *3,000. *2,500—MOCA.
From Scotland, Ind., VOR; to Lafayette, Ind., VOR; MEA 2,000.
From Lafayette, Ind., VOR; to Shelby INT, Ind.; MEA 2,300.
From Shelby INT, Ind.; to Chicago Hgts., Ill., VOR; MEA 2,000.

§ 610.6059 *VOR civil airway 59.*

From Evansville, Ind., VOR; to *Farina INT, Ill.; MEA 2,000.
From *Farina INT, Ill.; to Vandalia, Ill., VOR; MEA 2,000. *3,100—MRA.
From Evansville, Ind., VOR via E alter.; to Vandalia, Ill., VOR via E alter.; MEA 2,000.
From Springfield, Ill., VOR; to Peoria, Ill., VOR; MEA 2,000.
From Peoria, Ill., VOR; to Bradford, Ill., VOR; MEA 2,000.
From Bradford, Ill., VOR; to Moline, Ill., VOR; MEA 2,000.

§ 610.6060 *VOR civil airway 60.*

From Albuquerque, N. Mex., VOR; to Otto, N. Mex., VOR; MEA 12,000. Via S alter.; MEA 10,000.
From Otto, N. Mex., VOR; to Las Vegas, N. Mex., VOR; MEA 10,000.
From Las Vegas, N. Mex., VOR; to Conchas Dam INT, N. Mex.; MEA 9,500.
From *Conchas Dam INT, N. Mex.; to Tucumcari, N. Mex., VOR; MEA 7,500. *8,500—MCA Conchas Dam INT, northeastbound.
From Tucumcari, N. Mex., VOR; to *Pleasant Hill INT, N. Mex.; MEA 7,000. *15,500—MRA.
From Pleasant Hill INT, N. Mex.; to Farwell INT, Tex.; MEA *13,000. *5,500—MOCA.
From Farwell INT, Tex.; to Lubbock, Tex., VOR; MEA *10,000. *6,500—MOCA.

§ 610.6061 *VOR civil airway 61.*

From Ft. Worth, Tex., VOR; to Bridgeport INT, Tex.; MEA 2,300.
From Bridgeport INT, Tex.; to Wichita Falls, Tex., VOR; MEA 2,600.
From Ft. Worth, Tex., VOR via W alter.; to Boonsville INT, Tex., VOR via W alter.; MEA 2,300.
From Boonsville INT, Tex.; to Wichita Falls, Tex., VOR; MEA 3,000.
From Wichita Falls, Tex., VOR; to Lawton, Okla., VOR; MEA 2,200.

§ 610.6062 *VOR civil airway 62.*

From Santa Fe, N. Mex., VOR; to Anton Chico, N. Mex., VOR; MEA 10,000.
From Anton Chico, N. Mex., VOR; to Field INT, N. Mex.; MEA *11,500. *7,800—MOCA.
From Field INT, N. Mex.; to *Pleasant Hill INT, N. Mex.; MEA **15,500. *15,500—MRA. **5,800—MOCA.
From Pleasant Hill INT, N. Mex.; to Farwell INT, Tex.; MEA *13,000. *5,500—MOCA.
From Farwell INT, Tex.; to Lubbock, Tex., VOR; MEA *10,000. *6,500—MOCA.

§ 610.6063 *VOR civil airway 63.*

From McAlester, Okla., VOR; to Fayetteville, Ark., VOR; MEA *3,500. *2,800—MOCA.
From Fayetteville, Ark., VOR; to Springfield, Mo., VOR; MEA 2,600.
From Springfield, Mo., VOR; to Wilton INT, Mo.; MEA *3,500. *2,500—MOCA.
From Wilton INT, Mo.; to Columbia, Mo., VOR; MEA 2,600.
From Columbia, Mo., VOR; to Quincy, Ill., VOR; MEA 2,000.
From Quincy, Ill., VOR; to Burlington, Iowa, VOR; MEA 2,600.

From Burlington, Iowa, VOR; to Moline, Ill., VOR; 2,300.
From Moline, Ill. VOR; to Janesville, Wis., VOR; MEA 2,200. Via W alter.; MEA 2,200.
From Janesville, Wis., VOR; to Milwaukee, Wis., VOR; MEA 2,500. Via W alter.; MEA 2,500.

§ 610.6064 *VOR civil airway 64.*

From *Long Beach, Calif., VOR; to Corona INT, Calif.; westbound, MEA 5,000; eastbound, MEA 7,000. *5,000—MCA Long Beach VOR, eastbound.
From Corona INT, Calif.; to Perris INT, Calif.; MEA 8,000.
From *Perris INT, Calif.; to **Thermal, Calif., VOR; MEA 12,000. *11,000—MCA Perris INT, eastbound. **12,000—MCA Thermal VOR, westbound.
From Thermal, Calif., VOR; to Blythe, Calif., VOR; MEA 7,000.

§ 610.6065 *VOR civil airway 65.*

From Bonner Springs INT, Kans.; to St. Joseph, Mo., VOR; MEA 2,400.
From St. Joseph, Mo., VOR; to Lamoni, Iowa, VOR; MEA 2,400.

§ 610.6066 *VOR civil airway 66.*

From *San Diego, Calif., VOR; to Seeley INT, Calif.; MEA 8,000. *4,000—MCA San Diego VOR, eastbound.
From Seeley INT, Calif.; to Yuma, Ariz., VOR; MEA 4,000.
From San Diego, Calif., VOR; to Jamul, Calif., LF/RBN, westbound only; MEA 4,500.
From Jamul, Calif., LF/RBN; to Barrett Lake, Calif., FM, westbound only; MEA 6,000.
From Yuma, Ariz., VOR; to Gila Bend, Ariz., VOR; MEA 4,000.
From Gila Bend, Ariz.; to Tucson, Ariz.; MEA 10,000.
From Gila Bend, Ariz., VOR via N alter.; to Toltec INT, Ariz., via N alter.; MEA *10,000. *5,000—MOCA.
From Toltec INT, Ariz., via N alter.; to Tucson, Ariz., VOR via N alter.; MEA 7,000.
From *Tucson, Ariz., VOR; to Douglas, Ariz., VOR; MEA 10,000. *9,000—MCA Tucson VOR, southeastbound.
From Douglas, Ariz., VOR; to Animas INT, N. Mex.; MEA 10,000.
From Animas INT, N. Mex.; to Columbus, N. Mex., VOR; eastbound; MEA 8,600; westbound; MEA 10,000.
From Columbus, N. Mex., VOR; to *Animas INT, N. Mex., westbound; MEA 10,000. *10,000—MRA.
From Columbus, N. Mex., VOR; to *Harrington Ranch INT, N. Mex.; MEA 8,500.
From *Harrington Ranch INT, N. Mex.; to El Paso, Tex., VOR; MEA 8,500. *10,000—MRA.
From Columbus, N. Mex., VOR via N alter.; to El Paso, Tex., VOR via N alter.; MEA 9,000.
From El Paso, Tex., VOR; to Hudspeth, Tex., VOR; MEA 8,000.
From Hudspeth, Tex., VOR; to Culberson, Tex., VOR; MEA 8,000.
From Culberson, Tex., VOR; to Orno INT, Tex.; MEA 6,300.
From Orno INT, Tex.; to Monahans INT, Tex.; MEA 8,000.
From Monahans INT, Tex.; to Midland, Tex., VOR; MEA *5,000. *4,300—MOCA.

§ 610.6067 *VOR civil airway 67.*

From Waterloo, Iowa, VOR; to Mason City, Iowa, VOR; MEA 2,500.
From Mason City, Iowa, VOR; to Rochester, Minn., VOR; MEA 2,500. Via W alter.; MEA 2,800.

§ 610.6068 *VOR civil airway 68.*

From Albuquerque, N. Mex., VOR via S alter.; to INT 156 mag., Albuquerque, and 259 mag. Corona, VOR via S alter.; MEA 10,000.
From INT 156 mag., Albuquerque, and 259 mag. Corona, VOR via S alter.; to Corona, N. Mex., VOR via S alter.; MEA 9,500.
From Albuquerque, N. Mex., VOR; to Corona, N. Mex., VOR; MEA 12,000. Via N alter.; MEA 10,000.
From Corona, N. Mex., VOR; to Roswell, N. Mex., VOR; MEA 9,000. Via N alter.; MEA 9,000.
From Roswell, N. Mex., VOR; to *Hagerman INT, N. Mex.; MEA 6,000.
From *Hagerman INT, N. Mex.; to Hobbs, N. Mex., VOR; MEA 6,000. *6,500—MRA.
From Hobbs, N. Mex., VOR; to *Pipe Line INT, Tex.; MEA 5,300. *5,000—MRA.
From Pipe Line INT, Tex.; to Midland, Tex., VOR; MEA 4,000.
From Hobbs, N. Mex., VOR via S alter.; to Midland, Tex., VOR via S alter.; MEA 5,300.
From Midland, Tex., VOR; to San Angelo, Tex., VOR; MEA 4,400. Via S alter.; MEA 4,400.
From San Angelo, Tex., VOR; to Junction, Tex., VOR; MEA 3,600.
From Junction, Tex., VOR; to Boerne INT, Tex.; MEA *3,600. *3,400—MOCA.
From Boerne INT, Tex.; to San Antonio, Tex., VOR; MEA 2,800.
From San Antonio, Tex., VOR; to *Elmendorf INT, Tex.; MEA 2,200.
From *Elmendorf INT, Tex.; to Corpus Christi, Tex., VOR; MEA 2,200. *4,000—MRA.
From Corpus Christi, Tex., VOR; to Kingsville INT, Tex.; eastbound, MEA 2,000; westbound, MEA 6,000.
From Kingsville INT, Tex.; to Brownsville, Tex., VOR; MEA *6,000. *1,300—MOCA.

§ 610.6069 *VOR civil airway 69.*

From Little Rock, Ark., VOR; to Lonoke INT, Ark.; MEA 1,500.
From Lonoke INT, Ark.; to Hillemann INT, Ark.; MEA *2,500. *1,600—MOCA.
From Hillemann INT, Ark.; to Walnut Ridge, Ark., VOR; MEA *2,500. *1,500—MOCA.
From Walnut Ridge, Ark., VOR; to Farmington, Mo., VOR; MEA *2,700. *2,500—MOCA.
From Farmington, Mo., VOR; to *Crystal City INT, Mo.; MEA 2,500. *3,000—MRA.
From Crystal City INT, Mo.; to Troy, Ill., VOR; MEA 2,200.
From Troy, Ill., VOR; to Springfield, Ill., VOR; MEA 2,000.
From Springfield, Ill., VOR; to Pontiac, Ill., VOR; MEA *2,500. *2,300—MOCA.
From Pontiac, Ill., VOR; to Joliet, Ill., VOR; MEA 2,000.
From Joliet, Ill., VOR; to Chicago Midway Airport, Ill., TVOR; MEA 2,000.

§ 610.6070 *VOR civil airway 70.*

From Corpus Christi, Tex., VOR; to Palacios, Tex., VOR; MEA 1,300.
From Palacios, Tex., VOR; to Galveston, Tex., VOR; MEA *1,500. *1,400—MOCA.
From Galveston, Tex., VOR; to High Island INT, Tex.; MEA 1,400.
From High Island INT, Tex.; to Lake Charles, La., VOR; MEA *2,000. *1,400—MOCA.
From Lake Charles, La., VOR; to Lafayette, La., VOR; MEA 1,300.
From Lafayette, La., VOR; to Baton Rouge, La., VOR; MEA 1,200.
From Baton Rouge, La., VOR; to *Hammond INT, La., MEA 2,000. *2,000—MRA.

§ 610.6071 *VOR civil airway 71.*

From Pine Bluff, Ark., VOR; to Tucker INT, Ark.; MEA 1,500.
From Tucker INT, Ark.; to Little Rock, Ark., VOR; MEA 1,800.
From Flippin, Ark., VOR; to *Ozark INT, Mo.; MEA 3,000. *4,900—MRA.
From Ozark INT, Mo.; to Springfield, Mo., VOR; MEA 3,000.
From Springfield, Mo., VOR; to *Schell City INT, Mo.; MEA 2,500.
From *Schell City INT, Mo.; to Butler, Mo., VOR; MEA 2,500. *4,000—MRA.
From Springfield, Mo., VOR via W alter.; to *Nevada INT, Mo., via W alter.; MEA **3,000. *3,000—MRA. **2,500—MOCA.
From Nevada INT, Mo., via W alter.; to Butler, Mo., VOR via W alter.; MEA 2,500.

§ 610.6072 *VOR civil airway 72.*

From Troy, Ill., VOR; to Vandalia, Ill., VOR; MEA 2,000.
From Vandalia, Ill., VOR; to Hindsboro INT, Ill.; MEA 2,200.
From Hindsboro INT, Ill.; to Perrysville INT, Ind.; MEA *3,700. *2,200—MOCA.
Perrysville INT, Ind.; to Lafayette, Ind., VOR; MEA 2,000.
From Lafayette, Ind., VOR; to Rossville INT, Ind., MEA 2,300.
From Rossville INT, Ind.; to Kokomo INT, Ind.; MEA 2,200.
From Findlay, Ohio, VOR; to Carey INT, Ohio; MEA 2,100.
From Carey INT, Ohio; to Cleveland, Ohio, VOR; MEA 2,000.
From Cleveland, Ohio, VOR; to Chagrin Falls INT, Ohio; MEA 3,000.
From Brecksville, Ohio, FM; to Chagrin Falls INT, Ohio, eastbound only; MEA 2,500.
From Chagrin Falls INT, Ohio; to Youngstown, Ohio, VOR; MEA 2,500.
From Youngstown, Ohio, VOR; to *Hadley INT, Pa.; MEA 2,500. *4,000—MRA.
From Hadley INT, Pa.; to *Hickory INT, Pa.; MEA 4,000. *5,000—MRA.
From Hickory INT, Pa.; to Bradford, Pa., VOR; MEA 4,000.
From Bradford, Pa., VOR; to Elmira, N. Y., VOR; MEA 4,500.
From Elmira, N. Y., VOR; to Binghamton, N. Y., VOR; MEA 3,500.
From Binghamton, N. Y., VOR; to *Sidney INT, N. Y.; MEA 3,500. *3,500—MCA Sidney INT, eastbound.
From Sidney INT, N. Y.; to Albany, N. Y., VOR; MEA 4,500.

§ 610.6073 *VOR civil airway 73.*

From Wichita, Kans., VOR; to Hutchinson, Kans., VOR; MEA 3,400.
From Tulsa, Okla., VOR; to *Cambridge INT, Kans.; MEA 3,000. *3,000—MRA.
From *Cambridge INT, Kans.; to **Rock INT, Kans.; MEA 3,000. *3,000—MRA. **4,000—MRA.
From *Rock INT, Kans.; to Wichita, Kans., VOR; MEA 3,000. *4,000—MRA.
From Hutchinson, Kans., VOR; to Salina, Kans., VOR; MEA 2,800.

§ 610.6074 *VOR civil airway 74.*

From Anthony, Kans., VOR; to Ponca City, Okla., VOR; MEA 2,500.
From Ponca City, Okla., VOR; to Tulsa, Okla., VOR; MEA 2,400. Via S alter.; MEA 2,400.
From Tulsa, Okla., VOR; to *Coweta INT, Okla.; MEA 2,600. *3,000—MRA.
From Coweta INT, Okla.; to *Bunch INT, Okla.; MEA 2,600. *3,000—MRA.
From Bunch INT, Okla.; to Ft. Smith, Ark., VOR; MEA 2,600.
From Tulsa, Okla., VOR via N alter.; to Salina INT, Okla., via N alter.; MEA 2,000.
From Salina INT, Okla., via N alter.; to Ft. Smith, Ark., VOR, via N alter.; MEA *4,000. *2,600—MOCA.
From Ft. Smith, Ark., VOR; to *Paris INT, Ark.; MEA 4,000. *5,500—MRA.
From Paris INT, Ark., to Little Rock, Ark., VOR; MEA 4,000.

§ 610.6075 *VOR civil airway 75.*

From Flat Rock, Va., VOR; to Gordonsville, Va., VOR; MEA 2,000.
From Petersburg INT, W. Va.; to Morgantown, W. Va., VOR; MEA 6,000.
From Morgantown, W. Va., VOR; to Wheeling, W. Va., VOR; MEA 4,000.



From Wheeling, W. Va., VOR; to Bergholz INT, Ohio; MEA 3,000.
From Bergholz INT, Ohio; to Chippewa INT, Ohio; MEA 2,500.
From Chippewa INT, Ohio; to Cleveland, Ohio, VOR; MEA 2,200.

§ 610.6076 *VOR civil airway 76.*

From Lubbock, Tex., VOR; to Big Spring, Tex., VOR; MEA 6,000.
From Big Spring, Tex., VOR; to San Angelo, Tex., VOR; MEA 4,000. Via N alter.; MEA 4,000.
From San Angelo, Tex., VOR; to Eden INT, Tex.; MEA 3,500.
From Eden INT, Tex.; to Brady INT, Tex.; MEA *5,000. *3,500—MOCA.
From Brady INT, Tex.; to Kingsland INT, Tex.; MEA *7,500. *3,100—MOCA.
From *Kingsland INT, Tex.; to **Lake Travis INT, Tex.; MEA ***3,000. *5,000—MRA. **3,600—MRA. ***2,500—MOCA.
From Lake Travis INT, Tex.; to Austin, Tex., VOR; MEA 3,000.
From Austin, Tex., VOR; to *McDade INT, Tex.; MEA 2,600.
From *McDade INT, Tex.; to Sealy INT, Tex.; MEA **3,700. *2,800—MRA. **1,700—MOCA.
From Sealy INT, Tex.; to Houston, Tex., VOR; MEA 2,000.
From Houston, Tex., VOR; to Galveston, Tex., VOR; MEA 1,400.

§ 610.6077 *VOR civil airway 77.*

From San Angelo, Tex., VOR; to Abilene, Tex., VOR; MEA 3,600. Via E alter.; MEA 4,700.
From Abilene, Tex., VOR; to Wichita Falls, Tex., VOR; MEA 3,000. Via E alter.; MEA *3,800. *3,000—MOCA.
From Wichita Falls, Tex., VOR; to Oklahoma City, Okla., VOR; MEA *2,800. Via E alter.; MEA **2,800. *2,400—MOCA. **2,700—MOCA.
From Oklahoma City, Okla., VOR; to Ponca City, Okla., VOR; MEA 3,100.
From Ponca City, Okla., VOR; to Wichita, Kans., VOR; MEA 2,500. Via W alter.; MEA 2,500.
From Wichita, Kans., VOR; to Topeka, Kans., VOR; MEA 3,000.
From Topeka, Kans., VOR; to St. Joseph, Mo., VOR; MEA 2,400.
From St. Joseph, Mo., VOR; to Lamoni, Iowa, VOR; MEA 2,400.
From Lamoni, Iowa, VOR; to *Osceola INT, Iowa; MEA 2,300. *4,300—MRA.
From Osceola INT, Iowa; to Des Moines, Iowa, VOR; MEA 2,300.

§ 610.6078 *VOR civil airway 78.*

From Huron, S. Dak., VOR; to Watertown, S. Dak., VOR; MEA 3,000. Via S alter.; MEA *3,100. *3,000—MOCA.
From Watertown, S. Dak., VOR; to Madison INT, Minn., MEA *3,700. *3,300—MOCA.
From Madison INT, Minn.; to Litchfield INT, Minn.; MEA *6,600. *3,000—MOCA.
From Litchfield INT, Minn.; to Buffalo INT, Minn.; MEA *3,000. *2,300—MOCA.
From Buffalo INT, Minn.; to Minneapolis, Minn., VOR; MEA 2,600.

§ 610.6079 *VOR civil airway 79.*

From Culberson, Tex., VOR; to Arno INT, Tex.; MEA 6,300.
From Arno INT, Tex.; to Wink, Tex., VOR; MEA *4,300. *3,800—MOCA.
From Wink, Tex., VOR; to Hobbs, N. Mex., VOR; MEA 5,000.
From Hobbs, N. Mex., VOR; to Lubbock, Tex., VOR; MEA 5,500.

§ 610.6080 *VOR civil airway 80.*

From Sioux Falls, S. D., VOR; to Redwood Falls, Minn., VOR; MEA *3,000. Via S alter.; MEA *3,000. *2,800—MOCA.

§ 610.6081 *VOR civil airway 81.*

From Midland, Tex., VOR; to Mustang INT, Tex.; MEA 4,200.
From Mustang INT, Tex.; to Lubbock, Tex., VOR; MEA 5,100.
From Lubbock, Tex., VOR; to Amarillo, Tex., VOR; MEA 5,500. Via E alter.; MEA 5,500.

§ 610.6082 *VOR civil airway 82.*

From Minneapolis, Minn., VOR; to Rochester, Minn., VOR; MEA 2,600.
From Rochester, Minn., VOR; to La Crosse, Wis., VOR; MEA 2,600.
From Minneapolis, Minn., VOR via S alter.; to Lakeville INT, Minn., via S alter.; MEA 2,500.
From Lakeville INT, Minn., via S alter.; to Rochester, Minn., VOR via S alter.; MEA 2,800.
From Rochester, Minn., VOR via S alter.; to La Crosse, Wis., VOR via S. alter.; MEA 2,500.

§ 610.6083 *VOR civil airway 83.*

From Carlsbad, N. Mex., VOR; to Roswell, N. Mex., VOR; MEA 5,000.
From Roswell, N. Mex., VOR; to Corona, N. Mex., VOR via E alter.; MEA 9,000.
From Corona, N. Mex., VOR; to Otto, N. Mex., VOR; MEA 10,000.
From Otto, N. Mex., VOR; to Santa Fe, N. Mex., VOR; MEA 10,000.

§ 610.6084 *VOR civil airway 84.*

From Bradford, Ill. VOR; to Joliet, Ill., VOR; MEA 2,000.
From Joliet, Ill., VOR; to Chicago, Midway Arpt Ill., TVOR; MEA 2,000.
From Pullman, Mich., VOR; to Lansing, Mich., VOR; MEA 2,300.
From Lansing, Mich., VOR; to Selfridge, Mich., VOR; MEA 2,900.
From Selfridge, Mich., VOR; to U. S.-Canadian Border; MEA 2,500.
From U. S.-Canadian Border; to Buffalo, N. Y., VOR; MEA 2,100.

§ 610.6085 *VOR civil airway 85.*

From Rock River, Wyo., VOR; to *Casper, Wyo., VOR; MEA 11,000. Via E alter; MEA 11,000. *9,500—MCA Casper VOR, southbound.

§ 610.6086 *VOR civil airway 86.*

From Butte, Mont., VOR; to *Whitehall, Mont., VOR; MEA 10,000. *9,100—MCA Whitehall VOR, westbound.
From Whitehall, Mont., VOR; to Bozeman, Mont., VOR; MEA 9,000.

§ 610.6087 *VOR civil airway 87.*

From Gila Bend, Ariz., VOR; to Hassayampa, Ariz., VOR; MEA 5,000.

§ 610.6088 *VOR civil airway 88.*

From Tulsa, Okla., VOR; to White Oak INT, Okla.; MEA 2,300.
From White Oak INT, Okla.; to *Waco INT, Mo.; MEA **6,500. *6,500—MRA. **2,600—MOCA.
From Waco INT, Mo.; to Avilla INT, Mo.; MEA *6,500. *2,600—MOCA.
From Avilla INT, Mo.; to Springfield, Mo., VOR; MEA 2,600.
From White Oak INT, Okla.; to Joplin, Mo., LOM; MEA #**3,900. #Utilizing Joplin LOM. *2,600—MOCA.
From Joplin, Mo., LOM; to Avilla INT, Mo.; MEA #2,600. #Utilizing Joplin LOM.
From Springfield, Mo., VOR; to *Conway INT, Mo.; MEA 2,500. *4,700—MRA.
From *Conway INT, Mo.; to Vicky, Mo., VOR; MEA 2,600. *4,700—MRA.
From Vicky, Mo., VOR; to *Crystal City INT, Mo.; MEA **3,000. *3,000—MRA. **2,500—MOCA.
From Centralia, Ill., VOR; to Cisne INT, Ill.; MEA 2,100.
From Cisne INT, Ill.; to Scotland, Ind., VOR; MEA *3,000. *2,100—MOCA.
From Scotland, Ind., VOR; to Sanders INT, Ind.; MEA 2,000.
From Sanders INT, Ind.; to Dayton, Ohio, VOR; MEA *3,700. *2,500—MOCA.
From Dayton, Ohio, VOR; to Mansfield, Ohio; VOR; MEA 2,500. Via N alter.; MEA 2,500.

§ 610.6089 *VOR civil airway 89.*

From Cheyenne, Wyo., VOR via E alter.; to Scottsbluff INT, Nebr., via E alter.; MEA 7,300.
From Scottsbluff INT, Nebr., via E alter.; to Chadron, Nebr., VOR via E alter.; MEA 6,500.
From Cheyenne, Wyo., VOR; to *Porter INT, Nebr.; MEA 7,300. *8,000—MRA.
From *Porter INT, Nebr.; to Chadron, Nebr., VOR; MEA 7,300. *8,000—MRA.
From Chadron, Nebr., VOR; to Rapid City, S. D., VOR; MEA 5,600. Via E alter.; MEA 5,600.

§ 610.6091 *VOR civil airway 91.*

From Idlewild, N. Y., VOR; to Syosset INT, N. Y.; MEA *2,000. *1,500—MOCA.
From Syosset INT, N. Y.; to Wilton, Conn., VOR; MEA 1,600.
From Wilton, Conn., VOR; to Poughkeepsie, N. Y., VOR; MEA 3,000.
From Poughkeepsie, N. Y., VOR; to Albany, N. Y., VOR; MEA 3,000.
From Albany, N. Y., VOR; to Plattsburg, N. Y., VOR; MEA 6,000.
From Glens Falls INT, N. Y.; to Albany, N. Y., VOR southbound only; MEA 3,000.
From Keeseville INT, N. Y.; to Plattsburg, N. Y., VOR northbound; MEA 4,000.
From Plattsburg, N. Y., VOR; to U. S.-Canadian Border; MEA 1,500.

§ 610.6092 *VOR civil airway 92.*

From Chicago Heights, Ill., VOR; to Wheeler INT, Ind.; MEA 2,000.
From Wheeler INT, Ind.; to Goshen, Ind., VOR; MEA 2,100.
From Goshen, Ind., VOR; to Bryan INT, Ohio; MEA 3,000.
From Bryan INT, Ohio; to Waterville, Ohio, VOR; MEA 2,000.
From Waterville, Ohio, VOR; to Republic INT, Ohio; MEA, 2,000.
From Republic INT, Ohio; to Mansfield, Ohio, VOR; MEA 2,500.
From Mansfield, Ohio, VOR; to *Mt. Hope INT, Ohio; MEA 2,500.
From Mt. Hope INT, Ohio; to Bergholz INT, Ohio; MEA 2,500. *4,000—MRA.
From Bergholz INT, Ohio; to Pittsburgh, Pa., VOR; MEA 2,700.
From Pittsburgh, Pa., VOR; to *Connellsville INT, Pa.; MEA 3,000. *4,000—MCA Connellsville INT, southeastbound.
From Connellsville INT, Pa.; to Front Royal, Va., VOR; MEA *6,000. *5,000—MOCA.
From Front Royal, Va., VOR; to Plains INT, Va.; MEA 4,000.
From Plains INT, Va.; to Springfield, Va., LF/RBN; MEA 3,000.
From Springfield, Va., LF/RBN; to Washington, D. C., TVOR; MEA 1,800.

§ 610.6093 *VOR civil airway 93.*

From Baltimore, Md., VOR; to Parkton INT, Md.; MEA 2,000.
From Parkton INT, Md.; to Lancaster INT, Pa.; MEA *3,000. *2,000—MOCA.
From Lancaster INT, Pa.; to Allentown, Pa., VOR; MEA 2,500.
From Baltimore, Md., VOR; to Riverdale, Md., LF/RBN; MEA 1,600.
From Allentown, Pa., VOR; to Wilkes-Barre, Scranton, Pa., VOR; MEA 3,500.
From Wilkes-Barre-Scranton, Pa., VOR; to Eddy INT, N. Y.; MEA 4,500.
From Eddy INT, N. Y.; to Albany, N. Y., VOR.

From Albany, N. Y., VOR; to Greenfield INT, Mass.; MEA 5,500.
From Grafton, N. Y., FM; to Albany, N. Y., VOR, westbound only; MEA 3,000.
From *Greenfield INT, Mass.; to Concord, N. H., VOR; MEA 5,000. *5,500—MCA Greenfield INT, westbound.
From Concord, N. H., VOR; to Hiram INT, Maine; MEA 4,000.
From Hiram INT, Maine; to Augusta, Maine, VOR; MEA 3,000.
From Augusta, Maine, VOR; to Bangor, Maine, VOR; MEA 2,300.
From Bangor, Maine, VOR; to Princeton, Maine, VOR; MEA 2,500.
From Princeton, Maine, VOR; to Houlton, Maine, VOR; MEA 2,500.
From Houlton, Maine, VOR; to Presque Isle, Maine, VOR; MEA 2,700.

§ 610.6094 *VOR civil airway 94.*

From Salt Flat, Tex., VOR; to Carlsbad, N. Mex., VOR; MEA 10,800.
From Carlsbad, N. Mex., VOR; to Hobbs, N. Mex., VOR; MEA 5,000.

§ 610.6095 *VOR civil airway 95.*

From *Phoenix, Ariz., VOR; to Winslow, Ariz., VOR; MEA 10,000. *7,000—MCA Phoenix VOR, northeastbound.
From Verde River INT, Ariz.; to Phoenix, Ariz., VOR, southwestbound only; MEA 7,000.

§ 610.6096 *VOR civil airway 96.*

From Lafayette, Ind., VOR; to Rossville INT, Ind.; MEA 2,300.
From Rossville INT, Ind.; to Ft. Wayne, Ind., VOR; MEA 2,200.
From Ft. Wayne, Ind., VOR; to *Antwerp INT, Ohio; MEA 2,600.
From *Antwerp INT, Ohio; to Waterville, Ohio, VOR; MEA 2,000. *2,600—MCA Antwerp INT, southwestbound.
From Waterville, Ohio, VOR; to Rockwood INT, Mich.; MEA 2,300.
From Rockwood INT, Mich.; to *Belle INT Mich.; MEA **3,700. *3,700—MRA. **2,300—MOCA.

§ 610.6097 *VOR civil airway 97.*

From Miami, Fla., VOR; to Cypress INT, Fla.; MEA 1,300.
From Cypress INT, Fla.; to Seminole INT, Fla.; MEA *2,500. *1,100—MOCA.
From Seminole INT, Fla.; to *La Belle INT, Fla.; MEA **5,000. *5,000—MRA. **1,200—MOCA.
From La Belle INT, Fla.; to *Arcadia INT, Fla.; MEA **5,000. *2,500—MRA. **1,200—MOCA.
From Arcadia INT, Fla.; to Parish INT., Fla.; MEA *2,500. *1,200—MOCA.
From Parish INT, Fla.; to Tampa, Fla., VOR; MEA 1,500.
From Tampa, Fla., VOR; to *Shrimp INT, Fla.; MEA **1,500. *6,000—MRA. **1,200—MOCA.
From Shrimp INT, Fla.; to Lobster INT, Fla.; MEA *6,000. *1,000—MOCA.
From Lobster INT, Fla.; to *St. Marks INT, Fla.; MEA **2,000. *2,000—MRA. **1,000—MOCA.
From St. Marks INT, Fla.; to Tallahassee, Fla., VOR; MEA 1,500.
From Tampa, Fla., VOR via E alter.; to *Shrimp INT, Fla., via E alter.; MEA **1,500. *6,000—MRA. **1,200—MOCA.
From *Shrimp INT, Fla., via E alter.; to Cross City, Fla., VOR via E alter.; MEA **6,000. *6,000—MRA. **1,200—MOCA.
From Cross City, Fla., VOR via E alter.; to Lobster INT, Fla., via E alter.; MEA *2,000. *1,500—MRA.
From Lobster INT, Fla., via E alter.; to *St. Marks INT, Fla., via E alter.; MEA **2,000. *2,000—MRA. **1,000—MOCA.
From St. Marks INT, Fla., via E alter.; to Tallahassee, Fla., VOR via E alter.; MEA 1,500.
From Tallahassee, Fla., VOR; to Albany, Ga., VOR; MEA 1,500.
From Albany, Ga., VOR; to Atlanta, Ga., VOR; MEA *3,500. *2,000—MOCA.
From Atlanta, Ga., VOR; to *Nelson INT, Ga.; MEA 3,000. *5,500—MCA Nelson INT, northbound.
From Nelson INT, Ga.; to Murphy INT, N. C.; MEA *7,000. *5,500—MOCA.
From Murphy INT, N. C.; to *Tallassee INT, Tenn.; MEA 7,600.
From *Tallassee INT, Tenn.; to Knoxville, Tenn., VOR; MEA 4,500. *7,000—MCA Tallassee INT, southbound.
From Atlanta, Ga., VOR via E alter.; to Norcross, Ga., VOR via E alter.; MEA 3,000.
From Norcross, Ga., VOR via E alter.; to Silver City INT, Ga., via E alter.; MEA *4,000. *3,200—MOCA.
From Silver City INT, Ga., via E alter.; to Harris INT, N. C., via E alter.; MEA 7,000.
From Harris INT, N. C., via E alter.; to Rasar INT, Tenn., via E alter.; MEA 7,300.
From *Rasar INT, Tenn., via E alter.; to Knoxville, Tenn., VOR via E alter.; MEA 5,000. *7,000—MCA Rasar INT, southbound.
From Knoxville, Tenn., VOR; to Norris INT, Tenn., MEA 3,000.
From Norris INT, Tenn.; to Richmond INT, Ky.; MEA 5,000.
From Richmond INT, Ky.; to Lexington, Ky., VOR; MEA 3,100.
From Lexington, Ky., VOR; to *Georgetown INT, Ky.; MEA 2,500. *3,000—MRA.
From Georgetown INT, Ky.; to *Dry Ridge INT, Ky.; MEA 2,500. *2,800—MRA.
From Dry Ridge INT, Ky.; to Cincinnati, Ohio, VOR; MEA 2,000.
From Cincinnati, Ohio, VOR; to *Acton INT, Ind.; MEA 2,300. *4,000—MRA.
From *Acton INT, Ind.; to Indianapolis, Ind., VOR; MEA 2,200. *4,000—MRA.
From Cincinnati, Ohio, VOR via W alter.; to Indianapolis, Ind., VOR via W alter.; MEA 2,300.
From Cincinnati, Ohio, VOR via E alter.; to Rushville INT, Ohio, via E alter.; MEA 2,300.
From Rushville INT, Ohio, via E alter.; to Indianapolis, Ind., VOR via E alter.; MEA 2,900.
From Indianapolis, Ind., VOR; to Rossville INT, Ind.; MEA 2,100.
From Rossville INT, Ind.; to Newland INT, Ind.; MEA *3,700. *2,000—MOCA.
From Newland INT, Ind.; to Chicago Heights, Ill., VOR; MEA 2,000.
From Chicago Heights, Ill., VOR; to City INT, Ill.; MEA 2,000.
From City INT, Ill.; to *Lake Forest INT, Ill.; MEA **3,000. *3,600—MRA. **2,500—MOCA.
From Lake Forest INT, Ill.; to Fox Lake INT, Ill.; MEA *3,600.
From Fox Lake INT, Ill.; to Woodstock INT, Ill.; MEA *2,500. *2,000—MOCA.
From Woodstock INT, Ill.; to Janesville, Wis., VOR; MEA 2,400.
From Janesville, Wis., VOR; to Lone Rock, Wis., VOR; MEA 3,100.
From Janesville, Wis., VOR via W alter.; to Argyle INT, Wis., via W alter.; MEA 2,200.
From Argyle INT, Wis., via W alter.; to Lone Rock, Wis., VOR via W alter.; MEA 2,400.
From Lone Rock, Wis., VOR; to La Crosse, Wis., VOR; MEA 2,600.
From La Cross, Wis., VOR; to *Wabasha INT, Wis.; MEA 2,600. *2,100—MOCA.
From *Wabasha INT, Wis.; to Diamond Bluff INT, Wis.; MEA 2,600. *3,000—MRA.
From Diamond Bluff INT, Wis.; to Minneapolis, Minn., ILS loc.; MEA 2,400.
From Minneapolis, Minn., ILS loc.; to Hamel INT, Minn.; MEA 2,500.
From Hamel INT, Minn.; to *St. Nicholas INT, Minn.; MEA 3,000.
From *St. Nicholas INT, Minn.; to Alexandria, Minn., VOR; MEA 2,500. *3,000—MRA.

§ 610.6098 *VOR civil airway 98.*

From Ft. Wayne, Ind., VOR; to Pulaski INT, Ohio; MEA 2,600.
From Pulaski INT, Ohio; to Ogden INT, Mich.; MEA *2,600. *2,300—MOCA.
From Ogden INT, Mich.; to Carleton, Mich., VOR; MEA 2,000.
From Carleton, Mich., VOR; to U. S.-Canadian Border; MEA 2,300.
From U. S.-Canadian Border; to Massena, N. Y., VOR; MEA 2,000.
From Massena, N. Y., VOR; to U. S.-Canadian Border; MEA 2,000.

§ 610.6101 *VOR civil airway 101.*

From Ogden, Utah, VOR; to Hansels INT, Utah; northwestbound, MEA 9,000; southeastbound, MEA 11,000.
From Hansels INT, Utah; to *Burley, Idaho, VOR; MEA 11,500. *10,000—MCA Burley VOR, southeastbound.

§ 610.6102 *VOR civil airway 102.*

From Lubbock, Tex., VOR; to Guthrie, Tex., VOR; MEA 4,500.
From Guthrie, Tex., VOR; to Wichita Falls, Tex., VOR; MEA 3,000.

§ 610.6103 *VOR civil airway 103.*

From Elkins, W. Va., VOR; to Clarksburg INT, W. Va.; MEA 5,000.
From Clarksburg INT, W. Va.; to Wheeling, W. Va., VOR; MEA 3,000.
From Wheeling, W. Va., VOR; to Bergholz INT, Ohio; MEA 3,000.
From Bergholz INT, Ohio; to Wilmot INT, Ohio; MEA 2,500.
From Wilmot INT, Ohio; to Cleveland, Ohio, VOR; MEA 2,500.

§ 610.6104 *VOR civil airway 104.*

From U. S.-Canadian Border, VOR; to Massena, N. Y., VOR; MEA 1,500.
From Massena, N. Y., VOR; to Plattsburg, N. Y., VOR; MEA 4,700.

§ 610.6105 *VOR civil airway 105.*

From Rock Springs INT, Ariz.; to Phoenix, Ariz., VOR. Southbound only; MEA 7,500.
From Phoenix, Ariz., VOR; to Prescott, Ariz., VOR; MEA 10,000.
From Prescott, Ariz., VOR; to Las Vegas, Nev., VOR; MEA 11,000.

§ 610.6106 *VOR civil airway 106.*

From Charleston, W. Va., VOR; to Walnut Grove INT, W. Va.; MEA 3,000.
From Walnut Grove INT, W. Va.; to Clara INT, W. Va.; MEA *5,000. *3,000—MOCA.
From Clara INT, W. Va.; to Morgantown, W. Va., VOR; MEA 4,000.
From Morgantown, W. Va., VOR; to Johnstown, Pa., VOR; MEA 5,000. Via N alter.; MEA 4,500.
From Johnstown, Pa., VOR; to Philipsburg, Pa., VOR; MEA 4,000.
From Philipsburg, Pa., VOR; to Selingsgrove, Pa., VOR; MEA 4,000.
From Selingsgrove, Pa., VOR; to Wilkes-Barre-Scranton, Pa., VOR; MEA 3,500.
From Wilkes-Barre-Scranton, Pa., VOR; to Poughkeepsie, N. Y., VOR; MEA 4,000. N. H.; VOR.
From Poughkeepsie, N. Y., VOR; to Gardner, Mass., VOR; MEA 3,500.
From Gardner, Mass., VOR; to Hudson INT, N. H.; MEA 3,000.
From Hudson INT; to Kennebunk, Maine; MEA 2,000.

§ 610.6107 *VOR civil airway 107.*

From *Los Angeles, Calif., VOR; to Fillmore, Calif., VOR; MEA 5,000. *3,000—MCA Los Angeles VOR, northwestbound.
From Shoreline INT, Calif.; to Los Angeles, Calif., VOR, southeastbound only; MEA 3,000.
From *Fillmore, Calif., VOR; to Hines INT, Calif.; northbound; MEA 11,000; southbound; MEA 7,000. *9,000—MCA Fillmore VOR, northbound.
From Hines INT, Calif.; to Pinos INT, Calif.; northbound; MEA 11,000; southbound; MEA 9,500.



From Pinos INT, Calif.; to *Maricopa INT, Calif.; MEA 11,000. *9,500—MCA Maricopa INT, southeastbound.
From Maricopa INT, Calif.; to McKettrick INT, Calif., northwestbound; MEA 6,000; southeastbound; MEA 11,000.
From McKettrick INT, Calif.; to Coalinga, Calif., VOR; MEA 6,000.
From Coalinga, Calif., VOR; to *Oakland, Calif., VOR; MEA 7,000. *2,500—MCA Oakland VOR, southwestbound.
From Larry INT, Calif.; to Mt. Hamilton INT, Calif., northbound only; MEA 6,500.
From Mt. Hamilton INT, Calif.; to Mt. Day INT, Calif., northbound only; MEA 6,000.
From Mt. Day INT, Calif.; to Mission INT, Calif., northbound only; MEA 5,000.
From Mission INT, Calif.; to Oakland, Calif., VOR, northbound only; MEA 3,500.
From Oakland, Calif., VOR; to Ukiah, Calif., VOR; MEA 6,000.
From Ukiah, Calif., VOR; to Red Bluff, Calif., VOR; MEA 9,000.

§ 610.6109 *VOR civil airway 109.*

From Paso Robles, Calif., VOR; to Coalinga, Calif., VOR; MEA 7,000.
From *Coalinga, Calif., VOR; to Fresno, Calif., VOR; MEA 3,000. *5,000—MCA Coalinga VOR, southwestbound.

§ 610.6110 *VOR civil airway 110.*

From INT San Francisco rad., 218 T and Salinas rad., 319 T. VOR; to San Francisco, Calif., VOR; MEA 5,000.
From San Francisco, Calif., VOR; to INT San Francisco rad., 038 T and Modesto rad., 273°T. VOR; MEA 5,000.

§ 610.6111 *VOR civil airway 111.*

From Salinas, Calif., VOR; to INT 094 rad., San Francisco and 032 rad., Salinas VOR; MEA *7,000. *5,500—MOCA.

§ 610.6112 *VOR civil airway 112.*

From *Portland, Oreg., VOR; to The Dalles, Oreg., VOR; MEA 7,000. *4,700—MCA Portland VOR, eastbound.
From The Dalles, Oreg., VOR; to Pendleton, Oreg., VOR; MEA 4,000.
From Pendleton, Oreg., VOR; to Lamar INT, Wash.; MEA 4,000.
From Lamar INT, Wash.; to Spokane, Wash., VOR; MEA 5,000.

§ 610.6113 *VOR civil airway 113.*

From Paso Robles, Calif., VOR; to Los Banos INT, Calif.; MEA 7,000.
From *Los Banos INT, Calif.; to Modesto, Calif., VOR; MEA 3,000. *7,000—MCA Los Banos INT, southbound.
From *Modesto, Calif., VOR; to **West Point INT, Calif.; MEA 8,000. *4,000—MCA Modesto VOR, northeastbound. **10,000—MCA West Point INT, northeastbound.
From West Point INT, Calif.; to *Reno, Nev., VOR; MEA 13,000. *10,500—MCA Reno, Nev., VOR, southwestbound.

§ 610.6114 *VOR civil airway 114.*

From Pueblo, Colo., VOR; to Purgatoire INT, Colo.; MEA 7,500.
From Purgatoire INT, Colo.; to Clayton INT, Tex.; MEA *10,000. *8,900—MOCA.
From Clayton INT, Tex.; to Dalhart, Tex., VOR; MEA *10,000. *6,200—MOCA.
From Dalhart, Tex.; VOR; to Amarillo, Tex., VOR; MEA 5,300.
From Amarillo, Tex., VOR; to Childress, Tex., VOR; MEA 5,000.
From Dalhart, Tex., VOR; via N alter.; to Amarillo, Tex., VOR via N alter.; MEA 5,200.
From Amarillo, Tex., VOR via S alter.; to Childress, Tex., VOR via S alter.; MEA 4,700.
From Childress, Tex., VOR; to Wichita Falls, Tex., VOR; MEA 3,100.
From Wichita Falls, Tex., VOR; to Alvord INT, Tex.; MEA 2,600.
From Alvord INT, Tex.; to Decatur INT, Tex.; MEA *3,000. *2,000—MOCA.
From Decatur INT, Tex.; to Dallas, Tex., VOR; MEA 2,000.
From Wichita Falls, Tex., VOR via N alter.; to Sanger INT, Tex., via N alter.; MEA *2,700. *2,500—MOCA.
From Sanger INT, Tex., via N alter.; to Little Elm INT, Tex., via N alter.; MEA *2,400. *1,800—MOCA.
From Little Elm INT. Tex., via N alter.; to Dallas, Tex., VOR, via N alter.; MEA 2,000.
From Dallas, Tex., VOR; to Gregg County, Tex., VOR; MEA 2,300.
From Dallas, Tex., VOR via S alter.; to Crandall INT, Tex., via S alter.; MEA 2,000.
From Crandall INT, Tex., via S alter.; to Gregg Co., Tex., VOR via S alter.; MEA *4,000. *2,300—MOCA.
From Gregg County, Tex., VOR; to *Converse INT, La.; MEA **3,400. *3,400—MRA. **1,700—MOCA.
From *Converse INT, La.; to Alexandria, La., VOR; MEA **3,400. *3,400—MRA. **1,700—MOCA.
From Gregg County, Tex., VOR via N alter.; to Shreveport, La., VOR via N alter.; MEA 2,400.
From Shreveport, La., VOR via N alter.; to *Converse INT, La., via N alter.; MEA **3,000. *3,400—MEA. **1,700—MOCA.
From *Converse INT, La., via N alter.; to Alexandria, La., VOR via N alter.; MEA **3,400. *3,400—MRA. **1,700—MOCA.
From Alexandria, La., VOR; to *Morganza INT, La.; MEA 1,300. *1,500—MRA.
From *Morganza INT, La.; to Baton Rouge, La., VOR; MEA 1,300. *1,500—MRA.
From Baton Rouge, La., VOR; to New Orleans, La., VOR; MEA 2,000.

§ 610.6115 *VOR civil airway 115.*

From Crestview, Fla., VOR; to Andalusia INT, Ala.; MEA 1,500.
From Andalusia INT, Ala.; to Montgomery, Ala., VOR; MEA 2,500.
From Montgomery, Ala., VOR; to Birmingham, Ala., VOR; MEA 2,800.
From Birmingham, Ala., VOR; to Chattanooga, Tenn., VOR; MEA 4,000.
From Chattanooga, Tenn., VOR; to Knoxville, Tenn., VOR; MEA 3,000.
From Knoxville, Tenn., VOR; to Rutledge INT, Tenn.; MEA 3,500.
From Rutledge INT, Tenn.; to *Whirlwind INT, W. Va.; MEA 6,000. *4,000—MRA.
From Whirlwind INT, W. Va.; to Charleston, W. Va., VOR; MEA 3,500.

§ 610.6116 *VOR civil airway 116.*

From Kansas City, Mo., VOR; to Excelsior INT, Mo.; MEA 2,400.
From Excelsior INT, Mo.; to Tina INT, Mo.; MEA *3,000. *2,400—MOCA.
From Tina INT, Mo.; to Excello INT, Mo.; MEA *5,000. *2,000—MOCA.
From Excello INT. Mo.; to Warren INT, Mo.; MEA *2,500. *2,000—MOCA.
From Warren INT, Mo.; to Quincy, Ill., VOR; MEA 2,000.
From Quincy, Ill., VOR; to Peoria, Ill., VOR; MEA 2,000.
From Peoria, Ill., VOR; to Joliet, Ill., VOR; MEA 2,000.
From Joliet, Ill., VOR; to Naperville, Ill., VOR; MEA 2,000.
From Naperville, Ill., VOR; to Mid Lake INT, Ill.; MEA 2,500.
From Mid Lake INT, Ill.; to Pullman, Mich., VOR; MEA 2,300.
From Pullman, Mich., VOR; to *Leslie INT, Mich.; MEA **3,500. *3,000—MRA. **3,000—MOCA.
From Leslie INT, Mich.; to Salem, Mich., VOR; MEA 2,500.
From Salem, Mich., VOR; to *Belle INT, Mich.; MEA 2,300. *3,700—MRA.
From *Belle INT, Mich.; to **Riverside INT, Ontario, Canada; MEA ≠2,300. *3,700—MRA. **4,500—MRA. ≠For that airspace over U. S. Territory.
From *Riverside INT, Ontario, Canada; to Tilbury INT, Ontario, Canada; MEA ≠2,300. *4,500—MRA. ≠For that airspace over U. S. Territory.
From Tilbury INT, Ontario, Canada; to Blue Pike INT, Mich.; MEA *≠4,000. *2,300—MOCA. ≠For that airspace over U. S. Territory.
From Blue Pike INT, Mich.; to Erie, Pa., VOR; MEA 2,300.
From Erie, Pa., VOR; to Bradford, Pa., VOR; MEA 4,000.
From Bradford, Pa., VOR; to Stonyfork INT, Pa.; MEA 4,500.
From Stonyfork INT, Pa.; to *Grover INT, Pa.; MEA **5,000. *5,000—MRA. **4,500—MOCA.
From Grover INT, Pa.; to Colley INT, Pa.; MEA *5,000. *4,500—MOCA.
From Colley INT, Pa.; to Wilkes-Barre-Scranton, Pa., VOR; MEA 4,500.
From Wilkes-Barre-Scranton, Pa., VOR; to Branchville INT, N. J.; MEA 3,500.
From Branchville INT, N. J.; to Paterson INT, N. J.; MEA 3,000.

§ 610.6117 *VOR civil airway 117.*

From El Centro, Calif., LFR; to *Wister INT, Calif.; MEA 3,000. *4,000—MCA Wister INT, northwestbound.
From Wister INT, Calif.; to Thermal, Calif., VOR; MEA 5,000.
From *Thermal, Calif., VOR; to **Daggett, Calif., VOR; MEA 12,000. *12,000—MCA Thermal VOR, northbound. **10,000—MCA Daggett VOR, southbound.

§ 610.6118 *VOR civil airway 118.*

From Rock River, Wyo., VOR; to Laramie, Wyo., VOR; MEA 11,000.
From *Laramie, Wyo., VOR; to Cheyenne, Wyo., VOR; MEA 11,000. *10,000—MCA Laramie VOR, eastbound.

§ 610.6119 *VOR civil airway 119.*

From Huntington, W. Va., LF/RBN; to Parkersburg, W. Va., VOR; MEA 2,500.
From Parkersburg, W. Va., VOR; to Wheeling, W. Va., VOR; MEA 2,800.
From Wheeling, W. Va., VOR; to Graham INT, Pa.; MEA 2,700.
From Graham INT, Pa.; to Fitzgerald, Pa., VOR; MEA 3,500.
From Fitzgerald, Pa., VOR; to Bradford, Pa., VOR; MEA 4,000.

§ 610.6120 *VOR civil airway 120.*

From Mullan Pass, Mont., VOR; to Great Falls, Mont., VOR; MEA 12,700.
From *Great Falls, Mont., VOR; to Lewistown, Mont., VOR; MEA 9,000. *6,800—MCA Great Falls VOR, eastbound.
From Lewistown, Mont., VOR; to Miles City, Mont., VOR; MEA 8,000.

§ 610.6121 *VOR civil airway 121.*

From North Bend, Oreg., VOR; to Eugene, Oreg., VOR; MEA 5,000.

§ 610.6122 *VOR civil airway 122.*

From Crescent City, Calif., VOR; to Medford, Oreg., VOR; MEA 8,000.
From Talent INT, Oreg.; to Klamath Falls, Oreg., VOR; MEA 10,000.

§ 610.6123 *VOR civil airway 123.*

From Newport, Oreg., VOR; to Newberg, Oreg., VOR; MEA 5,500.

§ 610.6124 *VOR civil airway 124.*

From Burley, Idaho, VOR; to Pocatello, Idaho, VOR; MEA 7,000.

§ 610.6125 *VOR civil airway 125.*

From Anthony, Kans., VOR; to Hutchinson, Kans., VOR; MEA 2,800.

§ 610.6126 *VOR civil airway 126.*

From City INT, Ill.; to Chicago Heights, Ill., VOR; MEA 2,000.

From Chicago Heights, Ill., VOR; to Wheeler INT, Ind.; MEA 2,000.
From Wheeler INT, Ind., to Goshen, Ind., VOR; MEA 2,100.
From Goshen, Ind., VOR; to Bryan INT, Ohio; MEA 3,000.
From Bryan INT, Ohio; to Waterville, Ohio, VOR; MEA 2,000.
From Waterville, Ohio VOR; to Cleveland, Ohio, VOR; MEA 2,000.
From Cleveland, Ohio, VOR; to Perry INT, Ohio; MEA 2,500.
From Perry INT, Ohio; to Kingsville INT, Pa.; MEA 2,300.
From Kingsville INT, Pa.; to Erie, Pa., VOR; MEA 2,000.
From Erie, Pa. VOR; to Bradford, Pa., VOR; MEA 4,000.
From Bradford, Pa. VOR; to Stonyfork INT, Pa.; MEA 4,500.
From Stonyfork INT, Pa.; to *Grover INT, Pa.; MEA **5,000. *5,000—MRA. **4,500—MOCA.
From Grover INT, Pa.; to Colley INT, Pa.; MEA *5,000. *4,500—MOCA.
From Colley INT, Pa.; to Wilkes-Barre-Scranton, Pa.; VOR; MEA 4,500.
From Wilkes-Barre-Scranton, Pa., VOR; to Branchville INT. N. J.; MEA 3,500.
From Branchville INT, N. J.; to Paterson INT, N. J.; MEA 3,000.

§ 610.6127 *VOR civil airway 127.*

From Livingston, Mont., VOR; to Helena, Mont., VOR; MEA 11,000.

§ 610.6128 *VOR civil airway 128.*

From Chicago, Midway Airport, Ill., TVOR; to Peotone, Ill., VOR; MEA 2,300.
From Peotone, Ill., VOR; to Lafayette, Ind., VOR; MEA *3,000. *2,300—MOCA.
From Lafayette, Ind., VOR; to Horton INT, Ind.; MEA 2,300.
From Horton INT, Ind.; to *Maxwell INT, Ind.; MEA **4,000. *4,000—MRA. **2,300—MOCA.
From Maxwell INT, Ind.; to Rushville INT, Ind.; MEA *4,000. *2,300—MOCA.
From Rushville INT, Ind.; to Cincinnati, Ohio, VOR; MEA 2,300.
From Cincinnati, Ohio, VOR via S alter.; to York, Ky., VOR; MEA 2,500. Via S alter.; MEA 2,500.
From York, Ky., VOR; to Charleston, W. Va., VOR; MEA 2,500.
From Charleston, W. Va., VOR; to Pulaski, Va., VOR; MEA 6,000.
From Pulaski, Va., VOR; to Abeam Cove INT, Va.; MEA 6,000.
From Abeam Cove INT, Va.; to Greensboro, N. C., VOR; MEA 3,000.
From Greensboro, N. C., VOR; to Raleigh, N. C., VOR; MEA 2,500.
From Greensboro, N. C., VOR via S alter.; to Moncure INT, N. C., via S alter.; MEA 2,100.
From Moncure INT, N. C., via S alter.; to Raleigh, N. C., VOR via S alter.; MEA 1,600.
From Greensboro, N. C., VOR via N alter.; to *Reid INT N. C., via N alter.; MEA 2,300.
From *Reid INT, N. C., via N alter.; to Raleigh, N. C., VOR via N alter.; MEA 3,500. *3,500—MRA.
From Raleigh, N. C., VOR; to LaGrange INT, N. C.; MEA *2,000. *1,600—MOCA.
From LaGrange INT, N. C.; to New Bern, N. C., VOR; MEA *1,500. *1,400—MOCA.

§ 610.6129 *VOR civil airway 129.*

From Polo, Ill., VOR; to Argyle INT, Wis.; MEA 2,200.
From Argyle INT, Wis.; to Lone Rock, Wis., VOR; MEA 2,400.
From Lone Rock, Wis., VOR; to La Crosse, Wis., VOR; MEA 2,600.
From La Crosse, Wis., VOR; to Eau Claire, Wis., VOR; MEA 2,700.

§ 610.6130 *VOR civil airway 130.*

From Albany, N. Y., VOR; to Colebrook INT, Mass.; MEA 4,000.
From Colebrook INT, Mass.; to Hartford, Conn., VOR; MEA 3,000.
From Hartford, Conn., VOR; to Norwich, Conn., VOR; MEA 2,000.
From Norwich, Conn., VOR; to Lafayette INT, R. I.; MEA 1,600.

§ 610.6131 *VOR civil airway 131.*

From Ponca City, Okla., VOR; to *Cambridge INT, Kans.; MEA 2,500.
From *Cambridge INT, Kans.; to Emporia, Kans., VOR; MEA **3,500. *3,000—MRA. **2,600—MOCA.
From Emporia, Kans., VOR; to *Pomona INT, Kans.; MEA **2,800. *2,800—MRA. **2,500—MOCA.
From Pomona INT, Kans.; to Topeka, Kans., VOR; MEA 2,300.

§ 610.6132 *VOR civil airway 132.*

From Cheyenne, Wyo., VOR; to Akron, Colo., VOR; MEA 7,300.
From Akron, Colo., VOR; to Goodland, Kans., VOR; MEA 5,800.
From Goodland, Kans., VOR; to *Great Bend INT, Kans.; **8,500. *4,500—MRA. **5,000—MOCA.
From Great Bend INT, Kans.; to Sterling INT, Kans.; MEA *4,500. *3,300—MOCA.
From Sterling INT, Kans.; to Hutchinson, Kans., VOR; southeastbound; MEA 3,000. Northwestbound; MEA 4,000.

§ 610.6133 *VOR civil airway 133.*

From Parkersburg, W. Va., VOR; to Mansfield, Ohio, VOR; MEA 2,500.
From Mansfield, Ohio, VOR; to Peru INT, Ohio; MEA 2,500.
From Peru INT, Ohio; to Middle INT, Mich.; MEA *2,500. *2,000—MOCA.
From Middle INT, Mich.; to Detroit River INT, Mich.; MEA *2,500. *2,000—MOCA.
From Detroit River INT, Mich.; to Salem, Mich., VOR; MEA 2,300.
From Salem, Mich., VOR; to Flint INT, Mich.; MEA 2,600.

§ 610.6134 *VOR civil airway 134.*

From Evergreen, Ala., VOR; to Columbus, Ga., VOR; MEA *3,500. *2,100—MOCA.
From Columbus, Ga., VOR; to Atlanta, Ga., VOR; MEA 2,400.

§ 610.6135 *VOR civil airway 135.*

From Yuma, Ariz., VOR; to Blythe, Calif., VOR; MEA 5,000.
From Blythe, Calif., VOR; to Needles, Calif., VOR; MEA 6,000.
From Needles, Calif., VOR; to Las Vegas, Nev., VOR; MEA 8,000.

§ 610.6136 *VOR civil airway 136.*

From Pulaski, Va., VOR; to Wirtz INT, Va.; MEA 5,500.
From Wirtz INT, Va.; to Penhook INT, Va.; MEA 5,000.
From Penhook INT, Va.; to South Boston, Va., VOR; MEA 3,000.
From South Boston, Va., VOR; to Raleigh, N. C., VOR; MEA 2,000.

§ 610.6137 *VOR civil airway 137.*

From *Fontana INT, Calif.; to **Palmdale, Calif., VOR; MEA 12,000. *12,000—MCA Fontana INT, northwestbound. **11,000—MCA Palmdale VOR, southeastbound.
From *Palmdale, Calif., VOR; to **Bakersfield, Calif., VOR; MEA 10,000. *8,000—MCA Palmdale VOR, westbound. **7,000—MCA Bakersfield VOR, southbound.
From Victory INT, Calif.; to Palmdale, Calif., VOR, southeastbound only; MEA 6,000.
From White Oaks INT, Calif.; to Bakersfield, Calif., VOR, northbound only; MEA 6,000.
From Bakersfield, Calif., VOR; to *Coalinga, Calif., VOR; MEA 3,000.
From *Coalinga, Calif., VOR; to Salinas, Calif., VOR; MEA **8,500. *5,000—MCA Coalinga VOR, northwestbound. **7,500—MOCA.

§ 610.6138 *VOR civil airway 138.*

From Rock River, Wyo., VOR; to Morton Pass INT, Wyo.; MEA 10,500.
From Morton Pass INT, Wyo.; to Bushnell INT, Nebr.; MEA *10,500. *10,000—MOCA.
From Bushnell INT, Nebr.; to Sidney, Nebr., VOR; MEA 7,300.

§ 610.6139 *VOR civil airway 139.*

From Norwich, Conn., VOR; to Lafayette INT, R. I.; MEA 1,600.
From Lafayette INT, R. I.; to Providence, R. I., ILS loc.; MEA 1,600.
From Providence, R. I., ILS loc.; to Boston, Mass., ILS loc.; MEA 2,000.

§ 610.6140 *VOR civil airway 140.*

From Amarillo, Tex., VOR; to *McLean INT, Tex.; MEA 4,700. *5,000—MRA.
From McLean INT, Tex.; to Sayre, Okla., VOR; MEA 4,700.
From Amarillo, Tex., VOR via N alter.; to Sayre, Okla., VOR via N alter.; MEA 4,700.
From Sayre, Okla., VOR; to Oklahoma City, Okla., VOR; MEA *3,200. Via N alter.; MEA **3,500. *3,000—MOCA. **3,300—MOCA.
From Oklahoma City, Okla., VOR; to Drumright INT, Okla.; MEA 3,700.
From Drumright INT, Okla.; to Tulsa, Okla., VOR; MEA 3,100.
From Tulsa, Okla., VOR; to Salina INT, Okla.; MEA 2,000.
From Salina INT, Okla.; to Fayetteville, Ark., VOR; MEA 2,600.
From Tulsa, Okla., VOR via N alter.; to *Chelsea INT, Okla., via N alter.; MEA 2,200.
From *Chelsea INT, Okla., via N alter.; to Fayetteville, Ark., VOR via N alter.; MEA 2,600. *2,600—MRA.
From Fayetteville, Ark., VOR; to Flippin, Ark., VOR; MEA 3,100.
From Flippin, Ark., VOR; to Walnut Ridge, Ark., VOR; MEA 2,100.
From Walnut Ridge, Ark., VOR; to Dyersburg, Tenn., VOR; MEA 1,700.
From Dyersburg, Tenn., VOR; to Nashville, Tenn., VOR; MEA *3,500. *3,000—MOCA.
From Dyersburg, Tenn., VOR via S alter.; to Graham, Tenn., VOR via S alter.; MEA 2,000.
From Graham, Tenn., VOR via S alter.; to Nashville, Tenn., VOR via S alter.; MEA 3,000.
From Nashville, Tenn., VOR; to Corbin, Ky., VAR; MEA *5,000. *3,400—MOCA.
From Corbin, Ky., VAR; to Daley INT, Ky.; MEA *6,000. *4,000—MOCA.
From Daley INT, Ky.; to Gap Mills INT, W. Va.; MEA *8,000. *6,000—MOCA.
From Gap Mills INT, W. Va.; to Montebello, Va., VOR; MEA 6,000.
From Montebello, Va., VOR; to *Casanova INT, Va.; MEA 6,000. *4,000—MRA.
From Casanova INT, Va.; to Herndon, Va., VOR; MEA 3,000.
From Baltimore, Md., VOR; to Port Deposit INT, Md.; MEA 2,000.
From INT W crs Philadelphia, ILS loc. and 179 rad. West Chester, VOR; to Philadelphia, Pa., ILS loc.; MEA 1,800.
From Philadelphia, Pa., ILS loc.; to Mt. Holly INT, N. J.; MEA 1,800.
From Mt. Holly INT, N. J.; to Colts Neck, N. J., VOR; MEA 1,500.

§ 610.6141 *VOR civil airway 141.*

From Nantucket, Mass., VOR; to Boston, Mass., VOR; MEA *3,000. *1,500—MOCA.
From Boston, Mass., VOR; to Concord, N. H., VOR; MEA 2,000.
From Concord, N. H., VOR; to Lebanon, N. H., LF/RBN; MEA 5,000.
From Lebanon, N. H., LF/RBN; to Plattsburg, N. Y., VOR; MEA 6,000.

§ 610.6142 *VOR civil airway 142.*

From Buffalo, N. Y., VOR; to Medina INT, N. Y.; MEA 2,000.



From Medina INT, N. Y.; to Rochester, N. Y., VOR; MEA 2,000.

§ 610.6143 *VOR civil airway 143.*

From Charlotte, N. C., VOR; to *Bradley INT, N. C.; MEA **2,500. *3,000—MRA. **2,300—MOCA.
From Bradley INT, N. C.; to Greensboro, N. C., VOR; MEA *2,500. *2,300—MOCA.
From Charlotte, N. C., VOR via W alter.; to Mooresville INT, N. C., via W alter.; MEA 2,300.
From Mooresville, INT, N. C., via W alter.; to Greensboro, N. C., VOR via W alter.; MEA 3,000.
From Greensboro, N. C., VOR; to Penhook INT, Va.; MEA 3,000.
From Penhook INT, Va.; to Montebello, Va., VOR; MEA 6,000.
From Front Royal, Va. VOR; to Dawsonville INT, Va.; MEA 4,000.

§ 610.6144 *VOR civil airway 144.*

From Chicago, Midway Airport TVOR, Ill.; to Peotone, Ill., VOR; MEA 2,300.
From Peotone, Ill., VOR; to Thayer INT, Ind.; MEA 2,000.
From Thayer INT, Ind.; to Ft. Wayne, Ind., VOR; MEA *4,000. *2,200—MOCA.
From Ft. Wayne, Ind., VOR; to Findlay, Ohio, VOR; MEA 2,600.
From Findlay, Ohio, VOR; to Mansfield, Ohio, VOR; MEA 2,500.
From Mansfield, Ohio, VOR; to Briar Hill INT, Ohio; MEA 2,500.
From Briar Hill INT, Ohio; to *Baltic INT, Ohio; MEA **3,000. *3,500—MRA. **2,500—MOCA.
From Baltic INT, Ohio; to *Moorefield INT, Ohio; MEA **3,000. *3,000—MRA. **2,500—MOCA.
From *Moorefield INT, Ohio; to Cameron INT, W. Va.; MEA 3,000. *3,000—MRA.
From Cameron INT, W. Va.; to Morgantown, W. Va., VOR; MEA 4,000.
From Morgantown, W. Va., VOR; to Front Royal, Va., VOR; MEA 5,000.
From Front Royal, Va., VOR; to Plains INT, Va.; MEA 4,000.
From Plains INT, Va.; to Springfield INT, Va.; MEA 3,000.
From Springfield INT, Va.; to Washington, D. C., TVOR; MEA 1,800.

§ 610.6145 *VOR civil airway 145.*

From Utica, N. Y., LFR; to Watertown, N. Y., VOR; MEA 3,000.
From Watertown, N. Y., VOR; to U. S.-Canadian Border, VOR; MEA 2,000.

§ 610.6146 *VOR civil airway 146.*

From Poughkeepsie, N. Y., VOR; to Bradley INT, Conn.; MEA 3,000.
From Bradley INT, Conn.; to Woodstock INT, Conn.; MEA *3,500. *2,500—MOCA.

§ 610.6147 *VOR civil airway 147.*

From West Chester, Pa., VOR; to Allentown, Pa., VOR; MEA 2,500.
From Allentown, Pa., VOR; to Crystal Lake, Pa., LF/RBN; MEA 3,500.
From Crystal Lake, Pa., LF/RBN; to Elmira, N. Y., VOR; MEA 4,000.
From Elmira, N. Y., VOR; to Burns INT, N. Y.; MEA 3,500.
From Burns INT, N. Y.; to Avon INT, N. Y.; MEA 3,500.
From *Avon INT, N. Y.; to Rochester, N. Y., VOR; MEA, 2,000. *3,000—MRA and 3,000—MCA Avon INT, southbound.

§ 610.6148 *VOR civil airway 148.*

From Thurman, Colo., VOR; to INT 077 rad. Akron, Colo., and 225 rad. Imperial, Nebr., VOR; MEA 5,900.
From INT 077 rad. Akron, Colo., and 225 rad. Imperial, Nebr., VOR; to Imperial, Nebr., VOR; MEA 5,600.
From Imperial, Nebr., VOR; to North Platte, Nebr., VOR; MEA 4,500.

§ 610.6149 *VOR civil airway 149.*

From Allentown, Pa., VOR; to Crystal Lake, Pa., LF/RBN; MEA 3,500.
From Crystal Lake, Pa., LF/RBN; to Binghamton, N. Y., VOR; MEA 3,500.
From Binghamton, N. Y., VOR; to Sherrill INT, N. Y.; MEA 3,500.

§ 610.6150 *VOR civil airway 150.*

From Sacramento, Calif., VOR; to *West Point INT, Calif.; eastbound, MEA 8,000; westbound, MEA 5,000. *10,000—MCA West Point INT, northeastbound.
From West Point INT, Calif.; to *Reno, Nev., VOR; MEA 13,000. *10,500—MCA Reno VOR, southwestbound.

§ 610.6151 *VOR civil airway 151.*

From Woonsocket INT, Mass.; to *Millbury INT, Mass.; MEA 2,000. *3,000—MCA Millbury INT, northwestbound.
From Millbury INT, Mass.; to Gardner, Mass., VOR; MEA 3,000.
From Gardner, Mass., VOR; to Keene, N. H., LF/RBN; MEA 4,000.

§ 610.6152 *VOR civil airway 152.*

From Tampa, Fla., VOR; to Plant City INT, Fla.; MEA 1,300.
From Plant City INT, Fla.; to Orlando, Fla., VOR; MEA 1,700.
From Tampa, Fla., VOR via N alter.; to Dade City INT, Fla., via N alter.; MEA 1,500.
From Dade City INT, Fla., via N alter.; to Orlando, Fla., VOR via N alter.; MEA *2,500. *1,700—MOCA.
From Tampa, Fla., VOR via S alter.; to Lakeland, Fla., VOR via S alter.; MEA 1,900.
From Lakeland, Fla., VOR via S alter.; to Orlando, Fla., VOR via S alter.; MEA 1,700.
From Orlando, Fla., VOR; to Daytona Beach, Fla., VOR; MEA 1,500.

§ 610.6153 *VOR civil airway 153.*

From Caldwell, N. J., VOR; to Stillwater, N. J., VOR; MEA 2,500.
From Stillwater, N. J., VOR; to Wilkes-Barre, Pa., VOR; MEA 3,500.

§ 610.6154 *VOR civil airway 154.*

From Meridian, Miss., VOR; to Montgomery, Ala., VOR; MEA *2,000. *1,600—MOCA.
From Montgomery, Ala., VOR; to Columbus, Ga., VOR; MEA 2,100.
From Montgomery, Ala., VOR via N alter.; to Kent INT, Ala., via N alter.; MEA 2,000.
From Kent INT, Ala., via N alter.; to Columbus, Ga., VOR via N alter.; MEA 2,000.
From Columbus, Ga., VOR; to Hamilton INT, Ga.; MEA 2,400.
From Hamilton INT, Ga.; to Macon, Ga., VOR; MEA *3,000. *2,400—MOCA.
From Macon, Ga., VOR; to Savannah, Ga., VOR; MEA *4,700. *1,800—MOCA.

§ 610.6155 *VOR civil airway 155.*

From Gordonsville, Va., VOR; to *Casanova INT, Va.; MEA 3,000. *4,000—MRA.
From Casanova INT, Va.; to Front Royal, Va., VOR; MEA 4,000.

§ 610.6156 *VOR civil airway 156.*

From Elkins, W. Va., VOR; to Grottoes INT, Va.; MEA 7,000.
From Grottoes INT, Va.; to Gordonsville, Va., VOR; MEA 5,000.

§ 610.6157 *VOR civil airway 157.*

From Wilmington, N. C., VOR; to LaGrange INT, N. C.; MEA *2,300. *1,400—MOCA.
From LaGrange INT, N. C.; to Rocky Mount, N. C., VOR; MEA *1,500. *1,400—MOCA.
From Rocky Mount, N. C., VOR; to Lawrenceville, Va., VOR; MEA 1,300.
From Lawrenceville, Va., VOR; to Richmond, Va., VOR; MEA 1,500.

§ 610.6158 *VOR civil airway 158.*

From Alden INT, Iowa; to Waterloo, Iowa, VOR; MEA *3,000. *2,300—MOCA.

§ 610.6159 *VOR civil airway 159.*

From Miami, Fla., VOR; to New River INT, Fla.; MEA 1,300.
From New River INT, Fla.; to West Palm Beach, Fla., VOR; MEA 1,200.
From West Palm Beach, Fla., VOR; to Vero Beach, Fla., VOR; MEA 1,500.
From Vero Beach, Fla., VOR; to Orlando, Fla., VOR; MEA 1,300.
From Orlando, Fla., VOR; to Cross City, Fla., VOR; MEA *3,500. *1,700—MOCA.
From Cross City, Fla., VOR; to Albany, Ga., VOR; MEA *3,500. *1,500—MOCA.

§ 610.6160 *VOR civil airway 160.*

From Denver, Colo., VOR; to Sidney, Nebr., VOR; MEA 7,000.

§ 610.6161 *VOR civil airway 161.*

From Tulsa, Okla., VOR; to Butler, Mo., VOR; MEA *4,300. *2,300—MOCA.
From Butler, Mo., VOR; to Blue Springs, Mo., VOR; MEA *4,000. *2,400—MOCA.
From Blue Springs, Mo., VOR; to Lawson INT, Mo.; MEA 2,400.
From Lawson INT, Mo.; to *Jameson INT, Mo.; MEA **2,900. *3,000—MRA. **2,400—MOCA.
From Jameson INT, Mo.; to Lamoni, Iowa, VOR; MEA *2,900. *2,400—MOCA.
From Lamoni, Iowa, VOR; to *Osceola INT, Iowa; MEA 2,300. *4,300—MRA.
From Osceola INT, Iowa; to Des Moines, Iowa, VOR; MEA 2,300.
From Des Moines, Iowa, VOR; to *Mingo INT, Iowa; MEA 2,700. *5,000—MRA.
From Mingo INT, Iowa; to Waterloo, Iowa, VOR; MEA 2,700.
From Waterloo, Iowa, VOR; to Rochester, Minn., VOR; MEA 2,500.
From Rochester, Minn., VOR; to Diamond Bluff INT, Wis.; MEA 2,800.
From Diamond Bluff INT, Wis.; to Minneapolis, Minn., ILS loc.; MEA, 2,400.

§ 610.6162 *VOR civil airway 162.*

From Harrisburg, Pa., VOR; to Allentown, Pa., VOR; MEA 3,000.
From Harrisburg, Pa., VOR via S alter.; to Reinholds INT, Pa., via S alter.; MEA *4,500. *2,500—MOCA.
From Reinholds INT, Pa., via S alter.; to Allentown, Pa., VOR via S alter.; MEA 2,500.

§ 610.6163 *VOR civil airway 163.*

From Waco, Tex., VOR; to Morgan INT, Tex.; MEA *2,300. *2,000—MOCA.
From Morgan INT, Tex.; to Mineral Wells, Tex., VOR; MEA 2,300.
From Mineral Wells, Tex., VOR; to Boonsville INT, Tex., MEA 2,500.
From Boonsville INT, Tex.; to Ardmore, Okla., VOR; MEA 2,600.
From Ardmore, Okla., VOR; to Oklahoma City, Okla., VOR; MEA 2,700. Via E alter.; MEA *2,800. *2,700—MOCA.

§ 610.6164 *VOR civil airway 164.*

From Bradford, Pa., VOR; to Stonyford INT, Pa.; MEA 4,500.
From Stonyford INT, Pa.; to Williamsport, Pa., VOR; MEA 4,000.
From Williamsport, Pa., VOR; to Crystal Lake INT, Pa.; MEA 4,500.
From Crystal Lake INT, Pa.; to Stroudsburg, Pa., VOR; MEA 3,500.
From Williamsport, Pa., VOR via S alter.; to Stroudsburg, Pa., VOR via S alter.; MEA 4,000.
From Stroudsburg, Pa., VOR; to Millington INT, N. J.; MEA 2,700.

§ 610.6165 *VOR civil airway 165.*

From *Long Beach, Calif., VOR; to Berry INT, Calif.; MEA 8,000. *6,500—MCA Long Beach VOR, northbound.

From *Berry INT, Calif.; to **Palmdale, Calif., VOR; MEA 9,000. *9,000—MCA Berry INT, northbound. **9,000—MCA Palmdale VOR, southbound.

§ 610.6166 *VOR civil airway 166.*

From Martinsburg, W. Va., VOR; to Parkton INT, Md.; MEA 4,000.
From Parkton INT, Md.; to West Chester, Pa., VOR; MEA *3,000. *2,000—MOCA.

§ 610.6167 *VOR civil airway 167.*

From Point Pleasant INT, N. J.; to Idlewild, N. Y., VOR; MEA *2,500. *1,500—MOCA.
From Idlewild, N. Y., VOR; to Syosset INT, N. Y.; MEA *2,000. *1,500—MOCA.
From Syosset INT, N. Y.; to Bridgeport INT, Conn.; MEA *2,000. *1,500—MOCA.
From Bridgeport INT, Conn.; to Hartford, Conn., VOR; MEA 2,000,

§ 610.6169 *VOR civil airway 169.*

From Sidney, Nebr., VOR; to Scottsbluff INT, Nebr.; MEA 5,800.
From Scottsbluff INT, Nebr.; to Chadron, Nebr., VOR; MEA 6,500.
From Chadron, Nebr., VOR via E alter.; to Rapid City, S. D., VOR; MEA 5,600. Via E alter.; MEA 5,600.

§ 610.6170 *VOR civil airway 170.*

From Erie, Pa., VOR; to Bradford, Pa., VOR; MEA 4,000.
From Bradford, Pa., VOR; to Selinsgrove, Pa., VOR; MEA 4,000.
From Selinsgrove, Pa., VOR; to Reinholds INT, Pa.; MEA 4,000.
From Reinholds INT, Pa.; to West Chester, Pa., VOR; MEA 2,500.

§ 610.6171 *VOR civil airway 171.*

From Louisville, Ky., VOR; to *Martinsburg INT, Ind.; MEA **3,000. *3,600—MRA. **2,600—MOCA.
From Martinsburg INT, Ind.; to *Mitchell INT, Ind.; MEA **3,000. *3,000—MRA. **2,600—MOCA.
From Mitchell INT, Ind.; to Scotland, Ind., VOR; MEA 2,000.
From Scotland, Ind., VOR; to Terre Haute, Ind., VOR; MEA 2,000.
From Terre Haute, Ind., VOR; to *Perrysville INT, Ind.; MEA 2,000.
From *Perrysville INT, Ind.; to Peotone, Ill., VOR; MEA 2,000. *3,000—MRA.
From Peotone, Ill., VOR; to Joliet, Ill., VOR; MEA 2,000.
From Joliet, Ill., VOR; to Sycamore INT, Ill.; MEA 2,000.
From Sycamore INT, Ill.; to Janesville, Wis., VOR; MEA 2,100.
From Janesville, Wis., VOR; to Mendota INT, Wis., MEA 2,700.

§ 610.6172 *VOR civil airway 172.*

From Des Moines, Iowa, VOR; to *Monroe INT, Iowa; MEA 2,200. *3,500—MRA.
From Monroe INT, Iowa; to Grinnell INT, Iowa; MEA 2,200.
From Grinnell INT, Iowa; to Polo, Ill., VOR; MEA *8,600. *2,200—MOCA.
From Grinnell INT, Iowa; to Cedar Rapids, Iowa, LF/RBN; MEA #2,200. #Utilizing Cedar Rapids LF/RBN.
From Cedar Rapids, Iowa, LF/RBN; to Polo, Ill., VOR; MEA #*3,200. #Utilizing Cedar Rapids LF/RBN. *2,200—MOCA.
From Int. 071° T rad. Des Moines, VOR and 268° T rad. Polo, VOR via S alter.; to Big Rock INT, Iowa, via S alter.; MEA *7,500. *2,200—MOCA.
From Big Rock INT, Iowa, via S alter.; to Moline, Ill., VOR via S alter.; MEA 2,200.
From Moline, Ill., VOR via S alter.; to Polo, Ill., VOR via S alter.; MEA 2,200.
From Int. 071° T rad. Des Moines, VOR and 268° T rad. Polo, VOR; to Big Rock INT, Iowa; MEA #2,200. Via S alter.; MEA #2,200. #Utilizing Cedar Rapids LF/RBN.
From Polo, Ill., VOR; to Sycamore INT, Ill.; MEA 2,000.
From Sycamore INT, Ill.; to Glen Ellyn INT, Ill.; MEA *3,000. *2,500—MOCA.
From Glen Ellyn INT, Ill.; to Chicago, Midway Airport, Ill., TVOR; MEA 2,500.

§ 610.6173 *VOR civil airway 173.*

From Springfield, Ill., VOR; to Roberts, Ill., VOR; MEA *2,800. *2,000—MOCA.
From Roberts, Ill., VOR; to Mateno INT, Ill.; MEA *2,800. *2,000—MOCA.
From Mateno INT, Ill.; to Chicago, Ill., TVOR; MEA 2,300.

§ 610.6174 *VOR civil airway 174.*

From Vichy, Mo., VOR; to Troy, Ill., VOR; MEA 2,200.
From Troy, Ill., VOR; to Vernon INT, Ill.; MEA 2,100.
From Vernon INT, Ill.; to *Farina INT, Ill.; MEA **3,100. *3,100—MRA. **2,100—MOCA.
From *Farina INT, Ill.; to Carlisle INT, Ind.; MEA **3,100. *3,100—MRA. **2,100—MOCA.
From Carlisle INT, Ind.; to Scotland, Ind., VOR; MEA 2,000.
From *Mitchell INT, Ind.; to **Martinsburg INT, Ind.; MEA ***3,000. *3,000—MRA. **3,600—MRA. ***2,600—MOCA.
From Martinsburg INT, Ind.; to Louisville, Ky., VOR; MEA *3,000. *2,600—MOCA.
From Louisville, Ky., VOR; to *Georgetown INT, Ky.; MEA **3,000. *3,000—MRA. **2,500—MOCA.
From *Georgetown INT, Ky.; to York, Ky., VOR; MEA **5,000. *3,000—MRA. **2,500—MOCA.
From York, Ky., VOR; to Henderson INT, W. Va.; MEA *3,500. *2,500—MOCA.
From Henderson INT, W. Va.; to *Sandyville INT, W. Va.; MEA **4,000. *4,000—MRA. **2,500—MOCA.
From *Sandyville INT, W. Va.; to Clara INT, W. Va.; MEA **4,000. *4,000—MRA. **3,000—MOCA.
From Clara INT, W. Va.; to Elkins, W. Va., VOR; MEA 5,000.
From Elkins, W. Va., VOR; to Petersburg INT, W. Va.; MEA 6,800.
From *Petersburg INT, W. Va.; to Front Royal, Va., VOR; MEA 5,300. *6,000—MCA Petersburg INT, westbound.
From Front Royal, Va., VOR; to Plains INT, Va.; MEA 4,000.
From Plains INT, Va.; to Springfield INT, Va.; MEA 3,000.
From Springfield INT, Va.; to Washington, D. C., TVOR; MEA 1,800.

§ 610.6175 *VOR civil airway 175.*

From Vichy, Mo., VOR; to Wilton INT, Mo.; MEA 2,200.
From Wilton INT, Mo.; to Columbia, Mo., VOR; MEA 2,600.

§ 610.6176 *VOR civil airway 176.*

From Centralia, Ill., VOR; to Cisne INT, Ill.; MEA 2,100.
From Cisne INT, Ill.; to Scotland, Ind., VOR; MEA *3,000. *2,100—MOCA.

§ 610.6177 *VOR civil airway 177.*

From Naperville, Ill., VOR; to Janesville, Wis., VOR; MEA 2,200.
From Janesville, Wis., VOR; to Mills INT, Wis.; MEA 2,200.

§ 610.6178 *VOR civil airway 178.*

From Farmington, Mo., VOR; to Paducah, Ky., VOR; MEA 2,400. Via S alter.; MEA 2,400.

§ 610.6179 *VOR civil airway 179.*

From Paducah, Ky, VOR; to Centralia, Ill., VOR; MEA 2,000.

§ 610.6180 *VOR civil airway 180.*

From Austin, Tex., VOR; to *Smithville INT, Tex.; MEA 2,000. *2,300—MRA.
From Smithville INT, Tex.; to Eagle Lake, Tex., VOR; MEA *3,000. *2,000—MOCA.
From Eagle Lake, Tex., VOR; to Galveston, Tex., VOR; MEA 1,600.

§ 610.6181 *VOR civil airway 181.*

From Sioux Falls, S. Dak., VOR; to Watertown, S. Dak., VOR; MEA 3,000.

§ 610.6182 *VOR civil airway 182.*

From *Portland, Oreg., VOR; to The Dalles, Oreg., VOR: MEA 7,000. *4,700—MCA Portland VOR, eastbound.
From The Dalles, Oreg., VOR; to Eight Mile INT, Oreg.; MEA 5,000.
From Eight Mile INT, Oreg.; to Ukiah INT, Oreg.; MEA 9,000.
From Ukiah INT, Oreg.; to *Baker, Oreg., VOR; MEA **14,000. *10,200—MCA Baker VOR, westbound. **11,000—MOCA.

§ 610.6183 *VOR civil airway 183.*

From *Santa Barbara, Calif., VOR; to Maricopa INT, Calif.; MEA 9,000. *8,000—MCA Santa Barbara VOR, northeastbound.
From Maricopa INT, Calif.; to *Bakersfield, Calif., VOR; northeastbound, MEA 3,000. Southwestbound, MEA 7,000. *3,000—MCA Bakersfield VOR, southwestbound.

§ 610.6184 *VOR civil airway 184.*

From Erie, Pa., VOR; to Fitzgerald, Pa., VOR; MEA 3,500.
From Fitzgerald, Pa., VOR; to Philipsburg, Pa., VOR; MEA 4,000.

§ 610.6185 *VOR civil airway 185.*

From Savannah, Ga., VOR; to Augusta, Ga., VOR; MEA 1,800.
From Augusta, Ga., VOR; to Spartanburg, S. C., VOR; MEA 2,300.
From Spartanburg, S. C., VOR; to Asheville, N. C., VOR; MEA *8,000. *6,000—MOCA.
From Augusta, Ga., VOR via W alter.; to Int Augusta, Ga., 345 mag. rad and S crs. Greenville, S. C., ILS localizer via W alter.; MEA 1,800.
From Int Augusta, Ga., 345 mag rad and S crs Greenville, S. C., ILS loc. via W alter.; to Greenville, S. C., ILS localizer via W alter.; MEA 4,000.
From Greenville, S. C., ILS localizer via W alter.; to Int. N crs Greenville, S. C., ILS loc. crs. and Asheville, N. C., 190 mag. rad. via W alter; MEA 4,000.
From Int. N crs Greenville, S. C., ILS loc. crs and Asheville, N. C., 190 mag. rad. via W alter.; to Asheville, N. C., VOR via W alter.; MEA 6,000.
From Asheville, N. C., VOR; to Piedmont INT, Tenn.; MEA 8,000.
From Piedmont INT, Tenn.; to Knoxville, Tenn., VOR; MEA 6,000.
From Scotland, Ind., VOR; to *Mitchell INT, Ind.; MEA 2,000. Via E alter.; MEA 8,000. *3,000—MRA.
From Ottway INT, Tenn., via E alter.; to Knoxville, Tenn., VOR via E alter; MEA 6,000.

§ 610.6186 *VOR civil airway 186.*

From St. Louis, Mo., VOR; to *Fidelity INT, Ill.; MEA 2,000. *3,000—MRA.
From Fidelity INT, Ill.; to Gillespie INT, Ill.; MEA *3,000. *2,000—MOCA.
From Gillespie INT, Ill.; to Vandalia, Ill., VOR; MEA 2,000.
From Vandalia, Ill., VOR; to *Union Center INT, Ind.; MEA 2,000. *2,400—MRA.
From Union Center INT, Ind.; to Scotland, Ind., VOR; MEA 2,400.

§ 610.6187 *VOR civil airway 187.*

From Naperville, Ill., VOR; to Papi INT, Ill.; MEA 2,500.
From Papi INT, Ill.; to *Taylor INT, Wis.; MEA **4,300. *4,300—MRA. **2,000—MOCA.



From Taylor INT, Wis.; to *Racine INT, Wis.; MEA **2,500. *3,000—MRA. **2,000—MOCA.
From Racine INT, Wis.; to *New Berlin INT, Wis.; MEA 2,000. *4,300—MRA.
From New Berlin INT, Wis.; to Milwaukee, Wis., VOR; MEA 2,300.

§ 610.6188 *VOR civil airway 188.*

From Carleton, Mich., VOR; to Detroit River INT, Mich.; MEA 2,000.
From Detroit River INT, Mich.; to *Pelee INT, Canada; MEA **#2,500. *2,500—MRA. **2,000—MOCA. #For that airspace over U. S. Territory.
From Pelee INT, Canada; to Perry, Ohio, LF/RBN; MEA *#9,000. *2,500—MOCA. #For that airspace over U. S. Territory.
From Perry, Ohio, LF/RBN; to Fitzgerald, Pa., VOR; MEA 3,500.
From Fitzgerald, Pa., VOR; to Williamsport, Pa., VOR; MEA 4,000.
From Williamsport, Pa., VOR; to Crystal Lake INT, Pa.; MEA 4,500.
From Crystal Lake INT, Pa.; to Stroudsburg, Pa., VOR; MEA 3,500.
From Stroudsburg, Pa., VOR; to Caldwell, N. J., VOR; MEA 2,600.

§ 610.6189 *VOR civil airway 189.*

From Pittsburgh, Pa., VOR; to Ford INT, Pa.; MEA 3,000.
From Ford INT, Pa.; to *Brookville INT, Pa.; MEA 3,500. *4,000—MRA.

§ 610.6190 *VOR civil airway 190.*

From Grants, N. Mex., VOR; to INT Santa Fe 240 and Albuquerque, VOR 010 mag. rads.; MEA 10,000.
From INT Santa Fe 240 and Albuquerque, VOR 010 mag. rads.; to Santa Fe, N. Mex., VOR; MEA 9,000.
From *Santa Fe, N. Mex., VOR; to **Las Vegas, N. Mex., VOR; MEA 12,500. *11,600—MCA Santa Fe VOR, eastbound. **11,300—MCA Las Vegas VOR, westbound.
From Las Vegas, N. Mex., VOR; to Dalhart, Tex., VOR; MEA *13,000. *0,000—MOCA.
From Dalhart, Tex., VOR; to Gage, Okla., VOR; MEA *5,700. *5,200—MOCA.
From Gage, Okla., VOR; to Capron INT, Okla.; MEA 3,500.
From Capron INT, Okla.; to Ponca City, Okla., VOR; MEA *3,500. *2,500—MOCA.
From Ponca City, Okla., VOR; to *Waco INT, Mo.; MEA **7,000. *6,500—MRA. **2,500—MOCA.
From Waco Int, Mo.; to Avilla INT, Mo.; MEA *6,500. *2,600—MOCA.
From Avilla INT, Mo.; to Springfield, Mo., VOR; MEA 2,600.
From Joplin, Mo., LOM; to Avilla INT, Mo.; MEA #2,600. #Utilizing Joplin LOM.
From Springfield, Mo., VOR; to Farmington, Mo., VOR; MEA *4,600. *2,800—MOCA.
From Farmington, Mo., VOR; to Evansville, Ind., VOR; MEA 2,500.

§ 610.6191 *VOR civil airway 191.*

From Walnut Ridge, Ark., VOR; to Farmington, Mo., VOR; MEA *2,700. *2,500—MOCA.
From Farmington, Mo., VOR; to *Crystal City INT, Mo.; MEA 2,500. *3,000—MRA.
From Crystal City INT, Mo.; to Troy, Ill., VOR; MEA 2,200.
From Troy, Ill., VOR; to Hillsboro INT, Ill.; MEA 2,000.
From Hillsboro INT, Ill.; to Roberts, Ill., VOR; MEA *3,000. *2,300—MOCA.
From Roberts, Ill., VOR; to Mateno INT, Ill.; MEA *2,800. *2,000—MOCA.
From Mateno INT, Ill.; to Chicago, Midway Arpt. Ill., TVOR; MEA 2,300.

§ 610.6192 *VOR civil airway 192.*

From Grants, N. Mex., VOR; to Ladrones INT, N. Mex.; MEA 11,000.
From *Ladrones INT, N. Mex.; to Corona, N. Mex., VOR; MEA 9,500. *10,000—MCA Ladrones INT, northwestbound.
From Corona, N. Mex., VOR; to Tucumcari, N. Mex., VOR; MEA *11,000. *9,000—MOCA.

§ 610.6193 *VOR civil airway 193.*

From Pullman, Mich., VOR; to Grand Rapids, Mich, ILS/LOM; MEA 2,200.
From Grand Rapids, Mich., ILS/LOM; to White Cloud, Mich., VOR; MEA 2,200.
From White Cloud, Mich., VOR; to Traverse City, Mich., LFR; MEA 2,700.

§ 610.6194 *VOR civil airway 194.*

From Homer INT, Ga.; to Royston, Ga., VOR; MEA 2,200.
From Royston, Ga., VOR; to Sedalia INT, S. C.; MEA *3,000. *2,200—MOCA.
From Sedalia INT, S. C.; to Charlotte, N. C., VOR; MEA *3,000. *2,000—MOCA.
From Charlotte, N. C., VOR; to Norwood INT, N. C.; MEA *3,000. *1,800—MOCA.
From Norwood INT, N. C.; to Moncure INT, N. C.; MEA *3,500. *1,800—MOCA.
From Moncure INT, N. C.; to Raleigh, N. C., VOR; MEA 1,600.
From Raleigh, N. C., VOR; to Rocky Mount, N. C., VOR; MEA 1,700.
From Raleigh, N. C., VOR via S alter.; to Rocky Mount, N. C., VOR via S alter.; MEA *2,000. *1,600—MOCA.
From Rocky Mount, N. C., VOR; to Harrelsville INT, Va.; MEA 1,400.
From Harrelsville INT, Va.; to Norfolk, Va., ILS localizer; MEA 1,500.
From Norfolk, Va., ILS localizer; to Whitehurst INT, Va.; MEA 1,500.

§ 610.6195 *VOR civil airway 195.*

From Oakland, Calif., VOR; to Sacramento, Calif., VOR; MEA 4,000.
From Bay Point, Calif., FM; to Sacramento, Calif., VOR, eastbound only; MEA 2,000.
From Sacramento, Calif., VOR; to Williams, Calif., VOR; northwestbound, MEA 3,000; southeastbound, MEA 2,000.
From Rio INT, Calif., via W alter.; to Williams, Calif., VOR via W alter.; MEA 5,000.

§ 610.6196 *VOR civil airway 196.*

From Rock River, Wyo., VOR; to Wheatland INT, Wyo.; MEA 11,000.
From Wheatland INT, Wyo.; to Chadron, Nebr., VOR; MEA *10,000. *8,000—MOCA.

§ 610.6197 *VOR civil airway 197.*

From Waterville, Ohio, VOR; to Carleton, Mich., VOR; MEA 2,100.

§ 610.6198 *VOR civil airway 198.*

From San Antonio, Tex., VOR; to Eagle Lake, Tex., VOR; MEA 2,500.
From Eagle Lake, Tex., VOR; to Galveston, Tex., VOR; MEA 1,600.

§ 610.6199 *VOR civil airway 199.*

From Fresno, Calif., VOR; to Los Banos INT, Calif.; MEA 3,000.
From Los Banos INT, Calif.; to *San Francisco, Calif., VOR; MEA 7,000. *4,500—MCA San Francisco VOR, eastbound.
From Hillview INT, Calif.; to San Francisco, Calif., VOR westbound only; MEA 3,000.
From San Francisco, Calif., VOR; to Stinson Beach INT, Calif.; MEA 3,000.
From Stinson Beach INT, Calif.; to Marin INT, Calif.; MEA 4,000.
From Marin INT, Calif.; to *Ft. Ross INT, Calif.; MEA 6,000. *10,500—MRA.
From Ft. Ross INT, Calif.; to Ukiah, Calif., VOR; MEA 6,000.

§ 610.6200 *VOR civil airway 200.*

From Ukiah, Calif., VOR; to Williams, Calif., VOR; MEA 7,000.
From *Williams, Calif., VOR; to Mt. Lola INT, Calif.; MEA 13,000. *10,000—MCA Williams VOR, northeastbound.
From Mt. Lola INT, Calif.; to Reno, Nev., VOR; MEA 11,000.

§ 610.6201 *VOR civil airway 201.*

From Corbina INT, Calif.; to *Los Angeles, Calif., VOR; MEA 3,500. *6,000—MCA Los Angeles VOR, northeastbound.
From Los Angeles, Calif., VOR; to Berry INT, Calif.; MEA 9,000.

§ 610.6202 *VOR civil airway 202.*

From *Tucson, Ariz., LFR; to Kinsley INT, Ariz.; MEA **14,000. *12,000—MCA Tucson LFR, southbound. **12,000—MOCA.
From Kinsley INT, Ariz.; to Mescal INT, Ariz.; MEA *14,000. *10,000—MOCA.
From Mescal INT, Ariz.; to Cochise, Ariz., VOR; MEA 10,000.

§ 610.6203 *VOR civil airway 203.*

From Albany, N. Y., VOR; to Sacandaga INT, N. Y.; southbound, MEA 3,000; northbound, MEA 6,000.
From Sacandaga INT, N. Y.; to Tupper Lake INT, N. Y.; MEA *7,000. *6,000—MOCA.
From *Tupper Lake INT, N. Y.; to Massena, N. Y., VOR; MEA 4,500. *6,000—MCA Tupper Lake INT, southbound.

§ 610.6204 *VOR civil airway 204.*

From Hoquiam, Wash., VOR; to *Olympia, Wash., VOR; MEA 4,300. *2,800—MCA Olympia VOR, westbound.
From Springfield, Mo., VOR; to *Bolivar INT, Mo.; MEA 2,500. *5,000—MRA.
From Bolivar INT, Mo.; to Blue Springs, Mo., VOR; MEA 2,400.
From Blue Springs, Mo., VOR; to Kansas City, Mo., VOR; MEA 2,400.
From Springfield, Mo., VOR via W alter.; to *Schell City INT, Mo., via W alter.; MEA 2,500. *4,000—MRA.
From Schell City INT, Mo., via W alter.; to Blue Springs, Mo., VOR via W alter.; MEA *4,000. *2,400—MOCA.

§ 610.6206 *VOR civil airway 206.*

From Blue Springs, Mo., VOR; to Lexington INT, Mo.; MEA 2,400.
From Lexington INT, Mo.; to Kirksville, Mo., VOR; MEA *3,100. *2,400—MOCA.

§ 610.6207 *VOR civil airway 207.*

From Denver, Colo., VOR; to *Gill INT, Colo.; MEA 7,500. *14,000—MRA.
From Gill INT, Colo.; to Egbert INT, Wyo.; MEA 7,500.

§ 610.6208 *VOR civil airway 208.*

From Thermal, Calif., VOR; to Needles, Calif., VOR; MEA *10,000. *6,500—MOCA.

§ 610.6209 *VOR civil airway 209.*

From *Los Angeles, Calif., VOR; to Fillmore, Calif., VOR; MEA 5,000. *3,000—MCA Los Angeles VOR, northwestbound.
From Shoreline INT, Calif.; to Los Angeles, Calif., VOR southeastbound only; MEA 3,000.
From *Fillmore, Calif., VOR; to Paso Robles, Calif., VOR; MEA **12,500. *10,500—MCA Fillmore VOR, northwestbound. **9,500—MOCA.

§ 610.6210 *VOR civil airway 210.*

From *Los Angeles, Calif., VOR; to Daggett, Calif., VOR; MEA 12,000. *9,000—MCA Los Angeles VOR, northeastbound.
From Wrightwood INT, Calif.; to Los Angeles, Calif., VOR southwestbound only; MEA 8,000.

§ 610.6211 *VOR civil airway 211.*

From Cotulla, Tex., VOR; to Junction, Tex., VOR; MEA *4,000. *3,500—MOCA.

§ 610.6212 *VOR civil airway 212.*

From Uklah, Calif., VOR; to *Ft. Ross INT, Calif.; MEA 6,000. *10,500—MRA.

From *Ft. Ross INT, Calif.; to Geyserville INT, Calif.; MEA 10,500. *10,500—MCA Ft. Ross INT, northeastbound.

From Geyserville INT, Calif.; to Williams, Calif., VOR; MEA 8,500.

From Williams, Calif., VOR; to Wheatland INT, Calif.; MEA 4,000.

From Wheatland INT, Calif.; to Auburn INT, Calif.; eastbound, MEA 7,000; westbound, MEA 4,000.

From Auburn INT, Calif.; to *Coloma INT, Calif.; eastbound, MEA 7,000; westbound, MEA 6,000.

From *Coloma INT, Calif.; to Tahoe INT, Calif.; northeastbound, MEA 13,000; southwestbound, MEA 9,500. *9,500—MCA Coloma INT, northeastbound.

From Tahoe INT, Calif.; to *Reno, Nev., VOR; MEA 13,000. *12,000—MCA Reno VOR, southwestbound.

§ 610.6213 *VOR civil airway 213.*

From Rocky Mount, N. C., VOR; to Boykins INT, Va.; MEA 1,500.

§ 610.6214 *VOR civil airway 214.*

From Muskegon, Mich., VOR; to Saginaw, Mich., LF/RBN; MEA *4,000. *2,400—MOCA.

§ 610.6215 *VOR civil airway 215.*

From Muskegon, Mich., VOR; to White Cloud, Mich., VOR; MEA 2,000.

§ 610.6216 *VOR civil airway 216.*

From Janesville, Wis., VOR; to Wind Lake INT, Wis.; MEA *3,200. *2,200—MOCA.

§ 610.6217 *VOR civil airway 217.*

From Naperville, Ill., VOR; to *Lake Forest INT, Ill.; MEA **3,000. *3,600—MRA. **2,500—MOCA.

From Lake Forest INT, Ill.; to *Bristol INT Wis.; MEA **3,000. *3,000—MRA. **2,000—MOCA.

From Bristol INT, Wis.; to Milwaukee, Wis., ILS loc.; MEA 2,000.

From Milwaukee, Wis.; ILS loc.; to Cardinal INT, Wis.; MEA 2,700.

§ 610.6218 *VOR civil airway 218.*

From Lansing, Mich., VOR; to Flint, INT, Mich.; MEA 2,400.

§ 610.6219 *VOR civil airway 219.*

From Janesville, Wis., VOR; to *New Berlin INT, Wis., MEA **4,300. *4,300—MRA. **2,300—MOCA.

§ 610.6220 *VOR civil airway 220.*

From Kremmling, Colo., VOR; to Ward INT, Colo.; MEA 16,000.

From Ward INT, Colo.; to Longmont INT, Colo.; MEA 16,500.

From *Longmont INT, Colo.; to Roggen INT, Colo.; MEA 10,500. *16,500—MCA Longmont INT, westbound.

From Roggen INT, Colo.; to Wiggins INT, Colo.; MEA 7,000.

From Wiggins INT, Colo.; to Akron, Colo., VOR; MEA 6,600.

§ 610.6221 *VOR civil airway 221.*

From Ft. Wayne, Ind., VOR; to Litchfield, Mich., VOR; MEA 2,800.

From Litchfield, Mich., VOR; to Wolf Lake INT, Mich.; MEA 2,300.

From Wolf Lake INT, Mich.; to Salem, Mich., VOR; MEA 2,300.

§ 610.6222 *VOR civil airway 222.*

From San Antonio, Tex., VOR; to *Smithville INT, Tex.; MEA 2,500. *2,300—MRA.

From Smithville INT, Tex.: to Round Top INT, Tex.; MEA *3,000. *1,700—MOCA.

From Round Top INT, Tex.; to Sealy INT, Tex.; MEA *3,700. *1,700—MOCA.

From Sealy INT, Tex.; to Houston, Tex., VOR; MEA 2,000.

§ 610.6223 *VOR civil airway 223.*

From Herndon, Va., VOR; to Harrisburg, Pa., VOR; MEA 3,000.

§ 610.6224 *VOR civil airway 224.*

From Carleton, Mich., VOR; to U. S.-Canadian Border; MEA 2,300.

§ 610.6225 *VOR civil airway 225.*

From Key West, Fla., VOR; to *Cape Romano INT, Fla.; MEA **3,000. *6,000—MRA. **1,300—MOCA.

From Cape Romano INT, Fla.; to Ft. Myers, Fla., VOR; MEA *3,000. *1,300—MOCA.

From Ft. Myers, Fla., VOR; to *Dixie Ranch INT, Fla.; MEA **1,500. *4,000—MRA. **1,300—MOCA.

From Dixie Ranch INT, Fla.; to Vero Beach, Fla., VOR; MEA *1,500. *1,300—MOCA.

§ 610.6226 *VOR civil airway 226.*

From Williamsport, Pa., VOR; to Avoca INT, Pa.; MEA 4,500.

From Avoca INT, Pa.; to Stillwater, N. J., VOR; MEA 3,500.

From Stillwater, N. J., VOR; to Paterson INT, N. J.; MEA 2,500.

§ 610.6228 *VOR civil airway 228.*

From Naperville, Ill., VOR; to Sycamore INT, Ill.; MEA 2,000.

§ 610.6230 *VOR civil airway 230.*

From Salinas, Calif., VOR; to Mendota INT, Calif.; MEA 7,000.

From Mendota INT, Calif.; to Fresno, Calif., VOR; MEA 3,000.

§ 610.6232 *VOR civil airway 232.*

From Hill City, Kans., VOR; to Salina, Kans., VOR; MEA *7,900. *3,600—MOCA.

§ 610.6233 *VOR civil airway 233.*

From Evansville, Ind., VOR; to *Farina INT, Ill.; MEA 2,000. *3,100—MRA.

From Farina INT, Ill.; to Vandalia, Ill., VOR; MEA 2,000.

From Evansville, Ind., VOR via E alter.; to Vandalia, Ill., VOR via E alter.; MEA 2,000.

From Springfield, Ill., VOR; to Peoria, Ill., VOR; MEA 2,000.

From Peoria, Ill., VOR; to Bradford, Ill., VOR; MEA 2,000.

From Bradford, Ill., VOR; to Moline, Ill., VOR; MEA 2,000.

§ 610.6234 *VOR civil airway 234.*

From Anton Chico, N. Mex., VOR; to Conchas Dam INT, N. Mex.; MEA 7,500.

From *Conchas Dam INT, N. Mex.; to Dalhart, Tex., VOR; MEA 10,000. *8,500—MCA Conchas Dam INT, northeastbound.

§ 610.6401 *Hawaii VOR civil airway 1.*

From Hilo, T. H., VOR; to Hibiscus INT, T. H.; MEA *3,000. *1,000—MOCA.

§ 610.6402 *Hawaii VOR civil airway 2.*

From Lihue, T. H., VOR; to *Makai INT, T. H., MEA **5,000. *5,000—MCA Makai INT, westbound. **3,000—MOCA.

From Makai INT, T. H.; to Honolulu, T. H., VOR; MEA 4,000.

From Barbers Point, T. H., FM; to Honolulu, T. H., VOR northeastbound only; MEA 2,000.

From Lihue, T. H., VOR via S alter.; to Hula Girl INT, T. H., via S alter.; MEA *4,000. *3,000—MOCA.

From Hula Girl INT, T. H., via S alter.; to Makai INT, T. H., via S alter.; MEA 4,000.

From Makai INT, T. H., via S alter.; to Honolulu, T. H., VOR via S alter.; MEA 4,000.

From Barbers Point, T. H., FM via S alter.; to Honolulu, T. H., VOR via S alter., northeastbound only; MEA 2,000.

From Honolulu, T. H., VOR; to *Lanai, T. H., VOR; MEA 5,000. Via S alter.; MEA 5,000. *5,000—MCA Lanai VOR, eastbound.

From Lanai, T. H., VOR; to Pineapple INT, T. H.; MEA 5,000.

From Pineapple INT, T. H.; to Rainbow INT, T. H.; MEA 4,000.

From Rainbow INT, T. H.; to Upolu, T. H., VOR; MEA 5,000.

From Upolu, T. H., VOR; to Paradise INT, T. H.; MEA 5,000.

From Paradise INT, T. H.; to Hilo, T. H., VOR; MEA 4,000.

From Hilo, T. H., VOR; to 25 miles E of Hilo VOR; MEA *2,000. *1,000—MOCA.

§ 610.6403 *Hawaii VOR civil airway 3.*

From Hilo, T. H., VOR; to Grass Shack INT, T. H.; MEA *3,000. *1,000—MOCA.

§ 610.6404 *Hawaii VOR civil airway 4.*

From South Port Allen INT, T. H.; to Hula Girl INT, T. H.; MEA *7,000. *1,000—MOCA.

From Hula Girl INT, T. H.; to Barbers Point, T. H. FM; MEA *4,000. *2,000—MOCA, northeastbound. *1,000—MOCA, southwestbound.

From Barbers Point, T. H. FM; to Honolulu, T. H., VOR; northeastbound, MEA 2,000; southwestbound, MEA 4,000.

From *Honolulu, T. H., VOR; to Kaneohe INT, T. H.; MEA 6,000. *6,000—MCA Honolulu VOR, northeastbound.

From Kaneohe INT, T. H.; to North Lanai INT, T. H.; MEA *9,000. *1,000—MOCA.

From North Lanai INT, T. H.; to North Maui INT, T. H.; MEA *14,500. *1,000—MOCA.

§ 610.6405 *Hawaii VOR civil airway 5.*

From Rainbow INT, T. H.; to *Maui, T. H., VOR; MEA 4,000. *4,000—MCA Maui VOR, southbound.

From Maui, T. H., VOR; to North Maui INT, T. H.; MEA *14,500. *7,000—MOCA.

§ 610.6406 *Hawaii VOR civil airway 6.*

From Lanai, T. H., VOR; to *Maui, T. H., VOR; MEA 6,500. *6,500—MCA Maui VOR, westbound.

§ 610.6407 *Hawaii VOR civil airway 7.*

From Lanai, T. H., VOR; to North Lanai INT, T. H.; MEA *9,000. *5,500—MOCA.

§ 610.6408 *Hawaii VOR civil airway 8.*

From Pineapple INT, T. H.; to *Maui, T. H., VOR; MEA 5,000. *4,000—MCA Maui VOR, southwestbound.

§ 610.6409 *Hawaii VOR civil airway 9.*

From South Honolulu INT, T. H.; to Honolulu, T. H., VOR; MEA *6,000. *5,000—MOCA, northbound and 1,000—MOCA, southbound.

§ 610.6410 *Hawaii VOR civil airway 10.*

From Upolu, T. H., VOR; to Paradise INT, T. H.; MEA 5,000.

From Paradise INT, T. H.; to Grass Shack INT, T. H.; MEA *3,000. *1,000—MOCA.

From Grass Shack INT, T. H.; to Hibiscus INT, T. H.; MEA 3,000.

These rules shall become effective May 3, 1956.

[SEAL] JAMES T. PYLE,
*Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 56-3340; Filed, Apr. 27, 1956; 8:53 a. m.]



# TITLE 17—COMMODITY AND SECURITIES EXCHANGES

## Chapter II—Securities and Exchange Commission

PART 240—GENERAL RULES AND REGULATIONS UNDER THE SECURITIES EXCHANGE ACT OF 1934

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

### REPORTS ON STABILIZING ACTIVITIES

On January 16, 1956 the Securities and Exchange Commission announced that it had under consideration a proposal to amend § 240.17a-2 (Rule X-17A-2), requiring stabilizing reports in certain cases, and Form X-17A-1 (§ 249.717), the form of report required to be used under the rule. The Commission has considered all of the comments and suggestions received and has amended the rule and form as stated below.

Before it was amended Rule X-17A-2 required stabilizing reports when stabilizing purchases were effected to facilitate an offering of securities registered under the Securities Act of 1933. These reports had to show purchases, sales and transfers in the stabilized and offered securities during the period beginning on the 20th day prior to the first stabilizing purchase and ending on the date when stabilizing was terminated, or the date when the short position was covered, whichever was later. The amended rule requires reports when stabilizing purchases are made in connection with a Regulation A offering or any other offering in which the aggregate offering price is more than $300,000, as well as offerings registered under the Securities Act. The amended rule also expressly provides for the reporting of transactions in rights where stabilizing occurs in connection with a rights offering. However, persons subject to the rule, particularly persons who do not act as managers, should find it easier to comply with the amended rule. Among other things, syndicate members other than the manager are required to file only one report at the termination of stabilizing instead of being required to file daily reports. Further, under the amended rule the managers and other participants would usually have to report transactions covering a shorter period; the reporting period begins on the 9th day before the offering or on the business day before stabilizing is begun, whichever is earlier, instead of on the 20th day prior to the first stablizing purchase.

The amendment of Form X-17A-1 should simplify compliance with requirements because (1) the instructions are more clearly and concisely stated and are contained in the form itself rather than on a separate instruction sheet, (2) fewer transactions have to be "timed" and (3) more transactions can be "bunched" in the report.

*Statutory basis.* Section 240.17a-2 is hereby amended as stated below and Form X-17A-1 (§ 249.717) is hereby amended to read as set forth in copies marked "as revised effective July 1, 1956," pursuant to the provisions of the Securities Exchange Act of 1934, particularly sections 3 (b), 10 (b), 17 (a) and 23 (a) thereof, the Commission deeming such action necessary and appropriate in the public interest and for the protection of investors, and necessary for the execution of the functions vested in the Commission under the act.

§ 240.17a-2 *Reports on stabilizing activities*—(a) *Scope of section.* This section shall apply to any person who effects any purchase of a security for the purpose of pegging, fixing or stabilizing (hereinafter called "stabilizing") the price of any security to facilitate an offering of any security (other than an "exempted security" as hereinafter defined) (1) with respect to which a registration statement has been, or is to be, filed pursuant to the Securities Act of 1933 as amended or (2) which is being, or is to be, offered pursuant to an exemption from registration under Regulation A adopted under the Securities Act of 1933 or (3) which is being, or is to be, otherwise offered, if the aggregate offering price of the securities being offered exceeds $300,000. This section shall also apply to any person who has a participation in an account for which such a stabilizing purchase is effected.

(b) *Definitions.* Unless the context clearly indicates otherwise, for the purposes of this section and the forms prescribed hereby, the following terms shall have the meanings indicated:

(1) The term "manager" shall mean the person stabilizing for his sole account or for the account of a syndicate or group in which he is a participant.

(2) The term "transfer" shall mean any change in the control of a position in a security unaccompanied by a change in ownership.

(3) The term "offered security" shall include any security of the same class and series.

(4) The term "exempted security" means an exempted security as defined in section 3 (a) (12) of the act, including securities issued, or guaranteed both as to principal and interest, by the International Bank for Reconstruction and Development.

(c) *Notifications by managers.* Any person subject to this section who effects one or more stabilizing purchases for his sole account or for the account of a syndicate or group shall:

(1) Promptly notify the Commission of (i) the name and class of the security being stabilized, (ii) the price, the date, and the time at which the first stabilizing purchase was effected and, (iii) if the syndicate or group has then been formed, (*a*) names and addresses of the members thereof and (*b*) their respective commitments, or in the case of a standby or contingent underwriting the percentage participation of each member of the syndicate or group therein, except that in the case of a best-efforts underwriting only the total amount to be offered need be stated to meet the requirement of subdivision (iii) (*b*) of this subparagraph or, (iii) if the syndicate or group has not been formed at the time when the first stabilizing purchase is effected, the information called for by subdivision (iii) of this subparagraph shall be furnished to the Commission promptly after the group is formed: *Provided, however,* That if the information called for by subdivisions (iii) or (iv) of this subparagraph has been or is to be filed with the Commission pursuant to the Securities Act of 1933 as amended or pursuant to an exemption from registration under Regulation A adopted under the Securities Act of 1933 then such information shall not be included in the notice furnished pursuant to this subparagraph: *And, provided, further,* That if such information has been otherwise filed with the Commission it may be incorporated by reference into such notice; and

(2) Promptly furnish to each of the members of the syndicate or group the information (other than price) called for by subdivisions (i) and (ii) of subparagraph (1) of this paragraph; and

(3) Promptly notify the Commission and the members of such syndicate or group of the date and time when stabilizing was terminated.

(d) *Reports as manager.* Any person subject to this section who effects one or more stabilizing purchases for his sole account or for the account of a syndicate or group shall:

(1) Report to the Commission "as manager" on Form X-17A-1 (§ 249.717 of this chapter), not later than three business days following the day upon which the first stabilizing purchase was effected, all purchases, sales and transfers, in the stabilized and offered securities, and if the offering is a rights offering, in the rights, during the period beginning on the ninth business day prior to the first day upon which the offering was made or beginning on the business day prior to the day on which the first stabilizing purchase was effected, whichever date is earlier, and ending on the day upon which the first stabilizing purchase was effected: *Provided, however,* That in the case of securities offered pursuant to an effective registration statement under the Securities Act of 1933 the distribution shall not be deemed to commence for purposes of this subparagraph prior to the effective date of the registration statement; and

(2) Until stabilizing is terminated, report to the Commission "as manager" on Form X-17A-1 (§ 249.717 of this chapter), not later than the next business day, all purchases, sales and transfers, effected on any day in the stabilized and offered securities, and in the rights; and

(3) If such person has a short position in the stabilized or offered security when stabilizing is terminated, report to the Commission "as manager" on Form X-17A-1 (§ 249.717 of this chapter), not later than the next business day, all purchases, sales and transfers, effected on any day in such security, until such short position is covered.

(4) Notwithstanding the provisions of subparagraphs (1), (2) and (3) of this paragraph, if the person stabilizing is stabilizing for the account of a syndicate or group, he shall report "as manager" only such transactions as are effected for the account of such syndicate or group.

(e) *Reports not as manager.* The manager and any other person subject to this section who has a participation

in an account for which a stabilizing purchase is effected (other than a person stabilizing for his sole account all of whose transactions are reported "as manager") shall report "not as manager" to the Commission on Form X-17A-1 (§ 249.717 of this chapter), not later than five business days following the day upon which stabilizing was terminated, all purchases, sales and transfers in the stabilized and offered securities, and if the offering is a rights offering, in the rights, during the period beginning on the ninth business day prior to the first day upon which the offering was made or on the business day prior to the day upon which the first stabilizing purchase was effected, whichever date is earlier, and ending on the day when stabilizing was terminated: *Provided, however,* (1) That transactions reported "as manager" shall not again be reported "not as manager" and (2) that in the case of securities offered pursuant to an effective registration statement under the Securities Act of 1933 the distribution shall not be deemed to commence for purposes of this paragraph prior to the effective date of the registration statement.

(f) *Public records.* Reports filed pursuant to this section will be available for public inspection after all of the required reports have been filed.

These amendments to Rule X-17A-2 and Form X-17A-1 shall be effective July 1, 1956; however, if the first stabilizing purchase to facilitate any particular offering is made on or after June 20, 1956, a person may file reports on the revised Form X-17A-1 in compliance with Rule X-17A-2 as amended.

Copies of the amended Form X-17A-1 are expected to be available at the Washington office and all regional offices of the Commission about June 15, 1956.

(Sec. 23, 48 Stat. 901 as amended; 15 U. S. C. 78w)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

APRIL 17, 1956.

[F. R. Doc. 56-3311; Filed, Apr. 27, 1956; 8:48 a. m.]

## TITLE 19—CUSTOMS DUTIES

### Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54075; 521.3]

PART 10—ARTICLES CONDITIONALLY FREE, SUBPART TO A REDUCED RATE, ETC.

REGISTRATION OF VALUABLE EFFECTS

The following amendment of the Customs Regulations will authorize the permanent registration of readily identifiable articles of foreign origin which are to be taken abroad:

Section 10.28 of the Customs Regulations is amended by deleting the citations of authority at the end of paragraph (b) and by adding a new paragraph designated (c), reading as follows:

(c) Resident travelers who make frequent trips abroad may permanently register cameras, binoculars, and other articles of foreign origin which bear permanent identification numbers or markings. Customs Form 4457, properly conformed, shall be used for this purpose.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624. Interprets or applies sec. 498, 46 Stat. 728, as amended; 19 U. S. C. 1498)

[SEAL] D. B. STRUBINGER, *Acting Commissioner of Customs.*

Approved: April 20, 1956.

DAVID W. KENDALL, *Acting Secretary of the Treasury.*

[F. R. Doc. 56-3314; Filed, Apr. 27, 1956; 8:48 a. m.]

## TITLE 21—FOOD AND DRUGS

### Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463; 21 U. S. C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), the regulations for tests and methods of assay and certification of penicillin and penicillin-containing drugs (21 CFR Parts 141a, 146a) are amended as set forth below:

1. Section 141a.86 is amended in the following respects:

a. The section headnote is changed to read as follows: "§ 141a.86 *Procaine penicillin - streptomycin - polymyxin in oil; procaine penicillin-dihydrostreptomycin-polymyxin in oil; procaine penicillin-streptomycin-polymyxin ointment; procaine penicillin-dihydrostreptomycin-polymyxin ointment.*"

b. In paragraph (a) *Potency,* subparagraph (1) is amended by inserting after the words "per milliliter" the words "or per gram".

c. Paragraph (a) (2) is amended by inserting after the words "per milliliter" the words "or per gram".

d. Paragraph (a) (3) is amended by inserting after the word "milligrams" the words "per milliliter or".

e. Paragraph (a) (4) (i) is amended to read as follows:

(i) In lieu of the directions for the preparation of the sample described in § 141b.112 (b) (1) (vii) of this chapter, prepare the sample by one of the following techniques:

(*a*) *Extraction.* Place a convenient-sized representative quantity of the sample in a separatory funnel containing approximately 50 milliliters of peroxide-free ether. Shake the sample and ether until homogeneous. Add 25 milliliters of 1-percent potassium phosphate buffer (pH 6.0) and shake. Remove the buffer layer and repeat the extraction with 25-milliliter portions of buffer at least three times and any additional times that may be necessary to insure complete extraction of the antibiotic. Combine the extractives. If the concentration of polymyxin in the combined extractives is less than 200 units per milliliter, 10-percent phosphate buffer (pH 6.0), containing 2 grams of $K_2HPO_4$ and 8 grams of $KH_2PO_4$ in each 100 milliliters, must be used in the extractions in lieu of 1-percent phosphate buffer (pH 6.0). Inactivate the penicillin with sufficient penicillinase at 37° C. for 30 minutes. Make the proper estimated dilutions in 10-percent potassium phosphate buffer (pH 6.0) to give a concentration of 10 units per milliliter (estimated).

(*b*) *Blending.* Place a convenient-sized representative quantity of the sample in a blending jar containing 1.0 milliliter of a 10-percent aqueous solution of polysorbate 80 and sufficient 1-percent phosphate buffer (pH 6.0) to give a final volume of 200 milliliters. If the sample consists of substantially more than 1 gram, use sufficient buffer to give a final volume of 500 milliliters. If the concentration of polymyxin in the blend is less than 200 units per milliliter, 10-percent phosphate buffer (pH 6.0) should be used in lieu of 1-percent phosphate buffer (pH 6.0). Using a high-speed blender, blend the mixture for 2 minutes. Inactivate the penicillin with sufficient penicillinase at 37° C. for 30 minutes and make the proper estimated dilutions in 10-percent phosphate buffer (pH 6.0) to give a concentration of 10 units per milliliter (estimated).

f. Paragraph (a) (4) (ii) is amended by inserting in the last sentence after the words "per milliliter" the words "or per gram".

2. Part 141a is amended by adding the following new section:

§ 141a.89 *Procaine penicillin-neomycin-polymyxin ointment*—(a) *Potency*—(1) *Penicillin content.* Proceed as directed in § 141a.8 (a). Its content of penicillin is satisfactory if it contains not less than 85 percent of the number of units per gram that it is represented to contain.

(2) *Neomycin content.* Proceed as directed in § 141e.411 (a) (2) of this chapter, except that sufficient penicillinase is added to the sample under test to inactivate the penicillin. Its content of neomycin is satisfactory if it contains not less than 85 percent of the number of milligrams per gram that it is represented to contain.

(3) *Polymyxin content.* Proceed as directed in § 141a.86 (a) (4). Its content of polymyxin is satisfactory if it contains not less than 85 percent of the number of units per gram that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.8 (b).

3. Section 146a.108 is amended in the following respects:

a. The section headnote and the introduction to the paragraph are changed to read as follows:

§ 146a.108 *Procaine penicillin-streptomycin-polymyxin in oil; procaine penicillin -dihydrostreptomycin - polymyxin in oil; procaine penicillin-streptomycin-polymyxin ointment; procaine penicillin-dihydrostreptomycin-polymyxin ointment.* Procaine penicillin-streptomycin-polymyxin in oil, procaine penicillin-didydrostreptomycin-polymyxin in oil, procaine penicillin-streptomycin-polymyxin ointment, and procaine penicillin - dihydrostreptomycin - polymyxin ointment conform to all requirements and are subject to all procedures prescribed by § 146a.54 for procaine penicillin-streptomycin ointment or procaine penicillin-dihydrostreptomycin ointment or by § 146a.57 for procaine penicillin and streptomycin in oil or procaine penicillin and dihydrostreptomycin in oil, except that:

b. Paragraph (b) is amended to read as follows:

(b) In lieu of the labeling prescribed by § 146a.54 (b) or § 146a.57 (a) (3), each package shall bear on the outside wrapper or container and the immediate container the number of units of penicillin, the number of milligrams of streptomycin or dihydrostreptomycin, and the number of units of polymyxin B per milliliter or per gram or per prescribed dose; if it contains one or more of the active ingredients specified in § 146a.54 (a) (3) or § 146a.57 (a) (2), the name and quantity of each; the statement "For udder instillation of cattle only"; and the statement "Expiration date _____," the blank being filled in with the date that is 12 months after the month during which the batch was certified. Each package shall also bear on its label and labeling, if it contains one or more of the active ingredients specified in § 146a.54 (a) (3) or § 146a.57 (a) (2), after the name "procaine penicillin-streptomycin-polymyxin in oil," "procaine penicillin-dihydrostreptomycin-polymyxin in oil," "procaine penicillin-streptomycin-polymyxin ointment," or "procaine penicillin-dihydrostreptomycin-polymyxin ointment," wherever it appears, the words "with _____ (the blank being filled in with the common or usual name of each such ingredient)," in juxtaposition with such name.

c. Paragraph (c) is amended by changing the reference to "§ 146a.57 (a) (4)," to read "§ 146a.54 (c) or § 146a.57 (a) (4),".

4. Part 146a is amended by adding the following new section:

§ 146a.111 *Procaine penicillin-neomycin-polymyxin ointment*—(a) *Standards of identity, strength, quality, and purity.* Procaine penicillin-neomycin-polymyxin ointment is procaine penicillin, neomycin, and polymyxin in a suitable and harmless ointment base, with or without a suitable anesthetic and with or without cortisone or a suitable derivative of cortisone. Its moisture content is not more than 1.0 percent. It contains not less than 25,000 units of procaine penicillin, not less than 17.5 milligrams of neomycin, and not less than 5,000 units of polymyxin per gram. The procaine penicillin used conforms to the requirements of § 146a.44 (a), except § 146a.44 (a) (2) and (3). The neomycin used conforms to the requirements of § 146e.410 (a) (2) of this chapter. The polymyxin used conforms to the requirements of § 146b.107 (a) of this chapter. Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging; labeling; request for certification, samples; fees.* The drug conforms to all requirements and procedures prescribed for penicillin ointment by § 146a.26 (b), (c), (d), and (e), except that:

(1) In lieu of the labeling prescribed for penicillin ointment by § 146a.26 (c) (1) (ii), each package shall bear on the outside wrapper or container and the immediate container:

(*a*) The number of units of procaine penicillin, the number of milligrams of neomycin, and the number of units of polymyxin per gram or per single-dose container.

(*b*) If it contains an anesthetic or cortisone or a derivative of cortisone, the name and amount of each such ingredient.

(*c*) If it contains cortisone or a derivative of cortisone, after the name "procaine penicillin-neomycin-polymyxin ointment," wherever it appears, the words "with _____ (the blank being filled in with the common or usual name of each such other ingredient)," in juxtaposition with such name.

(2) In addition to complying with the requirements of § 146a.26 (d), a person who requests certification of a batch shall submit with his request a statement showing the batch marks and (unless they were previously submitted) the results and the dates of the latest tests and assays of the neomycin (for potency and toxicity) and polymyxin (for potency, toxicity, moisture, and pH) used in making the batch; the number of units of penicillin; the number of milligrams of neomycin, and the number of units of polymyxin per gram. He shall also submit in connection with his request a sample consisting of not less than 7 immediate containers of the batch and (unless they were previously submitted) samples consisting of 5 packages each of the neomycin and polymyxin used in making the batch, each package containing approximately equal portions of not less than 0.5 gram.

(3) The fee for the services rendered with respect to each immediate container in the samples of neomycin and polymyxin submitted in accordance with the requirements prescribed by this section shall be $4.00.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

*Effective date.* This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463; 21 U. S. C. 357)

Dated: April 23, 1956.

[SEAL] GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F. R. Doc. 56-3300; Filed, Apr. 27, 1956; 8:46 a. m.]

## TITLE 43—PUBLIC LANDS: INTERIOR

### Chapter I—Bureau of Land Management, Department of the Interior

[Circular 1953]

PART 160—GRAZING LEASES

MISCELLANEOUS AMENDMENTS

A new paragraph (b) is added to § 160.5; § 160.12, paragraph (c) is revoked; § 160.22, paragraphs (a) and (d) are amended.

1. In § 160.5 *Application and lease,* the present section is designated as paragraph (a). A new paragraph (b) is added as follows:

(b) A filing fee of $10 will be charged for each grazing lease application, including an application arising out of the assignment of leased lands, when it embraces in whole or in part lands which ar not already under lease by the applicant or by th assignor on the date of filing such application.

2. In § 160.12 *Leased lands subject to classification and disposition; compensation to lessee for loss of lands and for improvements,* paragraph (c) is revoked.

3. In § 160.22 *Pledge of leases as security for loans; applications for extension of lease by borrower-lessee,* paragraphs (a) and (d) are amended to read as follows:

(a) A lease may be pledged as security for a loan of $500 or more from a lending agency if the loan is for the purpose of furthering the lessee's livestock operations. Before a loan is made, the lending agency may ascertain from the authorized officer the status of the grazing lease and other pertinent information relating thereto. A service fee of $10 will be charged non-federal lending agencies for searching the records to furnish such information.

* * * * *

(d) Where a lending agency files in the office of the authorized officer notice that it has made a loan and has accepted a grazing lease as security therefor, in conformity with the provisions of this section, such agency will be advised of any adverse action taken affecting the lease, but the failure to give timely notice of such adverse action shall impose no legal liability or obligation on the Bureau or any of its employees.

(Sec. 2, 48 Stat. 1270; 43 U. S. C. 315a)

CLARENCE A. DAVIS, *Acting Secretary of the Interior.*

APRIL 23, 1956.

[F. R. Doc. 56-3305; Filede Apr. 27, 1956; 8:47 a. m.]

Appendix—Public Land Orders

[Public Land Order 1289]

[1039953, 1959902]

IDAHO

REVOKING EXECUTIVE ORDER NO. 3661 OF APRIL 13, 1922, WHICH RESERVED PUBLIC LANDS FOR USE OF THE FOREST SERVICE AS THE HERMAN ADMINISTRATIVE SITE; REVOKING PUBLIC LAND ORDER NO. 180 OF OCTOBER 1, 1943, WHICH WITHDREW PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT AS A BOMBING RANGE

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Executive Order No. 3661 of April 13, 1922, which temporarily withdrew the following-described lands in Idaho for use of the Forest Service, Department of Agriculture, as the Herman Administrative Site, is hereby revoked:

BOISE MERIDIAN

T. 3 S., R. 43 E.,
Sec. 21, SE¼SW¼;
Sec. 28, NE¼NW¼.

The areas described aggregate 80 acres.

2. Public Land Order No. 180 of October 1, 1943, which withdrew the following described lands for use of the War Department as a bombing range is hereby revoked:

BOISE MERIDIAN

T. 2 N., R. 28 E.,
Sec. 1:
Sec. 12, E½, NW¼, N½SW¼, SE¼SW¼.
T. 2 N., R. 29 E.,
Secs. 5 to 8, inclusive.
T. 3 N., R. 29 E.,
Secs. 31 and 32.

The areas described aggregate 5,322.65 acres.

3. The lands described in paragraph 2 are withdrawn by Public Land Order No. 637 of April 7, 1950, for use of the Atomic Energy Commission.

4. The land in paragraph 1 of this order is located about 50 miles southeast of Idaho Falls, Idaho, and is accessible by means of a meandering, graded road. The tract is isolated, since all of the adjoining land is patented. The land, which is at an elevation of about 6,600 feet, is within Idaho Grazing District No. 3.

5. No application for the restored lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

6. Subject to any valid existing rights and the requirements of applicable law, the restored lands described in paragraph 1 hereof, are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on May 30, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on August 29, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs 6a (1) and (2) above, presented prior to 10:00 a. m. on August 29, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral-leasing laws and to location for metalliferous minerals. They will be open to location for nonmetalliferous minerals under the United States mining laws beginning at 10:00 a. m. on August 29, 1956.

Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

WESLEY A. D'EWART,
*Assistant Secretary of the Interior.*

APRIL 24, 1956.

[F. R. Doc. 56–3301; Filed, Apr. 27, 1956; 8:46 a. m.]

[Public Land Order 1290]

[69257]

NEW MEXICO

PARTIALLY REVOKING THE EXECUTIVE ORDER OF APRIL 19, 1869, WHICH WITHDREW LANDS FOR USE OF THE WAR DEPARTMENT AS THE FORT BAYARD MILITARY RESERVATION; WITHDRAWING THE RELEASED LANDS FOR USE OF THE FOREST SERVICE AS AN ADMINISTRATIVE SITE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The Executive order of April 19, 1869, withdrawing public lands in New Mexico for use of the War Department as the Fort Bayard Military Reservation, is hereby revoked so far as it affects the following-described lands:

TRACT A

From the quarter corner common to sections 35 and 36, T. 17 S., R. 13 W., the line runs N. 89°53' W. 1,530 feet to point of beginning, thence

N. 89° 53' W. 1,150 feet;
N. 00° 28' W. 1,855 feet;
S. 52° 38' E. 215 feet;
S. 30° 03' 1. 2,000 feet, to point of beginning.

The area described contains 22.5 acres.

TRACT B

From the quarter corner common to sections 25 and 26, T. 17 S., R. 13 W., the line runs S. 02° 04' E. 2675 feet, thence

N. 89° 53' W. 1590 feet;
N. 00° 43' W. 615 feet;
West 400 feet;
N. 22° 55' E. 1450 feet;
N. 47° 03' E. 1590 feet;
N. 18° 18' W. 2380 feet;
East 990 feet;
S. 01° 30' E. 2660 feet, to point of beginning.

The area described contains 133.2 acres.

2. Subject to valid existing rights, the lands released by paragraph 1 of this order, are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved for use of the Forest Service, Department of Agriculture as an administrative site in connection with the administration of the Gila National Forest.

WESLEY A. D'EWART,
*Assistant Secretary of the Interior.*

APRIL 24, 1956.

[F. R. Doc. 56–3302; Filed, Apr. 27, 1956; 8:46 a. m.]

[Public Land Order 1291]

[Wyoming 029936 (Nebr.)]

NEBRASKA

WITHDRAWING PUBLIC LANDS FOR USE OF THE DEPARTMENT OF THE ARMY IN CONNECTION WITH THE GAVINS POINT DAM AND RESERVOIR PROJECT

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Nebraska are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining but not the mineral-leasing laws, and reserved for use in connection with the Gavins Point Dam and Reservoir Project, under the supervision of the Department of the Army as authorized by the Flood Control Act of December 22, 1944 (58 Stat. 887).

SIXTH PRINCIPAL MERIDIAN

T. 33 N., R. 4 W.,
Sec. 2, lot 1;
Sec. 3, lots 5, 6, 7, and 8;
Sec. 10, lots 1, 2, 3, 4, SW¼SE¼, and E½NE¼;
Sec. 11, lot 4.
T. 33 N., R. 5 W.,
Sec. 21, lot 1;
Sec. 28, lot 1.

The areas described aggregate 626.60 acres.

WESLEY A. D'EWART,
*Assistant Secretary of the Interior.*

APRIL 24, 1956.

[F. R. Doc. 56–3303; Filed, Apr. 27, 1956; 8:46 a. m.]

[Public Land Order 1292]

[232409]

UTAH

PARTIAL REVOCATION OF EXECUTIVE ORDER OF APRIL 29, 1912, CREATING PUBLIC WATER RESERVE NO. 5, UTAH NO. 3

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The Executive order of April 29, 1912, creating Public Water Reserve No. 5, Utah No. 3, is hereby revoked so far as it affects the following-described lands:

SALT LAKE MERIDIAN

T. 7 N., R. 5 W.,
Sec. 9, lots 4 and 5;
Sec. 15, lots 1, 2, and 3;
Sec. 27, lots 1, 2, 3, 4, and 5.
T. 9 N., R. 6 W.,
Sec. 3, SE¼SW¼ and SW¼SE¼;
Sec. 7, N½S½;
Sec. 9, S½NW¼ and N½SW¼.
T. 11 N., R. 7 W.,
Sec. 26, E½SW¼ and SE¼.
T. 14 N., R. 11 W.,
Sec. 31.
T. 13 N., R. 14 W.,
Sec. 7, SE¼SE¼;
Sec. 8, S½S½.
T. 12 N., R. 15 W.,
Sec. 8, S½NE¼ and N½SE¼;
Sec. 17, SW¼SW¼;
Sec. 18, S½SE¼;
Sec. 19, NE¼.

The areas described aggregate 2,186.72 acres, of which 159.01 acres are included in patented mining claims.

The following-described lands have also been patented:

SALT LAKE MERIDIAN

T. 7 N., R. 5 W.,
Sec. 9, lots 4 and 5;
Sec. 15, lots 1, 2, and 3;
Sec. 27, lots 1, 2, 3, 4, and 5.
T. 9 N., R. 6 W.,
Sec. 3, SE¼SW¼ and SW¼SE¼;
Sec. 7, N½S½;
Sec. 9, S½NW¼ and N½SW¼.
T. 11 N., R. 7 W.,
Sec. 26, E½SW¼ and W½SE¼.
T. 14 N., R. 11 W.,
Sec. 31.
T. 12 N., R. 15 W.,
Sec. 17, SW¼SW¼;
Sec. 19, NE¼.

The areas described aggregate 1,666.72 acres.

The following-described lands are vacant public domain:

SALT LAKE MERIDIAN

T. 11 N., R. 7 W.,
Sec. 26, E½SE¼.
T. 13 N., R. 14 W.,
Sec. 7, lot 6;
Sec. 8, lots 10 and 11.
T. 12 N., R. 15 W.,
Sec. 8, S½NE¼ and N½SE¼;
Sec. 18, S½SE¼.

The areas described aggregate 360.99 acres.

The public lands described in this order are grazing lands located on the northeast and northwest borders of Great Salt Lake in Box Elder County, Utah.

No application for the restored lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any valid existing rights and the requirements of applicable law, the restored lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284, as amended), presented prior to 10:00 a. m. on May 30, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on August 29, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on August 29, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral-leasing laws, and to location for metalliferous minerals. They will be open to location for non-metalliferous minerals under the United States mining laws beginning at 10:00 a. m. on August 29, 1956.

Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Salt Lake City, Utah.

WESLEY A. D'EWART,
*Assistant Secretary of the Interior.*

APRIL 24, 1956.

[F. R. Doc. 56–3304; Filed, Apr. 27, 1956; 8:47 a. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### [ 7 CFR Parts 930, 932, 960, 963, 965, 971, 972, 974, 975, 995, 1002, 1009 ]

[Docket Nos. AO–179–A14, AO–72–A20, AO–197–A3, AO–176–A12, AO–175–A13, AO–166–A21, AO–177–A16, AO–233–A5, AO–253–A1, AO–268–A2, AO–33–A23]

HANDLING OF MILK IN CLEVELAND, TOLEDO, LIMA, COLUMBUS, DAYTON-SPRINGFIELD, CINCINNATI, TRI-STATE, STARK COUNTY, AKRON, OHIO; GREATER WHEELING, WEST VIRGINIA, CLARKSBURG, WEST VIRGINIA; and FORT WAYNE, INDIANA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENTS AND TO ORDERS AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a joint public hearing was held at Columbus, Ohio, on April 20, 1956, pursuant to notice thereof which was issued on April 13, 1956 (21 F. R. 2442), upon proposed amendments to the tentative marketing agreements and to the orders, as amended, regulating the handling of milk in the following marketing areas:

Cleveland, Ohio.
Toledo, Ohio.
Lima, Ohio.
Columbus, Ohio.
Dayton-Springfield, Ohio.
Cincinnati, Ohio.
Tri-State.
Stark County, Ohio.
Akron, Ohio.
Greater Wheeling, W. Va.
Clarksburg, W. Va.
Fort Wayne, Ind.

The material issues of record related to:

1. Increases in the price for Class I milk for a limited period of time; and

2. The existence of an emergency requiring expedited procedures.

*Findings and conclusions.* The following findings and conclusions are based on the evidence received at the hearing and the record thereof:

1. In order that disorderly marketing conditions may be avoided Class I price increases through July 1956 should be made as specified below.

In order to maintain orderly marketing conditions in important milksheds located in the center of the largest milk production region of the nation, action has been effected to nullify seasonal reductions in price which would otherwise have affected returns to producers. The Department acted on April 13 to issue suspension orders modifying the price provisions of the milk orders for the Chicago, Milwaukee, South Bend-La Porte, and Rockford-Freeport markets for the period April 16–July 31, 1956. The result of these suspension actions, official notice of which is taken, is to increase the Class I price to producers by 46 cents per hundredweight for the period April 16–June 30 and by 26 cents per hundredweight for the month of July. This action also affected prices in the Quad Cities and Dubuque markets. These price actions affecting the Chicago and certain other mid-west markets as referred to have changed the customary relationships of prices between the major markets in the heavy producing regions and those affected by this decision, causing differences in price which add to an already difficult marketing situation.

Price levels in the markets covered by this decision vary in accordance with local conditions and distances from the major producing areas and, under usual circumstances, local market supply and demand influences are primary factors in bringing about price changes. Any significant maladjustment in price alignment with the major milk producing areas at this time, however, would result in widespread disparities in returns for milk among producers generally, and in view of unsettled conditions, could cause uneconomic marketing responses and disturbances affecting producers and markets over widespread areas. As indicated by the record even short-run disparities in price at this time would magnify the price level problems of producers in such markets. For these reasons immediate action to re-establish previous price alignments is imperative to restore orderly marketing conditions. This necessitates increases of 46 cents per hundredweight through June and 26 cents per hundredweight through July of this year in each of such markets. It is concluded that such increases should be made.

The Class I prices of the Akron, Lima, and Stark County, Ohio, orders are automatically maintained in fixed alignment to the Class I price of the Cleveland order, hence no amendment action is necessary to carry out the conclusions of this decision with respect to such orders.

By suspension order effective April 17, 1956, action has been taken with respect to the Class I price in the Toledo, Ohio, market which makes amendment action for that market unnecessary.

2. *The need for emergency action.* The due and timely execution of the function of the Secretary under the Act imperatively and unavoidably requires omission of a recommended decision by the Deputy Administrator of the Agricultural Marketing Service and exceptions thereto. As indicated elsewhere in this decision the purpose of the proposed amendments is to preserve through July 1956 alignment of prices in the respective marketing areas with the price of the Chicago marketing area, and thus to avoid disorderly marketing conditions. Immediate action must be taken if such amendments are to be effective in meeting the present emergency situation. The delay necessarily involved in the preparation, filing, and publication of the recommended decision and exceptions thereto would defeat the purpose of the amendments. Request was made on the record for omission of the recommended decision and opportunity for exceptions.

*General findings.* (a) The proposed marketing agreements and the order amending the orders, as amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices for milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and the order amending the orders, as amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed order amending the orders, as amended, will regulate the handling of milk in the same manner as and will be applicable only to persons in the respective classes of industrial and commercial activity specified in marketing agreements upon which hearings have been held.

*Determination of representative period.* The month of February 1956 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order amending the orders, as amended, regulating the handling of milk in certain marketing areas in the manner set forth in the attached order is approved or favored by producers who during such period were engaged in the production of milk for sale in each of the marketing areas specified in the said order.

*Rulings on proposed findings and conclusions.* Briefs were filed on behalf of interested parties. The briefs contained proposed findings, conclusions, and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

*Marketing agreements and order amending the orders, as amended.* Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the _____ Area" and "Order Amending the Orders, as Amended, Regulating the Handling of Milk in Certain Marketing Areas," which have been decided upon as the detailed and appropriate means of effectuating



the foregoing conclusions. These documents shall not become effective as to any marketing area specified therein unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met with respect to such marketing areas.

*It is hereby ordered,* That all of this decision except the form of marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the marketing agreements will be identical with those contained in the respective orders, as amended, and as proposed to be hereby further amended.

This decision filed at Washington, D. C., this 25th day of April 1956.

[SEAL] EARL L. BUTZ,
*Assistant Secretary.*

*Order[1] Amending the Orders, as Amended, Regulating the Handling of Milk in Certain Marketing Areas*

§ ____.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the orders and of the previously issued amendments thereto regulating the handling of milk in the following marketing areas:

Cleveland, Ohio.
Columbus, Ohio.
Dayton-Springfield, Ohio.
Cincinnati, Ohio.
Tri-State.
Greater Wheeling, W. Va.
Clarksburg, W. Va.
Fort Wayne, Ind.

And all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") (7 U. S. C. 601 et seq.), and the rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders, as amended, regulating the handling of milk in the specified marketing areas. Upon the basis of the evidence introduced at such hearings and the records thereof, it is found that:

(1) The said orders, as amended, and as hereby further amended, and all of the terms and conditions of said orders, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

[1] This order shall not become effective as to any marketing area specified herein unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met with respect to such marketing area.

(2) The parity prices of milk as determined pursuant to Section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the orders, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said orders, as amended, and as hereby further amended, regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in the marketing agreements upon which hearings have been held.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof the handling of milk in the aforesaid marketing areas shall be in conformity to and in compliance with the terms and conditions of the aforesaid orders, as amended, and as hereby further amended, and the aforesaid orders, as amended, are hereby further amended as follows:

1. Amend each of the orders specified in this paragraph by incorporating therein, in the manner indicated, the following provision:

The price for Class I milk otherwise computed pursuant to this section shall be increased 46 cents from the effective date hereof through June 1956 and 26 cents for the month of July 1956.

Part 975, Milk in the Cleveland, Ohio, marketing area as § 975.61 (b).

Part 965, Milk in the Cincinnati, Ohio, marketing area as § 965.51 (a) (3).

Part 972, Milk in the Tri-State marketing area as § 972.41 (c).

Part 1002, Milk in the Greater Wheeling, West Virginia, marketing area as § 1002.51 (a) (1).

Part 1009, Milk in the Clarksburg, West Virginia, marketing area as § 1009.51 (a) (1).

Part 932, Milk in the Fort Wayne, Indiana, marketing area as § 932.51 (c).

2. In Part 974, Milk in the Columbus, Ohio, marketing area, amend § 974.51 by adding the following as paragraph (a) (4):

(4) The price for Class I milk otherwise computed pursuant to this section shall be increased 46 cents from the effective date hereof through June 1956 and 26 cents for the month of July 1956: *Provided,* That this subparagraph shall not apply in computing the price for Class II milk pursuant to § 974.52.

3. In Part 971, Milk in the Dayton-Springfield, Ohio, Marketing Area, amend § 971.51 by adding the following as paragraph (a) (4):

(4) The price for Class I milk otherwise computed pursuant to this section shall be increased 46 cents from the effective date hereof through June 1956 and 26 cents for the month of July 1956: *Provided,* That this subparagraph shall not apply in computing the price for Class II milk pursuant to § 971.52.

[F. R. Doc. 56–3335: Filed, Apr. 27, 1956; 8:52 a. m.]

### [ 7 CFR Parts 1002, 1009 ]

[Docket No. AO–268]

HANDLING OF MILK IN GREATER WHEELING, WEST VIRGINIA, AND CLARKSBURG, WEST VIRGINIA, MARKETING AREAS

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENTS AND PROPOSED ORDERS AMENDING ORDERS

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Wheeling, West Virginia, on March 2, 1956, pursuant to notice thereof which was issued on February 23, 1956 (21 F. R. 1274).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on April 12, 1956 (21 F. R. 2443) filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision, and notice of opportunity to file written exception thereto.

The material issues on the record of the hearing were:

1. Class I price (Proposal 1).

2. Class II price (Proposals 2 and 4).

3. Lower price for milk, the skim of which is dumped, and lower Class II butterfat differential (Proposals 3 and 7).

4. Classification of milk disposed of as feed (Proposal 5).

5. Accounting for nonfat solids added to Class I products (Proposal 6).

6. Producer-handler definition (Proposal 8).

*Findings and conclusions.* The findings and conclusions and general findings of the recommended decision issued April 12, 1956 (21 F. R. 2443, F. R. Doc. 56–2940) are hereby approved and adopted as the findings and conclusions of this decision as if set forth in full herein, except for the following modifications described with reference to the recommended decision as it appeared in the FEDERAL REGISTER of April 14, 1956:

1. On page 2444, in the third column, add to the third full paragraph beginning in the column the following: "So as not to affect the status of producer-handlers during the base payment period, the new definition should be made effective August 1, 1956."

*Rulings on exceptions.* In arriving at the findings and conclusions included in this decision, each of the exceptions received was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings and conclusions herein are at variance with the exceptions, such exceptions are overruled.

*Determination of representative period.* The month of February 1956 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of orders, amending the orders, regulating the handling of milk in the Greater Wheeling, West Virginia, and Clarksburg, West Virginia, marketing areas in the manner set forth in the attached amending

orders are approved or favored by producers who during such period were engaged in the production of milk for sale in the respective marketing areas specified in such marketing orders.

*Marketing agreements and orders.* Annexed hereto and made a part hereof are documents entitled "Marketing Agreement Regulating the Handling of Milk in the Greater Wheeling, West Virginia, Marketing Area", "Order Amending the Order Regulating the Handling of Milk in the Greater Wheeling, West Virginia, Marketing Area", "Marketing Agreement Regulating the Handling of Milk in the Clarksburg, West Virginia, Marketing Area", and "Order Amending the Order Regulating the Handling of Milk in the Clarksburg, West Virginia, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered that all of this decision, except the attached marketing agreements, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreements are identical with those contained in the respective orders and in the respective orders as hereby proposed to be further amended by the attached orders which will be published with this decision.

This decision issued at Washington, D. C., this 25th day of April 1956.

[SEAL] TRUE D. MORSE,
*Acting Secretary.*

*Order [1] Amending the Order, Regulating the Handling of Milk in the Greater Wheeling, West Virginia, Marketing Area*

§ 1002.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order, and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Greater Wheeling, West Virginia, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, and the order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, and the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, and the order as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Greater Wheeling, West Virginia, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, and the order as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 1002.13 and substitute the following:

§ 1002.13 *Producer-handler.* "Producer-handler" means a person who operates both a dairy farm(s) and a milk processing or bottling plant at which each of the following conditions is met during the month:

(a) Milk is received from the dairy farm(s) of such person but from no other dairy farm;

(b) Fluid milk products are disposed of on routes or through a plant store to retail or wholesale outlets in the marketing area; and

(c) The butterfat or skim milk disposed of in fluid milk products does not exceed the butterfat or skim milk, respectively, received in the form of milk from the dairy farm(s) of such person and in the form of fluid milk products from pool plants of other handlers.

2. In § 1002.51 (a) delete the table of prices and substitute:

| Month: | *Amount* |
|---|---|
| February, March, April, May, June, and July | $1.50 |
| All others | 1.95 |

3. In § 1002.51 (b) delete the period at the end of the sentence and add the following: *"Provided, further,* That the Class II milk price for the months of May and June, 1956, shall be the basic formula price less 20 cents."

*Order [1] Amending the Order, Regulating the Handling of Milk in the Clarksburg, West Virginia, Marketing Area*

§ 1009.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order, and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Clarksburg, West Virginia, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, and the order, as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act.

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the said marketing area, and the minimum prices specified in the order, and the order, as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, and the order, as hereby amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Clarksburg, West Virginia, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, and the order, as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 1009.13 and substitute the following:

§ 1009.13 *Producer-handler.* "Producer-handler" means a person who operates both a dairy farm(s) and a milk processing or bottling plant at which each of the following conditions is met during the month:

(a) Milk is received from the dairy farm(s) of such person but from no other dairy farm;

(b) Fluid milk products are disposed of on routes or through a plant store to retail or wholesale outlets in the marketing area; and

(c) The butterfat or skim milk disposed of in fluid milk products does not exceed the butterfat or skim milk, respectively, received in the form of milk from the dairy farm(s) of such person and in the form of fluid milk products from pool plants of other handlers.

2. In § 1009.51 (a) delete the table of prices and substitute:

| Month: | *Amount* |
|---|---|
| February, March, April, May, June, and July | $1.75 |
| All others | 2.20 |

3. In § 1009.51 (b) delete the period at the end of the sentence and add the following: *"Provided, further,* That the Class II milk price for the months of May and June, 1956 shall be the basic formula price less 20 cents."

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, governing proceedings to formulate marketing agreements and marketing orders have been met.

[F. R. Doc. 56-3295; Filed, Apr. 27, 1956; 8:45 a. m.]

## [ 7 CFR Part 1010 ]

[Docket No. AO-276]

### MILK IN WILMINGTON, DELAWARE, MARKETING AREA

### CORRECTION TO DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER REGULATING HANDLING

Several errors were contained in the language of the proposed order included in the Secretary's decision of April 11, 1956 (21 F. R., 2478; F. R. Doc. 56-2941) on a proposed marketing agreement and a proposed order regulating the handling of milk in the Wilmington, Delaware, marketing area. In order to effectuate the conclusions reached in the decision it is necessary that the proposed order be revised and said order is hereby revised to read as follows:

1. The reference "§ 1010.46 (a) (3)" as it appears near the end of § 1010.70 should be changed to "§ 1010.46 (a) (4)".

2. The figure "3.8" as it appears in § 1010.71 (b) and (d) should be changed to "4.0".

The referendum order issued simultaneously with said decision is hereby corrected accordingly.

Issued at Washington, D. C., this 25th day of April 1956.

[SEAL] EARL L. BUTZ,
*Assistant Secretary.*

[F. R. Doc. 56-3332; Filed, Apr. 27, 1956; 8:51 a. m.]

## Commodity Stabilization Service

## [ 7 CFR Part 728 ]

### WHEAT

### NOTICE OF REVISION IN NEW FARM BASE ACREAGE PROVISIONS

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Secretary of Agriculture, pursuant to the wheat acreage allotment provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1334), is considering revising the provision for determining base acreages for new wheat farms, as published in the FEDERAL REGISTER for March 28, 1956 (21 F. R. 1895), by changing paragraph (c) of § 728.718 *Determination of base acreage for new farms* to read as follows:

(c) In determining the base acreage for each new farm, the county committee shall take into consideration the tillable acres, crop-rotation practices, type of soil, topography, and the farming system to be followed by the operator, including the equipment and other facilities available for the production of wheat under such system: *Provided,* That the base acreage so established shall not exceed the wheat acreage for the farm for 1957 under the planned crop-rotation system. Without prior approval of the State committee the base acreage recommended by the county committee shall not exceed 100 percent of the acreage indicated by cropland where the operator of the farm has been planting wheat in regular rotation; 80 percent of the acreage indicated by cropland where the operator has had past history of wheat on other farms; 65 percent of the acreage indicated by cropland where the operator has had no opportunity to establish wheat history for himself; and 25 percent of the acreage indicated by cropland where the applicant could have established wheat history in the past three years, but has not done so, and in all other cases.

All persons who desire to submit written data, views, or arguments in connection with the proposal above should file the same with the Director, Grain Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C., within ten days after the date of the publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 20th day of April 1956.

[SEAL] WALTER C. BERGER,
*Acting Administrator.*

[F. R. Doc. 56-3334; Filed, Apr. 27, 1956; 8:52 a. m.]



# NOTICES

## DEPARTMENT OF COMMERCE

### Office of the Secretary

### THEODORE S. HODGINS

### REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

*Report of Appointment*

1. Name of appointee: Theodore S. Hodgins.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: April 10, 1956.

4. Title of position: Consultant, Chemical and Rubber Division.

5. Name of private employer: Reichhold Chemicals, Inc., 525 Broadway, White Plains, New York.

[SEAL] CARLTON HAYWARD,
*Director of Personnel.*

*Statement of Financial Interests*

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Reichhold Chemicals, Inc., White Plains, N. Y.

Reichhold Chemicals (Canada) Ltd., Toronto, Ontario.

Reichhold Chemicals Industries (Australia) Ltd., Rosebery (Sydney) N. S. W. Australia.

Hoppi-Copters, Inc., Seattle, Washington.

Cornucopia Gold Mines, Inc., Spokane, Washington.

Real estate.

Bank deposits.

Dated: April 13, 1956.

THEODORE S. HODGINS.

[F. R. Doc. 56-3315; Filed, Apr. 27, 1956; 8:49 a. m.]

### CLARENCE BLUMOEHR

### REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

*Report of Appointment*

1. Name of appointee: Clarence Blumoehr.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: March 22, 1956.

4. Title of position: Consultant.

5. Name of private employer: Phelps Dodge Copper Products Corp.

[SEAL] CARLTON HAYWARD,
*Director of Personnel.*

*Statement of Financial Interests*

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in

which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Phelps Dodge Corporation.
Phelps Dodge Copper Products Corp.
Bank Deposits.

Dated: March 22, 1956.

CLARENCE BLUMOEHR.

[F. R. Doc. 56-3316; Filed, Apr. 27, 1956; 8:49 a. m.]

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WILLIAM F. TWOMBLY

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the defense production act of 1950, as amended.

*Report of Appointment*

1. Name of appointee: William F. Twombly.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: March 27, 1956.

4. Title of position: Consultant.

5. Name of private employer: Witco Chemical Company.

[SEAL] CARLTON HAYWARD,
*Director of Personnel.*

*Statement of Financial Interests*

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

The Reading Chronicle Press, Inc., Reading, Mass.
Witco Chemical Co.
American Telephone & Telegraph Co.
Columbus & Southern Ohio Electric Co.
E. I. duPont de Nemours & Co.
New England Electric Co.
Niagara Mohawk Power Co.
Middlesex County National Bank.
Standard Oil Co. of Ohio.
Wisconsin Electric Power.
Bank deposits.
Real estate.

Dated: April 19, 1956.

WILLIAM F. TWOMBLY.

[F. R. Doc. 56-3317; Filed, Apr. 27, 1956; 8:49 a. m.]



## CIVIL AERONAUTICS BOARD

[Docket No. 6594]

PAN AMERICAN WORLD AIRWAYS, INC.; ACQUISITION OF LINEAS AEREAS COSTARRICENSES, S. A.

NOTICE OF ORAL ARGUMENT

In the matter of the application of Pan American World Airways, Inc., under section 408 of the Civil Aeronautics Act of 1938, as amended, for a determination whether Pan American World Airways, Inc., has acquired control of Lineas Aereas Costarricenses, S. A., and, if so, for approval of such acquisition.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on May 9, 1956, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., April 25, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56-3327; Filed, Apr. 27, 1956; 8:51 a. m.]

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[Docket No. SA-318]

ACCIDENT OCCURRING AT PITTSBURGH, PA.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry N 40403, which occurred at Pittsburgh, Pennsylvania, April 1, 1956.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said act, in the above-entitled proceeding that hearing is hereby assigned to be held on Monday, May 7, 1956, at 9:00 a. m. (local time) in the Administration Building of the Greater Pittsburgh Airport, Room 132, Pittsburgh, Pennsylvania.

Dated at Washington, D. C., April 23, 1956.

[SEAL] T. K. MCDILL,
*Presiding Officer.*

[F. R. Doc. 56-3328; Filed, Apr. 27, 1956; 8:51 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11399, 11400; FCC 56M-386]

NEW BRITAIN BROADCASTING CO. ET AL.

ORDER CONTINUING PREHEARING CONFERENCE

In re applications of The New Britain Broadcasting Company (WKNB-TV), New Britain, Connecticut, Docket No. 11399, File No. BMPCT-2787; for modification of construction permit (Channel 30); Julian Gross, et al. (Transferors) and National Broadcasting Company, Inc. (Transferee), Docket No. 11400, File No. BTC-1896; for transfer of control of The New Britain Broadcasting Company (WKNB and WKNB-TV)

On the oral request of counsel for National Broadcasting Company, Inc., and without objection by counsel for the other parties: *It is ordered*, This 23d day of April 1956, that the prehearing conference now scheduled for April 24, 1956, is continued to Tuesday, May 1, 1956, at 10 a. m., in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3318; Filed, Apr. 27, 1956; 8:49 a. m.]

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[Docket No. 11520; FCC 56M-392]

WESTERN OHIO BROADCASTING CO., INC.

ORDER CONTINUING HEARING

In re application of Western Ohio Broadcasting Co., Inc., Greenville, Ohio, Docket No. 11520, File No. BP-9888; for construction permit.

The Hearing Examiner having under consideration a petition for continuance filed by the applicant on April 23, 1956;

It appearing that a prehearing conference in this proceeding is currently scheduled for April 25, 1956 and that the hearing is scheduled to commence on April 26, 1956;

It further appearing that the applicant has undertaken a search to ascertain whether another frquency can be utilized at Greenville, Ohio, and has avowed its intention of no longer prosecuting the request for the use of 1320 kilocycles contained in the present application; and

It further appearing that counsel for all other parties to the proceeding have stated that they do not oppose the grant of this petition and waive the four-day rule;

*It is ordered*, This 24th day of April 1956, that the petition of Western Ohio Broadcasting Company, Inc., for continuance is granted and that the prehearing conference scheduled for April 25 and the hearing proper scheduled for April 26, 1956, are continued indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3319; Filed, Apr. 27, 1956; 8:49 a. m.]

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[Docket No. 11560 etc.; FCC 56M-389]

OLE MISS BROADCASTING CO. ET AL.

ORDER CONTINUING HEARING

In re applications of E. O. Roden, W. I. Dove and G. A. Pribbenow, d/b as Ole Miss Broadcasting Company (WSUH), Oxford, Mississippi, Docket No. 11560, File No. BP-9847; East Arkansas Broadcasters, Inc., Wynne, Arkansas, Docket No. 11561, File No. BP-9872; Warren L. Moxley, Blytheville, Arkansas, Docket No. 11562, File No. BP-9922; Sam C. Phillips, Clarence A. Camp and James E. Connolly, d/b as Tri-State Broadcasting Service (WHER), Memphis, Tennessee, Docket No. 11563, File No. BMP-6837; for construction permits and modification of construction permit.

The Hearing Examiner having under consideration a petition filed April 16, 1956, on behalf of all of the above applicants requesting a further modification of the order controlling the conduct of hearing, and an informal conference having been held on April 23, 1956, at which the desirability of further modification of the order controlling the conduct of hearing was discussed; and

It appearing that as a result of negotiations between the several applicants, agreements are about to be consummated which, if consummated may render unnecessary a formal hearing on the several engineering issues in this proceeding and the purpose of the petition is to request additional time to conduct and consummate the negotiations; that there are no objections to the requested modification; and that good cause for the granting of the petition has been shown;

*It is ordered*, This the 23d day of April 1956, that the prior order for the conduct of hearing, as amended, is further amended so as to provide the following time schedule:

(a) All exhibits and written testimony to be offered in evidence in response to Issues 1, 2 and 3 shall be exchanged on or before May 21, 1956, in lieu of April 18, 1956, the date presently specified.

(b) The formal hearing for the introduction of the exhibits exchanged pursuant to subparagraph (a) above will begin on June 18, 1956, in lieu of April 30, 1956, as presently scheduled.

(c) The date controlling further hearing in accordance with paragraph 3 of the original order for the conduct of hearing is June 18, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3320; Filed, Apr. 27, 1956; 8:49 a. m.]

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[Mexican Change List 189]

MEXICAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES AND CORRECTIONS IN ASSIGNMENTS

APRIL 6, 1956.

Notification under the provisions of Part III, Section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Mexican Broadcast Stations Modifying the Appendix Containing Assignments of Mexican Broadcast Stations (Mimeograph 47214-6) attached to the Recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

| Call letters | Location | Power | Antenna | Schedule | Class | Probable date of operation |
|---|---|---|---|---|---|---|
| | | *570 kilocycles* | | | | |
| XEOA | Oaxaca, Oaxaca (assignment of call letters). | 5 kw D/250 w N | ---------- | U | IV | Apr. 6, 1956 |
| | | *1340 kilocycles* | | | | |
| XECX | Cd. Obregon, Sonora (new) | 250 w | ND | U | IV | Sept. 6, 1956 |
| | | *1400 kilocycles* | | | | |
| XEWF | Cuautla, Morelos (increase in power) | 250 w | ND | U | IV | July 6, 1956 |
| | | *1490 kilocycles* | | | | |
| XERA | Chihuahua, Chihuahua (increase in daytime power). | 1 kw D/250 w N | ---------- | U | IV | July 6, 1956 |

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3321; Filed, Apr. 27, 1956; 8:50 a. m.]

## DEPARTMENT OF JUSTICE

### Immigration and Naturalization Service

STATEMENT OF ORGANIZATION

MISCELLANEOUS AMENDMENTS

*Correction*

In F. R. Doc. 56-3247,[1] appearing at page 2696 of the issue for Thursday, April 26, 1956, the following change should be made:

In section 1.51 (c) (2), District No. 26—Atlanta, Ga., Class A, the asterisk opposite Brunswick, Ga., should be deleted.

[1] Erroneously appearing as 53-3247 at 21 F. R. 2699.

## FEDERAL POWER COMMISSION

[Docket No. E-6675]

IOWA POWER AND LIGHT CO.

NOTICE OF APPLICATION SEEKING ORDER AUTHORIZING BOND ISSUANCE

APRIL 23, 1956.

Take notice that on April 19, 1956, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Iowa Power and Light Company ("Applicant"), a corporation organized under the laws of the State of Iowa, and doing business in said State with its principal business office at Des Moines, Iowa, seeking an order authorizing the issuance, by competitive bidding, of $7,500,000 principal amount of First Mortgage Bonds, -- percent Series due 1986, and approximately 227,000 shares of Common Stock. Applicant proposes to issue said bonds in June 1956 to mature June 1, 1986. Applicant proposes to issue the 227,000 shares of its authorized and unissued Common Stock of the par value of $10.00 each during May and June 1956. The Common Stock will be offered to holders of outstanding shares of said stock for subscription by means of transferable Subscription Warrants on the basis of one share of additional Common Stock for each eight shares of outstanding Common Stock held.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 9th day of May 1956, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file and available for public inspection.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-3306; Filed, Apr. 27, 1956; 8:47 a. m.]

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[Docket No. G-9972]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 23, 1956.

Texas Eastern Transmission Corporation (Applicant), a Delaware corporation with principal place of business at Texas Eastern Building, Shreveport, Louisiana, filed on February 16, 1956, an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes, at the request of the Borough of Chambersburg, Pennsylvania, (Chambersburg), to increase the sale of natural gas in interstate commerce to Chambersburg for resale from an annual volume of 608,561 Mcf at 14.73 to an annual volume of 822,710 Mcf (an increase of 214,149 Mcf), without any change in the maximum daily quantity presently allowed (viz. 2,254 Mcf), by converting the service now rendered Chambersburg under Applicant's GS rate schedule to service under Applicant's DCQ rate schedule.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Thursday, May 31, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Wash-

ington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 10, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-3307; Filed, Apr. 27, 1956; 8:47 a. m.]

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[Docket No. G-10293]

SINCLAIR OIL & GAS CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Sinclair Oil & Gas Company (Applicant), on March 30, 1956, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings which are proposed to become effective on the date shown:

*Description; Purchaser; Rate Schedule Designation; and Effective Date* [1]

Notice of change, dated March 23, 1956; Phillips Petroleum Company; Supplement No. 3 to Applicant's FPC Gas Rate Schedule No. 15; May 1, 1956.

Notice of change, dated March 23, 1956; Phillips Petroleum Company; Supplement No. 3 to Applicant's FPC Gas Rate Schedule No. 16; May 1, 1956.

Notice of change, dated March 23, 1956; Phillips Petroleum Company; Supplement No. 3 to Applicant's FPC Gas Rate Schedule No. 17; May 1, 1956.

The increased rates and charges proposed in the aforesaid filings have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Applicant if later.



The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplements be and the same hereby are suspended and the use thereof deferred until October 1, 1956, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Issued: April 24, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-3308; Filed, Apr. 27, 1956; 8:47 a. m.]

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[Docket No. G-5950, etc.]

DAN W. STEWART ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

Take notice that each of the Applicants listed below has filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing such Applicant to continue to sell natural gas subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open for public inspection. These matters should be consolidated and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on the date and at the place hereinafter stated, concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) not less than ten days before the date of hearing. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request for waiver is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

The dockets, Applicants and material averments in applications to which reference is made above are as follows:

*Docket No.; Name and Address; Filing Date; Gas Field; and Purchaser*

G-5950; Dan W. Stewart and E. L. Stuart, Minder, La.; 11-26-54, Suppl. 10-10-55; Cotton Valley, Webster Parish, La.; United Gas Pipe Line Company.

G-7119; H. Scott et al., Spencer, W. Va., 11-30-54, Suppl. 10-10-55; Glenville District, Gilmer County, W. Va.; Twin Cities Gas Company.

G-7125; H. B. Scott, et al., Spencer, W. Va.; 11-30-54, Suppl. 10-10-55; Glenville District, Gilmer County, W. Va.; Twin Cities Gas Company.

G-7126; H. B. Scott, et al., Spencer, W. Va.; 11-30-54, Suppl. 10-10-55; Center District, Calhoun County, W. Va.; Twin Cities Gas Company.

G-8115; Levi Stump Lease, Spencer, W. Va.; 12-10-54, Suppl. 10-10-55; Sherman District, Calhoun County, W. Va.; Twin Cities Gas Company.

G-8116; W. F. Boggs Lease, Spencer, W. Va.; 12-10-54, Suppl. 10-10-55; Glenville District, Gilmer County, W. Va.; Twin Cities Gas Company.

G-8117; Hardman-McDonald Lease, Spencer, W. Va.; 12-10-54, Suppl. 10-10-55; Sherman District, Calhoun County, W. Va.; Twin Cities Gas Company.

G-9469; The Manufacturers Light and Heat Company, Pittsburgh, Pa.; 10-12-55; Liberty District, Marshall County, W. Va.; South Penn Natural Gas Company.

A public hearing will be held on the 21st day of May 1956, beginning at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C. concerning the matters involved in and the issues presented by the above applications.

[SEAL] LEON M. FUQUAY,
*Secretary.*

APRIL 24, 1956.

[F. R. Doc. 56-3309; Filed, Apr. 27, 1956; 8:47 a. m.]

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[Docket No. G-3802, etc.]

DAVE MORGAN OIL CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

In the matters of Dave Morgan, d. b. a. Dave Morgan Oil Company, Docket No. G-3802; Hawn Bros., a partnership, on behalf of themselves and others, Docket No. G-3939; F. A. Callery, Inc., et al., Docket No. G-4060; Glenn Tompkins, Docket Nos. G-4186 and G-4187; Indian Creek Gas Company, Docket No. G-4188; Poca Fork Oil and Gas Company, Docket Nos. G-4189, and 4190; J. P. Koontz, Edith Koontz and G. Tompkins, d. b. a. Tuppers Creek Gas Company, Docket Nos. G-4191, G-4200; H. D. Kinsey, J. P. Koontz and G. Tompkins d. b. a. Three Way Gas Company, Docket No. G-4197; James P. Koontz and Glenn Tompkins, d. b. a. Fisher Gas Company, Docket Nos. G-4201 through G-4203, incl.; James P. Koontz and Glenn Tompkins, d. b. a. Cove Lick Oil and Gas Company, Docket No. G-4204; James P. Koontz, Agent, Docket No. G-4205; A. L. Lough, Docket No. G-4683; Davis Oil Company, Docket No. G-4884; Shell Oil Company, Docket Nos. G-5015 through G-5017, incl.; G-5020 through G-5023, incl.; G-5026 through G-5032, incl.; G-5035; G-5050 through G-5055, incl.; G-5057; G-5065; G-5072; G-5074; G-5078; G-5079; G-5081; G-5082; G-5084 through G-5086, incl.; G-5088 through G-5092, incl.; G-5094; G-5095; G-5097 through G-5109, incl.; G-5112 and G-5113; Production Associates, Docket No. G-5942; Delta Drilling Company, Docket Nos. G-6332 through G-6334, incl.; Gulf Refining Company, Docket Nos. G-7166 through G-7171, incl.; G-7174; G-7176; G-7178 and G-7179; Harper Oil & Gas Company, Docket No. G-7234; Plymouth Oil Company, Docket No. G-7254; Bonnett Oil & Gas Company, Docket No. G-7277; Hal C. Peck, Joe T. Stewart and G. E. Hall, Docket No. G-7300; G. E. Hall and R. S. Brennand, Jr., Docket No. G-7301; The Vichers Petroleum Company, Inc., Docket No. G-7305; Crown Central Petroleum Corporation, Docket No. G-7308; Sinclair Oil & Gas Company, Docket No. G-7310; T. A. Pedley, Jr., and the International Trust Company, as Co-executors of the Estate of T. A. Pedley, Sr., Deceased, Docket No. G-7325; Walter E. Anderson, Docket No. G-7400; Gibson Oil Corporation, Docket Nos. G-7775, G-7776, G-7779, G-7780; G. B. Cree, R. E. Reid, W. R. Cree, G. B. Cree, Jr., and H. E. Schwartz, Docket No. G-7853; Great Western Drilling Company, Docket No. G-8686; Midwest Oil Corporation, Docket Nos. G-8699 through G-8701, incl.; and G-8703.

Take notice that each of the above applicants has filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing applicants to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in their respective applications which are on file with the Commission and open for public inspection.

Applicants produce and sell natural gas for transportation in interstate commerce for resale, as indicated below:

*Docket No. G-; Location of Field; and Buyer*

3802; Vernon Field, Kay County, Okla.; State Gas Company.

3939; Cotton Creek Field, De Witt County, Tex.; Wilcox Trend Gathering System, Inc.

4060; North Delhi Field, Harris County, Tex.; Tennessee Gas Transmission Company.

4186; Courthouse District, Lewis County, W. Va.; South Penn Natural Gas Company.

4187; Glenville and De Kalb Districts, Gilmer County, W. Va.; South Penn Natural Gas Company; Godfrey L. Cabot, Inc.

4188 and 4190; Elk and Poca Districts, Kanawha County, W. Va.; United Fuel Gas Company.

4189, 4191, and 4204; Poca District, Kanawha County, W. Va.; Ripley District, Jackson County, W. Va.; South Penn Natural Gas Company; United Fuel Gas Company.

4197; Union District, Clay County, W. Va.; United Fuel Gas Company.



4200; Fayette County, W. Va.; Godfrey L. Cabot, Inc.

4201; Cabin Creek District, Kanawha County, W. Va.; Godfrey L. Cabot, Inc.

4202; Glenville District, Gilmer County, W. Va.; South Penn Natural Gas Company.

4203; Jackson County, W. Va.; United Fuel Gas Company.

4205; Town Lot in Clendenin, W. Va.; United Fuel Gas Company.

4683; Kimble Farm Acreage in W. Va.; Carnegie Natural Gas Company.

4884; Wells located at Marne, Clay County, W. Va.; United Fuel Gas Company.

5015, 5016, 5057, 5065, 5072, 5074; Hugoton Field, Sherman County, Tex., and Haskell and Grant Counties, Kans.; Phillips Petroleum Company; Magnolia Petroleum Company; Columbia Fuel Corporation; United Carbon Company, Inc.; The Shamrock Oil & Gas Corporation.

5017, 5088 through G-5092, incl.; W. Panhandle Field, Moore, Hutchinson and Gray Counties, Tex.; The Shamrock Oil & Gas Corporation; Phillips Petroleum Company.

5020; Monument Field, Lea County, N. Mex.; Warren Petroleum Corporation.

5021; San Hills Field, Crane County, Tex.; Gulf Oil Corporation.

5022; Saunders Field, Lea County, N. Mex.; Gulf Oil Corporation.

5023; Shafter Lake Field, Andrews County, Tex.; Phillips Petroleum Company, Fullerton Oil Corporation.

5026; Vacuum Field, Lea County, N. Mex.; Phillips Petroleum Company.

5027; Van Roeder Field, Borden County, Tex.; Reef Fields Gasoline Corporation.

5028; Wasson Field, Yoakum and Gaines Counties, Tex.; Shell Oil Company; Coltexo Corporation.

5029; Wasson-Denver-Bennett Field, Yoakum and Gaines Counties, Tex.; Columbian Carbon Company.

5030 and 5031; Wheeler Field, Ector and Winkler Counties, Tex.; Shell Oil Company; The Texas Company; The Superior Oil Company.

5032; TXL and Wheeler Fields, Ector and Winkler Counties, Tex.; Shell Oil Company; The Texas Company; The Superior Oil Company.

5035; Chalkley Field, Cameron Parish, La.; Louisiana Natural Gas Corporation.

5050 through 5055, incl.; Fox-Graham Field, Carter County, Okla.; Magnolia Petroleum Company.

5078 and 5079; La Copita Field, Starr County, Tex.; Sun Oil Company.

5081; Seeligson Field, Jim Wells County, Tex.; Magnolia Petroleum Company.

5082; Aldwell Field, Reagan County, Tex.; Phillips Petroleum Company.

5084, 5085, 5086, 5094; Benedum Field, Upton County, Tex.; Texas Gas Products Corporation; Phillips Petroleum Company; Denton Oil Company.

5095; Denton Field, Lea County, N. Mex.; The Atlantic Refining Company.

5097 through 5099, incl.; Drinkard Field, Lea County, N. Mex.; Skelly Oil Company.

5100 and 5101; Eunice Field, Lea County, N. Mex.; Phillips Petroleum.

5102 through 5105, incl.; Fullerton Field, Andrews County, Tex.; Phillips Petroleum Company; Fullerton Oil Company.

5106 and 5108; Goldsmith Field, Ector County, Tex.; Phillips Petroleum Company.

5107; Andector Field, Andrews and Ector Counties, N. Mex.; Phillips Petroleum Company.

5109; Hobbs Field, Lea County, N. Mex.; Phillips Petroleum Company.

5112; Saunders and Bagley Fields, Lea County, N. Mex.; Warren Petroleum Corporation.

5113; Spraberry Trend Field, Upton County, Tex.; Texas Gas Products Corporation.

5942; Elk River Coal and Lumber Company Lease, Nicholas County, W. Va.; Equitable Gas Company.

6332 and 6333; Driftwood Field, Elk and Cameron Counties, Okla.; Sylvania Corporation; The Manufacturers Light & Heat Company.

6334; Wharton Township, Potter County, Pa.; United Natural Gas Company.

7166; Hayes Field, Calcasieu and Jefferson Davis Parishes, La.; United Gas Pipe Line Company.

7167; Abbeville Field, Vermilion Parish, La.; United Gas Pipe Line Company.

7168; Pistol Ridge Field, Forrest, Lamar and Pearl River Counties, Miss.; United Gas Pipe Line Company.

7169; Holmwood Field, Calcasieu Parish, La.; Tennessee Gas Transmission Company.

7170; Delhi Field, Richland Parish, La.; Texas Eastern Transmission Corporation.

7171; South Bell City Field, Calcasieu Parish, La.; Louisiana Natural Gas Corporation.

7174; Athens Field, Claiborne Parish, La.; Arkansas Louisiana Gas Company.

7176; Haynesville Field, Claiborne Parish, La.; Arkansas Louisiana Gas Company.

7178; Lisbon Field, Claiborne Parish, La.; Texas Eastern Transmission Corporation.

7179; North Lisbon Field, Claiborne Parish, La.; Hassie Hunt Trust.

7234; Washington District, Calhoun County, W. Va.; West Virginia Gas Corporation.

7254; Heyser Field, Victoria and Calhoun Counties, Tex.; Quinto Creek Field, Jim Wells County, Tex.; Tennessee Gas Transmission Company; Transcontinental Gas Pipe Line Corporation.

7277; Harper District, Roane County, W. Va.; West Virginia Gas Corporation.

7300; Levelland Field, Hockley County, Tex.; Stanolind Oil & Gas Company.

7301; Pembrook Field, Upton County, Tex.; Texas Gas Products Corporation.

7305 and 7400; New Hope Field, Garvin County, Okla.; Warren Petroleum Corporation; Cities Service Oil Company; Kerr-McGee Oil Industries, Inc.; Oklahoma Natural Gas Company; The Texas Company.

7308; East Bay City, Field, Matagorda County, Tex.; Tennessee Gas Transmission Company.

7310; Ace Unit Area, Powder Wash Field, Moffatt County, Colo.; Mountain Fuel Supply Company.

7325; Little Buffalo Basin, Park and Hot Springs Counties, Wyo.; Big Horn Gas Company.

7775, 7776, 7779, 7780; Panhandle Field, Carson and Gray Counties, Tex.; Phillips Petroleum Company.

7853; East Panhandle Field, Gray County, Tex.; Phillips Petroleum Company.

8686; Blanco Field, San Juan County, N. Mex.; El Paso Natural Gas Company.

8699; Hordes Creek Field, Goliad County, Tex.; United Gas Pipe Line Company.

8700; Clayton Field, Live Oak County, Tex.; Texas Illinois Natural Gas Pipe Line Company.

8701; Slaughter Field, Cochran County, Tex.; El Paso Natural Gas Company.

8703; West Big Springs Field, Deuel County, Nebr.; Kansas-Nebraska Natural Gas Company.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 23, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved

in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 8, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
*Secretary.*

APRIL 23, 1956.

[F. R. Doc. 56-3310; Filed, Apr. 27, 1956; 8:48 a. m.]

## UNITED STATES TARIFF COMMISSION

[List No. S-7-2]

### HOUSEHOLD CANISTERS

ACTION ON COMPLAINT SUSPENDED

APRIL 23, 1956.

On April 23, 1956, the Tariff Commission suspended action on the complaint under section 337 of the Tariff Act of 1930 filed by The Kromex Corporation, Cleveland, Ohio, alleging unfair methods of competition and unfair acts in the importation and sale in the United States of certain foreign household canisters. Notice of receipt of the complaint was issued by the Commission on January 6, 1956, and published in 21 F. R. 228.

The suspension of action on this complaint will continue until a final decision is rendered in the case of The Kromex Corporation v. L. Batlin & Son, Inc. (Civil Action No. 106-222) pending in the United States District Court for the Southern District of New York.

I certify that the above action was taken by the United States Tariff Commission on April 23, 1956.

Issued: April 23, 1956.

[SEAL] DONN N. BENT,
*Secretary.*

[F. R. Doc. 56-3313; Filed, Apr. 27, 1956; 8:48 a. m.]

## OFFICE OF DEFENSE MOBILIZATION

### CARYL P. HASKINS

CHANGES IN APPOINTEE'S STATEMENT OF BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Additions: United Aircraft Corp.
Deletions: American Broadcasting—Paramount Theatres, Inc.; Sherwin Williams Co.; Standard Oil of Indiana; Phillips Petroleum Co.

This amends statement previously published in the FEDERAL REGISTER December 31, 1956 (20 F. R. 10178).

Dated: April 12, 1956.

CARYL P. HASKINS.

[F. R. Doc. 56-3322; Filed, Apr. 27, 1956; 8:50 a. m.]

### J. B. FISK

CHANGES IN APPOINTEE'S STATEMENT OF BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Bell Telephone Laboratories, Inc., Executive Vice President and Director.
American Telephone and Telegraph Company, Share owner.
Morristown Trust Company, Director and stockholder.

This amends statement previously published in the FEDERAL REGISTER, December 31, 1955 (20 F. R. 10182).

Dated: February 1, 1956.

J. B. FISK.

[F. R. Doc. 56-3323; Filed, Apr. 27, 1956; 8:50 a. m.]

### CARLTON S. DARGUSCH

CHANGES IN APPOINTEE'S STATEMENT OF BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of Form ODM-163.

This amends statement previously published in the FEDERAL REGISTER, December 31, 1955 (20 F. R. 10187).

Dated: February 1, 1956.

CARLTON S. DARGUSCH.

[F. R. Doc. 56-3324; Filed, Apr. 27, 1956; 8:50 a. m.]

### BRUCE S. OLD

CHANGES IN APPOINTEE'S STATEMENT OF BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of Form ODM-163.

This amends statement previously published in the FEDERAL REGISTER December 31, 1955 (20 F. R. 10130).

Dated: February 1, 1956.

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### ERNEST A. TUPPER

CHANGES IN APPOINTEE'S STATEMENT OF BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change from the statement filed as of December 19th, 1955.

This amends statement previously published in the FEDERAL REGISTER, December 31, 1955 (20 F. R. 10187).

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ERNEST A. TUPPER.

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UNIVERSITY OF MICHIGAN
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## TITLE 3—THE PRESIDENT

### EXECUTIVE ORDER 10666

RESTORING CERTAIN LAND AT HUMUULA, NORTH HILO, HAWAII, TO THE POSSESSION, USE, AND CONTROL OF THE TERRITORY OF HAWAII

WHEREAS certain land situate at Humuula, North Hilo, Island and County of Hawaii, Territory of Hawaii, which forms a part of the public lands ceded and transferred to the United States by the Republic of Hawaii under the joint resolution of annexation of July 7, 1898, 30 Stat. 750, was set aside by the Governor of Hawaii by Executive Order No. 1440 of May 23, 1951, as a site for a V. H. F. Link Station under the control and management of the Civil Aeronautics Administration, pursuant to the request of the Civil Aeronautics Administration at Honolulu, Territory of Hawaii; and

WHEREAS the Civil Aeronautics Administration has signified that such land is no longer required for the above-mentioned purposes; and

WHEREAS it is deemed advisable and in the public interest that such land be restored to the possession, use, and control of the Territory of Hawaii:

NOW, THEREFORE, by virtue of the authority in me vested by section 91 of the act of April 30, 1900, 31 Stat. 141, 159, as amended by section 7 of the act of May 27, 1910, 36 Stat. 443, 447, it is ordered that all of the land previously set aside by the Governor of Hawaii by the said Executive Order No. 1440 for the above-mentioned purposes, and more particularly described hereinafter, be, and it is hereby, restored to the possession, use, and control of the Government of the Territory of Hawaii:

Being portion of the Government (Crown) Land of Humuula.

Humuula, North Hilo, Hawaii, T. H.

Beginning at a ¾" iron pipe at the east corner of this lot, the coordinates of said point of beginning referred to Government Survey Triangulation Station "OMAOKOILI" being 46700.4 feet South and 14775.9 feet East, as shown on Government Survey Registered Map 1641, thence running by azimuths measured clockwise from True South:

1. 52° 31' 200.00 feet along Mauna Loa Forest and Game Reserve (Executive Order 1288) to a 2" iron pipe;
2. 142° 31' 200.00 feet along Mauna Loa Forest and Game Reserve (Executive Order 1288) to a ¾" iron pipe;
3. 232° 31' 200.00 feet along Mauna Loa Forest and Game Reserve (Executive Order 1288) to a ¾" iron pipe;
4. 322° 31' 200.00 feet along Mauna Loa Forest and Game Reserve (Executive Order 1288) to the point of beginning, and containing an AREA of 0.92 ACRE.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
*April 27, 1956.*

[F. R. Doc. 56-3414; Filed, Apr. 27, 1956; 1:26 p. m.]

## TITLE 7—AGRICULTURE

### Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 730—RICE

SUBPART—1955-56 MARKETING YEAR

COUNTY ACREAGE ALLOTMENTS FOR 1955 CROP

§ 730.607 *Basis and purpose.* (a) The county acreage allotments for 1955 crop rice contained herein have been determined under section 353 (c) of the Agricultural Adjustment Act of 1938, as amended. The purpose of this section is to announce the apportionment among counties of the States of Arkansas, Illinois, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, and South Carolina, the respective State acreage allotments of rice for 1955 as established by the proclamation dated January 18, 1955 (20 F. R. 511) and to add thereto the acreage made available to the county from the State reserve for adjustments in small allotments, the acreage made available to the county from the national reserve provided for by section 353 (a) of the act, and the increases provided for under Public Law 29, 84th Congress. Since farm acreage allotments for 1955 crop rice in the States of Arizona, California, Florida, Tennessee, and Texas were established pursuant to the act primarily on the basis of past production of rice by the producer on the farm in lieu of past production of rice on the farm, the 1955 State acreage allotments of rice for those States were apportioned directly to farms, and county rice acreage

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**Title 17 ($0.60)**
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Previously announced: Title 3, 1955 Supp. ($2.00); Title 7: Parts 1–209 ($1.25); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Part 400 to end ($1.00); Title 18 ($0.50); Title 19 ($0.50); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. I, and Title 27 ($1.00); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Titles 40–42 ($0.65); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

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allotments for these States have not been determined.

(b) Prior to the determination of county acreage allotments for 1955 crop rice, public notice (19 F. R. 7271) was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations pertaining to the determinations of county acreage allotments for 1955 crop rice which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended, including the provisions of Public Law 29, 84th Congress. The determinations made by the Secretary in § 730.608 were made on the basis of the latest available statistics of the Federal Government as required by section 301 (c) of the Agricultural Adjustment Act of 1938, as amended.

§ 730.608 *County acreage allotments for 1955 crop rice.*

ARKANSAS

| County | County acreage allotment | Additional acreage apportioned to county from State reserve | Additional acreage apportioned to county from national reserve | Additional acreage apportioned to county under Public Law 29 | Total acreage apportioned to county |
|---|---|---|---|---|---|
| Arkansas | 73,840 | 442 | 268 | 5,868 | 80,418 |
| Ashley | 6,433 | 285 | 174 | 124 | 7,016 |
| Chicot | 9,186 | 239 | 146 | 182 | 9,753 |
| Clark | 528 | 37 | 23 | 8 | 596 |
| Clay | 7,358 | 275 | 167 | 141 | 7,941 |
| Conway | 6 | 5 | 1 | 0 | 12 |
| Craighead | 17,701 | 301 | 183 | 354 | 18,539 |
| Crittenden | 6,393 | 255 | 156 | 96 | 6,900 |
| Cross | 35,104 | 757 | 460 | 721 | 37,042 |
| Dallas | 68 | 4 | 3 | 1 | 76 |
| Desha | 12,370 | 413 | 251 | 232 | 13,266 |
| Drew | 4,652 | 116 | 71 | 97 | 4,936 |
| Faulkner | 409 | 34 | 21 | 4 | 468 |
| Grant | 33 | 2 | 1 | 0 | 36 |
| Greene | 5,602 | 234 | 142 | 109 | 6,087 |
| Hot Spring | 470 | 20 | 12 | 8 | 510 |
| Independence | 589 | 26 | 16 | 8 | 639 |
| Jackson | 19,688 | 294 | 178 | 438 | 20,598 |
| Jefferson | 17,241 | 414 | 252 | 322 | 18,229 |
| Lafayette | 830 | 11 | 6 | 18 | 865 |
| Lawrence | 8,186 | 389 | 237 | 144 | 8,956 |
| Lee | 8,580 | 255 | 156 | 157 | 9,148 |
| Lincoln | 9,355 | 300 | 183 | 166 | 10,004 |
| Little River | 279 | 14 | 8 | 3 | 304 |
| Lonoke | 38,008 | 282 | 171 | 796 | 39,257 |
| Miller | 739 | 0 | 0 | 17 | 756 |
| Mississippi | 1,514 | 45 | 27 | 22 | 1,608 |
| Monroe | 14,327 | 334 | 204 | 295 | 15,160 |
| Ouachita | 13 | 0 | 0 | 1 | 14 |
| Perry | 1,002 | 32 | 20 | 15 | 1,069 |
| Phillips | 4,962 | 189 | 115 | 87 | 5,353 |
| Poinsett | 37,856 | 882 | 537 | 842 | 40,117 |
| Prairie | 39,286 | 312 | 190 | 864 | 40,652 |
| Pulaski | 1,753 | 0 | 0 | 31 | 1,784 |
| Randolph | 2,055 | 88 | 54 | 33 | 2,230 |
| St. Francis | 18,406 | 665 | 404 | 315 | 19,790 |
| White | 1,002 | 71 | 43 | 15 | 1,131 |
| Woodruff | 19,113 | 691 | 420 | 377 | 20,601 |
| State reserve for new farms | | | | | 1,989 |
| State total | 424,937 | 8,713 | 5,300 | 12,911 | 453,850 |

| County | County acreage allotment | Additional acreage apportioned to county from State reserve | Additional acreage apportioned to county from national reserve | Additional acreage apportioned to county under Public Law 29 | Total acreage apportioned to county |
|---|---|---|---|---|---|
| **Missouri** | | | | | |
| Adams | 8 | 0 | 16 | 0 | 24 |
| **Louisiana** | | | | | |
| Acadia | 91,802 | 2,171 | 0 | 6,934 | 100,907 |
| Allen | 25,996 | 0 | 0 | 1,756 | 27,752 |
| Ascension | 1,613 | 144 | 98 | 37 | 1,892 |
| Assumption | 5,800 | 36 | 37 | 193 | 2,069 |
| Avoyelles | 2,810 | 0 | 0 | 364 | 5,424 |
| Beauregard | 5,060 | 0 | 0 | 5 | 76 |
| Bossier | 71 | 0 | 0 | 1,994 | 2,065 |
| Caddo | 14,065 | 204 | 0 | 1,081 | 15,271 |
| Cameron | 13,944 | 246 | 93 | 5 | 3,338 |
| Concordia | 165 | 2,933 | 70 | 183 | 48,441 |
| East Carroll | 2,933 | 43,628 | 272 | 3,240 | 2 |
| Evangeline | 43,628 | 2 | 0 | 0 | 6,822 |
| Franklin | 2 | 6,196 | 103 | 424 | 1,380 |
| Iberia | 6,196 | 1,564 | 105 | 109 | 104,096 |
| Iberville | 1,564 | 93,410 | 4,041 | 102 | 9,787 |
| Jefferson Davis | 93,410 | 9,119 | 0 | 7,245 | 595 |
| Lafayette | 9,119 | 475 | 74 | 608 | 980 |
| Lafourche | 475 | 35 | 28 | 18 | 411 |
| Madison | 35 | 214 | 0 | 10 | 504 |
| Morehouse | 214 | 363 | 0 | 60 | 220 |
| Natchitoches | 363 | 196 | 36 | 12 | 31 |
| Orleans | 196 | 7 | 0 | 25 | 616 |
| Pointe Coupee | 7 | 560 | 0 | 35 | 2,099 |
| Rapides | 560 | 2,432 | 21 | 135 | 1,774 |
| Red River | 2,432 | 1,071 | 22 | 45 | 17,041 |
| Richland | 1,071 | 16,230 | 421 | 17 | 4,467 |
| Sabine | 16,230 | 3,422 | 0 | 1,191 | 3,460 |
| St. Charles | 3,422 | 2,922 | 379 | 367 | 1,247 |
| St. James | 2,922 | 797 | 257 | 78 | 146 |
| St. John the Baptist | 797 | 70 | 207 | 280 | 246 |
| St. Landry | 70 | 186 | 43 | 31 | 11 |
| St. Martin | 186 | 112,840 | 9 | 0 | 120,719 |
| St. Mary | 112,840 | 372 | 0 | 8,339 | 4,513 |
| Tangipahoa | 372 | 213 | 161 | 12 | |
| Terrebonne | | | | | |
| Vermilion | | | | | |
| West Carroll | | | | | |
| State reserve for new farms | | | | | |
| State total | 504,068 | 11,053 | 1,500 | 37,800 | 558,934 |
| **Mississippi** | | | | | |
| Bolivar | 20,400 | 0 | 1,856 | 411 | 22,667 |
| Coahoma | 1,380 | 0 | 413 | 21 | 1,764 |
| Desoto | 1,052 | 0 | 140 | 18 | 1,200 |
| Hancock | 39 | 0 | 4 | 1 | 44 |
| Humphreys | 1,920 | 0 | 291 | 35 | 2,256 |
| Issaquena | 78 | 0 | 32 | 2 | 112 |
| Leflore | 2,630 | 0 | 854 | 46 | 3,530 |
| Panola | 48 | 0 | 30 | 1 | 83 |
| Quitman | 1,370 | 0 | 301 | 17 | 1,698 |
| Sharkey | 977 | 0 | 198 | 15 | 1,190 |
| Sunflower | 4,381 | 0 | 706 | 85 | 5,172 |
| Tallahatchie | 345 | 0 | 190 | 6 | 541 |
| Tate | 73 | 0 | 72 | 1 | 146 |
| Tunica | 3,149 | 0 | 467 | 52 | 3,668 |
| Washington | 9,019 | 0 | 732 | 259 | 10,010 |
| State reserve for new farms | | | | | 1,062 |
| State total | 46,437 | 0 | 6,435 | 950 | 54,921 |
| **Illinois** | | | | | |
| Alexander | 1,113 | 0 | 416 | 154 | 1,683 |
| Bond | 35 | 0 | 22 | 1 | 58 |
| Clinton | 2 | 0 | 0 | 0 | 2 |
| Franklin | 23 | 0 | 17 | 1 | 41 |
| Jackson | 573 | 0 | 0 | 12 | 585 |
| Jefferson | 44 | 0 | 41 | 1 | 186 |
| Johnson | 416 | 0 | 15 | 9 | 440 |
| Marion | 527 | 0 | 0 | 12 | 664 |
| Monroe | 2 | 0 | 0 | 0 | 2 |
| Perry | 417 | 0 | 110 | 11 | 538 |
| Randolph | 147 | 0 | 84 | 3 | 234 |
| Union | 629 | 0 | 350 | 79 | 1,058 |
| State reserve for new farms | | | | | 117 |
| State total | 3,756 | 0 | 1,305 | 283 | 4,383 |
| **North Carolina** | | | | | |
| Hyde | 0 | 0 | 34 | 0 | 34 |
| **Oklahoma** | | | | | |
| McCurtain | 0 | 0 | 0 | 175 | 175 |
| **South Carolina** | | | | | |
| Beaufort | 1 | 0 | 0 | 0 | 1 |
| Berkeley | 0 | 0 | 68 | 124 | 124 |
| Charleston | 457 | 7 | 321 | 10 | 572 |
| Colleton | 522 | 11 | 13 | 13 | 870 |
| Georgetown | 0 | 0 | 0 | 45 | 45 |
| Horry | 80 | 11 | 112 | 125 | 330 |
| Jasper | 1,051 | 15 | 115 | 159 | 1,340 |
| State reserve for new farms | | | | | 67 |
| State total | 2,113 | 44 | 649 | 477 | 3,370 |

[1] Includes 205 acres apportioned to new farms under paragraph (4) of Public Law 29, 84th Congress.
[2] Includes 433 acres apportioned to new farms under paragraph (4) of Public Law 29, 84th Congress.

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply sec. 353, 52 Stat. 61, as amended; 7 U. S. C. 1353)

Issued at Washington, D. C., this 26th day of April 1956. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
*Acting Secretary.*

[F. R. Doc. 56-3394; Filed, Apr. 30, 1956; 8:54 a. m.]



## Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

### Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 811, Amdt. 1]

### PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

### MISCELLANEOUS AMENDMENTS

*Basis and purpose.* The purpose of Sugar Regulation 811 is to determine, pursuant to section 201 of the Sugar Act of 1948, as amended (hereinafter called the "act"), the amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1956 and to establish, pursuant to section 202 of the act, sugar quotas for the supplying areas in terms of short tons of sugar, raw value, equal to the quantity determined by the Secretary of Agriculture to be needed in 1956.

The act requires that the Secretary shall revise the determination of sugar requirements at such times during the calendar year as may be necessary. It now appears that an increase in the estimate of requirements for the calendar year 1956 is necessary. The purpose of this amendment is to make such determination conform to the requirements indicated on the basis of the factors specified in section 201 of the act and give effect to the revised determination.

After providing for quotas in specific amounts for domestic sugar producing areas and the Republic of the Philippines, section 202 of the act provides that the difference between the sum of such quotas and total requirements shall be prorated to foreign countries other than the Republic of the Philippines on the basis of stated percentages. Thus, the statute states specifically how quotas are to be revised when there is a change in sugar requirements. Furthermore, in order to make available the additional sugar authorized by this amendment to meet current demand at stable prices and thereby protect the interests of consumers, it is essential that this amendment be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001), is impracticable, unnecessary and contrary to the public interest. The amendments made herein shall become effective upon publication in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, 65 Stat. 318, 7 U. S. C. 1100), and the Administrative Procedure Act (60 Stat. 237) §§ 811.80, 811.82, 811.84 (b) and 811.85 (b) (1) of Sugar Regulation 811 (20 F. R. 9848) are amended to read as hereinafter set forth.

1. Section 811.80 is amended to read:

§ 811.80 *Sugar requirements, 1956.* The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1956 is hereby determined to be 8,450,000 short tons, raw value.

2. Section 811.82 is amended to read:

§ 811.82 *Basic quotas for other areas.* There are hereby established, pursuant to subsections (b) and (c) of section 202 of the act, for foreign countries for the calendar year 1956 the following quotas:

| Area: | *Quotas in terms of short tons, raw value* |
|---|---|
| Republic of the Philippines | 980,000 |
| Cuba | 2,904,960 |
| Other foreign countries | 121,040 |

3. Paragraph (b) of § 811.84 is amended to read as follows:

§ 811.84 *Proration of quota for foreign countries other than Cuba and the Republic of the Philippines.* * * *

(b) *Basic prorations.* The 1956 quota for foreign countries other than Cuba and the Republic of the Philippines is hereby prorated pursuant to subsection (c) of section 202 of the act, among such countries as follows:

| Country: | *Proration in short tons, raw value* |
|---|---|
| Dominican Republic | 30,058 |
| El Salvador | 4,504 |
| Haiti | 2,909 |
| Mexico | 12,463 |
| Nicaragua | 8,518 |
| Peru | 56,536 |
| Unspecified countries | 6,052 |
| Total | 121,040 |

4. Paragraph (b) (1) of § 811.85 is amended to read as follows:

§ 811.85 *Direct-consumption portion of quotas or prorations.* * * *

(b) *Other areas.* (1) Pursuant to subsections (d), (e) and (h) of section 207 of the act, the quotas established in § 811.82 for the following listed areas may be filled by direct-consumption sugar not in excess of the following amount for each such area:

| Area: | *Direct-consumption sugar short tons, raw value* |
|---|---|
| Republic of the Philippines | 59,920 |
| Cuba | 375,000 |
| Other foreign countries | 41,154 |

### STATEMENT OF BASES AND CONSIDERATIONS

*Sugar requirements.* The total of the sugar quotas for 1956 was initially set at 8,350,000 short tons, raw value, to maintain fair prices and orderly marketing of sugar. The total of the sugar quotas is now increased to 8,450,000 short tons, raw value.

The period of heavy cane harvesting in the Caribbean will soon start drawing to a close and the period of heavy summer sugar consumption is approaching. From the standpoint of fundamental merchandising forces, therefore, the market should be nearing a strong seasonal position.

Sugar distribution for the year to date should have been conducive to price stability. Through April 14 distribution amounted to 2,202,000 tons or 70,000 tons in excess of that for the corresponding period of last year. After allowance is made for the constructive deliveries of nearly 70,000 tons at the beginning of 1955, distribution for the year to date is substantially equal to that for the corresponding period of last year. Invisible inventories (those held by wholesalers, retailers and industrial users) are estimated to have been nearly 50,000 tons smaller on January 1 than they were a year earlier.

There is evidence that in recent weeks the raw sugar market has been dominated by speculative forces. Prices have risen during the period when they frequently reach their seasonal low point and the relationship between spot, nearby and distant futures prices is not in accordance with a normal price pattern. Although the New York spot sugar market is quoted at $6.05 per 100 pounds, it is reported that only nominal quantities are available at that level and sales have been reported at prices as high as $6.10 per 100 pounds. Last year spot raw sugar was quoted at $5.75 per 100 pounds at the low point in April, and the highest quotation in the year was $6.08 per 100 pounds. The rise in the price of raw sugar has caused the New York price of refined sugar to rise to $8.75 per 100 pounds, or only 10 cents per 100 pounds below the peak for the post-war period. Although producers who have had sugar to sell have been benefited by recent price rises, such speculative forces, unless curbed, can as readily operate to depress prices.

Although it would be desirable for technical reasons not to adjust sugar quotas until the proposed sugar legislation has been enacted, it appears necessary to make this adjustment at this time in order to preserve a stable and healthy sugar market which will provide a supply at prices which are not excessive to consumers and which will maintain and protect the welfare of the domestic sugar industry.

*Quotas.* To give effect to the increase in sugar requirements the quotas for Cuba and Foreign Countries other than Cuba and the Republic of the Philippines have been increased by the amendments made herein to §§ 811.82, 811.84 (b) and 811.75 (b) (1).

(Sec. 403, 61 Stat. 932, as amended; 7 U. S. C. 1153. Interpret or apply secs. 202, 204, 207, 210, 61 Stat. 924, 925, 927, 928 as amended; 7 U. S. C. 1112, 1114, 1117, 1120)

Done at Washington, D. C., this 25th day of April 1956. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 56-3362; Filed, Apr. 30, 1956; 8:49 a. m.]

## Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 903—MILK IN ST. LOUIS, MO., MARKETING AREA

PART 905—MILK IN OKLAHOMA CITY, OKLA., MARKETING AREA

PART 906—MILK IN TULSA-MUSKOGEE, OKLA., MARKETING AREA

PART 913—MILK IN GREATER KANSAS CITY MARKETING AREA

PART 919—MILK IN SOUTHWEST KANSAS MARKETING AREA

PART 921—MILK IN OZARKS MARKETING AREA

PART 928—MILK IN NEOSHO VALLEY MARKETING AREA

PART 946—MILK IN LOUISVILLE, KY., MARKETING AREA

PART 968—MILK IN WICHITA, KANS., MARKETING AREA

PART 977—MILK IN PADUCAH, KY., MARKETING AREA

PART 980—MILK IN TOPEKA, KANS., MARKETING AREA

ORDER AMENDING ORDERS, AS AMENDED REGULATING HANDLING

*Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the orders and of the previously issued amendments thereto regulating the handling of milk in the following marketing areas:

Louisville, Ky.
St. Louis, Mo.
Greater Kansas City.
Topeka, Kans.
Oklahoma City, Okla.
Tulsa-Muskogee, Okla.
Neosho Valley.
Wichita, Kans.
Paducah, Ky.
Southwest Kansas.
Ozarks.

And all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") (7 U. S. C. 601 et seq.), and the rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders, as amended, regulating the handling of milk in the specified marketing areas. Upon the basis of the evidence introduced at such hearings and the records thereof, it is found that:

(1) The said orders, as amended, and as hereby further amended, and all of the terms and conditions of said orders, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the orders, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said orders, as amended, and as hereby further amended, regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in the marketing agreements upon which hearings have been held.

(b) *Additional findings.* It is necessary, in the public interest, to make the present amendment to the said orders effective as set forth below. Delay in the effective date of this amendment would tend to disrupt the orderly marketing of milk in the marketing areas heretofore designated, and would defeat the purpose of the amendment. The provisions of this order, amending the orders, are known to handlers, the public hearing having been held April 20, 1956, and the decision having been heretofore issued. Reasonable time, under the circumstances, has been afforded persons affected to prepare for its effective date. In view of the foregoing, it is hereby found and determined that good cause exists for not delaying the effective date of this order for 30 days after its publication in the FEDERAL REGISTER (section 4 (c); Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers in each of the aforesaid marketing areas (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order) of more than 50 percent of the milk which is marketed within such marketing areas, refused or failed to sign the proposed marketing agreements regulating the handling of milk in the respective marketing areas, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign such proposed marketing agreements tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the orders, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the aforesaid marketing areas; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (February 1956), were engaged in the production of milk for sale in each of the aforesaid marketing areas.

*Order relative to handling.* It is therefore ordered, That on and after the effective date hereof the handling of milk in the aforesaid marketing areas shall be in conformity to and in compliance with the terms and conditions of the aforesaid orders, as amended, and as hereby further amended, and the aforesaid orders, as amended, are hereby further amended as follows:

1. Amend each of the orders specified in this paragraph by incorporating therein, in the manner indicated, the following provisions:

"The price for Class I milk otherwise computed pursuant to this section shall be increased 46 cents from May 1st, 1956, through June 1956 and 26 cents for the month of July 1956."

Part 946—Milk in Louisville, Ky., Marketing Area, as § 946.51 (a) (1).
Part 903—Milk in St. Louis, Mo., Marketing Area, as § 903.51 (a) (4).
Part 913—Milk in Greater Kansas City Marketing Area, as § 913.51 (a) (4).
Part 905—Milk in Oklahoma City, Okla., Marketing Area, as § 905.51 (a) (4).
Part 906—Milk in Tulsa-Muskogee, Okla., Marketing Area as § 906.51 (a) (4).
Part 968—Milk in Wichita, Kans., Marketing Area, as § 968.51 (a) (1).
Part 919—Milk in Southwest Kansas Marketing Area, as § 919.51 (a) (1).
Part 977—Milk in Paducah, Ky., Marketing Area, as § 977.51 (a) (1).

2. In Part 928, Milk in Neosho Valley Marketing Area, amend § 928.51 (a) by adding immediately preceding the first proviso contained therein the following: "and plus an additional 46 cents during the delivery periods of May and June 1956 and plus an additional 26 cents during the delivery periods of July 1956 during which months the proviso immediately following shall not be effective."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 27th day of April 1956, to be effective on and after May 1, 1956.

[SEAL] EARL L. BUTZ,
*Assistant Secretary.*

[F. R. Doc. 56-3420; Filed, Apr. 30, 1956; 10:05 a. m.]

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PART 911—MILK IN TEXAS PANHANDLE MARKETING AREA

PART 918—MILK IN MEMPHIS, TENN., MARKETING AREA

PART 923—MILK IN APPALACHIAN MARKETING AREA

PART 943—MILK IN NORTH TEXAS MARKETING AREA

PART 966—MILK IN SHREVEPORT, LA., MARKETING AREA

PART 976—MILK IN FORT SMITH, ARK., MARKETING AREA

PART 978—MILK IN NASHVILLE, TENN., MARKETING AREA

PART 987—MILK IN CENTRAL MISSISSIPPI MARKETING AREA

PART 988—MILK IN KNOXVILLE, TENN., MARKETING AREA

PART 998—MILK IN CORPUS CHRISTI, TEX., MARKETING AREA

PART 1004—MILK IN CENTRAL ARIZONA MARKETING AREA

ORDER AMENDING ORDERS, AS AMENDED, REGULATING HANDLING

*Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the orders and of the previously issued amendments thereto regulating the handling of milk in the following marketing areas:

North Texas.
Corpus Christi, Tex.
Texas Panhandle.
Shreveport, La.
Central Mississippi.
Central Arizona.
Fort Smith, Ark.
Memphis, Tenn.
Nashville, Tenn.
Appalachian.
Knoxville, Tenn.

And all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") (7 U. S. C. 601 et seq.), and the rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) public hearings were held upon certain proposed amendments to the tentative marketing agreements and to the orders, as amended, regulating the handling of milk in the aforesaid marketing areas. Upon the basis of the evidence introduced at such hearings and the records thereof, it is found that:

(1) The said orders, as amended, and as hereby further amended, and all of the terms and conditions of said orders, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the aforesaid marketing areas, and the minimum prices specified in the orders, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said orders, as amended, and as hereby further amended, regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in the marketing agreements upon which hearings have been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the aforesaid orders effective at the earliest possible date. Any delay in the effective date would tend to disrupt the orderly marketing of milk in the aforesaid marketing areas and would defeat the purpose of the amendment. The amendment action of this order amending the orders is known to handlers. The public hearings having been held on April 24, 1956, and the decision having been heretofore issued. Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. In view of the foregoing, it is hereby found and determined that good cause exists for not delaying the effective date of this order for 30 days after its publication in the FEDERAL REGISTER (section 4 (c); Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers in each of the aforesaid marketing areas (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order) handling more than 50 percent of the milk which is marketed within such marketing areas, refused or failed to sign the proposed marketing agreements regulating the handling of milk in the respective marketing areas, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign such proposed marketing agreements tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, amending the orders, as amended, is the only practical means pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the aforesaid marketing areas; and

(3) The issuance of this order amending the orders, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (February 1956), were engaged in the production of milk for sale in each of the aforesaid marketing areas.

*Order relative to handling.* It is therefore ordered that on and after the effective date hereof the handling of milk in the aforesaid marketing areas shall be in conformity to and in compliance with the terms and conditions of the aforesaid orders, as amended, and as hereby further amended, and the aforesaid orders, as amended, are hereby further amended as follows:

1. Amend each of the orders specified in this paragraph by incorporating therein, in the manner indicated, the following provision:

"The price for Class I milk otherwise computed pursuant to this section shall be increased 46 cents from May 1956 through June 1956 and 26 cents for the month of July 1956."

Part 943—Milk in the North Texas Marketing Area, as § 943.51 (a) (3).
Part 998—Milk in Corpus Christi, Tex., Marketing Area, as § 998.51 (a) (1).
Part 911—Milk in Texas Panhandle Marketing Area, as § 911.51 (a) (1).
Part 966—Milk in Shreveport, La., Marketing Area, as § 966.51 (a) (1).
Part 987—Milk in Central Mississippi Marketing Area, as § 987.51 (a) (1).
Part 1004—Milk in Central Arizona Marketing Area, as § 1004.51 (a) (1).
Part 976—Milk in Fort Smith, Ark., Marketing Area, as § 976.51 (a) (1).
Part 918—Milk in Memphis, Tenn., Marketing Area, as § 918.51 (a) (4).
Part 978—Milk in Nashville, Tenn., Marketing Area, as § 978.51 (a) (3).
Part 923—Milk in Appalachian Marketing Area, as § 923.51 (a) (1).
Part 988—Milk in Knoxville, Tenn., Marketing Area, as § 988.51 (a) (5).

(Sec. 5, 49 Stat. 753 as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 27th day of April to be effective on and after May 1, 1956.

[SEAL] EARL L. BUTZ,
*Assistant Secretary.*

[F. R. Doc. 56-3419; Filed, Apr. 30, 1956; 10:05 a. m.]

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PART 916—MILK IN UPSTATE MICHIGAN MARKETING AREA

PART 917—MILK IN BLACK HILLS, S. DAK., MARKETING AREA

PART 924—MILK IN DETROIT, MICH., MARKETING AREA

PART 929—MILK IN EASTERN SOUTH DAKOTA MARKETING AREA

PART 935—MILK IN OMAHA-COUNCIL BLUFFS MARKETING AREA

PART 948—MILK IN SIOUX CITY, IOWA, MARKETING AREA

PART 956—MILK IN SIOUX FALLS-MITCHELL, S. DAK., MARKETING AREA

PART 985—MILK IN MUSKEGON, MICH., MARKETING AREA

ORDER AMENDING ORDERS, AS AMENDED, REGULATING HANDLING

*Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the orders and of the previously issued amendments thereto regulating the handling of milk in the following marketing areas:

Black Hills (South Dakota).
Detroit, Mich.
Eastern South Dakota.
Upstate Michigan.
Muskegon, Mich.
Omaha-Lincoln-Council Bluffs Nebraska-Iowa).
Sioux City, Iowa.
Sioux Falls-Mitchell, S. Dak.

And all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") (7 U. S. C. 601 et seq.), and the rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders, as amended, regulating the handling of milk in the aforesaid marketing areas. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said orders, as amended, and as hereby further amended, and all of the terms and conditions of said orders,

as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the aforesaid marketing areas, and the minimum prices specified in the orders, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said orders, as amended, and as hereby further amended, regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in, the marketing agreements upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the aforesaid orders effective at the earliest possible date. Any delay in the effective date would tend to disrupt the orderly marketing of milk in the aforesaid marketing areas and would defeat the purpose of the amendment. The amendment action of this order amending the orders is known to handlers. The public hearing having been held on April 25, 1956, and the decision having been heretofore issued. Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. In view of the foregoing, it is hereby found and determined that good cause exists for not delaying the effective date of this order for 30 days after its publication in the FEDERAL REGISTEPR (section 4 (c); Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers in each of the aforesaid marketing areas (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order) handling more than 50 percent of the milk which is marketed within each of such marketing areas, refused or failed to sign the proposed marketing agreements regulating the handling of milk in the respective marketing areas, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign such proposed marketing agreements tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, amending the orders, as amended, is the only practical means pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the aforesaid marketing areas; and

(3) The issuance of this order amending the orders, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (February 1956), were engaged in the production of milk for sale in each of the aforesaid marketing areas.

*Order relative to handling.* It is therefore ordered that on and after the effective date hereof the handling of milk in the aforesaid marketing areas shall be in conformity to and in compliance with the terms and conditions of the aforesaid orders, as amended, and as hereby further amended, and the aforesaid orders, as amended, are hereby further amended as follows:

1. Amend each of the orders specified in this paragraph by incorporating therein in the manner indicated, the following provision:

"The price for Class I milk otherwise computed pursuant to this section shall be increased 46 cents from May 1, 1956, through June 1956 and 26 cents for the month of July 1956."

Part 917—Milk in Black Hills, South Dakota, Marketing Area, as the last sentence in § 917.51 (a).

Part 924—Milk in Detroit, Michigan, Marketing Area, as § 924.51 (c).

Part 929—Milk in Eastern South Dakota Marketing Area, as the last sentence in § 929.51 (a).

Part 985—Milk in Muskegon, Michigan, Marketing Area, as the last sentence in § 985.51.

Part 956—Milk in Sioux Falls-Mitchell, South Dakota, Marketing Area, as the last sentence in § 956.50 (a).

Part 916—Milk in Upstate Michigan Marketing Area, as the last sentence in § 916.51.

2. Amend Part 935, Milk in the Omaha-Lincoln-Council Bluffs Marketing Area, by incorporating the following as a proviso in § 935.51 (a) immediately preceding subparagraph (1) of such paragraph: *"Provided,* That such price for Class I milk containing 3.8 percent butterfat shall be increased 46 cents from May 1, 1956, through June 1956 and 26 cents for the month of July 1956."

3. Amend Part 948, Milk in the Sioux City, Iowa, Marketing Area, by incorporating the following as a proviso in § 948.51 (a) immediately preceding subparagraph (1) of such paragraph: *"Provided,* That such price for Class I milk containing 3.5 percent butterfat shall be increased 46 cents from May 1, 1956, hereof through June 1956 and 26 cents for the month of July 1956."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 27th day of April to be effective on and after May 1, 1956.

[SEAL] EARL L. BUTZ,
*Assistant Secretary.*

[F. R. Doc. 56-3421; Filed, Apr. 30, 1956; 10:06 a. m.]

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PART 931—HANDLING OF MILK IN CEDAR RAPIDS-IOWA CITY, IOWA MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and of the order, as amended (7 CFR Part 931), regulating the handling of milk in the Cedar Rapids-Iowa City, Iowa, marketing area, hereinafter referred to as the "order", it is hereby found and determined that:

(a) The following provisions of § 931.50 (a) will not tend to effectuate the declared policy of the act for the period ending June 30, 1956:

"* * * the following premiums during the delivery periods indicated:

| | |
|---|---|
| December through April | $0.85 |
| May, June | .65 |
| July through November". | |

(b) Thirty days notice of the effective date hereof is found to be impracticable, unnecessary, and contrary to the public interest in that:

(1) A large majority of the producers of the milk produced for this market have requested that these provisions be suspended;

(2) Evidence on marketing conditions received at a public hearing held April 25, 1956, at Minneapolis, Minnesota, indicates the need for the proposed suspension;

(3) It is found necessary to issue and make effective this suspension order to reflect current marketing conditons and to facilitate, promote, and maintain orderly marketing conditions in this marketing area; and

(4) This suspension order does not require of persons affected substantial or extensive preparation prior to its effective date.

Therefore, good cause exists for making this order effective immediately for the period ending June 30, 1956.

*It is therefore ordered,* That the following provisions of § 931.50 (a) of the order be and hereby are suspended from the effective date as provided below, through June 30, 1956:

"* * * the following premiums during the delivery periods indicated:

| | |
|---|---|
| December through April | $0.85 |
| May, June | .65 |
| July through November". | |

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 27th day of April 1956 to be effective on May 1, 1956.

[SEAL] EARL L. BUTZ,
*Assistant Secretary.*

[F. R. Doc. 56-3418; Filed, Apr. 30, 1956; 10:05 a. m.]

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PART 932—MILK IN FORT WAYNE, INDIANA, MARKETING AREA

PART 965—MILK IN CINCINNATI, OHIO, MARKETING AREA

PART 971—MILK IN DAYTON-SPRINGFIELD, OHIO, MARKETING AREA

PART 972—MILK IN TRI-STATE MARKETING AREA

PART 974—MILK IN COLUMBUS, OHIO, MARKETING AREA

PART 975—MILK IN CLEVELAND, OHIO, MARKETING AREA

PART 1002—MILK IN GREATER WHEELING, WEST VIRGINIA, MARKETING AREA

PART 1009—MILK IN CLARKSBURG, WEST VIRGINIA, MARKETING AREA

ORDER AMENDING ORDERS, AS AMENDED

§ ____.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the orders and of the previously issued amendments thereto regulating the handling of milk in the following marketing areas:

Cleveland, Ohio.
Columbus, Ohio.
Dayton-Springfield, Ohio.
Cincinnati, Ohio.
Tri-State.
Greater Wheeling, W. Va.
Clarksburg, W. Va.
Fort Wayne, Ind.

And all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") (7 U. S. C. 601 et seq.), and the rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders, as amended, regulating the handling of milk in the specified marketing areas. Upon the basis of the evidence introduced at such hearings and the records thereof, it is found that:

(1) The said orders, as amended, and as hereby further amended, and all of the terms and conditions of said orders, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to Section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the orders, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said orders, as amended, and as hereby further amended, regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in the marketing agreements upon which hearings have been held.

(b) *Additional findings.* It is necessary, in the public interest, to make the present amendment to the said orders effective as set forth below. Delay in the effective date of this amendment would tend to disrupt the orderly marketing of milk in the marketing areas heretofore designated, and would defeat the purpose of the amendment. The provisions of this order, amending the orders, are known to handlers, the public hearing having been held April 20, 1956, and the decision having been heretofore issued. Reasonable time, under the circumstances, has been afforded persons affected to prepare for its effective date.





In view of the foregoing, it is hereby found and determined that good cause exists for not delaying the effective date of this order for 30 days after its publication in the FEDERAL REGISTER (section 4 (c); Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers in each of the aforesaid marketing areas (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order) of more than 50 percent of the milk which is marketed within such marketing areas, refused or failed to sign the proposed marketing agreements regulating the handling of milk in the respective marketing areas, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign such proposed marketing agreements tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the orders, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the aforesaid marketing areas; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (February 1956), were engaged in the production of milk for sale in each of the aforesaid marketing areas.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof the handling of milk in the aforesaid marketing areas shall be in conformity to and in compliance with the terms and conditions of the aforesaid orders, as amended, and as hereby further amended, and the aforesaid orders, as amended, are hereby further amended as follows:

1. Amend each of the orders specified in this pargaraph by incorporating therein, in the manner indicated, the following provision:

"The price for Class I milk otherwise computed pursuant to this section shall be increased 46 cents from May 1st, 1956 through June 1956 and 26 cents for the month of July 1956."

Part 975, Milk in the Cleveland, Ohio, Marketing Area as § 975.61 (b).

Part 965, Milk in the Cincinnati, Ohio, Marketing Area as § 965.51 (a) (3).

Part 972, Milk in the Tri-State Marketing Area as § 972.41 (c).

Part 1002, Milk in the Greater Wheeling, West Virginia, Marketing Area as § 1002.51 (a) (1).

Part 1009, Milk in the Clarksburg, West Virginia, Marketing Area as § 1009.51 (a) (1).

Part 932, Milk in the Fore Wayne, Indiana, Marketing Area as § 932.51 (c).

2. In part 974, Milk in the Columbus, Ohio, Marketing Area, amend § 974.51 by adding the following as paragraph (a) (4):

(4) The price for Class I milk otherwise computed pursuant to this section shall be increased 46 cents from May 1st, 1956, through June 1956 and 26 cents for the month of July 1956: *Provided,* That this subparagraph shall not apply in computing the price for Class II milk pursuant to § 974.52.

3. In Part 971, Milk in the Dayton-Springfield, Ohio, Marketing Area, amend § 971.51 by adding the following as paragraph (a) (4):

(4) The price for Class I milk otherwise computed pursuant to this section shall be increased 46 cents from May 1st, 1956, through June 1956 and 26 cents for the month of July 1956: *Provided,* That this subparagraph shall not apply in computing the price for Class II milk pursuant to § 971.52.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 26th day of April 1956 to be effective on and after May 1st, 1956.

[SEAL] EARL L. BUTZ,
*Assistant Secretary.*

[F. R. Doc. 56-3393; Filed, Apr. 30, 1956; 8:55 a. m.]

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PART 954—MILK IN DULUTH-SUPERIOR MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and of the order, as amended (7 CFR, Part 954), regulating the handling of milk in the Duluth-Superior marketing area, hereinafter referred to as the "order", it is hereby found and determined that:

(a) The following provisions of § 954.50 (a) will not tend to effectuate the declared policy of the Act for the period ending August 31, 1956:

1. The phrase in such paragraph which reads "plus $1.00 during the months of May, June, July and August, and";

2. The phrase at the end of such paragraph which reads "during all other months".

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof, are found to be impracticable, unnecessary, and contrary to the public interest in that:

(1) The information upon which this action is based did not become available in time sufficient for such compliance;

(2) A large majority of the producers of the milk produced for this market, and handlers of more than 90 percent of such milk, have requested that these provisions be suspended;

(3) It is found necessary to issue and make effective this suspension order to reflect current marketing conditions and to facilitate, promote, and maintain orderly marketing conditions in this marketing area; and

(4) This suspension order does not require of persons affected substantial or extensive preparation prior to its effective date.

Therefore, good cause exists for making this order effective immediately for the period ending August 31, 1956.

*It is therefore ordered,* That the following provisions of § 954.50 (a) of the order be and hereby are suspended from the effective date as provided below, through August 31, 1956:

1. The phrase in such paragraph which reads "plus $1.00 during the months of May, June, July and August, and";

2. The phrase at the end of such paragraph which reads "during all other months".

Done at Washington, D. C., this 26th day of April 1956, to be effective on May 1, 1956.

[SEAL] EARL L. BUTZ,
*Assistant Secretary.*

[F. R. Doc. 56-3394; Filed, Apr. 30, 1956; 8:56 a. m.]

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## PART 973—MILK IN MINNEAPOLIS-ST. PAUL, MINN., MARKETING AREA

### ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and of the order, as amended (7 CFR Part 973), regulating the handling of milk in the Minneapolis-St. Paul, Minnesota, marketing area, hereinafter referred to as the "order", it is hereby found and determined that:

(a) The following provisions of § 973.53 will not tend to effectuate the declared policy of the act for the period ending June 30, 1956: "* * * plus 70 cents for the delivery periods of January through April, plus 60 cents for May and June" and "for July through November, and plus 80 cents for December * * *"

(b) Thirty days notice of the effective date hereof is found to be impracticable, unnecessary, and contrary to the public interest in that:

(1) A large majority of the producers of the milk produced for this market have requested that these provisions be suspended;

(2) Evidence on marketing conditions received at a public hearing held April 25, 1956, at Minneapolis, Minnesota, indicates the need for the proposed suspensions;

(3) It is found necessary to issue and make effective this suspension order to reflect current marketing conditions and to facilitate, promote, and maintain orderly Marketing conditions in this marketing area; and

(4) This suspension order does not require of persons affected substantial or extensive preparation prior to its effective date.

Therefore, good cause exists for making this order effective immediately for the period ending June 30, 1956.

*It is therefore ordered,* That the following provisions of § 973.53 of the order be and hereby are suspended from the effective date as provided below, through June 30, 1956: "* * * plus 70 cents for the delivery periods of January through April, plus 60 cents for May and June" and "for July through November, and plus 80 cents for December * * *"

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 27th day of April 1956, to be effective on May 1, 1956.

[SEAL] EARL L. BUTZ,
*Assistant Secretary.*

[F. R. Doc. 56-3417; Filed, Apr. 30, 1956; 10:05 a. m.]

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## PART 1002—MILK IN GREATER WHEELING, WEST VIRGINIA, MARKETING AREA

### ORDER AMENDING ORDER, REGULATING HANDLING

§ 1002.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900), a public hearing was held at Wheeling, West Virginia, on March 2, 1956, upon proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Greater Wheeling, West Virginia, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

(1) The said order, and the order as hereby amended, and all of the terms and conditions of said order, and the order as hereby amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in said marketing areas as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for such milk and the minimum prices specified in the order, and the order as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, and the order as hereby amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective class of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making effective not later than May 1, 1956, this order amending the order, except for the change in § 1002.13. This action is necessary in the public interest to reflect current marketing conditions. Accordingly, any delay in the effective date of this order beyond the aforesaid date, will seriously impair orderly marketing of milk in the Greater Wheeling, West Virginia, marketing area. The provisions of the said amendatory order are well known to handlers, the public hearing having been held on March 2, 1956, a recommended decision having been issued on April 12, 1956, and a final decision having been issued on April 25, 1956. Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. Therefore, it would be impracticable, unnecessary, and contrary to the public interest to delay the effective date of this amendatory order 30 days after its publication in the FEDERAL REGISTER (see section 4 (c) Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determination.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping the milk covered by this order amending the order, which is marketed within the Greater Wheeling, West Virginia, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order is the only practical means pursuant to the declared policy of the act of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period (February 1956), were engaged in the production of milk for sale in the said marketing area.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof the handling of milk in the Greater Wheeling, West Virginia, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order and the order as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 1002.13 and substitute the following:

§ 1002.13 *Producer-handler.* "Producer-handler" means a person who operates both a dairy farm(s) and a milk processing or bottling plant at which each of the following conditions is met during the month:

(a) Milk is received from the dairy farm(s) of such person but from no other dairy farm;



(b) Fluid milk products are disposed of on routes or through a plant store to retail or wholesale outlets in the marketing area; and

(c) The butterfat or skim milk disposed of in fluid milk products does not exceed the butterfat or skim milk, respectively, received in the form of milk from the dairy farm(s) of such person and in the form of fluid milk products from pool plants of other handlers.

2. In § 1002.51 (a) delete the table of prices and substitute:

| Month: | *Amount* |
|---|---|
| February, March, April, May, June, and July | $1.50 |
| All others | 1.95 |

3. In § 1002.51 (b) delete the period at the end of the sentence and add the following: *"Provided, further,* That the Class II milk price for the months of May and June, 1956 shall be the basic formula price less 20 cents."

Issued at Washington, D. C., this 26th day of April 1956, to be effective with respect to § 1002.13 on August 1, 1956, and with respect to other provisions, on May 1, 1956.

[SEAL] EARL L. BUTZ,
*Assistant Secretary.*

[F. R. Doc. 56-3395; Filed, Apr. 30, 1956; 8:56 a. m.]

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## PART 1009—MILK IN CLARKSBURG, WEST VIRGINIA, MARKETING AREA

### ORDER AMENDING ORDER, REGULATING HANDLING

§ 1009.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and all previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900), a public hearing was held at Wheeling, West Virginia, on March 2, 1956, upon proposed amendments to the tentative marketing agreement and to the order regulating the handling of milk in the Clarksburg, West Virginia, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is hereby found that:

(1) The said order, and the order, as hereby amended, and all of the terms and conditions of said order, and the order, as hereby amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in said marketing areas as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for such milk and the minimum prices specified in the order, and the order, as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, and the order, as hereby amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making effective not later than May 1, 1956, this order amending the order, except for the change in § 1009.13. This action is necessary in the public interest to reflect current marketing conditions. Accordingly, any delay in the effective date of this order beyond the aforesaid date, will seriously impair orderly marketing of milk in the Clarksburg, West Virginia, marketing area. The provisions of the said amendatory order are well known to handlers, the public hearing having been held on March 2, 1956, a recommended decision having been issued on April 12, 1956, and a final decision having been issued on April 25, 1956. Reasonable time under the circumstances has been afforded persons affected to prepare for its effective date. Therefore, it would be impracticable, unnecessary, and contrary to the public interest to delay the effective date of this amendatory order 30 days after its publication in the FEDERAL REGISTER (see section 4 (c) Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determination.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping the milk covered by this order amending the order, which is marketed within the Clarksburg, West Virginia, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, is the only practical means pursuant to the declared policy of the act of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order is approved or favored by at least two-thirds of the producers who during the determined representative period (February 1956), were engaged in the production of milk for sale in the said marketing area.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof the handling of milk in the Clarksburg, West Virginia, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, and the order as hereby amended, and the aforesaid order is hereby amended as follows:

1. Delete § 1009.13 and substitute the following:

§ 1009.13 *Producer-handler.* "Producer-handler" means a person who operates both a dairy farm(s) and a milk processing or bottling plant at which each of the following conditions is met during the month:

(a) Milk is received from the dairy farm(s) of such person but from no other dairy farm;

(b) Fluid milk products are disposed of on routes or through a plant store to retail or wholesale outlets in the marketing area; and

(c) The butterfat or skim milk disposed of in fluid milk products does not exceed the butterfat or skim milk, respectively, received in the form of milk from the dairy farm(s) of such person and in the form of fluid milk products from pool plants of other handlers.

2. In § 1009.51 (a) delete the table of prices and substitute:

| Month: | *Amount* |
|---|---|
| February, March April, May, June, and July | $1.75 |
| All others | 2.20 |

3. In § 1009.51 (b) delete the period at the end of the sentence and add the following: *"Provided, further,* That the Class II milk price for the months of May and June 1956 shall be the basic formula price less 20 cents."

Issued at Washington, D. C., this 26th day of April 1956, to be effective with respect to § 1009.13 on August 1, 1956, and with respect to other provisions on May 1, 1956.

[SEAL] EARL L. BUTZ,
*Assistant Secretary.*

[F. R. Doc. 56-3396; Filed, Apr. 30, 1956; 8:56 a. m.]

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# TITLE 10—ATOMIC ENERGY

## Chapter I—Atomic Energy Commission

## PART 130—PRIORITIES REGULATION

### ABANDONMENT OF PRIORITY

The following rule is published as an amendment to the Priorities Regulation and is to be added as a new paragraph (d) to § 130.33. In accordance with section 4 of the Administrative Procedures Act, Public Law 404, 79th Cong., 2d Sess., the rule shall be effective 30 days after the date of publication.

§ 130.33 *Abandonment of priority.* * * *

(d) Any property on which a priority has been abandoned shall be offered by the sales agency to the priority classes, if any, to which property of the same type will, subsequent to such abandonment, be offered; provided that when a senior occupant of a government-owned

duplex house abandons his senior occupant's priority, the property in question shall be first offered to the junior occupant of such house if he has not exercised a priority to purchase another house hereunder. If all such priority rights have expired or lapsed, such property shall be disposed of as provided in section 53 (b), (c) and (d) of the act.

(Secs. 42, 111, 115, 60 Stat. 475, 483)

Dated at Washington, D. C., this 20th day of April 1956.

K. E. FIELDS,
*General Manager.*

[F. R. Doc. 56-3339; Filed, Apr. 30, 1956; 8:45 a. m.]

## TITLE 12—BANKS AND BANKING

### Chapter II—Federal Reserve System

#### Subchapter A—Board of Governors of the Federal Reserve System

[Reg. T]

PART 220—CREDIT BY BROKERS, DEALERS AND MEMBERS OF NATIONAL SECURITIES EXCHANGES

GENERAL ACCOUNTS

1. Effective May 1, 1956, Part 220 is hereby amended (a) by striking out the words "three full business days" in paragraph (b) of § 220.3 and substituting therefor the words "four full business days"; (b) by striking out the words "three-day period" wherever they appear in paragraphs (e) and (f) of § 220.3 and substituting therefor the words "four-day period"; and (c) by striking out the words "or 'three-day riding' " in the footnote to paragraph (e) of § 220.3.

2. a. This technical amendment is issued pursuant to the Securities Exchange Act of 1934, particularly section 7 thereof. Its purpose is to change the maximum period allowed for a "creditor" to obtain margin in a margin account from three full business days to four. It is designed to simplify mechanical operating problems of "creditors" in the light of current mail schedules and their machine bookkeeping methods. However, Part 220 continues to require that the "creditor" in all cases obtain the necessary deposit of margin "as promptly as possible"; and the new four-day period, like the previous three-day period, merely states an outside limit which is to be used by the "creditor" only to the extent that it is not possible for him to obtain the margin in less time.

b. The notice and public procedure described in sections 4 (a) and 4 (b) of the Administrative Procedure Act, and the 30-day prior publication described in section 4 (c) of such act, are not followed in connection with this amendment for the reasons and good cause found as stated in § 262.2 (e) of this chapter, and especially because in connection with this permissive amendment such procedures are unnecessary as they would not aid the persons affected and would serve no other useful purpose.

(Sec. 11, 38 Stat. 262; 12 U. S. C. 248. Interpret or apply secs. 3, 7, 8, 17, 23, 48 Stat. 882, 886, 888, 897, 901, as amended; 15 U. S. C. 78c, 78g, 78h, 78q, 78w)

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
*Assistant Secretary.*

[F. R. Doc. 56-3359; Filed, Apr. 30, 1956; 8:48 a. m.]

## TITLE 25—INDIANS

### Chapter I—Bureau of Indian Affairs, Department of the Interior

#### Subchapter I—Grazing

PART 72—NAVAJO GRAZING REGULATIONS

Part 72 is revised to read as follows:

Sec.
72.1 Authority.
72.2 General regulations.
72.3 Objectives.
72.4 Regulations; scope; exceptions.
72.5 Land management districts.
72.6 Carrying capacities.
72.7 Records.
72.8 Grazing rights.
72.9 Grazing permits.
72.10 Special grazing permits.
72.11 Tenure of grazing permits.
72.12 Grazing fees.
72.13 Trespass.
72.14 Movement of livestock.
72.15 Control of livestock disease and introduction of livestock.
72.16 Fences.
72.17 Construction near permanent livestock water developments.

Authority: §§ 72.1 to 72.17 issued under sec. 6, 48 Stat. 986; 25 U. S. C. 466.

§ 72.1 *Authority.* It is within the authority of the Secretary of the Interior to protect Indian tribal lands against waste. Subject to regulations of this part, the right exists for Indian tribes to authorize the granting of permits upon their tribal lands and to prescribe by appropriate tribal action the conditions under which their lands may be used.

§ 72.2 *General regulations.* Part 71 of this subchapter authorizes the Commissioner of Indian Affairs to regulate the grazing of livestock on Indian lands under conditions set forth therein. In accordance with this authority and that of the Navajo Tribal Council, the Central Grazing Committee and the District Grazing Committees, the grazing of livestock on the Navajo Reservation shall be governed by the regulations in this part.

§ 72.3 *Objectives.* It is the purpose of the regulations in this part to aid the Navajo Indians in achievement of the following objectives:

(a) The preservation of the forage, the land, and the water resources on the Navajo Reservation, and the building up of those resources where they have deteriorated.

(b) The protection of the interests of the Navajo Indians from the encroachment of unduly aggressive and anti-social individuals who may or may not be members of the Navajo Tribe.

(c) The adjustment of livestock numbers to the carrying capacity of the range in such a manner that the livestock economy of the Navajo Tribe will be preserved.

(d) To secure increasing responsibility and participation of the Navajo people, including tribal participation in all basic policy decisions, in the sound management of one of the Tribe's greatest assets, its grazing lands, and to foster a better relationship and a clearer understanding between the Navajo people and the Federal Government in carrying out the grazing regulations.

(e) The improvement of livestock through proper breeding practices and the maintenance of a sound culling policy. Buck and bull pastures may be established and maintained either on or off the reservation through District Grazing Committee and Central Grazing Committee action.

§ 72.4 *Regulations; scope; exceptions.* The grazing regulations in this part are hereby made effective as of the date of approval hereof, for the Navajo Reservation, the area described in Executive Order of December 16, 1882, except Land Management District No. 6, all lands within the boundaries of the Navajo Reservation held in trust by the United States for the Navajo Tribe and all the trust lands hereafter added to the Navajo Reservation. The regulations in this part do not apply in individually owned allotted lands within the reservation nor to Tribal purchases, allotted or privately owned Navajo Indian lands outside the exterior boundaries of the Navajo Reservation.

§ 72.5 *Land management districts.* The Commissioner of Indian Affairs has established and will retain the present land management districts within the Navajo Indian Reservation, based on the social and economic requirements of the Navajo Indians and the necessity of rehabilitating the grazing lands. District boundary changes may be made when deemed necessary and advisable by the District Grazing Committees, Central Grazing Committee and Tribal Council, with approval by the Superintendent, Area Director, and the Commissioner of Indian Affairs.

§ 72.6 *Carrying capacities.* (a) The Commissioner of Indian Affairs on June 26, 1943, promulgated the authorized carrying capacity for each land management district of the Navajo Reservation.

(b) Recommended adjustments in carrying capacities shall be referred by the Superintendent to District Grazing Committee, Central Grazing Committee, and the Navajo Tribal Council for review and recommendations prior to presentation to the Area Director and the Commissioner of Indian Affairs for approval.

(c) Upon the request of the District Grazing Committee, Central Grazing Committee and Navajo Tribal Council to the Superintendent; recommendations for future adjustments to the established carrying capacities shall be made by Range Technicians based on the best information available through annual utilization studies and range condition studies analyzed along with numbers of livestock and precipitation data. The recommendations of the Range Technicians shall be submitted to the Superintendent, the Area Director and the Commissioner of Indian Affairs.



(d) Carrying capacities shall be stated in terms of sheep units yearlong, in the ratio of horses, mules, and burros 1 to 5; cattle 1 to 4; goats 1 to 1. The latter figure in each case denotes sheep units. Sheep, goats, cattle, horses, mules, and burros one year of age or older shall be counted against the carrying capacity.

§ 72.7 *Records.* The District Grazing Committee, the Superintendent, and his authorized representatives shall keep accurate records of all grazing permits and ownership of all livestock. Master files shall be maintained by the Superintendent or his authorized representatives.

(a) The District Grazing Committee shall be responsible for and assist in organizing the sheep and goat dipping and horse and cattle branding program and obtaining the annual livestock count.

(b) In order to obtain true records of ownership the permittee shall personally appear at the dipping vat or tallying point designated by the Grazing Committee with his or her sheep and goats and at branding and tallying points for cattle and horses. Should the permittee be unable to appear personally he or she shall designate a representative to act for and in his or her behalf. The sheep and goats will be dipped and the cattle and horses will be branded and recorded in the name of the permittee.

(c) The Superintendent shall prepare and keep current a register containing the names of all permittees using the range, the number of each class of stock by age classes grazed annually and the periods during which grazing shall be permitted in each part thereof. An annual stock census will be taken to insure that the carrying capacity is not exceeded. All classes of livestock twelve months of age or over will be counted against range use and permitted number, except that yearling colts will not be counted against permitted numbers on all permits with less than six horses. (Cross Reference § 72.9.)

§ 72.8 *Grazing rights.* (a) The Superintendent shall determine grazing rights of bona fide livestock owners based on recommendations of District Grazing Committees. Grazing rights shall be recognized for those permittees having ownership records as established in accordance with § 72.7 or who have acquired grazing rights by marriage, inheritance, purchase or division of permits. Whenever the permitted number of sheep units within a district is less than the carrying capacity, new permits to the carrying capacity limit may be granted as provided in § 72.9.

(b) All enrolled members of the Navajo Tribe over 18 years of age are eligible to acquire and hold grazing permits. Minors under 18 years of age can get possession of grazing permits only through inheritance or gift, and in each case Trustees must be appointed by the Tribal Courts to manage the permits and livestock of such minors until they become 18 years of age and can hold grazing permits in their own right.

(c) No person can hold a grazing permit in more than one district on the Navajo Reservation.

(d) Determination of rights to grazing permits involved in cases of divorce, separation, threatened family disruption, and permits of deceased permittees shall be the responsibility of the Navajo Court of Indian Offenses under existing laws, rules, and regulations.

§ 72.9 *Grazing permits.* (a) All livestock grazed on the Navajo Reservation must be covered by an authorized grazing permit issued by the Superintendent based upon the recommendations of the District Grazing Committee. All such grazing permits will be automatically renewed annually until terminated. District Grazing Committees shall act on all grazing permit changes resulting from negotiability within their respective Districts. The number of livestock that may be grazed under each permit shall be the number originally permitted plus or minus any changes as indicated by Transfer Agreements and Court Judgment Orders.

(b) Any permittee who has five or more horses on his current permit will be required to apply any acquired sheep units in classes of stock other than horses. If the purchaser wishes more than his present number of horses, he must have his needs evaluated by the District Grazing Committee. Yearling colts will be counted against permitted number on all permits with six or more horses. Yearling colts will not be counted against permitted number on all permits with less than six horses. In hardship cases the District Grazing Committee may reissue horses removed from grazing permits through negotiability to permit holders who are without sufficient horses on their present permits to meet minimum needs.

(c) No permittee shall be authorized to graze more than ten head of horses or to accumulate a total of over 350 sheep units.

(d) Upon recommendation of the District Grazing Committee and with the approval of the Superintendent, grazing permits may be transferred from one permittee to another in accordance with instructions provided by the Advisory Committee of the Navajo Tribal Council, or may be inherited; provided that the permitted holdings of any individual permittee shall not exceed 350 sheep units or the equivalent thereof. Should inheritance or other acquisition of permits increase the holdings of any permittee to more than 350 sheep units, said permittee shall dispose of all livestock in excess of 350 sheep units not later than November 15 following date of inheritance or other acquisition, and that portion of his or her permit in excess of 350 sheep units within one year from date of inheritance.

(e) By request of a permittee to sublet all or a part of his or her regular grazing permit to a member of his family or to any person who would receive such permit by inheritance, such subletting of permits may be authorized by the District Grazing Committee and the Superintendent or his authorized representative.

§ 72.10 *Special grazing permits.* The problem of special grazing permits shall be settled by the Bureau of Indian Affairs working in cooperation with the Tribal Council, or any Committee designated by it, with a view to terminating these permits at a suitable date and with the least hardship to the Indians concerned.

§ 72.11 *Tenure of grazing permits.* (a) All active regular grazing permits shall be for one year and shall be automatically renewed annually until terminated. Any Navajo eligible to hold a grazing permit as defined in § 72.8 may become a livestock operator by obtaining an active grazing permit through negotiability or inheritance or both.

(b) In many Districts, and portions of all districts, unused grazing permits or portions of grazing permits are beneficial in aiding range recovery. Each District Grazing Committee will handle each matter of unused grazing permit or portions of grazing permits on individual merits. Where ample forage is available operators will be encouraged to fill their permits with livestock or dispose of their unused permits through negotiability. In those areas where forage is in need of rehabilitation permittees will not be encouraged to stock to their permitted numbers until the range has sufficiently recovered to justify the grazing of additional livestock.

§ 72.12 *Grazing fees.* Grazing fees shall not be charged at this time.[1]

§ 72.13 *Trespass.* The owner of any livestock grazing in trespass in Navajo Tribal ranges shall be subject to action by the Navajo Court of Indian Offenses as provided in Part 161 of this chapter; however, upon recommendations of the District Grazing Committee, first offenses may be referred to the Central Grazing Committee and the Superintendent or his authorized representative for proper settlement out of court. The following acts are considered as trespass:

(a) Any person who sells an entire permit must dispose of all his livestock or be in trespass. Any person selling a portion of his permit must not run more stock than covered by his remaining permit, or be subject to immediate trespass.

(b) All persons running livestock in excess of their permitted number must within one year of the date of adoption of this part, either obtain permits to cover their total livestock numbers or reduce to their permitted number or be in trespass. Additional time may be granted in unusual individual cases as determined and approved by the District Grazing Committee, Central Grazing

[1] Grazing Committees were organized in May 1953. These committees have not had ample time to fully acquaint themselves or the stockmen in their respective districts with all of the various items of range administration and range management. Also the drought of several years has not broken. The Navajo Tribe therefore requests that the matter of establishing regulations regarding the adoption of grazing fees be deferred until such a time as a full understanding of the advantages of fees can be had by the majority of the stockmen in all Districts. The assessment of grazing fees will not aid materially in obtaining proper range use. At this time it is more important that other sections of these grazing regulations be adopted and enforced. Resolution of Navajo Tribal Council No. CJ-22-54 of June 9, 1954.

Committee, and the Superintendent or his authorized representative.

(c) Failure to comply with the provisions in § 72.9, shall be considered as trespass.

(d) Any person who willfully allows his livestock to drift from one district to another shall be subject to trespass action. The grazing of livestock in customary use areas extending over District Boundary lines, when such customary use areas are defined and agreed upon by the District Grazing Committees involved, shall not be considered as willful trespass.

(e) The owner of any livestock who violates the customary or established use units of other permittees shall be subject to trespass action.

§ 72.14 *Movement of livestock.* Annually prior to the normal lamb buying season, the Central Grazing Committee after consultation with District Grazing Committees shall issue regulations covering the buying period and the procedures and methods to be used in moving livestock to market. All movements of livestock other than trucking from buying areas to loading or shipping points must be authorized by Trailing Permits issued by the District Grazing Committees on the approved forms. Failure to comply with this section and with annual lamb buying regulations will be considered as trespass.

§ 72.15 *Control of livestock disease and introduction of livestock.* (a) The District Grazing Committees with the approval of the Superintendent shall require livestock to be dipped, vaccinated, inspected and be restricted in movement when necessary to prevent the introduction and spread of contagious or infectious disease in the economic interest of the Navajo stock owners. Upon the recommendation of the District Grazing Committee livestock shall be dipped annually when such dipping is necessary to prevent the spread of contagious diseases. These annual dippings shall be completed on or before September 1st each year. Livestock, however, may be dipped at other times when necessary. The Superintendent or his authorized representative and the District Grazing Committee may also require the rounding up of cattle, horses, mules, etc., in each District for the purpose of inspection for disease, vaccinating, branding and other related operations.

(b) No livestock shall be brought onto the Reservation without a permit issued by the Superintendent or his authorized representative following inspection, in order to safeguard Indian livestock from infections and contagious disease and to insure the introduction of good quality sires and breeding stock.

(c) Any unusual disease conditions beyond the control measures provided herein shall be immediately reported by the District Grazing Committee to the Chairman of the Navajo Tribal Council and the Superintendent who shall attempt to obtain specialists and provide emergency funds to control and suppress the disease.

§ 72.16 *Fences.* Favorable recommendation from the District Grazing Committee and a written authorization from the Superintendent or his authorized representative must be secured before any fences may be constructed in non-agricultural areas. The District Grazing Committee shall recommend to the Superintendent the removal of unauthorized existing fences, or fences enclosing Demonstration Areas no longer used as such, if it is determined that such fences interfere with proper range management or an equitable distribution of range privileges. All enclosures fenced for the purpose of protecting agricultural land shall be kept to a size commensurate with the needs for protection of agricultural land and must be enclosed by legal four strand barbed wire fence or the equivalent.

§ 72.17 *Construction near permanent livestock water developments.* (a) The District Grazing Committee shall regulate the construction of all dwellings, corrals and other structures within one-half mile of Government or Navajo Tribal developed permanent livestock waters such as springs, wells, and charcos or deep reservoirs.

(b) A written authorization from the Central District Grazing Committee must be secured before any dwellings, corrals, or other structures may be constructed within one-half mile of Government or Navajo Tribal developed springs, wells and charcos or deep reservoirs.

(c) No sewage disposal system shall be authorized to be built which will drain into springs or stream channels in such a manner that it would cause contamination of waters being used for livestock or human consumption.

CLARENCE A. DAVIS,
*Acting Secretary of the Interior.*

APRIL 25, 1956.

[F. R. Doc. 56-3341; Filed, Apr. 30, 1956; 8:45 a. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter I—Office of the Secretary of Defense

#### Subchapter E—Security

PART 66—INDUSTRIAL SECURITY MANUAL FOR SAFEGUARDING CLASSIFIED INFORMATION

PART 72—ARMED FORCES INDUSTRIAL SECURITY REGULATIONS

DISCONTINUANCE OF PARTS

Codification of Parts 66—Department of Defense Industrial Security Manual for Safeguarding Classified Information, and 72—Armed Forces Industrial Security Regulations, is discontinued.

VAL HOGUE,
*Assistant Administrative Secretary, Office of the Secretary of Defense.*

[F. R. Doc. 56-3361; Filed, Apr. 30, 1956; 8:49 a. m.]

## TITLE 19—CUSTOMS DUTIES

### Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54076]

PART 23—ENFORCEMENT OF CUSTOMS AND NAVIGATION LAWS

IDENTIFICATION CARDS

It is deemed advisable to delete certain instructions regarding the issuance of identification cards to customs officers and employees from the Customs Regulations, and insert such instructions with modifications in the Customs Manual.

Accordingly, § 23.33 *Identification cards,* is amended by deleting paragraphs (b), (e), and (f) thereof; by redesignating paragraphs (c) and (d) as paragraphs (b) and (c), respectively, and by transferring the citation of authority from the end of paragraph (f) to the end of redesignated paragraph (c).

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

[SEAL] D. B. STRUBINGER,
*Acting Commissioner of Customs.*

Approved: April 23, 1956.

DAVID W. KENDALL,
*Acting Secretary of the Treasury.*

[F. R. Doc. 56-3349; Filed, Apr. 30, 1956; 8:47 a. m.]

## TITLE 33—NAVIGATION AND NAVIGABLE WATERS

### Chapter I—Coast Guard, Department of the Treasury

#### Subchapter K—Security of Vessels

[CGFR 56-12]

PART 121—SPECIAL VALIDATION ENDORSEMENT FOR EMERGENCY SERVICE FOR MERCHANT MARINE PERSONNEL

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Executive Order 10173, as amended, Part 121 is amended to read as follows:

Sec.

121.01 Requirement for special validation endorsement.
121.03 Standards.
121.05 Applications.
121.07 Approval of applicant by Commandant.
121.09 Holders of special validation endorsement.
121.11 Notice by Commandant.
121.13 Hearing Boards.
121.15 Notice by Hearing Board.
121.17 Challenges.
121.19 Hearing procedure.
121.21 Action by Commandant.
121.23 Appeals.
121.25 Action by Commandant after appeal.
121.27 Outstanding endorsements and applications.
121.29 Applications previously denied.

AUTHORITY: §§ 121.01 to 121.29 issued under 40 Stat. 220, as amended; 50 U. S. C. 191; E. O. 10173, 15 F. R. 7005, 3 CFR, 1950 Supp., E. O. 10277, 16 F. R. 7537, 3 CFR, 1951 Supp., E. O. 10352, 17 F. R. 4607, 3 CFR, 1952 Supp. Interpret or apply: R. S. 4517, as amended, 4518, as amended, sec. 19, 23 Stat. 58, as amended, sec. 2, 23 Stat. 118, as amended, sec. 7, 49 Stat. 1936, as amended; 46 U. S. C. 570, 571, 572, 2, 689.

§ 121.01 *Requirements for special validation endorsement.* (a) Except as otherwise provided in this section no person shall be employed on a merchant vessel of the United States of 100 gross tons or over unless he is in possession of a Merchant Mariner's document bearing a special validation endorsement for emergency service.

(b) The vessels described in paragraph (a) of this section include those at anchor or made fast to a dock, but not those laid up or dismantled or out of commission.

(c) By "employed" and "employment" is meant the engagement of any person to fill any licensed or certificated berth on board ship whether or not under articles and includes those engaged for standby, relief, or other capacities.

(d) The following terms and conditions shall apply with respect to the employment of any person as a replacement or addition in the crew of any vessel described in paragraph (a) of this section at foreign ports when persons in possession of documents bearing a special validation endorsement for emergency service are not available as established to the satisfaction of the United States consular representative of the area:

(1) A person in possession of a United States seaman's document not bearing a special validation endorsement for emergency service may be employed only after approval of the Commandant is obtained by the United States consular representative for the area or by the master of the vessel.

(2) A person who is a United States citizen and who is not in possession of a United States seaman's document may be employed if no person specified in subparagraph (1) of this paragraph is available as established to the satisfaction of the United States consular representative for the area, and then only after approval of the Commandant is obtained by the United States consular representative for the area or by the master of the vessel.

(3) A person who is not a citizen of the United States and who is not in possession of a United States seaman's document may be employed only if no person as specified in subparagraphs (1) and (2) of this paragraph is available as established to the satisfaction of the United States consular representative for the area and then only after the following terms and conditions are met:

(i) No such person shall be employed unless he presents evidence of temporary clearance from the United States consular representative for the area;

(ii) In no case shall the number of such persons employed on any one vessel exceed ten (10) percent of the total complement of the vessel, unless it is established to the satisfaction of the United States consular representative for the area that it is necessary to exceed this percentage to avoid delay to the sailing of the vessel or that the employment of persons with special qualifications as additional crew members is necessary in the vessel's operations; and



(iii) No such person shall be employed to fill the berth of a licensed officer or registered staff officer, except that if no radio officer is available as established to the satisfaction of the United States consular representative for the area, a person may be employed as radio operator in accordance with the provisions of Article 24, section 2, of the International Telecommunications Convention (Atlantic City, 1947), which reads as follows:

2. (1) In the case of complete unavailability of the operator in the course of a sea passage, a flight or a journey, the master or the person responsible for the station may authorize, solely as a temporary measure, an operator holding a certificate issued by the government of another country member of the Union [Footnote: The term "Union" means those countries which are parties to the International Telecommunications Convention] to perform the radio communication service.

(2) When it is necessary to employ as a temporary operator a person without a certificate or an operator not holding an adequate certificate, his performance as such must be limited solely to signals of distress, urgency and safety, messages relating thereto, messages relating directly to the safety of life, urgent messages relating to movement of the ship and essential messages relating to the navigation and safe movement of the aircraft. Persons employed in these cases are bound by the provisions of 508 regarding the secrecy of correspondence.

(3) In all cases, such temporary operators must be replaced as soon as possible by operators holding the certificate prescribed in Sec. 1 of this article.

§ 121.03 *Standards.* Information concerning an applicant for special validation endorsement for emergency service, or a holder of such endorsement, which may preclude a determination that his character and habits of life are such as to warrant the belief that his presence on board vessels of the United States would not be inimical to the security of the United States, shall relate to the following:

(a) Advocacy of the overthrow or alteration of the Government of the United States by unconstitutional means.

(b) Commission of, or attempts or preparations to commit, an act of espionage, sabotage, sedition or treason, or conspiring with, or aiding or abetting another to commit such an act.

(c) Performing, or attempting to perform, duties or otherwise acting so as to serve the interests of another government to the detriment of the United States.

(d) Deliberate unauthorized disclosure of classified defense information.

(e) Membership in, or affiliation or sympathetic association with, any foreign or domestic organization, association, movement, group, or combination of persons designated by the Attorney General pursuant to Executive Order 10450, as amended.

§ 121.05 *Applications.* (a) Any person legally holding a current valid license or certificate, or an applicant for such a document, may make application at any Coast Guard Marine Inspection Office for a special validation endorsement for emergency service.

(b) Application for special validation endorsement shall be made under oath upon a form prescribed by the Commandant.

(c) Each Marine Inspection Office shall forward promptly to the Commandant each application for a special validation endorsement received by it.

(d) If an application received by the Commandant does not contain replies sufficiently complete in his judgment for a determination whether the character and habits of life of the applicant are such as to warrant the belief that his presence on board vessels of the United States would not be inimical to the security of the United States, the Commandant, in an effort to avoid additional proceedings through credible explanation or to confine further inquiry to matters tending to prove or disprove unfavorable information, shall notify the applicant to submit under oath in writing or orally such further information as may be required for such determination.

(e) Upon receipt of a complete application and such further information as the Commandant may have required in those cases where the application, as first submitted, was not deemed sufficient, a committee composed of a representative of the Legal Division, of the Merchant Vessel Personnel Division, and of the Intelligence Division, Coast Guard Headquarters shall prepare an analysis of the information available to the Commandant and make recomendations for action by the Commandant.

§ 121.07 *Approval of applicant by Commandant.* (a) If the Commandant is satisfied that the character and habits of life of the applicant are such as to warrant the belief that his presence on board vessels of the United States would not be inimical to the security of the United States, he will direct that a special validation endorsement be entered on the applicant's Merchant Mariner's Document.

(b) If the Commandant is not satisfied that the character and habits of life of the applicant are such as to warrant the belief that his presence on board vessels of the United States would not be inimical to the security of the United States, he will notify the applicant in writing as provided for in § 121.11.

§ 121.09 *Holders of special validation endorsement.* (a) Whenever the Commandant is not satisfied that the character and habits of life of a holder of a document bearing a special validation endorsement are such as to warrant the belief that his presence on board vessels of the United States would not be inimical to the security of the United States, he will request from the holder, under the procedures provided for in § 121.05, replies under oath to such questions as he deems necessary to reach a determination on this issue.

(b) If the holder does not submit complete replies within 30 days after receipt of the request, the Commandant shall revoke and require the surrender of his special validation endorsement.

(c) Upon receipt of complete replies and such other information as the Commandant may have required, within the

time allowed, the procedure prescribed in § 121.05 (e) shall be followed.

(d) If the Commandant is satisfied that the character and habits of life of the holder are such as to warrant the belief that his presence on board vessels of the United States would not be inimical to the security of the United States, he shall notify the holder accordingly.

(e) If the Commandant is not satisfied that the character and habits of life of the holder are such as to warrant the belief that his presence on board vessels of the United States would not be inimical to the security of the United States, he shall notify the holder in writing as provided for in § 121.11.

§ 121.11 *Notice by Commandant.* (a) The notice provided for in §§ 121.07 and 121.09 shall contain a statement of the reasons why the Comandant is not satisfied that the character and habits of life of the applicant or holder are such as to warrant the belief that his presence on board vessels of the United States would not be inimical to the security of the United States. Such notice shall be as specific and detailed as the interests of national security shall permit and shall include pertinent information such as names, dates, and places in such detail as to permit reasonable answer.

(b) The applicant or holder shall have 20 days from the date of receipt of the notice of reasons to file written answer thereto. Such answer may include statements or affidavits by third parties or such other documents or evidence as the applicant or holder deems pertinent to the matters in question.

(c) Upon receipt of such answer the procedure prescribed in § 121.05 (e) shall be followed.

(d) If the Commandant is satisfied that the character and habits of life of the applicant or holder are such as to warrant the belief that his presence on board vessels of the United States would not be inimical to the security of the United States, he shall, in the case of an applicant, direct that a special validation endorsement be entered on his Merchant Mariner's Document or, in the case of a holder, notify him accordingly.

(e) If the Commandant is not satisfied that the applicant's or holder's character and habits of life are such as to warrant the belief that his presence on board vessels of the United States would not be inimical to the security of the United States, the Commandant shall refer the matter to a Hearing Board for hearing and recommendation in accordance with the provisions of this part.

§ 121.13 *Hearing Boards.* The Commandant may establish a Hearing Board in each Coast Guard District. The Commandant shall designate for each Hearing Board a Chairman, who shall be, so far as practicable, an officer of the Coast Guard. The Commandant shall designate, so far as practicable, a second member from a panel of persons representing labor named by the Secretary of Labor, and a third member from a panel of persons representing management named by the Secretary of Labor.

§ 121.15 *Notice by Hearing Board.* Whenever the Commandant refers a matter to a Hearing Board, the Chairman shall:

(a) Fix the time and place of the hearing;

(b) Inform the applicant or holder of the names of the members of the Hearing Board, their occupations, and the businesses or organizations with which they are affiliated, of his privilege of challenge, and of the time and place of the hearing.

(c) Inform the applicant or holder of his privilege to appear before the Hearing Board in person or by counsel or representative of his choice, and to present testimonial and documentary evidence in his behalf, and to cross-examine any witnesses appearing before the Board; and

(d) Inform the applicant or holder that if within 10 days after receipt of the notice he does not request an opportunity to appear before the Hearing Board, either in person or by counsel or representative, the Hearing Board will proceed without further notice to him.

§ 121.17 *Challenges.* Within five days after receipt of the notice described in § 121.15 the applicant or holder may request disqualification of any member of the Hearing Board on the grounds of personal bias or other cause. The request shall be accompanied by an affidavit setting forth in detail the facts alleged to constitute grounds for disqualification. The affidavit may be supplemented by an oral presentation if desired. If after due consideration the Chairman believes a challenged member is qualified notwithstanding the challenge, he shall notify the person who made the challenge and arrange to proceed with the hearing. If the person who made the challenge takes exception to the ruling of the Chairman, the exception and data relating to the claim of disqualification shall be made a matter of record. If the Chairman finds that there is reasonable ground for disqualification he shall furnish the person who made the challenge with the name of an alternate in lieu of the challenged member and arrange to proceed with the hearing. In the event the Chairman is challenged, he shall forthwith notify the Commandant, furnishing the grounds for the claim of disqualification, and the Commandant shall act upon the challenge in accordance with the foregoing procedure. In addition to the right of challenge for cause, a person who has requested a hearing shall have two peremptory challenges, one challenge for the management member and one challenge for the labor member of the Hearing Board. Should the management member be so challenged, the person who made the challenge may elect to have the management member replaced by another management member or by a member not representing either management or labor; if the member peremptorily challenged represents labor, the person who made the challenge may elect to have the labor member replaced by another labor member or by a member not representing either management or labor.

§ 121.19 *Hearing procedure.* (a) Hearing shall be conducted in an orderly manner and in a serious, business-like atmosphere of dignity and decorum and shall be expedited as much as possible.

(b) The hearing shall be in open or closed session at the option of the applicant or holder.

(c) Testimony before the Hearing Board shall be given under oath or affirmation.

(d) The Chairman of the Hearing Board shall inform the applicant or holder of his right to:

(1) Participate in the hearing;

(2) Be represented by counsel of his choice;

(3) Present witnesses and offer other evidence in his own behalf and in refutation of the reasons set forth in the Notice of the Commandant; and

(4) Cross-examine any witnesses offered in support of such reasons.

(e) Hearings shall be opened by the reading of the Notice of the Commandant and the answer thereto. Any statement and affidavits filed by the applicant or holder may be incorporated in the record by reference.

(f) The Hearing Board may, in its discretion, invite any person to appear at the hearing and testify. However, the Board shall not be bound by the testimony of such witness by reason of having called him and shall have full right to cross-examine the witness. Every effort should be made to produce material witnesses to testify in support of the reasons set forth in the Notice of the Commandant, in order that such witnesses may be confronted and cross-examined by the applicant or holder.

(g) The applicant or holder may introduce such evidence as may be relevant and pertinent. Rules of evidence shall not be binding on the Hearing Board, but reasonable restrictions may be imposed as to the relevancy, competency and materiality of matters considered. If the applicant or holder is, or may be, handicapped by the non-disclosure to him of confidential sources, or by the failure of witnesses to appear, the Hearing Board shall take the fact into consideration.

(h) The applicant or holder or his counsel or representative shall have the right to control the sequence of witnesses called by him.

(i) The Hearing Board shall give due consideration to documentary evidence developed by investigation, including membership cards, petitions bearing the applicant's or holder's signature, books, treatises or articles written by the applicant or holder and testimony by the applicant or holder before duly constituted authority.

(j) Complete verbatim stenographic transcription shall be made of the hearing by qualified reporters and the transcript shall constitute a permanent part of the record. Upon request, the applicant or holder or his counsel or representative shall be furnished, without cost, a copy of the transcript of the hearing.

(k) The Board shall reach its conclusion and base its determination on information presented at the hearing, together with such other information as may have been developed through investigations and inquiries or made available by the applicant or holder.

(l) If the applicant or holder fails, without good cause shown to the satisfaction of the chairman, to appear personally or to be represented before the Hearing Board, the Board shall proceed with consideration of the matter.

(m) The recommendation of the Hearing Board shall be in writing and shall be signed by all members of the Board. The Board shall forward to the Commandant, with its recommendation, a memorandum of reasons in support thereof. Should any member be in disagreement with the majority a dissent should be noted setting forth the reasons therefor. The recommendation of the Board, together with the complete record of the case, shall be sent to the Commandant as expeditiously as possible.

§ 121.21 *Action by Commandant.* (a) If, upon receipt of the Board's recommendation, the Commandant is satisfied that the character and habits of life of the applicant or holder are such as to warrant the belief that his presence on board vessels of the United States would not be inimical to the security of the United States, he shall, in the case of an applicant, direct that a special validation endorsement be entered on his Merchant Mariner's Document, or, in the case of a holder, notify him accordingly.

(b) If, upon receipt of the Board's recommendation, the Commandant is not satisfied that the character and habits of life of the applicant or holder are such as to warrant the belief that his presence on board vessels of the United States would not be inimical to the security of the United States, the Commandant shall:

(1) In the case of an applicant for special validation endorsement, notify him of the Commandant's refusal to enter such endorsement;

(2) In the case of an applicant for a Merchant Mariner's Document, notify him of the Commandant's refusal to issue such document; or

(3) In the case of a holder, revoke and require the surrender of his special validation endorsement.

(c) Such applicant or holder shall be notified of his right, and shall have 20 days from the receipt of such notice within which, to appeal under this part.

§ 121.23 *Appeals.* (a) The Commandant shall establish at Coast Guard Headquarters, Washington, D. C., an Appeal Board to hear appeals provided for in this part. The Commandant shall designate for the Appeal Board a Chairman, who shall be, so far as practicable, an officer of the Coast Guard. The Commandant shall designate, so far as practicable, a member from a panel of persons representing management nominated by the Secretary of Labor, and a member from a panel of persons representing labor nominated by the Secretary of Labor. The Commandant shall insure that persons designated as Appeal Board members have suitable security clearance. The Chairman of the Appeal Board shall make all arrangements incident to the business of the Appeal Board.

(b) If an applicant or holder appeals to the Appeal Board within 20 days after receipt of notice of his right to appeal under this part, his appeal shall be handled under the same procedure as that specified in § 121.15 and the privilege of challenge may be exercised through the same procedure as that specified in § 121.17.

(c) Appeal Board proceedings shall be conducted in the same manner as that specified in § 121.19.

§ 121.25 *Action by Commandant after appeal.* (a) If, upon receipt of the Appeal Board's recommendation, the Commandant is satisfied that the character and habits of life of the applicant or holder are such as to warrant the belief that his presence on board vessels of the United States would not be inimical to the security of the United States, he shall, in the case of an applicant, direct that a special validation endorsement be entered on his Merchant Mariner's Document, or, in the case of a holder, notify him accordingly.

(b) If, upon receipt of the Appeal Board's recommendation, the Commandant is not satisfied that the character and habits of life of the applicant or holder are such as to warrant the belief that his presence on board vessels of the United States would not be inimical to the security of the United States, the Commandant shall notify the applicant or holder that his appeal is denied.

§ 121.27 *Outstanding endorsements and applications.* (a) All special validation endorsements for emergency service entered upon Merchant Mariner's Documents will be accepted as valid until cancelled, revoked, or suspended by proper authority.

(b) A person who has filed an application for a Merchant Mariner's Document bearing a special validation endorsement for emergency service and who has not received such an endorsement prior to May 1, 1956, shall submit a new application in accordance with the requirements of this part.

§ 121.29 *Applications previously denied.* A person who has been denied a Merchant Mariner's Document bearing a special validation endorsement for emergency service, before May 1, 1956, may file a new application for such an endorsement in accordance with the requirements of this part.

It is hereby found that compliance with the notice of proposed rule making, public rule making procedures thereon, and effective date requirements of the Administrative Procedure Act is contrary to the public interest since this revision of 33 CFR Part 121 is to implement more effectively Executive Order 10173, as as amended, and in the public interest should be placed in operation as soon as possible. This amendatory regulation shall become effective May 1, 1956.

Dated: April 25, 1956.

[SEAL] A. C. RICHMOND,
*Vice Admiral, U. S. Coast Guard,*
*Commandant.*

[F. R. Doc. 56-3329; Filed, May 1, 1956; 8:45 a. m.]





## Chapter II—Corps of Engineers, Department of the Army

PART 204—DANGER ZONE REGULATIONS

PART 207—NAVIGATION REGULATIONS

POTOMAC RIVER, MARYLAND

1. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 204.40 (a) establishing and governing the use and navigation of a danger zone in the Potomac River between Piney Point and Point Lookout, Maryland, comprising a naval torpedo testing range, is hereby revoked as follows:

§ 204.40 *Potomac River*—(a) *United States Naval Torpedo Testing Range, Piney Point, Md.* [Revoked.]

2. Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 207.126 is hereby prescribed establishing and governing the use and navigation of a naval restricted area in the Potomac River between Piney Point and Point Lookout, Maryland, for the protection of underwater devices and cables, as follows:

§ 207.126 *Potomac River; Naval Restricted Area, United States Naval Torpedo Testing Station, Piney Point, Md.*—(a) *The restricted area.* That portion of the lower Potomac River bounded as follows: Beginning on Piney Point at latitude 38°08'06", longitude 76°31'48"; thence southeasterly to latitude 38°06'37", longitude 76°28'45"; thence along the south and east shore of St. George Island to latitude 38°06'20" longitude 76°28'08"; thence southeasterly to latitude 38°05'24", longitude 76°24'18"; thence southeasterly to the shore at Potter Creek entrance; thence southerly and easterly with the shore to latitude 38°02'18", longitude 76°19'18"; thence southwesterly to latitude 38°01'26", longitude 76°19'24"; thence southwesterly to latitude 38°00'51", longitude 76°20'40"; thence northwesterly to latitude 38°07'08", longitude 76°32'44" thence northeasterly to the point of beginning.

(b) *The regulations.* (1) Anchoring or dragging in the restricted area is prohibited. The placing of fish traps in prescribed fish trap areas, and the tonging of oysters will be permitted. Oystering by scrapes or dredging devices is prohibited.

(2) The regulations in this section shall be enforced by the Commandant, Potomac River Naval Command, and such agencies as he may designate.

[Regs., April 11, 1956, 800.2121 (Potomac River)—ENGWO] (Sec. 7, 40 Stat. 266; 33 U. S. C. 1)

[SEAL] JOHN A. KLEIN,
*Major General, U. S. Army,*
*The Adjutant General.*

[F. R. Doc. 56-3338; Filed, Apr. 30, 1956; 8:45 a. m.]

## TITLE 43—PUBLIC LANDS: INTERIOR

### Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1293]

[Washington 01923]

WASHINGTON

RESERVING PUBLIC LANDS IN CONNECTION WITH SHERMAN CREEK GAME RANGE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, the act of September 2, 1937 (50 Stat. 917; 16 U. S. C. 669–669i), and the act of March 10, 1934, as amended by the act of August 14, 1946 (48 Stat. 401; 60 Stat. 1080; 16 U. S. C. 661–666c), it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Washington are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws, and reserved under the jurisdiction of the Department of the Interior for use by the Department of Game of the State of Washington in connection with the Sherman Creek Game Range: *Provided*, That the timber resources on the lands shall be subject to management and disposal by the Bureau of Land Management, Department of the Interior, pursuant to applicable laws:

WILLAMETTE MERIDIAN

T. 36 N., R. 37 E.,
Sec. 15, NW¼NW¼, NW¼SW¼;
Sec. 17, NE¼, E½NW¼;
Sec. 29, S½SE¼;
Sec. 33, W½W½.

The areas described aggregate 560 acres.

WESLEY A. D'EWART,
*Assistant Secretary of the Interior.*

APRIL 24, 1956.

[F. R. Doc. 56-3342; Filed, Apr. 30, 1956; 8:45 a. m.]

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[Public Land Order 1294]

[Misc. 215429]

MONTANA

REVOKING EXECUTIVE ORDERS NO. 1503 OF MARCH 23, 1912 AND NO. 2427 OF JULY 24, 1916, WHICH RESERVED PUBLIC LANDS FOR USE OF FOREST SERVICE AS ADMINISTRATIVE SITES

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141) and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Executive Orders No. 1503 of March 23, 1912, and No. 2427 of July 24, 1916, which temporarily withdrew lands as hereinafter indicated, for use of the Forest Service, Department of Agriculture, as the Carney Administrative Site, and the Little Whitetail Administrative Site, respectively, in connection with the administration of the Deerlodge National Forest, are hereby revoked:

MONTANA PRINCIPAL MERIDIAN

Carney Administrative Site:
T. 2 S., R. 4 W.,
Sec. 6, E½E½ (lots 7, 8, 9, and 10).

The area described contains 159.06 acres.

MONTANA PRINCIPAL MERIDIAN

Little Whitetail Administrative Site:
T. 3 N., R. 4 W.,
Sec. 6, SE¼.

The area described contains 160 acres.

The lands in T. 2 S., R. 4 W., are located about 12 miles south of Whitehall, Montana. They are situated on the western slope of the Tobacco Root Mountains and are adjacent to the national forest boundary. The lands are rough in character with some very steep slopes and rocky ridges with little or no vegetative cover on the ridges. A small portion of the area has timber, which has no commercial value, and the remainder of the tract is rough grazing land. The land in T. 3 N., R. 4 W., contains a spring or waterhole used for watering livestock and is, therefore, included in and will remain in the withdrawal made by the Executive order of April 17, 1926 (Public Water Reserve No. 107).

No application for the restored lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any valid existing rights and the requirements of applicable law, the restored lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on May 30, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on August 29, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on August 29, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral-leasing laws and to location for metalliferous minerals. They will be open to location for non-metalliferous minerals under the United Staes mining laws beginning at 10 a. m. on August 29, 1956.

Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

The E½E½ (lots 7, 8, 9, and 10), sec. 6, T. 2 S., R. 4 W., is restored to entry by this order.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Billings, Montana.

WESLEY A. D'EWART,
*Assistant Secretary of the Interior.*

APRIL 24, 1956.

[F. R. Doc. 56-3343; Filed, Apr. 30, 1956; 8:46 a. m.]

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## TITLE 49—TRANSPORTATION

### Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

PART 141—FREIGHT SCHEDULES

INTERMEDIATE RULES TO BE USED ONLY WHERE ROUTING IS PROVIDED

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 18th day of April A. D. 1956.

It appearing that the matter of further postponing the effective date of the second paragraph of Rule 27 of Tariff Circular No. 20 (§ 141.27 (a)), now prescribed as June 10, 1956, has been given consideration, and the Interstate Commerce Commission by order dated April 18, 1956, postponed the effective date thereof from June 10, 1956, to June 10, 1959;

And it further appearing that proposed rule making under the Administrative Procedure Act (Title 5, Chapter 19, U. S. Code) is considered unnecessary in view of the nature and character of the change herein;



*It is ordered*, That Part 141 of this title be amended by changing § 141.27 (a) to read:

(a) *Intermediate rules to be used only where routing is provided.* Effective on and after June 10, 1959, an intermediate rule may not be published so as to result in establishing from (or to, as the case may be) an intermediate point, a rate from (or to) a more distant point unless the tariff contains specific routing instructions showing definitely in accordance with plan (1) of § 141.4 (k) the routes through the intermediate point over which the rate from (or to) the more distant point applies.

*It is further ordered*, That this order shall become effective on the 18th day of May A. D. 1956;

*And it is further ordered*, That notice of this order shall be given to the general public by depositing a copy hereof in the Office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 6, 24 Stat. 380, as amended; 49 U. S. C. 6)

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F. R. Doc. 56-3366; Filed, Apr. 30, 1956; 8:50 a. m.]

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Subchapter B—Carriers by Motor Vehicle

[Ex Parte No. MC-37]

PART 170—COMMERCIAL ZONES AND TERMINAL AREAS

NEW ORLEANS, LA., COMMERCIAL ZONE

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 18th day of April A. D. 1956.

It appearing that on March 23, 1948, the Commission, division 5, made and filed its first supplemental report, 48 M. C. C. 95, and order in the above-entitled proceeding defining the limits of the zone adjacent to and commercially a part of New Orleans, La.; that on July 19, 1948, the Commission, division 5, made and filed its second supplemental report, 48 M. C. C. 441, and order in such proceeding redefining such limits; and that on July 31, 1953, the Commission, division 5, made and filed its eighth supplemental report, 62 M. C. C. 151, and order further redefining such limits;

It further appearing that, by petition dated March 30, 1954, the New Orleans Traffic and Transportation Bureau, by petition dated May 11, 1954, the Pan-Am Southern Corporation, by joint petition dated May 25, 1954, the Shell Oil Company and the Shell Chemical Corporation, by petition dated June 4, 1954, the General American Transportation Corporation, and by petition dated June 15, 1954, the Cities Service Oil Company each seek redefinition and extension of the said commercial zone limits:

And it further appearing that section 203 (b) (8) of the Interstate Commerce Act (49 U. S. C. 303 (b) (8)) and the transportation of passengers and property by motor vehicle, in interstate or foreign commerce, wholly within a municipality, or between contiguous municipalities, or within a zone adjacent to and commercially a part of such municipality being under consideration, and good cause appearing therefor:

*It is ordered*, That said proceeding insofar as it relates to the zone adjacent to and commercially a part of New Orleans, La., be, and it is hereby reopened for further consideration.

*It is further ordered*, That § 170.27 *New Orleans, La.* entered in this proceeding on July 31, 1953 (49 CFR 170.27) be, and it is hereby, vacated and set aside and the following is substituted in lieu thereof:

§ 170.27 *New Orleans, La.* The zone adjacent to and commercially a part of New Orleans, La., within which transportation by motor vehicle, in interstate or foreign commerce, not under a common control, management, or arrangement for a continuous carriage or shipment to or from a point beyond such zone, is partially exempt, under section 203 (b) (8) of the Interstate Commerce Act (49 U. S. C. 303 (b) (8)), from regulation, includes and is comprised of all points in the area bounded by a line as follows:

Commencing at a point on the shore of Lake Pontchartrain where it is crossed by the Jefferson Parish-Orleans Parish Line; thence easterly along the shore of Lake Pontchartrain to the Rigolets; thence through the Rigolets in an easterly direction to Lake Borgne; thence southwesterly along the shore of Lake Borgne to the Bayou Bienvenue; thence in a general westerly direction along the Bayou Bienvenue (which also constitutes the Orleans Parish-St. Bernard Parish line) to Paris Road; thence in a southerly direction along Paris Road and beyond it in the same direction to the middle of the Mississippi River; thence along the middle of the Mississippi River to the Augusta Canal; thence in a westerly direction along the Augusta Canal to the Gulf Intracoastal Waterway; thence in a northeasterly direction along the middle of the Gulf Intracoastal Waterway to the crossing of Louisiana Highway 31; thence along Louisiana Highway 31 in a northwesterly direction to a point approximately 2 miles south of Gretna where a high tension transmission line crosses Louisiana Highway 31; thence in a westerly direction following such transmission line to the intersection thereof with U. S. Highway 90; thence westerly along U. S. Highway 90 to the Jefferson Parish-St. Charles Parish line; thence north along such parish line to the middle of the Mississippi River; thence westerly along the middle of the Mississippi River to a point 1 mile west of the Jefferson Parish-St. Charles Parish line; thence north to the shore of Lake Pontchartrain; thence along the shore of Lake Pontchartrain in an easterly direction to the Jefferson Parish-Orleans Parish line, the point or beginning.

(49 Stat. 546, as amended; 49 U. S. C. 304. Interprets or applies 49 Stat. 543, as amended, 544, as amended; 49 U. S. C. 302, 303)

*And it is further ordered*, That this order shall become effective June 11, 1956, and shall continue in effect until the further order of the Commission.

By the Commission, Division 1.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F. R. Doc. 56-3368; Filed, Apr. 30, 1956; 8:50 a. m.]

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## TITLE 50—WILDLIFE

### Chapter I—Fish and Wildlife Service, Department of the Interior

PART 17—LIST OF AREAS

GAME RANGES

EDITORIAL NOTE: For order affecting the tabulation § 17.2, see Public Land Order 1293 in the Appendix to Title 43, Chapter I, *supra*, reserving public lands in connection with the Sherman Creek Game Range.

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# PROPOSED RULE MAKING

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### [ 26 CFR (1954) Part 1 ]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

TAX BASED ON INCOME FROM SOURCES WITHIN OR WITHOUT THE UNITED STATES

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 863, 873, 882, 6012, and 7805 of the Internal Revenue Code of 1954 (68A Stat. 277, 280, 282, 732, 917; 26 U. S. C. 863, 873, 882, 6012, 7805).

[SEAL] RUSSELL C. HARRINGTON,
*Commissioner of Internal Revenue.*

The following regulations for taxable years beginning after December 31, 1953, and ending after August 16, 1954, are hereby prescribed under parts I and II of subchapter N and under section 6012 of the Internal Revenue Code of 1954:

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## DETERMINATION OF SOURCES OF INCOME

### § 1.861 *Statutory provisions; income from sources within the United States.*

SEC. 861. *Income from sources within the United States*—(a) *Gross income from sources within United States.* The following items of gross income shall be treated as income from sources within the United States:

(1) *Interest.* Interest from the United States, any Territory, any political subdivision of a Territory, or the District of Columbia, and interest on bonds, notes, or other interest-bearing obligations of residents, corporate or otherwise, not including—

(A) Interest on deposits with persons carrying on the banking business paid to persons not engaged in business within the United States,

(B) Interest received from a resident alien individual, a resident foreign corporation, or a domestic corporation, when it is shown to the satisfaction of the Secretary or his delegate that less than 20 percent of the gross income of such resident payor or domestic corporation has been derived from sources within the United States, as determined under the provisions of this part, for the 3-year period ending with the close of the taxable year of such payor preceding the payment of such interest, or for such part of such period as may be applicable, and

(C) Income derived by a foreign central bank of issue from bankers' acceptances.

(2) *Dividends.* The amount received as dividends—

(A) From a domestic corporation other than a corporation entitled to the benefits of section 931, and other than a corporation less than 20 percent of whose gross income is shown to the satisfaction of the Secretary or his delegate to have been derived from sources within the United States, as determined under the provisions of this part, for the 3-year period ending with the close of the taxable year of such corporation preceding the declaration of such dividends (or for such part of such period as the corporation has been in existence), or

(B) From a foreign corporation unless less than 50 percent of the gross income of such foreign corporation for the 3-year period ending with the close of its taxable year preceding the declaration of such dividends (or for such part of such period as the corporation has been in existence) was derived from sources within the United States as determined under the provisions of this part; but only in an amount which bears the same ratio to such dividends as the gross income of the corporation for such period derived from sources within the United States bears to its gross income from all sources; but dividends from a foreign corporation shall, for purposes of subpart A of part III (relating to foreign tax credit), be treated as income from sources without the United States to the extent exceeding the amount of the deduction allowable under section 245 in respect of such dividends.

(3) *Personal services.* Compensation for labor or personal services performed in the United States; except that compensation for labor or services performed in the United States shall not be deemed to be income from sources within the United States if—

(A) The labor or services are performed by a nonresident alien individual temporarily present in the United States for a period or periods not exceeding a total of 90 days during the taxable year,

(B) Such compensation does not exceed $3,000 in the aggregate, and

(C) The compensation is for labor or services performed as an employee of or under a contract with—

(i) A nonresident alien, foreign partnership, or foreign corporation, not engaged in trade or business within the United States, or

(ii) A domestic corporation, if such labor or services are performed for an office or place of business maintained in a foreign country or in a possession of the United States by such corporation.

(4) *Rentals and royalties.* Rentals or royalties from property located in the United States or from any interest in such property, including rentals or royalties for the use of or for the privilege of using in the United States patents, copyrights, secret processes and formulas, good will, trademarks, trade brands, franchises, and other like property.

(5) *Sale of real property.* Gains, profits, and income from the sale of real property located in the United States.

(6) *Sale of personal property.* Gains, profits, and income derived from the purchase of personal property without the United States (other than within a possession of the United States) and its sale within the United States.

(b) *Taxable income from sources within United States.* From the items of gross income specified in subsection (a) as being income from sources within the United States there shall be deducted the expenses, losses, and other deductions properly apportioned or allocated thereto and a ratable part of any expenses, losses, or other deductions which cannot definitely be allocated to some item or class of gross income. The remainder, if any, shall be included in full as taxable income from sources within the United States.

§ 1.861-1 *Income from sources within the United States*—(a) *Categories of income.* Sections 861 to 864, inclusive, and the regulations thereunder determine the sources of income for purposes of the income tax. These sections explicitly allocate certain important sources of income to the United States or to areas outside the United States, as the case may be; and, with respect to the remaining income (particularly that derived partly from sources within and partly from sources without the United States), authorize the Secretary or his delegate to determine the income derived from sources within the United States, either by rules of separate allocation or by processes or formulas of general apportionment. The statute provides for the following three categories of income:

(1) *Within the United States.* The gross income from sources within the United States, consisting of the items of gross income specified in section 861 (a) plus the items of gross income allocated or apportioned to such sources in accordance with section 863 (a). See §§ 1.861-2 to 1.861-7, inclusive, and § 1.863-1. The taxable income from sources within the United States, in the case of such income, shall be determined by deducting therefrom, in accordance with sections 861 (b) and 863 (a), the expenses, losses, and other deductions properly apportioned or allocated thereto and a ratable part of any other expenses, losses, or deductions which cannot definitely be allocated to some item or class of gross income. See §§ 1.861-8 and 1.863-1.

(2) *Without the United States.* The gross income from sources without the United States, consisting of the items of gross income specified in section 862 (a) plus the items of gross income allocated or apportioned to such sources in accordance with section 863 (a). See §§ 1.862-1 and 1.863-1. The taxable income from sources without the United States, in the case of such income, shall be determined by deducting therefrom, in accordance with sections 862 (b) and 863 (a), the expenses, losses, and other deductions properly apportioned or allocated thereto and a ratable part of any other expenses, losses, or deductions which cannot definitely be allocated to some item or class of gross income. See §§ 1.862-1 and 1.863-1.

(3) *Partly within and partly without the United States.* The gross income derived from sources partly within and partly without the United States, consisting of the items specified in section 863 (b) (1), (2), and (3). The taxable income allocated or apportioned to sources within the United States, in the case of such income, shall be determined in accordance with section 863 (a) or (b). See §§ 1.863-2 to 1.863-5, inclusive.

(b) *Taxable income from sources within the United States.* The taxable income from sources within the United States shall consist of the taxable income described in paragraph (a) (1) of this section plus the taxable income allocated or apportioned to such sources, as indicated in paragraph (a) (3) of this section.

(c) *Computation of income.* If a taxpayer has gross income from sources within or without the United States, together with gross income derived partly from sources within and partly from sources without the United States, the amounts thereof, together with the expenses and investment applicable thereto, shall be segregated; and the taxable income from sources within the United States shall be separately computed therefrom.



§ 1.861-2 *Interest*—(a) *General.* There shall be included in the gross income from sources within the United States all interest received or accrued, as the case may be, from the United States, any Territory, any political subdivision of a Territory, or the District of Columbia, and interest on bonds, notes, or other interest-bearing obligations of residents of the United States, whether corporate or otherwise, except—

(1) *Deposits.* Interest paid on deposits with persons, including individuals, partnerships, or corporations, carrying on the banking business, to persons not engaged in business within the United States;

(2) *Payer deriving income abroad.* Interest received from a resident alien individual, a resident foreign corporation, or a domestic corporation, when it is shown to the satisfaction of the district director that less than 20 percent of the gross income of such resident payer or domestic corporation has been derived from sources within the United States, as determined under the provisions of sections 861 to 864, inclusive, for the 3-year period ending with the close of the taxable year of the payer which precedes the payment of such interest, or for such part of that period as may be applicable; and

(3) *Bankers' acceptances.* Income derived by a foreign central bank of issue from bankers' acceptances. A foreign central bank of issue means a bank which is by law or government sanction the principal authority, other than the government itself, issuing instruments intended to circulate as currency. Such banks are generally the custodians of the banking reserves of their countries.

(b) *Interest on refunds.* Interest received from the United States on a refund of Federal income taxes constitutes income from sources within the United States.

(c) *Statement with return.* Any taxpayer who excludes from gross income items of the type specified in paragraph (a) (1), (2), or (3) of this section shall file with his return a statement setting forth the amount of such income and such information as may be necessary to show that the income is of the type specified therein.

§ 1.861-3 *Dividends*—(a) *General.* Gross income from sources within the United States includes dividends, as defined by section 316, from—

(1) *Domestic corporation.* A domestic corporation other than one entitled to the benefits of section 931, and other than a corporation less than 20 percent of the gross income of which is shown to the satisfaction of the district director to have been derived from sources within the United States, as determined under the provisions of sections 861 to 864, inclusive, for the 3-year period ending with the close of the taxable year of such corporation preceding the declaration of such dividends, or for such part of such period as the corporation has been in existence; or

(2) *Foreign corporation.* A foreign corporation unless less than 50 percent of its gross income for the 3-year period ending with the close of its taxable year preceding the declaration of such dividends, or for such part of such period as it has been in existence, was derived from sources within the United States, as determined under the provisions of sections 861 to 864, inclusive; but only in an amount which bears the same ratio to such dividends as the gross income of the corporation for such period derived from sources within the United States bears to its gross income from all sources. However, for purposes of sections 901 to 905, inclusive, relating to the foreign tax credit, dividends from a foreign corporation shall be treated as income from sources without the United States to the extent exceeding the amount of the deduction allowable under section 245 in respect of such dividends.

(b) *Presumption as to source.* Dividends will be treated as income from sources within the United States (except for purposes of sections 901 to 905, inclusive) unless the taxpayer submits sufficient data to establish to the satisfaction of the district director that, in accordance with paragraph (a) (1) or (2) of this section, they are not income from sources within the United States.

§ 1.861-4 *Compensation for labor or personal services*—(a) *General.* Gross income from sources within the United States includes compensation for labor or personal services performed in the United States regardless of the residence of the payer, of the place in which the contract for service was made, or of the place of payment; except that such compensation shall be deemed not to be income from sources within the United States, if—

(1) The labor or services are performed by a nonresident alien individual temporarily present in the United States for a period or periods not exceeding a total of 90 days during the taxable year;

(2) The compensation does not exceed $3,000 in the aggregate; and

(3) The compensation is for labor or services performed as an employee of, or under a contract with—

(i) A nonresident alien, foreign partnership, or foreign corporation, not engaged in trade or business within the United States, or

(ii) A domestic corporation, if the labor or services are performed for an office or place of business maintained in a foreign country or in a posssession of the United States by that corporation.

(b) *Amount includible in gross income.* If a specific amount is paid for labor or personal services performed in the United States, that amount (if income from sources within the United States) shall be included in the gross income. If no accurate allocation or segregation of compensation for labor or personal services performed in the United States can be made, or when such labor or service is performed partly within and partly without the United States, the amount to be included in the gross income shall be determined by an apportionment on the time basis; that is, there shall be included in the gross income an amount which bears the

same relation to the total compensation as the number of days of performance of the labor or services within the United States bears to the total number of days of performance of labor or services for which the payment is made.

(c) *Coastwise travel.* Except as to income excluded by paragraph (a) of this section, wages received for services rendered inside the territorial limits of the United States and wages of an alien seaman earned on a coastwise vessel are to be regarded as from sources within the United States.

§ 1.861–5 *Rentals and royalties.* Gross income from sources within the United States includes rentals or royalties from property located in the United States or from any interest in such property, including rentals or royalties for the use of, or for the privilege of using in the United States, patents, copyrights, secret processes and formulas, good will, trade-marks, trade brands, franchises, and other like property. The income arising from the rental of property, whether tangible or intangible, located within the United States, or from the use of property, whether tangible or intangible, within the United States, is from sources within the United States.

§ 1.861–6 *Sale of real property.* Gross income from sources within the United States includes gain, computed under the provisions of section 1001, derived from the sale or other disposition of real property located in the United States. For the treatment of capital gains and losses, see sections 1201 to 1241, inclusive, and the regulations thereunder.

§ 1.861–7 *Sale of personal property—*(a) *General.* Gains, profits, and income derived from the purchase and sale of personal property shall be treated as derived entirely from the country in which the property is sold. Thus, gross income from sources within the United States includes gains, profits, and income derived from the purchase of personal property without the United States and its sale within the United States.

(b) *Purchase within a possession.* Notwithstanding paragraph (a) of this section, income derived from the purchase of personal property within a possession of the United States and its sale within the United States shall be treated as derived partly from sources within and partly from sources without the United States. See section 863 (b) (3) and § 1.863–2.

(c) *Country in which sold.* For the purposes of sections 861 to 864, inclusive, sale of personal property shall be deemed to have occurred at the time when, and the place where, the rights, title, and interests of the seller in the property are transferred to the buyer. Generally, the time and place of the transfer depend upon the intention of the parties. For the purpose of ascertaining this intention, consideration shall be given to all of the circumstances of the sale, including the terms of the contract, the usages of the trade, and the conduct of the parties. Ordinarily, the sale shall be deemed to have been consummated at the place where the substance of the sale occurred. Where bare legal title is retained by the seller, the sale shall be deemed to have occurred at the time and place of passage to the buyer of beneficial ownership.

(d) *Production and sale.* For provisions respecting the source of income derived from the sale of personal property produced by the taxpayer, see section 863 (b) (2) and §§ 1.863–1 (b) and 1.863–2.

(e) *Section 306 stock.* For determining the source of gain on the disposition of section 306 stock, see section 306 (f) and the regulations thereunder.

§ 1.861–8 *Computation of taxable income from sources within the United States—*(a) *General.* From the items of gross income specified in §§ 1.861–2 to 1.861–7, inclusive, as being income from sources within the United States there shall be deducted the expenses, losses, and other deductions properly apportioned or allocated thereto and a ratable part of any other expenses, losses, or deductions which cannot definitely be allocated to some item or class of gross income. The remainder, if any, shall be included in full as taxable income from sources within the United States. The ratable part is based upon the ratio of gross income from sources within the United States to the total gross income.

*Example.* A taxpayer engaged in trade or business receives for the taxable year gross income from all sources in the amount of $180,000, one-fifth of which ($36,000) is from sources within the United States, computed as follows:

| | |
|---|---|
| Interest on bonds of a domestic corporation | $9,000 |
| Dividends on stock of a domestic corporation | 4,000 |
| Royalty for the use within the United States of patents | 12,000 |
| Gain from sale of real property located within the United States | 11,000 |
| Total | 36,000 |

The remainder of the gross income is from sources without the United States, as determined under § 1.862–1. The expenses of the taxpayer for the year amount to $78,000. Of these expenses the amount of $8,000 is properly allocated to income from sources within the United States, and the amount of $40,000 is properly allocated to income from sources without the United States. The remainder of the expenses ($30,000) cannot be definitely allocated to any item or class of gross income. A ratable part thereof, based upon the relation of gross income from sources within the United States to the total gross income, shall be deducted in computing taxable income from sources within the United States. Thus, there are deducted from the $36,000 of gross income from sources within the United States expenses amounting to $14,000, representing $8,000 properly apportioned to the income from sources within the United States and $6,000 of the expenses (one-fifth thereof) which cannot definitely be allocated to any item or class of gross income. The remainder ($22,000) is the taxable income from sources within the United States.

(b) *Personal exemptions.* The deductions for the personal exemptions allowed by section 151 or 642 (b) shall not be taken into account for purposes of paragraph (a) of this section but shall be allowed as deductions from the taxable income computed thereunder, if and to the extent that such deductions are allowable for purposes of computing the taxable income of the taxpayer. See sections 641 (b), 873 (d), 904 (b), and 931 (e), and the regulations thereunder.

(c) *Special deductions.* The special deductions allowed in the case of a corporation by section 241 (relating to the deductions for partially tax-exempt interest, dividends received, etc.), section 922 (relating to Western Hemisphere trade corporations), and section 941 (relating to China Trade Act corporations) shall be taken into account for purposes of paragraph (a) of this section.

(d) *Exempt income.* No deduction shall be allowed under this section for the amount of any item or part thereof allocable to a class or classes of exempt income. See section 265 and the regulations thereunder.

§ 1.862 *Statutory provisions; income from sources without the United States.*

SEC. 862. *Income from sources without the United States—*(a) *Gross income from sources without United States.* The following items of gross income shall be treated as income from sources without the United States:

(1) Interest other than that derived from sources within the United States as provided in section 861 (a) (1);

(2) Dividends other than those derived from sources within the United States as provided in section 861 (a) (2);

(3) Compensation for labor or personal services performed without the United States;

(4) Rentals or royalties from property located without the United States or from any interest in such property, including rentals or royalties for the use of or for the privilege of using without the United States patents, copyrights, secret processes and formulas, good will, trade-marks, trade brands, franchises, and other like properties;

(5) Gains, profits, and income from the sale of real property located without the United States; and

(6) Gains, profits, and income derived from the purchase of personal property within the United States and its sale without the United States.

(b) *Taxable income from sources without United States.* From the items of gross income specified in subsection (a) there shall be deducted the expenses, losses, and other deductions properly apportioned or allocated thereto, and a ratable part of any expenses, losses, or other deductions which cannot definitely be allocated to some item or class of gross income. The remainder, if any, shall be treated in full as taxable income from sources without the United States.

§ 1.862–1 *Income specifically from sources without the United States—*(a) *Gross income.* The following items of gross income shall be treated as income from sources without the United States:

(1) Interest other than that specified in section 861 (a) (1) as being derived from sources within the United States;

(2) Dividends other than those derived from sources within the United States as provided in section 861 (a) (2);

(3) Compensation for labor or personal services performed without the United States (for the treatment of compensation for labor or personal services performed partly within the United States and partly without the United States, see paragraph (b) of § 1.861–4);

(4) Rentals or royalties from property located without the United States or from any interest in such property, including rentals or royalties for the use of, or for the privilege of using, without the United States, patents, copyrights, secret processes and formulas, good will, trade-marks, trade brands, franchises, and other like property;

(5) Gains, profits, and income from the sale of real property located without the United States; and

(6) Gains, profits, and income derived from the purchase of personal property within the United States and its sale without the United States. Income derived from the purchase of personal property within the United States United States shall be treated as derived entirely from within that possession of the United States. For determining the time and place of sale of personal property for purposes of this subparagraph, see paragraph (c) of § 1.861–7.

(b) *Taxable income.* The taxable income from sources without the United States, in the case of the items of gross income specified in paragraph (a) of this section, shall be determined on the same basis as that used in § 1.861–8 for determining the taxable income from sources within the United States.

§ 1.863 *Statutory provisions; items not specified in section 861 or 862.*

SEC. 863. *Items not specified in section 861 or 862—*(a) *Allocation under regulations.* Items of gross income, expenses, losses, and deductions, other than those specified in sections 861 (a) and 862 (a), shall be allocated or apportioned to sources within or without the United States, under regulations prescribed by the Secretary or his delegate. Where items of gross income are separately allocated to sources within the United States, there shall be deducted (for the purpose of computing the taxable income therefrom) the expenses, losses, and other deductions properly apportioned or allocated thereto and a ratable part of other expenses, losses, or other deductions which cannot definitely be allocated to some item or class of gross income. The remainder, if any, shall be included in full as taxable income from sources within the United States.

(b) *Income partly from within and partly from without the United States.* In the case of gross income derived from sources partly within and partly without the United States, the taxable income may first be computed by deducting the expenses, losses, or other deductions apportioned or allocated thereto and a ratable part of any expenses, losses, or other deductions which cannot definitely be allocated to some item or class of gross income; and the portion of such taxable income attributable to sources within the United States may be determined by processes or formulas of general apportionment prescribed by the Secretary or his delegate. Gains, profits, and income—

(1) From transportation or other services rendered partly within and partly without the United States,

(2) From the sale of personal property produced (in whole or in part) by the taxpayer within and sold without the United States, or produced (in whole or in part) by the taxpayer without and sold within the United States, or

(3) Derived from the purchase of personal property within a possession of the United States and its sale within the United States, shall be treated as derived partly from sources within and partly from sources without the United States.



§ 1.863–1 *Allocation of gross income under section 863 (a)—*(a) *General.* Items of gross income other than those specified in section 861 (a) (§§ 1.861–2 to 1.861–7, inclusive) and section 862 (a) (§ 1.862–1) shall be allocated or apportioned to sources within or without the United States, as provided in section 863 (a); however, see § 1.863–2 for alternative method of determining the taxable income from sources within the United States in the case of the items specified in paragraph (b) of § 1.863–2.

(b) *Natural resources.* The income derived from the ownership or operation of any farm, mine, oil or gas well, other natural deposit, or timber, located within the United States, and from the sale by the producer of the Products thereof within or without the United States, shall ordinarily be included in gross income from sources within the United States. If, however, it is shown to the satisfaction of the district director that, due to the peculiar conditions of production and sale in a specific case or for other reasons, all of the gross income derived therefrom should not be allocated to sources within the United States, an apportionment thereof to sources within the United States and to sources without the United States shall be made as provided by section 863 (b) and § 1.863–2.

(c) *Taxable income.* The taxable income from sources within or without the United States, in the case of the items of gross income allocated under section 863 (a), shall be determined on the same basis as that used in § 1.861–8 for determining the taxable income from sources within the United States. See also paragraph (b) of § 1.862–1.

§ 1.863–2 *Income derived partly from sources within and partly from sources without the United States—*(a) *General.* Section 863 (b) provides an alternative method for determining the taxable income from sources within the United States in the case of gross income derived from sources partly within and partly without the United States. Under this method the entire taxable income in the case of such income is first determined by deducting the expenses, losses, or other deductions properly apportioned or allocated thereto and a ratable part of any other expenses, losses, or deductions which cannot definitely be allocated to some item or class of gross income. Then, pursuant to processes or formulas of general apportionment prescribed by the Secretary or his delegate, a portion of such entire taxable income is determined as being attributable to sources within the United States. Thus, the income treated as derived partly from sources within and partly from sources without the United States may be allocated to sources within or without the United States pursuant to § 1.863–1 or apportioned to such sources in accordance with the method described in this section.

(b) *Applicable items.* The income to which this section applies (and which is treated as derived partly from sources within and partly from sources without the United States) shall consist of gains, profits, and income—

(1) From transportation or other services rendered partly within and partly without the United States;

(2) From the sale of personal property produced (in whole or in part) by the taxpayer within and sold without the United States, or produced (in whole or in part) by the taxpayer without and sold within the United States; or

(3) Derived from the purchase of personal property within a possession of the United States and its sale within the United States.

(c) *Cross reference.* For allocation or apportionment under § 1.863–1 or this section in the case of the principal items to which this section applies, see §§ 1.863–3, 1.863–4, and 1.863–5.

§ 1.863–3 *Income from the sale of personal property derived partly from within and partly from without the United States—*(a) *General—*(1) *Classes of income.* Income from the sale of property to which paragraph (b) (2) and (3) of § 1.863–2 applies is divided into two classes for purposes of this section, namely, income which is treated as derived partly from sources within the United States and partly from sources within a foreign country, and income which is treated as derived partly from sources within the United States and partly from sources within a possession of the United States.

(2) *Definition.* For purposes of this section, the word "produced" includes created, fabricated, manufactured, extracted, processed, cured, or aged. For determining the time and place of sale of personal property for purposes of this section, see paragraph (c) of § 1.861–7.

(b) *Income partly from sources within a foreign country—*(1) *General.* This paragraph relates to gains, profits, and income derived from the sale of personal property produced (in whole or in part) by the taxpayer within the United States and sold within a foreign country, or produced (in whole or in part) by the taxpayer within a foreign country and sold within the United States. Pursuant to section 863 (b) such items shall be treated as derived partly from sources within the United States and partly from sources within a foreign country.

(2) *Allocation or apportionment.* The taxable income from sources within the United States, in the case of the items to which this paragraph applies, shall be determined according to the examples set forth in this subparagraph. For such purposes, the deductions for the personal exemptions shall not be taken into account, but the special deductions described in paragraph (c) of § 1.861–8 shall be taken into account.

*Example (1).* Where the manufacturer or producer regularly sells part of his output to wholly independent distributors or other selling concerns in such a way as to establish fairly an independent factory or production price—or shows to the satisfaction of the district director that such an independent factory or production price has been otherwise established—unaffected by considerations of tax liability, and the selling or distributing branch or department of the business is located in a different country from that in which the factory is located or the production carried on, the taxable income

attributable to sources within the United States shall be computed by an accounting which treats the products as sold by the factory or productive department of the business to the distributing or selling department at the independent factory price so established. In all such cases the basis of the accounting shall be fully explained in a statement attached to the return for the taxable year.

*Example* (2). (i) Where an independent factory or production price has not been established as provided under example (1), the taxable income shall first be computed by deducting from the gross income derived from the sale of personal property produced (in whole or in part) by the taxpayer within the United States and sold within a foreign country or produced (in whole or in part) by the taxpayer within a foreign country and sold within the United States, the expenses, losses, or other deductions properly apportioned or allocated thereto and a ratable part of any expenses, losses, or other deductions which cannot definitely be allocated to some item or class of gross income.

(ii) Of the amount of taxable income so determined, one-half shall be apportioned in accordance with the value of the taxpayer's property within the United States and within the foreign country, the portion attributable to sources within the United States being determined by multiplying such one-half by a fraction the numerator of which consists of the value of the taxpayer's property within the United States, and the denominator of which consists of the value of the taxpayer's property both within the United States and within the foreign country. The remaining one-half of such taxable income shall be apportioned in accordance with the gross sales of the taxpayer within the United States and within the foreign country, the portion attributable to sources within the United States being determined by multiplying such one-half by a fraction the numerator of which consists of the taxpayer's gross sales for the taxable year or period within the United States, and the denominator of which consists of the taxpayer's gross sales for the taxable year or period both within the United States and within the foreign country.

(iii) The term "gross sales of the taxpayer within the United States" means the gross sales made during the taxable year which were principally secured, negotiated, or effected by employees, agents, offices, or branches of the taxpayer's business resident or located in the United States. The term "gross sales", as used in this example, refers only to the sales of personal property produced (in whole or in part) by the taxpayer within the United States and sold within a foreign country or produced (in whole or in part) by the taxpayer within a foreign country and sold within the United States.

(iv) The term "property", as used in this example, includes only the property held or used to produce income which is derived from such sales. Such property should be taken at its actual value, which in the case of property valued or appraised for purposes of inventory, depreciation, depletion, or other purposes of taxation shall be the highest amount at which so valued or appraised, and which in other cases shall be deemed to be its book value in the absence of affirmative evidence showing such value to be greater or less than the actual value. The average value during the taxable year or period shall be employed. The average value of property as above prescribed at the beginning and end of the taxable year or period ordinarily may be used, unless by reason of material changes during the taxable year or period such average does not fairly represent the average for such year or period, in which event the average shall be determined upon a monthly or daily basis.

(v) Bills and accounts receivable shall (unless satisfactory reason for a different treatment is shown) be assigned or allocated to the United States when the debtor resides in the United States, unless the taxpayer has no office, branch, or agent in the United States.

*Example* (3). Application for permission to base the return upon the taxpayer's books of account will be considered by the district director in the case of any taxpayer who, in good faith and unaffected by considerations of tax liability, regularly employs in his books of account a detailed allocation of receipts and expenditures which reflects more clearly than the processes or formulas herein prescribed the taxable income derived from sources within the United States.

(c) *Income partly from sources within a possession of the United States*—(1) *General.* This paragraph relates to gains, profits, and income which, pursuant to section 863 (b), are treated as derived partly from sources within the United States and partly from sources within a possession of the United States. The items so treated are described in subparagraphs (3) and (4) of this paragraph.

(2) *Allocation or apportionment.* The taxable income from sources within the United States, in the case of the items to which this paragraph applies, shall be determined according to the examples set forth in subparagraph (3) and (4) of this paragraph. For such purposes, the deductions for the personal exemptions shall not be taken into account, but the special deductions described in paragraph (c) of § 1.861–8 shall be taken into account.

(3) *Personal property produced and sold.* This subparagraph relates to gross income derived from the sale of personal property produced (in whole or in part) by the taxpayer within the United States and sold within a possession of the United States, or produced (in whole or in part) by the taxpayer within a possession of the United States and sold within the United States.

*Example* (1). Same as example (1) under paragraph (b) (2) of this section.

*Example* (2). (i) Where an independent factory or production price has not been established as provided under example (1), the taxable income shall first be computed by deducting from the gross income derived from the sale of personal property produced (in whole or in part) by the taxpayer within the United States and sold within a possession of the United States, or produced (in whole or in part) by the taxpayer within a possession of the United States and sold within the United States, the expenses, losses, or other deductions properly apportioned or allocated thereto and a ratable part of any expenses, losses, or other deductions which cannot definitely be allocated to some item or class of gross income.

(ii) The amount of taxable income so determined, one-half shall be apportioned in accordance with the value of the taxpayer's property within the United States and within the possession of the United States, the portion attributable to sources within the United States being determined by multiplying such one-half by a fraction the numerator of which consists of the value of the taxpayer's property within the United States, and the denominator of which consists of the value of the taxpayer's property both within the United States and within the possession of the United States. The remaining one-half of such taxable income shall be apportioned in accordance with the total business of the taxpayer within the United States and within the possession of the United States, the portion attributable to sources within the United States being determined by multiplying such one-half by a fraction the numerator of which consists of the amount of the taxpayer's business for the taxable year or period within the United States, and the denominator of which consists of the amount of the taxpayer's business for the taxable year or period both within the United States and within the possession of the United States.

(iii) The "business of the taxpayer", as used in this example, shall be measured by the amounts which the taxpayer paid out during the taxable year or period for wages, salaries, and other compensation of employees and for the purchase of goods, materials, and supplies consumed in the regular course of business, plus the amounts received during the taxable year or period from gross sales, such expenses, purchases, and gross sales being limited to those attributable to the production (in whole or in part) of personal property within the United States and its sale within a possession of the United States or to the production (in whole or in part) of personal property within a possession of the United States and its sale within the United States. The term "property", as used in this example, includes only the property held or used to produce income which is derived from such sales.

*Example* (3). Same as example (3) under paragraph (b) (2) of this section.

(4) *Personal property purchased and sold.* This subparagraph relates to gross income derived from the purchase of personal property within a possession of the United States and its sale within the United States.

*Example* (1). (i) The taxable income shall first be computed by deducting from such gross income the expenses, losses, or other deductions properly apportioned or allocated thereto and a ratable part of any expenses, losses, or other deductions which cannot definitely be allocated to some item or class of gross income.

(ii) The amount of taxable income so determined shall be apportioned in accordance with the total business of the taxpayer within the United States and within the possession of the United States, the portion attributable to sources within the United States being that percentage of such taxable income which the amount of the taxpayer's business for the taxable year or period within the United States bears to the amount of the taxpayer's business for the taxable year or period both within the United States and within the possession of the United States.

(iii) The "business of the taxpayer", as that term is used in this example, shall be measured by the amounts which the taxpayer paid out during the taxable year or period for wages, salaries, and other compensation of employees and for the purchase of goods, materials, and supplies sold or consumed in the regular course of business, plus the amount received during the taxable year or period from gross sales, such expenses, purchases, and gross sales being limited to those attributable to the purchase of personal property within a possession of the United States and its sale within the United States.

*Example* (2). Same as example (3) under paragraph (b) (2) of this section.

§ 1.863–4 *Transportation service*—(a) *General.* A taxpayer carrying on the business of transportation service between points in the United States and points outside the United States derives income partly from sources within and partly from sources without the United States.



(b) *Gross income.* The gross income from sources within the United States derived from such services shall be determined by taking such a portion of the total gross revenues therefrom as (1) the sum of the costs or expenses of such transportation business carried on by the taxpayer within the United States and a reasonable return upon the property used in its transportation business while within the United States bear to (2) the sum of the total costs or expenses of such transportation business carried on by the taxpayer and a reasonable return upon the total property used in such transportation business. Revenues from operations incidental to transportation services, such as the sale of money orders, shall be apportioned on the same basis as direct revenues from transportation services.

(c) *Allocation of costs or expenses.* In allocating the total costs or expenses incurred in such transportation business, costs or expenses incurred in connection with that part of the services which was wholly rendered in the United States shall be assigned to the cost of transportation business within the United States. For example, expenses of loading and unloading in the United States, rentals, office expenses, salaries, and wages wholly incurred for services rendered to the taxpayer in the United States belong to this class. Costs and expenses incurred in connection with services rendered partly within and partly without the United States may be prorated on a reasonable basis between such services. For example, ship wages, charter money, insurance, and supplies chargeable to voyage expenses shall ordinarily be prorated for each voyage on the basis of the proportion which the number of days the ship was within the territorial limits of the United States bears to the total number of days on the voyage; and fuel consumed on each voyage may be prorated on the basis of the proportion which the number of miles sailed within the territorial limits of the United States bears to the total number of miles sailed on the voyage. For other expenses entering into the cost of services, only such expenses as are allowable deductions under the internal revenue laws shall be taken into account.

(d) *Items not included as costs or expenses*—(1) *Taxes and interest.* Income, war profits, and excess profits taxes shall not be regarded as costs or expenses for the purpose of determining the proportion of gross income from sources within the United States; and, for such purpose, interest and other expenses for the use of borrowed capital shall not be taken into the cost of services rendered, for the reason that the return upon the property used measures the extent to which such borrowed capital is the source of the income. See paragraph (f) (2) of this section.

(2) *Other business activity and general expenses.* If a taxpayer subject to this section is also engaged in a business other than that of providing transportation service between points in the United States and points outside the United States, the costs and expenses, including taxes, properly apportioned or allocated to such other business shall be excluded both from the deductions and from the apportionment process prescribed in paragraph (c) of this section; but, for the purpose of determining taxable income, a ratable part of any general expenses, losses, or deductions, which cannot definitely be allocated to some item or class of gross income, may be deducted from the gross income from sources within the United States after the amount of such gross income has been determined. Such ratable part shall ordinarily be based upon the ratio of gross income from sources within the United States to the total gross income. See paragraph (f) (3) of this section.

(3) *Personal exemptions and special deductions.* The deductions for the personal exemptions, and the special deductions described in paragraph (c) of § 1.861–8, shall not be taken into account for purposes of paragraph (c) of this section.

(e) *Property used while within the United States*—(1) *General.* The value of the property used shall be determined upon the basis of cost less depreciation. Eight percent may ordinarily be taken as a reasonable rate of return to apply to such property. The property taken shall be the average property employed in the transportation service between points in the United States and points outside the United States during the taxable year.

(2) *Average property.* For ships, the average shall be determined upon a daily basis for each ship, and the amount to be apportioned for each ship as assets employed within the United States shall be computed upon the proportion which the number of days the ship was within the territorial limits of the United States bears to the total number of days the ship was in service during the taxable period. For other assets employed in the transportation business, the average of the assets at the beginning and end of the taxable period ordinarily may be taken, but if the average so obtained does not, by reason of material changes during the taxable year, fairly represent the average for such year either for the assets employed in the transportation business in the United States or in total, the average must be determined upon a monthly or daily basis.

(3) *Current assets.* Current assets shall be decreased by current liabilities and allocated to services between the United States and foreign countries and to other services. The part allocated to services between the United States and foreign countries shall be based on the proportion which the gross receipts from such services bear to the gross receipts from all services. The amount so allocated to services between the United States and foreign countries shall be further allocated to services rendered within the United States and to services rendered without the United States. The portion allocable to services rendered within the United States shall be based on the proportion which the expenses incurred within the territorial limits of the United States bear to the total expenses incurred in services between the United States and foreign countries.

(f) *Taxable income*—(1) *General.* In computing taxable income from sources within the United States there shall be allowed as deductions from the gross income from such sources, determined in accordance with paragraph (b) of this section, (i) the expenses of the transportation business carried on within the United States (as determined under paragraphs (c) and (d) of this section) and (ii) the expenses and deductions determined in accordance with this paragraph.

(2) *Interest and taxes.* Interest and income, war profits, and excess profits taxes shall be excluded from the apportionment process, as indicated in paragraph (d) of this section; but for the purpose of computing taxable income there may be deducted from the gross income from sources within the United States, after the amount of such gross income has been determined, a ratable part of all interest deductible under section 163 and of all income, war profits, and excess profits taxes deductible under section 164, paid or accrued in respect of the business of transportation service between points in the United States and points outside the United States. The ratable part shall ordinarily be based upon the ratio of gross income from sources within the United States to the total gross income, from such transportation service.

(3) *General expenses.* General expenses, losses, or deductions shall be deducted under this paragraph to the extent indicated in paragraph (d) (2) of this section.

(4) *Personal exemptions.* The deductions for the personal exemptions shall be allowed under this paragraph to the same extent as provided by paragraph (b) of § 1.861–8.

(5) *Special deductions.* The special deductions allowed in the case of a corporation by sections 241, 922, and 941 shall be allowed under this paragraph to the same extent as provided by paragraph (c) of § 1.861–8.

(g) *Allocation based on books of account.* Application for permission to base the return upon the taxpayer's books of account will be considered by the district director in the case of any taxpayer subject to this section, who, in good faith and unaffected by considerations of tax liability, regularly employs in his books of account a detailed allocation of receipts and expenditures which more clearly reflects the income derived from sources within the United States than does the process prescribed by paragraphs (b) to (f), inclusive, of this section.

§ 1.863–5 *Telegraph and cable services*—(a) *General.* A taxpayer carrying on the business of transmission of telegraph or cable messages between points in the United States and points outside the United States derives income partly from sources within and partly from sources without the United States.

(b) *Gross income.* The gross income from sources within the United States derived from messages originating in the United States and amounts collected

abroad on collect messages originating in the United States and then deducting from such sum amounts paid or accrued for transmission of messages beyond the taxpayer's own circuit. Amounts received by the taxpayer in the United States with respect to collect messages originating without the United States shall be excluded from such gross income.

(c) *Taxable income.* In computing taxable income from sources within the United States, the following items shall be allowed as deductions from the gross income determined in accordance with paragraph (b) of this section:

(1) All expenses incurred in the United States (not including any general overhead expenses) incident to the carrying on of the business in the United States;

(2) All direct expenses incurred abroad in the transmission of messages originating in the United States (not including any general overhead expenses or maintenance, repairs, and depreciation of cables and not including any amount already deducted in computing gross income);

(3) Depreciation of property (other than cables) located in the United States and used in the trade or business therein; and,

(4) A proportionate part of the general overhead expenses (not including any items incurred abroad corresponding to those enumerated in subparagraphs (1), (2), and (3) of this paragraph) and of maintenance, repairs, and depreciation of cables of the entire cable system of the enterprise, based on the ratio which the number of words originating in the United States bears to the total words transmitted by the enterprise.

(5) The deductions for the personal exemptions, and the special deductions allowed by sections 241, 922, and 941, but only to the extent provided by paragraphs (b) and (c) of § 1.861–8.

§ 1.863–6 *Income from sources within a foreign country or possession of the United States.* The principles applied in §§ 1.861–1 to 1.863–5, inclusive, for determining the gross and the taxable income from sources within and without the United States shall be applied, for purposes of the income tax, in determining the gross and the taxable income from sources within and without a foreign country, or within and without a possession of the United States.

§ 1.864 *Statutory provisions; definitions.*

SEC. 864. *Definitions.* For purposes of this part, the word "sale" includes "exchange"; the word "sold" includes "exchanged"; and the word "produced" includes "created", "fabricated", "manufactured", "extracted", "processed", "cured", or "aged".

NONRESIDENT ALIENS AND FOREIGN CORPORATIONS

NONRESIDENT ALIEN INDIVIDUALS

§ 1.871 *Statutory provisions; tax on nonresident alien individuals.*

SEC. 871. *Tax on nonresident alien individuals*—(a) *No United States business and gross income of not more than $15,400*—(1) *Imposition of tax.* Except as otherwise provided in subsection (b) there is hereby imposed for each taxable year, in lieu of the tax imposed by section 1, on the amount received, by every nonresident alien individual not engaged in trade or business within the United States, from sources within the United States, as interest (except interest on deposits with persons carrying on the banking business), dividends, rents, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed or determinable annual or periodical gains, profits, and income (including amounts described in section 402 (a) (2), section 631 (b) and (c), and section 1235, which are considered to be gains from the sale or exchange of capital assets) a tax of 30 percent of such amount.

(2) *Capital gains of aliens temporarily present in the United States.* In the case of a nonresident alien individual not engaged in trade or business in the United States, there is hereby imposed for each taxable year, in addition to the tax imposed by paragraph (1)—

(A) If he is present in the United States for a period or periods aggregating less than 90 days during such taxable year—a tax of 30 percent of the amount by which his gains, derived from sources within the United States, from sales or exchanges of capital assets effected during his presence in the United States exceed his losses, allocable to sources wthin the United States, from such sales or exchanges effected during such presence; or

(B) If he is present in the United States for a period or periods aggregating 90 days or more during such taxable year—a tax of 30 percent of the amount by which his gains, derived from sources within the United States, from sales or exchanges of capital assets effected at any time during such year exceed his losses, allocable to sources within the United States, from such sales or exchanges effected at any time during such year.

For purposes of this paragraph, gains and losses shall be taken into account only if, and to the extent that, they would be recognized and taken into account if such individual were engaged in trade or business in the United States, except that such gains and losses shall be computed without regard to section 1202 (relating to deduction for capital gains) and such losses shall be determined without the benefits of the capital loss carryover provided in section 1212.

(b) *No United States business and gross income of more than $15,400.* A nonresident alien individual not engaged in trade or business within the United States shall be taxable without regard to subsection (a) if during the taxable year the sum of the aggregate amount received from the sources specified in subsection (a) (1), plus the amount by which gains from sales or exchanges of capital assets exceed losses from such sales or exchanges (determined in accordance with subsection (a) (2)) is more than $15,400, except that—

(1) The gross income shall include only income from the sources specified in subsection (a) (1) plus any gain (to the extent provided in subchapter P; sec. 1201 and following, relating to capital gains and losses) from a sale or exchange of a capital asset if such gain would be taken into account were the tax being determined under subsection (a) (2);

(2) The deductions (other than the deduction for charitable contributions and gifts provided in section 873 (c)) shall be allowed only if and to the extent that they are properly allocable to the gross income from the sources specified in subsection (a), except that any loss from the sale or exchange of a capital asset shall be allowed (to the extent provided in subchapter P without the benefit of the capital loss carryover provided in section 1212) if such loss would be taken into account were the tax being determined under subsection (a) (2);

(3) The taxes imposed by this subtitle (under section 1, or under section 1201 (b)) shall, in no case, be less than 30 percent of the sum of—

(A) The aggregate amount received from the sources specified in subsection (a) (1), plus

(B) The amount, determined under subsection (a) (2), by which gains from sales or exchanges of capital assets exceed losses from such sales or exchanges.

(c) *United States business.* A nonresident alien individual engaged in trade or business within the United States shall be taxable without regard to subsection (a). For purposes of part I, this section, sections 881 and 882, and chapter 3, the term "engaged in trade or business within the United States" includes the performance of personal services within the United States at any time within the taxable year, but does not include the performance of personal services—

(1) For a nonresident alien individual, foreign partnership, or foreign corporation, not engaged in trade or business within the United States, or

(2) For an office or place of business maintained by a domestic corporation in a foreign country or in a possession of the United States,

by a nonresident alien individual temporarily present in the United States for a period or periods not exceeding a total of 90 days during the taxable year and whose compensation for such services does not exceed in the aggregate $3,000. Such term does not include the effecting, through a resident broker, commission agent, or custodian, of transactions in the United States in stocks or securities, or in commodities (if of a kind customarily dealt in on an organized commodity exchange, if the transaction is of the kind customarily consummated at such place, and if the alien, partnership, or corporation has no office or place of business in the United States at any time during the taxable year through which or by the direction of which such transactions in commodities are effected).

(d) *Doubling of tax.* For doubling of tax on citizens of certain foreign countries, see section 891.

§ 1.871–1 *Taxation of aliens.* For purposes of the income tax, alien individuals are divided generally into two classes, namely, resident aliens and nonresident aliens. Resident aliens are, in general, taxable the same as citizens of the United States; that is, a resident alien is taxable on income derived from all sources, including sources without the United States. Nonresident aliens are taxable only on income from sources within the United States. For classification of nonresident aliens, see § 1.871–7. For determination of the sources of income, see §§ 1.861–1 to 1.863–6, inclusive.

§ 1.871–2 *Determining residence of alien individuals*—(a) *General.* The term "nonresident alien individual" means an individual whose residence is not within the United States, and who is not a citizen of the United States. The term includes a nonresident alien fiduciary. For such purpose the term "fiduciary" shall have the meaning assigned to it by section 7701 (a) (6). For presumption as to an alien's nonresidence, see paragraph (b) of § 1.871–4.

(b) *Residence defined.* An alien actually present in the United States who is not a mere transient or sojourner is a resident of the United States for purposes of the income tax. Whether he is a transient is determined by his intentions with regard to the length and nature of his stay. A mere floating intention, indefinite as to time, to return to another country is not sufficient to constitute him a transient. If he lives in the United States and has no definite intention as to his stay, he is a resident. One who comes to the United States for a definite purpose which in its nature may be promptly accomplished is a transient; but, if his purpose is of such a nature that an extended stay may be necessary for its accomplishment, and to that end the alien makes his home temporarily in the United States, he becomes a resident, though it may be his intention at all times to return to his domicile abroad when the purpose for which he came has been consummated or abandoned. An alien whose stay in the United States is limited to a definite period by the immigration laws is not a resident of the United States within the meaning of this section, in the absence of exceptional circumstances.

§ 1.871–3 *Residence of alien seamen.* In order to determine whether an alien seaman is a resident of the United States for purposes of the income tax, it is necessary to decide whether the presumption of nonresidence (as prescribed by paragraph (b) of § 1.871–4) is overcome by facts showing that he has established a residence in the United States. Residence may be established on a vessel regularly engaged in coastwise trade, but the mere fact that a sailor makes his home on a vessel which is flying the United States flag and is engaged in foreign trade is not sufficient to establish residence in the United States, even though the vessel, while carrying on foreign trade, touches at American ports. An alien seaman may acquire an actual residence in the United States within the rules laid down in § 1.871–4, although the nature of his calling requires him to be absent for a long period from the place where his residence is established. An alien seaman may acquire such a residence at a sailors' boarding house or hotel, but such a claim should be carefully scrutinized in order to make sure that such residence is bona fide. The filing of Form 1078 or taking out first citizenship papers is proof of residence in the United States from the time the form is filed or the papers taken out, unless rebutted by other evidence showing an intention to be a transient.

§ 1.871–4 *Proof of residence of aliens*—(a) *Rules of evidence.* The following rules of evidence shall govern in determining whether or not an alien within the United States has acquired residence therein for purposes of the income tax.

(b) *Nonresidence presumed.* An alien, by reason of his alienage, is presumed to be a nonresident alien.

(c) *Presumption rebutted*—(1) *Departing alien.* In the case of an alien who presents himself for determination of tax liability before departure from the United States, the presumption as to the alien's nonresidence may be overcome by proof—

(i) That the alien, at least six months before the date he so presents himself, has filed a declaration of his intention to become a citizen of the United States under the naturalization laws; or

(ii) That the alien, at least six months before the date he so presents himself, has filed Form 1078 or its equivalent; or

(iii) Of acts and statements of the alien showing a definite intention to acquire residence in the United States or showing that his stay in the United States has been of such an extended nature as to constitute him a resident.

(2) *Other aliens.* In the case of other aliens, the presumption as to the alien's nonresidence may be overcome by proof—

(i) That the alien has filed a declaration of his intention to become a citizen of the United States under the naturalization laws; or

(ii) That the alien has filed Form 1078 or its equivalent; or

(iii) Of acts and statements of the alien showing a definite intention to acquire residence in the United States or showing that his stay in the United States has been of such an extended nature as to constitute him a resident.

(d) *Certificate.* If, in the application of subparagraphs (1) (iii) or (2) (iii) of paragraph (c) of this section, the internal revenue officer who examines the alien is in doubt as to the facts, such officer may, to assist him in determining the facts, require a certificate or certificates setting forth the facts relied upon by the alien seeking to overcome the presumption. Each such certificate, which shall contain, or be verified by, a written declaration that it is made under the penalties of perjury, shall be executed by some credible person or persons, other than the alien and members of his family, who have known the alien at least six months before the date of execution of the certificate or certificates.

§ 1.871–5 *Loss of residence by an alien.* An alien who has acquired residence in the United States retains his status as a resident until he abandons the same and actually departs from the United States. An intention to change his residence does not change his status as a resident alien to that of a nonresident alien. Thus, an alien who has acquired a residence in the United States is taxable as a resident for the remainder of his stay in the United States.

§ 1.871–6 *Duty of employer to determine status of alien employee*—(a) *Proof of status required.* If wages are paid to aliens without withholding the tax under chapter 3, except as permitted in paragraph (d) of § 1.1441–3, the employer must be prepared to prove the status of the alien as provided in §§ 1.871–1 to 1.871–5, inclusive.

(b) *Certificate of residence.* An employer may rely upon the evidence of residence afforded by the fact that an alien has filed Form 1078, or an equivalent certificate of the alien establishing residence.

(c) *Other evidence.* An employer need not secure Form 1078 from the alien if he is satisfied that the alien is a resident alien. An employer who seeks to account for failure to withhold in the past, if he did not at that time secure Form 1078 or its equivalent, is permitted to prove the former status of the alien by any competent evidence.

(d) *Employee's statement.* The written statement of the alien employee may ordinarily be relied upon by the employer as proof that the alien is a resident of the United States.

§ 1.871–7 *Tax on nonresident alien individuals*—(a) *Classes of nonresident aliens.* For the purposes of chapter 1 nonresident alien individuals are divided into four classes:

(1) *Class 1.* Nonresident alien individuals not engaged in trade or business within the United States at any time during the taxable year and receiving in such year an aggregate of not more than $15,400 gross income from sources within the United States consisting of—

(i) Fixed or determinable annual or periodical income, and

(ii) Amounts constituting, or considered to be, gains from the sale or exchange of capital assets, as described in paragraph (b) of this section;

(2) *Class 2.* Nonresident alien individuals not engaged in trade or business within the United States at any time during the taxable year and receiving in such year an aggregate of more than $15,400 gross income described under class 1;

(3) *Class 3.* Nonresident alien individuals who at any time during the taxable year are engaged in trade or business within the United States; and

(4) *Class 4.* Nonresident alien individuals who are bona fide residents of Puerto Rico during the entire taxable year.

Individuals within classes 1 to 3, inclusive, are subject to tax pursuant to the provisions of subpart A of part II of subchapter N (sections 871 to 877, inclusive, and the regulations thereunder). The provisions of that subpart do not apply to individuals within class 4, but such individuals are subject to the tax imposed by section 1. See § 1.876–1. If the gross income of a nonresident alien individual includes income on which the tax is limited by tax convention, see paragraph (e) of this section.

(b) *No United States business; gross income of not more than $15,400*—(1) *Imposition of tax.* Except as otherwise provided by paragraph (e) of this section, a nonresident alien individual within class 1 is not subject to the tax imposed by section 1 but, pursuant to the provisions of section 871 (a), is liable to a flat tax of 30 percent upon the aggregate of the amounts determined under subparagraphs (2), (3), and (4) of this paragraph and received during the taxable year from sources within the United States. For this purpose the source of the income shall be determined in accordance with the provisions of sections 861 to 864, inclusive. For the purposes of section 871 (a) (1) "amount received" means "gross income."

(2) *Fixed or determinable annual or periodical income*—(i) *Items subject to tax.* The tax of 30 percent applies to the gross amount received as fixed or determinable annual or periodical gains, profits, and income. Specific items of fixed or determinable annual or periodical income are enumerated in section 871 (a)

(1) as interest (except interest on deposits with persons carrying on the banking business), dividends, rents, salaries, wages, premiums, annuities, compensations, remunerations, and emoluments, but other fixed or determinable annual or periodical gains, profits, and income are also subject to the tax as for instance, royalties. As to the determination of fixed or determinable annual or periodical income, see paragraph (a) of § 1.1441–2. For special rules treating gain on the disposition of section 306 stock as fixed or determinable annual or periodical income, see section 306 (f) and the regulations thereunder.

(ii) *Losses.* In computing the income subject to tax under this subparagraph no deduction shall be allowed for any loss sustained during the taxable year.

(3) *Amounts considered to be capital gains*—(i) *Items subject to tax.* The tax of 30 percent also applies, pursuant to the provisions of section 871 (a) (1), to amounts received during the taxable year from sources within the United States which are described in section 402 (a) (2), section 631 (b) and (c), and section 1235 and are considered to be gains from the sale or exchange of capital assets. Thus, the tax applies to gain recognized on certain distributions by a qualified employees' trust where the total distributions, with respect to any employee, are payable to the distributee within one taxable year; to gain recognized under specified circumstances on the disposal of timber and coal and considered in accordance with section 1231 to be gain from the sale or exchange of a capital asset; and to gain recognized on certain transfers of patent rights by an individual.

(ii) *Ninety-day rule not applicable.* The provisions of section 871 (a) (2) do not apply to the gains described in this subparagraph; as a consequence, the taxpayer receiving these gains during a taxable year is subject to the tax of 30 percent thereon without regard to the 90-day rule of that section and even though he has not been present in the United States at any time during the taxable year.

(iii) *Recognized gain fully taxable.* The tax of 30 percent imposed upon the gains described in this subparagraph shall apply (*a*) to the full amount of gain recognized upon the transaction, (*b*) without regard to the alternative tax imposed by section 1201 upon the excess of the net long-term capital gain over the net short-term capital loss, and (*c*) without regard to the deduction allowed by section 1202 in respect of capital gains.

(iv) *Losses.* In computing the gain subject to tax under this subparagraph no deduction shall be allowed for any loss sustained during the taxable year, even though the loss is taken into account under section 1231 in determining whether the gain is considered to be gain from the sale or exchange of a capital asset.

(4) *Capital gains and losses*—(i) *Items subject to tax.* The tax of 30 percent also applies, pursuant to the provisions of section 871 (a) (2), to the excess of capital gains derived from sources within the United States over capital losses allocable to such sources, determined under the provisions of sections 861 to 864, inclusive, and in accordance with the provisions of this subparagraph.

(ii) *Present less than 90 days.* If he has been present in the United States for a period or periods aggregating less than 90 days during the taxable year, a nonresident alien individual not engaged in trade or business within the United States at any time during the taxable year is liable to a tax of 30 percent upon the amount by which his gains, derived from sources within the United States, from sales or exchanges of capital assets effected during his presence in the United States exceeds his losses, allocable to sources within the United States, from such sales or exchanges effected during such presence. Gains and losses from sales or exchanges of capital assets effected during the taxable year at times other than during such presence in the United States are not to be taken into account for this purpose.

(iii) *Present 90 days or more.* If he has been present in the United States for a period or periods aggregating 90 days or more during the taxable year, a nonresident alien individual not engaged in trade or business within the United States at any time during the taxable year is liable to a tax of 30 percent upon the amount by which his gains, derived from sources within the United States, from sales or exchanges of capital assets effected at any time during that year exceed his losses, allocable to sources within the United States, from sales or exchanges effected at any time during that year. Gains and losses from sales or exchanges effected at any time during the taxable year are to be taken into account for this purpose even though the alien individual is not present in the United States at the time the sales or exchanges are effected.

(iv) *Separate periods to be aggregated.* In computing the total period of presence in the United States for a taxable year, all separate periods of presence in the United States during the taxable year are to be aggregated.

(v) *Other provisions applicable.* For the purpose of the computation of the excess of capital gains over capital losses subject to tax under this subparagraph, gains and losses shall, subject to the 90-day rule of section 871 (a) (2), be taken into account only if, and to the extent that, they would be recognized and taken into account if the nonresident alien individual were engaged in trade or business within the United States, except that the gains and losses shall be computed without regard to the provisions of section 1202, relating to the deduction for capital gains, and the losses shall be determined without the benefits of the capital loss carryover provided in section 1212. For example, any amount (other than the gains specified in subparagraph (3) of this paragraph) which under the provisions of subtitle A is considered to be gain or loss from the sale or exchange of a capital asset shall be taken into account but only in accordance with this subdivision and subject to the provisions of section 873 (b). Thus, an amount described in section 631 (b) or (c) which is considered to be loss from the sale or exchange of a capital asset would be taken into account in such manner. Also, for example, no deduction shall be allowed, pursuant to the provisions of section 267, for losses from sales or exchanges of property between related taxpayers.

(vi) *Alternative tax.* The tax shall be computed under this subparagraph without regard to the alternative tax imposed by section 1201 upon the excess of the net long-term capital gain over the net short-term capital loss.

(vii) *Allowance of losses.* In computing the tax under this subparagraph losses from sales or exchanges of capital assets shall be allowed only to the extent of gains from sales or exchanges of capital assets.

(viii) *Gains not included.* The provisions of this subparagraph do not apply to amounts described in section 402 (a) (2), section 631 (b) and (c), and section 1235, which are considered to be gains from the sale or exchange of capital assets.

(5) *Deductions allowable.* For the allowance of deductions in computing the tax under this paragraph, see paragraph (b) (1) of § 1.873–1.

(6) *Credits against tax.* The credits allowed by section 31 (relating to tax withheld on wages), section 32 (relating to tax withheld at source on nonresident aliens), section 35 (relating to partially tax-exempt interest), and section 6402 (relating to credit for overpayments of tax) shall be allowed against the tax computed in accordance with this paragraph.

(c) *No United States business; gross income of more than $15,400*—(1) *Imposition of tax.* Except as otherwise provided by paragraph (e) of this section and subparagraph (4) of this paragraph, a nonresident alien individual within class 2 is, in accordance with the provisions of section 871 (b), subject to tax under section 1 or, in the alternative, under section 1201 (b) upon the income computed in accordance with this paragraph and received during the taxable year from sources within the United States. In computing the alternative tax under section 1201 (b) for this purpose, all amounts constituting, or considered to be, gains and losses from the sale or exchange of capital assets, whether described in paragraph (b) (3) or (4) of this section, shall be taken into account to the extent prescribed by subparagraphs (2) and (3) of this paragraph.

(2) *Gross income.* For the purpose of this paragraph, the gross income shall include only those items of gains, profits, and income which would be taken into account if the tax were being determined in accordance with paragraph (b) of this section, that is, the gross amount of fixed or determinable annual or periodical income determined in accordance with paragraph (b) (2) of this section, the full amount of any gain taxable in accordance with paragraph (b) (3) of this section, and all other gains (computed without regard to any losses) which are to be taken into account in determining the tax under paragraph (b) (4) of this section. For such purpose, all such gains derived from the sale or exchange of capital assets, whether taken into account under paragraph (b) (3) or (4) of this section, shall be included to the same extent as provided by subchapter P, relating to capital gains and losses.

(3) *Deductions.* In computing, for purposes of subparagraph (1) of this paragraph, the income subject to tax under section 1 or section 1201 (b), there shall be allowed as deductions—

(i) *Capital losses.* Any loss, allocable to sources within the United States, from the sale or exchange of a capital asset which would be taken into account if the tax were being determined in accordance with paragraph (b) (4) of this section, except that such loss shall be allowed only to the extent provided by subchapter P, relating to capital gains and losses, but without the benefit of the capital loss carryover provided by section 1212;

(ii) *Charitable contributions.* The deduction for charitable contributions and gifts to the extent allowed by section 170, whether or not connected with income from sources within the United States, but (in accordance with section 873 (c)) only as to contributions or gifts made to domestic corporations, or to community chests, funds, or foundations, created in the United States; and

(iii) *Other deductions.* Any other deduction (including the deduction allowed by section 1202 in respect of capital gains) allowed by section 873, but only if, and to the extent that, they are properly allocable to the gross income specified in subparagraph (2) of this paragraph. See also § 1.873–1.

(4) *Minimum tax.* Notwithstanding the provisions of subparagraph (1) of this paragraph, and except as otherwise provided by paragraph (e) of this section, the tax of a nonresident alien individual within class 2 shall in no case be less than 30 percent of the aggregate of the amounts determined under paragraph (b) (2), (3), and (4) of this section and received during the taxable year from sources within the United States.

(5) *Credits against tax.* The credits allowed by section 31 (relating to tax withheld on wages), section 32 (relating to tax withheld at source on nonresident aliens), section 34 (relating to dividends received by individuals), section 35 (relating to partially tax-exempt interest), and section 6402 (relating to credit for overpayments of tax) shall be allowed against the tax computed in accordance with this paragraph, even though such tax is computed in accordance with subparagraph (4) of this paragraph.

(d) *United States business*—(1) *Imposition of tax.* Except as otherwise provided by paragraph (e) of this section, a nonresident alien individual within class 3 is, in accordance with the provisions of section 871 (c), subject to tax under section 1 or, in the alternative, under section 1201 (b) upon his taxable income.

(2) *Taxable income.* For purposes of this paragraph, taxable income includes only the taxable income from sources within the United States, determined in accordance with the provisions of sections 63 (a), 861 to 864, inclusive, 872, and 873, and the regulations thereunder.

(3) *Credits against tax.* The credits allowed by section 31 (relating to tax withheld on wages), section 32 (relating to tax withheld at source on nonresident aliens), section 34 (relating to dividends received by individuals), section 35 (relating to partially tax-exempt interest), and section 6402 (relating to credit for overpayments of tax) shall be allowed against the tax computed in accordance with this paragraph.

(4) *Inapplicable provisions.* The provisions of paragraphs (b) and (c) of this section have no application in determining the tax of a nonresident alien individual engaged in trade or business within the United States.

(e) *Treaty income*—(1) *Definitions.* For purposes of this paragraph, the term "treaty income" shall be construed to mean the gross income of a nonresident alien individual the tax on which is limited by tax convention. Thus, for example, the term would include dividends derived by such an individual from sources within the United States which, in accordance with a tax convention, are subject to United States tax at a rate not to exceed 15 percent. The term "nontreaty income" shall be construed to mean the gross income of a nonresident alien individual other than treaty income. Neither term shall be construed to include income which is exempt from United States tax. For this purpose, the gross income shall be determined in accordance with §§ 1.872–1 and 1.872–2.

(2) *Application of $15,400 limitation.* Treaty income shall be taken into account in determining whether a nonresident alien individual not engaged in trade or business within the United States at any time during the taxable year is within class 1 or class 2 for purposes of paragraph (a) of this section; however, the tax upon such income shall be separately computed to the extent required by subparagraph (3) of this paragraph.

(3) *Computation of tax.* If the gross income of a nonresident alien individual within class 1, 2, or 3 consists of both treaty and nontreaty income, the tax liability for the taxable year shall be the sum of the amounts determined in accordance with subdivisions (i) and (ii) of this subparagraph. In no case, however, may the tax liability so determined exceed the tax liability with respect to the taxpayer's entire gross income, determined in accordance with paragraph (b), (c), or (d) of this section as though the tax convention had not come into effect. This subparagraph shall not be construed to deny the credits provided by sections 31, 32, and 6402.

(i) Compute a partial tax upon only the nontreaty income in accordance with section 871 (a), (b), or (c), whichever applies, as determined under paragraph (b), (c), or (d) of this section, and as though the tax convention had not come into effect. To the extent allowed by such paragraph, the credits allowed by sections 34 and 35 shall then be allowed against the tax so computed but only with respect to items included in the nontreaty income. For this purpose, the nontreaty income alone shall be used as a basis for determining whether the partial tax shall be computed in accordance with section 871 (a) or (b).

(ii) Compute a tax upon the gross amount of each separate item of treaty income at the reduced rate applicable to that item under the tax convention. This tax shall be determined without the allowance of any deduction, credit, or exclusion in respect of any item included in the treaty income.

(4) *Illustration.* The application of this paragraph may be illustrated by the following examples:

*Example (1).* (i) A nonresident alien individual who is a resident of a foreign country with which the United States has entered into a tax convention receives during the taxable year 1955 from sources within the United States total gross income of $125,000, consisting of the following items:

| | |
|---|---|
| Oil royalties the tax on which is limited by the convention to a rate not to exceed 15 percent | $100,000 |
| Interest the tax on which is limited by the convention to a rate not to exceed 5 percent | 5,000 |
| Dividends the tax on which is not limited by the convention | 10,000 |
| Rents the tax on which is not limited by the convention | 10,000 |
| Total gross income | 125,000 |

The dividends are assumed to be paid by a domestic corporation not disqualified by section 34 (c) or 116 (b). There are no allowable deductions, other than the deductions allowed by sections 613 and 873 (d). The taxpayer has not engaged in trade or business within the United States or had a permanent establishment therein at any time during the taxable year. Although entitled to do so under the convention, the taxpayer does not elect to be taxed for the taxable year as though he did have a permanent establishment within the United States.

(ii) The tax liability for the taxable year is $21,792, computed as follows:

| | | |
|---|---|---|
| Nontreaty gross income | | $20,000 |
| Less: Deduction for personal exemption | | 600 |
| Nontreaty taxable income | | 19,400 |
| Tax computed under section 1 on nontreaty taxable income | | 6,942 |
| Minimum tax prescribed by section 871 (b) (3) upon nontreaty gross income ($20,000×30 percent) | | 6,000 |
| Tax for the taxable year upon nontreaty taxable income, as above | | 6,942 |
| Less: Credit under section 34 in respect of the nontreaty dividends received, that is, the smallest of the following: | | |
| 4 percent of the dividends included in nontreaty gross income ($10,000×4 percent) | $400 | |
| The tax for the taxable year upon nontreaty taxable income, as above | 6,942 | |
| 4 percent of the nontreaty taxable income for the taxable year ($19,400×4 percent) | 776 | |
| | 400 | |
| Partial tax computed in accordance with subparagraph (3) (i) | | 6,542 |
| Plus: Tax on oil royalties ($100,000×15 percent) | | 15,000 |
| Tax on interest ($5,000×5 percent) | | 250 |
| Total | | 21,792 |

*Example (2).* (i) A nonresident alien individual who is a resident of a foreign country with which the United States has

entered into a tax convention receives during the taxable year 1955 from sources within the United States total gross income of $4,000, consisting of the following items:

| | |
|---|---|
| Dividends the tax on which is limited by the convention to a rate not to exceed 15 percent | $3,000 |
| Compensation for personal services, the tax on which is not limited by the convention | 1,000 |
| Total gross income | 4,000 |

The dividends are assumed to be paid by a domestic corporation not disqualified by section 34 (c) or 116 (b). The taxpayer was engaged in trade or business within the United States during the taxable year. Interest expense in the amount of $2,100 connected with the dividend income was paid by the taxpayer during the taxable year.

(ii) The tax liability for the taxable year is $208, computed as follows:

| | | |
|---|---|---|
| Total gross income | | $4,000 |
| Less: Deduction for interest expense paid | $2,100 | |
| Deduction for personal exemption | 600 | |
| | | 2,700 |
| Taxable income | | 1,300 |
| Tax computed under section 1 on taxable income | | 260 |
| Less: Credit under section 34 in respect of the dividends received, that is, the smallest of the following: 4 percent of the dividends included in gross income ($3,000×4 percent) | $120 | |
| The tax for the taxable year, as above | 260 | |
| 4 percent of taxable income for the taxable year ($1,300×4 percent) | 52 | |
| | | 52 |
| Balance | | 208 |

*Example* (3). (i) A nonresident alien individual who is a resident of a foreign country with which the United States has entered into a tax convention receives during the taxable year 1955 from sources within the United States total gross income of $22,000, consisting of the following items:

| | |
|---|---|
| Compensation for personal services, the tax on which is not limited by the convention | $20,000 |
| Oil royalties the tax on which is limited by the convention to a rate not to exceed 15 percent | 2,000 |
| Total gross income | 22,000 |

The taxpayer was engaged in trade or business within the United States during the taxable year but did not have a permanent establishment therein. Although entitled to do so under the convention, the taxpayer does not elect to be taxed for the taxable year as though he did have a permanent establishment within the United States. There are no allowable deductions, other than the deductions allowed by sections 613 and 873 (d).

(ii) The tax liability for the taxable year is $7,242, computed as follows:

| | |
|---|---|
| Nontreaty taxable income | 19,400 |
| Less: Deduction for personal exemption | 600 |
| Nontreaty taxable income | 20,000 |
| Tax computed under section 1 on nontreaty taxable income | 6,942 |
| Plus: Tax on oil royalties ($2,000×15 percent) | 300 |
| Total | 7,242 |

(5) *Exceptions.* This paragraph shall not apply to a nonresident alien individual who is a bona fide resident of Puerto Rico during the entire taxable year or to a nonresident alien individual who, in accordance with a tax convention, is entitled, and does elect, to be subject to tax on a net basis as though he were engaged in trade or business within the United States through a permanent establishment situated therein. See §§ 1.873–1 (b) (3) and 1.876–1.

§ 1.871–8 *Definition of engaging in trade or business within the United States*—(a) *Personal services.* As used in sections 861 to 864, inclusive, 871, 881, 882, and 1441 to 1465, inclusive, the term "engaged in trade or business within the United States" includes the performance of personal services within the United States at any time within the taxable year, but does not include the performance of personal services, (1) for a nonresident alien individual, foreign partnership, or foreign corporation, not engaged in trade or business within the United States, or (2) for an office or place of business maintained by a domestic corporation in a foreign country or in a possession of the United States, by a nonresident alien individual temporarily present in the United States for a period or periods not exceeding a total of 90 days during the taxable year and whose compensation for such services does not exceed in the aggregate $3,000. See section 7701 (a) (5) for the meaning of "foreign" when applied to a corporation or partnership. As to the source of the compensation for personal services, see § 1.861–4.

(b) *Exchange transactions.* The term "engaged in trade or business within the United States" when used in such sections does not include the effecting of transactions in the United States in stocks or securities through a resident broker, commission agent, or custodian. Nor does it include the effecting of transactions in the United States in commodities (including hedging transactions) through such a person if (1) the goods are of a kind customarily dealth in on an organized commodity exchange, such as a grain futures or a cotton futures market, (2) the transaction is of the kind customarily consummated at such place, and (3) the alien, partnership, or corporation, by whom the transactions are effected, has no office or place of business in the United States at any time during the taxable year through which, or by the direction of which, such transactions in commodities are effected. For this purpose the term "commodities" does not not include merchandise in the ordinary channels of commerce. See paragraph (a) (3) of § 1.872–1.

(c) *Trusts.* Neither the beneficiary nor the grantor of a trust, whether revocable or irrevocable, is deemed to be engaged in trade or business within the United States merely because the trustee is engaged in trade or business within the United States.

§ 1.872 *Statutory provisions; gross income.*

SEC. 872. *Gross income*—(a) *General rule.* In the case of a nonresident alien individual gross income includes only the gross income from sources within the United States.

(b) *Exclusions.* The following items shall not be included in gross income of a nonresident alien individual, and shall be exempt from taxation under this subtitle:

(1) *Ships under foreign flag.* Earnings derived from the operation of a ship or ships documented under the laws of a foreign country which grants an equivalent exemption to citizens of the United States and to corporations organized in the United States.

(2) *Aircraft of foreign registry.* Earnings derived from the operation of aircraft registered under the laws of a foreign country which grants an equivalent exemption to citizens of the United States and to corporations organized in the United States.

§ 1.872–1 *Gross income of nonresident alien individuals*—(a) *General*—(1) *United States sources.* The gross income of a nonresident alien individual includes only the gross income from sources within the United States. Except as may otherwise be provided by tax convention, the sources of the income for that purpose shall be determined in accordance with the provisions of sections 861 to 864, inclusive, and the regulations thereunder.

(2) *Change of status.* Income received by a resident alien from sources without the United States is taxable although he may become a nonresident alien subsequent to its receipt and before the close of the taxable year. Conversely, income received by a nonresident alien from sources without the United States is not taxable although he may become a resident alien subsequent to its receipt and before the close of the taxable year.

(3) *Exchange transactions.* Even though a nonresident alien individual may not be engaged in trade or business within the United States through the effecting of certain transactions in stocks, securities, or commodities, as described in paragraph (b) of § 1.871–8, nevertheless he shall be required to include in gross income the gains and profits from those transactions to the extent prescribed by § 1.871–7.

(4) *Sales or exchanges of property.* Amounts constituting, or considered to be, gains from the sale or exchange of capital assets, and profits derived from the sale within the United States of personal property, or from the sale of real property located therein, shall also be included in the gross income of a nonresident alien individual to the extent prescribed by § 1.871–7.

(5) *Exclusions.* For exclusions from gross income see § 1.872–2.

(b) *No United States business.* To determine the gross income of a nonresident alien individual who is not engaged in trade or business within the United States at any time during the taxable year, see paragraphs (b) and (c) of § 1.871–7. If that alien is also a bona fide resident of Puerto Rico during the entire taxable year, see § 1.876–1.

(c) *United States business.* To determine the gross income of a nonresident alien individual who at any time within the taxable year is engaged in trade or business within the United States, see paragraph (d) of § 1.871–7. If that alien is also a bona fide resident of Puerto Rico during the entire taxable year, see § 1.876–1.



§ 1.872–2 *Exclusions from gross income of nonresident alien individuals*—(a) *Earnings of foreign ships or aircraft*—(1) *Basic rule.* So much of the income from sources within the United States of a nonresident alien individual as consists of earnings derived from the operation of a ship or ships documented, or of aircraft registered, under the laws of a foreign country which grants an equivalent exemption to citizens of the United States, nonresident in that foreign country and to corporations organized in the United States shall not be included in gross income.

(2) *Equivalent exemption*—(i) *Ships.* A foreign country which either imposes no income tax, or, in imposing that tax, exempts from taxation so much of the income of a citizen of the United States nonresident in that foreign country and of a corporation organized in the United States as consists of earnings derived from the operation of a ship or ships documented under the laws of the United States is considered as granting an equivalent exemption for purposes of the exclusion from gross income of the earnings of a foreign ship or ships.

(ii) *Aircraft.* A foreign country which either imposes no income tax, or, in imposing that tax, exempts from taxation so much of the income of a citizen of the United States nonresident in that foreign country and of a corporation organized in the United States as consists of earnings derived from the operation of aircraft registered under the laws of the United States is considered as granting an equivalent exemption for purposes of the exclusion from gross income of the earnings of foreign aircraft.

(b) *Tax conventions.* Income of any kind which is exempt from United States tax under the provisions of a tax convention or treaty to which the United States is a party shall not be included in the gross income of a nonresident alien individual. Income on which the tax is limited by tax convention shall, however, be included in the gross income of such an individual if the income is from sources within the United States and is not otherwise excluded from gross income. See §§ 1.871–7 (e) and 1.894–1.

(c) *Other exclusions.* Income which is from sources without the United States, as determined under the provisions of sections 861 to 864, inclusive, or under the provisions of an applicable tax convention, shall not be included in the gross income of a nonresident alien individual. To determine specific exclusions in the case of other items which are from sources within the United States, see the applicable sections of the Internal Revenue Code of 1954.

§ 1.873 *Statutory provisions; deductions.*

SEC. 873. *Deductions*—(a) *General rule.* In the case of a nonresident alien individual the deductions shall be allowed only if and to the extent that they are connected with income from sources within the United States; and the proper apportionment and allocation of the deductions with respect to sources of income within and without the United States shall be determined as provided in part I, under regulations prescribed by the Secretary or his delegate.

(b) *Losses.* (1) The deduction, for losses not connected with the trade or business if incurred in transactions entered into for profit, allowed by section 165 (c) (2) (relating to losses) shall be allowed whether or not connected with income from sources within the United States, but only if the profit, if such transaction had resulted in a profit, would be taxable under this subtitle.

(2) The deduction for losses of property not connected with the trade or business if arising from certain casualties or theft, allowed by section 165 (c) (3), shall be allowed whether or not connected with income from sources within the United States, but only if the loss is of property within the United States.

(c) *Charitable contributions.* The deduction for charitable contributions and gifts provided by section 170 shall be allowed whether or not connected with income from sources within the United States, but only as to contributions or gifts made to domestic corporations, or to community chests, funds, or foundations, created in the United States.

(d) *Personal exemption.* In the case of a nonresident alien individual who is not a resident of a contiguous country, only one exemption under section 151 shall be allowed as a deduction.

(e) *Standard deduction.* For disallowance of standard deduction, see section 142 (b) (1).

§ 1.873–1 *Deductions allowed nonresident alien individuals*—(a) *General provisions*—(1) *Allocation of deductions.* In computing the taxable income of a nonresident alien individual the deductions otherwise allowable shall be allowed only if, and to the extent that, they are connected with income from sources within the United States. No deduction shall be allowed in respect of any item, or portion thereof, which is not connected with income from such sources. For this purpose, the proper apportionment and allocation of the deductions with respect to sources of income within and without the United States shall be determined as provided in sections 861 to 864, inclusive, except as may otherwise be provided by tax convention. Thus, from the items of gross income specifically from sources within the United States and from the items allocated thereto under the provisions of section 863 (a), there shall be deducted (i) the expenses, losses, and other deductions which are connected with those items of income and are properly apportioned or allocated thereto, and (ii) (a ratable part of any other expenses, losses, or deductions which are connected with those items of income but cannot definitely be allocated to some item or class of gross income. The ratable part shall be based upon the ratio of gross income from sources within the United States to the total gross income. See §§ 1.861–8 and 1.863–1. In the case of income partly from within and partly from without the United States the expenses, losses, and other deductions connected with income from sources within the United States shall also be deducted in the manner prescribed by §§ 1.863–2 through 1.863–5 in order to ascertain under section 863 the portion of the taxable income attributable to sources within the United States.

(2) *Personal exemptions.* The deductions for the personal exemptions allowed by section 151 or 642 (b) shall not be taken into account for purposes of subparagraph (1) of this paragraph but shall be allowed to the extent provided by paragraphs (b) and (c) of this section.

(3) *Adjusted gross income.* The adjusted gross income of a nonresident alien individual shall be the gross income from sources within the United States, determined in accordance with § 1.871–7, minus the deductions prescribed by section 62 to the extent such deductions are allowed under this section in computing taxable income.

(4) *Standard deduction.* The standard deduction shall not be allowed in computing the taxable income of a nonresident alien individual. See section 142 (b) (1).

(5) *Exempt income.* No deduction shall be allowed under this section for the amount of any item or part thereof allocable to a class or classes of exempt income, including income exempt by tax convention. See section 265 and the regulations thereunder.

(b) *No United States business*—(1) *Income of not more than $15,400*—(i) *Deduction for losses only.* A nonresident alien individual within class 1 shall not be allowed any deductions other than the deduction for losses from sales or exchanges of capital assets determined in the manner prescribed by paragraph (b) (4) (vii) of § 1.871–7. Thus, an individual within this class shall not be allowed any deductions for the personal exemptions otherwise allowed by section 151 or 642 (b).

(ii) *Source of losses.* Notwithstanding the provisions of section 873 (b) (1), losses from sales or exchanges of capital assets shall be allowed under this subparagraph only if allocable to sources within the United States. See paragraph (b) (4) (i) of § 1.871–7.

(2) *Aggregate more than $15,400*—(i) *Deductions allowed.* In computing the income subject to tax under section 1 or section 1201 (b), a nonresident alien individual within class 2 shall be allowed deductions to the extent prescribed by paragraph (c) (3) of § 1.871–7, but subject to the limitations of this section. For this purpose, the deduction for the personal exemptions shall be allowed in accordance with subdivision (iii) of this subparagraph.

(ii) *Deductions disallowed.* In computing the minimum tax prescribed by section 871 (b) (3), that individual shall not be allowed any deductions other than the deduction for losses from sales or exchanges of capital assets determined in the manner precribed by paragraph (b) (4) (vii) of § 1.871–7. For this purpose, the deductions for the personal exemptions shall not be allowed. See paragraph (c) (4) of § 1.871.7.

(iii) *Personal exemptions.* When the deductions for personal exemptions are allowed under this subparagraph, only one exemption under section 151 shall be allowed in the case of an individual who is not a resident of Canada or Mexico. A resident of either of those countries shall be allowed all the exemptions granted by section 151 to the extent prescribed therein. An estate or trust,

whether or not a resident of Canada or Mexico, shall determine its deduction for the personal exemption in accordance with section 642 (b).

(iv) *Source of losses.* Nothwithstanding the provisions of section 873 (b) (1), losses from sales or exchanges of capital assets shall be allowed under this subparagraph only if allocable to sources within the United States. See paragraph (c) (3) (i) of § 1.871–7.

(3) *Election to be taxed on a net basis.* Notwithstanding the other provisions of this paragraph, a nonresident alien individual within class 1 or 2 shall be allowed the deductions allowed by paragraph (c) of this section, if pursuant to a tax convention he is entitled, and does elect, to be subject to United States tax on a net basis as though he were engaged in trade or business within the United States through a permanent establishment situated therein.

(c) *United States business*—(1) *Deductions in general.* For purposes of computing the income subject to tax, a nonresident alien individual within class 3 shall be allowed deductions to the extent prescribed by paragraph (d) of § 1.871–7, but subject to the limitations of this section. For this purpose, the deductions for the personal exemptions shall be allowed in accordance with subparagraph (3) of this paragraph.

(2) *Special deductions.* Notwithstanding the rule of source prescribed in paragraph (a) of this section, an individual within class 3 shall be allowed the following deductions whether or not they are connected with income from sources within the United States:

(i) *Losses on transactions for profit.* Any loss sustained during the taxable year and not compensated for by insurance or otherwise, if incurred in any transaction entered into for profit, though not connected with a trade or business, shall be allowed to the extent allowed by section 165 (c) (2), but only if and to the extent that the profit, if the transaction had resulted in a profit, would be taxable to such individual. Losses allowed under this subdivision shall be deducted in full, as provided in §§ 1.861–8 and 1.863–1, when the profit from the transaction, if it had resulted in a profit, would, under the provisions of section 861 (a) or 863 (a), have been taxable in full as income from sources within the United States; but shall be deducted under the provisions of § 1.863–3 when the profit from the transaction, if it had resulted in profit, would have been taxable only in part.

(ii) *Casualty losses.* Any loss of property not connected with a trade or business, sustained during the taxable year and not compensated for by insurance or otherwise, if the loss arises from fire, storm, shipwreck, or other casualty, or from theft, shall be allowed to the extent allowed by section 165 (c) (3), but only if the loss is of property within the United States. Losses allowed under this subdivision shall be deducted in full, as provided in §§ 1.861–8 and 1.863–1, from the items of gross income specified under sections 861 (a) and 863 (a) as being derived in full from sources within the United States; but, if greater than the sum of those items, the unabsorbed loss shall be deducted from the income apportioned under the provisions of § 1.863–3 to sources within the United States.

(iii) *Charitable contributions.* The deduction for charitable contributions and gifts, to the extent allowed by section 170, shall be allowed under this subparagraph, but only as to contributions or gifts made to domestic corporations, or to community chests, funds, or foundations, created in the United States.

(3) *Personal exemptions.* Only one exemption under section 151 shall be allowed in the case of an individual who is not a resident of Canada or Mexico. A resident of either of those countries shall be allowed all the exemptions granted by section 151 to the extent prescribed therein. An estate or trust, whether or not a resident of Canada or Mexico, shall determine its deduction for the personal exemption in accordance with section 642 (b).

§ 1.874 *Statutory provisions; allowance of deductions and credits.*

SEC. 874. *Allowance of deductions and credits*—(a) *Return prerequisite to allowance.* A nonresident alien individual shall receive the benefit of the deductions and credits allowed to him in this subtitle only by filing or causing to be filed a true and accurate return of his total income received from all sources in the United States, in the manner prescribed in subtitle F (sec. 6001 and following, relating to procedure and administration), including therein all the information which the Secretary or his delegate may deem necessary for the calculation of such deductions and credits. This subsection shall not be construed to deny the credits provided by sections 31 and 32 for tax withheld at the source.

(b) *Tax withheld at source.* The benefit of the deduction for exemptions under section 151 may, in the discretion of the Secretary or his delegate, and under regulations prescribed by the Secretary or his delegate, be received by a nonresident alien individual entitled thereto, by filing a claim therefor with the withholding agent.

(c) *Foreign tax credit not allowed.* A nonresident alien individual shall not be allowed the credits against the tax for taxes of foreign countries and possessions of the United States allowed by section 901.

§ 1.874–1 *Allowance of deductions and credits to nonresident alien individuals*—(a) *Return required.* A nonresident alien individual shall receive the benefit of the deductions and credits (other than the credits provided by sections 31 and 32) allowed to him with respect to the income tax, only if he files or causes to be filed with the district director, in accordance with § 1.6012–7 or § 1.6012–8, a true and accurate return of his total income received from all sources within the United States.

(b) *Tax on gross income.* If a return is not so filed, the tax shall be collected on the basis of gross income, determined in accordance with § 1.871–7 but without regard to any deductions otherwise allowable, and the only credits allowable against the tax so computed shall be those allowed by sections 31 and 32. This paragraph shall apply even though the tax determined in accordance with § 1.871–7 has been fully satisfied at the source. See also § 1.872–1.

(c) *Return by district director.* If a nonresident alien individual has various sources of income within the United States, so that from any one source, or from all sources combined, the amount of income shall call for the assessment of a tax greater than that withheld at the source in the case of that individual, and a return of income has not been filed by him or on his behalf, the district director shall (1) cause a return of income to be made, (2) include therein the income described in § 1.871–7 of that individual from all sources concerning which he has information, and (3) assess the tax and collect it from one or more of those sources of income within the United States, without allowance for deductions or credits (other than the credits provided by sections 31 and 32).

(d) *Alien resident of Puerto Rico.* This section shall not apply to a nonresident alien individual who is a bona fide resident of Puerto Rico during the entire taxable year. See § 1.876–1.

§ 1.875 *Statutory provisions; partnerships.*

SEC. 875. *Partnerships.* For purposes of this subtitle, a nonresident alien individual shall be considered as being engaged in a trade or business within the United States if the partnership of which he is a member is so engaged.

§ 1.875–1 *Partnerships.* Whether a nonresident alien individual who is a member of a partnership is taxable in accordance with subsection (a), (b), or (c) of section 871 may depend on the status of the partnership. A nonresident alien individual who is a member of a partnership which is not engaged in trade or business within the United States is subject to the provisions of section 871 (a) or (b), as the case may be, depending on whether or not he receives during the taxable year an aggregate of more than $15,400 gross income described in section 871 (a), if he is not otherwise engaged in trade or business within the United States. A nonresident alien individual who is a member of a partnership which at any time within the taxable year is engaged in trade or business within the United States is considered as being engaged in trade or business within the United States and is therefore taxable under section 871 (c). For definition of what the term "partnership" includes, see section 7701 (a) (2). The test of whether a partnership is engaged in trade or business within the United States is the same as in the case of a nonresident alien individual. See § 1.871–8.

§ 1.876 *Statutory provisions; alien residents of Puerto Rico.*

SEC. 876. *Alien residents of Puerto Rico*—(a) *No application to certain alien residents of Puerto Rico.* This subpart shall not apply to an alien individual who is a bona fide resident of Puerto Rico during the entire taxable year, and such alien shall be subject to the tax imposed by section 1.

(b) *Cross reference.* For exclusion from gross income of income derived from sources within Puerto Rico, see section 933.

§ 1.876–1 *Alien residents of Puerto Rico*—(a) *General.* A nonresident alien individual who is a bona fide resident of Puerto Rico during the entire taxable year is, in accordance with the provisions of section 876, subject to tax under section 1 or, in the alternative, under section 1201 (b) in generally the same manner as in the case of an alien resident of the United States. See §§ 1.1–1 (b) and 1.871–1. The tax is imposed upon the taxable income of such a resident of Puerto Rico, determined in accordance with section 63, (a), from sources both within and without the United States, except that under the provisions of section 933 income derived from sources within Puerto Rico (other than amounts received for services performed as an employee of the United States or any agency thereof) is excluded from gross income. For determining the form of return to be used by such an individual, see section 6011 and the regulations thereunder.

(b) *Exceptions.* Though subject to the tax imposed by section 1, a nonresident alien individual who is a bona fide resident of Puerto Rico during his entire taxable year shall nevertheless be treated as a nonresident alien for the purpose of many provisions of the Internal Revenue Code of 1954 relating to nonresident alien individuals. Thus, for example, such a resident of Puerto Rico is not allowed to compute his tax in accordance with the optional tax table (section 4 (d) (1)); is not allowed the standard deduction (section 142 (b) (1)); is not allowed a deduction for a "dependent" who is a resident of Puerto Rico unless the dependent is a citizen of the United States (section 152 (b) (3)); is subject to withholding of tax at source under chapter 3 (sections 1441 (d) and 1451 (e)); is generally not subject to the collection of income tax at source on wages (section 3401 (a) (6)); is not allowed to make a joint return or a joint declaration of estimated tax (sections 6013 (a) (1) and 6015 (b)); must pay his estimated tax on or before April 15 (sections 6015 (a), 6073 (a), and 6153 (a) (1)); and must pay his income tax on or before June 15 (sections 6072 (c) and 6151 (a)).

(c) *Credits against tax.* The credits allowed by section 31 (relating to tax withheld on wages), section 32 (relating to tax withheld at source on nonresident aliens), section 33 (relating to taxes of foreign countries), section 34 (relating to dividends received by individuals), section 35 (relating to partially tax-exempt interest), and section 6402 (relating to credit for overpayments of tax) shall be allowed against the tax computed in accordance with this section. No credit shall be allowed under section 37 in respect of retirement income.

§ 1.877 *Statutory provisions; certain foreign exempt organizations.*

SEC. 877. *Foreign educational, charitable, and certain other exempt organizations.* For special provisions relating to unrelated business income of foreign educational, charitable, and other exempt trusts, see section 512 (a).

FOREIGN CORPORATIONS

§ 1.881 *Statutory provisions; tax on foreign corporations not engaged in business in the United States.*

SEC. 881. *Tax on foreign corporations not engaged in business in United States*—(a) *Imposition of tax.* In the case of every foreign corporation not engaged in trade or business within the United States, there is hereby imposed for each taxable year, in lieu of the taxes imposed by section 11, a tax of 30 percent of the amount received from sources within the United States as interest (except interest on deposits with persons carrying on the banking business), dividends, rents, salaries, wages, premiums, annuities, compensations, remunerations, emoluments, or other fixed or determinable annual or periodical gains, profits, and income (including amounts described in section 631 (b) and (c) which are considerd to be gains from the sale or exchange of capital assets).

(b) *Doubling of tax.* For doubling of tax on corporations of certain foreign countries, see section 891.

§ 1.881–1 *Taxation of foreign corporations*—(a) *Classes of foreign corporations.* For purposes of the income tax, foreign corporations are divided into two classes, namely, nonresident foreign corporations and resident foreign corporations. A nonresident foreign corporation is a foreign corporation which is not engaged in trade or business within the United States at any time during the taxable year. A resident foreign corporation is a foreign corporation which, at some time during the taxable year, is engaged in trade or business within the United States. See also section 7701 and the regulations thereunder.

(b) *Manner of taxing.* A foreign corporation, whether resident or nonresident, is taxable only on income derived from sources within the United States, to the extent indicated in § 1.881–2 or § 1.882–1.

(c) *Meaning of terms.* For the meaning of the term "engaged in trade or business within the United States", as used in this section, see § 1.871–8. For the definition of the term "foreign corporation", see section 7701 (a) (3) and (5), and the regulations thereunder.

(d) *Corporations included as foreign.* The following corporations shall be included as foreign corporations for purposes of this section:

(1) A foreign life insurance company not carrying on an insurance business within the United States, as described in section 807 (b);

(2) A foreign mutual insurance company (other than a life or marine insurance company or a fire insurance company subject to the tax imposed by section 831) not carrying on an insurance business within the United States, as described in section 821 (d); and

(3) A foreign insurance company (other than a life or mutual insurance company), a foreign mutual marine insurance company, and a foreign mutual fire insurance company, not carrying on an insurance business within the United States, as described in section 831 (b).

(e) *Other provisions applicable to foreign corporations*—(1) *Insurance companies.* For the taxation of foreign insurance companies carrying on an insurance business within the United States, see sections 807 (a), 822 (e), and 832 (d), and the regulations thereunder.

(2) *Accumulated earnings tax.* For the imposition of the accumulated earnings tax upon the accumulated taxable income of a foreign corporation, whether resident or nonresident, formed or availed of for tax avoidance purposes, see section 532 and the regulations thereunder.

(3) *Personal holding company tax.* For the imposition of the personal holding company tax upon the undistributed personal holding company income of a foreign corporation, whether resident or nonresident, see sections 541 and 545, and the regulations thereunder.

(4) *Foreign personal holding companies.* For the mandatory inclusion in the gross income of the United States shareholders of the undistributed foreign personal holding company income of a foreign personal holding company, see section 551 and the regulations thereunder.

§ 1.881–2 *Tax on nonresident foreign corporations*—(a) *Imposition of tax.* Except as otherwise provided by paragraph (f) of this section, a nonresident foreign corporation is not subject to the tax imposed by section 11 or 1201 (a) but, pursuant to the provisions of section 881 (a), is liable to a flat tax of 30 percent upon the aggregate of the amounts determined under paragraphs (b) and (c) of this section and received during the taxable year from sources within the United States. For this purpose the source of the income shall be determined in accordance with the provisions of § 1.882–2. For the purposes of section 881 (a), "amount received" means "gross income".

(b) *Fixed or determinable annual or periodical income.* The tax of 30 percent applies to the gross amount received as fixed or determinable annual or periodical gains, profits, and income. Specific items of fixed or determinable annual or periodical income are enumerated in section 881 (a) as interest (except interest on deposits with persons carrying on the banking business), dividends, rents, salaries, wages, premiums, annuities, compensations, remunerations, and emoluments, but other fixed or determinable annual or periodical gains, profits, and income are also subject to the tax as, for instance, royalties. As to the determination of fixed or determinable annual or periodical income, see paragraph (a) of § 1.1441–2. For special rules treating gain on the disposition of section 306 stock as fixed or determinable annual or periodical income, see section 306 (f) and the regulations thereunder.

(c) *Amounts considered to be capital gains.* The tax of 30 percent also applies, pursuant to the provisions of section 881 (a), to amounts received during the taxable year from sources within the United States which are described in section 631 (b) and (c) and are considered to be gains from the sale or exchange of capital assets. Thus, the tax applies to gain recognized under specified circumstances on the disposal of timber and coal and considered in accordance with section 1231 to be gain from the sale or exchange of a capital asset.

(d) *Losses and other deductions.* In computing the income subject to tax under this section no deduction shall be allowed for any loss sustained during the taxable year, even though the loss is taken into account under section 1231 in determining whether the gain is considered to be gain from the sale or exchange of a capital asset. For the gen-

eral disallowance of deductions in computing the tax under this section, see paragraph (a) (1) of § 1.882–3.

(e) *Credits against tax.* The credits allowed by section 32 (relating to tax withheld at source on foreign corporations) and section 6402 (relating to credit for overpayments of tax) shall be allowed against the tax computed in accordance with this section.

(f) *Treaty income.* If the gross income of a nonresident foreign corporation consists of both treaty and nontreaty income, the tax liability for the taxable year shall be determined in a manner consistent with that prescribed by paragraph (e) of § 1.871–7 in the case of a nonresident alien individual.

§ 1.882 *Statutory provisions; tax on resident foreign corporations.*

SEC. 882. *Tax on resident foreign corporations*—(a) *Imposition of tax.* A foreign corporation engaged in trade or business within the United States shall be taxable as provided in section 11.

(b) *Gross income.* In the case of a foreign corporation, gross income includes only the gross income from sources within the United States.

(c) *Allowance of deductions and credits*—(1) *Deductions allowed only if return filed.* A foreign corporation shall receive the benefit of the deductions allowed to it in this subtitle only by filing or causing to be filed with the Secretary or his delegate a true and accurate return of its total income received from all sources in the United States, in the manner prescribed in subtitle F, including therein all the information which the Secretary or his delegate may, deem necessary for the calculation of such deductions.

(2) *Allocation of deductions.* In the case of a foreign corporation the deductions shall be allowed only if and to the extent that they are connected with income from sources within the United States; and the proper apportionment and allocation of the deductions with respect to sources within and without the United States shall be determined as provided in part I, under regulations prescribed by the Secretary or his delegate.

(3) *Charitable contributions.* The deduction for charitable contributions and gifts provided by section 170 shall be allowed whether or not connected with income from sources within the United States.

(4) *Foreign tax credit.* Foreign corporations shall not be allowed the credits against the tax for taxes of foreign countries and possessions of the United States allowed by section 901.

(d) *Returns of tax by agent.* If any foreign corporation has no office or place of business in the United States but has an agent in the United States, the return required under section 6012 shall be made by the agent.

§ 1.882–1 *Tax on resident foreign corporations*—(a) *General*—(1) *Imposition of tax.* Except as otherwise provided by subparagraph (7) of this paragraph, a resident foreign corporation is, in accordance with section 882 (a), subject to tax as prescribed by paragraphs (b) and (c) of this section or, in the alternative, to the tax imposed by section 1201 (a).

(2) *Taxable income.* For purposes of this section, the taxable income of a resident foreign corporation includes only the taxable income from sources within the United States, determined in accordance with the provisions of sections 63 (a), 861 to 864, inclusive, 882, and 883, and the regulations thereunder.

(3) *Credits against tax.* The credits allowed by section 32 (relating to tax withheld at source on foreign corporations) and section 6402 (relating to credit for overpayments of tax) shall be allowed against the tax computed in accordance with this section.

(4) *Changes in tax rate.* For provisions respecting the effect of any change in rate of tax during the taxable year, see section 21 and the regulations thereunder.

(5) *Declarations of estimated tax.* Every foreign corporation which for its taxable year expects to be subject to tax under this section shall make a declaration of estimated tax in accordance with the provisions of section 6016 and the regulations thereunder.

(6) *Consolidated returns.* Except in the case of certain corporations organized under the laws of Canada or Mexico and maintained solely for the purpose of complying with the laws of such country as to title and operation of property, a foreign corporation is not an includible corporation for purposes of the privilege of making a consolidated return by an affiliated group of corporations. See § 1.1502–2 (b) (1) and (3).

(7) *Treaty income.* If the gross income of a resident foreign corporation consists of both treaty and nontreaty income, the tax liability for the taxable year shall be determined in a manner consistent with that prescribed by paragraph (e) of § 1.871–7 in the case of a nonresident alien individual.

(b) *Normal tax.* A resident foreign corporation is liable to the normal tax imposed by section 11 (b). See that section and the regulations thereunder.

(c) *Surtax.* A resident foreign corporation is also liable to the surtax imposed by section 11 (c). See that section and the regulations thereunder.

§ 1.882–2 *Gross income of foreign corporations*—(a) *United States sources.* The gross income of a foreign corporation, whether resident or nonresident, includes only the gross income from sources within the United States. Except as may otherwise be provided by tax convention, the sources of the income for that purpose shall be determined in accordance with the provisions of sections 861 to 864, inclusive, and the regulations thereunder.

(b) *Nonresident foreign corporations.* The gross income of a nonresident foreign corporation consists only of the items of income specified in section 881 (a) and described in § 1.881–2.

(c) *Resident foreign corporations*—(1) *Gross income not limited to specified items.* The gross income of a resident foreign corporation is not limited to the items of income specified in section 881 (a) but includes every item of gross income which, in accordance with paragraph (a) of this section, is treated as gross income from sources within the United States. See also paragraph (a) (2) of § 1.882–1.

(2) *Income from sale of property.* The gross income of a resident foreign corporation shall, subject to the provisions of paragraph (a) of this section, include gains derived from the sale or exchange of capital assets, gains from hedging transactions, and profits derived from the sale within the United States of personal property or from the sale of real property located therein.

(3) *Exchange transactions.* Even though a foreign corporation may not be engaged in trade or business within the United States through the effecting of certain transactions in stocks, securities, or commodities, as described in paragraph (b) of § 1.871–8, nevertheless, it shall, subject to the provisions of paragraph (a) of this section, be required to include in gross income the gains and profits from those transactions if at any time during the taxable year it has otherwise engaged in trade or business within the United States.

(d) *Exclusions.* For exclusions from gross income see § 1.883–1.

§ 1.882–3 *Deductions allowed foreign corporations*—(a) *Nonresident foreign corporations*—(1) *General.* For purposes of computing the tax imposed by section 881 (a) and described in § 1.881–2, a nonresident foreign corporation shall not be allowed any deductions, since the tax is imposed upon the gross amount received from sources within the United States.

(2) *Election to be taxed on a net basis.* Notwithstanding the provisions of subparagraph (1) of this paragraph, a nonresident foreign corporation shall be allowed the deductions allowed by paragraph (b) of this section, if pursuant to a tax convention it is entitled, and does elect, to be subject to United States tax on a net basis as though it were engaged in trade or business within the United States through a permanent establishment situated therein.

(b) *Resident foreign corporations*—(1) *General.* For purposes of computing the income subject to tax, a resident foreign corporation shall be allowed deductions to the extent prescribed by paragraph (a) (2) of § 1.882–1, but subject to the limitations of this paragraph.

(2) *Allocation of deductions.* In computing the taxable income of a resident foreign corporation the deductions otherwise allowable shall be allowed only if, and to the extent that, they are connected with income from sources within the United States. For this purpose, the proper apportionment and allocation of the deductions with respect to sources of income within and without the United States shall be determined in the same manner as provided in paragraph (a) (1) of § 1.873–1 with respect to nonresident alien individuals.

(3) *Special deductions.* The special deductions allowed by section 241 (relating to the deductions for partially tax-exempt interest, dividends received, etc.) in the case of a corporation shall be taken into account for purposes of subparagraph (2) of this paragraph. Thus, these deductions shall be allowed only in respect of amounts included in gross income pursuant to § 1.882–2.

(4) *Exempt income.* No deduction shall be allowed under this paragraph for the amount of any item or part thereof allocable to a class or classes of exempt income, including income exempt by tax convention. See section 265 and the regulations thereunder.

(5) *Charitable contributions.* Notwithstanding the rule of source prescribed in subparagraph (2) of this paragraph, a resident foreign corporation shall be allowed the deduction for charitable contributions and gifts, to the extent allowed by section 170, whether or not the deduction is connected with income from sources within the United States.

§ 1.882–4 *Allowance of deductions to foreign corporations*—(a) *Nonresident foreign corporations.* As indicated in § 1.882–3, a nonresident foreign corporation is not allowed any deductions, whether or not a return of income is filed. The deductions allowed such a corporation electing under a tax convention to be subject to tax on a net basis shall be obtained by filing a return of income in the manner prescribed in the regulations under the tax convention. See paragraph (a) (2) of § 1.882–3.

(b) *Resident foreign corporations*—(1) *Return necessary.* A resident foreign corporation shall receive the benefit of the deductions allowed to it with respect to the income tax, only if it files or causes to be filed with the district director, in accordance with § 1.6012–9, a true and accurate return of its total income received from all sources within the United States.

(2) *Tax on gross income.* If a return is not so filed, the tax shall be collected on the basis of gross income, determined in accordance with § 1.882–1 but without regard to any deductions otherwise allowable.

(3) *Return by district director.* If a resident foreign corporation has various sources of income within the United States and a return of income has not been filed by it or on its behalf, the district director shall (i) cause a return of income to be made, (ii) include therein the income described in § 1.882–1 of that corporation from all sources concerning which he has information, and (iii) assess the tax and collect it from one or more of those sources of income within the United States, without allowance for any deductions.

§ 1.883 *Statutory provisions; exclusions from gross income.*

SEC. 883. *Exclusions from gross income.* The following items shall not be included in gross income of a foreign corporation, and shall be exempt from taxation under this subtitle:

(1) *Ships under foreign flag.* Earnings derived from the operation of a ship or ships documented under the laws of a foreign country which grants an equivalent exemption to citizens of the United States and to corporations organized in the United States.

(2) *Aircraft of foreign registry.* Earnings derived from the operation of aircraft registered under the laws of a foreign country which grants an equivalent exemption to citizens of the United States and to corporations organized in the United States.

§ 1.883–1 *Exclusions from gross income of foreign corporations*—(a) *Earnings of foreign ships or aircraft*—(1) *Basic rule.* So much of the income from sources within the United States of a foreign corporation as consists of earnings derived from the operation of a ship or ships documented, or of aircraft registered, under the laws of a foreign country which grants an equivalent exemption to citizens of the United States nonresident in that foreign country and to corporations organized in the United States shall not be included in gross income.

(2) *Equivalent exemption*—(i) *Ships.* A foreign country which either imposes no income tax, or, in imposing that tax, exempts from taxation so much of the income of a citizen of the United States nonresident in that foreign country and of a corporation organized in the United States as consists of earnings derived from the operation of a ship or ships documented under the laws of the United States is considered as granting an equivalent exemption for purposes of the exclusion from gross income of the earnings of a foreign ship or ships.

(ii) *Aircraft.* A foreign country which either imposes no income tax, or, in imposing that tax, exempts from taxation so much of the income of a citizen of the United States nonresident in that foreign country and of a corporation organized in the United States as consists of earnings derived from the operation of aircraft registered under the laws of the United States is considered as granting an equivalent exemption for purposes of the exclusion from gross income of the earnings of foreign aircraft.

(b) *Tax conventions.* Income of any kind which is exempt from United States tax under the provisions of a tax convention or treaty to which the United States is a party shall not be included in the gross income of a foreign corporation. Income on which the tax is limited by tax convention shall, however, be included in the gross income of such a corporation if the income is from sources within the United States and is not otherwise excluded from gross income. See §§ 1.881–2 (f), 1.882–1 (a) (7), and 1.894–1.

(c) *Other exclusions.* Income which is from sources without the United States, as determined under the provisions of sections 861 to 864, inclusive, or under the provisions of an applicable tax convention, shall not be included in the gross income of a foreign corporation. To determine specific exclusions in the case of other items which are from sources within the United States, see the applicable sections of the Internal Revenue Code of 1954.

§ 1.884 *Statutory provisions; cross references.*

SEC. 884. *Cross references.* (1) For withholding at source of tax on income of foreign corporations, see section 1442.

(2) For rules applicable in determining whether any foreign corporation is engaged in trade or business within the United States, see section 871 (c).

(3) For special provisions relating to foreign insurance companies, see subchapter L (sec. 801 and following).

(4) For special provisions relating to unrelated business income of foreign educational, charitable, and certain other exempt organizations, see section 512 (a).

MISCELLANEOUS PROVISIONS

§ 1.891 *Statutory provisions; doubling of rates of tax on citizens and corporations of certain foreign countries.*

SEC. 891. *Doubling of rates of tax on citizens and corporations of certain foreign countries.* Whenever the President finds that, under the laws of any foreign country, citizens or corporations of the United States are being subjected to discriminatory or extraterritorial taxes, the President shall so proclaim and the rates of tax imposed by sections 1, 3, 11, 802, 821, 831, 852, 871, and 881 shall, for the taxable year during which such proclamation is made and for each taxable year thereafter, be doubled in the case of each citizen and corporation of such foreign country; but the tax at such doubled rate shall be considered as imposed by such sections as the case may be. In no case shall this section operate to increase the taxes imposed by such sections (computed without regard to this section) to an amount in excess of 80 percent of the taxable income of the taxpayer (computed without regard to the deductions allowable under section 151 and under part VIII of subchapter B). Whenever the President finds that the laws of any foreign country with respect to which the President has made a proclamation under the preceding provisions of this section have been modified so that discriminatory and extraterritorial taxes applicable to citizens and corporations of the United States have been removed, he shall so proclaim, and the provisions of this section providing for doubled rates of tax shall not apply to any citizen or corporation of such foreign country with respect to any taxable year beginning after such proclamation is made.

§ 1.892 *Statutory provisions; income of foreign governments and of international organizations.*

SEC. 892. *Income of foreign governments and of international organizations.* The income of foreign governments or international organizations received from investments in the United States in stocks, bonds, or other domestic securities, owned by such foreign governments or by international organizations, or from interest on deposits in banks in the United States of moneys belonging to such foreign governments or international organizations, or from any other source within the United States, shall not be included in gross income and shall be exempt from taxation under this subtitle.

§ 1.892–1 *Income of foreign governments and international organizations*—(a) *Foreign governments.* The exemption of the income of foreign governments applies also to their political subdivisions. Any income collected by foreign governments from investments in the United States in stocks, bonds, or other domestic securities which are not actually owned by, but are loaned to, such foreign governments is subject to tax.

(b) *International organizations*—(1) *Exempt from tax.* Subject to the provisions of section 1 of the International Organizations Immunities Act (the provisions of which section are set forth in paragraph (b) (3) of § 1.893–1), the income of an international organization (as defined in section 7701 (a) (18)) received from investments in the United States in stocks, bonds, or other domestic securities, owned by such international organization, or from interest on deposits in banks in the United States of moneys belonging to such interna-

tional organization, or from any other source within the United States, is exempt from Federal income tax.

(2) *Income received prior to Presidential designation.* An organization designated by the President through appropriate Executive order as entitled to enjoy the privileges, exemptions, and immunities provided in the International Organizations Immunities Act may enjoy the benefits of the exemption with respect to income of the prescribed character received by such organization prior to the date of the issuance of such Executive order, if (i) the Executive order does not provide otherwise and (ii) the organization is a public international organization in which the United States participates, pursuant to a treaty or under the authority of an act of Congress authorizing such participation or making an appropriation for such participation, at the time such income is received.

§ 1.893 *Statutory provisions; compensation of employees of foreign governments or international organizations.*

SEC. 893. *Compensation of employees of foreign governments or international organizations*—(a) *Rule for exclusion.* Wages, fees, or salary of any employee of a foreign government or of an international organization (including a consular or other officer, or a nondiplomatic representative), received as compensation for official services to such government or international organization shall not be included in gross income and shall be exempt from taxation under this subtitle if—

(1) Such employee is not a citizen of the United States, or is a citizen of the Republic of the Philippines (whether or not a citizen of the United States); and

(2) In the case of an employee of a foreign government, the services are of a character similar to those performed by employees of the Government of the United States in foreign countries; and

(3) In the case of an employee of a foreign government, the foreign government grants an equivalent exemption to employees of the Government of the United States performing similar services in such foreign country.

(b) *Certificate by Secretary of State.* The Secretary of State shall certify to the Secretary of the Treasury the names of the foreign countries which grant an equivalent exemption to the employees of the Government of the United States performing services in such foreign countries, and the character of the services performed by employees of the Government of the United States in foreign countries.

§ 1.893–1 *Compensation of employees of foreign governments or international organizations*—(a) *Employees of foreign governments*—(1) *Exempt from tax.* Except to the extent that the exemption is limited by the execution and filing of the waiver provided for in section 247 (b) of the Immigration and Nationality Act, all employees of a foreign government (including consular or other officers, or nondiplomatic representatives) who are not citizens of the United States, or are citizens of the Republic of the Philippines (whether or not citizens of the United States), are exempt from Federal income tax with respect to wages, fees, or salaries received by them as compensation for official services rendered to such foreign government, provided (i) the services are of a character similar to those performed by employees of the Government of the United States in that foreign country and (ii) the foreign government whose employees are claiming exemption grants an equivalent exemption to employees of the Government of the United States performing similar services in that foreign country.

(2) *Certificate by Secretary of State.* Section 893 (b) provides that the Secretary of State shall certify to the Secretary of the Treasury the names of the foreign countries which grant an equivalent exemption to the employees of the Government of the United States performing services in such foreign countries, and the character of the services performed by employees of the Government of the United States in foreign countries.

(3) *Items not exempt.* The income received by employees of foreign governments from sources other than their salaries, fees, or wages, referred to in subparagraph (1) of this paragraph, is subject to Federal income tax.

(4) *Immigration and Nationality Act.* Section 247 (b) of the Immigration and Nationality Act provides as follows:

(b) The adjustment of status required by subsection (a) [of section 247 of the Immigration and Nationality Act] shall not be applicable in the case of any alien who requests that he be permitted to retain his status as an immigrant and who, in such form as the Attorney General may require, executes and files with the Attorney General a written waiver of all rights, privileges, exemptions, and immunities under any law or any executive order which would otherwise accrue to him because of the acquisition of an occupational status entitling him to a nonimmigrant status under paragraph (15) (A), (15) (E), or (15) (G) of section 101 (a).

(5) *Effect of waiver.* An employee of a foreign government who executes and files with the Attorney General the waiver provided for in section 247 (b) of the Immigration and Nationality Act thereby waives the exemption conferred by section 893 of the Internal Revenue Code of 1954. As a consequence, that exemption does not apply to income received by that alien after the date of filing of the waiver.

(6) *Citizens of the United States.* The compensation of citizens of the United States (other than those who are also citizens of the Republic of the Philippines) who are officers or employees of a foreign government is not exempt from income tax pursuant to this paragraph. But see section 911 and the regulations thereunder.

(b) *Employees of international organizations*—(1) *Exempt from tax.* Except to the extent that the exemption is limited by the execution and filing of the waiver provided for in section 247 (b) of the Immigration and Nationality Act and subject to the provisions of sections 1, 8, and 9 of the International Organizations Immunities Act, wages, fees, or salary of any officer or employee of an international organization (as defined in section 7701 (a) (18)) received as compensation for official services to that international organization is exempt from Federal income tax, if that officer or employee (i) is not a citizen of the United States or (ii) is a citizen of the Republic of the Philippines (whether or not a citizen of the United States).

(2) *Income earned prior to executive action.* An individual of the prescribed class who receives wages, fees, or salary as compensation for official services to an organization designated by the President through appropriate Executive order as entitled to enjoy the privileges, exemptions, and immunities provided in the International Organizations Immunities Act and who has been duly notified to, and accepted by, the Secretary of State as an officer or employee of that organization, or who has been designated by the Secretary of State, prior to formal notification and acceptance, as a prospective officer or employee of that organization, may enjoy the benefits of the exemption with respect to compensation of the prescribed character earned by that individual, either prior to the date of the issuance of the Executive order, or prior to the date of the acceptance or designation by the Secretary of State, for official services to that organization, if (i) the Executive order does not provide otherwise, (ii) the organization is a public international organization in which the United States participates, pursuant to a treaty or under the authority of an Act of Congress authorizing such participation or making an appropriation for such participation, at the time the compensation is earned, and (iii) the individual is an officer or employee of that organization at that time.

(3) *International Organizations Immunities Act.* Sections 1, 8, and 9 of the International Organizations Immunities Act provide in part as follows:

SECTION 1. For the purposes of this title [International Organizations Immunities Act], the term "international organization" means a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation, and which shall have been designated by the President through appropriate Executive order as being entitled to enjoy the privileges, exemptions, and immunities herein provided. The President shall be authorized, in the light of the functions performed by any such international organization, by appropriate Executive order to withhold or withdraw from any such organization or its officers or employees any of the privileges, exemptions, and immunities provided for in this title (including the amendments made by this title) or to condition or limit the enjoyment by any such organization or its officers or employees of any such privilege, exemption, or immunity. The President shall be authorized, if in his judgment such action should be justified by reason of the abuse by an international organization or its officers and employees of the privileges, exemptions, and immunities herein provided or for any other reason, at any time to revoke the designation of any international organization under this section, whereupon the international organization in question shall cease to be classed as an international organization for the purposes of this title.

SEC. 8. (a) No person shall be entitled to the benefits of this title [International Organizations Immunities Act] unless he (1) shall have been duly notified to and accepted by the Secretary of State as a • • • officer, or employee; or (2) shall have been designated by the Secretary of State, prior to formal notification and acceptance, as a prospective • • • officer, or employee; • • •.

(b) Should the Secretary of State determine that the continued presence in the United States of any person entitled to the benefits of this title is not desirable, he shall so inform the • • • international organization concerned • • •, and after such person shall have had a reasonable length of time, to be determined by the Secretary of State, depart from the United States, he shall cease to be entitled to such benefits.

(c) No person shall, by reason of the provisions of this title, be considered as receiving diplomatic status or as receiving any of the privileges incident thereto other than such as are specifically set forth herein.

SEC. 9. The privileges, exemptions, and immunities of international organizations and of their officers and employees • • • provided for in this title [International Organizations Immunities Act], shall be granted notwithstanding the fact that the similar privileges, exemptions, and immunities granted to a foreign government, its officers, or employees, may be conditioned upon the existence of reciprocity by that foreign government: *Provided*, That nothing contained in this title shall be construed as precluding the Secretary of State from withdrawing the privileges, exemptions, and immunities herein provided from persons who are nationals of any foreign country on the ground that such country is failing to accord corresponding privileges, exemptions, and immunities to citizens of the United States.

(4) *Effect of waiver.* An officer or employee of an international organization who executes and files with the Attorney General the waiver provided for in section 247 (b) of the Immigration and Nationality Act thereby waives the exemption conferred by section 893 of the Internal Revenue Code of 1954. As a consequence, that exemption does not apply to income received by that individual after the date of filing of the waiver.

(5) *Citizens of the United States.* The compensation of citizens of the United States (other than those who are also citizens of the Republic of the Philippines) who are officers or employees of an international organization is not exempt from income tax pursuant to this paragraph. But see section 911 and the regulations thereunder.

(c) *Tax conventions, consular conventions, and international agreements*—(1) *Exemption dependent upon internal revenue laws.* A tax convention or consular convention between the United States and a foreign country, which provides that the United States may include in the tax base of its residents all income taxable under the internal revenue laws, and which makes no specific exception for the income of the employees of that foreign government, does not provide any exemption (with respect to residents of the United States) beyond that which is provided by the internal revenue laws. Accordingly, the effect of the execution and filing of a waiver under section 247 (b) of the Immigration and Nationality Act by an employee of a foreign government which is a party to such a convention is to subject the employee to tax to the same extent as provided in paragraph (a) (5) of this section with respect to the waiver of exemption under section 893.

(2) *Exemption not dependent upon internal revenue laws.* If a tax convention, consular convention, or international agreement provides that compensation paid by the foreign government or international organization to its employees is exempt from Federal income tax, and the application of this exemption is not dependent upon the provisions of the internal revenue laws, the exemption so conferred is not affected by the execution and filing of a waiver under section 247 (b) of the Immigration and Nationality Act. For examples of exemptions which are not affected by the Immigration and Nationality Act, see article X of the income tax convention between the United States and the United Kingdom (60 Stat. 1383); article IX, section 9 (b), of the Articles of Agreement of the International Monetary Fund (60 Stat. 1414); and article VII, section 9 (b), of the Articles of Agreement of the International Bank for Reconstruction and Development (60 Stat. 1458).

§ 1.894 *Statutory provisions; income exempt under treaty.*

SEC. 894. *Income exempt under treaty.* Income of any kind, to the extent required by any treaty obligation of the United States, shall not be included in gross income and shall be exempt from taxation under this subtitle.

§ 1.894–1 *Income exempt under treaty.* Income of any kind, to the extent required by any treaty obligation of the United States, shall not be included in gross income and shall be exempt from income tax. Income upon which the United States tax is limited by treaty shall, however, be included in gross income. A tax convention shall be considered as a treaty for this purpose. Thus, if pursuant to the provisions of a tax convention to which the United States is a party a nonresident alien individual were to receive during the taxable year from sources within the United States $1,000 in interest which is exempt from United States tax under the convention and $2,000 in dividends on which the rate of United States tax is limited by the convention so as not to exceed 15 percent, only the $2,000 in dividends would be included in gross income. See §§ 1.871–7 (e), 1.881–2 (f), and 1.882–1 (a) (7).

RETURNS AND RECORDS; TAX RETURNS OR STATEMENTS

INCOME TAX RETURNS

§ 1.6012 *Statutory provisions; persons required to make returns of income.*

SEC. 6012. *Persons required to make returns of income*—(a) *General rule.* Returns with respect to income taxes under subtitle A shall be made by the following:

(1) Every individual having for the taxable year a gross income of $600 or more (except that any individual who has attained the age of 65 before the close of his taxable year shall be required to make a return only if he has for the taxable year a gross income of $1,200 or more);

(2) Every corporation subject to taxation under subtitle A;

(3) Every estate the gross income of which for the taxable year is $600 or more;

(4) Every trust having for the taxable year any taxable income, or having gross income of $600 or over, regardless of the amount of taxable income; and

(5) Every estate or trust of which any beneficiary is a nonresident alien;

except that subject to such conditions, limitations, and exceptions and under such regulations as may be prescribed by the Secretary or his delegate, nonresident alien individuals subject to the tax imposed by section 871 and foreign corporations subject to the tax imposed by section 881 may be exempted from the requirement of making returns under this section.

(b) *Returns made by fiduciaries and receivers*—(1) *Returns of decedents.* If an individual is deceased, the return of such individual required under subsection (a) shall be made by his executor, administrator, or other person charged with the property of such decedent.

(2) *Persons under a disability.* If an individual is unable to make a return required under subsection (a) or section 6015 (a), the return of such individual shall be made by a duly authorized agent, his committee, guardian, fiduciary or other person charged with the care of the person or property of such individual. The preceding sentence shall not apply in the case of a receiver appointed by authority of law in possession of only a part of the property of an individual.

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§ 1.6012–7 *Returns by nonresident aliens*—(a) *No United States business*—(1) *Income of not more than $15,400*—(i) *Return not required.* If the tax liability of a nonresident alien individual within class 1, referred to in paragraph (a) of § 1.871–7, is fully satisfied at the source, a return of income is not required.

(ii) *Return required.* A nonresident alien individual within class 1 shall make or have made a return on Form 1040NB with respect to that portion of his income described in paragraph (b) of § 1.871–7 upon which the tax has not been fully satisfied at the source, including such income upon which the tax is limited by tax convention. A return shall be made in such instance even though the individual's gross income from sources within the United States for the taxable year is less than $600.

(iii) *Items upon which tax not fully satisfied.* Some of the items of income from sources within the United States upon which the tax liability will not have been fully satisfied at the source are—

(*a*) Interest upon so-called tax-free covenant bonds upon which, in accordance with § 1.1451.1, a tax of only 2 percent is required to be withheld at the source;

(*b*) Capital gains described in paragraph (b) (4) of § 1.871–7, which are not subject to withholding under § 1.1441–1;

(*c*) Accrued interest received in connection with the sale of bonds between interest dates, which, in accordance with paragraph (b) of § 1.1441–4, is not subject to withholding; and

(*d*) Dividends from foreign corporations which are not subject to withholding under paragraph (b) of § 1.1441–3 but do constitute income from sources within the United States under paragraph (a) (2) of § 1.861–3.

(iv) *Inclusion of entire income.* Notwithstanding the other provisions of this

subparagraph, a nonresident alien individual within class 1 shall include on Form 1040NB his entire income described in paragraph (b) of § 1.871–7, whether or not the tax has been fully satisfied at the source upon a portion thereof, if a claim for the refund of an overpayment of tax is made on that form in accordance with § 301.6402–3. See paragraph (d) of this section.

(2) *Aggregate more than $15,400.* Even though the tax has been fully satisfied at the source, every nonresident alien individual within class 2, referred to in paragraph (a) of § 1.871–7, shall make or have made a return on Form 1040NB–a of all his income described in paragraph (c) of that section, including such income upon which the tax is limited by tax convention. However, if the gross income of a nonresident alien individual within class 2 consists of treaty income only, as defined in paragraph (e) of § 1.871–7, or if the nontreaty income does not exceed $15,400 in the aggregate, the return shall be made on Form 1040NB in the manner and to the extent otherwise required by subparagraph (1) of this paragraph. See paragraph (e) (2) of § 1.871–7.

(b) *United States business.* Every nonresident alien individual within class 3, referred to in paragraph (a) of § 1.871–7, shall make or have made a return on Form 1040B of all his income described in paragraph (d) of that section, including such income upon which the tax is limited by tax convention, even though his gross income from sources within the United States for the taxable year is less than $600. No exception is made to this requirement in the case of such an individual who is a resident of Canada or Mexico.

(c) *Treaty income.* If the gross income of a nonresident alien individual to which this section applies includes income on which the tax is limited by tax convention, see paragraph (e) of § 1.871–7.

(d) *Claims for refund*—(1) *Form to use.* In the case of any overpayment of income tax by a nonresident alien individual to which this section applies, claim for refund may be made in accordance with § 301.6402–3 on Form 1040NB, Form 1040NB–a, or Form 1040B, whichever is applicable.

(2) *Tax withheld at source.* If an overpayment has resulted from the withholding of tax at source under chapter 3, statements shall be attached to the return so used as a claim for refund showing accurately (i) the amounts of tax withheld, with the names and post-office addresses of withholding agents and, if applicable, (ii) facts sufficient to show that, at the time when the income was derived, the taxpayer was entitled to the benefit of a reduced rate of, or exemption from, tax with respect to that income under the provisions of a tax convention to which the United States is a party. For an illustration of the statements to be furnished when claiming the benefit of a reduced rate or exemption under a tax convention, see § 7.710 of Treasury Decision 6030, approved July 10, 1953 (26 CFR (1939) 7.710); § 501.11 of Treasury Decision 6108, approved October 13, 1954 (§ 501.11 of this chapter); and § 502.10 of Treasury Decision 6109, approved October 13, 1954 (§ 502.10 of this chapter). For the refund to the withholding agent of an overpayment of the tax imposed by chapter 3, see section 1464.

(e) *Verification of returns.* A return on Form 1040NB, Form 1040NB–a, or Form 1040B shall contain or be verified by a written declaration that it is made under the penalties of perjury, such declaration to be submitted both by the taxpayer (or agent) and any other person who has prepared the return in his behalf.

(f) *Unrelated business taxable income.* For returns with respect to the tax imposed by section 511 upon unrelated business taxable income described in section 512, see paragraph (b) of § 1.511–3.

§ 1.6012–8 *Return by agent, fiduciary, or other person for nonresident alien individual*—(a) *Representative or agent.* The responsible representative or agent within the United States of a nonresident alien individual shall make in behalf of his nonresident alien principal a return of, and shall pay the tax on, all income from sources within the United States coming within his control as representative or agent. The agency appointment will determine how completely the agent is substituted for the principal for tax purposes. Any person who collects interest or dividends on deposited securities of a nonresident alien individual, executes ownership certificates in connection therewith, or sells such securities under special instructions shall not be deemed merely by reason of such acts to be the responsible representative or agent of the nonresident alien individual.

(b) *Fiduciary or other person.* Except as otherwise provided by paragraph (a) of this section, a resident or domestic fiduciary or other person charged with the care of the person or property of a nonresident alien individual shall make a return for that individual and pay the tax. Thus, for example, a resident trustee is required to make a return and pay the tax in behalf of each nonresident alien beneficiary of the trust. However, if the nonresident alien individual has appointed a person in the United States to act as his agent for the purpose of making a return of income, the fiduciary or other person charged with the care of the person or property of that individual shall not be required to make a return and pay the tax in accordance with this paragraph. In such instance, if the fiduciary is required to file Form 1041 for an estate or trust of which that individual is a beneficiary, the fiduciary shall attach a copy of the agency appointment to his return on Form 1041.

(c) *Income to be returned.* A return of income shall be required under this section only if the nonresident alien individual is otherwise required to make a return in accordance with § 1.6012–7. The provisions of that section shall apply in determining the form of return to be used, the income to be returned, and the manner of computing the tax.

(d) *Allowance of deductions and credits.* The nonresident alien individual shall receive the benefit of the deductions and credits allowed to him with respect to the income tax only if, pursuant to section 874, the return so filed in accordance with this section constitutes a true and accurate return of the taxpayer's total income received from all sources within the United States and required to be returned in accordance with § 1.6012–7. However, this paragraph shall not be construed to deny the credits provided by sections 31 and 32 for tax withheld at the source.

(e) *Alien resident of Puerto Rico.* This section shall not apply to the return of a nonresident alien individual who is a bona fide resident of Puerto Rico during the entire taxable year. See § 1.876–1.

(f) *Definition of fiduciary.* The term "fiduciary", as used in this section, shall have the meaning assigned to it by section 7701 (a) (6) and the regulations thereunder.

§ 1.6012–9 *Returns by foreign corporations*—(a) *Nonresident foreign corporations*—(1) *Return not required.* If the tax liability of a nonresident foreign corporation is fully satisfied at the source, a return of income is not required.

(2) *Return required.* A nonresident foreign corporation shall make or have made a return on Form 1120NB with respect to that portion of its income described in § 1.881–2 upon which the tax has not been fully satisfied at the source, including such income upon which the tax is limited by tax convention.

(3) *Items upon which tax not fully satisfied.* Some of the items of income from sources within the United States upon which the tax liability will not have been fully satisfied at the source are—

(i) Interest upon so-called tax-free covenant bonds upon which, in accordance with § 1.1451–1, a tax of only 2 percent is required to be withheld at the source;

(ii) Accrued interest received in connection with the sale of bonds between interest dates, which, in accordance with paragraph (b) of § 1.1441–4, is not subject to withholding; and

(iii) Dividends from foreign corporations which are not subject to withholding under paragraph (b) of § 1.1441–3 but do constitute income from sources within the United States under paragraph (a) (2) of § 1.861–3.

(4) *Inclusion of entire income.* Notwithstanding the other provisions of this paragraph, a nonresident foreign corporation shall include on Form 1120NB its entire income described in § 1.881–2, whether or not the tax has been fully satisfied at the source upon a portion thereof, if that form is being used to support a claim for refund made in accordance with § 301.6402–2. See paragraph (e) of this section.

(b) *Resident foreign corporations.* Every resident foreign corporation shall make or have made a return on Form 1120 of all its income described in § 1.882–1, including such income upon which the tax is limited by tax convention.

(c) *Treaty income.* If the gross income of a foreign corporation includes income upon which the tax is limited by tax convention, see paragraph (f) of § 1.881–2 in the case of a nonresident foreign corporation or paragraph (a) (7) of § 1.882–1 in the case of a resident foreign corporation.

(b) *Returns by agent.* If at the time the return is filed a foreign corporation has no office or place of business within the United States but has an agent in the United States, the return required by this section shall be made by the agent.

(e) *Claims for refund*—(1) *Form to use.* In the case of any overpayment of income tax by a foreign corporation to which this section applies, claim for refund shall be made on Form 843 in accordance with the provisions of § 301.6402–2 of this chapter.

(2) *Tax withheld at source.* If an overpayment has resulted from the withholding of tax at source under chapter 3, statements shall be attached to the claim for refund showing the same information as is required by paragraph (d) (2) of § 1.6012–7 in the case of a claim for refund by a nonresident alien individual.

(f) *Verification of returns.* A return on Form 1120NB shall contain or be verified by a written declaration that it is made under the penalties of perjury, such declaration to be submitted both by the taxpayer (or agent) and any other person who has prepared the return in its behalf.

(g) *Unrelated business taxable income.* For returns with respect to the tax imposed by section 511 upon unrelated business taxable income described in section 512, see paragraph (b) of § 1.511–3.

All regulations inconsistent herewith are modified accordingly.

[F. R. Doc. 56–3379; Filed, Apr. 30, 1956; 8:53 a. m.]



## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### [ 7 CFR Parts 903, 905, 906, 913, 919, 921, 928, 946, 968, 977, 980 ]

[Docket Nos. AO–123–A19, AO–10–A20, AO–23–A16, AO–182–A5, AO–209–A7, AO–210–A8, AO–227–A6, AO–173–A8, AO–183–A4, AO–249–A1, AO–222–A7]

MILK IN LOUISVILLE, KY., ST. LOUIS, MO., GREATER KANSAS CITY, TOPEKA, KANS., OKLAHOMA CITY, OKLA., TULSA-MUSKOGEE, OKLA., NEOSHO VALLEY, WICHITA, KANS., PADUCAH, KY., SOUTHWEST KANSAS, AND OZARKS

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENTS AND TO ORDERS AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a joint public hearing was held at St. Louis, Missouri, on April 23, 1956, pursuant to notice thereof which was issued on April 16, 1956 (21 F. R. 2570), upon proposed amendments to the tentative marketing agreements and to the orders, as amended, regulating the handling of milk in the following marketing areas:

Louisville, Ky.
St. Louis, Mo.
Greater Kansas City.
Topeka, Kans.
Oklahoma City, Okla.
Tulsa-Muskogee, Okla.
Neosho Valley.
Wichita, Kans.
Paducah, Ky.
Southwest Kansas.
Ozarks.

The material issues of record related to:

1. Increases in the price for Class I milk for a limited period of time; and

2. The existence of an emergency requiring expedited procedures.

*Findings and conclusions.* The following findings and conclusions are based on the evidence received at the hearing and the record thereof:

1. In order that disorderly marketing conditions may be avoided Class I price increases through July 1956 should be made as specified below.

In order to maintain orderly marketing conditions in important milksheds located in the center of the largest milk production region of the nation, action has been effected to nullify seasonal reductions in price which would otherwise have affected returns to producers. The Department acted on April 13 to issue suspension orders modifying the price provisions of the milk orders for the Chicago, Milwaukee, South Bend-LaPorte, and Rockford-Freeport markets for the period April 16–July 31, 1956. The result of these suspension actions, official notice of which is taken, is to increase the Class I price to producers by 46 cents per hundredweight for the period April 16–June 30 and by 26 cents per hundredweight for the month of July. This action also affected prices in the Quad Cities and Dubuque markets. These price actions affecting the Chicago and certain other mid-west markets as referred to have charged the customary relationships of prices between the major markets in the heavy producing regions and those affected by this decision, causing differences in price which add to an already difficult marketing situation.

Price levels in the markets covered by this decision vary in accordance with local conditions and distances from the major producing areas and, under usual circumstances, local market supply and demand influences are primary factors in bringing about price changes. Any significant maladjustment in price alignment with the major milk producing areas at this time, however, would result in widespread disparities in returns for milk among producers generally, and in view of unsettled conditions, could cause uneconomic marketing responses and disturbances, affecting producers and markets over widespread areas. As indicated by the record even short-run disparities in price at this time would magnify the price level problems of producers in such markets. For these reasons immediate action to reestablish previous price alignments is imperative to restore orderly marketing conditions. This necessitates increases of 46 cents per hundredweight through June and 26 cents per hundredweight through July of this year in each of such markets. It is concluded that such increases should be made.

The Class I prices of the Ozarks and Topeka, Kansas, orders are automatically maintained in fixed alignment to the Class I prices of the St. Louis, Missouri, and Greater Kansas City orders, respectively, hence no amendment action is necessary to carry out the conclusions of this decision with respect to such orders. While the Neosho Valley order is maintained in approximate alignment with the Ozarks and Tulsa-Muskogee orders by floor-ceiling provisions amendment of this order, designed to avoid any duplication of effect, is provided so that the effect on the Neosho Valley Class I price will be identical with that in other orders.

2. *The need for emergency action.* The due and timely execution of the function of the Secretary under the act imperatively and unavoidably requires omission of a recommended decision by the Deputy Administrator of the Agricultural Marketing Service and exceptions thereto. As indicated elsewhere in this decision the purpose of the proposed amendments is to preserve through July 1956 alignment of prices in the respective marketing areas with the price of the Chicago marketing area, and thus to avoid disorderly marketing conditions. Immediate action must be taken if such amendments are to be effective in meeting the present emergency situation. The delay necessarily involved in the preparation, filing, and publication of the recommended decision and exceptions thereto would defeat the purpose of the amendment. Request was made on the record for omission of the recommended decision and opportunity for exceptions.

*General findings.* (a) The proposed marketing agreements and the order amending the orders, as amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices for milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and the order amending the orders, as amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed order amending the orders, as amended, will regulate the handling of milk in the same manner as and will be applicable only to persons in the respective classes of industrial and commercial activity specified in marketing agreements upon which hearings have been held.

*Determination of representative period.* The month of February 1956 is hereby determined to be the representative period for the purpose of ascertain-

ing whether the issuance of the order amending the orders, as amended, regulating the handling of milk in certain marketing areas in the manner set forth in the attached order is approved or favored by producers who during such period were engaged in the production of milk for sale in each of the marketing areas specified in the said order.

*Rulings on proposed findings and conclusions.* Briefs were filed on behalf of interested parties. The briefs contained proposed findings, conclusions, and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

*Marketing agreements and order amending the orders, as amended.* Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the _____ Area" and "Order Amending the Orders, as Amended, Regulating the Handling of Milk in Certain Marketing Areas," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective as to any marketing area specified therein unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met with respect to such marketing areas.

*It is hereby ordered,* That all of this decision except the form of marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the marketing agreements will be identical with those contained in the respective orders, as amended, and as proposed to be hereby further amended.

This decision filed at Washington, D. C., this 26th day of April 1956.

[SEAL] EARL L. BUTZ,
*Assistant Secretary.*

*Order[1] Amending the Orders, as Amended, Regulating the Handling of Milk in Certain Marketing Areas*

§ ____.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the orders and of the previously issued amendments thereto regulating the handling of milk in the following marketing areas:

Louisville, Ky.
St. Louis, Mo.
Greater Kansas City.
Oklahoma City, Okla.
Tulsa-Muskogee, Okla.
Neosho Valley.
Wichita, Kans.
Southwest Kans.
Paducah, Ky.

And all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") (7 U. S. C. 601 et seq.), and the rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders, as amended, regulating the handling of milk in the specified marketing areas. Upon the basis of the evidence introduced at such hearings and the records thereof, it is found that:

(1) The said orders, as amended, and as hereby further amended, and all of the terms and conditions of said orders, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing areas, and the minimum prices specified in the orders, as amended and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said orders, as amended, and as hereby further amended, regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in the marketing agreements upon which hearings have been held.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof the handling of milk in the aforesaid marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid orders, as amended, and as hereby further amended, and the aforesaid orders, as amended, are hereby further amended as follows:

1. Amend each of the orders specified in this paragraph by incorporating therein, in the manner indicated, the following provision:

"The price for Class I milk otherwise computed pursuant to this section shall be increased 46 cents from the effective date hereof through June 1956 and 26 cents for the month of July 1956."

Part 946, Milk in the Louisville, Kentucky, Marketing Area as § 946.51 (a) (1).

Part 903, Milk in the St. Louis, Missouri, Marketing Area as § 903.51 (a) (4).

Part 913, Milk in the Greater Kansas City Marketing Area as § 913.51 (a) (4).

Part 905, Milk in the Oklahoma City, Oklahoma, Marketing Area as § 905.51 (a) (4).

Part 906, Milk in the Tulsa-Muskogee, Oklahoma, Marketing Area as § 906.51 (a) (4).

Part 968, Milk in the Wichita, Kansas, Marketing Area as § 968.51 (a) (1).

Part 919, Milk in the Southwest Kansas Marketing Area as § 919.51 (a) (1).

Part 977, Milk in the Paducah, Kentucky, Marketing Area as § 977.51 (a) (1).

2. In Part 928, Milk in the Neosho Valley Marketing Area, amend § 928.51 (a) by adding immediately preceding the first proviso contained therein the following: "and plus an additional 46 cents during the delivery periods of May and June 1956 and plus an additional 26 cents during the delivery period of July 1956 during which months the proviso immediately following shall not be effective."

[F. R. Doc. 56-3386; Filed, Apr. 27, 1956; 12:55 p. m.]

[1] This order shall not become effective as to any marketing area specified herein unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met with respect to such marketing area.

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## [ 7 CFR Parts 908, 911, 918, 923, 943, 949, 952, 966, 976, 978, 982, 987, 988, 998, 1004 ]

[Docket Nos. AO-231-A7, AO-232-A5, AO-256-A3, AO-238-A6, AO-259-A1, AO-262-A1, AO-257-A2, AO-252-A3, AO-271-A1, AO-184-A13, AO-243-A2, AO-237-A4, AO-219-A6, AO-251-A2, AO-195-A8]

MILK IN NORTH TEX.; SAN ANTONIO, TEX.; AUSTIN-WACO, TEX.; CENTRAL WEST TEXAS; CORPUS CHRISTI, TEX.; TEXAS PANHANDLE; SHREVEPORT, LA.; CENTRAL MISSISSIPPI; CENTRAL ARIZONA; NASHVILLE, TENN.; CENTRAL ARKANSAS; FORT SMITH, ARK.; MEMPHIS, TENN.; APPALACHIAN; AND KNOXVILLE, TENN.

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENTS AND TO ORDERS AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), public hearings were held at Austin, Texas, and at Nashville, Tennessee, on April 24, 1956, pursuant to notices thereof which were published in the FEDERAL REGISTER on April 20, 1956, and April 21, 1956 (21 F. R. 2570), and (21 F. R. 2593), upon proposed amendments to the tentative marketing agreements and to the orders, as amended, regulating the handling of milk in the following marketing areas:

At Austin, Tex.:
North Tex.
San Antonio, Tex.
Austin-Waco, Tex.
Central West Tex.
Corpus Christi, Tex.
Texas Panhandle.
Shreveport, La.
Central Miss.
Central Ariz.



At Nashville, Tenn.:
Nashville, Tenn.
Central Ark.
Fort Smith, Ark.
Memphis, Tenn.
Appalachian.
Knoxville, Tenn.

The material issues of record relate to:

(1) Increases in the price for Class I milk for a limited period of time; and

2. The existence of an emergency requiring expedited procedures.

1. In order that disorderly marketing conditions may be avoided Class I price increases through July 1956 should be made as specified below.

In order to maintain orderly marketing conditions in important milksheds located in the center of the largest milk production region of the nation, action has been effected to nullify seasonal reductions in price which would otherwise have affected returns to producers. The Department acted on April 13 to issue suspension orders modifying the price provisions of the milk orders for the Chicago, Milwaukee, South Bend-La-Porte, and Rockford-Freeport markets for the period April 16–July 31, 1956. The result of these suspension actions, official notice of which is taken, is to increase the Class I price to producers by 46 cents per hundredweight for the period April 16–June 30 and by 26 cents per hundredweight for the month of July. This action also affected prices in the Quad Cities and Dubuque markets. These price actions affecting the Chicago and certain other mid-West markets as referred to have changed the customary relationships of prices between the major markets in the heavy producing regions and those affected by this decision, causing differences in price which add to an already difficult marketing situation.

Price levels in the markets covered by this decision vary in accordance with local conditions and distances from the major producing areas. Under usual circumstances, local market supply and demand influences are primary factors in bringing about price changes. Any significant maladjustment in price alignment with the major milk producing areas at this time, however, would result in widespread disparities in returns for milk among producers generally, and in view of unsettled conditions, could cause uneconomic marketing responses and disturbances affecting producers and markets over widespread areas. As indicated by the record even short-run disparities in price at this time would magnify the price level problems of producers in such markets. For these reasons immediate action to re-establish previous price alignments is imperative to restore orderly marketing conditions. This necessitates increases of 46 cents per hundredweight through June and 26 cents per hundredweight through July of this year in each of such markets. It is concluded that such increases should be made.

The Class I prices of the Austin-Waco, Texas, San Antonio, Texas, and Central West Texas orders are automatically maintained in fixed alignment to the Class I price of the North Texas order. The Class I price of the Central Arkansas order is likewise tied directly to the Class I price of the Memphis order. Hence, no amendment action is necessary to carry out the conclusions of this decision with respect to these orders.

2. *The need for emergency action.* The due and timely execution of the function of the Secretary under the Act imperatively and unavoidably requires omission of a recommended decision by the Deputy Administrator of the Agricultural Marketing Service and exceptions thereto. As indicated elsewhere in this decision the purpose of the proposed amendments is to preserve through July 1956 alignment of prices in the respective marketing areas with the price of the Chicago marketing area, and thus to avoid disorderly marketing conditions. Immediate action must be taken if such amendments are to be effective in meeting the present emergency situation. The delay necessarily involved in the preparation, filing, and publication of the recommended decision and exceptions thereto would defeat the purpose of the amendment. Request was made on the record for omission of the recommended decision and opportunity for exceptions.

*General findings.* (a) The proposed marketing agreements and the order amending the orders, as amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices for milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and the order amending the orders, as amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed order amending the orders, as amended, will regulate the handling of milk in the same manner as and will be applicable only to persons in the respective classes of industrial and commercial activity specified in marketing agreements upon which hearings have been held.

*Determination of representative period.* The month of February 1956 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order amending the orders, as amended, regulating the handling of milk in certain marketing areas in the manner set forth in the attached order is approved or favored by producers who during such period were engaged in the production of milk for sale in each of the marketing areas specified in the said order.

*Rulings on proposed findings and conclusions.* Written arguments and proposed findings and conclusions in the briefs submitted on behalf of interested persons were considered, along with the evidence in the record, in making the findings and reaching the conclusions herein set forth. To the extent that the proposed findings and conclusions differ from the findings and conclusions contained herein, the specific or implied requests to make such findings are denied because of the reasons stated in support of the findings and conclusions in this decision.

*Marketing agreements and order amending the orders, as amended.* Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the _____ Area" and "Order Amending the Orders, as Amended, Regulating the Handling of Milk in Certain Marketing Areas," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective as to any marketing area specified therein unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met with respect to such marketing areas.

*It is hereby ordered,* That all of this decision except the form of marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the marketing agreements will be identical with those contained in the respective orders, as amended, and as proposed to be hereby further amended.

This decision filed at Washington, D. C., this 26th day of April 1956.

[SEAL] EARL L. BUTZ,
*Assistant Secretary.*

*Order[1] Amending the Orders, as Amended, Regulating the Handling of Milk in Certain Marketing Areas*

*Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the orders and of the previously issued amendments thereto regulating the handling of milk in the following marketing areas:

North Texas.
Corpus Christi, Tex.
Texas Panhandle.
Shreveport, La.
Central Mississippi.
Central Arizona.
Fort Smith, Ark.
Memphis, Tenn.
Nashville, Tenn.
Appalachian.
Knoxville, Tenn.

And all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") (7

[1] This order shall not become effective as to any marketing area specified herein unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met with respect to such marketing area.

U. S. C. 601 et seq.), and the rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) public hearings were held upon certain proposed amendments to the tentative marketing agreements and to the orders, as amended, regulating the handling of milk in the aforesaid marketing areas. Upon the basis of the evidence introduced at such hearings and the record thereof, it is found that:

(1) The said orders, as amended, and as hereby further amended, and all of the terms and conditions of said orders, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the aforesaid marketing areas, and the minimum prices specified in the orders, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said orders, as amended, and as hereby further amended, regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in the marketing agreements upon which hearings have been held.

*Order relative to handling. It is therefore ordered*, That on and after the effective date hereof the handling of milk in the aforesaid marketing areas shall be in conformity to and in compliance with the terms and conditions of the aforesaid orders, as amended, and as hereby further amended, and the aforesaid orders, as amended, are hereby further amended as follows:

1. Amend each of the orders specified in this paragraph by incorporating therein, in the manner indicated, the following provision:

"The price for Class I milk otherwise computed pursuant to this section shall be increased 46 cents from the effective date hereof through June 1956 and 26 cents for the month of July 1956."

Part 943, Milk in the North Texas Marketing Area as § 943.51 (a) (3).

Part 998, Milk in the Corpus Christi, Texas Marketing Area as § 998.51 (a) (1).

Part 911, Milk in the Texas Panhandle Marketing Area as § 911.51 (a) (1).

Part 966, Milk in the Shreveport, Louisiana Marketing Area as § 966.51 (a) (1).

Part 987, Milk in the Central Mississippi Marketing Area as § 987.51 (a) (1).

Part 1004, Milk in the Central Arizona Marketing Area as § 1004.51 (a) (1).

Part 976, Milk in the Fort Smith, Arkansas Marketing Area as § 976.51 (a) (1).

Part 918, Milk in the Memphis, Tennessee Marketing Area as § 918.51 (a) (4).

Part 978, Milk in the Nashville, Tennessee Marketing Area as § 978.51 (a) (3).

Part 923, Milk in the Appalachian Marketing Area as § 923.51 (a) (1).

Part 988, Milk in the Knoxville, Tennessee Marketing Area as § 988.51 (a) (5).

[F. R. Doc. 56-3387; Filed, Apr. 27, 1956; 12:55 p. m.]

## [ 7 CFR Parts 916, 917, 924, 929, 931, 935, 948, 956, 973, 985 ]

[Docket Nos. AO-248-A1, AO-229-A3, AO-225-A8, AO-260-A2, AO-178-A7, AO-240-A1, AO-86-A10, AO-122-A8, AO-235-A3, AO-247-A2]

MILK IN BLACK HILLS, S. DAK.; CEDAR RAPIDS-IOWA CITY, IOWA; DETROIT, MICH.; EASTERN SOUTH DAKOTA; MINNEAPOLIS-ST. PAUL, MINN.; MUSKEGON, MICH.; OMAHA-LINCOLN-COUNCIL BLUFFS (NEBR.-IOWA), SIOUX CITY, IOWA; SIOUX FALLS-MITCHELL, S. DAK.; UPSTATE MICHIGAN MARKETING AREAS

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENTS AND TO ORDERS AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a joint public hearing was held at Minneapolis, Minnesota, on April 25, 1956, pursuant to notice thereof which was issued on April 18, 1956 (21 F. R. 2604), upon proposed amendments to the tentative marketing agreements and to the orders, as amended, regulating the handling of milk in the following marketing areas:

Black Hills, S. Dak.
Cedar Rapids-Iowa City, Iowa.
Eastern South Dakota.
Detroit, Mich.
Minneapolis-St. Paul, Minn.
Upstate Michigan.
Muskegon, Mich.
Omaha-Lincoln-Council Bluffs (Nebr.-Iowa).
Sioux City, Iowa.
Sioux Falls-Mitchell, S. Dak.

The material issues of record related to:

1. Increases in the price for Class I milk for a limited period of time; and

2. The existence of an emergency requiring expedited procedures.

*Findings and conclusions.* The following findings and conclusions are made upon the record of the hearing:

1. In order that disorderly marketing conditions may be avoided Class I price increases through July 1956 should be made as specified below.

In order to maintain orderly marketing conditions in important milksheds located in the center of the largest milk production region of the nation, action has been effected to nullify seasonal reductions in price which would otherwise have affected returns to producers. The Department acted on April 13 to issue suspension orders modifying the price provisions of the milk orders for the Chicago, Milwaukee, South Bend-La-Porte, and Rockford-Freeport markets for the period April 16–July 31, 1956. The result of these suspension actions, official notice of which is taken, is to increase the Class I price to producers by 46 cents per hundredweight for the period April 16–June 30 and by 26 cents per hundredweight for the month of July. This action also affected prices in the Quad Cities and Dubuque markets. These price actions affecting the Chicago and certain other mid-West markets as referred to have changed the customary relationships of prices between the major markets in the heavy producing regions and those affected by this decision, causing differences in price which add to an already difficult marketing situation.

Price levels in the markets covered by this decision vary in accordance with local conditions and distances from the major producing areas. Under usual circumstances, local market supply and demand influences are primary factors in bringing about price changes in such markets. Any significant maladjustment in price alignment with the major milk producing areas at this time, however, would result in widespread disparities in returns for milk among producers generally, and in view of unsettled conditions, could cause uneconomic marketing responses and disturbances affecting producers and markets over widespread areas. As indicated by the record even short-run disparities in price at this time would magnify the price level problems of producers in such markets. For these reasons immediate action to reestablish previous price alignments is imperative to restore orderly marketing conditions. This necessitates increases of 46 cents per hundredweight through June and 26 cents per hundredweight through July of this year in each of such markets. It is concluded that such increases should be made.

The hearing also gave similar consideration to the pricing of Class I milk in the Cedar Rapids-Iowa City, Iowa, and Minneapolis, Minnesota marketing areas. However, appropriate alignment of the prices in such markets with the Chicago level can be best accomplished through suspension action which is being taken in light of the hearing evidence. Thus, no amendments to such orders are included as part of this decision.

2. *The need for emergency action.* The due and timely execution of the function of the Secretary under the Act imperatively and unavoidably requires omission of a recommended decision by the Deputy Administrator of the Agricultural Marketing Service and exceptions thereto. As indicated elsewhere in this decision the purpose of the proposed amendments is to preserve through July 1956 alignment of prices in the respective marketing areas with the price of the Chicago marketing area, and thus to avoid disorderly marketing conditions. Immediate action must be taken if such amendments are to be effective in meeting the present emergency situation. The delay necessarily involved in the preparation, filing, and publication of the recommended decision and exceptions thereto would defeat the purpose of the amendment. Request was made on the record for omission of the recommended decision and opportunity for exceptions.

*General findings.* (a) The proposed marketing agreements and the order amending the orders, as amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices for milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing areas, and the minimum prices specified in the proposed marketing agreements and the order amending the orders, as amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed order amending the orders, as amended, will regulate the handling of milk in the same manner as and will be applicable only to persons in the respective classes of industrial and commercial activity specified in marketing agreements upon which hearings have been held.

*Determination of representative period.* The month of February 1956 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order amending the orders, as amended, regulating the handling of milk in certain marketing areas in the manner set forth in the attached order is approved or favored by producers who during such period were engaged in the production of milk for sale in each of the marketing areas specified in the said order.

*Rulings on proposed findings and conclusions.* Written arguments and proposed findings and conclusions in the briefs submitted on behalf of interested persons were considered, along with the evidence in the record, in making the findings and reaching the conclusions herein set forth. To the extent that the proposed findings and conclusions differ from the findings and conclusions contained herein, the specific or implied requests to make such findings are denied because of the reasons stated in support of the findings and conclusions in this decision.

*Marketing agreements and order amending the orders, as amended.* Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the _____ Area" and "Order Amending the Orders, as Amended, Regulating the Handling of Milk in Certain Marketing Areas," which have been decided upon as the detailed and appropriate means of effectuating the aforegoing conclusions. These documents shall not become effective as to any marketing area specified therein unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met with respect to such marketing areas.

*It is hereby ordered*, That all of this decision except the marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the respective orders, as amended, and as proposed to be hereby further amended.

This decision filed at Washington, D. C., this 27th day of April 1956.

[SEAL] EARL L. BUTZ,
*Assistant Secretary.*



*Order[1] Amending the Orders, as Amended, Regulating the Handling of Milk in Certain Marketing Areas*

*Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the orders and of the previously issued amendments thereto regulating the handling of milk in the following marketing areas:

Black Hills (South Dakota).
Detroit, Mich.
Eastern South Dakota.
Muskegon, Mich.
Omaha-Lincoln-Council Bluffs (Nebr.-Iowa).
Sioux City, Iowa.
Sioux Falls-Mitchell, S. Dak.
Upstate Michigan.

And all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act") (7 U. S. C. 601 et seq.), and the rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon certain proposed amendments to the tentative marketing agreements and to the orders, as amended, regulating the handling of milk in the aforesaid marketing areas. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said orders, as amended, and as hereby further amended, and all of the terms and conditions of said orders, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the aforesaid marketing areas, and the minimum prices specified in the orders, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said orders, as amended, and as hereby further amended, regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in, the marketing agreements upon which hearings have been held.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof the handling of milk in the aforesaid marketing areas shall be in conformity to and in compliance with the terms and conditions of the aforesaid orders, as amended, and as hereby further amended, and the aforesaid orders, as amended, are hereby further amended as follows:

1. Amend each of the orders specified in this paragraph by incorporating therein in the manner indicated, the following provision:

"The price for Class I milk otherwise computed pursuant to this section shall be increased 46 cents from the effective date hereof through June 1956 and 26 cents for the month of July 1956."

Part 917, Milk in the Black Hills, South Dakota, Marketing Area, as the last sentence in § 917.51 (a).

Part 924, Milk in the Detroit, Michigan, Marketing Area, as § 924.51 (c).

Part 929, Milk in the Eastern South Dakota Marketing Area, as the last sentence in § 929.51 (a).

Part 985, Milk in the Muskegon, Michigan, Marketing Area, as the last sentence in § 985.51.

Part 956, Milk in the Sioux Falls-Mitchell, South Dakota, Marketing Area, as the last sentence in § 956.50 (a).

Part 916, Milk in the Upstate Michigan Marketing Area, as the last sentence in § 916.51.

2. Amend Part 935, Milk in the Omaha-Lincoln-Council Bluffs Marketing Area, by incorporating the following as a proviso in § 935.51 (a) immediately preceding subparagraph (1) of such paragraph: "*Provided*, That such price for Class I milk containing 3.8 percent butterfat shall be increased 46 cents from the effective date hereof through June 1956 and 26 cents for the month of July 1956."

3. Amend Part 948, Milk in the Sioux City, Iowa, Marketing Area, by incorporating the following as a proviso in § 948.51 (a) immediately preceding subparagraph (1) of such paragraph: "*Provided*, That such price for Class I milk containing 3.5 percent butterfat shall be increased 46 cents from the effective date hereof through June 1956 and 26 cents for the month of July 1956."

[F. R. Doc. 56-3416; Filed, Apr. 27, 1956; 2:40 p. m.]

[1] This order shall not become effective as to any marketing area specified herein unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met with respect to such marketing area.

## Agricultural Research Service

## [ 7 CFR Part 301 ]

DOMESTIC QUARANTINE NOTICES

NOTICE OF PUBLIC HEARING ON QUARANTINING FLORIDA ON ACCOUNT OF MEDITERRANEAN FRUIT FLY AND NOTICE OF PROPOSED RULE MAKING RELATING TO SUCH QUARANTINE AND SUPPLEMENTAL REGULATIONS

The Administrator of the Agricultural Research Service has information that an incipient infestation of the Mediterranean fruit fly (Ceratitis capitata Wied.), a dangerous insect not heretofore widely prevalent or distributed within and throughout the United States, has recently been discovered in a localized area of Dade County, Florida.

It is therefore proposed under the authority of said section 8 of the Plant

Quarantine Act to quarantine the State of Florida, and to restrict or prohibit the movement from said State, or from any locations therein designated as regulated, of (a) live Mediterranean fruit flies; (b) fruits and vegetables, and other garden and orchard products of all kinds, and cotton bolls and seed cotton; (c) sand, soil, earth, peat, compost, and manure; and (d) other products and articles that present a hazard of spread of the Mediterranean fruit fly, as is hereinafter more specifically stated.

Notice is hereby given in accordance with section 8 of the Plant Quarantine Act of August 20, 1912, as amended (37 Stat. 318, as amended; 7 U. S. C. 161), that a public hearing will be held before a representative of the Agricultural Research Service in the Jefferson Auditorium of the South Building, U. S. Department of Agriculture, Fourteenth Street and Independence Avenue, Washington, D. C., at 10 a. m., May 9, 1956, at which hearing any interested person may appear and be heard, either in person or by attorney, on the proposals.

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that if it is determined, after hearing, that the State of Florida should be quarantined as proposed, the Administrator of the Agricultural Research Service is considering issuing a notice of quarantine and supplemental regulations to read substantially as follows:

QUARANTINE

§ 301.78 *Notice of quarantine.* Under the authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 161), and after the public hearing required thereby, the State of Florida is hereby quarantined to prevent the spread of infestation of the Mediterranean fruit fly, a dangerous insect notoriously injurious to fruits and vegetables and not heretofore widely prevalent or distributed within and throughout the United States, and under the authority conferred by the Plant Quarantine Act and the Insect Pest Act of March 3, 1905 (7 U. S. C. 141 et seq.), regulations are hereinafter prescribed governing the movement of the Mediterranean fruit fly and carriers thereof. Hereafter the following shall not be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from said quarantined State into or through any other State, Territory, or District of the United States in manner or method or under conditions other than those prescribed in the regulations supplemental hereto, as from time to time amended: (a) Live Mediterranean fruit flies in any stage of development; (b) fruits and vegetables, and other garden and orchard products of all kinds, and cotton bolls and seed cotton; (c) sand, soil, earth, peat, compost, and manure; and (d) fruit-picking equipment; trucks, wagons, cars, aircraft, boats, and other means of conveyance and containers which have been or are being used in conveying fruits or vegetables; other products and articles, including nursery stock, which have been associated with the production of, or commerce in, fruits and vegetables, or have been or are contaminated with sand, soil, earth, peat, compost, or manure; and, unlimited by the foregoing, any other products and articles of any character whatsoever; when it is determined in accordance with the regulations supplemental hereto that they present a hazard of spread of the Mediterranean fruit fly. However, the requirements of this quarantine and of the regulations supplemental hereto, except as otherwise provided in such regulations, are hereby limited to the areas in the quarantined State which may be designated as regulated areas as provided in such regulations, as long as, in the judgment of the Administrator of the Agricultural Research Service, the enforcement of said regulations as to such regulated areas will be adequate to prevent the spread of the Mediterranean fruit fly, except that such limitation is further conditioned upon the State's providing for and enforcing control of the movement within such State of the regulated articles under the same conditions as those which apply to their interstate movement under the provisions of currently existing Federal quarantine regulations, and upon its enforcing such control and sanitation measures with respect to such areas or portions thereof as, in the judgment of said Administrator, shall be deemed adequate to prevent the spread therefrom within such State of the said insect infestation: Moreover, whenever the Chief of the Plant Pest Control Branch shall find that facts exist as to the pest risk involved in the movement of one or more of the products or articles to which the regulations supplemental hereto apply, except live Mediterranean fruit flies in any stage of development, making it safe to modify, by making less stringent, the requirements contained in such supplemental regulations, he shall set forth and publish such finding in administrative instructions, specifying the manner in which the applicable regulations should be made less stringent, whereupon such modification shall become effective for such period and for such regulated area or portion thereof and for such products or articles as shall be specified in said administrative instructions, and every reasonable effort shall be made to give publicity to such administrative instructions throughout the affected areas.

REGULATIONS

§ 301.78–1 *Definitions.* For the purpose of the regulations in this subpart the following terms shall be construed, respectively, to mean:

(a) *Mediterranean fruit fly.* The insect known as the Mediterranean fruit fly (Ceratitis capitata Wied.), in any stage of development.

(b) *Infestation.* The presence of the Mediterranean fruit fly.

(c) *Regulated areas.* The counties, precincts, cities, and other minor civil divisions, or parts thereof, designated in administrative instructions under § 301.78–2 as regulated areas.

(d) *Regulated articles.* Mediterranean fruit flies and other products and articles regulated under this subpart.

(e) *Inspector.* An inspector of the United States Department of Agriculture.

(f) *"Moved" ("movement," "move").* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved, interstate, directly or indirectly. "Movement" and "move" shall be construed accordingly.

(g) *Certificate.* A valid document evidencing compliance with the requirements of this subpart.

(h) *Limited permit.* A valid document authorizing the movement of regulated articles to a restricted destination for limited handling, utilization, or processing.

(i) *Interstate.* From one State, Territory, or District of the United States into or through another.

(j) *Administrative instructions.* Published documents, relating to the enforcement of the provisions in this subpart, issued under authority of such provisions by the Chief of the Plant Pest Control Branch, Agricultural Research Service.

§ 301.78–2 *Designation of regulated areas.* The Chief of the Plant Pest Control Branch shall, from time to time, in administrative instructions promulgated by him, list the counties, cities, precincts, and other minor civil divisions, or parts thereof, in the quarantined State, in which infestation of the Mediterranean fruit fly has been determined to exist, or in which it has been determined such infestation is likely to exist, or which it is deemed necessary to regulate because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities, and shall designate such counties, precincts, and other civil divisions, or parts thereof, as constituting the regulated areas. Any civil division, or part thereof, so designated shall continue in a regulated status until the Chief of the Plant Pest Control Branch shall have determined that adequate eradication measures have been practiced for a sufficient length of time to eradicate the Mediterranean fruit fly therein and that regulations of such area is not otherwise necessary under this section, and shall have issued administrative instructions revoking the designation of such civil division, or part thereof, as a regulated area.

§ 301.78–3 *Regulated articles—(a) Mediterranean fruit flies; removal prohibited, exception.* The removal from any State or Territory to any other State or Territory or the District of Columbia, or from said District to any State or Territory, of live Mediterranean fruit flies, except for scientific purposes, is prohibited by the Insect Pest Act (7 U. S. C. 141). Provisions for the removal of live Mediterranean fruit flies, for scientific purposes, are set forth in § 301.78–9.

(b) *Other regulated articles; movement regulated.* Unless exempted by administrative instructions issued by the Chief of the Plant Pest Control Branch, the movement from any regulated area of any of the following is permitted only under the conditions provided in the regulations in this subpart: Fruits and vegetables, and other garden and orchard products of all kinds, and cotton bolls and seed cotton; sand, soil, earth, peat, compost, and manure; and products and articles determined by an inspector to present a hazard of spread of the Mediterranean fruit fly under § 301.78 (d).

§ 301.78–4 *Conditions governing movement of regulated articles—(a) Garden and orchard products; cotton bolls and seed cotton; sand, soil, etc.* (1) Fruits and vegetables, and other garden and orchard products of all kinds; cotton bolls and seed cotton; and sand, earth, peat, compost, and manure; which originate in a regulated area, may be moved from any regulated area into or through any point outside thereof if a certificate or limited permit has been issued therefor in compliance with § 301.78–5 and if the applicable requirements of subparagraphs (2) and (3) of this paragraph are also met.

(2) Every container of regulated articles designated in subparagraph (1) of this paragraph, or, if there is no container, the articles themselves, shall be plainly marked with the name and address of the consignor and the name and address of the consignee, when offered for shipment under said subparagraph, and shall have securely attached to the outside thereof the certificate or limited permit covering the shipment, except that in the case of less-than-carlot freight or express shipments a certificate or limited permit attached to one of the containers and another certificate or limited permit attached to the waybill will be sufficient; in the case of carlot freight or express shipments, either in containers or in bulk, a certificate or limited permit attached to the waybill will be sufficient; and in the case of shipments by road vehicle, the certificate or limited permit shall accompany the shipment and shall be surrendered to the consignee upon delivery of the shipment.

(3) Subsequent to certification as provided in § 301.78–5, regulated articles designated in subparagraph (1) of this paragraph must be loaded, handled, and shipped only under such protection and safeguards against infestation as are required by the inspector.

(4) Regulated articles of kinds designated in subparagraph (1) of this paragraph, which originate outside any regulated area and are moving through or are being reshipped from any regulated area, may be moved from any regulated area without compliance with the provisions of subparagraphs (1), (2), or (3) of this paragraph when the point of origin is clearly indicated, when the identity has been maintained, and when the articles have been safeguarded against infestation while in the regulated area in a manner satisfactory to an inspector. Otherwise such regulated articles shall be subject to all of the requirements of subparagraphs (1), (2), and (3) of this paragraph.

(b) *Products and articles determined to present hazards.* When it is determined by an inspector that a hazard of spread of the Mediterranean fruit fly is presented by any fruit-picking equipment; any trucks, wagons, cars, aircraft, boats, other means of conveyance or containers which have been or are being used in conveying fruits or vegetables; other products or articles, including nursery stock, which have been associated with the production of, or commerce in, fruits or vegetables, or have been or are contaminated with sand, soil, earth, peat, compost, or manure; or, unlimited by the foregoing, any other products or articles of any character whatsoever, such equipment, means of conveyance, containers, products or articles may be moved from any regulated area into or through any point outside thereof after they have been thoroughly cleaned, disinfested, or otherwise treated under the observation of an inspector and in accordance with methods selected by him from administratively authorized procedures known to be effective under the conditions in which applied, or they may be so moved under limited permit. Notice of the application of such requirements to particular means of conveyance, containers, and other products and articles under this paragraph shall be given to the person in charge thereof.

§ 301.78–5 *Conditions governing the issuance of certificates and limited permits—(a) Certificates.* Certificates may be issued for the movement from a regulated area of the regulated articles designated in § 301.78–4 (a) under any one of the following conditions:

(1) When, in the judgment of the inspector, they have not been exposed to infestation.

(2) When they have been examined by an inspector and found to be free of infestation.

(3) When they have been treated under the observation of an inspector and in accordance with methods selected by him from administratively authorized procedures known to be effective under the conditions in which applied.

(b) *Limited permits.* Limited permits may be issued by the inspector for the movement from a regulated area of noncertified regulated articles designated in § 301.78–4 (a) or (b) to specified destinations for limited handling, utilization, or processing. Persons shipping, transporting, or receiving such articles may be required by the inspector to enter into written agreements with the Plant Pest Control Branch to maintain such safeguards against the establishment and spread of infestation and to comply with such conditions as to the maintenance of identity, handling, or subsequent movement of such articles and to the cleaning or treatment of trucks, wagons, cars, aircraft, boats, and other means of conveyance and containers used in transportation of such articles as may be required by the inspector.

§ 301.78–6 *Assembly of articles for inspection.* Persons intending to move any of the regulated articles under § 301.78–4 (a) shall make application for inspection as far in advance as possible, shall so handle such articles as to safeguard them from infestation and shall assemble them at such points and in such manner as the inspector shall designate to facilitate inspection.

§ 301.78–7 *Cancellation of certificates or limited permits.* Certificates or limited permits for any regulated articles issued under the regulations in this subpart may be withdrawn or canceled and further certificates or permits for such articles may be refused by the inspector whenever he determines that the further use of such certificates or permits might result in the spread of the Mediterranean fruit fly.

§ 301.78–8 *Inspection and disposition.* Any truck, wagon, car, aircraft, boat, or other means of conveyance, or container, which is moving interstate and which an inspector has probable cause to believe carries or contains any Mediterranean fruit fly or other regulated article the movement of which is prohibited or restricted by the quarantine or regulations in this subpart shall be subject to inspection by the inspector. When regulated articles are found to be moving or to have been moved in violation of the provisions in this subpart, the inspector may seize, destroy, or otherwise dispose of such articles as he deems necessary to eliminate the danger of spread of the Mediterranean fruit fly.

§ 301.78–9 *Shipments for scientific purposes.* Live Mediterranean fruit flies may be removed from any State or Territory into any other State or Territory or the District of Columbia, or from said District into any State or Territory, and other articles subject to the requirements of the regulations in this subpart may be moved from any regulated area, for experimental or other scientific purposes, on such conditions and under such safeguards as may be required by the Chief of the Plant Pest Control Branch. The container or, if there is none, the article itself shall bear, securely attached to the outside thereof, an identifying tag from the Plant Pest Control Branch.

§ 301.78–10 *Nonliability of Department.* The United States Department of Agriculture disclaims liability for any cost incident to inspection or treatment required under the provisions in this subpart, other than for the services of the inspector.

The purpose of the proposed quarantine and supplemental regulations is to prevent the spread of the Mediterranean fruit fly from Florida, where it is known to occur, to other parts of the United States. The proposed regulations would provide methods whereby host material may be inspected and treated or otherwise made eligible for interstate movement from regulated areas. The regulations would also govern the interstate movement of live Mediterranean fruit flies for scientific purposes.

All persons who desire to submit written data, views, or arguments in connection with the proposed quarantine and supplemental regulations should file the same with the Chief of the Plant Pest Control Branch, Agricultural Research Service, United States Department of Agriculture, Washington 25, D. C., on or before May 9, 1956, or with the pre-

siding officer at the hearing provided for above.

(Sec. 3, 33 Stat. 1270; secs. 8 and 9, 37 Stat. 318, as amended; 7 U. S. C. 143, 161, 162)

Done at Washington, D. C., this 26th day of April 1956.

[SEAL] M. R. CLARKSON,
*Acting Administrator,*
*Agricultural Research Service.*

[F. R. Doc. 56-3382; Filed, Apr. 30, 1956; 8:53 a. m.]

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## [ 7 CFR Part 319 ]

### FOREIGN QUARANTINE NOTICES

### MANGOES FROM CUBA

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Chief of the Plant Quarantine Branch, pursuant to § 319.56–2 of the regulations supplemental to the Fruit and Vegetable Quarantine (Notice of Quarantine No. 56, 7 CFR and 1954 Supp. 319.56–2) under sections 5 and 9 of the Plant Quarantine Act of 1912 (7 U. S. C. 159, 162), is considering the revision of administrative instructions now appearing as § 319.56–2i in Title 7, Code of Federal Regulations, 1954 Supp., to read as follows:

§ 319.56–2i *Administrative instructions prescribing method of treatment of mangoes from the West Indies*—(a) *Fumigation upon arrival.* Approved fumigation with ethylene dibromide at normal atmospheric pressure, in accordance with the following procedure, upon arrival, is hereby prescribed as a condition of entry under permit under § 319.56–2 for all shipments of mangoes from the West Indies other than those entered in accordance with the alternate procedure authorized in paragraph (b) of this section:

(1) *West Indies.* As used in this paragraph, the term "West Indies" means the foreign islands lying between North and South America, the Caribbean Sea, and the Atlantic Ocean, including, among others, Cuba, Jamaica, Dominican Republic, and the Bahama, Leeward and Windward Islands, but excluding the chain of islands adjacent and parallel to the north coast of South America (the largest of which are Aruba, Curacao, Bonaire, Tortuga, Margarita, Trinidad, and Tobago).

(2) *Ports of entry.* Mangoes to be offered for entry must be shipped direct from the country of origin to New York or such other North Atlantic ports as may be named in the permit.

(3) *Precooling of fruit.* Mangoes to be offered for entry must be cooled to a maximum temperature of 50° F. prior to unloading from the ship. The fruit may not be removed from the vessel until an inspector of the Plant Quarantine Branch has satisfied himself that this requirement has been complied with and that the fruit can be moved promptly to the fumigation chamber.

(4) *Approved fumigation.* (i) The approved fumigation shall consist of fumigation with ethylene dibromide at normal atmospheric pressure, in a fumigation chamber which has been approved for that purpose by the Plant Quarantine Branch. The dosage shall be applied at the following rates:.

6 ounces of ethylene dibromide per 1,000 cubic feet of space for 2 hours at 80° F.
8 ounces of ethylene dibromide per 1,000 cubic feet of space for 2 hours at 70° F.

Cubic feet of space shall include the load. The 2-hour period of exposure shall begin when all of the fumigant has been introduced into the chamber. The required temperatures apply to both air and fruit. The ethylene dibromide must be applied in the liquid state and volatilized within the sealed fumigation chamber by direct contact with a highly heated metal surface over an electric hot plate or other suitable heating medium. The gas shall be circulated within the chamber continuously for the 2-hour period by an electric fan or blower.

(ii) Mangoes to be fumigated may be packed in crates with shredded packing material. When fruits are individually wrapped in paper the wrappings must be removed before fumigation. When loaded in the fumigation chamber the crates or other containers shall be separated at least 2 inches on all sides by wooden strips or other means. The chamber shall not be loaded to more than 50 percent of capacity.

(5) *Other conditions.* The unloading of fruit from the vessel, its delivery to an approved fumigation plant, and the fumigation procedure will be under the supervision of an inspector of the Plant Quarantine Branch. The unloading and delivery shall be conducted in accordance with such safeguard requirements as the inspector may impose to prevent the dissemination of injurious insects. Final release of the fruit for entry into the United States will be conditioned upon compliance with such safeguard requirements and the prescribed regulations.

(6) *Costs.* All costs of treatment and required safeguards and supervision, other than the services of the supervising inspector during regularly assigned hours of duty and at the usual place of duty, shall be borne by the owner of the mangoes, or his representative.

(7) *Department not responsible for damage.* The treatment prescribed in subparagraph (4) of this paragraph is judged from experimental tests to be safe for use with mangoes. However, the Department assumes no responsibility for any damage sustained through or in the course of treatment, or compliance with requirements under subparagraph (5) of this paragraph or in the precooling of fruit required prior to unloading from the vessel.

(b) *Alternate procedure.* Mangoes grown and produced in Cuba if satisfactorily treated in Cuba and otherwise handled and certified as provided in this paragraph will be eligible for entry under permit under § 319.56–2.

(1) *Approved fumigation.* The mangoes shall be fumigated at approved plants in Cuba in accordance with paragraph (a) (4) of this section.

(2) *Approval of fumigation plants; costs of supervision.* Fumigation in Cuba will be contingent upon the availability of a fumigation plant approved by the Chief of the Plant Quarantine Branch to apply the treatment prescribed in paragraph (a) (4) of this section and upon the availability of qualified personnel for assignment to approve the plant and to supervise the treatment and post-treatment handling of the mangoes in Cuba. Those in interest must make advance arrangements for approval of the fumigation plant and for supervision, and furnish the Chief of the Plant Quarantine Branch with acceptable assurances that they will provide, without cost to the United States Department of Agriculture, all transportation, per diem, and other incidental expenses of such personnel and compensation for such personnel for their services in excess of 40 hours weekly, in connection with such approvel and supervision, according to the rates established for the payment of inspectors of the Plant Quarantine Branch.

(3) *Supervision of fumigation and subsequent handling.* The fumigation prescribed in this paragraph and the subsequent handling of the mangoes so fumigated must be under the supervision of a representative of the Plant Quarantine Branch. The treated fruit must be safeguarded against reinfestation during the period prior to shipment from Cuba, in a manner required by such representative.

(4) *Certification.* Mangoes will be certified by a representative of the Plant Quarantine Branch in Cuba for entry into the United States upon the basis of treatment under this paragraph and compliance with the post-treatment safeguard requirements imposed by such representative. The final release of the fruit for entry into the United States will be conditioned upon compliance with such requirements and upon satisfactory inspection on arrival to determine efficacy of treatment.

(5) *Costs.* All costs incident to fumigation, including those for constructing, equipping, maintaining and operating fumigation plants and facilities, and carrying out requirements of post-treatment safeguards, and all costs as indicated in subparagraph (2) of this paragraph incident to plant approval and supervision of treatment and subsequent handling of the mangoes in Cuba shall be borne by the owner of the fruit or his representative.

(6) *Department not responsible for damage.* The treatment prescribed in paragraph (a) (4) of this section is judged from experimental tests to be safe for use with mangoes. However, the Department assumes no responsibility for any damage sustained through or in the course of treatment, or because of post-treatment safeguards.

(7) *Ports of entry.* Mangoes to be offered for entry in accordance with the alternate procedure provided for in this paragraph (b) may be entered under permit at any United States port where an inspector is stationed.

(8) *Ineligible shipments.* Any shipments of mangoes grown and produced in Cuba that are not eligible for certification under the alternate procedure provided for in this paragraph may enter only upon compliance with paragraph (a) of this section.

This revision would authorize an alternate procedure for the fumigation of mangoes grown in Cuba and their entry into the United States when they have been certified by a representative of the Plant Quarantine Branch as having been fumigated and safeguarded at point of origin under his supervision. Final release of the fruit for entry would be conditioned upon compliance with specified safeguards. All transportation, per diem, and other incidental expenses and overtime salaries of the inspectors in connection with the proposed procedure would be borne by the owners or shippers of the mangoes.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Chief of the Plant Quarantine Branch, Agricultural Research Service, United States Department of Agriculture, Washington 25, D. C., within 20 days after the date of the publication of this notice in the FEDERAL REGISTER.

(Secs. 5 and 9, 37 Stat. 316, 318; 7 U. S. C. 159, 162; 7 CFR and 1954 Supp. 319.56–2)

Done at Washington, D. C., this 25th day of April 1956.

[SEAL] H. S. DEAN,
*Acting Chief,*
*Plant Quarantine Branch.*

[F. R. Doc. 56-3383; Filed, Apr. 30, 1956; 8:54 a. m.]

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## INTERSTATE COMMERCE COMMISSION

## [ 49 CFR Part 10 ]

[No. 30920]

### UNIFORM SYSTEM OF ACCOUNTS FOR RAILROAD COMPANIES

### AMORTIZATION ACCOUNTING FOR EMERGENCY CARRIER FACILITIES; ASSIGNMENT FOR ORAL ARGUMENT

At a general session of the Interstate Commerce Commission held at its office in Washington, D. C., on the 16th day of April A. D. 1956.

The Commission having under consideration (1) the record in the above-entitled proceeding (report of the Commission adopted December 21, 1951, 284 I. C. C. 9), (2) petition filed August 17, 1955 by Arthur Andersen & Company that the Commission reconsider its finding in said report which rejected income tax equalization, a special accounting rule briefly described in that report, (3) the replies to the petition, and (4) the data, views, arguments, and other evidence filed by interested parties as provided in the Commission's notice dated November 8, 1955; and

It appearing that such petition of Arthur Andersen & Company recommends adoption of an accounting rule which would require all carriers subject to prescribed accounting regulations (1) to record in their accounts as a current expense the amount by which Federal income taxes are reduced due to the excess of amortization allowances for emergency facilities over normal depreciation charges, (2) to record amounts so charged in a deferred liability account to off-set increased income taxes after amortization allowances are exhausted and depreciation allowances for emergency facilities are restricted for income tax purposes to their unamortized cost, and (3) to transfer to the deferred liability account from earned surplus amounts equal to income taxes deferred due to similar amortization allowances in prior years.

*It is ordered,* That the above proposed rule be, and it is hereby, assigned for oral argument thereon before the Commission on June 5, 1956, at 9 o'clock a. m., e. s. t. (10:00 o'clock a. m., District of Columbia, d. s. t.) at the office of the Commission in Washington D. C., and

*It is further ordered,* That in addition to counsel of record and respondents to the notice of November 8, 1955, all carriers subject to prescribed accounting regulations shall be served with a copy of this order and that notice of the oral argument shall be given to the general public by depositing a copy of the order in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

By the Commission.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F. R. Doc. 56-3367; Filed, Apr. 30, 1956; 8:50 a. m.]



# NOTICES

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[Document 113]

### ARIZONA

### NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

APRIL 23, 1956.

The U. S. Forest Service has filed an application, Serial No. AR–06965, for the withdrawal of the lands described below, from all forms of appropriation including the mining and mineral leasing laws.

The applicant desires the land for recreational areas.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 233–A Main Post Office Building, Phoenix, Arizona.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

Lake View Picnic Area:
T. 19 N., R. 9 E.,
Sec. 6: N½NW¼NE¼NW¼, NE¼NE¼ NW¼NW¼.
T. 20 N., R. 9 E.,
Sec. 31: NW¼SW¼SE¼SW¼, S½SW¼ SE¼SW¼, S½SW¼SW¼, S½NW¼ SW¼SW¼.
T. 20 N., R. 8 E.,
Sec. 36: S½NE¼SE¼SE¼, NW¼SE¼ SE¼, N½S½E¼SE¼, NE¼SW¼ SE¼, S½NW¼SW¼SE¼, N½SW¼ SW¼SE¼. N½S½E¼SW¼SE¼, S½N½ SE¼SW¼. N½S½E¼SW¼, N½SW¼ SW¼, N½S½SW¼SW¼, S½SW¼ NW¼SW¼.

Proposed Recreation Area 1:
T. 20 N., R. 8 E.,
Sec. 19: SE¼NE¼SE¼SE¼, NE¼SE¼ SE¼SE¼, S½SE¼SE¼SE¼.
Sec. 20: SW¼SW¼SW¼NW¼, E½SW¼ SW¼NW¼, SE¼SW¼NW¼, SE¼ NE¼SW¼NW¼, W½SW¼SE¼NW¼, SE¼SW¼SE¼NW¼, E½NW¼SW¼, SW¼NW¼SW¼, E½NW¼NW¼SW¼, W½SW¼SW¼, NE¼SW¼SW¼, W½ NE¼SW¼.
Sec. 29: W½NW¼NW¼, W½E½NW¼ NW¼, (NW¼SW¼NW¼, N½SW¼SW¼ NW¼.
Sec. 30: E½NE¼NE¼, SW¼NE¼NE¼, SE¼SE¼NW¼NE¼, SE¼NE¼, NE¼ NE¼SW¼NE¼, S½NE¼SW¼NE¼, SE¼SW¼NE¼, E½SW¼SW¼NE¼, SW¼SW¼SW¼NE¼, NE¼NW¼SE¼, N½SE¼NW¼SE¼, E½NW¼NW¼ SE¼, NW¼NW¼NW¼SE¼, NW¼ NE¼SE¼, NW¼NE¼NE¼SE¼.

Proposed Recreation Area 2:
T. 20 N., R. 8 E.,
Sec. 20: E½SE¼SE¼, E½ SW¼SE¼ SE¼.
Sec. 21: S½NW¼SW¼SW¼, SW¼SW¼ SW¼, SE¼SW¼SW¼, S½SW¼SE¼ SW¼.
Sec. 28: S½NW¼NE¼, S½NE¼NW¼ NE¼, S½NW¼NW¼NE¼, NE¼NW¼, E½NW¼NW¼, N½NW¼NW¼NW¼, S½SW¼NW¼NW¼, W½SW¼NW¼, NE¼SW¼NW¼, N½SE¼SW¼NW¼, N½SE¼NW¼, NW¼SW¼NE¼, N½ NE¼SW¼NE¼, E½E½SE¼NE¼.

Proposed Recreation Area 3:
T. 20 N., R. 8 E.,
Sec. 27: S½NW¼SW¼NW¼, SW¼SW¼ NW¼, W½SE¼SW¼NW¼, SE¼SE¼ SW¼NW¼, NW¼SW¼, NW¼NW¼ NE¼SW¼, S½NW¼NE¼SW¼, SW¼ NE¼SW¼, SW¼SE¼NE¼SW¼, SW¼ SW¼, N½SE¼SW¼.
Sec. 28: SW¼NW¼NE¼NE¼, SW¼ NE¼NE¼, SW¼SE¼NE¼NE¼, NE¼ SE¼NE¼, S½SE¼NE¼, E½NE¼ SE¼, E½W½NE¼SE¼, E½SE¼SE¼, E½NW¼SE¼SE¼.
Sec. 34: NW¼NW¼, NW¼SW¼NW¼, E½SW¼SW¼NW¼, E½SW¼NW¼, NW¼SW¼NE¼NW¼, S½SW¼NE¼ NW¼, W½SE¼NW¼, W½E½SE¼ NW¼, N½NE¼NW¼SW¼, N½NW¼ NE¼SW¼, NW¼NE¼NE¼SW¼.

Proposed Recreation Area 4:
T. 19 N., R. 8 E.,
Sec. 1: S½N½NW¼, NW¼SE¼NW¼, SW¼NW¼, NW¼SW¼.
Sec. 2: NW¼NE¼NE¼, S½NE¼NE¼, E½NW¼SE¼NE¼, NE¼SE¼NE¼, S½SE¼NE¼, NE¼SE¼, E½NW¼ SE¼, NE¼SW¼SE¼, N½E½SE¼.

The areas described total 1,332.50 acres in the Coconino National Forest.

E. R. TRAGITT,
*State Lands and Minerals Staff Officer.*

[F. R. Doc. 56-3369; Filed, Apr. 30, 1956; 8:51 a. m.]

[Document 114]

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

APRIL 23, 1956.

The U. S. Forest Service has filed an application, Serial No. AR-08106, for the withdrawal of the lands described below, from all forms of appropriation including the mining and mineral leasing laws.

The applicant desires the land for Administrative Sites.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 233-A Main Post Office Building, Phoenix, Arizona.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

COCONINO NATIONAL FOREST

Buck Springs Administrative Site:
T. 12 N., R. 11 E.,
Sec. 1: S½SE¼.
Sec. 12: NE¼.

TONTO NATIONAL FOREST

Old Pinal CCC Camp:
T. 1 S., R. 14 E.,
Sec. 22: SW¼SE¼.

The areas described total 240 acres in the Coconino National Forest and 40 acres in the Tonto National Forest.

E. R. TRAGITT,
*State Lands and Minerals Staff Officer.*

[F. R. Doc. 56-3370; Filed, Apr. 30, 1956; 8:51 a. m.]

[Document 115]

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

APRIL 23, 1956.

The U. S. Forest Service has filed an application, Serial No. AR-09295, for the withdrawal of the lands described below, from all forms of appropriation including the mining and mineral leasing laws.

The applicant desires the land for Roadside zones.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned offcial of the Bureau of Land Management, Department of the Interior, 233-A Main Post Office Building, Phoenix, Arizona.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

APACHE NATIONAL FOREST

Roadside Zones. A strip of land 300 feet on each side of the center line of U. S. Highway 666 where it traverses National Forest land through the following legal subdivisions:

T. 3 N., R. 29 E. (unsurveyed),
Sec. 27: S½;
Sec. 28: S½;
Sec. 33: N½;
Sec. 34: N½, SE¼;
Sec. 35: SW¼.
T. 2 N., R. 29 E. (unsurveyed),
Sec. 2: W½, SW¼SE¼;
Sec. 11: E½;
Sec. 12: W½;
Sec. 13: W½;
Sec. 14: NE¼NE¼, S½;
Sec. 22: SE¼SE¼NE¼, SE¼;
Sec. 23: W½;
Sec. 27: N½;
Sec. 28: SE¼NE¼, S½;
Sec. 29: S½;
Sec. 32: All.
T. 1 N., R. 29 E. (unsurveyed),
Sec. 5: All;
Sec. 7: SE¼;
Sec. 8: N½;
Sec. 17: W½;
Sec. 18: E½;
Sec. 20: W½; SE¼;
Sec. 27: SW¼SW¼;
Sec. 28: W½, S½SE¼;
Sec. 29: NE¼NE¼;
Sec. 34: W½, W½SE¼.
T. 1 S., R. 29 E. (unsurveyed),
Sec. 2: E½, NW¼;
Sec. 10: SE¼SE¼NE¼, SE¼;
Sec. 11: N½, SE¼;
Sec. 15: E½;
Sec. 22: E½, E½SW¼;
Sec. 27: W½;
Sec. 34: W½.
T. 2 S., R. 29 E.,
Sec. ;: W½;
Sec. 9: SE¼SE¼SW¼, SE¼;
Sec. 10: NW¼;
Sec. 16: W½;
Sec. 20: SE¼NE¼, SE¼;
Sec. 21: NW¼;
Sec. 29: NW¼NE¼, W½;
Sec. 30: SE¼NE¼, NE¼SE¼;
Sec. 32: W½, SW¼SE¼;
T. 3 S., R. 29 E.,
Sec. 5: E½;
Sec. 8: NW¼, SE¼;
Sec. 16: W½;
Sec. 17: E½.

E. R. TRAGITT,
*State Lands and Minerals Staff Officer.*

[F. R. Doc. 56-3371; Filed, Apr. 30, 1956; 8:51 a. m.]

[Document 116]

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

APRIL 23, 1956.

The U. S. Forest Service has filed an application, Serial No. AR-09301, for the withdrawal of the lands described below, from all forms of appropriation including the mining and mineral leasing laws.

The applicant desires the land for administrative sites, recreation areas and for the preservation of public highway roadside zones.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 233-A Main Post Office Building, Phoenix, Arizona.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

KAIBAB NATIONAL FOREST

Bill Williams Winter Sports and Recreation Area:
T. 21 N., R. 2 E.,
Sec. 3: SE¼SW¼;
Sec. 8: NE¼, N½SE¼;
Sec. 9: N½, N½S½;
Sec. 10: NE¼NW¼.
Moqui Ranger Station Administrative Site:
T. 30 N., R. 2 E.,
Sec. 13: NE¼NE¼, N½SE¼NE¼.
White Horse Lake Recreation Area:
T. 20 N., R. 4 E.,
Sec. 17: SW¼NW¼, NW¼SW¼;
Sec. 18: N½, N½S½.

The areas described above total 1,420 acres.

U. S. Highway 66 Roadside Zone: A strip of land 500 feet on each side of center line of U. S. Highway 66 on National Forest land through the following legal subdivisions:

T. 22 N., R. 2 E.,
Sec. 25: S½NW¼, N½SW¼;
Sec. 26: S½N½, N½SE¼, NW¼SW¼;
Sec. 27: S½NE¼, NE¼SE¼, NW¼SE¼;
Sec. 31: S½NE¼, SE¼NW¼, NW¼SE¼, NE¼SW¼, S½S½SW¼;
Sec. 32: NW¼, N½SW¼.
T. 22 N., R. 3 E.,
Sec. 25: N½NE¼, NE¼NW¼;
Sec. 26: NW¼NW¼;
Sec. 27: W½E½NW¼, W½NW¼;
Sec. 28: S½NE¼, NW¼SE¼;
Sec. 29: S½NE¼, N½SE¼;
Sec. 30: SE¼NE¼, SW¼NE¼, and Lot 2.
T. 22 N., R. 4 E.,
Sec. 25: S½NW¼, N½SW¼, SE¼;
Sec. 26: Lots 5, 6, 7 and 8;
Sec. 27: Lots 5, 6, 7 and 8;
Sec. 28: W½E½NE¼, W½NE¼, NW¼;
Sec. 29: S½N½;
Sec. 30: N½.
T. 22 N., R. 5 E.,
Sec. 30: S½S½;
Sec. 31: N½N½;
Sec. 32: NE¼, W½NW¼;
Sec. 33: SE¼NE¼, SW¼NE¼, SW¼NW¼;
Sec. 34: S½NW¼, SW¼NE¼, NE¼SW¼;
Sec. 35: SW¼SW¼.
T. 21 N., R. 1 E.,
Sec. 1: E½, SW¼;
Sec. 2: S½S½;
Sec. 3: S½S½;
Sec. 4: S½SE¼, SE¼SW¼;
Sec. 5: S½S½;
Sec. 6: S½S¼, S½N½S½;
Sec. 7: N½N½;
Sec. 8: N½N½;
Sec. 9: NW¼NE¼, NE¼NW¼, NW¼NW¼;
Sec. 10: N½N½;
Sec. 11: N½N½.



T. 21 N., R. 2 E.,
Sec. 6: W½NW¼.
T. 21 N., R. 5 E.,
Sec. 1: NW¼, SE¼.
T. 21 N., R. 1 W.,
Sec. 7: N½S½, S½N½;
Sec. 8: N½S½, S½NE¼;
Sec. 9: N½S½, S½N½;
Sec. 10: N½S½, S½N½;
Sec. 11: N½S½, S½N½;
Sec. 12: N½, N½SW¼.
T. 21 N., R. 2 W.,
Sec. 12: N½N½, S½NW¼.

Bill Williams Mountain Road, Roadside Zone: A strip of land 300 feet on each side of the center line of Bill Williams Mountain Road. This withdrawal includes all national forest lands within this strip, in the following legal subdivisions:

T. 21 N., R. 2 E.,
Sec. 16: W½SW¼;
Sec. 17: S½, S½NW¼, SW¼SW¼NE¼;
Sec. 20: E½NE¼, N½NW¼NE¼;
Sec. 21: N½SW¼;
Sec. 22: NW¼.

E. R. TRAGITT,
*State Lands and Minerals Staff Officer.*

[F. R. Doc. 56-3372; Filed, Apr. 30, 1956; 8:51 a. m.]

[Document 118]

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

APRIL 23, 1956.

The U. S. Forest Service has filed an application, Serial No. AR-09240, for the withdrawal of the lands described below, from all forms of appropriation including the mining and mineral leasing laws.

The applicant desires the land for a picnic ground, administrative site, and public use area.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 233-A Main Post Office Building, Phoenix, Arizona.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

Sunflower Picnic Ground (Addition):
T. 6 N., R. 9 E.,
Sec. 17: SW¼SW¼NE¼, SE¼SE¼NW¼, N½NE¼SW¼NW¼, N½NW¼SE¼NW¼, SE¼NW¼SE¼NW¼, E½SW¼SE¼NW¼.
Sunflower Administrative Site:
T. 6 N., R. 8 E.,
Sec. 1: N½SE¼, NE¼.
T. 6 N., R. 9 E.,
Sec. 5: W½NW¼;
Sec. 6: N½, N½SW¼, SE¼SW¼, W½SE¼.
T. 7 N., R. 9 E.,
Sec. 31: W½, S½SE¼;
Sec. 32: SW¼SW¼.

Sycamore Creek Public Use Area:
T. 4 N., R. 8 E. (unsurveyed),
Sec. 16: SE¼NE¼NW¼, NE¼SE¼NW¼.

The areas described total 1,324.04 acres in the Tonto National Forest.

E. R. TRAGITT,
*State Lands and Minerals Staff Officer.*

[F. R. Doc. 56-3373; Filed, Apr. 30, 1956; 8:51 a. m.]

[Document 119]

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

APRIL 23, 1956.

The U. S. Forest Service has filed an application, Serial No. AR-09951, for the withdrawal of the lands described below, from all forms of appropriation including the mining and mineral leasing laws.

The applicant desires the land for the preservation of public highway roadside zones.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 233-A Main Post Office Building, Phoenix, Arizona.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

Sunset Crater—Wupatki National Monuments Road, Roadside Zone: A strip of land 500 feet on each side of the center line of the Sunset Crater-Wupatki National Monuments Road through the following legal subdivisions:

T. 24 N., R. 9 E.,
Sec. 25: NE¼, W½SE¼, NW¼NE¼SE¼, E½SW¼;
Sec. 35: E½SE¼, SW¼SE¼, SE¼SE¼NE¼;
Sec. 36: NW¼, W½SW¼.
T. 23 N., R. 9 E.,
Sec. 2: N½NE¼, SW¼NE¼, NW¼, NW¼SW¼;
Sec. 3: SE¼NE¼, SE¼;
Sec. 10: W½NE¼, E½NW¼, SW¼NW¼, N½SW¼, SW¼SW¼;
Sec. 9: NE¼SE¼, S½SE¼;
Sec. 16: NW¼, W½NE¼, NE¼NE¼, NW¼SW¼;
Sec. 17: S½NE¼, S½SW¼, NE¼SW¼, N½SE¼, SW¼SW¼;
Sec. 18: SW¼, S½SE¼;
Sec. 19: N½NE¼, NE¼NW¼;
Sec. 20: NW¼NW¼.

E. R. TRAGITT,
*State Lands and Minerals Staff Officer.*

[F. R. Doc. 56-3374; Filed, Apr. 30, 1956; 8:52 a. m.]

[Document 121]

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

APRIL 20, 1956.

The National Park Service, Dept. of Interior has filed an application, Serial No. AR-08831, for the withdrawal of the lands described below, from all forms of appropriation including the Mining and Mineral leasing laws.

The applicant desires the land for development of access roads, and for other, public recreational uses, necessary to the proper administration of the Sunset Crater and Wupatki National Monuments.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 233A Main Post Office Building, Phoenix, Arizona.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

SUNSET CRATER NATIONAL MONUMENT

T. 23 N., R. 8 E.,
Sec. 15: S½SW¼;
Sec. 16: SE¼SE¼, N½SW¼SE¼, N½SE¼SW¼SE¼, SE¼SE¼SW¼SE¼, N½SE¼SW¼, N½SW¼SE¼SW¼, NW¼SE¼SE¼SW¼, N½SW¼SW¼, N½S½SW¼SW¼, SW¼SW¼SW¼SW¼.
Sec. 17: S½S½;
Sec. 20: N½N½;
Sec. 21: W½NW¼NW¼NW¼, E½NE¼;
Sec. 22: NW¼, E½SW¼.

WUPATKI NATIONAL MONUMENT

T. 25 N., R. 9 E.,
Sec. 20: N½;
Sec. 21, 22, 23: All;
Sec. 24: N½.

The area described totals 3,412.50 acres in the Coconino National Forest.

E. R. TRAGITT,
*Lands and Minerals Staff Officer.*

[F. R. Doc. 56-3375; Filed, Apr. 30, 1956; 8:52 a. m.]

[Document 122]

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

APRIL 20, 1956.

The Bureau of Public Roads has filed an application, Serial No. AR-09754 Amd., for the withdrawal of the lands described below, from all forms of appropriation including the mining and mineral leasing laws.

The applicant desires the land for a source of road construction material.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Room 233A Main Post Office Building, Phoenix, Arizona.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

T. 11 N., R. 14 E.,
Sec. 14: W½NE¼NW¼.
T. 11 N., R. 15 E.,
Sec. 15: NW¼SW¼SW¼;
Sec. 20: E½SW¼NE¼NE¼, SE¼NE¼NE¼, NE¼NW¼SE¼NE¼, N½NE¼SE¼NE¼;
Sec. 21: W½SW¼NW¼NW¼, NW¼NW¼SW¼NW¼.
T. 11 N., R. 16 E.,
Sec. 5: W½SW¼NW¼;
Sec. 6: E½NW¼NE¼SE¼, W½NE¼NE¼SE¼, E½SW¼NE¼SE¼, W½SE¼NE¼SE¼.
T. 12 N., R. 16 E.,
Sec. 20: SE¼SE¼NE¼, SW¼SW¼SE¼.

The area described totals 120 acres in the Sitgreaves National Forest.

E. R. TRAGITT,
*Land and Minerals Staff Officer.*

[F. R. Doc. 56-3376; Filed, Apr. 30, 1956; 8:52 a. m.]

[Document 123]

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

APRIL 20, 1956.

The Forest Service, Department of Agriculture, has fined an application, Serial No. AR-010798, for the withdrawal of the lands described below, from all forms of appropriation including the Mining and Mineral leasing laws.

The applicant desires the land for recreation areas.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 233A Main Post Office Building, Phoenix, Arizona.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

SITGREAVES NATIONAL FOREST

Woods Canyon Lake Recreation Area:
T. 11 N., R. 13 E.,
Sec. 24: W½NW¼SW¼, NW¼SW¼SW¼, W½NW¼NW¼, W½SW¼NW¼;



Sec. 23: NE¼NE¼SE¼, E½SE¼NE¼;
Sec. 13: SW¼;
Sec. 14: SE¼, S½SW¼NE¼, SE¼SE¼NW¼.
Total area: 450 acres.
Pool Hollow Lake Recreation Area:
T. 10 N., R. 21 E.,
Sec. 11: NE¼SE¼, E½SE¼SE¼, SW¼SE¼SE¼;
Sec. 12: N½SE¼, SW¼SE¼, N½NW¼SE¼SE¼, S½NW¼, S½SW¼NE¼, S½S½SW¼SW¼, S½S½SE¼SW¼, N½SW¼NW¼SW¼, NW¼NW¼SW¼, N½NE¼NW¼SW¼, NW¼NW¼NE¼SW¼, NE¼NE¼SW¼, E½NW¼NE¼SW¼, NE¼SW¼NE¼SW¼, N½SE¼NE¼SW¼;
Sec. 13: N½NW¼NW¼, W½NW¼SW¼, W½SW¼SW¼;
Sec. 14: E½NE¼NE¼, SW¼NE¼NE¼, W½SE¼NE¼, N½NE¼SE¼, SE¼NE¼SE¼.
Total area: 500 acres.
Pinetop Recreation Area:
T. 8 N., R. 23 E.,
Sec. 4: E½, SW¼;
Sec. 8: Lot 1, Lot 2;
Sec. 9: N½NW¼, SE¼NW¼, NE¼, Lot 1, Lot 2, Lot 3, Lot 4;
Sec. 10: W½NW¼, Lot 4.
Total area: 1,017.67 acres.

The areas described total 1,967.67 acres in the Sitgreaves National Forest.

E. R. TRAGITT,
*Lands and Minerals Staff Officer.*

[F. R. Doc. 56-3377; Filed, Apr. 30, 1956; 8:52 a. m.]

[Document 124]

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

APRIL 20, 1956.

The Arizona Highway Department has filed an application, Serial No. AR-05269, for the withdrawal of the lands described below, from all forms of appropriation including the Mining and Mineral leasing laws.

The applicant desires the land for a source of road construction material.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 233A Main Post Office Building, Phoenix, Arizona.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

PRESCOTT NATIONAL FOREST

T. 18 N., R. 2 W.,
Sec. 14: E½NE¼SE¼, W½NE¼SE¼, E½NW¼SE¼, SE¼SW¼NE¼, S½SE¼NE¼.
T. 19 N., R. 1 W.,
Sec. 6: S½S½ of Lot 8;
Sec. 7: N½ of Lot 1.
Tract 38: That portion described as: Starting at angle point No. 5 thence S. 85° 51' E., 488.4 feet, thence north 1320 feet thence N. 85° 38' W., 509.4 to the east line of section 6; thence S. 0° 55' E., 1320' along east line of section 6 to the point of beginning.
Sec. 17: SE¼SW¼NW¼;
Sec. 20: S½NW¼SE¼NW¼, S½NE¼SW¼NW¼, E½SE¼NW¼, SW¼SE¼NW¼, NW¼NE¼SW¼, E½NE¼NW¼SW¼, S½SW¼SW¼;
Sec. 29: N½N½NW¼NW¼, NE¼SE¼SW¼.
Total area, Prescott National Forest: 213.26 acres.

KAIBAB NATIONAL FOREST

T. 20 N., R. 2 W.,
Sec. 11: S½NE¼SE¼, N½SE¼SE¼;
Sec. 24: S½SW¼SE¼NE¼, N½NW¼NE¼SE¼, SE¼SW¼SE¼.
T. 21 N., R. 2 W.,
Sec. 14: SE¼SW¼SW¼, W½SW¼SE¼SW¼;
Sec. 23: NE¼NW¼NW¼, W½NW¼NE¼NW¼;
Sec. 36: W½NW¼NE¼.
Total area, Kaibab National Forest: 110 acres.

The areas described above total 323.22 acres in the Prescott National Forest and the Kaibab National Forest.

E. R. TRAGITT,
*Lands and Minerals Staff Officer.*

[F. R. Doc. 56-3378; Filed, Apr. 30, 1956; 8:52 a. m.]

OREGON

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

APRIL 23, 1956.

The Department of Agriculture has filed an application, Serial No. Oregon 04242, for the withdrawal of the lands described below, from all forms of appropriation under the general mining laws subject to valid existing rights.

The applicant desires the land for administrative sites in connection with the management of the Siuslaw National Forest.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 1001 N. E. Lloyd Boulevard, P. O. Box 3861, Portland 8, Oregon.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

WILLAMETTE MERIDIAN, OREGON

SIUSLAW NATIONAL FOREST

Drew Creek Administrative Site:
T. 17 S., R. 10 W.,
Sec. 35: S½SE¼SW¼.
20 acres.

Sunset Administrative Site:
T. 19 S., R. 10 W.,
Sec. 4: W½NE¼SW¼.
20 acres.

Goodwin Peak Administrative Site:
T. 19 S., R. 10 W.,
Sec. 9: W½NW¼SE¼.
20 acres.

ELTON M. HATTAN,
*Acting State Supervisor.*

[F. R. Doc. 56-3344; Filed, Apr. 30, 1956; 8:46 a. m.]

## Bureau of Reclamation

CRESCENT LAKE DAM PROJECT, OREGON

FIRST FORM RECLAMATION WITHDRAWAL

NOVEMBER 8, 1954.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby withdraw the following-described lands from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

WILLAMETTE MERIDIAN, OREGON

T. 24 S., R. 6 E.,
Sec. 13, Lot 1;
Sec. 16, SE¼SE¼;
Sec. 21, SE¼NW¼.

The above areas aggregate approximately 120 acres.

E. V. LINDSETH,
*Acting Commissioner.*

[68067]

APRIL 25, 1956.

I concur. The records of the Bureau of Land Management will be noted accordingly.

EDWARD WOOZLEY,
*Director,*
*Bureau of Land Management.*

*Notice for Filing Objections to Order Withdrawing Public Lands for the Cresent Lake Dam Project, Oregon*

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of Oregon, for use in connection with the proposed increase in storage capacity of the Cresent Lake Reservoir may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

E. V. LINDSETH,
*Acting Commissioner.*

[F. R. Doc. 56-3345; Filed, Apr. 30, 1956; 8:46 a. m.]



UMATILLA PROJECT, OREGON

FIRST FORM RECLAMATION WITHDRAWAL

JULY 26, 1954.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949, I hereby withdraw the following-described lands from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

WILLAMETTE MERIDIAN, OREGON

T. 4 N., R. 25 E.,
Sec. 12, S½NW¼ and E½SW¼.
T. 5 N., R. 26 E.,
Sec. 34, N½SE¼ and SE¼SE¼.

The above areas aggregate approximately 280 acres.

L. N. MCCLELLAN,
*Acting Commissioner.*

[67609]

APRIL 25, 1956.

I concur. The records of the Bureau of Land Management will be noted accordingly.

EDWARD WOOZLEY,
*Director,*
*Bureau of Land Management.*

*Notice for Filing Objections to Order Withdrawing Public Lands for the Umatilla Project, Oregon*

JULY 26, 1954.

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of Oregon, for use in connection with the operation and maintenance of the Umatilla Project, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

L. N. MCCLELLAN,
*Acting Commissioner.*

[F. R. Doc. 56-3346; Filed, Apr. 30, 1956; 8:46 a. m.]

# DEPARTMENT OF AGRICULTURE

## Commodity Credit Corporation

APRIL 1956 MONTHLY SALES LIST; AMENDMENT

SALES OF CERTAIN COMMODITIES

The price listing for domestic sales of butter for unrestricted use and of cheese as shown in the April 1956 Monthly Sales List is amended effective April 19, 1956 as set forth below, pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F. R. 6669).

| Commodity and approximate quantity available (subject to prior sale) | Sales price or method of sale |
|---|---|
| Salted creamery butter (in carloads only), as available. | Domestic, Unrestricted use: 63.25 cents per pound for New York, New Jersey, Pennsylvania, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. 62.50 cents per pound for all other States. |
| Cheddar cheese, cheddars, flats, twins, and rindless blocks (standard moisture basis in carloads only), 220,000,000 pounds. | Domestic: 38 cents per pound for New York, New Jersey, Pennsylvania, New England, and other States bordering the Atlantic and Pacific Oceans and Gulf of Mexico. 37 cents per pound for all other States. |

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U. S. C. 1427, sec. 208, 63 Stat. 901)

Issued: April 26, 1956.

[SEAL] WALTER C. BERGER,
*Acting Executive Vice-President,*
*Commodity Credit Corporation.*

[F. R. Doc. 56-3385; Filed, Apr. 30, 1956; 8:54 a. m.]

# DEPARTMENT OF COMMERCE

## Bureau of Foreign Commerce

M. NEWMARK & CO., LTD.

ORDER EXTENDING A TEMPORARY ORDER DENYING EXPORT PRIVILEGES AND MAKING THE TERM OF SUCH DENIAL INDEFINITE

In the matter of M. Newmark & Company, Ltd., 5 & 7 Watling Court, Cannon Street, London, E. C. 4, England, respondent.

M. Newmark & Company, Ltd., having been denied export privileges for a period of thirty days commencing March 26, 1956, by order dated on that day and duly published in the FEDERAL REGISTER on March 29, 1956 (21 F. R. 1941), said respondent having been denied export privileges by reason of its failure to respond to interrogatories duly propounded to it in an investigation of a possible violation of the Export Control Act of 1949, as amended;

And, following the making of said order a new regulation, Section 382.15 of the export control regulations having been promulgated (21 F. R. 1416), which new regulation provides that a person failing or refusing to answer or furnish written information in response to interrogatories may be denied export privileges until such person shall respond to the interrogatories or shall give adequate reasons for his failure or refusal to respond;

And notice of such regulation having been duly served on the respondent M. Newmark & Company Ltd.;

And said respondent having been given an opportunity to respond to the interrogatories theretofore propounded but

having failed and omitted to make such response or to give adequate reasons for its failure to respond;

It is now, for the purpose of achieving effective enforcement of the law, hereby ordered:

That the order of March 26, 1956, be, and the same hereby is amended so that decretal Part (4) thereof provides that the respondent M. Newmark & Company Ltd. be, and it hereby is denied all export privileges, as in the said order more particularly set forth, until such time as it shall respond to the interrogatories heretofore propounded to it or shall give adequate reasons to the Bureau of Foreign Commerce for its failure or refusal to respond; and, except as so amended and extended, said order be and remain and continue in full force and effect.

Dated: April 26, 1956.

JOHN C. BORTON,
*Director,*
*Office of Export Supply.*

[F. R. Doc. 56-3380; Filed, Apr. 30, 1956; 8:53 a. m.]

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[Case No. 206A]

METALIMPORT TRUST ET AL.

ORDER REVOKING EXPORT LICENSES AND DENYING EXPORT PRIVILEGES

In the matter of Metalimport Trust, Vaduz, Liechtenstein and Dreikonigstrasse 21, Zurich, Switzerland; Metalimport, S. A. R. L., 26, rue de la Pepiniere, Paris, France; Alexander Abel (now deceased) Friedrich Abel, 50, rue de Bassano, Paris, France; Rudolph Abel, 14, avenue Pierre Ier de Serbie, Paris, France; Ephraim Leibowitz, Stauffacherquai 58, Zurich, Switzerland; Trans Trust, Ltd., S. P. R. L., Georges Wilhelm, 3, rue d'Assaut, Brussels, Belgium; Gaston Delattre, 148 avenue d'Auderghem, Brussels, Belgium; respondents; Case No. 206A.

The respondents above named, having been charged (together with others with respect to whom the charges have been dismissed or severed), with having violated the Export Control Act of 1949, as amended, duly appeared herein and denied the charges. Metalimport, S. A. R. L., Alexander Abel, Friedrich Abel and Rudolph Abel were represented by counsel and the remaining respondents appeared in personam. The case was referred to the Compliance Commissioner who has held a hearing at which all evidence, arguments and answers submitted on behalf of the respondents were received and made part of the record. The respondents Alexander Abel, Friedrich Abel, Rudolph Abel and Metalimport S. A. R. L. were represented at the hearing by counsel but neither they nor any of the other respondents were present. Since the commencement of this proceeding, Alexander Abel has died.

The Compliance Commissioner has submitted his report and his recommendation.

Now, after considering the entire record consisting of the charges, the anwers, motions and arguments submitted by the respondents, the evidence in support of and in opposition to the charges, and the report and recommendation of the Compliance Commissioner, I hereby make the following findings of fact:

1. At all times hereinafter mentioned, Alexander Abel, who is now deceased, Rudolph Abel, and Friedrich Abel, hereinafter referred to as the Abel brothers, were engaged in international trade and resided or made their headquarters in Paris, France, in which city they maintained a family corporation or organization known as Metalimport, S. A. R. L.

2. That at the same times, Friedrich Abal and Alexander Abel had investments in Metalimport Trust, Vaduz, Liechtenstein, and Zurich, Switzerland (hereinafter referred to as Metalimport Trust, Vaduz). The said Abel brothers, together with Rudolph Abel, engaged in transactions involving the sales of commodities in international trade, which transactions they directed or caused to be consummated in the name of Metalimport Trust, Vaduz.

3. That Ephraim Leibowitz was a manager or legal agent or representative of Metalimport Trust, Vaduz, during all said times.

4. That the said Alexander Abel, Rudolph Abel, Friedrich Abel, Ephraim Leibowitz, Metalimport, S. A. R. L. (together with another respondent with respect to whom no action is being taken at this time), hereinafter referred to as the Metalimport respondents, participated together in the transactions and acts hereinafter set forth, unless any such acts are specifically assigned to particular individuals or firms, and that for the purpose of accomplishing the transactions involved they utilized the firm name or entity of Metalimport Trust, Vaduz.

5. That at all such times Trans Trust, Ltd., S. P. R. L., was a firm doing business in Brussels, Belgium, and its transactions hereinafter set forth were handled and directed by Georges Wilhelm and Gaston Delattre, all of these respondents being referred to hereinafter as Trans Trust.

6. That all the respondents well knew that the exportation of mineral oils such as those involved in the transactions were subject to U. S. export controls and that when an export license for the exportation of any such oils was grouted, it was granted upon the condition that the person therein named as the ultimate consignee was the actual ultimate consignee and that the country of ultimate destination was the country therein named as such.

7. That early in 1951 the Abel brothers entered upon a venture wherein they acquired and disposed of, as hereinafter set forth, contracts aggregating 1,200 tons of mineral oils.

8. That for the purpose of acquiring said oils, the Metalimport respondents arranged with a purchasing firm in Paris, France, to purchase said oils from vendors in the United States and sell them to Trans Trust, the ostensible ultimate consignee in Belgium, but in fact only the nominee or straw party for the Metal-Import Trust respondents.

9. That in order to obtain the said oils from vendors in the United States, the Metalimport respondents caused and induced the Trans Trust respondents and the purchasing firm in France to execute ultimate consignee statements for submission to the Office of International Trade, now the Bureau of Foreign Commerce, in which the firms executing such ultimate consignee statements did represent and warrant that the oils being purchased from the American vendors by the purchasing firm were to be received by Trans Trust as ultimate consignee in Belgium for resale in Belgium.

10. That they caused such ultimate consignee statements to be submitted by the American vendors to the OIT in support of applications for export licenses.

11. That the American vendors when submitting their applications for export licenses incorporated in their applications the factual statements contained in said ultimate consignee statements and attached the said statements to such applications.

12. That in reliance on such applications and the ultimate consignee statements annexed thereto, the OIT issued four export licenses authorizing the exportation of the oils hereinafter mentioned to Trans Trust as the ultimate consignee for resale in Belgium, the country of ultimate destination.

13. That under one of such export licenses, two shipments of oil were made by an American vendor to the Trans Trust respondents, one of them being 1,054 drums (56,916 gallons) and the other 554 drums (29,376 gallons). On their arrival at Antwerp, the Metalimport respondents and Trans Trust caused both said shipments of oil to be transshipped to Gdynia, Poland.

14. That under a second of said export licenses, another shipment of oil was made by the same American vendor to the Trans Trust respondents, this shipment consisting of 1,611 drums (86,994 gallons). On its arrival at Antwerp, the Metalimport respondents and Trans Trust caused this second shipment of oil to be transshipped to Gdynia, Poland.

15. That under a third of such export licenses, two shipments of oil were made by another American vendor to the Trans Trust respondents, one of them being 537 drums (28,998 gallons) and the other 797 drums (43,038 gallons). On their arrival at Antwerp, the Metalimport respondents and Trans Trust caused both said shipments of oil to be transshipped to Goteborg, Sweden and from there the Abel brothers caused the 537 drums of oil to be transshipped to Gdynia, Poland.

16. Under the last of such export licenses, an American vendor made one shipment of 1,900 drums (102,600 gallons) of oils to the Trans Trust respondents at Antwerp, Belgium, which the Metalimport Trust and Trans Trust respondents caused to be transshipped to Goteborg, Sweden.

17. That the Abel brothers, Metalimport S. A. R. L. and Metalimport Trust, Vaduz, at all times knew and intended that all the oils were to be transshipped to Gdynia, Poland or Communist China; the Metalimport Trust respondents knew, or should have known, that all the oils were to be transshipped from Belgium and that all the respondents at all times knew, or should have known, that Trans Trust was not the ultimate purchaser and consignee in Antwerp, Belgium, and that the oils were to be transshipped out of Belgium.

18. That the oils to which reference is made in Findings 13 and 14 were sold by Metalimport Trust, Vaduz, to a purchasing agent for the Government of Communist China.

19. That on all bills of lading issued in connection with the shipments from the United States to which reference is made in Findings 15 and 16, there was endorsed a clause warning that the exportation of the oils shipped thereunder was licensed by the United States for ultimate destination in Belgium and that diversion contrary thereto was in violation of U. S. law and the Metalimport Trust respondents, as well as the Trans Trust respondents, by reason of the receipt by them or by their agents of said documents had due and sufficient notice and knowledge thereof.

And, by reason of the foregoing, the following are my conclusions:

A. The Metalimport Trust respondents knowingly caused false representations and certifications to be made to and material facts to be concealed from the Office of International Trade, in violation of § 381.1 (b) of the export control regulations then in effect, and knowingly diverted the oils to which reference has been made to unauthorized consignees and countries, in violation of the provisions and conditions contained in validated export licenses, shipper's export declarations, and bills of lading, contrary to the provisions of §§ 381.1 (b) (3) and 381.4 (b)-(e) of the export control regulations then in effect; and

B. The Trans Trust respondents knowingly made and caused to be made false representations to and concealed material facts from the Office of International Trade, stated in writing that they had commitments to purchase and import commodities from the United States for use in Belgium, when such was not their purpose and, without authorization, caused to be diverted to unauthorized consignees and countries, contrary to the provisions of export control documents, oils shipped from the United States;—all in violations of §§ 381.1 (b), 381.3 (b), and 381.4 of the export control regulations then in effect.

The Compliance Commissioner has recommended that an order be entered against the respondents as hereinafter provided and, having concluded that such recommended action is fair, just, and necessary to achieve effective enforcement of the law:

*It is hereby ordered:*

I. All outstanding validated export licenses in which the respondents or any of them appear or participate as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation.

II. Each of the respondents (except Alexander Abel) be and he or it hereby is suspended from and denied all privileges of participating, directly or indirectly in any manner or capacity, in an exportation of any commodity or technical data from the United States to any foreign destination, including Canada, whether such exportation has heretofore or hereafter been completed. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation by any of the respondents, directly or indirectly in any manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the obtaining or using of any validated or general export license or other export control documents, (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (d) in storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

III. Such denial of export privileges shall extend not only to each of the said respondents, but also to any person, firm, corporation, or business organization with which any of them may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade in which may be involved exports from the United States or services connected therewith.

IV. The denial of license privileges as set forth in decretal Part II hereof shall continue, (a) as respects the respondents Metalimport Trust, Metalimport, S. A. R. L., Friedrich Abel, and Rudolph Abel, so long as export controls shall remain in effect; (b) as respects the respondent Ephraim Leibowitz, for three years from the date hereof; and (c) as respects the respondents Trans Trust, Ltd., S. P. R. L., Georges Wilhelm, and Gaston Delattre, for a period of three years from the date hereof.

V. Upon condition that they comply in all respects with this order, and with all other requirements of the Export Control Act of 1949, as amended, and all regulations promulgated thereunder, the respondents Trans Trust, Wilhelm and Delattre, commencing two years after the date hereof, and the respondent Leibowitz, commencing two years after the date hereof, may engage in and enjoy all export privileges permitted by United States laws and regulations.

VI. The privileges conditionally restored to any respondent, under Part V hereof may be revoked summarily and without notice upon a finding by the Director of the Office of Export Supply, or such other official as may at that time be exercising the duties now exercised by him, that such respondent has, at any time following the date hereof, knowingly failed to comply with any of the conditions or provisions upon which or whereby, by Part V hereof, he or it has been permitted to engage in any phase of the export business otherwise denied to him under Parts II and IV hereof, without prejudice to any other action which may be taken by reason of any such new or additional violation. In the event that it be so determined that a respondent has breached the conditions of Part V hereof, the suspension and denial of respondent's export privileges shall be deemed to commence on the day of such determination and shall continue thereafter until such respondent has been denied export privileges for a time equivalent to the time specified for him or it in Part IV hereof.

VII. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, during any time when any respondent is prohibited under the terms hereof from engaging in any activity within the scope of Part II hereof, shall, without prior disclosure to, and specific authorization from, the Bureau of Foreign Commerce, directly or indirectly in any manner or capacity (a) apply for, obtain, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity, (b) order, receive, buy, use, dispose of, finance, transport or forward, any commodity on behalf of or in any association with such respondent, or (c) do any of the foregoing acts with respect to any commodity or exportation in which such respondent may have any interest of any kind or nature, direct or indirect.

Dated: April 25, 1956.

JOHN C. BORTON,
*Director,*
*Office of Export Supply.*

[F. R. Doc. 56-3363; Filed, Apr. 30, 1956; 8:49 a. m.]

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## Office of the Secretary

D. LIJNZAAD, N. V., ET AL.

APPEALS BOARD DECISION

In the matter of D. Lijnzaad, N. V., Transport en Handelmaatschappij, 58 Coolsingel, Boursgebouw, Rotterdam, Netherlands; Dirk Lijnzaad, 7 Duinweg, Wassenaar, Netherlands; Nedimtrans, N. V., Exchange Buildings, Rotterdam, Netherlands; Appeals Board Docket FC-29; B. F. C. Case No. 200.

Following oral hearing on this appeal, at which appellants were represented by counsel, and careful examination of the documents of record, the Appeals Board finds that the Conditional Order Denying Export Privileges, dated October 27, 1955, by the Director of Export Supply, Bureau of Foreign Commerce, was an appropriate action and sustains that order in full.

The Board has carefully considered whether Dirk Lijnzaad, as an individual, is properly included in the order. The Board has given weight to the evidence of record as to his personal good character, the assistance he has given to the U. S. Government in this and other matters, statements in his personal favor made by the Compliance Commissioner before whom he appeared, and unrefuted representations made in his behalf by his counsel at the Appeals Board hearing. On the basis of this evidence the Board believes that no question of Mr. Lijnzaad's personal integrity is involved in this matter. However, his responsibility to assure that the operations of the other appellants controlled by him complied at all times with U. S. Export Control regulations cannot be ignored, and therefore he is properly included in the order.

*Now, therefore it is ordered,* That the appeal be, and hereby is denied.

FREDERIC W. OLMSTEAD,
*Chairman,*
*Appeals Board.*

APRIL 18, 1956.

[P. R. Doc. 56-3364; Filed, Apr. 30, 1956; 8:50 a. m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 7158 et al.]

PAN AMERICAN WORLD AIRWAYS, INC. AND TRANS WORLD AIRLINES, INC.; WEST COAST-EUROPE CASE

NOTICE OF HEARING

In the matter of the applications of Pan American World Airways, Inc., and Trans World Airlines, Inc., for the designation of Los Angeles, San Francisco/Oakland, Portland and Seattle as additional coterminals for transatlantic services.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 401 of said Act, and the applicable regulations thereunder, that hearing in the above-entitled proceeding is assigned to be held May 22, 1956, at 10:00 a. m., P. s. t., in the chambers of the Board of Supervisors in the City Hall, San Francisco, California, before Examiner William J. Madden.

Without limiting the precise scope of the issues, particular attention will be directed to the following matters and questions:

(1) Whether the public convenience and necessity require the amendment of the existing certificates of Pan American World Airways, Inc., and Trans World Airlines, Inc., for transatlantic service so as to designate Los Angeles, San Francisco/Oakland, Portland, and Seattle as additional coterminals for such services.

(2) Whether the applicants are fit, willing and able to conduct the proposed air transportation and to conform to the provisions of the Act and the regulations of the Board thereunder.

For further details regarding this proceeding interested parties are referred to the report of the prehearing conference in this matter served January 31, 1956, a supplemental conference report served February 16, 1956, Board order No. E-10109, and the Docket in this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Notice is further given that any person not a party of record desiring to be heard in support or opposition to questions involved in this proceeding must file with the Board on or before May 22, 1956, a statement setting forth the matters of law or fact which he desires to advance. Any person filing such a statement may appear at the hearing in accordance with § 302.14 of the rules of practice in Economic Proceedings.

Dated at Washington, D. C., April 24, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56-3388; Filed, Apr. 30, 1956; 8:54 a. m.]



[Docket No. 7589]

ALLTRANSPORT, INC., ET AL.

NOTICE OF HEARING

In the matter of the application for approval of interlocking and control relationship between Alltransport Inc., and All Airtransport Inc., and Hans E. Nachbur, R. O. Haller and A. N. Floch.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding is assigned to be held on May 7, 1956, at 10:00 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Dated at Washington, D. C., April 26, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56-3390; Filed, Apr. 30, 1956; 8:55 a. m.]

[Docket No. 7627]

NORMAN BARNETT ET AL.

NOTICE OF HEARING

In the matter of the application of Norman Barnett, Alan Barnett, Barnett International Forwarders, Inc., and Barnett International Airfreight Corp., under sections 408 and 409 of the Civil Aeronautics Act, as amended, for Board approval of certain common control and interlocking relationship.

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding is assigned to be held on May 8, 1956, at 10:00 a. m., e. d. s. t., in Room E-224, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Barron Fredericks.

Dated at Washington, D. C., April 26, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56-3391; Filed, Apr. 30, 1956; 8:55 a. m.]

[Docket No. 7751]

SOUTHEAST AIRLINES AGENCY, INC., ET AL.

NOTICE OF HEARING

In the matter of Southeast Airlines Agency, Inc., a Florida corporation; Southeast Airlines Agency Corporation, a New York corporation; Southeast Airlines Agency Inc., a Michigan corporation; Detroit Southeast Agency, Inc., a Michigan corporation enforcement proceeding.

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled matter is assigned to be held on June 4, 1956, at 10:00 a. m., e. d. s. t., in Room E-224, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner John A. Cannon.

Dated at Washington, D. C., April 26, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56-3392; Filed, Apr. 30, 1956; 8:55 a. m.]

[Docket No. SA-319]

ACCIDENT OCCURRING NEAR SEATTLE, WASH.

NOTICE OF HEARING

In the matter of investigation of accident involving aircraft of United States Registry N 74608, which occurred near Seattle, Washington, April 2, 1956.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said Act, in the above-entitled proceeding that hearing is hereby assigned to be held on Monday, May 21, 1956, at 9:30 a. m., local time, in the Windsor Ballroom, New Washington Hotel, Second at Stewart Street, Seattle, Washington.

Dated at Washington, D. C., April 26, 1956.

[SEAL] ROBERT W. CHRISP,
*Presiding Officer.*

[F. R. Doc. 56-3389; Filed, Apr. 30, 1956; 8:55 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. G-7925 etc.]

W. W. LINDSAY ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

Take notice that each of the Applicants listed below has filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing such Applicant to continue to sell natural gas subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open for public inspection. These matters should be consolidated and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on the date and at the place hereinafter stated, concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) not less than ten days before the date of hearing. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request for waiver is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

The dockets, Applicants and material averments in applications to which reference is made above are as follows:

*Docket No.; Name and Address; Filing Date; Gas Field; and Purchaser*

G-7925; W. W. Lindsay, Trustee, Pikeville, Ky.; 12-3-54; Greasy Creek, Pike County, Ky.; United Fuel Gas Company.

G-8415; Three H. Gas Company, Hurricane, W. Va.; 1-28-55; Putnam County, W. V., United Fuel Gas Company.

G-8416; Henderson Brothers by C. A. Henderson, a partner, Hurricane, W. Va.; 1-28-55; Putnam County, W. Va.; United Fuel Gas Company.

G-8418; T. E. Bickel Estate, Parkersburg National Bank, Trustee, Parkersburg, W. Va.; 1-31-55; Calhoun and Ritchie Counties, W. Va.; The Manufacturers Light and Heat Company.

G-8410; Turkey Creek Gas Company, Hurricane, W. Va.; 1-28-55; Putnam County, W. Va.; United Fuel Gas Company.

G-8142; W. E. Burchett, Huntington, W. Va.; 12-13-54; Kermit District, Mingo County, W. Va.; United Fuel Gas Company.

G-8103; One Mile Gas Company, Hamlin, W. Va.; 12-8-54; Lincoln County, W. Va.; South Penn Natural Gas Company.

G-8138; W. E. Burchett, Huntington, W. Va.; 12-13-54; Harvey District, Mingo County, W. Va.; United Fuel Gas Company.

G-8139; W. E. Burchett, Huntington, W. Va.; 12-13-54; Magnolia District, Mingo County, W. Va.; Columbian Carbon Company.

G-8140; W. E. Burchett, Huntington, W. Va.; 12-13-54; Grant District, Wayne County, W. Va.; United Fuel Gas Company.

G-8141; W. E. Burchett, Huntington, W. Va.; 12-13-54; Kermit District, Mingo County, W. Va.; United Fuel Gas Company.

G-8143; W. E. Burchett, Huntington, W. Va.; 12-13-54; Kermit District, Mingo County, W. Va.; United Fuel Gas Company.

G-8144; W. E. Burchett, Huntington, W. Va.; 12-13-54; Grant District, Wayne County, W. Va.; United Fuel Gas Company.

G-8145; W. E. Burchett, Huntington, W. Va.; 12-13-54; Grant District, Wayne County, W. Va.; United Fuel Gas Company.

G-8231; Midkiff Gas Company, Hamlin, W. Va.; 12-17-54; Salt Rock and Hager Districts, Cabell County, W. Va.; South Penn Natural Gas Company.

G-8232; Woodall Gas Company, Hamlin, W. Va.; 12-16-54; Union District, Lincoln County, W. Va.; South Penn Natural Gas Company.

G-8236; Pratt Gas Company, Hamlin, W. Va.; 12-16-54; Salt Rock and McComas Districts, Cabell County, W. Va.; South Penn Natural Gas Company.

G-8237; Plymouth Gas Company, Hamlin, W. Va.; 12-16-54; Salt Rock and McComas Districts, Cabell County, W. Va.; South Penn Natural Gas Company.

G-8248; Easter Gas Company, Hamlin, W. Va.; 12-20-54; Nye, Putnam County, W. Va.; South Penn Natural Gas Company.

G-8249; Stowers Gas Company, Hamlin, W. Va.; 12-20-54; Hager and Union Districts, Lincoln County, W. Va.; South Penn Natural Gas Company.

A public hearing will be held on the 24th day of May 1956, beginning at 9:30 a. m., e. d. s. t., in the hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the above applications.

[SEAL] LEON M. FUQUAY,
*Secretary.*

APRIL 24, 1956.

[F. R. Doc. 56-3352; Filed, April 30, 1956; 8:47 a. m.]

[Docket No. G-9447]

SOUTHERN PRODUCTION CO., INC.

ORDER GRANTING REQUEST FOR RECONSIDERATION AND POSTPONING HEARING

By order issued April 20, 1956, the Commission denied the request filed on April 17, 1956, by Southern Production Company, Inc. (Southern), for a continuance of 60 days of the hearing scheduled to commence on May 3, 1956, in this proceeding.

Thereupon Southern requested the Commission to reconsider the application filed on April 17, 1956, for the continuance of the hearing.

The Commission finds: Southern has shown good cause in its request for reconsideration of the order issued April 20, 1956, for postponing the hearing as requested.

The Commission orders: The hearing in this proceeding now scheduled to commence on May 3, 1956, be and it is hereby postponed to July 2, 1956, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

Issued: April 25, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-3353; Filed, Apr. 30, 1956; 8:47 a. m.]

[Docket No. G-9547]

UNITED GAS PIPE LINE CO.

ORDER FIXING DATE FOR ORAL ARGUMENT

On September 30, 1955, United Gas Pipe Line Company (United) filed 31 tariff sheets to become effective November 1, 1955, proposing, among other things, an increase in rates of approximately $9,978,000 annually. The Commission by order issued October 26, 1955, suspended until April 1, 1956, all the tariff sheets except those covering the sale of gas for resale for industrial use only.

On March 20, 1956, United filed a motion pursuant to Section 4 (e) of the Natural Gas Act to place in effect on April 1, 1956, the tariff sheets suspended by the Commission order of October 26, 1955.

Mississippi Valley Gas Company, Memphis Light, Gas and Water Division jointly with the City of Memphis, Tennessee (Memphis), and the City of Jackson, Mississippi, have filed motions to (a) prohibit United's rate increase from becoming effective April 1, 1956, (b) reject part of such rate increase and (c) order refunds under United's increased industrial use rates which were not subject to suspension and therefore became effective November 1, 1956.[1] Such motions are based on the allegation that United's tariff filings were a unilateral change in "contractual rate" which is prohibited under the rule of the decision promulgated in United Gas Pipe Line Co. v. Mobile Gas Service Corp. et al., 350 U. S. 332.

United filed answers to the motions filed by Mississippi Valley and Memphis alleging that (a) the service agreements grant either party the right to seek changes in accordance with the Natural Gas Act and (b) the tariff including the form of service agreement is ex parte and may be changed unilatorally. Texas Gas Transmission Corporation filed answers in support of United's position as to "mutual consent" being contained in the service agreement. Southern Natural Gas Company filed a similar answer.

Mississippi Valley Gas Company and City of Memphis, Memphis Light, Gas and Water Division, filed similar answers to the "Motion of United Gas Pipe Line Company to Dismiss Motion of Mississippi Valley Gas Company to Reject, Cancel and Dismiss Rate Filings in Part." United filed a "Reply of United Gas Pipe Line Company to the 'Answer' of Mississippi Valley Gas Company and City of Memphis, et al., to United's Answer to Mississippi Valley's Motion to Dismiss."

Willmut Gas and Oil Company, on the basis of the Mobile Case, and Federal Power Commission v. Sierra Pacific Power Co., 350 U. S. 348, filed a "Motion to Reject, Cancel and Dismiss Rate Filings Insofar as they purport to Increase the Rates for Sales of Gas to Willmut Gas and Oil Company to Prohibit Said Increased Rates From Becoming Effective, and to Require Refund of Increases Paid". Mobile Service Corporation, which had heretofore filed its Petition of Intervention and Answer to the Application for increased rates filed by United to take effect on November 1, 1955, filed an Amendment to said Petition of Intervention and Answer, reinforcing, in effect, its previous position by the decision in the Mobile Case.

The proposed motions to reject the increased rate filings and to cancel and dismiss the rate increase proceedings in the light of the recent Mobile and Sierra Pacific decisions raise questions which are not answered conclusively by the responses to such motions.

The Commission finds: It is appropriate for the proper administration of the Natural Gas Act that oral argument be had before the Commission concerning the matters involved in and the issues presented by the motions to reject the increased rate filings and to cancel and dismiss the rate proceedings filed herein.

The Commission orders:

(A) Oral argument be had before the Commission on May 25, 1956 at 10:00

[1] Mississippi Valley's motion is limited to United's increased rates insofar as they apply to its own purchase and those of the other suppliers, Texas Gas Transmission Corporation and Southern Natural Gas Company. Memphis' motion is limited to the increased rates to its supplier, Texas Gas and that of the City of Jackson to the increased rates to its supplier, Mississippi Valley.

a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the said motions to reject the increased rate filings and to cancel and dismiss the rate proceedings.

(B) Parties to this proceeding who intend to participate in the oral argument shall notify the Secretary of the Commission on or before May 14, 1956, of such intention and of the time requested for presentation of their arguments.

Issued: April 25, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-3354; Filed, Apr. 30, 1956; 8:47 a. m.]

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[Docket No. G-9890]

HOPE NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 25, 1956.

Hope Natural Gas Company (Applicant), a West Virginia corporation with principal place of business at 445 West Main Street, Clarksburg, West Virginia, filed, on January 23, 1956, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate, as an integral part of its existing natural-gas system, certain natural-gas facilities as hereinafter described which are necessary to the delivery and sale of natural gas in interstate commerce by Applicant.

The facilities proposed to be constructed and operated by Applicant consist of one 1,200 horsepower engine and compressor unit for standby purposes at its L. L. Tonkin Station (formerly known as Middle Island Station) in Doddridge County, West Virginia, on its main pipeline system.

The estimated cost of construction of the proposed facilities is $220,000, which will be financed from cash on hand.

The application states that the five presently authorized engines at the Tonkin Station have operated greater than 85 percent of the time in order to handle the increased deliveries from Tennessee Gas Transmission Company (Tennessee) which has prevented Applicant from performing the necessary periodic maintenance to said engines. Applicant states that without proper maintenance the engines may be subject to breakdown, in which event Applicant would be unable to maintain full operation of the station.

Tonkin Station receives gas from Tennessee, via the Cornwell Station, at 650 psi and pumps this gas northward to the Hastings Station during the winter heating season at 1,100 psia, and eastward to storage during the off-peak seasons at 1,000 psi. Tonkin Station was constructed to aid in handling 165,000 Mcf of gas per day and now handles 225,000 Mcf per day.

Applicant shows a design day operation requiring 6,375 horsepower at Tonkin Station during the winter season, and operation requiring 5,225 horsepower during the summer. With the additional horsepower sought, Applicant will have 7,200 horsepower installed at the station.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Thursday, May 31, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 10, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-3355; Filed, Apr. 30, 1956; 8:48 a. m.]

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[Docket No. G-9953]

EAST TENNESSEE NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 25, 1956.

East Tennessee Natural Gas Company (Applicant), a Tennessee corporation with principal place of business at P. O. Box 831, Knoxville, Tennessee, filed on February 6, 1956, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate, as an integral part of its existing natural-gas system, certain natural-gas facilities as hereinafter described which are necessary to the delivery and sale of natural gas in interstate commerce by Applicant, and to sell and deliver up to a daily maximum of 1,000 Mcf of natural gas at 100 psia in interstate commerce on a firm basis, pursuant to a 14-year requirements contract dated January 9, 1956, to the municipality of Rockwood, Tennessee, for resale and distribution by said municipality via its proposed distribution system within Rockwood, Tennessee and its environs for residential, commercial and industrial use.

The facilities proposed to be constructed and operated by Applicant consist of a physical connection and necessary metering and regulating equipment to be located at the downstream terminus of Applicant's existing Harriman lateral near the corporate limits of Harriman, Tennessee. The Harriman lateral is fed from Applicant's main 22-inch Greenbrier-Knoxville pipeline.

The estimated cost of construction of the proposed facilities is $12,246, which will be financed out of current working funds.

The estimated gas requirements in Mcf for the entire Rockwood system are as follows:

| | First year | Second year | Third year |
|---|---|---|---|
| Annual requirements | 81,781 | 88,608 | 92,125 |
| Maximum daily demand | 930 | 1,024 | 1,071 |

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Thursday, May 31, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 10, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-3356; Filed, Apr. 30, 1956; 8:48 a. m.]



[Docket No. G-9954]

EAST TENNESSEE NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 25, 1956.

Take notice that East Tennessee Natural Gas Company (Applicant), a Tennessee corporation with principal place of business at P. O. Box 831, Knoxville 1, Tennessee, filed, on February 6, 1956, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate, as an integral part of its existing natural gas system, certain natural gas facilities as hereinafter described which are necessary to the delivery and sale of natural gas in interstate commerce by Applicant, and, to sell and deliver up to a daily maximum of 1,531 Mcf of natural gas at 100 psia in interstate commerce on a firm basis pursuant to a 14 year requirements contract dated January 3, 1956, to the municipality of South Pittsburg, Tennessee, for resale and distribution by said municipality via its proposed distribution system in the towns of Sequatchie, Jasper, South Pittsburg and Richard City, Tennessee, and their environs for residential, commercial and industrial use.

The facilities proposed to be constructed and operated by Applicant consist of a physical connection and necessary metering and regulating equipment to be located on Applicant's existing 12¾ inch Lobelville-Chattanooga main pipeline, approximately one mile north of the community of Sequatchie, Tennessee at or near the point of intersection between Applicant's 12¾ inch pipeline with State Highway 27 in Marion County, Tennessee.

The estimated cost of construction of the proposed facilities is $12,626 which will be financed out of current working funds.

The estimated gas requirements in Mcf for the entire South Pittsburg system are as follows:

| | First year | Second year | Third year |
|---|---|---|---|
| Annual requirements | 111,673 | 137,802 | 157,222 |
| Maximum daily demand | 1,208 | 1,419 | 1,531 |

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Thursday, May 31, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 10, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-3357; Filed, Apr. 30, 1956; 8:48 a. m.]

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[Docket No. G-10014]

KANSAS-NEBRASKA NATURAL GAS CO., INC.

NOTICE OF APPLICATION

APRIL 25, 1956.

Take notice that Kansas-Nebraska Natural Gas Company, Inc. (Applicant), a Kansas Corporation with its principal place of business at Phillipsburg, Kansas, filed an application on February 28, 1956, as supplemented on April 11, 1956, pursuant to section 7 (c) of the Natural Gas Act, authorizing the construction and operation of natural gas facilities as hereinafter described subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant proposes to:

(1) Install an additional 550 h. p. compressor with auxiliary equipment at its Albion, Nebraska, Compressor Station;

(2) Construct 10 miles of 10 inch gas pipeline to replace an equal quantity of existing 8 inch pipeline between Grand Island and Albion, Nebraska, and reinstall the salvaged 8 inch pipe to parallel the next 10 miles of existing 8 inch pipeline;

(3) Install an additional 550 h. p. compressor with auxiliary equipment at its Grand Island, Nebraska, Compressor Station;

(4) Install 1,100 h. p. compressor with auxiliary equipment and reclaim the existing three 125 h. p. units at its Cozad, Nebraska, Compressor Station;

(5) Install an additional 500 h. p. compressor with auxiliary equipment at its Colby, Kansas, Compressor Station;

(6) Construct 11.5 miles of 12 inch gas pipeline to replace an equal quantity of existing 8 inch line between Scott City and Oakley, Kansas;

(7) Install 375 h. p. of compressors with auxiliary equipment at its Clay Center, Nebraska, Station; and

(8) Construct 1.2 miles of 6 inch gas pipeline between its Clay center, Compressor Station and Exeter-Geneva branch line.

Applicant, by its first supplement to the application further requests that it be authorized to construct and operate such facilities; subject to the jurisdiction of the Commission as are required in its Denver-Julesburg Basin operation.

Applicant states that the additional facilities proposed herein are necessary to provide service to the increased firm demands of existing markets. No new communities or mainline industrial services are contemplated.

The total estimated cost of construction proposed herein is approximately $4,192,715 including certain non-jurisdictional facilities for which a certificate is not requested. Applicant proposes to finance its entire project by the sale of securities in the amount of $4,000,000.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 10, 1956.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-3358; Filed, Apr. 30, 1956; 8:48 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3445]

GENERAL PUBLIC UTILITIES CORP. AND JERSEY CENTRAL POWER & LIGHT CO.

ORDER GRANTING APPLICATION REGARDING ISSUE AND SALE OF COMMON STOCK BY SUBSIDIARY AND ACQUISITION THEREOF BY PARENT

APRIL 25, 1956.

General Public Utilities Corporation ("GPU"), a registered holding company, and Jersey Central Power & Light Company ("Jersey Central"), a public-utility subsidiary company of GPU, have jointly filed an application and amendment thereto with this Commission, pursuant to sections 6 (b), 9 (a), and 10 of the Public Utility Holding Company Act of 1935 ("act") regarding certain proposed transactions, which are summarized as follows:

Jersey Central proposes to issue and sell to GPU, and GPU proposes to purchase from Jersey Central, 475,000 additional shares of Jersey Central's common stock for cash at the par value thereof, namely $10 per share, or an aggregate purchase price of $4,750,000. Such shares will be issued and sold by Jersey Central, and purchased by GPU, from time to time, but not later than the issuance and sale by Jersey Central during 1956 of additional first mortgage bonds. The proceeds of such additional shares of common stock thus issued and sold by Jersey Central will be applied by it to the cost of construction of additions and betterments or to repay bank loans the proceeds of which have been applied to such purpose or to reimburse its treasury for expenditures directly or indirectly therefrom for such purpose.

The issuance and sale by Jersey Central of the additional shares of its common stock have been expressly authorized by the Board of Public Utility Commissioners of the State of New Jersey, which is the regulatory commission of the State in which Jersey Central is organized and doing business. No other State commission, and no Federal commission other than this Commission, has jurisdiction over the proposed transactions.

It is estimated that GPU's expenses in connection with the proposed transactions will not exceed $500 and that the fees and expenses of Jersey Central will be as follows:

| | |
|---|---|
| Filing fee—Board of Public Utility Commissioners of the State of New Jersey | $500 |
| Federal issue tax | 5,225 |
| Legal fees: | |
| Autenrieth & Rochester | 1,250 |
| Berlack, Israels & Liberman | 1,000 |
| Miscellaneous | 500 |
| Total | 8,475 |

Due notice of the filing of said application having been given in the manner prescribed by Rule U-23 promulgated under said act, and no hearing having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and of the rules promulgated thereunder are satisfied, that the fees and expenses set forth above are not unreasonable, and that the application, as amended, should be granted forthwith:

*It is ordered,* Pursuant to Rule U-23 and the applicable provisions of the act that said application, as amended, be, and the same hereby is, granted forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-3360; Filed, Apr. 30, 1956; 8:49 a. m.]

## INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 26, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32000: *Asphalt—Baltimore, Md., and Catlettsburg, Ky.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on asphalt, tank-car loads, from Baltimore, Md., and Catlettsburg, Ky., to Roanoke, Va.

Grounds for relief: Market competition and circuity.

Tariff: Supplement 12 to Baltimore and Ohio R. R. ICC 23956, supplement 80 to Chesapeake & Ohio Railway ICC 13167, Pennsylvania Railroad ICC No. 3444, supplement 12, and Western Maryland ICC No. 8913, supplement 15.

FSA 32001: *Petroleum coke—Illinois to Milwaukee, Wis.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on petroleum coke, carloads, from Federal, Roxana, and Wood River, Ill., to Milwaukee, Wis.

Grounds for relief: Rail-barge competition and circuity.

Tariff: Supplement 43 to Agent, Raasch's ICC 767.

FSA No. 32002: *Coal tar—Ohio to Edgewater, N. J.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on crude coal tar, tank-car loads, from Youngstown and Cleveland, Ohio to Edgewater, N. J.

Grounds for relief: Truck barge and barge competition and circuitous routes.

Tariff: Supplement 169 to Agent Hinsch's ICC 4542.

FSA 32003: *Proportional rates on newsprint paper to Texas.* Filed by F. C. Kratzmeir, Agent for interested rail carriers. Rates on newsprint paper, carloads, from St. Louis, Mo., and other specified upper Mississippi crossings in Illinois, on traffic originating in eastern Canada to specified points in Texas.

Grounds for relief: Proportional rates as factors in construction of combination rates to meet combination rates over other routes, and circuity.

Tariff: Supplement 165 to Agent Kratzmeir's ICC 4090; supplement 126 to Agent Kratzmeir's ICC 4115; supplement 132 to Agent Kratzmeir's ICC 4109; supplement 15 to Agent Kratzmeir's ICC 4178.

FSA 32004: *All freight—Lawrenceburg, Tenn., to St. Louis, Mo., and Charleston, W. Va.* Filed by R. E. Boyle, Jr., Agent for interested rail carriers. Rates on merchandise, mixed carloads, from Lawrenceburg, Tenn., to St. Louis, Mo., and Charleston, W. Va.

Grounds for relief: Motor truck competition and circuity.

Tariff: Supplement 37 to Agent Spaninger's ICC 1458.

FSA 32005: *All freight—Mobile, Ala., to Chicago, Ill., and Group.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on merchandise, mixed carloads, from Mobile, Ala., to Chicago, Ill., and grouped points therewith as taking same rates.

Grounds for relief: Motor truck competition.

Tariff: Supplement 37 to Agent Spaninger's ICC 1458.

FSA No. 32006: *Vermiculite to Scottslawn, Ohio.* Filed by R. E. Boyle, Jr., Agent for interested rail carriers. Rates on vermiculite, carloads, from Kearney and Travelers Rest, S. C., to Scottslawn, Ohio.

Grounds for relief: Short line distance formula and circuity.

Tariff: Supplement 103 to Agent Spaninger's ICC 1346.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 56-3365; Filed, Apr. 30, 1956; 8:50 a. m.]


# FEDERAL REGISTER

VOLUME 21 NUMBER 85

Washington, Wednesday, May 2, 1956


## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Effective upon publication in the FEDERAL REGISTER, paragraph (c) (4) is added to § 6.114 as set out below.

§ 6.114 *Department of Health, Education, and Welfare.* • • •

(c) *Office of Education.* • • •

(4) Fifteen positions required in connection with the work of the President's Committee on Education Beyond the High School Level, as follows: Ten professional positions in the field of education and five administrative positions requiring knowledge of, or experience with, citizen and other lay groups participating in matters relating to higher education. Employment under this provision shall not extend beyond December 31, 1956.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL, *Executive Assistant.*

[F. R. Doc. 56-3422; Filed, May 1, 1956; 8:48 a. m.]

## TITLE 6—AGRICULTURAL CREDIT

### Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[FHA Instruction 401.2]

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS; WISCONSIN

On April 20, 1956, for the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below were determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 311.29, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

| WISCONSIN County: | Average value |
|---|---|
| Adams | $19,000 |
| Ashland | 16,000 |
| Barron | 20,000 |
| Bayfield | 16,000 |
| Brown | 23,000 |
| Buffalo | 22,000 |
| Burnett | 16,000 |
| Calumet | 25,000 |
| Chippewa | 20,000 |
| Clark | 20,000 |
| Columbia | 26,000 |
| Crawford | 24,000 |
| Dane | 30,000 |
| Dodge | 26,000 |
| Door | 21,000 |
| Douglas | 16,000 |
| Dunn | 20,000 |
| Eau Claire | 20,000 |
| Florence | 16,000 |
| Fond du Lac | 25,000 |
| Forest | 16,000 |
| Grant | 28,000 |
| Green | 30,000 |
| Green Lake | 22,000 |
| Iowa | 28,000 |
| Iron | 16,000 |
| Jackson | 20,000 |
| Jefferson | 28,000 |
| Juneau | 19,000 |
| Kenosha | 30,000 |
| Kewaunee | 23,000 |
| La Crosse | 24,000 |
| Lafayette | 30,000 |
| Langlade | 20,000 |
| Lincoln | 18,000 |
| Manitowoc | 25,000 |
| Marathon | 20,000 |
| Marinette | 18,000 |
| Marquette | 19,000 |
| Milwaukee | 30,000 |
| Monroe | 22,000 |
| Oconto | 18,000 |
| Oneida | 16,000 |
| Outagamie | 24,000 |
| Ozaukee | 28,000 |
| Pepin | 22,000 |
| Pierce | 21,000 |
| Polk | 18,000 |
| Portage | 20,000 |
| Price | 16,000 |
| Racine | 30,000 |
| Richland | 24,000 |
| Rock | 30,000 |
| Rusk | 18,000 |
| Saint Croix | 21,000 |
| Sauk | 24,000 |
| Sawyer | 16,000 |
| Shawano | 20,000 |
| Sheboygan | 25,000 |
| Taylor | 18,000 |
| Trempealeau | 23,000 |
| Vernon | 24,000 |
| Vilas | 16,000 |

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# FEDERAL REGISTER

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**CFR SUPPLEMENTS**
**(As of January 1, 1956)**

The following Supplements are now available:

**Title 16 ($1.25)**
**Title 17 ($0.60)**
**Title 20 ($1.00)**

*Previously announced:* Title 3, 1955 Supp. ($2.00); Title 7: Parts 1–209 ($1.25); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Part 400 to end ($1.00); Title 18 ($0.50); Title 19 ($0.50); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. I, and Title 27 ($1.00); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Titles 40–42 ($0.65); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.


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| WISCONSIN—Con. | Average value |
|---|---|
| County: | |
| Walworth | $30,000 |
| Washburn | 16,000 |
| Washington | 27,000 |
| Waukesha | 30,000 |
| Waupaca | 21,000 |
| Waushara | 20,000 |
| Winnebago | 25,000 |
| Wood | 20,000 |

(Sec. 41 (1), 50 Stat. 529, 60 Stat. 1066; 7 U. S. C. 1015 (l))

Dated: April 26, 1956.

[SEAL] R. B. MCLEAISH,
*Administrator,*
*Farmers Home Administration.*

[F. R. Doc. 56–3440; Filed, May 1, 1956; 8:52 a. m.]

# TITLE 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

### PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

#### PESTICIDE CHEMICALS; FURTHER EXTENDED DATES ON WHICH STATUTE SHALL BECOME FULLY EFFECTIVE

Requests have been received for further extensions of the date when the amendment to section 402 (a) of the Federal Food, Drug, and Cosmetic Act (68 Stat. 511 et seq.; 21 U. S. C. 342, 346a) shall become effective for certain pesticide chemicals.

One request is for extension to permit use of octamethyl pyrophosphoramide on walnut trees during the month of May 1956. Data were submitted with the request about the pharmacology of the pesticide chemical and about the residues that may remain from the use proposed for it. The United States Department of Agriculture has recommended that the effective date of the statute be extended to permit the proposed use of octamethyl pyrophosphoramide on walnuts.

One request is for extension to permit the use of trichloroethane as a grain fumigant. This involves nonseasonal use of the chemical.

These extensions are necessary.

Now, therefore, in exercise of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 402 (a) (2), 408, 68 Stat. 511, 517 (Ch. 559, Secs. 2, 5); 21 U. S. C. 342 (a) (2) and note 1 under section 342; 246a) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), the following order is promulgated:

Section 3.44 *Pesticide chemicals; further extended dates on which statute shall become fully effective*, published in the FEDERAL REGISTER December 20, 1955 (21 CFR 3.44; 20 F. R. 9553), as amended (20 F. R. 9884; 21 F. R. 445, 1172, 1463, 2326, 2591) is further amended as follows:

1. Paragraph (a) (4) is changed to read as follows:

(4) Effective date June 15, 1956:
Ethylene oxide: In copra.
Octamethyl pyrophosphoramide: In or on walnuts.

2. Paragraph (a) is further amended by inserting in subparagraph (6) Effective date July 22, 1956, in proper alphabetical order, a new item as follows:

Trichloroethane: As a grain fumigant. (Extended from March 1, 1956. See subparagraph (2) of this paragraph.)

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interpret or apply sec. 402, 52 Stat. 1046, as amended, sec. 408, 68 Stat. 511; 21 U. S. C. 342, 346a)

Dated: April 25, 1956.

[SEAL] GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F. R. Doc. 56–3403; Filed, May 1, 1956; 8:46 a. m.]

# TITLE 29—LABOR

## Chapter V—Wage and Hour Division, Department of Labor

### PART 524—EMPLOYMENT OF HANDICAPPED PERSONS

On March 2, 1956, notice was published in the FEDERAL REGISTER (21 F. R. 1388) that the Administrator proposed to amend Part 524 (29 CFR Part 524) entitled Employment of Handicapped Persons. The purpose of this amendment is to provide a greater degree of flexibility in providing for the employment of handicapped workers under section 14 of the Fair Labor Standards Act. It is based upon those elements which have been proven necessary by experience to the uniform administration of this tolerance. Interested persons were given until March 17, 1956, to submit in writing for consideration any data, views, or arguments pertaining to the proposed amendments.

One submittal in response to the notice has been received in which it is contended (1) that the provision for representatives of state vocational rehabilitation agencies and the Veterans Administration to issue temporary certificates is an improper delegation of authority, (2) that the omission of certain data from the application form deprives the Administrator of necessary information.

The delegation of authority to state vocational rehabilitation agencies and the Veterans Administration is to facilitate on-the-job training for disabled persons under their supervision. This extension of the existing regulations to include non-veterans, as well as veterans, is considered both necessary and appropriate. The authority delegated is specifically defined and limited and safeguards have been provided against its misuse. Having also considered the fact that a disabled trainee's chances of being accepted for employment are greatly enhanced if the certificate is available at the time the employment agreement is entered into and the fact that such a delegation has been exercised by the Veterans Administration since 1944 without any showing of misuse, the objection to the delegation of authority to issue temporary certificates is overruled. The objection to the failure to require certain information in the application for a handicapped workers certificate is also overruled since the data thus omitted have been proven by experience to be of little assistance in the administration of this provision of the act.

Accordingly, pursuant to authority contained in section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1068, as amended; 29 U. S. C. 214), Reorganization Plan No. 6 of 1950 (64 Stat. 1263), and General Order No. 45–A (15 F. R. 3290), and after giving full consideration to all relevant matter presented, Part 524 (29 CFR Part 524) is hereby amended to read as follows:

Sec.
524.1 Applicability of this part.
524.2 Definitions, as used in this part.
524.3 Application for a certificate.
524.4 Special provisions applicable to handicapped trainees.
524.5 Conditions for granting a certificate.
524.6 Additional data when required.
524.7 Issuance of a certificate.
524.8 Terms of a certificate.
524.9 Renewal of a certificate.
524.10 Records to be kept.
524.11 Review.
524.12 Issuance of certificates for experimental purposes.
524.13 Amendment of this part.

AUTHORITY: §§ 524.1 to 524.13 issued under sec. 14, 52 Stat. 1068; 29 U. S. C. 214. Interpret or apply sec. 11, 52 Stat. 1066; 29 U. S. C. 211.

§ 524.1 *Applicability of this part.* The regulations contained in this part are issued pursuant to section 14 of the Fair Labor Standards Act of 1938. Under section 14 the Administrator or his representative is authorized, to the extent necessary in order to prevent curtailment of opportunities for employment, to issue special certificates for the employment or employment-training of handicapped workers or handicapped trainees at wages lower than the minimum wage applicable under section 6 of the act. Such certificates shall be subject to the conditions prescribed in this part.

§ 524.2 *Definitions, as used in this part.* (a) "Handicapped worker" or "worker" means an individual whose earning capacity is impaired by age or physical or mental deficiency or injury for the work he is to perform.

(b) "Handicapped trainee" or "trainee" means an individual whose earning capacity is impaired by age or physical or mental deficiency or injury, and who is receiving or is scheduled to receive on-the-job training in industry under any vocational rehabilitation program administered by the Veterans Administration or an authorized vocational rehabilitation agency operating pursuant to the Vocational Rehabilitation Act, as amended.

§ 524.3 *Application for a certificate.* (a) Application shall be made to the Regional Director of the administrative region of the Wage and Hour and Public Contracts Divisions, United States Department of Labor, in which the handicapped worker or handicapped trainee is to be employed. Application forms may be obtained from the appropriate Regional Director.

(b) The application shall set forth, among other things, the nature of the disability, a description of the occupation at which the worker is to be em-

ployed, and the wage the firm proposes to guarantee the worker per hour. The nature of the disability must be set out in detail. Vague statements such as "nervous condition", "physically incapacitated", "slow worker", etc., are not sufficient.

(c) The application shall be signed jointly by the employer and worker and be returned to the Regional Director by the employer.

(d) No application is required for a temporary certificate for a subminimum wage for a handicapped trainee being trained under any authorized vocational rehabilitation program. Such temporary certificates are issued in accordance with procedures set out in § 524.4.

§ 524.4 *Special provisions applicable to handicapped trainees.* (a) Employment of a trainee (pursuant to the Vocational Rehabilitation Act or to a vocational rehabilitation program of the Veterans' Administration for veterans with a service-incurred disability) under a temporary certificate or a special certificate shall be governed by this part as modified by this section.

(b) Temporary certificates authorizing the employment of such trainees at wages lower than the minimum wage applicable under section 6 of the act may be issued whenever employment at a lower rate is necessary in order to prevent curtailment of opportunities for employment. Such temporary certificates are to be issued by duly designated representatives of state vocational rehabilitation agencies and of the Veterans Administration.

(c) A temporary certificate will designate the employer, the trainee, and the subminimum wage rate. It shall be valid for a period not to exceed 90 days from the date of issuance.

(d) Within 10 days after issuance of a temporary certificate, the supervising rehabilitation agency will forward a copy of the certificate, together with a recommendation covering the subminimum rate(s) for the balance of the training period, to the appropriate Regional Director of the Wage and Hour and Public Contracts Divisions, United States Department of Labor. The Regional Director, pursuant to this part, may then issue a special certificate effective upon the expiration of the temporary certificate, or may terminate the temporary certificate prior to its expiration date, with or without issuing a superseding special certificate. If a temporary certificate is terminated prior to its expiration date without the issuance of a superseding special certificate, written notice of such termination shall be given the employer, the trainee, and the supervising rehabilitation agency.

(e) Money paid to the trainee by a State vocational rehabilitation agency or the Veterans Administration for maintenance or other expenses shall not be considered as off-setting any part of the wage or other remuneration due the trainee by the employer.

(f) A temporary certificate shall not be issued for a trainee if a satisfactory training opportunity for the desired training is available in the community at the minimum wage applicable under section 6 of the act or above.

§ 524.5 *Conditions for granting a certificate.* If the application is in proper form and sets forth facts showing: (a) A subminimum wage is necessary to prevent curtailment of the worker's or trainee's opportunities for employment; and (b) the handicap impairs the earning capacity of the worker for the work he is to perform, a certificate may be issued.

§ 524.6 *Additional data when required.* To determine whether the facts justify the issuance of a certificate, the Administrator or his authorized representative may require the submission of additional information and may require the worker to take a medical examination.

§ 524.7 *Issuance of a certificate.* (a) If the application and other available information indicate that the requirements of this part are satisfied, the Administrator or his authorized representative shall issue a certificate. Otherwise, he shall deny a certificate.

(b) If issued, copies of the certificate shall be transmitted to the employer and the worker or trainee, and, in the case of a certificate for a trainee, to the appropriate vocational rehabilitation agency. If a certificate is denied, the same parties shall be given written notice of the denial.

§ 524.8 *Terms of a certificate.* (a) A certificate shall specify, among other things, the name of the worker or trainee, the occupation in which he is to be employed, the subminimum wage rate(s), and the period(s) of time during which such rate(s) may be paid.

(b) A certificate shall be effective for a period to be designated by the Administrator or his authorized representative. Workers or trainees may be paid subminimum wages only during the effective period of the certificate.

(c) The wage rate(s) set in the certificate shall be fixed at a figure designed to reflect adequately the individual worker's or trainee's earning capacity. No wage rate shall be fixed at less than 75 percent of the applicable minimum wage under section 6 of the act unless after investigation a lower rate appears to be clearly justified.

(d) In establishments where nonhandicapped employees are employed at piece rates in the same occupation, the handicapped worker or trainee shall be paid at least the same piece rates. The worker or trainee must be paid his full piece rate earnings or the earnings at the hourly rate specified in the certificate, whichever is the greater.

(e) The worker or trainee shall be paid not less than one and one-half times his regular rate for all hours worked over forty in the workweek, as provided in section 7 of the act.

(f) No provision of this part, or of any certificate issued under this part, shall excuse non-compliance with any other Federal or State law or municipal ordinance establishing higher standards.

(g) The terms of any certificate, including the wage rate(s) specified therein, may be amended by the Administrator or his authorized representative upon written notice to the parties concerned, if the facts justify such amendment.

§ 524.9 *Renewal of a certificate.* (a) Application for renewal of any certificate shall be filed in the same manner as an original application.

(b) If an application for renewal has been properly and timely filed prior to the expiration date of a certificate, the certificate shall remain in effect until the application for renewal has been granted or denied.

§ 524.10 *Records to be kept.* Every employer who employs a handicapped worker or handicapped trainee pursuant to these regulations shall keep, maintain, and have available for inspection by the Administrator or his authorized representative a copy of the certificate and all other records required under the applicable provisions of Part 516 (record keeping regulations) of this chapter.

§ 524.11 *Review.* Any person aggrieved by any action of an authorized representative of the Administrator taken pursuant to this part may, within 15 days after such action, file with the Administrator a petition for review of the action complained of, setting forth grounds for seeking review. Such review, if granted, shall be made either by the Administrator or by an authorized representative who took no part in the action under review and all interested parties shall be afforded an opportunity to present their views.

§ 524.12 *Issuance of certificates for experimental purposes.* In addition to the issuance of certificates as provided in §§ 524.1 to 524.11, the Administrator may authorize the issuance of certificates to permit employment of handicapped workers at less than the applicable minimum wage under section 6 of the act as part of experimental programs to increase employment opportunities for such workers. Such certificates shall be issued in such types of cases and on such terms and conditions within the scope of section 14 of the act as the Administrator shall determine will best further any such experimental programs.

§ 524.13 *Amendment of this part.* The Administrator may at any time upon his own motion or upon written request of any interested person setting forth reasonable ground therefor, and after opportunity has been given to interested persons to present their views, amend or revoke any of the terms of this part.

This amendment shall become effective May 2d, 1956.

Signed at Washington, D. C., this 26th day of April 1956.

NEWELL BROWN,
*Administrator, Wage and Hour and Public Contracts Divisions.*

[F. R. Doc. 56-3443; Filed, May 1, 1956; 8:53 a. m.]

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## PART 783—SEAMAN EXEMPTION

Pursuant to General Order No. 45-A (15 F. R. 3290) and under its authority,



Part 783 of Title 29, Code of Federal Regulations is amended to read as follows:

Sec.
783.0 Introductory statement.
783.1 Statutory provisions considered.
783.2 Who is "employed as a seaman", for purposes of exemption.
783.3 Related exemptions.
783.4 Enforcement policy concerning performance of nonexempt work.

AUTHORITY: §§ 783.0 to 783.4 issued under 52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.

§ 783.0 *Introductory statement.* (a) The Fair Labor Standards Act of 1938 [1] requires an employer to pay each of his employees who is engaged in commerce or in the production of goods for commerce, including any closely related process or occupation directly essential to such production, a minimum wage of not less than $1.00 an hour and overtime compensation of not less than time and one-half of his regular rate for hours in excess of 40 in a week. Section 13 (a) (14) of the act, however, specifically exempts from the minimum wage and overtime requirements "any employee employed as a seaman".

(b) This part contains the interpretations of the Department of Labor [2] as to the scope and meaning of the seaman exemption. Its purpose is to provide a "practical guide for employers and employees as to how the office representing the public interest in its enforcement will seek to apply it".[3]

(c) The interpretations contained in this part will remain in effect until they are rescinded, modified, or withdrawn. This will be done when and if the Administrator concludes upon reexamination, or in the light of judicial decision, that a particular interpretation, ruling, or enforcement policy is incorrect or unwarranted. All other rulings, interpretations, or enforcement policies inconsistent with any portion of this part are superseded by it.

(d) As provided in section 10 of the Portal-to-Portal Act,[4] reliance may be placed on these interpretations so long as they remain effective.

§ 783.1 *Statutory provisions considered.* (a) Section 13 (a) (14) of the act provides an exemption from the minimum wage provisions of section 6 and the maximum hours provisions of section 7, as follows: "The provisions of sections 6 and 7 shall not apply with respect to * * * any employee employed as a seaman * * *"

(b) The provisions of sections 6 and 7 of the act apply only to "employees * * * engaged in (interstate) commerce or in the production of goods for (interstate) commerce." See Part 776 of this chapter. This part will not deal with the question as to which "seamen" are so engaged, but will be directed solely to the scope of the exemption in section 13 (a) (14).

(c) Like other exemptions from the act, the section 13 (a) (14) exemption is narrowly construed and is applied only to those clearly and unmistakably within its terms and spirit.[5]

§ 783.2 *Who is "employed as a seaman," for purposes of exemption.* (a) An employee will ordinarily be regarded as "employed as a seaman" if he performs, as master or subject to the authority, direction, and control of the master aboard a vessel, service which is rendered primarily as an aid in the operation of such vessel as a means of transportation, provided he performs no substantial amount of work of a different character. In our opinion, this exemption extends to employees performing such service on vessels navigating inland waters as well as on ocean-going and coastwise vessels.

(b) The exemption extends to members of the crew such as sailors, engineers, radio operators, firemen, pursers, surgeons, cooks, and stewards if, as is the usual case, their service is of the type described in paragraph (a) of this section. However, concessionaires and their employees aboard a vessel ordinarily do not perform service subject to the authority, direction, and control of the master of the vessel except incidentally and do not come within the exemption under discussion.

(c) The exemption does not extend to employees working aboard vessels whose service is not rendered primarily as an aid in the operation of the vessel as a means of transportation. Thus employees on floating equipment who are engaged in the construction of docks, levees, revetments, or other structures, and employees engaged in dredging operations or in the digging or processing of sand, gravel, or other materials are not employed as "seamen". For the same and other reasons, stevedores and longshoremen are not regarded as "seamen". Similarly, stevedores or roustabouts traveling aboard a vessel from port to port whose principal duties require them to load and unload the vessel in port would not themselves come within the exemption even though during the voyage they may perform from time to time certain services of the same type as those rendered by other employees who would be regarded as seamen under the act. However, an employee employed as a seaman would not be outside the exemption simply because, as an incident to that employment, he performs an insubstantial amount of nonexempt work such as assisting in the loading or unloading of baggage or freight at the beginning or end of a voyage.

(d) Barge tenders on non-self-propelled barges who perform the normal duties of their occupation, such as attending to the lines and anchors, putting out running and mooring lines, pumping out bilge water, and other similar activities necessary and usual to the navigation of barges, are considered seamen within this exemption unless they do a substantial amount of nonexempt work. Loading and unloading and activities relative thereto will be considered nonexempt work. Employees on seagoing barges would also seem to be employed as seamen if their services are of the type described in paragraph (a) of this section.

(e) Various situations are presented with respect to employees rendering watchman or similar service aboard a vessel in port. Where such services are rendered by members of the crew during a temporary stay in port or during a brief lay-up for minor repairs, such employees would be within the exemption. Where the vessel is laid up for a considerable period, members of the crew rendering watchman or similar service aboard the vessel would not appear to be within the exemption because their services are not rendered primarily as an aid in the operation of the vessel as a means of transportation. Furthermore, employees who are furnished by independent contractors to perform watchman or similar services aboard a vessel while in port would not be employed as "seamen" regardless of the period of time the vessel is in port, since their services are not of the type described in paragraph (a) of this section. The same considerations would apply in the case of a temporary or skeleton crew hired to maintain the vessel while in port so that the regular crew may be granted shore leave.

§ 783.3 *Related exemptions.* Section 13 (a) (5) which provides an exemption from both the wage and hours provisions for employees engaged in certain operations in the seafood and fishery industry (other than canning) is discussed in Part 784 of this chapter. In addition, attention is directed to section 13 (b) (2) of the act, which provides an exemption from the maximum hours provisions for "any employee of an employer subject to the provisions of Part I of the Interstate Commerce Act."

§ 783.4 *Enforcement policy concerning performance of nonexempt work.* The Department has taken the position that the exemption provided by section 13 (a) (14) of the Fair Labor Standards Act will be deemed applicable even though some nonexempt work (that is, work of a nature other than that which characterizes the exemption) is performed by the employee during the workweek, unless the amount of such nonexempt work is substantial. (See § 783.2 (c).) For enforcement purposes, the amount of nonexempt work will be considered substantial if it occupies more than 20 percent of the time worked by the employee during the workweek.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 26th day of April 1956.

NEWELL BROWN,
*Administrator,*
*Wage and Hour Division.*

[F. R. Doc. 56-3442; Filed, May 1, 1956; 8:53 a. m.]

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[1] 29 U. S. C. 201-219.

[2] Under Reorganization Plan No. 6 of 1950 (64 Stat. 1263) and pursuant to General Order No. 45A issued by the Secretary of Labor on May 24, 1950, interpretations of the provisions of the act (other than the child labor provisions) are issued by the Administrator of the Wage and Hour Division.

[3] Skidmore v. Swift and Co. 323 U. S. 134.

[4] 29 U. S. C. 251-262.

[5] Phillips Co. v. Walling 324 U. S. 490; Anderson et al. v. Manhattan Lighterage Corp. 148 F. (2d) 971 (C. A. 2).

## TITLE 32—NATIONAL DEFENSE

### Chapter VI—Department of the Navy

#### Subchapter C—Personnel

PART 725—DISPOSITION OF CASES INVOLVING PHYSICAL DISABILITY

MISCELLANEOUS AMENDMENTS

1. The paragraph captioned "Authority" is revised to read as follows:

AUTHORITY: §§ 725.1 to 725.26 issued under R. S. 161; 5 U. S. C. 22, sec. 413, 63 Stat. 834; 37 U. S. C. 283. Interpret or apply sec. 206, 52 Stat. 1179, as amended, sec. 302, 58 Stat. 287, as amended, secs. 401–412, 414, 63 Stat. 816–824, as amended, 825, as amended, secs. 226, 249, 254, 66 Stat. 488, 495, 496; 34 U. S. C. 854e, 37 U. S. C. 271–282, 284; 285, 38 U. S. C. 693i, 50 U. S. C. 950, 992, 1005.

2. The last sentence of § 725.6 (a) is revised to read as follows: "Whenever the board acts on the case of a member of a Reserve component, all members of the board who act on the case shall be senior to the party and, unless otherwise authorized by the Secretary of the Navy, at least a majority of them shall be Reserve officers."

3. The last sentence of § 725.18 is revised to read as follows: "Whenever the Board acts upon the case of a member of a Reserve component, all members of the Board who act on the case shall be senior to the party and, unless otherwise authorized by the Secretary of the Navy, at least a majority of them shall be Reserve Officers."

Dated: April 6, 1956.

By direction of the Secretary of the Navy,

[SEAL] IRA H. NUNN,
*Rear Admiral, U. S. Navy,*
*Judge Advocate General of the Navy.*

[F. R. Doc. 56–3348; Filed, Apr. 30, 1956; 3:23 p. m.]

#### Subchapter D—Procurement, Property, Patents, and Contracts

PART 742—ACQUISITION OF REAL ESTATE

STATUTORY PROVISIONS

The amendment to §§ 742.1 and 742.9 as published in 20 F. R. 5392, July 28, 1955, is hereby cancelled and in lieu thereof §§ 742.1 and 742.9 are amended to include the following approved by the Deputy Secretary of Defense on March 3, 1956:

§ 742.1 *Statutory provisions.* • • • *Provided, further,* That with respect to land acquired subsequent to July 27, 1954, but prior to July 15, 1955, reimbursement shall be restricted to those owners and tenants who used such land for residential or agricultural purposes.

§ 742.9 *Statutory provisions.* • • • *Provided, further,* That with respect to land acquired subsequent to July 27, 1954, but prior to July 15, 1955, reimbursement shall be restricted to those owners and tenants who used such land for residential or agricultural purposes.

(Sec. 501, 65 Stat. 363, sec. 401, 66 Stat. 624, sec. 509, 68 Stat. 562, sec. 513, 69 Stat. 352)

By direction of the Secretary of the Navy.

Dated: April 25, 1956.

[SEAL] IRA H. NUNN,
*Rear Admiral, U. S. Navy, Judge Advocate General of the Navy.*

[F. R. Doc. 56–3347; Filed, Apr. 30, 1956; 3:23 p. m.]

## TITLE 32A—NATIONAL DEFENSE, APPENDIX

### Chapter I—Office of Defense Mobilization

[Defense Mobilization Order VII–6, Supp. 8]

DMO VII–6—EXPANSION GOALS

TRANSFER OF GOAL

1. Defense Mobilization Order VII–6, dated December 3, 1953, (18 F. R. 7876) is supplemented as follows:

The following expansion goal is hereby transferred from List III, Open to List I, Closed:

| *Goal No.; Title; Delegate Agency* |
|---|
| 68; Freight Cars; ICC. |

2. This supplement shall be effective immediately.

OFFICE OF DEFENSE MOBILIZATION,
VICTOR E. COOLEY,
*Acting Director.*

[F. R. Doc. 56–3397; Filed, May 1, 1956; 8:45 a. m.]

## TITLE 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

[FCC 56–365]

[Rules Amdt. 15–1]

PART 15—INCIDENTAL AND RESTRICTED RADIATION DEVICES

EXTENSION OF EFFECTIVE DATE

In the matter of amendment of § 15.68 (a) of the Commission's rules.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 25th day of April 1956;

The Commission having under consideration several requests from manufacturers of communications receivers and FM broadcast receivers to extend the time within which such receivers must comply with the requirements of Part 15 of the rules governing incidental and restricted radiation devices; and

It appearing that § 15.68 of the rules provides that all receivers that operate in the range 30 to 890 Mc manufactured after May 1, 1956, except specified UHF television broadcast receivers and certain pocket type superregenerative receivers, must comply with the provisions of Part 15 of the rules; and

It further appearing that some manufacturers of communications receivers and FM broadcast receivers have been unable, in the time allowed, to obtain all of the radiation data necessary for the certification of various types of communication receivers, and that some difficulty has been encountered in complying with the Commission's power line interference limits where the source of interference is the intermediate frequency amplifiers of FM broadcast receivers; and

It further appearing that, the manufacturers have been making reasonable efforts to meet the certification requirements of Part 15; and

It further appearing that, the public interest would be served by granting an extension of time as requested; and

It further appearing that, in view of the time element involved compliance with the notice provisions of section 4 of the Administrative Procedure Act would be impracticable, and that, because the amendment relieves a restriction, it may be made effective immediately;

*It is ordered,* That, pursuant to the authority of section 4 (i), 301 and 303 (f), § 15.68 (a) is amended as set forth below, effective immediately.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 48 Stat. 1081, 1082; 47 U. S. C. 301, 303)

Released: April 26, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

The provisions of § 15.68 (a) are amended to revise the effective date of the rules with respect to certain radio receivers.

As amended § 15.68 (a) reads as follows:

(a) Except as provided in paragraphs (b), (c) and (d) of this section television broadcast receivers manufactured after May 1, 1956, and all other radio receivers that tune in the range 30–890 Mc (including FM broadcast receivers) manufactured after October 1, 1956, shall comply with the requirements of this part.

[F. R. Doc. 56–3429; Filed, May 1, 1956; 8:50 a. m.]



# PROPOSED RULE MAKING

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### [ 26 CFR (1954) Part 1 ]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

ESTATES, TRUSTS, BENEFICIARIES AND DECEDENTS

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of thirty days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 642, 652 (b), 661 (b), 662 (b), 663, and 7805 of the Internal Revenue Code of 1954 (68A Stat. 215, 219, 220, 222, and 917; 26 U. S. C. 642, 652 (b), 661 (b), 662 (b), 663, and 7805).

[SEAL] RUSSELL C. HARRINGTON,
*Commissioner of Internal Revenue.*

The following regulations for taxable years beginning after December 31, 1953, and ending after August 16, 1954, except where otherwise specifically provided, are hereby prescribed under sections 641 through 663 and section 683 of the Internal Revenue Code of 1954.

ESTATES, TRUSTS, BENEFICIARIES, AND DECEDENTS

Sec.
1.641–1 Scope of subchapter J.

ESTATES, TRUSTS, AND BENEFICIARIES

1.641–2 Scopes of subparts A, B, C, and D.

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1.641 (a) Statutory provisions; estates and trusts; imposition of tax.
1.641 (a)–1 Imposition of tax.
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1.641 (b)–1 Computation and payment of tax.
1.642 (a)–1 Statutory provisions; estates and trusts; special rules for credits and deductions; partially tax-exempt interest.
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1.642 (a) (3)–1 Dividends.
1.642 (b) Statutory provisions; estates and trusts; special rules for credits and deductions; personal exemption.
1.642 (b)–1 Deduction for personal exemption.
1.642 (c) Statutory provisions; estates and trusts; special rules for credits and deductions; charitable contributions deduction.
1.642 (c)–1 Charitable contributions deduction.
1.642 (d) Statutory provisions; estates and trusts; special rules for credits and deductions; net operating loss deduction.
1.642 (d)–1 Net operating loss deduction.
1.642 (e) Statutory provisions; estates and trusts; special rules for credits and deductions; deduction for depreciation and depletion.
1.642 (e)–1 Depreciation and depletion.
1.642 (f) Statutory provisions; estates and trusts; special rules for credits and deductions; amortization of emergency or grain storage facilities.
1.642 (f)–1 Amortization of emergency or grain storage facilities.
1.642 (g) Statutory provisions; estates and trusts; special rules for credits and deductions; disallowance of double deductions.
1.642 (g)–1 Disallowance of double deductions.
1.642 (h) Statutory provisions; estates and trusts; special rules for credits and deductions; unused loss carryovers and excess deductions.
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1.642 (i) Statutory provisions; estates and trusts; special rules for credits and deductions; disallowance of standard deduction.
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1.643 (a)–2 Deduction for distributions.
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1.643 (b)–1 Definition of "income".
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1.643 (c)–1 Definition of "beneficiary".
1.643 (Example) Example.

TRUSTS WHICH DISTRIBUTE CURRENT INCOME ONLY

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1.651 (a)–1 Simple trusts; deduction for distributions.
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1.652 (a) Statutory provisions; trusts which distribute current income only; inclusion of amounts in gross income of beneficiaries.
1.652 (a)–1 Simple trusts; inclusion of amounts in income of beneficiaries.
1.652 (b) Statutory provisions; trusts which distribute current income only; character of amounts in the hands of beneficiaries.
1.652 (b)–1 Character of amounts.
1.652 (c) Statutory provisions; trusts which distribute current income only; inclusion of amounts in gross income of beneficiaries; different taxable years.
1.652 (c)–1 Different taxable years.
1.652 (Example) Example.

ESTATES AND TRUSTS WHICH MAY ACCUMULATE INCOME OR WHICH DISTRIBUTE CORPUS

1.661 (a) Statutory provisions; estates and trusts accumulating income or distributing corpus; deduction for amounts required to be distributed currently and other amounts distributed.
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1.662 (a)–1 Inclusion of amounts in gross income of beneficiaries of estates and complex trusts; general.
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1.662 (Example) Example.
1.663 (a) Statutory provisions; estates and complex trusts; special rules applicable to sections 661 and 662; exclusions.
1.663 (a)–1 Special rules applicable to sections 661 and 662; exclusions.
1.663 (a)–2 Charitable, etc., distributions.
1.663 (a)–3 Denial of double deduction.
1.663 (b) Statutory provisions; estates and complex trusts; special rules applicable to sections 661 and 662; distributions in first sixty-five days of taxable year.
1.663 (b)–1 Distributions in first sixty-five days of taxable year.
1.663 (c) Statutory provisions; estates and complex trusts; special rules applicable to sections 661 and 662; separate shares treated as separate trusts.
1.663 (c)–1 Separate shares treated as separate trusts.

MISCELLANEOUS

1.683 Statutory provisions; estates and trusts; applicability of provisions.
1.683–1 Applicability of provisions.

ESTATES, TRUSTS, AND BENEFICIARIES DECEDENTS

§ 1.641–1 *Scope of subchapter J.* Subchapter J (sections 641 to 692, inclusive), chapter 1 of the Internal Revenue Code of 1954, deals with the taxation of income of estates and trusts and their beneficiaries, and of income in respect of decedents. Part I of subchapter J con-

tains the general rules for taxation of estates and trusts (subpart A) and the specific rules relating to trusts which distribute current income only (subpart B), estates and trusts which may accumulate income or which distribute corpus (subpart C), treatment of excess distributions by trusts (subpart D), grantors and other persons treated as substantial owners (subpart E), and the miscellaneous provisions relating to the limitation on charitable deductions, income of an estate or trust in case of divorce, and applicability of provisions (subpart F). Part II of subchapter J relates to the treatment of income in respect of decedents. However, the provisions of subchapter J do not apply to employees' trusts subject to subchapters D and F and common trust funds subject to subchapter H of chapter 1, Internal Revenue Code of 1954.

ESTATES, TRUSTS, AND BENEFICIARIES

§ 1.641–2 *Scope of subparts A, B, C and D.* Subparts A, B, C, and D (sections 641 to 668, inclusive) of subchapter J, chapter 1 of the Internal Revenue Code of 1954, relate to the taxation of estates and trusts and their beneficiaries. These subparts have no application to any portion of the corpus or income of a trust which is to be regarded, within the meaning of the Internal Revenue Code, as that of the grantor or others treated as its substantial owners. See subpart E (sections 671 to 678, inclusive) of subchapter J, chapter 1 of the Internal Revenue Code of 1954, and regulations thereunder for rules for the treatment of any portion of a trust where the grantor (or another person) is treated as the substantial owner. So-called alimony trusts are treated under subparts A, B, C, and D except to the extent otherwise provided in section 71 or section 682. These subparts have no application to beneficiaries of nonexempt employees' trusts. See section 402 (b) and the regulations thereunder.

GENERAL RULES FOR TAXATION OF ESTATES AND TRUSTS

§ 1.641 (a) *Statutory provisions; estates and trusts; imposition of tax.*

SEC. 641. *Imposition of tax*—(a) *Application of tax.* The taxes imposed by this chapter on individuals shall apply to the taxable income of estates or of any kind of property held in trust, including—

(1) Income accumulated in trust for the benefit of unborn or unascertained persons or persons with contingent interests, and income accumulated or held for future distribution under the terms of the will or trust;

(2) Income which is to be distributed currently by the fiduciary to the beneficiaries, and income collected by a guardian of an infant which is to be held or distributed as the court may direct;

(3) Income received by estates of deceased persons during the period of administration or settlement of the estate; and

(4) Income which, in the discretion of the fiduciary, may be either distributed to the beneficiaries or accumulated.

§ 1.641 (a)–1 *Imposition of tax*—(a) *Application of tax.* Section 641 prescribes that the taxes imposed upon individuals by chapter 1 shall apply to the income of estate or of any kind of property held in trust. The rates of tax, the statutory provisions respecting gross income, and, with certain exceptions, the deductions and credits allowed to individuals apply also to estates and trusts.

(b) *Gross income of estates and trusts.* The gross income of an estate or trust is determined in the same manner as that of an individual. Thus, the gross income of an estate or trust consists of all items of gross income received during the taxable year, including—

(1) All income accumulated in trust for the benefit of unborn or unascertained persons or persons with contingent interests;

(2) All income accumulated or held for future distribution under the terms of the will or trust;

(3) All income which is to be distributed currently by the fiduciary to the beneficiaries, and all income collected by a guardian of an infant which is to be held or distributed as the court may direct;

(4) All income received by estates of deceased persons during the period of administration or settlement of the estate; and

(5) All income which, in the discretion of the fiduciary, may be either distributed to the beneficiaries or accumulated.

The several classes of income enumerated in this paragraph do not exclude others which also may come within the general purposes of section 641.

§ 1.641 (b) *Statutory provisions; estates and trusts; computation and payment of tax.*

SEC. 641. *Imposition of tax.* • • •

(b) *Computation and payment.* The taxable income of an estate or trust shall be computed in the same manner as in the case of an individual, except as otherwise provided in this part. The tax shall be computed on such taxable income and shall be paid by the fiduciary.

§ 1.641 (b)–1 *Computation and payment of tax*—(a) *Deductions and credits of estates and trusts.* Generally, the deductions and credits allowed to individuals are also allowed to estates and trusts. However, there are special rules for the computation of certain deductions and for the allocation between the estate or trust and the beneficiaries of certain credits and deductions. See section 642 and the regulations thereunder. In addition, an estate or trust is allowed to deduct, in computing its taxable income, the deductions provided by sections 651 and 661 and regulations thereunder, relating to distributions to beneficiaries.

(b) *Filing of returns and payment of the tax.* (1) The fiduciary is required to make and file the return and pay the tax on the taxable income of an estate or of a trust. Liability for the payment of the tax on the taxable income of an estate attaches to the person of the executor or administrator up to and after his discharge if, prior to distribution and discharge, he had notice of his tax obligations or failed to exercise due diligence in ascertaining whether or not such obligations existed. For the extent of such liability, see section 3467 of the Revised Statutes, as amended by section 518 of the Revenue Act of 1934 (31 U. S. C. 192). Liability for the tax also follows the assets of the estate distributed to heirs, devisees, legatees, and distributees, who may be required to discharge the amount of the tax due and unpaid to the extent of the distributive shares received by them. See section 6901. The same considerations apply to trusts.

(2) The estate of an infant, incompetent, or other person under a disability, is not a separate taxable entity, in that respect differing from the estate of a deceased person or of a trust. See section 6012 (b) (2) for provisions relating to the obligation of the fiduciary with respect to returns of such persons.

(c) *Termination of estates and trusts.* (1) The income of an estate of a deceased person is that which is received by the estate during the period of administration or settlement. The period of administration or settlement is the period actually required by the administrator or executor to perform the ordinary duties of administration, such as the collection of assets and the payment of debts, legacies, and bequests, whether the period required is longer or shorter than the period specified under the applicable local law for the settlement of estates. For example, where an executor who is also named as trustee under a will fails to obtain his discharge as executor, the period of administration continues only until the duties of administration are complete and he actually assumes his duties as trustee, whether or not pursuant to a court order. However, the period of administration of an estate cannot be indefinitely prolonged. If the administration of an estate is unreasonably prolonged, the estate is considered terminated for Federal income tax purposes after the expiration of a reasonable period within which the executor could have performed all the duties of administration. Further, an estate will be considered as terminated when all the assets have been distributed except for a reasonable amount which is set aside in good faith for the payment of unascertained or contingent liabilities and expenses (not including a claim by a beneficiary in the capacity of beneficiary).

(2) Generally, the determination of whether a trust has terminated depends upon whether the property held in trust has been distributed to the persons entitled to succeed to the property upon termination of the trust rather than upon the technicality of whether or not the trustee has rendered his final accounting. A trust does not automatically terminate upon the happening of the event by which the duration of the trust is measured. A reasonable time is permitted after such event for the trustee to perform the duties necessary to complete the administration of the trust. Thus, if under the terms of the governing instrument, the trust is to terminate upon the death of the life beneficiary and the corpus is to be distributed to the remainderman, the trust continues after the death of the life beneficiary for a period reasonably necessary to a proper winding up of the affairs of the trust. However, the winding up of a trust cannot be indefinitely postponed and if the distribution of the trust corpus is unreasonably delayed, the trust is considered terminated for Federal income tax purposes after the expiration of a reasonable period necessary for the trustee to complete the administration of the trust. Further, a trust will be considered as terminated when all the assets have been distributed except for a reasonable amount which is set aside in good faith for the payment of unascertained or contingent liabilities and expenses (not including a claim by a beneficiary in the capacity of beneficiary).

(3) If a trust or the administration or settlement of an estate is considered terminated under this paragraph for Federal income tax purposes, the gross income, deductions, and credits of such estate or trust shall, subsequent to the termination, be considered the gross income, deductions, and credits of the person or persons succeeding to the property of the estate or trust.



§ 1.642 (a) (1) *Statutory provisions; estates and trusts; special rules for credits and deductions; partially tax-exempt interest.*

SEC. 642. *Special rules for credits and deductions*—(a) *Credits against tax*—(1) *Partially tax-exempt interest.* An estate or trust shall be allowed the credit against tax for partially tax-exempt interest provided by section 35 only in respect of so much of such interest as is not properly allocable to any beneficiary under section 652 or 662. If the estate or trust elects under section 171 to treat as amortizable the premium on bonds with respect to the interest on which the credit is allowable under section 35, such credit (whether allowable to the estate or trust or to the beneficiary) shall be reduced under section 171 (a) (3).

§ 1.642 (a) (1)–1 *Partially tax-exempt interest.* An estate or trust shall be allowed the credit against tax for partially tax-exempt interest provided by section 35 only in respect of so much of such interest as is not properly allocable to a beneficiary under section 652 or 662 and the regulations thereunder. An estate or trust shall not be allowed the credit against tax for any partially tax-exempt interest which is allocable to an amount of gross income, paid, permanently set aside, or to be used for the purposes specified in section 642 (c). A beneficiary of an estate or trust shall be allowed the credit against tax for partially tax-exempt interest provided by section 35 only in respect of so much of such interest as is properly allocable to him under section 652 or 662 and the regulations thereunder. If an estate or trust elects under section 171 to treat as amortizable the premium on bonds with respect to the interest on which a credit is allowable under section 35, such credit (whether allowable to the estate or trust or to the beneficiary) shall be reduced under section 171 (a) (3) by the portion of the amortization deduction attributable to the shares of such interest allocable, respectively, to the estate or trust and its beneficiary.

§ 1.642 (a) (2) *Statutory provisions; estates and trusts; special rules for credits and deductions; foreign taxes.*

SEC. 642. *Special rules for credits and deductions*—(a) *Credits against tax.* • • •

(2) *Foreign taxes.* An estate or trust shall be allowed the credit against tax for taxes imposed by foreign countries and possessions of the United States, to the extent allowed by section 901, only in respect of so much of the taxes described in such section as is not properly allocable under such section to the beneficiaries.

§ 1.642 (a) (2)–1 *Foreign taxes.* An estate or trust shall be allowed the credit against tax for taxes imposed by foreign countries and possessions of the United States to the extent allowed by section 901 only in respect of so much of these taxes as are not properly allocable under that section to the beneficiaries. See section 901 (b) (4).

§ 1.642 (a) (3) *Statutory provisions; estates and trusts; special rules for credits and deductions; dividends.*

SEC. 642. *Special rules for credits and deductions*—(a) *Credits against tax.* • • •

(3) *Dividends received by individuals.* An estate or trust shall be allowed the credit against tax for dividends received provided by section 34 only in respect of so much of such dividends as is not properly allocable to any beneficiary under section 652 or 662. For purposes of determining the time of receipt of dividends under section 34 and section 116, the amount of dividends properly allocable to a beneficiary under section 652 or 662 shall be deemed to have been received by the beneficiary ratably on the same dates that the dividends were received by the estate or trust.

§ 1.642 (a) (3)–1 *Dividends*—(a) *Dividends received by an estate or trust.* An estate or trust shall be allowed a credit against tax for dividends received (see section 34) only in respect of so much of the dividends as are not properly allocable to any beneficiary under section 652 or 662. An estate or trust shall not be allowed the credit against tax for any dividends which are allocable to an amount of gross income, paid, permanently set aside, or to be used for the purposes specified in section 642 (c).

(b) *Time of receipt of dividends by beneficiary.* In general, dividends shall be deemed received by a beneficiary in the taxable year in which they are includible in his gross income under section 652 or 662. For example, a simple trust, reporting on the basis of a fiscal year ending October 30, receives quarterly dividends on November 3, 1954, and February 3, May 3, and September 3, 1955. These dividends are all allocable to beneficiary A, reporting on a calendar year basis, under section 652 and are deemed received by A in 1955. See section 652 (c). Accordingly, A may take all these dividends into account in determining his credit for dividends received under section 34, and his dividends exclusion under section 116. However, solely for purposes of determining whether dividends deemed received by individuals from trusts or estates qualify under the time limitations of section 34 (a) or section 116 (a), the time of receipt of the dividends by the trust or estate shall also be the time of receipt by the beneficiary. For example, a simple trust reporting on the basis of a fiscal year ending October 30 receives quarterly dividends on November 3, 1953, and February 3, May 3, and September 3, 1954. These dividends are all allocable to beneficiary A, reporting on the calendar year basis, under section 652 and are includible in his income for 1954. However, for purposes of section 34 (a) or section 116 (a), these dividends are deemed received by A on the same dates that the trust received them. See section 642 (a) (3). Accordingly, A may take into account in determining the credit under section 34 only those dividends received by the trust on September 3, 1954, since the dividend received credit is not allowed under section 34 for dividends received before August 1, 1954.

(c) *Cross reference.* See § 1.683–1 (b) (3) for examples relating to the treatment of dividends received by an estate or trust during a fiscal year beginning in 1953 and ending in 1954.

§ 1.642 (b) *Statutory provisions; estates and trusts; special rules for credits and deductions; personal exemption.*

SEC. 642. *Special rules for credits and deductions.* • • •

(b) *Deduction for personal exemption.* An estate shall be allowed a deduction of $600. A trust which, under its governing instrument, is required to distribute all of its income currently shall be allowed a deduction of $300. All other trusts shall be allowed a deduction of $100. The deductions allowed by this subsection shall be in lieu of the deductions allowed under section 151 (relating to deduction for personal exemption).

§ 1.642 (b)–1 *Deduction for personal exemption.* In lieu of the deduction for personal exemptions provided by section 151—

(a) An estate shall be allowed a deduction of $600,

(b) A trust which, under its governing instrument, is required to distribute all of its income currently shall be allowed a deduction of $300, and

(c) All other trusts shall be allowed a deduction of $100.

A trust which, under its governing instrument, is required to distribute all of its income currently shall be allowed a deduction of $300, even though it also distributes amounts other than income in the taxable year. For the meaning of the term "income required to be distributed currently", see § 1.651 (a)–1 (b).

§ 1.642 (c) *Statutory provisions; estates and trusts; special rules for credits and deductions; charitable contributions deduction.*

SEC. 642. *Special rules for credits and deductions.* • • •

(c) *Deduction for amounts paid or permanently set aside for a charitable purpose.* In the case of an estate or trust (other than a trust meeting the specifications of subpart B) there shall be allowed as a deduction in computing its taxable income (in lieu of the deductions allowed by section 170 (a), relating to deduction for charitable, etc., contributions and gifts) any amount of the gross income, without limitation, which pursuant to the terms of the governing instrument is, during the taxable year, paid or permanently set aside for a purpose specified in section 170 (c), or is to be used exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, or for the establishment, acquisition, maintenance or operation of a public cemetery not operated for profit. For this purpose, to the extent

that such amount consists of gain from the sale or exchange of capital assets held for more than 6 months, proper adjustment of the deduction otherwise allowable under this subsection shall be made for any deduction allowable to the estate or trust under section 1202 (relating to deduction for excess of capital gains over capital losses). In the case of a trust, the deduction allowed by this subsection shall be subject to section 681 (relating to unrelated business income and prohibited transactions).

§ 1.642 (c)–1 *Charitable contributions deduction.* (a) Any part of the gross income of an estate or trust which, by the terms of the will or of the instrument creating the trust—

(1) Is, during the taxable year, paid or permanently set aside for a purpose specified in section 170 (c), relating to charitable contributions, or

(2) Is to be used exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals, or for the establishment, acquisition, maintenance or operation of a public cemetery not operated for profit,

shall be allowed as a deduction to the estate or trust in lieu of that authorized by section 170 (a). For this purpose, an amount received by an estate or trust which is includible in its gross income as income in respect of a decedent under section 691 (a) (1) shall be deemed "gross income" of the estate or trust. In the case of a trust, the deduction otherwise allowable under section 642 (c) and this section is subject to the limitations of section 681 (relating to unrelated business income and prohibited transactions). See section 681 and the regulations thereunder.

(b) If an estate or trust pays, permanently sets aside, or uses any amount of its income for the purposes specified in paragraph (a) of this section and that amount includes any items of estate or trust income not entering into the gross income of the estate or trust, the deduction under this section is limited to the gross income so paid, permanently set aside, or used. In determining whether such amounts include items of income of an estate or trust which are not included in gross income, if the governing instrument specifically provides as to the source out of which amounts shall be paid, permanently set aside, or to be used for such purposes, such specific provision shall control. In the absence of specific provisions in the governing instrument, an amount to which section 642 (c) applies shall be deemed to consist of the same proportion of each class of the items of income of the estate or trust as the total of each class bears to the total of all classes. For the purpose of this paragraph, the provisions of section 116 (relating to exclusion of dividends) shall not be taken into account. For an example showing the determination of the character of an amount deductible under section 642 (c), see paragraph (e) of § 1.662 (Example):

(c) Where any amount of the income so paid, permanently set aside, or used for the purposes specified in paragraph (a) of this section is attributable to gain from the sale or exchange of capital assets held for more than six months, the amount of the deduction allowable under section 642 (c) must be adjusted for any deduction provided in section 1202 of 50 percent of the excess, if any, of the net long-term capital gain over the net short-term capital loss. For determination of the extent to which the charitable, etc., contribution referred to in section 642 (c) is deemed to consist of long-term capital gains, see paragraph (b) of this section. For example: Under the terms of the trust instrument, the income of the trust is currently distributable to A during his life and capital gains are allocable to corpus. No provision is made in the trust instrument for the invasion of corpus for the benefit of A. Upon A's death the corpus of the trust is to be distributed to M University, an organization exempt from taxation under section 501 (c) (3). During the taxable year 1954, the trust has long-term capital gains of $100,000 which, although allocable to corpus, are permanently set aside for charitable purposes. The trust includes $100,000 in gross income but is allowed a deduction of $50,000 under section 1202 with respect to such gains and a charitable contributions deduction of $50,000 under section 642 (c) ($100,000 permanently set aside for charitable purposes less $50,000 allowed as a deduction under section 1202 with respect to such $100,000).

(d) See section 6034 and the regulations thereunder regarding the annual information return that must be filed by certain trusts claiming charitable, etc., deductions under section 642 (c) for the taxable year.

§ 1.642 (d) *Statutory provisions; estates and trusts; special rules for credits and deductions; net operating loss deduction.*

SEC. 642. *Special rules for credits and deductions.* • • •

(d) *Net operating loss deduction.* The benefit of the deduction for net operating losses provided by section 172 shall be allowed to estates and trusts under regulations prescribed by the Secretary or his delegate.

§ 1.642 (d)–1 *Net operating loss deduction.* The net operating loss deduction allowed by section 172 shall be available to estates and trusts generally, with the following exceptions and limitations:

(a) In computing gross income and deductions for the purposes of section 172, a trust shall exclude that portion of the income and deductions attributable to the grantor or another person under sections 671 through 678 (relating to grantors and others treated as substantial owners).

(b) An estate or trust shall not, for the purposes of section 172, avail itself of the deductions allowed by section 642 (c), section 651, and section 661.

§ 1.642 (e) *Statutory provisions; estates and trusts; special rules for credits and deductions; deduction for depreciation and depletion.*

SEC. 642. *Special rules for credits and deductions.* • • •

(e) *Deduction for depreciation and depletion.* An estate or trust shall be allowed the deduction for depreciation and depletion only to the extent not allowable to beneficiaries under sections 167 (g) and 611 (b).

§ 1.642 (e)–1 *Depreciation and depletion.* An estate or trust shall be allowed the deduction for depreciation and depletion, but only to the extent the deductions are not allowable to a beneficiary under sections 167 (g) and 611 (b). See the regulations under such sections.

§ 1.642 (f) *Statutory provisions; estates and trusts; special rules for credits and deductions; amortization of emergency or grain storage facilities.*

SEC. 642 (f). *Special rules for credits and deductions.* • • •

(f) *Amortization of emergency or grain storage facilities.* The benefit of the deductions for amortization of emergency and grain storage facilities provided by sections 168 and 169 shall be allowed to estates and trusts in the same manner as in the case of an individual. The allowable deduction shall be apportioned between the income beneficiaries and the fiduciary under regulations prescribed by the Secretary or his delegate.

§ 1.642 (f)–1 *Amortization of emergency or grain storage facilities.* An estate or trust shall be allowed amortization deductions with respect to an emergency facility as defined in section 168 (d) and with respect to a grain storage facility as defined in section 169 (d) in the same manner and to the same extent as in the case of an individual. However, the principles governing the apportionment of the deductions for the depreciation and depletion between the fiduciaries and the beneficiaries of an estate or trust (see sections 167 (g) and 611 (b) and the regulations thereunder) shall be applicable with respect to such amortization deductions.

§ 1.642 (g) *Statutory provisions; estates and trusts; special rules for credits and deductions; disallowance of double deductions.*

SEC. 642. *Special rules for credits and deductions.* • • •

(g) *Disallowance of double deductions.* Amounts allowable under section 2053 or 2054 as a deduction in computing the taxable estate of a decedent shall not be allowed as a deduction in computing the taxable income of the estate, unless there is filed, within the time and in the manner and form prescribed by the Secretary or his delegate, a statement that the amounts have not been allowed as deductions under section 2053 or 2054 and a waiver of the right to have such amounts allowed at any time as deductions under section 2053 or 2054. This subsection shall not apply with respect to deductions allowed under part II (relating to income in respect of decedents).

§ 1.642 (g)–1 *Disallowance of double deductions.* (a) Amounts allowable under section 2053 or 2054 as a deduction in computing the taxable estate of a decedent are not allowed as a deduction in computing the taxable income of the estate unless there is filed a statement, in duplicate, to the effect that the items have not been allowed as deductions from the gross estate of the decedent under section 2053 or 2054 and that all rights to have such items allowed at any time as a deduction under section 2053 or 2054 are waived. The statement should be filed with the return for the year for which the item is claimed as a deduction, or with the district director of internal revenue for the internal revenue district in which the return was filed, for association with the return. This paragraph shall not apply to deductions in respect of decedents which are allowable under section 691 (b).

(b) Although deductible under section 2053 in determining the value of the taxable estate of a decedent, medical, dental, etc., expenses of a decedent which are paid by the estate of the decedent are not deductible in computing the taxable income of the estate. See section 213 (d) and the regulations thereunder for rules relating to the deductibility of such expenses in computing the taxable income of the decedent.

§ 1.642 (h) *Statutory provisions; estates and trusts; special rules for credits and deductions; unused loss carryovers and excess deductions.*

SEC. 642. *Special rules for credits and deductions.* • • •

(h) *Unused loss carryovers and excess deductions on termination available to beneficiaries.* If on the termination of an estate or trust, the estate or trust has—

(1) A net operating loss carryover under section 172 or a capital loss carryover under section 1212, or

(2) For the last taxable year of the estate or trust deductions (other than the deductions allowed under subsections (b) or (c)) in excess of gross income for such year,

then such carryover or such excess shall be allowed as a deduction, in accordance with regulations prescribed by the Secretary or his delegate, to the beneficiaries succeeding to the property of the estate or trust.

§ 1.642 (h)–1 *Unused loss carryovers and excess deductions on termination of an estate or trust*—(a) *Unused loss carryovers.* (1) If, on the termination of an estate or trust, a net operating loss carryover under section 172 or a capital loss carryover under section 1212 would be allowable to the estate or trust in a taxable year subsequent to the taxable year of termination but for the termination, the carryover or carryovers shall be allowed to the beneficiaries succeeding to the property of the estate or trust.

(2) The net operating loss carryover and the capital loss carryover shall be the same in the hands of a beneficiary as in the estate or trust. The first taxable year of the beneficiary to which the loss may be carried over is the taxable year of the beneficiary in which or with which the estate or trust terminates. However, the last taxable year of the estate or trust (whether or not a short taxable year) and the first taxable year of the beneficiary to which a loss is carried over shall each constitute a taxable year for purposes of determining the number of years to which a loss may be carried over. For example: A trust distributes all of its assets to A, the sole remainderman, and terminates on December 31, 1954, when it has a capital loss carryover of $10,000 attributable to transactions during the taxable year 1952. A, who reports on the calendar-year basis, otherwise has ordinary income of $10,000 and capital gains of $4,000 for the taxable year 1954. A would offset his capital gains of $4,000 against the capital loss of the trust and, in addition, deduct under section 1211 (b) $1,000 on his return for the taxable year 1954. The balance of the capital loss carryover of $5,000 may be carried over only to the years 1955 and 1956. For the treatment of the net operating loss carryover when the last taxable year of the estate or trust is the last taxable year to which such loss can be carried over, see paragraph (b) of this section.

(b) *Excess deductions.* (1) If, on the termination of an estate or trust, the estate or trust has for its last taxable year deductions (other than the deductions allowed under section 642 (b) (relating to personal exemption) or section 642 (c) (relating to charitable contributions)), the excess shall be allowed as a deduction to the beneficiaries succeeding to the property of the estate or trust. The excess of deductions over the gross income of the estate or trust shall be allowable only in the taxable year of the beneficiary in which or with which the estate or trust terminates, whether or not the year of termination of the estate or trust is of normal duration or is a short taxable year. For example: Assume that a trust distributes all of its assets to B and terminates on December 31, 1954. As of that date it had excess deductions, for example, because of corpus commissions on termination, of $18,000. B, who reported on the calendar year basis, could claim the $18,000 as a deduction for the taxable year 1954. However, if the deduction (when added to his other deductions) exceeds his gross income, the excess may not be carried over to the year 1955 or subsequent years.

(2) A deduction based upon a net operating loss carryover will never be allowed to beneficiaries under both paragraphs (1) and (2) of section 642 (h). Accordingly, a net operating loss deduction which is allowable to beneficiaries succeeding to the property of the estate or trust under the provisions of paragraph (1) of section 642 (h) shall not also be considered a deduction for purposes of paragraph (2) of section 642 (h) and subparagraph (1) of this paragraph. However, if the last taxable year of the estate or trust is the last year in which a deduction on account of a net operating loss may be taken, the deduction, to the extent not absorbed in that taxable year by the estate or trust, shall be considered an "excess deduction" under section 642 (h) (2) and subparagraph (1) of this paragraph.

(3) Any item of income or deduction, or any part thereof, which is taken into account in determining the net operating loss or capital loss carryover of the estate or trust for its last taxable year shall not be taken into account again in determining excess deductions on termination of the trust or estate within the meaning of section 642 (h) (2) and subparagraph (1) of this paragraph (see example in paragraph (e) of this section).

(c) *Meaning of "beneficiaries succeeding to the property of the estate or trust."* (1) The phrase "beneficiaries succeeding to the property of the estate or trust" shall include only those persons receiving amounts from an estate or trust which are not excluded under section 663 (a) (1) and the regulations thereunder (relating to gifts and bequests of a specific sum of money or of a specific property payable all at once or in not more than three installments). However, the phrase will not include the recipient of a widow's support allowance or dower.

(2) With reference to an intestate estate, the phrase will include the heirs and next of kin to whom the estate is distributed. In the case of a testate estate, it will include the residuary beneficiaries but not the specific legatees or devisees, the pecuniary or demonstrative legatees, or other nonresiduary beneficiaries. A residuary beneficiary normally receives all or a fractional share of the residue of the estate. Accordingly, the recipient of a specific sum of money or of specific property, even though payable out of the residue of the estate, will not be considered a residuary beneficiary for purposes of this subparagraph. The recipient of a fractional share of an estate under a statutory right of election will be considered a residuary beneficiary.

(3) An income beneficiary will not be considered in that capacity as a beneficiary succeeding to the property of an estate. A person who is named in a will as a beneficiary but who in fact receives no property in a capacity qualifying under this paragraph will not be considered as a beneficiary succeeding to the estate property.

(4) A person who qualifies as a beneficiary (as defined in subparagraphs (1), (2), or (3) of this paragraph) with respect to one amount and does not so qualify with respect to another amount shall be deemed a beneficiary for purposes of this section as to the amount with respect to which he qualified.

(5) The principles discussed in this paragraph are equally applicable to trust beneficiaries. A remainderman of a trust who receives all or a fractional share of a trust residue as a result of the termination of a trust will be considered to be a beneficiary succeeding to the property of the trust. For example, if property is transferred to a trust to pay the income to A for life and then pay $10,000 to B and distribute the balance of the trust corpus to C, C and not B will be considered to be the succeeding beneficiary.

(d) *Allocation.* In the case of an estate, the carryovers and excess deductions shall be allocated among the beneficiaries succeeding to the property of the estate (see paragraph (c) of this section) proportionately according to the share of each in the property of the estate. For this purpose, property in the estate shall include only that property which would enable a person receiving it to qualify as a beneficiary under paragraph (c) of this section.

(e) *Example.* The application of this section may be illustrated by the following example:

*Example.* (1) A decedent dies January 31, 1954, leaving a will which provides for distributing all her estate equally to A and B. The period of administration of the estate terminates on December 31, 1954, at which time all the property of the estate is distributed to A and B. A reports his income for tax purposes on a calendar year basis, and B reports his income on the basis of a fiscal year ending August 31. During the period of the administration, the estate has the following items of income and deductions:

| | |
|---|---|
| Dividends | $2,000 |
| Interest | 500 |
| Business income | 3,000 |
| | 5,500 |
| Business expenses | 5,000 |
| Administrative expenses and corpus commissions | 9,800 |
| Total deductions | 14,800 |

It also has a capital loss of $5,000.

(2) Under section 642 (h) (1), an unused net operating loss carryover of the estate on termination of $2,000 will be allowable to: A to the extent of $1,000 for his taxable year 1954 and the next four taxable years in accordance with section 172; and to B to the extent of $1,000 for his taxable year ending August 31, 1955, and his next four taxable years. The amount of the net operating loss carryover is computed as follows:

| | |
|---|---|
| Deductions of estate for 1954 | $14,800 |
| Less adjustment under section 172 (d) (4) (deductions not attributable to a trade or business ($9,800) allowable only to extent of gross income not derived from such trade or business ($2,500)) | 7,300 |
| Deductions as adjusted | 7,500 |
| Gross income of estate for 1954 | 5,500 |
| Net operating loss of estate for 1954 (No deduction for capital loss of $5,000 under section 172 (d) (2).) | 2,000 |

Neither A nor B will be allowed to carry back any part of the net operating loss made available to them under this section.

(3) Under section 642 (h) (2), excess deductions of the estate of $7,300 will be allowed as a deduction to A to the extent of $3,650 for the calendar year 1954 and to B to the extent of $3,650 for the taxable year ending August 31, 1955. The deduction of $7,300 for administrative expenses and corpus commissions is the only amount which was not taken into account in determining the net operating loss of the estate ($9,800 of such expenses less $2,500 taken into account).

(4) Under section 642 (h) (1), there will be allowable to A a capital loss carryover of $2,500 for his taxable year 1955 and for his next four taxable years in accordance with section 1212. There will be allowable to B a similar capital loss carryover of $2,500 for his taxable year ending August 31, 1955, and his next four taxable years.

§ 1.642 (i) *Statutory provisions; estates and trusts; special rules for credits and deductions; disallowance of standard deduction.*

SEC. 642. *Special rules for credits and deductions.* * * *

(i) *Cross reference.* For disallowance of standard deduction in case of estates and trusts see section 142 (b) (4).

§ 1.642 (i)–1 *Cross reference.* See section 142 (b) (4) and regulations thereunder for disallowance of standard deduction in case of estates and trusts.

§ 1.643 (a) *Statutory provisions; estates and trusts; definition of distributable net income.*

SEC. 643. *Definitions applicable to subparts A, B, C, and D*—(a) *Distributable net income.* For purposes of this part, the term "distributable net income" means, with respect to any taxable year, the taxable income of the estate or trust computed with the following modifications—

(1) *Deduction for distributions.* No deduction shall be taken under sections 651 and 661 (relating to additional deductions).

(2) *Deduction for personal exemption.* No deduction shall be taken under section 642 (b) (relating to deduction for personal exemptions).

(3) *Capital gains and losses.* Gains from the sale or exchange of capital assets shall be excluded to the extent that such gains are allocated to corpus and are not (A) paid, credited, or required to be distributed to any beneficiary during the taxable year, or (B) paid, permanently set aside, or to be used for the purposes specified in section 642 (c). Losses from the sale or exchange of capital assets shall be excluded, except to the extent such losses are taken into account in determining the amount of gains from the sale or exchange of capital assets which are paid, credited, or required to be distributed to any beneficiary during the taxable year. The deduction under section 1202 (relating to deduction for excess of capital gains over capital losses) shall not be taken into account.

(4) *Extraordinary dividends and taxable stock dividends.* For purposes only of subpart B (relating to trusts which distribute current income only), there shall be excluded those items of gross income constituting extraordinary dividends or taxable stock dividends which the fiduciary, acting in good faith, does not pay or credit to any beneficiary by reason of his determination that such dividends are allocable to corpus under the terms of the governing instrument and applicable local law.

(5) *Tax-exempt interest.* There shall be included any tax-exempt interest to which section 103 appplies, reduced by any amounts which would be deductible in respect of disbursements allocable to such interest but for the provisions of section 265 (relating to disallowance of certain deductions).

(6) *Foreign income.* In the case of a foreign trust, there shall be included the amounts of gross income from sources without the United States, reduced by any amounts which would be deductible in respect of disbursements allocable to such income but for the provisions of section 265 (1) (relating to disallowance of certain deductions).

(7) *Dividends.* There shall be included the amount of any dividends excluded from gross income pursuant to section 116 (relating to partial exclusion of dividends received).

If the estate of trust is allowed a deduction under section 642 (c), the amount of the modifications specified in paragraphs (5) and (6) shall be reduced to the extent that the amount of income which is paid, permanently set aside, or to be used for the purposes specified in section 642 (c) is deemed to consist of items specified in those paragraphs. For this purpose, such amount shall (in the absence of specific provisions in the governing instrument) be deemed to consist of the same proportion of each class of items of income of the estate or trust as the total of each class bears to the total of all classes.

§ 1.643 (a)–1 *Distributable net income.* The term "distributable net income" has no application except in the taxation of estates and trusts and their beneficiaries. It limits the deductions allowable to estates and trusts for amounts paid, credited, or required to be distributed to beneficiaries and is used to determine how much of an amount paid, credited, or required to be distributed to a beneficiary will be includible in his gross income. It is also used to determine the character of the distributions to the beneficiaries. Distributable net income means, with respect to any taxable year, the taxable income (as defined in section 63) of the estate or trust, computed with modifications set forth in §§ 1.643 (a)–2 through 1.643 (a)–7.

§ 1.643 (a)–2 *Deduction for distributions.* The deduction allowable to a trust under section 651 and to an estate or trust under section 661 for amounts paid, credited, or required to be distributed to beneficiaries shall not be allowed.

§ 1.643 (a)–3 *Deduction for personal exemption.* The deduction for personal exemption provided in section 642 (b) shall not be allowed.

§ 1.643 (a)–4 *Capital gains and losses.* (a) Gains from the sale or exchange of capital assets shall be excluded to the extent that such gains are allocated to corpus and are not—

(1) Paid, credited, or required to be distributed to any beneficiary during the taxable year, or

(2) Paid, permanently set aside, or to be used for the purposes specified in section 642 (c) (relating to charitable contributions deduction).

Thus, capital gains are not ordinarily considered as paid, credited, or required to be distributed unless they are—

(3) Allocated to income,

(4) Allocated to corpus and actually distributed to beneficiaries during the taxable year, or

(5) Utilized (pursuant to the terms of the governing instrument or the practice followed by the fiduciary) in determining the amount which is distributed or required to be distributed.

However, capital gains are not included in distributable net income if they are added to principal and are not paid, credited, or required to be distributed to any beneficiary during the taxable year. If capital gains are paid, permanently set aside, or to be used for the purposes specified in section 642 (c), so that a charitable deduction is allowed under that section in respect of the gains, they must be included in the computation of distributable net income.

(b) Losses from the sale or exchange of capital assets are excluded in computing distributable net income except to the extent that they enter into the determination of any capital gains that are paid, credited, or required to be distributed to any beneficiary during the taxable year.

(c) The deduction under section 1202 shall be taken into account in computing distributable net income to the extent that it is allocable to capital gains which are paid, permanently set aside, or to be used for the purposes specified in section 642 (c). See § 1.642 (c)–1 (b) to determine the extent to which the amount so paid, permanently set aside, or to be used consists of capital gains. The deduction for capital gains provided in section 1202 insofar as it is allocable to the remainder of the capital gains is not taken into account.

(d) The application of this section may be illustrated by the following examples:

*Example (1).* A trust is created to pay the income to A for life, with a discretionary power in the trustee to invade principal for A's benefit. In the taxable year, $10,000 is realized from the sale of securities at a profit, and $10,000 in excess of income is distributed to A. The capital gain will not ordinarily be included in distributable net income. However, if the trustee follows a regular practice of distributing the exact net proceeds of the sale of trust property, capital gains will be included in distributable net income.

*Example (2).* The trustee of a trust containing Blackacre and other property is directed to hold Blackacre for ten years, and then sell it and distribute its proceeds to A. Any capital gain realized from the sale of Blackacre will be included in distributable net income.

*Example (3).* A trust instrument directs that the income shall be paid to A, and that the principal shall be distributed to A when he reaches age 35. All capital gains realized in the year of final distribution will be included in distributable net income. (See § 1.641 (b)–1 (c) for the determination of the year of final distribution.)

§ 1.643 (a)–5 *Extraordinary dividends and taxable stock dividends.* In the case solely of a trust which qualifies under subpart B as a trust which distributes current income only, there shall be excluded such items of gross income as constitute extraordinary dividends (whether paid in cash or in kind) or taxable stock dividends as are not distributed or credited to a beneficiary because the fiduciary in good faith determines that under the terms of the governing instrument and applicable local law such dividends are allocable to corpus. See section 665 (d) and the regulations thereunder for the treatment of such dividends upon subsequent distribution.

§ 1.643 (a)–6 *Tax-exempt interest and foreign income.* (a) There shall be included any tax-exempt interest excluded from gross income under section 103, reduced by disbursements allocable to such interest which would have been deductible but for the provisions of section 265 (relating to disallowance of deductions allocable to tax-exempt income).

(b) In the case of a foreign trust, there shall be included gross income from sources without the United States, reduced by disbursements allocable to such foreign income which would have been deductible but for the provisions of section 265 (relating to disallowance of deductions allocable to tax-exempt income).

(c) If the estate or trust is allowed a charitable contributions deduction under section 642 (c), the amounts specified in paragraphs (a) and (b) of this section shall be reduced by the portion deemed to be included in income paid, permanently set aside, or to be used for the purposes specified in section 642 (c). If the governing instrument specifically provides as to the source out of which amounts are paid, permanently set aside, or to be used for such charitable purposes, such specific provisions shall control. In the absence of specific provisions in the governing instrument, an amount to which section 642 (c) applies shall be deemed to consist of the same proportion of each class of the items of income of the estate or trust as the total of each class bears to the total of all classes. For an illustration showing the determination of the character of an amount deductible under section 642 (c), see paragraph (e) of § 1.662 (Example).

§ 1.643 (a)–7 *Dividends.* Dividends excluded from gross income under section 116 (relating to partial exclusion of dividends received) shall be included. For this purpose, the adjustments required by § 1.643 (a)–6 with respect to sections 265 and 642 (c) shall not be made. See § 1.642 (c)–1 (b).

§ 1.643 (b) *Statutory provisions: estates and trusts; definition of income.*

SEC. 643. *Definitions applicable to subparts A, B, C, and D.* * * *

(b) *Income.* For purposes of this part and subparts B, C, and D, the term "income", when not preceded by the words "taxable", "distributable net", "undistributed net", or "gross", means the amount of income of the estate or trust for the taxable year determined under the terms of the governing instrument and applicable local law. Items of gross income constituting extraordinary dividends or taxable stock dividends which the fiduciary, acting in good faith, determines to be allocable to corpus under the terms of the governing instrument and applicable local law shall not be considered income.

§ 1.643 (b)–1 *Definition of "income".* (a) For purposes of subparts A, B, C, and D of part I, subchapter J, chapter 1 of the Internal Revenue Code of 1954, the term "income", when not preceded by the words "taxable", "distributable net", "undistributed net", or "gross", means the amount of income of an estate or trust for the taxable year determined under the terms of its governing instrument and applicable local law. For example, if, under the terms of the governing instrument of Trust A or the applicable local law, capital gains are properly allocable to corpus, such gains constitute "corpus" and not "income" notwithstanding that they are includible in gross income of the trust for income tax purposes. However, if the trust instrument specifically provides that all capital gains are currently distributable to beneficiaries, such gains constitute "income".

(b) Extraordinary dividends or taxable stock dividends which the fiduciary, acting in good faith, determines to be allocable to corpus under the terms of the governing instrument and applicable local law shall not be considered "income" for purposes of subparts A, B, C, or D. See section 643 (a) (4), § 1.643 (a)–5, § 1.643 (Example), and section 665 (d) and the regulations thereunder for treatment of such item in the computation of distributable net income.

§ 1.643 (c) *Statutory provisions; estates and trusts; definition of beneficiary.*

SEC. 643. *Definitions applicable to subparts A, B, C, and D.* * * *

(c) *Beneficiary.* For purposes of this part, the term "beneficiary" includes heir, legatee, devisee.

§ 1.643 (c)–1 *Definition of "beneficiary".* An heir, legatee, or devisee (including an estate or trust) is a beneficiary. The following persons are treated as beneficiaries:

(a) Any person with respect to an amount used to discharge or satisfy that person's legal obligation as that term is used in § 1.662 (a)–3 (c).

(b) The grantor of a trust with respect to an amount applied or distributed for the purpose specified in section 677 (b) out of corpus or out of other than income for the taxable year of the trust.

(c) The trustee or cotrustee of a trust with respect to an amount applied or distributed for the purpose specified in section 678 (c) out of corpus or out of other than income for the taxable year of the trust.

§ 1.643 (Example) *Example.* (a) The provisions of section 643 may be illustrated by the following example:

*Example.* (1) Under the terms of the trust instrument, the income of a trust is required to be currently distributed to W during her life. Capital gains are allocable to corpus and all expenses are charges against corpus. During the taxable year the trust has the following items of income and expenses:

| | |
|---|---|
| Dividends from domestic corporations | $30,000 |
| Extraordinary dividends allocated to corpus by the trustee in good faith | 20,000 |
| Taxable interest | 10,000 |
| Tax-exempt interest | 10,000 |
| Long-term capital gains | 10,000 |
| Trustee's commissions and miscellaneous expenses allocable to corpus | 5,000 |

(2) The "income" of the trust determined under section 643 (b) which is currently distributable to W is $50,000 consisting of dividends of $30,000, taxable interest of $10,000 and tax-exempt interest of $10,000. The trustee's commissions and miscellaneous expenses allocable to tax-exempt interest amount to $1,000 (10,000/50,000 × $5,000).

(3) The "distributable net income" determined under section 643 (a) amounts to $45,000, computed as follows:

| | | |
|---|---|---|
| Dividends from domestic corporations | | $30,000 |
| Taxable interest | | 10,000 |
| Nontaxable interest | $10,000 | |
| Less: Expenses allocable thereto | 1,000 | 9,000 |
| Total | | 49,000 |
| Less: Expenses ($5,000 less $1,000 allocable to tax-exempt interest) | | 4,000 |
| Distributable net income | | 45,000 |

In determining the distributable net income of $45,000, the taxable income of the trust is computed with the following modifications: No deductions are allowed for distributions to W and for personal exemption of the trust (section 643 (a) (1) and (2)); capital gains allocable to corpus are excluded and the deduction allowable under section 1202 is not taken into account (section 643 (a) (3)); the extraordinary dividends allocated to corpus by the trustee in good faith are excluded (sections 643 (a) (4)); and the tax-exempt interest (as adjusted for expenses) and the dividend exclusion of $50 are included (section 643 (a) (5) and (7)).

(b) See § 1.661–1 (Example) (c) for the computation of distributable net income where there is a charitable contributions deduction.

TRUSTS WHICH DISTRIBUTE CURRENT INCOME ONLY

§ 1.651 (a) *Statutory provisions; trusts which distribute current income*

*only; deduction for amounts required to be distributed currently.*

SEC. 651. *Deduction for trusts distributing current income only*—(a) *Deduction.* In the case of any trust the terms of which—

(1) Provide that all of its income is required to be distributed currently, and

(2) Do not provide that any amounts are to be paid, permanently set aside, or used for the purposes specified in section 642 (c) (relating to deduction for charitable, etc., purposes),

there shall be allowed as a deduction in computing the taxable income of the trust the amount of the income for the taxable year which is required to be distributed currently. This section shall not apply in any taxable year in which the trust distributes amounts other than amounts of income described in paragraph (1).

§ 1.651 (a)–1 *Simple trusts; deduction for distributions*—(a) *General.* Section 651 is applicable only to a trust which, under the terms of its governing instrument—

(1) Is required to distribute all of its income currently, and

(2) May not pay, permanently set aside, or use any amount for the charitable, etc., purposes specified in section 642 (c).

Section 651 shall not apply in any taxable year in which the trust distributes amounts other than amounts of income described in subparagraph (1) of this paragraph. A trust to which section 651 is applicable is referred to in this part as a "simple" trust. All trusts subject to section 661 shall be termed "complex" trusts.

(b) *Income required to be distributed currently.* (1) The determination of whether trust income is required to be distributed currently depends upon the terms of the trust instrument and the applicable local law. For this purpose, if the trust instrument provides that the trustee in determining the distributable income shall first retain a reserve for depreciation or otherwise make due allowance for keeping the trust corpus intact by retaining a reasonable amount of the current income for that purpose, the retention of current income for that purpose will not disqualify the trust from being a "simple" trust. The fiduciary must be under a duty to distribute the income currently even if, as a matter of practical necessity, the income is not distributed until after the close of the trust's taxable year. For example: Under the terms of the trust instrument, all of the income is currently distributable to A. The trust reports on the calendar year basis and as a matter of practical necessity makes distribution to A of each quarter's income on the fifteenth day of the month following the close of the quarter. The distribution made by the trust on January 15, 1955, of the income for the fourth quarter of 1954 does not disqualify the trust for treatment in 1955 under section 651, since the income is required to be distributed currently. For definition of the term "income" see section 643 (b) and § 1.643 (b)–1.

(2) It is immaterial, for purposes of determining whether all the income is required to be distributed currently, that the amount of income allocated to a particular beneficiary is not specified in the instrument. For example, if the fiduciary is required to distribute all the income currently, but has discretion to "sprinkle" the income among a class of beneficiaries, or among named beneficiaries in such amount as he may see fit, all the income is required to be distributed currently, even though the amount distributable to a particular beneficiary is unknown until the fiduciary has exercised his discretion.

(c) *Distribution of amounts other than income.* (1) A trust does not qualify for treatment under section 651 for any taxable year in which it actually distributes corpus. For example, a trust which is required to distribute all of its income currently would not qualify as a simple trust under section 651 in the year of its termination since in that year actual distributions of corpus would be made.

(2) A trust, otherwise qualifying under section 651, which is required under the terms of its governing instrument to make a distribution of corpus upon the happening of a specified event will be disqualified for treatment under such section only for the taxable year in which an actual distribution of corpus is made. For example: Under the terms of a trust, which is required to distribute all of its income currently, half of the corpus is to be distributed to beneficiary A when he becomes 30 years of age. The trust reports on the calendar year basis. On December 28, 1954, A becomes 30 years of age and the trustee distributes half of the corpus of the trust to him on January 3, 1955. The trust will be disqualified for treatment under section 651 only for the taxable year 1955, the year in which an actual distribution of corpus is made.

(3) See section 661 and the regulations thereunder for the treatment of trusts which distribute corpus or claim the deduction provided by section 642 (c).

(d) *Estates.* Subpart B has no application to an estate.

§ 1.651 (b) *Statutory provisions; trusts which distribute current income only; limitation on deduction for amounts required to be distributed currently.*

SEC. 651. *Deduction for trusts distributing current income only.* • • •

(b) *Limitation on deduction.* If the amount of income required to be distributed currently exceeds the distributable net income of the trust for the taxable year, the deduction shall be limited to the amount of the distributable net income. For this purpose, the computation of distributable net income shall not include items of income which are not included in the gross income of the trust and the deductions allocable thereto.

§ 1.651 (b)–1 *Deduction for distributions to beneficiaries.* In computing its taxable income, a simple trust is allowed a deduction for the amount of income which is required under the terms of the trust instrument to be distributed currently to beneficiaries. If the amount of income required to be distributed currently exceeds the distributable net income, the deduction allowable to the trust shall be limited to the amount of the distributable net income. For this purpose the amount of income required to be distributed currently, or distributable net income, whichever is applicable, shall not include items of trust income (and the deductions allocable thereto) which are not included in the gross income of the trust. For determination of the character of the income required to be distributed currently, see § 1.652 (b)–1 (b). Accordingly, for the purposes of determining the deduction allowable to the trust under section 651, distributable net income is computed without the modifications specified in paragraphs (5), (6), and (7) of section 643 (a). For example: Assume that the distributable net income of a trust as computed under section 643 (a) amounts to $99,000 but such amount includes nontaxable income of $9,000. Then distributable net income for the purpose of determining the deduction allowable under section 651 is $90,000 ($99,000 less $9,000 nontaxable income).

§ 1.652 (a) *Statutory provisions; trusts which distribute current income only; inclusion of amounts in gross income of beneficiaries.*

SEC. 652. *Inclusion of amounts in gross income of beneficiaries of trusts distributing current income only*—(a) *Inclusion.* Subject to subsection (b), the amount of income for the taxable year required to be distributed currently by a trust described in section 651 shall be included in the gross income of the beneficiaries to whom the income is required to be distributed, whether distributed or not. If such amount exceeds the distributable net income, there shall be included in the gross income of each beneficiary an amount which bears the same ratio to distributable net income as the amount of income required to be distributed to such beneficiary bears to the amount of income required to be distributed to all beneficiaries.

§ 1.652 (a)–1 *Simple trusts; inclusion of amounts in income of beneficiaries.* (a) Subject to the rules in paragraph (b) of this section and in § 1.652 (b)–1, a beneficiary of a simple trust shall include in his gross income for the taxable year the amounts of income required to be distributed to him for such year, whether or not distributed. Thus, the income of a simple trust is includible in the beneficiary's gross income for the taxable year in which the income is required to be distributed currently even though, as a matter of practical necessity, the income is not distributed until after the close of the taxable year of the trust. See § 1.642 (a) (3)–1 (b) with respect to time of receipt of dividends. See § 1.652 (c)–1 for treatment of amounts required to be distributed where a beneficiary and the trust have different taxable years. With respect to amounts used to satisfy a legal obligation, see §§ 1.661 (a)–2 (d) and 1.662 (a)–4.

(b) If the amount of income required to be distributed currently to beneficiaries exceeds the distributable net income of the trust (as defined in section 643 (a)), each beneficiary shall include in his gross income an amount equivalent to his proportionate share of such distributable net income. Thus, if beneficiary A is to receive two-thirds of the trust income and B is to receive one-third, and the income required to be distributed currently is $99,000, A will receive $66,000 and B, $33,000. However, if the distributable net income, as determined under section 643 (a) is only $90,000, A will include two-thirds ($60,000) of that sum in his gross income, and B will include one-third ($30,000) in his gross income. See § 1.652 (b)–1, however, for amounts which are not includible in the gross income of a beneficiary because of their tax-exempt character.



§ 1.652 (b) *Statutory provisions; trusts which distribute current income only; character of amounts in the hands of beneficiaries.*

SEC. 652. *Inclusion of amounts in gross income of beneficiaries of trusts distributing current income only.* • • •

(b) *Character of amounts.* The amounts specified in subsection (a) shall have the same character in the hands of the beneficiary as in the hands of the trust. For this purpose, the amounts shall be treated as consisting of the same proportion of each class of items entering into the computation of distributable net income of the trust as the total of each class bears to the total distributable net income of the trust, unless the terms of the trust specifically allocate different classes of income to different beneficiaries. In the application of the preceding sentence, the items of deduction entering into the computation of distributable net income shall be allocated among the items of distributable net income in accordance with regulations prescribed by the Secretary or his delegate.

§ 1.652 (b)–1 *Character of amounts.* (a) In determining the gross income of a beneficiary, the amounts includible under § 1.652 (a)–1 shall have the same character in the hands of the beneficiary as in the hands of the trust. For example, to the extent that the amounts specified in § 1.652 (a)–1 consist of income exempt from tax under section 103, such amounts shall not be included in the beneficiary's gross income. Similarly, dividends distributed to a beneficiary retain their original character in the beneficiary's hands for purposes of determining the availability to the beneficiary of the dividends received credit under section 34 and the dividend exclusion under section 116. The tax treatment of amounts determined under § 1.652 (a)–1 shall depend upon the beneficiary's status with respect to them, not upon the status of the trust. Thus, if a beneficiary is deemed to have received foreign income of a foreign trust, the includibility of such income in his gross income shall depend upon his taxable status with respect to such income.

(b) The amounts specified in § 1.652 (a)–1 which are required to be included in the gross income of the beneficiary shall be treated as consisting of the same proportion of each class of items entering into distributable net income of the trust (as defined in section 643 (a)) as the total of each class bears to such distributable net income, unless the terms of the trust specifically allocate different classes of income to different beneficiaries. For example: Assume that under the terms of the governing instrument, beneficiary A is to receive currently one-half of the trust income and beneficiaries B and C are each to receive currently one-quarter, and the distributable net income of the trust (after allocation of expenses) consists of dividends of $10,000, taxable interest of $10,000, and tax-exempt interest of $4,000. A will be deemed to have received $5,000 of dividends, $5,000 of taxable interest, and $2,000 of tax-exempt interest; B and C will each be deemed to have received $2,500 of dividends, $2,500 of taxable interest, and $1,000 of tax-exempt interest. However, if the terms of the trust specifically allocate different classes of income to different beneficiaries, each beneficiary will be deemed to have received those items of income specifically allocated to him.

(c) Items of deduction of the trust that enter into the computation of distributable net income are to be allocated among the items of income in accordance with the following principles:

(1) All expenditures directly attributable to one class of income (except dividends excluded under section 116) shall be allocated thereto. For example, repairs, to, taxes on, and other expenses directly attributable to the maintenance of rental property or the collection of rental income shall be allocated to rental income. See § 1.642 (e)–1 for treatment of depreciation of rental property. Similarly, all expenditures indirectly attributable to a business carried on by a trust shall be allocated to the income from such business. If the deductions directly attributable to a particular class of income exceed that income, such excess shall be applied against other classes of income in the manner provided in subparagraph (4) of this paragraph.

(2) The deductions which are not directly attributable to a specific class of income may be allocated to any item of income (including capital gains) included in computing distributable net income, but a proportion thereof must be allocated to nontaxable income (except dividends excluded under section 116) pursuant to section 265 and the regulations thereunder. For example, if the income of a trust is $30,000 (after direct expenses), consisting equally of $10,000 of dividends, tax-exempt interest, and rents, and income commissions amount to $3,000, one-third ($1,000) of such commissions should be allocated to tax-exempt interest, but the balance of $2,000 may be allocated to the rents or dividends in such proportions as the trustee may elect. The fact that the governing instrument or applicable local law treats certain items of deduction as attributable to income or corpus shall not affect allocation thereunder. For instance, if in the example set forth in this subparagraph the trust also had capital gains which are allocable to corpus under the terms of the trust instrument, no part of the deductions would be allocable thereto since the capital gains are excluded from the computation of distributable net income under section 643 (a) (3).

(3) Examples of expenses which are considered as not directly attributable to a specific class of income are trustee's commissions, the rental of safe deposit boxes, and State income and personal property taxes.

(4) To the extent that any items of deduction, which are directly attributable to a class of income, exceed that class of income, they may be allocated to any other class of income (including capital gains) included in distributable net income in the manner provided in subparagraph (2) of this paragraph, except that any excess deductions attributable to tax-exempt income (other than dividends excluded under section 116) may not be offset against any other class of income. See section 265 and the regulations thereunder. Thus, if the trust has rents, taxable interest, dividends, and tax-exempt interest, and the deductions directly attributable to the rents exceed the rental income, the excess may be allocated to the taxable interest or dividends in such proportions as the fiduciary may elect. However, if the excess deductions are attributable to the tax-exempt interest, they may not be allocated to either the rents, taxable interest, or dividends.

§ 1.652 (c) *Statutory provisions; trusts which distribute current income only; inclusion of amounts in gross income of beneficiaries; different taxable years.*

SEC. 652. *Inclusion of amounts in gross income of beneficiaries of trusts distributing current income only.* • • •

(c) *Different taxable years.* If the taxable year of a beneficiary is different from that of the trust, the amount which the beneficiary is required to include in gross income in accordance with the provisions of this section shall be based upon the amount of income of the trust for any taxable year or years of the trust ending within or with his taxable year.

§ 1.652 (c)–1 *Different taxable years.* (a) If a beneficiary has a different taxable year (as defined in section 441 or 442) from the taxable year of the trust, the amount he is required to include in gross income in accordance with section 652 (a) and (b) shall be based on the income of the trust for any taxable year or years ending with or within his taxable year. This rule shall apply to taxable years of normal duration as well as to so-called short taxable years of the trust. Income of the trust for its taxable year or years shall be determined in accordance with its method of accounting and without regard to that of the beneficiary.

(b) If income is required to be distributed currently to a beneficiary, by a trust for a taxable year which does not end with or within the last taxable year of a beneficiary (because of the beneficiary's death), the extent to which the income shall be included in the gross income of the beneficiary for his last taxable year, shall be determined by the computations under section 652 for the taxable year of the trust in which his last taxable year ends. Thus, the distributable net income of the taxable year of the trust shall determine the extent to which the income required to be distributed currently to the beneficiary shall be included in his gross income for his last taxable year. (Section 652 (c) does not apply to such amounts.) If the trust does not qualify as a simple trust for the taxable year of the trust in which the last taxable year of the beneficiary ends, see section 662 (c) and § 1.662–1 (c)–1.

(c) If the existence of a beneficiary which is not an individual terminates, the amount to be included under section 652 (a) in its gross income for its last taxable year shall be computed with reference to paragraphs (a) and (b) as if the beneficiary were a deceased individual.

§ 1.652 (Example). *Example.* The rules applicable to a trust required to distribute all of its income currently and to its beneficiaries may be illustrated by the following example:

*Example.* (a) Under the terms of a simple trust all of the income is to be distributed equally to beneficiaries A and B and capital gains are to be allocated to corpus. The trust and both beneficiaries file returns on the calendar year basis. No provision is made in the governing instrument with respect to depreciation. During the taxable year 1955, the trust had the following items of income and expense:

| | |
|---|---|
| Rents | $25,000 |
| Dividends of domestic corporations | 50,000 |
| Tax-exempt interest on municipal bonds | 25,000 |
| Long-term capital gains | 15,000 |
| Taxes and expenses directly attributable to rents | 5,000 |
| Trustee's commissions allocable to income account | 2,600 |
| Trustee's commissions allocable to principal account | 1,300 |
| Depreciation | 5,000 |

(b) The income of the trust for fiduciary accounting purposes is $92,400, computed as follows:

| | | |
|---|---|---|
| Rents | | $25,000 |
| Dividends | | 50,000 |
| Tax-exempt interest | | 25,000 |
| Total | | 100,000 |
| Less: | | |
| Expenses directly attributable to rental income | $5,000 | |
| Trustee's commissions allocable to income account | 2,600 | |
| | | 7,600 |
| Income computed under section 643 (b) | | 92,400 |

One-half ($46,200) of the income of $92,400 is currently distributable to each beneficiary.

(c) The distributable net income of the trust computed under section 643 (a) is $91,100, determined as follows:

| | | |
|---|---|---|
| Rents | | $25,000 |
| Dividends | | 50,000 |
| Tax-exempt interest | $25,000 | |
| Less: Expenses allocable thereto (25,000/100,000 × $3,900) | 975 | |
| | | 24,025 |
| Total | | 99,025 |
| Deductions: | | |
| Expenses directly attributable to rental income | $5,000 | |
| Trustee's commissions ($3,900 less $975 allocable to tax-exempt interest) | 2,925 | |
| | | 7,925 |
| Distributable net income | | 91,100 |

In computing the distributable net income of $91,100, the taxable income of the trust was computed with the following modifications: No deductions were allowed for distributions to the beneficiaries and for personal exemption of the trust (section 643 (a) (1) and (2)); capital gains were excluded and no deduction under section 1202 (relating to the 50 percent deduction for long-term capital gains) was taken into account (section 643 (a) (3)); the tax-exempt interest (as adjusted for expenses) and the dividend exclusion of $50 were included (section 643 (a) (5) and (7)). Since all of the income of the trust is required to be currently distributed, no deduction is allowable for depreciation in the absence of specific provisions in the governing instrument providing for the keeping of the trust corpus intact. See section 167 (g) and the regulations thereunder.

(d) The deduction allowable to the trust under section 651 (a) for distributions to the beneficiaries is $67,025, computed as follows:

| | | |
|---|---|---|
| Distributable net income computed under section 643 (a) (see paragraph (c)) | | $91,100 |
| Less: | | |
| Tax-exempt interest as adjusted | $24,025 | |
| Dividend exclusion | 50 | |
| | | 24,075 |
| Distributable net income as determined under section 651 (b) | | 67,025 |

Since the amount of the income ($92,400) required to be distributed currently by the trust exceeds the distributable net income ($67,025) as computed under section 651 (b), the deduction allowable under section 651 (a) is limited to the distributable net income of $67,025.

(e) The taxable income of the trust is $7,200 computed as follows:

| | | |
|---|---|---|
| Rents | | $25,000 |
| Dividends ($50,000 less $50 exclusion) | | 49,950 |
| Long-term capital gains | | 15,000 |
| Gross income | | 89,950 |
| Deductions: | | |
| Rental expenses | $5,000 | |
| Trustee's commissions | 2,925 | |
| Capital gain deduction | 7,500 | |
| Distributions to beneficiaries | 67,025 | |
| Personal exemption | 300 | |
| | | 82,750 |
| Taxable income | | 7,200 |

The trust is not allowed a deduction for the portion ($975) of the trustee's commissions allocable to tax-exempt interest in computing its taxable income.

(f) In determining the character of the amounts includible in the gross income of A and B, it is assumed that the trustee elects to allocate to rents the expenses not directly attributable to a specific item of income other than the portion ($975) of such expenses allocated to tax-exempt interest. The allocation of expenses among the items of income is shown below:

| | Rents | Dividends | Tax-exempt interest | Total |
|---|---|---|---|---|
| Income for trust accounting purposes | $25,000 | $50,000 | $25,000 | $100,000 |
| Less: | | | | |
| Rental expenses | 5,000 | | | 5,000 |
| Trustee's commissions | 2,925 | | 975 | 3,900 |
| Total deductions | 7,925 | 0 | 975 | 8,900 |
| Character of amounts in the hands of the beneficiaries | 17,075 | 50,000 | 24,025 | [1] 91,100 |

[1] Distributable net income.

Inasmuch as the income of the trust is to be distributed equally to A and B, each is deemed to have received one-half of each item of income; that is, rents of $8,537.50, dividends of $25,000, and tax-exempt interest of $12,012.50. The dividends of $25,000 allocated to each beneficiary are to be commingled with his other dividends (if any) for purposes of the dividend exclusion provided by section 116 and the dividend received credit allowed under section 34. Also, each beneficiary is allowed a deduction of $2,500 for depreciation of rental property attributable to the portion (one-half) of the income of the trust distributed to him.

ESTATES AND TRUSTS WHICH MAY ACCUMULATE INCOME OR WHICH DISTRIBUTE CORPUS

§ 1.661 (a) *Statutory provisions; estates and trusts accumulating income or distributing corpus; deduction for amounts required to be distributed currently and other amounts distributed.*

SEC. 661. *Deduction for estates and trusts accumulating income or distributing corpus*—(a) *Deduction.* In any taxable year there shall be allowed as a deduction in computing the taxable income of an estate or trust (other than a trust to which subpart B applies), the sum of—

(1) Any amount of income for such taxable year required to be distributed currently (including any amount required to be distributed which may be paid out of income or corpus to the extent such amount is paid out of income for such taxable year); and

(2) Any other amounts properly paid or credited or required to be distributed for such taxable year;

but such deduction shall not exceed the distributable net income of the estate or trust.

§ 1.661 (a)–1 *Estates and trusts accumulating income or distributing corpus; general.* Subpart C of part I, subchapter J, chapter 1, of the Internal Revenue Code of 1954 is applicable to trusts and their beneficiaries other than those subject to the provisions of subpart B of part I (relating to trusts which distribute current income only) and to estates and their beneficiaries. See § 1.641–1. Thus, subpart C (and not subpart B), is applicable to a trust which under the trust instrument (a) is not required to distribute all of its income currently; (b) properly pays, permenantly sets aside, or uses any amounts for the charitable, etc., purposes specified in section 642 (c); or (c) pays, credits, or is required to distribute amounts other than income during the taxable year. However, a trust which is required to distribute amounts other than income during the taxable year may be subject to subpart B, and not subpart C, in the absence of an actual distribution of amounts other than income during the taxable year. See § 1.651 (a)–1 (c). A trust to which subpart C is applicable is referred to as a "complex" trust in this part.

§ 1.661 (a)–2 *Deduction for distributions to beneficiaries.* (a) In computing the taxable income of an estate or trust there shall be allowed under section 661 (a) as a deduction for distributions to beneficiaries the sum of—

(1) The amount of income for the taxable year which is required to be distributed currently, and

(2) Any other amounts properly paid or credited or required to be distributed for such taxable year.

However, the total amount deductible under section 661 (a) shall not exceed the distributable net income as computed under section 643 (a) and as modified by section 661 (c). See § 1.661 (c)–1.

(b) The term "income required to be distributed currently" includes any amount required to be distributed which may be paid out of income or corpus (such as an annuity), to the extent such amount is paid out of income for the taxable year. See § 1.651 (a)–1 (b) which sets forth additional rules which are applicable in determining whether income of an estate or trust is required to be distributed currently.

(c) The term "any other amounts properly paid or credited or required to be distributed" includes all amounts properly paid, credited, or required to be distributed by an estate or trust during the taxable year other than income required to be distributed currently. Thus, the term includes the payment of a widow's allowance, the payment of an annuity to the extent it is not paid out of income for the taxable year, and a distribution of property in kind. See section 663 (a) and regulations thereunder for distributions which are not included. Where the income of an estate or trust may be accumulated or distributed in the discretion of the fiduciary, or where the fiduciary has a power to distribute corpus to the beneficiary, any such discretionary distribution would qualify under section 661 (a) (2). The term also includes an amount applied or distributed for the purpose specified in section 677 (b) or section 678 (c) out of corpus or out of other than income for the taxable year.

(d) The terms "income required to be distributed currently" and "any other amounts properly paid or credited or required to be distributed" also include any amount used to discharge or satisfy any person's legal obligation as that term is used in § 1.662 (a)–4.

§ 1.661 (b) *Statutory provisions; estates and trusts accumulating income or distributing corpus; character of amounts distributed to beneficiaries.*

SEC. 661. *Deduction for estates and trusts accumulating income or distributing corpus.* • • •

(b) *Character of amounts distributed.* The amount determined under subsection (a) shall be treated as consisting of the same proportion of each class of items entering into the computation of distributable net income of the estate or trust as the total of each class bears to the total distributable net income of the estate or trust in the absence of the allocation of different classes of income under the specific terms of the governing instrument. In the application of the preceding sentence, the items of deduction entering into the computation of distributable net income (including the deduction allowed under section 642 (c)) shall be allocated among the items of distributable net income in accordance with the regulations prescribed by the Secretary or his delegate.

§ 1.661 (b)–1 *Character of amounts distributed.* (a) In the absence of specific provisions in the governing instrument for the allocation of different classes of income, the amount deductible for distributions to beneficiaries under section 661 (a) shall be treated as consisting of the same proportion of each class of items entering into the computation of distributable net income as the total of each class bears to the total distributable net income. For example, if a trust has distributable net income of $20,000, consisting of $10,000 each of taxable interest and royalties and distributes $10,000 to beneficiary A, the deduction of $10,000 allowable under section 661 (a) will be deemed to consist of $5,000 each of taxable interest and royalties, unless the trust instrument specifically provides for the distribution or accumulation of different classes of income. See also § 1.661 (c)–1.

(b) In the application of the rule stated in paragraph (a), the items of deduction which enter into the computation of distributable net income shall be allocated among the items of distributable net income in accordance with the rules set forth in § 1.652 (b)–1 (c), except that, in the absence of specific provisions in the governing instrument, amounts paid, permanently set aside, or to be used for the charitable, etc., purposes specified in section 642 (c) shall first be ratably apportioned among each class of items of income entering into the computation of the distributable net income of the estate or trust, in accordance with the rules set out in § 1.643 (a)–6 (c).

§ 1.661 (c) *Statutory provisions; estates and trusts accumulating income or distributing corpus; limitation on deduction for amounts distributed to beneficiaries.*

SEC. 661. *Deduction for estates and trusts accumulating income or distributing corpus.* • • •

(c) *Limitation on deduction.* No deduction shall be allowed under subsection (a) in respect of any portion of the amount allowed as a deduction under that subsection (without regard to this subsection) which is treated under subsection (b) as consisting of any item of distributable net income which is not included in the gross income of the estate or trust.

§ 1.661 (c)–1 *Limitation on deduction.* An estate or trust is not allowed a deduction under section 661 (a) for any amount which is treated under section 661 (b) as consisting of any item of distributable net income which is not included in the gross income of the estate or trust. For example, if a trust has distributable net income of $20,000, which is deemed to consist of $10,000 of dividends and $10,000 of tax-exempt interest, and distributes $10,000 to beneficiary A, the deduction allowable under section 661 (a) (computed without regard to section 661 (c)) would amount to $10,000 consisting of $5,000 of dividends and $5,000 of tax-exempt interest. The deduction actually allowable under section 661 (a) as limited by section 661 (c) is $4,975, since no deduction is allowable for the $5,000 of tax-exempt interest and the $25 deemed distributed out of the $50 of dividends excluded under section 116, items of distributable net income which are not included in the gross income of the estate or trust.

§ 1.661 (Example) *Example.* The provisions of section 661 may be illustrated by the following example:

*Example.* (a) Under the terms of a trust, which reports on the calendar year basis, $10,000 a year is required to be paid out of income to a designated charity. The balance of the income may, in the trustee's discretion, be accumulated or distributed to beneficiary A. Expenses are allocable against income and the trust instrument provides for the keeping of the trust corpus intact. During the taxable year 1955 the trustee contributes $10,000 to charity and in his discretion distributes $15,000 of income to A. The trust has the following items of income and expense for the taxable year 1955:

| | |
|---|---|
| Dividends | $10,000 |
| Partially tax-exempt interest | 10,000 |
| Fully tax-exempt interest | 10,000 |
| Rents | 20,000 |
| Rental expenses | 2,000 |
| Depreciation of rental property | 3,000 |
| Trustee's commissions | 5,000 |

(b) The income of the trust for fiduciary accounting purposes is $40,000, computed as follows:

| | | |
|---|---|---|
| Dividends | | $10,000 |
| Partially tax-exempt interest | | 10,000 |
| Fully tax-exempt interest | | 10,000 |
| Rents | | 20,000 |
| Total | | 50,000 |
| Less: | | |
| Rental expenses | $2,000 | |
| Depreciation | 3,000 | |
| Trustee's commissions | 5,000 | |
| | | 10,000 |
| Income as computed under section 643 (b) | | 40,000 |

(c) The distributable net income of the trust as computed under section 643 (a) is $30,000, determined as follows:

| | | |
|---|---|---|
| Rents | | $20,000 |
| Dividends | | 10,000 |
| Partially tax-exempt interest | | 10,000 |
| Fully tax-exempt interest | $10,000 | |
| Less: | | |
| Expenses allocable thereto (5,000/50,000 × $10,000) | $1,000 | |
| Charitable contributions allocable thereto (10,000/50,000 × $10,000) | 2,000 | |
| | 3,000 | |
| | | 7,000 |
| Total | | 47,000 |
| Deductions: | | |
| Rental expenses | $2,000 | |
| Depreciation of rental property | 3,000 | |
| Trustee's commissions ($5,000 less $1,000 allocated to tax-exempt interest) | 4,000 | |
| Charitable contributions ($10,000 less $2,000 allocated to tax-exempt interest) | 8,000 | |
| | | 17,000 |
| Distributable net income (section 643 (a)) | | 30,000 |

(d) The character of the amounts distributed under section 661 (a), determined in accordance with the rules prescribed in § 1.661 (b)-1, is shown by the following table (for the purpose of this allocation, it is assumed that the trustee elected to allocate the trustee's commissions to rental income except for the amount required to be allocated to tax-exempt interest):

| | Rental income | Taxable dividends | Excluded dividends | Partially tax-exempt interest | Tax-exempt interest |
|---|---|---|---|---|---|
| Trust income | $20,000 | $9,950 | $50 | $10,000 | $10,000 |
| Less: | | | | | |
| Charitable contributions | 4,000 | 2,000 | | 2,000 | 2,000 |
| Rental expenses | 2,000 | | | | |
| Depreciation | 3,000 | | | | |
| Trustee's commissions | 4,000 | | | | 1,000 |
| Total deductions | 13,000 | 2,000 | 0 | 2,000 | 3,000 |
| Distributable net income | 7,000 | 7,950 | 50 | 8,000 | 7,000 |
| Amounts deemed distributed under section 661 (a) | 3,500 | 3,975 | 25 | 4,000 | 3,500 |

In the absence of specific provisions in the trust instrument for the allocation of different classes of income, the charitable contribution is deemed to consist of a pro rata portion of the gross amount of each item of income of the trust, except the dividends excluded under section 116, and the trust is deemed to have distributed to A a pro rata portion (one-half) of each item of income included in distributable net income.

(e) The taxable income of the trust is $11,375 computed as follows:

| | | |
|---|---|---|
| Rental income | | $20,000 |
| Dividends ($10,000 less $50 exclusion) | | 9,950 |
| Partially tax-exempt interest | | 10,000 |
| Gross income | | 39,950 |
| Deductions: | | |
| Rental expenses | $2,000 | |
| Depreciation of rental property | 3,000 | |
| Trustee's commissions | 4,000 | |
| Charitable contributions | 8,000 | |
| Distributions to A | 11,475 | |
| Personal exemption | 100 | |
| | | 28,575 |
| Taxable income | | 11,375 |

In computing the taxable income of the trust no deduction is allowable for the portions of the charitable contributions deduction ($2,000) and trustee's commissions ($1,000) which are treated under section 661 (b) as attributable to the tax-exempt interest excludable from gross income. Also, of the dividends of $4,000 deemed to have been distributed to A under section 661 (a), $25 (25/50ths of $50) is deemed to have been distributed from the excluded dividends and is not an allowable deduction to the trust. Accordingly, the deduction allowable under section 661 is deemed to be composed of $3,500 rental income, $3,975 of dividends, and $4,000 partially tax-exempt interest. No deduction is allowable for the portion of tax-exempt interest or for the portion of the excluded dividends deemed to have been distributed to the beneficiary.

(f) The trust is entitled to the credit allowed by section 34 with respect to dividends of $3,975 ($9,950 less $2,000 deemed contributed to charity and $3,975 distributed to A) included in gross income. Also, the trust is allowed the credit provided by section 35 with respect to partially tax-exempt interest of $4,000 ($10,000 less $2,000 deemed contributed to charity and $4,000 deemed distributed to A) included in gross income.

§ 1.662 (a) *Statutory provisions; estates and trusts which may accumulate income or which distribute corpus; inclusion of amounts in gross income of beneficiaries.*

SEC. 662. *Inclusion of amounts in gross income of beneficiaries of estates and trusts accumulating income or distributing corpus*—(a) *Inclusion.* Subject to subsection (b), there shall be included in the gross income of a beneficiary to whom an amount specified in section 661 (a) is paid, credited, or required to be distributed (by an estate or trust described in section 661), the sum of the following amounts:

(1) *Amounts required to be distributed currently.* The amount of income for the taxable year required to be distributed currently to such beneficiary, whether distributed or not. If the amount of income required to be distributed currently to all beneficiaries exceeds the distributable net income (computed without the deduction allowed by section 642 (c), relating to deduction for charitable, etc., purposes) of the estate or trust, then, in lieu of the amount provided in the preceding sentence, there shall be included in the gross income of the beneficiary an amount which bears the same ratio to distributable net income (as so computed) as the amount of income required to be distributed currently to such beneficiary bears to the amount required to be distributed currently to all beneficiaries. For purposes of this section, the phrase "the amount of income for the taxable year required to be distributed currently" includes any amount required to be paid out of income or corpus to the extent such amount is paid out of income for such taxable year.

(2) *Other amounts distributed.* All other amounts properly paid, credited, or required to be distributed to such beneficiary for the taxable year. If the sum of—

(A) The amount of income for the taxable year required to be distributed currently to all beneficiaries, and

(B) All other amounts properly paid, credited, or required to be distributed to all beneficiaries

exceeds the distributable net income of the estate or trust, then, in lieu of the amount provided in the preceding sentence, there shall be included in the gross income of the beneficiary an amount which bears the same ratio to distributable net income (reduced by the amounts specified in (A)) as the other amounts properly paid, credited or required to be distributed to the beneficiary bear to the other amounts properly paid, credited, or required to be distributed to all beneficiaries.

§ 1.662 (a)-1 *Inclusion of amounts in gross income of beneficiaries of estates and complex trusts; general.* There shall be included in the gross income of a beneficiary of an estate or complex trust the sum of—

(a) Amounts of income required to be distributed currently to him, and

(b) All other amounts properly paid, credited, or required to be distributed to him.

by the estate or trust. The preceding sentence is subject to the rules contained in § 1.662 (a)-2 (relating to currently distributable income), § 1.662 (a)-3 (relating to other amounts distributed), and § 1.662 (b)-1 (relating to character of amounts).

§ 1.662 (a)-2 *Currently distributable income.* (a) There shall first be included in the gross income of each beneficiary under section 662 (a) (1) the amount of income for the taxable year of the estate or trust required to be distributed currently to him, subject to the provisions of paragraph (b). Such amount shall be included in the beneficiary's gross income, whether or not it is actually distributed.

(b) If the amount of income required to be distributed currently to all beneficiaries exceeds the distributable net income (as defined in section 643 (a) but computed without taking into account the payment, crediting, or setting aside of an amount for which a charitable contributions deduction is allowable under section 642 (c)) to the estate or trust, then there shall be included in the gross income of each beneficiary an amount which bears the same ratio to distributable net income (as so computed) as the amount of income required to be distributed currently to the beneficiary bears to the amount required to be distributed currently to all beneficiaries.

(c) The phrase "the amount of income for the taxable year required to be distributed currently" includes any amount required to be paid out of income or corpus to the extent the amount is satisfied out of income for the taxable year. Thus, an annuity required to be paid in all events (either out of income or corpus) would qualify as income required to be distributd currently to the extent it is paid out of income (as defined in section 643 (b)) for the taxable year. If an annuity or a portion of an annuity is deemed under this paragraph to be income required to be distributed currently, it shall be treated in all respects in the same manner as an amount of income actually required to be distributed currently.

(d) If an annuity is paid, credited, or required to be distributed tax free, that is, under a provision whereby the executor or trustee will pay the income tax of the annuitant resulting from the recipt of the annuity, the payment of or for the tax by the executor or trustee will be income to the annuitant to the extent it is made out of income.

(e) The application of the rules stated in this section may be illustrated by the following examples:

*Example (1).* (1) Assume that under the terms of the trust instrument $5,000 is to be paid to X charity out of income each year; that $20,000 of income is currently distributable to A; and that an annuity of $12,000 is to be paid to B out of income or corpus. All expenses are charges against income and capital gains are allocable to corpus. During the taxable year the trust had income of $30,000 (after the payment of expenses) derived from taxable interest and made the payments to X charity and distributions to A and B as required by the governing instrument.

(2) The amounts treated as distributed currently under section 662 (a) (1) total $25,000 ($20,000 to A and $5,000 to B). Since the charitable contribution is out of income, the amount of income available for B's annuity is only $5,000. The distributable net income of the trust computed under section 643 (a) without taking into consideration the charitable contributions deduction of $5,000 as provided by section 661 (a) (1), is $30,000. Since the amounts treated as distributed currently of $25,000 do not exceed the distributable net income (as modified) of $30,000, A is required to include $20,000 in his gross income and B is required to include $5,000 in his gross income under section 662 (a) (1).

*Example (2).* Assume the same facts as in paragraph (1) of example (1), above, except that the trust has, in addition, $10,000 of administration expenses, commissions, etc., chargeable to corpus. The amounts treated as distributed currently under section 662 (a) (1) total $25,000 ($20,000 to A and $5,000 to B), since trust income under section 643 (b) remains the same as in example (1). Distributable net income of the trust computed under section 643 (a) but without taking into account the charitable contributions deduction of $5,000 as provided by section 662 (a) (1) is only $20,000. Since the amounts treated as distributed currently of $25,000 exceed the distributable net income (as so computed) of $20,000, A is required to include $16,000 (20,000/25,000 of $20,000) in his gross income and B is required to include $4,000 (5,000/25,000 of $20,000) in his gross income under section 662 (a) (1).

§ 1.662 (a)-3 *Other amounts distributed.* (a) There shall be included in the gross income of a beneficiary under section 662 (a) (2) any amount (other than income required to be distributed currently, as determined under § 1.662 (a)-2 and other than amounts excluded under section 663 (a) and the regulations thereunder) properly paid, credited, or required to be distributed to such beneficiary for the taxable year, subject to the provisions of paragraph (b) of this section. An amount which is credited or required to be distributed, shall be included in the gross income of a beneficiary whether or not it is actually distributed. Some of the payments included in this category are: (1) A distribution made to a beneficiary in the discretion of the fiduciary; (2) a distribution required by the terms of the governing instrument upon the happening of a specified event; (3) an annuity which is required to be paid in all events but which is payable only out of corpus; (4) a widow's allowance; (5) a distribution of property in kind; and (6) an amount applied or distributed for the purpose specified in section 677 (b) or section 678 (c) out of corpus or out of other than income for the taxable year.

(b) If the sum of the amounts of income required to be distributed currently (as determined under § 1.662 (a)-2) and other amounts properly paid, credited, or required to be distributed (as determined under paragraphs (a) and (e)) exceeds distributable net income (as defined in section 643 (a)), then such other amounts properly paid, credited, or required to be distributed shall be included in gross income of the beneficiary but only to the extent of the excess of such distributable net income over the amounts of income required to be distributed currently. If the other amounts are paid, credited, or required to be distributed to more than one beneficiary, each beneficiary shall include in gross income his proportionate share of the amount includible in gross income pursuant to the preceding sentence. The proportionate share shall be an amount which bears the same ratio to distributable net income (reduced by amounts of income required to be distributed currently) as the other amounts (as determined under paragraphs (a) and (c) of this section) distributed to the beneficiary bear to the other amounts distributed to all beneficiaries. For treatment of excess distributions by trusts, see sections 665 to 668, inclusive, and the regulations thereunder.

(c) The application of the rules stated in this section may be illustrated by the following example:

*Example.* The terms of a trust require the distribution annually of $10,000 of income to A. If any income remains, it may be accumulated or distributed to B, C, and D in amounts in the trustee's discretion. He may also invade corpus for the benefit of A, B, C, or D. In the taxable year, the trust has $20,000 of income after the deduction of all expenses. Distributable net income is $20,000. The trustee distributes $10,000 of income to A. Of the remaining $10,000 of income, he distributes $3,000 each to B, C, and D, and also distributes an additional $5,000 to A. A includes $10,000 in income under section 662 (a) (1). The "other amounts distributed" amount to $14,000, includible in the income of the recipients to the extent of $10,000, distributable net income less the income currently distributable to A. A will include an additional $3,571 (5,000/14,000×$10,000) in income under this section, and B, C, and D will each include $2,143 (3,000/14,000×$10,000).

§ 1.662 (a)-4 *Amounts used in discharge of a legal obligation.* Any amount which, pursuant to the terms of a will or trust instrument, may be used in full or partial discharge or satisfaction of a legal obligation of any person shall, to the extent so used, be included in the gross income of such person under section 662 (a) (1) or (2), whichever is applicable as though directly distributed to him as a beneficiary, except in cases to which section 215 or section 682 applies. The term "legal obligation" includes a legal obligation to support another person if, and only if, the obligation is not affected by the adequacy of the dependent's own resources. For example, a parent has a "legal obligation" within the meaning of the preceding sentence to support his minor child if under local law property or income from property owned by the child cannot be used for his support so long as his parent is able to support him. On the other hand, if under local law a mother may use the resources of a child for the child's support in lieu of supporting him herself, no obligation of support exists within the meaning of this paragraph, whether or not income is actually used for support. Similarly, if under local law a child is obligated to support his parent only if the parent's earnings and resources are insufficient for the purpose, no obligation exists. In any event, the amount of trust income which is included in the gross income of a person obligated to support a dependent is limited by the extent of his legal obligation under local law. Normally, in the case of a parent's obligation to support his child, the extent of the parent's legal obligation of support, including education, will be determined by the family's station in life and by the means of the parent without consideration of the trust income in question.

§ 1.662 (b) *Statutory provisions; estates and trusts which may accumulate income or which distribute corpus; character of amounts in the hands of beneficiaries.*

SEC. 662. *Inclusion of amounts in gross income of beneficiaries of estates and trusts accumulating income or distributing corpus.* • • •

(b) *Character of amounts.* The amounts determined under subsection (a) shall have the same character in the hands of the beneficiary as in the hands of the estate or trust. For this purpose, the amounts shall be treated as consisting of the same proportion of each class of items entering into the computation of distributable net income as the total of each class bears to the total distributable net income of the estate or trust unless the terms of the governing instrument specifically allocate different classes of income to different beneficiaries. In the application of the preceding sentence, the items of deduction entering into the computation of distributable net income (including the deduction allowed under section 642 (c)) shall be allocated among the items of distributable net income in accordance with regulations prescribed by the Secretary or his delegate. In the application of this subsection to the amount determined under paragraph (1) of subsection (a), distributable net income shall be computed without regard to any portion of the deduction under section 642 (c) which is not attributable to income of the taxable year.

§ 1.662 (b)-1 *Character of amounts*—(a) *Where no charitable contributions are made.* In determining the amount includible in the gross income of a beneficiary, the amounts which are determined under section 662 (a) and §§ 1.662 (a)-1 through 1.662 (a)-3 shall have the same character in the hands of the beneficiary as in the hands of the estate or trust. The amounts shall be treated as consisting of the same proportion of each class of items entering into the computation of distributable net income as the total of each class bears to the total distributable net income of the estate or trust unless the terms of the governing instrument specifically allocate different classes of income to different beneficiaries. For this purpose the principles contained in § 1.652 (b)-1 shall apply.

(b) *Where charitable contributions are made.* Where a charitable contribution is made, the principles contained in § 1.652 (b)-1 and paragraph (a) of this section shall generally apply. However, prior to the allocation of deductions among the items of distributable net income, the charitable contributions deduction allowed under section 642 (c) shall (in the absence of specific allocation under the terms of the governing instrument) be allocated among the classes of income entering into the computation of estate or trust income in accordance with the rules set forth in § 1.643 (a)-6 (c). Allocations made in accordance with this section shall not be affected by the fact that for purposes only of section 662 (a) (1) distributable

net income is computed without regard to the charitable contributions deduction; such an adjustment shall not be made for purposes of this section. For purposes of this section, however, distributable net income shall be computed without regard to any portion of the allowable charitable contributions deduction which is not attributable to income or gain of the taxable year.

§ 1.662 (c) *Statutory provisions; estates and trusts which may accumulate income or which distribute corpus; different taxable years.*

SEC. 662. *Inclusion of amounts in gross income of beneficiaries of estates and trusts accumulating income or distributing corpus.* • • •

(c) *Different taxable years.* If the taxable year of a beneficiary is different from that of the estate or trust, the amount to be included in the gross income of the beneficiary shall be based on the distributable net income of the estate or trust and the amounts properly paid, credited, or required to be distributed to the beneficiary during any taxable year or years of the estate or trust ending within or with his taxable year.

§ 1.662 (c)–1 *Different taxable years.* (a) If a beneficiary has a different taxable year (as defined in section 441 or 442) from the taxable year of an estate or trust, the amount he is required to include in gross income in accordance with section 662 (a) and (b) shall be based upon the distributable net income of the estate or trust and the amounts properly paid, credited, or required to be distributed to the beneficiary for any taxable year or years of the estate or trust ending with or within his taxable year. This rule shall apply as to taxable years of normal duration as well as so-called short taxable years of an estate or trust. Income of an estate or trust for its taxable year or years shall be determined in accordance with its method of accounting and without regard to that of the beneficiary.

(b) If an amount specified in section 662 (a) (1) or (2) is paid, credited, or required to be distributed by a trust or estate for a taxable year which does not end with or within the last taxable year of a beneficiary (because of the beneficiary's death), the extent to which the amount shall be included in the gross income of the beneficiary for his last taxable year shall be determined by the computations under section 662 for the taxable year of the trust or estate in which his last taxable year ends. Thus, the distributable net income (and the amounts paid, credited, or required to be distributed) for the taxable year of the trust or estate, shall determine the extent to which the amounts paid, credited, or required to be distributed to the beneficiary shall be included in his gross income for his last taxable year. (Section 662 (c) does not apply to such amounts.)

(c) If the existence of a beneficiary which is not an individual terminates, the amount to be included under section 662 (a) in its gross income for the last taxable year shall be computed with reference to paragraphs (a) and (b) of this section as if the beneficiary were a deceased individual.

§ 1.662 (Example) *Example.* The provisions of sections 661 and 662 may be illustrated in general by the following example:

*Example.* (a) Under the terms of a testamentary trust one-half of the trust income is to be distributed currently to W, the decedent's wife, for her life. The remaining trust income may, in the trustee's discretion, either be paid to D, the grantor's daughter, paid to designated charities, or accumulated. The trust is to terminate at the death of W and the principal will then be payable to D. No provision is made in the trust instrument with respect to depreciation of rental property. Capital gains are allocable to the principal account under the applicable local law. The trust and both beneficiaries file returns on the calendar year basis. The records of the fiduciary show the following items of income and deduction for the taxable year 1955:

| | |
|---|---|
| Rents | $50,000 |
| Dividends of domestic corporations | 50,000 |
| Tax-exempt interest | 20,000 |
| Partially tax-exempt interest | 10,000 |
| Capital gains (long term) | 20,000 |
| Depreciation of rental property | 10,000 |
| Expenses attributable to rental income | 15,400 |
| Trustee's commissions allocable to income account | $2,800 |
| Trustee's commissions allocable to principal account | 1,100 |

(b) The income for trust accounting purposes is $111,800, and the trustee distributes one-half ($55,900) to W and in his discretion makes a contribution of one-quarter ($27,950) to charity X and distributes the remaining one-quarter ($27,950) to D. The total of the distributions to beneficiaries is $83,850, consisting of (1) income required to be distributed currently to W of $55,900 and (2) other amounts properly paid or credited to D of $27,950. The income for trust account purposes of $111,800 is determined as follows:

| | | |
|---|---|---|
| Rents | | $50,000 |
| Dividends | | 50,000 |
| Tax-exempt interest | | 20,000 |
| Partially tax-exempt interest | | 10,000 |
| Total | | 130,000 |
| Less: | | |
| Rental expenses | $15,400 | |
| Trustee's commissions allocable to income account | 2,800 | |
| | | 18,200 |
| Income as computed under section 643 (b) | | 111,800 |

(c) The distributable net income of the trust as computed under section 643 (a) is $82,750, determined as follows:

| | | |
|---|---|---|
| Rents | | $50,000 |
| Dividends | | 50,000 |
| Partially tax-exempt interest | | 10,000 |
| Tax-exempt interest | | $20,000 |
| Less: | | |
| Trustee's commissions allocable thereto (20,000/130,000 of $3,900) | $600 | |
| Charitable contributions allocable thereto (20,000/130,000 of $27,950) | 4,300 | |
| | 4,900 | |
| | | 15,100 |
| Total | | 125,100 |
| Deductions: | | |
| Rental expenses | | $15,400 |
| Trustee's commissions ($3,900 less $600 allocated to tax-exempt interest) | | 3,300 |
| Charitable deduction ($27,950 less $4,300 attributable to tax-exempt interest) | | 23,650 |
| | | 42,350 |
| Distributable net income | | 82,750 |

In computing the distributable net income of $82,750, the taxable income of the trust was computed with the following modifications: No deductions were allowed for distributions to beneficiaries and for personal exemption of the trust (section 643 (a) (1) and (2)); capital gains were excluded and no deduction under section 1202 (relating to the 50 percent deduction for long-term capital gains) was taken into account (section 643 (a) (3)); and the tax-exempt interest (as adjusted for expenses and charitable contributions) and the dividend exclusion of $50 were included (section 643 (a) (5) and (7)).

(d) Inasmuch as the distributable net income of $82,750 as determined under section 643(a) is less than the sum of the amounts distributed to W and D of $83,850, the deduction allowable to the trust under section 661 (a) is such distributable net income as modified under section 661 (c) to exclude therefrom the items of income not included in the gross income of the trust, as follows:

| | | |
|---|---|---|
| Distributable net income | | $82,750 |
| Less: | | |
| Tax-exempt interest (as adjusted for expenses and the charitable contributions) | $15,100 | |
| Dividend exclusion allowable under section 116 | 50 | |
| | | 15,150 |
| Deduction allowable under section 661 (a) | | 67,600 |

(e) For the purpose of determining the character of the amounts deductible under section 642 (c) and section 661 (a), the trustee elected to offset the trustee's commissions (other than the portion required to be allocated to tax-exempt interest) against the rental income. The following table shows the determination of the character of the amounts deemed distributed to beneficiaries and contributed to charity:



| | Rents | Taxable dividends | Excluded dividends | Tax-exempt interest | Partially tax-exempt interest | Total |
|---|---|---|---|---|---|---|
| Trust income | $50,000 | $49,950 | $50 | $20,000 | $10,000 | $130,000 |
| Less: | | | | | | |
| Charitable contribution | 10,750 | 10,750 | | 4,300 | 2,150 | 27,950 |
| Rental expenses | 15,400 | | | | | 15,400 |
| Trustee's commissions | 3,300 | | | 600 | | 3,900 |
| Total deductions | 29,450 | 10,750 | 0 | 4,900 | 2,150 | 47,250 |
| Amounts distributable to beneficiaries | 20,550 | 39,200 | 50 | 15,100 | 7,850 | 82,750 |

The character of the charitable contribution is determined by multiplying the total charitable contribution ($27,950) by a fraction consisting of each item of trust income, respectively, over the total trust income. For example, the charitable contribution is deemed to consist of rents of $10,750 (50,000/130,000 of $27,950).

(f) The taxable income of the trust is $9,900 determined as follows:

| | | |
|---|---|---|
| Rental income | | $50,000 |
| Dividends ($50,000 less $50 exclusion) | | 49,950 |
| Partially tax-exempt interest | | 10,000 |
| Capital gains | | 20,000 |
| Gross income | | 129,950 |
| Deductions: | | |
| Rental expenses | $15,400 | |
| Trustees' commissions | 3,300 | |
| Charitable contributions | 23,650 | |
| Capital gain deduction | 10,000 | |
| Distributions to beneficiaries | 67,600 | |
| Personal exemption | 100 | |
| | | 120,050 |
| Taxable income | | 9,900 |

(g) In computing the amount includible in W's gross income under section 662 (a) (1), the $55,900 distribution to her is deemed to be composed of the following proportions of the items of income deemed to have been distributed to the beneficiaries by the trust (see paragraph (e) of this example):

| | |
|---|---|
| Rents (20,550/82,750×$55,900) | $13,882 |
| Dividends (39,250/82,750×$55,900) | 26,515 |
| Partially tax-exempt interest (7,850/82,750×$55,900) | 5,303 |
| Tax-exempt interest (15,100/82,750×$55,900) | 10,200 |
| Total | 55,900 |

Accordingly, W will exclude $10,200 of tax-exempt interest from gross income and will receive the credits and exclusion for dividends received and for partially tax-exempt interest provided in sections 34, 116, and 35, respectively, with respect to the dividends and partially tax-exempt interest deemed to have been distributed to her. In addition, she may deduct a share of the depreciation deduction proportionate to the trust income allocable to her; that is, one-half of the total depreciation deduction, or $5,000.

(h) Inasmuch as the sum of the amount of income required to be distributed currently to W ($55,900) and the other amounts properly paid, credited, or required to be distributed to D ($27,950) exceeds the distributable net income ($82,750) of the trust as determined under section 643 (a), D is deemed to have received $26,850 ($82,750 less $55,900) for income tax purposes. The character of the amounts deemed distributed to her are determined as follows:

| | |
|---|---|
| Rents (20,550/82,750×$26,850) | $6,668 |
| Dividends (39,250/82,750×$26,850) | 12,735 |
| Partially tax-exempt interest (7,850/82,750×$26,850) | 2,548 |
| Tax-exempt interest (15,100/82,750×$26,850) | 4,899 |
| Total | 26,850 |

Accordingly, D will exclude $4,899 of tax-exempt interest from gross income and will receive the credits and exclusion for dividends received and for partially tax-exempt interest provided in sections 34, 116, and 35, respectively, with respect to the dividends and partially tax-exempt interest deemed to have been distributed to her. In addition, she may deduct a share of the depreciation deduction proportionate to the trust income allocable to her; that is, one-fourth of the total depreciation deduction, or $2,500.

§ 1.663 (a) *Statutory provisions; estates and complex trusts; special rules applicable to sections 661 and 662; exclusions.*

SEC. 663. *Special rules applicable to sections 661 and 662—(a) Exclusions.* There shall not be included as amounts falling within section 661 (a) or 662 (a)—

(1) *Gifts, bequests, etc.* Any amount which, under the terms of the governing instrument, is properly paid or credited as a gift or bequest of a specific sum of money or of specific property and which is paid or credited all at once or in not more than 3 installments. For this purpose an amount which can be paid or credited only from the income of the estate or trust shall not be considered as a gift or bequest of a specific sum of money.

(2) *Charitable, etc., distributions.* Any amount paid or permanently set aside or otherwise qualifying for the deduction provided in section 642 (c) (computed without regard to section 681).

(3) *Denial of double deduction.* Any amount paid, credited, or distributed in the taxable year, if section 651 or section 661 applied to such amount for a preceding taxable year of an estate or trust because credited or required to be distributed in such preceding taxable year.

§ 1.663 (a)–1 *Special rules applicable to sections 661 and 662; exclusions—*(a) *Gifts, bequests, etc.* A gift or bequest of a specific sum of money or of specific property, which is properly paid or credited to a beneficiary, shall not be allowed as a deduction to an estate or trust under section 661 nor be included in the gross income of a beneficiary under section 662, provided: The gift or bequest is required by the specific terms of the will or trust instrument; and under the terms of the will or trust instrument, the gift or bequest is to be paid or credited to the recipient either all at once or in not more than three installments. The date when the estate came into existence or the date when the trust was created is immaterial.

(b) *Effect of paragraph (a) of this section.* The following amounts shall not be considered as gifts or bequests of a sum of money or of specific property within the meaning of paragraph (a) of this section:

(1) An amount which can be paid or credited only from the income of an estate or trust whether from the income for the year of payment or crediting, or from the income accumulated from a prior year;

(2) An annuity, or periodic gifts of specific property in lieu of or having the effect of an annuity;

(3) A residuary estate or the corpus of a trust;

(4) A gift or bequest paid in a lump sum or in not more than three installments, if the gift or bequest is required to be paid in more than three installments under the terms of the governing instrument; or

(5) A widow's support allowance which is provided under applicable local law.

(c) *Installment payments.* (1) For the purpose of determining whether an amount is properly paid or credited as a gift or bequest of a specific sum of money or of specific property, to be paid or credited in not more than three installments, all the gifts or bequests of specific sums of money or of specific property (other than gifts of articles for personal use, such as personal and household effects, jewelry, pictures, books, automobiles, and the like) which are payable to a particular beneficiary under the terms of the governing instrument shall be aggregated and shall constitute an amount properly payable as a specific sum of money or of specific property; and each gift or bequest of a specific sum of money or of specific property which is payable or creditable to such beneficiary at a different time shall constitute an installment. Thus, a bequest by a deceased husband to his wife of $100,000, his house, furnishings, and silver shall constitute a gift of an amount payable as a specific sum of money or of specific property, payable all at once, and hence excluded from section 661 (a) or section 662 (a). But a devise of ten houses to his daughter, one each year for ten years, would not qualify as an excluded distribution under section 663 (a) (1).

(2) A gift or bequest of a specific sum of money or of specific property shall not be disqualified under this paragraph solely because its payment is subject to a condition. For example, provision for a payment by a trust to beneficiary A of $10,000 when he reaches age 25, and $10,000 when he reaches age 31, with payment over to B of any amount not paid to A because of his death, will be deemed a gift to A of a specific sum of money payable in two installments, within the meaning of this paragraph, even though the exact amount payable to A cannot be ascertained with certainty under the terms of the trust instrument.

(d) *Examples.* The provisions of this section may be illustrated by the following examples:

*Example (1).* Under the terms of the will, a legacy of $5,000 was left to A, the personal residence of the decedent was left to W, and the balance of the estate was to be divided equally between W and X. No provision was made in the will for the disposition of income of the estate during the period of administration. The estate had income of $25,000 during the taxable year 1954, which was accumulated and added to corpus for estate accounting purposes. During the taxable year, the executor paid the legacy of $5,000 in a lump sum to A and transferred the personal residence to W. No other distributions to beneficiaries were made during the taxable

year. The distributions to A and W qualify as exclusions within the meaning of section 663 (a) (1).

*Example* (2) Under the terms of the will, the estate was to be divided equally between A and B. No provision was made in the will for the disposition of income of the estate during the period of administration. The estate had income of $50,000 for the taxable year 1954. In accordance with an agreement among the beneficiaries that part of the assets of the estate would be distributed in kind to the beneficiaries, the personal residence of the decedent, which was valued at $40,000, was distributed to A during 1954. No other distribution was made during the year. The distribution does not qualify as an exclusion within the meaning of section 663 (a) (1), since it is not a specific gift to A required by the terms of the will. Accordingly, the value of the property ($40,000) represents a distribution within the meaning of section 661 (a) and section 662 (a).

*Example* (3). Under the terms of a trust instrument, income is to be accumulated during the minority of A. Upon A's attaining the age of 21, $10,000 is to be distributed to B out of income or corpus. Also at that time, $10,000 is to be distributed to C out of the accumulated income and the remainder of the accumulations are to be paid to A. A is then to receive all the income until he is 25, when the trust is to terminate. Only the distribution to B would qualify for exclusion under section 663 (a) (1).

*Example* (4). A trust instrument provides that A and B are each to receive $75,000 in installments of $25,000, to be paid in alternate years. The trustees distributes $25,000 to A in 1954, 1956, and 1958, and to B in 1955, 1957, and 1959. The gifts to A and B qualify for exclusion under section 663 (a) (1), although a total of six payments is made. The gifts of $75,000 to each beneficiary are to be separately treated.

§ 1.663 (a)–2 *Charitable, etc., distributions.* Any amount paid, permanently set aside, or to be used for the charitable, etc., purposes specified in section 642 (c) and which is allowable as a deduction under that section shall not be allowed as a deduction to an estate or trust under section 661 or treated as an amount distributed for purposes of determining the amounts includible in gross income of beneficiaries under section 662. Amounts paid, permanently set aside, or to be used for charitable, etc., purposes are deductible by estates or trusts only as provided in section 642 (c). For purposes of this section the deduction provided in section 642 (c) is computed without regard to the limitation provided by section 681 (concerning unrelated business income and prohibited transactions).

§ 1.663 (a)–3 *Denial of double deduction.* Any amount deemed to have been distributed to a beneficiary in a preceding year under section 651 or 661 shall not be included as amounts falling within section 661 (a) or 662 (a). For example, assume that all of the income of a trust is required to be distributed currently to beneficiary A and both the trust and A report on the calendar year basis. For administrative convenience, the trustee distributes in January and February 1956 a portion of the income of the trust required to be distributed in 1955. The portion of the income for 1955 which was distributed by the trust in 1956 may not be claimed as a deduction by the trust for 1956 since such amount is deductible by the trust and includible in A's gross income for the taxable year 1955.

§ 1.663 (b) *Statutory provisions; estates and complex trusts; special rules applicable to sections 661 and 662; distributions in first sixty-five days of taxable year.*

SEC. 663. *Special rules applicable to sections 661 and 662.* * * *

(b) *Distributions in first sixty-five days of taxable year*—(1) *General rule.* If within the first 65 days of any taxable year of a trust, an amount is properly paid or credited, such amount shall be considered paid or credited on the last day of the preceding taxable year.

(2) *Limitation.* This subsection shall apply only to a trust—

(A) Which was in existence prior to January 1, 1954,

(B) Which under the terms of its governing instrument, may not distribute in any taxable year amounts in excess of the income of the preceding taxable year, and

(C) On behalf of which the fiduciary elects to have this subsection apply.

The election authorized by subparagraph (C) shall be made for the first taxable year to which this part is applicable in accordance with such regulations as the Secretary or his delegate shall prescribe and shall be made not later than the time prescribed by law for filing the return for such year (including extensions thereof). If such election is made with respect to a taxable year, this subsection shall apply to all amounts properly paid or credited within the first 65 days of all subsequent taxable years of such trust.

§ 1.663 (b)–1 *Distributions in first sixty-five days of taxable year*—(a) *Scope.* The fiduciary of a trust may elect under section 663 (b) to treat distributions within the first 65 days of the taxable year of the trust as amounts which were paid or credited on the last day of the preceding taxable year, if—

(1) The trust was in existence prior to January 1, 1954;

(2) An amount in excess of the income of the immediately preceding taxable year may not (under the terms of the governing instrument) be distributed in any taxable year; and

(3) The fiduciary elects (as provided in paragraph (b) of this section) to have section 663 (b) apply.

(b) *Election.* (1) The election shall be made in a statement attached to the return for the first taxable year of the trust subject to the Internal Revenue Code of 1954. The election must be made not later than the time prescribed by law for filing the return for such taxable year (including extensions thereof).

(2) If an election is made by a fiduciary, such election shall be irrevocable for the taxable year for which the election is made and for all future taxable years.

(3) If an election is made with respect to a taxable year, this paragraph shall apply to all amounts properly paid or credited within the first 65 days of such year and all subsequent taxable years of the trust.

§ 1.663 (c) *Statutory provisions; estates and complex trusts; special rules applicable to sections 661 and 662; separate shares treated as separate trusts.*

SEC. 663. *Special rules applicable to sections 661 and 662.* * * *

(c) *Separate shares treated as separate trusts.* For the sole purpose of determining the amount of distributable net income in the application of sections 661 and 662, in the case of a single trust having more than one beneficiary, substantially separate and independent shares of different beneficiaries in the trust shall be treated as separate trusts. The existence of such substantially separate and independent shares and the manner of treatment as separate trusts, including the application of subpart D, shall be determined in accordance with regulations prescribed by the Secretary or his delegate.

§ 1.663 (c)–1 *Separate shares treated as separate trust*—(a) *In general.* (1) If a single trust has more than one beneficiary, and if different beneficiaries have substantially separate and independent shares, their shares shall be treated as separate trusts for the sole purpose of determining the amount of distributable net income applicable to the respective beneficiaries under sections 661 and 662. Application of this rule will be significant in situations in which income is accumulated for beneficiary A but a distribution is made to beneficiary B of both income and corpus in an amount exceeding the share of income that would be distributable to B had there been separate trusts. In the absence of a separate share rule B would be taxed on income which is accumulated for A. The division of distributable net income into separate shares will limit the tax liability of B. This section does not affect the principles of applicable law in situations in which a single trust instrument creates not one but several separate trusts, as opposed to separate shares in the same trust within the meaning of this paragraph.

(2) The separate share rule does not permit the treatment of separate shares as separate trusts for any purpose other than the application of distributable net income. It does not, for instance, permit the treatment of separate shares as separate trusts for purposes of—

(i) The filing of returns and payment of tax,

(ii) The exclusion of dividends under section 116,

(iii) The deduction of personal exemption under section 642 (b), and

(iv) The allowance to beneficiaries succeeding to the trust property of excess deductions and unused net operating loss and capital loss carryovers on termination of the trust under section 642 (h).

(3) The separate share rule may be applicable even though separate and independent accounts are not maintained and are not required to be maintained for each share on the books of account of the trust, and even though no physical segregation of assets is made or required.

(4) Separate share treatment is not elective. Thus, if a trust is properly treated as having separate and independent shares, such treatment shall prevail in all taxable years of the trust unless an event occurs as a result of which the terms of the trust instrument and the requirements of proper administration require different treatment.

(b) *Computation of distributable net income.* The amount of distributable net income for any share under this section shall be computed for each share as if each share constituted a separate trust. Accordingly, any deduction or any loss which is applicable solely to one separate share of the trust shall not be available to any other share of the same trust.

(c) *Applicability of separate share rule.* (1) The applicability of the separate share rule provided by section 663 (c) and this section will generally depend upon whether distributions of the trust are to be made in substantially the same manner as if separate trusts had been created. Thus, if an instrument directs a trustee to divide the testator's residuary estate into separate shares (which under applicable law do not constitute separate trusts) for each of the testator's children and the trustee is given discretion, with respect to each share, to distribute or accumulate income or to distribute principal or accumulated income, or to do both, separate shares will exist under section 663 (c). In determining whether separate shares exist, it is immaterial whether the principal and any accumulated income of each share is ultimately distributable to the beneficiary of such share, to his descendants, to his appointees under a general or special power of appointment, or to any other beneficiaries (including a charitale organization) designated to receive his share of the trust and accumulated income upon termination of the beneficiary's interest in the share. Thus, a separate share may exist if the instrument provides that upon the death of the beneficiary of the share, the share will be added to the shares of the other beneficiaries of the trust.

(2) Separate share treatment will not be applied to a trust or portion of a trust subject to a power to—

(i) Distribute, apportion, or accumulate income, or

(ii) Pay out corpus.

to or for one or more beneficiaries within a group or class of beneficiaries, unless payment of income, accumulated income, or corpus of a share of one beneficiary cannot affect the proportionate share of income, accumulated income, or corpus of any shares of the other beneficiaries, or unless proper adjustment must thereafter be made (under the governing instrument) so that substantially separate and independent shares exist.

(3) A share may be considered as separate even though more than one beneficiary has an interest in it. For example, two beneficiaries may have equal, disproportionate, or undeterminate interests in one share which is separate and independent from another share in which one or more beneficiaries have an interest. Likewise, the same person may be a beneficiary of more than one separate share.

(4) Separate share treatment may be given to a trust or portion of a trust otherwise qualifying under this section if the trust or portion of a trust is subject to a power to pay out to a beneficiary of a share (of such trust or portion) an amount of corpus in excess of his proportionate share of the corpus of the trust if the possibility of exercise of the power is remote. For example, if such trust is subject to a power to invade the entire corpus for the health, education, support, or maintenance of A, separate share treatment shall be applied if exercise of such power requires consideration of A's other income which is so substantial as to make the possibility of exercise of the power remote. If instead it appears that A and B have separate shares in a trust, subject to a power to invade the entire corpus for the comfort, pleasure, desire, or happiness of A, separate share treatment shall not be applied.

(5) The separate share rule may also be applicable to successive interests in point of time, as for instance in the case of a trust providing for a life estate to A and a second life estate or remainder to B.

(6) Separate share treatment is not applicable in the case of an estate.

(d) *Example.* This section may be illustrated by the following example:

*Example.* (1) A trust was created in 1940 for the benefit of A, B, and C, who were aged 6, 4, and 2, respectively. Under the terms of the instrument, the trust estate is required to be divided into three equal shares. The income from each beneficiary's share of the trust estate is to be accumulated until he becomes 21 years of age. When a beneficiary reaches the age of 21, the income of his share of the trust estate may be either accumulated or distributed to him in the discretion of the trustee. The trustee also has discretion to invade corpus for the benefit of any beneficiary to the extent of his share of the trust estate. When each beneficiary reaches 35 years of age, his share of the trust estate shall be paid over to him. The interest in the trust estate of any beneficiary dying without issue and before he has attained the age of 35 is to be equally divided between the other beneficiaries of the trust. All expenses of the trust are allocable to income under the terms of the trust instrument.

(2) No distributions of income or corpus were made by the trustee prior to 1955, although A became 21 years of age on June 30, 1954. During the taxable year 1955, the trust has income from royalties of $20,000 and expenses of $5,000. The trustee in his discretion distributes $12,000 to A. Both A and the trust report on the calendar year basis.

(3) The trust qualifies for the separate shares treatment under section 663 (c) and the distributable net income must be divided into three parts for the purpose of determining the amount deductible by the trust under section 661 and the amount includible in A's gross income under section 662.

(4) The distributable net income of each share of the trust is $5,000 ($6,667 less $1,667). Since the amount ($12,000) distributed to A during 1955 exceeds the distributable net income of $5,000 allocated to his share, the trust is deemed to have distributed to him $5,000 of 1955 income and $7,000 of amounts other than 1955 income. Accordingly, the trust is allowed a deduction of $5,000 under section 661. The taxable income of the trust for 1955 is $9,900, computed as follows:

| | | |
|---|---|---|
| Royalties | | $20,000 |
| Deductions: | | |
| Expenses | $5,000 | |
| Distribution to A | 5,000 | |
| Personal exemption | 100 | |
| | | 10,100 |
| Taxable income | | 9,900 |

(5) In accordance with section 662, A must include in his gross income for 1955 an amount equal to the portion ($5,000) of the distributable net income of the trust allocated to his share. Also, the excess distribution of $7,000 made by the trust is subject to the throwback provisions of sections 665 through 668 and the regulations thereunder.

MISCELLANEOUS

§ 1.683 *Statutory provisions; estates and trusts; applicability of provisions.*

SEC. 683. *Applicability of provisions*—(a) *General rule.* This part shall apply only to taxable years beginning after December 31, 1953, and ending after the date of the enactment of this title.

(b) *Exceptions.* In the case of any beneficiary of an estate or trust—

(1) This part shall not apply to any amount paid, credited, or to be distributed by the estate or trust in any taxable year of such estate or trust to which this part does not apply, and

(2) The Internal Revenue Code of 1939 shall apply for purposes of determining the amount includible in the gross income of the beneficiary.

To the extent that any amount paid, credited, or to be distributed by an estate or trust in the first taxable year of such estate or trust to which this part applies would be treated, if the Internal Revenue Code of 1939 were applicable, as paid, credited, or to be distributed on the last day of the preceding taxable year, such amount shall not be taken into account for purposes of this part but shall be taken into account as provided in the Internal Revenue Code of 1939.

§ 1.683–1 *Applicability of provisions*—(a) *General rule.* Sections 641 through 683 shall apply to estates and trusts and to beneficiaries only with respect to taxable years which begin after December 31, 1953, and end after August 16, 1954, the date of enactment of the Internal Revenue Code of 1954. In the case of an estate or trust, the date on which a trust is created or amended or on which an estate commences, and the taxable years of beneficiaries, grantors, or decedents concerned are immaterial. This provision applies equally to taxable years of normal as well as abbreviated length.

(b) *Exceptions.* (1) In the case of any beneficiary of an estate or trust, sections 641 through 682 shall not apply to any amount paid, credited, or to be distributed by an estate or trust in any taxable year of the estate or trust which begins before January 1, 1954, or which ends before August 17, 1954. Whether an amount so paid, credited, or to be distributed is to be included in the gross income of a beneficiary shall be determined with reference to the Internal Revenue Code of 1939. Thus, if a trust in its fiscal year ending June 30, 1954, distributed its current income to a beneficiary on June 30, 1954, the extent to which the distribution is includible in the beneficiary's gross income for his taxable year (the calendar year 1954) and the character of such income will be determined under the Internal Revenue Code of 1939. The Internal Revenue Code of 1954, however, shall determine the beneficiary's tax liability for a taxable year of the beneficiary to which such Code applies, with respect even to gross income of the beneficiary determined under the Internal Revenue Code of 1939 in accordance with this paragraph. Accordingly, the beneficiary shall be allowed credits and deductions pursuant to the Internal Revenue Code of 1954 for a taxable year governed by the Internal Revenue Code of 1954. See subdivision

(ii) of example (1) in subparagraph (3) of this paragraph.

(2) For purposes of determining the time of receipt of dividends under sections 34 and 116, the dividends paid, credited, or to be distributed to a beneficiary shall be deemed to have been received by the beneficiary ratably on the same dates that the dividends were received by the estate or trust.

(3) The application of this paragraph may be illustrated by the following examples:

*Example (1).* (i) A trust, reporting on the fiscal year basis, receives in its taxable year ending November 30, 1954, dividends on December 3, 1953, and April 3, July 5, and October 4, 1954. It distributes the dividends to A, its sole beneficiary (who reports on the calendar year basis) on November 30, 1954. Since the trust has received dividends in a taxable year ending after July 31, 1954, it will receive a dividend credit under section 34 with respect to dividends received which otherwise qualify under that section, in this case dividends received on October 4, 1954 (i. e., received after July 31, 1954). See section 7851 (a) (1) (C). This credit, however, shall be reduced to the extent the dividends are allocable to the beneficiary as a result of income being paid, credited, or required to be distributed to him. The trust will also be permitted the dividend exclusion under section 116, since it received its dividends in a taxable year ending after July 31, 1954.

(ii) A is entitled to the section 34 credit with respect to the portion of the October 4, 1954, dividends which is distributed to him even though the determination of whether the amount distributed to him is includible in his gross income is made under the 1939 Code. The credit allowable to the trust shall be reduced proportionately to the extent A is deemed to have received the October 4 dividends. A is not entitled to a credit with respect to the dividends received by the trust on December 3, 1953, and April 3, and July 5, 1954, because, although he receives after July 31, 1954, the distribution resulting from the trust's receipt of dividends, he is deemed to have received the dividends ratably with the trust on dates prior to July 31, 1954. He is entitled to the exclusion under section 116 with respect to all the dividends received by the trust in 1954 and distributed to him, since he is deemed to have received such dividends in 1954 and therefore within a taxable year ending after July 31, 1954. He is not, however, entitled to the exclusion for the dividends received by the trust in December 1953.

*Example (2).* (i) A simple trust reports on the basis of a fiscal year ending July 31. It receives dividends on October 3, 1953, and January 4, April 3, and July 5, 1954. It distributes the dividends to A, its sole beneficiary, on September 1, 1954. The trust, receiving dividends in a taxable year ending prior to August 17, 1954, is entitled neither to the dividend received credit under section 34 nor the dividend exclusion under section 116.

(ii) A (reporting on the calendar year basis) is not entitled to the section 34 credit, because, although he receives after July 31, 1954, the distribution resulting from the trusts' receipt of dividends, he is deemed to have received the dividends ratably with the trust, that is, on October 3, 1953, and January 4, April 3, and July 5, 1954. He is, however, entitled to the section 116 exclusion with respect to the dividends received by the trust in 1954 and distributed to him, since he is deemed to have received such dividends on January 4, April 3, and July 5, 1954, each a date in his taxable year ending after July 31, 1954. He is entitled to no exclusion for the dividends received by the trust on October 3, 1953, since he is deemed to receive the resulting distribution on the same date, which falls within a taxable year of his which ends before August 1, 1954, although he is required to include the October 1953 dividends in his 1954 income. See section 164 of the Internal Revenue Code of 1939.

*Example (3).* A simple trust on a fiscal year ending July 31, 1954, receives dividends August 5 and November 4, 1953. It distributes the dividends to A, its sole beneficiary (who is on a calendar year basis), on September 1, 1954. Neither the trust nor A is entitled to a credit under section 34 or an exclusion under section 116.

(c) *Application of the 65-day rule of the Internal Revenue Code of 1939.* If an amount is paid, credited, or to be distributed in the first 65 days of the first taxable year of an estate or trust (heretofore subject to the provisions of the Internal Revenue Code of 1939) to which the Internal Revenue Code of 1954 applies and the amount would be treated, if the Internal Revenue Code of 1939 were applicable, as if paid, credited, or to be distributed on the last day of the preceding taxable year, sections 641 through 682 shall not apply to the amount. The amount so paid, credited, or to be distributed shall be taken into account as provided in the Internal Revenue Code of 1939. See § 39.162–2 (c) and (d) of Regulations 118 (26 CFR (1939) 39.162–2 (c) and (d)).

[F. R. Doc. 56–3412; Filed, May 1, 1956; 8:48 a. m.]



## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### [ 7 CFR Part 52 ]

### CANNED CLINGSTONE PEACHES

### UNITED STATES STANDARDS FOR GRADES [1]

Notice is hereby given that the United States Department of Agriculture is considering the revision of the United States Standards for Grades of Canned Yellow Clingstone Peaches, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended, 7 U. S. C. 1621 et seq.). This revision, if made effective, will be the fourth issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed revision is as follows:

PRODUCT DESCRIPTION, STYLES, AND GRADES


Sec.
52.2561 Product description.
52.2562 Styles of canned clingstone peaches.
52.2563 Grades of canned clingstone peaches.
52.2564 Grades of canned "solid-pack" clingstone peaches.


[1] Compliance with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

LIQUID MEDIA, FILL OF CONTAINER, AND DRAINED WEIGHTS


Sec.
52.2565 Liquid media and Brix measurements for canned clingstone peaches.
52.2566 Fill of container for canned clingstone peaches.
52.2567 Recommended fill of container for canned "dietetic" and "solid-pack" clingstone peaches.
52.2568 Recommended minimum drained weights for canned clingstone peaches.
52.2569 Compliance with recommended drained weights.


FACTORS OF QUALITY


52.2570 Ascertaining the grade.
52.2571 Ascertaining the rating for the factors which are scored.
52.2572 Color.
52.2573 Uniformity of size and symmetry.
52.2574 Absence of defects.
52.2575 Character.


LOT CERTIFICATION TOLERANCES


52.2576 Tolerances for certification of officially drawn samples.


SCORE SHEET


52.2577 Score sheet for canned clingstone peaches.


AUTHORITY: §§ 52.2561 to 52.2577 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.2561 *Product description*—(a) *Canned clingstone peaches.* "Canned clingstone peaches" means "canned yellow clingstone peaches" or "canned yellow cling peaches" as such product is defined in the standard of identity for canned peaches (21 CFR 27.0) issued pursuant to the Federal Food, Drug, and Cosmetic Act. For the purposes of the standards in this subpart, and unless the text indicates otherwise, the terms "canned peaches" or "canned clingstone peaches" include "canned yellow clingstone peaches" as defined in the aforesaid standard of identity, canned "solid-pack" clingstone peaches, canned "dietetic" clingstone peaches, and canned "spiced" yellow clingstone peaches.

(b) *Canned "solid-pack" clingstone peaches.* For the purposes of the standards in this subpart, canned peaches when referred to as "canned 'solid-pack' clingstone peaches" means prepared peaches of the yellow clingstone varietal group packed without a liquid packing medium and sufficiently processed by heat to assure preservation of the product in hermetically-sealed containers.

(c) *Canned "dietetic" clingstone peaches.* For the purposes of the standards in this subpart, canned peaches when referred to as "canned 'dietetic' clingstone peaches" means canned yellow clingstone peaches without nutritive sweetening ingredient(s) added and declared for dietary use, or with artificial sweetening ingredient(s) added, or with any other ingredient(s) permissible for dietary use under the provisions of the Federal Food, Drug, and Cosmetic Act.

§ 52.2562 *Styles of canned clingstone peaches.* (a) "Halves" or "Halved" canned peaches are peeled and pitted peaches, cut approximately in half along the suture from stem to apex.



(b) "Quarters" or "Quartered" canned peaches are halved peaches cut into two approximately equal parts.

(c) "Slices" or "Sliced" canned peaches are peeled and pitted peaches cut into sectors smaller than quarters.

(d) "Dice" or "Diced" canned peaches are peeled and pitted peaches cut into approximate cubes.

(e) "Whole" canned peaches are peeled, unpitted, whole peaches with or without stems removed.

(f) "Mixed Pieces of Irregular Sizes and Shapes" are peeled, pitted, and cut units of canned peaches that are predominantly irregular in size and shape which do not conform to a single style of halves, quarters, slices, or dice and which may consist of:

(1) Units (commonly called "salad cuts" or "salad pieces") which may have been prepared originally as peach halves but which are irregular in size and shape in that more than one-fourth of the unit appears to have been removed at the outer curved surface and which have been cut further into pieces;

(2) Units which may have been prepared originally as peach slices but which are irregular in size and shape in that they have been cut further into pieces; or

(3) Mixtures of two or more of the following styles which may or may not be of normal shape: Halves, quarters, slices, or dice.

§ 52.2563 *Grades of canned clingstone peaches* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of halves, quarters, slices, diced, or whole canned clingstone peaches that possess similar varietal characteristics, that possess a normal flavor and odor, that possess a good color, that are practically uniform in size and symmetry for the applicable style, that are practically free from defects, that possess a good character, and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 90 points: *Provided*, That halves, quarters, slices, diced, or whole canned clingstone peaches may possess a reasonably good color, may be reasonably uniform in size and symmetry, and may possess a reasonably good character, if the total score is not less than 90 points.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of halves, quarters, slices, diced, whole, or mixed pieces of irregular sizes and shapes of canned clingstone peaches that possess similar varietal characteristics, that possess a normal flavor and odor, that possess a reasonably good color, that are reasonably uniform in size and symmetry for the applicable style, that are reasonably free from defects, that possess a reasonably good character, and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 80 points: *Provided*, That halves, quarters, slices, diced, or whole canned clingstone peaches may be fairly uniform in size and symmetry if the total score is not less than 80 points.

(c) "U. S. Grade C" or "U. S. Standard" is the quality of halves, quarters, slices, diced, whole, or mixed pieces of irregular sizes and shapes of canned clingstone peaches that possess similar varietal characteristics, that possess a normal flavor and odor, that possess a fairly good color, that are fairly uniform in size and symmetry for the applicable style, that are fairly free from defects, that possess a fairly good character, and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 70 points.

(d) "U. S. Grade D" is the quality of halves, quarters, slices, diced, whole, or mixed pieces of irregular sizes and shapes of canned clingstone peaches that may possess dissimilar varietal characteristics, that possess a normal flavor and odor, that possess a fairly good color, that may vary in size and symmetry for the applicable style; that are fairly free from defects except for crushed and broken units in the styles of halves, quarters, or whole style; that possess a noticeable variability in character, and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 60 points. Canned clingstone peaches of this grade may or may not meet the minimum standard of quality for canned peaches issued pursuant to the Federal Food, Drug, and Cosmetic Act.

(e) "Substandard" is the quality of canned clingstone peaches that fail to meet the applicable requirements of U. S. Grade C or U. S. Standard or of U. S. Grade D and is the quality of canned clingstone peaches that may or may not meet the minimum standard of quality for canned peaches issued pursuant to the Federal Food, Drug, and Cosmetic Act.

§ 52.2564 *Grades of canned "solid-pack" clingstone peaches.* (a) "U. S. Grade C Solid-Pack" or "U. S. Standard Solid-Pack" is the quality of halves, quarters, slices, diced, or mixed pieces of irregular sizes and shapes of canned "solid-pack" clingstone peaches that possess a normal flavor and odor; that possess a fairly good color; that are fairly free from defects for canned "solid-pack" clingstone peaches; that possess a fairly good character for canned "solid-pack" clingstone peaches; and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 70 points.

(b) "U. S. Grade D Solid-Pack" is the quality of halves, quarters, slices, diced, or mixed pieces of irregular sizes and shapes of canned "solid-pack" clingstone peaches that possess a normal flavor and odor; that possess a fairly good color; that are fairly free from defects for canned "solid-pack" clingstone peaches; that possess a noticeable variability in character for canned "solid-pack" clingstone peaches; and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 60 points.

(c) "Substandard Solid-Pack" is the quality of halves, quarters, slices, diced, or mixed pieces of irregular sizes and shapes of canned "solid-pack" clingstone peaches that fail to meet the requirements of "U. S. Grade D Solid-Pack".

LIQUID MEDIA, FILL OF CONTAINER, AND DRAINED WEIGHTS

§ 52.2565 *Liquid media and Brix measurements for canned clingstone peaches.* "Cut-out" requirements for liquid media in canned clingstone peaches are not incorporated in the grades of the finished product since sirup or any other liquid medium, as such, is not a factor of quality for the purposes of these grades. The "cut-out" Brix measurement, as applicable, for the respective designations are as follows:

| *Designations* | *Brix measurement* |
|---|---|
| "Extra heavy sirup" or "Extra heavy peach juice sirup" | 24° or more but not more than 35°. |
| "Heavy sirup" or "Heavy peach juice sirup" | 19° or more but less than 24°. |
| "Light sirup" or "Light peach juice sirup" | 14° or more but less than 19°. |
| "Slightly sweetened water" or "Slightly sweetened peach juice". | Less than 14°. |
| "In water" | Packed in water. |
| "In peach juice" | Packed in peach juice. |

§ 52.2566 *Fill of container for canned clingstone peaches.* The standard of fill of container for canned clingstone peaches is the maximum quantity of the peach units which can be sealed in the container and processed by heat to prevent spoilage, without crushing or breaking such ingredient. Canned clingstone peaches that do not meet this requirement are "Below Standard in Fill."

§ 52.2567 *Recommended fill of container for canned "dietetic" and "solid-pack" clingstone peaches.* The recommended fill of container for canned "dietetic" and "solid-pack" clingstone peaches is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container of "dietetic" or "solid-pack" clingstone peaches be as full of peaches as practicable without impairment of quality and that the product occupy not less than 90 percent of the volume of the container.

§ 52.2568 *Recommended minimum drained weights for canned clingstone peaches*—(a) *General.* The minimum drained weight recommendations for the various applicable styles in Table I or Table II are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purposes of these grades.

(1) *Table I.* The recommendations in Table I apply only when the drained

weight determination is made immediately after processing. For the purposes of ascertaining compliance with the recommended minimum drained weights in Table I, "immediately after processing" means after the product has been cooled to room temperature and during a period of more than 8 hours to not more than 24 hours after processing.

(2) *Table II.* The recommendations in Table II apply when the drained weight determination is made at periods other than immediately after processing.

(b) *Method for ascertaining drained weight.* The drained weight of canned clingstone peaches, canned "dietetic" clingstone peaches, and canned "solid-pack" clingstone peaches is determined by emptying the contents of the container, turning the pit cavities down in halves, upon a United States Standard No. 8 circular sieve of proper diameter containing 8 meshes to the inch (0.0937-inch ±3%, square openings) so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage, and allowing to drain for two minutes. The drained weight is the weight of the sieve and peaches less the weight of the dry sieve. A sieve 8 inches in diameter is used for the equivalent of No. 3 size cans (404 x 414) and smaller, and a sieve 12 inches in diameter is used for containers larger than the equivalent of the No. 3 size can.

§ 52.2569 *Compliance with recommended drained weights.* Compliance with the recommended drained weights for canned clingstone peaches, canned "dietetic" clingstone peaches, and canned "solid-pack" clingstone peaches is determined by averaging the drained weights from all the containers which are representative of a specific lot and such lot is considered as meeting the recommendations if the following criteria are met:

(a) The average of the drained weights from all of the containers meets the recommended drained weight;

(b) One-half or more of the containers meet the recommended drained weight; and

(c) The drained weights from the containers which do not meet the recommended drained weight are within the range of variability for good commercial practice.

TABLE I—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR CANNED CLINGSTONE PEACHES

(Determined immediately after processing)

| Container designations (metal, unless otherwise stated) | Container size, overall dimensions | | Halves, quarters, slices, and mixed pieces of irregular sizes and shapes | | | Diced, in any liquid medium |
|---|---|---|---|---|---|---|
| | Width | Height | In extra heavy sirup | In heavy sirup | In any other liquid medium including "dietetic packs" | |
| | *Inches* | *Inches* | *Ounces* | *Ounces* | *Ounces* | *Ounces* |
| 8 Z tall | 2 1/16 | 3 6/16 | 4 1/2 | 4 3/4 | 4 3/4 | 5 |
| 8-ounce glass | | | 4 1/2 | 4 3/4 | 4 3/4 | 5 |
| No. 1 tall | 3 1/16 | 4 5/16 | 9 | 9 1/4 | 9 1/4 | 9 3/4 |
| No. 303 | 3 1/16 | 4 6/16 | 9 | 9 1/4 | 9 1/4 | 9 3/4 |
| 303 glass | | | 9 | 9 1/4 | 9 1/4 | 9 3/4 |
| No. 2 | 3 7/16 | 4 6/16 | 11 | 11 1/4 | 11 1/2 | 12 |
| No. 2½ | 4 1/16 | 4 13/16 | 16 | 16 1/2 | 17 | 17 1/2 |
| No. 2½ glass | | | 15 1/2 | 16 | 16 1/2 | 17 |
| No. 10 | 6 3/16 | 7 | 59 | 61 | 63 | 65 |

| Container designations (metal, unless otherwise stated) | Container size, overall dimensions | | "Heavy pack"; any style, in any liquid medium except "dietetic packs" | "Solid pack"; all applicable styles |
|---|---|---|---|---|
| | Width | Height | *Ounces* | *Ounces* |
| No. 2½ | 4 1/16 | 4 13/16 | 20 | 25 1/2 |
| No. 10 | 6 3/16 | 7 | 76 | 92 |

TABLE II—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR CANNED CLINGSTONE PEACHES

| Container designations (metal, unless otherwise stated) | Container size, overall dimensions | | Halves, quarters, slices, and mixed pieces of irregular sizes and shapes | | | Diced, in any liquid medium |
|---|---|---|---|---|---|---|
| | Width | Height | In extra heavy sirup | In heavy sirup | In any other liquid medium including "dietetic packs" | |
| | *Inches* | *Inches* | *Ounces* | *Ounces* | *Ounces* | *Ounces* |
| 8 Z tall | 2 1/16 | 3 6/16 | 4 3/4 | 5 | 5 | 5 1/4 |
| 8-ounce glass | | | 4 3/4 | 5 | 5 | 5 1/4 |
| No. 1 tall | 3 1/16 | 4 5/16 | 9 3/4 | 10 | 10 | 10 1/2 |
| No. 303 | 3 1/16 | 4 6/16 | 9 3/4 | 10 | 10 | 10 1/2 |
| 303 glass | | | 9 3/4 | 10 | 10 | 10 1/2 |
| No. 2 | 3 7/16 | 4 6/16 | 11 3/4 | 12 | 12 1/4 | 12 3/4 |
| No. 2½ | 4 1/16 | 4 13/16 | 17 | 17 1/2 | 18 | 18 1/2 |
| No. 2½ glass | | | 16 1/2 | 17 | 17 1/2 | 18 |
| No. 10 | 6 3/16 | 7 | 64 | 66 | 68 | 70 |

| Container designations (metal, unless otherwise stated) | Container size, overall dimensions | | "Heavy pack"; any style, in any liquid medium except "dietetic packs" | "Solid pack"; all applicable styles |
|---|---|---|---|---|
| | Width | Height | *Ounces* | *Ounces* |
| No. 2½ | 4 1/16 | 4 13/16 | 20 | 25 1/2 |
| No. 10 | 6 3/16 | 7 | 76 | 92 |

FACTORS OF QUALITY

§ 52.2570 *Ascertaining the grade*—(a) *General.* In addition to considering other requirements outlined in the standards the following quality factors are evaluated:

(1) *Factors not rated by score points in canned clingstone peaches other than "solid-pack" clingstone peaches.* (i) Varietal characteristics.

(ii) Flavor and odor.

(2) *Factors not rated by score points in canned "solid-pack" clingstone peaches.* (i) Flavor and odor.

(3) *Factors rated by score points in canned peaches.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

| | Points |
|---|---|
| (i) Color | 20 |
| (ii) Uniformity of size and symmetry | 20 |
| (iii) Absence of defects | 30 |
| (iv) Character | 30 |
| Total score | 100 |

(b) *Definition of flavor and odor.* "Normal flavor and odor" means that the canned peaches are free from objectionable flavors and objectionable odors of any kind.

§ 52.2571 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means "18, 19, or 20 points").

§ 52.2572 *Color*—(a) *General.* (1) The color of canned clingstone peaches other than canned "spiced" peaches refers to the predominating and characteristic color on the backs of halved units, on the surface of whole units, and the exterior surface of other units, excluding such portions which were obviously near or part of the pit cavity.

(2) The colors, "Orange-yellow" and "Yellow", in this section mean a color equal to or better in color than "USDA Canned Clingstone Peach, Orange-Yellow" and "USDA Canned Clingstone Peach, Yellow", respectively. Information regarding these color standards may be obtained by writing to the Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, U. S. Department of Agriculture, Washington 25, D. C.

(3) The factor of color for canned "spiced" peaches is not based on any detailed requirement and is not scored but the color shall be normal for canned "spiced" peaches; the other three factors (uniformity of size and symmetry, absence of defects, and character as applicable) are scored and the total is multiplied by 100 and divided by 80, dropping any fractions to determine the total score.

(b) (*A*) *classification.* Halves, quarters, slices, diced, whole, or mixed pieces of irregular sizes and shapes of canned clingstone peaches that possess a good color may be given a score of 18 to 20 points. Mixed pieces of irregular sizes and shapes of canned clingstone peaches that score 18 to 20 points shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a partial limiting rule). "Good color" means that the canned clingstone peaches possess a typical orange-yellow color of properly ripened, properly prepared, and properly processed canned clingstone peaches which color is practically uniform and free from brown color due to oxidation; and that none of the units possess a "fairly good color."

(c) (*B*) *classification.* Halves, quarters, slices, diced, whole, or mixed pieces of irregular sizes and shapes of canned clingstone peaches that possess a reasonably good color may be given a score of 16 or 17 points. Mixed pieces of irregular sizes and shapes of canned clingstone peaches that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a partial limiting rule). "Reasonably good color" means that the canned clingstone peaches possess a typical orange-yellow color of properly ripened, properly prepared, and properly processed canned clingstone peaches which color is reasonably uniform; that the units are practically free from any brown color due to oxidation which color may affect no more than slightly the appearance or edibility, or both, of the product; and that no more than the following units possessing "fairly good color" exclusive of slight brown color resulting from oxidation may be present:

(1) In the style of halves, quarters, slices, or whole canned clingstone peaches, not more than 10 percent, by count, of the units may possess such "fairly good color"; or one unit in a container is permitted to possess such "fairly good color:" *Provided*, That in all containers comprising the sample such units do not exceed an average of 10 percent of the total number of units; and

(2) In the style of diced or mixed pieces of irregular sizes and shapes canned clingstone peaches, not more than 10 percent, by weight, of the drained fruit may possess such "fairly good color."

(d) (*C*), (*D*), (*C–SP*) *and* (*D–SP*) *classification.* Halves, quarters, slices, diced, whole, or mixed pieces of irregular sizes and shapes of canned clingstone peaches that possess a fairly good color; and halves, quarters, slices, diced, or mixed pieces of irregular sizes and shapes of canned "solid-pack" clingstone peaches that possess a fairly good color or better color may be given a score of 14 or 15 points. Canned clingstone peaches or canned "solid-pack" clingstone peaches that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard or U. S. Grade C Solid-Pack or U. S. Standard Solid-Pack, whichever is applicable, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the units of clingstone peaches may vary noticeably in shades of a typical yellow color of fairly well-ripened and properly processed canned clingstone peaches; and that not more than 5 percent, by count, of the units may be off-color or possess brown color due to oxidation or one unit in a container is permitted to possess such color: *Provided*, That such unit does not materially affect the appearance of the product.

(e) (*SStd*) *and* (*SStd–SP*) *classification.* Canned clingstone peaches and canned "solid-pack" clingstone peaches that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard or Substandard Solid-Pack, whichever is applicable, regardless of the total score for the product (this is a limiting rule).

§ 52.2573 *Uniformity of size and symmetry*—(a) *General.* The factor of uniformity of size and symmetry for mixed pieces of irregular sizes and shapes of canned clingstone peaches and all applicable styles of canned "solid-pack" clingstone peaches is not based on any detailed requirements and is not scored; the other three factors (color, absence of defects, and character as applicable) are scored and the total is multiplied by 100 and divided by 80, dropping any fractions to determine the total score.

(b) *Off-suture cut.* "Off-suture cut" in halved or quartered canned clingstone peaches means a halved or quartered unit which has been cut at a distance from the suture greater than 3/8 inch at the widest measurement from the suture.

(c) *Partially detached or detached piece.* A "partially detached or detached piece" in halved canned clingstone peaches means a unit which has the appearance of a slice resulting from an off-suture cut or from improper cutting and which may or may not be attached to the half from which cut. In determining the applicable allowances in terms of percentage by count, a partially detached piece together with the half to which it is partially attached is considered as one unit or a detached piece with the half from which detached or together with any other half is considered as one unit.

(d) *Broken slice.* A "broken slice" in the style of slices is a unit that has had the semblance of a slice with respect to thickness and shape but is less than three-fourths of an apparent full slice and that does not bear marks of crushing. In determining the allowances in terms of percentage by count, broken slices aggregating the equivalent of an average size slice shall be considered as one unit.

(e) *Sliver.* A "sliver" in the style of slices is a sector that is substantially smaller than the general size of slices or that weighs 3 grams or less.

(f) *Slab.* A "slab" in the style of slices is a portion of a unit which does not conform to the shape of a definite slice due to improper cutting.

(g) (*A*) *classification.* Halves, quarters, slices, diced, or whole canned clingstone peaches that are practically uniform in size and symmetry may be given a score of 18 to 20 points. "Practically uniform in size and symmetry" has the following meanings with respect to the following styles of canned clingstone peaches:

(1) *Halves; quarters; whole.* The units are very symmetrical and the weight of the largest full-size unit does not exceed the weight of the smallest full-size unit by more than 40 percent; the weight of each half is not less than 3/5 ounce; the weight of each quarter is not less than 3/10 ounce; and not more than 10 percent, by count, of the units in the style of halves or quarters may possess off-suture cuts or partially detached or detached pieces, or any combination thereof. One unit in a container is permitted to possess an off-suture cut or partially detached or detached piece if such unit exceeds the allowance of 10 percent, by count: *Provided*, That in all containers comprising the sample such units do not exceed an average of 10 percent of the total number of units.

(2) *Slices.* Not more than a total of 5 percent, by count, of the units may be broken, slivers, and slabs: *Provided*, That not more than 2½ percent, by count, are slabs; and excluding broken slices, slivers, and slabs that may be present, the variation in size and symmetry of the other units does not affect more than slightly the appearance of the product.

(3) *Diced.* Not more than 10 percent, by weight, of all the units are more than 3/4 inch in their greatest edge dimension or are of such size as to pass through a 5/16 inch square opening.

(h) (*B*) *classification.* Halves, quarters, slices, diced, or whole canned clingstone peaches that are reasonably uniform in size and symmetry may be given a score of 16 or 17 points. "Reasonably uniform in size and symmetry" has the following meanings with respect to the following styles of canned clingstone peaches:

(1) *Halves; quarters; whole.* The units are reasonably symmetrical and the weight of the largest full-size unit does not exceed the weight of the smallest full-size unit by more than 60 percent; the weight of each half is not less than 3/5 ounce; the weight of each quarter is not less than 3/10 ounce; and not more than 20 percent, by count, of the units in the style of halves or quarters may possess off-suture cuts or partially detached or detached pieces, or any combination thereof. One unit in a container is permitted to possess an off-suture cut or partially detached or detached piece if such unit exceeds the allowance of 20 percent, by count: *Provided*, That in all containers comprising the sample such units do not exceed an average of 20 percent of the total number of units.

(2) *Slices.* Not more than a total of 10 percent by count, of the units may be broken, slivers, and slabs: *Provided*, That not more than 5 percent, by count, are slabs; and excluding broken slices, slivers, and slabs that may be present, the variation in size and symmetry of the other units does not affect materially the appearance of the product.

(3) *Diced.* Not more than 15 percent, by weight, of all the units are more than 3/4 inch in their greatest edge dimension or are of such size as to pass through a 5/16 inch square opening.

(i) (*C*) *classification.* Halves, quarters, slices, diced, or whole canned cling-

stone peaches that are fairly uniform in size and symmetry may be given a score of 14 or 15 points. Canned clingstone peaches that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a partial limiting rule). "Fairly uniform in size and symmetry" has the following meanings with respect to the following styles of canned clingstone peaches:

(1) *Halves; quarters; whole.* The units may vary in size, thickness, and symmetry and the weight of the largest full-size unit may be not more than twice the weight of the smallest full-size unit; the weight of each half is not less than ⅗ ounce; the weight of each quarter is not less than ⅗₀ ounce; and not more than 40 percent, by count, of the units in the style of halves or quarters may possess off-suture cuts or partially detached or detached pieces, or any combination thereof: *Provided*, That the presence of such units does not give the appearance of canned peaches of "Mixed Pieces of Irregular Sizes and Shapes."

(2) *Slices.* Not more than a total of 20 percent, by count, of the units may be broken, slivers, and slabs: *Provided*, That not more than 10 percent, by count, are slabs; and excluding broken slices, slivers, and slabs that may be present, the balance of slices may vary noticeably in size, thickness, and symmetry.

(3) *Diced.* Not more than 20 percent, by weight, of all the units are more than ¾ inch in their greatest edge dimension or are of such size as to pass through a ⁵⁄₁₆ inch square opening.

(j) (*D*) *and* (*SStd*) *classification.* Canned clingstone peaches of the applicable styles which fail to meet paragraph (i) of this section may be given a score of 0 to 13 points and shall not be graded above the following stated grade, regardless of the total score for the product (this is a limiting rule):

(1) Halves, quarters, or whole canned clingstone peaches in which the weight of the largest full-size unit is more than twice the weight of the smallest full-size unit shall not be graded above U. S. Grade D and are also "Below Standard in Quality—Mixed Sizes."

(2) Halves of canned clingstone peaches in which the weight of any half is less than ⅗ ounce shall not be graded above U. S. Grade D and are also "Below Standard in Quality—Small Halves."

(3) Quarters of canned clingstone peaches in which the weight of any quarter is less than ⅗₀ ounce shall not be graded above U. S. Grade D and are also "Below Standard in Quality—Small Quarters."

(4) Slices and diced canned clingstone peaches shall not be graded above U. S. Grade D.

§ 52.2574 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from harmless extraneous material (such as stems or leaves and portions thereof), from pit material, from peel, from blemished units, from units that are crushed or broken for the applicable style, and from any other defects which detract from the appearance or edibility of the product.

(1) *Blemished.* "Blemished" or "blemished units" means units that are blemished with scab, hail injury, discoloration, or other abnormality which affects materially the appearance or edibility, or both, of the unit.

(2) *Crushed or broken.* "Crushed or broken" means that:

(i) A unit in halves, quarters, or whole style of canned clingstone peaches is "crushed" if the unit has definitely lost its normal shape and bears marks of crushing or is otherwise crushed not due to ripeness; and

(ii) A unit in halves, quarters, or whole style of canned clingstone peaches is "broken" if severed into definite parts; halves of canned clingstone peaches that are slightly or partially split from the edge to the pit cavity are not considered broken. Portions equivalent to a full-size unit that has been broken are considered as one unit in determining the percentage by count.

(3) *Pit material.* "Pit material" means any whole pit in other than whole style or any portion of a peach pit, regardless of size, except when whole peach pits or peach kernels are permitted as seasoning ingredients in other than whole style.

(b) (*A*) *classification.* Halves, quarters, slices, diced, whole, or mixed pieces of irregular sizes and shapes of canned clingstone peaches that are practically free from defects may be given a score of 27 to 30 points. Mixed pieces of irregular sizes and shapes of canned clingstone peaches that score 27 to 30 points shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a partial limiting rule). "Practically free from defects" means that the canned clingstone peaches are practically free from harmless extraneous material, from pit material, and from any defects not specifically mentioned that affect the appearance or edibility of the product, and, in addition, has the following meanings with respect to the following styles of canned clingstone peaches:

(1) *Halves; quarters; whole.* Not more than an average of ⅛ square inch of peel for each pound of contents may be present; not more than 5 percent, by count, of the units may be crushed or broken; and not more than 5 percent, by count, of the units may be blemished. One unit in a container is permitted to be crushed or broken and one unit in a container is permitted to be blemished if any of such units exceed the respective allowances of 5 percent, by count: *Provided*, That in all containers comprising the sample such crushed or broken units do not exceed an average of 5 percent of the total number of units and such blemished units do not exceed an average of 5 percent of the total number of units.

(2) *Sliced; diced; mixed pieces of irregular sizes and shapes.* Not more than an average of ⅛ square inch of peel for each pound of contents may be present; and not more than 3 percent, by count, of the units may be blemished. One unit in a container is permitted to be blemished if such unit exceeds the allowance of 3 percent by count: *Provided*, That in all containers comprising the sample such blemished units do not exceed an average of 3 percent of the total number of units.

(c) (*B*) *classification.* Halves, quarters, slices, diced, whole, or mixed pieces of irregular sizes and shapes of canned clingstone peaches that are reasonably free from defects may be given a score of 24 to 26 points. Canned clingstone peaches that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the canned clingstone peaches are practically free from pit material, are reasonably free from harmless extraneous material and from any defects not specifically mentioned that affect the appearance or edibility of the product, and, in addition, has the following meanings with respect to the following styles of canned clingstone peaches:

(1) *Halves; quarters; whole.* Not more than an average of ½ square inch of peel for each pound of contents may be present; not more than 5 percent, by count, of the units may be crushed or broken; and not more than 10 percent, by count, of the units may be blemished. One unit in a container is permitted to be crushed or broken and one unit in a container is permitted to be blemished if any of such units exceed the respective allowances of 5 percent and 10 percent, by count: *Provided*, That in all containers comprising the sample such crushed or broken units do not exceed an average of 5 percent of the total number of units and such blemished units do not exceed an average of 10 percent of the total number of units.

(2) *Slices; diced; mixed pieces of irregular sizes and shapes.* Not more than an average of ½ square inch of peel for each pound of contents may be present; and not more than 6 percent, by count, of the units may be blemished. One unit in a single container is permitted to be blemished if such unit exceeds the allowance of 6 percent, by count: *Provided*, That in all containers comprising the sample such blemished units do not exceed an average of 6 percent of the total number of units.

(d) (*C*) *classification.* Halves, quarters, slices, diced, whole, or mixed pieces of irregular sizes and shapes of canned clingstone peaches that are fairly free from defects may be given a score of 21 to 23 points. Canned clingstone peaches that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the canned clingstone peaches are practically free from pit material, are fairly free from harmless extraneous material and from any defects not specifically mentioned that affect the appearance or edibility of the product, and, in addition, has the following meanings with respect to the following styles of canned clingstone peaches:

(1) *Halves; quarters; whole.* Not more than an average of 1 square inch of peel for each pound of contents may be present; not more than 5 percent, by count, of the units may be crushed or broken; and not more than 20 percent, by count, of the units may be blemished. One unit in a container is permitted to be crushed or broken and one unit in a container is permitted to be blemished if any of such units exceed the respective allowances of 5 percent and 20 percent, by count: *Provided*, That in all containers comprising the sample such blemished units do not exceed an average of 20 percent of the total number of units.

(2) *Slices; diced; mixed pieces of irregular sizes and shapes.* Not more than an average of 1 square inch of peel for each pound of contents may be present; and not more than 20 percent by count, of the units may be blemished.

(e) (*D*) *classification.* Canned clingstone peaches of any style which fail to meet the requirements of paragraph (d) of this section but which meet the requirements of this paragraph may be given a score of 0 to 20 points and shall not be graded above U. S. Grade D, regardless of the total score for the product (this is a limiting rule). Halves, quarters, and whole canned clingstone peaches that are thereby U. S. Grade D may also be "Below Standard in Quality"—"Partly Crushed or Broken" or "Unevenly Trimmed," or both. Canned clingstone peaches of U. S. Grade D with respect to "absence of defects" are practically free from pit material, are fairly free from harmless extraneous material and from any defects not specifically mentioned that affect materially the appearance or edibility of the product, and, in addition:

(1) Not more than an average of 1 square inch of peel for each pound of contents may be present;

(2) In the style of halves, quarters, or whole, any amount of crushed or broken units may be present; and

(3) Not more than 20 percent, by count, of the units may be blemished. One unit in a container is permitted to be blemished if such unit exceeds the allowance of 20 percent, by count: *Provided*, That in all containers comprising the sample such blemished units do not exceed an average of 20 percent of the total number of units.

(f) (*SStd*) *classification.* Canned clingstone peaches that fail to meet the applicable requirements of paragraph (e) of this section may be given a score of 0 to 20 points and shall not be graded above the following stated grades, as applicable, regardless of the total score for the product (this is a limiting rule).

(1) Halves, quarters, and whole canned clingstone peaches shall not be graded above Substandard and may also be "Below Standard in Quality" for the applicable reasons:

(i) Not well peeled.

(ii) Partly crushed or broken.

(iii) Unevenly trimmed.

(iv) Blemished.

(2) Slices, diced, and mixed pieces of irregular sizes and shapes of canned clingstone peaches shall not be graded above Substandard and may also be "Below Standard in Quality" for the applicable reasons:



(i) Not well peeled.

(ii) Blemished.

(g) (*C–SP*) *classification.* Halves, quarters, slices, diced, or mixed pieces of irregular sizes and shapes of canned "solid-pack" clingstone peaches that are fairly free from defects for canned "solid-pack" clingstone peaches may be given a score of 21 to 23 points. Canned "solid-pack" clingstone peaches that fall into this classification shall not be graded above U. S. Grade C Solid-Pack or U. S. Standard Solid-Pack, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects for canned 'solid-pack' clingstone peaches" means that the canned "solid-pack" clingstone peaches are practically free from pit material, are fairly free from harmless extraneous material and from any defects not specifically mentioned that affect the appearance or edibility of the product, and, in addition, no more than the following defects may be present:

(1) An average of 1 square inch of peel for each pound of contents; and

(2) 2 blemished units for each pound of contents.

(h) (*D–SP*) *classification.* Halves, quarters, slices, diced, or mixed pieces of irregular sizes and shapes of canned "solid-pack" clingstone peaches which fail to meet the requirements of paragraph (g) of this section but which meet the requirements of this paragraph may be given a score of 0 to 20 points and shall not be graded above U. S. Grade D Solid-Pack, regardless of the total score for the product (this is a limiting rule). Canned "solid-pack" clingstone peaches of "U. S. Grade D Solid-Pack" with respect to "absence of defects" are practically free from pit material, are fairly free from harmless extraneous material and from any defects not specifically mentioned that affect materially the appearance or edibility of the product, and, in addition, no more than the following defects may be present:

(1) An average of 1 square inch of peel for each pound of contents; and

(2) 4 blemished units for each pound of contents.

(i) (*SStd–SP*) *classification.* Halves, quarters, slices, diced, or mixed pieces of irregular sizes and shapes of canned "solid-pack" clingstone peaches that fail to meet the requirements of paragraph (h) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard Solid-Pack, regardless of the total score for the product (this is a limiting rule).

§ 52.2575 *Character*—(a) *General.* The factor of character refers to the degree of ripeness, the texture, and tenderness of the product.

(b) (*A*) *classification.* Halves, quarters, slices, diced, whole, or mixed pieces of irregular sizes and shapes of canned clingstone peaches that possess a good character may be given a score of 27 to 30 points. Mixed pieces of irregular sizes and shapes of canned clingstone peaches that score 27 to 30 points shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a partial limiting rule). "Good character" has the following meanings with respect to the various styles of canned clingstone peaches:

(1) *Halves; quarters; slices; mixed pieces of irregular sizes and shapes.* The units are pliable and possess a tender, fleshy texture typical of well-ripened, properly prepared, and properly processed canned clingstone peaches; the units are intact and possess reasonably well-defined edges; and not more than 10 percent, by count, of the units may possess a "reasonably good character." One unit in a container is permitted to possess a "reasonably good character" if such unit exceeds the allowance of 10 percent, by count: *Provided*, That the appearance or eating quality, or both, is not more than slightly affected by the character of such unit.

(2) *Diced.* The product generally possesses a texture typical of properly and uniformly ripened clingstone peaches that are properly prepared and processed; not more than 3 percent, by weight, of the drained clingstone peaches may be excessively frayed or mushy; and the product is otherwise reasonably free from crushed units.

(3) *Whole.* The units possess a tender texture typical of well-ripened, properly prepared, and properly processed canned clingstone peaches; the units are uniformly intact and firm; and not more than 10 percent, by count, of the units may possess a "reasonably good character." One unit in a container is permitted to possess a "reasonably good character" if such unit exceeds the allowance of 10 percent, by count: *Provided*, That the appearance or eating quality, or both, is not more than slightly affected by the character of such unit.

(c) (*B*) *classification.* Halves, quarters, slices, diced, whole, or mixed pieces of irregular sizes and shapes of canned clingstone peaches that possess a reasonably good character may be given a score of 24 to 26 points. Mixed pieces of irregular sizes and shapes of canned clingstone peaches that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a partial limiting rule). "Reasonably good character" has the following meanings with respect to the following styles of canned clingstone peaches:

(1) *Halves; quarters; slices; mixed pieces of irregular sizes and shapes.* The units possess a texture typical of properly ripened clingstone peaches that are properly processed; the texture is reasonably fleshy, and the units are reasonably tender or the tenderness may be variable within the unit; the units are reasonably intact with not more than slightly frayed edges and may be slightly firm or slightly soft but are not mushy; and not more than 10 percent, by count, of the units may possess a fairly good character. One unit in a container is permitted to possess such fairly good character if such unit exceeds the allowance of 10 percent, by count: *Provided*, That the appearance or eating quality, or both, is not affected materially by the character of such unit.

(2) *Diced.* The product generally possesses a texture typical of properly ripened clingstone peaches that are properly prepared and processed; not more than 5 percent, by weight, or the drained

clingstone peaches may be excessively frayed or mushy; and the product is otherwise reasonably free from crushed units.

(3) *Whole.* The units possess a texture of properly processed clingstone peaches; the units are reasonably tender or the tenderness may be variable within the unit; the units may be slightly firm or slightly soft but are not mushy; and not more than 10 percent, by count, of the units may possess a fairly good character, except for mushy or not tender units. One unit in a container is permitted to possess such fairly good character if such unit exceeds the allowance of 10 percent, by count: *Provided,* That the appearance or eating quality, or both, is not affected materially by the character of such unit.

(d) *(C) classification.* Halves, quarters, slices, diced, whole, or mixed pieces of irregular sizes and shapes of canned clingstone peaches that possess a fairly good character may be given a score of 21 to 23 points. Canned clingstone peaches that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good character" has the following meanings with respect to the following styles of canned clingstone peaches:

(1) *Halves; quarters; slices; mixed pieces of irregular sizes and shapes.* The units possess a texture of properly processed clingstone peaches which may be variable in fleshiness but the texture is fairly fleshy; the units may be lacking uniformity of tenderness; the units may be frayed but not excessively frayed or may be soft; and not more than 10 percent, by weight, of the drained clingstone peaches may be mushy or units that are not tender.

(2) *Diced.* The product generally possesses a texture typical of properly prepared clingstone peaches; not more than 10 percent, by weight, of the drained clingstone peaches may be excessively frayed or mushy; and the product is otherwise fairly free from crushed units.

(3) *Whole.* The units possess a texture of properly processed clingstone peaches which may be variable; the units may be lacking uniformity of tenderness; the units may be markedly firm or markedly ragged or soft; and not more than 10 percent, by count, of the units may be mushy or not tender. One unit in a container is permitted to be mushy or not tender if such unit exceeds the allowance of 10 percent, by count: *Provided,* That in all containers comprising the sample, such units do not exceed an average of 10 percent of the total number of units.

(e) *(D) classification.* Canned clingstone peaches of any style that meet the requirements of paragraph (d) of this section with respect to units that are not tender but which otherwise possess a noticeably variable texture with not more than 25 percent, by weight, of the drained canned clingstone peaches that consist of mushy fruit may be given a score of 0 to 20 points and shall not be graded above U. S. Grade D, regardless of the total score for the product (this is a limiting rule).

(f) *(SStd) classification.* Canned clingstone peaches of any style that fail to meet the applicable requirements of paragraph (d) or (e) of this section or that are "not tender" may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule). Halves, quarters, slices, diced, whole, or mixed pieces of irregular sizes and shapes that are "not tender" are also "Below Standard in Quality—Not Tender."

(g) *(C–SP) classification.* Halves, quarters, slices, diced, or mixed pieces of irregular sizes and shapes of canned "solid-pack" clingstone peaches that possess a fairly good character for canned "solid-pack" clingstone peaches may be given a score of 21 to 23 points. Canned "solid-pack" clingstone peaches that fall into this classification shall not be graded above U. S. Grade C Solid-Pack or U. S. Standard Solid-Pack, regardless of the total score for the product (this is a limiting rule). "Fairly good character for canned 'solid-pack' clingstone peaches" means the product generally possesses a texture of properly processed clingstone peaches which may be variable in tenderness or may be soft; and not less than 60 percent, by weight, of the drained clingstone peaches are in reasonably intact units and the balance may be mushy or may consist of fairly firm units.

(h) *(D–SP) classification.* Halves, quarters, slices, diced, or mixed pieces of irregular sizes and shapes of canned "solid-pack" clingstone peaches which fail to meet the requirements of paragraph (g) of this section but not less than 40 percent, by weight, of the drained clingstone peaches are in reasonably intact units may be given a score of 0 to 20 points and shall not be graded above U. S. Grade D Solid-Pack, regardless of the total score for the product (this is a limiting rule).

(i) *(SStd–SP) classification.* Halves, quarters, slices, diced, or mixed pieces of irregular sizes and shapes of canned "solid-pack" clingstone peaches that fail to meet the requirements of paragraph (h) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard Solid-Pack, regardless of the total score for the product (this is a limiting rule).

LOT CERTIFICATION TOLERANCES

§ 52.2576 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of canned clingstone peaches the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if (1) such containers meet all of the applicable grade requirements of the factors of quality that are not rated by score points; (2) all containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification; and (3) with respect to those factors which are rated by score points:

(i) Not more than one-sixth of the containers falls to meet the grade indicated by the average of such total scores;

(ii) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(iii) None of the containers falls more than one grade below the grade indicated by the average of such total scores; and

(iv) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample.

SCORE SHEET

§ 52.2577 *Score sheet for canned clingstone peaches.*

| | | |
|---|---|---|
| Size and kind of container | | |
| Container mark or identification | | |
| Label | | |
| Net weight (ounces) | | |
| Vacuum (inches) | | |
| Drained weight (ounces) | | |
| Solid pack ( ) Spiced ( ) | | |
| If in a liquid packing medium: | | |
| Brix measurement | | |
| Sirup designation (extra heavy, heavy, etc.) | | |
| Style (halves) (quarters) (whole), etc. | | |
| Count (halves, quarters, whole) | | |

| Factors | | Score points |
|---|---|---|
| Color | 20 | (A) [2] 18-20<br>(B) [2] 16-17<br>(C), (D), (C–SP), (D–SP) [1] 14-15<br>(SStd) and (SStd–SP) [1] 0-13 |
| Uniformity of size and symmetry | 20 | (A) 18-20<br>(B) 16-17<br>(C) [2] 14-15<br>(D) and (SStd) [1] 0-13 |
| Absence of defects | 30 | (A) [2] 27-30<br>(B) [1] 24-26<br>(C) and (C–SP) [1] 21-23<br>(D), (D–SP), (SStd), and (SStd–SP) [1] 0-20 |
| Character | 30 | (A) [2] 27-30<br>(B) [2] 24-26<br>(C) and (C–SP), [1] 21-23<br>(D), (D–SP), (SStd), and (SStd–SP) [1] 0-20 |
| Total score | 100 | |

| | |
|---|---|
| Varietal characteristics ( ) Similar ( ) Dissimilar | |
| Normal flavor and odor | |
| Grade | |

[1] Limiting rule.
[2] Partial limiting rule.





Dated: April 27, 1956.

[SEAL] F. R. BURKE,
*Acting Deputy Administrator, Marketing Services.*

[F. R. Doc. 56-3439; Filed, May 1, 1956; 8:52 a. m.]

## [7 CFR Part 52]

CANNED FREESTONE PEACHES

UNITED STATES STANDARDS FOR GRADES [1]

Notice is hereby given that the United States Department of Agriculture is considering the revision of the United States Standards for Grades of Canned Freestone Peaches, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended, 7 U. S. C. 1621 et seq.). This revision, if made effective, will be the third issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed revision is as follows:

PRODUCT DESCRIPTION, STYLES, AND GRADES

Sec.
52.2601 Product description.
52.2602 Styles of canned freestone peaches.
52.2603 Grades of canned freestone peaches.
52.2604 Grades of canned "solid-pack" freestone peaches.

LIQUID MEDIA, FILL OF CONTAINER, AND DRAINED WEIGHTS

52.2605 Liquid media and Brix measurements for canned freestone peaches.
52.2606 Fill of container for canned freestone peaches.
52.2607 Recommended fill of container for canned "dietetic" and "solid-pack" freestone peaches.
52.2608 Recommended minimum drained weights for canned freestone peaches.
52.2609 Compliance with recommended drained weights.

FACTORS OF QUALITY

52.2610 Ascertaining the grade.
52.2611 Ascertaining the rating for the factors which are scored.
52.2612 Color.
52.2613 Uniformity of size and symmetry.
52.2614 Absence of defects.
52.2615 Character.

LOT CERTIFICATION TOLERANCES

52.2616 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.2617 Score sheet for canned freestone peaches.

[1] Compliance with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

AUTHORITY: §§ 52.2601 to 52.2617 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.2601 *Product description—(a) Canned freestone peaches.* "Canned freestone peaches" means "canned yellow freestone peaches" or "canned yellow free peaches" as such product is defined in the standards of identity for canned peaches (21 CFR 27.0) issued pursuant to the Federal Food, Drug, and Cosmetic Act. For the purposes of the standards in this subpart, and unless the text indicates otherwise, the terms "canned peaches" or "canned freestone peaches" include "canned yellow freestone peaches" as defined in the aforesaid standards of identity, canned "solid-pack" freestone peaches, canned "dietetic" freestone peaches, and canned "spiced" yellow freestone peaches.

(b) *Canned "solid-pack" freestone peaches.* For the purposes of the standards in this subpart, canned peaches when referred to as "canned 'solid-pack' freestone peaches" means prepared peaches of the yellow freestone varietal group packed without a liquid packing medium and sufficiently processed by heat to assure preservation of the product in hermetically-sealed containers.

(c) *Canned "dietetic" freestone peaches.* For the purposes of the standards in this subpart, canned peaches when referred to as "canned 'dietetic' freestone peaches" means canned yellow freestone peaches without nutritive sweetening ingredient(s) added and declared for dietary use, or with artificial sweetening ingredient(s) added, or with any other ingredient(s) permissible for dietary use under the provisions of the Federal Food, Drug, and Cosmetic Act.

§ 52.2602 *Styles of canned freestone peaches.* (a) "Halves" or "Halved" canned peaches are peeled and pitted peaches, cut approximately in half along the suture from stem to apex.

(b) "Quarters" or "Quartered" canned peaches are halved peaches cut into two approximately equal parts.

(c) "Slices" or "Sliced" canned peaches are peeled and pitted peaches cut into sectors smaller than quarters.

(d) "Whole" canned peaches are peeled, unpitted, whole peaches with or without stems removed.

(e) "Mixed Pieces of Irregular Sizes and Shapes" are peeled, pitted, and cut units of canned peaches that are predominantly irregular in size and shape which do not conform to a single style of halves, quarters, or slices and which may consist of:

(1) Units (commonly called "salad cuts" or "salad pieces") which may have been prepared originally as peach halves but which are irregular in size and shape in that more than one-fourth of the unit appears to have been removed at the outer curved surface and which have been cut further into pieces;

(2) Units which may have been prepared originally as peach slices but which are irregular in size and shape in that they have been cut further into pieces; or

(3) Mixtures of two or more of the following styles which may or may not be of normal shape; halves, quarters, or slices.

§ 52.2603 *Grades of canned freestone peaches.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of halves, quarters, slices, or whole canned freestone peaches that possess similar varietal characteristics, that possess a normal flavor and odor, that possess a good color, that are practically uniform in size and symmetry for the applicable style, that are practically free from defects, that possess a good character and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 90 points: *Provided,* That halves, quarters, slices, or whole canned freestone peaches may possess a reasonably good color, may be reasonably uniform in size and symmetry, and may possess a reasonably good character, if the total score is not less than 90 points.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of halves, quarters, slices, whole, or mixed pieces of irregular sizes and shapes of canned freestone peaches that possess similar varietal characteristics, that possess a normal flavor and odor, that possess a reasonably good color, that are reasonably uniform in size and symmetry for the applicable style, that are reasonably free from defects, that possess a reasonably good character, and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 80 points: *Provided,* That halves, quarters, slices, or whole canned freestone peaches may be fairly uniform in size and symmetry if the total score is not less than 80 points.

(c) "U. S. Grade C" or "U. S. Standard" is the quality of halves, quarters, slices, whole, or mixed pieces of irregular sizes and shapes of canned freestone peaches that possess similar varietal characteristics, that possess a normal flavor and odor, that possess a fairly good color, that are fairly uniform in size and symmetry for the applicable style, that are fairly free from defects, that possess a fairly good character, and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 70 points.

(d) "U. S. Grade D" is the quality of halves, quarters, slices, whole, or mixed pieces of irregular sizes and shapes of canned freestone peaches that may possess dissimilar varietal characteristics, that possess a normal flavor and odor, that possess a fairly good color, that may vary in size and symmetry for the applicable style; that are fairly free from defects except for crushed and broken units in the styles of halves, quarters, or whole style; that possess a noticeable variability in character, and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 60 points. Canned freestone peaches of this grade may or may not meet the minimum standard of quality for canned peaches issued pursuant to the Federal Food, Drug, and Cosmetic Act.

(e) "Substandard" is the quality of canned freestone peaches that fail to meet the applicable requirements of U. S. Grade C or U. S. Standard or U. S. Grade D and is the quality of canned freestone peaches that may or may not meet the minimum standard of quality for canned peaches issued pursuant to the Federal Food, Drug, and Cosmetic Act.

§ 52.2604 *Grades of canned "solid-pack" freestone peaches.* (a) "U. S. Grade C Solid-Pack" or "U. S. Standard Solid-Pack" is the quality of halves, quarters, slices, or mixed pieces of irregular sizes and shapes of canned freestone peaches that possess a normal flavor and odor; that possess a fairly good color; that are fairly free from defects for canned freestone peaches; and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 70 points.

(b) "U. S. Grade D Solid-Pack" is the quality of halves, quarters, slices, or mixed pieces of irregular sizes and shapes of canned freestone peaches that fail to meet the requirements of U. S. Grade C or U. S. Standard Solid-Pack.

§ 52.2605 *Liquid media and Brix measurements for canned freestone peaches.* "Cut-out" requirements for liquid media in canned freestone peaches are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purposes of these grades. The "cut-out" Brix measurement, as applicable, for the respective designations are as follows:

| Designations | Brix measurement |
|---|---|
| "Extra heavy sirup" or "Extra heavy peach juice sirup" | 24° or more but not more than 35°. |
| "Heavy sirup" or "Heavy peach juice sirup" | 19° or more but less than 24°. |
| "Light sirup" or "Light peach juice sirup" | 14° or more but less than 19°. |
| "Slightly sweetened water" or "Slightly sweetened peach juice". | Less than 14°. |
| "In water" | Packed in water. |
| "In peach juice" | Packed in peach juice. |

§ 52.2606 *Fill of container for canned freestone peaches.* The standard of fill of container for canned freestone peaches is the maximum quantity of the peach units which can be sealed in the container and processed by heat to prevent spoilage, without crushing or breaking such ingredient. Canned freestone peaches that do not meet this requirement are "Below Standard in Fill."

§ 52.2607 *Recommended fill of container for canned "dietetic" and "solid-pack" freestone peaches.* The recommended fill of container for canned "dietetic" and "solid-pack" freestone peaches is not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container of "dietetic" or "solid-pack" freestone peaches be as full of peaches as practicable without impairment of quality and that the product occupy not less than 90 percent of the volume of the container.

§ 52.2608 *Recommended minimum drained weights for canned freestone peaches—(a) General.* The minimum drained weight recommendations for the various applicable styles in Table I or Table II are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purposes of these grades. The recommendations in Table I apply only when the drained weight determination is made immediately after processing. For the purposes of ascertaining compliance with the recommended minimum drained weights in Table I, "immediately after processing" means after the product has been cooled to room temperature and during a period of more than 8 hours to not more than 24 hours after processing.

(2) *Table II.* The recommendations in Table II apply when the drained weight determination is made at periods other than immediately after processing.

(b) *Method for ascertaining drained weight.* The drained weight of canned freestone peaches, canned "dietetic" freestone peaches, and canned "solid-pack" freestone peaches is determined by emptying the contents of the container; turning the pit cavities down in halves, upon a United States Standard No. 8 circular sieve of proper diameter containing 8 meshes to the inch (0.0937-inch ±3 percent, square openings) so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage, and allowing to drain for two minutes. The drained weight is the weight of the sieve and peaches less the weight of the dry sieve. A sieve 8 inches in diameter is used for the equivalent of No. 3 size cans (404×414) and smaller, and a sieve 12 inches in diameter is used for containers larger than the equivalent of the No. 3 size can.

§ 52.2609 *Compliance with recommended drained weights.* Compliance with the recommended drained weights for canned freestone peaches, canned "dietectic" freestone peaches, and canned "solid-pack" freestone peaches is determined by averaging the drained weights from all of the containers which are representative of a specific lot and such lot is considered as meeting the recommendations if the following criteria are met:

(a) The average of the drained weights from all of the containers meets the recommended drained weight;

(b) One-half or more of the containers meet the recommended drained weight; and

(c) The drained weights from the containers which do not meet the recommended drained weight are within the range of variability for good commercial practice.

TABLE I—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR CANNED FREESTONE PEACHES

(Determined immediately after processing)

| Container designations (metal, unless otherwise stated) | Container size, overall dimensions | | Halves, quarters, and mixed pieces of irregular sizes and shapes | | Sliced, in any liquid medium |
|---|---|---|---|---|---|
| | Width | Height | In extra heavy sirup | In liquid medium other than extra heavy sirup and including "dietetic" packs | |
| | *Inches* | *Inches* | *Ounces* | *Ounces* | *Ounces* |
| 8 Z tall | 2 13/16 | 3 1/16 | 4 1/2 | 4 1/2 | 4 1/2 |
| 8-ounce glass | | | 4 1/2 | 4 1/2 | 4 1/2 |
| No. 1 tall | 3 1/16 | 4 13/16 | 8 1/2 | 8 1/2 | 8 1/2 |
| No. 303 | 3 1/16 | 4 1/16 | 8 1/2 | 8 1/2 | 8 1/2 |
| 303 glass | | | 8 1/2 | 8 1/2 | 8 1/2 |
| No. 2 | 3 1/16 | 4 9/16 | 10 1/2 | 11 | 11 1/4 |
| No. 2½ | 4 1/16 | 4 13/16 | 15 1/2 | 16 | 15 1/2 |
| No. 2½ glass | | | 14 1/2 | 15 | 15 1/2 |
| No. 10 | 6 3/16 | 7 | 53 | 60 | 57 |
| | | | "Solid pack"; all applicable styles | | |
| No. 2½ | 4 1/16 | 4 13/16 | *Ounces* 24 | | |
| No. 10 | 6 3/16 | 7 | 90 | | |



TABLE II—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR CANNED FREESTONE PEACHES

| Container designations (metal, unless otherwise stated) | Container size, overall dimensions | | Halves, quarters, and mixed pieces of irregular sizes and shapes | | Sliced, in any liquid medium |
|---|---|---|---|---|---|
| | Width | Height | In extra heavy sirup | In liquid medium other than extra heavy sirup and including "dietetic" packs | |
| | *Inches* | *Inches* | *Ounces* | *Ounces* | *Ounces* |
| 8 Z tall | 2 13/16 | 3 1/16 | 4 3/4 | 5 | 4 3/4 |
| 8-ounce glass | | | 4 3/4 | 5 | 4 3/4 |
| No. 1 tall | 3 1/16 | 4 13/16 | 9 1/2 | 9 3/4 | 9 1/2 |
| No. 303 | 3 3/16 | 4 5/16 | 9 1/2 | 9 3/4 | 9 1/2 |
| 303 glass | | | 9 1/2 | 9 3/4 | 9 1/2 |
| No. 2 | 3 5/16 | 4 9/16 | 11 1/4 | 12 | 12 |
| No. 2½ | 4 1/16 | 4 13/16 | 16 1/2 | 17 | 16 1/2 |
| No. 2½ glass | | | 15 1/4 | 16 1/4 | 16 |
| No. 10 | 6 3/16 | 7 | 60 | 65 | 62 |
| | | | "Solid pack"; all applicable styles | | |
| No. 2½ | 4 1/16 | 4 13/16 | *Ounces* 24 | | |
| No. 10 | 6 3/16 | 7 | 90 | | |

FACTORS OF QUALITY

§ 52.2610 *Ascertaining the grade—* (a) *General.* In addition to considering other requirements outlined in the standards the following quality factors are evaluated:

(1) *Factors not rated by score points in canned freestone peaches other than "solid-pack" freestone peaches.* (i) Varietal characteristics.

(ii) Flavor and odor.

(2) *Factors not rated by score points in canned "solid-pack" freestone peaches.* (i) Flavor and odor.

(3) *Factors rated by score points in canned peaches.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

| | Points |
|---|---|
| (i) Color | 20 |
| (ii) Uniformity of size and symmetry | 20 |
| (iii) Absence of defects | 30 |
| (iv) Character | 30 |
| Total score | 100 |

(b) *Definition of flavor and odor.* "Normal flavor and odor" means that the canned peaches are free from objectionable flavors and objectionable odors of any kind.

§ 52.2611 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

§ 52.2612 *Color—*(a) *General.* (1) The color of canned freestone peaches other than canned "spiced" peaches refers to the predominating and characteristic color on the backs of halved units, on the surface of whole units, and the exterior surface of other units, excluding such portions which were obviously near or part of the pit cavity.

(2) The colors, "Orange-yellow" and "yellow", in this section mean a color equal to or better in color than "USDA Canned Freestone Peach, Orange-Yellow" and "USDA Canned Freestone Peach, Yellow", respectively. Information regarding these color standards may be obtained by writing to the Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, U. S. Department of Agriculture, Washington 25, D. C.

(3) The factor of color for canned "spiced" peaches is not based on any detailed requirement and is not scored but the color shall be normal for canned "spiced" peaches; the other three factors (uniformity of size and symmetry, absence of defects, and character as applicable) are scored and the total is multiplied by 100 and divided by 80, dropping any fractions to determine the total score.

(b) *(A) classification.* Halves, quarters, slices, whole, or mixed pieces of irregular sizes and shapes of canned freestone peaches that possess a good color may be given a score of 18 to 20 points. Mixed pieces of irregular sizes and shapes of canned freestone peaches that score 18 to 20 points shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a partial limiting rule). "Good color" means that the canned freestone peaches possess a typical orange-yellow color of properly ripened, properly prepared, and properly processed canned freestone peaches which color is practically uniform and free from brown color due to oxidation; and that none of the units possess a "fairly good color."

(c) *(B) classification.* Halves, quarters, slices, whole, or mixed pieces of irregular sizes and shapes of canned freestone peaches that possess a reasonably good color may be given a score of 16 or 17 points. Mixed pieces of irregular sizes and shapes of canned freestone peaches that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a partial limiting rule). "Reasonably good color" means that the canned freestone peaches possess a typical orange-yellow color of properly ripened, properly prepared, and properly processed canned freestone peaches which color is reasonably uniform; that the units are practically free from any brown color due to oxidation which color may affect no more than slightly the appearance or edibility, or both, of the product; and that not more than 10 percent, by count, of the units may possess "fairly good color," exclusive of slight brown color resulting from oxidation; or one unit in a container is permitted to possess such "fairly good color": *Provided,* That in all containers comprising the sample such units do not exceed an average of 10 percent of the total number of units.

(d) *(C), (D), (C–SP) and (D–SP) classifications.* Halves, quarters, slices, whole, or mixed pieces of irregular sizes and shapes of canned freestone peaches that possess a fairly good color; and halves, quarters, slices, or mixed pieces of irregular sizes and shapes of canned "solid-pack" freestone peaches that possess a fairly good color or better color may be given a score of 14 or 15 points. Canned freestone peaches or canned "solid-pack" freestone peaches that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard or U. S. Grade C Solid-Pack or U. S. Standard Solid-Pack, whichever is applicable, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the units of freestone peaches may vary noticeably in shades of a typical yellow color of fairly well-ripened and properly processed canned freestone peaches; and that not more than 5 percent, by count, of the units may be off-color or possess brown color due to oxidation or one unit in a container is permitted to possess such color: *Provided,* That such unit does not materially affect the appearance of the product.

(e) *(SStd) and (SStd–SP) classification.* Canned freestone peaches and canned "solid-pack" freestone peaches that fail to meet the requirements of paragraph (d) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard or Substandard Solid-Pack, whichever is applicable, regardless of the total score for the product (this is a limiting rule).

§ 52.2613 *Uniformity of size and symmetry—*(a) *General.* The factor of uniformity of size and symmetry for mixed pieces of irregular sizes and shapes of canned freestone peaches and all applicable styles of canned "solid-pack" freestone peaches is not based on any detailed requirements and is not scored; the other three factors (color, absence of defects, and character as applicable) are scored and the total is multiplied by 100 and divided by 80, dropping any fractions to determine the total score.

(b) *Off-suture cut.* "Off-suture cut" in halved or quartered canned freestone peaches means a halved or quartered unit which has been cut at a distance from the suture greater than 3/8 inch at the widest measurement from the suture.

(c) *Broken slice.* A "broken slice" in the style of slices is a unit that has had the semblance of a slice with respect to thickness and shape but is less than three-fourths of an apparent full slice and that does not bear marks of crushing. In determining the allowances in terms of percentage by count, broken slices aggregating the equivalent of an average size slice shall be considered as one unit.

(d) *Sliver.* A "sliver" in the style of slices is a sector that is substantially smaller than the general size of slices or that weighs 3 grams or less.

(e) *Slab.* A "slab" in the style of slices is a portion of a unit which does not conform to the shape of a definite slice due to improper cutting.

(f) (*A*) *classification.* Halves, quarters, slices, or whole canned freestone peaches that are practically uniform in size and symmetry may be given a score of 18 to 20 points. "Practically uniform in size and symmetry" has the following meanings with respect to the following styles of canned freestone peaches:

(1) *Halves; quarters; whole.* The weight of the largest full-size unit does not exceed the weight of the smallest full-size unit by more than 50 percent; the weight of each half is not less than 3/5 ounce; the weight of each quarter is not less than 3/10 ounce; and not more than 10 percent, by count, of the units in the style of halves or quarters may possess off-suture cuts. One unit in a container is permitted to possess an off-suture cut if such unit exceeds the allowance of 10 percent, by count: *Provided*, That in all containers comprising the sample, such units do not exceed an average of 10 percent of the total number of units.

(2) *Slices.* Not more than a total of 10 percent, by count, of the units may be broken, slivers, and slabs: *Provided*, That not more than 5 percent, by count, are slabs; and excluding broken slices, slivers, and slabs that may be present, the variation in size of the other units does not affect more than slightly the appearance of the product.

(g) (*B*) *classification.* Halves, quarters, slices, or whole canned freestone peaches that are reasonably uniform in size and symmetry may be given a score of 16 or 17 points. "Reasonably uniform in size and symmetry" has the following meanings with respect to the following styles of canned freestone peaches:

(1) *Halves; quarters; whole.* The weight of the largest full-size unit does not exceed the weight of the smallest full-size unit by more than 60 percent; the weight of each half is not less than 3/5 ounce; the weight of each quarter is not less than 3/10 ounce; and not more than 20 percent, by count, of the units in the style of halves or quarters may possess off-suture cuts. One unit in a container is permitted to possess an off-suture cut if such unit exceeds the allowance of 20 percent, by count: *Provided*, That in all containers comprising the sample such units do not exceed an average of 20 percent of the total number of units.

(2) *Slices.* Not more than a total of 15 percent, by count, of the units may be broken, slivers, and slabs: *Provided*, That not more than 7½ percent, by count, are slabs; and excluding broken slices, slivers, and slabs that may be present, the variation in size of the other units does not affect materially the appearance of the product.

(h) (*C*) *classification.* Halves, quarters, slices, or whole canned freestone peaches that are fairly uniform in size and symmetry may be given a score of 14 or 15 points. Canned freestone peaches that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a partial limiting rule). "Fairly uniform in size and symmetry" has the following meanings with respect to the following styles of canned freestone peaches:

(1) *Halves; quarters; whole.* The weight of the largest full-size unit may be not more than twice the weight of the smallest full-size unit; the weight of each half is not less than 3/5 ounce; the weight of each quarter is not less than 3/10 ounce; and not more than 40 percent, by count, of the units in the style of halves or quarters may possess off-suture cuts.

(2) *Slices.* Not more than a total of 25 percent, by count, of the units may be broken, slivers, and slabs: *Provided*, That not more than 12½ percent, by count, are slabs.

(i) (*D*) *and* (*SStd*) *classification.* Canned freestone peaches of the applicable styles which fail to meet paragraph (h) of this section may be given a score of 0 to 13 points and shall not be graded above the following stated grade, regardless of the total score for the product (this is a limiting rule):

(1) Halves, quarters, or whole canned freestone peaches in which the weight of the largest full-size unit is more than twice the weight of the smallest full-size unit shall not be graded above U. S. Grade D and are also "Below Standard in Quality—Mixed Sizes."

(2) Halves of canned freestone peaches in which the weight of any half is less than 3/5 ounce shall not be graded above U. S. Grade D and are also "Below Standard in Quality—Small Halves."

(3) Quarters of canned freestone peaches in which the weight of any quarter is less than 3/10 ounce shall not be graded above U. S. Grade D and are also "Below Standard in Quality—Small Quarters."

(4) Sliced canned freestone peaches shall not be graded above U. S. Grade D.

§ 52.2614. *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from harmless extraneous material (such as stems or leaves and portions thereof), from pit material, from peel, from blemished units, from units that are crushed or broken for the applicable style, and from any other defects which detract from the appearance or edibility of the product.

(1) *Blemished.* "Blemished" or "blemished units" means units that are blemished with scab, hail injury, discoloration, or other abnormality which affects materially the appearance or edibility, or both, of the unit.

(2) *Crushed or broken.* "Crushed or broken" means that:

(i) a unit in halves, quarters, or whole style of canned freestone peaches is "crushed" if the unit has definitely lost its normal shape and bears marks of crushing or is otherwise crushed not due to ripeness; and

(ii) a unit in halves, quarters, or whole style of canned freestone peaches is "broken" if severed into definite parts; halves of canned freestone peaches that are slightly or partially split from the edge to the pit cavity are not considered broken. Portions equivalent to a full-size unit that has been broken are considered as one unit in determining the percentage by count.

(3) *Pit material.* "Pit material" means any whole pit in other than whole style or any portion of a peach pit, regardless of size, except when whole peach pits or peach kernels are permitted as seasoning ingredients in other than whole style.

(b) (*A*) *classification.* Halves, quarters, slices, whole, or mixed pieces of irregular sizes and shapes of canned freestone peaches that are practically free from defects may be given a score of 27 to 30 points. Mixed pieces of irregular sizes and shapes of canned freestone peaches that score 27 to 30 points shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a partial limiting rule). "Practically free from defects" means that the canned freestone peaches are practically free from pit material, from harmless extraneous material, and from any defects not specifically mentioned that affect the appearance or edibility of the product, and, in addition, has the following meanings with respect to the following styles of canned freestone peaches:

(1) *Halves; quarters; whole.* Not more than an average of ½ square inch of peel for each pound of contents may be present; not more than 5 percent, by count, of the units may be crushed or broken; and not more than 5 percent, by count, of the units may be blemished. One unit in a container is permitted to be crushed or broken and one unit in a container is permitted to be blemished if any of such units exceed the respective allowances of 5 percent, by count: *Provided*, That in all containers comprising the sample such crushed or broken units do not exceed an average of 5 percent of the total number of units and such blemished units do not exceed an average of 5 percent of the total number of units.

(2) *Sliced; mixed pieces of irregular sizes and shapes.* Not more than an average of ½ square inch of peel for each pound of contents may be present; and not more than 3 percent, by count, of the units may be blemished. One unit in a container is permitted to be blemished if such unit exceeds the allowance of 3 percent, by count: *Provided*, That in all containers comprising the sample such blemished units do not exceed an average of 3 percent of the total number of units.

(c) (*B*) *classification.* Halves, quarters, slices, whole, or mixed pieces of irregular sizes and shapes of canned freestone peaches that are reasonably free from defects may be given a score of 24 to 26 points. Canned freestone peaches that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the canned freestone peaches are practically free from pit material, are reasonably free from harmless extraneous material, and from any defects not specifically mentioned that affect the appearance or edibility of the product, and, in addition, has the following meanings with respect to the following styles of canned freestone peaches:

(1) *Halves; quarters; whole.* Not more than an average of ½ square inch of peel for each pound of contents may be present; not more than 5 percent, by count, of the units may be crushed or broken; and not more than 10 percent, by count, of the units may be blemished. One unit in a container is permitted to be crushed or broken and one unit in a container is permitted to be blemished if any of such units exceed the respective allowances of 5 percent and 10 percent, by count: *Provided*, That in all containers comprising the sample such crushed or broken units do not exceed an average of 5 percent of the total number of units and such blemished units do not exceed an average of 10 percent of the total number of units.

(2) *Slices; mixed pieces of irregular sizes and shapes.* Not more than an average of ½ square inch of peel for each pound of contents may be present; and not more than 6 percent, by count, of the units may be blemished. One unit in a single container is permitted to be blemished if such unit exceeds the allowance of 6 percent, by count: *Provided*, That in all containers comprising the sample such blemished units do not exceed an average of 6 percent of the total number of units.

(d) (*C*) *classification.* Halves, quarters, slices, whole, or mixed pieces of irregular sizes and shapes of canned freestone peaches that are fairly free from defects may be given a score of 21 to 23 points. Canned freestone peaches that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the canned freestone peaches are practically free from pit material, are fairly free from harmless extraneous material and from any defects not specifically mentioned that affect the appearance or edibility of the product, and, in addition, has the following meanings with respect to the following styles of canned freestone peaches:

(1) *Halves; quarters; whole.* Not more than an average of 1 square inch of peel for each pound of contents may be present; not more than 5 percent, by count, of the units may be crushed or broken; and not more than 20 percent, by count, of the units may be blemished. One unit in a container is permitted to be crushed or broken and one unit in a container is permitted to be blemished if any of such units exceed the respective allowances of 5 percent and 20 percent, by count: *Provided*, That in all containers comprising the sample such blemished units do not exceed an average of 20 percent of the total number of units.

(2) *Slices; mixed pieces of irregular sizes and shapes.* Not more than an average of 1 square inch of peel for each pound of contents may be present; and not more than 20 percent, by count, of the units may be blemished.

(e) (*D*) *classification.* Canned freestone peaches of any style which fail to meet the requirements of paragraph (d) of this section but which meet the requirements of this paragraph may be given a score of 0 to 20 points and shall not be graded above U. S. Grade D, regardless of the total score for the product (this is a limiting rule). Halves, quarters, and whole canned freestone peaches that are thereby U. S. Grade D may also be "Below Standard in Quality"—"Partly Crushed or Broken" or "Unevenly Trimmed," or both. Canned freestone peaches of U. S. Grade D with respect to "absence of defects" are practically free from pit material, are fairly free from harmless extraneous material and from any defects not specifically mentioned that affect materially the appearance or edibility of the product, and, in addition:

(1) Not more than an average of 1 square inch of peel for each pound of contents may be present;

(2) In the style of halves, quarters, or whole, any amount of crushed or broken units may be present; and

(3) Not more than 20 percent, by count, of the units may be blemished. One unit in a container is permitted to be blemished if such unit exceeds the allowance of 20 percent, by count: *Provided*, That in all containers comprising the sample such blemished units do not exceed an average of 20 percent of the total number of units.

(f) (*SStd*) *classification.* Canned freestone peaches that fail to meet the applicable requirements of paragraph (e) of this section may be given a score of 0 to 20 points and shall not be graded above the following stated grades, as applicable, regardless of the total score for the product (this is a limiting rule).

(1) Halves, quarters, and whole canned freestone peaches shall not be graded above Substandard and may also be "Below Standard in Quality" for the applicable reasons:

(i) Not well peeled.

(ii) Partly crushed or broken.

(iii) Unevenly trimmed.

(iv) Blemished.

(2) Slices and mixed pieces of irregular sizes and shapes of canned freestone peaches shall not be graded above Substandard and may also be "Below Standard in Quality" for the applicable reasons:

(i) Not well peeled.

(ii) Blemished.

(g) (*C–SP*) *classification.* Halves, quarters, slices, or mixed pieces of irregular sizes and shapes of canned "solid-pack" freestone peaches that are fairly free from defects for canned "solid-pack" freestone peaches may be given a score of 21 to 23 points. Canned "solid-pack" freestone peaches that fall into this classification shall not be graded above U. S. Grade C Solid-Pack or U. S. Standard Solid-Pack, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects for canned 'solid-pack' freestone peaches" means that the canned "solid-pack" freestone peaches are practically free from pit material, are fairly free from harmless extraneous material and from any defects not specifically mentioned that affect the appearance or edibility of the product, and, in addition, no more than the following defects may be present:

(1) An average of 1 square inch of peel for each pound of contents; and

(2) 2 blemished units for each pound of contents.

(h) (*D–SP*) *classification.* Halves, quarters, slices, or mixed pieces of irregular sizes and shapes of canned "solid-pack" freestone peaches which fail to meet the requirements of paragraph (g) of this section but which meet the requirements of this paragraph may be given a score of 0 to 20 points and shall not be graded above U. S. Grade D Solid-Pack, regardless of the total score for the product (this is a limiting rule). Canned "solid-pack" freestone peaches of "U. S. Grade D Solid-Pack" with respect to "absence of defects" are practically free from pit material, are fairly free from harmless extraneous material and from any defects not specifically mentioned that affect materially the appearance or edibility of the product, and, in addition, no more than the following defects may be present:

(1) An average of 1 square inch of peel for each pound of contents;

(2) 4 blemished units for each pound of contents.

(i) (*SStd–SP*) *classification.* Halves, quarters, slices, or mixed pieces of irregular sizes and shapes of canned "solid-pack" freestone peaches that fail to meet the requirements of paragraph (h) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard Solid-Pack, regardless of the total score for the product (this is a limiting rule).

§ 52.2615 *Character*—(a) *General.* The factor of character refers to the degree of ripeness, the texture, and tenderness of the product.

(b) (*A*) *classification.* Halves, quarters, slices, whole, or mixed pieces of irregular sizes and shapes of canned freestone peaches that possess a good character may be given a score of 27 to 30 points. Mixed pieces of irregular sizes and shapes of canned freestone peaches that score 27 to 30 points shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a partial limiting rule). "Good character" has the following meanings with respect to the various styles of canned freestone peaches:

(1) *Halves; quarters; slices; mixed pieces of irregular sizes and shapes.* The units are pliable and possess a tender, fleshy texture typical of well-ripened, properly prepared, and properly processed canned freestone peaches; the units are free from noticeable stringiness or toughness; the units may be soft or slightly frayed but not mushy; the halves of peaches may have a tendency to flatten and may be slightly frayed; and not more than 10 percent, by count, of all the units may possess a "reasonably good character." One unit in a container is permitted to possess a "reasonably good character" if such unit exceeds the allowance of 10 percent, by count: *Provided*, That the appearance or eating quality, or both, is not more than slightly affected by the character of such unit.

(2) *Whole.* The units possess a tender texture typical of well-ripened, properly prepared, and properly processed canned freestone peaches; the units are uniformly intact; and not more than 10 percent, by count, of all the units may possess a "reasonably good character." One unit in a container is permitted to possess a "reasonably good character" if such unit exceeds the allowance of 10 percent, by count: *Provided*, That the appearance or eating quality, or both, is not more than slightly affected by the character of such unit.

(c) (*B*) *classification.* Halves, quarters, slices, whole, or mixed pieces of irregular sizes and shapes of canned freestone peaches that possess a reasonably good character may be given a score of 24 to 26 points. Mixed pieces of irregular sizes and shapes of canned freestone peaches that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a partial limiting rule). "Reasonably good character" has the following meanings with respect to the following styles of canned freestone peaches:

(1) *Halves; quarters, slices; mixed pieces of irregular sizes and shapes.* The units possess a texture typical of properly ripened freestone peaches that are properly processed; the texture is reasonably fleshy; the units may be soft or materially frayed but not mushy or may be slightly firm or variable in tenderness within the unit; the halves of peaches may have a decided tendency to flatten and may be materially frayed; and not more than 10 percent, by count, of the units may possess a fairly good character, except for mushy units. One unit in a container is permitted to possess such fairly good character if such unit exceeds the allowance of 10 percent, by count: *Provided*, That the appearance or eating quality, or both, is not affected materially by the character of such unit.

(2) *Whole.* The units possess a texture of properly processed freestone peaches; the units are reasonably tender or the tenderness may be variable within the unit; the units may be slightly firm or slightly soft but are not mushy; and not more than 10 percent, by count, of the units may possess a fairly good character, except for mushy or not tender units. One unit in a container is permitted to possess such fairly good character if such unit exceeds the allowance of 10 percent, by count: *Provided*, That the appearance or eating quality, or both, is not affected materially by the character of such unit.

(d) (*C*) *classification.* Halves, quarters, slices, whole, or mixed pieces of irregular sizes and shapes of canned freestone peaches that possess a fairly good character may be given a score of 21 to 23 points. Canned freestone peaches that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good character" has the following meanings with respect to the following styles of canned freestone peaches:

(1) *Halves; quarters; slices; mixed pieces of irregular sizes and shapes.* The units possess a texture of properly processed freestone peaches which may be variable in fleshiness but the texture is fairly fleshy; the units may be lacking uniformity of tenderness; the units may be very soft but not frayed to the extent that their normal shape is destroyed; and not more than 10 percent, by weight, of the drained freestone peaches may be mushy or units that are not tender.

(2) *Whole.* The units possess a texture of properly processed freestone peaches which may be variable; the units may be lacking uniformity of tenderness or may be markedly ragged or very soft; and not more than 10 percent, by count, of the units may be mushy or not tender. One unit in a single container is permitted to be mushy or not tender, if one unit exceeds the allowance of 10 percent by count: *Provided*, That in all containers comprising the sample, such units do not exceed an average of 10 percent of the total number of units.

(e) (*D*) *classification.* Canned freestone peaches of any style that meet the requirements of paragraph (d) of this section with respect to units that are not tender but which otherwise possess a noticeably variable texture with not more than 25 percent, by weight, of the drained canned freestone peaches that consist of mushy fruit may be given a score of 0 to 20 points and shall not be graded above U. S. Grade D, regardless of the total score for the product (this is a limiting rule).

(f) (*SStd*) *classification.* Canned freestone peaches of any style that fail to meet the applicable requirements of paragraph (d) or (e) of this section or that are "not tender" may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule). Halves, quarters, slices, whole, or mixed pieces of irregular sizes and shapes of canned freestone peaches that are "not tender" are also "Below Standard in Quality—Not Tender."

(g) (*C–SP*) *classification.* Halves, quarters, slices, or mixed pieces of irregular sizes and shapes of canned "solid-pack" freestone peaches that possess a fairly good character for canned "solid-pack" freestone peaches may be given a score of 21 to 23 points. Canned "solid-pack" freestone peaches that fall into this classification shall not be graded above U. S. Grade C Solid-Pack or U. S. Standard Solid-Pack, regardless of the total score for the product (this is a limiting rule). "Fairly good character for canned 'solid-pack' freestone peaches" means the product generally possesses a texture of properly processed freestone peaches which may be variable in tenderness or degree of softness in that reasonably intact units predominate although the balance may be mushy or may consist of fairly firm units.

(h) (*D–SP*) *classification.* Halves, quarters, slices, or mixed pieces of irregular sizes and shapes of canned "solid-pack" freestone peaches which fail to meet the requirements of paragraph (g) of this section and are extremely variable in tenderness or degree of softness, from mushy to firm but not excessively firm, may be given a score of 0 to 20 points and shall not be graded above U. S. Grade D Solid-Pack, regardless of the total score for the product (this is a limiting rule).

(i) (*SStd–SP*) *classification.* Halves, quarters, slices, or mixed pieces of irregular sizes and shapes of canned "solid-pack" freestone peaches that fail to meet the requirements of paragraph (h) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard Solid-Pack, regardless of the total score for the product (this is a limiting rule).

LOT CERTIFICATION TOLERANCES

§ 52.2616 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of canned freestone peaches the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, (1) such containers meet all of the applicable grade requirements of the factors of quality that are not rated by score points; (2) all containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification; and (3) with respect to those factors which are rated by score points:

(i) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(ii) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(iii) None of the containers falls more than one grade below the grade indicated by the average of such total scores; and

(iv) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample.

SCORE SHEET

§ 52.2617. *Score sheet for canned freestone peaches.*



| | |
|---|---|
| Size and kind of container | |
| Container mark or identification | |
| Label | |
| Net weight (ounces) | |
| Vacuum (inches) | |
| Drained weight (ounces) | |
| Solid pack ( ) Spiced ( ) | |
| If in a liquid packing medium: | |
| Brix measurement | |
| Sirup designation (extra heavy, heavy, etc.) | |
| Style (halves) (quarters) (whole), etc. | |
| Count (halves, quarters, whole) | |

| Factors | | Score points |
|---|---|---|
| Color | 20 | (A) [2] 18-20<br>(B) [2] 16-17<br>(C), (D), (C–SP), (D–SP) [1] 14-15<br>(SStd) and (SStd-SP) [1] 0-13 |
| Uniformity of size and symmetry | 20 | (A) 18-20<br>(B) 16-17<br>(C) [2] 14-15<br>(D) and (SStd) [1] 0-13 |
| Absence of defects | 30 | (A) [2] 27-30<br>(B) [1] 24-26<br>(C) and (C–SP) [1] 21-23<br>(D), (D–SP), (SStd), and (SStd-SP) [1] 0-20 |
| Character | 30 | (A) [2] 27-30<br>(B) [2] 24-26<br>(C) and (C–SP), [1] 21-23<br>(D), (D–SP), (SStd), and (SStd-SP) [1] 0-20 |
| Total score | 100 | |

| | |
|---|---|
| Varietal characteristics ( ) Similar ( ) Dissimilar | |
| Normal flavor and odor | |
| Grade | |

[1] Limiting rule.
[2] Partial limiting rule.

Dated: April 27, 1956.

[SEAL] F. R. BURKE,
*Acting Deputy Administrator, Marketing Services.*

[F. R. Doc. 56-3438; Filed, May 1, 1956; 8:52 a. m.]

## [ 7 CFR Part 1001 ]

LIMES GROWN IN FLORIDA

NOTICE OF PROPOSED AMENDMENT OF RULES AND REGULATIONS

Notice is hereby given that the Department is considering the proposed amendment, as hereinafter set forth, of the rules and regulations (7 CFR 1001.110 et seq.; Subpart-Rules and Regulations; 20 F. R. 6017) currently in effect pursuant to the marketing agreement, as amended, and Order No. 101 (7 CFR, Part 1001; 20 F. R. 4179), regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

All persons who desire to submit written data, views, or arguments for consideration in connection with such proposed amendment should do so by forwarding the same to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D. C., not later than the tenth day after the publication of this notice in the FEDERAL REGISTER.

The proposed amendment of the rules and regulations, which has been recommended by the Florida Lime Administrative Committee, the agency established under the marketing agreement and order to administer the provisions thereof, is as follows:

1. Amend paragraph (b) of § 1001.120 *Handler registration* by changing the period at the end thereof to a colon and adding immediately thereafter the following: "*Provided*, That such applicant shall have been issued for the current season a certificate of registration pursuant to section 601.40 of the Florida Citrus Code covering the packing house in which limes are to be handled."

2. Amend § 1001.130 *Limes not subject to regulation* by adding thereto immediately following paragraph (a) of such section, a new paragraph reading as follows:

(b) The term "commercial processing into products," as used in paragraph (c) of § 1001.56, means the manufacture of any lime product which has been preserved by any recognized commercial process, including canning, freezing, dehydrating, drying, the addition of chemical substances, or by fermentation. Limes handled for conversion into juice without further processing or preservative treatment, as herein described, shall be deemed fresh limes subject to all regulations under this part.

Dated: April 27, 1956.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-3437; Filed, May 1, 1956; 8:51 a. m.]

## FEDERAL HOME LOAN BANK BOARD

## [ 24 CFR Part 163 ]

[No. 9531]

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PROMOTIONAL OPERATIONS

APRIL 26, 1956.

Resolved that, pursuant to Part 108 of the General Regulations of the Federal Home Loan Bank Board (24 CFR Part 108) and § 167.1 of the rules and regulations for Insurance of Accounts (24 CFR 167.1), it is hereby proposed that, pursuant to sections 402, 403, 48 Stat. 1256, 1257 (12 U. S. C. 1725, 1726), Part 163 of the rules and regulations for Insurance of Accounts (24 CFR Part 163) be amended by an amendment the substance of which is as follows:

Section 163.24 (24 CFR 163.24) is hereby amended by adding at the end thereof the following four new sentences: "An insured institution shall not give for the opening of, or increasing the amount of, any account any give-away that has a monetary value in excess of $2.50, and if it gives for the opening of, or increasing the amount of, any account any give-away that has a monetary value not in excess of $2.50 it shall, during the entire period in which the same is made available to any person, make the same give-away available to each person who opens an account of $50 or more. The monetary value of any give-away so given shall be the cost thereof to the insured institution and the insured intsitution shall keep in its records for a period of at least two years suitable evidence of such cost. If the give-away is purchased or obtained by the insured institution together with, in connection with, or at the same time as another item or other items from the same supplier, not identical therewith, such value shall be deemed to be the then current regular selling price or charge of the supplier on separate sales or dispositions thereof in the quantity included, and the insured institution shall in such case obtain, and keep in its records for a period of at least two years, a signed statement by such supplier of such regular selling price or charge. As used in the foregoing provisions of this section, the term 'give' means to give, to sell or dispose of for less than full monetary value as hereinbefore defined, or with any agreement or undertaking, contingent or otherwise, for repurchase or redemption, whether total or partial, or to offer, promise, or agree to do any of the foregoing; the term 'give-away' means any money, property, service, or other thing of value, whether tangible or intangible; and the term 'account' means an account of an insurable type."

Resolved further, that all interested persons are hereby given the opportunity to submit written data, views, or arguments as to whether said proposed amendment should be adopted or shall be modified and adopted as modified.

All such written data, views, or arguments must be received through the mail or otherwise at the office of the Secretary, Federal Home Loan Bank Board, Federal Home Loan Bank Board Building, 101 Indiana Avenue NW., Washington, D. C., not later than the close of business on June 1, 1956, to be entitled to be considered, but any received later may be considered in the discretion of the Federal Home Loan Bank Board.

By the Federal Home Loan Bank Board.

[SEAL] J. FRANCIS MOORE, *Secretary.*

[F. R. Doc. 56-3435; Filed, May 1, 1956; 8:51 a. m.]

# NOTICES

## DEPARTMENT OF DEFENSE

### Department of the Army

EDWIN M. CLARK

APPOINTEE'S STATEMENT OF PERSONAL BUSINESS INTERESTS

Employment without compensation under section 710 (b) of the Defense Production Act.

Pursuant to section 101 (a) of Executive Order 10647 (section 710 (b) of the Defense Production Act of 1950 as amended) notice is hereby given of the appointment of Mr. Edwin M. Clark as Chief of the St. Louis Ordnance District on March 30, 1956, in the Department of the Army. Mr. Clark is presently employed by the Southwestern Bell Telephone Company. Mr. Clark's statement of his personal business interests is set forth below.

Dated: April 26, 1956.

JOHN W. MARTYN, *Administrative Assistant.*

The following statement lists the names of concerns required by section 302 (b) (subsection 710 (b) (6) of the Defense Production Act of 1950, as amended).

3. This appointment requires immediate submission of six (6) copies of a statement of personal business interests by the appointee for publication in the FEDERAL REGISTER containing the following:

(a) The names of any corporation in which he is, or within sixty (60) days preceding his appointment has been an officer or director.

Southwestern Bell Telephone Company.
Mercantile Trust Company.
General American Life Insurance Company.
A. S. Aloe Company.
Scruggs-Vandervoort-Barney, Inc.

(b) The names of any corporation in which he owns, or within sixty (60) days preceding his appointment has owned any stocks, bonds, or other financial interests.

Southwestern Bell Telephone Company.
Mercantile Trust Company.
A. S. Aloe Company.
Amerlan Telephone and Telegraph Company.
Scruggs-Vandervoort-Barney, Inc.
Radio Corporation.

(c) The names of any partnerships in which he is, or within sixty (60) days preceding his appointment has been, a partner.

None.

(d) The names of any other businesses in which he owns, or within sixty (60) days preceding his appointment has owned, any similar interests.

None.

Dated: April 11, 1956.

E. M. CLARK.

[F. R. Doc. 56-3415; Filed, May 1, 1956; 8:48 a. m.]

## POST OFFICE DEPARTMENT

CERTAIN OFFICIALS

DELEGATIONS OF AUTHORITY

1. The following is the text of Order No. 00641 of the Assistant Postmaster General, Bureau of Transportation, dated March 23, 1956:

Pursuant to order of the Postmaster General No. 55778, dated November 24, 1954 (19 F. R. 8226), the authority vested in the Assistant Postmaster General, Bureau of Transportation, by Order No. 55064 dated March 5, 1953 (18 F. R. 8458), and Order No. 55141 dated May 1, 1953 (18 F. R. 8458), is redelegated as follows, effective April 1, 1956:

(1) To all Regional Directors and Regional Transportation Managers, to take final action in their own names with respect to the handling of matters relating to the authorization of fines and deductions against railroads for irregularities in handling and transporting mail pursuant to Title 39, U. S. Code, sections 539, 563, 567, 568, and 570, and the regulations covering the transportation of mail by railroads (20 F. R. 10099, §§ 92.8 (h), 93.16), and the Postal Manual, Subchapter 510, Part 511.47.

(2) To Regional Directors and Regional Transportation Managers in all regions, except the Memphis, Cincinnati, St. Louis and Wichita Regions, to take final action in their own names with respect to the handling of matters relating to the imposition of fines against United States International and Overseas air carriers for delays, damage to the mail and equipment, and irregularities connected with the transportation of mail by aircraft.

2. The following is the text of Order No. 123 of the Assistant Postmaster General, Bureau of Facilities, dated March 28, 1956:

(A) Pursuant to authority of Order No. 55734, dated September 21, 1954 (19 F. R. 6169), authority is hereby delegated to John L. VanBuskirk, Assistant Regional Real Estate Manager, Bureau of Facilities, to take final action in the name of Ormonde A. Kieb, Assistant Postmaster General, Bureau of Facilities, with respect to the procurement of space for postal purposes as follows.

1. To make agreements for space on a month to month basis; or

2. To make agreements for space for holiday or seasonal needs for fixed periods not in excess of two months where the rental is not in excess of $10,000 a month, and to make agreements for space for fixed periods not in excess of six months to meet emergency conditions where the rental is not in excess of $5,000 a month; or

3. To make lease extension agreements for periods of not in excess of one year where the annual rental is $7,200 or less; or

4. To accept proposals to lease quarters for postal purposes (including garages and related facilities) when the term of the lease covered by the proposal is for ten years or less and where the annual rental specified in the lease covered by the proposal is $7,200 or less; or

5. To exercise or reject options to renew leases where the renewal term of the lease under the option is for five years or less, and the annual rental is $7,200 or less; or

6. To execute contracts or agreements for garage or packing space for periods of not in excess of one year where the annual rental is $7,200 or less; or

7. To cancel contracts or agreements for quarters for postal purposes (including garages and related facilities) entered into or extended under authority of paragraphs 3 and 6 of this order;

in the States of Idaho, Montana, Oregon, Washington, and the Territory of Alaska.

(B) This order shall be effective March 28, 1956.

(R. S. 161, 396, as amended; sec. 1 (b), 63 Stat. 1066; 5 U. S. C. 22, 133z-15, 369)

[SEAL] ABE MCGREGOR GOFF, *The Solicitor.*

[F. R. Doc. 56-3423; Filed, May 1, 1956; 8:49 a. m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

[Bureau Order 551, Amd. 22]

FUNCTIONS RELATING TO WELFARE MATTERS, AND TO FUNDS AND FISCAL MATTERS

REDELEGATION OF AUTHORITY

Order 551, as amended (16 F. R. 2939, 5456, 7467, 8252; 17 F. R. 3516, 7552; 18 F. R. 7305; 19 F. R. 1936, 3482, 3971, 4544, 4585, 7416; 20 F. R. 1562, 2694, 2894, 5442, 6590; and 21 F. R. 222, 503, 1455, 1455, 1905), is further amended as hereinafter indicated:

1. The heading Functions Relating to Medical Hospital and Nursing Services is retitled Functions Relating to Welfare Matters and a new section is added thereto to read as follows:

SEC. 254. *Appointment of guardians.* The approval of the appointment of guardians of Osage Indians pursuant to the provisions of the Act of February 27, 1925 (43 Stat. 1008).

2. A new section is added under the heading Functions Relating to Funds and Fiscal Matters to read as follows:

SEC. 267. *Deposit and expenditure of individual funds—Osage.* The exercise of any and all the authorities of the Commissioner set forth in 25 CFR Part 222.

W. BARTON GREENWOOD, *Acting Commissioner.*

APRIL 26, 1956.

[F. R. Doc. 56-3404; Filed, May 1, 1956; 8:46 a. m.]



### Bureau of Land Management

UTAH

RESTORATION ORDER UNDER FEDERAL POWER ACT; CORRECTION

APRIL 24, 1956.

Restoration order under Federal Power Act, Determinations DA-102, Utah, DA-103, Utah, DA-104, Utah, DA-106, Utah and DA-107, Utah, identified as F. R. Doc. 56-2339, filed March 28, 1956, 8:46 a. m. and appearing in FEDERAL REGISTER of March 29, 1956, page 1937, is corrected as follows:

This order should have borne date of March 21, 1956.

WM. N. ANDERSEN, *State Supervisor.*

[F. R. Doc. 56-3405; Filed, May 1, 1956; 8:46 a. m.]

UTAH

REVOCATION OF RESTORATION ORDER UNDER FEDERAL POWER ACT

APRIL 24, 1956.

Restoration order under Federal Power Act, Determination DA-100, Utah, identified as F. R. Doc. 56-2338, filed March 28, 1956, 8:46 a. m., and appearing in FEDERAL REGISTER of March 29, 1956, pages 1936-1937, is hereby revoked.

WM. N. ANDERSEN, *State Supervisor.*

[F. R. Doc. 56-3406; Filed, May 1, 1956; 8:46 a. m.]

UTAH

RESTORATION ORDER UNDER FEDERAL POWER ACT

APRIL 24, 1956.

Pursuant to determination DA-100, Utah, of the Federal Power Commission and in accordance with Order No. 541, section 2.5 of the Director, Bureau of Land Management, approved April 21, 1954 (19 F. R. 2473), it is ordered:

1. Subject to valid existing rights, provisions of existing withdrawals, and proposed withdrawals of record, the lands hereinafter described, so far as they are withdrawn and reserved for power purposes in Power Site Reserve No. 42 of July 2, 1910, are hereby restored to disposition under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818) as amended.

SALT LAKE MERIDIAN

T. 10 S., R. 18 E.,
Sec. 24, lot 4, SW¼SE¼ and S½SW¼;
Sec. 25, lots 1, 2, 3, and 4;
Sec. 26, lot 1.

The areas described total 289.78 acres of public land within the limits of Utah Grazing District No. 8.

2. The public lands lie along or near the right bank of the Green River about 105 river miles above Green River, Utah.

3. No application will be allowed under the homestead, desert land, or other nonmineral public land laws unless the lands have already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

4. Any disposition of the lands shall be also subject to stipulation that if and when the land is required in whole or in part for purposes of power development, and structures or improvements located thereon which shall be found to interfere with such power development shall be removed or relocated as may be necessary to eliminate interference with such power development without expense to the United States, its licensees or permittees.

5. The lands described shall be subject to application by the State of Utah for a period of 90 days from the date of this order for right-of-way for public highways or as a source of material for construction of such highways, in accordance with and subject to provisions of section 24 of the Federal Power Act, as amended; and special stipulation provision in the preceding paragraph.

6. Subject to any existing valid rights, withdrawals, or proposed withdrawals of record, and the requirements of applicable laws, the lands described in paragraph 1, are hereby opened to filing of applications, selections, and location in accordance with the following:

a. Applications and selections under the nonmineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraph:

(1) Application by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the application and claims mentioned in this paragraph.

(2) All valid applications under the Homestead and Desert Land laws by qualified veterans of World War II or the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; U. S. C. 279-284), as amended, presented prior to 10:00 a. m. on May 26, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00-a. m. on August 25, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above presented prior to 10:00 a. m. on August 25, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

7. Persons claiming veterans' preference rights under paragraph a-(2) above must enclose with their application proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims, must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

8. Inquiries concerning the above lands shall be addressed to Manager, Land Office, Bureau of Land Management, P. O. Box 777 (Post Office Building) Salt Lake City 10, Utah.

WM. N. ANDERSEN, *State Supervisor.*

[F. R. Doc. 56-3407; Filed, May 1, 1956; 8:46 a. m.]

## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

WASHINGTON

DESIGNATION OF AREAS FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), as amended, it has been determined that in the following named counties in the State of Washington a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources:

Washington: Benton, Chelan, Douglas, Okanogan, Yakima.

Accordingly, the above-named counties are hereby designated for making production emergency loans through December 31, 1956. Thereafter, such loans will be made only to applicants who previously received production emergency

loans and who can qualify for such loans under established policies and procedures.

Done at Washington, D. C., this 26th day of April 1956.

[SEAL] TRUE D. MORSE,
*Acting Secretary.*

[F. R. Doc. 56-3402; Filed, May 1, 1956; 8:45 a. m.]

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IDAHO

DISASTER ASSISTANCE; DESIGNATION OF AREAS FOR SPECIAL EMERGENCY LOANS

For the purpose of making emergency loans pursuant to Public Law 727, 83d Congress, as amended, it is determined that in the entire State of Idaho there is a need for agricultural credit which cannot be met for a temporary period from commercial banks, cooperative lending agencies, the Farmers Home Administration under its regular programs, or under Public Law 38, 81st Congress (12 U. S. C. 1148a-2), as amended, or other responsible sources.

Pursuant to the authority set forth above, such loans may be made to new applicants in the State of Idaho through June 30, 1956. Thereafter, such loans may be made in the State of Idaho only to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 27th day of April 1956.

[SEAL] TRUE D. MORSE,
*Acting Secretary.*

[F. R. Doc. 56-3441; Filed, May 1, 1956; 8:53 a. m.]

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## CIVIL AERONAUTICS BOARD

[Docket No. 7233, et al.]

PANAMA CITY, FLORIDA-ATLANTA INVESTIGATION

NOTICE OF ORAL ARGUMENT

In the matter of the applications for certificates or amendments to certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended, and the Board investigation pursuant to sections 401 (h) and 404 (a) of the act to determine whether the public interest requires through one-carrier service between Panama City, Fla., and Atlanta, Ga.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on May 16, 1956, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., April 26, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56-3436; Filed, May 1, 1956; 8:51 a. m.]

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## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11632, 11633; FCC 56 M-395]

PACIFIC TELEVISION, INC., AND KOOS, INC.

ORDER CONTINUING HEARING

In re applications of Pacific Television, Inc., Coos Bay, Oregon, Docket No. 11632, File No. BPCT-2046; Koos, Inc., Coos Bay, Oregon, Docket No. 11633, File No. BPCT-2052; for construction permits for new Television Broadcast Stations.

The Hearing Examiner having under consideration a motion (petition) for continuance of hearing filed by Pacific Television, Inc., on April 24, 1956;

It appearing that the hearing in this proceeding is currently scheduled to commence on April 30, 1956; and

It further appearing that Pacific Television, Inc. (petitioner herein) has also filed with the Commission a request for the assignment of another UHF channel to Coos Bay and that pending Commission action on this rule-making proceeding any hearing in the instant case would incur needless expense in time and money for the competing applicants; and

It further appearing that all other parties to this proceeding have consented to a grant of the continuance and to a waiver of the four-day rule;

*It is ordered,* This 25th day of April 1956, that the motion (petition) of Pacific Television, Inc., for continuance is granted and that the date for commencement of hearing is continued from April 30 to May 31, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3430; Filed, May 1, 1956; 8:50 a. m.]

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[Docket No. 11638; FCC 56M-399]

CAPITAL BROADCASTING CO. (KFNF)

ORDER CONTINUING HEARING

In re application of Capital Broadcasting Company (KFNF), Shenandoah, Iowa, Docket No. 11638, File No. BP-10222; for construction permit to change antenna-transmitter location and increase antenna height.

The Hearing Examiner having under consideration an oral request this date by counsel for the Capital Broadcasting Company (KFNF) for a continuance of the hearing in the above-entitled proceeding, which is presently scheduled for May 7, 1956, in order to permit the parties to take additional measurements; and

It appearing that counsel for all parties have concurred in said continuance;

*It is ordered,* This 25th day of April 1956, that the hearing now scheduled to commence on May 7, 1956, in this proceeding be, and the same is hereby, continued to June 6, 1956, at 10:00 a. m. in the offices of the Commission, in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3431; Filed, May 1, 1956; 8:50 a. m.]

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## FEDERAL POWER COMMISSION

[Docket No. G-10060]

UNION PRODUCING CO. AND UNITED GAS PIPE LINE CO.

ORDER MODIFYING ORDER INSTITUTING INVESTIGATION AND FIXING DATE OF HEARING

Union Producing Company (hereinafter referred to as Respondent) and United Gas Pipe Line Company (United Gas) filed on March 26, 1956, separate motions for extension of time and for modification of the Commission's order issued in the above-entitled matters, on March 9, 1956.

The Commission on its own motion issued its order of March 9, 1956, in the above-entitled matters instituting an investigation to determine whether Respondent is a natural-gas company within the meaning of the Natural Gas Act and fixing the date for hearing as May 21, 1956. The order further provided that on or before 20 days prior to such hearing Respondent and United Gas shall submit certain specified material to the Commission for consideration in this proceeding.

Upon consideration of certain facts and allegations set forth in the respective motions filed herein by Respondent and United Gas:

The Commission finds: It is in the public interest and it is necessary and appropriate in carrying out the provisions of the Natural Gas Act to modify, as hereinafter ordered, the order of the Commission, issued in this proceeding on March 9, 1956, at Docket No. G-10060.

The Commission orders:

(A) The order of the Commission issued March 9, 1956 at Docket No. G-10060 be and is hereby modified and amended to eliminate paragraphs (iv), (v) and (vi) from said order and substitute therefor the following as indicated below:

(iv) A legible geographic map showing the pipeline system of United Gas, the points of delivery of natural gas by United Gas to other natural gas pipeline companies and the facilities of such natural gas pipeline companies from such point of delivery to a point in an adjacent State.

(v) A combination flow diagram and map for each main operating district of United Gas, similar to that submitted by United Gas at Docket Nos. G-2019 and G-2074 (Hearing Exhibits 12, 13 etc.) showing the flow of gas through its main transmission system from points of receipt into the main transmission lines of United Gas to points of delivery by United Gas to others; however, such combination flow diagram and map, which is schematic in character, shall show schematically where any pipe lines of United Gas cross state lines. The volumes received by United Gas should be broken down at each point of receipt between those volumes received from Respondent and those aggregate volumes received from others. The names of the parties receiving gas from United Gas should be stated at each point of delivery together with the volumes received by each party. If convenient, tabulations of gas receipts and deliveries with appropriate key references to map locations may be used. The volumes of gas flowing shall be on a net annual basis for the year ended December 31, 1955 and on the actual system peak day of the 1955-56 winter season.

(vi) A flow chart similar to that submitted by United Gas as hearing Exhibit No. 121 in Docket No. G-1869, showing the flow of gas between the districts of United Gas, thus coordinating the separate district maps mentioned in (v). One flow chart should be submitted for the net annual flow for the year ended December 31, 1955, and one for the 1955-56 system peak day.

(B) Delete from paragraph (B) line 5 of said order "May 21" and substitute therefor "September 15".

Issued: April 26, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-3413; Filed, May 1, 1956; 8:48 a. m.]

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[Docket No. G-7424 etc.]

F. JULIUS FOHS ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

Take notice that each of the Applicants listed below has filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing such Applicant to continue to sell natural gas subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open for public inspection. These matters should be consolidated and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on the date and at the place hereinafter stated, concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) not less than ten days before the date of hearing. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request for waiver is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

The dockets, Applicants and material averments in applications to which reference is made above are as follows:

*Docket No.; Name and Address; Filing Date; Gas Field; and Purchaser*

G-7424; F. Julius Fohs, Cora B. Fohs and Lewis T. Lohman, Houston, Tex.; 12-1-54; Ada, Webster, Parish, La.; Arkansas-Louisiana Gas Company.

G-7425; G. J. Hollandsworth, A. R. Graves and A. Lee Parker, Longview, Tex.; 12-1-54; Carthage, Panola County, Tex.; Lone Star Gas Company.

G-7426; E. H. Almand, Trustee, and Harold G. Habenicht, Trustee, Kilgore, Tex.; 12-1-54; Carthage, Panola County, Tex.; Arkansas-Louisiana Gas Company.

G-7433; Rich Oil & Gas Company, Clarksburg, W. Va.; 12-1-54; Clay District, Ritchie County, W. Va.; Conaumers Gas Utility Company.

G-7434; Phil F. Martyn, Houston, Tex.; 12-1-54; Triple "A", San Patricio County, Tex.; United Gas Pipeline Company.

G-7437; W. H. Black, Great Bend, Kans.; 12-1-54; Kansas-Hugoton, Kearny County, Kans.; Colorado-Interstate Gas Company.

G-7438; J. E. Marshall, J. C. Smith, Lola Rafael Grogan, personally and as Guardian for Minors; 12-1-54; Lisbon, Claiborne Parish, La.; Hassie Hunt Trust.

G-7439; Bright-Schiff, a partnership, Dallas, Tex.; 12-1-54; Ragsdale, Bee County, Tex.; Wilcox Trend Gathering System Inc.

G-7440; Clayton N. Smith, Houston, Tex.; 12-1-54; Carthage, Panola County, Tex.; Texas Eastern Transmission Corporation.

G-7441; Falcon Seaboard Drilling Co. and Charles G. Dunwoody Jr., Tulsa, Okla.; 12-1-54; Heyser, Victoria, Calhoun Counties, Tex.; Tennessee Gas Transmission Company.

G-7443; Blacklog Oil & Gas Company, Inc., Paintsville, Ky.; 12-1-54; Blacklog Fork and Rockcastle Creek, Martin County, Ky.; United Fuel Gas Company.

G-7444; A. F. Morris, Factor, Huntington, W. Va.; 12-1-54; Union and Jefferson Districts, Lincoln County, W. Va.; South Penn Natural Gas Company.

G-7445; A. F. Morris, Agent, Huntington, W. Va.; 12-1-54; Union District, Lincoln County, W. Va.; United Fuel Gas Company.

G-7446; Russell Gas Company, Huntington, W. Va.; 12-1-54; Perrytown and McComas, Cabell County, W. Va.; South Penn Natural Gas Company.

G-7451; R. G. Peeler, Hereford, Tex.; 12-1-54; West Panhandle, Carson County, Tex.; Dorchester Corporation.

G-7469; E. R. Ball, Ellenboro, W. Va.; 12-1-54; Clay District, Ritchie County, W. Va.; Consumers Gas Utility Company.

G-7470; Thomas E. Sullivan, Nora G. Sullivan, Mary Lee Hancock, Thomas Sullivan, Jane M. Sullivan, Rose Curry, Kansas City, Mo.; 12-1-54; Hugoton, Grant County, Kans.; Panhandle Eastern Pipe Line Company.

G-7475; Jordan Drilling Company, a partnership, H. G. and S. F. Jordan, Krafco Container Corporation, The Beekman Corporation, John R. Van Kirk, A. W. Lasher, Sr., Mrs. Isabel Lasher and J. B. Friedman, Houston, Tex.; 12-1-54; Ace, Polk and San Jacinto Counties, Tex.; Tennessee Gas Transmission Company.

G-7549; Kendall Oil & Gas Company, C. T. Fleshman, a partner Clendenin, W. Va.; 12-2-54; Elk District, Kanawha County, W. Va.; Winifred Company.

G-7550; Rudco Oil & Gas Company, L. E. D. Company, Dan Russak, Lester Shoshone, and Earl Marcus, Rose Rudman, Executrix of I. Rudman's Estate; 12-2-54; Hagist Ranch, Duval County, Tex.; Texas Eastern Transmission Corporation, West Edmund, Logan, Kingfisher, Canadian and Oklahoma Counties, Okla.; Cities Service Gas Company, Westock Oil & Gas Company.

A public hearing will be held on the 28th day of May 1956, beginning at 9:30 a. m., e. d. s. t., in the hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the above applications.

[SEAL] LEON M. FUQUAY,
*Secretary.*

APRIL 26, 1956.

[F. R. Doc. 56-3432; Filed, May 1, 1956; 8:50 a. m.]

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[Docket No. G-7551 etc.]

JOE M. BURNHAM ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

Take notice that each of the Applicants listed below has filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing such Applicant to continue to sell natural gas subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open for public inspection. These matters should be consolidated and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on the date and at the place hereinafter stated, concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) not less than ten days before the date of hearing. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request for waiver is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

The dockets, Applicants and material averments in applications to which reference is made above are as follows:

*Docket No.; Name and Address; Filing Date; Gas Field; and Purchaser*

G–7551; Joe M. Burnham for himself and as Attorney in fact for sixteen others, Shreveport, La.; 12–2–54; Mooringsport, Caddo Parish, La.; Arkansas-Louisiana Gas Company.

G–7556; Midland Gas Corporation, Prestonsburg, Ky.; 12–2–54; Middle Creek, Floyd County, Ky.; Kentucky-West Virginia Gas Company.

G–7557; Henry's Inc., Wichita, Kans.; 12–2–54; McKinney, Clark County, Kans.; Northern Natural Gas Company.

G–7558; Garnett L. Dial, Branchland, W. Va.; 12–2–54; Branchland, Lincoln County, W. Va.; United Fuel Gas Company.

G–7559; Hal H. Dial Sr., and Hal H. Dial Jr., Branchland, W. Va.; 12–2–54; Branchland, Lincoln County, W. Va.; United Fuel Gas Company.

G–7562; T. F. Hunter Estate, Wichita Falls, Tex.; 12–2–54; East Panhandle, Collingsworth County, Tex.; Long Star Gas Company.

G–7565; T. M. Spears Oil and Gas Co., Prestonsburg, Ky.; 12–2–54; Johns Creek, Floyd County, Ky.; Kentucky-West Virginia Gas Company.

G–7566; Jno R. Jervis Oil and Gas Co., Prestonsburg, Ky.; 12–2–54; Cow Creek, Floyd County, Ky.; Kentucky-West Virginia Gas Company.

G–7567; Smith Oil and Gas Company, Prestonsburg, Ky.; 12–2–54; Right Beaver Creek, Knott County, Ky.; Kentucky-West Virginia Gas Company.

G–7568; Spring Branch Oil and Gas Co., Prestonsburg, Ky.; 12–2–54; Carr Creek, Knott County, Ky.; Kentucky-West Virginia Gas Company.

G–7569; Hunts Oil and Gas Co., Prestonsburg, Ky.; 12–2–54; Johns Creek, Pike County, Ky.; Kentucky-West Virginia Gas Company.

G–7570; Blackburn Oil and Gas Co., Prestonsburg, Ky.; 12–2–54; Johns Creek, Floyd County, Ky.; United Fuel Gas Company.

G–7571; Cline Oil and Gas No. 2, Prestonsburg, Ky.; 12–2–54; Johns Creek, Floyd County, Ky.; United Fuel Gas Company.

G–7572; Setser Oil and Gas Co., Prestonsburg, Ky.; 12–2–54; Johns Creek, Floyd County, Ky.; United Fuel Gas Company.

G–7573; America Jervis Oil and Gas Co., Prestonsburg, Ky.; 12–2–54; Johns Creek, Floyd County, Ky.; United Fuel Gas Company.

G–7574; Dicks Creek Oil and Gas Co., Prestonsburg, Ky.; 12–2–54; John Creek, Floyd County, Ky.; United Fuel Gas Company.

G–7575; Morrell Oil and Gas Co., Prestonsburg, Ky.; 12–2–54; Rockcastle Creek, Martin County, Ky.; United Fuel Gas Company.

G–7576; Brushy Oil and Gas Co., Prestonsburg, Ky.; 12–2–54; Brushy Creek, Pike County, Ky.; United Fuel Gas Company.

G–7577; Cline Oil and Gas Co., No. 1 Prestonsburg, Ky.; 12–2–54; Johns Creek, Floyd County, Ky.; United Fuel Gas Company.

G–7579; Claude H. Wansley, Jackson, Miss.; 12–2–54; Pistol Ridge, Forrest and Pearl River Counties, Miss.; United Gas Pipeline Company.

G–7580; Claude H. Wansley, Jackson, Miss.; 12–2–54; Baxterville, Lamar and Marion Counties, Miss.; United Gas Pipeline Company.

A public hearing will be held on the 29th day of May 1956, beginning at 9:30 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the above applications.

LEON M. FUQUAY,
*Secretary.*

APRIL 26, 1956.

[F. R. Doc. 56–3433; Filed, May 1, 1956; 8:51 a. m.]

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[Docket No. G–9900]

GULF INTERSTATE GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 26, 1956.

Take notice that Gulf Interstate Gas Company, Applicant, a Delaware corporation, having its principal place of business in Houston, Texas, filed on January 23, 1956, an application and on February 27, March 5, and April 6, 1956, supplements thereto, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing it to construct and operate certain additional natural gas facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application, which is on file with the Commission and open for public inspection.

The proposed facilities consist of the addition of one 2,000 horsepower natural gas engine with compressor at each of the Applicant's existing Compressor Stations Nos. 2, 4, 6 and 8 now located on the Applicant's transmission line in Kentucky, Tennessee, Mississippi and Louisiana.

The purpose of the application is to enable Applicant to increase its delivery at its existing delivery points at Means and Leach, Kentucky to United Fuel Gas Company, its sole customer, of natural gas purchased by United from various fields in Southern Louisiana. United has requested Applicant to install additional facilities which will enable it to increase its design capacity from 375,000 Mcf per day to 401,000 Mcf per day. Annual deliveries will also be increased from about 136,000,000 Mcf to about 148,000,000 Mcf, excluding company use requirements and that lost and unaccounted for.

Gulf indicates that its winter capacity with 20 percent overload will be about 424,000 Mcf per day at 14.73 psia using its existing and proposed facilities.

The total cost of construction is estimated to be $2,070,000 including engineering, inspection, administrative overhead, legal fees, construction interest and contingencies. Applicant intends to finance the proposed facilities from cash on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Thursday, May 24, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 11, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56–3434; Filed, May 1, 1956; 8:51 a. m.]

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## GENERAL SERVICES ADMINISTRATION

SECRETARY OF DEFENSE

DELEGATION OF AUTHORITY WITH RESPECT TO DISPOSAL OF 8.23 ACRES OF SURPLUS LAND AT NAVAL AIR STATION, ST. LOUIS, MO.

1. Pursuant to authority vested in me by the provisions of the Federal Property and Administrative Services Act of 1949, as amended, authority is hereby delegated to the Secretary of Defense to dispose of 8.23 acres of land, a part of the south portion, Naval Air Station, St. Louis, Missouri, by means deemed advantageous to the United States.

2. It has been determined that the 8.23 acres of land covered by this delegation of authority are surplus to the needs of the Federal Government.

3. The authority contained herein shall be exercised in accordance with the act and regulations issued thereto.

4. The authority delegated herein may be redelegated to any officer or employee of the Department of Defense.

5. This delegation of authority shall be effective as of the date hereof.

Dated: April 25, 1956.

FRANKLIN G. FLOETE,
*Administrator.*

[F. R. Doc. 56–3428; Filed, May 1, 1956; 8:50 a. m.]

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## INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 562, Taylor's I. C. C. Order No. 69]

DETROIT AND TOLEDO SHORE LINE RAILROAD CO.

DIVERSION OR REROUTING OF TRAFFIC

In the opinion of Charles W. Taylor, Agent, The Detroit and Toledo Shore Line Railroad Company, because of work stoppage, is unable to transport traffic routed over and to points on its lines.

*It is ordered,* That:

(a) Rerouting traffic: The Detroit and Toledo Shore Line Railroad Company, and its connections, is hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroads desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carriers rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipments on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 2:00 p. m., April 25, 1956.

(g) Expiration date. This order shall expire at 11:59 p. m., May 3, 1956, unless otherwise modified, changed, suspended or annulled.

*It is further ordered,* That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., April 25, 1956.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
*Agent.*

[F. R. Doc. 56–3410; Filed, May 1, 1956; 8:47 a. m.]

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[Rev. S. O. 562, Taylor's I. C. C. Order No. 69–A]

DETROIT AND TOLEDO SHORE LINE RAILROAD CO.

ORDER VACATING PREVIOUS ORDER

Upon further consideration of Taylor's I. C. C. Order No. 69 and good cause appearing therefor:



*It is ordered,* That:

(a) Taylor's I. C. C. Order No. 69, be, and it is hereby vacated and set aside.

(b) Effective date: This order shall become effective at 11:25 p. m., April 25, 1956.

*It is further ordered,* That this order shall be served upon the Asocisation of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., April 25, 1956.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
*Agent.*

[F. R. Doc. 56–3409; Filed, May 1, 1956; 8:47 a. m.]

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[Notice 110]

MOTOR CARRIER APPLICATIONS

APRIL 27, 1956.

Protests consisting of an original and two copies to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40), protest shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protest containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in forms of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, pre-hearing conference, taking of depositions, or other proceeding shall notify the Commission by letter or telegram within 30 days of publication of this notice in the FEDERAL REGISTER. Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operations of Motor Carrier properties sought to be acquired in an application under section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 629 Sub 10, filed April 17, 1956, HELM'S EXPRESS INC., 2700 Smallman Street, Pittsburgh 22, Pa. For authority to operate as a *common carrier,* transporting: *General commodities,* except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Deer Park, Northport, and Port Jefferson, N. Y., as off-route points in connection with applicant's regular route operations to and from New York, N. Y. Applicant is authorized to conduct operations in New Jersey, New York, Ohio, Pennsylvania, and West Virginia.

No. MC 1964 Sub 10, filed April 19, 1956, FRIEDERICH TRUCK SERVICE, INC., O'Fallon, Ill. Applicant's attorney: Delmar O. Koebel, 406 Missouri Avenue, East St. Louis, Ill. For authority to operate as a *common carrier,* over irregular routes, transporting: *Haydite,* in bulk, in truckloads, from Fairview, Ill. to points in Missouri.

No. MC 3151 Sub 10, filed April 17, 1956, BENDER & LOUDON MOTOR FREIGHT, INC., 221 East Center Street, Akron 4, Ohio. Applicant's attorney: Drew L. Carraway, Suite 618 Perpetual Building, 1111 E Street NW., Washington 4, D. C. For authority to operate as a *common carrier,* transporting: *General commodities,* except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the new plant of the Chevrolet Division of General Motors Corporation, located approximately six (6) miles southwest of Warren, Ohio in Lordstown Township, Trumbull County, Ohio, as an off-route point in connection with applicant's regular route operations (1) between Warren, Ohio and Akron, Ohio, over Ohio Highway 5, and (2) between Warren, Ohio and Canton, Ohio, over U. S. Highways 422 and 62. Applicant is authorized to conduct operations in Michigan and Ohio.

No. MC 8681 Sub 41, filed April 23, 1956, WESTERN AUTO TRANSPORTS, INC., 430 South Navajo Street, Denver, Colo. Applicant's attorney: Louis E. Smith, Suite 500, 1800 North Meridian Street, Indianapolis 2, Ind. For authority to operate as a *common carrier,* over irregular routes, transporting: *New and used automobiles* and *new and used trucks,* in truckaway service, in secondary movements, between points in Colorado, on the one hand, and, on the other, points in Kansas and Oklahoma. Applicant is authorized to conduct operations in California, Colorado, Idaho, Illinois, Iowa, Michigan, Missouri, Nevada, New Mexico, Utah, Washington and Wyoming.

No. MC 8948 Sub 35, filed April 16, 1956, WESTERN TRUCK LINES, LTD., 2835 Santa Fe Avenue, Los Angeles 58, Calif. Applicant's attorney: Lloyd R. Guerra, 2835 Santa Fe Avenue, Los Angeles, Calif. For authority to operate as a *common carrier,* transporting: *Class A, B, and C explosives, ammunition,* not included in Class A, B, and C explosives, and *component parts* of Class A, B, and C explosives and of ammunition not included in Class A, B, and C explosives, between Phoenix, Ariz., and points in California and Nevada in connection

with applicant's regular and irregular route operations from and to Phoenix in the transportation of general commodities other than explosives and ammunition. Applicant is authorized to conduct operations in Texas, California, Nevada and Arizona.

No. MC 14547 Sub 1, filed April 20, 1956, C. C. FEBIGER COMPANY, a corporation, Forrest Avenue, Essex, Mass. Applicant's attorney: George C. O'Brien, Ten State Street, Boston 9, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Gloucester and Boston, Mass., on the one hand, and, on the other, ports of entry located in Maine on or near the International Boundary line between the United States and Canada. Applicant is authorized to conduct operations in Massachusetts.

No. MC 26907 Sub 11, filed April 16, 1956, RIPON TRUCKING CO., a corporation, Oshkosh Street, Ripon, Wis. Applicant's attorney: Edward A. Solle, 715 First National Bank Building, Madison 3, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Building materials* and *roofing materials*, from Chicago Heights, Ill., to points in Wisconsin. Applicant is authorized to conduct operations in Illinois and Wisconsin.

No. MC 28439 Sub 65, filed April 17, 1956, DAILY MOTOR EXPRESS, INC., Pitt and Penn Streets, Carlisle, Pa. Applicant's attorney: James E. Wilson, Continental Building, 14th at K Street NW., Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Agricultural implements* and *agricultural machinery and parts*, from points in Lancaster and Juniata Counties, Pa., to points on the boundary line between the United States and Canada, at or near Buffalo, N. Y. and Niagara Falls, N. Y. Applicant is authorized to conduct operations in New York, New Jersey, Illinois, Indiana, Iowa, Alabama, Ohio, Kentucky, Maryland, Wisconsin, Texas, Oklahoma, Pennsylvania, Arkansas, Rhode Island, Connecticut, Maine, New Hampshire, Virginia, North Dakota, South Dakota, North Carolina, South Carolina, Vermont, Florida, Minnesota, Missouri, Nebraska, and Louisiana.

No. MC 29761 Sub 7, filed April 19, 1956, DE ROSA TRANSPORTATION, INC., 4511 South Kedzie Avenue, Chicago, Ill. Applicant's attorney: Jack Goodman, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Chicago, Ill. and points in Illinois within 25 miles of Chicago, and those in Lake County, Ind. on and north of U. S. Highway 30, on the one hand, and, on the other, (1) the site of the plant of the Ford Motor Company located near Wixom, Mich. and (2) the site of the Ford Motor Company Lincoln Division Plant, located near Macomb, Mich. Applicant is authorized to conduct operations in Illinois, Indiana, and Michigan.

No. MC 29938 Sub 4, filed April 19, 1956, WRIGHT TRUCKING, INC., 16 Main Street, Lowell, Mass. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, from Lowell, Mass., to Philadelphia, Pa., from Lowell over Massachusetts Highway 110 via Clinton, Mass., to Worcester, Mass. (also from Clinton, Mass., over Massachusetts Highway 70 to Worcester), thence over Massachusetts Highway 9 to West Brookfield, Mass., thence over Massachusetts Highway 67 to junction U. S. Highway 20, thence over U. S. Highway 20 to Springfield, Mass. (also from Worcester over Massachusetts Highway 12 to junction U. S. Highway 20 and thence over U. S. Highway 20 to Springfield), thence over U. S. Highway 5 to New Haven, Conn., and thence over U. S. Highway 1 via New York, N. Y., and Trenton, N. J., to Philadelphia, Pa., and return over the same routes, serving all intermediate points and the off-route points of Barre, Boston, Orange, Indian Orchard, North Weymouth, Cambridge, Haverhill, Lynn, Pittsfield, and Westfield, Mass., Bound Brook, South River, and Passaic, N. J., Norristown, Pa., Pascoag, R. I., Uncasville, Stafford Springs, Manchester, Mystic, Shelton and Kensington, Conn., points within ten (10) miles of Philadelphia, Pa., and those within fifteen (15) miles of Westford, Mass. Applicant is authorized to conduct operations in Massachusetts, Connecticut, Rhode Island, New Jersey, New York, and Pennsylvania.

No. MC 29977 Sub 5 (Amended), filed February 27, 1956, published in the March 14, 1956, issue on page 1621, BARNEY'S TRANSFER, INC., 2 Grove Street, Burlington, Vt. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Such merchandise as is dealt in by chain grocery and food business houses*, and in connection therewith, *equipment, materials* and *supplies* used in the conduct of such business, other than commodities in bulk, for persons (as defined in section 203 (a) of the Interstate Commerce Act), who operate chain grocery and food business houses, from North Haverhill, N. H., to Burlington, Swanton, Chester, Barre, South Royalton, Windsor, Waterbury, Morrisville, St. Johnsbury, Vergennes, Enosburg, Newport, Montpelier, Bellows Falls, Fairlee, Wells River, Island Pond, Middlebury, Rutland, Ludlow, Randolph, Springfield, Richmond, Hardwick, Lyndonville, and White River Junction, Vt., and *returned and refused shipments* and *empty used containers* from the destination points specified above to North Haverhill, N. H. Applicant is authorized to conduct operations in New Hampshire, New York and Vermont.

No. MC 30092 Sub 7, filed April 20, 1956, HERRETT TRUCKING COMPANY, INC., P. O. Box 118 Sunnyside, Wash. Applicant's attorney: George H. Hart, Central Building, Seattle 4, Wash. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Feed, flour and grain milling products*, between ports of entry located in Washington on the International Boundary line between the United States and Canada, on the one hand, and, on the other, points in Washington, Oregon, Idaho and California, and (2) *cottonseed meal*, from points in California to points in Oregon, Washington and Idaho. Applicant is authorized to conduct regular route operations in Oregon and Washington, and irregular route operations in Idaho, Oregon, and Washington.

NOTE: Applicant states that operations will be restricted against service to points on Vancouver Island, British Columbia.

No. MC 31600 Sub 406, filed April 16, 1956, P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham 54, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products, acids* and *chemicals*, in bulk, in tank vehicles, from Delaware City, Del., to points in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island and Vermont. Applicant is authorized to conduct operations in Massachusetts, New Hampshire, Maine, New York, Connecticut, Vermont, Rhode Island, New Jersey, Delaware, Pennsylvania, South Carolina, and North Carolina.

No. MC 34837 Sub 7 (amended), published on Page 2352, issue of April 11, 1956, filed March 30, 1956, RELIABLE TRANSPORT INCORPORATED, 1601 Wake Forest Road, P. O. Box 2323, Raleigh, N. C. Applicant's attorney: Harry F. Gillis, Mills Building, Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Norfolk, Hopewell and Richmond, Va., and points in Virginia within 10 miles of each, to points in North Carolina on and west of U. S. Highway 21. Applicant is authorized to conduct operations in Virginia and North Carolina.

No. MC 37896 Sub 6, filed April 2, 1956, YOUNGBLOOD TRUCK LINES, INC., Highway 25, Fletcher, N. C. Applicant's attorney: Robert R. Williams, Jr., Jackson Building, Asheville, N. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Cincinnati, Ohio and the Cincinnati, Ohio Commercial Zone, as defined by the Commission, and Fernald, Ohio, in pick-up and delivery service in connection with applicant's authorized operations from and to Cincinnati, Ohio and the Cincinnati, Ohio Commercial Zone, as defined by the Commission. Applicant is authorized to conduct operations in Ohio, North Carolina, South Carolina, Georgia, Tennessee and Kentucky.

No. MC 42329 Sub 123 (Amended), filed April 5, 1956, published in the April 18, 1956, issue, on page 2548, HAYES FREIGHT LINES, INC., 628 East Adams Street, Springfield, Ill. Applicant's attorney: Robert H. Levy, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring refrigeration, serving the site of the Chrysler Corporation Stamping Plant, near Twinsburg, Ohio, as an off-route point in connection with carrier's regular route operations between Cleveland and Canton, Ohio, over Ohio Highway 8.

No. MC 45194 Sub 3, (Correction) filed April 2, 1956, published in the April 13, 1956, issue on page 2548, LATTAVO BROTHERS, INC., 1620 Cleveland Avenue SW., Canton, Ohio. Applicant's attorney: Noel F. George, 44 East Broad Street, Columbus 15, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Iron and steel articles*, and *contractors' and builders' supplies and equipment*, between Neville Island and Coraopolis, Pa., on the one hand, and, on the other, points in that part of Ohio on and east of U. S. Highway 23.

NOTE: Applicant now has authority to serve under its Certificate No. MC 45194 transporting the above commodities between Neville Island and Coraopolis, Pa., on the one hand, and, on the other, points in that part of Ohio east of U. S. Highway 23. *The purpose of the instant application is to serve points on, as well as, east of U. S. Highway 23.*

No. MC 50034 Sub 23, filed April 19, 1956, COURIER EXPRESS, INC., 115 Montgomery Street, Logansport, Ind. Applicant's attorney: Robert W. Loser, 317 Chamber of Commerce Building, Indianapolis, Ind. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Lincoln Motor Division, Ford Motor Company plant located on Michigan Highway 218 and U. S. Highway 16 (between Novi and New Hudson) as an off-route point in connection with applicant's regular route operations. Applicant is authorized to conduct operations in Indiana, Michigan and Ohio.

No. MC 50069 Sub 172, filed April 18, 1956, REFINERS TRANSPORT & TERMINAL CORPORATION, 2111 Woodward Avenue, Detroit 1, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Corn Syrup*, in bulk, in tank vehicles, from Detroit, Mich., to points in Ohio.

No. MC 52709 Sub 63, filed April 17, 1956, RINGSBY TRUCK LINES, INC., 3201 Ringsby Court, Denver, Colo. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value and except livestock, household goods as defined by the Commission, commodities in bulk, commodities requiring special equipment and those injurious or contaminating to other lading, serving the plant site of The Glenn L. Martin Company, near Waterton (Kassler), Colo., as an off-route point in connection with applicant's authorized regular route operations to and from Denver, Colo. Applicant is authorized to conduct operations in California, Colorado, Illinois, Iowa, Nebraska, Utah and Wyoming.

No. MC 52869 Sub 46, filed April 18, 1956, NORTHERN TANK LINE, 8 South Seventh Street, Miles City, Mont. Applicant's attorney: Robert N. Burchmore, 2106 Field Building, Chicago, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, between points in Sheridan, Johnson, Campbell and Crook Counties, Wyo., and Big Horn County, Mont., on the one hand, and, on the other, Lodge Grass, Mont., and points within 5 miles thereof. Applicant is authorized to conduct operations in Montana, North Dakota, South Dakota and Wyoming.

No. MC 52920 Sub 21, filed April 24, 1956, PACIFIC HIGHWAY TRANSPORT, INC., Sixth Avenue South, and Holgate Streets, Seattle, Wash. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Class A, B and C explosives*, between Tacoma, Fort Lewis and Seattle, Wash., and points in Washington within 15 miles of each, on the one hand, and, on the other, Paine Field (near Everett), Wash. Applicant is authorized to conduct operations in Washington and Oregon.

No. MC 58212 Sub 8, filed April 20, 1956, J. H. MAAS, doing business as MAAS TRANSPORT, Highway 2 and 85 North, Williston, N. Dak. Applicant's attorney: John R. Davidson, American State Bank Building, Williston, N. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Mandan and Tioga, N. Dak., and points in North Dakota within 10 miles of each, to points in Sheridan, Daniels, Valley, Phillips, Garfield, McCone, Prairie, Dawson, Richland, Roosevelt, Fallon, Custer, Wibaux, Blaine, Hill, Liberty, Toole and Glacier Counties, Mont.

No. MC 59444 Sub 3, filed April 2, 1956, JAMES R. DENTON, 214 North Shaw, Richmond, Mo. Applicant's attorney: J. R. Rose, Jefferson City, Mo. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, fuels in bulk, commodities in bulk, and those requiring special equipment, (1) between Kansas City, Kans., and St. Joseph, Mo., over U. S. Highway 169, serving the intermediate points of Gashland, Nashua, Smithville, Trimble, Gower, Grayson and Linden, Mo., and the off-route point of Edgerton, Mo., (2) between Kansas City, Kans., and Carrollton, Mo., from Kansas City over U. S. Highway 69 to Excelsior Springs, Mo., thence over Missouri Highway 10 to Carrollton, and return over the same route, serving the intermediate points of North Kansas City, Liberty, Mosby, Excelsior Springs, Richmond, Hardin and Norbourne, Mo., and the off-route points of Rayville, Lawson, Camden and Morton, Mo., (3) between Kansas City, Kans., and Carrollton, Mo., over U. S. Highway 24, serving the intermediate points of Buckner, Levasy, Napoleon, Wellington, Lexington, Dover, Waterloo, Waverly, and Bowdry, Mo., and the off-route point of Mayview, Mo., (4) between junction U. S. Highway 69 and Missouri Highway 116, from junction U. S. Highway 69 and Missouri Highway 116 over Missouri Highway 116 to junction Missouri Highway 33, at Lathrop, Mo., thence over Missouri Highway 33 to junction U. S. Highway 69, northeast of Liberty, Mo., and return over the same route serving the intermediate points of Lathrop, Holt and Kearney, Mo., and the off-route point of Plattsburg, Mo., and (5) between Lexington, Mo., and Richmond, Mo., over Missouri Highway 13, serving the intermediate point of Henrietta, Mo.

NOTE: Applicant states no authority is sought to render service between Kansas City, Kans., and St. Joseph, Mo., but authority is sought to transport interstate shipments between Kansas City, Kans., and all other Missouri points except St. Joseph. Applicant is authorized to conduct operations in Kansas and Missouri.

No. MC 64819 Sub 1, filed April 18, 1956, C. D. GAMMON COMPANY, a corporation, 1958 West Carroll Avenue, Chicago, Ill. Applicant's attorney: Louis E. Smith, Suite 503, 1800 North Meridian Street, Indianapolis 2, Ind. For authority to operate as a contract carrier, over irregular routes, transporting: *Aluminum Products*, such as bars, plates, pipes, tubing, sheets, and *structural shapes*, such as channels, angles, beams, tees, and zees, from Chicago, Illinois to points in Indiana, and Wisconsin within 150 miles of Chicago, Ill., and *empty containers and other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return.

No. MC 69228 Sub 13, filed April 23, 1956, FUGATE & GIRTON DRIVEAWAY COMPANY, INC., 1500 Mitchell Boulevard, Springfield, Ohio. Applicant's attorney: Louis E. Smith, Suite 503, 1800 North Meridian Street, Indianapolis 2, Ind. For authority to operate as a common carrier, over irregular routes, transporting: (1) *Motor trucks, motor truck-tractors, motor truck chassis, motor vehicles* (except trailers) designed for transportation of passengers and property, with or without bodies, and *parts thereof*, in initial movements, in driveaway service, from Fort Wayne, Ind., and Springfield, Ohio, to points in the United States, and (2) the *same commodities as described in (1) above*, in secondary movements, in driveaway service, between points in the United States. *RESTRICTION:* Applied-for authority in (2) above to be restricted to transportation of vehicles which have previously been transported in initial movements from Fort Wayne, Ind., Springfield, Ohio, and Bridgeport, Conn. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states it presently holds authority similar to that sought in this application both as to commodity and territory to be served, and that the only purpose of filing this application is to clarify the commodity description.

No. MC 73165 Sub 157, filed April 18, 1956, EAGLE MOTOR LINES, INC., 830 North 33d Street, P. O. Box 1348, Birmingham, Ala. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cotton gin machinery* and *cotton gin machinery parts*, from Birmingham and Prattville, Ala., and Columbus, Ga., to points in California, Arizona and New Mexico. Applicant is authorized to conduct operations in Alabama and Texas.

No. MC 75320 Sub 73, filed April 11, 1956, CAMPBELL SIXTY-SIX EXPRESS, INC., 2333 East Mill Street, P. O. Box 390, Springfield, Mo. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between the junction of U. S. Highway 66 and Oklahoma Highway 33 and the junction of U. S. Highway 71 and Arkansas Highway 59, from junction U. S. Highway 66 and Oklahoma Highway 33 over Oklahoma Highway 33 to junction Oklahoma Highway 82, thence over Oklahoma Highway 82 to junction Oklahoma Highway 51, thence over Oklahoma Highway 51 to junction Arkansas Highway 156 at the Oklahoma-Arkansas state line, thence over Arkansas Highway 156 to junction Arkansas Highway 59, thence over Arkansas Highway 59 to junction U. S. Highway 71, and return over the same route, serving the intermediate points of Peggs, Gideon and Titanic, Okla., only and with no service at termini except for purposes of joinder only with applicant's authorized regular routes. Applicant is authorized to conduct operations in Alabama, Arkansas, Illinois, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas.

No. MC 76032 Sub 100, filed April 16, 1956, NAVAJO FREIGHT LINES, INC., 381 South Broadway, Denver 9, Colo. Applicant's attorney: O. Russell Jones, 54½ East San Francisco Street, Southwest Corner Plaza, Santa Fe, N. Mex. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the off-route points of Zuni Pueblo, Ramah and Crown Point, N. Mex., in connection with applicant's regular route authority between Los Angeles, Calif., and Albuquerque, N. Mex. Applicant is authorized to conduct operations in California, New Mexico, Arizona, Texas, Colorado, Illinois, Nebraska, Missouri, Iowa and Nevada.

No. MC 83726 Sub 2, filed April 18, 1956, CUMMINGS, INCORPORATED, Bolton Road, Vernon, Conn., Mail Address: Box 199, R. F. D. No. 1, Rockville, Conn. Applicant's attorney: William L. Mobley, 1694 Main Street, Springfield 3, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: *Brick*, from East Windsor Hill, Conn., to points in Massachusetts, Maine, New Hampshire, New Jersey, New York, Rhode Island, and Vermont. Applicant is authorized to conduct operations in Connecticut, Rhode Island, New York and Massachusetts.

No. MC 95211 Sub 1, filed April 5, 1956, JOE FORTUNER, 17 Devine Street, Carbondale, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household goods*, and *office equipment*, between points in Lackawanna, Pike, Susquehanna, and Wyoming Counties, Pa., bounded by a line beginning at Olyphant, Pa., and extending in an easterly direction to Greeley, Pa., thence northwest to Hallstead, Pa., thence southwest to Tunkhannock, Pa., and thence southeast to point of beginning, and points in Maine, New Hampshire, Massachusetts, Connecticut, Rhode Island, Vermont, District of Columbia, Maryland, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Ohio, Kentucky, Tennessee, Alabama, Illinois, Wisconsin, Missouri, Mississippi, Indiana, Michigan, Arkansas and Iowa.

No. MC 102567 Sub 55, filed April 19, 1956, EARL CLARENCE GIBBON, doing business as EARL GIBBON PETROLEUM TRANSPORT, West First and Broadway, Bossier City, La.; mailing address, P. O. Box 1822, Shreveport, La. Applicant's attorney: Jo E. Shaw, First National Bank Building, Houston, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid commodities*, in bulk, in tank vehicles, between the site of International Paper Company located (1) at or near Bastrop, La., on the one hand, and, on the other, points in Arkansas, Mississippi, and Texas; (2) the site of the International Paper Company Plant at or near Pine Bluff, Ark., on the one hand, and, on the other, points in Louisiana, Mississippi, and Texas. Applicant is authorized to conduct operations in Texas, Louisiana, Mississippi, Arkansas, Oklahoma, Tennessee, Alabama, and Georgia.

No. MC 103248 Sub 20, filed April 6, 1956, PETROLEUM TRANSPORT, INC., P. O. Box 289, Madison 1, Wis. Applicant's attorney: John Falk Murphy, P. O. Box 289, Madison 1, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, and *liquefied petroleum gas*, in bulk, in tank vehicles, from Eola, and Aurora, Ill., and points within 10 miles thereof, to points in Wisconsin.

No. MC 107515 Sub 222, filed April 9, 1956, REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 15, Ga. Applicant's attorney: Allan Watkins, Grant Building, Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen eggs, frozen poultry*, and *frozen dinners*, from Marshall, Moberly, Macon, Milan, Carrollton, and St. Joseph, Mo. to points in Tennessee, except Memphis, and those in Alabama, Georgia, Florida, North Carolina, and South Carolina; *frozen pies*, from Marshall, Moberly, Macon, Milan, Carrollton, and St. Joseph, Mo. to points in Tennessee, except Memphis, and those in North Carolina, and South Carolina. Applicant is authorized to conduct operations in Georgia, Tennessee, Louisiana, North Carolina, South Carolina, Florida, Alabama, Mississippi, Illinois, Indiana, Kentucky, Michigan, Missouri, Ohio, Wisconsin, Minnesota, Oklahoma, Texas, Iowa, Nebraska, and Arkansas.

No. MC 108248 Sub 5, filed April 18, 1956, SHAW TRUCKING, INCORPORATED, 235 Williams Street, DuBois, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fertilizer* and *fertilizer materials*, in bulk, in bags, and *Agricultural insecticides*, in bulk, in bags, or drums, from the plant of the Pennsylvania Salt Manufacturing Company, Paulsboro (Gloucester County), N. J., to points in Clearfield, Jefferson, Clarion, and Indiana Counties, Pa., and points in Armstrong County, Pa., north of U. S. Highway 422. Applicant is authorized to conduct operations in Ohio, New York, Maryland, and Pennsylvania.

No. MC 108676 Sub 5, filed April 16, 1956, A. J. METLER, 101 Chicamauga Avenue NE., Knoxville, Tenn. Applicant's attorney: F. G. Asquith, 425 Church Avenue SW., Knoxville 42, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Commodities*, which because of size or weight, require the use of special equipment, or special handling, and *parts thereof*, or *accessories thereto*, when transported with such commodities, and *commodities requiring special services*, between Knoxville, Tenn., and points within 125 miles of Knoxville, and points in Alabama, Georgia, Kentucky, North Carolina, South Carolina, Tennessee and Virginia. RESTRICTION: The transportation proposed is subject to a minimum weight of 20,000 pounds.

NOTE: Applicant states the phrase "commodities requiring special services" means the transportation of machinery and parts in case of a breakdown in a plant requiring immediate service to either replace the machine or the transportation of the machine to a plant which can repair the machine or the transportation of parts for the machine.

No. MC 108905 Sub 13, filed April 12, 1956, JASPER & CHICAGO MOTOR EXPRESS, INC., Indiana Highways 45 and 56, Jasper, Ind. Applicant's attorney: John E. Lesow, 632 Illinois Building, 17 West Market Street, Indianapolis 4, Ind. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, (1) between Huntingburg, Ind. and Boonville, Ind., from Huntingburg over Indiana Highway 45 to junction Indiana Highway 62, and thence over Indiana Highway 62 to Boonville, and return over the same routes, serving all intermediate points; (2) between Holland, Ind. and Dale, Ind., from Holland over unnumbered highway to Dale and return over the same route, serving all intermediate points; (3) serving Sheldon, Ill. as an off-route point in connection with applicant's authorized regular route operations between Chicago, Ill. and Huntingburg, Ind. over U. S. Highways 41 and 52 and Indiana Highways 37, 56, and 45; (4) serving Borden, Ind. as an off-route point in connection with applicant's authorized regular route operations between Indiana points over Indiana Highways 135, 335, and unnumbered highways, and between Louisville, Ky. and Paoli, Ind. over U. S. Highway 150. Applicant is authorized to conduct operations in Illinois, Kentucky, and Tennessee.

No. MC 109818 Sub 4, filed April 5, 1956, ELDON WENGER, doing business as WENGER TRUCK LINE, Beaver, Iowa. Applicant's attorney: William A. Landau, 1307 East Walnut Street, Des Moines, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Iron and steel articles* from Peoria, Ill., to points in Iowa within 40 miles of Linden and Minburn, Iowa and south of U. S. Highway 30. Applicant is authorized to conduct operations in Iowa, Illinois, Nebraska, and Wisconsin.

No. MC 110190 Sub 35, filed April 18, 1956, PENN-DIXIE LINES, INC., P. O. Box 42, 2000 South George Street, York, Pa. Applicant's attorney: Robert R. Hendon, Investment Building, Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Rice, agricultural commodities*, and *fish (including shell fish)*, from points in Arkansas and Louisiana to points in Delaware, Maryland, New Jersey, New York, Pennsylvania and the District of Columbia. Applicant is authorized to conduct operations in Delaware, Louisiana, Maryland, Pennsylvania, New Jersey and New York.

NOTE: Applicant states the purpose of the application is to secure authority for the transportation of non-exempt and the above-described exempt commodities on the same vehicle at the same time.

No. MC 110284 Sub 3, filed April 17, 1956, H. W. MILLER TRUCKING COMPANY, a corporation, Hillsboro Road, P. O. Box 605 West Durham Station, Durham, N. C. Applicant's attorney: York & Boyd, 201–204 Jefferson Building, Greensboro, N. C. For authority to operate as a common carrier, over irregular routes, transporting: *Rejected shipments of foil, foil scrap, aluminum, lead, lead and tin or zinc*, with or without paper, paperboard or pulpboard back, in packages or on skids, and *empty pallets, skids and other equipment* used in connection with shipments of foil, from Durham, N. C., to Richmond, Va., and *empty containers or other such incidental facilities* used in transporting the commodities specified, on return.

No. MC 110525 Sub 301, filed April 13, 1956, CHEMICAL TANK LINES, INC., 520 Lancaster Avenue, Downingtown, Pa. Applicant's attorney: John R. Sims, Jr., Munsey Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Coal tar products, acids*, and *chemicals*, in bulk, in tank vehicles, (1) from points in Allegheny and Fayette Counties, Pa., to points in Alabama, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia, except from points in Allegheny County to points in Kentucky, and (2) from points in Union County, N. J., to points in Alabama, Georgia, Mississippi, North Carolina, South Carolina, Tennessee and Virginia. Applicant is authorized to conduct operations in Maryland, New Jersey, New York, Pennsylvania, Kentucky, West Virginia, Ohio, Delaware, Michigan, Illinois, Indiana, Virginia, North Carolina, Tennessee, District of Columbia, Connecticut, Massachusetts, Rhode Island, Iowa, Missouri, and Wisconsin.

No. MC 110525 Sub 304, filed April 19, 1956, CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Gerald L. Phelps and John R. Sims, Jr., Munsey Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Coal tar products, acids* and *chemicals*, in bulk, in tank vehicles, between points in Marshall County, Ky., on the one hand, and, on the other, points in Delaware, Illinois, Indiana, Iowa, Kansas, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Texas, Virginia, West Virginia, Wisconsin and the District of Columbia (except liquid chemicals and coal tar products between points in Marshall County, Ky., on the one hand, and, on the other, points in Allegheny County, Pa., Johnstown, Josephtown and Kobuta, Pa., and Fairmont, Morgantown and Follansbee, W. Va.). Applicant is authorized to conduct operations in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Virginia, West Virginia, Wisconsin and the District of Columbia.

No. MC 111159 Sub 25, filed April 23, 1956, MILLER PETROLEUM TRANSPORTERS, LTD., P. O. Box 1123, Jackson, Miss. Applicants attorney: Phineas Stevens, Suite 900 Milner Building, P. O. Box 141, Jackson, Miss. For authority to operate as a *common carrier*, over irregular routes, transporting: *Tallow*, in bulk, in tank vehicles, from Laurel and West Point, Miss., to New Orleans, La., and points within 15 miles thereof.

No. MC 111574, Sub 4, filed April 10, 1956, JOHN GIORDANO, doing business as EMMETT TRUCKING CO., 269 Emmett Street, Newark, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities, including household goods*, as defined by the Commission and *commodities requiring special equipment*, but excepting those of unusual value, Class A and B explosives, and commodities in bulk, between Elizabethport, N. J., on the one hand, and, on the other, Jersey City, Bayonne, Barber, Sewaren, Perth Amboy, Fanwood, Plainfield, Middlesex, Bound Brook, Finderne, Manville, Somerville, and Raritan, N. J. RESTRICTION: The service authorized herein is subject to the following conditions: The carrier shall serve only points which are stations on the Central Railroad Company of New Jersey. The service to be performed by applicant shall be limited to that which is auxiliary to, or supplemental of, rail service of the Central Railroad Company of New Jersey. Shipments transported by said applicant shall be limited to those moving on a through bill of lading covering, in addition to a motor-carrier movement by said applicant, an immediately prior or immediately subsequent movement by rail. Such further specific conditions as the Commission in the future may find it necessary to impose in order to restrict said carrier's operations to service which is auxiliary to, or supplemental of, rail service. Applicant holds authority to transport the above mentioned commodity in the states of New York and New Jersey under Docket No. MC 111574 and subs thereunder.

No. MC 113624 Sub 8, filed April 16, 1956, WARD TRANSPORT, INC., P. O. Box 133, Pueblo, Colo. Applicant's attorney: Marion F. Jones, Suite 526 Denham Building, Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, between points in Colorado, on the one hand, and, on the other, points in Nebraska. Applicant is authorized to conduct operations in Colorado, New Mexico, Kansas, Oklahoma, Texas, Wyoming and Nebraska.

No. MC 113651 Sub 11, filed April 19, 1956, INDIANA REFRIGERATOR LINES, INC., 13th and North Elm Street, Muncie, Ind. Applicant's attorney: Charles M. Pieroni, 523 Johnson Building, Muncie, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meat, meat products, and meat by-products*, as defined by the Commission, from Frankfort, Ind., to points in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, New Hampshire, South Carolina, Virginia, West Virginia, and the District of Columbia. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and the District of Columbia.

No. MC 113779 Sub 38, filed April 9, 1956, YORK INTERSTATE TRUCKING, INC., 8222 Market Street Road, P. O. Box 9686, Houston 15, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids and chemicals*, and *their mixtures*, in bulk, in tank vehicles, from North Seadrift, Orange, Port Neches, Texas City and Velasco, Tex., to points in Idaho, Montana, North Dakota, Oregon and Washington, and *contaminated shipments of the commodities specified* on return movements. Applicant is authorized to conduct operations in Arkansas, California, Florida, Louisiana, Mississippi, New Mexico, Oklahoma, Pennsylvania, Tennessee, and Texas.

No. MC 113779 Sub 39, filed April 20, 1956, YORK INTERSTATE TRUCKING, INC., 8222 Market Street Road, Houston, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fish oils* and *fish solubles*, in bulk, in tank vehicles, from Jefferson County, Tex., to points in Iowa, Kansas, and Oklahoma.

No. MC 114105 Sub 4, filed April 16, 1956, JOSEPH N. HEVERIN, doing business as HEVERIN TRANSPORTATION, 9–19 College Place, College Point, Long Island, N. Y. Applicant's attorney: Charles H. Trayford, 155 East 40th Street, New York 16, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Bakery products*, from New York, Port Chester and Buffalo, N. Y., Hoboken, N. J., Norwalk, Conn., and Philadelphia, Holland, Marysville, Scranton, Kingston and Downingtown, Pa., to points in Connecticut, Delaware, Maryland, New Jersey, New York, Pennsylvania and the District of Columbia. *Empty containers* and *unsold bakery products*, on return. Applicant is authorized to conduct operations in New York, Pennsylvania, Connecticut, New Jersey, and Massachusetts.

No. MC 114913 Sub 3, filed April 20, 1956, CLAUDE BUTLER, doing business as BUTLER TRUCKING CO., Box 405, Show Low, Ariz. Applicant's attorney: Joseph M. Montoya, Lensic Building, Suite 14, Santa Fe, N. Mex. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Lumber*, from Show Low, Ariz., to Alamogordo, N. Mex., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodity specified in this application on return movements.

NOTE: Applicant states that service will be made as M. R. Prestridge Lumber Company of Alamogordo, N. Mex., may from time to time designate.

No. MC 115524 Sub 2, filed November 14, 1956, (Amended) WILLIAM F. BURSCH, doing business as BURSCH TRUCKING, 4130 Edith Boulevard NE., Albuquerque, N. Mex. Applicant's attorney: William J. Torrington, 1210 Simms Building, Albuquerque, N. Mex. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Lumber*, between points in Arizona, Utah, Colorado, New Mexico, Texas, Oklahoma, and Kansas.

No. MC 115772, filed January 24, 1955, O. L. CUNNINGHAM, 2107 New York SW., Albuquerque, N. Mex. For authority to operate as a *contract carrier*, over regular routes, transporting: *Such merchandise as is dealt in by wholesale, retail, and chain grocery and food business houses*, and, in connection therewith, *equipment, materials, and supplies* used in the conduct of such business, from (1) Los Angeles, Calif., and the Los Angeles, Calif. Commercial Zone, as defined by the Commission to Liberal, Kans., from Los Angeles over U. S. Highways 60–70–99 to Indio, Calif., thence over U. S. Highway 60–70 to Wickenburg, Ariz., thence over U. S. Highways 60–70–89 to Apache Jct., Ariz.; thence over U. S. Highway 60–70 to Globe, Ariz.; thence over U. S. Highway 70 to junction U. S. Highway 54, and thence over U. S. Highway 54 to Liberal, Kans.; (2) from San Francisco, Calif. and the San Francisco, Calif. Commercial Zone, as defined by the Commission to Liberal, Kans., from San Francisco over U. S. Highway 50 to junction U. S. Highway 99, thence over U. S. Highway 99 to junction U. S. Highway 466, thence over U. S. Highway 466 to junction U. S. Highway 66, thence over U. S. Highway 66 to junction U. S. Highway 54, and thence over U. S. Highway 54 to Liberal; (3) from San Francisco over U. S. Highway 101 to Los Angeles and thence over the above-described routes to Liberal.

No. MC 115804 (amended), published on Page 1924, issue of March 28, 1956, filed February 9, 1956, VERN BELLOWS, doing business as BELLOWS AND BELLOWS, Cameron, Wis. Applicant's attorney: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cleaning, scouring or washing compounds, cooking oil fats, lard compounds, lard substitutes, soap, soap chips or flakes, soap powder or granules, vegetable oil stortening, foodstuffs*, and *advertising matter and premiums related thereto and moving therewith*, from Cameron, Wis., to points in Burnett, Washburn, Sawyer, Polk, Barron, Rusk, St. Croix, Dunn, Chippewa, Taylor (located on and west of Wisconsin Highway 73), and Eau Claire Counties, Wis.

NOTE: Service restricted to pool car or pool truck distribution.

No. MC 115811 (amended), published March 7, 1956 issue, page 1477, filed February 13, 1956, DONALD G. JACKSON, 11 South Jackson Avenue, Mason City, Iowa. Applicant's representative: R. J. Edwards, Mason City Traffic Bureau, 600 Fourth Street SW., P. O. Box 445, Mason City, Iowa. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Farm Bulk Coolers*, from Lake Mills & Fort Atkinson, Wis., to points in Iowa on and north of U. S. Highway 6. (2) *Creamery equipment: Can washers, dump tanks* and *weigh cans*, from Fond Du Lac, Wis., to points in Iowa on and north of U. S. Highway 6. (3) *Ice builders, ammonia and freon compressors*, from Milwaukee, Wis. to points in Iowa on and north of U. S. Highway 6. (4) *Caustic and washing compounds*, from Detroit and Midland, Mich. to Mason City, Iowa.

NOTE: Commodities are more fully described in application.

No. MC 115856, filed March 5, 1956, TRANSPORT DELIVERY COMPANY, A CORPORATION, Thompson Building, Tulsa, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquefied petroleum gasses*, in bulk, in tank vehicles, from Jefferson City, Mo., to points in Ringgold, Union, Madison, Dallas, Polk, Jasper, Poweshiek, Iowa, Johnson, Cedar, Clinton, Warren, Mahaska, Keokuk, Washington, Muscatine, Marion, Scott, Clarke, Lucas, Monroe, Wapello, Jefferson, Louisa, Decatur, Wayne, Appanoose, Davis, Van Buren, Henry, Des Moines and Lee Counties, Iowa. *Empty containers or other such incidental facilities* used in transporting the commodity specified, on return. Applicant is authorized to conduct operations in Missouri, Iowa and Illinois.

No. MC 115876 Sub 1, filed March 26, 1956, ERWIN HURNER, 1314 South Fifth Street, Moorhead, Minn. Applicant's attorney: Lee F. Brooks, First National Bank Building, Fargo, N. Dak. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Fluid milk and cream*, in bulk cans, and *sweetened condensed milk*, in bulk cans, and *powdered milk*, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, between points in the Fargo, N. Dak.-Moorhead, Minn., Commercial Zone, as defined by the Commission, on the one hand, and, on the other, points in Clay, Becker, Otter Tail, Hubbard, Wilkin, Wadena, and Norman Counties, Minn.; Bismarck, Minot, and Williston, N. Dak.; and Billings, Bozeman, Missoula, and Great Falls, Mont.

No. MC 115919 (amended), published on page 2675, issue of April 25, 1956, filed April 11, 1956, JAMES L. CALHOUN AND CLARENCE L. JOHNSON, doing business as CENTRAL TRANSPORT COMPANY, North Platte, Nebr. Applicant's attorney: R. E. Powell, 1005–6 Trust Building, Lincoln, Nebr. For authority to operate as a *common carrier*, over irregular routes, transporting: *Beer, malt liquors and malt beverages*, from St. Louis and St. Joseph, Mo., Milwaukee, Wis., and Peoria, Ill., to North Platte, Scottsbluff, Sidney and Chadron, Nebr., and *empty containers or other such incidental facilities* used in transporting the commodities specified on return.

No. MC 115920, filed April 12, 1956, ROBERT F. COX, doing business as TWIN CITY TRANSPORT, 609 North Cunningham Street, Urbana, Ill. Applicant's attorney: W. G. Winkelmann, 211 South Race Street, Urbana, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *House trailers*, in secondary movement, in tow-away service, from points in Illinois to points in the United States; *house trailers*, in secondary movement, in tow-away service, from points in the United States and points within 50 miles thereof, to points in Illinois, Tennessee, Kentucky, Missouri, Iowa, Wisconsin, Michigan, and Indiana.

No. MC 115924, filed April 23, 1956, SUGAR TRANSPORT, INC., 11700 Shaker Boulevard, Cleveland 20, Ohio. Applicant's attorney: Ewald E. Kundtz, 2507 Terminal Tower, Cleveland 13, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Liquid sugar*, in bulk, in tank vehicles, and *invert sugar*, in bulk, in tank vehicles, from Port Wentworth, Ga., to points in Florida, Georgia, North Carolina, South Carolina, and Chattanooga, Tenn., and the commercial zone thereof, as defined by the commission, and *returned shipments* of the above-specified commodities on return.

NOTE: Applicant states the applied-for transportation is to be performed under special and individual contracts or agreements with persons (as defined in section 203 (a) (1) of the Interstate Commerce Act) who operate manufacturing plants the principal business of which is the production of sugar.

No. MC 115937, filed April 17, 1956, CAMPBELL FUEL OIL COMPANY, a corporation, 206 South Third, Kelso, Wash. Applicant's attorney: H. Lawrence Lister, Equitable Building, Portland 4, Oreg. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Asphalt*, from Willbridge and Linnton, Oregon, to points in Cowlitz County, Wash.

No. MC 115939, filed April 6, 1956, HARRY L. BENNETT, doing business as BENNETT MOTOR TRANSPORT CO., 3130 Elizabeth Street, Pueblo, Colo. Applicant's attorney: Paul M. Hupp, 738 Majestic Building, Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Pipe* and *tubing*, iron or steel, with or without tool joints and couplings attached, from Minnequa, Colo., and points within 10 miles thereof, to points in Idaho, Montana, North Dakota, South Dakota, Nebraska, Wyoming, Utah, Colorado, Kansas, Oklahoma, Texas, New Mexico, and Arizona.

No. MC 115941, filed April 19, 1956, WILLARD CALVERT AND OSCAR CALVERT, doing business as CALVERT BROS. TRANSFER, 102 Trumbo Avenue, Morehead, Ky. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Household goods*, as defined by the Commission, from points in Rowan County, Ky., to points in Ohio, West Virginia, Indiana and Michigan, and *empty containers or other such incidental facilities* used in transporting the commodities specified on return.

No. MC 115944, filed April 23, 1956, WALTER B. COSPER, 782 Monroe Street, Denver, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Beer*, in containers, from Golden, Colo., to points in Arizona, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, on return.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 1501 Sub 123, filed April 23, 1956, THE GREYHOUND CORPORATION, 2600 Board of Trade Building, Chicago, Ill. Applicant's representative: W. E. Jones, P. O. Box 297, Lexington, Ky. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *express, newspapers* and *mail* in the same vehicle with passengers, between Lexington, Ky. and the junction of U. S. Highways 421 and 60, from Lexington over U. S. Highway 421 to junction U. S. Highway 62, thence over U. S. Highway 62 to Midway, then return over U. S. Highway 62 to junction U. S. Highway 421, and thence over U. S. Highway 421 to junction U. S. Highway 60, and return over the same routes, serving all intermedfate points. Applicant is authorized to conduct operations throughout the United States.

No. MC 114532 Sub 1, filed April 18, 1956, P. W. FLETCHER, doing business as IOWA CITY-CEDAR RAPIDS BUS LINE, 213 East College Street, Iowa City, Iowa. Applicant's attorney: Shephen Robinson, 1020 Savings & Loan Building, Des Moines, Iowa. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage, express* and *newspapers*, in the same vehicle with passengers, between Iowa City, Iowa and South English, Iowa, from Iowa City southwesterly on Iowa Highway 1 to junction Iowa Highway 22, thence west on Iowa Highway 22 to South English, and return over the same route, serving the intermediate points of Kalona, Wellman and Kinross. Applicant is authorized to conduct operations in Iowa.

No. MC 115936, filed April 17, 1956, ANDREW H. HOLTZ, doing business as HOLTZ TRANSPORTATION COMPANY, 834 Riverview Street, East Liverpool, Ohio. Applicant's attorney: Henry M. Wick, Jr., 1211 Berger Building, Pittsburgh, Pa. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage, express, mail* and *newspapers*, in the same vehicles with passengers, between Wellsville, Ohio and Midland, Pa., from Wellsville over Ohio Highway 7 to East Liverpool, thence over Ohio Highway 39 to the Ohio-Pennsylvania State Line, thence over Pennsylvania Highway 68 to Midland, and return over the same route, serving all intermediate points.

APPLICATIONS UNDER SECTIONS 5 AND 210 (a) (b)

No. MC–F 6253. Authority sought for control and merger by T. I. M. E. INCORPORATED, 2604 Texas Avenue, Lubbock, Texas, of the operating rights and property of SOUTHEASTERN TRUCK LINES, INC., Hill-Blanton Avenue, Nashville, Tenn., and for acquisition by A. R. DALBY, also of Lubbock, of control of such rights and property through the transaction. Applicant's attorney: W. D. Benson, Jr., 1105 Great Plains Life Building, Lubbock, Texas. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions including household goods, as a *common carrier* over regular routes, including routes between St. Louis, Mo., and Decaturville, Tenn., between Nashville, Tenn., and Atwood, Tenn., between East St. Louis, Ill., and Alton, Ill., between St. Louis, Mo., and junction U. S. Highway 51 and Kentucky Highway 94, between Fulton, Ky., and Mayfield, Ky., between Evansville, Ind., and Paducah, Ky., and between Hopkinsville, Ky., and Nashville, Tenn., serving certain intermediate and off-route points; three alternate routes for operating conveniences only; *general commodities*, with certain exceptions not including household goods, between Cincinnati, Ohio, and Atlanta, Ga., between junction U. S. Highway 51 and Tennessee Highway 94 near Fulton, Ky., and Jackson, Tenn., between Brownsville, Tenn., and Union City, Tenn., between Fulton, Ky., and Union City, Tenn., between Dresden, Tenn., and McKenzie, Tenn., between Memphis, Tenn., and Jackson, Tenn., between junction U. S. Highways 45 and 45W south of Humboldt, Tenn., and junction Kentucky Highway 94 and U. S. Highway 51, and between Nashville, Tenn., and Evansville, Ind., serving certain intermediate and off-route points; alternate route for operating convenience only between Madisonville, Ky., and Henderson, Ky.; *packing-house products and supplies*, from Mayfield, Ky., to Fulton, Ky., from Dyersburg, Tenn., to Covington, Tenn., from the Kentucky-Tennessee State line to Paris, Tenn., and from McKenzie, Tenn., to Decaturville, Tenn. Vendee is authorized to operate in Texas, Oklahoma, New Mexico, Arizona, California, Tennessee, and Arkansas. Application has been filed for temporary authority under section 210a (b).

No. MC 6254. Authority sought for purchase by KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis., of the operating rights of SERVICE DRIVEAWAY CORPORATION, 173 West Forhan Street, Long Beach, Calif., and for acquisition by N. DEMOS, also of Kenosha, of control of such rights through the purchase. Applicant's attorney: Louis E. Smith, 1800 North Meridian Street, Indianapolis, Ind. Operating rights sought to be transferred: *New automotive vehicles, finished, and unfinished, new automotive vehicle chassis, new automobiles, new trucks, new chassis*, restricted to initial movements, *automobiles, trucks*, and *chassis*, new, unused, and unfinished, restricted to secondary movements, *automobile bodies, automobile chassis*, and *automobile parts and accessories* moving in connection therewith, *automobile show equipment and paraphernalia*, and *farm and garden tractors and parts*, and accessories thereof moving in connection therewith, in initial movements, as a *common carrier* over irregular routes, in driveaway service, from, to and between points and areas, varying with the commodity transported, in Michigan, Texas, California, Missouri, Oklahoma, Maryland, Minnesota, Ohio, New York, Indiana, Illinois, Pennsylvania, Massachusetts, West Virginia, and New Jersey; *motor vehicles, bodies, cabs, trailers, chassis*, and *auto parts and accessories*, in truckaway and driveaway service, between points in Wayne County, Mich., and Warren Township, Macomb County, Mich. Vendee is authorized to operate in virtually all states and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6255. Authority sought for control of merger by CONSOLIDATED FREIGHTWAYS, INC., 2029 Northwest Quimby Street, Portland, Oreg., of the operating rights and property of RUTHERFORD FREIGHT LINES, INCORPORATED, 201 Pierce Street, Bristol, Va. Applicant's attorney: Donald A. Scahfer, 803 Public Service Building, Portland 4, Oreg. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions including household goods, as a *common carrier*, over regular routes, including routes between Kingsport, Tenn., and Bristol, Tenn.-Va., between Bristol, Tenn.-Va., and Richmond, Clinchport, Norton and North Holston, Va., between Bristol, Tenn.-Va., and Bluefield, W. Va., between Greensboro, N. C., and Bristol, Tenn.-Va.,

between Bristol, Tenn.-Va., and Rock Hill, S. C., between Rossville, Ga., and Bristol, Va., between Covington, Va., and High Point, N. C., and between Kingsport, Tenn., and Knoxville, Tenn., serving certain intermediate and off-route points; two alternate routes for operating convenience only; *general commodities*, with no exceptions, between Atlanta, Ga., and Chattanooga, Tenn., serving all intermediate and certain off-route points; and *books*, from Kingsport, Tenn., to Norfolk, Va.; *general commodities*, with certain exceptions including household goods, over irregular routes, between Bristol, Va., and Bristol, Tenn., and points within five miles of Bristol, Va.-Tenn.; *rayon and celanese yarn*, from Covington, Va., to points in North Carolina and South Carolina. CONSOLIDATED FREIGHTWAYS, INC., is authorized to operate in California, Idaho, Illinois, Iowa, Minnesota, Montana, Nevada, North Dakota, Oregon, Utah, Washington, Wisconsin, and Wyoming. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56-3411; Filed, May 1, 1956; 8:47 a. m.]

## OFFICE OF DEFENSE MOBILIZATION

C. E. WAMPLER

CHANGES IN APPOINTEE'S STATEMENT OF BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

*Additional Interests Acquired:* Sperry-Rand Corporation.

*Deletion:* National Distillers Products.

This amends statement previously published in the FEDERAL REGISTER, December 31, 1955 (20 F. R. 10177).

Dated: February 1, 1956.

C. E. WAMPLER.

[F. R. Doc. 56-3399; Filed, May 1, 1956; 8:45 a. m.]

[Expansion Goal No. 68, Rev. 5]

FREIGHT CARS

MODIFICATION OF EXPANSION GOAL

1. This expansion goal is modified to include an additional 59,000 cars over the original goal of 436,000 cars established April 11, 1952.

2. This goal covers cars for which firm orders were placed, or in the case of company built cars for which construction had been authorized on or before December 31, 1955.

Dated: April 27, 1956.

OFFICE OF DEFENSE MOBILIZATION,
VICTOR E. COOLEY,
*Acting Director.*

[F. R. Doc. 56-3398; Filed, May 1, 1956; 8:45 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 811-111]

DEPOSITED BANK SHARES, SERIES B-1

NOTICE OF MOTION TO TERMINATE REGISTRATION

APRIL 26, 1956.

Notice is hereby given that the Securities and Exchange Commission ("Commission") on its own motion, is proposing to declare by order, pursuant to section 8 (f) of the Investment Company Act of 1940 ("act") that Deposited Bank Shares, Series B-1 (the "Trust"), a registered investment company, has ceased to be an investment company.

The Trust was created as a unit investment trust on December 1, 1928, pursuant to a Trust Agreement between Bank and Insurance Shares, Inc., Depositor, and The Pennsylvania Company for Insurances on Lives and Granting Annuities (now The First Pennsylvania Banking and Trust Company), Trustee. In accordance with the terms of the Trust Agreement the Trust was terminated as of January 1, 1954.

Following termination of the Trust its assets were sold by the Trustee pursuant to the terms of the Trust Agreement for a net realization of $45,720, which sum was available for the certificate holders of the Trust.

The Trustee has distributed to certificate holders who surrendered their certificates an aggregate of $40,195.50 as at December 30, 1955, and holds an aggregate of $5,524.50 for distribution to the holders of unsurrendered certificates. The Trustee also holds $956.74 for unpresented coupons.

The Trustee represents that any funds held by the Trustee will be held solely for the respective certificate holders, and if and when such funds become subject to escheat laws, they will be paid to the Commonwealth of Pennsylvania.

Section 8 (f) of the act provides, in pertinent part, that whenever the Commission on its own motion finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than May 10, 1956, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the Commission may, acting on its own motion, declare that Deposited Bank Shares, Series B-1, has ceased to be an investment company, by order as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-3424; Filed, May 1, 1956; 8:49 a. m.]

[File No. 811-112]

DEPOSITED BANK SHARES, SERIES N. Y.

NOTICE OF MOTION TO TERMINATE REGISTRATION

APRIL 26, 1956.

Notice is hereby given that the Securities and Exchange Commission ("Commission") on its own motion, is proposing to declare by order, pursuant to section 8 (f) of the Investment Company Act of 1940 ("act") that Deposited Bank Shares, Series N. Y. (the "Trust"), a registered investment company, has ceased to be an investment company.

The Trust was created as a unit investment trust on September 1, 1929, pursuant to a Trust Agreement between Bank and Insurance Shares, Inc., Depositor, and The Pennsylvania Company for Insurances on Lives and Granting Annuities (now The First Pennsylvania Banking and Trust Company), Trustee. In accordance with the terms of the Trust Agreement the Trust was terminated as of October 1, 1954.

Following termination of the Trust its assets were sold by the Trustee pursuant to the terms of the Trust Agreement for a net realization of $16,600, which sum was available for the certificate holders of the Trust.

The Trustee has distributed to certificate holders who surrendered their certificates an aggregate of $8,269.39 as at December 30, 1955, and holds an aggregate of $8,330.61 for distribution to the holders of unsurrendered certificates. The Trustee also holds $104.07 for uncashed dividend checks.

The Trustee represents that any funds held by the Trustee will be held solely for the respective certificate holders and if and when such funds become subject to escheat laws, they will be paid to the Commonwealth of Pennsylvania.

Section 8 (f) of the act provides, in pertinent part, that whenever the Commission on its own motion finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than May 10, 1956, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the Commission may, acting on its own motion, declare that Deposited Bank Shares, Series N. Y. has ceased to be an investment company, by order as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-3425; Filed, May 1, 1956; 8:49 a. m.]



[File No. 811-113]

DEPOSITED BANK SHARES, N. Y., SERIES A

NOTICE OF MOTION TO TERMINATE REGISTRATION

APRIL 26, 1956.

Notice is hereby given that the Securities and Exchange Commission ("Commission") on its own motion, is proposing to declare by order, pursuant to section 8 (f) of the Investment Company Act of 1940 ("act") that Deposited Bank Shares, N. Y.—Series A (the "Trust"), a registered investment company, has ceased to be an investment company.

The Trust was created as a unit investment trust on September 1, 1930, pursuant to a Trust Agreement between Bank and Insurance Shares, Inc., Depositor, and The Pennsylvania Company for Insurances on Lives and Granting Annuities (now The First Pennsylvania Banking and Trust Company), Trustee. In accordance with the terms of the Trust Agreement the Trust was terminated as of October 1, 1955.

Following termination of the Trust its assets were sold by the Trustee pursuant to the terms of the Trust Agreement for a net realization of $109,867.41, which sum was available for the certificate holders of the Trust.

The Trustee has distributed to certificate holders who surrendered their certificates an aggregate of $56,399.96 as at December 30, 1955, and holds an aggregate of $53,467.45 for distribution to the holders of unsurrendered certificates. In addition, the Trustee holds $289.27 for uncashed certificate dividend checks and $3,060.79 for unclaimed dividends on underlying stocks.

The Trustee also, under a Trust Agreement entered into with the same Depositor under date of September 15, 1932 providing for the issuance of Bank Stock Plan Contract Certificates for the purchase of certificates issued under the Trust Agreement dated September 1, 1930, holds $9,033.74 for distribution to the holders of such Contracts.

The Trustee represents that any funds held by the Trustee will be held solely for the respective certificate or contract holders, or stockholders, and if and when such funds become subject to escheat laws, they will be paid to the Commonwealth of Pennsylvania.

Section 8 (f) of the act provides, in pertinent part, that whenever the Commission on its own motion finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than May 10, 1956, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the Commission may, acting on its own motion, declare that Deposited Bank Shares, N. Y.—Series A has ceased to be an investment company, by order as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-3426; Filed, May 1, 1956; 8:49 a. m.]

[File Nos. 811-114, 811-103]

DEPOSITED INSURANCE SHARES, SERIES A AND INSURANCE STOCK PLAN CONTRACT CERTIFICATES

NOTICE OF MOTION TO TERMINATE REGISTRATION

APRIL 26, 1956.

Notice is hereby given that the Securities and Exchange Commission ("Commission") on its own motion, is proposing to declare by order, pursuant to section 8 (f) of the Investment Company Act of 1940 ("act") that Deposited Insurance Shares, Series A (the "Trust") and Insurance Stock Plan Contract Certificates (the "Plan"), registered investment companies, have ceased to be investment companies.

The Trust which provided for the issuance of certificates was created as a unit investment trust on July 1, 1930, pursuant to a Trust Agreement between Bank and Insurance Shares, Inc., Depositor, and The Pennsylvania Company for Insurances on Lives and Granting of Annuities (now The First Pennsylvania Banking and Trust Company), Trustee. The Plan which provided for the issuance of Insurance Stock Plan Contract Certificates to purchase certificates issued pursuant to the Trust Agreement dated July 1, 1930, was created under a Trust Agreement between the same Depositor and the same Trustee dated September 15, 1932. Both the Trust and the Plan, in accordance with the terms of the respective Trust Agreements, were terminated on or after August 1, 1955.

Following termination of the Trust, its assets were sold by the Trustee pursuant to the terms of the Trust Agreement for a net realization of $164,384.78, which sum was available for the certificate holders of the Trust.

The Trustee has distributed to certificate holders who surrendered their certificates $99,164.53 as at December 30, 1955. Of this amount $42,100.17 was received by the Trustee as Trustee under the Plan and is held by the Trustee for distribution to the holders of the Insurance Stock Plan contract certificates. The Trustee also holds an aggregate of $65,220.25 for distribution to the holders of unsurrendered trust certificates and $409.72 for uncashed certificate dividend checks and $3,499.48 for unclaimed dividends on underlying stocks.

The Trustee represents that any funds held by the Trustee will be held for the respective certificate or contract holders, or stockholders, and if and when such funds become subject to escheat laws, they will be paid to the Commonwealth of Pennsylvania.

Section 8 (f) of the act provides, in pertinent part, that whenever the Commission on its own motion finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than May 10, 1956, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be noitfied if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the Commission may, acting on its own motion, declare that Deposited Insurance Shares, Series A and Insurance Stock Plan Contract Certificates have ceased to be investment companies, by order, as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-3427; Filed, May 1, 1956; 8:49 a. m.]

## DEPARTMENT OF LABOR

### Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is lim-

ited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended March 1, 1956, 21 F. R. 1349).

The following learner certificates were issued authorizing the employment of not more than 10 percent of the total number of factory production workers as learners for normal labor turnover purposes:

Angelica Uniform Co., Mountain View, Mo.; effective 4–24–56 to 4–23–57 (washable service apparel).

Joseph Baumgarten & Co., Hillsdale, Mich.; effective 4–13–56 to 4–12–57 (men's jackets and ski pants).

Feldt Manufacturing Co., Inc., 106 West Hamilton, Stamford, Tex.; effective 4–11–56 to 4–10–57 (men's shirts, etc.).

I. A. Goodman, Inc., 939 West Harbor Drive, San Diego, Calif.; effective 4–13–56 to 4–12–57 (men's slacks).

The H. W. Gossard Co., Ishpeming, Mich.; effective 4–2–56 to 4–1–57 (ladies' foundation garments) (replacement certificate).

Greenville Pant Manufacturing Co., Greenville, Tex.; effective 4–13–56 to 2–28–57 (single pants) (replacement certificate).

Heflin Chenille Manufacturing Corp., Heflin, Ala.; effective 4–11–56 to 4–10–57 (housecoats) (replacement certificate).

Helmer Manufacturing Division, Ore Street, Bowmanstown, Pa.; effective 4–12–56 to 4–11–57 (dresses).

Londontown Manufacturing Co., 5 North Haven Street, Baltimore, Md.; effective 4–12–56 to 4–11–57 (rainwear and jackets).

Loomcraft Frocks, Inc., Dewey and Bowman Streets, Dickson City, Pa.; effective 4–25–56 to 4–24–57 (children's dresses).

Lyone Manufacturing Co., Inc., Lyone, Ga.; effective 4–27–56 to 4–26–57 (shirts).

Mantechie Manufacturing Co., Inc., Mantechie, Miss.; effective 4–15–56 to 4–14–57 (sport shirts).

Miller & Co., 1549 Lawrence Street, Denver, Colo.; effective 4–9–56 to 4–8–57 (ladies' shirts).

Norenn Manufacturing Co., Inc., 140 North Contre Street, Nesquehoning, Pa.; effective 4–13–56 to 4–12–57 (dresses).

Princess Peggy, Inc.; Vandalia Division, Vandalia, Ill.; effective 4–20–56 to 4–19–57 (dresses).

Southern Manhattan Infantswear Co., 1636 St. Roch Avenue, New Orleans, La.; effective 4–12–56 to 4–11–57 (infants' wear).

Standard Garment Co., Inc., 370 North George Street, York, Pa.; effective 4–11–56 to 4–10–57 (wash dresses).

Stately Lady Nitewear, Inc., 315 East 12th Street, Charlotte, N. C.; effective 4–16–56 to 4–15–57 (ladies' night gowns, pajamas).

Sunbury Dress & Manufacturing Co., Royal Mills, West Warwick, R. I.; effective 4–9–56 to 10–8–56 (dresses).

Taunton Garment Corp., 42 Adams Street, Taunton, Mass.; effective 4–12–56 to 4–11–57 (dresses).

Wargosa Manufacturing Co., Inc., Depot Street, Columbia, Tenn.; effective 4–9–56 to 4–8–57 (sport shirts).

Wilmer Fashion Co., Inc., Seventh and Bridge Streets, Lehighton, Pa.; effective 4–10–56 to 4–9–57 (ladies' dresses).

The following learner certificates were issued for normal labor turnover purposes and, except as otherwise indicated below, a maximum of 10 learners were authorized:

Baby Cheek Co., Inc., Salisbury, N. C.; effective 4–9–56 to 4–8–57; 4 learners (infants' apparel).

Blue Bell, Inc., Ruckersville, Va.; effective 4–10–56 to 3–5–57 (dungarees) (replacement certificate).

Dee Ville Blouse Co., Danielsville, Pa.; effective 4–13–56 to 4–12–57 (blouses).

H. W. Gossard Co., Bicknell, Ind.; effective 4–13–56 to 4–3–57 (ladies' foundation garments) (replacement certificate).

Harvic Sportswear, Inc., Sweet Valley, Pa.; effective 4–27–56 to 4–26–57; 6 learners (dresses).

Jennifer Juniors, Inc., 1015 Jackson Street, Dallas, Tex.; effective 4–9–56 to 4–8–57; 8 learners (ladies' dresses).

Oregon Manufacturing Co., 126 North Third Street, Oregon, Ill.; effective 4–12–56 to 2–28–57 (knit fabric polo shirts) (replacement certificate).

Perfect Brassiere Co., Inc., 521 East Fourth Street, Bethlehem, Pa.; effective 4–13–56 to 4–12–57 (brassieres).

Sanford, Inc., 400 First Avenue North, Minneapolis, Minn.; effective 4–16–56 to 4–15–57; 6 learners (dresses).

Survival Equipment Corp., Church Street, Canaan, Conn.; effective 4–12–56 to 4–5–57 (summer flying suits) (replacement certificate).

Theresa Dress Co., Inc., 219 Pine Street, Old Forge, Pa.; effective 4–16–56 to 4–15–57 (dresses).

The following learner certificates were issued for plant expansion purposes. The number of learners authorized is indicated:

Blue Bell, Inc., No. 2 Plant, Prentiss Co., Booneville, Miss.; effective 4–12–56 to 10–11–56; 50 learners (men's shirts).

Ray-Lee, Inc., 1405 Warford Avenue, Memphis, Tenn.; effective 4–9–56 to 8–31–56; 50 learners (dresses) (replacement certificate).

Henry I. Siegel Co., Inc., Hohenwald, Tenn.; effective 4–11–56 to 10–10–56; 50 learners (work pants and shirts).

Survival Equipment Corp., Church Street, Canaan, Conn.; effective 4–12–56 to 10–11–56; 40 learners (summer flying suits).

Tru-Fit Trousers, Traverse City, Mich.; effective 4–12–56 to 8–31–56; 15 learners (single pants) (supplemental certificate).

Wagener Manufacturing Co., Inc., Wagener, S. C.; effective 4–12–56 to 10–11–56; 45 learners (sport shirts).

Cigar Industry Learner Regulations (29 CFR 522.80 to 522.85, as amended March 1, 1956, 21 F. R. 629).

Alles and Fisher, Inc., 716 Columbus Avenue, Boston, Mass.; effective 4–12–56 to 4–11–57; 10 percent of factory production workers for normal labor turnover purposes.

Glove Industry Learner Regulations (29 CFR 522.60 to 522.65, as amended March 1, 1956, 21 F. R. 581).

Churchill-Swanson Manufacturing Co., 544 North Pearl Street, Centralia, Wash.; effective 4–14–56 to 4–13–57; 10 learners for normal labor turnover purposes (work gloves).

Fownes Bros. & Co., Inc., 29 Grove Street, Amsterdam, N. Y.; effective 4–9–56 to 4–8–57; 10 percent of factory production workers engaged in the authorized occupations, for normal labor turnover purposes (fabric gloves).

Proper Maid Silk Manufacturing Co., Inc., 6 Washington Street, Amsterdam, N. Y.; effective 4–16–56 to 4–15–57; 10 learners for normal labor turnover purposes (fabric dress gloves).

Seattle Glove Co., 519 12th Avenue South, Seattle, Wash.; effective 4–10–56 to 4–9–57; 10 learners for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.43, as amended March 1, 1956, 21 F. R. 629).

Harper Hosiery Mills, Inc., Lowe Street, Concord, N. C.; effective 4–16–56 to 4–15–57; 5 learners for normal labor turnover purposes.

Prestige, Inc., Ephrata, Pa.; effective 4–16–56 to 4–15–57; 5 learners for normal labor turnover purposes.

Quakertown Hosiery Co., 118 North Hellertown Avenue, Quakertown, Pa.; effective 4–11–56 to 4–10–57; 5 percent of the total number of factory production workers for normal labor turnover purposes.

Independent Telephone Industry Learner Regulations (29 CFR 522.70 to 522.74, as amended March 1, 1956, 21 F. R. 581).

Community Telephone Co., New Bethlehem, Pa.; effective 4–16–56 to 4–15–57.

Milledgeville Telephone & Telegraph Co., Milledgeville, Ga.; effective 4–10–56 to 4–9–57.

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended March 1, 1956, 21 F. R. 581).

The following learner certificates were issued for normal labor turnover purposes unless otherwise indicated.

Bashore Knitting Mills Co., Garfield Avenue, Schuylkill Haven, Pa.; effective 4–29–56 to 4–28–57; 5 percent of the total number of factory production workers (knit underwear).

B. V. D., Inc., Piqua, Ohio; effective 4–12–56 to 10–11–56; 25 learners for plant expansion purposes (athletic and tee shirts, etc.).

Bobbie Sportswear, Ltd., Inc., Marion, S. C.; effective 4–15–56 to 10–14–56; 30 learners for plant expansion purposes (sweaters).

Cosgrove Manufacturing Corp., 18 Chestnut Street, Quincy, Mass.; effective 4–16–56 to 4–15–57; 5 learners (ladies' slips, gowns, pajamas).

Dodger Manufacturing Co., End North 22d Street, Fort Dodge, Iowa; effective 4–9–56 to 4–8–57; 5 learners (knit underwear and outerwear).

Mifflin Knitting Mills, Inc., Fifth and Race Streets, Mifflinville, Pa.; effective 4–16–56 to 4–15–57; 5 learners (sweaters).

Pickens Lingerie Corp., Pickens, S. C.; effective 4–16–56 to 4–15–57; 5 learners (lingerie).

Sondra Undergarments Co., Inc., 601 North Jordon Street, Allentown, Pa.; effective 4–9–56 to 4–8–57; 5 percent of the total number of factory production workers (women's panties and sleep wear).

Zacharia Bros., 562–564 Broadway, New York, N. Y.; effective 4–11–56 to 10–10–56; 5 learners (ladies' knitted underwear).

Shoe Industry Learner Regulations (29 CFR 522.50 to 522.55, as amended March 1, 1956, 21 F. R. 1195).

The following learner certificates were issued for normal labor turnover purposes, unless otherwise indicated.

Bender Shoe Co., South Edgewood Avenue, Somerset, Pa.; effective 4–16–56 to 4–15–57; 5 learners.

Cabool Shoe Co., Cabool, Mo.; effective 4–11–56 to 10–10–56; 20 learners for plant expansion purposes.

Cabool Shoe Co., Cabool, Mo.; effective 4–11–56 to 4–10–57; 10 percent of the total number of factory production workers.

Cuba Shoe Co., Cuba, Mo.; effective 4–11–56 to 10–10–56; 20 learners for plant expansion purposes.

Cuba Shoe Co., Cuba, Mo.; effective 4–11–56 to 4–10–57; 10 percent of the total number of factory production workers.



Selwyn Shoe Manufacturing Corp., First Street, Boonville, Mo.; effective 4–9–56 to 4–8–57; 10 percent of the total number of factory production workers.

Sport Specialty Shoemakers, Inc., Unit No. 2, 114 North Main Street, Chaffee, Mo.; effective 4–11–56 to 10–10–56; 25 learners for plant expansion purposes.

Texas Sandal Manufacturing Co., Inc., 945 and 1000 Bessie Street, Fort Worth, Tex.; effective 4–5–56 to 4–4–57; 10 learners.

Regulations applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645).

The following learner certificates were issued for normal labor turnover purposes, except as otherwise indicated, to the companies listed below manufacturing miscellaneous products. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as follows:

Gitlin-Trichon Co., 315 Arch Street, Philadelphia, Pa.; effective 4–16–56 to 10–15–56; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupations of framer, stitching machine operator and hand cutter; not less than 85 cents per hour for a maximum of 160 hours, for the occupations of die and clicker machine operator and pocketbook makers' helper; authorizing the employment of 10 learners (ladies' handbags).

Robert J. Golka Co., 400 Warren Avenue, Brockton, Mass.; effective 4–16–56 to 10–15–56; not less than 90 cents per hour for the occupation of stitching machine operator for a maximum of 320 hours; not less than 90 cents per hour, for the occupation of die and clicker machine operator for a maximum of 160 hours; authorizing the employment of 4 learners (stampings).

Kay Tee Dolls, 801–03 North James Street, Hazelton, Pa.; effective 4–9–56 to 10–8–56; not less than 90 cents per hour for the occupation of sewing machine operator; a maximum of 160 hours; authorizing the employment of 4 learners (doll clothes).

Kentucky Woven Label Co., Inc., Allensville, Ky.; effective 4–9–56 to 10–8–56; not less than 85 cents per hour, for the occupations of machine operators, tenders, fixers and jobs immediately incidental thereto; a maximum of 240 hours; authorizing the employment of 2 learners (woven labels).

Londontown Manufacturing Co., 5 North Haven Street, Baltimore, Md., effective 4–12–56 to 10–11–56; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupation of sewing machine operators; authorizing the employment of 5 percent of factory production workers engaged in the manufacture of topcoats as learners (topcoats).

Mohawk Novelty Co., Inc., Hudson, N. Y.; effective 4–16–56 to 10–15–56; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupations of framer, hand cutter and stitching machine operator; not less than 85 cents per hour for a maximum of 160 hours, for the occupations of die and clicker machine operator, automatic paring machine operator and pocketbook makers' helper; authorizing the employment of ten percent of factory production workers as learners (ladies' handbags).

Palm Beach Co., Bourne Avenue, Somerset, Ky., effective 4–19–56 to 10–18–56; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupations of sewing machine operators, hand sewing and final pressing; authorizing the employment of 5 percent of factory production workers as learners (men's coats).

Reliable Luggage, Inc., West Pittsburg, Pa., effective 4–11–56 to 10–10–56; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupations of stitching machine operator, hand cutter, liner, coverer, assembler and finisher, and woodworking machine operator; not less than 90 cents per hour for a maximum of 160 hours, for the occupations of die and clicker machine operator; authorizing the employment of 10 percent of factory production workers as learners (luggage).

Sunbury Dress & Manufacturing Co., Royal Mills, West Warwick, R. I.; effective 4–9–56 to 10–8–56; not less than 85 cents per hour for the occupation of sewing machine operators; a maximum of 240 hours; authorizing the employment of 3 learners (hats).

Terri Lee Fashions, Inc., Apple Valley, Calif.; effective 4–16–56 to 10–15–56; not less than 90 cents per hour, for the occupation of sewing machine operator; a maximum of 160 hours; authorizing the employment of 12 learners for plant expansion purposes.

The following special learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated:

Corozal Knitting Mills, Inc., Corozal, P. R.; effective 4–2–56 to 6–26–56; not less than 30 cents per hour, for the occupations of finger knitting, finger closing, and mending; a maximum of 480 hours; authorizing the employment of 30 learners for plant expansion purposes (knitted gloves and mittens).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C. this 19th day of April 1956.

MILTON BROOKE,
*Authorized Representative of the Administrator.*

[F. R. Doc. 56-3408; Filed, May 1, 1956; 8:47 a. m.]

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MAY 3 - 1956
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THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934

# FEDERAL REGISTER

OF THE UNITED STATES

VOLUME 21 NUMBER 86

*Washington, Thursday, May 3, 1956*

## TITLE 3—THE PRESIDENT

### PROCLAMATION 3134

WOODROW WILSON CENTENNIAL YEAR

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS Woodrow Wilson, the twenty-eighth President of the United States, gave to this Nation and to the world a concept of peace based on justice and freedom and supported by the brotherhood of man; and

WHEREAS this scholar, educator, and statesman led the United States successfully through the ordeal of a devastating war, which was fought to preserve those high principles which this Nation cherishes; and

WHEREAS Woodrow Wilson's outstanding character, his devotion to his country's service, his efforts to strengthen the Government and to promote the public welfare, his dependence upon divine guidance, and his unfailing confidence in our system of free government and the ultimate wisdom of the American people, are a lasting inspiration to the Nation: and

WHEREAS the year 1956 marks the one hundredth anniversary of the birth of Woodrow Wilson, and the Congress, by a joint resolution approved August 30, 1954, 68 Stat. 964, established the Woodrow Wilson Centennial Celebration Commission to develop plans for commemorating that event; and by a joint resolution approved April 27, 1956, has authorized and requested the President to issue a proclamation inviting the people of the United States to observe the anniversary with appropriate ceremonies:

NOW, THERFFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby call upon the people of the United States to observe the centennial of the birth of Woodrow Wilson; and I urge interested individuals and organizations, both private and governmental, to particlpate in appropriate ceremonies during 1956 designed to honor and commemorate his life, his ideals, and his concern for the freedom of peoples throughout the world.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 27th day of April in the year of our Lord nineteen hundred and fifty-six,
[SEAL] and of the Independence of the United States of America the one hundred and eightieth.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
*Secretary of State.*

[F. R. Doc. 56-3528; Filed, May 2, 1956; 11:00 a. m.]

### PROCLAMATION 3135

MOTHER'S DAY, 1956

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the American mother stands as a symbol of those high principles and lofty ideals which sustain and enrich our Nation; and

WHEREAS the Congress, by a joint resolution approved May 8, 1914 (38 Stat. 770), formalized the felicitous custom of commemorating motherhood by designating the second Sunday in May of each year as Mother's Day, and requested the President to issue a proclamation calling for the observance of that day; and

WHEREAS it is fitting that on that day we should acknowledge anew our gratitude, our love, and our reverence for our own mothers and for all mothers of our great Nation:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby request that Sunday, May 13, 1956, be observed as Mother's Day; and I direct the appropriate officials of the Government to arrange for the display of the flag of the United States on all public buildings on that day.

I also call upon the people generally to give public and private expression to the esteem in which our country holds its mothers through the display of the flag at their homes or other suitable places, through prayers at their places of wor-

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# FEDERAL REGISTER

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**CFR SUPPLEMENTS**

**(As of January 1, 1956)**

The following Supplements are now available:

**Titles 4 and 5 ($1.00)**

**Title 15 ($1.00)**

*Previously announced:* Title 3, 1955 Supp. ($2.00); Title 7: Parts 1–209 ($1.25); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Part 400 to end ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. I, and Title 27 ($1.00); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Titles 40–42 ($0.65); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

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ship, and through appropriate manifestations of honor and devotion.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this first day of May in the year of our Lord nineteen hundred and fifty-six, [SEAL] and of the Independence of the United States of America the one hundred and eightieth.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
*Secretary of State.*

[F. R. Doc. 56-3529; Filed, May 2, 1956; 11:00 a. m.]

# RULES AND REGULATIONS

## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

STUDENT TRAINEE

Section 24.121 is amended to read as follows:

§ 24.121 *Student Trainee, GS–1–4, in the following codes: GS–402, 408, 455, 458, 462, 483, 802, 1311, 1341, 1371, 1521, or other code covering positions of student trainee for any professional field as follows: Any biological science (Group GS–400), any branch of engineering (Group GS–800), any physical science (Group GS–1300) architecture, landscape architecture, mathematics; and GS–2–4 in economics, statistics, and accounting.* — (a) *Educational requirements.* (1) For Student Trainee, GS–1: Applicants must have been graduated from an accredited high school upon the successful completion of all the high school courses required for admission to an accredited college or university in a curriculum leading to the bachelors' degree in one of the specialized fields shown in the headnote of this section, and they must have the intention of enrolling in such institution and curriculum within 4 months of the date of entrance on duty in the Student Trainee positions.

(2) Applicants for grades GS–2, 3, and 4 must have successfully completed the number of academic years of study specified below, a full academic year of study being defined as a period or combination of periods of study at college (in either cooperative or noncooperative curricula) equal in length to two semesters or three quarters:

For student trainee, GS–2: One full academic year of study.

For student trainee, GS–3: Two full academic years of study.

For student trainee, GS–4: Three full academic years of study.

(3) The college study specified must have been at an accredited college or university in a full 4-year or longer professional curriculum leading to a bachelor's degree with specialization in one of the fields listed in the headnote of this section. The specialized field applied for, which is the field in which the applicant will receive training on the job if appointed, must correspond to the course which the applicant is pursuing in college and to the specialization in which he expects to complete the requirements of major study. The required specialization must be such that at time of graduation the specific course requirements which are specified for eligibility in the U. S. Civil Service Commission examination for the corresponding GS–5 professional positions can be met.

(4) College study at an accredited junior college will be accepted if the credits are acceptable in full by a 4-year accredited college toward completion of its own curriculum in the field concerned.

(b) *Duties.* The duties of a Student Trainee consist of a combination of (1) on-the-job training in a Federal agency, and (2) scholastic training in a college or university. While on the job in a Federal agency, appointees participate in research or other scientific or engineering work such as development, design, surveys, investigations, computations, laboratory or full experimentation or studies, construction, testing, standardization; or appointees participate in technical or research work in compiling, analyzing, summarizing and interpreting of statistical, economic or accounting data.

(c) *Knowledge and training requisite for performance of duties.* Student Trainees are employed for the purpose of training them for advancement to professional positions in the employing agency upon completion of the training program. Since the duties of the position involve, in addition to actual scientific, engineering, or technical work while in training, the pursuance of academic studies of the first, second, third, or fourth year of a specified undergraduate

college curriculum in order to perform successfully duties at the professional level, applicants must have the specified education in order to enroll in the required year of a standard college curriculum in an accredited college or university.

(Sec. 11, 58 Stat. 390; 5 U. S. C. 860)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
*Executive Assistant.*

[F. R. Doc. 56-3485; Filed, May 2, 1956; 8:54 a. m.]

## TITLE 6—AGRICULTURAL CREDIT

### Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

**Subchapter B—Loans, Purchases and Other Operations**

[1955 C. C. C. Grain Price Support Bulletin 1, Supp. 2, Oats]

**PART 421—GRAINS AND RELATED COMMODITIES**

**SUBPART—1955 CROP OATS RESEAL LOAN PROGRAM**

A reseal loan program has been announced for 1955-crop oats. The 1955 C. C. C. Grain Price Support Bulletin 1 (20 F. R. 3017 and 4563), issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1955, supplemented by Supplement 1, Oats (20 F. R. 3590), containing the specific requirements for the 1955-crop oats price support program, is hereby further supplemented as follows:

Sec.
421.1286 Applicable sections of 1955 C. C. C. Grain Price Support Bulletin 1, and Supplement 1, Oats.
421.1287 Availability.
421.1288 Eligible producer.
421.1289 Eligible oats.
421.1290 Approved storage.
421.1291 Approved forms.
421.1292 Quantity eligible for resealing.
421.1293 Additional service charges.
421.1294 Transfer of producer's equity.
421.1295 Setoffs.
421.1296 Storage and track-loading payments.
421.1297 Maturity and satisfaction.
421.1298 Support rates.

AUTHORITY: §§ 421.1286 to 421.1298 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1054; 15 U. S. C. 714c, 7 U. S. C. 1421, 1447.

§ 421.1286 *Applicable sections of 1955 C. C. C. Grain Price Support Bulletin 1 and Supplement 1, Oats.* The following sections of the 1955 C. C. C. Grain Price Support Bulletin 1, as amended, and Supplement 1, Oats, published in 20 F. R. 3017, 4563 and 3590, shall be applicable to the 1955 Oats Reseal Loan Program: § 421.1001 *Administration;* § 421.1005 *Approved lending agencies;* § 421.1008 *Liens;* § 421.1011 *Interest rate;* § 421.1013 *Safeguarding the commodity;* § 421.1014 *Insurance on farm-storage loans;* § 421.1015 *Loss or damage to the commodity;* § 421.1016 *Personal liability of the producer;* § 421.1017 *Release of the commodity under loan;* § 421.1019 *Foreclosure;* § 421.1020 *Purchase of notes;* § 421.1280 *Determination of quantity.* Other sections of the 1955 C. C. C. Grain Price Support Bulletin 1, as amended, and Supplement 1, Oats, shall be applicable to the extent indicated in this subpart.

§ 421.1287 *Availability*—(a) *Area and scope.* The reseal program will be available in areas in the following five States where ASC State Committees determine that there may be a shortage of storage space and that oats can be safely stored on farms for the period of the reseal loan: Illinois, Iowa, Minnesota, North Dakota and South Dakota. This program provides, under certain circumstances, for the extension of 1955-crop farm-storage loans and the making of farm-storage loans on 1955-crop oats covered by purchase agreements. Neither warehouse-storage loans nor purchase agreements will be available to producers under this program.

(b) *Time.* (1) The producer who desires to participate in the reseal loan program must file an application for a farm-storage reseal loan at the office of the ASC county committee.

(2) In the case of a farm-storage loan, the producer will be required to apply for extension of his loan before the final date for delivery specified in the delivery instructions issued to him by the office of the ACS county committee.

(3) The producer who signed a purchase agreement on farm-stored oats is required under the 1955 Oats Price Support Program to notify the office of the ASC county committee not later than April 30, 1956, in the case of oats stored in any of the States listed in paragraph (a) of this section, if he intends to sell the oats to CCC. If the producer has notified the office of the ASC county committee on or before April 30, 1956, of his intention to sell the oats to CCC or to participate in this program, he may obtain a farm-storage loan on the oats. The loan documents must be executed by the producer on or before the final date for delivery specified in the delivery instructions, or on or before June 30, 1956, if the producer has not requested or received delivery instructions. The loan documents must be presented for disbursement within 15 days after execution. Disbursement of loans will be made to producers by approved lending agencies under an agreement with CCC, or by ASC county offices by means of sight drafts drawn on CCC. Payment in cash, credit to the producer's account, or the drawing of a check or draft shall constitute disbursement. The producer shall not present the loan documents for disbursement unless the oats are in existence and in good condition. If the oats were not in existence and in good condition at the time of disbursement, the total amount disbursed under the loan shall be promptly refunded by the producer. In the event the amount disbursed exceeds the amount authorized under this subpart, the producer shall be personally liable for repayment of the amount of such excess.

(c) *Source.* A producer desiring to participate in the reseal loan program should make application to the office of the ASC county committee which approved his loan or purchase agreement. Disbursements of loans completed on oats covered by purchase agreements shall be made to producers by ASC county offices by means of sight drafts drawn on CCC or by approved lending agencies under agreements with CCC.

§ 421.1288 *Eligible producer.* An eligible producer shall be an individual, partnership, association, corporation, estate, trust, or other business enterprise, or legal entity, and wherever applicable, a State, political subdivision of a State, or any agency thereof producing oats in 1955 as landowner, landlord, tenant, or sharecropper, who either completed a farm-storage loan or signed a purchase agreement covering oats of the 1955 crop.

§ 421.1289 *Eligible oats*—(a) *Requirements of eligibility.* The oats (1) must meet the requirements set forth in § 421.1278 (a), (b) and (c), and must not grade Tough, Weevily, Smutty, Ergoty, Garlicky, Bleached or Thin, or otherwise be of low quality; (2) must be under price support loan or purchase agreement; and (3) must, in addition, meet the sanitation requirements set forth in paragraph (b) of this section.

(b) *Sanitation requirements.* The oats (1) must be of a quality which meets the sanitation requirements, if any, of the Federal Food and Drug Administration in effect at the time the loan is made or extended, and (2) must not contain mercurial compounds or other substances poisonous to man or animals.

(c) *Inspection*—(1) *Extended farm-storage loans.* If a producer makes application to extend his farm-storage loan, the commodity loan inspector shall, with the producer, reinspect the oats and the farm-storage structure in which the oats are stored. If recommended by either the commodity loan inspector or the producer, a sample of the oats shall be taken and submitted for grade analysis.

(2) *Oats covered by purchase agreement.* If a producer makes application for a farm-storage loan on oats covered by a purchase agreement, the commodity loan inspector shall inspect the oats and storage structure, obtain a sample if the oats and structure appear eligible, and proceed in the regular manner for the inspection of a commodity to be placed under loan.

(c) *Determination of quality.* Quality determinations shall be made as set forth in § 421.1281: *Provided,* That determinations, if any, with respect to sanitation requirements specified in paragraph (a) of this section shall be made in accordance with instructions issued by CCC. Such instructions will be available for examination at the ASC county office.

§ 421.1290 *Approved storage.* Oats covered by any loans extended and any new loans completed must be stored in structures which meet the requirements for farm-storage loans as provided in § 421.1006 (a). Consent for storage for any loans extended or new loans completed must be obtained by the producer for the period ending June 30, 1957, if the structure is owned or controlled by someone other than the producer, or if the lease expires prior to June 30, 1957.

§ 421.1291 *Approved forms.* (a) The approved forms, which together with the provisions of this subpart govern the rights and responsibilities of the producer, shall consist of a Producer's Note and Supplemental Loan Agreement, Commodity Loan Form A, secured by a Commodity Chattel Mortgage on Commodity Loan Form AA, and such other forms and documents as may be prescribed by CCC. Notes and chattel mortgages must have State and documentary revenue stamps affixed thereto where required by law. Loan documents executed by an administrator, executor or trustee will be acceptable only where legally valid.

(b) Where required by State law, a new producer's note and chattel mortgage shall be completed when a farm-storage loan is extended.

§ 421.1292 *Quantity eligible for resealing.* (a) The quantity of oats eligible for reseal on an extended farm-storage loan will be the quantity shown on the original note and the chattel mortgage, less any quantity delivered or redeemed.

(b) A producer may obtain a loan on not in excess of the quantity of oats specified in the purchase agreement, minus any quantity of the oats under such purchase agreement (1) which has been previously placed under a loan or (2) on which he exercises his option to sell to CCC.

§ 421.1293 *Additional service charges.* (a) When a farm-storage loan is extended, the producer will not be required to pay an additional service charge.

(b) At the time a farm-storage loan is made to the producer on oats covered by a purchase agreement, the producer shall pay an additional service charge of ½ cent per bushel on the number of bushels placed under loan, or $1.50, whichever is greater. No refund of service charges will be made.

§ 421.1294 *Transfer of producer's equity.* The producer shall not transfer either his remaining interest in or his right to redeem the oats mortgaged as security for a loan under this program. A producer who wishes to liquidate all or part of his loan by contracting for the sale of the oats must obtain written prior approval of the county committee on Commodity Loan Form 12 to remove the oats from storage when the proceeds of the sale are needed to repay all or any part of the loan. Any such approval shall be subject to the terms and conditions set out in Commodity Loan Form 12, copies of which may be obtained by producers or prospective purchasers at the office of the ASC county committee.

§ 421.1295 *Set-offs.* If the producer is indebted to CCC on any accrued obligation, or if any installment or installments on any loan made available by CCC on farm-storage facilities or mobile drying equipment are past due, or are payable under the provisions of the note evidencing such loan out of the proceeds of the price support loan, he must designate CCC or the lending agency holding such note as the payee of the proceeds of the price support loan to the extent of such indebtedness or installments, but not to exceed that portion of the proceeds remaining after deduction of loan service charges and amounts due prior lienholders. If the producer is indebted to any other agency of the United States and such indebtedness is listed on the county debt register, he must designate such agency as the payee of the proceeds as provided in this section. Indebtedness owing to CCC or to a lending agency as provided in this section shall be given first consideration after claims of prior lienholders. Where the producer has an outstanding loan(s), made under the Farm Storage Facility Loan Program or the Mobile Drying Equipment Loan Program, any storage payment due the producer for storage of the oats in farm-storage structures shall be applied (a) to any delinquent amount(s), (b) to the borrower's storage facility loan installment or mobile drying equipment loan installment which is due and payable when the storage payment is due and (c) to any extended installment(s), each including interest. Any amount of such storage payment not so applied, together with all other payments for services due the producer, shall be subject to set-off in the same manner as provided in this section for loan proceeds. Compliance with the provisions of this section shall not constitute a waiver of any right of the producer to contest the justness of the indebtedness involved either by administrative appeal or by legal action.

§ 421.1296 *Storage and track-loading payments*—(a) *Storage payment.* A reseal storage payment will be made as follows:

(1) *Storage payment for full reseal period.* A storage payment computed at the rate of 12 cents per bushel will be made to the producer on the quantity involved if he (i) redeems the oats from the loan on or after April 30, 1957, (ii) delivers the oats to CCC on or after April 30, 1957, or (iii) delivers the oats to CCC prior to April 30, 1957, pursuant to demand by CCC for repayment of the loan solely for the convenience of CCC if the oats were not damaged or otherwise impaired due to negligence on the part of the producer.

(2) *Prorated storage payment.* (i) A storage payment computed at the rate of 0.00039 per bushel a day (but not to exceed 12 cents per bushel) according to the length of time the quantity of oats involved was in store after June 30, 1956, will be made to the producer; (*a*) in the case of loss assumed by CCC under the provisions of the loan program; (*b*) in the case of oats redeemed from the loan prior to April 30, 1957, and (*c*) in the case of oats delivered to CCC pursuant to its demand and not solely for the convenience of CCC, or upon request of the producer and with the approval of CCC, prior to April 30, 1957: *Provided, however,* That no storage payment will be made where the delivered oats are damaged or otherwise impaired due to negligence on the part of the producer. In the case of losses assumed by CCC, the period for computing the storage payment shall end on the date of the loss; and in the case of redemptions, on the date of repayment.

(ii) In no case will any storage payment be made where the producer has made any false representation in the loan documents or in obtaining the loan, or where the oats have been abandoned or where there has been conversion on the part of the producer.

(b) *Track-loading payment.* A track-loading payment of 3 cents per bushel will be made to the producer on oats delivered to CCC, in accordance with instructions of the county committee, on track at a country point.

§ 421.1297 *Maturity and satisfaction.* (a) Loans will mature on demand but not later than April 30, 1957. The producer must pay off his loan, plus interest, on or before maturity or deliver the mortgaged oats in accordance with the instructions of the county committee. Credit will be given at the applicable settlement value according to grade and quality for the total quantity eligible for delivery. Delivery of oats will be accepted only from bin(s) in which the oats under reseal loan are stored. The provisions of § 421.1018 (a), (c), (f) and (g) and of § 421.1285 (a) (1) shall be applicable thereto: *Provided,* That, if upon delivery, the oats are of a quality which do not meet sanitation requirements (§ 421.1289 (b)) in effect at the time the loan was extended or at the time the loan was made on oats covered by a purchase agreement, the oats, in the event of failure to meet the requirements of § 421.1289 (b) (1), shall be sold for feed, or for industrial uses other than food and beverages, and, in the event of failure to meet the requirements of § 421.1289 (b) (2), shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals, and in each instance covered by this proviso, the settlement value shall be the same as the sales price: *Provided further,* That if CCC is unable to sell such oats for the use specified above, the settlement value shall be the market value, if any, as determined by CCC, as of the date of delivery.

§ 421.1298 *Support rates.* The support rate for an extended farm-storage loan shall remain the same as for the original loan. The support rate for oats covered by a purchase agreement placed under a farm-storage loan shall be the support rate established for the oats in § 421.1283.

Issued this 27th day of April 1956.

[SEAL] WALTER C. BERGER,
*Acting Executive Vice President, Commodity Credit Corporation.*

[F. R. Doc. 56-3445; Filed, May 2, 1956; 8:45 a. m.]

# TITLE 20—EMPLOYEES' BENEFITS

## Chapter II—Railroad Retirement Board

### PART 325—REGISTRATION AND CLAIMS FOR BENEFITS

#### MISCELLANEOUS AMENDMENTS

Pursuant to the general authority contained in section 12 of the act of June 25, 1938 (52 Stat. 1094, 1107; 45 U. S. C. 362) §§ 325.6, 325.8 and 325.14 are rescinded and §§ 325.1, 325.11, 325.12 (a) and (c), 325.15, 325.18 and 325.50 of the regulations under such act (5 F. R. 2111; 5 F. R. 4141; 5 F. R. 4815; 7 F. R. 97; 7 F. R. 3192; 7 F. R. 9225; 11 F. R. 1206; 11 F. R. 6584; 11 F. R. 11768; 12 F. R. 224; 13 F. R. 7239; 14 F. R. 5240; 16 F. R. 6504; 20 F. R. 6767) are amended by Board Order 56–100, dated April 13, 1956, to read as follows:

§ 325.1 *Statutory provisions.* Section 12 (i) of the Railroad Unemployment Insurance Act (as amended) provides that:

* * * The Board shall prescribe a procedure for registration of unemployed employees at employment offices. Such procedure for registration shall be prescribed with a view to such registration affording substantial evidence of the days of unemployment of the employees who register. The Board may, when such registration is made personally by an employee, except such registration as initial proof of unemployment sufficient to certify for payment a claim for benefits.

Section 1 (k) of the Railroad Unemployment Insurance Act (as amended) provides that:

* * * a day of unemployment, with respect to any employee, means a calendar day on which he is able to work and is available for work and with respect to which (i) no remuneration is payable or accrues to him, and (ii) he has, in accordance with such regulations as the Board may prescribe, registered at an employment office * * *: *Provided, however,* That "subsidiary remuneration" as * * * defined * * * shall not be considered remuneration for the purpose of this subsection except with respect to an employee whose base-year compensation, exclusive of earnings from the position or occupation in which he earned such subsidiary remuneration, is less than $400: *Provided, further,* That remuneration for a working day which includes a part of each of two consecutive calendar days shall be deemed to have been earned on the second of such two days, and any individual who takes work for such working day shall not by reason thereof be deemed not available for work on the first of such calendar days: *Provided, further,* That any calendar day on which no remuneration is payable to or accrues to an employee solely because of the application to him of mileage or work restrictions agreed upon in schedule agreements between employers and employees or solely because he is standing by for or laying over between regularly assigned trips or tours of duty shall not be considered * * * a day of unemployment * * *.

Section 1 (h) of the Railroad Unemployment Insurance Act, as amended, provides that:

(h) The term "registration period" means, with respect to any employee, the period which begins with the first day for which such employee registers at an employment office in accordance with such regulations as the Board may prescribe, and ends with whichever is the earlier of (i) the thirteenth day thereafter, or (ii) the day immediately preceding the day for which he next registers at a different employment office; and thereafter each period which begins with the first day for which he next registers at an employment office after the end of his last preceding registration period which began with a day for which he registered at an employment office and ends with whichever is the earlier of (1) the thirteenth day thereafter, or (ii) the day immediately preceding the day for which he next registers at a different employment office.

§ 325.11 *Designation of unemployment claims agents and free employment offices.* Each employee of an employer, selected by it under an agreement between such employer and the Board entered into pursuant to section 12 (h) of the Railroad Unemployment Insurance Act, to take registrations of unemployed employees, and each other person designated by the Board, or pursuant to authority conferred by the Board, to take registrations of unemployed employees, is an unemployment claims agent. Each office or other facility selected by an unemployment claims agent for the registration of unemployed employees is designated a "free employment office." Each employment service office maintained by a State or by the Federal Government is designated a "free employment office" for the purpose of section 4 (a–2) (ii) of the Railroad Unemployment Insurance Act.

§ 325.12 *Registration*—(a) *Method of registration.* Registration with respect to any day shall be made by the employee's appearing before an unemployment claims agent at a free employment office during such agent's working hours and claiming the day by signing for it on the registration and claim form provided by the Board: *Provided, however,* That no registration shall be deemed to have been made with respect to any day which, if registration were made with respect to it, would be the first day of a registration period in a benefit year in which (1) the employee is not a qualified employee under section 3 of the Railroad Unemployment Insurance Act, or (2) benefits have already been payable to him for 130 days of unemployment, or (3) benefits for days of unemployment have already been payable to him in an amount equal to his compensation in the base year: *And provided further,* That if registration is made with respect to any day, and the claim to such day as a day of unemployment on the basis of such registration is not withdrawn, nothing done subsequent to such registration, except reregistration under § 325.50, shall be deemed registration with respect to such day.

* * * * *

(c) *Day of registration.* (1) Registration with respect to any day shall be made on such day or on any day not later than the sixth calendar day thereafter, except that, if such sixth calendar day is not a business day, the employee may make his registration on the next following business day. For the purpose of this paragraph the term "business day" means any day which is not a Saturday or Sunday, which is not a day generally observed as a holiday in the locality in which the employee registers for such day, and which is not a holiday at the employment office at which the employee registers for such day.

§ 325.15 *Signature of claims agent.* Upon taking the registration of an employee for a particular day or days, the unemployment claims agent shall sign as witness to the employee's signature. If the unemployment claims agent has information indicating that an employee's registration for a particular day or days may be invalid, he shall report such information in writing to the Board.

§ 325.18 *Registration in Alaska.* Nothing provided in § 325.12 shall apply to employees registering in Alaska, but such employee shall register for each day of unemployment with the Alaska Territorial Employment Service, or persons designated by it as agents for this purpose, as required by such Service under arrangements with the Board. (B. O. 40–260, May 23, 1940, effective July 1, 1939).

§ 325.50 *Lost or destroyed forms.* If it appears that a registration and claim form on which an employee registered for a particular day or days has been lost or destroyed, and if it is established, by clear and convincing evidence, after full and complete investigation, that the employee in fact registered for such days, the employee may reregister for such days at any time within one year of the last of such days.

(Sec. 12, 52 Stat. 1107, as amended; 45 U. S. C. 332)

Dated: April 26, 1956.

By authority of the Board.

MARY B. LINKINS,
*Secretary of the Board.*

[F. R. Doc. 56–3459; Filed, May 2, 1956; 8:49 a. m.]

# TITLE 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

### Subchapter B—Food and Food Products

### PART 19—CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS, AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

#### ORDER STAYING EFFECTIVENESS OF ORDER ESTABLISHING DEFINITION AND STANDARD OF IDENTITY FOR SAMSOE CHEESE

In the matter of establishing a definition and standard of identity for samsoe cheese:

In accordance with the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 401, 52 Stat. 1046, 68 Stat. 54, 55; 21 U. S. C. 341), the Commissioner of Food and Drugs, under authority delegated to him by the Secretary of Health, Education, and Welfare (20 F. R. 1996), promulgated an order on March 6, 1956 (21 F. R. 1440), fixing and establishing a definition and standard of identity for samsoe cheese (21 CFR 19.544). A period of 30 days was permitted for the filing of objections to the order. Within that period Kraft Foods Company, Chicago, Illinois, filed a statement showing that it would be adversely affected by such order, stated its objections, and requested a public hearing. The objections were directed primarily at the maximum moisture content prescribed by the standard for samsoe cheese. Since it will serve no good purpose to stay only the provision of the standard fixing a maximum moisture content, the effectiveness of the entire order will be stayed pending a hearing on the objections.

*Now, therefore it is ordered,* That the order establishing a definition and standard of identity for samsoe cheese (21 F. R. 1440) be stayed in its entirety.

In accordance with the provisions of section 401 of the Federal Food, Drug, and Cosmetic Act, the Commissioner will, as soon as practicable, announce a public hearing for the purpose of receiving evidence relevant and material to the issues raised by the objections filed.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 401, 52 Stat. 1046, as amended; 21 U. S. C. 341)

Dated: April 26, 1956.

[SEAL] GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F. R. Doc. 56–3469; Filed, May 2, 1956; 8:50 a. m.]

### Subchapter C—Drugs

### PART 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS

#### STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) POLYMYXIN-NEOMYCIN OINTMENT

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, 61 Stat. 11; 21 U. S. C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), the regulations for the certification of streptomycin and streptomycin-containing drugs are amended, in § 146b.124 *Streptomycin-polymyxin-neomycin ointment* * * * by changing the third sentence of paragraph (a) *Standards of identity* * * * to read as follows: "Its potency is such that when used as directed in its labeling each dose shall contain not less than 250 milligrams of streptomycin or dihydrostreptomycin, 100,000 units of polymyxin B, and 150 milligrams of neomycin."

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendment set forth above.

*Effective date.* This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055, as amended. Interprets or applies sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: April 26, 1956.

[SEAL] GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F. R. Doc. 56–3468; Filed, May 2, 1956; 8:50 a. m.]



# TITLE 26—INTERNAL REVENUE, 1954

## Chapter I—Internal Revenue Service, Department of the Treasury

### Subchapter F—Procedure and Administration

[T. D. 6172]

### PART 301—PROCEDURE AND ADMINISTRATION

#### PERIODS OF LIMITATION

On July 29, 1955, notice of proposed rule making regarding the regulations under chapter 66 of the Internal Revenue Code of 1954, relating to limitations applicable to the taxes imposed by such Code, was published in the FEDERAL REGISTER (20 F. R. 5423). After consideration of such relevant suggestions as were presented by interested persons regarding the proposals, the following regulations are hereby adopted:

#### LIMITATIONS

#### LIMITATIONS ON ASSESSMENT AND COLLECTION

| Sec. | |
|---|---|
| 301.6501 (a) | Statutory provisions; limitations on assessment and collection; general rule. |
| 301.6501 (a)–1 | Period of limitations upon assessment and collection. |
| 301.6501 (b) | Statutory provisions; limitations on assessment and collection; time return deemed filed. |
| 301.6501 (b)–1 | Time return deemed filed for purposes of determining limitations. |
| 301.6501 (c) | Statutory provisions; limitations on assessment and collection; exceptions. |
| 301.6501(c)–1 | Exceptions to general period of limitations on assessment and collection. |
| 301.6501 (d) | Statutory provisions; limitations on assessment and collection; request for prompt assessment. |
| 301.6501 (d)–1 | Request for prompt assessment. |
| 301.6501 (e) | Statutory provisions; limitations on assessment and collection; omission from gross income. |
| 301.6501 (e)–1 | Omission from return. |
| 301.6501 (f) | Statutory provisions; limitations on assessment and collection; personal holding company tax. |
| 301.6501 (f)–1 | Personal holding company tax. |
| 301.6501 (g) | Statutory provisions; limitations on assessment and collection; certain income tax returns of corporations. |
| 301.6501(g)–1 | Certain income tax returns of corporations. |
| 301.6501 (h) | Statutory provisions; limitations on assessment and collection; joint income return after separate return. |
| 301.6502 | Statutory provisions; collection after assessment. |
| 301.6502–1 | Collection after assessment. |
| 301.6503 (a) | Statutory provisions; suspension of running of period of limitation; issuance of statutory notice of deficiency. |
| 301.6503 (a)–1 | Suspension of running of period of limitation; issuance of statutory notice of deficiency. |
| 301.6503 (b) | Statutory provisions; suspension of running of period of limitation; assets of taxpayer in control or custody of court. |
| 301.6503 (b)–1 | Suspension of running of period of limitation; assets of taxpayer in control or custody of court. |
| 301.6503 (c) | Statutory provisions; suspension of running of period of limitation; location of property outside the United States or removal of property from the United States. |
| 301.6503 (c)–1 | Suspension of running of period of limitation; location of property outside the United States or removal of property from the United States. |
| 301.6503 (d) | Statutory provisions; suspension of running of period of limitation; extensions of time for payment of estate tax. |
| 301.6503 (d)–1 | Suspension of running of period of limitation; extension of time for payment of estate tax. |
| 301.6503 (e) | Statutory provisions; suspension of running of period of limitation; cross references. |
| 301.6504 | Statutory provisions; cross references. |

#### LIMITATIONS ON CREDIT OR REFUND

| | |
|---|---|
| 301.6511 (a) | Statutory provisions; limitations on credit or refund; period of limitation on filing claim. |
| 301.6511 (a)–1 | Period of limitation on filing claim. |
| 301.6511 (b) | Statutory provisions; limitations on credit or refund; limitation on allowance of credits and refunds. |
| 301.6511 (b)–1 | Limitations on allowance of credits and refunds. |
| 301.6511 (c) | Statutory provisions; limitations on credit or refund; special rules applicable in case of extension of time by agreement. |
| 301.6511 (c)–1 | Special rules applicable in case of extension of time by agreement. |
| 301.6511 (d) | Statutory provisions; limitations on credit or refund; special rules applicable to income taxes. |
| 301.6511 (d)–1 | Overpayment of income tax on account of bad debts, worthless securities, etc. |
| 301.6511 (d)–2 | Overpayment of income tax on account of net operating loss carrybacks. |
| 301.6511 (d)–3 | Special rules applicable to credit against income tax for foreign taxes. |

Sec.
301.6511 (e) Statutory provisions; limitations on credit or refund; special rules in case of manufactured sugar.
301.6511 (e)-1 Special rules applicable to manufactured sugar.
301.6511 (f) Statutory provisions; limitations on credit or refund; cross references.
301.6512 Statutory provisions; limitations in case of petition to Tax Court.
301.6512-1 Limitations in case of petition to Tax Court.
301.6513 Statutory provisions; time return deemed filed and tax considered paid.
301.6513-1 Time return deemed filed and tax considered paid.
301.6514 (a) Statutory provisions; credits or refunds after period of limitation.
301.6514 (a)-1 Credits or refunds after period of limitation.
301.6514 (b) Statutory provisions; credit after period of limitation.
301.6514 (b)-1 Credit against barred liability.
301.6515 Statutory provisions; cross references.

MITIGATION OF EFFECT OF PERIOD OF LIMITATIONS

301.6521 Statutory provisions; mitigation of effect of limitation in case of related taxes under different chapters.
301.6521-1 Mitigation of effect of limitation in case of related employee social security tax and self-employment tax.
301.6521-2 Law applicable in determination of error.

PERIODS OF LIMITATION IN JUDICIAL PROCEEDINGS

301.6531 Statutory provisions; periods of limitation on criminal prosecutions.
301.6532 Statutory provisions; periods of limitation on suits.
301.6532-1 Periods of limitation on suits by taxpayers.
301.6532-2 Periods of limitation on suits by the United States.
301.6533 Statutory provisions; cross references.

AUTHORITY: §§ 301.6501 to 301.6533 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805.

GENERAL RULES

EFFECTIVE DATE AND RELATED PROVISIONS

301.7851 Statutory provisions; applicability of revenue laws.

LIMITATIONS

LIMITATIONS ON ASSESSMENT AND COLLECTION

§ 301.6501 (a) *Statutory provisions; limitations on assessment and collection; general rule.*

SEC. 6501. *Limitations on assessment and collection.*

(a) *General rule.* Except as otherwise provided in this section, the amount of any tax imposed by this title shall be assessed within 3 years after the return was filed (whether or not such return was filed on or after the date prescribed) or, if the tax is payable by stamp, within 3 years after such tax became due, and no proceeding in court without assessment for the collection of such tax shall be begun after the expiration of such period.

§ 301.6501 (a)-1 *Period of limitations upon assessment and collection.* (a) The amount of any tax imposed by the Internal Revenue Code of 1954 (other than a tax collected by means of stamps) shall be assessed within 3 years after the return was filed. For rules applicable in cases where the return is filed prior to the due date thereof, see section 6501 (b). In the case of taxes payable by stamp, assessment must be made within 3 years after the tax became due. For exceptions and additional rules, see subsections (b) to (g) of section 6501, and for cross references to other provisions relating to limitations on assessment and collection, see sections 6501 (h) and 6504.

(b) No proceeding in court without assessment for the collection of any tax shall be begun after the expiration of the applicable period for the assessment of such tax.

§ 301.6501 (b) *Statutory provisions; limitations on assessment and collection; time return deemed filed.*

SEC. 6501. *Limitations on assessment and collection.* • • •

(b) *Time return deemed filed*—(1) *Early return.* For purposes of this section, a return of tax imposed by this title, except tax imposed by chapter 21 or 24, filed before the last day prescribed by law or by regulations promulgated pursuant to law for the filing thereof, shall be considered as filed on such last day.

(2) *Return of certain employment taxes.* For purposes of this section, if a return of tax imposed by chapter 21 or 24 for any period ending with or within a calendar year is filed before April 15 of the succeeding calendar year, such return shall be considered filed on April 15 of such calendar year.

(3) *Return executed by Secretary.* Notwithstanding the provisions of paragraph (2) of section 6020 (b), the execution of a return by the Secretary or his delegate pursuant to the authority conferred by such section shall not start the running of the period of limitations on assessment and collection.

§ 301.6501 (b)-1 *Time return deemed filed for purposes of determining limitations*—(a) *Early return.* Any return, other than employment tax returns referred to in paragraph (b) of this section, filed prior to the last day prescribed by law or regulations for the filing thereof (determined without regard to any extension of time for filing) shall be considered as filed on such last day.

(b) *Returns of social security tax and of income tax withholding.* If a return of tax under chapter 21 (relating to the Federal Insurance Contributions Act) or chapter 24 (relating to the collection of income tax at source on wages) for any period ending with or within a calendar year is filed before April 15 of the succeeding calendar year, such return shall be deemed filed on April 15 of such succeeding calendar year. For example, if quarterly returns are filed for the four quarters of 1955 on April 30, July 31, and October 31, 1955, and on January 31, 1956, the period of limitation for assessment with respect to the tax required to be reported on such returns is measured from April 15, 1956. However, if any of such returns is filed after April 15, 1956, the period of limitation for assessment of the tax required to be reported on that return is measured from the date it is in fact filed.

(c) *Returns executed by district directors or other internal revenue officers.* The execution of a return by a district director or other authorized internal revenue officer or employee under the authority of section 6020 (b) shall not start the running of the statutory period of limitations on assessment and collection.

§ 301.6501 (c) *Statutory provisions; limitations on assessment and collection; exceptions.*

SEC. 6501. *Limitations on assessment and collection.* • • •

(c) *Exceptions*—(1) *False return.* In the case of a false or fraudulent return with the intent to evade tax, the tax may be assessed, or a proceeding in court for collection of such tax may be begun without assessment, at any time.

(2) *Willful attempt to evade tax.* In case of a willful attempt in any manner to defeat or evade tax imposed by this title (other than tax imposed by subtitle A or B), the tax may be assessed, or a proceeding in court for the collection of such tax may be begun without assessment, at any time.

(3) *No return.* In the case of failure to file a return, the tax may be assessed, or a proceeding in court for the collection of such tax may be begun without assessment, at any time.

(4) *Extension by agreement.* Where, before the expiration of the time prescribed in this section for the assessment of any tax imposed by this title, except the estate tax provided in chapter 11, both the Secretary or his delegate and the taxpayer have consented in writing to its assessment after such time, the tax may be assessed at any time prior to the expiration of the period agreed upon. The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon.

(5) *Tax resulting from changes in certain income tax or estate tax credits.* For special rules applicable in cases where the adjustment of certain taxes allowed as a credit against income taxes or estate taxes results in additional tax, see section 905 (c) (relating to the foreign tax credit for income tax purposes) and section 2016 (relating to taxes of foreign countries, States, etc., claimed as credit against estate taxes).

§ 301.6501 (c)-1 *Exceptions to general period of limitations on assessment and collection*—(a) *False return.* In the case of a false or fraudulent return with intent to evade any tax, the tax may be assessed, or a proceeding in court for the collection of such tax may be begun without assessment, at any time after such false or fraudulent return is filed.

(b) *Willful attempt to evade tax.* In the case of a willful attempt in any manner to defeat or evade any tax imposed by the Internal Revenue Code of 1954 (other than a tax imposed by subtitle A or B, relating to income, estate, or gift taxes), the tax may be assessed, or a proceeding in court for the collection of such tax may be begun without assessment, at any time.

(c) *No return.* In the case of a failure to file a return, the tax may be assessed, or a proceeding in court for the collection of such tax may be begun without assessment, at any time after the date prescribed for filing the return.

(d) *Extension by agreement.* The time prescribed by section 6501 for the assessment of any tax (other than the estate tax imposed by chapter 11) may, prior to the expiration of such time, be extended for any period of time agreed upon in writing by the taxpayer and the district director or an assistant regional commissioner. The extension shall become effective when the agreement has been executed by both parties. The period agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon.

§ 301.6501 (d) *Statutory provisions; limitations on assessment and collection; request for prompt assessment.*

SEC. 6501. *Limitations on assessment and collection.* • • •

(d) *Request for prompt assessment.* Except as otherwise provided in subsection (c), in the case of any tax (other than the tax imposed by chapter 11 of subtitle B, relating to estate taxes) for which return is required in the case of a decedent, or by his estate during the period of administration, or by a corporation, the tax shall be assessed, and any proceeding in court without assessment for the collection of such tax shall be begun, within 18 months after written request therefor (filed after the return is made and filed in such manner and such form as may be prescribed by regulations of the Secretary or his delegate) by the executor, administrator, or other fiduciary representing the estate of such decedent, or by the corporation, but not after the expiration of 3 years after the return was filed. This subsection shall not apply in the case of a corporation unless—

(1) Such written request notifies the Secretary or his delegate that the corporation contemplates dissolution at or before the expiration of such 18-month period; and

(2) The dissolution is in good faith begun before the expiration of such 18-month period; and

(3) The dissolution is completed.

§ 301.6501 (d)-1 *Request for prompt assessment.* (a) Except as otherwise provided in section 6501 (c) or (e), any tax for which a return is required and for which—

(1) A decedent or an estate of a decedent may be liable, other than the estate tax imposed by chapter 11, or

(2) A corporation which either has been dissolved, or is contemplating dissolution, may be liable,

shall be assessed, or a proceeding in court without assessment for the collection of such tax shall be begun, within 18 months after the receipt of a written request for prompt assessment thereof.

(b) The executor, administrator, or other fiduciary representing the estate of the decedent, or the corporation, or the fiduciary representing the dissolved corporation, as the case may be, shall, after the return in question has been filed, file the request for prompt assessment in writing with the district director for the internal revenue district in which such return was filed. The request, in order to be effective, must be transmitted separately from any other document, must set forth the classes of tax and the taxable periods for which the prompt assessment is requested, and must clearly indicate that it is a request for prompt assessment under the provisions of section 6501 (d). The effect of such a request is to limit the time in which an assessment of tax may be made, or a proceeding in court without assessment for collection of tax may be begun, to a period of 18 months from the date the request is filed with the proper district director. The request does not extend the time within which an assessment may be made, or a proceeding in court without assessment may be begun, beyond 3 years from the date the return was filed. This special period of limitations will not apply to any return filed after a request for prompt assessment has been made unless an additional request is filed in the manner provided herein.

(c) In the case of a corporation the 18-month period shall not apply unless—

(1) The written request notifies the district director that the corporation either has been dissolved or contemplates dissolution at or before the expiration of such period, and

(2) In the case of a corporation contemplating dissolution—

(i) The dissolution is in good faith begun before the expiration of such 18-month period, and

(ii) The dissolution so begun is completed either before or after the expiration of such period.

§ 301.6501 (e) *Statutory provisions; limitations on assessment and collection; omission from gross income.*

SEC. 6501. *Limitations on assessment and collection.* • • •

(e) *Omission from gross income.* Except as otherwise provided in subsection (c)—

(1) *Income taxes.* In the case of any tax imposed by subtitle A—

(A) *General rule.* If the taxpayer omits from gross income an amount properly includible therein which is in excess of 25 percent of the amount of gross income stated in the return, the tax may be assessed, or a proceeding in court for the collection of such tax may be begun without assessment, at any time within 6 years after the return was filed. For purposes of this subparagraph—

(i) In the case of a trade or business, the term "gross income" means the total of the amounts received or accrued from the sale of goods or services (if such amounts are required to be shown on the return) prior to diminution by the cost of such sales or services; and

(ii) In determining the amount omitted from gross income, there shall not be taken into account any amount which is omitted from gross income stated in the return if such amount is disclosed in the return, or in a statement attached to the return, in a manner adequate to apprise the Secretary or his delegate of the nature and amount of such item.

(B) *Constructive dividends.* If the taxpayer omits from gross income an amount properly includible therein under section 551 (b) (relating to the inclusion in the gross income of United States shareholders of their distributive shares of the undistributed foreign personal holding company income), the tax may be assessed, or a proceeding in court for the collection of such tax may be begun without assessment, at any time within 6 years after the return was filed.

(2) *Estate and gift taxes.* In the case of a return of estate tax under chapter 11 or a return of gift tax under chapter 12, if the taxpayer omits from the gross estate or from the total amount of the gifts made during the year items includible in such gross estate or such total gifts, as the case may be, as exceed in amount 25 percent of the gross estate stated in the return or the total amount of gifts stated in the return, the tax may be assessed, or a proceeding in court for the collection of such tax may be begun without assessment, at any time within 6 years after the return was filed. In determining the items omitted from the gross estate or the total gifts, there shall not be taken into account any item which is omitted from the gross estate or from the total gifts stated in the return if such item is disclosed in the return, or in a statement attached to the return, in a manner adequate to apprise the Secretary or his delegate of the nature and amount of such item.

§ 301.6501 (e)-1 *Omission from return*—(a) *Income taxes*—(1) *General rule.* (i) If the taxpayer omits from the gross income stated in the return of a tax imposed by subtitle A an amount properly includible therein which is in excess of 25 percent of the gross income so stated, the tax may be assessed, or a proceeding in court for the collection of such tax may be begun without assessment, at any time within 6 years after the return was filed.

(ii) For purposes of this subparagraph, the term "gross income", as it relates to a trade or business, means the total of the amounts received or accrued from the sale of goods or services, to the extent required to be shown on the return, without reduction for the cost of such sales or services. An item shall not be considered as omitted from gross income if information, sufficient to apprise the district director of the nature and amount of such item, is disclosed in the return or in any schedule or statement attached to the return.

(2) *Constructive dividends.* If a taxpayer omits from gross income an amount properly includible therein under section 551 (b) as his distributive share of the undistributed foreign personal holding company income, the tax may be assessed, or a proceeding in court for the collection of such tax may be begun without assessment, at any time within 6 years after the return was filed.

(b) *Estate and gift taxes.* (1) If the taxpayer omits from the gross estate as stated in the estate tax return, or from the total amount of the gifts made during the year as stated in the gift tax return, an item or items properly includible therein the amount of which is in excess of 25 percent of the gross estate as stated in the return, or 25 percent of the total amount of the gifts as stated in the return, the tax may be assessed, or a proceeding in court for the collection thereof may be begun without assessment, at any time within 6 years after the return was filed.

(2) For purposes of this paragraph, an item disclosed in the return or in any schedule or statement attached to the return in a manner sufficient to apprise the district director of the nature and amount thereof shall not be taken into account in determining items omitted from the gross estate or total gifts, as the case may be. Further, there shall not be taken into account in computing the 25 percent omission from the gross estate stated in the estate tax return or from the total gifts stated in the gift tax return, any increases in the valuation of assets disclosed on the return.

(c) *Exception.* The provisions of this section do not limit the application of section 6501 (c).

§ 301.6501 (f) *Statutory provisions; limitations on assessment and collection; personal holding company tax.*

SEC. 6501. *Limitations on assessment and collection.* • • •

(f) *Personal holding company tax.* If a corporation which is a personal holding company for any taxable year fails to file with its return under chapter 1 for such year a schedule setting forth—

(1) The items of gross income, described in section 543 (a), received by the corporation during such year, and

(2) The names and addresses of the individuals who owned, within the meaning of section 544 (relating to rules for determining stock ownership), at any time during the last half of such year more than 50 percent in value of the outstanding capital stock of the corporation,

the personal holding company tax for such year may be assessed, or a proceeding in court for the collection of such tax may be begun without assessment, at any time within 6 years after the return for such year was filed.

§ 301.6501 (f)–1 *Personal holding company tax.* If a corporation which is a personal holding company for any taxable year fails to file with its income tax return for such year a schedule setting forth the items of gross income described in section 543 (a) received by the corporation during such year, and the names and addresses of the individuals who owned, within the meaning of section 544, at any time during the last half of such taxable year, more than 50 percent in value of the outstanding capital stock of the corporation, the personal holding company tax for such year may be assessed, or a proceeding in court for the collection thereof may be begun without assessment, at any time within 6 years after the return for such year was filed.

§ 301.6501 (g) *Statutory provisions; limitations on assessment and collection; certain income tax returns of corporations.*

SEC. 6501. *Limitations on assessment and collection.* • • •

(g) *Certain income tax returns of corporations*—(1) *Trusts or partnerships.* If a taxpayer determines in good faith that it is a trust or partnership and files a return as such under subtitle A, and if such taxpayer is thereafter held to be a corporation for the taxable year for which the return is filed, such return shall be deemed the return of the corporation for purposes of this section.

(2) *Exempt organizations.* If a taxpayer determines in good faith that it is an exempt organization and files a return as such under section 6033, and if such taxpayer is thereafter held to be a taxable corporation for the taxable year for which the return is filed, such return shall be deemed the return of the corporation for purposes of this section.

§ 301.6501 (g)–1 *Certain income tax returns of corporations*—(a) *Trusts or partnerships.* If a taxpayer determines in good faith that it is a trust or partnership and files a return as such under subtitle A, and if the taxpayer is later held to be a corporation for the taxable year for which the return was filed, such return shall be deemed to be the return of the corporation for the purpose of section 6501.

(b) *Exempt organizations.* If a taxpayer determines in good faith that it is an exempt organization and files a return as such under section 6033, and if the taxpayer is later held to be a taxable organization for the taxable year for which the return was filed, such return shall be deemed to be the return of the organization for the purpose of section 6501.

§ 301.6501 (h) *Statutory provisions; limitations on assessment and collection; joint income return after separate return.*

SEC. 6501. *Limitations on assessment and collection.* • • •

(h) *Joint income return after separate return.* For period of limitations for assessment and collection in the case of a joint income return filed after separate returns have been filed, see section 6013 (b) (3) and (4).

§ 301.6502 *Statutory provisions; collection after assessment.*

SEC. 6502. *Collection after assessment*—(a) *Length of period.* Where the assessment of any tax imposed by this title has been made within the period of limitation properly applicable thereto, such tax may be collected by levy or by a proceeding in court, but only if the levy is made or the proceeding begun—

(1) Within 6 years after the assessment of the tax, or

(2) Prior to the expiration of any period for collection agreed upon in writing by the Secretary or his delegate and the taxpayer before the expiration of such 6-year period (or, if there is a release of levy under section 6343 after such 6-year period, then before such release).

The period so agreed upon may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon.

(b) *Date when levy is considered made.* The date on which a levy on property or rights to property is made shall be the date on which the notice of seizure provided in section 6335 (a) is given.

§ 301.6502–1 *Collection after assessment*—(a) *Length of period*—(1) *General rule.* In any case in which a tax has been assessed within the statutory period of limitation properly applicable thereto, a proceeding in court to collect such tax may be begun, or levy for the collection of such tax may be made, within 6 years after the assessment thereof.

(2) *Extension by agreement.* (i) The 6-year period of limitation on collection after assessment of any tax may, prior to the expiration thereof, be extended for any period of time agreed upon in writing by the taxpayer and the district director. The extension shall become effective upon execution of the agreement by both the taxpayer and the district director.

(ii) The period of limitation on collection after assessment of any tax (including any extension of such period) may be extended after the expiration thereof if there has been a levy on any part of the taxpayer's property prior to such expiration and if the extension is agreed upon in writing prior to a release of the levy under the provisions of section 6343. An extension under this subdivision has the same effect as an agreement made prior to the expiration of the period of limitation on collection after assessment, and during the period of the extension collection may be enforced as to all property or rights to property owned by the taxpayer whether or not seized under the levy which was released.

(iii) Any period agreed upon under the provisions of this subparagraph may be extended by subsequent agreements in writing made before the expiration of the period previously agreed upon.

(b) *Date when levy is considered made.* The date on which a levy on property or rights to property is made is the date on which the notice of seizure provided in section 6335 (a) is given.

§ 301.6503 (a) *Statutory provisions; suspension of running of period of limitation; issuance of statutory notice of deficiency.*

SEC. 6503. *Suspension of running of period of limitation*—(a) *Issuance of statutory notice of deficiency*—(1) *General rule.* The running of the period of limitations provided in section 6501 or 6502 on the making of assessments or the collection by levy or a proceeding in court, in respect of any deficiency as defined in section 6211 (relating to income, estate, and gift taxes), shall (after the mailing of a notice under section 6212 (a)) be suspended for the period during which the Secretary or his delegate is prohibited from making the assessment or from collecting by levy or a proceeding in court (and in any event, if a proceeding in respect of the deficiency is placed on the docket of the Tax Court, until the decision of the Tax Court becomes final), and for 60 days thereafter.

(2) *Corporation joining in consolidated income tax return.* If a notice under section 6212 (a) in respect of a deficiency in tax imposed by subtitle A for any taxable year is mailed to a corporation, the suspension of the running of the period of limitations provided in paragraph (1) of this subsection shall apply in the case of corporations with which such corporation made a consolidated income tax return for such taxable year.

§ 301.6503 (a)–1 *Suspension of running of period of limitation; issuance of statutory notice of deficiency*—(a) *General rule.* Upon the mailing of a notice of deficiency for income, estate, or gift tax under the provisions of section 6212, the period of limitation on assessment and collection of any deficiency is suspended for 90 days if the notice of deficiency is addressed to a person within the States of the Union and the District of Columbia, or 150 days if such notice is addressed to a person outside the States of the Union and the District of Columbia (not counting Saturday, Sunday, or a legal holiday in the District of Columbia as the 90th or 150th day), plus an additional 60 days thereafter in either case. If a proceeding in respect of the deficiency is placed on the docket of the Tax Court, the period of limitations is suspended until the decision of the Tax Court becomes final, and for an additional 60 days thereafter. If a notice of deficiency is mailed to a taxpayer within the period of limitation and the taxpayer does not appeal therefrom to the Tax Court, the notice of deficiency so given does not suspend the running of the period of limitation with respect to any additional deficiency shown to be due in a subsequent deficiency notice.

*Example.* A taxpayer filed a return for the calendar year 1954 on April 15, 1955; the notice of deficiency was mailed to him (at an address within the United States) on April 15, 1958; and he filed a petition with the Tax Court on July 14, 1958. The decision of the Tax Court became final on November 6, 1959. The running of the period of limitation for assessment is suspended from April 15, 1958 to January 5, 1960, which date is 60 days after the date (November 6, 1959) on which the decision became final. If in this example the taxpayer had failed to file a petition with the Tax Court, the running of the period of limitation for assessment would then be suspended from April 15, 1958 (the date of notice), to September 12, 1958 (that is, for the 90-day period in which he could file a petition with the Tax Court, and for 60 days thereafter).

(b) *Corporations joining in consolidated return.* If a notice under section 6212 (a) with respect to a deficiency in tax imposed by subtitle A for any taxable year is mailed to a corporation, the suspension of the running of the period of limitations provided in section 6503 (a) (1) shall apply in the case of corporations with which such corporation made a consolidated income tax return for such taxable year. Under § 1.1502–16 of the Income Tax Regulations (relating to consolidated returns), notices of deficiency are mailed only to the common parent.

§ 301.6503 (b) *Statutory provisions; suspension of running of period of limitation; assets of taxpayer in control or custody of court.*

SEC. 6503. *Suspension of running of period of limitation.* • • •

(b) *Assets of taxpayer in control or custody of court.* The period of limitations on collection after assessment prescribed in section 6502 shall be suspended for the period the assets of the taxpayer (other than the estate of a decedent or of an incompetent) are in the control or custody of the court in any proceeding before any court of the United States or of any State or Territory or of the District of Columbia, and for 6 months thereafter.

§ 301.6503 (b)–1 *Suspension of running of period of limitation; assets of taxpayer in control or custody of court.* Where the assets of a taxpayer (other than the estate of a decedent or of an incompetent) are in the control or custody of the court in any proceeding before any court of the United States or of any State or Territory of the United States or of the District of Columbia, the period of limitation on collection after assessment prescribed in section 6502 is suspended for the period such assets are in the control or custody of the court, and for 6 months thereafter.

§ 301.6503 (c) *Statutory provisions; suspension of running of period of limitation; location of property outside the United States or removal of property from the United States.*

SEC. 6503. *Suspension of running of period of limitation.* • • •

(c) *Location of property outside the United States or removal of property from the United States.* In case collection is hindered or delayed because property of the taxpayer is situated or held outside the United States or is removed from the United States, the period of limitations on collection after assessment prescribed in section 6502 shall be suspended for the period collection is so hindered or delayed. The total suspension of time under this subsection shall not in the aggregate exceed 6 years.

§ 301.6503 (c)–1 *Suspension of running of period of limitation; location of property outside the United States or removal of property from the United States.* The running of the period of limitation on collection after assessment prescribed in section 6502 is suspended for the period of time that collection is hindered or delayed because property of the taxpayer is situated or held outside the United States or is removed from the United States. The total suspension of time under this provision shall not in the aggregate exceed 6 years. In any case in which the district director determines that collection is so hindered or delayed, he shall make and retain in the files of his office a written report which shall identify the taxpayer and the tax liability, shall show what steps were taken to collect the tax liability, shall state the grounds for his determination that property of the taxpayer is situated or held outside, or is removed from, the United States, and shall show the date on which it was first determined that collection was so hindered or delayed. The term "property" includes all property or rights to property, real or personal, tangible or intangible, belonging to the taxpayer. The suspension of the running of the period of limitation on collection shall be considered to begin on the date so determined by the district director. A copy of the report shall be mailed to the taxpayer at his last known address.

§ 301.6503 (d) *Statutory provisions; suspension of running of period of limitation; extensions of time for payment of estate tax.*

SEC. 6503. *Suspension of running of period of limitation.* • • •

(d) *Extensions of time for payment of estate tax.* The running of the period of limitations for assessment or collection of any tax imposed by chapter 11 shall be suspended for the period of any extension of time for payment granted under the provisions of section 6161 (a) (2) or (b) (2).

§ 301.6503 (d)–1 *Suspension of running of period of limitation; extension of time for payment of estate tax.* Where an estate is granted an extension of time as provided in section 6161 (a) (2) or (b) (2) for payment of any estate tax, the running of the period of limitations for assessment or collection of such tax is suspended for the period of time for which the extension is granted.

§ 301.6503 (e) *Statutory provisions; suspension of running of period of limitation; cross references.*

SEC. 6503. *Suspension of running of period of limitation.* • • •

(e) *Cross references.* For suspension in case of—

(1) Deficiency dividends of a personal holding company, see section 547 (f).

(2) Bankruptcy and receiverships, see subchapter B of chapter 70.

(3) Claims against transferees and fiduciaries, see chapter 71.

§ 301.6504 *Statutory provisions; cross references.*

SEC. 6504. *Cross references.* For limitation period in case of—

(1) Adjustments incident to involuntary liquidation of inventory, see section 1321.

(2) Adjustments to accrued foreign taxes, see section 905 (c).

(3) Change of election to take standard deduction where taxpayer and his spouse make separate returns, see section 144 (b).

(4) Involuntary conversion of property, see section 1033 (a) (3) (C) and (D).

(5) Gain upon sale or exchange of residence, see section 1034 (j).

(6) War loss recoveries where prior benefit rule is elected, see section 1335.

(7) Recovery of unconstitutional Federal taxes, see section 1346.

(8) Limitations on deductions allowable to individuals in certain cases, see section 270 (d).

(9) Application by executor for discharge from personal liability for estate tax, see section 2204.

(10) Insolvent banks and trust companies, see section 7507.

(11) Service in a combat zone, etc., see section 7508.

(12) Claims against transferees and fiduciaries, see chapter 71.

LIMITATIONS ON CREDIT OR REFUND

§ 301.6511 (a) *Statutory provisions; limitations on credit or refund; period of limitation on filing claim.*

SEC. 6511. *Limitations on credit or refund*—(a) *Period of limitation on filing claim.* Claim for credit or refund of an overpayment of any tax imposed by this title in respect of which tax the taxpayer is required to file a return shall be filed by the taxpayer within 3 years from the time the return was required to be filed (determined without regard to any extension of time) or 2 years from the time the tax was paid, whichever of such periods expires the later, or if no return was filed by the taxpayer, within 2 years from the time the tax was paid. Claim for credit or refund of an overpayment of any tax imposed by this title which is required to be paid by means of a stamp shall be filed by the taxpayer within 3 years from the time the tax was paid.

§ 301.6511 (a)–1 *Period of limitation on filing claim.* (a) In the case of any tax (other than a tax payable by stamp)—

(1) If a return is filed, a claim for credit or refund of an overpayment must be filed by the taxpayer within 3 years from the last date prescribed for the filing of the return (determined without regard to any extension of time for filing such return) or within 2 years from the time the tax was paid, whichever of such periods expires the later.

(2) If no return is filed, the claim for credit or refund of an overpayment must be filed by the taxpayer within 2 years from the time the tax was paid.

(b) In the case of any tax payable by means of a stamp, a claim for credit or refund of an overpayment of such tax must be filed by the taxpayer within 3 years from the time the tax was paid. For provisions relating to redemption of unused stamps, see section 6805.

(c) For limitations on allowance of credit or refund, special rules, and exceptions, see subsections (b) through (e) of section 6511. For limitations in the case of a petition to the Tax Court, see section 6512. For rules as to time return is deemed filed and tax considered paid, see section 6513.

§ 301.6511 (b) *Statutory provisions; limitations on credit or refund; limitation on allowance of credits and refunds.*

SEC. 6511. *Limitations on credit or refund.* • • •

(b) *Limitation on allowance of credits and refunds*—(1) *Filing of claim within prescribed period.* No credit or refund shall be allowed or made after the expiration of the period of limitation prescribed in subsection (a) for the filing of a claim for credit

or refund, unless a claim for credit or refund is filed by the taxpayer within such period.

(2) *Limit on amount of credit or refund—*

(A) *Limit to amount paid within 3 years.* If the claim was filed by the taxpayer during the 3-year period prescribed in subsection (a), the amount of the credit or refund shall not exceed the portion of the tax paid within the 3 years immediately preceding the filing of the claim. If the tax was required to be paid by means of a stamp, the amount of the credit or refund shall not exceed the portion of the tax paid within the 3 years immediately preceding the filing of the claim.

(B) *Limit to amount paid within 2 years.* If the claim was not filed within such 3-year period, the amount of the credit or refund shall not exceed the portion of the tax paid during the 2 years immediately preceding the filing of the claim.

(C) *Limit if no claim filed.* If no claim was filed, the credit or refund shall not exceed the amount which would be allowable under subparagraph (A) or (B), as the case may be, if claim was filed on the date the credit or refund is allowed.

§ 301.6511 (b)–1 *Limitations on allowance of credits and refunds*—(a) *Effect of filing claim.* Unless a claim for credit or refund of an overpayment is filed within the period of limitation prescribed in section 6511 (a), no credit or refund shall be allowed or made after the expiration of such period.

(b) *Limit on amount to be credited or refunded.* (1) In the case of any tax (other than a tax payable by stamp)—

(i) If a return was filed, and a claim is filed within 3 years from the last date prescribed for filing such return (determined without regard to any extension of time for such filing), the amount of the credit or refund shall not exceed the portion of the tax paid within the 3 years immediately preceding the filing of the claim.

(ii) If a return was filed, and a claim is filed after the 3-year period described in subdivision (i) of this subparagraph but within 2 years from the time the tax was paid, the amount of the credit or refund shall not exceed the portion of the tax paid within the 2 years immediately preceding the filing of the claim.

(iii) If no return was filed, but a claim is filed, the amount of the credit or refund shall not exceed the portion of the tax paid within the 2 years immediately preceding the filing of the claim.

(iv) If no claim is filed, the amount of the credit or refund allowed or made by the district director shall not exceed the amount that would have been allowable under the preceding subdivisions of this subparagraph if a claim had been filed on the date the credit or refund is allowed.

(2) In the case of a tax payable by stamp—

(i) If a claim is filed, the amount of the credit or refund shall not exceed the portion of the tax paid within the 3 years immediately preceding the filing of the claim.

(ii) If no claim is filed, the amount of the credit or refund allowed or made by the district director shall not exceed the portion of the tax paid within the 3 years immediately preceding the allowance of the credit or refund.

For provisions relating to redemption of unused stamps, see section 6805.

§ 301.6511 (c) *Statutory provisions; limitations on credit or refund; special rules applicable in case of extension of time by agreement.*

SEC. 6511. *Limitations on credit or refund.* • • •

(c) *Special rules applicable in case of extension of time by agreement.* If an agreement under the provisions of section 6501 (c) (4) extending the period for assessment of a tax imposed by this title is made within the period prescribed in subsection (a) for the filing of a claim for credit or refund—

(1) *Time for filing claim.* The period for filing claim for credit or refund or for making credit or refund if no claim is filed, provided in subsections (a) and (b) (1), shall not expire prior to 6 months after the expiration of the period within which an assessment may be made pursuant to the agreement or any extension thereof under section 6501 (c) (4).

(2) *Limit on amount.* If a claim is filed, or a credit or refund is allowed when no claim was filed, after the execution of the agreement and within 6 months after the expiration of the period within which an assessment may be made pursuant to the agreement or any extension thereof, the amount of the credit or refund shall not exceed the portion of the tax paid after the execution of the agreement and before the filing of the claim or the making of the credit or refund, as the case may be, plus the portion of the tax paid within the period which would be applicable under subsection (b) (2) if a claim had been filed on the date the agreement was executed.

(3) *Claims not subject to special rule.* This subsection shall not apply in the case of a claim filed, or credit or refund allowed if no claim is filed, either—

(A) Prior to the execution of the agreement or

(B) More than 6 months after the expiration of the period within which an assessment may be made pursuant to the agreement or any extension thereof.

§ 301.6511 (c)–1 *Special rules applicable in case of extension of time by agreement*—(a) *Scope.* If, within the period prescribed in section 6511 (a) for the filing of a claim for credit or refund, an agreement extending the period for assessment of a tax has been made in accordance with the provisions of section 6501 (c) (4), the special rules provided in this section become applicable. This section shall not apply to any claim filed, or credit or refund allowed if no claim is filed, either (1) prior to the execution of an agreement extending the period in which assessment may be made, or (2) more than 6 months after the expiration of the period within which an assessment may be made pursuant to the agreement or any extension thereof.

(b) *Period in which claim may be filed.* Claim for credit or refund of an overpayment may be filed, or credit or refund may be allowed if no claim is filed, at any time within which an assessment may be made pursuant to an agreement, or any extension thereof, under section 6501 (c) (4), and for 6 months thereafter.

(c) *Limit on amount to be credited or refunded.* (1) If a claim is filed within the time prescribed in paragraph (b) of this section, the amount of the credit or refund allowed or made shall not exceed the portion of the tax paid after the execution of the agreement and before the filing of the claim, plus the amount that could have been properly credited or refunded under the provisions of section 6511 (b) (2) if a claim had been filed on the date of the execution of the agreement.

(2) If no claim is filed, the amount of credit or refund allowed or made within the time prescribed in paragraph (b) of this section shall not exceed the portion of the tax paid after the execution of the agreement and before the making of the credit or refund, plus the amount that could have been properly credited or refunded under the provisions of section 6511 (b) (2) if a claim had been filed on the date of the execution of the agreement.

(d) *Effective date of agreement.* The agreement referred to in this section shall become effective when signed by the taxpayer and the district director or an assistant regional commissioner.

§ 301.6511 (d) *Statutory provisions; limitations on credit or refund; special rules applicable to income taxes.*

SEC. 6511. *Limitations on credit or refund.* • • •

(d) *Special rules applicable to income taxes—*

(1) *Seven-year period of limitation with respect to bad debts and worthless securities.* If the claim for credit or refund relates to an overpayment of tax imposed by subtitle A on account of—

(A) The deductibility by the taxpayer, under section 166 or section 832 (c), of a debt as a debt which became worthless, or, under section 165 (g), of a loss from worthlessness of a security, or

(B) The effect that the deductibility of a debt or loss described in subparagraph (A) has on the application to the taxpayer of a carryover,

in lieu of the 3-year period of limitation prescribed in subsection (a), the period shall be 7 years from the date prescribed by law for filing the return for the year with respect to which the claim is made. If the claim for credit or refund relates to an overpayment on account of the effect that the deductibility of such a debt or loss has on the application to the taxpayer of a carryback, the period shall be either 7 years from the date prescribed by law for filing the return for the year of the net operating loss which results in such carryback or the period prescribed in paragraph (2) of this subsection, whichever expires the later. In the case of a claim described in this paragraph the amount of the credit or refund may exceed the portion of the tax paid within the period prescribed in subsection (b) (2) or (c), whichever is applicable, to the extent of the amount of the overpayment attributable to the deductibility of items described in this paragraph.

(2) *Special period of limitation with respect to net operating loss carrybacks*—(A) *Period of limitation.* If the claim for credit or refund relates to an overpayment attributable to a net operating loss carryback, in lieu of the 3-year period of limitation prescribed in subsection (a), the period shall be that period which ends with the expiration of the 15th day of the 39th month following the end of the taxable year of the net operating loss which results in such carryback, or the period prescribed in subsection (c) in respect of such taxable year, whichever expires later. In the case of such a claim, the amount of the credit or refund may exceed the portion of the tax paid within the period provided in subsection (b) (2) or (c), whichever is applicable, to the extent of the amount of the overpayment attributable to such carryback.

(B) *Applicable rules.* If the allowance of a credit or refund of an overpayment of tax attributable to a net operating loss carryback is otherwise prevented by the operation of any law or rule of law other than section 7122, relating to compromises, such credit or refund may be allowed or made, if claim therefor is filed within the period provided in subparagraph (A) of this paragraph. If the allowance of an application, credit, or refund of a decrease in tax determined under section 6411 (b) is otherwise prevented by the operation of any law or rule of law other than section 7122, such application, credit, or refund may be allowed or made if application for a tentative carryback adjustment is made within the period provided in section 6411 (a). In the case of any such claim for credit or refund or any such application for a tentative carryback adjustment, the determination by any court, including the Tax Court, in any proceeding in which the decision of the court has become final, shall be conclusive except with respect to the net operating loss deduction, and the effect of such deduction, to the extent that such deduction is affected by a carryback which was not in issue in such proceeding.

(3) *Special rules relating to foreign tax credit*—(A) *Special period of limitation with respect to foreign taxes paid or accrued.* If the claim for credit or refund relates to an overpayment attributable to any taxes paid or accrued to any foreign country or to any possession of the United States for which credit is allowed against the tax imposed by subtitle A in accordance with the provisions of section 901 or the provisions of any treaty to which the United States is a party, in lieu of the 3-year period of limitation prescribed in subsection (a), the period shall be 10 years from the date prescribed by law for filing the return for the year with respect to which the claim is made.

(B) *Exception in the case of foreign taxes paid or accrued.* In the case of a claim described in subparagraph (A), the amount of the credit or refund may exceed the portion of the tax paid within the period provided in subsection (b) or (c), whichever is applicable, to the extent of the amount of the overpayment attributable to the allowance of a credit for the taxes described in subparagraph (A).

§ 301.6511 (d)–1 *Overpayment of income tax on account of bad debts, worthless securities, etc.* (a) (1) If the claim for credit or refund relates to an overpayment of income tax on account of—

(i) The deductibility by the taxpayer, under section 166 or section 832 (c), of a debt as a debt which became worthless, or, under section 165 (g), of a loss from the worthlessness of a security, or

(ii) The effect that the deductibility of a debt or loss described in subdivision (i) of this subparagraph has on the application to the taxpayer of a carryover,

then in lieu of the 3-year period from the last date prescribed for filing the return (determined without regard to any extension of time for filing such return), in which claim may be filed or credit or refund allowed, as prescribed in section 6511 (a) or (b), the period shall be 7 years from the date prescribed by law for filing the return (determined without regard to any extension of time for filing such return) for the taxable year for which the claim is made or the credit or refund allowed or made.

(2) If the claim for credit or refund relates to an overpayment on account of the effect that the deductibility of a debt or loss, described in subparagraph (1) of this paragraph, has on the application to the taxpayer of a net operating loss carryback provided in section 172 (b), the period in which claim for credit or refund may be filed shall be whichever of the following two periods expires later:

(i) Seven years from the last date prescribed for filing the return (determined without regard to any extension of time for filing such return) for the taxable year of the net operating loss which results in such carryback, or

(ii) The period which ends with the expiration of the period prescribed in section 6511 (c) within which a claim for credit or refund may be filed with respect to the taxable year of the net operating loss which resulted in the carryback.

(3) In the case of a claim for credit or refund involving items described in this section, the amount of the credit or refund may exceed the portion of the tax paid within the period provided in section 6511 (b) (2) or (c), whichever is applicable, to the extent of the amount of the overpayment attributable to the deductibility of items described in subparagraph (1) of this paragraph. If the claim involves an overpayment based not only on the deductibility of items described in subparagraph (1) of this paragraph but based also on other items, the credit or refund cannot exceed the sum of the following:

(i) The amount of the overpayment which is attributable to the deductibility of items described in subparagraph (1) of this paragraph, and

(ii) The balance of such overpayment up to a limit of the portion, if any, of the tax paid within the period provided in section 6511 (b) (2) or (c), or within the period provided in any other applicable provision of law.

(4) If the claim involves an overpayment based not only on the deductibility of items described in subparagraph (1) of this paragraph but based also on other items, and if the claim with respect to any items is barred by the expiration of any applicable period of limitation, the portion of the overpayment attributable to the items not so barred shall be determined by treating the allowance of such items as the first adjustment to be made in computing such overpayment.

(b) If a claim for credit or refund is not filed within the applicable period described in paragraph (a) of this section, then credit or refund may be allowed or made only if claim therefor is filed or if such credit or refund is allowed within any period prescribed in section 6511 (a), (b), or (c), whichever is applicable, subject to the provisions thereof limiting the amount of credit or refund in the case of a claim filed, or, if no claim was filed, in the case of credit or refund allowed within such applicable period as prescribed in section 6511 (b) or (c).

(c) The provisions of this section and section 6511 (d) (1) do not apply to an overpayment resulting from the deductibility of a debt that became partially worthless during the taxable year, but only to an overpayment resulting from the deductibility of a debt which became entirely worthless during such year.

(d) The provisions of paragraph (a) of this section with regard to an overpayment caused by the deductibility of a bad debt under section 166 or section 832 (c), or of a loss from the worthlessness of a security under section 165 (g), are likewise applicable to an overpayment caused by the effect that the deductibility of such bad debt or loss has on the application to the taxpayer of a carryover or of a carryback.

§ 301.6511 (d)–2 *Overpayment of income tax on account of net operating loss carrybacks*—(a) *Special period of limitation.* (1) If the claim for credit or refund relates to an overpayment of income tax attributable to a net operating loss carryback, provided in section 172 (b), then in lieu of the 3-year period from the last date prescribed for the filing of the return (determined without regard to any extension of time for filing such return) in which the claim may be filed or credit or refund allowed, as prescribed in section 6511 (a) or (b), the period shall be whichever of the following 2 periods expires later:

(i) The period which ends with the expiration of the fifteenth day of the thirty-ninth month following the end of the taxable year of the net operating loss which resulted in the carryback; or

(ii) The period which ends with the expiration of the period prescribed in section 6511 (c) within which a claim for credit or refund may be filed with respect to the taxable year of the net operating loss which resulted in the carryback.

(2) In the case of a claim for credit or refund involving a net operating loss carryback described in subparagraph (1) of this paragraph, the amount of the credit or refund may exceed the portion of the tax paid within the period provided in section 6511 (b) (2) or (c), whichever is applicable, to the extent of the amount of the overpayment attributable to the carryback. If the claim involves an overpayment based not only on a net operating loss carryback described in subparagraph (1) of this paragraph but based also on other items, the credit or refund cannot exceed the sum of the following:

(i) The amount of the overpayment which is attributable to the net operating loss carryback, and

(ii) The balance of such overpayment up to a limit of the portion, if any, of the tax paid within the period provided in section 6511 (b) (2) or (c), or within the period provided in any other applicable provision of law.

(3) If the claim involves an overpayment based not only on a net operating loss carryback described in subparagraph (1) of this paragraph but based also on other items, and if the claim with respect to any items is barred by the expiration of any applicable period of limitation, the portion of the overpayment attributable to the items not so barred shall be determined by treating the allowance of such items as the first adjustment to be made in computing such overpayment. If a claim for credit or refund is not filed, and if credit or refund is not allowed, within the period prescribed in this paragraph, then credit or refund may be allowed or made only if claim therefor is filed, or if such credit or refund is allowed, within the period prescribed in section 6511 (a), (b), or (c), whichever is applicable, subject to the provisions thereof limiting the amount of credit or refund in the case

of a claim filed, or if no claim was filed, in case of credit or refund allowed, within such applicable period. For the limitations on the allowance of interest for an overpayment where credit or refund is subject to the provisions of this section, see section 6611 (f).

(b) *Barred overpayments.* If the allowance of a credit or refund of an overpayment of tax attributable to a net operating loss carryback is otherwise prevented by the operation of any law or rule of law (other than section 7122, relating to compromises), such credit or refund may be allowed or made under the provisions of section 6511 (d) (2) (B) if a claim therefor is filed within the period provided by section 6511 (d) (2) (A) and paragraph (a) of this section for filing a claim for credit or refund of an overpayment attributable to a carryback. Similarly, if the allowance of an application, credit, or refund of a decrease in tax determined under section 6411 (b) is otherwise prevented by the operation of any law or rule of law (other than section 7122), such application, credit, or refund may be allowed or made if an application for a tentative carryback adjustment is filed within the period provided in section 6411 (a). Thus, for example, even though the tax liability (not including the net operating loss deduction or the effect of such deduction) for a given taxable year has previously been litigated before the Tax Court, credit or refund of an overpayment may be allowed or made despite the provisions of section 6512 (a), if claim for such credit or refund is filed within the period provided in section 6511 (d) (2) (A) and paragraph (a) of this section. In the case of a claim for credit or refund of an overpayment attributable to a carryback, or in the case of an application for a tentative carryback adjustment, the determination of any court, including the Tax Court, in any proceeding in which the decision of the court has become final, shall be conclusive except with respect to the net operating loss deduction, and the effect of such deduction, to the extent that such deduction is affected by a carryback which was not in issue in such proceeding.

§ 301.6511 (d)–3 *Special rules applicable to credit against income tax for foreign taxes*—(a) *Period in which claim may be filed.* In the case of an overpayment of income tax resulting from a credit, allowed under the provisions of section 901 or under the provisions of any treaty to which the United States is a party, for taxes paid or accrued to a foreign country or possession of the United States, a claim for credit or refund must be filed by the taxpayer within 10 years from the last date prescribed for filing the return (determined without regard to any extension of time for filing such return) for the taxable year with respect to which the claim is made. Such 10-year period shall be applied in lieu of the 3-year period prescribed in section 6511 (a).

(b) *Limit on amount to be credited or refunded.* In the case of a claim described in paragraph (a) of this section, the amount of the credit or refund allowed or made may exceed the portion of the tax paid within the period prescribed in section 6511 (b) or (c), whichever is applicable, to the extent of the amount of the overpayment attributable to the allowance of a credit against income tax referred to in paragraph (a) of this section.

§ 301.6511 (e) *Statutory provisions; limitations on credit or refund; special rules in case of manufactured sugar.*

SEC. 6511. *Limitations on credit or refund.* • • •

(e) *Special rules in case of manufactured sugar*—(1) *Use as livestock feed or for distillation of alcohol.* No payment shall be allowed under section 6418 (a) unless within 2 years after the right to such payment has accrued a claim therefor is filed by the person entitled thereto.

(2) *Exportation.* No payment shall be allowed under section 6418 (b) unless within 2 years after the right to such payment has accrued a claim therefor is filed by the person entitled thereto.

§ 301.6511 (e)–1 *Special rules applicable to manufactured sugar*—(a) *Use as livestock feed and for distillation of alcohol.* No payment shall be allowed or made under section 6418 (a) unless within 2 years after the date the right to such payment has accrued a claim therefor is filed by the person entitled thereto. Such right accrues as of the date the manufactured sugar, or article manufactured therefrom, is used for a purpose for which payment is allowable under section 6418 (a).

(b) *Exportation.* No payment shall be allowed or made under section 6418 (b) unless within 2 years after the date the right to such payment has accrued a claim therefor is filed by the person entitled thereto. Such right accrues as of the date the articles are exported.

§ 301.6511 (f) *Statutory provisions; limitations on credit or refund; cross references.*

SEC. 6511. *Limitations on credit or refund.* • • •

(f) *Cross references.* (1) For time return deemed filed and tax considered paid, see section 6513.

(2) For limitations with respect to certain credits against estate tax, see sections 2011 (c), 2014 (b), and 2015.

(3) For limitations in case of floor stocks refunds, see section 6412.

(4) For a period of limitations for credit or refund in the case of joint income returns after separate returns have been filed, see section 6013 (b) (3).

§ 301.6512 *Statutory provisions; limitations in case of petition to Tax Court.*

SEC. 6512. *Limitations in case of petition to Tax Court*—(a) *Effect of petition to Tax Court.* If the Secretary or his delegate has mailed to the taxpayer a notice of deficiency under section 6212 (a) (relating to deficiencies of income, estate, and gift taxes) and if the taxpayer files a petition with the Tax Court within the time prescribed in section 6213 (a), no credit or refund of income tax for the same taxable year, of gift tax for the same calendar year, or of estate tax in respect of the taxable estate of the same decedent, in respect of which the Secretary or his delegate has determined the deficiency shall be allowed or made and no suit by the taxpayer for the recovery of any part of the tax shall be instituted in any court except—

(1) As to overpayments determined by a decision of the Tax Court which has become final; and

(2) As to any amount collected in excess of an amount computed in accordance with the decision of the Tax Court which has become final; and

(3) As to any amount collected after the period of limitation upon the making of levy or beginning a proceeding in court for collection has expired; but in any such claim for credit or refund or in any such suit for refund the decision of the Tax Court which has become final, as to whether such period has expired before the notice of deficiency was mailed, shall be conclusive.

(b) *Overpayment determined by Tax Court*—(1) *Jurisdiction to determine.* If the Tax Court finds that there is no deficiency and further finds that the taxpayer has made an overpayment of income tax for the same taxable year, of gift tax for the same calendar year, or of estate tax in respect of the taxable estate of the same decedent, in respect of which the Secretary or his delegate determined the deficiency, or finds that there is a deficiency but that the taxpayer has made an overpayment of such tax, the Tax Court shall have jurisdiction to determine the amount of such overpayment, and such amount shall, when the decision of the Tax Court has become final, be credited or refunded to the taxpayer.

(2) *Limit on amount of credit or refund.* No such credit or refund shall be allowed or made of any portion of the tax unless the Tax Court determines as part of its decision that such portion was paid—

(A) After the mailing of the notice of deficiency, or

(B) Within the period which would be applicable under section 6511 (b) (2), (c), or (d), if on the date of the mailing of the notice of deficiency a claim had been filed (whether or not filed) stating the grounds upon which the Tax Court finds that there is an overpayment.

§ 301.6512–1 *Limitations in case of petition to Tax Court*—(a) *Effect of petition to Tax Court*—(1) *General rule.* If a person, having a right to file a petition with the Tax Court with respect to a deficiency in income, estate, or gift tax imposed by subtitle A or B, has filed such petition within the time prescribed in section 6213 (a), no credit or refund of income tax for the same taxable year, or of gift tax for the same calendar year, or of estate tax in respect of the taxable estate of the same decedent, in respect of which a district director (or an assistant regional commissioner, appellate) has determined the deficiency, shall be allowed or made, and no suit in any court for the recovery of any part of such tax shall be instituted by the taxpayer, except as to items set forth in subparagraph (2) of this paragraph.

(2) *Exceptions.* The exceptions to the rule stated in subparagraph (1) of this paragraph are as follows:

(i) An overpayment determined by a decision of the Tax Court which has become final;

(ii) Any amount collected in excess of an amount computed in accordance with the decision of the Tax Court which has become final; and

(iii) Any amount collected after the expiration of the period of limitation upon levying or beginning a proceeding in court for collection.

(b) *Overpayment determined by Tax Court.* If the Tax Court finds that there is no deficiency and further finds that the taxpayer has made an overpayment of income tax for the same taxable year, or of gift tax for the same calendar year, or of estate tax in respect of the taxable estate of the same decedent, in respect of which a district director (or an assistant regional commissioner, appellate) has determined the deficiency, or finds that there is a deficiency but that the taxpayer has made an overpayment of such tax, the overpayment determined by the Tax Court shall be credited or refunded to the taxpayer when the decision of the Tax Court has become final. (See section 7481, relating to the date when Tax Court decision becomes final.) No such credit or refund shall be allowed or made of any portion of the tax unless the Tax Court determines as part of its decision that such portion was paid—

(1) After the mailing of the notice of deficiency, or

(2) Within the period which would be applicable under section 6511 (b) (2), (c), or (d) (see §§ 301.6511 (b)–1, 301.6511 (c)–1, 301.6511 (d)–1, 301.6511 (d)–2, and 301.6511 (d)–3), if on the date of the mailing of the notice of deficiency a claim had been filed (whether or not filed) stating the grounds upon which the Tax Court finds that there is an overpayment.

(c) *Jeopardy assessments.* In the case of a jeopardy assessment made under section 6861 (a), if the amount which should have been assessed as determined by a decision of the Tax Court which has become final is less than the amount already collected, the excess payment shall be credited or refunded subject to a determination being made by the Tax Court with respect to the time of payment as stated in paragraph (b) of this section.

(d) *Disallowance of deficiency by reviewing court.* If the amount of the deficiency determined by the Tax Court (in a case where collection has not been stayed by the filing of a bond) is disallowed in whole or in part by the reviewing court, then the overpayment resulting from such disallowance shall be credited or refunded without the making of claim therefor, subject to a determination being made by the Tax Court with respect to the time of payment as stated in paragraph (b) of this section. (See section 7481, relating to date Tax Court decision becomes final.)

(e) *Collection in excess of amount determined by Tax Court.* Where the amount collected is in excess of the amount computed in accordance with the decision of the Tax Court which has become final, the excess payment shall be credited or refunded within the period of limitation provided in section 6511.

(f) *Collection after expiration of statutory period.* Where an amount is collected after the statutory period of limitation upon the beginning of levy or a proceeding in court for collection has expired (see section 6502, relating to collection after assessment), the taxpayer may file a claim for refund of the amount so collected within the period of limitation provided in section 6511. In any such case, the decision of the Tax Court as to whether the statutory period upon collection of the tax expired before notice of the deficiency was mailed shall, when the decision becomes final, be conclusive.

§ 301.6513 *Statutory provisions; time return deemed filed and tax considered paid.*

SEC. 6513. *Time return deemed filed and tax considered paid*—(a) *Early return or advance payment of tax.* For purposes of section 6511, any return filed before the last day prescribed for the filing thereof shall be considered as filed on such last day. For purposes of section 6511 (b) (2) and (c) and section 6512, payment of any portion of the tax made before the last day prescribed for the payment of the tax shall be considered made on such last day. For purposes of this subsection, the last day prescribed for filing the return or paying the tax shall be determined without regard to any extension of time granted the taxpayer and without regard to any election to pay the tax in installments.

(b) *Prepaid income tax.* For purposes of section 6511 or 6512, any tax actually deducted and withheld at the source during any calendar year under chapter 24 shall, in respect of the recipient of the income, be deemed to have been paid by him on the 15th day of the fourth month following the close of his taxable year with respect to which such tax is allowable as a credit under section 31. For purposes of section 6511 or 6512, any amount paid as estimated income tax for any taxable year shall be deemed to have been paid on the last day prescribed for filing the return under section 6012 for such taxable year (determined without regard to any extension of time for filing such return).

(c) *Return and payment of social security taxes and income tax withholding.* Notwithstanding subsection (a), for purposes of section 6511 with respect to any tax imposed by chapter 21 or 24—

(1) If a return for any period ending with or within a calendar year is filed before April 15 of the succeeding calendar year, such return shall be considered filed on April 15 of such succeeding calendar year; and

(2) If a tax with respect to remuneration paid during any period ending with or within a calendar year is paid before April 15 of the succeeding calendar year, such tax shall be considered paid on April 15 of such succeeding calendar year.

(d) *Overpayment of income tax credited to estimated tax.* If any overpayment of income tax is, in accordance with section 6402 (b), claimed as a credit against estimated tax for the succeeding taxable year, such amount shall be considered as a payment of the income tax for the succeeding taxable year (whether or not claimed as a credit in the return of estimated tax for such succeeding taxable year), and no claim for credit or refund of such overpayment shall be allowed for the taxable year in which the overpayment arises.

§ 301.6513–1 *Time return deemed filed and tax considered paid*—(a) *Early return or advance payment of tax.* For purposes of section 6511, a return (other than the employment tax returns referred to in paragraph (c) of this section) filed before the last day prescribed by law or regulations for the filing thereof shall be considered as filed on such last day. For purposes of section 6511 (b) (2) and (c) and section 6512, payment of any portion of the tax made before the last day prescribed for payment shall be considered made on such last day. An extension of time for filing a return or for paying any tax, or an election to pay any tax in installments, shall not be given any effect in determining under this section the last day prescribed for filing a return or paying any tax.

(b) *Prepaid income tax.* For purposes of section 6511 (relating to limitations on credit or refund) or section 6512 (relating to limitations in case of petition to Tax Court), any tax actually deducted and withheld at the source during any calendar year under chapter 24 (relating to collection of income tax at source on wages) shall, in respect of the recipient of the income, be deemed to have been paid by him on the 15th day of the fourth month following the close of his taxable year with respect to which such tax is allowable as a credit under section 31 (relating to tax withheld on wages). For purposes of section 6511 or 6512, any amount paid as estimated income tax for any taxable year shall be deemed to have been paid on the last day prescribed for filing the return under section 6012 (relating to persons required to make returns of income) for such taxable year (determined without regard to any extension of time for filing such return).

(c) *Return and payment of social security taxes and income tax withholding.* If a return of tax under chapter 21 (relating to the Federal Insurance Contributions Act) or chapter 24 (relating to the collection of income tax at source on wages) for any period ending with or within a calendar year is filed before April 15 of the succeeding calendar year or if a tax with respect to remuneration paid during any period ending with or within a calendar year is paid before such date, for purposes of section 6511 (relating to limitations on credit or refund) the return shall be considered filed, or the tax considered paid, on April 15th of such succeeding calendar year.

(d) *Overpayment of income tax credited to estimated tax.* If a taxpayer elects under the provisions of section 6402 (b) to credit an overpayment of income tax for a taxable year against estimated tax for the succeeding taxable year, the amount so credited shall be considered a payment of income tax for such succeeding taxable year (whether or not claimed as a credit on the estimated tax return for such succeeding taxable year). If the treatment of such amount as a payment of income tax for the succeeding taxable year results in an overpayment for such succeeding taxable year, the period of limitations applicable to such overpayment is determined by reference to that taxable year. An election so to credit an overpayment of income tax precludes the allowance of a claim for credit or refund of such overpayment for the taxable year in which the overpayment arises.

§ 301.6514 (a) *Statutory provisions; credits or refunds after period of limitation.*

SEC. 6514. *Credits or refunds after period of limitation*—(a) *Credits or refunds after period of limitation.* A refund of any portion of an internal revenue tax shall be considered erroneous and a credit of any such portion shall be considered void—

(1) *Expiration of period for filing claim.* If made after the expiration of the period of

limitation for filing claim therefor, unless within such period claim was filed; or

(2) *Disallowance of claim and expiration of period for filing suit.* In the case of a claim filed within the proper time and disallowed by the Secretary or his delegate, if the credit or refund was made after the expiration of the period of limitation for filing suit, unless within such period suit was begun by the taxpayer.

(3) *Recovery of erroneous refunds.* For procedure by the United States to recover erroneous refunds, see sections 6532 (b) and 7405.

§ 301.6514 (a)–1 *Credits or refunds after period of limitation.* (a) A refund of any portion of any internal revenue tax (or any interest, additional amount, addition to the tax, or assessable penalty) shall be considered erroneous and a credit of any such portion shall be considered void—

(1) If made after the expiration of the period of limitation prescribed by section 6511 for filing claim therefor, unless prior to the expiration of such period claim was filed, or

(2) In the case of a timely claim, if the credit or refund was made after the expiration of the period of limitation prescribed by section 6532 (a) for the filing of suit, unless prior to the expiration of such period suit was begun.

(b) For procedure by the United States to recover erroneous refunds, see sections 6532 (b) and 7405.

§ 301.6514 (b) *Statutory provisions; credit after period of limitation.*

SEC. 6514. *Credits or refunds after period of limitation.* * * *

(b) *Credit after period of limitation.* Any credit against a liability in respect of any taxable year shall be void if any payment in respect to such liability would be considered an overpayment under section 6401 (a).

§ 301.6514 (b)–1 *Credit against barred liability.* Any credit against a liability in respect of any taxable year shall be void if the collection of such liability would be barred by the applicable statute of limitations at the time such credit is made.

§ 301.6515 *Statutory provisions; cross references.*

SEC. 6515. *Cross references.* For limitations in case of—

(1) Adjustments incident to involuntary liquidation of inventory, see section 1321.

(2) War loss recoveries where prior benefit rule is elected, see section 1335.

(3) Deficiency dividends of a personal holding company, see section 547.

(4) Overpayment in certain renegotiations of war contracts, see section 1481.

(5) Tentative carry-back adjustments, see section 6411.

(6) Service in a combat zone, etc., see section 7508.

(7) Suits for refund by taxpayers, see section 6532 (a).

MITIGATION OF EFFECT OF PERIOD OF LIMITATIONS

§ 301.6521 *Statutory provisions; mitigation of effect of limitation in case of related taxes under different chapters.*

SEC. 6521. *Mitigation of effect of limitation in case of related taxes under different chapters*—(a) *Self-employment tax and tax on wages.* In the case of the tax imposed by chapter 2 (relating to tax on self-employment income) and the tax imposed by section 3101 (relating to tax on employees under the Federal Insurance Contributions Act)—

(1) If an amount is erroneously treated as self-employment income, or if an amount is erroneously treated as wages, and

(2) If the correction of the error would require an assessment of one such tax and the refund or credit of the other tax, and

(3) If at any time the correction of the error is authorized as to one such tax but is prevented as to the other tax by any law or rule of law (other than section 7122, relating to compromises),

then, if the correction authorized is made, the amount of the assessment, or the amount of the credit or refund, as the case may be, authorized as to the one tax shall be reduced by the amount of the credit or refund, or the amount of the assessment, as the case may be, which would be required with respect to such other tax for the correction of the error if such credit or refund, or such assessment, of such other tax were not prevented by any law or rule of law (other than section 7122, relating to compromises).

(b) *Definitions.* For purposes of subsection (a), the terms "self-employment income" and "wages" shall have the same meaning as when used in section 1402 (b).

§ 301.6521–1 *Mitigation of effect of limitation in case of related employee social security tax and self-employment tax.* (a) Section 6521 may be applied in the correction of a certain type of error involving both the tax on self-employment income under section 1401 and the employee tax under section 3101 if the correction of the error as to one tax is, on the date the correction is authorized, prevented in whole or in part by the operation of any law or rule of law other than section 7122, relating to compromises. Examples of such law are section 6212 (c), 6401 (a), 6501, 6511, 6512 (a), 6514, 6532, 6901 (c), (d) and (e), 7121, and 7459 (e).

(b) If the liability for either tax with respect to which the error was made has been compromised under section 7122, the provisions of section 6521 limiting the correction with respect to the other tax do not apply.

(c) Section 6521 is not applicable if, on the date of the authorization, correction of the effect of the error is permissible as to both taxes without recourse to such section.

(d) If, because an amount of wages, as defined in section 3121 (a), is erroneously treated as self-employment income, as defined in section 1402 (b), or an amount of self-employment income is erroneously treated as wages, it is necessary in correcting the error to assess the correct tax and give a credit or refund for the amount of the tax erroneously paid, and if either, but not both, of such adjustments is prevented by any law or rule of law (other than section 7122), the amount of the assessment, or the amount of the credit or refund, authorized shall reflect the adjustment which would be made in respect of the other tax (either the tax on self-employment income under section 1401 or the employee tax under section 3101) but for the operation of such law or rule of law. For example, assume that during 1955 A paid $10 as tax on an amount erroneously treated as "wages", when such amount was actually self-employment income, and that credit or refund of the $10 is not barred. A should have paid a self-employment tax of $15 on the amount. If the assessment of the correct tax, that is, $15, is barred by the statute of limitations, no credit or refund of the $10 shall be made without offsetting against such $10 the $15, assessment of which is barred. Thus, no credit or refund in respect of the $10 can be made.

(e) As another example, assume that during 1955 a taxpayer reports wages of $4,200 and net earnings from self-employment of $900. By reason of the limitations of section 1402 (b) he shows no self-employment income. Assume further that by reason of a final decision by the Tax Court of the United States, further adjustments to the taxpayer's income tax liability are barred. The question of the amount of his wages, as defined in section 3121, was not in issue in the Tax Court litigation, but it is subsequently determined (within the period of limitations applicable under the Federal Insurance Contributions Act) that $700 of the $4,200 reported as wages was not for employment as defined in section 3121 (b). Therefore, the taxpayer is entitled to the allowance of a refund of the $14 tax paid on such remuneration under section 3101. The reduction of his wages from $4,200 to $3,500 would result in the determination of $700 self-employment income, the tax on which is $21 for the year. Under section 6521, the overpayment of $14 would be offset by the barred deficiency of $21, thus eliminating the refund otherwise allowable. If the facts were changed so that the taxpayer erroneously paid tax on self-employment income of $700, having been taxed on only $3,500 as wages, and within the period of limitations applicable under the Federal Insurance Contributions Act, it is determined that his wages were $4,200, the tax of $14 under section 3101, otherwise collectible, would be eliminated by offsetting under section 6521 the barred overpayment of $21. The balance of the barred overpayment, $7, cannot be credited or refunded.

(f) Another illustration of the operation of section 6521 is the case of a taxpayer who, for 1955, is erroneously taxed on $2,500 as wages, the tax on which is $50, and who reports no self-employment income. After the period of limitations has run on the refund of the tax under the Federal Insurance Contributions Act, it is determined that the amount treated as wages should have been reported as net earnings from self-employment. The taxpayer's self-employment income would then be $2,500 and the tax thereon would be $75. Assume that the period of limitations applicable to subtitle A has not expired, and that a notice of deficiency may properly be issued. Under section 6521, the amount of the deficiency of $75 must be reduced by the barred overpayment of $50.

§ 301.6521–2 *Law applicable in determination of error.* The question of whether there was an erroneous treatment of self-employment income or of wages is determined under the provisions of law and regulations applicable with respect to the year or other taxable period as to which the error was made. The fact that the error was in pursuance of an interpretation, either judicial or administrative, accorded such provisions of law and regulations at the time the action involved was taken is not necessarily determinative of this question. For example, if a later judicial decision authoritatively alters such interpretation so that such action is contrary to the applicable provisions of the law and regulations as later interpreted, the error comes within the scope of section 6521.



PERIODS OF LIMITATION IN JUDICIAL PROCEEDINGS

§ 301.6531 *Statutory provisions; periods of limitation on criminal prosecutions.*

SEC. 6531. *Periods of limitation on criminal prosecutions.* No person shall be prosecuted, tried, or punished for any of the various offenses arising under the internal revenue laws unless the indictment is found or the information instituted within 3 years next after the commission of the offense, except that the period of limitation shall be 6 years—

(1) For offenses involving the defrauding or attempting to defraud the United States or any agency thereof, whether by conspiracy or not, and in any manner;

(2) For the offense of willfully attempting in any manner to evade or defeat any tax or the payment thereof;

(3) For the offense of willfully aiding or assisting in, or procuring, counseling, or advising, the preparation or presentation under, or in connection with any matter arising under, the internal revenue laws, of a false or fraudulent return, affidavit, claim, or document (whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present such return, affidavit, claim, or document);

(4) For the offense of willfully failing to pay any tax, or make any return (other than a return required under authority of part III of subchapter A of chapter 61) at the time or times required by law or regulations;

(5) For offenses described in sections 7206 (1) and 7207 (relating to false statements and fraudulent documents);

(6) For the offense described in section 7212 (a) (relating to intimidation of officers and employees of the United States);

(7) For offenses described in section 7214 (a) committed by officers and employees of the United States; and

(8) For offenses arising under section 371 of Title 18 of the United States Code, where the object of the conspiracy is to attempt in any manner to evade or defeat any tax or the payment thereof.

The time during which the person committing any of the various offenses arising under the internal revenue laws is outside the United States or is a fugitive from justice within the meaning of section 3290 of Title 18 of the United States Code, shall not be taken as any part of the time limited by law for the commencement of such proceedings. (The preceding sentence shall also be deemed an amendment to section 3748 (a) of the Internal Revenue Code of 1939, and shall apply in lieu of the sentence in section 3748 (a) which relates to the time during which a person committing an offense is absent from the district wherein the same is committed, except that such amendment shall apply only if the period of limitations under section 3748 would, without the application of such amendment, expire more than 3 years after the date of enactment of this title, and except that such period shall not, with the application of this amendment, expire prior to the date which is 3 years after the date of enactment of this title.) Where a complaint is instituted before a commissioner of the United States within the period above limited, the time shall be extended until the date which is 9 months after the date of the making of the complaint before the commissioner of the United States. For the purpose of determining the periods of limitation on criminal prosecutions, the rules of section 6513 shall be applicable.

§ 301.6532 *Statutory provisions; periods of limitation on suits.*

SEC. 6532. *Periods of limitation on suits*—(a) *Suits by taxpayers for refund*—(1) *General rule.* No suit or proceeding under section 7422 (a) for the recovery of any internal revenue tax, penalty, or other sum, shall be begun before the expiration of 6 months from the date of filing the claim required under such section unless the Secretary or his delegate renders a decision thereon within that time, nor after the expiration of 2 years from the date of mailing by registered mail by the Secretary or his delegate to the taxpayer of a notice of the disallowance of the part of the claim to which the suit or proceeding relates.

(2) *Extension of time.* The 2-year period prescribed in paragraph (1) shall be extended for such period as may be agreed upon in writing between the taxpayer and the Secretary or his delegate.

(3) *Waiver of notice of disallowance.* If any person files a written waiver of the requirement that he be mailed a notice of disallowance, the 2-year period prescribed in paragraph (1) shall begin on the date such waiver is filed.

(4) *Reconsideration after mailing of notice.* Any consideration, reconsideration, or action by the Secretary or his delegate with respect to such claim following the mailing of a notice by registered mail of disallowance shall not operate to extend the period within which suit may be begun.

(b) *Suits by United States for recovery of erroneous refunds.* Recovery of an erroneous refund by suit under section 7405 shall be allowed only if such suit is begun within 2 years after the making of such refund, except that such suit may be brought at any time within 5 years from the making of the refund if it appears that any part of the refund was induced by fraud or misrepresentation of a material fact.

§ 301.6532–1 *Periods of limitation on suits by taxpayers.* (a) No suit or proceeding under section 7422 (a) for the recovery of any internal revenue tax, penalty, or other sum shall be begun until whichever of the following first occurs:

(1) The expiration of 6 months from the date of the filing of the claim for credit or refund, or

(2) A decision is rendered on such claim prior to the expiration of 6 months after the filing thereof.

Except as provided in paragraph (b) of this section, no suit or proceeding for the recovery of any internal revenue tax, penalty, or other sum may be brought after the expiration of 2 years from the date of mailing by registered mail by a district director or an assistant regional commissioner to a taxpayer of a notice of disallowance of the part of the claim to which the suit or proceeding relates.

(b) The 2-year period described in paragraph (a) of this section may be extended if an agreement to extend the running of the period of limitations is executed. The agreement must be signed by the taxpayer or by an attorney, agent, trustee, or other fiduciary on behalf of the taxpayer. If the taxpayer is a corporation, the agreement should be signed with the corporate name followed by the signature of a duly authorized officer of the corporation. The agreement will not be effective until signed by a district director or an assistant regional commissioner.

(c) The taxpayer may sign a waiver of the requirement that he be mailed a notice of disallowance. Such waiver is irrevocable and will commence the running of the 2-year period described in paragraph (a) of this section on the date the waiver is filed. The waiver shall set forth:

(1) The type of tax and the taxable period covered by the taxpayer's claim for refund;

(2) The amount of the claim;

(3) The amount of the claim disallowed;

(4) A statement that the taxpayer agrees the filing of the waiver will commence the running of the 2-year period provided for in section 6532 (a) (1) as if a notice of disallowance had been sent the taxpayer by registered mail.

The filing of such a waiver prior to the expiration of 6 months from the date the claim was filed does not permit the filing of a suit for refund prior to the time specified in section 6532 (a) (1) and paragraph (a) of this section.

(d) Any consideration, reconsideration, or other action with respect to a claim after the mailing by registered mail of a notice of disallowance or after the execution of a waiver referred to in paragraph (c) of this section, shall not extend the period for bringing suit or other proceeding under section 7422 (a).

§ 301.6532–2 *Periods of limitation on suits by the United States.* The United States may not recover any erroneous refund by civil action under section 7405 unless such action is begun within 2 years after the making of such refund. However, if any part of the refund was induced by fraud or misrepresentation of a material fact, the action to recover the erroneous refund may be brought at any time within 5 years from the date the refund was made.

§ 301.6533 *Statutory provisions; cross references.*

SEC. 6533. *Cross references.* (1) For period of limitation in respect of civil actions for fines, penalties, and forfeitures, see section 2462 of Title 28 of the United States Code.

(2) For extensions of time by reason of armed service in a combat zone, see section 7508.

(3) For suspension of running of statute until 3 years after termination of hostilities, see section 3287 of Title 18.

GENERAL RULES

EFFECTIVE DATE AND RELATED PROVISIONS

§ 301.7851 *Statutory provisions; applicability of revenue laws.*

SEC. 7851. *Applicability of revenue laws*—(a) *General rules.* Except as otherwise provided in any section of this title—

• • • • •

(6) *Subtitle F*—(A) *General rule.* The provisions of subtitle F [inc. chapter 66, relating to limitations] shall take effect on the day after the date of enactment of this title and shall be applicable with respect to any tax imposed by this title. • • •

NOTE: Chapter 66 of the Internal Revenue Code of 1954, relating to limitations, is applicable only with respect to the taxes imposed by the 1954 Code. The provisions of the Internal Revenue Code of 1939 relating to limitations are applicable with respect to the taxes imposed by the 1939 Code.

[SEAL] RUSSELL C. HARRINGTON,
*Commissioner of Internal Revenue.*

Approved: April 30, 1956.

DAN THROOP SMITH,
*Special Assistant to the Secretary in Charge of Tax Policy.*

[F. R. Doc. 56-3484; Filed, May 2, 1956; 8:54 a. m.]

## TITLE 29—LABOR

### Chapter V—Wage and Hour Division, Department of Labor

PART 780—AGRICULTURE, PROCESSING OF AGRICULTURAL COMMODITIES AND RELATED SUBJECTS

MISCELLANEOUS AMENDMENTS

Pursuant to General Order No. 45–A (15 F. R. 3290), and under its authority, Part 780 of Title 29, Code of Federal Regulations is amended as follows:

1. Subpart C—Farmers' Cooperative Associations, is hereby revoked.

2. Subpart B—Forestry or Lumbering Operations Incident to or in Conjunction With Farming Operations, is hereby revoked.

3. Subpart A—General, and Processing Agricultural Commodities, is hereby redesignated as Subpart E.

4. A new subpart to be known as Subpart A—Agriculture, is hereby added to read as follows:

SUBPART A—AGRICULTURE

Sec.

780.0 Introductory statement.
780.1 Statutory provisions.
780.2 Method of construing the 13 (a) (6) exemption.
780.3 Employee basis of exemption under 13 (a) (6).
780.4 Workweek standard under 13 (a) (6).
780.5 Exempt, nonexempt and noncovered work during a workweek under 13 (a) (6).
780.6 How modern specialization affects the scope of agriculture.
780.7 Section 3 (f) definition.
780.8 General statement on primary agriculture.
780.9 Farming in all its branches.
780.10 Cultivation and tillage of the soil.
780.11 Dairying.
780.12 Production, cultivation, growing, and harvesting of any agricultural or horticultural commodities.
780.13 The raising of livestock, bees, fur-bearing animals, or poultry.
780.14 General statement on secondary agriculture.
780.15 Performance by a farmer.
780.16 Performance on a farm.
780.17 Operations of the farmer who performs the practices.




Sec.

780.18 Operations on the farm where the practices are performed.
780.19 Performance "as an Incident to Or in Conjunction with" farming operations.
780.20 Named and other included practices.
780.21 Employees employed in irrigation activities under section 13 (a) (6).
780.22 Nurseries and landscape activities.
780.23 Hatcheries.


AUTHORITY: 780.0 to 780.23 issued under 52 Stat. 1060, as amended; 29 U. S. C. 201–219.

§ 780.0 *Introductory statement*—(a) *Significance of subpart.* (1) The Fair Labor Standards Act of 1938[1] (hereinafter referred to as the act) applies to employees who are engaged in interstate or foreign commerce or in the production of goods for such commerce, including occupations closely related and directly essential thereto. It provides for minimum rates of pay for straight time and overtime pay at a rate not less than one and one-half times the regular rate of pay for overtime hours worked. Section 13 (a) (6) of the act exempts from its minimum wage and overtime provisions "any employee employed in agriculture or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit, or operated on a share-crop basis, and which are used exclusively for supply and storing of water for agricultural purposes". The act also contains prohibitions directed against the employment of oppressive child labor. Section 13 (c) provides an exemption from the act's child labor provisions for "any employee employed in agriculture outside of school hours for the school district where such employee is living while he is so employed". The term "agriculture", as used in these exemptions is defined in section 3 (f) of the act.

(2) This subpart contains the interpretations of the Department of Labor[2] as to what constitutes "agriculture" for purposes of sections 13 (a) (6) and 13 (c) and the scope and meaning of the terms used in the section 13 (a) (6) exemption relating to irrigation activities. These interpretations of the law are set forth herein to provide "a practical guide to employers and employees as to how the office representing the public interest in its enforcement will seek to apply it."[3] These interpretations indicate the construction of the law which the Secretary of Labor and the Administrator believe to be correct and which will guide them in the performance of their duties under the act unless and until they are otherwise directed by authoritative decisions of the courts or conclude upon reexamination of an interpretation, that it is incorrect.

(3) The interpretations contained in this subpart are interpretations on which reliance may be placed as provided in section 10 of the Portal-to-Portal Act,[4] so long as they remain effective and are not modified, amended, rescinded, or determined by judicial authority to be incorrect.

(b) *Scope of subpart.* As indicated, this subpart deals with sections 3 (f) and 13 (a) (6) of the act. To the extent that the term "agriculture" as defined in section 3 (f) is involved in the section 13 (c) child labor exemption, the discussion contained in this subpart is applicable. The meaning and scope of the child labor coverage and exemption provisions are discussed in Subpart G of Part 4 of this title. Included in this subpart is a discussion of that portion of section 3 (f) which refers to forestry or lumbering operations.[5] Also included is a discussion of the application of the definition in section 3 (f) to the employees of farmers' cooperative associations.[6] This subpart, however, does not include a discussion of the exemptions provided by sections 13 (a) (10) 13 (b) (5), 7 (c) and 7 (b) (3) which deal with various operations and practices performed with respect to certain agricultural and farm commodities. These exemptions will be discussed in separate subparts. Neither does this subpart deal with the general coverage of the wage and hour provisions of the act. The problem of general coverage is dealt with in Part 776 of this chapter.

(c) *Earlier interpretations superseded.* This subpart supersedes all rulings, interpretations, or enforcement policies that are inconsistent with any portion hereof.[7]

§ 780.1 *Statutory provisions*—(a) *Exemptions for agriculture and certain irrigation activities.* (1) Section 13 (a) (6) of the act exempts from the minimum wage requirements of section 6 and the maximum hours provisions of section 7 "any employee employed in agriculture or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit, or operated on a share-crop basis, and which are used exclusively for supply and storing of water for agricultural purposes".

(2) Section 13 (c) exempts from the child labor requirements of section 12 "any employee employed in agriculture outside of school hours for the school district where such employee is living while he is so employed" (see sec. 4.123 of the interpretative bulletin on child labor, Subpart G of Part 4 of this title).

(b) *Definition of "agriculture".* Section 3 (f) defines "agriculture" as follows:

"Agriculture" includes farming in all its branches and among other things includes the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities (including commodities defined as agricultural commodities in section 15 (g) of the Agricultural Marketing Act, as amended), the raising of livestock, bees, fur-bearing animals, or poultry, and any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market, delivery to storage or to market or to carriers for transportation to market.

§ 780.2 *Method of construing the 13 (a) (6) exemption.* Like other exemptions provided by the act, the section 13 (a) (6) exemption is narrowly construed.[8] Accordingly, an employee is considered an exempt agricultural or irrigation employee if, but only if, his work falls clearly within the specific language of section 3 (f) or section 13 (a) (6).

§ 780.3 *Employee basis of exemption under 13 (a) (6).* (a) Section 13 (a) (6) exempts "any employee employed in • • •". It is clear from this language that it is the activities of the employee rather than those of his employer which ultimately determine the application of the exemption. Thus the exemption may not apply to some employees of an employer engaged almost exclusively in activities within the exemption, and it may apply to some employees of an employer engaged almost exclusively in other activities. But the burden of effecting segregation between exempt and non-exempt work as between different groups of employees is upon the employer.

(b) Although the activities of the individual employee, as distinguished from those of his employer, constitute the ultimate test for applying the exemption, it is necessary in some instances to examine the activities of the employer. For example, in resolving the status of the employees of an irrigation company for purposes of the agriculture exemption, the United States Supreme Court found it necessary to consider the nature of the employer's activities.[9]

§ 780.4 *Workweek standard under 13 (a) (6).* The workweek is the unit of time to be taken as the standard in determining the applicability of section 13 (a) (6). An employee's workweek is a fixed and regularly recurring period of 168 hours—seven consecutive 24-hour periods. It need not coincide with the calendar week. If in any workweek an employee does only exempt work he is exempt from the wage and hour provisions of the act during that workweek, irrespective of the nature of his work in any other workweek or workweeks. An employee may thus be exempt in one workweek and not in the next. But the burden of effecting segregation between exempt and nonexempt work as between particular workweeks is upon the employer.

§ 780.5 *Exempt, nonexempt and noncovered work during a workweek under 13 (a) (6).* (a) The wage and hour requirements of the act do not apply to an employee during any workweek in which a portion of his activities fall within section 13 (a) (6) if all of the remainder of his activities are not covered by the act.

(b) Where exempt and nonexempt work is involved, the general rule is that if in any workweek an employee performs exempt work and other work which is covered and not exempt, the wage and hour requirements do apply to him during that workweek.[10]

(c) The combination ("tacking") of exempt work under section 13 (a) (6) with exempt work under another section is permitted. The wage and hour requirements are not considered applicable to an employee who does work within section 13 (a) (6) for only part of a workweek if all of the covered work done by him during the remainder of the workweek is within one or more equivalent exemptions under other provisions of the act. If the scope of such exemptions is not the same, however, the exemption applicable to the employee is equivalent to that provided by whichever exemption provision is more limited in scope. For instance, an employee who devotes part of a workweek to work within section 13 (a) (6) and the remainder to work exempt under section 7 (c) must receive the minimum wage but is not required to be paid time and one-half for his overtime work during that week. Each activity is tested separately under the applicable exemption as though it were the sole activity of the employee for the whole workweek in question. The availability of a combination exemption depends on whether the employee meets all the requirements of each exemption which it is sought to combine.

§ 780.6 *How modern specialization affects the scope of agriculture.*

The effect of modern specialization on agriculture has been discussed by the United States Supreme Court as follows:

> Whether a particular type of activity is agricultural depends, in large measure, upon the way in which that activity is organized in a particular society. The determination cannot be made in the abstract. In less advanced societies the agricultural function includes many types of activity which, in others, are not agricultural. The fashioning of tools, the provision of fertilizer, the processing of the product, to mention only a few examples, are functions which, in some societies, are performed on the farm by farmers as part of their normal agricultural routine. Economic progress, however, is characterized by a progressive division of labor and separation of function. Tools are made by a tool manufacturer, who specializes in that kind of work and supplies them to the farmer. The compost heap is replaced by factory produced fertilizers. Power is derived from electricity and gasoline rather than supplied by the farmer's mules. Wheat is ground at the mill. In this way functions which are necessary to the total economic process of supplying an agricultural product, become, in the process of economic development and specialization, separate and independent productive functions operated in conjunction with the agricultural function but no longer a part of it. Thus the question as to whether a particular type of activity is agricultural is not determined by the necessity of the activity to agriculture nor by the physical similarity of the activity to that done by farmers in other situations. The question is whether the activity in the particular case is carried on as part of the agricultural function or is separately organized as an independent productive activity. The farmhand who cares for the farmer's mules or prepares his fertilizer is engaged in agriculture. But the maintenance man in a power plant and the packer in a fertilizer factory are not employed in agriculture, even if their activity is necessary to farmers and replaces work previously done by farmers. The production of power and the manufacture of fertilizer are independent productive functions, not agriculture.[11]

§ 780.7 *The section 3 (f) definition.* (a) Section 3 (f) of the act contains a very comprehensive definition of the term "agriculture." The definition has two distinct branches. First, there is the primary meaning. This includes farming in all its branches. Listed as being included "among other things" in the primary meaning are certain specific farming operations such as cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural or horticultural commodities and the raising of livestock, bees, fur-bearing animals or poultry. If an employee is employed in any of these activities, he is exempt regardless of whether he is employed by a farmer or on a farm.

(b) Then there is the secondary meaning of the term. The second branch includes operations other than those which fall within the primary meaning of the term. It includes any practices, whether or not they are themselves farming practices, which are performed either by a farmer or on a farm as an incident to or in conjunction with "such" farming operations."[12]

§ 780.8 *General statement on primary agriculture.* The discussion in §§ 780.8 to 780.13 relates to the activities which exempt an employee who is employed in "agriculture" within its "primary" meaning.[13] Within this meaning of "agriculture," employees employed in the listed activities, generally characterizable as direct farming operations, are exempt without qualification from both the minimum wage and overtime pay provisions. Thus when an employee is engaged in direct farming operations included in the primary definition of "agriculture", the purpose of the employer in performing the operations is immaterial. For example, where an employer owns a factory and a farm and operates the farm only for experimental purposes in connection with the factory, those employees who devote all their time during a particular workweek to

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[1] 29 U. S. C. 201–219, 251–262.

[2] Under Reorganization Plan No. 6 of 1950 and pursuant to General Order No. 45A issued by the Secretary of Labor on May 24, 1950, interpretations of the provisions (other than the child labor provisions) of the act are issued by the Administrator of the Wage and Hour Division. See 15 F. R. 3290.

Under Reorganization Plan No. 2 of 1946 (11 F. R. 7873) effective July 16, 1946, and pursuant to General Order No. 42, issued by the Secretary of Labor on July 1, 1949, interpretations of the child labor provisions of the act are issued by the Secretary of Labor.

[3] Skidmore v. Swift & Co., 323 U. S. 134.

[4] 29 U. S. C. 251–262 discussed in Part 790 (general statement on effect of Portal-to-Portal Act of 1947) of this chapter.

[5] 17 F. R. 2712.

[6] 12 F. R. 5961.

[7] See § 780.0 (a).

[8] Phillips, Inc. v. Walling, 334 U. S. 490; Bowie v. Gonzales, 117 F. 2d 11; Calaf v. Gonzales, 227 F. 2d 934; Fleming v. Hawkeye Pearl Button Co., 113 F. 2d 52; Fleming v. Swift, 41 F. Supp. 825; Miller Hatcheries v. Boyer, 131 F. 2d 283; Walling v. Friend, 156 F. 2d 429.

[9] Farmers Irrigation Co. v. McComb, 337 U. S. 755.

[10] Jordan v. Stark Bros. Nurseries, 45 F. Supp. 769; McComb v. Puerto Rico Tobacco Marketing Co-op Ass'n, 80 F. Supp. 953, affirmed 181 F. 2d 697; Walling v. Peacock Corp., 58 F. Supp. 880–883.

[11] Farmers Irrigation Co. v. McComb, 337 U. S. 755 cf. Manaja v. Walalua Agricultural Co., 349 U. S. 254.

[12] Farmers' Irrigation Co. v. McComb, 337 U. S. 755.

[13] See § 780.7 as to the "primary" branch of the definition of "agriculture" under section 3 (f).

the direct farming operations, such as the growing and harvesting of agricultural commodities, are nevertheless exempt from the act's wage and hour requirements during that workweek. It is also immaterial whether the agricultural or horticultural commodities are grown in enclosed houses, as in green houses or mushroom cellars, or in an open field. Similarly, the mere fact that production takes place in a city or on industrial premises, such as in hatcheries, rather than in the country or on premises possessing the normal characteristics of a farm makes no difference.[14]

§ 780.9 *Farming in all its branches.* The language "farming in all its branches" includes all activities, whether listed in the definition or not, which constitute farming or a branch thereof under the facts and circumstances. Unlike the specifically enumerated operations, the phrase "farming in all its branches" does not clearly indicate its scope. In determining whether an operation constitutes "farming in all its branches", it may be necessary to consider various circumstances such as the nature and purpose of the operations of the employer, the character of the place where the employee performs his duties, the general types of activities there conducted, and the purpose and function of such activities with respect to the operations carried on by the employer. The determination may involve a consideration of the principles contained in § 780.6. For example, based on the facts and circumstances, it is reasonable to regard the raising or cultivation of angleworms or earthworms for sale to farmers for use in improving the physical condition of the soil as within the term "farming in all its branches". On the other hand, the raising of crickets for fish bait is not a branch of "farming", and is not exempt. So-called "bird dog" operations of the citrus fruit industry consisting of the purchase of fruit unsuitable for packing and of the transportation and sale of the fruit to canning plants do not qualify as "farming". Consequently, employees engaged in such operations are not exempt.[15] However, employees gathering the fruit at the groves are exempt because they are engaged in harvesting operations.

§ 780.10 *Cultivation and tillage of the soil.* "Cultivation and tillage of the soil" includes all the operations necessary to prepare a suitable seedbed, eliminate weed growth and improve the physical condition of the soil. Thus, grading or leveling land or removing rock or other matter to prepare the ground for a proper seed bed, or building terraces on farmland to check soil erosion are included. The application of water,[16] fertilizer or limestone to farmland is also included. Employees engaged in the commercial production and distribution of fertilizer are not exempt.[17]

§ 780.11 *Dairying.* "Dairying" includes the work of caring for and milking cows or goats. It also includes putting the milk in containers, cooling it, and storing it where done on the farm. The handling of milk and cream at receiving stations is not included. Such operations as separating cream from milk, bottling milk and cream, or making butter and cheese may be exempt when performed by a farmer or on a farm if they are not performed on milk produced by other farmers or produced on other farms.[18]

§ 780.12 *Production, cultivation, growing, and harvesting of any agricultural or horticultural commodities*—(a) *Production, cultivation, and growing.* (1) The word "production" was added to the definition of "agriculture" in order to take care of a special situation—the production of turpentine and gum rosins by a process involving the tapping of living trees.[19] To insure the inclusion of this process within the definition, the word "production" was added to section 3 (f) in conjunction with the words "including commodities defined as agricultural commodities in section 15 (g) of the Agricultural Marketing Act, as amended."[20] It is clear, therefore, that "production" is not used in section 3 (f) in the artificial and special sense in which it is defined in section 3 (j). It does not exempt an employee merely because he is engaged in a closely related process or occupation directly essential to the production of agricultural or horticultural commodities. To so construe the term would render unnecessary the remainder of what Congress clearly intended to be a very elaborate and comprehensive definition of "agriculture".[21] The words "production, cultivation, growing" describe actual raising operations which are normally intended or expected to produce specific agricultural or horticultural commodities. The raising of such commodities is included even though done for purely experimental purposes. The "growing" may take place in growing media other than soil as in the case of hydroponics.

(2) The words do not include operations performed subsequent to actual harvesting operations. Neither do they include operations undertaken or conducted for purposes not concerned with obtaining any specific agricultural or horticultural commodity. Thus operations which are merely preliminary, preparatory or incidental to the operations whereby such commodities are actually produced are not within the terms "production, cultivation, growing". For example, employees of a processor of vegetables who are engaged in buying vegetable plants and distributing them to farmers with whom their employer has acreage contracts are not engaged in the "production, cultivation, growing" of agricultural or horticultural commodities. The furnishing of mushroom spawn by a canner of mushrooms to growers who supply the canner with mushrooms grown from such spawn does not constitute the "growing" of mushrooms. Similarly, employees of an employer who is engaged in servicing insecticide sprayers in the farmer's orchard and employees engaged in such operations as the testing of soil or genetics research are not included within the terms.[22]

(b) *Harvesting.* The term "harvesting" as used in section 3 (f) includes all operations customarily performed in connection with the removal of the crops by the farmer from their growing position.[23] Examples include the cutting of grain,[24] the picking of fruit, the stripping of bluegrass seed, and the digging up of shrubs and trees grown in a nursery. "Harvesting" does not extend to operations subsequent to and unconnected with the actual process whereby agricultural or horticultural commodities are severed from their attachment to the soil or otherwise reduced to possession. For example, the processing of sugar cane into raw sugar[25] or the vining of peas[26] are not included. While transportation to a concentration point on the farm may be included, "harvesting" never extends to transportation or other operations off the farm.[27]

(c) *Agricultural or horticultural commodities.* (1) "Agricultural or horticultural commodities" refers to commodities resulting from the application of agricultural or horticultural techniques. Insofar as the term refers to products of the soil, it means commodities that are planted and cultivated by man. Among such commodities are the following: grains, forage crops, fruits, vegetables, nuts, sugar crops, fibre crops, tobacco, and nursery products. Thus, employees engaged in growing wheat, corn, hay, onions, carrots, sugarcane, seed, or any other agricultural or horti-

[14] Jordan v. Stark Brothers Nurseries & Orchards Co., 45 F. Supp. 769; Miller Hatcheries v. Boyer, 131 F. 2d 283; Damutz v. Pinchback, Inc., 158 F. 2d 882.

[15] Chapman v. Durkin, 214 F. 2d 360; Fort Mason Fruit Co. v. Durkin, 214 F. 2d 363.

[16] Irrigation employees not exempt on this ground may be exempt under other provisions. See in this connection § 778.14 of this chapter and § 780.21. Also see Farmers Irrigation Co. v. McComb, 337 U. S. 755.

[17] McComb v. Super-A Fertilizer Works, 155 F. 2d 824.

[18] See §§ 780.14 to 780.20.

[19] See S. Rep. No. 230, 71st Cong., 2 Sess. (1930); H. R. Rep. No. 2738, 75th Cong, 3d Sess. p. 29 (1938).

[20] The legislative history of this part of the definition was considered by the United States Supreme Court in Farmers Irrigation Co. v. McComb, 337 U. S. 755.

[21] Farmers Irrigation Co. v. McComb, 337 U. S. 755; Walling v. Friend, 156 F. 2d 429.

[22] However, see §§ 780.14 to 780.20 for possible exemption on other grounds.

[23] Vives v. Serralles, 145 F. 2d 552, quoted this definition with approval and held that employees engaged on a plantation in gathering sugar cane as soon as it had been cut, loading it, and transporting the cane to a concentration point on the farm are engaged in "harvesting."

[24] The combining of grain is exempt either as harvesting or as practice performed on a farm in conjunction with or as an incident to farming operations. See in this connection, Wyatt v. Holtville Alfalfa Mills, 12 W. H. Cases 635; 28 Labor Cases, par. 69, 437 (C. A. 9).

[25] Bowie v. Gonzales, 117 F. 2d 11.

[26] For a further discussion on the exempt status of vining employees, see § 780.17.

[27] Chapman v. Durkin, 214 F. 2d 360; Fort Mason Fruit Co. v. Durkin, 214 F. 2d 363—off-the-farm transportation can only be "agriculture" when performed by the farmer as an incident to his farming operations. For a further discussion of this point, see §§ 780.19, 780.20 (e) and (f).



cultural commodity are engaged in "agriculture". In addition to such products of the soil, however, the term 'includes domesticated animals and some of their products such as milk, wool, eggs, and honey. The term does not include commodities produced by industrial techniques, by exploitation of mineral wealth or other natural resources, or by uncultivated natural growth. Accordingly, employees engaged in the gathering or harvesting of wild commodities such as mosses, wild rice, burls and laurel plants, the trapping of wild animals, or the appropriation of minerals and other uncultivated products from the soil are not employed in "the production, cultivation, growing, and harvesting of agricultural or horticultural commodities". However, the fact that plants or other commodities actually cultivated by man are of a species which ordinarily grows wild without being cultivated does not preclude them from being classed as "agricultural or horticultural commodities". Transplanted branches which were cut from plants growing wild in the field or forest are included within the term. Cultivated blueberries are also included.

(2) Seeds and seedlings of agricultural and horticultural plants are also considered "agricultural or horticultural commodities". Thus, since mushrooms and beans are considered "agricultural or horticultural commodities", the spawn of mushrooms and bean sprouts are also so considered and the production, cultivation, growing and harvesting of mushroom spawn or bean sprouts is within the meaning of section 3 (f).

(3) Trees grown in forests and the lumber derived therefrom are not "agricultural or horticultural commodities". Christmas trees, whether wild or planted, are also not so considered.[28] It follows that employment in the production, cultivation, growing, and harvesting of such trees or timber products is not sufficient to bring an employee within section 3 (f) unless the operation is performed by a farmer or on a farm as an incident to or in conjunction with farming operations. On the latter point, see § 780.20 (b) which discusses the question of when forestry or lumbering operations are incident to or in conjunction with farming operations so as to constitute "agriculture".

(d) *Commodities included by reference to the Agricultural Marketing Act.* (1) Section 3 (f) expressly provides that the term "agricultural or horticultural commodities" shall include the commodities defined as agricultural commodities in section 15 (g) of the Agricultural Marketing Act, as amended.[29] Section 15 (g) of that act provides: "As used in this act, the term 'agricultural commodity' includes, in addition to other agricultural commodities, crude gum (oleoresin) from a living tree, and the following products as processed by the original producer of the crude gum (oleoresin) from which derived: Gum spirits of turpentine, and gum resin, as defined in the Naval Stores Act, approved March 3, 1923."[30] As defined in the Naval Stores Act, "'gum spirits of turpentine' means spirits of turpentine made from gum (oleoresin) from a living tree" and "'gum rosin' means rosin remaining after the distillation of gum spirits of turpentine". The production of these commodities is therefore within the definition of "agriculture".

(2) Since the only oleoresin included within section 15 (g) of the Agricultural Marketing Act is that derived from a living tree, the production of oleoresin from stumps or any sources other than living trees is not within section 3 (f). If turpentine or rosin is produced in any manner other than the processing of crude gum from living trees, as by digging up pine stumps and grinding them or by distilling the turpentine with steam from the oleoresin within or extracted from the wood, the production of the turpentine or rosin is not included in section 3 (f). Similarly, the production of gum turpentine or gum rosin is not included when these are produced by anyone other than the original producer of the crude gum from which they are derived. Thus, if a producer of turpentine or rosin from oleoresin from living trees makes such products not only from oleoresin produced by him but also from oleoresin delivered to him by others, he is not producing a product defined as an agricultural commodity and employees engaged in his production operations are not exempt.[31] It is to be noted, however, that the production of gum turpentine and gum rosin from crude gum (oleoresin) derived from a living tree is exempt when performed at a central still for and on account of the producer of the crude gum. But where central stills buy the crude gum they process and are the owners of the gum turpentine and gum rosin that are derived from such crude gum and which they market for their own account, the production of such gum turpentine and gum rosin is not exempt.

§ 780.13 *The raising of livestock, bees, fur-bearing animals or poultry*—(a) *General statement.* Employees are employed in the raising of livestock, bees, fur-bearing animals or poultry only if their operations relate to animals of the type named and constitute the "raising" of such animals. If these two requirements are met, it makes no difference for what purpose the animals are raised or where the operations are performed. For example, the fact that the cattle are raised to obtain serum or virus or chicks are hatched in a commercial hatchery does not affect the exempt status of the operations.

(b) *Raising of livestock*—(1) *General.* (i) The meaning of the term "livestock" as used in section 3 (f) is confined to the ordinary use of the word and includes only domestic animals ordinarily raised or used on farms.[32] The term includes the following animals, among others: cattle (both dairy and beef cattle), sheep, swine, horses, mules, jackasses, and goats. It does not include such animals as albino and other rats, mice, guinea pigs and hamsters, which are ordinarily used by laboratories for research purposes.

(ii) The term "raising" employed with reference to livestock in section 3 (f) includes such operations as the breeding, fattening, feeding and general care of livestock.[33] Thus, employees exclusively engaged in feeding and fattening livestock in stock pens where the livestock remains for a substantial period of time are engaged in the "raising" of livestock. The fact that the livestock is purchased to be fattened and is not bred on the premises does not characterize the fattening as something other than the "raising" of livestock. The feeding and care of livestock does not necessarily or under all circumstances constitute the "raising" of such livestock, however. It is clear, for example, that animals are not being "raised" in the pens of stockyards or the corrals of meat packing plants where they are confined for a period of a few days while en route to slaughter or pending their sale or shipment. Therefore, employees employed in these places in feeding and caring for the constantly changing group of animals cannot reasonably be regarded as "raising" livestock.[34]

(2) *Race horses.* Employees engaged in the breeding, raising and training of horses on farms for racing purposes are exempt. Included are such employees as grooms, attendants, exercise boys, and watchmen employed at the breeding or training farm. On the other hand, employees engaged in the racing, training and care of horses and other activities performed off the farm in connection with commercial racing are not exempt. For this purpose, a training track at a race track is not a farm. Where a farmer is engaged in both the raising and commercial racing of race horses, the activities performed off the farm by his employees as an incident to racing, such as the training and care of the horses, are not practices performed by the farmer in his capacity as a farmer or breeder as an incident to his raising operations. Employees engaged in the feeding, care and training of horses which have been used in commercial racing and returned to a breeding or training farm for such care pending entry in subsequent races are exempt.

(c) *Raising of bees.* The term "raising of • • • bees" refers to all of those activities customarily performed in connection with the handling and keeping of bees, including the treatment of disease and the raising of queens.

[28] See Part 788 (on exemption for forestry or logging operations in which not more than 12 employees are employed).

[29] 12 U. S. C. 1141–1141j.

[30] 7 U. S. C. 91–99.

[31] For an explanation of the inclusion of the word "production" in section 3 (f), see paragraph (a) of this section.

[32] That Congress did not use this term in its generic sense is supported by the specific enumeration of activities, such as the raising of fur-bearing animals, which would be included in the generic meaning of the word.

[33] Employees of a cattle raisers' association engaged in the publication of a magazine about cattle, the detection of cattle thefts, the location of stolen cattle, and apprehension of cattle thieves, are not exempt.

[34] National Labor Relations Board v. Tovrea Packing Co., 111 F. 2d 628 (C. A. 9), cert. denied 311 U. S. 668. Walling v. Friend, 156 F. 2d 429.

(d) *Raising of fur-bearing animals.* (1) The term "fur-bearing animals" has reference to animals which bear fur of marketable value and includes, among other animals, rabbits, silver foxes, minks, squirrels, and muskrats. Animals whose fur lacks marketable value, such as albino and other rats, mice, guinea pigs, and hamsters, are not "fur-bearing animals" within the meaning of section 3 (f).

(2) The term "raising" of fur-bearing animals includes all those activities customarily performed in connection with breeding, feeding and caring for fur-bearing animals, including the treatment of disease. Such treatment of disease has reference only to disease of the animals being bred and does not refer to the use of such animals or their fur in experimenting with disease or treating diseases in others. The fact that muskrats or other fur-bearing animals are propagated in open water or marsh areas rather than in pens does not prevent the raising of such animals from constituting the "raising of fur-bearing animals". Where wild fur-bearing animals propagate in their native habitat and are not raised as above described, the trapping or hunting of such animals and activities incidental thereto are not exempt.

(e) *Raising of poultry*—(1) *General.* (i) The term "poultry" includes domesticated fowl and game birds. Ducks and pigeons are included. Canaries and parakeets are not included.

(ii) The "raising" of poultry includes the breeding, hatching, propagating, feeding and general care of poultry. Slaughtering, which is the antithesis of "raising", is not included. To constitute "agriculture", slaughtering must come within the secondary meaning of the term "agriculture". The temporary feeding and care of chickens and other poultry for a few days pending sale, shipment or slaughter is not the "raising" of poultry. However, feeding, fattening and caring for poultry over a substantial period may constitute the "raising" of poultry.

(2) *Feed stores.* Feed dealers and processors sometimes enter into contractual arrangements with farmers under which the latter agree to raise to marketable size baby chicks supplied by the former who also undertake to furnish all the required feed and possibly additional items. Typically, the feed dealer or processor retains title to the chickens until they are sold. Under such an arrangement, the activities of the farmers are clearly exempt. The activities of the feed dealer or processor, on the other hand, are not exempt.

(3) *Hatcheries.* Hatchery operations incident to the breeding of poultry, whether performed in a rural or urban location, are the "raising of poultry".[35] The exemption for employees of hatcheries is further discussed in § 780.23.

§ 780.14 *General statement on secondary agriculture.* (a) The discussion in §§ 780.8 to 780.13 relates to the direct farming operations which come within the "primary" meaning of the definition of "agriculture". As defined in section 3 (f) "agriculture" includes not only the distinctively farming activities described in the "primary" meaning but also includes, in its "secondary" meaning, "any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market, delivery to storage or to market or to carriers for transportation to market."

(b) To come within this secondary meaning, a practice must be performed either by a farmer or on a farm. It must also be performed either in connection with the farmer's own farming operations or in connection with farming operation conducted on the farm where the practice is performed. In addition, the practice must be performed "as an incident to or in conjunction with" the farming operations. No matter how closely related it may be to farming operations, a practice performed neither by a farmer nor on a farm is not within the scope of the "secondary" meaning of "agriculture". Thus, employees employed by commission brokers in the typical activities conducted at their establishments; warehouse employees at the typical tobacco warehouses; shop employees of an employer engaged in the business of servicing machinery and equipment for farmers; plant employees of a company dealing in eggs or poultry produced by others; employees of an irrigation company engaged in the general distribution of water to farmers; and other employees similarly situated do not generally come within the secondary meaning of "agriculture".

§ 780.15 *Performance by a farmer.* (a) "By a farmer":

(1) Among other things, a practice must be performed by a farmer or on a farm in order to come within the secondary portion of the definition of "agriculture". No precise lines can be drawn which will serve to delimit the term "farmer" in all cases. Essentially, however, the term is an occupational title and the employer must be engaged in activities of a type and to the extent that the person ordinarily regarded as a "farmer" is engaged in order to qualify for the title. If this test is met, it is immaterial for what purpose he engages in farming or whether farming is his sole occupation. Thus, an employer's status as a "farmer" is not altered by the fact that his only purpose is to obtain products useful to him in a non-farming enterprise which he conducts. For example, an employer engaged in raising nursery stock is a "farmer" for purposes of section 3 (f) even though his purpose is to supply goods for a separate enterprise where he engages in the retail distribution of nursery products.

(2) "Farmer" includes the employees of a farmer. It does not include an employer merely because he employs a farmer or appoints a farmer as his agent to do the actual work. Thus, the stripping of tobacco, i. e., removing leaves from the stalk, by the employees of an independent warehouse is not a practice performed "by a farmer" even though the warehouse acts as agent for the tobacco farmer or employs the farmer in the stripping operations. One who engages merely in practices which are incidental to farming is not a "farmer." For example, a company which merely prepares for market, sells, and ships flowers and plants grown and cultivated on farms by affiliated corporations is not a "farmer." The mere fact, however, that one has suspended actual farming operations during a period in which he performs only practices incidental to his past or prospective farming operations does not preclude him from qualifying as a "farmer."

(3) The term "farmer" as used in section 3 (f) is not confined to individual persons. Thus, a farmers' cooperative [36] or a corporation which engages in actual farming operations may be a "farmer." It does not necessarily follow, however, that any employer is a "farmer" simply because he engages in some actual farming operations of the type specified in section 3 (f). Thus, one who merely harvests a crop of agricultural commodities is not a "farmer" although his employees who actually do the harvesting are employed in "agriculture" and are exempt in those weeks when exclusively so engaged.

(4) Generally, an employer must undertake farming operations of such scope and significance as to constitute a distinct activity, for the purpose of yielding a farm product, in order to be regarded as a "farmer". One who merely performs services or supplies materials for farmers in return for compensation in money or farm products is not a "farmer". Thus, a person who provides credit and management services to farmers cannot qualify as a "farmer" on that account. Neither can a repairman who repairs and services farm machinery qualify as a "farmer" on that basis.

(5) As a general rule, a farmer performs his farming operations on land owned, leased, or controlled by him and devoted to his own use.[37] The mere fact, therefore, that an employer harvests a growing crop, even under a partnership agreement pursuant to which he provides credit, advisory or other services, is not generally considered to be sufficient to qualify the employer so engaged as a "farmer". Such an employer would stand, in packing or handling the product, in the same relationship to the produce as if it were from the fields or groves of an independent grower.

(b) Farmers' cooperative as a "farmer":

(1) The phrase "by a farmer" covers practices performed either by the farmer himself or by the farmer through his employees. Employees of a farmers' cooperative association, however, are employed not by the individual farmers who compose its membership or who are its stockholders, but by the cooperative association itself. Cooperative associations, whether in the corporate form or not, are distinct, separate entities from the farmers who own or compose them.

[35] Miller Hatcheries v. Boyer, 131 F. 2d 283.

[36] See § 780.15 (b).

[37] This does not mean, however, that a cattleman using public lands for grazing is not a farmer.



The work performed by a farmers' cooperative association is not work performed by a farmer but for farmers.[38] Therefore, employees of a farmers' cooperative association are not generally engaged in any practices performed "by a farmer" within the meaning of section 3 (f) and are not ordinarily exempt.[39]

(2) It is possible that some farmers' cooperative associations may themselves engage in actual farming operations to an extent and under circumstances sufficient to qualify as a "farmer". In such case, any of their employees who performs practices as an incident to or in conjunction with such farming operations are employed in "agriculture".

§ 780.16 *Performance on a farm.* (a) If a practice is not performed by a farmer, it must, among other things, be performed "on a farm" to come within the secondary meaning of "agriculture" in section 3 (f). Any practice which cannot be performed on a farm, such as "delivery to market", is necessarily excluded, therefore, when performed by someone other than a farmer. Thus, employees of an alfalfa dehydrator engaged in hauling chopped or unchopped alfalfa away from the farms to the dehydrating plant are not employed in a practice performed "on a farm". A "farm" is a tract of land devoted to the actual farming activities included in the first part of section 3 (f). The total area of a tract operated as a unit for farming purposes is included in the "farm", irrespective of the fact that some of this area may not be utilized for actual farming operations. It is immaterial whether a farm is situated in the city or in the country.

(b) Even though an employee may work on several farms during a workweek, he is regarded as employed "on a farm" for the entire workweek if his work on each farm pertains solely to farming operations on that farm. Employees engaged in building terraces or threshing wheat and other grain; employees engaged in the erection of silos and granaries; employees engaged in digging wells or building dams for farm ponds; employees engaged in inspecting and culling flocks of poultry; and pilots and flagmen engaged in the aerial dusting and spraying of crops are examples of the types of employees of independent contractors who may be considered employed in practices performed "on a farm". The fact that a minor and incidental part of the work of such an employee occurs off the farm will not defeat the exemption. Thus, a small amount of time within the workweek spent in transporting necessary equipment for work to be done on farms will not defeat the exemption. Other employees of the above employers employed away from the farm would not come within the exemption. For example, airport employees such as mechanics, loaders, and office workers employed by a crop dusting firm would not be exempt.

(c) The gathering of wild plants in the woods for transplantation in a nursery is not an operation performed "on a farm." [40] Field employees of a canner or processor of farm products who work on farms during the planting and growing season where they supervise the planting operations and consult with the grower on problems of cultivation are employed in practices performed "on a farm" so long as such work is done entirely on farms save for an incidental amount of reporting to their employer's plant.

§ 780.17 *Operations of the farmer who performs the practices.* (a) "Practices * * * performed by a farmer" must be performed as an incident to or in conjunction with "such farming operations" in order to constitute "agriculture" within the secondary meaning of the term. Practices performed by a farmer in connection with his non-farming operations do not satisfy this requirement. Furthermore, practices performed by a farmer can meet the above requirement only in the event that they are performed in connection with the farming operations of the same farmer who performs the practices. Thus, the requirement is not met with respect to employees engaged in any practices performed by their employer in connection with farming operations that are not his own.[41] Some examples will serve to illustrate the above principle. Employees of a fruit grower who dry or pack fruit not grown by their employer are not exempt. Storage operations conducted by a farmer in connection with products grown by someone other than the farmer are not exempt. Employees of a grower-operator of a sugar cane mill who transport cane from fields to the mill are not exempt where such cane is grown by independent farmers on their land as well as by the mill operator.[42] Employees of a tobacco grower who strip tobacco (i. e. remove the leaves from the stalk) are not exempt when performing this operation on tobacco not grown by their employer. On the other hand, where a farmer rents some space in a warehouse or packing house located off the farm and the farmer's own employees there engage in handling or packing only his own products for market, such operations by the farmer are exempt if performed as an incident to or in conjunction with his farming operations.[43] The fact that a packing shed is conducted by a family partnership, packing products exclusively grown on lands owned and operated by individuals constituting the partnership, does not alter the status of the packing activity.[44] Thus, if in a particular case, an individual farmer is exempt, a family partnership which performs the same operations would also be exempt.

(b) Vining employees of a pea vinery located on a farm, who vine only the peas grown on that particular farm, are exempt. If they also vine peas grown on other farms, the exemption does not apply unless the farmer-employer owns or operates the other farms and vines his own peas exclusively. However, the work of vining station employees in weeks in which the stations vine only peas grown by a canner on farms owned or leased by him is considered part of the canning operations. As such, the cannery operations, including the vining operations, are exempt only if the canner cans crops which he grows himself and if the canning operations are subordinate to the farming operations.

(c) So long as the farming operations to which a farmer's practice pertains are performed by him in his capacity as a farmer, the exempt status of the practice is not necessarily altered by the fact that the farming operations take place on more than one farm or by the fact that some of the operations are performed off his farm. Thus, where the practice is performed with respect to products of farming operations, the controlling consideration is whether the products were produced by the farming operations of the farmer who performs the practice rather than at what place or on whose land he produced them. Ordinarily, a practice performed by a farmer in connection with farming operations conducted on land which he owns or leases will be considered as performed in connection with the farming operations of such farmer in the absence of facts indicating that the farming operations are actually those of someone else. Conversely, a contrary conclusion will ordinarily be justified if such farmer is not the owner or a bona fide lessee of such land during the period when the farming operations take place. The question of whose farming operations are actually being conducted in cases where they are performed pursuant to an agreement or arrangement, not amounting to a bona fide lease, between the farmer who performs the practice and the landowner necessarily involves a careful scrutiny of the facts and circumstances surrounding the arrangement.

§ 780.18 *Operations on the farm where the practices are performed.* (a) "Practices * * * performed * * * on a farm" must be performed as an incident to or in conjunction with "such farming operations" in order to constitute "agriculture" within the secondary meaning of the term. Practices performed on a farm in connection with nonfarming operations performed on or off such farm do not meet this requirement. For example, if a farmer operates a gravel pit on his farm, none of the practices performed in connection with the operation of such gravel pit would be exempt. Nor is the requirement met with respect to employees engaged in any practices performed on a farm, but not by a farmer, in connection with farming operations that are not conducted on that particular farm. The

[38] The legislative history of the Act supports this interpretation. Statutes usually exempt farmers' cooperative associations in express terms if an exemption is intended. The omission of an express exemption from the Fair Labor Standards Act is significant since many unsuccessful attempts were made on the floor of Congress to secure special treatment for such cooperatives.

[39] Puerto Rico Tobacco Marketing Coop. Ass'n. v. McComb, 181 F. (2d) 697.

[40] For a further discussion, see § 780.22.

[41] Such employees may be exempt, however, on the basis of their engagement in practices on a farm in connection with farming operations on that farm. See § 780.18.

[42] Bowie v. Gonzales, 117 F. 2d 11.

[43] Such arrangements are distinguished from those where the employees are not actually employed by the farmer.

[44] Dofflemeyer v. NLRB, 206 F. 2d 813.

fact that such a practice pertains to farming operations generally or to those performed on a number of farms rather than to those performed on the same farm only is sufficient to take it outside the scope of the statutory language. Area soil surveys and genetics research activities, results of which are made available to a number of farmers, are typical of the practices to which this principle applies.

(b) In the case of some practices, their connection with farming operations conducted on the farm where they are performed must be determined with reference to the purpose of the farmer for whom the practice is performed. Thus, land clearing operations may or may not be connected with such farming operations depending on whether the farmer intends to devote the cleared land to farm use. The construction by an independent contractor of a granary on a farm is not connected with such farming operations if the farmer for whom it is built intends to use the structure for storing grain produced on other farms.

(c) No practice performed with respect to farm commodities is within the language under discussion by reason of its performance on a farm unless all of such commodities are the products of that farm. Thus, the performance on a farm of any practice, such as packing or storing, which may be incidental to farming operations cannot constitute a basis for exempting employees engaged in such practice if the practice is performed upon any commodities that have been produced elsewhere than on such farm.

(d) The fact that a practice, which is performed on a farm by an employer other than the farmer who operates such farm, is not performed for the farmer is a strong indication that it is not performed in connection with the farming operations there conducted. Thus, if such an employer performs it solely for himself in furtherance of his own enterprise, the practice cannot ordinarily be regarded as performed in connection with farming operations conducted on the farm. For example, it is clear that the work of employees of a utility company in trimming and cutting trees for power and communication lines is part of a non-farming enterprise outside the exemption. When a packer of vegetables or dehydrator of alfalfa buys the standing crop from the farmer, harvests it with his own crew of employees, and transports the harvested crop to his off-the-farm packing or dehydrating plant, the transporting and plant employees are clearly not exempt.[45] Such an employer cannot automatically gain the exemption for the plant employees by merely transferring the operations to the farm so as to meet the "on a farm" requirement. They will continue outside the exemption if the packing or dehydrating is not in reality done for the farmer. The question of for whom the practices are performed is one of fact. In determining the question, however, the fact that prior to the performance of the packing or dehydrating operations, the farmer has relinquished title and divested himself of further responsibility with respect to the product, is highly significant.

§ 780.19 *Performance "as an incident to or in conjunction with" farming operations.* (a) In order for practices other than actual farming operations to constitute "agriculture" within the meaning of section 3 (f) of the act, it is not enough that they be performed by a farmer or on a farm in connection with the farming operations conducted by such farmer or on such farm.[46] They must also be performed "as an incident to or in conjunction with" the farming operations. The line between practices that are and those that are not performed as an incident to or in conjunction with farming operations is not susceptible of precise definition. Generally, a practice performed in connection with farming operations is within the statutory language only if it constitutes an established part of agriculture, is subordinate to the farming operations involved, and does not amount to an independent enterprise.[47] The factors to be considered, among others, in determining whether a practice may properly be regarded as incidental to or in conjunction with farming operations are the size of the operations and respective sums invested in land, buildings and equipment for the regular farming operations and in plant and equipment for performance of the practice, the amount of the payroll for each type of work, the number of employees and the amount of time they spend in each of the activities, the extent to which the practice is performed by ordinary farm employees and the amount of interchange of employees between the operations, the amount of revenue derived from each activity, the degree of industrialization involved, the degree of separation established between the activities, and what is ordinarily done by farmers with regard to the practice.[48] With respect to practices performed on farm products, it is also necessary to consider the type of product resulting from the practice—as whether the raw or natural state of the commodity has been changed.[49] Consideration should also be given to the value added to the product as a result of the practice and whether a sales organization is maintained for the disposal of the product.

(b) With respect to the practice of transporting farm products from farms to a processing establishment by employees of a person who owns both the farms and the establishment, such practice may or may not be incident to or in conjunction with the employer's farming operations depending on all the pertinent facts. The transportation is clearly incidental to milling operations rather than to farming where the employees engaged in it are hired by the mill, carried on its payroll, do no agricultural work on the farms, and report for and end their daily duties at the mill where the transportation vehicles are kept.[50]

(c) On the other hand, a different result is reached where the facts show that the transportation workers are farm employees whose work is closely integrated with harvesting and other direct farming operations. The method by which the transportation is accomplished is not material.[50]

(d) The character of a practice as a part of the agricultural activity or as a distinct business activity must be determined by examination and evaluation of all the relevant facts and circumstances. The result will not depend on any mechanical application of isolated factors or tests. Rather, the total situation will control. For example, seasonality of canning operations would not be very helpful as a test to distinguish between operations incident to agriculture and operations of commercial canners who handle a similar volume of the same seasonal crop. But the length of the canning period might cast some light on whether the operations are conducted as a part of agriculture or as a separate undertaking when considered together with the amount of investment, payroll, and other factors. Whether the practice was included or omitted from section 13 (a) (10) of the act is also considered a significant factor in resolving the problem.[51] In some cases, the fact that canned goods are sold under the canner's own label rather than under that of the purchaser may furnish an indication that the canning is conducted as a separate business activity rather than as a part of agriculture.

(e) The following are examples of practices which will normally qualify for exemption when done on a farm, whether done by a farmer or by a contractor for the farmer: The operation of a cook camp for the sole purpose of feeding persons engaged exclusively in agriculture on that farm; artificial insemination; custom corn shelling and grinding of feed; the packing of apples by portable packing machines which are moved from farm to farm packing only apples grown on the particular farm where the packing is being performed; the culling, catching, cooping, and loading of poultry; the threshing of wheat; the shearing of sheep; the gathering and baling of straw. When on-the-farm practices are performed for a farmer, they are tested as though performed by the farmer himself in that no practice which would amount to a principal undertaking when performed by him can be incident to or in conjunction with his farming operations when performed for him by someone else.[52]

§ 780.20 *Named and other included practices*—(a) *General statement.* Section 3 (f) of the act names certain specific practices which come within the secondary meaning of agriculture if performed by a farmer or on a farm as an incident to or in conjunction with such farming operations. The broad language of the definition clearly includes all practices thus performed and not merely those named.

(b) *Forestry or lumbering operations.* (1) Employment in forestry or lumbering operations is expressly included in agriculture if the operations are performed "by a farmer or on a farm as an incident to or in conjunction with such farming operations". While "agriculture" is sometimes used in a broad sense as including the science and art of cultivating forests, the language quoted in the preceding sentence is a limitation on the forestry and lumbering operations which will be considered agricultural for purposes of section 3 (f). It follows that employees of an employer engaged exclusively in forestry or lumbering operations are not within the agricultural exemption.

(2) The term "forestry or lumbering operations" refers to the cultivation and management of forests, the felling and trimming of timber, the cutting, hauling, and transportation of timber, logs, pulpwood, cordwood, lumber, and like products, the sawing of logs into lumber or the conversion of logs into ties, posts, and similar products, and similar operations. It also includes the piling, stacking, and storing of all such products. The gathering of wild plants and of wild or planted Christmas trees are included.[53] "Wood working" as such is not included. The manufacture of charcoal under modern methods is neither a "forestry" nor "lumbering" operation and cannot be regarded as "agriculture".

(3) While section 3 (f) speaks of practices performed "in conjunction with" as well as "incident to" farming operations, it would be an unreasonable construction of the act to hold that all practices were to be regarded as agricultural if the person performing the practice did any farming, no matter how little, or resorted to tilling a small acreage for the purpose of qualifying for exemption.[54] To illustrate, where an employer owns several thousand acres of timberland on which he carries on lumbering operations and cultivates about 100 acres of farm land which are contiguous to such timberland, he would not be entitled to the benefit of the exemption so far as his forestry or lumbering operations are concerned. In such case, the forestry or lumbering operations would clearly not be subordinate to the farming operations but rather the principal or a separate business of the "farmer".

(4) Logging or sawmill operations on a farm undertaken on behalf of the farmer or on behalf of the buyer of the logs or the resulting lumber by a contract logger or sawmill owner are not within the exemption, unless it can be shown that these logging or sawmill operations are clearly incidental to farming operations on the farm on which the logging or sawmill operations are being conducted. For example, the clearing of additional land for cultivation by the farmer or the preparation of timber for construction of his farm buildings would appear to constitute operations incidental to "such farming operations".

(5) The fact that the employer employs fewer than a certain number of employees in forestry and lumbering operations does not provide a basis for their exemption as agricultural employees. This exemption is thus to be distinguished from the exemption provided by section 13 (a) (15) (discussed in Part 788 of this chapter) which is limited to employers employing not more than 12 employees in the forestry or logging operations described therein.

(c) *Preparation for market.* "Preparation for market" is also named as one of the practices which may be included in "agriculture". The term includes the operations normally performed upon farm commodities to prepare them for the farmer's market. The farmer's market normally means the wholesaler, processor, or distributing agency to which the farmer delivers his products. "Preparation for market" clearly has reference to activities which precede "delivery to market". It is not, however, synonymous with "preparation for sale". The term must be treated differently with respect to various commodities. It is emphasized that "preparation for market", like other practices, must be performed "by a farmer or on a farm as an incident to or in conjunction with such farming operations" in order to be exempt. Subject to the rules heretofore discussed, the following activities are, among others, within the exemption:

(1) *Grain, seed, and forage crops.* Weighing, binning, stacking, drying, cleaning, grading, shelling, sorting, packing, and storing.

(2) *Fruits and vegetables.* Assembling, ripening, cleaning, grading, sorting, drying, preserving, packing,[55] and storing.

(3) *Peanuts and nuts (pecans, walnuts, etc.).* Grading, cracking, shelling, cleaning, sorting, packing, and storing.

(4) *Eggs.* Handling, cooling, grading, candling, and packing.

(5) *Wool.* Grading and packing.

(6) *Dairy products.* Separating, cooling, packing, and storing.

(7) *Cotton.* Weighing, ginning, and storing cotton; hulling, delinting, cleaning, sacking, and storing cottonseed.

(8) *Nursery stock.* Handling, sorting, grading, trimming, bundling, storing, wrapping, and packaging.[56]

(9) *Tobacco.* Handling, grading, drying, stripping from stalk, tying, sorting, storing, and loading.

(10) *Livestock.* Handling and loading.

(11) *Poultry.* Culling, grading, cooping, and loading.

(12) *Honey.* Assembling, extracting, heating, ripening, straining, cleaning, grading, weighing, blending, packing, and storing.

(13) *Fur.* Removing the pelt, scraping, drying, putting on boards, and packing.

(d) *Delivery to storage.* The term "delivery to storage" includes taking agricultural or horticultural commodities, dairy products, livestock, bees or their honey, fur-bearing animals or their pelts, or poultry to the places where they are to be stored or held pending preparation for or delivery to market. The fact that the commodities have been subjected to some other practice "by a farmer or on a farm as an incident to or in conjunction with such farming operations" does not preclude application of the exemption to "delivery to storage". The same is true with respect to "delivery to market" and "delivery to carriers for transportation to market."

(e) *Delivery * * * to market.* The term "delivery * * * to market" includes taking agricultural or horticultural commodities, dairy products, livestock, bees or their honey, fur-bearing animals or their pelts, or poultry to market. It ordinarily refers to the initial journey of the farmer's products from the farm to the market. The market referred to is the farmer's market which normally means the distributing agency, cooperative marketing agency, wholesaler, or processor to which the farmer delivers his products. When it involves travel off the farm (which would normally be the case) the delivery must be

[45] The harvesting employees are exempt. See § 780.12 (b).

[46] These requirements are discussed in §§ 780.15 to 780.18.

[47] Maneja v. Waialua Agricultural Co., 349 U. S. 254.

[48] In explaining the inclusion of this test, the United States Supreme Court said that "while the word 'ordinarily' appeared in an earlier version of the exemption and was subsequently stricken, the inquiry is nonetheless a pertinent one". Maneja v. Waialua Agricultural Co., 349 U. S. 254. Such an inquiry would appear to have a direct bearing on whether a practice is an "established" part of agriculture. See also Mitchell v. Budd, (March 26, 1956) 24 Law Week 4144; 12 WH Cases 805, where the United States Supreme Court found that the following two factors tipped the scales so as to take the employees of tobacco bulking plants outside the scope of the agriculture exemption: Tobacco farmers do not ordinarily perform the bulking operation; the bulking operation is a process which changes tobacco leaf in many ways and turns it into an industrial product.

[49] Calaf v. Gonzales, 127 F. 2d 934.

[50] See Maneja v. Waialua Agricultural Co., 349 U. S. 254, where the United States Supreme Court distinguished Waialua's transportation employees from the transportation employees considered by the First Circuit Court of Appeals in the Bowie and Calaf cases.

[51] This was considered highly significant by the United States Supreme Court in deciding that sugar milling is not within section 13 (a) (6) of the act. The Court cited the legislative history of section 13 (a) (10) to show that it was intended to equalize the position of the small farmer who did not have his own processing facilities with that of the large farmer who did, by providing an exemption for independent processors who processed the crop of small farmers. It concluded that "Congress would not have omitted sugar milling from the 'area of production' exemption if it had not concluded that it also fell outside the agricultural exemption". Maneja v. Waialua Agricultural Co., 349 U. S. 254.

[52] As to when practices may be regarded as performed for a farmer, see § 780.18.

[53] See § 780.22 on nursery operations. Also see Part 788 (on exemption for forestry or logging operations in which not more than 12 employees are employed) of this chapter.

[54] Ridgeway v. Warren, 60 F. Supp. 363 (M. D. Tenn.); 5 WH Cases 450; In re Combs, 5 WH Cases 595 (M. D. Ga.) 10 Labor Cases (CCH) par. 62, 802.

[55] See In the Matter of J J. Crosetti, 29 LRRM 1353, 98 NLRB 268; In the Matter of Imperial Garden Growers, 91 NLRB 1034, 26 LRRM 1632; Lenroot v. Hazelhurst Mercantile Co., 59 F. Supp. 595; North Whittier Heights Citrus Assn. v. NLRB, 109 F. (2d) 76; Dofflemeyer v. NLRB, 206 F. (2d) 813.

[56] See Jordan v. Stark Brothers Nurseries and Orchards Co., 45 F. Supp. 769.

performed by the farmer in order to constitute an exempt practice. Delivery by an independent contractor for the farmer or a group of farmers is not an exempt agricultural practice.

(f) *Delivery * * * to carriers for transportation to market.* The term "delivery * * * to carriers for transportation to market" includes taking agricultural or horticultural commodities, dairy products, livestock, bees or their honey, fur-bearing animals or their pelts, and poultry to any carrier (including carriers by truck, rail, water, etc.) for transportation by such carrier to market. The market referred to is the farmer's market which normally means the distributing agency, cooperative marketing agency, wholesaler, or processor to which the farmer delivers his products. As in the case of "delivery to market", when it involves travel off the farm (as would normally be the case) the delivery must be performed by the farmer in order to constitute an exempt practice.

(g) *Other practices.* As has been noted above, the term "agriculture" includes other practices performed by a farmer or on a farm as an incident to or in conjunction with the farming operations conducted by such farmer or on such farm in addition to the practices listed in section 3 (f). The selling (including selling at roadside stands or by mail order and house to house selling) by a farmer and his employees of his agricultural commodities, dairy products, etc., is such a practice provided it does not amount to a separate enterprise. Another is the transportation to the farm by the farmer of materials and supplies for use in his farming operations, such as seed, animal or poultry feed, farm machinery or equipment, etc. Thus, truck drivers employed by a farmer to haul feed to the farm for feeding pigs are engaged in "agriculture". Other such practices are office work and maintenance and protective work. The exemption applies, for example, to secretaries, clerks, bookkeepers, night watchmen, maintenance workers, engineers, and others who are employed by a farmer or on a farm if their work is part of the agricultural activity and is subordinate to the farming operations of such farmer or on such farm.[57] It must be emphasized with respect to all practices performed on products for which exemption is claimed that they must be performed only on the products produced or raised by the particular farmer or on the particular farm.[58] If exempt at all, practices on farm products which fail to qualify under section 13 (a) (6) must qualify under section 13 (a) (10) or other exemptions for certain operations and practices on farm commodities.

§ 780.21 *Employees employed in irrigation activities under section 13 (a) (6)*—(a) *General statement.* (1) In addition to exempting employees employed in agriculture, section 13 (a) (6) also exempts from the wage and hour provisions of the act "any employee employed * * * in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit, or operated on a share-crop basis, and which are used exclusively for supply and storing of water for agricultural purposes".

(2) It should be noted at the outset that this exemption applies only to the minimum wage and overtime provisions of the act and does not affect the child labor, record-keeping and other requirements of the act.

(3) This exemption was added by an amendment to section 13 (a) (6) in 1949 to alter the effect of the decision of the United States Supreme Court in Farmers Reservoir & Irrigation Company v. McComb, 337 U. S. 755, so as to exclude the type of employees involved in that case from certain requirements of the act. Congress chose to accomplish this result, not by expanding the definition of agriculture in section 3 (f), but by adding a further exemption. In view of this approach, it can well be said that Congress agreed with the Supreme Court's holding that such workers are not employed in agriculture, but nevertheless wished to exclude them from the minimum wage and overtime requirements of the act.

(b) *Meaning and scope of exemption language.* (a) The employer is paid on a share-crop basis when he receives, as his total compensation, a share of the crop of the farmers serviced.

(b) The fact that a small amount of the water furnished for use in his farming operations is in fact used for incidental domestic purposes by the farmer on the farm does not require the conclusion that the water supplied was not exclusively "for agricultural purposes" within the meaning of the irrigation exemption in section 13 (a) (6). Accordingly, if otherwise applicable, the exemption is not defeated merely because the water stored and supplied through the ditches, canals, reservoirs, or waterways of the irrigation company includes a small amount which is used for domestic purposes on the farms to which it is supplied. On the other hand, if the water company should maintain separate facilities for storing and supplying water for domestic use, it is clear that employees employed in connection with the maintenance or operation of such facilities would not be employed in activities to which the exemption applies. Similarly, if the water company supplied water for other than "agricultural purposes," the exemption would not apply. For example, the exemption would not apply where a portion of its water is delivered by the company to a municipality to be used for general, domestic and commercial purposes. Water used for watering livestock raised by a farmer is "for agricultural purposes."

(c) The exemption may apply to employees engaged in insect, rodent, and weed control along the canals and waterways of the irrigation company.

§ 780.22. *Nurseries and landscaping activities.* (a) The employees of a nursery who are engaged in the following activities are employed in "agriculture":

(1) Sowing seeds and otherwise propagating fruit, nut, shade, vegetable and ornamental plants or trees (but not Christmas trees), and shrubs, vines and flowers;

(2) Handling such plants from propagating frames to the field;

(3) Planting, cultivating, watering, spraying, fertilizing, pruning, bracing, and feeding the growing crop.

(b) The planting of trees and bushes is exempt where it constitutes a step in the production, cultivation, growing, and harvesting of agricultural or horticultural commodities, or where it constitutes a practice performed by a farmer or on a farm as an incident to or in conjunction with farming operations (as where it is part of the subordinate marketing operations of the grower of such trees or bushes). Thus, employees of the nurseryman who raised such nursery stock are doing exempt work when they plant the stock on private or public property, trim, spray, brace and treat the planted stock, or perform other duties incidental to its care and preservation. Similarly, employees who plant fruit trees and berry stock not raised by their employer would qualify for exemption if the planting is done on a farm as an incident to or in conjunction with the farming operation on that farm. On the other hand, the planting of trees and bushes on residential, business or public property is not exempt when it is done by employees of an employer who has not grown the trees and bushes, or who, if he has grown them, engages in the planting operations as an incident, not to his farming operations, but to landscaping operations which include principally the laying of sod and the construction of pools, walks, drives, and the like. The mowing of lawns, except where it can be considered incidental to farming operations, is not exempt work.

(c) Nurseries frequently obtain plants growing wild in the woods or fields which are to be further cultivated by the nursery before they are sold by it. Obtaining such plants is a practice which is incidental to farming operations. It is therefore exempt if performed by a farmer or on a farm. Thus, if performed by employees of the nursery, it is exempt. On the other hand, if performed off the farm by employees of an independent contractor, it is not exempt. The transplanting of such wild plants in the nursery is performed "on a farm" and is exempt whether performed by employees of an independent contractor or by employees of the nursery.

(d) Operations in a forest tree nursery such as seeding new beds and growing and transplanting forest seedlings are not farming operations. The planting, tending, and cutting of Christmas trees do not constitute farming operations. If such operations on forest products are within section 3 (f) they must qualify under the second part of the definition dealing with incidental practices.[59]

(e) Employees of a grower of nursery stock who work in packing and storage sheds sorting the stock, grading and trimming it, racking it in bins, and packing it for shipment are employed in "agriculture" provided they handle only products grown by their employer and their activities constitute an established part of their employer's agricultural activities and are subordinate to his farming operations.[60] The same is true of employees engaged in the balling and storing of shrubs and trees grown in the nursery. Where a grower of nursery stock operates, as a separate enterprise, an establishment for the distribution of such commodities at wholesale or retail, or a processing establishment, the employees in such separate enterprise are not exempt.[61] Although the handling and the sale of nursery commodities by the grower at or near the place where they were grown may be incidental to his farm operations, the character of these operations changes when they are performed in an establishment set up as a marketing point to aid in the distribution of those products.

§ 780.23 *Hatcheries.* (a) As stated in § 780.13 (c) (3), the typical hatchery is engaged in "agriculture", whether in a rural or city location. Where the hatchery is engaged solely in procuring eggs for hatching, performing the hatching operations and selling the chicks, all the employees including office and maintenance workers are exempt.

(b) It is common practice for hatcherymen to enter into arrangements with farmer poultry raisers for the production of hatching eggs which the hatchery agrees to buy. Ordinarily, the farmer furnishes the facilities, feed and labor and the hatchery furnishes the basic stock of poultry. The farmer undertakes a specialized program of care and improvement of the flock in cooperation with the hatchery. The hatchery may at times have a surplus of eggs, including those suitable for hatching and culled eggs, which it sells. Activities performed by the hatchery employees in connection with the disposal of these eggs, such as grading and packing, are an incident to the breeding of poultry by the hatchery and are exempt. The work of hatchery employees in connection with the maintenance of the quality of the poultry flock on farms is also part of the "raising" operations. This includes testing for disease, culling, weighing, cooping, loading, and transporting the culled birds.

(c) In some instances, hatcheries also engage in the produce business as such and commingle with the culled eggs and chickens other eggs and chickens which they buy for resale. Employees are not exempt in any workweek in which their work relates to both the hatchery and produce types of activities.

(d) In some situations, the hatchery also operates a feed store and furnishes feed to the growers. As in the case of the produce business operated by a hatchery, this is not an exempt activity and employees engaged therein, such as truck drivers hauling feed to growers, are not exempt. Office workers and other employees lose the exemption in any workweek in which their duties relate to both exempt and non-exempt activities. The catching and loading of broilers on farms by hatchery employees for transportation to market are exempt operations.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 26th day of April 1956.

[SEAL] NEWELL BROWN,
*Administrator,*
*Wage and Hour Division.*

[F. R. Doc. 56-3444; Filed, May 2, 1956; 8:45 a. m.]

[57] Damutz v. Pinchbeck, 66 F. Supp. 667, aff'd. 158 F. (2d) 882.

[58] Walling v. Peacock Corp., 58 F. Supp. 880; Lenroot v. Hazlehurst Mercantile Co., 153 F. 2d 153; Jordan v. Stark Bros. Nurseries and Orchards Co., 45 F. Supp. 769.

[59] See § 780.20 (b).

[60] See Jordan v. Stark Bros. Nurseries & Orchards Co., 45 F. Supp. 769.

[61] See Walling v. Rocklin, 132 F. 2d 13.



## TITLE 32—NATIONAL DEFENSE

### Chapter V—Department of the Army

Subchapter C—Military Education

PART 543—PROMOTION OF RIFLE PRACTICE COMPETITION IN SCHOOLS AND COLLEGES

Section 543.5 is revised to read as follows:

§ 543.5 *Rifle and pistol competitions in schools and colleges.* (a) *General.* Educational institutions maintaining units of the Reserve Officers' Training Corps (ROTC) and other schools and colleges conducting military training under the supervision of the Department of the Army will conduct instruction with the rifle and the pistol in accordance with the prescribed programs of training.

(b) *Rifle clubs and local matches.* (1) ROTC units and the cadet corps of other schools and colleges should form rifle clubs and affiliate with the National Rifle Association of America (NRA) and enter its competitions.

(2) Competitive rifle and pistol matches will be arranged to inspire a wholesome spirit of rivalry between individuals, organizations, units, and institutions. Local matches should be frequent and so organized as to give them the same standing and recognition accorded athletic competitions.

(3) The allowances of ammunition for schools and colleges are prescribed in tables of allowances. Ammunition for matches other than those approved by the Department of the Army will be provided by the institution.

(c) *Annual indoor rifle matches*—(1) *General.* (i) A series of indoor smallbore rifle matches will be conducted each year, so far as practicable, among those institutions conducting military training under the supervision of the Departments of the Army, Navy, and Air Force (ROTC and sec. 55c National Defense Act units) which have the proper facilities and where conditions are otherwise favorable. For this purpose the institutions will be grouped as follows:

(*a*) Units in universities, colleges, and junior colleges.

(*b*) Units in essentially military schools (high-school-level students only).

(c) Units in high schools not in the category of (*b*) of this subdivision.

(ii) For the purpose of this competition, units (Army, Navy, and Air Force) in the Military District of Washington will compete with like units of the Second Army; units (Army, Navy, and Air Force) located in the Territory of Hawaii and in Alaska will compete with like units of the Sixth Army; and the units of Panama and of the University of Puerto Rico will compete with like units of the Third Army.

(2) *Intramural and intermural matches.* From October 1 to December 31, annually, the institutions will conduct intramural matches to determine the relative standing of individual students, organizations, units, other groups, etc., as the officer-in-charge may deem advisable. The regulations for the matches, the awarding of prizes, etc., will be arranged by the officer-in-charge. Approximately the first two-thirds of the period should be devoted to individual instruction and competitions and the last one-third to team matches. From December 1 to March 1, annually, institutions will be encouraged to fire separate matches with other institutions under such conditions as may be agreed upon.

(3) *Other matches.* During the period in which the national intercollegiate matches are being held, institutions will be encouraged to fire separate matches with institutions in other sections of the country.

(d) *Annual outdoor matches.* Outdoor rifle and pistol firing will be conducted at favorable seasons of the year, so far as may be practicable. Army commanders will arrange matches for those institutions having suitable range facilities. Institutions will be encouraged to place such competitions on a par with other athletic competitions and develop individuals for membership in Army area teams selected to compete in the National Matches.

(e) *Approved competitions.* The Department of the Army has approved and encourages participation in the following annual events by eligible students enrolled in the ROTC, and section 55c National Defense Act school units:

(1) Army Area ROTC Intercollegiate and Interscholastic Indoor Smallbore Rifle Matches.

(2) National ROTC Intercollegiate and Interscholastic Matches.

(3) William Randolph Hearst Army ROTC Rifle Competition.

(4) William Randolph Hearst National Defense Trophy Match.

(5) Warrior of the Pacific Team Competition.

(6) Society of American Military Engineers Rifle Competition.

[AR 145-395, April 5, 1956] (R. S. 161; 5 U. S. C. 22. Interprets or applies sec. 2, 45 Stat. 788, as amended; 32 U. S. C. 181b)

[SEAL] JOHN A. KLEIN,
*Major General, U. S. Army,*
*The Adjutant General.*

[F. R. Doc. 56-3447; Filed, May 2, 1956; 8:46 a. m.]

## Chapter XIV—The Renegotiation Board

### Subchapter B—Renegotiation Board Regulations Under the 1951 Act

### PART 1453—MANDATORY EXEMPTIONS FROM RENEGOTIATION

EXEMPTION OF COMMON CARRIERS BY WATER

Paragraph (d) *Common carriers by water* of § 1453.3 is amended by deleting paragraph (d) in its entirety and inserting in lieu thereof the following:

(d) *Common carriers by water*—(1) *Fiscal years ending before December 31, 1953.* With respect to fiscal years ending before December 31, 1953, a contract with a common carrier for transportation by water is exempt only if the sale or furnishing of such transportation is subject to the jurisdiction of the Interstate Commerce Commission under Part III of the Interstate Commerce Act or subject to the jurisdiction of the Federal Maritime Board under the Intercoastal Shipping Act, 1933. Rates for passenger or cargo transportation to foreign ports are not fixed by these agencies under the statutes referred to in the last sentence of section 106 (a) (4) of the act, and thus contracts for such transportation are not within the exemption.

(2) *Fiscal years ending on or after December 31, 1953.* (i) With respect to fiscal years ending on or after December 31, 1953, a contract with a common carrier for transportation by water is exempt if it meets the conditions set forth in subparagraph (1) of this paragraph or if the Board finds that the regulatory aspects of rates for the sale or furnishing of such transportation, or the type and nature of the contract for such furnishing or sale, are such as to indicate, in the opinion of the Board, that excessive profits are improbable. Pursuant to the foregoing authority, the Board has exempted from the provisions of the act, to the extent of amounts received or accrued before January 1, 1956, in any fiscal year ending on or after December 31, 1953:

(*a*) All prime contracts for transportation by common carrier by water at, or at rates below, rates or charges filed with, fixed, approved or regulated by the Federal Maritime Board.

(*b*) All prime contracts with the Military Sea Transportation Service for transportation of cargo at rates or charges based upon the manifest measurement or manifest weight of the cargo.

(ii) This exemption does not apply to time, voyage or bareboat charters.

(3) *Exemption of individual prime contracts.* The Board will exempt any individual prime contract with a common carrier for transportation by water when the Board finds, upon application of the contractor, that the regulatory aspects of rates for the sale or furnishing of such transportation, or the type and nature of the contract for such furnishing or sale, are such as to indicate, in the opinion of the Board, that excessive profits are improbable. Any application for such a finding shall be filed with the Board not later than the date when the contractor files the financial statement prescribed in section 105 (e) (1) of the act (see § 1470.3 (a) of this subchapter) for the fiscal year in which the contractor received or accrued the amounts with respect to which the exemption is claimed. In any financial statement so filed, receipts or accruals under any contract with respect to which the Board is requested to make such a finding shall be included initially in computing the aggregate renegotiable receipts or accruals of the contractor for the fiscal year to which such statement relates.

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. Sup. 1219)

Dated: April 30, 1956.

THOMAS COGGESHALL,
*Chairman.*

[F. R. Doc. 56-3470; Filed, May 2, 1956; 8:51 a. m.]

## TITLE 32A—NATIONAL DEFENSE, APPENDIX

### Chapter I—Office of Defense Mobilization

[ODM Reg. 3]

### ODM REG. 3—PRESERVATION OF WAGE AND SALARY RECORDS UNDER DEFENSE PRODUCTION ACT

By virtue of the authority vested in me pursuant to Executive Order 10494, dated October 14, 1953, and Office of Defense Mobilization General Administrative Order I–2 (Revised), and in accordance with the provisions of section 705 (a) of the Defense Production Act of 1950, as amended, it is hereby ordered:

SECTION 1. Any record relating to compliance with wage and salary regulations issued by the Wage Stabilization Board, the Salary Stabilization Board, the Railroad and Airline Wage Board, and the Construction Industry Stabilization Commission under Title IV of the Defense Production Act of 1950, as amended, need not be preserved after April 30, 1955, or an earlier date when previously specified by general regulation.

SEC. 2. This shall not apply to records required to be kept by persons currently in litigation or who are still under investigation for violation of stabilization regulations.

SEC. 3. This order shall be effective upon publication in the FEDERAL REGISTER.

*Statement of consideration.* Under section 705 (a) of the Defense Production Act of 1950, as amended, the President is authorized to require the keeping of relevant records for two years after the expiration of that act. In General Overriding Regulation 44, as amended on March 12, 1953, the Office of Price Stabilization established April 30, 1953, as the final cut-off date for the preservation of price control records. With respect to records required to be kept dealing with wages and salaries, the agencies involved established various cut-off dates in different regulations for the maintenance of such records.

It is the judgment of the Office of Defense Mobilization that the cut-off date employed by the Office of Price Stabilization in General Overriding Regulation 44, as amended, also is appropriate with respect to wage and salary regulations issued during the Korean emergency. This does not apply, of course, with respect to records kept by those few employers in litigation or who are still under investigation for violations during that period.

(Sec. 705, 64 Stat. 816, as amended; 50 U. S. C. App. 2155. E. O. 10494, 18 F. R. 6585, 3 CFR, 1953 Supp.)

OFFICE OF DEFENSE MOBILIZATION,
CHARLES H. KENDALL,
*Assistant Director.*

[F. R. Doc. 56-3465; Filed, May 2, 1956; 8:50 a. m.]

## TITLE 33—NAVIGATION AND NAVIGABLE WATERS

### Chapter I—Coast Guard, Department of the Treasury

### Subchapter K—Security of Vessels

[CGFR 56–12]

### PART 121—SPECIAL VALIDATION ENDORSEMENT FOR EMERGENCY SERVICE FOR MERCHANT MARINE PERSONNEL

*Correction*

In F. R. Doc. 56–3329, appearing at page 2814 of the issue for Tuesday, May 1, 1956, the filing date at the end of the document should read "Apr. 30, 1956".

### Subchapter L—Security of Waterfront Facilities

[CGFR 56–15]

### PART 125—IDENTIFICATION CREDENTIALS FOR PERSONS REQUIRING ACCESS TO WATERFRONT FACILITIES OR VESSELS

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Executive Order 10173, as amended, Part 125 is amended to read as follows:

Sec.
125.01 Commandant.
125.03 District Commander.
125.05 Captain of the Port.
125.07 Waterfront facility.
125.09 Identification credentials.
125.11 Form of Coast Guard Port Security Card.
125.13 Captain of the Port Identification Cards.
125.15 Access to waterfront facilities, and port and harbor areas, including vessels and harbor craft therein.
125.17 Persons eligible for Coast Guard Port Security Cards.
125.19 Standards.
125.21 Applications.
125.23 United States citizens.
125.25 Aliens.
125.27 Sponsorship of applicant.
125.29 Insufficient information.
125.31 Approval of applicant by Commandant.
125.33 Holders of Coast Guard Port Security Card.
125.35 Notice by Commandant.
125.37 Hearing Boards.
125.39 Notice by Hearing Board.
125.43 Hearing procedure.



Sec.
125.45 Action by Commandant.
125.47 Appeals.
125.49 Action by Commandant after appeal.
125.51 Replacement of lost Coast Guard Port Security Card.
125.53 Requirements for credentials; certain vessels operating on navigable waters of the United States (including the Great Lakes and Western Rivers).
125.55 Outstanding Coast Guard Port Security Cards and Applications.
125.57 Applications previously denied.

AUTHORITY: §§ 125.01 to 125.57 issued under 40 Stat. 220, as amended; 50 U. S. C. 191; E. O. 10173, 15 F. R. 7005, 3 CFR, 1950 Supp., as amended by E. O. 10277, 16 F. R. 7537, 3 CFR, 1951 Supp., E. O. 10352, 17 F. R. 4607, 3 CFR, 1952 Supp. Interpret or apply: R. S. 4517, as amended, 4518, as amended, sec. 19, 23 Stat. 58, as amended, sec. 2, 23 Stat. 118, as amended, sec. 7, 49 Stat. 1936, as amended; 46 U. S. C. 570, 571, 572, 2, 689.

§ 125.01 *Commandant.* The term "Commandant" means Commandant of the Coast Guard.

§ 125.03 *District Commander.* The term "District Commander" means the officer of the Coast Guard designated by the Commandant to command a Coast Guard District.

§ 125.05 *Captain of the Port.* The term "Captain of the Port" means the officer of the Coast Guard, under the command of a District Commander, so designated by the Commandant for the purpose of giving immediate direction to Coast Guard law enforcement activities within the general proximity of the port in which he is situated.

§ 125.07 *Waterfront facility.* The term "waterfront facility," as used in this subchapter, means all piers, wharves, docks, and similar structures to which vessels may be secured, buildings on such structures or contiguous to them, and equipment and materials on such structures or in such buildings.

§ 125.09 *Identification credentials.* The term "Identification credentials," as used in this subchapter, means any of the following:

(a) Coast Guard Port Security Card (Form CG 2514).

(b) Merchant Mariner's Document bearing special validation endorsement for emergency service.

(c) Armed Forces Identification Card.

(d) Identification credentials issued by Federal Law enforcement and intelligence agencies to their officers and employees (e. g., Department of the Treasury, Department of Justice, Federal Communications Commission).

(e) Identification credentials issued to public safety officials (e. g., police, firemen) when acting within the scope of their employment.

(f) Such other identification as may be approved by the Commandant from time to time.

§ 125.11 *Form of Coast Guard Port Security Card.* The Coast Guard Port Security Card issued by the Coast Guard under the provisions of this subchapter shall be a laminated card bearing photograph, signature, fingerprint, and personal description of the holder, and other pertinent data.

§ 125.13 *Captain of the Port Identification Cards.* Captain of the Port Identification Cards issued under the form designation "Form CG 2514" prior to the revision of August 1950 were declared invalid by a notice published in the FEDERAL REGISTER on September 11, 1946 (11 F. R. 10103), which declaration is hereby reaffirmed.

§ 125.15 *Access to waterfront facilities, and port and harbor areas, including vessels and harbor craft therein.* (a) The Commandant will, from time to time, direct Captains of the Port of certain ports to prevent access of persons who do not possess one or more of the identification credentials listed in § 125.09 to those waterfront facilities, and port and harbor areas, including vessels and harbor craft therein, where the following shipping activities are conducted:

(1) Those vital to the Military Defense Assistance Program.

(2) Those pertaining to the support of U. S. military operations.

(3) Those pertaining to loading and unloading explosives and other dangerous cargo.

(b) No person who does not possess one of the identification credentials aforesaid shall enter or remain in such facilities, or port or harbor areas, including vessels and harbor craft therein.

(c) The Captain of the port shall give local public notice of the restriction of access to waterfront facilities, and port and harbor areas, including vessels and harbor craft therein, as far in advance as practicable, and shall cause such facilities and areas to be suitably marked as to such restriction.

§ 125.17 *Persons eligible for Coast Guard Port Security Cards.* Only the following persons may be issued Coast Guard Port Security Cards:

(a) Persons regularly employed on vessels or on waterfront facilities.

(b) Persons having regular public or private business connected with the operation, maintenance, or administration of vessels, their cargoes, or waterfront facilities.

§ 125.19 *Standards.* Information concerning an applicant for a Coast Guard Port Security Card, or a holder of such card, which may preclude a determination that his character and habits of life are such as to warrant the belief that his presence on waterfront facilities, and port and harbor areas, including vessels and harbor craft therein, would not be inimical to the security of the United States, shall relate to the following:

(a) Advocacy of the overthrow or alteration of the Government of the United States by unconstitutional means.

(b) Commission of, or attempts or preparations to commit, an act of espionage, sabotage, sedition or treason, or conspiring with, or aiding or abetting another to commit such an act.

(c) Performing, or attempting to perform, duties or otherwise acting so as to serve the interests of another government to the detriment of the United States.

(d) Deliberate unauthorized disclosure of classified defense information.

(e) Membership in, or affiliation or sympathetic association with, any foreign or domestic organization, association, movement, group, or combination of persons designated by the Attorney General pursuant to Executive Order 10450, as amended.

(f) Having been adjudged insane, having been legally committed to an insane asylum, or treated for serious mental or neurological disorder, without evidence of cure.

(g) Having been convicted of any of the following offenses, indicative of a criminal tendency potentially dangerous to the security of such waterfront facilities and port and harbor areas, including vessels and harbor craft therein; arson, unlawful trafficking in drugs, espionage, sabotage, or treason.

(h) Drunkenness on the job or addiction to the use of narcotic drugs, without adequate evidence of rehabilitation.

(i) Illegal presence in the United States, its territories or possessions; having been found finally subject to deportation order by the United States Immigration and Naturalization Service.

§ 125.21 *Applications.* (a) Applications for a Coast Guard Port Security Card shall be made under oath upon a form prescribed by the Commandant.

(b) In addition to the information required by the form prescribed by the Commandant, the form shall require applicant's complete identification, citizenship record, personal description, military record, if any, and a statement of the applicant's sponsor certifying the applicant's employment or union membership and that applicant's statements are true and correct to the best of sponsor's knowledge.

(c) The application shall be accompanied by two unmounted, dull finish photographs, 1 inch x 1 5/16 inches, of passport type, taken within one year of the date of application. The photograph shall show the full face with the head uncovered and shall be a clear and satisfactory likeness of the applicant. It shall portray the largest image of the head and upper shoulders possible within the dimensions specified.

(d) Fingerprint records on each applicant shall be taken by the Coast Guard at the time application is submitted.

(e) The applicant shall present satisfactory proof of his citizenship.

(f) The applicant shall indicate the address to which his Coast Guard Port Security Card can be delivered to him by mail. Under special circumstances the applicant may arrange to call in person for the Coast Guard Port Security Card.

(g) The applicant shall present his application, in person, to a Coast Guard Port Security Unit designated to receive such applications. Such units will be located in or near each port where Coast Guard Port Security Cards are required. Each Captain of the Port shall forward promptly to the Commandant each application for a Coast Guard Port Security Card received by him.

§ 125.23 *United States citizens.* Acceptable evidence of United States citizenship is described in this section in the order of its desirability; however, the Coast Guard will reject any evidence not believed to be authentic;

(a) Birth certificate or certified copy thereof.

(b) Certificate of naturalization. This shall be presented by all persons claiming citizenship through naturalization.

(c) Baptismal certificate or parish record recorded within one year after birth.

(d) Statement of a practicing physician certifying that he attended the birth and that he has a record in his possession showing the date and place of birth.

(e) United States passport.

(f) A commission in one of the armed forces of the United States, either regular or reserve; or satisfactory documentary evidence of having been commissioned in one of the armed forces subsequent to January 1, 1936, provided such commission or evidence shows the holder to be a citizen.

(g) A continuous discharge book, or Merchant Mariner's Document issued by the Coast Guard which shows the holder to be a citizen of the United States.

(h) If an applicant claiming to be a citizen of the United States submits a delayed certificate of birth issued under a State's seal, it may be accepted as prima facie evidence of citizenship if no one of the requirements in paragraphs (a) to (g) of this section can be met by the applicant and in the absence of any collateral facts indicating fraud in its procurement.

(i) If no one of the requirements in paragraphs (a) to (h) of this section can be met by the applicant, he should make a statement to that effect, and in an attempt to establish citizenship, he may submit for consideration data of the following character:

(1) Report of the Census Bureau showing the earliest record of age or birth available. Request for such information should be addressed to the Director of the Census, Washington 25, D. C. In making such request, definite information must be furnished the Census Bureau as to the place of residence when the first census was taken after the birth of the applicant, giving the name of the street and the number of the house, or other identification of place where living, etc.; also names of parents or the names of other persons with whom residing on the date specified.

(2) School records, immigration records, or insurance policies (the latter must be at least 10 years old).

§ 125.25 *Aliens.* Alien registration records together with other papers and documents which indicate the country of which the applicant is a citizen shall be accepted as evidence of citizenship in a foreign nation.

§ 125.27 *Sponsorship of applicant.* Applications for a Coast Guard Port Security Card shall not be accepted unless sponsored. The applicant shall be sponsored by an authorized official of applicant's employer or by an authorized official of applicant's labor union. Each company and each labor union concerned shall file with the appropriate Captain of the Port a list of officials of the company or union who are authorized to sponsor applicants. Other sponsorship may be accepted where the circumstances warrant.

§ 125.29 *Insufficient information.* (a) If an application received by the Commandant does not contain replies sufficiently complete in his judgment for a determination whether the character and habits of life of the applicant are such as to warrant the belief that his presence on waterfront facilities, and port and harbor areas, including vessels and harbor craft therein, would not be inimical to the security of the United States, the Commandant, in an effort to avoid additional proceedings through credible explanation or to confine further inquiry to matters tending to prove or disprove unfavorable information, shall notify the applicant to submit under oath in writing or orally such further information as may be required for such determination.

(b) Upon receipt of a complete application and such further information as the Commandant may have required in those cases where the application as first submitted, was not deemed sufficient, a committee composed of a representative of the Legal Division, of the Merchant Vessel Personnel Division, and of the Intelligence Division, Coast Guard Headquarters, shall prepare an analysis of the information available to the Commandant and make recommendations for action by the Commandant.

§ 125.31 *Approval of applicant by Commandant.* (a) If the Commandant is satisfied that the character and habits of life of the applicant are not such as to warrant the belief that his presence on waterfront facilities, and port and harbor areas, including vessels and harbor craft therein, would be inimical to the security of the United States, he will direct that a Coast Guard Port Security Card be issued to the applicant.

(b) If the Commandant is not satisfied that the character and habits of life of the applicant are such as to warrant the belief that his presence on waterfront facilities, and port and harbor areas, including vessels and harbor craft therein, would not be inimical to the security of the United States, he will notify the applicant in writing as provided for in § 125.35.

§ 125.33 *Holders of Coast Guard Port Security Card.* (a) Whenever the Commandant is not satisfied that the character and habits of life of a holder of a Coast Guard Port Security Card are such as to warrant the belief that his presence on waterfront facilities, and port and harbor areas, including vessels and harbor craft therein, would not be inimical to the security of the United States, he will request from the holder under the procedures provided for in § 125.29 (a), replies under oath to such questions as he deems necessary to reach a determination on this issue.

(b) If the holder does not submit complete replies within 30 days after receipt of the request, the Commandant shall revoke and require the surrender of his Coast Guard Port Security Card.

(c) Upon receipt of complete replies and such other information as the Commandant may have required, the procedure prescribed in § 125.29 (b) shall be followed.

(d) If the Commandant is satisfied that the character and habits of life of the holder are such as to warrant the belief that his presence on waterfront facilities, and port and harbor areas, including vessels and harbor craft therein, would not be inimical to the security of the United States, he shall notify the holder accordingly.

(e) If the Commandant is not satisfied that the character and habits of life of the holder are such as to warrant the belief that his presence on waterfront facilities, and port and harbor areas, including vessels and harbor craft therein, would not be inimical to the security of the United States, he shall notify the holder in writing as provided for in § 125.35.

§ 125.35 *Notice by Commandant.* (a) The notice provided for in §§ 125.31 and 125.33 shall contain a statement of the reasons why the Commandant is not satisfied that the character and habits of life of the applicant or holder are such as to warrant the belief that his presence on waterfront facilities, and port and harbor areas, including vessels and harbor craft therein, would not be inimical to the security of the United States. Such notice shall be as specific and detailed as the interests of national security shall permit and shall include pertinent information such as names, dates, and places in such detail as to permit reasonable answer.

(b) The applicant or holder shall have 20 days from the date of receipt of the notice of reasons to file written answer thereto. Such answer may include statements or affidavits by third parties or such other documents or evidence as the applicant or holder deems pertinent to the matters in question.

(c) Upon receipt of such answer the procedure prescribed in § 125.29 (b) shall be followed.

(d) If the Commandant is satisfied that the character and habits of life of the applicant or holder are such as to warrant the belief that his presence on waterfront facilities, and port and harbor areas, including vessels and harbor craft therein, would not be inimical to the security of the United States, he shall, in the case of an applicant, direct that a Coast Guard Port Security Card be issued to the applicant, or, in the case of a holder, notify him accordingly.

(e) If the Commandant is not satisfied that the applicant's or holder's character and habits of life are such as to warrant the belief that his presence on waterfront facilities, and port and harbor areas, including vessels and harbor craft therein, would not be inimical to the security of the United States, the Commandant shall refer the matter to a Hearing Board for hearing and recommendation in accordance with the provisions of this part.



§ 125.37 *Hearing Boards.* The Commandant may establish a Hearing Board in each Coast Guard District. The Commandant shall designate for each Hearing Board a Chairman, who shall be, so far as practicable, an officer of the Coast Guard. The Commandant shall designate, so far as practicable, a second member from a panel of persons representing labor named by the Secretary of Labor, and a third member from a panel of persons representing management named by the Secretary of Labor.

§ 125.39 *Notice by Hearing Board.* Whenever the Commandant refers a matter to a Hearing Board, the Chairman shall:

(a) Fix the time and place of the hearing;

(b) Inform the applicant or holder of the names of the members of the Hearing Board, their occupations, and the businesses or organizations with which they are affiliated, of his privilege of challenge, and of the time and place of the hearing;

(c) Inform the applicant or holder of his privilege to appear before the Hearing Board in person or by counsel or representative of his choice, and to present testimonial and documentary evidence in his behalf, and to cross-examine any witnesses appearing before the Board; and

(d) Inform the applicant or holder that if within 10 days after receipt of the notice he does not request an opportunity to appear before the Hearing Board, either in person or by counsel or representative, the Hearing Board will proceed without further notice to him.

§ 125.41 *Challenges.* Within five days after receipt of the notice described in § 125.39 the applicant or holder may request disqualification of any member of the Hearing Board on the grounds of personal bias or other cause. The request shall be accompanied by an affidavit setting forth in detail the facts alleged to constitute grounds for disqualification. The affidavit may be supplemented by an oral presentation if desired. If after due consideration the Chairman believes a challenged member is qualified notwithstanding the challenge, he shall notify the person who made the challenge and arrange to proceed with the hearing. If the person who made the challenge takes exception to the ruling of the Chairman, the exception and data relating to the claim of disqualification shall be made a matter of record. If the Chairman finds that there is reasonable ground for disqualification he shall furnish the person who made the challenge with the name of an alternate in lieu of the challenged member and arrange to proceed with the hearing. In the event the Chairman is challenged, he shall forthwith notify the Commandant, furnishing the grounds for the claim of disqualification, and the Commandant shall act upon the challenge in accordance with the foregoing procedure. In addition to the right to challenge for cause, a person who has requested a hearing shall have two peremptory challenges, one challenge for the management member and one challenge for the labor member of the Hearing Board. Should the management member be so challenged, the person who made the challenge may elect to have the management member replaced by another management member or by a member not representing either management or labor; if the member peremptorily challenged represents labor, the person who made the challenge may elect to have the labor member replaced by another labor member or by a member not representing either management or labor.

§ 125.43 *Hearing procedure.* (a) Hearings shall be conducted in an orderly manner and in a serious, business-like atmosphere of dignity and decorum and shall be expedited as much as possible.

(b) The hearing shall be in open or closed session at the option of the applicant or holder.

(c) Testimony before the Hearing Board shall be given under oath or affirmation.

(d) The Chairman of the Hearing Board shall inform the applicant or holder of his right to:

(1) Participate in the hearing;

(2) Be represented by counsel of his choice;

(3) Present witnesses and offer other evidence in his own behalf and in refutation of the reasons set forth in the Notice of the Commandant; and

(4) Cross-examine any witnesses offered in support of such reasons.

(e) Hearings shall be opened by the reading of the Notice of the Commandant and the answer thereto. Any statement and affidavits filed by the applicant or holder may be incorporated in the record by reference.

(f) The Hearing Board may, in its discretion, invite any person to appear at the hearing and testify. However, the Board shall not be bound by the testimony of such witness by reason of having called him and shall have full right to cross-examine the witness. Every effort shall be made to produce material witnesses to testify in support of the reasons set forth in the Notice of the Commandant, in order that such witnesses may be confronted and cross-examined by the applicant or holder.

(g) The applicant or holder may introduce such evidence as may be relevant and pertinent. Rules of evidence shall not be binding on the Hearing Board, but reasonable restrictions may be imposed as to the relevancy, competency and materiality of matters considered. If the applicant or holder is, or may be, handicapped by the non-disclosure to him of confidential sources, or by the failure of witnesses to appear, the Hearing Board shall take the fact into consideration.

(h) The applicant or holder or his counsel or representative shall have the right to control the sequence of witnesses called by him.

(i) The Hearing Board shall give due consideration to documentary evidence developed by investigation, including membership cards, petitions bearing the applicant's or holder's signature, books, treatises or articles written by the applicant or holder and testimony by the applicant or holder before duly constituted authority.

(j) Complete verbatim stenographic transcription shall be made of the hearing by qualified reporters and the transcript shall constitute a permanent part of the record. Upon request, the applicant or holder or his counsel or representative shall be furnished, without cost, a copy of the transcript of the hearing.

(k) The Board shall reach its conclusion and base its determination on information presented at the hearing, together with such other information as may have been developed through investigation and inquiries or made available by the applicant or holder.

(l) If the applicant or holder fails, without good cause shown to the satisfaction of the chairman, to appear personally or to be represented before the Hearing Board, the Board shall proceed with consideration of the matter.

(m) The recommendation of the Hearing Board shall be in writing and shall be signed by all members of the Board. The Board shall forward to the Commandant, with its recommendation, a memorandum of reasons in support thereof. Should any member be in disagreement with the majority a dissent should be noted setting forth the reasons therefor. The recommendation of the Board, together with the complete record of the case, shall be sent to the Commandant as expeditiously as possible.

§ 125.45 *Action by Commandant.* (a) If, upon receipt of the Board's recommendation, the Commandant is satisfied that the character and habits of life of the applicant or holder are such as to warrant the belief that his presence on waterfront facilities, and port and harbor areas, including vessels and harbor craft therein, would not be inimical to the security of the United States, he shall, in the case of an applicant, direct that a Coast Guard Port Security Card be issued to the applicant, or, in the case of a holder, notify him accordingly.

(b) If, upon receipt of the Board's recommendation, the Commandant is not satisfied that the character and habits of life of the applicant or holder are such as to warrant the belief that his presence on waterfront facilities, and port and harbor areas, including vessels and harbor craft therein, would not be inimical to the security of the United States, the Commandant shall:

(1) In the case of an applicant, notify him that a Coast Guard Port Security Card will not be issued to the applicant, or,

(2) In the case of a holder, revoke and require the surrender of his Coast Guard Port Security Card.

(c) Such applicant or holder shall be notified of his right, and shall have 20 days from the receipt of such notice within which, to appeal under this part.

§ 125.47 *Appeals.* (a) The Commandant shall establish at Coast Guard Headquarters, Washington, D. C., an Appeal Board to hear appeals provided for in this part. The Commandant shall designate for the Appeal Board a Chairman, who shall be, so far as practicable, an officer of the Coast Guard. The Com-

mandant shall designate, so far as practicable, a member from a panel of persons representing management nominated by the Secretary of Labor, and a member from a panel of persons representing labor nominated by the Secretary of Labor. The Commandant shall insure that persons designated as Appeal Board members have suitable security clearance. The Chairman of the Appeal Board shall make all arrangements incident to the business of the Appeal Board.

(b) If an applicant or holder appeals to the Appeal Board within 20 days after receipt of notice of his right to appeal under this part, his appeal shall be handled under the same procedure as that specified in § 125.39, and the privilege of challenge may be exercised through the same procedure as that specified in § 125.41.

(c) Appeal Board proceedings shall be conducted in the same manner as that specified in § 125.43.

§ 125.49 *Action by Commandant after appeal.* (a) If, upon receipt of the Appeal Board's recommendation, the Commandant is satisfied that the character and habits of life of the applicant or holder are such as to warrant the belief that his presence on waterfront facilities, and port and harbor areas, including vessels and harbor craft therein, would not be inimical to the security of the United States, he shall, in the case of an applicant, direct that a Coast Guard Port Security Card be issued to the applicant, or in the case of a holder, notify him accordingly.

(b) If, upon receipt of the Appeal Board's recommendation, the Commandant is not satisfied that the character and habits of life of the applicant or holder are such as to warrant the belief that his presence on waterfront facilities, and port and harbor areas, including vessels and harbor craft therein, would not be inimical to the security of the United States, the Commandant shall notify the applicant or holder that his appeal is denied.

§ 125.51 *Replacement of lost Coast Guard Port Security Card.* (a) Any person whose Coast Guard Port Security Card has been stolen, lost or destroyed shall report that fact to a Coast Guard Port Security Unit or Captain of the Port as soon thereafter as possible.

(b) A person who has lost a Coast Guard Port Security Card may apply for a replacement card by submitting "An Application for Replacement of Lost Port Security Card" (Form CG 2685A) to a Coast Guard Port Security Unit. A replacement will be issued only after a full explanation of the loss of the Coast Guard Port Security Card is made in writing to the Coast Guard and after a full check is made and authorization is granted by the Commandant.

(c) Any person to whom a Coast Guard Port Security Card has been issued as a replacement for a lost card, shall immediately surrender the original card to the nearest Coast Guard Port Security Unit or Captain of the Port if the original card should be recovered.

§ 125.53 *Requirements for credentials; certain vessels operating on navigable waters of the United States (including the Great Lakes and Western Rivers).* (a) Every person desiring access to vessels, except public vessels, falling within any of the categories listed below, as a master, person in charge, or member of the crew thereof, shall be required to be in possession of one of the identification credentials listed in § 125.09.

(1) Towing vessels, barges, and lighters operating in the navigable waters of the continental United States (including the Great Lakes and Western Rivers).

(2) Harbor craft, such as water taxis, junk boats, garbage disposal boats, bum boats, supply boats, repair boats, and ship cleaning boats, which in the course of their normal operations service or contact vessels, foreign or domestic, public or merchant, in the navigable waters of the continental United States (including the Great Lakes and Western Rivers).

(b) The term "master, person in charge, or member of the crew" shall be deemed to include any person who serves on board in any capacity concerned with the operation, maintenance, or administration of the vessel or its cargo.

(c) Where the Coast Guard Port Security Card (Form CG 2514) is to be used as the identification required by paragraph (a) of this section, application for such card may be made immediately by the persons concerned. The issuance of the Coast Guard Port Security Card shall be in the form and manner prescribed by § 125.11.

(d) At the discretion of the District Commander any person desiring access to vessels of the categories named in this section, who may be required by the provisions hereof to possess identification credentials, may be furnished a letter signed by the District Commander or the Captain of the Port and this letter shall serve in lieu of a Coast Guard Port Security Card and will authorize such access for a period not to exceed 60 days, and such a letter issued shall be deemed to be satisfactory identification within the meaning of § 125.09. The issuance of the letter shall be subject to the following conditions:

(1) The services of the person are necessary to avoid delay in the operation of the vessel;

(2) The person does not possess one of the identification credentials listed in § 125.09.

(3) The person has filed his application for a Coast Guard Port Security Card or submits his application before the letter is issued; and,

(4) The person has been screened by the District Commander or Captain of the Port and such officer is satisfied concerning the eligibility of the applicant to receive a temporary letter.

§ 125.55 *Outstanding Coast Guard Port Security Cards and applications.* (a) Coast Guard Port Security Cards will be accepted as valid until cancelled, revoked, or suspended by proper authority.

(b) A person who has filed an application for a Coast Guard Port Security Card and who has not received such a document prior to May 1, 1956, shall submit a new application in accordance with the requirements of this part.

§ 125.57 *Applications previously denied.* A person who has been denied a Coast Guard Port Security Card before May 1, 1956, may file a new application for such a document in accordance with the requirements of this part.

It is hereby found that compliance with the notice of proposed rule making, public rule making procedures thereon, and effective date requirements of the Administrative Procedure Act is contrary to the public interest since this revision of 33 CFR Part 125 is to implement more effectively Executive Order 10173, as amended, and in the public interest should be placed in operation as soon as possible. This amendatory regulation shall become effective May 1, 1956.

Dated: April 27, 1956.

[SEAL] A. C. RICHMOND,
*Vice Admiral, U. S. Coast Guard Commandant.*

[F. R. Doc. 56-3462; Filed, May 1, 1956; 12:30 p. m.]

## Chapter II—Corps of Engineers, Department of the Army

### PART 204—DANGER ZONE REGULATIONS

#### GULF OF MEXICO SOUTH OF APALACHEE BAY, FLORIDA

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1) and Chapter XIX of the Army Appropriations Act of July 9, 1918 (40 Stat. 892; 33 U. S. C. 3), § 204.111 is hereby prescribed to govern the use and navigation of a danger zone in the waters of the Gulf of Mexico in the vicinity of Apalachee Bay, Florida, comprising an aerial rocket firing range, as follows:

§ 204.111 *Gulf of Mexico south of Apalachee Bay, Fla.; Air Force rocket firing range*—(a) *The danger zone.* An area about 45 statute miles wide and 60 statute miles long, approximately parallel to and about 30 miles off the west coast of Florida, south of Apalachee Bay. The area is bounded as follows: Beginning at latitude 29°42'30", longitude 84°40'00"; thence east along latitude 29°42'30" to longitude 84°00'00"; thence southeast to latitude 28°56'00", longitude 83°31'00"; thence southwest to latitude 28°37'00", longitude 84°11'00"; thence northwest to latitude 29°17'30", longitude 84°40'00"; thence northwest to latitude 29°32'00", longitude 85°00'00"; thence northeast along a line three miles off the meanderings of the shore to the point of beginning.

(b) *The regulations.* (1) The fact that aerial rocket firing will be conducted over the danger zone will be advertised to the public through the usual media for the dissemination of information. Inasmuch as such firing is likely to be conducted during the day or night throughout the year without regard to season, such advertising of firing will be repeated at intervals not exceeding three months and at more frequent intervals when in the opinion of the enforcing agency, repetition is necessary in the interest of public safety.

(2) Prior to the conduct of rocket firing the area will be patrolled by aircraft to insure that no watercraft are within the danger zone and to warn any such watercraft seen in the vicinity that rocket firing is about to take place in the area. Low flight of aircraft across the bow will be used as a signal or warning.

(3) Any such watercraft shall, upon being so warned, immediately leave the area, and, until the conclusion of the firing, shall remain at such a distance that it will be safe from the fallout resulting from such rocket firing.

(4) The regulations in this section shall not deny access to or egress from harbors contiguous to the danger zone in the case of regular passenger or cargo carrying vessels proceeding to or from such harbors. In the case of the presence of any such vessel in the danger zone the officer in charge shall cause the cessation or postponement of fire until the vessel shall have cleared that part of the area in which it might be endangered by the fallout. The vessel shall proceed on its normal course and shall not delay its progress unnecessarily. Masters are requested to avoid the danger zone whenever possible so that interference with firing training may be minimized.

(c) The regulations in this section shall be enforced by the Commander, Moody Air Force Base, Valdosta, Georgia, and such agencies as he may designate.

[Regs., April 16, 1956, 600.2121 (Mexico, Gulf of)-ENCWO] (40 Stat. 266, 892; 33 U. S. C. 1, 3)

[SEAL] JOHN A. KLEIN,
*Major General, U. S. Army, The Adjutant General.*

[F. R. Doc. 56-3448; Filed, May 2, 1956; 8:46 a. m.]



# TITLE 43—PUBLIC LANDS: INTERIOR

## Chapter I—Bureau of Land Management, Department of the Interior

### Appendix—Public Land Orders

[Public Land Order 1295]

#### UTAH, COLORADO, AND NEW MEXICO

#### PARTIALLY REVOKING PUBLIC LAND ORDERS NOS. 494, 779, 964, AND 1011, WHICH RESERVED PUBLIC LANDS AND MINERALS IN PATENTED LANDS FOR USE OF UNITED STATES ATOMIC ENERGY COMMISSION; REVOKING PUBLIC LAND ORDERS NOS. 745 AND 911

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Public Land Orders No. 494 of July 7, 1948, No. 779 of December 29, 1951 (as amended by Public Land Order No. 825 of May 13, 1952), No. 964 of May 13, 1954, and No. 1011 of September 21, 1954, withdrawing public lands and reserved minerals in patented lands for use of the United States Atomic Energy Commission, are hereby revoked so far as they affect the following-described lands:

UTAH

[38753]

In Public Land Order No. 494

SALT LAKE MERIDIAN

T. 24 S., R. 25 E.,
Secs. 24 to 27, inclusive;
Sec. 34, except lots 4 and 5;
Secs. 35 and 36.
T. 25 S., R. 25 E.,
Secs. 1, 2, and 3, unsurveyed;
Secs. 10, 11, and 12, unsurveyed.

The areas described aggregate 8,199.18 acres, of which surveyed section 36, containing 640 acres, is a State school section.

[Utah 08463]

In Public Land Order No. 1011

T. 36 S., R. 24 E.,
Secs. 33 and 34;
Sec. 35, W½.
T. 37 S., R. 24 E.,
Secs. 3, 4, 5, 8, and 9;
Sec. 10, N½.
T. 28 S., R. 26 E.,
Sec. 28;
Sec. 29, W½, SE¼, N½NE¼;
Sec. 30.

The areas described aggregate 6,622.76 acres.

COLORADO

[38753]

In Public Land Order No. 779 as amended by Public Land Order No. 825

NEW MEXICO PRINCIPAL MERIDIAN

T. 46 N., R. 17 W.,
Sec. 7, lots 3, 4, E½SW¼.
T. 46 N., R. 18 W.,
Sec. 1, lots 3, 4, S½NW¼, SW¼;
Secs. 2 to 18, inclusive;
Sec. 19, lots 1, 2, E½NW¼, E½;
Secs. 20 to 24, inclusive;
Sec. 30, E½.
T. 47 N., R. 18 W.,
Secs. 33 and 34;
Sec. 35, S½.
T. 46 N., R. 19 W.,
Secs. 1, 12, and 13, unsurveyed;
Sec. 24, N½, unsurveyed.

The areas described aggregate 19,192.38 acres, of which lot 3, sec. 1, containing 39.98 acres, is patented land with no mineral reservation to the United States.

NEW MEXICO

[New Mexico 010206]

In Public Land Order No. 964

NEW MEXICO PRINCIPAL MERIDIAN

T. 12 N., R. 9 W.,
Secs. 3 and 4;
Sec. 8, lots 5, 6, 11, and 12;
Secs. 10, 14, and 15;
Sec. 20, E½;
Secs. 22 and 27;
Sec. 28, N½, SW¼;
Sec. 34, NE¼NW¼, N½NE¼, S½, and SE¼NE¼.
T. 13 N., R. 9 W.,
Sec. 20;
Sec. 22, SE¼, S½SW¼, and NE¼SW¼;
Sec. 27;
Sec. 28, E½E½;
Sec. 30, lots 1, 2, E½NW¼, N½NE¼, and S½SE¼;
Sec. 32, SW¼;
Sec. 34.
T. 13 N., R. 10 W.,
Sec. 14, E½;
Sec. 18, lots 1, 2, E½NW¼;
Sec. 24.
T. 14 N., R. 11 W.,
Secs. 8 and 8;
Sec. 18, lots 3, 4, E½SW¼, and SE¼;
Sec. 20, NW¼;
Sec. 28.

The areas described, including both public and non-public lands, aggregate 11,875.81 acres, of which 2,111.23 acres are patented lands with minerals reserved to the United States.

COLORADO

[Colorado 06823]

2. Public Land Order No. 911 of August 7, 1953, as amended by Public Land Order No. 915 of September 23, 1953, withdrawing the following-described public lands in Colorado for use of the Atomic Energy Commission, is hereby revoked:

NEW MEXICO PRINCIPAL MERIDIAN

T. 47 N., R. 20 W.,
Sec. 1;
Secs. 2, 10, and 11, unsurveyed.

The areas described aggregate 2,560.96 acres.

UTAH

[38753]

3. Public Land Order No. 745 of August 16, 1951, which was partially revoked by Public Land Order No. 1223 of September 13, 1955, is hereby revoked in its entirety. The following-described lands are hereby released from the withdrawal made by that order:

SALT LAKE MERIDIAN

T. 22 S., R. 21 E.,
Secs. 25 to 28, inclusive;
Secs. 31 to 36, inclusive.
T. 23 S., R. 21 E.,
Secs. 1 to 6, inclusive.
T. 22 S., R. 22 E.,
Secs. 19, 20, 29, 30, 31, and 32.

The areas described aggregate 12,517.74 acres, of which 2,317.76 acres in sections 2, 32, and 36 are State lands.

4. The following lands in the areas described in paragraph 1 of this order have been patented with a reservation of the minerals to the United States:

NEW MEXICO

NEW MEXICO PRINCIPAL MERIDIAN

T. 12 N., R. 9 W.,
Sec. 4, lots 5, 6, 11, 12, 13, 14, 18, and 20;
Sec. 8, lots 5, 6, 11, 12;
Sec. 20, E½;
Sec. 28, NE¼, SW¼.
T. 13 N., R. 9 W.,
Sec. 32, SW¼.
T. 14 N., R. 11 W.,
Sec. 6;
Sec. 18, lots 3, 4, E½SW¼, and SE¼.

The areas described aggregate 2,111.23 acres.

5. The following lands in the areas described in paragraph 1 of this order, which comprise a part of the national forests hereinafter designated, shall be opened, subject to any valid existing rights and the requirements of applicable law, to such applications, selection, and locations as are permitted on national forest lands effective at 10:00 a. m. on

UTAH

SALT LAKE MERIDIAN

MANTI-LASAL NATIONAL FOREST

T. 25 S., R. 25 E.,
Secs. 2, 3, 10, and 11, unsurveyed.

T. 28 S., R. 26 E.,
Sec. 28, lots 1, 2, and W½NW¼;
Sec. 29, N½;
Sec. 30.

The areas described aggregate approximately 3,680 acres.

NEW MEXICO

NEW MEXICO PRINCIPAL MERIDIAN

CIBOLA NATIONAL FOREST

T. 12 N., R. 9 W.,
Sec. 3;
Secs. 10, 14, 15, 22, and 27;
Sec. 34, NE¼NW¼, N½NE¼, S½, and SE¼NE¼.
T. 13 N., R. 9 W.,
Secs. 27 and 34.

The areas described aggregate 5,600 acres.

6. The lands covered by Public Land Orders No. 494, No. 745, and No. 1011, are grazing lands within Utah Grazing Districts No. 6 and 9. Vegetation consists of grasses and desert shrubs. The lands covered by Public Land Order No. 964 are located in Valencia and McKinley Counties, New Mexico. The topography ranges from rolling to steep hills and the vegetative cover consists of grasses and desert shrubs. The lands covered by Public Land Orders No. 779, No. 825, and No. 911, are located in Montrose County, Colorado, and are valuable for grazing.

7. No application for the restored lands may be allowed under the homestead, desert-land, small tract or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

8. Subject to any valid existing rights and the requirements of applicable law, the public lands released from withdrawal by this order, are hereby opened to filing of applications, selections, and locations in accordance with the following; the unsurveyed lands being opened to such applications, selections, and locations as are allowable on unsurveyed lands.

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications for surveyed lands under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, presented prior to 10:00 a. m. on June 1, 1956, will be considered as simultaneously filed at that hour. Rights under such preference-right applications filed after that hour and before 10:00 a. m. on August 31, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs 8 (a) (1) and 8 (a) (2) above, presented prior to 10:00 a. m. on August 31, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral-leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a. m. on August 31, 1956.

9. Persons claiming veterans preference rights under paragraph 8 (a) (2) above, must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

10. Initial exploration of the withdrawn lands was in the nature of a preliminary appraisal by widespaced investigative drilling, which, while not conclusive, has led to a determination that more extensive exploration of the areas is not justified. Over large areas no physical exploration at all has been done due to the negative aspect of the preliminary appraisal.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Salt Lake City, Utah, Denver, Colorado, or Santa Fe, New Mexico, depending upon the State where the lands are located.

WESLEY A. D'EWART,
*Assistant Secretary of the Interior.*

[F. R. Doc. 56-3449; Filed, May 2, 1956; 8:46 a. m.]

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[Public Land Order 1296]

[Anchorage 012686]

ALASKA

REVOKING EXECUTIVE ORDER NO. 1133 OF OCTOBER 19, 1909, WITHDRAWING PORTIONS OF RELEASED LANDS FOR USE OF CIVIL AERONAUTICS ADMINISTRATION AND UNITED STATES COAST GUARD

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, and section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U. S. C. 214), it is ordered as follows:

1. Executive Order No. 1133 of October 19, 1909, which reserved the following-described lands for naval purposes for use as a wireless telegraph station, is hereby revoked:

Biorka Island, identified by U. S. Survey No. 406, situate in Sitka Sound in approximate latitude 56°51′ North, longitude 135° 33′ West from Greenwich.

The area described contains 1,631.89 acres of public lands and 44.50 acres of non-public lands.

2. Subject to valid existing rights, the following-described public lands, which are a portion of the lands released from the withdrawal by paragraph 1 of this order, are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and the mineral-leasing laws, and reserved as indicated:

(a) For use of the Civil Aeronautics Administration in connection with the operation and maintenance of air navigation facilities:

Beginning at M. C. No. 1 of U. S. Survey No. 406 of the U. S. Naval Reserve at Biorka Island, Territory of Alaska, on the shoreline of Symonds Bay, thence

West 1,242.12 feet (18.82 chs.) to Corner No. 2;
South 682.44 feet (10.34 chs.) to Corner No. 3;
East 1,176.78 feet (17.83 chs.) to M. C. No. 4 of Survey 406;
S. 23° 55′ W. 1,090.98 feet (16.53 chs.);
S. 13° 14′ W. 450.12 feet (6.82 chs.);
N. 68° 23′ W. 2,900.04 feet (44.00 chs.);
North 1,859.88 feet (28.18 chs.);
East 3,186.48 feet (48.27 chs.);
S. 5° 22′ W. 430.98 feet (6.53 chs.);
S. 22° 48′ E. 413.82 feet (6.27 chs.) to the point of beginning.

The area described contains 155.51 acres.

(b) For use of the United States Coast Guard in connection with the operation and maintenance of a loran transmitting station:

Beginning at a point on the west shore of Rocky Cove from which M. C. No. 4, U. S. Survey No. 406 bears N. 13° 14′ E., 450.12 feet and N. 23° 55′ E., 1,090.98 feet, thence

N. 68° 23′ W. 2,900.04 feet (44.00 chs);
North 1,859.88 feet (28.181 chs);
N. 62° 40′ W. 2,099,988 feet (31,818 chs.);
West to line of mean hide tide on west shore of Biorka Island.
Southerly, easterly, and northerly along line of mean high tide of Biorka Island to point of beginning.

The tract described contains 784 acres.

3. The remaining lands aggregating 692.38 acres, which comprise a part of the Tongass National Forest, subject to any valid existing rights and the requirements of applicable law, shall be opened to such applications, selections, and locations as are permitted on national forest lands effective at 10:00 a. m. on June 2, 1956.

The withdrawals made by paragraph 2 of this order shall take precedence over but not otherwise affect the existing withdrawal of the lands for national forest purposes.

WESLEY A. D'EWART,
*Assistant Secretary of the Interior.*

APRIL 27, 1956.

[F. R. Doc. 56-3450; Filed, May 2, 1956; 8:47 a. m.]



# TITLE 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

[Docket No. 11550; FCC 56-384]

[Rules Amdt. 2-18]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

TABLE OF FREQUENCY ALLOCATIONS

In the matter of amendment of a portion of the Commission's Table of Frequency Allocations in § 2.104 of its rules covering the frequencies between 9800 and 13225 Mc.

1. At a session of the Federal Communications Commission held at its Offices in Washington, D. C., on the 25th day of April 1956;

2. The Commission having under consideration its proposal in the above entitled matter; and

3. It appearing that in accordance with the requirements of section 4 (a) of the Administrative Procedure Act, notice of proposed rule making in this matter which made provision for the submission of written comments by interested parties, was duly published in the FEDERAL REGISTER on November 30, 1955 (20 F. R. 8778), and that the period for the filing of comments has now expired; and

4. It further appearing that none of the six respondents in this proceeding objected to the proposed rule amendment; and

5. It further appearing that the American Telephone and Telegraph Company (AT&T) made certain specific recommendations relating to the manner in which the non-Government space under consideration should be utilized and that the National Committee for Utilities Radio made other though less detailed suggestions, and that such recommendations, regardless of their merit, are considered beyond the scope of the present proceeding, which was limited primarily to the matter of readjustment of certain spectrum space as between Government and non-Government radio services, and therefore such comments are considered more appropriate for submission to the Commission at such time as some readjustment in the allocation or suballocation of the non-Government bands among the several non-Government services is undertaken in a subsequent proceeding as indicated in paragraph 6 of the Notice of Proposed Rule Making; and

6. It further appearing that AT&T also recommended that the Commission's proposed designation of the band 10550–10700 Mc for fixed and mobile services be limited to fixed service, but that adoption of this recommendation at this time would tend to limit the Commission's flexibility in the above mentioned further allocation proceedings involving this part of the spectrum, and that an immediate decision on the point is not necessary; and

7. It further appearing that the public interest, convenience and necessity will be served by the amendments herein ordered, the authority for which is contained in sections 4 (i), 303 (c), (f) and (r) of the Communications Act of 1934, as amended;

8. *It is ordered*, That effective May 31, 1956, Part 2 of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 1954. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

1. Amend § 2.104 (a) (5), *Table of frequency allocations*, to read as follows between 9800 and 10700 Mc.

| Band (Mc) (5) | Allocation (6) | Band (Mc) (7) | Service (8) | Class of station (9) | Frequency (Mc) (10) | Nature of services of stations (11) |
|---|---|---|---|---|---|---|
| 9,800–10,000 (US17) | G | | | | | |
| 10,000–10,500 | Amateur | 10,000–10,500 | Amateur | Amateur | | Amateur. |
| 10,500–10,550 (US1) | G, NG | 10,500–10,550 | Radio location. | Radiolocation (CW emission only). | | Radio location. |
| 10,550–10,700 | NG | 10,550–10,700 (NG1). | a. Fixed<br>b. Mobile. | | | |

2. Amend § 2.104 (a) (5), *Table of frequency allocations*, to read as follows between 13,200 and 16,000 Mc.

| (5) | (6) | (7) | (8) | (9) | (10) | (11) |
|---|---|---|---|---|---|---|
| 13,200–13,225 | NG | 13,200–13,225 (NG1). | a. Fixed<br>b. Mobile | | | |
| 13,225–16,000 US17 | G | | | | | |

3. Delete footnote US15 from the list of US Footnotes following the table of frequency allocations.

[F. R. Doc. 56-3476; Filed, May 2, 1956; 8:52 a. m.]

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[Rules Amdt. 3-12]

PART 3—RADIO BROADCAST SERVICES

MISCELLANEOUS AMENDMENTS

*Correction*

In F. R. Doc. 56-3184, appearing at page 2659 of the issue for Wednesday, April 25, 1956, the last word of item 2 should read: "Leitfahigkeit."

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[Docket No. 10887; FCC 56-373]

[Rules Amdts. 7-9, 8-14]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

TYPE ACCEPTANCE AND SPECIFIC LIMITATIONS FOR SPURIOUS EMISSIONS

1. On January 28, 1954, the Commission issued a notice of proposed rule making in the above-entitled matter. Announcement of the proposed rules appeared in the FEDERAL REGISTER, February 3, 1954. Comments were to be filed by April 2, 1954, and replies within ten days thereafter.

2. Comments were received from Aero Marine Radio Corporation, Aeronautical Radio, Inc., American Merchant Marine Institute, Inc., The American Waterways Operators, Inc., Applied Electronics Company, Inc., Bludworth Marine, Brunswick Navigation Company, Central Committee on Radio Facilities of the American Petroleum Institute, General Electric Company, The Joint Technical Advisory Committee, Lake Carriers' Association, Lorain County Radio Corporation, Mackay Radio and Telegraph Company, Inc., Port of San Diego Marine Radio Committee, Radiomarine Corporation of America, Ray Jefferson, Inc., Wm. C. Ryder, Southern California Marine Radio Council, and United States Power Squadrons.

3. One of the principal subjects of comment was with respect to the proposal to establish requirements for suppression of spurious emission in shipboard transmitters operating on frequencies below 30 Mc. The comments were directed generally toward two classes of spurious emission, one class (non-harmonic) relating to the sideband components distributed in the spectrum rather closely to and about the carrier frequency and the other class to the remaining harmonic and non-harmonic emission in the spectrum which for purposes of convenience will be referred to hereinafter as harmonic emission. Foremost among the objections relating to the proposed requirements for suppression of harmonic emission was that which asserted that application of the requirements would unnecessarily obsolete existing equipment. Other objections asserted that there was no reason to apply these requirements to certain categories of transmitters such as high frequency ship telegraph transmitters, medium frequency main and emergency ship telegraph transmitters, high frequency ship telephone transmitters, radiotelephone transmitters of lower power, and radiotelephone transmitters used on certain vessels navigating the Great Lakes. Related to these comments were those which questioned the

Released: April 30, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

Amend Part 2 of the rules in the following particulars:

feasibility or necessity for the specific degree of harmonic suppression which would be required by the proposed rule. It was the consensus that the transmitters now in use should not be required to comply with the proposed rule; rather, interference should be handled on a case-to-case basis.

4. The Commission is of the opinion that it should exercise its regulatory authority so as to encourage and ensure the use of shipboard equipments which reflect the advancement of the radio art. Under this approach the absence at the moment of a specific interference evil requiring a specific remedy is no reason for not establishing and applying higher equipment standards. Section 8.108 of the rules now embodies such an approach by requiring that "• • • spurious emissions • • • be maintained at the lowest practicable level." However, if there is no specific problem requiring drastic measures, it is considered to be unreasonable to force the premature replacement of existing equipment. Since it now appears that the interference to the aviation services from harmonics of ship radiotelephone transmitters operating in the 2 Mc band has been substantially alleviated by the application of the certification requirement of § 8.351 (d) of the rules, and since there is no presently urgent problem concerning other categories of transmitters, the spurious emission requirements set forth in the finalized rule are not made applicable for some time to existing equipment. While under these circumstances it appears reasonable that existing equipment should be continued in service until it is no longer useful, it would appear equally reasonable that at some future date all equipment whether new or old should comply. This "cutoff" date has been set at 1963 or at least 7 years hence.

5. The remaining question as to harmonic suppression is that of determining, with respect to new equipment, what degree of harmonic suppression is practicable and consistent with the current and foreseeable future state of the radio art. Most of the comments adverted to a 40 db suppression value either without regard to the power of the transmitter or for transmitters with power less than certain specified levels. Radiomarine Corporation of America proposed attenuation values which, starting at 40 db for maximum authorized transmitter power of up to 5 watts, increased 3 db with each doubling of power. When expressed as a formula, the table is approximately equal to $35+10 \log_{10}$ (power in watts) db.

6. It is the Commission's view that the formula method of determining the required degree of suppression is preferable to the table method since abrupt changes in suppression between slightly different power values are avoided. The closest expression of the table of attenuation values proposed by the Commission in terms of a formula is the expression $40+10 \log_{10}$ (power in watts) db. On a comparative basis this formula generally requires less attenuation than the table method for powers up to 10 kilowatts. The difference in degree of required suppression, at power values where the formula does exceed the table method, is not regarded as being of practical significance and inasmuch as the maximum transmitter powers authorized under Part 8 of the Commission's rules are considerably less than 10 kilowatts the formula attenuation has not been limited to the 80 db maximum of the table method. The Commission is of the opinion that the suppression of harmonic emissions to the degree expressed by the formula is consistent with the state of the art and that new radiotelephone and radiotelegraph transmitters can be manufactured so as to provide the necessary degree of harmonic suppression. This opinion would appear to be substantiated to a considerable extent by the appearance on the market of multi-channel shipboard radiotelephone transmitters which are represented by the manufacturers to be capable of meeting the harmonic emission limitations adopted herein by the Commission. The development of equipment capable of meeting the proposed emission limitations has apparently been inspired by the availability of target standards and represents the careful application of heretofore available design techniques for the specific purpose of reducing the level of spurious emission. Taking into account the developments in radiotelephone equipment and the similarity of radiotelephone and telegraph transmitters insofar as the application of techniques for reducing harmonic emission is concerned, it is considered that multi-channel radiotelegraph transmitters capable of meeting the harmonic emission limitations will become available for installation in the two-year period before the harmonic emission limitations become applicable. Therefore, § 8.136 is ordered finalized herein in accordance with the foregoing.

7. The American Merchant Marine Institute, Inc., requested a hearing if these rules are to be made applicable to the radiotelegraph service. This request of the American Merchant Marine Institute, Inc., has been given due consideration. Its comments do not, however, show that a hearing would provide any additional relevant information not available for submission in writing; accordingly, the request of American Merchant Marine Institute, Inc., for a hearing is denied. For the same reason, and in consideration of the amortization period allowed for existing equipment in the finalized rules, the request of Aero Marine Radio Corporation for a hearing in these proceedings is denied.

8. With respect to attenuation of sideband components Mackay Radio and Telegraph Company commented in regard to radiotelephone equipments specifically that the emitted bandwidth requirements proposed by the Commission did not seem compatible with the extent of distortion normally encountered in a modulated stage. Radiomarine Corporation of America proposed attenuation levels for sideband components as a function of transmitter power similar to its proposals for harmonic emission. The Commission recognizes the problems associated with the limitations of emissions which are produced in the vicinity of the carrier during modulation. These problems involve not only transmitters operating aboard ship but transmitters operating in other services as well. A separate proceeding (Docket No. 11654) has been instituted for the purpose, among other matters, of establishing suitable attenuation standards for such non-harmonic emissions generally. Therefore, no substantive changes in Part 8 are being made in this respect in the instant proceeding. The limitations for equipment operating on frequencies under 30 Mc do not become applicable until June 1, 1958. The separate rule making proceeding on the general subject of limitation of non-harmonic spurious emissions (Docket No. 11654) is expected to be concluded sufficiently in advance of that date so as to provide appropriate advance notice of such limitations.

9. Various comments were filed regarding the proposed amendment of § 8.137 concerning automatic modulation limiters. Some of the comments concerned the value or necessity of a requirement for such a device. However, Part 8 of the rules of the Commission now contains a requirement that after 1960, all ship station radiotelephone transmitters (except those of 3 watts or less) incorporate such a device (as a result of Docket 9797, 16 F. R. 6037); the instant rule making was solely with respect to a possible change in date. In this regard, there was some objection to moving the 1960 date to an earlier date because of the effect on existing equipment. The existing 1960 date for the application of the requirement for a modulation limiter has, in effect, been moved to a 1963 date for existing equipment, and to an earlier date for new equipment. By making the emission limitations of § 8.136 and requirement for a modulation limiter coincident with the application of type acceptance, administrative procedures are simplified and the possible need for licensees to make successive equipment modifications is avoided.

10. The proposal to apply a type acceptance requirement to radiotelephone transmitters below 30 Mc elicited some support, particularly for application to new equipment. However, there was objection to the requirement apparently based on an apprehension that existing equipment might be prematurely obsoleted. The rules are finalized in this regard so that, as in the case with the harmonic suppression and modulation limiter requirements, type acceptance for existing equipment does not become compulsory until 1963. Radiotelephone transmitters, however, may be type accepted at any time in the interim period provided they are capable of meeting the requirements which become applicable to new radiotelephone installations beginning June 1, 1958. Other objections to the type acceptance requirement were based on expense because of possible fees in connection with securing type acceptance and because the procedure regarding type acceptance had not been finalized. However, since the date of the latter comment, Docket No. 10798 has been finalized by order adopted January 5, 1955, and a definite type acceptance procedure has thus been specified in Part 2 of the rules. The matter of fees in connection with type acceptance is the subject of Docket No. 10869 and the determination as to the reasonableness of such fees will be made in those proceedings.

11. Other miscellaneous matters in connection with these proposed rules are as follows:

(a) There was some question raised as to the dates when the requirements concerning spurious emission limitations, modulation limiters and type acceptance should be applied to new equipment. Radiomarine Corporation of America suggested a date at least 9 months after adoption of the rules for type acceptance if no modulation limiter was required, and at least 18 months if such a device was required. The rules as finalized specify the date of June 1, 1958, for type acceptance of newly licensed equipment. This should permit sufficient time for manufacturers and new users to accommodate themselves to the requirements for modulation limiters and emission limitations which become applicable at the same time as type acceptance.

(b) There was a request that type acceptance procedures rather than type approval procedures be applied to ship radar equipments since they were not compulsory equipment and since minor equipment improvements would allegedly be hampered by type approval procedures. However, type approval is, as a matter of Commission policy, not limited to compulsory equipment (e. g., Citizens Radio equipment). Type approval is considered to be more appropriate than type acceptance for ship radar equipment because of its characteristic interference potentialities due to the use of pulse emission. Accordingly, the rules as finalized provide that radar equipment for ship radar stations must be type approved.

(c) There was a recommendation that § 8.108 of the rules be revised so as to delete the reference to emissions "capable of causing harmful interference." This recommendation was made in view of the fact that the rules proposed "definitive technical standards to determine whether or not a transmitter is capable of harmful interference." However, the rules as finalized herein do not apply these standards to all transmitters until 1963, nor do they define interference capability; hence, it is not considered that § 8.108 should now be changed as suggested. For the same reason the revision of the last sentence of § 8.108 as proposed by the Commission in its notice is not adopted.

(d) With regard to the certification as to harmonic attentuation now required by §§ 8.351 (d) and 8.369 for authorization and operation on 2738 kc and 2830 kc, provision is made in the rules so as to dispense with that certification if the equipment is type accepted.

(e) Certain changes have been incorporated in the rules relating to type acceptance and type approval for purposes of consistency with the procedures and requirements now specified in Part 2 of the rules. In this respect § 8.62 has been modified to allow changes in type accepted and type approved equipment of licensed stations which are made in accordance with the applicable provisions of Part 2.

12. In view of the foregoing: *It is ordered*, Under the authority contained in sections 4 (i), 303 (c) (e) (f) and (r) of the Communications Act of 1934, as amended, that Parts 7 and 8 of the Commission's rules are amended, effective June 5, 1956, as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 1954. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: April 26, 1956.

Released: April 30, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

A. Part 7 is amended as follows:

1. Section 7.8 (e) is amended to read:

(e) *Spurious emission.* Any emission from a station at a frequency or frequencies outside a frequency band of emission authorized for that station.

2. Section 7.8 (j) is deleted and the following new text substituted:

(j) *Frequency band of emission.* A frequency band of emission is a frequency band of which the two designated limiting frequencies are established by an emission-bandwidth referred to a particular carrier frequency. For the purpose of this definition, when a carrier is not present, a frequency normally coinciding with the center of the frequency band occupied by the emission is substituted therefor.

B. Part 8 is amended as follows:

1. Section 8.7 (e) is amended to read:

(e) *Spurious emission.* Any emission from a station at a frequency or frequencies outside a frequency band of emission authorized for that station.

2. Section 8.7 (jj) is deleted and the following new text substituted:

(jj) *Frequency band of emission.* A frequency band of emission is a frequency band of which the two designated limiting frequencies are established by an emission-bandwidth referred to a particular carrier frequency. For the purpose of this definition, when a carrier is not present, a frequency normally coinciding with the center of the frequency band occupied by the emission is substituted therefor.

3. Section 8.62 is amended to read:

§ 8.62 *Changes in equipment of licensed stations.* A licensed transmitter on board ship may be modified without making application to the Commission and without specific authorization from the Commission: *Provided*, (a) the change does not result in operation inconsistent with the rules of the Commission nor with the terms of the outstanding authorization for the station involved; (b) the change does not result in any impairment of the ability of the station licensee or the owner, operating agency, or shipmaster, to comply with any duty or obligation imposed by statute or international treaty or agreement for purposes of safety; (c) a description of the change is incorporated in the next application for renewal or modification of license; and (d) changes in type accepted and type approved equipment are made in accordance with the applicable provisions in Part 2 of these rules.

4. Section 8.136 is deleted and the following new text substituted:

§ 8.136 *Spurious emission limitations.* (a) With the exception of lifeboat transmitters, any spurious emission that may originate in any transmitter authorized in a ship station license or marine utility station license (other than a developmental station license) shall, when the transmitter is operating on any carrier frequency below 500 Mc, be within the following limitations: (The findings in Docket No. 11654 may modify these limitations.)

(1) Any emission appearing on any frequency removed from the actual carrier frequency by at least 50 percent but not more than 100 percent of the authorized emission bandwith, shall be not less than 25 decibels below the power of the carrier. Provided, that this requirement applies to carrier frequencies above 30 Mc only.

(2) Any emission appearing on a frequency removed from the actual carrier frequency by more than 100 percent of the authorized emission bandwidth shall be not less than $40+10 \log_{10}$ (power in watts) db below the power of the carrier where "power in watts" is the maximum "authorized transmitter power" in watts as such power is specifically defined in Section 8.7 (ii) without applying the power tolerance prescribed in § 8.110 (a).

(b) The requirements of subparagraph (2) of paragraph (a) of this section shall be applicable as follows:

(1) To any radio transmitter for which type acceptance is requested.

(2) To radio transmitters when operating on any frequency assignment above 30 Mc;

(3) After June 1, 1958, to radio transmitters when operating on any frequency assignment, including any assignment below 30 Mc. However, until requested to be authorized in a new or renewed station license issued in response to an application filed after June 1, 1963, transmitters licensed under this part prior to June 1, 1958, may (insofar as this requirement is concerned) continue to be authorized for operation on any frequency assignment below 30 Mc if so authorized in a station license issued to the same licensee or for a station on board the same vessel.

(c) When an emission outside of the authorized emission bandwidth causes harmful interference to an authorized radio service, the Commission may require more attenuation of such emission than specified in the foregoing paragraphs of this section.

5. Section 8.137 (a) is amended to read:

§ 8.137 *Special requirements for radiotelephone transmitters.* (a) In order to be type accepted each radiotelephone transmitter shall automatically precent modulation in excess of 100

percent. This requirement, however, shall not apply to transmitters licensed for an authorized transmitter power not exceeding three watts. In the event the operation of any licensed radiotelephone transmitter causes harmful interference to any authorized radio service by reason of excessive modulation, the Commission may, in its discretion, require that the use of such transmitter be discontinued until it will automatically prevent modulation in excess of 100 per cent.

6. Section 8.137 (b) (4) is amended to read:

(4) The transmitter shall automatically prevent modulation in excess of 100 per cent.

7. Section 8.137 (c) is deleted and the following new text substituted therefor:

(c) The frequency deviation of each radiotelephone transmitter authorized in a ship station or marine utility station license (other than transmitters authorized solely for developmental stations) shall, with 100 per cent modulation applied, not exceed 15 kc when the transmitter is radiating class F1, F2 or F3 emission on any marine radiochannel within the frequency band 35 to 44 Mc, or within the frequency band 156.25 to 157.45 Mc.

8. Section 8.138 is amended to read:

§ 8.138 *Special requirements for shipradar transmitters.* (a) Each radar transmitter authorized in a ship-radar station (other than in a developmental station) must be type-approved by the Commission, pursuant to the type approval procedure set forth in Part 2 of this chapter. In addition to meeting all other applicable requirements such transmitters shall comply with the limitations and conditions set forth in the following paragraphs.

(b) (1) The design and construction of the radar transmitter shall be such that, when properly installed, its use will not produce harmful interference to any other radiolocation service or any maritime mobile service;

(2) The radar transmitter shall not have means available for any external adjustment which can result in a deviation from the terms of the station authorization or any deviation from the applicable technical requirements for ship-radar stations stipulated in this part.

9. A new § 8.139 is added to read:

§ 8.139 *Acceptability of radiotelephone transmitters for licensing.* (a) Each radiotelephone transmitter authorized in a ship station or marine-utility station license (other than transmitters authorized solely for developmental stations) must be type accepted by the Commission. This requirement shall be applicable as follows:

To transmitters when operating on any frequency assignmnet above 30 Mc;

(2) After June 1, 1958 to transmitters when operating on any frequency assignment, including any assignment below 30 Mc. However, until requested to be authorized in a new or renewal license issued in response to an application filed after June 1, 1963, transmitters licensed under this part prior to June 1, 1958 may (insofar as this requirement is concerned) continue to be authorized for operation on any frequency assignment below 30 Mc if authorized in a station license issued to the same licensee or for a station on board the same vessel.

10. A new § 8.140 is added to read:

§ 8.140 *Type acceptance of equipment.* (a) Any manufacturer of a radio transmitter intended for use or used in ship stations or marine-utility stations may request type acceptance for such transmitters by following the type of acceptance procedure set forth in Part 2 of this chapter.

(b) Type acceptance of a radio transmitter may be requested also by an applicant for a station authorization by following the type acceptance procedure set forth in Part 2 of this chapter. Such transmitters, if type accepted, are not normally included on the Commission's "Radio Equipment List, Part C", but are individually enumerated on the respective authorization.

NOTE: Additional rules with respect to type acceptance are set forth in Part 2 of this chapter. Those rules include information with respect to withdrawal of type acceptance, modification of type accepted equipment and limitations on the finding upon which type acceptance is based.

(c) From time to time, the Commission will make public a list of equipment entitled "Radio Equipment List, Part C". Copies of this list are available for inspection at the Commission's offices in Washington, D. C. and at each of its field offices. This list will, with the exception set forth in paragraph (b) of this section, include equipment type approved and type accepted under this part.

11. Section 8.351 (d) (2) (i) is amended as follows: The table is amended by deleting the footnote designator 1 and by deleting footnote 1.

12. In § 8.351 (d) insert a new subparagraph (3) immediately following subdivision (ii) of subparagraph (2) of paragraph (d) and renumber the present subparagraphs (3) through (11) as (4) through (12). As amended, subparagraphs (3) through (12) read as follows:

(3) The requirements of subparagraphs (1) and (2) of this paragraph shall not apply to any transmitter which is type accepted by the Commission for licensing under this part on the frequency or frequencies concerned.

(4) Except in event of distress, use of the frequency 2206 kc in the Great Lakes area by ship stations of the United States is prohibited.

(5) The frequency 2182 kc is authorized for use on a shared basis primarily by ship stations and secondarily by coast stations.

(6) The frequency 2214 kc is authorized for use exclusively at locations at which interference is not caused to the service of any United States Government station.

(7) The frequency 2738 kc is authorized for use on a shared basis with ship stations of other countries, for the purpose hereinafter prescribed in this subpart.

(8) Use of the frequency 4067 kc in the Mississippi River system is authorized upon the express condition that interference shall not be caused to the service of any station which may have priority on the frequency or frequencies used for the service to which interference is caused.

(9) Use of the frequencies 6240 kc and 6455 kc, is authorized in the Mississippi River system upon the express condition that interference shall not be caused to the service of any station which may have priority on the frequency or frequencies used for the service to which interference is caused. In order to avoid such interference, transmission on these frequencies during the period from 8:00 p. m. until 5:00 a. m., c. s. t., is prohibited.

(10) The frequency 4372.4 kc may be used by ship stations on the Mississippi River and connecting inland waters (except the Great Lakes) which are not licensed to transmit on 6240 kc and/or 6455 kc.

(11) The frequencies 4372.4 kc and 8205.5 kc are authorized for use on the Mississippi River and connecting inland waters (except the Great Lakes), upon the express condition that transmission on these frequencies during the period from 8:00 p. m. until 5:00 a. m., c. s. t., is prohibited.

(12) Each carrier frequency which is not to be used prior to a specified beginning date, may be used under appropriate station authorization for test transmission during a period commencing not more than two months in advance of such specified beginning date; solely to determine whether an existing ship station is capable of proper technical operation on that particular radiochannel preparatory to the conduct of a normal service thereon: *Provided*, That harmful interference is not caused by such test transmission to the service of any other station.

13. Section 8.369 (a) (2) (ii) is amended to read as follows:

(ii) For ship-to-ship communication:

2638 kc and 156.3 Mc: For use in all areas;
2738 kc: For use in all areas except the Great Lakes and the Gulf of Mexico; provided that, unless the transmitter is type accepted under this part for licensing on this frequency or a certification in accordance with § 8.351 (d) has been submitted, use of the frequency is limited to test purposes as set forth in § 8.351 (d);
2830 kc: For use in the Gulf of Mexico; provided, that, unless the transmitter is type accepted under this part for licensing on this frequency or a certification in accordance with § 8.351 (d) has been submitted, use of the frequency is limited to test purposes as set forth in § 8.351 (d);
2003 kc: For use in the Great Lakes area, exclusively.

[F. R. Doc. 56-3477; Filed, May 2, 1956; 8:52 a. m.]

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[Docket No. 9892; FCC 56-374]

[Rules Amdt. 13-5]

## PART 13—COMMERCIAL RADIO OPERATORS

### OPERATING AUTHORITY; AUTHORIZED POWER

In the matter of amendment of § 13.61 of Part 13 of the Commission's rules governing Commercial Radio Operators defining the operating authority of holders of the Restricted Radiotelephone Operator Permit and the Aircraft Radiotelephone Operator Authorization.



1. The Commission, on April 27, 1955, approved a further notice of proposed rule making in the above-entitled matter. The notice was concerned with proposed amendment of Part 13 of the Commission's rules to place a 50-watt limit on the Restricted Radiotelephone Operator Permit and the Aircraft Radiotelephone Operator Authorization, with respect to ship and aircraft radio stations. The principal change introduced in the further notice was a proposal to apply the limitation only to stations having an international impact.

2. Upon considering this matter further, including the comments received, the Commission has decided that the differences in operating conditions between ship stations and aircraft stations are of sufficient significance to warrant separate treatment of the operator requirements heretofore dealt with jointly in this proceeding. *Accordingly, it is ordered,* That Docket 9892 be divided into two parts and that this Report and Order is concerned only with that part of Docket 9892 which relates to operator requirements for aircraft stations. The part of Docket 9892 relating to operator requirements for ship stations will be made the subject of a second further notice of proposed rule making.

3. The Commission has carefully considered all comments submitted but finds no basis for further modifying the proposal in Docket 9892 with respect to operator requirements for aircraft. There has been ample opportunity to file written comments and exhaustive comments have been received. In these circumstances it does not appear that the opportunity for oral argument requested by one of the respondents would be of material assistance to the Commission upon this matter. Accordingly, the request for permission to make oral presentation is denied. Some of the respondents requested that radio-telephone third-class operator permits that may have to be obtained as a result of this proceeding be granted "automatically" to all flight personnel already holding lower grade authorizations in order to minimize inconvenience and expense. The Commission has carefully considered these requests; however, it finds no sound basis on which it can fairly exempt such personnel from the normal procedure for qualifying for the higher grade permit. The Commission is allowing a period of two years in which to meet the new requirement and will facilitate and expedite the necessary licensing procedures within the means available in order that candidates may obtain the higher grade operator permit with as little inconvenience as possible to all parties concerned. Because of differences in the terms of the Restricted Radiotelephone Operator Permit and the Aircraft Radiotelephone Operator Authorization—the former is issued for the lifetime of the holder, the latter for five years—the Commission, in order to afford the same opportunity for all operators affected, will extend individual aircraft authorizations which expire during the two-year transition period to encompass the remainder of the period.

4. Authority for adoption of the amendments herein is contained in sections 4 (i), 303 (l) and 303 (r) of the Communications Act of 1934, as amended.

*Accordingly, it is ordered,* That effective August 1, 1956, Part 13 of the Commission's rules is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 1954. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: April 26, 1956.

Released: April 30, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

Part 13 of the Commission's rules is amended as shown below:

1. Section 13.61 (h) is amended to read as follows:

(h) *Restricted radiotelephone operator permit.* Any station except: (1) Stations transmitting television, or

(2) Stations transmitting telegraphy by any type of the Morse code, or

(3) Any of the various classes of broadcast stations other than remote pickup, broadcast STL, and FM intercity relay stations, or

(4) Ship stations licensed to use telephony for communication with Class I coast stations on frequencies between 4000 kc and 30 Mc, or

(5) Radio stations provided on board vessels for safety purposes pursuant to statute or treatry, or

(6) Coast stations other than in the territory of Alaska while employing a frequency below 30 Mc: *Provided*, That the holder of this class of license may not operate any coast station at which the power in the antenna of the unmodulated carrier wave is authorized to exceed 250 watts; or

(7) Ship stations or aircraft stations other than those at which the installation is used solely for telephony: *Provided*, That the holder of this class of license may not operate in international service or on any frequency the use of which is shared with a foreign station, any aircraft station at which the authorized power in the antenna of the unmodulated carrier wave exceeds 50 watts;

(8) At a ship radar station the holder of this class of license may not supervise or be responsible for the performance of any adjustments or tests during or coincident with the installation, servicing or maintenance of the radar equipment while it is radiating energy: *Provided*, That nothing in this subparagraph shall be construed to prevent any person holding such a license from making replacements of fuses or of receiving-type tubes.

*Provided*, That, with respect to any station which the holder of this class of license may operate, (1) such operator is prohibited from making any adjustments that may result in improper transmitter operation, and (2) the equipment is so designed that the stability of the frequencies of the transmitter is maintained by the transmitter itself within the limits of tolerance specified by the station license, and none of the operations necessary to be performed during the course of normal rendition of the service of the station may cause off-frequency operation or result in any unauthorized radiation, and (3) any needed adjustments of the transmitter that may affect the proper operation of the station are regularly made by or under the immediate supervision and responsibility of a person holding a first- or second-class commercial radio operator license, either radiotelephone or radiotelegraph, who shall be responsible for the proper functioning of the station equipment. (The 50-watt limit imposed by subparagraph (7) of this paragraph is applicable to all Restricted Radiotelephone Operator Permits issued on or after August 1, 1956, and to all permits of this class in force beginning two years from that date. "International Service" as used in subparagraph (7) is defined as a telecommunication service between any combination of offices or fixed, land or mobile stations which are in different countries or are subject to different countries.)

2. Section 13.61 is amended by adding new paragraph (i) as follows:

(i) *Aircraft radiotelephone operator authorization.* Aircraft stations at which the installation is used solely for telephony: *Provided*, That the holder of this class of license may not operate in international service or on any frequency the use of which is shared with a foreign station, any aircraft station at which the authorized power in the antenna of the unmodulated carrier wave exceeds 50 watts: *Provided*, That, with respect to any station which the holder of this class of license may operate, (1) such operator is prohibited from making any adjustments that may result in improper transmitter operation and (2) the equipment is so designed that the stability of the frequencies of the transmitter is maintained by the transmitter itself within the limits of tolerance specified by the station license, and none of the operations necessary to be performed during the course of normal rendition of the service of the station may cause off-frequency operation or result in any unauthorized radiation, and (3) any needed adjustments of the transmitter that may affect the proper operation of the station are regularly made by or under the immediate supervision and responsibility of a person holding a first- or second-class commercial radio operator license, either radiotelephone or radiotelegraph, who shall be responsible for the proper functioning of the station equipment. (The 50-watt limit is applicable to all aircraft radiotelephone operator authorizations in force beginning with August 1, 1958. Aircraft radiotelephone authorizations held by persons affected by this Order, expiring within the two-year period immediately prior to that date, may be extended to encompass the remainder of the two-year period upon proper request made to any engineering

Field Office of the Commission. "International Service" is defined as a telecommunication service between any combination of offices or fixed, land or mobile stations which are in different countries or are subject to different countries.)

3. New § 13.76 is added as follows:

§ 13.76 *Authorized power.* The term "authorized power in the antenna of the unmodulated carrier wave" when used in this part to define operating authority under a particular class of operator license with respect to aircraft stations, means rated carrier power, unmodulated, of the transmitter or transmitters authorized in the aircraft station license.

[F. R. Doc. 56-3478; Filed, May 2, 1956; 8:52 a. m.]

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[Docket No. 11306; FCC 56-367]

[Rules Amdt. 17-5]

## PART 17—CONSTRUCTION, MARKING AND LIGHTING OF ANTENNA STRUCTURES

### MISCELLANEOUS AMENDMENTS

In the matter of amendment of § 17.14 of the Commission's rules concerning certain antenna structures exempt from special aeronautical study.

1. The Commission has under consideration its notice of proposed rule making issued on March 17, 1955 (FCC 55-333), and published in the FEDERAL REGISTER on March 23, 1955 (20 F. R. 1743), proposing to amend § 17.14 of the Commission's rules insofar as this section exempts from special aeronautical study antenna additions of 20 feet or less to existing man-made structures. This amendment excludes existing antenna structures from the classification existing man-made structures.

2. The time for filing comments in this proceeding expired April 15, 1955. One comment supporting the proposed amendment was filed by the Air Transport Association of America. The single comment opposing the amendment is considered irrelevant since it gave no consideration to the increased aeronautical hazard inherent in any addition of 20 feet or less to an existing antenna structure which has been erected to the height which a regional airspace subcommittee had determined to be the maximum height acceptable to aviation interests.

3. Coincident with the adoption of this amendment to § 17.14, the Commission finds it desirable to make changes in § 17.3 *Form to be used to describe proposed antenna structures*, consistent with the amendment to § 17.14. Since these changes to § 17.3 are procedural in nature, the provisions of section 4 of the Administrative Procedure Act are inapplicable.

4. To bring into agreement the definition of an "antenna structure" stated in Part 17 with the over-all antenna height including appurtenances which the regional airspace subcommittees consider an integrated obstruction to air navigation, a change in the definition is ordered herein. Since the change is interpretative in nature the provisions of section 4 of the Administrative Procedure Act with respect to notice do not apply.

5. The authority for the adoption of the proposed rule making is contained in sections 4 (i), 303 (q) and (r) and 309 (b) of the Communications Act of 1934 as amended.

6. In view of the foregoing, *It is ordered*, That effective May 15, 1956, Part 17 is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 1954. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: April 25, 1956.

Released: April 30, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

Amendment of Part 17, Construction, Marking and Lighting of Antenna Structures.

1. Section 17.2 (b) is amended to read as follows:

(b) *Antenna structures.* The term antenna structures includes the radiating system, its supporting structures and any surmounting appurtenances.

2. Section 17.3 is amended to read as follows:

§ 17.3 *Form to be used to describe proposed antenna structures.* Applications for radio facilities shall be accompanied by FCC Form 401-A (revised) for services other than broadcast[1] when:

(a) The antenna structures proposed to be erected will exceed an over-all height of 170 feet above ground level, except that where the antenna is mounted on top of an existing man-made structure other than an antenna structure and does not increase the over-all height of such man-made structure by more than 20 feet, no Form 401-A need be filed, or

(b) The antenna structures proposed to be erected will exceed an over-all height of 1 foot above the established airport (landing area) elevation for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area, except that where the antenna does not exceed 20 feet above the ground or if the antenna is mounted on top of an existing man-made structure, other than an antenna structure, or natural formation and does not increase the over-all height of such man-made structure or natural formation by more than 20 feet, no Form 401-A need be filed.

3. Section 17.14 is amended to read as follows:

§ 17.14 *Certain antenna structures exempt from special aeronautical study.* Antenna structures 20' or less in height mounted on top of natural formations, and antenna structures increasing by 20' or less the height of existing man-made structures other than an existing antenna structure will not require special aeronautical study.

[F. R. Doc. 56-3479; Filed, May 2, 1956; 8:53 a. m.]

# PROPOSED RULE MAKING

## CIVIL AERONAUTICS BOARD

### [ 14 CFR Parts 43, 44, 190 ]

[Civil Air Regs., Draft Release 56-11]

### AIRWORTHINESS CERTIFICATION OF FOREIGN AIRCRAFT OPERATED IN UNITED STATES

### NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Civil Aeronautics Board has under consideration the adoption of proposed amendments to Parts 43, 44, and 190 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by July 2, 1956. Copies of such communications will be available after July 5, 1956, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

Section 43.10 of Part 43 of the Civil Air Regulations permits the Administrator to exempt foreign aircraft, authorized by him to be flown in the United States, from compliance with certain requirements applicable to domestic civil aircraft. The language of this section of Part 43 was originally predicated on the provisions of section 6 (c) of the Air Commerce Act of 1926 (as amended prior to August 8, 1953) which authorized the Administrator to issue special permits for foreign aircraft to be navigated in the United States. Since the amendment of August 8, 1953, divested the Administrator of such authority and vested it in the Board under section 6 (b) of the Air Commerce Act, it appears advisable to delete the obsolete provisions of § 43.10.

Foreign civil aircraft operated in the United States in accordance with Part 190 of the Civil Air Regulations are required to carry on board currently effective certificates of airworthiness issued or rendered valid by the country of registry. If the certificate of airworthiness becomes invalid because of damage to the aircraft, or for other reasons, it may be operated within the United States only upon special authorization of the Board in accordance with § 190.70. Normal processing of such authority may on occasion unduly delay the ferrying of an aircraft.

The Civil Air Regulations presently provide that the Administrator may issue special flight permits for civil aircraft of the United States which do not currently meet airworthiness standards but are found to be capable of safe flight. A special flight permit is intended to authorize the flight of an aircraft to a base where repairs or alterations are to be made, or to permit the delivery or export of the aircraft. The Board believes that the Administrator should be authorized under the same conditions to issue special flight permits to ferry foreign civil aircraft which have been damaged or which have had their certificates of airworthiness invalidated by the country of registry because of a change in nationality. Therefore, it is proposed to amend § 190.20 accordingly.

Recently the United States Air Force declared surplus a number of C-82 airplanes and offered them for sale. The Air Force and the Board gave notice to prospective purchasers that these airplanes could not meet the transport category requirements of Part 4b of the Civil Air Regulations without substantial and costly modifications. The airplane may be certificated under Part 8 of the Civil Air Regulations; however, when certificated under this part, the airplane is restricted to agricultural, industrial, or other special purposes, and cannot be used for the carriage of persons or cargo for compensation or hire.

Presently effective Parts 44 and 190 provide that foreign aircraft shall not be operated in the United States at weights in excess of the weights established by the country of manufacture. To preclude any uncertainty as to the eligibility of certain aircraft to qualify under the maximum weight limitations prescribed under United States airworthiness requirements, it is proposed to amend the language of these parts to relate clearly the weight limitations to categories of use. The effect of this change will be that airplanes, like the C-82, which have been manufactured in the United States but have not been certificated in the transport category and, therefore, for which no maximum weight has been established in that category, may not, although presently registered and certificated in foreign countries, qualify for operation in the United States in the transport category until operating weights have been established in accordance with transport category limitations. This policy is consistent with the resolution on aircraft weights adopted at the Council of the International Civil Aviation Organization Meeting on March 8, 1949, which acknowledged the right of the country of manufacture to set the maximum weights applicable to foreign registered and certificated aircraft which may be flown over such country of manufacture.

In view of the foregoing, notice is hereby given that it is proposed to amend Parts 43, 44, and 190 of the Civil Air Regulations.

1. By amending § 43.10 of Part 43 to read as follows:

§ 43.10 *Aircraft requirements.* (a) No aircraft shall be operated unless an appropriate and valid airworthiness certificate or special flight permit and a registration certificate issued to the owner of the aircraft are carried in the aircraft.

(b) No aircraft shall be operated except in accordance with the operating limitations prescribed by the certificating authority.

(c) No civil aircraft of the United States shall be operated unless it is identified in accordance with the requirements of Part 1 of this subchapter.

(d) No civil aircraft of the United States shall be operated unless there are available in the aircraft appropriate aircraft operating limitations set forth in a form and manner approved by the Administrator or a current Aircraft Flight Manual approved by the Administrator.

2. By amending § 44.3 of Part 44 to read as follows:

§ 44.3 *Aircraft airworthiness.* Each air carrier aircraft shall be possessed of a currently effective certificate of airworthiness issued by the country whose nationality it possesses. Foreign aircraft shall not be operated in the United States except in accordance with the restrictions on maximum certificated weights for particular categories of use prescribed or authorized by the country of manufacture of the aircraft type and model involved.

3. By amendng § 190.20 of Part 190 by deleting the period at the end of the section and inserting a comma in lieu thereof, and by adding the following:

§ 190.20 *Airworthiness and registration certificates.* * * * *Provided, however,* That in cases where:

(a) The aircraft has been damaged to the extent that the airworthiness certificate is invalidated, or

(b) The aircraft for which the certificate of airworthiness has been invalidated by the country of registry due to a change in nationality when such aircraft is intended to be navigated in the United States in transit to the country of new registry.

a special flight permit issued by the Administrator in accordance with sections 1.75 and 1.76 of Part 1 of this subchapter may be carried on board the aircraft in lieu of such certificate of airworthiness.

4. By amending § 190.23 to read as follows:

§ 190.23 *Maximum weights and categories of use.* Foreign aircraft shall not be operated in the United States except in accordance with the restrictions on maximum certificated weights for particular categories of use prescribed or authorized by the country of manufacture of the aircraft type and model involved.

These amendments are proposed under the authority of section 6 (b) of the Air Commerce Act of 1926, as amended, and Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in light of comments received in response to this notice of proposed rule making.

(Air Commerce Act, 1926, sec. 6 (b) as amended, 52 Stat. 1028, 49 U. S. C. 176; sec. 205 (a), 52 Stat. 984, 49 U. S. C. 425 (a). Interpret or apply secs. 601-610, 52 Stat. 1007-1012, as amended, 49 U. S. C. 551-560)

Dated at Washington, D. C., April 27, 1956.

By the Civil Aeronautics Board.

[SEAL] JOHN B. RUSSELL,
*Acting Secretary.*

[F. R. Doc. 56-3486; Filed, May 2, 1956; 8:54 a. m.]

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## FEDERAL COMMUNICATIONS COMMISSION

### [ 47 CFR Part 13 ]

[Docket No. 9892; FCC 56-375]

### COMMERCIAL RADIO OPERATORS

### SECOND FURTHER NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of § 13.61 of Part 13 of the Commission's rules governing Commercial Radio Operators defining the operating authority of holders of the Restricted Radiotelephone Operator Permit and the Aircraft Radiotelephone Operator Authorization.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission on April 27, 1955 approved a further notice of proposed rule making in the above-entitled matter. An examination of the various comments received indicated the advisability of processing the part relating to operators of aircraft stations separately from the part relating to operators of ship stations. In accordance with the Commission's concurrent Report and Order in this docket the two matters have been separated and this second further notice of proposed rule making is concerned only with the operating authority of holders of the Restricted Radiotelephone Operator Permit with respect to ship radio stations.

3. The proposal heretofore made with respect to this matter would have limited the operating authority of holders of the restricted permit, in the case of ship radiotelephone stations, to such stations at which the power in the antenna of the unmodulated carrier is not authorized to exceed 50 watts. This limitation would have applied only if the stations were operated in international service[1] or on a frequency shared (intermittent time sharing) with a foreign station. In view of the comments received and the

[1] FCC Form 301, Sec. V-G (antenna) shall be submitted with all broadcast applications.

[1] International Service: A telecommunication service between any combination of offices or fixed, land, or mobile stations which are in different countries or are subject to different countries (as defined in Annex 3 to the International Telecommunications Convention, Buenos Aires, 1952).

Commission's own observations of operating conditions, the Commisson has given further consideration to the operator requirements for ship radiotelephone stations.

4. In general, all frequencies made available by the Commission for ship stations are assigned on a shared basis. Many of the frequencies are also assigned to foreign ship stations which use them from time to time, without notice, on a shared basis with U. S. ships. This would present a practical problem in determining the grade of operator license required. While there are limits on the power that may be authorized, no distinction is made, in assigning frequencies, between stations of less than 50 watts, and those over that value. There is extensive radiotelephone communication between ships as well as between ships and shore and in either case the assignment of common frequencies for the purpose, without distinction as to power facilitates and is usually essential to such operations. Standard operating procedures have been established both domestically and internationally to promote equitable use of shared frequencies for commercial and safety purposes and it is important that these be observed by all stations without regard to the amount of power employed.

5. The growth in recent years in the use of ship radiotelephony has been very substantial with many more stations sharing the available frequencies. Also, there has been made available for general use a frequency designated especially for radiotelephone calling and distress, and procedures have been established to protect it against encroachment and misuse. The importance of conducting the operation of ship stations in a proper and orderly manner has increased accordingly. The Commission has noted with growing concern a widespread disregard of established operating procedures and regulations by ship radiotelephone stations utilizing the medium frequency bands and believes that steps should be taken through the licensing process to improve operating conditions on the ship radiotelephone frequencies.

6. It is proposed to discontinue the operating authority for ship stations presently granted under the restricted radiotelephone operator permit. This would have the effect of requiring operators of such stations in normal service to hold, instead, at least a radiotelephone third-class operator permit. The proposed change would apply to all restricted radiotelephone operator permits issued on or after the effective date of the amendment and to all permits of that class in force two years from that date.

7. Additional information received indicates that certain factors in the conversion tables in the proposed new § 13.76 were too high and not representative of actual conditions. Also, it appears that in view of the broadening of the proposal less detail is required and the new Section may be simplified.

8. In view of the foregoing, the proposal in Docket 9892 (adopted April 27, 1955) insofar as it would affect operators of ship radiotelephone stations, is amended as set forth below. Authority to issue this proposal is contained in sections 4 (i), 303 (l), and 303 (r) of the Communications Act of 1934, as amended.

9. Any interested person who is of the opinion that the proposed amendments should not be adopted or should not be adopted in the form set forth below may file with the Commission on or before June 11, 1956, a written statement or brief setting forth his comments. At the same time, any person who favors the rules as set forth may file a written statement in support thereof. Comments or briefs in reply to the original comments or briefs may be filed within 15 days from the last day for filing said original comments or briefs. The Commission will consider all comments, briefs and statements presented before taking final action in the matter.

10. In accordance with the provisions of § 1.764 of the Commission's rules, an original and fourteen copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: April 26, 1956.

Released: April 30, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

It is proposed to amend Part 13 of the Commission's rules as shown below:

1. Section 13.61 (h) would be amended to read as follows:

(h) *Restricted radiotelephone operator permit.* Any station except:

(1) Stations transmitting television, or

(2) Stations transmitting telegraphy by any type of the Morse code, or

(3) Any of the various classes of broadcast stations other than remote pickup, broadcast STL, and FM intercity relay stations, or

(4) Ship stations, or

(5) Coast stations other than in the territory of Alaska while employing a frequency below 30 Mc: *Provided,* That the holder of this class of license may not operate any coast station at which the power in the antenna of the unmodulated carrier wave is authorized to exceed 250 watts; or

(6) Aircraft stations other than those at which the installation is used solely for telephony: *Provided,* That the holder of this class of license may not operate in International Service or on any frequency the use of which is shared with a foreign station, any aircraft station at which the authorized power in the antenna of the unmodulated carrier wave exceeds 50 watts;

(7) At a ship radar station the holder of this class of license may not supervise or be responsible for the performance of any adjustments or tests during or coincident with the installation, servicing or maintenance of the radar equipment while it is radiating energy: *Provided,* That nothing in this subparagraph shall be construed to prevent any person holding such a license from making replacements of fuses or of receiving-type tubes.

*Provided,* That, with respect to any station which the holder of this class of license may operate, (i) such operator is prohibited from making any adjustments that may result in improper transmitter operation, and (ii) the equipment is so designed that the stability of the frequencies of the transmitter is maintained by the transmitter itself within the limits of tolerance specified by the station license, and none of the operations necessary to be performed during the course of normal rendition of the service of the station may cause off-frequency operation or result in any unauthorized radiation, and (iii) any needed adjustments of the transmitter that may affect the proper operation of the station are regularly made by or under the immediate supervision and responsibility of a person holding a first- or second-class commercial radio operator license, either radio telephone or radiotelegraph, who shall be responsible for the proper functioning of the station equipment. (The 50-watt limit contained in subparagraph (6) of this paragraph is applicable to all restricted radiotelephone operator permits issued on or after August 1, 1956, and to all permits of this class in force beginning two years from that date. The exception with respect to ship stations contained in paragraph (4) would be applicable to all restricted radiotelephone operator permits issued on and after the effective date of this amendment and to all permits of this class in force beginning two years from the effective date. "International Service" as used in subparagraph (6) of this paragraph is defined as a telecommunication service between any combination of offices or fixed, land, or mobile stations which are in different countries or are subject to different countries.)

2. Section 13.76 would be amended to read as follows:

§ 13.76 *Authorized power.* (a) The term "authorized power in the antenna of the unmodulated carrier wave", when used in this part to define operating authority under a particular class of operator license with respect to aircraft stations, means rated carrier power, unmodulated, of the transmitter or transmitters authorized in the aircraft station license.

(b) The term, "authorized power in the antenna of the unmodulated carrier wave" when used in this part to define operating authority under a particular class of operator license with respect to ship stations, means:

(1) "Maximum operating power", or "operating power", or

(2) "Maximum plate input power to final radio frequency stage" multiplied by an appropriate factor, or

(3) "Authorized transmitter-power" multiplied by an appropriate factor.

The power of a ship station is specified in the station license or in Part 8 of this chapter by one or more of the terms quoted in subparagraphs (1), (2), and (3) of this paragraph. The factor mentioned in subparagraphs (2) and (3) of this paragraph depends upon the class of radio frequency amplifier used in the last radio stage of the transmitter and shall be in accordance with the following table:

| Class of radio-frequency amplifier used in last radio stage of transmitter: | Factor |
|---|---|
| Class C, plate, or plate and screen-grid modulated | 0.50 |
| Class C, control, screen, or suppressor-grid modulated | .25 |
| Class C, cathode modulated | .32 |
| Class B, linear | .25 |
| Class BC, high efficiency | .42 |

In the case of a transmitter using frequency modulation or using a radio frequency amplifier in its last stage of a class other than those listed herein an appropriate factor will be supplied.

[F. R. Doc. 56-3480; Filed, May 2, 1956; 8:53 a. m.]



# NOTICES

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

UTAH (A-2)

SMALL AREA CLASSIFICATION ORDER; REVOCATION

APRIL 25, 1956.

Small Area Classification Order No. 1, dated November 10, 1955, which was published November 17, 1955, 20 F. R. 8523, and which described the following lands, is hereby revoked:

SALT LAKE MERIDIAN

Beginning at a point which bears N. 53° 3' E. 550 feet of the quarter corner common to sections 15 and 16, T. 34 S., R. 14 E., thence N. 6° 5' E. 4,142 feet; thence N. 56° 32' W. 2,760 feet; thence S. 35° 33" W. 2,640 feet; thence S. 58° 34' E. 2,068 feet; thence S. 5° 34' E. 501 feet; thence S. 28° 24' W. 230 feet; thence S. 61° 4' W. 2,530 feet; thence S. 64° 53' W. 445 feet; thence S. 88° 59' W. 1,540 feet; thence S. 9° 55' E. 840 feet; thence N. 83° 35' E. 5,759 feet to point of beginning, containing 383.4 acres.

WM. N. ANDERSEN,
*State Supervisor.*

[F. R. Doc. 56-3451; Filed, May 2, 1956; 8:47 a. m.]

[Serial No. Idaho 06937]

IDAHO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS; CANCELLATION

APRIL 26, 1956.

Notice of order providing for opening of public lands, Serial No. Idaho 06937, dated April 17, 1956, as appearing in Volume 21, FEDERAL REGISTER, April 25, 1956, on page 2665, is hereby canceled.

J. R. PENNY,
*State Supervisor.*

[F. R. Doc. 56-3452; Filed, May 2, 1956; 8:47 a. m.]

[Group 300]

ARIZONA

NOTICE OF FILING OF PLATS OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

APRIL 24, 1956.

Notice is given that the plats of survey accepted November 15, 1955, of T. 3 N., R. 3 W., T. 3 N., R. 8 W., T. 2 S., R. 6 W., and T. 5 S., R. 8 W., G. & S. R. B. & M., Arizona, including lands hereinafter described, will be officially filed in the Land Office at Phoenix, Arizona, effective at 10:00 a. m. on the 35th day after the date of this notice:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 3 N., R. 3 W.,
Lots 1, 2, 3, 4, S½N½, S½, (All), Sec. 1;
Lots 1, 2, 3, 4, S½N½, S½, (All), Sec. 2;
All Sec. 36.
T. 3. N., R. 8 W.,
All Sec. 32.
T. 2 S., R. 6 W.,
Lots 1, 2, 3, 4, S½N½, S½, (All), Sec. 1;
Lots 1, 2, 3, 4, S½N½, S½, (All), Sec. 2;
All Sec. 32.
T. 5 S., R. 8 W.,
Lots 1, 2, 3, 4, N½S½, N½, (All), Sec. 36.

Within the above-described areas are 4,129.94 acres of public lands.

Available data indicates the lands in T. 3 N., R. 3 W. are rough, with rocky soil; the land in T. 3 N., R. 8 W. is low, rolling land, with fairly rocky soil; Secs. 1 and 2, T. 2 S., R. 6 W. are flat, with sandy desert soil, Sec. 32, T. 2 S., R. 6 W. consists of rolling land with sandy soil, and Sec. 36, T. 5 S., R. 8 W. is mountainous, with rocky soil.

Subject to valid existing rights, the State's title will attach to the following lands, upon the official filing of the township plats: SE¼SW¼, Sec. 2, and N½, Sec. 36, T. 3 N., R. 3 W., SE¼SE¼, Sec. 32, T. 3 N., R. 8 W., Lot 4 (NW¼NW¼), Sec. 2, and SW¼NE¼, Sec. 32, T. 2 S., R. 6 W., and the NW¼NW¼, S½NW¼, N½S½, and Lots 1, 2, 3, 4, Sec. 36, T. 5 S., R. 8 W.

No applications for the remainder of these lands, namely, Lots 1, 2, 3, 4, S½N½, S½, (All), Sec. 1, Lots 1, 2, 3, 4, S½N½, N½S½, S½SE¼, SW¼SW¼, Sec. 2, and the S½, Sec. 36, T. 3 N., R. 3 W., N½, SW¼, N½SE¼, SW¼SE¼, Sec. 32, T. 3 N., R. 8 W., Lots 1, 2, 3, 4, 5, 6, 7, S½NW¼, SW¼, SW¼NE¼, W½SE¼, (All), Sec. 1, Lots 1, 2, 3, S½N½, S½, Sec. 2, N½N½, S½, SE¼NE¼, and S½NW¼, Sec. 32, T. 2 S., R. 6 W., and the NE¼, and NE¼NW¼, Sec. 36, T. 5 S., R. 8 W., may be allowed under the homestead, small tract, desert land, or any other non-mineral public land laws, unless the land has already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified. At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the homestead, desert land, and small tract laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on May 31, 1956 will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on August 30, 1956, will be governed by the time of filing.

All valid applications and selections under the non-mineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on August 30, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

The lands will be open to location under the United States mining laws beginning at 10:00 a. m. August 30, 1956.

Persons claiming veterans' preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Phoenix, Arizona.

THOS. F. BRITT,
*Manager.*

[F. R. Doc. 56-3453; Filed, May 2, 1956; 8:47 a. m.]

[Group 301]

ARIZONA

NOTICE OF FILING OF PLATS OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

APRIL 24, 1956.

Notice is given that the plats of survey accepted December 5, 1955, of T. 2 N., R. 12 W., T. 1 N., R. 13 W., T. 3 N., R. 13 W., and T. 1 S., R. 14 W., G. & S. R. B. & M., Arizona, including lands hereinafter described, will be officially filed in the Land Office at Phoenix, Arizona, effective at 10:00 a. m. on the 35th day after the date of this notice:

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 2 N., R. 12 W.,
Lots 1, 2, 3, 4, S½N½, S½ (All), Sec. 2.
T. 1 N., R. 13 W.,
Lots 1, 2, 3, 4, S½N½, S½ (All), Sec. 2;
All Sec. 16;
All Sec. 36.
T. 3 N., R. 13 W.,
All Sec. 36.
T. 1 S., R. 14 W.,
All Sec. 16.

Within the above-described areas are 2,439.42 acres of public lands.

Available data indicates the lands in T. 1 N., R. 13 W., and T. 2 N., R. 12 W. are level, with sandy soil; the lands in T. 3 N., R. 13 W. are level, with gravelly soil, and Sec. 16, T. 1 S., R. 14 W. is rolling with rocky soil.

Subject to valid, existing rights, the State's title will attach to the following lands, upon the official filing of the township plats: Lots 1, 2, 3, 4, S½N½, N½SW¼, SW¼SW¼, Sec. 2 T. 2 N., R. 12 W., Lot 1 (NE¼NE¼), Sec. 2, N½SW¼, Sec. 16, and N½, Sec. 36, T. 1 N., R. 13 W., E½SE¼, Sec. 36, T. 3 N., R. 13 W., and SE¼SE¼, Sec. 16, T. 1 S., R. 14 W.

No applications for the remainder of these lands, namely, the SE¼, SE¼SW¼, Sec. 2, T. 2 N., R. 12 W., Lots 2, 3, 4, S½N½, S½, Sec. 2, SE¼, Sec. 16, S½, Sec. 36, T. 1 N., R. 13 W., N½, SW¼, W½SE¼, Sec. 36, T. 3 N., R. 13 W., and N½, SW¼, W½SE¼, NE¼SE¼, Sec. 16, T. 1 S., R. 14 W., may be allowed under the homestead, small tract, desert land, or any other non-mineral public land laws, unless the land has already been classified as valuable or suitable for such type of application or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified. At the hour and date specified above the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the homestead, desert land, and small tract laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on May 31, 1956 will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on August 30, 1956, will be governed by the time of filing.

All valid applications and selections under the non-mineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on August 30, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

The lands will be open to location under the United States mining laws beginning at 10:00 a. m. August 30, 1956.

Persons claiming veterans' preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Phoenix, Arizona.

THOS. F. BRITT,
*Manager.*

[F. R. Doc. 56-3454; Filed, May 2, 1956; 8:48 a. m.]

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ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Alaska Railroad has filed an application, Serial No. Anchorage 032107, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining and mineral leasing laws and the Grazing Act.

The applicant desires the land for railroad and shipping purposes.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

Beginning at the ¼ corner between Sec. 36, T. 1 N., R. 1 W., Seward Meridian and Sec. 1, T. 1 S., R. 1 W., Seward Meridian; thence S. 20° 36' E. 6,116.88 feet to the witness corner to Corner No. 1, U. S. Survey No. 3294; thence S. 67° 58' E., along the northerly boundary of U. S. Survey 3294, 224.03 feet to Corner No. 2, U. S. Survey No. 3294; thence S. 8° 12' W., along the easterly boundary of U. S. Survey No. 3294, 1,497.94 feet to Corner No. 3, U. S. Survey No. 3294, the true point of beginning.

From the point of beginning; thence East 3,090.81 feet to a point on the North-South center line of Sec. 7, T. 1 S., R. 1 E., S. M.; thence South 4,754.36 feet, along the center line of Sections 7 and 18, to a point on the northerly boundary of U. S. Survey No. 1651, 272.59 feet West of Meander Corner No. 2 of U. S. Survey No. 1651; thence West, along the northerly boundary of U. S. Survey No. 1651, 3,694.67 feet to Meander Corner No. 1; thence, continuing West, 800 feet; thence North 4,879.65 feet; thence East 1,103.79 feet to Corner No. 4 of U. S. Survey No. 3294; thence S. 67° 58' E., along the southerly boundary of U. S. Survey No. 3294, 333.96 feet to Corner No. 3, the point of beginning.

The area described contains approximately 494.71 acres.

ROGER R. ROBINSON,
*Operations Supervisor.*

[F. R. Doc. 56-3455; Filed, May 2, 1956; 8:48 a. m.]

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ALASKA

SMALL TRACT CLASSIFICATION ORDER NO. 33; AMENDMENT

APRIL 27, 1956.

By virtue of the authority contained in the act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended, and pursuant to the Delegation of Authority contained in section 2.9, Order No. 541 of April 21, 1954, Bureau of Land Management, Small Tract Classification Order No. 33 of September 27, 1950, as partially revoked on April 22, 1954, and as amended on June 20, 1955, is hereby further amended as follows:

1. A portion of the land classified as a Business Site and described as T. 12 N., R. 3 W., Seward Meridian, Section 33: NW¼SW¼NW¼SW¼ (now described as lot 177) and containing 2.50 acres is hereby re-classified as a Residence Site.

2. A portion of the land classified as a Home Site and described as T. 12 N., R. 3 W., Seward Meridian, Section 33: NE¼SE¼SE¼SE¼ (now described as lot 221) and containing 2.50 acres is hereby re-classified as a Business Site.

3. This amendment shall take effect immediately.

ROGER R. ROBINSON,
*Operations Supervisor.*

[F. R. Doc. 56-3456; Filed, May 2, 1956; 8:48 a. m.]

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ALASKA

PUBLIC SALE ACT CLASSIFICATION NO. 23

APRIL 27, 1956.

Pursuant to the authority delegated to me under section 2.5 of Order No. 541 of April 21, 1954, Bureau of Land Management, the following described land is classified for disposal under the Alaska Public Sale Act of August 30, 1949 (63 Stat. 679; 48 U. S. C. 364a–364e) for commercial, and/or housing purposes:

GIRDWOOD AREA

UNSURVEYED LAND

Beginning at the intersection of a secondary road and the Crow Mine Road at approximate latitude 60°57'50" N., longitude 149°08'10" W. and the approximate NE corner of U. S. Survey 3044; thence easterly along that secondary road 2,640 feet more or less to the true point of beginning and Corner No. 1 which is marked by a blazed spruce tree 14" d. b. h. having on it "A. P. S. C 1" and located at approximate latitude 60°57'40" N., longitude 149°07'08" W.; thence south a distance of 2,640 feet more or less to Corner No. 2; thence east a distance of 2,640 feet more or less to Corner No. 3; thence north a distance of 2,640 feet more or less to Corner No. 4 which is a blazed hemlock tree 14" d. b. h. having four notches cut in the blaze; thence west a distance of 2,640 feet more or less to the true point of beginning, containing approximately 160 acres.

The above land will be offered for sale in accordance with regulations contained in Title 43 C. F. R. Part 75.23 to 75.40. If no bid at the minimum acceptable price or above is made, the land may be held for future offering or the classification may be rescinded.

ROGER R. ROBINSON,
*Operations Supervisor.*

[F. R. Doc. 56-3457; Filed, May 2, 1956; 8:48 a. m.]



## DEPARTMENT OF AGRICULTURE

### Commodity Stabilization Service and Commodity Credit Corporation

DELEGATIONS OF AUTHORITY WITH RESPECT TO CERTAIN COMMODITY CREDIT CORPORATION ACTIVITIES

In order to provide for the performance of certain functions relating to loans and purchase agreement transactions, farm storage facility loans, sales of Commodity Credit Corporation commodities locally, and execution of certain other documents in connection with Commodity Credit Corporation transactions, delegations of authority are provided below pursuant to authority vested in me by the by-laws of Commodity Credit Corporation. The delegations of authority contained herein shall supersede any delegations of authority which are inconsistent therewith.

The authority herein delegated shall be exercised in conformity with the by-laws, regulations, and programs of Commodity Credit Corporation, and the policies adopted by the Board of Directors of the Corporation.

*Definitions.* The term "CCC" shall mean Commodity Credit Corporation.

The term "CSS" shall mean Commodity Stabilization Service.

The term "ASC" shall mean Agricultural Stabilization and Conservation.

The term "chairman" shall refer to the chairman or acting chairman of any ASC county committee.

The term "manager" shall mean the ASC county office manager or acting manager.

The term "other employee" shall mean any employee of an ASC county office other than the manager or acting manager.

*General.* The manager or other employee designated by him may execute CCC sight drafts or CCC certificates pursuant to any ASC-administered program in which the use of CCC sight drafts or CCC certificates is prescribed.

*Loan and purchase program.* Upon payment of the obligation involved, the manager or other employee designated by him may execute releases or otherwise obtain the release of record of chattel mortgages made to or assigned to CCC which secure loans on agricultural commodities.

*Farm storage facility loan program.* (1) The chairman may (a) approve on behalf of CCC the sale or conveyance by the borrower of farm storage facilities or other property securing a loan made pursuant to the regulations issued by CCC and CSS governing the making of loans, and (b) execute on behalf of CCC assumption agreements under which the borrower remains liable for the balance of the indebtedness and the purchaser assumes the balance of the indebtedness with respect to such sale and conveyance.

(2) The chairman may (a) approve on behalf of CCC the sale of mechanical driers securing a loan made pursuant to the regulations issued by CCC and CSS governing the making of loans, and (b) sign on behalf of CCC assumption agreements under which the borrower remains liable for the balance of the indebtedness and the purchaser assumes the balance of the indebtedness with respect to such sale.

(3) The chairman or manager may, upon payment of the obligation involved, execute releases, conveyances or reconveyances, or otherwise obtain the release of record of security instruments made to or assigned to CCC or under which CCC is beneficiary which secure loans made to purchase or construct farm storage facilities or loans made to finance the purchase of mechanical driers for farm commodities.

(4) The chairman or manager may execute a release on behalf of CCC on any Severence Agreement executed in connection with such loan after a farm storage facility loan has been paid in full.

(5) The chairman or manager may execute statements, certificates, affidavits, or other documents as required by any State statute with regard to the status of any mortgage or deed of trust and with regard to any indebtedness.

(6) Where extension affidavits are required by State statute, the chairman or manager may execute sworn statements showing total payments made on the debt and the amount remaining unpaid and the debt or part thereof still due CCC and certify that CCC does thereby extend the lien and the mortgage for a definite period of time.

(7) The chairman or manager may execute any other instruments which may be required by State statute in connection with maintenance of liens relating to real or personal property mortgages or deeds of trust.

(8) The action of any chairman or manager which has been heretofore taken on behalf of CCC to comply with the provisions of any statute requiring the filing of statements, extension affidavits, or other documents relating to real and personal property mortgages or deeds of trust is hereby ratified.

*Sales of CCC commodities locally.* (1) The chairman or manager may make local sales of agricultural commodities other than seeds owned by CCC, and execute any documents in connection with such sale.

*CCC bin storage operations.* (1) The chairman may execute real estate leases on behalf of and in the name of CCC as determined by the ASC county committee to be necessary in connection with the CCC storage program.

(2) The chairman may execute leases of CCC-owned storage structures not currently needed for storage of CCC-owned grain.

(3) The chairman may execute contracts on behalf of and in the name of CCC for site preparation and maintenance work, electrical services, repair and operation of property and equipment, handling, transportation and maintenance of commodities, and procurement of supplies and materials in connection with the CCC storage program.

(4) The chairman may, upon receipt of prior written authorization, sell CCC-owned storage structures, equipment, and materials.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b)

Issued this 27th day of April 1956.

[SEAL] WALTER C. BERGER,
*Acting Executive Vice President, Commodity Credit Corporation.*

[F. R. Doc. 56-3446; Filed, May 2, 1956; 8:45 a. m.]

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## CIVIL AERONAUTICS BOARD

[Docket No. 7762; Order No. E-10250]

ANITA HERMAN

ORDER OF INVESTIGATION

In the matter of the complaint filed by Anita Herman.

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 30th day of April 1956.

Anita Herman, by complaint, petitions the Board to declare Northwest Airlines, Inc. and Capital Airlines, Inc. Local and Joint Passenger Rules Tariff No. PR–1, C. A. B. No. 4, General Rule 5, Claims, issued by M. F. Redfern, in effect on May 4, 1947, void, ab initio, as superfluous, unlawful, past and future, contrary to the provisions of the Civil Aeronautics Act of 1938 and the rules of the CAB and against the public policy of the United States and the States involved. Complainant has alleged that a determination by the Board of unlawfulness of the 30-day notice rule and the one-year limitation rule is a requirement for petitioner to prosecute her claim for relief in the United States courts and that if successful before the Board, she will prosecute her claim in court pursuant to the Rules of Federal Procedure.

The Board, after consideration of the aforementioned complaint, finds such tariff rules may be unlawful for the reasons, among others, that they may be unjust, unreasonable and unjustly discriminatory.

The Board finds that an investigation of the past lawfulness of the aforementioned rules is necessary and appropriate under sections 205 (a) and 1002 in order to carry out the provisions and obligations of the Civil Aeronautics Act of 1938, as amended, particularly sections 2, 403 and 404 thereof: *It is ordered,* That:

1. An investigation be and is hereby instituted to determine whether General Rule 5 of the tariff rules of Northwest Airlines, Inc. and Capital Airlines, Inc., contained in Local and Joint Passenger Rules Tariff No. PR–1, C. A. B. No. 4, issued by M. F. Redfern, agent, in effect on May 4, 1947, was unlawful.

2. The proceeding ordered herein be assigned for hearing before an examiner of the Board at a time and place hereafter to be designated.

3. A copy of this order be served upon Anita Herman, Northwest Airlines, Inc. and Capital Airlines, Inc. who are hereby made parties to this proceeding.

4. This order shall be published as a notice in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] JOHN B. RUSSELL,
*Acting Secretary.*

[F. R. Doc. 56–3487; Filed, May 2, 1956; 8:54 a. m.]

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[Docket No. 7336]

PAN AMERICAN WORLD AIRWAYS, INC.

NOTICE OF HEARING

In the matter of the application of Pan American World Airways, Inc., under section 401 of the Civil Aeronautics Act, as amended, for amendment of its certificate of public convenience and necessity authorizing air transportation between the United States, Europe, the Middle East and India, so as to include San Juan, Puerto Rico, as a coterminal, and for amendment of said certificate and of its certificate of public convenience and necessity authorizing air transportation between the United States and South Africa so as to authorize service to Madrid, Spain.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205, 401 and 1001 of said act, that a public hearing in the above-entitled proceeding will be held on June 25, 1956, at 10:00 a. m., e. d. s. t., in Room E–224, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Leslie G. Donahue.

Without limiting the scope of the issues presented by the applications in Docket No. 7336, particular attention will be directed to the following matters:

1. Whether the public convenience and necessity require the amendment of paragraph numbered 1 of Part I of the certificate of public convenience and necessity, as amended, of Pan American World Airways, Inc., issued pursuant to Order No. E–8889, dated December 7, 1954, approved by the President of the United States of America, January 13, 1955, so as to authorize service to Madrid, Spain, as an intermediate point on the segment between Lisbon, Portugal, and Rome, Italy.

2. Whether the public convenience and necessity require the amendment of the certificate of public convenience and necessity of Pan American World Airways, Inc., issued pursuant to Order No. E–8664, dated the 3d day of August 1954, and approved by the President of the United States of America on September 27, 1954, so as to authorize service to Madrid, Spain, as an intermediate point beyond Lisbon, Portugal, on Pan American World Airways, Inc., route from New York, N. Y., to Johannesburg, Union of South Africa.

3. Does the public convenience and necessity require the issuance of a certificate of public convenience and necessity, on a permanent or temporary basis, with respect to persons, property and mail, so as to provide air transportation by Riddle Airlines, Inc. between the coterminal points Miami, Florida, and San Juan, Puerto Rico, the intermediate points Lisbon, Portugal, Madrid, Spain, and the terminal point Rome, Italy, without authority to engage in the local air transportation of persons, property and mail between Miami, Florida, and San Juan, Puerto Rico.

4. Does the public convenience and necessity require the issuance of a certificate of public convenience and necessity, on a temporary or permanent basis, with respect to persons, property and either with or without mail, so as to provide air transportation by Trans Caribbean Airways, Inc. between the coterminal points Miami, Florida, and San Juan, Puerto Rico, the intermediate points Lisbon, Portugal, and Madrid, Spain; and the terminal point Rome, Italy, without authority to engage in the local air transportation of persons, property and mail between Miami, Florida, and San Juan, Puerto Rico.

5. Whether each of the applicants is fit, willing and able to perform the air transportation for which it seeks authority and to conform to the provisions of the act and the regulations of the Board thereunder.

Notice is further given that any interested person, other than the parties and intervenors of record, desiring to be heard in support of or in opposition to the granting of the aforesaid applications must file with the Civil Aeronautics Board on or before June 25, 1956, a statement setting forth the matters of fact or law which he desires to advance. Any person filing such a statement may appear at the hearing in accordance with § 302.14 of the Board's rules of practice in Economic Proceedings.

Dated at Washington, D. C., April 27, 1956.

By the Civil Aeronautics Board.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56–3488; Filed, May 2, 1956; 8:55 a. m.]

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[Docket No. 7876]

ARTHUR VINING DAVIS AND CUTLER CORP.

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of Arthur Vining Davis for approval under section 408 of his acquisition of a controlling stock interest in the Cutler Corporation.

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that a prehearing conference in the above-entitled proceeding is assigned to be held on May 3, 1956, at 10:00 a. m., e. d. s. t., in Room E–210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Paul N. Pfeiffer.

Dated at Washington, D. C., April 27, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56–3489; Filed, May 2, 1956; 8:55 a. m.]

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[Docket No. 6515]

REEVE ALASKA AIRMOTIVE AND REEVE ALEUTIAN AIRWAYS, INC.

NOTICE OF POSTPONEMENT OF PREHEARING CONFERENCE

In the matter of interlocking and control relationships involving Reeve Alaska Airmotive and Reeve Aleutian Airways, Inc.

Notice is hereby given that the prehearing conference in the above-entitled matter now assigned to be held on May 3 is postponed to May 11, 1956, 10:00 a. m., e. d. s. t., Room E–224, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Paul N. Pfeiffer.

Dated at Washington, D. C., April 27, 1956.

[SEAL] FRANCIS W. BROWN.
*Chief Examiner.*

[F. R. Doc. 56–3490; Filed, May 2, 1956; 8:55 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. G–9436]

NEVADA NATURAL GAS PIPE LINE CO.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 27, 1956.

Take notice that Nevada Natural Gas Pipe Line Co. (Applicant), a Nevada corporation with principal place of business at 203 East Charleston Boulevard, City of Las Vegas, Nevada, filed, on October 5, 1955, as supplemented October 27, 1955, and December 19, 1955, an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate, as an integral part of its existing natural gas system, certain natural gas facilities as hereinafter described which are necessary to the delivery and sale of natural gas in interstate commerce by Applicant, and, to sell and deliver natural gas in interstate commerce to Citizens Natural Gas Co., Inc. (Citizens Natural) for resale by said Company in Boulder City, Nevada.

The facilities proposed to be constructed and operated by Applicant consist of a regulating station, metering facilities and other appurtenant equipment on Applicant's existing main line, approximately 15 miles south of Whitney, Nevada.

The estimated cost of construction of the proposed facilities is $4,492 which will be financed from operating funds and inventory.

The estimated gas requirements of Citizens Natural in Mcf at 14.73 psia are as follows:

| | 1956 | 1957 | 1958 |
|---|---|---|---|
| Peak day | 319 | 374 | 770 |
| Annual | 72,270 | 86,140 | 183,413 |

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Monday, June 4, 1956 at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 15, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56–3458; Filed, May 2, 1956; 8:49 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11213; FCC 56–345]

GEORGE A. GOTHBERG, JR. (WFPA)

ORDER CONTINUING HEARING

In re application of George A. Gothberg, Jr. (WFPA), Fort Payne, Alabama, Docket No. 11213, File No. BR–2455; for renewal of license.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 25th day of April 1956;

The Commission having under consideration a petition filed on April 17, 1956, by George A. Gothberg, Jr., requesting a continuance of the oral argument on his application now scheduled for May 7, 1956;

It appearing that the Commission's Broadcast Bureau, the only other party to the above-entitled proceeding, does not object to a grant of subject petition, and that in view of the circumstances set out in the petition, a continuance is desirable;

*It is ordered,* This 25th day of April 1956, That the petition for continuance of oral argument is granted; and that the oral argument in the above-entitled proceeding now scheduled for May 7, 1956, is continued without date.

Released: April 30, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56–3481; Filed, May 2, 1956; 8:53 a. m.]

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[Docket No. 11672]

CHESAPEAKE AND POTOMAC TELEPHONE COMPANY OF VIRGINIA

ORDER ASSIGNING MATTER FOR PUBLIC HEARING

In the matter of the application of the Chesapeake and Potomac Telephone Company of Virginia, Docket No. 11672, File No. P–C–3742; for a certificate under section 221 (a) of the Communications Act of 1934, as amended, to acquire certain telephone plant and properties of Twin-County Telephone Company.

The Commission having under consideration an application filed by The Chesapeake and Potomac Telephone Company of Virginia for a certificate under section 221 (a) of the Communications Act of 1934, as amended, that the proposed acquisition by The Chesapeake and Potomac Telephone Company of Virginia of certain telephone plant and properties of Twin-County Telephone Company furnishing telephone service in and around Charles City County and a portion of Henrico County, Virginia, will be of advantage to the persons to whom service is to be rendered and in the public interest;

*It is ordered,* This 27th day of April 1956, that pursuant to the provisions of section 221 (a) of the Communications Act of 1934, as amended, the above application is assigned for public hearing for the purpose of determining whether the proposed acquisition will be of advantage to the persons to whom service is to be rendered and in the public interest;

*It is further ordered,* That the hearing upon said application be held at the offices of the Commission in Washington, D. C., beginning at 10:00 a. m. on the 25th day of May 1956, and that a copy of this order shall be served upon the Governor of the State of Virginia, Commonwealth of Virginia State Corporation Commission, The Chesapeake and Potomac Telephone Company of Virginia, Twin-County Telephone Company, and the Postmasters of Richmond and Charles City, Virginia.

*It is further ordered,* That within ten days after the receipt from the Commission of a copy of this order, the applicant herein shall cause a copy hereof to be published in a newspaper or newspapers having general circulation in Charles City and Henrico Counties, Virginia and shall furnish proof of such publication at the hearing herein.

Released: April 27, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 56–3482; Filed, May 2, 1956; 8:53 a. m.]

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[Docket No. 11690; FCC 56–359]

REVISED TENTATIVE ALLOCATION PLAN FOR CLASS B FM BROADCAST STATIONS

NOTICE OF PROPOSED ALLOCATION

In the matter of amendment of the Revised Tentative Allocation Plan for Class B FM Broadcast Station, Docket No. 11690.

1. Notice is hereby given of further proposed rule making in the above-entitled matter.

2. It is proposed to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations in the following manner:

| General area | Channels | |
|---|---|---|
| | Delete | Add |
| Toledo, Ohio | | 223 |
| Summit Township, Mich | 222 | 231 |

3. The purpose of the proposed amendment is to provide a Class B channel in Toledo, Ohio, to facilitate consideration of a pending application submitted by Hillebrand Electronics for a new Class B FM broadcast station in that city.

4. Authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before May 25, 1956, a written statement or brief setting forth his comments. Comments in support of the proposed amendment also may be filed on or before that same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such

hearing or oral argument will be given.

6. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: April 25, 1956.

Released: April 30, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3483; Filed, May 2, 1956; 8:53 a. m.]

## OFFICE OF DEFENSE MOBILIZATION

H. M. BOTKIN

CHANGES IN APPOINTEE'S STATEMENT OF BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

For the period October 24, 1955, through April 23, 1956:

American Telephone and Telegraph Company.

General Electric Company.

This amends statement previously published in the FEDERAL REGISTER December 31, 1955 (20 F. R. 10179).

Dated: April 23, 1956.

H. M. BOTKIN.

[F. R. Doc. 56-3466; Filed, May 2, 1956; 8:50 a. m.]

JOSEPH D. KEENAN

CHANGES IN APPOINTEE'S STATEMENT OF BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change as of report filed December 19, 1955.

This amends statement previously published in the FEDERAL REGISTER December 31, 1955 (20 F. R. 10185).

Dated: February 1, 1956.

JOSEPH D. KEENAN.

[F. R. Doc. 56-3467; Filed, May 2, 1956; 8:50 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File Nos. 24D-1164, 24D-1392]

COLORADO MINING CORP. ET AL.

ORDER MODIFYING ORDER DATED MARCH 30 1956

APRIL 27, 1956.

In the matter of Colorado Mining Corporation, File No. 24D-1164; Colorado Mining Corporation for John M. Schlesinger, Melville Boyd, Azamat Guirey, George E. Roberts, Robert Reed, L. D. Friedman & Co., Inc., selling stockholders, File No. 24D-1392.

The Commission on March 30, 1956, entered its order pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending exemptions under Regulation A for the offerings by Colorado Mining Corporation and by Colorado Mining Corporation for and on behalf of John M. Schlesinger, Melville Boyd, Azamat Guirey, George E. Roberts, Robert Reed and L. D. Friedman & Co., Inc., selling stockholders, on the grounds that the Commission had been advised that a permanent injunction was issued on December 23, 1955, in the New York Supreme Court, County of New York, against Colorado Mining Corporation permanently enjoining it from directly or indirectly engaging in any business relating to the purchase or sale of securities and that the Commission had reasonable cause to believe that the terms and conditions of Regulation A had not been complied with in that the offering circular filed by and on behalf of the issuer and the notification and offering circular filed by the issuer on behalf of the selling stockholders contained untrue statements of material facts and omitted to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to (a) the statement in each offering circular that 1,000,000 shares of common stock of the issuer were issued for property, whereas 500,000 of such shares were turned over to promoters and did not represent consideration for the value of the mining claims; (b) the failure to state in the offering circular on behalf of the selling stockholders that on December 23, 1955, the Supreme Court of the State of New York, County of New York, appointed a receiver of any and all property derived by the issuer by means of fraudulent practices and permanently enjoined the issuer from engaging in any business relatjng to the purchase or sale of securities within and from the State of New York, and (c) the statement in the notification and offering circular on behalf of the selling stockholders that L. D. Friedman & Co., Inc., was the underwriter of the securities to be offered, whereas L. D. Friedman & Co., Inc., terminated its underwriting agreement with the selling stockholders.

The order of the Commission gave notice that, upon receipt of a written request, the matter would be set down for hearing for the purpose of determining whether the temporary order of suspension should be vacated or made permanent.

It appears from an affidavit filed by Azamat Guirey, one of the selling stockholders, that he has not offered or sold his shares (pursuant to his filing) and in fact has voluntarily returned his shares to the issuer on or about December 23, 1955, without any compensation to him for so doing; that the offering in August 1953 by the issuer was made prior to his association with the issuer; that he had no part in the preparation of the notification or offering circular in connection with the proposed offering by the selling stockholders and had no knowledge that any of the statements therein was false or misleading; and that he never participated in the management of the issuer.

Azamat Guirey having requested a withdrawal of his filing under Regulation A and a vacation of the temporary suspension order as to his filing, based upon said affidavit,

*It is ordered,* That the filing by Azamat Guirey under Regulation A be withdrawn and that the temporary order of suspension be and is hereby modified to eliminate the name of Azamat Guirey therefrom.

*It is further ordered,* That this order shall be served upon Colorado Mining Corporation, 424 University Building, Denver 2, Colorado; Baruch & Co., Inc., 44 Wall Street, New York 5, New York; John M. Schlesinger, 400 St. James St., W., Montreal, P. Q., Canada; Melville Boyd, 146 North Grove Street, East Orange, New Jersey; Azamat Guirey, 370 Park Avenue, New York, New York; George E. Roberts, Sherman Plaza Apartments, Denver, Colorado; Robert Reed, 465 St. John Street, Montreal, P. Q., Canada; L. D. Friedman & Co., Inc., 52 Broadway, New York 4, New York; and Registrar and Transfer Company, 15 Exchange Place, Jersey City, New Jersey; personally or by registered mail or confirmed telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 56-3460; Filed, May 2, 1956; 8:49 a. m.]

[File Nos. 54-191, 54-173]

STANDARD GAS AND ELECTRIC CO. AND PHILADELPHIA CO.

NOTICE OF FILING OF AMENDMENTS TO PLAN PROPOSING SUBSTITUTION OF NEW TAX AGREEMENT WITH SUBSIDIARY COMPANY AND DIVESTMENTS OF PORTFOLIO SECURITIES

APRIL 27, 1956.

In the matter of Standard Gas and Electric Company and Philadelphia Company, File No. 54-191; Philadelphia Company and Standard Gas and Electric Company, File No. 54-173.

Notice is hereby given that Standard Gas and Electric Company ("Standard Gas"), a registered holding company, has filed an application and certain amendments to Step IV of its plan, dated February 8, 1951 and previously filed with this Commission under section 11 (e) of the Public Utility Holding Company Act of 1935 (the "act"). Such plan ("Standard Plan") has for its stated purpose the effectuation of compliance by Standard Gas and its registered holding company subsidiary, Philadelphia Company ("Philadelphia"), with the provisions of section 11 of the act. Under the instant filing Standard Gas, in substance, proposes to dispose of all of its system's



interest in Pittsburgh Railways Company ("Pittsburgh Railways"), a nonutility subsidiary of Philadelphia, and substantially all of its interest in Duquesne Light Company ("Duqusne"), a public-utility subsidiary of Philadelphia. Consummation of the transactions proposed herein will terminate Duquesne's status under the act as a subsidiary and thereafter neither Standard Gas nor Philadelphia will have a public-utility holding company relationship with any company although they will continue to be subsidiaries of Standard Shares, Inc. ("Standard Shares"), a registered holding company which was formerly named Standard Power and Light Corporation and which is in the process of transformation into an investment company.

Pursuant to section 11 (b) (2) of the act, Standard Gas and Philadelphia have heretofore been ordered by this Commission to liquidate and dissolve. (See Holding Company Act Release Nos. 8242 (June 1, 1948), 8773 (December 31, 1948) and 10717 (August 14, 1951)). In addition to the Standard Plan (File No. 54-191), Standard Gas also filed a plan ("Philadelphia Plan") for the simplification of the corporate structure of the Philadelphia holding company system (File No. 54-173). The two proceedings were consolidated. The Philadelphia Plan has six steps all of which have been approved by the Commission and consummated. The Standard Plan likewise is divided into steps. All of the transactions proposed to be taken by Steps I, IA, II, IIA, III and IIIA of the Standard Plan have been approved by the Commission and consummated. Step IIA is the same as, and also was filed as, Step 6 of the Philadelphia Plan. All of the outstanding securities of Philadelphia except a $1,000,000 bank note are held by Standard Gas. Standard Gas' outstanding securities consist solely of 2,162,607 shares of Common Stock, par value $1 per share, of which Standard Shares owns 986,000 shares or 45.6 percent. Standard Gas owns all of the outstanding Common Stock of Philadelphia and a note of that company in the amount of $2,500,000 due September 10, 1956. In addition to cash and miscellaneous assets, including Government and other bonds, certain real estate, and the capital stock of an inactive subsidiary, the combined assets of Standard Gas and Philadelphia consist of 620,661 shares or 9.4 percent of Duquesne's Common Stock and 24,264 shares of that company's non-voting 4 percent Preferred Stock; 547,678 shares or 50.9 percent of Pittsburgh Railways' Common Stock; 3,576 shares or less than 1 percent of the Common Stock of Oklahoma Gas and Electric Company and 53,525 shares or 2 percent of the Common Stock of Wisconsin Public Service Corporation. Excluding large maximum contingent liabilities for Federal Income Taxes for the years 1942 through 1950, the amount of which is not disclosed in the filing, the only liabilities of Standard Gas and Philadelphia outside the system consist of Philadelphia's $1,000,000 bank loan and miscellaneous liabilities and claims.

Standard Gas and Philadelphia and certain other affiliated companies filed consolidated Federal income tax returns for the years 1942 to 1950, inclusive. At present the Federal income tax liability of Standard Gas and Philadelphia for such years is undetermined. During 1952 Philadelphia on the one hand and Duquesne and its subsidiaries on the other entered into tax agreements ("1952 tax agreements") in respect of the apportionment of Federal income and excess profits taxes, and refunds thereof, if any, for this period in a manner different from that required by this Commission's Rule U-45 (b) (6). The 1952 tax agreements were embodied in Steps I and II of the Standard Plan which were approved by the Commission and approved and ordered enforced by the United States District Court for the District of Delaware and were also embodied in Step 6 of the Philadelphia Plan which was approved by the Commission and ordered enforced by the United States District Court for the District of Western Pennsylvania. The 1952 tax agreements and the situation with respect to the tax liabilities are described by the Commission in its findings on Step I and on Step II of the Standard Plan. (Holding Company Act Release Nos. 11510 and 11765.)

According to the instant filing the 1952 tax agreements, in effect, provide in respect of any additional consolidated Federal taxes based on income which may be assessed for the period 1942 through 1950 that Philadelphia will pay any liabilities of Duquesne and its subsidiaries in excess of approximately $13,334,000 plus the share of Duquesne and its subsidiaries in future refunds, if any, after giving effect to reductions or increases in Federal income and excess profits taxes and any penalties and interest payable thereon for such companies by reason of interest paid or received in respect of such taxes. Philadelphia is entitled to the net refunds and interest resulting if the share of Duquesne and its subsidiaries of the amount finally determined to be payable is less than the amount of such taxes paid by such companies prior to July 3, 1953.

Step IV of the Standard Plan, as now proposed, provides as follows:

(1) The 1952 tax agreements will be cancelled. A new tax agreement is proposed and will become effective upon approval thereof by order of the Commission and the enforcement of such order by the United States District Court for the District of Delaware. Under the new tax agreement Philadelphia's maximum liability would be limited in that Philadelphia would assume to the extent of $1,000,000 and no more, any liabilities of Duquesne and its subsidiaries in excess of $12,334,000 in respect of additional consolidated Federal income and excess profits taxes for the years 1942 through 1950 and any penalties and interest payable thereon. However, under the new tax agreement Philadelphia would not be entitled to any of the refunds payable to Duquesne and its subsidiaries which it would have been entitled to under the 1952 tax agreements.

(2) Philadelphia, in partial liquidation, will distribute to Standard Gas the 547,678 shares of Common Stock of Pittsburgh Railways and 496,000 shares of Common Stock of Duquesne and will renegotiate or pay off its $1,000,000 bank loan. If such loan is renegotiated Standard Gas may guarantee the obligation.

(3) Standard Gas will distribute to its stockholders warrants to purchase 540,651.75 shares of Pittsburgh Railways Common Stock through a rights offering under which each Standard Gas stockholder will be entitled to purchase one share of Pittsburgh Railways Common Stock for each four shares of Standard Gas Common Stock held. The warrants will be transferable and will expire not less than 21 days after their date of issuance. Subject to the approval of the Commission, Standard Shares has agreed to exercise the warrants issued to it and will purchase all the shares of Pittsburgh Railways Common Stock not purchased by other stockholders plus the remaining 7,026.25 shares of such stock held by Standard Gas and not offered to its stockholders. Subject to the Commission's approval and prior to the issuance of the warrants the purchase price of the Pittsburgh Railways Common Stock will be fixed by the Board of Directors of Standard Gas upon the basis of market and other factors. According to the instant filing, it is expected that such purchase price will be about $6. The Chase Manhattan Bank will be appointed Agent in connection with this rights offering, and will have the right to buy and sell warrants for the purpose of eliminating fractional shares. Such buying and selling will be at then current market prices as determined by the Agent and without charge to the Standard Gas stockholders.

(4) After the completion of the proposed sale of the Pittsburgh Railways Common Stock, the Certificate of Incorporation of Standard Gas will be amended so that the par value of the Standard Gas Common Stock will be $0.10 instead of $1 per share. This amendment which will reduce Standard Gas' capital from $2,162,607 to $216,260.70 will become effective without a vote of stockholders but only pursuant to an order of the United States District Court for the District of Delaware as provided in section 245 of the Delaware Corporation Law.

(5) Upon the reduction of its capital as described above, Standard Gas, in partial liquidation, will distribute to its stockholders of record 540,651.75 shares of Duquesne Common Stock on the basis of ¼ of a share of Duquesne Common Stock for each share of Standard Gas Common Stock held but no fractional shares of Duquesne Common Stock will be distributed. Chemical Corn Exchange Bank will be appointed by Standard Gas as the Distribution Agent to distribute the Duquesne Common Stock. Standard Gas will deposit with the Distribution Agent a certificate or certificates in transferable form for the Duquesne Common Stock to be distributed and upon the receipt of such certificate or certificates by the Distribution Agent, Standard Gas will cease to be the holder of, or have any rights or incidents of ownership in respect of, such Duquesne Common Stock and the Distribution Agent will deliver to each known holder of Standard Gas Common Stock a certificate for the full shares of Duquesne

Common Stock to which he is entitled and, in lieu of his fractional interest of a share, an Order Form which without any charge to him will entitle such holder to instruct the Distribution Agent to sell for his account his fractional interest or to buy for his account such additional fractional interest in a share of Duquesne Common Stock as is required to make one full share. Such buying and selling will be at then current market prices as determined by the Distribution Agent. The rights of Standard Gas stockholders in respect of the Order Form will terminate 30 days after the distribution record date fixed in accordance with Step IV of the Standard Plan. Provisions are made for the distribution of such cash as the Standard Gas stockholders may be entitled to under Step IV in respect of any sales by the Distribution Agent in the adjustment of fractional interests and in respect of any dividends declared on the Duquesne Common Stock to be distributed. In addition, Step IV has provisions in respect of the voting rights of such shares and at no time will the Distribution Agent have the power to vote such shares. Step IV also provides for a termination or cut-off date after which all rights of holders of Standard Gas Common Stock in respect of the distribution of the Duquesne Common Stock will cease, become void and be of no value and such termination or cut-off date will be at least five years after the effective date of distribution for said shares of Duquesne Common Stock during which time Standard Gas will make or cause to be made reasonable efforts through letters or otherwise to locate all stockholders who have not exercised their rights in respect of the Duquesne Common Stock to be distributed, will advise such stockholders, if located, of their rights, and will report periodically to the Commission regarding such efforts and the success thereof.

(7) Such fees and expenses as the Commission may award or allow in connection with Step IV of the Standard Plan and any and all transactions and proceedings related thereto will be paid by Standard Gas to the extent that they relate primarily to transactions pertaining to Standard Gas and by Philadelphia to the extent that they relate primarily to the transactions pertaining to Philadelphia.

Step IV of the Standard Plan, as proposed, further provides that the record date (subscription record date) for the determination of holders of Standard Gas Common Stock entitled to receive warrants covering the right to subscribe for shares of Pittsburgh Railways Common Stock and the record date (distribution record date) for the holders of Standard Gas Common Stock entitled to receive Duquesne Common Stock and/or an Order Form in respect of any fractional shares thereof will be as specified in the order or orders of the Commission or an appropriate Federal District Court or, if not so specified, by Standard Gas' Board of Directors.

It is further stated by Standard Gas that to the extent that any transaction to be carried out pursuant to Step IV of the Standard Plan may be inconsistent or in conflict with any order previously entered by the Commission, Standard Gas will take appropriate action for the modification of any such order.

The Commission considering that Standard Gas' application and Step IV of its plan, as amended, raise issues that should not be resolved prior to notice and public hearing with respect thereto:

*It is hereby ordered* That a hearing in the above-entitled proceeding shall be held on May 23, 1956, at 10:00 a. m., at the offices of the Commission, 425 Second Street NW., Washington 25, D. C. On such date the Hearing Room clerk in Room 193 will advise as to the room in which such hearing will be held. Any persons desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary of the Commission before the commencement of the hearing a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

*It is further ordered* That James G. Ewell, or any other officer or officers of the Commission designated by it for that purpose, shall preside at such hearing. The officer or officers so designated to preside at such hearing are hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation of the Commission having advised the Commission that it has made a preliminary examination of the application and Step IV of the Standard Plan, as amended, and that upon the basis thereof the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether any of the transactions to be carried out pursuant to Step IV of the Standard Plan, as amended or as it may be further modified, is or may be inconsistent or in conflict with any previous steps of the Standard Plan or the Philadelphia Plan or with any orders of the Commission approving such steps; and in the event any such inconsistency or conflict exists, what, if any, conditions the Commission should impose in respect of any order issued by it regarding said Step IV, as amended, of the Standard Plan;

(2) Whether Step IV of the Standard Plan, as amended or as it may be further modified, is necessary to effectuate the provisions of section 11 (b) of the act, or whether any further action should be required by the Commission in order that Standard Gas and Philadelphia shall comply fully with the provision of that section of the act and the Commission's orders thereunder;

(3) Whether Step IV of the Standard Plan, as amended or as it may be further modified, is fair and equitable to the persons affected thereby, and particularly, but not limited to, whether the cancellation of the 1952 tax agreements and the substitution of the new tax agreement therefor are fair and equitable to the persons affected thereby, are in accordance with the other applicable standards of the act, and whether such cancellation and substitution are subject to the jurisdiction of the United States District Court for the District of Western Pennsylvania; whether in the event that Step IV of the Standard Plan, as amended or as it may be further modified, is consummated there will be sufficient assets remaining in Standard Gas and Philadelphia to take care of the fixed and contingent liabilities thereof; and whether the proposed dispositions of common stock of Duquesne and Pittsburgh Railways are fair and equitable to the persons affected thereby and are in accordance with the applicable provisions of the act;

(4) Whether, in connection with the transactions proposed under Step IV of the Standard Plan, as amended or as it may be further modified, or under any proceedings or proposals related thereto, there will remain any affiliated or interlocking relationship between Duquesne and any company which now is or has been in the holding company system in which Duquesne is or was a member;

(5) Whether the Commission should adopt Step IV of the Standard Plan, as amended or as it may be further modified, or whether another plan to achieve compliance by Standard Gas and Philadelphia with the standards of section 11 (b) of the act should be proposed and/or approved by the Commission;

(6) Whether the accounting entries to be made to record the proposed transactions on the books of Standard Gas and Philadelphia are appropriate and in conformity with sound accounting principles;

(7) Whether the fees and expenses and other remuneration which may be claimed or paid in connection with Step IV of the Standard Plan, as amended or as it may be further modified, and the transactions incident thereto are for necessary services and are reasonable in amount;

(8) Generally, whether the transactions proposed in Step IV of the Standard Plan, as amended or as it may be further modified, are in all respects in the public interest and in the interests of investors and consumers and consistent with all applicable standards and requirements of the act and the rules and regulations thereunder; and, if not, what modifications should be required to be made therein, and what terms and conditions, if any, should be imposed to satisfy the applicable statutory standards;

*It is further ordered*, That at the aforesaid hearing, attention be given to the foregoing matters and questions.

*It is further ordered*, That the Secretary of the Commission shall serve a copy of this Notice and Order by registered mail on Standard Shares, Standard Gas, Philadelphia, Duquesne, Pittsburgh Railways, Mellon National Bank and Trust Company, Pennsylvania Public Utility Commission, Federal Power Commission, and the United States Treasury Department; that notice of said hearing shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to persons on the mailing list for releases under the act; and that further notice shall be given to all persons by publication of this notice and order in the FEDERAL REGISTER.

*It is further ordered*, That Standard Gas shall give notice of this hearing to all participants in the proceedings on Steps I and II of the Standard Plan and Step 6 of the Philadelphia Plan, to all Standard Gas public stockholders and to all of the public common stockholders of Duquesne (insofar as the identity of such public common stockholders is known or available to Standard Gas) by mailing to each of said persons a copy of this Notice and Order to his last known address at least 15 days prior to the date set for said hearing and upon the request of any such person and without charge to such person Standard Gas shall mail to such person a copy of the proposed amendments to Step IV of the Standard Plan.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-3461; Filed, May 2, 1956; 8:49 a. m.]

## GENERAL SERVICES ADMINISTRATION

ARTHUR F. JOHNSON

STATEMENT AS TO CHANGES IN EMPLOYMENT AND FINANCIAL MATTERS

APRIL 9, 1956.

Mr. ROBERT G. PEEBLES,
*Director of Personnel,*
*General Services Administration,*
*Washington 25, D. C.*

DEAR MR. PEEBLES: With reference to your letter of April 5, I have not made any changes in my interests from those reported for the previous six months period as shown in my reply to your letter of December 20, 1955.[1]

Yours very truly,

ARTHUR F. JOHNSON.

[F. R. Doc. 56-3463; Filed, May 2, 1956; 8:49 a. m.]

## DEPARTMENT OF JUSTICE

### Office of Alien Property

DR. ERICH BOEHM

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Dr. Erich Boehm, Cardiff, England, $26,349.15 in the Treasury of the United States; Claim No. 36995.

[1] See 21 F. R. 43.



Executed at Washington, D. C., on April 24, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-3471; Filed, May 2, 1956; 8:51 a. m.]

NIKOLAUS MOSER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Nikolaus Moser, Grantschen, Krs. Heilbronn a. N., Wuerttemberg, Germany; $6,008.79 in the Treasury of the United States; Claim No. 62780; Vesting Orders Nos. 9811 and 11805.

Executed at Washington, D. C., on April 24, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-3472; Filed, May 2, 1956; 8:51 a. m.]

ALFRED AUGUSTE RICHTER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Alfred Auguste Richter, Clarens-Montreux, Switzerland; $179 cash in the Treasury of the United States; Claim No. 60527; Vesting Order No. 17903.

Executed at Washington, D. C., on April 24, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-3473; Filed, May 2, 1956; 8:51 a. m.]

STATE OF THE NETHERLANDS FOR BENEFIT OF DAVID DAVIDS ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

The State of the Netherlands for the benefit of: All right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to:

David Davids, L. S. Claim No. 64; Cities Service Company 5/58 Debenture No. 49030, in the principal amount of $1,000.

Betsy De Hes, L. S. Claim No. 65; Cities Service Company 5/58 Debenture No. 44383, in the principal amount of $1,000; Central Pacific Railway Company 4/49 Bond No. 9993, in the principal amount of $1,000; and Kansas City Southern Railway Company 3/50 Bond No. 19951, in the principal amount of $1,000.

Hartog, Nebig, L. S. Claim No. 68; Cities Service Company 5/58 Debenture No. 18020, in the principal amount of $1,000; and Southern Railway Company 4/56 Bond Nos. 30664 and 42719, in the principal amount of $1,000 each.

Henriette Polak, L. S. Claim No. 70; Cities Service Company 5/69 Debenture No. 2738, in the principal amount of $1,000.

Henriette Gosschalk, L. S. Claim No. 83; Cities Service Company 5/69 Debenture No. 38687, in the principal amount of $1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., April 24, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-3474; Filed, May 2, 1956; 8:51 a. m.]

## INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

APRIL 30, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32007: *Lumber—West Virginia to Marion, N. C.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on lumber, carloads, from specified points in West Virginia to Marion, N. C.

Grounds for relief: Maintenance of destination rate relations with Morgantown, N. C., and circuity.

Tariff: Supplement 113 to Agent Spaninger's ICC 1297.

FSA No. 32008: *Staves and heading—Fairfield, Ill., to Memphis, Tenn.* Filed by the Southern Railway Company, for itself and The Cincinnati, New Orleans and Texas Pacific Railway Company. Rates on staves and heading, rough,

straight or mixed carloads, from Fairfield, Ill., to Memphis, Tenn.

Grounds for relief: Circuitous routes.

Tariff: Supplement 30 to Southern Railway Company ICC A–11099.

FSA No. 32009: *Concrete mix from, to, and between points in the southwest.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on dry concrete mix, carloads, from specified points in Arkansas, Illinois, Kansas, Louisiana (west of the Mississippi River), Missouri, Nebraska, Oklahoma, Tennessee (Memphis), and Texas, to specified points in southwestern, western trunkline and official territory.

Grounds for relief: Short-line distance formula and circuity.

Tariffs: Supplement 20 to Agent Kratzmeir's ICC 4060 and three other tariffs.

FSA No. 32010: *Import and export rates to and from Indiana and Ohio.* Filed by H. M. Engdahl, Agent, for interested rail carriers. Rates on various commodities moving on import and export class and commodity rates from South Atlantic, Florida, and Gulf ports on import traffic, and to such ports on export traffic; to or from Valley Junction, Elizabethtown, Ohio, Lawrenceburg Junction, Lawrenceburg, Greendale and Aurora, Ind., on the New York Central Railroad Company.

Grounds for relief: Grouping, application of rates through higher-rated intermediate points in official territory, and circuity.

Tariffs: Supplement 14 to Agent Engdahl's ICC 132 and one other tariff.

FSA No. 32011: *Pig iron—Troy and Green Island, N. Y., to Erie, Pa.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on pig iron, carloads, from Troy and Green Island, N. Y., to Erie, Pa.

Grounds for relief: Motorship (barge) competition, and circuity.

Tariffs: Supplement 7 to Agent Boin's ICC A–1054 and one other tariff.

FSA No. 32012: *Sodium phosphates—Carteret, N. J., to West Point, Miss.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on phosphate of soda, di-sodium phosphate, and trisodium phosphate, carloads, from Carteret, N. J., to West Point, Miss.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 12 to Agent Boin's ICC A–1079.

FSA No. 32013: *Export and import class rates to and from Rio Grande crossings.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on commodities moving on export and import class rates from points in Colorado and Wyoming, when on export traffic to Texas border points destined to Mexico; and to points in Colorado and Wyoming on import traffic from these border points originating in Mexico.

Grounds for relief: Equilization of rates to or from Texas-Mexico border points over circuitous routes.

Tariffs: Supplement 171 to Agent Kratzmeir's ICC 3552 and one other tariff.

FSA No. 32014: *Phosphatic feed supplements—St. Louis, Mo., to the South.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on phosphatic feed supplements, carloads, from St. Louis, Mo., to base points in southern territory and points grouped therewith and taking same rates.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Agent Spaninger's ICC 1535.

By the Commission.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F. R. Doc. 56–3464; Filed, May 2, 1956; 8:49 a. m.]


# FEDERAL REGISTER

VOLUME 21 NUMBER 87

Washington, Friday, May 4, 1956


THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

UNIVERSITY OF MICHIGAN

MAIN READING ROOM

## TITLE 6—AGRICULTURAL CREDIT

### Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

**Subchapter B—Loans, Purchases, and Other Operations**

[1955 C. C. C. Grain Price Support Bulletin 1, Supp. 3, Amdt. 1, Wheat]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1955–CROP WHEAT RESEAL LOAN PROGRAM

STORAGE AND TRACK-LOADING PAYMENTS

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 21 F. R. 1691 and containing the specific requirements for the 1955-crop wheat reseal loan program are hereby amended as follows:

Section 421.1061 is amended to include storage payments to be made to producers having 1955-crop wheat under reseal loan, so that the amended section reads as follows:

§ 421.1061 *Storage and track-loading payments*—(a) *Storage payment.* A reseal storage payment will be made as follows:

(1) *Storage payment for full reseal period.* A storage payment will be made to the producer on the quantity involved if he (i) redeems the wheat from the loan on or after March 31, 1957, (ii) delivers the wheat to CCC on or after March 31, 1957, or (iii) delivers the wheat to CCC prior to March 31, 1957, pursuant to demand by CCC for repayment of the loan solely for the convenience of CCC if the wheat was not damaged or otherwise impaired due to negligence on the part of the producer. Such storage payment will be computed at the rate of 16 cents per bushel in the States of Arizona, California, Idaho, Minnesota, Montana, North Dakota, Oregon, South Dakota, Utah, and Washington; 17 cents per bushel in the States of Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Missouri, Nebraska, New Mexico, New York, Oklahoma, Texas, Wisconsin and Wyoming.

(2) *Prorated storage payment.* (i) A storage payment determined by prorating such yearly rate according to the length of time the quantity of wheat involved was in store after May 31, 1956, will be made to the producer; (*a*) in the case of loss assumed by CCC under the provisions of the loan program; (*b*) in the case of wheat redeemed from the loan prior to March 31, 1957, and (*c*) in the case of wheat delivered to CCC pursuant to its demand and not solely for the convenience of CCC, or upon request of the producer and with the approval of CCC, prior to March 31, 1957: *Provided, however,* That no storage payment will be made where the delivered wheat is damaged or otherwise impaired due to negligence on the part of the producer. The prorated storage payment will be computed at the rate of 0.00053 per bushel a day (but not to exceed 16 cents per bushel) in the States of Arizona, California, Idaho, Minnesota, Montana, North Dakota, Oregon, South Dakota, Utah, and Washington; 0.00056 per bushel a day (but not to exceed 17 cents per bushel) in the States of Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Missouri, Nebraska, New Mexico, New York, Oklahoma, Texas, Wisconsin, and Wyoming. In the case of losses assumed by CCC, the period for computing the storage payment shall end on the date of the loss; and in the case of redemptions, on the date of repayment.

(ii) In no case will any storage payment be made where the producer has made any false representation in the loan documents or in obtaining the loan, or where the wheat has been abandoned or where there has been conversion on the part of the producer.

(b) *Track-loading payment.* A track-loading payment of 3 cents per bushel will be made to the producer on wheat delivered to CCC in accordance with instructions of the county committee, on track at a country point.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421)

Issued this 30th day of April 1956.

[SEAL] WALTER C. BERGER,
*Acting Executive Vice President, Commodity Credit Corporation.*

[F. R. Doc. 56–3520; Filed, May 3, 1956; 8:52 a. m.]

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## TITLE 7—AGRICULTURE

### Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 61—COTTONSEED SOLD OR OFFERED FOR SALE FOR CRUSHING PURPOSES (INSPECTION, SAMPLING AND CERTIFICATION)

PART 64—GRADING HEMP LINE AND HEMP TOW

AMENDMENT OF COTTONSEED REGULATIONS AND TERMINATION OF HEMP REGULATIONS

On April 10, 1956, a notice of proposed rule making was published in the FEDERAL REGISTER (21 F. R. 2300) regarding the proposed amendment of the regulations governing cottonseed sold or offered for sale for crushing purposes (7 CFR Part 61) and the proposed termination of the regulations for grading hemp line and hemp tow (7 CFR Part 64).

After consideration of all relevant matters presented pursuant to the aforesaid notice, said regulations are hereby amended or terminated, as hereinafter set forth, pursuant to authority contained in the Agricultural Marketing Act of 1946 as amended (60 Stat. 1087; 7 U. S. C. 1621 et seq.).

The amendment of the cottonseed regulations implements Public Law 272, 84th Congress, 1st Session, approved August 9, 1955, amending the Agricultural Marketing Act of 1946, by designating the certificates, memoranda, marks, and other identifications and devices for making such marks or identifications, with respect to sampling, inspection, class, grade, quality, or condition, that are official for the purpose of said act. The amendment also makes minor changes in the method of making payment for services but does not involve any changes in fees.

The amendment is as follows:

1. Add new § 61.2a to read as follows:

§ 61.2a *Designation of official certificates, memoranda, marks, other identifications, and devices for purpose of the Agricultural Marketing Act.* Subsection 203 (h) of the Agricultural Marketing Act of 1946, as amended by Public Law 272, 84th Congress, provides criminal penalties for various specified offenses relating to official certificates, memoranda, marks, or other identifications, and devices for making such marks or identifications, issued or authorized under section 203 of said act, and certain misrepresentations concerning the inspection or grading of agricultural products under said section. For the purposes of said subsection and the provisions in this part, the terms listed below shall have the respective meanings specified:

(a) "Official certificate" means any form of certification, either written or printed, used under this part to certify with respect to the inspection, sampling, class, grade, quality, quantity, or condition of products (including the compliance of products with applicable specifications).

(b) "Official memorandum" means any initial record of findings made by an authorized person in the process of grading, inspecting, or sampling, pursuant to this part, any processing or plant-operation report made by an authorized person in connection with grading, inspecting, or sampling under this part, and any report made by an authorized person of services performed pursuant to this part.

(c) "Official mark" means the grade mark, inspection mark, and any other mark, approved by the Administrator and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product, stating that the product was graded or inspected or both, or indicating the appropriate U. S. grade or condition of the product, or for the purpose of maintaining the identity of products graded or inspected or both under this part.

(d) "Official identification" means any United States (U. S.) standard designation of class, grade, quality, quantity, or condition specified in this part and §§ 28.401 to 28.404 of this chapter, or any symbol, stamp, label, or seal indicating that the product has been officially graded or inspected and/or indicating the class, grade, quality, quantity, or condition of the product, approved by the Administrator and authorized to be affixed to any product, or affixed to or printed on the packaging material of any product.

(e) "Official device" means a stamping appliance, branding device, stencil, printed label, or any other mechanically or manually operated tool that is approved by the Administrator for the purpose of applying any official mark or other identification to any product or the packaging material thereof.

2. Delete the second sentence in § 61.46 and substitute therefor the following: "Remittance to cover such fee, in the form of a check, draft, or money order payable to the 'Agricultural Marketing Service, USDA,' shall accompany each application for review."

3. Delete Part 64 (7 CFR 64.1–64.11), Grading Hemp Line and Hemp Tow, in its entirety.

(Sec. 205, 60 Stat. 1090; 7 U. S. C. 1624)

Done at Washington, D. C., this 1st day of May 1956, to be effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator,*
*Agricultural Marketing Service.*

[F. R. Doc. 56–3516; Filed, May 3, 1956; 8:51 a. m.]

## TITLE 8—ALIENS AND NATIONALITY

### Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 211—DOCUMENTARY REQUIREMENTS: IMMIGRANTS; WAIVERS

Section 211.3 is amended to read as follows:

§ 211.3 *Authority to grant individual waivers.* Any alien (including an alien crewman) who has been lawfully admitted to the United States for permanent residence and who is an applicant for admission to the United States after a temporary absence may be granted a visa and passport waiver or a visa waiver, and any alien (including an alien crewman) who is an applicant for admission to the United States as an immigrant may be granted a passport waiver by the regional commissioner prior to admission, at the time of admission, or after the alien's application for admission to the United States, or the district director having administrative jurisdiction over the port at which the alien applied for admission at the time of the alien's application for admission and prior to the submission of the case to a special inquiry officer, or the special inquiry officer in determining the case referred to him for further inquiry as provided in section 235 of the Act, upon a determination by the respective officers enumerated above that presentation of a visa, or passport, or both, is impracticable because of emergent circumstances over which the alien has no control and that undue hardship would result to such alien if such presentation is required: *Provided,* That during the time any case is pending before the Board a waiver under this section may be granted only by the Board.

PART 212—DOCUMENTARY REQUIREMENTS FOR NONIMMIGRANTS: ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

Section 212.9 *Parole of aliens into the United States* is amended by deleting the words "or the officer in charge" and "or officer in charge".

PART 213—ADMISSION OF ALIENS ON GIVING BOND OR CASH DEPOSIT

Section 213.1 *Authority to admit under bond or cash deposit* is amended by deleting the words "or officer in charge" appearing in the first sentence.

PART 214—ADMISSION OF NONIMMIGRANTS: GENERAL

1. Paragraph (c) of § 214.2 *Conditions of nonimmigrant status* is amended by deleting the words "or the officer in charge".

2. Section 214.3 *Bonds* is amended by deleting the words "or the officer in charge" appearing in the first sentence.

3. The introductory material to § 214.4 is amended to read as follows:

§ 214.4 *Extension of period of temporary admission.* An alien other than one admitted in transit under section 101 (a) (15) (C) of the Immigration and Nationality Act or section 3 (3) of the Immigration Act of 1924, who is maintaining the nonimmigrant status under which he is permitted to remain in the United States and whose period of admission has not expired, may apply on Form I–539 for and may be granted or denied an extension or extensions of the period of his temporary admission by an officer in charge of a suboffice or a district director subject to the following limitations and conditions:

* * * * *

PART 214c—ADMISSION OF NONIMMIGRANTS: TRANSIT ALIENS

Section 214c.3 *Bonds* is amended by deleting the words "or the officer in charge".

PART 214e—ADMISSION OF NONIMMIGRANTS: TREATY TRADER

Section 214e.6 *Trader and dependents admitted under Immigration Act of 1924* is amended by deleting the words "or officer in charge".

PART 214f—ADMISSION OF NONIMMIGRANTS: STUDENTS

1. Section 214f.1 *Petition for approval* is amended by deleting the words "or officer in charge".

2. Section 214f.2 *Approval of certain institutions of learning and recognized places of study* is amended by deleting the words "or officer in charge" appearing in the introductory material.

3. Section 214f.7 *Employment* is amended by deleting the words "or officer in charge" appearing in the first and second sentences.

PART 214k—ADMISSION OF AGRICULTURAL WORKERS UNDER SPECIAL LEGISLATION

1. Section 214k.5 is amended to read as follows:

§ 214k.5 *Extension of stay; conditions.* After an alien has been admitted to the United States as an agricultural worker under the provisions of this part or of prior regulations pertaining to Title V of the Agricultural Act of 1949, as amended, he may be granted an extension or extensions of the period of his temporary admission by the district director or the officer in charge of the suboffice having jurisdiction over the place of the alien's employment, subject to the same limitations as are placed on original admission by § 214k.2.

2. Paragraph (b) of § 214k.6 *Readmission after temporary visits to Mexico* is amended to read as follows:

(b) An agricultural worker who is granted a furlough which is for more than 15 days, or will take place during the last 15 days of a six-week contract, or will take place during the last 30 days of a contract of more than six weeks, shall be furnished with a letter by the employer stating the time for which the furlough is granted and that contractual obligations will be reassumed upon his return to his employment after furlough. The letter shall be appropriately endorsed to show approval of the furlough by a representative of the United States Employment Service and the appropriate Mexican Consul.

3. The introductory material to § 214k.51 is amended to read as follows:

§ 214k.51 *Extension of period of admission.* Extension of the temporary admission of an alien admitted to the United States as an agricultural worker under Title V of the Agricultural Act of 1949, as amended, and regulations pursuant thereto or under this part may be granted by the district director or the officer in charge of the suboffice having jurisdiction over the place of the alien's employment only upon determination and certification by the Secretary of Labor that:

* * * * *

PART 221—DISPOSITION OF ENTRY DOCUMENTS OF ALIENS ENTERING OR DEPARTING OTHER THAN AS NONIMMIGRANT CREWMEN

1. The second sentence of paragraph (a) *Action at time of entry: preparation and presentation* of § 221.3 *Form I–94* is amended to read as follows: "A person applying for admission to the United States who is in possession of a set of Forms I–94 shall surrender such forms to the examining immigration officer."

2. Subparagraph (4) of paragraph (b) of § 221.3 *Form I–94* is amended so that, when taken with the introductory material, it will read as follows:

(b) *When not prepared by immigration officer.* Immigration officers shall not prepare a set of Forms I–94 for the following-described classes of aliens:

* * * * *

(4) An alien for whom a set of Forms I–94 was prepared in connection with preexamination and he is admitted upon presentation of those forms.

PART 231—LISTS OF ALIENS AND CITIZEN PASSENGERS ARRIVING OR DEPARTING

Sections 231.6 *Ports of entry for aliens arriving by vessel or by land transportation*, 231.7 *Ports of entry for aliens arriving by aircraft*, and 231.8 *Immigration stations in Canada* are revoked.

PART 232—DETENTION OF ALIENS FOR OBSERVATION AND EXAMINATION

1. Section 232.5 *Liability for detention expenses* is amended by deleting the words "or officer in charge" appearing therein.

2. The first sentence of § 232.51 *Collection of detention expenses* is amended to read as follows: "In all cases in which the Government has initially paid the detention expenses and expenses incident thereto of an alien detained pursuant to section 232 of the Immigration and Nationality Act, bills pertaining to the detention expenses shall be presented monthly or oftener, at the option of the district director, to the responsible transportation line as soon as liability therefor is established to the satisfaction of the district director."

3. Section 232.52 *Reimbursement of transportation line for detention expenses in certain cases* is amended by deleting the words "or officer in charge" appearing in the second sentence.

PART 233—TEMPORARY REMOVAL FOR EXAMINATION UPON ARRIVAL

1. Paragraph (a) of § 233.2 *Assumption of responsibility* is amended by deleting the words "or officer in charge" appearing therein.

2. Sections 233.5 *Liability for detention expenses*, 233.31 *Collection of removal expenses*, 233.51 *Collection of detention expenses*, and 233.52 *Reimbursement of transportation line for detention expenses in certain cases* are amended by deleting the words "or officer in charge" appearing therein.

PART 235—INSPECTION OF ALIENS APPLYING FOR ADMISSION

1. Section 235.4 *Admitted alien assisted* is amended by deleting the words "or officer in charge" and "or the officer in charge".

2. Section 235.12 *Referral of certain cases to district director or officer in charge* is amended by deleting the words "or officer in charge" appearing in the headnote and wherever they appear in the text.

3. Subparagraph (1) of paragraph (a) *Action by district director or officer in charge* of § 235.51 *Preexamination procedure* is amended to read as follows:

(1) *Applicant eligible for permanent residence.* The district director or officer in charge shall cause such investigation of the applicant to be conducted as he deems necessary. If such officer is satisfied that the person is eligible to apply under § 235.5; that any claim to United States nationality has been established; and that the person is clearly and beyond a doubt admissible for permanent residence without a visa and passport to the place to which destined, he shall cause to be prepared and issued to such person a set of Forms I–94 and shall note on the reverse sides thereof the place and date of the preexamination and the words "Issued under 8 CFR 235.5" followed by the signature of the issuing officer. The names and ages of children under 14 may be included in the Forms I–94 prepared for an accompanying parent or guardian.

4. The third sentence of subparagraph (2) *Applicant eligible for temporary admission only* of paragraph (a) *Action by district director or officer in charge* of § 235.51 *Preexamination procedure* is amended to read as follows: "The Forms I–94 shall be noted as provided in subparagraph (1) of this paragraph."

PART 236—EXCLUSION OF ALIENS

1. Paragraph (b) *Written decision* of § 236.12 *Decision of special inquiry officer* is amended by deleting the words "or officer in charge".

2. Paragraph (c) *Alien certified for mental condition; right of medical appeal* of § 236.13 *Advice to alien found excludable* is amended by deleting the words "or officer in charge".

3. Paragraph (d) of § 236.13 is amended to read as follows:

(d) *Notice of possible appeal by district director.* In any case falling within the purview of § 236.16 in which the decision of the special inquiry officer is to admit the alien, the special inquiry officer shall advise the alien at the conclusion of the hearing that the decision is not final and is subject to possible appeal by the district director having administrative jurisdiction over the office in which the hearing was conducted, and that such appeal may be taken within a period of 5 days after a transcript of the record is made available to such district director.

4. Paragraph (c) of § 236.14 *Finality of decision* is amended by deleting the words "or officer in charge".

5. Paragraph (a) *From oral decision* of § 236.15 *Appeal by alien* is amended by deleting the words "or officer in charge" wherever they appear.

6. Section 236.16 *Appeal by district director or officer in charge* is amended by deleting the words "or officer in charge" appearing in the headnote and in the text, and by deleting the words "officer in charge," appearing in the last sentence.

7. Section 236.17 *Fingerprinting of excluded aliens; photographs* is amended by deleting the words "or officer in charge".

PART 237—DEPORTATION OF EXCLUDED ALIENS

Section 237.13 *Notice to district director of proposed departure* is amended by deleting the words "or officer in charge" wherever they appear.

PART 238—ENTRY THROUGH OR FROM FOREIGN CONTIGUOUS TERRITORY AND ADJACENT ISLANDS

1. Section 238.2 is amended to read as follows:

§ 238.2 *Contracts with transportation lines.* The contracts with transportation lines including bonding agreements, referred to in section 238 of the act, shall be made by the regional commissioner in behalf of the government, and shall be in such form as prescribed.

2. Paragraph (b) of § 238.11 *Preexamination outside the United States* is amended to read as follows:

(b) *Preparation of Form I–94.* A full set of Forms I–94 shall be prepared by an immigration officer for an alien presenting himself for preexamination if such set of forms would be required to be prepared under the provisions of § 221.3 of this chapter were the alien applying at a port of entry for admission to the United States. If a full set of Forms I–94 would not be so required and if the applicant is an alien not in possession of a permit to enter, or if the applicant is a citizen or a national of the United States, the immigration officer shall prepare a set of Forms I–94 for the applicant. The names and ages of children under 14 years of age may be included in the Forms I–94 prepared for an accompanying parent or guardian.

3. The first sentence of paragraph (c) *Procedure when applicant is found to be admissible* of § 238.11 *Preexamination outside the United States* is amended by deleting the reference to "I–94F".

PART 239—SPECIAL PROVISIONS RELATING TO AIRCRAFT: DESIGNATION OF PORTS OF ENTRY FOR ALIENS ARRIVING BY CIVIL AIRCRAFT

The first sentence of paragraph (a) *Place of landing* of § 239.2 *Landing requirements* is amended to read as follows: "Aircraft carrying passengers or crew required to be inspected under the act shall land at the international airports enumerated in the Statement of Organization of the Service unless permission to land elsewhere shall first be obtained from the Commissioner of Customs in the case of aircraft operated by scheduled airlines, and in all other cases from the Collector of Customs or other Customs Officer having jurisdiction over the airport of entry nearest the intended place of landing."

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

1. Paragraph (a) *Commencement* of § 242.1 *Order to show cause and notice of hearing* is amended by deleting the words ", or officers in charge of suboffices" appearing in the last sentence.

2. Paragraph (a) of § 242.2 *Apprehension, custody, and detention* is amended to read as follows:

(a) *Warrant of arrest.* At the commencement of any proceeding under this part, or at any time thereafter and up to the time the respondent becomes subject to supervision under the authority contained in section 242 (d) of the act, the respondent may be arrested and taken into custody under the authority of a warrant of arrest issued by a district director whenever, in his discretion, it appears that the arrest of the respondent is necessary or desirable. If, after the issuance of a warrant of arrest, a determination is made not to serve it, the district director who issued the warrant of arrest may authorize its cancellation.

3. Paragraph (b) *Authorized officers* of § 242.2 is amended by deleting the letter "s" from the word "officers" in the headnote and by deleting the words "or officer in charge of a suboffice" wherever they appear in the text.

4. Paragraphs (c) *Revocation of bond or parole* and (d) *Supervision* are amended by deleting the words "or officer in charge of a suboffice" wherever they appear.

5. Section 242.4 *Fingerprints and photographs* is amended by deleting the words "or the officer in charge of a suboffice".

6. Section 242.5 is amended to read as follows:

§ 242.5 *Voluntary departure prior to commencement of hearing*—(a) *Authorized officers.* The authority contained in section 242 (b) of the act to permit aliens to depart voluntarily from the United States may be exercised by district directors, district officers who are in charge of investigations, and officers in charge.

(b) *Application.* Any alien who believes himself to be eligible for voluntary departure under section 242 (b) of the act may apply therefor at an office of the Service any time prior to the commencement of his hearing under an order to show cause. The officers designated in paragraph (a) of this section may deny or grant the application and determine the conditions under which the alien's departure shall be effected. An appeal shall not lie from a denial of an application for voluntary departure under this section, but the denial shall be without prejudice to the alien's right to apply for relief from deportation under any provision of law.

(c) *Revocation.* If, subsequent to the granting of an application for voluntary departure under this section, it is ascertained that the application should not have been granted, that grant may be revoked without notice by any district director, district officer in charge of investigations, or officer in charge.

7. Section 242.7 is amended to read as follows:

§ 242.7 *Cancellation of proceedings.* If an order to show cause has been issued, a district director, deputy district director, or district officer who is in charge of investigations may cancel the order to show cause or, prior to the actual commencement of the hearing under a served order to show cause, terminate proceedings thereunder, if in either case he is satisfied that the respondent is actually a national of the United States, or is not deportable under the immigration laws, or is deceased, or is not in the United States. If an order to show cause has been cancelled or proceedings have been terminated pursuant to this section, any outstanding warrant of arrest shall also be cancelled.

8. Paragraph (b) *Assignment* of § 242.9 *Examining officers* is amended by deleting the words "or officer in charge of a suboffice" wherever they appear.

9. Section 242.13 *Postponement and adjournment of hearing* is amended by deleting the words "or the officer in charge of a suboffice".

10. The first sentence of paragraph (e) *Application for discretionary relief* of § 242.16 *Hearing* is amended to read as follows: "The respondent may apply during the hearing for suspension of deportation on Form I–256A, voluntary departure under section 244 of the act, preexamination on Form I–63 under Part 235a of this chapter, or such other discretionary relief as may be appropriate to the case."

11. Section 242.22 is amended to read as follows:

§ 242.22 *Proceedings under section 242 (f) of the act*—(a) *Applicable regulations.* Except as hereafter provided in this section, all the provisions of §§ 242.8 to 242.21, inclusive, and § 242.23 shall apply to the case of a respondent within the purview of § 242.6.

(b) *Deportability.* In determining the deportability of an alien alleged to be within the purview of § 242.6, the issues shall be limited solely to a determination of the identity of the respondent, i. e., whether the respondent is in fact an alien who was previously deported, or who departed while an order of deportation was outstanding; whether the respondent was previously deported as a member of any of the classes described in paragraph (4), (5), (6), (7), (11), (12), (14), (15), (16), (17), or (18) of section 241 (a) of the act; and whether respondent unlawfully reentered the United States.

(c) *Order.* If deportability as charged pursuant to § 242.6 is established, the special inquiry officer shall order that the respondent be deported under the previous order of deportation in accordance with section 242 (f) of the act, or shall enter such other order as may be required for the appropriate disposition of the case.

(d) *Examining officer; additional charges.* When an examining officer is assigned to a proceeding under this section and additional charges are lodged against the respondent, the provisions of paragraph (b) of this section shall cease to apply.

12. Paragraph (a) *Written decision* of § 242.19 *Notice of decision* is amended by deleting the words "or officer in charge of a suboffice".

PART 243—DEPORTATION OF ALIENS IN THE UNITED STATES

Paragraph (c) of § 243.3 *Execution of warrants of deportation* is amended to read as follows:

(c) *Permission to depart when ordered deported.* A district director may, in his discretion, permit an alien who has been ordered deported to depart himself from the United States at his own expense and to a destination of his own choice. Any alien who has so left the United States is considered to have been deported in pursuance of law.

PART 245a—ADJUSTMENT OF STATUS OF NONIMMIGRANT TO THAT OF A PERSON ADMITTED FOR PERMANENT RESIDENCE IN ACCORDANCE WITH THE REFUGEE RELIEF ACT OF 1953, AS AMENDED

Paragraph (b) *Application denied; further action* of § 245a.11 *Disposition of case* is amended by deleting the words "or officer in charge".

PART 280—IMPOSITION AND COLLECTION OF FINES

Sections 280.1 *Notice of intention to fine; administrative proceedings not exclusive,* 280.2 *Special provisions relating to aircraft,* 280.4 *Data concerning cost of transportation,* 280.11 *Notice of intention to fine; procedure,* and 280.12 *Answer and request or order for interview* are amended by deleting the words "or officer in charge" wherever they appear.

PART 287—FIELD OFFICERS; POWERS AND DUTIES

1. Section 287.2 is amended to read as follows:

§ 287.2 *Criminal violations: investigation and action.* Whenever a district director has reason to believe that there has been a violation punishable under any criminal provision of the laws administered or enforced by the Service, he shall cause an investigation to be made immediately of all the pertinent facts and circumstances and shall take or cause to be taken such further action as the results of such investigation warrant.

2. Paragraph (a) *Who may issue* of § 287.4 *Subpena* is amended by deleting the words ", officer in charge," wherever they appear.

3. Paragraph (c) *Service* of § 287.4 is amended by deleting the words "or officer in charge".

4. The last sentence in paragraph (d) *Invoking aid of court* of § 287.4 is amended to read as follows: "If the subpena was issued by a special inquiry officer, he shall request the district director having administrative jurisdiction over him to take the action referred to in the previous sentence in the event the witness neglects or refuses to appear and testify as directed by the subpena served upon him."

PART 292—ENROLLMENT AND DISBARMENT OF ATTORNEYS AND REPRESENTATIVES

1. Subparagraph (1) of paragraph (b) of § 292.1 *Admission to practice required.* is amended to read as follows:

(1) A regional commissioner, district director, officer in charge of a suboffice, the Commissioner, any other officer of the Central Office authorized by the Commissioner to do so, or the Board may permit an attorney or representative to file an appearance in behalf of a party in any case prior to the approval of his application for admission if such attorney or representative files the application concurrently with filing his appearance in the case. If the application is subsequently denied, such attorney or representative shall not thereafter be permitted to practice, in that or any other case, unless and until his admission to practice has been authorized by the Board and subject to such conditions as the Board shall direct.

2. Subparagraph (2) of paragraph (b) of § 292.1 is amended by deleting the words ", or officer in charge" and inserting the words ", or officer in charge of the suboffice".

3. Subparagraph (4) of paragraph (b) of § 292.1 is amended by deleting the words "or officer in charge," and inserting the words "or officer in charge of a suboffice,".

4. The third sentence of paragraph (a) of § 292.3 *Applications for admission to practice; decision* is amended to read as follows: "An application by an attorney shall be supported by a current certificate from a judge or clerk of the court in which the applicant is licensed to practice, or by a written statement of the district director or officer in charge of a suboffice of the Service certifying that upon inquiry he has ascertained and has personal knowledge that the applicant is so licensed."

5. Paragraph (b) of § 292.3 is amended to read as follows:

(b) The application, in triplicate, shall be transmitted to the Board by either the regional commissioner, district director, or Commissioner.

6. Paragraphs (a) and (c) of § 292.61 *Procedure for suspension or disbarment; effect* are amended by deleting the word "Commissioner" and inserting in lieu thereof the words "regional commissioner".

7. Paragraph (b) of § 292.61 is amended to read as follows:

(b) The respondent, either with or without counsel, and the regional commissioner, by the Service officer within the purview of § 6.1 (c) of this chapter, shall have the privilege of appearing before the Board for oral argument at a time specified by the Board.

PART 331—SPECIAL CLASSES OF PERSONS WHO MAY BE NATURALIZED: ALIEN ENEMIES

Sections 331.11 *Petition for naturalization pending; notice of and objection to final hearing on petition* and 331.12 *Waiver of 90-day notice* are amended by deleting the words "or officer in charge" wherever they appear.

PART 334—PETITION FOR NATURALIZATION

1. Sections 334.14 *Investigation and report if applicant is sick or disabled,* 334.16 *Amendment of petition or application for naturalization,* and 334.17 *Transfer of petition for naturalization* are amended by deleting the words "or officer in charge" wherever they appear.

2. Section 334.18 is amended to read as follows:

§ 334.18 *Withdrawal of petition and failure to prosecute.* (a) A petitioner who desires to withdraw his petition for naturalization after the filing thereof shall make request for withdrawal on Form N-404, in duplicate. The original shall be filed with the clerk of court and the duplicate with the office of the Service exercising administrative jurisdiction over the district in which the court is located. At the final hearing upon the petition, the officer in attendance shall inform the court whether the district director consents to the withdrawal of the petition. In cases in which the district director does not consent to the withdrawal, the court shall determine the petition on its merits.

(b) At the final hearing upon a petition for naturalization which the petitioner has failed to prosecute, the officer in attendance shall inform the court whether the district director consents to dismissal of the petition for lack of prosecution. In cases in which the district director does not move that the petition be dismissed for lack of prosecution, the court shall determine the petition on its merits.



PART 334a—DECLARATION OF INTENTION

Section 334a.15 *Disposition* is amended by deleting the words "or officer in charge".

PART 335—PRELIMINARY EXAMINATION ON PETITIONS FOR NATURALIZATION

Section 335.11 *Preliminary examination pursuant to section 335 (b) of the Immigration and Nationality Act* is amended by deleting the words "or officer in charge" and "or the officer in charge" wherever they appear.

PART 335b—PROOF OF QUALIFICATIONS FOR NATURALIZATION: WITNESSES; DEPOSITIONS

1. Section 335b.11 *Substitution of witnesses; procedure* is amended by deleting the words "or officer in charge".

2. Paragraph (a) *In the United States* of § 335b.12 *Depositions; procedure* is amended by deleting the words "or officer in charge" appearing in the third sentence and by amending the last sentence to read as follows: "Depositions taken under this section shall be sent to the district director having administrative supervision over the territory in which the petition is pending and by him forwarded to the clerk of the naturalization court prior to the final hearing, for filing with the petition."

PART 336—PROCEEDINGS BEFORE NATURALIZATION COURT

Sections 336.11 *Notice to Service; personal representation of Government at naturalization proceedings,* 336.15 *Final hearing; sickness or disability of petitioner; investigation,* and 336.16 *Final hearing; waiver of 30-day period* are amended by deleting the words "or officer in charge".

PART 337—OATH OF ALLEGIANCE

Section 337.11 *Oath of renunciation and allegiance; sickness or disability of petitioner* is amended by deleting the words "or officer in charge".

PART 338—CERTIFICATE OF NATURALIZATION

Section 338.14 *Delivery of certificates* is amended by deleting the words "or officer in charge".

PART 339—FUNCTIONS AND DUTIES OF CLERKS OF NATURALIZATION COURTS

1. Section 339.2 *Monthly reports* is amended by deleting the words ", or officer in charge," and "or officer in charge" appearing therein.

2. Section 339.3 *Relinquishment of naturalization jurisdiction* is amended by deleting the words "or officer in charge" wherever they appear.

PART 340—REVOCATION OF NATURALIZATION

The second sentence of § 340.11 *Investigation and report* is amended to read as follows: "If the district director is satisfied that a prima facie showing has been made that grounds for revocation exist, he shall cause an investigation to be made and report the facts in writing to the regional commissioner with a recommendation as to whether revocation proceedings should be instituted."

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order, other than those which relieve restrictions and are clearly advantageous to persons affected thereby, relate to agency management and procedure.

Dated: April 30, 1956.

J. M. SWING,
*Commissioner of Immigration and Naturalization.*

[F. R. Doc. 56-3503; Filed, May 3, 1956; 8:48 a. m.]

# TITLE 14—CIVIL AVIATION

## Chapter I—Civil Aeronautics Board

### Subchapter A—Civil Air Regulations

[Supp. 22]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

LANDING MINIMUMS; STRAIGHT-IN APPROACHES USING ILS OR PAR FACILITIES

The purpose of this supplement is to delete the footnote appearing in § 40.406–2 authorizing approval of ILS or PAR landing minimums of 200–½ without approach lights when the available runway length exceeds by 3,000 feet the landing distance required by the aircraft performance requirements of Part 40 of this subchapter, and high intensity runway lights are available.

Approval of such minimums in the future will require specific deviation in accordance with § 40.406–2 (a) of this part.

The following revision is hereby adopted:

Section 40.406–2 (c) (6) is revised by deleting the footnote and the reference thereto from subdivisions (i) (*e*) and (ii) (c).

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This supplement shall become effective May 5, 1956.

[SEAL] C. J. LOWEN,
*Administrator of Civil Aeronautics.*

[F. R. Doc. 56-3495; Filed, May 3, 1956; 8:46 a. m.]

[Supp. 25]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

LANDING MINIMUMS; STRAIGHT-IN APPROACHES USING ILS OR GCA FACILITIES

The purpose of this supplement is to delete the footnote appearing in § 41.1–4 authorizing approval of ILS or GCA landing minimums of 200–½ without approach lights when the available runway length exceeds by 3,000 feet the landing distance required by the aircraft performance requirements of Part 41 of this subchapter, and high intensity runway lights are available.

Approval of such minimums will be handled in the future by a request to the Administrator for a deviation from § 41.1–4.

The following revision is hereby adopted:

Section 41.1–4 (c) (3) is revised by deleting the footnote and the reference thereto from subdivisions (i) (*a*) (*5*) and (ii) (c).

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This supplement shall become effective May 5, 1956.

[SEAL] C. J. LOWEN,
*Administrator of Civil Aeronautics.*

[F. R. Doc. 56-3496; Filed, May 3, 1956; 8:46 a. m.]

## Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 7]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

1. Section 600.18 *Green civil airway No. 8 (Cold Bay, Alaska, to Northway, Alaska)* is amended between Kenai, Alaska, radio range station and Gulkana, Alaska, radio range station to read: "Kenai, Alaska, radio range station; the intersection of the northeast course of the Kenai, Alaska, radio range and the west course of the Anchorage (Merrill), Alaska, radio range to the Anchorage (Merrill), Alaska, radio range station. From the Anchorage, Alaska, radio range station via the intersection of the north course of the Anchorage (Merrill), Alaska, radio range and the southeast

course of the Skwentna, Alaska, radio range; the intersection of the southeast course of the Skwentna, Alaska, radio range and the northeast course of the Anchorage, Alaska, radio range; Gulkana, Alaska, radio range station;".

2. Section 600.241 is amended to read:

§ 600.241 *Red civil airway No. 41 (Cape Spencer, Alaska, to Sisters Island, Alaska).* From the intersection of the northwest course of the Sitka (Biorka Island) Alaska, radio range and the southwest course of the Gustavus, Alaska, radio range via the Gustavus, Alaska, radio range station to the Sisters Island, nondirectional radio beacon.

3. Section 600.282 is amended to read:

§ 600.282 *Red civil airway No. 82 (Skwentna, Alaska, to Anchorage, Alaska).* From the Skwentna, Alaska, radio range station to the intersection of the southeast course of the Skwentna, Alaska, radio range and the north course of the Anchorage (Merrill), Alaska, radio range.

4. Section 600.303 is amended to read:

§ 600.303 *Red civil airway No. 103 (Anchorage, Alaska, to Middleton Island, Alaska).* From the Anchorage (Merrill), Alaska, radio range station via the intersection of the west course of the Anchorage (Merrill), Alaska, radio range and the northeast course of the Kenai, Alaska, radio range; Kenai, Alaska, radio range station; the intersection of the southeast course of the Kenai, Alaska, radio range and the southwest course of the Anchorage, Alaska, radio range to the Middleton Island, Alaska, radio range station.

5. Section 600.626 is amended to read:

§ 600.626 *Blue civil airway No. 26 (Anchorage, Alaska, to Fairbanks, Alaska).* From the Anchorage, Alaska, radio range station via the Talkeetna, Alaska, nondirectional radio beacon; Summit, Alaska, radio range; intersection of the north course of the Summit, Alaska, radio range and the southeast course of the Nenana, Alaska, radio range; Nenana, Alaska, radio range station to the Fairbanks, Alaska, radio range station.

6. Section 600.632 is amended to read:

§ 600.632 *Blue civil airway No. 32 (Anchorage, Alaska, to Talkeetna, Alaska).* From the Anchorage, Alaska, radio range station via the Skwentna, Alaska, radio range station to the Talkeetna, Alaska, nondirectional radio beacon.

7. Section 600.643 is added to read:

§ 600.643 *Blue civil airway No. 43 (Nenana, Alaska, to Nenabank, Alaska).* From the Nenana, Alaska, radio range station to the intersection of the northwest course of the Nenana, Alaska, radio range and the west course of the Fairbanks, Alaska, radio range.

8. Section 600.6002 *VOR civil airway No. 2 (Seattle, Wash., to Boston, Mass.)* is amended by changing the portion which reads: "Miles City, Mont., omnirange station; Golva, N. Dak., omnirange station; Dickinson, N. Dak., omnirange station;" to read: "Miles City, Mont., omnirange station; Dickinson, N. Dak., omnirange station;".

9. Section 600.6003 *VOR civil airway No. 3 (Key West, Fla., to Presque Isle, Maine)* is amended by changing the portion which reads: "Brunswick, Ga., omnirange station, including a west alternate via the intersection of the Jacksonville omnirange 309° True and the Brunswick omnirange 203° True radials;" to read: "Brunswick, Ga., omnirange station, including a west alternate via the intersection of the Jacksonville omnirange 304° True and the Brunswick omnirange 203° True radials;" and by changing the portion which reads: "From the point of intersection of the Herndon, Va., omnirange 045° True and the Martinsburg, W. Va., omnirange 101° True radials via the intersection of the Herndon omnirange 045° True and the West Chester omnirange 253° True radials; West Chester, Pa., omnirange station;" to read: "From the point of intersection of the Washington, D. C., terminal omnirange 016° True and the Herndon, Va., omnirange 104° True radials, excluding the portion which overlaps the Washington prohibited area (P–56), via the point of intersection of the Herndon omnirange 045° True and the Baltimore, Md., omnirange 346° True radials; point of intersection of the Herndon omnirange 045° True and the West Chester omnirange 253° True radials; West Chester, Pa., omnirange station;".

10. Section 600.6005 *VOR civil airway No. 5 (Miami, Fla., to London, Ont.)* is amended by changing all before the Nashville, Tenn., omnirange station to read: "That airspace over United States territory from the Miami, Fla., omnirange station via the intersection of the Miami omnirange 338° True and the Orlando omnirange 164° True radials; Orlando, Fla., omnirange station; Jacksonville, Fla., omnirange station, including an east alternate from the Orlando omnirange station to the Jacksonville omnirange station via the Daytona Beach, Fla., omnirange station and the point of intersection of the Daytona Beach omnirange 311° True and the Jacksonville omnirange direct radial to the Orlando omnirange station; Intersection of the Jacksonville omnirange 319° True and the Alma omnirange 148° True radials; Alma, Ga., omnirange station, including an east alternate and a west alternate from the Jacksonville omnirange station to the Alma omnirange station; Macon, Ga., omnirange station; intersection of the Macon omnirange 330° True and the Chattanooga omnirange 152° True radials; Chattanooga, Tenn., omnirange station, including a west alternate from the Alma, Ga., omnirange station to the Chattanooga, Tenn., omnirange station via the intersection of the Alma omnirange 305° True and the Atlanta omnirange 151° True radials, the Atlanta, Ga., omnirange station and the intersection of the Atlanta omnirange 352° True and the Chattanooga omnirange 152° True radials; Nashville, Tenn., omnirange station;".

11. Section 600.6007 *VOR civil airway No. 7 (Miami, Fla., to Green Bay, Wis.)* is amended by changing all after the Terre Haute, Ind., omnirange station to read: "Terre Haute, Ind., omnirange station, including a west alternate; Lafayette, Ind., omnirange station, including a west alternate via the intersection of the Terre Haute omnirange 348° True and the Lafayette omnirange 213° True radials; Chicago Heights, Ill., omnirange station, including an east alternate via the intersection of the Lafayette omnirange 353° True and the Chicago Heights omnirange 143° True radials; Milwaukee, Wis., omnirange station; to the Green Bay, Wis., omnirange station. The portions of this airway above 19,000 feet above mean sea level, which lie within the Tyndall AFB restricted area (R–336) and the Tyndall AFB warning area (W–337), are excluded daily between sunset and sunrise."

12. Section 600.6008 *VOR civil airway No. 8 (Long Beach, Calif., to Washington, D. C.)* is amended by changing the portion which reads: "Martinsburg, W. Va., omnirange station; intersection of the Martinsburg omnirange 123° True and the Washington terminal omnirange 319° True radials; to the Washington, D. C., terminal omnirange station." to read: "Martinsburg, W. Va., omnirange station; to the Washintgon, D. C., terminal omnirange station."

13. Section 600.6010 *VOR civil airway No. 10 (Pueblo, Colo., to New York, N. Y.)* is amended by changing the portion which reads: "Litchfield, Mich., omnirange station, including a north alternate; Carleton, Mich., omnirange station;" to read: "Litchfield, Mich., omnirange station, including a north alternate; intersection of the Litchfield omnirange 098° True and the Carleton omnirange 264° True radials; Carleton, Mich., omnirange station;".

14. Section 600.6012 *VOR civil airway No. 12 (Santa Barbara, Calif. to Philadelphia, Pa.)* is amended by changing the portion which reads: "Needles, Calif., omnirange station;" to read: "Needles, Calif., omnirange station, including a north alternate via the intersection of the Daggett omnirange 078° True and the Needles omnirange 289° True radials;" by changing the portion which reads: "Indianapolis, Ind., omnirange station, including a south alternate via the intersection of the Terre Haute omnirange 082° True and the Indianapolis omnirange 232° True radials;" to read: "Indianapolis, Ind., omnirange station, including a south alternate via the intersection of the Terre Haute omnirange 082° True and the Indianapolis omnirange 230° True radials;" and by changing the portion which reads: "Harrisburg, Pa., omnirange station, including a south alternate via the intersection of the Johnstown omnirange 107° True and the Harrisburg omnirange 259° True radials; to the West Chester, Pa., omnirange station." to read "Harrisburg, Pa., omnirange station, including a south alternate; West Chester, Pa., omnirange station; to the point of intersection of the West Chester omnirange 120° True radial and the Philadelphia, Pa., International Airport ILS localizer 256° True course."

15. Section 600.6019 *VOR civil airway No. 19 (El Paso, Tex., to Great Falls, Mont.)* is amended by changing all between the Raton, N. Mex., omnirange station and the Douglas, Wyo., omnirange station to read: "Raton, N. Mex., omnirange station, including an east alternate; Pueblo, Colo., omnirange station; Kiowa, Colo., omnirange station; intersection of the Kiowa omnirange 360° True and the Cheyenne omnirange 162° True radials; Cheyenne, Wyo., omnirange station; Douglas, Wyo., omnirange station, including an east alternate;".

16. Section 600.6020 *VOR civil airway No. 20 (Laredo, Tex., to Richmond, Va.)* is amended by changing the portion which reads: "Evergreen, Ala., omnirange station;" to read: "Evergreen, Ala., omnirange station, including a north alternate via the intersection of the Mobile omnirange 015° True and the Evergreen omnirange 244° True radials;".

17. Section 600.6021 *VOR civil airway No. 21 (Long Beach, Calif., to United States-Canadian Border)* is amended by changing the portion which reads: "Mormon Mesa, Nev., omnirange station, including an east alternate via the intersection of the Las Vegas omnirange 086° True and the Mormon Mesa omnirange 192° True radials;" to read: "Mormon Mesa, Nev., omnirange station, including an east alternate from the Las Vegas omnirange station to the Mormon Mesa omnirange station via the intersection of the Las Vegas omnirange 086° True and the Needles, Calif., omnirange direct radial to the Mormon Mesa omnirange station;" and by changing the portion which reads: "Delta, Utah, omnirange station; intersection of the Delta omnirange 023° True and the Salt Lake City omnirange 179° True radials; Salt Lake City, Utah, omnirange station;" to read: "Delta, Utah, omnirange station; Utah Lake, Utah, omnirange station; Salt Lake City, Utah, omnirange station;".

18. Section 600.6026 *VOR civil airway No. 26 (Cherokee, Wyo., to Cleveland, Ohio)* is amended by changing the portion which reads: "Salem, Mich., omnirange station; intersection of the Salem omnirange 123° True and the Cleveland omnirange 330° True radials; to the Cleveland, Ohio, omnirange station;" to read: "Salem, Mich., omnirange station; point of intersection of the Carleton, Mich., omnirange direct radial to the Perry, Ohio, nondirectional radio beacon and the Cleveland omnirange direct radial to the Windsor, Ont., omnirange station; to the Cleveland, Ohio, omnirange station."

19. Section 600.6029 *VOR civil airway No. 29 (Salisbury, Md., to United States-Canadian Border)* is amended by changing the portion which reads: "Dover, Del., omnirange station; West Chester, Pa., omnirange station;" to read: "Dover, Del., omnirange station; Woodstown, N. J., omnirange station; point of intersection of the Philadelphia, Pa., International Airport ILS localizer 256° True course and the West Chester omnirange 120° True radial; West Chester, Pa., omnirange station;".

20. Section 600.6036 is amended to read:





§ 600.6036 *VOR civil airway No. 36 (Toronto, Ontario, to New York, N. Y.)* That airspace over United States territory from the Toronto, Ont., omnirange station via the intersection of the Toronto omnirange 141° True and the Buffalo omnirange 312° True radials; Buffalo, N. Y., omnirange station; Elmira, N. Y., omnirange station, including a south alternate; Wilkes-Barre-Scranton, Pa., omnirange station; to the point of intersection of the Wilkes-Barre-Scranton omnirange 117° True and the Wilton, Conn., omnirange 240° True radials.

21. Section 600.6038 *VOR civil airway No. 38 (Chicago, Ill., to Elkins, W. Va.)* is amended by changing the portion which reads: "Columbus, Ohio, omnirange station, including a south alternate;" to read: "Columbus, Ohio, omnirange station;"

22. Section 600.6039 *VOR civil airway No. 39 (South Boston, Va., to Kennebunk, Maine)* is amended by changing the first portion to read: "From the South Boston, Va., omnirange station via the Gordonsville, Va., omnirange station; Herndon, Va., omnirange station; to the point of intersection of the Herndon omnirange 045° True and the Baltimore, Md., omnirange 346° True radials."

23. Section 600.6042 is amended to read:

§ 600.6042 *VOR civil airway No. 42 (Flint, Mich., to Washington, D. C.).* That airspace over United States territory from the point of intersection of the Lansing, Mich., omnirange 068° True and the Salem, Mich., omnirange 342° True radials via the Windsor, Ont., omnirange station; Cleveland, Ohio, omnirange station; intersection of the Cleveland omnirange 116° True and the Pittsburgh omnirange 311° True radials; Pittsburgh, Pa., omnirange station; Johnstown, Pa., omnirange station; Martinsburg, W. Va., omnirange station; to the Washington, D. C., terminal omnirange station.

24. Section 600.6045 is amended to read:

§ 600.6045 *VOR civil airway No. 45 (Lexington, Ky., to Lansing, Mich.).* From the Lexington, Ky., omnirange station via the York, Ky., omnirange station; Columbus, Ohio, omnirange station; to the Waterville, Ohio, omnirange station. From the Point of intersection of the Waterville omnirange 328° True and the Litchfield, Mich., omnirange 090° True radials to the Lansing, Mich., omnirange station. The portions of this airway which conflict with the Wilmington restricted area (R–109) are excluded.

25. Section 600.6047 *VOR civil airway No. 47 (Louisville, Ky., to Detroit, Mich.)* is amended by changing all after the Waterville, Ohio, omnirange station to read: "Waterville, Ohio, omnirange station; point of intersection of the Carleton, Mich., omnirange 264° True radial and the Detroit Willow Run Airport ILS localizer front course; Detroit, Mich., Willow Run Airport ILS localizer; to the point of intersection of the Detroit Willow Run Airport ILS localizer back course and the Salem, Mich., omnirange direct radial to the Windsor, Ont., omnirange station."

26. Section 600.6051 as amended to read:

§ 600.6051 *VOR civil airway No. 51 (Miami, Fla., to Chicago, Ill.).* From the Miami, Fla., omnirange station via the intersection of the Miami omnirange 338° True and the Vero Beach omnirange 192° True radials; Vero Beach, Fla., omnirange station; Daytona Beach, Fla., omnirange station; Jacksonville, Fla., omnirange station; intersection of the Jacksonville omnirange 319° True and the Alma omnirange 148° True radials; Alma, Ga., omnirange station, including an east and a west alternate from the Jacksonville omnirange station to the Alma omnirange station; Macon, Ga., omnirange station; intersection of the Macon omnirange 330° True and the Chattanooga omnirange 152° True radials; Chattanooga, Tenn., omnirange station, including a west alternate from the Alma, Ga., omnirange station to the Chattanooga, Tenn., omnirange station via the intersection of the Alma omnirange 305° True and the Atlanta omnirange 151° True radials, the Atlanta, Ga., omnirange station and the intersection of the Atlanta omnirange 352° True and the Chattanooga omnirange 152° True radials; Crossville, Tenn., omnirange station, including an east alternate via the intersection of the Chattanooga omnirange 063° True and the Crossville omnirange 171° True radials; Louisville, Ky., omnirange station; intersection of the Louisville omnirange 356° True and the Indianapolis omnirange 137° True radials; Indianapolis, Ind., omnirange station; Lafayette, Ind., omnirange station; Chicago Heights, Ill., omnirange station; to the point of intersection of the Chicago Heights, Ill., omnirange 342° True and the Naperville, Ill., omnirange 090° True radials. The portions of this airway which overlap the Sterling restricted area (R–169 and R–170) are excluded.

27. Section 600.6053 is amended to read:

§ 600.6053 *VOR Civil airway No. 53 (Charleston, S. C., to Chicago, Ill.).* From the Charleston, S. C., omnirange station via the Columbia, S. C., omnirange station; Spartanburg, S. C., omnirange station; Asheville, N. C., omnirange station; Tri-City, Tenn., omnirange station; Lexington, Ky., omnirange station; Louisville, Ky., omnirange station; intersection of the Louisville omnirange 333° True and the Indianapolis omnirange 170° True radials; Indianapolis, Ind., omnirange station; Lafayette, Ind., omnirange station, including a west alternate; Peotone, Ill., omnirange station; to the Chicago, Ill., Midway Airport terminal omnirange station.

28. Section 600.6057 is amended to read:

§ 600.6057 *VOR civil airway No. 57 (Graham, Tenn., to Scotland, Ind.).* From the Graham, Tenn., omnirange station via the Bowling Green, Ky., omnirange station; to the Scotland, Ind., omnirange station.

29. Section 600.6072 *VOR civil airway No. 72 (Troy, Ill., to Albany, N. Y.)* is amended by changing the portion which reads: "Lafayette omnirange 080° True" to read: "Lafayette omnirange 089° True."

30. Section 600.6088 *VOR civil airway No. 88 (Tulsa, Okla., to Mansfield, Ohio)* is amended by changing the portion which reads: "to the Mansfield, Ohio, omnirange station including a north alternate." to read "to the Mansfield, Ohio, omnirange station."

31. Section 600.6089 is amended to read:

§ 600.6089 *VOR civil airway No. 89 (Denver, Colo., to Rapid City, S. Dak.).* From the Denver, Colo., omnirange station via the Cheyenne, Wyo., omnirange station, including an east alternate via the intersection of the Denver omnirange 016° True and the Cheyenne omnirange 131° True radials; Chadron, Nebr., omnirange station, including an east alternate via the intersection of the Cheyenne omnirange 054° True and the Chadron omnirange 197° True radials; to the Rapid City, S. Dak., omnirange station, including an east alternate. The portion of this which overlaps the Scenic restricted area (R–190) is excluded.

32. Section 600.6090 is added to read:

§ 600.6090 *VOR civil airway No. 90 (Litchfield, Mich., to Windsor, Ontario).* That airspace over United States territory from the Litchfield, Mich., omnirange station to the Windsor, Ontario, omnirange station.

33. Section 600.6096 is amended to read:

§ 600.6096 *VOR civil airway No. 96 (Lafayette, Ind., to Toledo, Ohio).* From the Lafayette, Ind., omnirange station via the intersection of the Lafayette omnirange 089° True and the Fort Wayne omnirange 226° True radials; Fort Wayne, Ind., omnirange station; to the Waterville, Ohio, omnirange station.

34. Section 600.6097 *VOR civil airway No. 97 (Miami, Fla., to Alexandria, Minn.)* is amended by changing the portion which reads: "intersection of the Indianapolis omnirange 342° True and the Chicago Heights omnirange 140° True radials;" to read: "intersection of the Indianapolis omnirange 341° True and the Chicago Heights omnirange 143° True radials."

35. Section 600.6105 is amended to read:

§ 600.6105 *VOR civil airway No. 105 (Phoenix, Ariz., to Las Vegas, Nev.).* From the Phoenix, Ariz., omnirange station via the Prescott, Ariz., omnirange station, including an east alternate via the intersection of the Phoenix omnirange 004° True and the Prescott omnirange 135° True radials; to the Las Vegas, Nev., omnirange station.

36. Section 600.6116 *VOR civil airway No. 116 (Kansas City, Mo., to New York, N. Y.)* is amended by changing the portion which reads: "Salem, Mich., omnirange station; Erie, Pa., omnirange station;" to read: "Salem, Mich., omnirange station; Windsor, Ont., omnirange station; Erie, Pa., omnirange station;".

37. Section 600.6128 *VOR civil airway No. 128 (Chicago, Ill., to New Bern, N. C.)* is amended by changing all before the Cincinnati, Ohio, omnirange station to read: "From the Chicago, Ill., Midway Airport terminal omnirange station via the Peotone, Ill., omnirange station; Lafayette, Ind., omnirange station; intersection of the Lafayette omnirange 122° True and the Cincinnati omnirange 318° True radials; Cincinnati, Ohio, omnirange station;".

38. Section 600.6140 *VOR civil airway No. 140 (Amarillo, Tex., to New York, N. Y.)* is amended by changing the last two sentences to read: "From the Baltimore, Md., omnirange station via the point of intersection of the Baltimore omnirange 045° True and the Woodstown omnirange 269° True radials; Woodstown, N. J., omnirange station; point of intersection of the Woodstown omnirange 106° True and the Dover, Del., omnirange direct radial to the Coyle, N. J., omnirange station; to the Colts Neck, N. J., omnirange station, excluding the portions of this airway between the Coyle, N. J., omnirange station and the Colts Neck, N. J., omnirange station more than 3 miles either side of the center line and the portions which overlap the Aberdeen restricted area (R–54)."

39. Section 600.6142 is amended to read:

§ 600.6142 *VOR civil airway No. 142 (Erie, Pa., to Rochester, N. Y.).* From the Erie, Pa., omnirange station via the point of intersection of the Erie omnirange 080° True and the Bradford, Pa., omnirange 308° True radials; Buffalo, N. Y., omnirange station; intersection of the Buffalo omnirange 034° True and the Rochester omnirange 289° True radials; to the Rochester, N. Y., omnirange station.

40. Section 600.6143 *VOR civil airway No. 143 (Charlotte, N. C., to Washington, D. C.)* is amended by changing the last portion to read: "From the Front Royal, Va., omnirange station to the point of intersection of the Martinsburg, W. Va., omnirange direct radial to the Washington, D. C., terminal omnirange station and the Herndon, Va., omnirange direct radial to the Harrisburg, Pa., omnirange station."

41. Section 600.6166 is amended to read:

§ 600.6166 *VOR civil airway No. 166 (Martinsburg, W. Va., to New York, N. Y.).* From the Martinsburg, W. Va., omnirange station to the West Chester, Pa., omnirange station. From the point of intersection of the Philadelphia, Pa., International Airport ILS localizer 256° True course and the West Chester, Pa., omnirange 170° True radial via the Philadelphia International Airport ILS localizer to the Colts Neck, N. J., omnirange station.

42. Section 600.6170 is amended to read:

§ 600.6170 *VOR civil airway No. 170 (Erie, Pa., to Philadelphia, Pa.).* From the Erie, Pa., omnirange station via the Bradford, Pa., omnirange station, including a north alternate via the intersection of the Erie omnirange 080° True and the Bradford omnirange 308° True radials; Selinsgrove, Pa., omnirange station; to the West Chester, Pa., omnirange station.

43. Section 600.6221 is amended to read:

§ 600.6221 *VOR civil airway No. 221 (Fort Wayne, Ind., to Detroit, Mich.).* From the Fort Wayne, Ind., omnirange station via the Litchfield, Mich., omnirange station; intersection of the Litchfield omnirange 050° True and the Salem omnirange 257° True radials; Salem, Mich., omnirange station; to the point of intersection of the Salem omnirange 079° True radial with the Windsor, Ont., omnirange direct radial to the point of intersection of the Lansing, Mich., omnirange 068° True and the Salem, Mich., omnirange 342° True radials.

44. Section 600.6227 is added to read:

§ 600.6227 *VOR civil airway No. 227 (Louisville, Ky., to Indianapolis, Ind.).* From the Louisville, Ky., omnirange station via the intersection of the Louisville omnirange 310° True and the Indianapolis omnirange 185° True radials; to the Indianapolis, Ind., omnirange station.

45. Section 600.6235 is added to read:

§ 600.6235 *VOR civil airway No. 235 (Utah Lake, Utah, to Fort Bridger, Wyo.).* From the Utah Lake, Utah, omnirange station to the Fort Bridger, Wyo., omnirange station.

46. Section 600.6236 is added to read:

§ 600.6236 *VOR civil airway No. 236 (Bonneville, Utah, to Ogden, Utah).* From the Bonneville, Utah, omnirange station via the intersection of the Bonneville omnirange 084° True and the Ogden omnirange 235° True radials; to the Ogden, Utah, omnirange station.

47. Section 600.6237 is added to read:

§ 600.6237 *VOR civil airway No. 237 (Needles, Calif., to Mormon Mesa, Nev.).* From the Needles, Calif., omnirange station to the Mormon Mesa, Nev., omnirange station.

48. Section 600.6238 is added to read:

§ 600.6238 *VOR civil airway No. 238 (Philadelphia, Pa., to Atlantic City, N. J.).* From the point of intersection of the West Chester, Pa., 120° True radial and the Philadelphia, Pa., International Airport ILS localizer 256° True course via the Woodstown, N. J., omnirange station; to the point of intersection of the Dover, Del., omnirange 070° True and the Coyle, N. J., omnirange 203° True radials.

49. Section 600.6239 is added to read:

§ 600.6239 *VOR civil airway No. 239 (Wildwood, N. J., to Philadelphia, Pa.).* From the point of intersection of the Coyle, N. J., omnirange 203° True and the Woodstown omnirange 154° True radials via the Woodstown, N. J., omnirange station; to the point of intersection of the West Chester, Pa., omnirange 120° True radial and the Philadelphia, Pa., International Airport ILS localizer 256° True course.

(Sec. 205, 52 Stat. 984, amended; 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t., May 31, 1956.

[SEAL] JAMES T. PYLE,
*Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 56–3491; Filed, May 3, 1956; 8:45 a. m.]

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[Amdt. 7]

## PART 601—DESIGNATION OF CONTROL AREAS CONTROL ZONES, AND REPORTING POINTS

### ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.241 is amended to read:

§ 601.241 *Red civil airway No. 41 control areas (Cape Spencer, Alaska, to Sisters Island, Alaska).* All of Red civil airway No. 41.

2. Section 601.303 is amended to read:

§ 601.303 *Red civil airway No. 103 control areas (Anchorage, Alaska, to Middleton Island, Alaska).* All of Red civil airway No. 103.

3. Section 601.626 is amended to read:

§ 601.626 *Blue civil airway No. 26 control areas (Anchorage, Alaska, to Fairbanks, Alaska).* All of Blue civil airway No. 26.

4. Section 601.632 is amended to read:

§ 601.632 *Blue civil airway No. 32 control areas (Anchorage, Alaska, to Talkeetna, Alaska).* All of Blue civil airway No. 32.

5. Section 601.643 is added to read:

§ 601.643 *Blue civil airway No. 43 control areas (Nenana, Alaska, to Nenabank, Alaska).* All of Blue civil airway No. 43.

6. Section 601.1016 *Control area extension (Jackson, Tenn.)* is revoked.

7. Section 601.1016 is added to read:

§ 601.1016 *Control area extension (Augusta, Ga.).* Within 5 miles either side of the 320° True radial of the Augusta omnirange extending from the omnirange station to a point 15 miles northwest.

8. Section 601.1068 is amended to read:

§ 601.1068 *Control area extension (Riverside, Calif.).* That airspace east of March Air Force Base bounded on the east by a line extending between a point at latitude 33°51'00", longitude 116°50'-40" and a point at latitude 33°45'45", longitude 116°50'00", on the south by VOR civil airway No. 64, on the northwest by VOR civil airway No. 8 and on the north by Green civil airway No. 5; that airspace southeast of March Air Force Base bounded on the north by VOR civil airway No. 64, on the east by VOR civil airway No. 117, on the southeast and south by Red civil airway No. 65, and on the southwest by Caution Area C–444.

9. Section 601.1133 *Control area extension (Seattle, Wash.)*, is amended by adding the following portion to present control area extension: "and that airspace north of Seattle bounded on the south by Red civil airway No. 79, on the east by Green civil airway No. 10, and on the northwest by a line extending from a point at latitude 48°02'00", longitude 122°26'00" to a point at latitude 47°-55'00", longitude 122°32'00"."

10. Section 601.1185 *Control area extension (Cochise, Ariz.)* is revoked.

11. Section 601.1185 is added to read:

§ 601.1185 *Control area extension (Utah Lake, Utah).* Within 5 miles either side of the 125° True radial of the Utah Lake omnirange extending from the omnirange station to a point 25 miles southeast.

12. Section 601.1210 *Control area extension (Grandview, Mo.)* is revoked.

13. Section 601.1210 is added to read:

§ 601.1210 *Control area extension (Olathe, Kans.).* That airspace bounded on the northwest by Green civil airway No. 4, on the east by VOR civil airways Nos. 13 and 71, on the south by latitude 38°12'00", and on the west Amber civil airway No. 4.

14. Section 601.1247 *Control area extension (Las Vegas, Nev.)*, is amended by changing the words which read: "Mormon Mesa, Nev., omnirange 192° True radial" to read: "Mormon Mesa, Nev., omnirange 184° True radial".

15. Section 601.1277 is amended to read:

§ 601.1277 *Control area extension (Denver, Colo.).* That airspace within 5 miles either side of a line bearing 174° True extending from the Aurora nondirectional radio beacon to a point 25 miles south; that airspace northeast of Denver bounded on the east by VOR civil airway No. 19, on the southeast by VOR civil airway No. 160 and on the west by VOR civil airway No. 89; that airspace southeast of Denver bounded on the northeast by VOR civil airway No. 4, on the east by VOR civil airway No. 19, on the southwest by the Colorado Springs, Colo., control area extension, and on the west by Amber civil airway No. 3, excluding the portion which overlaps restricted area (R–195).

16. Section 601.1310 is amended to read:

§ 601.1310 *Control area extension (Anchorage, Alaska).* That airspace within 5 miles either side of direct lines between the Anchorage, Alaska, radio range station, the intersection of the southeast course of the Anchorage radio range with the northwest course of the Hinchinbrook, Alaska, radio range, the Middleton Island, Alaska, radio range station, and the Sandspit, British Columbia, Canada, radio range station, extending from the Anchorage, Alaska, radio range station to the United States-Canadian Border.

17. Section 601.1402 is added to read:

§ 601.1402 *Control area extension (Middleton Island, Alaska).* Within 5 miles either side of the northeast and southwest courses of the Middleton Island, Alaska, radio range extending from the radio range station to points 25 miles northeast and southwest.

18. Section 601.1403 is added to read:

§ 601.1403 *Control area extension (Yakataga, Alaska).* Within 5 miles either side of the southwest course of the Yakataga, Alaska, radio range extending from the intersection of the southwest course of the Yakataga radio range and the southeast course of the Hinchinbrook, Alaska, radio range to a point 20 miles southwest; within 5 miles either side of the southeast course of the Yakataga radio range extending from the intersection of the southeast course of the Yakataga radio range and the northwest course of the Yakutat, Alaska, radio range to a point 20 miles southwest.

19. Section 601.1404 is added to read:

§ 601.1404 *Control area extension (Pierre, S. Dak.).* That airspace within a 25-mile radius of the Pierre, S. Dak., Airport.

20. Section 601.1405 is added to read:

§ 601.1405 *Control area extension (Peru, Ind.).* That airspace within a 25-mile radius of Bunker Hill Air Force Base, Peru, Ind.

21. Section 601.2065 is amended to read:

§ 601.2065 *Pierre, S. Dak., control zone.* Within a 5-mile radius of Pierre Airport, within 2 miles either side of the east course of the Pierre radio range extending from the radio range station to a point 12 miles east, and within 2 miles either side of the 260° and 80° True radials of the Pierre omnirange extending from the 5-mile radius zone to a point 12 miles northeast of the omnirange station.

22. Section 601.2109 is amended to read:

§ 601.2109 *Lafayette, Ind., control zone.* Within a 5-mile radius of Purdue University Airport and within 2 miles either side of the 137° and 317° True radials of the Lafayette omnirange extending from the 5-mile radius zone to a point 12 miles northwest of the omnirange station.

23. Section 601.2114 is amended to read:

§ 601.2114 *Minneapolis, Minn., control zone.* Within a 5-mile radius of the Minneapolis-St. Paul International Airport, within 2 miles either side of the southeast course of the Minneapolis radio range extending from the radio range station to a point 12 miles southeast, within 2 miles either side of the

southeast (front) course of the Minneapolis ILS localizer extending from the localizer to a point 12 miles southeast of the outer marker, and within 2 miles either side of the northwest (back) course of the ILS localizer extending from the localizer to a point 17 miles northwest of the airport.

24. Section 601.2115 is amended to read:

§ 601.2115 *Minot, N. Dak., control zone.* Within a 5-mile radius of Port o'Minot Field, within 2 miles either side of the southeast course of the Minot radio range extending from the radio range station to a point 12 miles southeast, and within 2 miles either side of the 254° and 74° True radials of the Minot omnirange extending from the 5-mile radius zone to a point 12 miles northeast of the omnirange station.

25. Section 601.2135 *Charlotte, N. C., control zone* is amended by adding the following portion to present control zone: "and within 2 miles either side of the 005° True and 185° True radials of the Charlotte omnirange extending from the 5-mile radius zone to a point 10 miles south of the omnirange station."

26. Section 601.2217 is amended to read:

§ 601.2217 *Aberdeen, S. Dak., control zone.* Within a 5-mile radius of the Aberdeen Municipal Airport (Saunders Field), within 2 miles either side of the south course of the Aberdeen radio range extending from the radio range station to a point 12 miles south, and within 2 miles either side of the 131° True radial of the Aberdeen omnirange extending from the omnirange station to a point 12 miles southeast.

27. Section 601.2218 is amended to read:

§ 601.2218 *Sioux Falls, S. Dak., control zone.* Within a 5-mile radius of Sioux Falls Municipal Airport (Foss Field), within 2 miles either side of the northwest course of the Sioux Falls radio range extending from the radio range station to a point 12 miles northwest, within 2 miles either side of the 336° True radial of the Sioux Falls omnirange extending from the omnirange station to a point 12 miles northwest, and within 2 miles either side of the northeast (back) course of the Sioux Falls ILS localizer extending from the localizer to a point 16 miles northeast.

28. Section 601.2228 is amended to read:

§ 601.2228 *Fairbanks, Alaska, control zone.* Within a 5-mile radius of Ladd Air Force Base, within a 5-mile radius of Fairbanks International Airport, and within 5 miles either side of a line bearing 39° True extending from the Fairbanks International Airport to the ILS outer marker.

29. Section 601.2261 is amended to read:

§ 601.2261 *Yakataga, Alaska, control zone.* Within a 5-mile radius of the Yakataga Airport, within 5 miles either side of the southeast and southwest courses of the Yakataga radio range extending from the radio range station to Amber civil airway No. 1.

30. Section 601.2378 is added to read:

§ 601.2378 *Peru, Ind., control zone.* Within a 5-mile radius of Bunker Hill Air Force Base, and within 2 miles either side of the extended centerline of the Bunker Hill AFB northeast-southwest runway extending to a point 9 miles southwest of the end of the runway.

31. Section 601.2379 is added to read:

§ 601.2379 *Beaufort, S. C., control zone.* Within a 5-mile radius of the MCAAS Beaufort, S. C., within 2 miles either side of a line bearing 43° True extending from the airport to a point 16 miles northeast and within 2 miles either side of a line bearing 137° True extending from the airport southeastward to warning area W–132.

32. Section 601.4101 *Amber civil airway No. 1 (United States-Mexican Border to Nome, Alaska)*, is amended by deleting the following reporting point: "the intersection of the northwest course of the Yakutat, Alaska, radio range and the south course of the Yakataga, Alaska, radio range;" and by substituting the following reporting point in lieu thereof: "the intersection of the northwest course of the Yakutat, Alaska, radio range and the southeast course of the Yakataga, Alaska, radio range;".

33. Section 601.4241 is amended to read:

§ 601.4241 *Red civil airway No. 41 (Cape Spencer, Alaska, to Sisters Island, Alaska).* No reporting point designation.

34. Section 601.4303 is amended to read:

§ 601.4303 *Red civil airway No. 103 (Anchorage, Alaska, to Middleton Island, Alaska).* No reporting point designation.

35. Section 601.4626 is amended by changing caption to read: *"Blue civil airway No. 26 (Anchorage, Alaska, to Fairbanks, Alaska)."*

36. Section 601.4632 is amended to read:

§ 601.4632 *Blue civil airway No. 32 (Anchorage, Alaska, to Talkeetna, Alaska).* No reporting point designation.

37. Section 601.4643 is added to read:

§ 601.4643 *Blue civil airway No. 43 (Nenana, Alaska, to Nenabank, Alaska).* No reporting point designation.

38. Section 601.6005 is amended to read:

§ 601.6005 *VOR civil airway No. 5 control areas (Miami, Fla., to London, Ont.).* All of VOR civil airway No. 5 including east and west alternates, but excluding the airspace between the main airway and its west alternate from the Alma, Ga., omnirange station to the Chattanooga, Tenn., omnirange station, and also excluding the airspace between the main airway and its east alternate from the Bowling Green, Ky., omnirange station to the Louisville, Ky., omnirange station.

39. Section 601.6036 is amended to read:

§ 601.6036 *VOR civil airway No. 36 control areas (Toronto, Ontario, to New York, N. Y.).* All of VOR civil airway No. 36 including a south alternate.

40. Section 601.6038 is amended to read:

§ 601.6038 *VOR civil airway No. 38 control areas (Chicago, Ill., to Elkins, W. Va.).* All of VOR civil airway No. 38.

41. Section 601.6042 is amended to read:

§ 601.6042 *VOR civil airway No. 42 control areas (Flint, Mich., to Washington, D. C.).* All of VOR civil airway No. 42.

42. Section 601.6051 is amended to read:

§ 601.6051 *VOR civil airway No. 51 control areas (Miami, Fla., to Chicago, Ill.).* All of VOR civil airway No. 51 including east and west alternates, but excluding the airspace between the main airway and its west alternate from the Alma, Ga., omnirange station to the Chattanooga, Tenn., omnirange station.

43. Section 601.6057 is amended to read:

§ 601.6057 *VOR civil airway No. 57 control areas (Graham, Tenn., to Scotland, Ind.).* All of VOR civil airway No. 57.

44. Section 601.6088 is amended to read:

§ 601.6088 *VOR civil airway No. 88 control areas (Tulsa, Okla., to Mansfield, Ohio).* All of VOR civil airway No. 88.

45. Section 601.6089 is amended to read:

§ 601.6089 *VOR civil airway No. 89 control areas (Denver, Colo., to Rapid City, S. Dak.).* All of VOR civil airway No. 89 including east alternates.

46. Section 601.6090 is added to read:

§ 601.6090 *VOR civil airway No. 90 control areas (Litchfield, Mich., to Windsor, Ontario).* All of VOR civil airway No. 90.

47. Section 601.6096 is amended to read:

§ 601.6096 *VOR civil airway No. 96 control areas (Lafayette, Ind., to Toledo, Ohio).* All of VOR civil airway No. 96.

48. Section 601.6105 is amended to read:

§ 601.6105 *VOR civil airway No. 105 control areas (Phoenix, Ariz., to Las Vegas, Nev.).* All of VOR civil airway No. 105 including an east alternate.

49. Section 601.6142 is amended to read:

§ 601.6142 *VOR civil airway No. 142 control areas (Erie, Pa., to Rochester, N. Y.).* All of VOR civil airway No. 142.

50. Section 601.6166 is amended to read:

§ 601.6166 *VOR civil airway No. 166 control areas (Martinsburg, W. Va., to New York, N. Y.).* All of VOR civil airway No. 166.



51. Section 601.6170 is amended to read:

§ 601.6170 *VOR civil airway No. 170 control areas (Erie, Pa., to Philadelphia, Pa.).* All of VOR civil airway No. 170 including a north alternate.

52. Section 601.6227 is added to read:

§ 601.6227 *VOR civil airway No. 227 control areas (Louisville, Ky., to Indianapolis, Ind.).* All of VOR civil airway No. 227.

53. Section 601.6235 is added to read:

§ 601.6235 *VOR civil airway No. 235 control areas (Utah Lake, Utah, to Fort Bridger, Wyo.).* All of VOR civil airway No. 235.

54. Section 601.6236 is added to read:

§ 601.6236 *VOR civil airway No. 236 control areas (Booneville, Utah, to Ogden, Utah.).* All of VOR civil airway No. 236.

55. Section 601.6237 is added to read:

§ 601.6237 *VOR civil airway No. 237 control areas (Needles, Calif., to Mormon Mesa, Nev.).* All of VOR civil airway No. 237.

56. Section 601.6238 is added to read:

§ 601.6238 *VOR civil airway No. 238 control areas (Philadelphia, Pa., to Atlantic City, N. J.).* All of VOR civil airway No. 238.

57. Section 601.6239 is added to read:

§ 601.6239 *VOR civil airway No. 239 control areas (Wildwood, N. J., to Philadelphia, Pa.).* All of VOR civil airway No. 239.

58. Section 601.7001 *VOR Domestic reporting points* is amended by adding the following reporting points:

Bonneville, Utah, omnirange station.
Cherokee, Wyo., omnirange station.
Dubois, Idaho, omnirange station.
Elko, Nev., omnirange station.
Fort Bridger, Wyo., omnirange station.
Hanksville Utah, omnirange station.
Kiowa, Colo., omnirange station.
Klamath Falls, Oregon, omnirange station.
Lucin, Utah, omnirange station.
Perry, Ohio, nondirectional radio beacon.
Pocatello, Idaho, omnirange station.
Point Reyes, Calif., omnirange station.
Utah Lake, Utah, omnirange station.

Maricopa Intersection: The intersection of the Bakersfield, Calif., omnirange 210° True and the Coalinga, Calif., omnirange 153° True radials.

Geyersville Intersection: The intersection of the Williams, Calif., omnirange 241° True and the Point Reyes, Calif., omnirange 352° True radials.

Saugus Intersection: The Intersection of the Palmdale, Calif., omnirange 247° True and the Los Angeles, Calif., omnirange 355° True radials.

White Oaks Intersection: The intersection of the Bakersfield, Calif., omnirange 149° True and the Palmdale, Calif., omnirange 292° True radials.

Pacoima Intersection: The intersection of the Fillmore, Calif., omnirange 111° True and the Los Angeles, Calif., omnirange 355° True radials.

Avalon Intersection: The intersection of the Oceanside, Calif., omnirange 295° True and the Long Beach, Calif., omnirange 215° True radials.

Corona Intersection: The intersection of the Long Beach, Calif., omnirange 095° True and the Ontario, Calif., omnirange 180° True radials.

Berry Intersection: The intersection of the Ontario, Calif., omnirange 300° True, the Long Beach, Calif., omnirange 346° True and the Los Angeles, Calif., omnirange 035° True radials.

Purgatoire Intersection: The intersection of the Pueblo, Colo., omnirange 145° True and the Lamar, Colo., omnirange 231° True radials.

Saltair Intersection: The intersection of the Salt Lake City, Utah, omnirange 265° True and the Ogden, Utah, omnirange 190° True radials.

Davenport Intersection: The intersection of the Salinas, Calif., omnirange 300° True and the Point Reyes, Calif., omnirange 155° True radials.

Marin Intersection: The intersection of the San Francisco, Calif., omnirange 304° True and the Ukiah, Calif., omnirange 172° True radials.

Stinson Beach Intersection: The intersection of the San Francisco, Calif., omnirange 304° True and the Point Reyes, Calif., omnirange 155° True radials.

Fontana Intersection: The intersection of the Palmdale, Calif., omnirange 136° True, the Ontario, Calif., omnirange 038° True and the Daggett, Calif., omnirange 218° True radials.

Radnor Intersection: The intersection of the Lafayette, Ind., omnirange 089° True and the Indianapolis, Ind., omnirange 342° True radials.

and by changing the following reporting point to read:

Kokomo Intersection: The intersection of the Indianapolis, Ind., omnirange 021° True and the Lafayette, Ind., omnirange 089° True radials.

and by revoking the following reporting points:

Birmingham, Ala., omnirange station.
Klamath Falls, Idaho, omnirange station.
Rossville Intersection: The intersection of the Lafayette, Ind., omnirange 080° True and the Indianapolis, Ind., omnirange 342° True radials.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1107, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001 e. s. t., May 31, 1956.

[SEAL] JAMES T. PYLE,
*Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 56–3492; Filed, May 3, 1956; 8:45 a. m.]

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[Amdt. 161]

## PART 608—RESTRICTED AREAS

### ALTERATIONS

The restricted area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure, and effective date, provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.41, the Albemarle Sound, North Carolina, area (R–1 formerly D–1), published on July 16, 1949 in 14 F. R. 4294, is amended by changing the "Controlling Agency" column to read: "COMAIRLANT, NAS Norfolk, Virginia".

2. In § 608.41, the Albemarle Sound, North Carolina, area (R–2 formerly D–2), published on July 16, 1949 in 14 F. R. 4294, is amended by changing the "Controlling Agency" column to read: "COMAIRLANT, NAS Norfolk, Virginia".

3. In § 608.41, the Albemarle Sound, North Carolina, area (R–3 formerly D–3), published on July 16, 1949 in 14 F. R. 4294, is amended by changing the "Controlling Agency" column to read: "COMAIRLANT, NAS Norfolk, Virginia".

4. In § 608.41, the Albemarle Sound, North Carolina, area (R–6 formerly D–6), published on July 16, 1949 in 14 F. R. 4294, is amended by changing the "Controlling Agency" column to read: "COMAIRLANT, NAS Norfolk, Virginia".

5. In § 608.41, the Albemarle Sound, North Carolina, area (R–7 formerly D–7), published on July 16, 1949 in 14 F. R. 4294, is amended by changing the "Controlling Agency" column to read: "COMAIRLANT, NAS Norfolk, Virginia".

6. In § 608.41, the Albemarle Sound, North Carolina, area (R–8 formerly D–8), published on July 16, 1949 in 14 F. R. 4294, is amended by changing the "Controlling Agency" column to read: "COMAIRLANT, NAS Norfolk, Virginia".

7. In § 608.41, the Albemarle Sound, North Carolina, area (R–9 formerly D–9), published on July 16, 1949 in 14 F. R. 4294, is amended by changing the "Controlling Agency" column to read: "COMAIRLANT, NAS Norfolk, Virginia".

8. In § 608.17, the Milford, Delaware, area (R–12 formerly D–12) amended on April 26, 1952 in 17 F. R. 3724, is further amended by changing the "Controlling Agency" column to read: "COMNAB FOUR, NAS Atlantic City, New Jersey".

9. In § 608.29, the Woods Hole, Massachusetts, area (R–13 formerly D–13), amended on January 16, 1953 in 18 F. R. 350, is further amended by changing the "Controlling Agency" column to read: "COMFAIR QUONSET, NAS Quonset Point, Rhode Island".

10. In § 608.29, the No Man's Land Island, Massachusetts, area (R–18 formerly D–18), amended on January 16, 1953 in 18 F. R. 350, is further amended by changing the "Controlling Agency" column to read: "COMFAIR QUONSET, NAS Quonset Point, Rhode Island".

11. In § 608.38, the Warren Grove, New Jersey, area (R–26 formerly D–26), amended on May 4, 1955 in 20 F. R. 2975, is further amended by changing the "Controlling Agency" column to read: "COMNAB FOUR, NAS Atlantic City, New Jersey".

12. In § 608.38, the New Gretna, New Jersey, area (R–27 formerly D–27), amended on May 4, 1955 in 20 F. R. 2975, is further amended by changing the "Controlling Agency" column to read: COMNAB FOUR, NAS Atlantic City, New Jersey".

13. In § 608.38, the Brigantine, New Jersey, area (R–28 formerly D–28), amended on May 4, 1955 in 20 F. R. 2975, is further amended by changing the "Controlling Agency" column to read: "COMNAB FOUR, NAS Atlantic City, New Jersey".

14. In § 608.41, the Currituck Sound, North Carolina, area (R–31 formerly D–31), published on April 21, 1949 in 14 F. R. 1918, is amended by changing the "Controlling Agency" column to read: "COMAIRLANT, NAS Norfolk, Virginia".

15. In § 608.41, the Currituck Sound, North Carolina, area (R–32 formerly D–32), published on April 21, 1949 in 14 F. R. 1918, is amended by changing the "Controlling Agency" column to read: "COMAIRLANT, NAS Norfolk, Virginia".

16. In § 608.41, the Currituck Sound, North Carolina, area (R–33 formerly D–33), published on April 21, 1949 in 14 F. R. 1918, is amended by changing the "Controlling Agency" column to read: "COMAIRLANT, NAS Norfolk, Virginia".

17. In § 608.41, the Currituck Sound, North Carolina, area (R–34 formerly D–34), amended on August 11, 1954 in 19 F. R. 5041, is further amended by changing the "Controlling Agency" column to read: "COMAIRLANT, NAS Norfolk, Virginia".

18. In § 608.54, the Camp Pickett, Virginia, area (R–44), amended on April 4, 1956, in 21 F. R. 2141 is further amended by changing the "Controlling Agency" column to read: "COMPHIBLANT, NAB Little Creek, Norfolk, Virginia".

19. In § 608.37, the New Boston, New Hampshire, area (R–48 formerly D–48), amended on January 16, 1953 in 18 F. R. 350, is further amended by changing the "Controlling Agency" column to read: "COMFAIR QUONSET, NAS Quonset Point, Rhode Island".

20. In § 608.54, the Pendleton, Virginia, area (R–74 formerly D–74) amended on May 19, 1953 in 18 F. R. 2877, is further amended by changing the "Controlling Agency" column to read: "COMFLETRAGRU CHESBAY, NOB Norfolk, Virginia CO FADTC, Dam Neck, Virginia".

21. In § 608.29, the Cuttyhunk, Massachusetts, area (R–75 formerly D–75), amended on January 16, 1953 in 18 F. R. 350, is further amended by changing the "Controlling Agency" column to read: "COMFAIR QUONSET, NAS Quonset Point, Rhode Island".

22. In § 608.29, the Cotuit, Massachusetts, area (R–79 formerly D–79), amended on January 16, 1953 in 18 F. R. 350, is further amended by changing the "Controlling Agency" column to read: "COMFAIR QUONSET, NAS Quonset Point, Rhode Island".

23. In § 608.41, the Center Hill, North Carolina, area (R–89 formerly D–89), published on January 24, 1952 in 17 F. R. 715, is amended by changing the "Controlling Agency" column to read: "COMAIRLANT, NAS Norfolk, Virginia".

24. In § 608.47, the Block Island Sound, Rhode Island, area (R–90 formerly D–90), amended on January 16, 1953 in 18 F. R. 350, is further amended by changing the "Controlling Agency" column to read: "COMFLETRAGRU NARRABAY, Newport, Rhode Island".

25. In § 608.37, the Isle of Shoals, New Hampshire, area (R–96 formerlry D–96), amended on January 16, 1953 in 18 F. R. 350, is further amended by changing the "Controlling Agency" column to read: "COMFAIR QUONSET, NAS Quonset Point, Rhode Island".

26. In § 608.41, the Long Shoal Point, North Carolina, area (R–128 formerly D–128), amended on November 10, 1953 in 18 F. R. 7056, is further amended by changing the "Controlling Agency" column to read: "COMAIRLANT, NAS Norfolk, Virginia".

27. In § 608.18, the Lake George, Florida, area (R–176), amended on April 9, 1955 in 20 F. R. 2301, is further amended by changing the "Controlling Agency" column to read: "COMFAIR JACKSONVILLE, NAS Jacksonville, Florida".

28. In § 608.54, the Chesapeake Bay, Virginia, area (R–388 formerly D–388), published on October 31, 1951 in 16 F. R. 11066, is amended by changing the "Controlling Agency" column to read: "COMFLETRAGRU CHESBAY, NOB Norfolk, Virginia".

29. In § 608.51, the Fort Hood, Texas, area (R–219 formerly D–219), amended on November 10, 1954 in 19 F. R. 7285, is further amended by changing the "Designated Altitudes" column to read: "Surface to 27,000 feet MSL."

30. In § 608.51, the Del Rio, Texas, area (R–425 formerly D–425), amended on January 16, 1953 in 18 F. R. 350, is rescinded.

31. In § 608.51, the Laughlin AFB, Texas, area (R–427 formerly D–427), amended on January 16, 1953 in 18 F. R. 350, is rescinded.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on May 25, 1956.

[SEAL] JAMES T. PYLE,
*Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 56–3493; Filed, May 3, 1956; 8:45 a. m.]

[Amdt. 162]

## PART 608—RESTRICTED AREAS

### ALTERATION

The restricted area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Panel and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.48, a MCAAS Beaufort, South Carolina, area (R–499), is added to read:

| Name and location (chart) | Description by geographical coordinates | Designated altitudes | Time of designation | Controlling agency |
|---|---|---|---|---|
| MCAAS Beaufort, S. C. (R–499) (Savannah). | Within a 3 nautical mile radius of a point at latitude 32°31′50″, longitude 80°09′50″; excluding revised Warning Area W–132″. NOTE: To be used only during VFR weather conditions. | Surface to unlimited. | Daylight hours only. | MCAAS, Beaufort, S. C. |

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on May 31, 1956.

[SEAL] JAMES T. PYLE,
*Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 56–3494; Filed, May 3, 1956; 8:46 a. m.]

# TITLE 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket 6442]

## PART 13—DIGEST OF CEASE AND DESIST ORDERS

### YARDLEY OF LONDON, INC.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Furnishing services or facilities for processing, handling, etc., under 2 (e): § 13.835 *"Demonstrators"*.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Yardley of London, Inc., Union City, N. J., Docket 6442, April 19, 1956]

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging a corporate manufacturer of soaps, cosmetics, perfumes, etc., with principal place of business in Union City, N. J., with discriminating in price through furnishing demonstrator services to some customers when not according such services on proportionally equal terms to all their competitors—and an agreement between the parties providing for the entry of a consent order.

On this basis, the hearing examiner made his initial decision and order to cease and desist, which became, on April 19, 1956, the decision of the Commission.

The order to cease and desist is as follows:

*It is ordered*, That respondent, Yardley of London, Inc., a corporation, its officers, employees, agents and representatives, directly or through any corporate or other device, in connection with the sale or offering for sale, of cosmetics, beauty aids, and toilet preparations in commerce, as "commerce" is defined in the Clayton Act as amended, do forthwith cease and desist from:

Furnishing or contributing to the furnishing of demonstrator services to any purchaser of its products when such services are not accorded on proportionally equal terms to all other purchasers who resell such products in competition with purchasers who receive such demonstrator services.

By "Decision of the Commission", etc., report of compliance was required as follows:



*It is ordered*, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: April 19, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
*Secretary.*

[F. R. Doc. 56–3504; Filed, May 3, 1956; 8:48 a. m.]

[Docket 6237]

## PART 13—DIGEST OF CEASE AND DESIST ORDERS

### AMERICAN HOSPITAL AND LIFE INSURANCE CO.

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Adequacy and additional charges unmentioned; § 13.260 *Terms and conditions:* Insurance coverage. Subpart—*Misrepresenting oneself and goods*—Goods: § 13.1760 *Terms and conditions:* Insurance coverage; [1] [*Misrepresenting oneself and goods*]—Prices: § 13.1778 *Additional costs unmentioned.*[1]

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, The American Hospital and Life Insurance Company, San Antonio, Tex., Docket 6237, April 24, 1956]

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging that a corporation engaged in selling life, health, and accident insurance from its principal place of business in San Antonio, Texas, to purchasers in 14 States through its agents in the various States, represented falsely by statements in its brochures sent to its said agents and used by them as aids in selling the policies to which they referred (1) that certain policies provided indemnification for loss of time due to any and all sickness or illness and to all or any accidents; (2) that a certain policy provided indemnity up to a maximum sum of $150.00 for an operation; and (3) that maternity benefits under the policy were in addition to payments for room service and hospital expenses—respondent's answer and motion for dismissal which was denied, testimony and evidence, counsel's proposed findings and conclusions, and additional motions for dismissal filed by respondent.

On this basis, the hearing examiner filed his initial decision dismissing the complaint. From this, counsel in support of the complaint appealed, and the Commission in due course rendered its decision granting the appeal and vacating and setting aside the initial decision.

Thereafter, the Commission made its "Findings as to the Facts,[2] Conclusions [3] and Order", dated April 24, 1956, which, together with the decision on the appeal, were in lieu of the initial decision of the hearing examiner.

[1] New.

[2] Filed as part of the original document.

The order to cease and desist, including the order for compliance, is as follows:

*It is ordered*, That respondent, The American Hospital and Life Insurance Company, a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of any accident, health, hospital or surgical insurance policy, do forthwith cease and desist from representing, directly or by implication:

1. That said policy provides for indemnification against losses due to sickness or accident, unless a statement of all the conditions, exceptions, restrictions and limitations affecting the indemnification actually provided are set forth conspicuously, prominently, and in sufficiently close conjunction with said representations as will fully relieve it of all capacity to deceive.

2. That said policy provides for payment in full or in any specified amount or for payment up to any specified amount for any medical, surgical or hospital service, unless the policy provides that the actual cost to the insured for that service will be paid in all cases up to the amount represented, or unless full disclosure of the schedule of payments for which the policy provides is made conspicuously, prominently, and in sufficiently close conjunction with said representation as will fully relieve it of all capacity to deceive.

3. That said policy provides for the payment of certain benefits in addition to other benefits when such is not the fact.

*It is further ordered*, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 24, 1956.

By the Commission.[3]

[SEAL] ROBERT M. PARRISH,
*Secretary.*

[F. R. Doc. 56–3505; Filed, May 3, 1956; 8:48 a. m.]

# TITLE 19—CUSTOMS DUTIES

## Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54080]

## PART 17—PROTESTS AND REAPPRAISEMENTS

### POWER OF ATTORNEY TO FILE PROTEST

Under the present regulations, when a protest is filed by an agent or attorney for whom no power of attorney to act has been received by the collector, he is required to make an investigation to determine the authority of such person. If it is determined that the filing of the protest was unauthorized, the protest is not reviewed by the collector, but is forwarded to the court with a statement to this effect.

Since the final determination whether a protest has been validly filed is made by the court, much time and effort can be saved if protests of this type are reviewed by the collector and forwarded to the court in the usual manner and the Assistant Attorney General requested to move for a dismissal of the protest for lack of timely authority to file.

To put this procedure in effect, § 17.2 (a) of the Customs Regulations is hereby amended to read as follows:

§ 17.2 *Power of attorney to file protest.* (a) Except as hereinafter provided in this paragraph, no protest signed by an agent or attorney shall be granted or denied by the collector unless there has been filed or is filed with the protest in the collector's office a power of attorney on customs Form 5295 or 5295–A or other form as explicit in its terms as is the prescribed customs form, authorizing such agent or attorney to make, sign, and file the protest. Such powers of attorney issued by a partnership shall be limited to a period not to exceed two years from the date of receipt thereof by the collector. All other powers of attorney may be granted for an unlimited period. Any power of attorney shall be subject to revocation at any time by written notice given to and received by the collector. When a protest is filed by an agent or attorney not named in a power of attorney as required by this section, it shall be numbered and stamped with the date of receipt in order to establish whether it was filed within the period prescribed by section 514, Tariff Act of 1930. All information customarily furnished to the United States Customs Court and the Assistant Attorney General in the case of a valid protest should be supplied in the usual manner in connection with the merits of the purported protest together with a request to the Assistant Attorney General to move the United States Customs Court to dismiss the purported protest because of the lack of timely authority of the agent or attorney to file the protest in behalf of the principal. The purported protest shall not be granted or denied by the collector but shall be transmitted, together with the entry and accompanying papers and all exhibits connected therewith, to the United States Customs Court, with a communication explaining to the court that the agent or attorney who filed the purported protest was not named in a power of attorney, and that the collector has not reviewed and modified or affirmed the protested decision as required by section 515, Tariff Act of 1930, for the reason that it has not been established that the protest was filed by a person authorized by section 514, Tariff Act of 1930.

[3] Majority opinion of the Commission, and joint dissenting opinion of Commissioners Gwynne and Mason, and additional views of Commissioner Mason are filed as part of the original document.

(R. S. 251, sec. 624, 46 Stat. 759; 19 U. S. C. 66, 1624. Interprets or applies secs. 514, 515, 46 Stat. 734; 19 U. S. C. 15, 14, 1515)

[SEAL] RALPH KELLY,
*Commissioner of Customs.*

Approved: April 26, 1956.

DAVID W. KENDALL,
*Acting Secretary of the Treasury.*

[F. R. Doc. 56-3514; Filed, May 3, 1956; 8:50 a. m.]

## TITLE 21—FOOD AND DRUGS

### Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

#### Subchapter B—Food and Food Products

PART 51—CANNED VEGETABLES; DEFINITIONS AND STANDARDS OF IDENTITY, QUALITY; AND FILL OF CONTAINER

CANNED PEAS, IDENTITY; LABEL STATEMENT OF OPTIONAL INGREDIENTS

In § 51.1 *Identity; label statement of optional ingredients* (21 CFR (1955 Edition) 51.1), paragraph (c) is corrected by changing the clause "and in case optional pea ingredient (1) or (3) is used" to read "and in case optional pea ingredient (a) (1) or (2) is used".

Dated: April 30, 1956.

[SEAL] GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F. R. Doc. 56-3498; Filed, May 3, 1956; 8:46 a. m.]

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF HEPTACHLOR

A petition was filed with the Food and Drug Administration requesting the establishment of tolerances for residues of heptachlor in or on carrots, peaches, and radishes. The petitioner subsequently withdrew from the petition the request for a tolerance on peaches.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerance established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120) are amended by adding to § 120.104 the raw agricultural commodities carrots and radishes, so that as amended the section reads as follows:

§ 120.104 *Tolerances for residues of heptachlor (1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-4,7-methanoindene).* The tolerance of 0.1 part per million for residues of heptachlor (see § 120.101 (e) (61)) is extended to include the following raw agricultural commodities: Alfalfa, clover, sweet clover; beets (including sugar beets); cabbage, carrots, brussels sprouts, kohlrabi, cauliflower; corn; cotton; pasture and range grass; onions; peanuts; radishes; sugarcane; sweetpotatoes; turnips with tops and rutabagas (yellow turnips) without tops.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: April 27, 1956.

[SEAL] GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F. R. Doc. 56-3497; Filed, May 3, 1956; 8:46 a. m.]

## TITLE 25—INDIANS

### Chapter I—Bureau of Indian Affairs, Department of the Interior

#### Subchapter R—Leases and Sale of Minerals, Restricted Indian Lands

PART 189—LEASING OF CERTAIN RESTRICTED ALLOTED INDIAN LANDS FOR MINING

LEASES FOR MINERALS OTHER THAN OIL AND GAS

Section 189.6 is amended to read as follows:

§ 189.6 *Leases for minerals other than oil and gas.* Leases for minerals other than oil and gas shall be advertised for bids as prescribed in § 189.4 unless the Commissioner grants to the Indian owners written permission to negotiate for a lease. Negotiated leases, accompanied by proper bond and other supporting papers, shall be filed with the Superintendent of the appropriate Indian Agency within 30 days after such permission shall have been granted by the Commissioner to negotiate the lease. The appropriate Area Director is authorized in proper cases to grant a reasonable extension of this period prior to its expiration. The right is reserved to the Secretary of the Interior to direct that negotiated leases be rejected and that they be advertised for bids. All leases shall be approved by the Secretary of the Interior or his duly authorized representative (35 Stat. 783; 25 U. S. C. 396).

CLARENCE A. DAVIS,
*Acting Secretary of the Interior.*

APRIL 30, 1956.

[F. R. Doc. 56-3500; Filed, May 3, 1956; 8:47 a. m.]

## TITLE 43—PUBLIC LANDS: INTERIOR

### Chapter I—Bureau of Land Management, Department of the Interior

#### Subchapter C—Areas Subject to Special Laws

[Circular 1954]

PART 115—REVESTED OREGON AND CALIFORNIA AND RECONVEYED COOS BAY WAGON ROAD GRANT LANDS IN OREGON

PERMITS FOR RIGHTS-OF-WAY FOR LOGGING ROADS

1. Section 115.166 (a) is amended to read as follows:

§ 115.166 *Agreements and arbitration between permittee and licensee respecting compensation payable by licensee to permittee for use of road.* (a) In the event the United States exercises the rights received from a permittee hereunder to license a person to remove forest products over any road, right-of-way, or lands of the permittee or of his successor in interest, to the extent that such matters are not covered by an agreement under § 115.165, such licensee will be required to pay the permittee or his successor in interest such compensation and to furnish him such security, and to carry such liability insurance as the permittee or his successor in interest and the licensee may agree upon. If the parties do not agree, then upon the written request of either party delivered to the other party, the matter shall be referred to and finally determined by arbitration in accordance with the procedures established by § 115.169. During the pendency of such arbitration proceedings, the licensee shall be entitled to use the road, right-of-way, or lands involved upon payment, or tender thereof validly maintained, to the permittee of an amount to be determined by the authorized officer and upon the furnishing to the permittee of a corporate surety bond in an amount equal to the difference between the amount fixed by the authorized officer and the amount sought by the permittee. The licensee shall also, as a condition of use in such circumstances, maintain such liability insurance in such amounts covering any additional hazard and risk which might accrue by reason of the licensee's use of the road, as the authorized officer may prescribe.

2. Section 115.171 (b) is amended to read as follows:

§ 115.171 *Payment to the United States for road use.* * * *

(b) In addition, where the permittee receives a right to use a road constructed or acquired by the United States, which is under the administrative jurisdiction of the Bureau of Land Management, he will be required to pay to the United States for the use thereof, except where he transports forest products purchased from the United States through the Bureau, a fee to be determined by the authorized officer who shall base his determination upon the amortization of the replacement costs for a road of the type involved, together with a reasonable interest allowance on such costs, plus costs of maintenance if furnished by the United States and any extraordinary costs peculiar to the construction or acquisition of the particular road. In arriving at the amortization item, the authorized officer shall take into account the probable period of time, past and present, during which such road may be in existence and the volume of timber which has been moved and the volume of timber, currently merchantable, which probably will be moved from all sources over such road. The authorized officer may fix the rate at which payments shall be made by the permittee during his use of the road: *Provided, however,* That this paragraph shall not apply where payment for such road use to another permittee is required under §§ 115.154 to 115.179: *Provided further,* That where the United States is entitled to charge a fee for the use of a road, the authorized officer may waive such fee if the permittee grants to the United States and its licenses the right to use, without charge, permittee's roads of approximately equal value as determined under the methods provided in this paragraph and paragraph (b) of § 115.166, as may be applicable.

3. Section 115.174 (a) is amended by adding at the end thereof two new subparagraphs (10) and (11) as follows:

§ 115.174 *Terms and conditions of permit.* (a) * * *

(10) Upon request of an authorized officer, to submit to the Bureau within 30 days with permission to publish, the detailed terms and conditions, including the fee which the permittee will ask as a condition of such licensee's use for the removal of forest products over any road or right-of-way which the United States and its licensees have acquired a right to use under § 115.162.

(11) To grant to the United States, upon request of an authorized officer, in lieu of the rights-of-way across legal subdivisions granted pursuant to § 115.162, such permanent easements on specifically described locations as may be necessary to permit the Bureau to construct roads on such legal subdivisions with appropriated funds: *Provided,* That at the time of the grant of such permanent easements the Bureau shall release, except for necessary connecting spur roads, the rights-of-way across such legal subdivisions previously granted: *Provided further,* That if the United States builds a road on such permanent easements it shall pay for any timber of the permittee which is cut, removed, or destroyed in accordance with § 115.167. The authorized officer shall waive the requirement under this paragraph, however, if the permittee makes a satisfactory showing to the authorized officer that he does not own a sufficient interest in the land to grant a permanent easement, and that he has negotiated therefor in good faith without success.

(Sec. 5, 50 Stat. 875; 43 U. S. C. 1181e)

CLARENCE A. DAVIS,
*Acting Secretary of the Interior.*

APRIL 30, 1956.

[F. R. Doc. 56-3502; Filed, May 3, 1956; 8:47 a. m.]

#### Appendix—Public Land Orders

[Public Land Order 1297]

[1796532]

ALASKA

REVOKING EXECUTIVE ORDER NO. 8789 OF JUNE 14, 1941, WHICH RESERVED CERTAIN LANDS IN ALASKA FOR USE OF WAR DEPARTMENT FOR MILITARY PURPOSES

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Executive Order No. 8789 of June 14, 1941, reserving certain lands in Alaska for use of the War Department for military purposes, which was partially revoked by Executive Order No. 9153-A of April 30, 1942, and Public Land Orders No. 917 of October 6, 1953, and No. 1245 of November 3, 1955, is hereby revoked in its entirety. The following lands are released from withdrawal by this order:

KODIAK ISLAND

LONG ISLAND

All of Long Island and the small islands and rocks adjacent thereto. United States Coast and Geodetic Survey Chart No. 8570, March 1910, shows Long Island situated between 57°44'30" and 57°47'30" N. latitudes and between 152°13' and 152°19' W. longitudes.

The area described, including both public and non-public lands, aggregates 1,320 acres.

KALSIN BAY AREA

Beginning at a point west of Isthmus Island on line of mean high tide on west shore of Kalsin Bay, 57°38'25" N. latitude, 152° 25'48" W. longitude, as shown on United States Coast and Geodetic Survey Chart No. 8570, March 1910.

Thence from said initial point,

West, 4 miles, across Kodiak Island, to a point;
North, 1¼ miles, more or less, to a point on the south boundary of the naval reserve described in Executive Order No. 8278, October 28, 1939;
East, along south boundary of the naval reserve to line of mean high tide on Middle Bay;
Thence along line of mean high tide with meanders of Middle Bay, Chiniak Bay and Kalsin Bay to the place of beginning.

The area described, including both public and non-public lands, aggregates 3,450 acres.

The lands released from withdrawal by this order shall not be subject to application, location, settlement, entry, or other forms of appropriation under the public-land laws until further order of an authorized officer of the Bureau of Land Management.

[SEAL] WESLEY A. D'EWART,
*Assistant Secretary of the Interior.*

APRIL 30, 1956.

[F. R. Doc. 56-3501; Filed, May 3, 1956; 8:47 a. m.]



# PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### [ 7 CFR Part 52 ]

FROZEN CONCENTRATED GRAPEFRUIT JUICE

UNITED STATES STANDARDS FOR GRADES [1]

Notice is hereby given that the United States Department of Agriculture is considering the revision of United States Standards for Grades of Frozen Concentrated Grapefruit Juice (18 F. R. 7993) pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.). This revision, if made effective, will be the second issue by the Department of grade standards for this product.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington 25, D. C., not later than November 1, 1956.

PRODUCT DESCRIPTION, STYLES, AND GRADES

Sec.
52.1221 Product description.
52.1222 Styles of frozen concentrated grapefruit juice.
52.1223 Grades of frozen concentrated grapefruit juice.

FILL OF CONTAINER

52.1224 Recommended fill of container.

FACTORS OF QUALITY

52.1225 Ascertaining the grade.
52.1226 Ascertaining the rating for the factors which are scored.
52.1227 Color.
52.1228 Defects.
52.1229 Flavor.

[1] Compliance with these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

EXPLANATIONS AND METHODS OF ANALYSES

Sec.
52.1230 Explanations and methods of analyses.

LOT CERTIFICATION TOLERANCES

52.1231 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.1232 Score sheet for frozen concentrated grapefruit juice.

AUTHORITY: §§ 52.1221 to 52.1232 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.1221 *Product description.* Frozen concentrated grapefruit juice is the frozen product of concentrated, unfermented juice obtained from sound, mature grapefruit (Citrus paradisi) of the white fleshed varieties only. The fruit is prepared by sorting and by washing prior to extraction of the juice to assure a clean product. Upon extraction of such juice, it is concentrated; and single-strength grapefruit juice is admixed to the concentrate. The concentrated grapefruit juice is packed in accordance with good commercial practice and is frozen and maintained at temperatures necessary for the preservation of the product.

§ 52.1222 *Styles of frozen concentrated grapefruit juice*—(a) *Style I; unsweetened.* The Brix value of the finished concentrate is not less than 38 degrees nor more than 42 degrees.

(b) *Style II; sweetened.* The Brix value of the finished concentrate is not less than 38 degrees nor more than 48 degrees. Frozen concentrated grapefruit juice of this style contains not less than 3.47 pounds of soluble grapefruit solids per gallon and additional nutritive sweetening ingredient(s).

§ 52.1223 *Grades of frozen concentrated grapefruit juice.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen concentrated grapefruit juice which reconstitutes properly and of which the reconstituted juice possesses the appearance of fresh grapefruit juice; possesses a very good color; is practically free from defects; possesses a very good flavor; and scores not less than 85 points when scored in accordance with the scoring system outlined in this subpart.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of frozen concentrated grapefruit juice which reconstitutes properly and of which the reconstituted juice possesses a good color; is reasonably free from defects; possesses a good flavor; and scores not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of frozen concentrated grapefruit juice that fails to meet the requirements of U. S. Grade B or U. S. Choice.

FILL OF CONTAINER

§ 52.1224 *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container be as full of frozen concentrated grapefruit juice as practicable without impairment of quality.

FACTORS OF QUALITY

§ 52.1225 *Ascertaining the grade.* In addition to considering other requirements outlined in the standards the following quality factors are evaluated:

(a) *Factors not rated by score points.* (1) Faculty of reconstituting properly.

(2) Appearance of fresh juice.

(b) *Factors rated by score points.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

| Factors: | Points |
|---|---|
| Color | 40 |
| Defects | 20 |
| Flavor | 40 |
| Total score | 100 |

§ 52.1226 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive. (For example, "17 to 20 points" means 17, 18, 19, or 20 points.)

§ 52.1227 *Color*—(a) *(A) classification.* Frozen concentrated grapefruit juice of which the reconstituted juice possesses a very good color may be given a score of 34 to 40 points. "Very good color" means that the color is bright and typical of freshly extracted grapefruit juice and is free from any trace of browning.

(b) *(B) classification.* If the reconstituted juice possesses a "good color" a score of 28 to 33 points may be given. Frozen concentrated grapefruit juice that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice regardless of the total score for the product (this is a limiting rule), "Good color" means that the color is typical of freshly extracted grapefruit juice which may be slightly dull or show traces of browning but is not off color for any reason.

(c) *(SStd.) classification.* If the reconstituted juice fails to meet the requirements of paragraph (b) of this section, a score of 0 to 27 points may be given. Frozen concentrated grapefruit juice that falls into this classification shall not be graded above Substandard regardless of the total score for the product, (this is a limiting rule).

§ 52.1228 *Defects*—(a) *General.* The factor of defects refers to the degree of freedom from juice cells and pulp and from seeds or portions thereof, dark specks, and other defects in the reconstituted juice.

(b) *(A) classification.* Frozen concentrated grapefruit juice of which the reconstituted juice is practically free from defects may be given a score of 17 to 20 points. "Practically free from defects" means that there may be present:

(1) Juice cells only in such amounts as do not materially detract from the appearance or drinking quality of the juice;

(2) Not more than 8 percent free and suspended pulp;

(3) Practically no seeds or portions thereof that could not pass readily through round perforations of ⅛ inch in diameter;

(4) Only such small seeds or portions thereof that could pass through round perforations of ⅛ inch in diameter as do not materially detract from the appearance or drinking quality of the juice; and

(5) Other defects that are not more than slightly objectionable.

(c) *(B) classification.* If the reconstituted juice is reasonably free from defects a score of 14 to 16 points may be given. Frozen concentrated grapefruit juice that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that there may be present:

(1) Juice cells only in such amounts as do not seriously detract from the appearance or drinking quality of the juice;

(2) Not more than 10 percent free and suspended pulp;

(3) Practically no seeds or portions thereof that could not pass readily through round perforations of ⅛ inch in diameter;

(4) Only such small seeds or portions thereof that could pass through round perforations of ⅛ inch in diameter as do not seriously detract from the appearance or drinking quality of the juice; and

(5) Other defects that are not materially objectionable.

(d) *(SStd.) classification.* Frozen concentrated grapefruit juice that fails to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard regardless of the total score for the product (this is a limiting rule).

§ 52.1229 *Flavor*—(a) *(A) classification.* Frozen concentrated grapefruit juice of which the reconstituted juice possesses a very good flavor may be given a score of 34 to 40 points. "Very good flavor" means that the flavor is fine, distinct, and substantially typical of freshly extracted grapefruit juice with not more than a trace of bitterness. To score in this classification frozen concentrated grapefruit juice shall meet the following requirements for the respective style:

(1) *Style I; unsweetened.* The ratio of Brix value to acid is not less than 9 to 1 nor more than 14 to 1 and the recoverable oil content is not less than 0.010 ml. nor more than 0.050 ml. per 100 grams.

(2) *Style II; sweetened.* The ratio of Brix value to acid is not less than 10 to 1 nor more than 13 to 1 and the recoverable oil content is not less than 0.010 ml. nor more than 0.050 ml. per 100 grams.

(b) *(B) classification.* If the reconstituted juice possesses a good flavor a score of 28 to 33 points may be given. Frozen concentrated grapefruit juice that falls into this classification shall not be graded above U. S. Grade B or U. S. Choice regardless of the total score for the product (this is a limiting rule). "Good flavor" means that the flavor is fairly typical of freshly extracted grapefruit juice and is free from abnormal flavors and off flavors of any kind. To score in this classification frozen concentrated grapefruit juice shall meet the following requirements for the respective style:

(1) *Style I; unsweetened.* The ratio of Brix value to acid is not less than 7 to 1 nor more than 16 to 1 and the recoverable oil content is not more than 0.050 ml. per 100 grams.

(2) *Style II; sweetened.* The ratio of Brix value to acid is not less than 8 to 1 nor more than 13 to 1 and the recoverable oil content is not more than 0.050 ml. per 100 grams.

(c) *(SStd.) classification.* If the frozen concentrated grapefruit juice fails to meet the requirements of paragraph (b) of this section a score of 0 to 27 points may be given. Frozen concentrated grapefruit juice that falls into this classification shall not be graded above Substandard regardless of the total score for the product (this is a limiting rule).

EXPLANATIONS AND METHODS OF ANALYSES

§ 52.1230 *Definitions of terms as used in these standards, and methods of analyses*—(a) *Reconstituted Juice.* "Reconstituted juice" means the product obtained by mixing thoroughly 3 parts by volume of distilled water and one part by volume of frozen concentrated grapefruit juice.

(b) *Reconstitutes properly.* "Reconstitutes properly" means that the concentrate goes into solution readily; and that in approximately 250 ml. of the reconstituted juice, after standing four (4) hours at a temperature of not less than 68 degrees Fahrenheit in a clear glass cylinder (approximately 1¼ inches in diameter), there may be a noticeable separation of suspended matter but any resulting zone of greater clarity shall be definitely turbid and not clear or transparent.

(c) *Acid.* "Acid" means the percent by weight of total acidity, calculated as anhydrous citric acid. Total acidity is determined by titration with standard sodium hydroxide solution, using phenolphthalein as indicator.

(d) *Brix value.* "Brix value" is the refractometric sucrose value determined on the thawed concentrate in accordance with the refractometric method for sugars and sugar products, outlined in the "Official Methods of Analysis of the Association of Official Agricultural Chemists" and to which the applicable correction for acid is added:

TABLE I—CORRECTIONS FOR OBTAINING BRIX VALUE[1]

| Citric acid, anhydrous (percent by weight) | Correction to be added to refractometer sucrose value to obtain degrees Brix value |
|---|---|
| 2.0 | 0.39 |
| 2.2 | .43 |
| 2.4 | .47 |
| 2.6 | .51 |
| 2.8 | .54 |
| 3.0 | .58 |
| 3.2 | .62 |
| 3.4 | .66 |
| 3.6 | .70 |
| 3.8 | .74 |
| 4.0 | .78 |
| 4.2 | .81 |
| 4.4 | .85 |
| 4.6 | .89 |
| 4.8 | .93 |
| 5.0 | .97 |

[1] Source: "Refractometric Determination of Soluble Solids in Citrus Juices," by J. W. Stevens and W. E. Baier, from the Analytical Edition of Industrial and Engineering Chemistry, Vol. II, p. 447, Aug. 15, 1939.

(e) *Recoverable oil.* "Recoverable oil" is determined by the following method:

(1) *Equipment.* Oil separatory trap similar to either of those illustrated in Figure 1 or Figure 2.[1]

Gas burner or hot plate.
Ringstand and clamps.
Rubber tubing.
Three-liter narrow-neck flask.

(2) *Procedure.* (i) Place exactly 400 grams of the thawed concentrate, mixed with water to approximately two-liters, in a three-liter flask and insert in the separatory trap. Close the stopcock, place distilled water in the graduated tube, run cold water through the condenser from the bottom to top, and bring the solution to a boil. Continue boiling for one hour at the rate of approximately 50 drops per minute.

(ii) By means of the stopcock, lower the oil into the graduated portion of the separatory trap, remove the trap from the flask, allow it to cool, and record the amount of oil recovered.

(iii) The number of milliliters of oil recovered divided by 4 equals the volume of recoverable oil per 100 grams of concentrate.

(f) *Free and suspended pulp.* "Free and suspended pulp" means particles of membrane, core, peel and other similar extraneous material that settle out on centrifuging by the following method:

(1) Skim floating fruit cells and pulp from the sample of reconstituted juice, and

(2) Fill graduated centrifuge tubes, of a capacity of 50 ml. with the skimmed reconstituted grapefruit juice and place in a suitable centrifuge. Adjust the speed according to diameter, as indicated in Table II, and centrifuge for exactly 10 minutes. As used herein, "diameter" means the overall distance between the bottoms of opposing centrifuge tubes in operating position. After centrifuging, the milliliter reading at the top of the layer of pulp in the tube is multiplied by 2 to give the percentage of pulp.

TABLE II

| Diameter | Approximate revolutions per minute |
|---|---|
| 10 inches | 1,609 |
| 10¼ inches | 1,570 |
| 11 inches | 1,534 |
| 11½ inches | 1,500 |
| 12 inches | 1,468 |
| 12¼ inches | 1,438 |
| 12½ inches | 1,410 |
| 13 inches | 1,384 |
| 13½ inches | 1,359 |
| 14 inches | 1,336 |
| 14½ inches | 1,313 |
| 15 inches | 1,292 |
| 15¼ inches | 1,271 |
| 16 inches | 1,252 |
| 16½ inches | 1,234 |
| 17 inches | 1,216 |
| 17¼ inches | 1,199 |
| 18 inches | 1,182 |
| 18½ inches | 1,167 |
| 19 inches | 1,152 |
| 19½ inches | 1,137 |
| 20 inches | 1,123 |

LOT CERTIFICATION - TOLERANCES

§ 52.1231 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of frozen concentrated grapefruit juice the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, (1) such containers meet all of the applicable grade requirements of the factors of quality that are not rated by score points; (2) all containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification; and (3) with respect to those factors which are rated by score points:

(i) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(ii) None of the containers falls more than four points below the minimum score for the grade indicated by the average of such total scores;

(iii) None of the containers falls more than one grade below the grade indicated by the average of such total scores; and

(iv) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample.

SCORE SHEET

§ 52.1232 *Score sheet for frozen concentrated grapefruit juices.*

| Factors | Score points |
|---|---|
| Size and kind of container | |
| Container mark or identification | |
| Label | |
| Liquid measure (fluid ounces) | |
| Brix value of concentrate (corrected for acid) | |
| Anhydrous citric acid (percent by weight) | |
| Brix value to acid ratio (—:1) | |
| Recoverable oil (ml./100 grams) | |
| Free and suspended pulp (percent) | |
| Reconstitutes properly (Yes) (No) | |
| Appearance of fresh juice (Yes) (No) | |
| Color | 40 [(A) 34–40; (B) 28–33; (SStd.) 0–27] |
| Defects | 20 [(A) 17–20; (B) 14–16; (SStd.) 0–13] |
| Flavor | 40 [(A) 34–40; (B) 28–33; (SStd.) 0–27] |
| Total score | 100 |
| Grade | |

[1] Indicates limiting rule.

Dated: May 1, 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator, Marketing Services.*

[F. R. Doc. 56-3517; Filed, May 3, 1956; 8:52 a. m.]

[1] Filed as part of original document.

## [ 7 CFR Part 56 ]

### SHELL EGGS

### GRADING AND INSPECTION AND UNITED STATES STANDARDS, GRADES AND WEIGHT CLASSES

Notice is hereby given that the United States Department of Agriculture is considering the issuance of an amendment to the regulations governing the grading and inspection of shell eggs and United States standards, grades and weight classes for shell eggs (7 CFR, Part 56), issued pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.).

The proposed amendment changes the form of application for grading service by incorporating most of the provisions, including the fees and charges which are currently set forth in the application form, into the main portion of the regulations. There are no substantive changes in the proposed amendment with the exception that the hourly charge for making initial surveys in connection with inauguration of service would be raised from $4.00 to $5.00 per hour.

All persons who desire to submit written data, views or arguments in connection with this amendment should file the same, in triplicate, with the Chief of the Standardization and Marketing Practices Branch, Poultry Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2095, South Building, Washington 25, D. C., not later than 15 days following publication hereof in the FEDERAL REGISTER.

The proposed amendment is as follows:

1. Delete the word "contract" in the definition of "Grading" or "grading service" in § 56.2 *Terms defined*, and substitute in lieu thereof the word "resident".

2. Change paragraph (b) of § 56.21 *How application may be made*, to read as follows:

(b) *On a resident grading basis.* An application for continuous grading service on a resident grading basis to be rendered in an official plant must be made in writing on forms approved by the Administrator and filed with the Administrator.

3. Change § 56.47 *Fees for appeal grading*, to read as follows:

§ 56.47 *Fees for appeal grading.* The fees to be charged for any appeal grading shall be double the fee specified in the grading certificate from which the appeal is taken: *Provided*, That, the fee for any appeal grading requested by the United States, or any agency or instrumentality thereof, shall be the same as set forth in the grading certificate from which the appeal is taken. If the fee on the certificate from which the appeal is taken is based on the provisions of § 56.52, then the fee for such appeal grading shall be double the amount specified in § 56.60 for the applicable volume of product appeal graded. If the result of any appeal grading discloses that a material error was made in the grading appealed from, no fee shall be required.

4. Change § 56.52 *On a contract basis* to read as follows:

§ 56.52 *On a resident grading basis*—(a) *Charges.* The charges for grading of shell eggs shall be paid by the applicant for the service and shall include such of the items listed in this section as are applicable. Payment for the full cost of the grading service rendered to the applicant shall be made by the applicant to the Agricultural Marketing Service, United States Department of Agriculture (hereinafter referred to as "AMS") not later than fifteen (15) days from the date of billing. Such full costs shall comprise such of the items listed in this section as may be due and may be included, from time to time, in the bill or bills covered the period or periods during which the grading service may be rendered. A charge will be made by AMS in the amount of one (1) percent per month or fraction thereof of any amounts remaining unpaid after thirty (30) days from the date of bill.

(1) A charge of $5.00 per hour plus a charge to cover travel and per diem costs incurred by AMS in making the initial survey of the designated plant and its premises prior to the performance, by AMS, of the grading service;

(2) A charge of $100 for the final survey and inauguration of the grading service including the assignment of one grader and one alternate grader, provided they are installed at the same time;

(3) A charge of $50 for each additional grader or replacement of a previously assigned grader to the designated plant; *Provided*, That, in the sole discretion of the Service no such charge will be made for a replacement when such replacement is made by the use of a regular employee of the Service, or when the replacement is made necessary by the transfer of an employee of the Service for the sole benefit of the Service;

(4) A charge equal to the salary cost paid to each grader assigned to the applicant's plant by AMS including an amount for annual leave and sick leave; *Provided*, That, no charge is to be made for salary cost of any assigned grader of the designated plant while temporarily reassigned by AMS to perform grading service for other than the applicant, except when the assigned grader is performing service for the Department of Defense on products accepted for delivery by the applicant to the Department of Defense, in which case the applicant will be given credit for the service rendered based on a formula concurred in jointly by the Departments of Defense and Agriculture;

(5) A charge equal to the salary cost, travel expenses and per diem paid by AMS to any grader whose services are required for relief purposes when regular graders are on annual leave or sick leave;

(6) A charge for the actual cost to AMS of any travel or per diem incurred by each grader assigned to the plant while in the performance of grading service rendered the applicant;

(7) A charge, at the sole discretion of AMS of an amount not in excess of the actual cost to AMS of the travel (including the cost of movement of household goods and dependents) and per diem with respect to each grader or inspector who is transferred from an official station to the designated plant;

(8) A charge, included in salary cost, equal to the Employer's tax imposed under the United States Internal Revenue Code (26 U. S. C.) for Old Age and Survivors Benefits under the Social Security System, and an amount equal to the cost to AMS for insurance as provided in the Federal Employees' Group Life Insurance Act of 1954.

(9) An administrative service charge based upon the aggregate number of thirty dozen cases of shell eggs handled in the plant per month and computed in accordance with the following table:

COMPUTATION OF ADMINISTRATIVE SERVICE CHARGES

| | |
|---|---|
| 0 to 500 cases | $25.00 |
| 501 to 1,750 cases | 33.25 |
| 1,751 to 2,750 cases | 38.00 |
| 2,751 to 3,750 cases | 42.75 |
| 3,751 to 5,000 cases | 47.50 |
| 5,001 to 6,000 cases | 52.25 |
| 6,001 to 7,000 cases | 57.00 |
| 7,001 to 8,000 cases | 61.75 |
| 8,001 to 9,000 cases | 66.50 |
| 9,001 to 10,000 cases | 71.25 |
| 10,001 to 11,000 cases | 76.00 |
| 11,001 to 12,000 cases | 80.75 |
| 12,001 to 13,000 cases | 85.50 |
| 13,001 to 14,000 cases | 90.25 |
| 14,001 and over | 95.00 |

(10) A charge of $5 per hour plus actual cost to AMS for per diem and travel cost incurred in rendering service not specifically covered in this section such as surveys in addition to the initial and final.

(11) A charge equal to 7 percent of the salary paid by AMS to each grader exclusive of one regular grader whose salary is paid by AMS.

(b) *Other provisions.* (1) The applicant shall designate in writing the employees of the applicant who will be required and authorized to furnish each grader with such information as may be necessary for the performance of the grading service.

(2) AMS will provide as available an adequate number of graders to perform the grading service.

(3) At the sole discretion of AMS, graders may be either Federal or State employees or licensed employees of the applicant.

(4) The grading service shall be provided at the designated plant and shall be continued until the service is suspended, withdrawn, or terminated by:

(i) Mutual consent;

(ii) Thirty (30) days' written notice, by either the applicant or AMS specifying the date of suspension, withdrawal, or termination;

(iii) One (1) day's written notice by AMS to the applicant if the applicant fails to honor any invoice within thirty (30) days after date of invoice covering the cost of the grading service; or

(iv) Termination of the services pursuant to the provisions of the following subparagraph (v) of this paragraph;

(v) Grading service shall be terminated by AMS at any time AMS, acting pursuant to any applicable laws, rules and regulations, debars the applicant from receiving any further benefits of the service.

(5) Federally employed graders will be required to confine their activities to those duties necessary in the rendering of grading service and such closely related activities as may be approved by AMS; *Provided*, That, in no instance will the Federally employed grader assume the duties of management.

5. Delete the word "contract" in § 56.56 *Grading certificate issuance*, and substitute in lieu thereof the word "resident".

6. Delete the words "or contract" in the last sentence of § 56.75.

7. Change § 56.100 to read as follows:

§ 56.100 *Application for grading service with respect to shell eggs.*

Application is hereby made, in accordance with the applicable provisions of the regulations (7 CFR Part 56) governing the grading and inspection of shell eggs and United States standards, grades and weight classes for shell eggs, for shell egg grading service at the following designated plant:

Name of plant _____
Street address _____
City and State _____

In making this application the applicant agrees to comply with the terms and conditions of the aforesaid regulations (including but not being limited to such instructions governing grading of products as may be issued, from time to time, by the Administrator). This application is made for grading service to be performed on a resident grading basis pursuant to § 56.52 and such other provisions of the aforesaid regulations which are applicable.

_____
(Applicant)[1]

By _____

_____
(Street)

_____ _____
(City) (State)

_____
(Date)

Application granted:

_____
(Date)

_____

_____
(Title)

(60 Stat. 1087; 7 U. S. C. 1621 et seq.)

Issued at Washington, D. C., this 1st day of May 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator,*
*Agricultural Marketing Service.*

[F. R. Doc. 56-3519; Filed, May 3, 1956; 8:52 a. m.]

[1] No Member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any benefit that may arise from this service unless derived through service rendered a corporation for its general benefit.

## [ 7 CFR Part 70 ]

### POULTRY AND EDIBLE PRODUCTS THEREOF

### GRADING AND INSPECTION AND UNITED STATES CLASSES, STANDARDS, AND GRADES

Notice is hereby given that the United States Department of Agriculture is considering the issuance of an amendment to the regulations governing the grading and inspection of poultry and edible products thereof and United States classes, standards, and grades with respect thereto (7 CFR Part 70), issued pursuant to the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.).

The proposed amendment would change the identification mark permitted to be used on bulk packages of dressed poultry processed under the sanitation program; make certain limitations pertaining to the use of grade terminology on packages bearing the inspection mark in instances where the product has not been officially graded; and change the application form for grading service by incorporating most of the provisions now contained in the application into Subpart A of the regulations under the general heading of fees and charges. The amendment would also establish as a prerequisite to using the inspection mark, a minimum meat content of poultry pies. A similar proposal was published in the FEDERAL REGISTER of April 27, 1955 (20 F. R. 2799), but final action thereon was delayed for further consideration. The industry has recently requested further action on the matter and the proposal is included herein in essentially the same form as originally presented.

All persons who desire to submit written data, views, or arguments in connection with this amendment should file the same, in triplicate, with the Chief of the Standardization and Marketing Practices Branch, Poultry Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2095, South Building, Washington 25, D. C., not later than 15 days following publication hereof in the FEDERAL REGISTER.

The proposed amendment is as follows:

1. Delete the word "contract" in the definition of "Grading or grading service" in § 70.1 *Definitions*, and substitute in lieu thereof the word "resident".

2. Change the definition of "Potable water" in § 70.1 *Definitions*, to read as follows:

"Potable water" means water that has been approved by the State health authority as safe for drinking and suitable for food processing.

3. Add a new definition in § 70.1 *Definitions*, which reads as follows:

"Rock cornish game hen" or "cornish game hen" means a young immature chicken (usually 5 to 8 weeks of age) weighing not more than 2 pounds ready-to-cook weight, which was prepared from a Cornish chicken or a Cornish chicken crossed with other breeds of chickens.

4. Add a new § 70.19 which reads as follows:

§ 70.19 *Processing poultry for export.* With respect to processed poultry that will be exported, the Administrator is authorized to waive any particular provision of the regulations that conflicts with the contract specifications of the foreign importer. Any poultry which was prepared for export on the basis of waived provisions pursuant to this section and which for some reason is not exported shall have all official marks removed therefrom and from the containers thereof prior to sale for domestic consumption.

5. Change paragraph (b) of § 70.48 *Suspension of plant approval*, to read as follows:

(b) During such period of suspension, inspection and grading service shall not be rendered. However, the other provisions of the regulations pertaining to providing service on a resident basis will remain in effect unless such service is terminated in accordance with the provisions of this part. If the plant facilities or methods of operation are not brought into compliance within a reasonable period of time, to be specified by the Administrator, the service shall be terminated. Upon termination of inspection or grading service in an official plant pursuant to the regulations in this part, the plant approval shall also become terminated, and all labels, seals, tags or packaging material bearing official identification shall, under the supervision of a person designated by the Service, either be destroyed, or the official identification completely obliterated, or sealed in a manner acceptable to the Service.

6. Add the following sentence to § 70.90 *Approval of official identification* "A label which bears the inspection mark shall not bear any quality designation in terms used in this part, such as, 'Grade A', unless the product packed thereunder has been graded pursuant to this part and found to be of the grade indicated on the label. Officially graded products which are to be individually marked with a grade designation, shall be marked in accordance with the provisions of this part."

7. Change the introductory statement of paragraph (b) *Wording on labels*, of § 70.93 *Marking inspected products*, to read as follows:

(b) *Wording on labels.* Each trade label approved for use on an immediate container pursuant to § 70.90 to § 70.94 with respect to any graded or inspected and certified edible product shall bear the following information:

* * * * *

7a. Change paragraph (b) (6) of § 70.93 *Marking inspected products*, to read as follows:

(6) A statement of ingredients, if the edible product is made up of two or more ingredients; such ingredients shall be listed by their common or usual names in the order of descending proportion. For the purpose of this paragraph, the term "chicken meat" is construed to mean deboned white and dark meat; whereas, the term "chicken" includes other edible parts such as skin and giblets not in excess of their natural proportions; in addition to the chicken meat. If the term "chicken meat" is listed and the product also contains skin, giblets, or fat, it is necessary to also list them in the ingredient statement. This terminology shall apply to edible products prepared from other kinds of poultry where applicable.

b. Redesignate paragraphs (d), (e), and (f) of § 70.93, as paragraphs (e), (f), and (g), respectively.

c. Add a new paragraph (d) in § 70.93 which reads as follows:

(d) *Meat content of poultry pies.* In order to bear the inspection mark poultry pies or pot pies prepared from cooked meat shall contain a minimum of 14 percent (1⅛ ounces per 8 ounce pie) of cooked deboned poultry meat. Poultry pies or pot pies prepared with raw meat shall contain a minimum of 25 percent (2 ounces per 8 ounce pie) of raw deboned poultry meat. Both percentages shall be exclusive of any skin, giblets or fat which may be included in the product.

8. Delete § 70.138 and substitute therefor the following:

§ 70.138 *Grading performed on a resident grading basis.* Fees to be charged and collected for any grading service, other than for an appeal grading, on a resident grading basis, shall be those provided for in this section. The fees to be charged for any appeal grading shall be as provided in § 70.132.

(a) *Charges.* The charges for grading of poultry and edible products thereof shall be paid by the applicant for the service and shall include such of the items listed in this section as are applicable. Payment for the full cost of the grading service rendered to the applicant shall be made by the applicant to the Agricultural Marketing Service, U. S. Department of Agriculture (hereinafter referred to as "AMS") not later than fifteen (15) days from the date of billing. Such full costs shall comprise such of the items listed in this section as may be due and may be included, from time to time, in the bill or bills covering the period or periods during which the grading service may be rendered. A charge will be made by AMS in the amount of one (1) percent per month or fraction thereof of any amounts remaining unpaid after thirty (30) days from the date of bill.

(1) A charge of $75 for the initial survey and examination of blue prints of the designated plant and its premises prior to the performance by AMS of grading service provided that when the plant is approved for inspection of dressed poultry the charge shall be as provided in subparagraph (10) of this paragraph;

(2) A charge of $100 for the final survey and inauguration of the grading service including the assignment of one grader and one alternate grader provided they are installed at the same time;

(3) A charge of $50 for each additional grader or replacement of a previously assigned grader to the designated plant provided that at the sole discretion of the Service no such charge will be made for a replacement when such replacement is made by the use of a regular employee of the Service or when the replacement is made necessary by the transfer of an employee of the Service for the sole benefit of the Service;

(4) A charge equal to the salary costs paid to each grader assigned to the applicant's plant by AMS including an amount for annual leave and sick leave: *Provided*, That, no charge is to be made for salary costs of any assigned grader of the designated plant while temporarily reassigned by AMS to perform grading service for other than the applicant except when the assigned grader is performing service for the Department of Defense on products for delivery by the applicant to the Department of Defense, in which case the applicant will be given credit for the service rendered, based on a formula concurred in jointly by the Departments of Defense and Agriculture.

(5) A charge equal to the salary costs, travel expenses, and per diem paid by AMS to any grader whose services are required for relief purposes when regular graders are on annual or sick leave;

(6) A charge for the actual cost to AMS of any travel and per diem incurred by each grader assigned to the plant while in the performance of grading service for the applicant;

(7) A charge, at the sole discretion of AMS, of an amount not in excess of the actual cost to AMS of the travel (including the cost of movement of household goods and dependents) and per diem with respect to each grader who is transferred from an official station to the designated plant;

(8) A charge included in salary costs equal to the Employer's tax imposed under the United States Internal Revenue Code (26 U. S. C.) for Old Age and Survivor's benefits under the Social Security System and an amount equal to the cost to AMS for insurance as provided in the Federal Employees Group Life Insurance Act of 1954.

(9) An administrative service charge based upon the aggregate weight of the total monthly volume of all poultry handled in the plant, and computed in accordance with the following table:

COMPUTATION OF ADMINISTRATIVE SERVICE CHARGES

| | |
|---|---|
| 0 to 20,000 pounds | $25.00 |
| 20,001 to 100,000 pounds | 38.00 |
| 100,001 to 150,000 pounds | 42.75 |
| 150,001 to 200,000 pounds | 47.50 |
| 200,001 to 250,000 pounds | 52.25 |
| 250,001 to 300,000 pounds | 57.00 |
| 300,001 to 400,000 pounds | 61.75 |
| 400,001 to 500,000 pounds | 66.50 |
| 500,001 to 600,000 pounds | 71.25 |
| 600,001 to 700,000 pounds | 76.00 |
| 700,001 to 800,000 pounds | 80.75 |
| 800,001 to 900,000 pounds | 85.50 |
| 900,001 to 1,000,000 pounds | 90.25 |
| 1,000,001 pounds or more | 95.00 |

(10) A charge of $5 per hour plus actual costs to AMS for per diem and travel costs incurred in rendering service not specifically covered in this section; such as, surveys in addition to the initial and final.

(11) A charge equal to 7 percent of the salary paid by AMS to each grader exclusive of one regular grader whose salary is paid by AMS.

(b) *Other provisions.* (1) The applicant shall designate in writing the employees of the applicant who will be required and authorized to furnish each grader with such information as may be necessary for the performance of the grading service.

(2) AMS will provide as available an adequate number of graders to perform the grading service.

(3) At the sole discretion of AMS graders may be either Federal or State employees or licensed employees of the applicant.

(4) The grading service shall be provided at the designated plant and shall be continued until the service is suspended, withdrawn, or terminated by

(i) Mutual consent;

(ii) Thirty (30) days written notice, by either the applicant or AMS specifying the date of suspension, withdrawal, or termination;

(iii) One (1) day's written notice by AMS to the applicant, if the applicant fails to honor any invoice within thirty (30) days after date of invoice covering the cost of the grading service; or

(iv) Termination of the services pursuant to the provisions of subdivision (v) of this subparagraph;

(v) Grading service shall be terminated by AMS at any time AMS, acting pursuant to any applicable laws, rules, and regulations, debars the applicant from receiving any further benefits of the service.

(5) Federally employed graders will be required to confine their activities to those duties necessary in the rendering of grading service and such closely related activities as may be approved by AMS: *Provided*, That, in no instance will the Federally employed grader assume the duties of management.

9. Change § 70.132 *Fees for appeal grading*, to read as follows:

§ 70.132 *Fees for appeal grading.* The fees to be charged for any appeal grading shall be double the fee specified in the grading certificate from which the appeal is taken: *Provided*, That, the fee for any appeal grading requested by the United States, or any agency or instrumentality thereof, shall be not more than that set forth in the grading certificate from which the appeal is taken. If the fee on the certificate from which the appeal is taken is based on the provisions of § 70.138, then the fee for such appeal grading shall be double the amount specified in § 70.133 for the applicable volume of product appeal graded.

10. Change paragraph (a) of § 70.201 *Issuance and disposition*, to read as follows:

(a) Each grader shall issue a grading certificate covering each product graded, except that with respect to products graded on a resident grading basis, certificates will be issued upon a request therefor by the applicant or the Service.

11. Change the first sentence of § 70.384 *Identification of dressed poultry processed under sanitary standards only*, to read as follows: "With respect to dressed poultry which has been graded or inspected for condition pursuant to § 70.16, the form of identification approved for use shall contain the wording 'Dressed Poultry—Eligible for Further Processing in U. S. Department of Agriculture Official Plants'."



12. Change the illustration in Figure 5 of § 70.384 as follows:

DRESSED POULTRY

ELIGIBLE FOR FURTHER PROCESSING

In U. S. Dept. of Agri. Official Plants

Plant No. 000. Lot 000

13. Change the title and provisions of § 70.410 to read as follows:

§ 70.410 *Application for grading service with respect to poultry.*

Application is hereby made, in accordance with the applicable provisions of the regulations (7 CFR Part 70) governing the grading and inspection of poultry and edible products thereof and United States classes, standards and grades with respect thereto, for poultry grading service at the following designated plant:

Name of plant _____
Street address _____
City and State _____

In making this application, the applicant agrees to comply with the terms and conditions of the aforesaid regulations (including but not being limited to, such instructions governing the grading of products as may be issued, from time to time, by the Administrator). This application is made for grading service to be performed on a resident grading basis pursuant to § 70.138 and such other provisions of the aforesaid regulations which are applicable.

_____
(Applicant) [1]

By _____
_____
(Street)

_____ _____
(City) (State)

_____
(Date)

Application granted:

_____
(Date)

_____
_____
(Title)

(60 Stat. 1087; 7 U. S. C. 1621 et seq.)

Issued at Washington, D. C., this 1st day of May 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator,*
*Agricultural Marketing Service.*

[F. R. Doc. 56-3518; Filed, May 3, 1956; 8:52 a. m.]

[1] No Member of or Delegate to Congress, or Resident Commissioner, shall be admitted to any benefit that may arise from this service unless derived through service rendered a corporation for its general benefit.

## Agricultural Research Service

## [ 7 CFR Part 301 ]

GYPSY MOTH AND BROWN-TAIL MOTH

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Administrator, Agricultural Research Service, pursuant to sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162) and section 3 of the Insect Pest Act (7 U. S. C. 143), is considering amending notice of quarantine No. 45 relating to the gypsy moth and brown-tail moth and the regulations supplemental to said quarantine (7 CFR, and 1954 Supp., 301.45, 301.45–1 et seq.) to read as follows:

Sec.


301.45 Notice of quarantine.
301.45–1 Definitions.
301.45–2 Designation of regulated areas.
301.45–3 Regulated articles.
301.45–4 Conditions governing the movement of regulated articles.
301.45–5 Certificates, limited permits and certificates of exemption.
301.45–6 Marking.
301.45–7 Relieving restrictions of regulations.
301.45–8 Assembly of regulated articles.
301.45–9 Inspection and disposition.
301.45–10 Treatment of means of conveyence and containers.
301.45–11 Nonliability of Department.
301.45–12 Shipments for scientific purposes.


§ 301.45. *Notice of quarantine.* Under the authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 161), and after public hearing required thereby, the States of Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont have been and hereby are continued to be quarantined to prevent the further spread of the gypsy moth (Porthetria dispar L.) and the brown-tail moth (Nygmia phaeorrhoea Donov.), dangerous insects of foreign origin notoriously injurious to forest and shade trees and not heretofore widely prevalent or distributed within and throughout the United States, and under the authority conferred by the Plant Quarantine Act and the Insect Pest Act of March 3, 1905 (7 U. S. C. 141 et seq.), supplemental regulations are hereinafter prescribed §§ 301.45–1 to 301.45–12 governing the movement of gypsy and brown-tail moths and carriers thereof. Hereafter (a) live gypsy moths and brown-tail moths in any stage of development; (b) timber and timber products; (c) plants having persistent woody stems (including deciduous trees and shrubs and Christmas trees), and parts thereof; (d) stone and quarry products; and (e) any aircraft, trucks, wagons, railway cars, boats, and other means of conveyance, containers and products and articles of any character whatsoever which by reason of infestation or exposure constitute a hazard of spreading the gypsy moth or the brown-tail moth as determined in accordance with the supplemental regulations §§ 301.45–1 to 301.45–12, shall not be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from any of said quarantined States into or through any other State, Territory, or District of the United States, in manner or method or under conditions other than those prescribed in the supplemental regulations, as from time to time amended; *Provided*, That the requirements of this quarantine and of the supplemental regulations, except as otherwise provided in the regulations, are hereby limited to the areas in any quarantined State which may be designated as within the gypsy moth regulated area or the brown-tail moth regulated area as provided in the regulations, as long as, in the judgment of the Administrator of the Agricultural Research Service, the enforcement of the regulations as to such regulated areas will be adequate to prevent the spread of the gypsy and brown-tail moths, except that such limitation is further conditioned upon the affected State's providing for and enforcing control of the movement within such State of the regulated articles under the same conditions as those which apply to their interstate movement under the provisions of currently existing Federal quarantine regulations, and upon the State's enforcing such control and sanitation measures with respect to such areas or portions thereof as, in the judgment of said Administrator, shall be deemed adequate to prevent the spread therefrom within such State of the infestations of said insects: *Provided, further*, That whenever the Chief of the Plant Pest Control Branch shall find that facts exist as to the pest risk involved in the movement of one or more of the articles to which the supplemental regulations apply, except live gypsy or brown-tail moths in any stage of development, making it safe to modify, by making less stringent, the requirements contained in the regulations, he shall set forth and publish such finding in administrative instructions, specifying the manner in which the applicable regulations should be made less stringent, whereupon such modification shall become effective, for such period and for such regulated area or portion thereof and for such article or articles as shall be specified in said administrative instructions, and every reasonable effort shall be made to give publicity to such administrative instructions throughout the affected areas.

§ 301.45–1 *Definitions.* For the purpose of the regulations in this subpart the following terms shall be construed, respectively, to mean:

(a) *Gypsy moth.* The insect known as the gypsy moth, Porthetria dispar L., in any stage of development.

(b) *Brown-tail moth.* The insect known as the brown-tail moth, Nygmia phaeorrhoea Donov. (formerly referred to as Euproctis chrysorrhoea), in any stage of development.

(c) *Infestation.* The presence of either the gypsy moth or the brown-tail moth.

(d) *Regulated area.* The counties, cities, townships, towns, plantations, villages, and other minor civil divisions, or parts thereof, in any quarantined State, designated in administrative instructions under § 301.45–2 as coming within the area regulated because of the gypsy moth or within the area regulated because of the brown-tail moth.

(e) *Regulated articles.* Articles the movement of which is controlled under the regulations in this subpart as provided in § 301.45–3.

(f) *Suppressive area.* That part of a regulated area in which suppressive measures are cooperatively carried out

with the objective of eradicating infestations in this area, as designated in administrative instructions under § 301.45–2.

(g) *Generally infested area.* All of a regulated area, exclusive of the suppressive area, as designated in administrative instructions under § 301.45–2.

(h) *Inspector.* An inspector of the United States Department of Agriculture.

(i) *"Moved" ("movement," "move").* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved, interstate, directly or indirectly, from or within a regulated area. "Movement" and "move" shall be construed accordingly.

(j) *Interstate.* From one State, Territory, or District of the United States into or through another.

(k) *Certificate.* A valid document issued by an inspector authorizing the movement of regulated articles.

(l) *Certificate of exemption.* A valid document issued by an inspector certifying to the eligibility for movement of regulated articles from specified inspected or treated premises in accordance with the provisions of administrative instructions under § 301.45–7.

(m) *Limited permit.* A valid document issued by an inspector to allow controlled movement of noncertified regulated articles to a designated and authorized destination for processing, utilization, or other regulated safe handling.

(n) *Dealer-carrier agreement.* A document constituting an agreement to comply with stipulated quarantine conditions, executed by persons or firms engaged in purchasing, handling, processing, utilizing, or moving regulated articles.

§ 301.45–2 *Designation of regulated areas.* The Chief of the Plant Pest Control Branch shall, from time to time, in administrative instructions promulgated by him, list the counties, cities, townships, towns, plantations, villages, and other minor civil divisions, or parts thereof, in the quarantined States, in which infestation of the gypsy moth or brown-tail moth has been determined to exist, or in which it has been determined such infestation is likely to exist, or which it is deemed necessary to regulate because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities, and shall designate the counties, cities, and other civil divisions, or parts thereof, listed because of the gypsy moth, as constituting the gypsy moth regulated area and shall designate the counties, cities, and other civil divisions, or parts thereof, listed because of the brown-tail moth, as constituting the brown-tail moth regulated area. Civil divisions, or parts thereof, so designated shall continue in a regulated status until the Chief of the Plant Pest Control Branch shall have determined that adequate eradication measures have been practiced for a sufficient length of time to eradicate the gypsy moth or brown-tail moth therein, as the case may be, and that regulation of such civil divisions, or parts thereof, is not otherwise necessary under this section, and shall have issued administrative instructions revoking the designation of such civil divisions, or parts thereof, as coming within the gypsy moth regulated area or the brown-tail moth regulated area, as the case may be. The Chief of the Plant Pest Control Branch may, in said administrative instructions promulgated by him, divide a regulated area into a suppressive area and a generally infested area.

§ 301.45–3 *Regulated articles*—(a) *Articles the removal of which is prohibited.* The removal of live gypsy moths or brown-tail moths from any State or Territory into any other State or Territory or the District of Columbia, or from said District into any State or Territory, except for scientific purposes, is prohibited. Provisions for such removal of live gypsy moths or brown-tail moths, for scientific purposes, are set forth in § 301.45–12.

(b) *Articles the movement of which is regulated.* The movement of the following articles from or within the respective regulated area indicated below is regulated as provided in this subpart.

(1) *Gypsy moth regulated area.* (i) Timber and timber products, including but not limited to lumber, planks, poles, logs, cordwood, and pulpwood;

(ii) Plants having persistent woody stems (including deciduous trees and shrubs and Christmas trees) and parts thereof;

(iii) Stone and quarry products;

(iv) Any aircraft, trucks, wagons, railway cars, boats, and other means of conveyance, containers and products and articles of any character whatsoever which by reason of infestation or exposure are determined by an inspector to constitute a hazard of spreading the gypsy moth.

(2) *Brown-tail moth regulated area.* (i) Deciduous trees and shrubs, and branches and other parts thereof, with leaves attached;

(ii) Any aircraft, trucks, wagons, railway cars, boats, and other means of conveyance, containers and products and articles of any character whatsoever which by reason of infestation or exposure are determined by an inspector to constitute a hazard of spreading the brown-tail moth.

§ 301.45–4 *Conditions governing the movement of regulated articles*— (a) *Movement from either regulated area.* Except as exempted by administrative instructions of the Chief of the Plant Pest Control Branch, or as provided in § 301.45–12, regulated articles designated in § 301.45–3 (b) shall not be moved from the respective regulated area into or through any point outside thereof unless accompanied by a certificate or limited permit.

(b) *Movement from the generally infested area into the suppressive area.* Except as exempted by administrative instructions of the Chief of the Plant Pest Control Branch, or as provided in § 301.45–12, regulated articles designated in § 301.45–3 (b) shall not be moved from the generally infested area into or through the suppressive area, within the respective regulated area, unless accompanied by a certificate or limited permit.

(c) *Articles originating outside the regulated area.* No certificates or limited permits are required under paragraph (a) or (b) of this section for the movement of regulated articles designated in § 301.45–3 (b) (1) or (2) originating outside of the respective regulated area and moving within or through such regulated area when the point of origin is clearly indicated, when their identity has been maintained, and when the articles have been protected against infestation while in such regulated area, in a manner satisfactory to the inspector.

§ 301.45–5 *Certificates, limited permits and certificates of exemption*—(a) *Certification of regulated articles.* Certificates may be issued for the movement of the regulated articles designated in § 301.45–3 (b) under any one of the following conditions:

(1) When, in the judgment of the inspector, they have not been exposed to infestation.

(2) When they have been examined by an inspector and found to be free of infestation.

(3) When they have been treated under the observation of an inspector and in accordance with methods selected by him from administratively authorized procedures known to be effective under the conditions applied.

(4) When they have been grown, produced, processed, manufactured, stored or handled in such a manner that, in the judgment of the inspector, no infestation could be transmitted thereby.

(b) *Safeguards against reinfestation.* Subsequent to certification, as provided in paragraph (a) of this section, the regulated articles may be moved under this subpart only if they are loaded, handled, and shipped under such protection and safeguards against reinfestation as are required by the inspector.

(c) *Limited permits.* Limited permits may be issued by the inspector for the movement of noncertified regulated articles designated in § 301.45–3 (b) to specified destinations for limited handling, utilization, or processing. Persons shipping, transporting, or receiving such articles may be required by the inspector to enter into written agreements with the Plant Pest Control Branch to maintain such safeguards against the establishment and spread of infestation and to comply with such conditions as to the maintenance of identity, handling, or subsequent movement of such articles and to the cleaning or treatment of aircraft, trucks, wagons, railway cars, boats, and other means of conveyance and containers used in the transportation of such articles as may be required by the inspector.

(d) *Cancellation of certificates, limited permits, and certificates of exemption.* Certificates, limited permits, and certificates of exemption issued under the regulations in this subpart may be withdrawn or canceled by the inspector and further certificates, limited permits, or certificates of exemption refused whenever, in his judgment, the further use thereof might result in the dissemination of infestation.



§ 301.45–6 *Marking.* Except as exempted by administrative instructions of the Chief of the Plant Pest Control Branch, or as provided in § 301.45–12, and except for means of conveyance, every container of articles designated in § 301.45–3 (b) the movement of which is subject to the regulations in this subpart, or if there is no container, the articles themselves, shall be plainly marked with the name and address of the consignor and the name and address of the consignee, when offered for shipment, and shall have securely attached to the outside thereof a certificate or limited permit as required by § 301.45–4; *Provided,* That (a) in the case of less-than-carlot freight or express shipments a certificate or limited permit attached to one of the containers or articles and another certificate attached to the waybill will be sufficient, and in the case of carlot freight or express shipments, either in containers or in bulk, only a certificate or limited permit attached to the waybill is required and (b) in the case of shipments by road vehicle, the certificate or limited permit shall accompany the shipment and shall be surrendered to the consignee upon delivery of the shipment.

§ 301.45–7 *Relieving restrictions of regulations.* (a) In relieving restrictions of the regulations in this subpart pursuant to the second proviso in § 301.45, the Chief of the Plant Pest Control Branch may, in administrative instructions, provide for the issuance of certificates of exemption covering premises in the regulated areas which have been inspected or treated in accordance with procedures approved by said Chief as adequate to assure that the movement of regulated articles from such premises will not disseminate infestation and permit the movement of regulated articles designated in § 301.45–3 (b) (1) (i) through (iii) or (2) (i) directly from such premises without restriction under §§ 301.45–4, 301.45–6, and 301.45–8.

(b) Said Chief from time to time will notify the persons concerned as to the premises for which certificates of exemption are in effect under this section. The Chief may also, in administrative instructions, relieve restrictions of the regulations in such other manner and under such other conditions as he shall deem proper in accordance with § 301.45.

§ 301.45–8 *Assembly of regulated articles.* Except as exempted by administrative instructions of the Chief of the Plant Pest Control Branch, or as provided in § 301.45–12, persons intending to move any of the regulated articles designated in § 301.45–3 (b) shall make application for inspection as far in advance as possible and may be required to prepare and assemble materials at such points and times and in such manner as the inspector shall designate, so that thorough inspection may be made or approved treatments may be applied as required under the regulations in this subpart.

§ 301.45–9 *Inspection and disposition.* Any aircraft, truck, wagon, railway car, boat, or other means of conveyance, or container, which is moving (interstate) and which an inspector has probable cause to believe carries or contains any gypsy moth or brown-tail moth or other regulated article the movement of which is prohibited or restricted under this subpart, may be inspected by the inspector at any time or place. When regulated articles are found to be moving or to have been moved in violation of the provisions in this subpart, the inspector may seize, destroy, or otherwise dispose of such articles as he deems necessary to eliminate the danger of dissemination of the gypsy moth and the brown-tail moth. If found to be infested, such articles must be freed of infestation.

§ 301.45–10 *Treatment of means of conveyance and containers.* When in the judgment of the inspector a hazard of spread of the gypsy moth or brown-tail moth is presented, thorough cleaning or other treatment of aircraft, railway cars, trucks, wagons, boats, and other means of conveyance, and containers, may be required by the inspector before movement thereof from a regulated area, or from a generally infested area into or through a suppressive area.

§ 301.45–11 *Nonliability of Department.* The United States Department of Agriculture disclaims liability for any cost incident to inspection or treatment required under the regulations in this subpart, other than for the services of the inspector.

§ 301.45–12 *Shipments for scientific purposes.* Live gypsy moths and brown-tail moths in any stage of development may be removed from any State or Territory into any other State or Territory or the District of Columbia or from said District into any State or Territory, and other articles subject to the requirements of the regulations in this subpart may be moved from a regulated area into or through any point outside thereof or from a generally infested area into or through a suppressive area, for experimental or other scientific purposes, on such conditions and under such safeguards as may be required by the Chief of the Plant Pest Control Branch. The container of articles so moved shall bear, securely attached to the outside thereof, an identifying tag from the Plant Pest Control Branch.

This amendment would authorize the Chief of the Plant Pest Control Branch to publish, from time to time, in administrative instructions a list of the minor civil divisions or parts thereof, in quarantined States, in which infestation of either the gypsy moth or brown-tail moth has been determined to exist, or in which it has been determined such infestation is likely to exist, or which it is deemed necessary to regulate because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested districts, and to designate such civil divisions or parts thereof as a regulated area. Civil divisions or parts thereof so designated would, under the proposed amendment, continue in a regulated status until the Chief of the Plant Pest Control Branch has determined that adequate eradication measures had been practiced for a sufficient length of time to eradicate the infestation therein or that regulation of such area is not otherwise necessary for quarantine enforcement purposes, and has issued administrative instructions revoking the designation of such civil divisions or parts thereof as a regulated area. The amendment would also authorize the Chief to divide the regulated areas into a generally infested area and a suppressive area wherein measures to eradicate infestation are being conducted. The amendment would further authorize the Chief to provide for the issuance of certificates of exemption for premises which have been inspected or treated in accordance with approved procedures and permit the movement of regulated articles from such premises without compliance with restrictions otherwise applicable.

Other amendments would make the provisions of these regulations conform as closely as possible in phraseology with similar domestic plant quarantine regulations and make numerous clarifying changes.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Chief of the Plant Pest Control Branch, Agricultural Research Service, U. S. Department of Agriculture, Washington 25, D. C., within 30 days after the date of the publication of this notice in the FEDERAL REGISTER.

(Secs. 8, 9, 37 Stat. 318, as amended; 7 U. S. C. 161, 162; Sec. 3, 33 Stat. 1270; 7 U. S. C. 143)

Done at Washington, D. C., this 30th day of April 1956.

[SEAL] M. R. CLARKSON,
*Acting Administrator,*
*Agricultural Research Service.*

[F. R. Doc. 56-3509; Filed, May 3, 1956; 8:49 a. m.]

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## [ 7 CFR Part 301 ]

### GYPSY MOTH AND BROWN-TAIL MOTH

### PROPOSED AMENDMENT OF ADMINISTRATIVE INSTRUCTIONS EXEMPTING CERTAIN ARTICLES FROM REQUIREMENTS OF REGULATIONS SUPPLEMENTAL TO GYPSY MOTH AND BROWN-TAIL MOTH QUARANTINE NO. 45

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Chief of the Plant Pest Control Branch, pursuant to the authority to be conferred by a proposed amendment of the Gypsy Moth and Brown-Tail Moth Quarantine No. 45 (7 CFR 301.45, supra), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), is considering amending the administrative instructions exempting certain articles from requirements of the regulations supplemental to said quarantine (7 CFR, 1954 Supp., 301.45a) to read as follows:

§ 301.45a *Administrative instructions exempting certain articles from requirements of regulations.* (a) The Chief of the Plant Pest Control Branch has found

that facts exist as to the pest risk involved in the movement of the following regulated articles making it safe to modify, by making less stringent, the requirements of the regulations supplemental to the gypsy moth and brown-tail moth quarantine as follows. The movement of the following articles, when meeting the conditions specified, is hereby exempted from the requirements of §§ 301.45–4, 301.45–6 and 301.45–8 of the regulations supplemental to the gypsy moth and brown-tail moth quarantine with respect to both the gypsy moth regulated area and the brown-tail moth regulated area, insofar as such requirements apply to such areas.

(1) *Timber products.* (i) Manufactured wood products such as box shooks, shingles, laths, flooring, furniture, containers, crates, handles, dowels, staves, and new industrial shoring and blocking, if they have not been exposed to infestation.

(ii) Lumber that has been (*a*) dressed four sides with ends clipped, or (*b*) square edged sawed four sides with ends clipped, and freed from surface bark, or (*c*) kiln dried; when such lumber is shipped direct after processing from planer, log saw or kiln; and when waybills or other transportation papers are marked to show that the lumber was so processed and is being so shipped: *Provided, however,* That this exemption does not apply to piled or stuck lumber.

(iii) Shavings, sawdust, wood flour, excelsior, and cedar bedding.

(iv) Wood and bark novelties, when waxed, polished or otherwise treated.

(2) *Woody plants and plant parts.* (i) Plants of the following kinds (and parts thereof):

Clubmoss ("ground pine") (Lycopodium spp.).
Partridgeberry (Mitchella repens).
Trailing arbutus (Epigaea repens).
Wintergreen (Gaultheria procumbens, Pyrola spp.).

(ii) Plants and parts thereof that have been grown in the greenhouse throughout the year, when so labeled on the outside of each container.

(iii) Herbarium specimens, when dried and pressed, and when so labeled on outside of each container.

(iv) Leaves of deciduous or evergreen trees that have been treated or dyed, when so labeled on outside of each container.

(v) Seeds, fruits, and cones.

(vi) Cuttings:

Acacia (Acacia spp.).
Boxwood (Buxus sempervirens).
California pepper tree (Schinus molle).
Eucalyptus (Eucalyptus globulus).
Evergreen smilax (Smilax lanceolata).
Galax (Galax aphylla).
Heather (Erica spp., Calluna spp.).
Mistletoe (Phoradendron flavescens, Viscum album, etc.).
Western red cedar (Thuja plicata).
Oregon holly (Ilex aquifolium).
Oregon huckleberry (Vaccinium ovatum).
Salal (known to the trade as lemon cuttings) (Gaultheria shallon).

(vii) Scions.

(viii) Tip cuttings of deciduous plants without leaves or blossoms, or tip cuttings of evergreen plants, when not more than 12 inches in length, and articles constructed of such tip cuttings, such as wreaths, sprays, and roping.

(3) *Stone and quarry products.* (i) Stone and quarry products when processed by crushing, grinding, or pulverizing.

(ii) Feldspar, granite, marble, quartz, or slate moving from premises covered by a certificate of exemption issued under paragraph (b) of this section and originating on premises covered by such a certificate or from other sources approved in advance by an inspector.

(4) *Pulpwood.* Pulpwood moving from a regulated area to a nearby pulp mill in a contiguous nonregulated area, or from a generally infested area to a nearby pulp mill in a contiguous suppressive area, if such mill has entered into a written agreement with the Plant Pest Control Branch to apply such treatments and to maintain such sanitation safeguards as will, in the judgment of the inspector, prevent the establishment of gypsy moth infestation on or surrounding the mill premises; and if such mill has been approved by the Chief of the Plant Pest Control Branch to receive such pulpwood.

(b) A certificate of exemption will be issued by an inspector for any premises in the gypsy moth regulated area which have been inspected or treated in accordance with procedures approved by the Chief of the Plant Pest Control Branch as adequate to assure that movement from such premises of regulated articles will not disseminate infestation, if the person in possession of such premises agrees in writing (1) that he will move regulated articles under the certificate of exemption pursuant to paragraph (a) (3) (ii) of this section only from such premises and only if the articles originate on premises certified under this paragraph or from other sources approved in advance by the inspector and (2) that no regulated articles of the kinds specified in paragraph (a) (3) (ii) of this section will be brought to his certified premises except from other premises certified under this paragraph or from such other sources as are approved in advance by the inspector.

The proposed amendment of the administrative instructions would exempt the movement of pulpwood, under specified conditions, from certain requirements of the regulations supplemental to the gypsy moth and brown-tail moth quarantine and make various modifications in the exemptions now provided for various articles by changing some of the conditions of exemption and more specifically identifying certain exempted articles. Exemption would be provided for treated or dyed leaves of evergreen trees, when properly labeled, and the exemptions for excelsior waste and mica would be eliminated.

Provision would be made for the issuance of certificates of exemption for inspected or treated premises and for the movement of certain stone and quarry products from such premises without compliance with restrictions otherwise applicable.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Chief of the Plant Pest Control Branch, Agricultural Research Service, United States Department of Agriculture, Washington 25, D. C., within 30 days after the date of the publication of this notice in the FEDERAL REGISTER.

(Secs. 8, 9, 37 Stat. 318, as amended; 7 U. S. C. 161, 162; 7 CFR Supp., 301.45)

Done at Washington, D. C., this 30th day of April 1956.

[SEAL] ROY G. RICHMOND,
*Acting Chief,*
*Plant Pest Control Branch.*

[F. R. Doc. 56-3511; Filed, May 3, 1956; 8:50 a. m.]

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## [ 7 CFR Part 301 ]

### GYPSY MOTH AND BROWN-TAIL MOTH

### PROPOSED ADMINISTRATIVE INSTRUCTIONS DESIGNATING REGULATED AREAS UNDER REGULATIONS SUPPLEMENTAL TO GYPSY MOTH AND BROWN-TAIL MOTH QUARANTINE

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Chief of the Plant Pest Control Branch, contingent upon authority being delegated to him in conformity with § 301.45–2 of the proposed amendment of the gypsy moth and brown-tail moth regulations (7 CFR 301.45–2, supra), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), is considering issuing the following administrative instructions, to appear in 7 CFR Supp. 301.45–2a, listing counties, cities, townships, towns, and plantations, and parts thereof, in the quarantined States, in which infestation of either the gypsy moth or the brown-tail moth has been determined to exist, or in which it has been determined such infestation is likely to exist, or which it is deemed necessary to regulate because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities, thereby designating such counties, cities, townships, towns, and plantations, and parts thereof, respectively, as gypsy moth and brown-tail moth regulated areas within the meaning of the provisions in this subpart:

§ 301.45–2a *Administrative instructions designating regulated areas under the gypsy moth and brown-tail moth quarantine and regulations.* Infestations of either the gypsy moth or the brown-tail moth have been determined to exist, in the quarantined States, in the respective counties, cities, towns, plantations, and other civil divisions, and parts thereof, listed below, or it has been determined that such infestation is likely to exist therein, or it is deemed necessary to regulate such civil divisions and parts thereof because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities. Accordingly, such civil divisions and parts thereof are hereby designated, as follows, respectively, as a single, continuous gypsy moth regulated area and a single, continuous brown-tail moth regulated area within the meaning of the provisions in this subpart:

GYPSY MOTH REGULATED AREA

*Connecticut.* All counties in the State.

*Maine.* Counties of Androscoggin, Cumberland, Kennebec, Knox, Lincoln, Sagadahoc, Waldo, and York; towns of Avon, Berlin, Carthage, Chesterville, Crockertown, Dallas Plantation, Farmington, Freeman, Greenvale, Industry, Jay, Jerusalem, Kingfield, Madrid, Mount Abraham, New Sharon, New Vineyard, Perkins, Phillips, Rangeley Plantation, Redington, Salem, Sandy River Plantation, Strong, Temple, Washington, Weld, and Wilton, and Townships D and E, in Franklin County; all of Hancock County except Plantations 3, 4, 35, and 41; all that part of Oxford County south and southeast of, and including, the towns of Magalloway and Richardsontown; towns of Alton, Argyle, Bradford, Bradley, Carmel, Charleston, Clifton, Corinna, Corinth, Dexter, Dixmont, Eddington, Etna, Exeter, Garland, Glenburn, Grand Falls Plantation, Greenbush, Greenfield, Hampden, Hermon, Holden, Hudson, Kenduskeag, LaGrange, Levant, Milford, Newburgh, Newport, Orono, Orrington, Plymouth, Stetson, Summit, and Veazie, and cities of Bangor, Brewer, and Old Town, in Penobscot County; towns of Abbott, Atkinson, Dover-Foxcroft, Guilford, Kingsbury Plantation, Medford, Milo, Orneville, Parkman, Sangerville, Sebec, and Wellington, in Piscataquis County; all that part of Somerset County south and southeast of, and including, Highland and Pleasant Ridge Plantations, town of Moscow, and Mayfield Plantation; towns of Beddington, Cherryfield, Columbia, Deblois, Harrington, Millbridge, and Steuben, and Plantations 18 and 24, in Washington County.

*Massachusetts.* All counties in the State.

*New Hampshire.* Counties of Belknap, Carroll, Cheshire, Grafton, Hillsboro, Merrimack, Rockingham, Strafford, and Sullivan; all that part of Coos County lying south of, and including, the towns of Stratford, Odell, Dummer, and Cambridge.

*New York.* Counties of Albany, Clinton, Columbia, Delaware, Dutchess, Fulton, Greene, Montgomery, Nassau, Orange, Otsego, Putnam, Rensselaer, Rockland, Saratoga, Schenectady, Schoharie, Suffolk, Sullivan, Ulster, Warren, Washington, and Westchester; towns of Chesterfield, Crown Point, Elizabethtown, Essex, Jay, Keene, Lewis, Moriah, North Hudson, Schroon, Ticonderoga, Westport, Willsboro, and Wilmington, in Essex County; towns of Benson, Hope, and Wells in Hamilton County; all of Herkimer County except the towns of Ohio, Russia, and Webb; town of Brookfield in Madison County; towns of Bridgewater, Deerfield, Kirkland, Marcy, Marshall, New Hartford, Paris, Sangerfield, Utica, Westmoreland, and Whitestown, in Oneida County.

*Rhode Island.* All counties in the State.

*Vermont.* Counties of Addison, Bennington, Chittenden, Grand Isle, Orange, Rutland, Washington, Windham, and Windsor; towns of Barnet, Danville, Groton, Kirby, Peacham, Ryegate, St. Johnsbury, and Waterford, in Caledonia County; towns of Concord, Granby, Guildhall, Lunenburg, Maidstone, and Victory, in Essex County; all of Franklin County except the towns of Bakersfield, Berkshire, Enosburg, Montgomery, and Richford; and the town of Elmore in Lamoille County.

BROWN-TAIL MOTH REGULATED AREA

All of the above described gypsy moth regulated area, exclusive of that in the State of New York, constitutes the brown-tail moth regulated area.

These administrative instructions list the localities that are proposed for regulation under a revision of the gypsy moth and brown-tail moth notice of quarantine and supplemental regulations now being concurrently considered for issuance. It is proposed that the present gypsy moth generally infested area and the gypsy moth suppressive area be combined into a single, continuous regulated area. The instructions would also add to the regulated area for the first time the following civil divisions among other specified areas:

*Connecticut.* Fairfield County, 2 towns in Litchfield County, and 3 towns in New Haven County, constituting all presently nonregulated area in the State.

*Maine.* One town in Penobscot County, and 4 towns in Piscataquis County.

*New York.* Counties of Clinton, Delaware, Nassau, Orange, Otsego, Putnam, Rockland, Schoharie, Suffolk, Sullivan, Ulster, and Westchester; 1 town in Albany County, 4 towns and one city in Columbia County, 17 towns and 2 cities in Dutchess County, 7 towns in Essex County, 5 towns in Fulton County, 12 towns in Greene County, 3 towns in Hamilton County, 16 towns and 1 city in Herkimer County, 1 town in Madison County, and 11 towns in Oneida County.

*Vermont.* Grande Isle County, 3 towns in Chittenden County, and 9 towns in Franklin County.

Further, the administrative instructions would redefine and enlarge the area regulated because of the brown-tail moth.

All persons who desire to submit written data, views, or arguments in connection with this matter should file the same with the Chief of the Plant Pest Control Branch, Agricultural Research Service, United States Department of Agriculture, Washington 25, D. C., within 30 days after the date of the publication of this notice in the FEDERAL REGISTER.

(Secs. 8, 9, 37 Stat. 318, as amended; 7 U. S. C. 161, 162; 7 CFR Supp. 301.45–2)

Done at Washington, D. C., this 30th day of April 1956.

[SEAL] ROY G. RICHMOND,
*Acting Chief,*
*Plant Pest Control Branch.*

[F. R. Doc. 56-3510; Filed, May 3, 1956; 8:49 a. m.]



# NOTICES

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

### McNARY NATIONAL WILDLIFE MANAGEMENT AREA, WASHINGTON

### DESIGNATION OF AREA AND NOTICE OF APPLICABILITY OF REGULATIONS

The United States Department of the Interior, by and through the Fish and Wildlife Service, has acquired control for wildlife management purposes pursuant to the act of August 14, 1946 (60 Stat. 1080), over 2,849.14 acres of land, more or less, in Franklin and Walla Walla Counties, Washington, under the terms of a cooperative agreement with the Department of the Army dated December 29, 1955, which lands were acquired by the Department of the Army in connection with the McNary Lock and Dam Project on the Columbia River and are described as follows:

A portion of the McNary Reservoir area being the land and water area lying in a part of Townships 8 and 9 North, Ranges 30, 31 and 32 East of the Willamette Meridian, Walla Walla County, Washington, said area consisting of 3 parcels being more particularly described as follows:

(a) Beginning at a point on the McNary Reservoir area taking line, said point being the intersection of the south line of the north half of the northeast quarter of the southeast quarter of Section 2 of said Township 8 North, Range 30 East of the Willamette Meridian, and the east right-of-way line of the abandoned State Highway No. 3; thence north along said right-of-way line to the north line of the southeast quarter of the northeast quarter; thence east along the said north line to the east line of said Section 2; thence continuing east along the north line of Tract 24 of the Pasco Power and Water Co's. Irrigated Lands (according to the plat thereof recorded in Volume "D" Page 8, Plat Records) in Section 1 in said Township 8 North, Range 30 East of the Willamette Meridian, to the east line of the right-of-way of the connecting road (County Road No. 849); thence northeasterly along said right-of-way line to the point of intersection with the said McNary Reservoir area Taking Line in said Section 1; thence southeasterly along said reservoir taking line across said Section 1 to a point on the west line of Section 6 in said Township 8 North, Range 31 East of the Willamette Meridian; thence in a easterly direction along said reservoir taking line across Sections 5 and 6 to a point on the west line of Section 4; thence in a easterly and southeasterly direction along said reservoir taking line across Sections 4, 9, and 16 to a point on the north line of Section 21 in said Township and Range; thence in a southerly and southeasterly direction along said reservoir taking line across Sections 21 and 28 to the point of intersection with the north line of the Townsite of Two Rivers (according to the plat thereof recorded in Volume "D", Page 14, Plat Records) (also known as the east-west center line of said Section 28) in said Section 28; thence west along said north line to the point of intersection with the easterly line of the right-of-way of State Highway No. 3 (U. S. No. 395 and 410); thence northerly along said easterly right-of-way line across Sections 17, 21 and 28 of said Township and Range to the point of intersection of the said reservoir taking line in said Section 17; thence east and northerly along said reservoir taking line across Sections 16 and 17 to the intersection of the south line of Section 9 in said Township and Range; thence northerly and westerly along said reservoir taking line across Sections 5, 6 and 9 in said Township and Range, to the intersection of the east line of Section 1 in said Township 8 North, Range 30 East of the Willamette Meridian;

thence north and westerly along said reservoir taking line to the east line of Section 2 in said Township and Range; thence north along said east line to the south line of the north half of the northeast quarter of the southeast quarter of said Section 2; thence west along said south line to the point of beginning.

(b) Beginning at the point of intersection of the McNary Reservoir area taking line and the west line of Section 30, Township 9 North, Range 31 East of the Willamette Meridian on the left (south) bank of the Snake River; thence northeasterly along said reservoir taking line across Sections 30, 29, 28, 27, 22, 23 and 24; thence continuing northeasterly along said reservoir area taking line across Sections 19, 18, 17, Township 9 North, Range 32 East, of the Willamette Meridian to the north line of said Section 17; thence west along said north line to the normal pool elevation (340.0 feet M. S. L.) on the left (south) bank of the Snake River of the McNary Reservoir; thence southwesterly along said pool elevation to the west line of said Section 30; thence south along said west line to the point of beginning.

(c) Also Government Lot 6, Section 36; Government Lots 5 and 6, Section 25, all in Township 9 North, Range 30 East of the Willamette Meridian and Government Lot 8, Section 30 in Township 9 North, Range 31 East of the Willamette Meridian, all in Franklin County, Washington. Also known as Strawberry Island.

There is excepted from Parcel (a) the east half of Tract 55 of said Pasco Power and Water Company's Irrigated Lands, all that portion lying within the right-of-way of State Highway No. 3 (U. S. 395 and 410) and also the right-of-way of the County Road, known as Humorist Road, lying over and across the north line of Section 9 in Township 8 North, Range 31 East of the Willamette Meridian.

There is excepted from Parcel (b) all that portion lying within the west 400 feet of Government Lot 5 and the east 200 feet of Government Lot 6 of Section 30, Township 9 North, Range 31 East of the Willamette Meridian.

The above-described 2,849.14 acres of land are hereby designated as the McNary National Wildlife Management Area, and notice is hereby given that 30 days after publication hereof in the FEDERAL REGISTER entry thereon or use thereof for any purpose will be subject to regulations contained in Part 22, Title 50, Code of Federal Regulations, and such other regulations as the Secretary of the Interior may adopt from time to time.

Issued at Washington, D. C., this 30th day of April 1956.

CLARENCE A. DAVIS,
*Acting Secretary of the Interior.*

[F. R. Doc. 56-3499; Filed, May 3, 1956; 8:47 a. m.]

## DEPARTMENT OF COMMERCE

### Federal Maritime Board

[Docket No. 792]

AGREEMENT AND PRACTICES PERTAINING TO LIMITATION ON MEMBERSHIP; PACIFIC COAST EUROPEAN CONFERENCE (AGREEMENT 5200)

NOTICE OF ORDER TO SHOW CAUSE

At a session of the Federal Maritime Board held at its office in Washington, D. C., this 5th day of April 1956, a certain order was entered in the above entitled cause which reads as follows:

Whereas on November 20, 1955, the Mitsui Steamship Company, Ltd., filed an application for membership in the Pacific Coast European Conference; and

Whereas on December 16, 1955, the aforesaid Conference notified Mitsui Steamship Company, Ltd., that the member lines had agreed to admit Mitsui to membership effective February 1, 1956, on condition that Mitsui withdraw from pending litigation in which its position is opposed to that of the Conference; and

Whereas on December 21, 1955, Mitsui notified the Board that it had been advised by the Conference of the imposition of this condition and accordingly withdrew from various litigation in which its position is opposed to that of the Conference; and

Whereas on December 28, 1955, the Regulation Office informed the Conference and Mitsui that it considered that the agreement among the member lines adopting the condition on Mitsui's admission to the Conference and Mitsui's acceptance of such condition to a new agreement, or amendment to an agreement within the purview of section 15, Shipping Act, 1916, and that such agreement should be approved by the Board before being made effective; and

Whereas on January 7, 1956, the Conference informed the Regulation Office and Mitsui that it was unable to concur in the view that the agreement is within the purview of section 15, and that since Mitsui had met the qualifications and placed itself on equal terms with present Conference members it was admitted to membership effective February 1, 1956; and

Whereas the Board on March 5, 1956, wrote to the Conference stating,

At this time, and without a hearing, the Board is of the view that the condition may not be a "just and reasonable cause" within the meaning of Section 10 of your basic Conference Agreement for denial of membership, and that it further may be unjustly discriminatory or unfair as between carriers, and operate to the detriment of the commerce of the United States.

You are, therefore, notified that unless you withdraw the above mentioned condition on Mitsui's membership in your Conference within twenty days of receipt of this letter, the Board will institute a proceeding on its own motion to determine, after opportunity for hearing, whether such condition to membership is within your basic agreement and is unjustly discriminatory or unfair as between carriers or operates to the detriment of the commerce of the United States, or will take such other action as may be available to it.

and

Whereas on March 23, 1956, within the time-limit prescribed by the Board's letter of March 5, 1956, the Conference replied to the Board that it felt that the admission of Mitsui was proper in all respects and that it disagreed with the position stated in the Board's letter; and

Whereas the Conference has not complied with the Board's request to withdraw the condition to Mitsui's membership in the Conference, within the designated twenty-day period; and

Whereas it appears that the agreement among the member lines to attach this condition to Mitsui's admission to the Conference may be in violation of section 15, Shipping Act, 1916, and may be unjustly discriminatory and unfair as between carriers or detrimental to the commerce of the United States within the meaning of said section 15; and

Now therefore, pursuant to sections 15, 22, and 25 of the Shipping Act, 1916, and section 9 of the Administrative Procedure Act,

*It is ordered*, That the Pacific Coast European Conference, its regular member lines and associate member lines, as individually identified below in Appendix A, be, and they hereby are made Respondents in this proceeding; and

*It is further ordered*, That said Respondents show cause, at a hearing before an Examiner of the Board, at a time and place to be fixed by notice to be issued by the Chief Examiner why the Board should not

(1) Find that the carrying out of the agreement to impose this condition on Mitsui's admission to the Conference without Board approval, is in violation of section 15, Shipping Act, 1916; and

(2) Find that the agreement to impose this condition should not be approved since it is unjustly discriminatory and unfair as between carriers or detrimental to the commerce of the United States within the meaning of section 15, Shipping Act, 1916; and

(3) Order the condition to be canceled by the Conference; and

*It is further ordered*, That pursuant to Rule 5 (g) of the Board's rules of practice and procedure (46 CFR 201.67) Respondents shall file an answer herein on or before twenty days from April 16, 1956; and

*It is further ordered*, That a copy of the order shall be served upon all persons named as Respondents herein, and published in the FEDERAL REGISTER.

By order of the Federal Maritime Board.

Dated: April 5, 1956.

[SEAL] GEO. A. VIEHMANN,
*Assistant Secretary.*

APPENDIX A TO ORDER OF APRIL 5, 1956

*Regular Members, Pacific Coast European Conference*

Angloe Canadian Shipping Co., Ltd.
Blue Star Line, Ltd.
Canadian Transport Co., Ltd.
Compagnie Generale Transatlantique (French Line).
The East Asiatic Company, Ltd. (A/S Det Østasiatiske Kompagni).
Fruit Express Line A/S.
Furness, Withy & Co., Ltd. (Furness Line).
Hamburg-Amerika Linie (Hamburg American Line).
"Italia" Societa Per Azioni di Navigazione (Italian Line).
Dampskibsaktieselskapet Jeanette Skinner, Skibsaktieselskapet Pacific, Skibsaktieselskapet Marie Bakke, Dampskibsaktieselskapet Golden Gate, Dampskibsaktieselskapet Lisbeth, Skibsaktieselskapet Ogeka (Knutsen Line—Joint Service).
Nippon Yusen Kaisha.
Norddeutscher Lloyd (North German Lloyd).
N. V. Nederlandsch-Amerikaansche Stoomvaart - Maatschappij (Holland - America Line).
Osaka Shosen Kaisha, Ltd.
Fred Olsen & Co. (Fred Olsen Line).
Rederiaktiebolaget Nordstjernan (Johnson Line).
Royal Mail Line, Ltd.



Seaboard Shipping Company, Ltd.
States Marine Corporation, States Marine Corporation of Delaware (States Marine Lines—Joint Service).
Westfal-Larsen & Company A/S (Interocean Line).
Western Canada Steamship Company, Limited.
Hanseatische Reederei Emil Offen & Co./Vaasan Laiva Oy (Hanseatic-Vaasa-Line).
Willy Bruns G. m. b. H. Reederei (German Fruit Line).
Mitsui Steamship Co., Ltd.

*Associate Member, Pacific Coast European Conference*

American President Lines, Ltd.

[F. R. Doc. 56-3605; Filed, May 3, 1956; 8:54 a. m.]

## Office of the Secretary

[Dept. Order 153, amended]

BUREAU OF FOREIGN COMMERCE

ORGANIZATION, FUNCTIONS AND AUTHORITIES

The material appearing in 18 F. R. 6789 is superseded by the following:

SECTION 1. *Purpose.* The purpose of this order is to prescribe the organization, functions, and authorities of the Bureau of Foreign Commerce.

SEC. 2. *Organization.* .01 The Bureau of Foreign Commerce was established by the Secretary of Commerce by Department Order 153 of October 12, 1953, as a primary organization unit of the Department of Commerce. It is headed by a Director, appointed by the Secretary of Commerce. The Director reports and is responsible to the Assistant Secretary for International Affairs.

.02 The Bureau of Foreign Commerce consists of the following organization units:

1. Office of the Director, which includes:
(1) Director.
(2) International Resources Staff.
(3) Administrative Management Staff.
(4) Legal Staff.
(5) Export Control Investigation Staff.

2. Office of Trade Promotion:
(1) Business Relations Division.
(2) Trade Development Division.
(3) Investment Development Division.
(4) Travel Division.
(5) Trade Missions Division.
(6) Foreign Service Operations Division.
(7) Foreign Trade Zones Division.
(8) Publications Division.

3. The Office of Economic Affairs:
(1) American Republics Division.
(2) British Commonwealth Division.
(3) European Division.
(4) Far Eastern Division.
(5) Near Eastern and African Division.
(6) Transportation and Utilities Division.
(7) International Economic Analysis Division.
(8) Commercial Intelligence Division.
(9) Insurance Staff.

4. Office of Export Supply:
(1) Agricultural and Chemical Products Division.
(2) Finished Products Division.
(3) Materials Division.
(4) Producers Equipment Division.
(5) Operations Division.
(6) Strategic Controls Division.

SEC. 3. *Delegations of authority.* .01 Subject to such policies and directions as the Secretary of Commerce may prescribe, the Director, Bureau of Foreign Commerce shall perform the functions and exercise the power and authorities vested in the Secretary of Commerce relating to (1) foreign commerce and trade of the United States under the Act of February 14, 1903 (32 Stat. 826), as amended; (2) foreign travel and foreign investment under sections 104 (a) and 104 (b) of Executive Order No. 10575 of November 6, 1954 as amended; (3) exports from the United States under the Export Control Act of 1949, as amended (63 Stat. 7; 50 U. S. C. App. 2021-2032). In addition, the Director, Bureau of Foreign Commerce shall be responsible for the administration of the Department's functions under the China Trade Act, 1922 (42 Stat. 849, 15 U. S. C. 141 et seq.), the Foreign Trade Zones Act as amended, as provided herein (48 Stat. 998, 19 U. S. C. 81a-81u), the Tariff Act of 1930 (19 U. S. C. 1354), and Reciprocal Trade Agreements thereunder, and other legislative acts relating to the foreign trade and commerce of the United States.

.02 The Director, Bureau of Foreign Commerce, is authorized to redelegate the authority conferred herein to any officer of the Bureau of Foreign Commerce and to impose such conditions and limitations as he deems appropriate.

.03 In carrying out the functions and authorities assigned by this order, the Bureau of Foreign Commerce will cooperate and collaborate with the Business and Defense Services Administration wherever the commodity and industrial interests of the latter organization are applicable.

SEC. 4. *General functions and responsibilities.* .01 The objective of the Bureau of Foreign Commerce shall be to foster and promote the foreign commerce of the United States in exports, imports, capital investment, travel and other significant component elements in international business transactions. To this end the bureau shall:

1. Stimulate the development and expansion of United States foreign trade, travel and private investment by providing information and advisory services to American business concerns in the conduct of their foreign trade and investment operations; and provide facilities by means of which the experience of American business concerns may be brought to bear in the development of Government policies and programs in the field of foreign commerce;

2. Cooperate with representatives of other nations in the consideration and solution of international economic, trade and exchange problems through participation in international organizations and conferences, through liaison with foreign embassies and foreign private organizations in the United States, through cooperation with the Department of State and other agencies of the United States Government, and with private American organizations concerned with international economic and business matters, and through other suitable means;

3. Provide staff and operational support for the Assistant Secretary for International Affairs in the development of policies and programs relating to the foreign trade and commerce of the United States, foreign economic development and international commodity arrangements or arrangements with respect to the utilization of other international resources which affect the foreign economic interests of the United States;

4. Administer the responsibilities vested in the Secretary of Commerce with respect to the control of exports from the United States;

5. Initiate such actions as may be considered appropriate for the protection of American business interests abroad and for the protection of United States treaty rights through the facilities of the United States Foreign Service; and

6. Conduct the Department's activities in connection with the China Trade Act, the Foreign Trade Zones Act, and other legislative acts similarly affecting specific aspects of the foreign trade and commerce of the United States.

SEC. 5. *Functions of organization units.* .01 The Office of the Director shall be responsible for formulating the policies, developing and coordinating the programs and directing all operations of the Bureau of Foreign Commerce.

1. The International Resources Staff shall be responsible for coordinating the Department's activities relating to commodities and materials subjected to "escape clause" actions under the Trade Agreements Extension Act and section 22 of the Agricultural Adjustment Act; develop the Department's position with respect to legislation affecting international trade in commodities and materials; and performs staff work for the President's Committee on Foreign Economic Policy.

2. The Administrative Management Staff shall be under the direction of the Executive Officer who shall be the chief administrative officer of the Bureau of Foreign Commerce. He shall report and be responsible to the Director, but shall be governed by general administrative policies, standards and procedures established or approved by the Assistant Secretary of Commerce for Administration. The Executive Officer shall assist the Director in fulfilling his responsibilities for administrative efficiency and economy in the operation of the Bureau of Foreign Commerce. He shall secure required administrative services for the bureau through the offices reporting to the Assistant Secretary of Commerce for Administration.

3. The Legal Staff, headed by the Assistant General Counsel for International Affairs as a division of the Office of the General Counsel, shall provide legal advice and other necessary legal services to the bureau.

4. Export Control Investigation Staff shall be responsible for detecting possible violations through examination of suspect export license applications and supplementary documents and other documents available to the Department of Commerce and shall conduct all full-scale investigations of alleged violations here and abroad. It shall review, summarize, and prepare reports of such investigations for appropriate legal and administrative action.

.02 The Office of Trade Promotion shall:

1. Develop and maintain methods and channels for providing a wider knowledge of Bureau of Foreign Commerce resources to the business community;

2. Integrate the services of the Bureau more closely with the actual needs of present and potential foreign traders and investors;

3. Give broad publicity to trade opportunities arising from all sources and provide information to the business community on marketing techniques, trade channels and other ancillary services used in international trade;

4. Develop information on specific investment opportunities abroad; prepare analyses for use of American businessmen; and assist interested businessmen in developing additional information as may be necessary in particular situations;

5. Stimulate travel to and from the United States and within foreign countries by sponsoring the reduction or removal of barriers to foreign travel in this and other countries and by active participation in the work of international travel organizations;

6. Organize and service trade missions to international trade fairs and selected countries independently of trade fair operations for developing trade and investment opportunities;

7. Be responsible for that portion of the Foreign Service of the United States which is concerned with the functions and activities of the Department of Commerce; planning, developing, coordinating and recommending policies and programs to be carried out by the Foreign Service for the Department; the establishment of Foreign Service post complements for the performance of economic and commercial functions; recruitment, examination, selection, appointment, assignment and transfer of Foreign Service personnel engaged in work of the Department; programming of all reporting performed by the Foreign Service for the Department; the evaluation of individuals and appraisal of post performance; the provisions of training programs to prepare officers of the Foreign Service to carry out their duties for the Department; and the maintenance of liaison with the Foreign Service;

8. Perform staff work for the Foreign Trade Zones Board in carrying out its responsibilities for supervising and regulating foreign trade zones; and

9. Coordinate the publications programs of the Bureau; and schedule the development and issuance of publications based upon current needs of American businessmen.

.03 The Office of Economic Affairs shall:

1. Assemble, maintain, analyze and disseminate to American businessmen data on foreign economies, economic conditions, laws and regulations needed by American firms in connection with the planning and conduct of their international trade and investment activity. The Office will disseminate these data by publications, correspondence, direct contact and business group meetings and shall also make such material available for use by other agencies of the government and other interested private parties. The material in question shall consist of foreign economic and financial data and laws, policies, and regulations affecting U. S. foreign trade and commerce, including tariffs, resources, financial developments, economic conditions, trade controls, customs procedures, taxation, transport, insurance, utilities and individual foreign commercial and industrial enterprises;

2. Initiate, through the Office of Trade Promotion, and the Foreign Service of the United States, representations on behalf of American business interests for the maintenance of their rights and privileges abroad under the terms of treaties and international agreements of the United States;

3. Maintain liaison with foreign embassies and legations in the United States and, as appropriate, in conjunction with the Office of Trade Promotion, with the Foreign Service of the United States in respect to the responsibilities of the Office of Economic Affairs;

4. Administer the British Token Import Plan and the China Trade Act, within the overall delegation accorded by the Secretary of Commerce through the Director of the Bureau of Foreign Commerce;

5. Maintain continuous review of United States foreign trade and finance, and trade and financial relations among foreign countries as a basis for judgments concerning the effect of international economic developments upon United States business interests, and develop and recommend, as appropriate, policies for the Department in connection with such matters;

6. Develop and recommend policies for the Department, and coordinate within the Department by consultation with the Business and Defense Services Administration and other primary organization units, the action of the Department on all matters relating to the responsibilities of the Department under the Tariff Act of 1930 (19 U. S. C. 1354) and other legislation affecting import policies and procedures and international financial operations of the United States and foreign governments. In this connection the Office will furnish staff support to the Office of the Secretary and the Assistant Secretary for International Affairs in connection with their participation in high level committees dealing with these matters, and as directed by the Bureau Director, furnish Bureau of Foreign Commerce representation and, as appropriate, representation on behalf of the Department, on subordinate interdepartmental committees and working groups concerned with such activities.

7. As necessary, review broad export control policies and specific export control actions which raise special economic policy problems;

8. Furnish, as directed by the Bureau Director, representation for the Bureau and on behalf of the Department on the Interdepartmental United Nations Economic Committee, and subsidiary committees and working groups of the UNEC, and shall also furnish the Department's representation on other interdepartmental staff-level committees and the working groups established to deal with individual foreign countries or foreign regions.

.04 The Office of Export Supply shall:

1. Administer and enforce the export control programs of the Bureau of Foreign Commerce, including the initiation and development of policies and measures for the control of United States exports;

2. Formulate and recommend measures to meet the security, foreign policy and short supply objectives in the control of exports from the United States;

3. Determine standards and procedures governing applications for export licenses and carry out the operations involved in the issuance of export licenses, including the maintenance of appropriate operational relationships with the Bureau of Customs and other agencies of the Government directly involved; and

4. Participate, as appropriate, in the development and conduct of United States policies relating to the control of trade and other economic relationships between the United States and other countries of the free world and the European Soviet bloc and communist countries of the Far East.

SEC. 6. *Field programs.* The Bureau of Foreign Commerce shall have the authority and responsibility for the determination of all programs and policies governing field activities pertaining to the foreign commerce of the United States through the Office of Field Services, Business and Defense Services Administration.

Effective date: April 17, 1956.

[SEAL] SINCLAIR WEEKS,
*Secretary of Commerce.*

[F. R. Doc. 56-3515; Filed, May 3, 1956; 8:51 a. m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 6114 et al.]

MACKEY AIRLINES, INC.; CERTIFICATE RENEWAL CASE

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on May 23, 1956, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.



Dated at Washington, D. C., April 30, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56-3521; Filed, May 3, 1956; 8:53 a. m.]

[Docket No. 7626]

INTRA-MAR SHIPPING CORP. ET AL.; ENFORCEMENT CASE

NOTICE OF HEARING

In the matter of Intra-Mar Shipping Corp., Intra-Mar Agency, Inc., Intra-Mar Transport Corp., Intra-Mar Shipping (Colombia) Ltda., Ernest R. Binder, Ernest Seiler, and Southern Air Transport, Inc., enforcement proceeding.

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled matter is assigned to be held on May 29, 1956, at 10:00 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Leslie G. Donahue.

Dated at Washington, D. C., April 30, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56-3522; Filed, May 3, 1956; 8:53 a. m.]

## OFFICE OF DEFENSE MOBILIZATION

HENRY W. CLARK

EMPLOYMENT WITHOUT COMPENSATION AND STATEMENT OF BUSINESS INTERESTS

Pursuant to section 710 (b) of the Defense Production Act of 1950 as amended, notice is hereby given of the appointment of Mr. Henry W. Clark, Washington Representative, Alaska Steamship Company, Washington, D. C., as an Advisor (Arctic Conditions), with the Assistant Director for Plans and Readiness in the Office of Defense Mobilization. Mr. Clark's statement of his business interests is set forth below.

Dated: April 30, 1956.

VICTOR E. COOLEY,
*Acting Director,*
*Office of Defense Mobilization.*

*Appointee's Statement of Business Interests*

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Merrill Petroleum Corp.
Westinghouse Electric Corp.

Dated: April 26, 1956.

HENRY W. CLARK.

[F. R. Doc. 56-3512; Filed, May 3, 1956; 8:50 a. m.]

C. F. OGDEN

CHANGES IN APPOINTEE'S STATEMENT OF BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

There has been no change since submission of last report on September 16, 1955.

This amends statement previously published in the FEDERAL REGISTER, December 7, 1955 (20 F. R. 8994).

Dated: February 1, 1956.

C. F. OGDEN.

[F. R. Doc. 56-3513; Filed, May 3, 1956; 8:50 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3471]

UTAH POWER & LIGHT CO.

NOTICE OF PROPOSED BANK LOANS

APRIL 27, 1956.

Notice is hereby given that Utah Power & Light Company ("Company"), a registered holding company which is also an operating utility company, has filed with this Commission a declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 (a) and 7 of the act as applicable to the proposed transactions, which are sumarized as follows:

Pursuant to a Credit Agreement to be executed by the Company and seventeen lending banks, the Company proposes to borrow, during the period beginning June 1, 1956, and ending July 15, 1957, not to exceed $25,000,000, as follows:

| *Name of lending bank* | *Amount of commitment* |
|---|---|
| First Security Bank of Utah National Association | $1,750,000 |
| Bank of Utah | 75,000 |
| Cache Valley Banking Co | 60,000 |
| Carbon Emery Bank | 60,000 |
| Commercial Security Bank | 175,000 |
| The Continental Bank & Trust Co | 400,000 |
| First National Bank of Salt Lake City | 225,000 |
| Union Bank & Trust Co | 60,000 |
| Utah Savings & Trust Co | 150,000 |
| Valley State Bank | 60,000 |
| Walker Bank & Trust Co | 750,000 |
| Zion's Savings Bank & Trust Co | 450,000 |
| The Chase Manhattan Bank | 9,450,000 |
| Guaranty Trust Co. of New York | 2,700,000 |
| Harris Trust & Savings Bank | 935,000 |
| Mellon National Bank & Trust Co | 7,200,000 |
| United States National Bank, of Denver | 500,000 |
| Total | 25,000,000 |

Under the terms of the Credit Agreement, the loans will be made from time to time during said period as the Company's construction program requires, and will be evidenced by notes payable on October 15, 1957, which may be paid in whole or in part at any time prior thereto. Each note will bear interest at the prime commercial rate of The Chase Manhattan Bank, New York City, prevailing on the fifth business day prior to the date of such note.

The proceeds from such loans, together with other available cash, will be used to carry forward the system's construction program, estimated to cost approximately $41,000,000 for the years 1956-57 inclusive. It is the Company's present intention to issue and sell, during the second half of 1957, such additional securities as may be required to discharge the aforesaid bank loans and to finance in part the remainder of the 1957 construction program and carry it forward into 1958, maintaining approximately the present debt-equity ratios.

The Company estimates that its expenses to be incurred in connection herewith will not exceed $1,000.

It is stated that this Commission and the Idaho Public Utilities Commission are the only regulatory agencies having jurisdiction over the proposed transactions.

The Company requests that the order of the Commission herein be made effective not later than May 21, 1956.

Notice is further given that any interested person may, not later than May 17, 1956, at 5:30 p. m., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 56-3506; Filed, May 3, 1956; 8:48 a. m.]

[File No. 7-1792]

SQUARE D CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

APRIL 30, 1956.

In the matter of application by the Midwest Stock Exchange for unlisted trading privileges in Square D Company, common stock, File No. 7-1792.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before May 16, 1956, from any interested per-

son, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-3507; Filed, May 3, 1956; 8:49 a. m.]

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[File No. 812-1003]

ADAMS EXPRESS CO. AND AMERICAN INTERNATIONAL CORP.

NOTICE OF APPLICATION FOR ORDER EXEMPTING ACQUISITION OF SECURITIES OF AN INVESTMENT COMPANY

APRIL 30, 1956.

Notice is hereby given that The Adams Express Company ("Adams") and its majority-owned subsidiary, American International Corporation ("American"), both closed-end, diversified investment companies registered under the Investment Company Act of 1940, have filed an application pursuant to section 6 (c) of the act for an order exempting them from the provisions of section 12 (d) (1) of the act with respect to a proposed acquisition of certain shares of common stock of National Aviation Corporation ("Aviation"), a registered, closed-end, non-diversified investment company.



The investment policy of Aviation is stated to be the concentration of investments in common stock and in senior securities convertible into common stock of air transport companies and in companies either in, or connected with, or serving and/or supplying the aviation industry. Adams and American presently own together an aggregate of 4.69 percent (26,200 shares) of the common stock of Aviation. On April 17, 1956, Aviation informed its stockholders that it proposes to offer them transferable Rights, represented by Warrants, to subscribe for 139,523 additional shares of its common stock on the basis of one additional share for each four shares held. In addition, each holder of a Warrant is entitled to the privilege of subscribing for additional shares of the Aviation stock, subject to allotment, out of any shares not subscribed for pursuant to the exercise of the primary subscription Rights. Such stock offering by Aviation will not be underwritten and is expected to expire on or about May 22, 1956.

Adams and American desire and intend, subject to the granting of the instant application by the Commission, to exercise their Rights as stockholders to purchase shares of Aviation together with subscription rights under any additional subscription privileges which may be available.

If all stockholders of Aviation, including both applicants, exercise their full rights pursuant to such stock offering the percentage of total outstanding stock of Aviation owned by the applicants will remain the same 4.69 percent. If subscription Rights of others are not exercised, however, the additional stock of Aviation to be acquired by applicants, pursuant to their Rights and additional subscription privileges which may be available, could result in the ownership by Adams and American of more than 5 percent of the outstanding stock of Aviation.

Section 12 (d) (1) of the act, among other things, makes it unlawful for any registered investment company and any company controlled by it to purchase or otherwise acquire any security issued by any other investment company if such registered investment company and any company controlled by it own in the aggregate, or as a result of such purchase will own, more than 5 percent of the total outstanding stock of such other investment company if the policy of such other investment company is the concentration of investments in a particular industry or group of industries.

Adams and American have agreed that they will take immediate steps to divest themselves of such shares of Aviation which, combined, may be in excess of 5 percent of the common stock of Aviation to be outstanding following the aforesaid Rights offering.

Section 6 (c) of the act provides, among other things, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

Notice is further given that any interested person may, not later than May 15, 1956, submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-3508; Filed, May 3, 1956; 8:49 a. m.]


# FEDERAL REGISTER

VOLUME 21 NUMBER 88

*Washington, Saturday, May 5, 1956*


THE NATIONAL ARCHIVES LITTERA SCRIPTA MANET 1934 OF THE UNITED STATES

MAIN READING ROOM

## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

GENERAL SERVICES ADMINISTRATION

Effective upon publication in the FEDERAL REGISTER, subparagraphs (6), (7), and (8) are added to § 6.333 (a) as set out below.

§ 6.333 *General Services Administration*—(a) *Office of the Administrator.* * * *

(6) One Special Assistant to the Administrator (Federal Supply and Emergency Procurement).

(7) One Special Assistant to the Administrator (Legislative Liaison).

(8) Director of Public Information and Reports.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
*Executive Assistant.*

[F. R. Doc. 56-3635; Filed, May 4, 1956; 8:50 a. m.]

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### Chapter III—Foreign and Territorial Compensation

[Dept. Reg. 108.286]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

Section 325.11 *Designation of differential posts* is amended as follows, effective on the dates indicated:

1. Effective as of the beginning of the first pay period following April 7, 1956, paragraph (a) is amended by the deletion of the following post:

Khartoum, Anglo-Egyptian Sudan.

2. Effective as of the beginning of the first pay period following May 5, 1956, paragraph (b) is amended by the deletion of the following posts:

Yugoslavia, all posts except Belgrade and Zagreb.

3. Effective as of the beginning of the first pay period following April 7, 1956, paragraph (a) is amended by the addition of the following post:

Khartoum, Sudan.

4. Effective as of the beginning of the first pay period following December 3, 1955, paragraph (a) is amended by the addition of the following post:

Miyako Island, Ryukyus.

5. Effective as of the beginning of the first pay period following May 5, 1956, paragraph (b) is amended by the addition of the following posts:

Yugoslavia, all posts except Belgrade, Rijeka and Zagreb.

6. Effective as of the beginning of the first pay period following May 5, 1956, paragraph (c) is amended by the addition of the following post:

Rijeka, Yugoslavia.

7. Effective as of the beginning of the first pay period following October 8, 1955, paragraph (d) is amended by the addition of the following post:

Guaymas, Mexico.

8. Effective as of the beginning of the first pay period following May 5, 1956, paragraph (d) is amended by the addition of the following post:

Santa Clara, Cuba.

(Sec. 102, Part I, E. O. 10000, 13 F. R. 5453; 3 CFR, 1948 Supp.)

Dated: April 26, 1956.

For the Secretary of State.

I. W. CARPENTER, Jr.,
*Assistant Secretary, Controller.*

[F. R. Doc. 56-3579; Filed, May 4, 1956; 8:53 a. m.]

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## TITLE 7—AGRICULTURE

### Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 86]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.386 *Navel Orange Regulation 86*—(a) *Findings.* (1) Pursuant to the

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

**CFR SUPPLEMENTS**

**(As of January 1, 1956)**

**The following Supplements are now available:**

**Titles 4 and 5 ($1.00)**

**Title 15 ($1.00)**

*Previously announced:* Title 3, 1955 Supp. ($2.00); Title 7: Parts 1–209 ($1.25); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Part 400 to end ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. I, and Title 27 ($1.00); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Titles 40–42 ($0.65); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

**Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.**

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marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on May 3, 1956, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., May 6, 1956, and ending at 12:01 a. m., P. s. t., May 13, 1956, is hereby fixed as follows:

(i) District 1: 138,600 cartons;

(ii) District 2: 785,400 cartons;

(iii) District 3: Unlimited movement;

(iv) District 4: Unlimited movement.

(2) Navel oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "District 1," "District 2," "District 3," and "District 4," have the same meaning as when used in said amended marketing agreement and order; and "carton" means the standard one-half orange, grapefruit or lemon box set forth as standard container number 58 in section 828.83, as amended, of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 4, 1956.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-3637; Filed, May 4, 1956; 11:11 a. m.]

[Valencia Orange Reg. 67]

## PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

### LIMITATION OF HANDLING

§ 922.367 *Valencia Orange Regulation 67*—(a) *Findings.* (1) Pursuant to Order No. 22 (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective March 31, 1954, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on May 3, 1956, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., May 6, 1956, and ending at 12:01 a. m., P. s. t., May 13, 1956, is hereby fixed as follows:

(i) District 1: 148,874 cartons;

(ii) District 2: 91,250 cartons;

(iii) District 3: Unlimited movement.

(2) Valencia oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "handler," "District 1," "District 2," and "District 3," have the same meaning as when used in said order; and "carton" means the standard one-half orange, grapefruit or lemon box set forth as standard container number 58 in section 828.83, as amended, of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 4, 1956.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-3636; Filed, May 4, 1956; 11:11 a. m.]

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## PART 924—MILK IN DETROIT, MICH., MARKETING AREA

### ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and of the order, as amended (7 CFR Part 924), regulating the handling of milk in the Detroit, Michigan, marketing area, hereinafter referred to as the "order", it is hereby found and determined that:

(a) The phrase in § 924.46 (b) which reads, "in series beginning with the lowest-priced utilization," together with the comma preceding such phrase; paragraph (b) of § 924.60; and all of § 924.65 do not tend to effectuate the declared policy of the act for the period March 1, 1956, through April 30, 1956.

These provisions relate to the allocation of and payments on other source milk. During the last few days of March and the first week of April 1956, a strike seriously curtailed the shipment of producer milk from country sources to the distributing plants serving the Detroit market. In order to obtain urgently needed supplies, these plants purchased substantial quantities of other source milk as replacement for usual receipts of producer milk.

The allocation provisions cited above are designed to give priority to supplies of producer milk which, in normal circumstances, constitute the regular and most efficient source of supply for the market. The payment provisions cited above are designed to provide assurance that handlers utilizing such milk for Class I purposes will not thereby gain a competitive advantage as compared with the utilization of producer milk. Since producer milk was not, in fact, readily available during the strike period, other source milk should be allocated proportionately with producer milk to Class I and Class II instead of to the lowest-priced utilization. Also, it is clear that handlers did not seek to purchase the other source milk during this period as a means of obtaining any price advantage.

The provisions need to be suspended for the entire months of March and April 1956, since handlers did not take inventory or otherwise maintain their records in such fashion as to account separately for receipts and utilization during the period of the strike. The retroactive application of this suspension order is necessary because there was no advance notice of the strike, nor means of determining the duration of its effects until after the event. Also, the retroactivity is an appropriate means for maximizing the use of producer milk during those portions of March and April which were not affected by the strike. If it had been possible to announce the suspension in advance, handlers might have had some limited incentive to seek out such supplies of other source milk as might be in seasonal surplus in other markets.

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof, are found to be impracticable, unnecessary, and contrary to the public interest for reasons stated under (a) above and in that:

1. The information upon which this action is based did not become available in time sufficient for such compliance;

2. This suspension order would remove substantial monetary obligations which would otherwise be incurred by those handlers who found it necessary to purchase the other source milk; and

3. This suspension order does not require of persons affected substantial or extensive preparation prior to its effective date.

*It is therefore ordered*, That the phrase in § 924.46 (b) which reads, "in series beginning with the lowest-priced utilization," together with the comma preceding such phrase; paragraph (b) of § 924.60; and all of § 924.65 be and hereby are suspended during the months of March and April 1956.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 1st day of May 1956, to be effective for the months of March and April 1956.

[SEAL] EARL L. BUTZ,
*Assistant Secretary.*

[F. R. Doc. 56-3532; Filed, May 4, 1956; 8:47 a. m.]

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## PART 945—TOMATOES GROWN IN FLORIDA

### TRUCK SHIPMENTS

A notice of proposed rule making regarding an amendment to the existing general rules and regulations (21 F. R. 353) issued pursuant to Marketing Agreement No. 125 and Order No. 45, regulating the handling of tomatoes grown in Florida, effective pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), was published in the FEDERAL REGISTER on April 21, 1956 (21 F. R. 2604). Such notice stated that consideration would be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than five days following publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, which was adopted and submitted for approval by the Florida Tomato Committee, established pursuant to said Marketing Agreement and Order, the existing rules and regulations (21 F. R. 353) are hereby amended by adding the following new main heading and new section at the end thereof (i. e., immediately after present § 945.135):

### INSPECTION

§ 945.140 *Truck shipments.* In case of the transportation by truck outside of the production area of any tomatoes which are required to be inspected and certified as complying with any applicable requirements under this part, such tomatoes shall be accompanied by, and made available for examination at any time upon request, a copy of the appropriate inspection certificate or a copy of the appropriate transfer clearance receipt (Form FV-418) issued by the Federal-State Inspection Service, the official inspection agency for this program, showing that such tomatoes have been so inspected and certified.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to delay the making of this amendatory order effective later than the date of its publication in the FEDERAL REGISTER because: (1) Shipments of Florida tomatoes are now being made in large volume; (2) these amendments are designed to make enforcement of the applicable tomato regulations more effective, and such amendments should be put into effect as soon as practicable, and (3) notice that these requirements will be put into effect has heretofore been given all interested persons and no advance notice is necessary for compliance therewith.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 2d day of May 1956, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator.*

[F. R. Doc. 56-3531; Filed, May 4, 1956; 8:46 a. m.]

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[Lemon Reg. 640]

## PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

### LIMITATION OF SHIPMENTS

§ 953.747 *Lemon Regulation 640*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 8451), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on May 2, 1956, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., May 6, 1956, and ending at 12:01 a. m., P. s. t., May 13, 1956, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 395,250 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," and "District 3" have the same meaning as when used in the said amended marketing agreement and order; and "carton" means the standard one-half orange, grapefruit or lemon box set forth as standard container number 58 in section 828.83, as amended, of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 3, 1956.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-3634; Filed, May 4, 1956; 8:57 a. m.]

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[Grapefruit Reg. 109]

## PART 955—GRAPEFRUIT GROWN IN ARIZONA; IN IMPERIAL COUNTY, CALIFORNIA; AND IN THAT PART OF RIVERSIDE COUNTY, CALIFORNIA, SITUATED SOUTH AND EAST OF THE SAN GORGONIO PASS

### LIMITATION OF SHIPMENTS

§ 955.370 *Grapefruit Regulation 109*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 55, as amended (7 CFR Part 955), regulating the handling of grapefruit grown in the State of Arizona; in Imperial County, California; and in that part of Riverside County, California, situated south and east of the San Gorgonio Pass, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Administrative Committee (established under the aforesaid amended marketing agreement and order), and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than May 6, 1956. Shipments of grapefruit, grown as aforesaid, have been subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, since October 9, 1955, and will so continue until May 6, 1956; the recommendation and supporting information for continued regulation subsequent to May 5, 1956, were promptly submitted to the Department after an open meeting of the Administrative Committee on April 26, 1956; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time thereof, are identical with the aforesaid recommendation of the committee and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., May 6, 1956, and ending at 12:01 a. m., P. s. t., August 31, 1956, no handler shall ship:

(i) Any grapefruit of any variety grown in the State of Arizona; in Imperial County, California; or in that part of Riverside County, California, situated south and east of the San Gorgonio Pass unless such grapefruit grade at least U. S. No. 2; or

(ii) From the State of California or the State of Arizona (*a*) to any point outside thereof in the United States, any grapefruit, grown as aforesaid, which are of a size smaller than 3$^{1}/_{16}$ inches in diameter, or (*b*) to any point in Canada, any grapefruit, grown as aforesaid, which are of a size smaller than 3$^{3}/_{16}$ inches in diameter ("diameter" in each case to be measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit), except that a tolerance of 5 percent, by count, of grapefruit smaller than the foregoing minimum sizes shall be permitted which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the revised United States Standards for Grapefruit (California and Arizona), §§ 51.925 to 51.955 of this title: *Provided*, That, in determining the percentage of grapefruit in any lot which are smaller than 3$^{3}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size 3$^{13}/_{16}$ inches in diameter and smaller; and in determining the percentage of grapefruit in any lot which are smaller than 3$^{3}/_{16}$ inches in diameter, such percentage shall be based only on the grapefruit in such lot which are of a size 3$^{10}/_{16}$ inches in diameter and smaller.

(2) As used in this section, "handler," "variety," "grapefruit," and "ship" shall have the same meaning as when used in said amended marketing agreement and order; and the term "U. S. No. 2" shall have the same meaning as when used in the revised United States Standards for Grapefruit (California and Arizona), §§ 51.925 to 51.955 of this title.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 1, 1956.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-3530; Filed, May 4, 1956; 8:46 a. m.]

# TITLE 14—CIVIL AVIATION

## Chapter I—Civil Aeronautics Board

### Subchapter A—Civil Air Regulations

[Supp. 23]

PART 3—AIRPLANE AIRWORTHINESS: NORMAL, UTILITY, AND ACROBATIC CATEGORIES

MISCELLANEOUS AMENDMENTS

Section 3.359–3 specifies an acceptable location of the landing gear position indicator switches.

Section 3.688–1 contains new policies concerning load circuit connections with respect to the master switch and § 3.688–2 contains policies concerning connection of electric stall warning indicators.

The material contained in § 3.690–2 states the position of the CAA that circuit protective devices should not be bypassed by an overriding type of control.

1. A new § 3.359–3 is added to read as follows:

§ 3.359–3 *Landing gear position indicator switches (CAA interpretations which apply to § 3.359).* The phrase "means shall be provided for indicating to the pilot" includes a landing gear position indicator as well as the switches necessary to actuate such indicator. The switches must be so located and coupled to the landing gear mechanical system as to preclude the possibility of an erroneous indication of "down and locked" if the landing gear is not in a fully extended position, or "up and locked" if the landing gear is not in the completely retracted position. Location of the switches so that they are operated by the actual landing gear locking latch or device is an acceptable method of compliance with the requirements of this section.

2. Section 3.688–1 is revised to read as follows:

§ 3.688–1 *Load circuit connections with respect to master switch (CAA policies which apply to § 3.688).* All load circuits should be connected to electric power sources in such manner that the master switch can interrupt service, unless such interruption of service[1] would result in the inability to maintain controlled flight or to effective a safe landing.

3. A new § 3.688–2 is added to read as follows:

§ 3.688–2 *Electric stall warning indicator circuit (CAA policies which apply to § 3.688).* Electric stall warning indicator circuits, when installed, should be connected to the electric power system in such manner that the master switch can interrupt service. If the indicator is required for type certification as a result of the particular stall characteristics of the airplane, the CAA approved Airplane Flight Manual should contain the information that the stall warning system is inoperative with the master switch open. When such a manual is not required, this information should be displayed on a placard or contained in the manual furnished by the manufacturer as required by § 3.777 (b).

4. A new § 3.690–2 is added to read as follows:

§ 3.690–2 *Circuit breakers (CAA policies which apply to § 3.690).* All resettable type circuit protective devices should be so designed that, when an overload or circuit fault exists, they will open the circuit irrespective of the position of the operating control.[2]

(Sec. 205. 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007; 49 U. S. C.)

This supplement shall become effective May 25, 1956.

[SEAL] S. A. KEMP,
*Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 56–3566; Filed, May 4, 1956; 8:51 a. m.]

[1] Interruption of service due to master switch operation may be only temporary. After the master switch is opened (in the event of electrical fire or smoke), service may be restored to a circuit which is essential to safety by first opening all circuit protective devices, then reclosing the master switch and finally reclosing the circuit protective device in the circuit desired.

[2] Circuit protective devices which conform to the above description are known commercially as "trip-free," that is, the tripping mechanism cannot be overridden by the operating control. Such circuit protective devices can be reset on an overload or circuit fault, but will trip subsequently in accordance with their current-time characteristics.

## Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 1]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required. Part 610 is amended as follows: (Listed items to be placed in appropriate sequence in the sections indicated).

Section 610.18 *Green civil airway 8* is amended by adding:

From Anchorage (Merrill), Alaska, LFR; to *Willow INT, Alaska; MEA 2,500. *6,400—MCA Willow INT, eastbound.
From Willow INT, Alaska; to Wasilla INT, Alaska; MEA 7,000.
From Wasilla INT, Alaska; to Gulkana, Alaska, LFR; MEA 10,500.
From Gulkana, Alaska LFR; to Northway, Alaska, LFR; MEA 10,500.

Section 610.101 *Amber civil airway 1* is amended to read in part:

From Yakutat, Alaska, LFR; to Cape Suckling INT, Alaska; MEA 1,500.
From Cape Suckling INT, Alaska; to East Cordova INT, Alaska; MEA 5,000.
From East Cordova INT, Alaska; to *Hinchinbrook, Alaska, LFR; MEA 2,000. *3,000—MCA Hinchinbrook LFR, westbound.

Section 610.209 *Red civil airway 9* is amended to read in part:

From *San Diego, Calif., LFR; to **El Centro, Calif., LFR; MEA 8,000. *3,000—MCA San Diego LFR, eastbound. **4,000—MCA El Centro LFR, westbound.
From Barrett Lake, Calif., FM; to Jamul, Calif., LF/RBN, westbound only; MEA 6,000.
From Jamul, Calif., LF/RBN; to San Diego, Calif., LFR, westbound only; MEA 4,500.

Section 610.211 *Red civil airway 11* is amended to read in part:

From Claremore INT, Okla.; to Springfield, Mo., LFR; MEA 2,500.

Section 610.218 *Red civil airway 18* is amended to read in part:

From Charleston, W. Va., LFR; to Elkins, W. Va., LFR; MEA 5,700.
From Flat Woods INT, W. Va.; to Charleston, W. Va., LFR, westbound only; MEA 3,700.

Section 610.224 *Red civil airway 24* is amended to read in part:

From Bessie INT, Okla.; to Oklahoma City, Okla., LFR; MEA 2,900.

Section 610.230 *Red civil airway 30* is amended to read in part:

From Tallahassee, Fla., LFR; to Lee INT, Fla.; MEA 1,500.

Section 610.241 *Red civil airway 41* is amended by adding:

From Gustavus, Alaska, LFR; to Sisters Island, Alaska, LF/RBN; MEA 4,500.

Section 610.282 *Red civil airway 82* is amended to delete:

From *Willow INT, Alaska; to Wasilla INT, Alaska; MEA 7,000. *6,400—MCA Willow INT, eastbound.

Section 610.296 *Red civil airway 96* is amended to read in part:

From Arcola INT, Tex.; to Houston, Tex., LFR; MEA 1,500.

Section 610. 303 *Red civil airway 103* is amended by adding:

From Anchorage (Merrill), Alaska, LFR; to Kenai, Alaska, LFR; MEA 1,500.

Section 610.303 *Red civil airway 103* is amended to read in part:

From Cleare INT, Alaska; to Middleton Island, Alaska, LFR; MEA 2,000.

Section 610.605 *Blue civil airway 5* is amended to read in part:

From Galveston, Tex., LFR; to Houston, Tex., LFR; MEA 1,700.

Section 610.626 *Blue civil airway 26* is amended to delete:

From *Nenana, Alaska, LFR; to Nenabank INT, Alaska; MEA 2,600. *7,000—MCA Nenana LFR; southbound.

Sectfon 610.626 *Blue civil airway 26* is amended by adding:

From *Nenana, Alaska, LFR; to Fairbanks, Alaska, LFR; MEA 3,900. *6,000—MCA Nenana LFR, southbound.

Section 610.632 *Blue civil airway 32* is amended to read:

From Anchorage, Alaska, LFR; to Susitna INT, Alaska; MEA 1,500.



From Susitna INT, Alaska; to Skwentna, Alaska, LFR; MEA 4,200.
From *Skwentna, Alaska, LFR; to Talkeetna, Alaska, LF/RBN; MEA 5,000. *4,100—MCA Skwentna LFR, northeastbound.

Section 610.639 *Blue civil airway 39* is amended to read in part:

From Flat Woods INT, W. Va.; to Morgantown, W. Va., LFR; MEA 4,000.

Section 610.643 *Blue civil airway 43* is added to read:

From Nenana, Alaska, LFR; to Nenabank INT, Alaska; MEA 2,600.

Section 610.6002 *VOR civil airway 2* is amended to read in part:

From Miles City, Mont., VOR; to Dickinson, N. Dak., VOR; MEA 4,500.

Section 610.6003 *VOR civil airway 3* is amended to delete:

From Lisbon INT, Va.; to Parkton INT, Va.; MEA *3,000. *2,500—MOCA.
From Parkton INT, Va.; to West Chester, Pa., VOR; MEA 2,000.

Section 610.6003 *VOR civil airway 3* is amended by adding:

From North INT, Md.; to Hereford INT, Md; MEA *5,000. *2,000—MOCA.
From Hereford INT, Md.; to Parkton INT, Md.; MEA *3,000. *1,500—MOCA.
From Parkton INT, Md.; to West Chester, Pa., VOR; MEA 2,000.

Section 610.6003 *VOR civil airway 3* is amended to read in part:

From Key West, Fla., VOR; to Miaml, Fla., VOR; MEA *2,500. *1,300—MOCA.
From Jacksonville, Fla., VOR; to *St. Marys INT, Ga.; MEA 1,200. *4,000—MRA.
From St. Marys INT, Ga.; to Brunswick, Ga., VOR; MEA 1,200.

§ Section 610.6004 *VOR civil airway 4* is amended to read in part:

From Lexington, Ky., VOR; to Morehead INT, Ky.; MEA 2,600.
From Morehead INT, Ky.; to Wayne INT, W. Va.; MEA *4,000. *2,500—MOCA.

Section 610.6005 *VOR civil airway 5* is amended by adding:

From Atlanta, Ga., VOR via W alter.; to Chattanooga, Tenn., VOR via W alter.; MEA *4,000. *3,500—MOCA.

Section 610.6005 *VOR civil airway 5* is amended to read in part:

From Macon, Ga., VOR; to *McDonough INT, Ga.; MEA **3,000. *2,700—MRA. **2,100—MOCA.
From McDonough INT, Ga.; to Kennesaw INT, Ga.; MEA *8,000. *3,000—MOCA.
From Kennesaw INT, Ga.; to Chattanooga, Tenn., VOR; MEA *4,000. *3,500—MOCA.

Section 610.6007 *VOR civil airway 7* is amended to read in part:

From Lakeland, Fla., VOR; to Katy INT, Fla.; MEA 1,300.
From Katy INT, Fla.; to Dade City INT, Fla.; MEA *1,500. *1,200—MOCA.
From Dade City INT, Fla.; to Cross City, Fla., VOR; MEA *2,000. *1,300—MOCA.
From Terre Haute, Ind., VOR; to Lafayette, Ind., VOR; MEA 2,000. Via W alter.; MEA 2,000.
From Lafayette, Ind., VOR; to Chicago Heights, Ill., VOR; MEA 2,000. Via E alter.; MEA 2,000.

Section 610.6008 *VOR civil airway 8* is amended to read in part:

From Martinsburg, W. Va., VOR; to Dawsonville INT, Va.; MEA 3,000.
From Dawsonville INT, Va.; to Washington, D. C., TVOR; MEA 2,000.

Section 610.6010 *VOR civil airway 10* is amended to read in part:

From Litchfield, Mich., VOR; to Milan INT, Mich.; MEA 2,300.
From Milan INT, Mich.; to Carleton, Mich., VOR; MEA 2,000.
From Carleton, Mich., VOR; to Pelee INT, Ont., Canada; MEA #2,000. #For that airspace over U. S. Territory.
From Pelee INT, Ont., Canada; to *Gill INT, U. S.; MEA **#6,000. *6,000—MRA. **2,000—MOCA. #For that airspace over U. S. Territory.
From Gill INT, U. S.; to Youngstown, Ohio, VOR; MEA *#9,000. *2,500—MOCA. #For that airspace over U. S. Territory.
From Gill INT, U S.; to Perry, Ohio, LF/RBN; MEA *#6,000. *2,500—MOCA. #Utilizing Perry LF/RBN.
From Perry, Ohio, LF/RBN; to Youngstown, Ohio, VOR; MEA #2,500. #Utilizing Perry LF/RBN.

Section 610.6012 *VOR civil airway 12* is amended by adding:

From Daggett, Calif., VOR via N alter.; to Needles Calif., VOR via N alter.; MEA 8,500.
From West Chester, Pa., VOR; to New Boothwyn INT, Pa.; MEA 1,600.

Section 610.6012 *VOR civil airway 12* is amended to read in part:

From Johnstown, Pa., VOR via S alter.; to *Burnt Cabins INT, Pa., via S alter.; MEA 4,500. *6,000—MRA.
From Burnt Cabins INT, Pa., via S alter.; to Harrisburg, Pa., VOR, via S alter.; MEA 4,000.
From Harrisburg, Pa., VOR; to *Gap INT, Pa.; MEA 2,000. *2,500—MRA.
From Gap INT, Pa.; to West Chester, Pa.; VOR; MEA 2,000.

Section 610.6013 *VOR civil airway 13* is amended to read in part:

From Houston, Tex., VOR; to Humble INT, Tex.; MEA 1,660. (Deletes MRA at Humble INT.)

Section 610.6014 *VOR civil airway 14* is amended to read in part:

From Hobart, Okla., VOR; to Oklahoma City, Okla., VOR; MEA 3,100.
From Caprock INT, N. Mex.; to *Whiteface INT, Tex.; MEA **7,000. *7,500—MRA. **5,500—MOCA.

Section 610.6015 *VOR civil airway 15* is amended to read in part:

From Galveston, Tex., VOR; to Houston, Tex., VOR; MEA 1,700.
From Waco, Tex., VOR via E. alter.; to *Ennis INT, Tex., via E alter.; MEA **2,400. *2,400—MRA. **2,000—MOCA.
From Ennis INT, Tex., via E alter.; to Dallas, Tex., VOR via E alter.; MEA 2,000.

Section 610.6019 *VOR civil airway 19* is amended to delete:

From Denver, Colo., VOR; to Cheyenne, Wyo., VOR; MEA 7,500.
From Denver, Colo., VOR via E alter.; to *Gill INT, Colo., via E alter.; MEA 7,500. *14,000—MRA.
From Gill INT, Colo., via E alter.; to Hereford INT, Wyo., via E alter.; MEA 7,500.
From Hereford INT, Wyo., via E alter.; to Cheyenne, Wyo., VOR via E alter.; MEA 7,300.

Section 610.6019 *VOR civil airway 19* is amended to read in part:

From Raton, N. Mex., VOR; to *Earl INT, Colo.; MEA 11,000. *9,000—MRA.
From Earl INT, Colo.; to Pueblo, Colo., VOR; northbound, MEA 7,500; southbound, MEA 11,000.

Section 610.6019 *VOR civil airway 19* is amended by adding:

From Pueblo, Colo., VOR; to Kiowa, Colo., VOR; MEA 8,500.
From Kiowa, Colo., VOR; to Roggen INT, Colo.; MEA 7,800.
From Roggen INT, Colo.; to Cheyenne, Wyo., VOR; MEA 7,800.

Section 610.6020 *VOR civil airway 20* is amended to read in part:

From Palacios, Tex., VOR; to Arcola INT, Tex.; MEA 1,600.
From Arcola INT, Tex.; to Houston, Tex., VOR; MEA 2,100.
From Montgomery, Ala., VOR; to La Grange, Ga., VOR; MEA 2,000.

Section 610.6020 *VOR civil airway 20* is amended by adding:

From Mobile, Ala., VOR via N alter.; to Evergreen, Ala., VOR via N alter.; MEA *2,700. *1,500—MOCA.

Section 610.6021 *VOR civil airway 21* is amended to read in part:

From Delta, Utah, VOR; to Utah Lake, Utah, VOR; MEA 11,000.
From Utah Lake, Utah, VOR; to *Salt Lake City, Utah, VOR; MEA 11,000. *10,000—MCA Salt Lake City VOR, southbound.

Section 610.6022 *VOR civil airway 22* is amended to read in part:

From Greenville INT, Fla.; to *Genoa INT, Fla.; MEA **3,000. *3,000—MRA. **1,500—MOCA.
From Genoa INT, Fla.; to *Taylor INT, Fla.; MEA **2,500. *3,000—MRA. **1,300—MOCA.
From Taylor INT, Fla.; to Jacksonville, Fla., VOR; MEA *2,500. *1,300—MOCA.

Section 610.6025 *VOR civil airway 25* is amended to read in part:

From Point Reyes, Calif, VOR; to *Geyserville INT, Calif.; MEA 8,500. *8,500—MRA.
From *Geyserville INT, Calif.; to Lakeport INT, Calif.; MEA **13,500. *13,500—MCA Geyserville INT, northbound; 8,500—MCA Geyserville INT, southbound. **7,000—MOCA.

Section 610.6026 *VOR civil airway 26* is amended to read in part:

From Salem, Mich., VOR; to Park INT, Mich.; MEA 2,000.
From Park INT, Mich.; to McGregor INT, Mich., MEA 2,300.
From McGregor INT, Mich.; to Pelee INT, Ont., Canada; MEA *#2,500. *2,000—MOCA. #For that airspace over U. S. Territory.
From Pelee INT, Ont., Canada; to Cleveland, Ohio, VOR; MEA 2,000.

Section 610.6029 *VOR civil airway 29* is amended to read in part:

From Dover, Del., VOR; to Woodstown, N. J., VOR; MEA 1,500.
From Woodstown, N. J., VOR; to West Chester, Pa., VOR; MEA 1,800.

Section 610.6030 *VOR civil airway 30* is amended to read in part:

From Milwaukee, Wis., VOR; to Sun Fish INT (Lake Michigan); MEA 2,300.

Section 610.6035 *VOR civil airway 35* is amended to read in part:

From Tampa, Fla., VOR; to *Crystal INT, Fla.; MEA **1,500. *2,000—MRA. **1,200—MOCA.
From Crystal INT, Fla.; to *Shrimp INT, Fla.; MEA **1,500. *6,000—MRA. **1,200—MOCA.

Section 610.6036 *VOR civil airway 36* is amended by adding:

From Buffalo, N. Y., VOR via S alter.; to Angelica INT, N. Y., via S alter; MEA *4,500. *4,000—MOCA.
From Angelica INT, N. Y., via S alter.; to Elmira, N. Y., VOR via S alter.; MEA 4,000.

Section 610.6038 *VOR civil airway 38* is amended to delete:

From Findlay, Ohio, VOR via S alter.; to Columbus, Ohio, VOR via S alter.; MEA 2,500.

Section 610.6039 *VOR civil airway 39* is amended by adding:

From Herndon, Va., VOR; to Lisbon INT, Md.; MEA 2,500.
From Lisbon INT, Md.; to Hereford INT, Md.; MEA *3,000. *2,500—MOCA.

Section 610.6042 *VOR civil airway 42* is amended to read in part:

From Lansing, Mich., VOR; to Flint INT, Mich.; MEA 2,400.
From Flint INT, Mich.; to Windsor, Ont., Canada, VOR; MEA #2,700. #For that airspace over U. S. Territory.
From Windsor, Ont., Canada, VOR; to Cleveland, Ohio, VOR; MEA 2,000.
From Martinsburg, W. Va., VOR; to Dawsonville INT, Va.; MEA 3,000.
From Dawsonville INT, Va.; to Washington, D. C., TVOR; MEA 2,000.

Section 610.6045 *VOR civil airway 45* is amended by adding:

From Tipton INT, Mich.; to Lansing, Mich., VOR; MEA 2,300.

Section 610.6045 *VOR civil airway 45* is amended to delete:

From Waterville, Ohio, VOR; to *Henrietta INT, Mich.; MEA 2,300.
From *Henrietta INT, Mich.; to Lansing, Mich., VOR; MEA 2,300. *3,000—MRA.

Section 610.6047 *VOR civil airway 47* is amended to read in part:

From Waterville, Ohio, VOR; to Milan INT, Mich.; MEA 2,300.
From Milan INT, Mich.; to Detroit, Mich., ILS loc. (Willow Run Airport); MEA 2,300.
From Detroit, Mich., ILS loc. (Willow Run Airport); to Windsor, Ont., Canada, VOR; MEA #2,300. #For that airspace over U. S. Territory.

Section 610.6050 *VOR civil airway 50* is amended to read in part:

From Springfield, Ill.; to *Mt. Zion INT, Ill.; MEA 2,300. *4,000—MRA.
From Mt. Zion INT, Ill.; to *Arcola INT, Ill.; MEA 2,300. *3,000—MRA.
From Arcola INT, Ill.; to Terre Haute, Ind., VOR; MEA 2,300.

Section 610.6051 *VOR civil airway 51* is amended to delete:

From Lafayette, Ind., VOR via E alter.; to Newland INT, Ind., via E alter.; MEA 2,300.
From Newland INT, Ind., via E alter.; to Chicago Heights, Ill., VOR via E alter.; MEA 2,000.

Section 610.6051 *VOR civil airway 51* is amended by adding:

From Atlanta, Ga., VOR via W alter.; to Chattanooga, Tenn., VOR via W alter.; MEA *4,000. *3,500—MOCA.
From Chattanooga, Tenn., VOR via E alter; to Georgetown INT, Tenn., via E alter.; MEA 3,000.
From Georgetown INT, Tenn., via E alter; to Crossville, Tenn., VOR via E alter.; MEA 5,000.

Section 610.6051 *VOR civil airway 51* is amended to read in part:

From Macon, Ga., VOR; to *McDonough INT, Ga.; MEA **3,000. *2,700—MRA. **2,100—MOCA.
From McDonough INT, Ga.; to Kennesaw INT, Ga.; MEA *6,000. *3,000—MOCA.
From Kennesaw INT, Ga.; to Chattanooga, Tenn., VOR; MEA *4,000. *3,500—MOCA.

Section 610.6053 *VOR civil airway 53* is amended to delete:

From Louisville, Ky., VOR via W alter.; to *Martinsburg INT, Ind., via W alter.; MEA **3,000. *3,600—MRA. **2,600—MOCA.
From Martinsburg INT, Ind., via W alter.; to *Mitchell INT, Ind., via W alter.; MEA **3,000. *3,000—MRA. **2,600—MOCA.
From Mitchell INT, Ind., via W alter.; to Sanders INT, Ind., via W alter.; MEA *3,000. *2,600—MOCA.
From Sanders INT, Ind., via W alter.; to *Paragon INT, Ind., via W alter.; MEA 2,500. *3,000—MRA.
From Paragon INT, Ind., via W alter.; to Indianapolis, Ind., VOR via W alter.; MEA 2,200.

Section 610.6053 *VOR civil airway 53* is amended to read in part:

From Indianapolis, Ind., VOR; to Lafayette, Ind., VOR; MEA 2,300.
From Lafayette, Ind., VOR; to Peotone, Ill., VOR; MEA 2,000.
From Indianapolis, Ind., VOR via W alter.; to Lafayette, Ind., VOR via W alter.; MEA 2,100.

Section 610.6056 *VOR civil airway 56* is amended to read in part:

From Columbus, Ga., VOR; to *Hamilton INT, Ga.; MEA 1,800. *2,400—MRA.

Section 610.6057 *VOR civil airway 57* is amended to delete:

From Scotland, Ind., VOR; to Lafayette, Ind., VOR; MEA 2,000.
From Lafayette, Ind., VOR; to Shelby INT, Ind.; MEA 2,300.
From Shelby INT, Ind.; to Chicago Heights, Ill., VOR; MEA 2,000.

Section 610.6060 *VOR civil airway 60* is amended to read in part:

From Conchas Dam INT, N. Mex.; to Tucumcari, N. Mex., VOR; MEA 7,500.

Section 610.6072 *VOR civil airway 72* is amended to read in part:

From Vandalia, Ill., VOR; to *Arcola INT, Ill.; MEA **3,000. *3,000—MRA. **2,200—MOCA.
From Arcola INT, Ill.; to State Line INT, Ind.; MEA *3,100. *2,200—MOCA.
From State Line INT, Ind.; to Lafayette, Ind., VOR; MEA 2,000.
From Lafayette, Ind., VOR; to Radnor INT, Ind.; MEA 2,300.
From Radnor INT, Ind.; to Kokomo INT, Ind.; MEA 2,200.

Section 610.6076 *VOR civil airway 76* is amended to read in part:

From Houston, Tex., VOR; to Galveston, Tex., VOR; MEA 1,700.

Section 610.6088 *VOR civil airway 88* is amended to delete:

From Dayton, Ohio, VOR via N alter.; to Mansfield, Ohio, VOR via N alter.; MEA 2,500.

Section 610.6089 *VOR civil airway 89* is amended by adding:

From Denver, Colo., VOR; to Cheyenne, Wyo., VOR; MEA 7,500.
From Denver, Colo., VOR via E alter.; to *Gill INT, Colo., via E alter.; MEA 7,500. *14,000—MRA.
From Gill INT, Colo., via E alter.; to Hereford INT, Wyo., via E alter.; MEA 7,500.
From Hereford INT, Wyo., via E alter.; to Cheyenne, Wyo., VOR via E alter.; MEA 7,300.

Section 610.6090 *VOR civil airway 90* is added to read:

From Litchfield, Mich., VOR; to Windsor, Ont., Canada, VOR; MEA 2,300.

Section 610.6096 *VOR civil airway 96* is amended to delete:

From Waterville, Ohio, VOR; to Rockwood INT, Mich.; MEA 2,300.
From Rockwood INT, Mich.; to *Belle INT, Mich.; MEA **3,700. *3,700—MRA. **2,300—MOCA.

Section 610.6096 *VOR civil airway 96* is amended to read in part:

From Lafayette, Ind., VOR; to Radnor INT, Ind.; MEA 2,300.
From Radnor INT, Ind.; to Ft. Wayne, Ind., VOR; MEA 2,200.

Section 610.6097 *VOR civil airway 97* is amended to read in part:

From Tampa, Fla., VOR; to *Crystal INT, Fla.; MEA **1,500. *2,000—MRA. **1,200—MOCA.
From Crystal INT, Fla.; to *Shrimp INT, Fla.; MEA **1,500. *6,000—MRA. **1,000—MOCA.
From Shrimp INT, Fla.; to Scallop INT, Fla.; MEA *4,000. *1,000—MOCA.
From Scallop INT, Fla.; to Lobster INT, Fla.; MEA *6,000. *1,000—MOCA.
From Tampa, Fla., VOR via E alter.; to *Crystal INT, Fla., via E alter.; MEA **1,500. *2,000—MRA. **1,200—MOCA.
From Crystal INT, Fla., via E alter.; to *Shrimp INT, Fla., via E alter.; MEA **1,500. *6,000—MRA. **1,000—MOCA
From Indianapolis, Ind., VOR; to Radnor INT, Ind.; MEA 2,100.
From Radnor INT, Ind.; to Newland INT, Ind.; MEA *3,700. *2,000—MOCA.
From Newland INT, Ind.; to Chicago Heights, Ill., VOR; MEA 2,000.

Section 610.6105 *VOR civil airway 105* is amended to read in part:

From Phoenix, Ariz., VOR; to Knob INT, Ariz.; northbound, MEA 8,000; southbound, MEA 6,500.
From Knob INT, Ariz.; to Ranch INT, Ariz.; MEA 8,000.
From Ranch INT, Ariz.; to Prescott, Ariz., VOR; MEA 9,000.

Section 610.6116 *VOR civil airway 116* is amended to read in part:

From Salem, Mich., VOR; to Midcraft INT, Mich.; MEA 2,000.
From Midcraft INT, Mich.; to Windsor, Ontario, Canada VOR; MEA #2,300. #For that airspace over U. S. Territory.
From Windsor, Ontario, Canada VOR; to Tilbury INT, Ontario, Canada; MEA #2,000. #For that airspace over U. S. Territory.
From Tilbury INT, Ontario, Canada; to Blue Pike INT, Pa.; MEA 2,000.
From Blue Pike INT, Pa.; to Erie, Pa., VOR; MEA 2,300.

Section 610.6128 *VOR civil airway 128* is amended to read in part:

From Peotone, Ill., VOR; to Lafayette, Ind., VOR; MEA 2,000.
From Lafayette, Ind., VOR; to Horton INT, Ind.; MEA 2,300.
From Horton INT, Ind.; to *Maxwell INT, Ind.; MEA **4,000. *4,000—MRA. **2,300—MOCA.
From Maxwell INT, Ind.; to Rushville INT, Ind.; MEA *4,000. *2,300—MOCA.
From Rushville INT, Ind.; to Cincinnati, Ohio, VOR; MEA 2,300.

Section 610.6130 *VOR civil airway 130* is amended by adding:

From Brainard INT, N. Y.; to Albany, N. Y., VOR, northwestbound only; MEA 3,000.

Section 610.6134 *VOR civil airway 134* is amended to read in part:



From Columbus, Ga., VOR; to *Hamilton INT, Ga.; MEA 1,800. *2,400—MRA.
From Hamilton INT, Ga.; to Atlanta, Ga., VOR; MEA 2,400.

Section 610.6140 *VOR civil airway 140* is amended to read in part:

From Baltimore, Md., VOR; to Bainbridge INT, Md.; MEA 2,000.
From Bainbridge INT, Md.; to Woodstown, N. J., VOR; MEA 1,600.
From Woodstown, N. J., VOR; to Coyle, N. J., VOR; MEA 1,500.
From Coyle, N. J., VOR; to Colts Neck, N. J., VOR; MEA 1,500.

Section 610.6142 *VOR civil airway 142* is amended by adding:

From Erie, Pa., VOR; to Buffalo, N. Y., VOR; MEA 4,000.

Section 610.6152 *VOR civil airway 152* is amended to read in part:

From Tampa, Fla., VOR; to Katy INT, Fla., MEA 1,300.
From Katy INT, Fla., to Orlando, Fla., VOR; MEA 1,700.

Section 610.6154 *VOR civil airway 154* is amended to read in part:

From Columbus, Ga., VOR; to *Hamilton INT, Ga.; MEA 1,800. *2,400—MRA.

Section 610.6159 *VOR civil airway 159* is amended to read in part:

From Orlando, Fla., VOR; to *Ocala INT, Fla.; MEA **2,500. *4,000—MRA. **1,700—MOCA.
From Ocala INT, Fla.; to Cross City, Fla., VOR; MEA *2,000. *1,200—MOCA.
From Cross City, Fla., VOR; to *Perry INT, Fla.; MEA **2,000. *2,500—MRA. **1,200—MOCA.
From Perry INT, FLa.; to Greenville INT, Fla.; MEA *3,500. *1,500—MOCA.
From Greenville INT, Fla.; to *Quitman INT, Ga.; MEA **3,500. *3,000—MRA. **1,500—MOCA.
From Quitman INT, Ga.; to Albany, Ga.; VOR; MEA *3,000. *1,500—MOCA.

Section 610.6166 *VOR civil airway 166* is amended by adding:

From Boothwyn INT, Pa.; to Philadelphia, Pa., ILS loc.; MEA 1,800.
From Philadelphia, Pa., ILS loc.; to Mount Holly INT, N. J.; MEA 1,800.
From Mount Holly INT, N. J.; to Colts Neck, N. J., VOR; MEA 1,500.

Section 610.6170 *VOR civil airway 170* is amended by adding:

From Erie, Pa., VOR via N alter.; to Bradford, Pa., VOR via N alter.; MEA 4,000.

Section 610.6185 *VOR civil airway 185* is amended to read in part:

From Augusta, Ga., VOR via W alter.; to Honea INT, Ga., via W alter.: MEA 2,000.
From Honea INT, Ga., via W alter.; to Greenville, S. C., ILS loc., via W alter.; MEA 4,000.
From Greenville, S. C., ILS loc., via W alter.; to Tigerville INT, S. C., via W alter.; MEA 4,000.
From Tigerville INT, S. C., via W alter.; to Asheville, N. C., VOR via W alter.; MEA 6,000.

Section 610.6191 *VOR civil airway 191* is amended to read in part:

From Troy, Ill., VOR; to *Mt. Zion INT, Ill.; MEA **4,000. *4,000—MRA. **2,300—MOCA.

From Mt. Zion INT, Ill.; to Roberts, Ill., VOR; MEA *4,000. *2,200—MOCA.

Section 610.6198 *VOR civil airway 198* is amended to read in part:

From Eagle Lake, Tex., VOR; to Arcola INT, Tex.; MEA 1,600.
From Arcola INT, Tex.; to Galveston, Tex., VOR; MEA 2,200.

Section 610.6221 *VOR civil airway 221* is amended to read:

From Fort Wayne, Ind., VOR; to Litchfield, Mich., VOR; MEA 2,700.
From Litchfield, Mich., VOR; to Jackson INT, Mich.; MEA 2,300.
From Jackson INT, Mich.; to Salem, Mich., VOR; MEA 2,400.
From Salem, Mich., VOR; to Belle INT, Mich.; MEA 2,700.

Section 610.6227 *VOR civil airway 227* is added to read:

From Louisville, Ky., VOR; to *Martinsburg INT, Ind.; MEA **3,000. *3,600—MRA. **2,600—MOCA.
From Martinsburg INT, Ind.; to *Mitchell INT, Ind.; MEA **3,000. *3,000—MRA. **2,600—MOCA.
From Mitchell INT, Ind.; to Sanders INT, Ind.; MEA *3,000. *2,600—MOCA.
From Sanders INT, Ind.; to *Paragon INT, Ind.; MEA 2,500. *3,000—MRA.
From Paragon INT, Ind.;to Indianapolis, Ind., VOR; MEA 2,200.

Section 610.6235 *VOR civil airway 235* is added to read:

From *Utah Lake, Utah, VOR; to Ft. Bridger, Wyo., VOR; MEA 14,000. *12,500—MCA Utah Lake VOR, northeastbound.

Section 610.6236 *VOR civil airway 236* is added to read:

From Bonneville, Utah, VOR; to Cedar Mountain INT, Utah; MEA 11,000.
From Cedar Mountain INT, Utah; to Ogden, Utah, VOR; northeastbound, MEA 11,000; southwestbound, MEA 9,000.

Section 610.6237 *VOR civil airway 237* is added to read:

From Needles, Calif., VOR; to *Mead INT, Nev.; MEA 9,000. *15,000—MRA.
From *Mead INT, Nev.; to Mormon Mesa, Nev., VOR; MEA 7,000. *7,000—MCA Mead INT, northbound.

Section 610.6238 *VOR civil airway 238* is added to read:

From Boothwyn INT, Pa.; to Woodstown, N. J., VOR; MEA 1,800.
From Woodstown, N. J., VOR; to Atlantic City INT, N. J.; MEA 1,500.

Section 610.6239 *VOR civil airway 239* is added to read:

From *Wildwood INT, N. J.; to Woodstown, N. J., VOR; MEA 1,500. *2,000—MRA.
From Woodstown, N. J., VOR; to Boothwyn INT, Pa.; MEA 1,800.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective May 31, 1956.

[SEAL] JAMES T. PYLE,
*Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 56-3565; Filed, May 4, 1956; 8:51 a. m.]

# TITLE 9—ANIMALS AND ANIMAL PRODUCTS

## Chapter I—Agricultural Research Service, Department of Agriculture

### Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 78]

### PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

### SUBPART B—VESICULAR EXANTHEMA

#### CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111–113, 120) and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 76.27, as amended, Subpart B, Part 76, Title 9, Code of Federal Regulations (21 F. R. 3, 417, 786, 1165, 1461, 1743, 2230, 2611), which contains a notice with respect to the States in which swine are affected with vesicular exanthema, a contagious, infectious, and communicable disease, and which quarantines certain areas in such States because of said disease, is hereby further amended in the following respects:

1. A new subdivision (lxxv) is added to subparagraph (5) of paragraph (d), relating to Gloucester County in New Jersey, to read:

(lxxv) Lot 15, Block 407, in Deptford Township, owned by George Kersey and operated by Joseph Scanlon.

2. A new subdivision (xxi) is added to subparagraph (9) of paragraph (d), relating to Monmouth County in New Jersey, to read:

(xxi) That part of Howell Township lying east of Howell Road, north of County Road No. 524, west of Fairfield Road, and south of Bennett Road.

*Effective date.* The foregoing amendment shall become effective upon issuance.

The amendment excludes certain areas in New Jersey from the areas heretofore quarantined because of vesicular exanthema. Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR, 1955 Supp., Part 76, Subpart B, as amended, will not apply to such areas. However, the restrictions pertaining to such movement from non-quarantined areas, contained in said Subpart B, as amended, will apply thereto.

The amendment relieves certain restrictions presently imposed, and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less

than 30 days after publication in the FEDERAL REGISTER.

(Secs. 7, 23 Stat. 32, as amended, specs. 1, 2. 32 Stat. 791–792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 111–113, 117, 120, 123, 125)

Done at Washington, D. C., this 1st day of May 1956.

[SEAL] M. R. CLARKSON,
*Acting Administrator,*
*Agricultural Research Service.*

[F. R. Doc. 56-3601; Filed, May 4, 1956; 8:57 a. m.]

## TITLE 26—INTERNAL REVENUE, 1954

### Chapter I—Internal Revenue Service, Department of the Treasury

**Subchapter E—Alcohol, Tobacco, and Other Excise Taxes**

[T. D. 6173]

### PART 225—WAREHOUSING OF DISTILLED SPIRITS

CONSOLIDATION OF PACKAGES

On January 19, 1956, a notice of proposed rule making with respect to Part 225 of Title 26 (1954) of the Code of Federal Regulations was published in the FEDERAL REGISTER (21 F. R. 399). The purpose of this proposal was to provide for the consolidation of packages of spirits distilled at 190 degrees of proof or more from the same class of materials by the same distiller at the same distillery and stored in the same kind of cooperage under approximately the same conditions and which are otherwise homogeneous. After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the following amendments to 26 CFR (1954) Part 225 are hereby adopted.

PARAGRAPH 1. Section 225.400 is amended by changing the semicolon at the end of paragraph (c) to a comma and adding the following, "or in consolidated packages filled in accordance with §§ 225.417a to 225.417g;".

PAR. 2. Section 225.409a is amended by inserting "225.417f," immediately after the reference to "225.417".

PAR. 3. By inserting, immediately after § 225.417, the following new undesignated center head and sections:

CONSOLIDATION OF PACKAGES

§ 225.417a *Authorized consolidation.* Spirits distilled at 190 degrees of proof or more, whether or not such proof is subsequently reduced, from the same class of materials, by the same distiller at the same distillery, and differing in periods of storage (a) not more than 6 months in the case of spirits stored in bond more than 2 years, (b) not more than 60 days in the case of spirits stored in bond more than 1 year and not more than 2 years, or (c) not more than 30 days in the case of spirits stored in bond 1 year or less, and stored in the same kind of cooperage under approximately the same conditions will be presumed to be homogeneous, and may, with the prior approval of the storekeeper-gauger in charge, be consolidated or combined in accordance with the provisions of this subpart. Such spirits may be repackaged in as many of the same packages or other packages of the same kind of cooperage as may be necessary.

§ 225.417b *Equipment for consolidation of packages.* The proprietor of an internal revenue bonded warehouse who desires to consolidate spirits must provide suitable space for the dumping of the packages containing the spirits to be consolidated, repackaging of such spirits, and the gauging of the consolidated packages. Tanks of adequate capacity, constructed in accordance with the provisions of § 225.111, shall be provided. If bulk gauging tanks or storage tanks have been provided, such tanks may be utilized in lieu of installing separate consolidation tanks. The facilities to be used must be so arranged and the work so performed that supervision by storekeeper-gaugers can be performed readily and expeditiously and unnecessary loss or wastage of spirits or unauthorized mingling will be presented.

§ 225.417c *Application for consolidation of spirits.* When it is desired to consolidate spirits contained in packages, application for such consolidation must be made to the storekeeper-gauger in charge by the proprietor of the warehouse. The application must be submitted, in triplicate, and shall identify the serial numbers of the packages, the total original tax gallons for all such packages (when spirits of more than one season's production are listed, the total original tax gallons for each season shall be shown), kind of original cooperage, class of materials from which produced, name of the producing distiller, and registry number and location (city or town, and State) of the distillery, the dates on which it is desired to conduct such operations, and the purpose therefor. Each application shall be given a serial number, beginning with "1" for the first day of January of each year and running consecutively thereafter to December 31, inclusive. In addition, where the warehouseman desires to subsequently withdraw the spirits on the original gauge of the consolidated packages he shall note on all copies of the application, "Withdraw on original gauge". Storekeeper-gaugers in charge will approve the application only where suitable space and equipment is available and internal revenue officers are available for necessary supervision. If the storekeeper-gauger approves the application he will return one copy marked "Approved" to the proprietor, and retain the remaining two copies.

§ 225.417d *Dumping and gauging.* Upon removal of the packages, authorized by the approved application, to that portion of the warehouse where the spirits are to be consolidated, the storekeeper-gauger will examine the packages. Any package bearing evidence of unusual loss that cannot be satisfactorily explained, or of tampering, shall be detained pending further investigation in accordance with the applicable provisions of §§ 225.480 to 225.495. The storekeeper-gauger will satisfy himself that each package which does not bear such evidence has been dumped into the tank. All packages must be thoroughly drained and if any of the packages are not to be refilled as consolidated packages such packages must be thoroughly rinsed. Rinse water not used in reducing the proof of the spirits must be destroyed, or collected in locked tanks for transfer by pipeline to a distillery on or contiguous to the warehouse premises for redistillation as provided in § 225.417h. Immediately upon being emptied all marks and brands must be obliterated from the packages and the packages removed from the warehouse: *Provided,* That, if any such packages are to be used for containers for consolidated spirits, so many as are required for that purpose may be retained and the name, location, and registry number of the producing distiller; the designation of the kind of cooperage; the proof of distillation; the kind of spirits; and the date of original filing, if all the spirits mingled were entered for deposit on the same date, may be left intact thereon. Spirits in the consolidation tank shall be thoroughly agitated and adjusted to a whole degree of proof by the proprietor. The storekeeper-gauger shall then verify the proof, see that all openings in the tank are locked, determine (volume or weight) the quantity of spirits in the tank and report the details of the gauge on all copies of the application.

§ 225.417e *Filling and gauging consolidated packages.* When the spirits are to be drawn from the tank the storekeeper-gauger shall see that all valves and openings other than the necessary outlet valves are closed and locked. All spirits drawn into packages will be carefully gauged by the warehouseman, under the general supervision of the storekeeper-gauger, and the details thereof will be entered by the warehouseman on Form 1520, in triplicate: *Provided,* That where the warehouseman has indicated on his application that the consolidated packages are to be withdrawn on the original gauge, the storekeeper-gauger shall, unless the packages are to be withdrawn without payment of tax for use in wine production, make such gauge and report the details thereof on Form 1520, noting on Form 1520, "Withdraw on original gauge". There shall be noted on Form 1520 the date of the original entry for deposit of the oldest spirits mingled in the tank. The composite proof determined in the tank shall be used for the consolidated packages. Weights shall be determined in pounds and one-half pounds. Where the gauge of the packages is performed and reported by the warehouseman the storekeeper-gauger shall, from time to time, verify the tares, gross weights, and tax gallonages. Where the storekeeper-gauger finds significant discrepancies in the warehouseman's report of gauge, or the marks and brands required to be placed on any container, the warehouseman shall make such corrections as may be required by the storekeeper-gauger. Tanks must be completely emptied before the inlets thereto may be unlocked. Where a remnant package results because of insufficient spirits remaining in the tank to fill the last package, such package shall be gauged and marked in the same manner as the other consolidated packages. Remnant packages may be consolidated in accordance with the provisions of § 225.417a. Losses of spirits resulting from the repackaging operation shall be reported by the storekeeper-gauger on the application by indicating the difference between the total quantity dumped in the tank and the total quantity repackaged. Upon completion of the gauging of the packages and the preparation of the gauge forms, one copy of the approved application and one copy of the Form 1520 covering the details of the repackaging will be forwarded to the assistant regional commissioner by the storekeeper-gauger, one copy of each will be retained by the proprietor, and one copy of each will be placed in the appropriate file in the Government office.

§ 225.417f *Numbering, marking and branding of consolidated packages.* All consolidated packages shall be serially numbered, separately from packages filled at the distillery, from storage tanks in the bonded warehouse, or from brandy-blending tanks in the bonded warehouse, beginning with the number "1," preceded by the letters "CP" (Consolidated Package) and the registry number and State identifying the warehouse, as CP–12–Ind.–1, etc. The symbol "CP" together with the registry number and State shall be considered a part of the serial number and must be shown on all official forms and records. The consolidated packages shall be marked and branded in accordance with the applicable provisions of § 225.409. The date of filling of the consolidated packages should be abbreviated, as "Con. 7–20–55". Where distilled spirits with different dates of original entry are consolidated, the date of the oldest spirits so mingled shall govern the entire lot and such date shall be marked on packages to indicate the date of original entry of the spirits for deposit.

§ 225.417g *Withdrawal of consolidated spirits.* When the proprietor desires to withdraw spirits which have been consolidated, application therefor will be prepared in the same manner as for the withdrawal of any other spirits, and the withdrawal will be made in accordance with the applicable provisions of this part. The date of consolidation will be noted on Form 1520, or, in the case of transfer in bond, on Form 1619.

§ 225.417h *Collection and transfer of rinse water for redistillation.* Rinse water collected for redistillation shall be held in closed, locked tanks until transferred by pipeline to a distillery on or contiguous to the warehouse premises. Rinse water obtained from spirits which are not homogeneous under the provisions of this part may not be mingled. Where rinse water is accumulated in a tank, an extra copy of Form 1520, prepared in accordance with §§ 225.417e, 225.601, 225.630, 225.810, 225.952, or 225.953, will be prepared and attached to the tank to identify the class and type of spirits. When the rinse water is to be transferred to a distillery for redistillation, it will be gauged by the proprietor (by weight or by volume). The proprietor will prepare a report of the gauge on Form 1520, in quintuplicate. The rinse water shall be given the same designation as the spirits contained in the packages from which it was obtained, preceded by the word "Diluted," as, for example, "Diluted Neutral Spirits-Grain." On completion of the transfer, three copies of the Form 1520 will be given to the storekeeper-gauger at the distillery, one copy will be filed in a special file by the storekeeper-gauger at the warehouse, and the remaining copy will be retained in the files of the proprietor. The receipt and redistillation of the rinse water at the distillery shall be in accordance with the applicable provisions of Part 220 or Part 221 of this chapter, as the case may be, relating to receipt and redistillation of distilled spirits.

(68A Stat. 634; 26 U. S. C. 5194)

PAR. 4. Section 225.602 is amended by striking the seventh sentence, which begins, "Where the proprietor" and inserting in lieu thereof the following new sentence, "Rinse water which is not added to the spirits must be destroyed in the presence of the storekeper-gauger, or collected in locked tanks for transfer by pipeline to a distillery for redistillation as provided in § 225.417h."

PAR. 5. Section 225.632 is amended by striking from the sixth sentence, which begins, "The rinsings" the phrase "poured on the ground or into a sewer in the presence of the storekeeper-gauger." and inserting in lieu thereof the phrase "destroyed in the presence of the storekeeper-gauger, or collected in locked tanks for transfer by pipeline to a distillery for redistillation as provided in § 225.417h."

PAR. 6. Section 225.731 is amended by striking from the second sentence the word "Spirits" and inserting in lieu thereof the phrase "Except as provided in §§ 225.417a to 225.417g, spirits".

PAR. 7. Section 225.754 is amended by inserting in the first sentence, immediately after the phrase "or in packages filled from warehouse storage tanks," the phrase "or in consolidated packages,".

PAR. 8. Section 225.811 is amended by striking the period at the end of the second sentence and adding thereto the phrase ", or collected in locked tanks for transfer by pipeline to a distillery for redistillation as provided in § 225.417h."

PAR. 9. Section 225.962 is amended by striking the third sentence, which begins, "Any rinse water", and inserting in lieu thereof the following new sentence, "Any rinse water remaining after such reduction must be destroyed in the presence of the storekeeper-gauger, or collected in locked tanks for transfer by pipeline to a distillery for redistillation as provided in § 225.417h; it may not be mixed with spirits dumped from other packages."

PAR. 10. Section 225.1102 is amended as follows:

(A) By inserting in the first sentence, immediately after the phrase "Forms 1520 covering packages filled from brandy-blending tanks,", the phrase "Forms 1520 covering consolidated packages,".

(B) By inserting at the end of the sixth sentence, which begins "Separate files", the words "and for consolidated packages".

PAR. 11. Section 225.1103 is amended by inserting in the first sentence, immediately after the words "brandy-blending department", the words "or spirits contained in consolidated packages".

PAR. 12. Section 225.1104 is amended by inserting in the third sentence, which begins "The binders", immediately after the phrase "packages of blended brandy filled in the brandy-blending department,", the phrase "consolidated packages,".

PAR. 13. Section 225.1106 is amended by inserting immediately after the first sentence a new sentence reading, "Copies of applications for the consolidation of packages will be filed separately in numerical order."

PAR. 14. Section 225.1111 is amended by inserting, immediately after the second sentence, which begins "All information", the following two new sentences: "The total original tax gallon content of packages dumped for consolidation shall be included as withdrawn in Form 1513 and the tax gallons of spirits drawn from consolidation tanks into packages will be included as 'deposited'. The quantity of spirits lost during repackaging will not be shown in the account on Form 1513."

PAR. 15. Section 225.1140 is amended by inserting, immediately after the third sentence, which begins "In the case", the following new sentence: "In the case of consolidated packages (where spirits with different dates of original entry were mingled) the season and year of the oldest spirits mingled shall be considered the season and year of the entire lot."

This Treasury decision shall become effective on the 31st day following the date of its publication in the FEDERAL REGISTER.

(68A Stat. 917; 26 U. S. C. 7805)

[SEAL] O. GORDON DELK,
*Acting Commissioner.*

Approved: May 1, 1956.

DAN THROOP SMITH,
*Special Assistant to the Secretary in Charge of Tax Policy*

[F. R. Doc. 56-3524; Filed, May 4, 1956; 8:45 a. m.]

## TITLE 49—TRANSPORTATION

### Chapter I—Interstate Commerce Commission

[Docket No. 3666; Order 25]

### PARTS 71–78—EXPLOSIVES AND OTHER DANGEROUS ARTICLES

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 25th day of April 1956.

The matter of revision of certain regulations governing the transportation of explosives and other dangerous articles, formulated and published by the Commission, being under consideration, and

It appearing, that Notice No. 25, dated February 17, 1956, setting forth certain proposed amendments to the said regulations, and the reasons therefor, and stat-

ing that consideration was to be given thereto, was published in the FEDERAL REGISTER on April 4, 1956 (21 F. R. 2145), pursuant to the provisions of section 4 of the Administrative Procedure Act; that pursuant to said notice interested parties were given an opportunity to be heard with respect to said proposed amendments; that written views or arguments were submitted to the Commission with respect to proposed amendments §§ 73.432, 74.560, and 77.823 (d);

And it further appearing, that said views and arguments with respect to proposed amendments §§ 73.432, 74.560, and 77.823 (d) are such as to warrant further consideration of said amendments, and that in all other respects the proposed amendments set forth in the above-referred to Notice No. 25 are deemed justified and necessary:

*It is ordered*, That the aforesaid regulations governing the transportation of explosives and other dangerous articles be, and they are hereby, amended in the manner and to the extent set forth in Notice No. 25, dated February 17, 1956, except for the specific deletions and modifications set forth as follows:

1. In § 73.377 paragraphs (b) (1) and (2), delete (d) in the last sentence of both paragraphs so that the last sentence of paragraph (b) (1) reads, "Inside containers and the completed package must be capable of withstanding the tests prescribed in paragraphs (c) and (e) of this section.", and the last sentence of paragraph (b) (2) reads, "Inside containers must be capable of withstanding the tests prescribed in paragraph (c) of this section."

2. Delete the entire proposed amendments to § 73.432 which are the introductory text of paragraph (b); paragraph (c); and Note 3 following paragraph (e).

3. Delete the entire proposed amendments to § 74.560 which are the introductory text of paragraph (b); paragraph (b) (2); and Note 3 following paragraph (b) (2).

4. Delete the proposed amendment to paragraph (d) in § 77.823 and reword the amendatory text to § 77.823 as follows: In § 77.823 amend the heading and introductory text of paragraph (a) (15 F. R. 8364, Dec. 2, 1950) (49 CFR 77.823, 1950 Rev.) to read as follows:

*It is further ordered*, That this order shall become effective July 23, 1956, and shall remain in effect until further order of the Commission;

*It is further ordered*, That compliance with the herein prescribed and amended regulations is hereby authorized on and after the date of service of this order;

*And it is further ordered*, That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy thereof with the Director, Division of Federal Register.

(Sec. 204, 49 Stat. 546, as amended, sec. 835, 62 Stat. 739; 49 U. S. C. 304, 18 U. S. C. 835)

By the Commission, Division 3.

[SEAL] HAROLD D. McCOY, *Secretary.*

## PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71–78 OF THIS CHAPTER

1. In § 72.4, amend the introductory text of paragraph (a) (15 F. R. 8263, Dec. 2, 1950) (49 CFR 72.4, 1950 Rev.) to read as follows:

§ 72.4 *Explanation of signs and abbreviations.* (a) An asterisk indicates that articles may or may not be classed as flammable liquids, flammable solids, oxidizing materials, compressed gases, poisons, or corrosive liquids by Parts 71–78 of this chapter. If so classed, such articles are subject to the regulations prescribed for articles within these definitions.

* * * * *

2. Amend § 72.5, commodity list (18 F. R. 6776, Oct. 27, 1953) (15 F. R. 8263, 8266, 8268, 8269, 8271, 8272, Dec. 2, 1950) (49 CFR 1950 Rev., 1954 Supp., 72.5) as follows:

§ 72.5 *List of explosives and other dangerous articles.* (a) * * *

| Article | Classed as— | Exemptions and packing (see sec.) | Label required if not exempt | Maximum quantity in 1 outside container by rail express |
|---|---|---|---|---|
| *Change* | | | | |
| *Acid sludge. *See* *Sludge acid. | | | | |
| Igniters, jet thrust (jato), class B | Expl. B | No exemption, 73.92 | None | 200 pounds. |
| *Jet thrust unit (*jato*), explosive, class A. | Expl. A | No exemption, 73.79 | | Not accepted. |
| *Pyroxylin solution | F. L. | 73.118, 73.119 | Red | 10 gallons. |
| *Sludge acid | Cor. L. | No exemption, 73.248 | White | 1 quart. |
| *Add* | | | | |
| Aluminum triethyl | F. L. | No exemption, 73.134 | Red | Not accepted. |
| Aluminum trimethyl | F. L. | No exemption, 73.134 | Red | Not accepted. |
| *Compounds, cleaning, liquid (containing, hydrochloric (muriatic) acid). | Cor. L. | 73.244, 73.263 | White | 10 pints. |
| Igniters, jet thrust (jato), explosive. | Expl. A | No exemption, 73.79 | None | Not accepted. |
| Methyl vinyl ketone, inhibited | F. L. | 73.147 | Red | 10 gallons. |
| Sodium aluminate, liquid | Cor. L. | 73.244, 73.249 | White | 10 gallons. |

## PART 73—SHIPPERS

1. Add paragraph (c) to § 73.9 (15 F. R. 8276, Dec. 2, 1950) (49 CFR 73.9, 1950 Rev.) to read as follows:

§ 73.9 *Import and export shipments.* * * *

(c) Outside shipping containers for export shipments offered for transportation by carriers subject to Parts 71–78 of this chapter may have specification markings prescribed for containers plainly and legibly shown on labels or tags securely fastened thereto in lieu of marking requirements as prescribed for containers by Part 78 of this chapter.

SUBPART A—PREPARATION OF ARTICLES FOR TRANSPORTATION BY CARRIERS BY RAIL FREIGHT, RAIL EXPRESS, HIGHWAY, OR WATER

2. In § 73.22, amend the introductory text of paragraph (a) (15 F. R. 8276, Dec. 2, 1950) (49 CFR 73.22, 1950 Rev.) to read as follows:

§ 73.22 *Specification containers prescribed.* (a) Shipping containers, unless otherwise provided in this part (see § 73.9 (c)), used hereafter in shipping explosives or other dangerous articles must have been made and marked in compliance with specifications prescribed in Part 78 of this chapter or with specifications of the Commission in effect at date of manufacture of container.

* * * * *

3. Amend § 73.24 paragraph (a) (15 F. R. 8277, Dec. 2, 1950) (49 CFR 73.24, 1950 Rev.) to read as follows:

§ 73.24 *Design of containers.* (a) In addition to standing the tests prescribed, the design and construction of inside and outside containers must be such as to prevent the occurrence in individual packages of defects that permit leakage of their contents under ordinary conditions incident to transportation.

* * * * *

4. In § 73.31, cancel Note 2 to paragraph (g) (20 F. R. 4413, June 23, 1955) (49 CFR 1950 Rev., 1954 Supp., 73.31)

§ 73.31 *Qualification, maintenance, and use of tank cars.* * * *

(g) * * *

NOTE 2: [Canceled].

* * * * *

5. In § 73.33, amend paragraph (k) (11) only to the extent of changing the reference § 78.324, within the parentheses, to § 78.325 (21 F. R. 670, Jan. 31, 1956) (49 CFR 1950 Rev., 1954 Supp., 73.33)

SUBPART B—EXPLOSIVES; DEFINITION AND PREPARATION

6. Amend § 73.53 paragraphs (g) (1), and (t) (15 F. R. 8285, Dec. 2, 1950) (49 CFR 73.53, 1950 Rev.) to read as follows:

§ 73.53 *Definition of class A explosives.* * * *

(g) * * *

(1) Detonating primers are devices for commercial use which contain a detonator and an additional charge of explosives, all assembled in a suitable envelope.

* * * * *

(t) *Jet thrust units (jato), explosive, (class A), or igniters, jet thrust (jato), explosive, (class A).* (a) Jet thrust units (jato), explosive, (class A), are metal cylinders containing a mixture of chemicals capable of burning rapidly and producing considerable pressure. Under certain conditions the chemical fuel with which the unit is loaded may explode. Jet thrust units are designed to be ignited by an electric igniter. They are used to assist aeroplanes to take off, to propel large missiles and to drive moving targets for practice firing.

(1) Igniters, jet thrust (jato), explosive, (class A), are devices consisting of an electrically operated or remotely controlled igniting element and a fast-burning composition assembled in a unit for use in igniting the propelling charge of jet thrust units. Under certain conditions the burning composition may explode.

* * * * *

7. Add paragraph (d) (3) to § 73.63 (15 F. R. 8288, Dec. 2, 1950) (49 CFR 73.63, 1950 Rev.) to read as follows:

§ 73.63 *High explosive with liquid explosive ingredient.* * * *

(d) * * *

(3) High explosives (gelatin dynamite or blasting gelatin) may be shipped in a package consisting of not more than 6 cartridges of such explosives, each not exceeding 32 inches in length or 5 inches in diameter, cartridged with heavy paper in such manner as to have the approximate strength of a spec. 23G (§ 78.218 of this chapter) container, which cartridges shall in turn be placed in a 10-ply paper tube not exceeding 11 feet in length. The outer paper tube must be equipped with a metal cone or equally efficient device on one end which shall serve to close that end of the tube and to the metal cone shall be affixed a wire threaded through fiber tubes running through the center of each of the 6 cartridges; or as an alternative to the single wire running through the cartridges in the outer tube at the center, two wires may be applied, one on each side of the cartridges and between the outside of the cartridges and the inside of the outer tube. In either event, cartridges and the outer tube shall be securely closed so as to prevent spilling of any loose explosive under any conditions normally incident to transportation and cartridges shall be so loaded and stayed within the car or motor vehicle as to prevent damage to individual containers. The total gross weight of each completed package shall not exceed 125 pounds. Shipments are authorized in carload or truckload lots only without transfer of packages other than such transfers as may be necessary in the event of mechanical failure of the car or vehicle in which originally loaded.

* * * * *

8. Amend entire § 73.79 (18 F. R. 6777, Oct. 27, 1953) (18 F. R. 5271, Sept. 1, 1953) (49 CFR 1950 Rev., 1954 Supp., 73.79) to read as follows:

§ 73.79 *Jet thrust units (jato), explosive, class A or igniters jet thrust (jato), explosive, class A.* (a) Jet thrust units (jato), explosive, must not be shipped with igniters assembled therein unless shipped by, for, or to the Departments of the Army, Navy, and Air Force of the United States Government. Jet thrust units (jato) or igniters jet thrust (jato) must be packed in outside containers complying with the following specifications:

(1) Spec. 14, 15A, 15E, or 16A (§§ 78.165, 78.168, 78.172 and 78.185 of this chapter), wooden boxes or wooden boxes, fiberboard lined.

(b) Jet thrust units (jato), class A, or igniters jet thrust (jato), class A, packed in any other manner must be in containers of a type approved by the Bureau of Explosives.

(c) Each outside package must be plainly marked "Jet Thrust Units, Explosive" or "Igniters Jet Thrust, Explosive".

(d) Jet thrust units, class A, or igniters, jet thrust, class A, must not be offered for transportation by rail express, except as provided in § 73.86 or § 75.675 of this chapter.

9. In § 73.86, amend the introductory text of paragraph (d); amend paragraph (d) (4) (15 F. R. 8293, Dec. 2, 1950) (49 CFR 73.86, 1950 Rev.) to read as follows:

§ 73.86 *Samples of explosives and explosive articles.* * * *

(d) *Samples of explosives and explosive articles for transportation by rail freight, rail express, or highway.* Samples of explosives (except liquid nitroglycerin), including fireworks and explosive devices for examination in a laboratory only and not intended for use or demonstration, may be offered for transportation by rail freight, rail express, or highway provided they fulfill the following requirements:

* * * * *

(4) Not more than 20 half-pound samples of explosives for laboratory examination may be packed in one outside package or transported in a single car or vehicle at one time.

* * * * *

10. Amend § 73.88 paragraph (e) (1) (19 F. R. 1277, Mar. 6, 1954) (49 CFR 1950 Rev., 1954 Supp., 73.88) to read as follows:

§ 73.88 *Definition of class B explosives.* * * *

(e) * * *

(1) Igniters, jet thrust (jato), class B, are devices consisting of an electrically operated or remotely controlled igniting element and a fastburning composition assembled in a unit for use in igniting the propelling charge of jet thrust units.

* * * * *

11. Amend entire § 73.92 (21 F. R. 670, Jan. 31, 1956) (20 F. R. 8100, Oct. 28, 1955) (18 F. R. 6777, Oct. 27, 1953) (49 CFR 1950 Rev., 1954 Supp., 73.92) to read as follows:

§ 73.92 *Jet thrust units (jato), class B, or igniters, jet thrust (jato), class B.* (a) Jet thrust units (jato), class B must not be shipped with igniters assembled therein unless shipped by, for, or to the Departments of the Army, Navy, and Air Force of the United States Government. Jet thrust units (jato), class B, or igniters, jet thrust (jato) class B, must be packed in outside containers complying with the following specifications:

(1) Spec. 14, 15A, 15E, or 16A (§§ 78.165, 78.168, 78.172 and 78.185 of this chapter), wooden boxes or wooden boxes, fiberboard lined.

(2) Spec. 15B (§ 78.169 of this chapter), wooden boxes. Authorized only for igniters, jet thrust (jato), class B.

(3) Spec. 23F (§ 78.214 of this chapter), fiberboard boxes. Authorized only for igniters, jet thrust (jato), class B, which must be in tightly closed metal containers.

(b) Jet thrust units (jato), class B or igniters, jet thrust (jato), class B, packed in any other manner must be in containers of a type approved by the Bureau of Explosives.

(c) Each outside package must be plainly marked "Jet Thrust Units, Class B" or "Igniters, Jet Thrust, Class B".

(d) Jet thrust units must not be offered for transportation by rail express, except as provided in §§ 73.86 and 75.675 of this chapter.

SUBPART C—FLAMMABLE LIQUIDS; DEFINITIONS AND PREPARATION

12. In § 73.118, amend the introductory text of paragraph (c), and add paragraph (c) (26) through (34) (15 F. R. 8298, Dec. 2, 1950) (49 CFR 73.118, 1950 Rev.) to read as follows:

§ 73.118 *Exemptions for flammable liquids.* * * *

(c) The following articles in any quantity are not exempt under the provisions of paragraph (a) or (b) of this section:

* * * * *

(26) Acrolein, inhibited.
(27) Aluminum triethyl.
(28) Aluminum trimethyl.
(29) Dimethyldichlorosilane.
(30) Ethyldichlorosilane.
(31) Methyltrichlorosilane.
(32) Methyl vinyl ketone, inhibited.
(33) Peroxides, organic, liquids, n. o. s.
(34) Trimethylchlorosilane.

13. Amend entire § 73.134 (15 F. R. 8302, Dec. 2, 1950) (49 CFR 73.134, 1950 Rev.) to read as follows:

§ 73.134 *Aluminum triethyl, aluminum trimethyl, or zinc ethyl.* (a) Aluminum triethyl, aluminum trimethyl, or zinc ethyl must be shipped in cylinders as prescribed for any compressed gas, except acetylene.

(b) Aluminum triethyl, aluminum trimethyl, or zinc ethyl must not be offered for transportation by rail express.

14. Amend § 73.142 paragraph (a) (2) and (3) (17 F. R. 7281, Aug. 9, 1952) (49 CFR 1950 Rev., 1954 Supp., 73.142) to read as follows:

§ 73.142 *Pressurized flammable liquids.* (a) * * *

(2) Spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter), wooden boxes with inside metal containers not over 31.83 cubic inches (17.6 fluid ounces) capacity each. Inside metal containers charged as for shipment must be capable of having contents heated to 130° F. without leakage or permanent distortion of the container.

(3) Spec. 12B (§ 78 205 of this chapter), fiberboard boxes with inside metal containers not over 31.83 cubic inches (17.6 fluid ounces) capacity each. Inside metal containers charged as for shipment must be capable of having contents heated to 130° F. without leakage or permanent distortion of the container.

15. Add § 73.147 (15 F. R. 8302, Dec. 2, 1950) (49 CFR 73.147, 1950 Rev.) to read as follows:

§ 73.147 *Methyl vinyl ketone, inhibited.* (a) Methyl vinyl ketone must be

inhibited and must be packed in specification containers as follows:

(1) As prescribed in § 73.119 (a) or (b).

(b) Methyl vinyl ketone, inhibited, in glass or metal inside containers having not over 4 fluid ounces each and not more than one inside container securely and efficiently cushioned in strong outside fiberboard or wooden boxes, is exempt from specification packaging, marking, and labeling requirements except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

SUBPART D—FLAMMABLE SOLIDS AND OXIDIZING MATERIALS; DEFINITION AND PREPARATION

16. In § 73.153, amend the introductory text of paragraph (c) (15 F. R. 8303, Dec. 2, 1950) (49 CFR 73.153, 1950 Rev.) to read as follows:

§ 73.153 *Exemptions for flammable solids and oxidizing materials.* • • •

(c) The following articles in any quantity are not exempt under the provisions of paragraph (a) or (b) of this section:

• • • • •

17. Amend § 73.154 paragraph (a) (2) (20 F. R. 4414, June 23, 1955) (49 CFR 73.154, 1950 Rev.) to read as follows:

§ 73.154 *Flammable solids and oxidizing materials not specifically provided for.* (a) • • •

(2) Spec. 17C, 17E, 17H, 37A, or 37B (§§ 78.115, 78.116, 78.118, 78.131, or 78.132 of this chapter), metal drums (single-trip).

• • • • •

18. Amend § 73.190 paragraph (b) (4) (18 F. R. 6777, 6778, Oct. 27, 1953) (49 CFR 1950 Rev., 1954 Supp., 73.190) to read as follows:

§ 73.190 *Phosphorus, white or yellow.* • • •

(b) • • •

(4) Spec. MC 310 or MC 311 (§ 78.330 or § 78.331 of this chapter), tank motor vehicles, without bottom outlet and with insulation at least 4 inches in thickness, except that 2 inches of insulation is authorized for tanks equipped with an exterior heating jacket. Interior heating coils are not authorized. The material must be immersed in water and must be loaded at a temperature not exceeding 140° F. and then cooled until the water has a temperature not exceeding 105° F. before being offered for transportation. After unloading, the tank must be filled to its entire capacity with water having a temperature not less than 105° F. and not over 140° F.

• • • • •

19. Amend § 73.202 paragraph (a) (2) (21 F. R. 671, Jan. 31, 1956) (49 CFR 73.202, 1950 Rev.) to read as follows:

§ 73.202 *Sodium and potassium, metallic liquid alloy.* (a) • • •

(2) Spec. 5A (§ 78.81 of this chapter), metal barrels or drums not exceeding 400 pounds capacity each, having protruding valves protected by a 12-gauge steel dome securely attached to the head of the drum. Shipments are authorized by rail freight in carload lots only and by motor vehicle in truckload lots only.

20. Add paragraph (a) (5) to § 73.206 (15 F. R. 8310, Dec. 2, 1950) (49 CFR 73.206, 1950 Rev.) to read as follows:

§ 73.206 *Sodium or potassium, metallic, sodium amide, sodium potassium alloys, lithium metal, lithium silicon, lithium hydride, and lithium aluminum hydride.* (a) • • •

(5) Spec. 17C (§ 78.115 of this chapter), metal drums (single-trip). Not authorized for lithium aluminum hydride.

• • • • •

21. In § 73.221, amend the heading and introductory text of paragraph (a) (15 F. R. 8311, Dec. 2, 1950) (49 CFR 73.221, 1950 Rev.) to read as follows:

§ 73.221 *Liquid peroxides other than acetyl peroxide solution, acetyl benzoyl peroxide solution, cumene hydroperoxide, dicumyl peroxide, hydrogen peroxide, peracetic acid, and tertiary butylisopropyl benzene hydroperoxide.* (a) Liquid peroxides other than acetyl peroxide solution, acetyl benzoyl peroxide solution, cumene hydroperoxide, dicumyl peroxide, hydrogen peroxide, peracetic acid, and tertiary butylisopropyl benzene hydroperoxide must be packed in specification containers as follows:

• • • • •

SUBPART E—ACIDS AND OTHER CORROSIVE LIQUIDS; DEFINITION AND PREPARATION

22. Add paragraph (c) to § 73.242 (15 F. R. 8313, Dec. 2, 1950) (49 CFR 73.242, 1950 Rev.) to read as follows:

§ 73.242 *Bottles containing acid or other corrosive liquids.* • • •

(c) Acid or corrosive liquid solutions in securely closed bottles, in quantity necessary for preparing a single photographic processing mixture and efficiently cushioned, may be packed in the same outside shipping container with required amount of packaged dry chemicals not classed as dangerous articles by these regulations, provided no dangerous reaction occurs should the contents of bottles and dry chemicals be mixed. Marking prescribed in § 73.401 (c) shall not be required.

23. In § 73.244, amend the introductory text of paragraph (c), and add paragraph (c) (50) (15 F. R. 8313, Dec. 2, 1950) (49 CFR 73.244, 1950 Rev.) to read as follows:

§ 73.244 *Exemptions for acids and other corrosive liquids.* • • •

(c) The following articles in any quantity are not exempt under the provisions of paragraph (a) or (b) of this section:

• • • • •

(50) Iodine monochloride.

24. Add paragraph (a) (17) to § 73.245 (15 F. R. 8313, Dec. 2, 1950) (49 CFR 73.245, 1950 Rev.) to read as follows:

§ 73.245 *Acids or other corrosive liquids not specifically provided for.* (a) • • •

(17) Spec. 17H, 37A, or 37B (§§ 78.118, 78.131, or 78.132 of this chapter), metal drums (single-trip), with welded side seams, not over 5 gallons capacity each. Drums must be lined throughout with a pliable plastic material impervious to the lading. Spec. 37A and 37B metal drums must be at least 24 gauge steel.

25. Add paragraph (a) (17) to § 73.247 (15 F. R. 8314, Dec. 2, 1950) (49 CFR 73.247, 1950 Rev.) to read as follows:

§ 73.247 *Acetyl chloride, antimony pentachloride, benzoyl chloride, benzyl chloride, chromyl chloride, pyro sulfuryl chloride, silicon chloride, sulfur chloride (mono and di), sulfuryl chloride, thionyl chloride, tin tetrachloride (anhydrous), and titanium tetrachloride.* (a) • • •

(17) Spec. 103–W (§ 78.280 of this chapter), tank cars authorized for titanium tetrachloride, anhydrous only. Tank cars shall have no bottom outlets and shall have safety valves of approved type with start-to-discharge pressure of 35 pounds per square inch and of sufficient relieving capacity to prevent pressure build-up in excess of 45 pounds per square inch.

26. In § 73.249, amend the heading and introductory text of paragraph (a), and add paragraph (a) (10); amend the introductory text of paragraph (b) (15 F. R. 8314, Dec. 2, 1950) (18 F. R. 803, Feb. 7, 1953) (49 CFR 1950 Rev., 1954 Supp., 73.249) to read as follows:

§ 73.249 *Alkaline corrosive liquids, n. o. s., alkaline caustic liquids, n. o. s., alkaline battery fluids, and sodium aluminate, liquid.* (a) Alkaline corrosive liquids, n. o. s., alkaline caustic liquids, n. o. s., alkaline battery fluids, and sodium aluminate, liquid, when offered for transportation by carriers by rail freight, highway, or water, must be packed in specification containers as follows:

• • • • •

(10) Spec. 12B (§ 78.205 of this chapter), fiberboard boxes, with not more than one glass inside container not over 5 pints capacity containing sodium hydroxide solution not over 25 percent strength and packed in a strong fiberboard box. Dry chemicals for photographic development process not classed as dangerous articles, contained in suitable inside packages, may be packed in the same outside box. Cushioning of inside container must be sufficient to prevent breakage of bottle under conditions normally incident to transportation. The marking requirements of § 73.401 (c) shall not apply.

• • • • •

(b) Alkaline corrosive liquids, n. o. s., alkaline caustic liquids, n. o. s., alkaline battery fluids, and sodium aluminate, liquid, when offered for transportation by rail express, must be packed in specification containers as follows:

• • • • •

27. In § 73.260, amend the introductory text of paragraph (a) (20 F. R. 4417, June 23, 1955) (49 CFR 73.260, 1950 Rev.) to read as follows:

§ 73.260 *Electric storage batteries, wet.* (a) Electric storage batteries, containing electrolyte acid or alkaline corrosive battery fluid, must be completely protected so that short circuits will be prevented; they must not be packed with other articles except as provided in §§ 73.250 and 73.258, portable searchlights properly cushioned, battery parts, or hydrometers, securely packed in a separate container. The batteries either with or without other articles must be packed in specification containers as follows:

• • • • •

28. In § 73.263, amend the heading and introductory text of paragraph (a) (18 F. R. 6778, 6779, Oct. 27, 1953) (49 CFR 1950 Rev., 1954 Supp., 73.263) to read as follows:

§ 73.263 *Hydrochloric (muriatic) acid, hydrochloric (muriatic) acid mixtures, hydrochloric (muriatic) acid solution, inhibited, sodium chlorite solution, and cleaning compounds, liquid, containing hydrochloric (muriatic) acid.* (a) Hydrochloric (muriatic) acid, hydrochloric (muriatic) acid mixtures, hydrochloric (muriatic) acid solution, inhibited, sodium chlorite solution not exceeding 40 percent sodium chlorite, and cleaning compounds, liquid, containing hydrochloric (muriatic) acid must be packed in specification containers as follows:

• • • • •

29. In § 73.264, cancel paragraph (a) (15) (16 F. R. 9375, Sept. 15, 1951) (49 CFR 1950 Rev., 1954 Supp., 73.264)

§ 73.264 *Hydrofluoric acid.* (a) • • •

(15) [Canceled.]

• • • • •

30. Add paragraph (c) to § 73.271 (15 F. R. 8321, Dec. 2, 1950) (49 CFR 73.271, 1950 Rev.) to read as follows:

§ 73.271 *Phosphorus oxychloride, phosphorus trichloride, and thiophosphoryl chloride.* • • •

(c) Spec. 5C (§ 78.83 of this chapter), metal barrels or drums. Authorized for phosphorus trichloride only.

31. Amend § 73.285 paragraph (a) (1) and (2) (16 F. R. 9376, Sept. 15, 1951) (21 F. R. 672, Jan. 31, 1956) (49 CFR 1950 Rev., 1954 Supp., 73.285) to read as follows:

§ 73.285 *Chlorine trifluoride.* (a) • • •

(1) Spec. 3A150, 3AA150, 3E1800, 3B240, 4B240, or 4BA240 (§§ 78.36, 78.37, 78.42, 78.38, 78.50, or 78.51 of this chapter), cylinders.

(2) Not more than 10 pounds of chlorine trifluoride may, in addition to the provisions of subparagraph (1) of this paragraph, be packed in cylinders equal to or of greater efficiency than those prescribed in subparagraph (1) of this paragraph when approved by the Bureau of Explosives.

32. Amend § 73.289 paragraph (a) (2) (20 F. R. 8102, Oct. 28, 1955) (49 CFR 1950 Rev., 1954 Supp., 73.289) to read as follows:

§ 73.289 *Formic acid and formic acid solutions.* (a) • • •

(2) Spec. 103A–W or 103C–W (§§ 78.281 or 78.283 of this chapter), tank cars. Spec. 103A–W tanks must be of type 316 stainless steel and must be stenciled "For Formic Acid Only."

• • • • •



SUBPART F—COMPRESSED GASES; DEFINITION AND PREPARATION

33. Amend § 73.301 paragraph (f) (1), (2), (3), (4); add paragraph (f) (5) (15 F. R. 8324, Dec. 2, 1950) (16 F. R. 5325, June 6, 1951) (49 CFR 1950 Rev., 1954 Supp., 73.301) to read as follows:

§ 73.301 *General requirements.* • • •

(f) *Manifolding containers in transportation.* • • •

(1) Manifolding is authorized for containers of the following gases, provided, that each container is individually equipped with approved safety devices as required by § 73.34 (f) or § 73.315 (i): Air; Argon; Carbon Dioxide; Helium; Nitrogen; Nitrous Oxide; Oxygen.

(2) Manifolding is authorized for containers of the following gases, provided individual containers are equipped with approved safety devices as required by § 73.34 (f) or § 73.315 (i) and further provided that each container is equipped with individual shut-off valve, or valves, which shall be tightly closed while in transit. Manifold branch lines to these individual shut-off valves shall be sufficiently flexible to prevent injury to the valves which otherwise might result from the use of rigid branch lines. When a temperature measuring device is used on a cylinder the manifold shut-off valve shall be deemed the equivalent of the individual shut-off valve: boron trifluoride; ethylene (nonliquefied); hydrogen; hydrocarbon gases (nonliquefied); methane.

(3) Manifolding is authorized for containers of the following gases, provided individual containers are equipped with approved safety devices as required by § 73.34 (f) or § 73.315 (i), and further provided that each container is equipped with individual shut-off valve, or valves, which shall be tightly closed while in transit, and that each such container must be separately charged and means shall be provided to insure that no interchange of container contents can occur during transportation. Manifold branch lines to individual shut-off valves shall be sufficiently flexible to prevent injury to the valves which otherwise might result from the use of rigid branch lines: Ethane; ethylene; propylene; liquefied petroleum gases; liquefied hydrocarbon gases.

(4) Manifolding is authorized for containers of acetylene, provided that each container is individually equipped with approved safety devices as required by § 73.34 (f) or § 73.315 (i), and further provided that each container is equipped with an individual shut-off valve, or valves, which shall be tightly closed while in transit. Manifold branch lines to these individual shut-off valves shall be sufficiently flexible to prevent injury to the valves which otherwise might result from the use of rigid branch lines. All manifolded containers shall be transported in a vertical position. For the checking of tare weights or for replacement of solvent the container shall be removed from the manifold. This subparagraph is not intended to prohibit the charging of the acetylene cylinders while manifolded.

(5) Manifolding is authorized for cargo tanks of the following gas provided individual cargo tanks are equipped with the safety relief valves and gaging devices, as required by § 73.315 (h) and (i); and further provided, that each cargo tank is equipped with individual valve, or valves, which shall be tightly closed while in transit and that each such container must be separately charged: anhydrous ammonia.

• • • • •

34. In § 73.302, amend the introductory text of paragraph (a) (21 F. R. 673, Jan. 31, 1956) (49 CFR 1950 Rev., 1954 Supp., 73.302) to read as follows:

§ 73.302 *Exemptions for compressed gases.* (a) Compressed gases, except poisonous gases as defined by § 73.326 (a), when in accordance with either subparagraphs (1), (2), (3), (4), (5), (6), (7), or (8) of this paragraph, are exempt from specification packaging, marking, and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

• • • • •

35. Amend § 73.304 paragraph (d) (5) (15 F. R. 8325, Dec. 2, 1950) (49 CFR 73.304, 1950 Rev.) to read as follows:

§ 73.304 *Filling limits.* • • •

(d) • • •

(5) That a plus sign (+) be added following the test date marking on the cylinder to indicate compliance with subparagraphs (2), (3), and (4) of this paragraph.

• • • • •

36. Add paragraph (b) (2) to § 73.306 (15 F. R. 8326, Dec. 2, 1950) (49 CFR 73.306, 1950 Rev.) to read as follows:

§ 73.306 *Liquefied gases, except acetylene in solution.* • • •

(b) • • •

(2) Spec. 2P (§ 78.33 of this chapter), inside metal containers equipped with safety devices of a type approved by the Bureau of Explosives and packed in strong wooden or fiber boxes of such design as to protect valves from injury or accidental functioning under conditions incident to transportation. Pressure in the container must not exceed 85 pounds per square inch absolute at 70° F. Each completed metal container filled for shipment must be heated until content reaches a minimum temperature of 130° F., without evidence of leakage, distortion or other defect. Each outside shipping container must be plainly marked "Inside containers comply with prescribed specifications."

• • • • •

37. In § 73.308 paragraph (a) table, amend the entries Cyclopropane and Methyl mercaptan; add the entry Ethylene (19 F. R. 8527, Dec. 14, 1954) (49 CFR 1950 Rev., 1954 Supp., 73.308) to read as follows:

§ 73.308 *Compressed gases in cylinders.* (a) • • •

| Kind of gas | Maximum permitted filling density (see Note 12) (percent) | Cylinders (see Note 11) marked as shown in this column must be used except as provided in Note 1 and § 73.34 (a) to (e) |
|---|---|---|
| Cyclopropane | 55 | ICC–3A225; ICC–3A480X; ICC–3AA225; ICC–3B225; ICC–4A225; ICC–4AA480; ICC–4B225; ICC–4BA225; ICC–4B240ET; ICC–7–300; ICC–3; ICC–3E1800. |
| Ethylene | 35.5 | ICC–3AA2400; ICC–3AA2400. |
| Methyl mercaptan | 80 | ICC–3A240; ICC–3AA240; ICC–3B240; ICC–4B240; ICC–4BA240; ICC–4B240ET. |

• • • • •

38. Amend § 73.311 paragraph (a) (16 F. R. 9376, Sept. 15, 1951) (49 CFR 1950 Rev., 1954 Supp., 73.311) to read as follows:

§ 73.311 *Fluorine.* (a) Fluorine must be shipped in metal cylinders complying with Spec. 3A1000, 3AA1000, or 3BN400 (§§ 78.36, 78.37, or 78.39 of this chapter), equipped with valve protection caps and subject to § 73.34 (f) (4); cylinders must not be charged to over 400 pounds per square inch gauge, at 70° F.; cylinders must not contain over 6 pounds of gas.

39. In § 73.315 amend the entries Dichlorodifluoromethane, and Dichlorodifluoromethane-monofluorotrichloromethane mixture in paragraph (a) (1) table; amend paragraph (h) table; amend paragraph (i) (1) and (2); add paragraph (k) (18 F. R. 6780, Oct. 27, 1953) (18 F. R. 3137, June 2, 1953) (19 F. R. 1280, Mar. 6, 1954) (19 F. R. 3261, June 3, 1954) (20 F. R. 8103, Oct. 28, 1955) (15 F. R. 8331, Dec. 2, 1950) (49 CFR 1950 Rev., 1954 Supp., 73.315) to read as follows:

§ 73.315 *Compressed gases in cargo tanks and portable tank containers.* (a) • • •

(1) • • •

| Kind of gas | Maximum permitted filling density | | Specification container required | |
|---|---|---|---|---|
| | Percent by weight (see Note 1) | Percent by volume (see par. (f) of this section) | Type (see Note 2) | Minimum design working pressure (psig) |
| Dichlorodifluoro-methane | 119 | See Note 7 | ICC–51, MC–330 | 150 |
| Dichlorodifluoro-methane-monofluorotrichloro-methane mixture. | See par. (c) of this section. | See Note 7 | ICC–51, MC–330 | 150 |

• • • • •

(h) • • •

| Kind of gas | Permitted gauging device |
|---|---|
| Anhydrous ammonia | Rotary tube; adjustable slip tube; fixed length dip tube. |
| Anhydrous dimethylamine | None. |
| Anhydrous monomethylamine. | None. |
| Anhydrous trimethylamine | None. |
| Carbon dioxide, liquefied | Rotary tube; adjustable slip tube; fixed length dip tube. |
| Chlorine | None. |
| Dichlorodifluoromethane | None. |
| Dichlorodifluoromethane-monofluorotrichloromethane mixture. | None. |
| Liquefied petroleum gases | Rotary tube; adjustable slip tube; fixed length dip tube. |
| Methyl chloride | Fixed length dip tube. |
| Monochlorodifluoromethane | None. |
| Nitrous oxide | Rotary tube; adjustable slip tube; fixed length dip tube. |
| Sulfur dioxide | Fixed length dip tube. |

• • • • •

(i) • • •

(1) Safety relief valves on any tank shall be set to start-to-discharge at a pressure not in excess of 110 percent of the design working pressure of the tank and shall have a total relieving capacity sufficient to prevent a maximum pressure in the tank of more than 120 percent of the design working pressure, using the heat input as determined by Fetterly's formula.[1] The required relieving capacity of safety relief valves for lagged tanks shall be based upon the heat input to a bare tank, unless insulation is covered by a sheet metal jacket of not less than 16 gauge nominal thickness.

(2) The start-to-discharge pressure of safety relief valves shall be not less than the values given in the following table:

| Kind of gas | Minimum start-to-discharge pressure (p. s. i. g.) |
|---|---|
| Anhydrous ammonia | 265. |
| Anhydrous dimethylamine | 150. |
| Anhydrous monomethylamine. | 150. |
| Anhydrous trimethylamine | 150. |
| Carbon dioxide, liquefied | Not specified. |
| Chlorine | 225. |
| Dichlorodifluoromethane | 150. |
| Dichlorodifluoromethane-monofluorotrichloromethane mixture. | 150. |
| Liquefied petroleum gases | 90 percent of the design working pressure of tank. |
| Methyl chloride | 150. |
| Monochlorodifluoromethane | 250. |
| Nitrous oxide | Not specified. |
| Sulfur dioxide: | |
| Up to 1,200 gallons water capacity tank. | 120. |
| Over 1,200 gallons water capacity tank. | 110. |

• • • • •

(k) For manifolding of cargo tank containers see § 73.301 (f).

[1] Copies of Fetterly's formula may be obtained from the Bureau of Explosives.

(b) The following articles in any quantity are not exempt under the provisions of paragraph (a) of this section:

• • • • •

41. Amend § 73.358 paragraph (a) (2) (17 F. R. 4295, May 10, 1952) (49 CFR 1950 Rev., 1954 Supp., 73.358) to read as follows:

§ 73.358 *Hexaethyl tetraphosphate, methyl parathion, parathion, tetraethyl dithio pyrophosphate, and tetraethyl pyrophosphate, liquid.* (a) • • •

(2) Spec. 17C or 17E (§§ 78.115 or 78.116 of this chapter), metal drums (single-trip), with openings not exceeding 2.3 inches in diameter. Spec. 17E (§ 78.116 of this chapter) drums authorized for not over 5 gallons capacity each.

• • • • •

42. Amend § 73.371 paragraph (a) (1) (15 F. R. 8338, Dec. 2, 1950) (49 CFR 73.371, 1950 Rev.) to read as follows:

§ 73.371 *Dinitrobenzol.* (a) • • •

(1) As prescribed in § 73.346 or § 73.365.

• • • • •

43. Amend entire § 73.377 (18 F. R. 5273, Sept. 1, 1953) (21 F. R. 367, Jan. 19, 1956) (19 F. R. 1281, Mar. 6, 1954) (16 F. R. 11780, Nov. 21, 1951) (20 F. R. 4418, June 23, 1955) (49 CFR 1950 Rev., 1954 Supp., 73.377) to read as follows:

§ 73.377 *Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures, dry.* (a) Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures, in which the liquid is absorbed in concentrations greater than 2 percent but not exceeding 27 percent in an inert dry material so as to form a dry mixture, must be packed in specification containers as follows:

(1) Spec. 12B or 12C (§§ 78.205 or 78.206 of this chapter), fiberboard boxes, with inside containers which must be metal or fiber cans not over 12 pounds capacity each, or paper bags, spec. 2D (§ 78.23 of this chapter), not over 12 pounds capacity each. Inside containers and the completed package must be capable of withstanding the tests prescribed in paragraphs (c), (d), and (e) of this section.

(2) Spec. 15A or 15B (§§ 78.168 or 78.169 of this chapter), wooden boxes, with inside containers which must be metal or fiber cans not over 12 pounds capacity each, or paper bags, spec. 2D (§ 78.23 of this chapter), not over 12 pounds capacity each. Inside containers must be capable of withstanding the tests prescribed in paragraphs (c) and (d) of this section.

(3) Spec. 5, 5B, 6A or 6C (§§ 78.80, 78.82, 78.97, or 78.99 of this chapter), metal barrels or drums.

(4) Spec. 17C, 17H or 37A (§§ 78.115, 78.118, or 78.131 of this chapter), metal drums (single-trip). Spec. 37A (§ 78.131 of this chapter) metal drums authorized for not over 100 pounds net weight.

(5) Spec. 21A or 21B (§§ 78.222 or 78.223 of this chapter), fiber drums.

SUBPART G—POISONOUS ARTICLES; DEFINITION AND PREPARATION

40. In § 73.345, amend the introductory text of paragraph (b) (15 F. R. 8334, Dec. 2, 1950) (49 CFR 73.345, 1950 Rev.) to read as follows:

§ 73.345 *Exemptions for poisonous liquids, class B.* • • •



(b) Hexaethyl tetraphosphate mixtures, methyl parathion mixtures, parathion mixtures, tetraethyl dithio pyrophosphate mixtures, and tetraethyl pyrophosphate mixtures in which the liquid is absorbed in concentrations greater than 27 percent in an inert dry material so as to form a dry mixture, must be packed in specification containers as follows:

(1) Spec. 12B or 12C (§§ 78.205 or 78.206 of this chapter), fiberboard boxes, with inside containers which must be metal cans not over 12 pounds capacity each. Inside containers and the completed package must be capable of withstanding the tests prescribed in paragraphs (c), and (e) of this section.

(2) Spec. 15A or 15B (§§ 78.168 or 78.169 of this chapter), wooden boxes, with inside containers which must be metal cans not over 12 pounds capacity each. Inside containers must be capable of withstanding the tests prescribed in paragraph (c) of this section.

(3) Spec. 5, 5B, 6A, or 6C (§§ 78.80, 78.82, 78.97, or 78.99 of this chapter), metal barrels or drums.

(4) Spec. 17C, 17H, or 37A (§§ 78.115, 78.118, or 78.131 of this chapter), metal drums (single-trip). Spec. 37A (§ 78.131 of this chapter) metal drums authorized for not over 100 pounds net weight.

(c) Inside metal or fiber cans when closed as for shipment must be capable of withstanding two four-foot drops onto solid concrete without breakage of the container or any sifting of the contents. One drop must be on side of can and the other diagonally on the top rim or chime.

(d) Inside paper bags when closed as for shipment must be capable of withstanding two four-foot drops onto solid concrete without breakage of the container or any sifting of the contents. One drop must be made on bottom of bag and the other on either large face.

(e) Completed packages when closed as for shipment must be capable of withstanding two four-foot drops onto solid concrete without breakage of the container or any sifting of the contents. One drop must be made on bottom of package and the other drop on the smallest adjacent side area.

(f) Dry mixtures containing not more than 2 percent by weight of hexaethyl-tetraphosphate, methyl parathion, parathion, tetraethyl dithio pyrophosphate, or tetraethyl pyrophosphate, and in which the liquid is absorbed in an inert material, are exempt from specification packaging, marking, and labeling requirements. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

SUBPART H—MARKING AND LABELING EXPLOSIVES AND OTHER DANGEROUS ARTICLES

44. Amend § 73.401 paragraph (c) (18 F. R. 6780, Oct. 27, 1953) (49 CFR 1950 Rev., 1954 Supp., 73.401) to read as follows:

§ 73.401 *Dangerous articles.* • • •

(c) Packages containing flammable liquids in inside containers of 1 quart capacity or larger, or corrosive liquids, acids, alkaline caustic liquids, liquid oxidizing materials and poisonous liquids in inside containers regardless of capacity, unless specifically exempted or otherwise provided in this part, must be packed with filling holes up, and except for carboys not completely boxed, the outside container must be plainly marked "This Side Up" or "This End Up" on the cover or top to indicate the position of the inside containers. This requirement does not apply to materials in inside metal cans of the nonrefillable type with spun-in head and base and having no replaceable cap or other closing device.

• • • • •

PART 74—CARRIERS BY RAIL FREIGHT

SUBPART B—LOADING AND STORAGE CHART OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

1. In § 74.538, paragraph (a) Chart, amend item f, and item 2 vertical and horizontal columns (15 F. R. 8349, Dec. 2, 1950) (19 F. R. 3261, June 3, 1954) (49 CFR 1950 Rev., 1954 Supp., 74.538) to read as follows:

§ 74.538 *Loading and storage chart of explosives and other dangerous articles.* (a) • • •

"f" Explosive projectiles, bombs, torpedoes, or mines, rifle or hand grenades (explosive), jet thrust units (jato), explosive, class A, or igniters, jet thrust (jato), explosive, class A.[c]

• • • • •

"2" Propellant explosives or jet thrust units (jato), class B, or igniters, jet thrust (jato), class B

• • • • •

SUBPART D—UNLOADING FROM CARS

2. Amend § 74.589 paragraphs (e) and (g) (7) in (15 F. R. 8356, Dec. 2, 1950) (16 F. R. 5327, June 6, 1951) redesignated as (f), and (h) (7) respectively, in (49 CFR 1950 Rev., 1954 Supp., 74.589) to read as follows:

§ 74.589 *Handling cars.* • • •

(f) *Notice to crews of cars containing explosives in freight trains or mixed trains.* At all terminals or other places where trains are made up by crews other than road crew accompanying the outbound movement of cars, the railroad shall execute a consecutively numbered notice showing the location in the freight train or mixed train of every car placarded "Explosives." A copy of such notice shall be delivered to the train and engine crew and a copy thereof showing delivery to the train and engine crew shall be kept on file by the railroad at each point where such notice is given. At points where train or engine crews are changed, the notice shall be transferred from crew to crew.

• • • • •

(h) • • •

(7) Loaded flat car, except that cars carrying trailers or containers placarded "Explosives" as authorized by the regulations in this chapter may be coupled to each other.

NOTE: Flat cars equipped with permanently attached ends of rigid construction shall be considered as open-top cars. See subparagraph (8) of this paragraph.

• • • • •

PART 75—CARRIERS BY RAIL EXPRESS

Amend § 75.655 paragraph (j) (7) (15 F. R. 8360, Dec. 2, 1950) (49 CFR 1950 Rev., 75.655) to read as follows:

§ 75.655 *Protection of packages.* • • •

(j) • • •

(7) In case of fire, wreck, breakage or unusual delay involving any shipment of radioactive material, the package or material should be segregated as far as possible from human contact. The shipper and the Bureau of Explosives should be immediately notified. In case of breakage of a package containing radioactive material and when it appears likely that the inside container may have been damaged, great care must be exercised to prevent contact with, inhalation, or any other means of the radioactive material entering the body. Cars, buildings, areas, or equipment in which class D poisons have been spilled must not be again placed in service or occupied until decontaminated by qualified persons.

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

SUBPART A—GENERAL INFORMATION AND REGULATIONS

1. In § 77.823, amend the heading and introductory text of paragraph (a) (15 F. R. 8364, Dec. 2, 1950) (49 CFR 77.823, 1950 Rev.) to read as follows:

§ 77.823 *Marking on motor vehicles and trailers.* (a) Every motor vehicle, other than tank motor vehicles, transporting any quantity of explosives, class A, poison gas, class A, or radioactive material, poison class D requiring red radioactive materials label; and every motor vehicle transporting 2,500 pounds gross weight or more of explosives, class B, flammable liquids, flammable solids or oxidizing materials, corrosive liquids, compressed gas, class B poisons, and tear gas, or 5,000 pounds gross weight or more of two or more articles of these groups shall be marked or placarded on each side and rear with a placard or lettering in letters not less than 3 inches high on a contrasting background as follows:

• • • • •

SUBPART C—LOADING AND STORAGE CHART OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

2. In § 77.848, paragraph (a) Chart, amend item f, and item 2 vertical and horizontal columns (15 F. R. 8368, Dec. 2, 1950) (19 F. R. 3262, June 3, 1954) (49 CFR 1950 Rev., 1954 Supp., 77.848) to read as follows:

§ 77.848 *Loading and storage chart of explosives and other dangerous articles.* (a) • • •

"f" Explosive projectiles, bombs, torpedoes, or mines, rifle or hand grenades (explosive), jet thrust units (jato), explosive, class A, or igniters, jet thrust (jato), explosive, class A.[c]

• • • • •

"2" Propellant explosives or jet thrust units (jato), class B, or igniters, jet thrust (jato), class B.

• • • • •

## PART 78—SHIPPING CONTAINER SPECIFICATIONS

### SUBPART B—SPECIFICATIONS FOR INSIDE CONTAINERS, AND LININGS

1. Amend § 78.33–2 paragraph (b) (15 F. R. 8381, Dec. 2, 1950) (49 CFR 78.33–2, 1950 Rev.) to read as follows:

§ 78.33 *Specification 2P; inside metal containers.*

§ 78.33–2 *Type and size.* • • •

(b) The maximum capacity of containers in this class shall not exceed 31.83 cubic inches (17.6 fluid ounces). The maximum inside diameter shall not exceed 3 inches.

### SUBPART C—SPECIFICATIONS FOR CYLINDERS

2. In § 78.37–5, amend Note 1 to paragraph (a); in § 78.37–11, amend paragraph (a) (4) (15 F. R. 8384, Dec. 2, 1950) (49 CFR 78.37–5, 78.37–11, 1950 Rev.) to read as follows:

§ 78.37 *Specification 3AA; seamless steel cylinders made of definitely prescribed steels.*

§ 78.37–5 *Authorized steel.* (a) • • •

NOTE 1: A heat of steel made under any of the above specifications, chemical analysis of which is slightly out of the specified range, is acceptable, if satisfactory in all other respects, provided the standard permissible variations from specified chemical ranges and limits published in the American Iron and Steel Institute Products Manual, "Alloy Steel: Semifinished; Hot Rolled and Cold Finished Bars", dated July 1955, are not exceeded or are approved by the Bureau of Explosives.

• • • • • •

§ 78.37–11 *Heat treatment.* (a) • • •

(4) The minimum tempering temperature shall be not less than 1000° F. except as noted in subparagraph (6) of this paragraph.

• • • • •

3. In § 78.50–10, amend the introductory text of paragraph (a) (15 F. R. 8403, Dec. 2, 1950) (49 CFR 78.50–10, 1950 Rev.) to read as follows:

§ 78.50 *Specification 4B; welded and brazed steel cylinders.*

§ 78.50–10 *Wall thickness.* (a) For outside diameters over 6" the minimum wall thickness shall be 0.090 inch. In any case the minimum wall thickness shall be such that calculated wall stress at minimum test pressure (§ 78.50–14 (d)) shall not exceed the following values:

• • • • •

4. In § 78.51–8, amend the introductory text of paragraph (c); in § 78.51–10, amend the introductory text of paragraph (a); in § 78.51–20, amend Note 1 to paragraph (a) table (15 F. R. 8405, 8406, Dec. 2, 1950) (16 F. R. 9380, Sept. 15, 1951) (49 CFR 1950 Rev., 1954 Supp., 78.51–8, 78.51–10, 78.51–20) to read as follows:

§ 78.51 *Specification 4BA; welded or brazed steel cylinders made of definitely prescribed steels.*

§ 78.51–8 *Manufacture.* • • •

(c) Longitudinal seams in shells: By copper brazing, copper alloy brazing, or by silver alloy brazing. Copper alloy composition must be: Copper 95 percent minimum, Silicon 1.5 percent to 3.85 percent, Manganese 0.25 percent to 1.10 percent. The melting point of the silver alloy brazing material must be in excess of 1,000° F. The plate edge must be lapped at least eight times the thickness of plate, laps being held in position, substantially metal to metal, by riveting or by electric spot-welding. Brazing must be done by using a suitable flux and by placing brazing material on one side of seam and applying heat until this material shows uniformly along the seam of the other side.

• • • • •

§ 78.51–10 *Wall thickness.* (a) For outside diameters over 6" the minimum wall thickness shall be 0.078". In any case the minimum wall thickness shall be such that the calculated wall stress at minimum test pressure (§ 78.51–14) shall not exceed the lesser value of any of the following:

• • • • • •

§ 78.51–20 *Authorized steel.* (a) • • •

[2] A heat of steel made under any of the above specifications, chemical analysis of which is slightly out of the specified range, is acceptable, if satisfactory in all other respects, provided the standard permissible variations from specified chemical ranges and limits published in the American Iron and Steel Institute Products Manual, "Alloy Steel: Semifinished; Hot Rolled and Cold Finished Bars", dated July 1955, are not exceeded or are approved by the Bureau of Explosives.

• • • • •

5. Amend the heading of § 78.55; in § 78.55–2, amend paragraph (d) and footnote 1 thereto; in § 78.55–20, amend paragraph (a) (1) (15 F. R. 8417, 8418, Dec. 2, 1950) (49 CFR 78.55–2, 78.55–20, 1950 Rev.) to read as follows:

§ 78.55 *Specification 4B240ET; welded and brazed cylinders made from electric resistance welded tubing.*

§ 78.55–2 *Type, spinning process, size and service pressure.* • • •

(d) *Service pressure.*[1] Must be 240 pounds per square inch.

[1] The "service pressure" limits the use of the cylinder. It is shown by marks on cylinder; for example, ICC–4B240ET indicates the service pressure as 240 pounds per square inch.

§ 78.55–20 *Marking.* (a) • • •

(1) ICC–4B240ET.

• • • • •

6. In § 78.56–20, amend Note 1 to paragraph (a) table (19 F. R. 1283, Mar. 6, 1954) (49 CFR 1950 Rev., 1954 Supp., 78.56–20) to read as follows:

§ 78.56 *Specification 4AA480; welded steel cylinders made of definitely prescribed steels.*

§ 78.56–20 *Authorized steel.* (a) • • •

[3] A heat of steel made under any of the above specifications, chemical analysis of which is slightly out of the specified range, is acceptable, if satisfactory in all other respects, provided the standard permissible variations from specified chemical ranges and limits published in the American Iron and Steel Institute Products Manual, "Alloy Steel: Semifinished; Hot Rolled and Cold Finished Bars", dated July 1955, are not exceeded or are approved by the Bureau of Explosives.

• • • • •

7. In § 78.60–4, amend Note 1 to paragraph (a) table (16 F. R. 9381, Sept. 15, 1951) (49 CFR 1950 Rev., 1954 Supp., 78.60–4) to read as follows:

§ 78.60 *Specification 8AL; steel cylinders with approved porous filling for acetylene.*

§ 78.60–4 *Authorized steel.* (a) • • •

[1] A heat of steel made under any of the above specifications, chemical analysis of which is slightly out of the specified range, is acceptable, if satisfactory in all other respects, provided the standard permissible variations from specified chemical rangea and limits published in the American Iron and Steel Institute Products Manual, "Alloy Steel: Semifinished; Hot Rolled and Cold Finished Bars", dated July 1955, are not exceeded or are approved by the Bureau of Explosives.

• • • • •

8. In § 78.67–2, amend paragraph (a); in § 78.67–9, amend paragraph (a); in § 78.67–17, amend the introductory text of paragraph (a), and paragraph (a) (1) (18 F. R. 3140, 3141, June 2, 1953) (49 CFR 1950 Rev., 1954 Supp., 78.67–2, 78.67–9, 78.67–17) to read as follows:

§ 78.67 *Specification 41; inside containers, non-refillable seamless or welded or brazed steel cylinders.*

§ 78.67–2 *Type, size, and service pressure*—(a) *Type and size.* Must be seamless, welded, or brazed (brazing material must have a melting point of not less than 1,000° F.). The maximum water capacity of cylinders in this class shall not exceed 2 pounds or 55 cubic inches. Longitudinal seams are prohibited, except that containers constructed from longitudinally welded steel tubing are authorized provided that certification is made by the tubing manufacturer that the tubing has been pressure tested to a fiber stress of 24,000 pounds per square inch as calculated by the formula:

$$P=\frac{24{,}000(D^2-d^2)}{(1.3D^2+0.4d^2)}$$

where

$P$ is the pressure required for pressure testing of tubing by the tubing manufacturer.

• • • • •

§ 78.67–9 *Wall thickness.* (a) The wall stress at 720 pounds per square inch shall not exceed 24,000 pounds per square inch, except that for longitudinally welded steel tubing the stress shall not exceed 20,400 pounds per square inch. The minimum wall for any cylinder not exceeding 40 cubic inches capacity shall be 0.032 inch and for any cylinder exceeding 40 cubic inches capacity shall be 0.042 inch. For the container authorized in § 78.67–8 (a) (2) the wall thickness of the cylinder shall be taken as the sum of the thicknesses of the two skirts (without allowance for the brazing material between).

• • • • •

§ 78.67–17 *Marking.* (a) Marking on each cylinder by embossing plainly and permanently on the valve end of cylinder before heat-treatment, the marks ICC–41 and registered symbol of the manufacturer, except that stamping of all prescribed marks on the valve end of all cylinders having wall thickness of 0.042 inch or greater is authorized provided no stamping shall exceed 0.015 inch in depth.

(1) On cylinders having wall thickness less than 0.042 inch, other marks as prescribed in subparagraph (2) of this paragraph must be shown on a permanently attached name plate or by printing or decalcomania, provided that such markings are waterproofed and adherent and not easily impaired when subject to water immersion and weathering under service conditions, or are coated over with a water-insoluble transparent lacquer; except that cylinders having brazed lapped circumferential seam may, after having been tested in accordance with §§ 78.67–13 and 78.67–14 of this specification, have marks permanently stamped into metal of this seam, provided that such marks do not exceed 0.015 inch in depth.

• • • • • •

### SUBPART E—SPECIFICATIONS FOR WOODEN BARRELS, KEGS, BOXES, KITS, AND DRUMS

9. In § 78.172–8, amend Note 1 to paragraph (a) table (18 F. R. 5275, Sept. 1, 1953) (49 CFR 1950 Rev., 1954 Supp., 78.172–8) to read as follows:

§ 78.172 *Specification 15E; wooden boxes, fiberboard lined.*

§ 78.172–8 *Thickness of wood parts.* (a) • • •

NOTE 1: Plywood or paper covered wood veneer board of equal thickness and efficiency is permitted. Paper covered veneer board shall be of good quality Douglas fir core of at least 3/16 inch thickness, or lumber of equal quality, and free of breaks, gaps, holes, or knots. Paper covering shall be at least Kraft untreated linerboard having a basis weight of 42 pounds per 1,000 square feet and shall be secured to veneer core by adhesive in such manner as to form a satisfactorily laminated board.

• • • • •

10. In § 78.197–10, amend paragraph (a); in § 78.197–11, amend paragraph (a) (15 F. R. 8474, Dec. 2, 1950) (49 CFR 78.197–10, 78.197–11, 1950 Rev.) to read as follows:

§ 78.197 *Specification 22B; wooden drums, glued plywood.*

§ 78.197–10 *Head liners.* (a) Required inside and outside for full circumference of heads. To be securely fastened by staples or nails, clinched. Inside head liners not required when close fitting inside metal drum or strong container is used.

§ 78.197–11 *Bung or other openings in head.* (a) Bung and bung hole authorized provided head lining paper is glued around hole. Holes are permitted in heads to provide for closing devices of inside metal drums or other strong inside containers when plywood drum is so equipped.

### SUBPART F—SPECIFICATIONS FOR FIBERBOARD BOXES, DRUMS, AND MAILING TUBES

11. In § 78.219–12, amend paragraph (b) (20 F. R. 955, Feb. 15, 1955) (49 CFR 1950 Rev., 1954 Supp., 78.219–12) to read as follows:

§ 78.219 *Specification 23H; fiberboard boxes.*

§ 78.219–12 *Closing for shipment.* • • •

(b) Or, the container may be closed by using tape as specified in § 78.219–5 (a) for vertical application. When closed by this method, the cover of the container shall be secured to the bottom by application of strips of tape, not less than ½ inch wide, to the sides and in a vertical manner. The taping shall start within 1 inch of the topside score and extend to within 1 inch of the side-bottom score, and in no case shall the strips be less than 4 inches in length. Full depth cover 2-piece telescope boxes shall be closed by application of strips of tape, not less than 4 inches in length, disposed equally on side and bottom. Either type box requires two strips of tape, one on each side, minimum for containers 18 inches in length or under; four strips of tape, two on each side, minimum for containers over 18 inches in length.

• • • • •

12. In § 78.222–2, amend paragraph (a) and table, and add Note 8 to paragraph (a) table; in § 78.222–3, amend paragraph (a); in § 78.222–4, amend paragraph (a) (2) and (3) (19 F. R. 8530, Dec. 14, 1954) (19 F. R. 6275, Sept. 29, 1954) (15 F. R. 8481, Dec. 2, 1950) (49 CFR 1950 Rev., 1954 Supp., 78.222–2, 78.222–3, 78.222–4) to read as follows:

§ 78.222 *Specification 21A; fiber drums.*

§ 78.222–2 *Parts and dimensions.* (a) Parts and dimensions (minimum) as follows:

| Authorized net weight (pounds)[8] | Side wall calculated strength[1] | Fiber heads[4][7] Wooden heads[5][7] thickness (inch)[3] | Fiber heads[4] Thickness (inch) | Fiber heads[4] Strength[1] | Maximum gallon capacity | Maximum inside diameter (inches) |
|---|---|---|---|---|---|---|
| 56 | 680 | 13/16 | 0.120 | 590 | 7½ | 9 |
| 56 | 680 | 13/16 | .120 | 650 | 15 | 14 |
| 56 | 680 | 13/16 | .170 | 800 | 20 | 18¼ |
| 115 | 850 | 13/16 | .170 | 800 | 30 | 18½ |
| 115 | 850 | 13/16 | .220 | 900 | 45 | 23 |
| 225 | 1,100 | 13/16 | .220 | 900 | 55 | 18¾ |
| 225 | 1,100 | 13/16 | .260 | 1,000 | 55 | 23 |

• • • • • •

(No change in Notes 1 through 7.)

[8] Authorized net weight exceeding 225 pounds permitted under conditions prescribed in Part 73 of this chapter.

§ 78.222–3 *Sidewalls.* (a) To be solid or consist of outer shell with liner, each piece to be made of a continuous fiber sheet convolutely wound, at least 0.012 inch thick, the plies being secured together by adhesive.

§ 78.222–4 *Type tests.* (a) • • •

(2) Compression test by applying weight or pressure not less than 1,000 pounds on the top (cover) of drum; or drum must be able to withstand end to end pressure of 1,500 pounds, speed of compression tester to be ½ inch plus or minus ¼ inch per minute. Drum shall withstand either test without buckling of the sidewalls sufficient to cause damage to their expected contents or affect the stackability of the drums.

(3) The test described above must be made by any company starting production, for each plant location of manufacture, on samples taken at random of each type and diameter of container and must be repeated every 4 months or less during production. Samples last tested must be retained until further tests are made. The tests and procedure described may be conducted at one central laboratory when testing facilities are not available at all plants, in which case the Bureau of Explosives shall be advised of the location where the tests are conducted.

13. In § 78.223–2, amend paragraph (a); in § 78.223–4, amend paragraphs (a) (3) and (b) (15 F. R. 8481, Dec. 2, 1950) (49 CFR 78.223–2, 78.223–4, 1950 Rev.) to read as follows:

§ 78.223 *Specification 21B; fiber drums.*

§ 78.223–2 *Sidewalls and ends.* (a) Sidewalls to be convolutely wound of fiber sheets at least 0.012 inch thick, the plies being secured together with adhesive.

• • • • • •

§ 78.223–4 *Type tests.* (a) • • •

(3) *End compressions.* Drum must be able to withstand end to end pressure of 1,500 pounds, speed of compression tester to be ½ inch plus or minus ¼ inch per minute; or drum must be able to withstand compression test by applying weight or pressure not less than 1,000 pounds on the top (cover) of drum. Drums shall withstand either test without buckling of sidewalls sufficient to cause damage to their expected contents or affect the stackability of the drums.

(b) The tests prescribed above must be made by any company starting production, for each plant location of manufacture, on samples taken at random of each type and diameter of container and must be repeated every 4 months or less during production. Samples last tested must be retained until further tests are made. The tests and procedure described may be conducted at one central laboratory when testing facilities are not available at all plants, in which case the Bureau of Explosives shall be advised of the location where the tests are conducted.

### SUBPART I—SPECIFICATIONS FOR TANK CARS

14. In § 78.291, amend paragraph AAR–2 (a); amend paragraph AAR–6 (f–3) (18 F. R. 5278, Sept. 1, 1953) (49 CFR 1950 Rev., 1954 Supp., 78.291) to read as follows:

§ 78.291 *Specification for tank cars having fusion-welded aluminum tanks Class ICC–103–AL–W.* • • •

AAR–2. *Thickness of plates.* (a) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula but in no case shall the wall thickness be less than that specified in paragraph ICC–4.

$$t=\frac{Pd}{2SE}$$

where

$t$ = thickness in inches of thinnest plate.
$P$ = specified minimum bursting pressure pounds per square inch.
$d$ = inside diameter in inches.
$S$ = minimum ultimate tensile strength in pounds per square inch in zone adjacent to welds as given below.
$E$ = efficiency of longitudinal welded joint 90 percent.

Alloy 996A = 9,500 p. s. i.
Alloy 990A = 11,000 p. s. i.
Alloy M1A = 14,000 p. s. i.

Alloy GR20A = 25,000 p. s. i.
Alloy GS11A = 24,000 p. s. i.
Alloy GR40A = 30,000 p. s. i.

• • • • •

AAR–6. (f–3) The tension-test specimen of the weld metal shall be taken entirely from the deposited weld metal and shall meet the following requirements:—

Tensile strength = At least that of the minimum ultimate tensile strength in zone adjacent to welds. (See paragraph AAR–2 (a).)

Elongation, minimum in 2", or 4*D* (*D* = diameter) for each aluminum alloy must be as follows:

| | Percent |
|---|---|
| Alloy 996A | 25 |
| Alloy 990A | 28 |
| Alloy M1A | 23 |
| Alloy GR20A | 18 |
| Alloy GS11A | 5 |
| Alloy GR40A | 18 |

For plate thicknesses less than ⅝ inch, the all-weld-metal tension test may be omitted.

• • • • •

SUBPART J—SPECIFICATIONS FOR CONTAINERS FOR MOTOR VEHICLE TRANSPORTATION

15. In § 78.325–8, amend the introductory text of paragraph (d), and amend the text following the second table and preceding the last table in paragraph (d) (20 F. R. 8113, Oct. 28, 1955) (49 CFR 78.325–8, 1950 Rev.) to read as follows:

§ 78.325 *Specification MC 304 for cargo tanks for the transportation of flammable liquids and poisonous liquids class B having Reid (ASTM D–323) vapor pressures of 18 pounds per square inch absolute at 100°F.*

§ 78.325–8 *Minimum thickness of material.* • • •

(d) Minimum thicknesses of mild steel tank sheets in U. S. standard gauges, subject to the foregoing requirements in this section. (These thicknesses are to be multiplied by 1.44 for aluminum.):

(NOTE: Tables remain the same.)

• • • • •

Minimum thicknesses of high-tensile steel tank sheets, in U. S. standard gauges, subject to the foregoing requirements in this section:

(NOTE: Table remains the same.)

• • • • •

[F. R. Doc. 56–3569; Filed, May 4, 1956; 8:51 a. m.]

## TITLE 22—FOREIGN RELATIONS

### Chapter I—Department of State

[Dept. Reg. 108.287]

PART 103—FINANCE AND ACCOUNTING

FEE STAMPS

Effective as of this date, Part 103, Title 22 of the Code of Federal Regulations, is amended by revoking in its entirety § 103.5 *Fee stamps.*

(R. S. 161; 5 U. S. C. 22)

Dated: April 30, 1956.

For the Secretary of State.

SCOTT MCLEOD,
*Administrator,*
*Bureau of Security*
*and Consular Affairs.*

[F. R. Doc. 56–3598; Filed, May 4, 1956; 8:56 a. m.]



## TITLE 15—COMMERCE AND FOREIGN TRADE

### Chapter III—Bureau of Foreign Commerce, Department of Commerce

Subchapter A—Miscellaneous Regulations

PART 361—BRITISH TOKEN IMPORT PLAN

PROCEDURE FOR DISTRIBUTION OF QUOTA BALANCES NOT ISSUED BY JUNE 30

A notice was published on January 7, 1956 in the FEDERAL REGISTER (21 F. R. 161) of amendments proposed by the Bureau of Foreign Commerce, Department of Commerce, to the regulations governing the operation of the British Token Import Plan for the Plan year 1956 (15 CFR Part 361; 21 F. R. 131). A notice dated January 9, 1956, concerning the 1956 Plan year and the proposed amendments was also sent by mail to the firms certified to participate in the Plan. In substance, it was proposed to advance or move up by one month, i. e., to August 31, from September 30, the date by which applications for token quota vouchers to share in the initial distribution of the quota balances would have to be received by the Bureau of Foreign Commerce's British Token Import Plan Unit. In connection therewith, it was also proposed to provide that later applications to share in any quota balances still available after the initial distribution could be submitted between the period September 1 and December 31 instead of between October 1 and December 31. After further consideration, in the light of the views submitted by the trade, the Bureau of Foreign Commerce has adopted the proposals. Accordingly, § 361.7 of the British Token Import Plan regulations for the Plan year 1956 is amended as set forth below:

Section 361.7 *Procedure for distribution of quota balances not issued by June 30* is amended in the following particulars:

1. Paragraph (c) *Application for quota balance, token quota vouchers* subparagraph (1) *Time and manner* is amended, so that the first three sentences will read as follows:

(1) *Time and manner.* To share in the initial distribution of quota balances, application for Token Quota Vouchers may be made by the eligible firms described in paragraph (b) of this section. Such applications together with any supporting documents required by the Bureau of Foreign Commerce must be received in the British Token Import Plan Unit not later than August 31; no applications will be considered after that date unless with respect to a specific commodity group, an announcement is published in the Foreign Commerce Weekly extending the time limit for that commodity group. Applications received after August 31 but not later than December 31 will be considered to the extent indicated in paragraph (d) (1) of this section. • • •

2. Paragraph (d) *Apportionment of quota balances by Bureau of Foreign Commerce,* subparagraph (1) is amended to read as follows:

(d) *Apportionment of quota balances by Bureau of Foreign Commerce.* (1) The balance of quota available for initial distribution in any specified commodity group after June 30 will be distributed, as provided in subparagraph (2) of this paragraph, among eligible applicants who have submitted, prior to September 1 (except where time limit is extended as provided in paragraph (c) (1) of this section), their "Application for a Token Quota Voucher (Form B.—Share in Distribution of Quota Balances)", Form FC–928. However, if any quota is still available after such initial distribution is made, consideration will also be given to applications received between September 1 and December 31, in the order of their receipt, insofar as practicable.

(R. S. 161; 5 U. S. C. 22)

This amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

LORING K. MACY,
*Director,*
*Bureau of Foreign Commerce.*

[F. R. Doc. 56–3583; Filed, May 4, 1956; 8:54 a. m.]

[7th Gen. Rev. of Export Regs., Amdt. 58[1]]

PART 370—SCOPE OF EXPORT CONTROL BY DEPARTMENT OF COMMERCE

PART 371—GENERAL LICENSES

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

MISCELLANEOUS AMENDMENTS

1. Section 370.6 *In-transit shipments without unloading* is amended by deleting Note 2 following the section.

2. Section 370.7 *Shipments entering foreign trade zones,* paragraph (a) *General provisions* is amended to read as follows:

(a) *General provisions.* Commodities identified on the Positive List of Commodities (§ 399.1 of this subchapter) by the symbol "C" in the column headed "Commodity Lists" may not be exported from a foreign trade zone without an export license from the Bureau of Foreign Commerce. Other commodities wholly of foreign origin for which no customs entry has been made with a Collector of Customs may be exported from a foreign trade zone without an export license to:

(1) Any destination other than Hong Kong, Macao, and Subgroup A, and

(2) Hong Kong, Macao, and Subgroup A destinations only if the same exportation may be made directly from the United States under the provisions of a general license.

3. Section 371.4 *Reexportation from country of destination,* paragraph (b) *Permissive reexportations* is amended to read as follows:

(b) *Permissive reexportations.* Any commodity which has been exported from the United States may be reexported from any destination to any other destination; provided that at the time of reexportation, the commodities to be reexported may be exported directly from the United States to the new country of destination either under General License GO, GRO, GHS, GHK, or GLSA or where the value of the reexportation does not exceed the GLV dollar value limit shown on the Positive List with reference to the country of destination.

4. Section 371.9 *General license GIT; in-transit shipments,* paragraph (a) *General provisions,* subparagraph (1) *Scope* is amended to read as follows:

(1) *Scope.* (i) A general license designated GIT is hereby established, authorizing, subject to the other provisions of this Section, the exportation from the United States of commodities which originate in and are destined to any foreign country; provided that such commodities are moving in transit through the United States under a Transportation and Exportation (T. & E.) customs entry or an Immediate Exportation (I. E.) customs entry made at a United States customhouse.

(ii) Commodities which originate in a foreign country include commodities which were originally grown, produced, or manufactured in the United States but which have been so altered by further processing, manufacture, or assembly in the foreign country that such commodities have either thereby been substantially enhanced in value, or have lost their original identity with respect to form.

(iii) Only those exportations of foreign origin which, if of United States origin, could be made respectively to Hong Kong, Macao, or a Subgroup A country, under the provisions of a general license, may be exported to Hong Kong, Macao, or a Subgroup A country, respectively, under General License GIT.

5. Part 371 General Licenses is amended by adding a new § 371.24 *General license GLSA; shipments of certain commodities to specified Subgroup A destinations* to read as follows:

§ 371.24 *General license GLSA; Shipments of certain commodities to specified Subgroup A destinations.* A general license designated GLSA is hereby established authorizing the exportation of the commodities listed below to the following destinations: Albania, Bulgaria, Czechoslovakia, East Germany (Soviet Zone of Germany and the Soviet Sector of Berlin), Estonia, Hungary, Latvia, Lithuania, Outer Mongolia, Poland and Danzig, Rumania, and the Union of Soviet Socialist Republics except the maritime province of the Union of Soviet Socialist Republics.[2]

[1] This amendment was published in Current Export Bulletin No. 763, dated April 26, 1956.

[2] Shipments under General License GLSA are not permitted to move in transit via any Subgroup A destination other than those listed in this section.



| Schedule B No. | Commodity |
|---|---|
| 001000–001990 | Animals, edible. |
| 002000–004998 | Meat and meat products. |
| 005000–005900 | Animal oil and fats, edible. |
| 007000–008990 | Fish and fish products. |
| 009200–009900 | Other edible animal products. |
| | Hides and skins, raw, except furs: |
| 023002–023004 | Sheep skins, dry and wet. |
| 023006–023008 | Lamb skins, dry and wet. |
| 023098 | Other hides and skins, raw, except cattle, calf and kip skins. |
| 030050–035900 | Leather. |
| 060000–069900 | Leather manufactures, except military footwear (99930). |
| 071300–079900 | Furs and manufactures. |
| | Animal and fish oils and greases, inedible: |
| 084700 | Oleic acid, or red oil. |
| 085898 | Inedible animal greases and fats, n. e. c. |
| 090000–099950 | Other inedible animals and animal products, except sorted, bunched, or prepared bristles (093500). |
| 137400–137995 | Nuts and preparations, except peanuts shelled and not shelled (137510–137550). |
| 150100–151390 | Cocoa, coffee, tea, and substitutes. |
| 154901–154998 | Spices. |
| | Sugar and related products: |
| 163000 | Glucose, liquid, except pharmaceutical. |
| 163100 | Sirup for table use, and edible molasses. |
| 163400–163500 | Candy. |
| 163510 | Chewing gum. |
| 163600–163700 | Baby foods, confections and desserts. |
| 170100–178000 | Beverages and related products. |
| | Rubber (natural, allied gums, and synthetics) and manufactures: |
| 201650 | Rubber and rubberized piece goods, fabrics and sheeting, n. e. c., except made of or employing synthetic rubber. |
| 203300–203400 | Rubber boots and shoes, and canvas shoes with rubber soles. |
| 204100 | Druggists' rubber sundries, the following only: atomizer bulbs; bath sponges; bath sprays; breast pumps; nipple shields; nursers; nursing bottle nipples; nursing bottle teats; pacifiers; sponges and teething rings. |
| 204300 | Clothing of rubber or rubberized cloth, the following only: aprons; bathing caps; bathing shoes; bathing slippers; bathing suits; bandeaux, ladies; brassieres; bust supporters; capes; corsets; dress shields; girdles; household aprons; infants' aprons, and bibs; infants' bloomers, diapers, and pants; reducers; reducing clothing; and sanitary belts. |
| 204610 | Rubber toys, balls, and novelty balloons, except dolls, golf and tennis balls (report dolls in 940000; golf balls in 943300, and tennis balls in 943400). |
| 205900 | Hard rubber goods, not specially fabricated for particular machines or equipment, except electrical hard rubber goods. |
| 206700 | Solid tires, except truck and industrial. |
| 209410 | Rubber tiling and flooring. |
| 209420 | Rubber mats and matting. |
| 209990 | Natural and synthetic rubber manufactures, n. e. c., not specially fabricated for particular machines or equipment, the following only: artgum erasers; basin plugs; bath plugs; beach bags; buffers; bumpers; caps for millinery racks; chair tips; closet tank balls; concave cushions; cord undershoes, rubber-impregnated; crutch tips; cushions; door bumpers; door weatherstrip; door-stops; ear pads; easles (cord undershoes, rubber-impregnated); elastic bands, stationers'; erasers, including pencil plugs; eye guards; eyelets; grips; gum erasers, of vegetable oils; hand pads; hand stamps; handle grips; hat bags (for hat manufacturing); hoof pads; horseshoe pads; mallets; masks and false faces, except novelty; mat patches; mauls; mud shields; nose clips; paste rollers; pencil plugs; plungers; rubber bands; safety gripper attachments; shoulder pads; shower curtains; sink plugs; skate strap pads (rubber chief value); soap dishes; soap erasers; table tops; tank balls; top lifts for heels; typewriter erasers; weatherstrip; and window weatherstrip. |
| | Drugs, herbs, leaves, and roots, crude: |
| 220100 | Cascara bark. |
| 220988 | Other crude drugs, herbs, leaves and roots, except cinchona bark, pyrethrum (insect flowers), and rotenone-bearing roots. |
| | Vegetable oils, fats, and waxes, crude: |
| 226800–226900 | Peppermint, spearmint and other mint oils, natural. |
| 227110–227150 | Citrus oils, natural. |
| 227998 | Cassia oil, and aniseed oil. |
| 229000 | Vegetable waxes, crude. |
| 259903–259998 | Nursery and floral stock. |
| | Vegetable fibers and manufactures: |
| 320505 | Hemp, unmanufactured. |
| 320588 | Other unmanufactured vegetable fibers, except jute, manila or abaca, sisal or henequen. |
| 339935 | Handkerchiefs, linen. |
| 349998 | Vegetable fiber manufactures, n. e. c. (including straw or grass manufactures, and articles of mixed fibers, vegetable fibers chief weight) (excludes cordage, cord twine, yarns, and other manufactures of jute, flax, and ramie). |
| 369070–369900 | Hair and manufactures, n. e. c. |
| 370200–379900 | Silk and manufactures, except parachute cloth (372005). |
| | Man-made (synthetic) fibers and manufactures: |
| 384084–384086 | Rags and clips of rayon or other man-made (synthetic) fibers, and used civilian clothing, including hosiery. |
| 384600–384990 | Bread woven goods, wholly or chiefly of man-made (synthetic) fibers by weight, except parachute cloth. |
| 384992 | Knit fabric in the piece. |
| 384996–385890 | Ribbons and other narrow woven fabrics, except nylon webbing; fringes, trimmings and braids; wearing apparel; and house furnishings. |
| 385900 | Man-made (synthetic) fiber manufactures, n. e. c., except nylon fishing line, unfinished; nylon twine; and nylon rope. |
| | Miscellaneous textile products: |
| 390100–391100 | Linoleum, felt base covering, and oilcloth for floor, shelf, table, and wall. |
| 391300 | Window-shade cloth (all types). |
| 391410–391420 | Book cloth. |
| 391500–391790 | Coated or impregnated fabrics, except those treated with or containing polytetrafluoroethylene (e. g., Teflon) or monochlorotrifluoroethylene. |
| 391800–399900 | Textile manufactures, n. e. c. |
| 400100–403990 | Wood, unmanufactured, except Port Orford cedar (401700). |
| 405111–415920 | Sawmill products, except Port Orford cedar (405720). |
| | Wood manufactures: |
| 416000–420990 | Wood containers and shooks, cooperage and cooperage stock. |
| 421601–421609 | Veneers. |
| 421740 | Softwood plywood, interior type. |
| 422500 | Shingles. |
| 422620–423990 | Millwork. |
| 424070 | Wood pipe, conduit, vats, tanks, and wood components for cooling towers. |
| 424300–424600 | Furniture and specially fabricated parts, n. e. c., chief value rattan, reed, cane, willow, grass, fiber, wood, or upholstery and wood. |
| 427000 | Shoe lasts. |
| 428500–428900 | Handles (including pulls, knobs, helves, hafts, grips and backs). |
| 429150 | Pencil slats. |
| 429600 | Used or salvaged building and construction materials of wood, except fuel wood. |
| 429850 | Woodenware. |
| 430000–430800 | Cork and manufactures. |
| 469803–469998 | Paper base stocks, except pulp. |

| Schedule B No. | Commodity |
|---|---|
| | Metal manufactures—Continued |
| | Wire products, n. e. c.—Continued |
| 619065 | Picture cord only, iron and steel, except stainless steel. |
| 619069 | Other wire products, n. e. c., not specially fabricated for particular machines and equipment, including coiling only; fasteners for paper milk bottle caps; grating with wire center, steel; needle-board pressboard only; wire inserts for wooden bobbin heads; wire inserts for wooden shuttles; wire assembly; wire insulators for conveyor belting; wicker baskets with hanger guide attachment nets, finished; wire rope clamps; and helically coiled wire inserts. |
| 619861–619865 | Metal signs, except electric. |
| 666910 | Silver-plated manufactures, n. e. c. |
| 705715 | Electrical machinery and apparatus: |
| 706100 | Electric household type refrigerators. |
| 706812–706820 | Electric household laundry equipment. |
| 706910–707050 | Electric household motor-driven appliances, n. e. c., except freezers, 705725, and specially fabricated parts, n. e. c. |
| 707100 | Electric flatirons. |
| 707200–707380 | Electric household cooking and heating appliances and utensils, n. e. c., and specially fabricated parts, n. e. c. |
| 707395 | Electric commercial cooking and food service equipment, n. e. c., and specially fabricated parts, n. e. c. |
| 709998 | Parts, n. e. c., specially fabricated for electric free air circulating fans. |
| | Cabinets, n. e. c., sewing machine and vacuum cleaner. |
| 722045 | Water sprinkler tanks. |
| 723110 | Overhead hoists (pendant type). |
| | Other industrial machines and parts: |
| 735050 | Air-conditioning and refrigerating equipment, n. e. c., and parts, n. e. c.: |
| 735610 | Self-contained machines, n. e. c., and specially fabricated parts and accessories, n. e. c. |
| 735910 | Commercial type refrigerators and freezers (other than self-contained), n. e. c., except refrigerating systems for trucks and railway cars and walk-in coolers. |
| 736050 | Parts, n. e. c., specially fabricated for replacement only in air-conditioning and refrigeration equipment specified on this list under Schedule B Nos. 735050, 735610 and 735910. |
| 737090 | Pumping equipment, n. e. c.: |
| 737070 | Pumps, n. e. c., and windmill pumps |
| 737075 | Self-contained household water systems (with or without tanks). |
| 773810–773850 | Service station pumps only. |
| 774340–774370 | Commercial laundry and dry cleaning equipment (including power-driven machines) and parts. |
| | Scales and balances, except industrial and commercial, and specially fabricated parts, except lead scale weights. |
| 776400–776700 | Office machines, and parts: |
| 777000–777120 | Cash registers, and specially fabricated parts. |
| 777500 | Typewriters, parts and portable, new, used and rebuilt. |
| 777710 | Typewriter accessories, n. e. c., specially fabricated for typewriters. |
| 777925 | Parts and accessories, n. e. c., except typewriters. |
| 777990 | Staplers, for office use. |
| 797100–797105 | Check-handling machines, and specially fabricated parts, n. e. c. |
| 797200 | Office machines, n. e. c., and specially fabricated parts, n. e. c. |
| 799996 | Other vehicles and parts: |
| | Bicycles, and specially fabricated parts and accessories, n. e. c. |
| | Logging wagons, drays, and trailers except logging wagons. |
| | Vehicles, n. e. c., and specially fabricated parts, n. e. c., except logging wagons, motor scooters, sno-cats, and sno-cat trailers. |
| 800909 | Coal-tar products: |
| | Coal-tar dyes and stains, n. e. c., the following only, in packages of 2 ounces or less: dye tablets; Easter egg colors, except of vegetable origin; food coloring except of vegetable origin; hair tints and dyes; and household tints and dyes. |
| 811100 | Medicinal and pharmaceutical preparations: |
| 814800 | Cough drops, medicinal, except in 16 ounce containers or less. |
| 814900 | Mouth washes, gargles, and personal antiseptics. |
| 815000 | Corn and foot remedies. |
| 815100 | Plasters. |
| 815200 | Liniments. |
| 816100 | Laxatives, purgatives and cathartics. |
| 816200 | Milk of magnesia. |
| 816500 | Antacids and digestive preparations. |
| 823000 | Chemical specialties: |
| 823850 | Baking powder. |
| 827000 | Textile specialty compounds, the following only: textile oil; and yarn conditioning liquids. |
| 827400 | Regenerated cellulose, including printed (except rayon), in rolls, and sheets. |
| | Cementing preparations for repairing, sealing, and adhesive use, the following only: automobile top sealer; concrete floor patch; floor cement; linoleum cement, except rubber; linoleum paste, except rubber; roofing cement; and running board cement. |
| 829000 | Polishes: |
| 829100 | Metal and stove polishes. |
| 829200 | Shoe polishes and shoe cleaners. |
| 829300 | Leather dressings, the following only: auto top dressing; belt dressing; and shoe dressing. |
| 829400 | Floorwax, wood and furniture polishes. |
| | Automobile polishes. |

| Schedule B No. | Commodity |
|---|---|
| | Paper, related products and manufactures: |
| | Paper, except printing paper: |
| 480300–480400 | Building paper, milling and converting. |
| 480600–480700 | Book paper, printing and converting. |
| | Fine paper: |
| 480900 | Writing paper. |
| 481000 | Bristols. |
| 481100 | Cigarette paper on bobbins or in sheets. |
| 481300 | Cover paper. |
| 481650–482200 | Gummed paper. |
| 482850–483000 | Tissue paper. |
| 483100 | Absorbent paper and products, n. e. c. |
| 483300–484750 | Paperboard and building paper. |
| 484900 | Flexible wood and vegetable fiber thermal insulation. |
| 485000 | Art corners, albums and paper tags only. |
| 500100–500300 | Coal and related fuels, except coke (500400) and charcoal (500500). |
| | Stone, clay and glass products, except lime: |
| 510100–512700 | Building and monumental stone, and manufactures. |
| 516400 | Standard Portland cement. |
| 517000 | Concrete and cement manufactures. |
| 517100 | Lime. |
| | Glass and products: |
| | Flat glass: |
| 521210–521710 | Flat glass and products, n. e. c., except colored and laminated. |
| 521800–523000 | Glass bricks and blocks. |
| 523130 | Unfilled glass containers, new and used. |
| 523210–523600 | Table and kitchen glassware. |
| 523710–524018 | Lamp chimneys, lantern globes, and globes and shades for lighting fixtures. |
| 524100–525500 | Clay and products: |
| 526100 | Clays, except fire clay. |
| | Pottery: |
| 530907–530912 | Table and kitchen articles and utensils for use in cooking, preparing, serving and storing food and drink. |
| 532010–532050 | Sanitary articles. |
| 533210–533400 | Other pottery, except chemical and industrial. |
| 533900 | Structural clay products (except pottery and refractories). |
| 536900–537600 | Other nonmetallic minerals (precious included): |
| | Abrasives: |
| 540900 | Crude stones and pulpstones, natural. |
| 541220 | Pulpstones of manufactured abrasives. |
| 546000 | Asphalt tiles. |
| 547100 | Manufactures of natural asphalt and bitumen. |
| 548350–548700 | Gypsum and manufactures. |
| 549010 | Rock wool and other semi-rigid and "Fill" mineral insulating materials, n. e. c., except glass fiber and glass fiber products. |
| 572400 | Salt, crude and refined. |
| 594035 | Graphite. |
| 596037–596087 | Stone, crushed, ground, or broken. |
| 596098 | Other non-metallic mineral products, the following only: agate articles, except jewelry; agates; blast furnace slag; carbon clinkers; cinders; crude chalk; except precipitated; crude vermiculite; diatom plaster aggregate; feldspar; firestone; fluxing stone; glazing stones; ground coal (sea coal); lava, unmanufactured; meerschaum, imitation and natural, unmanufactured; obsidianite; sea coal; slag, except basic; stucco; and volcanic ash and earth. |
| 599098 | Precious, semi-precious; synthetic, and imitation stones, except genuine and synthetic diamonds, jewels, watch jewels, rubies, sapphires, and diamond bearings. |
| | Metal manufactures: |
| 611200–611800 | Cutlery and parts (other than table flatware) except machine knives and blades (611820). |
| 611920 | Table flatware and specially fabricated parts, n. e. c.: |
| 611940–611950 | Silver plated. |
| | Metals, except precious. |
| 611960 | Hollowware, n. e. c., solid or plated, and specially fabricated parts, n. e. c.: |
| 612010–612355 | Metal cooking and kitchen utensils, and specially fabricated parts, n. e. c. |
| 612358 | Cooking and kitchen utensils and tools, hand-operated, and specially fabricated parts, n. e. c. |
| 612360 | Kitchen appliances and tools, hand-operated, and specially fabricated parts, n. e. c. |
| 612370 | Vitreous enameled products, n. e. c., and specially fabricated parts, n. e. c. |
| 612910–613010 | Tinware and other sheet metal ware, n. e. c. (including galvanized), and specially fabricated parts, n. e. c. |
| 613110–613390 | Metal partitions, shelving, lockers, cabinets, counters, and other fixtures, n. e. c., and specially fabricated parts, n. e. c. |
| 613610–613850 | Metal household furniture, and specially fabricated parts, n. e. c. |
| 614310–614340 | Domestic cooking stoves and ranges. |
| 618410–618460 | Furniture hardware, and specially fabricated parts, n. e. c. |
| 618800–618840 | Hardware, n. e. c., all metals, except copper-base alloys (618830). |
| 618851–618859 | Metal plumbing fixtures, and fittings, and specially fabricated parts, n. e. c. |
| | Wire products, n. e. c.: |
| 619061 | Picture cord only, iron and steel, except stainless steel. |



| Schedule B No. | Commodity |
|---|---|
| | Chemical specialties—Continued |
| 829510 | Synthetic essential oils. |
| 829530 | Aromatic chemicals of synthetic origin. |
| 829540 | Aromatic compounds containing natural and/or synthetic essential oils and/or aromatic chemicals of natural and synthetic origin for perfumery use. |
| 829555–829595 | Flavors and flavoring extracts, natural and synthetic. |
| 829600 | Pectin and preparations. |
| 829950 | Licorice extract and mass. |
| 829990 | Chemical specialty compounds, n. e. c., the following only: brewers' finings; chemical compounds, for manufacturing ice cream; chill proofing compounds; clarifier for beer or ale; clarifying powder, for wines; denatured alcohol, solidified; hat finishing powder; ink eradicators; laundry sour; lipstick bases; lipstick waxes; marble polish; meat curing compound; platinum plating solutions; resin size; shaving cream base, concentrated; silk stocking savers, in tablet form; silver and platinum liquids for decorating china and glass; and yeast food (dough conditioner). |
| | Industrial chemicals (exclusive of medicinal chemicals, USP and NF): |
| 835900 | Cream of tartar (synthetic included). |
| 836700 | Sodium bicarbonate or baking soda. |
| 839730 | Hydrogen peroxide or dioxide, 5 percent solution or less. |
| | Pigments, paints and varnishes: |
| 840100 | Iron oxide pigments, dry, synthetic and natural (mineral earth pigments). |
| 840500 | Extender pigments, dry, the following only: barytes, ground; calcium sulfate; and gypsum, ground. |
| 843000 | Bituminous coatings, liquid and plastic. |
| 843110 | Artists' colors. |
| 843190 | Paste and semipaste paint colors in oil, putty and paste wood fillers, n. e. c., except antifouling types (including all those containing cuprous oxide), and those containing polytetrafluoroethylene (e.g. Teflon), polytrifluorochloroethylene and silicones. |
| 843210–843250 | Water thinned paints (all types). |
| 843310 | Lacquers, aluminum, silver, gold and pearl. |
| 843800 | Ready-mixed paints, stains, and enamels, except fluorescent ready-mixed paints, stains, and enamels; and except antifouling types (including all those containing cuprous oxide), and those containing polytetrafluoroethylene (e. g., Teflon) polytrifluorochloroethylene and silicones. |
| 844210 | Varnishes (oil or spirit), natural or synthetic n. e. c., except antifouling types (including all those containing cuprous oxide), and those containing polytetrafluoroethylene (e.g., Teflon), polytrifluorochloroethylene and silicones. |
| 857000–857500 | Soil improvement materials. |
| 871100–877000 | Soap and toilet preparations. |
| | Photographic and projection goods: |
| 900150 | Cameras, motion picture, substandard gauge, 8 mm. |
| 900860 | Projectors, motion picture, silent, substandard gauge, 8 mm. |
| 912700 | Dry plates. |
| 914000 | Photographic and projection goods, n. e. c., and specially fabricated parts n. e. c., the following only: albums; analyzers; backgrounds, photographic; cable release; carrying cases, for cameras and similar outfits; Cesco trays; Craig Fotofade sets; cutting boards; developing, printing; fixing, or washing tanks, trays, and machines; developing tongs; dies and punches; dry mounting presses; embossers and embossing equipment; flash synchronizers; flashing powder; hangers; Illustravox Salesmaker parts; lamp holders; lantern slides; luxometers; magic lantern parts; Mutoscope parts; photobaths, glass; photo blotters; photo scales (enlarger parts); photographic mounts; print rollers; printing frames and masks; screens; shading machines; slide film prints (sheet films only); squeegees; sun shades; timers; and top sheet film craftint. |
| 914200–914380 | Scientific and professional instruments, apparatus and supplies, n. e. c.: |
| 914098 | Sun glasses, sun goggles, ophthalmic spectacles, spectacles ophthalmic, ophthalmic lenses, and specially fabricated parts, n. e. c. |
| 915200 | Optical goods, n. e. c., and specially fabricated parts, n. e. c., the following only: binocular cases; binocular loupes; cases for opera glasses; folding magnifiers; linen testers, optical; magnifying glasses; monoculars; reading glasses; spectacle cases of all materials; stereoscope; and View-Masters. |
| 915550 | Teeth, dentures, and bridges. |
| | Dental office and laboratory equipment, n. e. c., and specially fabricated parts, n. e. c., the following only: bench equipment; bracket tables; cabinets; casting machines; chairs; compound heaters; control panels; cuspidors, and cuspidor bowls; denture trimmers; grinders; investment mixers; investment scales; laboratory spatulas; lights and light adapters; mats; presses; processing equipment; sand blasters; surveyors; syringes; tampers; tongs; units; vibrators; waste receivers; water heaters. |
| 921100–929700 | Musical instruments, parts, and accessories, except electric and electronic organs (923100), and phonographs and parts (923500–923900). |
| 930310–930990 | Miscellaneous office supplies, except fountain pen parts containing iridium or ruthenium and balls for ball-type pens. |
| 940000–944900 | Toys, athletic and sporting goods. |
| | Miscellaneous commodities, n. e. c.: |
| 957100 | 1-day alarm clocks. |
| 958000–958950 | Watches, watch movements, and specially fabricated parts, n. e. c. |
| 961000 | Paintings, etchings, engravings, statuary and antiques (Report religious under 983500). |
| 962100–962900 | Jewelry and other personal ornaments, all materials, except solid gold, platinum and platinum allied metals. |
| 963500 | Jewelry findings, and specially fabricated parts, n. e. c. |
| 968005–968009 | Bottle and container closures (including secondary closures, and crown caps), accessories, and specially fabricated parts, n. e. c. |
| 971100–971300 | Buttons and parts. |
| 979200–979900 | Lamps and illuminating devices, and parts, except incandescent mantles and electric lamps. |
| 980000 | Matches. |
| 981510 | Plastic kitchen and tableware. |
| 981590 | Manufactured plastic products, n. e. c., not specially fabricated for particular machines or equipment, except all manufactures of polytetrafluorethylene (e. g., Teflon) and polytrifluorochloromethylene, the following only: cigar ribbons; containers for household use (soap dishes, etc.); display equipment (forms, boxes, stands, frames); draperies and curtains (not firm, woven); garment bags (not requiring cutting or further manufacture for use); hand-mirrors; manicure sets; mats; table cloths (cut to size); trimmings for handbags; venetian blinds, including slats and tapes; baby pants, aprons, bibs, or other indoor type wearing apparel (excluding raincoats). |
| 982110 | Synthetic sponges |
| 982120 | Natural sponges, animal. |
| 982200–982691 | Brushes. |
| 982695 | Brooms. |
| 982700 | Combs, except wholly of rubber. |
| 982800–982900 | Smokers' articles, n. e. c., and specially fabricated parts, n. e. c. |
| 983100–983150 | Umbrellas and parasols, and specially fabricated parts, n. e. c. |
| 983200 | Candles, except pyrotechnic. |
| 983500 | Religious articles, n. e. c., and specially fabricated parts, n. e. c. |
| 984005 | Beads and bead articles, n. e. c. |
| 984008 | Snap fasteners. |
| 984015 | Zippers (including slide fasteners), and specially fabricated parts, n. e. c. |
| 984098 | Notions, novelties, specialties, and specially fabricated parts, n. e. c. |
| 984200 | Ice refrigerators, household and commercial types. |
| 984600 | Soda fountain and bar equipment, and specially fabricated parts, n. e. c. |
| 984700 | Barber and beauty shop equipment, n. e. c., and specially fabricated parts, n. e. c. |
| 985300 | Shoe findings, n. e. c. |
| 987100–987200 | Coin operated machines, n. e. c. |
| 999910 | General merchandise valued at less than $25: only those commodities which are exportable in quantities valued at $25 or over under their own individual Schedule B numbers within the provisions of this General License. |

6. Section 372.12 *Reexportation from country of destination*, paragraph (c) *Reexportations* is amended to read as follows:

(c) *Reexportations.* Any commodity which has been exported from the United States may be reexported from any destination to any other destination; provided that at the time of reexportation, the commodities to be reexported may be exported directly from the United States to the new country of destination either under General License GO, GRO, GHS, GHK, or GLSA or where the value of the reexportation does not exceed the GLV dollar-value limit shown on the Positive List with reference to the country of destination.

7. Section 373.41 *Nonferrous commodities, including ores, concentrates, or unrefined products* is amended in the following particulars:

a. Paragraph (c) *Nickel alloy and nickel-bearing cobalt scrap* is amended to read as follows:

(c) *Nickel alloy and nickel-bearing cobalt scrap*—(1) *Nickel alloy scrap, including nickel-bearing stainless steel scrap, Schedule B No. 654502.* Evidence of commercial unsalability in the domestic market, as provided in subparagraph (3) of this paragraph shall be submitted in support of applications to export (i) clean nickel alloy scrap, containing less than 50 percent nickel, (ii) contaminated nickel alloy scrap, and (iii) contaminated nickel-chromium-iron alloy scrap (nickel-bearing stainless steel scrap) containing up to 36 percent nickel with a minimum chromium content of 10 percent.

(2) *Nickel-bearing cobalt scrap, Schedule B No. 664526.* Applications for licenses to export clean cobalt scrap containing less than 50 percent nickel, and contaminated cobalt scrap shall be supported by evidence of commercial unsalability in the domestic market as provided in subparagraph (3) of this paragraph.

NOTE: For purposes of this section, material is considered to be contaminated when the contaminant cannot be readily sorted from the balance of the material.

(3) *Evidence of commercial unsalability.* As required in subparagraphs (1) and (2) of this paragraph, the exporter must submit evidence of commercial unsalability in the domestic market. This evidence may be in the form of a letter or other statement from the applicant, supplier, or persons to whom the scrap was offered for sale. Such evidence must be adequate to demonstrate that the scrap has been offered for sale without success in the normal domestic market at reasonable and competitive prices. It shall include, as a minimum, the names and addresses of the potential users to whom the scrap has been offered, the terms at which it has been offered, the reason(s) for rejection of offers to sell.

(4) *Commodities not licensed.* Pure nickel scrap, clean nickel alloy scrap containing 50 percent or more nickel, clean nickel-chromium-iron alloy scrap (nickel-bearing stainless steel) containing up to 36 percent nickel with a mini-

mum chromium content of 10 percent, clean cobalt containing 50 percent or more nickel, and nickel-copper alloy scrap (including monel) will not be considered for licensing.

b. Paragraph (d) *Copper ores, concentrates, unrefined copper, refined copper, copper scrap, copper-base alloy scrap, and copper-base alloy ingots and other crude forms including remelt ingots* is amended in the following particulars:

Subparagraph (2) *Refined copper, Schedule B No. 641200,* subdivision (ii) *Availability for export* is amended to read as follows:

(ii) *Availability for export.* Applications for licenses to export these copper commodities shall contain one of the certifications listed below. Applications will be considered only where the date of availability of the commodities for export is shown to be within 90 days from the date the application is filed with the Bureau of Foreign Commerce.

(*a*) Where materials are in possession of applicant, the applicant shall execute and submit to the Bureau of Foreign Commerce the following certification:

I (we) certify that the copper materials described in this license application are in my (our) possession and will be available for export not later than ----------
(Date)

or

(*b*) Where materials are not in possession of applicant, the applicant shall submit to the Bureau of Foreign Commerce the following certification executed by the producer of the materials:

I (we) certify that not later than ---------- I (we) shall supply to
(Date)
----------
(Name of applicant)
---------- short tons of
(Quantity in short tons)
---------- in accordance
(Type of copper material)
with the terms of contract sale number ---------- dated ----------
(Contract number) (Date of contract)

All documents evidencing commitment of sale must be kept available for inspection, upon demand, by the Bureau of Foreign Commerce for three years from the date of receipt of the application, as shown on the Acknowledgment Card, Form IT– or FC–116. Applications not accompanied by the evidence of availability required by the provisions of this subparagraph, will not be approved and should not be submitted.

Subparagraph (4) *Copper scrap, copper-base alloy scrap, and copper-base alloy ingots and other crude forms including remelt ingots* is amended to read as follows:

(4) *Copper scrap, copper-base alloy scrap, and copper-base alloy ingots and other crude forms including remelt ingots.* (i) In order that the Bureau of Foreign Commerce may provide an equitable basis for distributing available export quotas for copper scrap (new and old) containing 40 percent or more copper, Schedule B No. 641300; copper-base alloy scrap (new and old) containing 40 percent or more copper, excluding copper-nickel alloy scrap containing 40 percent or more copper and 5 percent or more nickel, Schedule B No. 644000, and copper-base alloy ingots and other crude forms including remelt ingots, Schedule B No. 644100, applicants are required to submit to the Bureau of Foreign Commerce a Statement of Past Participation in Exports of these commodities on Form IT– or FC–821 in accordance with procedure set forth in § 373.4 of this subchapter. A separate report on Form IT– or FC–821 shall be filed for each Schedule B number, broken down by countries of destination, and shall cover the quantity in Schedule B units of exports from the United States made during the fourth calendar quarter of 1953 and the calendar year 1954, where the total for such exports to all countries for each Schedule B number was $5,000 or over for the five quarters. In preparing Form IT– or FC–821, the heading above items (c) and (d) shall be changed to read "4th quarter 1953" and the heading above items (e) and (f) shall read "calendar year 1954."

(ii) License applications covering copper scrap (new and old) containing less than 40 percent copper, Schedule B No. 641300, or copper-base alloy scrap (new and old) containing any percentage of copper, Schedule B No. 644000, shall include information as to the copper and nickel content of the material.

(iii) License applications to export copper-nickel alloy scrap, containing 40 percent or more copper and 5 percent or more nickel will not be considered for licensing.

Subparagraph (7) *Time for submission of applications* is amended to read as follows:

(7) *Time for submission of applications.* Applications for licenses to export copper scrap (new and old) containing 40 percent or more copper, Schedule B No. 641300, copper-base alloy scrap (new and old) containing 40 percent or more copper, excluding copper-nickel alloy scrap containing 40 percent or more copper and 5 percent or more nickel, Schedule B No. 644000, and copper-base alloy ingots and other crude forms including remelt ingots, Schedule B No. 644100, shall be submitted in accordance with the time schedules set forth in § 373.71.

8. Section 373.71 *Supplement 1; time schedules for submission of applications for licenses to export certain Positive List commodities* is amended to read as follows:

TIME SCHEDULES FOR SUBMISSION OF APPLICATIONS FOR LICENSES TO EXPORT CERTAIN POSITIVE LIST COMMODITIES

(Second and third quarters of 1956)

| Dept. of Commerce Schedule B No. | Commodity | Submission dates | |
|---|---|---|---|
| | | Second quarter, 1956 | Third quarter, 1956 |
| 630050 | Aluminum scrap (new and old) | Before June 16, 1956 | |
| 630070 | Aluminum remelt ingots | | |
| 641300 | Copper scrap (new and old) containing 40 percent or more copper. | | |
| 644000 | Copper-base alloy scrap (new and old) containing 40 percent or more copper, excluding copper-nickel alloy scrap containing 40 percent or more copper and 5 percent or more nickel. | | |
| 644100 | Copper-base alloy ingots and other crude forms | | |
| 619159 | Selenium powder | Mar. 1-15, 1956 | June 1-15, 1956 |
| 622098 | Ferroselenium | | |
| 664998 | Selenium metal, except selenium-bearing scrap materials. | | |
| 829810 | Selenium-containing rubber compounding agents not of coal tar origin: accelerators. | | |
| 839750 | Selenium salts of organic compounds | | |
| 839900 | Selenium salts and compounds, including selenium dioxide. | | |
| 842900 | Selenium-containing pigments | | |

NOTES

1. *Return of unused quotas.* As soon as a licensee determines that he will not export the entire licensed amount of a commodity subject to a quantitative quota he shall promptly submit to the Bureau of Foreign Commerce a request for an amendment reducing the quantity covered by the license to the amount he actually intends to export (see § 373.6). If none of the commodities covered by the license is to be exported, the license shall be returned to the Bureau of Foreign Commerce for cancellation.

2. *Where no filing dates are announced.* Applications for licenses to export commodities for which no specified filing dates are announced may be submitted at any time (see § 372.5 (c) of this subchapter).

3. *Intransit shipment.* Export applications for commodities requiring a validated license when moving in transit through the United States may be submitted at any time and are not subject to specified filing dates (see Note following § 372.6 (d) of this subchapter).

This amendment shall become effective as of April 26, 1956.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
*Director,*
*Bureau of Foreign Commerce.*

[F. R. Doc. 56-3475; Filed, May 4, 1956; 8:45 a. m.]



## TITLE 24—HOUSING AND HOUSING CREDIT

### Chapter II—Federal Housing Administration, Housing and Home Finance Agency

Subchapter D—Multifamily and Group Housing Insurance

PART 232—MULTIFAMILY HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING MULTIFAMILY HOUSING

MISCELLANEOUS AMENDMENTS

1. Section 232.17 (a) is amended to read as follows:

§ 232.17 *Classification.* • • •

(a) *Private mortgagors.* A private corporation, associaton, or trust entity (referred to in this subchapter as "mortgagor"), formed or created with the approval of the Commissioner for the purpose of providing housing for rent or sale, and possessing powers necessary therefor and incidental thereto, which is regulated or restricted by the Commissioner as to rents, sales, charges, capital structure, rate of return, and methods of operation, as set out in the contractual documents prescribed and approved by the Commissioner, which regulations or restrictions shall remain in effect until such time as the mortgage insurance contract terminates without obligation upon the Commissioner to issue debentures as a result of such termination; or

• • • • •

2. Section 232.18 (c) is amended to read as follows:

§ 232.18 *In general.* • • •

(c) In the case of a private corporation, the Commissioner's regulations or restrictions will be set forth in its certificate of incorporation or charter under which such mortgagor is created, and will be made effective through the issuance of certain shares of special stock, which stock will acquire majority voting rights in the event of default under the mortgage or violation of a provision of the charter, or until such time as the Commissioner is assured against future violations of a similar nature. Such special stock or interest issued to the Commissioner, his nominee or nominees and/or the Federal Housing Administration shall be in sufficient amount to constitute under the laws of the particular state a valid special class of stock or interest and shall be issued in consideration of the payment by the Commissioner of not exceeding in the aggregate $100. Such stock shall be represented by a certificate or certificates issued in the name of the Commissioner, and/or in the name of his nominee or nominees, and/or in the name of the Federal Housing Administration, as the Commissioner shall require. In the case of a private association or trust entity, or whenever, for any reason satisfactory to the Commissioner, such regulations or restrictions are not feasible as to a particular mortgagor through the issuance of shares of special stock, such regulations or restrictions shall be effected by means of a regulatory agreement and/or other contractual documents between the Commissioner and the mortgagor in such form and in such manner as shall be satisfactory to the Commissioner. Upon the termination of all obligations of the Commissioner under his contract of mortgage insurance, or any succeeding contract or agreement covering the mortgage obligation, all regulations and restrictions of the mortgagor shall cease, the shares of special stock shall be surrendered by the Commissioner upon reimbursement of his payments therefor, plus accrued dividends, if any, thereon, and any regulatory agreement or contract shall terminate.

3. In § 232.19, paragraphs (a), (b), and (e) are amended in their entirety to read as follows and paragraph (f) is amended as set forth below:

§ 232.19 *Required supervision of private mortgagors.* • • •

(a) *Capital structure.* (1) The number of shares of capital stock, in the case of a corporation, may be issued in such amounts and form as may be agreed upon by the sponsors and the Commissioner prior to the endorsement of the mortgage for insurance; and such stock shall not be redeemed, purchased, or paid off by the mortgagor during the period in which the mortgage insurance is in force, except with the prior written approval of the Commissioner; and

(2) In the case of a trust entity beneficial certificates of interest may be issued in such amounts and form as may be agreed upon by the mortgagor and the Commissioner; and such certificates shall not be redeemed, purchased, or paid off by the mortgagor during the period in which the mortgage insurance is in force, except with the prior written approval of the Commissioner.

(b) *Rate of return.* Dividends upon the stock of the corporation or other distributions of income in the case of a trust entity may be declared only as at and after the end of an annual fiscal period. No dividends or other distributions of income shall be declared or authorized except out of earned income legally available for that purpose. No dividends shall be paid, nor shall other distribution be made except out of funds legally available and remaining after (1) the payment of all amounts due or required to be paid under the terms of the insured mortgage up to the end of the applicable dividend period; (2) all amounts due to the Reserve for Replacements Fund; (3) the segregation of funds for the payment of all operating expenses, security deposits held, taxes, assessments, fixed charges, whether due or accrued; and (4) similar provision for any liabilities currently due and arising as a result of necessary expenditures incident to the normal operations of the project.

• • • • •

(e) *Rents and charges.* No charge shall be made by the mortgagor for the accommodations, facilities or services offered by the project in excess of those approved by the Commissioner in writing prior to the opening of the project for rental. In approving such charges and in passing upon applications for changes, consideration will be given to the following and similar factors:

(1) Rental income necessary to maintain the economic soundness of the project.

(2) Rental income necessary to provide reasonable return on the investment consistent with providing reasonable rentals to tenants.

(f) *Methods of operation.* (1) The mortgagor shall not, without the prior approval of the Commissioner, incur liabilities (other than the insured mortgage) in excess of the amount agreed upon and specified in the corporate charter or trust agreement.

(2) The mortgagor shall maintain its project, the grounds, buildings, and equipment appurtenant thereto, in good repair and will promptly complete necessary repairs and maintenance as required by the Commissioner.

(3) A Fund for Replacements shall be accumulated and maintained with the mortgagee so long as the mortgage insurance is in force, and the amount and type of such Fund and the conditions under which it shall be accumulated, replenished and used, shall be specified in the charter or trust agreement.

(4) The mortgagor, its property, equipment, buildings, plans, offices, apparatus, devices, books, contracts, records, documents, and papers shall be subject to inspection and examination by the Commissioner or his duly authorized agent at all reasonable times.

(5) The mortgagor shall execute and deliver to the Commissioner a certificate that the books and accounts of the mortgagor will be established and maintained in a manner satisfactory to the Commissioner on the date the certificate is executed. Such certificate shall be to the effect that so long as the mortgage is insured by the Commissioner the mortgagor's books and accounts will be kept in accordance with the requirements of the Commissioner; will be in such form as to permit a speedy and effective audit and as may otherwise be prescribed by the Commissioner; will be maintained for such periods of time as may be prescribed by the Commissioner; and will be available to him for such examination and audits which he may desire to make. The mortgagor shall file with the Commissioner and mortgagee the following reports verified by the signature of such officers of the mortgagor as the Commissioner may designate and in such form as prescribed by the Commissioner:

• • • • •

(ii) Notice of any payment of any dividend or other distribution and a semiannual financial statement within 60 days after the declaration of any semiannual dividends or other distribution to stockholders, shareholders, or beneficiaries;

• • • • •

(v) Properly certified copies of minutes of meetings of directors, officers, stockholders, shareholders, or beneficiaries.

(Sec. 211, 52 Stat. 23; 12 U. S. C. 1715b. Interpret or apply sec. 207, as amended; 12 U. S. C. 1713)

Issued at Washington, D. C., April 30, 1956.

NORMAN P. MASON,
*Federal Housing Commissioner.*

[F. R. Doc. 56-3525; Filed, May 4, 1956; 8:46 a. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### [ 7 CFR Part 922 ]

[Docket No. AO–250–A1]

VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND TO PROPOSED AMENDMENTS TO MARKETING ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Los Angeles, California, on January 15, 1956, after notice thereof published in the FEDERAL REGISTER (20 F. R. 9972), on proposed amendments to the tentatively approved marketing agreement and to Order No. 22 (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

On the basis of the evidence introduced at the hearing, and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on April 6, 1956, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F. R. Doc. 56–2798; 21 F. R. 2384). No exception to said recommended decision was filed.

The material issues, findings and conclusions, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F. R. Doc. 56–2798; 21 F. R. 2384) are hereby approved and adopted as the material issues, findings and conclusions, and the general findings of this decision as if set forth in full herein.

*Marketing agreement and amendments to the marketing order.* Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating The Handling of Valencia Oranges Grown in Arizona and Designated Part of California" and "Order Amending the Order Regulating the Handling of Valencia Oranges Grown in Arizona and Designated Part of California," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

*Determination of representative period.* The period beginning February 1, 1955, and ending January 31, 1956, is hereby determined to be a representative period for ascertaining whether the issuance of the order amending Order No. 22 regulating the handling of Valencia Oranges grown in Arizona and designated part of California, is approved or favored by producers who, during such period, have been engaged in the said production area, in the production of Valencia oranges for market.

*It is hereby ordered,* That all of this decision, except the annexed marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement are identical with those contained in Order No. 22 as proposed to be amended by the annexed order which will be published with this decision.

Dated: May 2, 1956.

[SEAL] EARL L. BUTZ,
*Assistant Secretary.*

*Order[1] Amending Order Regulating Handling of Valencia Oranges Grown in Arizona and Designated Part of California*

§ 922.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of this order; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Los Angeles, California, on January 25, 1956, upon proposed amendments to the tentatively approved marketing agreement and to Order No. 22 (7 CFR Part 922) regulating the handling of Valencia oranges grown in Arizona and designated part of California. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act, including the establishment and maintenance of such orderly marketing conditions for Valencia oranges grown in Arizona and designated part of California as will provide, in the interests of producers and consumers, an orderly flow thereof to market throughout its normal marketing season to avoid unreasonable fluctuations in supplies and prices;

(2) The said order, as hereby amended regulates the handling of Valencia oranges grown in Arizona and designated part of California in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which hearings have been held;

(3) The said order as hereby amended is limited in its application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of such production area would not effectively carry out the declared policy of the act;

(4) The said order as hereby amended prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of the Valencia oranges covered thereby; and

(5) All handling of Valencia oranges, as defined in the order as hereby amended, is in the current of interstate or foreign commerce or directly burdens, obstructs, or effects such commerce.

*It is, therefore, ordered,* That, on and after the effective date hereof, the handling of Valencia oranges grown in Arizona and designated part of California shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order as hereby amended as follows:

1. Delete the provisions of § 922.16 and substitute in lieu thereof the following:

§ 922.16 *Carton.* "Carton" means the standard container number 58 as defined in section 828.83 of the Agricultural Code of California, as amended, of a capacity of approximately 38½ pounds of oranges, or such other container and capacity as may be established by the committee with the approval of the Secretary, or the equivalent thereof.

2. Delete the provisions of § 922.18 and substitute in lieu thereof the following:

§ 922.18 *Carload.* "Carload" means a quantity of oranges equivalent to 924 cartons of oranges, or such other quantity of oranges as may be established by the committee with the approval of the Secretary.

3. Amend the provisions of § 922.31 by adding at the end of the section the following sentence: "Whenever specifically authorized or approved by the committee, an alternate member shall be reimbursed for reasonable expenses necessarily incurred by him in attending committee meetings and shall receive compensation at the rate provided in this section, notwithstanding that the committee member for whom he serves as alternate also attends such meetings."

4. Amend the provisions of § 922.32 as follows:

a. Delete the first sentence thereof and substitute in lieu thereof the following: "The committee shall, as soon as practicable after the marketing of the crop is completed, prepare and mail an annual report to the Secretary and to each handler and grower of record."

b. Delete therefrom the words following (d) and substitute in lieu thereof the following: "notice of the time and place of an open meeting, to be held as soon as practicable after the mailing of the annual report, to review the whole record of the operations of this part."

5. Amend the provisions of paragraph (e) of § 922.53 *Prorate bases* by inserting the following as part of the last sentence in such paragraph: "; and, in the event the change in control of oranges is occasioned by a bona fide transfer of the ownership of the real property on which such oranges were produced, the person gaining the control of such oranges shall have his quantity of oranges available for current shipment adjusted by adding thereto a quantity of oranges equal to that which is so deducted."

6. Amend the provisions of § 922.55 by deleting therefrom the first sentence and substituting in lieu thereof the following: "During any week for which the Secretary has fixed the total quantity of oranges which may be handled, any person who has received an allotment for such week, and whose total allotment is not loaned, or is not required for the repayment of an allotment loan or as a deduction for a prior overshipment, may handle in addition to his allotment an amount of such oranges equivalent to 10 percent of his allotment, or one carload, whichever is the greater."

7. Amend the provisions of § 922.57 by adding a new paragraph (e) as follows:

(e) No allotment may be loaned from one handler to another when such loan is brought about by the payment of a consideration.

8. Amend the provisions of § 922.64 by inserting the following immediately after the first sentence of such section: "When any such size regulation restricts the handling of a portion of a specified size, the quantity of such size that may be handled by a handler during a particular week shall be established as a percentage of (a) the weekly allotment issued to such handler when volume regulation is in effect, and (b) the total weekly volume handled by such handler when volume regulation is not in effect."

9. Insert the following new sentence immediately preceding the last sentence of § 922.52 *Issuance of volume regulations:* "Such regulation may be made effective, as authorized by the act, irrespective of whether the season average price for Valencia oranges is in excess of the parity price specified therefor in the act."

10. Amend the provisions of § 922.71 by deleting therefrom the word "box" and substituting in lieu thereof the word "carton."

11. Immediately preceding the closing of the parenthesis at the end of § 922.2 *Act* insert the following: "; 68 Stat. 906, 1047."

12. Amend the provisions of § 922.83 (c) (3) by deleting therefrom the date "December 15" wherever it appears and substituting in lieu thereof the date "October 15."

[F. R. Doc. 56–3599; Filed, May 4, 1956; 8:56 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.



### [ 7 CFR Part 942 ]

[Docket No. AO–103–A14]

MILK IN NEW ORLEANS, LA., MARKETING AREA

NOTICE OF TENTATIVE DECISION WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at New Orleans, Louisiana, on April 12–20, inclusive, 1955, pursuant to notice thereof which was issued on March 23, 1955 (20 F. R. 1848).

Upon the basis of the evidence introduced at the hearing, and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on February 8, 1956, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision. This decision and notice of opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on February 18, 1956 (21 F. R. 1128).

On the basis of the exceptions filed by interested parties, and a reconsideration of the evidence with respect thereto, a change has been made in the provisions concerning the marketing area. This change would extend the marketing area further to include the parishes of St. Charles, Lafourche, Terrebonne, and St. Tammany.

In order to afford all interested persons an opportunity to file written exceptions which they may not have filed on the basis of the recommended decision, the issuance of a tentative decision has been decided upon as the means of affording such opportunity. Any person wishing to file exceptions to this tentative decision and any findings and conclusions contained therein with respect to the issues discussed may do so by filing the same, in quadruplicate, with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than 10 days after the publication of this tentative decision in the FEDERAL REGISTER.

The material issues, findings and conclusions, and general findings of the aforesaid recommended decision are hereby adopted as the issues, findings and conclusions, and general findings of this decision as if set forth in full herein, subject to the following modifications described with reference to Federal Register Doc. 56–1236, 21 F. R. 1128:

1. At the end of the sentence in the fifth full paragraph appearing in column 1, page 1129, delete the phrase "and St. Bernard, Louisiana" and substitute the following: "St. Bernard, St. Charles, Terrebonne, St. Tammany, and Lafourche, Louisiana".

2. At the end of the sixth full paragraph appearing in column 1, page 1129, insert a new paragraph as follows:

The extension of the marketing area to include St. Tammany Parish will bring under regulation only two additional plants. During 1954, approximately half of the milk distributed by regulated handlers (in the parishes north of the Lake) was distributed in St. Tammany Parish. Based on average per capita consumption of normal urban areas, the volume of deliveries by regulated handlers would represent about 50 percent of the total Class I sales in St. Tammany Parish.

3. Delete the seventh full paragraph appearing in column 1, page 1129, and substitute the following:

It is concluded that the inclusion of the entire parishes of Jefferson, Orleans, Plaquemines, St. Bernard, and St. Tammany is an appropriate extension of the marketing area.

4. Delete the first sentence in the first full paragraph appearing in column 2, page 1129, and substitute the following: "The marketing area should not be extended to include Tangipahoa and Washington parishes."

5. Delete the word "ten" appearing in line 18 of the first full paragraph, column 2, page 1129, and substitute the word "eight".

6. Delete the second, third and fourth full paragraphs appearing in column 2, page 1129, and substitute the following:

The marketing area should not be extended to include the parishes of St. John the Baptist and St. James. Testimony in the record indicates that during the two-year period 1953–1954, handlers, regulated under the New Orleans order supplied 59.9 percent of the Class I sales disposed of in the parishes of St. Charles, Lafourche, and Terrebonne. This consisted of regular route sales to consumers, and sales of bulk milk to unregulated handlers in these parishes. The unregulated handlers packaged the bulk milk and distributed it to consumers in the area. Producer receipts of unregulated handlers in this area have been less than half the volume of Class I sales. Consumers in this area are dependent upon supplemental supplies which are furnished, to a large extent, from plants in the New Orleans marketing area. Producers who have been primarily associated with the New Orleans market for many years are currently supplying about half of the milk to unregulated handlers in this area. Such milk has normally been considered as a reserve supply in the New Orleans market, although in recent years the market has generally had more than ample supplies for its needs without falling back on these reserves. It is concluded that the marketing area should include the parishes of St. Charles, Lafourche, and Terrebonne.

In St. John the Baptist Parish, local distributors supply approximately 74 percent of the Class I sales in that parish while about five handlers regulated by the New Orleans order supply the re-

maining Class I sales. This testimony was neither challenged nor refuted. There was no evidence presented to indicate the extent to which New Orleans handlers must compete, if at all, with unregulated handlers in St. James Parish.

It is concluded that the parishes of St. John the Baptist and St. James should not be included in the marketing area.

*Marketing agreement and order, as amended.* The following order, as amended, is tentatively approved as the appropriate means by which the foregoing conclusions may be carried out. The marketing agreement is not included in this tentative decision because the regulatory provisions thereof would be identical with those contained in the order.

*It is hereby ordered*, That all of this decision be published in the FEDERAL REGISTER.

This decision filed at Washington, D. C., this 2d day of May 1956.

[SEAL] EARL L. BUTZ,
*Assistant Secretary.*

§ 942.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed tentative marketing agreement and order, as amended, and hereby further amended, regulating the handling of milk in the New Orleans, Louisiana, marketing area. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to Section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to, persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

*Order relative to handling.* It is therefore ordered that on and after the effective date hereof, the handling of milk in the New Orleans, Louisiana, marketing area shall be in conformity to and in compliance with the following terms and conditions:

The provisions of §§ 942.1 to 942.111, both inclusive, of the order contained in the recommended decision issued by the Deputy Administrator, Agricultural Marketing Service (21 F. R. 1128; Doc. 56–1236) shall be and are the terms and conditions of this order, as amended, and as hereby further amended, as if set forth in full herein, subject to the following revisions described with reference to Federal Register Doc. 56–1236, 21 F. R. 1128:

Delete § 942.4 and substitute the following:

§ 942.4 *New Orleans marketing area.* "New Orleans marketing area" hereinafter called the "marketing area" means all territory included within the boundaries of the parishes of Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St. Tammany, and Terrebonne, all in the State of Louisiana.

[F. R. Doc. 56-3600; Filed, May 4, 1956; 8:57 a. m.]

## CIVIL AERONAUTICS BOARD

### [ 14 CFR Part 234 ]

[Economic Regs. Draft Release 80A]

FLIGHT SCHEDULES OF CERTIFICATED AIR CARRIERS; REALISTIC SCHEDULING AND ON-TIME PERFORMANCE REQUIRED

SUPPLEMENTAL NOTICE OF PROPOSED RULE MAKING

MAY 2, 1956.

In the notice of proposed rule making on this matter, published in the FEDERAL REGISTER on April 18, 1956 (21 F. R. 2533), it was stated that the Board would consider all relevant matter in communications received on or before May 16, 1956. The Air Transport Association of America, acting on behalf of itself and its members, has requested the Board to extend the date by which comments must be filed for a minimum additional period of 45 days. This request was predicated upon the need for careful study of the subject proposal and a desire for mutual consultation between the managements of various interested airlines.

The draft release proposed to require that the published flight schedules of all certificated air carriers engaged in interstate and overseas air transportation realistically reflect actual arrival and departure times on at least 75 percent of scheduled flights (other than all cargo flights) performed over each segment during a calendar month. Since this proposal is a matter of substantial import and concern to the industry, the Board finds that the date previously set for return of comment should be extended to June 15, 1956.

Accordingly, the third and fourth sentences of the third paragraph of the aforementioned notice is amended to read as follows: "All communications received on or before June 15, 1956 will be considered by the Board before taking action upon the proposed rule. Copies of such communications will be available on or after June 19, 1956, for examination by interested persons in the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C."

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 404, 405 (e), 411, 52 Stat. 993, 994, 1003; 49 U. S. C. 484, 489)

By the Civil Aeronautics Board.

[SEAL] JOHN B. RUSSELL,
*Acting Secretary.*

[F. R. Doc. 56-3602; Filed, May 4, 1956; 8:57 a. m.]

## INTERSTATE COMMERCE COMMISSION

### [ 49 CFR Parts 72–75, 77, 78 ]

[Docket No. 3666; Notice 26]

EXPLOSIVES AND OTHER DANGEROUS ARTICLES

NOTICE OF PROPOSED RULE MAKING

APRIL 18,1956.

In the matter of regulations for transportation of explosives and other dangerous articles.

The Commission is in receipt of applications for early amendment of the above-entitled regulations insofar as they apply to shippers in the preparation of articles for transportation, and to all carriers by rail and highway. The proposed amendments are set forth below and the reasons therefor are listed in the appendix hereto.

Application for these amendments ordinarily would be considered at our next hearing in this docket. It appears however, that the proposed amendments have been the subject of exchanges and study by interested parties, in which substantial agreement has been reached. In view thereof no oral hearing is contemplated at this time.

Any party desiring to make representations in favor of or against the proposed amendments may do so through the submission of written data, views, or arguments. The original and five copies of such submission may be filed with the Commission on or before May 23, 1956. The proposed amendments are subject to change or changes that may be made as a result of such submissions.

Notice to the general public will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection, and by filing a copy of the notice with the Director, Division of the Federal Register.

By the Commission, Division 3.

HAROLD D. McCOY,
*Secretary.*



PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71–78 OF THIS CHAPTER

1. Amend § 72.5 Commodity List (20 F. R. 4413, June 23, 1955) (15 F. R. 8266, 8267, 8268, 8271, Dec. 2, 1950) (19 F. R. 8524, Dec. 14, 1954) (17 F. R. 7279, Aug. 9, 1952) (21 F. R. 2145, Apr. 4, 1956) (49 CFR 1950 Rev., 1955 Supp. 72.5) as follows:

§ 72.5 *List of explosives and other dangerous articles.* (a) • • •

| Article | Classed as— | Exemptions and packing (see sec.) | Label required if not exempt | Maximum quantity in 1 outside container by rail express |
|---|---|---|---|---|
| *Change* | | | | |
| Detonating fuzes, class A explosives | Expl. A | No exemption, 73.69 | | Not accepted. |
| Detonating fuzes, class A explosives, radioactive. | Expl. A | No exemption, 73.69 | | Do. |
| Detonating fuzes, class C explosives | Expl. C | No exemption, 73.113 | | 150 pounds. |
| Dispersant gas, n. o. s. | Nonf. G | 73.302, 73.306, 73.314 | Green | 300 pounds. |
| *Explosive compositions* | Expl. A or B | No exemption, 73.53, 73.61 to 73.93. | | 10 pounds. |
| Fuzes, detonating class A explosives | Expl. A | No exemption, 73.69 | | Not accepted. |
| Fuzes, detonating, class A explosives, radioactive. | Expl. A | No exemption, 73.69 | | Do. |
| Fuzes, detonating, class C explosives | Expl. C | No exemption, 73.113 | | 150 pounds. |
| Hydrogen bromide | Nonf. G | 73.302, 73.306 | Green | 300 pounds. |
| Jet thrust unit (*jato*), class A explosives | Expl. A | No exemption, 73.79 | | Not accepted. |
| Jet thrust unit (*jato*), class B explosives | Expl. B | No exemption, 73.92 | | Do. |
| Pressurized flammable liquid, n. o. s. | F. L. | 73.118, 73.142 | Red | 10 gallons. |
| Propellant explosives, class A explosives | Expl. A | No exemption, 73.64 (d). | | See § 73.86. |
| Propellant explosives, class B explosives | Expl. B | No exemption, 73.93 | Red 8 | 10 pounds. |
| *Add* | | | | |
| Gold 198 | Pois. D | 73.392, 73.393 | Poison. Radioactive materials. Red. | See § 73.89! (e). |
| Refrigerant gas, n. o. s. | Nonf. G | 73.302, 73.306, 73.314 | Green | 300 pounds. |

PART 73—SHIPPERS

SUBPART A—PREPARATION OF ARTICLES FOR TRANSPORTATION BY CARRIERS BY RAIL FREIGHT, RAIL EXPRESS, HIGHWAY, OR WATER

1. In § 73.22, amend the introductory text of paragraph (a) (21 F. R. 2145, Apr. 4, 1956) (49 CFR 73.22, 1950 Rev.) to read as follows:

§ 73.22 *Specification containers prescribed.* (a) Shipping containers, unless otherwise provided in this part (see § 73.9 (c)), used hereafter in shipping explosives or other dangerous articles, must have been made, assembled with all parts or fittings in their proper place, and marked in compliance with specifications prescribed in Part 78 of this chapter or with specifications of the Commission in effect at date of manufacture of container.

• • • • • •

SUBPART C—FLAMMABLE LIQUIDS; DEFINITION AND PREPARATION

2. In § 73.118, amend paragraphs (a) and (b); cancel paragraph (c) (22); add paragraph (d) (21 F. R. 363, Jan. 19, 1956) (17 F. R. 7280, Aug. 9, 1952) (15 F. R. 8298, Dec. 2, 1950) (49 CFR 1950 Rev., 1955 Supp., 73.118) to read as follow:

§ 73.118 *Exemptions for flammable liquids.* (a) Flammable liquids, except pressurized flammable liquids and those enumerated in paragraph (c) of this section, in inside metal containers not over 1 quart capacity each, packed in strong outside containers, except as otherwise provided, are exempt from specification packaging, marking, and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter. These exemptions do not apply to shipments offered for transportation by rail express.

(b) Flammable liquids, except pressurized flammable liquids and those enumerated in paragraph (c) of this section, in inside containers having a capacity not over 1 pint or 16 ounces by weight each, packed in strong outside containers, are exempt from specification packaging, marking, and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

(c) • • •

(22) [Canceled.]

• • • • • •

(d) Pressurized flammable liquids in inside containers having a capacity not exceeding ½ pint or 8 ounces by weight each, capable of withstanding a 4-foot drop onto solid concrete without shattering, packed in strong outside containers, are exempt from specification packaging, marking, and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

3. In § 73.119, amend paragraph (b) (3) (15 F. R. 8299, Dec. 2, 1950) (49 CFR 73.119, 1950 Rev.) to read as follows:

§ 73.119 *Flammable liquids not specifically provided for.* • • •

(b) • • •

(3) Spec. 10B (§ 78.156 of this chapter), wooden barrels or kegs.

NOTE 1: Because of the present emergency and until further order of the Commission, wooden whiskey barrels, properly recoopered, which comply with all the provisions of spec. 10B (§ 78.156 of this chapter), are also authorized. Marking is required on the head of each container, by the reconditioner, by hot branding or legible stenciling, as follows: ICC–10B.

Name or symbol (letters) of reconditioner; this must be registered with the Bureau of Explosives and located just above, below, or following the mark ICC–10B.

Size of marking (minimum) ¾ inch high.

• • • • • •

4. In § 73.145, amend paragraph (a) (4) (21 F. R. 671, Jan. 31, 1956) (49 CFR 1950 Rev., 73.145) to read as follows:

§ 73.145 *Methylhydrazine and unsymmetrical dimethylhydrazine.* (a) • • •

(4) Spec. 17C (§ 78.115 of this chapter), metal barrels or drums (single-trip) with openings not exceeding 2.3 inches in diameter. Authorized only for unsymmetrical dimethylhydrazine.

• • • • • •

SUBPART D—FLAMMABLE SOLIDS AND OXIDIZING MATERIALS; DEFINITION AND PREPARATION

5. In § 73.182, amend paragraph (b) (1), (2) and (4); add paragraph (b) (5) (19 F. R. 8526, Dec. 14, 1954) (20 F. R. 4415, June 23, 1955) (49 CFR 1950 Rev., 1955 Supp., 73.182) to read as follows:

§ 73.182 *Nitrates.* • • •

(b) • • •

(1) In bulk in tight closed freight cars. (See § 74.532 (k) of this chapter for loading requirements.)

(2) In bulk in sift proof closed or open type motor vehicles. (See § 77.838 (f) of this chapter for loading requirements.)

• • • • • •

(4) In burlap bags not exceeding 200 pounds net weight, water-resistant made tight against sifting, and made of not less than 8-ounce burlap. Ammonium nitrate-carbonate mixtures, calcium nitrate, sodium nitrate, nitrate of soda and potash, or strontium nitrate when so packed are exempt from labeling requirements and § 77.823 of this chapter. For water shipments see Regulations for Explosives or Other Dangerous Articles on Board Vessels prescribed by the Commandant United States Coast Guard (46 CFR Part 146). (See §§ 74.532 and 77.838 of this chapter for loading requirements.)

(5) In multi-wall paper bags not exceeding 110 pounds net weight, of at least 4-ply construction including moisture-barrier ply, and made tight against sifting. Completed package, filled to weight with product and closed for shipment, must be capable of withstanding three 4-foot drops on face or back onto solid concrete without rupture. Ammonium nitrate-carbonate mixtures, calcium nitrate, sodium nitrate, nitrate of soda and potash, or strontium nitrate when so packed are exempt from labeling requirements and § 77.823 of this

chapter. For water shipments see Regulations for Explosives or Other Dangerous Articles on Board Vessels prescribed by the Commandant United States Coast Guard (46 CFR Part 146). (See §§ 74.532 and 77.838 of this chapter for loading requirements.)

SUBPART E—ACIDS AND OTHER CORROSIVE LIQUIDS; DEFINITION AND PREPARATION

6. In § 73.249, amend the introductory text of paragraph (a); amend paragraph (a) (6) and (7) (21 F. R. 2147, Apr. 4, 1956) (18 F. R. 6778, Oct. 27. 1953) (49 CFR 1950 Rev., 1955 Supp., 73.249) to read as follows:

§ 73.249 *Alkaline corrosive liquids, n. o. s., alkaline caustic liquids, n. o. s., alkaline battery fluids, and sodium aluminate, liquid.* (a) Alkaline corrosive liquids, n. o. s., alkaline caustic liquids, n. o. s., alkaline battery fluids, and sodium aluminate, liquid, when offered for transportation by carriers by rail freight, highway, or water must be packed in specification containers of a design and constructed of materials that will not react dangerously with or be decomposed by the chemical packed therein as follows:

• • • • • •

(6) Spec. MC 310 or MC 311 (§ 78.330 or § 78.331 of this chapter), tank motor vehicles.

(7) Spec. 60 (§ 78.255 of this chapter), portable tanks.

• • • • • •

7. In § 73.257, amend paragraph (a) (6) (20 F. R. 4416, 4417, June 23, 1955) (49 CFR 1950 Rev., 1955 Supp., 73.257) to read as follows:

§ 73.257 *Electrolyte (acid) or corrosive battery fluid.* (a) • • •

(6) Spec. 12B (§ 78.205 of this chapter), fiberboard boxes with inside containers of polyethylene or other electrolyte acid resistant plastic having secure closures capable of withstanding conditions incident to transportation without leakage and unless containers are rigid or semi-rigid in nature they must be contained in other strong inside containers; minimum thickness of polyethylene or other plastic material shall be not less than 0.003 inch for any film sheet for multi-wall containers or not less than 0.006 inch for single wall containers; not more than 12 such inside containers shall be packed in one outside box and the marking prescribed in § 73.401 (c) shall not be required. Inside containers shall be packed to prevent movement within the box. Dry storage batteries or battery charger device may be packed in the same outside box when adequately separated from other inside containers; gross weight of completed package shall not exceed 65 pounds. Complete package, closed as for shipment, with inside polyethylene containers filled with liquid of same specific gravity as commodity to be shipped, must be capable of withstanding at least 2 drops from a height of 4 feet onto solid concrete without leakage from or rupture of inside containers.

• • • • • •

8. In § 73.260, amend paragraph (e) (18 F. R. 3135, June 2, 1953) (49 CFR 1950 Rev., 1955 Supp., 73.260) to read as follows:

§ 73.260 *Electric storage batteries, wet.* • • •

(e) Shipments of electric storage batteries containing electrolyte or battery fluid, loaded or braced to prevent damage in transit and short circuits, are exempt from Parts 71–78 and 197 of this chapter: *Provided, however,* That storage batteries (either wet or dry) constitute the only commodity being transported in the railroad car or motor vehicle body.

• • • • • •

9. In § 73.266, amend paragraph (c) (5) (21 F. R. 672, Jan. 31, 1956) (49 CFR 73.266, 1950 Rev.) to read as follows:

§ 73.266 *Hydrogen peroxide solution in water.* • • •

(c) • • •

(5) Spec. 1F, 1G, or 1H (§ 78.10, § 78.11, or § 78.13 of this chapter), polyethylene carboys in wooden boxes, plywood drums, or metal crates. The carboy closures must be vented so as to prevent accumulation of internal pressure.

• • • • • •

SUBPART F—COMPRESSED GASES; DEFINITION AND PREPARATION

10. In § 73.302, amend paragraph (a) (5) and (7) (19 F. R. 1279, Mar. 6, 1954) (21 F. R. 673, Jan. 31, 1956) (49 CFR 1950 Rev., 1955 Supp., 73.302) to read as follows:

§ 73.302 *Exemptions for compressed gases.* (a) • • •

(5) Foodstuffs or soaps in metal cans with soluble or emulsified compressed gas, provided the pressure in the container does not exceed 115 pounds per square inch absolute at 70° F. or 150 pounds per square inch absolute at 130° F. The metal container must be capable of withstanding without bursting a pressure of two times the pressure of contents at 70° F. or one and one-half times the pressure of the contents at 130° F., whichever is greater.

• • • • • •

(7) Inside nonrefillable metal containers charged with a solution containing biological products or a medical preparation which will be deteriorated by heat and compressed gas or gases, which is nonpoisonous and nonflammable, and of capacity not to exceed 31.83 cubic inches (17.6 fluid ounces). Pressure in the container not to exceed 55 pounds per square inch absolute at 70° F., and the liquid content of the product and gas must not completely fill the container at 130° F. One completed container out of each lot of 500 or less, filled for shipment, must have been heated until content reached a minimum temperature of 130° F., without evidence of leakage, distortion, or other defect.

• • • • • •

11. In § 73.306, amend paragraph (d) (1) (19 F. R. 1279, Mar. 6, 1954) (49 CFR 1950 Rev., 1955 Supp., 73.306) to read as follows:

§ 73.306 *Liquefied gases, except acetylene in solution.* • • •

(d) • • •

(1) Spec. 12B (§ 78.205 of this chapter) fiberboard boxes or spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter) wooden boxes with inside metal containers not over 31.83 cubic inches (17.6 fluid ounces) capacity each. Pressure in inside containers shall not exceed 55 pounds per square inch absolute at 70° F. and the liquid content of the mixture must not completely fill the container at 130° F. Each completed container filled for shipment must have been heated until contents reached a minimum temperature of 130° F., without evidence of leakage, distortion, or other defect.

• • • • • •

12. In § 73.310, amend the introductory text of paragraph (a) (21 F. R. 367, Jan. 19, 1956) (49 CFR 73.310, 1950 Rev.) to read as follows:

§ 73.310 *Fire extinguishers and component parts thereof.* (a) Fire extinguishers and component parts thereof containing compressed gas for the purpose of expelling fire extinguishing contents, which must be nonliquefied gas when in containers exceeding 30 cubic inches capacity, when shipped under the following conditions are exempt from specification packaging, marking, and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

• • • • • •

SUBPART G—POISONOUS ARTICLES; DEFINITION AND PREPARATION

13. In § 73.370, amend paragraphs (a) (5) and (c) (1); add paragraph (c) (3) (20 F. R. 4418, June 23, 1955) (18 F. R. 804, Feb. 7, 1953) (49 CFR 1950 Rev., 1955 Supp., 73.370) to read as follows:

§ 73.370 *Cyanides, or cyanide mixtures, except cyanide of calcium and mixtures thereof.* (a) • • •

(5) Spec. 37A or 37B (§ 78.131 or § 78.132 of this chapter), metal drums (single-trip containers).

• • • • • •

(c) • • •

(1) As prescribed in paragraph (a) (2), (3), (4), (6), (8), (9), (10), or (11) of this section.

• • • • • •

(3) Spec. 37A or 37B (§ 78.131 or § 78.132 of this chapter), metal drums (single-trip containers); welded side seams required for Spec. 37B drums and all seams and closures must be watertight and hermetically sealed.

• • • • • •

14. In § 73.391, amend paragraph (c) (20 F. R. 952, Feb. 15, 1955) (49 CFR 1950 Rev., 1955 Supp., 73.391) to read as follows:

§ 73.391 *Radioactive materials Class D poison; definition.* • • •

(c) Not more than 300 curies of solid cesium 137, cobalt 60, gold 198, or iridium 192 may be packed in one outside container for shipment by rail freight, rail express, or highway, except by special arrangements and under conditions approved by the Bureau of Explosives.

15. In § 73.393, amend paragraph (f) (5) (20 F. R. 952, Feb. 15, 1955) (49 CFR 1950 Rev. 1955 Supp., 73.393) to read as follows:

§ 73.393 *Packing and shielding.* • • •

(f) • • •

(5) Spec. 55 (§ 78.250 of this chapter), metal-encased, lead or uranium metal-shielded containers. Authorized for not more than 300 curies (see § 73.391). Containers must be equipped with a seal.

• • • • • •

PART 74—CARRIERS BY RAIL FREIGHT

SUBPART A—LOADING, UNLOADING, PLACARDING AND HANDLING CARS; LOADING PACKAGES INTO CARS

1. In § 74.532, amend paragraph (k) (19 F. R. 1281, Mar. 6, 1954) (49 CFR 1950 Rev., 1955 Supp., 74.532) to read as follows:

§ 74.532 *Loading other dangerous articles.* • • •

(k) Nitrates listed in § 73.182 (b) of this chapter must be loaded in clean closed cars which shall be free of loose boards, cracks, holes, or exposed decayed spots. Interior of cars must be swept clean and be free of any projections capable of injuring bags when so packaged. Doors of cars must have tight closures. Journals and boxes must be in good condition. Ammonium nitrate, ammonium nitrate (organic coating), ammonium nitrate fertilizer, containing 90 percent or more ammonium nitrate with no organic coating, and guanidine nitrate must be loaded in all wood box cars, or wooden box cars with steel roofs, or steel box cars with wooden floors and must not be loaded in all metal cars (see also § 74.541 (a) (1)).

• • • • • •

SUBPART E—HANDLING BY CARRIERS BY RAIL FREIGHT

2. In § 74.584, paragraph (a) table, amend the first item in the first column, now reading, "For high explosives, initiating explosives and low explosives, class A." to read as follows: "For high explosives, initiating explosives, low explosives, and blasting caps or electric blasting caps more than 1,000 in quantity, class A" (17 F. R. 4296, May 10, 1952) (49 CFR 1950 Rev., 1955 Supp., 74.584).

3. In § 74.589, amend paragraph (g) (1) and (2), and paragraph (k) in (15 F. R. 8356, Dec. 2, 1950) redesignated as (h) (1) and (2), and paragraph (l) respectively, in (49 CFR 74.589, 1950 Rev.) to read as follows:

§ 74.589 *Handling cars.* • • •

(h) • • •

(1) Occupied passenger car; except as provided in paragraph (l) of this section.

(2) Occupied combination car; except as provided in paragraph (l) of this section.

• • • • • •

(l) *Position in freight train or mixed train of cars placarded "Explosives" or "Poison Gas", or both, when accompanied by cars carrying guards or gas handling crews.* A car requiring "Explosives" or "Poison Gas" placards, or both, shall be next to and ahead of the car occupied by the guards or gas handling crews accompanying such car; except that when the car occupied by guards or gas handling crews is equipped with a lighted heater or stove it shall be the fourth car behind a car or cars requiring "Explosives" placards.

(1) [Canceled.]

PART 75—CARRIERS BY RAIL EXPRESS

SUBPART A—TRANSPORTATION OF EXPLOSIVES BY THE RAILWAY EXPRESS AGENCY, INCORPORATED, IN PASSENGER OR EXPRESS TRAIN SERVICE

1. In § 75.675, amend Exception No. 1 following paragraph (a) (16 F. R. 9380, Sept. 15, 1951) (49 CFR 1950 Rev., 1955 Supp., 75.675) to read as follows:

§ 75.675 *Explosives via Railway Express Agency, Inc.* (a) • • •

Exception No. 1: Samples of explosives for laboratory examination, fireworks, or other similar authorized explosives may continue to be transported in passenger or express train service, subject to the published regulations. (See §§ 72.5 and 73.86 (d) of this chapter.)

• • • • • •

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

SUBPART A—GENERAL INFORMATION AND REGULATIONS

1. In § 77.817, amend paragraph (a) (1) (18 F. R. 5273, Sept. 1, 1953) (49 CFR 1950 Rev., 1955 Supp., 77.817) to read as follows:

§ 77.817 *Shipping papers.* (a) • • •

(1) Every motor carrier offering for rail transportation any loaded motor vehicle or any loaded motor vehicle trailer, semi-trailer, or container containing any shipment of an explosive or other dangerous article shall show on the bill of lading, shipping order, shipping paper, or other billing issued in lieu thereof, in addition to the description of the vehicle or container, the proper and definite name of the commodity as shown in § 72.5 of this chapter and the color of label or kind of placards applied.

SUBPART B—LOADING AND UNLOADING

2. In § 77.835, amend paragraphs (g) and (h) (18 F. R. 5273, Sept. 1, 1953) (15 F. R. 8365, Dec. 2, 1950) (49 CFR 1950 Rev., 1955 Supp., 77.835) to read as follows:

§ 77.835 *Explosives.* • • •

(g) *Blasting caps and/or electric blasting caps in same vehicle with other explosives.* Blasting caps and/or electric blasting caps, without limitation as to quantity except as limited in paragraph (m) of this section, may be transported in the same motor vehicle with high explosives (dynamites and similar explosives) when the net weight of the high explosives (dynamites and similar explosives) does not exceed 5,000 pounds, as follows: The blasting caps and electric blasting caps must be packed in authorized I. C. C. specification outside shipping containers, or in prescribed inside I. C. C. packages in an outside box made of 1 inch lumber lined with suitable padding material not less than ½ inch thick or a box made of not less than 12 gauge sheet metal lined with plywood or other suitable material not less than ⅜ inch thick so that no metal is exposed. Hinged cover and fastening device are required on boxes. These boxes must be loaded in motor vehicle so that contents or box will be immediately accessible for removal and so that other containers in the motor vehicle will not fall on them or otherwise damage them during transit. Blasting caps or electric blasting caps when not packed in containers referred to above in this paragraph must be transported in containers as prescribed in spec. MC–201. See paragraph (m) of this section for shipment of blasting caps with liquid nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate. Explosive projectiles with detonating fuzes assembled in place must not be transported unless shipped by, for, or to the Departments of the Army, Navy, and Air Force of the United States Government, or unless of a type approved by the Bureau of Explosives.

(h) *Lading within body or covered, tailgate closed.* Except as provided in paragraphs (g), (k), and (m) of this section, dealing with the transportation of liquid nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate, other than as defined in § 73.53 (e) of this chapter, all of that portion of the lading of any motor vehicle which consists of explosives shall be contained entirely within the body of the motor vehicle or within the horizontal outline thereof, without overhang or projection of any part of the load, and if such motor vehicle has a tailboard or tailgate, it shall be closed and secured in place during such transportation. Every motor vehicle transporting explosives must either have a closed body or have the body thereof covered with a tarpaulin, and in either event care must be taken to protect the load from moisture and sparks, except that subject to other provisions of these regulations, explosives other than black powder may be transported on flat-bed vehicles if the explosive portion of the load on each vehicle is packed in fire and water resistant containers or covered with a fire and water resistant tarpaulin.

3. In § 77.838, amend paragraph (f) (15 F. R. 8366, Dec. 2, 1950) (49 CFR 77.838, 1950 Rev.) to read as follows:

§ 77.838 *Flammable solids and oxidizing materials.* • • •

(f) Nitrates listed in § 73.182 (b) of this chapter must be loaded in closed or open type motor vehicles which must be swept clean and be free of any projections capable of injuring bags when so packaged. When shipped in open type motor vehicles the lading must be suitably covered. Ammonium nitrate, ammonium nitrate (organic coating), ammonium nitrate fertilizer, containing 90 percent or more ammonium nitrate with no organic coating, and guanidine nitrate must not be loaded in all metal

| Section | | Reason for amendment |
|---|---|---|
| 72.5 (a) | Commodity List. | Provides additions and amendments to keep commodity list on a current basis. |
| 73.32 (a) | | To clarify that it is the shipper's responsibility to see that shipping containers are properly assembled when assembled by him. |
| 73.118 (a), (b), (c) (22), (d). | | To provide exemptions for pressurized flammable liquids. |
| 73.119 (b) (3) | | To authorize stenciling as an additional method of marking spec. 10B barrels or kegs. |
| 73.145 (a) (4) | | To correct an error, and to authorize the use of spec. 17C steel drums for the transportation of uns-dimethylhydrazine only. |
| 73.182 (b) (1) and (2) | | To further qualify the design and materials of containers authorized for the transportation of corrosive liquids. |
| 73.182 (b) (4) | | To eliminate a repetition of loading requirements for certain nitrates. |
| 73.182 (b) (5) | | To clarify the type and quality of burlap bags authorized for nitrates. |
| 73.249 (a) | | To provide for the use of a multi-wall paper bag with a performance test for the transportation of nitrates. |
| 73.249 (a) (6), (7) | | To further qualify the design and materials of containers authorized for the transportation of corrosive liquids. |
| 73.249 (a) (6), (7) | | To eliminate stenciling and restriction of tanks to caustic soda or caustic potash, liquid service. |
| 73.257 (a) (6) | | To provide new types of closures, packaging, and testing of containers of certain battery fluids. |
| 73.260 (e) | | To clarify the exemption requirements applicable to wet or dry storage batteries. |
| 73.266 (c) (5) | | To require venting arrangement for polyethylene carboys containing hydrogen peroxide solution in water. |
| 73.302 (a) (5) | | To authorize slightly increased pressures in containers of foodstuffs and soaps. |
| 73.302 (a) (7) | | To exempt medical preparations from tests by heating which would deteriorate contents. |
| 73.306 (d) (1) | | To allow use of slightly larger containers for certain gases. |
| 73.310 (a) | | To authorize the use of liquefied gas for the purpose of expelling contents of small fire extinguishers. |
| 73.370 (a) (5) | | To provide for the use of spec. 37B metal drums with Gordon lock side seams for cyanides or cyanide mixtures except cyanide of calcium and mixtures thereof. |
| 73.370 (c) (1) | | To correct an erroneous reference. |
| 73.370 (c) (3) | | To clarify the use of spec. 37A and 37B metal drums previously referenced to in paragraph (a) (5) of this section. |
| 73.391 (c) | | To provide for the transportation of gold 198, a radioactive substance. |
| 73.393 (f) (5) | | To allow uranium metal for construction of containers for radioactive materials. |
| 74.532 (k) | | To provide specific loading requirements for nitrates in box cars. |
| 74.584 (a) table | | To provide proper billing endorsement for blasting caps, class A explosives. |
| 74.589 (h) (1) and (2); (1). | | To clarify the restriction against placing a car placarded "Explosives" next to an occupied passenger car. |
| 75.675 (a) Exception 1 | | To provide reference to appropriate sections dealing with shipments of explosive samples by rail express. |
| 77.817 (a) (1) | | To require description of explosives and other dangerous articles contained in trailers or other large containers offered railroads for transportation, and references to labels or placards. |
| 77.835 (g) | | Clarifies that reference to high explosives includes dynamite and similar explosives, not dynamite alone. |
| 77.835 (h) | | Provides for the transportation of explosives, other than black powder, on flat-bed motor vehicles. |
| 77.838 (f) | | To provide specific loading requirements for nitrates on motor vehicles. |
| 78.185, -2, -8, -9, -12 | | To provide for the use of plywood in the construction of spec. 16A boxes. |

[F. R. Doc. 56-3570; Filed, May 4, 1956; 8:51 a. m.]

vehicles of the closed type. (See § 77.823 (a) (4) and (5).)

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PART 78—SHIPPING CONTAINER SPECIFICATIONS

SUBPART E—SPECIFICATIONS FOR WOODEN BARRELS, KEGS, BOXES, KITS, AND DRUMS

Amend heading of § 78.185; amend entire § 78.185-2; add paragraph (b) to § 78.185-8; amend § 78.185-9 (a); amend entire § 78.185-12 (15 F. R. 8470, 8471, Dec. 2, 1950) (49 CFR 78.185, 78.185-2, 78.185-8, 78.185-9, 78.185-12, 1950 Rev.) to read as follows:

§ 78.185 *Specification 16A; plywood or wooden boxes, wirebound.*

* * * * *

§ 78.185-2 *Lumber or plywood.* (a) Lumber shall be well seasoned and commercially dry; free from decay, objectionable knots, slanting shakes, sharp cross grain, and other defects that materially lessen the strength. Grain of wood in cleats and battens must not cross piece within its length.

(b) Plywood shall be made from veneer which has been rotary cut, sliced, or sawed. Plywood shall be good commercial box or sheathing grade and shall be moisture-resistant; free from decay, objectionable knots that interfere with nailing, splits, gaps, and other defects that materially lessen the strength.

(1) Moisture-resistant plywood shall be fabricated with either synthetic or protein type glue. Specimens for testing shall be not less than 5 in number, measuring 6" x 6", and shall withstand 10 cycles of 4 hours immersion in water at room temperature and drying for 20 hours at a temperature not over 100° F. After 10 cycles, 4 of the 5 samples are to show not more than a sum total of 2-inch delamination on the edges, with depth delamination no greater than ½ inch.

§ 78.185-8 *Cleats.* * * *

(b) Cleats for plywood boxes shall be Group 4 woods.

§ 78.185-9 *Ends.* (a) Battened when prescribed. Wired ends authorized provided wires run cross grain and terminate in loops with ends of wire driven through end board and clinched. Grain of wood and outside ply of plywood shall be perpendicular to sides except for wired ends.

§ 78.185-12 *Thickness of boards or plywood (sides, tops, bottoms, and ends.)*

(a) Thickness as follows except that, for thicknesses prescribed as 5/16" or less, resawn boards must be 1/64" thicker for each resawn surface:

| Group of wood | Minimum thickness of boards (inch) | | | | | |
|---|---|---|---|---|---|---|
| | 4/16 (0.125) | 5/16 (0.143) | 6/16 (0.167) | 7/16 (0.185) | 8/16 (0.219) | 9/16 (0.250) | 10/16 (0.313) |
| | Authorized gross weight, box and contents, not over (pounds) | | | | | | |
| 1 | 25 | 35 | 50 | 75 | 100 | 150 | 200 |
| 2 | 35 | 50 | 75 | 100 | 150 | 200 | 315 |
| 3 | 50 | 75 | 100 | 150 | 200 | 315 | 400 |
| 4 | 75 | 100 | 150 | 200 | 315 | 400 | |

(1) For boxes with 3 or more rows of cleats, boards of the next lower thickness prescribed in the table are acceptable.

(b)

| Group of wood | Minimum thickness of plywood (inch) [1] | | |
|---|---|---|---|
| | 4/16 (0.125) | 5/16 (0.150) | 6/16 (0.188) |
| | Authorized gross weight, box and contents, not over (pounds) | | |
| 1, 2, 3 | 150 | 300 | 400 |
| 4 | | | |

[1] Minimum tolerance of 5% permitted for specified thicknesses.



# NOTICES

## DEPARTMENT OF THE TREASURY

### Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1956. Supp. 133]

FIREMEN'S INSURANCE COMPANY OF NEWARK, N. J.

ACCEPTABLE REINSURING COMPANIES ON FEDERAL BONDS

MAY 1, 1956.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company as a reinsuring company only on Federal bonds under Department Circular No. 297, July 15, 1922, as amended, 31 CFR Part 223. An underwriting limitation of $10,331,000 has been established for the company.

Firemen's Insurance Company of Newark, New Jersey, Newark, N. J.

[SEAL] A. N. OVERBY,
*Acting Secretary of the Treasury.*

[F. R. Doc. 56-3580; Filed, May 4, 1956; 8:53 a. m.

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[Dept. Circ. 570, Rev. Apr. 20, 1943, 1956. Supp. 134]

NATIONAL-BEN FRANKLIN INSURANCE COMPANY OF PITTSBURGH, PA.

ACCEPTABLE REINSURING COMPANIES ON FEDERAL BONDS

MAY 1, 1956.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company as a reinsuring company only on Federal bonds under Department Circular No. 297, July 15, 1922, as amended, 31 CFR Part 223. An underwriting limitation of $813,000 has been established for the company.

National-Ben Franklin Insurance Company of Pittsburgh, Pa., Pittsburgh, Pa.

[SEAL] A. N. OVERBY,
*Acting Secretary of the Treasury.*

[F. R. Doc. 56-3581; Filed, May 4, 1956; 8:53 a. m.]

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[Dept. Circ. 570, Rev. Apr. 20, 1943, 1956. Supp 135]

MILWAUKEE INSURANCE COMPANY OF MILWAUKEE, WIS.

ACCEPTABLE REINSURING COMPANIES ON FEDERAL BONDS

MAY 1, 1956.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company as a reinsuring company only on Federal bonds under Department Circular No. 297, July 15, 1922, as amended, 31 CFR Part 223. An underwriting limitation of $2,137,000 has been established for the company.

Milwaukee Insurance Company of Milwaukee, Wis., Milwaukee, Wis.

[SEAL] A. N. OVERBY,
*Acting Secretary of the Treasury.*

[F. R. Doc. 56-3582; Filed, May 4, 1956; 8:53 a. m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Reclamation

COLORADO RIVER STORAGE PROJECT, ARIZONA

FIRST FORM RECLAMATION WITHDRAWAL

JANUARY 20, 1955.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby withdraw the following described lands from public entry under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 338):

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 19 N., R. 21 W.,
Secs. 23 and 24, all.

The above area aggregates 1,280 acres.

N. B. BENNETT,
*Acting Assistant Commissioner.*

[68375]

MAY 1, 1956.

I concur. The records of the Bureau of Land Management will be noted accordingly.

EDWARD WOOZLEY,
*Director,*
*Bureau of Land Management.*

*Notice for Filing Objections to Order Withdrawing Public Lands for the Colorado River Storage Project, Arizona*

JANUARY 20, 1955.

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of Arizona, for use in connection with the Colorado River Storage Project, Arizona, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record, and the general public.

N. B. BENNETT,
*Acting Assistant Commissioner.*

[F. R. Doc. 56-3523; Filed, May 4, 1956; 8:45 a. m.]

## DEPARTMENT OF COMMERCE

### Office of the Secretary

CHARLES M. STUART

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of December 3, 1955, 20 F. R. 8941.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of April 27, 1956.

Dated: May 1, 1956.

CHARLES M. STUART.

[F. R. Doc. 56-3584; Filed, May 4, 1956; 8:54 a. m.]

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WILLIAM M. FIRSHING

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

*Report of Appointment*

1. Name of appointee: William M. Firshing.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: April 6, 1956.
4. Title of position: Consultant.
5. Name of private employer: Babcock & Wilcox Company.

CARLTON HAYWARD,
*Director of Personnel.*

*Statement of Financial Interests*

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Mullins Manufacturing Corp., Salem, Ohio.
Chicago & North Western Railway Co., 400 West Madison Street, Chicago 6, Ill.
Canada Dry Ginger Ale, Inc., 100 Park Avenue, New York 17, N. Y.
Lear, Inc., 3171 South Bundy Drive, Santa Monica, Calif.
Coastal Caribbean Oils, Inc., C/o Catawba Corp., 103 East 37th Street, New York 16, N. Y.
Stanley Warner Corp., 1585 Broadway, New York 36, N. Y.
Holland Furnace Co., 491 Columbia Avenue, Holland, Mich.
H. & B. American Machine Co., 122 South Michigan Avenue, Chicago 3, Ill.
St. Louis-San Francisco Railway Co., 906 Olive Street, St. Louis 1, Mo.
Campbell Chibougamau Mines, Ltd., 620 Cathcart Street, Montreal, Canada.
Lorillard (P.) Company, 119 West 40th Street, New York 18, N. Y.
Erie Railroad Company, Midland Building, 101 Prospect Avenue NW., Cleveland 15, Ohio.
Technicolor, Inc., 15 Broad Street, New York 5, N. Y.
Bell Aircraft Corp., P. O. Box 1, Buffalo 5, N. Y.
Belcher Mining Corp. Ltd., 92 Adelaide Street, West Toronto, Ontario, Canada.
Bank deposits.
The Babock & Wilcox Company, 161 East 42d Street, New York 17, N. Y.

Dated: April 27, 1956.

WILLIAM M. FIRSHING.

[F. R. Doc. 56-3585; Filed, May 4, 1956; 8:54 a. m.]

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JOHN S. VANDER HEIDE

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by Section 710 (b) (6) of the Defense Production Act of 1950, as amended.

*Report of Appointment*

1. Name of appointee: John S. Vander Heide.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: March 27, 1956.
4. Title of position: Consultant, WOC.
5. Name of private employer: Holland-American Wafer Company.

CARLTON HAYWARD,
*Director of Personnel.*

*Statement of Financial Interests*

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Holland-American Wafer Co.
Heyboer Realty Co.
Michigan National Bank.
Michigan Trust Company.
Armour and Co.
Preferred Insurance.
Bank deposits.

Dated: April 24, 1956.

JOHN S. VANDER HEIDE.

[F. R. Doc. 56-3586; Filed, May 4, 1956; 8:54 a. m.]

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GLENN E. CARTER

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

*Report of Appointment*

1. Name of appointee: Glenn E. Carter.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: April 20, 1956.
4. Title of position: Consultant.
5. Name of private employer: Reynolds Metals Company.

CARLTON HAYWARD,
*Director of Personnel.*

*Statement of Financial Interests*

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Reynolds Metals Company.
Bank Accounts.

Dated: April 23, 1956.

GLENN E. CARTER.

[F. R. Doc. 56-3587; Filed, May 4, 1956; 8:54 a. m.]

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GEORGE L. WILSON

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

*Report of Appointment*

1. Name of appointee: George L. Wilson.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: April 20, 1956.
4. Title of position: Consultant.
5. Name of private employer: Lily-Tulip Cup Corporation, 122 East 42d Street, New York 17, New York.

CARLTON HAYWARD,
*Director of Personnel.*

*Statement of Financial Interests*

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Bank account.
Lily-Tulip Cup Corporation.
W. R. Grace Company.
Ford Motor Corporation.
Lehman Corporation.
Oxford Paper Company.

Dated: April 23, 1956.

GEORGE L. WILSON.

[F. R. Doc. 56-3588; Filed, May 4, 1956; 8:54 a. m.]

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## CIVIL AERONAUTICS BOARD

[Docket No. 7863]

LINEAS AEREAS DE NICARAGUA, S. A.

NOTICE OF HEARING

In the matter of the application of Lineas Aereas de Nicaragua, S. A., for a foreign air carrier permit authorizing it to engage in foreign air transportation of persons, property, and mail between the terminal points Managua, Nicaragua, and Miami, Florida, via the intermediate points Guatemala City, Guatemala, and San Salvador, El Salvador.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding is assigned to be held on June 14, 1956, at 10:00 a. m., e. d. s. t., in Room E-224, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner John A. Cannon.

Dated at Washington, D. C., May 2, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56-3603; Filed, May 4, 1956; 8:57 a. m.]

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[Docket No. 7927]

BRANIFF AIRWAYS, INC.

NOTICE OF HEARING

In the matter of the alteration, amendment and modification of the certificate of public convenience and necessity for route No. 26 of Braniff Airways, Inc., under section 401 (h) of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 401 (h) of said act, that a public hearing will be held on May 15, 1956, at 10:00 a. m., e. d. s. t., in Room 4817, Department of Commerce Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Leslie G. Donahue.

Without limiting the scope of the issues presented in said proceeding, particular attention will be directed to the following matter:

Does the public convenience and necessity require that Braniff's certificate of public convenience and necessity for route No. 26 be altered, amended or modified, to authorize and require Braniff to continue to provide service to Mitchell and Yankton, South Dakota, Norfolk, Nebraska, and Worthington, Minnesota, and to provide service beyond Sioux Falls, South Dakota, to the terminal point Fargo, North Dakota, via the intermediate points Watertown and Brookings, South Dakota, until a date sixty days after the date of the Board's final decision in the Seven States Area Investigation with respect to the service?

Notice is further given that any interested person may file with the Board a protest or memorandum in support of or in opposition to the alteration, amendment or modification of the said Braniff certificate. Further notice is given that any person other than the parties and intervenors of record desiring to be heard in support of or in opposition to the questions involved in this proceeding may file with the Board on or before May 15, 1956, a statement setting forth the issues of fact and of law which he desires to advance. Any person filing such a statement may appear at the hearing in accordance with the provisions of section 302.14 of the Board's rules of practice in economic proceedings.

Dated at Washington, D. C., May 2, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56-3604; Filed, May 4, 1956; 8:57 a. m.]

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## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10285 etc.; FCC 56-348]

PORT ARTHUR COLLEGE ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Port Arthur College, Port Arthur, Texas, Docket No. 10285, File No. BPCT-839; Joe B. Carrigan, Trustee and James K. Smith, a partnership d/b as Smith Radio Company, Port Arthur, Texas, Docket No. 10352, File No. BPCT-1013; Jefferson Amusement Company, Port Arthur, Texas, Docket No. 10779, File No. BPCT-1440; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 25th day of April 1956;

The Commission having under consideration the above-entitled application of Jefferson Amusement Company, filed on November 24, 1952, requesting a construction permit for a new television broadcast station to operate on Channel 4 in Port Arthur, Texas; and

It appearing that the application of Port Arthur College and the application of Lufkin Amusement Company, which was subsequently dismissed, each [redacted] questing a construction permit for [redacted] television broadcast station to op[erate] on Channel 4 in Port Arthur, Texas, were designated for hearing on specified issues by order of the Commission of July 11, 1952 and that by order of November 26, 1952 the application of Smith Radio Company was consolidated in the proceeding; and

It further appearing that the Commission by Memorandum Opinion and Order of April 22, 1953, dismissed the application of Jefferson Amusement Company pursuant to the provisions of § 1.363 (a) of the Commission's rules; and

It further appearing that hearing on the application of Port Arthur College and Smith Radio Company commenced on May 6, 1953, but that further comparative hearing was indefinitely continued pending Commission action on the Jefferson Amusement Company petition for rehearing filed on May 22, 1953, on the dismissal of its application; and

It further appearing that following further proceedings and reconsideration, the Commission on October 4, 1954, released a decision reaffirming its dismissal of the Jefferson Amusement Company application pursuant to the provisions of § 1.363 (a) of the rules, but that the United States Court of Appeals for the District of Columbia Circuit on September 8, 1955, reversed said decision and remanded the case to the Commission for further proceedings; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the Jefferson Amusement Company was advised by letters dated November 29, 1955, and February 2, 1956, of the fact that its application is mutually exclusive with the above-entitled applications, of the necessity for a hearing thereon, and was given an opportunity to reply; and

It further appearing that upon due consideration of the Jefferson Amusement Company application, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory; and that the public interest would be served by the inclusion of hearing issues which would require that Jefferson Amusement Company meet a burden of proof equivalent to that which has been imposed upon Port Arthur College and Smith Radio Company:

*It is ordered*, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled application of Jefferson Amusement Company is designated for hearing in a consolidated proceeding with the other above-entitled applications, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the legal, technical, financial and other qualifications of the applicants to construct and operate the proposed stations.

2. To determine the type and character of the program services proposed to be rendered and whether they would meet the needs of the communities and areas within the Grade A and Grade B field intensity contours.

3. To determine whether the construction and operation of the proposed stations would be in compliance with the Commission's rules and regulations governing television broadcast stations.

4. To determine on a comparative basis which, if any, of the above-entitled applications should be granted.

Released: May 1, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3589; Filed, May 4, 1956; 8:55 a. m.]

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[Docket No. 11446 etc.; FCC 56-346]

CERRITOS BROADCASTING CO. ET AL.

ORDER AMENDING ISSUES

In re applications of Raymond B. Torian, John W. Doran, and Foster Earl Rutledge, a partnership, d/b as The Cerritos Broadcasting Co., Signal Hill, California, Docket No. 11446, File No. BP-8734; Albert John Williams, Inglewood, California, Docket No. 11448, File No. BP-9509; Neil W. Owen and Julia C. Owen, a partnership, d/b as Palomar Broadcasting Co., Escondido, California, Docket No. 11449, File No. BP-9676; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 25th day of April 1956;

The Commission having under consideration (1) a petition for enlargement of issues filed, October 17, 1955, by Albert John Williams; (2) comments of Chief of the Commission's Broadcast Bureau filed on October 19, 1955, (3) a reply to subject petition and requests for alternate relief filed, October 27, 1955, by The Cerritos Broadcasting Company; and (4) a response and opposition filed, November 4, 1955, by Albert John Williams;

It appearing that said petition of Albert John Williams states that the proposed operation of The Cerritos Broadcasting Company would cause objectionable interference to Station XESS, Ensenada, Baja California, Mexico, and requests an enlargement of hearing issues to inquire into said interference; that said petition was not timely filed; and that the Broadcast Bureau does not oppose the petition;

It further appearing that in its reply, The Cerritos Broadcasting Company states that the interference it would cause to Station XESS, Ensenada, Baja California, Mexico, falls in an area which is already subjected to interference by Station KVEN, Ventura, California, and if the Commission should grant the petition of Albert John Williams, it requests an enlargement of issues to inquire whether the proposal of Albert John Williams would comply with § 3.28 (c) of the Commission's rules because of interference it would receive from Station XEAU, Tijuana, Baja California, Mexico, in ad-

dition to that from Station KWIZ, Santa Ana, California;

It further appearing, that in its response and opposition to the alternative relief requested by The Cerritos Broadcasting Company, Albert John Williams shows that the population residing within the said interference areas would be 0.46 percent of the population residing within its normally protected contour;

It further appearing that the proposed operation of The Cerritos Broadcasting Company may cause interference to a foreign station, which would result in violation of § 3.28 (b) of the Commission's rules, and that the issues should be enlarged to inquire into the interference to Station XESS;

It further appearing that the interference to the proposed service of Albert John Williams from existing stations would not be of such magnitude that the proposal would violate the provisions of § 3.28 (c) of the Commission's rules; and that the inquiry as to the interference from Station XEAU, Tijuana, Baja California, Mexico, may be properly adduced by Issue No. 3 as it is now promulgated;

It further appearing that good cause has not been shown by Albert John Williams for not filing the petition for enlargement of issues within 15 days after publication of the issues in the FEDERAL REGISTER as prescribed by § 1.389 of the Commission's rules; and

It further appearing that in view of the seriousness of the problem, the Commission, on its own motion, should enlarge the issues to ascertain whether the operation proposed by The Cerritos Broadcasting Company would comply with the provisions of § 3.28 (b) of the Commission's rules;

*It is ordered*, That the petition of Albert John Williams for enlargement of issues and the petition of The Cerritos Broadcasting Company for alternate relief are denied; and

*It is further ordered*, On The Commission's Own Motion, that the hearing issues Nos. 5 and 6 in the above-entitled proceeding are renumbered Nos. 6 and 7, and the hearing issues are enlarged to include as Issue No. 5 the following:

5. To determine whether the proposed operation of The Cerritos Broadcasting Company would protect the co-channel operation of Station XESS, Ensenada, Baja California, Mexico, in accordance with the provisions of § 3.28 (b) of the Commission's rules.

Released: April 30, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3590; Filed, May 4, 1956; 8:55 a. m.]

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[Docket No. 11446 etc.; FCC 56-347]

CERRITOS BROADCASTING CO. ET AL.

MEMORANDUM OPINION AND ORDER AMENDING ISSUES

In re applications of Raymond B. Torian, John W. Doran, and Foster Earl Rutledge, a partnership, d/b as The Cerritos Broadcasting Co., Signal Hill, California, Docket No. 11446, File No. BP-8734; Albert John Williams, Inglewood, California, Docket No. 11448, File No. BP-9509; Neil W. Owen and Julia O. Owen, a partnership, d/b as Palomar Broadcasting Co., Escondido, California, Docket No. 11449, File No. BP-9676; for construction permits.

1. The Commission has before it (1) a petition filed November 14, 1955, by Albert John Williams for enlargement of issues; (2) supplement to subject petition filed November 16, 1955, by Albert John Williams; (3) statement by the Commission's Broadcast Bureau filed November 23, 1955; and (4) reply to subject petition filed November 23, 1955, by The Cerritos Broadcasting Company.

2. On November 14, 1955, Albert John Williams filed a petition for enlargement of issues in the above-entitled proceeding to include the following issue: "To determine whether the 25 mv/m contour of the proposed station of The Cerritos Broadcasting Co. would overlap the 2 mv/m contour of Station KALI, Pasadena, California, and thus be in violation of § 3.37 of the Commission's rules and regulations."

In support, petitioner states that the application of The Cerritos Broadcasting Company proposes the construction of a new standard broadcast station at Signal Hill, California, to be operated on 1450 kc with a power of 100 watts, unlimited time, and that Station KALI operates on 1430 kc with a power of 5 kw at Pasadena, California; that, based upon measurements made on Station KALI along the radial from KALI toward the proposed Signal Hill site, which are on file with the license application of Station KALI, and the value of conductivity from the Commission's ground conductivity map for the remainder of the path, Station KALI places a signal in excess of 2 mv/m in and beyond Signal Hill; and that, since the proposed station of The Cerritos Broadcasting Company would have a signal in excess of 25 mv/m in Signal Hill, there would thus result an overlap of these two contours. Such an overlap would be in violation of the provisions of § 3.37 of the Commission's rules which provide, among other things, that a license will not be granted for the operation of a station on a frequency ±20 kc from the frequency of another station if the area enclosed by the 25 mv/m groundwave contour of either one overlaps the area enclosed by the 2 mv/m groundwave contour of the other.

3. In reply, The Cerritos Broadcasting Company contends that the Commission considered the problem of overlap when it granted the application of Station KALI for increase in daytime power from 1 kw to 5 kw in July 1953; that, based upon measurements, the determination was made that there would be no overlap of the above-described contours; and that its application was co-pending with the application of KALI to increase power which was granted in July 1953. It states that, in the event the above-entitled petition is granted, it will request a show cause order to be issued against Station KALI as to why its grant of July 1953, should not be revoked and said application be designated in this consolidated proceeding.

4. It must be observed initially in disposing of Williams' petition that it was not filed within the time allowed by § 1.389 of the rules. Moreover, petitioner has failed to establish good cause for the tardiness in filing his petition, and for this reason the request to enlarge the issues must be denied. However, the question of overlap between Cerritos proposed operation and the existing operation of Station KALI must be resolved before a proper disposition of this ease is possible which makes it necessary, therefore, for the Commission to consider the matter further on its own motion.

5. When the Commission considered this matter earlier and granted Station KALI's application, the said application to increase power to 5 kilowatts was co-pending with the application of The Cerritos Broadcasting Company under consideration here. At that time it was determined that said overlap would not occur. However, as recited above, the petitioner has shown that based upon measurements, more particularly the measurements submitted with the proof-of-performance of the KALI 5 kw operation the 2 mv/m contour of Station KALI would fall beyond Signal Hill and that said contour would overlap the 25 mv/m contour of the proposed Signal Hill station, which would be in violation of § 3.37 of the Commission's rules. Hence, the hearing issues should be enlarged to inquire into the overlap of the 2 mv/m and 25 mv/m contours. Additionally, it is necessary to issue an order to Station KALI to show cause why its license should not be modified to eliminate the overlap which would occur between its operation and that proposed by Cerritos. The authority under which Station KALI now operates was granted on the basis of an application which was co-pending with Williams' application and would not have been granted as it was but for the apparently incorrect conclusion that there would be no overlap of the two contours. It would be manifestly improper to deny Cerritos' application after hearing because of the existence of overlap with Station KALI which had it been known would have precluded the grant without hearing to Station KALI. Thus, it is appropriate to add the show cause issue at this stage of the proceeding:

6. *It is ordered*, This 25th day of April 1956, that Consolidated Broadcasting Company, licensee of Station KALI, Pasadena, California, is directed to show cause why its license should not be modified to eliminate the overlap between its operation and the operation proposed by Cerritos Broadcasting Company; and that Consolidated Broadcasting Company is made party to the proceeding;

7. *It is further ordered*, That the petition of Albert John Williams to enlarge the issues is denied; and

8. *It is further ordered*, On the Commission's own motion, that the hearing issues in the above-entitled proceeding are enlarged and modified as follows:

1. To determine the areas and populations which would receive primary service from the proposed operations, and the availability of other primary service to such areas and populations.

2. To determine whether the proposal of the Palomar Broadcasting Co. would cause interference to the operation proposed by The Cerritos Broadcasting Company, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether the operation of each of the subject proposed stations would involve interference with Stations KPAL, KVEN, KPRO and KWIZ, Palm Springs, Ventura, Riverside and Santa Ana, California, respectively, or any other existing broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the proposal of the Palomar Broadcasting Co. complies with the provisions of § 3.28 (c) of the Commission's rules.

5. To determine whether the proposed operation of The Cerritos Broadcasting Company would protect the co-channel operation of Station XESS, Ensenada, Baja California, Mexico, in accordance with the provisions of § 3.28 (b) of the Commission's rules.[1]

6. To determine whether the 25 mv/m contour of The Cerritos Broadcasting Company would overlap the 2 mv/m contour of Station KALI, Pasadena, California, and thus be in violation of § 3.37 of the Commission's rules.

7. To determine, in light of section 307 (b) of the Communications Act of 1934, as amended, which of the proposals, if granted, would best provide a fair, efficient, and equitable distribution of radio service.

8. To determine, in light of the evidence adduced under the foregoing issues which, if any, of the applications should be granted.

Released: May 1, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3591; Filed, May 4, 1956; 8:55 a. m.]

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[Docket No. 11567; FCC 56M-406]

CHARLES W. STONE

ORDER CONTINUING HEARING

In re application of Charles W. Stone, Fort Lauderdale, Florida, Docket No. 11567, File No. BP-9626; for construction permit.

The Hearing Examiner having under consideration the "Petition for Continuance" filed April 25, 1956, by the applicant, Charles W. Stone, requesting that the hearing now scheduled for April 27, 1956, be continued until May 27, 1956 (Sunday);

It appearing that good and sufficient reason exists why a continuance of the hearing should be granted;

It further appearing that counsel for Stations WWPB and WAHR, parties to the proceeding, and counsel for the Broadcast Bureau have consented to a continuance herein and, likewise, have consented to a waiver of § 1.745 of the Commission's rules;

*It is therefore ordered*, This 27th day of April 1956, that the hearing herein be, and the same is hereby, continued to May 25, 1956, in the Commission's offices in Washington, D. C. at 10:00 a. m.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 56-3592; Filed, May 4, 1956; 8:55 a. m.]

[1] The issues in this proceeding have been enlarged to include Issue 5 by a separate order adopted by the Commission on this same date.

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[Docket No. 11681; FCC 56M-413]

JOSEPH THOMAS COLLINS

ORDER SCHEDULING HEARING

In the matter of Joseph Thomas Collins, Thiensville, Wisconsin, Docket No. 11681; suspension of amateur radio operator license.

*It is ordered*, This 30th day of April 1956, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 17, 1956, in Milwaukee, Wisconsin.

Released: May 1, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 56-3593; Filed, May 4, 1956; 8:55 a. m.]

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[Docket No. 11684; FCC 56-355]

LINCOLN COUNTY BROADCASTING CO. (WLON)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Lincoln County Broadcasting Company (WLON), Lincolnton, North Carolina, Docket No. 11684, File No. BP-10171; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 25th day of April 1956;

The Commission having under consideration the above-captioned application of the Lincoln County Broadcasting Company for a construction permit to increase the power of Station WLON, Lincolnton, North Carolina, from 500 watts to one kilowatt to operate on 1050 kilocycles, daytime only;

It appearing that the applicant is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate its station as proposed, but that the proposed operation may involve interference with Station WWGP, Sanford, North Carolina (1050 kc, 1 kw, Day); and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated February 13, 1956, of the aforementioned deficiency and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing that Station WWGP requested by letter dated November 14, 1955, that the Commission consider the matter of interference to its operation, and, in a letter dated March 7, 1956, addressed to the applicant, WWGP indicated its objection to a grant of the subject application; and

It further appearing that a timely reply was filed by the applicant; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

*It is ordered*, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WLON as proposed, and the availability of other primary service to such areas and populations.

2. To determine whether Station WLON operating as proposed would cause interference to Station WWGP, Lincolnton, North Carolina, or any other existing standard broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other primary service to such areas and populations.

3. To determine whether in the light of the evidence adduced under the foregoing issues, a grant of the subject application would serve the public interest.

*It is further ordered*, That the Sandhills Broadcasting Corporation, licensee of Station WWGP, Lincolnton, North Carolina, is made a party to the proceeding.

Released: May 1, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3594; Filed, May 4, 1956; 8:55 a. m.]

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[Docket Nos. 11685, 11686; FCC 56-356]

POLK RADIO, INC., AND DUANE F. MCCONNELL

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Polk Radio, Incorporated, Lakeland, Florida, Docket No. 11685, File No. BP-10136; Duane F. McConnell, Winter Haven, Florida, Docket No. 11686, File No. BP-10400; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 25th day of April 1956;

The Commission having under consideration the above-captioned applications of Polk Radio, Incorporated, for a construction permit for a new standard broadcast station to operate on 1310 kilocycles with a power of one kilowatt, daytime only, at Lakeland, Florida; and Duane F. McConnell for a construction permit for a new standard broadcast station to operate on 1320 kilocycles with a power of 500 watts, daytime only, at Winter Haven, Florida;

It appearing that each of the applicants is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate its proposed station, but that operation of both proposals would result in mutually destructive interference; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated March 23, 1956, of the aforementioned deficiency and that the Commission was unable to conclude that a grant of either application would serve the public interest; and

It further appearing that a timely reply was filed by each of the applicants; and

It further appearing that the Commission, after consideration of the replies, is of the opinion that a hearing is necessary;

*It is ordered*, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposed operations, and the availability of other primary service to such areas and populations.

2. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-captioned applications would better provide a fair, efficient and equitable distribution of radio service.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

Released: May 1, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3595; Filed, May 4, 1956; 8:56 a. m.]

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[Docket No. 11687 etc.; FCC 56-357]

ROBERT A. MENSEL ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Robert A. Mensel, Willimantic, Connecticut, Dooket No. 11687, File No. BP-10074; Conant Broadcasting Company, Inc. (WHIL) Medford, Massachusetts, Docket No. 11688, File No. BP-10147; The Windham Broadcasting Company, Willimantic, Connecticut, Docket No. 11689, File No. BP-10194; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 25th day of April 1956;

The Commission having under consideration the above-entitled applications of Robert A. Mensel for a construction permit for a new standard broadcast station to operate on 1430 kilocycles with a power of 500 watts, daytime only, at Willimantic, Connecticut; Conant Broadcasting Company Inc., for a construction permit to increase the power of Station WHIL, Medford, Massachusetts, from 1 kilowatt to 5 kilowatts on 1430 kilocycles, daytime only; and The Windham Broadcasting Company for a construction permit for a new standard broadcast station to operate on 1400 kilocycles with a power of 250 watts, unlimited time, at Willimantic, Connecticut;

It appearing that each of the applicants is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below to operate as proposed, but that the proposed operations of Robert A. Mensel and Conant Broadcasting Company Inc., are mutually exclusive; that the proposed operations of Robert A. Mensel and The Windham Broadcasting Company are mutually exclusive; that the proposed operation of the Conant Broadcasting Company, Inc., would cause interference to Station WAAB, Worcester, Massachusetts (1440 kc, 5 kw, DA-2, Unl.); that the proposed operation of The Windham Broadcasting Company would cause interference to Stations WALE, Fall River, Massachusetts (1400 kc, 250 w, Unl.) and WHMP, Northampton, Massachusetts (1440 kc, 250 w, Unl.); and would receive interference from Station WALE and WHMP to the extent that compliance with § 3.28 (c) of the Commission's rules may not be achieved; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated February 8, 1956, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of any of the applications would be in the public interest; and

It further appearing that Robert A. Mensel in a reply dated February 13, 1956, expressed an intention of appearing at a hearing; and

It further appearing that the Conant Broadcasting Company, Inc., replied by letter dated March 6, 1956, and stated that any interference that would be caused to Station WAAB by its proposal would be insignificant; and

It further appearing that in a letter dated March 5, 1956, The Windham Broadcasting Company requested an extension of time in which to make field intensity measurements in an attempt to prove compliance with § 3.28 (c) of the Commission's rules and to reply to the Commission's letter but that the Commission is of the opinion that it would be expeditious to deny the request for extension, as leave to amend may be granted for good cause shown after designation for hearing; and

It further appearing that Station WAAB, in letters dated November 1, 1955, and January 3, 1956, opposed the grant of the application of the Conant Broadcasting Company, Inc.; and

It further appearing that, in letters dated February 14 and March 1, 1956, Stations WHMP and WALE, respectively, opposed the grant of the application of The Windham Broadcasting Company; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary:

*It is ordered*, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operations of Robert A. Mensel and The Windham Broadcasting Company and the availability of other primary service to such areas and populations.

2. To determine areas and populations that would gain or lose primary service from the proposed operation of Station WHIL, and the availability of other primary service to such areas and populations.

3. To determine whether the proposed operation of the Conant Broadcasting Company, Inc., would cause interference to Station WAAB, Worcester, Massachusetts, or any other existing standard broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the proposed operation of The Windham Broadcasting Company would cause interference to Stations WALE, Fall River, Massachusetts, and WHMP, Northampton, Massachusetts, or any other existing standard broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether the operation proposed by The Windham Broadcasting Company would comply with § 3.28 (c) of the Commission's rules; and if compliance with § 3.28 (c) is not achieved, whether circumstances exist which would warrant a waiver of said section of the rules.

6. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-entitled applications would better provide a fair, efficient and equitable distribution of radio service.

7. To determine which of the operations proposed by Robert A. Mensel and The Windham Broadcasting Company would better serve the public interest in the light of the evidence adduced under the foregoing issues and the record made with respect to the significant differences between the two applicants as to:

(a) The background and experience of each of the two above-named applicants to own and operate their proposed stations.

(b) The proposals of each of the two above-named applicants with respect to the management and operation of their proposed stations.

(c) The programming service proposed in each of the two above-mentioned applications.

8. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications should be granted.

*It is further ordered*, That Wilson Broadcasting Corporation, Narragansett Broadcasting Company and Pioneer Valley Broadcasting Co., licensees of Stations WAAB, WALE and WHMP, respectively, are made parties to the proceeding.

*It is further ordered*, That the request of The Windham Broadcasting Company for additional time to reply to the Commission's letter is denied.

Released: May 1, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3596; Filed, May 4, 1956; 8:56 a. m.]

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[Docket No. 11692; FCC 56-376]

SAFETY AND SPECIAL RADIO SERVICES BUREAU

COMMISSION INQUIRY ON ADEQUACY AND SUITABILITY OF FORMS

In the matter of forms used by the Safety and Special Radio Services Bureau, Docket No. 11692.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 26th day of April 1956;

The Commission having under consideration the matter of forms used by the Safety and Special Radio Services Bureau; and

It appearing that a revision of FCC Form 400, "Application for Radio Station Authorization in the Safety and Special Radio Services", dated July 1955, and Instructions for Completion of this Form, dated December 1955, were put into use in January 1956 for the purpose of simplifying application procedures in the Public Safety, Industrial, and Land Transportation Radio Services; and

It appearing that further revision of Form 400, as well as other forms employed in the Safety and Special Radio Services will be made from time to time both for the benefit of the Commission and the general public and the Commission desiring to have the views and suggestions of the public in respect thereto;

Now, therefore, The Commission hereby institutes an inquiry concerning all forms used in the Safety and Special Radio Services Bureau, particularly in regard to the most widely used Form 400 and related Instruction Sheet, and invites submission of suggestions as to how these forms may be improved. Such suggestions may be submitted in letter form at any time prior to a date to be later announced, which will not be sooner than September 4, 1956.

The list of presently used application forms is set forth below.

Released: May 1, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

FCC Form 400; Application for Radio Station Authorization in the Public Safety, Industrial, and Land Transportation Radio Services.

FCC Form 400-A; Request for Amendment of Radio Station Authorization.

FCC Form 401; Application for New or Modified Radio Station Construction Permit.

FCC Form 401-A; Description of Proposed Antenna Structures.

FCC Form 403; Application for Radio Station License or Modification Thereof.

FCC Form 404-1; Application for Aircraft Radio Station License.

FCC Form 405-A; Application for Renewal of Radio Station License.

FCC Form 410; Registration of Canadian Radio Station Licensee and Application for Permit to Operate in the United States.

FCC Form 480; Application for Civil Air Patrol Station Construction Permit and License.

FCC Form 481-1; Application for Authority to Operate a Station in the Radio Amateur Civil Emergency Service.

FCC Form 482; Certification of Civil Defense Radio Officer.

FCC Form 501-1; Application for Ship Radio Station License.

FCC Form 501-A-1; Application for Ship Radiotelephone Station License.

FCC Form 505-1; Application for Citizens Radio Station Construction Permit and License.

FCC Form 525; Application for Disaster Communications Radio Station Construction Permit and License.

FCC Form 602; Application for Amateur Station License.

FCC Form 610; Application for Amateur Operator and/or Station License.

FCC Form 701; Application for Additional Time to Construct Radio Station.

FCC Form 702; Application for Consent to Assignment of Radio Station Construction Permit or License.

FCC Form 703; Application for Consent to Transfer to Control of Corporation Holding Construction Permit or Station License.

FCC Form 801; Application for Ship Radio Inspection.

FCC Form 808; Application for and Certificate of Overtime Service Involving Inspection of Radio Equipment.

FCC Form 809; Application for Periodical Survey.

FCC Form 820; Application for Exemption from Compulsory Ship Radio Requirements.

FCC Form 820-A; Application for Exemption from Compulsory Ship Radio Requirements.

[F. R. Doc. 56-3597; Filed, May 4, 1956; 8:56 a. m.]



## FEDERAL POWER COMMISSION

[Docket No. E-6676]

WASHINGTON WATER POWER CO.

NOTICE OF APPLICATION

MAY 1, 1956.

Take notice that on April 26, 1956, an application was filed with the Federal Power Commission, pursuant to section 203 of the Federal Power Act, by The Washington Water Power Company ("Washington"), a corporation organized under the laws of the State of Washington and doing business in the States of Washington, Idaho and Montana, with its principal business office at Spokane, Washington, seeking an order authorizing and approving the purchase of the electric transmission and distribution properties, more fully described below, which are located in the Counties of Stevens, Spokane and Pend Oreille, State of Washington, owned by Citizens Utilities Company ("Citizens"), a Delaware corporation, with its principal business office at Stamford, Connecticut. Washington proposes to purchase the electric facilities of Citizens which serve the incorporated towns of Deer Park and Springdale, the communities of Valley, Loon Lake and Clayton, and the rural territories in the southeastern portion of Stevens County, the northern portion of Spokane County, and a small portion of Pend Oreille County, with approximately 2,500 customers and approximately 210 miles of line. The purchase price to be paid by Washington is stated in the application to be $950,000 for the property as of December 31, 1955, subject to certain adjustments. After the sale of said facilities, all customers presently served by Citizens will be served by Washington at the latter's rates. The proposed purchase and sale includes all the operating electrical facilities of Citizens in the State of Washington and does not affect any of its other operating properties.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 17th day of May 1956, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file and available for public inspection.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-3571; Filed, May 4, 1956; 8:51 a. m.]

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[Docket No. G-3980 etc.]

F. G. BLACKWOOD ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

APRIL 30, 1956.

In the matters of F. G. Blackwood, James E. Davis, W. J. Hilseweck, and Reed D. Voran, Trustee, Docket No. G-3980; F. G. Blackwood, Jno. W. Nichols, W. W. Whiteman, Jr., and W. J. Hilse-

weck, Docket No. G–3981; Cornell Oil Company, Docket No. G–4076; R. Olsen Oil Company, Docket No. G–4429; Amerada Petroleum Corporation, Docket No. G–4485 through G–4487, incl.; Western Natural Gas Company, Docket Nos. G–4536 and G–4537, G–4539 through G–4542, incl., and G–4547 and G–4548; Benedum-Trees Oil Company, Docket No. G–4664; Johnston Oil and Gas Company, Docket No. G–4688; George J. Darneille, Docket No. G–4732; Claude R. Lambe, Docket No. G–4738; Albuquerque Associated Oil Company, Docket No. G–4843; Thomas J. Quigley et al., Docket No. G–4852; Ralph E. Davis, Docket No. G–4876; Lester F. Colby and Lester F. Colby, Trustee for Laverne W. Colby and Dorothy Colby Felty, Docket No. G–5209; Claud E. Aikman, Docket Nos. G–5381 and G–5382.

Take notice that each of the above Applicants has filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicants to render services as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in their respective applications, which are on file with the Commission and open for public inspection.

Applicants, with the exception of Docket Nos. G–4485, G–4486, G–4487, and G–4540, produce and sell natural gas as hereinafter described, which is sold to El Paso Natural Gas Company for transportation in interstate commerce for resale.

Applicants in Docket Nos. G–4485, G–4486, G–4487, and G–4540 produce and propose to sell natural gas as hereinafter described to El Paso Natural Gas Company for transportation in interstate commerce for resale.

*Docket No. G– and Location of Field*

3980 and 3981; Dollarhide Field, Andrews County, Tex.
4076; Spraberry Trend Area, Upton, Midland, and Reagan Counties, Tex.
4429; Blinberry Pool, Lea County, N. Mex.
4485, 4486, and 4487; Eumont Field, Lea County, N. Mex.
4536, 4539, 4541, 4542, and 4548; Langlie-Mattix Field, Lea County, N. Mex.
4537; Jalmat Field, Lea County, N. Mex.
4540; Blanco Field, San Juan County, N. Mex.
4547; West Kutz Canyon, Blanco and South Blanco Pictured Cliff Fields, San Juan County, N. Mex.
4664; Spraberry Trend Area, Midland and Upton Counties, Tex.
4688; Blanco Gas Field, San Juan County, N. Mex.
4732; Sweetie Peck Field, Midland County, Tex.
4738; Blanco-Mesaverde Field in North and East San Juan County, N. Mex.
4843; Gallegos Canyon Unit Pictured Cliffs participating area in San Juan County, N. Mex.
4852; Blanco Gas Field, San Juan County, N. Mex.
4876; South Blanco Pictured Cliffs Field, San Juan County, N. Mex.
5209; Gallegos Canyon Unit, participating area, Kutz Field, San Juan County, N. Mex.
5381; Langlie-Mattix Field, Lea County, N. Mex.
5382; Eumont Field, Lea County, N. Mex.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 4, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 21, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56–3572; Filed, May 4, 1956; 8:52 a. m.]

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[Docket Nos. G–8970, G–9173]

BLACKWELL OIL & GAS CO. ET AL.

NOTICE OF CONTINUANCE OF HEARING

APRIL 27, 1956.

In the matters of Blackwell Oil & Gas Company, Docket No. G–8970; T. L. James and Company et al., Docket No. G–9173.

Upon consideration of the motion, filed April 24, 1956, by Counsel for T. L. James and Company, Inc., et al. (James), for a continuance of 60 to 90 days of the hearing in Docket No. G–9173 now scheduled for May 21, 1956, said motion stating that James has been advised by Blackwell Oil & Gas Company, Docket No. G–8970, that it has no objection to said motion and joins in it.

The hearing in the above-designated matters, now scheduled for May 21, 1956, is hereby postponed to June 4, 1956 at 10:00 a. m., e. d. s. t., in the Commission's hearing room, 441 G Street NW., Washington, D. C.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56–3573; Filed, May 4, 1956; 8:52 a. m.]

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[Docket No. G–9442]

COLORADO-WYOMING GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 30, 1956.

Take notice that Colorado-Wyoming Gas Company (Applicant), a Delaware corporation with its principal place of business in Denver, Colorado, filed an application on October 6, 1955, as supplemented on November 16, 1955, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing construction and operation of natural gas facilities as hereinafter described.

Applicant proposes to construct and operate a 3½-inch, 2⅞-inch, and 2⅜-inch lateral line and meter facilities to sell and deliver firm gas to its existing customer, Greeley Gas Company (Greeley), for the initiation of retail service by Greeley in the Towns of Hudson and Keenesburg, Colorado.

Applicant states that the towns have no gas service at present.

Applicant also states that it purchases natural gas from Colorado Interstate Gas Company (Colorado) at a point near Applicant's Mesa Compressor Station in Adams County, Colorado, part of said gas being sold by Applicant to Greeley for resale in the City of Greeley, Weld County, Colorado.

Applicant further states that Greeley has received franchises to serve Hudson and Keenesburg and has applied to the Public Utilities Commission of Colorado for permission to extend its service area to cover these two towns.

Applicant alleges that the proposed lateral line will tap Applicant's 8-inch Mesa-Cheyenne line near Fort Lupton, Colorado. The lateral will consist of 32,000 feet of 3½-inch pipeline extending to the Town of Hudson, and 38,800 feet of 2⅞-inch and 2⅜-inch pipeline between Hudson and Keenesburg, and that Greeley will receive the gas at the city gates of the two towns.

Applicant further alleges that the estimated third year requirements of the Towns of Hudson and Keenesburg are as follows:

| | Hudson | Keenesburg |
|---|---|---|
| | *Mcf* | *Mcf* |
| Annual | 35,400 | 85,055 |
| Peak day | 251 | 320 |

Applicant also alleges that the main line capacity required to serve the towns is too small to have any adverse effect on Applicant's existing service, and that the estimated cost of the proposed facilities listed herein is $92,000, which will be financed from Applicant's cash on hand.

Applicant finally alleges that Greeley will construct and operate distribution facilities needed to serve both towns. The facilities are estimated to cost initially $50,510. Greeley's estimated incremental net annual operating income and capital cost involved in its proposed service in Hudson and Keenesburg during the period from 1956 to 1958 are shown below:



| | Hudson | | | Keenesburg | | |
|---|---|---|---|---|---|---|
| | 1956 | 1957 | 1958 | 1956 | 1957 | 1958 |
| Operating income | $1,384 | $1,498 | $1,562 | $1,749 | $1,840 | $1,949 |
| Capital costs | 23,120 | 23,920 | 25,020 | 27,390 | 28,590 | 29,790 |

Applicant states that it will sell gas to Greeley for the proposed service in the two towns under rates on file with the Commission.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on May 24, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 18, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56–3574; Filed, May 4, 1956; 8:52 a. m.]

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[Docket No. G–9967]

COLORADO-WYOMING GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 30, 1956.

Take notice that Colorado-Wyoming Gas Company (Applicant), a Delaware corporation with principal place of business at 421 Continental Oil Building, Denver 2, Colorado, filed on February 14, 1956, an application for a certificate of public convenience and necessity, pursuant to subsections (b) and (c) of section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes (1) to construct and operate, as integral parts of its existing natural gas system, certain natural gas facilities as hereinafter described which are necessary to the delivery and sale of natural gas in interstate commerce by Applicant for the purpose of improving its service and increasing its system capacity to meet increasing demands of its existing customers and (2) to abandon certain existing natural gas facilities as hereinafter described through sale and retirement in connection with the proposed system expansion.

No discontinuance of service will result from Applicant's proposals, as the new facilities will supply the same customers and general areas as are supplied under present operations.

Applicant proposes to construct and operate the following natural gas facilities:

1. Approximately 59,000 feet of 16-inch loop line northwesterly from the Mesa Meter Station on the Mesa-Boulder, Colorado, line to the Westminster lateral.

2. Approximately 11,000 feet of 12-inch loop line westerly from a point on the West 88th Avenue lateral at Denver to the Arvada-Boulder, Colorado, line.

3. Approximately 10,000 feet of 8-inch transmission line on the Golden, Colorado, lateral to replace approximately 9,000 feet of the existing 4-inch lateral.

4. Approximately 2,600 feet of 8-inch line to loop a portion of the existing South Cheyenne, Wyoming, tie line.

5. A new metering station at West 32d and Youngfield in the suburban area west of Denver, Colorado.

6. A new metering station at West 88th and Huron Streets, Denver area.

7. Relocate the existing North Westminster Metering Station, Denver area.

Applicant requests authority to abandon the following natural gas facilities:

1. Approximately 7,600 feet of the 4-inch Golden, Colorado, lateral through sale to the Public Service Company of Colorado, and to retire from service approximately 1,400 feet of this lateral (in connection with foregoing Item 3).

2. Approximately 15,100 feet of 6-inch line constituting the North Westminster lateral through sale to the Public Service Company of Colorado (in connection with foregoing Item 2 and facilities authorized at Docket No. G–8690).

3. Approximately 6,100 feet of 6-inch line and 326 feet of 3½-inch line of the Cheyenne lateral line through sale to the Cheyenne Light, Fuel and Power Company (in connection with foregoing Item 4).

4. The Cheyenne Town Border Number One Meter Station, The Laramie, Wyoming Road Group Meter Station, and the Maple Grove, Colorado, Farm Tap.

The total cost of construction of the facilities proposed at this docket are estimated at $567,210. Total credits to capital due to retirements are given at $71,307 and net capital additions will amount to $495,903.

Applicant's sales to the Public Service Company of Colorado (Public Service Company), its parent and principal resale customer, amounted to over 8,500,000 Mcf in 1955. Estimated annual requirements of Public Service for the next three years are approximately 10,544,000 Mcf in 1956, 12,446,000 Mcf in 1957, and 13,736,000 Mcf in 1958. Applicant's other resale customers also show increased gas requirements for the same periods, and Applicant has tabulated its total actual and estimated system requirements in Mcf at 14.73 psia as follows:

| | 1955 | 1956 | 1957 | 1958 |
|---|---|---|---|---|
| Annual | 19,256,359 | 22,541,400 | 24,840,085 | 26,211,920 |
| Peak day | 84,755 | 105,900 | 123,400 | 137,600 |

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Wednesday, June 6, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* that the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 17, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56–3575; Filed, May 4, 1956; 8:52 a. m.]

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[Docket No. G–10105]

MANUFACTURERS LIGHT AND HEAT CO.

NOTICE OF APPLICATION AND DATE OF HEARING

APRIL 30, 1956.

Take notice that The Manufacturers Light and Heat Company, Applicant, a Pennsylvania corporation and a subsidiary of The Columbia Gas System, Inc., having its principal place of business located at 800 Union Trust Bldg.,

Pittsburgh, Pennsylvania, filed on March 15, 1956, an application for a disclaimer of jurisdiction, or in the alternative, a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain natural gas facilities, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate:

(1) Approximately 208 feet of 4-inch gas service line and appurtenant metering and regulating equipment to serve the Marcus Ruth Jerome Company in Neville Township, Allegheny County, Pennsylvania, near Pittsburgh.

(2) Approximately 90 feet of 4-inch gas service line and appurtenant metering and regulating equipment to serve Imperial Ceramics Corporation in Menallen Township, Adams County, Pennsylvania, about 10 miles north of Gettysburg.

(3) Approximately 395 feet of 4-inch gas service line and appurtenant metering and regulating equipment to serve Littlestown Hardware and Foundry Company, Borough of Littlestown, Adams County Pennsylvania, about 10 miles southeast of Gettysburg.

Applicant proposes to serve an estimated 68 Mcf on a winter peak day and 20,000 Mcf annually to the Marcus Ruth Jerome Company for use in the processing of animal fat derivatives. Service will be supplied from Applicant's 8-inch transmission Line No. 1011 serving Neville Island (Neville Township). This proposed customer is presently using equipment which can be fired with either gas or oil and can convert to gas on very short notice.

Manufacturers propose to serve an estimated 30 Mcf on a winter peak day and 10,800 Mcf annually to Imperial Ceramics Corporation to be used in a kiln for firing ceramic floor tile. Service will be supplied from Applicant's 4-inch transmission Line No. 8710 serving the Biglerville-Bendersville area in Adams County, Pennsylvania.

Applicant proposes to serve an estimated 20 Mcf on a winter peak day and 5,000 Mcf annually to Littlestown Hardware and Foundry Company to be used in an aluminum smelter in manufacturing aluminum castings. Service will be supplied from Applicant's 4-inch transmission Line No. 8732 serving the Littlestown area in Adams County, Pennsylvania.

The estimated cost of Applicant's proposed construction is $10,150, which Applicant will finance from funds on hand.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission rules of practice and procedure, a hearing will be held on Tuesday, June 5, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street, Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 23, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-3576; Filed, May 4, 1956; 8:52 a. m.]

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[Project No. 2170]

CHUGACH ELECTRIC ASSN., INC.

NOTICE OF APPLICATION FOR LICENSE.

APRIL 30, 1956.

Public notice is hereby given that Chugach Electric Association, Inc., of Anchorage, Alaska, has filed application under the Federal Power Act (16 U. S. C. 791a–825r) for license for proposed water-power Project No. 2170 to be located on Cooper Creek, Cooper Lake, and Kenai Lake on Kenai Peninsula in the Third Judicial Division, Territory of Alaska, about 55 miles south of Anchorage, and to consist of an earth fill dam 50 feet high on Cooper Creek at the outlet of Cooper Lake which would raise the level of the lake 32 feet (from 1,168 feet m. s. l. to 1,200 feet m. s. l.), creating 82,000 acre-feet of usable power storage; a spillway; tunnel, conduit and penstock having combined length of 10,300 feet; surge tank; powerhouse on Kenai Lake at elevation 436 feet containing two 7500-kilowatt generating units each connected to a 10,500-horsepower turbine; transformers, switchyard; a 115-kv. transmission line to Anchorage, a 69-kv. line to the Kenai-Homer area, and a 12.5-kv. line to the Cooper Landing area; and appurtenant facilities. Provision for diversion of Stetson Creek into Cooper Lake is also included.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is June 14, 1956. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-3577; Filed, May 4, 1956; 8:52 a. m.]

## HOUSING AND HOME FINANCE AGENCY

### Office of the Administrator

URBAN RENEWAL COMMISSIONER AND HHFA REGIONAL ADMINISTRATORS

AMENDMENT OF DELEGATION OF AUTHORITY WITH RESPECT TO SLUM CLEARANCE AND URBAN RENEWAL PROGRAM, DEMONSTRATION AND URBAN PLANNING GRANT PROGRAMS

The delegation of authority with respect to the slum clearance and urban renewal program, demonstration and urban planning grant programs effective as of December 23, 1954 (20 F. R. 428–429, 1/19/1955), as amended effective June 17, 1955 (20 F. R. 4275, 6/17/1955) and March 7, 1956 (21 F. R. 1468, 3/7/1956), is hereby further amended in the following respects:

1. In subparagraph 1 (c), by deleting the clause numbered (1) and renumbering existing clause (2) as clause (1).

2. By adding a new subparagraph 2 (d) reading as follows:

(d) Approve a redevelopment plan or an urban renewal plan as required by the proviso under section 220 (d) (1) (A) of the National Housing Act.

Effective as of the 5th day of May 1956.

ALBERT M. COLE,
*Housing and Home Finance Administrator.*

[F. R. Doc. 56-3578; Filed, May 4, 1956; 8:53 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3468]

NEW ENGLAND ELECTRIC SYSTEM

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE REGARDING PROPOSED AMENDMENT TO AGREEMENT AND DECLARATION OF TRUST INCREASING TOTAL AUTHORIZED COMMON SHARES AND SOLICITATION OF PROXIES

MAY 1, 1956.

New England Electric System ("NEES"), a registered holding company, has filed with this Commission a declaration and an amendment thereto pursuant to the requirements of sections 6 (a) (2), 7 and 12 (e) of the Public Utility Holding Company Act of 1935 ("act") and Rule U–62 promulgated thereunder with respect to the following proposed transactions:

NEES proposes to submit to the vote of its shareholders at the regular annual meeting of such shareholders to be held on May 29, 1956, a proposal to increase the authorized number of shares from 11,500,000 to 15,000,000 and to amend the Agreement and Declaration of Trust to reflect such increase and in connection therewith to solicit proxies. Copies of solicitation material to be sent to share holders have been included in the instant filing. It is stated in the declaration that the proposed increase in authorized shares and proposed amendment to the Agreement and Declaration of Trust require the affirmative vote of a majority of the common shares present or represented at a shareholders meeting held for such purposes.

Of the 11,500,000 shares presently authorized, NEES now has 1,480,293 unissued shares, which will be reduced to 645,317 upon the issuance of 834,976 shares currently being offered to the shareholders. The filing states that the amendment is being proposed at the present time in order to provide additional authorized common shares to be issued by NEES to enable it to assist in the financing of the construction program of the subsidiaries and for such other purposes, including the acquisition of publicly held shares of common stock of subsidiaries, as the directors may determine.

The declaration sets forth an estimate of fees and expenses totaling $25,500 in connection with the proposed transactions, including $17,500 as the cost of preparation and mailing of the solicitation material and $2,500 for services performed, at cost, by New England Power Service Company, an affiliated service company. It is stated that no State commission and no Federal commission other than this Commission has jurisdiction over the proposed transactions.

Declarant requests that the Commission's order herein become effective forthwith upon issuance.

Due notice of the filing of said declaration having been given in the manner prescribed by Rule U-23 promulgated under said act, and no hearing having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied, and that the declaration, as amended, should be permitted to become effective forthwith:

*It is ordered,* Pursuant to Rule U-23 and the applicable provisions of the act that said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. D.oc. 56-3526; Filed, May 4, 1956; 8:46 a. m.]

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[File No. 70-3466]

NATIONAL FUEL GAS CO. ET AL.

ORDER AUTHORIZING ISSUANCE AND SALE OF COMMON SHARES PURSUANT TO RIGHTS OFFERING AND BANK BORROWINGS

MAY 1, 1956.

In the matter of National Fuel Gas Company, Iroquois Gas Corporation, Republic Light, Heat and Power Company, Inc., United Natural Gas Company, Pennsylvania Gas Company (File No. 70–3466).

National Fuel Gas Company ("National"), a registered holding company, and its four gas utility subsidiaries have filed with this Commission a joint application-declaration and amendments thereto, pursuant to sections 6, 7, 9 (a), 10, 12 (b) and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-43 and U-45 promulgated thereunder regarding seven proposed transactions, including, inter alia, the following:

Transaction No. 1: National will issue and offer to the holders of its outstanding shares of Common Stock of record at the close of business on May 8, 1956, the right to subscribe for and purchase, at a subscription price of $17.75 per share, not to exceed 447,797 shares of Common Stock at the rate of one share of additional Common Stock for each ten shares of outstanding Common Stock held of record on the record date. This offering, which will not be underwritten, is to be made in accordance with the preemptive rights of stockholders, and is to be called the "Basic Subscription Right".

The right to subscribe to the additional Common Stock will be evidenced by transferable warrants expressed in terms of "rights", one right to be issued with respect to each share of presently outstanding Common Stock, and ten rights being necessary to exercise the Basic Subscription Right for one full share of additional Common Stock.

No fractional shares will be issued. However, subject to allotment, any holder of a warrant or warrants evidencing a number of rights in excess of ten but not divisible by ten may subscribe for one more full share than he would be entitled to under the Basic Subscription Right, and any holder of warrants evidencing less than ten rights may subscribe for one full share. This proposal is referred to as the "Primary Additional Subscription Privilege". No subscriber shall have or exercise more than one such Primary Additional Subscription Privilege.

Further, subject to allotment, any holder of a warrant or warrants who exercises either the Basic Subscription Right or the Primary Additional Subscription Privilege, or both, may subscribe for such additional number of shares as he may elect. This proposal is referred to as the "Secondary Additional Subscription Privilege".

The warrants will be issued on or about May 8, 1956 and the Subscription Offer will expire on May 25, 1956.

*Transaction No. 2:* National has entered into an agreement with The Chase Manhattan Bank under which National will borrow an aggregate amount not exceeding $4,000,000 from September 1, 1956 to and including December 31, 1956, each loan to be evidenced by a promissory note payable on July 15, 1957, with interest at the bank's prime commercial rate currently in force on the issue date of each such note. National may prepay any note in whole at any time, or in part from time to time, without penalty, but with the payment of the interest accrued to the date of such prepayment on the principal sum so prepaid: *Provided,* That, if any such prepayment results directly or indirectly from the proceeds of, or in anticipation of any bank borrowing, National will pay at the same time a premium of ½ of 1 percent on the principal sum so prepaid.

National proposes to add the net proceeds from the sale of Common Stock outlined in Transaction No. 1 and the borrowings outlined in Transaction No. 2 to its general funds (including the net proceeds of its recent sale of the common stock and promissory notes of Provincial Gas Company, Limited), and then subject to further orders of this Commission, to purchase common stock of or to make loans to its operating subsidiaries, and to apply the residue to other corporate purposes.

National's fees and expenses in connection with transactions Nos. 1 and 2 are stated to aggregate $85,330, including counsel fees of $6,000 and accountants' fees of $3,080.

It is requested that the Commission's order herein become effective upon issuance.

Due notice of the filing of said joint application-declaration having been given in the manner prescribed by Rule U-23 promulgated under the act, and no hearing having been requested of or ordered by the Commission, and the Commission finding that the applicable provisions of the act and of the rules promulgated thereunder are satisfied as to Transactions Nos. 1 and 2 aforesaid, and that National's declaration as amended with respect thereto should be permitted to become effective forthwith, and that jurisdiction should be reserved with respect to Transactions Nos. 3 to 7, inclusive, as proposed in said joint application-declaration:

*It is ordered,* Pursuant to Rule U-23 and the applicable provisions of the act, that National's declaration, as amended, with respect to Transactions Nos. 1 and 2 aforesaid be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

*It is further ordered,* That jurisdiction be, and hereby is, reserved with respect to Transactions Nos. 3 to 7, inclusive, as proposed in said joint application declaration.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 56-3527; Filed, May 4, 1956; 8:46 a. m.]

## DEPARTMENT OF AGRICULTURE

### Rural Electrification Administration

[Administrative Order 5343]

TEXAS

LOAN ANNOUNCEMENT

APRIL 2, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf

of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | Amount |
|---|---|
| Texas 144N Kinney | $2,340,000 |

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 56-3533; Filed, May 4, 1956; 8:47 a. m.]

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[Administrative Order 5344]

NEW MEXICO

LOAN ANNOUNCEMENT

APRIL 2, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | Amount |
|---|---|
| New Mexico 20V Socorro | $50,000 |

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 56-3534; Filed, May 4, 1956; 8:47 a. m.]

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[Administrative Order 5345]

IOWA

LOAN ANNOUNCEMENT

APRIL 6, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | Amount |
|---|---|
| Iowa 9AC Scott | $1,265,000 |

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 56-3535; Filed, May 4, 1956; 8:47 a. m.]

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[Administrative Order 5346]

ARKANSAS

LOAN ANNOUNCEMENT

APRIL 6, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | Amount |
|---|---|
| Arkansas 30AC Arkansas | $50,000 |

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 56-3536; Filed, May 4, 1956; 8:47 a. m.]

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[Administrative Order 5347]

KENTUCKY

LOAN ANNOUNCEMENT

APRIL 9, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | Amount |
|---|---|
| Kentucky 57N Bell | $540,000 |

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 56-3537; Filed, May 4, 1956; 8:47 a. m.]

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[Administrative Order 5348]

MISSOURI

LOAN ANNOUNCEMENT

APRIL 10, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | Amount |
|---|---|
| Missouri 66M Webster | $65,000 |

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 56-3538; Filed, May 4, 1956; 8:47 a. m.]

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[Administrative Order 5349]

WISCONSIN

LOAN ANNOUNCEMENT

APRIL 17, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | Amount |
|---|---|
| Wisconsin 55V Adams | $418,000 |

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 56-3539; Filed, May 4, 1956; 8:48 a. m.]

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[Administrative Order 5350]

SOUTH CAROLINA

LOAN ANNOUNCEMENT

APRIL 18, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | Amount |
|---|---|
| South Carolina 28Z Williamsburg | $100,000 |

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 56-3540; Filed, May 4, 1956; 8:48 a. m.]

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[Administrative Order 5351]

NORTH CAROLINA

LOAN ANNOUNCEMENT

APRIL 18, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | Amount |
|---|---|
| North Carolina 50H Wayne | $50,000 |

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 56-3541; Filed, May 4, 1956; 8:48 a. m.]

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[Administrative Order 5352]

MICHIGAN

LOAN ANNOUNCEMENT

APRIL 18, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | Amount |
|---|---|
| Michigan 37S Huron | $1,150,000 |

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 56-3542; Filed, May 4, 1956; 8:48 a. m.]

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[Administrative Order 5353]

TEXAS

LOAN ANNOUNCEMENT

APRIL 18, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | Amount |
|---|---|
| Texas 49R Denton | $694,000 |

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 56-3543; Filed, May 4, 1956; 8:48 a. m.]



[Administrative Order 5354]

OKLAHOMA

LOAN ANNOUNCEMENT

APRIL 18, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | Amount |
|---|---|
| Oklahoma 24U Lincoln | $220,000 |

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 56-3544; Filed, May 4, 1956; 8:48 a. m.]

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[Administrative Order 5355]

ARKANSAS

LOAN ANNOUNCEMENT

APRIL 18, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | Amount |
|---|---|
| Arkansas 18AA Carroll | $50,000 |

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 56-3545; Filed, May 4, 1956; 8:48 a. m.]

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[Administrative Order 5356]

SOUTH CAROLINA

LOAN ANNOUNCEMENT

APRIL 18, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | Amount |
|---|---|
| South Carolina 38T Oconee | $490,000 |

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 56-3546; Filed, May 4, 1956; 8:48 a. m.]

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[Administrative Order 5357]

NEBRASKA

LOAN ANNOUNCEMENT

APRIL 18, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | Amount |
|---|---|
| Nebraska 49H Howard District Public | $132,000 |

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 56-3547; Filed, May 4, 1956; 8:49 a. m.]

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[Administrative Order 5358]

KENTUCKY

AMENDMENT OF LOAN ANNOUNCEMENT

APRIL 18, 1956.

I hereby amend:

(a) Administrative Order No. 368, dated June 30, 1939, as amended by Administrative Order No. 457, dated May 10, 1940, by reducing the allocation of $5,000 therein made for "Kentucky 9-0003W1 Jackson" by $1,358.53 so that the reduced allocation shall be $3,641.47; and

(b) Administrative Order No. 538, dated November 5, 1940, by rescinding the allocation of $6,000 therein made for "Kentucky 1003W2 Jackson".

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 56-3548; Filed, May 4, 1956; 8:49 a. m.]

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[Administrative Order 5359]

MISSOURI

AMENDMENT OF LOAN ANNOUNCEMENT

APRIL 18, 1956.

Inasmuch as Intercounty Electric Cooperative Association and Crawford Electric Cooperative, Inc. have each transferred certain of their properties and assets to Sho-Me Power Corporation, and Sho-Me Power Corporation has assumed a part of the indebtedness to United States of America, of Intercounty Electric Cooperative Association and Crawford Electric Cooperative, Inc., respectively, arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 2579, dated May 24, 1950, by changing the project designation appearing therein as "Missouri 18R Texas" in the amount of $900,000 to read "Missouri 18R Texas" in the amount of $734,246.53 and "Missouri 59TP4 Cole (Missouri 18R Texas)" in the amount of $165,753.47; and

(b) Administrative Order No. 3351, dated June 22, 1951, by changing the project designation appearing therein as "Missouri 54L Crawford" in the amount of $1,300,000 to read "Missouri 54L Crawford" in the amount of $1,183,854.07 and "Missouri 59TP5 Cole (Missouri 54L Crawford)" in the amount of $116,145.93.

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 56-3549; Filed, May 4, 1956; 8:49 a. m.]

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[Administrative Order 5360]

ARKANSAS

LOAN ANNOUNCEMENT

APRIL 19, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | Amount |
|---|---|
| Arkansas 12R Miller | $1,435,000 |

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 56-3550; Filed, May 4, 1956; 8:49 a. m.]

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[Administrative Order 5361]

NEW YORK

LOAN ANNOUNCEMENT

APRIL 20, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | Amount |
|---|---|
| New York 19K Otsego | $107,000 |

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 56-3551; Filed, May 4, 1956; 8:49 a. m.]

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[Administrative Order 5362]

NORTH CAROLINA

LOAN ANNOUNCEMENT

APRIL 20, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | Amount |
|---|---|
| North Carolina 10Z Haywood | $600,000 |

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 56-3552; Filed, May 4, 1956; 8:49 a. m.]

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[Administrative Order 5363]

MISSOURI

LOAN ANNOUNCEMENT

APRIL 20, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Missouri 36W Audrain — *Amount* $185,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 56-3553; Filed, May 4, 1956; 8:49 a. m.]

[Administrative Order 5364]

MINNESOTA

LOAN ANNOUNCEMENT

APRIL 24, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Minnesota 63X Scott — *Amount* $500,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 56-3554; Filed, May 4, 1956; 8:49 a. m.]

[Administrative Order 5365]

TEXAS

LOAN ANNOUNCEMENT

APRIL 24, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Texas 72S Lamar — *Amount* $76,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 56-3555; Filed, May 4, 1956; 8:50 a. m.]

[Administrative Order 5366]

WISCONSIN

LOAN ANNOUNCEMENT

APRIL 24, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Wisconsin 58U Price — *Amount* $150,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 56-3556; Filed, May 4, 1956; 8:50 a. m.]

[Administrative Order 5367]

IOWA

LOAN ANNOUNCEMENT

APRIL 24, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Iowa 85C Cherowa — *Amount* $403,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 56-3557; Filed, May 4, 1956; 8:50 a. m.]

[Administrative Order 5368]

MISSOURI

LOAN ANNOUNCEMENT

APRIL 25, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Missouri 12V Pemiscot — *Amount* $227,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 56-3558; Filed, May 4, 1956; 8:50 a. m.]

[Administrative Order 5369]

KANSAS

LOAN ANNOUNCEMENT

APRIL 25, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Kansas 15T Dickinson — *Amount* $262,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 56-3559; Filed, May 4, 1956; 8:50 a. m.]

[Administrative Order 5370]

OHIO

LOAN ANNOUNCEMENT

APRIL 25, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Ohio 55P Coshocton — *Amount* $615,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 56-3560; Filed, May 4, 1956; 8:50 a. m.]

[Administrative Order 5371]

OKLAHOMA

LOAN ANNOUNCEMENT

APRIL 26, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Oklahoma 15W Tillman — *Amount* $750,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 56-3561; Filed, May 4, 1956; 8:50 a. m.]

[Administrative Order 5372]

ARIZONA

LOAN ANNOUNCEMENT

APRIL 26, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Arizona 21D Yavapai — *Amount* $106,000

[SEAL] FRED H. STRONG, *Acting Administrator.*

[F. R. Doc. 56-3562; Filed, May 4, 1956; 8:50 a .m.]

[Administrative Order 5373]

WISCONSIN

LOAN ANNOUNCEMENT

APRIL 27, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Wisconsin 35R Richland — *Amount* $315,000

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 56-3563; Filed, May 4, 1956; 8:51 a. m.]

[Administrative Order 5374]

ALABAMA

AMENDMENT OF LOAN ANNOUNCEMENT

APRIL 27, 1956.

I hereby amend:

(a) Administrative Order No. 1780, dated January 13, 1949, by reducing the loan of $160,000 therein made for "Alabama 47B, C arab" by $146,991.22 so that the reduced loan shall be $13,008.78.

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 56-3564; Filed, May 4, 1956; 8:51 a. m.]



## INTERSTATE COMMERCE COMMISSION

[Sec. 5a Application 61]

NATIONAL CLASSIFICATION COMMITTEE

APPLICATION FOR APPROVAL OF AGREEMENT

MAY 2, 1956.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed April 25, 1956, by: F. G. Freund, Attorney-in-Fact, 1424 16th Street NW., Washington 6, D. C.

Agreement involved: An agreement between and among common carriers by motor vehicle relating to classification ratings, rules and regulations, governing the transportation of property by motor common carriers between points in the United States, and procedures for the joint consideration, initiation, or establishment thereof.

The complete application may be inspected at the office of the Commission in Washington, D. C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the general rules of practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 56-3568; Filed, May 4, 1956; 8:51 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 2, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32015: *Road building aggregates to Kouts, Ind.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on sand, gravel, slag, and crushed stone, in open top equipment, carloads, from specified points in Illinois and Indiana to Kouts, Ind.

Grounds for relief: Motor-truck competition and circuity.

Tariffs: Supplement 35 to Agent Hinsch's ICC 4480 and two other tariffs.

FSA No. 32016: *Road building aggregates to Rolling Prairie, Ind.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on crushed stone and gravel (road surfacing), in open top cars, carloads, from specified points in Indiana and Illinois, to Rolling Prairie, Ind.

Grounds for relief: Motor truck competition and circuity.

Tariffs: Supplement 35 to Agent Hinsch's ICC 4480 and two other tariffs.

FSA No. 32017: *Plaster and related articles—Kansas and Oklahoma to Illinois territory.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on plaster and related articles, also gypsum and wallboard, carloads, from Medicine Lodge and Blue Rapids, Kans., and Southard, Okla., to base points in Illinois territory, and points grouped therewith as taking same rates.

Grounds for relief: Short-line distance formula, market competition, and circuitous routes.

FSA No. 32018: *Commodity rates to and from Neds Branch, W. Va.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on various commodities (other than coal and coke), carloads, between Neds Branch, W. Va., and points in southern territory.

Grounds for relief: Establishment of rates from or to a new station.

FSA No. 32019: *Fertilizer and materials—Broadkill, Del., to South.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on fertilizer and fertilizer materials, carloads, from Broadkill, Del., to points in southern territory.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 5 to Agent Boin's ICC A-1075.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 56-3567; Filed, May 4, 1956; 8:51 a. m.]

# FEDERAL REGISTER

VOLUME 21 NUMBER 89

Washington, Tuesday, May 8, 1956



THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

UNIVERSITY OF MICHIGAN

MAY 10 1956

MAIN READING ROOM


## TITLE 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

**Subchapter B—Trade Practice Conference Rules**

[File No. 21-442]

PART 26—REFRIGERATION AND/OR AIR-CONDITIONING CONTRACTING INDUSTRIES

PROMULGATION OF TRADE PRACTICE RULES

Due proceedings having been held under the trade practice conference procedure in pursuance of the act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission:

*It is now ordered*, That the Group I trade practice rules as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of May 8, 1956.

*Statement by the Commission.* Trade practice rules, as hereinafter set forth, are promulgated by the Federal Trade Commission under its trade practice conference procedure. Such rules have application to persons, firms, corporations, and organizations engaged in the sale and installation of:

(1) Mechanical refrigeration units or systems for commercial or industrial use; or

(2) Mechanical air-conditioning units or systems for commercial, industrial, or home use.

As above used, the word "installation" makes reference to services the performance of which requires engineering knowledge and skill. Thus, window air-conditioning units and mechanical refrigeration units which are of such size and type as to require but a "plug in" to an established electric power system are not to be considered as products to which these rules have application. The words "air-conditioning units or systems" make reference to units or systems which are either capable of lowering, or of both lowering and raising, the temperature of the air within an enclosure and simultaneously effecting a substantial degree of control of the humidity and circulation of the air in such enclosure. Units or systems which are designed to raise, but not lower, the temperature of air within an enclosure are not products to which these rules have application. The above is to be construed as definement of the nature of activities to which the rules have application and is not intended as definement of the kind of products which may be designated "air-conditioners" or "refrigeration units or systems."

Manufacturers, wholesalers, and others engaged in the sale of air-conditioning or refrigeration equipment or systems are not to be considered as members of the industry except to the extent that they install (as hereinbefore explained) such equipment or systems.

According to available information, the aggregate annual sale of industry products is between four and five billion dollars.

Primary objectives of the rules are the maintenance of free and fair competition and the elimination and prevention of unfair methods of competition, unfair acts or practices, and other trade abuses. They are to be applied to such end and to the exclusion of any acts or practices which suppress competition or otherwise restrain trade.

Proceedings for the establishment of rules were instituted pursuant to industry application. A general industry conference was held in Chicago on May 20, 1955, at which proposals for rules were submitted for consideration of the Commission. Thereafter, a draft of proposed rules was published by the Commission and made available to all industry members and other interested or affected parties upon public notice whereby they were afforded opportunity to present their views, including such pertinent information, suggestions, amendments, or objections, as they desired to offer, and to be heard in the premises. Pursuant to such notice public hearings were held in Detroit, Michigan, on January 6, 1956, and in Washington, D. C., on January 20, 1956, and all matters presented at said meetings, or otherwise received in the proceeding, were duly considered.

Thereafter, and upon full consideration of the entire matter, final action was taken by the Commission whereby it approved the Group I rules as hereinafter set forth.

Such rules become operative thirty (30) days from the date of promulgation.

*The rules.* These rules promulgated by the Commission are designed to foster

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# FEDERAL REGISTER

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**CFR SUPPLEMENTS**

**(As of January 1, 1956)**

The following Supplements are now available:

**Titles 4 and 5 ($1.00)**

**Title 15 ($1.00)**

*Previously announced:* Title 3, 1955 Supp. ($2.00); Title 7: Parts 1–209 ($1.25); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Part 400 to end ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. I, and Title 27 ($1.00); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Titles 40–42 ($0.65); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

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and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which fixes or controls prices through combination or agreement, or which unreasonably restrains trade or suppresses competition, or otherwise unlawfully injures, destroys, or prevents competition, that the rules are to be applied.

*General statement.* The unfair trade practices embraced in the rules herein are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

GROUP I


Sec.
- 26.0 Applicability of the rules.
- 26.1 Deception (general).
- 26.2 Guarantees, warranties, etc.
- 26.3 Prohibited discrimination.
- 26.4 Substitution of products.
- 26.5 Misrepresenting products as conforming to standard.
- 26.6 Deceptive Prices.
- 26.7 Misrepresentation as to character of business.
- 26.8 Inducing breach of contract.
- 26.9 Prohibited sales below cost.
- 26.10 Commercial bribery.
- 26.11 Enticing away employees of competitors.
- 26.12 Deception as to used or rebuilt products.
- 26.13 Defamation of competitors or false disparagement of their products.
- 26.14 Exclusive deals.
- 26.15 Prohibited forms of trade restraints (unlawful price fixing, etc.).


AUTHORITY: §§ 26.0 to 26.15 issued under sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45.

§ 26.0 *Applicability of the rules in this part.* The rules in this part have application to persons, firms, corporations, and organizations engaged in the sale and installation of:

(1) Mechanical refrigeration units or systems for commercial or industrial use; or

(2) Mechanical air-conditioning units or systems for commercial, industrial, or home use.

NOTE 1. As above used, the word "installation" makes reference to services the performance of which requires engineering knowledge and skill. Thus, window air-conditioning units and mechanical refrigeration units which are of such size and type as to require but a "plug in" to an established electric power system are not to be considered as products to which these rules have application.

NOTE 2. As above used, the words "air-conditioning units or systems" make reference to units or systems which are either capable of lowering, or of both lowering and raising, the temperature of the air within an enclosure and simultaneously effecting a substantial degree of control of the humidity and circulation of the air in such enclosure. Units or systems which are designed to raise, but not lower, the temperature of air within an enclosure are not products to which these rules have application.

NOTE 3. The above is to be construed as definement of the nature of activities to which the rules have application and is not intended as definement of the kind of products which may be designated "air conditioners" or "refrigeration units or systems."

§ 26.1 *Deception (general).* In connection with the sale and installation of industry products, it is an unfair trade practice to use, or cause or promote the use of, any trade promotional literature, advertising matter, mark, brand, label, or device, or any other type of oral or written representation, which has the capacity and tendency or effect of deceiving purchasers, or prospective purchasers as to the construction, design, model, origin, manufacture, quality, absence of noise in operation, strength, durability, life expectancy, utility, cost of operation, or safety of such products, or of their capacity to cool or refrigerate, or in any other material respect; or to mislead purchasers or prospective purchasers with respect to the need for repair, maintenance, or replacement of parts of such products after their purchase and use, or with respect to any services offered concerning maintenance of the products. [Rule 1]

§ 26.2 *Guarantees, warranties, etc.* In the sale, offering for sale, or installation of industry products, it is an unfair trade practice to use, or cause to be used, any guarantee or warranty which is false, misleading, deceptive, or unfair to the purchasing or consuming public, whether in respect to quality, construction, serviceability, or performance of any industry product.

(a) The foregoing inhibitions of this section are to be considered as applicable with respect to any guarantee or warranty in which the terms and conditions relating to the obligation of the guarantor or warrantor are impractical of fulfillment.

(b) It is also an unfair trade practice to make or offer any guarantee or warranty respecting an industry product unless the nature and extent of the undertaking, and any and all material conditions and limitations applicable thereto, are clearly and conspicuously stated in immediate conjunction therewith, and unless the obligations of the guarantor or warrantor with respect to the guarantee or warranty are scrupulously fulfilled. [Rule 2]



§ 26.3 *Prohibited discrimination*[1]—(a) *Prohibited discriminatory prices, or rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* It is an unfair trade practice for any industry member engaged in commerce, in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce, and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with the customers of either of them: *Provided, however:*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States;

(2) That nothing contained in this paragraph shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

NOTE: This proviso shall not be construed as permitting an industry member to allow a price differential to a customer, whether in the form of a quantity price discount, rebate, or other form, through billing as a single order an aggregate of the amount of two or more orders of such customer on which the industry member makes separate deliveries, when the price differential allowed is not based on a net savings in cost of manufacture, sale, or delivery of the products to said customer resulting from the different method and quantity in which the products are sold and delivered to said customer, or is more than due allowance for such net savings; nor is this proviso to be construed as permitting an industry member to allow a price differential to a customer, whether in the form of a quantity price discount, rebate, or other form, when, pursuant to agreement or understanding by the industry member and the customer, delivery of the products purchased is to be delayed or made in installments so as to involve storage cost to the industry member, and when as a result of such cost or otherwise, the price differential allowed is not based on a net savings in cost of manufacture, sale, or delivery of the products to said customer resulting from the different method and quantity in which the products are sold and delivered to said customer, or is more than due allowance for such net savings.

[1] As used in this section, the word "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

(3) That nothing contained in this section shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing contained in this paragraph shall prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned.

(b) *Prohibited brokerage and commissions.* It is an unfair trade practice for any industry member engaged in commerce, in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any industry member engaged in commerce to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any industry member engaged in commerce to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

(e) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any industry member engaged in commerce, in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this section.

(f) *Exemptions.* The inhibitions of this section shall not apply to purchases

of their supplies for their own use by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit.

NOTE: In complaint proceedings charging discrimination in price or services or facilities furnished, and upon proof having been made of such discrimination, the burden of rebutting the prima facie case thus made by showing justification shall be upon the person charged; and unless justification shall be affirmatively shown, the Commission is authorized to issue an order terminating the discrimination: *Provided, however,* That nothing contained in this section shall prevent a seller rebutting the prima facie case thus made by showing that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the services or facilities furnished by a competitor. See section 2-b, Clayton Act.

[Rule 3]

§ 26.4 *Substitution of products.* It is an unfair trade practice to make an unauthorized substitution of products, where such a substitution has the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public, by:

(a) Shipping, delivering, or installing industry products which do not conform to samples submitted, to specifications upon which the sale is consummated, or to representations made prior to securing the order, without advising the purchaser of the substitution and obtaining his consent thereto prior to making shipment or delivery; or

(b) Falsely representing the reason for making a substitution. [Rule 4]

§ 26.5 *Misrepresenting products as conforming to standard.* In connection with the sale or offering for sale of industry products, it is an unfair trade practice to represent, through advertising or otherwise, that such products conform to any standards recognized in or applicable to the industry when such is not the fact.

NOTE: Illustrative of the type of misrepresentation inhibited by this section is the practice of an industry member advertising or otherwise claiming that a product has been approved by a governmental authority or private agency, or meets certain specifications or standards, when in fact the product has not been so approved or does not meet the certain specifications or standards.

[Rule 5]

§ 26.6 *Deceptive prices.* (a) The publishing or circulating of false or misleading price quotations, price lists, or terms or conditions of sale, with the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers, is an unfair trade practice.

(b) It is also an unfair trade practice to make or publish, directly or indirectly, any false, misleading, or deceptive statements or representations, through advertising or otherwise, concerning installment sales contracts used or their terms and conditions, including down payments, interest, carrying charges, etc., or respecting any other matters relative to such contracts or their terms and conditions. [Rule 6]

§ 26.7 *Misrepresentation as to character of business.* It is an unfair trade practice for any industry member, in the course of or in connection with the sale and installation of industry products, to represent, directly or indirectly, that he is an air-conditioning or refrigeration contractor when such is not the fact; or in any other manner to misrepresent the character, extent, or type of his business. [Rule 7]

§ 26.8 *Inducing breach of contract.* (a) Knowingly inducing or attempting to induce the breach of existing lawful contracts between competitors and their customers or their suppliers, or interfering with or obstructing the performance of any such contractual duties or services, under any circumstance having the capacity and tendency or effect of substantially injuring or lessening present or potential competition, is an unfair trade practice.

(b) Nothing in this section is intended to imply that it is improper to solicit the business of a customer of a competing industry member; nor is the section to be construed as in anywise authorizing any agreement, understanding, or planned common course of action by two or more industry members not to solicit business from the customers of either of them, or from customers of any other industry member. [Rule 8]

§ 26.9 *Prohibited sales below cost.* (a) The practice of selling products of the industry at a price less than the cost thereof to the seller, with the purpose or intent, and where the effect is, or where there is a reasonable probability that the effect will be, to substantially injure, suppress, or stifle competition or tend to create a monopoly, is an unfair trade practice.

(b) This section is not to be construed as prohibiting all sales below cost, but only such selling below the seller's cost as is resorted to and pursued with the wrongful intent or purpose referred to and where the effect is, or where there is reasonable probability that the effect will be, to substantially injure, suppress, or stifle competition or to create a monopoly. Among the situations in which the requisite purpose or intent would ordinarily be lacking are cases in which such sales were: (1) Of seasonal goods near the conclusion of the season; (2) of perishable goods in respect to which deterioration is imminent; (3) of obsolescent goods; (4) made under judicial process; or (5) made in bona fide discontinuance of business in the goods concerned.

(c) As used in paragraphs (a) and (b) of this section, the term "cost" means the respective seller's cost and not an average cost in the industry whether such average cost be determined by an industry cost survey or some other method. It consists of the total outlay or expenditure by the seller in the acquisition, production, and distribution of the products involved, and comprises all elements of cost such as labor, material, depreciation, taxes (except taxes on net income and such other taxes as are not properly applicable to cost), and general overhead expenses, incurred by the seller in the acquisition, manufacture, processing, preparation for marketing, sale, delivery, and installation of the products. Not to be included are dividends or interest on borrowed or invested capital, or nonoperating losses, such as fire losses and losses from the sale or exchange of capital assets. Operating cost should not be reduced by items of nonoperating income, such as income from investments, and gain on the sale of capital assets.

(d) Nothing in this section shall be construed as relieving an industry member from compliance with any of the requirements of the Robinson-Patman Act. [Rule 9]

§ 26.10 *Commercial bribery.* It is an unfair trade practice for a member of the industry, directly or indirectly, to give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase products sold and installed by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors. [Rule 10]

§ 26.11 *Enticing away employees of competitors.* It is an unfair trade practice wilfully to entice away employees or sales representatives of competitors with the intent and effect of thereby unduly hampering or injuring competitors in their business and destroying or substantially lessening competition: *Provided,* That nothing in this section shall be construed as prohibiting employees from seeking more favorable employment, or as prohibiting employers from hiring or offering employment to employees of competitors in good faith and not for the purpose of injuring, destroying, or preventing competition. [Rule 11]

§ 26.12 *Deception as to used or rebuilt products.* (a) It is an unfair trade practice to represent, directly or indirectly, that any industry product or part thereof is new, unused, or rebuilt, when such is not the fact.

(b) In the marketing of industry products which are second-hand or rebuilt, or which contain second-hand or rebuilt parts, it is an unfair trade practice to fail to make full and nondeceptive disclosure, by a conspicuous tag or label firmly attached to the products, and in all advertising and promotional literature relating thereto, of the fact:

(1) That such products are second-hand, rebuilt, or contain second-hand or rebuilt parts, as the case may be, when such products have the appearance of being new; or

(2) That the rebuilding of rebuilt products was done by other than the original manufacturer, when such is the case. [Rule 12]

§ 26.13 *Defamation of competitors or false disparagement of their products.* The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of competitors' products in any respect, or of their business methods, selling prices, values, credit terms, policies, or services, is an unfair trade practice. [Rule 13]

§ 26.14 *Exclusive deals.* It is an unfair trade practice to contract to sell or sell any industry product, or fix a price charged therefor, or discount from, or rebate upon, such price, on the condition, agreement, or understanding that the purchaser thereof shall not use or deal in the products of a competitor or competitors of such industry member, where the effect of such sale or contract for sale, or of such condition, agreement, or understanding, may be to substantially lessen competition or tend to create a monopoly in any line of commerce. [Rule 14]

§ 26.15 *Prohibited forms of trade restraints (unlawful price fixing, etc.).*[1] It is an unfair trade practice, either directly or indirectly, to engage in any planned common course of action, or to enter into or take part in any understanding, agreement, combination, or conspiracy, with one or more industry members, or with any other person or persons, to fix or maintain the price of any goods or otherwise unlawfully to restrain trade; or to use any form of threat, intimidation, or coercion to induce any member of the industry or other person or persons to engage in any such planned common course of action, or to become a party to any such understanding, agreement, combination, or conspiracy. [Rule 15]

Issued: May 3, 1956.

Promulgated by the Federal Trade Commission May 8, 1956.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-3608; Filed, May 7, 1956; 8:45 a. m.]

[1] The inhibitions of this section are subject to Public Law 542, approved July 14, 1952, 66 Stat. 632 (the McGuire Act) which provides that with respect to a commodity which bears, or the label or container of which bears, the trade-mark, brand, or name of the producer or distributor of such commodity and which is in free and open competition with commodities of the same general class produced or distributed by others, a seller of such a commodity may enter into a contract or agreement with a petition with each other.



## TITLE 14—CIVIL AVIATION

### Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 193]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, GCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation. If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

| City and State; airport name, elevation; facility; class and identification; procedure No.; effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); minimum altitudes; limiting distances | Ceiling and visibility minimums | | |
|---|---|---|---|---|---|---|---|
| | | | | | Condition | Type aircraft | |
| | | | | | | 75 m. p. h. or less | More than 75 m. p. h. |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| CHARLESTON, S. C. Air Force Base—Municipal. SBRAZ-CHS. Procedure No. 1. Amendment No. 12. Effective date: February 19, 1956. Supersedes Amendment 11, dated April 3, 1955. | CANCELED EFFECTIVE MAY 8, 1956. REISSUED AS "SPECIAL" PROCEDURE—NOT PUBLISHED IN REGULATIONS OF THE ADMINISTRATOR PART 609. | | | | | | | | | If visual contact not established at authorized landing minimum after passing facility within distance specified, or if landing not accomplished | |

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| City and State; airport name, elevation; facility: class and identification; procedure No.; effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance, facility to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| CINCINNATI, OHIO<br>Lunken, 488'.<br>SBRAZ–DTV–CIN.<br>Procedure No. 1.<br>Amendment No. 1.<br>Effective date: May 26, 1956.<br>Supersedes Form ACA-1725, dated April 2, 1953. | Loveland FM (final) | 224—7.7 nautical miles | 1,600 | N side of NE course:<br>044° outbound.<br>224° inbound.<br>2,600' within 10 nautical miles. | 1,600 | 227—4.3 nautical miles. | 2 engines or less<br>T-d<br>T-n<br>C-d<br>C-n<br>S-24<br>d<br>n<br>A-dn | 400–1<br>600–1<br>800–1<br>800–1½<br><br>800–1<br>800–1½<br>NA | 400–1<br>600–1<br>900–1½<br>900–1½<br><br>800–1<br>800–1½<br>NA | Within 4.3 nautical miles after passing the Cincinnati LFR or if landing not accomplished, make a left climbing turn, climb to 2,300' on the SE course within 20 nautical miles.<br>NOTE: No weather reporting service available.<br>AIR CARRIER NOTE: Not authorized for air carrier operations. |
| | Mt. Orab FM | 296—22 nautical miles | 2,100 | | | | More than 2 engines<br>T-d<br>T-n<br>C-dn<br>S-24<br>d<br>n<br>A-dn | ----------<br>----------<br>----------<br><br>----------<br>----------<br>---------- | 400–1<br>600–1<br>900–1½<br><br>800–1<br>800–1½<br>NA | |
| DALLAS, TEX.<br>Love, 485'<br>SBMRAZ–DTV–DAL.<br>Procedure No. 1.<br>Amendment No. 14.<br>Effective date: May 26, 1956.<br>Supersedes Amendment 13, dated June 19, 1955.<br>Major changes: Remove air carrier note. | Dallas VOR | 230—11.3 nautical miles | 2,000 | E side of S course:<br>176° outbound.<br>356° inbound.<br>2,600' within 10 nautical miles. | #1,100 | 358—2.0 nautical miles | 2 engines or less<br>T-dn<br>C-dn<br>#S-dn36 | 300–1<br>400–1<br>400–1 | 300–1<br>500–1<br>400–1 | Within 2 nautical miles climb to 2,000' on N course within 20 nautical miles.<br>#If DAL FM not received descent below 1,400' and straight-in minima not authorized.<br>CAUTION: 695' mean sea level tank 1.7 nautical miles SE runway 31. |
| | Duncanville FM or MHW (final) | 356—9 nautical miles | 1,400 | | | | More than 2 engines<br>T-dn<br>C-dn<br>#S-dn36 | ----------<br>----------<br>---------- | 200–½<br>500–1½<br>400–1 | |
| | Dallas FM (final) | 356—2.7 nautical miles | 1,100 | | | | All aircraft<br>A-dn | 800–2 | | |
| | Radar terminal area transition altitude: 2,000' within 5 to 20 nautical miles. Radar control must provide 3 nautical miles or 1,000' vertical separation or 3 to 5 nautical miles and 500 vertical separation from radio towers 1,108' mean sea level 20 nautical miles N—2,349' mean sea level 16 nautical miles SSW—1,230' mean sea level 10 nautical miles WNW of airport. | | | | | | | | | |
| DETROIT, MICH.<br>Detroit Wayne Major, 639'.<br>SBRAZ–VDT–RML.<br>Procedure No. 1.<br>Amendment No. 9.<br>Effective date: May 31, 1956.<br>Supersedes Amendment 8, dated March 22, 1955.<br>Major changes: (1) Transition added from Park VHF Intersection and QG VOR; (2) radar transition authorized; (3) course and distance revised column 3 (CGS); (4) distance revised column 5 (criteria); (5) note regarding 1,311' tower column 11 deleted. | Salem VOR | 144—13.9 nautical miles | 2,000 | S side of W course:<br>261° outbound.<br>081° inbound.<br>2,000' within 10 nautical miles. | 1,500 | 107—1.6 nautical miles | 2 engines or less<br>T-dn<br>C-dn<br>A-dn | 300–1<br>500–1<br>800–2 | 300–1<br>500–1<br>800–2 | Within 1.6 nautical miles, make right turn, climb to 2,000', proceed to RML LOM or when directed by ATC: (1) Make left turn, climb to 2,000', proceed to FRD Radiobeacon; (2) make left turn, climb to 2,300', return to RML LFR; (3) make right turn, climb to 2,300', proceed to Flat Rock Intersection. |
| | Willow Run LOM | 075—10.6 nautical miles | Final 1,500 | | | | More than 2 engines<br>T-dn<br>C-dn<br>A-dn | ----------<br>----------<br>---------- | 200–½<br>500–1½<br>800–2 | |
| | CRL VOR | 018—11.3 nautical miles | 2,000 | | | | | | | |
| | Windsor VOR | 265—19.5 nautical miles | 2,300 | | | | | | | |
| | Park VHF Intersection | 265—5.9 nautical miles | 2,000 | | | | | | | |
| | Radar transition to final approach course authorized. Aircraft will be released for final approach without procedure turn on inbound final approach course at least 3 nautical miles from DET LFR.<br>Refer to Form ACA–511.5 (GCA) (Willow Run) if detailed information on sector altitudes is desired. | | | | | | | | | |



LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| City and State; airport name, elevation; facility: class and identification; procedure No.; effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance, facility to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| DETROIT, MICH.<br>Willow Run, 716'.<br>SBRAZ–VDT–RML.<br>Procedure No. 1.<br>Amendment No. 6.<br>Effective date: May 31, 1956.<br>Supersedes No. 5, dated March 22, 1955.<br>Major changes: (1) Airport elevation added; (2) transition added from QG VOR; (3) transition deleted from intersection E course RML LFR and 295° bearing to FRD MIW; (4) Courses revised to CGS data transition 2 and 3; (5) transition added from Park VHF Intersection; (6) radar transitions authorized. | Intersection E course RML LFR and 036R CRL VOR. | 266—4.6 nautical miles | Final 1,800 | N side of E course:<br>086° outbound.<br>266° inbound.<br>2,300' within 10 nautical miles. | 1,800 | 274—5.5 nautical miles | 2 engines or less<br>T-dn<br>C-dn<br>S-dn<br>27L, 27R<br>A-dn | 300–1<br>400–1<br><br>400–1<br>800–2 | 300–1<br>500–1<br><br>400–1<br>800–2 | Within 5.5 nautical miles, climb to 2,000' on W course within 20 nautical miles or when directed by ATC: (1) Make left turn, proceed to Willow Run ILS LOM, climbing to 2,300'; (2) make right turn, climb to 2,500' on the 170R of Salem VOR, proceed to the Salem VOR. |
| | Carleton VOR | 013—11.3 nautical miles | 2,000 | | | | More than 2 engines<br>T-dn<br>C-dn<br>S-dn<br>27L, 27R<br>A-dn | ----------<br>----------<br><br>----------<br>---------- | 200–½<br>500–1½<br><br>400–1<br>800–2 | |
| | Salem VOR | 144—13.9 nautical miles | 2,000 | | | | | | | |
| | QG VOR | 265—19.4 nautical miles | 2,300 | | | | | | | |
| | Park VHF Intersection | 265—5.9 nautical miles | Final 1,800 | | | | | | | |
| | Radar transitions to final approach course authorized. Aircraft will be released for final approach without procedure turn on inbound final approach course at least 3 nautical miles from DET LFR.<br>Refer to Form ACA–511.5 (GCA) (Willow Run) if detailed information on sector altitudes is desired. | | | | | | | | | |
| EL PASO, TEX.<br>International, 3,936'.<br>SBRAZ–VDT–ELP.<br>Procedure No. 1.<br>Amendment No. 10.<br>Effective date: May 26, 1956.<br>Supersedes Amendment 9, dated July 9, 1955.<br>Major changes: New format. Added caution note on procedure turn altitude. | Hueco Mt. Fan Marker (final).* | 258—15.0 nautical miles | 5,000 | S side of course:<br>078° outbound.<br>258° inbound.<br>6,500' within 10 nautical miles.<br>Beyond 10 nautical miles not authorized.# | 5,000 | 258—4.0 nautical miles | 2 engines or less<br>T-dn<br>C-dn<br>S-dn 26<br>A-dn | 300–1<br>400–1<br>400–1<br>800–2 | 300–1<br>500–1<br>400–1<br>800–2 | Within 4 nautical miles turn left to 125°, climb to 5,000' on S course within 20 nautical miles.<br>Procedure turn nonstandard due to terrain N.<br>*Maintain 7,000' until 5 nautical miles W of Hueco Mt. FM. If Hueco Mt. FM not identified maintain 8,000' until over El Paso LFR.<br>#CAUTION: High terrain 9.5 nautical miles E of El Paso LFR. |
| | El Paso VOR | 259—0.6 nautical miles | 5,000 | | | | More than 2 engines<br>T-dn<br>C-dn<br>S-dn 26<br>A-dn | ----------<br>----------<br>----------<br>---------- | 200–½<br>500–1½<br>400–1<br>800–2 | |
| | Clint radiobeacon | 327—14.0 nautical miles | 5,000 | | | | | | | |
| | Intersection ILS NE course and W course LFR. | 078—5.0 nautical miles | 5,000 | | | | | | | |
| NOME, ALASKA.<br>Nome Airport, 37'.<br>SBRAZ–VPDTX–OME.<br>Procedure No. 1.<br>Amendment No. 4.<br>Effective date: April 26, 1956.<br>Supersedes Amendment 3, dated April 21, 1956.<br>Major changes: (1) Nautical miles in columns 5, 7, 11; (2) correct error course alinement, column 11. | ---------- | ---------- | ---------- | Nonstandard.<br>S side of E course:<br>069° outbound.<br>249° inbound.<br>2,100' within 10 nautical miles. | 1,100 | 264°—3.0 nautical miles | 2 engines or less<br>T-dn<br>C-dn<br>S-dn<br>Runway 27<br>A-dn | 300–1<br>500–1<br><br>400–1<br>800–2 | 300–1<br>500–1<br><br>400–1<br>800–2 | Within 3 nautical miles, climb to 3,500' on W course (264°) Nome LFR, holding Twilight "A" within 20 nautical miles.<br>CAUTION NOTES: (1) Hold twilight "N" from procedure turn inbound to station. Terrain 925' to 1,447' 4 miles N of final approach course. (2) Straight-in landing minimums established on condition that final approach to airport be made holding twilight "A" from range station until reaching authorized landing minimums. High intensity approach lights must be in operation during approach and landing under straight-in minimums. Towers 100' mean sea level 1,500' SE of E end of runway 27. 150' terrain 1¾ to 2 miles N of final approach course NW through N from range station. (3) Towers 400' mean sea level 2,100' WNW of range station. |
| | | | | | | | More than 2 engines<br>T-dn<br>C-dn<br>S-dn<br>Runway 27<br>A-dn | ----------<br>----------<br><br>----------<br>---------- | 200–½<br>500–1½<br><br>400–1<br>800–2 | |

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| City and State; airport name, elevation; facility: class and identification; procedure No.; effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance, facility to airport | Ceiling and visibility minimums: Condition | Type aircraft: 75 m. p. h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| RAWLINS, WYO.<br>Municipal, 6,784'.<br>SBRAZ-DTV-SIR.<br>Procedure No. 1.<br>Amendment No. 6.<br>Effective date: May 26, 1956.<br>Supersedes Amendment 5, dated August 1, 1952.<br>Major changes: New format. | ---------- | ---------- | ---------- | N side of E course:<br>8,600' within 10 nautical miles.<br>Beyond 10 nautical miles not authorized. | 8,300 | 257—4.9 nautical miles | 2 engines or less<br>T-d<br>*T-n<br>C-d<br>C-n<br>A-d<br>A-n | <br>500-1<br>1,500-3<br>1,500-3<br>2,000-5<br>1,500-3<br>2,000-5 BCOB | <br>NA<br>NA<br>NA<br>NA<br>NA<br>NA | Within 0 mile climb to 10,000' on W course SIR LFR within 20 nautical miles.<br>*Night takeoff authorized on runway 22 only.<br>RESTRICTIONS: Night operation authorized only when obstruction lights on hills NE of airport are operating.<br>NOTE: High unlighted terrain surrounding airport. |

2. The automatic direction finding procedures prescribed in § 609.8 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and latitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area as set forth below.

| City and State; airport name, elevation; facility: class and identification; procedure No.; effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance, facility to airport | Ceiling and visibility minimums: Condition | 2 engines or less: 65 knots or less | 2 engines or less: More than 65 knots | More than 2 engines (more than 65 knots) | If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| DETROIT, MICH.<br>Willow Run, 716'.<br>MIW-FRD.<br>Procedure No. 2.<br>Amendment No. 5.<br>Effective date: May 31, 1956.<br>Supersedes No. 4, dated March 22, 1955.<br>Major changes: (1) Milan Intersection revised; (2) transition added from Park VHF Intersection; (3) transition deleted from Ann Arbor Intersection; (4) Bridgewater VHF Intersection relocated; (5) midcraft transition revised; (6) radar transitions authorized; (7) converted to new form. | Intersection W course RML LFR and 050° bearing to MHW. | 050—8.0 | 2,000 | N side of course:<br>050° outbound.<br>230° inbound.<br>2,000' within 9 miles.<br>Not authorized beyond 9 miles. | 1,400 | 230—3.9 | T-dn<br>C-dn<br>S-dn 22R and 22L<br>A-dn | 300-1<br>400-1<br><br>400-1<br>800-2 | 300-1<br>500-1<br><br>400-1<br>800-2 | 200-½<br>500-1½<br><br>400-1<br>800-2 | Within 3.9 miles, climb to 2,000' on W course Detroit LFR within 20 miles or when directed by ATC: (1) Climb to 2,300', proceed to YIP LOM. (2) Climb to 2,300', proceed to RML LOM. (3) Make left turn, climbing to 2,000', proceed to CRL VOR.<br>CAUTION: TV antennae 1,738' and 1,749' 15 miles NE Ford Radiobeacon. |
| | Detroit LFR | 325—4.6 | 2,000 | | | | | | | | |
| | Intersection N course RML LFR and 230° bearing to MHW. | 230—1.2 | 2,000 | | | | | | | | |
| | Intersection N course TOL and 050° bearing to MHW. | 050—17.4 | 2,000 | | | | | | | | |
| | Salem VOR | 143—9.4 | 2,000 | | | | | | | | |
| | Carleton VOR | 003—14.3 | 2,000 | | | | | | | | |
| | Bridgewater VHF Intersection. | 074—23.3 | 2,300 | | | | | | | | |
| | Milan VHF Intersection | 049—23.4 | 2,000 | | | | | | | | |
| | Midcraft VHF Intersection | 230—6.2 | 2,000 | | | | | | | | |
| | Park VHF Intersection | 291—8.9 | 2,000 | | | | | | | | |
| | Radar transitions to final approach course authorized. Aircraft will be released for final approach without procedure turn on inbound final approach course at least 3 nautical miles from FRD MHW.<br>Refer to Form ACA-511.5 (GCA) (Willow Run) if detailed information on sector altitudes is desired. | | | | | | | | | | |



3. The very high frequency omnirange procedures prescribed in § 609.9 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses, and radials are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

| City and State; airport name, elevation; facility: class and identification; procedure No.; effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance, facility to airport | Ceiling and visibility minimums: Condition | 2 engines or less: 65 knots or less | 2 engines or less: More than 65 knots | More than 2 engines; more than 65 knots | If visual contact not established at authorized minimums after passing facility within distance specified or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| BIRMINGHAM, ALA.<br>Municipal, 643'.<br>BVOR-BHM.<br>Procedure No. 1.<br>Amendment No. 3.<br>Effective date: April 23, 1954. | PROCEDURE CANCELED, APRIL 26, 1956. DUE BHM BVOR OPERATING TEST BASIS ONLY PENDING RELOCATION. | | | | | | | | | | |
| CHARLESTON, S. C.<br>Air Force Base-Municipal, 45.<br>BVOR-CHS.<br>Procedure No. 1.<br>Amendment No. 7.<br>Effective date: April 16, 1955.<br>Supersedes Amendment 6, dated August 1, 1952. | CANCELED EFFECTIVE MAY 8, 1956. REISSUED AS "SPECIAL" PROCEDURE—NOT PUBLISHED IN REGULATIONS OF THE ADMINISTRATOR, PART 609. | | | | | | | | | | |
| DALLAS, TEX.<br>Love Field, 485'.<br>BVOR-DME-DAL.<br>Procedure No. 1.<br>Amendment No. 4.<br>Effective date: May 26, 1956.<br>Supersedes Amendment 3, dated Nov. 26, 1955.<br>Major changes: Revise air carrier note. | Dallas LFR | 050—10 | 2,000 | N side of course:<br>063° outbound.<br>243° inbound.<br>2,000' within 10 miles. | 1,500 | 243—8.2 | T-dn<br>#C-dn<br>A-dn | 300-1<br>400-1<br>800-2 | 300-1<br>500-1<br>800-2 | 200-½<br>500-1½<br>800-2 | Within 8.2 miles turn right, return to VOR, climbing to 2,000'.<br>CAUTION: 695' mean sea level tank 1.7 miles SE runway 31.<br>#If DME not utilized, landing minima are 700-2.<br>AIR CARRIER NOTE: On cargo and ferry flights no reduction in landing minima authorized. |
| | From 10-mile DME fix to VOR (final). | 243—10 | 1,500 | | 1,300 over 6.5-mile DME fix | 243—6.5 miles from VOR to DME fix | | | | | |
| | Radar terminal area transition altitude: 2,000' within 5 to 20 miles. Radar control must provide 3 miles or 1,000 vertical separation or 3 to 5 miles and 500 vertical separation from radio towers—1,105' mean sea level 20 miles N; 2,349' mean sea level 16 miles SSW; 1,230 mean sea level 10 miles WNW of airport. | | | | | 243—1.7 miles from 6.5-mile DME fix to airport | | | | | |
| EL PASO, TEX.<br>International, 3,936'.<br>BVOR-ELP.<br>Procedure No. 1.<br>Amendment No. 5.<br>Effective date: May 26, 1956.<br>Supersedes Amendment 4, dated July 9, 1955.<br>Major changes: New format. Added caution note on procedure turn altitude. | El Paso LFR | 079—0.6 | 5,000 | S side of course:<br>080° outbound.<br>260° inbound.<br>6,500' within 10 miles.<br>Beyond 10 miles not authorized.# | 5,500 | 259—4.7 | T-dn<br>C-dn<br>S-dn 26<br>A-dn | 300-1<br>400-1<br>400-1<br>800-2 | 300-1<br>500-1<br>400-1<br>800-2 | 200-½<br>500-1½<br>400-1<br>800-2 | Within 4.7 miles turn left to 125° magnetic, climb to 5,000', intercept and proceed on radial 151° within 20 miles.<br>Procedure nonstandard due to terrain N.<br>*Maintain 7,000' until 5 miles W of Hueco Mt. FM. If Hueco Mt. FM not identified maintain 8,000' until over ELP VOR.<br>#CAUTION: High terrain 9 miles E of El Paso. |
| | Hueco Mt. Fan Marker (final)* | 260—14.8 | 5,000 | | | | | | | | |

**4. The very high frequency omnirange procedures prescribed in § 609.9 (b) are amended to read in part:**

TVOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a TVOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized for such airport by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

| City and State; airport name, elevation; facility; class and identification; Procedure No. (TVOR); effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance from int. runway center line extended and final course to approach end of runway | Ceilings and visibility minimums: Condition | 2 engines or less: 65 knots or less | 2 engines or less: More than 65 knots | More than 2 engines, more than 65 knots | If visual contact not established at TVOR or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| DETROIT, MICH.<br>Willow Run, 716'.<br>TVOR-YIP.<br>TVOR-9R.<br>Amendment No. 1.<br>Effective date: May 31, 1956.<br>Supersedes original dated July 23, 1955.<br>Major changes: (1) Transitions added from Park and Bridgewater VHF Intersection; (2) radar transitions reworded; (3) minor course revisions, COS data; (4) column 6 revised. | CRL VOR | 348—11.7 | 2,000 | S side of course:<br>240° outbound.<br>060° inbound.<br>2,000' within 10 miles. | Track Intersection*<br>1,500<br>1,200 over YIP TVOR | 049—0.46<br>From Track Intersection* to YIP TVOR<br>060—4.34 miles | T-dn<br>C-dn<br>S-dn 4R<br>A-dn | 300-1<br>500-1<br>800-2 | 300-1<br>500-1<br>800-2 | 200-½<br>500-1½<br>500-1<br>800-2 | Climb to 2,000' proceed to Beacon Intersection (#) or when directed by ATC: (1) Make left turn, climb to 2,500', proceed to SVM VOR on the SVM VOR 170–R. (2) Make right turn, climb to 2,300', proceed via W course Detroit LFR to the Detroit LFR.<br>*Track Intersection: Intersection YIP TVOR 240–R and CRL VOR 325–R (dual omni-receivers required unless radar fix obtainable at Track Intersection).<br>#Beacon Intersection: Intersection YIP TVOR 040–R and SVM VOR 143–R. |
| | SVM VOR | 166—10.7 | 2,000 | | | | | | | | |
| | RML LFR | 278—5.7 | 2,000 | | | | | | | | |
| | FRD radiobeacon | 227—4.4 | 2,000 | | | | | | | | |
| | Park VHF Intersection | 271—11.6 | 2,000 | | | | | | | | |
| | Bridgewater VHF Intersection. | 080—18.5 | 2,200 | | | | | | | | |
| | Radar transitions to final approach course authorized. Aircraft will be released for final approach without procedure turn on inbound final approach course at least 3 miles from track intersection.<br>Refer to Form ACA–511.5 (GCA) (Willow Run) if detailed information on sector altitudes is desired. | | | | | | | | | | |
| DETROIT, MICH.<br>Willow Run, 716'.<br>TVOR-YIP.<br>TVOR-9R.<br>Amendment No. 1.<br>Effective date: May 31, 1956.<br>Supersedes original dated July 23, 1955.<br>Major changes: (1) Transition added from Park VHF Intersection and Bridgewater VHF Intersection; (2) radar transitions reworded; (3) minor course revisions COS data; (4) column 6 revised. | CRL VOR | 348—11.7 | 2,000 | S side of course:<br>255° outbound<br>075° inbound<br>2,000' within 10 miles. | Tower Intersection*<br>1,500<br>1,200 over YIP TVOR | 092—0.6<br>From Tower Intersection* to YIP TVOR<br>075—4.8 miles | T-dn<br>C-dn<br>S-dn 9R<br>A-dn | 300-1<br>500-1<br>500-1<br>800-2 | 300-1<br>500-1<br>500-1<br>800-2 | 200-½<br>500-1½<br>500-1<br>800-2 | Climb to 2,000', proceed to railroad Intersection (#), or when directed by ATC: (1) Make right turn, climb to 2,300', proceed via W course DET LFR to DET LFR. (2) Make right turn, climb to 2,000', proceed to CRL VOR. (3) Make left turn, climb to 2,500', proceed on SVM VOR 170–R to SVM VOR.<br>*Tower Intersection: Intersection YIP TVOR 255–R and SVM VOR 190–R (dual omnireceivers required unless radar fix obtainable at Tower Intersection).<br>#Railroad Intersection: Intersection YIP TVOR 72–R and CRL VOR 005–R. |
| | SVM VOR | 166—10.7 | 2,000 | | | | | | | | |
| | RML LFR | 278—5.7 | 2,000 | | | | | | | | |
| | FRD Radiobeacon | 227—4.4 | 2,000 | | | | | | | | |
| | Park VHF Intersection | 271—11.6 | 2,000 | | | | | | | | |
| | Bridgewater VHF Intersection. | 080—18.5 | 2,200 | | | | | | | | |
| | Radar transitions to final approach course authorized. Aircraft will be released for final approach without procedure turn on final approach course at least 3 miles from Tower Intersection.<br>Refer to Form ACA–511.5 (GCA) (Willow Run) if detailed information on sector altitudes is desired. | | | | | | | | | | |



TVOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| City and State; airport name, elevation; facility; class and identification; Procedure No. (TVOR); effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance from int. runway center line extended and final course to approach end of runway | Ceilings and visibility minimums: Condition | 2 engines or less: 65 knots or less | 2 engines or less: More than 65 knots | More than 2 engines, more than 65 knots | If visual contact not established at TVOR or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 3 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| DETROIT, MICH., Willow Run, 716'.<br>TVOR-YIP.<br>TVOR-9L.<br>Amendment No. 2.<br>Effective date: May 31, 1956.<br>Supersedes Amendment 1, dated February 11, 1956.<br>Major changes: (1) Transitions added from Park and Bridgewater VHF Intersection; (2) Radar transitions reworded; (3) Minor course revisions, COS data; (4) column 6 revised. | CRL VOR | 348—11.7 | 2,000 | S side of course:<br>285° outbound.<br>105° inbound.<br>2,200' within 10 miles. | YIP Intersection*<br>1,700<br>1,200 over YIP TVOR | 092—0.7<br>From YIP Intersection* to YIP TVOR<br>105—5.0 miles | T-dn<br>C-dn<br>S-dn 9L<br>A-dn | 300-1<br>500-1<br>500-1<br>800-2 | 300-1<br>500-1<br>500-1<br>800-2 | 200-½<br>500-1½<br>500-1<br>800-2 | Climb to 2,000', proceed to Railroad Intersection (#), or when directed by ATC: (1) Make left turn, climb to 2,500', proceed to SVM VOR on the SVM VOR 170–R. (2) Climb to 2,300', proceed via W course Detroit LFR to the Detroit LFR.<br>*YIP Intersection: Intersection YIP TVOR 285–R and SVM VOR 195–R (dual omnireceivers required unless radar fix obtainable at YIP Intersection).<br>#Railroad Intersection: Intersection YIP TVOR 072–R and CRL VOR 005–R. |
| | SVM VOR | 166—10.7 | 2,000 | | | | | | | | |
| | RML LFR | 278—5.7 | 2,000 | | | | | | | | |
| | FRD Radiobeacon | 227—4.4 | 2,000 | | | | | | | | |
| | Park VHF Intersection | 271—11.6 | 2,000 | | | | | | | | |
| | Bridgewater VHF Intersection. | 080—18.5 | 2,200 | | | | | | | | |
| | Radar transitions to final approach course authorized. Aircraft will be released for final approach without procedure turn on inbound final approach course at least 3 miles from YIP Intersection.<br>Refer to Form ACA–511.5 (GCA) (Willow Run) if detailed information on sector altitudes is desired. | | | | | | | | | | |
| DETROIT, MICH.<br>Willow Run, 716'.<br>TVOR-YIP.<br>TVOR-14.<br>Amendment No. 2.<br>Effective date: May 31, 1956.<br>Supersedes Amendment 1, dated February 18, 1956.<br>Major changes: (1) Transition added from Park VHF Intersection and Bridgewater VHF Intersection; (2) radar transitions reworded, (3) minor course revisions, COS data; (4) references to YIP VOR changed to YIP TVOR; (5) course changed column 7 to runway magnetic course | CRL VOR | 348—11.7 | 2,000 | W side of course:<br>310° outbound.<br>130° inbound.<br>2,200' within 10 miles. | Ann Intersection*<br>1,700<br>1,200 over YIP TVOR | 139—0.43<br>From Ann Intersection* to YIP TVOR<br>130°—4.3 miles | T-dn<br>C-dn<br>S-dn 14<br>A-dn | 300-1<br>500-1<br>500-1<br>800-2 | 300-1<br>500-1<br>500-1<br>800-2 | 200-½<br>500-1½<br>500-1<br>800-2 | Climb to 2,000', proceed to Belleville Intersection (#) or when directed by ATC: (1) Climb to 2,000', proceed to CRL VOR. (2) Make right turn, climbing to 2,300', proceed to YIP LOM. (3) Make left turn, climb to 2,300', proceed via W course DET LFR to the DET LFR.<br>*Ann Intersection: Intersection YIP TVOR 310–R and SVM VOR 190–R (dual omnireceivers required unless radar fix obtainable at Ann Intersection).<br>#Belleville Intersection: Intersection YIP TVOR 150–R and CRL VOR 360–R. |
| | SVM VOR | 166—10.7 | 2,000 | | | | | | | | |
| | RML LFR | 278—5.7 | 2,000 | | | | | | | | |
| | FRD Radiobeacon | 227—4.4 | 2,000 | | | | | | | | |
| | Park VHF Intersection | 271—11.6 | 2,000 | | | | | | | | |
| | Bridgewater VHF Intersection. | 080—18.5 | 2,200 | | | | | | | | |
| | Radar transitions to final approach course authorized. Aircraft will be released for final approach without procedure turn on inbound final approach course at least 3 miles from Ann Intersection.<br>Refer to Form ACA–511.5 (GCA) (Willow Run) if detailed information on sector altitudes is desired. | | | | | | | | | | |
| DETROIT, MICH.<br>Willow Run, 716'.<br>TVOR-YIP.<br>TVOR-18.<br>Amendment No. 1.<br>Effective date: May 31, 1956.<br>Supersedes original dated July 23, 1955.<br>Major changes: (1) Transitions added from Park and Bridgewater VHF Intersection; (2) radar transitions reworded; (3) Minor course revisions, COS data. (4) column 6 revised to include altitude over TVOR. | CRL VOR | 348—11.7 | 2,000 | W side of course:<br>345° outbound.<br>165° inbound.<br>2,000' within 10 miles. | Denton Intersection*<br>1,500<br>1,100 over YIP TVOR | 182—0.7<br>From Denton Intersection* to YIP TVOR<br>165—3 miles | T-dn<br>C-dn<br>S-dn 18<br>A-dn | 300-1<br>500-1<br>400-1<br>800-2 | 300-1<br>500-1<br>400-1<br>800-2 | 200-½<br>500-1½<br>400-1<br>800-2 | Climb to 2,000', proceed to Willis Intersection (#) or when directed by ATC: (1) Climb to 2,300', proceed to Willow Run LOM. (2) Climb to 2,300', proceed to Wayne Major LOM. (3) Climb to 2,000', proceed to CRL VOR.<br>*Denton Intersection: Intersection YIP TVOR 345–R and 90° bearing to FRD Radiobeacon (omni and ADF receiver required unless radar fix obtainable at Denton Intersection).<br>#Willis Intersection: Intersection YIP TVOR 195–R and CRL VOR 330–R. |
| | SVM VOR | 166—10.7 | 2,000 | | | | | | | | |
| | RML LFR | 278—5.7 | 2,000 | | | | | | | | |
| | FRD Radiobeacon | 227—4.4 | 2,000 | | | | | | | | |
| | Park VHF Intersection | 271—11.6 | 2,000 | | | | | | | | |
| | Bridgewater VHF Intersection. | 080—18.5 | 2,200 | | | | | | | | |
| | Radar transition to final approach course authorized. Aircraft will be released for final approach without procedure turn on inbound final approach course at least 3 miles from Denton Intersection.<br>Refer to Form ACA–511.5 (GCA) (Willow Run) if detailed information on sector altitudes is desired. | | | | | | | | | | |

TVOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| City and State; airport name, elevation; facility; class and identification; Procedure No. (TVOR); effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance from int. runway center line extended and final course to approach end of runway | Ceilings and visibility minimums: Condition | 2 engines or less: 65 knots or less | 2 engines or less: More than 65 knots | More than 2 engines, more than 65 knots | If visual contact not established at TVOR or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 3 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| DETROIT, MICH. Willow Run, 716'. TVOR-YIP. TVOR-22L. Amendment No. 2. Effective date: May 31, 1956. Supersedes Amendment 1, dated March 17, 1955. Major changes: (1) Transitions added from Park and Bridgewater VHF Intersection; (2) radar transitions revised; (3) minor course revisions, CGS data; (4) distance revised, column 5 (criteria). | CRL VOR | 348—11.7 | 2,000 | N side of course: 040° outbound. 220° inbound. 2,000' within 10 miles. | Beacon Intersection* 1,500 / 1,100 over YIP TVOR | 229—0.5 From Beacon Intersection* to YIP TVOR 220°—4.3 miles | T-dn C-dn S-dn 22L A-dn | 300-1 500-1 400-1 800-2 | 300-1 500-1 400-1 800-2 | 200-½ 500-1½ 400-1 800-2 | Climb to 2,000', proceed to Track Intersection (#), or when directed by ATC: (1) Climb to 2,300', proceed to Willow Run LOM. (2) Make right turn, climb to 2,500', proceed to SVM VOR on the SVM VOR 170–R. (3) Make left turn, climb to 2,000', proceed to CRL VOR. *Beacon Intersection: Intersection YIP TVOR 40–R and CRL VOR 040–R (dual omnireceivers required unless radar fix obtainable at Beacon Intersection). #Track Intersection: Intersection YIP TVOR 240–R and CRL VOR 325–R. |
| | SVM VOR | 166—10.7 | 2,000 | | | | | | | | |
| | RML LFR | 278—5.7 | 2,000 | | | | | | | | |
| | FRD Radiobeacon | 227—4.4 | 2,000 | | | | | | | | |
| | Park VHF Intersection | 271—11.6 | 2,000 | | | | | | | | |
| | Bridgewater VHF Intersection. | 080—18.5 | 2,200 | | | | | | | | |
| | Radar transitions to final approach course authorized. Aircraft will be released for final approach without procedure turn on inbound final approach course at least 3 miles from Beacon Intersection. Refer to Form ACA-511.5 (GCA) (Willow Run) if detailed information on sector altitudes is desired. | | | | | | | | | | |
| DETROIT, MICH. Willow Run, 716'. TVOR-YIP. TVOR-27R. Amendment No. 1. Effective date: May 31, 1956. Supersedes Original dated July 23, 1955. Major changes: (1) Transitions added from Park and Bridgewater VHF Intersection; (2) radar transitions reworded; (3) minor course revisions, CGS data; (4) column 6 revised. | CRL VOR | 348—11.7 | 2,000 | N side of course: 072° outbound. 252° inbound. 2,000' within 10 miles. | Railroad Intersection* 1,500 / 1,100 over YIP TVOR | 272—0.8 From Railroad Intersection* to YIP TVOR 252°—3.5 miles | T-dn C-dn S-dn 27R A-dn | 300-1 500-1 400-1 800-2 | 300-1 500-1 400-1 800-2 | 200-½ 500-1½ 400-1 800-2 | Climb to 2,000', proceed to YIP Intersection (#), or when directed by ATC. (1) Make right turn, climb to 2,500', proceed to SVM VOR on SVM VOR 170–R. (2) Make left turn, climb to 2,300', proceed to YIP ILS LOM. *Railroad Intersection: Intersection YIP TVOR 072–R and CRL VOR 005–R (dual omnireceivers required unless radar fix obtainable at Railroad Intersection). #YIP Intersection: Intersection YIP TVOR 285–R and SVM VOR 195–R. |
| | SVM VOR | 166—10.7 | 2,000 | | | | | | | | |
| | RML LFR | 278—5.7 | 2,000 | | | | | | | | |
| | FRD Radiobeacon | 227—4.4 | 2,000 | | | | | | | | |
| | Park VHF Intersection | 271—11.6 | 2,000 | | | | | | | | |
| | Bridgewater VHF Intersection. | 080—18.5 | 2,200 | | | | | | | | |
| | Radar transitions to final approach course authorized. Aircraft will be released for final approach without procedure turn on inbound final approach course at least 3 miles from Railroad Intersection. Refer to Form ACA-511.5 (GCA) (Willow Run) if detailed information on sector altitudes is desired. | | | | | | | | | | |
| DETROIT, MICH. Willow Run, 716'. TVOR-YIP. TVOR-32. Amendment No. 2. Effective date: May 31, 1956. Supersedes Amendment 1, dated February 11, 1956. Major changes: (1) Transitions added from Park and Bridgewater VHF Intersection; (2) radar transitions reworded; (3) minor course revisions-CGS data; (4) column 6 revised. | CRL VOR | 348—11.7 | 2,000 | E side of course: 150° outbound. 330° inbound. 2,000' within 10 miles. | Belleville Intersection* 1,500 / 1,100 over YIP TVOR | 319—0.7 From Belleville Intersection* to YIP TVOR 330—4.8 miles | T-dn C-dn S-dn 32 A-dn | 300-1 500-1 400-1 800-2 | 300-1 500-1 400-1 800-2 | 200-½ 500-1½ 400-1 800-2 | Climb to 2,200', proceed to Ann Intersection (#), or when directed by ATC: (1) Make right turn, climb to 2,500', proceed to SVM VOR on the SVM VOR 170–R. (2) Make left turn, climb to 2,300', proceed to the YIP ILS LOM. *Belleville Intersection: Intersection YIP TVOR 150–R and CRL VOR 360–R (dual omnireceivers required unless radar fix obtainable at Belleville Intersection). #Ann Intersection: Intersection YIP TVOR 310–R and SVM VOR 190–R. |
| | SVM VOR | 166—10.7 | 2,000 | | | | | | | | |
| | RML LFR | 278—5.7 | 2,000 | | | | | | | | |
| | FRD Radiobeacon | 227—4.4 | 2,000 | | | | | | | | |
| | Park VHF Intersection | 271—11.6 | 2,000 | | | | | | | | |
| | Bridgewater VHF Intersection. | 080—18.5 | 2,200 | | | | | | | | |
| | Radar transitions to final approach course authorized. Aircraft will be released for final approach without procedure turn on inbound final approach course at least 3 miles from Belleville Intersection. Refer to Form ACA-511.5 (GCA) (Willow Run) if detailed information on sector altitudes is desired. | | | | | | | | | | |



TVOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| City and State; airport name, elevation; facility; class and identification; Procedure No. (TVOR); effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance from int. runway center line extended and final course to approach end of runway | Ceilings and visibility minimums: Condition | 2 engines or less: 65 knots or less | 2 engines or less: More than 65 knots | More than 2 engines, more than 65 knots | If visual contact not established at TVOR, or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| DETROIT, MICH. Willow Run, 716'. TVOR-YIP. TVOR-36. Amendment No. 1. Effective date: May 31, 1956. Supersedes original, dated, July 23, 1955. Major changes: (1) Transitions added from Park and Bridgewater VHF Intersection; (2) radar transitions reworded; (3) minor course revisions, CGS data; (4) column 6 revised. | CRL VOR | 348—11.7 | 2,000 | E side of course: 195° outbound. 015° inbound. 2,000' within 10 miles. | Willis Intersection* 1,500 / 1,100 over YIP TVOR | 002—0.7 From Willis Intersection* to YIP TVOR 015—5.0 miles | T-dn C-dn S-dn 36 A-dn | 300-1 500-1 400-1 800-2 | 300-1 500-1 400-1 800-2 | 200-½ 500-1½ 400-1 800-2 | Climb to 2,000', proceed to Denton Intersection (#), or when directed by ATC: (1) Make left turn, climb to 2,500', proceed to SVM VOR on SVM VOR 170–R. (2) Climb to 2,700' on back course YIP ILS localizer to Midcraft Intersection. (3) Make right turn, climb to 2,300', proceed to RML LFR. *Willis Intersection: Intersection YIP TVOR 195–R and CRL VOR 330–R (dual omni receivers required unless radar fix obtainable at Willis Intersection). #Denton Intersection: Intersection YIP TVOR 345–R and 090° bearing. |
| | SVM VOR | 166—10.7 | 2,000 | | | | | | | | |
| | RML LFR | 278—5.7 | 2,000 | | | | | | | | |
| | FRD Radiobeacon | 227—4.4 | 2,000 | | | | | | | | |
| | Park VHF Intersection | 271—11.6 | 2,000 | | | | | | | | |
| | Bridgewater VHF Intersection. | 080—18.5 | 2,200 | | | | | | | | |
| | Radar transitions to final approach course authorized. Aircraft will be released for final approach without procedure turn on inbound final approach course at least 3 miles from Willis Intersection. Refer to Form ACA-511.5 (GCA) (Willow Run) if detailed information on sector altitudes is desired. | | | | | | | | | | |

**5.** The very high frequency omnirange procedures prescribed in § 609.9 (c) are amended to read in part:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

**Bearings, headings, courses, and radials are magnetic. Elevations and altitude are in feet MSL.**

If a VOR/DME instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specific routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

NOTE: Distances are in nautical miles unless otherwise indicated except visibilities, which are in statute miles.

Abilene, Tex.; Municipal Airport; elevation 1,778'; facility BVOR-DME; identification ABI; Original; effective date May 26, 1956, supersedes none.

| Transition to facility or transition to DME orbit: From—(mi.) | To—(mi.) | Radial | Minimum altitude (ft.) | Procedure turn; side of approach radial; altitudes; limiting distances | Minimum altitude on approach radial: From—(mi.) | To—(mi.) | Radial | Minimum altitude (ft.) | Procedure No.; direct or right or left turn to final approach orbit; Runway No. | Minimum altitude on final approach orbit: From radial | To radial | Minimum altitude (ft.) | Ceiling and visibility minimums: Condition | Two engines or less: 65 knots or less | Two engines or less: More than 65 knots | More than two engines: More than 65 knots | If visual contact not established at authorized landing minimums at fix specified, or if landing not accomplished— |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 |
| NOTE: When authorized by ATC, DME may be used within 10 nautical miles at 3,800' orbiting altitude to position aircraft for a final approach with the elimination of a procedure turn. | | | | S side 281 3,500 within 10 miles. | 10 | 0 | 281 | 2,600 | Procedure No. 1, direct to airport. | ---- | ---- | ---- | T-dn | 300-1 | 300-1 | 200-½ | Within 9.5 miles climb to 3,100' on radial 101° within 20 miles. |
| | | | | | 0 | 8.8 | 101 | 2,500 | | | | | C-dn | 400-1 | 500-1 | 500-1½ | |
| | | | | | 8.8 | 9.5 | 101 | 2,200 | | | | | A-dn | 800-2 | 800-2 | 800-2 | |
| | | | | | | | | | | | | | #C-d | 800-1 | 800-1 | 800-1½ | |
| | | | | | | | | | | | | | #C-n | 800-2 | 800-2 | 800-2 | |
| | | | | S side 281 3,500 within 10 miles. | 10 | 0 | 281 | 2,600 | Procedure No. 2, right 9.7 runway 17. | 074 | 099 | 2,200 | T-dn | 300-1 | 300-1 | 200-½ | Turn left, climb to 3,100' on radial 101° within 20 miles. |
| | | | | | 0 | 9.7 | 074 | 2,600 | | | | | C-dn | 400-1 | 500-1 | 500-1½ | |
| | | | | | | | | | | | | | S-dn 17 | 400-1 | 400-1 | 400-1 | |
| | | | | | | | | | | | | | A-dn | 800-2 | 800-2 | 800-2 | |
| | | | | S side 281 3,500 within 10 miles. | 10 | 0 | 281 | 2,600 | Procedure No. 3, left 10.0 runway 35. | 127 | 103 | 2,200 | T-dn | 300-1 | 300-1 | 200-½ | Turn right, climb to 3,100' on radial 101° within 20 miles. |
| | | | | | 0 | 10.0 | 127 | 2,500 | | | | | C-dn | 400-1 | 500-1 | 500-1½ | |
| | | | | | | | | | | | | | S-dn 35 | 400-1 | 400-1 | 400-1 | |
| | | | | | | | | | | | | | A-dn | 800-2 | 800-2 | 800-2 | |
| 15 | 9.7 | 039 | 2,900 | Not authorized. | ---- | ---- | ---- | ---- | Procedure No. 4, left 9.7 runway 17. | 024 | 074 | 2,400 | T-dn | 300-1 | 300-1 | 200-½ | Turn left, climb to 3,100' on radial 101° within 20 miles. |
| 15 | 9.7 | 055 | 2,900 | | | | | | | 074 | 099 | 2,200 | C-dn | 400-1 | 500-1 | 500-1½ | |
| 15 | 9.7 | 024 | 2,900 | | | | | | | | | | S-dn 17 | 400-1 | 400-1 | 400-1 | |
| 15 | 9.7 | 070 | 2,900 | | | | | | | | | | A-dn | 800-2 | 800-2 | 800-2 | |

#Minimums without DME and for Procedure No. 1 only, with a procedure turn.

6. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

| City and State; airport name, elevation; facility; class and identification; procedure No.; effective date | Transition to ILS | | | | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude at glide slope interception inbound (ft.) | Altitude of glide slope and distance to approach end of runway at— | | Ceiling and visibility minimums | | | If visual contact not established upon descent to authorized landing minimums or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | From— | To— | Course and distance (nautical miles) | Minimum altitudes (ft.) | | | Outer marker | Middle marker | Condition | Type aircraft: 75 m.p.h. or less | Type aircraft: More than 75 m. p. h. | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| Charleston, S. C. Charleston, 45'. ILS-ICHS. LOM-CH. ILS and ADF Combination. Procedure No. 1. Amendment No. 11. Effective date: December 3, 1954. Supersedes Amendment 10, dated August 30, 1954. | CANCELED EFFECTIVE MAY 8, 1956. REISSUED AS "SPECIAL" PROCEDURE—NOT PUBLISHED IN REGULATIONS OF THE ADMINISTRATOR, PART 609. | | | | | | | | | | | |
| DALLAS, TEX. Love Field, 485'. ILS-IDAL. LOM-DA. Combination ILS and ADF. Procedure No. 1. Amendment No. 2. Effective date: May 26, 1958. Supersedes Amendment 1, dated June 18, 1955. Major changes: Remove air carrier note. | Dallas VOR | OM | 265—11.3 | 1,800 | N side NW course: 307° outbound. 127° inbound. 2,000' within 10 nautical miles. | ILS 2,000 | 1920—4.2 nautical miles | 775—0.6 nautical miles | 2 engines or less: T-dn / C-dn | 300-1 / 400-1 | 300-1 / 500-1 | Climb to 2,000' on SE course of ILS within 20 nautical miles or when directed by ATC, turn left, proceed to DAL VOR, climbing to 2,000'. Within 4.2 nautical miles LOM (ADF) climb to 2,000' on course of 127 within 20 nautical miles. CAUTION: 1,221' R. T. 5.6 nautical miles WNW of LOM. 695' tank 1.7 nautical miles SE runway 31. Procedure turn nonstandard due ATC. |
| | Ross Avenue Intersection | LOM | 307—8.7 | 1,700 | | ADF 1,200 over LOM | | | S-dn 13 ILS | | 200-½ | 200-½ |
| | Farmers Branch Intersection. | LOM | 206—2.6 | 1,600 | | | | | ADF | 400-1 | 400-1 | |
| | Coppell Intersection (final) | LOM | 127—2.2 | ILS 2,000 / ADF 1,200 | | | | | More than 2 engines: T-dn | | 300-1½ | |
| | Radar terminals area transition altitude: 2,000' within 5 to 20 nautical miles. Radar control must provide 3 nautical miles or 1,000 vertical separation or 3 to 5 nautical miles and 500 vertical separation from radio towers—1,108' mean sea level 20 nautical miles N; 2,349' mean sea level 16 nautical miles SSW; 1,230' mean sea level 10 nautical miles WNW of airport. | | | | | | | | C-dn | | 500-1½ | |
| | | | | | | | | | S-dn 13 ILS | | 200-½ | |
| | | | | | | | | | ADF | | 400-1 | |
| | | | | | | | | | All aircraft: A-dn / ADF | 800-2 / 800-2 | | |
| DALLAS, TEX. Love Field, 485'. ILS—IDAL. Procedure No. 2. SE course ILS. Amendment No. 2. Effective date: May 26, 1956. Supersedes Amendment 1, dated December 21, 1955. Major changes: Add tank FM and remove air carrier note. Add caution note. | DAL VOR | Ross Avenue Intersection. | 216—7.5 | 2,000 | S side of SE course: 127° outbound. 307° inbound. 2,000' within 10 nautical miles of Ross Avenue Intersection. | No glide slope. Ross Avenue Intersection 1.500. Tank fix# 1,000 | No glide slope. Ross Avenue Intersection to Tank Fix#, 1.7 nautical miles. Tank Fix# to runway 31 1.5 nautical miles. | | 2 engines or less: T-dn / C-dn | 300-1 / 400-1 | 300-1 / 500-1 | Within 3.2 nautical miles of Ross Avenue Intersection, climb to 2,200' on NW course of ILS or when directed by ATC, turn right, climb to 2,000' on 063 radial DAL VOR within 20 nautical miles. CAUTION: 695' mean sea level tank 1.7 nautical miles from approach end of runway 31. #Tank fix is tank FM or intersection Radial 229° DAL VOR and SE course ILS. *Descent below 1,000' mean sea level not authorized unless position over tank fix determined. |
| | DAL VOR | Fair Park Intersection. | 193—8.2 | 2,000 | | | | | *S-dn 31 | 400-1 | 400-1 | |
| | DAL LFR | Ross Avenue Intersection. | 086—3.1 | 2,000 | | | | | More than 2 engines: T-dn | | 200-½ | |
| | Trinity Fork Intersection | Fair Park Intersection. | 307—13.6 | 2,000 | | | | | C-dn | | 500-1½ | |
| | Fair Park Intersection (final). | Ross Avenue Intersection. | 307—3.2 | 1,500 | | | | | *S-dn 31 | | 400-1 | |
| | Duncanville Radiobeacon | Fair Park Intersection. | 032—8.6 | 2,000 | | | | | All aircraft: A-dn | 800-2 | | |
| | Radar terminal area transition altitude: 2,000' within 5 to 20 nautical miles. Radar control must provide 3 nautical miles or 1,000' vertical separation or 3 to 5 nautical miles and 500 vertical separation from radio towers, 1,108' mean sea level 20 nautical miles N; 2,349' mean sea level 16 nautical miles SSW; 1,230' mean sea level 10 nautical miles WNW of airport. | | | | | | | | | | | |



ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| City and State, airport name, elevation; facility; class and identification; procedure No.; effective date | Transition to ILS | | | | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude at glide slope interception inbound (ft.) | Altitude of glide slope and distance to approach end of runway at— | | Ceiling and visibility minimums | | | If visual contact not established upon descent to authorized landing minimums or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | From— | To— | Course and distance (nautical miles) | Minimum altitudes (ft.) | | | Outer marker | Middle marker | Condition | Type aircraft: 75 m.p.h. or less | Type aircraft: More than 75 m. p. h. | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| DETROIT, MICH. Detroit Wayne Major, 639'. ILS back course. Procedure No. 2. Amendment No. 2. Effective date: May 31, 1956. Supersedes No. 1, dated July 9, 1955. Major changes: (1) Transition added from intersection QG VOR 265R and ILS course; (2) minor distance revisions (criteria); (3) transition added from Park VHF Intersection; (4) radar transitions authorized. | Detroit LFR | (*) or (**) | 046—6.5 | 2,700 | W side of NE course: 032° outbound. 212° inbound. 2,700' within 10 nautical miles of (*) or (**). | No glide slope. | No outer marker. 2,300 over (*) or (**) 5.2 nautical miles. | No middle marker. | 2 engines or less: T-dn / C-dn | 300-1 / 500-1 | 300-1 / 500-1 | Within 5.2 nautical miles, climb to 2,000' on SW course ILS to LOM or when directed by ATC: (1) Make right turn, climb to 2,000' proceed to FRD radiobeacon. (2) Make left turn, climb to 2,300', proceed to Flat Rock LF intersection. *Intersection NE course ILS and SVM VOR 118R. **Intersection NE course ILS and 265° ADF bearing to FRD radiobeacon. Procedure not authorized unless aircraft equipped to receive ILS and VOR or ILS and ADF bearings simultaneously, unless radar fixes are obtainable at (*) or (**). |
| | RML LOM | (*) or (**) | 032—10.8 | 2,700 | | | | | S-dn 21R | 500-1 | 500-1 | |
| | SVM VOR | (*) or (**) | 117—14.8 | 2,700 | | | | | A-dn | 800-2 | 800-2 | |
| | FRD radiobeacon | (*) or (**) | 085—7.4 | 2,700 | | | | | More than 2 engines: T-dn | | 200-¼ | |
| | Intersection NE course ILS and NW course QG LFR. | (*) or (**) | 212—15.9 | 2,700 | | | | | C-dn | | 500-1½ | |
| | Intersection QG VOR 265R and ILS course. | (*) or (**) | 032—5.0 | 2,700 | | | | | S-dn 21R | | 500-1 | |
| | Park VHF Intersection | (*) or (**) | 345—4.1 | 2,700 | | | | | A-dn | | 800-2 | |
| | Radar transition to final approach course authorized. Aircraft will be released for final approach without procedure turn on inbound final approach course at least 3 nautical miles from (*) or (**). Refer to Form ACA-511.5 (GCA) (Willow Run) if detailed information on sector altitudes is desired. | | | | | | | | | | | |
| DETROIT, MICH. Detroit Wayne Major, 639'. ILS-IRML. LOM-RM. Procedure No. 1. Combination ILS-ADF. Amendment No. 2. Effective date: May 31, 1956. Supersedes No. 1, dated March 22, 1955. Major changes: (1) Transitions deleted from Bridgewater, Milan and Ann Arbor Intersection; (2) transition added from Park VHF Intersection; (3) midcraft Intersection redesignated-heading distance revised; (4) transition added column 2, line 9. | Detroit LFR | LOM | 192—4.8 | 2,000 | E side of SW course: 212° outbound. 032° inbound. 2,000' within 10 nautical miles. | ILS 1,900 / ADF 1,500 | 1,872—4.3 nautical miles | 884—0.7 nautical miles | 2 engines or less: T-dn / C-dn | 300-1 / 400-1 | 300-1 / 500-1 | Within 4.3 nautical miles, make right turn, climb to 2,000' proceed to RML LOM or when directed by ATC: (1) Make left turn, climb to 2,300', proceed to RML LFR. (2) Make left turn, climb to 2,500', proceed to SVM VOR via SVM VOR 127R. (3) Make right turn, climb to 2,300', proceed to Flat Rock Intersection. |
| | Salem VOR via SVM VOR 155R. | LOM | 155—17.4 | 2,000 | | | | | S-dn ILS | 300-¾ | 300-¾ | |
| | Carleton VOR | LOM | 022—7.0 | 2,000 | | | | | ADF | 400-1 | 400-1 | |
| | Park VHF Intersection | LOM | 232—8.5 | 2,000 | | | | | 3L A-dn ILS | 600-2 | 600-2 | |
| | Midcraft Intersection (via RML LFR). | LOM | 195—12.9 | 2,000 | | | | | ADF | 800-2 | 800-2 | |
| | YIP ILS LOM | LOM | 101—9.6 | 2,000 | | | | | More than 2 engines: T-dn | | 200-½ | |
| | Intersection SW course RML ILS course and SW course QG LFR. | LOM | 032—5.2 | 2,000 | | | | | C-dn | | 500-1½ | |
| | Flat Rock Intersection | LOM | 280—4.7 | 2,000 | | | | | S-dn ILS | | 300-¾ | |
| | Intersection SW course RML ILS and CRL VOR 267R. | LOM | 032—7.1 | 2,000 | | | | | ADF | | 400-1 | |
| | Radar transitions to final approach course authorized. Aircraft will be released for final approach without procedure turn on inbound final approach course at least 3 nautical miles from LOM. Refer to Form ACA-511.5 (GCA) (Willow Run) if detailed information on sector altitudes is desired. | | | | | | | | 3L A-dn ILS | | 600-2 | |
| | | | | | | | | | ADF | | 800-2 | |

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| City and State; airport name, elevation; facility; class and identification; procedure No.; effective date | Transition to ILS: From— | Transition to ILS: To— | Transition to ILS: Course and distance (nautical miles) | Transition to ILS: Minimum altitudes (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude at glide slope interception inbound (ft.) | Altitude of glide slope and distance to approach end of runway at—: Outer marker | Altitude of glide slope and distance to approach end of runway at—: Middle marker | Ceiling and visibility minimums: Condition | Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less | Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h. | If visual contact not established upon descent to authorized landing minimums or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| DETROIT, MICH. Willow Run, 716'. ILS-IYIP, LOM-YI. Combination ILS-ADF. Procedure No. 1. Amendment No. 8. Effective date: May 31, 1956. Supersedes No. 7, dated March 22, 1955. Major changes: (1) Minor course and distance revisions, column 4; (2) transition added from Park VHF intersection; (3) Bridgewater and Milan transitions revised; (4) radar transition authorized (criteria). | Detroit LFR | LOM | 235—10.6 | 2,300 | W side of SW course: 230° outbound. 050° inbound. 2,300' within 10 nautical miles. | ILS 2,300<br>ADF 1,500 | 2251—4.9 nautical miles | 932—0.5 nautical miles | 2 engines or less<br>T-dn<br>C-dn | 300-1<br>400-1 | 300-1<br>500-1 | Within 4.9 nautical miles of LOM (ADF), make left turn climb to 2,500' on 170R of Salem VOR or when directed by ATC: (1) Climb to 2,700' on back course ILS proceed to Mideraft intersection. (2) Make right turn climb to 2,300' proceed to RML LFR. |
| | Intersection N course RML LFR and NE course ILS OR bearing 230° to LOM. | LOM | 230—11.3 | 2,300 | | | | | S-dn 4R<br>ILS | 200-½ | 200-½ | |
| | Intersection N course TOL LFR and SW course ILS (ILS). | LOM | 050—7.4 | Final 2,300 | | | | | ADF | 400-1 | 400-1 | |
| | | | | | | | | | 4R 4L<br>A-dn | | | |
| | ~~Salem VOR~~ | ~~LOM~~ | ~~189—14.1~~ | ~~2,300~~ | | | | | ILS | 600-2 | 600-2 | |
| | Carleton VOR | LOM | 318—10.5 | 2,300 | | | | | ADF | 800-2 | 800-2 | |
| | Bridgewater LF Intersection. | LOM | 087—11.5 | 2,300 | | | | | More than 2 engines<br>T-dn<br>C-dn | ----------<br>---------- | 200-1<br>500-1½ | |
| | Milan Intersection | LOM | 050—13.2 | Final 2,300 | | | | | S-dn 4R<br>ILS | ---------- | 200-½ | |
| | Ann Arbor Intersection | LOM | 090—7.1 | 2,300 | | | | | ADF | ---------- | 400-1 | |
| | Park VHF Intersection | LOM | 259—16.4 | 2,300 | | | | | 4R 4L<br>A-dn<br>ILS | ---------- | 600-2 | |
| | Bridgewater VHF Intersection. | LOM | 090—14.6 | 2,300 | | | | | ADF | ---------- | 800-2 | |
| | Radar transition to final approach course authorized. Procedure turn not necessary on vectoring to final approach course. Refer to Form ACA-511.5 (GCA) (Willow Run) if detailed information on sector altitudes is desired. | | | | | | | | | | | |
| EL PASO, TEX. International, 3,936', ILS-IELP. LOM-EL. Combination ILS and ADF. Procedure No. 1. Amendment No. 9. Effective date: May 26, 1956. Supersedes Amendment 8, dated July 9, 1955. Major changes: Delete transition from Newman MHW; revise transition to localizer from Hueco Mt. Intersection. Add transition from Antelope Intersection. | El Paso VOR | OM | 318—3.7 | 5,000 | N side of NE course: 038° outbound. 218° inbound. 5,000' within 10 nautical miles. Beyond 10 nautical miles not authorized. | ILS 5,000<br>ADF 4,500 over LOM | 5,000—3.7 nautical miles | 4,120—0.3 nautical miles | 2 engines or less<br>T-dn<br>C-dn | 300-1<br>400-1 | 300-1<br>500-1 | 3.7 nautical miles after passing LOM turn left to 125° magnetic and climb to 5,000' intercept and proceed S on S course of LFR or, when directed by ATC intercept and proceed S on radial 151 within 20 nautical miles. Straight-in ILS minima 400-¾ when glide slope not utilized. Glide slope touchdown 2,744' from runway end. *Antelope Intersection: ELP radial 080° and HUP radial 284°. |
| | El Paso LFR | LOM | 327—3.5 | 5,000 | | | | | S-dn 22<br>ILS | 200-½ | 200-½ | |
| | Antelope Intersection* (ILS final). | NE course ILS. | 284—19.1 | 7,000 | | | | | ADF | 400-1 | 400-1 | |
| | Intersection W course ELP LFR and NE course ILS. | LOM | 038—5.2 | 5,000 | | | | | More than 2 engines<br>T-dn<br>C-dn | ----------<br>---------- | 200-½<br>500-1½ | |
| | Hueco Mt. Intersection (ILS final). | NE course ILS. | 294—12.2 | 7,000 | | | | | S-dn 22<br>ILS | ---------- | 200-½ | |
| | Intersection 294° bearing to Newman Radiobeacon or Hudspeth radial 284 and NE course ILS (final). | LOM | 218—6.1 | ILS 5,000<br>ADF 4,500 | | | | | ADF | ---------- | 400-1 | |
| | | | | | | | | | All aircraft<br>A-dn<br>ILS | 600-2 | 600-2 | |
| | | | | | | | | | ADF | 800-2 | 800-2 | |



ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| City and State; airport name, elevation; facility; class and identification; procedure No.; effective date | Transition to ILS: From— | Transition to ILS: To— | Transition to ILS: Course and distance (nautical miles) | Transition to ILS: Minimum altitudes (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude at glide slope interception inbound (ft.) | Altitude of glide slope and distance to approach end of runway at—: Outer marker | Altitude of glide slope and distance to approach end of runway at—: Middle marker | Ceiling and visibility minimums: Condition | Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less | Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h. | If visual contact not established upon descent to authorized landing minimums or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| HOUSTON, TEX. International, 50'. ILS-IHOU. LOM-OU. Combination ILS and ADF. Procedure No. 1 Amendment No. 16. Effective date: May 26, 1956. Supersedes amendment 15, dated October 22, 1955. Major changes: Increase radar terminal maneuvering, transition and procedure turn altitudes. | Houston VOR | OM | 220—4.9 | 1,200 | S side of SW course: 216° outbound. 036° inbound. 1,500' within 10 nautical miles. Beyond 10 nautical miles not authorized. | ILS 1,300<br>ADF 700 over LOM | 1,260—4.2 nautical miles | 250—0.6 nautical miles | 2 engines or less<br>T-dn<br>C-dn | 300-1<br>400-1 | 300-1<br>500-1 | Climb to 1,600' on NE course HOU ILS, 4.2 nautical miles after passing LOM (ADF) climb to 1,600' on course of 036° within 20 nautical miles or when directed by ATC turn left climb to 1,800' on NW course HOU LFR or radial 306 within 20 nautical miles. *Friendswood Intersection: Intersection SE course HOU LFR and 219° bearing to Pearland radiobeacon. |
| | Houston LFR | LOM | 242—4.2 | 1,200 | | | | | S-dn 3<br>ILS | 200-½ | 200-½ | |
| | Houston FM | LOM | 169—7.3 | 1,500 | | | | | ADF | 400-1 | 400-1 | |
| | Arcola FM (ILS only) | ILS SW course | 016—4.3 | 1,500 | | | | | More than 2 engines<br>T-dn<br>C-dn | ----------<br>---------- | 200-½<br>500-1½ | |
| | Monument radiobeacon | LOM | 216—16.5 | 1,600 | | | | | S-dn 3<br>ILS | ---------- | 200-½ | |
| | Friendswood Intersection.* | LOM | 273—7.8 | 1,600 | | | | | ADF | ---------- | 400-1 | |
| | Radar terminal area maneuvering altitude within 20 nautical miles radius. | | ---------- | 2,200 | | | | | All aircraft<br>A-dn<br>ILS | 600-2 | | |
| | | | | | | | | | ADF | 800-2 | | |
| HOUSTON, TEX. International, 50'. ILS-IHOU. Procedure No. 2. (Back course ILS localizer.) Amendment No. 4. Effective date: May 26, 1956. Supersedes Amendment 3, dated October 22, 1955. Major changes: Increase radar terminal maneuvering, transition, and missed approach altitudes. | Houston VOR | MNU-RBN | 035—11.7 | 1,600 | N side of NE course: 036° outbound. 216° inbound. 1,600' within .5 nautical miles E of Monument Radiobeacon. | No glide slope<br>Over MNU Radiobeacon 1,600<br>Pasadena Fix# **900 | MNU radio-Beacon, to Pasadena Fix# 7.8 nautical miles. | Pasadena Fix# to runway, 21', 3.5 nautical miles. | 2 engines or less<br>T-dn<br>C-dn | 300-1<br>400-1 | 300-1<br>500-1 | Within 3.5 nautical miles of Pasadena ASR Fix #, climb to 1,500' on SW course. HOU ILS within 15 nautical miles or when directed by ATC turn right, climb to 1,800' on NW course of HOU LFR or radial 306 within 20 nautical miles. *Except when in accordance with approved radar vectoring procedures, final approach must be initiated from Monument Radiobeacon. Aircraft must be in contact with Houston radar prior to leaving Monument Radiobeacon on final. #Pasadena Fix is a Houston radar (ASR) fix 4 nautical miles NE of Houston radar on the NE course of Houston ILS. **Descent below 900' mean sea level not authorized unless position advisory over Pasadena Fix received from Houston radar. |
| | Houston LFR | MNU-RBN | 025—12.2 | 1,600 | | | | | S-dn 21 | 400-1 | 400-1 | |
| | Monument Radiobeacon* (final). | Pasadena Fix #. | 216— 7.8 | 900 | | | | | A-dn | 800-2 | 800-2 | |
| | Radar terminal area maneuvering altitude within 20 nautical miles radius. | | ---------- | 2,200 | | | | | More than 2 engines<br>T-dn<br>C-dn | ----------<br>---------- | 200-½<br>500-1½ | |
| | | | | | | | | | S-dn 21 | ---------- | 400-1 | |
| | | | | | | | | | A-dn | ---------- | 800-2 | |

ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| City and State; airport name, elevation; facility; class and identification; procedure No.; effective date | Transition to ILS: From— | Transition to ILS: To— | Transition to ILS: Course and distance (nautical miles) | Transition to ILS: Minimum altitudes (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude at glide slope interception inbound (ft.) | Altitude of glide slope and distance to approach end of runway at—: Outer marker | Altitude of glide slope and distance to approach end of runway at—: Middle marker | Ceiling and visibility minimums: Condition | Ceiling and visibility minimums: Type aircraft: 75 m. p. h. or less | Ceiling and visibility minimums: Type aircraft: More than 75 m. p. h. | If visual contact not established upon descent to authorized landing minimums or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| JACKSONVILLE, FLA. Imeson, 52'. ILS-IIAX. LOM-JA. Combination ILS and ADF. Procedure No. 1. Amendment No. 12. Effective date: May 26, 1956. Supersedes Amendment 11, dated June 4, 1954. Major changes: Transitions added and revised. Procedure turn altitude raised. Lower ADF altitude over LOM. Lower missed approach altitude. Transitions all shown to LMM. | Carl's Intersection (intersection N course JAX LFR and NE course JAX ILS). | LMM | 224—5.2 | 1,200 | N side of SW course: 224° outbound. 044° inbound. 1,600' within 4.3 nautical miles of LOM. Beyond 4.3 nautical miles not authorized. | ILS 1,200 / ADF 800 over LOM# | 1,170—4.0 nautical miles | 220—0.6 nautical miles | 2 engines or less: T-dn | 300-1 | 300-1 | 4 nautical miles after passing LOM (ADF) climb to 1,200' on course of 044°. When directed by ATC climb to 1,300' on radial 090° within 20 nautical miles. 400-¾ required when glide slope not utilized. Procedure turn nonstandard and limited to 4.3 nautical miles due restricted area. #CAUTION: 615' mean sea level tank 9.4 nautical miles SSW LOM. |
| | | | | | | | | | C-dn | 400-1 | 500-1 | |
| | Jacksonville LFR | LMM | 253—3.0 | 1,200 | | | | | S-dn 5 ILS | 200-½ | 200-½ | |
| | Jacksonville VOR | LMM | 241—5.2 | 1,200 | | | | | ADF | 400-1 | 400-1 | |
| | Bryceville Intersection (LF). | LMM | 093—13.9 | 1,300 | | | | | More than 2 engines: T-dn | | 200-½ | |
| | | | | | | | | | C-dn | | 500-1½ | |
| | Bryceville Intersection (VHF). | LMM | 101—13.0 | 1,300 | | | | | S-dn 5 ILS | | 200-½ | |
| | Sunbeam Intersection (LF). | LMM | 325—13.0 | 1,500 | | | | | ADF | | 400-1 | |
| | Sunbeam Intersection (VHF). | LMM | 322—13.0 | 1,500 | | | | | All aircraft: A-dn ILS | 600-2 | | |
| | Callahan Intersection (Intersection R-303 JAX and R-202 SSI). | LMM | 160—7.8 | 1,200 | | | | | ADF | 800-2 | | |
| | Radar terminal area transition altitude 1,500' within 25 nautical miles. Radar control must provide 3 nautical miles separation from Restricted Area 161. | | | | | | | | | | | |
| SOUTH BEND, IND. St. Joseph County, 778'. ILS-SBN. LOM-SB. Procedure No. 1. Combination ILS/ADF. Effective date: May 26, 1956. Amendment No. 7. Supersedes No. 6, dated Oct. 15, 1955. Major changes: Transition added from Lakeville INT as requested by LCA. | Lakeville Intersection** | LOM | 011—10.9 | 2,400 | N side of course: 088° outbound. 268° inbound. 2,000' within 10 nautical miles. | ILS 2,000 / ADF 1,500 | 1,900—3.8 nautical miles | 975—0.6 nautical miles | 2 engines or less: T-dn | 300-1 | 300-1 | Within 3.8 nautical miles after passing LOM climb to 2,100' on W course SBN LFR or when directed by ATC: (1) Make right climbing turn to 2,100' on N course SBN LFR. (2) Make right turn climb to 2,000' on SBN VOR 003R. *Fly to left of ADF course to intercept localizer course within 5 nautical miles of LOM when using transition as final for ILS. **Intersection SBN VOR 170R and GSH VOR 270R. |
| | | | | | | | | | C-dn | 500-1 | 500-1 | |
| | South Bend LFR | LOM | 082—7.5 | 2,000 | | | | | S-dn-27 ILS | 200-½ | 200-½ | |
| | South Bend VOR | LOM | 129—5.7 | 2,000 | | | | | ADF | 500-1 | 500-1 | |
| | New Carlisle FM | LOM | 088—16.0 | 2,000 | | | | | A-dn ILS | 600-2 | 600-2 | |
| | Goshen LFR (ILS final) | E course ILS | 311—17.4 | 2,200 | | | | | ADF | 800-2 | 800-2 | |
| | Goshen LFR (ADF Transition). | LOM | 305—19.3 | 2,200 | | | | | More than 2 engines: T-dn | | 200-½ | |
| | *Union LFR Intersection (final) ILS only. | LOM | 252—18.9 | 2,000 | | | | | C-dn | | 500-1½ | |
| | *Union VOR Intersection (final) ILS only. | LOM | 240—18.5 | 2,000 | | | | | S-dn 27 ILS | | 200-½ | |
| | Goshen VOR (ILS final) | E course ILS | 333—13.7 | 2,200 | | | | | ADF | | 500-1 | |
| | Goshen VOR (ADF Transition). | LOM | 321—13.7 | 2,400 | | | | | A-dn ILS | | 600-2 | |
| | | | | | | | | | ADF | | 800-2 | |



7. The ground controlled approach procedures prescribed in § 609.13 are amended to read in part:

GCA STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. NOTE: Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a GCA instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with GCA to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a PAR approach, or for more than 30 seconds during an ASR approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

| City and State; airport name; airport elevation; effective date | Radar terminal area; maneuvering altitudes by sectors and limiting distances | Ceiling and visibility minimums: Runway No. | Condition | Precision approach (PAR): 2 engines or less: 65 knots or less | Precision approach (PAR): 2 engines or less: Over 65 knots | Precision approach (PAR): More than 2 engines: Over 65 knots | Surveillance approach (ASR): 2 engines or less: 65 knots or less | Surveillance approach (ASR): 2 engines or less: Over 65 knots | Surveillance approach (ASR): More than 2 engines: Over 65 knots | Missed approach procedure |
|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| DALLAS, TEX. Love, 485'. Procedure No. 1. Amendment No. 3. Effective date: May 26, 1956. Supersedes Amendment 2, dated May 14, 1955. Major changes: Remove air carrier notes. Lower straight-in minima runway #31. | 2,000 within 5 to 20-mile radius... Radar control must provide 3 miles or 1,000' vertical separation or 3 to 5 miles and 500 vertical separation from radio towers—1,038' mean sea level 20 miles N, 2,349' mean sea level 16 miles SSW; 1,230' mean sea level 10 miles WNW of airport. | All | T-dn | | | | 300-1 | 300-1 | 200-½ | All runways: Proceed to DAL VOR or DAL LFR climbing to 2,000'. #Maintain at least 1,400' mean sea level until within 3.5 miles of runway and 1,000' mean sea level until within 1.4 miles from end of runway. CAUTION: 695' mean sea level tank 1.4 miles SE runway 31. |
| | | 13-18-36, #31 | C-dn | | | | 400-1 | 500-1 | 500-1½ | |
| | | 13-18-36, #31 | S-dn | | | | 400-1 | 400-1 | 400-1 | |
| | | All | A-dn | | | | 800-2 | 800-2 | 800-2 | |
| DETROIT, MICH. Willow Run, 716'. Procedure No. 1. Amendment No. 2. Effective date: May 31, 1956. Supersedes No. 1, dated March 22, 1955. Major changes: (1) Column 2 revised to provide sector altitude information to 20 nautical miles; (2) New format, revised form; (3) runway 22L; 22R added, column 3. | All sectors within 10 miles 1,900' except 2,000' required when within 3 miles of radio tower 3.3 miles W of airport. All sectors within 20 miles 2,200' except (1) 2,500' beyond 16 miles clockwise from 295° to 360°. (2) 2,700' beyond 17 miles clockwise from 40° to 65°. (3) 2,300' beyond 12 miles clockwise from 095° to 122°. (4) 1,900' clockwise from 122° to 230°. All sectors measured from airport. | 9L, 22L, 22R | T-dn | | | | 300-1 | 300-1 | 200-½ | Runways 22L, 22R, 27R, 27L, 14 and 18, climb to 2,300' on W course DET LF to Ann Arbor LF Intersection. Runways 4L, 4R, 9L, 36 and 32, climb to 2,500', proceed to SVM VOR on 170R or when directed by ATC: (1) Climb to 2,300', proceed via W course DET LFR to the DET LFR. *ASR approaches to 9R not authorized due to antenna location and ground clutter. |
| | | 4L, 4R, 36 | C-dn | | | | 400-1 | 500-1 | 500-1½ | |
| | | 18 | S-dn | | | | 400-1 | 400-1 | 400-1 | |
| | | 27L, 27R, 14, 32. | A-dn | | | | 800-2 | 800-2 | 800-2 | |
| | | 9R* | T-dn | | | | 300-1 | 300-1 | 200-½ | |
| | | | S-dn | | | | NA | NA | NA | |
| | | | C-dn | | | | 400-1 | 500-1 | 500-1½ | |
| | | | A-dn | | | | 800-2 | 800-2 | 800-2 | |

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

C. J. LOWEN,
*Administrator of Civil Aeronautics.*

[F. R. Doc. 56-3163; Filed, May 7, 1956; 8:45 a. m.]

# TITLE 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

[FCC 56-392; Rules Amdt. 4-3]

### PART 4—EXPERIMENTAL AND AUXILIARY BROADCAST SERVICES

### FREQUENCY ASSIGNMENT

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 2d day of May 1956;

The Commission has under consideration amendment of §§ 4.103, 4.202, and 4.302 of its rules and regulations, which relate to the frequencies available for assignment to experimental television, experimental facsimile and developmental broadcast stations.

Since many of the frequencies listed in the above sections are not consistent with § 2.104 *Frequency allocations*, the Commission is amending Part 4 of its rules and regulations to conform this part with Part 2 and the Commission's current policy of assigning frequencies in the experimental and developmental broadcast services.

The amendments set forth below merely implement § 2.104 (a) of the rules and do not affect the operation of any licensee in these services. Notice of proposed rule making in accordance with section 4 (a) of the Administrative Procedure Act is unnecessary.

Public interest, convenience and necessity will be served by the amendments herein ordered, the authority for which is contained in sections 4 (i) and 303 (c), (f) and (r) of the Communications Act of 1934, as amended:

*It is ordered*, That effective June 4, 1956, Part 4 of the Commission's rules and regulations is amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 1954. Interpret or apply sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: May 3, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

1. Sections 4.103, 4.202, and 4.302 are amended to read as follows:

§ 4.103 *Frequency assignment.* (a) Frequencies allocated to television broadcasting and the various categories of television auxiliary stations, in the Commission's Table of Frequency Allocations (Part 2 of this chapter), may be assigned respectively to experimental television broadcast and experimental television auxiliary stations.

(b) More than one frequency may be assigned upon a satisfactory showing of the need therefor.

(c) Frequencies best suited to the purpose of the experimentation and on which there appears to be the least likelihood of interference to established stations, shall be selected.

(d) In a case of important experimentation which canot be feasibly conducted on frequencies allocated to television broadcasting or the various categories of television auxiliary stations, the Commission may authorize an experimental television station of any class to operate on other frequencies upon a satisfactory showing of the need therefor and a showing that the proposed operation can be conducted without causing harmful interference to established services: *Provided, however,* That experimental operation which looks toward the development of radio transmitting apparatus or the rendition of any type of regular service using such frequencies, will not be authorized prior to a determination by the Commission that the development of such apparatus or the rendition of such service would serve the public interest.

§ 4.202 *Frequency assignment.* (a) Frequencies allocated to broadcasting and the various categories of broadcast auxiliary stations, in the Commission's Table of Frequency Allocations (Part 2 of this chapter), may be assigned respectively to experimental facsimile broadcast or experimental facsimile broadcast auxiliary stations.

(b) More than one frequency may be assigned upon a satisfactory showing of the need therefor.

(c) Frequencies best suited to the purpose of the experimentation and on which there appears to be the least likelihood of interference to established stations, shall be selected.

(d) In a case of important experimentation which cannot be feasibly conducted on frequencies allocated to broadcasting or the various categories of broadcast auxiliary stations, the Commission may authorize an experimental facsimile broadcast station of any class to operate on other frequencies upon a satisfactory showing of the need therefor and a showing that the proposed operation can be conducted without causing harmful interference to established services: *Provided, however,* That experimental operation which looks toward the development of radio transmitting apparatus or the rendition of any type of regular service using such frequencies, will not be authorized prior to a determination by the Commission that the development of such apparatus or the rendition of such service would serve the public interest.

§ 4.302 *Frequency assignment.* (a) Frequencies allocated to the various classes of aural broadcasting stations and broadcast auxiliary stations, in the Commission's Table of Frequency Allocations (Part 2 of this chapter), may be assigned to developmental broadcast stations.

(b) More than one frequency may be assigned upon a satisfactory showing of the need therefor.

(c) Frequencies best suited to the purpose of the experimentation and on which there appears to be the least likelihood of interference to established stations, shall be selected.

(d) In a case of important experimentation which cannot be feasibly conducted on frequencies allocated to the various classes of aural broadcasting stations and broadcast auxiliary stations, the Commission may authorize a developmental broadcast station to operate on other frequencies upon a satisfactory showing of the need therefor and a showing that the proposed operation can be conducted without causing harmful interference to established services: *Provided, however,* That experimental operation which looks toward the development of radio transmitting apparatus or the rendition of any type of regular service using such frequencies, will not be authorized prior to a determination by the Commission that the development of such apparatus or the rendition of such service would serve the public interest.

[F. R. Doc. 56-3624; Filed, May 7, 1956; 8:49 a. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### [ 7 CFR Part 916 ]

[Docket No. AO-247-A3]

### HANDLING OF MILK IN UPSTATE MICHIGAN MARKETING AREA

### NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT, AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Park Place Hotel, Traverse City, Michigan, beginning at 10:00 a. m. local time, May 24, 1956. The public hearing is for the purpose of receiving evidence with respect to emergency and other economic conditions which relate to the proposed amendments hereinafter set forth, or appropriate modification thereof, to the tentative marketing agreement as heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Upstate Michigan marketing area (7 CFR 916.0 et seq.). The amendments proposed have not received the approval of the Secretary of Agriculture.

The proposals relating to the enlargement of the Upstate Michigan marketing area raise the issue as to whether the provisions of the present order would tend to effectuate the declared policy of



the act if applied to the marketing area as proposed to be extended and, if not, what modifications of the provisions of the order, as amended, should be made to effectuate the declared policy of the act.

Proposed by Michigan Milk Producers' Association:

1. In § 916.51 delete $1.15 and substitute therein $1.30.

2. Delete § 916.54 in its entirety and substitute the following:

§ 916.54 *Handler location adjustments.* For milk which is received from producers at a fluid milk plant located more than 90 miles, but not more than 100 miles, by shortest highway distance, as determined by the market administrator, from the court house at either Grayling or Manistee, whichever is closer, and utilized in Class I, (prorating of such milk the utilization of all producer milk received at the plant). The price shall be the price effective pursuant to § 916.51 less 8 cents, and less 1 cent additional for each 20 miles or fraction thereof over 100 miles.

By Gabier Dairy, Nelson's Cloverdale Dairy, Lakeside Dairy, and Ideal Dairy (of Traverse City):

3. Extend marketing area for inclusion of all townships in Wexford County not stated in § 916.5 as defined and all of Missaukee and all of Roscommon Counties.

By Inverness Dairy, Gabier Dairy, Nelson's Cloverdale Dairy, and Ideal Dairy (of Traverse City):

4. Consider changes in Class II prices.

By the Dairy Division, Agricultural Marketing Service:

5. Make such changes as may be required to make the entire order conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing, and the order now in effect, may be procured from the Market Administrator, 916 East Front Street, Traverse City, Michigan, or the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Filed at Washington, D. C., this 4th day of May 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator.*

[F. R. Doc. 56-3677; Filed, May 7, 1956; 8:51 a. m.]

## DEPARTMENT OF LABOR

### Division of Public Contracts

### [ 41 CFR Part 202 ]

### ELECTRIC LAMP INDUSTRY

### NOTICE OF EXTENSION OF TIME TO SUBMIT EXCEPTIONS

On April 6, 1956 notice was published in the FEDERAL REGISTER (21 F. R. 2249) of the proposed determination of prevailing minimum wages in the electric lamp industry. The notice provided that within thirty days from the date of its publication interested persons could submit to the Secretary of Labor, United States Department of Labor, Washington 25, D. C., their written exceptions to the actions therein described.

Notice is hereby given, upon good cause shown, that the time for filing such written exceptions with the Secretary of Labor is extended to May 14, 1956.

Signed at Washington, D. C., this 4th day of May 1956.

[SEAL] ARTHUR LARSON,
*Acting Secretary of Labor.*

[F. R. Doc. 56-3676; Filed, May 7, 1956; 8:51 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

### [ 47 CFR Part 4 ]

[Docket No. 11696; FCC 56-391]

### EXPERIMENTAL AND AUXILIARY BROADCAST SERVICES; REMOTE PICKUP BROADCAST STATIONS

### NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The preparation and production of broadcast programs frequently requires the transmission of cues and instructions to performers and production personnel. The conventional way of doing this is through the use of telephonic apparatus and cumbersome extension cords, carried or worn by such personnel. The broadcasting industry has developed a low-powered radio transmitter which may be installed in a studio or on a set and used to cue, prompt, and direct participants who wear compact, battery powered receivers and inconspicuous hearing-aid ear pieces, thus providing greater freedom of movement.

3. The Commission's rules and regulations at present do not provide for the licensing of such cueing transmitters. To be effective these transmitters must operate at a power in excess of that which would qualify them as low power radio frequency electrical devices exempt under Part 15 of the Commission's rules and regulations from licensing requirements. Because of industry interest, special temporary authorizations have been issued for use of cueing transmitters in several instances. The Commission believes it would serve the public interest if its rules were amended to provide for licensing of these transmitters on a regular basis.

4. Since cueing transmitters serve a comparable function, it is proposed to license them under the provisions for remote pickup broadcast base stations.

5. In view of the foregoing, the Commission proposes to amend its rules as follows:

Add a paragraph (f) to § 4.432 of the rules to read as follows:

(f) Remote pickup broadcast stations will be licensed for the purpose of providing one-way communication within studios of broadcast stations for cueing production personnel and participants in broadcast programs, and preparation therefor, provided that transmitters employed for this purpose will not be authorized to operate at a power output in excess of 1 watt. Such cueing transmitters shall comply in all respects with the rules governing remote pickup base stations.

6. Authority for the issuance of the proposed amendment is contained in sections 4 (i), 301, 303 (a), (b), (c), (e), (g), (h) and (r) of the Communications Act of 1934, as amended.

7. Any interested party who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before June 4, 1956, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last date for filing said original comments or briefs. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider such comments before taking final action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

8. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: May 2, 1956.

Released: May 3, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 56-3625; Filed, May 7, 1956; 8:49 a. m.]

# NOTICES

## DEPARTMENT OF COMMERCE

### Federal Maritime Board

### MEMBER LINES OF PACIFIC WESTBOUND CONFERENCE

### NOTICE OF AGREEMENT FILED WITH BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 57-60, between the member lines of the Pacific Westbound Conference, modifies the Appendix to the basic conference agreement (No. 57) to amplify the provision governing the chartering of vessels.

Interested parties may inspect this agreement and obtain copies thereof at

the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: May 2, 1956.

[SEAL] A. J. WILLIAMS,
*Secretary.*

[F. R. Doc. 56-3611; Filed, May 7, 1956; 8:46 a. m.]

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MEMBER LINES OF WEST COAST OF ITALY, SICILIAN AND ADRIATIC PORTS/NORTH ATLANTIC RANGE CONFERENCE

NOTICE OF AGREEMENT FILED WITH BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to Section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 2846-9, between the member lines of the West Coast of Italy, Sicilian and Adriatic Ports/North Atlantic Range Conference (W. I. N. A. C.), modifies the basic agreement of that conference (No. 2846), to provide for the extension of the agreement to include within its scope Sardinian Island Ports. Agreement 2846 presently covers the trade from West Coast of Italy ports (between Ventimiglia and Reggio Calabria, inclusive, on the mainland and Sicilian ports) and ports on the Adriatic Sea to North Atlantic ports of the United States (Hampton Roads/Portland range).

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: May 2, 1956.

[SEAL] A. J. WILLIAMS,
*Secretary.*

[F. R. Doc. 56-3612; Filed, May 7, 1956; 8:46 a. m.]

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BOARD OF PORT COMMISSIONERS, OAKLAND, CALIF., ET AL.

NOTICE OF AGREEMENTS FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. 814.

(1) Agreement No. 8095, between the Board of Port Commissioners, City of Oakland, California, and Encinal Terminals, covering the lease of the City of Oakland's Ninth Avenue Terminal subject to the terms and conditions set forth in the agreement, which expires January 31, 1957.

(2) Agreement No. 8095-A, between Encinal Terminals and Matcinal Corporation, is an agreement under which Matcinal agrees to perform all the services and obligations of Encinal under the lease (Agreement No. 8095), between The Board of Port Commissioners, City of Oakland, California, and Encinal Terminals covering the City of Oakland's Ninth Avenue Terminal.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: May 2, 1956.

[SEAL] A. J. WILLIAMS,
*Secretary.*

[F. R. Doc. 56-3613; Filed, May 7, 1956; 8:46 a. m.]

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MONTSHIP LINES, LTD., ET AL.

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8076 between Montship Lines Limited and Gestioni Esercizio Navi Sicilia-G. E. N. S., the carriers comprising the Montship-Capo Great Lakes Service joint service, and Niagara Lijn N. V., covers a sailing arrangement in the trade between ports of the Mediterranean Range and ports on the Great Lakes of the United States and Canada.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: May 2, 1956.

[SEAL] A. J. WILLIAMS,
*Secretary.*

[F. R. Doc. 56-3614; Filed, May 7, 1956; 8:46 a. m.]

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MATSON NAVIGATION CO. AND WESTFAL-LARSON & CO., A/S

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8059-3, between Matson Navigation Company and Westfal-Larsen & Co. A/S, modifies approved transshipment agreement (No. 8059) to provide a through rate per 2,000 lbs. of $50 to Bergen, Stavanger or Oslo, Norway, and a through rate of $55 to Trondheim, Norway. Agreement No. 8059 covers the transportation of canned pineapple and canned pineapple juice under through bills of lading from Hawaii to Great Britain, Northern Ireland, Irish Free State, European Continental, Baltic, Scandinavian and Mediterrean Sea ports, with transshipment at U. S. Pacific Coast ports.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: May 2, 1956.

[SEAL] A. J. WILLIAMS,
*Secretary.*

[F. R. Doc. 56-3615; Filed, May 7, 1956; 8:47 a. m.]

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## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

[Gallup Area Office Redelegation Order 3]

ASSISTANT AREA DIRECTOR, ADMINISTRATION, AND AREA PROPERTY AND SUPPLY OFFICER

REDELEGATIONS OF AUTHORITY WITH RESPECT TO CONSTRUCTION, SUPPLY AND SERVICE CONTRACTS AND NEGOTIATING CONTRACTS FOR SERVICES OF ENGINEERING AND ARCHITECTURAL FIRMS

Order No. 3, as amended (20 F. R. 1744 and 21 F. R. 503) is revised to read as follows:

SECTION 1. *Authority.* The authority delegated to the Area Director by the Commissioner of Indian Affairs in Order No. 566 (19 F. R. 3971) as amended, (20 F. R. 2092 and 20 F. R. 5703) pertaining to construction, supply and service contracts and negotiating without advertising, contracts for services of engineering and architectural firms is hereby redelegated as indicated in this order.

SEC. 2. *Assistant Area Director, Administration, and Area Property and Supply Officer.* (a) The Assistant Area Director, Administration, may enter into construction, supply and service contracts and negotiate, without advertising, contracts for services of engineering and architectural firms, irrespective of the amounts involved, and perform the duties of Contracting Officer in regard to such contracts.

(b) The Area Property and Supply Officer may enter into supply and service contracts when the amount in individual cases does not exceed $10,000 and perform the duties of Contracting Officer in regard to such contracts.

SEC. 3. *Authorized representative of Contracting Officer.* (a) With respect to contracts entered into by the Area Director, the Assistant Area Director, Administration, is designated as the authorized representative of the Contracting Officer as such term is used in such contracts and may perform the duties of the Contracting Officer except as follows:

(1) Functions relating to the termination of a contract.

(2) Disputes concerning questions of fact which are not disposed of by agreement.

SEC. 4. *Appeals.* An appeal from a findings of fact or decision of a Contracting Officer shall be made by notice of appeal in writing addressed to the Board of Contract Appeals, Office of the Solicitor, Department of the Interior, Washington 25, D. C., and shall be mailed to or filed with the Contracting Officer, within the time allowed by the contract. The notice of appeal shall specify the portion of the findings of fact or decision from which the appeal is taken, and the reasons why the findings or decision are deemed erroneous. Immediately upon receipt of the notice of appeal, the Contracting Officer shall inform the Board by air mail that the appeal has been received. (Regulations governing appeals are published in 19 F. R. 9389.)

W. WADE HEAD,
*Area Director.*

Approved: May 2, 1956.

W. BARTON GREENWOOD,
*Acting Commissioner.*

[F. R. Doc. 56-3606; Filed, May 7, 1956; 8:45 a. m.]

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### Bureau of Land Management

NEW MEXICO

NOTICE OF CHANGE OF LOCATION AND OFFICE HOURS FOR NEW MEXICO LAND OFFICE

APRIL 30, 1956.

Notice is hereby given that, effective May 17, 1956, the New Mexico Land Office of the Bureau of Land Management will be located in the Federal Courthouse, Santa Fe, New Mexico. Beginning May 17, 1956, and until further notice, the Public Room in the New Mexico Land Office will be open to the public from 10:00 a. m., to 3:00 p. m., Monday through Friday, holidays excepted, for inspection of the public land records, filing of applications, payment of rentals and for information and consultation purposes.

On May 14, 15 and 16, 1956, the public land records will not be available for inspection by the public but personnel of the Land Office will be available to accept applications and rental payments and for consultation purposes on those dates, from 10:30 a. m. to 5:00 p. m., at Room 108, Federal Courthouse, Santa Fe, New Mexico.

The present mailing address, P. O. Box 1251, Santa Fe, New Mexico, remains unchanged.

ADLAI S. BAKER,
*Acting State Supervisor.*

[F. R. Doc. 56-3616; Filed, May 7, 1956; 8:47 a. m.

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### Office of the Secretary

[Order 2640, Amdt. 9]

DIRECTOR, NATIONAL PARK SERVICE

DELEGATION OF AUTHORITY WITH RESPECT TO DEMOLITION OF HISTORICAL BUILDINGS

MAY 1, 1956.

Order No. 2640, as amended (16 F. R. 5846, 11934; 17 F. R. 482, 964; 18 F. R. 2832, 6789; 19 F. R. 1327, 1937; 20 F. R. 657), is further amended to add a new section, numbered 38, and reading as follows:

SEC. 38. *Demolition of historical buildings.* The Director is authorized to exercise all of the authority vested in the Secretary of the Interior by the act of August 27, 1935 (49 Stat. 885), as amended July 18, 1940 (54 Stat. 764; 40 U. S. C., 1952 ed., sec. 304a-2), to determine whether or not any surplus building proposed to be demolished by the Administrator of General Services is an historic building of national significance within the meaning of the act of August 21, 1935 (49 Stat. 666; 16 U. S. C., 1952 ed., secs. 461-467), and to notify the Administrator of General Services of such determination.

(Sec. 2, Reorganization Plan No. 3 of 1950; 5 U. S. C., 1952 ed., sec. 133z-15, note)

CLARENCE A. DAVIS,
*Acting Secretary of the Interior.*

[F. R. Doc. 56-3607; Filed, May 7, 1956; 8:45 a. m.]

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## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 6584, 6585; FCC 56M-410]

ALBUQUERQUE BROADCASTING CO. (KOB)

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of Albuquerque Broadcasting Company (KOB), Albuquerque, New Mexico, Docket No. 6584, File No. BMP-1738; for modification of construction permit; Albuquerque Broadcasting Company (KOB), Albuquerque, New Mexico, Docket No. 6585, File No. BL-1799, BZ-1583; for license to cover construction permit as modified and authority to determine operating power by direct measurment.

The Hearing Examiner having under consideration the record of the hearing conference in the above-entitled proceeding, which was held in the offices of this Commission, Washington, D. C., on April 10, 1956, and attended by counsel for all of the parties thereto; and

It appearing that a report was given at this conference by an engineering expert, concerning the results of his investigation of the availability of sites which would be feasible for the possible directional operation of Station WBZ, Boston, Massachusetts, on the frequency 1030 kc, as specified by the Commission in Issues Nos. 11 and 12, in its Memorandum Opinion and Order adopted May 26, 1955; and

It further appearing from this report that a site for this purpose has been found by the said expert in the Boston area which would be available for the possible directional operation of Station WBZ as set forth in Issues Nos. 11 and 12, supra; which would be in substantial compliance with the Commission's Rules and Standards of Good Engineering Practice for such possible operation; and which would afford adequate protection to the service of Station KOB operating simultaneously on the same frequency; and would permit WBZ to provide optimum service from its directional operation on this frequency; and

It further appearing that the study and report made by the said engineering expert constitutes substantial compliance with the requirements of the Hearing Examiner's Order and Ruling of January 3, 1956, in this matter, as modified on January 9, 1956, and affirmed on January 13, 1956, and that all of the parties to the proceeding have agreed to attempt to effectuate stipulations of evidence to be adduced under Issues Nos. 11 and 12, supra, based upon the assumed operation of Station WBZ from this prospective site (except that Westinghouse Broadcasting Company, Inc., does not concede the relevance of such evidence and preserves its legal position in this matter as set forth in its Petition for Review of the above ruling of the Hearing Examiner, which is still pending before the Commission); and

It further appearing that all of the parties to the proceeding have agreed to attempt, through mutual effort, to effectuate stipulations (in addition to those already entered into) of the evidence to be adduced under all of the issues in this proceeding, including programming, as enlarged, modified and defined by the Commission in its Memorandum Opinion and Order adopted March 21, 1956, and released March 23, 1956; and

It further appearing that additional time will be needed by the parties within which to prepare the evidence to be presented under the said issues in this proceeding and to attempt to effectuate stipulations thereon, that it was estimated that approximately three months would be required for this purpose and, in view thereof, it was agreed by all of the parties, with the exception of counsel for the Baptist General Convention of Texas (KWBU), that the date of July 16, 1956, should be scheduled for the

commencement of the hearing in the said proceeding; [1] and

It further appearing that it was agreed that another hearing conference should be held prior to the hearing in order that the Hearing Examiner may obtain from the parties a report concerning their progress in the effectuation of stipulations and to afford the said parties and opportunity to present to the Hearing Examiner any problems which may arise in connection therewith, and that the date of May 14, 1956, was scheduled with the consent of the parties for the said conference; and

It further appearing that subsequent to the hearing conference of April 10, 1956, the Hearing Examiner in the instant proceeding has been assigned to preside in other hearings which will require his absence from the city of Washington, D. C., on May 14, 1956, and which therefore necessitates the postponement of the next hearing conference until a later date; and

It further appearing that all of the parties to the proceeding have consented to the postponement of the said hearing conference until May 24, 1956;

*It is ordered*, This 30th day of April 1956, that the next hearing conference in the above-entitled proceeding be, and it is hereby, postponed until 2:00 o'clock p. m., on Thursday, May 24, 1956, in the offices of this Commission, Washington, D. C.

*It is further ordered*, That the date now scheduled for the hearing in the said proceeding, namely, on Monday, July 16, 1956, at 10:00 o'clock a. m., in the offices of this Commission, Washington, D. C., is hereby retained.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 56-3626; Filed, May 7, 1956; 8:49 a. m.]

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[Docket Nos. 11004, 11691; FCC 56-363]

## OHIO VALLEY BROADCASTING CORP. ET AL.

### MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Ohio Valley Broadcasting Corporation, Clarksburg, West Virginia, Docket No. 11004, File No. BFCT-849; for television construction permit; News Publishing Company, Wheeling, West Virginia (Transferor) and WSTV, Inc., Steubenville, Ohio, (Transferee), Docket No. 11691, File No. BTC-2048; for commission consent to transfer of control of Ohio Valley Broadcasting Corporation.

1. The Commission has before it for consideration (a) the above-entitled application for transfer of control (BTC-2048); (b) letters and pleadings relating to said application filed by Clarksburg Publishing Company; (c) letters relating to said application filed with the Commission on behalf of the parties thereto; and (d) the Commission's letters of November 9, 1955 and February 16, 1956 raising questions concerning said application.

2. The above-entitled application for transfer of control requests Commission approval of a transaction whereby News Publishing Company, owner of 100 percent of the stock of Ohio Valley Broadcasting Corporation, would sell its entire 100 percent stock interest to WSTV, Inc., the licensee of Station WSTV-TV, Steubenville, Ohio. The application is opposed by Clarksburg Publishing Company, publisher of the Clarksburg Exponent, the Clarksburg Telegram and the Sunday Exponent-Telegram, all of which are newspapers published in Clarksburg, West Virginia. Ohio Valley Broadcasting Corporation is the licensee of Radio Stations WPAR and WPAR-FM, Parkersburg, West Virginia, the licensee of Radio Station WBLK, Clarksburg, West Virginia, and permittee of Station WBLK-TV, Clarksburg, West Virginia (subject to a pending protest more fully described below).

3. On February 17, 1954 the Commission granted the application of Ohio Valley Broadcasting Corporation for a construction permit for a new television station in Clarksburg, West Virginia. The call letters WBLK-TV were assigned to the new station. Subsequently, a protest was filed against said grant by Clarksburg Publishing Company pursuant to Section 309 (c) of the Communications Act of 1934, as amended. In said protest, Clarksburg Publishing Company asserted that the Commission's action granting the application was contrary to the public interest because the grant was made within one day after the mutually exclusive application of the Clarksburg Broadcasting Corporation was withdrawn; and that the grant was inconsistent with (a) § 3.636 of the Commission's rules and regulations prohibiting common ownership of more than one television station serving the same area and prohibiting undue concentration of control of television broadcasting, and (b) the Commission's policy with respect to diversification of the ownership of the media of mass communication. The protest also questioned the propriety of a payment of $14,390 by Ohio Valley to Clarksburg Broadcasting Corporation at the time it withdrew. The protestant requested that the application be designated for hearing on five issues relating to the foregoing matters. The Commission found the protestant to be a party in interest entitled to file a protest under the statute and designated the application for an oral hearing on four of the identical issues specified by the protestant. With respect to the protestant's issue number 3, which related to the "negotiations, understandings, and agreements" pursuant to which the application of Clarksburg Broadcasting Corporation was withdrawn, the Commission specified the issue for hearing in a modified form. After the oral hearing the Commission denied the protest and the protestant appealed.

4. On June 9, 1955, the United States Court of Appeals for the District of Columbia Circuit reversed the Commission's decision and remanded the case for proceedings in conformity with the Court's opinion.[1] In its opinion, the Court stated, inter alia, that the Commission erred in not affording the protestant an evidentiary hearing; that the Commission, in applying its duopoly rule,[2] erred in refusing to consider the effect of overlap of the Grade B contours of Station WBLK-TV with the Grade B contours of Station WTRF-TV, Wheeling, West Virginia (News Publishing Company owns a 34 percent interest in Station WTRF-TV); that the Commission erred in refusing to consider the effect on the overlap problem of service from WTRF-TV provided to Clarksburg by privately owned community antenna systems; and that the Commission gave inadequate consideration to the question of whether a grant of the application would lead to undue concentration of control of television broadcasting and the media of mass communication and to the payment made by Ohio Valley to Clarksburg Broadcasting Corporation at the time of the withdrawal of Clarksburg Broadcasting's competing application. In addition, the Court raised questions concerning the procedure followed by the Commission in granting the application after the withdrawal of Clarksburg Broadcasting. On July 6, 1955, the Commission reopened the record and designated the application for an evidentiary hearing on the issues originally requested by the protestant.

5. In its pleadings and correspondence relating to the instant application for transfer of control, Clarksburg Publishing Company asserts that it is a party in interest under section 309 (c) of the Communications Act of 1934, as amended; that a problem exists as to whether "transfer of a television permit to new parties may be authorized in view of the serious questions concerning the validity of the original grant, upon which the Court of Appeals has ordered an evidentiary hearing"; that WSTV, Inc., the transferee, operates Station WSTV-TV at Steubenville, Ohio; that there is a 1,006 square mile area of overlap of the Grade B contours of Station WSTV-TV with the proposed Grade B contour of Station WBLK-TV; that the area of overlap would be increased and would involve Grade A overlap if WBLK-TV were to operate at maximum power; that if the coverage of the WBLK-TV signal is to be limited to avoid such overlap, ownership of WBLK-TV by WSTV, Inc., would preclude the more efficient utilization of the channel which would be possible if the channel were licensed to other parties; and that Station WSTV-TV already serves Clarksburg through the medium of a community antenna system. In view of these facts, the Publishing Company charges that a grant of the application would violate the Commission's Rule against duopoly (§ 3.636 (a) (1) of the Commission's rules).[1] Further, the complainant argues that the transfer application does not purport to indicate the portion of the purchase price which will be paid for rights to the Clarksburg television permit; that the price exceeds the value of the tangible assets of Ohio Valley Broadcasting Corporation by $160,000; and that the applicants may be proposing a sale of rights to the permit for an excessive amount, in violation of the Commission's policy against trafficking in licenses and construction permits.

6. In their correspondence and in amendments to the application, the applicants state that the area of Grade B overlap between WSTV-TV and WBLK-TV would comprise 1,006 square miles, which constitutes 8.58 percent and 24.25 percent of the total areas within the Grade B contours of Stations WSTV-TV and WBLK-TV, respectively; that the Commission has made grants in other instances where the degree of overlap involved was equal to or more serious than the overlap involved here; that in determining the price to be paid to the transferor the transferee relied upon a balance sheet of Ohio Valley Broadcasting Corporation as of June 30, 1955, and on its own appraisal of the value of the stations acquired; and that no specific value was placed on the rights to the television permit, except as shown on the balance sheet, which shows an item of $14,567.28 for construction in progress (TV), and $10,000 for the real estate to be used for the television site. In response to an inquiry from the Commission, the applicants state that they have no agreements or contracts with any operators of community antenna systems; that there is some legal authority for the proposition that a television station may compel a community antenna system to discontinue retransmission of the station's signal; and that the applicants have knowledge of 16 community antenna systems, located in various places, which are retransmitting the signal of Station WSTV-TV. At the request of the Commission, the applicants have furnished detailed information concerning these 16 systems. In addition, the applicants state that in the event of a Commission ruling that transmissions of the WSTV-TV signal by community antenna systems contravene Commission rule or policy, WSTV, Inc., will seek the authority of the courts to prevent further retransmission of its signal. In the absence of any Commission ruling on this subject, WSTV, Inc., promises to notify the community antenna systems that they may not continue retransmission of the WSTV-TV signal in the Clarksburg area when service is available from WBLK-TV. Moreover, applicants have submitted a statement from Clarksburg Television Cable Corporation, which operates the community antenna system serving Clarksburg, indicating that when WBLK-TV commences operation, the system will discontinue retransmission of the WSTV-TV signal upon request from WSTV, Inc.

7. As indicated above, Ohio Valley Broadcasting Corporation holds licenses for Stations WPAR and WPAR-FM, Parkersburg, West Virginia, and WBLK, Clarksburg, West Virginia, in addition to the television authorization now the subject of hearing. No objecton appears to have been raised to the acquisition of control over the AM and FM stations by WSTV, Inc., and the Commission would have no objection to granting consent to the proposed transfer of control if these were the only stations involved. However, since a transfer of control of Ohio Valley would also affect the control of the television authorization, and since serious questions concerning the television authorization are now in issue in the protest hearing referred to above, the Commission is of the opinion that consent must be withheld until the issues in the protest hearing are resolved.

8. In light of all of the foregoing, the opinion of the Court of Appeals, and the questions which have been raised as to whether a grant of the application would be consistent with § 3.636 of the Commission's rules and the Commission's policy against trafficking in licenses, the Commission is unable at this time to determine that a grant of the above-entitled transfer application would serve the public interest. Accordingly, a hearing is necessary, and the Commission is of the view that such hearing can be expedited by consolidating it with the hearing on the protest in Docket No. 11004.

*Accordingly, it is ordered*, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled application of News Publishing Company and WSTV, Inc., for the consent of the Commission to transfer control of Ohio Valley Broadcasting Corporation (BTC-2048) is designated for hearing in a consolidated proceeding with the application of Ohio Valley Broadcasting Corporation (BPCT-849, Docket No. 11004), at a time and place to be specified by the Examiner in a subsequent order, upon the following issues:

(1) To determine whether a grant of the above-entitled transfer application (BTC-2048) would be consistent with the provisions of § 3.636 of the Commission's rules and regulations and the Commission's policies promulgated thereunder;

(2) To determine whether, in light of the consideration to be received by News Publishing Company for its stock in Ohio Valley Broadcasting Corporation, the above-entitled application involves trafficking in construction permits, contrary to Commission policies and the public interest;

(3) To determine, in light of the evidence adduced on the above issues and the issues specified in the Commission's Order of July 6, 1955, whether a grant of the application (BTC-2048) for Commission consent to the transfer of control of Ohio Valley Broadcasting Corporation would be in the public interest.

*It is further ordered*, That Clarksburg Publishing Company is made a party to the proceedings ordered herein.

Adopted: April 25, 1956.

Released: May 1, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3627; Filed, May 7, 1956; 8:49 a. m.]

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[Docket No. 11531; FCC 56M-400]

## SANFORD A. SCHAFITZ

### ORDER CONTINUING HEARING

In re application of Sanford A. Schafitz, Lorain, Ohio, Docket No. 11531, File No. BP-9934; for construction permit.

The Hearing Examiner having under consideration a petition, filed on April 25, 1956, on behalf of Sanford A. Schafitz, the applicant in the above-entitled proceeding, requesting that the hearing now scheduled to be held therein at Washington, D. C., on May 1, 1956, be postponed until May 21, 1956; and

It appearing that the petitioner has shown sufficient good cause to warrant a grant of the relief requested herein; and

It further appearing that the other parties to the proceeding do not object to a grant of the said petition and have waived the requirements of § 1.745 of the Commission's rules;

*It is ordered*, This 25th day of April 1956, that the above petition be, and it is hereby, granted and that the hearing in the above-entitled proceeding is hereby continued until 10:00 o'clock a. m., on Monday, May 21, 1956, in the offices of this Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3628; Filed, May 7, 1956; 8:49 a. m.]

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[Docket No. 11683; FCC 56-349]

## WCHS-TV, INC.

### ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of WCHS-TV, Inc., Charleston, West Virginia (WCHS-TV), Docket No. 11683, File No. BMPCT-3392; for modification of construction permit.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 25th day of April 1956;

The Commission having under consideration (1) the above-captioned application requesting modification of construction permit for Channel 8, Charleston, West Virginia, to move transmitter

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[1] Counsel for KWBU stated that he preferred to have the date of the hearing held open as, at the time of this conference, he was unable to determine what evidence he would want to prepare for the said hearing. However, counsel for the Commission's Broadcast Bureau stated that he thought that the questions raised concerning the evidence to be prepared on behalf of KWBU under Issue No. 26 could be discussed and settled between the parties prior to July 16, 1956.

[1] Clarksburg Publishing Company v. Federal Communications Commission, U. S. D. C. App. ____, 225 F. 2d 511.

[2] Section 3.636 (a) (1) of the Commission's rules reads as follows:

"*Multiple ownership.* (a) No license for a television broadcast station shall be granted to any party (including all parties under common control) if:

(1) Such party directly or indirectly owns, operates or controls another television broadcast station which serves substantially the same area; or • • •"

[1] Clarksburg Publishing Company v. Federal Communications Commission, U. S. D. C. App. ____, 225 F. 2d 511.

site from a location 0.4 mile from Charleston to a location 11 miles from Charleston, to increase the height above average terrain from 670 feet to 1,236 feet, to decrease visual effective radiated power from 316 kw to 158 kw, and to change transmitter and antenna; (2) oppositions to the above application filed by Greater Huntington Radio Corporation, permittee of Television Station WHTN–TV, Channel 13, Huntington, West Virginia, Zanesville Publishing Company, permittee of Television Station WTAP, Channel 15, Parkersburg, West Virginia, and Capital Television, Inc., 40 percent stockholder in the applicant corporation; and (3) the reply of the applicant to the above oppositions; and

It appearing that the Commission considered the application and the above-listed pleadings and was unable to determine that a grant of the application would be in the public interest; and that pursuant to section 309 (b) of the Communications Act of 1934, as amended, a letter, dated February 1, 1956, was sent to the applicant advising it of all objections to its application and affording the applicant an opportunity to reply; and

It further appearing that upon due consideration of the application, the above letter to the applicant, and the applicant's reply thereto of March 2, 1956, the Commission is unable to determine that a grant of the application would be in the public interest; that a hearing thereon is required; and that, except with respect to the matters raised in the issues set forth below, the applicant is legally, technically, financially and otherwise qualified to construct and operate the station as proposed in its application; and

It further appearing that Greater Huntington Radio Corporation and Zanesville Publishing Company have made their interest in the above-captioned application known to the Commission; and that Capital Television, Inc. is a minority stockholder in the applicant and is, therefore, already a party to the proceeding;

*It is ordered*, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-captioned application is designated for hearing at a time and place to be specified in a subsequent order upon the following issues:

(1) To determine, in the light of the proposed move of transmitter site from a point 0.4 of a mile outside of Charleston to a location 11 miles from Charleston and the proposed decrease in visual effective radiated power, whether the proposed operation would serve the particular needs of Charleston, West Virginia and its surrounding area;

(2) To determine whether a grant of the application would be consistent with the provisions of § 3.685 (b) of the rules; and

(3) To determine whether, on the basis of the evidence adduced with respect to the foregoing issues, a grant of the above-captioned application would serve the public interest, convenience and necessity.

*It is further ordered*, That Greater Huntington Radio Corporation and Zanesville Publishing Company are made parties herein.

Released: May 1, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56–3629; Filed, May 7, 1956; 8:50 a. m.]

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[Docket No. 11683; FCC 56M–419]

WCHS–TV, INC.

ORDER SCHEDULING HEARING

In re application of WCHS–TV, Inc., Charleston, West Virginia (WCHS–TV), Docket No. 11683, File No. BMPCT–3392; for modification of construction permit.

*It is ordered*, This 30th day of April 1956, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on June 27, 1956, in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 56–3630; Filed, May 7, 1956; 8:50 a. m.]

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[Docket No. 11684; FCC 56M–420]

LINCOLN COUNTY BROADCASTING CO. (WLON)

ORDER SCHEDULING HEARING

In re application of Lincoln County Broadcasting Company (WLON), Lincolnton, North Carolina, Docket No. 11684, File No. BP–10171; for construction permit.

*It is ordered*, This 30th day of April 1956, that Annie Neal Huntting will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on June 27, 1956, in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 56–3631; Filed, May 7, 1956; 8:50 a. m.]

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[Docket Nos. 11685, 11686; FCC 56M–421]

POLK RADIO, INC., AND DUANE F. MCCONNELL

ORDER SCHEDULING HEARING

In re applications of Polk Radio, Incorporated, Lakeland, Florida, Docket No. 11685, File No. BP–10136; Duane F. McConnell, Winter Haven, Florida; Docket No. 11686, File No. BP–10400; for construction permits.

*It is ordered*, This 30th day of April 1956, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 9, 1956, in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 56–3632; Filed, May 7, 1956; 8:50 a. m.]

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[Docket No. 11687 etc.; FCC 56M–422]

ROBERT A. MENSEL ET AL.

ORDER SCHEDULING HEARING

In re applications of Robert A. Mensel, Willimantic, Connecticut, Docket No. 11687, File No. BP–10074; Conant Broadcasting Company, Inc. (WHIL), Medford, Massachusetts, Docket No. 11688, File No. BP–10147; The Windham Broadcasting Company, Willimantic, Connecticut, Docket No. 11689, File No. BP–10194; for construction permits.

*It is ordered*, This 30th day of April 1956, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 9, 1956, in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 56–3633; Filed, May 7, 1956; 8:50 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. G–9807]

COLORADO-WYOMING GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 1, 1956.

Take notice that Colorado-Wyoming Gas Company (Applicant), a Delaware corporation with principal place of business at 421 Continental Oil Building, Denver 2, Colorado, filed on December 22, 1955 an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate, as integral parts of its existing natural gas system, certain natural gas facilities as hereinafter described which are necessary to the delivery and sale of natural gas in interstate commerce by Applicant, and to sell and deliver natural gas in interstate commerce on a firm basis (1) to Public Service Company of Colorado (Public Service) for resale by said Company to groups of farmers and a cement plant, and (2) to Greeley Gas Company (Greeley) for resale.

The facilities proposed to be constructed and operated by Applicant consist of:

(1) Five new farm taps to be located on Applicant's existing transmission lines near Loveland, Henderson, Boulder, Denver and Golden, Colorado, to supply Public Service.

(2) Two new farm taps to be located on Applicant's existing transmission lines near Lucerne and Greeley, Colorado, to supply Greeley.

The estimated cost of construction of the proposed facilities is $1,700, which will be financed from funds on hand.

The estimated firm gas requirements of the foregoing projects in Mcf at 14.73 p. s. i. a. are as follows:

| | Peak day | Annual |
|---|---|---|
| Public service | 28 | 2,765 |
| Greeley | 19 | 1,700 |
| Total | 47 | 4,465 |

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Tuesday, June 5, 1956 at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 16, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56–3608; Filed, May 7, 1956; 8:45 a. m.]

## OFFICE OF DEFENSE MOBILIZATION

JAMES F. BROWNLEE

CHANGES IN APPOINTEE'S STATEMENT OF BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

There have been no changes in my financial interests since the last filing of Form ODM–163 in December 1955.



This amends statement previously filed in the FEDERAL REGISTER December 31, 1955 (20 F. R. 10188).

Dated: April 27, 1956.

JAMES F. BROWNLEE.

[F. R. Doc. 56–3619; Filed, May 7, 1956; 8:48 a. m.]

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HAROLD S. BLACKMAN

CHANGES IN APPOINTEE'S STATEMENT OF BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of Form ODM–163.

This amends statement previously filed in the FEDERAL REGISTER December 31, 1955 (20 F. R. 10178).

Dated: April 27, 1956.

HAROLD S. BLACKMAN.

[F. R. Doc. 56–3620; Filed, May 7, 1956; 8:48 a. m.]

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MAURICE C. WALSH

CHANGES IN APPOINTEE'S STATEMENT OF BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last report.

This amends statement previously filed in the FEDERAL REGISTER December 31, 1955 (20 F. R. 10178).

Dated: April 28, 1956.

MAURICE C. WALSH.

[F. R. Doc. 56–3621; Filed, May 7, 1956; 8:48 a. m.]

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LEROY LUTES

CHANGES IN APPOINTEE'S STATEMENT OF BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Changes since last report.

Deletions: Atlas Corporation, Climax Molybdenum, Wasatch Corporation.

Additions: Adams Express, Gulf Mobile & Ohio RR., Mansfield Tire, Sears Roebuck, Sinclair Oil, Transcontinental Gas Pipeline.

I am a Director in Mansfield Tire & Rubber Co., and Vice-President in that Company. Also, I am President of Pacific Tire & Rubber Co., but own no stock in that company.

This amends statement previously filed in the FEDERAL REGISTER December 31, 1955 (20 F. R. 10188).

Dated: February 1, 1956.

LEROY LUTES.

[F. R. Doc. 56–3622; Filed, May 7, 1956; 8:48 a. m.]

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GEORGE ROSS LESAUVAGE

CHANGES IN APPOINTEE'S STATEMENT OF BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

February 1. 1956.
No change from last report.

This amends statement previously filed in the FEDERAL REGISTER, December 31, 1955 (20 F. R. 10188).

Dated: April 30, 1956.

GEORGE ROSS LESAUVAGE.

[F. R. Doc. 56–3623; Filed, May 7, 1956; 8:48 a. m.]

## INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 3, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32020: *Latex—Pottstown, Pa., to Central Territory.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on latex (liquid crude rubber), carloads, from Pottstown, Pa., to specified points in Indiana, Illinois, Michigan, Missouri (St. Louis), Ohio, and Wisconsin (Milwaukee).

Grounds for relief: Modified short-line distance formula, and circuity.

Tariff: Supplement 108 to Agent Boin's ICC A–1015.

FSA No. 32021: *Superphosphate to Charles City and Lenox, Iowa.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on superphosphate (and phosphate) carloads, from specified points in southern territory to Charles City and Lenox, Iowa.

Grounds for relief: Short line distance scale and circuity.

Tariff: Supplement 9 to Agent Spaninger's ICC No. 1522.

FSA No. 32022: *Newsprint paper—Sault Ste. Marie, Mich., to Louisiana.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on newsprint paper, carloads, from Sault Ste. Marie, Mich., to specified points in Louisiana.

Grounds for relief: Circuitous routes.

Tariff: Supplement 2 to Agent Kratzmeir's ICC No. 4198.

FSA No. 32023: *Commodity rates from and to Fulco, Ga.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on various commodities (except coal and coke), from and to Fulco, Ga., to and from points in the United States to and from which rates from and to Atlanta, Ga., are in effect.

Grounds for relief: New station.

FSA No. 32024: *Superphosphate to Estherville, Iowa, and North Boonville, Mo.* Filed by R. E Boyle, Jr., Agent, for

interested rail carriers. Rates on superphosphate (acid phosphate), carloads, from specified points in southern territory to Estherville, Iowa, and North Boonville, Mo.

Grounds for relief: Short line distance formula and circuity.

Tariff: Supplement 10 to Agent Spaninger's ICC No. 1522.

FSA No. 32025: *Sand, gravel, etc., Birmingham, Ala., Group to Alabama.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on chert cinders, gravel, marl, oyster shell dust, slag, slate, stone, and related commodities, carloads, from Bessemer, Ensley, Fairfield, and Woodward, Ala., to Montgomery, Ala., and other specified points in Alabama on the Central of Georgia Ry. Co.

Grounds for relief: Circuitous routes.

Tariff: Supplement 59 to Agent Spaninger's ICC No. 1469.

By the Commission.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F. R. Doc. 56-3610; Filed, May 7, 1956; 8:46 a. m.]

## DEPARTMENT OF JUSTICE

### Office of Alien Property

[Vesting Order SA-32]

CASA REGALA, BUCHAREST, RUMANIA

In re: Debt owing to Casa Regala, Bucharest, Rumania; F-57-617.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of The B. F. Goodrich Company, Akron, Ohio, arising out of an account entitled "Casa Regala, Bucharest, Rumania," maintained by the aforesaid company, together with all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947 was, owned directly or indirectly by Casa Regala, Bucharest, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to Section 205 of said Title II (69 Stat. 562) which provides that:

> Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on May 1, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
*Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-3617; Filed, May 7, 1956; 8:47 a. m.]

[Vesting Order SA-33]

COMMISSIO TERMENYKIVITELIES E. S. ARUFORGALMI K. F. T.

In re: Debt owing to Commissio Termenykivitelies E. S. Aruforgalmi K. F. T.; F-34-922.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of Anaconda Export Company, 25 Broadway, New York 4, N. Y., arising out of an account payable entitled "Account Payable Blocked Account" maintained by the aforesaid company, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Commissio Termenykivitelies E. S. Aruforgalmi K. F. T., Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to Section 205 of said Title II (69 Stat. 562) which provides that:

> Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on May 3, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
*Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-3618; Filed, May 7, 1956; 8:47 a. m.]


# FEDERAL REGISTER

VOLUME 21 NUMBER 90

*Washington, Wednesday, May 9, 1956*


THE NATIONAL ARCHIVES LITTERA SCRIPTA MANET OF THE UNITED STATES 1934

UNIVERSITY OF MICHIGAN MAY 1956 MAIN READING ROOM

## TITLE 7—AGRICULTURE

### Chapter III—Agricultural Research Service, Department of Agriculture

[P. P. C. 612, 2d Rev., Supp. 4]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—KHAPRA BEETLE

ADMINISTRATIVE INSTRUCTIONS DESIGNATING PREMISES AS REGULATED AREAS

Pursuant to § 301.76-2 of the regulations supplemental to the Khapra Beetle Quarantine (7 CFR Supp. 301.76-2, 20 F. R. 1012) under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), revised administrative instructions issued as 7 CFR Supp. 301.76-2a (20 F. R. 9899), effective December 23, 1955, as amended effective January 26, 1956, March 14, 1956, and April 17, 1956 (21 F. R. 573, 1575, 2463), are hereby amended in the following respects:

(a) The designation as regulated areas of the following premises, included in the list contained in such instructions, is hereby revoked, and the reference to such premises in the list is hereby deleted, it having been determined by the Chief of the Plant Pest Control Branch that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra beetle in and upon such premises:

ARIZONA

Farmers' Coop. Marketing Association, Highway 95, Yuma.

Mrs. Pearl McCreary Ranch, Route 1, Gilbert.

Whitman Grain Co., 11th Street, Yuma.

Whitman Seed Co., 11th Street, Yuma.

CALIFORNIA

V. K. Corfman Ranch, Route 2, Box 33, El Centro.

Pete Gardner Ranch, one-half mile south of Cemetery Road on west side of unnamed road, one-half mile east of Evergreen Cemetery, 2 miles east of courthouse, El Centro.

Giffen Inc. property, located at southwest corner of SW¼ of sec. 6, T. 17 S., R. 15 E. Mail address Highway 33 and Elkhorn Avenue, Cantua.

Holtville Milk Coop., Holtville.

Pauba Ranch Mill & Feed Yard (Vail Co., owner), north side of Highway 71, 3½ miles north of junction with Highway 395, south of Temecula.

J. W. Roberts Ranch, located at Ash Canal, Gate 160, intersection of East J and Road 18, Route 2, Box 57, Holtville.

Harold B. Ross Ranch, Route 1, Box 78, Holtville.

Southwest Flaxseed Association property, East Q and one-quarter mile north of Road 22, Holtville. Mail address Imperial.

K. W. Taylor Feed Lot, located at intersection of West H and Road 9, Route 2, Box 45A, El Centro.

Twin Cities Seeds & Feed Store, 207 Imperial Avenue, Calexico.

(b) The following premises are added to the list, contained in such instructions, of warehouses, mills, and other premises in which infestations of the khapra beetle have been determined to exist. Such premises are thereby designated as regulated areas within the meaning of said quarantine and regulations;

ARIZONA

Allen Ranch, Route 5, Box 528, Tucson.

Tom Jones Farm, P. O. Box 531, Mesa.

Shamrock Hill Farm, P. O. Box 5524, Tucson.

Norman Welker Farm No. 2, 311 East Revelation Street, Safford.

CALIFORNIA

Albers Milling Co. property, 6130 South Avalon Boulevard, Los Angeles.

Fred Brown property, located southwest corner of intersection of Highway 111 and County Road 79. Mail address P. O. Box 11, Calipatria.

Milham Farms, Camp No. 1, located Sec. 7, T. 28 S., R. 23 E. Mail address Lerdo Road, Buttonwillow.

Milham Farms, Camp No. 2, located Sec. 1, T. 28 S., R. 22 E. Mail address Lerdo Road, Buttonwillow.

M. G. Procter properties, located at intersection of County Roads 45 and West E. Mail address Route 1, Box 93, Brawley.

C. E. Rodgers property, corner Keim Boulevard and 26th Avenue (Ripley area). Mail address Route 2, Box 247, Blythe.

This amendment shall become effective May 9, 1956.

This amendment revokes the designation as regulated areas of certain premises, it having been determined by the Chief of the Plant Pest Control Branch that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra beetle in and upon such premises. It also adds additional premises to the list of premises in which khapra beetle infestations have been determined to exist, and designates such premises as regulated areas

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# FEDERAL REGISTER

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**CFR SUPPLEMENTS**

**(As of January 1, 1956)**

**The following Supplements are now available:**

**Titles 4 and 5 ($1.00)**

**Title 15 ($1.00)**

*Previously announced:* Title 3, 1955 Supp. ($2.00); Title 7: Parts 1–209 ($1.25); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Part 400 to end ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. I, and Title 27 ($1.00); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Titles 40–42 ($0.65); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65).

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.


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under the khapra beetle quarantine and regulations.

This amendment in part imposes restrictions supplementing khapra beetle quarantine regulations already effective. It also relieves restrictions insofar as it revokes the designation of presently regulated areas. It must be made effective promptly in order to carry out the purposes of the regulations and to permit unrestricted movement of regulated products from the premises being removed from designation as regulated areas. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable and contrary to the public interest, and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318, as amended; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 4th day of May 1956.

[SEAL] E. D. BURGESS,
*Chief, Plant Pest Control Branch.*

[F. R. Doc. 56-3681; Filed, May 8, 1956; 8:54 a. m.]

## Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

**Subchapter A—Marketing Orders**

[945.301 Amdt. 7]

### PART 945—TOMATOES GROWN IN FLORIDA

### LIMITATION OF SHIPMENTS

*Findings.* (a) Pursuant to Marketing Agreement No. 125 and Order No. 45 (7 CFR Part 945; 20 F. R. 7357), regulating the handling of tomatoes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Florida Tomato Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of tomatoes, in the manner set forth below, on and after the effective date of this amendment, (iii) compliance with the this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (iv) reasonable time is permitted, under the circumstances, for such preparation, (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area, and (vi) this amendment relieves restrictions on the handling of tomatoes grown in the production area.

*Order, as amended.* The provisions of § 945.301 (b) (1) and (2), as amended (21 F. R. 1981, 2408) are hereby further amended to read as follows:

(1) During the period from May 9, 1956, to May 31, 1956, both dates inclusive, no person shall handle tomatoes of any variety grown in the production area unless such tomatoes are of a size not smaller than 1⅞ inches minimum diameter and meet the requirements of the U. S. No. 2 or better grade except for growth cracks, catfaces, and scars. For purposes of these exceptions: (i) Growth cracks shall be well healed and no individual crack shall exceed 1 inch in length or ¼ inch in depth and the aggregate length of all cracks shall not exceed 2 inches; (ii) catfaces shall not have channels extending into the locules, and the aggregate area of fairly smooth catfaces shall not exceed that of a circle 1 inch in diameter on a tomato 2½ inches in diameter (smaller tomatoes shall have proportionately lesser areas and larger tomatoes may have proportionately greater areas); and (iii) scars (other than catfaces) shall not have an aggregate area exceeding that of a circle 1 inch in diameter on a tomato 2½ inches in diameter (smaller tomatoes shall have proportionately lesser areas of scars and larger tomatoes may have proportionately greater areas of scars). Not more than a total of 10 percent, by count, of the tomatoes in any lot may fail to meet the requirements of the U. S. No. 2 grade as modified by the preceding sentence of this subparagraph. Not more than 5 percent, by count, of the tomatoes in any lot may be smaller than the specified minimum diameter.

(2) Any lot of tomatoes containing more than ten (10) percent of mature green tomatoes shall be classified as mature green tomatoes for purpose of limitation of shipments pursuant to this subparagraph. Subject to the requirements of subparagraph (1) of this paragraph, no person shall handle for shipment outside the production area any such mature green tomatoes unless they are packed within one of the following ranges of diameters (expressed in terms of minimum and maximum):

| Size arrangements | Diameter (inches) |
|---|---|
| 7 x 8 | 1⅞ to 2⅛, inclusive. |
| 7 x 7 | Over 2⅛ to 2²⁹⁄₃₂, inclusive. |
| 6 x 7 | Over 2²⁹⁄₃₂ to 2¹⁵⁄₃₂, inclusive. |
| 6 x 6 and larger | Over 2¹⁵⁄₃₂. |

Such mature green tomatoes shall be packed separately for each size range. To allow for variations incident to proper sizing, not more than a total of 10 percent, by count, of the mature green tomatoes in any lot may be smaller than the specified minimum diameter, or larger than the specified maximum diameter, except that not more than 5 percent, by count, of such tomatoes may be smaller than 1⅞ inches in diameter. The requirements of this subparagraph shall be applicable only to mature green tomatoes: Deemed to be tomatoes generally showing a slight break in the ground color to a whitish green color over the shoulders; the contents of the seed cavities will be slightly moist and of a jelly or glue-like consistency; the seeds will be well developed, slightly hard, and in slicing the fruit with a sharp knife will usually be pushed aside rather than cut; and the contents of two or more locules must have a jelly-like consistency and well developed seeds. The requirements of this subparagraph shall not be applicable to "pink" tomatoes (deemed to be tomatoes usually hard or firm to feel; which are turning in color, with most of the surface of the fruit ranging from green to yellow, but showing some pink or yellow at the blossom end) and tomatoes having a greater degree of maturity.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 7th days of May 1956, to become effective May 9, 1956.

[SEAL] FLOYD F. HEDLUND,
*Acting Director,*
*Fruit and Vegetable Division.*

[F. R. Doc. 56-3734; Filed, May 8, 1956; 9:01 a. m.]

**Subchapter B—Prohibition of Imported Commodities**

[Tomato Reg., Amdt. 4]

### PART 1065—TOMATOES

### IMPORT RESTRICTIONS

Pursuant to the authority vested in me under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 753, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), paragraph (b) of § 1065.1 *Tomato Regulation No. 1*, as amended (20 F. R. 9817, 21 F. R. 832, 987, 2509), is hereby further amended to read as follows:

(b) (1) During the period from April 30, 1956, to May 4, 1956, 3 p. m., e. d. t., and subject to the general regulations (Part 1060 of this chapter; 19 F. R. 7707,

8012) applicable to the importation of listed commodities and the requirements of this section, no person shall import any tomatoes of any variety unless such tomatoes are of a size not smaller than 2⅛ inches minimum diameter (size 7 x 7 and larger) and meet the requirements of 85 percent U. S. No. 1 or better grade, except that tomatoes which meet the minimum requirements of 2$^{9}/_{32}$ inches minimum diameter (size 6 x 7 and larger) may be imported if they meet the requirements of U. S. No. 2, or better grade, except for growth cracks, catfaces, and scars. For purposes of these exceptions: (i) Growth cracks shall be well healed and no individual crack shall exceed 1 inch in length or ¼ inch in depth and the aggregate length of all cracks shall not exceed 2 inches; (ii) catfaces shall not have channels extending into the locules, and the aggregate area of fairly smooth catfaces shall not exceed that of a circle 1 inch in diameter on a tomato 2½ inches in diameter (smaller tomatoes shall have proportionately lesser areas and larger tomatoes may have proportionately greater areas); and (iii) scars (other than catfaces) shall not have an aggregate area exceeding that of a circle 1 inch in diameter on a tomato 2½ inches in diameter (smaller tomatoes shall have proportionately lesser areas of scars and larger tomatoes may have proportionately greater areas of scars). Not more than a total of 10 percent, by count, of the tomatoes in any lot may fail to meet the applicable grade requirements for the lot as modified by the preceding sentence of this subparagraph. Not more than 5 percent, by count, of the tomatoes in any lot may be smaller than the specified minimum diameter.

(2) During the period from May 4, 1956, 3:01 p. m., e. d. t., through May 13, 1956, and subject to the general regulations (Part 1060 of this chapter; 19 F. R. 7707, 8012) applicable to the importation of listed commodities and the requirements of this section, no person shall import any tomatoes of any variety unless such tomatoes are of a size not smaller than 1⅞ inches minimum diameter and meet the requirements of the U. S. No. 2 or better grade except for growth cracks, catfaces, and scars. For purposes of these exceptions: (i) Growth cracks shall be well healed and no individual crack shall exceed 1 inch in length or ¼ inch in depth and the aggregate length of all cracks shall not exceed 2 inches; (ii) catfaces shall not have channels extending into the locules, and the aggregate area of fairly smooth catfaces shall not exceed that of a circle, 1 inch in diameter on a tomato 2½ inches in diameter (smaller tomatoes shall have proportionately lesser areas and larger tomatoes may have proportionately greater areas); and (iii) scars (other than catfaces) shall not have an aggregate area exceeding that of a circle 1 inch in diameter on a tomato 2½ inches in diameter (smaller tomatoes shall have proportionately lesser areas of scars and larger tomatoes may have proportionately greater areas of scars). Not more than a total of 10 percent, by count, of the tomatoes in any lot may fail to meet the requirements of the U. S. No. 2 grade as modified by the preceding sentence of this subparagraph. Not more than 5 percent, by count, of the tomatoes in any lot may be smaller than the specified minimum diameter.

(3) During the period from May 14, 1956, to May 31, 1956, both dates inclusive, and subject to the general regulations (Part 1060 of this chapter; 19 F. R. 7707, 8012), applicable to the importation of listed commodities and the requirements of this section, no person shall import any tomatoes of any variety unless such tomatoes are of a size not smaller than 2⅛ inches minimum diameter (size 7 x 7 and larger) and meet the requirements of 85 percent U. S. No. 1 or better grade, except that tomatoes which meet the minimum requirements of 2$^{9}/_{32}$ inches minimum diameter (size 6 x 7 and larger) may be imported if they meet the requirements of U. S. No. 2, or better grade, except for growth cracks, catfaces, and scars. For purposes of these exceptions: (i) Growth cracks shall be well healed and no individual crack shall exceed 1 inch in length or ¼ inch in depth and the aggregate length of all cracks shall not exceed 2 inches; (ii) catfaces shall have channels extending into the locules, and the aggregate area of fairly smooth catfaces shall not exceed that of a circle 1 inch in diameter on a tomato 2½ inches in diameter (smaller tomatoes shall have proportionately lesser areas and larger tomatoes may have proportionately greater areas); and (iii) scars (other than catfaces) shall not have an aggregate area exceeding that of a circle 1 inch in diameter on a tomato 2½ inches in diameter (smaller tomatoes shall have proportionately lesser areas of scars and larger tomatoes may have proportionately greater areas of scars). Not more than a total of 10 percent, by count, of the tomatoes in any lot may fail to meet the applicable grade requirements for the lot as modified by the preceding sentence of this subparagraph. Not more than 5 percent, by count, of the tomatoes in any lot may be smaller than the specified minimum diameter.

*Findings.* It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment later than 3 p. m., e. d. t., May 4, 1956 (5 U. S. C. 1001 et seq.), in that: (a) The existing grade and size regulations which were made effective on and after April 30, 1956, have been found, on the basis of experience, not to have provided sufficient time to enable tomato importers to adjust their operations from the basis of the previous less stringent grade and size regulations; (b) the imposition of the existing restrictions has, therefore, resulted in undue hardship on tomato importers; (c) in order to afford further time for such adjustment, insofar as is now practicable, the previous less stringent regulations are (pursuant to subparagraph (2) of paragraph (b) of § 1065.1) now being prescribed for the period from 3:01 p. m., e. d. t., May 4 through May 13, 1956, it being anticipated that tomato importers will be able to adjust to the presently existent more restrictive regulations on and after May 14, 1956; (d) information as to the need for this temporary relaxation of the regulations was not received by the Secretary of Agriculture until May 4, 1956, and the circumstances are such that it is imperative that such relaxation be put into effect immediately; and (e) as indicated, the effect of this amendment action is to suspend the presently effective stringent regulations for the period 3:01 p. m., e. d. t., May 4 through May 13, 1956, and to reinstate, for that period, the less stringent regulations which were in effect previously, the purpose of such action being to afford importers more time in which to adjust their operations to the more stringent requirements.

(Sec. 5, 49 Stat. 753, as amended, 7 U. S. C. 608c. Interprets or applies Sec. 401, 68 Stat. 907; 7 U. S. C. 608)

Done at Washington, D. C., this 4th day of May 1956.

[SEAL] S. R. SMITH,
*Director,*
*Fruit and Vegetable Division.*

[F. R. Doc. 56-3679; Filed, May 8, 1956; 8:53 a. m.]

## TITLE 43—PUBLIC LANDS: INTERIOR

### Chapter I—Bureau of Land Management, Department of the Interior

**Appendix—Public Land Orders**

[Public Land Order 1295]

UTAH, COLORADO, AND NEW MEXICO

PARTIALLY REVOKING PUBLIC LAND ORDERS NOS. 494, 779, 964, AND 1011, WHICH RESERVED PUBLIC LANDS AND MINERALS IN PATENTED LANDS FOR USE OF UNITED STATES ATOMIC ENERGY COMMISSION; REVOKING PUBLIC LAND ORDERS NOS. 745 AND 911

*Correction*

In F. R. Document 56-3449, appearing in the issue for Thursday, May 3, 1956, at page 2945, the date "April 26, 1956" should be added at the end of the document.

## TITLE 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

[Docket No. 10887; FCC 56-373]

[Rules Amdts. 7-9, 8-14]

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

TYPE ACCEPTANCE AND SPECIFIC LIMITATIONS FOR SPURIOUS EMISSIONS

*Correction*

In F. R. Document 56-3477, appearing in the issue for Thursday, May 3, 1956, at page 2947, the paragraph designation (c) should be deleted in § 8.140. Instead this material beginning "From time to time * * *" will appear as a second paragraph to the note immediately preceding it.



## TITLE 14—CIVIL AVIATION

### Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 194]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, GCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is canceled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The automatic direction finding procedures prescribed in § 609.8 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and latitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

| City and State; airport name, elevation; facility; class and identification; procedure No.; effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Ceiling and visibility minimums: Condition | 2 engines or less: 65 knots or less | 2 engines or less: More than 65 knots | More than 2 engines (more than 65 knots) | If visual contact not established at authorized landing minimums after passing facility, within distances specified, or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 8 | 9 | 10 | 11 | 12 |
| KEENE, N. H. Dillant-Hopkins, 482'. HW-2-EN. Procedure No. 1. Amendment No. 4. Effective date June 2, 1956. Supersedes Amendment 3, dated December 31, 1955. Facility owned and operated by State of New Hampshire. Major changes: Direction of inbound approach holding pattern reversed. | Greenfield Intersection LMF. | 060—16.9 | 4,000 | W side of course: 201° outbound. 021° inbound. 3,500' within 10 miles. 2,500' authorized beyond 10 miles. Procedure turn W to avoid terrain to the E. | 2,500 | 021—2.8 | *T-dn 1,500-2<br>C-dn 1,500-2<br>A-cl 2,500-2<br>A-ri 4,000-2 | | | Within 2.8 miles make a left climbing turn returning to Keene HW. Continue to climb to 4,000' in standard holding pattern through W of holding fix outbound, all turns to the left. |
| | Greenfield Intersection VOR. | 038—19.6 | 4,000 | | | | | | | *Night takeoff to SE not authorized. IFR climb-out procedure: Climb with visual reference to enter ceiling over airport on direct course, climbing to Keene HW, continue climb to holding pattern. Minimum facility departure climb rate 4,000' except 5,000' NE bound. Facility must be monitored aurally during this procedure. AIR CARRIER NOTE: Visibility below 1 mile day, 2 miles night not authorized. (1) Application of visibility set forth for landing, or (3) For reduction of takeoff minimums. |

**2. The very high frequency omnirange procedures prescribed in § 609.9 (a) are amended to read in part:**

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses, and radials are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area as set forth below.

| City and State; airport name, elevation; facility; class and identification; procedure No.; effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance, facility to airport | Ceiling and visibility minimums: Condition | 2 engines or less: 65 knots or less | 2 engines or less: More than 65 knots | More than 2 engines; more than 65 knots | If visual contact not established at authorized minimums after passing facility within distance specified or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| DALLAS, TEX.<br>Love Field, 485'.<br>BVOR-DME-DAL.<br>Procedure No. 1.<br>Amendment No. 5.<br>Effective date: May 25, 1956.<br>Supersedes Amendment 4, dated May 26, 1956.<br>Major changes: Lower altitude column 6; add altitude column 6. | Dallas LFR | 050—10 | 2,000 | N side of course: 063° outbound. 243° inbound. 2,000' within 10 miles. | 1,500 | 243—8.2 | T-dn<br>#C-dn<br>A-dn | 300–1<br>400–1<br>800–2 | 300–1<br>500–1<br>800–2 | 200–½<br>500–1½<br>800–2 | Within 8.2 miles, turn right, return to VOR climbing to 2,000'.<br>CAUTION: 695' mean sea level tank 1.7 miles SE runway 31.<br>#If DME not utilized, landing minima are 700–2. |
| | From 10-mile DME fix to VOR (final). | 243—10 | 1,500 | | 1,200 over 6.5-mile DME fix R-243. | 243—6.5 miles from VOR to 6.5-mile DME fix. | | | | | |
| | Radar terminal area transition altitude: 2,000' within 5 to 20 miles. Radar control must provide 3 miles of 1,000' vertical separation or 3 to 5 miles and 500' vertical separation from radio towers: 1,108' mean sea level 20 miles N., 2,349' mean sea level 16 miles SSW, 1,239' mean sea level 10 miles WNW of airport. | | | | 900# over 8.2-mile DME fix R-243. | 243—1.7 miles from 6.5-mile DME fix to airport. | | | | | AIR CARRIER NOTE: On cargo and ferry flights no reduction in landing minima authorized. |

**3. The very high frequency omnirange procedures prescribed in § 609.9 (b) are amended to read in part:**

TVOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses, and radials are magnetic. NOTE: Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a TVOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

| City and State; airport name, elevation; facility; class and identification; procedure No. (TVOR); effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance from int. runway center line extended and final course to approach end of runway | Ceilings and visibility minimums: Condition | 2 engines or less: 65 knots or less | 2 engines or less: More than 65 knots | More than 2 engines; more than 65 knots | If visual contact not established at TVOR, or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| FRESNO, CALIF.<br>Fresno Air Terminal, 331'.<br>BVOR/DME-FNO.<br>TVOR-11.<br>Amendment No. 1.<br>Effective date: June 2, 1956.<br>Supersedes Amendment Original, dated May 5, 1956.<br>Major changes: (1) Variation change to 17° E; (2) Correct altitudes in columns 4 and 6. | FNO LFR | 047—6.1 | 1,700 | S side of course: 308° outbound. 128° inbound. 1,700' within 10 miles. Not authorized beyond 10 miles. Procedure turn not required with DME. | #700 | 109—1.6 | T-dn<br>C-dn<br>S-dn 11<br>A-dn | 300–1<br>#500–1<br>#400–1<br>800–2 | 300–1<br>#500–1<br>#400–1<br>800–2 | 200–½<br>#500–1½<br>#400–1<br>800–2 | Climb to 2,000' on radial 128° FNO VOR within 20 miles.<br>#1,100' mean sea level (800' ceiling) required if DME not available or if ADF bearing 184° to FNO LFR (abeam) not identified on final. |
| | 5-mile DME fix R-308 (final) | 128—5 | #700 | | | | | | | | |
| | From 10-mile to 5-mile fixes on R-307. | 128—5 | 1,100 | | | | | | | | |
| | Orbiting between 10 miles and 15 miles at 1,700' authorized between radials 271 and 312 in either direction. | | | | | | | | | | |



TVOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| City and State; airport name, elevation; facility; class and identification; Procedure No. (TVOR); effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance from int. runway center line extended and final course to approach end of runway | Ceilings and visibility minimums: Condition | 2 engines or less: 65 knots or less | 2 engines or less: More than 65 knots | More than 2 engines; more than 65 knots | If visual contact not established at TVOR, or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| FRESNO, CALIF.<br>Fresno Air Terminal, 331'.<br>BVOR/DME-FNO.<br>TVOR-29.<br>Amendment No. 2.<br>Effective date: June 2, 1956.<br>Supersedes Amendment 1, dated May 5, 1956.<br>Major changes: (1) Variation change to 17° E; (2) Correct altitudes in columns 4 and 6. | FNO LFR | 047—6.1 | 1,700 | S side of course: 096° outbound. 276° inbound. 1,700' within 10 miles. Not authorized beyond 10 miles. | #700 | 289—2.1 | T-dn<br>C-dn<br>S-dn 29<br>A-dn | 300–1<br>500–1<br>#400–1<br>800–2 | 300–1<br>500–1<br>#400–1<br>800–2 | 200–½<br>500–1½<br>#400–1<br>800–2 | Climb to 2,000' on 276° radial FNO VOR within 20 miles.<br>#800' mean sea level (500' ceiling) required without DME or if ADF bearing 186° to FNO LOM (abeam) not identified on final. |
| | 5-mile DME fix R-096 (final). | 276—5 | #700 | | | | | | | | |

**4. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:**

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

| City and State; airport name, elevation; facility; class and identification; procedure No.; effective date | Transition to ILS: From— | To— | Course and distance | Minimum altitudes (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude at glide slope intercept ion inbound (ft.) | Altitude of glide slope and distance to approach end of runway at—: Outer marker | Middle marker | Ceiling and visibility minimums: Condition | Type aircraft: 75 m.p.h. or less | Type aircraft: More than 75 m. p. h. | If visual contact not established upon descent to authorized landing minimums or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| WILKES-BARRE, PA.<br>Wilkes-Barre-Scranton, 956'.<br>ILS-AVP.<br>Using Crystal Lake Radio beacon CYE.<br>Procedure No. 1.<br>Amendment No. 6.<br>Effective date: June 2, 1956.<br>Supersedes Amendment 5, dated April 1, 1954.<br>Major changes: Missed approach revised. Alternate missed approach added. | Wilkes-Barre-Scranton VOR. | CYE* Radiobeacon. | 235—21.7 nautical miles | 3,500 | E side of SW course: 223° outbound. 043° inbound. 3,500' within 10 nautical miles of Crystal Lake Radiobeacon. | 3,500 over Crystal Lake Radiobeacon | CYE* Radiobeacon 3,500—8.7 nautical miles<br>LOM 2,250—3.9 nautical miles | LMM 1,180—0.6 nautical miles | 2 engines or less<br>#T-dn<br>C-d<br>C-n<br>S-dn 4<br>A-d<br>A-n | 600–1<br>900–1½<br>1,300–2<br>600–1½<br>1,200–2<br>1,600–3 | 600–1<br>1,000–1½<br>1,300–2<br>600–1½<br>1,200–2<br>1,600–3 | Climb to 3,500' on a track of 043° from the LMM and then proceed to the Wilkes-Barre VOR at 3,500'. Alternate missed approach when requested by ATC, make a climbing left turn and climb to 4,000' on SW course Wilkes-Barre LFR.<br>NOTE: High terrain to E, SE, and S of airport within 2.5 nautical miles.<br>*Crystal Lake Radiobeacon. This procedure is predicated on the reception of the CYE Radiobeacon and ILS glide slope.<br>AIR CARRIER NOTES: Provisions for reduced visibility not authorized at night or to day minimums below 1 mile for 75 miles per hour (65K) or less aircraft and 1½ miles for more than 75 miles per hour (65K) aircraft.<br>#Takeoff minimums for runway 10 and 16: Day, 600–2; night 800–2. |
| | Intersection E course Wilkes-Barre-Scranton LFR and SW course ILS. | CYE* Radiobeacon. | 223—9.5 nautical miles | 3,500 | | | | | More than 2 engines<br>T-dn<br>C-d<br>C-n<br>S-dn 4<br>A-d<br>A-n | ----------<br>----------<br>----------<br>----------<br>----------<br>---------- | 600–1<br>1,000–2<br>1,300–2<br>600–1½<br>1,200–2<br>1,600–3 | |
| | Wilkes-Barre-Scranton LFR. | CYE* Radiobeacon. | 200—6.9 nautical miles | 3,500 | | | | | | | | |
| | Intersection E course Williamsport and SW course Wilkes-Barre-Scranton LFR. | CYE* Radiobeacon. | 103—8.7 nautical miles | 3,500 | | | | | | | | |

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] JAMES T. PYLE,
*Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 56-3266; Filed, May 8, 1956; 11:24 a. m.]

## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

TEACHER-ADVISER

Section 24.14 (a) (3) is amended to read as follows:

§ 24.14 *Teacher and substitute (temporary) teacher, GS-1710-5-7-8, in Indian Schools*—(a) *Educational requirement.* * * *

(3) *Teacher-adviser.* Completion of a full four-year course, leading to a degree from an accredited college or university, including or supplemented by 24 semester hours of credit in education and/or guidance in which is included 6 semester hours of credit in a combination of two or more of the following: child psychology; educational psychology; educational, vocational or child guidance; clinical psychology; mental hygiene; health education; or educational tests and measurements.

NOTE: For temporary appointment of substitute teacher-advisers, this educational requirement may be modified to require only two full years of study in an accredited college or university with one-half of the semester hours of credit required in the fields listed above.

(Sec. 11, 58 Stat. 390; 5 U. S. C. 860)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
*Executive Assistant.*

[F. R. Doc. 56-3683; Filed, May 8, 1956; 8:54 a. m.]

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

GEOPHYSICIST

Section 24.35 is revoked and § 24.132 is added to read as follows:

§ 24.132 *Geophysicist (exploration), GS-5 through GS-15*—(a) *Educational requirement.* (1) Applicants must have successfully completed one of the following:

(i) A full 4-year curriculum in an accredited college or university leading to a bachelor's degree, including or supplemented by courses in geology and physics (inclusive of geophysics) totaling at least 30 semester hours.

(ii) Courses in geology and physics in an accredited college or university totaling at least 30 semester hours, plus additional appropriate experience or education which when combined with the 30 semester hours will total 4 years of education and experience and give the applicant a technical and professional knowledge comparable to that which would be acquired through the successful completion of the 4-year college course described in subdivision (i) of this subparagraph.

In either subdivision (i) or (ii) of this subparagraph, the required 30 semester hours of study must have included a minimum of 12 hours in geology and 12 hours in physics. Courses in geology must have included at least two among the following: Structural geology, regional geology, stratigraphy, economic geology (metals, nonmetals, mining, fuels, ground water (engineering)), field geology. Courses must be those accepted by departments of geology or physics as fully meeting the requirements for a major or concentration in geology or physics.

(2) For those positions involving highly complicated or fundamental scientific research or similar difficult duties, selection may be restricted to those eligibles who show the successful completion of a full college education in an accredited college or university including or supplemented by 30 semester hours as described above.

(b) *Duties.* Geophysicists (Exploration) plan, direct, conduct or assist in scientific research, investigative, or developmental work involving gravimetric, magnetic, electrical, seismic, and similar physical methods to determine the nature and location of subsurface geologic formations and to locate and ascertain the extent of mineral deposits and ground water supplies. The work requires the application of physical principles and techniques to the solution of geologic problems. Duties include making observations in the field or in the laboratory, compiling data and performing related computations, analyzing and interpreting observations in terms of geologic phenomena, designing apparatus and equipment for obtaining observations, and preparing reports and papers for reference or publication.

(c) *Knowledge and training requisite for performance of duties.* The duties of these positions cannot be performed without a sound basic knowledge of geology and physics and broad training in related scientific fields. These duties require exacting knowledge and training. Appointees must have the ability to apply scientific knowledges to the work in order to solve specific problems, interpret and apply the results of research in geophysics and related sciences, and to perform research in geophysics. The knowledge and training required can only be acquired through a planned and directed course of study in an accredited college or university where there are adequate scientific libraries and well-equipped laboratories, where competent instruction and guidance are available, where courses are arranged in a systematic, progressive schedule, and where progress in the acquisition of professional and scientific knowledge is competently evaluated.

(Sec. 11, 58 Stat. 390; 5 U. S. C. 860)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
*Executive Assistant.*

[F. R. Doc. 56-3682; Filed, May 8, 1956; 8:54 a. m.]

## PROPOSED RULE MAKING

### DEPARTMENT OF THE TREASURY

#### Internal Revenue Service

#### [ 26 CFR (1954) Part 1 ]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

SALE OR EXCHANGE OF PATENTS

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] RUSSELL C. HARRINGTON,
*Commissioner of Internal Revenue.*

The following regulations are hereby prescribed under section 1235 of the Internal Revenue Code of 1954, and are effective for taxable years beginning after December 31, 1953, and ending after August 16, 1954:

§ 1.1235 *Statutory provisions; sale or exchange of patents.*

SEC. 1235. *Sale or exchange of patents*—(a) *General.* A transfer (other than by gift, inheritance, or devise) of property consisting of all substantial rights to a patent, or an undivided interest therein which includes a part of all such rights, by any holder shall be considered the sale or exchange of a capital asset held for more than 6 months, regardless of whether or not payments in consideration of such transfer are:



(1) Payable periodically over a period generally coterminous with the transferee's use of the patent, or

(2) Contingent on the productivity, use, or disposition of the property transferred.

(b) *"Holder" defined.* For purposes of this section, the term "holder" means—

(1) Any individual whose efforts created such property, or

(2) Any other individual who has acquired his interest in such property in exchange for consideration in money or money's worth paid to such creator prior to actual reduction to practice of the invention covered by the patent, if such individual is neither—

(A) The employer of such creator, nor

(B) Related to such creator (within the meaning of subsection (d)).

(c) *Effective date.* This section shall be applicable with regard to any amounts received or payments made, pursuant to a transfer described in subsection (a) in any taxable year to which this subtitle applies, regardless of the taxable year in which such transfer occurred.

(d) *Related persons.* Subsection (a) shall not apply to any sale or exchange between an individual and any other related person (as defined in section 267 (b)), except brothers and sisters, whether by the whole or half blood.

(e) *Cross reference.* For special rule relating to non-resident aliens, see section 871 (a).

§ 1.1235-1 *Sale or exchange of patents*—(a) *General rule.* Section 1235 provides that a transfer for value of all substantial rights to a patent, or of an undivided interest in all such rights to a patent, by a holder to a person other than a related person constitutes the sale or exchange of a capital asset held for more than six months, whether or not payments therefor are:

(1) Made periodically during the transferee's use of the patent, or

(2) Contingent on the productivity, use, or disposition of the transferee's rights in the patent.

(b) *Scope of section 1235.* If a transfer is not one described in paragraph (a) of this section, section 1235 shall be disregarded in determining whether or not such transfer is the sale or exchange of a capital asset. For example, a transfer by a person other than a holder or a transfer by a holder to a related person is not governed by section 1235. The tax consequences of such transfers shall be determined under other provisions of the internal revenue laws.

(c) *Special rules*—(1) *Payments for infringement.* If section 1235 applies to a transfer, compensatory payments to the transferor as proceeds from the settlement of or as damages in a suit for infringement of the patent transferred for the period after the transfer will be payments attributable to a transfer to which section 1235 applies. See section 1304 and the regulations thereunder for treatment of compensatory damages for patent infringement.

(2) *Payments to an employee.* Payments received by an employee as compensation under an employment contract requiring the employee to transfer to the employer all or a part of the rights to any invention by such employee are not attributable to a transfer to which section 1235 applies.

(3) *Successive transfers.* The applicability of section 1235 to transfers of undivided interest in patents, or to successive transfers of such rights, shall be determined separately with respect to each transfer. For example, X, who is a holder, and Y, who is not a holder, transfer their respective two-thirds and one-third undivided interests in a patent to Z. Assume the transfer by X qualifies under section 1235 and that X in a later transfer acquires all the rights with respect to Y's interest, including the rights to payments from Z. One-third of all the payments thereafter received by X from Z are not attributable to a transfer to which section 1235 applies.

(d) *Payor's treatment of payments in a transfer under section 1235.* Payments made by the transferee of patent rights pursuant to a transfer satisfying the requirements of section 1235 are payments of the purchase price for the patent rights and are not the payment of royalties.

(e) *Effective date.* Amounts received or accrued, and payments made or accrued, during any taxable year beginning after December 31, 1953 and ending after August 16, 1954, pursuant to a transfer satisfying the requirements of section 1235, whether such transfer occurred in a taxable year to which the Internal Revenue Code of 1954 applies, or in a year prior thereto, are subject to the provisions of section 1235.

(f) *Nonresident aliens.* For the special rule relating to nonresident aliens who have gains arising from a transfer to which section 1235 applies, see section 871 and the regulations thereunder. For withholding of tax from income of nonresident aliens, see section 1441 and the regulations thereunder.

§ 1.1235-2 *Definition of terms.* For the purposes of section 1235 and § 1.1235-1:

(a) *Patent.* The term "patent" means a patent granted under the provisions of section 101 or 161 of title 35 of the United States Code, or any foreign patent granting to the inventor an exclusive right for a limited period to make and sell his invention. The term "patent" does not include a design patent. It is not necessary that the patent or patent application for the invention be in existence at the time of the transfer.

(b) *All substantial rights to a patent.* (1) The term "all substantial rights to a patent" means all rights which are clearly of value when any rights in a patent are transferred. The circumstances of the whole transaction, rather than the particular terminology used in the instrument of transfer, shall be considered in determining whether or not all substantial rights to a patent are transferred in a transaction. A transfer limited in duration by the terms of the instrument to a period less than the remaining life of the patent is not a transfer of all substantial rights to a patent.

(2) Rights which are not considered substantial for purposes of section 1235 may be retained by the holder. Examples of such rights are:

(i) The retention by the transferor of legal title for the purpose of securing performance or payment by the transferee in a transaction involving transfer of an exclusive license to manufacture, use, and sell for the life of the patent;

(ii) The retention by the transferor of rights in the property which are not in the nature of rights evidenced by the patent and which are not inconsistent with the passage of ownership, such as the retention of a security interest (such as a vendor's lien), or a reservation in the nature of a condition subsequent (such as a provision for forfeiture on account of nonperformance).

(3) Examples of rights which may or may not be substantial, depending upon the circumstances of the whole transaction in which rights in the patent are transferred, are:

(i) The retention by the transferor of an absolute right to prohibit sublicensing or subassignment by the transferee;

(ii) The failure to convey to the transferee the right to use or to sell the patent property.

(4) The retention of a right to terminate the transfer at will is the retention of a substantial right for the purposes of section 1235.

(c) *Undivided interest in a patent.* A person owns an "undivided interest" in a patent when he owns only a fraction of the whole patent and owns a share in each of the substantial rights under the patent equal to that fraction. It does not include, for example, a right to the income from a patent, or a license limited geographically, or a license which covers some, but not all, of the valuable claims or uses covered by the patent. A transfer limited in duration by the terms of the instrument to a period less than the remaining life of the patent is not a transfer of an undivided interest in all substantial rights to a patent.

(d) *Holder.* (1) The term "holder" means any individual:

(i) Whose efforts created the patent property and who would qualify as the "original and first" inventor, or joint inventor, within the meaning of title 35 of the United States Code, or

(ii) Who has acquired his interest in the patent property in exchange for a consideration paid to the inventor in money or money's worth prior to the actual reduction of the invention to practice (see paragraph (e) of this section), provided that such individual was neither the employer of the inventor nor related to him (see paragraph (f) of this section), either at the time of paying the consideration or at the time of acquiring the inventor's interest.

(2) Although a partnership cannot be a holder, each member of a partnership who is an individual may qualify as a holder as to his share of a patent owned by the partnership. For example, if an inventor who is a member of a partnership composed solely of individuals uses partnership property in the development of his invention with the understanding that the patent when issued will become partnership property, each of the inventor's partners during this period would qualify as a holder. If, in this example, the partnership were not composed solely of individuals, nevertheless, each of the individual partners' distributive shares of income attributable to the transfer of all substantial rights to the patent or an undivided interest therein,

would be considered proceeds from the sale or exchange of a capital asset held for more than six months.

(3) An individual may qualify as a holder whether or not he is in the business of making inventions or in the business of buying and selling patents.

(e) *Actual reduction to practice.* For the purposes of determining whether an individual is a holder under paragraph (d) of this section, the term "actual reduction to practice" has the same meaning as it does under section 102 (g) of title 35 of the United States Code. Generally, an invention is reduced to actual practice when it has been tested and operated successfully under operating conditions. This may occur either before or after application for a patent but must occur at some time before commercial exploitation of the invention.

(f) *Related person.* The term "related person" means one whose relationship to another person at the time in question is described in section 267 (b), except that the term does not include a brother or sister, whether of the whole or the half blood. Thus, if a holder transfers all his substantial rights in a patent to a corporation in which he owns more than 50 percent in value of the outstanding stock, he is considered as transferring such rights to a related person for the purposes of section 1235. If a holder transfers all such rights to his brother or sister, or both, such transfer is not to a related person. However, in determining constructive ownership of stock under section 267 (c), the brother-sister relationship is not disregarded for the purposes of section 1235. Thus, if a holder transfers all his substantial rights in a patent to a corporation in which he and his brothers or sisters together own more than 50 percent in value of the outstanding stock (but in which the holder alone owns 50 percent or less), such transfer is made to a related person for the purposes of section 1235.

[F. R. Doc. 56-3673; Filed, May 8, 1956; 8:52 a. m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### [ 7 CFR Part 928 ]

[Docket No. AO-227-A7]

MILK IN NEOSHO VALLEY MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at Hotel Besse, Pittsburg, Kansas, beginning at 10:00 a. m., c. s. t., May 15, 1956, for the purpose of receiving evidence with respect to the proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Neosho Valley marketing area.

Proposal number 1 refers to such changes in other provisions of the order as may be required to effectuate the operation of an individual handler pool. Other sections of the order which might be involved include, but are not limited to, the following:

(1) Need for the producer-settlement fund provided in § 928.92 and for the payments to and from such fund pursuant to §§ 928.93 and 928.94.

(2) Whether all provisions of § 928.7 are appropriate.

(3) Whether § 928.62 is appropriate.

These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the order have been proposed as follows:

By the K. M. O. Milk Producers Association:

1. Amend § 928.71 *Computation of uniform price* and § 928.72 *Computation of uniform price for base milk and excess milk* in order to provide for the computation of the uniform price and the uniform base and excess price for each handler on an individual handler pool basis rather than the present market-wide pool basis. Make such changes in other provisions of the order as may be required to effectuate the operation of an individual handler pool.

2. Amend §§ 928.72, 928.80, 928.81, 928.93, and 928.94 to change the months for the base utilization period from the months of March through August to the months of February through July.

3. Amend Order No. 28 so as to provide during the base utilization period for the payment by a handler to a qualified cooperative producers association, which has members delivering to that handler's approved plant an amount of money equal to the difference between the base price and the Class II price on all member milk with a base established at that approved plant which the handler does not accept and which milk is received by the qualified cooperative producers association as a handler.

By Frank Pilley & Sons:

4. I recommend that all provisions of §§ 928.61 and 928.62 that deal with the payment in the producer settlement fund by handlers which are regulated by other Federal Milk Orders, be removed.

By the Dairy Division, Agricultural Marketing Service:

5. Make such changes as may be required to make the entire order conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing, and the order now in effect, may be procured from the Market Administrator, 523½ North Broadway, Pittsburg, Kansas, or the Hearing Clerk, Room 112 Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Filed at Washington, D. C., this 3d day of May 1956.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 56-3680; Filed, May 8, 1956; 8:54 a. m.]

### [ 7 CFR Part 969 ]

AVOCADOS GROWN IN SOUTH FLORIDA

FINDINGS AND DETERMINATIONS WITH RESPECT TO CONTINUANCE OF AMENDED MARKETING AGREEMENT AND ORDER

Pursuant to the applicable provisions of Marketing Agreement No. 121, as amended, and Order No. 69, as amended (7 CFR Part 969; 20 F. R. 4177), and the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), notice was given in the FEDERAL REGISTER on March 22, 1956 (21 F. R. 1780), that there would be conducted a referendum of the producers of avocados covered under such marketing agreement and order who, during the fiscal year ending March 31, 1956, were engaged in producing such avocados for market, and a poll of the handlers of such avocados, during such fiscal year, for the purpose of determining whether said producers and handlers favor continuance of the said amended marketing agreement and order.

Upon the basis of the results of the aforesaid referendum and poll, which were conducted during the period April 2 to 14, 1956, both dates inclusive, it is hereby found and determined that the continuance of the said amended marketing agreement and order is favored by the requisite majority of such producers and handlers.

Done at Washington, D. C., this 4th day of May 1956.

[SEAL] EARL L. BUTZ, *Assistant Secretary.*

[F. R. Doc. 56-3678; Filed, May 8, 1956; 8:53 a. m.]



# NOTICES

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

[Order 31]

ASSISTANT COMMISSIONER, OPERATIONS AND DIRECTOR, ALCOHOL AND TOBACCO TAX DIVISION

DELEGATION OF AUTHORITY TO ADMINISTER AND ENFORCE LAWS RELATING TO DISTILLED SPIRITS, WINES, BEER, TOBACCO, AND FIREARMS

1. There is hereby delegated to the Assistant Commissioner, Operations, and the Director, Alcohol and Tobacco Tax Division, the authority:

(a) To administer and enforce:

(1) Chapters 51, 52 and 53 of the Internal Revenue Code relating, respectively, to distilled spirits, wines, and beer, tobacco, and firearms, including the authority to supervise and regulate the liquor and tobacco industries, and the determination of appeals in administrative proceedings involving the denial of applications for industrial alcohol and tobacco permits and the annulment, revocation, and suspension of such permits.

(2) The Federal Alcohol Administration Act (27 U. S. C. Chapter 8), including the authority to accept or reject offers in compromise submitted pursuant to such Act, and the determination of appeals in administrative proceedings involving the denial of applications for beverage permits and the annulment, revocation, and suspension of such permits.

(3) The Federal Firearms Act (15 U. S. C. Chapter 18), and

(4) 18 U. S. C. 1262-1265, 3615, relating to the liquor traffic, and (b) to remit or mitigate forfeitures of:

(1) Personal property seized as subject to administrative forfeiture under internal revenue laws, and

(2) Vessels, vehicles, or aircraft seized as subject to administrative forfeiture under the customs laws for transportation or concealment therein in violation of the Act of August 9, 1939 (49 U. S. C. Chapter 11) of firearms in respect of which there have been violations of Chapter 53 of the Internal Revenue Code.

2. The exercise of the authority delegated herein to the Director, Alcohol and Tobacco Tax Division, shall be under the direction and supervision of the Assistant Commissioner, Operations.

3. This order supersedes Commissioner's Reorganization Order No. Hdq. 8, Operations Reorganization Order No. 1 (17 F. R. 7437) and Operations Reorganization Order No. 5.

Date of issue: April 30, 1956.

Effective date: April 30, 1956.

[SEAL] RUSSELL C. HARRINGTON, *Commissioner.*

[F. R. Doc. 56-3671; Filed, May 8, 1956; 8:51 a. m.]

[Order 32]

DIRECTOR OF INTERNATIONAL OPERATIONS

DELEGATION OF AUTHORITY IN ADMINISTERING AND DIRECTING FUNCTIONS OF INTERNATIONAL OPERATIONS DIVISION, OFFICE OF ASSISTANT COMMISSIONER (OPERATIONS)

There is hereby delegated to the Director of International Operations authority, in administering and directing the functions of the International Operations Division, Office of Assistant Commissioner (Operations):

1. To perform those functions vested in the Secretary or his delegate by the Internal Revenue Code of 1954 which may be performed by a District Director of Internal Revenue under provisions of Treasury Regulations or Treasury Decisions; and

2. To perform any other functions of, and to exercise authorities vested in, District Directors of Internal Revenue by Commissioner Delegation Orders, or any other instrument currently in force and effect.

The Director of International Operations is also authorized to perform the functions of the "competent authority," to the extent such functions may be delegated by the Commissioner, in connection with Tax Treaty matters for purposes of the activities of the International Operations Division.

Date of issue: May 1, 1956.

Effective date: May 1, 1956.

[SEAL] RUSSELL C. HARRINGTON, *Commissioner.*

[F. R. Doc. 56-3672; Filed, May 8, 1956; 8:51 a. m.]

## DEPARTMENT OF DEFENSE

### Office of the Secretary of Defense

SECRETARIES OF ARMY, NAVY AND AIR FORCE

DELEGATION OF AUTHORITY TO ORDER CERTAIN MEMBERS OF RESERVE COMPONENTS TO ACTIVE DUTY

The following delegation of authority is promulgated under the authority vested in me by Executive Order 10478, dated August 5, 1953, as amended by Executive Order 10658, dated February 15, 1956; section 202 (f) of the National Security Act of 1947 (61 Stat. 500), as amended; and Reorganization Plan No. 6 of 1953:

1. The Secretary of the Army, the Secretary of the Navy and the Secretary of the Air Force may order to active duty under section 4 (c) of the Act of September 9, 1950 (64 Stat. 828), as amended, with or without their consent, those members of the reserve components of the Army, Navy and Air Force, respectively, who are registered under section 4 (i) of the Universal Military Training and Service Act (64 Stat. 826), as amended, and those persons who would be, but for such membership, liable for registration under that section.

2. Under such conditions as he may prescribe, the Secretary of the Army may redelegate his authority under this order to the Continental Army Commanders and to the Commanding General, United States Armed Forces Antilles, Commanding General, United States Army Alaska, Commanding General, United States Army Pacific, Commander in Chief, United States Army Europe, and Commanding General, United States Army Forces Far East (Main).

3. Under such conditions as he may prescribe, the Secretary of the Air Force may redelegate his authority under this order to the Commander, Continental Air Command.

4. Delegations of authority published in 18 F. R. 5106 and 19 F. R. 886 are hereby superseded and cancelled.

C. E. WILSON, *Secretary of Defense.*

[F. R. Doc. 56-3638; Filed, May 8, 1956; 8:45 a. m.]

## DEPARTMENT OF COMMERCE

### Federal Maritime Board

[Docket No. M-66]

LYKES BROS. STEAMSHIP CO., INC.

NOTICE OF HEARING ON APPLICATION TO BAREBOAT CHARTER FIVE DRY-CARGO VESSELS

Notice is hereby given that a public hearing will be held on May 28, 1956, at 10:00 a. m., e. d. t., in Room 4519, New General Accounting Office Building, Fifth and G Streets NW., Washington, D. C., upon the application of Lykes Bros. Steamship Co., Inc., to bareboat charter, pursuant to section 5 (e) of the Merchant Ship Sales Act, 1946, as amended (Pub. Law 591, 81st Congress) (50 U. S. C. App. 1738), five (5) Victory type dry cargo vessels for operation for a minimum period of six (6) months on Trade Route No. 21, Service 2, between United States Gulf ports (west of but not including Gulfport, Mississippi) and ports on the east coast of United Kingdom and in Continental Europe north of Portugal, including Baltic and Scandinavian ports, with the privilege of calling at Tampa, Port Tampa, Boca Grande, and at ports in the West Indies and east coast of Mexico, and on Trade Route No. 13, between United States Gulf ports (Key West-Mexican border) and ports in Portugal and Spain south of Portugal, and ports in the Mediterranean and Adriatic Sea, and Atlantic ports of Spanish and French Morocco, with the privilege of calling at Black Sea ports, United States Atlantic ports south of the Virginia-North Carolina border, and at ports in the West Indies and east coast of Mexico.

The purpose of the hearing is to receive evidence with respect to whether the service for which such vessels are proposed to be chartered is required in the public interest and is not adequately

served, and with respect to the availability of privately owned American-flag vessels for charter on reasonable conditions and at reasonable rates for use in such service. Evidence also will be received with respect to any restrictions or conditions that may be necessary or appropriate to protect the public interest in respect of such charter as may be granted and to protect privately owned vessels against vessels chartered as a result of this proceeding.

All persons having an interest in the application will be given an opportunity to be heard if present.

An Examiner of the Hearing Examiner's Office will preside at the hearing. The parties may have oral argument before the Examiner immediately after the receipt of evidence in lieu of briefs, and an initial decision will be issued. The time for filing Exceptions thereto is restricted to seven (7) days and no replies to Exceptions will be received.

Dated: May 4, 1956.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
*Secretary.*

[F. R. Doc. 56-3670; Filed, May 8, 1956; 8:51 a. m.]

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DE LA RAMA LINES AND ALCOA STEAMSHIP CO., INC.

NOTICE OF AGREEMENTS FILED WITH BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. 814.

(1) Agreement No. 8083, between the carriers comprising the De La Rama Lines joint service and Alcoa Steamship Company, Inc., covers the transportation of general cargo under through bills of lading from Hong Kong to the Virgin Islands, with transhipment at New York, Baltimore or Norfolk.

(2) Agreement No. 8084, between the carriers comprising the De La Rama Lines joint service and Alcoa Steamship Company, Inc., covers the transportation of general cargo under through bills of lading from Hong Kong to Puerto Rico, with transhipment at New York, Baltimore or Norfolk.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to either of the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: May 3, 1956.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
*Secretary.*

[F. R. Doc. 56-3668; Filed, May 8, 1956; 8:50 a. m.]



## Maritime Administration

U. S. FLAG SERVICE REQUIREMENTS OF TRADE ROUTE NO. 8

NOTICE OF CHANGE IN DETERMINATIONS

Notice is hereby given that the Acting Maritime Administrator has determined that the description of the foreign area served by cargo ships on Trade Route No. 8 as published in the FEDERAL REGISTER issue of January 6, 1955 (20 F. R. 168) should be modified and accordingly has ordered that the following change therein be published in the FEDERAL REGISTER:

1. Trade Route No. 8—U. S. North Atlantic/Belgium and Netherlands should be amended by deleting the words "Antwerp/Rotterdam, and Amsterdam as cargo offers" at the end of the first sentence of the third paragraph and substituting therefor the words "ports in Belgium and the Netherlands", thereby causing said sentence to read as follows: "Requirements for United States flag operation are found to be: Four sailings per month by combination (passenger-cargo) ships between New York and Antwerp/Rotterdam; and the same number of sailings of cargo ships between New York and other U. S. North Atlantic ports and ports in Belgium and the Netherlands."

Dated: May 4, 1956.

By order of the Acting Maritime Administrator.

[SEAL] A. J. WILLIAMS,
*Secretary.*

[F. R. Doc. 56-3669; Filed, May 8, 1956; 8:51 a. m.]

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## SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 99]

WISCONSIN

DECLARATION OF DISASTER AREA

Whereas it has been reported that on or about April 3, 1956, because of disastrous effects of a tornado, damage resulted to residences and business property located in a certain area in the State of Wisconsin; and

Whereas the Small Business Administration has investigated and has received other reports of investigations of conditions in the area affected; and

Whereas after reading and evaluating reports of such conditions, I find that the conditions in such area constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Office below indicated from persons or firms whose property situated in Green Lake and Portage Counties, Wisconsin (including any areas adjacent to the Counties named) suffered damage or other destruction as a result of the catastrophe above referred to:

Small Business Administration Regional Office, 226 West Jackson Boulevard, Room 1402, Chicago 6, Illinois.

Small Business Administration Branch Office, Woolworth Building, Room 408, 105 Monoma Avenue, Madison, Wisconsin.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted after October 31, 1956.

Dated: April 6, 1956.

WENDELL B. BARNES,
*Administrator.*

[F. R. Doc. 56-3656; Filed, May 8, 1956; 8:46 a. m.]

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## ATOMIC ENERGY COMMISSION

[Docket No. 3]

CONSOLIDATED EDISON CO. OF NEW YORK, INC.

NOTICE OF ISSUANCE OF CONSTRUCTION PERMIT

Please take notice that the Atomic Energy Commission has issued the construction permit set forth below to the Consolidated Edison Company of New York, Inc. In accordance with the procedures set forth in the Commission's rules of practice (10 CFR Part 2), the Commission will direct the holding of a formal hearing upon timely receipt of a request therefor from the applicant or an intervenor.

*Construction permit (No. CPPR-1).* Consolidated Edison Company of New York, Inc., (hereinafter "Consolidated") on March 22, 1955, filed its application for license under section 104b of the Atomic Energy Act of 1954 (hereinafter "the act") to construct and operate a nuclear reactor (hereinafter "the reactor"). Amendments to the application were filed on August 1, 1955, November 22, 1955, and December 19, 1955. The original application together with said amendments are hereinafter referred to as "the application."

The Atomic Energy Commission (hereinafter the "Commission") has found that:

A. The reactor will be a utilization facility as defined in the Commission's regulations contained in 10 CFR Part 50, "Licensing of Production and Utilization Facilities."

B. Consolidated proposes to utilize the reactor in the conduct of research and development activities leading to the demonstration of the practical value of that type of reactor for industrial or commercial purposes.

C. Consolidated is financially qualified to assume responsibility for the payment of Commission charges for the special nuclear material to be furnished by the Commission, to undertake and carry out the proposed use of the material for a reasonable period of time and to construct and operate the reactor in accordance with the regulations contained in 10 CFR Chapter I.

D. Consolidated and the Babcock & Wilcox Company, the contractor selected by Consolidated to design and construct said reactor, are technically qualified to design and construct the reactor.



E. Consolidated has submitted sufficient information to provide reasonable assurance that a utilization facility of the general type proposed by Consolidated can be constructed and operated at the proposed location without undue risk to the health and safety of the public and that additional information required to complete its application will be supplied.

Pursuant to the Atomic Energy Act of 1954 and 10 CFR Part 50, "Licensing of Production and Utilization Facilities," the Commission hereby issues a construction permit to Consolidated to construct the reactor as a utilization facility. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Atomic Energy Act of 1954 and rules, regulations and orders of the Atomic Energy Commission now or hereafter in effect; and is subject to any additional conditions specified or incorporated below.

(1) The earliest date for the completion of the reactor is October 1, 1959. The latest date for completion of the reactor is October 1, 1960. The term "completion date" as used herein means the date on which construction of the reactor is completed except for the introduction of the fuel material.

(2) The site proposed for the location of the reactor is the location at Indian Point, Village of Buchanan, Westchester County, New York, specified in exhibit H-3 of the application.

(3) The general type of facility authorized for construction is a pressurized water converter type nuclear reactor designed to furnish energy equivalent to approximately 140,000 kilowatts of electricity, and which will use uranium enriched in the isotope uranium 235 as fuel and thorium as a fertile material.

(4) This permit is subject to submittal by Consolidated to the Commission (by proposed amendment of the application) of the complete, final Hazards Summary Report (portions of which may be submitted and evaluated from time to time) and a finding by the Commission that the final design provides reasonable assurance that the health and safety of the public will not be endangered by operation of the reactor in accordance with the specified procedures.

(5) From time to time Consolidated may submit to the Commission, in writing, reports upon the progress being made in experimental and developmental work. Following the submission of each such report the Commission will review the data included therein to determine whether the results of such work can be incorporated as technical specifications by appropriate amendment to this permit.

(6) Upon completion (as defined in Paragraph "1" above) of the construction of the facility in accordance with the terms and conditions of this permit, upon the filing of any additional information needed to bring the original application up to date, and upon finding that the facility authorized has been constructed in conformity with the application as amended and in conformity with the provisions of the act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the act, the Commission will issue a Class 104 license to Consolidated pursuant to section 104b of the act, which license shall expire forty (40) years after the date of this construction permit.

Pursuant to § 50.60 of the regulations in 10 CFR Part 50, the Commission has allocated to Consolidated, for use in connection with the operation of the reactor, 5,699 kilograms of uranium-235 contained in uranium at the isotopic ratios specified in Consolidated's application for license. Shipments by the Commission to Consolidated in accordance with Schedule 1 of Appendix A set forth below will be conditioned upon Consolidated's return to the Commission of material substantially in accordance with Schedule 2 of the Appendix, set forth below.

Date of issuance: May 3, 1956.

Dated at Washington, D. C., this 4th day of May 1956.

For the Atomic Energy Commission.

R. W. COOK,
*Deputy General Manager.*

APPENDIX A TO CONSTRUCTION PERMIT (CONSOLIDATED EDISON)

SCHEDULE 1

Estimated schedule of transfers of special nuclear material from the Commission to Consolidated:

| Date of transfer | Contained U-235 (kg) |
|---|---|
| July 1, 1958 | 423 |
| Aug. 1, 1959 (and every 4 months thereafter through Jan. 1, 1995) | 106 |

SCHEDULE 2

a. Estimated schedule of transfers of special nuclear material from Consolidated's reactor plant to the Commission:

| Date of transfer | Contained U-235 (kg) | U-233 (kg) |
|---|---|---|
| Sept. 1, 1960 | 67 | 13.1 |
| Jan. 1, 1961 | 54 | 20.8 |
| May 1, 1961 | 47 | 24.5 |
| Sept. 1, 1961 | 43.5 | 25.5 |
| Jan. 1, 1962 | 41.5 | 26 |
| May 1, 1962 (and every 4 months thereafter through Jan. 1, 1996) | 40 | 26 |

b. Estimated schedule of transfers of special nuclear material from consolidated's fabricator to the Commission:

| Date of transfer | Contained U-235 (kg) |
|---|---|
| Oct. 1, 1959 | 55 |
| Nov. 1, 1960 (and every 4 months thereafter through Mar. 1, 1996) | 13.8 |

[F. R. Doc. 56-3674; Filed, May 8, 1956; 8:52 a. m.]

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[Docket No. 10]

COMMONWEALTH EDISON CO.

NOTICE OF ISSUANCE OF CONSTRUCTION PERMIT

Please take notice that the Atomic Energy Commission has issued the construction permit set forth below to the Commonwealth Edison Company. In accordance with the procedures set forth in the Commission's rules of practice (10 CFR, Part 2), the Commission will direct the holding of a formal hearing upon timely receipt of a request therefor from the applicant or an intervenor.

*Construction permit (No. CPPR-2).* Commonwealth Edison Company of Chicago, Illinois, (hereinafter "Commonwealth") on March 31, 1955, filed its application for license under section 104b of the Atomic Energy Act of 1954 (hereinafter "the act") to construct and operate a nuclear reactor (hereinafter "the reactor"). Amendments to the application were filed on June 24, 1955, February 1, 1956, March 9 and March 15, 1956. The original application together with said amendments are hereinafter referred to as "the application."

The Atomic Energy Commission (hereinafter the "Commission") has found that:

(A) The reactor will be a utilization facility as defined in the Commission's regulations contained in 10 CFR Part 50, "Licensing of Production and Utilization Facilities."

(B) Commonwealth proposes to utilize the reactor in the conduct and research and development activities leading to the demonstration of the practical value of that type of reactor for industrial or commercial purposes.

(C) Commonwealth is financially qualified to assume responsibility for the payment of Commission charges for the special nuclear material to be furnished by the Commission, to undertake and carry out the proposed use of the material for a reasonable period of time and to construct and operate the reactor in accordance with the regulations contained in 10 CFR Chapter I.

(D) Commonwealth and General Electric Company, the contractor selected by Commonwealth to design and construct said reactor, are technically qualified to design and construct the reactor.

(E) Commonwealth has submitted sufficient information to provide reasonable assurance that a utilization facility of the general type proposed by Commonwealth can be constructed and operated at the proposed location without undue risk to the health and safety of the public and that additional information required to complete its application will be supplied.

Pursuant to the Atomic Energy Act of 1954 and 10 CFR Part 50, "Licensing of Production and Utilization Facilities," the Commission hereby issues a construction permit to Commonwealth to construct the reactor as a utilization facility. This permit shall be deemed to contain and be subject to the conditions

specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Atomic Energy Act of 1954 and rules, regulations and orders of the Atomic Energy Commission now or hereafter in effect; and is subject to any additional conditions specified or incorporated below.

(1) The earliest date for the completion of the reactor is March 1, 1959. The latest date for completion of the reactor is September 30, 1960. The term "completion date" as used herein means the date on which construction of the reactor is completed except for the introduction of the fuel material.

(2) The site proposed for the location of the reactor is the location known as Dresden Station, Grundy County, Illinois, specified in report NPG–126.

(3) The general type of facility authorized for construction is a dual-cycle boiling water type nuclear reactor designed to furnish energy equivalent to approximately 180,000 kilowatts of electricity, and which will use uranium enriched in the isotope uranium 235 as fuel.

(4) This permit is subject to submittal by Commonwealth to the Commission (by proposed amendment of the application) of the complete, final Hazards Summary Report (portions of which may be submitted and evaluated from time to time) and a finding by the Commission that the final design provides reasonable assurance that the health and safety of the public will not be endangered by operation of the reactor in accordance with the specified procedures.

(5) From time to time Commonwealth may submit to the Commission, in writing, reports upon the progress being made in experimental and developmental work. Following the submission of each such report the Commission will review the data included therein to determine whether the results of such work can be incorporated as technical specifications by appropriate amendment to this permit.

(6) Upon completion (as defined in Paragraph "1" above) of the construction of the facility in accordance with the terms and conditions of this permit, upon the filing of any additional information needed to bring the original application up to date, and upon finding that the facility authorized has been constructed in conformity with the application as amended and in conformity with the provisions of the act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the act, the Commission will issue a Class 104 license to Commonwealth pursuant to section 104b of the act, which license shall expire forty (40) years after the date of this construction permit.

Pursuant to § 50.60 of the regulations in 10 CFR Part 50, the Commission has allocated to Commonwealth, for use in connection with the operation of the reactor, 8,323 kilograms of uranium-235 contained in uranium at the isotopic ratios specified in Commonwealth's application for license. Shipments by the Commission to Commonwealth in accordance with Schedule 1 of Appendix A set forth below will be conditioned upon Commonwealth's return to the Commission of material substantially in accordance with Schedule 2 of the Appendix, set forth below.

Date of issuance: May 3, 1956.

Dated at Washington, D. C., this 4th day of May 1956.

For the Atomic Energy Commission.

R. W. Cook,
*Deputy General Manager.*

APPENDIX A TO COMMONWEALTH EDISON CONSTRUCTION PERMIT

SCHEDULE 1

Estimated schedule of transfers of special nuclear material from the Commission to Commonwealth Edison:

| Year of transfer | Kilograms of contained U–235 | | Total |
|---|---|---|---|
| | 1.5 percent enriched (average) | 90 percent enriched | |
| 1958 | 602 | | 602 |
| 1959 | 1,240 | 54 | 1,294 |
| 1960 | 1,020 | 31 | 1,051 |
| 1961 | 844 | 31 | 875 |
| 1962 | 517 | 31 | 548 |
| 1963 | 421 | 31 | 452 |
| 1964 (and each year thereafter through 1995) | 338 | 31 | 369 |
| Total for license period | | | 16,228 |

SCHEDULE 2

Estimated schedule of transfers of special nuclear material from Commonwealth's reactor plant to the Commission:

| Year of transfer | Kilograms of contained U–235 | | Total |
|---|---|---|---|
| | In spent fuel | In spent rods | |
| 1961 | 1,390 | 22 | 1,412 |
| 1962 | 827 | 22 | 849 |
| 1963 | 377 | 22 | 399 |
| 1964 | 213 | 22 | 235 |
| 1965 | 137 | 22 | 159 |
| 1966 (and each year thereafter through 1996) | 122 | 22 | 144 |
| Total for license period | | | 7,905 |

[F. R. Doc. 56–3675; Filed, May 8, 1956; 8:53 a. m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

[Anadarko Area Office Redelegation Order 1, Amdt. 2]

SUPERINTENDENTS AND OTHER DESIGNATED EMPLOYEES

REDELEGATION OF AUTHORITY WITH RESPECT TO OSAGE INDIANS; GUARDIANS, INDIVIDUAL FUNDS

Order No. 1 (20 F. R. 2091) as amended (20 F. R. 10013) is further amended as follows:

1. The heading, Functions, Relating to Medical, Hospital and Nursing Services is changed to read Functions Relating to Health and Welfare Matters, and a new section is added to read as follows:

Sec. 2.254. *Appointment of guardians.* The approval of the appointment of guardians of Osage Indians pursuant to the provisions of the act of February 27, 1925 (43 Stat. 1008).

2. A new section is added under the heading, Functions Relating to Funds and Fiscal Matters, to read as follows:

Sec. 2.267. *Deposit and expenditure of individual funds; Osage.* The exercise of any and all the authority of the Commissioner set forth in 25 CFR Part 222.

Will J. Pitner,
*Area Director.*

Approved: May 2, 1956.

W. Barton Greenwood,
*Acting Commissoner.*

[F. R. Doc. 56–3639; Filed, May 8, 1956; 8:45 a. m.]

### National Park Service

[Order No. 14, Amdt. 7]

REGIONAL DIRECTORS

AMENDMENT TO DELEGATION OF AUTHORITY WITH RESPECT TO CERTAIN PLANS AND DRAWINGS

May 2, 1956.

Section 1 (t) of Order No. 14, issued December 1, 1954 (19 F. R. 8824), is amended to read as follows:

(t) Approval of Master Plans and approval of working drawings for all reconstruction, preservation, and restoration of historic buildings.

(5 U. S. C., 1952 ed., sec. 22; sec. 2, Reorganization Plan No. 3 of 1950)

E. T. Scoyen,
*Acting Director.*

[F. R. Doc. 56–3640; Filed, May 8, 1956; 8:45 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11323 etc.; FCC 56M–430]

B. J. PARRISH ET AL.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of B. J. Parrish, Pine Bluff, Arkansas, Docket No. 11323, File No. BP–8698; James S. Rivers, tr/as The Southeastern Broadcasting System, Macon, Georgia, Docket No. 11326, File No. BP–8747; James A. Noe (KNOE), Monroe, Louisiana, Docket No. 11327, File No. BP–9161; Radio Columbus, Inc. (WDAK), Columbus, Georgia, Docket No. 11328, File No. BP–9260; for construction permits.

*It is ordered*, This 4th day of May 1956, that a prehearing conference in the above-entitled proceeding will be held in the offices of the Commission, Washington, D. C., commencing at 1:30 p. m., Wednesday, May 9, 1956.

Federal Communications Commission,
[SEAL] Wm. P. Massing,
*Acting Secretary.*

[F. R. Doc. 56–3726; Filed, May 8, 1956; 9:01 a. m.]



## FEDERAL POWER COMMISSION

[Docket Nos. G–9572, G–9573]

United Carbon Co. and Columbian Fuel Corp.

ORDER GRANTING REQUESTS FOR RECONSIDERATION AND POSTPONING HEARING

On April 10 and 13, 1956, United Carbon Company (United) and Columbian Fuel Corporation (Columbian), respectively, filed motions for postponement of the hearing scheduled to commence on May 8, 1956, in these consolidated proceedings.

By notice issued April 13, 1956, the Secretary of the Commission denied the motions.

On April 17, United and Columbian filed requests for reconsideration of the motions filed on April 10 and 13, 1956, respectively, for postponement of the hearing.

The Commission finds: Good cause has been shown for postponing the hearing in these proceedings, but not for the period of time requested by United and Columbian.

The Commission orders: The hearing in these proceedings now scheduled to commence on May 8, 1956, be and it is hereby postponed to June 12, 1956, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington 25, D. C.

Issued: April 26, 1956.

By the Commission.

[SEAL] Leon M. Fuquay,
*Secretary.*

[F. R. Doc. 56–3641; Filed, May 8, 1956; 8:45 a. m.]

[Docket No. G–9331]

Tennessee Gas Transmission Co.

NOTICE OF POSTPONEMENT OF HEARING

May 1, 1956.

Upon consideration of the motion, filed April 27, 1956, by Counsel for Tennessee Gas Transmission Company for postponement of the hearing now scheduled for May 8, 1956, in the above-designated matter;

The hearing now scheduled for May 8, 1956, is hereby postponed to May 24, 1956, at 10:00 a. m., e. d. s. t., in the Commission's hearing room, 441 G Street NW., Washington, D. C.

[SEAL] Leon M. Fuquay,
*Secretary.*

[F. R. Doc. 56–3642; Filed, May 8, 1956; 8:46 a. m.]

[Docket No. G–6349 etc.]

Continental Oil Co.

ORDER FIXING DATE FOR ORAL ARGUMENT

In the matters of Continental Oil Company, Docket Nos. G–6349, G–6350, G–6351, G–6352.

On March 8, 1956, the Presiding Examiner filed his initial decision in these proceedings, which decision was served on all parties.

Thereafter, exceptions to the Presiding Examiner's decision were duly filed pursuant to § 1.31 of the Commission's rules of practice and procedure (18 CFR 1.31) by Continental Oil Company and by Commission Staff Counsel. Request for oral argument was filed by Continental Oil Company.

The Commission finds: It is appropriate for carrying out the provisions of the Natural Gas Act that oral argument be had before the Commission concerning the matters involved in and the issues presented by the exceptions to the Presiding Examiner's decision.

The Commission orders:

(A) Oral argument be had before the Commmission on June 14, 1956, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the exceptions to the Presiding Examiner's decision.

(B) Parties to these proceedings who intend to participate in the oral argument shall notify the Secretary of the Commission on or before June 4, 1956, of such intention and of the time requested for presentation of their arguments.

Issued: May 3, 1956.

By the Commission.

[SEAL] Leon M. Fuquay,
*Secretary.*

[F. R. Doc. 56–3643; Filed, May 8, 1956; 8:46 a. m.]

[Docket No. G–10161]

Central Kentucky Natural Gas Co.

NOTICE OF APPLICATION AND DATE OF HEARING

May 3, 1956.

Take notice that Central Kentucky Natural Gas Company, Applicant, a Kentucky corporation and a subsidiary of The Columbia Gas System, Inc., having its principal place of business at 1033 Quarrier Street, Charleston, West Virginia, filed on March 27, 1956, an application for a certificate of public convenience and necessity under section 7 of the Natural Gas Act, authorizing it to construct and operate certain proposed natural gas facilities and for authority to abandon certain other facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to abandon in place approximately two (2) miles of existing 10-inch Line KA extending in a westerly direction from Menifee Compressor Station, Menifee County, Kentucky.

Applicant proposes to construct and operate approximately three-tenths (0.3) mile of 12¾-inch gas transmission pipe line extending in a southwesterly direction from a point of interconnection with Applicant's existing facilities near South Means, Montgomery County, Kentucky, by-passing Applicant's Menifee Compressor Station, to a point of interconnection with Applicant's 10-inch Line KA and 12-inch Line G in Menifee County, Kentucky, extending to Lexington, together with a twenty (20) foot crossover between Lines KA and G. This will provide a second interconnection facility between the systems of Applicant and Tennessee Gas Transmission Company and Gulf Interstate Gas Company, the principal suppliers of the Columbia System.

The estimated cost of construction is $22,000, which will be financed by The Columbia Gas System, Inc.

The proposed project does not involve any new sales or service.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Thursday, June 7, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 24, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] Leon M. Fuquay,
*Secretary.*

[F. R. Doc. 56–3644; Filed, May 8, 1956; 8:46 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 7–1793]

International Minerals and Chemical Corp.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

May 3, 1956.

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in International Minerals & Chemical Corporation, Common Stock; File No. 7–1793.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F–1 promulgated thereunder, has made application for unlisted trading

privileges in the specified security, which is listed and registered on the New York and Midwest Stock Exchanges.

Upon receipt of a request, on or before May 21, 1956, for any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-3647; Filed, May 8, 1956; 8:47 a. m.]

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[File No. 7-1794]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

MAY 3, 1956.

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in Panhandle Eastern Pipe Line Company, Common Stock; File No. 7-1794.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before May 21, 1956, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-3648; Filed, May 8, 1956; 8:47 a. m.]



[File No. 7-1795]

TEMCO AIRCRAFT CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

MAY 3, 1956.

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in Temco Aircraft Corporation, Common Stock, File No. 7-1795.

The above named stock exchange, pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has suant to section 12 (f) (2) of the Securmade application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before May 21, 1956, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-3649; Filed, May 8, 1956; 8:47 a. m.]

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[File No. 7-1796]

PANHANDLE OIL CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

MAY 3, 1956.

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in Panhandle Oil Corporation, Common Stock; File No. 7-1796.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before May 21, 1956, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-3650; Filed, May 8, 1956; 8:47 a. m.]

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[File Nos. 59-32, 70-3050]

GENERAL PUBLIC UTILITIES CORP. ET AL.

SUPPLEMENTAL ORDER REGARDING AMENDMENT TO DECLARATION AND RELEASING JURISDICTION OVER FEES AND EXPENSES AND ISSUANCE OF ADDITIONAL COMMON STOCK

MAY 3, 1956.

In the matter of General Public Utilities Corporation, File No. 59-32; General Public Utilities Corporation, Associated Electric Company, Pennsylvania Electric Company, and Northern Pennsylvania Power Company, File No. 70-3050.

The Commission having by its findings opinion and order of March 2, 1956 (Holding Company Act Release No. 13116), approved, among other things, the merger of Northern Pennsylvania Power Company ("North Penn") into Pennsylvania Electric Company ("Penelec"), both of which companies are subsidiaries of General Public Utilities Corporation ("GPU"), a registered holding company, and modified a previous divestment order of the Commission, under section 11 (b) (1) of the Public Utility Holding Company Act of 1935, dated December 28, 1951 (Holding Company Act Release No. 10982), requiring, among other things, divestment by GPU of its interest, direct or indirect, in North Penn and in North Penn's subsidiary The Waverly Electric Light & Power Company, but the Commission having reserved jurisdiction over all fees and expenses in connection with the proposed transactions and over the issuance by Penelec, in order to effectuate the merger of shares of common stock in excess of the number of 312,750 shares pending authorization of such excess shares by the Pennsylvania Public Utility Commission; and

An amendment now having been filed to the application-declaration which recites that the issuance of an additional 140,000 shares of Penelec common stock has been authorized by the Pennsylvania Public Utility Commission, and estimates the fees and expenses of the various applicants-declarants in connection with the merger to be as follows:

| | |
|---|---|
| General Public Utilities Corp.: | |
| Federal transfer tax | $1,106.50 |
| New York State transfer tax | 442.50 |
| Counsel fees—Berlack, Israels & Liberman | 1,000.00 |
| Miscellaneous | 250.00 |
| Total | 2,799.00 |
| Associated Electric Co.: | |
| Federal transfer tax | $1,106.50 |
| New York State transfer tax | 442.50 |
| Miscellaneous | 250.00 |
| Total | 1,799.00 |
| Pennsylvania Electric Co.: | |
| Federal original issue tax | 9,960.00 |
| State realty tax | 5,000.00 |
| Cost of printing supplemental indentures | 1,000.00 |
| Counsel fees: | |
| Berlack, Israels & Liberman $5,000 | |
| Ballard, Spahr, Andrews & Ingersoll 7,500 | |
| Fees of 10 local counsel 2,000 | |
| | 14,500.00 |
| N. A. Lougee & Co. fees | 7,500.00 |
| Miscellaneous | 1,500.00 |
| Total | 39,460.00 |
| Northern Pennsylvania Power Co.: | |
| Counsel fees: | |
| Berlack, Israels & Liberman $5,000 | |
| Harold J. Ryan, Esq. 1,000 | |
| | 6,000.00 |
| Miscellaneous | 750.00 |
| Total | 6,750.00 |
| Aggregate total | 50,808.00 |

Said amendment further containing consents by certain commercial banks to the modification of credit agreements to which Penelec is a party dated May 31, 1946, and February 26, 1953, so as to permit the assumption by Penelec of certain liabilities of North Penn; and

It appearing to the Commission that said amendment to said application-declaration should be granted and permitted to become effective forthwith and that the jurisdiction heretofore reserved with respect to the issuance of shares of Penelec in excess of 312,750 and with respect to fees and expenses in connection with said merger, which fees and expenses the Commission finds to be not unreasonable, should be released.

*It is ordered*, That the amendment to said application-declaration be and the same hereby is granted and permitted to become effective forthwith and that the jurisdiction heretofore reserved over the issuance by Penelec of additional shares of common stock and over fees and expenses in connection with the merger be and the same hereby is released.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-3651; Filed, May 8, 1956; 8:47 a. m.]

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[File No. 70-3462]

STANDARD SHARES, INC.

NOTICE OF FILING REGARDING ACQUISITION OF COMMON STOCK OF SUBSIDIARY

MAY 3, 1956.

Notice is hereby given that Standard Shares, Inc. ("Standard Shares"), a registered holding company which was formerly named Standard Power and Light Corporation and which is in process of transformation into an investment company, has filed an application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") and the rules and regulations promulgated thereunder. Standard Shares has designated sections 9, 10 and 12 of the act and Rules U-43 and U-46 as applicable to the proposed transactions which are summarized as follows:

Standard Shares owns 986,000 shares (45.59 percent) of the outstanding common stock of Standard Gas and Electric Company ("Standard Gas") which in turn owns all of the outstanding common stock of Philadelphia Company ("Philadelphia") which in turn owns 547,678 shares (50.9 percent) of the outstanding common stock of Pittsburgh Railways Company ("Pittsburgh"). Standard Gas and Philadelphia are also registered holding companies and have heretofore been ordered by this Commission to liquidate and dissolve. Pittsburgh is a non-utility subsidiary company engaged in the public transportation service in the City of Pittsburgh and its environs.

There is presently pending before the Commission an application filed by Standard Gas under section 11 (e) of the act which proposes certain amendments to Step IV of its plan previously filed with the Commission under said section. (See the Commission's Notice of Filing and Order for Hearing, Holding Company Act Release No. 13163.) Under said Step IV, as amended, it is proposed that Philadelphia, in partial liquidation, will distribute to Standard Gas the 547,678 shares of common stock of Pittsburgh and Standard Gas will distribute to its stockholders warrants to purchase 540,651.75 shares of such stock through a rights offering. One of the issues in said Step IV of the Standard Gas plan and to be considered at the hearing set for May 23, 1956, is whether the proposed sale of the common stock of Pittsburgh is fair and equitable to all persons affected thereby.

According to said Step IV and the instant filing, the subscription price for the Pittsburgh common stock is expected to be about 6 per share. Standard Shares has agreed to exercise the subscription rights to which it will be entitled under said Step IV and to purchase from Standard Gas at the subscription price any shares not subscribed for or purchased by others during the subscription period. In addition, Standard Shares proposes to purchase at the subscription price the 7,026.25 remaining common shares of Pittsburgh not covered by the subscription offer. Standard Shares further proposes to make such additional purchases of common shares of Pittsburgh, through the purchase and exercise of warrants or otherwise, as may be necessary to increase its holdings thereof to an amount not exceeding approximately 51 percent of the outstanding common stock of Pittsburgh.

Standard Shares represents in the instant filing that it will be necessary for it to expend approximately $1,521,157 in order to exercise the warrants it will receive on account of its holdings of Standard Gas stock and to acquire from Standard Gas the shares of Pittsburgh common stock not covered by the subscription offer. In addition, Standard Shares' obligation under its agreement to purchase at the subscription price all unsubscribed shares of Pittsburgh stock may require an expenditure of up to $1,764,910. Furthermore, if it becomes necessary for Standard Shares to acquire and exercise warrants or to purchase Pittsburgh stock on the market, a larger sum may have to be expended. Details regarding the method of raising the cash as may be necessary for Standard Shares to purchase the shares of Pittsburgh common stock as proposed will be supplied by amendment. It is contemplated that the cash will be derived from the sale of common stock of Duquesne Light Company held by Standard Shares, or possibly other portfolio securities, or bank borrowings.

According to the instant filing no State commission or Federal commission, other than this Commission, has jurisdiction over the transactions proposed by Standard Shares and the miscellaneous expenses, including printing, postage, telephone and traveling, in connection with the proposed transactions are estimated not to exceed $1,000. It is stated that counsel fees in connection with the instant filing will be included in any fee application to the Commisison in connection with section 11 matters.

It is requested that the Commission's order herein become effective upon issuance thereof.

Notice is further given that any interested person may, not later than May 18, 1956, request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reason or reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 and U-100 thereof.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-3654; Filed, May 8, 1956; 8:48 a. m.]

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[File No. 70-3464]

PENNSYLVANIA ELECTRIC CO. ET AL.

ORDER GRANTING AND PERMITTING EFFECTIVENESS TO A JOINT APPLICATION-DECLARATION REGARDING INCREASE IN AUTHORIZED COMMON STOCK AND ISSUANCE AND SALE FROM TIME TO TIME OF CERTAIN SHARES OF ADDITIONAL COMMON STOCK

MAY 3, 1956.

In the matter of Pennsylvania Electric Company, Associated Electric Company

and General Public Utilities Corporation; File No. 70-3464.

Pennsylvania Electric Company ("Penelec"), Associated Electric Company ("Aelec") and General Public Utilities Corporation ("GPU") have filed a joint application-declaration and an amendment thereto with this Commission pursuant to sections 6 (a) (2), 6 (b), 7, 9 (a), 10, and 12 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-45 promulgated thereunder. Penelec is a direct public-utility subsidiary of Aelec which in turn is a registered holding company and direct subsidiary of GPU, a registered holding company. The joint application-declaration is concerned with the following proposed transactions:

Penelec proposes to issue and sell to its parent, Aelec, an aggregate of 300,000 additional shares of $20 par value common stock for a total cash consideration of $6,000,000, representing the aggregate par value thereof. These shares are to be issued and sold from time to time during 1956 but not later than the issuance and sale by Penelec of additional first mortgage bonds, an application in respect of which is now pending with this Commission (File No. 70-3469). The proceeds from the sale of the shares of additional common stock are to be applied by Penelec to the cost of construction of property additions or to repay bank loans, the proceeds of which have been used for construction, or to reimburse its treasury for construction expenditures.

This Commission has heretofore authorized the dissolution of Aelec and the acquisition by GPU of all the assets of Aelec, including all the then outstanding common stock of Penelec, subject to the liabilities of Aelec. Consummation of the dissolution of Aelec has not yet been effectuated and the date of such consummation cannot at the present time be accurately determined. It is proposed in the instant application that until Aelec's dissolution has been consummated it will purchase as many of the 300,000 shares of Penelec's common stock as shall have theretofore been issued; and after Aelec's dissolution the balance, if any, of such shares will be purchased by GPU.

In order that Aelec may have sufficient funds with which to acquire the common stock of Penelec, GPU proposes to make cash capital contributions to Aelec from time to time in amounts equal to the purchase price from Penelec of its new stock. These contributions are to be credited by Aelec to its capital surplus account.

This Commission has also heretofore authorized the proposed merger of Northern Pennsylvania Power Company ("North Penn"), a direct public utility subsidiary of GPU, into Penelec. This merger, which has not yet been consummated, will require the issuance (as at December 31, 1955), of 452,750 shares of Penelec's common stock. Penelec's presently authorized common stock totals 3,250,000 shares of which 2,711,750 are now outstanding. Said 452,750 shares of Penelec's common stock together with the 300,000 additional shares proposed to be issued and sold pursuant to the present filing would exceed Penelec's presently authorized but unissued shares of common stock. Accordingly, Penelec is proposing, in the instant filing, to increase its authorized common stock to 3,500,000 shares.

The amended filing contains a copy of an order of the Pennsylvania Public Utility Commission expressly permitting Penelec to increase its authorized common stock and to issue and sell the proposed 300,000 shares of additional common stock. The fees and expenses applicable to the proposed undertakings are estimated not to exceed $750 for GPU, of which amount not in excess of $500 is estimated as being applicable to legal fees, and not to exceed $19,150 for Penelec. Of this latter amount $2,500 is estimated for legal fees, the balance comprising filing fees and Federal and State taxes.

Notice of said filing having been duly given in the manner prescribed by Rule U-23 and no hearing having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and of the rules promulgated thereunder are satisfied, that the fees and expenses as estimated are not unreasonable, and that the application-declaration as amended should be granted and permitted to become effective:

*It is ordered*, Pursuant to Rule U-23 and the applicable provisions of said act, that said amended application-declaration be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-3655; Filed, May 8, 1956; 8:48 a. m.]

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[File No. 70-3472]

METROPOLITAN EDISON CO. AND GENERAL PUBLIC UTILITIES CORP.

NOTICE OF FILING REGARDING ISSUE AND SALE OF ADDITIONAL COMMON STOCK BY SUBSIDIARY TO PARENT; INCREASE IN AUTHORIZED SHARES OF COMMON AND PREFERRED STOCK AND SOLICITATION OF VOTE OF STOCKHOLDERS

MAY 3, 1956.

Notice is hereby given that Metropolitan Edison Company ("Meted"), a subsidiary electric utility company of General Public Utilities Corporation ("GPU"), a registered holding company, and said GPU have filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act") and have designated sections 6 (a) (2), 6 (b), 7, 9 (a), 10 and 12 (e) of said act and Rules U-62 and U-65 promulgated under said Act as applicable to the proposed transactions, which are summarized as follows:

Meted proposes to issue and sell to GPU and GPU proposes to purchase from Meted an aggregate of 45,000 additional shares of common stock at a price per share of $100, or an aggregate sale price of $4,500,000. Such shares are to be issued and sold by Meted from time to time during 1956, but not later than the issue and sale by Meted of additional first mortgage bonds. Of the proceeds realized by Meted from the sale of such shares, $1,900,000 will be applied by it to the cost of construction of property additions subsequent to December 31, 1955, or to repay bank loans the proceeds of which have been applied to such purpose, and $2,600,000 will be applied by it to reimburse its treasury for expenditures for such purpose prior to January 1, 1956.

Meted proposes to increase its authorized common stock by 150,000 shares, that is to say, from 500,000 shares without par value and its preferred stock by 105,000 shares, that is to say, from 295,000 shares of the par value of $100 per share to 400,000 shares of the par value of $100 per share. Of Meted's presently authorized common stock 484,500 shares are now outstanding and of its presently authorized preferred stock 255,000 shares are now outstanding.

Meted proposes to solicit the holders of its outstanding preferred stock to seek their consent to the increase in its authorized preferred stock and their consent to the increase in its authorized common stock, to be obtained at a special meeting of stockholders to be held on June 27, 1956. It is stated that paragraph 8 (B) (2) of the terms of Meted's capital stock provides, in effect, that Meted will not, without the consent of the holders of a majority of the total number of all shares of its preferred stock of all series then outstanding, increase the total authorized amount of its preferred stock. It is further stated that the Constitution of the Commonwealth of Pennsylvania provides that the stock of a corporation shall not be increased without the consent of the persons holding the larger amount in value of its stock. Accordingly, Meted is filing herein copies of solicitation material pursuant to section 12 (e) and Rule U-62.

The application-declaration states that the issuance of additional shares of Meted's common stock is subject to the express authorization of the Pennsylvania Public Utility Commission and that no other State or Federal Commission, other than said Pennsylvania Commission and this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, on or before May 18, 1956, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on this matter, stating the nature of his interest, the reason or reasons for such request, and the issues of fact or law raised by such application-declaration which he proposes to controvert, or he may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application-declaration as filed or as it may hereafter be amended, may be granted or permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-3652; Filed, May 8, 1956; 8:47 a. m.]

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[File No. 70-3474]

PENNSYLVANIA POWER CO.

NOTICE OF PROPOSED ISSUANCE OF PRINCIPAL AMOUNT OF BONDS FOR SINKING FUND PURPOSES

MAY 3, 1956.

Notice is hereby given that Pennsylvania Power Company ("Company"), an electric utility subsidiary of Ohio Edison Company, a registered holding company, has filed with this Commission an application pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating section 6 (b) of the act as applicable to the proposed transactions, which are summarized as follows:

In connection with satisfying the sinking fund requirements of its indenture, the Company will issue $397,000 principal amount of First Mortgage Bonds, 3¼ percent Series due 1982, under its Mortgage Indenture dated November 1, 1945, to The First National Bank of the City of New York (now The First National City Bank of New York), as amended and supplemented. Said bonds will be authenticated by the Trustee and delivered to the Company in two installments, on the basis of unfunded net property additions aggregating $661,667, and they will forthwith be surrendered to the Trustee for cancellation in consideration of the return by the Trustee to the Company from the mortgage sinking fund of a like amount of cash, as follows: $197,000 of the bonds will be issued and surrendered in May 1956 (to recover cash deposited in the sinking fund on December 1, 1955), and $200,000 of the bonds will be issued and surrendered within six months after December 1, 1956 (to recover cash to be deposited in the sinking fund on December 1, 1956).

It is stated that the bonds will never constitute an obligation for the payment of money and therefore they will not be reflected on the Company's books or published statements as a liability.

The Company proposes to include the released cash in its general funds, in partial reimbursement for moneys expended for new construction and property betterments during the years 1951–1955 inclusive.

The expenses of the Company to be incurred in connection herewith are estimated as follows:

| | |
|---|---|
| Charges of trustee (including compensation to its counsel in the amount of $1,500) | $2,250 |
| Fee of Company counsel (Swaney & Whitmire) | 1,500 |
| Fee for services of Commonwealth Services Inc | 600 |
| Miscellaneous | 200 |
| Total | 4,550 |

The Company requests that the Commission's order herein be made effective upon issuance.

Notice is further given that any interested person may, not later than May 17, 1956, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said application, as filed or as amended, may be granted as provided by Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-3653; Filed, May 8, 1956; 8:48 a. m.]

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## INTERSTATE COMMERCE COMMISSION

[Notice 111]

MOTOR CARRIER APPLICATIONS

MAY 4, 1956.

Protests consisting of an original and two copies to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in forms of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, prehearing conference, taking of depositions, or other proceeding shall notify the Commission by letter or telegram within 30 days of publication of this notice in the FEDERAL REGISTER. Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operations of Motor Carrier properties sought to be acquired in an application under section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 504 Sub 21, filed April 19, 1956, LOUIS PATZ, doing business as HARPER MOTOR LINES, 220 North McIntosh Street, Elberton, Ga. Applicant's attorney: Reuben G. Crimm, 805 Peachtree Street Building, Atlanta 5, Ga. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (a) between Atlanta, Ga., and Macon, Ga.: from Atlanta over U. S. Highway 41 to Macon, and return over the same route; (b) between Atlanta, Ga., and Hawkinsville, Ga.: from Atlanta over U. S. Highway 41 to Barnesville, Ga., thence over U. S. Highway 341 to Hawkinsville, and return over the same route; (c) between Macon, Ga., and Alma, Ga.: from Macon over U. S. Highway 23 to Alma, and return over the same route; and (d) between Hawkinsville, Ga., and Alma, Ga.: from Hawkinsville over U. S. Highway 341 to Eastman, Ga., thence over U. S. Highway 23 to Alma, and return over the same route, as alternate routes for operating convenience only in connection with applicant's authorized regular route operations between Atlanta and Ocilla, Ga., and Waycross, Ga., serving no intermediate or off-route points. Applicant is authorized to conduct operations in Georgia, New York, New Jersey, Pennsylvania, Maryland, District of Columbia, Virginia, South Carolina, Illinois, and Ohio.

No. MC 514 Sub 3, filed March 20, 1956, CLIFFORD SKIPWORTH, doing business as UNITED WAREHOUSE AND TRANSFER, Ashe and Earnest Streets, Johnson City, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Boats*, between points in Sullivan, Washington, Greene, Carter, Hamblen, Sevier, Hawkins, Jefferson, Knox, Blount, Cocke, Claiborne, Unicoi, Grainger, Johnson, and Hancock Counties, Tenn. and Lee, Russell, Smyth, Washington, Wise, Dickenson, and Tazewell Counties, Va., on the one hand, and, on the other, points in Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, Mississippi, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia.

No. MC 2202 Sub 146, filed April 20, 1956, ROADWAY EXPRESS, INC., 147 Park Street, P. O. Box 174, Akron, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D. C. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the New Plant of the Chevrolet Motor Division near Lordstown, Ohio, as an off-route point in connection with

applicant's regular route operations to and from Warren, Ohio. Applicant is authorized to conduct operations in Alabama, Delaware, Georgia, Illinois, Indiana, Kansas, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

No. MC 2815 Sub 16, filed April 25, 1956, PENNTRUCK COMPANY, INC., 323 West Polk Street, Chicago, Ill. Applicant's attorney: Robert H. Griswold, Commerce Building (P. O. Box 432), Harrisburg, Pa. For authority to operate as a *common carrier*, transporting: *General commodities, including commodities of unusual value, commodities in bulk*, and *commodities requiring special equipment*, but excepting Class A and B explosives, and household goods as defined by the Commission, between Culver, Ind., and junction Indiana Highway 10 and U. S. Highway 35, from Culver over Indiana Highway 10 to junction U. S. Highway 35, and return over the same route, serving no intermediate points, as an alternate route, for operating convenience only, in connection with carrier's regular route operations between (1) Logansport, Ind., and Chicago, Ill., and (2) Logansport, Ind., and South Bend, Ind. RESTRICTION: The service authorized above is subject to the following conditions: The service to be performed by said carrier shall be limited to service which is auxiliary to, or supplemental of, rail service of The Pennsylvania Railroad Company. Said carrier shall not serve any point not a station on a rail line of the railroad. No shipments shall be transported by said carrier as a common carrier by motor vehicle between any of the following points, or through or to or from more than one of said points: Indianapolis, Logansport, and Terre Haute, Ind., and Chicago, Ill. All contractual arrangements between said carrier, the railroad and the American Contract and Trust Company shall be reported to the Commission and shall be subject to revision, if and as the Commission may find it to be necessary in order that such arrangements shall be fair and equitable to the parties. Such further specific conditions as the Commission in the future, may find it necessary to impose in order to restrict said carrier's operations to service which is auxiliary to, or supplemental of, rail service. Applicant is authorized to conduct common carrier operations in Illinois, Indiana, Kentucky, and Michigan.

NOTE: Applicant is authorized in Permit No. MC 113554 to transport *diesel fuel*, in bulk, in tank vehicles, over irregular routes in Illinois, Indiana, Ohio, and Michigan and St. Louis, Mo., and Louisville, Ky. Applicant performs such service as a contract carrier for the Pennsylvania Railroad. Applicant states Permit No. MC 113554 specifically authorizes dual operations by the applicant.

No. MC 7746 Sub 78, filed April 27, 1956, UNITED TRUCK LINES, INC., East 915 Springfield Avenue, Spokane 2, Wash. Applicant's attorney: George LaBissoniere, 835 Central Building, Seattle 4, Wash. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, and commodities in bulk, serving Rocky Reach Dam, located approximately 10 miles north of Wenatchee, Wash. on the Columbia River, and points in Washington within 15 miles of said Dam, in connection with applicant's authorized operations in Certificate No. MC 7746 Sub 36 to transport general commodities, with exceptions, serving to and from all points in Douglas County, Wash., with exceptions, and points within 20 miles of Chief Joseph Dam, Douglas County, Wash., except those in Douglas County, as intermediate and off-route points. Applicant is authorized to conduct operations in Washington, Oregon, Idaho and Montana.

No. MC 8989 Sub 156, filed April 23, 1956, HOWARD SOBER, INC., 2400 West St. Joseph Street, Lansing, Mich. Applicant's attorney: Albert F. Beasley, Investment Building, 15th and K Streets NW., Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trucks, truck-tractors* and *chassis*, in initial movements, via truck-away service, and *truck bodies, cabs, parts and accessories*, moving in connection therewith, from West Whiteland Township, Chester County, Pa., to all points in the United States, and *damaged shipments* of the above-specified commodities, on return. Applicant is authorized to conduct operations throughout the United States.

No. MC 9269 Sub 8, filed May 1, 1956, BEST WAY MOTOR FREIGHT, INC., 441 Holgate Street, Seattle, Wash. Applicant's attorney: Donald D. Fleming, 1405 Hoge Building, Seattle 4, Wash. For authority to operate as a *common carrier*, transporting: *General commodities* except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving sites and projects connected with the construction of the Priest River Dam, located in Grant County, Wash., and all points in Grant County, Wash., as off-route points in connection with applicant's regular route operations between Seattle, Wash., and Spokane, Wash. Applicant is authorized to conduct operations in Washington.

No. MC 17793 Sub 12, filed April 26, 1956, FOSTER FREIGHT LINES, INC., 480 South Capitol Avenue, Indianapolis, Ind. Applicant's attorney: Robert W. Brunow, 1511–16 Kentucky Home Life Building, Louisville 2, Ky. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between St. Louis, Mo., and Weldon Spring, Mo., from St. Louis over combined U. S. Highways 40 and 61 to Weldon Spring, and return over the same route, serving no intermediate points, but serving off-route points within 10 miles of Weldon Spring, (2) serving off-route points within 10 miles of Weldon Spring, Mo., in connection with carrier's regular route operations between Indianapolis, Ind., and St. Louis, Mo., over U. S. Highway 40. Applicant is authorized to conduct regular route operations in Illinois, Indiana, Kentucky, Missouri, and Ohio, and irregular route operations in Indiana, Ohio, and Illinois.

No. MC28008 Sub 2, filed April 24, 1956, MIDWEST FREIGHT FORWARDING COMPANY, INC., 3220 South Wolcott Avenue, Chicago, Ill. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Chicago, Ill., and Bridgeport, Conn., from Chicago over the Calumet Tri-States Expressway to junction Indiana Highway 152, thence over Indiana Highway 152 to junction U. S. Highway 6, thence over U. S. Highway 6 to junction Ohio Highway 300, thence over Ohio Highway 300 to junction U. S. Highway 20, thence over U. S. Highway 20 to junction Ohio Highway 10, thence over Ohio Highway 10 to Cleveland, Ohio, thence over Ohio Highway 2 to junction U. S. Highway 20, thence over U. S. Highway 20 to junction Pennsylvania Highway 5 near Erie, Pa., thence over Pennsylvania Highway 5 to junction U. S. Highway 20 near Silver Creek, N. Y. (also from junction U. S. Highway 20 and Pennsylvania Highway 5 over U. S. Highway 20 to junction Pennsylvania Highway 5), thence over U. S. Highway 20 to Auburn, N. Y., thence over New York Highway 5 to Albany, N. Y., thence over U. S. Highway 9 to junction U. S. Highway 9H, thence over U. S. Highway 9H to junction New York Highway 23, thence over New York Highway 22 to junction U. S. Highway 6, thence over U. S. Highway 6 to junction U. S. Highway 7, thence over U. S. Highway 7 to junction Connecticut Highway 33, thence over Connecticut Highway 33 to junction U. S. Highway 1, thence over U. S. Highway 1 to Bridgeport, and return over the same route, serving all intermediate and off-route points on U. S. Highway 6, U. S. Highway 7, Connecticut Highway 33, U. S. Highway 1 between Mill Plain, Conn., and Bridgeport, Conn., and points in that part of Connecticut bounded by a line beginning at the Connecticut-New York State line and extending along U. S. Highway 6 to junction Alternate U. S. Highway 6, thence along Alternate U. S. Highway 6 to junction U. S. Highway 5, thence along U. S. Highway 5 to New Haven, Conn., thence along the shores of Long Island Sound to the New York-Connecticut State line, and thence along the New York-Connecticut State line to point of beginning; (2) between Boston, Mass., and Chicago, Ill., from Boston over U. S. Highway 20 to Albany, N. Y., thence over New York Highway 5 to Auburn, N. Y., thence over U. S. Highway 20 to junction Pennsylvania Highway 5 near Silver Creek, N. Y., thence over Pennsylvania Highway 5 to junction U. S. Highway 20



near Erie, Pa., thence over U. S. Highway 20 to junction Ohio Highway 2, thence over Ohio Highway 2 to Cleveland, Ohio, thence over Ohio Highway 10 to junction U. S. Highway 20, thence over U. S. Highway 20 to junction Ohio Highway 300, thence over Ohio Highway 300 to junction U. S. Highway 6, thence over U. S. Highway 6 to junction Indiana Highway 152, thence over Indiana Highway 152 to junction Calumet Tri-States Expressway, thence over Calumet Tri-States Expressway to Chicago, and return over the same route, serving all intermediate points; (3) between Boston, Mass., and Bridgeport, Conn., from Boston over U. S. Highway 20 to junction Massachusetts Highway 15, thence over Massachusetts Highway 15 to junction Connecticut Highway 15, thence over Connecticut Highway 15 to junction Connecticut Highway 8, thence over Connecticut Highway 8 to Bridgeport, and return over the same route, serving no intermediate points, for operating convenience only for the purpose of deadheading equipment from Boston, Mass., to Bridgeport, Conn.; (4) between Chicago, Ill., and New York, N. Y., from Chicago over the Calumet Tri-States Expressway to junction Indiana Highway 152, thence over Indiana Highway 152 to junction U. S. Highway 6, thence over U. S. Highway 6 to junction Ohio Highway 300, thence over Ohio Highway 300 to junction U. S. Highway 20, thence over U. S. Highway 20 to junction Ohio Highway 10, thence over Ohio Highway 10 to Cleveland, Ohio, thence over Ohio Highway 2 to junction U. S. Highway 20, thence over U. S. Highway 20 to junction Pennsylvania Highway 5 near Erie, Pa., thence over Pennsylvania Highway 5 to junction U. S. Highway 20 near Silver Creek, N. Y. (also from junction U. S. Highway 20 and Pennsylvania Highway 5 over U. S. Highway 20 to junction Pennsylvania Highway 5), thence over U. S. Highway 20 to Auburn, N. Y., thence over New York Highway 5 to Albany, N. Y., thence over U. S. Highway 9W to New York, N. Y. (also from Albany, N. Y., over U. S. Highway 9 to New York), and return over the same route, serving all intermediate and off-route points in New York and New Jersey within 20 miles of New York, N. Y.; (5) between Chicago, Ill., and New York, N. Y., from Chicago over the Calumet Tri-States Expressway to junction Indiana Highway 152, thence over Indiana Highway 152 to junction U. S. Highway 6, thence over U. S. Highway 6 to junction U. S. Highway 23, thence over U. S. Highway 23 to junction Ohio Highway 18, thence over Ohio Highway 18 to junction U. S. Highway 224, thence over U. S. Highway 224 to junction U. S. Highway 422, thence over U. S. Highway 422 to junction U. S. Highway 22, thence over U. S. Highway 22 to New York, and return over the same route, serving all intermediate and off-route points in New York and New Jersey within 20 miles of New York; (6) between Chicago, Ill., and Bridgeport, Conn., from Chicago over the Calumet Tri-States Expressway to junction Indiana Highway 152, thence over Indiana Highway 152 to junction U. S. Highway 6, thence over U. S. Highway 6 to junction U. S. Highway 23, thence over U. S. Highway 23 to junction Ohio Highway 18, thence over Ohio Highway 18 to junction U. S. Highway 224, thence over U. S. Highway 224 to junction U. S. Highway 422, thence over U. S. Highway 422 to junction U. S. Highway 22, thence over U. S. Highway 22 to New York, N. Y., thence over U. S. Highway 1 to Bridgeport, and return over the same route, serving all intermediate and off-route points on U. S. Highway 6, U. S. Highway 7, Connecticut Highway 33, and U. S. Highway 1 between Mill Plain, Conn., and Bridgeport, Conn., and points in that part of Connecticut bounded by a line beginning at the Connecticut-New York State line and extending along U. S. Highway 6 to junction U. S. Highway 5, thence along U. S. Highway 5 to New Haven, Conn., thence along the shores of Long Island Sound to the New York-Connecticut State line, and thence along the New York-Connecticut State line to point of beginning; (7) between Chicago, Ill., and New York, N. Y., from Chicago over the Calumet Tri-States Expressway to junction Indiana Highway 152, thence over Indiana Highway 152 to junction U. S. Highway 6, thence over U. S. Highway 6 to junction U. S. Highway 23, thence over U. S. Highway 23 to junction Ohio Highway 18, thence over Ohio Highway 18 to junction U. S. Highway 224, thence over U. S. Highway 224 to junction Ohio Highway 7, thence over Ohio Highway 7 to junction with Ohio Turnpike, thence over the Ohio Turnpike to the Pennsylvania Turnpike, thence over the Pennsylvania Turnpike to the Philadelphia, Pa., exit, thence over U. S. Highway 1 to New York, and return over the same route, serving all intermediate and off-route points in New York and New Jersey within 20 miles of New York; (8) between Chicago, Ill., and Bridgeport, Conn., from Chicago over the Calumet Tri-States Expressway to junction Indiana Highway 152, thence over Indiana Highway 152 to junction U. S. Highway 6, thence over U. S. Highway 6 to junction U. S. Highway 23, thence over U. S. Highway 23 to junction Ohio Highway 18, thence over Ohio Highway 18 to junction U. S. Highway 224, thence over U. S. Highway 224 to junction U. S. Highway 422, thence over U. S. Highway 422 to junction U. S. Highway 22, thence over U. S. Highway 22 to New York, N. Y., thence over U. S. Highway 1 to Bridgeport, and return over the same route, serving all intermediate and off-route points on U. S. Highway 6, U. S. Highway 7, Connecticut Highway 33, and U. S. Highway 1 between Mill Plain, Conn., and Bridgeport, Conn., and points in that part of Connecticut bounded by a line beginning at the Connecticut-New York State line and extending along U. S. Highway 6 to junction Alternate U. S. Highway 6, thence along Alternate U. S. Highway 6 to junction U. S. Highway 5, thence along U. S. Highway 5 to New Haven, Conn., thence along the shores of Long Island Sound to the New York-Connecticut State line, and thence along the New York-Connecticut State line to point of beginning; (9) between Chicago, Ill., and New York, N. Y., from Chicago over U. S. Highway 20 to the Ohio Turnpike, thence over the Ohio Turnpike to the Pennsylvania Turnpike, thence over the Pennsylvania Turnpike to the Philadelphia, Pa. exit, thence over U. S. Highway 1 to New York, and return over the same route, serving all intermediate and off-route points in New York and New Jersey within 20 miles of New York; (10) between Chicago, Ill., and Bridgeport, Conn., from Chicago over U. S. Highway 20 to the Ohio Turnpike, thence over the Ohio Turnpike to the Pennsylvania Turnpike, thence over the Pennsylvania Turnpike to the Philadelphia, Pa. exit, thence over U. S. Highway 1, via New York, N. Y., to Bridgeport, Conn., and return over the same route, serving all intermediate and off-route points on U. S. Highway 6, U. S. Highway 7, Connecticut Highway 33, and U. S. Highway 1 between Mill Plain, Conn., and Bridgeport, Conn., and points in that part of Connecticut bounded by a line beginning at the Connecticut-New York State line and extending along U. S. Highway 6 to junction Alternate U. S. Highway 6, thence along Alternate U. S. Highway 6 to junction U. S. Highway 5, thence along U. S. Highway 5 to New Haven, Conn., thence along the shores of Long Island Sound to the New York-Connecticut State line, and thence along the New York-Connecticut State line to point of beginning; (11) between Chicago, Ill., and New York, N. Y., from Chicago over the Calumet Tri-States Expressway to junction Indiana Highway 152, thence over Indiana Highway 152 to junction U. S. Highway 6, thence over U. S. Highway 6 to junction Ohio Highway 300, thence over Ohio Highway 300 to junction U. S. Highway 20, thence over U. S. Highway 20 to junction Ohio Highway 10, thence over Ohio Highway 10 to Cleveland, Ohio, thence over Ohio Highway 2 to junction U. S. Highway 20, thence over U. S. Highway 20 to junction Pennsylvania Highway 8, thence over Pennsylvania Highway 8 to junction Pennsylvania Highway 89, thence over Pennsylvania Highway 89 to junction U. S. Highway 6, thence over U. S. Highway 6 to junction U. S. Highway 15, thence over U. S. Highway 15 to junction U. S. Highway 22, thence over U. S. Highway 22 to New York, and return over the same route, serving all intermediate and off-route points in New York and New Jersey within 20 miles of New York; and (12) between Chicago, Ill., and Bridgeport, Conn., from Chicago over the Calumet Tri-States Expressway to junction Indiana Highway 152, thence over Indiana Highway 152 to junction U. S. Highway 6, thence over U. S. Highway 6 to junction Ohio Highway 300, thence over Ohio Highway 300 to junction U. S. Highway 20, thence over U. S. Highway 20 to junction Ohio Highway 10, thence over Ohio Highway 10 to Cleveland, Ohio, thence over Ohio Highway 2 to junction U. S. Highway 20, thence over U. S. Highway 20 to junction Pennsylvania Highway 8, thence over Pennsylvania Highway 8 to junction Pennsylvania Highway 89, thence over Pennsylvania Highway 89 to junction U. S. Highway 6, thence over U. S. High-

way 6 to junction U. S. Highway 15, thence over U. S. Highway 15 to junction U. S. Highway 22, thence over U. S. Highway 22 to New York, N. Y., thence over U. S. Highway 1 to Bridgeport, and return over the same route, serving all intermediate and off-route points on U. S. Highway 6, U. S. Highway 7, Connecticut Highway 33, and U. S. Highway 1 between Mill Plain, Conn., and Bridgeport, Conn., and points in that part of Connecticut bounded by a line beginning at the Connecticut-New York State line and extending along U. S. Highway 6 to junction Alternate U. S. Highway 6, thence along Alternate U. S. Highway 6 to junction U. S. Highway 5, thence along U. S. Highway 5 to New Haven, Conn., thence along the shores of Long Island Sound to the New York-Connecticut State line, and thence along the New York-Connecticut State line to point of beginning.

NOTE: Applicant has authority to transport *General commodities*, with the above exceptions, over irregular routes, between points in the Chicago, Ill., Commercial Zone, on the one hand, and, on the other, New York, N. Y., and points in New York and New Jersey within 20 miles of New York, N. Y., and points in the Connecticut area described above, and has authority to transport *Fish*, from Boston, Mass., to Chicago, Ill., over irregular routes. By this application, applicant seeks authority to perform these operations over the above-described routes. No authority is sought to serve any points not now authorized to be served by applicant.

No. MC 31600 Sub 400, filed February 3, 1956, published in the February 15, 1956 issue, page 1057, amended, P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass. Applicant's attorney: Harry C. Ames, Jr., 216 Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Acids* and *chemicals*, in bulk, in tank vehicles, from Schenectady, N. Y., to points in Connecticut, Massachusetts, and Maine; (2) *resins*, *paints*, and *varnishes*, in bulk, in tank vehicles, from Rotterdam Junction, N. Y. to points in Maine; (3) *paints* and *varnishes*, in bulk, in tank vehicles, from Rotterdam Junction, N. Y. to points in Connecticut, Massachusetts, and Rhode Island. Applicant is authorized to conduct operations in Massachusetts, New York, Connecticut, Rhode Island, New Hampshire, Maine, Vermont, New Jersey, Delaware, and Pennsylvania.

No. MC 31600 Sub 404, filed April 16, 1956, P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham 54, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid commodities*, except gasoline, fuel oil, benzene, kerosene, and raw milk, in bulk, in tank vehicles, between points in Delaware and points in Connecticut and Rhode Island.

No. MC 34147 Sub 7, filed April 24, 1956, ROSE M. HICKEY, FRANK J. RONNING AND RUTH E. RONNING, doing business as WILLIAM HICKEY TRUCKING COMPANY, 2731 Highland Avenue, Everett, Wash. Applicant's attorney: Joseph O. Earp, 1912 Smith Tower, Seattle 4, Wash. For authority to operate as a *common carrier*, over irregular routes, transporting: *Oyster shells*, in bulk, from Bayview, Wash., to the United States-Canada border at or near Blaine, Wash.

No. MC 38541 Sub 6, filed April 3, 1956, DENNIS E. WHITE, doing business as WHITE MOTOR EXPRESS, 713 Fourth Avenue South, Nashville, Tenn. Applicant's attorney: Charles E. Hudson, 407 Broadway Bank Building, Nashville, Tenn. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Nashville, Tenn., and Elizabethtown, Ky., from Nashville over U. S. Highway 31W to Elizabethtown and return over the same route, serving Elizabethtown for purpose of joinder only with applicant's present regular route, between Louisville, Ky., and Lebanon, Tenn., serving no intermediate points, for operating convenience only. Applicant is authorized to conduct operations in Kentucky and Tennessee.

No. MC 43475 Sub 38, filed April 27, 1956, GLENDENNING MOTORWAYS, INC., 820 Hampden Avenue, St. Paul, Minn. Applicant's attorney: Donald A. Morken, 1100 First National-Soo Line Building, Minneapolis 2, Minn. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, commodities in bulk, household goods as defined by the Commission, and commodities requiring special equipment other than those requiring special handling because of size or weight, serving the site of the United States Air Force Base and points within five (5) miles thereof, located approximately fifteen to twenty-five miles northwest of Grand Forks, N. Dak., as an off-route point in connection with applicant's regular route operations to and from Grand Forks, N. Dak., over U. S. Highway 2. Applicant is authorized to conduct operations in Iowa, South Dakota, Minnesota, Illinois, Wisconsin, North Dakota, and Nebraska.

No. MC 50002 Sub 27, filed March 29, 1956 (Amended), published April 11, 1956, on Page 2353, T. CLARENCE BRIDGE AND HENRY W. BRIDGE, doing business as BRIDGE BROTHERS, Anderson and Bridge Streets, P. O. Box 588, Lamar, Colo. Applicant's attorney: C. Zimmerman, 503 Schweiter Building, Wichita 2, Kans. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Ulysses, Kans., and points within 15 miles thereof, to points in Nebraska on and south of Nebraska Highway 2 and points on and west of U. S. Highway 281, and points in Colorado on and west of a line beginning at the New Mexico-Colorado State line and extending over U. S. Highway 285 to Denver, Colo., thence over U. S. Highway 287 to junction Colorado Highway 7, thence over Colorado Highway 7 to Estes Park, Colo., thence over Colorado Highway 66 to junction U. S. Highway 287, thence north over U. S. Highway 287 to the Colorado-Wyoming State line. Applicant is authorized to conduct operations in Kansas, Nebraska, Oklahoma, and Texas.

No. MC 52657 Sub 484, filed April 30, 1956, ARCO AUTO CARRIERS, INC., 91st Street and Perry Avenue, Chicago 20, Ill. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. For authority to operate as a common carrier, over irregular routes, transporting: (A) *Trailers and parts thereof*, other than those designed to be drawn by passenger automobiles, only when containing shipments of bodies and/or hydraulic hoists, from Galion and Marion, Ohio, (1) in secondary truckaway service, to all points in the United States, except those in Illinois, Indiana, Iowa, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, West Virginia, and Wisconsin, and (2) in secondary driveaway service to all points in Alabama, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Kansas, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, Wyoming, and the District of Columbia, and (B) *Tractors*, in secondary driveaway service, only when pulling trailers containing shipments of bodies and/or hydraulic hoists, moving in secondary driveaway service, from Galion and Marion, Ohio to points in Alabama, Arizona, Arkansas, California, Colorado, Georgia Idaho, Kansas, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, Wyoming and the District of Columbia. Applicant is authorized to conduct operations throughout the United States.

No. MC 56409 Sub 2, filed April 23, 1956, EMERY L. BARNES AND EDWARD A. LAMPSA, JR., doing business as MAJOR MOTOR SERVICE, Box 204, Palmyra, Wis. Applicant's attorney: John T. Porter, 707–708 First National Bank Building, Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Feed*, from Hammond, Ind., and *fertilizer*, from East Chicago and Hartsdale, Ind., to points in Jefferson, Walworth and Waukesha Counties, Wis. Applicant is authorized to conduct operations in Wisconsin and Illinois.

No. MC 58885 Sub 15, filed April 25, 1956, ATLANTA MOTOR LINES, INC., 1268 Caroline Street NE., Atlanta, Ga. Applicant's attorney: Allan Watkins, Grant Building, Atlanta 3, Ga. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Tennga, Ga., and Copperhill, Tenn., from Tennga over U. S. Highway 411, to Ocoee, Tenn., thence over U. S. Highway 64 to Ducktown, Tenn., thence over Tennessee Highway 68 to Copperhill, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Georgia, North Carolina, and Tennessee.



No. MC 61640 Sub 4, filed April 23, 1956, THE RATHBUN CARTAGE COMPANY, a corporation, 2491 Monroe Street, Toledo 6, Ohio. Applicant's attorney: Earl J. Thomas, Thomas Building, 5850 North High Street, Worthington, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fresh, frozen and processed meats, lard, lard compounds and substitutes, butter, oleomargarine, margarine, bones, chili con carne, oleo, oils, poultry, sausage casings, cheese*, and *eggs*, and *advertising matter and material used in connection with the sale and distribution of such commodities*, in vehicles equipped with mechanical refrigeration, from Toledo, Ohio to that portion of Flat Rock, Mich., which is in Wayne County, and that portion of Milan, Mich., which is in Washtenaw County. The instant application is filed for the purpose of permitting applicant to serve each of the above indicated towns in its entirety.

No. MC 75320 Sub 74, filed April 30, 1956, CAMPBELL SIXTY-SIX EXPRESS, INC., P. O. Box 390, Springfield, Mo. For authority to operate as a *common carrier*, transporting: *General commodities*, except commodities of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving points in Hickory County, Mo. (except Weaubleau, Preston, Cross Timbers, Hermitage and Wheatland, Mo.), as off-route points in connection with carrier's regular route operations between (1) Springfield, Mo., and Kansas City, Kans., over U. S. Highway 13, and (2) Springfield, Mo., and East St. Louis, Mo., over U. S. Highways 54 and 65. Applicant is authorized to conduct operations in Alabama, Arkansas, Illinois, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee and Texas.

No. MC 78643 Sub 39, filed April 27, 1956, HART MOTOR EXPRESS, INC., 2600 University Avenue SE., Minneapolis, Minn. Applicant's attorney: Donald A. Morken, 1100 First National-Soo Line Building, Minneapolis 2, Minn. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the United States Air Force Base and points within five (5) miles thereof, located approximately fifteen to twenty-five miles northwest of Grand Forks, N. Dak., as an off-route point in connection with applicant's regular route operations over U. S. Highway 2. Applicant is authorized to conduct operations in Illinois, Minnesota, Wisconsin, Montana, and North Dakota.

No. MC 99565 Sub 1, (amended) filed March 7, 1956, published March 28, 1956, on page 1922, FORE WAY EXPRESS, INC., 730 Jefferson Street, Wausau, Wis. Applicant's attorney: Claude J. Jasper, One West Main Street, Madison 3, Wis. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including express*, but excluding Class A and B explosives, household goods, as defined by the Commission, commodities in bulk, and commodities requiring special equipment, (1) between Appleton, Wis., and Wittenberg, Wis., from Appleton over U. S. Highway 10 to junction Wisconsin Highway 76, thence over Wisconsin Highway 76 to junction U. S. Highway 45, thence over U. S. Highway 45 to Wittenberg, and return over the same route, serving all intermediate points, and (2) between Clintonville, Wis., and Shawano, Wis. over Wisconsin Highway 22, serving all intermediate points. RESTRICTION: The motor service to be performed by said carrier shall be limited to services which is auxiliary to, or supplemental of, the rail service of the Chicago and Northwestern Railway Company, hereinafter called the railroad. Shipments transported by said carrier shall be limited to shipments which move under railroad bills of lading covering, in addition to the motor carrier movement by said carrier, an immediately prior or immediately subsequent movement by rail. All contractual arrangements between said carrier and the railroad shall be reported to this Commission and shall be subject to revision, if any as the Commission may find it necessary to order that they shall be fair and equitable to the parties. Such further specific conditions as the Commission may find it necessary in the future to impose in order to restrict said carrier's operations by motor vehicle to service that is auxiliary to or supplemental of rail service.

No. MC 101126 Sub 50, filed April 23, 1956, STILLPASS TRANSIT COMPANY, INC., 2967 Spring Grove Avenue, Cincinnati 32, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Tallow* and *grease*, in bulk, in tank vehicles, from Butler, Ky., to Cincinnati, Ohio. Applicant is authorized to conduct operations in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Tennessee and Wisconsin.

No. MC 102616 Sub 618, filed April 23, 1956, COASTAL TANK LINES, INC., Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fly ash*, in bulk, in tank and hopper type vehicles, between points in Connecticut, Delaware, Kentucky, Maryland, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

No. MC 103378 Sub 61, filed April 23, 1956, PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sulphuric Acid*, in bulk, in tank vehicles, from Savannah, Ga., to Fernandina Beach, Fla.

No. MC 106163 Sub 12, filed April 27, 1956, W. H. KING, HARRY E. KING AND FRANCIS A. KING, doing business as RED LINE TRANSFER AND STORAGE COMPANY, 219 West Barraque Street, Pine Bluff, Ark. Applicant's attorney: Louis Tarlowski, Rector Building, Little Rock, Ark. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities, including household goods*, as defined by the Commission, but excluding those of unusual value, and Class A and B explosives, commodities in bulk, and commodities requiring special equipment, between Little Rock, Ark., on the one hand, and, on the other, points in Arkansas bounded by a line commencing at Pine Bluff and extending along the southeast bank of the Arkansas River to the west bank of the Mississippi River, thence along the west bank of the Mississippi River to the Arkansas-Louisiana State line, thence along the Arkansas-Louisiana State line to the east bank of the Ouachita River (approximately 5 miles east of Huttig, Ark.), thence along the east bank of the Ouachita River to Morobay, Ark., and thence along Arkansas Highway 15 to the point of beginning. RESTRICTIONS: (1) No interstate service shall be rendered to points intermediate between Little Rock and Pine Bluff, Ark., including the U. S. Arsenal, at Baldwin, Ark.; (2) no interstate service shall be rendered between Little Rock and Pine Bluff, including Pine Bluff; and (3) no interstate service shall be rendered on shipments originating at Memphis, Tenn., destined to Little Rock, Ark., and vice versa. Applicant is authorized to conduct operations in Arkansas and Tennessee.

No. MC 107107 Sub 78, filed April 25, 1956, ALTERMAN TRANSPORT LINES, INC., 2424 Northwest 46th Street, P. O. Box 65, Allapattah Station, Miami 42, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods*, from points in Nebraska, Iowa, and Missouri to points in Alabama, Georgia, and Florida. Applicant is authorized to transport frozen foods from the named points of Philadelphia, Pa., New York, N. Y., Chicago, Ill., Baltimore, Md., and Crozet, Winchester and Wakefield, Va. to points in Florida and to Savannah, Ga.

No. MC 107698 Sub 19, filed April 19, 1956, BONANZA, INC., 818 Insuro-Medic Building, Dallas, Tex. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City 2, Okla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products*, and *meat by-products, dairy products, articles distributed by meat packing houses*, as defined by the Commission, *bakery goods, frozen foods, foods and foodstuffs*, (foodstuffs would include items used in the preparation of foods which might not ordinarily be classified as foods, such as shortenings, yeast, uncooked partially prepared meat and sweet pies, and similar items), in refrigerated equipment, between points within 100 miles of Lubbock, Tex., including Lubbock, on the one hand, and, on the other, points in Arizona, California, Colorado, New Mexico and Texas. Applicant is authorized to conduct operations in Arizona, California, Colorado,

Nevada, New Mexico, Oklahoma, and Texas.

NOTE: The phrase "in refrigerated equipment" applies to the entire commodity list.

No. MC 109515 Sub 4, filed April 27, 1956, OZELLA KIMBROUGH HARRINGTON, doing business as KIMBROUGH TRUCKING COMPANY, P. O. Box 604, Benson, Ariz. Applicant's attorney: Earl H. Carroll, Eighth Floor, Title & Trust Building, Phoenix, Ariz. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Class A and B explosives* and *blasting supplies*, from Curtiss, Ariz., to points, not directly served by rail, in that part of California lying south of the northern boundaries of San Bernardino, Kern and San Luis Obispo Counties, and *empty containers or other such incidental facilities* used in transporting the commodities specified, on return movements. Applicant is authorized to conduct operations in Arizona and California.

No. MC 109761 Sub 5, filed April 26, 1956, CARL SUBLER TRUCKING, INC., 906 Magnolia Avenue, Auburndale, Fla. Applicant's attorney: Benjamin J. Brooks, Washington Loan and Trust Building., Washington 4, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Canned fruits, canned fruit juices* and *canned vegetable juices*, not frozen from points in Florida, to points in Maine, Michigan, New Hampshire, and Vermont, and *empty containers or other such incidental facilities* used in transporting the commodities specified, on return. Applicant is authorized to conduct operations in Florida, Michigan, Illinois, Wisconsin, Minnesota and Indiana.

No. MC 110190 Sub 36, filed April 24, 1956, PENN-DIXIE LINES, INC., 2000 South George Street, P. O. Box 42, York, Pa. Applicant's attorney: Robert R. Hendon, Investment Building, Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Spaghetti and cheese with sauce*, in combination packages, *pizza pie mix, table sauces, spaghetti, macaroni*, and *ravioli*, prepared, *meats, chili con carne*, and *beef stew*, canned or preserved, *soup*, canned, *vegetables*, canned or preserved, *mushrooms*, in liquid, canned or preserved, *salad dressing, extract of instant coffee*, dry, *extracts, flavoring compounds* or *imitation flavors*, liquid, *confectioners' colorings, food seasoning compounds*, and *soup ingredients* (soup mix), from Milton, Pa., to points in Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Louisiana, Maryland, Mississippi, New Jersey, Pennsylvania, and Texas.

No. MC 110436 Sub 22, filed April 16, 1956, ROBERTSON TRANSPORTERS, INC., 5700 Polk Avenue, P. O. Box 9218, Houston, Tex. Applicant's attorney: Charles D. Mathews, 1020 Brown Building, Austin 1, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid anti-freeze preparations* (di-ethylene glycol, ethylene glycol, propylene glycol, di-propylene glycol, methanol and denatured alcohol), in bulk, in tank vehicles, from Velasco, Tex., and points within five (5) miles thereof, in Brazoria County, Tex., to points in Idaho, Oregon and Washington. Applicant is authorized to conduct operations in Arkansas, Louisiana, Mississippi, Oklahoma, and Texas.

No. MC 112540 Sub 3, filed April 27, 1956, RED TRUCK LINE, INC., 1225 Dartmouth Avenue SE., Minneapolis, Minn. Applicant's attorney: Donald A. Morken, 1100 First National-Soo Line Building, Minneapolis 2, Minn. For authority to operate as a *common carrier*, transporting: *General commodities*, including those of unusual value, but excluding Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the United States Air Force Base and points within five (5) miles thereof, located approximately fifteen to twenty-five miles northwest of Grand Forks, N. Dak., as an off route point in connection with applicant's regular route operations to and from Grand Forks, N. Dak., over U. S. Highway 2. Applicant is authorized to conduct operations in Minnesota and North Dakota.

No. MC 112617 Sub 21, filed April 26, 1956, LIQUID TRANSPORTERS, INC., P. O. Box 35, Cherokee Station, Louisville 5, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Coal tar* and *coal tar products*, in bulk, in tank vehicles, (1) from Clark and Vigo Counties, Ind., to points in Tennessee, (2) from Memphis, Tenn., to points in Kentucky and Clark and Vigo Counties, Ind. Applicant is authorized to conduct operations in Indiana and Kentucky.

No. MC 112972 Sub 1, filed April 25, 1956, HERSHEL A. RIDDLE, 808 East Third, Carthage, Mo. Applicant's attorney: Carll V. Kretsinger, Suite 1014–18 Temple Building, Kansas City 6, Mo. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Lime*, in bags and in bulk, from Springfield, Mo., to points in Missouri (except Kansas City), Kansas (except Kansas City), Arkansas, and Oklahoma located within 300 miles of Springfield, Mo. Applicant is authorized to conduct operations in Arkansas, Kansas, Missouri and Oklahoma.

NOTE: Applicant is authorized in Permit No. MC 112972 to transport *lime*, in bags, over irregular routes, from the above-specified origin point to points in Missouri (except Kansas City), Kansas (except Kansas City), Arkansas, and Oklahoma located within 200 miles of Springfield, Mo.

No. MC 113651 Sub 12, filed April 25, 1956, INDIANA REFRIGERATOR LINES, INC., 13th and North Elm Streets, Muncie, Ind. Applicant's attorney: Charles M. Pieroni, 523 Johnson Building, Muncie, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as defined by the Commission, from Postville, Iowa to points in New York, Massachusetts, New Jersey, Maryland, Pennsylvania, North Carolina, South Carolina, Virginia, and the District of Columbia.

Applicant is authorized to transport the named commodities from Muncie, Ind. to points in Alabama, Florida, Georgia, Louisiana, Massachusetts, Mississippi, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Maryland, Missouri (except St. Louis), Kentucky (except Louisville), Maine, and Connecticut.

No. MC 113861 Sub 9, filed April 23, 1956, W. H. WOOTEN and J. H. PARKER, a partnership, doing business as W. H. WOOTEN TRANSPORTS, 153 Gaston Street, Memphis, Tenn. Applicant's attorney: Richard D. Gleaves, War Memorial Building, Nashville 4, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Memphis, Tenn., to points in Alabama, Arkansas, Mississippi, Missouri and Kentucky.

No. MC 113968 Sub 2, filed April 27, 1956, GRANDVIEW TRUCKING CORP., 911 Stone Avenue, Brooklyn, N. Y. Applicant's attorney: Morris Honig, 150 Broadway, New York 38, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Used upholstered furniture* for repair and reupholstering, and *repaired and reupholstered furniture*, between New York, N. Y., on the one hand, and, on the other, points in New Jersey and Connecticut.

No. MC 114730 Sub 1, filed April 25, 1956, HALL HEAVY HAULING CO., a Corporation, 1160 Grant Street, Eugene, Oreg. Applicant's attorney: Norman E. Sutherland, 1100 Jackson Tower, Portland 5, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Heavy machinery and other commodities*, the transportation of which because of size or weight requires the use of special equipment, and *related machinery parts, equipment and supplies*, when the transportation thereof is incidental to the transportation of heavy machinery and other commodities which by reason of size or weight requires the use of special equipment, between points in Douglas County, Oreg., on the one hand, and, on the other, points in Del Norte, Humboldt, Siskiyou, Modoc, Trinity, Shasta, Lassen, Tehama, Mendocino and Plumas Counties, Calif., but excluding service to or from points on U. S. Highway 99 in California. Applicant is authorized to conduct operations in Oregon and California.

No. MC 114734 Sub 2, filed April 25, 1956, ADAM H. LOOS, doing business as LOOS TRUCKING, Sherburn, Minn. Applicant's representative: A. R. Fowler, Associated Motor Carriers Tariff Bureau, 2288 University Ave., St. Paul 14, Minn. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Fresh meats*, in carcasses, or part carcasses, and in packages, from Spencer, Iowa, to Joliet, Ill. Applicant is authorized to conduct operations in Iowa and Illinois.

No. MC 115628 Sub 2, filed April 27, 1956, ST.-BASILE TRANSPORT, INC., St. Basile, County of Portneuf, Quebec, Canada. Applicant's attorney: Andre J. Barbeau, 795 Elm Street, Manchester, N. H. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cement*, in bags, from ports of entry on the boundary of the United States and Canada at or near Jackman, Me., and Norton, Derby Line and Highgate Springs, Vt., to Ipswich, Mass., Manchester, N. H., and Burlington, Vt.

No. MC 115862 Sub 1, filed April 13, 1956, ARTHUR JAMES FERO, JR., doing business as FERO'S MOTOR EXPRESS, 47 Washington Avenue, Waterford, N. Y. Applicant's attorney: John J. Brady, Jr., 75 State Street, Albany 7, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Prefabricated interior automotive trim*, including *plastic cloth, leather, jute, rubber* and *other materials*, used in manufacturing of interior automotive trim, *fibreboard, door panels, chrome strips, automotive floor coverings*, and *other allied interior automotive textiles*, from Cohoes and Waterford, N. Y., to Detroit, Mich., and *empty containers or other such incidental facilities* used in transporting the commodity specified above, and *unfabricated raw materials to be used in the manufacture of interior automotive trim* on return movements.

No. MC 115898, filed April 2, 1956, EVERETTE STUBBLEFIELD, 1615 Castleberry Avenue, Chattanooga 11, Tenn. Applicant's attorney: Blaine Buchanan, James Building, Chattanooga 2, Tenn. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Uncrated brick, masonry building blocks*, and *clay and shale construction tile* (excepting bath, floor, and roofing tile), (1) from Knoxville, Tenn. to Chattanooga, Tenn.; (2) from Chattanooga, Tenn., on the one hand, and, on the other (a) points in Tennessee on and east of Tennessee Highway 13 from the Tennessee-Alabama State line to the Tennessee-Kentucky State line; (b) points in Alabama in the area on and north of U. S. Highway 80 from the Alabama-Georgia State line at Columbus, Ga. to Montgomery, Ala., and on, north, and east of U. S. Highway 82 from Montgomery to the Alabama-Mississippi State line; (c) points in Georgia in the area on and north of U. S. Highway 80 from the Georgia-Alabama State Line at Columbus, Ga. to Macon, Ga., and on and west of U. S. Highway 129 from Macon, Ga. to Athens, Ga., and on, north, and west of U. S. Highway 29 from Athens to the Georgia-South Carolina State line; (d) points in North Carolina in the area on and west of U. S. Highway 221 from the South Carolina-North Carolina State line to junction North Carolina Highway 194 near Linville Falls, thence on and south of North Carolina Highway 194 to junction U. S. Highway 19E, and thence on, south, and west of U. S. Highway No. 19E to the North Carolina-Tennessee State line.

No. MC 115921, filed April 12, 1956, CHEMICAL SALT SERVICE, INC., 64 Waltham Avenue, Springfield, Mass. Applicant's attorney: Patrick A. Doyle, 31 Elm Street, Springfield, Mass. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Rock salt*, in bulk, in dump trucks, from Salt Hill, at or near South Lansing, N. Y., to points in Maine, New Hampshire, Vermont, Rhode Island, Connecticut, and Massachusetts.

No. MC 115945, filed April 23, 1956, JOHN W. CAIN, doing business as CAIN TRUCKING CO., 210 Cargill Road, El Paso, Tex. Applicant's attorney: William J. Torrington, 1219 Simms Building, Albuquerque, N. Mex. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Canned goods*, from Anaheim, Santa Anna, Hemet, Stockton, Oakland, Terminal Island, and San Jose, Calif., and points in the Los Angeles, and San Francisco, Calif. Commercial Zones, as defined by the Commission, to points in the El Paso, Tex., Commercial Zone, as defined by the Commission.

No. MC 115948, filed April 25, 1956, RUDY TUPA, Mahnomen, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Malt beverages*, from La Crosse, Wis. to Detroit Lakes, Mahnomen and Moorhead, Minn., and *empty containers and other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return.

No. MC 115950 EX, filed April 26, 1956, AGNES HITCHCOCK, 222 East Mistletoe, San Antonio, Tex. Applicant's attorney: Joe Reid, 1000 Transit Tower, San Antonio, Tex. Under section 204 (a) (4a) of the Interstate Commerce Act, applicant seeks a Certificate of Exemption covering the transportation of *explosives, safety fuses*, and *wire* between San Antonio, Tex., on the one hand, and, on the other, the site of the Atlas Powder Company Magazine located twenty (20) miles south of San Antonio.

No. MC 115953, filed April 26, 1956, ASSOCIATED EASTERN CONVOYS, INC., 4114 Westchester Road, Baltimore, Md. For authority to operate as a *common carrier*, over irregular routes, transporting: *New passenger automobiles, including ambulances, hearses and taxis*, and *automobile chassis*, from Newark, Del., to points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia; *damaged vehicles*, as stipulated above, on return.

APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 94180 Sub 4, filed April 26, 1956, MATTHEWS CHARTER SERVICE, INC., Rear 119 High Street, Cambridge, Md. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in charter service, beginning and ending at Cambridge, Md., and points within 25 miles thereof, and extending to points in New York, excluding loading privileges in New York. Applicant is authorized to conduct operations in Delaware, Maryland, New Jersey, Pennsylvania, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, and the District of Columbia.

No. MC 109780 Sub 44, filed April 9, 1956, TRANSCONTINENTAL BUS SYSTEM, INC., 315 Continental Avenue, P. O. Box 6067, Dallas, Tex. Applicant's attorneys: Theodore W. Russell and R. I. Schureman, 639 South Spring Street, Los Angeles 14, Calif. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers*, in the same vehicle with passengers, between Phoenix, Ariz., and junction Arizona Highway 279 and Alternate U. S. Highway 89 near Cottonwood, Ariz., from Phoenix over U. S. Highway 89 to junction Arizona Highway 69 near Phoenix, thence over Arizona Highway 69 to junction Arizona Highway 79, thence over Arizona Highway 79 to junction Arizona Highway 279 near Camp Verde, Ariz., thence over Arizona Highway 279 to junction Alternate U. S. Highway 89 near Cottonwood, and return over the same route, serving no intermediate points.

No. MC 115933, filed April 16, 1956, ROYALE GALLAGHER, doing business as COUNTY TRANSIT COMPANY, 3850 34th Street, Mt. Rainier, Md. Applicant's attorney: Moultrie Hitt, 718 Southern Building, Washington 5, D. C. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage, mail* and *newspapers*, in the same vehicle with passengers, between Washington, D. C., and East Pines, Md., from Washington, D. C., over city streets to New York Avenue entrance to Baltimore-Washington Parkway, thence over said Parkway to the Riverdale Road Exit to Riverdale Rd., thence east on Riverdale Rd., to 66th Avenue, thence south on 66th Avenue to 67th Avenue, thence west on 67th Avenue to Hamilton Street, thence east on Hamilton Street to Newby Avenue, thence north on Newby Avenue to Ingraham Street, thence west on Ingraham Street to 67th Avenue, thence north on 67th Avenue to Patterson Street, thence west on Patterson Street to 66th Avenue, thence north on 66th Avenue to Riverdale Road, thence west on Riverdale Road, to 63d Avenue, thence south on 63d Avenue to Powhatan Street, thence east on Powhatan Street to 64th Avenue, thence south on 64th Avenue to 63d Avenue, thence east on 63d Avenue to East Pines Drive, thence north on East Pines Drive, to Riverdale Road and return over the same route.

CORRECTIONS

MC 45194 Sub 3 (Republished) indicated the original publication date as April 13, 1956. This was in error. The correct original publication date was April 18, 1956.

NO. MC 115910, filed April 4, 1956, SEABOARD FOOD EXPRESS, INC., published on page 2552, issue of April 18, 1956. Pursuant to MC-FC 59056 applicant's authority in MC 114413 and subs thereunder have been transferred from a North Carolina Corporation to a Florida Corporation, by order dated April 16,

1956. The above docket number MC 115910 is therefore cancelled and subject application reassigned Docket No. MC 114413 Sub 13. All filings, protests, etc., in proceeding Docket No. MC 115910 now adhere to the application presently assigned Docket No. MC 114413 Sub 13.

NO. MC 115924, filed April 23, 1956, SUGAR TRANSPORT, INC., published on page 2906, issue of May 2, 1956 shows business address as: 11700 Baker Blvd., Cleveland 20, Ohio. Applicant's attorney advises by letter dated April 27, 1956 that applicant's business address has been changed to: 532 Healey Building, Atlanta 3, Georgia.

APPLICATIONS UNDER SECTION 5 AND 210a (b)

No. MC–F 6239, published in the April 11, 1956, issue of the FEDERAL REGISTER on page 2358. Supplemental application filed April 26, 1956, to show joinder of ERNEST LEITNER, LILLIAN LEITNER, WALTER DAMITT and ALFRED GLIEDT as persons in control of vendee.

CORRECTION

No. MC–F 6254, published May 2, 1956, shows Docket No. as MC 6254. The correct number is MC–F 6254.

No. MC–F 6251. Authority sought for purchase by TERRY TRUCKING SERVICE, INC., Box 502, R. R. No. 3, Ottawa, Ill., of the operating rights of JOHN SCOTT, (ROBERT MINOR SCOTT, EXECUTOR), doing business as MIDWAY MOTOR EXPRESS, 196th Street and Glenwood Road, Chicago Heights, Ill., and for acquisition by DALE TERRY, IONE TERRY, JOHN A. MURRY and OTTAWA WHITE TRUCK SALES, all of Ottawa, of control of such rights through the purchase. Applicant's attorney: Harold Halfpenny, 111 West Washington Street, Chicago 2, Ill. Operating rights sought to be transferred: *Building materials*, as a *contract carrier*, over irregular routes, from Chicago Heights, Ill., to points in Indiana within 60 miles of Chicago Heights. Vendee is authorized to operate in Illinois, Michigan, Missouri, Kentucky, Ohio, Indiana, Iowa, and Wisconsin. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6256. Authority sought for purchase by CHAMBERLAND'S EXPRESS INCORPORATED, Stop 4½ Albany-Schenectady Road, Schenectady, N. Y., of the operating rights and certain property of HENRY V. RABOUIN, doing business as CONWAY'S EXPRESS, 163 Fourth Street, Pittsfield, Mass., and for acquisition by ISAAC M. SHERMAN, 189 Ormond Street, Albany, N. Y., of control of such rights and property through the purchase. Applicant's attorney: Arthur M. Marshall, 145 State Street, Springfield 3, Mass. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods, as a *common carrier* over regular routes, between Springfield, Mass., and Albany, N. Y., between Pittsfield, Mass., and Bennington, Vt., between Pownal, Vt., and Albany, N. Y., between Coltsville, Mass., and Bonny Rigg Four Corners, Mass., between Great Barrington, Mass., and Canaan, Conn., between Pittsfield, Mass., and Chatham, N. Y., and from junction U. S. Highway 20 and Massachusetts Highway 8 south of Becket Center, Mass., to Otis, Mass., serving certain intermediate and off-route points; *general commodities*, with exceptions as specified above, during the season extending from the 1st day of May to the 15th day of October, inclusive, between Pittsfield, Mass., and Windsor, Mass., serving all intermediate points; *general commodities*, with certain exceptions including household goods, over irregular routes, between Springfield, Mass., and points in Massachusetts within 15 miles of Springfield, and those in Berkshire County, Mass., on the one hand, and, on the other, Albany, N. Y., and points in New York, within 25 miles of Albany, and between Pittsfield, Mass., and Canaan, Conn.; *household goods*, between points in Berkshire County, Mass., on the one hand, and, on the other, points in Connecticut and New York; *milk, ice cream, pasteurizers, agricultural commodities, waste paper, rags, paper, paper products, paper-making machinery, grain, beverages, beef scraps, packing-house products, canned goods, table sauces, pickles, sugar, fertilizer, scrap metal, evergreen trees, evergreens, spruce boughs, fern leaves, moss, lime*, and *limestone products*, from, to and between points and areas, varying with the commodity transported, in Massachusetts, New York, Connecticut, Vermont, New Jersey, New Hampshire, and Rhode Island. Vendee is authorized to operate in New Jersey and New York. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6259. Authority sought for purchase by M. & J. TRUCKING CO., INC., P. O. Box 607, Follansbee, W. Va., of the operating rights of HELMER CARLSON, doing business as CARLSON TRUCK SERVICE, P. O. Box 601, Steubenville, Ohio, and for acquisition by DAVID W. JONES, SR., THOMAS W. JONES, and DAVID W. JONES, JR., all of Follansbee, of control of such rights through the purchase. Applicants' attorney: Noel F. George, 44 E. Broad Street, Columbus 15, Ohio. Operating rights sought to be transferred: *Iron and steel products*, as a *contract carrier* over irregular routes, between Weirton, W. Va., on the one hand, and, on the other, points in Ohio, New York, Pennsylvania and West Virginia; *children's toys*, and *materials, supplies and equipment used in the manufacture and sale of children's toys*, between Glen Dale and McMechen, W. Va., on the one hand, and, on the other, points in Ohio, New York, Pennsylvania and West Virginia. Vendee is authorized to operate in Ohio, Pennsylvania and West Virginia. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6260. Authority sought for purchase by NAVAJO FREIGHT LINES, INC., 381 South Broadway, Denver 9, Colo., of the operating rights and property of HEARNE MOTOR FREIGHT LINES, INC., P. O. Box 877, Seagraves, Texas, and for acquisition by LAURENCE COHEN, also of Denver, of control of such rights and property through the purchase. Applicant's attorney: O. Russell Jones, 54½ East San Francisco Street, P. O. Box 1437, Santa Fe, N. Mex. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods, as a *common carrier* over regular routes including routes between Seagraves, Tex., and Lubbock, Tex., between Hobbs, N. Mex., and Wink, Tex., between Amarillo, Tex., and Lubbock, Tex., between Andrews, Tex., and Eunice, N. Mex., between Plains, Tex., and Brownsfield, Tex., between Amarillo, Tex., and Hooker, Okla., between Wichita, Kans., and Liberal, Kans., and between Liberal, Kans., and Perryton, Tex., serving certain intermediate and off-route points; alternate route for operating convenience only from Liberal, Kans., to Woods, Kans.; *general commodities*, with certain exceptions not including household goods, between Liberal, Kans., and Beaver, Okla., serving the intermediate point of Forgan, Okla.; *dangerous explosives*, between certain points in Texas and New Mexico. Vendee is authorized to operate in California, Texas, Illinois, Missouri, Kansas, New Mexico, Colorado, Iowa, Nebraska, and Arizona. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6261. Authority sought for purchase by THE ROGER SHERMAN TRANSFER COMPANY, 433–469 Connecticut Boulevard, East Hartford, Conn., of the operating rights of C. E. HALL & SONS, INC., (THOMAS W. LAWLESS, TRUSTEE), 60 Cross Street, Somerville, Mass., and for acquisition by WILTON W. SHERMAN, also of East Hartford, of control of such rights through the purchase. Applicants' attorneys: Arthur T. Wasserman, 1 Court Street, Boston 8, Mass., and William D. Traub, 60 East 42d Street, New York, 17, N. Y. Operating rights sought to be transferred: *Contractor's equipment, building* and *construction materials, steel, tanks, factory equipment, machinery* and *machine parts*, and such commodities as require special equipment and handling by reason of size or weight, as a *common carrier* over irregular routes, between points in Connecticut, Maine, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont; *coke*, from Everett and Boston, Mass., to points in Rhode Island; *boats* and accessories, between points in Connecticut, Maine, Massachusetts, New Hampshire, New York, and Rhode Island; and *commodities* which, by reason of size or weight, require special equipment for the transportation thereof, and *boat accessories* when transported incidental to the transportation of the boat to which they are to be installed, between points in Massachusetts, on the one hand, and, on the other, points in New Jersey and Pennsylvania. Vendee is authorized to operate in New York, Massachusetts, Connecticut, Rhode Island, New Jersey and Vermont. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6263. Authority sought for purchase by SIEBERT TRUCKING COMPANY, 308 40th Street, Union City, N. J., of the operating rights and certain property of EDGEWATER HAULAGE CO., INC., 892 River Road, Edgewater, N. J., and for acquisition by WILLIAM E. SIEBERT, JR., and MARGARET SIEBERT, both of Union City, N. J., of control of such rights and property through the transaction. Applicants' attorney: Bert Collins, 140 Cedar Street, New York 6, N. Y. Operating rights sought to be purchased: *General commodities*, with certain exceptions including household goods, as a *common carrier*, over irregular routes between points in Essex, Hudson, Passaic, and Bergen Counties, N. J., on the one hand, and, on the other, New York, N. Y., and points in Nassau and Westchester Counties, N. Y.; *linseed and china-wood oil*, between Edgewater, N. J., on the one hand, and, on the other, Philadelphia and Pottstown, Pa., New York, N. Y., and points in Westchester and Nassau Counties, N. Y. Vendee is authorized to operate in New York and New Jersey. Application has been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56–3646; Filed, May 8, 1956; 8:46 a. m.]



FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 4, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32026: *Cheese from North Birmingham, Ala., and Elkin, N. C.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on cheese, carloads, from North Birmingham, Ala., and Elkin, N. C., to specified points in southern territory.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 12 to Agent C. A. Spaninger's ICC 1497.

FSA No. 32027: *Cotton—Southwest to Southwest and South.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on cotton, carloads, from specified points in Arkansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas, to specified points in southwestern and southern territories.

Grounds for relief: Truck competition and circuity.

Tariff: Supplement 78 to Agent Kratzmeir's ICC 4014.

FSA No. 32028: *Cotton—Southwest to Louisiana and Texas ports and Memphis, Tenn.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on cotton, carloads, from specified points in Arkansas, Louisiana, southwestern Missouri, New Mexico, Oklahoma, and Texas, to Lake Charles, West Lake Charles and New Orleans, La., Beaumont, Galveston, Houston, Orange, Port Arthur, and Texas City, Tex.

Grounds for relief: Motor-truck competition and circuity.

Tariffs: Supplement 79 to Agent Kratzmeir's ICC 4014 and one other tariff.

FSA No. 32029: *Trailer-on-flat-car service—Erie Railroad Company.* Filed by the Erie Railroad Company, for itself and other rail carriers. Class rates and rates on iron and steel articles, in minimum quantities, loaded in highway trailers on railroad flat cars, from specified points in Ohio and Pennsylvania on the Erie Railroad, to specified points in Illinois, Minnesota, and Wisconsin, on lines of other applicants.

Grounds for relief: Motor-truck competition.

Tariff: Erie Railroad Company ICC 21043.

FSA No. 32030: *Expanded slag—Chicago, Ill., to Detroit, Mich.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on expanded slag, carloads, from Chicago, Ill., to Detroit, Mich.

Grounds for relief: Barge competition and circuity.

Tariff: Supplement 294 to Chesapeake and Ohio Railway Company ICC 13168, and six other tariffs.

FSA No. 32031: *Brick and tile—Oskaloosa, Iowa, to Minnesota.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on brick and related articles, also refractories and drain tile, silo blocks, silo tile, slabs and staves, carloads, from Oskaloosa, Iowa, to specified points in Minnesota.

Grounds for relief: Short-line distance formula, market competition, and circuity.

Tariffs: Supplement 26 to Chicago, Rock Island and Pacific Railroad ICC C–13468 and two other tariffs.

FSA No. 32032: *Hydrofluosilic acid from Florence, Ala.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on hydrofluosilic acid, in solution, tank-car loads, from Florence, Ala., to East St. Louis, Ill., and St. Louis and Hine, Mo.

Grounds for relief: Circuitous routes.

Tariff: Supplement 203 to Agent C. A. Spaninger's ICC 1351.

FSA No. 32033: *Malt liquors—Terre Haute, Ind., to the South.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on malt liquors, viz.: ale, beer, beer tonic, porter or stout, carloads, and empty carriers, from Terre Haute, Ind., to specified points in southern territory, also Helena, Ark., on liquors, and in the reverse direction for empty returned carriers.

Grounds for relief: Circuitous routes in part west of the Mississippi River over the St. Louis-San Francisco Railway Company.

Tariff: Supplement 340 to Agent Hinsch's ICC 3636.

FSA No. 32034: *Lamps and sodium phosphates to points in the South.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on incandescent, including photoflash, lamps, carloads, also sodium, di-sodium, and tri-sodium phosphates, carloads, from specified points in Ohio and Michigan, to specified points in southern territory.

Grounds for relief: Carrier competition and circuity.

FSA No. 32035: *Scrap iron or steel—Columbus, Ga., group to Alabama.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on scrap iron or steel, carloads, from Columbus, Ga., and points grouped therewith as taking same rates, to Attalla and Gadsden, Ala.

Grounds for relief: Circuitous route.

Tariff: Supplement 110 to Agent C. A. Spaninger's ICC 1329.

FSA No. 32036: *Phosphate rock—Florida to Washington Court House, Ohio.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on phosphate rock, carloads, from specified points in Florida, to Washington Court House, Ohio.

Grounds for relief: Circuitous routes.

Tariff: Supplement 2 to Agent Spaninger's ICC 1514.

FSA No. 32037: *Malt liquors—New Orleans, La., to Arkansas.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on malt liquors, viz.: ale, beer, beer tonic, porter or stout, straight or mixed carloads, from New Orleans, La., to Camden, El Dorado, Hope, McNeil, Stamps, and Texarkana, Ark.

Grounds for relief: Circuitous routes.

Tariff: Supplement 194 to Agent Kratzmeir's ICC 3932.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56–3645; Filed, May 8, 1956; 8:46 a. m.]

## DEPARTMENT OF JUSTICE

### Office of Alien Property

DAGFINN DAHL AND VICTOR MORITZ GOLDSCHMIDT

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Dagfinn Dahl, Administrator of the Estate of Victor Moritz Goldschmidt, Deceased, Oslo, Norway; Claims Nos. 1635, 1636, 1637, 29436 and 33231, Consolidated; Vesting Order Nos. 672, 1056 and 294.

The property described herein represents the interest of Dr. Paul Rosbaud in the Estate of Victor Moritz Goldschmidt, deceased.

$5,860.24 in the Treasury of the United States.

An undivided 8/100 of all right, title and interest in and to (1) property described in Vesting Order No. 672 (8 F. R. 5020, April 17, 1943), relating to United States Letters Patent Nos. 1,782,295; 1,854,899; 2,105,943; 2,216,813; 2,252,317 and 1,756,786; (2) property described in Vesting Order No. 1056 (8 F. R.

4215, April 2, 1943), relating to United States Letters Patent No. 1,926,094; (3) property described in Vesting Order No. 294 (7 F. R. 9840, November 26, 1942), relating to United States Patent Application Serial Nos. 353,906 (now United States Letters Patent No. 2,335,407) and 361,254 (now United States Letters Patent No. 2,315,198).

An undivided 8/100 of an undivided one-half interest in and to property described in Vesting Order No. 672, relating to United States Letters Patent No. 2,283,250.

Executed at Washington, D. C., on April 30, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 56-3657; Filed, May 8, 1956; 8:49 a. m.]

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GERARD P. DEACON

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Gerard P. Deacon, San Francisco, California, and Martha Kirchheim, Neuilly-sur-Seine, France, as co-executors under the Will of Moritz Kirchheim, deceased; $1,715.62 in the Treasury of the United States; Claim No. 62760; Vesting Order No. 9068, as amended.

Executed at Washington, D. C., on April 30, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 56-3658; Filed, May 8, 1956; 8:49 a. m.]

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ELECTRICAL FONO FILMS CO. A/S

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Electrical Fono Films Co. A/S, 576 Vesterport, Copenhagen, Denmark; property described in Vesting Order No. 290 (7 F. R. 9833, November 26, 1942) relating to United States Patent Application Serial No. 220,101 (now United States Letters Patent No. 2,315,097); Claim No. 9501; Vesting Order No. 290.

Executed at Washington, D. C., on April 30, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 56-3659; Filed, May 8, 1956; 8:49 a. m.]

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ELECTRICAL FONO FILMS CO. A/S

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Electrical Fono Films Co. A/S, Vesterport, Meldahlsgade 5, Copenhagen V, Denmark; property described in Vesting Order No. 290 (7 F. R. 9833, November 26, 1942) relating to United States Patent Application Serial No. 390,013 (now United States Letters Patent No. 2,332,536); Claim No. 36104; Vesting Order No. 290.

Executed at Washington, D. C., on April 30, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 56-3660; Filed, May 8, 1956; 8:49 a. m.]

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ADOLF GRUEN ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Adolf Gruen, 100-10 67th Road, Forest Hills, New York, $1,049.92 in the Treasury of the United States.

Frederika Lowenthal, 17 rue des Reglises, Paris 20, France, $1,049.92 in the Treasury of the United States.

Jacob Meisner, Bat Yam, Beit Haluzim, Israel, $1,049.91 in the Treasury of the United States; Claim No. 61036; Vesting Order 17128.

Executed at Washington, D. C., on April 30, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 56-3661; Filed, May 8, 1956; 8:49 a. m.]

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TAKAYUKI KAWAMOTO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Takayuki Kawamoto, Kumamoto-shi, Japan; $345.66 in the Treasury of the United States, Claim No. 61692; Vesting Order No. 17684.

Executed at Washington, D. C., on April 30, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 56-3662; Filed, May 8, 1956; 8:49 a. m.]

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LEO MEYER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Leo Meyer, Rio de Janeiro, Brazil; $203.82 in the Treasury of the United States; Claim No. 42203; Vesting Order No. 3078.

Executed at Washington, D. C., on April 30, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 56-3663; Filed, May 8, 1956; 8:49 a. m.]

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VJEKOSLAVA RASTIC ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:



*Claimant, Claim No., Property, and Location*

Vjekoslava Rastic, Zagreb, Yugoslavia, Claim No. 45461, $229.02 in the Treasury of the United States.

Emilija Slinjski, Podrute, Yugoslavia, Claim No. 45462, $229.02 in the Treasury of the United States.

Ruza (Rosie) Paunovic, Zagreb, Yugoslavia, Claim No. 45463, $229.02 in the Treasury of the United States; Voluntary Turnover.

Executed at Washington, D. C., on April 30, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 56-3664; Filed, May 8, 1956; 8:50 a. m.]

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STATE OF NETHERLANDS FOR BENEFIT OF BENJAMIN SWAAB ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

The State of the Netherlands for the benefit of: All right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to:

Benjamin Swaab, L. S. Claim No. 138; Southern Pacific Company 4/49 Bond No. 736, in the principal amount of $500.

Willem Lodewijk Cohen, L. S. Claim No. 150; Southern Railway Company 4/56 Bond Nos. 2079 and 29875, in the principal amount of $1,000 each.

Levi Grunwald, L. S. Claim No. 153; Southern Pacific Railroad Company 4/55 Bond No. 29926, in the principal amount of $1,000.

Moses Hanemann, L. S. Claim No. 154; Southern Pacific Company 4½/81 Bond No. 27157, in the principal amount of $1,000.

Renee Hijman, L. S. Claim No. 157; Union Pacific Railroad Company 3½/70 Debenture No. 8264, in the principal amount of $1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., April 30, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 56-3665; Filed, May 8, 1956; 8:50 a. m.]

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STATE OF THE NETHERLANDS FOR BENEFIT OF HENRIETTE LANDRE ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

The State of the Netherlands for the benefit of: All right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to:

Henriette Landre, Rose, Leonora, and Henriette Gomperts, L. S. Claim No. 42; Cities Service Company 5/50 Debenture Nos. 16985, 101172 and 106178, in the principal amount of $1,000 each.

Renee Nathans and Renee Munk, L. S. Claim No. 103; Cities Service Company 5/69 Debenture No. 41897, in the principal amount of $1,000; and Illinois Central Railroad Company 4/53 Bond No. 1877, in the principal amount of $1,000.

Rachel and Isaac de Vries, Josephine Drilling and Annette Kiwi, L. S. Claim No. 108; International Hydro Electric System 6/44 Debenture No. 6560, in the principal amount of $1,000.

Mietje de Vries, Sara and Lion Gerzon and Ellen Mesritz, L. S. Claim No. 109; International Mercantile Marine Company 6/41 Bond No. 1796, in the principal amount of $1,000.

Clara Weyl, L. S. Claim No. 124; Norfolk and Western Railway Company 4/96 Bond No. 3491, in the principal amount of $1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on April 30, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 56-3666; Filed, May 8, 1956; 8:50 a. m.]

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STATE OF NETHERLANDS FOR BENEFIT OF C. E. GOMPERTS ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

The State of the Netherlands for the benefit of: All right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to:

C. E. and Rosa Gomperts, and Mozes and Betsie Vromen, L. S. Claim No. 51; Cities Service Company 5/58 Debenture No. 10360, in the principal amount of $1,000.

Dr. Hein Waterman, L. S. Claim No. 56; Cities Service Company 5/58 Debenture No. 10567, in the principal amount of $1,000.

Mrs. F. V., Judy M., and Mirjam Cardozo, L. S. Claim No. 67; Cities Service Company 5/69 Debenture No. 2668, in the principal amount of $1,000; and Missouri Pacific Railroad Company 4/75 Bond No. 17295, in the principal amount of $1,000.

Olga Spanjaard and Nelly Mulder, L. S. Claim No. 81; Cities Service Company 5/69 Debenture No. 36239, in the principal amount of $1,000.

Alexandra Lissauer, L. S. Claim No. 82; Cities Service Company 5/69 Debenture No. 38249, in the principal amount of $1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on April 30, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 56-3667; Filed, May 8, 1956; 8:50 a. m.]

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
OF THE UNITED STATES
1934

# FEDERAL REGISTER

UNIVERSITY OF MICHIGAN
MAY 1956
MAIN READING ROOM

VOLUME 21 NUMBER 91

Washington, Thursday, May 10, 1956

## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

HOUSING AND HOME FINANCE AGENCY AND SMALL BUSINESS ADMINISTRATION

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (9) of § 6.342 is revoked, and paragraph (a) of § 6.128 is amended as set out below.

§ 6.128 *Small Business Administration*—(a) Not to exceed June 30, 1957, fifteen Regional Directors.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633).

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
*Executive Assistant.*

[F. R. Doc. 56-3731; Filed, May 9, 1956; 8:54 a. m.]

## TITLE 10—ATOMIC ENERGY

### Chapter I—Atomic Energy Commission

PART 4—CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR SECURITY CLEARANCE

Effective upon publication in the FEDERAL REGISTER, Part 4 is hereby amended to read as follows:

GENERAL PROVISIONS

Sec.
4.1 Purpose.
4.2 Scope.
4.3 Reference.
4.4 Policy.

CRITERIA FOR DETERMINING ELIGIBILITY FOR SECURITY CLEARANCE

4.10 Application of the criteria.
4.11 Derogatory information.

PROCEDURES

4.20 Purpose of the procedures.
4.21 Suspension of clearance.
4.22 Notice to individual.
4.23 Additional information.
4.24 Failure of individual to request a hearing.
4.25 Appointment of Boards.
4.26 Appointment of Counsel to Personnel Security Boards.
4.27 Conduct of proceedings.
4.28 Recommendation of the Board.
4.29 New evidence.
4.30 Actions on the recommendations.
4.31 Recommendations of the AEC Personnel Security Review Board.
4.32 Action by the General Manager.
4.33 Reconsideration of cases.

MISCELLANEOUS

4.34 Washington area cases.
4.35 Modification of procedure.

AUTHORITY: §§ 4.1 to 4.35 issued under sec. 161, 68 Stat. 948; 42 U. S. C. 2201.

GENERAL PROVISIONS

§ 4.1 *Purpose.* This part establishes the criteria, procedures, and methods for resolving questions concerning the eligibility of an individual for security clearance pursuant to the Atomic Energy Act of 1954. The appropriate provisions of this part are also to be used to the extent the Commission has responsibilities under Executive Order 10450, as amended.

§ 4.2 *Scope.* The criteria and procedures outlined in this part shall be used in those cases in which there are questions of eligibility for AEC security clearance, involving:

(a) Employees (including consultants) of, and applicants for employment with, the Atomic Energy Commission;

(b) Those employees (including consultants) of, and those applicants for employment with, contractors and agents of the Atomic Energy Commission;

(c) Access permittees and licensees of the AEC and their employees (including consultants) and applicants for employment; and

(d) Those other persons designated by the General Manager of the Atomic Energy Commission.

§ 4.3 *Reference.* The pertinent sections of the Atomic Energy Act of 1954 are as follows:

SEC. 141. *Policy.* It shall be the policy of the Commission to control the dissemination and disclosure of Restricted Data in such a manner as to assure the common defense and security • • •

SEC. 145. *Restriction.* (a) No arrangement shall be made under section 31, no contract shall be made or continued in effect under section 41, and no license shall be

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## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

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**CFR SUPPLEMENTS**

**(As of January 1, 1956)**

The following Supplement is now available:

**Title 32A (Rev., 1955) ($1.25)**

*Previously announced:* Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 7: Parts 1–209 ($1.25); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. I, and Title 27 ($1.00); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Titles 40–42 ($0.65); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

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issued under section 103 or 104, unless the person with whom such arrangement is made, the contractor or prospective contractor, or the prospective licensee agrees in writing not to permit any individual to have access to Restricted Data until the Civil Service Commission shall have made an investigation and report to the Commission on the character, associations, and loyalty of such individual, and the Commission shall have determined that permitting such person to have access to Restricted Data will not endanger the common defense and security.

(b) Except as authorized by the Commission or the General Manager upon a determination by the Commission or General Manager that such action is clearly consistent with the national interest, no individual shall be employed by the Commission nor shall the Commission permit any individual to have access to Restricted Data until the Civil Service Commission shall have made an investigation and report to the Commission on the character, associations, and loyalty of such individual, and the Commission shall have determined that permitting such person to have access to Restricted Data will not endanger the common defense and security.

(c) In the event an investigation made pursuant to subsections (a) and (b) of this section develops any data reflecting that the individual who is the subject of the investigation is of questionable loyalty, the Civil Service Commission shall refer the matter to the Federal Bureau of Investigation for the conduct of a full field investigation, the results of which shall be furnished to the Civil Service Commission for its information and appropriate action.

(d) If the President deems it to be in the national interest, he may from time to time cause investigations of any group or class which are required by subsections (a) and (b) of this section to be made by the Federal Bureau of Investigation instead of by the Civil Service Commission.

(e) Notwithstanding the provisions of subsections (a) and (b) of this section, a majority of the members of the Commission shall certify those specific positions which are of a high degree of importance or sensitivity and upon such certification the investigation and reports required by such provisions shall be made by the Federal Bureau of Investigation instead of by the Civil Service Commission.

(f) The Commission shall establish standards and specifications in writing as to the scope and extent of investigations to be made by the Civil Service Commission pursuant to subsections (a) and (b) of this section. Such standards and specifications shall be based on the location and class or kind of work to be done, and shall, among other considerations, take into account the degree of importance to the common defense and security of the Restricted Data to which access will be permitted;

SEC. 161. *General provisions.* In the performance of its functions the Commission is authorized to:

(a) Establish advisory boards to advise with and make recommendations to the Commission on the legislation, policies, administration, research and other matters: *Provided*, That the Commission issues regulations setting forth the scope, procedure, and limitations of the authority of each such board.

(b) Make such studies and investigations, obtain such information, and hold such meetings or hearings as the Commission may deem necessary or proper to assist it in the administration or enforcement of this act, or any regulations or orders issued thereunder. For such purposes the Commission is authorized to administer oaths and affirmations, and by subpoena to require any person to appear and testify, or to appear and produce documents, or both, at any designated place. No person shall be excused from complying with any requirements under this paragraph because of his privilege against self-incrimination, but the immunity provisions of the Compulsory Testimony Act of February 11, 1893, shall apply with respect to any individual who specifically claims such privilege. Witnesses subpoenaed under this subsection shall be paid the same fees and mileage as are paid witnesses in the district courts of the United States.

§ 4.4 *Policy.* It is the policy of the Atomic Energy Commission to carry out its responsibility for the security of the atomic energy program in a manner consistent with traditional American concepts of justice. To this end, the Commission has established criteria for determining eligibility for security clearance and will afford those individuals described in § 4.2 the opportunity for administrative review of questions concerning their eligibility for security clearance.

### CRITERIA FOR DETERMINING ELIGIBILITY FOR SECURITY CLEARANCE

§ 4.10 *Application of the criteria.* (a) The decision as to security clearance is a comprehensive, commonsense judgment, made after consideration of all the relevant information, favorable or unfavorable, as to whether or not the granting of security clearance would endanger the common defense and security. If it is determined that the common defense and security will not be endangered, security clearance will be granted; otherwise, security clearance will be denied.

(b) To assist in making these determinations, on the basis of all the information in a particular case, there are set forth in this part a number of specific types of derogatory information. These criteria are not exhaustive but contain the principal types of derogatory information which create a question as to the individual's eligibility for security clearance. While there must necessarily be adherence to such criteria, the Commission is not limited thereto, nor precluded from exercising its judgment that information or facts in a case under its cognizance are derogatory although at variance with, or outside the scope of, the stated categories. These criteria are subject to continuing review and may be revised from time to time as experience and circumstances may make desirable.

(c) When the reports of investigation of an individual contain information reasonably tending to establish the truth of one or more of the items in the criteria, such information shall be regarded as substantially derogatory and shall create a question as to his eligibility for security clearance. However, when such information involves association with organizations or individuals, which is the result of, and is limited to, normal business or professional activity or chance or casual meetings, Managers of Operations may determine whether such information is substantially derogatory. Managers of Operations shall refer cases involving substantially derogatory information to the Director, Division of Security, AEC. The Director, Division of Security, AEC, may authorize the granting of security clearance on the basis of the existing record, or may authorize the conduct of an interview with the individual and, on the basis of such interview and such other investigation as he deems appropriate, may authorize the granting of security clearance. Otherwise, a question concerning the eligibility of an individual for security clearance shall be resolved in accordance with the procedures set forth in §§ 4.20 et seq. of this part.

(d) In resolving a question concerning the eligibility of an individual for security clearance, the following principles shall be applied by Personnel Security Boards:

(1) Where there are grounds sufficient to establish a reasonable belief as to the truth of one or more of the items in Category "A," this shall create a presumption of security risk which, if not satisfactorily rebutted by the individual, shall result in an adverse recommendation.

(2) Where there are grounds sufficient to establish a reasonable belief as to the truth of one or more of the items in Category "B," the extent of activities, the period in which such activities occurred, the length of time which has since elapsed, and the attitudes and convictions of the individual shall be considered in determining whether the recommendation will be adverse or favorable.

§ 4.11 *Derogatory information.*—(a) *Category "A" derogatory information.* Category "A" includes those cases in which the individual or his spouse has:

(1) Committed or attempted to commit, or aided, or abetted another who committed or attempted to commit, any act of sabotage, espionage, treason or sedition;

(2) Knowingly established an association with espionage or sabotage agents of a foreign nation; with individuals reliably reported as suspected of espionage or sabotage; with representatives of foreign nations whose interests may be inimical to the interests of the United States, with traitors, seditionists, anarchists, or revolutionists;

(3) Held membership in any organization or group designated by the Attorney General pursuant to Executive Order 10450, as amended, provided the individual did not withdraw from such membership when the organization was so identified, or did not otherwise establish his rejection of its subversive aims; or, prior to the declaration by the Attorney General, participated in the activities of such an organization in a capacity where he should reasonably have had knowledge as to the subversive aims of the organization and did not establish his rejection of its subversive aims. (If an organization has been removed from the Attorney General's list, membership in the organization after such removal shall not be considered as Category "A" derogatory information but may be considered as Category "B" derogatory information.)

(4) Publicly or privately advocated revolution by force or violence to overthrow the Government of the United States or the alteration of the form of Government of the United States by unconstitutional means;

Category "A" also includes those cases in which the individual has:

(5) Deliberately omitted significant information from or falsified his Personnel Security Questionnaire or Personal History Statement concerning a significant matter;

(6) Wilfully violated or disregarded security regulations to a degree which would endanger the common defense and security; or intentionally disclosed classified information to any person not authorized to receive it;

(7) Any mental illness of a nature which in the opinion of competent medical authority may cause significant defect in the judgment or reliability of the individual;

(8) Been convicted of crimes indicating habitual criminal tendencies;

(9) Been, or is, a user of drugs habitually, without adequate evidence of rehabilitation.

(b) *Category "B" derogatory information.* In evaluating items under this category, the extent of the activities, the period in which such activities occurred, the length of time which has since elapsed, and the attitudes and convictions of the individual shall be considered. Category "B" includes those cases in which the indiivdual or his spouse has:

(1) Advocated Totalitarian, Fascist, Communist or other subversive political ideologies and has not subsequently established his rejection of them.

(2) Associated with persons falling within the provisions of Category "B"–1, subparagraph (1) of this paragraph, when the individual himself did not establish his rejection of such ideologies. (Ordinarily this will not include chance or casual meetings nor contacts limited to normal business or official relations.)

(3) Affiliated with any organization or group designated in Category "A," paragraph (a) 3, of this section, provided the individual did not discontinue such affiliation when the organization was so identified or did not otherwise establish his rejection of its subversive aims;

(4) Associated with any person falling within the provisions of Category "A," paragraph (a) 3, of this section, provided the individual did not discontinue such association when the organization was so identified or did not otherwise establish his rejection of its subversive aims. (Ordinarily this will not include chance or casual meetings nor contacts limited to normal business or official relations.)

(5) Parent(s), brother(s), sister(s), spouse, or offspring residing in a nation whose interests may be inimical to the interests of the United States, or in satellites or occupied areas thereof (to be evaluated in the light of the risk that pressure applied through such close relatives could force the individual to reveal sensitive information or perform an act of sabotage);

Category "B" also includes those cases in which the individual:

(6) Refuses to serve in the Armed Forces when such refusal cannot be clearly shown to be due to religious convictions;

(7) Has been grossly careless in failing to protect or safeguard any Restricted Data or other classified information;

(8) Has abused trust, has been dishonest, or has engaged in infamous, immoral, or notoriously disgraceful conduct;

(9) Is a sexual pervert or homosexual;

(10) Is a user of alcohol habitually and to excess, or has been such without adequate evidence of rehabilitation;

(11) Refuses, upon the ground of constitutional privilege against self-incrimination, to testify before a Congressional Committee regarding charges of his alleged disloyalty or other misconduct.

PROCEDURES

§ 4.20 *Purpose of the procedures.* These procedures establish methods for the conduct of personnel security board hearings and administrative review of questions concerning an individual's eligibility for security clearance pursuant to the Atomic Energy Act of 1954, when it has been determined that such questions cannot be favorably resolved by informal interview or other investigation.

§ 4.21 *Suspension of clearance.* In those cases where information is received which raises a question concerning the continued eligibility of an individual for AEC security clearance, the Manager of the office concerned shall forward to the General Manager, via the Director, Division of Security, AEC, his recommendation as to whether the individual's clearance should be suspended pending the final determination resulting from the operation of the procedures provided in this part. In making this recommendation the Manager shall consider such factors as the seriousness of the derogatory information developed, the possible access of the individual to classified information, and the individual's opportunity by reason of his position to commit acts adversely affecting the national security. The clearance of an individual shall not be suspended except by direction of the General Manager.

§ 4.22 *Notice to individual.* A notification letter, approved by the Division of Security, AEC, and the Office of the General Counsel, and signed by the Manager of Operations, shall be presented to each individual whose eligibility for clearance is in question. Where practicable, such letter shall be presented to the individual in person. The letter shall state:

(a) That information in possession of the Commission has created a question concerning the individual's eligibility for security clearance;

(b) The information, in as much detail and as specifically as considerations of security permit, which creates a question regarding the individual's eligibility for security clearance;

(c) That within twenty days of the date of receipt of the notification letter the individual must indicate in writing to the Manager from whom he received such letter whether he wishes a hearing before a Personnel Security Board;

(d) That within twenty days of the date of receipt of the notification letter, the individual is requested to file with the Manager from whom he received such letter his written answer to the matters contained therein;

(e) That, if the individual so requests, a hearing will be scheduled before a Personnel Security Board at a mutually convenient time and place for the purpose of eliciting information to assist in determining the eligibility of the individual for security clearance;

(f) That, if the individual requests a hearing, he will be notified in writing of the membership of a Personnel Security Board when it is appointed by the Manager;

(g) That the individual will have the right to appear personally before a Personnel Security Board, and present evidence in his own behalf, through witnesses, or by documents, or both, and subject to the limitations set forth in § 4.26 (d) and (m), be present during the entire hearing and be represented by counsel of his own choosing;

(h) That the individual's failure to file a written request for a hearing before a Personnel Security Board, in accordance with (c) of this section, will be considered as a relinquishment by him of the opportunity of availing himself of the privileges accorded to him under the hearing and review procedure provided in this part, and that in such event a recommendation as to the final action to be taken will be made by the Manager of Operations and submitted to the General Manager for his decision on the basis of the existing record without reference to a Personnel Security Board;

(i) His clearance status until further notice;

(j) The name of the designated AEC official to contact for any further information desired.

§ 4.23 *Additional information.* A copy of this part shall be given to the individual with the notification letter.

§ 4.24 *Failure of individual to request a hearing.* (a) In the event the individual fails, within the prescribed time, to file a written request for a hearing before a Personnel Security Board, a recommendation as to the final action to be taken shall be made by the Manager of Operations to the General Manager on the basis of the existing record;

(b) The Manager of Operations may for good cause, at the request of the individual, extend the time for filing a written request for a hearing or for filing a written answer to the matters contained in the notification letter.

§ 4.25 *Appointment of Boards.* (a) Upon receipt from the individual of his written answer to the notification letter, signifying his desire to appear before a Personnel Security Board, the Manager shall forthwith appoint a Board consisting of three members, one to be designated as the Chairman;

(b) The personnel of the Board, when practicable as determined by the Manager, shall consist of at least one member who is an attorney and one member who is familiar with the general field of work of the individual;

(c) The personnel shall be selected from a panel of individuals possessing the highest degree of integrity, ability, and good judgment. Such panels may include employees of the AEC or its contractors but no AEC employee shall serve on a Board hearing the case of an AEC employee, or applicant for AEC employment, and no employee of an AEC contractor shall serve on a Board hearing the case of an employee of, or an applicant for employment with, that contractor;

(d) All persons serving as members of Personnel Security Boards shall have an AEC "Q" security clearance;

(e) No person shall serve as a member of a Personnel Security Board who has prejudged the case to be heard; who possesses information that would make it embarrassing to render an impartial recomendation; or who for bias or prejudice generated for any reason would be unable to render a fair and impartial recommendation;

(f) Immediately upon the appointment of a Personnel Security Board, the Manager will notify the individual of the identity of the members of the Board and of his right to challenge any member for cause, such challenge or challenges, accompanied by the reasons therefor, to be submitted to the Manager within seventy-two hours of the receipt of the notice;

(g) In the event that the individual challenges a member or members of the Board, the justification of the action of the individual shall be determined by the Manager. Where the challenge of the individual is sustained, the Manager shall forthwith appoint such new members to the Board as will constitute a full Board and notify the individual. The individual shall have the right to challenge such new members for cause and such challenge shall be dealt with in the same manner as an original challenge. The Manager shall also notify the individual of his rejection of any challenge. The Board shall convene as soon as is reasonably practicable;

(h) The Manager of Operations shall notify the individual in writing, at least one week in advance, of the date, hour, and place the Board will convene. In the event the individual fails to appear at the time and place specified, a recommendation as to the final action to be taken shall be made by the Manager of Operations to the General Manager on the basis of the existing record. However, the Manager of Operations may for good cause, at the request of the individual, permit the individual to appear before a Personnel Security Board at a newly-scheduled date, hour, and place.

§ 4.26 *Appointment of Counsel to Personnel Security Boards.* (a) Managers of Operations shall appoint an attorney to serve as counsel to the Board; such attorney shall possess the highest degree of integrity, ability, and good judgment and shall have an AEC "Q" clearance. Counsel to the Board may be an employee of the AEC, or he may be an attorney specifically retained to serve as Counsel to a Board.

(b) Counsel to the Board shall not be a member of the Board; shall not participate in the deliberations of the Board, and shall express no opinion to the Board concerning the merits of the case. He shall advise the Board concerning the meaning and application of the procedures. He shall also advise the individual of his rights under these procedures when the individual is not represented by Counsel of his own choosing.

(c) Counsel to the Board shall not participate in any deliberations with the Manager of Operations or members of the Manager's staff concerning the latter's recommendation to the General Manager with respect to the granting or denial of security clearance.

§ 4.27 *Conduct of proceedings.* (a) The proceedings shall be presided over by the Chairman of the Board and shall be conducted in an orderly and decorous manner with every effort made to protect the interests of the Government and of the individual and to arrive at the truth. In no case will undue delay be tolerated nor will the individual be hampered by unduly restricting the time necessary for proper preparation and presentation. In performing their duties, the members of the Board shall avoid the attitude of a prosecutor and shall always bear in mind and make clear to all concerned that the proceeding is an administrative hearing and not a trial;

(b) The proceedings shall be open only to duly authorized representatives of the staff of the Atomic Energy Commission, the individual, his counsel, and such persons as may be officially authorized by the Board. Witnesses shall not testify in the presence of other witnesses.

(c) Counsel to the Board shall examine and cross-examine witnesses and otherwise assist the Board in such a manner as to bring out a full and complete disclosure of all facts, both favorable and unfavorable, having a bearing on the issues before the Board. In performing his duties, he shall avoid the attitude of a prosecutor and shall always bear in mind that the proceeding is an administrative hearing and not a trial.

(d) The Board shall ask the individual, AEC representatives, and other witnesses any supplemental questions which the Board deems appropriate to assure the fullest possible disclosure of relevant and material facts. The proponent of a witness shall conduct the direct examination of that witness;

(e) During the course of the proceedings the Chairman shall rule in open session on all questions presented to the Board for its determination, subject to the objection of any member of the Board. In the event of an objection by any member of the Board, a majority vote of the Board shall be determinative and constitute the ruling of the Chairman. Voting may be either in open or closed session on all questions except recommendations to grant or deny security clearance, which shall be in closed session;

(f) In the event that it appears in the course of the hearing that Restricted Data or other classified information may be disclosed, it shall be the duty of the Chairman to assure that disclosure is not made to persons who are not authorized to receive it;

(g) The Board shall not engage in argument with either the individual, his witnesses, or his counsel, nor shall the Board permit any person to argue from the witness stand;

(h) The Board shall admit in evidence any matters either oral or written which, in the minds of reasonable men, are of probative value in determining the issues involved, including the testimony of responsible persons concerning the integrity of the individual. The utmost latitude shall be permitted with respect to relevancy, materiality, and competency. Every reasonable effort shall be made to obtain the best evidence available. Hearsay evidence shall be admitted without regard to technical rules of admissibility and accorded such weight as the circumstances warrant;

(i) Testimony of the individual and witnesses shall be given under oath or affirmation, and witnesses shall be subject to cross-examination. Attention of the witness shall be invited to 18 U. S. C. 1001 and 18 U. S. C. 1621;

(j) The individual shall be afforded the opportunity of testifying in his own behalf. His failure to testify may be considered by the Board in reaching its recommendation;

(k) The Board shall endeavor to obtain all the facts that are reasonably available in order for it to arrive at its recommendations. If, prior to or during the proceeding, in the opinion of the Board the allegations in the notification letter are not sufficient to cover all matters into which inquiry should be directed, the Board shall suggest to the Manager concerned that, in order to give fuller notice to the individual, the notification letter should be amended. Any amendment shall be made with the concurrence of the Director, Division of Security, AEC, and the Office of the General Counsel. If, in the opinion of the Board, the circumstances of such an amendment may involve an undue hardship to the individual, because of limited time to answer the new allegations in the notification letter, an appropriate adjournment shall be granted upon the request of the individual;

(l) The reports of investigation shall not be disclosed to the individual or his representatives;

(m) Boards are encouraged to request the presence of witnesses whose testimony is important to the resolution of material issues. When the presence of a witness is deemed by the Board to be necessary or desirable to a proper determination of the issues before it, the Board shall request the Manager to make arrangements, if possible, for such witness to appear, be confronted by the individual, and be subject to examination and cross-examination. Upon receipt of such request the Manager shall make every effort through proper administrative channels to comply with the Board's request. In the event the witness is unavailable, such unavailability, together with any reasons which may be advanced therefor, shall be considered by the Board in arriving at its determination. Because of the confidential nature of the sources of information or for other reasons, confrontation of witnesses by the individual may not always be possible. In such cases, the Board may request the Manager to make arrangements through the Director, Division of Security, for such witness to testify privately and be subject to thorough questioning by the Board and its Counsel, and portions of the transcript involving testimony of such witnesses shall not be furnished to the individual;

(n) The Board may request the Manager to arrange for additional investigation on any points which are material to the deliberations of the Board and which the Board believes need extension or clarification. In this event, the Board shall set forth in writing those issues upon which more evidence is requested, identifying where possible persons or sources from which evidence should be sought. The Manager shall make every effort through appropriate sources to obtain additional information upon the matters indicated by the Board;

(o) A written transcript of the entire proceedings shall be made by a person possessing appropriate AEC clearance and, except for portions containing Restricted Data or other classified information or testimony referred to in the last sentence of paragraph (m) of this section, a copy of such transcript shall be furnished the individual without cost.

§ 4.28 *Recommendation of the Board.* (a) The Board shall carefully consider all material before it, including the reports of investigation, the testimony of all witnesses, the evidence presented by

the individual, and the standards set forth herein. In considering the material before the Board, the members of the Board, as practical men of affairs, shall be guided by the same considerations that would guide them in making a sound decision in the administration of their own lives. In reaching its determination the Board shall consider the manner in which the witnesses have testified before the Board, their demeanor on the witness stand, the probability or likelihood of their testimony, their credibility, the authenticity and accuracy of documentary evidence, or the lack of evidence upon some material points in issue. If the individual is, or may be, handicapped by the non-disclosure to him of confidential information or by lack of opportunity to cross-examine confidential informants, the Board shall take that fact into consideration. The Board shall also consider other information available to the Commission, such as his past record with the atomic energy program, and the nature and sensitivity of the job he is or may be expected to perform. Possible impact of the loss of the individual's services upon the AEC program shall not be considered by the Board;

(b) The Board shall make specific findings as to whether each of the allegations contained in the notification letter is true or false and the significance which the Board attaches to such allegations. These findings shall be supported fully by a statement of reasons which constitute the basis for such findings;

(c) The recommendation of the Board shall be predicated upon its findings. If, after considering all the factors in the light of the criteria set forth in this part, the Board is of the opinion that it will not endanger the common defense and security to grant security clearance to the individual, it shall make a favorable recommendation; otherwise, it shall make an adverse recommendation;

(d) The recommendation of the Board shall be determined by a majority vote. In the event of a dissent from the majority, the recommendation of the minority member shall be made a matter of record together with a statement of the reasons leading to his conclusions. The recommendation of the Board shall be submitted to the Manager accompanied by a statement of the reasons leading to the Board's conclusions.

§ 4.29 *New evidence.* (a) In the event of the discovery of new evidence by the individual prior to final determination by the General Manager of the individual's eligibility for security clearance, such evidence shall be submitted by the individual or his representative to the Manager of Operations from whom he received his notification letter.

(b) The Manager of Operations shall review the application for the presentation of new evidence to ascertain its materiality and relevancy and further, that the individual or his representative is without fault in failing to present the evidence before. In the event it is determined that the new evidence should be received, the Manager of Operations shall:

(1) Refer the matter to the Personnel Security Board which had been appointed in the individual's case when the Manager of Operations has not yet forwarded his recommendation to the General Manager. The Personnel Security Board receiving the application for the presentation of new evidence shall determine the form in which it shall be received, whether by testimony before the Board, by deposition, or by affidavit;

(2) In those cases where the Manager of Operations has forwarded his recommendations to the General Manager, the application for presentation of new evidence shall be referred to the General Manager with appropriate comment and recommendations. In the event the General Manager determines that the new evidence should be received, he shall determine the form in which it shall be received, whether by testimony before a Personnel Security Board, by deposition, or by affidavit.

§ 4.30 *Actions on the recommendations.* (a) The recommendations of the Board and any dissent therefrom shall be written out, signed by all of the members of the Board, and, together with the record of the case, shall be transmitted with the least practicable delay to the Manager of Operations concerned;

(b) Upon receipt of the recommendation of the Board and the record of the case, the Manager shall forthwith review the entire record. In making his recommendation to grant or deny security clearance, the Manager shall be guided by the standards set forth herein, shall make specific findings as to whether each of the allegations contained in the notification letter is true or false, and shall set forth in writing his recommendation to the General Manager, through the Director, Division of Security. In those cases where denial of security clearance is recommended, the Manager of Operations shall include, in his recommendation, a statement concerning the effect which denial of security clearance would have upon the atomic energy program;

(c) The General Manager may return the case to the Manager for further proceedings by the Personnel Security Board with respect to specific matters designated by the General Manager;

(d) (1) In the event of a recommendation by the Manager for a denial of security clearance, the individual shall be immediately notified in writing of that fact by the Manager and shall be furnished a copy of the Manager's specific findings as to whether each of the allegations contained in the notification letter is true or false. This letter shall also notify the individual of his right to request a review of his case by the AEC Personnel Security Review Board and of his right to submit a brief in support of his contentions. The request for a review shall be submitted to the Manager within five days after the receipt of the notice. The brief shall be filed with the Manager not later than 20 days after receipt of such notice;

(2) Where the individual requests a review of the adverse recommendation, the Manager shall forthwith send the entire record of the proceedings, with all findings and recommendations, to the Personnel Security Review Board through the Director, Division of Security, AEC;

(3) In the event the individual fails to request a review by the AEC Personnel Security Review Board of an adverse recommendation within the prescribed time, the case shall be promptly referred to the General Manager through the Director, Division of Security, AEC, for disposition on the basis of existing record;

(e) (1) Where the Manager has made a recommendation favorable to the individual and the General Manager proposes to transmit the entire record to the Personnel Security Review Board for its recommendation, the General Manager shall immediately cause the individual to be notified of that fact and of those matters contained in the notification letter concerning which he desires the advice of the Personnel Security Review Board. He shall further inform the individual that he may submit a brief concerning such matters for the consideration of the Personnel Security Review Board. Such brief shall be filed not later than twenty days from the receipt of the notice by the individual. The brief shall be forwarded to the General Manager through the Director, Division of Security, AEC, for transmission to the Personnel Security Review Board;

(2) The General Manager shall submit the entire record to the AEC Personnel Security Review Board.

§ 4.31 *Recommendations of the AEC Personnel Security Review Board.* (a) The AEC Personnel Security Review Board shall make its deliberations upon the entire record, supplemented by such brief as the individual submits. The Personnel Security Review Board may request such additional briefs as it deems appropriate. In any case where the AEC Personnel Security Review Board determines that additional evidence or further proceedings are necessary, it may return the case to the General Manager with a recommendation that the case be remanded to the Manager of Operations for appropriate action;

(b) In its deliberations, the AEC Personnel Security Review Board shall make its findings and recommendations as to the eligibility of an individual for a security clearance on the entire record supplemented by additional testimony or briefs, as determined by the Board. When additional testimony is taken by the Personnel Security Review Board a verbatim transcript of such testimony shall be made part of the record;

(c) The Personnel Security Review Board shall not concern itself with the possible impact of the loss of the individual's services upon the AEC program;

(d) After its deliberations, the AEC Personnel Security Review Board shall make its recommendations in writing to the General Manager for his decision.

§ 4.32 *Action by the General Manager.* (a) The General Manager, on the basis of the entire record accompanied by all recommendations, shall then make a final determination whether security clearance shall be granted or denied;



(b) In making his determination as to whether clearance shall be granted or denied, the General Manager shall give due recognition to the favorable as well as the unfavorable information concerning the individual and shall take into account the value of the individual's services to the atomic energy program and the operational consequences of denial of clearance. In making his determination, the mature viewpoint and responsible judgment of Commission staff members, and of the contractor concerned, are available for consideration by the General Manager;

(c) As soon as practicable, the General Manager shall notify the Manager of Operations of his decision for transmittal to the individual.

§ 4.33 *Reconsideration of cases.* (a) Where, pursuant to the procedures set forth in §§ 4.20 to 4.33, inclusive, the General Manager has made a determination granting security clearance to an individual, the individual's eligibility for clearance shall be reconsidered only when, subsequent to the time of the prior hearing, there is new substantially derogatory information or a significant increase in the scope or sensitivity of the Restricted Data to which the individual has or will have access;

(b) Where, pursuant to these procedures, the General Manager has made a determination denying security clearance to an individual, the individual's eligibility for clearance may be reconsidered when there is a bona fide offer of employment requiring access to Restricted Data and either material and relevant new evidence, which the individual and his representative are without fault in failing to present before, or convincing evidence of reformation or rehabilitation. Requests for reconsideration shall be submitted in writing to the General Manager through the Manager of Operations having jurisdiction over the position for which clearance is required. Such requests shall be accompanied by an affidavit setting forth in detail the information referred to above. The General Manager shall cause the individual to be notified as to whether his eligibility for clearance will be reconsidered and, if so, the method by which such reconsideration will be accomplished;

(c) Where security clearance has been granted to an individual by a Manager of Operations without recourse to the procedures set forth in §§ 4.20 to 4.33, inclusive, the individual's eligibility for clearance shall be reconsidered only in a case where, subsequent to the granting of the security clearance, new substantially derogatory information has been received or there is a significant increase in the scope or sensitivity of the Restricted Data to which the individual has, or will have access, and in any other case only with the specific prior approval of the Director, Division of Security, AEC.

MISCELLANEOUS

§ 4.34 *Washington area cases.* In those cases which may arise involving individuals within the Washington Area of AEC operations, an Assistant General Manager designated by the General Manager shall discharge the functions and responsibilities assigned to Managers of Operations in these procedures.

§ 4.35 *Modification of procedure.* These procedures may be modified by the General Manager as experience and circumstances may make desirable.

Dated at Washington, D. C., this 7th day of May 1956.

R. W. COOK,
*Deputy General Manager.*

[F. R. Doc. 56-3736; Filed, May 9, 1956; 8:55 a. m.]

# TITLE 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

### Subchapter B—Food and Food Products

### PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

CORRECTION OF ORDER CONCERNING TOLERANCES FOR RESIDUES OF DIELDRIN

The order concerning tolerances for residues of dieldrin, published in the FEDERAL REGISTER of April 17, 1956 (21 F. R. 2464), set tolerances permitting not more than 0.25 part per million of dieldrin on a number of commodities, including apples, pears, quinces, and cherries. These new tolerances for apples, pears, quinces and cherries were intended to supersede prior established tolerances that had been set at 0.1 part per million on the same fruits (21 CFR, 1955 Ed., 120.101), but the order setting the new tolerances did not specifically recite that the earlier tolerances for these fruits were repealed.

Now, therefore, by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)): *It is ordered,* That the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120) be corrected as follows:

1. From § 120.101 (e) (1) *Apples, pears, and quinces* the line "Dieldrin ------ 0.1 p. p. m." is deleted.

2. From § 120.101 (e) (6) *Cherries* the line "Dieldrin ------ 1 0.1 p. p. m." is deleted.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the corrections are made in order to show clearly that the new, higher tolerances supersede and replace the earlier established, lower tolerances for dieldrin on the fruits named.

This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: May 4, 1956.

[SEAL] GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F. R. Doc. 56-3717; Filed, May 9, 1956; 8:51 a. m.]

### PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF MALATHION

A petition was filed with the Food and Drug Administration requesting the establishment of tolerances for residues of malathion in or on certain raw agricultural commodities.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120) are amended as follows:

Section 120.111 *Tolerances for residues of malathion* (21 CFR, 1955 Edition, Part 120) is amended by adding in proper alphabetical order in the list of raw agricultural commodities, the following items: Grapefruit, lemons, limes, oranges, tangerines, tangelos, kumquats.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: May 4, 1956.

[SEAL] GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F. R. Doc. 56-3718; Filed, May 9, 1956; 8:52 a. m.]

### PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF ZINEB

A petition was filed with the Food and Drug Administration requesting the establishment of tolerances for residues of zineb in or on hops and wheat.

The Secretary of Agriculture has certified that this pesticide chemical is useful

for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120) are amended by changing § 120.115 to read as follows:

§ 120.115 *Tolerances for residues of zineb (zinc ethylenebisdithiocarbamate).* (a) A tolerance of 60 parts per million is established for residues of zineb in or on hops.

(b) A tolerance of 7 parts per million is established for residues of zineb in or on mushrooms.

(c) A tolerance of 1 part per million is established for residues of zineb in or on wheat.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: May 3, 1956.

[SEAL] GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F. R. Doc. 56-3684; Filed, May 9, 1956; 8:45 a. m.]

## TITLE 43—PUBLIC LANDS: INTERIOR

### Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1298]

[70387]

TEXAS

TRANSFERRING JURISDICTION OVER OIL AND GAS DEPOSITS IN CERTAIN LANDS COMPRISING PERRIN AIR FORCE BASE OWNED BY UNITED STATES

Whereas the hereinafter-described lands, title to which has been acquired by the United States, comprising a portion of Perrin Air Force Base, Texas, are reported to be subject to drainage of their oil and gas deposits by wells on adjacent lands in private ownership; and

Whereas it is necessary in the public interest that such protective action be taken as will prevent loss to the United States by reason of the drainage or threatened drainage from the said lands; and

Whereas, in order to facilitate such action, it is considered advisable that jurisdiction over the oil and gas deposits in such lands be transferred from the Department of the Air Force to the Department of the Interior; and

Whereas such transfer has the concurrence of the Secretary of the Air Force:

Now, therefore, by virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. The jurisdiction over the oil and gas deposits owned by the United States in the following-described lands located in the subdivision of University Leagues, Blocks 1, 11, 15, and 16, Grayson County, Texas, is hereby transferred from the Department of the Air Force to the Department of the Interior:

Sec. 2, that part of the Air Base in the NW¼;
Sec. 3, that part of the Air Base in the N½ and S½;
Sec. 12, SW¼, S½SE¼;
Sec. 13, S½SW¼, and that part of the Air Base in the S½SE¼.

The areas described aggregate approximately 822 acres.

2. The Secretary of the Interior shall take such action as may be necessary to protect the United States from loss on account of drainage or threatened drainage of oil and gas from such lands.

3. The jurisdiction of the Department of the Interior over such lands shall be subject to the primary jurisdiction of the Department of the Air Force over the lands for Air Force purposes.

4. Prior to any advertisement for bids, the Department of the Air Force shall have the opportunity to indicate the further reservations and restrictions that are to be included in the proposed lease or leases.

5. Prior to execution of any lease or development authorized by the Department of the Interior, the approval of the Department of the Air Force is to be obtained to assure that there is no interference with the primary use of Perrin Air Force Base.

6. All moneys received as royalties under lease, or otherwise, on account of oil and gas extracted from such land shall be paid into the Treasury of the United States and credited to miscellaneous receipts.

WESLEY A. D'EWART,
*Assistant Secretary of the Interior.*

MAY 4, 1956.

[F. R. Doc. 56-3685; Filed, May 9, 1956; 8:45 a. m.]

## TITLE 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

[Docket No. 11664; FCC 56-406]

[Rules Amdt. 64-10]

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

CHARGES FOR GOVERNMENT TELEGRAPH COMMUNICATIONS

In the matter of charges for United States Government telegraph communications; Docket No. 11664; amendment of Part 64 of the Commission's rules and regulations (miscellaneous rules relating to Common Carriers).

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of May 1956;

The Commission, having under consideration the matter of the amendment of § 64.310 ("Term") of Subpart C (United States Government Foreign and Overseas Telegraph Communications), of Part 64 of the Commission's rules and regulations; and also having under consideration its Notice of Proposed Rule Making adopted herein on March 28, 1956, and published in the FEDERAL REGISTER on April 4, 1956 (21 F. R. 2144) in accordance with section 4 (a) of the Administrative Procedure Act;

It appearing that the period in which interested persons were afforded an opportunity to submit comments expired on April 23, 1956, and that no comments were received;

It further appearing that it is in the public interest to amend Subpart C in order to extend the term thereof;

It further appearing that the amendments herein ordered are issued under authority of sections 4 (i) and 601 (b) of the Communications Act of 1934, as amended, and pursuant to the provisions of the permits or licenses granted by the President of the United States, giving the Postmaster General authority to fix rates and charges for United States Government telegraph communications transmitted by any carrier or carriers subject to the terms of such permits or licenses, which authority was transferred to the Commission by section 601 (b) of the Communications Act:

*It is ordered,* That, effective July 1, 1956, § 64.310 of Subpart C of Part 64 of the Commission's rules and regulations is amended to read as follows:

§ 64.310 *Term.* The provisions of this subpart shall continue in effect through June 30, 1957, unless changed by order of the Commission.

Released: May 7, 1956.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 601, 48 Stat. 1101, 47 U. S. C. 601)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 56-3723; Filed, May 9, 1956; 8:52 a. m.]



## TITLE 49—TRANSPORTATION

### Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

PART 201—FORMS AND RECORDING OF PASSES

At a general session of the Interstate Commerce Commission held at its office in Washington, D. C., on the 29th day of February A. D. 1956.

The matter of records to be kept of passengers transported free or at reduced rates being under consideration pursuant to provisions of section 220 of Part II of the Interstate Commerce Act, as amended (49 Stat. 563, 54 Stat. 927, 49 U. S. C. 320); and,

It appearing that Regulations to Govern the Forms and Issuance of Passes by Common Carriers by Motor Vehicle, prescribed by an order entered October 19, 1936, as modified by an order entered November 13, 1936, are not in the form required for inclusion in the Code of Federal Regulations, and include certain requirements which are more restrictive than necessary for proper administration of Part II of the act; and,

It further appearing that the only changes in substance resulting from this order are permissive in nature, so that the public rule making procedure required by section 4 (a) of the Administrative Procedure Act is deemed to be unnecessary:

*It is ordered,* That the order of October 19, 1936, as subsequently modified, be and it is hereby vacated and set aside effective July 1, 1956, and that the regulations of continuing effect which were promulgated by that order with certain minor changes be, and they are hereby, reissued in codified form to be known as the Regulations to Govern the Forms and Recording of Passes by Common Carriers by Motor Vehicle—Issue of 1956; and,

*It is further ordered,* That with the cancelation of regulations so prescribed the title of Part 201 of Title 49 in the Code of Federal Regulations shall be changed to conform to the heading of this order and the regulations in that part shall be those hereinafter prescribed; and,

*It is further ordered,* That effective July 1, 1956, all common carriers of passengers by motor vehicle subject to provisions of the Interstate Commerce Act shall comply with the reissued regulations, which are attached hereto and made a part hereof, in all matters dealing with the forms of passes and the records to be kept of passengers transported free or at reduced rates; and:

*It is further ordered,* That a copy of this order with the regulations set forth below shall be served on each common carrier of passengers by motor vehicle subject to provisions of the act and on every receiver, trustee, executor, administrator, or assignee of any such carrier, and notice of this order shall be given to the general public by depositing a copy thereof with the regulations set forth below in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

By the Commission.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

Sec.
201.0 Order of the Commission.
201.01 Application of the regulations.
201.1 Nonrevenue passenger service.
201.2 General classes of passes.
201.3 Officers issuing and requesting passes.
201.4 Persons who may receive free transportation.
201.5 Signature of issuing officer.
201.6 Numbering passes.
201.7 Record of pass stock.
201.8 Preparation of passes.
201.9 Account of issuance.
201.10 Pass to show accommodations furnished.
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201.15 Signatures of users of passes.
201.16 Tickets in lieu of passes.
201.17 Record of free and reduced-rate tickets issued.
201.18 Free transportation without passes.
201.19 United States Post Office Department commissions.
201.20 Extension of time limit of passes.
201.21 Records of passes issued.
201.22 Records of requests on other carriers for passes.
201.23 Filing passes.
201.24 Reports of free transportation.
201.25 Carriers' pass rules.
201.26 Pass and pass record forms.
201.27 List of forms.

AUTHORITY: §§ 201.01 to 201.27 issued under sec. 12, 24 Stat. 383, as amended, 49 Stat. 546, as amended; 49 U. S. C. 12, 304. Interpret or apply sec. 220, 49 Stat. 563, as amended; 49 U. S. C. 320.

§ 201.01 *Application of the regulations.* The regulations in this part apply to all common carriers by motor vehicle designated in the order whether passes are issued or are honored for transportation wholly within one State or otherwise, and whether the operated mileage or termini of any such carrier be located entirely within the limits of one State or otherwise.

§ 201.1 *Nonrevenue passenger service.* All nonrevenue passenger service, whether transportation or other accommodations, except as otherwise provided in § 201.16, and §§ 201.18 and 201.19, furnished by common carriers by motor vehicle subject to the regulations in this part, shall be covered by passes as hereinafter prescribed. Carriers shall be prepared to furnish the Commission, when so required, a full report of all passes issued.

§ 201.2 *General classes of passes.* (a) Passes issued shall consist of not more than five general classes, viz:

(1) Annual or term passes for passage only.

(2) Annual or term passes for passage, including other accommodations.

(3) Trip passes for passage only.

(4) Trip passes for passage, including other accommodations.

(5) Commuter passes.

(b) (1) Annual passes are those good until the end of the calendar year in which issued without restriction as to the number of trips.

(2) Term passes are those good for a specified period of time other than a calendar year and without restriction as to the number of trips.

(3) Trip passes are those good for a specified period of time and restricted to a single trip or to one round trip.

(4) Commuter passes are those good for a specified period of time and restricted as to the number of trips. This form of pass need not be confined to suburban territory, but may be issued over any portion of a carrier's line.

(c) If the number of passes to be issued for accommodations other than passage is relatively small, carriers are permitted to indorse a pass of any class prepared for passage only so as to include such accommodations as are to be furnished. (See § 201.21 (a).)

§ 201.3 *Officers issuing and requesting passes.* Each carrier shall designate an officer in whom is reposed the authority for the issuance of passes, and for the requesting of passes over the lines of another carrier.

§ 201.4 *Persons who may receive free transportation.* The authority for the issuance of free transportation by common carriers by motor vehicle is contained in section 217 (b) of the Interstate Commerce Act by reference to provisions of section 1 (7), and section 22.

§ 201.5 *Signature of issuing officer.* Each pass must bear the signature of the designated issuing officer, which may be an autograph, a facsimile printed on the pass, or a signature impressed by a mechanical device or any other means. The carrier has the obligation to safeguard the authenticity of passes, so the carrier may also determine if this can be done more expeditiously than by autograph signatures. If a countersignature by a subordinate designated on the pass is required, such countersignature may also be affixed by any method acceptable to the issuing carrier.

§ 201.6 *Numbering passes.* All passes shall be consecutively numbered before or immediately upon receipt from the printer or stationer. No two passes of the same general class shall bear the same number without an indicative letter prefixed or suffixed. Unless all passes are numbered in one series, each general class adopted shall constitute a series of numbers and each subdivision of any general class adopted shall constitute a series of numbers with an indicative letter prefixed or suffixed.

§ 201.7 *Record of pass stock.* (a) A record of pass stock received and distributed must be kept by the officer ordering the pass stock. (See Form 4, § 201.27 (d).) Each of the different forms and series of passes received must be entered on separate sheets or pages and must be recorded and distributed in numerical order. On this same record must be entered all the pass stock destroyed. (For the periods of retention see regulations to govern the destruction of records.)

(b) Unissued pass stock must be filed in such manner as to be accessible and convenient for examination.

§ 201.8 *Preparation of passes.* (a) All passes must be filled out with a durable ink, either with pen or typewritter, or by printing, except that in case of emergency a trip pass may be filled out and countersigned by the use of indelible pencil.

(b) Each pass issued must bear upon its face the name of the person to be accorded free transportation, who must be of a class named in sections 1 and 22 of the Interstate Commerce Act as eligible to receive free transportation.

(c) A pass may include, in addition to the person named thereon, a specified number of unnamed persons of any class eligible to receive free transportation, the number and the class to which such persons belong being specified upon the pass, e. g.,

Pass John Smith and six employees.
Account Garage foreman and mechanics A. & B. Bus Line.

A pass for "John Smith and three children", is not a sufficient compliance with the provisions of this paragraph; it must be made so that the representation that they are children of the person named shall affirmatively appear; e. g.,

Pass John Smith, one son, and two daughters.
Account Driver, A. & B. Bus Line.

(d) The name of the person presenting the pass must appear on it. Passes issued for the transportation of more than one person so as to be used by such persons separately must name the person actually using the pass. For instance, a pass to be used by John Smith and his daughter, separately, or a pass to be used by William Brown and one driver separately, should read:

Pass John Smith and Miss Mary Smith.
Pass John Smith and daughter Mary.
Pass William Brown and Edgar Moore.

A pass issued to "John Smith and wife" or to "Mr. and Mrs. John Smith" is construed as if having the name of the wife appearing upon it and may be used by her in the absence of her husband.

§ 201.9 *Account of issuance.* Each pass must show, in accordance with the following, on what account it is issued:

(a) A pass for an officer or employee of the carrier issuing the pass must show the title or occupation of the person to whom it is issued; e. g.,

Pass John Smith.
Account Driver.

(b) A pass for a member of the family of an officer or employee of the carrier issuing the pass must show the name of such officer or employee, except as otherwise provided in paragraph (c) of this section, his title or occupation, and the relationship of the person to whom it is issued; e. g.,

Pass Miss Mary Smith.
Account Daughter of John Smith, driver.

(c) A pass for the wife of an officer or employee of the carrier issuing the pass, which shows the husband's Christian name, may omit, after "Account," the name of such officer or employee; e. g.,

Pass Mrs. John Smith.
Account Wife of driver.

(d) A pass for an officer or employee of a carrier other than the carrier issuing the pass must show the title or occupation of the person to whom the pass is issued and the name of the carrier by which employed; e. g.,

Pass John Smith.
Account Driver A. & B. Bus Line.

(e) A pass for a member of the family of an officer or employee of a carrier other than the carrier issuing the pass must show the name of such officer or employee, except as otherwise provided in paragraph (f) of this section, his title or occupation, the relationship of the person to whom the pass is issued, and the name of the carrier by which employed; e. g.,

Pass Miss Mary Smith.
Account Daughter of John Smith, driver A. & B. Bus Line.

(f) A pass for the wife of an officer or employee of a carrier other than the carrier issuing the pass, which shows the husband's Christian name, may omit, after "Account," the name of such officer or employee; e. g.,

Pass Mrs. George Brown.
Account Wife of clerk, A. & B. Bus Line.

(g) Every pass issued to a person other than an officer or employee of a common carrier or members of their families must state in the space provided for "Account" the reason for the issuance of the pass; e. g.,

Pass Mrs. Sarah Jones.
Account Charity.
Pass Mr. Henry Brown.
Account Traveling secretary, Y. M. C. A.

§ 201.10 *Pass to show accommodations furnished.* (a) Every pass issued upon which accommodations other than passage are to be furnished free must indicate the character of the accommodations to be furnished thereon.

(b) The territory in which or the points between which a pass will be honored must be shown upon it; e. g.,

From _____ to _____.
Between _____ and _____.
Over entire system.

(c) The period of time for which a pass will be accepted for transportation must be indicated upon it; e. g.,

Until _____.
Good for one trip only until _____.
Expires _____.
If used within _____ days.
During lifetime.

§ 201.11 *Requests for passes.* (a) Passes shall be issued only upon written requests, except as otherwise provided in § 201.12, and in accordance with the forms hereinafter prescribed as applicable.

(b) All the information required to be shown on passes issued, as prescribed in §§ 201.8 to 201.10, inclusive, must be indicated on requests for passes. In addition to such information, requests must furnish information in accordance with the following:

(1) The address of the person for whom the pass is requested.

(2) If request be made for a pass for or on account of an officer or employee of a carrier other than the carrier by which such pass may be issued, it must contain a statement that the person for whom the pass is requested is not prohibited by law from receiving free transportation. (Forms 9 and 10, § 201.27 (i) and (j).)

(c) If request be made for a pass for a person other than an officer or employee, or the member of the family of an officer or employee, of a carrier, the request must give evidence, clearly set forth, or be accompanied by papers, showing the legality of the issuance of the pass requested. No form is prescribed for requests of this character.

§ 201.12 *Passes without written requests.* (a) Written requests for passes may be dispensed with in the following cases, provided the records of passes issued show the full information required, and in addition state upon whose authority the passes were issued and the reasons for dispensing with written requests:

(1) For passes issued to employees engaged in the office in which the passes are actually prepared.

(2) In cases of emergency requiring immediate use of pass and when there is insufficient time to procure written requests before issuance.

(b) Carriers may, at their option, permit their principal officers to furnish passes to officers and employees, and to the members of families of officers and employees, of other carriers subject to these regulations, who are not prohibited by law from using free transportation, without requiring written requests, provided:

(1) That acknowledgments, in accordance with Form 11 (§ 201.27 (k)) hereinafter prescribed, be secured from the persons to whom or on whose account the passes are issued, and provided further;

(2) That notices, in accordance with Form 12 (§ 201.27 (l)) hereinafter prescribed, be given the carriers on whose account the passes are issued, through the officers of such carriers ordinarily authorized to issue requests on other carriers for passes (see § 201.22 (b)), and provided further;

(3) That the records of the issuing carriers show upon whose authority the passes are issued.

(c) Notices to other carriers advising of the issuance of passes without written requests must be made in duplicate and the duplicates must be retained by the issuing carrier.

§ 201.13 *Retention of pass requests.* Requests for passes, also acknowledgments received and copies of notices retained for passes issued without requests, must be filed in the office in which are filed records of annual or term passes or the stubs or carbon copies of trip passes, and in such manner as to be accessible and convenient for examination. The numbers of the passes issued must be noted upon the faces of the requests.



§ 201.14 *Signatures on pass requests.* (a) Requests for passes for or on account of a carrier's own officers or employees must be made over the signature of the person to whom or on whose account the passes may be issued, or by a superior or ranking officer or employee.

(b) Requests for passes for or on account of officers or employees of a carrier subject to these regulations, other than the carrier issuing the pass, must be over the signature of the officer of the carrier designated to issue passes. If this signature is not an autograph, the method of affixing it must satisfy the carrier honoring the request that the request is by authority of the designated officer.

(c) Requests for passes for any persons not covered by paragraphs (a) and (b) of this section must be signed by the persons making such requests.

§ 201.15 *Signatures of users of passes.* (a) All passes must bear the signatures of the users, preferably in ink. On the back of each pass must appear a statement that the holder is not prohibited by law from receiving free transportation, and that the pass will be lawfully used. This statement may be shown among other conditions, if any, and must be subscribed to by the holder.

(b) A pass issued for a number of persons, but naming only one person, such as—

John Smith, garage foreman, and six employees of A. & B. Bus Line.
George Jones and two daughters.

need be signed only by the person whose name appears on the pass.

(c) A pass issued for a number of persons, the names of all appearing on the pass, such as—

William Brown and Edgar Moore, mechanics.

must be signed by the users, whether the pass is used by one or by more than one of the persons named thereon; except that such pass when issued to the members of a family need be signed only by one of the persons using it.

§ 201.16 *Tickets in lieu of passes.* (a) Detectives and others engaged in similar work and, in cases of emergency, employees and others entitled to free transportation, may be furnished with regular passenger tickets or may be permitted to purchase tickets and have the amounts paid therefor afterwards refunded in whole or in part. In such cases the ticket agent's report of the tickets "without value," or "reduced fare," or the vouchers refunding amounts paid for the tickets, must be supported by the authority of the officer authorized to issue passes. Applications for refunds of fares paid or the authorities for such refunds must show the same information as is required to be shown on the requests for passes referred to in § 201.11 (b). Carriers must be prepared to furnish adequate evidence that the persons so designated were actually engaged in the service shown on the authorities.

(b) The use of a special form of free ticket, according to the holder certain privileges or accommodations, such as the use of limited buses, is prohibited. If such a form is desired, it must be issued in regular pass form.

§ 201.17 *Record of free and reduced-rate tickets issued.* A complete record of all tickets issued in lieu of passes, including tickets for which the fares have been refunded in whole or in part as well as those issued free or at reduced rates must be maintained by carriers and filed in the office of the officer authorizing such issuance or refund. This record must show the date; form and number of ticket; stations from and to; name and address or other designation of person to whom issued; account of issuance (in accordance with § 201.9); amount of fare; and name of officer authorizing the issuance of free ticket or refund of fare paid. (See Form 7, § 201.27 (g).)

§ 201.18 *Free transportation without passes.* (a) At the option of carriers, the following designated persons may be given passage or other accommodations without passes, when in the actual performance of their duties:

Drivers.
Student drivers.
Drivers' helpers.
Hostesses (conductorettes) on buses.
Porters on buses.
Lecturers and guides on buses.
Stewards on buses.
Other employees engaged in the transportation or maintenance work of the carrier, requiring their transfer from one point to another in the performance of such duties; provided, that in lieu of passes such employees be supplied with checks, badges, uniforms, or other evidence which will establish their identity as bona fide employees entitled to receive passes.

(b) In cases of wrecks, epidemics, or other calamitous visitations, persons not prohibited by law from receiving free transportation may be accorded such transportation without passes. In such cases a general statement of the facts must be made by drivers and filed with reports of passes honored.

(c) Carriers are not required to issue passes for the free transportation wholly within any one municipality of their employees and others not prohibited by law from receiving free transportation; provided, that persons so transported are distinguishable by badges, cap emblems, or uniforms indicative of their service.

§ 201.19 *United States Post Office Department commissions.* Commissions issued by the United States Post Office Department may be accepted for the passage of officers and employees of that department when traveling on official business. (See § 201.24 (b).)

§ 201.20 *Extension of time limit of passes.* The time limit of a pass may be extended by an indorsement thereon, provided that appropriate record is maintained showing the final limit of passes so indorsed.

§ 201.21 *Records of passes issued.* (a) A complete record of each pass issued must be kept by carriers subject to these regulations. This record must supply information as indicated by the headings on the forms hereinafter prescribed appropriate for the class of pass to be recorded, and such information must correspond with that appearing on the pass and request. In space provided for "Accommodations, etc.," on the record of annual and term passes issued, must be shown all accommodations and services included on the pass.

(b) Annual and term passes issued must be recorded on sheets or cards prepared similiar to Forms 5 or 6 (§ 201.27 (e) and (f)).

(1) If Form 5 (§ 201.27 (e)) is adopted, the passes must be entered either in numerical order or in alphabetical order according to the surnames of the persons to whom the passes are issued. When passes are entered in numerical order, an alphabetical index by names shall be maintained; when entered in alphabetical order, a numerical index showing name shall be maintained.

(2) If Form 6 (§ 201.27 (f)) is adopted, the cards must be filed either in numerical order or in alphabetical order according to the surnames of the persons to whom the passes are issued. When cards are filed in numerical order, an alphabetical index by names shall be maintained; when filed in alphabetical order, a numerical index showing name shall be maintained. In lieu of the index required in this paragraph, if desired, records on this form may be made in duplicate with one set of cards filed in numerical order and the other set filed in alphabetical order according to the surnames of the persons to whom the passes are issued.

(3) The numerical records or indexes must be kept separately by forms and series of passes; the alphabetical records or indexes may be kept either by forms and series of passes or in one complete alphabetical list for the entire issue.

(c) When the numbers of passes issued are shown in strict numerical order on requests received for annual and term passes, such requests may constitute the numerical index required in paragraph (b) of this section, provided that any numerical index so maintained shall be complete and shall contain not more than one series of numbers nor more than one form of pass.

(d) The record of trip passes issued shall be kept on the stubs or carbon copies of trip passes. Full information must be shown on the stub or carbon copy of each trip pass, as provided on Form 2 (§ 201. 27 (b)); and this information must conform to the data on the pass and coupon.

(e) The record of commuter passes shall be kept on Form 5 (§ 201.27 (e)) or Form 6 (§ 201.27 (f)), if issued in card or book form, or on the stubs, if issued in coupon form with stub. These records must be maintained in the same manner as is provided for annual, term, or trip passes.

(f) If a pass is canceled, returned, or lost, the fact must be stated on the record, with the date of cancelation, return, or loss entered.

(g) The records of passes issued must be filed in such manner as to be accessible and convenient for examination.

§ 201.22 *Records of requests on other carriers for passes.* (a) Requests on other carriers for passes must be made in duplicate, and the duplicate copies

must be retained by the requesting carrier and filed in such manner as to be accessible and convenient for examination. When a pass is received, its number must be noted on the duplicate of the request.

(b) Notices received from other carriers advising of the issuance of passes under the provisions of § 201.12 (b) shall be filed in the office in which are filed copies of requests on other carriers for passes.

§ 201.23 *Filing passes.* All passes collected and passes spoiled or returned must be filed in such manner as to be readily accessible and convenient for examination.

§ 201.24 *Reports of free transportation.* Reports of persons receiving free transportation shall be made in accordance with the following provisions:

(a) Travel performed on transportation certificates or similar authorities issued in accordance with the laws of a State which require designated officers to be accorded free transportation while on journeys entirely within the limits of such State, must be reported in the same manner as travel performed on annual or term passes.

(b) Travel performed on commissions issued by the United States Post Office Department must be shown on driver's report of passes honored.

(c) Drivers or ticket collectors must make reports of annual and term passes honored, and of persons receiving free transportation without passes as provided in § 201.18 (b). If desired, such reports may be combined with drivers' reports of revenue passengers, provided the required information is shown.

(d) Trip passes collected shall in all cases be indorsed or punched so as to indicate the date and schedule number on which used, and in addition thereto:

(1) If a trip pass is honored for passage between stations other than those named on its face and is collected, the driver or ticket collector shall indicate upon it by punch or indorsement the stations between which it actually is used.

(2) If a trip pass is honored for passage between stations other than those named on its face and is not collected, the driver or ticket collector shall report the use of the pass on driver's report in the same manner as provided for annual and term passes.

§ 201.25 *Carriers' pass rules.* Copies of all general rules and instructions governing the issuance and use of passes shall be filed with the Commission. It is not intended, however, that such rules or instructions shall be printed for the specific purpose of filing them with the Commission.

§ 201.26 *Pass and pass record forms.* (a) Passes must be issued and records kept substantially in accordance with the forms hereinafter prescribed. Except as provided for elsewhere in these regulations the forms indicate the nature of the information required and the order in which it shall appear. If, however, there is insufficient space on the face of any pass to show all the information required, reference may be made to the back of pass, where it shall be shown.

(b) Carriers may include any additional matter in the pass forms or record forms, but such additional matter must not be permitted to impair the information required in the prescribed forms or to affect the order in which it is given.

§ 201.27 *List of forms.* (a) Form 1—Annual or term pass.

(b) Form 2—Trip pass.

(c) Form 3—Commuter pass.

(d) Form 4—Record of pass stock.

(e) Form 5—Record of annual and term passes issued, book record.

(f) Form 6—Record of annual and term passes issued; card record.

(g) Form 7—Record of free and reduced-rate tickets issued.

(h) Form 8—Request from carrier's officers and employees for passes.

(i) Form 9—Request on another carrier for trip passes.

(j) Form 10—Request on another carrier for annual or term passes.

(k) Form 11—Acknowledgment of passes issued without written request.

(l) Form 12—Notification of passes issued without written request.

[F. R. Doc. 56-3712; Filed, May 9, 1956; 8:51 a. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### [ 7 CFR Part 914 ]

[Docket No. AO 245-A2]

NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO AMENDED MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held on January 27, 1956, at Los Angeles, California, after notice thereof published in the FEDERAL REGISTER (20 F. R. 9972), on proposed amendments to Marketing Agreement No. 117, as amended and Order No. 14 as amended (7 CFR Part 914), hereinafter referred to as the "marketing agreement" and "order," respectively, regulating the handling of navel oranges grown in Arizona and designated part of California, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

On the basis of the evidence introduced at the hearing, and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on April 12, 1956, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F. R. Doc. 56-2959; 21 F. R. 2473). No exception to said recommended decision was filed.

The material issues, findings and conclusions, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F. R. Doc. 56-2959; 21 F. R. 2473) are hereby approved and adopted as the material issues, findings and conclusions, and general findings of this decision as if set forth in full herein.

*Amendments to the marketing agreement and order.* Annexed hereto and made a part hereof are two documents entitled, respectively, "Agreement Amending the Marketing Agreement, as Amended, Regulating the Handling of Navel Oranges Grown in Arizona and Designated Part of California" and "Order Amending the Order, as Amended, Regulating the Handling of Navel Oranges Grown in Arizona and Designated Part of California" which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. The aforesaid amendments shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

*Determination of representative period.* The period beginning November 1, 1954, and ending October 31, 1955, both dates inclusive, is hereby determined to be a representative period for ascertaining whether the issuance of the order amending the order, as amended, regulating the handling of navel oranges grown in Arizona and designated part of California, is approved or favored by producers who, during such period, have been engaged in the production of navel oranges within such area.

*It is hereby ordered,* That all of this decision, except the attached agreement amending the marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of the said agreement amending the marketing agreement are identical with those contained in the attached order which will be published with this decision.

Dated: May 7, 1956.

[SEAL] EARL L. BUTZ,
*Assistant Secretary.*



*Order[1] Amending the Order, as Amended, Regulating the Handling of Navel Oranges Grown in Arizona and Designated Part of California*

§ 914.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of this order; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held on January 27, 1956, at Los Angeles, California, upon proposed amendments to Marketing Agreement No. 117, as amended, and Order No. 14, as amended (7 CFR Part 914) regulating the handling of navel oranges grown in Arizona and designated part of California. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act, including the establishment and maintenance of such orderly marketing conditions for navel oranges grown in Arizona and designated part of California as will provide, in the interests of producers and consumers, an orderly flow thereof to market throughout its normal marketing season to avoid unreasonable fluctuations in supplies and prices;

(2) The said order, as amended, and as hereby further amended, regulates the handling of navel oranges grown in the designated production area in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in the marketing agreement upon which hearings have been held;

(3) The said order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of such production area would not effectively carry out the declared policy of the act;

(4) The said order, as amended, and as hereby further amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of such oranges; and

(5) All handling of navel oranges, as defined herein, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

*It is, therefore, ordered,* That, on and after the effective date hereof, the handling of navel oranges grown in Arizona and designated part of California shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Delete the provisions of § 914.15 and substitute in lieu thereof the following:

§ 914.15 *Carton.* "Carton" means the standard container number 58 as defined in section 828.83 of the Agricultural Code of California, as amended, of a capacity of approximately 38½ pounds of oranges, or such other container and capacity as may be established by the committee with the approval of the Secretary, or the equivalent thereof.

2. Delete the provisions of § 914.17 and substitute in lieu thereof the following:

§ 914.17 *Carload.* "Carload" means a quantity of oranges equivalent to 924 cartons of oranges, or such other quantity of oranges as may be established by the committee with the approval of the Secretary.

3. Amend the provisions of § 914.21 by deleting therefrom the date "November 1" and substituting in lieu thereof the date "October 1."

4. Amend the provisions of § 914.31 by adding at the end of the section the following: "Whenever specifically authorized or approved by the committee, an alternate member shall be reimbursed for reasonable expenses necessarily incurred by him in attending committee meetings and shall receive compensation at the rate provided in this section, notwithstanding that the committee member for whom he serves as alternate also attends such meetings."

5. Amend the provisions of § 914.32 as follows:

a. Delete the first sentence thereof and substitute in lieu thereof the following: "The committee shall, as soon as practicable after the marketing of the crop is completed, prepare and mail an annual report to the Secretary and to each handler and grower of record."

b. Delete therefrom the words following (d) and substitute in lieu thereof the following: "notice of the time and place of an open meeting, to be held as soon as practicable after the mailing of the annual report, to review the whole record of the operations of this part."

6. Amend the provisions of paragraph (e) of § 914.53 *Prorate bases* by inserting the following as a part of the last sentence in such paragraph: "; and, in the event the change in control of oranges is occasioned by a bona fide transfer of the ownership of the real property on which such oranges were produced, the person gaining the control of such oranges shall have his quantity of oranges available for current shipment adjusted by adding thereto a quantity of oranges equal to that which is so deducted."

7. Amend the provisions of § 914.55 by deleting therefrom the first sentence and substituting in lieu thereof the following: "During any week for which the Secretary has fixed the total quantity of oranges which may be handled, any person who has received an allotment for such week, and whose total allotment is not loaned, or is not required for the repayment of an allotment loan or as a deduction for a prior overshipment, may handle in addition to his allotment an amount of such oranges equivalent to 10 percent of his allotment, or one carload, whichever is the greater."

8. Amend the provisions of § 914.57 by adding a new paragraph (e) as follows:

(e) No allotment may be loaned from one handler to another when such loan is brought about by the payment of a consideration.

9. Amend the provisions of § 914.64 by inserting the following immediately after the first sentence of such section: "When any such size regulation restricts the handling of a portion of a specified size, the quantity of such size that may be handled by a handler during a particular week shall be established as a percentage of (a) the weekly allotment issued to such handler when volume regulation is in effect, and (b) the total weekly volume handled by such handler when volume regulation is not in effect."

10. Insert the following new sentence immediately preceding the last sentence of § 914.52 *Issuance of volume regulations:* "Such regulation may be made effective, as authorized by the act, irrespective of whether the season average price for navel oranges is in excess of the parity price specified therefor in the act."

11. Amend the provisions of § 914.71 by deleting therefrom the word "box" and substituting in lieu thereof the word "carton."

12. Immediately preceding the closing of the parenthesis at the end of § 914.2 *Act* insert the following: "; 68 Stat. 906, 1047."

13. Amend the provisions of § 914.83 (c) (3) by deleting from the last sentence thereof the date "September 15" and substituting in lieu thereof the date "March 15."

[F. R. Doc. 56-3733; Filed, May 9, 1956; 8:54 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

### [ 7 CFR Part 953 ]

[Docket No. AO-144-A7]

LEMONS GROWN IN CALIFORNIA AND ARIZONA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO THE AMENDED MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Los Angeles, California, on January 25, 1956, after notice thereof published in the FEDERAL REGISTER (20 F. R. 9973), on proposed amendments to Marketing Agree-

ment No. 94, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 8451)[1] hereinafter referred to as "marketing agreement" and "order," respectively, regulating the handling of lemons grown in California and Arizona, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

On the basis of the evidence introduced at the hearing, and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on April 12, 1956, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision, affording oportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F. R. Doc. 56–2957; 21 F. R. 2477). No exception to said recommended decision was filed.

The material issues, findings and conclusions, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F. R. Doc. 56–2957; 21 F. R. 2477) are hereby approved and adopted as the material issues, findings and conclusions, and the general findings of this decision as if set forth in full herein.

*Amendments to the marketing agreement and order.* Annexed hereto and made a part hereof are two documents entitled, respectively, "Agreement Amending the Marketing Agreement, as Amended, Regulating the Handling of Lemons Grown in California and Arizona" and "Order Amending the Order, as Amended, Regulating the Handling of Lemons Grown in California and Arizona," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

*Determination of representative period.* The period beginning November 1, 1954, and ending October 31, 1955, is hereby determined to be a representative period for ascertaining whether the issuance of the order amending the order, as amended, regulating the handling of lemons grown in California and Arizona, is approved or favored by producers who, during such period, have been engaged in the production of lemons within such area.

*It is hereby ordered,* That all of this decision except the attached agreement amending the marketing agreement, as amended, be published in the FEDERAL REGISTER. The regulatory provisions of the said agreement amending the marketing agreement, as amended, are identical with those contained in the attached order amending the order, as amended, which will be published with this decision.

Dated: May 7, 1956.

[SEAL] EARL L. BUTZ,
*Assistant Secretary.*

[1] The compilation of Order No. 53, as amended, appears in 20 F. R. 2913.

*Order[1] Amending Order, as Amended, Regulating the Handling of Lemons Grown in California and Arizona*

§ 953.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of this order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900) a public hearing was held at Los Angeles, California, on January 25, 1956, upon proposed amendments to Marketing Agreement No. 94, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 8451) regulating the handling of lemons grown in California and Arizona. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act, including the establishment and maintenance of such orderly marketing conditions for lemons grown in the States of California and Arizona as will provide, in the interests of producers and consumers, an orderly flow thereof to market throughout its normal marketing season to avoid unreasonable fluctuations in supplies and prices;

(2) The said order, as amended, and as hereby further amended, regulates the handling of lemons grown in the States of California and Arizona in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, the marketing agreement upon which hearings have been held;

(3) The said order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of such production area would not effectively carry out the declared policy of the act; and

(4) The said order, as amended, and as hereby further amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of the lemons covered thereby.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

*It is, therefore, ordered,* That, on and after the effective date hereof, all handling of lemons grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Delete the provisions of § 953.8 and substitute in lieu thereof the following:

§ 953.8 *Carload.* "Carload" means a quantity of lemons equivalent to 930 cartons of lemons, or such other quantity of lemons as may be established by the committee with the approval of the Secretary.

2. Delete the provisions of § 953.9 and substitute in lieu thereof the following:

§ 953.9 *Carton.* "Carton" means standard container number 58 as defined in section 828.83 of the Agricultural Code of California, as amended, of a capacity of approximately 39½ pounds of lemons, or such other container and capacity as may be established by the committee with the approval of the Secretary, or the equivalent thereof.

[F. R. Doc. 56–3732; Filed, May 9, 1956; 8:54 a. m.]

## [ 7 CFR Part 961 ]

[Docket No. AO–160–A17]

## MILK IN PHILADELPHIA, PA., MARKETING AREA

### DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED AMENDMENT TO ORDER, AS AMENDED, REGULATING HANDLING OF MILK IN PHILADELPHIA, PA., MARKETING AREA

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted in Philadelphia, Pennsylvania, February 1–7, 1956, pursuant to a notice thereof which was issued on January 17, 1956 (21 F. R. 429) and January 25, 1956 (21 F. R. 647), upon a proposed marketing agreement and proposed amendments to the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on April 5, 1956, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision and opportunity to file written exceptions thereto which was published in the FEDERAL REGISTER on April 11, 1956 (21 F. R. 2333; F. R. Doc. 56–2753).

*Rulings.* Within the period reserved for filing exceptions, interested parties filed written exceptions to certain of the findings, conclusions and actions recommended by the Deputy Administrator. In arriving at the findings, conclusions, and regulatory provisions of this decision, each of such exceptions was carefully



and fully considered in conjunction with the record evidence pertaining thereto. To the extent that the findings, conclusions, and actions decided upon herein are at variance with the exceptions, such exceptions are overruled.

*Issues considered.* The material issues considered at the hearing were:

1. A lower pricing for milk disposed of in specified Class II uses during the months of February through July, 1956.
2. A revision of the producer milk plant definition.
3. Revision of the supply-demand adjustment provision in the Class I pricing formula.
4. The establishment of standards for determining, in the case of a handler operating under more than one Federal order, the order under which his milk shall be classified and priced.
5. Reconsideration of the pricing applicable to milk sold for Class I uses outside the marketing area.
6. Revision of the classification and allocation provisions.
7. Other administrative changes.

During the course of the hearing both the Milk Distributors Association and Inter-State Milk Producers' Cooperative, Inc., requested that issues Nos. 1, 2, and 3 be handled on an emergency basis and that a recommended decision and opportunity to file written exceptions thereto with respect to these three issues be omitted. After a careful review of the record evidence, the Assistant Secretary concluded that the conditions which prompted the requested emergency handling were not such that due and timely execution of his functions imperatively and unavoidably required the omission of the recommended decision, and accordingly, on February 17, 1956, issued an interim decision (21 F. R. 1203; F. R. Doc. 56–1370) directing that a recommended decision be issued covering all issues considered at the hearing, to which interested parties might file written exceptions.

*Findings and conclusions.* Upon the evidence adduced at the hearing and the record evidence thereof, it is hereby found and concluded that:

1. *Sub-Class II pricing.* No provision should be made for sub-Class II pricing under the Philadelphia order during the 1956 flush production season. Under the present terms of the order all milk other than that disposed of for Class I uses is priced at the same level, on the basis of Philadelphia cream or New York 92-score butter prices and roller nonfat dry milk solid prices as published in "Producer's Price Current." The Milk Distributors Association of the Philadelphia Area, Inc., proposed that a sub-Class II price be provided during the months of February through July for all milk, skim milk and butterfat dumped, disposed of for animal feed or manufactured into butter, cheese (except cream or cottage cheese), evaporated milk, milk chocolate, nonfat dry milk solids, soup, candy or bakery products. This proposal was also supported by Inter-State Milk Producers' Cooperative.

In support of the proposal, proponents stressed the fact that a sub-Class II price, of one kind or another, has been provided under the order during the flush production season for the past seven years. In this connection the fact that a sub-Class II price has been provided previously under the Philadelphia order during the flush months of production does not in itself justify continuation of such pricing. The regular Class II price under the Philadelphia order is directly related to cream, butter and nonfat dry milk values and is intended to reflect the use value of milk disposed of for manufacturing purposes. A considerable quantity of producer milk is disposed of as fluid cream in all months of the year and since, at the same time, substantial quantities of outside cream find a market locally throughout the year it is apparent that a ready market for cream from producer milk is available at all times.

As previously indicated, the Class II price and the Class II butterfat differential are directly related to the open market cream price in the Philadelphia area. This pricing has accommodated the disposal of producer butterfat in excess of Class I needs during all months except those in which a special sub-Class II price has been in effect. The record provides no basis for concluding that butterfat cannot be equally well disposed of during the 1956 flush production months since both the Class II price and the Class II butterfat differential will continue to reflect accurately current market values for butterfat during this period.

The bulk of the Class II disposition other than in fluid cream, soft cheeses, condensed milk and skim milk and ice cream, for which no special pricing has been provided or is requested, is in nonfat dry milk solids, soup, candy and bakery products. The regular New York Class III price, which during the flush months has been virtually identical to the Philadelphia Class II price, has regularly accommodated marketing of New York producer milk in these products. A substantial portion of Order 61 producer milk in excess of Class I needs is regularly disposed of in the manufacture of nonfat dry milk solids throughout the year and except during those months when a sub-Class II price has been effective this milk has been handled at the regular Class II price. In both 1954 and 1955 roughly 75 percent of all milk subject to the special subclass price was disposed of in nonfat dry milk solids. There is no apparent reason why such milk should not return to producers a price which reflects the adjacent New York open market nonfat solids price. The remainder of the excess producer milk previously subject to the sub-Class II price has been disposed of in various outlets, primarily evaporated milk, soup, candy and bakery products. The midwestern condensery pay price and the regular Philadelphia Class II price were virtually the same when compared on an annual basis for the years 1954 and 1955 at a 3.5 percent butterfat test. While there were substantial variations by individual months it is significant that prices during the flush months of April, May and June were within a few cents of being identical. Consequently, the regular Class II price should accommodate the disposition of producer milk in evaporated milk. The utilization of producer milk in nonfat dry milk solids, cream, ice cream, evaporated and condensed milk, for which the regular Class II price is reasonable, should afford ample outlets for all excess producer milk. If there is a market for producer milk in candy, soup or bakery products the price for milk in these products should not be lower than its value when used in competing products.

Proponents suggest that a special pricing in the form of a butter-cheese adjustment is contained in both the Boston and New York Federal orders and this provides a precedent for a sub-Class II price under the Philadelphia order. In this connection it should be pointed out that these prices under the Boston and New York orders are provided in recognition of the fact that butter and cheese represent less attractive manufacturing outlets for milk and that available facilities for manufacturing butter and cheese are needed in these markets for full disposition of producer milk in excess of fluid needs. The record indicates that very little producer milk in the Philadelphia market is disposed of in butter and cheese and no need is revealed for the disposal of milk in these products.

Milk produced for the Philadelphia fluid market, but which is in excess of fluid needs, must of course, be disposed of in available manufacturing outlets. While proponents grant the alignment of the Class II price with the New York Class III price and the Pennsylvania Milk Control Commission Class II price they point out that under the Pennsylvania Milk Control Commission milk also moves under so-called "B–I" pricing and that the volumes of such milk are greatest during the flush season. The record, however, does not indicate that the volume of milk moving at this price is sufficient to disrupt seriously orderly marketing at Order 61 prices.

Milk production under normal conditions varies from season to season with the greatest production occurring in the spring months as cows are turned onto lush spring pastures. In developing his procurement policy, a handler must make a decision as to whether to operate with a full year-round supply of producer milk or whether it is to his advantage to look to outside sources for supplemental supplies during the short season in order to minimize his surplus problems during the flush. A handler who uses nonproducer milk to supplement his producer supplies may find that, when handling and transportation costs are added to procurement cost, the overall cost for such supplemental supplies exceeds the cost of local producer milk. The order grants no compensation to such handlers for his additional procurement costs in such instances. The handler who operates with a full year-round supply should likewise expect to assume some direct responsibility and risk in the disposition of his seasonal surplus. As to which way he wishes to operate his plant is clearly the choice of the handler.

While production estimates were offered to show that producer receipts under the Boston and New York orders are expected to run substantially in excess of comparable receipts last year,

at least during the flush production months, it is not clear what application these figures have to the Philadelphia market. While there has been an increase in producer receipts under the Philadelphia order during the past year, the record indicates that the rate of such increase over the same month of the previous year was substantially reduced during the late months of 1955. Total producer receipts for the three months of October, November, and December were one and three-fourths million pounds greater than receipts during a similar period in 1954. At the same time Class I sales for these months of 1955 were more than eleven million pounds in excess of those for the corresponding months of 1954. Conversely, the volume of producer milk disposed of during these same months of 1955 in Class II was almost eight million pounds less than for the similar period in 1954. The record fails to show any change in this trend for the month of January 1956. Under the circumstances, unless there is a substantial change from normal in the seasonality of production the surplus disposal problem during the forthcoming flush cannot be of the same magnitude as in 1954 and 1955.

It is extremely unlikely that the volume of producer milk in excess of Class I needs of the market could reach a critical point in any of the following flush months of 1956 with the possible exception of May. While there is little question but that the volume of Class II milk in the month of May will be somewhat in excess of the maximum volume of Class II milk which the market has handled in prior months without a sub-Class II price of one kind or another it does not follow that the market cannot handle such excess. The record fails to substantiate that the market lacks access to manufacturing facilities which would permit the orderly disposition of surpluses at prices which reflect current market values of cream, butter, and nonfat dry milk solids.

The request for a sub-Class II price below the actual use value of milk for manufacturing purposes seems to be primarily a matter of agreement between producers and handlers. While proponents contended that such a pricing method is necessary for competitive reasons it is admitted that there is extremely close alignment of regular surplus prices among New York, Philadelphia and Pennsylvania State Milk Control Commission regulatory programs. Handlers and producers stated that a sub-Class II pricing provision is an inexpensive safety valve for producers. However, the establishment of a sub-Class II price for Philadelphia has far reaching effect on prices paid generally for milk throughout the region. New York order pool plants are immediately placed at a pricing disadvantage in relation to Philadelphia producer milk plants. Lower manufacturing milk values at Philadelphia plants forces more general use of the so-called Pennsylvania Milk Control Commission "B–I" pricing, thus depressing returns to producers at State regulated plants and, through the same process, to producers at unregulated plants. This type of pricing, while perhaps a matter of immediate convenience to both handlers and producer proponents, is not in the general public interest.

2. *Revision of producer milk plant definition.* The producer milk plant definition should be amended to include any supply plant from which milk shipped, during any of the months of February through September, to a pasteurizing or bottling plant is allocated to Class I during such month(s).

Under the present order provisions a supply plant does not qualify as a producer milk plant in any month of the February through September period in which no more than 25,000 pounds of its milk shipments to a producer milk plant are allocated to Class I.

The proposal in the notice of hearing would delete the 25,000 pound allocation allowance in the months of February through June only. When effort was made to examine the appropriateness of this allowance with respect to the months of July through September the hearing officer ruled that the notice did not permit such examination. He stated that the notice was directed to a consideration of time and not plants and any examination directed to months other than February to June was beyond the scope of the hearing. It is concluded that the hearing officer erred in his ruling in this matter, and further, that the evidence in the record is conclusive with respect to the need for including the entire February–September period.

Through the application of the 25,000 pound allocation allowance to a number of supply plants, a handler may secure his entire supply of milk for Class I use from unregulated sources. Certain handlers with insufficient producer milk to fill their Class I needs have been able to use very substantial quantities of unregulated and unpriced milk for Class I purposes. During the months from February through September 1955 as many as seven handlers and in no case less than three handlers have utilized such milk in Class I. During three of these months the volume of nonproducer milk utilized by such handlers was 1,500,000 pounds or more and in no month was it less than 300,000 pounds.

Producer proponents favored the elimination of the 25,000 pound allocation allowance during the months of February through June. They pointed out that in earlier years the order allowed handlers rather general use of unregulated, unpriced milk throughout the year. As supplies of local producer milk became more adequate the provisions of the order were changed in an effort to restrain the entry onto the market of an unreasonable amount of unpriced milk. The present 25,000 pound Class I allocation allowance was written into the order effective January 1, 1954. In rendering his decision in this matter (18 F. R. 8176, F. R. Doc. 53–10374) the Acting Secretary stated that during the months of February through September it would appear possible for handlers to assure themselves without great difficulty of regular producer milk, either by direct receipt or by purchase from other handlers.

The Philadelphia market has a more than adequate supply of producer milk to meet total fluid needs during the February–September period. In 1954 no less than 22 percent of producer receipts were allocated to Class II during any of the months of February through September and in 1955 this minimum was 23 percent. Certainly the order need not accommodate the use of milk from non-producer sources for fluid purposes at the same time that price relief is being requested to facilitate the disposition of burdensome surpluses. In fact, unpriced milk allocated to Class I during any month in which ample producer milk is available displaces regular producer milk in Class I and forces it into Class II. Producers should have assurance that their milk will not be displaced by unpriced milk in Class I uses. Under the recommended revision in definition, handlers who are presently using nonproducer milk during the months of February through September will have opportunity to bring their present source of supply under regulation. On the other hand, they may prefer to take on their own producers or to secure their necessary supply from other regulated handlers. In any event the market will have assurance that during such months no handler is operating at a price advantage through his ability to use unregulated milk. To the extent that handlers now using unregulated milk turn to other regulated handlers for their milk supply the surplus problem of the market will be alleviated.

Certain handlers opposed the proposal to delete the 25,000 pound Class I allocation allowance claiming that it would jeopardize their ability to continue to get milk from their present suppliers. It is intended by the deletion of the 25,000 pound Class I allocation allowance to require that handlers bring under full regulation their regular sources of supply or change to presently regulated sources of supply. Unless this is done not only are regular producers deprived of their fluid market, but regulated handlers are also subjected to unfair competition in their regular business in the marketing area.

The deletion of the 25,000 pound Class I allocation allowance raises some question as to the appropriateness of continuing the present 10-day shipping allowance during the months of October through January. While there is somewhat less producer milk available during these months than in other months of the year the record indicates no month in the last two years in which less than 18 percent of producer receipts were classified as Class II milk and only in the months of October and November, 1955 did this percentage fall below 21 percent.

With supply plants fully regulated during the balance of the year there is little likelihood that a handler would give up his regular supply in order to gain a possible short term advantage by use of unpriced milk during the short season when milk is generally in demand and prices are highest. During the short production months a handler must have ready access to supplemental supplies if needed. Accordingly, it is desirable that shipping privileges during this period be left rather liberal. While there is serious question as to the reasonableness of the present allocation procedure which permits the assignment of nonproducer milk on a pro rata basis during the months of October through January, this matter was not a consideration at this hearing and no change in the procedure is being made on the basis of this record.

3. *Revision of the supply-demand adjuster in the Class I pricing formula.* No change should be made at this time in the supply-demand adjustment feature of the Class I pricing formula. Under the present order provision this adjuster moves the Class I price for a calendar quarter upward or downward, as the case may be, whenever supply during the 12-month period ending with the second preceding month is less than 115 percent or more than 137 percent of Class I sales, respectively. In the computation of these percentages receipts at plants which were not producer milk plants during three consecutive months are specifically excluded. Producers proposed that this exemption be extended to five consecutive months on the premise that the elimination of the 25,000 pound Class I allocation allowance in the producer milk plant definition might bring additional milk under regulation and thereby bring the supply-demand adjuster into operation. They contend that the fact that a supply plant comes under regulation is no basis for concluding that all of its receipts are needed in the market. In this connection price must be recognized as the primary factor in adjusting supply to meet the demand of the market. If new plants are added to the market they naturally bring additional volumes of milk and when the supply exceeds demand beyond the limits of the percentage presently set forth in the order it must be presumed that some price adjustment is appropriate. The fact that the supply-demand adjuster is computed for a twelve-month period beginning with the second preceding month, the fact that it can become operative only at the beginning of a calendar quarter, and the fact that plants which have not been producer milk plants for three consecutive months are excluded in the computation, provide ample forewarning to the market of prospective changing supply-demand relation. Further encumbrances would merely tend to impede the intended action of this adjuster as a balancing mechanism.

4. *Regulation of a plant doing business under more than one Federal order.* The present order provisions should be amended to establish a specific criterion for determining, in the case of a plant doing business under more than one order of the Secretary, the order under which such plant should be regulated. The order presently contains no standards in this regard but merely exempts those plants which are regulated under another order. In this connection it is concluded that handlers who are directly involved, and who would be regulated, should, by referring to the order provisions, be able to ascertain under which order they would be regulated. Unless the respective orders are clear in this regard a handler may unknowingly place himself in financial jeopardy. It is not necessary to subject a plant to duplicate regulation. Neither should it be left to the market administrator(s) to make an unguided decision as to who shall be regulated, nor is it expedient that the Secretary make a separate decision as each individual situation arises.

It is concluded that in the event a Wilmington order is issued, any plant doing a Class I business in both the Philadelphia and the Wilmington, Delaware marketing areas, in all cases should be regulated under the Philadelphia order. Also, any plant which is a fully regulated plant under the New York order should be exempted from regulation under the Philadelphia order. In all other situations, a plant which meets the qualifications for a producer milk plant under this order, but which does a greater volume of its Class I business, under another Federal order, or in the case of a supply plant, supplies a greater volume of milk to a distributing plant(s) regulated by another order, should be exempted from regulation under this order if by such exemption it becomes a fully regulated plant under such other order. However, in order that the market administrator may be fully appraised of the continuing status of such a plant, the operator thereof, should, with respect to the total receipts and utilization or disposition of milk, skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

Under the provisions of the New York order any plant which is a qualified pool plant is fully regulated under that order, irrespective of the business done in other areas. In order to assure that no plant will be subject to full regulation under both the New York and the Philadelphia orders it is necessary to exempt from regulation under this order any plant which is fully regulated under the New York order.

The Philadelphia-Wilmington relationship is somewhat unique and requires special consideration. In this connection official notice is taken of the final decision of the Acting Secretary on a proposed marketing order for the Wilmington marketing area issued on April 11, 1956 (21 F. R. 2478; F. R. Doc. 56–2941). While certain Philadelphia handlers distribute milk from their Philadelphia producer milk plants into the Wilmington marketing area, no Wilmington handlers have routes which extend into the Philadelphia marketing area. The proximity of the two markets, the pricing relationship that have existed, the manner in which Philadelphia handlers have extended their businesses, and the comparative sizes of the two markets, all point to Philadelphia as the primary market.

Philadelphia handlers have established their businesses in the Wilmington market under the existing Philadelphia prices and with an intermarket price relationship very similar to that which would prevail if the recommended Wilmington order were made effective. Notwithstanding the fact that general price alignment would prevail, the interrelationship of the geographic boundaries of the two milksheds suggests the possibility that if proportionate volumes of business were used as a standard, a Philadelphia handler might arrange his business so as to qualify his plant(s) for regulation under the Wilmington order and by so doing enjoy a substantial advantage in the Philadelphia market on the volume of his business done there. Such a situation would not be in the interest of orderly marketing and should not be permitted to develop.

5. *Reconsideration of the pricing applicable to Class I milk sold outside the marketing area.* The pricing provisions of the order should be revised to delete, except in the case of Class I milk disposed of in the New York marketing area, any special pricing on milk disposed of outside the Philadelphia marketing area. No change should be made in the basis of pricing presently provided for milk disposed of in the New York marketing area.

The order presently provides that for Class I milk disposed of outside the marketing area on wholesale or retail routes from which no milk is disposed of inside the marketing area, the applicable price payable to producers shall be, as ascertained by the market administrator, such price as is being paid to farmers for milk of equivalent use in such other markets where the milk is disposed of less the applicable transportation allowances in such outside market, but in no case more than 64 cents. If the market administrator is unable to ascertain such price the Class I price specified under the Philadelphia order applies. In the case of milk disposed of in another Federal milk marketing area, except New York, it is provided that the applicable price shall be the price established under such other order. For milk disposed of in the New York marketing area the price under the Philadelphia order is the New York Class IA price less any payment required to be made to the New York pool.

The market administrator testified that he is experiencing very substantial administrative difficulties in attempting to ascertain prices which farmers in other markets actually receive for milk of equivalent use. While an out-of-area price has been ascertained quite regularly for Pennsylvania Milk Control Commission's area IA and intermittently for New Jersey, the record indicates that such prices have been ascertained only on request, and only when the prices in such other areas were lower than the Philadelphia order price. The market administrator indicated that he has considerable reservation as to the accuracy of his past ascertainments, which in all cases have merely been the announced prices of the Pennsylvania Milk Control Commission or the New Jersey Office of Milk Industry, and he feels that any future ascertainments can only be made subsequent to the time that dairy farmers in the outside markets have actually been paid.

It is not clear why a price ascertainment has been made only during the period when outside prices have been lower than order prices. The order language makes no distinction here, nor does it suggest that ascertainment shall be only on request. Certainly any rationalization which required the ascertainment of prices in months when outside prices are lower than order prices would be equally applicable in establishing the need for such determination when outside prices were higher.

It is obvious that the order in its present form does not require, except in the case of milk disposed of in another Federal order market, that an ascertainment of price be made if the market administrator cannot satisfy himself of his ability to make such ascertainment. In this connection the market administrator has consistently refused to attempt price ascertainment in any totally unregulated area. Handlers in unregulated markets are not required to make any accounting of the disposition of their milk, and they purchase milk under varying types of buying plans and at variable prices. Hence, it would be virtually an impossible task to determine a price which the dairy farmers delivering to such handlers were paid for milk of equivalent use.

It is evident from the record that similar problems exist with reference to prices paid in State regulated areas. The State prices, as announced are for specified local areas and apply only to milk sold within such areas, whereas milk distributors operate across area boundaries and also in unregulated areas and accordingly are subject to, and pay, variable prices. The accounting and classification procedures employed by the States may, and do, differ from those under the Philadelphia order. All of these factors directly affect the ability of the market administrator to ascertain prices actually paid for milk of equivalent use, and certainly preclude such ascertainment until after dairy farmers have actually been paid.

While it may under certain conditions be possible to ascertain an average price subsequent to the time dairy farmers actually received payment, such ascertainment could only be made through a comprehensive analysis and audit of the records of a very substantial number of local individual handlers who are under no obligation to permit such review and audit or to supply accurate records of their business. Such analysis and audit, if permitted, could not be accomplished in sufficient time to provide a basis for fixing prices under the Philadelphia order for the current delivery period. Under the circumstances it is impractical to attempt continuing application of the present outside area pricing provision as it applies to unregulated and State regulated markets.

The imminence of a Federal marketing order in the Wilmington, Delaware, marketing area requires review of the out-of-area pricing provision as it applies to milk disposed of in another Federal marketing area. If the recommended Wilmington order is made effective without a change in the out-of-area pricing provision of the Philadelphia order, the price applicable to Philadelphia Class I milk sold into the Wilmington market immediately would be reduced by approximately 15 cents plus any location adjustment applicable under the terms of the Wilmington order.

The essentials of the classified pricing plan in effect in the Philadelphia order, and generally applicable to all orders issued by the Secretary, are to establish one level of price for milk which is sold as fluid milk or fluid milk products for fluid consumption and another lower price or prices for the necessary surplus of the market which is disposed of in lower valued manufactured products. It is intended that the price level effective under the Philadelphia order shall bring forth a supply adequate to meet the demands of the marketing area but not necessarily to fulfill the requirements of outside markets at prices different from the price established for milk sold in the marketing area. Producer milk sold for fluid uses outside the Philadelphia marketing area has the same characteristics of bulk and perishability, is produced under identical conditions and cost, and is subject to the same transportation cost of moving from the farm to the handlers' producer-milk plant, as is milk disposed of inside the marketing area. Different health and sanitation requirements in markets outside the marketing area might result in different costs of producing milk for those markets only, but would have no effect on the production cost of producer milk sold to Philadelphia handlers.

Reference was made on the record of the hearing to the I–C pricing provision of the New York order which provides a lower level of price for Class I milk sold in certain outside areas than the price for Class I milk disposed of in the marketing area. The pricing provisions of the New York order, of course, were not an issue at this hearing. While the I–C pricing provision under the New York order has long been a matter of controversy it must be recognized that the relationship existing between the New York market and surrounding local markets is unique and for this reason has required singular treatment. In recent years the scope of the application of the I–C pricing provision has been considerably restricted and it now applies only in Northern New Jersey and New York State. If recent proposals which have been made to the Secretary relative to the New York and New Jersey situation should be consummated there might be no further need for the I–C pricing provision under the New York order.

Producer prices in other federally regulated markets in which Philadelphia handlers may wish to sell may be either higher or lower than such prices in the Philadelphia market. In establishing the level of price in a Federal order market consideration is given to prices being paid for milk in competing adjacent markets. Under usual circumstances the variation in basic prices for milk of similar quality and use in various Federal markets reflect differences in transportation costs. These basic prices may be adjusted to reflect differences in seasonality of production and the local supply-demand situation. This general alignment of prices as between orders will tend to maintain equity and no further provision is necessary. In this connection the New York-Philadelphia situation must be handled as a specific exception.

Official notice is hereby taken of those parts of the final decision of the Secretary on proposed amendments to the Philadelphia order issued on April 10, 1952, (17 F. R. 3355, F. R. Doc. 52–4252) the notice of reopening of hearing and tentative findings and conclusions on proposed amendments to the Philadelphia order issued by the Assistant Administrator on December 18, 1952 (17 F. R. 11723, F. R. Doc. 52–13518) and the final decision of the Assistant Secretary issued on December 8, 1953 (18 F. R. 8176, F. R. Doc. 53–10374), dealing with the pricing of milk sold by Philadelphia handlers in the New York marketing area.

The present pricing scheme for milk sold into the New York marketing area was devised to prevent handlers, who might do a substantial business in the New York market and with only a casual association with the Philadelphia market, from using the Philadelphia order as a means of evading regulation and pooling under the New York order and thus depriving the New York pool and regular producers for that market of the value of the Class I sales made there. The reasoning which led to the adoption of the present procedure for pricing milk disposed of in the New York market is equally applicable at this time. The changes hereinbefore recommended in the producer milk plant definition may tend to increase the number of plants which do a fluid business in the two markets and hence, emphasizes the need for continuation of the present basis of pricing milk disposed of in the New York market.

The basic reasoning set forth in denying continuation of a different pricing for milk disposed of in another Federal marketing area is equally applicable in the case of sales into unregulated or State regulated areas. It is not intended that Federal regulation be susceptible of manipulation to permit the use of adjacent outside markets as a dumping ground for milk in excess of a market's needs. The fixing of a lower price for milk sold in other markets could have a depressing effect on the price paid farmers by competing unregulated distributors in such markets. Such action would tend to lower blended returns to producers in the Philadelphia market with the result that prices of milk sold within the regulated market might have to be raised to provide incentive for the production of a sufficient supply to fulfiill the market needs. In this connection, the local consumers should not be called upon to subsidize consumers in out-of-area markets.

For these reasons it is concluded that any special out-of-area pricing except that applying to sales into the New York market shall be discontinued.

Because of the impact which the present out-of-area pricing provision would have on the price of milk sold by Philadelphia handlers into the Wilmington market if an order were made effective for Wilmington, it is necessary that this amendment be made effective prior to, or concurrently with, the effective date of the Wilmington order. Accordingly, no order can be issued for Wilmington until this condition has been met.

6. *Revision of the classification and allocation provisions.* The present classification provisions should be rewritten to specify more clearly the products which are included in the respective classes of utilization and to provide that "ice milk mixes" shall be classified as a Class II product.

Under the present wording of the order it is not always possible to determine clearly the intended classification of specific products. It has been necessary, from time to time, for the market administrator to issue interpretive memoranda advising the industry of the manner in which various products are to be classified. The language of the classification provisions should be sufficiently clear that the continuing issuance of such interpretive memoranda is unnecessary. Except in the case of "ice milk mixes" it is not intended in revising the language that the classification of any product should be changed. While the present wording of the provision would leave some doubt as to whether eggnog, for example, could be classified as other than Class I, interpretive memoranda have placed it in Class II and the order has been so administered over a considerable period of time. The industry has raised no question of the propriety of such a classification. This product is made and sold by manufacturers doing no fluid milk business in the area. Its classification as Class I would certainly present substantial administrative problems by bringing under regulation a large number of additional handlers who are not fluid milk distributors and whose business in the area would be of insufficient consequence to represent a significant competitive factor.

Frozen mixes known locally as "ice milk mixes" which under the present classification provisions are included as a Class I product, should be made a Class II product. These "ice milk mixes," which have a relatively low fat, high solids content, have physical characteristics most similar to ice cream and sherbet which under the classification scheme are Class II products. They are manufactured much in the same manner as ice cream and are dispensed over the counter through stores and soda fountains much in the manner as, and in competition with ice cream. As initially manufactured, these products have none of the aspects of fluid products and the fact that they ultimately may be changed, (either with the addition of other ingredients or otherwise, by melting or beating) to a semi-solid state and consumed much as a thick milkshake should not affect their original classification as Class II.

The present order provisions are silent as to the treatment of receipts of condensed skim milk or nonfat dry milk solids which are disposed of in Class I products, either by reconstitution or for fortification. Through an interpretive memorandum issued on March 25, 1955 by the market administrator, accounting for such disposition has been on the basis of the skim milk equivalent of such condensed skim milk or powder. This is the basis of accounting which has been used since December 1, 1948 in the case of producer milk which is disposed of in such products which are in turn reused, either by reconstitution or for fortification, in Class I products. No change is proposed in this accounting; however, the order should set forth clearly the procedure which is actually followed.

The allocation provisions of the order should also be rewritten to provide more specific direction to the market administrator. Here, as in the case of classification, it has been necessary that the market administrator interpret the intent of the provision. The order presently sets forth no definite sequence of allocation. In this connection the sequence and manner in which milk is allocated is important to handlers since it may directly affect the handler's cost for producer milk. In like manner it is equally important to producers since producer returns are dependent on the classification resulting from allocation. Both handlers and producers, merely by review of the order language, should be able to ascertain the manner in which the allocation of milk to classes is made. Except in unusual circumstances it should not be necessary to rely on administrative interpretation. It is not intended in spelling out the allocation sequence, that any changes shall be made in the allocation as presently applied. The sequence of allocation as presently applied by the market administrator, was placed in the record. The sequence set forth in the proposed order language reflects this procedure.

7. *Other administrative changes.* The several order provisions should be made compatible with reference to the treatment to be accorded an individual who operates both a dairy farm and a fluid milk plant from which Class I milk is disposed of in the marketing area but who receives no milk from other dairy farmers. Under the present language of the order such an individual is included in both the producer and the handler definitions. Notwithstanding, under the application of provisions section, a producer-handler is specifically excepted from all terms of the order except for reporting and administrative assessment. In addition, the allocation provisions very specifically provide a different treatment for receipts of milk from a producer-handler than that given regular producer milk. While the order prescribes specific treatment for a producer-handler, there is no definition of such an individual. It is left to the market administrator to interpret the intended meaning.

Under these circumstances, the order as it has been administered, does not treat a producer-handler in the same manner as other producers. It is apparent that the market administrator has no responsibility under the order to enforce payment of minimum prices to a producer-handler. The application of the allocation procedure provided in the order results in the exemption from the pricing provisions of receipts from a producer-handler. While receipts of bulk milk and skim milk from a producer-handler may be allocated to classes in the same proportionate amounts as receipts from producers, the handler may elect to assign a greater proportion or all of such receipts to Class II. When such receipts are all assigned to Class II the handler would presumably return to the producer-handler not more than the Class II price.

While both handlers and producers raised numerous questions with reference to the operations of a producer-handler and the manner in which such an individual might be treated under a regulatory program, there was no supporting testimony for a treatment other than that which has prevailed under the administration of the order. Notwithstanding, the confusion which might exist because of conflicting order language, the treatment prescribed under the allocation provisions is controlling. Obviously, it was not intended that the producer-handler should enjoy the status of a regular producer. Otherwise there would have been no reason to prescribe a specific, and different treatment for such an individual under the allocation provisions.

The order should be amended to define specifically the type of operation to which the term "producer-handler" is intended to apply and the producer definition should be amended to exclude such an individual. While these changes will afford no different treatment of a producer-handler than that presently provided, they will provide greater specificity and compatibility in order language and thus facilitate order administration.

While there appear to be a number of additional changes which should be made in the language of the administrative provisions of the order to provide greater specificity and more categorical direction to the market administrator, these matters were not explored at this hearing and accordingly cannot be considered on the basis of the record.

*General findings.* (a) The proposed marketing agreement and the order as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The proposed marketing agreement and the order as amended, and as hereby proposed to be further amended, regulates the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in a proposed marketing agreement and order upon which a hearing has been held; and

(c) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the

minimum price specified in the proposed marketing agreement and the order as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk in the marketing area and be in the public interest.

*Order of the Secretary Directing That a Referendum Be Conducted; Determination of Representative Period; and Designation of Agent To Conduct Such Referendum*

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c (19)), it is hereby directed that a referendum be conducted among producers (as defined in the order, as amended, and as hereby proposed to be further amended, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area), who, during the determined representative period were engaged in the production of milk for sale in the marketing area specified in the aforesaid order, as amended, and as hereby proposed to be further amended, to determine whether such producers favor the issuance of the order, amending the order, as amended, which is a part of this decision.

The month of January 1956 is hereby designated to be the representative period for the conduct of such referendum.

L. S. Iverson is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 25th day from the date this referendum order is issued.

*Marketing Agreement and Order.* Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Philadelphia, Pennsylvania, Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the Philadelphia, Pennsylvania, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

*It is hereby ordered*, That all of this decision except the attached marketing agreement be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement are identical with those contained in the attached order amending the order, as amended, which will be published with this decision.

Issued at Washington, D. C., this 7th day of May 1956.

[SEAL] EARL L. BUTZ,
*Assistant Secretary.*

*Order*[1] *Amending the Order, as Amended, Regulating the Handling of Milk in the Philadelphia, Pennsylvania, Marketing Area*

*Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and proposed amendments to the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

*Order relative to handling.* It is therefore ordered that on and after the effective date hereof, the handling of milk in the Philadelphia, Pennsylvania, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order is hereby further amended as follows:

1. Delete the language of § 961.5 and substitute therefor the following:

§ 961.5 *Producer.* "Producer" means any person, except a producer-handler, who produces milk which is received directly at a producer milk plant.

2. Delete § 961.6 (c) and substitute therefor the following:

(c) Any other plant from which milk is supplied to a pasteurizing or bottling plant described in paragraph (b) of this section: *Provided*, That any such other plant shall not be included in this definition during any month in which there is shipped from the plant only Class II milk as defined in § 961.31 or during any of the months of October, November, December, and January in which shipments, any part of which are allocated to Class I milk, are made from the plant on less than 11 days to such pasteurizing and bottling plant, or to a plant or plants supplying such pasteurizing or bottling plant.

3. Delete the entire last sentence of § 961.6.

4. Delete the language of § 961.8 and substitute therefor the following:

§ 961.8 *Handler.* "Handler" means any person wherever located or operating, who engages in the handling of milk which is disposed of in the marketing area as milk, or skim milk.

5. Add a new § 961.10 as follows:

§ 961.10 *Producer-handler.* "Producer-handler" means any person who operates as his own personal enterprises both a dairy farm and a producer milk plant from which Class I milk is disposed of in the marketing area, but who receives no milk from producers.

6. Delete §§ 961.30 and 961.31 and substitute therefor the following:

§ 961.30 *Milk to be classified.* All milk, skim milk, and cream which is received within the month by a handler, which is required to be reported pursuant to §§ 961.50 and 961.51 shall be classified by the market administrator pursuant to the provisions of §§ 961.31 through 961.34.

§ 961.31 *Classes of utilization.* Subject to the conditions set forth in §§ 961.32 and 961.33 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all milk and skim milk (including the milk or skim milk equivalent of concentrated milk, and of dry whole milk, condensed skim milk and nonfat dry milk solids used in reconstituting or fortifying any Class I product) and butterfat disposed of in fluid form as milk, skim milk, buttermilk, milk drinks (plain or flavored) concentrated milk, or any mixture of milk, cream, or skim milk containing less than 18 percent butterfat (except sterilized products in hermetically sealed containers, ice cream mixes, ice milk mixes and eggnog) including such products which are:

(1) Disposed of to retail establishments which disposes of milk both for fluid and other uses, (2) contained in inventory variations of milk and milk products designated as Class I milk, or (3) not accounted for as Class II milk.

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.



(b) *Class II milk.* Class II milk shall be all milk, skim milk and cream: (1) used to produce any product other than those designated as Class I milk pursuant to paragraph (a) of this section; (2) dumped or disposed of for livestock feed; (3) disposed of in bulk and used in soup, candy, bakery products or any other nondairy commercial food product; (4) contained in inventory variation of cream; and (5) accounted for as actual plant shrinkage not in excess of two percent of the total pounds of milk, skim milk and cream received by a handler at all of his producer milk plants.

7. Delete §§ 961.34 and 961.35 and substitute therefor the following:

§ 961.34 *Allocation of milk, skim milk and butterfat classified.* The market administrator shall determine the classification of producer milk received at the producer milk plant(s) of each handler as follows:

(a) The gross product pounds of milk and milk products classified shall be allocated in the following manner:

(1) If the total product pounds of all milk and milk products classified is less than the total product pounds of all milk and milk products received at the handlers producer milk plant(s) add to the product pounds of Class I and Class II milk the product pounds classified as plant shrinkage pursuant to § 961.31 (a) (3) and (b) (5);

(2) Subtract from the product pounds in Class II milk the product pounds in receipts from nonproducer milk plant(s) in the form of cream containing 18 percent or more butterfat and the milk or skim milk equivalent of such receipts of concentrated and dried milk or skim milk utilized in a reconstituted or fortified product: *Provided*, That if the product pounds of such receipts to be subtracted are greater than the product pounds in Class II milk, the balance shall be subtracted pro rata from the product pounds in the several price subdivisions of Class I milk;

(3) During the months of February through September, subtract from the remaining product pounds in Class II milk the product pounds of milk and skim milk received from a nonproducer milk plant(s): *Provided*, That if the product pounds of such receipts to be subtracted are greater than the remaining product pounds in Class II milk, the provisions hereof shall not apply and the plant(s) from which such milk and skim milk were received shall be designated a producer milk plant(s) pursuant to § 961.6 (c);

(4) During the months of February through September, subtract from the remaining product pounds of milk, in sequence, beginning with Class II milk, the product pounds of milk and skim milk received from plants subject to regulation under other Federal orders;

(5) During the months of October through January, subtract from the product pounds remaining in Class II milk, the product pounds of milk and skim milk in receipts from nonproducer milk plants and plants subject to regulation under other Federal orders: *Provided*, That if the product pounds of such receipts to be subtracted are greater than the remaining product pounds in Class II milk, the balance shall be subtracted from the remaining product pounds in the applicable price subdivision of Class I milk: *And provided further*, That a different allocation shall be made at the written request of the receiving handler if it does not result in a greater than pro rata allocation to Class I milk as computed pursuant to subparagraph (8) of this paragraph;

(6) Subtract from the product pounds remaining in Class II milk, the product pounds of milk and skim milk received in bulk from producer-handlers: *Provided*, That if the product pounds of such receipts to be subtracted are greater than the remaining product pounds in Class II milk, the balance shall be subtracted from the remaining product pounds in the applicable price subdivision of Class I milk: *And provided further*, That a different allocation shall be made at the written request of the receiving handler if it does not result in a greater than pro rata allocation to Class I milk as computed pursuant to subparagraph (8) of this paragraph;

(7) Subtract from the product pounds remaining in each class the product pounds of milk, skim milk and cream in receipts from producer milk plants of other handlers and assigned to such class pursuant to § 961.32: *Provided*, That if the product pounds of such receipts to be subtracted from Class II milk are greater than the remaining product pounds in such class, the balance shall be subtracted from the remaining product pounds in the applicable price subdivision of Class I milk;

(8) Subtract pro rata from the remaining product pounds in the several subdivisions of Class I milk and Class II milk, the product pounds of milk and skim milk received from nonproducer milk plants, and plants subject to regulation under other Federal orders, and in bulk from producer-handler, for which the handler has requested a different allocation than that provided in subparagraphs (5) and (6) of this paragraph: *Provided*, That a greater volume as determined by the handler may be subtracted from the remaining product pounds of Class II milk.

(b) Butterfat shall be allocated under the same procedure outlined for gross product pounds in paragraph (a) of this section.

(c) Divide the pounds of butterfat in each class or price subdivision by the hundredweight of product pounds in such class or price subdivision to determine the weighted average butterfat content of each class or price subdivision.

8. Delete the language of § 961.43 and substitute the following:

§ 961.43 *Class I milk disposed of in the New York marketing area.* The price to be paid by handlers for Class I milk disposed of in the New York metropolitan milk marketing area shall be the Class I–A price computed pursuant to the New York order less such payment as is required on such milk pursuant to the New York order.

9. Add a new § 961.61 to read as follows:

§ 961.61 *Plants subject to other Federal orders.* A plant specified in paragraphs (a), (b) or (c) of this section shall be exempted from regulation under this order except that the operator thereof shall, with respect to total receipts and utilization at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to §§ 961.50 through 961.54) and allow verification of such reports by the market administrator.

(a) Any distributing or supply plant which disposes of Class I milk in the marketing area but which is a fully regulated plant under the New York Federal order.

(b) Any other distributing plant which would be subject to the classification and pricing provisions of another order issued pursuant to the act (except the Wilmington, Delaware, marketing order), unless a greater volume of Class I milk is disposed of from such plant to retail or wholesale outlets (except producer milk plants) in the Philadelphia marketing area than in the marketing area regulated pursuant to such other order.

(c) Any other supply plant which would be subject to the classification and pricing provisions of another order issued pursuant to the act (except the Wilmington, Delaware, marketing order) unless such plant disposes of a greater volume of Class I milk to producer milk plants under the Philadelphia order than to plants distributing in the marketing area regulated pursuant to such other order.

10. In § 961.70 (a) change the reference "§ 961.35" to read "§ 961.34".

[F. R. Doc. 56–3709; Filed, May 9, 1956; 8:50 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

### [ 47 CFR Parts 7, 8 ]

[Docket No. 11701; FCC 56–407]

STATIONS ON LAND AND ON SHIPBOARD IN MARITIME SERVICES

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Parts 7 and 8 of the Commission's rules to make the frequency pair 2490 kc (coast) 2031.5 kc (ship) available on a 24-hour basis in the Miami, Florida, area and to make effective certain limitations on the use of the frequency pair 2514 kc (coast) 2118 kc (ship) in the same area. Docket No. 11701.

1. On February 10, 1954, the Commission adopted a Report and Order in Docket No. 10444 finalizing a frequency assignment plan for all areas and making the frequency pair 2490 kc (coast), 2031.5 kc (ship) available for assignment, effective March 15, 1954, on a "day only" basis in the Miami, Florida, area. The Commission's rules provide, however, that this frequency pair is to be made available for assignment in the maritime mobile service on a 24-hour basis after existing conflicting uses by other services are removed. The conflicting police assign-

ments at Mineola, New York; Nassau County, New York; Jackson, Mississippi, and Fort Wayne, Indiana on 2490 kc have now been removed. In view of this, and the fact that the frequency 2031.5 kc is clear for 24-hour use, the frequency pair may now be made available for assignment on a 24-hour basis in the Miami, Florida, area.

2. Simultaneously with the availability of the frequency pair 2490 kc–2031.5 kc, the frequency pair 2514 kc (coast), 2118 kc (ship) will become subject to certain limitations now stated in the Commission's rules. Operation on this pair will be limited to "day only" from April 1 to December 15, annually. Such limitation will eliminate interference at night between Miami and the Great Lakes on the frequency 2514 kc, which is now available for assignment in both areas on a 24-hour basis. The frequency pair 2514 kc–2118 kc will be available in the Miami area on a 24-hour basis during the period of time when shipping activities on the Great Lakes are at a minimum, i. e., from December 15 to April 1, annually. The frequency 2514 kc is also subject to the condition that harmful interference not be caused to the service of any coast station located in the vicinity of Miami, Florida, to which the carrier frequency 2490 kc is assigned for transmission.

3. The proposed amendments are issued under the authority contained in section 303 (f) and (r) of the Communications Act of 1934, as amended.

4. Any interested person who is of the opinion that the proposed amendments should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before June 4, 1956, written data, views or briefs setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments in reply to the original comments may be filed within ten days from the last day for filing said original data, views or briefs. The Commission will consider all such comments prior to taking final action in this matter.

5. In accordance with the provisions of § 1.764 of the Commission's rules, an original and fourteen copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: May 3, 1956.

Released: May 7, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 56–3724; Filed, May 9, 1956; 8:53 a. m.]

## INTERSTATE COMMERCE COMMISSION

### [ 49 CFR Part 24 ]

UNIFORM SYSTEM OF ACCOUNTS FOR PERSONS FURNISHING CARS OR PROTECTIVE SERVICES AGAINST HEAT OR COLD

NOTICE OF PROPOSED RULE MAKING

APRIL 27, 1956.

Having under consideration the grouping of revenues and expenses in the Uniform System of Accounts for Persons Furnishing Cars or Protective Services against Heat or Cold, the Commission has approved the modifications which are set forth below. These changes will when formally ordered have the effect: (1) Of reclassifying revenue from cleaning cars to correspond to the grouping of expenses incurred for that purpose; and (2) of excluding costs incurred for diversion and reconsignment of shipments from refrigeration service and heater service expenses, respectively, because revenues from those services include no provision for diversion or reconsignment of shipments.

Any interested person may on or before May 31, 1956, file with the Commission's Secretary written views or arguments to be considered in this connection, and may request oral argument thereon. Unless otherwise decided after consideration of representations so received, and giving effect to any changes found necessary because of them, an order will be entered making the modifications set forth below, effective July 1, 1956.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

1. In § 24.103 *Other car service revenue* re-number this account to read 108, "Other car service revenue," without changing the title or text.

2. Prescribe the following additional account:

§ 24.104 *Cleaning cars.* This account shall include amounts receivable for cleaning cars for loading.

3. In § 24.131 *Cleaning Cars*, cancel the number, title, and text of this account.

4. In § 24.405 *Diversions and reconsignments*, cancel the number, title, and text of this account.

5. In § 24.455 *Diversions and reconsignments*, cancel the number, title, and text of this account.

6. Prescribe the following additional accounts:

§ 24.514 *Diversions and reconsignments.* This account shall include the pay, travel and other expenses of employees engaged in handling and maintaining records of diversions and reconsignments of shipments moving under protective service, including furnishing of passing information, and all other expenses incident to diversion or reconsignment of such shipments.

[F. R. Doc. 56–3711; Filed, May 9, 1956; 8:50 a. m.]

# NOTICES

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[Document 125]

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

MAY 2, 1956.

The Bureau of Public Roads has filed an application, Serial No. AR–09807, for the withdrawal of the lands described below, from all forms of appropriation including the mining and mineral leasing laws. The applicant desires the land for materials for construction of Forest Highway No. 19 on the Clifton-Alpine route.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 233–A Main Post Office Building, Phoenix, Arizona.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

T. 4 N., R. 30 E.,
Sec. 14: S½S½SE¼NW¼, N½N½NE¼SW¼;
Sec. 21: E½SE¼NW¼NE¼, W½SW¼NE¼NE¼.
T. 4½ N., R. 30 E.,
Sec. 23: E½SE¼NW¼;
Sec. 35: S½S½NE¼SE¼, N½N½SE¼SE¼.
T. 5 N., R. 30 E.,
Sec. 23: SW¼SE¼SW¼.

The areas described total 80 acres in the Apache National Forest.

E. R. TRAGITT,
*State Lands and Minerals Staff Officer.*

[F. R. Doc. 56–3691; Filed, May 9, 1956; 8:46 a. m.]

[Document 126]

ARIZONA

SMALL TRACT CLASSIFICATION NO. 47

MAY 4, 1956.

1. Pursuant to authority delegated by Document No. 43, Arizona, effective May 19, 1955 (20 F. R. 3514–15), the following described lands which were classified by Document No. 88, Arizona, Small Tract Classification No. 47, dated December 22, 1955 (20 F. R. 10114), are hereby opened to lease and sale for residence sites under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended:

GILA AND SALT RIVER MERIDIAN

T. 14 S., R. 13 E.,
Sec. 30: Lots 5 to 8 inclusive;
Sec. 30: Lots 11 to 31 inclusive;
Sec. 31: Lots 5 to 48 inclusive.

The lands described comprise 63 small tracts and contain a total of 301.84 acres.

2. The lands lie on both sides of the Ajo road (State Highway 86), approximately 3 miles westerly from the intersection of Ajo and Mission roads. Elevation is approximately 2,500 feet above sea level. The climate is arid with an annual precipitation of about 12" and the temperature varies from a high of about 110° F. to a low of about 15° F. The soil is sandy and supports a sparse vegetative cover which consists principally of desert shrubs. Culinary water is not available from any known source, but propably could be developed from wells at a depth of from 150 to 300 feet. Electricity is available from a power line along the Ajo road. The topography is from level to moderate steep.

3. (a) The size of the tracts are from 1.43 to 6.02 acres. All tracts adjacent to the Ajo road are appraised at $250.00 per tract with the exception of lot 11 section 31 which is appraised at $150.00. All tracts not adjacent to the Ajo road are appraised at $150.00 per tract.

(b) The advance three year rental for a residence tract along the highway is $37.50 with the exception of lot 11 which is $30.00. The advance three year rental for residence tracts not adjacent to the highway is $30.00.

(c) The residence and the necessary outbuildings, including garage, shall be of masonry material, including adobe, or of frame stucco. The residence must be suitable for year-round occupancy and contain a floor area of not less than 850 square feet. It must be of substantial construction to withstand the elements and on a full solid foundation. The residence must be built in a workmanlike manner out of attractive materials and properly finished. No building shall be placed at a distance of less than 75 feet from a boundary line fronting upon a street or road, nor of a distance less than 30 feet to any other boundary line.

(d) A trailer house will not be considered as a residence, but it may be used for a period of time, not to exceed one year, while a residence is being constructed.

(e) All sewage disposal plants and appurtenances shall be by underground septic tank, and shall conform to the standards of the Pima County Health Department, or any other law enforcing agencies having jurisdiction thereof.

(f) Rights-of-way 33 feet in width for streets, road and public utilities will be reserved as follows: Section 30, along the north side of lots 23 to 26 inclusive; the east side of lots 5, 22, 26, and 27; the south side of lots 5 to 8 inclusive and 11 to 21 inclusive; the west side of lot 23 and in lot 22 a 33' square in the southwest corner. Section 31, along the north side of lots 11, 14 to 23 inclusive, 33 to 40 inclusive and 41 to 48 inclusive; the east side of lots 5, 11, 16, 32, 40, 41 and 48; the south side of lots 5 to 9 inclusive, 12, 13 and 41 to 48 inclusive; along the west side of lots 10, 15, 33, 44 and 45.

4. Leases will be issued for a term of three years and will contain an option to purchase clause in accordance with 43 CFR 257.13. Lessees who comply with general terms and conditions of their leases will be permitted to purchase their tracts at the appraised price provided that during the period of their leases they either, (a) construct improvements as specified in paragraph 3 in accordance with the conditions set forth, or (b) file a copy of an agreement in accordance with 43 CFR 257.13 (d). Leases will not be renewable unless failure to construct the required improvements is justified under the circumstances and non-renewal would work an extreme hardship on the lessee. All mineral rights will be reserved to the United States.

5. (a) Applicants must file, in duplicate, with the Manager, Land Office, Room 251 Main Post Office Building, Phoenix, Arizona, application Form 4–776 filled out in compliance with the instructions on the form and accompanied by any showings or documents required by those instructions. Copies of the application form can be secured from the above-named official.

(b) The applications must be accompanied by a filing fee of $10 plus the advance rental specified in paragraph 3 (b). Failure to transmit these payments with the application will render the application invalid. Advance rentals will be returned to unsuccessful applicants. All filing fees will be retained by the United States.

6. (a) All valid applications from persons entitled to veterans' preference filed prior to 10:00 a. m., June 9, 1956, will be considered as simultaneously filed at that time.

(b) All valid applications from persons entitled to veterans' preference filed after 10:00 a. m., June 9, 1956, will be considered in the order of filing.

(c) All valid applications from other persons filed prior to 10:00 a. m., September 8, 1956, will be considered as simultaneously filed at that time.

(d) All valid applications filed after 10:00 a. m., September 8, 1956, will be considered in the order of filing.

7. Inquiries concerning these lands shall be addressed to the Manager, Land Office, Room 251 Main Post Office Building, Phoenix, Arizona.

E. R. TRAGITT,
*State Lands and Minerals Staff Officer.*

[F. R. Doc. 56–3686; Filed, May 9, 1956; 8:45 a. m.]

[Document 127]

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

MAY 4, 1956.

The Arizona Highway Department has filed an application, Serial No. AR–07455, for the withdrawal of the lands described below, from all forms of appropriation including the mining and mineral leasing laws. The applicant desires the land for a source of road construction materials.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 233–A Main Post Office Building, Phoenix, Arizona.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

T. 8 N., R. 27 E.,
Sec. 28: W½SE¼SW¼, W½E½SE¼SW¼;
Sec. 30: W½SW¼SE¼, S½SW¼NW¼SE¼, E½SE¼SW¼, S½SE¼NE¼SW¼.

The area described totals 80 acres in the Apache National Forest.

E. R. TRAGITT,
*State Lands and Minerals Staff Officer.*

[F. R. Doc. 56–3687; Filed, May 9, 1956; 8:46 a. m.]

[Misc. 223154; 2139067]

IDAHO

RESTORATION TO HOMESTEAD ENTRY OF LANDS WITHIN THE CHALLIS NATIONAL FOREST; AMENDMENT

MAY 4, 1956.

Pursuant to the authority delegated to me by the Secretary of the Interior by Order No. 2583 of August 16, 1950, and upon the request of the Department of Agriculture, it is ordered as follows:

The land description in the order of the Associate Director of June 16, 1949, appearing in 14 F. R. 3453, of the issue for June 24, 1949, so far as it affects 159.12 acres opened to homestead settlement and entry in accordance with the provisions of the act of June 11, 1906 (34 Stat. 233; 16 U. S. C. 170) on the application of Val Jones, list 4–2599, is hereby amended to read as follows:

BOISE MERIDIAN

A tract of public land containing 159.42 acres in unsurveyed sections 20, 29, and 30, T. 17 N., R. 19 E., as shown upon revised plat of HES 615 Idaho, surveyed by Melvin H. Lewis, Forest Service Cartographic Engineer, in September 1952 on file in the Bureau of Land Management.

The lands are included in allowed homestead entry of Val Jones, Blackfoot 055101.

EDWARD WOOZLEY,
*Director.*

[F. R. Doc. 56–3688; Filed, May 9, 1956; 8:46 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Territorial Dept. of Lands has filed an application, Serial No. Anchorage

032236, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining and mineral leasing laws and the Materials Act. The applicant desires the land for public recreational purposes.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SEWARD MERIDIAN

T. 12 N., R. 3 W.,
Section 33: Lots 181 and 202.

Containing 6.7 acres.

ROGER R. ROBINSON,
*Operations Supervisor.*

[F. R. Doc. 56-3689; Filed, May 9, 1956; 8:46 a. m.]

## ALASKA

### NOTICE OF FILING OF PLATS OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

MAY 3, 1956.

1. Plats of survey of the lands described below will be officially filed in the Anchorage Land Office, Anchorage, Alaska effective at 10 a. m. June 8, 1956.

SEWARD MERIDIAN

Township 2 North, Range 11 West, Sections 5, 6, 7, 8, 17 and 18; Township 2 North, Range 12 West, Sections 1, 11, 12, 13, 14, 23, 24, 25, 26, 35 and 36, comprising 10,556.06 acres.

2. The land is located in the Ninilchik-Kasilof, Alaska, area. A portion of the land is traversed by the Sterling Highway. The land is generally rolling country side with some poorly drained areas. The vegetative cover is a mixed stand of spruce, cottonwood, some aspen and birch. A part of the area may be suitable to agricultural use.

3. The following lands lie within the boundaries of the Kenai National Moose Range, as established by Executive Order No. 8979, dated December 16, 1941, and are subject to mineral leasing only:

T. 2 N., R. 11 W.,
Sec. 5: SE¼, S½NE¼, NE¼NE¼, S½SW¼, NE¼SW¼;
Sec. 7: E½E½;
Sec. 8: All;
Sec. 17: All;
Sec. 18: E½E½.

4. The remaining lands which were previously withdrawn by Public Land Order No. 487 for classification, examination, and in aid of proposed legislation, revoked by Public Land Order No. 1212, as amended by Public Land Order No. 1248 which provides that the lands shall not be subject to application, location or entry under the public land-laws until further ordered by an authorized officer of the Bureau of Land Management, are hereby opened to filing of applications, selections, and locations in accordance with the following: The status of the W½, Section 6, Township 2 North, Range 11 West, shall not be changed until it is so provided by an order of classification to be issued by an authorized officer opening the lands to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, with a 91-day preference right period for filing such applications by veterans of World War II, the Korean Conflict, and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, or providing for the disposal of the lands under the provisions of the Alaska Public Sale Act of August 30, 1949 (63 Stat. 679; 48 U. S. C. 364a et seq.), or the Recreation Act of June 4, 1954 (68 Stat. 173; 43 U. S. C. 869), as amended. Subject to any existing valid rights and the requirements of applicable law, the remaining lands described in paragraph 1 hereof, except those in paragraph 3 above, are hereby opened to filing of applications, locations and selections in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager, Anchorage Land Office, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Alaska Homesite, and Petitions for Small Tracts by qualified veterans of World War II, or of the Korean conflict, and by others entitled to preference rights under the Act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on June 8, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m., on September 7, 1956, will be governed by time of filing.

(3) All valid applications and selections under the non-mineral public land laws, other than those mentioned under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m., on September 7, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws, beginning 10:00 a. m. on September 7, 1956,

5. Persons claiming veterans preference rights under paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

6. Applications for these lands, which shall be filed in the Land Office at Anchorage, Alaska, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations to the extent such regulations are applicable. Applications under the homestead and homesite laws shall be governed by the regulations contained in Parts 64, 65, and 166 of Title 43 of the Code of Federal Regulations.

7. Inquiries concerning these lands shall be addressed to the Manager, Anchorage Land Office, Box 1740, Anchorage, Alaska.

VIRGIL O. SEISER,
*Manager.*

[F. R. Doc. 56-3690; Filed, May 9, 1956; 8:46 a. m.]

## ALASKA

### NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Department of Interior, Alaska Road Commission has filed an application, Serial No. Anchorage 031692, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including mining and mineral leasing laws. The applicant desires the land for a permanent campsite for construction and maintenance of the Denali Highway.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

Starting at center of west end of Susitna River Bridge, which is located at approximately latitude 63°07′ N. and longitude 147°31′ W., thence N. 8° 22′ 45″, 13,876 feet to corner No. 1 and point of beginning; thence west 990 feet to corner No. 2; thence north 990 feet to corner No. 3; thence east 1,354.3 feet to corner No. 4; thence S. 20° 12′ W. 1,054.9 feet to corner No. 1 and point of beginning, containing approximately 26.64 acres.

ROGER R. ROBINSON,
*Operations Supervisor.*

[F. R. Doc. 56-3693; Filed, May 9, 1956; 8:46 a. m.]



## ALASKA

### NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

Forest Service, U. S. Dept. of Agriculture has filed an application, Serial No. Anchorage 031674, for the withdrawal of the lands described below, from all forms of appropriation under the mining and mineral leasing laws. The applicant desires the land for preservation of historical relics of the Old Kasaan Native Village.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

ALASKA

TONGASS NATIONAL FOREST

*Old Kasaan Village Historical Area*

Beginning at corner No. 1, a Forest Service monument set on the shore of Skowl Arm of Kasaan Bay, N. 11° W., 1.40 chains; thence S. 66° 30′ W., 443 chains; thence N. 78° 38′ W., 17.25 chains; thence S. 49° W., 8.42 chains; thence S. 70° 30′ W., 5.05 chains to corner No. 2; thence N. 15.15 chains to corner No. 3; thence E. 32.28 chains to corner No. 4; thence S. 10.98 chains to point of beginning, containing 38 acres, more or less.

ROGER R. ROBINSON,
*Operations Supervisor.*

[F. R. Doc. 56-3694; Filed, May 9, 1956; 8:46 a. m.]

## ALASKA

### NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Bureau of Reclamation has filed an application, Serial No. Anchorage 031529, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including mining and mineral leasing laws. The applicant desires the land for base camp and storage area.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are: Two tracts of land near the Gold Creek station of the Alaska Railroad which is located at approximate latitude 62°46′00″ N., longitude 149°42′30″ W., more particularly described as follows:

TRACT A

Starting at a point on the northwesterly boundary line of the 200 foot right-of-way of the Alaska Railroad which point lies N. 63° 52′ 30″ W., 100.0 feet from the center line of the main tract at survey station 11,902 plus 70.0; thence N. 26° 07′ 30″ E., 400.0 feet parallel to, and 100.0 feet from the center line of the main tract to the True Point of Beginning; thence N. 63° 52′ 30″ W. to the east bank of the Susitna River, a portion of which distance is identical with the northerly boundary of a parcel of land requested for withdrawal by the Alaska Railroad on June 17, 1952, and identified by the Anchorage Land Office Serial Number of 021325; thence northerly along the east bank of the Susitna River to a point situated at right angles to the Alaska Railroad Station 11,916 plus 70; thence easterly to said Alaska Railroad Station 11,916 plus 70; thence southerly 1,000 feet identical with the west boundary of the Alaska Railroad right-of-way to the point of beginning.

Containing approximately 24.8 acres.

TRACT B

Starting at a point on the southeasterly boundary line of the 200 foot right-of-way of the Alaska Railroad which point lies S. 63° 52′ 30″ E., 100.0 feet from the center line of the main tract at survey station 11,902 plus 70.0; thence N. 26° 07′ 30″ E., 400.0 feet parallel to, and 100.0 feet from the center line of the main tract to the True Point of Beginning; thence northeasterly identical with the northeasterly boundary line of said right-of-way 1,500 feet; thence southeasterly at right angles to the right-of-way boundary 500 feet; thence southwesterly parallel with the right-of-way boundary 1,500 feet; thence northwesterly at right angles to the right-of-way boundary 500 feet to the point of beginning.

Containing approximately 17.2 acres.

ROGER R. ROBINSON,
*Operations Supervisor.*

[F. R. Doc. 56-3695; Filed, May 9, 1956; 8:47 a. m.]

## COLORADO

### RESTORATION ORDER UNDER FEDERAL POWER ACT; AMENDMENT

MAY 1, 1956.

Pursuant to authority delegated to me by the Director, Bureau of Land Management, by section 2.5 of Order No. 541 dated April 21, 1954 (19 F. R. 2473–2476), Restoration Order Under Federal Power Act, Colorado 013293, 013312, 013325, dated April 20, 1956, appearing in FEDERAL REGISTER of April 26, 1956, Volume 21, Number 81, page 2699, is amended to read as follows:

| Determination No. | Dates and types of withdrawal | Description of lands |
|---|---|---|
| DA-375 | Portions of the land are withdrawn in Power Site Reserve No. 81 dated July 2, 1910, based on Temporary Power Site Withdrawal dated Dec. 4, 1909, and as modified Dec. 20, 1916; Power Site Reserve No. 542, dated Aug. 25, 1916; and pursuant to the filing of an application for license on Dec. 4, 1925, for transmission-line Project No. 759 for which project a license was issued by the Commission on Mar. 23, 1927. The land is also withdrawn pursuant to the filing of an application for license on June 6, 1955 for water-power Project No. 2187. | 6th Principal Meridian, Colorado; T. 4 S., R. 74 W., Sec. 17: SE¼ (unpatented portions.) |

J. ELLIOTT HALL,
*Acting State Supervisor.*

[F. R. Doc. 56-3692; Filed, May 9, 1956; 8:46 a. m.]

## DEPARTMENT OF COMMERCE

### Office of the Secretary

HAROLD J. CARR

### REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

*Report of Appointment*

1. Name of appointee: Harold J. Carr.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: April 20, 1956.
4. Title of position: Consultant.
5. Name of private employer: Owens-Illinois Glass Company.

CARLTON HAYWARD,
*Director of Personnel.*

*Statement of Financial Interests*

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Bank Account.
Amerada Petroleum Corporation.
Connecticut General Life Insurance Co.
Goodyear Tire & Rubber Co.
Gulf Oil Corporation.
Hercules Powder Co.
International Nickel Co. of Canada, Ltd.
Marquette Cement Manufacturing Co.
Mission Development Co.
Outboard Marine & Manufacturing Co.
Owens-Illinois Glass Company.
Owens-Corning Fiberglas Co.
Sunbeam Corporation.
Transamerica Corporation.
Westinghouse Electric Co.

Dated: April 23, 1956.

HAROLD J. CARR.

[F. R. Doc. 56-3722; Filed, May 9, 1956; 8:52 a. m.]

ELMER LEON LAGRELIUS

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

*Report of Appointment*

1. Name of appointee: Elmer Leon LaGrelius.

2. Employing agency: Department of Commerce, Business and Defense Services Administration.

3. Date of appointment: March 28, 1956.

4. Title of position: Consultant.

5. Name of private employer: Eastern Stainless Steel Company.

CARLTON HAYWARD,
*Director of Personnel.*

*Statement of Financial Interests*

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

American Steel Foundries.
United Light & Power.
Deere & Company.
Eastern Stainless Steel Corporation.
Saving funds.
Real estate.
Bonds.

Dated: April 27, 1956.

ELMER LEON LAGRELIUS.

[F. R. Doc. 56-3721; Filed, May 9, 1956; 8:52 a. m.]

# DEPARTMENT OF AGRICULTURE

## Commodity Credit Corporation

MAY 1956 MONTHLY SALES LIST

SALES OF CERTAIN COMMODITIES

Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F. R. 6669) and subject to the conditions stated therein, the commodities listed below are available for sale in the quantities stated and on the price basis set forth. The Commodity Credit Corporation will entertain offers from prospective buyers for the purchase of any such commodity.

The Commodity Credit Corporation reserves the right, before making any sale, to define or limit export areas. Announcements containing the contractual terms and conditions of sale for the respective commodities will be furnished upon request. For ready reference a number of these announcements are identified by code number in the following list. Commodity Credit Corporation also reserves the right to amend, from time to time, any of its announcements, which amendments shall be applicable to and be made a part of the sales contracts thereafter entered into.



MAY 1956 MONTHLY SALES LIST

| Commodity and approximate quantity available (subject to prior sale) | Sales price or method of sale |
|---|---|
| Dairy products | Domestic prices apply "in store" [1] at location of stocks.<br>Export prices apply f. a. s. U. S. port of export, or in store at location of stocks at f. a. s. price less export freight rate to agreed port of export.<br>Available through Cincinnati and Portland CSS Commodity Offices for domestic sale, and through the Livestock and Dairy Division, CSS, USDA, Washington 25, D. C., for export sale. |
| Nonfat dry milk solids (in carloads only); spray, 48,000,000 pounds; roller, as available. | Domestic, unrestricted use: Spray process, U. S. Extra Grade: In barrels and drums, 17 cents per pound; in bags (as available), 16.15 cents per pound. Roller process, U. S. Extra Grade: In barrels and drums, 15.25 cents per pound; in bags, 14.40 cents per pound.<br>Domestic, restricted use (animal and poultry feed): Delivered under the terms and conditions of Announcement LD-14 and supplements. In barrels and drums, 11.5 cents per pound; in bags (as available) 10.65 cents per pound.<br>Export, unrestricted use: Spray process, U. S. Extra Grade: In barrels and drums, 11.75 cents per pound; in bags (as available), 10.90 cents per pound. Roller process, U. S. Extra Grade: In barrels and drums, 10 cents per pound; in bags, 9.15 cents per pound.<br>Special export: Competitive bid on 4,900,000 pounds, spray and roller process and under the terms and conditions of Announcement LD-5 and amendments. |
| Butter (in carloads only), as available. | Domestic, unrestricted use: 63.25 cents per pound, New York, New Jersey, Pennsylvania, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. All other States 62.5 cents per pound.<br>Domestic, restricted use: Competitive bid and under the terms and conditions of Announcement DA-111 and supplements for use as an extender for cocoa butter in the manufacture of chocolate.<br>Export, unrestricted use: U. S. Grade A: 41 cents per pound. U. S. Grade B: 39 cents per pound.<br>Export, restricted use: Competitive bid (1) under the terms and conditions of Announcement DA-111 and supplements for use (a) in recombining with U. S. produced nonfat dry milk solids into liquid milk and evaporated milk, and (b) in making butter oil or ghee; and (2) under the terms and conditions of Announcement LD-19 and supplements for industrial uses.<br>Special export: Competitive bid on 6,000,000 pounds butter under terms and conditions of Announcement LD-7. |
| Cheddar cheese, cheddars, flats, twins, and rindless blocks (standard moisture basis in carloads only), 234,000,000 pounds. | Domestic: 38 cents per pound, for New York, New Jersey, Pennsylvania, New England, and other States bordering the Atlantic and Pacific Ocean and Gulf of Mexico. All other States 37 cents per pound.<br>Export: U. S. Grade A: 25.5 cents per pound, basis port of export. U. S. Grade B: 24.5 cents per pound, basis port of export.<br>Cheese prices are subject to usual adjustments for moisture content.<br>Special export: Competitive bid on 10,300,000 pounds under terms and conditions of LD-5 and amendments. |
| Cotton, Upland and Extra Long Staple. | Domestic or export: Competative bid and under the terms and conditions of Announcements NO-C-5 as amended (Upland) and NO-C-6 (Extra Long Staple), but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC.<br>Special export, Upland Cotton: Competitive bid and under the terms and conditions of Announcements CN-EX-2 and NO-C-8. Cotton to be exported on or after Aug. 1, 1956.<br>Catalogs showing quantities, qualities and locations may be obtained for a nominal fee from the New Orleans CSS commodity office. [2] |
| Cotton Linters | Domestic or export: Competitive bid and under the terms and conditions of Announcement NO-CL-6 in carlot quantities as follows: (a) First Cut Linters and Mill Run Linters catalogued on U. S. Grades, (b) Mill Run Linters and hull fiber catalogued on a cellulose content, and will be sold on basis of 73 percent cellulose, with premiums and discounts of 0.04 cent per pound, fractions in proportion, for each 1 percent of cellulose above or below 73 percent.<br>Catalogs showing quantities, qualities, and locations may be obtained for a nominal fee from the New Orleans CSS Commodity Office. |
| Wool, shorn and pulled grease (including small quantities of scoured wool and wool tops) 119,000,000 pounds. | Domestic or export: Limited quantities (not more than 6,250,000 pounds in May) on competitive bid each Tuesday under terms and conditions as announced. Additional quantities at prices basis ex warehouse where stored as determined by the Boston CSS Commodity Office, reflecting not less than 103 percent of the 1954 schedule of loan rates per pound plus an allowance for sales commission, Boston basis, adjusted for net freight on wool stored outside the Boston storage area. |
| Tung oil | Domestic or export: Competitive bid, limited quantity monthly under the terms and conditions of Announcement CT-OP-8 and amendments thereto. Available Cincinnati CSS Commodity Office. |
| Peanuts | Domestic (for crushing) or export: Competitive bid on limited quantities as may be announced by any of the Peanut Cooperative Associations. Domestic sales subject to terms and conditions of CCC Peanut Form 34 (1955). Export sales subject to terms and conditions of CCC Peanut Form 59 (1955) as amended. Available Dallas CSS Commodity Office. |
| Corn, bulk | Domestic or export: Commercial corn-producing area: Market price, basis in store,[3] but not less than the legal minimum price (1955 loan rate basis point of production for class, grade, and quality plus 26 cents per bushel).<br>Examples of minimum price per bushel including average paid-in freight: Chicago, No. 3 yellow, $2.03; Minneapolis, No. 3 yellow, $1.94; Kansas City, No. 3 yellow, $2.02; Portland, No. 3 yellow, $2.19.<br>Noncommercial corn-producing area: Market price, basis in store,[3] but not less than 133 percent of applicable 1955 loan rate, plus 26 cents per bushel.<br>Available Chicago, Dallas, Kansas City, Minneapolis, and Portland CSS Commodity Offices.<br>Corn is also available as follows: 1. Nonstorable corn at the above offices. 2. In flat storage in the Pacific Northwest on competitive bid basis for export. |
| Wheat | Domestic: Commercial wheat-producing area: Market price, basis in store,[3] but not less than the legal minimum price (1955 loan rate for class, grade, quality, and location, plus 35 cents per bushel).<br>Examples of minimum price per bushel: Chicago No. 1 RW, $2.73; Minneapolis No. 1 DNS, $2.76; Kansas City No. 1 HW, $2.73.<br>Noncommercial wheat-producing area: Market price, basis in store,[3] but not less than 133 percent of applicable 1955 county loan rate plus 35 cents per bushel.<br>Export: Under the terms and conditions of Announcements GR-212 revised, GR-261 revised, and GR-262 revised, at prices announced daily. Export may be made either as wheat or flour.[4]<br>Available Dallas, Chicago, Minneapolis, Kansas City, and Portland CSS Commodity Offices for domestic or export sale. |
| Oats, bulk | Domestic: Market price, basis in store,[3] but not less than the legal minimum price (1955 loan rate basis point of production for class, grade, and quality, plus 18 cents per bushel).<br>Examples of minimum price per bushel including average paid-in freight: Chicago No. 3 oats or better, $0.92; Minneapolis No. 3 oats or better, $0.87.<br>Export: Price as determined by CCC. Offerings also on competitive bid as announced by the Minneapolis, Chicago, Kansas City, Portland, or Dallas CSS Commodity Offices.[3]<br>Available at the above offices for domestic or export sale. |

See footnotes at end of table.



MAY 1956 MONTHLY SALES LIST—Continued

| Commodity and approximate quantity available (subject to prior sale) | Sales price or method of sale |
|---|---|
| Dry edible beans, (bagged) | Prices for domestic sale are for U. S. No. 1, f. o. b. indicated points of production: A premium or paid-in freight to be added as applicable.<br>For other grades of all beans, adjust by market differentials. |
| Pinto beans, 1954 crop, 200,000 hundredweight. | Domestic: Market price but not less than $6.92 per 100 pounds, points of production, Denver rate area. For other areas adjust by the 1955 support price differentials. Available Kansas City and Portland CSS Commodity Offices.<br>Export: Price as determined by CCC. Offerings also on competitive bid as announced by the Kansas City and Portland CSS Commodity Offices. |
| Pea beans, 1955 crop | Domestic: Market price but not less than $8.11 per hundredweight, f. o. b. Michigan points. Available Chicago CSS Commodity Office.<br>Export: Competitive bid as announced by Chicago CSS Commodity Office.<br>Export: Competitive bid as announced by the Portland CSS Commodity Office. |
| Baby lima beans, 1954 crop, 179,000 hundredweight. | For point of production plus any paid-in freight as applicable basis current freight rate at time of sale. Premiums and discounts may be obtained from the Commodity Offices for qualities above or below basic specification. Offers will not be accepted for less than warehouse receipt lot or minimum weight carlot as prescribed by railroad carrier's regulation at point of storage. |
| Hay and pasture seeds (bagged) | Domestic, unrestricted use: $18 per 100 pounds. Available Portland, Dallas, and Chicago CSS Commodity Offices.[4]<br>Domestic, restricted use (for feed only): Competitive bid basis for certain lots of Domestic, restricted use (for feed only) and certified stocks under terms and conditions of Announcement CH-GR-17 and amendments.<br>Available Chicago, Dallas and Portland CSS Commodity Offices. |
| Tall fescue seed (certified), 57,332 hundredweight. | Export: Competitive bid as announced by Chicago CSS Commodity Office.<br>Domestic, $20 per 100 pounds. Available Portland, Dallas and Chicago CSS Commodity Offices.[4] |
| Gum rosin (in galvanized metal drums averaging 517 pounds net). | Export: Competitive bid as announced by Portland CSS Commodity Office.<br>Export, unrestricted use: Offer and acceptance, "as is" in the stated quantities at the designated storage yards, subject to the prices, terms and conditions of Announcement TB-21 and Supplements issued not more often than weekly by the American Turpentine Farmers' Association Cooperative, Valdosta, Ga. |
| Gum turpentine (bulk in tanks) | Domestic or export: Offer and acceptance, "as is" in the stated quantities in the designated storage tanks, subject to the prices, terms, and conditions of Announcement TB-21 and Supplements issued not more often than weekly by the American Turpentine Farmers' Association Cooperative, Valdosta, Ga. |

[1] At the processor's plant or warehouse but with any prepaid storage and outhandling charges for the benefit of the buyer.

[2] Sales of grains made under Title I, Public Law 480, may be made on terms and conditions of GR-261 revised and GR-262. Other commodities under the announcement indicated.

[3] In those counties in which grain is stored in CCC bin sites, delivery will be made f. o. b. buyer's conveyance at such sites. In counties in which grain is stored in approved warehouses in such county and adjacent counties at the same price, provided the buyer makes arrangements with the warehouseman for storage documents.

[4] Prices for basic specifications will not be reduced through the period ending June 30, 1956.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U. S. C. 1427, sec. 208, 63 Stat. 901)

Issued: May 4, 1956.

[SEAL]

PRESTON RICHARDS,
*Acting Executive Vice-President,*
*Commodity Credit Corporation.*

[F. R. Doc. 56-3735; Filed, May 9, 1956; 8:55 a. m.]

# CIVIL AERONAUTICS BOARD

[Docket No. 6093 et al.]

INTRA-ALASKA CASE

NOTICE OF HEARING

In the matter of the investigation of Intra-Alaska Air Services.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205, 401, 416, and 1002 of said act, that a public hearing in the above-entitled proceeding will be held May 28, 1956, at 10 a. m., Alaska standard time, in the counsel chambers of the Z. J. Loussac Library, Anchorage, Alaska, before Examiner Herbert K. Bryan.

Without limiting the scope of the issues presented by the various dockets consoli-

MAY 1956 MONTHLY SALES LIST—Continued

| Commodity and approximate quantity available (subject to prior sale) | Sales price or method of sale | | | |
|---|---|---|---|---|
| Barley, bulk | Domestic: Market price, basis in store,[3] but not less than the legal minimum price (1955 applicable loan rate for class, grade, quality and location plus 26 cents per bushel).<br>Example of minimum price per bushel: Minneapolis No. 2 barley, $1.40.<br>Export: Price as determined by CCC. Offerings also on competitive bid as announced by the Minneapolis, Kansas City, Chicago, Dallas, or Portland CSS Commodity Offices.[3] Available at above offices for domestic or export sale. | | | |
| Rye, bulk | Domestic: Market price, basis in store,[3] but not less than the legal minimum price (1955 applicable loan rate for class, grade, quality and location plus 26 cents per bushel).<br>Example of minimum price per bushel: Minneapolis No. 2 or better, $1.67.<br>Export: Price as determined by CCC. Offerings also on competitive bid as announced by the Minneapolis, Kansas City, Dallas, Chicago, and Portland CSS Commodity Offices.[3] Available at above offices for domestic or export sale. | | | |
| Grain Sorghums, bulk | Domestic: Market price, basis in store,[3] but not less than the legal minimum price (1955 applicable loan rate for class, grade, quality and location plus 46 cents per 100 pounds).<br>Example of minimum price per hundredweight: Kansas City No. 2 or better, $2.08.<br>Available Dallas and Kansas City CSS Commodity Offices. | | | |
| Rice, rough, 1,400,000 hundredweight. | Export: Competitive bid as announced by Dallas CSS Commodity Office.<br>Domestic, unrestricted use: Market price as determined by CCC, but not less than the legal minimum price (1955 loan rate basis point of production plus 5 percent plus 56 cents per hundredweight).<br>Domestic, restricted use (for feed only): Competitive bid basis by Dallas CSS Commodity Office under the terms and conditions of DL-RRG 20/55.<br>Export, unrestricted use: 1955 support rate f. a. s., West Gulf ports (port at option of CCC). No. 2 or better milling rice, other than parboiled, deductions will be made for minimum freight charges to port.<br>Export, restricted use (to be ground in the USA and used for feed and industrial purposes only): Competitive bid basis by Dallas CSS Commodity Office.<br>Available Dallas CSS Commodity Office for domestic or export sale.[3] | | | |
| Rice, milled, 1,000,000 hundredweight. | Domestic: For U. S. No. 2 (4 percent brokens), the market price but not less than the legal minimum price (the equivalent loan rate for rough rice by varieties plus 5 percent, adjusted for milling, plus 71 cents per hundredweight).<br>Examples of minimum prices of milled rice per hundredweight, at mills: | | | |
| | | Head U. S. No. 2 (4 percent brokens) | U. S. No. 5 (35 percent brokens) | Second heads U. S. No. 3 |
| | Bluebonnet | $11.60 | $9.42 | $6.50 |
| | Zenith | 9.88 | 8.25 | 6.00 |

| | Head U. S. No. 2 (7 percent brokens) | U. S. No. 5 (35 percent brokens) | | Second heads U. S. No. 3 |
|---|---|---|---|---|
| | | 1954 | 1953 | |
| Bluebonnet | $10.20 | $7.80 | $8.00 | $4.45 |
| Zenith | 8.70 | 6.49 | | 4.20 |
| Pearl | 8.70 | 6.49 | | 4.20 |

Export: A schedule of prices as announced by Dallas CSS Commodity Office.

Examples of prices of milled rice per hundredweight, f. a. s., West Gulf ports (port at option of CCC):

1953 crop rice (U. S. No. 5, 35 percent brokens) is available f. o. b., Texas-Mexican border points at same price as at West Gulf ports.

Specific prices and quantities may be obtained from Dallas CSS Commodity Office.

Special export: Competitive bid under terms and conditions announced by the Dallas CSS Commodity Office.[4]

See footnotes at end of table.

dated for hearing, particular attention will be directed to the following matters:

1. Whether the public convenience and necessity require the merger, or consolidation, of any of the Alaskan Air Carriers into a limited number of systems. If so, what carriers should be merged or consolidated and by what means and in what manner;

2. Whether the public convenience and necessity require and the Board should order the suspension of passenger and property routes which parallel mail routes;

3. Whether the public convenience and necessity require and the Board should order the alteration, amendment, modification, or suspension, of any certificated regular route or routes, or the sale or transfer in whole or in part of any such route or routes from one certificated Alaskan Air Carrier to another, in order to effect a more economic realignment of route structures;

4. Whether the public convenience and necessity require and the Board should order the suspension of the irregular route authorizations of the certificated Alaskan Air Carriers;

5. Whether Part 292 of the Economic Regulations in whole or in part should be continued, amended, or modified.

Notice is further given that any interested person other than the parties and interveners of record desiring to be heard regarding the issues involved in this proceeding must file with the Civil Aeronautics Board on or before May 28, 1956, a statement setting forth the matters of fact or law on which he desires to be heard.

Dated at Washington, D. C., May 4, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56-3737; Filed, May 9, 1956; 8:55 a. m.]

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[Docket No. 3292]

EASTERN AIR LINES, INC., ROUTE CONSOLIDATION CASE

NOTICE OF HEARING

In the matter of the proceeding known as the Eastern Route Consolidation Case.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 1001 of the act, that a hearing in the above-entitled proceeding is assigned to be held on June 5, 1956, at 10:00 a.m., e. d. s. t., in room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Walter W. Bryan.

Notice is further given that any person not a party to the proceeding desiring to be heard in opposition to the matters set forth in the case must file with the Board on or before June 5, 1956, a statement setting forth issues of fact or law which he desires to contest. Any person filing such a statement may appear and participate at the hearing in accordance with § 302.14 of the Procedural Regulations under Title IV of the Civil Aeronautics Act, as amended.

For further details of the proceeding and issues involved, interested persons are referred to the applications consolidated in the proceeding and to the Board's Order No. E-9990, dated February 9, 1956, as well as other documents contained in the official docket in the case on file with the Civil Aeronautics Board.

Dated at Washington, D. C., May 4, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56-3738; Filed, May 9, 1956; 8:56 a. m.]

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[Docket No. SR-2188]

ADMINISTRATOR OF CIVIL AERONAUTICS
vs.
SIDNEY W. WILSON

NOTICE OF ORAL ARGUMENT

Notice is hereby given, at the instructions of the Board, that oral argument in the above-entitled matter is assigned to be held on May 29, 1956, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

The Administrator will be allotted 30 minutes; and the respondent, Sidney W. Wilson, 30 minutes; to be heard in that order. The Administrator may reserve not to exceed one-quarter of his allotted time for rebuttal.

Dated at Washington, D. C., May 4, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56-3739; Filed, May 9, 1956; 8:56 a. m.]

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## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11287, 11288; FCC 56M-425]

EL MUNDO, INC., AND PONCE DE LEON BROADCASTING CO., INC., OF P. R.

ORDER CONTINUING HEARING AND SCHEDULING PREHEARING CONFERENCE

In re applications of El Mundo, Inc., Mayaguez, Puerto Rico, Docket No. 11287, File No. BPCT-1892; Ponce de Leon Broadcasting Co. Inc. of P. R., Mayaguez, Puerto Rico, Docket No. 11288, File No. BPCT-1906; for construction permits for new television broadcast stations.

*It is hereby ordered* by the Hearing Examiner, on his own motion, that the hearing in the above-entitled proceeding now scheduled to be held on June 1, 1956, is postponed without date and that a prehearing conference in the said proceeding will be held at 10:00 o'clock a. m., in the offices of this Commission, Washington, D. C., on May 28, 1956.

Dated this 1st day of May 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 56-3725; Filed, May 9, 1956; 8:53 a. m.]

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[Docket No. 11582; FCC 56-400]

DALE R. CURTIS (KWIC)

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Dale R. Curtis (KWIC), Salt Lake City, Utah, Docket No. 11582, File No. BP-9925; for construction permit.

1. The Commission has before it for consideration a "Protest and Petition Of The United Broadcasting Company For Re-Hearing" filed on April 6, 1956, pursuant to sections 309 (c) and 405 of the Communications Act of 1934, as amended, by The United Broadcasting Company, licensee of Station KVOG, Ogden, Utah (1490 kc, 250 w, Unl.) and directed to the Commission's action of March 7, 1956, in granting without hearing the above-captioned application of Dale R. Curtis for a construction permit for a new standard broadcast station (KWIC) to operate on 1470 kilocycles with a power of 1 kilowatt, daytime only, at Salt Lake City, Utah.[1]

2. The above-captioned application was granted after a determination had been made by the Commission that the proposed operation of Station KWIC would not cause objectionable interference to any existing stations. The sites of KVOG and KWIC appear to lie on a north-south line shown on Figure M-3 of the Commission's Standards as dividing areas with conductivities of 15 millimhos to the west and 4 millimhos to the east. In determining the absence of interference to KVOG from the proposed KWIC operation, measurements on file with the Commission for Stations KALL, Salt Lake City, Utah, and KLO, Ogden, Utah, were used insofar as practical, and conductivities as shown on Figure M-3, otherwise.

3. In support of its pleading, KVOG alleges that field intensity measurements which it has made [2] indicate a higher soil conductivity for the area in question than is shown in Figure M-3 of the Commission's Technical Standards; and that, as a result, the 2 and 25 mv/m contours of KVOG and KWIC will overlap, a condition which is prohibited by § 3.37 of the Commission's rules; [3] and that KWIC will cause objectionable interference, affecting 3,062 persons, within the 0.5 mv/m normally protected contour of KVOG. The field intensity measurements were made by KVOG on a radial from its transmitter directly toward Salt Lake City to establish the KVOG 0.5 mv/m contour; and on a radial from Station KSOP, Salt Lake City (1370 kc, 1 kw,), directly toward Ogden to ascertain the KWIC 0.5 mv/m contour. The measurements made from KSOP indicate a conductivity of 40 millimhos for a distance of approximately 25 miles and a lower conductivity thereafter. KVOG is located approximately 35.8 miles north of the authorized KWIC operation. On the basis of the KVOG measurements, the 2 mv/m contour of KWIC would enclose the 25 mv/m contour of KVOG, and the 15 mv/m contour of KWIC would overlap the 0.5 mv/m contour of KVOG. For these reasons, KVOG requests that the effective date of the KWIC grant be postponed; that the KWIC application be designated for hearing on issues of interference to KVOG; and that KVOG be made a party to said proceeding. KVOG has specified no issues on which it desires to present evidence at a hearing.

4. The Commission's study of the matter indicates that almost all of the claimed area of interference from KWIC to KVOG falls within the Salt Lake City urbanized area and would not be considered objectionable since KVOG does not furnish sufficient signal (2.0 mv/m) to this area for adequate service. Nevertheless, some interference is indicated to the present KVOG service area immediately east and west of Salt Lake City. Further, although the KVOG measurements do not clearly indicate that overlap of the 2 and 25 mv/m contours of KVOG and KWIC would obtain, a sufficient question of fact is raised with respect to such overlap to necessitate its being made an issue in the hearing provided for below.

5. In view of the fact that the protestant has alleged that Station KVOG will receive interference within its 0.5 mv/m normally protected contour from the proposed operation of KWIC and that overlap of the 2 and 25 mv/m contours of KVOG and KWIC may obtain; and that these allegations have not been controverted by KWIC, we find the protestant to be a "party in interest" within the meaning of section 309 (c) of the Communications Act of 1934, as amended. In re Benton Broadcasting Service, 9 Pike and Fischer RR 93. We further find that the facts relied upon by the protestant have been specified with sufficient particularity to warrant designating the above-captioned application for hearing. Since the protestant has not specified issues, we are formulating issues designed to obtain information bearing on the matters raised by the protestant. In re T. E. Allen & Son, Inc., 9 Pike and Fischer RR 197. Moreover, we are adopting these issues. Therefore, the burden of proceeding with the introduction of evidence and the burden of proof on each issue shall be on Dale R. Curtis.

6. In view of the foregoing: *It is ordered*, That, insofar as the subject protest requests reconsideration of the Commission's action of March 7, 1956, it is granted to the extent provided for below; that pursuant to section 309 (c) of the Communications Act of 1934, as amended, effective immediately, the effective date of the grant of the above-entitled application is postponed pending a final determination by the Commission in the hearing described below; and that the above-captioned application is designated for hearing at the offices of the Commission in Washington, D. C. on the following issues:

(a) To determine the areas and populations which would receive primary service from the proposed operation of KWIC, and the availability of other primary service to such areas and populations.

(b) To determine whether the 2 and 25 mv/m contours of Station KVOG and the proposed operation of Station KWIC would overlap in contravention of § 3.37 of the Commission's rules.

(c) To determine whether the proposed operation of KWIC would involve objectionable interference with Station KVOG, Ogden, Utah, or any other existing stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

(d) To determine, on the basis of the evidence adduced pursuant to the foregoing issues, whether the grant of the above-captioned application should be set aside.

*It is further ordered*, That the burden of proceeding with the introduction of evidence and the burden of proof on each of the above issues shall be on Dale R. Curtis;

*It is further ordered*, That The United Broadcasting Company, licensee of Station KVOG, Ogden, Utah, and the Chief, Broadcast Bureau, are made parties to the above-ordered hearing; and that

(a) The hearing shall commence at 10 a. m. on June 29, 1956, before an Examiner to be designated in a subsequent order.

(b) The parties to the proceeding herein shall have fifteen (15) days after the issuance of the Examiner's decision to file exceptions thereto and seven (7) days thereafter to file replies to any such exceptions.

(c) The parties intending to participate in the hearing herein shall file their appearances not later than May 21, 1956.

Adopted: May 3, 1956.

Released: May 7, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 56-3727; Filed, May 9, 1956; 8:53 a. m.]

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[Docket No. 11661; FCC 56M-427]

WRATHER-ALVAREZ BROADCASTING, INC.

ORDER SCHEDULING PREHEARING CONFERENCE

In re application of Wrather-Alvarez Broadcasting, Inc., Yuma, Arizona, Docket No. 11661, File No. BPCT-2039; for a construction permit for a new Television Broadcast Station (Channel 13).

The Hearing Examiner having under consideration the desirability of holding a conference pursuant to § 1.813 of the Commission's rules;

*It is ordered*, This 4th day of May 1956, that a conference will be held on May 11, 1956, at 10:00 a. m., in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 56-3728; Filed, May 9, 1956; 8:53 a. m.]

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[Docket No. 11700; FCC 56-401]

SAN JOAQUIN BROADCASTING CO. (KSTN)

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of San Joaquin Broadcasting Company (KSTN), Stockton, California, Docket No. 11700, File No. BP-10208; for construction permit.

1. The Commission has before it for consideration a "Petition For Reconsideration of Grant of Application and Request For Hearing" filed on April 6, 1956, by KARM, The George Harm Station, licensee of Station KARM, Fresno, California (1430 kc, 5 kw, U, DA-1), pursuant to section 309 (c) of the Communications Act of 1934, as amended, directed to the Commission's action of March 8, 1956, in granting without a hearing the application of the San Joaquin Broadcasting Company for a construction permit to increase the daytime power of Station KSTN, Stockton, California.[1]

2. In the subject petition and supporting engineering affidavit, KARM contends that interference will be caused by the proposed KSTN operation within KARM's normally-protected daytime contour; that the area receiving the interference is approximately 60 miles long, including approximately 283 square miles with approximately 13,630 persons; that its normally-protected 0.5 mv/m contour extends a distance of approximately 69 miles toward Stockton; that based on the field intensity measurements contained in the KSTN Proof of Performance and on the computed values of radiation contained in the KSTN application, the 0.5 mv/m interference-producing contour of Station KSTN would extend a distance of approximately 50 miles toward Fresno; that the required separation to avoid objectionable overlap of the 0.5 mv/m contours is computed to be approximately 119 miles on a direct bearing between Fresno and Stockton; that the actual separation is 107 miles; and that, therefore, the proposed KSTN operation would cause interference to KARM. In these circumstances, KARM requests that the Commission

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[1] In a letter dated April 25, 1956, legal counsel for KWIC stated the station was planning to take field measurements to ascertain the extent, if any, of the interference involved.

[2] These measurements were set forth in an engineering affidavit submitted with the KVOG pleading.

[3] Section 3.37 reads as follows: A license will not be granted for a station on a frequency of plus or minus 30 kc from that of another station if the area enclosed by the 25 mv/m groundwave contours of the two stations overlap, nor will a license be granted for the operation of a station on a frequency of plus or minus 20 kc or 10 kc from the frequency of another station if the area enclosed by the 25 mv/m groundwave contour of either one overlaps the area enclosed by the 2 mv/m groundwave contour of the other.

[1] In response to a request by legal counsel for the San Joaquin Broadcasting Company to extend the time within which to reply to the KARM protest, the Commission extended the time for filing such reply to April 25, 1956. By letter of April 25, 1956, legal counsel for the San Joaquin Broadcasting Company stated that the engineers for KSTN and KARM are of the opinion that it is possible to eliminate the interference that KARM alleges it will receive from the proposed KSTN operation by redesigning the directional array of the proposed operation of KSTN; and that the engineers for KSTN are now in the process of completing the same.

rescind its action in granting the subject KSTN application; that said application be designated for hearing; and that KARM be made a party to the proceeding.

3. The Commission's initial examination of the KSTN proposal, relative to the possibility of interference with KARM, indicated that the 0.5 mv/m contours of the proposed operation of Station KSTN and Station KARM were tangent. This finding was made on the basis of measurement data on file for KSTN and KARM along paths to the east and west of the interference area in question and the conductivity indicated by Figure M–3 for the path directly toward this area. The difference in determining the distance to the changeover from a conductivity of 8 to 15 millimhos per meter, as indicated by Figure M–3 of the Technical Standards, appears to be the reason for the difference in the Commission's initial determination and the petitioner's findings of some objectionable interference.

4. In view of the facts that the protestant is licensee of standard broadcast Station KARM, Fresno, California; that it has alleged that KARM will receive interference within its 0.5 mv/m normally protected contour from the proposed operation of KSTN; and that KSTN has not denied KARM's allegations of interference, we find the protestant to be a "party in interest" within the meaning of section 309 (c) of the Communications Act of 1934, as amended. In re Benton Broadcasting Service, 9 Pike and Fischer RR 93. We further find that the facts, matters and things relied upon by the protestant have been specified with sufficient particularity to warrant designating the above-entitled application for hearing. We are adopting the issues specified by the protestant; and, in addition, we are including an issue designed to obtain information as to the areas and populations that would gain or lose primary service from the proposed KSTN operation. The burden of proceeding with the introduction of evidence and the burden of proof on each issue shall be on San Joaquin Broadcasting Company.

5. In view of the foregoing: *It is ordered,* That the subject Petition For Reconsideration is granted to the extent provided for below; and that, pursuant to section 309 (c) of the Communications Act of 1934, as amended, effective immediately, the effective date of the grant of the above-captioned application is postponed pending a final determination by the Commission in the hearing described below; and that the above-captioned application is designated for hearing at the offices of the Commission in Washington, D. C., upon the following issues:

(a) To determine the areas and populations that would gain or lose primary service from the proposed operation of Station KSTN and the availability of other primary service to such areas and populations.

(b) To determine whether the proposed operation of Station KSTN would involve objectionable interference with Station KARM, Fresno, California, or any other existing standard broadcasting station; and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other primary services to such areas and populations.

(c) To determine whether in the light of the evidence adduced under the foregoing issues, a grant of the subject application would serve the public interest.

*It is further ordered,* That KARM, The George Harm Station, licensee of Station KARM, Fresno, California, and the Chief, Broadcast Bureau, are made parties to the above-ordered hearing; and that

(a) The hearing shall commence at 10:00 a. m. on June 29, 1956, before an Examiner to be designated in a subsequent order.

(b) The parties to the proceeding herein shall have fifteen (15) days after the issuance of the Examiner's decision to file exceptions thereto and seven (7) days thereafter to file replies to any such exceptions.

(c) The parties intending to participate in the hearing shall file their appearances not later than May 21, 1956.

Adopted: May 3, 1956.

Released: May 7, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 56–3729; Filed, May 9, 1956; 8:53 a. m.]

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## CERTAIN UNITED STATES PASSENGER VESSELS

### RENEWAL OF EXEMPTION

In the matter of:

(1) Renewal of exemption of all United States passenger vessels of less than 100 gross tons, not subject to the radio provisions of the Safety Convention, from the radio provisions of Title III, Part II of the Communications Act of 1934, as amended, when navigated on voyages in the open sea not more than 20 nautical miles from the nearest land in waters lying between: (a) Hog Island, Virginia and Fire Island Light, New York; or (b) Hillsboro Light and Triumph Reef Beacon, Florida; or (c) Naples, Florida and Brownsville, Texas; or (d) Point Conception, California and Point Descanso or the Coronado Islands, Mexico; or (e) Salt Point and Point Sur, California; and

(2) Renewal of exemption of all United States passenger vessels of a tonnage up to and including 15 gross tons, not subject to the radio provisions of the Safety Convention, from the radio provisions of Title III, Part II of the Communications Act of 1934, as amended, when navigated on voyages in the open sea not more than 20 nautical miles from the nearest land.

The Commission having under consideration the above-captioned matters; and

It appearing that section 352 (b) (3) of the Communications Act of 1934, as amended, provides that the Commission may, if it considers that the route or the conditions of the voyage or other circumstances are such as to render a radio installation unreasonable or unnecessary for the purpose of Title III, Part II of the act, exempt from the radio provisions of Title III, Part II, passenger vessels of a tonnage of less than 100 gross tons not subject to the radio provisions of the Safety Convention; and

It further appearing that the Commission has heretofore granted and renewed exemption for specific periods to all United States passenger vessels of less than 100 gross tons, not subject to the radio provisions of the Safety Convention, when navigated not more than 20 nautical miles from the nearest land on voyages in the open sea in waters lying in the individual areas described in caption (1) above, and that the exemptions currently in force expire on May 13, 1956; and

It further appearing that the Commission has heretofore granted and renewed exemption for specific periods to all United States passenger vessels of a tonnage up to and including 15 gross tons, not subject to the radio provisions of the Safety Convention, when navigated not more than 20 nautical miles from the nearest land on voyages in the open sea and that the exemption currently in force expires on May 13, 1956; and

It further appearing that the passenger vessels described under captions (1) and (2) above, come within the class of vessels which may be granted exemption under section 352 (b) (3) of the Communications Act of 1934, as amended; and

It further appearing that there is no information before the Commission tending to show that the routes, or the conditions of the voyages of any of the vessels in question have changed substantially since the ships were first granted exemption, or that they will change substantially during the period for which the instant exemptions would be renewed;

*It is ordered,* This 3d of May 1956, pursuant to section 352 (b) (3) of the Communications Act of 1934, as amended, that all United States passenger vessels of a tonnage of less than 100 gross tons, not subject to the radio provisions of the Safety Convention are EXEMPT from the radio provisions of Title III, Part II of the Communications Act of 1934, as amended, for an additional period not to extend beyond May 13, 1957, when navigated on voyages in the open sea in waters lying between:

(a) Hog Island, Virginia, and Fire Island Light, New York; or

(b) Hillsboro Light and Triumph Reef Beacon, Florida; or

(c) Naples, Florida, and Brownsville, Texas; or

(d) Point Conception, California and Point Lescanso or the Coronado Islands, Mexico; or

(e) Salt Point and Point Sur, California;

*Provided,* That during the course of the voyages the vessels will be navigated not more than 20 nautical miles from the nearest land.

*It is further ordered,* This 3d day of May 1956, pursuant to section 352 (b) (3) of the Communications Act of 1934, as amended, that all United States passenger vessels of a tonnage up to and including 15 gross tons, not subject to the radio provisions of the Safety Convention, are exempt from the radio provisions of Title III, Part II of the Communications Act of 1934, as amended, for an additional period not to extend beyond May 13, 1957: *Provided,* That during the course of the voyages the vessels will be navigated not more than 20 nautical miles from the nearest land.

*It is further ordered,* That these exemptions may be terminated at any time without hearing if, in the Commission's discretion, the need for such action arises.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 56–3730; Filed, May 9, 1956; 8:54 a. m.]

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# FEDERAL POWER COMMISSION

[Docket No. G–4616]

## TEXAS CO.

### NOTICE OF APPLICATION AND DATE OF HEARING

MAY 4, 1956.

Take notice that the above Applicant has filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render services as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its respective application which is on file with the Commission and open for public inspection.

Applicant produces and sells natural gas for transportation in interstate commerce for resale, as indicated below:

*Location of Field and Buyer*

North Hutchinson Field, Hutchinson County, Tex.; West Panhandle Field, Gray and Carson Counties, Tex.; Guymon-Hugoton Field, Texas County, Okla.; Northern Natural Gas Company.

Guymon-Hugoton Field, Texas County, Okla.; Mt. Hope and Padroni Fields, Logan County, Colo.; Kansas-Nebraska Natural Gas Company.

Guymon-Hugoton Field, Texas County, Okla.; Panhandle Eastern Pipe Line Company.

Guymon-Hugoton Field, Texas County, Okla.; Cities Service Gas Company.

Eumont, Jalmat, and Blinberry Fields, Lea County, N. Mex.; Permian Basin Pipe Line Company.

Slaughter Gasoline Plant, Levelland Gasoline Plant, Hockey County, Tex.; South Fullerton Gasoline Plant, Bedford Field, Andrews County, Tex.; Fuller Gasoline Plant, Scurry County, Tex.; TXL Gasoline Plant, Ector County, Tex.; Gallegos Canyon Field, Blanco (Mesa Verde) Field, San Juan Basin, San Juan County, N. Mex.; Jalmat Field, Eumont Field, Blinberry Field, Langlie-Mattix Field, Rhodes Pool, Dollarhide Field, Lea County, N. Mex.; Big Lake West Field, Reagan County, Tex.; Jack Herbert Field, Upton County, Tex.; El Paso Natural Gas Company.

Guymon-Hugoton Field, Texas County, Okla.; Hugoton Plains Gas and Oil Company.

Texas-Hugoton Field, Sherman and Hansford Counties, Tex.; Guymon-Hugoton Field, Texas County, Okla.; Hugoton Field, Moore County, Tex.; West Panhandle Field, Gray County, Tex.; Phillips Petroleum Company.

Hugoton Field, Sherman County, Tex.; West Panhandle Field, Hutchinson and Moore Counties, Tex.; Shamrock Oil and Gas Company.

Hiawatha Field, Moffatt County, Colo.; Mountain Fuel Supply Company.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 6, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 23, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56–3704; Filed, May 9, 1956; 8:49 a. m.]

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[Docket No. 5298 etc.]

## SKELLY OIL CO.

### NOTICE OF APPLICATIONS AND DATE OF HEARING

Take notice that each of the Applicants listed below has filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing such Applicant to continue to sell natural gas subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open for public inspection. These matters should be consolidated and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on the date and at the place hereinafter stated, concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) not less than ten days before the date of hearing. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request for waiver is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

The dockets, Applicants and material averments in applications to which reference is made above are as follows:

*Docket No.; Name and Address; Filing Date; Gas Field; and Purchaser*

G–5298; Skelly Oil Company, Tulsa, Okla.; 11–22–54; Eunice, Lea County, N. Mex.; El Paso Natural Gas Company.

G–5301; Skelly Oil Company, Tulsa, Okla.; 11–22–54; Orth, Rice County, Kans.; Cities Service Gas Company.

G–5302; Skelly Oil Company, Tulsa, Okla.; 11–22–54; Hugoton, Kearny County, Kans.; Colorado Interstate Gas Co.

G–5303; Skelly Oil Company, Tulsa, Okla.; 11–22–54; amended 2–23–56; supplemented 3–12–56; Kansas-Hugoton, Seward, Haskel and Finney Counties, Kans.; Kansas-Nebraska Natural Gas Company.

G–5304; Skelly Oil Company, Tulsa, Okla.; 11–22–54; Kansas, Stevens County, Kans.; Northern Natural Gas Company.

G–5305; Skelly Oil Company, Tulsa, Okla.; 11–22–54; Kansas, Finney County, Kans.; Northern Natural Gas Company.

G–5306; Skelly Oil Company, Tulsa, Okla.; 11–22–54; Kansas, Morton County, Kans.; Northern Natural Gas Company.

G–5308; Skelly Oil Company, Tulsa, Okla.; 11–22–54; Kansas-Hugoton, Seward County, Kans.; Northern Natural Gas Company.

G–5310; Skelly Oil Company, Tulsa, Okla.; 11–22–54; Athens, Claiborne Parish, La.; Arkansas-Louisiana Gas Company.

G–5311; Skelly Oil Company, Tulsa, Okla.; 11–22–54; Sibley, Webster Parish, La.; Arkansas-Louisiana Gas Company.

G–5312; Skelly Oil Company, Tulsa, Okla.; 11–22–54; Logansport, De Soto Parish, La.; Tennessee Gas Transmission Company.

G–5313; Skelly Oil Company, Tulsa, Okla.; 11–22–54; Cotton Valley, Webster Parish, La.; United Gas Pipe Line Company.

G–5314; Skelly Oil Company, Tulsa, Okla.; 11–22–54; Langley, Mattox, Jalmat and Eumont, Lea County, N. Mex.; El Paso Natural Gas Company.

G–5315; Skelly Oil Company, Tulsa, Okla.; 11–22–54; Langmat, Lea County, N. Mex.; El Paso Natural Gas Company.

G–5316; Skelly Oil Company, Tulsa, Okla.; 11–22–54; Blanco, San Juan and Rio Arriba, N. Mex.; El Paso Natural Gas Company.

G–5317; Skelly Oil Company, Tulsa, Okla.; 11–22–54; Fulcher Kutz and South Blanco, San Juan County, N. Mex.; El Paso Natural Gas Company.

G–5318; Skelly Oil Company, Tulsa, Okla.; 11–22–54; Eumont, Lea County, N. Mex.; Permian Basin Pipe Line Company.

G–5319; Skelly Oil Company, Tulsa, Okla.; 11–22–54; Big Springs, Deuel County, Nebr.; Kansas-Nebraska Natural Gas Company.

G–5320; Skelly Oil Company, Tulsa, Okla.; 11–22–54; Guymon-Hugoton, Texas County, Okla.; Cities Service Gas Company.

G–5321; Skelly Oil Company, Tulsa, Okla.; 11–22–54; Guymon-Hugoton, Texas County, Okla.; Kansas-Nebraska Natural Gas Company.
G–5322; Skelly Oil Company, Tulsa, Okla.; 11–22–54; Sholem-Alechem, Stephens County, Okla.; Lone Star Gas Company.
G–5323; Skelly Oil Company, Tulsa, Okla.; 11–22–54; Sholem-Alechem, Stephens County, Okla.; Lone Star Gas Company.
G–5324; Skelly Oil Company, Tulsa, Okla.; 11–22–54; Sholem-Alechem, Carter County, Okla.; Lone Star Gas Company.
G–5325; Skelly Oil Company, Tulsa, Okla.; 11–22–54; Velma, Stephens County, Okla.; Lone Star Gas Company.
G–5326; Skelly Oil Company, Tulsa, Okla.; 11–22–54; Velma, Stephens County, Okla.; Lone Star Gas Company.
G–5327; Skelly Oil Company, Tulsa, Okla.; 11–22–54; Rodessa, Cass County, Tex.; Arkansas-Louisiana Gas Company.
G–5328; Skelly Oil Company, Tulsa, Okla.; 11–22–54; Carthage, Panola County, Tex.; Arkansas-Louisiana Gas Company.
G–5329; Skelly Oil Company, Tulsa, Okla.; 11–22–54; East Mathis, San Patricio County, Tex.; Gas Gathering Company.

A public hearing will be held on the 4th day of June 1956, beginning at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the above applications.

[SEAL] LEON M. FUQUAY, *Secretary.*

MAY 4, 1956.

[F. R. Doc. 56–3696; Filed, May 9, 1956; 8:47 a. m.]

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[Document No. 5330 etc.]

## SKELLY OIL CO.

### NOTICE OF APPLICATIONS AND DATE OF HEARING

Take notice that each of the Applicants listed below has filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing such Applicant to continue to sell natural gas subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open for public inspection. These matters should be consolidated and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on the date and at the place hereinafter stated, concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) not less than ten days before the date of hearing. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request for waiver is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

The dockets, Applicants and material averments in applications to which reference is made above are as follows:

*Docket No.; Name and Address; Filing Date; Gas Field; and Purchaser*

G–5330; Skelly Oil Company, Tulsa, Okla.; 11–22–54; Bailey, Nueces County, Tex.; Tennessee Gas Transmission Company.
G–5331; Skelly Oil Company, Tulsa, Okla.; 11–22–54; Bay City, Matagorda County, Tex.; Tennessee Gas Transmission Company.
G–5332; Skelly Oil Company, Tulsa, Okla.; 11–22–54; East Bay City, Matagorda County, Tex.; Tennessee Gas Transmission Company.
G–5333; Skelly Oil Company, Tulsa, Okla.; 11–22–54; East Provident City, La Vaca County, Tex.; Texas Eastern Transmission Corporation.
G–5334; Skelly Oil Company, Tulsa, Okla.; 11–22–54; East Bay City, Matagorda County, Tex.; Texas-Illinois Natural Gas Pipe Line Company.
G–5335; Skelly Oil Company, Tulsa, Okla.; 11–22–54; Carthage, Panola County, Tex.; Texas Gas Transmission Corporation.
G–5336; Skelly Oil Company, Tulsa, Okla.; 11–22–54; Carthage, Panola County, Tex.; Texas Gas Transmission Corporation.
G–5337; Skelly Oil Company, Tulsa, Okla.; 11–22–54; Carthage, Panola County, Tex.; Texas Gas Transmission Corporation.
G–5338; Skelly Oil Company, Tulsa, Okla.; 11–22–54; Carthage, Panola County,, Tex.; Texas Gas Transmission Corporation.
G–5339; Skelly Oil Company, Tulsa, Okla.; 11–22–54; Carthage, Panola County, Tex.; United Gas Pipe Line Company.
G–5340; Skelly Oil Company, Tulsa, Okla.; 11–22–54; Carthage, Panola County, Tex.; United Gas Pipe Line Company.
G–5341; Skelly Oil Company, Tulsa, Okla.; 11–22–54; Bethany, Panola County, Tex.; United Gas Pipe Line Company.
G–5342; Skelly Oil Company, Tulsa, Okla.; 11–22–54; Bethany, Panola County, Tex.; United Gas Pipe Line Company.
G–5343; Skelly Oil Company, Tulsa, Okla.; 11–22–54; Bethany, Panola County, Tex.; United Gas Pipe Line Company.
G–5344; Skelly Oil Company, Tulsa, Okla.; 11–22–54; Bethany, Panola County, Tex.; United Gas Pipe Line Company.
G–5345; Skelly Oil Company, Tulsa, Okla.; 11–22–54; Bethany, Panola County, Tex.; United Gas Pipe Line Company.
G–5346; Skelly Oil Company, Tulsa, Okla.; 11–22–54; Bethany, Panola County, Tex.; United Gas Pipe Line Company.
G–5347; Skelly Oil Company, Tulsa, Okla.; 11–22–54; Aqua Dulce, Nueces County, Tex.; Tennessee Gas Transmission Company.
G–5348; Skelly Oil Company, Tulsa, Okla.; 11–22–54; Carthage, Panola County, Tex.; Texas Gas Transmission Corporation.
G–5349; Skelly Oil Company, Tulsa, Okla.; 11–22–54; West Panhandle, Moore and Hutchinson Counties, Tex.; Panhandle Eastern Pipe Line Company.
G–5350; Skelly Oil Company, Tulsa, Okla.; 11–22–54; West Panhandle, Moore and Hutchinson Counties, Tex.; Panhandle Eastern Pipe Line Company.

A public hearing will be held June 4, 1956, beginning at 9:30 a. m., e. d. s. t., in the hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters in and the issues presented by the above applications.

[SEAL] LEON M. FUQUAY, *Secretary.*

MAY 4, 1956.

[F. R. Doc. 56–3697; Filed, May 9, 1956; 8:48 a. m.]

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[Docket No. 5351 etc.]

## SKELLY OIL CO.

### NOTICE OF APPLICATIONS AND DATE OF HEARING

Take notice that each of the Applicants listed below has filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing such Applicant to continue to sell natural gas subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open for public inspection. These matters should be consolidated and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on the date and at the place hereinafter stated, concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) not less than ten days before the date of hearing. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request for waiver is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

The dockets, Applicants and material averments in applications to which reference is made above are as follows:

*Docket No.; Name and Address; Filing Date; Gas Field; and Purchaser*

G–5351; Skelly Oil Company, Tulsa, Okla.; 11–22–54; Hugoton, Sherman and Hansford Counties, Tex.; Phillips Petroleum Company.
G–5352; Skelly Oil Company, Tulsa, Okla.; 11–22–54; Hugoton, Texas County, Okla.; Plains Natural Gas Company.
G–5353; Skelly Oil Company, Tulsa, Okla.; 11–22–54; Wilcox Trend Area, Bee County, Tex.; Texas Eastern Transmission Corporation.
G–5354; Skelly Oil Company, Tulsa, Okla.; 11–22–54; Jalmat, Lea County, N. Mex.; El Paso Natural Gas Company.



G–5355; Skelly Oil Company, Tulsa, Okla.; 11–22–54; Hugoton, Texas County, Okla.; Hugoton Plains Gas and Oil Company.
G–5356; Skelly Oil Company, Tulsa, Okla.; 11–22–54; Justis, Lea County, N. Mex.; El Paso Natural Gas Company.
G–5357; Skelly Oil Company, Tulsa, Okla.; 11–22–54; Carthage, Panola County, Tex.; United Gas Pipe Line Company.
G–5358; Skelly Oil Company, Tulsa, Okla.; 11–22–54; Fairbanks, Harris County, Tex.; Texas-Illinois Natural Gas Pipe Line Company.
G–5359; Skelly Oil Company, Tulsa, Okla.; 11–22–54; Panhandle, Gray County, Tex.; Phillips Petroleum Company.
G–5360; Skelly Oil Company, Tulsa, Okla.; 11–22–54; Panhandle, Hutchinson and Gray Counties, Tex.; Phillips Petroleum Company.
G–5361; Skelly Oil Company, Tulsa, Okla.; 11–22–54; Panhandle, Gray County, Tex.; Phillips Petroleum Company.
G–5362; Skelly Oil Company, Tulsa, Okla.; 11–22–54 (amended 4–9–56, 4–23–56); Greenwood, Morton County, Kans.; Colorado Interstate Gas Company.
G–5363; Skelly Oil Company, Tulsa, Okla.; 11–22–54; Spraybery, Upton, Reagan, Glasscock, Midland Counties, Tex.; El Paso Natural Gas Company.
G–5364; Skelly Oil Company, Tulsa, Okla.; 11–22–54; West Edmond, Hunton, Lime Unit, Oklahoma, Canadian, Logan and Kingfisher Counties, Okla.; Cities Service Gas Company.
G–5365; Skelly Oil Company, Tulsa, Okla.; 11–22–54; Kelly-Snyder, Scurry County, Tex.; Lone Star Gas Company.
G–5366; Skelly Oil Company, Tulsa, Okla.; 11–22–54; Denton, Lea County, N. Mex.; El Paso Natural Gas Company.
G–5367; Skelly Oil Company, Tulsa, Okla.; 11–22–54; Levelland, Hockley and Cochron Counties, Tex.; El Paso Natural Gas Company.
G–5368; Skelly Oil Company, Tulsa, Okla.; 11–22–54; East Vealmoor, Borden and Howard Counties, Tex.; El Paso Natural Gas Company.
G–5369; Skelly Oil Company, Tulsa, Okla.; 11–22–54; West Edmond, Hunton Lime Unit, Oklahoma, Canadian, Logan and Kingfisher Counties, Okla.; Cities Service Gas Company.
G–5374; Skelly Oil Company, Tulsa, Okla.; 11–22–54; Eunice, Lea County, N. Mex.; Permian Basin Pipe Line Company.
G–5375; Skelly Oil Company, Tulsa, Okla.; 11–22–54; Jal, Lea County, N. Mex.; El Paso Natural Gas Company.
G–5376; Skelly Oil Company, Tulsa, Okla.; 11–22–54; Guymon-Hugoton, Texas County, Okla.; Cities Service Gas Company.
G–5377; Skelly Oil Company, Tulsa, Okla.; 11–22–54; Dollarhide, Mexico and "L" Lease, Lea County, N. Mex.; El Paso Natural Gas Company.
G–5378; Skelly Oil Company, Tulsa, Okla.; 11–22–54; Langlie-Mattix, Lea County, N. Mex.; El Paso Natural Gas Company.
G–5379; Skelly Oil Company, Tulsa, Okla.; 11–22–54; Langlie-Mattix, Jalmat, Eumont and Dollarhide Oil Fields, Lea County, N. Mex.; El Paso Natural Gas Company.

A public hearing will be held on the 5th day of June 1956, beginning at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the above applications.

[SEAL] LEON M. FUQUAY, *Secretary.*

MAY 4, 1956.

[F. R. Doc. 56–3705; Filed, May 9, 1956; 8:49 a. m.]



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[Docket No. G–5974 etc.]

## HAROLD H. WOODS, SR., ET AL.

### NOTICE OF SEVERANCE

MAY 4, 1956.

In the matter of Harold H. Woods, Sr., et al., Docket Nos. G–5974, et al.; Stanolind Oil and Gas Company, Docket No. G–6022.

Take notice that the hearing now scheduled for May 7, 1956, upon the application for certificate of public convenience and necessity filed in Docket No. G–6022, which was consolidated with the applications in Docket Nos. G–5974 et al., is hereby severed from the consolidated proceedings in Docket Nos. G–5974 et al., and is hereby postponed to a date to be hereafter fixed by further notice.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–3706; Filed, May 9, 1956; 8:49 a. m.]

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[Docket No. G–6858]

## MICHIGAN WISCONSIN PIPE LINE CO.

### NOTICE OF APPLICATION AND DATE OF HEARING

MAY 4, 1956.

Take notice that Michigan Wisconsin Pipe Line Company (Applicant), a Delaware corporation with a principal place of business in Detroit, Michigan, filed an application on January 7, 1955, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to construct and operate (1) a 3½-inch tie-in pipeline extending approximately ⅝ths of a mile from its main transmission line to the wellhead of Carter's F. W. Tretbar Well No. 1, and (2) a meter station at or near the wellhead of said Tretbar Well No. 1, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission, and open for public inspection.

The application recites that the facilities are necessary and will be utilized for the taking of natural gas from The Carter Oil Company which will be produced in the Tretbar Unit, Beaver County, Oklahoma. The proposed construction will cost approximately $10,000, and will be paid for by Applicant from funds on hand.

Temporary authorization for the construction and operation of the described facilities was granted to Applicant by the Commission on February 18, 1955.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authortiy contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 21, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 8, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–3698; Filed, May 9, 1956; 8:48 a. m.]

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[Docket No. G–7348]

## BARNES TRANSPORTATION CO., INC.

### NOTICE OF APPLICATION AND DATE OF HEARING

MAY 4, 1956.

Take notice that Barnes Transportation Company, Inc. (Applicant), a West Virginia corporation whose address is Charleston, West Virginia, filed on December 1, 1954, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant alleges that it gathers natural gas from wells in eastern Kentucky owned by United Carbon Company (United Carbon) and delivers it to the pipelines of United Fuel Gas Company (United Fuel) at various points in the fields established by contract between United Fuel and United Carbon or its predecessor. The cost of the gathering service is paid by the producer, United Carbon, to Applicant on an Mcf basis.

Applicant further alleges that it purchased the then existing gathering lines of United Carbon as of January 1, 1937 and has continued to own and operate them since that date. As additional wells have been brought into production Applicant has constructed or has had constructed for its account additional gathering lines, and at present is connected to 362 wells of United Carbon. Its pipelines range from two to six inches in diameter and are all located in the Counties of Floyd, Knott, Pike, Magoffin, Breathitt, Lawrence and Martin in the State of Kentucky.

Applicant also alleges that all deliveries are made to United Fuel and at the time of filing, United Carbon, by letter

supplement No. 4 to Applicant's FPC Gas Rate Schedule No. 1, was paying Applicant one cent per Mcf for the service being rendered.

Applicant states that it does not produce natural gas but gathers it from the producer and delivers it to the interstate pipeline transmission company.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 5, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 22, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-3700; Filed, May 9, 1956; 8:48 a. m.]

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[Docket No. G-9096]

NATURAL GAS CO. OF WEST VIRGINIA

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 4, 1956.

Natural Gas Company of West Virginia (Applicant), a West Virginia corporation, and a Columbia Gas System subsidiary, having its principal place of business at Pittsburgh, Pennsylvania, filed an application on July 5, 1955, pursuant to section 7 of the Natural Gas Act, for a certificate of public convenience and necessity authorizing transportation and sale from its existing transmission system to Insulating Products Company, Inc. (Insulating), a new direct industrial interruptible customer, located near Alliance, Mahoning County, Ohio.

Applicant states that the facilities necessary to serve the proposed customers are:

(1) 30 feet of 3-inch service line, a meter, regulators and miscellaneous equipment on its existing 8-inch transmission line No. 6038 between Alliance and Sebring, Ohio.

Applicant also stated that the estimated capital cost of its proposed facilities is $3,390. Based on material submitted by Applicant, revenues from this sale is estimated at $30,000. Applicant also estimates the increase in annual operating expenses, exclusive of cost of gas purchased, to be $140.

Applicant further states that the rate to be charged Insulating is 50 cents per Mcf, according to Applicant's tariff on file with the Public Utilities Commission of Ohio, which has jurisdiction over such rates.

Applicant alleges that Insulating expects to require 60,000 Mcf per year and a maximum of 240 Mcf per day, and further alleges that this sale is interruptible in order to protect the supply to domestic and commercial users.

Applicant finally alleges that it does not propose to construct or operate any additional facilities in connection with the proposed sale other than the minor facilities heretofore listed, and that it is not proposing to sell and deliver gas in any community not now served by it.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 5, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 22, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-3701; Filed, May 9, 1956; 8:48 a. m.]

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[Docket No. G-9378]

HOPE NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 4, 1956.

Take notice that Hope Natural Gas Company, a West Virginia corporation with a principal place of business in Clarksburg, West Virginia, filed on September 20, 1955, an application pursuant to section 7 (b) of the Natural Gas Act for permission and approval to abandon its existing Turner Compressor Station located in Kanawha County, West Virginia, all as more fully represented in the application which is on file with the Commission, and open for public inspection.

The application recites that the Turner Station was last operated in August, 1955 to gather and compress natural gas produced in a nearby field, which was transmitted to its upstream Cornwell Compressor Station on its main line, but that the volume of gas available to the Turner Station has been depleted to the extent that it is no longer economical to operate the station. The Cornwell Station will be able to take over the service performed by the Turner Station. No abandonment or curtailment of service to any customer will result from the abandonment of the station. Original cost of the station constructed in 1936 is stated as being $54,304; and Applicant plans to return the two installed 180 HP compressors to its warehouse.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by Sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 20, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 8, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-3699; Filed, May 9, 1956; 8:48 a. m.]

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[Docket No. G-9952]

KANSAS-COLORADO UTILITIES, INC.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 4, 1956.

Take notice that Kansas-Colorado Utilities, Inc. (Applicant), a Kansas corporation with principal place of business at 112 West Elm Street, Lamar, Colorado, filed, on February 6, 1956, an application for (1) a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act (act) authorizing Applicant to render service as hereinafter described and (2) for permission to abandon facilities pursuant to section 7 (b) of said act as hereinafter described; subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant requests authority:

(1) To sell natural gas in interstate commerce to Plateau Natural Gas Company[1] for resale and local distribution by said company to ultimate consumers (viz., some 6,174 residential, commercial and industrial customers) presently served by Applicant directly (1) in and adjacent to the cities, towns and communities of Johnson, Kendall, Manter, Syracuse and Ulysses in the State of Kansas and Bartlett, Barton, Big Bend, Bristol, Granada, Hartman, Holly, Keesee, Lamar, May Valley, McClave, Springfield, Vilas, Walsh, Wiley and Wilson Junction in the State of Colorado; (2) at various alfalfa dehydrating mills; (3) at certain electric light plants; and (4) at various farm and irrigation taps located along Applicant's existing main line transmission pipeline system and laterals extending therefrom.

(2) To abandon, upon sale and transfer to Plateau, the existing regulating equipment and meter facilities[2] now owned, operated and maintained by Applicant which are presently located near the cities, towns and communities of Johnson, Manter, Syracuse and Ulysses in the State of Kansas and Bartlett, Springfield, Vilas, Walsh, Lamar, Wiley, McClave, Big Bend, Bristol, Granada, Hartman and Holly in the State of Colorado, all as shown in Exhibit X of the application.

Applicant will continue to own, operate and maintain other existing regulating equipment and meter facilities which are located at the town border stations of Johnson, Kendall, Manter, Syracuse and Ulysses in the State of Kansas and Bristol, Granada, Hartman, Holly, Lamar, McClave, Springfield, Vilas, Walsh, Wiley and Wilson Junction which are necessary to effectuate the sale to Plateau for resale at these town border stations. Applicant will retain its production and transmission properties but will dispose of all of its distribution properties.

[1] Plateau is a Colorado corporation newly organized for the purpose of acquiring and operating the natural gas distribution systems of Pikes Peak Natural Gas Company, a Colorado corporation; Midwest Natural Gas, Inc., a Colorado corporation; and Goodland Natural Gas Company, a Kansas corporation. Plateau will acquire all of the issued and outstanding capital stock of these three companies. Plateau will also acquire in excess of 97 percent of the issued and outstanding common stock of Applicant.

[2] Together with the local distribution facilities and other local distribution assets of Applicant in Kansas and Colorado, for which applicant is not requesting authority to abandon.



Applicant states that it will not be necessary to construct any new facilities in order to render natural gas service to Plateau; that the facilities proposed to be sold by Applicant will be sold at fair market value as determined by independent appraisal; and that there will be no change in the presently effective rates for natural gas service to the ultimate consumers presently served by Applicant in Kansas and Colorado or to those consumers presently served by the 3 natural gas distribution systems which are the subject of the proposed consolidation in toto.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Monday, June 11, 1956 at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Providing, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 21, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-3702; Filed, May 9, 1956; 8:49 a. m.]

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[Docket No. G-9978]

PACIFIC NORTHWEST PIPELINE CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 4, 1956.

Take notice that Pacific Northwest Pipeline Corporation (Applicant), a Delaware corporation, with its principal place of business in Houston, Texas, filed an application on February 20, 1956, as supplemented on April 3, 1956, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain facilities to initiate natural gas service as hereinafter described subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant proposes to construct and operate a main line with measuring and regulating station on its main transmission line located approximately 11 miles east of the city limits of the town of Vernal, Utah. Through such facilities applicant proposes to sell and deliver natural gas on a firm basis to Mr. Loran L. Laughlin, who has been authorized by the Public Service Commission of Utah to construct and operate distribution facilities for rendering service to the town of Vernal.

Applicant proposes to sell the following volumes of natural gas on a firm basis to Mr. Laughlin:

[Mcf at 14.73 p. s. i. a.]

| Year of operation | Peak day | Annual |
|---|---|---|
| First | 528 | 192,880 |
| Second | 1,262 | 266,212 |
| Third | 1,578 | 297,806 |

In addition to these firm deliveries, Applicant proposes to sell up to 330 Mcf of natural gas per day on an interruptible basis to Mr. Laughlin for resale to Utah Power and Light Company for use in internal combustion engines for generation of electric energy.

The estimated overall cost of the facilities proposed to be constructed by Applicant is $12,000 which Applicant will finance from current working funds.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 7, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 22, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-3703; Filed, May 9, 1956; 8:49 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 2-11486]

PACIFIC NORTHWEST PIPELINE CORP.

NOTICE OF APPLICATION AND OPPORTUNITY FOR HEARING

MAY 4, 1956.

Notice is hereby given that Pacific Northwest Pipeline Corporation (Company) has filed an application under section 310 (b) (1) (ii) of the Trust Indenture Act of 1939 for a finding by the Commission that trusteeship of The Chase Manhattan Bank under an Indenture dated as of March 1, 1955 (1955 Indenture) which was heretofore qualified under the act, and trusteeship by The Chase Manhattan Bank under a proposed indenture to be dated as of March 1, 1956 (1956 Indenture), not to be qualified under the act, is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify said Trustee from acting as such under the 1955 Indenture and the 1956 Indenture.

Section 310 (b) of the act, which is included in section 10.10 of the 1955 Indenture, provides in part that if an indenture trustee under an indenture qualified under the act has or shall acquire any conflicting interest (as defined in the section), it shall, within ninety days after ascertaining that it has such conflicting interest, either eliminate such conflicting interest or resign. Subsection (1) of this section provides, with certain exceptions stated therein, that a trustee is deemed to have a conflicting interest if it is trustee under more than one indenture of the same obligor. However, pursuant to clause (ii) of subsection (1), an issuer may sustain the burden of proving, on application to the Commission and after opportunity for hearing thereon, that trusteeship under a qualified indenture and another indenture is not so likely to involve a material conflict of interest as to make it necessary in the public interest or for the protection of investors to disqualify such trustee from acting as trustee under one of such indentures.

The company alleges that:

1. It proposes to issue $10,000,000 aggregate principal amount of 5.60 percent Interim Notes, due June 1, 1958, under the 1956 Indenture under which The Chase Manhattan Bank is named indenture trustee, and to sell the new notes to two institutional purchasers which will purchase the notes for investment and not with a view to distribution, as a result of which the 1956 Indenture will be exempt from qualification under the Trust Indenture Act of 1939.

2. It has outstanding $17,220,000 principal amount of its 5½ percent Interim Notes due June 1, 1957, issued under the 1955 Indenture dated as of March 1, 1955, under which The Chase Manhattan Bank is trustee.

3. The 1955 Indenture was qualified under the Trust Indenture Act of 1939.

4. The 1955 Indenture and the 1956 Indenture are wholly unsecured.

5. The 1955 Indenture provides for payment of the notes in cash or in shares of the company's $3.30 Series, Cumulative Preferred Stock. The 1956 Indenture provides for two series of notes; Series A will be payable in cash or in Class A Cumulative Preferred Stock, $5.60 Series; and Series B notes will be payable in cash or in Class B Cumulative Preferred Stock. The Series B notes and Class B Preferred Stock will also be convertible into and redeemable in shares of Common Stock of the Company. Failure to pay principal on other debt securities of the Company is made an event of default under the 1956 Indenture.

6. Except as to the foregoing and differences as to amounts, dates, interest rates, redemption prices and technical differences, most of the provisions of the two indentures are substantially alike.

7. Certain provisions in the 1956 Indenture conforming to the requirements of the Trust Indenture Act of 1939 will not become operative unless and until the indenture is qualified thereunder.

8. The differences between the 1955 Indenture and the 1956 Indenture are not likely to involve a conflict of interest in the trusteeship.

For a more detailed statement of the matters of fact and law asserted, all persons are referred to the application which is on file in the offices of the Commission at 425 Second Street NW., Washington, D. C.

Notice is further given that an order granting the application may be issued by the Commission at any time on or after May 21, 1956, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in clause (ii) of section 310 (b) (1) of the Trust Indenture Act of 1939. Any interested person may, not later than May 18, 1956, in writing, submit to the Commission his views or any additional facts bearing upon this application or the desirability of a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact and law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-3708; Filed, May 9, 1956; 8:50 a. m.]

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[File No. 70-3465]

UNION ELECTRIC COMPANY OF MISSOURI AND HEVI-DUTY ELECTRIC CO.

ORDER GRANTING AND PERMITTING TO BECOME EFFECTIVE AN APPLICATION AND DECLARATIONS REGARDING ISSUANCE AND DELIVERY BY SUBSIDIARY OF ADDITIONAL SHARES OF COMMON STOCK TO PARENT, DISTRIBUTION OF SUBSIDIARY'S COMMON STOCK TO COMMON STOCKHOLDERS OF PARENT, AND AMENDMENT OF ARTICLES OF INCORPORATION BY SUBSIDIARY

MAY 4, 1956.

Union Electric Company of Missouri ("Union Electric"), a registered holding company, and Hevi-Duty Electric Company ("Hevi-Duty"), a wholly owned non-utility subsidiary company of Union Electric, have filed an application and declarations and amendments thereto with this Commission pursuant to sections 6 (a) (1), 6 (a) (2), 7, 9 (a) (1), 10, 12 (c), and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-42, U-43, and U-46 promulgated thereunder regarding certain proposed transactions.

The transactions hereinafter described are proposed to effect the disposition by Union Electric of its interest in Hevi-Duty in compliance with paragraph 2 of the order of this Commission dated October 31, 1952 (Holding Company Act Release No. 11530), as modified by order of this Commission dated August 10, 1955 (Holding Company Act Release No. 12963) extending the time for such compliance with respect to Hevi-Duty to August 10, 1956.

Union Electric now owns all of the authorized and outstanding common stock of Hevi-Duty, a Wisconsin corporation, consisting of 2,500 shares without par value, which were acquired by Union Electric in February 1955 from The North American Company ("North American") upon the liquidation and dissolution of North American pursuant to the plan approved by this Commission by the above-mentioned order of October 31, 1952. Hevi-Duty also has authorized and outstanding 2,500 shares of 6 percent cumulative preferred stock, of the par value of $100 per share, which have no voting rights except under special circumstances as set forth in its Articles of Incorporation, as amended. Such preferred stock is held by six stockholders and Union Electric does not own, directly or indirectly, any of such preferred stock.

It is proposed that the Articles of Incorporation of Hevi-Duty be amended to reclassify the 2,500 shares of its presently authorized and outstanding common stock without par value into 345,230 shares of common stock, of the par value of $5 per share; to increase the number of authorized shares of common stock as so reclassified to 1,000,000; and to provide for limited preemptive rights for the new common stock and for cumulative voting rights in the election of directors. Union Electric proposes to vote its holdings of 100 percent of the present common stock of Hevi-Duty in favor of such proposals. In connection with such reclassification, Hevi-Duty proposes to increase its common stock capital account from $50,000 to $1,726,150 (the aggregate par value of the 345,230 shares of its new common stock to be outstanding as a result of such reclassification) by the transfer to common stock capital account of $1,000,000 from capital surplus and $676,150 from earned surplus. Hevi-Duty, although it has no present plans for the issue of additional shares of its common stock, deems it advisable, at the time of such reclassification, to increase the authorized number of shares of its new common stock to provide for capital requirements in the future.

Union Electric proposes to acquire, in connection with such reclassification of Hevi-Duty common stock, the 345,230 shares of new Hevi-Duty common stock in exchange for and upon surrender of certificates representing the 2,500 shares of Hevi-Duty common stock presently owned by Union Electric, and to record such new common stock of Hevi-Duty at Union Electric's carrying value for the 2,500 surrendered shares of old common stock.

Union Electric proposes to distribute thereafter, on June 29, 1956, to its stockholders of record at the close of business on May 31, 1956, the shares of new common stock of Hevi-Duty at the rate of 1 share of common stock of Hevi-Duty for each 30 shares of Union Electric common stock held of record at that time.

No fractional share certificates or scrip will be issued in connection with such distribution. Each Union Electric stockholder of record who is entitled to a fractional interest in a share of new common stock of Hevi-Duty will receive a nontransferable Order Card, showing the amount of his fractional-share interest arising from the distribution, for use in electing either (a) to purchase the additional fractional-share interest required to make up one full share or (b) to sell his fractional-share interest. Prior to the distribution date, common stock of Hevi-Duty to cover the total amount of fractional-share interests will be transferred and deposited by Union Electric with J. P. Morgan & Co. Incorporated, which, as agent for the stockholders and for their individual accounts, will execute such purchase and sale orders, including the offsetting of such orders to the extent practicable. Such order cards will become void after August 10, 1956, and any shares held to cover fractional-share interests with respect to which such agent does not receive completed Order Cards from Union Electric stockholders before the close of business on August 10, 1956, will be sold by the agent for the account of such stockholders, and the proceeds distributed pro rata to them. Union Electric will bear all expenses of such services of J. P. Morgan & Co. Incorporated, as such agent.

On the basis of an analysis of the stock records of Union Electric as of February 29, 1956, it is estimated that approximately 329,100 shares of Hevi-Duty common stock will be distributed directly to Union Electric stockholders and that approximately 16,130 shares will be deposited with J. P. Morgan & Co. Incorporated, as agent, to cover fractional-share interests.

In connection with the proposed distribution, Union Electric proposes to charge to Capital Surplus an amount aggregating the total carrying value of its investment in Hevi-Duty (approximately $2,437,000), and to charge the expenses of such distribution to earned surplus.



It is proposed that an application will be made to list the common stock of Hevi-Duty on the American Stock Exchange, New York, N. Y., promptly after the distribution of such stock to the common stockholders of Union Electric.

It is also proposed that promptly after the distribution, the members of the Board of Directors of Hevi-Duty and Anchor Manufacturing Company ("Anchor"), Hevi-Duty's wholly owned subsidiary, who are also directors of Union Electric, will resign and the Boards of Hevi-Duty and Anchor will elect new directors to serve for the unexpired terms of the resigning directors. The Commission will be advised as to the identity of such new directors prior to their election.

It is expected that Union Electric's expenses, if any, in connection with the acquisition of the new common stock of Hevi-Duty in exchange for and on surrender of certificates representing the old common stock of Hevi-Duty will be nominal in amount.

It is estimated that the expenses to be incurred by Union Electric in connection with the proposed distribution to its stockholders will amount to approximately $49,000 as follows:

| | |
|---|---|
| Fees of distributing agent | $24,000 |
| Printing of order cards, communications to stockholders, including descriptive pamphlet on Hevi-Duty, and miscellaneous forms | 13,000 |
| Postage | 8,500 |
| Miscellaneous expenses, including stationery and supplies, traveling, telephone and telegraph charges, and other miscellaneous out-of-pocket expenses | 3,500 |
| Total | 49,000 |

It is estimated that expenses to be incurred by Hevi-Duty in connection with the proposed transactions, exclusive of counsel fees estimated at $400.00, will amount to approximately $32,860 as follows:

| | |
|---|---|
| Filing fees on reclassification and increase of its common stock | $4,960 |
| Printing of stock certificates | 4,200 |
| Fees of transfer agent and registrar on issue of stock certificates | 22,000 |
| Miscellaneous expenses, including stationery, supplies, traveling, telephone and telegraph charges and other miscellaneous out-of-pocket expenses | 1,700 |
| Total | 32,860 |

No State commission or Federal commission other than this Commission has jurisdiction over the proposed transactions.

Notice of said filing having been duly given in the manner prescribed by Rule U-23 and no hearing having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and of the rules promulgated thereunder are satisfied, that the fees and expenses set forth above are not unreasonable, and that the application-declarations as amended should be granted and permitted to become effective:

*It is ordered*, Pursuant to Rule U-23 and the applicable provisions of said act, that said application and declarations as amended be, and the same hereby are, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

*It is further ordered*, That promptly after the distribution of the Hevi-Duty common stock to the stockholders of Union Electric, Hevi-Duty and Anchor shall submit to this Commission for its approval their definitive proposals with respect to the membership of their Boards of Directors.

*It is further ordered and recited*, That the proposed reclassification of the common stock (no par value) of Hevi-Duty and the exchange by Union Electric of 2,500 shares of such outstanding common stock of Hevi-Duty (represented by Certificate Nos. HC-2, HC-3, HC-8, HC-9, HC-10 and HC-11) for 345,230 shares of new common stock ($5 par value per share) of Hevi-Duty represented by Certificate C-1; the proposed disposition by Union Electric on June 29, 1956 of such 345,230 shares of new common stock of Hevi-Duty (out of or represented by Certificate No. C-1) to holders of common stock of Union Electric of record on May 31, 1956, either through the transfer and distribution of such shares directly to Union Electric's common stockholders or the transfer and deposit thereof with J. P. Morgan & Co. Incorporated, as Agent, to cover the fractional-share interests arising from such distribution; and the distribution by Union Electric to its common stockholders of Order Cards representing fractional-share interests in new common stock of Hevi-Duty; all as authorized or permitted by this order, are necessary or appropriate to the integration or simplification of the holding company system of which Union Electric is a member and are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935 within the meaning of sections 1081 (f) and 4382 (b) (2) of the Internal Revenue Code of 1954.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-3707; Filed, May 9, 1956; 8:50 a. m.]

UNIVERSITY OF MICHIGAN
MAY 1 [illegible]
MAIN READING ROOM

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
OF THE UNITED STATES 1934

# FEDERAL REGISTER

VOLUME 21 NUMBER 92

*Washington, Friday, May 11, 1956*

## TITLE 3—THE PRESIDENT

### EXECUTIVE ORDER 10667

AMENDMENT OF EXECUTIVE ORDER NO. 10629,[1] AUTHORIZING ENLISTMENTS IN THE READY RESERVE OF THE ARMY RESERVE AND MARINE CORPS RESERVE, TO AUTHORIZE ENLISTMENTS IN THE NAVAL AND COAST GUARD RESERVES

By virtue of the authority vested in me by subsection (a) of section 262 of the Armed Forces Reserve Act of 1952, as added by section 2 (i) of the Reserve Forces Act of 1955 (69 Stat. 600), it is ordered that Executive Order No. 10629 of August 13, 1955, authorizing enlistments in the Ready Reserve of the Army Reserve and Marine Corps Reserve, be, and it is hereby, amended to read as follows:

"WHEREAS I have determined that the enlisted strength of the Ready Reserve of the Army Reserve, Marine Corps Reserve, Naval Reserve, and Coast Guard Reserve cannot be maintained at the level necessary for the national defense:

"NOW, THEREFORE, by virtue of the authority vested in me by subsection (a) of section 262 of the Armed Forces Reserve Act of 1952, as added by section 2 (i) of the Reserve Forces Act of 1955 (69 Stat. 600), I hereby authorize the acceptance of enlistments in units of the Ready Reserve of the Army Reserve, Marine Corps Reserve, Naval Reserve, and Coast Guard Reserve pursuant to the provisions of the said section 262 of the Armed Forces Reserve Act of 1952, as added as heretofore indicated, under such regulations as the Secretary of Defense shall prescribe."

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
*May 9, 1956.*

[F. R. Doc. 56-3789; Filed, May 10, 1956; 9:30 a. m.]

[1] 20 F. R. 5911; 3 CFR, 1955 Supp., p. 81.

## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

PART 4—PROHIBITED PRACTICES

POLITICAL ACTIVITY

Part 4 is redesignated as "Prohibited Practices." Sections 4.101 through 4.108 are designated Subpart A, "Prohibition Against Political Activity." Subpart B is added as set out below.

SUBPART B—PROHIBITION AGAINST HOLDING STATE OR LOCAL OFFICE

Sec.
4.201 Prohibition against holding State or local office.
4.202 State and local positions which may be held by Federal officers and employees.
4.203 Federal positions the incumbents of which are permitted to hold State and local offices.
4.204 Exception of residents of certain municipalities.

AUTHORITY: §§ 4.201 to 4.204 issued under R. S. 1753; sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633, E. O. 10530, 19 F. R. 2709, 3 CFR, 1954 Supp. Statutory provisions interpreted or applied are cited to text.

§ 4.201 *Prohibition against holding State or local office.* No person may accept or hold any office under a State or local government, including departments and agencies and political subdivisions of such governments at the same time that he holds any office in the executive branch of the Federal government by appointment, unless he is excepted by § 4.202, § 4.203, or § 4.204 and service in the State or local office will not interfere with the regular and efficient discharge of his Federal duties, of which the employing agency is the sole judge, and he obtains the approval of his employing agency in advance. Nothing in this subpart shall be construed as permitting a Federal employee to engage in any partisan political activity prohibited by section 9 of the Hatch Political Activities Act and Civil Service Rule IV.

§ 4.202 *State and local positions which may be held by Federal officers and employees.* Federal employees may hold

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FEDERAL REGISTER

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**(As of January 1, 1956)**

The following Supplement is now available:

**Title 32A (Rev., 1955) ($1.25)**

*Previously announced:* Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 7: Parts 1–209 ($1.25); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. I, and Title 27 ($1.00); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Titles 40–42 ($0.65); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

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State and local offices listed in this section under the conditions stated in § 4.201.

NOTE: Federal employees may not become candidates for these offices in a partisan election.

(a) Justices of the peace (E. O. 9, January 17, 1873).

(b) Notaries public (E. O. 9, January 17, 1873).

(c) Commissioners to take the acknowledgment of deeds, or of bail, or to administer oaths (E. O. 9, January 17, 1873).

(d) Members of school board or committee (Unnumbered E. O. of January 28, 1873).

(e) Positions on the board of any public library, religious institution, or eleemosynary institution, even though incorporated, established, or maintained by State, Territorial, or municipal authority (Unnumbered E. O. of January 28, 1873).

(f) All positions in the State militia (Unnumbered E. O. of January 28, 1873).

(g) Members of local or municipal fire departments, when no compensation is received for the service (Unnumbered E. O. of January 28, 1873).

(h) Moderators of town meetings and other offices of a like character when the office is to be held during the course of a single town meeting. Any office for a longer term is not included in this exception (E. O. 1583, August 24, 1912).

(i) Teachers and instructors in any State, Territorial, or municipal school or university (E. O. 8390, 5 F. R. 1411; 3 CFR, Cum. Supp.

(j) Members of the Colonial Councils of the Municipalities of St. Thomas and St. John, and the Municipality of St. Croix, Virgin Islands (E. O. 6051, February 27, 1933).

(k) Member of the State Board of Agriculture of the State of Michigan (E. O. 10645, 20 F. R. 8681; 3 CFR, 1955 Supp.).

(l) Elective offices for which candidacy is permitted by section 18 of the Hatch Political Activities Act (nonpartisan elections) (sec. 18, 54 Stat. 767, 5 U. S. C. 118n).

(m) Election officer, if appointed and paid by a State or local government, provided that he discharges the duties of the office in an impartial manner. He may not become a candidate for the office in a partisan election, nor may he, while serving as election officer, engage in or become involved in activities on behalf of a political party or candidate.

§ 4.203 *Federal positions the incumbents of which are permitted to hold State and local offices.* Federal employees occupying the positions set forth below may hold the State and local positions named therein, under the conditions stated in § 4.201. State and local employees may accept and hold the Federal offices under the same terms.

NOTE: Federal employees may not become candidates for these offices in a partisan election.

(a) *Department of Agriculture.* Officers and employees of the Department of Agriculture are authorized to hold State and Territorial positions when such action is deemed necessary by the Secretary of Agriculture to secure a more efficient administration (E. O. 661, June 26, 1907).

(b) *Atomic Energy Commission.* Officers and employees of the Atomic Energy Commission, with the approval of the General Manager or his designee, may hold State or local offices, under the laws of the States in which such employees may be on duty (E. O. 10044, 14 F. R. 1227; 3 CFR, 1949 Supp.).

(c) *Department of Commerce.* (1) Persons holding State, Territorial, or municipal positions, may be appointed to positions in the Department of Commerce when the Secretary of that Department deems such employment necessary to secure more efficient administration of the duties of his Department (E. O. 5666, July 3, 1931).

(2) State and county officials may be appointed special agents of the Bureau of the Census for the collection of cotton statistics (E. O. 1118, August 4, 1909).

(d) *Department of Health, Education, and Welfare.* (1) Officers of the Public Health Service are permitted, upon the recommendation of the Surgeon General of the Public Health Service and the approval of the Secretary of Health, Education, and Welfare, to hold office in State, Territorial, or local health organizations, in order to cooperate with and aid State, Territorial, and local health departments; and State, Territorial, and local health officers or employees are permitted to hold office in the Public Health Service when the Surgeon General and the Secretary of Health, Education, and Welfare deem such employment necessary to secure a more efficient administration of the duties imposed upon the Public Health Service (E. O. 5700, August 31, 1931).

(2) Officers and employees of the Social Security Administration, upon recommendation of the Commissioner of Social Security and the approval of the Secretary of Health, Education, and Welfare, may hold office under State, Territorial, and municipal governments engaged in cooperative and related work with the Social Security Administration, provided that the services to be performed pertain to such work (E. O. 8399, 5 F. R. 1607, 3 CFR, 1940 Supp).

(e) *Department of the Interior.* (1) Employees of the Bureau of Reclamation and the National Park Service may, with the approval of the Secretary of the Interior, accept appointments as deputy State fish or game wardens, if no compensation is attached to the position (E. O. 1991, July 9, 1914).

(2) Employees of the National Park Service are permitted, with the approval of the Secretary of the Interior, to accept appointments as deputy sheriffs under the laws of the States or Territories in which such employees may be on duty, provided that their services as deputy sheriffs shall be without compensation (E. O. 7332, 1 F. R. 149).

(3) Officers and employees of the Bureau of Indian Affairs, serving in a medical or sanitary capacity, either on a part-time or full-time basis, may hold, with the consent of the Secretary of the Interior, State, county, or municipal positions of a similar character, but where the Federal employment is on a full-time basis, no additional compensation may be received for the services rendered in the State, Territorial, or municipal position (E. O. 7369, 1 F. R. 469).

(4) State, county, and municipal officers, when duly elected by qualified voters of a grazing district, may be appointed by the Secretary of the Interior to serve as grazing advisers under the provisions of section 3150–1 of title 43 of the United States Code, for intermittent duty, when the Secretary deems such services necessary in the interest of grazing on public lands (E. O. 7636, 2 F. R. 1259).

(5) Officers and employees of the Interior Department, upon approval of the Secretary of the Interior, may hold office under State, Territorial, and municipal governments engaged in cooperative and related work with the Department, provided that the services to be performed pertain to such work (E. O. 7796, 3 F. R. 226; 3 CFR, 1938 Supp.).

(6) Employees of the Bureau of Reclamation, with the approval of the Secretary of the Interior, may accept appointments as constables or deputy sheriffs, under the laws of the State or Territories in which such employees may be on duty, provided that their services as such constables or deputy sheriffs shall be without compensation (E. O. 9845, 12 F. R. 2799; 3 CFR, 1947 Supp.).

(7) Employees of the Alaska Railroad, permanently residing in municipalities on the line of the railroad, are permitted to hold municipal offices therein (E. O. 4527, October 22, 1926).

(8) Employees of the Bureau of Reclamation, with the approval of the Secretary of the Interior, may accept appointments as deputy fire warden under the States in which the employees are on duty, provided that their services in the State position are without compensation (E. O. 7944, 3 F. R. 1945; 3 CFR, 1938 Supp.).

(f) *Department of Justice.* (1) Officers and employees of the Municipalities of St. Thomas and St. John, or of the Municipality of St. Croix, Virgin Islands, may be appointed to the position of immigration inspector for the Virgin Islands (E. O. 7736, 2 F. R. 2819).

(2) Sheriffs and deputy sheriffs may be appointed deputy marshals of the U. S. (E. O. 9, January 17, 1873).

(g) *Department of Labor.* Persons holding State, Territorial, or municipal positions may be appointed as special agents whenever such action is deemed necessary by the Secretary of Labor to secure a more efficient administration of any law coming within the purview of the Department of Labor. (E. O. 3771, January 2, 1923).

(h) *The Veterans' Administration.* Officers and employees serving in a medical capacity and on a part-time basis may hold State, county, or municipal positions in which employed in a medical capacity. Officers and employees may accept appointments under State, county, or municipal authority as deputy sheriffs (E. O. 4059, August 6, 1924).

NOTE: Others are specifically exempted by statutes.

§ 4.204 *Exception of residents of certain municipalities.* (a) Pursuant to the authority granted by section 16 of the Hatch Political Activities Act (5 U. S. C. 118n), the Commission has excepted residents of the municipalities listed in this paragraph from the prohibitions of section 9 of the Hatch Political Activities Act and Executive Order No. 9; the exceptions to be effective from and after the date specified in each case.

IN MARYLAND

Annapolis (May 16, 1941).
Berwyn Heights (June 15, 1944).
Bethesda (February 17, 1943).
Bladensburg (April 20, 1942).
Bowie (April 11, 1952).
Brentwood (September 26, 1940).
Capital Heights (November 12, 1940).
Cheverly (December 18, 1940).
Chevy Chase, sections 1 and 2 (March 4, 1941).
Chevy Chase, section 3 (October 8, 1940).
Chevy Chase, section 4 (October 2, 1940).
Martin's Additions 1, 2, 3 and 4 to Chevy Chase (February 13, 1941).
Chevy Chase View (February 26, 1941).
College Park (June 13, 1945).
Cottage City (January 15, 1941).
District Heights (November 2, 1940).
Edmonston (October 24, 1940).

Fairmont Heights (October 24, 1940).
Forest Heights (April 22, 1949).
Garrett Park (October 2, 1940).
Glenarden (May 21, 1941).
Glen Echo (October 22, 1940).
Greenbelt (October 4, 1940).
Hyattsville (September 20, 1940).
Kensington (November 8, 1940).
Landover Hills (May 5, 1945).
Morningside (May 19, 1949).
Mount Rainier (November 22, 1940).
North Beach (September 20, 1940).
North Brentwood (May 6, 1941).
North Chevy Chase (July 22, 1942).
Northwest Park (February 17, 1943).
Riverdale (September 26, 1940).
Rockville (April 15, 1948).
Seat Pleasant (August 31, 1942).
Somerset (November 22, 1940).
Takoma Park (October 22, 1940).
University Park (January 18, 1941).
Washington Grove (April 5, 1941).

IN VIRGINIA

Alexandria (April 15, 1941).
Arlington County (September 9, 1940).
Clifton (July 14, 1941).
Fairfax County (November 10, 1949).
Town of Fairfax (February 9, 1954).
Falls Church (June 6, 1941).
Herndon (April 7, 1945).
Vienna (March 18, 1946).

OTHER MUNICIPALITIES

Bremerton, Wash. (February 27, 1946).
Port Orchard, Wash. (February 27, 1946).
Elmer City, Wash. (October 28, 1947).
Anchorage, Alaska (December 29, 1947).
Benicia, Calif. (February 20, 1948).
Warner Robins, Ga. (March 19, 1948).
Norris, Tenn. (May 6, 1949).
Sierra Vista, Ariz. (October 5, 1955).

(b) The exemptions are granted subject to the following conditions:

(1) Federal officers and employees in the exercise of these privileges must not neglect their official duties and must not engage in nonlocal partisan activities.

(2) Federal officers and employees must not run for local office as candidates representing a political party or become involved in political management in connection with the campaign of a party candidate for office.

(3) Federal officers and employees who are candidates for local electice office must run as independent candidates and must conduct their campaigns in a purely nonpartisan manner.

(4) Federal officers and employees elected or appointed to local offices requiring full-time service must resign their positions with the Federal Government. If elected or appointed to offices requiring only part-time service they may accept and hold the same without relinquishing their Federal employment provided the holding of such part-time office does not conflict or interfere with their duties as officers or employees of the Federal Government. The department or independent agency in which Federal officers or employees are employed is the sole judge of whether or not the holding of the local office conflicts or interferes with their official duties as officers or employees of the Federal Government.

(5) The permission granted by the Commission to any particular community may be suspended or withdrawn by the Commission when in its opinion the activities resulting therefrom are or may become detrimental to the public interest or inimical to the proper enforcement of the political-activity law and rules.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
*Executive Assistant.*

[F. R. Doc. 56-3753; Filed, May 10, 1956; 8:47 a. m.]

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PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

METALLURGIST

Subparagraph (1) of § 24.36 (a) is revoked and § 24.133 is added to read as follows:

§ 24.133 *Metallurgist, GS-1321-0 (all grades)*—(a) *Educational requirements.* Applicants must have successfully completed one of the following:

(1) A full 4-year course in an accredited college or university leading to a bachelor's degree. This study must have included courses in metallurgical subjects consisting of lectures, recitations, and appropriate practical laboratory work totaling at least 20 semester hours.

(2) Courses in metallurgical subjects, in an accredited college or university consisting of lectures, recitations, and appropriate practical laboratory work totaling at least 20 semester hours; plus additional appropriate experience or education which, when combined with the 20 semester hours in metallurgical subjects, will total 4 years of education and experience and give the applicant a technical and professional knowledge comparable to that which would have been acquired through the successful completion of the 4-year college course described in subparagraph (1) of this paragraph.

In either subparagraph (1) or (2) of this paragraph, the courses must have included at least three of the following: (i) Physical metallurgy, (ii) metallurgy of iron and steel, (iii) metallurgy of nonferrous metals, (iv) metallography, (v) mineral dressing, (vi) electrometallurgy, (vii) process metallurgy. All of these courses must have been acceptable for credit toward the completion of a standard 4-year professional curriculum leading to a bachelor's degree in metallurgy or metallurgical engineering at an accredited college or university.

(b) *Duties.* Metallurgists will plan, direct, conduct or assist in conducting scientific investigative, developmental or fundamental research work in metallurgy; collect, examine and interpret metallurgical data; design, construct, install or operate metallurgical equipment. These duties require a working knowledge of the basic laws, concepts, techniques, and terminology of recovery or process metallurgy which includes extractive processes such as grinding of ores, sedimentation, roasting, smelting, flotation, leaching, crystallization, precipitation, and electrolysis of metallic salts and physical or adaptive metallurgy which includes adaptive processes such as casting, rolling, hammer forging, drawing, spinning, die-casting, welding, and heat treating. This work requires a knowledge of thermodynamics, stoichiometry, electrochemistry, mineralogy of ores, phase relationships in alloys, the effect of heat and forming processes on crystalline structure, X-ray analysis, microscopic metallography, and methods of testing ores, metals, and metal alloys.

(c) *Knowledge and training requisite for performance of duties.* The minimum amount of formalized training required for the successful performance of the duties described in paragraph (b) of this section consists of 20 semester hours of study in metallurgy which, being distributed among several principal branches of the field, represents essentially a basic fundamental body of metallurgical knowledge. In order that metallurgists may engage successfully in basic research or in other diverse phases of metallurgy represented in the professional metallurgist positions of the Federal Government, it is necessary that they be thoroughly and broadly trained. A knowledge of the principles and theories of metallurgy is indispensable in formulating new concepts, in interpreting experimental data, in establishing new processes, and in developing new products. Advances in metallurgy will be dependent upon the number of highly qualified and properly trained metallurgists who are competent to explore the field and are able to bring new scientific knowledge or established scientific concepts to bear on the problems met. The only available method by which metallurgists can be thoroughly and broadly trained to the level and extent required, is through a planned and directed course of study in an accredited college or university where competent instruction and guidance are available, where courses are arranged in a systematic, progressive schedule, where adequate scientific laboratories and libraries are provided and where progress in the acquisition of professional and scientific knowledge is competently evaluated.

(Sec. 11, 58 Stat. 390; 5 U. S. C. 860)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
*Executive Assistant.*

[F. R. Doc. 56-3754; Filed, May 10, 1956; 8:47 a. m.]

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## TITLE 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket 6421]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

DETRA WATCH CO., INC., ET AL.

Subpart—*Misbranding or mislabeling:* § 13.1185 *Composition;* § 13.1295 *Quality or grade.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Detra Watch Company, Inc., et al., New York, N. Y., Docket 6421, April 26, 1956]

*In the Matter of Detra Watch Company, Inc., a Corporation, and Joseph H. Levine, Arthur D. Natanson and William Levites, Individually and as Officers of Said Corporation*

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging a corporation and its officers, with place of business in New York City, with selling to retailers and jobbers their "Detra" brand watch cases marked on the back and on the inside with the phrase "14 K" or "10 K", when the cases were manufactured from gold of 13⅛ and 9⅛ carat fineness, respectively—and respondents' answer, followed by an agreement between the parties providing for the entry of a consent order.

Upon this basis, the hearing examiner made his initial decision and order to cease and desist which became, on April 26, 1956, the decision of the Commission.

The order to cease and desist is as follows:

*It is ordered,* That Respondents Detra Watch Company, Inc., a corporation, and Arthur D. Natanson and William Levites, individually and as officers of Respondent Detra Watch Company, Inc., and their agents, representatives and employees, directly or through any corporate or other device in connection with the offering for sale, sale, or distribution of any articles composed in whole or in part of gold or an alloy of gold in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from: Stamping, branding, engraving, or marking any article with any phrase or mark such as 14 K or 10 K, or otherwise representing directly or by implication that the whole or a part of any article is composed of gold or an alloy of gold of a designated fineness, unless the article or part thereof so marked or represented is composed of gold of the designated fineness within the permissible tolerances established by the National Stamping Act (15 U. S. C. 294 et seq.).

*It is further ordered,* That the complaint herein, insofar as it relates to Respondent Joseph H. Levine, be, and the same hereby is, dismissed.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is ordered,* That respondents Detra Watch Company, Inc., a corporation, and Arthur D. Natanson and William Levites, individually and as officers of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 26, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
*Secretary.*

[F. R. Doc. 56-3743; Filed, May 10, 1956; 8:45 a. m.]



[Docket 6444]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

CLOVER FARM STORES CORP., ET AL.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Payment or acceptance of commission, brokerage or other compensation under 2 (c): § 13.810 *Buyers' corporate or other agent.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Clover Farm Stores Corporation (Cleveland, Ohio) et al., Docket 6444, April 24, 1956]

*In the matter of Clover Farm Stores Corporation, a Corporation, The Lane-Lease Co., Inc., a Corporation, The Bayer-Gillam Company, a Corporation, Fox Grocery Company, a Corporation, The John Blaul's Sons Company, a Corporation, W. E. Osborn Company, a Corporation, Jos. A. Goddard Company, a Corporation, Frey & Son, Inc., a Corporation, Consolidated Foods, Inc., a Corporation, Krenning-Schlapp Grocer Company, a Corporation, Jageman-Bode Company, a Corporation, The F. J. Beasley Company, a Corporation, M. B. Glackin, Inc., a Corporation, Guyer & Calkins Company, a Corporation, Arthur J. Hanson Company, a Corporation, The Hornor-Gaylord Company, a Corporation, David Kirk Sons Company, a Corporation, Layton & Company, Inc., a Corporation, The Leedom & Worrall Company, a Corporation, Peter G. Lennon Company, a Corporation, J. B. Maltby, Inc., a Corporation, Northern Sales Company, Inc., a Corporation, The Theo Poehler Mercantile Company, a Corporation, Plumb & Nelson Company, a Corporation, Rice Lake Grocer Company, a Corporation, E. T. Smith Co., a Corporation, Standard Wholesale Company, Inc., a Corporation, Waples-Platter Company, a Corporation, Wilcox Brothers Grocers, Inc., a Corporation, and Barrow Grocery Company, Inc., a Corporation*

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging a corporation wholly owned and controlled by 28 wholesale grocery firms, also cited as respondents, and its wholly owned subsidiary with discriminating in price in violation of subsection 2 (c) of the Clayton Act as amended, through receiving and accepting from sellers, sums of money as brokerage and as allowances and discounts in lieu of brokerage, for services commonly rendered by independent brokers—and respondents' answer, followed by an agreement between the parties providing for the entry of a consent order.

On this basis, the hearing examiner made his initial decision and order to cease and desist which, on April 24, 1956, became the decision of the Commission.

The order to cease and desist is as follows:

*It is ordered,* That Respondents Clover Farm Stores Corporation, a corporation, and The Lane-Lease Co., Inc., a corporation, their officers, directors, agents, representatives and employees, directly or through any corporate or other device, in connection with the purchase of food products, grocery products, grocers' supplies and grocers' equipment, or other merchandise, in commerce as "commerce" is defined in the Clayton Act, do forthwith cease and desist from: Receiving or accepting, directly or indirectly, from any seller, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, upon any purchase made by Respondents Clover Farm Stores Corporation, a corporation, or The Lane-Lease Co., Inc., a corporation, for resale to their stockholder members, or upon any purchase made by any of said members.

*It is further ordered,* That the member Respondents, The Bayer-Gillam Company, a corporation, Fox Grocery Company, a corporation, W. E. Osborn Company, a corporation, Jos. A. Goddard Company, a corporation, Frey & Son, Inc., a corporation, Consolidated Foods, Inc., a corporation, Krenning-Schlapp Grocer Company, a corporation, Jageman-Bode Company, a corporation, The F. J. Beasley Company, a corporation, M. B. Glackin, Inc., a corporation, Guyer & Calkins Company, a corporation, Arthur J. Hanson Company, a corporation, The Hornor-Gaylord Company, a corporation, David Kirk Sons Company, a corporation, Layton & Company, Inc., a corporation, The Leedom & Worrall Company, a corporation, Peter G. Lennon Company, a corporation, J. B. Maltby, Inc., a corporation, Northern Sales Company, Inc., a corporation. The Theo Poehler Mercantile Company, a corporation, Plumb & Nelson Company, a corporation, Rice Lake Grocer Company, a corporation, E. T. Smith Co., a corporation, Standard Wholesale Company, Inc., a corporation, Waples-Platter Company, a corporation, Wilcox Brothers Grocers, Inc., a corporation, and Barrow Grocery Company, Inc., a corporation, their respective officers, directors, agents, representatives, and employees, directly or through Clover Farm Stores Corporation, a corporation, or The Lane-Lease Co., Inc., a corporation, or any other corporate or other device, in connection with the purchase of food products, grocery products, grocers' supplies and grocers' equipment, or other merchandise, in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from: Receiving or accepting, directly or idirectly, from any seller, or from Respondents Clover Farm Stores Corporation, a corporation, or The Lane-Lease Co., Inc., a corporation, or from any other agent, representative, or other intermediary, acting for or in behalf or subject to the direct or indirect control of said buyer Respondents, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof upon any purchase made by said member Respondents, or for them by Respondents Clover Farm Stores Corporation, a corporation, or The Lane-Lease Co., Inc., a corporation, or any other such intermediary.

*It is further ordered*, That the complaint, insofar as it relates to Respondent The John Blaul's Sons Company, a corporation, be, and the same hereby is, dismissed.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is ordered*, That respondents Clover Farm Stores Corporation, a corporation, The Lane-Lease Co., Inc., a corporation, The Bayer-Gillam Company, a corporation, Fox Grocery Company, a corporation, W. E. Osborn Company, a corporation, Jos. A. Goddard Company, a corporation, Frey & Son, Inc., a corporation, Consolidated Foods, Inc., a corporation, Krenning-Schlapp Grocer Company, a corporation, Jageman-Bode Company, a corporation, The F. J. Beasley Company, a corporation, M. B. Glackin, Inc., a corporation, Guyer & Calkins Company, a corporation, Arthur J. Hanson Company, a corporation, The Hornor-Gaylord Company, a corporation, David Kirk Sons Company, a corporation, Layton & Company, Inc., a corporation, The Leedom & Worrall Company, a corporation, Peter G. Lennon Company, a corporation, J. B. Maltby, Inc., a corporation, Northern Sales Company, Inc., a corporation, The Theo Poehler Mercantile Company, a corporation, Plumb & Nelson Company, a corporation, Rice Lake Grocer Company, a corporation, E. T. Smith Co., a corporation, Standard Wholesale Company, Inc., a corporation, Waples-Platter Company, a corporation, Wilcox Brothers Grocers, Inc., a corporation, and Barrow Grocery Company, Inc., a corporation, shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 24, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-3744; Filed, May 10, 1956; 8:45 a. m.]

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[Docket 6462]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

TETLEY TEA CO., INC.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Payment for Services or Facilities for Processing or Sale Under 2 (d): § 13.824 *Advertising expenses.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Tetley Tea Company, Inc., New York, N. Y., Docket 6462, April 26, 1956]

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging a corporation engaged in the interstate sale and distribution to grocery jobbers and retail customers, including retail chain stores, of its "Tetley" tea and tea bags, doing an annual business in excess of $11,000,000, with discriminating in price in violation of Sec. 2 (d) of the Clayton Act, as amended, through paying during the year 1955 $1,875 to the Food Fair Stores, Inc., of Philadelphia, and $250 to the Giant Food Shopping Center, Inc., of Washington, and also contracting to pay an additional $1,875 to the Food Fair Stores, Inc., as compensation for advertising or other service furnished in connection with their sale of respondent's products, while not making such compensation available on proportionally equal terms to competing customers—and an agreement between the parties providing for the entry of a consent order.

On this basis, the hearing examiner made his initial decision and order to cease and desist which, on April 26, 1956, became the decision of the Commission.

The order to cease and desist is as follows:

*It is ordered*, That respondent Tetley Tea Company, Inc., a corporation, its officers, employees, agents and representatives, directly or through any corporate or other device, in or in connection with the sale of tea and tea bags in commerce, as "commerce" is defined in the Clayton Act, as amended, do forthwith cease and desist from: Making or contracting to make, to or for the benefit of any customer, any payment of anything of value as compensation or in consideration for any advertising or other service or facilities furnished by or through such customer, in connection with the handling, offering for resale or resale of products sold to him by respondent, unless such payment is affirmatively offered or otherwise made available to all competing customers on proportionally equal terms.

By "Decision of the Commission", etc., report of compliance was as follows:

*It is ordered*, That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: April 26, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-3745; Filed, May 10, 1956; 8:45 a. m.]

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## TITLE 18—CONSERVATION OF POWER

### Chapter I—Federal Power Commission

[Docket No. R-152; Order 187]

PART 260—STATEMENTS AND REPORTS (SCHEDULES)

STATEMENT OF SALES AND REVENUES OF INDEPENDENT PRODUCERS FOR YEAR ENDING DECEMBER 31, 1955

In this proceeding the Commission has under consideration the amendment of section 260, entitled "Statements and Reports (Schedules)" of Subchapter G, Approved Forms, Natural Gas Act, by the addition of a new § 260.5 prescribing FPC Form No. 301, Independent Producers Report of Natural Gas Transactions for the Year ending December 31, 1955.

General public notice of this proposed rulemaking was given by publication in the FEDERAL REGISTER on March 13, 1956 (21 F. R. 1562), and mailing notices to interested parties, including State and Federal regulatory agencies.

In response to the notice letters were received from approximately 170 independent producers, of which about 100 objected to the issuance of the proposed rule. All such suggestions have been carefully considered and, to the extent deemed pertinent and desirable, have been adopted.

While it recognizes that the submission of the information to be required under the proposed rule will impose an added burden upon those affected, the Commission deems such information necessary to enable its staff to check the rate schedules that have been filed by independent producers pursuant to § 154.92 and § 154.94 of its regulations promulgated in its Order 174-B. The checks to be made by the staff will pertain to the accuracy of the interpretation made by staff members of the rates in such filed schedules and also the accuracy of the rate schedules themselves as compared to the rates being charged. In addition, such data may be used for the classification of independent producers in connection with any statistical information which may be required concerning the size of sales and revenues of those independent producers. The data will also make available information to aid the staff in developing its studies on field prices of gas.

The form prescribed herein embodies many of the suggestions made by the persons submitting comments in response to the notice and differs from the one originally proposed in the following respects:

(1) The closing date for filing the form has been extended from May 1 to June 30, 1956.

(2) Items 1 B and 1 C have been deleted. Thus no report as to intrastate sales is required.

(3) Instructions will be issued to the effect that reports be limited to the reporting party's "gross working interest" in the sale made under each of his filed rate schedules; and, as a corollary thereto.

(4) The filing party will be requested to advise (a) whether he is the operator with respect to each filed rate schedule and (b) the percentage of his gross working interest under each rate schedule.

This latter request will enable the Commission to classify producers so that it will be in a position to give further consideration to the still incompletely resolved question of the type of reports it may require to properly administer the rate provisions of the Natural Gas Act.

For the reasons set forth above the Commission finds:

The amendment hereinafter adopted including the form therein prescribed is necessary and appropriate to carry out the provisions of the Natural Gas Act.

The Commission, acting pursuant to authority granted by sections 10 and 16 of the Natural Gas Act (52 Stat. 826, 830; 15 U. S. C. 717i, 717o) orders:

(A) Part 260 of the Commission's regulations entitled "Statements and Reports (Schedules)" of Subchapter G, Approved Forms, Natural Gas Act (18 CFR Part 260) is amended by adding a new § 260.5 to read as follows:

§ 260.5 *Form No. 301, Statement of sales and revenues of independent producers.* (a) FPC Form No. 301, Independent Producers Report of Natural-Gas Transactions for the Year Ending December 31, 1955,[1] being a statement of sales of natural gas made during the calendar year 1955 under rate schedules filed with the Commission pursuant to §§ 154.92 and 154.94 of this chapter.

(b) Each independent producer as defined in § 154.91 of this chapter who had a rate schedule on file with the Commission on December 31, 1955 shall file with the Commission on or before June 30, 1956 two copies of such FPC Form No. 301.[2]

(B) The amendment to Part 260 herein prescribed be and it is hereby made effective upon the issuance of this order.

(Sec. 16, 52 Stat. 830; 15 U. S. C. 717o)

Issued: May 11, 1956.

By the Commission.[3]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-3748; Filed, May 10, 1956; 8:46 a. m.]

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## TITLE 19—CUSTOMS DUTIES

### Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54084]

PART 1—CUSTOMS DISTRICTS AND PORTS

CUSTOMS AGENCY DISTRICTS

Section 1.5, Customs Regulations, is amended as follows:

The area shown for Customs Agency District No. 9 is amended by inserting after "47 (Colorado" a comma and the words "except the State of Wyoming".

The headquarters shown for Customs Agency District No. 10 is amended to read "Laredo, Texas".

The area shown for Customs Agency District No. 10 is amended by inserting a period in lieu of the comma after "24 (El Paso)" and deleting "26 (Arizona)."

The headquarters shown for Customs Agency District No. 14 is amended to read "Los Angeles, California".

The area shown for Customs Agency District No. 14 is amended by deleting the period at the end thereof and adding ", 26 (Arizona)."

The area shown for Customs Agency District No. 15 is amended by inserting a comma in lieu of the period after "33 (Montana and Idaho)" and adding "47 (Colorado, that part comprising the State of Wyoming)."

The foregoing amendments shall be effective on and after July 1, 1956.

(R. S. 161; sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 1624)

[SEAL] RALPH KELLY, *Commissioner of Customs.*

Approved: May 4, 1956.

DAVID W. KENDALL, *Acting Secretary of the Treasury.*

[F. R. Doc. 56-3749; Filed, May 10, 1956; 8:46 a. m.]

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[1] Filed as part of the original document.

[2] The form prescribed by this order will be sent directly by the Federal Power Commission to the parties affected thereby.

[3] Acting Chairman Digby stated that he dissents for the reason that it would impose an unnecessary hardship upon the independent producers.



## TITLE 25—INDIANS

### Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter R—Leases and Sale of Minerals, Restricted Indian Lands

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

The following amendments to Chapter I of Title 25 of the Code of Federal Regulations are hereby prescribed:

PART 180—LEASING OF OSAGE RESERVATION LANDS FOR OIL AND GAS MINING

Section 180.20 is amended to read as follows:

§ 180.20 *Bonds.* (a) Lessees shall furnish with each oil lease and each gas lease, to be filed at the time the lease is presented, a bond upon Form D, with a surety company duly authorized to execute bonds. Such bonds shall be in the sum of $1,000 for each quarter-section or fractional quarter-section unit covered by the lease: *Provided, however*, That the lessee may file one bond, Form G, covering all leases to which he or they are or may become parties instead of a separate bond in each case, such bond to be in the penal sum of $15,000.

(b) In lieu of the bonds required under paragraph (a) of this section; a lessee may furnish a bond (Form 5-156) in the sum of $75,000 for full nation-wide coverage with an acceptable company authorized to act as sole surety to cover all oil and gas leases without geographic or acreage limitation to which the lessee is or may become a party.

(c) The right is specifically reserved to increase the amount of bonds prescribed in paragraph (a) of this section in any particular case when the Superintendent deems it proper to do so. The nationwide bond may be increased at any time in the discretion of the Secretary of the Interior.

(d) Form H should be used in the preparation of a bond covering a lease acquired through assignment where the assignee does not have a collective bond, or the surety does not execute its consent to remain bound under the original bond given to secure the faithful performance of the terms and conditions of the lease.

(Sec. 3, 34 Stat. 543)

PART 183—LEASING OF RESTRICTED LANDS OF MEMBERS OF FIVE CIVILIZED TRIBES, OKLAHOMA, FOR MINING

Section 183.15 is amended to read as follows:

§ 183.15 *Bonds.* (a) Lessee shall furnish with each mining lease a bond (Form 5-154b), and an assignee of a lease shall furnish with each assignment a bond (Form 5-154m), with an acceptable company authorized to act as sole surety, or with two or more personal sureties and a deposit as collateral security of any public-debt obligations of the United States guaranteed as to principal and interest by the United States, equal to the full amount of such bonds, or other collateral satisfactory to the Secretary of the Interior, or show ownership of unencumbered real estate of the value equal to twice the amount of the bonds. Lessee may file a bond on Form 5-154a without sureties and a deposit as collateral security of Government bonds equal in value to the full amount of the bond. Lease bonds except as provided in paragraph (c) of this section shall be in the following amounts:

| | |
|---|---|
| For less than 80 acres | $1,000 |
| For 80 acres and less than 120 acres | 1,500 |
| For 120 acres and not more than 160 acres | 2,000 |
| For each additional 40 acres, or part thereof above 160 acres | 500 |

*Provided*, That a lessee may file a bond (Form 5-154f), in the sum of $15,000 for all leases of minerals up to 10,240 acres under the jurisdiction of the officer in charge of the Five Civilized Tribes Agency.

(b) In lieu of the bonds required under paragraph (a) of this section, a lessee may furnish a bond (Form 5-156) in the sum of $75,000 for full nation-wide coverage with an acceptable company authorized to act as sole surety to cover all oil and gas leases and oil and gas prospecting permits without geographic or acreage limitation to which the lessee or permittee is or may become a party.

(c) The right is specifically reserved to increase the amount of bonds and the collateral security prescribed in paragraph (a) of this section in any particular case when the officer in charge deems it proper to do so. The nation-wide bond may be increased at any time in the discretion of the Secretary of the Interior.

(Sec. 2, 35 Stat. 312, sec. 18, 41 Stat. 426, sec. 1, 45 Stat. 495, sec. 1, 47 Stat. 777; 25 U. S. C. 356)

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PART 186—LEASING OF TRIBAL LAND FOR MINING

Section 186.6 is amended to read as follows:

§ 186.6 *Bonds.* (a) Lessee shall furnish with each lease a bond (Form 5-154b), and an assignee of a lease shall furnish with each assignment a bond (Form 5-154m), with an acceptable company authorized to act as sole surety, or with two or more personal sureties and a deposit as collateral security of any public-debt obligations of the United States guaranteed as to principal and interest by the United States, equal to the

full amount of such bonds, or other collateral satisfactory to the Secretary of the Interior, or show ownership of unencumbered real estate of the value equal to twice the amount of the bonds. Lessee may file a bond on Form 5–154a without sureties and a deposit as collateral security of Government bonds equal in value to the full amount of the bond. Lease bonds shall be in the following amounts:

| | |
|---|---|
| For less than 80 acres | $1,000 |
| For 80 acres and less than 120 acres | 1,500 |
| For 120 acres and not more than 160 acres | 2,000 |
| For each additional 40 acres, or part thereof above 160 acres | 500 |

*Provided*, That a lessee may file one bond (Form 5–154f), in the sum of $15,000 for all leases of minerals in any one State and which may also include leases on that part of an Indian reservation extending into States contiguous thereto, to which the lessee may become a party: *Provided further*, That the total acreage covered by the bond shall not exceed 10,240 acres.

(b) In lieu of the bonds required under paragraph (a) of this section, a lessee may furnish a bond (Form 5–156) in the sum of $75,000 for full nationwide coverage with an acceptable company authorizd to act as sole surety to cover all oil and gas leases and oil and gas prospecting permits without geographic or acreage limitation to which the lessee or permittee is or may become a party.

(c) The right is specifically reserved to increase the amount of bonds and the collateral security prescribed in paragraph (a) of this section in any particular case when the officer in charge deems it proper to do so. The nationwide bond may be increased at any time in the discretion of the Secretary of the Interior.

(Secs. 16, 17, 48 Stat. 987, 988, sec. 9, 49 Stat. 1968, sec. 4, 52 Stat. 348; 25 U. S. C. 396d, 476, 477, 509)

PART 189—LEASING OF CERTAIN RESTRICTED ALLOTTED INDIAN LANDS FOR MINING

Section 189.10 is amended to read as follows:

§ 189.10 *Bonds.* The provisions of § 186.6 of this subchapter, or as hereafter amended, are applicable to leases under this part.

(35 Stat. 783; 25 U. S. C. 396)

PART 192—LEASING OF CERTAIN LANDS IN WIND RIVER RESERVATION, WYOMING, FOR OIL AND GAS MINING

Section 192.8 is amended to read as follows:

§ 192.8 *Bonds.* The provisions of § 186.6 of this subchapter, or as hereafter amended, are applicable to leases under this part.

(Sec. 1, 39 Stat. 519)

PART 195—LEASING OF LANDS IN CROW INDIAN RESERVATION, MONTANA, FOR MINING

Section 195.7 is amended to read as follows:

§ 195.7 *Bonds.* The provisions of § 186.6 of this subchapter, or as hereafter amended, are applicable to leases under this part.

(Sec. 6, 41 Stat. 753, 44 Stat. 659)

CLARENCE A. DAVIS,
*Acting Secretary of the Interior.*

MAY 7, 1956.

[F. R. Doc. 56–3740; Filed, May 10, 1956; 8:45 a. m.]

## TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

### Chapter I—Veterans Administration

PART 8—NATIONAL SERVICE LIFE INSURANCE

HEALTH REQUIREMENTS

In § 8.23, paragraph (a) is amended to read as follows:

§ 8.23 *Health requirements.* • • •

(a) On or before July 31, 1948, or within 3 premium months including the premium month for which the unpaid premium was due, whichever is later, provided the applicant be in as good health on the date of application and tender of premiums as he was on the due date of the premium in default and furnishes evidence thereof satisfactory to the Administrator.

• • • • •

(Sec. 608, 54 Stat. 1012, as amended, sec. 6, 65 Stat. 35; 38 U. S. C. 808, 855. Interprets or applies sec. 602, 54 Stat. 1009, as amended; 38 U. S. C. 802)

This regulation is effective May 11, 1956.

[SEAL] H. V. HIGLEY,
*Administrator of Veterans Affairs.*

[F. R. Doc. 56–3750; Filed, May 10, 1956; 8:46 a. m.]

## TITLE 43—PUBLIC LANDS: INTERIOR

### Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1296]

[Anchorage 012686]

ALASKA

REVOKING EXECUTIVE ORDER NO. 1133 OF OCTOBER 19, 1909, WITHDRAWING PORTIONS OF RELEASED LANDS FOR USE OF CIVIL AERONAUTICS ADMINISTRATION AND UNITED STATES COAST GUARD

*Correction*

In F. R. Doc. 56–3450, appearing in the issue for Thursday, May 3, 1956, at page 2946, the figure "2,099,988 feet", in the seventh line of the land description of paragraph (b) under item 2, should read "2,099.988 feet".

# PROPOSED RULE MAKING

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

### [ 21 CFR Part 130 ]

DRUGS EXEMPTED FROM PRESCRIPTION-DISPENSING REQUIREMENTS OF SECTION 503 (b) (1) (C) OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

NOTICE OF PROPOSED RULE MAKING

Notice is given that the Commissioner of Food and Drugs, in accordance with the Federal Food, Drug, and Cosmetic Act (secs. 503 (b) (3), 505 (c), 701 (a); 65 Stat. 649, 52 Stat. 1052, 1055; 21 U. S. C. 353 (b) (3), 355 (c), 371 (a)) and the authority delegated to him by the Secretary of Health, Education, and Welfare (21 CFR, 1955 Ed., 1.108 (c)) hereby offers an opportunity to all interested persons to submit their views in writing to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER on the proposed amendments set forth below:

It is proposed to amend paragraph (a) of § 130.1 *Exemption for certain drugs limited by new-drug applications to prescription sale* in the following respects:

1. It is proposed to change paragraph (a) (7) to read as follows:

(7) Diamthazole dihydrochloride (2-dimethylamino - 6 - (β - diethylamino ethoxy)-benzothiazole dihydrochloride) preparations meeting all the following conditions:

(i) The diamthazole dihydrochloride is prepared with or without other drugs, in a dosage form suitable for use in self-medication by external application to the skin, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The diamthazole dihydrochloride and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 5 percent of diamthazole dihydrochloride.

(v) The preparation is labeled with adequate directions for use only for adults and children 12 years of age and over in those conditions for which it may be safely used without medical supervision.

(vi) The label bears a conspicuous warning to keep out of the reach of children, and the labeling bears, in juxtaposition with the directions for use, clear warning statements against:



(a) Application to infants or children under 6 years of age, because serious reactions may occur.

(b) Application to children 6 to 12 years of age, except as directed by a physician.

(c) Contact with mucous membranes.

(d) Use in the event of irritation or failure to obtain prompt relief.

2. It is proposed to amend paragraph (a) by adding a new subparagraph (15) reading as follows:

(15) Dextromethorphan hydrobromide (dextro-3-methoxy-*N*-methylmorphinan hydrobromide) preparations meeting all the following conditions:

(i) The dextromethorphan hydrobromide is prepared with or without other drugs, in tablet or other dosage form suitable for oral use in self-medication, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The dextromethorphan hydrobromide and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 15 milligrams of dextromethorphan hydrobromide per dosage unit, or if it is in liquid form not more than 3 milligrams of dectromethorphan hydrobromide per milliliter.

(v) The preparation is labeled with adequate directions for use in the temporary relief of cough due to minor conditions in which it is indicated.

(vi) The dosages recommended or suggested in the labeling do not exceed: For adults, 30 milligrams of dextromethorphan hydrobromide per dose or 120 milligrams of dextromethorphan hydrobromide per 24-hour period; for children 4 to 12 yeras of age, 15 milligrams per dose or 60 milligrams per 24-hour period; for children 2 to 4 years of age, 7.5 milligrams per dose or 30 milligrams per 24-hour period.

(vii) the label bears a conspicuous warning to keep the drug out of the reach of children and the labeling bears, in juxtaposition with the dosage recommendations;

(a) A clear warning statement against administration of the drug to children under 2 years of age, except as directed by a physician.

(b) Clear warning statements against use of the drug in the presence of high fever or if cough persists, since persistent cough as well as high fever may indicate the presence of a serious condition.

The proposed amendment will remove the drugs mentioned therein from the prescription-dispensing requirements of the Federal Food, Drug, and Cosmetic Act (sec. 503 (b) (1) (C), 52 Stat. 1052, 65 Stat. 469; 21 U. S. C. 353 (b) (1) (C)). These drugs were previously limited by their new-drug applications to use under professional supervision because the scientific data establishing the toxic potential of the drugs and their intended use showed only that they were safe if used under professional supervision.

Pursuant to the regulations in § 1.108 (c) of this chapter (21 CFR 1.108 (c)), petitions have been submitted to remove the prescription restrictions from these drugs. Evidence now available through investigation and marketing experience shows that the drugs can be safely used by the laity in self-medication if they are used in accordance with the proposed labeling. The restriction to prescription sale is no longer necessary for the protection of the public health.

This action in removing the prior restriction limiting these drugs to prescription sale is taken under the authority of the Federal Food, Drug, and Cosmetic Act (secs. 503 (b) (3), 505 (c), 52 Stat. 1052, 65 Stat. 649; 21 U. S. C. 353 (b) (3), 355 (c)), which provides for and requires the removal of such restrictions if they are not necessary for the protection of the public health.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies secs. 503 (b) (3), 505 (c), 52 Stat. 1052, 65 Stat. 649; 21 U. S. C. 353 (b) (3), 355 (c))

Dated: May 7, 1956.

[SEAL] JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F. R. Doc. 56–3752; Filed, May 10, 1956; 8:47 a. m.]

# NOTICES

## DEPARTMENT OF COMMERCE

### Federal Maritime Board

[Docket No. 795]

GREAT LAKES-BORDEAUX/HAMBURG RANGE WESTBOUND CONFERENCE AGREEMENT

NOTICE OF INVESTIGATION AND OF HEARING

In the matter of Agreement No. 7830–2 and the statement by the Great Lakes-Bordeaux/Hamburg Range Westbound Conference filed pursuant to § 236.3 of General Order 76.

At a session of the Federal Maritime Board held at its Office in Washington, D. C., on May 3, 1956, a certain order was entered in the above entitled cause which reads as follows:

It appearing that there is currently in effect Great Lakes-Bordeaux/Hamburg Range Westbound Conference Agreement No. 7830, which was approved pursuant to section 15, Shipping Act, 1916, on March 29, 1946, and Agreement No. 7830–1, approved February 6, 1953, defining the scope of the Agreement No. 7830 as the westbound trade from Continental Ports of Europe within the Bordeaux/Hamburg Range to ports of the Great Lakes of the United States and Canada, the St. Lawrence River, Nova Scotia, Newfoundland, and New Brunswick; and

It further appearing that Agreement No. 7830–2 was filed on October 21, 1955, for approval pursuant to said section 15, which provides for the establishment of a system of contract/non-contract rates in the trade covered by Agreement No. 7830, and that notice of the filing of Agreement No. 7830–2 was published in the FEDERAL REGISTER of November 4, 1955 (20 F. R. 8318); and

It further appearing that pursuant to § 236.3 of General Order No. 76 (46 CFR 236.3), the aforementioned Conference filed on October 21, 1955, with the Federal Maritime Board a statement proposing to initiate in the trade from ports within the Bordeaux/Hamburg Range to ports of the Great Lakes of the United States a contract/non-contract rate system to become effective 30 days after the date of such filing, or on the date the Board shall have approved Agreement No. 7830–2, if the date of such approval shall be later than the expiration of the said 30-day period, and setting forth the basis for the differential between rates and the reasons for the initiation of said system, and that notice of this filing was published in the FEDERAL REGISTER of November 5, 1955 (20 F. R. 8342); and

It further appearing that Isbrandtsen Co., Inc., by its attorney, submitted a statement dated November 14, 1955, against approval by the Board of Agreement No. 7830–2, and requesting (1) that the matter be set down for an adversary hearing to permit Isbrandtsen to be heard in opposition to the modification, (2) that the Board hold in abeyance any such approval until final determination of the issues in nine (9) proceedings now pending before the Board involving the use of the dual rate system in other trades, and (3) that the Board enter an order disapproving Agreement No. 7830–2; and

It further appearing that the Board having considered Agreement No. 7830–2, the statement of the Great Lakes-Bordeaux/Hamburg Range Westbound Conference filed October 21, 1955, pursuant to General Order 76, and the statement of Isbrandtsen Co., Inc., filed November 17, 1955, and good cause appearing:

*It is ordered*, That the request of Isbrandtsen Co., Inc., that the Board withhold action with respect to Agreement No. 7830–2, pending final determination of the issues in nine (9) proceedings involving the use of the dual rate system pending before the Board, is hereby denied; and

*It is further ordered*, That an Examiner of the Hearing Examiner's Office, to be designated by the Chief Examiner, conduct a hearing as soon as practicable to determine whether the Board should approve, disapprove, or modify Agreement No. 7830–2, and the General Order 76 Statement, and whether the contract/non-contract system proposed by the aforementioned Conference will, if approved, be unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or operate to the detriment of the commerce of the United tSates, or be in violation of the Shipping Act, 1916; and

*It is further ordered*, That the request of Isbrandtsen Co., Inc., that Agreement No. 7830–2, be disapproved, is hereby denied pending such hearing and the Board's decision thereon.

Pursuant to the above order, notice is hereby given that a public hearing will be held before an examiner of the Hearing Examiners' Office at a date and place to be announced later. The hearing will be conducted in accordance with the Board's rules of practice and procedure (18 F. R. 3716; 46 CFR 201 et

seq.), and the examiner will issue a recommended decision.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to participate in the hearing should notify the Secretary, Federal Maritime Board promptly, and file petitions for leave to intervene in accordance with rule 5 (n) (46 CFR 201.74) of the Board's rules.

Dated: May 8, 1956.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
*Secretary.*

[F. R. Doc. 56-3763; Filed, May 10, 1956; 8:49 a. m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[1060789]

ALASKA

REVOCATION OF ORDERS OPENING LANDS UNDER THE FOREST HOMESTEAD ACT

MAY 7, 1956.

Upon request of the Department of Agriculture and pursuant to the authority delegated by Departmental Order No. 2583, section 2.22 (a) of August 16, 1950, it is ordered as follows:

Subject to valid existing rights, the orders described below opening lands in the Tongass National Forest for entry under the act of June 11, 1906 (34 Stat. 233; 16 U. S. C. 506-509), as amended, are hereby revoked as to the lands hereinafter described:

Land described in Homestead Entry Survey No. 242, containing 24.24 acres.

List No. 8-98; Date of Order of Opening: April 23, 1926; Beginning at Cor. H-1 at a point from which the northeast corner List 8-61 bears N. 51° W. 27.00 chs. distant, and the northeast corner List 8-60 bears S. 13° 45' W; 9.40 chs. distant, thence N. 12.00 chs. to Cor. H-2; thence E. 7.00 chs. to Cor. H-3; thence S. 12.00 chs. to Cor. H-4; thence W. 7.00 chs. to point of beginning.

[List No. 8-32; Date of Order of Opening: November 13, 1922]

The area described contains 8.40 acres.

EDWARD WOOZLEY,
*Director.*

[F. R. Doc. 56-3741; Filed, May 10, 1956; 8:45 a. m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 20]

MASSACHUSETTS INSTITUTE OF TECHNOLOGY

NOTICE OF ISSUANCE OF CONSTRUCTION PERMIT

Please take notice that the Atomic Energy Commission has issued the construction permit set forth below to the Massachusetts Institute of Technology. In accordance with the procedures set forth in the Commission's rules of practice (10 CFR Part 2), the Commission will direct the holding of a formal hearing upon timely receipt of a request therefor from the applicant or an intervenor.

*Construction permit.* The Massachusetts Institute of Technology, Cambridge, Massachusetts (hereinafter "MIT"), on February 20, 1956, filed its application for Class 104 license defined in § 50.21 of Part 50, "Licensing of Production and Utilization Facilities", 10 CFR, Chapter I, to construct and operate a nuclear reactor (hereinafter "the reactor").

The Atomic Energy Commission (hereinafter the "Commission") has found that:

A. The reactor will be a utilization facility as defined in the Commission's regulations contained in 10 CFR Part 50, "Licensing of Production and Utilization Facilities."

B. MIT proposes to utilize the reactor in medical therapy and in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954.

C. MIT is financially qualified to construct and operate the reactor in accordance with the regulations contained in 10 CFR, Chapter I, to assume financial responsibility for the payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time.

D. MIT and ACF Industries, the contractor selected by MIT to design and construct said reactor, are technically qualified to design and construct the reactor.

E. MIT has submitted sufficient information to provide reasonable assurance that the reactor can be constructed and operated at the proposed location without undue risk to the health and safety of the public; and that additional information required to complete its application will be supplied. Such additional information includes:

a. A standard operating procedure, including start-up, routine and non-routine operation and shutdown;

b. A description of critical experiments to be performed, including procedures to be followed; and

c. A plan of action for disaster control in event of an accident or incident resulting in a radioactive hazard to the public.

Pursuant to the Atomic Energy Act of 1954 and 10 CFR, Part 50, "Licensing of Production and Utilization Facilities", the Commission hereby issues a construction permit to MIT to construct the reactor as a utilization facility. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Atomic Energy Act of 1954 and rules, regulations and orders of the Atomic Energy Commission now or hereafter in effect; and is subject to any additional conditions specified or incorporated below.

(1) The earliest date for the completion of the reactor is June 1, 1957. The latest date for completion of the reactor is June 1, 1959. The term "completion date" as used herein means the date on which construction of the reactor is completed except for the introduction of the fuel material.

(2) The site proposed for the location of the reactor is the location in Cambridge, Massachusetts, specified in report MIT-5007—"Final Hazards Summary Report to the Advisory Committee on Reactor Safeguards on a Research Reactor for the Massachusetts Institute of Technology."

(3) a. The reactor is a heavy-water cooled and moderated, heterogeneous research reactor designed for operation at power levels up to 1000 kilowatts, using enriched uranium as fuel. The reactor shall be constructed in accordance with design and performance specifications set forth in report MIT-5007.

b. Substitution of a single steel door in place of the truck air lock in the steel shell as discussed in MIT-5007 is approved; *Provided*, That:

1. The door closure is pressure tested prior to reactor operation each time the door is bolted in place.

2. The effective radiation shield around this door will be equivalent to the two (2) feet thick concrete shield surrounding the remainder of the containment shell.

(4) Upon completion (as defined in Paragraph "1" above) of the construction of the facility in accordance with the terms and conditions of this permit, upon the filing of any additional information needed to bring the original application up to date, and upon finding that the facility authorized has been constructed in conformity with the application as amended and in conformity with the provisions of the act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the act, the Commission will issue a Class 104 license to MIT pursuant to section 104 a. and c. of the act, which license shall expire forty (40) years after the date of this construction permit.

Pursuant to § 50.60 of the regulations in 10 CFR Part 50, the Commission has allocated to MIT, for use in the operation of the reactor, 9.7 kilograms of uranium 235 contained in uranium at the isotopic ratios specified in MIT's application. Estimated schedules of special nuclear material transfers to MIT and returns to the Commission are contained in Appendix "A" which is set forth below. Deliveries by the Commission to MIT in accordance with schedule 1 in Appendix "A" will be conditioned upon MIT's return to the Commission of special nuclear material substantially in accordance with schedule 2 of Appendix "A" set forth below.

Date of issuance: May 7, 1956.

Dated at Washington, D. C., this 7th day of May 1956.

For the Atomic Energy Commission.

H. L. PRICE,
*Director,*
*Division of Civilian Application.*



APPENDIX "A" TO CONSTRUCTION PERMIT (MASSACHUSETTS INSTITUTE OF TECHNOLOGY)

SCHEDULE 1

Estimated schedule of transfers of special nuclear material from the Commission to MIT:

| Date of transfer | Kilograms of contained U-235 in finished elements | Total kilograms of U-235 required to be withdrawn for fabrication |
|---|---|---|
| 1956 | | |
| 1957 | 2.5 | 5.0 |
| 1958 | 0.5 | 1.0 |
| 1959 | 1.7 | 3.4 |
| 1960 | 1.3 | 2.6 |
| 1961 and each year thereafter through 1995 | 1.3 | 2.6 |
| 33 years total | 42.9 | 85.8 |
| Total | 50.2 | 100.4 |

SCHEDULE 2

Estimated schedule of transfers of special nuclear material from MIT to the Commission:

| Date of transfer | Kilograms of contained U-235 in spent elements | Total kilograms of U-235 returned, including cold scrap |
|---|---|---|
| 1956 | | |
| 1957 | | 2.5 |
| 1958 | 1.0 | 1.5 |
| 1959 | 1.3 | 3.0 |
| 1960 | 1.0 | 2.3 |
| 1961 and each year thereafter through 1996 | 1.0 | 2.3 |
| 31 years+inventory | 36.2 | 79.1 |
| Total | 40.5 | 90.7 |

[F. R. Doc. 56-3751; Filed, May 10, 1956; 8:47 a. m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 7876]

ARTHUR VINING DAVIS AND CUTLER CORP.

ACQUISITION OF CONTROL CASE; NOTICE OF HEARING

In the matter of the application of Arthur Vining Davis, a person who controls an air carrier, for approval to acquire control of Cutler Corporation, a person which will engage in a phase of aeronautics, pursuant to section 408 of the Civil Acronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding will be held on May 16, 1956, at 2:00 p. m., e. d. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington 25, D. C., before Paul N. Pfeiffer, Hearing Examiner.

Without limiting the scope of the issues, particular attention will be directed to the following matters:

1. Will the acquisition of control of the Cutler Corporation by Mr. Davis be inconsistent with the public interest and/or create a monopoly or monopolies and thereby restrain competition or jeopardize another air carrier not a party to such acquisition within the meaning of section 408 (a) (6) of the act?

2. If the proposed acquisition of control is approved, what, if any, conditions should be imposed with respect to the operations of the Cutler Corporation?

For further details of the issues involved in this proceeding interested persons are referred to the application and other documents entered in the docket of this proceeding, all of which are on file with the Civil Aeronautics Board.

Notice is further given that any person other than parties of record desiring to be heard in this proceeding should file with the Board, on or before May 16, 1956, a statement setting forth the issues of fact or law raised by said application which he desires to controvert.

Dated at Washington, D. C., May 4, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56-3762; Filed, May 10, 1956; 8:49 a. m.]

[Docket No. 6515]

REEVE ALASKA AIRMOTIVE AND REEVE ALEUTIAN AIRWAYS, INC.

NOTICE OF POSTPONEMENT OF PREHEARING CONFERENCE

In the matter of interlocking and control relationships involving Reeve Alaska Airmotive and Reeve Aleutian Airways, Inc.

Notice is hereby given that the prehearing conference in the above-entitled matter now assigned to be held on May 11 is postponed to May 24, 1956, 10:00 a. m., e. d. s. t., Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue, NW., Washington, D. C., before Examiner Paul N. Pfeiffer.

Dated at Washington, D. C., May 8, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56-3788; Filed, May 10, 1956; 8:50 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10285 etc.; FCC 56M-436]

PORT ARTHUR COLLEGE ET AL.

NOTICE OF PRE-HEARING CONFERENCE

In re Applications of Port Arthur College, Port Arthur, Texas, Docket No. 10285, File No. BPCT-839; Joe B. Carrigan, Trustee and James K. Smith, a partnership d/b as Smith Radio Company, Port Arthur, Texas, Docket No. 10352, File No. BPCT-1013; Jefferson Amusement Company, Port Arthur, Texas, Docket No. 10779, File No. BPCT-1440; for construction permits for new television broadcast stations (Channel 4).

A pre-hearing conference in the above-entitled proceeding will be held on Friday, May 4, 1956, beginning at 10:00 a. m. in the offices of the Commission, Washington, D. C. This conference is called pursuant to the provisions of § 1.813 of the Commission's rules and the matters to be considered are those specified in that section of the rules.

*It is so ordered*, This the 3d day of May 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 56-3755; Filed, May 10, 1956; 8:48 a. m.]

[Docket No. 11652; FCC 56M-437]

B. L. GOLDEN

NOTICE OF PRE-HEARING CONFERENCE

In re application of B. L. Golden, Fresno, California, Docket No. 11652, File No. BP-10085; for construction permit.

A pre-hearing conference in the above-entitled proceeding will be held on Friday, May 18, 1956, beginning at 10:00 a. m. in the offices of the Commission, Washington, D. C. This conference is called pursuant to the provisions of § 1.813 of the Commission's rules and the matters to be considered are those specified in that section of the rules.

*It is so ordered*, This the 4th day of May 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 56-3756; Filed, May 10, 1956; 8:48 a. m.]

[Docket No. 11667; FCC 56M-433]

SARASOTA BROADCASTING CO. (WKXY)

ORDER SCHEDULING HEARING CONFERENCE

In re application of Antonio G. Fernandez, Charles J. Fernandez and Gonzalo Fernandez, d/b as Sarasota Broadcasting Company (WKXY), Sarasota, Florida, Docket No. 11667, File No. BMP-7046; for modification of construction permit.

*It is ordered*, 4th day of May 1956, that a hearing conference in the above-entitled proceeding will be held in the offices of the Commission, Washington, D. C., commencing at 9:30 a. m., Wednesday, May 9, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 56-3757; Filed, May 10, 1956; 8:48 a. m.]

[Docket No. 11670; FCC 56M-432]

NEWS ON THE AIR, INC.

NOTICE OF PRE-HEARING CONFERENCE

In re application of News on the Air, Inc., Port Clinton, Ohio, Docket No. 11670, File No. BP-9977; for construction permit.

A pre-hearing conference in the above-entitled proceeding will be held on Monday, May 14, 1956, beginning at 10:00

a. m. in the offices of the Commission, Washington, D. C. This conference is called pursuant to the provisions of § 1.813 of the Commission's rules and the matters to be considered are those specified in that section of the rules.

*It is so ordered,* This the 4th day of May 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 56-3758; Filed, May 10, 1956; 8:48 a. m.]

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[Docket Nos. 11697, 11698; FCC 56-398]

VOICE OF BERRIEN COUNTY AND LAKE BROADCASTERS

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of E. Harold Munn, Jr., and E. Harold Munn, Sr., d/b as Voice of Berrien County, Niles, Michigan, Docket No. 11697, File No. BP-9617; Maurice Humphrey, Carl L. Benson, Richard W. Lee and Ralph W. Newland d/b as Lake Broadcasters, St. Joseph, Michigan, Docket No. 11698, File No. BP-9967; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of May 1956;

The Commission having under consideration the above-captioned applications of E. Harold Munn, Jr., and E. Harold Munn, Sr., d/b as the Voice of Berrien County; and Maurice Humphrey, Carl L. Benson, Richard W. Lee and Ralph W. Newland, d/b as Lake Broadcasters, each for a construction permit for a new standard broadcast station to operate on 1400 kilocycles with a power of 250 watts, unlimited time, at Niles and St. Joseph, Michigan, respectively;

It appearing that each of the applicants is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate its proposed station but that the operations of both stations as proposed would result in mutually destructive interference; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated February 27, 1956, of the aforementioned deficiency and that the Commission was unable to conclude that a grant of either of the applications would be in the public interest; and

It further appearing that a timely reply was filed by each of the subject applicants; and

It further appearing that the Commission, after consideration of the replies, is of the opinion that a hearing is necessary;

*It is ordered,* That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposed operations, and the availability of other primary service to such areas and populations.

2. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-captioned applications would better provide a fair, efficient and equitable distribution of radio service.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

Released: May 7, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 56-3759; Filed, May 10, 1956; 8:48 a. m.]

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[Docket Nos. 11697, 11698; FCC 56M-439]

VOICE OF BERRIEN COUNTY AND LAKE BROADCASTERS

ORDER SCHEDULING HEARING

In re applications of E. Harold Munn, Jr., and E. Harold Munn, Sr., d/b as Voice of Berrien County, Niles, Michigan, Docket No. 11697, File No. BP-9617; Maurice Humphrey, Carl L. Benson, Richard W. Lee and Ralph W. Newland d/b as Lake Broadcasters, St. Joseph, Michigan, Docket No. 11698, File No. BP-9967; for construction permits.

*It is ordered,* This 7th day of May 1956, that Hugh B. Hutchison and Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 16, 1956, in Washington, D. C.

Released: May 7, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3760; Filed, May 10, 1956; 8:48 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3476]

DELAWARE POWER & LIGHT CO.

NOTICE OF PROPOSED UNDERWRITTEN COMMON STOCK OFFERING TO STOCKHOLDERS AND OFFERING OF UNSUBSCRIBED SHARES TO EMPLOYEES

MAY 7, 1956.

Notice is hereby given that Delaware Power & Light Company ("Company"), a registered holding company and also a public utility company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6, 7 and 12 (c) of the act and Rules U-42 and U-50 thereunder as applicable to the proposed transactions, which are summarized as follows:

The Company proposes to issue and sell, pursuant to the competitive bidding requirement of Rule U-50, 232,520 shares of its unissued Common Stock, par value $13.50 per share, and in addition to sell such shares as may be purchased for the purpose of stabilizing the price of the Common Stock.

The 232,520 shares of Common Stock will be offered to stockholders in accordance with their preemptive rights under the Company's Certificate of Incorporation, on the basis of one share for each eight shares of Common Stock of the Company held of record on June 6, 1956. Transferable warrants evidencing the rights will be issued to Common Stockholders of record as of the close of business on said date. Subject to the rights of the stockholders, the stock will also be offered to employees of the Company and its two subsidiaries in an amount not exceeding 150 shares per employee. The balance, if any, of the stock not subscribed for by holders of Warrants and employees will be sold to underwriters.

The Board of Directors of the Company will, not later than 12:00 o'clock Noon on June 4, 1956, determine the offering price of the stock to stockholders and employees, which price will be specified in the bids to be submitted by underwriters as the price to be paid to the Company for any unsubscribed stock. Such price will be not more than the last reported sale price on the New York Stock Exchange prior to the fixing thereof and not less than such last reported sale price less 10 percent. Immediately following determination by the Board of Directors of such offering price, notice of the price will be given to prospective bidders and will be publicly announced by the Company. Bids for the unsubscribed stock will specify the compensation to be paid to the underwriters.

The Company proposes that, for the purpose of stabilizing the price of its Common Stock, it may purchase up to 23,252 shares of the presently outstanding shares on the New York Stock Exchange, the Philadelphia-Baltimore Stock Exchange, in the over-the-counter market, or otherwise. Such stabilization, if commenced, will be terminated not later than the time fixed for the acceptance of a bid for the purchase of the unsubscribed stock. Shares acquired by the Company as a result of such stabilization will be included as part of the unsubscribed stock which will be sold to the underwriters.

Net proceeds from the sale of the Common Stock will be applied toward the cost of the construction program of the Company and its subsidiaries and the retirement of bank loans incurred prior to such sale.

A statement of the fees and expenses to be incurred by the Company in connection with the proposed transactions will be supplied by amendment.

The Company has also applied to the Public Service Commission of Delaware for approval of the issuance of the subscription warrants and shares as proposed.

It is requested that the Commission's order herein be made effective upon issuance.



Notice is further given that any interested person may, not later than May 22, 1956 at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 56-3746; Filed, May 10, 1956; 8:46 a. m.]

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## DEPARTMENT OF JUSTICE

### Office of Alien Property

[Vesting Order SA-34]

BARRANY ES BARTOK

In re: Debt owing to Barrany Es Bartok; F-34-33.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of General Motors Overseas Operations, Division of General Motors Corporation, 1775 Broadway, New York 19, N. Y., arising out of an account entitled "6LB Barrany Es Bartok, Budapest, Hungary" maintained by the aforesaid corporation, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Barrany Es Bartok, Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to Section 205 of said Title II (69 Stat. 562) which provides that:

> Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on May 7, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
*Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-3761; Filed, May 10, 1956; 8:49 a. m.]

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## INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

MAY 8, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32038: *Petroleum products—Texas to Colorado, New Mexico and Wyoming.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on petroleum and petroleum products, carloads, from Fort Worth, North Fort Worth, and Hodge Junction, Tex., to specified points in Colorado, New Mexico, and Wyoming, on the Colorado and Southern Railway Company.

Grounds for relief: Circuitous routes.

Tariff: Supplement 55 to Agent Kratzmeir's ICC 4066.

FSA No. 32039: *Empty returned containers to Muskegon, Mich.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on empty returned containers, carloads, from Baton Rouge and New Orleans, La., Natchez and Vicksburg, Miss., to Muskegon, Mich.

Grounds for relief: Carrier competition and circuitous routes.

Tariffs: Supplement 169 to Agent W. P. Emerson's ICC 417 and one other tariff.

FSA No. 32040: *Calcium phosphate—Nashville, Tenn., to Chicago, Ill.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on phosphate of calcium (lime), carloads, from Nashville, Tenn., to Chicago, Ill.

Grounds for relief: Circuitous routes.

Tariff: Supplement 203 to Agent C. A. Spaninger's ICC 1351.

FSA No. 32041: *Zircon ore to Sylacauga, Ala.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on zircon ore (crude zirconium silicate), not further processed than ground, carloads, from Savannah and Port Wentworth, Ga., and Newport News, Va., imported thereat, to Sylacauga, Ala.

Grounds for relief: Circuitous routes.

Tariff: Supplement 126 to Agent C. A. Spaninger's ICC 1369.

FSA No. 32042: *Whole grains—St. Louis, Mo., group to New Orleans, La.* Filed by the Missouri Pacific Railroad Company, for itself and other rail carriers. Rates on barley, corn (not popcorn), shelled, whole, oats, rye, soybeans, and wheat, in bulk, carloads, from St. Louis, Mo., East St. Louis, Ill., and intermediate stations on the Missouri Pacific Railroad, Whitehouse, Mo., to Post Pipe Co. Spur, Ark., inclusive, to New Orleans, La., for export.

Grounds for relief: Circuitous route.

Tariffs: Supplement 14 to Missouri Pacific Railroad ICC A-10366 and one other tariff.

FSA No. 32043: *Trailer-on-flat-car service—Seiple, Pa., to western trunk line territory.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on various commodities, loaded in or on motor-truck highway trailers and transported on railroad flat cars, from Seiple, Pa., to destinations in western trunk line territory.

Grounds for relief: Motor truck competition.

FSA No. 32044: *Pig iron—Buffalo, N. Y., to Detroit, Mich.* Filed by The New York, Chicago and St. Louis Railroad Company, for itself and other rail carriers. Rates on pig iron, carloads, from Buffalo, N. Y., to Detroit, Mich.

Grounds for relief: Circuitous routes.

FSA No. 32045: *Iron and steel rods—Worcester, Mass., to Trenton, N. J.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on coiled iron or steel rods, carloads, from Worcester, Mass., to Trenton, N. J.

Grounds for relief: Motor truck competition.

FSA No. 32046: *Pneumatic tires—Natchez, Miss., to Alabama and Georgia.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on pneumatic rubber tires and parts, carloads, from Natchez, Miss., to specified points in Alabama and Georgia.

Grounds for relief: Circuitous routes.

Tariff: Supplement 87 to Agent C. A. Spaninger's ICC 1400.

FSA No. 32047: *Pulpboard and fibreboard—Hutchinson, Kans., to Memphis, Tenn.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on pulpboard or fibreboard, noibn, in carloads, of varying minimum weights, from Hutchinson, Kans., to Memphis, Tenn.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 86 to Agent Prueter's ICC A–3622.

FSA No. 32048: *Crude petrolatum to Woodbridge, N. J.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on crude petrolatum, tank-car loads, from Coffeyville, Kans., Lake Charles and West Lake Charles, La., Kansas City, Kans.-Mo., and Barnsdall and other specified points in Oklahoma, to Woodbridge, N. J.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 59 to Agent Kratzmeir's ICC 4150.

FSA No. 32049: *Trailer-on-flat-car service from western to eastern points.* Filed by the Chicago and North Western Railway Company, for itself and other rail carriers. Rates on various commodities, loaded in or on highway trailers transported on railroad flat cars, from specified points in Illinois, Minnesota, and Wisconsin, to specified points in official territory.

Grounds for relief: Motor-carrier competition.

FSA No. 32050: *Fish meal and scrap—Texas ports to Amarillo, Tex.* Filed by J. F. Brown, Agent, for interested rail carriers. Rates on fish meal and fish scrap, carloads, from Galveston, Houston, and Texas City, Tex., to Amarillo, Tex.

Grounds for relief: Circuitous routes.

Tariff: Supplement 138 to Agent Brown's ICC 796.

FSA No. 32051: *Scrap iron or steel—Defense, Tex., to New Orleans, La., and group ports.* Filed by J. F. Brown, Agent, for interested rail carriers. Rates on scrap iron or steel, including scrap borings, filings or turnings, carloads, from Defense, Tex., to New Orleans, La., and grouped ports, for export.

Grounds for relief: Circuitous routes.

Tariff: Supplement 137 to Agent Brown's ICC 796.

FSA No. 32052: *Anti-knock compound—Louisiana to official territory.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on motor fuel anti-knock compound, tank-car loads, from Baton Rouge and North Baton Rouge, La., to points in Delaware, Maryland, New Jersey, and Pennsylvania named in exhibit C of the application.

Grounds for relief: Competition of carriers by water and truck to and from eastern ports, and circuitous routes.

Tariff: Supplement 13 to Alternate Agent J. H. Marque's ICC 442.

FSA No. 32053: *Plaster and related articles within the South, and from official to southern territory.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on plaster and related articles, carloads, between points in southern territory included in exhibit G of the application, and from points in official territory to destinations in southern territory included in Agent Boin's ICC 1009 and Agent Raasch's ICC 861.

Grounds for relief: Short-line distance formulae and circuity.

Tariffs: Agent C. A. Spaninger's ICC 1459 and two other tariffs.

FSA No. 32054: *Magazines and other commodities—western points to southern points.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on magazines, residue, petroleum carbon and building boards, carloads, from specified points in western trunk-line territory, to specified points in southern territory.

Grounds for relief: Carrier competition and circuity.

FSA No. 32055: *Furniture and parts—Southwest to Colorado and Wyoming.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on furniture and furniture parts and spring assemblies, carloads, from specified points in Arkansas, Louisiana, Oklahoma and Texas, to Colorado Springs, Denver, Greeley, Pueblo and Trinidad, Colo., and Cheyenne, Wyo.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 65 to Agent Kratzmeir's ICC 4136.

FSA No. 32056: *All Freight—Lawrenceburg, Tenn., to Chicago, Ill., and Milwaukee, Wis.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on merchandise, mixed carloads, from Lawrenceburg, Tenn., to Chicago, Ill., and Milwaukee, Wis.

Grounds for relief: Motor carrier competition and circuity.

Tariff: Supplement 39 to Agent C. A. Spaninger's ICC 1458.

FSA No. 32057: *Silica—Elco, Ill., to Cleveland, Tenn.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on silica, ground or pulverized, carloads, from Elco, Ill., to Cleveland, Tenn.

Grounds for relief: Short-line distance formula and circuity.

FSA No. 32058: *Machinery and parts—Atlanta, Ga., group to official territory.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on machinery, machines, and parts thereof, carloads, from Atlanta, Ga., and other points in the Atlanta Group taking same rates, to points in official (including Illinois) territory.

Grounds for relief: Modified short-line distance formula and circuitous routes.

Tariffs: Supplement 244 to Agent C. W. Boin's ICC A–800 and two other tariffs.

FSA No. 32059: *Wood waste—southern points to Illinois and central territories.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on wood waste, chips or refuse, carloads, from Mississippi River crossings, Memphis, Tenn., and south thereof, and other points in southern territory included in Agent C. A. Spaninger's tariffs ICC 1443, 1412, 1388 and 1238, to points in Illinois and central territories described in the application.

Grounds for relief: Circuitous routes in part west of the Mississippi River.

FSA No. 32060: *Brewers rice—New Orleans, La., to Charlotte, N. C.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on brewers rice, carloads, from New Orleans, La., to Charlotte, N. C.

Grounds for relief: Circuitous routes in part west of the Mississippi River.

FSA No. 32061: *Liquefied chlorine gas from Baton Rouge, La. and Memphis, Tenn. to Federal, Ill.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on liquefied chlorine gas, tank-car loads, from Baton Rouge and North Baton Rouge, La., and Memphis, Tenn., to Federal, Ill.

Grounds for relief: Circuitous routes in part west of the Mississippi River.

FSA No. 32062: *Nitric acid—Lima, Ohio, to official territory.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on nitric acid, tank-carloads, from Lima, Ohio, to specified points in Illinois, Kentucky, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia and Wisconsin.

Grounds for relief: Carrier competition and circuity.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56–3747; Filed, May 10, 1956; 8:46 a. m.]

# FEDERAL REGISTER

VOLUME 21 NUMBER 93

Washington, Saturday, May 12, 1956



THE NATIONAL ARCHIVES LITTERA SCRIPTA MANET 1934 OF THE UNITED STATES

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## TITLE 3—THE PRESIDENT

### EXECUTIVE ORDER 10668

AMENDMENT OF EXECUTIVE ORDER NO. 2859 OF MAY 11, 1918, RELATING TO THE NATIONAL RESEARCH COUNCIL

Executive Order No. 2859 of May 11, 1918, relating to the National Research Council, is hereby amended to read as follows:

"NATIONAL RESEARCH COUNCIL OF THE NATIONAL ACADEMY OF SCIENCES

"WHEREAS the National Research Council (hereinafter referred to as the Council) was organized in 1916 at the request of the President by the National Academy of Sciences, under its congressional charter, as a measure of national preparedness; and

"WHEREAS in recognition of the work accomplished by the National Academy of Sciences through the Council in organizing research, in furthering science, and in securing cooperation of government and non-government agencies in the solution of their problems, the Council has been perpetuated by the Academy as requested by the President in Executive Order No. 2859 of May 11, 1918; and

"WHEREAS the effective prosecution of the Council's work requires the close cooperation of the scientific and technical branches of the Government, both military and civil, and makes representation of the Government on the Council desirable:

"NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

"1. The functions of the Council shall be as follows:

"(a) In general, to stimulate research in the mathematical, physical, and biological sciences, and in the application of these sciences to engineering, agriculture, medicine, and other useful arts, with the object of increasing knowledge, of strengthening the national defense, and of contributing in other ways to the public welfare.

"(b) To survey the broad possibilities of science, to formulate comprehensive projects of research, and to develop effective means of utilizing the scientific and technical resources of the country for dealing with such projects.

"(c) To promote cooperation in research, at home and abroad, in order to secure concentration of effort, minimize duplication, and stimulate progress; but in all cooperative undertakings to give encouragement to individual initiative, as fundamentally important to the advancement of science.

"(d) To serve as a means of bringing American and foreign investigators into active cooperation with the scientific and technical services of the Department of Defense and of the civil branches of the Government.

"(e) To direct the attention of scientific and technical investigators to the importance of military and industrial problems in connection with national defense, and to aid in the solution of these problems by organizing specific researches.

"(f) To gather and collate scientific and technical information, at home and abroad, in cooperation with governmental and other agencies, and to render such information available to duly accredited persons.

"2. The Government shall be represented on the Council by members who are officers or employees of specified departments and agencies of the executive branch of the Government. The National Academy of Sciences shall specify, from time to time, the departments and agencies from which Government members shall be designated, and shall determine, from time to time, the number of Government members who shall be designated from each such department and agency. The head of each such specified department or agency shall designate the officers and employees from his department or agency, in such numbers as the National Academy of Sciences shall determine, who shall be members of the Council, but shall designate only those persons who are acceptable to the Academy."

This order shall not be construed as terminating the tenure of any person who has heretofore been designated as a member of the Council.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
*May 10, 1956.*

[F. R. Doc. 56-3824; Filed, May 10, 1956; 4:17 p. m.]

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# FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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**CFR SUPPLEMENTS**

**(As of January 1, 1956)**

**The following Supplement is now available:**

**Title 32A (Rev., 1955) ($1.25)**

*Previously announced:* Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 7: Parts 1–209 ($1.25); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. I, and Title 27 ($1.00); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Titles 40–42 ($0.65); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

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## TITLE 6—AGRICULTURAL CREDIT

### Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

#### Subchapter B—Loans, Purchases, and Other Operations

PART 475—EMERGENCY FEED PROGRAM

SUBPART—1954 EMERGENCY FEED PROGRAM

NOTICE OF TERMINATION

The regulations governing that part of the 1954 Emergency Feed Program administered by the Commodity Stabilization Service, published in 19 F. R. 5466 and 6472 and 20 F. R. 560 and 1265, provide in § 475.8 that the program may be terminated at any time upon issuance of public notice in the FEDERAL REGISTER.

Notice is hereby given of the termination of the 1954 Emergency Feed Program effective as of 12:01 a. m., e. d. t., June 1, 1956, in accordance with the following:

1. No Farmer's Purchase Orders will be issued after such effective date and, except as provided in 3 below, no extension of time will be granted after such effective date for the presentation of Farmer's Purchase Orders issued prior thereto.

2. No Dealer's Certificates, except as provided in 3 below, will be issued after such effective date, and no extension of time will be granted after such effective date for the presentation of Dealer's Certificates issued prior thereto.

3. In cases where the issuance of Dealer's Certificates to a dealer was suspended and it is subsequently determined that the dealer is entitled to the issuance of Dealer's Certificates, Farmer's Purchase Orders held by the dealer at the time of suspension and which had not expired at the time of suspension, will be extended for the period of time necessary to enable the dealer to present such purchase orders to the county committee, and Dealer's Certificates will be issued with respect thereto.

4. Farmer's Purchase Orders and Dealer's Certificates issued prior to effective date of termination may be presented in accordance with the provisions of the aforementioned regulations within 120 days from the date of issuance or any extension of time granted prior to the effective date of termination. Dealer's Certificates issued pursuant to 3 above must be presented to CCC within 120 days after the date of issuance and no extension of time will be granted with respect thereto.

(Sec. 4, 62 Stat., 1070, as amended; 15 U. S. C., 714b. Interpret or apply sec. 407, 63 Stat. 1055, sec. 301, Pub. Law 480, 83d Cong.; 7 U. S. C. 1427)

Issued this 10th day of May 1956.

[SEAL] WALTER C. BERGER,
*Acting Executive Vice President, Commodity Credit Corporation.*

[F. R. Doc. 56-3820; Filed, May 11, 1956; 8:50 a. m.]



## TITLE 7—AGRICULTURE

### Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

#### Subchapter A—Marketing Orders

[Navel Orange Reg. 87]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.387 *Navel Orange Regulation 87*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on May 10, 1956, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., May 13, 1956, and ending at 12:01 a. m., P. s. t., May 20, 1956, is hereby fixed as follows:

(i) District 1: 138,600 cartons;
(ii) District 2: 554,400 cartons;
(iii) District 3: Unlimited movement;
(iv) District 4: Unlimited movement.

(2) Navel oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "District 1," "District 2," "District 3," and "District 4," have the same meaning as when used in said amended marketing agreement and order; and "carton" means the standard one-half orange, grapefruit or lemon box set forth as standard container number 58 in section 828.83, as amended, of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 11, 1956.

[SEAL] FLOYD F. HEDLUND,
*Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-3854; Filed, May 11, 1956; 11:26 a. m.]

[Valencia Orange Reg. 68]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.368 *Valencia Orange Regulation 68*—(a) *Findings.* (1) Pursuant to Order No. 22 (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective March 31, 1954, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on May 10, 1956, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., May 13, 1956, and ending at 12:01 a. m., P. s. t., May 20, 1956, is hereby fixed as follows:

(i) District 1: 184,800 cartons;
(ii) District 2: 277,200 cartons;
(iii) District 3: Unlimited movement.

(2) Valencia oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "handler," "District 1," "District 2," and "District 3," have the same meaning as when used in said order; and "carton" means the standard one-half orange, grapefruit or lemon box set forth as standard container number 58 in section 828.83, as amended, of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 11, 1956.

[SEAL] FLOYD F. HEDLUND,
*Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-3853; Filed, May 11, 1956; 11:26 a. m.]

[Grapefruit Reg. 243]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.790 *Grapefruit Regulation 243*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as

amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than May 14, 1956. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until May 14, 1956; the recommendation and supporting information for continued regulation subsequent to May 13, 1956, were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on on May 8, 1956; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., May 14, 1956, and ending at 12:01 a. m., e. s. t., May 21, 1956, no handler shall ship:

(i) Any white seeded grapefruit, grown in the State of Florida, which are not mature and do not grade at least U. S. No. 1 Bronze;

(ii) Any white seedless grapefruit, grown in Regulation Area I, which are not mature and do not grade at least U. S. No. 1 Bronze;

(iii) Any white seedless grapefruit, grown in Regulation Area II, which are not mature and do not grade at least U. S. No. 2 Russet;

(iv) Any pink grapefruit, grown in the State of Florida, which are not mature and do not grade at least U. S. No. 2;

(v) Any white seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(vi) Any pink seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(vii) Any seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 112 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "handler," "ship," "Growers Administrative Committee," "Regulation Area I," and "Regulation Area II" shall have the same meaning as when used in said amended marketing agreement and order; the terms "U. S. No. 1 Bronze," "U. S. No. 2," "U. S. No. 2 Russet," "standard pack," and "standard nailed box" shall have the same meaning as when used in the United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title); and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, Chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (Chapters 25149 and 28090) and also by section 601.18, as amended on June 2, 1955 (Chapter 29760).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 9, 1956.

[SEAL] FLOYD F. HEDLUND,
*Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-3784; Filed, May 11, 1956; 8:49 a. m.]

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[Orange Reg. 297]

## PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

### LIMITATION OF SHIPMENTS

§ 933.791 *Orange Regulation 297*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all Florida oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than May 14, 1956. Shipments of all oranges, except Temple oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until May 14, 1956; the recommendation and supporting information for continued regulation subsequent to May 13, 1956, were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on May 8, 1956, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, except Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., May 14, 1956, and ending at 12:01 a. m., e. s. t., May 28, 1956, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet;

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than a size that will pack 288 oranges, packed in accordance with the requirements of a standard pack, in a standard 1⅗ bushel nailed box;

(iii) Any Valencia, Lue Gim Gong, or similar late-maturing oranges of the Valencia type, grown in the State of Florida, that grade U. S. Fancy or U. S. No. 1 Bright, which are of a size larger than $3^{19}/_{16}$ inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of oranges larger than such maximum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title; 20 F. R. 7205): *Provided,* That in determining the percentage of oranges in any lot which are larger than $3^{19}/_{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size $3^{3}/_{16}$ inches in diameter and larger; or

(iv) Any Valencia, Lue Gim Gong, or similar late-maturing oranges of the Valencia type, grown in the State of Florida, that grade U. S. No. 1, U. S. No. 1 Golden, U. S. No. 1 Bronze or U. S. No. 1 Russet, which are of a size larger than $3^{3}/_{16}$ inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of oranges larger than such maximum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title; 20 F. R. 7205): *Provided,* That in determining the percentage of oranges in any lot which are larger than $3^{3}/_{16}$ inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 3 inches in diameter and larger.

(2) As used in this section, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. Fancy," "U. S. No. 1 Bright," "U. S. No. 1," "U. S. No. 1 Golden," "U. S. No. 1 Bronze," "U. S. No. 1 Russet," "standard pack," and "standard 1⅗ bushel nailed box" shall have the same meaning as when used in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title; 20 F. R. 7205).

Shipments of Temple oranges, grown in the State of Florida, are subject to the provisions of Orange Regulation 294 (§ 933.782, 21 F. R. 2039).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 9, 1956.

[SEAL] FLOYD F. HEDLUND,
*Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-3785; Filed, May 11, 1956; 8:49 a. m.]

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[Tangerine Reg. 175]

## PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

### LIMITATION OF SHIPMENTS

§ 933.792 *Tangerine Regulation 175*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than May 14, 1956. Shipments of tangerines, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order and will so continue until May 14, 1956; the recommendation and supporting information for continued regulation subsequent to May 13, 1956, were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on May 8, 1956; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines, and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., May 14, 1956, and ending at 12:01 a. m., e. s. t., May 21, 1956, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 2;

(ii) Any tangerines, grown in the State of Florida, which grade U. S. Fancy, U. S. No. 1, U. S. No. 1 Bronze or U. S. No. 1 Russet, that are of a size smaller than the size that will pack 294 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches); or

(iii) Any tangerines grown in the State of Florida, which grade U. S. No. 2, that are of a size smaller than the size that will pack 210 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches).

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. Fancy," "U. S. No. 1," "U. S. No. 1 Bronze," "U. S. No. 1 Russet," "U. S. No. 2," and "standard pack" shall have the same meaning as when used in the revised United States Standards for Florida Tangerines (§§ 51.1810 to 51.1836 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 9, 1956.

[SEAL] FLOYD F. HEDLUND,
*Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-3786; Filed, May 11, 1956; 8:49 a. m.]

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[Lemon Reg. 641]

## PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

### LIMITATION OF SHIPMENTS

§ 953.748 *Lemon Regulation 641*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 8451), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently

subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on May 9, 1956, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., May 13, 1956, and ending at 12:01 a. m., P. s. t., May 20, 1956, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 418,500 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," and "District 3" have the same meaning as when used in the said amended marketing agreement and order; and "carton" means the standard one-half orange, grapefruit or lemon box set forth as standard container number 58 in section 828.83, as amended, of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 10, 1956.

[SEAL] FLOYD F. HEDLUND,
*Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-3826; Filed, May 11, 1956; 8:53 a. m.]

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[Peach Order 1]

## PART 962—FRESH PEACHES GROWN IN GEORGIA

### SUSPENSION OF INSPECTION REQUIREMENT

§ 962.311 *Peach Order 1*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 62, as amended (7 CFR Part 962; 20 F. R. 1635), regulating the handling of fresh peaches grown in the State of Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et. seq.) and upon the basis of the recommendation of the Industry Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that this order will tend to effectuate the declared policy of the act with respect to shipments of fresh peaches grown in the State of Georgia.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient and this order relieves restrictions on the handling of fresh peaches grown in the State of Georgia.

(b) *Order.* During the period beginning at 12:01 a. m., e. d. s. t., May 15, 1956 and ending at 12:01 a. m., e. s. t., March 1, 1957.

(1) The inspection requirement contained in § 962.64 of this part is hereby suspended with respect to peaches in bulk shipped to destinations in the adjacent markets.

(2) When used in this section, the terms "adjacent markets," "shipped," and "peaches in bulk," shall have the same meaning as when used in the aforesaid amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 9, 1956.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-3770; Filed, May 11, 1956; 8:46 a. m.]

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### Subchapter B—Prohibition of Imported Commodities

[Tomato Reg., Amdt. 5]

## PART 1065—TOMATOES

### IMPORT RESTRICTIONS

Pursuant to the authority vested in me under section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 753, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), paragraph (b) of § 1065.1 *Tomato Regulation No. 1*, as amended (20 F. R. 9817, 21 F. R. 832, 987, 2509, 3075), is hereby further amended so as to extend the regulations which are now in effect from May 13, 1956, through May 31, 1956.

To accomplish the aforementioned result, it is hereby ordered that subparagraphs (1) and (3) of paragraph (b) of § 1065.1 be deleted, that the numbering of existing § 1065.1 (b) (2) be changed to § 1065.1 (b) (1) and that the words at the beginning of said § 1065.1 (b) (1), as renumbered, reading "During the period from May 4, 1956, 3:01 p. m., e. d. t., through May 13, 1956" be changed to read "During the period from May 4, 1956, 3:01 p. m., e. d. t., through May 31, 1956."

*Findings.* It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, or to postpone the effective date of these amendments later than May 14, 1956, because: (a) The regulation involved is already in effect, and the only change being made is to continue such regulation in effect through May 31, 1956; (b) such change constitutes a relief from restrictions, in that otherwise more stringent regulations on imports would be in effect on and after May 14, 1956; (c) such relaxation will make these regulations conform with a recent relaxation in regard to the handling of tomatoes produced in Florida; and (d) such changes are mandatory pursuant to section 8e of the act in that the regulation of tomato imports in these respects must be the same or comparable to the regulation of the handling of tomatoes produced in Florida.

(Sec. 5, 49 Stat. 753, as amended, 7 U. S. C. 608c. Interprets or applies sec. 401, 68 Stat. 907; 7 U. S. C. 608e)

Done at Washington, D. C., this 10th day of May 1956, to become effective at 12:01 a. m., e. d. t., May 14, 1956.

[SEAL] FLOYD F. HEDLUND,
*Acting Director, Fruit and Vegetable Division.*

[F. R. Doc. 56-3828; Filed, May 11, 1956; 8:53 a. m.]

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# TITLE 32—NATIONAL DEFENSE

## Chapter V—Department of the Army

### Subchapter F—Personnel

## PART 573—APPOINTMENT OF COMMISSIONED OFFICERS AND WARRANT OFFICERS

### GENERAL ELIGIBILITY REQUIREMENTS

In § 573.10, paragraph (d) is revised to read as follows:

§ 573.10 *General eligibility requirements.* * * *

(d) Have a record free of convictions by any type of military or civil court for other than a minor traffic violation. Requests for waiver of other than the above will be submitted in affidavit form and may be supported by documentary evidence citing the offense, the court action, and judgment rendered. The following procedures relative to handling of waiver requests will apply:

(1) Major commanders may grant waivers for conviction for offenses under military or civil codes, provided:

(i) The offense was nonrecurring.

(ii) The offense was not a felony.

(iii) The offense did not involve moral turpitude.

(iv) The sentence did not involve confinement.

(v) The personal conduct and character of the individual are at this time above reproach and his (her) conduct since the offense has demonstrated his (her) ability to meet requirements of good citizenship.

(vi) In the opinion of the major commander, the potential value of the individual's services as an officer is very high.



(2) Requests for waiver for conviction of the following offenses will be forwarded through channels to The Adjutant General, Department of the Army, Washington 25, D. C., Attn: AGPB–R, with copy of application:

(i) Felony under local, Federal, or military law.

(ii) One which resulted in sentence to confinement in prison, stockade, or detention area, or which resulted in sentence of hard labor.

(iii) Moral turpitude.

Comments and recommendations of each commander (including major command) through which the request for waiver is routed will be included. Each request will be weighed carefully by each commander and approval recommended only when circumstances warrant such action, bearing in mind that the applicant may be placed in an unfair competitive position as an Army officer. Copies of action taken on all requests for waivers will be attached to each copy of the application.

(3) Requests for waiver of unfavorable juvenile court decisions will be submitted and processed as outlined in subparagraphs (1) and (2) of this paragraph, depending upon the type of offense involved.

(4) Any waiver previously granted for the purpose of attendance at an Army Officer Candidate Course, enrollment in ROTC, or for appointment in the Army Reserve will not be considered as constituting a waiver under the intent of this section.

* * * * *

[C4, AR 601–100, 24 April 1956] (R. S. 161; 5 U. S. C. 22)

[SEAL] JOHN A. KLEIN,
*Major General, U. S. Army, The Adjutant General.*

[F. R. Doc. 56-3764; Filed, May 11, 1956; 8:45 a. m.]

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# NOTICES

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[Document 116]

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

*Correction*

In F. R. Doc. 56–3372, appearing at page 2848 of the issue for Tuesday, May 1, 1956, the serial number in the first paragraph should read: Serial No. AR–09391.

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[Document 124]

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

*Correction*

In F. R. Doc. 56–3378, appearing at page 2850 of the issue for Tuesday, May 1, 1956, the following change should be made:

In the land description of T. 19 N., R. 1 W., Sec. 20, that portion reading "E½SE¼NW¼" should read "E½SE¼ SW¼NW¼".

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## DEPARTMENT OF DEFENSE

### Department of the Navy

[No. 19]

NAVIGATIONAL LIGHT WAIVERS FOR CERTAIN NAVAL VESSELS

All ships are warned that, if U. S. naval vessels are met on the high seas or on navigable waters of the United States during periods when navigational lights may be displayed, they may expect that certain navigational lights of some naval vessels may vary from the requirements of the Regulations for Preventing Collisions at Sea, 1948, 33 U. S. Code sections 144 to 147d, and rules applicable to the navigable waters of the United States, as to number, position, range of visibility or arc of visibility. These differences are necessitated by reasons of military function or special construction of the naval ships. An example is the aircraft carrier where the two white lights are in most instances on the island superstructure considerably displaced from the center or keel line of the vessel when viewed from ahead. Certain other naval vessels cannot comply with the horizontal separation requirements of the white lights, and the two white lights on even larger naval vessels, such as some battleships, will thus appear to be crowded together when viewed from a distance. Other naval vessels may also have unorthodox navigational light arrangements or characteristics when seen either underway or at anchor.

Naval vessels may also be expected to display certain other lights. These lights include, but are not limited to, different colored recognition light signals, landing lights on carriers, pulsating red lights to indicate speed to other naval ships, and green lights to indicate minesweeping operations. These lights may sometimes be shown in combination with navigational lights.

During peacetime naval maneuvers, naval ships, alone or in company, may also dispense with showing any lights, though efforts will be made to display lights on the approach of shipping.

33 U. S. Code, sections 143a and 360, provides that the requirements of the Regulations for Preventing Collisions at Sea, 1948, the Inland Rules, the Great Lakes Rules and the Western River Rules as to the number, position, range of visibility, or arc of visibility of lights required to be displayed by vessels shall not apply to any vessel of the Navy where the Secretary of the Navy shall find or certify that, by reason of special construction or purpose, it is not possible for such vessel or class of vessels to comply with the statutory provisions as to lights.

Waiver Certificate No. 15 published in the FEDERAL REGISTER, Volume 18, No. 250 on December 24, 1953, as amended by Waiver Certificates Nos. 16, 17, and 18, published in the FEDERAL REGISTER, Volume 19, No. 154 on August 10, 1954; Volume 20, No. 156, on August 11, 1955; and Volume 20, No. 213, on November 1, 1955, respectively, lists certain naval vessels unable to comply with certain requirements as to navigational lights. The instant waiver certificate further amends Waiver Certificate No. 15 by correcting certain data promulgated therein and by finding and certifying that additional naval vessels, designated by type and class, are unable to comply with these navigational light requirements by reason of special construction, and in the manner indicated by appropriate modification of the Tables of Waiver Certificate No. 15, as amended by Waiver Certificates Nos. 16 through 18, as follows:

TABLE 1

Change as follows, under the column entitled "Vessel type and class":

(1) After "CA–68" add "except otherwise listed".

(2) Below "CA–68" add "CA–71, 73, 75, 130, 132, 133 and 135" and also add in succeeding columns "48", "74", "27", "48".

TABLE 2

Change as follows, under the column entitled "Vessel type and class":

(1) Delete CVA–20 and the figures in the succeeding columns. (CVA–20 is a CVA–34 Class carrier and now carries the lights of her class.)

(2) After CVA–34 delete the words "except CVA–20".

(3) After CVA–41 change succeeding columns to "44", "62", "18", "25", "62", "3", "27".

(4) Below "CVA–41" add "CVA–43 only" and also add in succeeding columns "79", "96", "17", "26", "62", "4", "19".

(5) Add "CVHA–1" and also add in succeeding columns "42", "57", "15", "23", "45", "1", "28".

TABLE 6

Add paragraph as follows:

(g) The 25-ton Submarine X–1 carries a 32-point masthead light, as she is not fitted with any other running light visible from astern.

The above navigational lights, as well as those listed in Waiver Certificate No. 15, are positioned approximately in accordance with the stated dimensions which may vary by at least several feet in certain instances.

The above modifications hereby become a part of Waiver Certificates Nos. 15, 16, 17, and 18 and shall have force

and effect as if originally incorporated therein.

Dated at Washington, D. C., this 27th day of April A. D. 1956.

[SEAL] CHARLES S. THOMAS,
*Secretary of the Navy.*

[F. R. Doc. 56-3773; Filed, May 11, 1956; 8:47 a. m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

CABBAGE

NOTICE OF PURCHASE PROGRAM WMP 45a

In order to encourage domestic consumption of cabbage by diversion from the normal channels of trade and commerce in accordance with section 32, Public Law 320, 74th Congress, approved August 24, 1935, as amended, a cabbage purchase program was made effective on April 30, 1956, and will continue as needed but no later than June 30, 1956. Purchases under this program will be made in producing areas where surpluses are causing serious marketing problems. Cabbage so purchased will be distributed to nonprofit school lunch programs and other eligible outlets. The quantity to be purchased will depend upon marketing conditions at the time of purchase, the availability of outlets for the use of cabbage without waste, and upon the amount of funds available for such purchases. Information relative to this purchase program may be obtained from: Fruit and Vegetable Division, Agricultural Marketing Service, Department of Agriculture, Washington 25, D. C.

(Sec. 32, 49 Stat. 774, as amended, 7 U. S. C. and Sup. 612c)

Dated: May 9, 1956.

[SEAL] FLOYD F. HEDLUND,
*Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-3787; Filed, May 11, 1956; 8:49 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10285 etc.; FCC 56M-426]

PORT ARTHUR COLLEGE ET AL.

ORDER SCHEDULING HEARING

In re applications of Port Arthur College, Port Arthur, Texas; Docket No. 10285, File No. BPCT-839; Joe B. Carrigan, Trustee and James K. Smith, a partnership, d/b as Smith Radio Company, Port Arthur, Texas; Docket No. 10352, File No. BPCT-1013; Jefferson Amusement Company, Port Arthur, Texas; Docket No. 10779, File No. BPCT-1440; for construction permits for new television broadcast stations.

*It is ordered*, This 3d day of May 1956, with the consent of all parties to the proceeding, that Basil P. Cooper, in lieu of Annie Neal Huntting, will preside at the hearing in the above-entitled proceeding, which is hereby scheduled to be resumed on June 5, 1956, in Washington, D. C.

Released: May 3, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 56-3776; Filed, May 11, 1956; 8:47 a. m.]

[Docket Nos. 11417, 11418; FCC 56M-455]

TAYLOR BROADCASTING CO. AND GARDEN OF THE GODS BROADCASTING CO.

ORDER SCHEDULING HEARING CONFERENCE

In re applications of Taylor Broadcasting Company, Colorado Springs, Colorado; Docket No. 11417, File No. BP-9439; Garden of the Gods Broadcasting Company, Manitou Springs, Colorado; Docket No. 11418, File No. BP-9462; for construction permits.

The Hearing Examiner having under consideration the designation of a date for the hearing conference to be held pursuant to § 1.841 of the Commission's rules;

It appearing that an informal conference was held on May 1, 1956, at which time the dates for exchanging exhibits and for a formal hearing conference were discussed and agreed upon;

*It is ordered*, This 8th day of May 1956, that the parties will exchange all exhibits in their affirmative cases on May 21, 1956, and that the formal conference will be held on May 31, 1956, at 10:00 a. m., in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3777; Filed, May 11, 1956; 8:47 a. m.]

[Docket Nos. 11565, 11566; FCC 56M-451]

ROLLINS BROADCASTING OF DELAWARE, INC., AND FRANKLIN BROADCASTING CO.

ORDER CONTINUING PREHEARING CONFERENCE

In re applications of Rollins Broadcasting of Delaware, Inc., Philadelphia, Pennsylvania, Docket No. 11565, File No. BP-9500; Lawrence M. C. Smith, tr/as Franklin Broadcasting Company, Philadelphia, Pennsylvania, Docket No. 11566, File No. BP-9633; for construction permits.

The Hearing Examiner having under consideration a "Petition for Two-Day Postponement of Prehearing Conference" filed May 3, 1956, on behalf of Franklin Broadcasting Company, requesting continuance of the prehearing conference date from 10:00 a. m., on May 15 to 2:30 p. m., on May 17, 1956; and

It appearing that all counsel have informally agreed to waive the time of filing requirements of § 1.745 of the Commission's rules, that counsel for petitioner will be engaged in an oral argument before the U. S. Court of Appeals on May 15, and that all parties have informally consented to the continuance as ordered; now therefore,

*It is ordered*, This 8th day of May 1956, that the above petition is granted, and that the prehearing conference in this proceeding now scheduled at 10:00 a. m. on Tuesday, May 15, is continued to 2:30 p. m., on Thursday, May 17, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3778; Filed, May 11, 1956; 8:47 a. m.]

[Docket No. 11594; FCC 56M-457]

HAROLD M. BORING

ORDER CONTINUING HEARING

In the matter of Harold M. Boring, Los Angeles, California, Docket No. 11594; suspension of amateur radio operator license.

The Hearing Examiner having under consideration a motion filed March 26, 1956, by the Safety and Special Radio Services Bureau, requesting that the hearing in the above-entitled proceeding presently scheduled for May 24, 1956, at Washington, D. C., (1) be continued until September 6, 1956, and that (2) the place of hearing be changed to Los Angeles, California;

It appearing that counsel for the above-mentioned licensee will be engaged in a case in the Superior Court of the State of California, during the last week of the month of May 1956, and the first two weeks of the month of June 1956, and requested that the hearing be continued until some date after the fifteenth day of June 1956;

It further appearing that the costs would be less not only to the above-mentioned licensee and his counsel, but also to the Commission, if the hearing is held in Los Angeles, California, rather than to have the licensee and his attorney, and six or seven Commission witnesses make a trip from California to Washington, D. C., for the hearing; and

It further appearing that no opposition has been filed to such motion and good cause has been shown for the grant thereof;

*It is ordered*, This 8th day of May 1956, that the motion be and it is hereby granted; and the hearing in the above-entitled proceeding be and it is hereby continued to September 6, 1956, at 10 o'clock a. m., in Los Angeles, California.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3779; Filed, May 11, 1956; 8:48 a. m.]

[Docket No. 11604; FCC 56M-443]

HILLTOP BROADCASTING CO. (WTVH)

ORDER CONTINUING HEARING

In re application of Hilltop Broadcasting Company (WTVH), Peoria, Illinois; Docket No. 11604, File No. BMPCT-3492; for modification of construction permit.

The Hearing Examiner having under consideration a Motion for Postponement of Hearing filed by Hilltop Broadcasting Company (WTVH) on May 1, 1956;

It appearing that applicant is giving consideration to reducing the height of its proposed tower to avoid the possibility of creating a hazard to air navigation; and

It appearing that whether applicant would create such a hazard is the only issue in this proceeding;

*It is ordered*, This 7th day of May 1956, that the Motion of Hilltop Broadcasting Company to postpone hearing is granted, and the hearing now scheduled for 10:00 a. m., May 31, 1956, is postponed to 10:00 a. m., September 4, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3780; Filed, May 11, 1956; 8:48 a. m.]

[Docket No. 11639; FCC 56M-450]

COOS COUNTY BROADCASTERS

ORDER CONTINUING HEARING

In re application of Harold C. Singleton, d/b as Coos County Broadcasters, Coos Bay, Oregon; Docket No. 11639, File No. BP-9758; for construction permit.

Pursuant to "Petition to Dismiss" filed jointly on April 17, 1956, by KOOS, Inc., The Bay Broadcasting Company and KWRO, Inc., which matter is now awaiting Commission action: *It is ordered*, This 8th day of May 1956, that the prehearing conference in the above-entitled proceeding, which is now scheduled for May 16, 1956, and the hearing now scheduled for May 23, 1956, be, and the same are hereby, continued without date.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3781; Filed, May 11, 1956; 8:48 a. m.]

[Docket No. 11679; FCC 56M-456]

FARWEST FISHERMEN, INC.

ORDER CONTINUING HEARING

In the matter of Farwest Fishermen, Inc., Anacortes, Washington, Docket No. 11679, File No. 1619-M-K; application for construction permit for a new limited class II-B coast station.

The Chief Hearing Examiner having under consideration the applicant's motion, filed May 7, 1956, for continuance of the hearing in the above-entitled proceeding which is scheduled to commence May 14, 1956;

It appearing that good and sufficient cause exists to warrant the continuance herein sought, and that the Commission's Safety and Special Radio Services Bureau and Pacific Telephone and Telegraph Company, the only other parties to the proceeding, consent to the granting of the instant motion and to a waiver of the provisions of § 1.745 of the rules to permit immediate consideration of the matter;

*It is ordered*, This 8th day of May 1956, that the motion is granted and that the hearing in the above-entitled proceeding is continued to a date to be specified by subsequent order.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3782; Filed, May 11, 1956; 8:48 a. m.]

[Docket No. 11684; FCC 56M-446]

LINCOLN COUNTY BROADCASTING CO. (WLON)

ORDER SCHEDULING PREHEARING CONFERENCE

In re application of Lincoln County Broadcasting Company (WLON), Lincolnton, North Carolina, Docket No. 11684, File No. BP-10171, for construction permit.

The Hearing Examiner having under consideration the above-entitled proceeding;

*It is ordered*, This 7th day of May 1956, that all parties, or their attorneys, are directed to appear for a pre-hearing conference, pursuant to the provisions of § 1.813 of the Commission's rules, at the Commission's offices in Washington, D. C., at 10:00 a. m., May 17, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3783; Filed, May 11, 1956; 8:48 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. G-4054, etc.]

W. L. (PETE) LOMAX ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

MAY 4, 1956.

In the matters of W. L. (Pete) Lomax and J. P. Lomax, Docket No. G-4054; Warren Petroleum Corporation, Docket No. G-4101; Toklan Production Company, et al., Docket Nos. G-4274 through G-4277, incl.; Southland Royalty Company, Docket Nos. G-4336 through G-4341, incl., G-4356 through G-4358, incl.; The Standard Oil Company, Docket No. G-4418; Western Natural Gas Company, Docket No. G-4546.

Take notice that each of the above Applicants has filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicants to render services as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in their respective applications which are on file with the Commission and open for public inspection.

Applicants produce and sell natural gas for transportation in interstate commerce for resale, as indicated below:

*Docket No. G-; Location of Field; and Buyer*

4054; Spraberry Trend Area, Reagan County, Tex.; El Paso Natural Gas Company.

4101; Saunders, Bagley, Hightower and Lazy J. Fields, Lea County, N. Mex.; El Paso Natural Gas Company.

4274; Hugoton Field, Kans.; Panhandle Eastern Pipe Line Company.

4275; Pan-Tex and Sanford Fields, Tex.; Phillips Petroleum Company.

4276; Eunice Monument Field, Lea County, N. Mex.; El Paso Natural Gas Company.

4277; Big Mineral Field, Grayson County, Tex.; Lone Star Gas Company.

4336, 4338, 4340, 4341, 4356, 4357, and 4358; Spraberry Trend Area, Reagan County, Tex.; Texas Gas Products Corporation.

4337 and 4339; Spraberry Trend Area, Upton County, Tex.; Texas Gas Products Corporation.

4418; Spraberry Trend Area, Glasscock, Midland, and Upton Counties, Tex.; El Paso Natural Gas Company.

4546; Ignacio Field, La Plata County, Colo.; El Paso Natural Gas Company.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 6, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 23, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-3765; Filed, May 11, 1956; 8:45 a. m.]

[Docket No. G-2306, etc.]

AMERICAN LOUISIANA PIPE LINE CO. ET AL.

ORDER RECONVENING HEARING

In the matters of American Louisiana Pipe Line Company, Docket No. G-2306; Texas Gas Transmission Corporation, Docket No. G-2311; Michigan Wisconsin

Pipe Line Company, Docket No. G–2327; Michigan Consolidated Gas Company, Docket No. G–2328; Lincoln Natural Gas Company, Inc., Docket No. G–9270; Illinois Power Company, Docket No. G–9293; City of Aledo, Illinois, Docket No. G–9620; Ohio Valley Gas Company, Docket No. G–9697.

By Opinion No. 291 and accompanying order issued May 7, 1956, in these proceedings, we authorized, among other things, the sale and delivery of natural gas by American Louisiana Pipe Line Company (American Louisiana) to Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) and Michigan Consolidated Gas Company (Michigan Consolidated) in the volumes therein specified. Also in that opinion and order we found that, pending the completion of hearings on the requests by interveners and section 7 (a) applicants for service by American Louisiana gas to new markets, the public interest requires that the issue of finally authorizing sales to such parties should be reserved for future disposition subject to our further order. Consistent therewith, we provided for the reservation of volumes of gas to meet the reasonably-to-be-anticipated needs of such parties as disclosed by the record.

It is required by the public interest that hearings in these proceedings, which were recessed on February 15, 1956, at our direction, be resumed on less than 15 days' notice for the purpose of receiving further evidence respecting the requirements of the Cities of Lamoni and Bloomfield, Iowa; the City of Aledo, Illinois; the Paris Cooperative Gas Association; and the City of Olive Branch, Mississippi. Service to these parties would involve no competition with service proposed by Midwestern Gas Transmission Company or any other natural-gas company. Also the Presiding Examiner should take such additional evidence respecting noncompetitive service to new markets other than those specified above as he deems appropriate.

The Commission orders: The hearing in this proceeding shall reconvene on May 21, 1956, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., for the purposes hereinabove specified.

Issued: May 7, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–3766; Filed, May 11, 1956; 8:45 a. m.]

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[Docket No. G–10250]

CITIES SERVICE OIL CO., OPERATOR, ET AL.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 7, 1956.

Take notice that Cities Service Oil Company (Applicant), a Delaware corporation with a principal office in Bartlesville, Oklahoma, as Operator, for itself and on behalf of Edwin L. Cox filed an application on April 12, 1956, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission, and open for public inspection.

Applicant proposes to produce natural gas in the Burns "B" Gas unit situated in the MW/4 and the S/2 of Section 2, and the NE/4 of Section 3, all in T35S, R42W, Morton County, Kansas, and proposes to sell the same in interstate commerce to Panhandle Eastern Pipe Line Company for resale for ultimate public consumption.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 26, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 15, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–3767; Filed, May 11, 1956; 8:45 a. m.]

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[Docket No. G–3275 et al.]

HOWARD W. FLEET ET AL.

NOTICE OF SEVERANCE AND CONTINUANCE

MAY 8, 1956.

In the matters of Howard W. Fleet et al., Docket No. G–3275 et al.; Continental Oil Company, Docket Nos. G–6342, G–6346, G–6353 and G–6355.

Pursuant to a motion filed by Continental Oil Company on May 2, 1956, in the matters of the above dockets, requesting a severance in the above consolidated proceedings scheduled for hearing on May 21, 1956, at 9:30 a. m., notice is hereby given that the applications of Continental Oil Company in Docket Nos. G–6342, G–6346, G–6353 and G–6355 are hereby severed therefrom and continued for a hearing at a subsequent date to be set by further notice.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–3772; Filed, May 11, 1956; 8:46 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION

[File No. 70–3469]

PENNSYLVANIA ELECTRIC CO.

ORDER GRANTING APPLICATION REGARDING ISSUANCE AND SALE OF PRINCIPAL AMOUNT OF FIRST MORTGAGE BONDS AND AGGREGATE PAR VALUE OF PREFERRED STOCK

MAY 8, 1956.

Pennsylvania Electric Company ("Penelec"), an indirect public utility subsidiary of General Public Utilities Corporation, a registered holding company, having heretofore filed an application, with amendments thereto, pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-50 promulgated thereunder in respect of the following proposed transactions:

Penelec proposes to issue and sell, for cash, pursuant to the competitive bidding provisions of Rule U-50, $12,500,000 principal amount of first mortgage bonds and 90,000 shares of preferred stock, with a par value of $100 per share. The interest rate on the bonds, which is to be a multiple of ⅛ of 1 percent and the price thereof to Penelec, which is to be not less than 100 percent nor more than 102.75 percent of principal amount, and the dividend rate on the preferred stock, which is to be a multiple of 1/20 of 1 percent, and the price thereof to Penelec, which is to be not less than $100 per share nor more than $102.75 per share, are to be fixed by the competitive bidding.

The First Mortgage Bonds, which are designated in the application as the 1986 Series Bonds, will be issued under the mortgage and deed of trust between Penelec and Bankers Trust Company, as Trustee, dated as of January 1, 1942, as heretofore amended and supplemented and as to be amended and supplemented by a further supplemental indenture to be dated as of May 1, 1956. The new Preferred Stock will constitute a further series of Penelec's preferred stock and will not vary in its terms from the outstanding shares of Penelec's preferred stock except as to dividend rate and redemption price.

Penelec proposes to apply the proceeds derived from the sale of these new securities as follows: (a) $10,000,000 will be applied to the prepayment of Penelec's 3¼ percent notes due December 31, 1957, issued under its credit agreement dated February 27, 1953; (b) $2,000,000 will be applied to the prepayment of the 3¼ percent bank loans of Northern Pennsylvania Power Company ("North Penn") due June 29, 1956, which are to be assumed by Penelec as a result of the merger of North Penn into Penelec; and (c) the balance will be applied to the cost of construction of property additions, to the repayment of bank loans effected by Penelec since December 31, 1955, in connection with the construction of property additions, or to the reimbursement of Penelec's treasury for expenditures therefrom in connection with the construction of property additions.

The filing states that Penelec's financing program for 1956 is designed to make approximately $25,500,000 available to Penelec during the year 1956 for construction purposes and in addition to reimburse Penelec's treasury to the extent of $4,000,000 for expenditures made therefrom for construction purposes prior to January 1, 1956 (which reimbursement will be used for general corporate purposes). It is further stated that of this amount approximately $9,500,000 will be provided from the sale of the 1986 Series Bonds and 90,000 shares of Preferred Stock, $6,000,000 is to be provided from the sale of additional common stock (the application-declaration for which has heretofore been granted and permitted effectiveness by the Commission (File No. 70–3464)), $1,500,000 will be provided from bank loans, and the balance, it is anticipated, will be provided from operations.

The filing, as amended, contains among other things, a copy of an order of the Pennsylvania Public Utility Commission expressly authorizing the issuance and sale by Penelec of the above described securities.

It is estimated that fees and expenses applicable to these proposed transactions will be as follows:

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|---|---|
| Securities and Exchange Commission filing fee | $2,233 |
| Federal issue tax | 23,650 |
| Fees of Commonwealth of Pennsylvania | 150 |
| Printing and engraving | 38,000 |
| Legal fees: | |
| Ballard, Spahr, Andrews & Ingersoll | 12,500 |
| Berlack, Israels & Liberman | 7,500 |
| Local counsel (34 attorneys in service area of Penelec) | 6,500 |
| Accounting fee—Lybrand, Ross Bros. & Montgomery | 3,000 |
| Indenture trustee, registrar, and transfer agent | 7,500 |
| Fees for recording supplemental indenture | 1,000 |
| Stock listing fee | 1,000 |
| Traveling expenses | 800 |
| Special printing and advertising | 550 |
| Signature company charges | 300 |
| Miscellaneous | 700 |
| Total | 105,383 |

Counsel for the successful bidders is Beckman & Bogue who have estimated their fee at $6,000 for the bond purchasers and $3,500 for the purchasers of the Preferred Stock with estimated applicable disbursements of $625 and $635, respectively. These fees and expenses are to be paid by the successful bidders.

Notice of the filing of this application having been given in the form prescribed by Rule U-23 of the Commission's rules and regulations and the Commission not having received a request for a hearing thereon and not having ordered such a hearing; the Commission finding in respect of the proposed transactions that the applicable provisions of the act and the rules thereunder have been satisfied and concluding that it is appropriate in the public interest and in the interest of investors and consumers that the application, as amended, should be granted and further concluding that the fees and expenses, if they do not exceed the amounts estimated, are not unreasonable;

*It is ordered,* That the amended application be, and hereby is, granted forthwith subject to the terms and provisions of Rule U-24 and Rule U-50.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56–3769; Filed, May 11, 1956; 8:46 a. m.]

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[File No. 70–3477]

PUBLIC SERVICE CO. OF OKLAHOMA

NOTICE OF FILING OF DECLARATION REGARDING ISSUANCE OF SHORT TERM NOTES TO BANKS

MAY 8, 1956.

Notice is hereby given that Public Service Company of Oklahoma ("Public Service"), a public-utility subsidiary of Central and South West Corporation, a registered holding company, has filed a declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") and has designated sections 6 and 7 of the act as applicable to the proposed transactions.

All interested persons are referred to the declaration on file in the offices of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Public Service proposes to borrow at any time or from time to time on or after May 28, 1956, from each of seven named banks amounts not to exceed an agreed percentage of $12,000,000, provided that all such borrowings from all of said banks shall not exceed, in the aggregate, the sum of $12,000,000. Such borrowings will be made pursuant to a Loan Agreement dated April 26, 1956, between Public Service and said banks which provides, among other things, that such borrowings may be effected no later than July 1, 1957, or the maturity date of the notes evidencing the first borrowing thereunder, whichever is earlier, provided, however, that such first borrowing shall be made not later than August 1, 1956.

The borrowings are to be evidenced by promissory notes to be issued and delivered by Public Service from time to time in a principal amount equal to the amount of the borrowing made, to mature one year from the date of the first borrowing under said Loan Agreement, to bear interest from the dates thereof at the prime rate of interest in effect at The First National Bank of Chicago at the date each such borrowing is made, payable at maturity, and after maturity at the rate of 5 percent per annum, and to be subject to prepayment by Public Service at any time and from time to time without premium or penalty; all as provided in said Loan Agreement. Each borrowing and each prepayment shall be made in the ratio that the respective loans bear to the total loans to be made under the Loan Agreement and each borowing will be made in multiples of $500,000. No commitment or other fees will be paid in connection with the proposed borrowings.

The proceeds of such borrowings are required and will be used by the company to finance temporarily a portion of its 1956 construction expenditures, which are estimated at about $27,000,000, and such borrowings will be made from time to time as funds are required for the purpose during a period of not to exceed one year from the date of the first such borrowing.

It is contemplated that the notes proposed to be issued will be paid at or before maturity through the issuance and sale by Public Service of such securities as may be considered most appropriate in the light of market conditions existing at the time and as may be approved by the Commission to the extent required by the act.

The declaration states that no State commission and no Federal commission other than this Commission has jurisdiction over the proposed transactions.

Notice is further given that any person may, not later than May 24, 1956, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the declaration, as filed or as it may hereafter be amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56–3768; Filed, May 11, 1956; 8:46 a. m.]

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## DEPARTMENT OF JUSTICE

### Office of Alien Property

THE STATE OF NETHERLANDS FOR THE BENEFIT OF LOUIS ZELANDER ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate pro-

vision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

The State of the Netherlands for the benefit of (all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Louis Zelander, L. S. Claim No. 148, Southern Pacific Company-San Francisco Terminal 4/50 Bond No. 12037, in the principal amount of $500.

Cato Rudelsheim, L. S. Claim No. 168; Kansas City Southern Railway Company 3/50 Bond No. 2378, in the principal amount of $1,000; and Union Pacific Railroad Company 4/47 Bond No. 70273, in the principal amount of $1,000.

Frederika Sophie Tal (Now de Vries), L. S. Claim No. 172; Southern Railway Company 4/56 Bond No. 55263, in the principal amount of $1,000.

Helene Mimi Wolff, L. S. Claim No. 179; Atchison, Topeka and Santa Fe Railway Company 4/95 Bond No. 42413, in the principal amount of $1,000; Southern Pacific Railroad Company 4/55 Bond No. 127780, in the principal amount of $1,000; and Southern Railway Company 4/56 Bonds Nos. 6882 and 6883, in the principal amount of $1,000 each.

Martina van Zanten, L. S. Claim No. 180; Southern Railway Company 4/56 Bond No. 31141, in the principal amount of $1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on May 7, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 56-3774; Filed, May 11, 1956; 8:47 a. m.]

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THE STATE OF NETHERLANDS FOR THE BENEFIT OF HILARY HUME ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

The State of the Netherlands for the benefit of (all right, title and interest of the



Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Mrs. Hilary Hume, and Robert and Johan Wertheim, L. S. Claim No. 139; Southern Pacific Company-San Francisco Terminal 4/50 Bond Nos. 7554, 9194 and 9196, in the principal amount of $1,000 each; and Southern Pacific Company-San Francisco Terminal 4/50 Bond No. 8659, in the principal amount of $500.

Sophie van Ham, L. S. Claim No. 141; Southern Pacific Company-San Francisco Terminal 4/50 Bond Nos. 12054, 12055, 12056, 12057 and 12058, in the principal amount of $500 each.

Meyer Pool and Philip van der Heyden, L. S. Claim No. 155; Southern Railway Company 4/56 Bond No. 55805, in the principal amount of $1,000.

Cato Judith Spanjaard, L. S. Claim No. 171; Southern Railway Company 4/56 Bond Nos. 35060, 35688 and 57623, in the principal amount of $1,000 each.

Isaac van Heeks, and Philippus and Mozes Querido, L. S. Claim No. 174; Southern Pacific Railroad Company 4/55 Bond No. 53551, in the principal amount of $1,000; and Union Pacific Railroad Company 4/47 Bond No. 26336, in the principal amount of $1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on May 7, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 56-3775; Filed, May 11, 1956; 8:47 a. m.]

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## INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 9, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32063: *Phosphate rock—Tennessee to Illinois and Indiana.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on phosphate rock, phosphatic limestone, carloads from Mt. Pleasant, Tenn., and other specified points in Tennessee to Chicago, Ill., Terre Haute, Ind., and other specified points in Illinois and Indiana.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 20 to Agent Spaninger's I. C. C. 1386.

FSA No. 32064: *Grain and products—Kansas to Kansas.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on grain, grain products, and related articles, carloads from all stations in Kansas on the Chicago, Burlington & Quincy Railroad to specified stations in Kansas on the Atchison, Topeka and Santa Fe Railway.

Grounds for relief: Circuitous routes via St. Joseph, Mo., as transit point.

Tariff: Supplement 30 to Agent Prueter's I. C. C. A-3786.

FSA No. 32065: *Grain and products—Nebraska to Kansas.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on grain, grain products, and related articles, carloads from specified points in Nebraska on the Chicago, Burlington & Quincy Railroad to specified points in Kansas on the Atchison, Topeka and Santa Fe Railway.

Grounds for relief: Carrier competition and circuitous routes through competing transit points in Nebraska.

Tariff: Supplement 24 to Agent Prueter's I. C. C. A-3992.

FSA No. 32066: *Superphosphate—South to Jefferson, Iowa.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on Superphosphate (acid phosphate), carloads from specified points in southern territory to Jefferson, Iowa.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 11 to Agent Spaninger's I. C. C. 1522.

FSA No. 32067: *Fine coal—Kentucky, Tennessee, and Virginia to North Carolina.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on coal, fine, screened, carloads from mines on specified lines in eastern Kentucky, eastern Tennessee and southwest Virginia to Acme, Plymouth, and Wilmington, N. C.

Grounds for relief: Competition with other sources of power fuels and circuitous routes.

By the Commission.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F. R. Doc. 56-3771; Filed, May 11, 1956; 8:46 a. m.]

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1934

# FEDERAL REGISTER

VOLUME 21 NUMBER 94

*Washington, Tuesday, May 15, 1956*

## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

POST OFFICE DEPARTMENT

Effective upon publication in the FEDERAL REGISTER, subparagraph (9) is added to § 6.309 (a) as set out below.

§ 6.309 *Post Office Department*—(a) *Office of the Postmaster General.* • • •

(9) One Secretarial Assistant to the Postmaster General.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
*Executive Assistant.*

[F. R. Doc. 56-3821; Filed, May 14, 1956; 8:52 a. m.]

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PART 22—APPEALS OF PREFERENCE ELIGIBLES UNDER THE VETERANS' PREFERENCE ACT OF 1944

PART 29—RETIREMENT

INVESTIGATION; DISCLOSURE OF INFORMATION

1. Paragraph (c) of § 22.401 is amended as set out below.

§ 22.401 *Investigation.* • • •

(c) *Evidence available to both parties.* All relevant representations shall be discussed with both parties to the appeal and shall be available for review by them, with the following exceptions: Where adverse action has been taken on the basis of the reported mental condition of the individual concerned or other condition of such a nature that a prudent physician would hesitate to inform a person suffering from such a condition as to its exact nature and probable outcome, the medical evidence of record will be made available only to a duly licensed physician designated in writing by the appellant or by appellant's representative.

(Secs. 11, 19, 58 Stat. 390, 391; 5 U. S. C. 860, 868)

2. Paragraph (a) (11) of § 29.11 is revoked, subparagraphs (3) through (10) of paragraph (a) are renumbered (5) through (12), subparagraph (12) is renumbered (13), subparagraphs (1) and (2) are amended, and new subparagraphs (3) and (4) are added. As amended § 29.11 (a) reads as follows:

§ 29.11 *Disclosure of information.* (a) (1) Files, records, reports, and other papers and documents pertaining to any claim filed with the Civil Service Commission, whether pending or adjudicated, will be deemed privileged and in confidence, and no disclosure thereof will be made except as provided herein.

(2) Except as provided in paragraphs (3) and (4) of this section, disclosure of information from the files, records, reports, and other papers and documents shall be made to a claimant or to his duly authorized representative in matters concerning himself alone.

(3) Where an individual contests the Commission's action in approving an employing agency's application for his retirement on disability and where the nature of the reported disability is physical (as distinguished from mental) and of a type concerning which the individual involved could be fully informed without the probability of such knowledge affecting him adversely he shall, upon written request, be furnished a summary of medical evidence which has been submitted to the Commission in his case.

(4) Where the nature of the disability is reported to be a mental condition or other condition of such a nature that a prudent physician would hesitate to inform an individual found to be suffering from such a condition of its exact nature and probable outcome, a complete summary of the medical evidence in his case, including copy of the résumé of the reported behavior irregularities or manifestations of unsatisfactory service which is ordinarily furnished as background factual evidence to government medical facilities or psychiatrists or other physicians who conduct the official retirement medical examination, shall be made available for review only by a duly licensed physician designated in writing for that purpose by the individual concerned.

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FEDERAL REGISTER

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**CFR SUPPLEMENTS**

**(As of January 1, 1956)**

The following Supplement is now available:

**Title 32A (Rev., 1955) ($1.25)**

*Previously announced:* Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 7: Parts 1–209 ($1.25); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. I, and Title 27 ($1.00); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Titles 40–42 ($0.65); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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(5) By "a duly authorized representative of a claimant" is meant any person who has satisfied the Commission of his authority to act.

(6) The name or address of a beneficiary designated by an employee or annuitant will, during the life of the employee, or annuitant, be furnished only to the designator when request therefor is made in writing over the signature of the designator.

(7) Such information as may properly be disclosed to a claimant personally shall, in the event of his death, be disclosed upon proper request to the duly appointed representative of his estate, or to such person as may be designated by such representative, or to a duly designated beneficiary. Where no representative of the claimant's estate has been appointed, the claimant's next of kin shall be recognized as the representative of his estate.

(8) Where copies of documents or other records are desired by or in behalf of parties to a suit, whether in a court of the United States or in any other court, such copies shall be furnished to the court only, and on an order of the court or subpoena duces tecum, addressed to the President, U. S. Civil Service Commission, requesting the same.

(9) Where a process of a United States court or other court requires the production of documents or records contained in the retirement files of a claimant, such documents will be produced in the court out of which the process has issued. Where original records are produced, they must remain at all times in the custody of a representative of the Civil Service Commission, and if offered or received in evidence, permission should be obtained to substitute a copy so that the original record may remain intact in the file.

(10) The address of a claimant as shown by the Civil Service Commission records may be furnished to duly constituted police or court officials upon proper request or the submission of a certified copy either of the indictment returned against the claimant or of the warrant for his arrest.

(11) Disclosure of the amount of annuity or refund to any claimant may be made to any National, State, county, municipal, or other publicly recognized charitable or social-security administrative agency.

(12) Subject to the limitation regarding name or address of a beneficiary, all records or documents officially required by any department or other agency of the United States Government shall be furnished in response to a proper request, and Senators and Representatives of the United States in their capacity as Members of Congress of the United States shall be furnished for their official use with such records, documents, or other information as may be requested for such use.

(13) If the claimant gives his consent, the amount of annuity or refund paid to him, and the factors used in determining such payment, may be disclosed to any person who makes proper inquiry. An inquiry will be deemed proper if it is in writing and includes the name of the claimant and sufficient information to make positive identification of his records, except that the Commission may, in any case, waive the requirement that the inquiry be in writing. Upon receipt of a proper inquiry, the Commission will ask the claimant whether he consents to release of the information sought, and will then advise the inquirer of the decision of the claimant. A copy of any information released may be furnished to the claimant.

(Sec. 17, 46 Stat. 478; 5 U. S. C. 709)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
*Executive Assistant.*

[F. R. Doc. 56-3798; Filed, May 14, 1956; 8:48 a. m.]

# TITLE 7—AGRICULTURE

## Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

### PART 728—WHEAT

SUBPART—REGULATIONS PERTAINING TO FARM ACREAGE ALLOTMENTS FOR 1957 CROP

BASE ACREAGES FOR NEW FARMS

The amendment herein is issued under the Agricultural Adjustment Act of 1938, as amended, and is for the purpose of dividing applicants for new farm allotments into classes and providing limitations on the sizes of the base acreages for new wheat farms by such classes.

Prior to preparing the amendment herein public notice (21 F. R. 2795) was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations pertaining to the amendment which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

Section 728.718 (c) is amended to read as follows:

(c) In determining the base acreage for each new farm, the county committee shall take into consideration the tillable acres, crop-rotation practices, type of soil, topography, and the farming system to be followed by the operator, including the equipment and other facilities available for the production of wheat under such system: *Provided,* That the base acreage so established shall not exceed the wheat acreage for the farm for 1957 under the planned crop-rotation system. Without prior approval of the State committee the base acreage recommended by the county committee shall not exceed 100 percent of the acreage indicated by cropland where the operator of the farm has been planting wheat in regular rotation; 80 percent of the acreage indicated by cropland where the operator has had past history of wheat on other farms; 65 percent of the acreage indicated by cropland where the operator has had no opportunity to establish wheat history for himself; and 25 percent of the acreage indicated by cropland where the applicant could have established wheat history in the past three years, but has not done so, and in all other cases.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interprets or applies secs. 301, 334, 52 Stat. 38, 53; 7 U. S. C. 1301, 1334)

Done at Washington, D. C., this 10th day of May 1956. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
*Acting Secretary.*

[F. R. Doc. 56-3831; Filed, May 14, 1956; 8:53 a. m.]

### PART 730—RICE

SUBPART—REGULATIONS PERTAINING TO RICE MARKETING QUOTAS FOR 1956 CROP OF RICE

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AUTHORITY: §§ 730.750 to 730.799 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 351–356, 362–368, 372–374, 376, 52 Stat. 38 as amended; 7 U. S. C. 1301, 1351–1356, 1362–1368, 1372–1374, 1376.

GENERAL

§ 730.750 *Basis and purpose.* The regulations contained in §§ 730.750 to 730.799, inclusive, are issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended, and govern the identification and measurement of farms; the amount, adjustment, and review of the farm marketing quota and farm marketing excess; the issuance of marketing cards and certificates; the identification of marketings of rice as subject to or not subject to the penalty and lien for the penalty; the rate of the penalty and the manner in which penalties shall be paid by producers and buyers; the refunding of penalty overpayments; the postponement or avoidance of penalty on excess rice by storage, by delivery to the Secretary of Agriculture, or, in a subsequent year, by underplanting the allotment or producing a less than normal crop; the records and reports required to be made by rice producers and handlers; and special provisions and exemptions applicable to farms on which the acreage of non-irrigated (dry land) rice is 3 acres or less, rice produced by publicly owned experiment stations, and rice produced by Federal or State wildlife refuge farms. Prior to preparing §§ 730.750 to 730.799 inclusive, public notice (21 F. R. 1517) of the Secretary's intention to formulate and issue the regulations was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations submitted by persons interested in the regulations in this subpart have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

§ 730.751 *Definitions.* As used in this subpart and in all forms and documents in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings:

(a) "Department" means the United States Department of Agriculture.

(b) "Act" means the Agricultural Adjustment Act of 1938 and any amendments or supplements thereto.

(c) "Secretary" means the Secretary of Agriculture of the United States, or the officer of the Department acting in his stead pursuant to delegated authority.

(d) "Director" means the Director of the Grain Division, Commodity Stabilization Service, United States Department of Agriculture.

(e) "Committee" means according to context, one of the several committees defined as follows:

(1) "State committee" means the persons designated by the Secretary as the State Agricultural Stabilization and Conservation Committee of the Commodity Stabilization Service.

(2) "County committee" means the persons elected within a county as the county committee pursuant to the regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees.

(3) "Community committee" means the persons elected within a community as a community committee pursuant to the regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees.

(4) "Review committee" means the committee appointed by the Secretary of Agriculture to review farm marketing quotas as provided in section 363 of the act.

(f) "County office manager" means the person employed by the county committee to execute the policies of the county committee and be responsible for the day-to-day operations of the ASC county office, or the person acting in such capacity.

(g) "Treasurer of the county committee" means the county office manager or the person designated by him to act as treasurer of the ASC county committee.

(h) "State administrative officer" means the employee of the State committee who carries out its policies and the day-to-day operations of the ASC State office.

(i) "Person" means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, political subdivision of a State, the Federal Government, or any agency thereof.

(j) "Landlord" or "owner" means a person who owns land.

(k) "Tenant" means a person other than a sharecropper who rents land from another person, whether or not he rents such land or part thereof to another person.

(l) "Sharecropper" means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or of the proceeds thereof.

(m) "Operator" means the person who, as landlord or tenant, is in charge of the supervision and conduct of the farming operations on the entire farm.

(n) "Producer" means any person engaged in the production of rice as landlord, tenant, or sharecropper and includes a person owning and operating his own farm; a tenant operating a farm rented for cash; a tenant operating a farm under a crop share lease, contract or agreement; a landlord leasing to share tenants; and a person or irrigation company furnishing water for a share of the crop. For purposes of the regulations in this subpart, the term "tenant" shall be deemed to include a person or irrigation company furnishing water for a share of the rice crop.

(o) "Buyer" means a person who buys rice.

(p) "Transferee" means a person who acquires rice from a producer or any other person by barter, exchange or gift.

(q) "Intermediate buyer" means any buyer or transferee who purchases or acquires any rice prior to the time the rice so purchased or acquired has been marketed either (1) to a warehouseman, mill operator, or processor or (2) to any other grain dealer who conducts his business in a manner substantially the same as a warehouseman or mill operator.

(r) "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm or range land which the county committee determines is operated by the same person as part of the same unit in producing range livestock, or with respect to the rotation of crops and with workstock, farm machinery, and labor, substantially separate from that for any other land; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area in which the principal dwelling is situated or, if there is no dwelling thereon, it shall be regarded as located in the county or administrative area in which the major portion of the farm is located.



(s) "Farm acreage allotment" means that rice acreage allotment established for the farm under § 730.710 through § 730.732 as published in the FEDERAL REGISTER under date of January 5, 1956 (21 F. R. 72 to 78).

(t) "Rice" as used in the regulations of this subpart means rough rice with a maximum moisture content of 14 percent. Rice with a moisture content in excess of 14 percent will be adjusted to the equivalent of 14 percent moisture content.

(u) "Rice acreage" means the acreage planted to rice and the acreage of volunteer rice which reaches maturity, excluding (1) any acreage of non-irrigated rice of three acres or less, (2) any acreage of sweet, glutenous, or candy rice, commonly known as Mochi Gomi, (3) any acreage of rice grown for experimental purposes only by or under contract to a publicly-owned agricultural experiment station, (4) any acreage planted to rice under a contract which was or will be entered into prior to planting with the Fish and Wildlife Service for wildlife feed which was not or will not be harvested, and (5) any excess rice acreage which is destroyed or otherwise handled or treated (by the producer or from some cause beyond his control) not later than the date established by the county committee with the approval of the State committee so that rice cannot be harvested therefrom. Such date for each county or areas within the county shall be far enough in advance of the date the harvesting of rice normally begins in the county to permit sufficient time to remeasure the farms in the county and issue marketing cards to eligible producers prior to harvest. Notice of 1956 Acreage of Rice on Form CSS–598 shall be mailed to the operator of each farm on which there is excess rice acreage at least 15 days prior to such established date: *Provided*, That if such notice is not mailed at least 15 days prior to such established date the producer shall have 15 days from the date the notice of 1956 acreage of rice is mailed to destroy or treat the excess rice acreage so that rice cannot be harvested therefrom. If a producer proves to the satisfaction of the county committee that he is unable to dispose of the excess rice acreage by the required date because of the physical condition of the rice acreage, an extension of time sufficient to afford a fair and reasonable opportunity for such disposal may be granted by the county committee provided the excess acreage is destroyed prior to the time the harvesting of rice begins on the farm. The acreage of rice as determined by the first inspection and as stated on Form CSS–598 shall be considered as "rice acreage" if the farm operator or his representative fails to notify the ASC county office by the date specified on Form CSS–598 of his intention to adjust the rice acreage to the farm allotment and pay the cost of remeasurement. The date specified on Form CSS–598 for notifying the county office of an intention to adjust shall coincide with the latest date on which the adjustment may be made.

The dates in each county or areas of a county by which excess rice must be destroyed or otherwise handled or treated (by the producer or from some cause beyond his control) are as follows:

ARKANSAS

August 1, 1956: All counties.

CALIFORNIA

September 1, 1956: All counties.

FLORIDA

October 15, 1956: All counties.

ILLINOIS

September 15, 1956: All counties.

LOUISIANA

August 1, 1956: All counties.

MISSISSIPPI

August 15, 1956: All counties.

MISSOURI

August 15, 1956: All counties.

NORTH CAROLINA

August 31, 1956: All counties.

OKLAHOMA

August 15, 1956: All counties.

SOUTH CAROLINA

August 1, 1956: All counties for rice planted on or about March 15–20, 1956.
September 15, 1956: All counties for rice planted on or about May 15, 1956.
October 15, 1956: All counties for rice planted on or about June 15, 1956.

TENNESSEE

August 31, 1956: All counties.

TEXAS

September 1, 1956: Bowie County.
July 15, 1956: All other counties.

(v) "Excess rice acreage" means the acreage of rice determined for the farm which is in excess of the farm acreage allotment, except that there shall be no excess rice acreage for any farm on which (1) the rice is grown for experimental purposes only by or under contract to a publicly-owned experiment station, or (2) the rice is produced on a Federal or State wildlife refuge farm solely for wildlife feed and for seed for the production of wildlife feed on such wildlife refuge farm.

(w) "Normal yield" means the number of pounds per acre of rice established as the normal yield per acre for the farm under § 730.753.

(x) "Actual yield" means the number of pounds of rice determined by dividing the number of pounds of rice produced on the farm in 1956 by the 1956 rice acreage on the farm.

(y) "Normal production" of any number of acres means the normal yield of rice for the farm times such number of acres.

(z) "Actual production" of any number of acres means the actual yield of rice per acre for the farm times such number of acres.

(aa) "Farm marketing quota" means the rice marketing quota established under the act for the farm for the 1956 crop.

(bb) "Farm marketing excess" means the amount of rice determined for any farm under § 730.759 or § 730.762, whichever is applicable.

(cc) "Marketing year" means the period beginning August 1, 1956, and ending July 31, 1957, both dates inclusive.

(dd) "Market" means to dispose of rice in raw or processed form by voluntary or involuntary sale, barter, or exchange, or by gift. The penalty on excess rice is due regardless of what use is made of the excess rice.

(1) The term "sale" means any transfer of title to rice by a producer by any means other than barter, exchange or gift.

(2) The terms "barter" and "exchange" mean transfer of title to rice by a producer in return for rice or any other commodity, service, or property, in cases where the value of the rice or such other commodity, service, or property is not considered in terms of money, or the transfer of title to rice by a producer in payment of a fixed rental or other charge for land, or the payment of an amount of rice in lieu of a cash charge for harvesting or milling rice (commonly called "toll rice").

(3) The term "gift" means any transfer of title to rice accompanied by delivery of the rice by a producer which takes effect immediately and irrevocably and is made without any consideration or compensation therefor.

(4) "Marketed", "marketing", and "for market" shall have meaning corresponding to the term "market" in the connection in which they are used.

(ee) "Penalty" means the penalty provided in section 356 (a) of the act.

§ 730.752 *Instructions and forms.* The Director shall cause to be prepared and issued such forms as are necessary and shall cause to be prepared such instructions with respect to internal management as are necessary for carrying out the regulations in this part. The forms and instructions shall be approved by, and the instructions shall be issued by, the Deputy Administrator for Production Adjustment, Commodity Stabilization Service.

§ 730.753 *Normal yields—(a) Farms for which normal yields will be determined.* The Secretary, through the county committee, will determine a normal yield for each farm for which a farm marketing excess is determined for the 1956 crop and for each farm as required for the purposes of § 730.784 (h) and (i). Farm normal yields shall be determined and documented in a manner approved by the State committee and such determination shall be subject to examination and revision by or on behalf of the State Committee. Determinations of normal yields for individual farms shall also be recorded in the minutes of the county committee meeting during which such normal yields are established.

(b) *Yields based on reliable records.* Where reliable records of the actual average yield in pounds per acre for all of the 5 calendar years immediately preceding the calendar year for which the yield is determined are presented by the farmer or are available to the county committee, the normal yield per acre of rice for the farm shall be determined to be the average of such yields.

(c) *Appraised yields.* If for any year of such 5-year period records of the actual average yield are not available, or there was no actual yield, the normal yield in pounds per acre of rice for the farm shall be appraised by the county committee, taking into consideration the yields in years for which data are available, the county normal yield, if considered representative of the normal yield for the farm, the yields on farms in the same locality which are similar with respect to type of soil, availability of irrigation water, and farming practices associated with the production of rice, and abnormal weather conditions.

IDENTIFICATION AND MEASUREMENT OF FARMS

§ 730.754 *Identification of farms.* Each farm as operated for the 1956 crop of rice shall be identified by a farm serial number, assigned by the county committee, which shall not be changed, and all records pertaining to marketing quotas for the 1956 crop of rice shall be identified by the farm serial number.

§ 730.755 *Measurement of farms.* The county committee shall provide for the measurement of all farms in the county having a 1956 rice acreage allotment and any other farm in the county on which the committee has reason to believe there is rice which could be available for harvest in 1956, regardless of its intended use, for the purpose of ascertaining with respect to each of such farms the acreage of rice and whether such acreage is in excess of the farm rice acreage allotment for 1956. A farm will be considered as being located in the county in which is located the county ASC office from which the 1956 rice farm acreage allotment notice was sent to the operator and shall be retained in such status until the next crop year. Measurement shall be made under the general supervision of the county committee in accordance with the following provisions:

(a) *Reporter.* The measurement on the farm shall be made by an employee of the county committee who has been designated as a reporter and determined to be qualified to carry out the duties of a reporter by the county office manager. A reporter may be assisted in measurement of a farm by another reporter, community, county or State committeeman, State committee representative, any employee of the county ASC office when authorized by the county office manager, or by any employee of the Department when authorized by the Deputy Administrator for Production Adjustment, Commodity Stabilization Service. The reporter may request the operator or producer, or his representative, to designate all fields on the farm being utilized for growing rice and otherwise to assist in measuring the farm. If requested, the operator or producer, or his representative, shall so designate all fields being utilized for growing rice and may otherwise assist in measuring the farm. The reporter may utilize any such assistance from the operator or producer, or his representative.

(b) *Assignment.* The county office manager shall have the responsibility for assigning in writing the farms in the county to be measured by a reporter. Upon request of any interested producer the reporter shall obtain certification from the county office manager that the reporter is the county office representative appointed to determine the rice acreage on such producer's farm.

(c) *Farm visit.* A reporter shall visit each farm assigned to him for measurement and enter thereon if such entry will facilitate measurement. Upon request he will exhibit to the farm operator, producer, or owner, his assignment to measure the farm.

(d) *Methods of measurement.* Measurement may be made by identification of fields or parts of fields by use of a map, aerial photograph, or by means of a steel or metallic tape or chain, or rod and chain, or by use of a measuring wheel, when authorized by the Deputy Administrator for Production Adjustment, Commodity Stabilization Service, or by a combination of one or more of the foregoing methods. The measurement will be entered by the reporter on the Form CSS–578 and filed in the county ASC office. Computations of acreages shall be made by an employee in the county ASC office from the data so obtained and the use of a planimeter or rotometer in connection therewith is authorized.

(e) *Measurement of rice acreage.* (1) Upon his first visit to the farm for purposes of measurement the reporter assigned thereto shall measure all fields on the farm growing rice.

(2) All farms measured under the provisions of subparagraph (1) of this paragraph which from such measurement are found to have acreage on which rice is growing in excess of the 1956 farm rice acreage allotment shall be revisited by the reporter for the purpose of a second measurement after the period for adjusting excess acreage prior to harvest has expired, except that a revisit shall not be made to any such farm if the farm operator or his representative fails to notify the ASC county office by the dates specified on the notice of 1956 acreage of rice (Form CSS–598) of his intention to adjust the excess acreage on the farm and pay the costs of remeasurement. On this visit all acreage devoted to rice and which has not been adjusted prior to harvest so as not to qualify as rice acreage in accordance with these regulations shall be measured. In making such measurements, measurement data acquired on the first visit may be utilized.

(f) *Water company measurements.* Notwithstanding other provisions of this section, acreage measurements made by employees of water or irrigation companies to determine water charges may be used in lieu of or in connection with measurements by a reporter, subject to the following conditions: (1) The State and county committees determine that such measurements are accurate and meet the standards for measurements set out in the regulations in this subpart and applicable instructions for internal management issued by the Assistant Administrator for Production Adjustment, Commodity Stabilization Service; (2) a visual inspection is made by a representative of the State or county committee in order to ascertain that all rice acreage on the farm has been included; (3) a spot check of at least 10 per centum of the farms so measured is made; and (4) the water or irrigation company does not share in the 1956 rice crop on the farm.

(g) *Prior measurements.* Measurements made prior to the effective date of this section and in accordance with procedures then in effect may be utilized where pertinent for the purpose of ascertaining with respect to any farm the 1956 rice acreage and the rice acreage in excess of the 1956 farm rice acreage allotment.

§ 730.756 *Reports and records of farm measurements.* A record shall be kept in the ASC county office of the measurements made on all farms. There shall be filed with the ASC State office a written report setting forth for each farm for which a farm marketing excess is determined (a) the farm serial number, (b) the name of the operator, (c) name of each producer, (d) the total acreage in cultivation, (e) the farm acreage allotment, (f) the rice acreage, and (g) the farm marketing excess in pounds.

FARM MARKETING QUOTA AND FARM MARKETING EXCESS

§ 730.757 *Marketing quotas in effect.* Marketing quotas for the 1956 crop of rice shall be applicable in the continental United States. Such quotas shall be applicable to any rice of that crop notwithstanding that it may be available for market prior to the beginning of the marketing year or subsequent to the end of the marketing year.

§ 730.758 *Farm marketing quota.* The farm marketing quota for any farm for the 1956 crop of rice shall be that number of pounds of rice produced less the amount of the farm marketing excess for the farm.

§ 730.759 *Farm marketing excess.* The farm marketing excess for the 1956 crop of rice for any farm shall be the normal production of the rice acreage on the farm in excess of the farm acreage allotment therefor. The farm marketing excess for any crop shall not be larger than the amount by which the actual production of such crop of rice on the farm exceeds the normal production of the farm rice acreage allotment if the producer establishes such actual production to the satisfaction of the Secretary.

§ 730.760 *Notice of farm marketing excess.* Written notice of the farm marketing excess for a farm shall be mailed to the operator of each farm for which a farm marketing excess is determined. Notice so given shall constitute notice to each producer having an interest in the 1956 rice crop produced or to be produced on the farm. A copy of such notice shall also be mailed on the same day to each other rice producer on the farm as shown on ASC county records. Each notice shall contain a brief statement of the procedure whereby application for a review of the farm marketing quota, farm marketing excess, or any determination made in connection therewith may be had in accordance with section 363 of the act. A record of each notice



containing the date of mailing the notice to the operator of the farm shall be kept among the permanent records in the ASC county office and upon request a copy thereof shall be furnished without charge to any person who as operator, landlord, tenant, or sharecropper is interested in the rice produced in 1956 on the farm for which the notice is given. Each notice shall be on a form MQ–93–Rice (1956) and shall contain the information necessary in each case to inform the producer as to the basis for the determinations set forth in the notice and the effect thereof.

§ 730.761 *Farms for which proper notice of 1956 farm marketing quota and farm marketing excess of rice was not issued.* Where, for any reason, proper notice of the farm marketing quota and farm marketing excess and of the producer's right to obtain a downward adjustment in the farm marketing excess for his farm on account of actual production, and of his right to store or deliver to the Secretary the farm marketing excess of rice established for the farm was not issued to the producer in sufficient time to allow him 30 days prior to the time in which he was required to make application for a downward adjustment, or to store or deliver to the Secretary the farm marketing excess, as prescribed by §§ 730.760, 730.762, 730.784, and 730.785, the producer shall be so notified by the county committee on Form MQ–93—Rice (1956) and the producer may, within 30 days from the date such notice is mailed to him apply to the county committee for a downward adjustment in the amount of the farm marketing excess and may, within 30 days from the date such notice is mailed store or deliver to the Secretary the farm marketing excess as provided in §§ 730.762, 730.784 and 730.785.

§ 730.762 *Farm marketing excess adjustment*—(a) *Adjustment in the amount of the farm marketing excess.* Any producer having an interest in the rice produced in 1956 on any farm for which there is a farm marketing excess may (1) within 60 days after the harvesting of rice is normally substantially completed in the county in which the farm is situated or within 30 days after a late notice of farm marketing quota and farm marketing excess is mailed as provided in § 730.761 apply to the county office for a downward adjustment in the amount of the farm marketing excess on the basis of the amount of rice produced in 1956 on the farm, or (2) apply to the county office at any time prior to the institution of court proceedings to collect the penalty for a determination that there was no farm marketing excess for the farm because the actual production on the farm was not in excess of the normal production of the acreage allotment. The date on which the harvesting of rice is normally substantially completed in the county shall be determined by the State committee taking into consideration recommendations which the county committee may make and, unless application for an adjustment in the farm marketing excess is made prior to the expiration of 60 calendar days next succeeding that date or within 30 days after a late notice of farm marketing quota and farm marketing excess is mailed as provided in § 730.761 or unless prior to the institution of court proceedings to collect the penalty with respect to the farm it is determined that there was no farm marketing excess for the farm, the farm marketing excess for any farm in the county as determined on the basis of the normal production of the excess rice acreage for the farm shall be final as to the producers on the farm. The county office shall keep a record of each application so made and the date thereof. The county committee shall establish a time and a place at which each application will be considered and shall notify the applicant of the time and place of the hearing. Insofar as practicable, applications shall be considered in the order in which made.

The dates on which the harvesting of rice is normally substantially completed in rice-producing counties as determined by the several State committees are as follows:

ARKANSAS

November 15, 1956: All counties.

CALIFORNIA

November 30, 1956: All counties.

FLORIDA

November 30, 1956: All counties.

ILLINOIS

October 15, 1956: All counties.

LOUISIANA

November 1, 1956: All counties.

MISSISSIPPI

October 31, 1956: All counties.

MISSOURI

October 1, 1956: All counties.

NORTH CAROLINA

November 1, 1956: All counties.

OKLAHOMA

November 15, 1956: All counties.

SOUTH CAROLINA

November 1, 1956: All counties.

TENNESSEE

November 1, 1956: All counties.

TEXAS

October 20, 1956: All counties.

(b) *Procedure in connection with an application for an adjustment in the farm marketing excess.* (1) The county committee shall consider each application on the basis of facts known by or made available to it and on the basis of such evidence as may be presented to it by the applicant. The actual production on any farm shall be determined in view of the relevant facts, including the past production on the farm; the actual yields during the same year of other farms in the community; the actual and normal yields of other farms in the community which are similar with regard to farming practices followed, type of soil, and productivity; the harvesting, processing, and sales of the commodity produced on the farm; farming practices followed on the farm; and weather and other factors affecting the production of rice on the farm and in the locality in which the farm is situated. In the consideration of any application for an adjustment in the farm marketing excess, the producer shall have the burden of proof. The evidence presented by the applicant may be in the form of written statements or other documentary evidence, or of oral testimony in a hearing before the county committee during its consideration of the application. In order to expedite the consideration of applications, the county committee shall receive, in advance of the time fixed for consideration of the application, any written statement or documentary evidence offered by or on behalf of the applicant, and the application may be disposed of upon the basis of such statement or evidence, together with other information bearing on or establishing the facts which is available to the county committee, unless the applicant appears before the county committee at the time fixed for considering the application and requests a hearing for the purpose of offering documentary evidence or oral testimony in support of the application. Every such hearing shall be open to the public. The county committee shall make its determination in connection with each application not later than five calendar days next succeeding the day on which the consideration was concluded. The determination of the county committee shall be in writing and shall contain (i) a concise statement of the grounds upon which the applicant sought an adjustment in the amount of the farm marketing excess, (ii) a concise statement of the findings of the county committee as to the farm marketing quota and the farm marketing excess. A revised notice on Form MQ–93—Rice (1956) with a copy of the determination made as aforesaid shall be mailed to the operator of the farm and also to the applicant if he is not such operator, and to all other interested producers.

(2) The county committee determinations made in connection with application for adjustment in the farm marketing excess shall be subject to examination and revision by or on behalf of the State committee.

§ 730.763 *Publication of the farm acreage allotments, marketing quotas, and marketing excess.* A record of the farm acreage allotments, farm marketing quotas, and farm marketing excesses established for farms in the county shall be made and kept freely available for public inspection in the ASC county office.

§ 730.764 *Marketing quotas not transferable.* A farm marketing quota established for a farm may not be assigned or otherwise transferred in whole or in part to any other farm.

§ 730.765 *Successors in interest.* Any person who succeeds to the interest of a producer in a farm or in a rice crop produced on a farm for which a farm marketing quota and farm marketing excess were established shall, to the same extent as his predecessor, be entitled to all the rights and privileges incident to such marketing quota and marketing excess and be subject to the restrictions on the marketing of rice. However, no suit to

collect an unpaid marketing quota penalty incurred by a producer by marketing excess rice prior to his death shall be brought against any successor to the deceased producer. If a successor in interest shall acquire from a deceased producer rice subject to lien for the penalty, no marketing card or marketing certificate shall be issued to permit the successor in interest to market the rice penalty free until the penalty has been satisfied.

§ 730.766 *Review of quotas*—(a) *Right to review by review committee.* Any producer who is dissatisfied with the farm acreage allotment, normal yield, farm marketing quota, farm marketing excess, or other determination for his farm in connection with marketing quotas may, within 15 calendar days after the notice thereof was mailed to him, apply in writing for a review by a review committee of such acreage allotment, normal yield, farm marketing quota, farm marketing excess or other determination in connection therewith: *Provided*, That if a review hearing has been held and determination made by a review committee with respect to the acreage allotment, normal yield, farm marketing quota, farm marketing excess, or other determination in connection therewith, no application by a producer for further review by a review committee with respect to such determination may be filed. Unless application for review is made within such period, the acreage allotment, normal yield, farm marketing quota, farm marketing excess, or other determination, as the case may be, shall be final as to the producers on the farm. Application for review and the review committee proceedings shall be in accordance with the review regulations (Form MQ–51) as issued by the Secretary (Part 711 of this chapter).

(b) *Action by county committee prior to review hearing.* If a producer has applied for review, the county committee should reconsider the case. In its consideration, the committee may hear the producer and other persons who have knowledge of the matters involved either informally or at a scheduled hearing. If the county committee determines that the producer is entitled in whole or in part to the relief sought in the review procedure, it shall notify the clerk of the review committee in writing of the nature of the relief which the county committee has determined can be granted. The clerk of the review committee shall promptly notify the producer in writing of the relief which the county committee has determined can be granted and that if he will withdraw his application for review in writing within 15 days of the mailing of the notice, the county committee will then grant the relief indicated and will so inform him by issuing and mailing a revised MQ–93—Rice. If the producer withdraws the application for review in accordance with the foregoing provisions, the county committee shall promptly issue and mail the properly revised form MQ–93—Rice. If the county committee determines that no relief can be granted the producer or if the producer fails to withdraw his application for review, in cases where the county committee indicates relief can be granted, the review hearing shall be scheduled in the usual manner.

(c) *Court review.* If the producer is dissatisfied with the determination of the review committee he may, within 15 days after notice of such determination is mailed to him by registered mail, institute proceedings against the review committee to have the determination of the review committee reviewed by a court in accordance with section 365 of the act.

MARKETING CARDS AND MARKETING CERTIFICATES

§ 730.767 *Issuance of marketing cards*—(a) *Producers eligible to receive marketing cards.* The operator and all other producers on a farm shall be eligible to receive a marketing card (MQ–76—Rice (1956)) if (1) no farm marketing excess is determined for the farm, (2) an amount equal to the penalty on the farm marketing excess has been received from the producer or any buyer as provided in § 730.779 or § 730.780, (3) the farm marketing excess is stored, as provided in § 730.784, or (4) the amount of the farm marketing excess has been delivered to the Secretary, as provided in § 730.785. Each marketing card shall be serially numbered and shall show the names of the State and county code number thereof and the serial number of the farm, the signature of the county office manager or his designee, the name and address of the producer to whom issued, and the counter-signature of the producer to whom the card is issued, or his duly authorized agent, or a statement by the county office manager or his designee giving an explanation of the reason for which the counter-signature cannot be made. The producers on a farm shall be ineligible to receive marketing cards if any producer on the farm owes any penalty on 1955 excess rice or if determination of the 1956 rice acreage is prevented by any producer on the farm.

(b) *Multiple farm producers eligible to receive marketing cards.* Any producer who is a rice producer on more than one farm in a county shall not be eligible to receive a marketing card for any such farm in the county until, in accordance with the provisions of paragraph (a) of this section, he is eligible to receive a marketing card for each of such farms. However, only one rice marketing card need be issued to a producer who has an interest in the rice crop on more than one farm in the county, provided (1) the farm serial numbers of all such farms are entered on the marketing card, (2) the producer is eligible to receive a marketing card on each farm in the county in which he has an interest in the rice crop, and (3) the producer's liability has not been reduced to a proportionate share on any such farm. The other producers on a farm for which the multiple farm producer would otherwise be eligible to receive a marketing card shall receive marketing cards with respect to the farm notwithstanding the ineligibility of the multiple farm producer. Where a producer is engaged in the production of rice in more than one (county) (in the same State or in two or more States), the regulations outlined in this section for issuing marketing cards for multiple farms in a county may be followed with respect to all such farms, wherever situated, if the county committees of the respective counties, or the State committee, determines that the procedure would be necessary to enforce the provisions of the act. The State committee may require any multiple farm producer to file with it a list of all farms on which he is engaged in the production of rice, together with any other information deemed necessary to enforce the act.

(c) *Use of marketing cards.* The serial number of the farm or farms for which a marketing card is issued shall be entered on the marketing card. A marketing card shall not be used to identify rice produced on any farm the serial number of which is not entered on the card. A marketing card shall not be used to market any rice which was not produced on a farm the serial number of which appears on the marketing card.

§ 730.768 *Issuance of marketing certificates.* The county office manager or his designee, shall upon request, issue a marketing certificate Form MQ–94—Rice, to any producer (a) who is eligible to receive a marketing card and who desires to market rice by telegraph, telephone, mail, or by any means or method other than directly to and in the presence of the buyer or transferee, (b) whose liability has been reduced to a proportionate share of the entire penalty and such liability discharged in accordance with the provisions of § 730.779 (c), or (c) who is ineligible to receive a marketing card solely because of penalties owed for 1955 excess rice. Each marketing certificate shall show (1) the name and address of the producer to whom issued, (2) the names of the State and county code number thereof and the serial number of the farm, (3) the serial number of the marketing card assigned to the producer for the farm, (4) the signature of the county office manager or his designee, (5) the name of the buyer or transferee, (6) the number of pounds of rice involved in the transaction, and (7) the signature of the producer. The original of the marketing certificate shall be issued to the producer for delivery to the buyer or transferee and the duplicate copy shall be retained in the ASC county office. A marketing certificate shall not be used to identify rice produced on any farm the serial number of which is not entered on the certificate.

§ 730.769 *Lost, destroyed, or stolen marketing cards or marketing certificates*—(a) *Report of loss, destruction, or theft.* In case a marketing card or marketing certificate delivered to a producer is lost, destroyed, or stolen, any person having knowledge thereof shall, insofar as he is able immediately notify the ASC county office of the following: (1) The name of the operator of the farm for which such marketing card or marketing certificate was issued; (2) the name of the producer to whom the marketing card or marketing certificate was issued, if someone other than the operator; (3) the serial number of the marketing card or marketing certificate; and (4) whether in his knowledge or judgment it was lost, destroyed, or stolen and by whom.



(b) *Investigation and findings of county committee.* The county committee shall make or cause to be made a thorough investigation of the circumstances of such loss, destruction, or theft. If the county committee finds, on the basis of its investigation, that such marketing card or marketing certificate was in fact lost, destroyed, or stolen, it shall cause to be cancelled such marketing card or marketing certificate and instruct the county office manager to give notice to the producer to whom the marketing card or marketing certificate was issued that it is void and of no effect. The notice to that effect shall be in writing, addressed to the producer at his last known address, and deposited in the United States mails. If the county committee also finds that there has been no collusion in connection therewith on the part of the producer to or for whom the marketing card or marketing certificate was issued, it shall cause to be issued to or for him a marketing card or marketing certificate to replace the lost, destroyed, or stolen marketing card or marketing certificate. Each marketing card or marketing certificate issued under this section shall bear across its face in bold letters the word "Duplicate". In case a marketing card or marketing certificate is cancelled, as provided in this section, the county office manager or his designee shall immediately notify the buyers, mill operators, or warehousemen who serve the county, or in the immediate vicinity, that the marketing card or marketing certificate is cancelled and of the issuance of any duplicate. Any person coming into possession of a cancelled marketing card or marketing certificate shall immediately return it to the ASC county office from which it was issued.

§ 730.770 *Cancellation of marketing cards and marketing certificates issued in error.* Any marketing card or marketing certificate erroneously issued shall, immediately upon discovery of the error, be cancelled by the county office manager. The producer to whom such marketing card or marketing certificate was issued shall be notified in the manner prescribed in § 730.769 (b) that the marketing card or marketing certificate is void and of no effect and that it shall be returned to the ASC county office. Upon the return of such marketing card or marketing certificate, the county office manager shall cause to be endorsed thereon the notation "Cancelled." In the event that such marketing card or marketing certificate is not returned immediately, the county office manager shall immediately notify the mill operators, warehousemen, and buyers who serve the county, or in the immediate vicinity, that the marketing card or marketing certificate is cancelled. A copy of each notice provided for in this section, containing a notation thereon of the date of mailing, shall be kept among the records of the ASC county office.

IDENTIFICATION OF RICE

§ 730.771 *Time and manner of identification.* Each producer of rice and each intermediate buyer shall, at the time he markets any rice, identify the rice to the buyer or transferee, in the manner hereinafter provided as being subject to or not subject to the penalty and the lien for the penalty.

§ 730.772 *Identification by marketing card.* A marketing card (MQ–76—Rice (1956)) shall, when presented to the buyer by the producer to whom it was issued, be evidence to the buyer that the rice for which the marketing card was issued may be purchased without the payment of any penalty by him and that such rice is not subject to the lien for the penalty.

§ 730.773 *Identification by marketing certificate.* A Marketing certificate (MQ–94—Rice) properly executed by the county office manager or his designee and the producer to whom it is issued, shall, when delivered to the buyer by the producer be evidence that the amount of rice shown thereon may be purchased without the payment of any penalty by him and that such rice is not subject to the lien for penalty.

§ 730.774 *Identification by intermediate buyer's record and report.* The original and copy of an intermediate buyer's record and report (MQ–95—Rice (1956)), properly executed by the first intermediate buyer and the producer of the rice and any subsequent buyer in the manner outlined in §§ 730.788 (d) and 730.789 shall be evidence to any buyer that the rice covered thereby is not subject to the lien for penalty and may be purchased by him without payment of any penalty in the event either (a) the MQ–95—Rice (1956) shows the serial number of the marketing card or marketing certificate by which the rice was identified and the signatures of the producer and intermediate buyer, or (b) the original MQ–95—Rice (1956) bears the endorsement "Penalty satisfied" and the signature and title of the treasurer of a county committee and the date thereof.

§ 730.775 *Rice identified as subject to the penalty and lien for the penalty.* All rice marketed by a producer or by an intermediate buyer which is not identified in the manner prescribed in § 730.772, § 730.773 or § 730.774 shall be taken by the buyer thereof as rice subject to penalty and the lien for the penalty and the buyer of such rice shall pay the penalty thereon at the rate prescribed in § 730.776.

PENALTY

§ 730.776 *Rate of penalty.* The rate of penalty shall be 50 percent of the parity price per pound of rice as of June 15, 1956. The rate of penalty in cents per pound will be published by amendment as soon as it can be determined.

§ 730.777 *Lien for penalty.* The entire amount of rice produced in 1956 on any farm for which a farm marketing excess is determined shall be subject to a lien in favor of the United States for the amount of the penalty until the producers on the farm, in accordance with §§ 730.784, 730.785, 730.779, or 730.780, store the farm marketing excess or deliver it to the Secretary or until the amount of the penalty is paid.

§ 730.778 *Interest on unremitted penalty.* The person liable for the payment or collection of the penalty shall be liable also for interest on the amount of penalty which is not remitted in accordance with § 730.779 (b) or § 730.780 (c), as the case may be, at the rate of 6 percent per annum from the final date for remitting the penalty until the date such penalty is remitted. The computation of interest on any penalty due shall be made beginning with the day following the final date for remitting the penalty.

§730.779 *Payment of penalties by producers*—(a) *Producers liable for payment of penalties.* Each producer having an interest in the rice produced in 1956 on any farm for which a farm marketing excess is determined shall be liable to pay the amount of the penalty on the farm marketing excess as provided in this section. The amount of the penalty which any producer shall pay shall nevertheless be reduced by the amount of the penalty which is paid by another producer or a buyer of rice produced on the farm.

(b) *Time when penalties become due.* The amount of the penalty on the farm marketing excess for any farm shall be remitted not later than 60 calendar days after the date on which the harvesting of rice is normally substantially completed in the county in which the farm is situated, as determined by the State committee or within 30 days after a late notice of farm marketing quota and farm marketing excess is mailed as provided for in § 730.762 (a): *Provided, however*, That the penalty on that amount of the farm marketing excess delivered to the Secretary pursuant to § 730.785 shall not be remitted: *And provided further*, That the penalty on that amount of the farm marketing excess which is stored pursuant to § 730.784 shall not be remitted until the time, and to the extent, of any depletion in the amount of rice so stored not authorized as provided in § 730.784 (g).

(c) *Apportionment of the penalty.* The county committee may, upon application of any producer made prior to the expiration of the time allowed for the remittance of the penalty on the farm marketing excess, determine his proportionate share of the penalty on the farm marketing excess if, pursuant to the application, the producer establishes the facts that he is unable to arrange with the other producers on the farm for the payment of the penalty on the entire farm marketing excess or for the disposition of the farm marketing excess in accordance with § 730.784 or § 730.785, that his share of the rice crop produced on the farm is marketed or disposed of by him separately, and that he exercises no control over the marketing or disposition of the shares of the other producers in the rice crop. The producer's proportionate share of the penalty on the farm marketing excess shall be that proportion of the entire penalty on the farm marketing excess which his share in the rice produced in 1956 on the farm bears to the total amount of rice pro-

duced in 1956 on the farm. When the producer pays his proportionate share of the penalty, or, in accordance with § 730.784 or § 730.785 stores or delivers to the Secretary the number of pounds required to postpone or avoid the payment of the penalty on his proportionate share, he shall not be liable for the remainder of the penalty on the farm marketing excess and he shall be entitled to receive marketing certificates issued in accordance with § 730.768 to be used by him only in the marketing of his proportionate share of the rice crop produced in 1956 on the farm.

§ 730.780 *Payment of penalties by buyer*—(a) *Buyers liable for payment of penalties.* Each person within the United States who buys from the producer any rice subject to the lien for the penalty shall be liable for and shall pay the penalty thereon. Rice shall be taken as subject to the lien for the penalty unless the producer presents to the buyer a marketing card (MQ–76—Rice (1956)) or a marketing certificate (MQ–94—Rice) as prescribed in §§ 730.772 and 730.773.

(b) *Payment of penalties on account of the lien for the penalty.* Each person within the United States who buys rice which is subject to the lien for the penalty shall pay the amount of the penalty on each pound thereof in satisfaction of the lien thereon. Rice purchased from any intermediate buyer shall be taken as subject to the lien for the penalty unless, at the time of sale, the intermediate buyer delivers to the purchaser the original and a copy of an intermediate buyer's record and report, MQ–95—Rice (1956), properly executed by the producer of the rice and the first intermediate buyer, which show (1) the serial number of marketing card or marketing certificate by which the rice covered thereby was identified when marketed, or (2) on the reverse side the statement "Penalty satisfied" and the signature and title of the treasurer of a county committee and the date thereof.

(c) *Time when penalties become due.* The penalty to be paid by any buyer pursuant to paragraph (a) or (b) of this section shall be due at the time the rice is purchased and shall be remitted not later than 15 calendar days thereafter.

(d) *Manner of deducting penalties and issuance of receipts.* The buyer may deduct from the price paid for any rice an amount equivalent to the amount of the penalty to be paid by the buyer pursuant to paragraph (a) or (b) of this section. Any buyer who deducts an amount equivalent to the penalty shall issue to the person from whom the rice was purchased a receipt for the amount so deducted which shall be, in the case of rice purchased from the producer by an intermediate buyer, on MQ–95—Rice (1956), and, in all other cases, on MQ–81—Rice (1956).

§ 730.781 *Remittance of penalties to the treasurer of the county committee.* The treasurer of any county committee, for and on behalf of the Secretary, shall receive the penalty. The penalty shall be remitted only in legal tender, or by check, draft, or money order drawn payable to the order of the Treasurer of the United States. All checks, drafts, and money orders tendered in payment of the penalty shall be received by the treasurer of the county committee subject to collection and payment at par. If the penalty is remitted by an intermediate buyer, the treasurer of the county committee shall show that the penalty is paid by entering on the reverse side of the original and first copy of the intermediate buyer's record and report, MQ–95—Rice (1956), the statement "Penalty satisfied" and his signature and title and the date thereof.

§ 730.782 *Deposit of funds.* All funds received by the treasurer of the county committee in connection with penalties for rice shall be scheduled and transmitted by him on the day received or not later than the next succeeding business day, to the State committee, which shall cause such funds to be deposited to the credit of a special deposit account with the Treasurer of the United States in the name of the Chief Disbursing Officer of the Treasury Department (referred to in this subpart as "special deposit account") to be held in escrow. In the event the funds so received are in the form of cash, the treasurer of the county committee shall deposit such funds in the ASC county committee bank account and issue a check in the amount thereof, payable to the order of the Treasurer of the United States. The treasurer of the county committee shall make and keep a record of each amount received by him, showing the name of the person who remitted the funds, the identification of the farm or farms in connection with which the funds were received, and the name of the person who marketed the rice in connection with which the funds were remitted.

§ 730.783 *Refunds of money in excess of the penalty*—(a) *Determination of refunds.* The county committee and the treasurer of the county committee upon their own motion or upon the request of any interested person shall review the amount of money received in connection with the penalty for any farm to determine for each producer the amount thereof, if any, which is in excess of the security required for stored excess rice or the penalty due. Any excess amount shall be refunded. Any refund shall be made only to persons who bore the burden of the payment and who have not been reimbursed therefor. The excess amount shall first be applied, insofar as the sum will permit, so as to make refunds to eligible persons other than producers and the reminder, if any, shall be applied so as to make refunds to the eligible producers. The amount to be refunded to each producer shall be either (1) the amount determined by apportioning the excess amount among the producers on the farm in the proportion that each contributed toward the payment, avoidance, or security of the penalty on the farm marketing excess or (2) the amount which is in excess of the security required for stored excess rice and the penalty due on that portion of the farm marketing excess for which the producer is separately liable. No refund shall be made to any buyer or transferee of any amount which he collected from the producer or another, deducted from the price or consideration paid for the rice or for which he was liable.

(b) *Certification of refunds.* The county office manager or the treasurer of the county committee shall notify the State committee of the amount which the county committee and its treasurer determine may be refunded to each person with respect to the farm, and the State committee shall cause to be certified to the Chief Disbursing Officer of the Treasury Department for payment such amounts as are approved by it. No refund of money shall be certified under this section unless the money has been remitted to the treasurer of the county committee and transmitted by him to the State committee.

§ 730.784 *Stored farm marketing excess*—(a) *Amount of rice to be stored.* The number of pounds of rice in connection with any farm which may be stored in order to postpone the payment of the penalty or with a view to avoiding such penalty shall be that portion of the farm marketing excess which has not been delivered to the Secretary or on which the penalty has not been paid. The amount of the farm marketing excess for the purpose of storage shall be the amount of the farm marketing excess as determined at the time of storage under § 730.759 or § 730.762, whichever is applicable.

(b) *Stored excess rice.* Stored excess rice shall be kept in a place adapted to the storage of rice. The rice so stored on the farm shall be subject to the condition that it may be inspected at any time by officers or employees of the United States Department of Agriculture or members, officers, or employees of the State or county committees. The rice stored shall be of the current crop and of a representative quality of all the rice produced on the farm; in the case of farm storage, excess rice of one crop shall not be replaced by rice of another crop.

(c) *Deposit of warehouse receipts in escrow.* The storage of rice in a warehouse in order to postpone the payment of the penalty or with a view to avoiding such penalty shall be effective when a warehouse receipt covering the amount of rice so stored is deposited with the treasurer of the county committee to be held in escrow. The warehouse receipt shall be a negotiable receipt or a non-negotiable receipt as to which the warehouseman is notified in writing by the owner of such receipt and the treasurer of the county committee that it is being so deposited in escrow and that delivery of the rice covered thereby is to be made under the terms of its deposit in escrow while such receipt remains so deposited. Any warehouse receipt so deposited shall be accepted only upon the condition that the producers by or for whom the rice is stored shall be and shall remain liable for all charges incident to the storage of the rice and that the county committee and the United States in no way be responsible for or pay any such charges. Whenever the penalty with respect to rice covered by warehouse receipt is paid or satisfied from any cause, the warehouse receipt shall be returned to the person who deposited it.



(d) *Bond of indemnity.* Farm storage of excess rice in order to postpone the payment of the penalty or with a view to avoiding such penalty shall also be effective when a good and sufficient bond of indemnity on a form prescribed for this purpose is executed and filed with the treasurer of the county committee in an amount not less than the amount of the penalty on that portion of the farm marketing excess so stored. Each bond given pursuant to this paragraph shall be executed as principal by the producer storing the rice and either (1) as sureties by two persons who are not producers on the farm each owning real property with an unencumbered value of double the principal sum of the bond, or (2) as surety by a corporate surety authorized to do business in the State in which the farm is situated and listed by the Secretary of the Treasury of the United States as an acceptable surety on bonds in favor of the United States. Each bond of indemnity shall be subject to the conditions that the penalty on the amount of rice stored shall be paid at the time, and to the extent, of any depletion of the amount stored which is not authorized under paragraph (g) of this section and that if at any time any producer on the farm prevents the inspection of any rice so stored the penalty on the entire amount stored shall be paid forthwith. Whenever the penalties secured by the bond of indemnity are paid or reduced from any cause, the treasurer of the county committee shall furnish the principal and the sureties with a written statement to that effect. A bond shall not otherwise be cancelled or released. The bond of indemnity provided for in this paragraph may be waived by the county committee, with the approval of the State committee, if the excess rice was produced by a State or State institution or other agency of a State or Federal agency: *Provided*, That as a condition of the waiver of the bond of indemnity the head of the State institution or other State agency or Federal agency shall agree in writing to comply with all other provisions of the regulations in §§ 730.750 to 730.799 with respect to the stored farm marketing excess.

(e) *Deposit of funds in escrow.* Farm storage of rice in order to postpone the payment of the penalty or with a view to avoiding such penalty shall also be effective when an amount of money not less than the penalty on that portion of the farm marketing excess so stored is deposited with the Treasurer of the United States to be held in escrow to secure the payment of such penalty. Such funds shall be received subject to collection and payment at par. Funds in escrow shall be subject to the condition that the penalty on the amount of rice stored shall be paid at the time, and to the extent, of any depletion of the amount stored which is not authorized under paragraph (g) of this section and that if at any time any producer on the farm prevents inspection of any rice so stored, the penalty on the entire amount stored shall be paid forthwith.

(f) *Time of storage.* Storage of rice in connection with any farm in order to postpone the payment of the penalty or with a view to avoiding such penalty shall not be effective unless the provisions of paragraphs (a) and (b), and (c), (d), or (e) of this section are complied with prior to the expiration of the period allowed, in accordance with § 730.779 (b), for the remittance of the penalty with respect to the farm marketing excess for the farm.

(g) *Depletion of stored excess rice.* The penalty on the amount of excess rice stored shall be paid by the producers on the farm at the time and to the extent of any depletion in the amount of rice stored except as provided in paragraphs (h) and (i) of this section and except to the extent of the following: (1) The amount by which the stored excess rice exceeds the farm marketing excess for the farm as determined in accordance with § 730.759 or § 730.762, (2) the amount by which the stored excess rice exceeds the amount of the farm marketing excess as determined by a review committee or as a result of a court review of the review committee, (3) the amount of any rice destroyed by fire, weather conditions, theft, or any other cause beyond the control of the producer, provided the producer shows beyond a reasonable doubt that the depletion resulted from such cause and not from his negligence nor from any affirmative act done or caused to be done by him, and (4) the amount of any rice delivered to the Secretary under the provisions of § 730.785.

(h) *Underplanting the farm acreage allotment for a subsequent crop.* Whenever the rice acreage on any farm for the 1957 or subsequent crop of rice is less than the farm acreage allotment therefor, the producers on the farm who stored excess rice in accordance with the foregoing provisions of this section shall, upon application made by them to the county committee, be entitled to remove from storage without penalty any rice so stored by them, whether produced in a prior year on the farm or another farm, to the extent of the number of acres by which the acreage planted to rice is less than the farm acreage allotment. The amount of rice which would otherwise be authorized to be removed from storage in connection with the farm under this paragraph shall be reduced to the extent that stored excess rice from any other crop is authorized to be removed from storage in connection with the farm. The amount of rice authorized to be removed from storage shall be apportioned among the several producers on the farm who have stored excess rice to the extent of their need therefor in accordance with their shares in the acreage which was or could have been planted to rice or in accordance with their agreement as to the apportionment to be made. A producer shall not be entitled to remove rice from storage under this paragraph in connection with any farm unless, at the time the determination is made under this paragraph, the rice is stored and owned by the producer and, at the end of the rice seeding season for the crop for the area in which the farm is situated, the producer is entitled to share in the rice crop which was or could have been planted on the farm. The acreage planted to rice for the purpose of this paragraph shall be the rice acreage on the farm.

(i) *Producing a subsequent crop which is less than the normal production of the farm acreage allotment.* Whenever in 1957 or any subsequent year the rice acreage does not exceed the farm acreage allotment and the actual production of rice on the farm is less than the normal production of the farm acreage allotment therefor, the producers on the farm who stored excess rice in accordance with the foregoing provisions of this section shall, upon application made by them to the ASC county office, be entitled to remove from storage, without penalty, any rice so stored by them, whether produced in the prior year on the farm or another farm, to the extent of the amount by which the normal production of the farm acreage allotment, less the normal production of the underplanted acreage for the farm which was or could have been determined under paragraph (h) of this section, exceeds the amount of rice produced on the farm in that year. The amount of rice which would otherwise be authorized to be removed from storage in connection with the farm under this paragraph shall be reduced to the extent that stored excess rice from any other crop is authorized to be removed from storage in connection with the farm. The amount of rice which is authorized to be removed from storage shall be apportioned among the several producers on the farm who have stored excess rice to the extent of their need therefor in accordance with their proportionate shares in the rice crop planted on the farm or in accordance with their agreement as to the apportionment to be made. The determination of the amount of rice produced on the farm shall be made in accordance with the marketing quota regulations applicable to the crop. A producer shall not be entitled to remove rice from storage under this paragraph for any farm unless, at the time the determination is made under this paragraph, the rice is stored and owned by the producer and, at the time of harvest, the producer is entitled to a share in the rice crop planted on the farm.

§ 730.785 *Delivery of the farm marketing excess to the Secretary*—(a) *Amount of the rice to be delivered.* The amount of rice delivered to the Secretary in order to avoid the payment of the penalty in connection with any farm shall not exceed the amount of the farm marketing excess as determined at the time of delivery, in accordance with § 730.759 or § 730.762, whichever is applicable.

(b) *Conditions and methods of delivery.* For and on behalf of the Secretary, the treasurer of the county committee for the county in which the farm for which the marketing excess is determined is situated shall accept the delivery of any rice tendered to avoid the payment of the penalty. The delivery of the rice for this purpose shall be effective only when the producers having an interest in the rice to be so delivered convey to the Secretary all right, title, and interest in and to the

rice by executing a form provided for this purpose and (1) deliver the rice to a warehouse and tender to the treasurer of the county committee the warehouse receipts for the amount of the rice, or (2) where the producer shows to the satisfaction of the county office manager that it is impracticable to deliver the rice to a warehouse and receive a warehouse receipt therefor, deliver the rice at a point within the county or nearby and within such time or times as may be designated by the county office manager. None of the rice so delivered shall be returned to the producer. Insofar as practicable, the rice so delivered shall be delivered to the Commodity Credit Corporation of the United States Department of Agriculture, and any rice which it is impracticable to deliver to such Corporation shall be distributed to such one or more of the following classes of agencies or organizations as the State committee selects, which delivery the Secretary hereby determines will divert it from the normal channels of trade and commerce: Any Federal relief organization, the American Red Cross, State or county or municipal relief organization, Federal or State wildlife refuge project or any voluntary relief organization registered with the Advisory Committee on Voluntary Foreign Aid of the International Cooperation Administration for shipment for relief overseas.

(c) *Time of delivery.* Excess rice may be delivered to the Secretary at any time within 60 calendar days after the date on which the harvesting of rice is normally substantially completed in the county as determined by the State Committee in accordance with § 730.762 (a) or within 30 days after a late notice of farm marketing quota and farm marketing excess is mailed as provided for in § 730.761. Excess rice may be delivered to the Secretary after such period only if the excess rice was stored in accordance with the provisions of § 730.784 (a) through (f), and the rice has not gone out of condition through any fault of the producer.

§ 730.786 *Refund of penalty erroneously, illegally, or wrongfully collected.* Whenever, pursuant to a claim filed with the Secretary within two calendar years after payment to him of the penalty collected from any person, pursuant to the act, the Secretary finds that the penalty was erroneously, illegally, or wrongfully collected, and the claimant bore the burden of such penalty, he shall certify to the Secretary of the Treasury of the United States for payment to the claimant, in accordance with regulations prescribed by the Secretary of the Treasury of the United States, such amount as the claimant is entitled to receive as a refund of all or a portion of the penalty.

§ 730.787 *Report of violations and court proceedings to collect penalty.* It shall be the duty of the county office manager to report in writing to the State administrative officer each case of failure or refusal to pay the penalty or to remit the same as provided in §§ 730.779 through 730.781. It shall be the duty of the State administrative officer to report each such case in writing to the Office of the General Counsel of the United States Department of Agriculture with a view to the institution of proceedings by the United States Attorney for the appropriate district under the direction of the Attorney General of the United States, to collect the penalties, as provided in section 376 of the act.

RECORDS AND REPORTS

§ 730.788 *Records to be kept and reports to be made by warehousemen, mill operators, or processors, and buyers other than intermediate buyers*—(a) *Necessity for records and reports.* Each warehouseman, mill operator, or processor, and each buyer other than an intermediate buyer, who buys, acquires, or receives rice from the producer or intermediate buyer thereof shall, in conformity with section 373 (a) of the act, keep the records and make the reports prescribed by this section, which the Secretary hereby finds to be necessary to enable him to carry out with respect to rice the provisions of the act.

(b) *Nature and availability of records.* Each warehouseman, mill operator, or processor, and each buyer other than an intermediate buyer, shall keep, as part of or in addition to the records maintained by him in the conduct of his business, a record which shall show with respect to the rice purchased, acquired, or received by him from the producers or the intermediate buyers thereof the following information: (1) The name and address of the producer of the rice, (2) the date of the transaction, (3) the amount of the rice, (4) the serial number of the marketing card (MQ–76—Rice (1956)), or marketing certificate (MQ–94—Rice), or intermediate buyer's record and report (MQ–95—Rice (1956)), by which the rice was identified, or the report and penalty receipt (MQ–81—Rice (1956)), and (5) the amount of any lien for the penalty or of any penalty incurred in connection with the rice purchased, acquired, or received by him. The record so made and all business records of such persons required to keep such records shall be kept available for examination by the county office manager or any authorized representative of the State administrative officer or investigators and accountants (special agents) or other authorized representatives of the Director, Compliance and Investigation Division, Commodity Stabilization Service, U. S. Department of Agriculture, for two calendar years beyond the calendar year in which the marketing year ends. Such records shall include relevant books, papers, records, accounts, correspondence, contracts, documents and memoranda, but shall be examined only for the purpose of ascertaining the correctness of any report made or record kept pursuant to the regulations in this subpart, or of obtaining the information required to be furnished in any report pursuant to the regulations in this subpart but not so furnished. The county office manager shall furnish without cost blank copies of MQ–97—Rice which may be used for the purpose of keeping the record required under this section.

(c) *Records and reports in connection with rice subject to penalty or the lien for the penalty.* Each warehouseman, mill operator, or processor, and each buyer other than an intermediate buyer, who purchases any rice from the producer or intermediate buyer thereof which is not identified at the time the rice is purchased in the manner provided in §§ 730.772, 730.773, and 730.774, shall, with respect to each such transaction, execute the report and penalty receipt on MQ–81—Rice, (1956) and report to the treasurer of the county committee the following information: (1) The name and address of the producer or intermediate buyer from whom the rice was purchased or acquired, (2) the date of the transaction, (3) the amount of the rice, and (4) the amount of the penalty incurred in connection with the transaction, and whether an amount equivalent to the penalty was deducted from the price or consideration paid for the rice. Each record and report on MQ–81—Rice (1956) shall be executed in triplicate. The person who executes MQ–81—Rice (1956) shall retain one copy, give the original to the producer or intermediate buyer, as the case may be, which shall be the receipt to him for the amount of the penalty in connection with rice and mail or deliver the remaining copy to the treasurer of the county committee. It shall be presumed that rice was not identified by MQ–76—Rice (1956) as provided in § 730.772 or MQ–94—Rice as provided in § 730.773, or MQ–95—Rice (1956) as provided in § 730.774, if the serial number of the marketing card or marketing certificate or intermediate buyer's record and report does not appear on the records required to be kept pursuant to paragraph (b) of this section.

(d) *Records and reports in connection with rice identified by intermediate buyer's records and reports.* Whenever rice is identified by the intermediate buyer's record and report (MQ–95—Rice (1956)) executed in accordance with § 730.789 the warehouseman, mill operator, or processor, or the buyer other than an intermediate buyer, who purchases or acquires the rice covered thereby shall retain the first copy as a record of the transaction and forward the original to the treasurer of the county committee as a report on the transaction in every case where he purchases or acquires all or the remainder of the rice covered by the record and report. In all other cases, where the warehouseman, mill operator, or processor, or the buyer other than an intermediate buyer, purchases or acquires only a portion of the rice covered by the intermediate buyer's record and report, he shall make a record and report of the transaction by endorsing on the reverse side of both the original and first copy his name and signature, the amount of rice purchased or acquired, and the date of the transaction and return the forms so endorsed to the intermediate buyer to be delivered to the person who finally purchases or acquires the remainder of the rice.

(e) *Records in connection with rice identified by marketing certificates.* Whenever rice is identified by a marketing certificate (MQ–94—Rice), the warehouseman, mill operator, or processor, or the buyer other than an intermediate buyer, who purchases the rice so identified shall retain the marketing certificate as a record of the transaction.

(f) *Time and place of submitting reports.* Each report required by this section shall be submitted, not later than 15 calendar days next succeeding the day on which the rice was marketed to a warehouseman, mill operator, or processor, or a buyer other than an intermediate buyer, to the treasurer of the county committee for the county in which the rice was produced.



§ 730.789 *Records to be kept and reports to be made by intermediate buyers*—(a) *Necessity for records and reports.* Each intermediate buyer shall, in conformity with section 373 (a) of the act, keep the records and make the reports prescribed by this section, which the Secretary hereby finds to be necessary to enable him to carry out, with respect to rice, the provisions of the act.

(b) *Form of record and report in connection with rice purchased or acquired from producers.* Each intermediate buyer who purchases or acquires any rice from the producer thereof shall, with respect to each such transaction, keep a record and make a report on the intermediate buyer's record and report (MQ–95—Rice (1956)) of the following information: (1) The name and address of the producer from whom the rice was purchased or acquired, (2) the names of the county and State in which the rice was produced, (3) the date of the transaction, (4) the number of pounds of rice, and (5) the serial number of the marketing card or marketing certificate by which the producer identified the rice at the time it was marketed, or if the rice is not so identified, the amount of the penalty, and whether an amount equivalent to the penalty was collected or deducted from the price or consideration paid for the rice. The record and report shall be executed in quadruplicate and, after the entries described above are made, the intermediate buyer and producer shall certify to the correctness of the entries by signing the MQ–95—Rice (1956). One copy of the MQ–95—Rice (1956) so executed shall be retained by the producer as a record of the transaction and as a receipt for the amount equivalent to the penalty, if any, which was deducted from the price or consideration paid for the rice. One copy of MQ–95—Rice (1956) so executed shall be retained by the intermediate buyer as his record in connection with the transaction. Whenever rice is identified by a marketing certificate (MQ–94—Rice), the intermediate buyer shall attach the original of the marketing certificate to the first copy of MQ–95—Rice (1956) to be delivered to the warehouseman, mill operator, or processor, or buyer other than an intermediate buyer, who finally acquires the rice covered by MQ–95—Rice (1956) and marketing certificate (MQ–94—Rice). Whenever the intermediate buyer markets or delivers a portion of the rice covered by a single MQ–95—Rice (1956) to another and retains a portion of the rice, the intermediate buyer shall obtain from the person to whom the portion of the rice is marketed or delivered an endorsement on the reverse side of both the original and first copy of MQ–95—Rice (1956) showing the name and signature of the person, the number of pounds of rice marketed or delivered to him, and the date of the transaction.

(c) *Manner of making reports.* The intermediate buyer shall deliver the original and copy of the intermediate buyer's record and report MQ–95—Rice (1956) to the warehouseman, mill operator, or processor, or the buyer other than an intermediate buyer, to whom all of the remainder of the rice covered thereby is marketed. When rice is marketed or delivered by one intermediate buyer to another intermediate buyer, the original and first copy of MQ–95—Rice (1956) shall be transmitted by one intermediate buyer to another and the last intermediate buyer shall deliver them to the warehouseman, mill operator, or processor, or buyer other than an intermediate buyer. If all or the remainder of the rice is not marketed or delivered to a warehouseman, mill operator, or processor, or buyer other than an intermediate buyer, the last intermediate buyer shall within 15 days mail or deliver the original and first copy of the intermediate buyer's record and report to the treasurer of the county committee.

(d) *Reports to the treasurer of the county committee.* Each intermediate buyer shall, within 15 days after all Forms MQ–95—Rice (1956) contained in a book have been executed or on February 28, 1957, whichever is the earlier, mail or deliver to the treasurer of the county committee from whom the book was obtained the executed copies and unexecuted sets of Form MQ–95—Rice (1956) which were retained by him.

§ 730.790 *Buyer's special reports.* In the event that the county committee or State committee has reason to believe that any buyer has failed or refused to comply with this subpart, the buyer shall within 15 days after a written request therefor made by the county committee or State committee and deposited in the United States mails, registered and addressed to him at his last known address, make a report, verified as true and correct by affidavit, on MQ–97—Rice to such committee with respect to all rice purchased or acquired by him during the period of time as specified in the request. The report shall include the following information for each lot of rice purchased or acquired from the persons specified or during the period specified: (a) The name and address of the producer of the rice, (b) the date of the transaction, (c) the amount of the rice, (d) the serial number of the marketing card (MQ–76—Rice (1956)), marketing certificate (MQ–94—Rice), or intermediate buyer's record and report (MQ–95—Rice (1956)), or the report and penalty receipt (MQ–81—Rice (1956)), and (e) the amount of the lien for the penalty or the amount of penalty incurred in connection with the rice purchased or acquired.

§ 730.791 *Penalty for failure or refusal to keep records and make reports.* Any person required to keep the records or make the reports specified in § 730.788, § 730.789, or § 730.790 and who fails to keep any such record or make any such report or who makes any false report or keeps any false record shall, as provided in section 373 (a) of the act, be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not more than $500 for each such offense.

§ 730.792 *Records to be kept and reports to be made by producers.* Each producer with respect to the 1956 rice crop shall keep the records and make the reports prescribed by this section, which the Secretary hereby finds to be necessary to enable him to carry out with respect to rice the provisions of the act. Upon written request of the county committee any producer shall, within 15 days from the date the request was mailed to him, file with the treasurer of the county committee for the county in which the farm is situated a farm operator's report on MQ–98—Rice (1956) showing for the farm the following information: (a) The total number of pounds of rice produced thereon in 1956, (b) the name and address of each buyer or transferee of any rice, (c) the amount of rice marketed to each buyer, (d) the amount equivalent to the penalty which was deducted from the price or consideration for the rice, (e) the amount of unmarketed rice of the 1956 crop on hand, and (f) rice acreage for 1956.

§ 730.793 *Data to be kept confidential.* Except as otherwise provided in this subpart, all data reported to or acquired by the Secretary pursuant to and in the manner provided in this subpart shall be kept confidential by all officers and employees of the United States Department of Agriculture, members of county committees, other local committees, and State committees, county agents, and officers and employees of such committees or county agent's offices, and shall not be disclosed to anyone not having an interest in or responsibility for any rice, farm, or transaction covered by the particular data, such as records, reports, forms, or other information, and only such data so reported and acquired as the Secretary deems relevant shall be disclosed by them to anyone not having such an interest or not being employed in the administration of the act and then only in a suit or administrative hearing under Title III of the act.

§ 730.794 *Enforcement.* It shall be the duty of the county office manager to report in writing to the State administrative officer forthwith each case of failure or refusal to make any report or keep any record as required by §§ 730.788 through 730.792 and to so report each case of making any false report or record. It shall be the duty of the State administrative officer to report each such case in writing, in quintuplicate to the Office of the General Counsel of the United States Department of Agriculture, with a view to the institution of proceedings by the United States Attorney for the appropriate district, under the direction of the Attorney General of the United States, to enforce the provisions of the act.

SPECIAL PROVISIONS AND EXEMPTIONS

§ 730.795 *Farms on which the only acreage of rice is non-irrigated rice not*

*in excess of 3 acres*—(a) *Conditions of exception.* The farm marketing quota of rice for the 1956 crop shall not be applicable to any non-irrigated (dryland) farm on which the rice acreage for the 1956 crop is not in excess of 3 acres.

(b) *Issuing marketing cards.* The county office manager or his designee shall, for each farm to which the provisions of this section are applicable, issue marketing cards and marketing certificates to the producers on the farm in the manner and subject to the conditions specified in §§ 730.767 to 730.770 inclusive.

§ 730.796 *Experimental rice farms*—(a) *Conditions of exemption.* The penalty shall not apply to the marketing of any rice of the 1956 crop grown for experimental purposes only on land owned or leased by any publicly owned agricultural experiment station, and is produced at public expense by employees of the experiment station, or to rice produced for experimental purposes only by farmers pursuant to an agreement with a publicly owned experiment station whereby the experiment station bears the costs and risks incident to the production of the rice and the proceeds from the crop inure to the benefit of the experiment station: *Provided*, That such agreement is approved by the State committee prior to the planting of rice on the farm. The production of foundation, registered or certified seed rice will not be considered produced for experimental purposes only.

(b) *Issuing marketing cards.* The county office manager shall, upon the written application of a responsible executive officer of any publicly owned agricultural experiment station to which the exemption referred to in paragraph (a) of this section is applicable, issue a marketing card for the experiment station in the manner and subject to the conditions specified in §§ 730.767 to 730.770, inclusive.

§ 730.797 *Wildlife refuge farms.* The penalty shall not apply to the rice produced on any farm operated by any Federal or State wildlife refuge farm which is produced solely for wildlife feed and for seed for the production of wildlife feed on such wildlife refuge farm. No marketing card or marketing certificate shall be issued to any producer on any such farm except under the provisions of §§ 730.767, 730.768, and 730.795, but the exemption from penalty shall be granted by the county office manager upon the written application of the operator or responsible executive officer on any such farm stating that all the rice produced will be used solely for wildlife feed and for seed for the production of wildlife feed on such wildlife refuge farm.

§ 730.798 *Erroneous notice of rice acreage allotment.* In any case where through error in a county or State office the producer was officially notified in writing of a rice acreage allotment for the 1956 crop larger than the finally-approved acreage allotment and the State and county committees find that the producer acting solely on the information contained in the erroneous notice, planted an acreage to rice in excess of the finally-approved acreage allotment, the producer will not be considered to have exceeded the acreage allotment unless he planted an acreage in excess of the allotment shown on the erroneous notice. The farm marketing quota and the farm marketing excess for the farm under the foregoing circumstances will be based on the acreage allotment contained in the erroneous notice, and if the acreage planted to rice on the farm is adjusted to the allotment contained in the erroneous notice within the time limits for destruction of the excess acreage as provided in § 730.751 (u), the farm will not be considered to be overplanted. Before a producer can be said to have relied upon the erroneous notice, the circumstances must have been such that the producer had no cause to believe that the acreage allotment notice was in error; to determine this fact, the date of any corrected notice in relation to the time of planting; the size of the farm; the amount of rice customarily planted; and all other pertinent facts should be taken into consideration. If the county committee determines that the producer was justified in relying on the erroneous notice of rice acreage allotment for the farm, such determination shall be subject to review and approval by the State committee before the erroneous allotment is used by the county committee to determine the marketing quota and farm marketing excess for the farm.

§ 730.799 *Redelegation of authority.* Any authority delegated to the State committee by §§ 730.750 to 730.799 may be redelegated by the State committee.

Issued this 9th day of May 1956.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 56-3832; Filed, May 14, 1956; 8:53 a. m.]

## TITLE 14—CIVIL AVIATION

### Chapter I—Civil Aeronautics Board

#### Subchapter A—Civil Air Regulations

[Supps. 3, 6, 7, 14, 38]

PART 1—CERTIFICATION, IDENTIFICATION, AND MARKING OF AIRCRAFT AND RELATED PRODUCTS

PART 18—MAINTENANCE, REPAIR, AND ALTERATION OF AIRFRAMES, POWERPLANTS, PROPELLERS, AND APPLIANCES

PART 24—MECHANIC AND REPAIRMAN CERTIFICATES

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

PART 43—GENERAL OPERATION RULES

PART 52—REPAIR STATION CERTIFICATES

ELIMINATION OF ANNUAL INSPECTION OF GENERAL AIRCRAFT

The purpose of these amendments is to implement regulations promulgated by the Civil Aeronautics Board, effective July 17, 1956, which simplify the present procedures for determining continued airworthiness of general aircraft and for returning such aircraft to service after major maintenance.

For a number of years, airworthiness determinations have been made by Civil Aeronautics Administration personnel or by designees under their supervision. The success of the designee program has provided the Administrator with definite assurance that there are in industry a sufficient number of qualified individuals of demonstrated ability who are capable of assuming responsibility for the continued airworthiness of general aircraft. The Civil Aeronautics Board has now transferred authority and responsibility for determining continued airworthiness to such individuals.

Hence, these amendments are designed to (1) establish a procedure for issuance of "inspection authorizations" for qualified certificated mechanics which will permit them to determine continued airworthiness of general aircraft and release such aircraft to service after major maintenance is accomplished, and (2) provide inspection procedures for 100-hour inspections and progressive inspections.

The Administrator will supervise continued airworthiness of general aircraft as necessary to assure compliance with the new established requirements of the Civil Air Regulations.

The proposed rules were published on October 5, 1955, in 20 F. R. 7380–7383. All interested persons have been afforded an opportunity to submit written views, data, or argument and consideration has been given all relevant data presented.

The following rules, policies, and interpretations are hereby adopted:

1. Section 1.64–1 of Part 1 is deleted.

2. Sections 1.75–1 and 1.76–1 through 1.76–4 are redesignated §§ 1.76–1 and 1.77–1 through 1.77–4 respectively; and a new § 1.75–1 is added to read as follows:

§ 1.75–1 *Duration of experimental certificate (CAA policies which apply to § 1.75).* (a) Experimental certificates will be issued to expire on a specific date, or will indicate a condition under which the certificate will automatically expire. The duration of the experimental certificate may vary from one flight to a limited number of operating hours, or days. In any case, the duration will not exceed one year.

(b) It is the policy of the CAA to do everything possible to encourage legitimate experimentation leading to improvement in aircraft whenever this may be done without endangering the lives of persons or property not involved in the experimentation. Since it is recognized that a certain amount of danger to the operator is inherent in all experimental flying, the certificates issued for experimental aircraft will contain specific operating conditions and limitations designed to protect the lives and property of persons not involved in the experimentation.

3. The following new sections are added to Part 18:

§ 18.12–1 *Appropriately rated and certificated repair station (CAA interpretations which apply to § 18.12).* An appropriately rated and certificated repair station is a repair station holding either Class Airframe or Limited Airframe ratings appropriate to the make and model of aircraft to be inspected.



§ 18.23–1 *Aircraft maintenance records (CAA rules which apply to § 18.23)*—(a) *Periodic inspections.* (1) The authorized mechanic, repair station, or aircraft manufacturer conducting a periodic inspection of an aircraft will complete the franked Form ACA–2350 entitled, "Aircraft Use and Inspection Report," in accordance with the instructions contained in appendix A,[1] and mail the form to the Aviation Safety District Office as soon as possible but not later than 48 hours following such inspection.

(2) In the event that a mechanic, repair station, or manufacturer conducting an inspection finds that an aircraft is unairworthy or does not conform with the applicable CAA aircraft specifications, airworthiness directives, or other approved data, the inspecting agency shall provide the aircraft owner or lessee with a signed and dated copy of a list of the discrepancies and forward a similar list with the Form ACA–2350 to the Aviation Safety District Office as soon as possible but not later than 48 hours following such inspection.

(b) *Progressive inspections.* (1) A mechanic, repair station, or manufacturer shall complete and mail the Aircraft Use and Inspection Report form to their local Aviation Safety District Office after the completion of the first complete inspection of an aircraft which is required at the commencement of a progressive inspection, as soon as possible but not later than 48 hours after such inspection. Thereafter, this form shall also be completed by the inspecting agency and submitted to the district office once each year during the month of January.

(2) When the progressive inspection system for a particular aircraft has been discontinued, the inspecting agency shall notify the local Aviation Safety District Office thereof by completing an Aircraft Use and Inspection Report form and adding the word "discontinued" (typed or written) over the box preceding "Progressive Inspection" and mailing such form to the district office as soon as possible but not later than 48 hours after the inspection is discontinued.

§ 18.30–18 *Periodic and 100-hour inspections (CAA rules which apply to § 18.30 (c))*—(a) *General.* The inspecting agency shall employ an inspection form as a checklist while performing a periodic or 100-hour inspection. Such form may be developed by the mechanic, repair station, or the manufacturer similar to the example given in appendix D,[2] or provide the scope and detail of the items of inspection set forth in subdivisions (i) through (xi) of subparagraph (1) of this paragraph.

(1) *Inspection procedures.* Prior to inspection, all necessary inspection plates, access doors, fairing and cowling shall be opened or removed and the aircraft and engine thoroughly cleaned to properly reveal the actual condition of the parts being inspected. Airworthiness of the aircraft shall be determined by thoroughly inspecting the pertinent items in subdivisions (i) through (xi) of this subparagraph in accordance with instructions contained in the aforementioned subdivisions, manufacturers' inspection procedures, supplemental service information, and standard inspection practices. The aircraft shall conform with CAA aircraft specifications, airworthiness directives, or other approved data before being checked as airworthy.

(i) *Fuselage and hull group.* The fuselage and/or hull shall be carefully inspected for general condition; fabric or skin for deterioration, distortion, other evidence of failure, and security of attachment of fittings. The various systems and components installed in this group shall be checked to assure that they are properly installed with no apparent defects and are operating satisfactorily. When applicable, the same general inspection procedures will apply to lighter-than-air craft and a determination made of the condition of the envelope, gas bags, ballast tanks, etc. Rotary-wing-type aircraft or other craft utilizing rotor drive shafts or other similar systems shall have the shafts inspected in accordance with the manufacturer's maintenance manual.

(ii) *Cabin and cockpit group.* The cabin and cockpit shall be checked for cleanliness and/or loose equipment which might foul the controls; seats and safety belts for condition and apparent defects; windows and windshields for deterioration or breakage; instruments for condition, mounting, marking, and, where practicable, proper operation; flight and engine controls for proper installation and operation; batteries for installation and proper charge; the various systems for installation, general condition, apparent and obvious defects and security of attachment. The above inspection procedure will also apply to the control car of lighter-than-air craft.

(iii) *Engine and nacelle group.* All necessary engine cowling shall be removed and a visual inspection shall be made of the entire engine section for evidence of excessive oil, fuel, or hydraulic leaks. Any and all leaks shall be traced to their origin so that they may be corrected. All studs and nuts shall be checked for tightness or obvious defects. The general internal condition of the engine shall be determined by checking cylinder compression, condition of screens and sump drain plugs for foreign material and metal particles. Cylinders with weak compression shall be removed and the internal condition and clearances checked for tolerances. The engine mount shall be inspected for cracks, tightness of mounting, and security of engine attachment to mount. The flexible vibration dampeners shall be examined to insure they are in good condition. The engine controls shall be examined for defects, proper travel, and safetying; lines for leaks; and hoses and clamps for condition and tightness. Exhaust stacks shall be checked for cracks or other defects and satisfactory attachments. Accessories shall be examined for apparent defects and security of mounting. The various systems shall be inspected for proper installation, general condition, defects, and attachment. Cowling shall be inspected for cracks or other defects. On rotary-wing-type aircraft the main rotor transmission gear box shall be inspected for obvious defects as outlined in the manufacturer's maintenance manual.

(iv) *Landing gear group.* The landing gear shall be examined for general condition and security of attachment of all units: Shock-absorbing devices shall be in good condition and oleo fluid level shall be proper height. All linkage, trusses, and members shall be inspected for evidence of undue or excessive wear, fatigue, distortion, and security of attachment. The retracting and locking mechanisms, when installed, shall be examined for satisfactory operation. Hydraulic lines shall be checked for leakage and electrical systems for chafing and proper operation of switches. The wheels shall be removed and examined for cracks or other defects, condition of bearings, tires for wear or cuts, and brakes for proper adjustment. If floats or skis are installed, they shall be inspected for security of attachment, general condition, and any obvious or apparent defects.

(v) *Wing and center section group.* The airworthiness of the wing and center section group shall be determined by thoroughly inspecting the complete assemblies for general condition, fabric or skin for deterioration, distortion, other evidence of failure, and for security of attachment. This inspection shall include the various systems installed which make up a complete wing assembly. Rotary-wing-type aircraft shall be inspected in accordance with the manufacturer's maintenance manual.

(vi) *Empennage group.* The complete empennage assemply shall be inspected for general condition; fabric or skin for deterioration, distortion, other evidences of failure, and for security of attachment. Components and systems which make up the complete assembly shall receive the same attention and it shall be determined that they are installed properly and operating satisfactorily. Lighter-than-air craft shall be inspected in the same manner. Helicopters shall have the tail rotors inspected in accordance with the manufacturer's maintenance manual.

(vii) *Propeller group.* All parts of the propeller shall be carefully examined for cracks, nicks, bends, or oil leakage, if hydraulically controlled. All bolts shall be properly torqued and safetied. The propeller anti-icing devices shall be checked for proper operation or obvious defects. The control mechanism shall operate satisfactorily, be securely mounted, and the controls shall operate through full range of travel.

(viii) *Radio group.* Radio and electronic equipment shall be inspected for installation and security of mounting. Wiring and conduits shall be checked for proper routing and security of mounting to prevent short-circuiting and to insure that there are no other obvious defects. Bonding and shielding will be determined to be properly installed and in good condition. All an-

[1] Appendix A not filed with Federal Register Division.

[2] Appendix D not filed with the Federal Register Division.

tennas shall be inspected for condition and security and, if installed, trailing antenna mechanism shall be inspected for proper operation.

(ix) *Miscellaneous group.* When installed, the miscellaneous items of equipment shall be inspected to determine that the component or assembly is installed in accordance with accepted standard practices, and that the items are operating satisfactorily.

(x) *Operational check—preflight.* Prior to releasing an aircraft as airworthy for operation the engine or engines shall be run up to determine satisfactory performance by the power output (static and idle r. p. m.), magneto drop, fuel and oil pressure, cylinder and oil temperatures in accordance with the manufacturer's recommendations.

(xi) *Aircraft maintenance record entries—(a) Periodic or 100-hour inspections.* Where the aircraft is found to be in an airworthy condition after a periodic or 100-hour inspection, the mechanic, repair station, or manufacturer releasing the aircraft to service shall enter the following notation, inserting the type of inspection (i. e., 100-hour or periodic) in the aircraft maintenance records over the mechanic's signature and certificate number, repair station's or manufacturer's name, signature of authorized personnel, certificate number, and include time in service, and date of inspection:

I certify that this aircraft has been inspected in accordance with a ---------- (Insert type) inspection and was determined to be in airworthy condition.

(b) *Unairworthy aircraft.* Where the aircraft is found unairworthy because of needed maintenance or repairs or is found not to meet the requirements of the applicable specifications, or airworthiness directives, or other approved data, such unairworthy items may be corrected by the inspecting mechanic, repair station, or manufacturer. In the event required maintenance is to be performed by a person other than the one who conducted the periodic inspection, the person making the periodic inspection shall provide the aircraft owner or lessee with a signed and dated copy of a list of the discrepancies and make the following statement in the aircraft maintenance records over the mechanic's signature and certificate number, the repair station's or manufacturer's name, signature of authorized personnel, certificate number, and include aircraft time in service and date of inspection:

I certify that this aircraft has been inspected in accordance with a periodic inspection and a list of the discrepancies and unairworthy items dated (date) has been provided for the aircraft owner or lessee.

The aircraft owner or his agent shall obtain a ferry flight authorization, in accordance with Part 1 of this subchapter, prior to ferrying an aircraft for the purpose of obtaining required maintenance or correcting discrepancies.

§ 18.30–19 *Progressive inspection (CAA rules which apply to § 18.30 (c))*—(a) *General.* The progressive inspection is designed to permit the increased utilization of an aircraft, particularly a multiengine type, by scheduling inspections through the use of a planned inspection schedule.

(b) *Routine and detailed inspections.* The inspection system will consist of a routine inspection which provides a visual examination or check of the aircraft and its components and systems insofar as practicable without disassembly, and a detailed inspection which will permit a thorough examination of the aircraft and its components and systems by such disassembly as necessary. Since the overhaul of a component or system includes a thorough examination, such overhaul will be considered to be a detailed inspection. The frequency and detail of both the routine and detailed inspections shall provide complete inspection of the aircraft within each 12 calendar months and be consistent with the manufacturer's recommendations, field service experience, and the type of operation in which the aircraft is engaged to insure that the aircraft and its components and systems are in an airworthy condition and conform with the applicable CAA aircraft specifications and airworthiness directives, or other approved data. Such inspections shall include, but not be limited to, the items specified in appendix D.[2]

(c) *Inspection schedule.* The frequency of both inspections shall be outlined in the form and manner specified in the example of progressive inspection schedule contained in appendix D [2] and shall specify the intervals when the inspection or overhauls will be performed, either in hours or days, as appropriate.

(d) *Inspection procedures.* A progressive inspection shall be conducted in accordance with the following procedures:

(1) The aircraft shall be inspected completely at the commencement of a progressive inspection. Thereafter, routine and detailed inspections shall be conducted at regular intervals in accordance with the inspection schedule. Normally, all inspection shall be conducted by the inspecting agency having responsibility for the progressive inspection of such aircraft. However, where an aircraft is en route when inspections become due, routine and detailed inspections may be performed by an appropriately rated and certificated mechanic, or repair station, or the manufacturer provided such inspections are conducted in accordance with the forms and procedures to be furnished by the inspecting facility which would otherwise conduct the inspection of the aircraft. Upon completion of the inspection, such inspection forms shall be returned to the inspecting agency furnishing the forms for their records. When an aircraft is no longer to be inspected in accordance with a progressive inspection, the first periodic will be due within 12 calendar months after the last complete inspection of the aircraft under the progressive. If passengers are carried for hire the 100-hour inspection will be due within 100 hours after such last complete inspection. A complete inspection of the aircraft, for the purpose of determining when the periodic and 100-hour inspections are due, will require a detailed inspection of the aircraft and all its components in accordance with the progressive inspection. For example, a routine inspection of the aircraft and a detailed inspection of several components will not be considered to be a complete inspection.

(e) *Records.* Upon the satisfactory completion of a routine or detailed inspection conducted in accordance with a progressive inspection system, the mechanic, repair station, or manufacturer conducting such inspection shall enter a brief description of the extent of the inspection accomplished and the following statement in the aircraft maintenance records, over the mechanic's signature and certificate number, the repair station's or manufacturer's name, signature of authorized personnel, certificate number, and include aircraft time in service, and date of inspection:

A routine inspection of ---------- (Identify whether ---------- and a detailed inspection of ---------- were performed in accordance with a progressive inspection and the aircraft is released to service. (Identify aircraft or components) (Identify components)

4. The following new sections are added to Part 24:

§ 24.43–1 *Inspection authorization (CAA rules which apply to § 24.43)*—(a) *Qualifications.* Authority to examine, inspect, and release aircraft for service in accordance with § 24.43 (a) will be granted to any certificated mechanic applying in accordance with paragraph (b) of this section who has the following additional qualifications:

(1) His airframe and powerplant ratings shall have been in effect continuously for a minimum of three years immediately preceding the date of application;

(2) He has been actively engaged in the inspection, maintenance, and repair of U. S. civil aircraft and engines for at least two years immediately preceding the date of application;

(3) He shall have a fixed base of operation at which he can be contacted in person or by telephone during a normal working week. The fixed base of operation does not necessarily have to be the location at which the applicant will exercise the inspection authority;

(4) He shall have available such equipment, facilities, and inspection data as are necessary for the competent and efficient inspection of airframes and powerplants to determine compliance with applicable Civil Air Regulations;

(5) He shall have a satisfactory record as a CAA Designated Aircraft Maintenance Inspector for at least one year immediately preceding the date of application, or

(6) He shall by examination satisfactorily demonstrate his knowledge and ability to conduct inspections in accordance with the prescribed safety standards for returning aircraft to service after major repairs and alterations performed in accordance with Part 18 of this subchapter and the inspections required by § 43.22 of this subchapter.

(b) *Procedure for making application.* A certificated mechanic meeting the qualification requirements of paragraph (a) (1) through (5) of this section who desires the authorization to perform the privileges of § 24.43, shall make application on Form ACA–2353, entitled, "Mechanic's Application for Inspection Authorization." [3] Applicants who only meet the requirements of paragraph (a) (1) through (4) of this section shall complete Form ACA–2353 and shall satisfactorily accomplish the examination required in paragraph (a) (6) of this section.[4] In the event an applicant fails the examination he may not apply for reexamination for 90 days.

(c) *Inspection authorization.* Applicants found qualified will be issued Form ACA–2354, entitled, "Inspection Authorization." This inspection authorization shall be kept readily available by the mechanic at all times when exercising the privileges of § 24.43 and shall be available for inspection by the aircraft owner, by the mechanic submitting the aircraft or the repair for approval, or by an authorized representative of the Administrator or the Civil Aeronautics Board. The holder of an inspection authorization shall not exercise the privileges of the authorization when he has changed his fixed base of operation until written notification thereof has been given to the Aviation Safety District Office in the area in which the new base is established.

(d) *Duration of authorization.* An inspection authorization shall expire on March 31 of each year.

(e) *Procedure for renewal of authorization.* The holder of an inspection Authorization, Form ACA–2354, may have the authorization extended until March 31 of the following year by:

(1) Presenting evidence, at an Aviation Safety meeting designated by the local Aviation Safety District Office during the month of March each year,[5] to show that the holder has been actively engaged in exercising the privileges of the inspection authorization during the preceding 12 months in at least one of the following capacities:

(i) Conducted at least one periodic inspection for each 90 days [6] the authorization has been in effect since issuance or last renewal, or

(ii) Inspected for return to service at least two repairs or alterations for each 90 days [6] the authorization has been in effect since issuance or last renewal, or

(iii) Supervised or conducted progressive inspections in accordance with the standards prescribed by the Administrator.

(2) Reapplying for the inspection authorization in accordance with the procedures set forth in paragraph (b) of this section.

§ 24.43–2 *Prescribed standard (CAA interpretations which apply to § 24.43).* The phrase "procedures and standards prescribed by the Administrator" means those procedures and standards set forth in § 18.30 of this subchapter.

5. Section 42.31–2 of Part 42 is deleted.

6. The following new section is added to Part 43:

§ 43.20–1 *General (CAA policies which apply to § 43.20).* (a) Primary responsibility for maintaining the aircraft in an airworthy condition is that of the aircraft owner or operator. The owner or operator must have the aircraft inspected, as required by § 43.22, and must maintain the airworthiness of the aircraft during the time between the required inspections by having any defects corrected or repaired in accordance with Part 18 of this subchapter during this interim. Various types of aircraft will require different degrees of maintenance. Factors such as kind of operation, climatic conditions, storage facilities, and age of the aircraft will influence the maintenance requirements. Experience has indicated that most aircraft will require some type of preventive maintenance every 25 hours or less, and minor maintenance at least every 100 hours. The owner or operator must also make sure that maintenance personnel have made appropriate entries in the aircraft and maintenance records to indicate that the aircraft has been released to service.

(b) The pilot, however, must assume responsibility for determining that an aircraft is in condition for safe flight or discontinuing the flight when unairworthy mechanical or structural conditions occur. In this connection, the pilot is expected to make a preflight inspection. The preflight inspection should include, but not be limited to, a visual inspection of the aircraft and its components for general condition and state of repair, a functional check of controls, powerplants, instruments, and a determination that sufficient fuel and oil are aboard for the proposed flight.

7. The following sections of Part 43 are revised to read:

§ 43.22–1 *Inspections (CAA interpretations which apply to § 43.22)*—(a) *General.* (1) An aircraft issued an airworthiness certificate containing an expiration date is permitted to operate in accordance with the provisions of § 43.22 prior to its revision, effective July 17, 1956. Upon expiration of such certificate the owner or lessee may apply for an airworthiness certificate of indefinite duration in accordance with Part 1 of this subchapter.

(2) The owner or lessee may at his option exchange an unexpired airworthiness certificate for an airworthiness certificate of indefinite duration by contacting a representative of the Administrator authorized to issue such certificates. Subsequent to exchanging the airworthiness certificate, the first periodic inspection would be required within 12 calendar months after the last annual inspection.

(3) In the event the owner or lessee elects to use the progressive inspection, an unexpired airworthiness certificate must be exchanged for a certificate of indefinite duration prior to commencing such inspection.

(b) *Periodic and 100-hour inspections.* Since the 100-hour and periodic inspections are defined as complete inspections of an aircraft, the periodic inspection will be accepted as a 100-hour inspection, also the 100-hour inspection will be accepted as a periodic when performed and approved for return to service by a person specified in § 18.12 of this subchapter.

§ 43.22–2 *Progressive inspections (CAA rules which apply to § 43.22 (b)).* (a) If a registered aircraft owner or lessee elects to use the progressive inspection he shall provide the following inspection personnel, inspection procedures manual, facilities, and technical information; and submit a statement to this effect to the local Aviation Safety District Office (see appendix A [1] for example) prior to using such inspection:

(1) The services of an authorized mechanic, an airframe repair station, or the manufacturer of the aircraft to supervise or conduct the progressive inspection.

(2) An inspection procedures manual which must be maintained in a current condition at all times. It shall be available to and in a form that is readily understood by pilot and maintenance personnel. It shall contain the following information in detail:

(i) An explanation of the progressive inspection outlining continuity of inspection responsibility including responsibility for submission of reports and maintenance of records and technical reference material.

(ii) An inspection schedule including instructions for exceeding an interval by not more than 10 hours while en route and for amending any interval on the basis of service experience.

(iii) Sample routine and detailed inspection forms, including instructions for their use.

(iv) Sample reports and records and instructions for their use.

(3) Sufficient housing and equipment for the necessary disassembly and proper inspection of the aircraft undergoing progressive inspection.

(4) Appropriate and current technical information for the aircraft undergoing progressive inspection shall be available to inspection personnel.

(b) Upon discontinuance of a progressive inspection the registered owner or lessee shall submit immediately to the local Aviation Safety District Office a written statement to this effect (see appendix A [1] for example).

§ 43.23–1 *Aircraft and engine maintenance records (CAA rules which apply to § 43.23).* The maintenance records prescribed in § 43.23 shall provide a

[2] Appendix D not filed with Federal Register Division.

[3] Appendix B contains additional instructions for making application for mechanic's inspection authorization. Appendix B not filed with Federal Register Division.

[4] Appendix C contains additional information concerning the written examination. Appendix C not filed with Federal Register Division.

[5] The location and number of meetings held in each Aviation Safety District Office area will be governed by the location and number of mechanics holding the inspection authorization.

[6] Inspection authorizations which have been in effect less than 90 days will be renewed for another year provided the holder still meets the qualifications required for original appointment by paragraph (a) (1), (2), (3), and (4) of this section.

[1] Appendix A not filed with Federal Register Division.

separate, current, and permanent record of the maintenance accomplished on the aircraft and each engine and shall be suitably identified as to the make, model, serial number, and, if applicable, registration number of the aircraft or engine involved. Each record shall be of sufficient size to accommodate the following basic information for the aircraft, and where applicable, each engine:

(a) *Maintenance.* The record of maintenance shall include the type and extent of maintenance, alterations, repair, overhaul, or inspection and reflect the time in service and date when completed.

(b) *Compliance with mandatory notes.* Chronological listing of compliance with service bulletins, airworthiness directives, etc., including a description of the method of compliance.

(c) *Weight and balance record.* Current empty weight, empty center of gravity and useful load.

(d) *Equipment list.* Entries shall be made to reflect optional equipment which has been added or removed. Required equipment shall not be listed except when exchanged or replaced by optional equipment.

(e) *Record of major repairs and major alterations.* Reference to repair and alteration Form ACA–337 by date or work order by number and approving agency is sufficient.

8. The following new section is added to Part 43:

§ 43.23–2 *Maintenance of engine maintenance records (CAA interpretations which apply to § 43.23).* A record of the previous operating time and history of all engines overhauled, repaired, or reassembled to standards other than those for rebuilt engines as defined in § 43.24–1 shall be retained in the engine maintenance records.

9. Sections 52.22–1 (f) and 52.41–2 of Part 52 are deleted.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425)

This supplement shall become effective July 17, 1956.

[SEAL] C. J. LOWEN,
*Administrator of Civil Aeronautics.*

[F. R. Doc. 56–3792; Filed, May 14, 1956; 8:46 a. m.]

## TITLE 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket 5913]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

P. & D. MANUFACTURING CO. INC.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Price discrimination under 2 (a): § 13.715 *Charges and price differentials;* § 13.755 *Pooling orders of chain stores and buying groups;* § 13.770 *Quantity rebates or discounts.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, P. & D. Manufacturing Co., Inc., Long Island City, N. Y., Docket 5913, April 26, 1956]

This proceeding was heard by a hearing examiner on the complaint of Commission—charging a corporate manufacturer with principal office in Long Island City, N. Y., with discriminating in price between purchasers of like grade and quality in violation of subsection 2 (a), of the Clayton Act as amended through charging different jobbers varying discounts on purchases of its automotive products which resulted in eight different buying prices on sales of its ignition line and four different buying prices on sales of its fuel pump line—followed by respondent's motion for dismissal which was denied.

The hearing examiner becoming unavailable for further proceedings, by agreement of counsel there was substituted another hearing examiner who denied respondent's renewal of motion to dismiss and other motions to strike certain testimony.

Thereafter, except for two exhibits, respondent failed to introduce testimony or other evidence, and the hearing examiner issued his initial decision upholding the decision of counsel supporting the complaint, from which respondent appealed.

The Commission, in an opinion by Commissioner Anderson, from which Commissioner Mason dissented, upheld the hearing examiner, and on April 26, 1956, adopted as its own the findings, conclusion, and order contained in the initial decision.

Said order to cease and desist is as follows:

*It is ordered,* That the respondent P. & D. Manufacturing Co., Inc., and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the sale for replacement of automotive products and supplies in commerce, as "commerce" is defined in the Clayton Act, do forthwith cease and desist from discriminating directly or indirectly in the price of said automotive products and supplies of like grade and quality:

1. By selling to any one purchaser at net prices higher than the net prices charged to any other purchaser who, in fact, competes with the purchaser paying the higher price, in the resale and distribution of respondent's products.

By "Final Order", report of compliance was required as follows:

*It is ordered,* That respondent P. & D. Manufacturing Co., Inc., shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the order contained in said initial decision.

Issued: April 26, 1956.

By the Commission.[1]

[SEAL] ROBERT M. PARRISH,
*Secretary.*

[F. R. Doc. 56–3822; Filed, May 14, 1956; 8:52 a. m.]

[1] Dissenting opinion of Commissioner Mason filed as part of the original document.

[Docket 6488]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

RUBIN GRAIS & SONS

Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Wool Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U. S. C. 45, 68–68c) [Cease and desist order, Rubin Grais & Sons, Chicago, Ill., Docket 6488, May 1, 1956]

*In the Matter of Joseph Grais, Edward Grais, Benjamin Grais, Rubin Grais, and Lyllian Braun, Individually and as Co-Partners Trading as Rubin Grais & Sons.*

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging five copartners with misbranding in violation of the Wool Products Labeling Act, through tagging as "Shell 100 percent wool" boys' jackets which were made of 100 percent reprocessed wool or of farbrics containing 35 percent wool and 65 percent reused wool—and an agreement providing for the entry of a consent order.

On this basis, the hearing examiner made his initial decision and order to cease and desist which became, on May 1, 1956, the decision of the Commission.

The order to cease and desist is as follows:

*It is ordered* That the respondents, Joseph Grais, Edward Grais, Benjamin Grais, Rubin Grais and Lyllian Braun, individually and as copartners trading as Rubin Grais & Sons, or under any other name, and their representatives, agents, and employees, directly or through any corporate or other device in connection with the introduction or manufacture for introduction into commerce or the offering for sale, sale, transportation, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of boys' jackets or other "wool products" as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain or in any way are represented to contain "wool", "reprocessed wool", or "reused wool" as those terms are defined in said Act, do forthwith cease and desist from misbranding or mislabeling such products by:

1. Falsely or deceptively stamping, tagging, labeling, or otherwise identifying such products as to the character or amount of the constituent fibers included therein;

2. Failing to securely affix to or place on each such product a stamp, tag, label, or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of the wool product, of any non-fibrous loading, filling, or adulterating matter;

(c) The name or registered identification number of the manufacturer of such wool product, or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution, or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

*Provided,* That nothing contained in this order shall be construed as limiting any applicable provisions of the Wool Products Labeling Act of 1939 or the rules and regulations promulgated thereunder.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is ordered,* That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 1, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
*Secretary.*

[F. R. Doc. 56–3823; Filed, May 14, 1956; 8:52 a. m.]



## TITLE 25—INDIANS

### Chapter I—Bureau of Indian Affairs, Department of the Interior

**Subchapter Q—Individual Allotments, Leasing and Permitting of Trust, Restricted Indian and Other Lands for Farming, Farm Pasture, Business, any Other Purposes**

[Bureau of Indian Affairs Order 569]

PART 170—ALLOTMENT OF LANDS ON THE CABAZON, AND AUGUSTINE INDIAN RESERVATIONS, RIVERSIDE COUNTY, CALIFORNIA

The headnote of Subchapter Q is amended to read as follows: "Subchapter Q—Individual Allotments, Leasing and Permitting of Trust, Restricted Indian and Other Lands for Farming, Farm Pasture, Business, and Other Purposes."

A new Part 170 is added to read as follows:

Sec.
170.1 Purpose.
170.2 Scope.
170.3 Size of allotments.
170.4 Description of allotments.
170.5 Method of selection.
170.6 Notice of allotment.
170.7 Priority of filing allotment selections on improved lands.
170.8 Priority of selecting remaining lands available for allotment.
170.9 Disposition of improvements.
170.10 Submittal of allotment schedule.
170.11 Special instructions.

AUTHORITY: §§ 170.1 to 170.11 issued under sec. 10, 64 Stat. 472.

§ 170.1 *Purpose.* These procedures and requirements will govern the preparation of allotment schedules containing the names and allotment selections of the unallotted members, hereinafter called members, of the Cabazon and Augustine Bands of Mission Indians of the Cabazon and Augustine Indian Reservations, respectively.

§ 170.2 *Scope.* These procedures and requirements shall apply to those Indians whose names appear on the official enrollment records of the Cabazon or Augustine Bands of Mission Indians as of June 30, 1949, approved by the Secretary of the Interior, who have not heretofore received allotments.

§ 170.3 *Size of allotments.* Each member shall be entitled to an allotment not to exceed 40 acres of land classed as irrigable or potentially irrigable by the Secretary of the Interior.

§ 170.4 *Description of allotments.* Each allotment selection must be described as a legal subdivision of a section based upon public land surveys made by the Department of the Interior and wherever possible must consist of a contiguous tract of land.

§ 170.5 *Method of selection.* The Area Director, Sacramento Area Office, or his representative, shall be available during the periods hereinafter specified at an office of the Bureau of Indian Affairs located in the proximity of the Cabazon and Augustine Reservations to assist the Indians in making allotment selections. A map of each reservation on which is shown the irrigable and potentially irrigable land, which may be alloted, is available in such office during regular business hours for use in making the allotment selections. Each eligible member shall select for his allotment land shown on the map. Priority of selection shall be by families in the order of their appearance at the designated office. If two or more applicants appear at the designated office simultaneously, the order of their priority shall be determined by drawing lots. Selections for minors shall be made by one of the parents, or by a legally appointed guardian. Eligible adult members who have been adjudged non compos mentis may have selections made for them by a legally appointed guardian. Members who are not able to appear personally and sign the required forms for their selection may in writing appoint a representative to make the allotment selection, provided the appointment is duly acknowledged before a notary public or other officer authorized to take acknowledgments. Failure of any eligible Indian to make an allotment selection within the period of 60 days from the date of "Notice of Allotment", as prescribed in § 170.6, shall constitute authority for the Area Director to make a selection for such member. Appropriate forms for making selections shall be furnished by the Area Director.

§ 170.6 *Notice of allotment.* The Area Director shall mail a copy of the regulations in this part, together with a letter entitled "Notice of Allotment" bearing the date of the day it is posted, by registered mail to each member eligible for an allotment to the member's last known address. The letter shall inform each eligible member of the place where and the period of time when allotment selections will be accepted. In addition copies of the regulations in this part, together with copies of the Area Director's letter, shall be posted at several conspicuous places on and in the vicinity of the respective reservations.

§ 170.7 *Priority of filing allotment selections on improved lands.* The land classified as "improved" will be so designated on the map used for allotting purposes. A priority in selecting this class of land for allotment is given to the members who own the improvements on the lands, provided such improvements were placed thereon prior to July 1, 1954. The owner of the improvements on the land shall file on such land for allotment selection within 15 days from the date of the "Notice of Allotment."

§ 170.8 *Priority of selecting remaining lands available for allotment.* Upon the expiration of the 15-day period prescribed in § 170.7 all members, except those who filed allotment selections under § 170.7, shall file their selections on the remaining improved and unimproved irrigable or potentially irrigable land available for allotment. Filings thus made will be honored in the order of their receipt at the alloting office. A period of 45 days will be allowed for the filing of these selections. Upon the expiration of this 45-day period, selections shall be made by the Area Director, as prescribed in § 170.5, for those members who have not filed their allotment selections.

§ 170.9 *Disposition of improvements.* Any member owning improvements on land selected properly by another member may remove, or otherwise dispose of the improvements, within a 60-day period from date of notification by the Area Director to such member, so to dispose of such improvements. If in any case the whereabouts of the owner of the improvements is not known, an additional reasonable period of time may be allowed by the Area Director in which the owner, or his duly appointed representative, may remove or dispose of such improvements.

§ 170.10 *Submittal of allotment schedule.* Upon the completion of the allotment selections, a certified allotment schedule for each reservation, containing the names and the legal descriptions of the selections of the members and other pertinent information, shall be prepared by the Area Director. Each allotment schedule shall be submitted for approval to the Secretary of the Interior, through the Commissioner of Indian Affairs, before the issuance of trust patents for each of the allotment selections described therein.

§ 170.11 *Special instructions.* To facilitate the work of the Area Director, the Commissioner may issue special instructions consistent with these procedures and requirements.

CLARENCE A. DAVIS,
*Acting Secretary of the Interior.*

MAY 14, 1956.

[F. R. Doc. 56–3742; Filed, May 14, 1956; 8:46 a. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter V—Department of the Army

**Subchapter F—Personnel**

PART 582—DISCHARGE OR SEPARATION FROM SERVICE

DISCHARGE BECAUSE OF NATIONAL HEALTH, SAFETY, OR INTEREST

In § 582.3, paragraph (c) is amended to read as follows:

§ 582.3 *Discharge for the convenience of the Government.* * * *

(c) *National health, safety, or interest.* Enlisted personnel may apply for release from active military service on the basis of importance to national health, safety, or interest.

(1) *General.* This policy is applicable to situations wherein a critical need for services of an individual in a civilian capacity from the viewpoint of health, safety, or general welfare outweighs the need of the Nation for the individual in an active military status. Favorable action on requests for release under provisions of this policy will be made only when it is determined clearly that:

(i) The application is motivated by critical national or community interest and not by the personal desire or interest of the applicant.

(ii) There has been a significant change in the individual's particular field of endeavor that would warrant deferment from active military service on the basis of criticality to national health, safety, or interest if he were currently subject to consideration for induction under the policies and procedures applicable at the time of the applicant's entry on active duty.

(2) *Evidence required.* All applications submitted will contain the following information and material:

(i) Name of firm or agency or description of individual enterprise with which he will be connected.

(ii) Product manufactured or service rendered.

(iii) Title and description of position to be filled.

(iv) Applicant's connection with activity prior to military service.

(v) Applicant's qualifications for the position.

(vi) Letter, affidavits, or other documentation from responsible officials of the firm, corporation, agency, or State, substantiating the facts given above and setting forth the need for the services of the applicant.

[C1, AR 635-205, April 23, 1956] (R. S. 161; 5 U. S. C. 22)

[SEAL] JOHN A. KLEIN,
*Major General, U. S. Army,*
*The Adjutant General.*

[F. R. Doc. 56-3790; Filed, May 14, 1956; 8:46 a. m.]

## TITLE 32A—NATIONAL DEFENSE, APPENDIX

### Chapter XIV—General Services Administration

[Revision 3, Amdt. 8]

REG. 7—MICA REGULATION: PURCHASE PROGRAMS FOR DOMESTIC MICA

PRICES AND PAYMENT

Pursuant to the authority vested in me by Executive Order 10480, dated August 14, 1953 (18 F. R. 4939), as amended, this regulation, as revised and amended, is hereby further amended as follows:

This amendment shall be applicable only to mica delivered to and accepted by the Government under this regulation on and after May 15, 1956.

1. The price schedule appearing in paragraph (e) of section 4 is amended to read as follows:

[Per pound]

| Grades | Ruby | | | | |
|---|---|---|---|---|---|
| | Qualities (full trimmed) | | | Qualities (half trimmed) | |
| | Good stained and better | Stained | Heavy stained | Stained | Heavy stained |
| No. 3 and larger | $70.00 | $31.90 | $14.80 | $12.00 | $8.00 |
| No. 4 and No. 5 | 40.00 | 18.25 | 6.85 | 5.00 | 4.00 |
| No. 5½ and No. 6 | 17.70 | 7.55 | 4.00 | 3.00 | 2.00 |
| | Nonruby | | | | |
| No. 3 and larger | $70.00 | $25.55 | $11.85 | $9.60 | $6.40 |
| No. 4 and No. 5 | 40.00 | 14.60 | 5.45 | 4.00 | 3.20 |
| No. 5½ and No. 6 | 17.70 | 6.55 | 4.00 | 2.40 | 1.60 |

2. The following subparagraph is added at the end of paragraph (e) of section 4:

(3) At the time of the Government's acceptance provided for in paragraph (d) of this section, the Government will make a preliminary payment. When the actual value of such mica has been determined, the amount of such actual value less the preliminary payment shall be paid to the participant. If the actual value is less than the preliminary payment, the excess of the preliminary payment over the actual value shall be repaid by the participant to the Government.

3. The first sentence of subparagraph (3) of paragraph (e) of section 5 is amended to read as follows: "In lieu of the methods of payment provided for under subparagraphs (1) and (2) of this paragraph, payment for each lot of hand-cobbed mica delivered to and accepted by the Government hereunder may be effected, if the participant so elects at the time of such acceptance, in accordance with the method of payment and the prices provided for in section 4 (e) hereof for the actual yield of ruby and nonruby block and film mica of good stained or better, stained, and heavy stained quality derived from such lot, less a deduction of $4.00 per pound of such actual yield to apply against the cost of rifting and trimming."

4. Wherever the dollar figure $1.45 appears in subparagraph (3) of paragraph (e) of section 5, said figure is changed to $4.00.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. 2154. Interpret or apply sec. 303, 64 Stat. 801, as amended, sec. 3, 67 Stat. 417, 50 U. S. C. App. 2093, 2182)

All other provisions of this regulation shall remain in full force and effect.

This amendment is effective May 15, 1956.

Dated: May 10, 1956.

FRANKLIN G. FLOETE,
*Administrator.*

[F. R. Doc. 56-3863; Filed, May 11, 1956; 2:11 p. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### [ 7 CFR Part 27 ]

AMERICAN EGYPTIAN COTTON

PROPOSED REVISION OF OFFICIAL GRADE STANDARDS

Notice is hereby given that the United States Department of Agriculture is considering a revision of the official cotton standards of the United States for the grade of American Egyptian cotton (7 CFR 27.251 through 27.260), pursuant to the authority contained in section 6 of the United States Cotton Standards Act as amended (42 Stat. 1518; 7 U. S. C. 56) and in section 4854 of the Internal Revenue Code of 1954 (68A Stat. 580; 26 U. S. C. 4854).

The grade standards now in effect for American Egyptian cotton (promulgated in 1951) were prepared from cotton of the Pima 32 and Amsak varieties. Practically all American Egyptian cotton now produced is of the Pima S-1 variety. The Department made a careful survey of the 1955-56 American Egyptian cotton crop which indicated a need for a revision of the grade standards to reflect the characteristics of the Pima S-1 variety. A working set of proposed revised standards was prepared from Pima S-1 cotton from the 1955-56 crop and was presented to producers, shippers, and consumers of American Egyptian cotton for suggestions.



The proposed revised standards consist of nine grades in physical form (boxes of samples) and one descriptive grade (Grade No. 10) covering cotton which is inferior in grade to Grade No. 9 cotton, and would supersede the present standards for grades of American Egyptian cotton which became effective August 1, 1952.

The Department proposes to make the revised standards effective July 1, 1957. The legislation under which the standards are issued provides that changes in the standards shall not become effective until at least one year after promulgation of the order making such changes.

A public meeting will be held on May 23, 1956, to discuss the proposed standards. The meeting will be at 10 a. m. in the classing laboratory, 6th floor of the Agricultural Annex, United States Department of Agriculture, 12th and C Sts., SW., Washington, D. C. The proposed revised standards will be on display at this meeting.

Any interested person may inspect the proposed standards and present data, views, or arguments concerning the proposed revision orally or in writing at the meeting. Written data, views, or arguments may also be submitted by interested persons to the Director, Cotton Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than June 10, 1956.

Done at Washington, D. C., this 9th day of May 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator,*
*Agricultural Marketing Service.*

[F. R. Doc. 56-3796; Filed, May 14, 1956; 8:47 a. m.]

### [ 7 CFR Part 927 ]

[Docket No. AO-71-A-31]

MILK IN NEW YORK METROPOLITAN MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Belmont Plaza Hotel in New York City, beginning on May 21, 1956, at 10:00 a. m., e. d. s. t., for the purpose of receiving evidence with respect to the proposed amendment of provisions of the marketing agreement and of the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area relating to (1) the pricing of Class I-A milk for the months of July, August, and September 1956, (2) the pricing of Class III milk, and (3) the fluid skim differential, including evidence with respect to the proposed amendments hereinafter set forth, or appropriate modifications thereof. These proposed amendments have not received the approval of the Secretary of Agriculture.

Proposed by the Dairymen's League Cooperative Association, Inc., Metropolitan Cooperative Milk Producers Bargaining Agency, Inc., and Mutual Federation of Independent Cooperatives, Inc.:

1. Substantially increase the Class I-A prices to offset the effect on the Class I-A prices of the inclusion in our pool of the surpluses of this and other markets and to recognize the cost-price squeeze now affecting producers.

2. Increase the Class III prices to such extent, in such manner and for such times as may appear from the evidence that is developed at the hearing to be sound and workable to insure the greatest possible returns to producers without endangering the market of any producers or unduly imposing surplus burdens on cooperative associations of producers.

3. Increase the fluid skim differential.

Proposed by Eastern Milk Producers Cooperative Association, Inc.:

4. Amend the provisions relative to the pricing of Class I-A milk by providing for a minimum price of $5.50 per hundredweight for July, August and September 1956.

5. Amend the provisions relative to the fluid skim differential by providing that the differential shall equal the difference between the Class I-A price and the Class III price.

6. Amend the provisions relative to pricing Class III milk as follows:

(a) Amend the present Class III formula by adding 20 cents per hundredweight for the months of September, October, November, and December, and by adding 10 cents per hundredweight for the months of January, February, March, July and August.

(b) Add an alternative price provision which shall base the Class III price on the midwest condensery price during the months of February through September and on the midwest condensery price plus 15 cents during the months of October through January. This provision shall be applicable if the price yielded thereby is higher than the price yielded by the present formula as amended by the preceding paragraph.

Proposed by the Farmers Union of the New York Milk Shed:

7. Delete §§ 927.40 (f) and 927.43 as presently written and provide in place thereof under § 927.40 (f) for three Class III subdivisions, designated and priced as follows:

Butter, for milk of this utilization the price in the delivery period shall be that paid farmers by creameries in the State of Wisconsin as announced by the Department of Agriculture of that State.

Cheese, for milk of this utilization the price in the delivery period shall be that paid farmers by cheese plants in the State of Wisconsin as announced by the Department of Agriculture of that State.

Other, the price for milk of such utilization shall be a simple average of the prices for the butter and cheese utilizations as determined above plus 14 cents.

Proposed by L. I. Milk Producers' Cooperative, Inc.:

8. The base price paid to producers for Class I-A milk at the 201-210 mile zone for 3.5 percent butterfat milk be $6.00 per hundredweight and be a uniform price throughout the year.

Proposed by Milk Dealers' Association of Metropolitan New York, Inc., and Sheffield Farms Company:

9. Amend the Class III formula (§ 927.40 (f)) to provide during the period of flush production, February to June, a flat deduction from the formula Class III price.

10. Amend § 927.43 *Butter-cheese adjustment* by deleting the words in the first proviso which precede the colon and which read as follows: "That the amount so credited shall be reduced one-cent per pound of butterfat for each one-tenth by which the ratio of 2.5 exceeds a ratio computed as follows:"

11. Amend § 927.44 *Fluid skim differential* as follows:

§ 927.44 *Fluid skim differential.* For skim milk derived from Class II or Class III milk which skim milk enters the marketing area in the form of milk, fluid skim milk, condensed skim milk, half and half, or cream, and there utilized or disposed of in the form of milk, fluid skim milk, or half and half, and for all other skim milk * * * which is not established to have been otherwise utilized or disposed of the handler shall pay a fluid skim differential * * *.

Proposed by Independent Milk Marketers, Inc.

12. Amend the first paragraph in § 927.40 (f) to read as follows: "For Class III milk, the price shall be the sum of the amounts computed pursuant to subparagraphs (1) and (2) of this paragraph minus 70 cents: *Provided,* That for the months of May and June an additional 10 cents shall be subtracted from such sum."

13. Amend § 927.40 (f) (2) to read as follows:

(2) Multiply by 7.8 the average, as computed by the market administrator, of the prices per pound of spray process nonfat dry milk solids, for human consumption in carlots, f. o. b. manufacturing plants in the Chicago area, as published by the United States Department of Agriculture for the period from the 26th day of the immediately preceding month through the 25th day of the current month.

Proposed by The New York State Cheese Manufacturers Association, Inc.:

14. Any proposed change in Federal Order No. 27, affecting the price of milk used in the manufacture of Cheddar cheese should be based on the Wisconsin Assembly price with reasonable allowances for manufacture.

Proposed by Dannon Milk Products, Inc.:

15. Section 927.44 *Fluid skim differential* be amended to eliminate in the first sentence the words "or cultured milk drinks" or that the words "except yogurt" be added after cultured milk drinks.

Copies of this notice of hearing, the said order, as amended, and the said tentative marketing agreement may be procured from the Market Administrator, 205 East 42d Street, New York 17,

New York, or from the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., or may be there inspected.

Dated: May 10, 1956.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 56-3830; Filed, May 14, 1956; 8:53 a. m.]

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## [ 7 CFR Part 962 ]

### FRESH PEACHES GROWN IN GEORGIA

### EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1956-57 FISCAL PERIOD

Consideration is being given to the following proposals which were submitted by the Industry Committee, established under the marketing agreement, as amended, and Order No. 62, as amended (7 CFR Part 962; 20 F. R. 1635) regulating the handling of fresh peaches grown in the State of Georgia, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), as the agency to administer the terms and provisions thereof:

(a) That the Secretary of Agriculture find that expenses not to exceed $12,538.80 will be necessarily incurred by the aforesaid Industry Committee for its maintenance and functioning during the fiscal period beginning on March 1, 1956, under the aforesaid amended marketing agreement and order; and

(b) That the Secretary of Agriculture fix, as the share of such expenses which each handler who first ships peaches shall pay in accordance with the provisions of the aforesaid amended marketing agreement and order during the aforesaid fiscal period, the rate of assessment at one and eight-tenth cents, $0.018 per bushel basket of peaches (net weight 50 pounds), or its equivalent of peaches in other containers or in bulk, shipped by him as the first handler thereof during said fiscal period.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposals may do so by submitting the same to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than the 10th day following publication of this notice in the FEDERAL REGISTER.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 10, 1956.

FLOYD F. HEDLUND, *Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-3827; Filed, May 14, 1956; 8:53 a. m.]

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## CIVIL AERONAUTICS BOARD

## [ 14 CFR Part 241 ]

[Economic Regs. Draft Release 81]

### UNIFORM SYSTEM OF ACCOUNTS AND REPORTS OF CERTIFICATED AIR CARRIERS

### MANUAL TO BE MADE IMMEDIATELY EFFECTIVE

APRIL 30, 1956.

Notice is hereby given that the Civil Aeronautics Board has under consideration the amendment of various phases of the accounting requirements of the manual of accounts now contained in Part 241 of the Economic Regulations (14 CFR Part 241). This amendment incorporates into the uniform system now in effect certain important changes embodied in the system adopted by the Board concurrently herewith, and scheduled to become effective on January 1, 1957.

These new accounting requirements would be applicable to all Form 41 reports (pertaining to calendar or fiscal quarters) subsequent to the effective date of this regulation.

The principal features of the proposed regulation are explained in the Explanatory Statement set forth below, and the proposed revision of Part 241 is also set forth below.

This regulation is proposed under the authority of sections 205 (a), 407 (a) and 407 (d) of the Civil Aeronautics Act of 1938, as amended. (52 Stat. 984; 1000; 49 U. S. C. 425, 487).

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate and addressed to the Secretary, Civil Aeronautics Board, Washington 25, D. C. All communications received on or before the thirtieth day following the date of publication of the proposed rule in the FEDERAL REGISTER will be considered by the Board before taking further action thereupon. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

By the Civil Aeronautics Board.

[SEAL] JOHN B. RUSSELL, *Acting Secretary.*

*Expanatory statement.* The first notice of proposed rule making relating to the revised uniform accounting and reporting system was published in the FEDERAL REGISTER on July 9, 1954 (19 F. R. 4200) and circulated to the industry as Economic Regulations Draft Release No. 48, dated July 6, 1954. As a result of extensive discussions with representatives of the industry, numerous changes in the manual and reporting forms thus circulated were found appropriate. Consequently, a further notice of proposed rule making containing various modifications of the previously proposed regulations was published in the FEDERAL REGISTER on September 22, 1955 (20 F. R. 7111), and circulated to the industry as Economic Regulations Draft Release No. 68-D, dated September 20, 1955. Oral argument, which had been requested by the industry, was held on November 9, 1955. These procedural steps left little time, before the beginning of the next calendar year, for completion of the major task of converting internal accounting procedures of various airline accounting departments to conform them to a drastically changed new system. For this reason, the Board decided to defer the effective date of the entire new system to January 1, 1957.

However, certain significant features of the new manual of accounts can be made effective immediately by integrating them with the existing system without imposing an undue burden. In the first place, only a relatively small number of items are being proposed for immediate implementation. In the second place, specific provisions prescribing expeditious methods of conversion have been incorporated in the proposed regulation. These provisions are substantially identical with those prescribed in the revised manual effective January 1, 1957.

The Board is mindful of the fact that a direction to retroactively reconstruct individual accounts to conform to new regulations might be burdensome to carriers who have already accounted for part or all of the results of a given quarter on the basis of different accounting regulations in effect throughout such a period. However, the particular items proposed to be made immediately effective here will not require a reconstruction of the underlying accounts.

These items are the reclassification of flight equipment spare parts inventories into the categories of rotables and expendables and prohibition of obsolescence reserves relating to expendables; the requirement that the cost of a full overhaul be included in the residual value of depreciable flight equipment; the requirement that reserves be established for all periodic aircraft maintenance operations and the classification of such reserves as valuation reserves. They have been selected for special treatment because they constitute significant improvements over the existing system which also have a major impact upon the accurate statement of the financial condition of certificated air carriers.

It appears desirable to explain, for the guidance of the industry, the precise operation of the effective date feature of the rule set forth below. During any quarterly reporting period following the date upon which this regulation becomes a legally binding requirement, a carrier will be obliged to follow the new accounting requirements. More specifically, the conversion provision of the proposed rule requires that adjustments of valuation reserves needed to conform with the instant revision are to be spread over current and subsequent accounting periods. It should be noted that the burden of conversion will not be increased by virtue of the fact that the proposed regulation makes certain features of the new manual effective in advance of the remaining provisions. Furthermore, these necessary adjustments are effectuated by



charges against, or credits to, income of the accounting period when the revised system becomes effective or subsequent accounting periods and do not require a restatement of the accounts for prior accounting periods. Thus, this requirement is not retroactive in either a legal or practical sense. Comment is specifically invited with respect to alternative conversion methods.

Since the substance of the various specific provisions incorporated in the attached proposed rule have already been the subject of both written comment and oral argument submitted by the industry, further comment is invited only with respect to the new matter embodied in this notice of proposed rule making. Such new matter relates exclusively to the desirability and practicability of making the several items dealt with herein effective in advance of the remainder of the new uniform reporting and accounting system and the manner in which these items may reasonably be integrated with the other provisions of the presently effective system. The Board will not consider comments concerning the substantive aspects of any of these proposals.

It is proposed to revise Part 241 of the Economic Regulations (14 CFR Part 241) in the following respects:

1. By introducing a new section as follows:

§ 241.1-10 *Depreciation and amortization.* (a) Assets of a type possessing prolonged service lives significantly longer than one year which are generally repaired and reused shall be written off against operations through periodic depreciation or amortization charges from the date first placed in regular service and shall not be expensed when retired or acquired. Assets of a type which are recurrently expended and replaced, rather than repaired and reused, shall not be depreciated or amortized but shall be charged to expense as issued for use. Waiver of this prohibition may be made upon a factual demonstration of impending losses in material amount from flight equipment expendable parts obsolescence factors not effectively provided for otherwise. In such cases and where waiver is made from the general prohibition, the air carrier may accrue, through periodic expense charges, a reserve for anticipated losses from obsolescence of flight equipment expendable parts inventories which the air carrier anticipates will be on hand at the date of retirement of the equipment type to which related.

(b) Assets of a type which are subject to depreciation shall not be classified as current assets but shall be carried in property and equipment or other appropriate noncurrent asset account classifications. Assets of a type which are recurrently expended and replaced, including flight equipment expendable parts, shall be classified as current assets.

(c) Depreciation shall be calculated by the air carrier in such manner as will prevent the charging of either excessive or inadequate expense or the accumulation of excessive or inadequate reserves, and shall be based upon a study of the air carrier's history and experience or such engineering or other information as may be available with respect to prospective future conditions and without regard to depreciation accounting practices adopted for tax purposes. Undepreciable residual values shall be established for each class of property and equipment and shall represent the fair and reasonable estimate of the recoverable value as of the end of the service life over which the property is depreciated. Residual values shall reflect values which are dissipated by use but are normally restored to individual units of property through recurrent repairs and periodic maintenance operations, and shall include the estimated cost of periodic maintenance operations for which reserves are provided, which, if not reflected in such residual values, would produce duplicate charges to expense.

(d) Within 90 days after the effective date of this section each air carrier shall file a statement which shall clearly and completely describe for each category of property and equipment the bases upon which the respective residual values and service lives have been assigned. For each new type of property or equipment acquired subsequently such a statement shall be submitted within 90 days after the property or equipment has been placed in regular service. Where changing conditions make necessary a revision or adjustment in rates of depreciation or residual values, a supplementary statement shall be attached to CAB Form 41 filed for the period in which such revisions or adjustments are made which shall clearly and completely describe the bases upon which the residual values and service lives has been revised. Retroactive adjustments in depreciation rates are in general prohibited.

(e) (1) Any adjustments of reserves for depreciation, obsolescence of flight equipment expendable parts, uncollectible accounts or other valuations of assets, shall be applied to current and subsequent accounting periods by spreading any necessary adjustments over the remaining life of the asset to which applicable and shall not be applied retroactively.

(2) Adjustments, necessitated by the requirement of this system of accounts that undepreciable residual values shall reflect values restored by periodic maintenance operations, shall be effected by subdividing the accumulated depreciated reserve between that portion representing values restorable by periodic maintenance which shall be classified as maintenance reserve, and the remaining portion which shall be classified as depreciation reserve, unless this requirement is waived by the Civil Aeronautics Board.

(3) Any reserve accumulated for obsolescence of flight equipment spare parts and assemblies shall be divided between the portion applicable to flight equipment expendable parts and flight equipment rotable parts and recorded in the applicable reserve accounts. Unless otherwise waived by the Civil Aeronautics Board, no further accrual shall be made to the reserve for obsolescence of flight equipment expendable parts and any losses sustained upon the retirement of the parts to which related shall be charged against this reserve.

(4) Any provision of this system of accounts respecting the required reserves for depreciation, or other valuation of assets, shall be made applicable as at the effective date of this section to all assets then existing as well as to assets subsequently acquired against which the accrual of reserves would be appropriate.

2. By substituting a new § 241.1330 as follows:

§ 241.1330 *Raw materials and miscellaneous supplies.* (a) This account shall include the cost of unissued and unapplied materials and supplies held in stock such as unissued shop materials, expendable tools, stationery and office supplies, passenger service supplies, and restaurant and food service supplies. It shall also include the cost of flight equipment replacement parts of a type which ordinarily would be recurrently expended and replaced rather than repaired and reused. The cost of rotable parts and assemblies of material value which ordinarily are repaired and reused shall not be recorded in this account but in account 1608 Flight Equipment Rotable Parts and Assemblies. For purposes of identifying rotable parts and assemblies of insignificant unit value which may be included in this account, a reasonable maximum unit value limitation may be established.

(b) Materials and supplies, other than flight equipment expendable parts, held in small supply and purchased currently may be charged to appropriate expense accounts when purchased. Costs paid by the air carrier such as transportation charges and customs duties; excise, sales, use and other taxes; special insurance; and other charges applicable to the cost of materials and supplies shall be charged to this account when they can be definitely allocated to specific items or units of property. If such costs cannot be allocated, or if of minor significance in relation to the cost of property, the amounts thereof may be charged to account 1850 "Other Deferred Charges", and cleared either by a suitable "loading charge" as the parts are used or by current charges to appropriate expense or property accounts; *Provided*, That the method of application does not cause material distortion in operating expenses from one accounting period to another.

(c) This account shall include the cost of labor, materials, and outside services used in the process of manufacturing materials and supplies for stock. Reusable materials and supplies recovered in connection with the construction, maintenance, or retirement of property and equipment shall be included in this account at fair and reasonable values but in no case shall such values exceed original cost. Scrap and nonusable materials and supplies, expensed from this account and recovered, shall be included at net amounts realizable therefrom with contra credit to the expense accounts initially charged.

(d) A perpetual inventory of materials and supplies shall be maintained showing the unit cost and quantity on hand, and the inventory shall be verified by actual count at least annually.

Shortages, overages, deterioration, etc., shall be adjusted through the appropriate inventory adjustment accounts.

(e) A reserve for inventory adjustment or obsolescence applicable to items of property in this account is generally prohibited. Any losses sustained or gains realized upon the abandonment or other disposition of flight equipment expendable parts shall be taken up as capital gains or losses in the periods in which sustained or realized. (See account 2520 Other Valuation Reserves.)

(f) Items in this account shall be charged to appropriate expense accounts as issued for use. Profit and loss on sales of inventory items as a routine service to others shall be included in account 4111 Service Sales-Net and the materials and supplies sold, including flight equipment expendable repair parts, shall be removed from this account at full cost.

(g) Subaccounts shall be established within this account for the separate recording of each class or type of flight equipment expendable repair parts and miscellaneous materials and supplies.

3. By amending the definition of "Depreciated cost" in § 241.3–1 (b) (2) to read as follows:

(2) Depreciated cost is defined as the cost of property and equipment less the related reserves for depreciation and overhaul or other valuation reserves.

4. By amending the definition of "Residual value" in § 241.3–1 (b) (11) to read as follows:

(11) Residual value is defined as the predetermined portion of the cost of a unit of property or equipment excluded from depreciation. It shall represent a fair and reasonable estimate of recoverable value as of the end of the service life over which the property is depreciated. It shall reflect values which are dissipated by use but are normally restored to individual units of property through recurrent repairs and periodic maintenance operations, and shall include the estimated cost of periodic maintenance operations for which reserves are provided, which, if not reflected in such residual values, would produce duplicate charges to expense.

5. By appending the following sentence to subparagraph (1) of § 241.3–1 (c) (2) "In addition, upon performance of the initial periodic maintenance operations after acquisition of used aircraft, the costs incurred to restore that portion of the useful life which had expired through use prior to acquisition shall be included as an addition to the cost of used aircraft so that the cost thereof will reflect the cost of fully overhauled units."

6. By amending § 241.3–1 (c) (2) to read as follows:

(2) The costs of betterments, including labor and all other installation costs, shall be charged to the property and equipment accounts, except in cases where the amounts involved are not substantial or no material improvement results; the cost of parts and appurtenances removed, including labor and all other installation costs, and the reserves for depreciation and overhaul applicable thereto, shall be treated as for retired property and accounted for accordingly.

7. By amending § 241.3–1 (d) (1) to read as follows:

(1) In the event property or equipment is disposed of by sale, retirement, abandonment, dismantling, etc., the air carrier shall credit the account in which the property is carried with the cost thereof; charge the accrued depreciation and overhaul reserve account with the balance applicable to the retired property; and charge the cash proceeds of the sale or the value of salvaged material to the appropriate asset accounts. When the sale price or salvage value less the cost of dismantling differs from the depreciated cost of the property, such difference shall be recorded in account 7189, "Retirement of Property, Profits or Losses—Net."

8. By deleting the last sentence from § 241.1604, "Aircraft Radio Equipment."

9. By deleting the last sentence from § 241.1607, "Miscellaneous Flight Equipment."

10. By substituting a new § 241.1608 as follows:

§ 241.1608 *Flight equipment rotable parts and assemblies.* (a) This account shall include the total cost to the air carrier of all spare instruments, parts, appurtenances and sub-assemblies related to the primary components of flight equipment units provided for in accounts 1601 through 1607, inclusive. This account shall include all parts and assemblies of material value which are rotable in nature and may be reserviced or repaired and used repeatedly. Items of an expendable nature which generally may not be repaired and reused, shall not be recorded in this account but in account 1330 Raw Materials and Miscellaneous Supplies. Except for recurrent service sales, flight equipment parts recorded in this account shall be accounted for and depreciated in accordance with the instructions related to property and equipment generally and shall not be charged to operating expense as retired. Profit or loss on sales of parts as a routine service to others shall be included in account 4111 Service Sales—Net and parts sold shall be removed from this account at full cost irrespective of any reserve for depreciation which has been provided.

(b) Subaccounts shall be established within this account to separately record parts and assemblies applicable to aircraft, aircraft engines, and other flight equipment.

11. By deleting § 241.2410, "Reserve for Aircraft Overhaul."

12. By deleting § 241.2420, "Reserve for Engine Overhaul."

13. By deleting § 241.5–1 and inserting the following:

§ 241.5–1 *Reserves for depreciation and maintenance.* (a) This balance sheet classification shall include the accumulation of all provisions for losses occurring in property and equipment from use and obsolescence. For example, it shall include reserves for maintenance of property and equipment, and reserves for depreciation established to record current lessening in service value due to wear and tear from use and the action of time and the elements which are not replaced by current repairs, as well as losses in capacity for use or service occasioned by obsolescence, supersession, discoveries, change in popular demand, or the requirement of public authority. Residual values and rates for accrual of depreciation and maintenance shall be calculated to prevent charging excessive or inadequate expense or the accumulation of inadequate or excessive reserves.

(b) Depreciation shall be calculated from the date on which a building, structure or unit of property is placed in regular service and shall cease on the date such property is withdrawn from service by reason of sale, retirement, abandonment, or dismantling, or when the difference between the cost and residual value, shall have been charged to expense.

(c) Property not subject to depreciation shall include (1) land owned or held in perpetuity, (2) expenditures on uncompleted units of property and equipment during the process of construction or manufacture, (3) capitalized maintenance costs of leased flight equipment for which a reserve for periodic maintenance is accrued, and (4) items classified as current assets.

(d) All aircraft and aircraft engines shall be depreciated on a unit basis from the date the aircraft or aircraft engine is first placed in regular service by the air carrier.

(e) Group depreciation procedures may be applied to property and equipment of nominal value or not readily identifiable by units and which are classified into groups of items of approximately equal life expectancy.

(f) The residual value established for each aircraft and each aircraft engine shall reflect values which are dissipated by use but are normally restored to individual units of property through recurrent repairs and periodic maintenance operations and shall include the estimated cost of periodic maintenance operations for which reserves are provided, which, if not reflected in such residual value, would produce duplicate charges to expense.

(g) Rates of depreciation and undepreciable residual values applied to each class of depreciable property and equipment shall be calculated to distribute, on the basis of years of life, the estimated service value to operating expense accounts and other accounts, over the estimated service life of the property and equipment; provided, that hours of life may be used for depreciation of specific classes of flight equipment other than aircraft and aircraft engines upon waiver of years of life by the Civil Aeronautics Board following a factually supported demonstration that the service life of each such class of property corresponds more closely to hours of use than to calendar time.

(h) Adjustments in rates of depreciation occasioned by changing conditions shall be applied in accordance with general policies set forth in Section 1, Item 10 Depreciation and Amortization.

(i) Maintenance reserves shall be established by each air carrier for the cost of all periodic aircraft maintenance operations of material amount in such manner as will equitably apportion the total aircraft direct maintenance costs to the different accounting years on such bases as will effectively produce an appropriate matching of total aircraft maintenance costs with the operation of aircraft. At the option of the air carrier, maintenance reserves may also be established for aircraft engines. The purpose of such allocation is to prevent distortion of the operating and financial statements by reason of periodic peaks in maintenance costs in one accounting year which, in part, are properly applicable to operations performed in other accounting years. Waiver of the required reserves may be made by the Civil Aeronautics Board upon a factual demonstration that the expensing of such costs, as incurred, apportions the total direct maintenance costs between accounting years substantially in accordance with the use of aircraft.

Periodic aircraft maintenance reserves, required in order to prevent significant distortion of the financial statements, properly include all periodic direct maintenance expenses, whether related to periodic overhauls or to other aspects of periodic maintenance which, in aggregate, are sufficiently non recurrent as to result in an inequitable distribution of total maintenance costs as between different accounting periods.

The following practices shall be observed in accounting for periodic maintenance reserves:

(1) Provisions for periodic maintenance of both owned and leased flight equipment shall be charged, as appropriate, to account 70, "Reserve Provision—Aircraft Repairs" or, account 71, "Reserve Provision—Aircraft Engine Repairs", on the basis of rates of cost per hour flown in the air carrier's operations. The rates of accrual shall be established by each air carrier in accordance with its experienced cost per periodic maintenance operation with each type of equipment during the next previous representative accounting period and representative hours of use realized between equivalent periodic maintenance operations. The rate used for new equipment types may be based upon parallel experience adjusted to reflect such engineering or other information as may be available.

Each air carrier shall submit a statement detailing the plans upon which the accumulation of aircraft or aircraft engine reserves are based or revised as a supplement to CAB Form 41 for the period in which such reserves are established or revised. This statement shall set forth the rates by which the reserves are established and maintained or revised and shall include statistical data showing that the rates of accrual are fully and completely supported by the air carrier's experience and calculated to prevent accumulating excessive or deficient reserves. The rates set forth in such statement shall thenceforth be used by the air carrier unless it is notified by the Civil Aeronautics Board that the rates of accrual do not meet the requirements set forth herein.

(2) Accruals for maintenance of owned equipment shall be credited, in accordance with hours flown in the air carrier's operations, to account 2691, "Reserve for Maintenance—Aircraft" or, account 2692, "Reserve for Maintenance—Aircraft Engines", as appropriate, and concurrently charged to account 70, "Reserve Provision—Aircraft Repairs" or, account 71, "Reserve Provision—Aircraft Engine Repairs."

(3) Accruals for maintenance of leased equipment shall be credited, in accordance with hours flown in the air carrier's operations, to account 2170, "Other Current and Accrued Liabilities", up to an amount equivalent to that portion of the applicable maintenance cycle remaining unexpired at date of acquisition. Subsequent to the initial periodic maintenance operation performed by the air carrier, accrual of amounts equivalent to the portion of the applicable maintenance cycle remaining unexpired at date of acquisition shall be credited, in accordance with hours flown in the air carrier's operations, to account 2691, "Reserve for Maintenance—Aircraft" or, account 2692, "Reserve for Maintenance—Aircraft Engines", as appropriate, as an offset to such initial periodic maintenance which shall be charged to account 1609, "Improvements to Leased Flight Equipment", in amounts which represent a restoration of the maintenance cycle expired prior to acquisition by the air carrier. (See subparagraph (4) of this paragraph). Account 70, "Reserve Provision—Aircraft Repairs" or, 71, "Reserve Provision—Aircraft Engine Repairs", as appropriate, shall be concurrently charged, in accordance with hours flown in the air carrier's operations, with such accruals to maintenance liability or reserve accounts.

(4) The actual cost of periodic maintenance operations performed shall be generally charged directly to the applicable periodic maintenance reserve. In the case of equipment leased from others, that portion of the cost of each maintenance operation which represents a restoration of the maintenance cycle which remained unexpired at date of acquisition shall be charged against the maintenance liability account. That portion of the cost of the first periodic maintenance operation performed subsequent to acquisition of leased equipment or equipment purchased in used condition which represents a restoration of the maintenance cycle expired prior to acquisition, shall be charged to account 1609, "Improvements to Leased Flight Equipment" or other applicable property accounts. With the exception of that portion of the first periodic maintenance operation on leased or used equipment, discussed above, the cost of each periodic maintenance operation shall be simultaneously charged to the applicable objective expense accounts and credited, as appropriate, to account 70, "Reserve Provision—Aircraft Repairs" or, account 71, "Reserve Provision—Aircraft Engine Repairs", so that the total cost of maintenance is reflected in applicable appropriate objective expense accounts and total maintenance expense is equated in relation to operations performed between different accounting periods through the maintenance reserve provision accounts.

(5) Adjustments of accrued maintenance for differences between actual maintenance costs incurred and amounts accrued, or amounts accrued, and amounts exchanged in settlement of lease arrangements, shall be credited or charged to account 70, "Reserve Provision—Aircraft Repairs" or, account 71, "Reserve Provision—Aircraft Engine Repairs", as applicable.

(6) In balance sheet presentations the balances in the maintenance reserve accounts shall be combined with reserves for depreciation and shown as an offset to the corresponding asset classification.

(j) (1) Depreciation is defined as losses occurring in physical property, either temporary or permanent, suffered through current lessening in service value due to wear and tear from use and the action of time and the elements, which are not replaced by current repairs; also, the losses in capacity for use or service occasioned by obsolescence, supersession, discoveries, change in popular demand, or the requirements of public authority.

(2) Group basis is defined as a plan under which (i) depreciation is based upon the application of a single depreciation rate to the total book cost of all property included in a given depreciable property and equipment account or class, despite differences in service life of individual items of property and equipment, (ii) the full original cost, less any salvage realized, of an item of depreciable property or equipment retired is charged to the reserve for depreciation regardless of the age of the item, and (iii) no gain or loss is recognized on the retirement of individual items of property or equipment.

(3) Residual value is defined as the predetermined portion of the cost of a unit of property or equipment excluded from depreciation. It shall represent a fair and reasonable estimate of recoverable value as of the end of the service life over which the property is depreciated. It shall reflect values which are dissipated by use but are normally restored to individual units of property through recurrent repairs and periodic maintenance operations, and shall include the estimated cost of periodic maintenance operations for which reserves are provided, which, if not reflected in such residual values, would produce duplicate charges to expense.

(4) Service value to the carrier is defined as the difference between book cost and residual value.

14. By substituting the following for § 241.2520 (b):

(b) (1) A reserve for inventory adjustment or obsolescence is generally prohibited. However, in the event waiver of this prohibition is granted (see Section 1, Item 10), accruals shall be made to this account for estimated losses from obsolescence of flight equipment expendable parts which it is anticipated will be on hand at the date of retire-

ment of the aircraft or aircraft engine type to which related. Where waiver is made to the general prohibition, accounting practices as set forth below shall be followed.

(2) The estimated loss shall be computed by estimating the inventory which will be on hand upon retirement of the aircraft or aircraft engine type to which related and deducting therefrom the estimated recoverable value. The estimated loss thus determined shall be accrued through equal annual charges to an appropriate sub-account under account 5977, "Depreciation—Other Flight Equipment". The reserve applicable to each class or type of expendable parts shall be recorded in separate subaccounts of this account.

(3) Expendable parts shall be charged to operating expenses as issued for use and shall not be charged to this account. Where changing conditions necessitate a revision or adjustment in rates of obsolescence accrual, such revision or adjustment shall be made applicable to current and subsequent accounting periods and shall not be applied retroactively to prior accounting periods. Following retirement of aircraft or aircraft engine types to which related, any balance remaining in this account shall be offset against related balances carried in account 1330, "Raw Materials and Miscellaneous Supplies" and the net cleared to account 7189, "Retirement of Property Profits or Losses—Net".

(4) A statement shall be filed with the Civil Aeronautics Board prior to the establishment or revision of reserves for obsolescence of flight equipment expendable parts which fully explains the bases of the estimated losses and the rates of accrual to the obsolescence reserves. No obsolescence reserves shall be established, revised or adjusted without the prior approval of the Civil Aeronautics Board.

(5) In balance sheet presentations, reserves for obsolescence of flight equipment expendable parts shall be offset against account 1330 Raw Materials and Miscellaneous Supplies.

15. By amending paragraphs (a), (b), and (c) of § 241.2600, "Reserve for Depreciation—Operating Property and Equipment", to read as follows:

§ 241.2600 *Reserve for depreciation and maintenance-operating property and equipment.* (a) This account shall include accrued depreciation and maintenance reserves relating to operating property and equipment used in transportation and incidental services.

(b) Entries shall be made to this account in accordance with Item 1, "Reserve for Depreciation and Maintenance" of this section.

(c) The reserve applicable to each classification of property included in account 1600, "Operating Property and Equipment", shall be recorded in the applicable accrued depreciation or maintenance reserve account.

16. By amending account 2608 in § 241.2600 to read as follows:

2608 Reserve for depreciation—flight equipment rotable parts and assemblies.

17. By inserting the following accounts in § 241.2600:

2691 Reserve for Maintenance—Aircraft.
2691 A Reserve for Maintenance—Owned Aircraft.
2691 B Reserve for Maintenance—Leased Aircraft.
2692 Reserve for Maintenance—Aircraft Engines.
2692 A Reserve for Maintenance—Owned Engines.
2692 B Reserve for Maintenance—Leased Engines.

18. By amending § 241.70 to read as follows:

§ 241.70 *Reserve provision—aircraft repairs.* This account shall include provisions to reserves for periodic maintenance of aircraft or for equalization of maintenance costs within the current accounting year. The direct costs actually expended in maintenance operations shall be charged as incurred to direct labor, materials and outside repairs accounts and concurrently credited to this account.

19. By amending § 241.71 to read as follows:

§ 241.71 *Reserve provision—aircraft engine repairs.* This account shall include provisions to reserves for periodic maintenance of aircraft engines or for equalization of maintenance costs within the current accounting year. The direct costs actually expended in maintenance operations shall be charged as incurred to direct labor, materials and outside repairs accounts and concurrently credited to this account.

20. By amending § 241.77, "Depreciation—Other Flight Equipment," to append to paragraph (a): "In the event of waiver by the Civil Aeronautics Board of the prohibition against accruals of reserves for obsolescence of flight equipment expendable parts, provisions for accruals to such reserves shall also be charged to this account. Amounts reserved through charges to this account shall be credited to account 2520, 'Other Valuation Reserves'."

21. By adding to the Account and Item List in § 241.77.

Expendable parts obsolescence provisions.

22. By amending § 241.7–1 to waive the requirement for filing schedule A–10 "Statement of Flight Equipment Spare Parts and Assemblies," for the year ending December 31, 1956.

23. By amending § 241.7–2 to append to the instructions for schedule A–6, columns 6 and 7, the following: "Balances in classification 2600, 'Reserve for Depreciation and Maintenance', shall be sub-divided as between reserves for depreciation and reserves for maintenance and separately reported in Column 7 on the appropriate line of this schedule."

[F. R. Doc. 56–3719; Filed, May 14, 1956; 8:46 a. m.]

## [ 14 CFR Part 241 ]

[Economic Regs. Draft Release 82]

### REVISED UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

### PRESCRIPTION OF DEPRECIATION ACCOUNTING PRACTICES

APRIL 30, 1956.

Notice is hereby given that the Civil Aeronautics Board has under consideration the amendment of the accounting and reporting requirements of Part 241 of the Economic Regulations (14 CFR Part 241). This proposed rule provides for direct prescription by the Board of air carrier depreciation practices and prescribes uniform specific depreciation rates for certain classes of aircraft and related engines. These proposed amendments would be incorporated into both the uniform system now in effect and the revised system which becomes effective on January 1, 1957.

The principal features of the proposed regulation are explained in the explanatory statement set forth below, and the proposed revisions to Part 241 are also set forth below.

This regulation is proposed under the authority of sections 205 (a), and 407 (a) and (d), of the Civil Aeronautics Act of 1938, as amended, (52 Stat. 984, 1000, 1004; 49 U. S. C. 425, 487, 496).

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in triplicate and addressed to the Secretary, Civil Aeronautics Board, Washington 25, D. C. All communications received on or before the thirtieth day following the date of publication of the proposed rule in the FEDERAL REGISTER will be considered by the Board before taking further action thereupon. Copies of such communications will be available for examination by interested persons in the Docket Section of the Board, Room 5412, Commerce Building, Washington, D. C.

By the Civil Aeronautics Board.

[SEAL] JOHN B. RUSSELL,
*Acting Secretary.*

*Explanatory statement.* In common with other regulatory acts, the Civil Aeronautics Act of 1938 directs that the Board shall prescribe a system of accounts. The pertinent provisions are in section 407 (d) as follows:

The Authority (Board) shall prescribe the forms of any and all accounts, records, and memoranda to be kept by air carriers, including the accounts, records, and memoranda of the movement of traffic, as well as of the receipts and expenditures of money, and the length of time such accounts, records, and memoranda shall be preserved; and it shall be unlawful for air carriers to keep any accounts, records, or memoranda other than those prescribed or approved by the Authority (Board): *Provided*, That any air carrier may keep additional accounts, records, or memoranda if they do not impair the integrity of the accounts, records, or memoranda prescribed or approved by the Authority (Board) and do not constitute an undue financial burden on such air carrier.



Under this authority the Board has proceeded, since its establishment, to prescribe the uniform system of accounts required to be kept by all certificated air carriers. The controlling purpose of such a uniform system of accounts is to provide the Board with financial statements which fairly reflect the financial condition of the air carrier, on the one hand, and the operating results of the carrier for a given period of time, on the other hand. The purpose of the system of accounts, therefore, is not to prescribe uniform titles under which information is to be reported but to prescribe uniform practices which will provide, in general substance, comparable information in respect to each of the various carriers subject to the accounting regulations. Financial statements would, of course, be useless to the Board unless they fairly reflected the actual financial condition of the carriers and the actual operating results of the services performed for the period reported.

In the past, the Board has, in general, prescribed rates of depreciation as a part of its rate-making process. The depreciation rates so prescribed through the rate-making proceedings of the Board have generally been used by air carriers for accounting purposes. So long as the depreciation rates used by the various air carriers for accounting purposes fairly reflected the depreciation costs as determined in the rate proceedings, further prescription of these rates through accounting regulation would have served no useful purpose. Moreover, until recent years, the widespread dependence of the industry upon Federal subsidies necessitated the frequent review by the Board of the operating results of the carriers, including an appraisal of the reasonableness of charges to expense for depreciation on property and equipment which resulted in bringing the depreciation practices of the carriers under frequent review by the Board. However, with the emergence of a large part of the industry from dependence upon subsidy, the opportunity for such frequent review of the reasonableness of depreciation charges to expense by the Board no longer exists. Nevertheless, the need for reliable financial data from which to appraise the true financial condition and operating results of the various air carriers continues. It is, therefore, concluded that the regulatory control over depreciation rates with a view of controlling the reasonableness of depreciation charges to expense may now better be exercised by the Board through the accounting regulations than through the rate-making process.

The amount of depreciation charged to expense involves the substance of the accounts, the control over which is necessary to provide financial statements that produce a fair presentation of the carrier's financial condition and operating results for the periods reported to the Board. Insofar as the impact upon the carriers' financial condition and operating results is concerned, improper charges to expense for depreciation would undermine the integrity of the financial statements in exactly the same manner as inaccurate charges for salaries, rents and other operating expenses of the carriers. Depreciation is becoming an increasingly important operating expense for air carriers with the addition of new and more expensive aircraft equipment. Errors in the reporting of depreciation tend to accumulate over a period of years and are difficult to correct in the accounts of carriers once the inaccuracies have become rooted over an extended period of time. Improper reporting of depreciation expense will distort the accounts and financial statements of air carriers to such an extent that comparability will be seriously undermined or completely destroyed. Since the property and equipment on which depreciation is computed will continue in service over a period of years the distortion from misstatement of depreciation charges accumulates with the passage of time. Accordingly, the prescription of depreciation rates by the Board will prevent such comparative distortion and thus increase proportionately the relative reliability of the financial statements of certificated air carriers from the point of view of both the industry and the Board as well as the general public.

The Board believes that it has ample statutory authority to engage in the direct control of depreciation accounting practices. Section 407 (d) of the act grants the Board broad powers to control both the accounting methods used by air carriers and all specific entries in the books of accounts made pursuant to such methods. Moreover, the Supreme Court has sustained a requirement that all charges to operating expense accounts (including depreciation) be "just and reasonable" as a valid exercise of such general accounting powers. (AT&T Co. v. U. S. 229, U. S. 232 (1936).) Since the requirement that the straight-line method and prescribed depreciation rates be used relates only to the reasonableness of depreciation expense charges, it appears to be a proper exercise of such power.

Nor has the Board been persuaded by the various legal arguments presented by the industry in connection with the straight-line provision, formerly included in the revised manual, as originally circulated. These arguments are premised on the fact that Congress has specifically amended the enabling acts of various other federal agencies to expressly confer such power while failing to include a similar provision in the Civil Aeronautics Act. We have examined the various statutes involved, and their legislative histories, and concluded that they negate any inference that Congress intended to withhold such power from the Board.

The proposed rule set forth below requires all certificated air carriers to use the straight-line method in computing depreciation for all depreciable properties. The industry has urged that the Board should leave to the discretion of each individual carrier's management the choice of a proper method of spreading depreciation costs by years. However, the basic objective of the uniform system of accounts is to standardize accounting practices. Unless a single method is employed in all similar factual situations, the fundamental goal of readily comparable financial statements cannot be achieved. The ultimate objective of all depreciation accounting is to allocate the cost of property equitably over the period of its useful life. There are various generally accepted techniques for effecting such allocations. The straight-line method is one method which is commonly accepted throughout industry as producing reasonably equitable cost allocations. This method has been used historically by the Board for those properties for which depreciation charges have been determined in rate proceedings. Moreover, the air transport industry likewise has most commonly used straight-line depreciation of properties for which depreciation rates have not been so determined by the Board as well as for those properties for which depreciation rates have been so determined. It is recognized that support may exist in generally accepted accounting practice for other depreciation methods in tax administration, which is based upon various national interest objectives which override normal business considerations, or under circumstances in which it can be demonstrated that depreciation varies significantly between different annual periods. However, tax procedures are not necessarily geared to an accurate measure of year-to-year costs. In addition, there has been no factual demonstration to date that the second circumstance obtains with respect to properties of the air transport industry. As a matter of fact, experience to date would indicate that the magnitude of repairs and maintenance required to meet adequate safety standards largely eliminates wear and tear as the most significant elements in the depreciation of the major proportion of air carrier properties. Consequently, depreciation of such properties largely results from obsolescence factors rather than physical deterioration. It would seem most difficult to establish that the rate of obsolescence of air carrier properties diminishes with the passage of time as would be provided for under the typical alternative depreciation methods. Moreover, air carriers to date have been able to dispose of airframes and engines which have been largely or fully depreciated at a substantial profit. This circumstance attests to the continued serviceability and earning capacity of such equipment and largely negates any contention that such equipment has lost its value from use.

In the absence of positive control by the Civil Aeronautics Board of air carrier depreciation practices, the public interest is left unprotected against divergent management judgments which result in nonuniformity and inconsistency between carriers in recorded accounting facts. Moreover, in view of all the foregoing circumstances, it is concluded that regardless of the relative abstract merits in alternative depreciation techniques there is no justification in terms of the presently existing economics of air transport operations for a departure at this time from the straight-line depreciation method which to date has been commonly accepted by both the Board and the air transport industry as

producing reasonably equitable results between different accounting periods.

The proposed regulation also prescribes uniform rates of depreciation for certain classes of flight equipment. No attempt has been made to prescribe such rates for various new types of equipment not yet in service on a large scale or for certain older types of unpressurized equipment which appear to be of diminishing importance because they are used on a relatively limited scale and are already largely depreciated.

The Board has long employed a seven year life and fifteen percent residual value for such flight equipment in its rate-making determinations. The industry has commonly adopted substantially equivalent depreciation rates for accounting purposes as well. Consequently, the proposed rule conforms the determinations of depreciation for accounting purposes to those which represent present rate policy and commonly existing industry practice. It is recognized, of course, that changing conditions may warrant future revisions of either the specific rates prescribed or the classes of property included. Such revisions can be made, from time to time, as may prove necessary upon petition of the air carrier or carriers concerned or upon the Board's own initiative. It is the Board's intention to utilize formal or informal hearing procedures and conferences as may be appropriate. Moreover, it is also recognized that occasional circumstances affecting a particular air carrier or class of air carriers may warrant the granting of a waiver from use of the prescribed uniform rate for certain classes of property.

Nor does it appear that the Board, which plainly enjoys necessary legal power to control the exact amount charged to depreciation under its general authority to supervise accounting entries, lacks the power to control such entries directly by advance prescription. Support for this conclusion may be found in the very fact that Congress has mandatorily directed several federal agencies to take such action under statutes granting them such supervisory powers. And, the specific direction requiring uniform entries by class of carriers is within the recognized purview of accounting rules and regulations. Indeed, generality of application and uniformity of prescription are the essential elements of the rule-making process. True enough, the uniformity established by a system of accounts is normally uniformity of principle rather than uniformity of entry. This circumstance merely reflects the absence of any uncertainty concerning the facts typically recorded by accounting entries such as the price paid for materials or labor. However, depreciation accounting involves a complicated determination of the extent of anual depreciation, entailing an exercise of judgment as well as a forecast of the future. Thus, effective supervision of the depreciation accounts of regulated companies calls for centralized control of such entries to insure substantive uniformity of result.

The Board also desires to advise the industry that it intends to exercise its statutory powers, as implemented by the revised manual, to review depreciation rates used by individual carriers for classes of equipment for which no uniform rate has been prescribed. However, in view of the various objections raised by the industry to any exercise of power by the Board over depreciation accounting the Board does not intend to exercise its power to establish precise depreciation rates until finalization of the instant rule.

1. It is proposed to revise Part 241 of the Economic Regulations (14 CFR Part 241) in the following respects:

a. By amending § 241.1–10 (c) and (d) to read as follows:

(c) The residual values and service lives to be used by air carriers in calculating depreciation shall be those which may be prescribed from time to time by the Civil Aeronautics Board (see § 241.22) except that where no rates previously have been prescribed the air carrier shall calculate depreciation in accordance with the instructions herein. Where changing conditions make necessary a revision or adjustment in rates of depreciation prescribed by the Civil Aeronautics Board, or when the prescribed rates fail to recognize the impact of peculiarities of particular operations upon depreciation factors, the air carrier may petition for waiver of such prescribed rates. In the event such waiver is made, the revised rates shall become effective only as approved and from such date as shall be prescribed by the Civil Aeronautics Board. In the event residual values and service lives have not been prescribed by the Civil Aeronautics Board, depreciation shall be calculated by the air carrier in such manner as will prevent the charging of either excessive or inadequate expense or the accumulation of excessive or inadequate reserves, and shall be based upon a study of the air carrier's history and experience and such engineering or other information as may be available with respect to prospective future conditions and without regard to depreciation accounting practices adopted for tax purposes. Undepreciable residual values shall be established for each class of property and equipment and shall represent the fair and reasonable estimate of the recoverable value as of the end of the service life over which the property is depreciated. Residual values shall reflect values which are dissipated by use but are normally restored to individual units of property through recurrent repairs and periodic maintenance operations, and shall include the estimated cost of periodic maintenance operations for which reserves are provided, which, if not reflected in such residual values, would produce duplicate charges to expense.

(d) Within 90 days after the effective date of this section, each air carrier shall file a statement which clearly and completely describes for each category of property and equipment the bases upon which the respective residual values and service lives have been assigned. For each new type of property or equipment acquired subsequently, such a statement shall be submitted within 90 days after the property or equipment has been placed in regular service. Where changing conditions make necessary a revision or adjustment in rates of depreciation or residual values, on categories of property or equipment for which rates of depreciation or residual values have not been prescribed by the Civil Aeronautics Board, a supplementary statement shall be attached to CAB Form 41 [1] filed for the period in which such revisions or adjustments are made which shall clearly and completely describe the bases upon which the residual values and service lives have been revised. Retroactive adjustments in depreciation rates are in general prohibited. The depreciation rates and residual values set forth in such statement shall thenceforth be used by the air carrier unless it is notified by the Civil Aeronautics Board that the service lives or residual values do not meet the requirements set forth herein.

b. By amending paragraph (g) of § 241.5–1 *Reserves for depreciation and maintenance* to read as follows:

(g) Rates of depreciation and undepreciable residual values applied to each class of depreciable property and equipment shall be calculated to distribute the estimated service value, under the straight-line method, in equal annual charges to operating expense accounts and other accounts over the estimated service life of the property and equipment; provided, that hours of life may be used for depreciation of specific classes of flight equipment other than aircraft and aircraft engines upon waiver of this requirement by the Civil Aeronautics Board following a factually supported demonstration that the service life of each such class of property corresponds more closely to hours of use than to calendar time.

c. By inserting § 241.22 *Property and equipment depreciation rates,* to read as follows:

§ 241.22 *Property and equipment depreciation rates.* For purposes of this system of accounts and reports, the following residual values and service lives are herewith prescribed:

(a) For each pressurized cabin aircraft, and each related aircraft engine, acquired subsequent to December 31, 1947, exclusive of Boeing B–377 aircraft and turbo-prop or jet propelled aircraft types: (1) An undepreciable residual value equivalent to 15 percent of book cost, plus the estimated one-time cost of each material periodic maintenance operation performed at intervals significantly longer than 12 months apart, and (2) a straight-line, seven year service life applied to the depreciable value.

2. It is also proposed to revise Part 241 of the Economic Regulations (14 CFR Part 241) which will become effective January 1, 1957, in the following respects:

a. By amending § 241.14 (c) and (d) to read as follows:

(c) The residual values and service lives to be used by air carriers in calculating depreciation shall be those which may be prescribed from time to time by the Civil Aeronautics Board (see § 241.35), except that where no rates previously have been prescribed, the air carrier shall calculate depreciation in accordance with the instructions herein. Where changing conditions make necessary a revision or adjustment in rates of depreciation prescribed by the Civil Aeronautics Board, or when the prescribed rates fail to recognize the impact of peculiarities of particular operations upon depreciation factors, the air carrier may petition for waiver of such prescribed rates. In the event such waiver is made, the revised rates shall become effective only as approved and from such date as shall be prescribed by the Civil Aeronautics Board. In the event residual values and service lives have not been prescribed by the Civil Aeronautics Board, depreciation shall be calculated by the air carrier in such manner as will prevent the charging of either excessive or inadequate expense or the accumulation of excessive or inadequate reserves, and shall be based upon a study of the air carrier's history and experience and such engineering or other information as may be available with respect to prospective future conditions and without regard to depreciation accounting practices adopted for tax purposes. Undepreciable residual values shall be established for each class of property and equipment and shall represent the fair and reasonable estimate of the recoverable value as of the end of the service life over which property is depreciated. Residual values shall reflect values which are dissipated by use but are normally restored to individual units of property through recurrent repairs and periodic maintenance operations, and shall include the estimated cost of periodic maintenance operations for which reserves are provided, which, if not reflected in such residual values, would produce duplicate charges to expense.

(d) Each air carrier shall file with the Civil Aeronautics Board on or before January 1, 1957, a statement which clearly and completely describes for each category of property and equipment the bases upon which the respective residual values and service lives have been assigned. For each new type of property or equipment acquired subsequently, such a statement shall be submitted within 90 days after the property or equipment has been placed in regular service. Where changing conditions make necessary a revision or adjustment in rates of depreciation or residual values, on categories of property or equipment for which rates of depreciation or residual values have not been prescribed by the Civil Aeronautics Board, a supplementary statement shall be attached to CAB Form 41 filed for the period in which such revisions or adjustments are made which shall clearly and completely describe the bases upon which the residual values and service lives have been revised. Retroactive adjustments in depreciation rates are in general prohibited. The depreciation rates and residual values set forth in such statement shall thenceforth be used by the air carrier unless it is notified by the Civil Aeronautics Board that the service lives or residual values do not meet the requirements set forth herein.

b. By amending § 241.5–4 (g) to read as follows:

(g) Rates of depreciation and undepreciable residual values applied to each class of depreciable property and equipment shall be calculated to distribute the estimated service value, under the straight-line method, in equal annual charges to operating expense accounts and other accounts, over the estimated service life of the property and equipment: *Provided,* That hours of life may be used for depreciation of specific classes of flight equipment other than airframes and aircraft engines upon waiver of this requirement by the Civil Aeronautics Board following a factually supported demonstration that the service life of each such class of property corresponds more closely to hours of use than to calendar time.

c. By inserting § 241.35, "Property and Equipment Depreciation Rates," to read as follows:

§ 241.35 *Property and equipment depreciation rates.* For purposes of this system of accounts and reports, the following residual values and service lives are herewith prescribed:

(a) For each pressurized cabin airframe, and each related aircraft engine, acquired subsequent to December 31, 1947, exclusive of Boeing B–377 aircraft and turbo-prop of jet propelled aircraft types: (1) An undepreciable residual value equivalent to 15 percent of book cost, plus the estimated one-time cost of each material periodic maintenance operation performed at intervals significantly longer than 12 months apart, and (2) a straight-line, seven year service life applied to the depreciable value.

[F. R. Doc. 56–3720; Filed, May 14, 1956; 8:46 a. m.]

[1] Available upon request to the Government Printing Office, Washington 25, D. C.



# NOTICES

## DEPARTMENT OF THE TREASURY

### Office of the Secretary

[Treasury Department Order 177–10]

TRANSFER OF FUNCTIONS OF REGISTER OF THE TREASURY TO COMMISSIONER OF PUBLIC DEBT

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950, the functions of the Register of the Treasury and of the Office of the Register of the Treasury are transferred to the Commissioner of the Public Debt.

The Commissioner of the Public Debt may make such provisions as he deems appropriate authorizing the performance of any of these functions by subordinates in the Bureau of the Public Debt.

This order shall be effective May 16, 1956.

Dated: May 9, 1956.

[SEAL] W. RANDOLPH BURGESS,
*Acting Secretary of the Treasury.*

[F. R. Doc. 56–3818; Filed, May 14, 1956; 8:51 a. m.]

### 2¾ PERCENT TREASURY BONDS OF 1956–59

NOTICE OF CALL FOR REDEMPTION

1. Public notice is hereby given that all outstanding 2¾ percent Treasury Bonds of 1956–59, dated September 15, 1936, due September 15, 1959, are hereby called for redemption on September 15, 1956, on which date interest on such bonds will cease.

2. Holders of these bonds may, in advance of the redemption date, be offered the privilege of exchanging all or any part of their called bonds for other interest-bearing obligations of the United States, in which event public notice will hereafter be given and an official circular governing the exchange offering will be issued.

3. Full information regarding the presentation and surrender of the bonds for cash redemption under this call will be found in Department Circular No. 300, Revised, dated April 30, 1955.

Dated: May 14, 1956.

[SEAL] G. M. HUMPHREY,
*Secretary of the Treasury.*

[F. R. Doc. 56–3819; Filed, May 14, 1956; 8:51 a. m.]

## United States Coast Guard

[CGFR 56–17]

APPROVAL OF EQUIPMENT AND CHANGE IN NAME OF MANUFACTURER

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and Treasury Department Order 167–14, dated November 26, 1954 (19 F. R. 8026), and in compliance with the authority cited with each item of equipment: *It is ordered,* That:

(a) All the approvals listed in this document which extend approvals previously published in the FEDERAL REGISTER are prescribed and shall be in effect for a period of five years from their respective dates as indicated at the end of each approval, unless sooner canceled or suspended by proper authority; and,

(b) All the other approvals listed in this document (which are not covered by paragraph (a) above) are prescribed and shall be in effect for a period of five years from the date of publication of this document in the FEDERAL REGISTER,

unless sooner canceled or suspended by proper authority; and,

(c) The change in the name of the manufacturer of approved equipment shall be made as indicated below.

LIFE PRESERVERS, KAPOK, ADULT AND CHILD (JACKET TYPE) MODELS 2, 3, 5 AND 6

Approval No. 160.002/54/0, Model 6, child kapok life preserver, U. S. C. G. Specification Subpart 160.002, manufactured by Merit Manufacturing Corp., 99–15 172d Street, Jamaica 3, N. Y.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, 4426, 4481, 4482, 4488, 4491, 4492, as amended, sec. 11, 35 Stat. 428, secs. 1, 2, 49 Stat. 1544, secs. 6, 17, 54 Stat. 164, 166, and sec. 3, 54 Stat. 346, as amended, and 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 474, 475, 481, 489, 490, 396, 367, 526e, 526p, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.002)

CLEANING PROCESSES FOR LIFE PRESERVERS

NOTE: Where buoyancy fillers are not removed from envelope covers during cleaning process.

Approval No. 160.006/20/0, U. S. Cleaners and Dyers cleaning process for kapok life preservers, as outlined in description of cleaning process, dated December 23, 1950, from U. S. Cleaners and Dyers, Inc., 716 Washington Street, Hoboken, N. J. (Extension of the approval published in FEDERAL REGISTER February 17, 1951, effective February 17, 1956.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, 4426, 4481, 4482, 4488, 4491, 4492, as amended, sec. 11, 35 Stat. 428, secs. 1, 2, 49 Stat. 1544, secs. 6, 17, 54 Stat. 164, 166, and sec. 3, 54 Stat. 346, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 474, 475, 481, 489, 490, 396, 367, 526e, 526p, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.006)

BUOYS, LIFE, RING, CORK OR BALSA WOOD

NOTE: The 20-inch and 24-inch diameter buoys are limited to service on motorboats only in accordance with 46 CFR 25.4–1.

Approval No. 160.009/33/0, 30-inch cork ring life buoy, dwg. No. CRB–2, dated November 24, 1950, manufactured by American Pad and Textile Co., 511 North Solomon Street, New Orleans 19, La. (Extension of the approval published in FEDERAL REGISTER March 21, 1951, effective March 21, 1956.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, secs. 6 and 17, 54 Stat. 164, 166, as amended, sec. 3, 54 Stat. 1333, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 481, 489, 367, 526e, 526p, 1333; 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.009)

WINCHES, LIFEBOAT

Approval No. 160.015/67/0, Type HPH lifeboat winch for use with Type SPD–24 mechanical davit, fitted with wire rope not more than ½-inch in diameter and with not more than 2 wraps of the falls on the drums, approved for a maximum working load of 6,300 pounds pull at the drums (3,150 pounds per fall), identified by general assembly dwg. No. 3011–10R dated March 19, 1955, and revised February 16, 1956, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J.

Approval No. 160.015/68/0, Type H–68R lifeboat winch, approval is limited to mechanical components only, and for a maximum working load of 6,800 pounds pull at the drums (3,400 pounds per fall), identified by general arrangement dwg. No. 80020 dated February 24, 1955, and revised March 21, 1956, manufactured by Welin Davit and Boat Division of Continental Copper & Steel Industries, Inc., Perth Amboy, N. J.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, sec. 11, 35 Stat. 428, as amended, and secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 481, 489, 396, 367; 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.015)

LAMPS, SAFETY FLAME

Approval No. 160.016/2/1, Koehler type, naphtha burning, key lock, flame safety lamp, dwg. dated January 8, 1951, manufactured by Koehler Manufacturing Co., Inc., Marlboro, Mass. (Extension of the approval published in FEDERAL REGISTER March 21, 1951, effective March 21, 1956.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4488, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, sec. 3, 54 Stat. 346, as amended, sec. 3. (c), 68 Stat. 676; 46 U. S. C. 391a, 481, 489, 367, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.016)

LINE-THROWING APPLIANCE, SHOULDER GUN TYPE

Approval No. 160.031/4/0, Bridger 45/70 Model N shoulder-gun type line-throwing appliance, assembly dwg. No. A–604, dated October 28, 1950, manufactured by Naval Co., Old Easton Highway, Doylestown, Pa. (Extension of the approval published in FEDERAL REGISTER March 21, 1951, effective March 21, 1956.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, sec. 11, 35 Stat. 428, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 481, 489, 396, 367, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.031)

DAVITS, LIFEBOAT

Approval No. 160.032/134/0, mechanical davit, crescent sheath screw, Type A, approved for a maximum working load of 7000 pounds per set (3500 pounds per arm) using not less than two part falls, identified by general arrangement dwg. No. DC–201, alteration A, dated February 24, 1956, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4481, as amended, 4488, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 474, 481, 489, 367, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Cum. Supp.; 46 CFR 160.032)

MECHANICAL DISENGAGING APPARATUS, LIFEBOAT

Approval No. 160.033/37/1, Type R–50 releasing gear, approved for maximum working load of 10,000 pounds per set (5,000 pounds per hook), identified by general arrangement dwg. No. 3245–3 dated February 17, 1949, and revised September 6, 1955, manufactured by Welin Davit and Boat Division of Continental Copper and Steel Industries, Inc., Perth Amboy, N. J. (Reinstates and supersedes Approval No. 160.033/37/0 terminated in FEDERAL REGISTER May 12, 1954.)

Approval No. 160.033/51/0, Rottmer type, Size 0–1–C2, releasing gear, approved for maximum working load of 18,000 pounds per set (9,000 pounds per hook) identified by assembly drawing No. R–145 dated December 27, 1955, manufactured by Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Avenue, Brooklyn 14, N. Y.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, and sec. 3, 54 Stat. 346, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 481, 489, 367, 1333; 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.033)

LIFEBOATS

Approval No. 160.035/110/1, 28.0′ x 9.79′ x 4.13′ steel, motor-propelled lifeboat without radio cabin (Class B), 60-person capacity, identified by construction and arrangement dwg. No. 2827 dated September 11, 1946, and revised January 25, 1956, manufactured by Lane Lifeboat & Davit Corp., 8920 Twenty-sixth Avenue, Brooklyn 14, N. Y. (Reinstates and supersedes Approval No. 160.035/110/0 terminated in FEDERAL REGISTER October 1, 1952.)

Approval No. 160.035/178/3, 16.0′ x 5.5′ x 2.38′ steel, oar-propelled lifeboat, 12-person capacity, identified by construction and arrangement dwg. No. 16–1, dated January 31, 1947, and revised February 17, 1956, manufactured by Marine Safety Equipment Corporation, Point Pleasant, N. J. (Supersedes Approval No. 160.035/178/2 published in the FEDERAL REGISTER February 17, 1951.)

Approval No. 160.035/197/2, 18.0′ x 5.75′ x 2.42′ steel, oar-propelled lifeboat, 15-person capacity, identified by construction and arrangement dwg. No. 18–2 dated October 14, 1947, and revised January 19, 1956, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J. (Supersedes Approval No. 160.035/197/1 published in the FEDERAL REGISTER June 26, 1951.)

Approval No. 160.035/216/2, 14.0′ x 5.0′ x 2.17′ steel, oar-propelled lifeboat, 9-person capacity, identified by construction and arrangement dwg. No. 14–1 dated January 26, 1948, and revised January 11, 1956, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J. (Supersedes Approval No. 160.035/216/1 published in the FEDERAL REGISTER June 26, 1951.)

Approval No. 160.035/270/1, 16.0′ x 5.0′ x 2.08′ steel, oar-propelled lifeboat, 10-person capacity identified by construction and arrangement dwg. No. 16–2 dated August 1, 1950, and revised January 12, 1956, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J. (Supersedes Approval No. 160.035/270/0 published in the FEDERAL REGISTER February 17, 1951.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, 4492, as amended, sec. 11, 35 Stat. 428, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 474, 481, 489, 490, 396, 367, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.035)

BUOYANT VESTS, KAPOK OR FIBROUS GLASS, ADULT AND CHILD MODELS AK, CKM, CKS, AF, CFM, AND CFS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.047/70/0, Model AK, adult kapok buoyant vest, U. S. C. G. Specification Subpart 160. 047, manufactured by Acme Products, Inc., 152 Brewery Street, New Haven, Conn.

Approval No. 160.047/71/0, Model CKM, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Acme Products, Inc., 152 Brewery Street, New Haven, Conn.

Approval No. 160.047/72/0, Model CKS, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Acme Products, Inc., 152 Brewery Street, New Haven, Conn.

Approval No. 160.047/80/0, Model AK, adult kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Swan Products Co., Inc., 145–92 228th Street, Springfield Gardens, Long Island, N. Y.

Approval No. 160.047/81/0, Model CKM, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Swan Products Co., Inc., 145–92 228th Street, Springfield Gardens, Long Island, N. Y.

Approval No. 160.047/82/0, Model CKS, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by Swan Products Co., Inc., 145–92 228th Street, Springfield Gardens, Long Island, N. Y.

Approval No. 160.047/83/0, Model AK, adult kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by The S. E. Hyman Company, Fremont, Ohio.

Approval No. 160.047/84/0, Model CKM, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by The S. E. Hyman Company, Fremont, Ohio.

Approval No. 160.047/85/0, Model CKS, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by The S. E. Hyman Company, Fremont, Ohio.

Approval No. 160.047/86/0, Model AK, adult kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by The Safegard Corp., P. O. Box 66, Station B, Cincinnati 22, Ohio, for Life Products Co., Cincinnati 22, Ohio.

Approval No. 160.047/87/0, Model CKM, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by The Safegard Corp., P. O. Box 66, Station B, Cincinnati 22, Ohio, for Life Products Co., Cincinnati 22, Ohio.

Approval No. 160.047/88/0, Model CKS, child kapok buoyant vest, U. S. C. G. Specification Subpart 160.047, manufactured by The Safegard Corp., P. O. Box 66, Station B, Cincinnati 22, Ohio, for Life Products Co., Cincinnati 22, Ohio.

(R. S. 4405, as amended, 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply secs. 6, 17, 54 Stat. 164, 166, as amended; 46 U. S. C. 526e, 526p; 46 CFR 160.047)

BUOYANT CUSHIONS, KAPOK OR FIBROUS GLASS

NOTE: Approved for use on motorboats of Classes A, 1, or 2 not carrying passengers for hire.

Approval No. 160.048/60/0, group approval for rectangular and trapezoidal fibrous glass buoyant cushions, U. S. C. G. Specification Subpart 160.048, sizes and weights of fibrous glass filling to be as per Table 160.048–4 (c) (1) (ii), manufactured by Jenkins & Frey, 1233 Northeast First Avenue, Miami 36, Fla.

Approval No. 160.048/65/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U. S. C. G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4 (c) (1) (i), manufactured by Elvin Salow Co., 273–285 Congress Street, Boston 10, Mass., for Gob Shops of America, Inc., Providence, R. I.

Approval No. 160.048/66/0, special approval for 15″ x 15″ x 2″ rectangular kapok buoyant cushion, 20 oz. kapok, U. S. C. G. Specification Subpart 160.048, manufactured by Sound Mattress and Felt Co., P. O. Box 1505, Tacoma 1, Wash.

Approval No. 160.048/67/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U. S. C. G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4 (c) (1) (i), manufactured by The Dennison Co., 200 Waverly Avenue, Newark 8, N. J.

Approval No. 160.048/68/0, special approval for 15″ x 15″ x 2″ rectangular kapok buoyant cushion, 20 oz. kapok U. S. C. G. Specification Subpart 160.048, manufactured by Swan Products Co., Inc., 145–92 228th Street, Springfield Gardens, Long Island, N. Y.

Approval No. 160.048/69/0, special group approval for rectangular kapok buoyant cushions 2½″ thick, sizes and weights of kapok filling to be as per Briddell Upholstering Co. dwgs. A through M, dated February 2, 1956, manufactured by Briddell Upholstery Co., 106 West Vine Street, Salisbury, Md., for Chris-Craft Corp., Algonac, Mich.

Approval No. 160.048/70/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U. S. C. G. Specification Subpart 160.048–4 (c) (1) (i), manufactured by Elvin Salow Co., 273–285 Congress Street, Boston 10, Mass., for James Bliss & Co., Inc., 342 Atlantic Avenue, Boston 10, Mass.

Approval No. 160.048/71/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U. S. C. G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4 (c) (1) (i), manufactured by Correct Craft, Inc., Pinecastle, Fla.

Approval No. 160.048/72/0, special approval for 15″ x 15″ x 2″ rectangular kapok buoyant cushion, 20 oz. kapok, U. S. C. G. Specification Subpart 160.048, manufactured by The Comfort Cushion Co., 5062–84 Loraine, Detroit 8, Mich.

Approval No. 160.048/73/0, group approval for rectangular and trapezoidal kapok buoyant cushions, U. S. C. G. Specification Subpart 160.048, sizes and weights of kapok filling to be as per Table 160.048–4 (c) (1) (i), manufactured by The Safegard Corp., P. O. Box 66, Station B, Cincinnati 22, Ohio, for Life Products Co., Cincinnati 22, Ohio.

Approval No. 160.048/75/0, special approval for 15″ x 15″ x 2″ rectangular kapok buoyant cushion, 20 oz. kapok, U. S. C. G. Specification Subpart 160.048, manufactured by Siegmund Werner, Inc., 225 Belleville Avenue, Bloomfield, N. J.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply secs. 6, 17, 54 Stat. 164, 166, as amended; 46 U. S. C. 526e, 526p; 46 CFR 160.048)

LIGHTS (WATER); ELECTRIC, FLOATING, AUTOMATIC (WITH BRACKET FOR MOUNTING)

Approval No. 161.001/3/1, automatic floating electric water light (with bracket for mounting) dwg. No. 606, Alt. 2 dated October 30, 1950, manufactured by Pomill Manufacturing Corp., 17 Battery Place, New York 4, N. Y. (Extension of the approval published in FEDERAL REGISTER, February 17, 1951, effective February 17, 1956.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 481, 489, 367, 1333; 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 161.001)

BOILERS, HEATING

Approval No. 162.003/116/1, Model M–500 heating boiler for steam or hot water service, all welded steel plate construction, maximum pressure 30 p. s. i., dwg. No. DAB–24912, Alt. E, dated March 14, 1956, 188,000 Btu. per hour, approval limited to bare boiler, manufactured by York-Shipley, Inc., York, Pa. (Supersedes Approval No. 162.003/116/0 published in FEDERAL REGISTER August 24, 1951.)

(R. S. 4405, 4417a, 4418, 4426, 4433, 4434, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, sec. 3, 54 Stat. 346, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 367, 375, 391a, 392, 404, 411, 412, 489, 1333, 50 U. S. C. 198; 46 CFR Part 52)

VALVES, SAFETY (STEAM HEATING BOILERS)

Approval No. 162.012/21/0, Type 1511 Series cast iron safety valve for steam heating boilers and unfired steam generators, dwg. No. 3VP953, dated February 10, 1956, approved for a maximum pressure of 30 p. s. i. in the following sizes and relieving capacities:

| Size (inches) | Type No. | Capacity (pounds per hour) at 30 p. s. i. |
|---|---|---|
| 1¼ | 1511 H | 1,615 |
| 1½ | 1511 J | 2,650 |
| 2 | 1511 K | 3,790 |
| 2½ | 1511 L | 5,875 |
| 3 | 1511 M | 7,410 |
| 4 | 1511 N | 8,935 |
| 4 | 1511 P | 13,135 |

Manufactured by Manning, Maxwell & Moore, Inc., Stratford, Conn.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4418, as amended, 4426 as amended, 4433, as amended, 4491, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 367, 391a, 392, 404, 411, 489, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 162.012)

FLAME ARRESTERS, BACKFIRE (FOR CARBURETORS)

Approval No. 162.015/29/0, No. OH Unimaze backfire flame arrester for carburetors, dwg. No. C17851, dated January 20, 1956, manufactured by Air-Maze Corp., 25,000 Miles Road, Cleveland 28, Ohio.

Approval No. 162.015/30/0, No. 1 Unimaze backfire flame arrester for carburetors, dwg. No. C17852, dated January 10, 1956, manufactured by Air-Maze Corp., 25,000 Miles Road, Cleveland 28, Ohio.

Approval No. 162.015/31/0, No. 2 Unimaze backfire flame arrester for carburetors, dwg. No. C17853, dated January 11, 1956, manufactured by Air-Maze Corp., 25,000 Miles Road, Cleveland 28, Ohio.

Approval No. 162.015/32/0, No. 4 Unimaze backfire flame arrester for carburetors, dwg. No. C17854, dated January 16, 1956, manufactured by Air-Maze Corp., 25,000 Miles Road, Cleveland 28, Ohio.

Approval No. 162.015/33/0, No. 5 Unimaze backfire flame arrester for carburetors, dwg. No. C17855, dated January 18, 1956, manufactured by Air-Maze Corp., 25,000 Miles Road, Cleveland 28, Ohio.

Approval No. 162.015/34/0, No. 7 Unimaze backfire flame arrester for carburetors, dwg. No. C17856, dated January 17, 1956, manufactured by Air-Maze Corp., 25,000 Miles Road, Cleveland 28, Ohio.

Approval No. 162.015/35/0, No. 8 Unimaze backfire flame arrester for carburetors, dwg. No. C17857, dated January 19, 1956, manufactured by Air-Maze Corp., 25,000 Miles Road, Cleveland 28, Ohio.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply secs. 10 and 17, 54 Stat. 165, 166, as amended; 46 U. S. C. 526l, 526p; 46 CFR 162.015)

VALVES, PRESSURE VACUUM RELIEF AND SPILL

Approval No. 162.017/66/3, Figure No. 120, pressure-only relief valve, atmospheric pattern, weight-loaded poppets, bronze, nickel cast iron or corrosion-resistant alloy steel body, dwg. No. 120–A, Rev. 3, dated August 31, 1955, approved for sizes 3'', 4'', 6'' and 8'', manufactured by Mechanical Marine Company, Inc., 17 Battery Place, New York 4, New York. (Supersedes Approval No. 162.017/66/2 published in the FEDERAL REGISTER August 7, 1953.)



Approval No. 162.017/67/2, Figure No. 130, pressure-vacuum relief valve, enclosed pattern, weight-loaded poppets, bronze, nickel cast iron or corrosion-resistant alloy steel body, dwg. No. 130–A, Rev. 5, dated August 31, 1955, approved for 3'', 4'', 5'' and 6'', manufactured by Mechanical Marine Co., Inc., 17 Battery Place, New York 4, N. Y. (Supersedes Approval No. 162.017/67/1 published in FEDERAL REGISTER October 6, 1954.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, and 4491, as amended; sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 489; 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 162.017)

VALVES, SAFETY RELIEF, LIQUEFIED COMPRESSED GAS

Approval No. 162.018/5/3, Type MS–8, pop safety relief valve, flanged inlet, flat synthetic rubber gasket type, for liquefied petroleum gas and anhydrous ammonia service; dwg. No. 31–11869–G, revised August 28, 1950, net flow area 3.26 square inches, approved for a maximum set pressure of 250 pounds per square inch; flow rated at 105 percent of the following set pressures (discharge in cubic feet per minute measured at 60° F. and 14.7 pounds per square inch absolute); manufactured by American Car & Foundry Co., 30 Church Street, New York 8, N. Y.:

| | 100 p. s. i. | 125 p. s. i. | 200 p. s. i. | 250 p. s. i. |
|---|---|---|---|---|
| Air | 5,880 | 7,240 | 10,280 | 13,660 |
| Liquefied petroleum gas | 4,950 | 6,170 | 9,130 | 12,700 |
| Anhydrous ammonia | 7,430 | 9,130 | 12,780 | 16,900 |

(Extension of the approval published in FEDERAL REGISTER March 21, 1951, effective March 21, 1956.)

Approval No. 162.018/25/1, Type 1203, pop safety relief valve, flanged inlet "O" ring synthetic rubber gasket type, for liquefied petroleum gas and anhydrous ammonia service; dwg. No. 31–21697–B, revised August 28, 1950, net flow area 3.44 square inches, approved for a maximum set pressure of 250 pounds per square inch; flow rated at 105 percent of the following set pressures (discharge in cubic feet per minute measured at 60° F. and 14.7 pounds per square inch absolute); manufactured by American Car & Foundry Co., 30 Church Street, New York 8, N. Y.:

| | 100 p. s. i. | 125 p. s. i. | 200 p. s. i. | 250 p. s. i. |
|---|---|---|---|---|
| Air | 5,970 | 7,120 | 10,650 | 13,360 |
| Liquefied petroleum gas | 5,040 | 6,070 | 9,460 | 12,400 |
| Anhydrous ammonia | 7,550 | 8,960 | 13,210 | 16,520 |

(Extension of the approval published in FEDERAL REGISTER March 21, 1951 effective March 21, 1956.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, and 4491, as amended; sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 489; 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 162.018)

APPLIANCES, LIQUEFIED PETROLEUM GAS CONSUMING

Approval No. 162.020/95/0, Model No. 18C23LP hot water heater for liquefied petroleum gas service approved by the American Gas Association, Inc., under Certificate No. 3–666–2.001, manufactured by Allcraft Manufacturing Company, Inc., 27 Hayward Street, Cambridge 42, Mass.

Approval No. 162.020/96/0, Model No. 20C8LP hot water heater for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 3–566–1.501, manufactured by Allcraft Manufacturing Company, Inc., 27 Hayward Street, Cambridge 42, Mass.

Approval No. 162.020/97/0, Model No. 25M26 hot water heater for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 3–(677–1.1 and –3.0).001, manufactured by Allcraft Manufacturing Company, Inc., 27 Hayward Street, Cambridge 42, Mass.

Approval No. 162.020/98/0, Model No. 25C26 hot water heater for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 3–(677–1.1 and –3.0).001, manufactured by Allcraft Manufacturing Company, Inc., 27 Hayward Street, Cambridge 42, Mass.

Approval No. 162.020/99/0, Model No. 30C10LP hot water heater for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 3–566–1.801, manufactured by Allcraft Manufacturing Company, Inc., 27 Hayward Street, Cambridge 42, Mass.

Approval No. 162.020/100/0, Model No. 45C8LP hot water heater for liquefied petroleum gas service, approved by the American Gas Association, Inc., under Certificate No. 3–566–1.601, manufactured by Allcraft Manufacturing Company, Inc., 27 Hayward Street, Cambridge 42, Mass.

(R. S. 4405, 4417a, 4426, 4491, secs. 1, 2, 49 Stat. 1544, and sec. 2, 54 Stat. 1028, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 367, 375, 391a, 404, 463a, 489, 1333, 50 U. S. C. 198; 46 CFR 55.16–10)

BULKHEAD PANELS

Approval No. 164.008/33/0, "Navilite" inorganic composition board type bulkhead panel identical to that described in National Bureau of Standards Test Report No. 4515, Project No. 1002–30–4829, dated January 30, 1956, approved as meeting Class B–15 requirements in a ⅞'' thickness, manufactured by Dansk Eternit-Fabrik A/S, Aalborg, Denmark.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, as amended, 4417a, as amended, 4418, as amended, 4426, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, and sec. 2, 54 Stat. 1028, as amended, sec. 5, 55 Stat. 244, 245, as amended; 46 U. S. C. 391, 391a, 392, 404, 369, 367, 1333, 463a, 50 U. S. C. App. 1275, E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 164.008)



INCOMBUSITBLE MATERIALS

Approval No. 164.009/35/0, "Microlite B–305", glass fiber insulation type incombustible material identical to that described in National Bureau of Standards Test Report No. TG10210–1972: FP3358, dated March 3, 1956, approved in one-half pound per cubic foot density, manufactured by L. O. F. Glass Fibers Company, 1810 Madison Avenue, Toledo 1, Ohio.

Approval No. 164.009/36/0, "J–M 302 Cement," incombustible material composed solely of asbestos fibers, diamataceous silicas and clay, manufactured by the Johns-Manville Sales Corporation, 22 East 40th Street, New York 16, N. Y.

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, as amended, 4417a, as amended, 4418, as amended, 4426, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, and sec. 2, 54 Stat. 1028, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391, 391a, 392, 404, 369, 367, 1333, 463a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 164.009)

CHANGE IN NAME OF MANUFACTURER

The name of Northern Equipment Company has been changed to Copes-Vulcan Division, Blaw-Knox Company, Erie 4, Pa., for approval Nos. 162.024/2/0 through 162.024/6/0.

Dated: May 8, 1956.

[SEAL] J. A. HIRSHFIELD,
*Rear Admiral, U. S. Coast Guard,*
*Acting Commandant.*

[F. R. Doc. 56–3816; Filed, May 14, 1956; 8:51 a. m.]

[CGFR 56–18]

TERMINATION OF APPROVAL OF EQUIPMENT

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and Treasury Department Order 167–14, dated November 26, 1954 (19 F. R. 8026), and in compliance with the authority cited with each item of equipment, the following approvals of equipment are terminated because the approvals have expired. Notwithstanding this termination of approval of any item of equipment as listed in this document, such equipment in service may be continued in use so long as such equipment is in good and serviceable condition.

WINCHES, LIFEBOAT

Termination of Approval No. 160.015/56/0, Type CL–17.5A lifeboat winch, approved for maximum working load of 11,500 pounds pull at the drums (5,750 pounds per fall), for use on the S. S. "Constitution" and S. S. "Independence" only, identified by assembly dwg. No. CL–17.5–1, Alt. C, dated April 4, 1950, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J. (Approved FEDERAL REGISTER February 17, 1951. Termination of approval effective February 17, 1956.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4488, as amended, 4491, as amended, sec. 11, 35 Stat. 428, as amended, and secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 481, 489, 396, 367; 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.015)

LIFEBOATS

Termination of Approval No. 160.035/211/1, 22.0' x 7.5' x 3.17' steel, oar-propelled lifeboat, 31-person capacity, identified by construction and arrangement dwg. No. 22–2, dated April 17, 1946, revised January 15, 1951, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J. (Approved FEDERAL REGISTER March 21, 1951. Termination of approval effective March 21, 1956.)

Termination of Approval No. 160.035/221/1, 24.0' x 7.63' x 3.21' steel, oar-propelled lifeboat, 35-person capacity, identified by construction and arrangement dwgs. Nos. 24–4 dated April 19, 1948, and revised January 17, 1951, and 24–4B dated June 14, 1948, and revised January 17, 1951, manufactured by Marine Safety Equipment Corp., Point Pleasant, N. J. (Approved FEDERAL REGISTER March 21, 1951. Termination of approval effective March 21, 1956.)

Termination of Approval No. 160.035/222/1, 24.0' x 8.0' x 3.73' steel, motor-propelled lifeboat without radio cabin, 37-person capacity, identified by construction and arrangement dwg. No. 24–1B, dated May 5, 1948 and revised September 28, 1950, submitted by Marine Safety Equipment Corp., Point Pleasant, N. J. (Approved FEDERAL REGISTER February 17, 1951. Termination of approval effective February 17, 1956.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, 4426, as amended, 4481, as amended, 4488, as amended, 4491, as amended, 4492, as amended, sec. 11, 35 Stat. 428, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 404, 474, 481, 489, 490, 396, 367, 1333, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 160.035)

VALVES, SAFETY RELIEF, LIQUEFIED COMPRESSED GAS

Termination of Approval No. 162.018/26/1, Type 1208, pop safety relief valve, flanged inlet "O" ring synthetic rubber gasket type, for liquefied petroleum gas and anhydrous ammonia service; dwg. No. 31–35367–A, dated August 28, 1950, net flow area 1.54 square inches, approved for a maximum set pressure of 250 pounds per square inch; flow rated at 105 percent of the following set pressures (discharge in cubic feet per minute measured at 60° F. and 14.7 pounds per square inch absolute); manufactured by American Car & Foundry Co., 30 Church Street, New York 8, N. Y.:

| | 100 p. s. i. | 125 p. s. i. | 200 p. s. i. | 250 p. s. i. |
|---|---|---|---|---|
| Air | 2,140 | 2,550 | 4,380 | 5,000 |
| Liquefied petroleum gas | 1,800 | 2,170 | 3,890 | 4,640 |
| Anhydrous ammonia | 2,700 | 3,190 | 5,380 | 6,120 |

(Approved FEDERAL REGISTER March 21, 1951. Termination of approval effective March 21, 1956.)

Termination of Approval No. 162.018/27/1, Type 1204, pop safety relief valve, 2½'' screwed inlet, "O" ring synthetic rubber gasket type, for liquefied petroleum gas and anhydrous ammonia service; dwg. No. 31–36684–B, revised January 8, 1951, net flow area 1.54 square inches, approved for a maximum set pressure of 125 pounds per square inch; flow rated at 105 percent of the following set pressures (discharge in cubic feet per minute measured at 60° F. and 14.7 pounds per square inch absolute); manufactured by American Car & Foundry Co., 30 Church Street, New York 8, N. Y.:

| | 100 p. s. i. | 125 p. s. i. |
|---|---|---|
| Air | 2,140 | 2,550 |
| Liquefied petroleum gas | 1,800 | 2,170 |
| Anhydrous ammonia | 2,720 | 3,210 |

(Approved FEDERAL REGISTER March 21, 1951. Termination of approval effective March 21, 1956.)

Termination of Approval No. 162.018/28/1, Type 1209, pop safety relief valve, 3'' screwed inlet, "O" ring synthetic rubber gasket type, for liquefied petroleum gas and anhydrous ammonia service; dwg. No. 31–36684–B, revised January 8, 1951, net flow area 1.54 square inches, approved for a maximum set pressure of 125 pounds per square inch; flow rated at 105 percent of the following set pressures (discharge in cubic feet per minute measured at 60° F. and 14.7 pounds per square inch absolute); manufactured by American Car & Foundry Co., 30 Church Street, New York 8, N. Y.:

| | 100 p.s.i. | 125 p.s.i. |
|---|---|---|
| Air | 2,140 | 2,550 |
| Liquefied petroleum gas | 1,800 | 2,170 |
| Anhydrous ammonia | 2,720 | 3,210 |

(Approved FEDERAL REGISTER March 21, 1951. Termination of approval effective March 21, 1956.)

Termination of Approval No. 162.018/29/1, Type 1206, pop safety relief valve, 4'' screwed inlet, "O" ring synthetic rubber gasket type, for liquefied petrolcum gas and anhydrous ammonia service; dwg. No. 31–36666–B, revised January 8, 1951, net flow area 3.44 square inches, approved for a maximum set pressure of 125 pounds per square inch; flow rated at 105 percent of the following set pressures (discharge in cubic feet per minute measured at 60° F. and 14.7 pounds per square inch absolute); manufactured by American Car & Foundry Co., 30 Church Street, New York 8, N. Y.:

| | 100 p. s. i. | 125 p. s. i. |
|---|---|---|
| Air | 5,970 | 7,120 |
| Liquefied petroleum gas | 5,040 | 6,070 |
| Anhydrous ammonia | 7,550 | 8,960 |

(Approved FEDERAL REGISTER March 21, 1951. Termination of approval effective March 21, 1956.)

Termination of Approval No. 162.018/30/1, Type 1207, pop safety relief valve, 3½'' screwed inlet, "O" ring synthetic rubber gasket type, for liquefied petroleum gas and anhydrous ammonia serv-

ice; dwg. No. 31–36666–B, revised January 8, 1951, net flow area 3.44 square inches, approved for a maximum set pressure of 125 pounds per square inch; flow rated at 105 percent of the following set pressures (discharge in cubic feet per minute measured at 60° F. and 14.7 pounds per square inch absolute); manufactured by American Car & Foundry Co., 30 Church Street, New York 8, N. Y.:

| | 100 p. s. i. | 125 p. s. i. |
|---|---|---|
| Air | 5,970 | 7,120 |
| Liquefied petroleum gas | 5,040 | 6,070 |
| Anhydrous ammonia | 7,550 | 8,960 |

(Approved FEDERAL REGISTER March 21, 1951. Termination of approval effective March 21, 1956.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417a, as amended, and 4491, as amended; sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391a, 489; 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 162.018)

INCOMBUSTIBLE MATERIALS

Termination of Approval No. 164.009/27/0, "Soft-Flex Glass Fabrics," fibrous glass type decorative fabrics identical to those described in National Bureau of Standards Report No. TG 10210–1735; FP 2980 (Test Folder G–4251), dated December 1, 1950, manufactured by Soft-Flex Glass Fabrics Corp., 1012 North Highland Avenue, Los Angeles 38, Calif. (Approved FEDERAL REGISTER February 17, 1951. Termination of approval effective February 17, 1956.)

(R. S. 4405, as amended, and 4462, as amended, 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, as amended, 4417a, as amended, 4418, as amended, 4426, as amended, sec. 5, 49 Stat. 1384, as amended, secs. 1 and 2, 49 Stat. 1544, as amended, sec. 3, 54 Stat. 346, as amended, and sec. 2, 54 Stat. 1028, as amended, and sec. 3 (c), 68 Stat. 676; 46 U. S. C. 391, 391a, 392, 404, 369, 367, 1333, 463a, 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.; 46 CFR 164.009)

Dated: May 8, 1956.

[SEAL] J. A. HIRSHFIELD,
*Rear Admiral, U. S. Coast Guard,*
*Acting Commandant.*

[F. R. Doc. 56–3817; Filed, May 14, 1956; 8:51 a. m.]

## DEPARTMENT OF DEFENSE

### Office of the Secretary of the Air Force

SUPPLEMENTAL INFORMATION AS TO FINANCIAL INTERESTS OF EMPLOYEES

MAY 9, 1956.

Information required by section 302 (c) of Executive Order 10647, for the period 1 February 1956, is attached for the following Consultants employed in the Office, Secretary of the Air Force, Office, Assistant Secretary of the Air Force (Financial Management).

*Name and Date of Appointment*

Mr. Herman W. Bevis, September 30, 1955.
Mr. John B. Inglis, September 30, 1955.
Mr. John W. McEachren, September 30, 1955.
Mr. Robert M. Trueblood, September 30, 1955.

JOHN J. MCLAUGHLIN,
*Administrative Assistant.*



HERMAN W. BEVIS

APRIL 26, 1956.

Please be advised that there has been no change in the organizations in which I hold a financial interest from that described in my letter of December 21, 1955 (the same was true as of February 1, 1956), that is to say, my financial interests are confined to the accounting firm (partnership) of Price Waterhouse & Co. [Reference: FEDERAL REGISTER, 12/31/55, page 10172].

HERMAN W. BEVIS.

JOHN B. INGLIS

APRIL 13, 1956.

With respect to Executive Order 10647, I wish to advise you as follows:

On February 1, 1956 I owned common stocks in the following corporations: Continental Oil Company, Hercules Motors Company, Kennecott Copper Company, Missouri Public Service, Ohio Oil Company, Philco Corporation, Phillips Petroleum Company, Southern Pacific Company, Texas Company, Weyerhauser Company, Wood Conversion Company.

On February 1, 1956 I was, and still am, a partner in the following partnerships: Price Waterhouse & Co., Stagg, Mather & Hough. [Reference: FEDERAL REGISTER, 12/31/55, page 10172].

JOHN B. INGLIS.

JOHN W. MCEACHREN

APRIL 18, 1956.

In accordance with your letter of April 12th, the following information as of February 1, 1956, is submitted for the purpose of compliance under the President's Executive Order 10647:

1. None.
2. Thomas Industries, Inc. Scudder, Stevens & Clark Stock Fund. Pine Street Fund.
3. Touche, Niven, Bailey & Smart.
4. None.

The numbers relate to the series of questions set forth in your letter of December 15, 1955. [Reference: FEDERAL REGISTER, 12/31/55, page 10172.]

JOHN W. MCEACHREN.

ROBERT M. TRUEBLOOD

APRIL 18, 1956.

In regard to your request of April 12 for a semiannual statement of financial interests in the FEDERAL REGISTER as of February 1, 1956, the following information is supplied in accordance with your letter of December 15:

(1) None.
(2) Thomas Industries, Inc.
(3) None.
(4) None.

[Reference: FEDERAL REGISTER, 12/31/55, page 10172.]

ROBERT M. TRUEBLOOD.

[F. R. Doc. 56–3825; Filed, May 14, 1956; 8:52 a. m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[C–012309]

COLORADO

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

MAY 7, 1956.

Pursuant to Determination DA–370, Colorado, of the Federal Power Commission and in accordance with Order No. 541, section 2.5, of the Director, Bureau of Land Management, approved April 21, 1954 (19 F. R. 2473–2476), it is ordered as follows:

The lands hereinafter described, so far as they are withdrawn and reserved for power purposes, are hereby restored to disposition under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended.

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 1 N., R. 79 W.,
Sec. 12: SW¼NW¼, NE¼SE¼.

The lands described consist of 80 acres of public land.

The State of Colorado has been afforded a period of 90 days beginning February 4, 1956, and ending May 6, 1956, in which to file applications for rights-of-way for public highways or as a source of material for construction and maintenance of such highways, in accordance with and subject to the provisions of section 24 of the Federal Power Act, as amended.

This restoration is made in furtherance of an exchange under section 8 of the act of June 28, 1934, as amended by section 3 of the act of June 26, 1936 (48 Stat. 1272; 49 Stat. 1976; 43 U. S. C. 315g) by which the offered lands will benefit a Federal land program. This restoration is, therefore, not subject to the provisions contained in the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, granting preference rights to veterans of World War II and others.

Inquiries concerning the lands shall be addressed to the State Supervisor, Colorado State Office, Bureau of Land Management, 357 New Custom House, P. O. Box 1018, Denver 1, Colorado.

MAX CAPLAN,
*State Supervisor.*

[F. R. Doc. 56–3793; Filed, May 14, 1956; 8:46 a. m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[P. & S. Docket No. 5]

PEORIA UNION STOCK YARDS CO.

NOTICE OF PETITION FOR MODIFICATION OF RATE ORDER

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), an order was issued in this rate proceeding on July 27, 1953 (12 A. D. 851), which, as modified and continued in effect by an order issued on July 18, 1955 (14 A. D. 566), authorizes the respondent to assess the current schedule of rates and charges to and including August 1, 1957.

On May 1, 1956, respondent filed a petition requesting authority to put into effect as soon as possible certain modifications of its current schedule and to continue assessing the current schedule as so modified to and including August 1, 1957.

The modifications of the current schedule of rates and charges (Tariff No. 11) proposed by respondent are limited to Item 4 of Section 1 of such schedule, the present and proposed provisions of which are as follows:



PRESENT

*Item 4.* Charges will be collected on all livestock consigned to local packers and others at the following rate in cents per head.

NOTE: If weighed, full yardage as shown in Item 1 will apply.

| | |
|---|---|
| Cattle | 35 |
| Calves | 19 |
| Hogs | 12 |
| Sheep | 9 |

PROPOSED

*Item 4.* Charges will be collected on all livestock consigned to local packers and others at the following rate in cents per head.

| | |
|---|---|
| Cattle | 50 |
| Calves | 25 |
| Hogs | 16 |
| Sheep | 13 |

In view of the fact that most of the livestock described in item 4 of section 1 of the current schedule are weighed, full yardage rates apply to them instead of the rates shown in such item which are about one-half the full rates. Under the proposed new item 4 of section 1 all such livestock may be weighed and be charged for at the proposed new yardage rates which are about 70 percent of the full yardage rates. Accordingly, the effect of the modifications, if authorized, will be to increase the yardage rates on only such of the livestock described as are not being weighed at present, to produce less revenue for the respondent, and to reduce the cost of marketing livestock except as noted above. It appears that this public notice should be given of the filing of the petition and its contents in order that all interested persons may have an opportunity to indicate a desire to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days after the publication of this notice.

Done at Washington, D. C., this 9th day of May 1956.

[SEAL] H. E. REED,
*Director,*
*Livestock Division,*
*Agricultural Marketing Service.*

[F. R. Doc. 56–3829; Filed, May 14, 1956; 8:53 a. m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 3051 et al.]

NEW YORK-FLORIDA PROCEEDING

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on June 26, 1956, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., May 10, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56–3833; Filed, May 14, 1956; 8:54 a. m.]

[Docket No. 5564]

TUCSON AIRPORT AUTHORITY

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on June 13, 1956, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., May 9, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56–3834; Filed, May 14, 1956; 8:54 a. m.]

[Docket Nos. 6881 et al., 6901 et al.]

FIRST CLASS AND OTHER PREFERENTIAL MAIL RATES (EAST AND WEST)

NOTICE OF ORAL ARGUMENT

First class and other preferential mail rates (East), Docket No. 6881, et al.; first class and other preferential mail rates (West), Docket No. 6901, et al.

Notice is hereby given, pursuant to the provision of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceedings is assigned to be held on June 6, 1956, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., May 9, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56–3835; Filed, May 14, 1956; 8:54 a. m.]

[Docket No. 5773 et al.]

REOPENED BONANZA RENEWAL CASE

NOTICE OF HEARING

In the matter of the Bonanza Renewal Case as reopened for further hearing.

Notice is hereby given that the hearing in the above-entitled proceeding is assigned to be held on June 6, 1956, at 10:00 a. m., P. s. t., in the Apple Valley Inn, Apple Valley, California, before Examiner Ferdinand D. Moran, and is to be recessed for further hearing on June 19, 1956, at 10:00 a. m., e. d. s. t., in Room E–224, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C.

Without limiting the scope of the issues, particular attention will be directed to the following matters and questions:

(a) Whether Southwest's certificate for route No. 76 should be amended to extend Segment No. 4 beyond Sacramento, Calif., to Reno, Nev.;

(b) Whether Southwest's certificate for route No. 76 should be amended to extend Segment No. 5 beyond Palmdale-Lancaster to Las Vegas, Nev., via Apple Valley, Calif.;

(c) Whether Bonanza's certificate for route No. 105 should be amended to extend such route between Las Vegas and Los Angeles, Calif., via the intermediate points Apple Valley, Riverside/Ontario, and Burbank;

(d) Whether Bonanza's certificate for route No. 105 should be amended to add Apple Valley as an intermediate or alternate intermediate point on Segment No. 3 of that route;

(e) Whether Bonanza's certificate for route No. 105 should be amended to extend such route between Las Vegas and Los Angeles, via the intermediate points Bakersfield and Burbank;

(f) Whether Southwest's certificate for route No. 76 should be amended to authorize a new segment which would serve Apple Valley and Riverside/Ontario between Las Vegas and Los Angeles/Burbank;

(g) Whether the public convenience and necessity require, and whether the Board should direct, the alteration, amendment, or modification of Western's certificate for route No. 13 so as to provide that the carrier shall render service between San Bernardino, Calif., and Las Vegas only on flights operated via Los Angeles;

(h) Whether Bonanza and Southwest are fit, willing and able to conduct the proposed air transportation and to conform to the provisions of the act and the regulations of the Board thereunder.

For further details regarding this proceeding interested parties are referred to the report of the prehearing conference in this matter served February 29, 1956, and Board Orders Nos. E–9825, E–9998, and E–10202 and the Docket in this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Notice is further given that any person not a party of record desiring to be heard in support or opposition to questions involved in this proceeding must file with the Board on or before June 6, 1956, a statement setting forth the matters of law or fact which he desires to advance. Any person filing such a statement may appear at the hearing in accordance with § 302.14 of the rules of practice in economic proceedings.

Dated at Washington, D. C., May 8, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56–3836; Filed, May 14, 1956; 8:54 a. m.]

[Docket No. 7773]

AIR DISPATCH, INC.

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of Air Dispatch, Inc., for approval of certain interlocking relationships and for approval, if necessary, of acquisition of control, under sections 408 and 409 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on May 15,

1956, at 10:00 a. m., e. d. s. t., in Room E–210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Dated at Washington, D. C., May 10, 1956.

[SEAL] FRANCIS W. BROWN, *Chief Examiner.*

[F. R. Doc. 56–3837; Filed, May 14, 1956; 8:54 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. G–10357]

JOHN W. MECOM

ORDER SUSPENDING PROPOSED CHANGES IN RATES

John W. Mecom (Applicant) on April 9, 1956, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings which are proposed to become effective on the date shown:

*Description; Purchaser; Rate Schedule Designation; and Effective Date* [1]

Supplemental agreement, dated January 7, 1956; United Gas Pipe Line Company; Supplement No. 1 to Applicant's FPC Gas Rate Schedule No. 3; May 10, 1956.

Notice of change, dated March 30, 1956; United Gas Pipe Line Company; Supplement No. 2 to Applicant's FPC Gas Rate Schedule No. 3; May 10, 1956.

The increased rates and charges proposed in the aforesaid filings have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as herinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplements be and the same hereby are suspended and the use thereof deferred until October 10, 1956, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplements hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Issued: May 9, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–3713; Filed, May 14, 1956; 8:45 a. m.]

[Docket No. G–10358]

SOUTHEASTERN GAS CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Southeastern Gas Company (Applicant) on April 9, 1956, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings which are proposed to become effective on the date shown:

*Description; Purchaser; Rate Schedule Designation; and Effective Date* [1]

Supplement agreement, dated March 23, 1956; United Fuel Gas Company; Supplement No. 4 to Applicant's FPC Gas Rate Schedule No. 43; May 15, 1956.

Notice of change dated April 6, 1956; United Fuel Gas Company; Supplement No. 5 to Applicant's FPC Gas Rate Schedule No. 43; May 15, 1956.

The increased rates and charges proposed in the aforesaid filings have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplements be and the same hereby are suspended and the use thereof deferred until October 15, 1956, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplements hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Issued: May 9, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–3714; Filed, May 14, 1956; 8:45 a. m.]

[Docket No. G–10359]

PHILLIPS PETROLEUM CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Phillips Petroleum Company (Applicant) on April 11, 1956, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings which are proposed to become effective on the date shown:

*Description; Purchaser; Rate Schedule Designation; and Effective Date* [1]

Letter, dated March 23, 1956; Consolidated Gas Utilities Corporation; Supplement No. 10 to Applicant's FPC Gas Rate Schedule No. 19; May 12, 1956.

Notice of change, dated April 9, 1956; Consolidated Gas Utilities Corporation; Supplement No. 11 to Applicant's FPC Gas Rate Schedule No. 19; May 12, 1956.

The increased rates and charges proposed in the aforesaid filings have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplements be and the same hereby are suspended and the use thereof deferred until October 12, 1956, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Applicant if later.



(B) Neither the supplements hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Issued: May 9, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–3715; Filed, May 14, 1956; 8:45 a. m.]

[Project No. 2173]

PACIFIC NORTHWEST POWER CO.

ORDER FIXING HEARING

On September 7, 1955, Pacific Northwest Power Company, of Portland, Oregon, filed an application under section 4 (e) of the Federal Power Act (16 U. S. C. 791a–825r) for a license for proposed hydroelectric Project No. 2173, known as the proposed Mountain Sheep-Pleasant Valley Hydroelectric Project, and located on the Snake River in Adams and Idaho Counties, Idaho, and Wallowa County, Oregon.

Notice of the application was published in newspapers in the City of Council, Adams County, Idaho; City of Grangeville, County of Idaho, Idaho; City of Enterprise, Wallowa County, Oregon; and in the FEDERAL REGISTER on September 29, 1955 (20 F. R. 7278–79).

Responses to the notice of application indicate a widespread public interest in the proposed development of the Snake River.

The Commission finds: It is appropriate and in the public interest in carrying out the provisions of the Federal Power Act that a hearing be held on the aforesaid application as hereinafter provided.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Federal Power Act, particularly sections 4 and 308 thereof, and the Commission's rules of practice and procedure, a public hearing shall be held commencing on June 18, 1956 at 10:00 a. m., P. s. t., in Vert Auditorium, Pendleton Junior High School Building at Pendleton, Oregon, said hearing to be recessed on June 19 to reconvene on June 21, 1956, at 10:00 a. m., P. s. t., in Lewis Clark Hotel at Lewiston, Idaho; said hearing at Lewiston to be recessed on June 22 to reconvene on July 17, 1956, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application, and particularly whether the proposed project is best adapted to a comprehensive plan of development for all public purposes as required by section 10 (a) of the act, and whether the Commission should find under section 7 (b) of the act that the United States itself should undertake the development of the water resources involved for public purposes.

(B) The hearing to be held at Pendleton, Oregon, and Lewiston, Idaho, shall be for the purpose of permitting the introduction of views and evidence of a non-technical nature, and expert and technical evidence shall be presented only at the reconvened hearing to be held in Washington, D. C.

Issued: May 9, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–3716; Filed, May 14, 1956; 8:45 a. m.]

## OFFICE OF DEFENSE MOBILIZATION

JAMES F. HALEY

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change.

This amends statement previously published in the FEDERAL REGISTER December 31, 1955 (20 F. R. 10186).

Dated: February 1, 1956.

JAMES F. HALEY.

[F. R. Doc. 56–3799; Filed, May 14, 1956; 8:48 a. m.]

R. C. PARSONS

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

There has been no change in information as submitted on November 1, 1955.

This amends statement previously published in the FEDERAL REGISTER December 31, 1955 (20 F. R. 10180).

Dated: February 1, 1956.

R. C. PARSONS.

[F. R. Doc. 56–3800; Filed, May 14, 1956; 8:48 a. m.]

H. W. HALE

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

There has been no change in the information submitted previously with reference to my financial interests.

This amends statement previously published in the FEDERAL REGISTER December 31, 1955 (20 F. R. 10185).

Dated: February 1, 1956.

H. W. HALE.

[F. R. Doc. 56–3801; Filed, May 14, 1956; 8:49 a. m.]

ANDREW H. BROWN

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

There has been no change in the information submitted on October 28, 1955.

This amends statement previously published in the FEDERAL REGISTER December 31, 1955 (20 F. R. 10182).

Dated: February 1, 1956.

ANDREW H. BROWN.

[F. R. Doc. 56–3802; Filed, May 14, 1956; 8:49 a. m.]

A. W. CAMPBELL

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

There has been no change in the information submitted on Form OMD–163 dated November 1, 1955.

This amends statement previously published in the FEDERAL REGISTER December 31, 1955 (20 F. R. 10182).

Dated: February 1, 1956.

A. W. CAMPBELL.

[F. R. Doc. 56–3803; Filed, May 14, 1956; 8:49 a. m.]

A. E. BAYLIS

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

There has been no change in the list previously submitted by me on Form ODM–163.

This amends statement previously published in the FEDERAL REGISTER December 31, 1955 (20 F. R. 10187).

Dated: February 1, 1956.

A. E. BAYLIS.

[F. R. Doc. 56–3804; Filed, May 14, 1956; 8:49 a. m.]

J. F. REILLY

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change in information previously submitted.

This amends statement previously published in the FEDERAL REGISTER December 31, 1955 (20 F. R. 10184).

Dated: February 1, 1956.

J. F. REILLY.

[F. R. Doc. 56-3805; Filed, May 14, 1956; 8:49 a. m.]

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J. J. MAHONEY

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Have been an officer of the Santa Fe Railway since May 1920.

In addition to my investment in Government bonds reported to you December 13, 1955, I have invested in Santa Fe common stock and Bailey-Selburn Oil and Gas.

This amends statement previously published in the FEDERAL REGISTER December 31, 1955 (20 F. R. 10183).

Dated: February 1, 1956.

J. J. MAHONEY.

[F. R. Doc. 56-3806; Filed, May 14, 1956; 8:49 a. m.]

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JAMES L. COOKE

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

There has been no change in information as submitted on December 8, 1955.

This amends statement previously published in the FEDERAL REGISTER December 31, 1955 (20 F. R. 10183).

Dated: February 1, 1956.

JAMES L. COOKE.

[F. R. Doc. 56-3807; Filed, May 14, 1956; 8:49 a. m.]

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J. M. HOOD

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

There has been no change in the information submitted in statement of December 8, 1955.

This amends statement previously published in the FEDERAL REGISTER December 31, 1955 (20 F. R. 10185).

Dated: February 1, 1956.

J. M. HOOD.

[F. R. Doc. 56-3808; Filed, May 14, 1956; 8:49 a. m.]

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G. A. STEINER

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change from the statement filed as of December 14, 1955.

This amends statement previously published in the FEDERAL REGISTER December 31, 1955 (20 F. R. 10183).

Dated: March 30, 1956.

G. A. STEINER.

[F. R. Doc. 56-3809; Filed, May 14, 1956; 8:50 a. m.]

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HERBERT SCHREIBER

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the name of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change in information previously submitted.

This amends statement previously published in the FEDERAL REGISTER December 31, 1955 (20 F. R. 10187).

Dated: February 1, 1956.

HERBERT SCHREIBER.

[F. R. Doc. 56-3810; Filed, May 14, 1956; 8:50 a. m.]

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JNO. C. RILL

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Add to data previously furnished: Ford Motor Company, Stock Ownership.

This amends statement previously published in the FEDERAL REGISTER December 31, 1955 (20 F. R. 10182).

Dated: February 1, 1956.

JNO. C. RILL.

[F. R. Doc. 56-3811; Filed, May 14, 1956; 8:50 a. m.]

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F. J. ORNER

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

For the period August 1, 1955, to February 1, 1956, there has been no change in the information submitted previously.

This amends statement previously published in the FEDERAL REGISTER December 31, 1955 (20 F. R. 10182).

Dated: February 1, 1956.

F. J. ORNER.

[F. R. Doc. 56-3812; Filed, May 14, 1956; 8:50 a. m.]

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G. H. SHAFER

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

There has been no change in my financial holdings since the last report was submitted. Moreover, I am not a director or officer of any corporation.

This amends statement previously published in the FEDERAL REGISTER December 31, 1955 (20 F. R. 10184)

Dated: February 1, 1956.

G. H. SHAFER.

[F. R. Doc. 56-3813; Filed, May 14, 1956; 8:50 a. m.]

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GEOFFREY BAKER

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

There has been no change since last filing.

This amends statement previously published in the FEDERAL REGISTER December 31, 1955 (20 F. R. 10181).

Dated: April 27, 1956.

GEOFFREY BAKER.

[F. R. Doc. 56-3814; Filed, May 14, 1956; 8:50 a. m.]

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C. R. MEGEE

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

This is to affirm that there has been no change in the information submitted previously.

This amends statement previously published in the FEDERAL REGISTER December 21, 1955 (20 F. R. 10183).

Dated: February 1, 1956.

C. R. MEGEE.

[F. R. Doc. 56-3815; Filed, May 14, 1956; 8:50 a. m.]



## SELECTIVE SERVICE SYSTEM

STATEMENT OF ORGANIZATION, DELEGATIONS OF FINAL AUTHORITY, AND PLACES AT WHICH INFORMATION MAY BE SECURED

MISCELLANEOUS AMENDMENTS

The Statement of Organization, Delegations of Final Authority, and Places at which Information may be Secured made by the Selective Service System (14 F. R. 2676), as amended (17 F. R. 5405), is hereby further amended as follows:

1. Paragraph (a) of section 1 is amended to read as follows:

(a) The Selective Service System was established by Title I of the Universal Military Training and Service Act (62 Stat. 604; 50 U. S. C. App. 451–471), as amended. The Selective Service System includes a National Headquarters, State Headquarters in each State, Territory, and possession of the United States, and in the District of Columbia, civilian local boards, civilian appeal boards, and such other civilian agencies, including agencies of appeal, created and established by the President as may be necessary to carry out its functions with respect to the registration, examination, classification, selection, delivery for induction into the armed forces, ordering to perform civilian work in lieu of induction, and maintenance of records of the male persons who are required to register under that title. Under Executive Order 10650 of January 6, 1956 (21 F. R. 167), the Selective Service System selects persons who have certain critical skills for enlistment in the Ready Reserve of the Armed Forces under the provisions of section 262 of the Armed Forces Reserve Act of 1952 (69 Stat. 600; 50 U. S. C. 1013). Pursuant to the provisions of section 233 (a) of the Armed Forces Reserve Act of 1952 (66 Stat. 489; 50 U. S. C. 961 (a)), as amended, the Selective Service System determines the availability of members of the Standby Reserve of the Armed Forces for order to active duty in time of war or national emergency declared by Congress.

2. Section 3 is amended to read as follows:

SEC. 3. *Director of Selective Service.* The Selective Service System is headed by the Director of Selective Service who is appointed by the President with the advice and consent of the Senate and is responsible directly to the President for carrying out the functions of the Selective Service System under Title I of the Universal Military Training and Service Act, as amended. The Director decides appeals from the determinations of appeal boards as to the availability of members of the Standby Reserve for order to active duty under section 233 (a) of the Armed Forces Reserve Act of 1952, as amended. The Director maintains his office at the National Headquarters, Selective Service System, Washington, D. C.

3. Section 4 is amended to read as follows:

SEC. 4. *Organizational elements of the Selective Service System.* The Selective Service System consists of the following organizational elements:

(a) National Headquarters.
(b) State Headquarters.
(c) Local Boards.
(d) Appeal Boards.
(e) National Selective Service Appeal Board.
(f) National Selective Service Scientific Advisory Group.

4. Section 5 is amended to read as follows:

SEC. 5. *Organization and functions of National Headquarters.* The operations of the Selective Service System are largely decentralized. National Headquarters functions under the supervision of the Director of Selective Service as a coordinating agency for the State Headquarters in the several States, Alaska, Hawaii, Puerto Rico, the Virgin Islands, Guam, the Canal Zone, and the District of Columbia. Within National Headquarters are the following organizational elements with functions as indicated:

(a) *Office of the Director*—(1) *Deputy Director.* The Deputy Director assumes the duties of the Director in his absence; represents the Director in activities with other agencies, as designated by him; obligates funds; and performs such other functions as the Director may delegate.

(2) *Assistants to the Director.* The Assistants to the Director carry out special assignments for the Director and perform related work as delegated.

(3) *Office of the General Counsel.* The Office of the General Counsel acts as legal counsel to the Director; advises and assists in connection with legal matters referred or assigned; perfects regulations, amendments, orders, memoranda, and such other documents as required; maintains liaison with the Department of Justice including United States Attorneys, on matters regarding law enforcement, and also maintains liaison with the Division of the Federal Register and legal departments of other Government agencies; maintains the law library in National Headquarters; maintains a digest of court decisions affecting selective service operations; maintains a digest of related laws which affect selective service operations; furnishes legal opinions and advice on pending legislation affecting the Selective Service System; and handles special assignments for the Director as delegated.

(4) *Office of Legislation, Liaison, and Public Information.* The Office of Legislation, Liaison, and Public Information serves as liaison to the Congress, to the White House, and to other agencies on matters not otherwise delegated; keeps the Director currently informed on all matters pertaining to legislation in which the Selective Service System might be concerned; prepares proposed legislation; studies pending legislation and related matters and prepares reports thereon as required; handles correspondence, telegrams, and telephone calls dealing with proposed or pending legislation; conducts a public relations program; clears all articles, speeches, or other information and material for publication, delivery, or dissemination; and handles special assignments for the Director as delegated.

(5) *Office of the Chief Medical Officer.* The Office of the Chief Medical Officer advises the Director on all medical, dental, and other matters coming within the purview of the healing arts; advises the Director relative to the appointment of area and State medical officers and medical advisors to the local boards; maintains liaison concerning medical functions with the Department of Defense, the medical services of the Armed Forces, the Health Resources Advisory Committee of the Office of Defense Mobilization, and other departments and agencies of the Government; maintains liaison with professional health associations at the national level; represents the Director in coordinating the work of the Healing Arts Advisory Committee and of the Healing Arts Educational Advisory Committee; maintains supervision over area medical officers; maintains liaison with State medical officers through the State Directors of Selective Service; establishes and maintains an appropriate health service for the personnel of National Headquarters; consults with the Department of Defense regarding the application of current physical, mental, and intellectual standards; advises the Director concerning examinations of registrants in accordance with current prescribed standards within the Selective Service System; and handles special assignments for the Director as delegated.

(6) *Office of the Chief Planning Officer.* The Office of the Chief Planning Officer develops plans and recommends regarding the availability of the manpower supply of the nation for national defense and related purposes; prepares plans anticipating the manpower procurement demands which may be made upon the Selective Service System under different Department of Defense policies and under varying degrees of emergency; develops plans and recommends policies and procedures regarding the procurement of manpower for service in the Armed Forces, or for any other type of service for which the Selective Service System might be given procurement responsibility; maintains planning contacts with other agencies engaged in manpower planning at the national level; prepares plans for the emergency functioning of the Selective Service System under conditions which might be caused by the direct impact of war or other catastrophe on the National Headquarters or other elements of the System; and handles special assignments for the Director as delegated.

(7) *Office of the Adjutant General.* The Office of the Adjutant General maintains the records of the officers of the Army, Navy, Marine Corps, Coast Guard, and Air Force on active duty assigned to the Selective Service System and of those officers who have been separated from the Active Reserve who were formerly so assigned; maintains the records of all Reserve officers not on active duty designated for assignment to the System exclusive of training records; secures orders calling officers to active duty, relieving them from active duty, and transferring them from one station to another; maintains duty rosters and leave records for officers and maintains and submits or supervises and assists in submitting all

required military reports for officers; arranges for the physical examination and hospitalization of officers; maintains a current file of military regulations and other publications issued by the Armed Forces; conducts all military correspondence pertaining to officers on active duty; maintains liaison on personnel matters with each of the Armed Forces; and handles special assignments for the Director as delegated.

(b) *Administrative Division.* The Administrative Division performs or supervises all civilian personnel functions required in the operation of the Selective Service System and maintains liaison in personnel matters with the Civil Service Commission and wage boards; prepares and maintains leave, retirement, and pay roll records for National Headquarters and is responsible for the control of civilian retirement records for the System; processes and audits travel and commercial bills of lading, and maintains imprest funds for National Headquarters; controls travel funds for National Headquarters and maintains the administrative accounts therefor; allocates office space, and maintains liaison with the Public Buildings Service, General Services Administration for building maintenance and services for National Headquarters; secures supplies and property for National Headquarters and maintains a stockroom for the issue thereof; maintains a property record for National Headquarters; maintains and administers fire and disaster warden services for National Headquarters; processes and distributes all printed material for the System and maintains liaison with the Public Printer; maintains reproduction, photographic, and photostatic facilities for National Headquarters; maintains a warehouse and provides for bulk shipments of forms, publications, supplies, and equipment; maintains a unit for general clerical, typist, and stenographic services; maintains mail and communications systems and messenger service; establishes filing systems for the System and has custody of and maintains the current files of National Headquarters; and performs such other functions as the Director may delegate.

(c) *Communications and Records Division.* The Communications and Records Division studies the use of and evaluates all records of the Selective Service System and provides the Director with recommendations relating to their creation, use, and disposal, including plans for microfilming; recommends procedures for the protection, preservation, microfilming, or destruction of current and noncurrent records; recommends procedures and provisions for locating, identifying, describing, and analyzing permanent records; recommends procedures with regard to the keeping, arranging, storing, transporting, physical custody, use, and withdrawal of all records of the System; supervises and coordinates the activities of the Federal Record Depots of National and State Headquarters; establishes, maintains, and operates a Records Management Program pursuant to the Federal Records Act of 1950; with the approval of the Director, requisitions such permanent records as may be considered advisable for deposit with this division or with the National Archives; maintains liaison with the Archivist of the United States and the General Services Administration in complying with the Federal Records Act of 1950; maintains liaison with the Bureau of the Budget in complying with the Federal Reports Act of 1942, as amended, with respect to clearing forms and forms procedures; furnishes technical advice on the development of selective service forms and forms procedures, and provides liaison with other Federal agencies in connection with the design of and procedures regarding such forms; maintains a forms control program and the Selective Service Form Manual; provides a correspondence unit responsible for answering all correspondence not specifically requiring handling by another division or Staff Office; maintains liaison with the records divisions of the several branches of the Armed Forces and with foreign countries on records matters; supervises the operational details of the emergency relocation center of the System and is responsible for its communications and for personnel assigned; receives visitors and telephone inquiries and answers all inquiries not specifically requiring handling by another division or Staff Office; and performs such other functions as the Director may delegate.

(d) *Field Division.* The Field Division furnishes personal representation for the Director in the field; advises the Director and the Division Chiefs and Staff concerning State operations and other matters in the field relative to selective service operations; establishes and maintains liaison in the field with the State Directors of Selective Service, the State Governors, appropriate offices and commands of the Armed Forces, and agencies of the Federal Government, and, as may be deemed necessary, with other agencies and with industry, labor, agriculture, and other related activities; processes for selection applications of individual Reserve officers for designation for assignment to the Selective Service System, prepares and conducts training programs for Reserve officers so designated; and performs such other functions as the Director may delegate.

(e) *Fiscal and Procurement Division.* The Fiscal and Procurement Division procures supplies and equipment and exercises supervision over field procurement; receives and analyses reports of operating costs; devises and supervises fiscal accounting procedures and prepares regulations governing fiscal, property, and payroll procedures for the System; supervises and coordinates civilian payroll procedures for the System; supervises the execution of and reviews contracts and leases; audits and certifies carriers' bills for payment covering the cost of bills of lading and transportation requests for the entire System; maintains liaison with the Department of the Treasury, the Chief of Finance, United States Army, and other Federal agencies on matters connected with the responsibilities of the division; conducts field audits and inspections of the records and accounts of State Procurement Officers and Authorized Certifying Officers; prepares, edits, and maintains the Fiscal and Procurement Manual; administratively examines all accounts of the System before forwarding them to the General Accounting Office for final audit and settlement; prepares for presentation the budget estimates for obtaining the appropriation of funds for selective service operations; prepares apportionment schedules; maintains records of and makes recommendations for the allocation of funds; and performs such other functions as the Director may delegate.

(f) *Manpower Division.* The Manpower Division applies plans and programs for the registration, classification, selection for or deferment from military service, and delivery for induction of persons liable for training and service in the Armed Forces; initiates, prepares, and coordinates regulations, procedures, and forms required in the manpower procurement process; recommends quotas and credits and allocation of calls for the States, Territories, and possessions; maintains national records of availability and maintains national records of deliveries to the Armed Forces; evaluates the effectiveness of policies and procedures in manpower procurement, and plans for the improvement of the operation or its enlargement to meet more urgent or emergency situations; secures from industry, agriculture, and Government information on manpower problems, and evaluates and disseminates this information to the System as needed; maintains liaison with the Department of Defense and the various armed services on matters concerning the regulations, policies, procedures, and forms involved in the examination of registrants, their induction into military service, and the classification of registrants who have a military status; processes all correspondence and inquiries concerning the interpretation of policies and regulations on manpower procurement; processes all correspondence concerning the classification of individual registrants under the Universal Military Training and Service Act, as amended; investigates the selective service processing of individual registrants when necessary by securing their files and cover sheets from local boards and prepares recommendations to the Director on the action to be taken after briefing and evaluating the evidence in each case; plans, provides for, and supervises the performance by conscientious objectors of civilian work contributing to the maintenance of the national health, safety or interest in lieu of induction into military service; and performs such other functions as the Director may delegate.

(g) *Research and Statistics Division.* The Research and Statistics Division maintains and operates the statistical and research activities of the Selective Service System; collects, evaluates and disseminates statistical information; conducts statistical analyses of program nature; applies plans and programs for research in manpower mobilization and related subjects; performs statistical computations for divisions and Staff Offices as required; compiles, edits, and prepares reports designated by the Director; makes special studies and carries out other assignments as required; maintains and operates the reference library in National Headquarters; and handles special assignments for the Director as delegated.



5. Paragraph (d) of section 6 is amended to read as follows:

(d) *Federal record depot.* The Federal record depot operates as a division of State Headquarters and is responsible under the State Director for the preservation and servicing of the remainder of the selective service records obtained in the State under the Selective Training and Service Act of 1940, as amended, and other selective service records placed in the depot pursuant to authorization of the Director of Selective Service, and for the furnishing of information from these records to registrants and their designated representatives and to authorized Federal, State, and local agencies.

6. Paragraphs (a), (b), (d), and (e) of section 7 are amended to read as follows:

(a) *Jurisdiction.* Each local board has the power to determine all questions or claims with respect to inclusion for, or exemption or deferment from, training and service in the Armed Forces of all men registered in, or subject to registration in, the area for which it was appointed. A local board is also authorized to select registrants having critical skills for enlistment in the Ready Reserve of the Armed Forces and to determine the availability of members of the Standby Reserve for order to active duty. The decision of a local board is final except where an appeal is authorized and is taken to the appeal board.

(b) *Functions.* The local board is responsible for the registration, examination, classification, selection, delivery to the Armed Forces for induction, ordering to perform civilian work in lieu of induction, selection for enlistment in the Ready Reserve, and maintenance of the records of men who are required by law to register and who are within the jurisdiction of the local board. A local board is also responsible for determining the availability for order to active duty of members of the Standby Reserve who are within its jurisdiction.

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(d) *Government appeal agents.* For each local board a government appeal agent is appointed by the President upon recommendation of the Governor, and one or more associate government appeal agents are similarly appointed for a local board when requested by the government appeal agent or the local board, and for each county within an intercounty local board area. The government appeal agent is responsible for appealing from classifications of registrants by the local board which are brought to his attention and, in his opinion, should be reviewed by the appeal board in order to protect both the interests of the Government and the rights of the registrants, and for suggesting to the local board that it reconsider any case when he believes the interests of justice require such action.

(e) *Advisors to registrants.* Advisors to registrants may be appointed by the Director of Selective Service upon recommendation of the State Director of Selective Service. Whenever such advisors are appointed, they are responsible for advising and assisting registrants in the preparation of selective service forms and for advising registrants as to their obligations under the law.

7. Section 8 is amended to read as follows:

SEC. 8. *Appeal boards.* At least one appeal board has been established for each Federal judicial district in each of the States. Appeal boards have also been established in Alaska, Hawaii, Puerto Rico, the Virgin Islands, Guam, the Canal Zone, and the District of Columbia. Each appeal board consists, normally, of five civilian members, residents of the appeal board area, appointed by the President upon recommendation of the Governor and includes one member from labor, one member from industry, one physician, one lawyer, and, where applicable, one member from agriculture. The functions of an appeal board are to review the cases of registrants and members of the Standby Reserve appealed to it and to affirm or change any decision of the local board.

8. Immediately following section 10 a new section is added to read as follows:

SEC. 11. *National Selective Service Scientific Advisory Group.* The National Selective Service Scientific Advisory Group has been established by the Director of Selective Service and is located at National Headquarters of the Selective Service System. The members of this group, both individually and collectively, advise the Director regarding problems which arise concerning manpower in the scientific fields.

9. Section 30 is amended to read as follows:

SEC. 30. *Places to secure information concerning functions and operations of Selective Service System.* Information concerning any of the functions for which the Selective Service System is responsible and its operations may be obtained in person or by letter at the office of the local board having jurisdiction over the area in which any person desiring such information is located. Information as to the location of the local board office for a particular area may be obtained from the respective State Headquarters for Selective Service. In the State of New York there are two State Headquarters, one in the City of New York with jurisdiction over that city and one in the City of Albany with jurisdiction over the remainder of that State. State Headquarters are located in the capital of each of the other States with the exception of the following:

*State and Location of State Headquarters*

Delaware: Wilmington.
Florida: St. Augustine.
Illinois: Chicago.
Iowa: Fort Des Moines.
Kentucky: Louisville.
Louisiana: New Orleans.
Maryland: Baltimore.
New Jersey: Newark.
Oregon: Portland.
South Dakota: Rapid City.
Utah: Fort Douglas.
Washington: Tacoma.

State Headquarters in the Territories, possessions, and District of Columbia are located as follows:

Alaska: Juneau.
Canal Zone: Balboa Heights.
District of Columbia: Washington.
Guam: Agana.
Hawaii: Honolulu.
Puerto Rico: San Juan.
Virgin Islands: St. Thomas.

10. Section 31 is amended to read as follows:

SEC. 31. *Places to secure information from records in Federal record depots.* Information contained in the remainder of the records obtained in each State under the Selective Training and Service Act of 1940, as amended, and in other records which are in the Federal record depots located at each State Headquarters, except in Guam and the Canal Zone, may be obtained by persons entitled thereto either by letter or in person at the respective State Headquarters having jurisdiction over the records. Certain records which are in the Federal record depots are confidential and information from such records may be supplied only to those persons or agencies entitled thereto under the provisions of Part 1670 of the Selective Service Regulations (32 CFR Part 1670). Information from other records is available to the public.

[SEAL] LEWIS B. HERSHEY,
*Director of Selective Service.*

MAY 10, 1956.

[F. R. Doc. 56-3797; Filed, May 14, 1956; 8:48 a. m.]

## DEPARTMENT OF LABOR

### Wage and Hour Division

#### LEARNER EMPLOYMENT CERTIFICATES

#### ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended March 1, 1956, 21 F. R. 1349).

The following learner certificates were issued authorizing the employment of not more than 10 percent of the total number of factory production workers as learners for normal labor turnover purposes:

Douphin Shirt Manufacturing Co., Elizabethville, Pa.; effective 4–18–56 to 4–17–57 (ladies' blouses).

Ecru Manufacturing Co., Ecru, Miss.; effective 5–1–56 to 4–30–57 (work shirts).

Ely & Walker Dry Goods Co., Ilimo, Mo.; effective 4–30–56 to 4–29–57 (dungarees, etc.).

Embassy Shirtmakers, Ltd., 24 Pine Street, Glens Falls, N. Y.; effective 4–24–56 to 4–23–57 (dress shirts).

Enro Shirt Co., Inc., Madisonville, Ky.; effective 4–29–56 to 4–28–57 (sport shirts).

Farwest Garments, Inc., 1100 Poplar Place, Seattle, Wash.; effective 4–16–56 to 4–15–57 (men's jackets).

Flemington Manufacturing Division, Inc., Route 12, Flemington, N. J.; effective 4–20–56 to 4–19–57 (dresses).

Freeland Sportswear Co., Inc., 246–250 Centre Street, Freeland, Pa.; effective 4–17–56 to 4–16–57 (jackets).

Hesteco Manufacturing Co., Inc., 10 West Locust Street, Ephrata, Pa.; effective 4–18–56 to 4–17–57 (children's dresses).

Mary Ann Manufacturing Division, 268 West Broadway, Jim Thorpe, Pa.; effective 4–29–56 to 4–28–57 (dresses).

Mode O'Day Corp., Plant No. 9, 419 East South Street, Hastings, Nebr.; effective 4–29–56 to 4–28–57 (ladies' blouses).

Rutledge Manufacturing Co., 317 North High Street, Baltimore, Md.; effective 4–17–56 to 4–16–57 (ladies' pajamas, etc.).

San-Dar Dress, 618–620 Washington Avenue, Jermyn, Pa.; effective 4–29–56 to 4–28–57 (dresses).

Sherman Manufacturing Co., 578 Forest Street, Orange, N. J.; effective 4–19–56 to 4–18–57 (dresses).

Shorenson Co., Lancaster County, Brownstown, Pa.; effective 4–23–56 to 4–22–57 (ladies' blouses).

United Mills Corp., Jubilee Division, Candor, N. C.; effective 4–23–56 to 4–22–57 (brassieres).

United Mills Corp, Garcrest Division, 1215 South Caldwell Street, Charlotte, N. C.; effective 4–23–56 to 4–22–57 (lingerie, nightwear).

United Mills Corp., Realcraft Division, 402 North Main Street, Mount Gilead, N. C.; effective 4–23–56 to 4–22–57 (lingerie, nightwear).

United Mills Corp., Jubilee Division, Main Street, Mount Gilead, N. C.; effective 4–23–56 to 4–22–57 (brassieres).

The following learner certificates were issued for normal labor turnover purposes and, except as otherwise indicated below, a maximum of 10 learners were authorized:

Bethlehem Stylecraft Corp., 126 Mechanic Street, Bethlehem, Pa.; effective 4–18–56 to 4–17–57; 5 learners (ladies' blouses).

Capeway Manufacturing Co., North Main Street, Randolph, Mass.; effective 4–16–56 to 4–15–57; 5 learners (women's apparel).

Elanor Frocks Manufacturing Co., 1113 Washington Avenue, St. Louis, Mo.; effective 4–16–56 to 4–15–57; 5 learners (women's apparel).

Elanor Frocks Manufacturing Co., 1113 Washington Avenue, St. Louis, Mo.; effective 4–16–56 to 4–15–57; 5 learners (men's robes).

Encino Shirt Co., 1119½ First Street, San Fernando, Calif.; effective 4–23–56 to 4–22–57 (sport shirts).

Gem Frock Co., 445 North Darien Street, Philadelphia, Pa.; effective 4–23–56 to 4–22–57; 5 learners (dresses).

Hanover Manufacturing Corp., Amsterdam, N. Y.; effective 4–19–56 to 4–18–57; 8 learners (dresses, cotton).

A. Oestreicher Co., Corner New Grove and Gilligan Streets, Wilkes-Barre, Pa.; effective 4–23–56 to 4–22–57; 5 learners (women's apparel).

Par-Mat Undergarment Co., Inc., 122 East High Street, Manheim, Pa.; effective 4–20–56 to 4–19–57; 5 learners (women's underwear and nightgowns).

Selro Manufacturing Co., 111 Gay Street, Cambridge, Md.; effective 4–20–56 to 4–19–57 (women's apparel).

Selro Manufacturing Co., Burlock, Md.; effective 4–18–56 to 4–17–57 (ladies blouses).

The following learner certificates were issued for plant expansion purposes. The number of learners authorized is indicated:

Blue Bell, Inc., Luray, Va.; effective 4–23–56 to 10–22–56; 25 learners (dungarees).

Chaffee Manufacturing Co., Inc., Chaffee, Mo.; effective 5–1–56 to 10–31–56; 20 learners (men's trousers).

Clinton Garment Manufacturing Co., Clinton, Ky.; effective 4–19–56 to 10–18–56; 75 learners (heavy outerwear jackets, etc.).

Dublin Garment Co., Inc., Dublin, Va.; effective 4–16–56 to 10–15–56; 30 learners (ladies' pajamas).

Elizabethtown Manufacturing Co., Elizabethtown, N. C.; effective 4–16–56 to 10–10–56; 10 learners (dresses) (supplemental certificate).

Oshkosh B'Gosh, Inc., Celina Division, Celina, Tenn.; effective 4–18–56 to 9–14–56; 25 learners (work clothes) (supplemental certificate).

Glove Industry Learner Regulations (29 CFR 522.60 to 522.65, as amended March 1, 1956, 21 F. R. 581).

Frederic H. Burnham Co., Plymouth, Ind.; effective 4–20–56 to 4–19–57; 5 learners for normal labor turnover purposes (mittens).

The Schafer Co., Inc., 101–117 North First Street, Decatur, Ind.; effective 4–23–56 to 4–22–57; 5 learners for normal labor turnover purposes (work gloves).

Wells Lamont Corp., Eupora, Miss.; effective 5–2–56 to 5–1–57; 10 percent of the total number of factory production workers engaged in the authorized learner occupations, for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.43, as amended March 1, 1956, 21 F. R. 629).

Burlington Hosiery Co., Rockwood Plant, Rockwood, Tenn.; effective 5–2–56 to 5–1–57; 5 percent of the total number of factory production workers for normal labor turnover purposes.

Fantashere, Inc., 1174 and 1294 Niagara Street, Buffalo, N. Y.; effective 4–23–56 to 4–22–57; 5 learners for normal labor turnover purposes.

Long Finishing Mills, Inc., 225 Trade Street, Burlington, N. C.; effective 4–17–56 to 4–16–57; 5 percent of the total number of factory production workers for normal labor turnover purposes.

Independent Telephone Industry Learner Regulations (29 CFR 522.70 to 522.74, as amended March 1, 1956, 21 F. R. 581).

Ogden Telephone Co., Spencerport, N. Y.; effective 4–20–56 to 4–19–57.

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended March 1, 1956, 21 F. R. 581).

The following learner certificates were issued for normal labor turnover purposes, except as otherwise indicated.

Bonnie Lass Knitting Mills, 56 Colfax Avenue, Clifton, N. J.; effective 4–24–56 to 4–23–57; 5 learners (sweaters).

Chic Lingerie Co., Inc., 1126 Santee Street, Los Angeles, Calif.; effective 4–23–56 to 3–7–57; 5 percent of the total number of factory production workers (women's knitted lingerie) (replacement certificate).

E. H. Hanes Knitting Co., Sparta Plant, Sparta, N. C.; effective 4–23–56 to 10–22–56; 40 learners for plant expansion purposes (men's undershorts).

Hoffman Bros. Lingerie, 334 Adams Avenue, Scranton, Pa.; effective 4–19–56 to 4–18–57; 5 learners (ladies' knitted and woven lingerie).

Par-Mat Undergarment Co., Inc., 122 East High Street, Manheim, Pa.; effective 4–20–56 to 4–19–57; 5 learners (knit underwear and nightgowns).

R & J Lingerie, Inc., 34 Elm Street, Glens Falls, N. Y.; effective 4–20–56 to 4–19–57; 5 percent of the total number of factory production workers (ladies' knit and woven undergarments).

Redondo Lingerie Co., 963 High Lane, Redondo Beach, Calif.; effective 4–23–56 to 8–31–56; 40 learners for plant expansion purposes (women's knitted lingerie) (replacement certificate).

Sel-Mor Garment Co., Inc., 1136 Washington Avenue, St. Louis, Mo.; effective 4–16–56 to 4–15–57; 5 percent of the total number of factory production workers (ladies' knitted and woven lingerie).

Taylor Manufacturing Co., Division of Union Underwear Co., Inc., Greensburg Road, Campbellsville, Ky.; effective 4–22–56 to 4–21–57; 5 percent of the total number of factory production workers (men's underwear).

Union Underwear Co., Inc., Bowling Green, Ky.; effective 4–20–56 to 4–19–57; 5 percent of the total number of factory production workers (men's undershorts).

Shoe Industry Learner Regulations (29 CFR 522.50 to 522.55, as amended March 1, 1956, 21 F. R. 1195).

The following learner certificates were issued for normal labor turnover purposes, authorizing a maximum of 10 learners.

Ellen Shoe Co., Adams Co., Fairfield, Pa.; effective 4–23–56 to 4–22–57.

Jaro Footwear Co., Inc., 108 South Washington Street, Herkimer, N. Y.; effective 4–23–56 to 4–22–57.

Tru-Stitch Moccasin Corp., Constable Street Road, Malone, N. Y.; effective 4–19–56 to 4–18–57.

Regulations applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645).

The following learner certificates were issued for normal labor turnover purposes to the companies listed below manufacturing miscellaneous products. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as follows:

American Pearl Button Co., Inc., 604 East Seventh Street, Washington, Iowa; effective 4–16–56 to 10–15–56; not less than 85 cents per hour for the first 320 hours and 90 cents per hour for the remaining 160 hours of the 480-hour learning period, for the occupations of finished button sorter and blank button cutter; authorizing the employment of 4 learners (pearl buttons and blanks).

Comfort Spring Corp., 12½ North Bethel Street, Baltimore, Md.; effective 4–18–56 to 10–17–56; not less than 85 cents per hour, for the occupation of spring assembler; a maximum of 320 hours; authorizing the employment of 11 learners (springs and spring assemblers).

Concord Heel Co., 42 Phoenix Row, Haverhill Mass.; effective 4–20–56 to 10–19–56; not less than 87 cents per hour for the first 240 hours and 93 cents per hour for the remaining 80 hours of the 320-hour learning period, for the occupation of heel builder; authorizing the employment of 4 learners (heels).



Decoratone Frame Manufacturing & Sales, Inc., 5710 Melrose Avenue, Los Angeles, Calif.; effective 4–23–56 to 10–22–56; not less than 80 cents per hour for the first 160 hours and 85 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupation of picture framer; authorizing the employment of 2 learners (picture frames).

Fremont Packaging Co., Weyauwega, Wis.; effective 4–23–56 to 10–22–56; not less than 80 cents per hour for the first 80 hours, 85 cents per hour for the next 40 hours, and 90 cents per hour for the remaining 40 hours of the 160-hour learning period, for the occupation of cheese wrapping; authorizing the employment of 3 learners (cheese).

Gamma Leather Goods Co., Inc., 288 Plymouth Avenue, Fall River, Mass.; effective 4–20–56 to 10–19–56; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupations of framer and hand cutter; not less than 90 cents per hour for a maximum of 160 hours, for the occupations of die and clicker machine operator, and automatic paring machine operator; authorizing the employment of 10 learners (ladies' handbags).

Gem Leather Goods Co., 2711 North Third Street, Milwaukee, Wis.; effective 4–19–56 to 10–18–56; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupation of sewing machine operators; authorizing the employment of 3 learners (leather goods).

Grossman Clothing Co., 79 Fifth Avenue, New York, N. Y., effective 4–16–56 to 10–15–56; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupations of sewing machine operator, hand sewing, and finishing operators involving hand sewing; authorizing the employment of 4 learners (men's suits).

Melbourne Manufacturing Co., Inc., 1015 Washington Avenue, St. Louis, Mo.; effective 4–20–56 to 10–19–56; not less than 85 cents per hour, for the occupation of pocketbook makers' helper; a maximum of 160 hours; authorizing the employment of 4 learners (ladies' handbags).

Muscatine Pearl Works, Columbus Junction, Iowa; effective 4–16–56 to 10–15–56; not less than 85 cents per hour for the first 320 hours and 90 cents per hour for the remaining 160 hours of the 480-hour learning period, for the occupation of blank button cutter; authorizing the employment of 3 learners (pearl button blanks).

Scranton Embroidery Co., 616 Willow Street, Scranton, Pa.; effective 4–18–56 to 10–17–56; not less than 90 cents per hour, for the occupation of embroidery machine operator; a maximum of 320 hours; authorizing the employment of 1 learner (handkerchiefs).

Sneller's, 14–29 North Scott Street, Tucson, Ariz.; effective 4–18–56 to 10–17–56; not less than 85 cents per hour, for the occupation of sewing machine operator; a maximum of 320 hours; authorizing the employment of 4 learners (draperies, bedspreads).

The Three Weavers, 1206 Brooks Street, Houston, Tex.; effective 4–25–56 to 10–24–56; not less than 85 cents per hour, for the occupation of hand weaver; a maximum of 240 hours; authorizing the employment of 1 learner (children's blankets, etc.).

The following special learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated:

Caribe General Electric, Inc., Palmer, P. R.; effective 4–9–56 to 10–8–56; not less than 50 cents per hour for the first 240 hours and 60 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of punch press operator, stamping machine operator, die setter, welder, calibrating, and plastic molding press operator; not less than 50 cents per hour for a maximum learning period of 240 hours, for the occupations of plating, drill, tap, and rivet operators, assembly, plastic finisher, and inspector; not less than 50 cents per hour for a maximum learning period of 160 hours, for the occupations of grinding and polishing; authorizing the employment of 80 learners for plant expansion purposes (industrial and residential circuit breakers).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 27th day of April 1956.

MILTON BROOKE,
*Authorized Representative of the Administrator.*

[F. R. Doc. 56–3794; Filed, May 14, 1956; 8:47 a. m.]

## INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 10, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32068: *Substituted service—Pennnsylvania Railroad Company.* Filed by Household Goods Carriers' Bureau, Agent, for interested motor carriers, and The Pennsylvania Railroad Company. Rates on household goods and other freight in trailers on railroad flat cars between (1) Chicago and East St. Louis, Ill., on the one hand, and Kearny, N. J., Philadelphia and Pittsburgh, Pa., on the other, and (2) between Pittsburgh, Pa., on one hand, and Kearny, N. J., on the other.

Grounds for relief: Competition with motor carriers.

FSA No. 32069: *Phosphatic feed supplements—from New Orleans, La.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on phosphatic feed supplements, carloads from New Orleans, La., to Base points in southern, official (including Illinois), southwestern and western trunk-line territories and points grouped therewith taking same rates.

Grounds for relief: Short-line distance formula and circuity.

Tariffs: Agent C. A. Spaninger's tariff I. C. C. 1535, Supplement 17 to Agent Kratzmeir's I. C. C. 4076.

FSA No. 32070: *Malted liquors and cereal beverages—Midwest to Southwest.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on malt liquors, viz.: ale, beer, beer tonic, porter or stout, also cereal beverages (non-intoxicating), straight or mixed carloads from specified points in Illinois, Indiana (points in the Chicago, Ill., area), Iowa, Minnesota, Missouri, Nebraska, and Wisconsin to specified points in Louisiana and Texas.

Grounds for relief: Modified short-line distance formula and circuity.

Tariffs: Supplement 133 to Agent Kratzmeir's I. C. C. 4049; Supplement 169 to Agent Kratzmeir's I. C. C. 4090.

FSA No. 32071: *Animal feed-Fontainebleau, Miss., to official territory.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on feed, animal, carnivorous, carloads, from Fontainebleau, Miss., to points in official (including Illinois) territory.

Grounds for relief: Short-line distance formula, market competition, and circuitous routes.

Tariffs: Supplement 180 to Agent Spaninger's I. C. C. 1324; Supplement 205 to Agent Spaninger's I. C. C. 1351.

FSA No. 32072: *Commodities between points in Texas.* Filed by J. F. Brown, Agent, for interested rail carriers. Rates on fish oil residuum, spent sulphuric acid, and iron or steel transformer hangers or hooks, carloads, from Port Arthur, Tex., to Amarillo, Tex., as to the fish oil residuum, and between points in Texas, as to the other commodities, over interstate routes.

Grounds for relief: Texas intrastate competition and circuitous routes.

Tariff: Supplement 22 to Agent Brown's I. C. C. 865.

FSA No. 32074: *Trailer-on-flat-car service, between central and southwestern territories.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on various commodities, moving on class and commodity rates, in highway trailers transported on railroad flat cars between specified points in Indiana, Kentucky, Michigan, New York, Ohio, Pennsylvania, and West Virginia, on one hand, and specified points in Arkansas, Louisiana, Oklahoma, and Texas, on the other.

Grounds for relief: Motor truck competition and circuity.

Tariff: Agent Kratzmeir's tariff I. C. C. 4196.

FSA No. 32075: *Corn and wheat—Cairo, Ill., to Baton Rouge, La.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on corn, shelled, and wheat, in bags, in bulk, carloads from Cairo, Ill., to Baton Rouge, La., for export and coastwise movement beyond.

Grounds for relief: Circuitous route.

Tariff: Supplement 69 to Agent Spaninger's I. C. C. 1353.

FSA No. 32076: *Anhydrous ammonia, to, from, and between southwestern territory.* Filed by F. C. Kratzmeir, Agent for interested rail carriers. Rates on anhydrous ammonia, tank-car loads from, to, and between points in southwestern

territory included in the tariff schedules listed below.

Grounds for relief: Short-line distance formula and circuity.

Tariffs: Supplement 10 to Agent Prueter's tariff I. C. C. A-4118; Supplement 141 to Agent Kratzmeir's tariff I. C. C. 4112.

FSA No. 32077: *Gypsum products—Southwest to South.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on gypsum, plaster, and related articles, carloads from Eldorado and Southard, Okla., Acme, Celotex, Rotan, and Sweetwater, Tex., to points in Alabama, Arkansas (Helena), Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee and Virginia included in tariff listed below.



Grounds for relief: Short-line distance formula, market competition, and circuity.

Tariff: Agent Kratzmeir's tariff I. C. C. 4200.

FSA No. 32078: *Coal—Menominee, Mich., to Shawano, Wis.* Filed by The Chicago and Northwestern Railway Company, for itself. Rates on bituminous fine coal from Menominee, Mich., to Shawano, Wis.

Grounds for relief: Market competition with Marinette, Wis., at Shawano, Wis.

Tariff: Supplement 19 to Chicago and Northwestern Railway tariff I. C. C. 11277.

AGGREGATE-OF-INTERMEDIATES

FSA No. 32073: *Commodities between points in Texas.* Filed by J. F. Brown, Agent, for interested rail carriers. Rates on fish oil residuum, spent sulphuric acid, and iron or steel transformer hangers or hooks, carloads from Port Arthur, Tex., to Amarillo, Tex., as to the fish oil residuum, and between points in Texas as to the other commodities.

Grounds for relief: Maintenance of proposed rates from and to or between points in Texas restricted not to apply in constructing lower combination rates from or to points beyond Texas.

Tariff: Supplement 22 to Agent Brown's I. C. C. 865.

By the Commission.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F. R. Doc. 56-3795; Filed, May 14, 1956; 8:47 a. m.]


# FEDERAL REGISTER

VOLUME 21 NUMBER 95

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## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

PART 4—PROHIBITED PRACTICES

EXCEPTION OF RESIDENTS OF CERTAIN MUNICIPALITIES

Section 4.204 (a) is amended by the addition of "New Johnsonville, Tenn. (Apr. 26, 1956)." under the heading "Other Municipalities."

(R. S. 1753; sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633. E. O. 10530, 19 F. R. 4981; 3 CFR, 1954 Supp.)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
*Executive Assistant.*

[F. R. Doc. 56-3869; Filed, May 15, 1956; 8:50 a. m.]

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

ENTIRE EXECUTIVE CIVIL SERVICE

Effective upon publication in the FEDERAL REGISTER, paragraph (s) of § 6.101 is amended as set out below.

§ 6.101 *Entire executive civil service.* • • •

(s) Temporary or intermittent positions when the appointees are to assist scientific, professional, or technical employees. Persons employed under this provision shall be (1) bona fide students at high schools or accredited colleges or universities pursuing courses related to the field in which employed, or (2) bona fide high school science and mathematics teachers. No person shall be employed under this provision (1) in a position of a routine clerical type; or (2) in excess of 130 working days a year; or (3) at a total compensation exceeding $1,270 during such period of one year.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
*Executive Assistant.*

[F. R. Doc. 56-3852; Filed, May 15, 1956; 8:47 a. m.]

## TITLE 6—AGRICULTURAL CREDIT

### Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1955 C. C. C. Grain Price Support Bulletin 1, Amdt. 2]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—GENERAL PROVISIONS 1955-CROP PRICE SUPPORT PROGRAM FOR GRAINS AND RELATED COMMODITIES

LIQUIDATION OF LOANS AND DELIVERY UNDER PURCHASE AGREEMENTS

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 20 F. R. 3017 and 4563 and containing regulations of a general nature with respect to price support programs for certain grains and other commodities produced in 1955 are amended as follows:

Section 421.1018 (d) (1) is amended to extend the period during which a producer of rice in Arizona and California who wishes to sell the rice to CCC must notify the county committee of his intentions to sell, so that the amended paragraph reads as follows:

§ 421.1018 *Liquidation of loans and delivery under purchase agreements.* • • •

(d) *Purchase agreements.* (1) The producer who signs a purchase agreement (Commodity Purchase Form 1) will not be obligated to sell any quantity of the commodity to CCC. However, he may sell to CCC any quantity of the eligible commodity not in excess of the quantity stated in the purchase agreement. If the producer who signs a purchase agreement wishes to sell the commodity to CCC, he will have a 30-day period during which he must notify the county committee in writing of his intentions to sell. Such period shall end on the loan maturity date specified in the applicable commodity supplement to this subpart or such earlier date as may be prescribed by the Executive Vice President, CCC: *Provided however,* That with respect to rice stored in Arizona and

(Continued on p. 3213)

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FEDERAL REGISTER

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There are no restrictions on the republication of material appearing in the FEDERAL REGISTER, or the CODE OF FEDERAL REGULATIONS.

**CFR SUPPLEMENTS**

**(As of January 1, 1956)**

The following Supplement is now available:

**Title 32A (Rev., 1955) ($1.25)**

*Previously announced:* Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 7: Parts 1–209 ($1.25); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. I, and Title 27 ($1.00); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Titles 40–42 ($0.65); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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California, such period shall end 30 days after such applicable loan maturity date.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 301, 401, 63 Stat. 1051, 66 Stat. 758, 15 U. S. C. 714c; 7 U. S. C. 1441, 1447, 1421)

Issued this 11th day of May 1956.

[SEAL] WALTER C. BERGER,
*Acting Executive Vice President, Commodity Credit Corporation.*

[F. R. Doc. 56-3887; Filed, May 15, 1956; 8:54 a. m.]

# TITLE 7—AGRICULTURE

## Subtitle A—Office of the Secretary of Agriculture

### PART 3—DEBT SETTLEMENT

### AMENDMENT TO REGULATIONS

In Part 3, Title 7, Code of Federal Regulations, §§ 3.3 (b), 3.5 and 3.6 are amended as hereinafter set forth.

1. Section 3.3 (b), Title 7, Code of Federal Regulations (10 F. R. 807, as redesignated in 13 F. R. 6903), is amended to add a new subparagraph (5) to provide additional cancellation authority without the debtor's application, and to read as follows:

§ 3.3 *Settlement of indebtedness.* * * *
(b) Indebtedness may also be canceled without application when any one of the following circumstances is found:

(1) The amount of said indebtedness, including interest, is less than $10; such efforts of collection have been made as are warranted under the circumstances, and the cost of collection or of continued maintenance of accounts is deemed greater than the amount of the indebtedness;

(2) The debtor is deceased and there is no reasonable prospect of recovering from his estate;

(3) The debtor's whereabouts has remained unknown for two years and there is no reasonable prospect of obtaining collection; heads of agencies designated in § 3.5 will prescribe procedures which will assure that cancellations on this ground will be made only after a diligent effort has been made to locate the debtor, including such contact with other agencies of the Department or otherwise as the amount of the indebtedness and the circumstances warrant;

(4) The debtor has been discharged of the indebtedness in any proceeding under "An act to establish a uniform system of bankruptcy throughout the United States."

(5) It is impossible or impracticable for legal or other reasons to obtain the debtor's application but all of the findings required by paragraph (a) of this section are made.

2. Section 3.5, Title 7, Code of Federal Regulations (13 F. R. 6903), is amended to provide for delegation of debt settlement authority to State Administrative Officers of the Agricultural Stabilization and Conservation State offices, and to read as follows:

§ 3.5 *Delegations of authority.* The heads of any administration or other agency having jurisdiction over any of the acts or programs listed in § 3.10 (including those of Commodity Credit Corporation and Federal Crop Insurance Corporation) are hereby authorized, within their respective jurisdictions, to exercise any or all of the functions prescribed by this part. The head of each of such agencies may delegate and authorize the redelegation of any of the functions vested in him by this part: *Provided*, That the determination of any settlement shall not be delegated beyond the head of the highest field office having jurisdiction, except that in the case of the Agricultural Stabilization and Conservation State Offices, such authority may also be delegated to the State Administrative Officers and except that in the case of the Farmers Home Administration, such authority may also be delegated to Assistant State Directors and Chiefs, Production Loan Operations, in State offices of that administration.

3. Section 3.6, Title 7, Code of Federal Regulations (10 F. R. 807, as redesignated in 13 F. R. 6903), is amended to provide optional authority for the Office of Budget and Finance to prescribe or approve debt settlement forms, and to read as follows:

§ 3.6 *Forms and records.* The Office of Budget and Finance may prescribe or approve forms for applications for settlement of indebtedness under this part; and shall require each agency to establish records to insure the immediate availability of necessary information of operations under this part.

Each agency shall furnish to the Office of Budget and Finance a report of operations under this part quarterly, or for such other periods as the Director of Finance may designate.

(Sec. 1, 58 Stat. 836; 12 U. S. C. 1150)

Executed this 10th day of May 1956.

[SEAL] TRUE D. MORSE,
*Acting Secretary.*

[F. R. Doc. 56-3856; Filed, May 15, 1956; 8:47 a. m.]

## Chapter III—Agricultural Research Service, Department of Agriculture

### PART 301—DOMESTIC QUARANTINE NOTICES

### SUBPART—MEDITERRANEAN FRUIT FLY

### MEDITERRANEAN FRUIT FLY QUARANTINE AND REGULATIONS

On May 1, 1956, there was published in the FEDERAL REGISTER (21 F. R. 2843) notices of public hearing and of proposed rule making concerning issuance of a notice of quarantine and supplemental regulations to quarantine the State of Florida because of the Mediterranean fruit fly and to provide means whereby areas within the State may be regulated and host material may be inspected and treated or otherwise made eligible for interstate movement from such regulated areas.

After public hearing and due consideration of all relevant matters presented pursuant to the notices, and under the authority of sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162) and section 3 of the Insect Pest Act of 1905 (7 U. S. C. 143), it has been determined that it is necessary to quarantine the State of Florida to prevent the spread of the Mediterranean fruit fly, a dangerous insect infestation, not heretofore widely prevalent or distributed within and throughout the United States, and the notice of quarantine and supplemental regulations are hereby issued to appear, in a new subpart under the heading "Mediterranean fruit fly," in 7 CFR Part 301, as follows:

QUARANTINE

Sec.
301.78 Notice of quarantine.

REGULATIONS

301.78–1 Definitions.
301.78–2 Designation of regulated areas.
301.78–3 Regulated articles.
301.78–4 Conditions governing movement of regulated articles.
301.78–5 Conditions governing the issuance of certificates and limited permits.
301.78–6 Assembly of articles for inspection.
301.78–7 Cancellation of certificates or limited permits.
301.78–8 Inspection and disposition.
301.78–9 Shipments for scientific purposes.
301.78–10 Nonliability of Department.

QUARANTINE

§ 301.78 *Notice of quarantine.* Under the authority conferred by section 8 of

the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 161), and after the public hearing required thereby, the State of Florida is hereby quarantined to prevent the spread of infestation of the Mediterranean fruit fly, a dangerous insect notoriously injurious to fruits and vegetables and not heretofore widely prevalent or distributed within and throughout the United States, and under the authority conferred by the Plant Quarantine Act and the Insect Pest Act of March 3, 1905 (7 U. S. C. 141 et seq.), regulations are hereinafter prescribed governing the movement of the Mediterranean fruit fly and carriers thereof. Hereafter the following shall not be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from said quarantined State into or through any other State, Territory, or District of the United States in manner or method or under conditions other than those prescribed in the regulations supplemental hereto, as from time to time amended: (a) Live Mediterranean fruit flies in any stage of development; (b) fruits and vegetables, and other garden and orchard products of all kinds; (c) sand, soil, earth, peat, compost, and manure; and (d) fruit-picking equipment; trucks, wagons, cars, aircraft, boats, and other means of conveyance and containers which have been or are being used in conveying fruits or vegetables; other products and articles, including nursery stock, which have been associated with the production of, or commerce in, fruits and vegetables, or have been or are contaminated with sand, soil, earth, peat, compost, or manure; and, unlimited by the foregoing, any other products and articles of any character whatsoever; when it is determined in accordance with the regulations supplemental hereto that they present a hazard of spread of the Mediterranean fruit fly. However, the requirements of this quarantine and of the regulations supplemental hereto, except as otherwise provided in such regulations, are hereby limited to the areas in the quarantined State which may be designated as regulated areas as provided in such regulations, as long as, in the judgment of the Administrator of the Agricultural Research Service, the enforcement of said regulations as to such regulated areas will be adequate to prevent the spread of the Mediterranean fruit fly, except that such limitation is further conditioned upon the State's providing for and enforcing control of the movement within such State of the regulated articles under the same conditions as those which apply to their interstate movement under the provisions of currently existing Federal quarantine regulations, and upon its enforcing such control and sanitation measures with respect to such areas or portions thereof as, in the judgment of said Administrator, shall be deemed adequate to prevent the spread therefrom within such State of the said insect infestation. Moreover, whenever the Chief of the Plant Pest Control Branch shall find that facts exist as to the pest risk involved in the movement of one or more of the products or articles to which the regulations supplemental hereto apply, except live Mediterranean fruit flies in any stage of development, making it safe to modify, by making less stringent, the requirements contained in such supplemental regulations, he shall set forth and publish such finding in administrative instructions, specifying the manner in which the applicable regulations should be made less stringent, whereupon such modification shall become effective for such period and for such regulated area or portion thereof and for such products or articles as shall be specified in said administrative instructions, and every reasonable effort shall be made to give publicity to such administrative instructions throughout the affected areas.

REGULATIONS

§ 301.78–1 *Definitions.* For the purpose of the regulations in this subpart the following terms shall be construed, respectively, to mean:

(a) *Mediterranean fruit fly.* The insect known as the Mediterranean fruit fly (Ceratitis capitata Wied.), in any stage of development.

(b) *Infestation.* The presence of the Mediterranean fruit fly.

(c) *Regulated areas.* The counties, precincts, cities, and other minor civil divisions, or parts thereof, designated in administrative instructions under § 301.78–2 as regulated areas.

(d) *Regulated articles.* Mediterranean fruit flies and other products and articles regulated under this subpart.

(e) *Inspector.* An inspector of the United States Department of Agriculture.

(f) *"Moved" ("movement," "move").* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved, interstate, directly or indirectly. "Movement" and "move" shall be construed accordingly.

(g) *Certificate.* A valid document evidencing compliance with the requirements of this subpart.

(h) *Limited permit.* A valid document authorizing the movement of regulated articles to a restricted destination for limited handling, utilization, or processing.

(i) *Dealer-carrier agreement.* A document constituting an agreement to comply with stipulated quarantine conditions, executed by persons or firms engaged in purchasing, handling, processing, utilizing, or moving regulated articles.

(j) *Interstate.* From one State, Territory, or District of the United States into or through another.

(k) *Administrative instructions.* Published documents, relating to the enforcement of the provisions in this subpart, issued under authority of such provisions by the Chief of the Plant Pest Control Branch, Agricultural Research Service.

§ 301.78–2 *Designation of regulated areas.* The Chief of the Plant Pest Control Branch shall, from time to time, in administrative instructions promulgated by him, list the counties, cities, precincts, and other minor civil divisions, or parts thereof, in the quarantined State, in which infestation of the Mediterranean fruit fly has been determined to exist, or in which it has been determined such infestation is likely to exist, or which it is deemed necessary to regulate because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities, and shall designate such counties, precincts, and other civil divisions, or parts thereof, as constituting the regulated areas. Any civil division, or part thereof, so designated shall continue in a regulated status until the Chief of the Plant Pest Control Branch shall have determined that adequate eradication measures have been practiced for a sufficient length of time to eradicate the Mediterranean fruit fly therein and that regulation of such area is not otherwise necessary under this section, and shall have issued administrative instructions revoking the designation of such civil division, or part thereof, as a regulated area.

§ 301.78–3 *Regulated articles—(a) Mediterranean fruit flies; removal prohibited, exception.* The removal from any State or Territory to any other State or Territory or the District of Columbia, or from said District to any State or Territory, of live Mediterranean fruit flies, except for scientific purposes, is prohibited by the Insect Pest Act (7 U. S. C. 141). Provisions for the removal of live Mediterranean fruit flies, for scientific purposes, are set forth in § 301.78–9.

(b) *Other regulated articles; movement regulated.* Unless exempted by administrative instructions issued by the Chief of the Plant Pest Control Branch, the movement from any regulated area of any of the following is permitted only under the conditions provided in the regulations in this subpart: Fruits and vegetables, and other garden and orchard products of all kinds; sand, soil, earth, peat, compost, and manure; and products and articles determined by an inspector to present a hazard of spread of the Mediterranean fruit fly under § 301.78–4 (b).

§ 301.78–4 *Conditions governing movement of regulated articles—(a) Garden and orchard products; sand, soil, etc.* (1) Fruits and vegetables, and other garden and orchard products of all kinds; and sand, soil, earth, peat, compost, and manure; which originate in a regulated area, may be moved from any regulated area into or through any point outside thereof if a certificate or limited permit has been issued therefor in compliance with § 301.78–5 and if the applicable requirements of subparagraphs (2) and (3) of this paragraph are also met.

(2) Every container of regulated articles designated in subparagraph (1) of this paragraph, or, if there is no container, the articles themselves, shall be plainly marked with the name and address of the consignor and the name and address of the consignee, when offered for shipment under said subparagraph, and shall have securely attached to the outside thereof the certificate or limited permit covering the shipment, except that in the case of less-than-carlot freight or express shipments a certificate or limited permit attached to one of the containers and another certificate or limited permit attached to the waybill will be sufficient; in the case of carlot freight or express shipments, either in containers or in bulk, a certificate or limited permit attached to the waybill will be sufficient; and in the case of shipments by road vehicle, the certificate or limited permit shall accompany the shipment and shall be surrendered to the consignee upon delivery of the shipment.

(3) Subsequent to certification as provided in § 301.78–5, regulated articles designated in subparagraph (1) of this paragraph must be loaded, handled, and shipped only under such protection and safeguards against infestation as are required by the inspector.

(4) Regulated articles of kinds designated in subparagraph (1) of this paragraph, which originate outside any regulated area and are moving through or are being reshipped from any regulated area, may be moved from any regulated area without compliance with the provisions of subparagraphs (1), (2), or (3) of this paragraph when the point of origin is clearly indicated, when the identity has been maintained, and when the articles have been safeguarded against infestation while in the regulated area in a manner satisfactory to an inspector. Otherwise such regulated articles shall be subject to all of the requirements of subparagraphs (1), (2), and (3) of this paragraph.

(b) *Products and articles determined to present hazards.* When it is determined by an inspector that a hazard of spread of the Mediterranean fruit fly is presented by any fruit-picking equipment; any trucks, wagons, cars, aircraft, boats, other means of conveyance or containers which have been or are being used in conveying fruits or vegetables; other products or articles, including nursery stock, which have been associated with the production of, or commerce in, fruits or vegetables, or have been or are contaminated with sand, soil, earth, peat, compost, or manure; or, unlimited by the foregoing, any other products or articles of any character whatsoever, such equipment, means of conveyance, containers, products or articles may be moved from any regulated area into or through any point outside thereof after they have been thoroughly cleaned, disinfested, or otherwise treated under the observation of an inspector and in accordance with methods selected by him from administratively authorized procedures known to be effective under the conditions in which applied, or they may be so moved under limited permit. Notice of the application of such requirements to particular means of conveyance, containers, and other products and articles under this paragraph shall be given to the person in charge thereof.

§ 301.78–5 *Conditions governing the issuance of certificates and limited permits—(a) Certificates.* Certificates may be issued for the movement from a regulated area of the regulated articles designated in § 301.78–4 (a) under any one of the following conditions:

(1) When, in the judgment of the inspector, they have not been exposed to infestation.

(2) When they have been examined by an inspector and found to be free of infestation.

(3) When they have been treated under the observation of an inspector and in accordance with methods selected by him from administratively authorized procedures known to be effective under the conditions in which applied.

(b) *Limited permits.* Limited permits may be issued by the inspector for the movement from a regulated area of noncertified regulated articles designated in § 301.78–4 (a) or (b) to specified destinations for limited handling, utilization, or processing. Persons shipping, transporting, or receiving such articles may be required by the inspector to enter into written agreements with the Plant Pest Control Branch to maintain such safeguards against the establishment and spread of infestation and to comply with such conditions as to the maintenance of identity, handling, or subsequent movement of such articles and to the cleaning or treatment of trucks, wagons, cars, aircraft, boats, and other means of conveyance and containers used in transportation of such articles as may be required by the inspector.

(c) *Dealer-carrier agreement.* As a condition of issuance of certificates or permits for the movement of regulated articles, any person or firm engaged in purchasing, assembling, exchanging, processing, or carrying such regulated articles originating or stored in regulated areas, may be required to sign a dealer-carrier agreement stipulating that he will carry out any and all conditions, treatments, precautions, and sanitary measures which are deemed necessary by the inspector, including segregation and maintenance of identity, under supervision of the inspector, of all regulated articles.

§ 301.78–6 *Assembly of articles for inspection.* Persons intending to move any of the regulated articles under § 301.78–4 (a) shall make application for inspection as far in advance as possible, shall so handle such articles as to safeguard them from infestation and shall assemble them at such points and in such manner as the inspector shall designate to facilitate inspection.

§ 301.78–7 *Cancellation of certificates or limited permits.* Certificates or limited permits for any regulated articles issued under the regulations in this subpart may be withdrawn or canceled and further certificates or permits for such articles may be refused by the inspector whenever he determines that the further use of such certificates or permits might result in the spread of the Mediterranean fruit fly.

§ 301.78–8 *Inspection and disposition.* Any truck, wagon, car, aircraft, boat, or other means of conveyance, or container, which is moving interstate and which an inspector has probable cause to believe carries or contains any Mediterranean fruit fly or other regulated article the movement of which is prohibited or restricted by the quarantine or regulations in this subpart shall be subject to inspection by the inspector. When regulated articles are found to be moving or to have been moved in violation of the provisions in this subpart, the inspector may seize, destroy, or otherwise dispose of such articles as he deems necessary to eliminate the danger of spread of the Mediterranean fruit fly.

§ 301.78–9 *Shipments for scientific purposes.* Live Mediterranean fruit flies may be removed from any State or Territory into any other State or Territory or the District of Columbia, or from said District into any State or Territory, and other articles subject to the requirements of the regulations in this subpart may be moved from any regulated area, for experimental or other scientific purposes, on such conditions and under such safeguards as may be required by the Chief of the Plant Pest Control Branch. The container or, if there is none, the article itself shall bear, securely attached to the outside thereof, an identifying tag from the Plant Pest Control Branch.

§ 301.78–10 *Nonliability of Department.* The United States Department of Agriculture disclaims liability for any cost incident to inspection or treatment required under the provisions in this subpart, other than for the services of the inspector.

The foregoing quarantine and regulations shall be effective on and after May 16, 1956.

The purpose of the quarantine and supplemental regulations is to prevent the spread of the Mediterranean fruit fly from Florida, where it is known to occur, to other parts of the United States. The supplemental regulations provide methods whereby host material may be inspected and treated or otherwise made eligible for interstate movement from regulated areas. The regulations also govern the interstate movement of live Mediterannean fruit flies for scientific purposes.

Since the State of Florida prohibits the growing of cotton in the areas which it is intended to regulate, the references to "cotton bolls and seed cotton" that appeared in the quarantine and regulations as published in the notice of proposed rule making have been deleted. A provision has also been newly introduced providing for a dealer-carrier agreement.

The Chief of the Plant Pest Control Branch will supplement these regulations by issuing administrative instructions listing the counties, precincts, cities, and other minor civil divisions, or parts thereof, in the quarantined State in which infestation of the Mediterranean fruit fly has been determined to exist, or in which it has been determined such infestation is likely to exist, or which it is deemed necessary to regulate because of their proximity to infestation or their inseparability for quarantine enforcement purposes from infested localities, and designating such localities as regulated areas.

In order to be of maximum protection to the public the foregoing quarantine and regulations should be made effective as soon as possible. Therefore under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that further notice of rule making with respect to the dealer-carrier agreement provisions would be im-

practicable and contrary to the public interest and good cause is found for making the document effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 3, 33 Stat. 1270; secs. 8 and 9, 37 Stat. 318, as amended; 7 U. S. C. 143, 161, 162)

Done at Washington, D. C., this 11th day of May 1956.

[SEAL] M. R. CLARKSON,
*Acting Administrator,*
*Agricultural Research Service.*

[F. R. Doc. 56-3884; Filed, May 15, 1956; 8:53 a. m.]

[P. P. C. 616]

## PART 301—DOMESTIC QUARANTINE NOTICES

### SUBPART—MEDITERRANEAN FRUIT FLY

### ADMINISTRATIVE INSTRUCTIONS EXEMPTING CERTAIN ARTICLES FROM SPECIFIC REQUIREMENTS

Pursuant to the authority conferred on him by the fourth sentence of the Mediterranean fruit fly quarantine (Notice of Quarantine No. 78, 7 CFR § 301.78 [1]), under sections 8 and 9 of the Plant Quarantine Act of 1912 (7 U. S. C. 161, 162), the Chief of the Plant Pest Control Branch hereby issues administrative instructions exempting certain regulated articles from the requirements of §§ 301.78–4 and 301.78–5 of the regulations supplemental to the said notice of quarantine (7 CFR 301.78–4, 301.78–5 [1]), such administrative instructions to appear as § 301.78a in Title 7, Code of Federal Regulations, as follows:

§ 301.78a *Administrative instructions exempting certain articles from specified requirements.* It has been found that facts exist as to the pest risk involved in the movement of the following regulated articles under the regulations in this subpart which make it safe to make less stringent the requirements of the regulations with respect to the movement of such articles from any regulated area, as hereinafter provided. The following articles are hereby exempt from the requirements of §§ 301.78–4 and 301.78–5:

(a) Fruits. (1) Coconuts.
(2) Lemons, when picked green and commercially packed.
(3) Sour limes, when picked green and commercially packed.
(4) Strawberries, blackberries, and dewberries.
(5) Watermelons.
(b) Vegetables. (1) Beans.
(2) Celery, when free from soil.
(3) Gourds.
(4) Chili and Cayenne peppers (not including bell peppers).
(5) Pumpkins.
(6) Green tomatoes, when commercially packed.
(7) Squash.

These instructions shall become effective May 16, 1956.

The foregoing administrative instructions relieve restrictions by permitting the movement of certain articles without a certificate or limited permit under the Mediterranean fruit fly quarantine and regulations. It has been determined that such movement will not result in the spread of the Mediterranean fruit fly and that the restrictions provided by the quarantine and regulations upon such movement are unnecessary. In order to be of maximum benefit to affected shippers, the instructions relieving such restrictions should be made effective as soon as possible. Therefore, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and other public rule making procedure with respect to the instructions are impracticable and unnecessary.

Since the instructions relieve restrictions, they are within the exception in section 4 (c) of the Administrative Procedure Act and may properly be made effective less than 30 days after their publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 11th day of May 1956.

[SEAL] E. D. BURGESS,
*Chief,*
*Plant Pest Control Branch.*

[F. R. Doc. 56-3885; Filed, May 15, 1956; 8:53 a. m.]

[P. P. C. 615]

## PART 301—DOMESTIC QUARANTINE NOTICES

### SUBPART—MEDITERRANEAN FRUIT FLY

### ADMINISTRATIVE INSTRUCTIONS DESIGNATING CERTAIN LOCALITIES AS REGULATED AREAS

Pursuant to § 301.78–2 of the regulations supplemental to the Mediterranean Fruit Fly Quarantine (7 CFR 301.78–2 [1]), under sections 8 and 9 of the Plant Quarantine Act of 1912 as amended (7 U. S. C. 161, 162), the Chief of the Plant Pest Control Branch hereby issues administrative instructions to appear in a new subpart, under the heading "Mediterranean fruit fly," in Title 7, Chapter III, Part 301, of the Code of Federal Regulations, as follows:

§ 301.78–2a *Administrative instructions designating regulated areas under the Mediterranean fruit fly quarantine and regulations.* Infestations of the Mediterranean fruit fly have been determined to exist in the civil divisions, and parts thereof, listed below, or it has been determined that such infestation is likely to exist therein, or it is deemed necessary to regulate such civil divisions and parts thereof because of their proximity to infestation or their inseparability for quarantine purposes from infested localities. Accordingly, such civil divisions, and parts thereof, are hereby designated as Mediterranean fruit fly regulated areas within the meaning of the provisions in this subpart:

Florida: The counties of Broward and Dade.

These administrative instructions shall become effective May 16, 1956.

These instructions list the counties regulated under the Mediterranean fruit fly notice of quarantine and supplemental regulations and supplement such regulations. The notice of quarantine and regulations and the instructions must be made concurrently effective in order to carry out the purposes of the quarantine and regulations. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing instructions are impracticable and contrary to the public interest and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 11 day of May 1956.

[SEAL] E. D. BURGESS,
*Chief,*
*Plant Pest Control Branch.*

[F. R. Doc. 56-3886; Filed, May 15, 1956; 8:54 a. m.]

## Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

## PART 728—WHEAT

### SUBPART—1957–58 MARKETING YEAR

Sec.
728.701 Basis and purpose.
728.702 National marketing quota for wheat for the 1957–58 marketing year.
728.703 1957 national acreage allotment for wheat.

AUTHORITY: §§ 728.701 to 728.703 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 333, 335, 52 Stat. 38, as amended; 7 U. S. C. 1301, 1333, 1335.

§ 728.701 *Basis and purpose.* (a) The regulations contained in §§ 728.701 to 728.703 are issued to proclaim the national marketing quota for wheat for the marketing year beginning July 1, 1957, and the 1957 national acreage allotment for wheat.

(b) Section 335 of the Agricultural Adjustment Act of 1938, as amended, provides that whenever in any calendar year the Secretary of Agriculture determines (1) that the total supply of wheat for the marketing year beginning in such calendar year will exceed the normal supply for such marketing year by more than 20 per centum, or (2) that the total supply of wheat for the marketing year ending in such calendar year is not less than the normal supply for such marketing year and that the average farm price for wheat for three consecutive months of such marketing year did not exceed 66 per centum of parity, the Secretary shall, not later than May 15 of such calendar year, proclaim such fact and a national marketing quota shall be in effect with respect to the marketing of wheat during the marketing year beginning July 1 of the next succeeding calendar year.

(c) Section 333 of the act, as amended, provides that the national acreage allotment for any crop of wheat shall be that acreage which the Secretary determines will, on the basis of the national average yield of wheat, produce an amount thereof adequate, together with the estimated carry-over at the beginning of the marketing year for such crop and imports, to make available a supply for such marketing year equal to a normal year's domestic consumption and exports plus 30 per centum thereof, but such national acreage allotment cannot be less than 55 million acres.

(d) The findings and determinations by the Secretary contained in §§ 728.702 and 728.703 have been made on the basis of the latest available statistics of the Federal Government, and after due consideration of data, views, and recommendations received from wheat producers and others as provided in the notice (20 F. R. 10062) given in accordance with the Administrative Procedure Act (5 U. S. C. 1003).

(e) Since the Agricultural Adjustment Act of 1938, as amended, requires the holding of a referendum of wheat producers who will be subject to the marketing quotas proclaimed on the 1957 crop not later than July 24, 1956, to determine whether such producers favor such marketing quotas and requires, insofar as practicable, the mailing of notices of farm acreage allotments to farm operators prior to the date of the referendum, it is hereby found that the proclamations contained herein shall become effective upon filing with the Director, Division of Federal Register.

§ 728.702 *National marketing quota for wheat for the 1957–58 marketing year.* The total supply of wheat for the 1956–57 marketing year is determined to be 1,954 million bushels. The normal supply of wheat for such marketing years is determined to be 1,140 million bushels. This total supply exceeds the normal supply by more than 20 per centum. Therefore, a national marketing quota shall be in effect with respect to the marketing of wheat during the 1957–58 marketing year.

§ 728.703 *1957 National acreage allotment for wheat.* The estimated carryover of wheat for the marketing year beginning July 1, 1957, is 1,045 million bushels. A normal year's domestic consumption and exports of wheat plus 30 per centum thereof is 1,241 million bushels. Imports of wheat during the marketing year beginning July 1, 1957, are estimated to be 3 million bushels. The national average yield of wheat is 15.6 bushels per acre. The national acreage allotment computed for the 1957 crop is 12,371,795 acres. Since this amount is less than the minimum provided for by law, the national acreage allotment for the 1957 crop of wheat shall be 55 million acres.

Issued at Washington, D. C., this 14th day of May 1956.

[SEAL] EZRA TAFT BENSON,
*Secretary.*

[F. R. Doc. 56-3913; Filed May 15, 1956; 8:55 a. m.]



## Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[945.301 Amdt. 8]

## PART 945—TOMATOES GROWN IN FLORIDA

### LIMITATION OF SHIPMENTS

*Findings.* (a) Pursuant to Marketing Agreement No. 125 and Order No. 45 (7 CFR Part 945; 20 F. R. 7357), regulating the handling of tomatoes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Florida Tomato Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment later than May 16, 1956. The only change in the existing regulation which will be effective by this amendment is to include an additional container under maximum net weight regulation. Growers' prices are adversely affected by over packing, i. e., increasing the net weight of tomatoes per container in excess of customary or normal net contents, especially during periods of declining and low prices. Orderly marketing will be promoted by including this additional container under the maximum net weight requirement for containers specified in this regulation. The time intervening between the date (May 10, 1956) when information upon which this amendment is based became available and the time (May 16, 1956) when this amendment must become effective in order to effectuate the declared policy of the act is insufficient to permit the taking of the aforementioned actions. Compliance with this amendment will not require special preparation on the part of handlers which cannot be completed by May 16, 1956, and reasonable time is permitted, under the circumstances, for such preparation. Information regarding the committee's recommendation, which is herein adopted was made available to producers and handlers in the production area when such recommendation was made to this Department.

*Order, as amended.* The provisions of § 945.301 (b) (3), as amended (21 F. R. 2408, 2746), are hereby further amended for the period May 16 through May 31, 1956, as follows:

(3) No person shall handle for shipment outside the production area any tomatoes packed in the following containers unless the net weight of such tomatoes in each such container does not exceed the maximum net weight set forth for each such container:

| Container usual description | Carrier container No. | Inside dimensions | Cubic contents | Maximum net weight of tomatoes |
|---|---|---|---|---|
| | | *Inches* | *Inches* | *Pounds* |
| 60-pound field box | None | 11 x 11 x 22½ | 2,692 | 63 |
| 60-pound wire-bound crate | 4015 | 11 15/16 x 11 15/16 x 18¾ | 2,672 | 63 |
| 60-pound tomato lug (corrugated) | 23104 [1] | 19½ x 13¾ x 12¼ | 3,283 | 63 |
| 50-pound duo pack | 50 [1] | 11 x 10¾ x 19 | 2,247 | 52½ |
| 50-pound full telescope | None | 10 7/16 x 10¾ x 18 2/16 | 2,053 | 52½ |
| 40-pound 2-piece cardboard box | 1915 | 10 x 9 x 19⅝ | 1,728 | 42 |
| 40-pound ½ RSC vent stitliner | 7007 | 12 1/16 x 8 x 18⅞ | 1,822 | 42 |
| 40-pound bulge pack tomato box | SJ 27 [1] | 10 x 8⅝ x 19¼ | 1,753 | 42 |
| 34-pound tomato lug box | 1040 | 6 7/16 x 13½ x 15⅞ | 1,353 | 35.7 |

[1] Manufacturer's number.

To allow for variations incident to proper packing, not more than a total of ten percent of the containers in any lot, by count, may exceed the specified maximum net weight set forth above for each such container.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 11th day of May 1956, to become effective May 16, 1956.

[SEAL] FLOYD F. HEDLUND,
*Acting Director,*
*Fruit and Vegetable Division.*

[F. R. Doc. 56-3882; Filed, May 15, 1956; 8:53 a. m.]

# TITLE 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

### Subchapter B—Trade Practice Conference Rules

[File 21-470]

## PART 19—GUMMED PAPER AND SEALING TAPE INDUSTRY

### PROMULGATION OF INDUSTRY COMMITTEE PROVISION

In the matter of amendment to trade practice rules for gummed paper and sealing tape industry (16 CFR Part 19) by addition of standard industry committee provision.

Due proceedings having been held by the Federal Trade Commission pursuant to an application filed on behalf of the gummed paper and sealing tape industry for inclusion in the rules for the industry promulgated June 24, 1955, of the standard industry committee provision heretofore approved and promulgated by the Commission (20 F. R. 7249);

*It is now ordered*, That the said committee provision, as so approved by the Commission and as hereinafter appearing, be promulgated as an additional provision to the rules for the above-mentioned industry. Such provision is operative as of this date.

COMMITTEE ON TRADE PRACTICES

§ 19.201 *Industry committee.* The industry may, at its option, form a trade practice committee, which shall be fairly representative of the industry, to cooperate with the Federal Trade Commission in the following respects:

(a) To assist in keeping the rules of the industry active by periodically bringing to the attention of industry members the provisions thereof;

(b) To publicize and disseminate among all members of the industry Commission stipulations, orders and opinions or administrative interpretations relating to practices covered by the rules;

(c) To meet periodically with Commission personnel for the purpose of discussing the rules, the need for their revision, and the administration thereof, the committee's function in connection with such meetings being informative only, with decisions as to any action to be taken being left solely in the hands of government officials. All such meetings shall be:

(1) Called and chairmaned by a full-time Commission official; and

(2) Limited to a discussion of matters outlined in an agenda prepared by a full-time Commission official.

Full and complete minutes of each such meeting shall be prepared and filed with the Commission.

(d) It is not the function of the committee to:

(1) Interpret the rules;

(2) Attempt to correct alleged rule violations;

(3) Make determinations or express opinions as to whether practices are violative of the rules;

(4) Receive or screen complaints of violations of the rules; or

(5) Perform any other act or acts within the authority of the Federal Trade Commission or any other governmental Agency or Department.

(e) All complaints of industry members and other parties respecting rule violations should be made directly to the Commission. In the event any complaint is received by the committee, or any information is brought to its attention indicating a probable violation of a rule all relevant information with respect thereto shall be promptly transmitted by the committee to the Commission without the committee contacting the party or parties alleged to have violated the rule.

(f) Immediately after its formation the committee shall inform the Commission of the identity of the members thereof, the names and addresses of the companies or concerns represented by such members, and shall supply the Commission with information showing that the membership of the committee is fairly representative of the industry. Changes in composition of the committee shall be reported to the Commission as soon as they may occur.

(g) Full and complete minutes of all meetings of the committee, identifying the members in attendance and informative of the matters discussed and actions taken, shall be kept. The minutes of the meetings falling under section (c) shall be filed with the Commission, and the minutes of all other meetings shall be kept by the committee and be made available to the Commission on request.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46)

By direction of the Commission.

Issued: May 11, 1956.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-3881; Filed, May 15, 1956; 8:52 a. m.]

## TITLE 21—FOOD AND DRUGS

### Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

PESTICIDE CHEMICALS; FURTHER EXTENDED DATES ON WHICH STATUTE SHALL BECOME FULLY EFFECTIVE

A request has been received for extension of the date when the statute (68 Stat. 511 et seq.; 21 U. S. C. 342, 346a) shall become fully effective for ammonia on citrus. This involves nonseasonal use of the chemical.

In exercise of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 402 (a) (2), 408, 68 Stat. 511, 517 (Ch. 559, Secs. 2, 5); 21 U. S. C. 342 and note 1 under section 342; 346a) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), I find that extension for this use of ammonia, and the following order is promulgated:

Section 3.44 *Pesticide chemicals; further extended dates on which statute shall become fully effective* (21 CFR, 1955 Edition, 3.44; as amended 21 F. R. 1463, 2327, 2591, 2861) is amended by inserting in paragraph (a) (6), after the item "Allethrin" the item "Ammonia: On citrus."

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 402, 52 Stat. 1046, as amended, sec. 408, 68 Stat. 511; 21 U. S. C. 342, 346a)

Dated: May 9, 1956.

[SEAL] JOHN L. HARVEY, *Deputy Commissioner of Food and Drugs.*

[F. R. Doc. 56-3845; Filed, May 15, 1956; 8:45 a. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter I—Office of the Secretary of Defense

Subchapter A—Armed Services Procurement Regulations

[Amdt. 12]

MISCELLANEOUS AMENDMENTS

The following amendments are made to this subchapter:

PART 1—GENERAL PROVISIONS

SUBPART B—DEFINITIONS OF TERMS

Section 1.201–1 has been amended by addition of the cross reference to 41 CFR 201.101 in paragraph (a) (2) thereof. Section 1.201–9, as revised, reads as follows:

§ 1.201–9 *Sources of supplies.* (a) The term "sources of supplies" shall include only (1) manufacturers, (2) construction contractors, and (3) regular dealers in the supplies to be procured. A "regular dealer" shall be deemed to be any one of the following:

(i) A person or firm who owns, operates, or maintains a store, warehouse, or other establishment in which the materials, supplies, articles, or equipment of the general character described by the specifications and required under the contract are bought, kept in stock, and sold to the public in the usual course of business;

(ii) In the case of supplies of particular kinds (lumber and timber products, coal, machine tools, raw cotton, petroleum, green coffee, or hay, grain, feed, and straw), a person or firm satisfying the requirements of Article 101 (b) of the Regulations of the Secretary of Labor (41 CFR 201.101) under the Walsh-Healey Public Contracts Act (41 U. S. C. 35), as amended from time to time.

The definitions in this paragraph shall not apply to contracts for supplies no part of which will be manufactured or furnished within the geographic limits of the continental United States, Alaska, Hawaii, Puerto Rico, the Virgin Islands, or the District of Columbia.

(b) A manufacturer, construction contractor, or regular dealer may bid, negotiate, and contract through an authorized agent: *Provided*, That the agency is disclosed, and the agent acts and contracts in the name of his principal. In this connection, see the clause entitled "Covenant Against Contingent Fees" set forth in §7.103–20 of this subchapter and the procedures prescribed for obtaining information concerning contingent or other fees, as set forth in Subpart E of this part.

PART 3—PROCUREMENT BY NEGOTIATION

SUBPART B—CIRCUMSTANCES PERMITTING NEGOTIATION

In Revision No. 10, § 3.201 was amended so as to restrict the use of section 2 (c) (1) of the Armed Services Procurement Act of 1947. Generally, the amended section represented a return to virtual peace-time methods of procurement. An exception was made in those cases and programs designated by the Secretaries of the military departments. Section 3.201 is further revised to revoke the authority of the Secretaries to authorize the use of section 2 (c) (1) under circumstances other than those set forth in Part 3. Other editorial changes have been made. Attention is invited to current wording of § 3.201–2 (b) which makes mandatory the citation of section 2 (c) (1) in the four instances therein set forth, including negotiated procurement of research and development work for $100,000 or less.

§ 3.201 *National emergency.*

§ 3.201–1 *Authorization.* Pursuant to the authority of section 2 (c) (1) of the act, purchases and contracts may be negotiated without formal advertising if—

• • • determined to be necessary in the public interest during the period of a national emergency declared by the President or by the Congress.

§ 3.201–2 *Application.* (a) This authority shall be used only to the extent determined by the Assistant Secretary of Defense (Supply and Logistics) to be necessary in the public interest, and then only in accordance with Departmental procedures consistent with § 3.201.

(b) With respect to procurements initiated on or after January 1, 1956, and for the duration of the national emergency declared pursuant to Presidential Proclamation 2914, dated December 16, 1950, the Assistant Secretary of Defense (Supply and Logistics) has determined that the following procurements only shall be made pursuant to the authority of section 2 (c) (1) of the act:

(1) Procurements made pursuant to labor surplus and disaster area programs. Set asides shall be negotiated in accordance with procedures set forth in § 3.219.

(2) Procurements made in keeping with the small business programs. Set asides shall be negotiated in accordance with procedures set forth in DOD Directive 4100.9, dated November 14, 1955, Subject: Relationship with The Small Business Administration.

(3) Nonperishable subsistence (pending resolution of the recommendation on this subject contained in the report of the Commission on Organization of the Executive Branch of the Government, subject "Food and Clothing").

(4) Procurements for research and development for $100,000 or less.

(c) Except as authorized in paragraph (b) of this section, procurements may be negotiated only when authorized by subsections (2) through (17) of section 2 (c), and section 2 (e) of the act (§§ 3.202 through 3.218) and § 3.219; determinations and findings shall be made in accordance with section 7 of the act (Subpart C of this part); and the appropriate authority shall be cited in each contract.

PART 5—INTERDEPARTMENTAL PROCUREMENT

SUBPART A—PROCUREMENT UNDER FEDERAL SUPPLY SCHEDULE CONTRACTS

A new § 5.103–3 has been added. In a letter dated January 10, 1956, the Administrator, General Services, has agreed generally that unilateral action will not be taken by G. S. A. in respect to Federal Supply Schedules which are mandatory upon the Department of Defense. Section 5.103—3 sets forth the details of this agreement and indicates procedure for initiating changes in the Schedules.

§ 5.103–3 *Establishment or revision of Federal Supply Schedules mandatory upon Department of Defense*—(a) *Policy.* The Administrator of General Services has agreed that the concurrence of the Office of the Secretary of Defense will be obtained prior to establishing a Federal Supply Schedule which is mandatory upon the Department of Defense or prior to adding or removing any items from Federal Supply Schedules which are mandatory upon the Department of Defense or making any other changes in such Schedules affecting their use by Department of Defense in meeting its supply requirements. However, deletion of an item from a Federal Supply Schedule will not require Office of the Secretary of Defense concurrence when the reports of sales for that item amount to less than $1,000 per year except where—

(1) The item is a part or accessory incidental to a basic item;

(2) The item is a component of a unit assembly;

(3) The item has a demonstrated need to fill out a range of colors, sizes or other characteristics; or

(4) The item involves a contract for services.

(b) *Procedures.* Requests for the establishment of or a change in a Federal Supply Schedule mandatory on elements of the Department of Defense shall be forwarded through channels to the Office of the Assistant Secretary of Defense (Supply and Logistics). Such proposals normally shall be forwarded in sufficient time to provide three months for consideration by all interested elements of the Department of Defense and General Services Administration prior to the desired effective date. In the event action on such proposals is desired in a shorter period of time, a minimum of thirty-five days for consideration should be anticipated. These proposals will be distributed to the representatives of the Military Departments and General Services Administration engaged in the Federal Supply Schedule review program, as appropriate, for comment or concurrence. Any questions will be jointly considered before final action is taken. If the Department of Defense and General Services Administration representatives cannot reach agreement on a question raised regarding proposals involving Federal Supply Schedules mandatory upon the Department of Defense, the question will be forwarded to the Assistant Secretary of Defense (Supply and Logistics) for consideration, and, if appropriate, for a statement of the Department of Defense position to the Administrator of General Services.

PART 7—CONTRACT CLAUSES AND FORMS

SUBPART A—CLAUSES FOR FIXED-PRICE SUPPLY CONTRACTS

1. Section 7.104–12 has been revised so as to clarify responsibilities of signatories to the Security Agreement (DD Form 441) and representatives of the Government. Other editorial changes have been made to reflect current classifications. Section 7.104–12, as revised, reads as follows:

§ 7.104–12 *Military security requirements.* Insert the following clause in all contracts which are classified by a Department as "Confidential," including "Confidential—Modified Handling Authorized," or higher and in any other contracts the performance of which will require access to such classified information or material, except that this clause shall not be used in contracts performed outside the continental United States, its territories and possessions. In those cases where the situation so warrants because of the nature of the item, or conditions under which it is to be produced, the contract shall provide and establish by a separate contract provision such additional security safeguards as may be required for the protection of that item.

MILITARY SECURITY REQUIREMENTS

(a) The provisions of this clause shall apply to the extent that this contract involves access to information classified "Confidential" including "Confidential—Modified Handling Authorized" or higher.

(b) The Government shall notify the Contractor of the security classification of this contract and the elements thereof, and of any subsequent revisions in such security classification, by the use of a Security Requirements Check List (DD Forms 254 and 254–1).

(c) To the extent the Government has indicated as of the date of this contract or thereafter indicates security classification under this contract as provided in paragraph (b) above, the Contractor shall safeguard all classified elements of this contract and shall provide and maintain a system of security controls within its own organization in accordance with the requirements of:

(i) The Security Agreement (DD Form 441), including the Department of Defense Industrial Security Manual for Safeguarding Classified Information (Part 66) as in effect on date of this contract, and any modification to the Security Agreement for the purpose of adapting the Manual to the Contractor's business; and

(ii) Any amendments to said Manual made after the date of this contract, notice of which has been furnished to the Contractor by the Security Office of the Military Department having security cognizance over the facility.

(d) Representatives of the Military Department having security cognizance over the facility and representatives of the contracting Military Department shall have the right to inspect at reasonable intervals the procedures, methods, and facilities utilized by the Contractor in complying with the security requirements under this contract. Should the Government, through these representatives, determine that the Contractor is not complying with the security requirements of this contract the Contractor shall be informed in writing by the Security Office of the cognizant Military Department of the proper action to be taken in order to effect compliance with such requirements.

(e) If subsequent to the date of this contract, the security classifications or security requirements under this contract are changed by the Government as provided in this clause and the security costs under this contract are thereby increased or decreased, the contract price shall be subject to an equitable adjustment by reason of such increased or decreased costs. Any equitable adjustment shall be accomplished in the

same manner as if such changes were directed under the "Changes" clause in this contract.

(f) The Contractor agrees to insert, in all subcontracts hereunder which involve access to classified information, provisions which shall conform substantially to the language of this clause, including this paragraph (f) but excluding the last sentence of paragraph (e) of this clause.

(g) The Contractor also agrees that it shall determine that any subcontractor proposed by it for the furnishing of supplies and services which will involve access to classified information in the Contractor's custody has been granted an appropriate facility security clearance, which is still in effect, prior to being accorded access to such classified information.

2. Section 7.204–12 has been revised so as to clarify responsibilities of signatories to the Security Agreement (DD Form 441) and representatives of the Government. Other editorial changes have been made to reflect current classifications. Section 7.204–12, as revised, reads as follows:

§ 7.204–12 *Military Security Requirements.* In accordance with the requirements of § 7.104–12, insert the contract clause set forth in said section, deleting paragraphs (e) and (f) therefrom and substituting therefor the following paragraphs (e) and (f):

(e) If, subsequent to the date of this contract, the security classifications or security requirements under this contract are changed by the Government as provided in this clause, and if such change causes an increase or decrease in the estimated cost of performance of this contract, the estimated cost and fixed fee shall, to the extent appropriate, be subject to an equitable adjustment. Any such equitable adjustment shall be accomplished in the manner set forth in the "Changes" clause in this contract.

(f) The Contractor agrees to insert, in all subcontracts hereunder which involve access to classified information, provisions which shall conform substantially to the language of this clause, including this paragraph (f) but excluding paragraph (e) of this clause. The Contractor may insert in any such subcontract, and any such subcontract entered into thereunder may contain, in lieu of paragraph (e) of this clause, provisions which permit equitable adjustments to be made in the subcontract price or in the estimated cost and fixed fee of the subcontract (as appropriate to the type of subcontract involved) on account of changes in security classifications or requirements made under the provisions of this clause subsequent to the date of the subcontract involved.

(R. S. 161; 5 U. S. C. 22)

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## PART 11—FEDERAL, STATE AND LOCAL TAXES

Subparts A and B of this part have been completely revised so that organization of such part conforms with that of the Internal Revenue Code of 1954 and reflects amendments to the Code made by the following legislation: Public Laws 18, 317, 355, 367, and 379, all passed by the 84th Congress. Policies are now set forth concerning utilization of exemptions, credits, and refunds with regard to Federal excise taxes. Substantive corrections, and enlargement of the list of Federal excise taxes discussed, should make the present treatment more helpful to procurement activities and contractors.

§ 11.000 *Scope of part.* This part deals with certain Federal taxes imposed by the Internal Revenue Code upon certain supplies and services procured by any Department; exemptions from such Federal taxes; policy for obtaining exemption from State and local taxes; and contract clauses required or authorized for insertion in contracts. Except as otherwise indicated references are to the Internal Revenue Code of 1954 (26 U. S. C.) which differs substantially from the Internal Revenue Code of 1939. References to the Internal Revenue Code of 1939 are only for convenience in disposing of cases to which the Internal Revenue Code of 1954 is not applicable.

### SUBPART A—FEDERAL EXCISE TAXES

Sec.


11.100 Scope of subpart.
11.101 Retailer's excise taxes.
11.101–1 Jewelry and related items.
11.101–2 Furs.
11.101–3 Toilet preparations.
11.101–4 Luggage and handbags.
11.101–5 Special fuels.
11.102 Manufacturers' excise taxes.
11.102–1 Motor vehicles.
11.102–2 Tires and tubes.
11.102–3 Gasoline.
11.102–4 Lubricating oils.
11.102–5 Refrigeration equipment.
11.102–6 Electric, gas, and oil appliances.
11.102–7 Electric light bulbs.
11.102–8 Radio and television receiving sets, phonographs and records, musical instruments.
11.102–9 Sporting goods.
11.102–10 Photographic equipment.
11.102–11 Firearms, shells, and cartridges.
11.102–12 Business machines.
11.102–13 Pens, mechanical pencils, and lighters.
11.102–14 Matches.
11.103 Excise taxes on facilities and services.
11.103–1 Communications.
11.103–2 Transportation of persons.
11.103–3 Transportation of property.
11.103–4 Transportation of oil by pipeline.
11.104 Selective list of supplies and services subject to Federal excise taxes.


AUTHORITY: §§ 11.100 to 11.104 issued under sec. 1, 54 Stat. 712, as amended, sec. 201, 56 Stat. 839, 62 Stat. 20, sec. 638, 66 Stat. 537; 40 U. S. C. App. 1171, 611, 41 U. S. C. 151–162, E. O. 9001, 6 F. R. 6787, E. O. 9296, 8 F. R. 1429; 3 CFR, 1943 Cum. Supp.

§ 11.100 *Scope of subpart.* This subpart deals with Federal excise taxes (retailers' excises, manufacturers' excises, and the excises on facilities and services) imposed by the Internal Revenue Code upon certain supplies and services procured by any Department. Each tax will be outlined as to (a) its scope and the basis of its applicability, (b) the supplies or services subject to it, and (c) its rate. See § 11.104 for an alphabetical list of the supplies and services subject to these Federal excise taxes, with applicable sections of the Internal Revenue Code of 1954, Treasury regulations, and cross-references to the Internal Revenue Code of 1939. The availability of exemptions from these taxes is covered in Subpart B of this part. Attention is directed to the fact that the scope and rates of these taxes, as set forth in this subpart, are subject to change from time to time by amendments to the Internal Revenue Code and Treasury regulations.

§ 11.101 *Retailer's excise taxes.* Chapter 31 of the Internal Revenue Code (which supersedes Chs. 9A, 19 and 20, I. R. C. 1939), as implemented by Treasury Regulations 51 and 119, imposes retailers' excise taxes upon various types of supplies, enumerated in §§ 11.101–1 to 11.101–5, sold at retail. The tax is not imposed on sales for resale. The sale of taxable supplies to the Government for use or consumption is a taxable retail sale. In general, the tax attaches at the time title passes from the seller and is based on the sales price. A lease of supplies is treated as a sale for the purpose of these taxes, in which event the tax is measured by the rental payments. The sale (or rental) price:

(a) Excludes the retailers excise tax itself, whether or not separately stated

(b) Excludes, if separately stated, any retail sales tax imposed by any State, Territory, or political subdivision thereof, or the District of Columbia, irrespective of whether liability for such tax is imposed on the vendor or vendee;

(c) Includes any charges for packaging or packaging materials; and

(d) Excludes all other service charges such as for transportation, delivery, insurance, and installation.

If after the tax has been paid, the sale price is adjusted for any reason, such as by discount, rebate, allowance, or return of containers, the tax should be adjusted by credit or refund.

§ 11.101–1 *Jewelry and related items.* A tax of 10 percent of the sale price is imposed upon the following supplies sold at retail: All articles commonly or commercially known as jewelry, whether real or imitation; pearls, precious and semiprecious stones, and imitations thereof; articles made of, ornamented, mounted, or fitted with precious metals or imitations thereof; watches, clocks, cases and movements for watches and clocks, which includes all time measuring devices except watches designed especially for use by the blind; gold, goldplated, silver, or sterling flatware or hollow ware and silver-plated hollow ware (which excludes silver-plated flatware); opera glasses; lorgnettes; and marine glasses, field glasses, binoculars and similar instruments, except those which, because of their size or weight, are ordinarily mounted on tripods or other bases. The tax does not apply to any articles used for religious purposes; to surgical and dental instruments; to frames or mountings for eyeglasses; to fountain pens, mechanical pencils, or smokers' pipes if the only parts of such articles which consist of precious metals are essential parts not used for ornamentation; or to buttons, insignia, and any other devices prescribed for use with the uniforms of the Armed Forces. If the manufacturers' excise tax has been imposed on a pen, mechanical pencil, or cigarette lighter, which is further processed so as to make it subject to the retailers' excise tax on jewelry, the retailer, in computing the retailers' excise tax due on the sale, is entitled to a credit or refund in the amount of the manufacturers' excise tax paid on the article.



§ 11.101–2 *Furs.* A tax of 10 percent of the sales price is imposed upon the following supplies sold at retail: Articles made of fur on the hide or pelt, and articles of which such fur is the component of chief value—that is, its value is more than three times that of the next most valuable component. The tax is not imposed upon the sale of raw fur. If fur on the hide or pelt is supplied to a dresser or dyer of fur skins or a manufacturer or repairer of fur articles, who produces a taxable article for the use of the supplier of the fur, the transaction is deemed to be a sale at retail and is subject to the tax.

§ 11.101–3 *Toilet preparations.* A tax of 10 percent of the sales price is imposed upon the following supplies sold at retail: Perfume, essences, extracts, toilet waters, cosmetics, petroleum jellies, hair oils, pomades, hair dressings, hair restoratives, hair dyes, aromatic cachous, toilet powders, and any other similar substance, article, or preparation by whatsoever name known which are used or applied, or intended to be used or applied for toilet purposes, but not including any article intended to be used or applied only in the care of babies.

§ 11.101–4 *Luggage and handbags.* A tax of 10 percent of the sales price is imposed upon the following supplies (including fittings or accessories sold therewith) sold at retail: Trunks; valises, traveling bags; suitcases; satchels; overnight bags; hat boxes for use by travelers; beach and bathing suit bags; brief cases made of leather or imitation leather; salesmen's sample and display cases; purses, handbags, pocketbooks; wallets; billfolds; card, pass, and key cases; toilet cases; and any other cases, bags, and kits, without regard to size, shape, construction, or material, for use in carrying toilet articles or wearing apparel.

§ 11.101–5 *Special fuels.* (a) A tax of 2 cents per gallon through March 31, 1956, and 1½ cents per gallon thereafter, is imposed upon certain fuels, other than those taxable as gasoline under section 4081 of the Internal Revenue Code (see § 11.102–3) as follows:

(1) Diesel fuel—any liquid—

(i) Sold by any person to an owner, lessee, or other operator of a diesel-powered highway vehicle, for use as a fuel in such vehicle, or

(ii) Used by any person as a fuel in a diesel-powered highway vehicle unless there was a taxable sale of such liquid under subdivision (i) of this subparagraph; and

(2) Special motor fuels—benzol, benzene, naphtha, liquid petroleum gas or any other liquid (other than kerosene, gas oil, fuel oil, or a product taxable under subparagraph (1) of this paragraph—

(i) Sold by any person to an owner, lessee, or other operator of a motor vehicle, motorboat, or airplane for use as a fuel for the propulsion of such motor vehicle, motorboat, or airplane; or

(ii) Used by any person as a fuel for the propulsion of a motor vehicle, motorboat, or airplane unless there was a taxable sale of such liquid under subdivision (i) of this subparagraph.

(b) If fuel upon which this tax has been paid is not used as a fuel in a diesel-powered highway vehicle or to propel a motor vehicle, motorboat, or airplane, the retailer is entitled to a credit or refund for the tax paid, if such retailer has not included the tax in the sales price or otherwise collected the tax from the purchaser, has repaid the tax to the purchaser, or has the purchaser's written consent to take the credit or refund. When it is economically advantageous to do so, this credit or refund shall be utilized in accordance with Departmental procedures.

(c) If the manufacturers' excise tax on gasoline (see § 11.102–3) has been paid on any material used in the production of a special motor fuel taxable under paragraph (a) (2) of this section, the manufacturer of the gasoline is entitled to a refund or credit of such tax, subject to the conditions stated in paragraph (b) of this section. The contract price for special motor fuels purchased by any Department shall not include an amount for any manufacturers' excise tax on gasoline that was used in the production of the special motor fuel.

§ 11.102 *Manufacturers' excise taxes.* Chapter 32 of the Internal Revenue Code (which supersedes Ch. 29, I. R. C. 1939) as implemented by Treasury Regulations 44 and 46, imposes manufacturers' excise taxes upon various types of supplies, enumerated in §§ 11.102–1 to 11.102–14, sold by a manufacturer, producer, or importer. In general, the tax attaches at the time title passes from the manufacturer and is based on the sale price. A lease of supplies is treated as a sale for the purpose of these taxes, in which event the tax is measured by the rental payments even though such payments exceed the price or fair value of the supply (with the exception of a special rule which applies to the rental of trailers suitable for use with passenger automobiles, permitted by section 4216 (d), I. R. C.). The sale (or rental) price excludes the tax itself and all service charges connected with the sale, such as transportation, delivery, insurance, or installation charges, except charges for packaging and packaging materials, which are included. If after the tax has been paid, the sale price is adjusted for any reason, such as by discount, rebate, allowance, or return of containers, the tax shall be adjusted by credit or refund, except where the administrative cost would make tax adjustment uneconomical. Supplies subject to the retailers' excise tax on jewelry (see § 11,101–1) are not subject to the manufacturers' excise taxes.

§ 11.102–1 *Motor vehicles.* (a) A tax at the indicated rates is imposed upon the following supplies (including parts and accessories sold therewith) sold by a manufacturer, producer, or importer:

(1) Chassis and bodies of trucks, buses, truck and bus trailers and semitrailers, and tractors of the kind chiefly used for highway transportation in combination with a trailer or semitrailer—8 percent through March 31, 1956, and 5 percent thereafter; except that this tax does not apply to equipment designed for off-the-road use, such as self-propelled construction equipment and equipment designed for use at mines, factories, railroad stations, and farms;

(2) Chassis and bodies of automobiles, and trailers (other than house trailers) suitable for use with passenger automobiles—10 percent through March 31, 1956, and 7 percent thereafter; and

(3) Parts or accessories, which are defined to include any article—

(i) The primary use of which is to improve, repair, replace, or serve as a component part of a motor vehicle;

(ii) Designed to be attached to or used in connection with a motor vehicle or to add to its utility or ornamentation; or

(iii) The primary use of which is in connection with a motor vehicle whether or not essential to its operation or use.

Spark plugs, storage batteries, leaf springs, coils, timers, and tire chains, which are suitable for use on or in connection with, or as component parts of, a taxable motor vehicle are treated as parts or accessories whether or not primarily adapted for such use. The tax on parts or accessories does not apply to any article sold for use (or for a single resale for use) as material in the manufacture of, or as a component part of, any article, whether or not such article is subject to a manufacturers' excise tax. If, after August 31, 1955, a manufacturer uses a tax-paid part or accessory as material in the manufacture of, or as a component part of, any article, such manufacturer is entitled to a credit or refund of the tax paid on the part or accessory. The contract price of supplies purchased by any Department shall not include an amount for the manufacturers' excise tax on automobile parts or accessories purchased for use, or after August 31, 1955, used in the manufacture of any article.

(b) The tax on automotive parts or accessories does not apply to tires, inner tubes, and automobile radio and television receivers. If a manufacturer of motor vehicles sells these articles in connection with the sale of a taxable motor vehicle, he may take a credit against the motor vehicle tax in the amount of the motor vehicle tax rate applied to his purchase price of the tires, inner tubes, and automobile radio and television receivers. The contract price for supplies purchased by any Department shall not include an amount for the manufacturers' excise tax on motor vehicles or automotive parts or accessories to the extent that these credits are available.

§ 11.102–2 *Tires and tubes.* (a) A tax at the indicated rates is imposed upon the following supplies, made wholly or in part of rubber, including synthetic and substitute rubber, sold by a manufacturer, producer, or importer:

(1) Tires, which include pneumatic and solid tires, casings, hoops, strips and bands of all kinds, which are designed to fit the wheel on any type of vehicle that is capable of transporting a person or burden—5 cents a pound on total weight, excluding metal rims or rim bases, but including any other material or fastening device that forms a part of the tire: except that the tax does not apply to tires which are more than 20 inches in diameter and not more than 1¾ inches in cross-section, if such tires are of all-

rubber construction without fabric or metal reinforcement, nor does it apply to tires of extruded tiring with an internal wire fastening agent; and

(2) Inner tubes, which include any type of air container for pneumatic tires—9 cents a pound on total weight, including air valves and stems.

(b) The exemption for sales for further manufacture does not apply to taxable tires and tubes. However, if tax-paid tires and tubes are sold in connection with the sale by a manufacturer of a taxable motor vehicle, a credit against the tax on the motor vehicle is allowed to the extent of the motor vehicle tax rate applied to the manufacturer's purchase price on the tires and tubes (see § 11.102–1 (b)).

§ 11.102–3 *Gasoline.* A tax of 2 cents per gallon through March 31, 1956, and 1½ cents per gallon thereafter, is imposed on gasoline sold by a producer or importer. Gasoline means all products commonly or commercially known as gasoline, including casinghead and natural gasoline, but excluding kerosene gas oil, or fuel oil, and also excluding any product taxable as a special motor fuel under section 4041 of the Internal Revenue Code (see § 11.101–5). The tax does not apply to the sale of gasoline to a producer, which is defined to include a refiner, compounder, blender, or dealer who sells gasoline exclusively to producers of gasoline.

§ 11.102–4 *Lubricating oils.* (a) A tax at the indicated rates is imposed upon the following classes of lubricating oils sold, other than to another manufacturer or producer for resale, by a manufacturer or producer (but not upon oil sold by an importer):

(1) Cutting oils, which means oils sold for use in cutting and machining operations, including forging, drawings, rolling, shearing, punching, and stamping on metals—3 cents per gallon; and

(2) Other lubricating oils, which means all oils, regardless of origin, which are sold as lubricating oil or are suitable for use as a lubricant, not including products commonly known as grease—6 cents per gallon. Certain products, other than those commonly known as grease, are not considered to be lubricating oils, and accordingly are not subject to the tax. These include petrolatum, and fatty oils of vegetable, animal, fish, and marine origin which in their natural state are not sold as lubricating oils.

(b) An exemption is available for lubricating oils sold by a manufacturer directly to a purchaser who uses the oil for nonlubricating purposes. In applying this exemption, oils can be grouped into two classes:

(1) Oils which are exempted if the manufacturer obtains an exemption certificate from the purchaser in the form prescribed by the Treasury regulations; and

(2) Oils which are exempted without an exemption certificate. Oils of the second class include crude neatsfoot oil; electrical transformer insulating oil; white oil; and lubricating oils which are packaged in sealed containers of one gallon or less, labeled and sold for nonlubricating purposes. With the exception of oils which are packaged in sealed containers of one gallon or less, labeled and sold for nonlubricating purposes, oils of neither class may be sold tax-free to dealers for resale even though it is known that the oil will be used for nonlubricating purposes. If, however, oil upon which a tax has been paid is used for nonlubricating purposes, the manufacturer is entitled to a credit or refund, irrespective of whether the oil was sold directly to the consumer by the manufacturer or was sold through a dealer. A credit or refund is also allowed when a lubricating oil upon which the 6-cent per gallon tax has been paid is used as a cutting oil taxable at 3 cents per gallon. When it is economically advantageous to do so, the exemption, credit, or refund for oil sold for use or used for nonlubricating purposes, and the credit or refund for lubricating oil used as cutting oil shall be utilized in accordance with Departmental procedures.

§ 11.102–5 *Refrigeration equipment.* A tax at the indicated rates is imposed upon the following supplies (including parts or accessories sold therewith) sold by a manufacturer, producer, or importer:

(a) Household type refrigerators, which include units not exceeding 14 cubic feet net storage space for single or multiple cabinet installations having, or designed for use with, a mechanical refrigerating unit operated by electricity, gas, kerosene, or gasoline; household type units for the quick freezing or frozen storage of foods operated by electricity, gas, kerosene, or gasoline—10 percent;

(b) Refrigerator components, which means cabinets, compressors, condensors, condensing units, evaporators, expansion units, absorbers, and controls for, or suitable for use as parts of or with, taxable household type refrigerators or quick freeze units, except when sold as a component part or accessory with the sale of complete refrigerators, refrigerating or cooling apparatus, or quick freeze units—5 percent. Exemption from the tax is available on the sale of a refrigerator component for use (or for a single resale for use) as material in the manufacture of, or as a component part of, any article, whether or not such article is subject to a manufacturers' excise tax. If, after August 31, 1955, a manufacturer uses a tax-paid refrigerator component in the manufacture of, or as a component part of, any article, such manufacturer is entitled to a credit or refund of the tax paid on the refrigerator component. The contract price for supplies purchased by any Department shall not include an amount for the manufacturers' excise tax on refrigerator components purchased for use, or after August 31, 1955, used in the manufacture of any article; and

(c) Self-contained air-conditioning units—10 percent.

§ 11.102–6 *Electric, gas, and oil appliances.* A tax of 5 percent is imposed upon the following household supplies (including parts or accessories sold therewith), whether or not used domestically, sold by a manufacturer, producer, or importer: Electric, gas, or oil water heaters; electric, gas, and oil appliances of the type used for cooking, warming, or keeping warm food or beverages for consumption on the premises; electric flatirons, air heaters (not including furnaces), immersion heaters, blankets, sheets and spreads, mixers, whippers, and juicers, belt-driven fans, exhaust blowers, door chimes, dehumidifiers, dishwashers, floor polishers and waxers, food choppers and grinders, hedge trimmers, ice cream freezers, mangles, pants pressers, and garbage disposal units; electric and gas clothes driers; and power lawn mowers. The tax is also imposed upon electric direct motor driven fans and air circulators not of the industrial type.

§ 11.102–7 *Electric light bulbs.* A tax of 10 percent is imposed upon electric light bulbs and tubes, not subject to any other manufacturers' exercise tax, sold by a manufacturer, producer, or importer.

§ 11.102–8 *Radio and television receiving sets, phonographs and records, musical instruments.* A tax of 10 percent is imposed upon the following supplies (including, except as to musical instruments, parts or accessories sold therewith) sold by a manufacturer, producer, or importer:

(a) Radio and television receiving sets, automobile radio and television receiving sets, phonographs, and combinations of any of the foregoing, if such articles are of the entertainment type. The contract price of any of these supplies, not of the entertainment type, delivered to any Department after August 31, 1955, shall not include any amount for the manufacturers' excise tax, irrespective of the date of the contract, if the contract price is subject to adjustment for changes in the contractor's Federal excise tax burden. The exemption for sales to manufacturers does not apply to automobile radio and television receivers; however, if tax-paid receivers are sold in connection with the sale by a manufacturer of a taxable motor vehicle, a credit against the tax on the motor vehicle is allowed to the extent of the motor vehicle tax rate applied to the manufacturer's purchase price on the receiver (see § 11.102–1 (b); and

(b) Radio and television components, which means chassis, cabinets, tubes, speakers, amplifiers, power supply units, antennae of the built-in type, and phonograph mechanisms, which are suitable for use on or in connection with, or as a component part of any taxable radio and television receiver or phonograph; and phonograph records. The tax on radio and television components and phonograph records applies irrespective of whether or not they are of an entertainment type. Exemption from the tax is available as to components—

(1) Sold for use as material in the manufacture of, or as a component of, an article subject to a manufacturers' excise tax; or

(2) Sold for use or actually used after August 31, 1955, as material in the manufacture of, or as a component part of, any article, whether or not such article is subject to a manufacturers' excise tax.

A manufacturer using a tax-paid component within the scope of any of the above exemptions, is entitled to a credit or refund of the tax paid on the component. The contract price for supplies purchased by any Department shall not include an amount for the manufacturers' excise tax on radio and television components from which any of these exemptions, credits, or refunds are available to the manufacturer.



§ 11.102–9 *Sporting goods.* A tax of 10 percent is imposed upon certain types of sporting equipment (including parts or accessories sold therewith) sold by a manufacturer, producer, or importer.

§ 11.102–10 *Photographic equipment.* A tax at the indicated rates is imposed upon the following supplies (including parts or accessories sold therewith) sold by a manufacturer, producer, or importer:

(a) Cameras, not including X-ray cameras or cameras weighing more than four pounds exclusive of lens and accessories—10 percent;

(b) Camera lenses, not including still camera lenses having a focal length of more than 120 millimeters or motion picture camera lenses having a focal length of more than 30 millimeters—10 percent. Exemption from the tax is available as to camera lenses—

(1) Sold for use as material in the manufacture of, or as a component part of, an article subject to a manufacturers' excise tax; or

(2) Sold for use or actually used after August 31, 1955, as material in the manufacture of, or as a component part of any article, whether or not such article is subject to a manufacturer's excise tax.

A manufacturer, using a tax-paid camera lens within the scope of any of the above exemptions, is entitled to a credit or refund of any tax paid on the lens. The contract price for supplies purchased by any Department shall not include amounts for the manufacturers' excise tax on camera lenses from which any of these exemptions, credits, or refunds are available to the manufacturer;

(c) unexposed photographic film in rolls, including motion picture film—10 percent. This tax does not apply to X-ray film; unperforated microfilm; film more than 150 feet in length; or film more than 25 feet in length and more than 30 millimeters in width. A person who acquires unexposed film in a form not subject to tax and thereafter sells such unexposed film in form and dimensions subject to tax is treated as a manufacturer of the film so sold by him. The manufacturer of unexposed motion picture films is entitled to a credit or refund (but not an exemption) for film used or resold for use in making newsreel motion picture films covering current news events for immediate relcase for public exhibition; and

(d) electric motion or still picture projectors of the household type—5 percent.

§ 11.102–11 *Firearms, shells, and cartridges.* Although a tax is imposed upon pistols and revolvers at the rate of 10 percent, and other firearms, shells, and cartridges at the rate of 11 percent, sold by a manufacturer, producer, or importer, it does not attach to the sale or transfer to such articles purchased with funds appropriated for the Military Departments. In addition to this manufacturers' excise tax, Chapter 53A of the Internal Revenue Code (which supersedes Ch. 25, I. R. C. 1939) imposes a transfer tax and a tax on the manufacture of machine guns and certain other firearms; except that transfer to, or manufacture for, the United States is specifically exempted from these taxes.

§ 11.102–12 *Business machines.* A tax of 10 percent is imposed upon a wide variety of business machines (including parts or accessories sold therewith), not including cash registers of the type used in registering over-the-counter retail sales, sold by a manufacturer, producer, or importer.

§ 11.102–13 *Pens, mechanical pencils, and lighters.* A tax of 10 percent is imposed upon fountain and ball point pens, mechanical pencils, and mechanical lighters for cigarettes, cigars, and pipes, sold by a manufacturer, producer, or importer; except that this tax does not apply if the article also is subject to the retailers' excise tax on jewelry imposed by section 4001 of the Internal Revenue Code. If the manufacturers' excise tax has been paid, but the article is further processed so as to subject it to the retailers' excise tax, the retailer (but not the manufacturer who originally paid the tax) is entitled to a credit to the extent of the manufacturers' excise tax paid on the article. (See § 11.101–1).

§ 11.102–14 *Matches.* A tax of 2 cents per 1,000, not to exceed 10 percent of the price for which sold, is imposed upon matches sold by a manufacturer, producer, or importer, except that the rate is 5½ cents per 1,000 for fancy wooden matches or matches having a stained, dyed, or colored stick or stem, whether packed in boxes or in bulk.

§ 11.103 *Excise taxes on facilities and services.* Chapter 33 of the Internal Revenue Code (which supersedes Ch. 30, I. R. C. 1939), implemented by Treasury Regulations 42 and 113, imposes excise taxes on certain facilities and services, including communications, and transportation of persons, property, and oil by pipeline. In general, the tax is based on the amount paid for the service, and is imposed upon the person paying for the service, except that the tax on the transportation of oil by pipeline is imposed on the person supplying the transportation.

§ 11.103–1 *Communications.* A tax is imposed on amounts paid for the following facilities and services at the rates hereinafter indicated; except that only one payment of tax is required on long distance telephone or telegraph service, notwithstanding that lines or stations of more than one person are used in the transmission:

(a) Local telephone service, which means any telephone service not otherwise taxable, excluding amounts paid for the installation of instruments, wires, poles, switchboards, apparatus, and equipment—10 percent;

(b) Long distance telephone service, which means any telephone or radio telephone message or conversation for which the toll charge exceeds 24 cents and for which the charge is paid within the United States—10 percent.

(c) Telegraph service, which means a telegraph, cable, or radio dispatch or message for which the charge is paid within the United States—10 percent;

(d) Leased wire, teletypewriter or talking circuit special service, not including any service used exclusively in rendering a service taxable as wire and equipment service under paragraph (e) of this section—10 percent. This tax applies irrespective of whether the wires or services are within a local exchange area; and

(e) Wire and equipment service, which includes stock quotation and information services, burglar or fire alarm services, and all other similar services—8 percent. This tax applies irrespective of whether the wires or services are within a local exchange area.

§ 11.103–2 *Transportation of persons.* (a) A tax of 10 percent is imposed upon amounts paid for the transportation of persons by rail, motor vehicle, water, or air, including charges for seating or sleeping accommodations in connection with such transportation, as follows:

(1) On amounts paid within the United States for transportation within or without the United States; and

(2) On amounts paid outside the United States for transportation which begins and ends in the United States. The tax does not apply to transportation any part of which is outside the northern portion of the Western Hemisphere, except as to that part of such transportation that is from one port or station in the United States, Canada (not including Newfoundland), or Mexico to another port or station within the United States, Canada (not including Newfoundland), or Mexico.

(b) The tax does not apply to—

(1) Any separable and itemized charges other than those for transportation of a person, such as for an automobile, baggage, meals, hotel accommodations, insurance, and the like;

(2) Charges incident to the charter of a conveyance for the transportation of persons, such as for parking, icing, sanitation, layover, movement of equipment in deadhead service, dockage, and the like; or

(3) Charges for transportation by motor vehicles having a seating capacity of less than 10 persons and not operated on an established line.

§ 11.103–3 *Transportation of property.* (a) A tax of 3 percent (4 cents per short ton on coal, including lignite, coal dust, coke briquettes) is imposed upon amounts paid to a person engaged in the business of transporting property for hire by rail, motor vehicle, water, or air. The tax applies to—

(1) Amounts paid within or without the United States for transportation from one point in the United States to another; and

(2) Amounts paid within the United States for that portion within the United States of transportation from a point outside to a point within the United States.

(b) The tax does not apply to the transportation of property in the course of exportation or shipment to a possession of the United States (see § 11.201), nor to an uninterrupted shipment moving through the United States from one foreign point to another. If any such shipment is interrupted in the United States for any purpose of the shipper rather than a fault of transportation, it is treated as two shipments, one to and the other from the point of interruption, of which the former may be taxable in whole or in part according to the rules stated above. If the tax is expressly excluded from the contract (or subcontract) price and an exemption certificate prescribed by the Treasury Regulations is filed with the carrier, the tax is inapplicable to shipments for export under a commercial bill of lading consigned to an officer of a Military Department at a port of exportation. When it is economically advantageous to do so, this exemption shall be utilized in accordance with Departmental procedures.

(c) For the taxability of exported domestic shipments under a Government bill of lading, see § 11.202 (c).

(d) The amount subject to tax includes—

(1) Any charges for services incident to the transportation movement, such as loading, unloading, blocking, staking, elevation, transfer in transit, ventilation, refrigeration, icing, storage, demurrage, lighterage, trimming of cargo in vessels, wharfage, and handling, feeding, and watering of livestock; and

(2) Separate and itemized charges for baggage transported in connection with the transportation of persons, including incidental charges for excess weight or value, storage, transfer, special delivery, and the like.

The tax applies to all forms of transportation, local or otherwise, including drayage, towing, ferrying, and switching; however, it does not apply to the transportation of earth, rock, or other material excavated within the boundaries of, and in the course of, a construction project and transported to any place within, or adjacent to, the boundaries of such project, nor does it apply to the transportation of coal from the mine to a preparation plant. No amount paid for the transportion of property is subject to tax if and to the extent that a tax on such transportation previously has been paid. An amount paid for the transportation of coal, coke, or briquettes is not taxable if there has been a previous taxable transportation of the coal or coal dust from which the coke or briquettes were made.

§ 11.103–4 *Transportation of oil by pipeline.* A tax of 4½ percent is imposed upon the amount paid for the transportation by pipeline of crude petroleum and liquid products thereof. In contrast with the other excise taxes on facilities and services, the legal incidence of this tax is upon the person furnishing such transportation. If no charge is made for the transportation, or if the charge made is less than a fair charge (unless such charge results from an arm's length transaction), the tax is based on the fair charge for such transportation.

§ 11.104 *Selective list of supplies and services subject to Federal excise taxes.*

| Supplies and services | I. R. C. 1954 (26 U. S. Code) | I. R. C., 1939 | Treasury regulation | Section in this subchapter |
|---|---|---|---|---|
| | Section | Section | | |
| Air conditioning equipment | 4111 | 3405 (c) | 46 | 11.102-5 |
| Appliances, electric, gas, and oil | 4121 | 3406 (a) (3) | 46 | 11.102-6 |
| Automotive accessories | 4061 (b) | 3403 (c) | 46 | 11.102-1 |
| Binoculars, field and marine glasses | 4001 | 2400 | 51 | 11.101-1 |
| Business machines | 4191 | 3406 (a) (6) | 46 | 11.102-12 |
| Cigarette lighters | 4201 | 3408 | 46 | 11.102-13 |
| Communication services and facilities | 4251 | 3465 | 42 | 11.103-1 |
| Cutting oils | 4091 | 3413 | 44 | 11.102-4 |
| Diesel fuel | 4041 (a) | 2450 (a) | 119 | 11.101-5 |
| Electric light bulbs | 4131 | 3406 (a) (10) | 46 | 11.102-7 |
| Film | 4171 | 3406 (a) (4) | 46 | 11.102-10 |
| Firearms, shells, and cartridges | 4181 | 3407, 2700 | 46, 47 | 11.102-11 |
| Furs | 4011 | 2401 | 51 | 11.101-2 |
| Gasoline | 4081 | 3412 | 44 | 11.102-3 |
| Handbags | 4031 | 1651 (a) | 51 | 11.101-4 |
| Jewelry and related items | 4001 | 2400 | 51 | 11.101-1 |
| Lubricating oils | 4091 | 3413 | 44 | 11.102-4 |
| Luggage and handbags | 4031 | 1651 (a) | 51 | 11.101-4 |
| Motor vehicles and accessories | 4061 | 3403 | 46 | 11.102-1 |
| Musical instruments | 4151 | 3404 (d) | 46 | 11.102-8 |
| Pens, mechanical pencils, and lighters | 4201 | 3408 | 46 | 11.102-13 |
| Phonographs and records | 4141 | 3404 | 46 | 11.102-8 |
| Photographic equipment | 4171 | 3406 (a) (4) | 46 | 11.102-10 |
| Pistols and revolvers | 4181 | 2700 | 46, 47 | 11.102-11 |
| Radio and television receiving sets, parts and components | 4141 | 3404 | 46 | 11.102-8 |
| Refrigeration equipment | 4111 | 3405 | 46 | 11.102-5 |
| Shells and cartridges | 4181 | 3407 | 46 | 11.102-11 |
| Special fuels | 4041 | 2450 | 119 | 11.101-5 |
| Sporting goods | 4161 | 3406 (a) (4) | 46 | 11.102-9 |
| Telephone and telegraph services | 4251 | 3465 | 42 | 11.103-1 |
| Tires and tubes | 4071 | 3400 | 46 | 11.102-2 |
| Toilet preparations | 4021 | 2402 (a) | 51 | 11.101-3 |
| Transportation of oil by pipeline | 4281 | 3460 | 42 | 11.103-4 |
| Transportation of persons | 4261 | 3469 | 42 | 11.103-2 |
| Transportation of property | 4271 | 3475 | 113 | 11.103-3 |
| Watches, clocks and other timepieces | 4001 | 2400 | 51 | 11.101-1 |

## SUBPART B—EXEMPTIONS FROM FEDERAL EXCISE TAXES


Sec.
11.200 Scope of subpart.
11.201 Supplies for exportation or shipment to a possession.
11.201–1 Retailers' excise taxes.
11.201–2 Manufacturers' excise taxes.
11.202 Supplies and services for the exclusive use of the United States.
11.203 Supplies sold for further manufacture.
11.204 Supplies for vessels and airplanes.
11.205 Other exemptions.
11.206 Tax exemption forms.


AUTHORITY: §§ 11.200 to 11.206 issued under sec. 1, 54 Stat. 712, as amended, sec. 201, 55 Stat. 839, 62 Stat. 20, sec. 638, 66 Stat. 537; 50 U. S. C. App. 1171, 611, 41 U. S. C. 151–162, E. O. 9001, 6 F. R. 6787, E. O. 9296, 8 F. R. 1429; 3 CFR, 1943 Cum. Supp.

§ 11.200 *Scope of subpart.* This subpart sets forth the applicability and scope of general exemptions, credits, and refunds from the Federal excise taxes outlined in Subpart A of this part, and the policy governing when such exemptions, credits, and refunds are to be claimed. Particular exemptions restricted to a single tax are set forth in Subpart A of this part in the discussion of each tax.

§ 11.201 *Supplies for exportation or shipment to a possession.* Exemption is available from the retailers' and manufacturers' excise taxes on sales of supplies for export, or for shipment to a possession of the United States (which excludes the Territories of Alaska and Hawaii, but includes the Commonwealth of Puerto Rico, Panama Canal Zone, Virgin Islands, Guam, American Samoa, Wake Island, and Midway Islands). Although not based on an exemption but upon the limited scope of the tax, the transportation tax on property is not imposed on shipments for export or to a possession of the United States (see § 11.103–3).

§ 11.201–1 *Retailers' excise taxes.* Pursuant to section 4056 of the Internal Revenue Code (which supersedes sec. 2406, I. R. C. 1939) and applicable Treasury regulations, exemption is available from the retailers' excise taxes on sales of supplies for export, or for shipment to a possession of the United States. This exemption shall be obtained only when—

(a) The purchase is substantial;

(b) Exportation or shipment to a possession is intended to follow not more than 6 months after title passes to the Government; and

(c) In accordance with Departmental procedures.

This exemption shall be obtained by purchasing on a tax-exclusive basis and furnishing the required proof of exportation or shipment to a possession.

§ 11.201–2 *Manufacturers' excise taxes.* Pursuant to section 4225 of the Internal Revenue Code (which supersedes secs. 3449 and 2705, I. R. C. 1939) and applicable Treasury regulations, exemption is available from the manufacturers' excise taxes on sales of supplies for export, or for shipment to a possession of the United States. This exemption shall be obtained only when—

(a) The purchase is substantial;

(b) Exportation or shipment to a possession is intended to follow not more than 6 months after title passes to the Government; and

(c) In accordance with Departmental procedures.

This exemption is limited to sales by a manufacturer, and is not applicable to sales for export or shipment to a possession from the stock of a person who was not the manufacturer, producer, or importer. This exemption shall be obtained by procurement on a tax-exclusive basis and furnishing the required proof of exportation or shipment to a possession.



§ 11.202 *Supplies and services for the exclusive use of the United States.* By virtue of action taken by the Secretary of the Treasury, pursuant to section 4293 of the Internal Revenue Code, exemption is available, and shall be obtained from the following Federal excise taxes to the extent indicated:

(a) Tax on communication services and facilities (see § 11.103–1) furnished directly to the United States (as distinguished from being furnished to a Government contractor) and paid for directly by the Government, which exemption is obtained without any exemption certificate;

(b) Tax on transportation of persons (see § 11.103–2) for transportation furnished the United States upon a Government transportation request, which exemption is obtainable by use of such transportation request; and

(c) Tax on transportation of property (see § 11.103–3) for transportation to or from the Government on a Government bill of lading, which exemption is obtainable by use of such bill of lading. This exemption applies to shipments on commercial bills of lading which are converted to Government bills of lading at destination.

§ 11.203 *Supplies sold for further manufacture.* (a) Pursuant to section 4220 of the Internal Revenue Code (which supersedes sec. 3442, I. R. C. 1939) and applicable Treasury regulations, supplies (other than tires, inner tubes, and automobile radios and television receivers) are exempt from manufacturers' excise taxes if sold for use by the vendee in the manufacture of, or as a component part of, another article; or for resale by the vendee for such further manufacture by his vendee, if the article is resold in due course. In applying this exemption, there are two classes of supplies:

(1) Automobile parts or accessories, refrigerator components, radio or television components, and camera lenses, the sale of which is exempt irrespective of whether or not the article to be manufactured is subject to a manufacturers' excise tax. The manufacturer is entitled to a credit or refund for the amount of the tax paid on such parts, accessories, components, or lenses if this exemption has not been utilized and if such parts, accessories, components, or lenses upon which a manufacturers' excise tax has been paid, are used in the manufacture of, or as a component part of, any article (whether or not taxable); and

(2) All other articles (other than tires, inner tubes, automobile radio and television receivers) subject to a manufacturers' excise tax, the sale of which is exempt only if the article to be manufactured is subject to a manufacturers' excise tax. The manufacturer is entitled to a credit or refund of the amount of tax paid on any such article used for further manufacture if this exemption has not been utilized and if such article, upon which a manufacturers' excise tax has been paid, is used in the manufacture of, or as a component of, another article upon which a manufacturers' excise tax is subsequently paid, or which subsequently is sold tax-free as a sale for further manufacture pursuant to section 4220 of the Internal Revenue Code.

(b) These exemptions, credits, and refunds under paragraph (a) (1) and (2) of this section are obtainable by the manufacturer without any action by the Contracting Officer. The contract price for supplies purchased by any Department shall not include an amount for any manufacturers' excise tax from which these exemptions, credits, or refunds are available.

§ 11.204 *Supplies for vessels and airplanes.* Pursuant to section 4222 of the Internal Revenue Code (which supersedes secs. 3451 and 2456, I. R. C. 1939) and applicable Treasury regulations, exemption is available from the manufacturers' excise taxes, and from the retailers' excise tax on special motor fuels imposed by section 4041 (b) of the Internal Revenue Code (see § 11.101–5) on sales of supplies for use as sea stores, fuel supplies, ships' stores, or legitimate equipment necessary for the navigation, propulsion, and upkeep of vessels of war or military aircraft, including guided missiles and pilotless aircraft, owned or chartered by the United States. If supplies upon which a tax has been paid are sold for any of the exempt uses enumerated above, the manufacturer is entitled to a credit or refund of the tax paid, irrespective of whether the supplies are sold directly to the consumer by the manufacturer or are sold through a dealer. When it is economically advantageous to do so, this exemption, credit, or refund shall be utilized, by purchase on a tax-exclusive basis and execution of the required exemption certificate, in accordance with Departmental procedures.

§ 11.205 *Other exemptions.* If any Department purchases supplies or services subject to Federal excise taxes, other than those contained in Chapters 31, 32, 33B, and 33C of the Internal Revenue Code and outlined in Subpart A of this part, such Department shall prescribe rules to govern the utilization of any exemptions from such taxes.

§ 11.206 *Tax exemption forms.* Standard Government exemption forms acceptable to the Internal Revenue Service shall be used in accordance with Departmental procedures (see § 16.804 of this subchapter).

## SUBPART D—CONTRACT CLAUSES

The caption and minor changes have been made to § 11.402 as follows:

§ 11.402 *Cost-reimbursement type contracts.* No specific tax clause is required in any cost-reimbursement type contract. In all such contracts the problem of Federal, State, and local taxes (which presents solely a question of allowability of costs in connection with the performance of cost-reimbursement type contracts) is covered in the contract clause set forth in § 7.203–4 of this subchapter and is treated in Part 15 of this subchapter.

T. P. PIKE,
*Assistant Secretary of Defense,*
*(Supply and Logistics).*

MAY 9, 1956.

[F. R. Doc. 56-3843; Filed, May 15, 1956; 8:45 a. m.]

# Chapter XI—National Guard and State Guard, Department of the Army

## PART 1101—NATIONAL GUARD REGULATIONS

### PROMOTION OF OFFICERS

Section 1101.4 is revised to read as follows:

§ 1101.4 *Promotion*—(a) *General.* (1) The promotion of National Guard officers is the function of the proper State authorities. As in original appointments, an officer promoted by State authorities to a high grade has a State status in the higher grade under which he can function. However, an officer will not be eligible for promotion as a Reserve commissioned officer of the Army in the higher grade until he has been extended Federal recognition as provided in § 1101.3.

(2) Promotion will be based on efficiency, length of service in grade, demonstrated command and staff ability at the appropriate level, and will be effected only when an appropriate vacancy exists in the applicable TOE or table of organization of the unit.

(3) To be eligible for promotion an officer must be in an active status.

(b) *Promotion service.* "Promotion service" means the aggregate of the following:

(1) Any period an officer has held or is credited with having held a permanent appointment in his current grade in the Army while in active status or on the active list of the Regular Army. Like service in any of the other Armed Forces of the United States may also be credited provided the officer's duty or assignment in the other Armed Force required similar qualifications to those of his present grade and branch. Such cases, however, will be referred to the Chief, National Guard Bureau, for determination. An officer may, for the purpose of this section, be credited with having held a permanent appointment in his current grade from the promotion eligibility date shown on the instrument of promotion.

(2) For an officer who was on active duty prior to September 3, 1945, any period served on active duty in the Army prior to January 1, 1949 in a temporary grade equal to or higher than his current grade. Like service in any of the Armed Forces of the United States may also be credited as indicated in subparagraph (1) of this paragraph.

(3) Any period of "constructive credit" which is in excess of the minimum years of service required for the grade in which initially appointed in a special branch.

(c) *Requirements for promotion.* To be eligible for promotion, an officer must meet the requirements of both minimum years of promotion service and military education.

(1) *Minimum years of promotion service.* (i) Promotion may be upon completion of the following years of promotion service:

(*a*) Except as provided in subdivision (ii) of this subparagraph, a second lieutenant may be federally recognized in the next higher grade until he has three years of promotion service. A second lieutenant must be promoted to first lieutenant by or on the date he completes

three years of promotion service, or be eliminated.

(b) An officer, other than an adjutant general of a State, Territory, or the District of Columbia, in a grade above second lieutenant may not be examined for Federal recognition in the next higher grade until he has the following minimum years of promotion service:

| Grade: | Minimum years of promotion service |
|---|---|
| First lieutenant | 2 |
| Captain | 4 |
| Major | 4 |
| Lieutenant colonel | 3 |
| Colonel | 2 |
| Brigadier general | 2 |

(ii) As an exception to the above, an officer in the grade of second lieutenant or first lieutenant who has served creditably in a position vacancy of a captain for 12 months may be examined for Federal recognition in the next higher grade provided he is otherwise qualified. An officer may be promoted only once under this exception.

(2) *Minimum educational requirements.* The following minimum educational requirements will be a prerequisite for promotion above the grade of first lieutenant:

(i) *To general officer.* Except for State adjutants general, the successful completion or receipt of constructive credit for either one of the regular or associate courses or the special associate course (Division) of the Command and General Staff College, or successful completion of the USAR school, Command and General Staff Course (Division), or successful completion of a course of instruction at a higher level military service school. Waiver of this requirement may, until January 1, 1958, be recommended in the case of outstanding and especially qualified officers who have demonstrated their ability by the actual performance of duties in positions of general officer grade.

(ii) *To colonel of a combat branch.* The successful completion of an appropriate course of the Command and General Staff College, or a local branch thereof.

(iii) *To field grades (other than to colonel of a combat branch).* Successful completion of the regular or associate advanced course of the appropriate branch service school, at local branch thereof, or a higher school.

(iv) *To company grade.* Successful completion of the regular or associate basic course of the appropriate branch service school, or a higher course.

(v) *To any grade.* To any grade, except general officer, in lieu of the requirements in subdivisions (ii), (iii) and (iv) of this subparagraph.

(a) Successful completion of the Army Extension Course applicable to the branch and new grade.

(b) Officers who complete, or have completed, a minimum of 1 year of active military service in grade, and whose efficiency report for that period reflects a satisfactory manner of duty performance, may be considered to have met the military educational requirements for promotion to the next higher grade (up to and including colonel) than the grade held during the period of active military service, provided that the promotion is in the same branch as that in which the active military service was performed.

(c) A candidate for promotion in the Medical Corps, Dental Corps, Judge Advocate General's Corps, and Chaplains may be considered to have satisfied the military educational requirements for promotion to the next higher grade when the Federal recognition examining board determines that he has acquired professional knowledge and experience adequate to the next higher grade through the pursuit of his profession in which the work performed closely parallels his prescribed military duties.

(d) Evidence of having satisfactorily performed either of the following, on his branch, while on active military service:

(1) Performance in the higher grade, or

(2) Performance of the duties of the higher grade, while actually assigned to the higher position for a minimum of six months.

(vi) *All promotions.* Professional qualifications for the grade in which promoted shall be evidenced, as an added requirement, by satisfactory performance of military duties in the grade from which promoted as reflected by periodic efficiency reports and recommendations of the appropriate commanders in the chain of command.

(3) *Minimum ages.* The minimum ages as prescribed in § 1101.3 will apply for promotion of officers.

(d) *Promotion upon release from active duty.* Notwithstanding the provisions of paragraph (c) of this section, an officer upon release from active duty will be eligible for promotion to the highest temporary grade in which he served satisfactorily on active duty.

[NGR 20–3, 2 March 1956] (Sec. 118, 39 Stat. 213; 32 U. S. C. 17)

[SEAL] JOHN A. KLEIN,
*Major General, U. S. Army,*
*The Adjutant General.*

[F. R. Doc. 56–3844; Filed, May 15, 1956; 8:45 a. m.]

## TITLE 46—SHIPPING

### Chapter I—Coast Guard, Department of the Treasury

#### Subchapter O—Regulations Applicable to Certain Vessels During Emergency

[CGFR 56–20]

#### PART 154—WAIVERS OF NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS [1]

#### VESSELS OPERATED BY PACIFIC MICRONESIAN LINES, INC.

The Secretary of Defense in a letter to the Secretary of the Treasury dated April 23, 1956, recommended a general waiver of navigation and vessel inspection laws of the United States as follows:

Each year since 1951, the Secretary of Defense has recommended waiver of the vessel inspection laws of the United States for certain vessels operating in the waters of the Trust Territory. This is to recommend a limited waiver similar to the one recommended last year.

In the interest of national defense it is recommended that the provisions of the vessel inspection laws relating to licensed and unlicensed personnel, passengers quarters, crews quarters, life-saving equipment and the number of passengers allowed to be carried on freight vessels be waived for the period July 1, 1956, to June 30, 1957, for vessels which are or will be operated by the Pacific Micronesian Lines, Inc., for the Department of the Interior in Trust Territory waters.

Section 1 of the act of December 27, 1950 (64 Stat. 1120; 46 U. S. C., note preceding 1), states in part as follows:

That the head of each department or agency responsible for the administration of the navigation and vessel-inspection laws is directed to waive compliance with such laws upon the request of the Secretary of Defense to the extent deemed necessary in the interest of national defense by the Secretary of Defense. • • •

The purpose for the following waiver order designated § 154.35, as well as 33 CFR 19.35, is to waive the navigation and vessel inspection laws and regulations issued pursuant thereto which are administered by the United States Coast Guard as requested by the Secretary of Defense and to publish this waiver in the FEDERAL REGISTER. It is hereby found that compliance with the Administrative Procedure Act respecting notice of proposed rule making, public rule making procedure thereon, and effective date requirements thereof is impracticable and contrary to the public interest.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by an order of the Acting Secretary of the Treasury dated January 23, 1951, identified as CGFR 51–1, and published in the FEDERAL REGISTER dated January 26, 1951 (16 F. R. 731), the following waiver order is promulgated and shall be in effect to and including June 30, 1957, unless sooner terminated by proper authority, and § 154.35 is revised as follows:

§ 154.35 *Department of the Interior vessels operated by Pacific Micronesian Lines, Inc.* Pursuant to the recommendation of the Secretary of Defense in a letter dated April 23, 1956, made under the provisions of section 1 of the act of December 27, 1950 (64 Stat. 1120; 46 U. S. C., note prec. 1), I hereby waive in the interest of national defense compliance with the provisions of the navigation and vessel inspection laws relating to licensed and unlicensed personnel, passenger quarters, crew quarters, lifesaving equipment, and the number of passengers allowed to be carried on freight vessels, administered by the United States Coast Guard, as well as the regulations issued thereunder and published in 33 CFR Chapter I or in this chapter, to the extent necessary to permit the operation of vessels of the Department of the Interior and now operated by Pacific Micronesian Lines, Inc., or other vessels which may be used as substitutes for such vessels, in the Trust Territory of the Pacific Islands, as well as between the Trust Territory of the Pacific Islands and all the ports of the United States, including its territories and possessions, and foreign ports. This waiver order shall be in effect from July 1, 1956, to and including June 30, 1957, unless sooner terminated by proper authority.

(Sec. 1, 64 Stat. 1120; 46 U. S. C., note prec. 1)

Dated: May 9, 1956.

[SEAL] A. C. RICHMOND,
*Vice Admiral, U. S. Coast Guard,*
*Commandant.*

[F. R. Doc. 56–3868; Filed, May 15, 1956; 8:50 a. m.]

[1] This is also codified as 33 CFR Part 19.



## TITLE 33—NAVIGATION AND NAVIGABLE WATERS

### Chapter I—Coast Guard, Department of the Treasury

#### PART 19—WAIVERS OF NAVIGATION AND VESSEL INSPECTION LAWS AND REGULATIONS

#### VESSELS OPERATED BY PACIFIC MICRONESIAN LINES, INC.

CROSS REFERENCE: For promulgation of a waiver order affecting § 19.35 *Department of the Interior vessels operated by Pacific Micronesian Lines, Inc.*, see Title 46, Chapter I, Part 154, *infra*.

## TITLE 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

[Docket No. 10624 etc.; FCC 56–439]

[Rules Amdt. 2–19.]

#### PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

#### ALLOCATION OF FREQUENCIES

In the matter of amendment of Part 2 of the Commission's rules and regulations concerning the allocation of frequencies in the bands allocated exclusively to the fixed service by the Atlantic City treaty (1947), Docket No. 10624; amendment of Part 2 of the Commission's rules to make the band 4995–5005 kc available only to the Standard Frequency Service, Docket No. 11647; amendment of § 2.104 (a) of the Commission's rules and regulations concerning the bands 2495–2850 kc, 3155–3400 kc and 4438–4650 kc, Docket No. 11648.

1. At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 9th day of May 1956;

2. The Commission having under considerations its proposals in the above-entitled matters, which would allocate the Atlantic City fixed service bands exclusively to the fixed service (Docket 10624); the band 4995–5005 kc exclusively to the standard frequency service (Docket 11647); and the bands 2495–2850 kc, 3155–3400 kc and 4438–4650 kc exclusively to the fixed and mobile services (Docket 11648), in the Commission's Table of Frequency Allocations; and

3. It appearing that in accordance with the requirements of section 4 (a) of the Administrative Procedure Act, general notices of proposed rule making in these matters, which made provisions for the submission of written comments by interested parties, were duly published in the FEDERAL REGISTER on August 14, 1953 (18 F. R. 4859), (Docket 10624) and March 14, 1956 (21 F. R. 1605), (Dockets 11647 and 11648) and that the periods provided for the filing of comments have now expired; and

4. It further appearing that the Commission adopted an Order in Docket 10624 on January 12, 1955, making its proposal final for all fixed bands between 4 and 20 Mc except for the bands 4750–4995 kc, 5005–5450 kc, 7300–8195 kc and 11400–11700 kc; and

5. It further appearing that the Order stated in part that the remaining bands would be allocated exclusively to the fixed service when they became clear of out-of-band assignments;

6. It further appearing that the Commission adopted an Order in Docket 10377 on April 11, 1956 which, effective June 1, 1956, removes the last remaining out-of-band assignment in the fixed bands between 4 and 20 Mc; and

7. It further appearing that as of June 1, 1956, all out-of-band services will have been removed from all bands encompassed by this proceeding and need no longer be provided for by § 2.104 (a) (3) (i) of the rules after that date; and

8. It further appearing that no objections to the proposed amendments have been filed; and

9. It further appearing that the public interest, convenience and necessity will be served by the amendments as set forth below the authority for which is contained in sections 4 (i), 303 (c) and (r) of the Communications Act of 1934, as amended;

10. *It is ordered*, That effective June 20, 1956, § 2.104 (a) (3) (i) is amended as set forth below and that the proceedings in Dockets 10624, 11647 and 11648 are terminated therewith.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 1954. Interprets or applies sec. 303, 49 Stat. 1082, as amended; 47 U. S. C. 303).

Released: May 11, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

Effective June 20, 1956, the table of frequency bands associated with § 2.104 (a) (3) (i) is amended to read as follows:

4238–4368 kc
8476–8745 kc

[F. R. Doc. 56–3874; Filed, May 15, 1956; 8:51 a. m.]

[Docket No. 10798; FCC 56–441]

[Rules Amdt. 2–20]

#### PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

#### FIELD INTENSITY MEASUREMENTS OF SPURIOUS RADIATIONS; CHANGE IN DATE OF REPORT

In the matter of amendment of Part 2 of the Commission's rules to establish a program for the certification of equipment acceptable for licensing.

1. The Commission has under consideration a petition filed by the Radio-Electronics - Television Manufacturers Association (RETMA) for amendment of § 2.524 (d) (2) of its rules to change the effective date contained therein from May 15, 1956, to December 1, 1956. This paragraph of the rules requires field intensity measurements of spurious radiations to be furnished with requests for type acceptance of transmitters.

2. The RETMA states that tests have been made to determine the degree of correlation of spurious radiation measurements by various manufacturers and the Commission's Laboratory on a certain transmitter. Although the tests have not yet produced the desired correlation, the opinion is expressed by RETMA that the testing techniques can be refined so that transmitter radiation will be a measurable quantity. The RETMA proposes a program for further tests designed to attain this objective within the next six months.

3. It is considered that the petition presents an adequate showing of need for further postponement of the effective date contained in § 2.524 (d) (2) until December 1, 1956, and such postponement is being adopted herein by amendment of that section.

4. Since the amendment in question relates solely to a change in the effective date of a provision of the rules which would otherwise become effective May 15, 1956, Notice of Proposed Rule Making pursuant to section 4 (a) of the Administrative Procedure Act would be both impracticable and contrary to the public interest. Moreover, since the effect of the amendment is to relieve for a six month period a restriction otherwise imposed upon persons seeking type acceptance of various types of equipment covered in these proceedings, it may be effective immediately under section 4 (c) of the Administrative Procedure Act.

6. In view of the foregoing considerations and pursuant to the authority contained in sections 4 (i), 301 and 303 of the Communications Act of 1934, as amended, *it is ordered* That, effective May 14, 1956, Part 2 of the Commission's rules and regulations is amended as follows:

Section 2.524 (d) (2) is amended by changing the date specified therein from May 15, 1956, to December 1, 1956.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 301, 303, 48 Stat. 1081, 1082; 47 U. S. C. 301, 303)

Adopted: May 9, 1956.

Released: May 11, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

NOTE: Rules changed herein will be included in Amendment 2–20.

[F. R. Doc. 56–3875; Filed, May 15, 1956; 8:51 a. m.]

[FCC 56-444]

[Rules Amdt. 11-16]

PART 11—INDUSTRIAL RADIO SERVICES

INDUSTRIAL RADIOLOCATION SERVICE

In the matter of amendment of § 11.610 of the rules governing the Industrial Radiolocation Service.

At a session of the Federal Communications Commission held at its offices, Washington, D. C., on the 9th day of May 1956;

The Commission having under consideration the question of the license term for stations authorized under the provisions of Subpart M of Part 11 Industrial Radiolocation Services;

It appearing that under the rules all outstanding authorizations for the operation of stations in the Industrial Radiolocation Service will expire on July 1, 1956; and that there is no provision for the licensing of stations in this service beyond that termination date;

It further appearing that the various radiolocation methods may be susceptible of further development; that new methods may yet be devised; and that the various regulatory requirements which would be incorporated into the rules are, as yet, not all known; and that it is, therefore, desirable, pending review of the entire matter by the Commission, to continue the developmental status of the Industrial Radiolocation Service beyond July 1, 1956.

It further appearing that general notice of proposed rule making is not required in this matter under section 4 of the Administrative Procedure Act because this amendment merely provides for a continuation of an existing developmental licensing policy without any substantive change therein, and that for the same reason the amendment may become effective immediately;

*It is ordered*, Pursuant to the authority contained in section 4 (i) and 307 (d) of the Communications Act of 1934, as amended, that effective immediately, § 11.610 is amended as follows:

**§ 11.610** *License term.* **(a) The license for each station authorized to operate on frequencies below 1800 kc in this service will expire on July 1st of the calendar year following the year in which action is taken on the license application.**

**(b) The license for each station authorized to operate on frequencies above 1800 kc in this service will expire one year from the date of final action on the license application.**

(Sec. 4, 48 Stat. 1066, as amended, 47 U. S. C. 154. Interprets or applies sec. 307, 48 Stat. 1083; 47 U. S. C. 307)

Released: May 11, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3876; Filed, May 15, 1956; 8:51 a. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### [ 7 CFR Part 29 ]

TOBACCO INSPECTION

MISCELLANEOUS AMENDMENTS

Notice is hereby given that the United States Department of Agriculture is considering the issuance of an amendment to the regulations governing the inspection of tobacco (7 CFR Part 29), issued pursuant to the authority contained in The Tobacco Inspection Act (49 Stat. 731; 7 U. S. C. 511 et seq.) The proposed amendment increases the cost for permissive inspection as follows: The administrative charge is being increased from 5 to 8 percent and the salaries of permanently employed inspectors will be included in the inspection cost. The other charges remain unchanged. Minor changes have been made in the terms of the cooperative agreement.

All persons who desire to submit written data, views or arguments in connection with these amendments should file the same in triplicate with the Director, Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, Room 3521, South Building, Washington 25, D. C., not later than 10 days after publication hereof in the FEDERAL REGISTER. The proposed amendments are as follows:

1. Change § 29.121 to read as follows:

§ 29.121 *Fees for inspection service performed under cooperative agreement.* The fees to be charged and collected for service performed under cooperative agreement shall be those provided for by such agreement.

2. Change § 29.122 to read as follows:

§ 29.122 *Fees and charges for inspection other than under a cooperative agreement.* Fees or charges for inspection service shall be fixed in accordance with § 29.123 of this regulation. Charges as computed in accordance with this regulation shall be increased by 8 percent to cover administrative expenses.

3. Change § 29.123 to read as follows:

§ 29.123 *Fees and charges.* The fees and charges for inspection other than under a cooperative agreement shall be as follows:

(a) Fees and charges for inspection at redrying plants and receiving points shall comprise the cost of travel expense, per diem allowance and salaries.

(b) The fees and charges for hogshead, bale or case inspection shall comprise the cost of travel expense and per diem allowance plus the smaller of (1) 50 cents per unit but not less than $10 or (2) actual salary but not less than for one day: *Provided*, That in no event shall the charges be less than the actual total cost including travel expense, per diem allowance and salaries.

(c) The fees and charges for sample inspection shall comprise the cost of travel expense and per diem allowance plus the smaller of (1) 50 cents per sample but not less than $5 or (2) actual salary but not less than for one day: *Provided*, That in no event shall the charges be less than the actual total cost including travel expense, per diem allowance and salaries."

4. Add a new Subpart E to read as follows:

SUBPART E—FORMS

APPLICATION AND COOPERATIVE AGREEMENT FOR PERMISSIVE INSPECTION SERVICE

§ 29.801 *Application and cooperative agreement for permissive inspection service.*

Application for inspection service on a cooperative agreement basis is hereby made under the authority of The Tobacco Inspection Act and the regulations issued pursuant thereto (7 CFR Part 29). Upon approval of this application by the Agricultural Marketing Service, United States Department of Agriculture (hereinafter referred to as "AMS"), AMS will furnish inspection service in accordance with the terms and conditions hereof and this document shall constitute a cooperative agreement for permissive inspection. Such grading service is to be performed for the firm herein designated:

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(Name of firm)

---

(Street address)

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(City and State)

(a) The applicant agrees to pay for the full cost of the inspection service covered hereby to AMS at the time the respective invoices are rendered by AMS. The full costs shall be determined in accordance with the following rates for services as are applicable:

(1) Charges for inspection at redrying plants, receiving points and non-designated auction markets shall include travel expenses, per diem allowance and salaries.

(2) Charges for hogshead, bale or case inspection shall include travel expenses and per diem allowance plus the smaller of (i) 50 cents per unit but not less than $10 or (ii) actual salaries but not less than for one day: Provided, That in no event shall the charges be less than the actual total cost including travel expense, per diem allowance and salaries.

(3) Charges for sample inspection shall include travel expenses and per diem allowance plus the smaller of (i) 50 cents per sample but not less than $5 or (ii) actual salary but not less than for one day: Provided, That in no event shall the charges be less than the actual total cost including travel expense, per diem allowance and salaries.

(4) All charges as assessed under paragraphs 1, 2 and 3 shall be increased by 8 percent to cover administrative expenses.

(b) All inspectors given Federal appointments shall be under the jurisdiction of the AMS as to supervision, salaries, hours of work and duties. Licensed inspectors, where utilized, are employees of the applicant but are supervised by and are administratively responsible to the Administrator of the Agricultural Marketing Service or his designee. All inspectors shall make such reports to the Administrator of the AMS as may be required.

(c) AMS will assume, through its local representatives, responsibility for the administrative and technical supervision of the inspection service established, maintained and conducted under this application; such representatives to determine the detailed assignments of inspectors. Assignment of inspectors and licensees shall be at the sole discretion of AMS.

(d) AMS will select, train and appoint such inspectors as are necessary to perform the work, with the understanding that it assumes no responsibility beyond its ability to obtain suitable qualified men at salaries determined by the provisions of the Federal Classification Act.

(e) The applicant agrees to pay directly, or in the form of reimbursement, to the Agricultural Marketing Service, all expenses incurred in the conduct of the services rendered under this application, such payment to be made by check, money order or draft, payable and mailed to the Agricultural Marketing Service, Washington 25, D. C.

(f) It is mutually agreed that all inspection work shall be in accordance with the United States Standards and that certificates issued shall be Federal certificates issued in accordance with the rules and regulations of the Secretary of Agriculture under The Tobacco Inspection Act.

(g) It is mutually agreed that AMS will advance the money for any of the expenses above mentioned from any available appropriation by paying the voucher therefor certified to and submitted by the supervisor, with the agreement and understanding that AMS shall be reimbursed therefor by the applicant for all expenses so advanced by AMS for conducting the work hereunder, by check, money order or draft made payable to the AMS and mailed to AMS, Washington 25, D. C. When such check, money order or draft is received by AMS, it shall be credited to the appropriation from which the disbursement shall have been made for the said expense.

(h) It is mutually agreed that AMS shall submit a bill to the applicant for any expenses hereunder for which AMS has advanced the money.

(i) The applicant agrees to comply with the terms and conditions of the regulations and such other terms and conditions herein enumerated.

(j) AMS shall not be responsible for damages accruing through any acts of commission or omission on the part of any Federal employee or licensee.

(k) This agreement shall continue in force until June 30, 19—, and as long thereafter as Congress shall provide the necessary authority therefor, subject to annual confirmation by a duly authorized officer of the United States Department of Agriculture; provided, however, that this agreement may be abrogated at any time by mutual consent or by either party hereto by giving written notice to the other party thirty (30) days in advance of and specifying the date of termination.

(l) The services to be rendered hereunder shall be terminated by AMS at any time AMS, acting pursuant to any applicable laws, rules or regulations, debars the applicant from receiving any further benefits of the service, or the services hereunder may be suspended or terminated at any time AMS concludes that the applicant has not conformed, or cannot conform, hereto.

(m) All terms used herein shall have the same meaning as when used in the aforesaid regulations.

(n) No member of or delegate to Congress or Resident Commissioner after his election or appointment, and either before or after he has qualified and during his continuance in office; and no officer, agent or employee of the Government shall be admitted to any share or part of this agreement or to any benefit to arise thereupon. The provision herein with respect to the interest of members of or delegates to Congress and Resident Commissioners in the agreement shall not be construed to extend to any incorporated company where such contract or agreement is made for the general benefit of such incorporation or company.

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(Applicant)

By ---

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(Street)

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(City) (State)

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(Date)

Approved:

By ---

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(Title)

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(Date)

*Agricultural Marketing Service, U. S. Department of Agriculture.*

(49 Stat. 734; 7 U. S. C. 511 m).

Issued at Washington, D. C., this 11th day of May, 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator, Agricultural Marketing Service.*

[F. R. Doc. 56-3883; Filed, May 15, 1956; 8:53 a. m.]

### [ 7 CFR Part 51 ]

FRESH CRANBERRIES

U. S. CONSUMER STANDARDS [1]

Notice is hereby given that the United States Department of Agriculture is considering the issuance of United States Consumer Standards for Fresh Cranberries, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed standards are as follows:

GENERAL

Sec.
51.2775 General.

GRADES

51.2776 U. S. Grade A.

OFF-GRADE

51.2777 Off-grade.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug and Cosmetic Act.

DEFINITIONS

Sec.
51.2778 Similar varietal characteristics.
51.2779 Clean.
51.2780 Mature.
51.2781 Damage.
51.2782 Fairly well colored.
51.2783 Fairly uniform in color.
51.2784 Diameter.

AUTHORITY: §§ 51.2775 to 51.2784 issued under Sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

GENERAL

§ 51.2775 *General.* These standards apply only to the commonly cultivated cranberry (Vaccinium macrocarpon).

GRADES

§ 51.2776 *U. S. Grade A.* "U. S. Grade A" consists of fresh cranberries of one variety or similar varietal characteristics which are clean, mature, firm, and not soft or decayed and which are free from damage caused by moisture, bruises, freezing, smothering, scarring, sun-scald, foreign material, disease, insects, or mechanical or other means.

(a) Individual cranberries shall be at least fairly well colored, and the cranberries in the container shall be fairly uniform in color.

(b) Unless otherwise specified, each cranberry shall be not less than $\frac{12}{32}$ of an inch in diameter.

(c) Incident to proper grading and handling, the following tolerances, by count, shall be permitted in any lot:

(1) 3 percent for cranberries which fail to meet the size requirements;

(2) 5 percent for cranberries which fail to meet the remaining requirements of the grade, but not more than three-fifths of this amount, or 3 percent, shall be allowed for cranberries which are soft or decayed at shipping point: *Provided*, That an additional tolerance of 2 percent, or a total of not more than 5 percent, shall be allowed for soft or decayed berries en route or at destination; and,

(3) 5 percent for containers in which the cranberries fail to meet the requirements of fairly uniform in color.

OFF-GRADE

§ 51.2777 *Off-grade.* "Off-grade" consists of cranberries which fail to meet the requirements of the foregoing grade.

DEFINITIONS

§ 51.2778 *Similar varietal characteristics.* "Similar varietal characteristics" means that the cranberries in the container are similar in color and shape.

§ 51.2779 *Clean.* "Clean" means that the cranberries are practically free from dirt, dust, spray residue, or other foreign material.

§ 51.2780 *Mature.* "Mature" means that the cranberry has reached the stage of development which will insure the proper completion of the ripening process. Cranberries which show more than a slight amount of green color shall be considered immature.

§ 51.2781 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the individual cranberry or the general appearance of the cranberries in the container.

(a) Cranberries shall be considered damaged by foreign material when the appearance of the cranberries in the container is materially affected.

(b) Cranberries shall be considered damaged by moisture when the cranberries in the container are wet from moisture caused by crushed, leaking or decayed berries or from rain or flooding. Cranberries which are moist from condensation such as that caused by removing cranberries from a refrigerator car or cold storage to a warmer location shall not be considered as damaged by moisture.

(c) Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(1) Bruises which materially affect the appearance of the individual cranberry;

(2) Scarring when the appearance of the individual cranberry is materially affected by scars, or when the aggregate area of scars exceeds the area of a circle ¼ inch in diameter on a cranberry $^{18}/_{32}$ of an inch in diameter. Smaller cranberries shall have lesser areas of scars and larger cranberries may have greater areas: *Provided*, That no scars shall be permitted which affect the appearance to a greater extent than the area permitted on a cranberry $^{18}/_{32}$ of an inch in diameter; and,

(3) Insects when worms or worm holes are present, or when any insect injury affects an area greater in diameter than that of a circle ⅛ inch in diameter.

§ 51.2782 *Fairly well colored.* "Fairly well colored" means that 75 percent of the surface of the individual cranberry, in the aggregate, shows pink or red color characteristic of the variety.

§ 51.2783 *Fairly uniform in color.* "Fairly uniform in color" means that the berries in the individual containers do not show sufficient variation in color to materially affect the general appearance of the berries.

§ 51.2784 *Diameter.* "Diameter" means the greatest dimension measured at right angles to a line from stem to blossom end of the berry.

Dated: May 11, 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator,*
*Marketing Services.*

[F. R. Doc. 56-3855; Filed, May 15, 1956; 8:47 a. m.]

## DEPARTMENT OF LABOR

### Wage and Hour Division

### [ 29 CFR Part 522 ]

LEARNERS IN APPAREL INDUSTRY

NOTICE OF HEARING

Pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the Administrator has heretofore issued regulations providing for the employment of learners in the apparel industry at wages lower than the minimum wage applicable under section 6 of the act.

A petition has been received from the House Dress Institute requesting the transfer of the manufacture of house dresses from the women's apparel Division (29 CFR 522.21 (a)) of the industry to the single pants, shirts, and allied garments division (29 CFR 522.21 (b)) of the industry. This change would lower the minimum wage for learners in the manufacture of house dresses from 80 cents per hour to 75 cents per hour for the first 320 hours, and from 85 cents per hour to 80 cents per hour for the next 160 hours.

Accordingly, pursuant to authority under section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and in accordance with section 4 of the Administrative Procedure Act (60 Stat. 237) and 29 CFR 522.12, notice is hereby given that interested persons will be given an opportunity to submit oral and written data, views, and arguments before Harry Weiss, an authorized representative of the Administrator, in Conference Room C, Interdepartmental Auditorium, United States Department of Labor Building, Fourteenth Street and Constitution Avenue, Washington, D. C., at 10 a. m., e. d. s. t., on June 5, 1956, on the question of what provision, if any, for the employment of learners at wages lower than $1.00 per hour in the manufacture of house dresses is necessary in order to prevent curtailment of opportunities for employment.

Signed at Washington, D. C., this 11th day of May 1956.

C. T. LUNDQUIST,
*Acting Administrator.*

[F. R. Doc. 56-3864; Filed, May 15, 1956; 8:49 a. m.]

### [ 29 CFR Part 522 ]

LEARNERS IN APPAREL INDUSTRY

NOTICE OF HEARING

Pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the Administrator has heretofore issued regulations providing for the employment of learners in the apparel industry at wages lower than the minimum wage applicable under section 6 of the act.

A petition has been received from the Clothing Manufacturers Association of the U. S. A. requesting the transfer of the manufacture of men's and boys' separate trousers from the single pants, shirts, and allied garments division (29 CFR 522.21 (b)) of the apparel industry, which provides minimum rates of 75 cents per hour for the first 320 hours and 80 cents per hour for the next 160 hours, to the men's and boys' clothing industry, for which learner certificates are issued pursuant to the general learner regulations (29 CFR 522.1 through 522.12). The standards currently being observed by the Administrator of the Wage and Hour Division in issuing certificates for the employment of learners at subminimum rates in the men's and boys' clothing industry provide for comparable learner periods and occupations, but require the payment of 85 cents per hour for the first 280 hours, and 90 cents per hour for the next 200 hours.

Accordingly, pursuant to authority under section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and in accordance with section 4 of the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1001) and 29 CFR 522.12, notice is hereby given that interested persons will be given an opportunity to submit oral and written data, views, and arguments before Harry Weiss, an authorized representative of the Administrator, in Room No. 2325, United States Department of Labor Building, Fourteenth Street and Constitution Avenue, Washington, D. C., at 10 a. m., e. d. s. t., on June 7, 1956, on the question of what provision, if any, for the employment of learners at wages lower than $1.00 per hour in the manufacture of men's and boys' separate trousers is necessary in order to prevent curtailment of opportunities for employment.

Signed at Washington, D. C., this 11th day of May 1956.

C. T. LUNDQUIST,
*Acting Administrator.*

[F. R. Doc. 56-3865; Filed, May 15, 1956; 8:49 a. m.]

### [ 29 CFR Part 522 ]

LEARNERS IN KNITTED WEAR INDUSTRY

NOTICE OF HEARING

Pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the Administrator has heretofore issued regulations providing for the employment of learners in the knitted wear industry at wages lower than the minimum wage applicable under section 6 of the act.

A petition has been received from the Shirt Institute and the National Association of Shirt, Pajama, and Sport Wear Manufacturers requesting the transfer of the manufacture of men's and boys' underwear made of woven fabric from the knitted wear industry (29 CFR 522.31 (d)), to the single pants, shirts, and allied garments division (29 CFR 522.21 (b)) of the apparel industry. This change would, (1) lower the minimum wage for learners in the manufacture of men's and boys' underwear made of woven fabric from 85 cents per hour to 75 cents per hour for a 320-hour period and allow a minimum rate of 80 cents per hour for the next 160 hours in the occupations of machine stitching and final pressing, (2) allow learners to be employed in the occupations of "all other pressing" and "all other machine operating (except cutting)" at the minimum rate of 75 cents per hour for 160 hours, (3) allow learners to be employed in the occupation of "final inspection of assembled garments" at the minimum rate of 80 cents per hour for 160 hours, and (4) increase the number of learners that an employer may be authorized to employ by any special certificate issued to meet normal labor turnover from 5 percent to 10 percent of the total number of productive factory workers in the plant.

Accordingly, pursuant to authority under section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and in accordance with section 4 of the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001) and 29 CFR 522.12, notice is hereby given that interested persons will be given an opportunity to submit oral and written data, views, and arguments before Harry Weiss, an authorized representative of the Administrator, in Conference Room C, Interdepartmental Auditorium, United States Department of Labor Building, 14th Street and Constitution Avenue, Washington, D. C., at 10 a. m., e. d. s. t., on June 6, 1956, on the question of what provision, if any, for the employment of learners at wages lower than $1.00 per hour in the manufacture of men's and boys' underwear from any woven fabric is necessary in order to prevent curtailment of opportunities for employment and what limitations as to time, number, proportion, and length of service should be prescribed.

Signed at Washington, D. C., this 11th day of May 1956.

C. T. LUNDQUIST,
*Acting Administrator.*

[F. R. Doc. 56-3866; Filed, May 15, 1956; 8:49 a. m.]



## FEDERAL TRADE COMMISSION

### [ 16 CFR Ch. I ]

[File No. 455]

TRADE PRACTICE RULES FOR ENGRAVED STATIONERY AND ALLIED PRODUCTS INDUSTRY OF THE NEW YORK CITY TRADE AREA

NOTICE OF HEARING AND OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS, OR OBJECTIONS

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, partnerships, corporations, organizations, or other parties, including farm,, labor, and consumer groups, affected by or having an interest in the proposed trade practice rules for the engraved stationery and allied products industry of the New York City Trade Area, to present to the Commission their views concerning said rules, including such pertinent information, suggestions, or objections as they may desire to submit, and to be heard in the premises. For this purpose copies of the proposed rules may be obtained upon request to the Commission. Such views, information, suggestions, or objections may be submitted by letter, memorandum, brief, or other communication, to be filed with the Commission not later than June 1, 1956. Opportunity to be heard orally will be afforded at the hearing beginning at 10 a. m., d. s. t., June 1, 1956, in the Hotel Commodore, Lexington Avenue, and 42d Street, New York City, to any such persons, partnerships, corporations, organizations, or other parties, who desire to appear and be heard. After due consideration of all matters presented in writing or orally, the Commission will proceed to final action on the proposed rules.

Rules for this industry, if approved and promulgated by the Commission, will be applicable to all persons, partnerships, corporations, and organizations engaged in the manufacture, offering for sale, sale, and distribution in the New York City Trade Area of (1) engraved stationery and allied products, such as, but not limited to, letterheads, envelopes, business cards, social programs, greeting cards, bank notes, and stock certificates; (2) intaglio plates and dies intended for use and used in the production of such stationery and allied products; and (3) stationery and allied products produced through such processes as raised printing, thermotyping, embossing, or any other process not falling within the meaning of "engraving" as described in the definition of engraving process contained in these rules when such products are represented as engraved products, or as produced through an engraving process.

These proceedings were instituted pursuant to an industry application in the course of which a trade practice conference and subsequent hearing were held in New York City. Release by the Commission of the proposed rules, together with the scheduling of a public hearing thereon, constitute further steps in the proceedings, the ultimate purpose of which is the establishment of a comprehensive set of trade practice rules directed to the maintenance of fair competitive conditions within the industry, as well as protection of the purchasing public.

Issued: May 11, 1956.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH,
*Secretary.*

[F. R. Doc. 56-3842; Filed, May 15, 1956; 8:45 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

### [ 47 CFR Part 2 ]

[Docket No. 11709; FCC 56-407]

FIXED SERVICE UTILIZING TROPOSPHERIC SCATTER TECHNIQUES

NOTICE OF PROPOSED RULE MAKING

1. Notice of proposed rule making is hereby given in the above entitled matter.

2. The Commission has had under consideration the questions: (A) To what extent will tropospheric scatter techniques be utilized in the fixed service? and (B) Is the operation of tropospheric scatter fixed stations compatible with the operation of conventional fixed stations in frequency bands allocated to the fixed service above 940 Mc?

3. At the present time, the Table of Frequency Allocations in Part 2 of the Commission's rules does not preclude the assignment of frequencies to fixed stations utilizing tropospheric scatter techniques. Nevertheless it should be pointed out that the several bands above 890 Mc which are allocated to the fixed service were so allocated with only conventional microwave systems in mind. These allocations were basically determined after lengthy hearings in Docket 6651 and have been in force since May 1945. Although several changes in allocations have been made since that time, with one exception, those changes envisaged use of these bands by conventional system. The one exception, is the case of the band 716–890 Mc which has been allocated to the international fixed public service on a temporary and on a geographically limited basis.

4. With current advances in the state of the art, primarily the development of high power radio transmitting tubes and low noise figure receiving tubes, there appears to be a great deal of interest in the development and use of tropospheric scatter techniques. At the present time this interest appears to be directed primarily to experimental systems both in this country and abroad and the Commission is of the opinion that it is now timely to take into consideration the possible effect on spectrum utilization that may accompany the institution of operational circuits. There is no question but what the technique may prove to be economical and feasible with respect to short-haul international fixed circuits and there appears to be a great number of applications where the techniques might possibly be useful for the domestic fixed service perhaps in some instances, replacing or supplementing conventional systems.

5. It appears that sufficient experimental data should now be in the hands of communications industry, future users and research organizations to enable a determination to be made as to the following points:

A. Can or should tropospheric scatter fixed circuits share with conventional fixed circuits in the various fixed bands above 940 Mc? What are the various factors leading up to this answer?

If such sharing is not feasible, what criteria should be used in sub-allocating one or more fixed bands for use by tropospheric scatter systems?

B. What is the extent of anticipated use of tropospheric circuits in:

(1) Domestic fixed applications?

(2) International fixed applications?

C. What is the state of the art with respect to tropospheric scatter technique, tubes, equipment and technical limitations, power required, recommended emissions, etc.?

D. What information can be supplied upon which the Commission may be able to make an evaluation as to the relative spectrum utilization efficiency of tropospheric scatter propagation systems as compared with conventional line of sight systems?

6. Prior to taking any action in the matter of rules governing the assignment of frequencies to fixed stations utilizing tropospheric scatter techniques, the Commission wishes comments and data from all interested persons with respect to the above questions. The Commission will consider all such comments, information and data prior to making any

proposal to amend its rules relating to the assignment of frequencies to fixed stations utilizing these techniques.

7. This proposal is issued pursuant to the authority of sections 303 (c), (f) and (r) of the Communications Act of 1934, as amended.

8. Any interested person may file with the Commission on or before July 1, 1956, written data, views or arguments setting forth his comments. Comments in reply to the original comments may be filed on or before July 20, 1956.

9. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, brief or comments filed shall be furnished the Commission.

Adopted: May 9, 1956.

Released: May 11, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3877; Filed, May 15, 1956; 8:52 a. m.]

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## [ 47 CFR Parts 7, 8 ]

[Docket No. 11617; FCC 56-443]

### STATIONS ON LAND AND ON SHIPBOARD IN MARITIME SERVICES

### FURTHER NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Parts 7 and 8 of the Commission's rules to make the frequency 2482 kc (coast)—2430 kc (ship) available conditionally on a 24-hour basis in the Seattle, Washington area; Docket No. 11617.

1. On December 29, 1954, the Commission adopted an order amending Parts 7 and 8 of its rules which made the frequency pair 2482 kc (coast)—2430 kc (ship) available for assignment in the Seattle, Washington area, effective February 2, 1955. Since only partial clearance of the frequency pair for that purpose had been effected at that time, the frequencies were limited to "day only" use. On January 25, 1956, after clearance of the conflicting police radio assignments on 2430 kc, the Commission adopted a Notice of Proposed Rule Making in the instant Docket which proposed to make this frequency pair available for use in the Seattle area on a 24-hour basis, subject to the temporary (until May 1, 1957) condition that no harmful interference would be caused, by the nighttime use of these frequencies at Seattle, to Alaskan stations operating on these frequencies in the public fixed and maritime mobile services under Part 14 of the Commission's rules.

2. Certain fixed, coast and ship stations throughout the entire area of Alaska, subject to Part 14, are now licensed to transmit on 2482 kc and 2430 kc with limited power. They will be permitted to continue operation on these frequencies until May 1, 1957. Thereafter, use of these frequencies in Alaska must conform to a zone allocation, including daily and seasonal time limitations in certain zones. Under the zone allocation, it was intended that probability of interference would be minimized between use of these two frequencies in Alaska and in the vicinity of Seattle.

3. Comments in response to the Commission's proposal in the instant docket were filed by the Pacific Telephone and Telegraph Company and the Alaska Salmon Industry, Inc. The comments of Pacific Telephone and Telegraph Company were in full support of the Commission's proposal. The Alaska Salmon Industry, Inc. objected to the Commission's proposal on the grounds that the 24-hour use of the frequencies 2482 kc and 2430 kc at Seattle could be expected to cause harmful interference to Alaskan communications, and requested that the proposed 24-hour use of 2430 kc and 2482 kc be postponed until such time as the Commission allocates replacement frequencies to Alaska stations for the two frequencies in question. Alaska Salmon Industry, Inc., believed, on the basis of its past operating experience in Alaska, that harmful interference to Alaska communications on these frequencies would (at least during the fishing season—April 1 to October 1) be received beginning at approximately 7:00 p. m. Alaska Standard Time (9:00 p. m. P. s. t.). Alaska Salmon Industry, Inc., also stated "that the loss of the effective use of these two frequencies during the very important evening and nighttime hours of the summer months (fishing season April 1 to October 1) will further compound the present crowded frequency situation in Alaska * * *". Pacific Telephone and Telegraph Company filed comments, replying to the Alaska Salmon Industry, Inc., in which Pacific conceded that there is a probability of interference to Alaskan stations from the Seattle coast station if the Seattle station operates on 2482 kc after 9:00 p. m., P. s. t., during the Alaskan commercial fishing season—April 1 to October 1.

4. In view of the comments received and a further study of the problem, the Commission believes that it may be appropriate and desirable to establish further daily, seasonal and area limitations so as to minimize the probability of interference between these two areas, consistent with the reasonable and practicable use of the frequencies 2430 kc and 2482 kc by stations in each area, not only for the interim period which expires May 1, 1957, but also to continue in effect after the expiration of such period. The Commission, therefore, proposes to amend Parts 7 and 8 of its rules as set forth below.

5. In proposing these limitations, the Commission realizes that future actual operating experience may indicate the desirability of revision. Such experience may show either that the operating hours should be expanded or, conversely, that harmful interference not anticipated at this time by the Commission may actually occur and that, as a consequence, some further limitation in operating hours would be appropriate.

6. In summary, the Commission recognizes the need for use of these frequencies in both geographic areas and believes that the type of regulatory conditions now proposed will serve as a basis for a practicable and compatible shared use of these frequencies between the two areas involved.

7. Any interested person who is of the opinion that the proposed amendments should not be adopted or should not be adopted in the form set forth herein, may file with the Commission on or before June 25, 1956, written data, views or briefs setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments in reply to the original comments may be filed within ten days from the last day for filing said original data, views or briefs. The Commission will consider all such comments prior to taking final action in this matter.

8. The proposed amendment is issued under the authority contained in section 303 (f) and (r) of the Communications Act of 1934, as amended.

9. In accordance with the provisions of § 1.764 of the Commission's rules, an original and fourteen copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: May 9, 1956.

Released: May 11, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

A. Part 7 is amended as follows:

1. In § 7.306 (b), that portion of the frequency table dealing with Seattle, Washington is amended to read as follows:

| | | | | |
|---|---|---|---|---|
| Seattle, Wash. | 2522...<br>2482... | None.<br>Authorized for use during the following daily periods on condition that harmful interference is not caused to the service of any coast station located in the vicinity of New Orleans, La., nor to the service of any station in the Alaska area authorized in accordance with Part 14 of the Commission's rules, to which this carrier frequency is assigned for transmission: until Oct. 1, 1956, from 5 a. m. to 8 p. m. P. s. t. only; from Oct. 1, 1956, until May 1, 1957, from 8 a. m. to 6 p. m., P. s. t. only; thereafter and annually from Apr. 1 to Sept. 30, inclusive, from 5 a. m. to 9 p. m. P. s. t. only; and annually from Oct. 1 to Mar. 31, inclusive, from 6 a. m. to 11 p. m. P. s. t. only. | 2126...<br>2430... | None.<br>Authorized for use south of 51° north latitude and east of 142° west longitude exclusively [5] during the following daily periods on condition that harmful interference is not caused to the service of any coast station located in the vicinity of New Orleans, La., nor to the service of any station in the Alaska area authorized in accordance with Part 14 of the Commission's rules, to which this carrier frequency is assigned for transmission: until Oct. 1, 1956, from 5 a. m. to 8 p. m. P. s. t. only; [5] from Oct. 1, 1956, until May 1, 1957, from 8 a. m. to 6 p. m., P. s. t. only; [5] thereafter and annually from Apr. 1 to Sept. 30, inclusive, from 5 a. m. to 9 p. m. P. s. t. only; and annually from Oct. 1 to Mar. 31, inclusive, from 6 a. m. to 11 p. m. P. s. t. only. |

2. In § 7.306 (b), table footnote 5 to the frequency table in this section is deleted and the following is substituted therefor:

[5] During certain hours within these time periods ship stations (when north of Vancouver, British Columbia, and transmitting on 2430 kc. to Seattle) may cause some interference to stations in southeastern Alaska.

B. Part 8 is amended as follows:

1. In § 8.354 (a) (1), that portion of the frequency table dealing with Seattle, Washington, is amended to read as follows:

| | | | | |
|---|---|---|---|---|
| Seattle, Wash. | 2126...<br>2430... | None.<br>Authorized for use south of 51° north latitude and east of 142° west longitude exclusively [5] during the following daily periods on condition that harmful interference is not caused to the service of any station in the Alaska area authorized in accordance with Part 14 of the Commission's rules to which this carrier frequency is assigned for transmission: until Oct. 1, 1956, from 5 a. m. to 8 p. m. P. s. t. only; [5] from Oct. 1, 1956, until May 1, 1957, from 8 a. m. to 6 p. m., P. s. t. only; [5] thereafter and annually from Apr. 1 to Sept. 30 inclusive, from 5 a. m. to 9 p. m. P. s. t. only; and annually from Oct. 1 to Mar. 31, inclusive, from 6 a. m. to 11 p. m. P. s. t. only. | 2522...<br>2482... | None.<br>Authorized for use during the following daily periods on condition that harmful interference is not caused to the service of any coast station located in the vicinity of New Orleans, La., nor to the service of any station in the Alaska area authorized in accordance with Part 14 of the Commission's rules, to which this carrier frequency is assigned for transmission: until Oct. 1, 1956, from 5 a. m. to 8 p. m. P. s. t. only; thereafter and annually from Apr. 1 to Sept. 30, inclusive, from 5 a. m. to 9 p. m. P. s. t. only; and annually from Oct. 1 to Mar. 31, inclusive, from 6 a. m. to 11 p. m. P. s. t. only. |

2. In § 8.354 (a) (1), table footnote 5 to the frequency table in this section is deleted and the following is substituted therefor:

[5] During certain hours within these time periods ship stations (when north of Vancouver, British Columbia, and transmitting on 2430 kc. to Seattle) may cause some interference to stations in southeastern Alaska.

[F. R. Doc. 56-3878; Filed, May 15, 1956; 8:52 a. m.]

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# NOTICES

## DEPARTMENT OF COMMERCE

### Federal Maritime Board

[Docket No. 794]

### LUIS (LOUIS) A. PEREIRA ET AL

### NOTICE OF INVESTIGATION AND HEARING

Notice is hereby given that at a session of the Federal Maritime Board held at its Office in Washington, D. C., on the 3d day of May 1956, the Board entered the following order:

Whereas it appears that Molina Forwarding Company, Inc., is registered as an ocean freight forwarder pursuant to General Order 72 (46 CFR 244.1 et seq.) and has been so registered since July 13, 1950, and Luis (Louis) A. Pereira owns and has owned a substantial stock interest in said company since that date, and

Whereas it further appears that Luis (Louis) A. Pereira owns or controls and has owned or controlled Crescent Trading Company since about 1946, and holds and has held control of United States Oil Corporation since about 1952, and

Whereas it further appears that Molina Forwarding Company, Inc., has collected or received ocean freight brokerage on shipments of Luis (Louis) A. Pereira doing business as Crescent Trading Company and United States Oil Corporation from Grace Line, Inc., and Alcoa Steamship Company, Inc., at various times during the period January, 1955, through August 1955, and

Whereas it further appears that the collection or receipt of ocean freight brokerage as aforesaid violates section 16, Shipping Act, 1916, as amended, (46 USC 815) and General Order 72 (46 CFR 244.13) in that (1) Luis (Louis) A. Pereira, Molina Forwarding Company, Inc., Luis (Louis) A. Pereira doing business as Crescent Trading Company, and United States Oil Corporation have knowingly and willfully, directly or indirectly, by unjust or unfair device or means, obtained or attempted to obtain transportation for property at less than the rates or charges which would otherwise be applicable, and (2) Molina Forwarding Company, Inc., has directly or indirectly shared ocean freight brokerage collected or received as aforesaid with Luis (Louis) A. Pereira, Luis (Louis) A. Pereira doing business as Crescent Trading Company, and/or United States Oil Corporation, and has either alone or in conjunction with any or all of them directly or indirectly allowed any or all of them to obtain transportation for property at less than the regular rates or charges by unjust or unfair means or device, now therefore,

*It is ordered*, That the Board on its own motion, pursuant to section 22, Shipping Act, 1916, as amended, (46 USC 821) enter upon a proceeding of investigation into and concerning the alleged violations of the Act and order as aforesaid, and

*It is further ordered*, That Molina Forwarding Company, Inc., show cause why its registration should not be revoked upon a finding that it has violated General Order 72 or the Shipping Act, 1916, as aforesaid, and

*It is further ordered*, That Luis (Louis) A. Pereira, Molina Forwarding Company, Inc., Luis (Louis) A. Pereira doing business as Crescent Trading Company, and United States Oil Corporation be, and they are here named respondents in this proceeding, that copies of this order be served upon them and that this order be published in the FEDERAL REGISTER, and

*It is further ordered*, That this proceeding be assigned for hearing before an Examiner of the Board at a date and place to be fixed by the Chief Examiner.

Pursuant to the above order, notice is hereby given that a public hearing will be held before an examiner of the Hearing Examiners' Office at a date and place to be announced later. The hearing will be conducted in accordance with the Board's rules of practice and procedure (18 F. R. 3716), and the examiner will issue a recommended decision.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in this proceeding and desiring to participate in the hearing should notify the Secretary, Federal Maritime Board promptly, and file petitions for leave to intervene in accordance with rule 5 (n) (46 CFR 201.74) of the Boards' rules.

By order of the Federal Maritime Board.

Dated: May 11, 1956.

[SEAL] GEO. A. VIEHMANN,
*Assistant Secretary.*

[F. R. Doc. 56-3888; Filed, May 15, 1956; 8:54 a. m.]

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### Office of the Secretary

### EDWARD F. LICKEY

### STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of 20 F. R. 8940, December 3, 1955.

A. Deletions: No change.
B. Additions: No change.

Dated: April 14, 1956.

EDWARD F. LICKEY.

[F. R. Doc. 56-3871; Filed, May 15, 1956; 8:50 a. m.]

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### JOEL B. WARE

### STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of 20 F. R. 8942, December 3, 1955.

A. Deletions: None.
B. Additions: General Motors Corporation.

Dated: May 4, 1956.

JOEL B. WARE.

[F. R. Doc. 56-3872; Filed, May 15, 1956; 8:51 a. m.]

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LAWRENCE J. HALDERMAN

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of December 3, 1955; 20 F. R. 8938.

A. Deletions: No changes.
B. Additions: No changes.

LAWRENCE J. HALDERMAN.

MAY 9, 1956.

[F. R. Doc. 56-3873; Filed, May 15, 1956; 8:51 a. m.]

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

ALASKA

ALASKA PUBLIC SALE ACT CLASSIFICATION NO. 24

MAY 8, 1956.

Pursuant to the authority delegated to me under section 2.5 of Order No. 541 of April 21, 1954, Bureau of Land Management, the following described land is classified for disposal under the Alaska Public Sale Act of August 30, 1949 (63 Stat. 679; 48 U. S. C. 364a-364e) for commercial, and/or industrial purposes:

EAST ADDITION, ANCHORAGE

Amended Plat, U. S. Survey 408, Block 28-B.

Containing 0.417 acre.

The above land will be offered for sale in accordance with regulations contained in 43 CFR, Part 75, §§ 75.23 to 75.40. If no bid at the minimum acceptable price or above is made, the land may be held for future offering or the classification may be rescinded.

ROGER R. ROBINSON,
*Operations Supervisor.*

[F. R. Doc. 56-3846; Filed, May 15, 1956; 8:46 a .m.]

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## DEPARTMENT OF AGRICULTURE

### Commodity Stabilization Service

WHEAT

NOTICE OF REFERENDUM FOR MARKETING QUOTAS 1957-58

The Secretary of Agriculture has duly proclaimed pursuant to the provisions of the Agricultural Adjustment Act of 1938, as amended, a national marketing quota for wheat for the marketing year beginning July 1, 1957. Said Act requires the Secretary to conduct a referendum between the date of said proclamation and July 25, 1956, of farmers who will be subject to such quota in order to determine whether such farmers favor or oppose such quota. Since the only purpose of this notice is to fix the date of holding such referendum as required by said act and it is desirable to give as much advance notice as possible for the convenience of the voters and to facilitate preparations for holding the referendum, it is hereby found that notice and public procedure thereon are impracticable, unnecessary and contrary to the public interest. Accordingly, it is hereby determined that the wheat marketing quota referendum under said act for the marketing year beginning July 1, 1957, shall be held on July 20, 1956.

Done at Washington, D. C. this 14th day of May 1956.

[SEAL] EZRA TAFT BENSON,
*Secretary of Agriculture.*

[F. R. Doc. 56-3914; Filed, May 15, 1956; 8:55 a. m.]

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## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11004, 11691; FCC 56M-454]

OHIO VALLEY BROADCASTING CORP. ET AL

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of Ohio Valley Broadcasting Corporation, Clarksburg, West Virginia, Docket No. 11004, File No. BPCT-849, for television construction permit; News Publishing Company, Wheeling, West Virginia, (Transferor), and WSTV, Inc., Steubenville, Ohio, (Transferee), Docket No. 11691, File No. BTC-2048, for Commission consent to transfer of control of Ohio Valley Broadcasting Corporation.

*It is ordered,* This 8th day of May 1956, that all parties, or their counsel, in the above-entitled proceeding are directed to appear for a pre-hearing conference pursuant to the provisions of § 1.813 of the Commission's rules, at the offices of the Commission in Washington, D. C., at 10 o'clock a. m., May 16, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3838; Filed, May 15, 1956; 8:45 a. m.]

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[Docket No. 11554; FCC 56M-465]

PERRY COUNTY BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of Claude P. Stephens and Frank L. Jones d/b as Perry County Broadcasting Company, Hazard, Kentucky, Docket No. 11554, File No. BP-9840; for construction permit.

The Hearing Examiner having under consideration a continuance of this proceeding:

It appearing that this hearing was continued heretofore owing to circumstances which will not be resolved until final action has been taken on certain pleadings now pending before the Commission and that there has been no change in these circumstances;

*It is ordered,* This 9th day of May 1956, that the hearing now scheduled for May 14, 1956, is continued to June 15, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3879; Filed, May 15, 1956; 8:52 a. m.]

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[Docket No. 11602; FCC 56M-416]

CLARA LEE WOOD

ORDER CONTINUING HEARING

In the matter of Clara Lee Wood, Tampa, Florida, Docket No. 11602; order to show cause why the license for radiotelephone station WPD should not be revoked.

*It is ordered,* This 30th day of April 1956, on the Examiner's own motion, that hearing in the above-entitled proceeding, presently scheduled to commence May 1, 1956, is continued indefinitely, pending action on a motion of the Commission's Safety and Special Radio Services Bureau to dismiss the said proceeding.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P. MASSING,
*Acting Secretary.*

[F. R. Doc. 56-3839; Filed, May 15, 1956; 8:45 a. m.]

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[Docket No. 11659; FCC 56M-441]

DONALD F. WHITMAN (KITN)

ORDER CONTINUING HEARING

In re application of Donald F. Whitman (KITN), Olympia, Washington, Docket No. 11659, File No. BP-9809; for construction permit.

*It is ordered,* This 7th day of May 1956, on the Hearing Examiner's own motion, that the hearing in the above-entitled proceeding now scheduled to commence on May 8, 1956, is continued indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3840; Filed, May 15, 1956; 8:45 a. m.]

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[Docket No. 11667; FCC 56M-462]

SARASOTA BROADCASTING CO.

ORDER ADVANCING HEARING

In re application of Antonio G. Fernandez, Charles J. Fernandez and Gonzalo Fernandez d/b as Sarasota Broadcasting Company (WKXY), Sarasota, Florida, Docket No. 11667, File No. BMP-7046; for modification of construction permit.

*It is ordered,* This 9th day of May 1956, on the Examiner's own motion, and with the consent of the parties to the proceeding, that hearing in the above-entitled matter will be conducted on May 29, 1956, commencing at 10:00 a. m., in the offices of the Commission, Washington, D. C., in lieu of June 4, 1956, as originally scheduled.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3841; Filed, May 15, 1956; 8:45 a. m.]

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[Amdt. 0-21; FCC 56-438]

F. C. C. FREQUENCY LIST

AVAILABILITY OF INFORMATION

In the matter of amendment of Part 0 of the Commission's rules to add section 0.126 concerning availability of information contained in the F. C. C. Frequency List, Amdt. 0-21.

1. At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 9th day of May 1956;

2. The Commission having under consideration its proposal in the above entitled matter; and

3. It appearing that the above entitled matter is not reflected in the latest reprinting of Part 0 of the Commission's rules as revised effective October 15, 1955, and

4. It further appearing that the amendment adopted herein is non-substantive in nature, and therefore, prior publication of Notice of Proposed Rule Making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendment may become effective immediately, and

5. It further appearing that the amendment adopted herein is issued pursuant to authority contained in sections 4 (i) and 5 (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and section 0.341 of the Commission's Statement of Organization, Delegations of Authority, and Other Information;

6. *It is ordered,* That effective June 20, 1956, Part 0 of the Commission's rules is amended as set forth below.

Released: May 11, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

Amend Part 0, by adding a new section 0.126 to read as follows:

SEC. 0.126 *F. C. C. Frequency List.* The list of frequency assignments to radio stations authorized by the Commission is recapitulated periodically by means of a machine record system. All stations licensed by the Commission are included except the following: Aircraft, Amateur, Citizens, Civil Air Patrol, Disaster and Ship Stations. The resulting document, the F. C. C. Frequency List, which consists of several volumes arranged in frequency order, includes station locations, call signs and other technical particulars of each assignment. This document is available for public examination at each of the Commission's Field Engineering and Monitoring Bureau Field Offices and in Washington, D. C., at the Commission's Broadcast and Docket Reference Room and the Application Control Reference Room. Licensees are requested to report promptly any omissions or inaccuracies which may be discovered.

[F. R. Doc. 56-3880; Filed, May 15, 1956; 8:52 a. m.]

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## FEDERAL POWER COMMISSION

[Docket No. E-6677]

COMMUNITY PUBLIC SERVICE CO.

NOTICE OF APPLICATION

MAY 9, 1956.

Take notice that on May 4, 1956, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Community Public Service Company (Applicant), a corporation organized under the laws of the State of Delaware and doing business in the States of New Mexico and Texas, with its principal business office at Fort Worth, Texas, seeking an order authorizing the issuance of short-term unsecured promissory notes in the maximum principal amount of $3,000,000 prior to June 1, 1957. Applicant has outstanding one short-term promissory note in the aggregate principal amount of $300,000 and proposes to renew this note at maturity and to borrow on additional short-term promissory notes the aggregate maximum sum of $2,700,000. The short-term promissory notes proposed and the renewals thereof will bear interest at the prime interest rate in effect on the dates of issue or renewals at Fort Worth, Texas. The proposed notes will be issued to evidence loans from Fort Worth banking institutions and the maturity of each note will not exceed 120 days from its date.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 25th day of May 1956, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file and available for public inspection.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-3857; Filed, May 15, 1956; 8:48 a. m.]

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[Docket No. E-6678]

CALIFORNIA ELECTRIC POWER CO.

NOTICE OF APPLICATION

MAY 9, 1956.

Take notice that on May 4, 1956, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act by California Electric Power Company (Applicant), a corporation organized under the laws of the State of Delaware, and doing business in the States of California and Nevada, with its principal business office at Riverside, California, seeking an order authorizing the issuance and sale of 300,000 shares of Common Stock, par value $1.00 per share. Applicant proposes to issue and sell the Common Stock by competitive bidding. The Common Stock will be issued approximately on or about June 19, 1956. The proceeds from the sale of the proposed stock will be used by Applicant to discharge a portion of the short-term promissory notes issued to Bank of America National Trust and Savings Association.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 25th day of May 1956, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file and available for public inspection.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-3858; Filed, May 15, 1956; 8:48 a. m.]

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[Docket Nos. G-2867, et al., G-4600]

GAS LANDS COMPANY, ET AL. AND LOCKHART OIL COMPANY OF TEXAS

NOTICE OF SEVERANCE AND CONTINUANCE

MAY 9, 1956.

Notice is hereby given that the application of Lockhart Oil Company of Texas in Docket No. G-4600 in the above consolidated proceeding, and scheduled for a hearing on May 16, 1956, at 9:30 a. m., e. d. s. t., is hereby severed therefrom and continued for a hearing at a subsequent date to be set by further notice.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-3859; Filed, May 15, 1956; 8:48 a. m.]

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[Docket No. G-4932 etc.]

MIDSTATES OIL CORP.

ORDER CONSOLIDATING PROCEEDINGS

In the matters of Midstates Oil Corporation, Docket No. G-4932; Seneca Development Company, Docket No. G-8616; Hassie Hunt Trust, Docket No. G-8618; Hunt Oil Company, Docket No. G-8619; H. L. Hunt, Docket No. G-8620; Nebo Oil Company, Docket No. G-8621; G. H. Vaughn, Docket No. G-8902; Sunray Oil Corporation, Docket No. G-8960; Cotton Valley Operators Committee, Docket No. G-9086; Woodley Petroleum Company, Docket No. G-9772.

During the course of the hearings in the above dockets, Kathleen O'Boyle Trust No. 2 presented a statement on the record requesting an order of the Commission consolidating the proceedings In the Matter of Kathleen O'Boyle Trust No. 2, Docket No. G-8617, with the above-designated proceedings. The request was made upon the ground that there is only a small amount of money involved in the increase proposed in Docket No. G-8617, and that an en-

deavor is made to avoid a separate proceeding by indicating that Kathleen O'Boyle Trust No. 2 might adopt in whole or in part much of the testimony presented in the consolidated proceeding. In addition, Kathleen O'Boyle Trust No. 2 filed a written request with the Secretary of the Commission requesting consolidation.

Kathleen O'Boyle Trust No. 2 waived notice of the hearing provided by the rules. All proposed rates in these consolidated proceedings pertain to the sales of gas from the Cotton Valley Field, Louisiana, to Louisiana Nevada Transit Company.

The Commission finds: It is appropriate in the administration of the Natural Gas Act that the proceedings In the Matter of the Kathleen O'Boyle Trust No. 2, Docket No. G-8617, be consolidated for hearing and determination with the above-designated dockets.

The Commission orders: The proceedings In the Matter of the Kathleen O'Boyle Trust No. 2, Docket No. G-8617, be and they hereby are consolidated with the above-designated dockets for hearing and determination in the proceedings now in progress.

Issued: May 10, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-3861; Filed, May 15, 1956; 8:48 a. m.]

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[Docket No. G-8634]

AMERADA PETROLEUM CORP.

ORDER VACATING ORDER SUSPENDING PROPOSED CHANGES IN RATES, REJECTING RATE FILINGS, AND TERMINATING PROCEEDINGS

Amerada Petroleum Corporation (Applicant), by letter dated April 3, 1956, requested the Commission to reject rate filings tendered by it on February 28, 1955, and to rescind orders issued March 22, 1955, and March 29, 1956, in this proceeding suspending the rate filings and fixing the hearing upon such filings to commence on June 4, 1956, respectively.

On February 28, 1955, Applicant tendered for filing Supplements Nos. 2, 3, and 4 to its FPC Gas Rate Schedule No. 24, consisting of a proposed increase in rate of 1 cent per Mcf—from 7.5 cents to 8.5 cents per Mcf—for the sale of residue natural gas from the Edmond Gasoline Plant, West Edmond Field, Oklahoma, to Cities Service Gas Company (Cities Service), subject to the jurisdiction of the Commission. By order issued March 22, 1955, the Commission suspended and deferred the use of the above-designated supplements until May 1, 1955, and until such further time as such supplements might be made effective in the manner prescribed by the Natural Gas Act. Applicant has not filed any motion to make the proposed rate changes effective, subject to refund, as it is permitted to do under the provisions of the Natural Gas Act.

By order issued March 29, 1956, the Commission consolidated the proceeding concerning the lawfulness of the rate filings proposed by Applicant and thirteen other proceedings with the proceeding in Docket No. G-8549, and fixed June 4, 1956, as the date for commencement of hearing in the consolidated proceedings. All of the proceedings involve sales of gas in interstate commerce to Cities Service of residue gas from gasoline plants in Edmond Field.

In support of its April 3, 1956, request, Applicant states that it is not a signatory party to the basic contract under which residue natural gas from the Edmond Gasoline Plant is sold to Cities Service and which provided for the proposed changes in rates. It appears that Applicant's sale of residue natural gas from the Edmond plant to Cities Service is made pursuant to the terms of a contract dated July 5, 1945, as amended, between Phillips Petroleum Company (Phillips) and Continental Oil Company (Continental), sellers, and Cities Service, buyer. The basic contract is on file with the Commission as Phillips' FPC Gas Rate Schedule No. 68 and Continental's FPC Gas Rate Schedule No. 91. Included in the proceedings consolidated with Docket No. G-8549 is the proceeding upon the lawfulness of changes in rates proposed by Continental, as reflected by Supplement No. 10 to Continental's FPC Gas Rate Schedule No. 91 (Docket No. G-8625).

Applicant further states that its FPC Gas Rate Schedule No. 24 was intended to cover the sales of residue natural gas from the Hunton and Trindle gasoline plants in Edmond Field to Cities Service, and that Applicant is a signatory to the basic contract covering the sales of natural gas from the latter two plants. It appears that such contract, however, does not have any provision for an increase in rates above the current 7.5 cents per Mcf. Under these circumstances, Applicant states it has made an improper filing.

The Commission finds:

(1) Applicant is not a signatory to the basic contract involving the sale of residue natural gas from the Edmond Gasoline Plant to Cities Service.

(2) The public interest, therefore, does not require and there is no substantial basis of justification for the purportedly duplicate rate filings of Applicant inasmuch as the basic contract involving Continental and Cities Service is the subject of inquiry in the proceedings consolidated with Docket No. G-8549, and accordingly, under the circumstances of this case, Applicant's Supplements Nos. 2, 3, and 4 to its FPC Gas Rate Schedule No. 24 should be rejected as improper filings.

(3) The order of the Commission issued March 22, 1955, suspending the proposed changes in rates tendered by Applicant on February 28, 1955, should be vacated, and the proceeding thereon should be terminated.

The Commission orders:

(A) Amerada Petroleum Corporation's Supplements Nos. 2, 3, and 4 to its FPC Gas Rate Schedule No. 24 be and they are hereby rejected.

(B) The order of the Commission issued March 22, 1955, suspending the proposed changes in rates reflected in Amerada Petroleum Corporation's Supplements Nos. 2, 3, and 4 to its FPC Gas Rate Schedule No. 24 as tendered for filing on February 28, 1955, be and it is hereby vacated.

(C) The proceeding upon the lawfulness of Amerada Petroleum Corporation's Supplements Nos. 2, 3, and 4 to its FPC Gas Rate Schedule No. 24 as tendered for filing on February 28, 1955, be, and it is hereby terminated.

Issued: May 10, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-3860; Filed, May 15, 1956; 8:48 a. m.]

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[Docket No. G-10308]

MISSOURI NATURAL GAS CO.

NOTICE OF APPLICATION

MAY 10, 1956.

Take notice that Missouri Natural Gas Company (Applicant), a Missouri corporation with principal place of business at Farmington, St. Francois County, Missouri, filed, on April 24, 1956, pursuant to section 7 (a) of the Natural Gas Act, an application for an order directing Mississippi River Fuel Corporation to establish physical connections of its natural gas transportation facilities with the proposed natural gas facilities of Applicant and to sell natural gas to Applicant for resale and distribution in the communities of Herculaneum, Pevely, and Selma, Jefferson County, Missouri, for domestic, commercial and industrial use. The application states that the combined estimated annual volume of gas required by consumers in the towns of Herculaneum and Pevely within 2 years will be 108,000 Mcf and within 5 years will be 221,000 Mcf. The combined estimated annual volume of gas required by consumers in the town of Selma within 2 years is stated to be 4,000 Mcf and within 5 years is stated to be 5,600 Mcf.

The application, more fully describing the foregoing proposal, is on file with the Commission and open for public inspection. Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 29, 1956.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-3862; Filed, May 15, 1956; 8:49 a. m.]

## HOUSING AND HOME FINANCE AGENCY

### Office of the Administrator

DIRECTOR, COMMUNITY DISPOSITION PROGRAM, COMMUNITY DISPOSITION SUPERVISORS

DELEGATION OF AUTHORITY WITH RESPECT TO DISPOSITION OF CERTAIN GOVERNMENT-OWNED PROPERTY AT AEC COMMUNITIES OF OAK RIDGE, TENN., AND RICHLAND, WASH.

1. The Director, Community Disposition Program (hereinafter called the Director), is hereby authorized to execute the powers, functions, and duties transferred to the Housing and Home Finance Administrator (hereinafter called the Administrator) under Executive Order 10657 of February 14, 1956 (21 F. R. 1063, 2/16/1956), with respect to the disposition of certain Government-owned property at the Atomic Energy Commission communities of Oak Ridge, Tennessee, and Richland, Washington, pursuant to the Atomic Energy Community Act of 1955 (42 U. S. C. 2301), except the Administrator's power to make the finding required under section 51 of the act (42 U. S. C. 2341).

2. Each Community Disposition Supervisor is hereby authorized to execute on behalf of the Administrator any deed, contract to purchase (installment contract of purchase), offer, acceptance, or other form of contract of sale, or other instrument, in connection with the disposition of the Government's interest in property at such communities, or lease of such property.

3. The Director, Community Disposition Program, and each Community Disposition Supervisor is hereby authorized to execute any contract for advertising in connection with the disposition of such property.

(Sec. 4 of E. O. 10657, 21 F. R. 1063 (2/16/1956); Rev. Stat. sec. 3828, 44 U. S. C. 324; sec. 12 of P. L. 600, 79th Cong. (5 U. S. C. 22a))

Effective as of the 16th day of May 1956.

[SEAL] OAKLEY HUNTER, *Acting Housing and Home Finance Administrator.*

[F. R. Doc. 56-3867; Filed, May 15, 1956; 8:49 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3470]

UNION ELECTRIC CO. OF MISSOURI

ORDER GRANTING APPLICATION REGARDING ISSUANCE OF SHORT TERM NOTES

MAY 10, 1956.

Union Electric Company of Missouri ("Union"), a registered holding company, having filed with this Commission an application, pursuant to the first and second sentences of section 6 (b) of the Public Utility Holding Company Act of 1935 ("act"), regarding the following proposed transactions:

As of March 31, 1956, Union had outstanding $10,300,000 of promissory notes, of a maturity of nine months or less from date of issue, all maturing on September 14, 1956, and bearing interest at the rate of 3½ percent per annum, the prime rate at the date of issue thereof. Said notes were issued pursuant to the exemptive provisions contained in the first and second sentences of section 6 (b) of the act. It is stated that the maximum amount which Union may presently issue under such exemptive provisions is $16,944,942, or 5 per centum of the aggregate of the principal amount of Union's long term debt, the par value of its common stock and the fair market value at the dates of issue of its preferred stock without par value.

It is further stated that Union contemplates permanent financing prior to September 14, 1956, through the issue and sale of from $35,000,000 to $40,000,000 principal amount of additional First Mortgage Bonds to obtain funds for the repayment of its promissory notes and for continuation of its construction program, but that economic conditions may make it advisable to consummate such financing in July or August or the early part of September 1956, rather than during the months of May and June.

The application further states that the estimated cash requirement of Union from external sources during the months April to September 1956, both inclusive, is $18,500,000 and that Union has made informal arrangements with the present holders of its short term notes and with another financial institution for additional borrowings, without any commitment fees, as required by Union from time to time, to be evidenced by promissory notes to be dated as of the date of each particular borrowing, to mature on September 14, 1956, to bear interest at the prime rate effective at the particular time of borrowing, and to be prepayable prior to maturity without premium.

Accordingly, Union requests the Commission to enlarge the percentage which Union may borrow, pursuant to the first and second sentences of section 6 (b) of the act, from 5 percent to 8 percent, such increase to remain in effect until September 14, 1956, or such earlier date upon which Union shall have consummated its permanent financing referred to above.

It appearing that no State commission and no Federal regulatory agency, other than this Commission, has jurisdiction over the proposed issue and sale of securities; and that no fees, commissions or expenses, other than nominal expenses, are to be incurred or paid in connection with the proposed transactions; and

Due notice of the filing of the application having been given in the manner prescribed by Rule U-23 promulgated under the act, and no hearing having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and of the rules promulgated thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the application be granted forthwith:

*It is ordered*, Pursuant to Rule U-23 and the applicable provisions of the act, that the application be, and it hereby is granted forthwith, subject to the conditions specified in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-3850; Filed, May 15, 1956; 8:47 a. m.]

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[File No. 70-3475]

MILWAUKEE GAS LIGHT CO. AND AMERICAN NATURAL GAS CO.

NOTICE OF FILING REGARDING PROPOSAL BY SUBSIDIARY TO ISSUE AND SELL FIRST MORTGAGE BONDS AND COMMON STOCK

MAY 10, 1956.

Notice is hereby given that Milwaukee Gas Light Company ("Milwaukee"), a public-utility company, and its parent, American Natural Gas Company ("American Natural"), a registered holding company, have filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935 ("act"), a joint application-declaration regarding a proposal by Milwaukee to issue and sell $13,000,000 principal amount of first mortgage bonds and 416,667 shares of $12 par value common stock. Applicants-declarants designate sections 6 (b), 9, 10, 12 (f) of the act and Rule U-50 thereunder as applicable to the proposed transactions.

All interested persons are referred to the joint application-declaration on file in the offices of the Commission for a statement of the transactions therein proposed, and which are summarized as follows:

Milwaukee proposes to issue and sell, subject to the competitive bidding requirements of Rule U-50, $13,000,000 principal amount of its First Mortgage Bonds, __ percent Series due June 1, 1981. The interest rate (which shall be a multiple of ⅛ of 1 percent) and the price, exclusive of accrued interest, to be paid to Milwaukee for the bonds (which shall be not less than 100 percent nor more than 102¾ percent of the principal amount) will be determined by competitive bidding. The bonds will be issued under and secured by the company's outstanding Mortgage and Deed of Trust, dated November 1, 1950, as heretofore supplemented and as to be further supplemented by a Second Supplemental Indenture to be dated June 1, 1956. The bonds will be issued against the deposit of $13,000,000 of cash with the Trustee. Approximately $8,500,000 of such proceeds will be withdrawn promptly by the certification of unbonded net property additions, and the remainder of approximately $4,500,000 will be similarly withdrawn from time to time as additional unbonded net property additions become available in the course of the large scale expansion program upon which Milwaukee is engaged.

Pursuant to an amendment of its Articles of Incorporation, effective April 24, 1956, Milwaukee proposes to increase the number of shares of its authorized $12 par value common stock from 2,000,000 to 2,500,000. Milwaukee also proposes to issue and sell to American Natural, and American Natural proposes to acquire, 416,667 additional shares of Milwaukee's authorized but unissued $12 par value common stock for a cash consideration of $5,000,004.

Milwaukee, pursuant to authorization heretofore given (Holding Company Act Release No. 12954, July 29, 1955), has borrowed, under the Credit Agreement

approved, $10,500,000 evidenced by 3 percent notes maturing August 1, 1956. Further borrowings under the Credit Agreement are not expected to be made. All borrowings thereunder are to be repaid concurrently with the issue and sale of the bonds, and the Credit Agreement is to be terminated.

Milwaukee represents that the Public Service Commission of Wisconsin is the only State commission having jurisdiction over the proposed issuance and sale of bonds and stock, and that no Federal commission, other than this Commission, has jurisdiction over the issuance and sale of these securities. It is also stated that an application has been filed with the Wisconsin commission, and that an order of such commission will be submitted as an amendment to the application-declaration. Milwaukee requests that the order of this Commission become effective upon its issuance.

Notice is further given that any interested person may, not later than May 25, 1956, at 5:30 p. m., e. d. s. t., request in writing that a hearing be held on such matters, stating the nature of his interest, and the issues of fact or law raised by the application-declaration which he desires to controvert, or he may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the application-declaration as filed or as it may be amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may grant exemption from its rules as provided in Rule U-20 (a) and U-100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-3849; Filed, May 15, 1956; 8:46 a. m.]

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[File No. 812-1002]

WISCONSIN FUND, INC.

NOTICE OF FILING OF APPLICATION FOR ORDER EXEMPTING PURCHASE OF SECURITIES FROM AFFILIATES DURING EXISTENCE OF UNDERWRITING SYNDICATE

MAY 10, 1956.

Notice is hereby given that Wisconsin Fund, Inc. ("Wisconsin"), a registered open-end, diversified investment company, has filed an application pursuant to sections 10 (f) and 17 (b) of the Investment Company Act of 1940 ("act") for an order of the Commission exempting from the provisions of sections 10 (f) and 17 (a) the purchase by Wisconsin of not to exceed 2,500 shares of Cumulative Preferred Stock of Anderson Prichard Oil Corporation ("Preferred Stock") during the existence of the underwriting syndicate mentioned below.

The application states that The Milwaukee Company ("Milwaukee") and Glore, Forgan & Co. ("Glore, Forgan") are members of a syndicate which has underwritten the public offering of 200,000 shares of the Preferred Stock at an initial public offering price of $50.50 per share, which is the price to be paid by Wisconsin. The Preferred Stock has a par value of $50 per share, is entitled to cumulative dividends at a rate of 4¼ percent annually, and is convertible on or before May 31, 1966, into common stock at a price of $37.50 per share. Edgar, Ricker & Co. ("Edgar, Ricker"), the investment adviser and manager of Wisconsin, is a wholly owned subsidiary of Milwaukee. Glore, Forgan, through a contract with Edgar, Ricker also acts as investment adviser to Wisconsin. By definition under the act, Edgar, Ricker and Glore, Forgan are affiliated persons of Wisconsin, and Milwaukee and Edgar, Ricker are affiliated persons of each other.

Section 10 (f) of the act provides, among other things, that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security (except a security of which such company is the issuer) a principal underwriter of which is an investment adviser of such registered company or is a person of which any such investment adviser is an affiliated person. The Commission may exempt a transaction from this prohibition if and to the extent that such exemption is consistent with the protection of investors. Section 17 (a) of the act, among other things, prohibits an affiliated person of a registered investment company, or any affiliated person of such a person, from selling to such registered investment company any securities or property, subject to certain exceptions not pertinent here. The Commission upon application pursuant to section 17 (b) may grant an exemption from the prohibitions of section 17 (a) if it finds that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of the registered investment company concerned, as recited in its registration statement and reports filed under the act, and is consistent with the general purposes of the act.

It is Wisconsin's policy to invest its funds largely in common stocks, with investments in bonds and preferred stocks made, however, whenever and to the extent deemed advisable. The application states that the decision to purchase the preferred stock was made by Wisconsin's Investment Committee, which has five members, only one of whom is connected with Milwaukee and none of whom has any connection with Glore, Forgan. The Committee, it is stated, deemed the purchase of the preferred stock desirable because of the high quality of the stock, the attractive yield of 4.21 percent considering the conversion privilege, and the right to convert into common stock at $37.50 per share as compared with the existing market price of $34.25 per share of common stock.

The 2,500 shares of Preferred Stock purchased by Wisconsin represent 1.25 percent of the total offering and have a total value at the initial offering price equalling 1.19 percent of Wisconsin's total net assets of $10,644,941 at December 31, 1955. The offering of the Preferred Stock was made on April 24, 1956, and the application states that the entire issue was oversubscribed and that as high as $52.50 per share was bid for the stock.

Notice is further given that any interested person may, not later than May 24, 1956, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-3851; Filed, May 15, 1956; 8:47 a. m.]

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## UNITED STATES TARIFF COMMISSION

[Investigations 52, 53]

STRAIGHT (DRESSMAKERS' OR COMMON) PINS AND SAFETY PINS

INVESTIGATION INSTITUTED AND PUBLIC HEARINGS ORDERED

*Investigations instituted.* Upon separate applications of the Vail Manufacturing Co., Chicago, Illinois, and others and the De Long Hook and Eye Co. of Philadelphia, Pa. and others, received April 30, 1956, the United States Tariff Commission, on the 10th day of May 1956, under the authority of section 7 of the Trade Agreements Extension Act of 1951, as amended, and section 332 of the Tariff Act of 1930, instituted investigations to determine whether straight (dressmakers' or common) pins (Investigation No. 52) and safety pins (Investigation No. 53) provided for in paragraph 350 of the Tariff Act of 1930, are, as a result in whole or in part of the duty or other customs treatment reflecting concessions granted thereon under the General Agreement on Tariffs and Trade, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industries producing like or directly competitive products.

*Hearings ordered.* Public hearings in these investigations were ordered by the Tariff Commission to begin at 10 a. m., e. d. s. t., on September 18, 1956 (Investigation No. 52) and at 10 a. m., e. d. s. t., on September 19, 1956 (Investigation No. 53) in the Hearing Room of the Tariff Commission, Eighth and E Streets NW., Washington, D. C., at which hearings all interested parties will be given opportunity to be present, to produce evidence, and to be heard.

*Requests to appear at hearings.* Interested parties desiring to appear and give testimony at either hearing should notify the Secretary of the Commission, in writing, at least three days in advance of the date of the hearing.

*Inspection of application.* The applications filed are available for public inspection at the office of the Secretary, United States Tariff Commission, Eighth and E Street NW., Washington, D. C., and in the New York office of the Tariff Commission, located in Room 437 of the Custom House, where they may be read and copied by persons interested.

Issued: May 11, 1956.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 56-3870; Filed, May 15, 1956; 8:50 a. m.]

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## INTERSTATE COMMERCE COMMISSION

[Notice 112]

MOTOR CARRIER APPLICATIONS

MAY 11, 1956.

Protests consisting of an original and two copies to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (39 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in forms of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, pre-hearing conference, taking of depositions, or other proceeding shall notify the Commission by letter or telegram within 30 days of publication of this notice in the FEDERAL REGISTER. Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operations of Motor Carrier properties sought to be acquired in an application under section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 340 Sub 11, filed April 30, 1956, QUERNER TRUCK LINES, INC., 1131 Austin Street, San Antonio, Tex. Applicant's attorney: Joe T. Lanham, Perry-Brooks Building, Austin, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wool* and *mohair*, from points in Texas to points in Missouri, Illinois, Wisconsin, Indiana, Ohio, Michigan, North Carolina, South Carolina, Tennessee, New Jersey, New York, Pennsylvania, Connecticut, Massachusetts, Rhode Island, New Hampshire, Maine, and Georgia.

NOTE: Applicant states that service will be over irregular schedules, on call or demand, when moving in interstate commerce on the same vehicles with commodities which are regulated and authorized to be transported by applicant.

No. MC 665 Sub 50, filed April 30, 1956, MISSOURI-ARKANSAS TRANSPORTATION COMPANY, a corporation, 1505 Maiden Lane, Joplin, Mo. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Eldon, Okla., and Evansville, Ark., from junction U. S. Highway 62 and Oklahoma Highway 51 at Eldon, over Oklahoma Highway 51 to junction Arkansas Highway 156 at the Oklahoma-Arkansas State line, thence over Arkansas Highway 156 to junction Arkansas Highway 59 at Evansville, and return over the same route, serving no intermediate points, but serving junction Arkansas Highways 156 and 59 for joinder purposes only, as an alternate route for operating convenience only, in connection with applicant's regular route operations (1) between Fayetteville, Ark., and Muskogee, Okla, and (2) between Summers, Ark., and Van Buren, Ark. Applicant is authorized to conduct operations in Arkansas, Kansas, Missouri, and Oklahoma.

NOTE: Applicant requests that duplicating authority be eliminated.

No. MC 730 Sub 65, filed May 4, 1956, PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 299 Adeline Street, Oakland, Calif. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Sulphuric acid*, in bulk, in tank vehicles, from Kellogg, Idaho, to points in Washington on and east of U. S. Highway 97, except the points of Hedges, Chewelah and Richland.

No. MC 2858 Sub 16, filed May 1, 1956, PAUL W. SNYDER, INC., Pitt and K Streets, Carlisle, Pa. Applicant's representative: Everett B. Lackie, 4114 Westchester Road, Baltimore 16, Md. For authority to operate as a *common carrier*, over irregular routes, transporting: *New passenger automobiles, including ambulances, hearses and taxis*, and *automobile chassis*, in initial movements, by the truckaway method, from Newark, Del., to points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia; *damaged vehicles*, as stipulated above, on return. Applicant is authorized to conduct operations in Michigan, Pennsylvania, Delaware, Maryland, Ohio, and New York.

No. MC 15214 Sub 26, filed April 30, 1956, MERCURY MOTORWAYS, INC., 947 Louise Street, P. O. Box 689, South Bend 18, Ind. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, commodities in bulk and those requiring special equipment, between Fort Wayne, Ind., and Coldwater, Mich.; from Fort Wayne over U. S. Highway 27 to the Indiana-Michigan State line, thence over U. S. Highway 27 to junction with U. S. Highway 112 at Coldwater, and return over the same route, serving no intermediate or off-route points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations in Certificate No. MC 15214. Applicant is authorized to conduct operations in Illinois, Ohio, Indiana, Michigan, and Wisconsin.

No. MC 21955 Sub 9, filed May 1, 1956, LAWRENCE E. SPAIDE, 675 Carey Avenue, Wilkes-Barre, Pa. Applicant's representative: Everett B. Lackie, 4114 Westchester Road, Baltimore 16, Md. For authority to operate as a *common carrier*, over irregular routes, transporting: *New passenger automobiles, including ambulances, hearses and taxis*, and *automobile chassis*, in initial movements, by the truckaway method, from Newark, Del., to points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia; *damaged vehicles*, as stipulated above, on return. Applicant is authorized to conduct operations in Pennsylvania, New York, Ohio, and Michigan.

No. MC 37473 Sub 16, filed May 2 1956, DETROIT-PITTSBURGH MOTOR FREIGHT, INC., 5324 Grant Avenue, Cuyahoga Heights, Ohio, and mailing address: P. O. Box 392, Station D, Cleveland 27, Ohio. Applicant's attorney: Taylor C. Burneson, 3510 Leveque-Lincoln Tower, Columbus 15, Ohio. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission and commodities in bulk, serving Twinsburg, Ohio, and points within two miles of Twinsburg, as off-route points in connection with applicant's authorized regular route operations between Canton, Ohio, and Detroit, Mich., in Certificate No. MC 37473. Applicant is au-

thorized to conduct operations in Illinois, Indiana, Kentucky, Michigan, New York, Ohio, Pennsylvania and West Virginia.

No. MC 42769 Sub 14, filed May 1, 1956, LESLIE REESER, R. D. No. 1, York Haven, Pa. Applicant's representative: Everett B. Lackie, 4114 Westchester Road, Baltimore 16, Md. For authority to operate as a *common carrier*, over irregular routes, transporting: *New Passenger automobiles, including ambulances, hearses and taxis*, and *automobile chassis*, in initial movements, by the truckaway method, from Newark, Del., to points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusettes, New Hanmpshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia; *damaged vehicles*, as stipulated above, on return. Applicant is authorized to conduct operations in New York, Pennsylvania, Ohio, and Michigan.

No. MC 49504 Sub 10, filed April 25, 1956, BERNARD L. McCUE, doing business as McCUE TRANSFER, 317 North Lorraine Street, Hutchinson, Kans. Applicant's representative: C. A. Ross, 1004–1005 Trust Building, Lincoln 8, Nebr. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Binder Twine*, from points in Texas to points in Colorado, Iowa, Kansas, Nebraska and South Dakota. (2) *Cotton Seed Cake*, from points in Arkansas, New Mexico and Texas to points in Kansas, Nebraska and Oklahoma. (3) *Linseed meal*, and *Soya Bean Meal* from Minneapolis and St. Paul, Minn., to points in Colorado, Nebraska, Kansas and Oklahoma. (4) *Lumber*, from points in Arkansas, New Mexico, and Texas to points in Kansas, Nebraska, and Oklahoma. (5) *Salt*, and *Salt Compounds*, from Hutchinson and Lyons, Kans., to points in Catron, Chaves, De Baca Dona Ana, Eddy, Grant, Hidalgo, Lea, Lincoln, Luna, McKinley, Otero, Roosevelt, Sondoval, San Juan, Sierra, Socorro, and Valencia Counties, N. Mex., and (6) *Salt*, in bulk, from Kanopolis, Kans. and points within two (2) miles thereof, to North Platte, Nebr., and *empty containers and other such incidental facilities* (not specified), used in transporting the commodities specified in this application, on return.

No. MC 50413 Sub 5, filed April 30, 1956, KIRBERY TRANSPORTATION, INC., 425 Main Street, Woodbridge, N. J. Applicant's attorney: August W. Heckman, 880 Bergen Avenue, Jersey City 6, N. J. For authority to operate as a *contract carrier*, over irregular routes, transporting: *No. 2 Fuel oil*, in bulk, in tank vehicles, from Windgap, Pa., to Phillipsburg, (Warren County), N. J. Applicant is authorized to transport gasoline, kerosene and heating oil from Bayonne, N. J., to Allentown and Wilkes-Barre, Pa. and Middletown, N. Y.

No. MC 54855 Sub 2, filed April 30, 1956, LOUISVILLE, NEW ALBANY AND CORYDON RAILROAD COMPANY, A Corporation, Walnut and Water Streets, Corydon, Ind. Applicant's attorney: C. Blaine Hays, Jr., 101–103 East Chestnut Street, Corydon, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between points in that part of Floyd and Harrison Counties, Ind., bounded by a line commencing at U. S. Highway 460 at New Albany, Ind. and continuing in a westerly direction to junction with Indiana Highway 64, thence in a westerly direction along Indiana Highway 64 to Milltown, Ind., thence in a southerly direction over unnumbered highway to Leavenworth, Ind., thence in a southeasterly direction along the Ohio River to New Boston, Ind., and thence in a northerly direction over Indiana Highway 111 to New Albany, Ind., on the one hand, and, on the other, Louisville, Ky., excluding points on Indiana Highway 64 but including all other intermediate and off-route points on the indicated portions of the highways specified. Applicant is authorized to conduct operations in Indiana and Kentucky.

No. MC 55874 Sub 17, filed May 4, 1956, INDEPENDENT TRUCKERS, INC., 4684 Leavenworth Street, Omaha 6, Nebr. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment (other than those requiring refrigeration), serving the site of the Glenn L. Martin Company plant, located approximately ten (10) miles south of Denver, Colo., north of Colorado Highway 75, opposite the community of Kassler (Waterton), Colo., as an off-route point in connection with applicant's regular route operations to and from Denver, Colo. Applicant is authorized to conduct operations in Colorado, Illinois, Indiana, Iowa, and Nebraska.

No. MC 56082 Sub 15, filed March 12, 1956, DAVIS & RANDALL, INC., Chautauqua Road, Fredonia, N. Y., P. O. Box 209, Dunkirk, N. Y. Applicant's attorney: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Malt beverages*, from Nadick Township, Middlesex County, Mass., to points in New York, New Jersey, Pennsylvania, and Maryland; *empty malt beverage containers* on return. Applicant is authorized to conduct operations in New York, Pennsylvania, and Ohio.

No. MC 59613 Sub 19, filed April 27, 1956, THE INTER-CITY TRUCKING COMPANY, a corporation, 132 Legion Street, Johnson City, Tenn. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Tuscumbia, Ala., and Tupelo, Miss., from Tuscumbia over U. S. Highway 43 to Hamilton, Ala., thence over U. S. Highway 78, to Tupelo, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's regular route operations (1) between Memphis, Tenn., and Florence, Ala., and (2) between Memphis, Tenn., and Columbus, Miss. Applicant is authorized to conduct operations in Alabama, Arkansas, Mississippi, and Tennessee.

No. MC 60846 Sub 5, filed April 30, 1956, STANLEY OSMULSKI, Mountain Avenue, Springfield, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cement blocks* and *cinder blocks*, from Ridgefield Park, N. J., to points in Connecticut, New York and Pennsylvania, and *empty containers or other such incidental facilities* used in transporting the commodities specified on return. Applicant is authorized to conduct operations in New Jersey, New York, Connecticut, and Pennsylvania.

NOTE: Applicant has contract carrier authority under Permit Nos. MC 107725 and MC 107725 Sub 1. Section 210 may be involved.

No. MC 64932 Sub 207, filed April 30, 1954, ROGERS CARTAGE CO., A corporation, 1934 South Wentworth Avenue, Chicago, Ill. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid latex*, in bulk, in tank vehicles, from points in the St. Louis, Mo., Commercial Zone, as defined by the Commission to points in Illinois, Indiana, Michigan, Minnesota, Iowa, and Kansas.

No. MC 64932 Sub 208, filed April 30, 1956, ROGERS CARTAGE CO., a corporation, 1934 South Wentworth Avenue, Chicago, Ill. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid chemicals*, including but not limited to ethylene gas and cyclohexene, in bulk, in tank vehicles, between Houston, Galveston, Freeport, and Port Arthur, Tex., on the one hand, and, on the other, points in Louisiana.

No. MC 64932 Sub 209, filed April 30, 1956, ROGERS CARTAGE CO., a corporation, 1934 South Wentworth Avenue, Chicago, Ill. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Aqua ammonia solutions*, and *nitric acid*, in bulk, in tank vehicles, from West Henderson, Ky., to points in Indiana, Ohio, Michigan, Missouri, Iowa, Minnesota, and Wisconsin.

No. MC 69271 Sub 2, filed May 1, 1956, McARDLE & CASAZZA TRUCKING CO., INC., 374 South Pearl Street, Albany, N. Y. Applicant's attorney: William D. Traub, 60 East 42d Street, New York 17, N. Y. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Mechanicville, Schuylerville, Saratoga and Ballston Spa, N. Y., as off-route points in connection with applicant's regular route operations between Albany and Waterford, over New York Highway 32. Applicant is authorized to conduct operations in New York.

No. MC 69752 Sub 15 (amended), published March 7, 1956, issue page 1472, filed February 23, 1956, ZUZICH TRUCK LINE, INC., 120 Kansas Avenue, Kansas City, Kans. Applicant's attorney: J. F. Miller, 500 Board of Trade Building, Kansas City, Mo. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Fresh meats, meat products, meat by-products, and articles distributed by meat packing houses* from Peoria, Ill., and Des Moines, Dubuque, Cedar Rapids, Marshalltown, Fort Dodge, Mason City and Ottumwa, Iowa, to Arkansas City, Kans., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, and *damaged shipments* of the above indicated commodities, on return. Applicant is authorized to conduct operations in Kansas, Illinois, Oklahoma, Missouri, Indiana, and Iowa.

No. MC 83430 Sub 8, filed April 11, 1956, ONEIDA MOTOR FREIGHT, INC., 445–447 Washington Street, New York, N. Y. Applicant's attorney: Harris J. Klein, 280 Broadway, New York 7, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, liquor, tobacco, silks, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between points within twenty-five (25) miles of Rochester, N. Y. Applicant is authorized to conduct operations in New York and New Jersey.

NOTE: Applicant states that purpose of the application is to enable it to render pickup and delivery service in the above-indicated area.

No. MC 96448 Sub 2, filed May 1, 1956, BROOK LEDGE INC., 210 Main Street, Hackensack, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Horses* (other than ordinary livestock), and *equipment* and *paraphernelia* incidental to the transportation, care, and display of such horses, between points in New York and New Jersey, on the one hand, and, on the other, points in Rhode Island, District of Columbia, Ohio, and Kentucky. Applicant is authorized to conduct operations in the states of New York, New Jersey, Massachusetts, Connecticut, Pennsylvania, Delaware, Maryland, Virginia, and West Virginia.

No. MC 102516 Sub 3, filed May 3, 1956, RAYMOND J. HASSE, doing business as R. J. HASSE TRUCKING CO., 714 25th Avenue, Monroe, Wis. Applicant's attorney: Adolph J. Bieberstein, 121 West Doty Street, Madison 3, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Butter*, from Monroe and Brodhead, Wis., to Chicago, Ill., and (2) *cheese*, from Nauvoo, Ill., to Burlington, Iowa. Applicant is authorized to conduct operations in Illinois, Iowa, and Wisconsin.

No. MC 103993 Sub 70, filed May 3, 1956, MORGAN DRIVE-AWAY, INC., 509 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 632 Illinois Building, 17 West Market Street, Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, by truckaway method, from Coffeyville, Kans., and points within 10 miles thereof, to all points in the United States. Applicant is authorized to conduct operations throughout the United States.

No. MC 105217 Sub 37, filed March 15, 1956, RICE TRUCK LINES, A Corporation, 712 Central Avenue West, Great Falls, Mont. Applicant's attorney: Randall Swanberg, 527–29 Ford Building, Great Falls, Mont. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Seattle and Anacortes, Wash., and points within ten miles of each, to Eastport, Idaho. Applicant is authorized to conduct operations in Idaho, Montana, and Washington.

NOTE: Applicant states the above transportation is for ultimate delivery in foreign commerce.

No. MC 106049 Sub 27, filed May 3, 1956, ATLANTA-NEW ORLEANS MOTOR FREIGHT CO., 260 University Avenue SW., P. O. Box 1222; Atlanta 15, Ga. Applicant's attorney: Allan Watkins, 214 Grant Building, Atlanta 3, Ga. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Monroeville, Ala., and Mobile, Ala., from Monroeville over U. S. Highway 84 to junction U. S. Highway 43, near Grove Hill, Ala., thence over U. S. Highway 43 to Mobile, and return over the same routes serving the intermediate points of Jackson, McIntosh, and Le Moyne, Ala. and off-route points within five (5) miles of Le Moyne. Applicant is authorized to conduct operations in Georgia, Alabama, Florida, Louisiana, and Mississippi.

No. MC 106398 Sub 64, filed May 4, 1956, NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, P. O. Box 8096, Dawson Station, Tulsa 15, Okla. Applicant's attorney: John E. Lesow, 632 Illinois Building, Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Commercial trailers* and *special purpose trailers*, in initial movements, in truckaway service, from Camphill, Pa., to points in the United States. Applicant is authorized to conduct operations throughout the United States.

No. MC 107002 Sub 95, filed May 3, 1956, WALTER M. CHAMBERS, doing business as W. M. CHAMBERS TRUCK LINE, 105 Giuffrias Avenue, P. O. Box 687, New Orleans, La. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, from Memphis, Tenn., to Benton and Bauxite, Ark. Applicant is authorized to conduct operations in Alabama, Arkansas, Georgia, Illinois, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Texas, West Virginia, Wisconsin, and the District of Columbia.

No. MC 107496 Sub 76, Filed May 3, 1956, RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, Des Moines, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Vegetable oils, fish oils, non-edible oils, fatty acids, blended or prepared paint oils, blended or prepared varnish oils, liquid synthetic resin, surface coating resin compound* and *ester gum*, in bulk, in tank vehicles, from Minneapolis, and St. Paul, Minn., to points in Colorado, Nebraska, Kansas, Oklahoma, Arkansas, Louisiana, Tennessee, Kentucky, Ohio, Indiana and Texas.

No. MC 107879 Sub 12, filed May 1, 1956, J. H. SPRECHER INCORPORATED, P. O. Box 224, Lebanon, Pa. Applicant's representative: Everett B. Lackie, 4114 Westchester Road, Baltimore 16, Md. For authority to operate as a *common carrier*, over irregular routes, transporting: *New passenger automobiles, including ambulances, hearses and taxis*, and *automobile chassis*, in initial movements, by the truckaway method, from Newark, Del., to points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia; *damaged vehicles*, as stipulated above, on return. Applicant is authorized to conduct operations in New York, Michigan, Delaware, Pennsylvania, and Ohio.

No. MC 108207 Sub 51, filed April 23, 1956, FROZEN FOOD EXPRESS, a corporation, 318 Cadiz Street, P. O. Box 5382, Dallas, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Frozen foods*, from Lafayette, Ind., to points in Missouri, Kansas, Oklahoma, Arkansas, Louisiana, Texas, Mississippi, and Memphis, Tenn.; (2) *salads*, requiring refrigeration in transit, and *dairy products*, as defined by the Commission, from Van Wert, Ohio, to points in Oklahoma, Texas, Arkansas, Louisiana, Mississippi, and Memphis, Tenn.; and (3) *frozen foods*, from Brownsville, Harlingen, Eagle Pass, Carrizo Springs, San Antonio, and Dallas, Tex., and points within 15 miles of each, to points in Indiana, Ohio, and Kentucky. Applicant is authorized to conduct operations in Arkansas, California, Illinois, Iowa, Kansas, Louisiana, Michigan, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin.

No. MC 108605 Sub 5, filed April 27, 1956, GEORGE D. SULLIVAN and ARTHUR E. SULLIVAN, doing business as SULLIVAN BROTHERS, 515 Carroll Street, Horseheads, N. Y. Applicant's attorney: James L. Burke, 315 Lake

Street, Elmira, N. Y. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities (including Class A and B explosives)*, between Himrod, N. Y., and Penn Yan, N. Y., from Himrod over unnumbered highway via Milo Center to junction New York Highway 14–A, thence over New York Highway 14–A to Penn Yan, and return over the same route, serving no intermediate points, but joining, tacking, or combining the authority herein requested with operations over applicant's authorized regular routes. RESTRICTION: Applied-for authority shall be limited to service which is auxiliary to, or supplemental of, rail service of the Pennsylvania Railroad; service shall not be rendered from or to, or traffic interchanged at, any point other than a station on the lines of said Railroad; shipments transported shall be limited to those moving on a through bill of lading covering, in addition to movement by applicant, a prior or subsequent movement by rail; and the transportation service shall be subject to further specific conditions as the Commission, in the future, may find it necessary to impose in order to restrict the carrier's operations by motor vehicle to service which is auxiliary to, or supplemental of, rail service of the Pennsylvania Railroad. Applicant is authorized to conduct operations in New York.

No. MC 108703 Sub 20, filed May 1, 1956, LEE & EASTES, INC., 2326 Airport Way, Seattle, Wash. Applicant's attorney: Donald D. Fleming, 1405 Hoge Building, Seattle 4, Wash. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, petroleum products in bulk, and those requiring special equipment, serving sites and projects connected with the construction of Priest River Dam, located in Grant County, Wash., and all points in Grant County, Wash., as off-route points in connection with applicant's regular route operations between Portland, Oreg., and Seattle, Wash., on the one hand, and, on the other, Pasco, Wash. Applicant is authorized to conduct operations in Oregon and Washington.

No. MC 108735 Sub 6, filed May 1, 1956, NICHOLAS KALAMAN, doing business as K & C TRANSPORT, Manor Road, Glen Arm, Md. Applicant's representative: Everett B. Lackie, 4114 Westchester Road, Baltimore 16, Md. For authority to operate as a *common carrier*, over irregular routes, transporting: *New passenger automobiles, including ambulances, hearses and taxis*, and *automobile chassis*, in initial movements by the truckaway method, from Newark, Del., to points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia; *damaged vehicles*, as stipulated above, on return. Applicant is authorized to conduct operations in Michigan, Maryland, Ohio, New York, and Washington, D. C.

No. MC 110190 Sub 35 (corrected), filed April 18, 1956, published in the May 2, 1956, issue, on page 2905, PENN-DIXIE LINES, INC., P. O. Box 42, 2000 South George Street, York, Pa. Applicant's attorney: Robert R. Hendon, Investment Building, Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Rice, agricultural commodities*, and *fish (including shell fish)*, from points in Arkansas and Louisiana to points in Delaware, Maryland, New Jersey, New York, Pennsylvania and the District of Columbia. Applicant is authorized to conduct operations in Delaware, Louisiana, Maryland, Pennsylvania, New Jersey, and New York.

NOTE: Applicant states in so far as the above commodity description describes "Agricultural commodities, and fish (including shell fish)", the purpose of the application is to secure authority for the transportation of non-exempt and the above-described exempt commodities on the same vehicle at the same time.

No. MC 110190 Sub 37, filed April 27, 1956, PENN-DIXIE LINES, INC., 2000 South George Street, P. O. Box 42, York, Pa. Applicant's attorney: Robert R. Hendon, Investment Building, Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Canned goods*, from points in Louisiana and Mississippi on and south of U. S. Highway 80 to points in Delaware, Maryland, New Jersey, New York, Pennsylvania and the District of Columbia. Applicant is authorized to conduct operations in Alabama, Georgia, Florida, Maryland, Pennsylvania, New Jersey, Louisiana, Mississippi, and Texas.

No. MC 110309 Sub 5, May 1, 1956, CLARENCE R. KLINGER, doing business as K. U. K. AUTO TRANSIT, 568 Main Street, Lykens, Pa. Applicant's representative: Everett B. Lackie, 4114 Westchester Road, Baltimore 16, Md. For authority to operate as a *common carrier*, over irregular routes, transporting: *New passenger automobiles, including ambulances, hearses and taxis*, and *automobile chassis*, in initial movements, by the truckaway method, from Newark, Newcastle County, Del., to points in Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia. Applicant is authorized to conduct operations in Michigan, Ohio, New York, and Washington, D. C. *Damaged vehicles*, as stipulated above, on return.

No. MC110420 Sub 121, filed April 25, 1956, QUALITY CARRIERS, INC., Calumet Street, Burlington, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Soybean oil*, in bulk, in tank vehicles, from Decatur, Ind., to Edgewater, N. J., and *fish oil*, in bulk, in tank vehicles, from Amagansett, N. Y., to Decatur, Ind., and Gibson City, Ill. Applicant is authorized to conduct operations in Iowa, Illinois, Indiana, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, Tennessee, and Wisconsin.

No. MC 110525 Sub 305, filed April 27, 1956, CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: Gerald L. Phelps and John R. Sims, Jr., Munsey Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Compressed gases and compressed liquefied gases*, in bulk, in tank vehicles and manifold cylinder vehicles, between points in New Jersey, on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island, Vermont, and the District of Columbia (except compressed liquefied gases, in bulk, in tank vehicles, from Carneys Point, N. J., to Bridgeport, Conn.).

No. MC 110525 Sub 306, filed May 1, 1956, CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: G. L. Phelps, and John R. Sims, Jr., Munsey Building, Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Coal tar products, acids* and *chemicals*, in bulk, in tank vehicles, from points in Allegheny and Fayette Counties, Pa., to points in Wisconsin. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Texas, Virginia, West Virginia, and the District of Columbia.

No. MC 110525 Sub 307, filed May 3, 1956, CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: Gerald L. Phelps, and John R. Sims, Jr., Munsey Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Coal tar products, acids* and *chemicals*, in bulk, in tank vehicles, between points in Cuyahoga County, Ohio, on the one hand, and, on the other, points in New Jersey, New York and Pennsylvania (except liquid chemicals and coal tar products, (1) between points in Cuyahoga County, Ohio, on the one hand, and, on the other, points in Erie, Niagara and Monroe Counties, N. Y., and Beaver and Washington Counties, Pa., (2) between points in Cuyahoga County, Ohio, on the one hand, and, on the other, Johnstown, Josephtown, and Kobuta, and points in Allegheny County, Pa., and (3) between points in Cuyahoga County, Ohio, on the one hand, and, on the other, points in Fayette, County, Pa.)

No. MC 111329 Sub 1, filed April 27, 1956, CAMBRIDGE TRUCKING CO., INC., 8 Bell Court, Cambridge, Mass. Applicant's attorney: James F. Harrington, 11 Beacon Street, Boston 8, Mass. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Foodstuffs*, from Boston, Cambridge and Medford, Mass., to Westbrook, Auburn, Lewiston, Waterville, Bangor and Presque Isle, Maine, Portsmouth, Manchester, and Keene, N. H., Rutland and Burlington, Vt., Providence, R. I., and Hartford, New Haven, Bridgeport, Cheshire, and Torrington, Conn., and *empty containers or other such incidental facilities* used in transporting the commodities specified, on return movements. Applicant is authorized to conduct operations in Connecticut, Massachusetts, New Hampshire, New York, and Rhode Island.



No. MC 111812 Sub 27, filed April 30, 1956, MIDWEST COAST TRANSPORT, INC., P. O. Box 747, Sioux Falls, S. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods*, from points in Washington to points in Montana. Applicant is authorized to conduct operations in Oregon, Washington, California, Iowa, Minnesota, and South Dakota.

No. MC 112835 Sub 3, filed April 26, 1956, MORRIS H. APPLEBAUM, 6206 North Bernard Street, Chicago 45, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Television tubes, radio sets, television sets, phonographs* and *recording sets*, and *combinations and parts* of and for these commodities, between Chicago, Ill., and Charlotte, Mich., on the one hand, and, on the other, points in Massachusetts, Connecticut, and New Jersey, with the restriction that service between Chicago, Ill., and points in Massachusetts, Connecticut, and New Jersey be performed through Charlotte, Mich. Applicant is authorized to conduct operations to, from and between specific points in Illinois, Michigan, New York, and New Jersey.

No. MC 112881 Sub 2, filed May 3, 1956, LINDSAY R. HOYT, Mount Pleasant, Ulster County, N. Y. Applicant's attorney: William F. Leahey, 4 Liberty Street, Poughkeepsie, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Unfinished lumber* (not exceeding 16 feet in length and six and one half inches in width and thickness), from Cayuta, N. Y., to Danbury, Conn. Applicant is authorized to conduct operations in Connecticut, Rhode Island, Massachusetts, New York, New Jersey, and Pennsylvania.

No. MC 113545 Sub 2, filed May 2, 1956, ANDREW W. METZGER, doing business as CORMETT FORWARDING CO., 260 Hudson Street, Hackensack, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Textbooks*, from the warehouse of Scott, Foresman and Company in Fair Lawn, N. J., to schools in New York in the New York, N. Y., Commercial Zone, as defined by the Commission, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodity on return movements.

NOTE: Applicant requests that the application be handled through use of verified statements without oral hearing.

No. MC 113779 Sub 40, filed May 1, 1956, YORK INTERSTATE TRUCKING, INC., 8222 Market Street Road, Houston, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Anhydrous ammonia*, in bulk, in tank vehicles, from Velasco, Tex., to points in Louisiana. Applicant is authorized to conduct operations in Arkansas, Florida, Kentucky, Louisiana, Mississippi, New Mexico, Oklahoma, Pennsylvania, Tennessee, and Texas.

No. MC 113908 Sub 13, filed April 30, 1956, ERICKSON TRANSPORT CORPORATION, Coon Valley, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fresh liquid eggs, fresh liquid egg yolks*, and *fresh liquid egg albumen*, in bulk, in stainless steel tank vehicles, between points in Illinois, Indiana, Iowa, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Texas, on the one hand, and, on the other, points in Texas, Iowa, Missouri, Kansas, and Minnesota. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Missouri, Nebraska, Ohio, South Dakota, and Texas.

NOTE: Applicant states it is intended that any duplication of authority that might result from the granting hereof, should result in the revocation of other certificates.

No. MC 114123 Sub 9, filed April 30, 1956, HERMAN R. EWELL, East Earl, Pa. Applicant's attorney: H. Clay Burkholder, 121 East King Street, Lancaster, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid sugar*, in bulk, in tank vehicles, from Yonkers, N. Y., to Strasburg, Va., and *milk* and *cream*, in bulk, in tank vehicles, from Strasburg, Va., to Yonkers, N. Y. Applicant is authorized to conduct operations in New York, West Virginia, and Virginia.

No. MC 114220 Sub 1, filed March 26, 1956, INTERSTATE TRAILER TRANSPORT, INC., 506 East Euclid, Des Moines, Iowa. Applicant's attorney: Stephen Robinson, 1020 Savings & Loan Building, Des Moines 9, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers* designed to be drawn by passenger automobiles and/or light trucks, in initial movements, in truckaway service, from Momence, Ill., to points in the United States, and *damaged, defective or returned shipments* of the commodity specified on return. Applicant is authorized to conduct operations in all states in the United States except California, Connecticut, Delaware, Georgia, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Montana, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, West Virginia, and the District of Columbia.

No. MC 115162 Sub 8, filed April 30, 1956, WALTER POOLE, doing business as POOLE TRUCK LINE, Evergreen, Ala. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *New furniture*, uncrated, from Frisco City, Ala., to points in Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Mexico, New York, North Carolina, Oklahoma, North Dakota, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, West Virginia, Wisconsin, and Virginia; (2) *Masterated Paper Blankets*, from Salem, Ill., to Frisco City, Ala., (3) *Drawer stock lumber*, from Chattahoochee, Fla., to Frisco City, Ala., (4) *Plywood*, from Beaumont, Miss., to Frisco City, Ala., (5) *Iron bed rails*, from New Orleans, La., to Frisco City, Ala., (6) *Mirrors*, not crated, framed around edges to prevent chipping, from Lenoir, N. C., to Frisco City, Ala., (7) *Paint, Varnish* and *Thinner*, from Louisville, Ky., to Frisco City, Ala., (8) *Hardware*, for furniture, from Evansville, Ind., to Frisco City, Ala., (9) *Dimension stock lumber*, from Dublin, Ga., to Frisco City, Ala., (10) *Plastic Furniture Tops*, from Dover, Ohio, to Frisco City, Ala.

No. MC 115291 Sub 4, filed May 8, 1956, WALTHALL LITTLEPAGE, doing business as LITTLEPAGE TRUCKING COMPANY, 1710 Sweet Street, Tahoka, Tex. Applicant's attorney: John W. Carlisle, P. O. Box 13023, Dallas 20, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cotton seed oil*, in bulk, in tank vehicles, from points in New Mexico to points in Texas and Oklahoma; *baling wire*, in bundles and boxes, from points in Texas to points in New Mexico; and *fish oil*, in bulk, in tank vehicles, from points in Jefferson County, Tex., to points in New Mexico.

No. MC 115766, filed February 21, 1956 (amended), published April 11, 1956 issue, page 2356 (amended), republished page 2551, issue of April 18, 1956, (amended) republished May 16, 1956, EDWARD S. MILLER, doing business as E. S. MILLER TRUCKING, 110 Buttonwood Street, Jessup, Pa. Applicant's attorney: George A. Yavorek, Suite 107, Glen Alden Building, Scranton, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Caskets, casket shells*, and *hardware*, pertaining to caskets and casket shells, from Archbald Borough, Pa., to points in Massachusetts, New Hampshire, Rhode Island, Connecticut, New York, New Jersey, Maryland, Virginia, Delaware, and the District of Columbia, and *returned and damaged shipments* of the above-described commodities on return.

No. MC 115787 Sub 1, filed April 30, 1956, MATSON TRUCK LINES OF INDIANA, INC., 532 Green Street, New Haven, Ind. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Laminated wood products*, such as laminated wood trusses, arches, beams, headers, rafters (including tied arch rafters) and ridge poles, and *hardware and accessories* for and moving in connection with, the described commodities, from New Haven, Ind., to points in Illinois, Indiana, Kentucky, Michigan, Ohio, and Pennsylvania.

No. MC 115931, filed April 16, 1956, BABCOCK & LEE TRANSPORTATION, INC., 1002 Third Avenue North, Billings, Mont. Applicant's attorney: Franklin S. Longan, Suite 319 Securities Building, Billings, Mont. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, from points in Big Horn and Rosebud Counties,

Mont., to points in North Dakota, South Dakota, and Minnesota.

No. MC 115952, filed April 26, 1956, A. C. MILLER, Rodney, Ontario, Canada. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Rough lumber*, from points in Michigan to the International Boundary between the United States and Canada at Ports of Entry at or near Detroit, Mich. and Port Huron, Mich., together with motion to dismiss the application on the grounds that applicant's operations are those of a private carrier.

No. MC 115966, filed May 2, 1956, ORLA B. HALL, JAMES B. HALL, GEORGE W. MONROE, AND ROY B. GROVER, doing business as H. M. & G. GRAIN AND FEED COMPANY, 133 Mill Street, Fowlerville, Mich. Applicant's attorney: Archie C. Fraser, 1400 Michigan National Tower, Lansing 8, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Animal, fish, and poultry feed; insecticides* and *fungicides;* and *animal medicines*, from Bloomington, Ill., and points in the Chicago, Ill., Commercial Zone, as defined by the Commission, to points in the Lower Peninsula of Michigan; (2) *grain*, from points in the Lower Peninsula of Michigan to points in Lucas County, Ohio, and points in the Chicago, Ill., Commercial Zone, as defined by the Commission; (3) *fertilizer*, from points in the Chicago, Ill., Commercial Zone, as defined by the Commission, to points in the Lower Peninsula of Michigan on and east of U. S. Highway 27, and (4) *overage commercially mixed feed*, from Lansing, Fowlerville, and Dundee, Mich., to Bloomington, Ill., on return movements.

No. MC 115968, filed May 2, 1956, OK VALLEY FREIGHT LINES, LIMITED, 133 Winnipeg Street, Penticton, British Columbia, Canada. Applicant's attorney: F. H. Britton, Law Department, Canadian Pacific Railway Company, Vancouver 2, B. C. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Oroville, Wash. and the Port of Entry between the United States and Canada north of Oroville over U. S. Highway 97.

No. MC 115969, filed May 2, 1956, THOMAS B. WATT, JR., AND WALTER J. NELSON, doing business as JOHNSON'S TRUCKING SERVICE, P. O. Box 160, Hornbrook, Calif. Applicant's attorney: Edward M. Berol, 100 Bush Street, San Francisco 4, Calif. For authority to operate as a *contract carrier*, over a regular route, transporting: *Lumber* and *forest products*, between Indian Creek, Calif., and Hornbrook, Calif., from Indian Creek over unnumbered county road to Happy Camp, Calif., thence over California Highway 96 to junction U. S. Highway 99, thence northerly over U. S. Highway 99 to junction unnumbered county highway approximately two miles west of Hornbrook, thence easterly over unnumbered county highway to Hornbrook, and return over the same route, serving no intermediate points.

### APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 53686 Sub 2, filed May 3, 1956, HARRY McCLOSKEY, 208 Warren Street, Beverly, N. J. Applicant's representative: G. Donald Bullock, Box 146, Wyncote, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, beginning and ending at Beverly, N. J., and points in New Jersey within 15 miles of Beverly, and extending to points in Delaware, Maryland, New York, Virginia, and the District of Columbia. Applicant is authorized to conduct operations in New Jersey and Pennsylvania.

No. MC 115961, filed April 30, 1956, W. E. BOYD, doing business as BOYD'S BUSLINE, 1514 Sheridan Avenue, Cody, Wyo. Applicant's attorney: Meyer Rankin, P. O. Box 601, Cody, Wyo. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers* in the same vehicle with passengers, between Cody, Wyo. and Billings, Mont., from Cody over Wyoming Highway 14 to Garland, Wyo., thence over Wyoming Highway 114 to Deaver, Wyo., thence over U. S. Highway 310 to Laurel, Mont., and thence over U. S. Highway 10 to Billings, Mont., and return over the same route, serving the intermediate points of Ralston, Powell, Garland, Deaver, and Frannie, Wyo., and Warren, Mont.

### APPLICATIONS FOR BROKERAGE LICENSES

No. MC 12236 Sub 1, filed May 3, 1956, BEKINS MOVING & STORAGE CO., Madison at Twelfth, Seattle 22, Wash. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. For a license (BMC 4) authorizing operations as a *broker* at Yakima, Wash., and Pasco, Wash., in arranging for transportation in interstate or foreign commerce by motor vehicles of *household goods*, as defined by the Commission, and *airplanes*, between points in the United States. Applicant is authorized to operate as a broker from Tacoma, Seattle, and Spokane, Wash., in arranging for transportation between points in the United States of household goods and airplanes.

No. MC 12575 Sub 1, filed April 26, 1956, EMMA E. DOWNING, 5824 North Fifth Street, Philadelphia, Pa. Applicant's attorney: Morris J. Winokur, Market Street National Bank Building, Juniper and Market Streets, Philadelphia, Pa. For a license (BMC 5) authorizing operations as a *broker* at Philadelphia, Pa., in arranging for transportation of *passengers and their baggage* in the same vehicles with passengers, in round-trip tours beginning and ending at points in Bucks, Chester, Delaware, Montgomery, and Philadelphia Counties, Pa., and those in New Jersey within twenty-five (25) miles of Philadelphia, and extending to points in the United States. Applicant holds a license to arrange tours beginning and ending at Philadelphia, Pa., and extending to points in the United States.

### CORRECTIONS

No. MC 110525 Sub 297 and Sub 299, CHEMICAL TANK LINES, INC., Downingtown, Pa., filed April 5, 1956, published on page 2550 issue April 18, 1956. The description of authority sought reading *From*, on the one hand, and, on the other, was in error. The authority sought in each application is for a *Between* movement, on the one hand, and, on the other. Applicant's attorneys in above-numbered proceedings, and also in MC 110525 Sub 300 published on the same date, are John R. Sims, Jr., and Gerald L. Phelps, Munsey Building, Washington, D. C.

### CORRECTIONS

MC 109847 Sub 3, published page 565, issue of January 25, 1956, name of applicant shown as Ross-Linco Lines, Inc., was in error. The correct name of applicant is: Boss-Linco Lines, Inc.

MC 103051 sub 16, WALKER HAULING CO., INC., Atlanta, Ga., filed February 27, 1956, published page 1474, issue March 7, 1956, amended and republished issue March 28, 1956. Applicant's attorney: R. J. Reynolds, Jr., 1403 Citizens & Southern National Bank Building, Atlanta 3, Ga., advises by letter dated May 8, 1956, that the commodities proposed to be transported, vegetable oils, fats, oils, and greases, are to be transported exclusively, *in bulk, in tank vehicles.*

### APPLICATIONS UNDER SECTION 5 AND 210a (b)

No. MC–F 5453, filed March 27, 1953, consummated December 31, 1955. Petition tendered April 30, 1956, by SOUTHERN PACIFIC TRANSPORT COMPANY for reopening of the proceeding for the purpose of issuing a supplemental order to include rights acquired by, or recommended for issuance to, SOUTHERN PACIFIC TRANSPORT COMPANY OF LOUISIANA, INC., subsequent to filing of the application herein. Applicants' attorney: Edwin N. Bell, 1600 Esperson Building, Houston 2, Texas. The following additional authority is to be acquired: *General commodities*, with certain exceptions including household goods, as a *common carrier*, over regular routes, between Alexandria, La., and Eola, La., between Bunkie, La., and Cheneyville, La., and between Lake Charles, La., and De Ridder, La., serving certain intermediate and off-route points; *Class A and B explosives* (excepting nitroglycerin), between Lake Charles, La., and De Ridder, La., serving certain intermediate and off-route points.

No. MC–F 6257. Authority sought for purchase by B. & B. TRANSPORTATION, INC., 75 Whipple Avenue, Cranston, R. I., of the operating rights and property of EDWARD C. BLINKHORN, doing business as B. & B. TRANSPORTATION, 75 Whipple Avenue, Cranston, R. I., and for acquisition by EDWARD C. BLINKHORN, also of Cranston, of control of such rights and property through the purchase. Person to whom correspondence should be addressed: Edward C. Blinkhorn, 37 Ryder Avenue, Cranston, R. I. Operating rights sought to be transferred: *Apples, beverages, shoe racks, shoe findings, groceries, wool, woolen goods, boxes, machinery, paper, shoes, steel*, and *paper board*, as a *common carrier*, over irregular routes, from, to and between points and areas, varying with the commodity transported, in Massachusetts, New Hampshire, New York, Connecticut, Rhode Island, and Maine. Vendee holds no authority from this Commission but is affiliated with EDWIN O. BLINKHORN, who is authorized to operate as a *contract carrier* in Connecticut, Massachusetts, and Rhode Island. Application has not been filed for temporary authority under section 210a (b).



No. MC–F 6258. Authority sought for purchase by EDWIN O. BLINKHORN, INC., 75 Whipple Avenue, Cranston, R. I., of the operating rights and property of EDWIN O. BLINKHORN, 75 Whipple Avenue, Cranston, R. I., and for acquisition by EDWIN O. BLINKHORN, also of Cranston, of control of such rights and property through the purchase. Person to whom correspondence should be addressed: Edwin O. Blinkhorn, 135 Whipple Avenue, Cranston, R. I. Operating rights sought to be transferred: *Such merchandise* as is dealt in by wholesale, retail, and chain grocery and food business houses, and, in connection therewith, *equipment, materials*, and *supplies* used in the conduct of such business, as a *contract carrier*, over irregular routes, between certain points in Connecticut, Massachusetts, and Rhode Island. Vendee holds no authority from this Commission but is affiliated with EDWARD BLINKHORN, doing business as B. & B. TRANSPORTATION, who is authorized to operate as a *common carrier* in Rhode Island, New York, Connecticut, Massachusetts, New Hampshire, and Maine. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6262. Authority sought for purchase by HOME TRANSPORTATION COMPANY, INC., 334 South Four Lane Highway, Marietta, Ga., of the operating rights of HERNDON E. RISNER, doing business as CAPITOL TRUCKING COMPANY, 1040 Four Lane Highway, Marietta, Ga., and for acquisition by JIMMIE H. AYER, also of Marietta, of control of such rights through the purchase. Applicants' attorney: Allan Watkins, 214 Grant Building, Atlanta 3, Ga. Operating rights sought to be transferred: *Household goods*, as defined by the Commission, as a *common carrier*, over irregular routes, between Atlanta and East Point, Ga., on the one hand, and, on the other, points in Alabama, Tennessee, North Carolina, South Carolina, and Florida; *heavy machinery, culvert pipe, road building material* and *structural steel*, from Atlanta and East Point, Ga., to points in Alabama, Tennessee, North Carolina, and South Carolina; *tanks*, and in connection therewith, *tank parts* and *tank fittings*, between points in Georgia on the one hand, and, on the other, points in Alabama, Florida, North Carolina, South Carolina, and Tennessee; *wooden poles*, from East Point, Ga., to points in Alabama, Florida, North Carolina, South Carolina, and Tennessee. Vendee is authorized to operate in Michigan, Indiana, Georgia, South Carolina, Massachusetts, Ohio, Wisconsin, Kansas, Alabama, Florida, Louisiana, Mississippi, Arkansas, Delaware, Iowa, Kentucky, Missouri, North Carolina, Pennsylvania, Tennessee, Texas, Nebraska, Illinois, Virginia, West Virginia, New Jersey, New York, Oklahoma, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6264. Authority sought for purchase by RED BALL MOTOR FREIGHT, INC., 1210 South Lamar Street (P. O. Box 3148), Dallas, Texas, of a portion of the operating rights of LEE WAY MOTOR FREIGHT, INC., 3000 West Reno, P. O. Box 2488, Exchange Branch, Oklahoma City, Okla., and for acquisition by H. E. ENGLISH and O. B. ENGLISH, both of Dallas, of control of such rights through the purchase. Applicants' attorneys: Reagan Sayers, Century Life Building, Fort Worth, Tex., and Sidney P. Upsher, 3000 W. Reno, Oklahoma City, Okla. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods, as a *common carrier* over regular routes, between Amarillo, Tex., and Clovis, N. Mex., serving certain intermediate points. Vendee is authoritzed to operate in Texas, Louisiana, and Arkansas. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6266. Authority sought for purchase by THE BALTIMORE MOTOR COACH COMPANY, 619 West Biddle Street, Baltimore, Md., of the operating rights and property of CALVERT MOTOR COACH SERVICE, INCORPORATED, 1024 Linden Avenue, Baltimore 1, Md., and WEST SHORE LINES, INC., 100 Compromise Street, Annapolis, Md., and for acquisition by PHILIP P. RESTIVO, CHARLES L. RESTIVO, MARION E. RESTIVO, SAMUEL J. RESTIVO, and JOSEPH F. RESTIVO, all of Baltimore, of control of such rights and property through the purchase. Applicants' attorneys: Edward Pierson, Central Savings Bank Building, Baltimore, Md., and James E. Wilson, Continental Building, Washington, D. C. Operating rights sought to be transferred: (Calvert Motor Coach Service, Incorporated): *Passengers and their baggage*, restricted to traffic originating at the points indicated, in round-trip charter operations, and in special operations on round-trip sightseeing or pleasure tours, as a *common carrier*, over irregular routes, from Baltimore, Md., and points within 25 miles of Baltimore, not including points in Carroll, Montgomery and Prince Georges Counties, Md., to points in Maryland, Delaware, Virginia, West Virginia, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, and the District of Columbia, and return. (West Shore Lines, Inc.): *Passengers and their baggage*, in round-trip charter operations, as a *common carrier*, over irregular routes beginning and ending at points in Calvert County, Md., and those in that part of Anne Arundel County, Md., on and south of U. S. Highway 50, and extending to points in the United States, with no pick-up or discharge of passengers enroute. Vendee is authorized to operate in Maryland, Delaware, Pennsylvania, New Jersey, New York, Virginia, West Virginia, Massachusetts, Rhode Island, Connecticut, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6267. Authority sought for control and merger by JONES MOTOR CO., INC., Bridge Street and Schuykill Road, Spring City, Pa., of the operating rights and property of PETERS TRANSPORTATION CO., 350 Chestnut Street, York, Pa., and for acquisition by WM. S. JONES and CLIFFORD M. JONES, both of Phoenixville, Pa., R. C. JONES, JR., Wyomissing, Pa., H. ELLIS JONES, Pottstown, Pa., and H. A. HERSHEY, Royersford, Pa., of control of such rights and property through the transaction. Applicants' attorneys: Rice, Carpenter & Carraway, Suite 618, Perpetual Bldg., 1111 E Street NW., Washington 4, D. C. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions including household goods, as a *common carrier* over regular routes, between Baltimore, Md., and York, Pa., between Dallastown, Pa., and New York, N. Y., and Washington, D. C., and between York, Pa., and Newark, N. J., serving all intermediate and certain off-route points; alternate route for operating convenience only between Lancaster, Pa., on the one hand, and, on the other, Reading, Pa.; *tobacco*, over irregular routes, from Hatfield, Mass., and Hartford, Conn., to points in York County, Pa.; *uncrated new furniture*, between Red Lion and York, Pa., on the one hand, and, on the other, Boston, Mass., and from Red Lion, Pa., to Hartford, Conn. Vendee is authorized to operate in New Jersey, Pennsylvania, New York, Delaware, Maryland, Connecticut, Massachusetts, Rhode Island, and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6269. Authority sought for purchase by BELGER CARTAGE SERVICE, INC., 2100 Walnut Street, Kansas City 8, Mo., of a portion of the operating rights of H. J. UHL and GRACE L. UHL, doing business as H. J. UHL, 5650 N. Broadway, Wichita, Kans., and for acquisition by JOHN BELGER and LARRY BELGER, both of Kansas City, of control of such operating rights through the purchase. Applicants' attorney: Ernest A. Brooks II, 1301 Ambassador Building, St. Louis 1, Mo. Operating rights sought to be transferred: *Commodities* which, because of size or weight, require the use of special equipment, and parts thereof, when moving in connection with such commodities, as a *common carrier* over irregular routes, between Kansas City, Mo., and points in Kansas on the one hand, and, on the other, points in Oklahoma, Nebraska, Colorado, Missouri, Illinois, and Texas. Vendee is authorized to operate in Missouri, Kansas, Oklahoma, Texas, Nebraska, and Iowa. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56–3848; Filed, May 15, 1956; 8:46 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 11, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32079: *Plaster and related articles—Western trunk line to southern territory.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on plaster and related articles, gypsum wallboard, etc., carloads from points in western trunk line territory to points in southern territory.

Grounds for relief: Short-line distance formula, market competition and circuitous routes.

Tariff: Agent Prueter's tariff I. C. C. A-4155.

FSA No. 32080: *Scrap iron and steel in official territory.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on scrap iron or steel articles, carloads between points in official territory, on the one hand, and points in northern Illinois, southern Wisconsin, and Zone "C" in Wisconsin to the extent described in exhibit B of the application, on the other.

Grounds for relief: Short-line distance formula and circuity.

Tariffs: Supplement 38 to Agent Hinsch's tariff I. C. C. No. 4251 and twelve other tariffs.

FSA No. 32081: *Paper and paper articles from the South to Beaumont, Tex.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on paper and paper articles, carloads from specified points in southern territory to Beaumont, Tex.

Grounds for relief: Circuitous routes.

Tariff: Supplement 4 to Agent Kratzmeir's I. C. C. 4198.

FSA No. 32082: *Aluminum billets, etc.—Chalmette and New Orleans, La., to Cincinnati, Ohio.* Filed by St. Louis-San Francisco Railway Company, for itself and interested rail carriers. Rates on aluminum billets, blooms, ingots, pigs or slabs, carloads from Chalmette and New Orleans, La., to Cincinnati, Ohio.

Grounds for relief: Circuitous routes in part west of the Mississippi River.

FSA No. 32083: *Commodities from or to points in official territory.* Filed jointly by C. W. Boin and O. E. Swenson, Agents, for interested rail carriers. Rates on cresylic acid, alumina oxide catalyst, automobile parts, and other described commodities, carloads (1) from points in official territory to points in official, southern, and western trunk line territories, and (2) to points in official territory, from points in southern and official (including Illinois) territories.

Grounds for relief: Carrier competition and circuity.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 56-3847; Filed, May 15, 1956; 8:46 a. m.]


# FEDERAL REGISTER

VOLUME 21 NUMBER 96

Washington, Thursday, May 17, 1956


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## TITLE 21—FOOD AND DRUGS

### Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 130—DRUGS EXEMPTED FROM PRESCRIPTION-DISPENSING REQUIREMENTS OF SECTION 503 (b) (1) (C) OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

EXEMPTION OF CERTAIN SULFUR DIOXIDE PREPARATIONS FROM PRESCRIPTION-DISPENSING REQUIREMENTS

There was published in the FEDERAL REGISTER of April 5, 1956 (21 F. R. 2197), a notice and text of a proposed amendment to § 130.1 *Exemption for certain drugs limited by new-drug applications to prescription sale.* No comments nor objections were filed to the exemption from prescription-dispensing requirements of sulfur dioxide preparations meeting the conditions set out in the proposed amendment within the 30-day period stipulated in the above-referenced notice, and the amendment set out below is hereby ordered, without change, effective 30 days from the date of publication of this order in the FEDERAL REGISTER.

No action is being taken at this time on the proposal to exempt doxylamine succinate preparations from prescription-dispensing requirements, since further consideration is being given to this matter.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies secs. 503, 505, 52 Stat. 1052, 65 Stat. 649; 21 U. S. C. 353, 355)

Dated: May 10, 1956.

[SEAL] JOHN L. HARVEY, *Deputy Commissioner of Food and Drugs.*

Paragraph (a) of § 130.1 *Exemption for certain drugs limited by new-drug applications to prescription sale* is amended by adding the following new subparagraph (13):

(13) Sulfur dioxide preparations meeting all the following conditions:

(i) The sulfur dioxide is prepared, with or without other drugs, in an aqueous solution packaged in a hermetic container suitable for use in self-medication by external application to the skin, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The sulfur dioxide and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 5 grams of sulfur dioxide per 100 milliliters of solution.

(v) The preparation is labeled with adequate directions for use by external application to the smooth skin in the prevention or treatment of minor conditions in which it is indicated.

(vi) The directions for use recommend or suggest not more than two applications a day for not more than 1 week, except as directed by a physician.

[F. R. Doc. 56-3894; Filed, May 16, 1956; 8:46 a. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter I—Office of the Secretary of Defense

Subchapter C—Military Personnel

PART 45—PARTICIPATION IN RESERVE TRAINING PROGRAMS

This part supersedes and cancels Part 45, "Organized Unit and Satisfactory Participation Therein Defined" published at 17 F. R. 5554, and renumbered at 19 F. R. 8778.

Sec.
45.1 Purpose.
45.2 Applicability.
45.3 Reserve participation.
45.4 Compliance measure.
45.5 Cancellation of draft deferment.
45.6 Revocation of commission.

AUTHORITY: §§ 45.1 to 45.6 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 604, 66 Stat. 481; 50 U. S. C. App. 451, 10 U. S. C. 1a.

§ 45.1 *Purpose.* The purpose of this part is to:

(a) Prescribe regulations providing specific exceptions to training requirements established by subsection 208 (f) of 66 Stat. 481, 10 U. S. C. 1a.

(b) Prescribe regulations governing determination by the Secretaries of the military departments of:

(1) Failure to perform training duty satisfactorily, in connection with employment of the 45-day compliance

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FEDERAL REGISTER

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**CFR SUPPLEMENTS**

**(As of January 1, 1956)**

The following Supplement is now available:

**Title 32A (Rev., 1955) ($1.25)**

Previously announced: Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 7: Parts 1–209 ($1.25); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. I, and Title 27 ($1.00); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Titles 40–42 ($0.65); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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measure under subsection 208 (f) of 66 Stat. 481, 10 U. S. C. 1a.

(2) Satisfactory service required for deferment from induction for active training and service, under provisions of paragraph (2), subsection 4 (c) of 62 Stat. 604, 50 U. S. C. App. 451, of individuals who were reserve component members on June 25, 1950, and whose applications for two years of active duty have been denied.

(3) Satisfactory participation required for exemption from induction for active training and service, under provisions of paragraph (1) of subsection 6 (c) of 62 Stat. 604, 50 U. S. C. App. 451, of individuals who were members of organized units of the Reserve Forces on February 1, 1951.

(4) Satisfactory service required for deferment from induction for active training and service, under provisions of clause (C), paragraph (2), subsection 6 (c) of 62 Stat. 604, 50 U. S. C. App. 451, of individuals who enlist in organized units of the Reserve prior to attaining age 18½ years.

(5) Satisfactory performance of service for deferment from induction for active training and service, under provisions for paragraph (1), subsection 6 (d) of 62 Stat. 604, 50 U. S. C. App. 451, of graduates of ROTC or other officers' training programs who have undergone six months of active duty for training.

(6) Failure to perform satisfactory service, in connection with revocation of commissions of graduates of ROTC or other officers' training programs who have undergone six months of active duty for training, under provisions of paragraph (1), subsection 6 (d) of 62 Stat. 604, 50 U. S. C. App. 451.

(7) Satisfactory participation with respect to the identification of an "organized unit" as defined in subsection 16 (h) of 62 Stat. 604, 50 U. S. C. App. 451.

(c) Provide guidance to the Secretaries of the military departments in their determination of:

(1) Satisfactory service for deferment from induction for active training and service, under provisions of section 262 of 66 Stat. 481, 10 U. S. C. 1a, of individuals who enlist for eight years in the Reserve.

(2) Satisfactory service for deferment from induction for active training and service, under provisions of paragraph (2) of subsection 6 (d) of 62 Stat. 604, 50 U. S. C. App. 451, of individuals enlisted in the Reserve who thereafter are commissioned upon graduation from an Officers' Candidate School.

(3) Failure to perform satisfactory service, in connection with the revocation of commissions of Officers' Candidate School graduates, under provisions of paragraph (2) of subsection 6 (d) of 62 Stat. 604, 50 U. S. C. App. 451.

(d) Standardize procedures for the employment of compliance measures.

§ 45.2 *Applicability.* The provisions of this part are applicable to all military departments in their implementation of the provisions of law cited in § 45.1.

§ 45.3 *Reserve participation.* (a) Each individual inducted, enlisted or appointed in any armed force of the United States on and after August 10, 1955, who becomes a member of the Ready Reserve, other than by virtue of becoming a member of the National Guard of the United States or the Air National Guard of the United States, is required by subsection 208 (f) of 66 Stat. 481, 10 U. S. C. 1a, during his statutory period in the Ready Reserve, to participate in "not less than



48 scheduled drills or training periods * * * and not more than 17 days of active duty for training during each year, or * * * annually not more than 30 days of active duty for training," except as specifically provided by regulations prescribed by the Secretary of Defense. Failure to perform such training duty satisfactorily in any year renders such an individual liable to be ordered without his consent to perform additional active duty for training for not more than 45 days. For the purpose of administering subsection 208 (f) of 66 Stat. 481, 10 U. S. C. 1a, the terms "enlisted" or "appointed" refer to initial entry into an armed force through enlistment or appointment.

(b) Within the general policy that the number of drills and amount of annual training prescribed will be the minimum required to maintain the proficiency of the unit and the skill of the individual, the following exceptions are authorized for individuals subject to the training requirements of subsection 208 (f) of 66 Stat. 481, 10 U. S. C. 1a:

(1) An individual who has performed not less than two years of active training and service may be placed in Training Category G (no training), as defined in Department of Defense Directive No. 1215.6, subject: Uniform Training Categories and Pay Groups Within the Reserve Forces, dated March 5, 1956, when the Secretary of the military department concerned determines that because of the mobilization requirements of the service concerned, the degree of skill acquired by the individual, or the civilian occupation of the individual, no training requirement exists.

(2) An individual in any training category other than Category G, as defined in Department of Defense Directive No. 1215.6, subject: Uniform Training Categories and Pay Groups Within the Reserve Forces, dated March 5, 1956, by reason of assignment to a unit, need not be required to participate in training additional to that prescribed for such training category. In assigning an individual to a particular training category, consideration may be given to personal circumstances to the degree that it is consistent with military requirements.

(3) An individual while participating in any officers' training program under provisions of paragraphs (1) and (2) of subsection 6 (d) of 62 Stat. 604, 50 U. S. C. App. 451, will not be required to participate in training additional to such officers' training program.

(4) Commissioned officer students of medicine or dentistry and practicing physicians or dentists may be permitted to participate to whatever lesser extent is considered by the military department concerned to be necessary to maintain military proficiency.

(c) Criteria established by the Secretaries of the military departments for determining satisfactory performance of training duty by individuals subject to the provisions of subsection 208 (f) of 66 Stat. 481, 10 U. S. C. 1a, may include consideration of manner of performance of such training duty, but may not permit more than 10 per cent unexcused absence from scheduled drills or training periods. Failure to attend scheduled drills or training periods or annual active duty for training as the result of sickness, injury or emergency or other circumstances beyond the control of the individual, may be excused. For individuals subject to revocation of commission under provisions of paragraph (1), subsection 6 (d) of 62 Stat. 604, 50 U. S. C. App. 451, criteria for performance of satisfactory service shall be the same as that prescribed above for those subject to provisions of subsection 208 (f), 66 Stat. 481, 10 U. S. C. 1a. In the interest of uniformity, the same criteria should apply to individuals subject to revocation of commission under paragraph (2), subsection 6 (d) of 62 Stat. 604, 50 U. S. C. App. 451.

(d) Individuals exempt under provisions of paragraph (1), subsection 6 (c) of 62 Stat. 604, 50 U. S. C. App. 451, may continue to be so exempt by participation in the training program of an organized unit, as defined in subsection 16 (h) of 62 Stat. 604, 50 U. S. C. App. 451, in Training Categories A, B, C, or E, as defined in Department of Defense Directive 1215.6, subject: Uniform Training Categories and Pay Groups Within the Reserve Forces, dated March 5, 1956, in the degree of participation stated in paragraph (c) of this section.

(e) Individuals in order to continue in a draft-deferred status under the provisions of paragraph (2), subsection 4 (c) and paragraph (1), subsection 6 (d) of 62 Stat. 604, 50 U. S. C. App. 451, shall be required to meet the standards of satisfactory performance of training duty set forth in paragraph (c) of this section, or, as appropriate, participate satisfactorily in an officers' training program as provided in paragraph (b) (3) of this section. However, membership of such individuals in the Standby Reserve as a result of the screening process prescribed in Part 53 of this subchapter will constitute satisfactory performance of service for continued deferment. In the interest of uniformity, standards for continued deferment under section 262 of 66 Stat. 481, 10 U. S. C. 1a, and paragraph (2) subsection 6 (d) of 62 Stat. 604, 50 U. S. C. App. 451, should be the same as those prescribed in this paragraph.

(f) Individuals in order to continue in a draft-deferred status under provisions of clause (C), paragraph (2), subsection 6 (c) of 62 Stat. 604, 50 U. S. C. App. 451, shall be required to meet the standards of satisfactory performance of training duty set forth in paragraph (c) of this section, or participate satisfactorily in an officers' training program as provided in paragraph (b) (3) of this section.

§ 45.4 *Compliance measure.* Individuals subject to the participation requirements of subsection 208 (f) of 66 Stat. 481, 10 U. S. C. 1a, except those enlisted in the Reserve under provisions of clause (C), paragraph (2), subsection 6 (c) of 62 Stat. 604, 50 U. S. C. App. 451, may for failure to perform training duty satisfactorily as defined above, be ordered to active duty for training for not more than 45 days. A member who fails to comply with orders to perform such active duty for training becomes liable to disciplinary action under the Uniform Code of Military Justice.

§ 45.5 *Cancellation of draft deferment.* (a) Except for an individual enlisted under the provisions of clause (C), paragraph (2), of subsection 6 (c) of 62 Stat. 604, 50 U. S. C. App. 451, no individual enlisted in the Reserve in a draft-deferred status should be certified to the Selective Service System for induction for two years active training and service unless application of the 45-day compliance measure has failed to induce satisfactory performance of training duty. No such individual will be so certified, however, until he has registered with Selective Service.

(b) The following individuals shall be reported to the local Selective Service Board for induction:

(1) Subject to considerations set forth in paragraph (a) of this section, persons enlisted in the Reserve under provisions of clause (C), paragraph (2), subsection 6 (c), of 62 Stat. 604, 50 U. S. C. App. 451, and section 262 of 66 Stat. 481, 10 U. S. C. 1a, who fail to serve satisfactorily.

(2) Individuals, who have been appointed as Reserve officers under subsection 6 (d) of 62 Stat. 604, 50 U. S. C. App. 451, and have not been required to perform active training and service, who fail to perform satisfactory service.

§ 45.6 *Revocation of Commission.* Revocation of commission under the provisions of subsection 6 (d) of 62 Stat. 604, 50 U. S. C. App. 451, will be effected only after the individual concerned has been certified to Selective Service as provided in § 45.5 (b) (2).

C. E. WILSON,
*Secretary of Defense.*

MAY 4, 1956.

[F. R. Doc. 56–3889; Filed, May 16, 1956; 8:45 a. m.]

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## PART 51—RESERVE OFFICERS' TRAINING CORPS AND RELATED OFFICERS' TRAINING PROGRAMS

Sec.
51.1 Purpose.
51.2 Applicability.
51.3 General.
51.4 Commissioning of graduates.
51.5 Assignment of graduates.
51.6 Participation in Reserve training programs.

AUTHORITY: §§ 51.1 to 51.6 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 604, 66 Stat. 481; 50 U. S. C. App. 451, 10 U. S. C. 1a.

§ 51.1 *Purpose.* The purpose of this part is to prescribe, pursuant to the provisions of 62 Stat. 604, 50 U. S. C. App. 451, and 66 Stat. 481, 10 U. S. C. 1a, policies relating to the subject programs with respect to:

(a) Physical examination of enrollees.
(b) Commissioning of graduates.
(c) Assignment of graduates.

§ 51.2 *Applicability.* This part applies to all military departments in the operation and administration of officers' training and procurement programs, within the purview of subsection 6 (d) (1) of 62 Stat. 604, 50 U. S. C. App. 451.

§ 51.3 *General.* (a) To reduce to an absolute minimum the loss at graduation of persons found physically disqualified for appointment as commissioned officers, thorough and complete physical examinations will be conducted at the time of, or immediately prior to:

(1) Enrollment in the Advanced Courses of Army and Air Force Reserve Officers' Training Corps programs. In addition, the military departments are urged to conduct physical examinations of enrollees in the Basic Courses of Army and Air Force Reserve Officers' Training Corps programs where entrants therein evidence an intention to pursue the Senior Division curricula to completion.

(2) Initial enrollment in all other applicable officers' training and procurement programs.

Such examinations will, in all respects, be equal to the examinations conducted to determine physical qualifications for appointment as commissioned officers. The physical standards applicable at the time of enrollment shall obtain at the time of graduation.

(b) Enrollees who acquire exemption or deferment from induction by virtue of their enrollment in subject programs shall be required to execute agreements as provided in subsection 6 (d) (1) of 62 Stat. 604, 50 U. S. C. App. 451. Enrollees other than those described above may be required to execute such agreements as may be prescribed by the Secretary of the military department concerned.

§ 51.4 *Commissioning of graduates.* Upon the successful completion of the required course of instruction, a graduate of a program referred to in this part shall, if otherwise qualified, be appointed a Regular or Reserve Officer in the appropriate Armed Force. Such appointments shall be for an indefinite term.

§ 51.5 *Assignment of graduates.* (a) Subject programs shall be operated with the greatest possible stability to produce officers to meet the approved mobilization requirements of the military departments.

(b) A graduate who has executed an agreement pursuant to § 51.3 (b) shall:

(1) If his services are required at the time of his appointment, serve on active duty with the Armed Force in which appointed under the terms of his agreement.

(2) If not needed on active duty at the time of his appointment, be ordered to active duty for training for a period of six months with the Armed Force in which appointed.

(c) Graduates shall be called to active duty or active duty for training as soon as possible within a twelve-month period following their appointment as commissioned officers in accordance with the ability of the military departments to absorb them into units and training programs of the appropriate military services. Schedules for the calling of such graduates to active duty or active duty for training shall be prepared, and each graduate shall be advised at the time of his graduation as to the approximate date he will be required to report for such duty. During the period between appointment and the date of reporting for active duty or active duty for training, graduates shall be given appropriate Ready Reserve assignments.

(d) Graduates who have fulfilled their active military training and service obligation, or who have enlisted Reserve status and have performed six months active duty for training under the provisions of section 262 or subsection 233 (d), 66 Stat. 481, 10 U. S. C. 1a, following their appointment as commissioned officers and in accordance with Service requirements, may:

(1) Be ordered to active duty or active duty for training per paragraph (c) of this section, pursuant to the terms of any agreements they have have entered into with the military departments concerned, or

(2) Be given appropriate Reserve assignments.

(e) Selection among graduates for assignment to active duty or active duty for training shall be made impartially by the Secretary of the military department concerned in accordance with the requirements of the respective military services. Maximum consideration shall be given to the preference of each individual.

(f) A graduate may be delayed from being ordered to active duty or active duty for training under regulations promulgated by the appropriate Secretary if he is the recipient of a scholarship, has been accepted by a recognized institution of higher education for graduate studies, would suffer undue personal hardship, or is otherwise precluded from reporting as ordered for cogent and acceptable reasons. If delayed, he shall remain subject to the assignment criteria prescribed above and shall be assigned to active duty or active duty for training, as appropriate, at such time as the cause of his delay ceases to exist.

§ 51.6 *Participation in Reserve training programs.* Regulations governing participation in Reserve training programs and employment of compliance measures are prescribed in Part 45 of this subchapter.[1]

C. E. WILSON,
*Secretary of Defense.*

MAY 3, 1956.

[F. R. Doc. 56-3891; Filed, May 16, 1956; 8:45 a .m.]

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PART 52—ASSIGNMENT TO AND TRANSFER BETWEEN RESERVE CATEGORIES, AND DISCHARGE FROM RESERVE STATUS

Sec.
52.1 Purpose.
52.2 Applicability.
52.3 Original assignment to Reserve status.
52.4 Transfer to the Standby Reserve.
52.5 Transfer from the Standby Reserve.
52.6 Discharge.

AUTHORITY: §§ 52.1 to 52.6 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 604, 66 Stat. 481; 50 U. S. C. App. 451, 10 U. S. C. 1a.

§ 52.1 *Purpose.* The purpose of this part is to establish policy guidance for assignment to and transfer between reserve categories, and discharge from reserve status.

[1] See F. R. Document 56-3889, supra.

§ 52.2 *Applicability.* This part is applicable to all military departments in the implementation of 62 Stat. 604, 50 U. S. C. App. 451, and 66 Stat. 481, 10 U. S. C. 1a.

§ 52.3 *Original assignment to Reserve status*—(a) *Ready Reserve.* Original membership in the Ready Reserve may be attained by:

(1) Transfer thereto under the provisions of paragraph (3), subsection 4 (d) of 62 Stat. 604, 50 U. S. C. App. 451, and subsection 208 (a) of 66 Stat. 481, 10 U. S. C. 1a, upon release from active duty;

(2) Appointment as a Reserve Officer and assignment to the Ready Reserve under provisions of subsection 6 (d), 62 Stat. 604, 50 U. S. C. App. 451, and subsection 208 (a) of 66 Stat. 481, 10 U. S. C. 1a;

(3) Entry (appointment or enlistment) into the National Guard of the United States or Air National Guard of the United States in accordance with provisions of subsection 208 (c) of 66 Stat. 481, 10 U. S. C. 1a, as affected by subsection 101 (f) and section 702, thereof;

(4) Direct entry under the provisions of sections 261 and 262 of 66 Stat. 481, 10 U. S. C. 1a, or of clause (C), paragraph (2), subsection 6 (c) of 62 Stat. 604, 50 U. S. C. App. 451; or

(5) Direct voluntary entry (appointment or enlistment) of an individual into the Ready Reserve, other than as provided above.

(b) *Standby Reserve.* Direct assignment to the Standby Reserve without prior membership in the Ready Reserve may be attained:

(1) In accordance with the provisions of paragraph (3), subsection 4 (d) of 62 Stat. 604, 50 U. S. C. App. 451, and paragraph (1) of subsection 208 (g) of 66 Stat. 481, 10 U. S. C. 1a, upon release from five or more years of active training and service; or

(2) By direct voluntary entry of an individual not serving under a statutory obligation and not otherwise subject to military service.

(c) *Retired Reserve.* Direct assignment and transfer to the Retired Reserve may be accomplished under the provisions of Department of Defense Directive No. 1200.4, subject: The Retired Reserve of the Reserve Forces, dated April 20, 1953.

§ 52.4 *Transfer to the Standby Reserve.* (a) Each individual who has served five or more years on active training and service in the Armed Forces of the United States but who has an unfulfilled portion of his total military obligation remaining upon release therefrom, shall, if otherwise qualified therefor and a suitable vacancy exists, be afforded the opportunity to execute a written request to be assigned to the Ready Reserve for a period of at least one year. If such opportunity is declined, the individual shall be placed in the Standby Reserve.

(b) Individuals enumerated below shall, if otherwise qualified therefor and



a suitable vacancy exists, be afforded the opportunity to remain in the Ready Reserve for a period of at least one year. If such opportunity is declined, they shall be transferred to the Standby Reserve.

(1) Those who have served on active duty and participated satisfactorily in accredited training programs of the Ready Reserve for a combined total of five or more years;

(2) Those who have completed the periods of active duty and Ready Reserve participation prescribed in section 263 of 66 Stat. 481, 10 U. S. C. 1a;

(3) Those who qualify for such transfer under provisions of paragraphs (4) and (5) of subsection 208 (g), 66 Stat. 481; 10 U. S. C. 1a, unless such transfer would render them liable to induction for active training and service.

(c) All voluntary agreements to be assigned to or remain in the Ready Reserve will provide that:

(1) The Reservist may be transferred to the Standby Reserve by the appropriate Secretary at any time for cogent reasons;

(2) Under provisions of subsection 208 (i) of 66 Stat. 481, 10 U. S. C. 1a, the individual waives his right to transfer to the Standby Reserve while serving under such agreement;

(3) The period of voluntary membership shall be of not less than one year's duration.

(d) Transfer to the Standby Reserve under the screening process prescribed in Part 53 of this subchapter[1] of individuals otherwise subject to continued membership in the Ready Reserve will be accomplished under the authority of subsection 208 (j), 66 Stat. 481, 10 U. S. C. 1a.

(e) Transfer to the Standby Reserve of members of the National Guard of the United States or Air National Guard of the United States will be subject to the provisions of subsection 208 (h), 66 Stat. 481, 10 U. S. C. 1a.

(f) Assignment to the Inactive Status List of the Standby Reserve is governed by Department of Defense Directive No. 1200.2, subject: Inactive Status List of the Standby Reserve, dated November 26, 1952, and retention thereon by Department of Defense Directive No. 1235.1, subject: Policy on Direct Appointments and on Adjustments, at Time of Entry into Active Military Service, of Grades of Civilian Specialists in the Reserve Forces Who Are Not Otherwise Expressly Provided for by Law, dated July 11, 1955.

(g) Individuals may be voluntarily retained in or transferred to the Standby Reserve for periods beyond expiration of statutory obligation, under such directives as may be issued by the Secretaries of the military departments.

§ 52.5 *Transfer from the Standby Reserve.* (a) Any member of the Standby Reserve who has not completed his obligated period of military service in the Ready Reserve may be transferred to the Ready Reserve whenever the reasons for his transfer to the Standby Reserve no longer exist, provided he is otherwise qualified and a requirement exists.

(b) Whenever persons with critical skills who performed active duty for training for six months pursuant to Executive Order No. 10650, Regulations Governing the Selection of Certain Persons who have Critical Skills for Enlistment in Units of the Ready Reserve of the Armed Forces, dated January 6, 1956, published at 21 F. R. 167, and were subsequently transferred to the Standby Reserve in accordance with the screening process prescribed in part 53 of this subchapter, are no longer engaged in critical skills in critical defense supporting industries or research, the Selective Service System will notify the appropriate military department. Upon receipt of such notification, the military department shall transfer such person to the Ready Reserve if he is otherwise qualified and a requirement exists.

(c) A member of either the Standby Reserve or the Retired Reserve may upon his own request be transferred to the Ready Reserve if qualified and a requirement exists for him. Such voluntary transfer will be accomplished under authority of subsection 208 (e), 66 Stat. 481, 10 U. S. C. 1a, subject to provisions of § 52.4 (c).

(d) In any case, where an individual is transferred from the Standby Reserve to the Ready Reserve or the Retired Reserve, notification thereof to the Selective Service System will be made by the military department concerned.

§ 52.6 *Discharge.* (a) Enlisted members of the Ready Reserve or the Standby Reserve who have completed their statutory obligation or who are not subject to a military obligation will be discharged unless they voluntarily remain under conditions specified in paragraph (c) or (g) of § 52.4.

(b) Any person who while a member of a reserve component becomes a regular or duly ordained minister of religion shall be discharged from such reserve component upon request under authority of subsection 233 (h) of 66 Stat. 481, 10 U. S. C. 1a. The definition of regular or duly ordained minister of religion provided in subsection 16 (g) of 62 Stat. 604, 50 U. S. C. App. 451, shall be used in connection with this regulation.

(c) Those commissioned officers of the Reserve who have accepted indefinite appointments will not be subject to mandatory discharge upon completion of the statutory obligation.

(d) Discharge from the service obligation for hardship or other causes will be governed by pertinent provisions of Department of Defense Directive No. 1200.3, subject: Reserve Obligations Under Section 4 (d), Universal Military Training and Service Act, as amended, (62 Stat. 604, 50 app U. S. C. 451), dated March 2, 1953.

(e) Discharge from the reserve components is governed by provisions of sections 231, 248, and 249, 66 Stat. 481, 10 U. S. C. 1a.

(f) Upon the discharge of members of the Standby Reserve, due notification thereof will be made to the Selective Service System by the military department concerned.

C. E. WILSON,
*Secretary of Defense.*

MAY 3, 1956.

[F. R. Doc. 56-3890; Filed, May 16, 1956; 8:45 a. m.]

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PART 53—SCREENING THE READY RESERVE UNDER PROVISIONS OF THE ARMED FORCES RESERVE ACT OF 1952, AS AMENDED

Sec.
53.1 Purpose.
53.2 Policy.
53.3 Regulations for screening the Ready Reserve.
53.4 Ministerial students.
53.5 Persons who become liable for induction if screened into the Standby Reserve.
53.6 Reservists transferred to Standby Reserve.
53.7 Reports to the Secretary of Defense.

AUTHORITY: §§ 53.1 to 53.7 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 604, 66 Stat. 481; 50 U. S. C. App. 451, 10 U. S. C. 1a.

§ 53.1 *Purpose.* The purpose of this part is to provide the Services with policy and regulations for screening the Ready Reserve.

§ 53.2 *Policy.* (a) Each Service shall continuously screen its Ready Reserve in peacetime in order to provide a Ready Reserve composed of individuals (1) who meet Service standards of mental, moral, professional and physical fitness, and possess the required military qualifications in the various ranks, grades, ratings and specialties and (2) who are immediately available for military service during a national emergency without seriously impairing production and research vital to the national military effort, or activities necessary to the maintenance of the national health, safety or interest, or without creating extreme personal or community hardship.

(b) In selecting members of the Ready Reserve to be transferred to the Standby Reserve who are otherwise equally eligible for transfer under the criteria established in this part, the Service concerned shall accord preference for transfer in the following order: (1) Those who have participated in combat; and (2) those with the least remaining obligated service in the Ready Reserve.

§ 53.3 *Regulations for screening the Ready Reserve.* Screening of the Ready Reserve shall be in accordance with the provisions of Executive Order 10651 and the following implementing instructions. Citations refer to specific paragraphs in the Executive Order. Persons who enter the Ready Reserve under the provisions of section 263 (a) and 263 (b) of the Armed Forces Reserve Act of 1952, as amended, shall not be eligible for transfer to the Standby Reserve under the provisions of paragraphs 4, 5, and 6 of the Executive Order.

(a) *Reference paragraph 2 (a) of Execcutive Order 10651; fulfilled Ready Reserve obligation.* Members of the Ready Reserve who have completed their

[1] See F. R. Document 56-3892, infra.

ready reserve obligation will be transferred to the Standby Reserve as provided for by Department of Defense Directive 1205.6, (Part 52 of this suchapter) [1] dated January 16, 1956, "Assignment to and Transfer between Reserve Categories, and Discharge from Reserve Status."

(b) *Reference paragraph 3 of Executive Order 10615; extreme hardship.* Positive action shall be taken to insure that all Ready Reservists are informed of the provisions of paragraph 3 of the Executive Order and the following implementing instructions relative to hardship:

(1) *Extreme personal hardship.* An individual desiring transfer from the Ready Reserve to the Standby Reserve must establish by documentary evidence that his dependents would, by his call to active duty in an emergency, suffer extreme hardship greater than that which dependents of other Reservists can be expected to experience from the Reservist's order to active duty. In order to insure a uniform standard, the criteria established by the Services should conform generally with current Selective Service regulations on extreme hardship deferment (see § 1622.30 (b) and (c) (1) of this title). In those cases where the reservist is registered with Selective Service, documentary evidence may include a recommendation by the State Director of Selective Service of the State in which the registrant's Local Board is located. Requests for consideration under this paragraph must be initiated by the Reservist or by his dependents.

(2) *Extreme community hardship.* An individual desiring transfer from the Ready Reserve to the Standby Reserve must establish by documentary evidence that his withdrawal from the community in a national emergency would have a substantial adverse effect on the health, safety or welfare of the community. In those cases where the reservist is registered with Selective Service, documentary evidence may include a recommendation by the State Director of Selective Srevice of the State in which the registrant's Local Board is located. Requests for consideration under this paragraph must be initiated by the Reservist.

(c) *Reference paragraph 4 of Executive Order 10651; critical military skills and critical civilian occupations*—(1) *Critical military skills.* (i) A critical military skill is one appearing on the List of Critical Military Skills for Use in Screening the Ready Reserve, published by the Department of Defense.[2] This list is subject to periodic revision.

(ii) The criteria used in establishing the List of Critical Military Skills are as follows:

(*a*) The military skill must be indispensable to the success of the Ready Reserve mobilization mission.

(*b*) A long period of mobilization-accelerated training (at least 6 months) must be needed to develop the degree of skill required.

(c) An appreciable shortage of available personnel with the skill exists or is anticipated.

(iii) The Department of Defense list will be revised from time to time by the Assistant Secretary of Defense (Manpower, Personnel and Reserve), as necessitated by changes in the military missions and manpower requirements of the Services.

(iv) To the maximum extent possible, Services will utilize overages in critical military skills in one geographical area to meet the requirements for such skills in other areas.

(2) *Critical civilian occupations.* (i) The Department of Labor has issued a List of Critical Civilian Occupations for Screening the Ready Reserve. This list was developed by an Interagency Committee on which the Department of Defense is represented, and is subject to periodic revision.

(ii) To the extent that such assistance may be needed, authority is granted the Services to request the technical advice of the Department of Labor's affiliated State Employment Service Offices in classifying the civilian occupations of particular individual Reservists, other than Farm Operators and Assistants. There are some 1,700 full-time and 2,100 part-time Employment Service Offices located in communities throughout the country. The County Agricultural Stabilization and Conservation Committees of the Department of Agriculture may be used in a similar manner with respect to Farm Operators and Assistants. These committees, which exist in all agricultural counties in the country, generally have their headquarters in the county seats.

(3) *Utilization of volunteers with critical civilian occupations.* A Ready Reservist with a critical civilian occupation in excess of requirements in the Ready Reserve who has been selected for transfer to the Standby Reserve in accordance with paragraphs 4 and 7 of the Executive Order, and who then volunteers to remain in the Ready Reserve, under the provisions of Department of Defense Directive 1205.6 (Part 52 of this subchapter) dated January 16, 1956, "Assignment to and Transfer between Reserve Categories, and Discharge from Reserve Status", shall be given a military assignment utilizing his critical civilian occupation. If no military requirement exists for his critical civilian occupation and he possesses another critical military skill, he shall be utilized in that skill. If no requirement exists for him in a critical civilian occupation or in a critical military skill, he shall be utilized, insofar as possible, in a related military assignment.

(d) *Reference paragraph 5 of Executive Order 10651, apprentices and students.* Ready Reservists who are apprentices or students shall be transferred to the Standby Reserve in accordance with the following regulations except that no person shall be transferred under this part who (1) has not had active training and service, (2) possesses a critical military skill, or (3) volunteers to remain in the Ready Reserve and executes a written agreement to remain in such Reserve for a minimum period of one year, as provided in Department of Defense Directive 1205.6, dated January 16, 1956, "Assignment to and Transfer between Reserve Categories, and Discharge from Reserve Status."

(1) *Apprentices.* Ready Reservists who are undergoing apprenticeship training in critical civilian occupations appearing in Department of Labor List of Critical Occupations for Screening the Ready Reserve, in such numbers as are in excess for such occupations, and who meet the standards and requirements described in Appendix A below shall be transferred to the Standby Reserve. At such time as the Reservist ceases to qualify for consideration as an apprentice under the regulations in this part, he should be considered for transfer to the Ready Reserve.

(2) *Students.* Ready Reservists who are students in colleges or universities pursuing studies that will qualify them for critical civilian occupations appearing in Department of Labor List of Critical Occupations for Screening the Ready Reserve and who meet the standards and requirements described in Appendix B below shall be transferred to the Standby Reserve. Excluded from consideration are those students enrolled or enlisted in programs leading to appointment to commissioned rank. At such time as the Reservist ceases to qualify for consideration as a student under the regulations in this part, he should be considered for transfer to the Ready Reserve.

§ 53.4 *Ministerial students.* Any Ready Reservist who is preparing for the ministry in a recognized theological or divinity school shall be transferred to the Standby Reserve unless he executes a written agreement to remain in the Ready Reserve for a minimum of one year, as provided in Department of Defense Directive 1205.6, dated January 16, 1956, "Assignment to and Transfer between Reserve Categories, and Discharge from Reserve Status."

§ 53.5 *Persons who become liable for induction if screened into the Standby Reserve.* Certain individuals covered by section 6 (b) (2) and individuals covered by section 6 (c) (1) of the Universal Military, Training and Service Act are exempt from induction so long as they serve satisfactorily as members of organized units of the reserve. Similarly, persons covered by section 6 (c) (2) are deferred so long as they continue to serve satisfactorily as members of organized units of the reserve. Therefore, persons in these groups within the ages of Selective Service liability cannot be screened into the Standby Reserve without losing such exempt or deferred classification. Such persons who meet the criteria for transfer into the Standby Reserve shall be informed of the above facts and given ample opportunity to volunteer to remain in the Ready Reserve, if they are qualified.

§ 53.6 *Reservists transferred to Standby Reserve.* Separate instructions govern the administrative actions involved in the transfer of individuals to the Standby Reserve. These instructions include the procedures which Selective Service and the Military Departments follow when Ready Reservists are transferred to the Standby Reserve. They also describe the type of information which will have to be forwarded by the Military Departments to Selective Service upon such transfer.

§ 53.7 *Reports to the Secretary of Defense.* (a) In order that the Secretary of Defense may review progress of the screening of the Ready Reserve, and report to the President as required by paragraph 10 of Executive Order 10651 quarterly reports of the status of the initial screening operations will be required of each Service. The first quarterly report will be submitted on or before July 31, 1956, covering the period ending June 30, 1956. Annual status reports on the continuing screening operation will be required after January 1, 1958.

(b) In these reports, the following data will be provided for each critical civilian occupation:

(1) Service requirements for occupation.

(2) Current Service strength in occupation.

(3) If there are excesses in strength over requirements:

(i) The number actually transferred to the Standby Reserve.

(ii) The number not transferred because the possessors have other critical military skills.

(iii) The number of volunteers not transferred who are being used in non-critical military skills.

A Department of Defense Directive, to be published, will govern submission of such reports to the Secretry of Defense under assigned Report Control Symbol.

*Effective date.* This part is effective as of this date.

C. E. WILSON,
*Secretary of Defense.*

MAY 3, 1956.

APPENDIX A—STANDARDS AND REQUIREMENTS APPLICABLE TO READY RESERVISTS WHO ARE APPRENTICES

I. The Reservist must have completed not less than 2,000 hours of apprenticeship training, exclusive of any training while in the military service, in an occupation appearing on the List of Critical Occupations for Screening the Ready Reserve.

II. The apprentice program must meet the following standards and requirements:

A. The apprentice training program must be an organized plan, written or implied, embodying the terms and conditions of employment, training and supervision of one or more apprentices in one or more apprenticeable occupations as defined in paragraph 1 below, and subscribed to by a sponsor who has undertaken to carry out the apprentice training program. The sponsor may be an employer of labor, a joint apprenticeship committee, a trade union, a group of employers of labor, or an association of journeymen.

1. The apprentice training programs must offer apprentice training in an occupation which:

a. Customarily has been learned in a practical way through training on-the-job;

b. Requires 4,000 or more hours of work experience to learn;

c. Is clearly identified and commonly recognized throughout the industry;

d. Requires during each year of apprenticeship the completion of 144 hours or more of organized and systematic related trade instruction designed to provide the apprentice with learning in theoretical and technical subjects related to the occupations;

e. Is not merely a part of an occupation normally learned through apprenticeship;

f. Involves a development of skill sufficiently broad to be applicable in like occupations throughout an industry rather than of restricted application to the products of one employer;

g. Does not fall within any of the following categories:

(i) Selling, retailing or similar occupations in the distributive field;

(ii) Managerial occupations;

(iii) Clerical occupations;

(iv) Professional or semi-professional occupations including occupations for which entrance requirements customarily include education of college level; or

(v) Agricultural occupations which include occupations such as the growing of crops, fruits or nuts, and the raising of livestock or poultry.

2. The apprentice training program must have been in operation with apprentices actually being trained therein for a period of at least one year.

III. Certification as to the apprenticeship status of the Reservist as well as the sufficiency of the program to meet the standards described above should be obtained by the Reservist from the sponsor of the program.

APPENDIX B—STANDARDS AND REQUIREMENTS APPLICABLE TO READY RESERVISTS WHO ARE STUDENTS

I. The following criteria and standards will be applicable to those Ready Reservists pursuing academic studies that will qualify them for occupations appearing on the List of Critical Occupations for Screening the Ready Reserve:[1]

a. *Undergraduate students.* Students who are satisfactorily pursuing studies in their final year of undergraduate work at a college, university or similar school of learning and who are majoring in a field of study preparatory to entering a professional occupation appearing on the List of Critical Occupations for Screening the Ready Reserve, provided that during their last completed year of undergraduate work they achieved a scholastic standing which ranked them for that year within the upper three-fourths of the full-time male students for that year or have attained a score of 70 or more on the Selective Service College Qualification Test.

b. *First year graduate students.* Students who have been accepted for admission by a graduate school for the first class commencing after they have been accepted for a full-time course of instruction as a candidate for a graduate degree in a professional occupation appearing on the List of Critical Occupations for Screening the Ready Reserve, other than those covered under c. and e. below, and, if such class has commenced, have entered upon such course, provided that during their last full-time undergraduate year at a college, university or similar institution of learning, they achieved a scholastic standing on that year's work which ranked them for that year within the upper one-fourth of the full-time male students in their class or else attained a score of 80 or more on the Selective Service College Qualification Test, and provided that the graduate school has certified that they are currently meeting degree requirements and are expected to attain their degrees.

c. *First year students in professional schools of medicine, dentistry and allied health specialties.* Students who have been accepted for admission by a professional school of medicine, dentistry or allied health specialties appearing on the List of Critical Occupations for Screening the Ready Reserve for the first class commencing after they have been accepted and, if such class has commenced, have entered such school, provided that during their last full-time under-graduate year at a college, university or similar school of learning they achieved a scholastic standing on that year's work which ranked them for that year within the upper one-half of the full-time male students in their class or else attained a score of 70 or more on the Selective Service College Qualification Test, and provided that the school has certified that they are satisfactorily pursuing a full-time course of instruction leading to their graduation.

d. *Graduate students who have completed their first year of graduate school.* Students who have satisfactorily completed their first year in graduate schools and are satisfactorily pursuing full-time courses as a candidate for a graduate degree in a professional occupation appearing on the List of Critical Occupations for Screening the Ready Reserve, other than those covered under c. and e. herein. In general, requirements for the Master's degree should be completed in not more than two calendar years and for the Doctoral degree in not more than five calendar years of graduate study.

e. *Students who have completed their first year of study in professional schools of medicine, dentistry and allied health specialties.* Students who have satisfactorily completed their first year in a professional school of medicine, dentistry or allied health specialties appearing on the List of Critical Occupations for Screening the Ready Reserve and are satisfactorily pursuing full-time courses leading to their graduation.

II. Certification as to the student status of the Reservist, including his class standing as specified herein, should be obtained by the Reservist from appropriate college or university officials. Information on scores attained on the Selective Service College Qualification Test should be furnished by affidavit of the Reservist. It should be noted that only those Reservists who took the test prior to entering the Armed Forces will be eligible for transfer to the Standby Reserve on the basis of test scores. Persons are not eligible to take the test after they have completed their active military service obligation.

[F. R. Doc. 56-3892; Filed, May 16, 1956; 8:46 a. m.]

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## Chapter V—Department of the Army

### Subchapter F—Personnel

### PART 578—DECORATIONS, MEDALS, RIBBONS, AND SIMILAR DEVICES

#### GOOD CONDUCT MEDAL

In § 578.27, paragraph (a) (2) is amended to read as follows:

§ 578.27 *Good Conduct Medal.* * * *

(a) *Requirements.* * * *

(2) All conduct (character) and efficiency ratings must be recorded as "Excellent" or higher, except that:

(i) Ratings of "Unknown" for portions of the period under consideration will not be disqualifying, and

(ii) Service school efficiency ratings, based upon academic proficiency, of at least "Good" which have been rendered subsequent to November 22, 1955, will not be disqualifying. Individuals previously disqualified may be reconsidered for the

[1] See F. R. Document 56-3890, supra.

[2] Filed as part of the original document.

[1] Except those enrolled or enlisted in programs leading to appointment to commissioned rank and those possessing critical military skills.

award of the Good Conduct Medal under this criterion.

• • • • • •

[C7, AR 672-15, April 26, 1956] (R. S. 161; 5 U. S. C. 22)

[SEAL] JOHN A. KLEIN,
*Major General, U. S. Army,*
*The Adjutant General.*

[F. R. Doc. 56-3893; Filed, May 16, 1956; 8:46 a. m.]

## TITLE 43—PUBLIC LANDS: INTERIOR

### Chapter I—Bureau of Land Management, Department of the Interior

**Appendix—Public Land Orders**

[Public Land Order 1290]

[69257]

NEW MEXICO

PARTIALLY REVOKING THE EXECUTIVE ORDER OF APRIL 19, 1869, WHICH WITHDREW LANDS FOR USE OF THE WAR DEPARTMENT AS THE FORT BAYARD MILITARY RESERVATION; WITHDRAWING THE RELEASED LANDS FOR USE OF THE FOREST SERVICE AS AN ADMINISTRATIVE SITE

*Correction*

In F. R. Document 56-3302, appearing in the issue of April 28, 1956, at page 2790, the eighth line of the land description under Tract A should read, "S. 30° 03' E. 2,000 feet, to point of beginning.".

## TITLE 32A—NATIONAL DEFENSE, APPENDIX

### Chapter VI—Business and Defense Services Administration, Department of Commerce

[BDSA Order M-11a (Formerly NPA Order M-11A), Amdt. 11 of May 15, 1956]

M-11A—COPPER AND COPPER-BASE ALLOYS

AMOUNT OF PRODUCTION CAPACITY TO BE RESERVED

This amendment is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this amendment, consultation with industry representatives has been rendered impracticable due to the need for immediate action.

This amendment affects BDSA Order M-11A (formerly NPA Order M-11A), as amended, by changing the amount of production capacity which producers of copper controlled materials must reserve for the acceptance of authorized controlled material orders.

Paragraph (b) of section 9 of BDSA Order M-11A, as amended by Amendment 10 of February 17, 1956, is hereby further amended to read as follows:

(b) The production capacity to be reserved by a copper controlled materials producer for the production of each copper controlled material product to be delivered pursuant to authorized controlled material orders for any such product for a particular month, shall be that capacity



required to produce a quantity by weight of such product, computed by multiplying the average shipment of such product by the applicable percentage set opposite such product in the following list:

| | Percentage for orders calling for delivery— | |
|---|---|---|
| | Prior to July 1, 1956 | After June 30, 1956 |
| Brass mill products: | | |
| Unalloyed: | | |
| Plate, sheet, strip, and rolls | 8 | 9 |
| Rod, bar, shapes, and wire | 9 | 11 |
| Seamless tube and pipe | 5 | 6 |
| Alloyed: | | |
| Plate, sheet, strip, and rolls | 6 | 5 |
| Rod, bar, shapes, and wire | 5 | 4 |
| Seamless tube and pipe | 16 | 16 |
| Military ammunition cups and discs | 25 | 22 |
| Copper wire mill products: | | |
| Copper wire and cable: | | |
| Bare and tinned | 9 | 9 |
| Weatherproof | 9 | 9 |
| Magnet wire | 9 | 9 |
| Insulated building wire | 9 | 9 |
| Paper and lead power cable | 9 | 9 |
| Paper and lead telephone cable | 9 | 9 |
| Asbestos cable | 9 | 9 |
| Portable and flexible cord and cable | 9 | 9 |
| Communications wire and cable | 9 | 9 |
| Shipboard cable | 9 | 9 |
| Automotive and aircraft wire and cable | 9 | 9 |
| Insulated power cable | 9 | 9 |
| Signal and control cable | 9 | 9 |
| Coaxial cable | 9 | 9 |
| Copper-clad steel wire containing over 20 percent copper by weight regardless of end use | 9 | 9 |
| Copper foundry products | 8 | 9 |
| Unalloyed copper powder mill products | (1) | (1) |
| Copper-base alloy powder mill products | (1) | (1) |

[1] No reserve space provided. Producers of these products are nevertheless required to accept authorized controlled material orders for such products in accordance with the provisions of the DMS regulations and this order. However, section 7 (f) of this order does not apply to such authorized controlled material orders.

(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. 2154)

This amendment shall take effect May 15, 1956.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
GEORGE W. AUXIER,
*Executive Secretary.*

[F. R. Doc. 56-3920; Filed, May 15, 1956; 4:23 p. m.]

[BDSA Reg. 8]

BDSA REG. 8—COMPLIANCE AND ENFORCEMENT PROCEDURES

MAY 15, 1956.

This regulation is found necessary and appropriate to promote the national defense and is issued pursuant to the Defense Production Act of 1950, as amended. In the formulation of this regulation, consultation with industry representatives has been rendered impracticable because the regulation affects all industries and trades.

Sec.
1. What this regulation does.
2. Definitions.
3. Legal requirements.
4. Issuance.
5. Service.

AUTHORITY: Sections 1 to 5 issued under sec. 704, 64 Stat. 816, as amended, sec. 10, 69 Stat. 583; 50 U. S. C. App. 2154. Interpret or apply sec. 705, 64 Stat. 816, as amended, sec. 10, 69 Stat. 583; 50 U. S. C. App. 2155; E. O. 10480, 18 F. R. 4939; 3 CFR, 1953 Supp.; DMO I-7, 18 F. R. 5366, 6736; 32A CFR Ch. I; Commerce Dept. Order No. 152, 18 F. R. 6503, 6791, 20 F. R. 6263.

SECTION 1. *What this regulation does.* The purpose of this regulation is to define Inspection Authorizations, Demands for Information and Subpoenas and to prescribe the conditions and manner of their issuance, in accordance with the provisions of section 705 (a) of the Defense Production Act of 1950, as amended.

SEC. 2. *Definitions.* As used in this regulation:

(a) "Person" means any individual, corporation, partnership, association, or any other organized group of persons, and includes any agency of the United States Government or any other government.

(b) "BDSA" means the Business and Defense Services Administration of the United States Department of Commerce.

(c) "Inspection Authorization" means an order which requires a person to permit a duly authorized representative of BDSA to inspect books, records and other writings in the possession or control of said person at the place where such person usually keeps them, and to inspect the premises or property of said person, when such inspection is necessary or appropriate to the enforcement or the administration of the Defense Production Act of 1950, as amended, and the regulations and orders issued thereunder.

(d) "Demand for Information" means an order which requires a person to furnish information necessary or appropriate to the enforcement or the administration of the Defense Production Act of 1950, as amended, and the regulations and orders issued thereunder.

(e) "Subpoena" means a legal process issued pursuant to the Defense Production Act of 1950, as amended, which requires a person to appear as a witness before a designated official of BDSA and to testify under oath with respect to matters of which he has knowledge relating to the enforcement or the administration of the Defense Production Act of 1950, as amended, and the regulations and orders issued thereunder. A subpoena may also require the production of books, papers, records, documents and physical objects or property.

SEC. 3. *Legal requirements.* An Inspection Authorization, Demand for Information or Subpoena shall name the person to be served, the title or official position of such person, the evidence sought to be adduced, its general relevancy and the scope and purpose of the investigation, inspection or inquiry to be made. If books, records, documents and other writings or premises or property are sought to be inspected or are required to be produced the Inspection Authorization, Demand for Information or Subpoena shall describe them with particularity. No Inspection Authorization, Demand for Information or Subpoena shall be issued until it is assured that the information sought is not available from any Federal or other responsible agency.

SEC. 4. *Issuance.* An Inspection Authorization, Demand for Information or Subpoena may be signed and issued only by the Administrator, Deputy Administrator, General Counsel or Enforcement Attorney of BDSA. Such signature and issuance shall constitute a finding that the requirements set forth in section 3 of this regulation have been met.

SEC. 5. *Service.* (a) Service of an Inspection Authorization or a Demand for Information shall be made by Registered Mail-Return Receipt Requested, or by personally serving the person named therein. Service of a Subpoena shall be made by personally serving the Subpoena upon the person named therein.

(b) Service upon other than an individual may be made by serving an officer, a managing or general agent or any other agent authorized by appointment or by law to accept service of process. A duplicate original of the Inspection Authorization, Demand for Information or Subpoena shall be delivered to the person served.

(c) Any person 18 years of age or over may serve an Inspection Authorization, Demand for Information or Subpoena. In the case of service other than by Registered Mail—Return Receipt Requested, the person making the service shall make an affidavit as to the manner in which service was made and forthwith return the original and affidavit to the issuing officer. In case of failure to make service the reasons for the failure should be stated on the original Inspection Authorization, Demand for Information or Subpoena.

(d) A witness required to respond to a Subpoena is entitled to be paid the same fees and mileage paid witnesses in the courts of the United States but such fees and mileage shall not be tendered at the time of service of the Subpoena.

This regulation shall take effect May 15, 1956.

BUSINESS AND DEFENSE SERVICES ADMINISTRATION,
CHAS. F. HONEYWELL,
*Administrator.*

[F. R. Doc. 56-3921; Filed, May 15, 1956; 4:23 p. m.]



# NOTICES

## DEPARTMENT OF COMMERCE

### Federal Maritime Board

[Docket No. M-67]

ISBRANDTSEN CO., INC.

NOTICE OF HEARING ON APPLICATION TO BAREBOAT CHARTER FIFTEEN DRY-CARGO VESSELS

Notice is hereby given that a public hearing will be held on May 23, 1956, at 10:00 a. m., in Room 4519, New General Accounting Office Building, Fifth and G Streets NW., Washington, D. C., upon the application of Isbrandtsen Company, Inc., to bareboat charter fifteen (15) Liberty type dry-cargo vessels for operation in the coal trade U. S. North of Hatteras to Antwerp, Rotterdam, Terneuzen or North France Bordeaux/Dunkirk Range for a period of approximately one year, pursuant to section 5 (e) of the Merchant Ship Sales Act, 1946, as amended (Public Law 591, 81st Cong.) (50 U. S. C. 1738).

The purpose of the hearing is to receive evidence with respect to whether the service for which such vessels are proposed to be chartered is required in the public interest and is not adequately served, and with respect to the availability of privately-owned American-flag vessels for charter on reasonable conditions and at reasonable rates for use in such service. Evidence will be received with respect to any restrictions or conditions that may be necessary or appropriate to protect the public interest in respect of such charter as may be granted and to protect privately-owned vessels against competition from vessels chartered as a result of this proceeding.

All persons having an interest in the application will be given an opportunity to be heard if present.

The hearing will be before an Examiner of the Hearing Examiner's Office, and oral argument in lieu of briefs may be had at the conclusion of receipt of evidence. An Initial Decision will be issued and the time for filing Exceptions thereto is hereby restricted to seven (7) days. No replies to Exceptions will be received.

Dated: May 15, 1956.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
*Assistant Secretary.*

[F. R. Doc. 56-3945; Filed, May 16, 1956; 8:54 a. m.]

[Docket Nos. S-57, S-60]

STATES MARINE CORP. AND ISBRANDTSEN CO.

NOTICE OF ORAL ARGUMENT

Docket No. S-57, States Marine Corporation; Docket No. S-60, Isbrandtsen Company, Inc.

There is currently pending before the Board the question of whether certain determinations of the Secretary of Commerce, acting through the Maritime Administrator, under section 211 of the Merchant Marine Act, 1936 (46 U. S. C. 1121), and the reasons therefor are pertinent to and should be produced in proceedings before the Board under section 605 (c) of said act (46 U. S. C. 1175).

The Board will hear oral argument on this question at 10:00 a. m., e. d. t., on May 24, 1956, at Room 4519 New General Accounting Office Building, Fifth and G Streets NW., Washington, D. C.

Interested parties (including parties of record in the dockets cited above) desiring to be heard should communicate with the Secretary, Federal Maritime Board, before noon, e. d. t., May 23, 1956, requesting time.

Dated: May 16, 1956.

By order of the Board.

[SEAL] GEO. A. VIEHMANN,
*Assistant Secretary.*

[F. R. Doc. 56-3961; Filed, May 16, 1956; 11:46 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. G-3275 etc.]

HOWARD W. FLEET ET AL.

NOTICE OF SEVERANCE AND CONTINUANCE

MAY 11, 1956.

In the matters of Howard W. Fleet, et al., Docket No. G-3275, et al. and Sun Oil Company, Docket No. G-6641.

Notice is hereby given that the application of Sun Oil Company in Docket No. G-6641 in the above consolidated proceedings and scheduled for a hearing on May 21, 1956, at 9:30 a. m., e. d. s. t., is hereby severed therefrom and continued for a hearing at a subsequent date to be set by further notice.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-3905; Filed, May 16, 1956; 8:49 a. m.]

[Docket No. G-6602]

HOUSTON OIL COMPANY OF TEXAS

NOTICE TO AMEND AND DATE OF HEARING

MAY 11, 1956.

Take notice that Houston Oil Company of Texas (Applicant), a Delaware corporation with its principal place of business in Houston, Texas, filed, on May 10, 1956, a petition for leave to amend application for certificate, or alternatively, to amend order issuing certificate.

Applicant, on November 30, 1954, filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to sell natural gas in interstate commerce for resale to Texas Eastern Transmission Corporation, which gas is produced from Call, Campton, Lemonville, South Gist and Northwest Hartburg Fields in Newton County, Texas, East Beach Creek, Elliott, Hamp-

ton, North Silsbee and Vickers Fields in Hardin County, Texas, Doty Field in Orange County, Texas, Castillo and West Gist Fields in Jasper County, Texas.

Hearing on the application in the above-entitled matter was held on May 8, 1956, pursuant to due notice of application and date of hearing, dated April 9, 1956.

Applicant, by its petition, proposes to amend the application herein, or, in the alternative, amend any order issued in this proceeding, by including and authorizing the sale of natural gas to Texas Eastern Transmission Corporation of gas produced from the East Call Field, Newton County, Texas.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 1, 1956, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such petition: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceeding pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 31, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-3904; Filed, May 16, 1956; 8:49 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11582; FCC 56-424]

DALE R. CURTIS (KWIC)

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Dale R. Curtis (KWIC), Salt Lake City, Utah, Docket No. 11582, File No. BP-9925; for construction permit for standard broadcast station.

The Commission has before it for consideration a "Protest and Petition For Reconsideration," filed on April 9, 1956, by the Utah Broadcasting and Television Company[1] licensee[2] of Station KLUB, Salt Lake City, pursuant to sections 309 (c) and 405 of the Communications Act of 1934, as amended, and directed to the Commission's action of March 7, 1956, granting without hearing the above-captioned application of Dale R. Curtis[3] for a construction permit for a new standard broadcast station to operate on 1470 kilocycles with a power of 1 kilowatt, daytime only, at Salt Lake City, Utah.[4]

2. Utah Broadcasting and Television Company (hereinafter referred to as KLUB) claims standing as a party in interest within the meaning of sections 309 (c) and 405 of the act on the grounds that it is licensee of Station KLUB, Salt Lake City, Utah, where Station KWIC will operate; that the two stations will be in direct competition for advertising revenue; and that KLUB will be economically injured "by a reduction of the amount of advertising dollars available to it by reason of the operation of the proposed Curtis station (KWIC)."

3. In support of its pleading, KLUB alleges that image interference in radio receiving sets having an IF frequency within plus or minus 10 kilocycles of 450 kilocycles would result to KLUB from the operation of KWIC because of the relationship between 570 kilocycles (KLUB frequency), 1470 kilocycles (KWIC frequency), and the intermediate frequency of 455 kilocycles "utilized in most broadcast receivers." KLUB contends that image interference "would occur in broadcast receivers in automobiles" and "would be of particularly serious consequence to the potential listeners of Station KLUB in the 1 v/m and 250 mv/m contours of [KWIC]" because of the location of the KWIC transmitter site "in the intensely developed business and residential portion known as the 'Sugar House Section' of Salt Lake City, Utah, • • • an area adjacent to an intersection traversed by as many as 97,000 automobiles a day." It is claimed by KLUB that this image interference would constitute a modification of its license and that KLUB is entitled to a hearing to show why the subject application should not be granted.

4. KLUB has specified the following issues on which it desires an opportunity at a hearing to present evidence:

(a) To determine whether the operation of the station proposed by Dale R. Curtis on the 1470 kilocycles frequency at Salt Lake City, Utah and the present operation of Station KLUB, Salt Lake City, Utah on the frequency of 570 kilocycles may bear such a relation to the intermediate frequency of standard broadcast receivers as to cause image interference to the reception of Station KLUB in its normally protected daytime contour, and particularly in the area of Salt Lake City,

(b) To determine whether such image interference contravenes the provisions of section 3.128 (x) of the Commission's rules and should be taken into consideration in the allocation of the proposed station of Dale R. Curtis to operate on the frequency of 1470 kilocycles at Salt Lake City, Utah,

(c) To determine whether a frequency other than 1470 kilocycles is available for allocation for a standard broadcast station with power of not less than 500 watts, daytime only, at Salt Lake City, Utah, and if so why such facilities should not be specified instead of 1470 kilocycles, and

(d) To determine whether, in the light of evidence adduced on the foregoing issues, the public interest, convenience, and necessity would be served by a grant of the application of Dale R. Curtis for a construction permit for a standard broadcast station to operate on 1470 kilocycles with power of 1,000 watts, daytime, at Salt Lake City, Utah.

5. KLUB requests that the KWIC application for construction permit be designated for hearing on the issues specified in paragraph 4, supra; that the burden of proof on each issue be placed on KWIC; that KLUB be made a party to the proceeding; that the effective date of the KWIC grant be postponed until after a hearing thereon; that KLUB be afforded oral argument before the Commission on all issues specified by KLUB but not included in any order of designation; and that KWIC be ordered to show cause why it should not specify another frequency. In the alternative, KLUB requests that the KWIC construction permit be modified to include a condition that the permittee be required to satisfy all legitimate complaints of image interference occurring from the operation of KWIC within the normally protected contour of KLUB.

6. In view of the fact that the protestant has alleged that it is licensee of Station KLUB, Salt Lake City, Utah, where Station KWIC will operate; that the two stations will be in direct competition for advertising revenue; and that KLUB will be economically injured "by a reduction of the amount of advertising dollars available to it [except] by reason of the operation of the proposed Curtis station [KWIC]", we find the protestant to be a party in interest within the meaning of sections 309 (c) and 405 of the Communications Act of 1934, as amended.[5] In re Federal Communications Commission v. Sanders Brothers Radio Station, 309 U. S. 470 (9 Pike and Fischer RR 2008). In re T. E. Allen and Sons, Inc., 9 Pike and Fischer RR 197. We find further that the protestant has specified with particularity the facts relied upon so as to warrant designating the above-captioned application for hearing on issues (a) and (b) as specified by protestant. Issues (a) and (b) relate to image interference. However, we are not adopting these two isssues because as stated in § 3.182 (x) of the rules, "the Commission, in general, will not take [image interference] into consideration in allocation problems • • • since [image interference] can usually be rectified by readjustment of the intermediate frequency of [affected] receivers."[6] Issue (c) seeks to determine the availability of a frequency other than 1470 kilocycles for possible assignment to the grantee. It is our opinion that such an issue is not relevant to the basic question here involved of whether the grant of the application in issue was in the public interest. However, we will afford the protestant an opportunity at an oral argument to demonstrate the materiality of such an issue. Further, it should be pointed out that in making the above findings, and by including the issues set forth below, we do not determine or imply that any or all of these issues, even if the facts with respect thereto are as alleged by the protestant, are such that they could result in a determination that the instant grant was improper, contrary to the public interest, or should be set aside. Accordingly, said issues are not being adopted by the Commission and the burden of proof thereon, both in proving the facts alleged and in demonstrating their materiality and relevancy will be on the protestant.

7. In view of the foregoing: *It is ordered,* That the subject Protest And Petition For Reconsideration is granted to the extent provided for below; and, in all other respects, is denied; that the request for postponement of the effective date of the grant of the above-captioned application is dismissed as moot; and that, pursuant to section 309 (c) of the Communications Act of 1934, as amended, the above-captioned application is designated for hearing and consolidated with the hearing thereon referenced in paragraph 1, supra (see footnote 3 thereto); and

*It is further ordered,* That our hereinabove identified Memorandum Opinion and Order of May 3, 1956 is amended by making the protestant herein, the Utah Broadcasting and Television Company, a party to the said proceeding; by deleting Issue (d) therein; and adding the following issues:

(d) To determine whether the operation of the station proposed by Dale R. Curtis on the 1470 kilocycles frequency at Salt Lake City, Utah, and the present operation of Station KLUB, Salt Lake City, Utah, on the frequency of 570 kilocycles may bear such a relation to the intermediate frequency of standard broadcast receivers as to cause image interference to the reception of Station KLUB in its normally protected daytime contour, and particularly in the area of Salt Lake City.

(e) To determine whether such image interference contravenes the provisions of § 3.182 (x) of the Commission's rules and should be taken into consideration in the allocation of the proposed station of Dale R. Curtis to operate on the frequency of 1470 kilocycles at Salt Lake City, Utah,

(f) To determine whether, in the light of evidence adduced on the foregoing issues, the public interest, convenience, and necessity would be served by a grant of the application of Dale R. Curtis for a construction permit for a standard broadcast station to operate on 1470 kilocycles with a power of 1,000 watts, daytime, at Salt Lake City, Utah.

*It is further ordered,* That the burden of proceeding with the introduction of evidence and the burden of proof on Issues (d) and (e) is placed on the Utah Broadcasting and Television Company.

*It is further ordered,* That at an Oral Argument before the Commission en banc, to be held at a time and place to be designated in a subsequent order, protestant present argument to support his request that the following issue be included in the evidentiary hearing in this proceeding:

To determine whether a frequency other than 1470 kilocycles is available for allocation for a standard broadcast station with a power of not less than 500 watts, daytime only, at Salt Lake City, Utah, and if so, why such facilities should not be specified instead of 1470 kilocycles.

Adopted: May 9, 1956.

Released: May 14, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3906; Filed, May 16, 1956; 8:50 a. m.]

[Docket No. 11672; FCC 56M-467]

CHESAPEAKE AND POTOMAC TELEPHONE COMPANY OF VIRGINIA

ORDER ADVANCING HEARING TIME

In the matter of the application of The Chesapeake and Potomac Telephone Company of Virginia, Docket No. 11672, File No. P-C-3742; for a certificate under section 221 (a) of the Communications Act of 1934, as amended, to acquire certain telephone plant and properties of Twin-County Telephone Company.

The Hearing Examiner having under consideration the above-entitled proceeding;

It appearing that counsel have agreed that the hearing time may be advanced in order to accommodate the Hearing Examiner's schedule;

*It is ordered* this 10th day of May 1956, that the hearing now scheduled for 10:00 a. m., May 25, 1956 is advanced to 9:00 a. m., May 25, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3907; Filed, May 16, 1956; 8:50 a.m.]

[Docket No. 11699; FCC 56-420]

SOUTHERN OREGON BROADCASTING CO. (KUIN)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Southern Oregon Broadcasting Company (KUIN), Grants Pass, Oregon, Docket No. 11699, File No. BP-10099; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 9th day of May 1956;

The Commission having under consideration the above-captioned application of the Southern Oregon Broadcasting Company for a construction permit to change the frequency of Station KUIN, Grants Pass, Oregon, from 1340 kilocycles to 1480 kilocycles and to increase power from 250 watts to one kilowatt, unlimited time; and

It appearing that the applicant is legally, technically and otherwise qualified, except as may appear from the issues specified below, to operate Station KUIN as proposed, but that the proposed operation may cause interference to Stations KYOS, Merced, California (1420 kc, 5 kw, DA-N, U) and KWIZ, Santa Ana, California (1480 kc, 1 kw, DA-1, U); and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated March 28, 1956, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing that Stations KWIZ and KYOS in letters dated April 13 and 20, 1956, respectively, expressed an intention of appearing at a hearing; and

It further appearing that a timely reply was received from the applicant; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

[1] A partnership of Frank C. Carman, Grant R. Wrathall, Edna O. Powers, Edna O. Powers, Guardian of Sharon Lee Powers, and Continental Bank and Trust Company, Administrator of the Estate of David G. Smith, deceased.

[2] On April 25, 1956, the Commission granted an application for assignment of license from the Utah Broadcasting and Television Company to Frank C. Carman, tr/as KLUB Broadcasting Company, File No. BAL-2281. The assignment has not been consummated.

[3] In a Memorandum Opinion and Order adopted on May 3, 1956, the Commission granted a section 309 (c) protest by The United Broadcasting Company, licensee of Station KVOG, Ogden, Utah, to the above grant, and designated the KWIC application for hearing; postponed the effective date of the grant until after the hearing has been held; and made The United Broadcasting Company a party to the proceeding.

[4] Legal counsel for KWIC stated, in a letter dated April 27, 1956, that no formal reply to the subject protest would be made since an application for modification of permit to specify a different frequency would be filed.

[5] "The term 'party in interest,' as set forth in section 309 and 'person aggrieved or whose interests are adversely affected,' as set forth in section 405, are synonymous." In re Clarksville Broadcasting Co., 10 Pike and Fischer RR 1274, 1276.

[6] Section 3.182 (x) of the Commission's rules provides, in pertinent part, that: "In selecting a frequency, consideration should be given to the fact that occasionally the frequency assignment of two stations in the same area may bear such a relation to the intermediate frequency of some broadcast receivers as to cause so-called 'image' interference. However, since this can usually be rectified by readjustment of the intermediate frequency of such receivers, the Commission in general will not take this kind of interference into consideration in allocation problems."

*It is ordered*, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station KUIN as proposed, and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation would cause interference to Stations KYOS, Merced, California, and KWIZ, Santa Ana, California, or any other existing standard broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether, in the light of the evidence adduced pursuant to the foregoing issues, a grant of the above-captioned application would be in the public interest.

*It is further ordered*, That KYOS, Inc., and The Voice of the Orange Empire, Inc., Ltd., licensees of Station KYOS and KWIZ, respectively, are made parties to the proceeding.

Released: May 11, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3908; Filed, May 16, 1956; 8:50 a. m.]

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[Docket No. 11702, 11703; FCC 56-421]

POLLY B. HUGHES AND HOLIDAY ISLES BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Polly B. Hughes, Tampa, Florida, Docket No. 11702, File No. BP-9897; Edmund A. Spence tr/as Holiday Isles Broadcasting Company, St. Petersburg Beach, Florida, Docket No. 11703, File No. BP-10148; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 9th day of May 1956;

The Commission having under consideration the above-captioned applications of Polly B. Hughes for a construction permit for a new standard broadcast station to operate on 1600 kilocycles with a power of one kilowatt, daytime only, at Tampa, Florida; and Edmund A. Spence tr/as Holiday Isles Broadcasting Company for a construction permit for a new standard broadcast station to operate on 1590 kilocycles with a power of one kilowatt, directional antenna, daytime only, at St. Peterburg Beach, Florida;

It appearing that each of the applicants, is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate its proposed station, but that the operation of both stations as proposed would result in mutually destructive interference; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letters dated January 24 and February 27, 1956, of the aforementioned deficiency and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that a timely reply was filed by each applicant; and

It further appearing that the Commission, after consideration of the replies, is of the opinion that a hearing is necessary;

*It is ordered*, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposed operations, and the availability of other primary service to such areas and populations.

2. To determine in the light of section 307 (b) of the Comunications Act of 1934, as amended, which of the operations proposed in the above-entitled applications would better provide a fair, efficient and equitable distribution of radio service.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

Released: May 11, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3909; Filed, May 16, 1956; 8:50 a. m.]

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[Docket No. 11704; FCC 56-422]

MT. STERLING BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Mt. Sterling Broadcasting Company, Mt. Sterling, Kentucky, Docket No. 11704, File No. BP-10301; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 9th day of May 1956;

The Commission having under consideration the above-captioned application of the Mt. Sterling Broadcasting Company for a construction permit for a new standard broadcast station to operate on 960 kilocycles with a power of 500 watts, daytime only, at Mt. Sterling, Kentucky;

It appearing that the applicant is legally, technically, financially, and otherwise qualified, except as may appear from the issues specified below, to operate its proposed station, but that the proposed operation may cause interference to Station WAVE, Louisville, Kentucky (970 kc, 5 kw, DA-1, U); and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated April 23, 1956, of the aforementioned deficiency and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing that station WAVE, in a letter dated February 15, 1956, requested that the subject application be designated for hearing; and

It further appearing that, in a letter filed on April 25, 1956, the applicant indicated an intention of appearing at a hearing; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

*It is ordered*, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would be served by the proposed operation, and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation would cause objectionable interference to Station WAVE, Louisville, Kentucky, or any other existing standard broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced with respect to the foregoing issues, whether a grant of the subject application would serve the public interest.

*It is further ordered*, That WAVE, Inc., licensee of Station WAVE, Louisville, Kentucky, is made a party to the proceeding.

Released: May 14, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3910; Filed, May 16, 1956; 8:50 a. m.]

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[Docket No. 11706; FCC 56-434]

DAY-NITE RADIO MESSAGE SERVICE CORP.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Day-Nite Radio Message Service Corporation, Philadelphia, Pennsylvania, Docket No. 11706, File No. 731-C2-R-56; for renewal of the license for station KGA593, a two-way communications facility in the Domestic Public Land Mobile Radio Service.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 9th day of May 1956;

The Commission having under consideration the above-entitled application for renewal of the license for station KGA593, a two-way communications facility in the Domestic Public Land Mobile Radio Service at Philadelphia, Pennsylvania; and

It appearing that, there is a question whether a need exists for the public communication service offered for hire over station KGA593 at Philadelphia, Pennsylvania; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicant was advised as to the reason why the application cannot be granted without a hearing; and was given an opportunity to reply; and

It further appearing that, upon due consideration of the above-entitled application; and the reply to the above-mentioned letter, the Commission is unable to find that a grant of the application would serve the public interest, convenience or necessity;

*It is ordered*, That, pursuant to the provisions of section 309 (b) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing at the offices of the Commission in Washington, D. C., at a date to be hereafter determined and announced, upon the following issues:

1. To determine the nature and extent of public need for the Domestic Public Land Mobile Radio Service offered for hire over the facilities of station KGA593.

2. To determine the facts with respect to the past business activities of the licensee relating to the operation of station KGA593 and its efforts to make Domestic Public Land Mobile Radio Service available to the public.

3. To determine, in the light of the evidence adduced on the foregoing issues, whether a grant of the application would serve the public interest, convenience or necessity, and whether the license renewal application should be granted or denied.

*It is further ordered*, That, the Chief, Common Carrier Bureau is made a party to the proceeding herein.

Released: May 14, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3911; Filed, May 16, 1956; 8:50 a. m.]

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[Docket No. 11707; FCC 56-435]

M. F. ELLINOR

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of M. F. Ellinor, Ormond Beach, Florida, Docket No. 11707, File No. 137-C2-R-56; for renewal of the license for station KIE364, a two-way communications facility in the Domestic Public Land Mobile Radio Service.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 9th day of May 1956;

The Commission having under consideration the above-entitled application for renewal of the license for station KIE364, a two-way communications facility in the Domestic Public Land Mobile Radio Service at Ormond Beach, Florida; and

It appearing that, there is a question whether a need exists for the public communication service offered for hire over station KIE364 at Ormond Beach, Florida; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicant was advised as to the reason why the application cannot be granted without a hearing, and was given an opportunity to reply; and

It further appearing that, upon due consideration of the above-entitled application; and the reply to the above-mentioned letter, the Commission is unable to find a grant of the application would serve the public interest, convenience or necessity;

*It is ordered*, That, pursuant to the provisions of section 309 (b) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing in a proceeding at the offices of the Commission in Washington, D. C., at a date to be hereafter determined and announced, upon the following issues:

1. To determine the nature and extent of public need for the Domestic Public Land Mobile Radio Service offered for hire over the facilities of station KIE364.

2. To determine the facts with respect to the past business activities of the licensee relating to the operation of station KIE364 and his efforts to make Domestic Public Land Mobile Radio Service available to the public.

3. To determine, in the light of the evidence adduced on the foregoing issues, whether a grant of the application would serve the public interest, convenience or necessity, and whether the license renewal application should be granted or denied.

*It is further ordered*, that, the Chief, Common Carrier Bureau is made a party to the proceeding herein.

Released: May 14, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3912; Filed, May 16, 1956; 8:50 a. m.]

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# DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

U. S. Department of the Interior, Bureau of Land Management has filed an application, Serial No. Anchorage 032051, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including mining but excepting mineral leasing laws and the Materials Act.

The applicant desires the land for public recreational purposes.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

Lot 1, U. S. Survey No. 3198,
Containing 1.73 acres.

ROGER R. ROBINSON,
*Operations Supervisor.*

[F. R. Doc. 56-3900; Filed, May 16, 1956; 8:48 a. m.]

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ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

U. S. Department of Commerce, Coast and Geodetic Survey, has filed an application, Serial No. Fairbanks 012949, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including mining and the mineral leasing laws and the Grazing Act.

The applicant desires the land for installation of geomagnetic observatory for operation during International Geophysical Year.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

When surveyed will be:

Township 1 North, Range 2 West, F. M., Section 20: SW¼SW¼.

Containing 40 acres.

ROGER R. ROBINSON,
*Operations Supervisor.*

[F. R. Doc. 56-3901; Filed, May 16, 1956; 8:48 a. m.]

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ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

U. S. Department of the Interior, Alaska Road Commission has filed an application, Serial No. Anchorage 031803, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws.

The applicant desires the land for use as a campsite reserve in the interest of roads and highways in the Naknek area.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

Beginning at Corner No. 2 of U. S. Survey No. 3194, thence N. 75° 55' E., 160'; thence N. 16° 50' W. to a point located 50' north of centerline of Naknek-King Salmon Highway to Corner No. 1 and point of beginning; thence N. 75° 55' E., 400' to Corner No. 2; thence N. 16° 50' W., 1044.97' to Corner No. 3; thence S. 75° 55' W., 400' to Corner No. 4; thence S. 16° 50' E., 1044.97' to Corner No. 1 and point of beginning. Contains approximately 9.6 acres.

ROGER R. ROBINSON,
*Operations Supervisor.*

[F. R. Doc. 56-3902; Filed, May 16, 1956; 8:48 a. m.]

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[Amdt. 1]

ALASKA

ALASKA PUBLIC SALE ACT CLASSIFICATION NO. 2

MAY 11, 1956.

Pursuant to the authority delegated to me under section 2.5 of Order No. 541 of April 21, 1954, Bureau of Land Management, Alaska Public Sale Classification No. 2 of June 14, 1951, which classified certain lands for disposal under the Alaska Public Sale Act of August 30, 1949 (63 Stat. 679; 48 U. S. C. 364a-364e) for commercial and/or industrial purposes is hereby amended as follows:

1. The following parcels of land are deleted from said Classification Order:

Tract B: Beginning at the southwest corner Block 42, thence 207.86' east, thence 140' north, thence 207.86' west, thence 140' south to the point of beginning; (now described as Lot 2, Block 42-B, Amended Plat of East Addition of Anchorage Townsite, U. S. Survey No. 408);

(Tract G: Beginning at a point 300' north and 150' east of the southwest corner Block 41, thence 140' south, 150' east, thence 140' north, thence 150' west to the point of beginning; (now described as Lot 1, Block 41-D, Amended Plat of East Addition of Anchorage Townsite, U. S. Survey No. 408);

Tract H: Beginning at a point 300' north of the southwest corner Block 41, thence 140' south, thence 150' east, thence 140' north, thence 150' west to the point of beginning; (now described as Lot 2, Block 41-D, Amended Plat of East Addition of Anchorage Townsite, U. S. Survey No. 408);

Tract I: Beginning at the southwest corner Block 41, thence 150' east, thence 140' north, thence 150' west, thence 140' south to the point of beginning (now described as Lot 3, Block 41-D, Amended Plat of East Addition of Anchorage Townsite, U. S. Survey No. 408);

Tract J: Beginning at a point 150' east of the southwest corner Block 41, thence 150' east, thence 140' north, thence 150' west, thence 140' south to the point of beginning (now described as Lot 4, Block 41-D, Amended Plat of East Addition of Anchorage Townsite, U. S. Survey No. 408);

Tract T: Beginning at a point 300' north of the southwest corner Block 32, thence 140' south, thence 150' east, thence 140' north, thence 150' west to the point of beginning (now described as Lot 2, Block 32-D, Amended Plat of East Addition of Anchorage Townsite, U. S. Survey No. 408).

2. These lands, having been withdrawn and reserved originally for townsite purposes by Executive Order No. 2242 dated August 31, 1915, and subsequently amended, are herewith returned to that status.

3. This amendment will take effect immediately.

ROGER R. ROBINSON,
*Operations Supervisor.*

[F. R. Doc. 56-3897; Filed, May 16, 1956; 8:47 a. m.]

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[Amdt. 1]

ALASKA

ALASKA PUBLIC SALE ACT CLASSIFICATION NO. 6

MAY 11, 1956.

Pursuant to the authority delegated to me under section 2.5 of Order No. 541 of April 21, 1954, Bureau of Land Management, Alaska Public Sale Classification No. 6 which classified certain lands for disposal under the Alaska Public Sale Act of August 30, 1949 (63 Stat. 679; 48 U. S. C. 364a-364e) for commercial and industrial purposes is hereby amended as follows:

1. The following parcels of land are deleted from said Classification Order:

Tract 30: Block 34, Lots 1, 2, 3, and 5; Block 35, Lots 1, 2 (now described in terms of Supplemental Plat of the Fourth Addition to Anchorage Townsite, Alaska, U. S. Survey No. 1456 as Block 33, Lots 1, 2, 3, and 5; Block 34, Lots 1, 2).

2. These lands, having been withdrawn and reserved originally for townsite purposes by Executive Order 2242 dated August 31, 1915, and subsequently amended, are herewith returned to that status.

3. This amendment will take effect immediately.

ROGER R. ROBINSON,
*Operations Supervisor.*

[F. R. Doc. 56-3897; Filed, May 16, 1956; 8:47 a. m.]

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[Serial Nos. Idaho 06363, 06619, 06672, 06702, 06788, 06891, 06892, 06907, 06983]

IDAHO

RESTORATION ORDER UNDER FEDERAL POWER ACT

MAY 11, 1956.

Pursuant to the following listed determinations of the Federal Power Commission and in accordance with authority delegated to me by the Director, Bureau of Land Management, by section 2.5 of Order No. 541, dated April 21, 1954 (F. R. 2473-2476), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the lands hereinafter described, so far as they are withdrawn or reserved for power purposes, are hereby opened to disposition under the public-land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended. The lands described in DA-460 are further subject to the prior rights of the Uinted States, its licensees or permittees, to use for power purposes those portions of the above-described lands within the project boundary of Project No. 2055, as shown on the map designated Exhibit "K" (FPC No. 2055-6) and filed in the office of the Federal Power Commission on July 21, 1950, as part of the application for license for Project No. 2055.

The lands described in DA-427 are further subject to the prior right of the United States, its licensees or permittees, to use for power purposes those portions of the above-described land within the project boundary of Project No. 503 as shown on the map designated Exhibit "K" (FPC No. 503—3 sheets) and filed in the office of the Federal Power Commission on May 8, 1924, as part of the application for Project No. 503.

The lands described in DA-468 are further subject to the prior right of the United States, its licensees or permittees, to use for power purposes those portions of the above-described land within the project boundary of Project No. 20, filed in the office of the Federal Power Commission on November 15, 1920, and amended December 14, 1927, and February 27, 1934.

*Determination No.; Date and Type of Withdrawal; and Description of Lands—Boise Meridian, Idaho*

DA-432; Power Site Reserve No. 565 of November 21, 1916; T. 9 S., R. 17 E., Sec. 30, Lots 10, 11, 12.

DA-443; Power Site Reserve No. 207 of October 14, 1911; T. 13 N., R. 4 E., Sec. 17, Lot 10; Sec. 20, Lot 2; Sec. 29, Lot 5; Sec. 30, Lot 7.

DA-448; Power Site Reserve No. 77 of December 4, 1909 (made permanent by E. O. of July 2, 1910) and Power Site Reserve No. 283 of June 27, 1912; T. 6 S., R. 13 E., Sec. 27, Lot 3; Sec. 28, Lots 4, 5; Sec. 34, Lot 8.

DA-427; Power Site Reserve No. 117 of July 2, 1910; T. 3 S., R. 1 E., Sec. 26, Lots 3, 7; Sec. 35, Lots 3, 4.

DA-425 and DA-428; Power Site Classification No. 190 of November 5, 1927; T. 1 N., R. 43 E., Sec. 4, Lots 2, 5, SW¼NE¼; Sec. 10, Lots 3, 4, 5, 6; Sec. 11, Lot 15, N½SW¼. T. 2 N., R. 43 E., Sec. 32, Lots 6, 7, NE¼SE¼; Sec. 33, Lots 4, 5, SW¼SW¼.

DA-426; Power Site Reserve No. 223 of November 12, 1911; T. 13 N., R. 19 E., Sec. 10, Lots 6, 7.

DA-460; Power Project No. 2055, effective December 1, 1950, by license issued February 7, 1951; T. 5 S., R. 7 E., Sec. 34, Lots 1; 2, 3.

DA-468; Power Site Reserve No. 193 of July 26, 1911, as modified May 25, 1916; T. 9 S., R. 41 E., Sec. 18, Lot 4, E½SW¼; Sec. 30, NW¼NE¼, E½SE¼; Sec. 31, NE¼NE¼, SW¼NE¼.

DA-469; Power Site Classification No. 190 of November 5, 1927; T. 2 N., R. 43 E., Sec. 17, NW¼SE¼.

The above-described lands contain 1,509.29 acres, more or less, of public lands.



The lands described in DA-425, 427, 428, 432, 448, 460 and 469 are along the Snake River in southern Idaho. The lands in DA-443 are on the Payette River drainage, near Cascade, Idaho. The lands in DA-426 are along the main Salmon River near Challis, Idaho. The lands in DA-468 are near Soda Springs, Idaho, on the Bear River drainage. The lands are mainly of rough, irregular topography with steep slopes and numerous outcroppings of rock, generally unsuited for agriculture other than grazing.

No application for these lands will be allowed under the homestead, desert-land, small-tract, or any other nonmineral public-land law, unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Any disposition of the lands described herein shall be subject to the stipulation that if and when the land is required in whole or in part for power development purposes, any structures or improvements placed thereon which may be found to obstruct or interfere with such development, shall without cost, expense, or delay to the United States, its licensees or permittees, be removed or relocated insofar as may be necessary to eliminate interference with such power development.

The lands described shall be subject to application by the State of Idaho for a period of 90 days from the date of publication of this order in the FEDERAL REGISTER for right-of-way for public highways or as a source of material for construction and maintenance of such highways, in accordance with and subject to the provisions of section 24 of the Federal Power Act, as amended, and the special stipulation provided in the preceding paragraph.

Subject to any existing valid rights and the requirements of applicable law, the lands above described are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the homestead, desert land, and small tract laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284, as amended), presented prior to 10:00 a. m. on June 16, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on September 15, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m. on September 15, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws, beginning 10:00 a. m., on September 15, 1956.

Inquiries concerning these lands shall be addressed to Manager, Land Office, Bureau of Land Management, P. O. Box 2237, Boise, Idaho.

J. R. PENNY,
*State Supervisor.*

[F. R. Doc. 56-3898; Filed, May 16, 1956; 8:47 a. m.]

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[C-014276]

COLORADO

RESTORATION ORDER UNDER FEDERAL POWER ACT

MAY 10, 1956.

Pursuant to the following listed determination of the Federal Power Commission and in accordance with authority delegated to me by the Director, Bureau of Land Management, by section 2.5 of Order No. 541, dated April 21, 1954 (19 F. R. 2473-2476), it is ordered as follows:

Subject to valid existing rights and the provisions of existing withdrawals, the lands hereinafter described, so far as they are withdrawn or reserved for power purposes, are hereby opened to disposition under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818) as amended.

*Determination No.; Dates and Types of Withdrawal; and Description of Lands*

Colorado DA-382; Power Site Reserve No. 116 approved July 2, 1910, based on temporary Power Site Withdrawal of February 17, 1910, and Power Site Reserve No. 244 approved February 17, 1912; Sixth Principal Meridian, Colorado—T. 2 S., R. 83 W., Sec. 16: Lot 6; Sec. 21: Lot 1.

The area described contains 44.44 acres of public land.

The lands described lie from one-quarter to one-half mile north and east of the Colorado River and about one-half mile northwest of the town of Orestod, Colorado. The land is unfit for agriculture other than grazing.

No application for the lands will be allowed under the homestead, desert-land, small tract, or any other non-mineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to disposition until they have been classified.

Portions of these lands are occupied by cabins and the owners claim equitable interests therein. If and when the lands on which the improvements are located are to be disposed of to persons other than the owners, the owners will be allowed a reasonable time within which to remove the improvements and the persons acquiring the lands will be required, as a condition precedent to such acquisition, to reimburse the owners of the improvements for the reasonable value of all the permanent improvements which are left on the land and which are of value to the persons taking over the land.

The lands described will be subject to application by the State of Colorado for a period of 90 days beginning May 10 and ending August 7, 1956, for right-of-way for public highways or as a source of material for construction and maintenance of such highways in accordance with and subject to the provisions of section 24 of the Federal Power Act, as amended.

Subject to any existing rights and the requirements of applicable law, the lands described are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. The lands have been open to location and entry under the United States Mining Laws pursuant to the act of August 11, 1955 (69 Stat. 683; 30 U. S. C. 621) and to application and offers under the mineral leasing laws. Applications and selections under the non-mineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation, will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the homestead, desert-land, and small tract laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284, as amended), presented prior to 10:00 a. m. on June 15, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on September 14, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public-land

laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on September 14, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

Persons claiming veterans' preference rights under paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries regarding the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, 357 New Custom House, P. O. Box 1018, Denver 1, Colorado.

MAX CAPLAN,
*State Supervisor.*

[F. R. Doc. 56-3899; Filed, May 16, 1956; 8:48 a. m.]

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OREGON

REDELEGATION OF AUTHORITY TO SPECIFIED EMPLOYEES

MAY 8, 1956.

Pursuant to authority delegated by Order No. 541, as amended, by the Director of the Bureau of Land Management, the following redelegation of authority is made in accordance with sec. 2.1 (a) (1) of the order to become effective immediately upon publication in the FEDERAL REGISTER. The authority delegated may not be redelegated.

PART I—OATHS

SECTION 1. The employees hereafter named may administer any oaths, affirmations, affidavits or depositions provided for under the act of August 14, 1940 (5 U. S. C. 498), whenever necessary in the performance of such employees' official duties:

Collis E. Druley.
Edmund J. Sweeney.

RUSSELL E. GETTY,
*Acting State Supervisor.*

[F. R. Doc. 56-3895; Filed, May 16, 1956; 8:47 a. m.]



## Bureau of Reclamation

MINIDOKA PROJECT, IDAHO

ORDER OF REVOCATION

FEBRUARY 6, 1956.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954 (19 F. R. 5004), I hereby revoke Departmental Orders of November 17, 1902, January 27, 1904, and March 1, 1913, in so far as said orders affect the following-described land: *Provided, however,* That such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the land hereinafter described:

BOISE MERIDIAN, IDAHO

T. 7 S., R. 23 E.,
Sec. 33, NE¼NW¼ and N½SW¼.
T. 9 S., R. 29 E.,
Sec. 20, SE¼SW¼ and NW¼SE¼.

The above areas aggregate 200 acres.

E. G. NIELSEN,
*Assistant Commissioner.*

[308384]

MAY 11, 1956.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The lands are located in Lincoln and Power Counties and are within Idaho Grazing Districts Nos. 2 and 5, respectively.

No application for the lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on June 16, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on September 15, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on September 15, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

b. The lands have been open to applications and offers under the mineral-leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a. m. on September 15, 1956.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

EDWARD WOOZLEY,
*Director,*
*Bureau of Land Management.*

[F. R. Doc. 56-3903; Filed, May 16, 1956; 8:49 a. m.]


# FEDERAL REGISTER

VOLUME 21 NUMBER 97

*Washington, Friday, May 18, 1956*


THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934
OF THE UNITED STATES
UNIVERSITY OF MICHIGAN
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MAIN READING ROOM

## TITLE 3—THE PRESIDENT

### PROCLAMATION 3136

PRAYER FOR PEACE, MEMORIAL DAY, 1956

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS mankind throughout the ages has constantly sought for an enduring peace founded on mercy and justice; and

WHEREAS we are humbly aware that only through divine guidance can we find the course which we should follow to achieve permanent peace, and the strength and courage to pursue that course patiently and unceasingly until the goal is attained; and

WHEREAS it is eminently fitting that on May 30, Memorial Day, an anniversary devoted to the memory of our heroic dead who gave their lives in the cause of peace, we should turn to Almighty God in concerted prayer for wisdom in our striving for harmony among the nations of the world; and

WHEREAS in evidence of our longing for such harmony, the Congress provided, in a joint resolution approved May 11, 1950, that Memorial Day should thenceforth be observed as a day of Nationwide prayer for permanent peace:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby call upon the people of this Nation to observe Memorial Day, May 30, 1956, as a day on which all of us, in our churches, in our homes, and in our hearts, may beseech God to guide our steps into the paths leading to permanent peace; and I designate the hour beginning in each locality at eleven o'clock in the morning as a period in which we may unite in humble petition for His help in reaching that goal.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 15th day of May in the year of our Lord nineteen hundred and fifty-six, and of the Independence of the United States of America the one hundred and eightieth.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
*Secretary of State.*

[F. R. Doc. 56-3964; Filed, May 16, 1956; 1:29 p. m.]

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## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

HOUSING AND HOME FINANCE AGENCY

Effective upon publication in the FEDERAL REGISTER, subparagraph (11) of paragraph (a) of § 6.342 is revoked and subparagraph (17) is added to paragraph (a) as set out below.

§ 6.342 *Housing and Home Finance Agency*—(a) *Office of the Administrator.*

* * *

(17) One Assistant Administrator (Administrator's Office).

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
*Executive Assistant.*

[F. R. Doc. 56-3937; Filed, May 17, 1956; 8:49 a. m.]

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## TITLE 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket 6157]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

HAYR CHEMICAL CO., INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.170 *Qualities or properties*

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FEDERAL REGISTER

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**CFR SUPPLEMENTS**

**(As of January 1, 1956)**

**The following Supplement is now available:**

**Title 32A (Rev., 1955) ($1.25)**

***Previously announced:*** **Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 7: Parts 1–209 ($1.25); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. I, and Title 27 ($1.00); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Titles 40–42 ($0.65); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)**

**Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.**

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*of product or service;* § 13.205 *Scientific or other relevant facts.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Hayr Chemical Co., Inc. (Newark, N. J.), et al., Docket 6157, April 24, 1956]

*In the Matter of Hayr Chemical Co., Inc., a Corporation, and Phillip Kalech, Dr. Joseph Caspe, Nathan Kalech and Myrtle L. Larsen, Individually; Louis F. Herman, Individually and Trading as Louis F. Herman Advertising Agency; and Eugene Kesselman, Individually*

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging a corporation and its officers, engaged in the interstate sale and distribution from their place of business in Newark, N. J., of a drug and cosmetic preparation designated "Hayr Application for the Scalp and Hair", with disseminating advertisements in newspapers and magazines which represented falsely that the plugging of hair follicles with foreign matter was a cause of diminished hair growth, excessive hair loss, baldness, and dandruff, and that removal of such foreign matter by the use of said "Hayr" preparation would correct such conditions and cause hair to grow on bald or partially bald heads—respondents' answer, testimony and other evidence, and proposed findings and conclusions submitted by counsel.

Upon this basis, the hearing examiner made his initial decision including order to cease and desist, which, by order of April 30, 1956, became, on April 24, 1956, the decision of the Commission.

Said order to cease and desist is as follows:

*It is ordered,* That the respondents Hayr Chemical Co., Inc., a corporation, and its officers, and the individual respondents Dr. Joseph Caspe, Nathan Kalech and Myrtle L. Larsen, and their respective representatives, agents and employees, directly or through any corporate or other device in connection with the offering for sale, sale or distribution of a drug and cosmetic preparation designated "Hayr Application for the Scalp and Hair," or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication:

(a) That the plugging of hair follicles with foreign matter is a cause of diminished hair growth, excessive hair loss or baldness.

(b) That the removal of foreign matter from the hair follicles by the use of respondents' preparation will correct a cause of diminished hair growth, excessive hair loss or baldness.

(c) That the removal of foreign matter from the hair follicles by the use of respondents' preparation will increase hair growth, prevent excessive hair loss or baldness.

(d) That the use of respondents' preparation as directed or otherwise will cause hair to grow on bald or partially bald heads.

(e) That the use of respondents' preparation has any effect upon dandruff other than the temporary removal of dandruff scales.

2. Disseminating or causing to be disseminated, by any means, for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of said preparation in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited in Paragraph 1 of this order.

*It is further ordered,* That the complaint be, and it hereby is, dismissed as to respondents Phillip Kalech, Louis F. Herman and Eugene Kesselman.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is further ordered,* That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order contained in said decision.

Issued: April 30, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-3916; Filed, May 17, 1956; 8:45 a. m.]

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[Docket 6457]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

INTERNATIONAL MOTELS, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Connections or arrangements with others; international nature;[1] § 13.55 *Demand, business, or other opportunities;* § 13.60 *Earnings and profits;* § 13.105 *Individual's special selection or situation;* § 13.110 *Indorsements, approval and testimonials;* § 13.115 *Jobs and employment service;* § 13.185 *Refunds, repairs, and replacements.* Subpart—*Claiming or using indorsements or testimonials falsely or misleadingly:* § 13.330 *Claiming or using indorsements or testimonials falsely or misleadingly.* Subpart—*Misrepresenting oneself and goods:* Business status, advantages or connections: § 13.1395 *Connections and arrangements with others;* [*Misrepresenting oneself and goods*]—Goods: § 13.1610 *Demand for or business opportunities;* § 13.1615 *Earnings and profits;* § 13.1663 *Individual's special selection or situation;* § 13.1665 *Indorsements;* § 13.1670 *Jobs and employment;* § 13.1697 *Opportunities in product or service;* § 13.1725 *Refunds.* Subpart—*Using misleading name*—Vendor: § 13.2418 *International nature.*[1]

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Intepret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, International Motels, Inc., et al., Millbrae, Calif., Docket 6457, April 27, 1956]

*In the Matter of International Motels, Inc., a Corporation, and Lewis I. Heater, Reedy O. Bouldin, Frank E. Weeks, and Albert I. Mayberry, Individually and as Officers of Said Corporation*

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging a corporation and its officers, engaged in selling a correspondence course designed to prepare students for work as motel managers, with principal place of business in Millbrae, Calif., with making false claims in advertising in newspapers, etc., and by statements of sales persons concerning opportunities, earnings, demand for graduates, branch offices in other cities, connection with prominent motels and resorts, operation of many motels, and international nature, among other things—and an agreement between the parties providing for the entry of a consent order.

On this basis, the hearing examiner made his initial decision, including order to cease and desist, which became, on April 27, 1956, the decision of the Commission.

Said order to cease and desist is as follows:

*It is ordered,* That respondents International Motels, Inc., a corporation, and its officers, and Lewis I. Heater, Reedy O. Bouldin, Frank E. Weeks, and Albert I. Mayberry, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of a course of study and instruction intended for preparing purchasers thereof for employment as motel managers or any similar course or courses of instruction and study, do forthwith cease and desist from:

1. Representing, directly or by implication:

(a) That it is easy for anyone to take or complete respondents' course of instruction.

(b) That respondents will refund tuition paid on contracts, unless such refunds are in fact made upon demand of the purchaser.

(c) That typical earnings of persons finishing respondents' course of instruction are greater than is the fact.

(d) That the practical training included in respondents' course of instruction will be provided at specific places or without extra cost or at reduced rates, unless the place, cost and facilities to be provided are clearly and definitely set forth in advance by the respondents.

(e) That persons completing respondents' course of instruction are assured or guaranteed specific salaries, or that opportunities for employment are greater than is the fact.

(f) That respondents own, control, operate or are affiliated with other motels.

(g) That respondents maintain a placement or employment service, unless respondents in fact provide such service to assist persons completing their course of instruction.

(h) That there is a demand in the motel business for managers trained through respondents' course of instruction.

(i) That respondents maintain branch offices in other cities.

(j) That home consultation service is available to purchasers of respondents' course of instruction.

(k) That only selected persons are qualified and accepted for enrollment in respondents' course of instruction.

(l) That persons completing respondents' course of instruction or those who have employed them endorse respondents' course of instruction.

(m) That leading motels acclaim respondents' course of instruction, or the quality and capability of their graduates.

2. Using the word "International", or any other word of similar import or meaning as a part of the corporate respondent's name; or otherwise representing, directly or by implication, that said respondent corporation constitutes an international organization or business.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is ordered,* That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 27, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-3917; Filed, May 17, 1956; 8:45 a. m.]

[1] New.

[Docket 6414]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

FORREST A. JONES ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.20 *Comparative data or merits;* § 13.90 *History of product or offering;* § 13.110 *Indorsements, approval and testimonials;* § 13.130 *Manufacture or preparation;* § 13.170 *Qualities or properties of product or service.* Subpart—*Claiming or using indorsements or testimonials falsely or misleadingly:* § 13.330 *Claiming or using indorsements or testimonials falsely or misleadingly.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Forrest A. Jones d. b. a. Oregon Hearing Center (Portland, Oreg.), etc., et al., Docket 6414, April 28, 1956]

*In the Matter of Forrest A. Jones, an Individual Doing Business as Oregon Hearing Center, and as California Hearing Center, and as Western Hearing Center, and Forrest A. Jones and John A. Holm, Individuals and Copartners Doing Business as Washington Hearing Center*

This proceeding was heard by a hearing examiner on the complaint of the Commission charging two individuals, one doing business in Portland, Oreg., and San Francisco, and both operating as partners in Seattle, Wash., with using "bait" advertising and with advertising their several types of hearing aids falsely in newspapers and circulars and by radio broadcasts, as, variously, complete hearing aids, fitting any ear, invisible, approved by the American Medical Association and its affiliated medical councils, recent inventions, developed at their own laboratory, enabling deaf persons to "hear everything" and better than with competitors' products—and an agreement between the parties providing for the entry of a consent order.

On this basis, the hearing examiner made his initial decision and order to cease and desist, which, by order of April 27, 1956, became, on April 28, 1956, the decision of the Commission.

Said order to cease and desist is as follows:

*It is ordered*, That respondent Forrest A. Jones, an individual doing business as Oregon Hearing Center, California Hearing Center, Western Hearing Center, or under any other trade name or names, and respondents Forrest A. Jones and John A. Holm, as individuals or as copartners trading as Washington Hearing Center or under any other trade name or names, and respondents' representatives, agents or employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of hearing aids and of other devices represented to be hearing aids, do cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated by means of the United States Mails or by any other means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents directly or by implication that:

(a) The canal ear phone receivers offered for sale are:

(1) Complete hearing aids or will, in themselves, provide hearing to persons suffering from hearing loss;

(2) Are transistor-powered aids;

(3) Are invisible;

(4) Will fit any ear;

(5) Have the approval of the American Medical Association, or of any medical councils affiliated therewith, when such is contrary to the fact.

(b) The bone conduction type of hearing aids offered for sale by respondents are a recent invention, are invisible, or that they will enable persons suffering from hearing loss to hear as well as normal-hearing persons.

(c) The non-powered ear canal inserts advertised or offered for sale by respondents, whether designated "Hear-Mold", "True-Ear", "Ear-Aid", or by any other name or names, or any device of similar design, construction, or properties:

(1) Provide a natural way to better hearing;

(2) Were developed at respondents' laboratory;

(3) Will be of any benefit to persons suffering from deafness or hearing loss except in instances when deafness or hearing loss is caused by collapse or partial collapse of the ear canal and unless such advertisements disclose that such causes are infrequent.

(d) The air conduction hearing aids offered for sale will enable persons suffering from hearing loss:

(1) To hear everything;

(2) To hear farther, or more naturally than they would by using competitive brands of hearing aids.

2. Disseminating or causing to be disseminated by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase of any such devices in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which contains any of the representations prohibited in Paragraph 1 above.

*It is further ordered*, That respondent Forrest A. Jones, an individual doing business as Oregon Hearing Center, California Hearing Center, Western Hearing Center, or under any other trade name or names, and respondents Forrest A. Jones and John A. Holm, as individuals or as copartners trading as Washington Hearing Center, or under any other trade name or names, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of hearing aids and accessories in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication, that hearing aids and accessories are offered for sale when such offer is not a bona fide offer to sell the merchandise so offered.

By "Decision of the Commission," etc., report of compliance was required as follows:

*It is ordered*, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: April 27, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-3918; Filed, May 17, 1956; 8:46 a. m.]

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[Docket 6493]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

VAISEY-BRISTOL SHOE CO., INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.170 *Qualities or properties of product or service.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Vaisey-Bristol Shoe Company, Inc. (Monett, Mo.), et al., Docket 6493, May 2, 1956]

*In the Matter of Vaisey-Bristol Shoe Company, Inc., a Corporation, and Sam Vaisey and Joe McCaffery, Individually and as Officers of Vaisey-Bristol Shoe Company, Inc., and Storm Advertising Company, Inc., a Corporation, and Morry Storm, Individually and as an Officer of Storm Advertising Company, Inc.*

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging a corporate manufacturer of "Jumping Jack" juvenile shoes and its advertising agency with advertising falsely in newspapers, magazines, catalogs, and labels on cartons, etc., and by radio broadcasts, that the wearing of said shoes would guide little feet through the formative years and into proper walking habits, assure that the feet would grow straight and strong and develop normally, cause the arch and toes to stay strong and healthy, help bones and muscles to grow straight and strong, promote better health habits, prevent foot defects, help youngsters walk straighter, improve and promote the health of the feet and the general health; and incorporated therapeutic and corrective devices and health features—and an agreement between the parties providing for the entry of a consent order.

On this basis, the hearing examiner made his initial decision and order to cease and desist which, on May 2, 1956, became the decision of the Commission.

Said order to cease and desist is as follows:

*It is ordered*, That the respondent Vaisey-Bristol Shoe Company, Inc., a corporation, its officers and respondents Samuel B. Vaisey (otherwise known as Sam Vaisey), and Joseph A. McCaffrey (otherwise known as Joe McCaffery), individually and as officers of respondent Vaisey-Bristol Shoe Company, Inc., and Storm Advertising Company, Inc., a corporation, its officers and Morry Storm, individually and as an officer of respondent Storm Advertising Company, Inc., their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondents' shoes designated "Jumping-Jacks," or any other shoes of similar construction, irrespective of the designation applied thereto, do forthwith cease and desist from:

1. Representing, directly or by implication, that the wearing of respondents' said shoes:

(a) Will guide the feet through the formative years or into proper walking habits, or will have any significant beneficial effect on walking habits;

(b) Will assure that the feet grow straight or strong or develop normally, or will have any significant beneficial effect on the growth or development of the feet;

(c) Will cause the arch or toes to stay strong or healthy;

(d) Will help bones or muscles to grow straight or strong;

(e) Will promote better health habits;

(f) Will prevent foot defects;

(g) Will help youngsters walk straighter;

(h) Will improve or promote the health of the feet or the general health.

2. Using the word "health" or any other word or term of similar meaning, alone or in combination with any other word or words, to designate, describe or refer to respondents' shoes in such manner as to import or imply that respondents' shoes incorporate therapeutic or corrective devices or contain health features.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is ordered*, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 2, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-3941; Filed, May 17, 1956; 8:49 a. m.]

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## TITLE 19—CUSTOMS DUTIES

### Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54087]

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURES

ASSESSMENT AND COLLECTION OF CERTAIN CUSTOMS FEES

In order to assist the owner of a registered patent in obtaining data upon which to file a complaint under section 337 of the Tariff Act of 1930 (19 U. S. C. 1337), charging unfair methods of competition and unfair acts in the importation of merchandise infringing his patent, the Bureau of Customs, upon request of an owner of a patent, will furnish the names and addresses of importers of merchandise believed to infringe his patent. To cover the expense to the Government of compiling such information which is obtained solely for the benefit of the patent holder, a fee of $100 shall be charged for checking importations against a registered patent during a period of 60 days and for furnishing the names and addresses of importers importing merchandise which appears to infringe such patent.

Accordingly, § 24.12 (a) of the Customs regulations is amended by adding a new subparagraph (3) reading as follows:

(3) A customs fee of $100 shall be collected for each application for the furnishing, for a period of 60 days, the names and addresses of importers of articles appearing to infringe a registered patent. Where this information is furnished for a second period of 60 days, an additional fee of $100 shall be collected.

(R. S. 161, sec. 501, 65 Stat. 290; 5 U. S. C. 22, 140)

Notice of the proposed issuance of the foregoing amendment was published in the FEDERAL REGISTER on March 21, 1956 (21 F. R. 1747), pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003). No data, views, or arguments pertaining thereto were received and the amendment set forth above is hereby adopted.

This amendment is not retroactive and shall be effective only on applications received on or after the effective date of this amendment.

This amendment shall become effective upon the expiration of 30 days after the date of publication in the FEDERAL REGISTER.

[SEAL] RALPH KELLY, *Commissioner of Customs.*

Approved: May 11, 1956.

DAVID W. KENDALL, *Acting Secretary of the Treasury.*

[F. R. Doc. 56-3931; Filed, May 17, 1956; 8:48 a. m.]

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## TITLE 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

[Rules Amdt. 8-15]

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

GENERAL EXEMPTION ORDERS ISSUED EXEMPTING SHIPS FROM COMPULSORY RADIO PROVISIONS

In the matter of amendment of Part 8 of the Commission's rules for the purpose of making certain editorial changes therein to include a list of the current general exemptions issued by the Commission.

The Commission having under consideration the desirability of making certain editorial changes in Part 8 of its rules and regulations; and

It appearing that the amendments adopted herein are editorial in nature for the purpose of including in Part 8 of the Commission's rules a listing of the general exemptions issued by the Commission which are currently in force, and, therefore, compliance with the public notice and rule making procedures prescribed by section 4 (a) and (b) of the Administrative Procedure Act is unnecessary, and for the same reason, compliance with the effective date provisions of section 4 (c) of the Administrative Procedure Act is not required; and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4 (i), 5 (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and section 0.341 (a) of the Commission's Statement of Organization, Delegations of Authority and Other Information;

*It is ordered*, This 14th day of May 1956, that, effective May 21, 1956, Part 8 of the Commission's rules is revised as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; sec. 5, 66 Stat. 713; 47 U. S. C. 303, 155)

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

Released: May 15, 1956.

1. Delete the text of § 8.803 and insert the following in lieu thereof:

§ 8.803 *Appendix III—General exemption orders issued exempting ships from compulsory radio provisions.*

(a) Order, May 3, 1956, granting exemption, pursuant to section 352 (b) (3) of the Communications Act of 1934, as amended, to:

(1) All United States passenger vessels of a tonnage of less than 100 gross tons, not subject to the radio provisions of the Safety Convention, from the radio provisions of Title III, Part II of the Communications Act of 1934, as amended, for an additional period not to extend beyond May 13, 1957, when navigated on voyages in the open sea in waters lying between:

Hog Island, Virginia and Fire Island Light, New York; or

Hillsboro Light and Triumph Reef Beacon, Florida; or

Naples, Florida and Brownsville, Texas; or

Point Conception, California and Point Descanso or the Coronado Islands, Mexico; or

Salt Point and Point Sur, California;

*Provided*, That during the course of the voyages the vessels will be navigated not more than 20 nautical miles from the nearest land.

(2) All United States passenger vessels of a tonnage up to and including 15 gross tons, not subject to the radio provisions of the Safety Convention, from the radio provisions of Title III, Part II of the Communications Act of 1934, as amended, for an additional period not to extend beyond May 13, 1957: *Provided*, That during the course of the voyages the vessels will be navigated not more than 20 nautical miles from the nearest land.

(b) These exemptions may be terminated at any time without hearing, if, in the Commission's discretion, the need for such action arises.

[F. R. Doc. 56-3933; Filed, May 17, 1956; 8:48 a. m.]

# TITLE 26—INTERNAL REVENUE, 1954

## Chapter I—Internal Revenue Service, Department of the Treasury

### Subchapter E—Alcohol, Tobacco, and Other Excise Taxes

PART 253—REMOVALS OF ALCOHOLIC LIQUORS, TOBACCO PRODUCTS, AND OTHER DOMESTIC ARTICLES TO FOREIGN-TRADE ZONES

On January 4, 1956, a notice of proposed rule making with respect to regulations designated as Part 253 of Title 26 (1954) of the Code of Federal Regulations was published in the FEDERAL REGISTER (21 F. R. 21). The purposes of the proposal were to supersede Regulations 31 (26 CFR (1939) Part 199) to the extent such regulations apply to liquor, flavoring extracts and medicinal or toilet preparations made with taxpaid alcohol, stills, worms, and condensers, and to tobacco products and cigarette papers and tubes and to adopt such superseded regulations as Part 253, Title 26 (1954), of the Code of Federal Regulations, amended: (a) To implement the regulatory provisions of the Internal Revenue Code of 1954; (b) to implement administrative decisions; (c) to provide for the execution of claims and applications for destruction under penalty of perjury; and (d) to delete certain administrative instructions. After consideration of all relevant matter presented by interested parties, regarding the regulations proposed, the regulations so published are hereby adopted, subject to the changes set forth below:

PARAGRAPH 1. The first paragraph of the preamble is amended as follows:

(A) The word "articles" is placed in quotation marks.

(B) The reference to "§ 253.12" is changed to "§ 253.20".

(C) Section 253.24 is renumbered § 253.21.

PAR. 2. Subpart B is amended as follows:

(A) Section 253.10 is renumbered § 253.20, and is amended by striking the word "subpart" and inserting in lieu thereof the word "section".

(B) Section 253.19 is amended by striking ", spirits, alcohol, and alcoholic spirits".

(C) The following sections are made a part of § 253.20 and their section numbers are deleted: §§ 253.11 through 253.23, and §§ 253.25 through 253.35.

(D) Section 253.24 is renumbered § 253.21 to follow after § 253.20.

PAR. 3. The fifth sentence of § 253.50, which begins "In the event", is amended by inserting immediately following the words "In the event", the following words: "there is evidence".

PAR. 4. The third sentence of § 253.376, which begins, "However, a manufacturer", is amended by striking the words "consent of the surety on", and inserting in lieu thereof the words: "an extension of coverage of bond, Form 2105, extending".

PAR. 5. Section 253.377 is amended to read as set forth below.

PAR. 6. Section 253.378 is amended by striking "articles or tobacco materials", and inserting in lieu thereof: "tobacco products, or cigarette papers or tubes,".

PAR. 7. Section 253.379 is amended by striking "materials or articles", and inserting in lieu thereof: "products, or cigarette papers or tubes,".

PAR. 8. The second sentence of § 253.381 is amended by striking "The notice shall show all the applicable information called for on the form, and as required by this subpart, and", and inserting in lieu thereof: "Each such notice".

[SEAL] O. GORDON DELK,
*Acting Commissioner of Internal Revenue.*
RALPH KELLY,
*Commissioner of Customs.*

Approved: May 14, 1956.

DAVID W. KENDALL,
*Acting Secretary of the Treasury.*

*Preamble.* 1. Regulations 31 (26 CFR (1939) Part 199) are hereby superseded by the regulations in this part to the extent that Regulations 31 relate to "articles" as defined in § 253.20 of this part.

2. These regulations shall not affect any act done or any liability or right accruing, or accrued, or any suit or proceeding had or commenced before the effective date of these regulations.

3. The regulations in this part shall be effective on the first day of the month which begins not less than 30 days after the date of publication in the FEDERAL REGISTER.

**Subpart A—Scope of Regulations**


Sec.
253.1 Removal of articles to foreign-trade zones.
253.2 Export status.
253.3 Articles laden as supplies on vessels and aircraft.
253.4 Forms prescribed.


**Subpart B—Definitions**


253.20 Meaning of terms.
253.21 Inclusive language.


**Subpart C—Withdrawal of Alcohol, Specially Denatured Alcohol and Denatured Rum for Deposit in and Subsequent Exportation From a Foreign-Trade Zone**


UNDENATURED ETHYL ALCOHOL
253.40 General.
253.41 Application and entry.
253.42 Transportation bonds.
253.43 Gauging of alcohol.
253.44 Approval of application and issuance of permit.
253.45 Export stamps.
253.46 Marking and stamping containers.
253.47 Release of alcohol.
253.48 Delivery to zone.
253.49 Disposition of forms.
253.50 Deposit in foreign-trade zone.
253.51 Loss of alcohol in transit.
253.52 Notice to exporter.
253.53 Filing of claims.
253.54 Action by assistant regional commissioner.
253.55 Release of detained alcohol.
SPECIALLY DENATURED ALCOHOL
253.60 General.
253.61 Application and entry.
253.62 Consent of surety.
253.63 Approval of application and issuance of permit.
253.64 Marking of containers.
253.65 Shipment from denaturing plant or bonded dealer's premises.
253.66 Delivery to zone.
253.67 Disposition of forms.
253.68 Deposit in foreign-trade zone.
253.69 Loss of specially denatured alcohol in transit.
DENATURED RUM
253.75 General.
253.76 Application and entry.
253.77 Consent of surety.
253.78 Approval of application and issuance of permit.
253.79 Marking of containers.
253.80 Sealing of tank cars and tank trucks.
253.81 Delivery to zone.
253.82 Disposition of forms.
253.83 Deposit in foreign-trade zone.
253.84 Loss of denatured rum in transit.


**Subpart D—Withdrawal of Distilled Spirits for Deposit in and Subsequent Exportation From a Foreign-Trade Zone**


253.100 General.
253.101 Application and entry.
253.102 Transportation bonds.
253.103 Tank cars and tank trucks of distilled spirits.
253.104 Distiller's original packages and packages filled from distiller's original packages.
253.105 Wooden packages containing metallic cans.
253.106 Bottled spirits.
253.107 Approval of application and issuance of permit.
253.108 Export stamps.
253.109 Marking and stamping containers.
253.110 Release of spirits.
253.111 Delivery to zone.
253.112 Disposition of forms.
253.113 Deposit in foreign-trade zone.
LOSSES OF DISTILLED SPIRITS IN TRANSIT
253.120 Losses.
253.121 Insurance coverage.
253.122 Notice to exporter.
253.123 Filing of claims.
253.124 Action by assistant regional commissioner.
253.125 Release of detained spirits.


**Subpart E—Withdrawal of Wines for Deposit in and Subsequent Exportation From a Foreign-Trade Zone**


253.150 General.
253.151 Application and entry.
253.152 Transportation bonds.
253.153 Approval of application and issuance of permit.
253.154 Marking containers.
253.155 Delivery to zone.
253.156 Deposit in foreign-trade zone.
LOSSES OF WINE IN TRANSIT
253.157 Losses.
253.158 Insurance coverage.
253.159 Notice to exporter.
253.160 Filing of claims.
253.161 Action by assistant regional commissioner.
253.162 Release of detained wines.


**Subpart F—Removal of Beer for Deposit in and Subsequent Exportation From a Foreign-Trade Zone**


253.175 General.
253.176 Notice and entry.
253.177 Marking containers.
253.178 Delivery to zone.
253.179 Bond requirements.
253.180 Deposit in foreign-trade zone.
253.181 Losses in transit.
253.182 Release of detained beer.


**Subpart G—Withdrawal of Liquors and Articles With Benefit of Drawback for Deposit in and Subsequent Exportation From a Foreign-Trade Zone**


ARTICLES MANUFACTURED IN PART FROM TAXPAID DOMESTIC ALCOHOL
253.200 General.
253.201 Regulations made applicable.




BOTTLED OR PACKAGED DISTILLED SPIRITS AND WINES


Sec.
253.202 General.
253.203 Marking of containers.
253.204 Deposit in zone.
253.205 Action on claim.
DISTILLERS' ORIGINAL PACKAGES
253.206 General.
253.207 Application and entry.
253.208 Deposit in zone.
253.209 Claim.
253.210 Action on claim.
BOTTLED OR PACKAGED BEER
253.211 General.
253.212 Marking of containers.
253.213 Delivery to zone.
253.214 Deposit in foreign-trade zone.
253.215 Action on claim.


**Subpart H—Voluntary Destruction of Distilled Spirits, Wines, or Beer After Receipt in a Foreign-Trade Zone**


253.225 General.
253.226 Application.
253.227 Action by assistant regional commissioner.
253.228 Action by collector of customs.


**Subpart I—Removal of Stills or Distilling Apparatus for Deposit in a Foreign-Trade Zone for Exportation, Destruction, or Storage Pending Exportation**


REMOVALS FREE OF TAX
253.250 General.
253.251 Regulations made applicable.
REMOVALS WITH BENEFIT OF DRAWBACK
253.252 General.
253.253 Regulations made applicable.


**Subpart J—Bonds and Consents of Surety**


253.300 General.
253.301 Corporate surety.
253.302 Powers of attorney.
253.303 Collateral security.
253.304 Consents of surety.
253.305 Approval required.
253.306 Additional or strengthening bonds.
253.307 New or superseding bonds.
ASSISTANT REGIONAL COMMISSIONER'S ACCOUNTS WITH BONDS
253.308 Alcohol and denatured rum.
253.309 Specially denatured alcohol.
253.310 Distilled spirits.
253.311 Wines.
253.312 Beer.
TERMINATION OF TRANSPORTATION BONDS
253.313 General.
253.314 Application of surety for release from bond.
253.315 Extent of release of surety from liability under bond.
253.316 Action by assistant regional commissioner.
253.317 Notice of termination.
253.318 Release of collateral.


**Subpart K—Tobacco Products, Cigarette Papers and Tubes**


253.375 General.
253.376 Removals to be covered by bond.
253.377 Packages, labels or notices.
253.378 Lottery features.
253.379 Indecent or immoral material.
253.380 Shipping containers.
253.381 Notice of removal.
253.382 Disposition of copies of Forms 2149 or 2150.
253.383 Receipt of shipment into foreign-trade zone.
253.384 Return of shipment to factory or warehouse.
253.385 Tax liability.
253.386 Credit for shipment.
253.387 Penal provisions.


AUTHORITY: §§ 253.1 to 253.387 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805. Statutory provisions interpreted or applied are cited to text in parentheses.

### SUBPART A—SCOPE OF REGULATIONS

§ 253.1 *Removal of articles to foreign-trade zones.* This part relates to removals of articles, as defined in this part, to foreign-trade zones, for the sole purpose of exportation, destruction (except destruction of distilled spirits, wines, and beer), or storage pending exportation. In addition to any permit required by this part for the transportation of an article to a zone, Customs Regulations (19 CFR Chapter I) require the exporter to obtain from the proper collector of customs authorization on Zone Form D for the entry of articles so transferred into a zone.

(48 Stat. 999; 19 U. S. C. 81c)

§ 253.2 *Export status.* Liquors and other articles of domestic manufacture deposited in a foreign-trade zone under this part shall be considered to be exported for the purpose of the statutes and bonds exacted for the payment of drawback, refund, or exemption from liability for internal revenue taxes and for the purposes of the internal revenue laws generally and the regulations thereunder. Export status is not acquired until application on Zone Form D for admission of the liquors or other articles into the zone has been approved by the collector of customs and he has certified on the required Internal Revenue Service form as to the deposit of the articles in the zone.

§ 253.3 *Articles laden as supplies on vessels and aircraft.* For the purpose of section 309 of the Tariff Act of 1930, as amended by section 11 of the Customs Simplification Act of 1953 (Pub. Law 243, 83d Cong.), articles removed to foreign-trade zones under the provisions of this part may be removed, pursuant to the provisions of the Code of Federal Regulations, Title 19, Chapter I, for use as supplies on vessels and aircraft.

§ 253.4 *Forms prescribed.* The Director, Alcohol and Tobacco Tax Division, is authorized to prescribe all Internal Revenue Service forms required by this part, including bonds, applications, notices, reports, returns, and records. Information called for shall be furnished in accordance with the instructions on the form or issued in respect thereto.

### SUBPART B—DEFINITIONS

§ 253.20 *Meaning of terms.* As used in this part, unless the context otherwise requires, terms shall have the meanings ascribed in this section.

*Alcohol.* "Alcohol" shall mean spirits produced at industrial alcohol plants established and operated under sections 5301 through 5334 of the Internal Revenue Code.

*Articles.* "Articles" shall include: liquor as defined in this subpart; flavoring extracts, and medicinal or toilet preparations made with taxpaid alcohol; stills, worms, and condensers; and tobacco products and cigarette papers and tubes.

*Assistant regional commissioner.* "Assistant regional commissioner" shall mean the assistant regional commissioner, Alcohol and Tobacco Tax, who is responsible to and functions under the direction and supervision of the regional commissioner.

*Beer.* "Beer" shall mean beer, ale, porter, stout, and other similar fermented beverages (including sake or similar products) of any name or description containing one-half of 1 percent or more of alcohol by volume, brewed or produced from malt, wholly or in part, or from any substitute therefor.

(68A Stat. 612; 26 U. S. C. 5052)

*Collector of customs.* "Collector of customs" shall mean the person having charge of a customs collection district and shall also include assistant collector of customs, deputy collector of customs, and any person authorized by law, or by regulations approved by the Secretary of the Treasury, to perform the duties of a collector of customs.

*Commissioner.* "Commissioner" shall mean the Commissioner of Internal Revenue.

*Denatured rum.* "Denatured rum" shall mean rum denatured in accordance with the provisions of Part 216 of this title.

*Director, Alcohol and Tobacco Tax Division.* "Director, Alcohol and Tobacco Tax Division" shall mean the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Treasury Department, Washington, D. C.

*Distilled spirits.* Distilled spirits shall mean:

(a) That substance known as ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, which is commonly produced by the fermentation of grain, starch, molasses, or sugar, including all dilutions and mixtures of this substance, and

(b) Products of rectification.

*District director.* "District director" shall mean the district director of internal revenue.

*Foreign-trade zone or zone.* "Foreign-trade zone" or "zone" shall mean a foreign-trade zone established and operated pursuant to the act of June 18, 1934, as amended by Public Law 566, 81st Congress.

(48 Stat. 998–1003, as amended; 19 U. S. C. 81a–81u)

*Gallon.* "Gallon" or "wine gallon" shall mean a United States gallon of liquid measure equivalent to the volume of 231 cubic inches.

*Including.* The word "including" shall not be deemed to exclude things other than those enumerated which are in the same general class.

*I. R. C.* "I. R. C." shall mean the Internal Revenue Code of 1954.

*Liquor.* "Liquor" shall mean alcohol, specially denatured alcohol or denatured rum, distilled spirits, beer, and wine: *Provided*, That for the purposes of bonds, Forms 1702 and 1703, "Liquor" shall mean alcohol, distilled spirits and wines.

*Person, proprietor or warehouseman.* "Person," "proprietor," or warehouseman" shall include natural persons, trusts, estates, associations, partnerships, companies, and corporations.

*Proof.* "Proof" shall mean the ethyl alcohol content of a liquid at 60 degrees Fahrenheit, stated as twice the percent of ethyl alcohol by volume.

*Proof gallon.* "Proof gallon" shall mean the alcoholic equivalent of a United States gallon at 60 degrees Fahrenheit, containing 50 percent of ethyl alcohol by volume.

*Regional Commissioner.* "Regional Commissioner" shall mean the Regional Commissioner of Internal Revenue in each of the internal revenue regions.

*Regulations.* "Regulations" shall mean the regulations issued by U. S. Treasury Department, Internal Revenue Service, except as otherwise specified in this part.

*Specially denatured alcohol.* "Specially denatured alcohol" shall mean alcohol denatured in accordance with the provisions of Part 182 of this title.

*U. S. C.* "U. S. C." shall mean the United States Code.

*Wine.* "Wine", when used without qualification, includes all still wines, champagne and other sparkling wines, artificially carbonated wine, and special natural wine.

*Zone Operator.* "Zone Operator" shall mean the person to which the privilege of establishing, operating and maintaining a foreign-trade zone has been granted by the Foreign-Trade Zones Board created by the act of June 18, 1934, as amended by Public Law 566, 81st Congress.

(48 Stat. 998–1003, as amended; 19 U. S. C. 81a–81u)

§ 253.21 *Inclusive language.* Words in the plural shall include the singular, and vice versa, and words in the masculine gender shall include the feminine, associations, trusts, estates, partnerships, companies, and corporations.

## SUBPART C—WITHDRAWAL OF ALCOHOL, SPECIALLY DENATURED ALCOHOL AND DENATURED RUM FOR DEPOSIT IN AND SUBSEQUENT EXPORTATION FROM A FOREIGN-TRADE ZONE

### UNDENATURED ETHYL ALCOHOL

§ 253.40 *General.* Alcohol may be withdrawn, without payment of tax, from an industrial alcohol plant or bonded warehouse established and operated under the provisions of Part 182 of this title, for transportation to and deposit in a foreign-trade zone for exportation or for storage therein pending exportation. The withdrawal, transportation to and deposit in the foreign-trade zone and the accounting for any losses in transit shall be in accordance with this subpart and Subpart J of this part. Except as otherwise provided in this subpart, the packaging, bottling, casing, marking, stamping, and reporting of alcohol prior to withdrawal shall be in accordance with the provisions of Part 182 of this title, which are applicable to the exportation of alcohol.

(48 Stat. 999, 68A Stat. 647, 657; 19 U. S. C. 81c, 26 U. S. C. 5247, 5305)

§ 253.41 *Application and entry.* Whenever an exporter desires to remove alcohol from an industrial alcohol plant or bonded warehouse for transportation to and deposit in a foreign-trade zone for exportation, he shall make application on Form 1701, in quintuplicate, to the assistant regional commissioner of the region in which such plant or warehouse is located. Where the exporter is a person other than the proprietor of the premises from which the withdrawal is to be made, Form 1701 shall be delivered to the proprietor, for transmittal to such assistant regional commissioner. Each application on Form 1701 will be given a serial number by the applicant, beginning with "1" for the first day of January of each year and running consecutively thereafter to December 31, inclusive. The method of conveyance and the name of the carrier or carriers shall be shown whenever possible. If the alcohol is shipped on a through bill of lading and all the carriers handling the alcohol while in transit are not known, the name of the carrier to whom the alcohol is to be delivered at the shipping plant or warehouse must be shown. Where Form 1701 is signed by an agent, proper power of attorney on Form 1534, authorizing the agent to execute the form for the exporter, must be filed in duplicate with the assistant regional commissioner.

(68A Stat. 647, 657; 26 U. S. C. 5247, 5305)

§ 253.42 *Transportation bonds.* The exporter shall file a bond with the assistant regional commissioner of the region in which the industrial alcohol plant or bonded warehouse is located, to cover the transportation of the alcohol from the industrial alcohol plant or bonded warehouse to the foreign-trade zone. If a bond is given only for a specific lot of alcohol to be withdrawn, the bond shall be executed on Form 1702, in triplicate. The penal sum of such bond shall be not less than the tax at the distilled spirits rate on the quantity of alcohol to be withdrawn: *Provided,* That the maximum penal sum of such bond shall not exceed $200,000. If alcohol is to be withdrawn from time to time for transfer to a foreign-trade zone, a continuing bond on Form 1703 may be executed, in triplicate: *Provided,* That if the exporter has on file a bond on Form 1495 or Form 1496, as the case may be, he may file a consent of surety on Form 1533 extending the terms of such bond to cover the tax on all alcohol withdrawn for transportation to and deposit in a zone. The penal sum of the bond on Form 1703 or on the bond Form 1495 or 1496, as the case may be, on which the consent has been filed, shall be sufficient to cover the tax at the distilled spirits rate on the maximum quantity of alcohol to be withdrawn and that may remain unaccounted for at any time: *Provided,* That the penal sum of such bonds shall not exceed $200,000, but in no case shall be less than $1,000. Bonds and consents of surety shall be executed and approved in accordance with Subpart J of this part.

(68a Stat. 647, 657; 26 U. S. C. 5247, 5305)

§ 253.43 *Gauging of alcohol.* The proprietor, after determining the exact quantity in each container to be transferred and deposited in the foreign-trade zone, shall prepare Form 1440, in quintuplicate. One copy of Form 1440 will be attached to each copy of Form 1701.

(68A Stat. 639, 657; 26 U. S. C. 5212, 5305)

§ 253.44 *Approval of application and issuance of permit.* The proprietor of the industrial alcohol plant or bonded warehouse shall forward to the assistant regional commissioner all copies of Form 1701, with Form 1440 attached. If the bond, Form 1702 or Form 1703, has been approved and is in a sufficient penal sum, or if a consent of surety, Form 1533, extending the terms of a bond on Form 1495 or Form 1496, in sufficient penal sum, has been approved, and if the exporter has complied with the law and the regulations in this part in all respects, the assistant regional commissioner will issue permit on all copies of Form 1701 for removal and transportation of the alcohol to the zone and will return Form 1701, with Form 1440 attached, to the proprietor: *Provided,* That if the exporter is not the proprietor, the assistant regional commissioner will issue the permit only where he finds that the exporter is entitled to a permit under the provisions of Part 182 of this title.

(68A Stat. 647, 655, 657; 26 U. S. C. 5247, 5304, 5305)

§ 253.45 *Export stamps.* Every package of alcohol, including tank cars, tank trucks, and cases of bottled alcohol, intended for transfer to a foreign-trade zone must have an export stamp affixed thereto at the time of its removal from the industrial alcohol plant or bonded warehouse. Upon receipt of the assistant regional commissioner's permit for removal and transportation executed on Form 1701 with attached Form 1440, the proprietor will forward all copies to the district director of internal revenue who will issue the necessary number of export stamps, enter the kind and serial numbers of the stamps on all copies of Form 1440, retain one copy of each form and return the remaining four copies of each form with the export stamps to the proprietor. The proprietor will deliver the export stamps and Forms 1701, with the attached Forms 1440, to the storekeeper-gauger, who will verify the data on the stamps and affix his signature, or facsimile thereof, enter the serial numbers of the stamps on Forms 1701, and return the stamps to the proprietor.

(68A Stat. 603, 647, 657; 26 U. S. C. 5009, 5247, 5305)

§ 253.46 *Marking and stamping containers.* The containers will be marked and stamped in accordance with the provisions of Part 182 of this title relating to containers of alcohol withdrawn for exportation, except that the words "For Export" will be followed by "via F. T. Z. No." and the number of the consignor foreign-trade zone, in lieu of the names of the ports and the export permit number.

(68A Stat. 603, 647, 657; 26 U. S. C. 5009, 5247, 5305)

§ 253.47 *Release of alcohol.* After the containers have been properly marked and stamped and, in the case of tank cars and tank trucks, sealed with Government cap seals, the storekeeper-gauger will, after the proprietor has noted the serial numbers of the cap seals, if any, on Form 1440, approve the proprietor's application on such form to withdraw the containers and will release the alcohol for shipment to the foreign-trade zone named in the application, Form 1701. Upon removal of the alcohol the storekeeper-gauger will execute the report of removal on Form 1701.



§ 253.48 *Delivery to zone.* Alcohol may be delivered directly to a zone by the exporter in vehicles owned or controlled by him, or to a carrier holding permit under Part 182 of this title to transport tax-free alcohol, for transportation to a zone. Where delivery is made to a carrier for transportation to a zone, the proprietor shall procure a copy of the bill of lading, if any, covering such transportation and deliver it to the storekeeper-gauger.

(68A Stat. 647, 655, 657; 26 U. S. C. 5247, 5304, 5305)

§ 253.49 *Disposition of forms.* When the alcohol has been withdrawn, the storekeeper-gauger will forward immediately one copy of the Form 1701, with Form 1440 attached, and a copy of the bill of lading, if any, to the assistant regional commissioner of the region in which the plant or warehouse is located. He will mail two copies of the forms to the customs officer in charge at the foreign-trade zone, except that in the case of transfers in tank trucks, he will mail one copy of each form to such customs officer and enclose the other copies in a sealed envelope addressed to such customs officer and give the same to the driver of the tank truck for delivery to him. The storekeeper-gauger will deliver the remaining copies of the forms to the proprietor for filing.

(68A Stat. 647, 657; 26 U. S. C. 5247, 5305)

§ 253.50 *Deposit in foreign-trade zone.* Upon receipt at the foreign-trade zone, the containers of alcohol shall be inspected by a customs officer, who shall make such inspection or gauge as is necessary to establish that the shipment corresponds with the description thereof on the Form 1701 and accompanying gauge report Form 1440. The customs officer shall examine the contents of such containers as are found broken, damaged, or tampered with, or which he suspects do not contain the spirits originally packaged therein, and shall make a special report thereon. The customs officer shall note on his report any deficiency in quantity or discrepancy between the merchandise inspected or gauged and that described in the entry. Containers bearing evidence of loss may be deposited in the zone, unless the circumstances indicate fraud, as distinguished from losses by leakage, minor pilferage or theft in transit. In the event there is evidence of fraud the collector of customs will detain the alcohol and report the facts immediately to the assistant regional commissioner of the region in which the zone is located, who will cause immediate investigation to be made and will take such action as the facts may warrant. Where alcohol is so detained, it shall be deemed not to have been deposited in the zone, and customs officers will hold in abeyance the processing of Form 1701 and Zone Form D until the detained alcohol will have been released in accordance with § 253.55. Where the inspection or gauge discloses no loss, or where a loss is disclosed by such inspection or gauge and there is no evidence to indicate fraud, the officer shall execute his certificate of inspection on Form 1701, reporting thereon any discrepancy found, giving the serial numbers of the packages or cases, or the railroad tank car number, or the tank truck number and the State license number of the tank truck (if the tank truck is of the trailer type, the license number of the trailer will be shown), the original contents in proof gallons, and the nature and extent of any losses or discrepancies. The officer shall cut out that portion of each of the export stamps extending from the top to the bottom and embracing the entire width between the borders thereof and attach them to one copy of the Form 1701, and shall then forward both copies of Form 1701 with attachments to the collector of customs. The collector of customs will execute his certificate of deposit on Form 1701 and forward one copy of the form with Forms 1440 and 696, if any, and the cut-out portions of the stamps to the assistant regional commissioner who approved the permit. The remaining copy of the Form 1701, with attachments, if any, will be retained by the collector of customs.

(68A Stat. 647, 657; 26 U. S. C. 5247, 5305)

§ 253.51 *Loss of alcohol in transit.* The tax on alcohol lost by leakage, casualty, or unavoidable cause during shipment or transfer from an industrial alcohol plant or bonded warehouse to a foreign-trade zone may be remitted if satisfactory evidence establishes that such alcohol has not been diverted to any illegal use by the exporter or carrier or other person having legal custody or control thereof or with connivance, collusion, fraud, or negligence on the part of the exporter or carrier or such other person or the employees of any of them: *Provided,* That such allowance shall not be granted if the person claiming same is indemnified against such loss by a valid claim of insurance.

(68A Stat. 604, 647, 657; 26 U. S. C. 5011, 5247, 5305)

§ 253.52 *Notice to exporter.* If upon examination of Form 1701, and Form 696, if any, received from the collector of customs, the assistant regional commissioner is of the opinion that alcohol reported lost had been diverted to any illegal use, he will advise the exporter by letter (a) of the identity of the containers; (b) of the amount of the loss; (c) of the circumstances indicating diversion; and (d) that filing of proof of loss and claim for remission of tax is required.

(68A Stat. 604, 647, 657; 26 U. S. C. 5011, 5247, 5305)

§ 253.53 *Filing of claims.* When the exporter has received a notice of loss from the assistant regional commissioner and has been notified that the filing of a claim is required, he shall, within 30 days from the date of the notification, submit a claim for remission of the tax on the alcohol lost. Such claim shall be made on letter-size paper (original only) showing the name and address of the claimant, and setting forth the following information:

(a) The serial numbers of the packages or cases, or the railroad tank car number, or the tank truck number and the State license number of the tank truck (if the tank truck is of the trailer type, the license number of the trailer will be shown);

(b) The quantity of alcohol lost from each container and the total quantity of alcohol covered by the claim;

(c) The total amount of tax for which the claim is filed;

(d) The date, penal sum, and form number of the bond under which withdrawal and shipment were made;

(e) The name, registry number and location of the industrial alcohol plant or warehouse from which the alcohol was withdrawn;

(f) The date of the loss, if known, and the cause and nature thereof, together with all of the known facts related thereto;

(g) Whether the alleged loss occurred without any fraud or negligence on the part of the exporter, owner, carrier, or their agents or employees, and whether claim has been made or is contemplated against such persons on account of such loss; and

(h) Whether the alcohol lost is covered by valid claim of insurance in excess of the market value thereof, exclusive of the tax. If the alcohol is insured, the statement will show the market value of the alcohol per proof gallon, the amount and date of each and every policy of insurance, the name and location of the company by which each and every policy was issued, the name and address of the bona fide owner of the alcohol and, to the best of the affiant's knowledge, whether any other person or party is indemnified against the payment of the tax sought to be remitted. The claim shall be signed by the exporter or his authorized agent and immediately above the signature there will appear the following statement: "I declare under the penalties of perjury that this cliam has been examined by me and to the best of my knowledge and belief is a true and correct claim." The assistant regional commissioner may require such further evidence as is deemed necessary.

(68A Stat. 604, 647, 657; 26 U. S. C. 5011, 5247, 5305)

§ 253.54 *Action by assistant regional commissioner.* Where large losses in transit are reported, the assistant regional commissioner will cause immediate investigation to be made. When a claim for remission of tax is received, the assistant regional commissioner will carefully examine it to see that the required information has been furnished and will cause such investigation to be made or require such additional evidence to be submitted as he may deem necessary. Upon completion of the claim investigation, the assistant regional commissioner will allow or disallow the claim in accordance with existing law and regulations. If the assistant regional commissioner finds that there has been a diversion of alcohol to any illegal use by the exporter or carrier or other person having legal custody or control thereof, or with connivance, collusion, fraud, or negligence on the part of the exporter or carrier or such other person or the employees of any of them, the tax on the alcohol di-

verted will be assessed, or liability asserted against the bond covering the shipment, as the case may be, and the remainder, if any, of the alcohol may be subject to seizure and forfeiture. In the event the exporter does not file proof of loss and claim for remission of tax, as provided in this subpart, the assistant regional commissioner will report the tax for assessment in accordance with the prescribed procedure. Assistant regional commissioners will keep an account with each bond in accordance with Subpart J of this part.

(68A Stat. 600, 604, 647, 657, 867; 26 U. S. C. 5007, 5011, 5247, 5305, 7302)

§ 253.55 *Release of detained alcohol.* When alcohol has been detained at a foreign-trade zone pending investigation and determination of fraud in accordance with § 253.50, the collector of customs shall not release such alcohol for deposit until he is advised so to do by the assistant regional commissioner.

(68A Stat. 647, 657; 26 U. S. C. 5247, 5305)

SPECIALLY DENATURED ALCOHOL

§ 253.60 *General.* Specially denatured alcohol may be withdrawn, free of tax, from denaturing plants and premises of bonded dealers established and operated under the provisions of Part 182 of this title for transportation to and deposit in a foreign-trade zone for exportation or for storage therein pending exportation. The withdrawal, transportation to and deposit in the foreign-trade zone, and the accounting for any losses, shall be in accordance with this subpart and Subpart J of this part. Except as otherwise provided in this subpart, the packaging, marking and reporting of specifically denatured alcohol prior to withdrawal, shall be in accordance with the provisions of Part 182 of this title which are applicable to the exportation of specially denatured alcohol.

(48 Stat. 999, 68A Stat. 658; 19 U. S. C. 81c, 26 U. S. C. 5310)

§ 253.61 *Application and entry.* Whenever a denaturer or bonded dealer desires to withdraw specially denatured alcohol for transportation to and deposit in a foreign-trade zone for exportation, he shall make application on Form 1701 to the assistant regional commissioner of the region in which the denaturing plant or bonded dealer is located, in accordance with the applicable provisions of § 253.41 covering the withdrawal of alcohol, except that an original and three copies will be prepared instead of an original and four copies.

(68A Stat. 657, 658; 26 U. S. C. 5305, 5310)

§ 253.62 *Consent of surety.* The denaturer or bonded dealer must file a consent of surety, Form 1533, in triplicate, extending the terms of his bond, Form 1432–A or Form 1475, as the case may be, which consent shall contain the undertaking that:

The obligors hereby agree to extend the terms of said bond to cover all liability that may be incurred by the principal on all specially denatured alcohol withdrawn by him for transportation to and deposit in a foreign-trade zone for which satisfactory evidence of deposit therein is not submitted to the assistant regional commissioner.

Consents of surety shall be executed and approved in accordance with Subpart J of this part.

(68A Stat. 657, 658; 26 U. S. C. 5305, 5310)

§ 253.63 *Approval of application and issuance of permit.* The denaturer or bonded dealer shall forward all copies of Form 1701 to the assistant regional commissioner. If the consent of surety, Form 1533, extending the terms of the bond, Form 1432–A or Form 1475, has been approved and the bond is in a sufficient penal sum, the assistant regional commissioner shall issue permit on Form 1701 for removal and transportation of the specially denatured alcohol to the zone, and shall return all copies of Form 1701 to the applicant.

(68A Stat. 657, 658; 26 U. S. C. 5305, 5310)

§ 253.64 *Marking of containers.* The containers will be marked in accordance with the provisions of Part 182 of this title applicable to containers of specially denatured alcohol withdrawn for exportation, except that the words "For Export" will be followed by "via F. T. Z. No." and the number of the consignor foreign-trade zone, in lieu of the names of the ports and the export permit number.

(68A Stat. 639; 26 U. S. C. 5212)

§ 253.65 *Shipment from denaturing plant or bonded dealer's premises.* As soon as filling has been completed, tank cars or tank trucks shall be sealed in such manner as will effectively secure all openings affording access to the contents of the tank. Railroad or other appropriate seals, dissimilar in marking to the cap seals used by the Internal Revenue Service, shall be furnished and affixed by the proprietor or the carrier. The serial numbers of all seals used shall be noted on the Form 1701. Upon removal of the specially denatured alcohol the proprietor shall execute the report of removal on all copies of the Form 1701.

(68A Stat. 639, 658; 26 U. S. C. 5212, 5310)

§ 253.66 *Delivery to zone.* Specially denatured alcohol may be delivered directly to a zone by the denaturer or bonded dealer in vehicles owned or controlled by him, or to a carrier, holding permit under Part 182 of this title to transport specially denatured alcohol, for transportation to a zone. Where delivery is made to a carrier for transportation to a zone, a copy of the bill of lading, if any, covering such transportation shall be procured by the shipper for attachment to the copy of Form 1701 to be transmitted to the assistant regional commissioner.

(68A Stat. 655; 26 U. S. C. 5304)

§ 253.67 *Disposition of forms.* When the specially denatured alcohol has been withdrawn and a copy of the bill of lading, if any, has been procured by the denaturer or bonded dealer, as the case may be, the denaturer or the bonded dealer will forward immediately one copy of the Form 1701, and the bill of lading, if any, to the assistant regional commissioner of the region in which the denaturing plant or bonded dealer is located. He will mail two copies of Form 1701 to the customs officer in charge at the foreign-trade zone, except that in the case of transfers in tank trucks, he will mail one copy to such customs officer and enclose the other copy in a sealed envelope addressed to such customs officer and give the same to the driver of the tank truck for delivery to him. The denaturer or bonded dealer, as the case may be, will retain the remaining copy of Form 1701.

(68A Stat. 658; 26 U. S. C. 5310)

§ 253.68 *Deposit in foreign-trade zone.* Upon receipt at the zone, the specially denatured alcohol shall be inspected by a customs officer, who will determine if it agrees in all respects with the description thereof on Form 1701. The officer will carefully examine the contents of any containers which are broken or tampered with and will report on both copies of Form 1701 any shortage and the apparent cause thereof. If the inspection discloses evidence of fraud, as distinguished from losses by leakage, minor pilferage or theft in transit, the collector of customs will detain the specially denatured alcohol and report the facts immediately to the assistant regional commissioner of the region in which the zone is located, who will cause immediate investigation to be made and will take such action as the facts may warrant. Where specially denatured alcohol is so detained, it shall be deemed not to have been deposited in the zone, and customs officers will hold in abeyance the processing of Form 1701 and Zone Form D pertaining to such specially denatured alcohol, until the detained specially denatured alcohol will have been released in accordance with the provisions of § 253.69. Where the inspection discloses no shortage, or where a shortage is disclosed but there is no evidence to indicate fraud, the customs officer will execute his certificate of inspection on Form 1701 and forward both copies thereof to the collector of customs, who will execute his certificate of deposit on Form 1701, retain one copy, and forward one copy to the assistant regional commissioner who approved the permit.

(68A Stat. 658; 26 U. S. C. 5310)

§ 253.69 *Loss of specially denatured alcohol in transit.* Losses of specially denatured alcohol by leakage, casualty, or unavoidable cause during shipment or transfer from a denaturing plant or premises of a bonded dealer to a foreign-trade zone may be allowed, if satisfactory evidence establishes that such specially denatured alcohol has not been diverted to any illegal use by the exporter or carrier or other person having legal custody or control thereof or with connivance, collusion, fraud, or negligence on the part of the exporter or carrier or such other person or the employees of any of them. The investigation of losses, notice to exporter, procedure for filing claims, action by the assistant regional commissioner, and release of detained specially denatured alcohol shall be in accordance with the procedure prescribed in §§ 253.52 through 253.55, insofar as applicable, governing losses of alcohol.

(68A Stat. 595; 604; 26 U. S. C. 5001, 5011)

DENATURED RUM

§ 253.75 *General.* Denatured rum may be withdrawn, without payment of tax, from distillery denaturing bonded warehouses established and operated under the provisions of Part 216 of this title, for deposit in foreign-trade zones for exportation or storage therein pending exportaton. Such withdrawals may be made in packages of any desired size, including tank cars and tank trucks. The withdrawal, transportation to and deposit in a foreign-trade zone, and the accounting for any losses, shall be in accordance with this subpart and Subpart J of this part. Except as otherwise provided in this subpart, the packaging, marking, and reporting of denatured rum prior to withdrawal, shall be in accordance with the provisions of Part 216 of this title which are applicable to the exportation of denatured rum.

(48 Stat. 999, 68A Stat. 661; 19 U. S. C. 81c, 26 U. S. C. 5331)

§ 253.76 *Application and entry.* Where the proprietor of a denaturing bonded warehouse desires to withdraw denatured rum for transportation to and deposit in a foreign-trade zone for exportation, he shall make application on Form 1701 to the assistant regional commissioner of the region in which the denaturing bonded warehouse is located, in accordance with the applicable provisions of § 253.41 covering the withdrawal of alcohol, except that an original and three copies will be prepared instead of an original and four copies.

(68A Stat. 661; 26 U. S. C. 5331)

§ 253.77 *Consent of surety.* The proprietor of the denaturing bonded warehouse must file a consent of surety, Form 1533, in triplicate, extending the terms of his bond, Form 572, which consent shall contain the undertaking that:

The obligors hereby agree to extend the terms of said bond to cover all liability that may be incurred by the principal on all denatured rum withdrawn by him for transportation to and deposit in a foreign-trade zone for which satisfactory evidence of deposit therein is not submitted to the assistant regional commissioner.

Consents of surety shall be executed and approved in accordance with Subpart J of this part.

(68A Stat. 661; 26 U. S. C. 5331)

§ 253.78 *Approval of application and issuance of permit.* The proprietor shall forward all copies of Form 1701 to the assistant regional commissioner. If the consent of surety, Form 1533, extending the terms of the bond, Form 572, has been approved and the bond is in a sufficient penal sum, the assistant regional commissioner shall issue permit on Form 1701 for removal and transportation of the denatured rum to the zone, and shall return all copies of Form 1701 to the applicant.

(68A Stat. 661; 26 U. S. C. 5331)

§ 253.79 *Marking of containers.* The containers will be marked in accordance with the provisions of Part 216 of this title which are applicable to containers of denatured rum withdrawn for exportation, except that the words "For Export" will be followed by "via F. T. Z. No." and the number of the consignor foreign-trade zone.

(68A Stat. 639, 661; 26 U. S. C. 5212, 5331)

§ 253.80 *Sealing of tank cars and tank trucks.* Immediately after the tank cars or tank trucks have been filled, all openings shall be sealed in such manner as will effectively prevent access to the contents of the tank. Railroad or other appropriate seals, dissimilar in marking to the cap seals used by the Internal Revenue Service shall be furnished and affixed by the proprietor or the carrier. The serial numbers of all seals used shall be noted on the Form 1701.

(68A Stat. 639, 661; 26 U. S. C. 5212, 5331)

§ 253.81 *Delivery to zone.* Denatured rum may be delivered directly to a zone by the proprietor in vehicles owned or controlled by him, or to a carrier holding permit under Part 182 of this title to transport specially denatured or tax-free alcohol, for transportation to a zone. Where delivery is made to a carrier for transportation to a zone, a copy of the bill of lading, if any, covering such transportation shall be procured by the shipper for attachment to the copy of Form 1701 to be transmitted to the assistant regional commissioner.

(68A Stat. 661; 26 U. S. C. 5331)

§ 253.82 *Disposition of forms.* When the denatured rum has been withdrawn, the proprietor shall execute the report of withdrawal on all copies of Form 1701, forward one copy of the Form 1701 and bill of lading (if any) to the assistant regional commissioner of the region in which the premises are located, and forward two copies of Form 1701 to the customs officer in charge at the foreign-trade zone. The proprietor will retain the remaining copy of Form 1701 for his files.

(68A Stat. 661; 26 U. S. C. 5331)

§ 253.83 *Deposit in foreign-trade zone.* Upon receipt at the zone, the denatured rum shall be inspected by a customs officer who will determine whether it agrees in all respects with the description thereof on Form 1701. The officer will carefully examine the contents of any containers which are broken or tampered with and will report on both copies of Form 1701 any shortage and the apparent cause thereof. If the inspection discloses evidence of fraud, as distinguished from losses by leakage, minor pilferage or theft in transit, the collector of customs will detain the denatured rum and report the facts immediately to the assistant regional commissioner of the region in which the zone is located, who will cause immediate investigation to be made and will take such action as the facts may warrant. Where denatured rum is so detained, it shall be deemed not to have been deposited in the zone, and customs officers will hold in abeyance the processing of Form 1701 and Zone Form D pertaining to such denatured rum, until the detained denatured rum will have been released in accordance with the provisions of § 253.84. Where the inspection discloses no shortage, or where a shortage is disclosed but there is no evidence to indicate fraud, the customs officer will execute his certificate of inspection on Form 1701 and forward both copies thereof to the collector of customs who will execute his certificate of deposit on Form 1701, retain one copy, and forward one copy to the assistant regional commissioner who approved the permit.

(68A Stat. 661; 26 U. S. C. 5331)

§ 253.84 *Loss of denatured rum in transit.* Losses of denatured rum by leakage, casualty, or unavoidable cause during shipment or transfer from a denaturing bonded warehouse to a foreign-trade zone may be allowed, if satisfactory evidence establishes that such denatured rum has not been diverted to any illegal use by the exporter or carrier or other person having legal custody or control thereof or with connivance, collusion, fraud, or negligence on the part of the exporter or carrier or such other person or the employees of any of them. The investigation of losses, notice to exporter, procedure for filing claims, action by assistant regional commissioner, and release of detained denatured rum shall be in accordance with the procedure prescribed in §§ 253.52 through 253.55, insofar as applicable, governing losses of alcohol.

(68A Stat. 595, 604, 661; 26 U. S. C. 5001, 5011, 5331)

SUBPART D—WITHDRAWAL OF DISTILLED SPIRITS FOR DEPOSIT IN AND SUBSEQUENT EXPORTATION FROM A FOREIGN-TRADE ZONE

§ 253.100 *General.* Distilled spirits authorized to be withdrawn without payment of tax, from a registered distillery, fruit distillery, or an internal revenue bonded warehouse, for export under the provisions of Part 220, 221, or 225 may be withdrawn from such establishments, in such containers as may be authorized by such parts for withdrawals for export, for transportation to and deposit in a forign-trade zone for exportation or storage therein pending exporation. The withdrawal, transportation to and deposit in the foreign-trade zone, and the accounting for any losses in transit shall be in accordance with this subpart and Subpart J. Except as otherwise provided in this subpart, the gauging, packaging, bottling, casing, marking, stamping, and reporting of distilled spirits prior to withdrawal shall be in accordance with the provisions of Part 220, 221 or 225 of this title applicable to the exportation of distilled spirits.

(48 Stat. 999, 68A Stat. 603, 633, 641, 645, 647; 19 U. S. C. 81c, 26 U. S. C. 5009, 5193, 5217, 5243 (e), 5247)

§ 253.101 *Application and entry.* Whenever an exporter desires to remove distilled spirits from a registered distillery, fruit distillery, or an internal revenue bonded warehouse, for transportation to and deposit in a foreign-trade zone for exportation, he shall make ap-

plication on Form 1701 to the assistant regional commissioner of the region in which such distillery or warehouse is located, in accordance with the requirements of § 253.41 covering withdrawal of alcohol, except that an original and five copies will be prepared instead of an original and four copies.

(68A Stat. 645, 647; 26 U. S. C. 5243, 5247)

§ 253.102 *Transportation bonds.* The exporter shall file a bond with the assistant regional commissioner of the region in which the registered distillery, fruit distillery, or internal revenue bonded warehouse is located, to cover the transportation of the distilled spirits from such distillery or warehouse to the foreign-trade zone. If a bond is given only for a specific lot of distilled spirits to be withdrawn, the bond shall be executed on Form 1702, in triplicate. The penal sum of such bond shall be not less than the tax at the distilled spirits rate on the quantity of spirits to be withdrawn, and in no case shall be less than $1,000. If distilled spirits are to be withdrawn from time to time for transfer to a foreign-trade zone, a continuing bond on Form 1703 shall be executed, in triplicate: *Provided*, That if the exporter has on file a bond on Form 657 or Form 658, he may file a consent of surety on Form 1533 extending the terms of such bond to cover the tax on all distilled spirits withdrawn for transportation to and deposit in a zone. The penal sum of the bond on Form 1703, or of the bond on Form 657 or Form 658 on which the consent has been filed, shall be sufficient to cover the tax at the distilled spirits rate on the maximum quantity of spirits to be withdrawn and that may remain unaccounted for at any one time, and in no case shall be less than $1,000. Bonds and consents of surety shall be executed and approved in accordance with Subpart J of this part.

(68A Stat. 645, 647; 26 U. S. C. 5243, 5247)

§ 253.103 *Tank cars and tank trucks of distilled spirits.* Except as otherwise provided in this subpart, where it is desired to withdraw distilled spirits in tank cars or tank trucks for deposit in a foreign-trade zone, the filling, sealing, marking, and stamping of such tank cars and tank trucks shall be in accordance with the provisions of Part 220, 221 or 225 of this title governing the removal of spirits in tank cars or tank trucks for exportation. The storekeeper-gauger shall prepare an original and five copies of the Form 1520 covering the gauge and removal of the spirits. After the tank cars or tank trucks have been filled, the storekeeper-gauger shall execute his report of gauge on all copies of the Form 1701, attach a copy of the Form 1520 to each copy of the Form 1701, deliver the original and four copies to the proprietor, and retain the remaining copy of each form.

(68A Stat. 647; 26 U. S. C. 5247)

§ 253.104 *Distiller's original packages and packages filled from distiller's original packages.* Except as otherwise provided in this subpart, where it is desired to withdraw distilled spirits in distiller's original packages and packages filled from distiller's original packages, the gauging, reduction in proof, recasking, and the marking of packages shall be in accordance with the provisions of Part 225 of this title governing the exportation of distilled spirits. The proprietor shall prepare an original and five copies of Form 1520, in the manner provided in Part 225 of this title, covering the packages listed in the application, execute his request for gauge on Form 1701, and deliver all copies of the Forms 1520, and 1701 to the storekeeper-gauger at the warehouse. If the spirits are to be reduced to not less than 90 degrees of proof, or if the spirits are to be transferred from distiller's original packages to new packages, the proprietor shall make request so to do at the time he executes his request for gauge. If spirits in original packages are reduced in proof or are transferred to new packages, the storekeeper-gauger will prepare an original and five copies of Form 1520, covering the gauge after reduction or the gauge of the new packages, as the case may be. The storekeeper-gauger shall then execute his report of gauge on Form 1701 and attach to each copy of the form a copy of the Form 1520 covering the first gauge (if any) of the spirits, and a copy of the Form 1520 covering the reduction in proof or the transfer to new packages. Where distilled spirits are reduced in proof or are transferred to new packages, the loss to be reported on Form 1701 at the time of withdrawal will represent the difference between the quantity reported withdrawn and the quantity (original gauge) shown in the application. The storekeeper-gauger will retain one copy of Form 1701 with Form 1520 attached, and deliver the remaining five copies of each form to the proprietor of the warehouse.

(68A Stat. 647; 26 U. S. C. 5247)

§ 253.105 *Wooden packages containing metallic cans.* Except as otherwise provided in this subpart, where it is desired to withdraw distilled spirits in wooden packages containing metallic cans, the marking, stamping, and removal of such wooden packages shall be in accordance with the provisions of Part 225 of this title governing the exportation of wooden packages containing metallic cans. The procedure prescribed in this subpart for the withdrawal of distiller's original packages shall be followed, insofar as applicable, except that the request for gauge shall not be executed.

(68A Stat. 633; 26 U. S. C. 5193)

§ 253.106 *Bottled spirits.* Except as otherwise provided in this subpart, where it is desired to withdraw distilled spirits bottled in bond for export for transportation to and deposit in a foreign-trade zone, the bottling, casing, marking, and removal of such distilled spirits shall be in accordance with the provisions of Part 225 of this title governing the exportation of distilled spirits bottled in bond.

(68A Stat. 645; 26 U. S. C. 5243)

§ 253.107 *Approval of application and issuance of permit.* The proprietor of the distillery or bonded warehouse shall forward to the assistant regional commissioner all copies of the Form 1701, with Forms 1520, if any, attached. If the bond, Form 1702 or Form 1703, has been approved and is in a sufficient penal sum, or if a consent of surety, Form 1533, extending the terms of a bond on Form 657 or Form 658, has been approved and such bond is in a sufficient penal sum, the assistant regional commissioner shall issue a permit on Form 1701 for transportation and deposit of the spirits in the zone, and shall return all copies of the Form 1701, with Forms 1520, if any, attached, to the proprietor.

(68A Stat. 647; 26 U. S. C. 5247)

§ 253.108 *Export stamps.* Every container of distilled spirits, except cases of bottled spirits, intended for transfer to a foreign-trade zone must have an export stamp affixed thereto at the time of its removal from the distillery or warehouse. Upon receipt of the assistant regional commissioner's permit for removal and transportation executed on Form 1701 with attached Form 1520, the proprietor will forward all copies to the district director of internal revenue who will issue the necessary number of export stamps, enter the kind and serial numbers of the stamps on all copies of Form 1520, retain one copy of each form, and return the remaining four copies of each form, with the export stamps, to the proprietor. The proprietor will deliver the export stamps and Form 1701 with the attached Forms 1520 to the storekeeper-gauger, who will verify the data on the stamps and affix his signature, or facsimile thereof, enter the serial numbers of the stamps on Form 1701 and his retained copy of Form 1520, and return the stamps to the proprietor.

(68A Stat. 603; 26 U. S. C. 5009)

§ 253.109 *Marking and stamping containers.* The containers, except cases of bottled spirits, will be marked and stamped in accordance with the provisions of Part 225 of this title for containers of distilled spirits withdrawn for exportation, except that the words "For Export via F. T. Z. No." and the number of the foreign-trade zone, will be shown in lieu of the names of ports. Cases of bottled spirits will be marked in accordance with the provisions of Part 225 of this title for cases of bottled spirits withdrawn for exportation, except that the words "For Export" will be followed by "via F. T. Z. No." and the number of the consignor foreign-trade zone, in lieu of the words "From U. S. A." and the names of the ports.

(68A Stat. 633, 645, 647; 26 U. S. C. 5193, 5243, 5247)

§ 253.110 *Release of spirits.* After the containers have been properly marked and, except in the case of bottled spirits, stamped, the storekeeper-gauger will release the spirits for shipment to the foreign-trade zone named in the application, Form 1701. Upon removal of the spirits from the premises, the storekeeper-gauger will execute the report of removal on Form 1701.

(68A Stat. 633, 645, 647; 26 U. S. C. 5193, 5243, 5247)



§ 253.111 *Delivery to zone.* Distilled spirits may be delivered directly to a zone by the exporter or to a carrier for transportation to a zone. Where delivery is made to a carrier for transportation to a zone, the proprietor shall procure a copy of the bill of lading, if any, covering such transportation and deliver it to the storekeeper-gauger.

(68A Stat. 647; 26 U. S. C. 5247)

§ 253.112 *Disposition of forms.* When the distilled spirits have been withdrawn, the storekeeper-gauger will forward immediately one copy of the Form 1701, with Form 1520, if any, attached, and a copy of the bill of lading, if any, to the assistant regional commissioner of the region in which the distillery or warehouse is located. He will mail two copies of the forms to the customs officer in charge at the foreign-trade zone, except that, in the case of transfers in tank trucks, he will mail one copy of each form to such customs officer and enclose the other copies in a sealed envelope addressed to such customs officer and give the same to the driver of the tank truck for delivery to him. The storekeeper-gauger will deliver one copy of the forms to the proprietor, and retain the remaining copy of the forms.

(68A Stat. 647; 26 U. S. C. 5247)

§ 253.113 *Deposit in foreign-trade zone.* Upon receipt at the zone, the containers of distilled spirits shall be inspected by a customs officer, who shall make such inspection or gauge as is necessary to establish that the shipment corresponds with the description thereof on Form 1701, and the accompanying gauge report on Form 1520, if any. The customs officer shall examine the contents of such containers as are found broken, damaged, or tampered with, or which he suspects do not contain the spirits originally packaged therein, and shall make a special report thereon. The customs officer shall note on his report any deficiency in quantity or discrepancy between the merchandise inspected or gauged and that described in the entry. Containers bearing evidence of loss may be deposited in the zone, unless the circumstances indicate fraud, as distinguished from losses by leakage, minor pilferage or theft in transit, in which event the collector of customs will detain the distilled spirits and report the facts immediately to the assistant regional commissioner of the region in which the zone is located, who will cause immediate investigation to be made and will take such action as the facts may warrant. Where distilled spirits are so detained, they shall be deemed not to have been deposited in the zone, and customs officers will hold in abeyance the processing of Forms 1701 and Zone Form D until the detained distilled spirits will have been released in accordance with § 253.125. Where the inspection or gauge discloses no loss, or where a loss is disclosed by such inspection or gauge and there is no evidence to indicate fraud, the officer shall execute his certificate of inspection on Form 1701, reporting thereon any discrepancy found, giving the serial numbers of the packages or cases, or the railroad tank car number, or the tank truck number and the State license number of the tank truck (if the tank truck is of the trailer type, the license number of the trailer will be shown), the original contents in proof gallons, and the nature an extent of any losses or discrepancies. The officer shall cut out that portion of each of the export stamps, if any, extending from the top to the bottom and embracing the entire width between the borders thereof, and attach them to one copy of the Form 1701 and shall then forward both copies of Form 1701 with attachments, if any, to the collector of customs. The collector of customs will execute his certificate on Form 1701 and forward one copy of the form with Forms 1520 an 696, if any, and the cut-out portions of the stamps, if any, to the assistant regional commissioner who approved the permit. The remaining copy of the Form 1701, with attachments, if any, will be retained by the collector of customs.

(68A Stat. 645, 647; 26 U. S. C. 5243, 5247)

LOSSES OF DISTILLED SPIRITS IN TRANSIT

§ 253.120 *Losses.* Tax shall not be collected in respect of distilled spirits lost while in transit to a zone, except that such tax shall be collected in the case of loss by theft unless the assistant regional commissioner shall find that the theft occurred without connivance, collusion, fraud, or negligence on the part of the distiller, warehouseman, owner, consignor, consignee, bailee, or carrier, or the employees of any of them.

(68A Stat. 604; 26 U. S. C. 5011)

§ 253.121 *Insurance coverage.* The remission of the tax on distilled spirits lost by theft while in transit to a zone may be allowed only to the extent that the claimant is not indemnified against or recompensed for such tax.

(68A Stat. 604; 26 U. S. C. 5011)

§ 253.122 *Notice to exporter.* If, upon examination of Form 1701, and Form 696, if any, received from the collector of customs, the assistant regional commissioner is of the opinion that a reported loss resulted from theft, he will advise the principal on the bond by letter (a) of the identity of the containers, (b) of the amount of the loss, (c) of the circumstances indicating loss by theft, and (d) that filing of proof of loss and claim for remission of tax is required.

(68A Stat. 604; 26 U. S. C. 5011)

§ 253.123 *Filing of claims.* When the exporter has received a notice of loss and a request from the assistant regional commissioner for the filing of a claim, he shall, within 30 days from the date of the notification, submit a claim for remission of the tax on the spirits lost. Such claim shall be made on letter-size paper (original only), showing the name and address of the claimant and setting forth the following information:

(a) The name of the distiller who produced the spirits, and the registry number and location of the distillery;

(b) The serial numbers of the packages or cases, or the railroad tank car number, or the tank truck number and the State license number of the tank truck (if the tank truck is of the trailer type, the license number of the trailer will be shown);

(c) The quantity of spirits lost from each package or other container, and the total quantity of spirits covered by the claim;

(d) The total amount of tax for which the claim is filed;

(e) The date of the loss, or, if such date is not known, the date on which the loss was discovered and the cause and nature thereof, together with all the facts surrounding the loss;

(f) The name of the carrier, if any;

(g) If lost by theft, the facts establishing whether the loss occurred as the result of any negligence, connivance, collusion, or fraud on the part of the distiller, owner, warehouseman, consignor, consignee, bailee, or carrier, or the employees of any of them;

(h) If lost by theft, whether the claimant is indemnified or recompensed for the loss, and, if so, the amount and nature of such indemnity or recompense. The actual value of the spirits, less the tax, must be stated explicitly and, where required, certified copies of all policies of insurance or other documents of indemnity covering the spirits must be furnished. The claim shall be signed by the exporter or his authorized agent and immediately above the signature there will appear the following statement: "I declare under the penalties of perjury that this claim has been examined by me and to the best of my knowledge and belief is a true and correct claim."

(68A Stat. 604, 749; 26 U. S. C. 5011, 6065)

§ 253.124 *Action by assistant regional commissioner.* Where large losses in transit are reported, the assistant regional commissioner will cause immediate investigation to be made. When a claim for remission of tax is received, the assistant regional commissioner will carefully examine it to see that the required information has been furnished and will cause such investigation to be made or require such additional evidence to be submitted as he may deem necessary. Upon completion of the claim investigation, the assistant regional commissioner will allow or disallow the claim in accordance with existing law and regulations. If the assistant regional commissioner finds that a loss of distilled spirits from a container resulted from theft and the proprietor or other person responsible for the tax fails to establish that the theft did not occur as a result of connivance, colusion, fraud, or negligence on the part of the distiller, warehouseman, owner, consignor, consignee, bailee, or carrier, or the employees of any of them, the tax will be assessed. In the event the exporter does not file proof of loss and claim for remission of tax as provided in this subpart, the tax will be assessed in accordance with prescribed procedure. The assistant regional commissioner will keep an account with each bond in accordance with Subpart J of this part.

(68A Stat. 604; 26 U. S. C. 5011)

§ 253.125 *Release of detained spirits.* When spirits have been detained at a foreign-trade zone pending the assistant

regional commissioner's investigation and determination of fraud in accordance with § 253.113, the collector of customs shall not release the spirits for deposit until he is advised so to do by the assistant regional commissioner.

### SUBPART E—WITHDRAWAL OF WINES FOR DEPOSIT IN AND SUBSEQUENT EXPORTATION FROM A FOREIGN-TRADE ZONE

§ 253.150 *General.* Wines may be withdrawn, without payment of tax, from bonded wineries and bonded wine cellars established and operated under the provisions of Part 240 of this title, for transportation to and deposit in foreign-trade zones for exportation or storage therein pending exportation. The withdrawal, transportation to and deposit in the foreign-trade zone and the accounting for any losses shall be in accordance with this subpart and Subpart J of this part. Except as otherwise provided in this subpart, the packaging, bottling, casing, marking, and reporting of wines prior to withdrawal shall be in accordance with the provisions of Part 240 of this title which are applicable to the exportation of wine.

(48 Stat. 999, 68A Stat. 665; 19 U. S. C. 81c, 26 U. S. C. 5362)

§ 253.151 *Application and entry.* Whenever an exporter desires to remove wines from a bonded winery or bonded wine cellar for transportation to and deposit in a foreign-trade zone, he shall make application on Form 1701 to the assistant regional commissioner of the region in which such winery or wine cellar is located, in accordance with the requirements of § 253.41 covering withdrawal of alcohol, except that an original and three copies will be prepared instead of an original and four copies.

(68A Stat. 665; 26 U. S. C. 5362)

§ 253.152 *Transportation bonds.* The exporter shall file a bond with the assistant regional commissioner of the region in which the bonded winery or bonded wine cellar is located, to cover the transportation of the wine from such bonded winery or wine cellar to the foreign-trade zone: *Provided,* That if the exporter has on file a bond on Form 186 or Form 700, he may file a consent of surety on Form 1533 extending the terms of such bond to cover the tax on all wines withdrawn for transportation to and deposit in a zone. If a bond is given only for a specific lot of wine to be withdrawn, the bond shall be executed on Form 1702, in triplicate. The penal sum of such bond shall be not less than the tax on the quantity to be withdrawn, and in no case shall be less than $500. If wines are to be withdrawn from time to time for transfer to a foreign-trade zone, a continuing bond on Form 1703 shall be executed in triplicate. The penal sum of the bond on Form 1703 or of the bond on Form 186 or Form 700 on which the consent has been filed shall be sufficient to cover the tax on the maximum quantity of any wines to be withdrawn and that may remain unaccounted for at any one time, and in no case shall be less than $500. Bonds and consents of surety shall be executed and approved in accordance with Subpart J of this part.

(68A Stat. 665; 26 U. S. C. 5362)

§ 253.153 *Approval of application and issuance of permit.* The proprietor of the bonded winery or wine cellar shall forward to the assistant regional commissioner all copies of the Form 1701. If the bond, Form 1702 or Form 1703, has been approved and is in a sufficient penal sum, or if a consent of surety, Form 1533, extending the terms of a bond on Form 186 or Form 700, has been approved and such bond is in a sufficient penal sum, the assistant regional commissioner will issue a permit on Form 1701 for the removal and transportation of the wines to the zone, and shall return all copies of the Form 1701 to the proprietor.

(68A Stat. 665; 26 U. S. C. 5362)

§ 253.154 *Marking containers.* The containers will be marked in accordance with the provisions of Part 240 of this title for containers of wine withdrawn for exportation, except that the words "For Export" will be followed by "via F. T. Z. No." and the number of the consignor foreign-trade zone.

(68A Stat. 665, 666; 26 U. S. C. 5362, 5368)

§ 253.155 *Delivery to zone.* Wine may be delivered directly to a zone by the exporter or to a carrier for transportation to a zone. Where delivery is made to a carrier for transportation to a zone, the proprietor shall procure a copy of the bill of lading, if any, covering such transportation. When the wine is withdrawn from the bonded winery or wine cellar, the proprietor shall execute his report of removal on Form 1701 and forward immediately one copy, to which shall be attached the copy of the bill of lading, if any, to the assistant regional commissioner of the region in which the bonded winery or wine cellar is located. He will mail two copies to the customs officer in charge at the foreign-trade zone except that in the case of transfers in tank trucks, he will mail one copy of such forms to such customs officer and enclose the other copy in a sealed envelope addressed to such customs officer and give the same to the driver of the tank truck for delivery to him. The proprietor will retain the remaining copy.

(68A Stat. 665; 26 U. S. C. 5362)

§ 253.156 *Deposit in foreign-trade zone.* Upon receipt at the zone, the wine shall be inspected by a customs officer, who will determine whether it agrees with the description thereof on Form 1701. The officer will carefully examine the contents of any containers which are found broken or tampered with and will report on both copies of Form 1701 any shortage and the apparent cause thereof, as provided herein. If the inspection discloses evience of fraud, as distinguished from losses by leakage, minor pilferage or theft in transit, the collector of customs will detain the wines and report the facts immediately to the assistant regional commissioner of the region in which the zone is located, who will cause immediate investigation to be made and will take such action as the facts may warrant. Where wines are so detained, they shall be deemed not to have been deposited in the zone, and customs officers will hold in abeyance the processing of Forms 1701 and Zone Form D pertaining to such wines, until the detained wines will have been released in accordance with the provisions of § 253.162. Where the inspection discloses no shortage, or where a shortage is disclosed but there is no evidence to indicate fraud, the customs officer will execute his certificate of inspection on Form 1701, reporting thereon any discrepancy found, giving the serial numbers of the packages, cases, tanks, railroad tank car or tank truck, and, in addition, in the case of railroad tank cars, the railroad car number and, in the case of tank trucks, the State license number of the tank truck (if the tank truck is of the trailer type, the license number of the trailer), the original contents in gallons, and the nature and extent of any losses or discrepancies. The officer shall then forward both copies of Form 1701 to the collector of customs, who will execute his certificate of deposit on Form 1701, retain one copy, and forward one copy to the assistant regional commissioner who approved the permit.

(68A Stat. 665; 26 U. S. C. 5362)

#### LOSSES OF WINE IN TRANSIT

§ 253.157 *Losses.* Tax shall not be collected in respect of wine lost while in transit to a zone, except that such tax shall be collected in the case of loss by theft, unless the assistant regional commissioner shall find that the theft occurred without connivance, collusion, fraud or negligence on the part of the winemaker, owner, consignor, consignee, bailee, or carrier, or the employees of any of them.

(68A Stat. 666; 26 U. S. C. 5370)

§ 253.158 *Insurance coverage.* The remission of tax on wine lost by theft while in transit to a zone may be allowed only to the extent that the claimant is not indemnified against or recompensed for such tax.

(68A Stat. 667; 26 U. S. C. 5371)

§ 253.159 *Notice to exporter.* If, upon the examination of Form 1701 received from the collector of customs, the assistant regional commissioner is of the opinion that a reported loss resulted from theft, he will advise the principal on the bond by letter (a) of the identity of the containers, (b) of the amount of the loss, (c) of the circumstances indicating loss by theft, and (d) that filing proof of loss and claim for remission of the tax is required.

(68A Stat. 666; 26 U. S. C. 5370)

§ 253.160 *Filing of claims.* When the exporter has received a notice of loss and a request from the assistant regional commissioner for the filing of a claim, he shall, within 30 days from the date of the notification, submit a claim for remission of the tax on the wine lost. Such claim shall be made on letter-size paper (original only) showing the name and address of the claimant and setting forth the following information:

(a) The name of the producer of the wine, and the registry number and location of the bonded wine cellar;

(b) The serial numbers of the containers, or the railroad tank car number, or the tank truck number and the State license number of the tank truck (if the tank truck is of the trailer type, the license number of the trailer will be shown);

(c) The quantity of wine lost from each container, and the total quantity of wine covered by the claim;

(d) The total amount of tax for which the claim is filed;

(e) The date of the loss, or, if such date is not known, the date on which the loss was discovered and the cause and nature thereof, together with all the facts surrounding the loss;

(f) The name of the carrier, if any;

(g) If lost by theft, the facts establishing whether the loss occurred as the result of any negligence, connivance, collusion or fraud on the part of the winemaker, owner, consignor, consignee, bailee or carrier, or the employees of any of them;

(h) If lost by theft, whether the claimant is indemnified or recompensed for the loss, and, if so, the amount and nature of such indemnity or recompense. The actual value of the wine, less the tax, must be stated explicitly and, where required, certified copies of all policies of insurance or other documents of indemnity covering the wine must be furnished. The claim shall be signed by the exporter or his authorized agent and immediately above the signature there will appear the following statement: "I declare under the penalties of perjury that this claim has been examined by me and to the best of my knowledge and belief is a true and correct claim."

(68A Stat. 666, 667; 26 U. S. C. 5370, 5371)

§ 253.161 *Action by assistant regional commissioner.* Where large losses in transit are reported, the assistant regional commissioner will cause immediate investigation to be made. When a claim for remission of tax is received, the assistant regional commissioner will carefully examine it to see that the required information has been furnished and will cause such investigation to be made or require such additional evidence to be submitted as he may deem necessary. Upon completion of the claim investigation, the assistant regional commissioner will allow or disallow the claim in accordance with existing law and regulations. If the assistant regional commissioner finds that the loss of wine resulted from theft and the proprietor or other person responsible for the tax fails to establish that the theft did not occur as a result of connivance, collusion, fraud, or negligence on the part of the winemaker, owner, consignor, consignee, bailee, or carrier, or the employees of any of them, the tax will be assessed. In the event the exporter does not file proof of loss and claim for remission of tax as provided in this subpart, the tax will be assessed in accordance with prescribed procedure. The assistant regional commissioner will keep an account with each bond in accordance with Subpart J of this part.

(68A Stat. 666; 26 U. S. C. 5370)

§ 253.162 *Release of detained wines.* When wine has been detained at a foreign-trade zone pending the assistant regional commissioner's investigation and determination of fraud in accordance with § 253.156, the collector of customs shall not release the wine for deposit until he is advised so to do by the assistant regional commissioner.

(68A Stat. 665, 666; 26 U. S. C. 5362, 5370)

### SUBPART F—REMOVAL OF BEER FOR DEPOSIT IN AND SUBSEQUENT EXPORTATION FROM A FOREIGN-TRADE ZONE

§ 253.175 *General.* Beer may be removed, without payment of tax, from the place of manufacture established and operated under the provisions of Part 245 of this title, for transportation to and deposit in foreign-trade zones for exportation or storage therein pending exportation. Such removals may be made in kegs, barrels, bottles or cans. The removal, transportation to and deposit in the foreign-trade zone and the accounting for any losses in transit shall be in accordance with this subpart and Subpart J of this part. Except as otherwise provided in this subpart, the packaging, bottling, casing, marking, and reporting of beer prior to removal shall be in accordance with the applicable provisions of Part 245 of this title.

(48 Stat. 999, 68A Stat. 612, 674; 19 U. S. C. 81c, 26 U. S. C. 5053, 5401)

§ 253.176 *Notice and entry.* Whenever a brewer intends to remove beer without payment of tax from the place of manufacture for transportation to and deposit in a foreign-trade zone, he shall prepare notice for each such withdrawal on Form 1689, in quadruplicate. Each Form 1689 shall be given a serial number in accordance with the instructions printed on the form. Where Form 1689 is signed by an agent, proper power of attorney on Form 1534, authorizing the agent to execute the form for the brewer, must be filed with the assistant regional commissioner of the region in which the place of manufacture is located. Upon removal of the beer for deposit in a foreign-trade zone, the brewer shall immediately forward one copy of Form 1689, to which shall be attached a copy of the bill of lading, if any, to the assistant regional commissioner of the region in which the place of manufacture is located. The brewer will forward the original and one copy of the form to the customs officer in charge of the foreign-trade zone, and retain the remaining copy for the brewery files.

(68A Stat. 612; 26 U. S. C. 5053)

§ 253.177 *Marking containers.* The containers will be marked in accordance with the provisions of Part 245 of this title applicable to containers removed for exportation, except that following the required export markings the words "via F. T. Z. No." followed by the number of the consignor foreign-trade zone will be added.

(68A Stat. 612; 26 U. S. C. 5053)

§ 253.178 *Delivery to zone.* Beer may be delivered directly to a zone by the brewer or to a carrier for transportation to a zone. Where delivery is made to a carrier for transportation to a zone, the name of the carrier to whom the beer is delivered shall be shown on all copies of Form 1689, and the brewer shall procure a copy of the bill of lading, if any, covering such transportation.

(68A Stat. 612; 26 U. S. C. 5053)

§ 253.179 *Bond requirements.* The brewer must file a consent of surety, Form 1533, in triplicate, extending the terms of his bond to cover the tax on all beer withdrawn for transportation to and deposit in a zone. The brewer's bond must be in such penal sum as is prescribed in Part 245 of this title.

(68A Stat. 674; 26 U. S. C. 5401)

§ 253.180 *Deposit in foreign-trade zone.* Upon receipt at the zone, the beer shall be inspected by a customs officer who will determine whether the shipment agrees with the description thereof on Form 1689. The officer will carefully examine the contents of any containers which are broken or tampered with and will report on both copies of Form 1689 any shortage and the apparent cause thereof. If the inspection discloses the shipment not to be as described on Form 1689 and there is evidence indicative of fraud, as distinguished from losses by leakage, minor pilferage or theft in transit, the collector of customs will detain the beer and report the facts to the assistant regional commissioner of the region in which the zone is located, who will cause immediate investigation to be made and will take such action as the facts may warrant. Where beer is so detained, it shall be deemed not to have been deposited in the zone, and customs officers will hold in abeyance the processing of Form 1689 and Zone Form D pertaining to such beer until the detained beer will have been released in accordance with the provisions of § 253.182. Where the inspection discloses no shortage, or where a shortage is disclosed but there is no evidence to indicate fraud, the customs officer shall execute his certificate of inspection and deposit on Form 1689, reporting thereon any discrepancy found and the nature and extent of any losses or discrepancies. The officer shall then forward the original Form 1689 to the assistant regional commissioner of the region in which the place of manufacture is located.

(68A Stat. 612; 26 U. S. C. 5053)

§ 253.181 *Losses in transit.* Where large losses in transit are reported, the assistant regional commissioner will cause immediate investigation to be made. If it is found that losses in transit have occurred by casualty, leakage, or spillage, the losses will be allowed as provided in § 253.312. Unless immediate detention or seizure of the beer is deemed necessary in the event the investigation discloses evidence indicating that the losses resulted from fraud, the assistant regional commissioner will afford the brewer opportunity to submit written explanation with respect to the causes of such losses before taking further action.

(68A Stat. 613; 26 U. S. C. 5057)

§ 253.182 *Release of detained beer.* When beer has been detained at a foreign-trade zone pending the assistant regional commissioner's investigation and determination of fraud in accordance with § 253.181, the collector of cus-

toms shall not release the beer for deposit until he is advised so to do by the assistant regional commissioner.

(68A Stat. 612; 26 U. S. C. 5053)

### SUBPART G—WITHDRAWAL OF LIQUORS AND ARTICLES WITH BENEFIT OF DRAWBACK FOR DEPOSIT IN AND SUBSEQUENT EXPORTATION FROM A FOREIGN-TRADE ZONE

#### ARTICLES MANUFACTURED IN PART FROM TAXPAID DOMESTIC ALCOHOL

§ 253.200 *General.* The deposit in a foreign-trade zone, for exportation or storage pending exportation, of flavoring extracts and medicinal or toilet preparations (including perfumery) manufactured or produced in the United States in part from domestic taxpaid alcohol, shall be considered an exportation of such articles for the purpose of drawback of the internal revenue tax on the alcohol contained in such articles.

(46 Stat. 693, as amended, 48 Stat. 999; 19 U. S. C. 1313, 81c)

§ 253.201 *Regulations made applicable.* The provisions of Part 252 of this title relating to drawback on the alcohol contained in such articles, when exported, shall apply to the same extent to such articles when deposited in foreign-trade zones for exportation or storage therein pending exportation. In lieu of stating the port of destination and the date of clearance of such articles on customs Form 4539, as specified in Part 252 of this title, the collector of customs shall state on such form the number and location of the foreign-trade zone prior to transmittal of the form to the assistant regional commissioner of the region in which the product covered by the claim was manufactured.

#### BOTTLED OR PACKAGED DISTILLED SPIRITS AND WINES

§ 253.202 *General.* Taxpaid distilled spirits and wines, bottled or packaged especially for export with benefit of drawback, may be removed from export storage rooms established under the provisions of Part 225, 230, 231 or 235 of this title and deposited, with benefit of drawback of the internal revenue tax paid thereon, in foreign-trade zones for exportation or storage therein pending exportation. Except as otherwise provided in this subpart, the provisions of Part 252 of this title, relating to the drawback on distilled spirits and wines bottled or packaged especially for export, shall apply, to the extent applicable, to the rectification, if any, bottling and packaging, casing of bottles, marking of cases and packages, the transfer and storage pending transfer of such liquors to a zone, the filing of notice, claim, and entry (Form 1582, as to distilled spirits; or Form 1582–A, as to wines), the inspection and removal from export storage room, and the transfer to a zone: *Provided,* That no bond will be required respecting such removals.

(46 Stat. 690, as amended, 48 Stat. 999, 68A Stat. 614; 19 U. S. C. 81c, 1309, 26 U. S. C. 5062)

§ 253.203 *Marking of containers.* Each case or package shall be marked in accordance with the provisions of Part 252 of this title.

(46 Stat. 690, as amended, 68A Stat. 614; 19 U. S. C. 1309, 26 U. S. C. 5062)

§ 253.204 *Deposit in zone.* Upon receipt at the zone, the customs officer shall follow the procedure prescribed in Part 252 of this title governing the inspection, gauge, and detention of distilled spirits or wines (as the case may be) and the scalping of wholesale liquor dealer's stamps, if any. Where the distilled spirits or wines are detained, they shall be deemed not to have been deposited in the zone, and customs officers will hold in abeyance the processing of Forms 1582 or 1582–A and Zone Form D pertaining to such liquors, until the assistant regional commissioner has advised the collector of customs that the liquors may be released and deposited in the zone. Upon execution of his certificate, the customs officer will forward the original Form 1582 or Form 1582–A with the scalped stamps and other attachments, if any, to the assistant regional commissioner of the region in which is located the export storage room from which the spirits or wines were shipped, and retain the copy.

(46 Stat. 690, as amended, 68A Stat. 614; 19 U. S. C. 1309, 26 U. S. C. 5062)

§ 253.205 *Action on claim.* The assistant regional commissioner will complete and dispose of the claim in the manner prescribed by existing law and regulations. If the claim is disallowed, the assistant regional commissioner will so notify the claimant and state the reasons therefor.

(46 Stat. 690, as amended, 68A Stat. 614; 19 U. S. C. 1309, 26 U. S. C. 5062)

#### DISTILLERS' ORIGINAL PACKAGES

§ 253.206 *General.* Taxpaid distilled spirits in distillers' original packages to which prescribed stamps are affixed, containing not less than 20 wine gallons each, may be deposited, with the privilege of drawback of the internal revenue tax, in a foreign-trade zone for exportation or storage therein pending exportation. Except as otherwise provided in this subpart, the provisions of Part 252 of this title relating to the exportation of distilled spirits in distillers' original packages with benefit of drawback are hereby made applicable to the deposit of spirits in foreign-trade zones with respect to the filing of applications, entries, and claims on Form 1629, the filing of evidence as to ownership of the spirits, and the inspection and gauge of the spirits including the reporting of such gauge by customs officers.

(48 Stat. 999, 68A Stat. 605; 19 U. S. C. 81c, 26 U. S. C. 5012)

§ 253.207 *Application and entry.* Whenever an exporter desires to deposit distilled spirits in distillers' original packages in a foreign-trade zone for exportation or for storage therein pending exportation, with privilege of drawback, he shall present to the customs officer in charge of the foreign-trade zone application and entry (in triplicate) on Form 1629, with part 1 of the form executed: *Provided,* That the application shall be modified to the extent necessary to indicate that the spirits are to be deposited in a foreign-trade zone for exportation or storage therein pending exportation.

(68A Stat. 605; 26 U. S. C. 5012)

§ 253.208 *Deposit in zone.* Upon receipt at the zone, the spirits will be inspected, gauged, and marked by a customs officer in accordance with the provisions of Part 252 of this title, except that the words "via F. T. Z. No." and the number of the zone will be shown in addition to and immediately following the words "For Export from U. S. A." on the packages of such spirits. Upon completion of his inspection and gauge and the deposit of the spirits in the zone, the customs officer shall execute his certificate of inspection, gauge, and receipt of the packages in part 2 of the Form 1629, appropriately modified. The customs officer shall forward the original of Form 1629 and a copy of the report of gauge, Form 696, to the exporter, and shall forward a copy of Form 1629 and the original of Form 696 with the scalped stamps attached to the assistant regional commissioner of the region in which the exporter is located, and shall retain one copy of each form for his own records.

(68A Stat. 605; 26 U. S. C. 5012)

§ 253.209 *Claim.* The exporter, upon receipt of Forms 1629 and 696 from the officer in charge of the foreign-trade zone, shall, on the basis of the rate of tax paid, and the quantity, in proof gallons, of distilled spirits shown by the customs gauge on Form 696 to be contained in the packages, compute the amount of eligible drawback on the spirits, appropriately modify part 4 of the Form 1629 received from the customs officer, and execute his claim for drawback thereon. He shall then forward the claim with any required evidence of ownership to the assistant regional commissioner of the region in which he is located. The exporter shall retain the copy of Form 696.

(68A Stat. 605; 26 U. S. C. 5012)

§ 253.210 *Action on claim.* The assistant regional commissioner will, upon receipt of the claim and entry, Form 1629, complete and dispose of the claim in accordance with the provisions of existing law and regulations. If the claim is disallowed, the assistant regional commissioner will so notify the claimant and state the reasons therefor.

(68A Stat. 605; 26 U. S. C. 5012)

#### BOTTLED OR PACKAGED BEER

§ 253.211 *General.* Beer which has been brewed or produced in the United States, and has been packaged in kegs, barrels, bottles or cans, and on which the tax has been fully paid, may be deposited, with benefit of drawback, in foreign-trade zones for exportation or storage therein pending exportation. The transportation to and deposit in the foreign-trade zone shall be in accordance with this subpart. No bond will be required covering such transfer and deposit. Except as otherwise provided in this subpart, the provisions of Part 252 of this title relating to the exportation of beer with benefit of drawback are hereby made applicable to the shipment and deposit of beer in foreign-trade zones with respect to the filing of notices, entries and claims on Form 1582–B, and the marking of containers.



(48 Stat. 999, 68A Stat. 613; 19 U. S. C. 81c, 26 U. S. C. 5056)

§ 253.212 *Marking of containers.* Each case or package shall be marked in accordance with the provisions of Part 252 of this title applicable to containers deposited for export, except that the words "via F. T. Z. No." and the number of the consignor foreign-trade zone, will be shown in addition to and immediately following the words "Beer for Export—Drawback Claimed."

(68A Stat. 613; 26 U. S. C. 5056)

§ 253.213 *Delivery to zone.* Taxpaid beer may be delivered directly to a foreign-trade zone or to a common carrier for transportation to a zone. Where delivery is made to a common carrier for transportation to a zone, the shipper shall procure a copy of the bill of lading, if any, covering such transportation and transmit it to the assistant regional commissioner with whom the claim is filed.

§ 253.214 *Deposit in foreign-trade zone.* Upon receipt at the zone, the beer shall be inspected by a customs officer who will determine if the shipment agrees with the description thereof on Form 1582–B. Any loss, breakage or shortage will be noted on both copies of Form 1582–B. If the inspection discloses evidence of fraud, the collector of customs will detain the shipment and report the facts immediately to the assistant regional commissioner of the region in which the zone is located, who will cause immediate investigation and will take such action as the facts may warrant. Beer so detained will be deemed not to have been deposited in the zone, and Form 1582–B and Zone Form D pertaining to such beer will not be processed until the assistant regional commissioner has advised the collector of customs that the beer may be released for deposit in the zone. Upon deposit of the beer, the customs officer will execute the certificate on both copies of Form 1582–B, and will forward one copy to the assistant regional commissioner of the region in which the claim for drawback is filed (as indicated in part 1 of the form) and retain the remaining copy.

(68A Stat. 613; 26 U. S. C. 5056)

§ 253.215 *Action on claim.* The assistant regional commissioner will complete and dispose of the claim in the manner prescribed by existing law and regulations. If any part of the claim is disallowed the assistant regional commissioner will so notify the claimant and state the reasons therefor.

### SUBPART H—VOLUNTARY DESTRUCTION OF DISTILLED SPIRITS, WINES, OR BEER AFTER RECEIPT IN A FOREIGN-TRADE ZONE

§ 253.225 *General.* Liquors withdrawn for transportation to and deposit in a foreign-trade zone for exportation or for storage pending exportation, may be destroyed under the supervision of the collector of customs, where it is shown to the satisfaction of the assistant regional commissioner of the region in which the zone is located that the liquors, after deposit in a zone, have become unmerchantable or unfit for export.

(48 Stat. 999, 68A Stat. 613; 19 U. S. C. 81c, 26 U. S. C. 5056)

§ 253.226 *Application.* Application, addressed to the assistant regional commissioner of the region in which the zone is located and filed as hereinafter provided, for authority to destroy domestic distilled spirits (including alcohol), wines, or beer on storage in a foreign-trade zone shall be made by the exporter on a letter-size paper, in duplicate, showing the name and address of the claimant and setting forth the following information:

(a) The kind and quantity of the liquor, the serial numbers, if any, of the containers thereof, and identification of the zone in which the liquor is stored;

(b) The name and address of the producer of the liquor, and the name, registry number, if any, and location of the plant, warehouse or other establishment from which such liquors were withdrawn for transportation to and deposit in the foreign-trade zone;

(c) The date of withdrawal, and the form and serial number, if any, of the withdrawal application; and, in the case of liquors on which drawback of internal revenue tax has been allowed, the claim number assigned thereto by the assistant regional commissioner;

(d) Whether the liquor has become unmerchantable or unfit for export after deposit in the zone, together with all the known facts relating thereto; and

(e) Whether the unmerchantable or unfit liquor is covered by valid insurance in excess of the market value thereof, exclusive of tax. If the liquor is insured, the application will show its market value, the amount and date of each and every policy of insurance, the name and location of the company by which each and every policy was issued, the name and address of the bona fide owner of the liquor and, to the best of the affiant's knowledge, whether any other person or party is indemnified against the loss of the liquor by reason of its spoilage or destruction. Such application shall be signed by the exporter or his authorized agent and immediately above the signature there will appear the following statement: "I declare under the penalties of perjury that this application has been examined by me and to the best of my knowledge and belief is true and correct." The assistant regional commissioner may require any further evidence as is deemed necessary. The operator of the foreign-trade zone shall countersign the application or otherwise indicate thereon his knowledge of and concurrence in the application to destroy the liquor. The exporter shall file the application with the collector of customs in whose district the foreign-trade zone is located; at the same time the exporter shall likewise file Zone Form E in accordance with Customs Regulations (19 CFR Chapter I). Upon receipt of the application the collector of customs will determine the completeness thereof and shall report any facts relating to the condition of the liquor of which he may have knowledge. The original application will be forwarded to the assistant regional commissioner and the collector of customs shall retain the copy for his files.

§ 253.227 *Action by assistant regional commissioner.* The assistant regional commissioner will carefully examine the application to see that all the required information has been furnished and will cause such investigation to be made or require such additional evidence, including samples, to be submitted as he may deem necessary. If the assistant regional commissioner finds that the domestic distilled spirits (including alcohol), wines, or beer were withdrawn for transportation to and deposit in a foreign-trade zone in good faith for the purpose of exportation or storage pending exportation, and that such liquors, after deposit in the zone, have become unmerchantable or unfit for export, he may approve the application and authorize the destruction of the liquor described therein under the supervision of the collector of customs. Upon approval or disapproval of the application, the assistant regional commissioner will advise the collector of customs of his action.

§ 253.228 *Action by collector of customs.* Upon receipt of the assistant regional commissioner's authorization for destruction of the liquor, or his disapproval of the application for destruction, the collector of customs will act upon the exporter's application on Zone Form E and dispose of it in accordance with the applicable provisions of Customs Regulations (19 CFR Chapter I). Where the assistant regional commissioner has authorized the destruction of the liquor, such destruction shall be accomplished under customs supervision.

### SUBPART I—REMOVAL OF STILLS OR DISTILLING APPARATUS FOR DEPOSIT IN A FOREIGN-TRADE ZONE FOR EXPORTATION, DESTRUCTION, OR STORAGE PENDING EXPORTATION

#### REMOVALS FREE OF TAX

§ 253.250 *General.* Stills and worms or condensers, to be used for purposes other than distilling as defined by 26 CFR Part 196, may be withdrawn from the premises of the manufacturer or vendor, free of tax, for deposit in a foreign-trade zone for exportation, destruction, or storage therein pending exportation.

(48 Stat. 999; 19 U. S. C. 81c)

§ 253.251 *Regulations made applicable.* The provisions of Part 196 of this title relating to the withdrawal free of tax from the premises of the manufacturer or vendor, of stills, worms or condensers intended for use for purposes other than distilling as defined in Part 196 of this title, shall apply, to the extent applicable, to the removal of such apparatus for deposit in foreign-trade zones for exportation, destruction, or storage therein pending exportation. In the event the distilling apparatus is to be destroyed after its deposit in the zone, the exporter must file application for such destruction on Zone Form E with the collector of customs in accordance with the provisions of Customs Regulations (19 CFR Chapter I).

REMOVALS WITH BENEFIT OF DRAWBACK

§ 253.252 *General.* Stills and worms or condensers manufactured especially for export, upon which the excise (commodity) tax has been paid, may be removed with benefit of drawback from the premises of the manufacturer for deposit in a foreign-trade zone for exportation, destruction, or storage therein pending exportation.

(48 Stat. 999, 68A Stat. 618; 19 U. S. C. 81c, 26 U. S. C. 5106)

§ 253.253 *Regulations made applicable.* The provisions of Part 196 of this title relating to exportation of stills and worms or condensers with benefit of drawback shall apply, to the extent applicable, to the removal of such apparatus for deposit, with benefit of drawback, in foreign-trade zones for exportation, destruction, or storage therein pending exportation. Form 1610 prescribed by Part 196 of this title shall be modified to the extent necessary to indicate that the distilling apparatus is to be removed for deposit in a foreign-trade zone and has been so deposited. In the event the distilling apparatus is to be destroyed after its deposit in the zone, the exporter must file application for such destruction on Zone Form E with the collector of customs in accordance with the provisions of Customs Regulations (19 CFR Chapter I). After the distilling apparatus has been inspected, and destroyed if deposited in the zone for that purpose, the customs officer will modify and sign his certificate on Form 1610 indicating receipt, and where applicable the destruction under his supervision, of the apparatus. In lieu of showing the port of exportation and the date of clearance there shall be shown the number and location of the foreign-trade zone and the date of deposit, and where applicable the destruction of the apparatus.

SUBPART J—BONDS AND CONSENTS OF SURETY

§ 253.300 *General.* Every person required by Subparts C through G of this part to file a bond or consent of surety shall prepare an execute it on the prescribed form, in triplicate. Bonds shall be given with corporate surety or collateral security. Assistant regional commissioners are authorized to approve or disapprove all bonds and consents of surety required by Subparts C through G of this part.

§ 253.301 *Corporate surety.* Bonds may be given with corporate surety authorized by the Secretary of the Treasury to become surety on Federal bonds, subject to the limitations prescribed by the Secretary in Treasury Department Form 356. A bond executed by two or more corporate sureties shall be the joint and several liability of the principal and the sureties: *Provided*, That each corporate surety may limit its liability in terms upon the face of the bond in a definite, specified amount, which amount shall not exceed the limitations prescribed for such corporate surety by the Secretary, as set forth in Treasury Department Form 356. When the sureties so limit their liability, the aggregate of such limited liabilities must equal the required penal sum of the bond.

§ 253.302 *Powers of attorney.* Powers of attorney and other evidence of appointment of agents and officers to execute bonds on behalf of corporate sureties are required to be filed with, and passed upon by, the Commissioner of Accounts, Surety Bonds Branch, Treasury Department. Such powers and other evidence of appointment need not be filed with, or submitted to, assistant regional commissioners. Powers of attorney or other evidence of appointment of agents and officers to execute bonds on behalf of the principal, must be filed on Form 1534, in triplicate, with the assistant regional commissioner with whom the bond is filed.

§ 253.303 *Collateral security.* Except as provided in this section, bonds or notes of the United States, or other obligations which are unconditionally guaranteed as to both interest and principal by the United States, may be pledged and deposited by principals as collateral security in lieu of corporate surety, in accordance with the provisions of Department Circular No. 154, revised (31 CFR Part 225): *Provided*, That United States Savings, Defense Savings, and War Savings Bonds issued under the authority of section 22 of the Second Liberty Loan Act, as amended, and other bonds and notes of the United States, which are nontransferable or the hypothecation of which will not be recognized by the Treasury Department, may not be pledged and deposited as security in lieu of corporate surety.

(61 Stat. 646; 6 U. S. C. 15)

§ 253.304 *Consents of surety.* Consents of surety to a change in the terms of a bond must be executed on Form 1533, in as many copies as are required of the bond which they affect, by the principal and all sureties with the same formality and proof of authority to execute as are required for the execution of bonds. Form 1533 will be used by obligors on collateral bonds as well as those on surety bonds. The Form 1533 must properly identify the bond affected thereby and state specifically and precisely what is covered by the extended terms thereof. Consent of corporate surety may be executed by an agent or attorney in fact duly authorized so to do by power of attorney filed by the surety with the appropriate assistant regional commissioner, or the consent may be executed by the home office officials of such corporate surety.

§ 253.305 *Approval required.* No person intending to withdraw liquors or other articles under the provisions of Subparts C through G of this part for transportation to and deposit in a foreign-trade zone shall make any such withdrawal until all bonds required by law and Subparts C through G of this part have been approved by the assistant regional commissioner.

§ 253.306 *Additional or strengthening bonds.* In all cases where the penal sum of a bond on file and in effect is not sufficient, computed as prescribed by law and Subparts C through G of this part, the principal may give an additional or strengthening bond in a sufficient penal sum, provided the surety thereon is the same as on the bond already on file and in effect; otherwise a new bond covering the entire liability will be required. Such additional or strengthening bonds, being filed to increase the bond liability of the principal and the surety, shall not be construed in any sense to be substitute bonds, and the assistant regional commissioner will refuse to approve any additional or strengthening bond where any notation is made thereon which may be construed as a release of any former bond or as limiting the amount of either bond to less than its full penal sum. Additional or strengthening bonds must show the current date of execution and the effective date in the blank spaces provided therefor. Such bonds must have marked thereon, by the obligors at the time of execution, "Additional Bond," or "Strengthening Bond."

§ 253.307 *New or superseding bonds.* The principal on any bond filed pursuant to Subparts C through G of this part may, at any time, substitute a new bond therefor. Executors, administrators, assignees, receivers, trustees, or other persons acting in a fiduciary capacity, continuing or liquidating the business of the principal, must execute and file a new bond or obtain the consent of the surety or sureties on the existing bond or bonds. When, in the opinion of the assistant regional commissioner, the interests of the Government demand it or in any case where the security of the bond becomes impaired in whole or in part for any reason whatever, the principal will be required to give a new bond. A new bond shall be required immediately in case of the insolvency of a corporate surety. Where a bond is found to be not acceptable or for any reason becomes invalid or of no effect, the principal shall be required to file immediately a new and satisfactory bond, or discontinue operations thereunder forthwith. Superseding bonds must show the current date of execution and the date they are to be effective, and each such bond shall have marked thereon, by the obligors at the time of execution, "Superseding Bond." Where a new bond is submitted by the principal to supersede a bond or bonds then in effect, and such superseding bond has been approved, the superseded bond shall be released as to transactions occurring wholly subsequent to the effective date of the superseding bond and notice of termination of the superseded bond may be issued as provided in § 253.317.

ASSISTANT REGIONAL COMMISSIONER'S ACCOUNTS WITH BONDS

§ 253.308 *Alcohol and denatured rum.* The assistant regional commissioner will keep an account with each bond, Form 1702 and Form 1703. Where a consent of surety, Form 1533, is filed, specifically extending the terms of the exporter's continuing direct export bond (Form 1495), or continuing transportation for export bond (Form 1496), or the distiller's denaturing warehouse bond (Form 572), to cover withdrawals for deposit in a foreign-trade zone, the account shall be kept with such bond. Only one account covering all transactions under each bond need be kept. The principal will be charged with the internal revenue tax, or an amount equal thereto, on each lot of alcohol or denatured rum withdrawn under a bond for transfer to a foreign-trade zone. Alcohol or denatured rum so withdrawn shall remain unaccounted for until the certificate of the collector of customs showing the deposit of the alcohol or denatured rum in the foreign-trade zone has been received by the assistant regional commissioner, or, where a loss is reported (a) until satisfactory evidence establishes that the alcohol or denatured rum has not been diverted to any illegal use by the exporter or carrier or other person having legal custody or control thereof, and that such loss occurred without connivance, collusion, fraud, or negligence on the part of the exporter or carrier or other such person, or the employees of any of them, or (b) until the tax on the loss has been paid or remitted.

(68A Stat. 647, 657, 661; 26 U. S. C. 5247, 5305, 5331)



§ 253.309 *Specially denatured alcohol.* The assistant regional commissioner will keep an account with each bond covering transportation to foreign-trade zones of specially denatured alcohol in accordance with the procedure prescribed in § 253.308 for keeping accounts with bonds covering transportation of alcohol and denatured rum: *Provided*, That the principal will be charged with an amount equal to the internal revenue tax at double the distilled spirits rate of tax on each wine gallon of specially denatured alcohol withdrawn under an outstanding bond for transportation to a zone.

(68A Stat. 595, 657, 661; 26 U. S. C. 5001, 5305, 5319)

§ 253.310 *Distilled spirits.* The assistant regional commissioner will keep an account with each bond, Form 1702 and Form 1703. Where a consent of surety, Form 1533, is filed, specifically extending the terms of the exporter's continuing direct export bond (Form 657), or continuing transportation for export bond (Form 658), to cover withdrawals for deposit in a foreign-trade zone, the account shall be kept with such bond. Only one account covering all transactions under each bond need be kept. The principal will be charged with the internal revenue tax on each lot of distilled spirits withdrawn under a bond for transfer to a foreign-trade zone. Spirits so withdrawn shall remain unaccounted for until the certificate of the collector of customs showing the deposit of the spirits in the foreign-trade zone has been received by the assistant regional commissioner, or, where a loss is reported, (a) until satisfactory evidence establishes that the loss, if from theft, occurred without connivance, collusion, fraud, or negligence on the part of the distiller, warehouseman, owner, consignor, consignee, bailee, or carrier, or the employees of any of them, or (b) until the tax on the loss has been paid or remitted.

(68A Stat. 645, 647; 26 U. S. C. 5243, 5247)

§ 253.311 *Wines.* The assistant regional commissioner will keep an account with each bond covering transportation of wines to foreign-trade zones. Where an approved consent of surety, Form 1533, which specifically extends the terms of the exporter's continuing bond on Form 186 or Form 700 to cover withdrawals for deposit in a foreign-trade zone is on file, only one account covering all transactions under such bond need be kept. The principal will be charged with the internal revenue tax on each lot of wine removed under an outstanding bond for deposit in a foreign-trade zone. Wine withdrawn for deposit in a zone will be carried as unaccounted for until the certificate of the collector of customs showing the deposit of the wine in the foreign-trade zone has been received by the assistant regional commissioner, or, where a loss is reported, (a) until satisfactory evidence establishes that the loss, if from theft, occurred without connivance, collusion, fraud, or negligence on the part of the wine maker, owner, consignor, consignee, bailee or carrier, or the employees of any of them, or (b) until the tax on the loss has been paid or remitted.

(68A Stat. 665, 666; 26 U. S. C. 5362, 5370)

§ 253.312 *Beer.* The assistant regional commissioner's account with each brewer's bond, Form 1566, will include removals of beer to a foreign-trade zone. The principal will be charged with the internal revenue tax at the rate imposed on beer on each lot of beer removed for transportation to a zone. Credit will be given on beer for which proof of deposit in a foreign-trade zone is filed with the assistant regional commissioner and for losses of beer in transit where there is no evidence that such losses resulted from theft or pilferage or from fraud by the brewer.

(68A Stat. 611, 612, 674; 26 U. S. C. 5051, 5053, 5401)

TERMINATION OF TRANSPORTATION BONDS

§ 253.313 *General.* Bonds on Form 1702, covering a specific lot of liquors withdrawn for deposit in a zone, will be terminated by the assistant regional commissioner immediately upon receipt from the collector of customs of a certification that the liquors had been deposited in the zone to which consigned: *Provided*, That where there is a deficiency reported by the collector of customs, the bond will not be terminated by the assistant regional commissioner until liability for the deficiency has been cleared. Upon termination, the assistant regional commisisoner will mark the bond "Canceled" followed by the date of cancellation, and will issue a notice of release, Form 1491, as provided in § 253.317. Continuing bonds on Form 1703 will be terminated by the assistant regional commissioner as to liability for liquors consigned to a foreign-trade zone after a specified future date (a) pursuant to a notice by the surety, as provided in § 253.314, (b) following approval of a superseding bond, as provided in § 253.307, or (c) following notification by the principal of the discontinuance of the business covered by the bond. Upon termination, the assistant regional commissioner will mark the bond "Canceled" followed by the date of cancellation, and will issue a notice of termination, Form 1490, or a notice of release, Form 1491, as provided in § 253.317.

§ 253.314 *Application of surety for release from bond.* A surety on any bond required by Subparts C through G of this part may at any time, in writing, notify the assistant regional commissioner in whose office the bond is on file and the principal that he desires to be relieved of liability under the bond at a date not less than 60 days after the date of the notification. One copy of the notice must be delivered to the principal and two copies shall be delivered to the assistant regional commissioner. If the notice is given by an agent of the surety it must be accompanied by a power of attorney authorizing the agent to give such notice, or by a verified statement that such power of attorney is on file with the Treasury Department. The surety must also file with the assistant regional commissioner an acknowledgment or other proof of service of such notice on the principal.

§ 253.315 *Extent of release of surety from liability under bond.* If the notice required by § 253.314 is not withdrawn thereafter in writing, the rights of the principal as supported by the said bond shall be terminated on the date named in the notice, and the surety will be relieved from liability for liquors withdrawn wholly subsequent to the date named. Liability under a bond on Form 1703 for liquors removed prior to the date named in the surety's notice will continue until such liquors are properly accounted for according to law and this part. Where the principal files a valid superseding bond, the surety on the bond superseded will be relieved from liability for liquors withdrawn wholly subsequent to the effective date of the superseding bond.

§ 253.316 *Action by assistant regional commissioner.* When an application by the surety for release as to future liability from a transportation bond required by Subparts C through G of this part is filed with the assistant regional commissioner, or when a superseding bond has been approved, or when the principal has discontinued business, the assistant regional commissioner will make a complete examination of records to determine whether there is any liability then due and payable outstanding against the bond. He shall also ascertain from the district director of internal revenue whether there are any outstanding unpaid assessments against the principal on liquors removed under the bond. If it is found that violations of law and regulations occurred during the period covered by the bond or that liabilities chargeable against the bond have not been paid or otherwise settled, no further action will be taken until all such liabilities have been settled. If the assistant regional commissioner finds that the bond may be properly terminated, he will issue notice of termination in accordance with the provisions of § 253.317.

§ 253.317 *Notice of termination.* Upon determining that a transportation bond filed pursuant to Subparts C through G of this part may be terminated, the assistant regional commissioner will execute a notice of termination, Form 1490, where a superseding bond has been approved, or a notice of release, Form 1491, where the principal has discontinued the business covered by the bond, or where the surety has made application for release from bond as provided in § 253.314. The notice of termination or the notice of release shall be prepared in triplicate where there is but one surety, and in quadruplicate where there are two sureties. The assistant regional commissioner will furnish one copy to each obligor, and retain one copy of the notice and the surety's application, if any, on file with the bond to which it relates.

§ 253.318 *Release of collateral.* The release of collateral pledged and deposited to support bonds required by Subparts C through G of this part will be in accordance with the provisions of Department Circular No. 154, revised (31 CFR Part 225), subject to the conditions governing issuance of notices on Forms 1490 and 1491 of the termination of such bonds. When the assistant regional commissioner determines that there is no outstanding liability against the bond, and has satisfied himself that the interests of the Government will not be jeopardized, the security may be released and returned to the principal.

(61 Stat. 646; 6 U. S. C. 15)

### SUBPART K—TOBACCO PRODUCTS, CIGARETTE PAPERS AND TUBES

§ 253.375 *General.* The regulations in this subpart shall govern the removal of tobacco products (manufactured tobacco, cigarettes, and cigars), and cigarette papers and tubes, without payment of tax, from bonded domestic internal revenue factories and from bonded internal revenue tobacco export warehouses for delivery to foreign-trade zones.

§ 253.376 *Removals to be covered by bond.* No additional or special bonds will be required to cover removals of nontaxpaid tobacco products, or cigarette papers and tubes, from domestic internal revenue factories where produced, or removals of such articles from bonded internal revenue tobacco export warehouses, for delivery to foreign-trade zones under these regulations. Liability to tax on such removals shall be charged against the bonds under which the factories and warehouses are operated. However, a manufacturer, or proprietor of a bonded internal revenue tobacco export warehouse, who desires to make removals of nontaxpaid tobacco products, or cigarette papers and tubes, from his factory or warehouse for delivery to foreign-trade zones must furnish to the assistant regional commissioner of the region in which his factory or warehouse is located, an extension of coverage of bond, Form 2105, extending his factory or warehouse bond to cover such removals.

§ 253.377 *Packages, labels or notices.* Tobacco products, or cigarette papers and tubes, may be put up in any packages desired for delivery to a foreign-trade zone. Where such articles, removed under this subpart without payment of tax, bear a label or notice, such label or notice shall not be in the likeness or similitude of a United States tax stamp, or a stamp, label, or notice required on packages of similar articles to evidence United States tax.

§ 253.378 *Lottery features.* No certificate, coupon, or other device purporting to be or to represent a ticket, chance, share, or an interest in, or dependent on, the event of a lottery shall be contained in, attached to, or stamped, marked, written, or printed on any package of tobacco products, or cigarette papers or tubes, removed under this subpart to a foreign-trade zone.

(68A Stat. 713; 26 U. S. C. 5723)

§ 253.379 *Indecent or immoral material.* No indecent or immoral picture, print, or representation shall be contained in, attached to, or stamped, marked, written, or printed on any package of tobacco products, or cigarette papers or tubes, removed under this subpart to a foreign-trade zone.

(68A Stat. 713; 26 U. S. C. 5723)

§ 253.380 *Shipping containers.* Each shipping case, crate, or other package containing nontaxpaid tobacco products, or cigarette papers and tubes, to be delivered to a foreign-trade zone under this subpart shall bear a number, such number to be assigned by the manufacturer. Removals of articles from a warehouse to a foreign-trade zone shall be made, insofar as practicable, in the same containers in which received from factories. However, where it is necessary to break a manufacturer's original shipping container to remove a portion of the contents for export, a new container shall be provided for the portion to be removed, which container shall be marked with the same number as the manufacturer's original container number followed by the letter "A" for the removal of the first portion thereof, "B" for the second portion, and so on as may be necessary.

§ 253.381 *Notice of removal.* For each shipment of nontaxpaid tobacco products, or cigarette papers and tubes, removed from his factory for delivery to a foreign-trade zone under this subpart, the manufacturer shall prepare a notice of removal on Form 2149 (in quadruplicate) and for each shipment of nontaxpaid articles removed from his warehouse for similar delivery, the proprietor shall prepare a notice of removal on Form 2150 (in quadruplicate). Each such notice shall be given a number by the manufacturer or warehouse proprietor in a series beginning with number one for the first such shipment removed, under this subpart, and beginning again with number one on the first day of January of each year thereafter: *Provided,* That where removals are also made under the provisions of Part 290 (26 CFR) such forms may be numbered in the same series as that used for Forms 2149 and 2150, respectively, under that part. All copies of such notice of removal shall show the same serial number. Upon removal of the shipment described on the form, the manufacturer or warehouse proprietor shall fill in the date of actual removal of the shipment on all copies of the notice.

§ 253.382 *Disposition of copies of Forms 2149 or 2150.* After filling in on all copies of the notice of removal, Forms 2149 or 2150, as the case may be, the date of removal of the shipment described thereon, as required by § 253.381, the manufacturer or warehouse proprietor shall promptly file one copy with the assistant regional commissioner for the region in which is located the factory or warehouse from which the shipment is removed and shall retain one copy for his files. The manufacturer or warehouse proprietor shall forward the other two copies of the Form 2149 or Form 2150, as the case may be, to the customs officer in charge of the foreign-trade zone to which the shipment described on the form will be delivered.

§ 253.383 *Receipt of shipment into foreign-trade zone.* When a shipment of nontaxpaid tobacco products, or cigarette papers and tubes, removed from a factory or warehouse under this subpart, is received at the foreign-trade zone, the customs officers at the zone shall inspect the shipment to satisfy themselves that it agrees with that described on the copies of the related Forms 2149 or 2150, as the case may be, received from the manufacturer or warehouse proprietor making the shipment. The customs officers at the foreign-trade zone should not permit receipt into the zone of, tobacco products, or cigarette papers and tubes, other than those described on the related Form 2149 or 2150. After permitting receipt of the shipment into the zone, the officer in charge shall properly execute the certificate of receipt on the back of each of the two copies of the related Forms 2149 or 2150, retain one copy for the records of his office, and transmit the other completed copy of the form to the manufacturer or warehouse proprietor making the shipment who shall file the form promptly with the proper assistant regional commissioner.

§ 253.384 *Return of shipment to factory or warehouse.* If, after removal from his factory, or bonded internal revenue export warehouse, and prior to delivery to and receipt in a foreign-trade zone, the manufacturer or warehouse proprietor desires to return a shipment of tobacco products, or cigarette papers and tubes, to the premises of his factory or tobacco products or cigarette papers or tubes into his warehouse, he must give immediate notice thereof to the appropriate assistant regional commissioner. Such notice shall be given by transmitting to the assistant regional commissioner three copies of the Forms 2149 or 2150 under which the tobacco products, or cigarette papers and tubes, were originally removed after the manufacturer or warehouse proprietor has appropriately modified and executed the certificate of receipt on each copy of the form to indicate the tobacco products, or cigarette papers and tubes, returned to his factory or warehouse and debited in the records of the factory or warehouse. If less than the entire shipment of tobacco products, or cigarette papers and tubes, as described on the form, is returned to the factory or warehouse, the manufacturer or warehouse proprietor shall not only set forth accurately the items returned, but shall show what disposition was made of the balance of the original shipment, and any other facts, pertinent to such shipment. The assistant regional commissioner shall indicate his acknowledgment of such notice by appropriate endorsement to that effect on each of the three copies of the related Forms 2149 or 2150, retain one copy for his records and return the other two copies thereof to the manufacturer or warehouse proprietor. Upon receipt of the two copies of the form bearing the endorsement of the assistant regional commissioner, the manufacturer or warehouse proprietor shall retain one copy for the records of his factory or warehouse and shall submit the other copy with his report for the month in which the tobacco products, or cigarette papers and tubes, are returned.

§ 253.385 *Tax liability.* Responsibility for the proper delivery of nontaxpaid tobacco products, or cigarette papers and tubes removed from the factory or warehouse under this subpart, shall rest upon the manufacturer or warehouse proprietor making the shipment and he will be liable for the internal revenue tax on such articles shipped or delivered otherwise than in accordance with this subpart, or for such articles shipped to a foreign-trade zone where satisfactory evidence of delivery is not received by the assistant regional commissioner.

§ 253.386 *Credit for shipment.* Upon receipt by the assistant regional commissioner of a copy of the notice of removal, Forms 2149 or 2150, on which the officer in charge of the foreign-trade zone has executed the certificate of receipt, or other satisfactory evidence of receipt of the articles described on the form, credit will be allowed the shipper for the merchandise actually received into the foreign-trade zone as indicated by the officer in charge of the zone. In case a shortage is reported, the shipper will be required to pay the amount of tax due on the shortage.

§ 253.387 *Penal provisions.* The provisions of sections 5762 and 5763 of the Internal Revenue Code apply to tobacco products, and cigarette papers and tubes, removed under this subpart.

[F. R. Doc. 56-3932; Filed, May 17, 1956; 8:48 a. m.]



# PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### [ 7 CFR Parts 27, 28 ]

### COTTON REGULATIONS

### MISCELLANEOUS AMENDMENTS

Notice is hereby given, in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003), that the Agricultural Marketing Service is considering amendments of the regulations for cotton classification under cotton futures legislation (7 CFR Part 27, Subpart A, as amended) and the regulations under the United States Cotton Standards Act (7 CFR Part 28, Subpart A, as amended), pursuant to authority contained in section 4863 of the Internal Revenue Code of 1954 (68A Stat. 582; 26 U. S. C., Supp. II, 4863), and in section 4 of the United States Cotton Standards Act (42 Stat. 1517; 7 U. S. C. 54).

The primary purposes of the proposed amendments are to (1) clarify procedures for submitting requests for classification and Micronaire determinations for cotton futures purposes; (2) simplify procedures for the transfer of certificated bales of cotton from one futures delivery location to another delivery location; (3) delete obsolete provisions in cotton futures regulations; and (4) clarify the procedure for review classification by deleting the provision in both the cotton futures and Cotton Standards Act regulations which provides that the original classification shall be changed upon review "only when it shall appear upon the review that such classification was clearly erroneous."

The proposed amendments are as follows:

1. Section 27.10 would be amended by deleting the words "with full authority to perform the duties of a supervisor of cotton inspection in accordance with §§ 27.75 and 27.77", and the comma preceding such words.

2. Section 27.13 would be amended to read:

§ 27.13 *Micronaire determination request incidental to classification request.* The classification request may include a request for Micronaire determination.

3. Paragraph (b) of § 27.28 would be amended to read as follows:

(b) The sample may be removed, by the current holder of the cotton classification certificate covering the cotton represented by such sample, at any time within 30 days after whichever of the following occurs first: (1) such certificate becomes invalid as provided in § 27.42, or (2) the certificate (covering tenderable cotton) is surrendered for cancellation without the issuance of a new certificate in lieu thereof, or (3) the cotton is classified as untenderable and an application for review is not filed within the time specified in § 27.62, or (4) the cotton is classified as untenderable in review classification, or (5) the cotton is found untenderable in an official Micronaire determination.

4. Section 27.44 would be amended to read as follows:

§ 27.44 *Invalidity of cotton class certificates.* Any cotton class certificate shall become invalid for use in the tender or delivery of the cotton covered thereby on a section 4863 contract whenever such cotton shall be removed from the place of storage specified therein, except when it is handled and restored or transferred to a different place of storage and restored under the supervision of an exchange inspection agency.

5. Section 27.48 would be deleted in its entirety.

6. The sentence in § 27.64 (a), which reads as follows, would be deleted: "A copy of each such application shall be mailed by the person receiving it under this section to the other party in interest."

7. Section 27.68 would be deleted in its entirety.

8. Section 27.69 would be amended to read:

§ 27.69 *Classification review; notation on certificate.* If upon review the classification of the cotton is found to be the same as shown by the cotton class certificate, there shall be placed upon the certificate a notation, which shall be signed by the chairman of the board and dated, to the effect that the classification of the cotton covered by such certificate has been reviewed and determined to be as stated in such certificate. Thereupon the certificate shall be returned to the person who requested the review.

9. Sections 27.73 through 27.79 would be deleted and the following substituted for § 27.73:

§ 27.73 *Supervision of transfers of cotton.* Whenever the owner of any cotton inspected and sampled for classification pursuant to this subpart and for which he holds valid cotton class certificates, desires to transfer such cotton to a different place, or to a different warehouse at the same place, for the purpose of having it made available for delivery upon a section 4863 contract, such transfer shall be effected under the supervision of the exchange inspection agency in accordance with procedures approved by the Administrator or his representative. For transfers of cotton between different places the owner of the cotton shall surrender the cotton class certificates for the cotton involved to the exchange inspection agency at the place from which the cotton is being transferred. The exchange inspection agency shall cancel the cotton class certificates and forward them, together with other necessary transfer papers, to the exchange inspection agency at the location to which the cotton is being transferred. When the cotton has been delivered for storage at the place of its destination and

new warehouse receipts have been issued therefor, the exchange inspection agency at that point shall surrender the cancelled cotton class certificates, other transfer papers, and the new warehouse receipts for the cotton to the board of cotton examiners. Thereupon the board will issue a new cotton class certificate for each bale involved, valid for use at such destination without the reclassification of the cotton or a new Micronaire determination with respect to the cotton. Transfers between different warehouses at the same place shall be under the supervision of the exchange inspection agency at that place and the procedure as nearly as possible shall be the same as that for transfers between different places. The exchange inspection agency shall report the facts of all transfers to the board of cotton examiners in accordance with § 27.46. Supervision of transfers in accordance with this subpart shall not be granted, nor shall any certificate be issued with respect to any bale which appears, upon examination by the exchange inspection agency, or by a supervisor of cotton inspection or other authorized representative of the Service, to be in such condition that its grade or staple length or fiber fineness and maturity is different from that shown by the cotton class certificate, until such bale has been reclassified, and, if a Micronaire determination is shown on such certificate, until a new Micronaire determination has been made for the bale in accordance with this subpart.

10. The reference in § 27.81 to "§ 27.44" would be changed to "§ 27.73."

11. Section 27.84 would be deleted in its entirety.

12. Section 28.64 would be deleted in its entirety.

Any interested persons who wish to submit written data, views, or arguments concerning the proposed amendments may do so by filing them with the Director, Cotton Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 15 days after publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 15th day of May 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator,*
*Agricultural Marketing Service.*

[F. R. Doc. 56-3944; Filed, May 17, 1956; 8:50 a. m.]

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## [ 7 CFR Part 53 ]

### FEDERAL MEAT GRADING REGULATIONS

### NOTICE OF PROPOSED RULE MAKING

On January 7, 1956, in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003), notice was published in the FEDERAL REGISTER (21 F. R. 134) that the Agricultural Marketing Service had under consideration a proposed revision of the Federal meat grading regulations (7 CFR Part 53, Subpart A, as amended) under sections 203 and 205 of the Agricultural Marketing Act of 1946 (7 U. S. C. 1622, 1624) as amended by Public Law 272, 84th Congress, and under the general language in the item for the Agricultural Marketing Service in the Department of Agriculture and Farm Credit Administration Appropriation Act, 1956 (Pub. Law 40, 84th Congress). Numerous comments on the proposal were received from interested persons. After careful consideration of the comments, it is now proposed to revise the regulations to read as follows:

### SUBPART A—REGULATIONS

#### DEFINITIONS

Sec.
53.1 Meaning of words.
53.2 Designation of official certificates, memoranda, marks, other identifications, and devices for purposes of the Agricultural Marketing Act.

#### ADMINISTRATION

53.3 Authority.

#### SERVICE GENERALLY

53.4 Kind of service.
53.5 Availability of service.
53.6 Recognition of non-Federal meat inspection systems; withdrawal of recognition.
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53.8 How to obtain service.
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53.10 When request for service deemed made.
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53.14 Financial interest of official grader.
53.15 Accessibility and refrigeration of products.
53.16 Official certificates.
53.17 Advance information concerning service rendered.
53.18 Marking of products.
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53.20 Custody of identification devices.

#### APPEAL SERVICE

53.21 What is appeal service; requirements for appeal; certain determinations not appealable.
53.22 Request for appeal service.
53.23 When request for appeal service may be withdrawn.
53.24 Denial or withdrawal of appeal service.
53.25 Who shall perform appeal service.
53.26 Appeal certificates.
53.27 Superseded certificates.
53.28 Application of other regulations to appeal service.

#### CHARGES FOR SERVICE

53.29 Fees and other charges for service.
53.30 Payment of fees and other charges.
53.31 Identification.
53.32 Errors in service.

#### DEFINITIONS

§ 53.1 *Meaning of words.* Words used in the regulations in this subpart in the singular form shall be deemed to import the plural, and vice versa, as the case may demand. For the purposes of such regulations, unless the context otherwise requires, the following terms shall be construed, respectively, to mean:

(a) *The acts.* The Agricultural Marketing Act of 1946 (Title II of the act of Congress approved August 14, 1946, 60 Stat. 1087, as amended, 7 U. S. C. 1621–1627, Pub. Law 272, 84th Cong., 69 Stat. 553), and the general language in the item for the Agricultural Marketing Service in the Department of Agriculture and Farm Credit Administration Appropriation Act, 1956 (Pub. Law 40, 84th Cong., 69 Stat. 51) or similar provisions of any future act of Congress conferring like authority.

(b) *The regulations.* The regulations in this subpart.

(c) *Department.* The United States Department of Agriculture.

(d) *Agricultural Marketing Service.* The Agricultural Marketing Service of the Department.

(e) *Administrator.* The Administrator of the Agricultural Marketing Service, or any officer or employee of the Agricultural Marketing Service to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(f) *Division.* The Livestock Division of the Agricultural Marketing Service.

(g) *Director.* The Director of the Division, or any officer or employee of the Division to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(h) *Branch.* The Meat Grading Branch of the Division.

(i) *Chief.* The Chief of the Branch, or any officer or employee of the Branch to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(j) *Official grader.* An employee of the Department authorized to determine and certify or otherwise identify the class, grade, other quality, or compliance of products under the regulations.

(k) *Supervisor of grading.* An official grader or other person designated by the Chief to supervise and maintain uniformity in service under the regulations.

(l) *Office of grading.* The office of an official grader.

(m) *Person.* Any individual, partnership, corporation, or other legal entity, or Government agency.

(n) *Financially interested person.* Any person having a financial interest in the products involved, including but not limited to the shipper, receiver, or carrier of the products, or anyone acting on behalf of such person.

(o) *Applicant.* Any person who has applied for service under the regulations.

(p) *Grading service.* The service established and conducted under the regulations for the determination and certification or other identification of the class, grade, or other quality of products.

(q) *Compliance service.* The service established and conducted under the regulations for the determination and certification or other identification of the compliance of products.

(r) *Service.* Grading service or compliance service.

(s) *Class.* A subdivision of a product based on essential physical characteristics that differentiate between major groups of the same kind or species.

(t) *Grade.* (1) As a noun, this term means an important commercial subdivision of a product based on certain definite and preference determining factors, such as conformation, finish, and quality in meats.

(2) As a verb, this term means to determine the class, grade, or other quality of a product according to applicable standards for such product in Subpart B of this part.

(u) *Quality.* A combination of the inherent properties of a product which determines its relative degree of excellence.

(v) *Compliance.* Conformity of a product to the specifications under which the product was prepared, purchased, or sold, with particular reference to its cleanliness, state of refrigeration, method of processing, and trim.

(w) *Standards.* The standards of the Department contained in Subpart B of this part.

(x) *Specifications.* Descriptions with respect to the class, grade, other quality, quantity or condition of products, other than standards, prepared by Federal or other Government agencies or other persons.

(y) *Products.* Meats, prepared meats, meat by-products, or meat food products.

(z) *Animals.* Cattle, sheep, swine, or goats.

(aa) *Carcass.* The commercially prepared or dressed body of any animal intended for human food.

(bb) *Meat.* The edible part of the muscle of an animal which is skeletal, or which is found in the tongue, in the diaphragm, in the heart, or in the esophagus, and which is intended for human food, with or without the accompanying and overlying fat and the portions of bone, skin, sinew, nerve, and blood vessels which normally accompany the muscle tissue and which are not separated from it in the process of dressing. This term does not include the muscle found in the lips, snout, or ears.

(cc) *Prepared meats.* The products intended for human food which are obtained by subjecting meat to a process of drying, curing, smoking, cooking, comminuting, seasoning, or flavoring, or to any combination of such processes, and to which no considerable quantity of any substance other than meat or meat by-products has been added.

(dd) *Meat by-products.* All edible parts (other than meat and prepared meats) intended for human food, derived from one or more animals, and including but not limited to such organs and parts as livers, kidneys, sweetbreads, brains, lungs, spleens, stomachs, tripe, lips, snouts, and ears.

(ee) *Meat food products.* Any articles intended for human food (other than meat, prepared meats, and meat byproducts) which are derived or prepared, in whole or in substantial and definite part, from any portion of any animal, except such articles as organotherapeutic substances, meat juice, meat extract, and the like, which are only for medicinal purposes and are advertised only to the medical profession.

(ff) *Processing.* Subjecting meat to a process of drying, curing, smoking, cooking, seasoning, or flavoring, or to any combination of such processes, with or without fabricating.

(gg) *Fabricating.* Cutting into wholesale or retail cuts, or dicing or grinding.

(hh) *Immediate container.* The carton, can, pot, tin, casing, wrapper, or other receptacle or covering constituting the basic unit in which products are directly contained or wrapped when packed in the customary manner for delivery to the meat trade or to consumers.

(ii) *Shipping container.* The receptacle or covering in which one or more immediate containers of products are packed for transportation.

(jj) *Cooperative agreement.* A cooperative agreement between the Agricultural Marketing Service and another Federal agency or a State agency, or other agency, organization or person as specified in the Agricultural Marketing Act of 1946, as amended for conducting the service.

(kk) *Federal meat inspection.* The meat inspection system conducted under the Meat Inspection Act, as amended (21 U. S. C. 71 et seq.) and the import meat provisions of the Tariff Act (19 U. S. C. 1306 (b) and (c)), and the regulations thereunder (9 CFR Parts 1–28, as amended).

§ 53.2 *Designation of official certificates, memoranda, marks, other identifications, and devices for purposes of the Agricultural Marketing Act.* Subsection 203 (h) of the Agricultural Marketing Act of 1946, as amended by Public Law 272, 84th Congress, provides criminal penalties for various specified offenses relating to official certificates, memoranda, marks or other identifications, and devices for making such marks or identifications, issued or authorized under section 203 of said act, and certain misrepresentations concerning the inspection or grading of agricultural products under said section. For the purposes of said subsection and the provisions in this part, the terms listed below shall have the respective meanings specified:

(a) "Official certificate" means any form of certification, either written or printed, including that prescribed in § 53.16, used under the regulations to certify with respect to the inspection, class, grade, quality, size, quantity, or condition of products (including the compliance of products with applicable specifications).

(b) "Official memorandum" means any initial record of findings made by an authorized person in the process of grading, determining compliance, inspecting, or sampling pursuant to the regulations, any processing or plant-operation report made by an authorized person in connection with grading, determining compliance, inspecting, or sampling under the regulations, and any report made by an authorized person of services performed pursuant to the regulations.

(c) "Official mark" or "other official identification" means any form of mark or other identification, including those prescribed in § 53.19, used under the regulations in marking any products, or the containers thereof, to show inspection, class, grade, quality, size, quantity, or condition of the products (including the compliance of products with applicable specifications), or to maintain the identity of products for which service is provided under the regulations.

(d) "Official device" means any roller, stamp, brand or other device used under the regulations to mark any products, or the containers, thereof, with any official mark or other official identification.

#### ADMINISTRATION

§ 53.3 *Authority.* The Chief is charged with the administration, under the general supervision and direction of the Director, of the regulations and the acts insofar as they relate to the subject matter of the regulations.

#### SERVICE

§ 53.4 *Kind of service.* Grading service under the regulations shall consist of the determination and certification or other identification, upon request by the applicant, of the class, grade, or other quality of products under applicable standards in Subpart B of this part. Class, grade, and other quality may be determined under said standards for meat of cattle, sheep, or swine in carcass form or for wholesale cuts of such meat other than pork wholesale cuts. Compliance service under the regulations shall consist of the determination of the conformity of products to specifications, approved by the Chief and the certification and other identification of such products in accordance with the specifications, upon request by the applicant. Determination as to compliance with specifications for ingredient content or method of preparation may be based upon information received from the inspection system having jurisdiction over the products involved.

§ 53.5 *Availability of service.* Service under the regulations may be made available under a cooperative agreement with respect to products shipped or received in interstate commerce, and with respect to products not so shipped or received if the Chief determines that the furnishing of service for such products would facilitate the marketing, distribution, processing, and utilization of agricultural products through commercial channels. Service will be furnished only for products processed and fabricated, and derived from animals slaughtered, at establishments operated under Federal meat inspection, or at establishments, recognized under § 53.7, which are operated under some official meat inspection system recognized under § 53.6.

§ 53.6 *Recognition of non-Federal meat inspection systems; withdrawal of recognition*—(a) *Conditions of recognition.* Non-Federal meat inspection systems will be recognized by the Chief for the purpose of § 53.5 only if they are established under the authority of laws, ordinances, or similar provisions of a State, county, city, or other political subdivision; if the inspection is conducted by qualified inspectors who are veterinarians (or who are supervised by qualified veterinarians), who are employed, assigned and paid only by an agency of the State, county, city or other political subdivision conducting the meat inspection service, and who perform no work in or for an establishment operated un-

der the meat inspection system other than in their official capacities; if such laws, ordinances or similar enactments are consistent with the following applicable requirements; if such meat inspection systems are willing to enforce such requirements with respect to the establishments under their jurisdiction applying for recognition under § 53.7; and if such requirements are enforced in a manner satisfactory to the Chief:

(1) *Requirements for slaughtering establishments.* The following requirements shall be applicable to establishments where any animals are slaughtered for preparation as products for which grading or compliance service is desired under the regulations:

(i) The inspection of slaughtering operations shall include ante-mortem and post-mortem inspections.

(ii) Ante-mortem inspection of each animal shall be made immediately prior to slaughter for the purpose of eliminating all unfit animals and segregating, for more thorough examination, all animals suspected of being affected with a condition which might influence their disposition on post-mortem inspection. The unfit animals shall not be permitted to enter the slaughtering department of the establishment, and the suspected animals shall not be permitted to enter the slaughtering department until they have been found by veterinary inspection to be fit for slaughter. The suspected animals that are permitted to be slaughtered shall be handled separately and apart from the regular kill and shall be given a special post-mortem examination.

(iii) The post-mortem examination shall be made at the time the animals are slaughtered. The inspectors shall examine the cervical lymph glands, the skeletal lymph glands, the viscera and organs with their lymph glands, and all exposed surfaces of the carcasses of all animals. Such examination shall be conducted in the slaughtering department of the establishment (at the time of evisceration) during the slaughtering operations and shall not be conducted on a spot-check basis.

(iv) All carcasses and parts of carcasses, including the viscera, found to be diseased or otherwise unfit for human food shall be condemned and removed from the slaughtering department of the establishment in equipment designated for the purpose and shall be destroyed for food purposes under the supervision of an inspector. The disposition of all such carcasses and parts thereof, including the viscera, shall be under the control of a veterinary inspector.

(v) Each carcass and part thereof which has been inspected and passed shall be marked at the time of inspection with a mark assigned by and identifying the state, county, city, or other political subdivision. Such marking shall be done under the supervision of the inspector and the marking device shall be in the custody of the inspector at all times.

(2) *Requirements for processing establishments.* The following requirements shall be applicable to establishments processing products for which compliance service is desired under the regulations. At least daily inspection shall be made at each establishment to assure:

(i) That all processing operations are being conducted in a clean and sanitary manner.

(ii) That all products processed are clean and wholesome.

(iii) That products processed or fabricated, or derived from animals slaughtered, at plants not approved by the Chief are not permitted to enter the establishment.

(iv) That the inspectors shall be able to certify to the Agricultural Marketing Service the ingredient content and the manner of preparation of all products processed. In addition the requirements of subparagraph (1) of this paragraph shall be applicable to establishments within this subparagraph which also conduct slaughtering operations whether or not the products processed at such establishments are derived from the animals slaughtered.

(3) *Requirements for fabricating establishments.* Establishments fabricating products for which grading or compliance service is desired under the regulations shall meet the requirements of subparagraph (4) of this paragraph.

(4) *General requirements for all establishments and premises.* The following requirements shall be applicable to all establishments within subparagraph (1), (2), or (3) of this paragraph.

(i) The establishment as a whole and its facilities shall be well constructed, properly fitted and equipped for the purpose used, and so maintained that all products prepared therein will be clean and otherwise sound, healthful, wholesome, and fit for human food. The floors of the establishment shall be smooth and impervious and sloped so as to drain freely and rapidly to sewer connections. Walls and pillars in the slaughtering department, if any, must be tight, smooth, and free from crevices. All parts of the slaughtering department, if any, and other departments of the establishment in which products are processed, fabricated, or otherwise handled or stored shall be kept clean, and all of the operations in such departments shall be conducted in a clean and sanitary manner. Facilities shall be provided for the cleaning and sterilization of tools, utensils, and other equipment. All equipment used in the establishment shall be made of such materials and be so constructed as to be readily and thoroughly cleaned and shall be kept clean and in a sanitary condition. Contaminated equipment shall be promptly cleaned and sterilized. Rooms used for condemned products, inedible offal, hides, and other materials and supplies likely to contaminate products or render products inedible shall be completely partitioned from edible product departments, except for one aperture to the slaughtering department if there is one. This aperture shall be equipped with a close-fitting door and shall be of sufficient size to allow ready and free passage of materials designated as unfit for human food and all equipment used therewith.

(ii) Drainage and sewage disposal shall be adequate to maintain the establishment and premises in a sanitary condition.

(iii) Ventilation shall be sufficient to insure that the atmosphere in rooms where products are kept is free from obnoxious odors emanating from inedible product tanks, offal rooms, catch basins, toilet rooms, hide cellars, refuse heaps, livestock pens, and similar sources. Lighting shall be adequately maintained in all rooms of the establishment.

(iv) The establishment shall be provided with ample supplies of potable hot and cold water and steam, with outlets conveniently located and equipped with faucets for hose connections, for ready use during slaughtering, processing, or fabricating operations and for cleaning. Wash basins equipped with running hot and cold water, soap, and towels shall be placed in or near the dressing rooms and at such other places in the establishments as may be necessary to insure cleanliness of all persons handling products. Water for sterilizing purposes shall be maintained at a temperature of at least 180° F.

(v) Toilet rooms shall not communicate directly with any room in which animals are killed or products are processed, fabricated, otherwise handled, or stored. Dressing room facilities shall be adequate in size, convenient, equipped properly, and kept clean.

(vi) All departments in the establishment shall have adequate protection against flies, rodents, and other vermin. However, the use of poisons for any purpose in rooms or compartments where any unpacked products are processed, fabricated, otherwise handled, or stored is forbidden except under such restrictions and precautions as the chief veterinary inspector in charge of inspection at the establishment may require. So-called rat viruses shall not be used in any part of the establishment or its premises.

(vii) Barnyards, stock runs, pens, loading docks, and other facilities appurtenant to the establishment shall be kept clean. No nuisance shall be allowed on the premises, such as fly breeding places, dead stock, rat or cockroach infestation, rubbish heaps, decomposing animal material, polluted water supply, insanitary drainage disposal, or the like.

(b) *Withdrawal of recognition.* The Chief may at any time, without hearing, withdraw the recognition of any nonfederal meat inspection system recognized under paragraph (a) of this section if he finds that the laws, ordinances or similar enactments authorizing the system are not consistent with the applicable requirements prescribed in said paragraph or that the system has failed to take reasonable measures to assure that the applicable requirements are enforced in every respect in a satisfactory manner at each establishment recognized under § 53.7. Upon such withdrawal the recognition under § 53.7 of all establishments operating under said system shall be automatically terminated.

§ 53.7 *Survey and recognition of nonfederally inspected establishments; withdrawal of recognition*—(a) *Conditions of recognition.* Recognition will be given by the Chief for the purposes of § 53.5 to a nonfederally inspected establishment only if it is operated in accordance with the applicable requirements of § 53.6 (a) under a meat inspection system recognized under § 53.6 and is otherwise eligible for recognition. A survey will be made to determine the eligibility for recognition under the regulations of any nonfederally inspected establishment preparing products for which an application for service is made.

(b) *Withdrawal or recognition.* (1) The Chief may at any time, without hearing, withdraw his recognition of any nonfederally inspected establishment when he finds that the operator of the establishment or any other person conducting slaughtering, processing, or fabricating operations at the establishment has failed to comply with the applicable requirements under § 53.6. Recognition will not be restored to such establishment until it has been demonstrated for at least 30 days after application is made for reinstatement of the recognition of such establishment that the establishment is being operated in accordance with the applicable requirements under § 53.6 For each subsequent withdrawal of recognition under this subparagraph, the minimum period of withholding of recognition shall be the same as the prior period of withholding, plus an additional 30 days.

(2) The Chief may at any time, without hearing, withdraw his recognition of any nonfederally inspected establishment when he finds that, for a period of 60 consecutive days, no request has been made for service for products prepared at such establishment.

(c) *Resurvey requirements.* Whenever recognition of an establishment is terminated or withdrawn under § 53.6 of this section, or service at a recognized establishment is denied or withdrawn under § 53.13 (b), a resurvey of the establishment under paragraph (a) of this section may be required before restoration of recognition or service is made.

§ 53.8 *How to obtain service*—(a) *Application.* Any financially interested person may apply to the Chief for service under the regulations with respect to products in which the applicant is financially interested. If made orally, the application shall be confirmed in writing or by telegram. If the service is intended to be furnished at a packing plant or other establishment not operated by the applicant, the application shall be approved by the operator of such establishment. The application shall state (1) the name and address of the establishment at which service is desired; (2) the name and post office address of the applicant; (3) the financial interest of the applicant in the products, except where application is made by an official of a government agency in his official capacity; (4) the signature and the title of the applicant or his representative; (5) the signature and the title of the establishment operator, or his representative, if other than the applicant; and such other information as may be required by the Chief. The application shall indicate the legal status of the applicant as an individual, partnership, corporation, or other form of legal entity. Any change in such status at any time while service is being received shall be promptly reported to the Chief by the person receiving the service.

(b) *Notice of eligibility for service.* The applicant for service at any establishment will be notified, whether his application is approved.

(c) *Requests for service by applicant.* Upon notification of the approval of an application for service, the applicant may, from time to time as desired, make requests for service under the regulations with respect to specific products for which the service is to be furnished under such application. Such requests shall be made at an office of grading either directly or through any employee of the Agricultural Marketing Service who may be designated for such purpose.

§ 53.9 *Order of furnishing service.* Service under the regulations shall be furnished to applicants in the order in which requests therefor are received, insofar as consistent with good management, efficiency and economy. Precedence may be given to requests made by any government agency, or any regular user of the service, and to requests for appeal service under § 53.22.

§ 53.10 *When request for service deemed made.* A request for service under the regulations shall be deemed to be made when received by an office of grading. Records showing the date and time of the request shall be made and kept in such office.

§ 53.11 *Withdrawal of application or request for service.* An application or a request for service under the regulations may be withdrawn by the applicant at any time before the application is approved or prior to performance of the service upon payment, in accordance with § 53.30, of any expenses already incurred by the Agricultural Marketing Service in connection therewith.

§ 53.12 *Authority of agent.* Proof of the authority of any person making an application or a request for service under the regulations on behalf of any other person may be required at the discretion of the official in charge of the office of grading or other employee receiving the application or request under § 53.8.

§ 53.13 *Denial or withdrawal of service*—(a) *For miscellaneous reasons.* An application or a request for service may be rejected, or service may be otherwise denied to, or withdrawn from, any person, without a hearing, by the official in charge of the appropriate office of grading, with the concurrence of the Chief (1) for administrative reasons such as the nonavailability of personnel to perform the service; (2) for the failure to pay for service; (3) in case the application or reques' relates to products which are not eligible for service under § 53.5, or which are unclean; (4) for other noncompliance with the conditions on which service is available as provided in the regulations, except matters covered by paragraph (b) of this section; or (5) in case the person is a partnership, corporation, or other person from whom the benefits of the service are currently being withheld under paragraph (b) of this section, or is a member of such a partnership or an officer or director of such a corporation, or was such a member, officer, or director at the time of the commission of any violation for which the benefits of the service are being so withheld. Notice of such denial or withdrawal, and the reasons therefor, shall promptly be given to the person involved.

(b) *For misconduct or where service would be obtained for ineligible person.* An application or a request for service may be rejected, or service may be otherwise denied to, or withdrawn from, any person who, or whose employee or agent in the scope of his employment or agency, (1) has wilfully made any misrepresentation or has committed any other fraudulent or deceptive practice in connection with any application or request for service; (2) has interfered with or obstructed, or attempted to interfere with or to obstruct, any employee of the Department in the performance of his duties under the regulations by intimidation, threats, assaults, abuse, or any other improper means; (3) has falsely made, issued, altered, forged, or counterfeited any official certificate, memorandum, mark, or other identification, or device for making any such mark or identification; (4) has knowingly uttered, published, or used as true any such falsely made, issued, altered, forged, or counterfeited certificate, memorandum, mark identification, or device; (5) after making an application for service, has used the designation "Prime," "Choice," "Good," "Standard," "Commercial," "Utility," "Cutter," "Canner," "Cull," "Medium," "No. 1," "No. 2," or "No. 3" on any carcasses or wholesale or retail cuts of products which have not been graded or derived from products graded under the regulations as being of the indicated grade; (6) has knowingly, and without promptly notifying the Chief, retained possession of any such falsely made, issued, altered, forged, or counterfeited certificate, memorandum, mark, identification, or device, or of any such official device, or of any product bearing any such falsely made, issued, altered, forged, or counterfeited mark or identification, or of any carcass or wholesale or retail cut of any product bearing any designation specified in subparagraph (5) of this paragraph which has not been federally graded or derived from products graded as being of the indicated grade; (7) has knowingly represented that any product has been graded as being of a certain class, grade, or other quality, or that compliance of any product has been determined under the regulations when such is not the case; (8) has otherwise violated subsection 203 (h) of the Agricultural Marketing Act of 1946, as amended by Public Law 272, 84th Congress; or (9) has given or attempted to give, as a loan or for any other purpose, any money, favor, or other thing of value, to any employee of the Department authorized to perform any function under the regulations. An application or a request for service may be rejected,

or service may be otherwise denied to or withdrawn from any person who operates an establishment for which he has made application for service if, with the knowledge of such operator, any other person conducting any operations in such establishment has committed any of the offenses specified in subparagraphs (1) through (9) of this paragraph. Moreover, an application or a request for service made in the name of a person otherwise eligible for service under the regulations may be rejected, or service may be otherwise denied to, or withdrawn from, such a person in case the service is or would be performed at an establishment operated by a partnership, corporation, or other person from whom the benefits of the service are currently being withheld under this paragraph, or by a person who is a member of such a partnership or an officer or director of, or substantial investor in, such a corporation, or was such a member, officer, director, or investor at the time of the commission of any offense under this paragraph for which service is currently being withheld from such partnership or corporation, or in case the service is or would be performed at an establishment or with respect to any product in which any such person, member, officer, director, or investor is otherwise financially interested. All cases arising under this paragraph shall be reported to the Director, for informal settlement of the controversy if possible. If the efforts at informal settlement are not successful, the matter shall be reported to the Administrator who will make the final determination as to the action to be taken, after opportunity for hearing before a proper official in the Department is accorded the persons involved. In any case of an offense under this paragraph, the official in charge of the appropriate office of grading may, with the concurrence of the Chief, deny or withdraw service, without hearing, pending efforts at informal settlement and final determination in accordance with this paragraph. Notice of any denial or withdrawal of service under this paragraph, and the reasons therefor, shall promptly be given to the persons involved.

(c) *Filing of records.* The final orders in formal proceedings under paragraph (b) of this section to deny or withdraw the service under the regulations (except orders required for good cause to be held confidential and not cited as precedents) and other records in such proceedings (except those required for good cause to be held confidential) shall be filed with the Hearing Clerk and shall be available for inspection by persons having a proper interest therein.

§ 53.14 *Financial interest of official grader.* No official grader shall grade or determine compliance of any products in which he or any of his relatives by blood or marriage is directly or indirectly financially interested.

§ 53.15 *Accessibility and refrigeration of products.* The applicant shall cause the products with respect to which service is requested to be made easily accessible for examination and to be so placed, with adequate illuminating facilities, as to disclose their class, grade, other quality, and compliance. Grading service will be furnished for meat in carcass form or wholesale cuts only if they are properly chilled. Determination of class, grade, or other quality of carcass meat or wholesale cuts of meat under the standards in Subpart B of this part will not be made if such carcass meat or wholesale cuts are in a frozen state. Compliance may be determined for any product in the fresh or frozen state as requested by the applicant.

§ 53.16 *Official certificates.*—(a) *Required; exception.* The official grader shall prepare, sign, and issue official certificates covering products graded by him, or for which he has determined compliance, unless through special arrangements approved by the Chief this is not required, in which case complete records of the service shall be furnished the office of grading.

(b) *Form.* (1) The following constitutes a form of official certificate for products under the regulations:

FORM LS-S (8-26-55)

UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE

No.

MEAT GRADE CERTIFICATE

MAIN STATION_____ DATE_____

TO_____ (Applicant) _____ (Address)

_____ (Shipper or Seller) _____ (Address)

_____ (Receiver or Buyer) _____ (Address)

Establishment No._____ Location_____

This certificate is receivable in all Courts of the United States as prima facie evidence of the truth of the statements therein contained (This certificate does not excuse failure to comply with any of the regulatory laws enforced by the United States Department of Agriculture.)

Service Performed in Cooperation with The National Live Stock and Meat Board.

| KIND OF PRODUCT AND SERVICE | CLASS | USDA GRADE OR OTHER QUALITY | PIECES | WEIGHT |
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I certify that in compliance with the Federal meat grading regulations (7 CFR Subpart 53 A, as amended) under the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621-1629), I examined the products described above, at the time and place stated, and found that at said time and place the class, grade, and other quality of such products were as stated above and/or such products complied with the specifications listed, with any qualifications noted above.

WEIGHTS NOT VERIFIED

Time_____ Hour (s)

Fee_____

Expenses_____

Total_____

_____ Grader.

Address_____

PLEASE REFER TO THIS CERTIFICATE BY NUMBER AND MAIN STATION

Where the service rendered is or includes compliance service, the word "Grade" shall be deleted from the heading "Meat Grade Certificate." Where weight is certified, the word "Not" shall be deleted from the phrase "Weights Not Verified."

(2) Where compliance is determined for product in a frozen state, the certificate shall so specify and shall also specify that the indicated compliance is certified only insofar as determinable for product in the frozen state.

(3) Where determination of ingredient content or method of preparation of products in compliance service is based upon a certification of the facts by the inspection system having jurisdiction of the products, this fact shall be stated on the certificate.

(c) *Distribution.* The original certificate and not to exceed two copies shall be delivered or mailed to the applicant or other person designated by him. One copy shall be filed in the office of the official grader, and one copy shall be forwarded to a central office designated by the Chief, and such copies shall be kept on file until other disposition is ordered by the Administrator. Additional copies will be furnished to any person financially interested in the products involved upon the payment of fees as provided in § 53.29 (g).

§ 53.17 *Advance information concerning service rendered.* Upon request of any applicant, all or any part of the contents of any certificate issued to him under the regulations, or other notification concerning the determination of class, grade, other quality, or compliance of products for such applicant may be transmitted by telegraph or telephone to him, or to any person designated by him, at his expense.

§ 53.18 *Marking of products.* All products for which class and grade under the standards in Subpart B of this part, or compliance, is determined under the regulations, or the immediate and shipping containers thereof, shall be stamped, branded, or otherwise marked with an appropriate official identification: *Provided,* That except as otherwise directed by the Chief, such marking will not be required when an applicant only desires official certificates of class and grade, or compliance. The marking of products, or their containers, as required by this section shall be done by official graders or under their supervision.

§ 53.19 *Official identifications.* (a) A shield enclosing the letters "USDA" as shown below, with the appropriate grade designation "Prime," "Choice," "Good," "Standard," "Commercial," "Utility," "Cutter," "Canner," or "Cull," as provided in the standards in Subpart B of this part, also enclosed in the shield, and accompanied when necessary by the class designation "Stag," "Bull," "Veal," "Calf," "Yearling Mutton" or "Mutton," constitutes a form of official identification under the regulations to show the grade, and where necessary the class, under said standards, of steer, heifer and cow beef, stag beef, bull beef, veal, calf, lamb, yearling mutton, and mutton.






(b) The following constitute forms of official identifications under the regulations to show compliance of products:




FIGURE 1.




FIGURE 2.




FIGURE 3.




FIGURE 4.




FIGURE 5.

The date, location, and letters "DN" and "AC" shown in figures 2, 3, and 4 are examples, respectively, of the date and place of service and the grader's identification initials in particular instances and such date, location and letters will vary.

§ 53.20 *Custody of identification devices.* All identification devices used in marking products, or the containers thereof, under the regulations, including those indicating compliance with specifications approved by the Chief, shall be kept in the custody of the Branch, and accurate records shall be kept by the Branch of all such devices. Each office of grading shall keep a record of the devices assigned to it. Such devices shall be distributed only to authorized employees of the Branch who shall keep the devices in their possession or control at all times and maintain complete records of such devices.

APPEAL SERVICE

§ 53.21 *What is appeal service; requirements for appeal; certain determinations not appealable.* (a) Appeal service is a redetermination of the class, grade, other quality, or compliance of product when the applicant for the appeal service formally challenges the correctness of the original determination. Examination requested to determine the class, grade, other quality, or compliance of a product which has been altered or has undergone a material change since the original service, or examination of product requested for the purpose of obtaining an up-to-date certificate and not involving any question as to the correctness of the original service for the product involved, shall be considered equivalent to original service and not appeal service.

(b) Grade determinations for the following cannot be appealed: any lot of a product consisting of less than ten similar units; wholesale cuts, or other subdivisions of meat originally graded as larger units; and veal and calf carcasses originally graded with hides on. Moreover, appeal service will not be furnished with respect to product that has been altered or has undergone any material change since the original service.

§ 53.22 *Request for appeal service.* Except as otherwise provided in § 53.21, a request for appeal service with respect to any product under the regulations may be made by any person who is financially interested in the product when he disagrees with the determination as to class, grade, other quality, or compliance of the product as shown by the markings on the product, or its containers, or as stated in the applicable certificate. A request for appeal service shall be filed with the Chief, directly or through the official grader who performed the original service or the official in charge of the office of grading to which such grader was assigned at the time of the service, or through the nearest office of grading. The request shall state the reasons therefor and may be accompanied by a copy of any previous meat certificate or report, or any other information which the applicant may have received regarding the product at the time of the original service. Such request may be made orally (including by telephone), in writing, by telegram, or otherwise. If made orally, the person receiving the request may require that it be confirmed in writing or by telegram. Requests for appeal service received through an official grader or an office of grading shall be transmitted promptly to the Chief for instructions.

§ 53.23 *When request for appeal service may be withdrawn.* A request for appeal service may be withdrawn by the applicant at any time before the appeal service has been performed, upon payment of any expenses already incurred by the Branch in connection therewith.

§ 53.24 *Denial or withdrawal of appeal service.* A request for appeal service

may be rejected or such service may be otherwise denied to or withdrawn from any person, without hearing, in accordance with the procedure set forth in § 53.13 (a), if it shall appear that the product involved is not eligible for appeal service under § 53.21, or that the identity of the product has been lost; or for any of the causes set forth in § 53.13 (a). Appeal service may also be denied to, or withdrawn from, any person in any case under § 53.13 (b), in accordance with the procedure set forth in said section.

§ 53.25 *Who shall perform appeal service.* Appeal service for products shall be performed by official graders designated by the Chief or by the official in charge of an office of grading when so authorized by the Chief, and shall be conducted jointly by two official graders, or more when practicable. No official grader shall perform appeal service for any product for which he previously performed the service.

§ 53.26 *Appeal certificates.* Immediately after appeal service has been performed for any products, a certificate designated as an "appeal certificate" shall be prepared, signed, and issued referring specifically to the original certificate and stating the class, grade, other quality, or compliance of the products as shown by the appeal service.

§ 53.27 *Superseded certificates.* The appeal certificate shall supersede the original certificate which, thereupon, shall become null and void and shall not thereafter be deemed to show the class, grade, other quality, or compliance of the products described therein. However, the fees charged for the original service shall not be remitted. If the original and all copies of the superseded certificate are not delivered to the official with whom the request for appeal service is filed, the official graders issuing the appeal certificate shall forward notice of such issuance and of the cancellation of the original certificate to such persons as they may deem necessary to prevent fraudulent use of the superseded certificate.

§ 53.28 *Application of other regulations to appeal service.* The regulations in §§ 53.1 through 53.20 and §§ 53.29 through 53.32 shall apply to appeal service except insofar as they are manifestly inapplicable.

CHARGES FOR SERVICES

§ 53.29 *Fees and other charges for service.* Fees and other charges equal as nearly as may be to the cost of the services rendered shall be assessed and collected from applicants in accordance with the following provisions unless otherwise provided in the cooperative agreement under which the services are furnished.

(a) *Fees based on hourly rates.* Except as otherwise provided in this section, fees for service shall be based on the time required to render the service, calculated to the nearest 15 minute period, including the time required for the preparation of certificates and travel of the official grader in connection with the performance of the service, and shall be at the base rate of $4.20 per hour for work performed between 6 a. m. and 6 p. m. on days other than Sundays or legal holidays; at the base rate of $4.20 per hour, plus ten percent, or $4.62, for work performed between 6 p. m. and 6 a. m. (night differential rate) on days other than Sundays or legal holidays; and at one and one-half times the base rate for work performed on Sundays, and at double the base rate for work performed on legal holidays, plus ten percent for work performed between 6 p. m. and 6 a. m. on Sundays or legal holidays. A minimum charge for one-half hour shall be made for service pursuant to each request notwithstanding that the time required to perform the service may be less than thirty minutes.

(b) *Fees for service on weekly commitment basis.* Minimum fees for service performed under a weekly commitment shall be on the basis of 40 hours of work between 6 a. m. and 6 p. m. on days other than Sundays or legal holidays calculated at the base rate in accordance with paragraph (a) of this section. Hours worked in excess of such 40 hours will be charged at the same base rate, except charges will be made for work performed on Sundays, legal holidays, and between 6 p. m. and 6 a. m. on any day as stated in paragraph (a) of this section. The Agricultural Marketing Service reserves the right under such a commitment to use any grader assigned to the plant on a weekly basis to perform service for other applicants, crediting the commitment applicant with the number of hours charged to the other applicants, provided the allowable credit hours, plus hours actually worked for the applicant, do not exceed 40 in any week.

(c) *Travel charges.* (1) When service is requested at a place so distant from an official grader's headquarters or place of prior assignment on a circuitous routing, that a total of one-half hour or more is required for the grader to travel to such place and back to the headquarters or to the next place of assignment on a circuitous routing, the charge for such service shall include a mileage charge at 7 cents per mile for such travel prorated against all the applicants furnished the service involved on an equitable basis, or, where the travel is made by public transportation (including hired vehicle), a fee equal to the actual cost thereof.

(d) *Per diem charges.* When service is requested at a place so distant from an official grader's headquarters that the work and travel required for such service cannot be performed within a calendar day, the fee for such service shall include a per diem charge at the rate paid the grader which shall not exceed $12.00 for each full day and $3.00 for each quarter portion of a day spent by the grader away from his headquarters in the performance of such work and travel.

(e) *Charges to applicants for recognition of nonfederally inspected establishments.* (1) The initial survey conducted to determine the eligibility of a nonfederally inspected establishment for service under § 53.7 shall be without cost to the applicant when the survey is made at the convenience of the Chief. Fees shall be charged, as provided in subparagraph (2) of this paragraph (i) when the applicant requests in writing that a special trip be made to conduct the initial survey, and such survey is conducted within 30 days from receipt of such request; (ii) when any survey subsequent to the initial one is required by the Chief to determine whether the establishment meets the specific requirements for recognition of which it has been previously notified as a result of the initial survey, such survey is made within 2 years after the initial survey, and there has been no change in ownership of the establishment since the initial survey; or (iii) when a survey is conducted to determine the eligibility for recognition of an establishment the recognition of which has been withdrawn under § 53.6 or § 53.7 or at which service has been denied or withdrawn under § 53.13 (b).

(2) A fee at the applicable hourly rate calculated in accordance with paragraph (a) of this section shall be charged for time spent by an authorized official in making any survey for which fees are required to be charged under subparagraph (1) of this paragraph, including time spent in traveling to the establishment from his normal route of assignment and return. In addition, there shall be a travel charge for such travel and a per diem charge for each day, or quarter portion thereof, spent by such official away from his headquarters in the performance of such survey, including travel, at the rates provided for in paragraphs (c) and (d) of this section.

(3) In no case shall the total fees chargeable under subparagraph (2) of this paragraph for any such survey be less than $15.00.

(f) *Fees for appeal service.* Fees for appeal service shall be determined on the basis of the time, of two official graders, required to render the service, calculated to the nearest fifteen minute period, including the time required for the preparation of certificates and travel of such graders in connection with the performance of the service, at the applicable hourly rate prescribed in paragraph (a) of this section, plus any travel charges and per diem for such graders ordinarily chargeable under paragraphs (c) and (d) of this section: *Provided*, That when on appeal it is found that there was error in the original determination equal to or exceeding ten percent of the total number of similar units of the products involved, no charge will be made for the appeal service unless a special agreement therefor was made with the applicant in advance.

(g) *Fees for extra copies of certificates.* In addition to copies of certificates furnished under § 53.16, any financially interested person may obtain not to exceed three copies of any such certificate within one year from its date of issuance upon payment of a fee of $1.00, and not to exceed three copies of any such certificate at any time thereafter, while a copy of such certificate is on file in the Department, upon payment of a fee of $5.00.

§ 53.30 *Payment of fees and other charges.* Fees and other charges for service shall be paid in accordance with the following provisions unless otherwise provided in the cooperative agreement under which the service is furnished. Upon receipt of billing for fees and other charges for service the applicant shall remit by check, draft, or money order, made payable to the Agricultural Marketing Service, U. S. D. A., payment for the service in accordance with directions on the billing, and such fees and charges shall be paid in advance if required by the official grader or other authorized official.

MISCELLANEOUS

§ 53.31 *Identification.* All official graders and supervisors of grading shall have their Agricultural Marketing Service identification cards in their possession at all times while they are performing any function under the regulations and shall identify themselves by such cards upon request.

§ 53.32 *Errors in service.* When an official grader, supervisor of grading, or other responsible employee of the Branch has evidence of misgrading, or of incorrect certification or other incorrect determination or identification as to the class, grade, other quality, or compliance of a product, he shall report the matter to his immediate supervisor. The supervisor of grading will investigate the matter and, if he deems advisable, will report it to the owner or his agent. The supervisor of grading shall take adequate measures to prevent the recurrence of such errors.

The proposed revision is intended to clarify the Federal meat grading regulations and make various changes therein found advisable on the basis of experience in conducting the Federal meat grading service. The revision also would implement subsection 203 (h) of the Agricultural Marketing Act of 1946, as amended by Public Law 272, 84th Congress, by indicating the certificates, memoranda, marks and other identifications, and devices for making such marks and identifications, with respect to inspection, class, grade, quality, size, quantity, or condition of products (including compliance with specifications) under the regulations, that are official for purposes of said subsection.

Any person who wishes to submit written data, views, or arguments concerning the proposed revision of the regulations may do so by filing them with the Chief, Meat Grading Branch, Livestock Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington 25, D. C., not later than 45 days after date of publication of this document in the FEDERAL REGISTER.

Done at Washington, D. C., this 15th day of May 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator,*
*Agricultural Marketing Service.*

[F. R. Doc. 56-3942; Filed, May 17, 1956; 8:50 a. m.]

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## [ 7 CFR Part 944 ]

[Docket No. AO-105-A-11]

## MILK IN QUAD CITIES MARKETING AREA

### NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held in the City Hall, Rock Island, Illinois, beginning at 10:00 a. m., June 11, 1956, for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the handling of milk in the Quad Cities marketing area and to the proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Quad Cities marketing area. These proposed amendments have not received the approval of the Secretary of Agriculture.

Proposed by Illinois-Iowa Milk Producers Association and Clinton Cooperative Milk Producers Association:

1. Delete § 944.3 and substitute therefor the following:

§ 944.3 *Quad Cities marketing area.* "Quad Cities marketing area" hereinafter called the "marketing area" means all the territory within Scott, Clinton, Jackson, and Muscatine Counties in the State of Iowa, and Rock Island and Mercer Counties in the State of Illinois.

2. Delete § 944.8 and substitute therefor the following:

§ 944.8 *Producer.* "Producer" means any person who, in conformity with the Grade A quality requirements of the milk ordinance of any of the several municipalities in the marketing area, the Grade A milk and Grade A Milk Products Law of the State of Illinois or a Grade A permit or Grade A rating issued by the State Health Department of the State of Iowa produces milk which (a) is received at a pool plant or (b) which is caused by a cooperative association to be diverted from a pool plant to a nonpool plant. This definition shall not include a person with respect to milk produced by him which is received by a handler who is subject to another Federal marketing order and who is partially exempt from the provisions of this subpart pursuant to § 944.56.

3. Substitute a colon (:) for the period (.) at the end of § 944.10 and add thereafter the following: "*Provided*, That during the months of September, October, November, and December such plant offers or disposes of as Class I milk to plants described in paragraph (a) of this section, an amount equal to 50 percent or more of such plant's receipts of milk from Grade A producers. Any plant which fulfills this requirement for each of the months of September, October, November, and December of the same year shall be a pool plant until September 1 of the following year: *Provided further*, That the milk received at the plant continues to be qualified under the applicable health requirements as a source of milk for the plants supplied by it during said months."

4. Add a new § 944.15 as follows:

§ 944.15 *Base.* (a) "Base" means a quantity of milk expressed in pounds per day computed pursuant to § 944.58.

(b) *Base milk.* "Base milk" means a quantity of producer milk received by a handler during each of the months of March, April, May and June which is not in excess of such producer's base multiplied by the number of days such milk was produced.

(c) *Excess milk.* "Excess milk" means producer milk received by a handler during each of the months of March, April, May and June which is in excess of the base milk received from such producer.

5. In § 944.41 redesignate present paragraphs (b) and (c) as paragraphs (c) and (d), respectively, and add a new paragraph (b) as follows: (b) Class IA milk shall be all skim milk used to produce cottage cheese.

6. Delete that portion of present § 944.41 (b) beginning with the words "Cottage cheese" and substitute therefor the following: "Cream used for creaming cottage cheese, butterfat in skim milk used to produce cottage cheese, or any other milk product not specified in paragraphs (a), (b) and (d) of this section, and (2) disposed of to wholesale bakeries, candy manufacturers or soup companies."

7. Delete that portion of § 944.50 (a) preceding the word "Provided" and substitute therefor the following: "(a) *Class I milk.* The price for Class II milk for the preceding delivery period plus $1.15 for the months of July through November, inclusive, and plus $.95 during the remaining months of each year."

8. In § 944.50 redesignate present paragraphs (b) and (c) as paragraphs (c) and (d), respectively, and add a new paragraph (b) as follows:

(b) The price for Class IA milk shall be the price determined for skim milk in Class II plus 25 cents.

9. Amend present § 944.50 (b) to provide that the price determined for skim milk in Class II shall not be lower than the price determined for skim milk in Class III: *Provided*, That any increase resulting from this paragraph shall not be reflected in the price used to determine the price for Class I milk.

10. Delete that portion of § 944.50 (c) (2) preceding the words "and multiply that result by 3.5" and substitute therefor the following: "(2) Multiply the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department during the delivery period in which the milk was received by 1.15."

11. Delete § 944.51 (c) and substitute therefor the following:

(c) *Class III milk.* Multiply the simple average of the daily average wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department during the delivery period in which the milk was received by 1.15 and divide the resulting amount by 10.

12. Add as § 944.53 the following:

§ 944.53 *Location adjustments to handlers.* For milk which is received from producers at a pool plant located outside the marketing area, the prices computed pursuant to § 944.50 shall be reduced 5 cents for each 15 miles or frac-

tion thereof that such plant is located more than 30 miles from the City Hall of Rock Island, Illinois, such distance to be the shortest highway distance as determined by the market administrator.

13. Amend § 944.56 by adding a new paragraph as follows:

(c) A handler operating a plant which is not a fully qualified pool plant during a month, shall in lieu of the payments required pursuant to § 944.60 through § 944.66, pay to the market administrator, for the producer-settlement fund, on or before the 12th day after the end of such month, the amount resulting from the following computation:

(1) The product of the quantity of milk received by such handler which was disposed of in the marketing area on routes or in plant stores as Class I milk during the month multiplied by the difference between the price for Class I milk and the uniform price computed pursuant to § 944.61.

14. Add a new § 944.58 as follows:

§ 944.58 *Computation of base and base rules.* (a) Subject to the conditions set forth in paragraph (b) of this section, the market administrator shall compute for each of the months of March, April, May and June, a base for each producer, as follows:

(1) Divide the total pounds of milk received by a handler from each producer during the months of September, October and November immediately preceding by the number of days such milk was produced (not to be less than 60 days): *Provided*, That any producer for whom a base has been computed may upon written notice to the market administrator postmarked not later than January 15 preceding the months in which the base applies, relinquish his base and be allotted a base computed pursuant to subparagraph (2) of this paragraph.

(2) Any producer who has not established a base or who elects to relinquish his base pursuant to the provisions of subparagraph (1) of this paragraph shall be assigned a base for each of the months of March, April, May and June computed as follows:

(i) From the total quantity of producer milk received by handlers during the same month of the previous year, subtract the total receipts from producers who did not establish bases or who had relinquished their bases.

(ii) Determine the percentage that base milk was of the remaining pounds, and subtract 10.

(iii) Multiply the resulting percentage by the total pounds of milk received by a handler from the producer during the applicable month and divide the result by the number of days such milk was produced.

(b) Any base computed pursuant to paragraph (a) (1) of this section shall be subject to the following rules:

(1) A base shall be held in the name of the producer and may be transferred only at his option.

(2) The milk to which the transferred base shall apply must be produced on the same farm from which such base was earned and the transferor must notify the market administrator in writing on or before the last day of the month that such base is to be transferred indicating the name of the transferee, the amount of base transferred, and the effective date of the transfer; and in the event of a producer's death his base may be so transferred upon written notice to the market administrator from any member of the producer's immediate family.

(3) Where two or more producers deliver milk from the same farm, the market administrator shall compute one base for each such farm, which base shall be held jointly in the names of the producers, and during March, April, May and June, each producer having an interest in a jointly held base shall share the base during each delivery period in the same proportion as he shares in the milk deliveries in such delivery period: *Provided*, That if the producers have earned bases separately, one or more of which was earned on another farm, each producer may retain his individual base if application is made in writing to the market administrator postmarked not later than the last day of the first month during which the base is to apply.

(4) When two or more producers holding a joint base cease delivering milk from the same farm, the base may be divided among the producers having an interest in such base by notification in writing to the market administrator postmarked not later than the last day of the month during which the division is to be effective, such notification to specify the terms of division of base and bearing the signatures of all interested producers: *Provided*, That in the event producers do not notify the market administrator of their agreed terms of division of base by letter postmarked not later than the last day of the month during which the division is effective, the market administrator shall divide the base among the producers in the same ratio as they shared in the milk deliveries during the base-making period, or if the base is held in the name of a partnership, it shall be divided equally among the interested producers.

(5) Where two or more producers deliver milk from the same farm, the market administrator shall compute one base for each such farm, which base shall be jointly held in the names of the producers. During March, April, May and June each producer having an interest in a jointly held base shall share the base in the same proportion as he shares in the milk delivery.

(6) Subject to the provisions set forth in subparagraphs (1) and (2) of this paragraph, a producer who discontinues shipping milk to a pool plant during September, October, or November may transfer to another producer credit for milk deliveries for base making purposes.

15. Amend § 944.61 to provide for the determination of a uniform price for base milk for the months of March, April, May and June and a uniform price for excess milk, which is the price for Class III milk.

16. Amend § 944.65 by adding a new paragraph (d) as follows:

(d) In making payments to producers for milk received at a pool plant located outside the marketing area, there shall be deducted 5 cents for each 15 miles or fraction thereof that such plant is located more than 30 miles from the City Hall in Rock Island, Illinois, such distance to be the shortest highway distance as determined by the market administrator.

17. Amend § 944.65 by adding a new paragraph (e) as follows:

(e) *Additional payments.* Any handler may make payments to producers in addition to payments made pursuant to this section: *Provided*, That such additional payments are made to all producers supplying such handler.

18. Make such other changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Proposed by Quality Milk Association:

19. Amend § 944.3 to include the counties of Carroll, Whiteside, and Lee in the State of Illinois.

20. Amend § 944.41 to provide for a separate classification known as "Class IA" for skim milk used to produce cottage cheese, and provide for a price which will be the price determined for Class II skim milk plus 25 cents.

21. Amend § 944.50 (b) to provide that the price determined for skim milk in Class II shall not be lower than the price determined for skim milk in Class III.

22. Delete § 944.50 (a) and substitute therefor the following:

(a) *Class I milk.* The price for Class II milk for the preceding delivery period plus $1.15 for each month of each year. *Provided*, That in no month shall the price for Class I milk be less than the 70-mile zone price established per hundredweight of Class I milk under Order No. 41, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area plus 20 cents.

23. Add as § 944.53 the following:

§ 944.53 *Location adjustments to handlers.* For milk which is classified as Class I milk and which is received from producers at a pool plant located more than 50 miles from the City Hall of Rock Island, Illinois, the price computed pursuant to § 944.50 shall be reduced 5 cents for each 15 miles or fraction thereof that such plant is located beyond the 50-mile zone, such distance to be the shortest highway distance as determined by the market administrator. This provision shall apply to reload points at which milk is moved from the farm in a tank truck and reloaded into another truck before entering a plant.

24. Add a new § 944.58 to provide for a base-rating plan in accordance with the plan contained in Order No. 41, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area.

25. Amend § 944.65 by adding a new paragraph (d) as follows:

(d) In making payments to producers for milk received at a plant located more than 50 miles from the City Hall of Rock Island, Illinois, there shall be deducted



2 cents for each 15 miles or fraction thereof that such plant is located beyond the 50-mile zone, such distance to be the shortest highway distance as determined by the market administrator. This provision shall apply to reload points at which milk is moved from the farm in a tank truck and reloaded into another truck before entering a plant.

Proposed by Milk Foundation of the Quad Cities:

26. Delete § 944.50 (a) and substitute therefor the following:

(a) *Class I milk.* To the simple average of the prices reported paid by manufacturing plants pursuant to paragraph (b) (1) of this section during the period from the 16th day of the second preceding delivery period to the 15th day of the preceding delivery period add $1.00.

27. Delete in § 944.50 (b) the words "The higher of the prices resulting from the computations made pursuant to subparagraphs (1) and (2) of this paragraph" and substitute therefor the following:

(b) *Class II milk.* The highest of the prices resulting from the computations made pursuant to subparagraph (1) of this paragraph or to paragraph (c) of this section.

28. Delete in § 944.51 (a) the figure "1.40" and insert in lieu thereof the figure "1.20."

29. Delete § 944.61 (b) and substitute therefor the following:

(b) Add an amount representing not less than one-half of the cash balance in the producer-settlement fund exclusive of the amount retained in such fund pursuant to paragraph (d) of this section.

30. In § 944.61 redesignate paragraphs (d) and (e) as paragraphs (f) and (g), respectively, and insert new paragraphs (d) and (e) as follows:

(d) For the delivery period of April subtract an amount equal to 15 cents, and for the delivery periods of May and June subtract an amount equal to 25 cents per hundredweight of net pooled milk of all handlers whose reports are included in this computation.

(e) For each of the delivery periods of September, October, and November, add one-third of the total amount subtracted pursuant to paragraph (d) of this section.

31. Add a new § 944.53 as follows:

§ 944.53 *Location adjustment credits to handlers.* (a) The location adjustment credit with respect to that portion of milk received directly from producers at a pool plant, located outside of the marketing area, and as provided in the following sentence, which is moved as milk or skim milk in fluid form from such pool plant to a handler's plant within the marketing area, and is classified as Class I or Class II milk, shall be as computed pursuant to paragraphs (b) and (c) of this section. This provision shall apply to reload points at which milk is moved from producers in a bulk tank truck and reloaded into larger transports before entering a handler's plant within the marketing area: *Provided*, Such reload points are located more than 40 miles from the City Hall of Rock Island, Illinois, or more than 40 miles from the City Hall of Clinton, Iowa. Such reload point location to be determined as the point most often used.

(b) For each location of a pool plant or reload point the market administrator shall determine the shortest highway miles from the City Hall of Rock Island, Illinois, if such milk is delivered to handlers within the cities or areas known as Davenport and Bettendorf in the State of Iowa, and Rock Island, Moline, East Moline, and Silvis in the State of Illinois, or the shortest highway miles from the City Hall of Clinton, Iowa, if such milk is delivered to handlers within the city or area of Clinton, Iowa. The miles so determined shall be multiplied by two and the resulting answer multiplied by $0.25 to determine the mileage credit. The mileage credit divided by 30,000 pounds shall be the per hundredweight location credit to handlers.

(c) For milk received directly from producers, at a pool plant located outside of the milk marketing area and at a reload point as are defined in paragraphs (a) and (b) of this section, $0.12 per hundredweight shall be deducted from all such receipts.

32. Add a new § 944.54 as follows:

§ 944.54 *Location adjustment credits to producers.* (a) The location adjustment credit with respect to that portion of milk as defined in § 944.53 (a) shall be $0.07 per hundredweight.

33. In § 944.55 (Producer-handler) add after the phrase, "944.50 to § 944.52", the following, "§ 944.53 and § 944.54."

34. Delete § 944.60 and substitute therefor the following:

§ 944.60 *Net pool obligation(s) of handlers.* On or before the 10th day of each delivery period the market administrator shall examine for mathematical correctness and obvious errors the reports of receipts and utilization submitted by each handler for the preceding delivery period and shall make such corrections as such examination shall indicate to be appropriate. The net pool obligation for each handler (based upon his reports as corrected) shall be as follows:

(a) Multiply the producer milk in each class by the applicable price pursuant to § 944.50, adjusted by the butterfat differential pursuant to § 944.51, and add together the resulting amounts.

(b) Subtract location adjustment credits to handlers pursuant to § 944.53.

(c) If the handler had overrun of either skim milk or butterfat there shall be added to the value an amount computed by multiplying the pounds of overrun by the applicable class price.

Proposed by the Borden Company, Iowa Milk and Ice Cream Division:

35. Add a new section to read as follows:

§ 944.15 *Reload point.* "Reload point" means any location at which milk moved from the farm in a tank truck is reloaded into another truck before entering a plant.

36. In § 944.41 (b) delete the words "condensed milk."

37. In § 944.41 (c) add after American Type Cheddar cheese the words "condensed milk."

38. Delete § 944.50 and substitute therefor the following:

§ 944.50 *Class prices.* Subject to the provisions of § 944.51, § 944.52, § 944.53, and § 944.54 each handler, at the time and in the manner set forth in § 944.64 shall pay per hundredweight of milk received during each delivery period from producers or from cooperative associations, not less than the prices set forth in this section.

39. Delete § 944.50 (a) and substitute therefor the following:

(a) *Class I milk.* To the simple average of the prices reported paid by manufacturing plants pursuant to paragraph (b) (1) of this section during the period from the 16th day of the second preceding delivery period to the 15th day of the preceding delivery period, add $1.00.

40. Delete in § 944.50 (b) the words "The higher of the prices resulting from the computations made pursuant to subparagraphs (1) and (2) of this paragraph" and substitute therefor the following:

(b) *Class II milk.* The highest of the prices resulting from the computations made pursuant to subparagraph (1) of this paragraph or to paragraph (c) of this section.

41. Add a new § 944.53 as follows:

§ 944.53 *Location adjustment credits to handlers.* (a) The location adjustment credit with respect to that portion of milk received directly from producers at a pool plant, located outside of the marketing area, and as provided in the following sentence, which is moved as milk or skim milk in fluid form from such pool plant to a handler's plant within the marketing area, and is classified as Class I or Class II milk, shall be as computed pursuant to paragraphs (b) and (c) of this section. This provision shall apply to reload points at which milk is moved from producers in a bulk tank truck and reloaded into larger transports before entering a handler's plant within the marketing area: *Provided*, Such reload points are located more than 40 miles from the City Hall of Rock Island, Illinois, or more than 40 miles from the City Hall of Clinton, Iowa. Such reload point location to be determined as the point most often used.

(b) For each location of a pool plant or reload point the market administrator shall determine the shortest highway miles from the City Hall of Rock Island, Illinois, if such milk is delivered to handlers within the cities or areas known as Davenport and Bettendorf in the State of Iowa, and Rock Island, Moline, East Moline, and Silvis in the State of Illinois, or the shortest highway miles from the City Hall of Clinton, Iowa, if such milk is delivered to handlers within the city or area of Clinton, Iowa. The miles so determined shall be multiplied by two

and the resulting answer multiplied by $0.25 to determine the mileage credit. The mileage credit divided by 30,000 pounds and the resulting answer multiplied by 100 shall be the per hundredweight location credit to handlers.

(c) For milk received directly from producers, at a pool plant located outside of the milk marketing area and at a reload point as are defined in § 944.10 (c) and § 944.15, $0.12 per hundredweight shall be deducted from all such receipts.

42. Add a new § 944.54 as follows:

§ 944.54 *Location adjustment credits to producers.* (a) The location adjustment credit with respect to that portion of milk as defined in § 944.53 (a) shall be $0.07 per hundredweight.

43. In § 944.55 (Producer-handler) add after the phrase, "§ 944.50 to § 944.52", the following, "§ 944.53 and § 944.54."

44. Delete § 944.60 and substitute therefor the following:

§ 944.60 *Net pool obligation(s) of handlers.* On or before the 10th day of each delivery period the market administrator shall examine for mathematical correctness and obvious errors the reports of receipts and utilization submitted by each handler for the preceding delivery period and shall make such corrections as such examination shall indicate to be appropriate. The net pool obligation for each handler (based upon his reports as corrected) shall be as follows:

(a) Multiply the producer milk in each class by the applicable price pursuant to § 944.50, adjusted by the butterfat differential pursuant to § 944.51, and add together the resulting amounts.

(b) Subtract location adjustment credits to handlers pursuant to § 944.53.

(c) If the handler had overrun of either skim milk or butterfat there shall be added to the value an amount computed by multiplying the pounds of overrun by the applicable class price.

45. Delete § 944.61 and substitute therefor the following:

§ 944.61 *Computation of uniform prices.* For each delivery period the market administrator shall compute the uniform price per hundredweight of milk received from producers as follows:

(a) Combine into one total the net pool obligation of all handlers pursuant to § 944.60.

(b) Add the allowable location adjustments computed pursuant to § 944.65.

(c) Add an amount representing not less than one-half of the unobligated cash balance in the producer-settlement fund exclusive of the amount retained in such fund pursuant to paragraph (e) of this section.

a. Redesignate the present paragraph (c) as paragraph (d) and add new paragraphs (e) and (f) as follows:

(e) For the delivery period of April subtract an amount equal to 15 cents, and for the delivery periods of May and June subtract an amount equal to 25 cents per hundredweight of net pooled milk of all handlers whose reports are included in this computation.

(f) For each of the delivery periods of September, October and November, add one-third of the total amount subtracted pursuant to paragraph (e) of this section.

b. Redesignate the present paragraph (d) as paragraph (g).

c. Redesignate the present paragraph (e) as paragraph (h).

46. Redesignate "§ 944.65" as "§ 944.64."

47. In redesignated § 944.64 (a) remove period (.) at the end of paragraph and insert the phrase, "and subject to location adjustment to producers pursuant to § 944.65."

48. Add a new § 944.65 as follows:

§ 944.65 *Location adjustment to producers.* In making payments to producers pursuant to § 944.64 (a), each handler shall deduct from producers for milk received at a pool plant located outside of the marketing area or at a reload point as defined by § 944.15, twelve cents per hundredweight.

Proposed by Beatrice Foods Company:

49. Amend the order by adding the following definition:

§ 944.__ *Custom bottled milk.* "Custom bottled milk" shall be that quantity of producer milk which is transferred or diverted from the plant of a handler to the plant of a nonhandler plant and is equal to the quantity of milk received by the handler from the plant of a nonhandler in bottled (or package) form during the delivery period.

50. Amend § 944.14 by deleting the period (.) at the end of the present language in the section and adding the following language: "and custom bottled milk."

51. Amend § 944.44 by adding the following language at the beginning of the first paragraph: "Except for skim milk and/or butterfat moved for custom bottling as set forth pursuant to § 944.__."

52. Amend § 944.47 (a) (1) by renumbering the present section and adding the following language as § 944.47 (a) (1):

(1) Subtract from the total pounds of skim milk in Class I the pounds of skim milk transferred or diverted to the plant of a nonhandler which is equal to the pounds of skim milk contained in packaged Class I products received from such nonhandler's plant during the delivery period.

53. Amend § 944.56 by deleting paragraph (b) of such section.

Copies of this notice of hearing may be procured from the Market Administrator, 335 Federal Building, Sixteenth Street and Second Avenue, Rock Island, Illinois, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: May 15, 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator.*

[F. R. Doc. 56-3943; Filed, May 17, 1956; 8:50 a. m.]

# NOTICES

## DEPARTMENT OF THE INTERIOR

### National Park Service

[Grand Canyon National Park Order 2]

ASSISTANT SUPERINTENDENT, ADMINISTRATIVE OFFICER, AND PROCUREMENT AND PROPERTY ASSISTANT

DELEGATION OF AUTHORITY TO EXECUTE AND APPROVE CERTAIN CONTRACTS

APRIL 25, 1956.

SECTION 1. *Assistant Superintendent.* The Assistant Superintendent may execute and approve contracts not in excess of $200,000 for construction, supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations. This authority may be exercised by the Assistant Superintendent in behalf of any area under the supervision of the Superintendent of Grand Canyon National Park.

SEC. 2. *Administrative Officer.* The Administrative Officer may execute and approve contracts not in excess of $50,000 for construction, supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations. This authority may be exercised by the Administrative Officer in behalf of any area under the supervision of the Superintendent of Grand Canyon National Park.

SEC. 3. *Procurement and Property Assistant.* The Procurement and Property Assistant may execute and approve contracts not in excess of $2,000 for supplies, equipment or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations. This authority may be exercised by the Procurement and Property Assistant in behalf of any area under the supervision of the Superintendent of Grand Canyon National Park.

SEC. 4. *Revocation.* This order supersedes Grand Canyon National Park Delegation of Authority Order No. 1, issued February 3, 1955 (20 F. R. 1383).

(National Park Service Order No. 14; 39 Stat. 535; 16 U. S. C., 1952 ed., sec. 2; and Region Three Order No. 3 (21 F. R. 1494))

[SEAL] JOHN S. MCLAUGHLIN,
*Superintendent,*
*Grand Canyon National Park.*

[F. R. Doc. 56-3915; Filed, May 17, 1956; 8:45 a. m.]



## DEPARTMENT OF COMMERCE

### Bureau of Foreign Commerce

[Case No. 209]

CONFIDENTIAL OVERSEAS FORWARDING, INC., ET AL.

ORDER REVOKING EXPORT LICENSES AND DENYING EXPORT PRIVILEGES

In the matter of Confidential Overseas Forwarding, Inc., Guy Sorrentino, 15 Whitehall Street, New York, New York; General Export Clothing Corporation, Lila Kass, 145-147 Mulberry Street, New York, New York; respondents; Case No. 209.

The Director, Investigation Staff, Bureau of Foreign Commerce, having charged (a) the respondents General Export Clothing Corporation and Lila Kass with having inserted false export declaration numbers in dock receipts given for goods intended to be exported from the United States, with having placed on a dock for exportation goods for which no export declaration had been authenticated, and with having exported goods from the United States without first having authenticated an export declaration required for such exportation; and (b) the respondents Confidential Overseas Forwarding, Inc. and Guy Sorrentino with having aided in or induced and abetted such acts; and

The charging letter having been duly served on all the respondents, who duly appeared herein and demanded an oral hearing;

This proceeding was duly referred to the Compliance Commissioner, who, in accordance with the practice, held a hearing in New York City, at which hearing all respondents were present and represented by counsel. He has submitted his written report, including findings of fact and findings that violations have occurred.

Now, after reviewing and considering the entire record of this case, the Compliance Commissioner's Report and Recommendation, and the summations submitted on behalf of the respondents, I hereby make the following:

*Findings of fact.* 1. At all times hereinafter mentioned, General Export Clothing Corporation was engaged in the export business in the City of New York and Lila Kass was its employee and agent vested with the duty and responsibility for completing all details relating to the exportation of commodities on behalf of General Export Clothing Corporation, except insofar as she was assisted by Confidential Overseas Forwarding, Inc.

2. At all times hereinafter mentioned, Confidential Overseas Forwarding, Inc. was engaged in the freight forwarding business in the City of New York, and Guy Sorrentino, its president, performed on its behalf all the acts hereinafter found to have been performed by him.

3. American Export Lines, Inc., not a respondent in this case, is a steamship company carrying goods exported from the United States to various parts of the world. In connection with the receipt of goods on its pier for the purpose of being loaded on its ships to be exported from the United States, it has established a practice requiring that persons so tendering goods show on its form of dock receipt an export declaration number as evidence of or representation that an export declaration for such proposed exportation has been passed. This practice had been established prior to and was in effect at all times hereinafter mentioned.

4. All the respondents herein were informed of and knew of this practice and requirement at all times hereinafter mentioned.

5. Prior to November 1954, Kass attempted to deliver on behalf of General one or more loads of goods to American's pier and said goods were refused admission to the pier because the dock receipts tendered on General's behalf did not have endorsed thereon export declaration numbers.

6. She then telephoned Sorrentino and told him that the trucks were in line at the pier waiting to be unloaded but that American refused to accept the goods because export declaration numbers were not shown on the dock receipts.

7. Sorrentino at that time advised and instructed her that where she was "unable to get the steamship company to accept the 'goods' in the absence of a shipper's export declaration number on the dock receipt" she should "prepare a dock receipt anyway and show thereon the number of a prior shipper's export declaration."

8. Thereafter, Sorrentino failed and omitted to inform Kass of any export declaration number for any of the goods involved herein although at all times he well knew and was aware of the fact that Kass was delivering the goods involved herein to American's pier and that American invariably refused to accept goods on its pier unless and until an export declaration number was shown on the dock receipt tendered to it at the time of delivery to its pier.

9. Thereafter, Kass adopted a practice of placing fictitious export declaration numbers on dock receipts tendered to American for delivery to its pier in order to induce American to accept such goods for ultimate exportation from the United States on its ships.

10. In so doing, in about the months of November and December, 1954, Kass prepared and caused to be tendered to American, together with goods intended to be exported from the United States, eighteen dock receipts on each of which she endorsed or inserted a number said to be an export declaration number and thereby she represented to American that an export declaration had been duly passed and authenticated for the goods being delivered together with said dock receipt.

11. In each of said instances, American accepted the goods and relied on the insertion of the number in said dock receipts as evidence that the export declarations had been duly passed and authenticated.

12. In each of said instances, the number so inserted was false and fictitious and neither Kass nor anyone on General's behalf had, at the time of tender filed and had authenticated an export declaration for the goods delivered.

13. In the case of two of the dock receipts so tendered, American, believing that an export declaration had been passed and authenticated for the goods involved, loaded the goods aboard one of its ships and carried them out of the United States.

And from the foregoing, the following are my:

*Conclusions.* A. That General and Kass made and Confidential and Sorrentino caused, induced and permitted to be made false representations and statements and concealed material facts in connection with the preparation and submission of export control documents, to wit dock receipts in this case, for the purpose of and in connection with effecting exports of eighteen loads of commodities from the United States in violation of § 381.5 (a) and (b) or related sections of the export control regulations;

B. That General and Kass placed or caused to be placed and Confidential and Sorrentino caused, induced and permitted to be placed eighteen loads of commodities on a pier for the purpose of exportation from the United States without first having presented duly executed shippers' export declarations to and obtained authentication from a United States Collector of Customs, in violation of § 379.1 (a) or related sections of the export control regulations;

C. That all the respondents herein caused, induced and permitted to be exported from the United States two lots of commodities without the authorization of either a validated export license or a general license, in violation of § 370.2 (a) or related sections of the export control regulations.

In this case, in every instance except two, an export declaration was ultimately authenticated. In the two exceptions, the ship sailed before the parties were able to have the declaration authenticated and, in these instances, it is probable that, had the ship not sailed, the export declaration would have been authenticated. The violations came to light because of Sorrentino's prompt disclosure of the sailing prior to authentication and Kass' agreement to such disclosure. Sorrentino cooperated in the investigation. General and Kass did, to a limited extent. The prevarication of all the respondents started during the investigation and continued until the very end of the hearing. In this case, fortunately, no strategic goods were involved. The case at first does not seem to be too important but, considering the evil to be averted it becomes very important. If goods can be placed on a pier and then loaded on a ship leaving the United States without being subject to inspection merely by the device of using a fictitious export declaration number, then the door is opened to the illegal exportation of strategic goods to unauthorized consignees. To prevent this possibility, exporters must be made aware that conduct such as occurred here is illegal, that it will not be condoned and, in the future, it will be the subject of much stronger remedial action. Also, as far as Sorrentino is concerned, although he is a forwarder, he and his firm should

be treated in the same manner as the other respondents because, in the last analysis, it was he who started Kass on the practice and could have stopped it at any time and further because the violations herein occurred as late as November and December 1954. The Compliance Commissioner referred to these elements of the case as his reason for recommending that all the respondents be denied validated and general license privileges for two months commencing fifteen days after the date of the order to be entered herein. This recommendation appears to be fair and just and is necessary to achieve effective enforcement of the law. It is now therefore, after careful consideration of the entire record, the answers, the summations on behalf of the respondents and the report of the Compliance Commissioner, hereby ordered:

I. The respondents and each of them for a period of two months commencing May 30, 1956, be and they hereby are denied all privileges of participating directly or indirectly in any manner or capacity in an exportation of any commodity or technical data from the United States to any foreign destination, including Canada, whether such exportation has heretofore or hereafter been completed. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation by any of the respondents, directly or indirectly, in any manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the obtaining or using of any validated or general export license or other export control documents, (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (d) in storing, financing, forwarding, transporting, or other servicing of such exports from the United States;

II. Such denial of export privileges shall apply not only to each of the respondents, but also to any person, firm, corporation, or business organization with which any of them may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade in which may be involved exports from the United States or services connected therewith;

III. All outstanding validated export licenses held by or issued in the name of any of the respondents or in which they appear or participate as purchaser, intermediate or ultimate consignee, or otherwise, shall, on May 30, 1956, be deemed to be revoked and shall be returned on that day to the Bureau of Foreign Commerce for cancellation;

IV. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, during any time when any respondent is prohibited under the terms hereof from engaging in any activity within the scope of Part I hereof, shall, without prior disclosure to, and specific authorization from, the Bureau of Foreign Commerce, directly or indirectly, in any manner or capacity (a) apply for, obtain, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity, (b) order, receive, buy, use, dispose of, finance, transport or forward, any commodity on behalf of or in any association with such respondent, or (c) do any of the foregoing acts with respect to any commodity or exportation in which such respondent may have any interest of any kind or nature, direct or indirect.

Dated: May 14, 1956.

JOHN C. BORTON,
*Director,*
*Office of Export Supply.*

[F. R. Doc. 56-3922; Filed, May 17, 1956; 8:46 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11682; FCC 56M-468]

GENERAL-TIMES TELEVISION CORP. AND COLUMBIA BROADCASTING SYSTEM, INC.

ORDER SCHEDULING PREHEARING CONFERENCE

In re application of General-Times Television Corporation (Assignor) and Columbia Broadcasting System, Inc. (Assignee), Docket No. 11682, File No. BAPCT-159; for consent to the assignment of the construction permit for WGTH-TV Hartford, Connecticut.

*It is ordered*, This 11th day of May 1956, that all parties, or their counsel, in the above-entitled proceeding are directed to appear for a pre-hearing conference pursuant to the provisions of § 1.813 of the Commission's rules, at the offices of the Commission in Washington, D. C., at 10 o'clock a. m., May 16, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3934; Filed, May 17, 1956; 8:49 a. m.]

[Docket No. 11705; FCC 56-423]

HENRY COUNTY BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of John Garrett tr/as Henry County Broadcasting Company, Mt. Pleasant, Iowa, Docket No. 11705, File No. BP-9983; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 9th day of May 1956;

The Commission having under consideration the above-captioned application of John Garrett tr/as Henry County Broadcasting Company for a construction permit for a new standard broadcast station to operate on 1340 kilocycles with a power of 100 watts, unlimited time, at Mt. Pleasant, Iowa;

It appearing that the applicant is legally, technically, financially and otherwise qualified to operate the proposed station but that the proposed operation would be involved in objectionable interference with Stations KXGI, Fort Madison, Iowa (1360 kc, 500 w, Day), KROS, Clinton, Iowa (1340 kc, 250 w, U), and KXEO, Mexico, Missouri (1430 kc, 250 w, U); that the population loss resulting from interference received by the proposed operation would be excessive under § 3.28 (c) of the Commission's rules; and that the 25 mv/m contour of the proposed operation may overlap with the 2 mv/m contour of Station KXGI; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated January 20, 1956, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing that in a reply filed April 17, 1956, the applicant stated that the interference which would be caused to Stations KXGI, KROS, and KXEO would be slight, that a grant of the application should be made in the interest of public service, that approximately 10 percent of the people residing within the normally protected service area of the proposed station would receive objectionable interference but that a "percentage of more than (10 percent was) not recognized"; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

*It is ordered*, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operation, and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation would cause objectionable interference to Stations KXGI, Fort Madison, Iowa; KROS, Clinton, Illinois; and KXEO, Mexico, Missouri, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether, because of the interference received, the proposed operation would comply with § 3.28 (c) of the Commission's rules, and if compliance with § 3.28 (c) is not achieved, whether circumstances exist which would warrant a waiver of said election of the rules.

4. To determine whether the 25 mv/m contour of the proposed operation would overlap with the 2 mv/m contour of Station KXGI in violation of § 3.37 of the Commission's rules.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, if a grant of the subject application would serve the public interest.

*It is further ordered*, That KXGI, Inc., the Clinton Broadcasting Corporation and the Audrain Broadcasting Corporation, licensees of Station KXGI, KROS, and KXEO, respectively, are made parties to the proceeding.

Released: May 14, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3935; Filed, May 17, 1956; 8:49 a. m.]



[Docket No. 11708; FCC 56-436]

AUSTIN RADIOPAGE

ORDER TO SHOW CAUSE WHY LICENSE SHOULD NOT BE REVOKED

In the matter of Greg Scott, d/b as Austin Radiopage, Austin, Texas, Docket No. 11708; order to show cause why the license of station KKH477 in the Domestic Public Land Mobile Radio Service should not be revoked.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 9th day of May 1956;

The Commission having under consideration the matter of certain apparent violations of sections 214, 220 (c) and 303 (n) of the Communications Act of 1934, as amended, and sections 6.48, 6.504 and 6.602 of the Commission's rules committed by the licensee of the above-described station during the course of the operation thereof; and

It appearing that Greg Scott is the licensee of radio station KKH477, which is a one-way signaling station in the Domestic Public Land Mobile Radio Service subject to the provisions of Part 6 of the Commission's rules; and

It further appearing, that the Commission's Engineer-in-Charge of the district in which station KKH477 is located attempted to inspect the said station on November 5, 1955, pursuant to sections 220 (c) and 303 (n) of the Communications Act of 1934, as amended, and § 6.504 of the Commission's rules, but was unable to make such inspection because the station was unattended and locked and the licensee's telephone was unanswered; and

It further appearing that said Engineer-in-Charge apprised the licensee of station KKH477 by mail, on November 10, 1955, of the attempted inspection and requested to be advised if the station were still in operation, and, if so, the hours of operation; and

It further appearing, that the licensee of the said station has not answered the above-mentioned letter of November 10, 1955; and

It further appearing that the Commission then sent, by Registered Mail Return Receipt Requested, on December 7, 1955, a copy of the aforesaid letter of November 10, 1955, and requested a response thereto within seven days of the date of receipt thereof; and

It further appearing, that the return receipt for said letter of December 7, 1955, signed by Greg Scott on December 9, 1955, has been received by the Commission, but that the licensee has failed to reply thereto; and

It further appearing, that the Commission has reason to believe that the licensee of station KKH477 may have discontinued operation of the said station; and may have done so in violation of section 214 of the Communications Act of 1934, as amended, and §§ 6.48 and 6.602 of the Commission's rules;

*It is ordered*, That, pursuant to sections 312 (a) (1) and (2) and (c) of the Communications Act of 1934, as amended, Greg Scott show cause why the license of his Domestic Public Land Mobile Radio Service station KKH477 should not be revoked; and

*It is further ordered*, That a hearing in this matter will be held in Washington, D. C., on the 18th day of June 1956, in order to determine whether an order revoking said license should be issued and that Greg Scott is herewith called upon to appear at this hearing and give evidence upon the matters specified herein; and

*It is further ordered*, That the Secretary shall mail a copy of the Order to the licensee by Registered Mail—Return Receipt Requested.

NOTE: Section 1.402 of the Commission's rules provides that in order to avail himself of the opportunity to appear before the Commission at the time and place specified in the show cause order, the licensee shall within thirty (30) days from the date of receipt of this order inform the Commission in writing whether he will appear or whether he waives his rights to a hearing. Waiver of a hearing may be accompanied by a statement of reasons why said licensee believes that an order of revocation should not be issued. A waiver unaccompanied by such a statement will be deemed to be an admission of the allegations specified in this order. Failure to respond within the above 30 day period, or failure to appear at the hearing, will be deemed to be a waiver of the right to a hearing and an admission of the allegations specified in the order to show cause.

Released: May 14, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3936; Filed, May 17, 1956; 8:49 a. m.]

## FEDERAL POWER COMMISSION

[Docket Nos. G-2867, etc.]

GAS LANDS CO. ET AL.

NOTICE OF SEVERANCE AND CONTINUANCE

MAY 14, 1956.

In the matters of Gas Lands Company, et al., Docket No. G-2867, et al., and Warren Petroleum Corporation, Docket No. G-4149.

Notice is hereby given that the application of Warren Petroleum Corporation, Docket No. G-4149, in the above consolidated proceedings and scheduled for a hearing on May 16, 1956, at 9:30 a. m., e. d. s. t., is hereby severed therefrom and continued for a hearing at a subsequent date to be set by further notice.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-3925; Filed, May 17, 1956; 8:47 a. m.]

[Docket No. G-3300, etc.]

SHAMROCK OIL AND GAS CORP. ET AL.

NOTICE OF SEVERANCE AND CONTINUANCE

MAY 14, 1956.

In the matters of Shamrock Oil and Gas Corporation, et al., Docket No. G-3300, et al. and Big Chief Drilling Company, Docket No. G-5224.

Notice is hereby given that the application of Big Chief Drilling Company in Docket No. G-5224 in the above consolidated proceedings and scheduled for a hearing on May 15, 1956, at 9:30 a. m., e. d. s. t., is hereby severed therefrom and continued for a hearing at a subsequent date to be set by further notice.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-3927; Filed, May 17, 1956; 8:47 a. m.]

[Docket No. G-8931]

TEXAS EASTERN TRANSMISSION CORP. AND TEXAS EASTERN PENN-JERSEY TRANSMISSION CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 11, 1956.

Texas Eastern Transmission Corporation (Texas Eastern) and Texas Eastern Penn-Jersey Transmission Corporation (Penn-Jersey), wholly owned subsidiary of Texas Eastern (Applicant), both Delaware corporations with their principal place of business in Shreveport, Louisiana, filed a joint application on May 20, 1955, as supplemented on June 23, 1955, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of certain facilities and an order permitting the abandonment of certain facilities in Pennsylvania and New Jersey, subject to the jurisdiction of the Commission, all as more fully described in their joint application which is on file with the Commission and open for public inspection.

Penn-Jersey states that its system is interconnected with that of Texas Eastern, and is operated, under lease, by Texas Eastern. The Penn-Jersey system extends from the Oakford Storage field in western Pennsylvania to Texas Eastern's compressor station No. 26 at Lambertville, New Jersey, and its primary function is to supplement the winter gas supply on the eastern end of Texas Eastern's system by withdrawing storage gas from the Oakford field.

Applicant states in this application that the main proposal is to construct two new compressor stations on the Penn-Jersey line and thereby increase Penn-Jersey's delivery capacity from approximately 200,000 Mcf per day to approximately 300,000 Mcf per day.

In connection with the above construction, Texas Eastern proposes not to construct certain compressor horsepower which has been previously authorized in two compressor stations, on the Big and Little Inch lines between Connellsville and Phoenixville, Pennsylvania.

Applicant further states that the proposed rearrangement of these compressor facilities will effect a better distribution of compressor horsepower on the two systems with the resultant increase in capacity on the Penn-Jersey facilities. In total, it means the non-construction of 8,000 certificated horsepower at Texas Eastern's stations Nos. 23 and 25[1] and the construction of two new gas turbine centrifugal compressor stations on the Penn-Jersey line at Perulack and Grantville, Pennsylvania, each having 5,000 horsepower.

Texas Eastern also proposes to construct two short pipeline loops in the Philadelphia area consisting of about 11 miles of 12-inch pipelines and a new 3,300 horsepower station on the site of station No. 27 near Linden, New Jersey, to obtain greater flexibility in its operations in the Philadelphia-New Jersey area where deliveries to its customers have been limited by the inadequate capacities of existing lateral line facilities.

Applicant has furnished data which shows past winter requirements and estimates of future winter requirements on its system east of station No. 21 A (Connellsville).

Texas Eastern alleges that its present delivery capacity on its system combined with that of Penn-Jersey, east of the Oakford Storage Area, is approximately 731,000 Mcf per day. This capacity has been adequate heretofore, but additional capacity must be installed this summer in order to meet anticipated peak requirements during the winter of 1955–56. Exhibit X–1, attached to the application, shows that Texas Eastern's 1954–55 firm delivery obligations east of station 21 A were 678,708 Mcf and that on the peak day in that area Texas Eastern actually delivered 755,397 Mcf by withdrawing approximately 24,000 Mcf from line pack. For the winter of 1955–56, Texas Eastern estimates that its firm delivery obligations east of station 21 A will be 727,478 Mcf per day, but based on its experience in the past winter, estimates that excess deliveries of 87,721 Mcf of winter peaking gas will be requested on peak days during the winter of 1955–56, making a total peak day requirement of 815,199 Mcf east of station 21 A. It is estimated that the rearrangement of facilities, as proposed herein, will result in a delivery capacity of about 843,000 Mcf per day which is an excess of approximately 28,000 Mcf per day over the estimated requirements for the winter season of 1955–56.

In support of its contention applicant filed a first supplement to its application on June 23, 1955. This supplement is a compilation of Texas Eastern's existing service agreements and letters of intent with certain customer companies for winter peaking service during the 1955–56 season.[2]

These contracts cover the delivery of 62,120 Mcf per day of winter peak service gas. To this Texas Eastern has added 87,721 Mcf per day which was shown to be delivered during the winter season of 1954–55 in excess of WPS contract obligations.

Applicant also alleges that the total cost of Texas Eastern's proposed new facilities is estimated at $2,595,700. The estimated cost of Penn-Jersey's proposed facilities is $2,836,000.

Texas Eastern states that it intends to finance its proposed construction from funds on hand and funds to be developed from operations.

Penn-Jersey states that it proposes to finance its construction from funds on hand and funds to be developed from operations, and from the proceeds of a $1,000,000 bank loan from Girard Trust Corn Exchange Bank, Philadelphia, Pennsylvania.

A confirming letter from the bank is attached to the application. This letter and other exhibits similarly attached indicate that Applicant will encounter no difficulty in financing the proposed construction as planned.

Applicant further states that the gas reserves behind the facilities authorized in Docket No. G–1012, which are proposed herein to be replaced through the rearrangement, were found adequate by the Commission in Docket No. G–1012. It is also noted that Texas Eastern will have substantial capacity and deliverability in the Oakford Field (about 23,000,000 Mcf in top storage as of November 1, 1955) of which only 12,240,000 Mcf is needed to perform a storage service for Transcontinental Gas Pipe Line Corp. Thus, about 10,710 Mcf will be available for winter peaking service next winter which will be transported through the facilities proposed herein.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 14, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such joint application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 31, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56–3926; Filed, May 17, 1956; 8:47 a. m.]

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[Docket No. G–10,000]

TRANSCONTINENTAL GAS PIPE LINE CORP.

NOTICE OF HEARING

MAY 14, 1956.

Take notice that pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 6, 1956, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application filed on February 27, 1956, by Transcontinental Gas Pipe Line Corporation, in the above-entitled matter.

Due notice of the application filed herein has been published in the FEDERAL REGISTER on April 26, 1956 (21 F. R. 2705). The last date for protests or petitions to intervene in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) was May 10, 1956.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56–3928; Filed, May 17, 1956; 8:47 a. m.]

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[Docket No. G–10149]

TEXAS EASTERN TRANSMISSION CORP. AND HOPE NATURAL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 14, 1956.

Texas Eastern Transmission Corporation (Texas Eastern) and Hope Natural Gas Company (Hope), a Delaware and West Virginia corporation, respectively, having their principal places of business located at Shreveport, Louisiana, and Clarksburg, West Virginia, respectively, filed a joint application on March 26, 1956, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, for authorization to construct and operate certain facilities in Marshall County, West Virginia, for delivery and sale of natural gas to Hope, all as more fully hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the joint application which is on file with the Commission and open for public inspection.

Texas Eastern seeks authorization to construct and operate a meter station together with appurtenant equipment, on its existing 24-inch pipe line at Milepost 974 in Marshall County, West Virginia, to deliver and sell natural gas to Hope at such point; deliveries to Hope will be made by Texas Eastern into Hope's existing 12-inch line known as H197 which crosses Texas Eastern's existing 24-inch line at such point.

Hope seeks by this application to construct and operate at the proposed point of delivery a valve, together with the necessary fittings on its existing 12-inch pipeline to enable it to take the proposed deliveries from Texas Eastern.

Applicants state that the estimated overall capital cost of Texas Eastern's proposed facilities is approximately $35,000 and is to be financed from funds on hand, and the estimated overall capital cost of Hope's proposed facilities is approximately $7,000 and is to be financed from cash on hand.

Applicants also state that Texas Eastern at present has a service agreement, in accordance with Commission authorization, with three of the operating companies in the Consolidated Natural Gas System (East Ohio Gas Co., Peoples Natural Gas Co., and New York State Natural Gas Corp.) as joint buyers of a maximum 326,500 Mcf per day at 15.025 psia. Although this volume is available to these companies on a daily basis, they can no longer take full advantage of such available volumes of gas for storage purposes at all times, particularly during the summer, because of the limited capacity of their facilities. Eastern has another arrangement whereby it sells storage gas to New York State Natural at substantially less than the average price of firm gas at 100 percent load factor.

Applicants finally state that the estimated sales and revenues for the twelve months ending May 1957 are 119,172,500 Mcf for $40,323,216, or 33.8 cents per Mcf.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 14, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such joint application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rule of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 31, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56–3924; Filed, May 17, 1956; 8:47 a. m.]

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[Docket No. G–10390]

GENERAL AMERICAN OIL COMPANY OF TEXAS

ORDER SUSPENDING PROPOSED CHANGES IN RATES

General American Oil Company of Texas (Applicant) on April 23, 1956, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

*Description; Purchaser; Rate Schedule Designation; and Effective Date*[1]

Notice of change, undated; Louisiana Nevada Transit Company; Supplement No. 3 to Applicant's FPC Gas Rate Schedule No. 6; May 24, 1956.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds it is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's General rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until October 24, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Issued: May 14, 1956.

By this Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56–3923; Filed, May 17, 1956; 8:46 a. m.]

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## UNITED STATES TARIFF COMMISSION

TOWELING, OF FLAX, HEMP, OR RAMIE

"ESCAPE CLAUSE" REPORT

MAY 15, 1956.

The Tariff Commission today submitted a report to the President of its findings and recommendation in "escape clause" Investigation No. 44 under section 7 of the Trade Agreements Extension Act of 1951, as amended, with respect to toweling of flax, hemp, or ramie, or of which these substances or any of them is the component material of chief value, classifiable under paragraph 1010 of the Tariff Act of 1930. Such toweling is subject to a rate of duty of 10 percent ad valorem, which reflects the prevailing concession granted under the General Agreement on Tariffs and Trade. The original rate provided in paragraph 1010 of the Tariff Act of 1930 was 40 percent ad valorem. The investigation was instituted by the Commission on the basis of an application for an escape-clause investigation by the Stevens Linen Associates, Inc., of Dudley, Mass.

The Commission found unanimously that the toweling in question is being imported into the United States in such increased quantities, both actual and relative to domestic production, as to cause serious injury to the domestic industry producing such toweling and that, in order to remedy the serious injury, it is necessary to restore for an indefinite period the original rate of duty established in the Tariff Act of 1930 for such toweling (40 percent ad valorem). Accordingly, the Commission recommended to the President the withdrawal of the tariff concession on this article granted in the General Agreement on Tariffs and Trade. If the President does not act on the Commission's recommendation within sixty days he is directed by the statute to submit a report stating his reasons to the Committee on Ways and Means of the House of Representatives and to the Committee on Finance of the Senate.

Copies of the Commission's report are available upon request so long as the limited supply lasts. Address requests to the United States Tariff Commission, Eighth and E Streets NW., Washington 25, D. C.

[SEAL] DONN N. BENT,
*Secretary.*

[F. R. Doc. 56–3929; Filed, May 17, 1956; 8:48 a. m.]

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[1] Station 23 will have 7,500 hp. (presently installed) of the total of 10,000 hp. authorized and station 25 will have 2,000 hp. (yet to be installed) of the total of 7,500 hp. authorized. The horsepower in these stations were originally authorized in Docket No. G–1012, but their completion has been delayed because of the unforeseen slow development of the load of Algonquin Gas Transmission Company.

[2] However, the subject application does not request authority to sell any gas, merely to construct and operate the enabling facilities.

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Applicant if later.

## INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 15, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32084: *Paper bags—Crossett, Ark., to Ada, Okla.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on paper bags, noibn, printed or not printed from Crossett, Ark., to Ada, Okla.

Grounds for relief: Circuitous routes.

Tariff: Supplement 32 to Agent Kratzmeir's I. C. C. 4151.

FSA No. 32085: *Gypsum rock—Indiana to Chattanooga, Tenn.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on gypsum rock, crude or crushed (not ground) in bulk, carloads from East Shoals and Willow Valley, Ind., to Chattanooga, Tenn.

Grounds for relief: Circuitous routes.

Tariff: Supplement 25 to Agent Hinsch's I. C. C. 4664.

FSA No. 32086: *Latex—Akron, Ohio, to Dalton, Ga.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on latex (liquid crude rubber), natural or synthetic, carloads from Akron, Ohio to Dalton, Ga.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 25 to Agent Hinsch's I. C. C. 4664.

FSA No. 32087: *Sand—Indiana and Michigan to Memphis, Tenn.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on sand, moulding, bonded (naturally or otherwise), and other than moulding, bonded (naturally or otherwise), in closed or open-top cars, carloads from Muskegon, Mich., Michigan City, Ind., and other specified points in Indiana and Michigan to Memphis, Tenn.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 104 to Agent Hinsch's I. C. C. 4367.

FSA No. 32088: *Silica gel catalyst, glass, and wax—Official territory to Southwest.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on silica gel or silica gel catalyst, airplane or automobile glass, and paraffin or petroleum wax, carloads, straight or mixed, as the case may be, from specified points in official territory, also Crystal City, Mo., to specified points in Arkansas, Louisiana, Oklahoma and Texas.

Grounds for relief: Carrier competition and circuity.

By the Commission.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F. R. Doc. 56-3919; Filed, May 17, 1956; 8:46 a. m.]



## DEPARTMENT OF JUSTICE

### Office of Alien Property

[Vesting Order SA-35; F-57-406]

AQUILA ROMANO AMERICANA

In re: debts owing to Aquila Romano Americana also known as Aquila Romano Americana Company and as Aquilla Romano-Americana S. A.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of Thomas A. Edison, Incorporated, West Orange, New Jersey, arising out of an account payable maintained by the aforesaid corporation in the name of Aquila Romano Americana, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Aquila Romano Americana also known as Aquila Romano Americana Company and as Aquilla Romano-Americana S. A., Bucharest, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to Section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on May 14, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
*Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-3938; Filed, May 17, 1956; 8:49 a. m.]

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[Vesting Order SA-36; F-57-406]

AQUILA ROMANO AMERICANA

In re: debts owing to Aquila Romano Americana also known as Aquila Romano Americana Company and as Aquilla Romano-Americana S. A.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of Martin-Decker Corporation, 3431 Cherry Avenue, Long Beach 7, California, arising out of an account payable maintained by the aforesaid corporation in the name of Aquila Romano Americana Company, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Aquila Romano Americana also known as Aquila Romano Americana Company and as Aquilla Romano-Americana S. A., Bucharest, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to Section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to



the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on May 14, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
*Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-3939; Filed, May 17, 1956; 8:49 a. m.]

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[Vesting Order SA-37; F-57-406]

AQUILA ROMANO AMERICANA

In re: debts owing to Aquila Romano Americana also known as Aquila Romano Americana Company and has Aquilla Romano-Americana S. A.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of Union Carbide and Carbon Corporation, 30 East Forty-Second Street, New York 17, New York, arising out of an account payable entitled "Accounts Payable Sundries, Account No. 211012," maintained by the aforesaid corporation, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Aquila Romano Americana also known as Aquila Romano Americana Company and as Aquilla Romano-Americana S. A., Bucharest, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to Section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on May 14, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
*Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-3940; Filed, May 17, 1956; 8:49 a. m.]

UNIVERSITY OF MICHIGAN
MAIN READING ROOM

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934
OF THE UNITED STATES

# FEDERAL REGISTER

VOLUME 21 NUMBER 98

*Washington, Saturday, May 19, 1956*

## TITLE 7—AGRICULTURE

### Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 728—WHEAT

SUBPART—1957–58 MARKETING YEAR

STATE ACREAGE ALLOTMENTS FOR 1957 CROP AND 1957–58 COMMERCIAL WHEAT-PRODUCING AREA

§ 728.704 *Basis and purpose.* (a) The regulations contained in §§ 728.704, 728.705, and 728.725 are issued (1) to apportion among the several States the national acreage allotment for the 1957 crop of wheat proclaimed on May 14, 1956, 21 F. R. 3216, in accordance with the provisions of section 334 (a) of the Agricultural Adjustment Act of 1938, as amended, which provides for the apportionment of the 1957 national acreage allotment for wheat (less a reserve of not to exceed one per centum thereof for apportionment to counties in addition to county allotments made under section 334 (b) of the act on the basis of the relative needs of counties for additional allotment because of new areas coming into the production of wheat during the preceding ten years) among the several States on the basis of the acreage seeded for the production of wheat during the ten calendar years 1946 to 1955 (plus, in applicable years, the acreage diverted from wheat under agricultural adjustment and conservation programs), with adjustments for abnormal weather conditions and for trends in acreage during such period; and (2) to designate the 1957–58 commercial wheat-producing area.

(b) In making the findings and determinations contained in § 728.705 the State wheat acreage estimates of the Agricultural Marketing Service of this Department were used, adjusted where necessary to reflect the acreages of wheat used for wheat mixtures in States approved for this practice, for green manure, cover crop, hay, and silage, in all States, and the acreage planted to Durum Wheat (Class II) under Public Law 290, 83d Congress and Public Law 8, 84th Congress in the States of Minnesota, Montana, North Dakota, and South Dakota, as indicated by statistics of the Commodity Stabilization Service of this Department. For States for which wheat acreage estimates are not compiled by the Agricultural Marketing Service, statistics of the Commodity Stabilization Service were used. It is hereby found and determined that the statistics of the Agricultural Marketing Service, as so adjusted and supplemented by Commodity Stabilization Service data, constitute the latest available and most reliable statistics of the Federal Government.

(c) Prior to the apportionment of the national acreage allotment for the 1957 crop of wheat among the several States, and designation of the 1957–58 commercial wheat-producing area, public notice of the proposed action was given (20 F. R. 10062) in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003). The views and recommendations received from wheat growers and other interested persons have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

(d) Since a referendum of wheat producers who will be subject to the national marketing quota proclaimed on the 1957 crop of wheat must be held prior to July 25, 1956, to determine whether such producers favor or oppose such marketing quotas, and since the Agricultural Adjustment Act of 1938, as amended, requires, insofar as practicable, the mailing of notices of farm acreage allotments to farm operators in sufficient time to be received prior to the date of the referendum, and since farm acreage allotments cannot be established until the national acreage allotment has been apportioned among States and counties, and the commercial wheat-producing area has been designated, it is hereby determined that the regulations herein shall become effective upon filing with the Director, Division of the Federal Register.

§ 728.705 *Apportionment of the national acreage allotment for the 1957 crop of wheat among the several States.* The national acreage allotment proclaimed in § 728.703, less a reserve of three one-hundredths of one per centum

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# FEDERAL REGISTER

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**CFR SUPPLEMENTS**

**(As of January 1, 1956)**

The following Supplement is now available:

**Title 32A (Rev., 1955) ($1.25)**

*Previously announced:* Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 7: Parts 1–209 ($1.25); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. I, and Title 27 ($1.00); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Titles 40–42 ($0.65); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.


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thereof for additional allotments to counties, is hereby apportioned among the several States as follows:

| State: | Acres |
|---|---|
| Alabama [1] | 22,107 |
| Arizona [1] | 19,860 |
| Arkansas | 53,479 |
| California | 436,142 |
| Colorado | 2,766,025 |
| Connecticut [1] | 601 |
| Delaware | 33,601 |
| Florida [1] | 1,802 |
| Georgia | 103,143 |
| Idaho | 1,156,480 |
| Illinois | 1,414,575 |
| Indiana | 1,144,137 |
| Iowa | 115,485 |
| Kansas | 10,615,188 |
| Kentucky | 213,891 |
| Louisiana [1] | 3,671 |

[1] Non-commercial wheat States.



| State—Continued | Acres |
|---|---|
| Maine [1] | 1,528 |
| Maryland | 178,898 |
| Massachusetts [1] | 683 |
| Michigan | 957,020 |
| Minnesota | 699,354 |
| Mississippi [1] | 20,049 |
| Missouri | 1,253,735 |
| Montana | 4,042,623 |
| Nebraska | 3,234,827 |
| Nevada [1] | 12,029 |
| New Hampshire [1] | 67 |
| New Jersey | 53,859 |
| New Mexico | 470,705 |
| New York | 317,602 |
| North Carolina | 284,254 |
| North Dakota | 7,327,856 |
| Ohio | 1,558,108 |
| Oklahoma | 4,878,623 |
| Oregon | 819,060 |
| Pennsylvania | 600,754 |
| Rhode Island [1] | 562 |
| South Carolina | 136,151 |
| South Dakota | 2,746,578 |
| Tennessee | 198,701 |
| Texas | 4,149,071 |
| Utah | 314,303 |
| Vermont [1] | 480 |
| Virginia | 252,514 |
| Washington | 1,994,450 |
| West Virginia | 40,030 |
| Wisconsin | 40,215 |
| Wyoming | 298,678 |
| Total | 54,983,500 |
| Reserve | 16,500 |
| Grand total | 55,000,000 |

[1] Non-commercial Wheat States.

§ 728.725 *Commercial wheat-producing area.* The State acreage allotment for each of the States, Alabama, Arizona, Connecticut, Florida, Louisiana, Maine, Massachusetts, Mississippi, Nevada, New Hampshire, Rhode Island, and Vermont, as issued under § 728.705, was 25,000 acres or less. In order to promote efficient administration of the act, each of the States mentioned in this section is designated as outside the commercial wheat-producing area for the 1957–58 marketing year. Accordingly, the commercial wheat-producing area for the 1957–58 marketing year, in which the provisions of §§ 728.710 to 728.724 shall be applicable, shall consist of all States in the continental United States except the States herein above-mentioned.

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply sec. 301, 334, 52 Stat. 38, 53, 67 Stat. 151; 7 U. S. C. 1301, 1334)

Issued at Washington, D. C., this 16th day of May 1956.

[SEAL] E. T. BENSON, *Secretary.*

[F. R. Doc. 56-3973; Filed, May 18, 1956; 8:51 a. m.]

## Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 69]

### PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

#### LIMITATION OF HANDLING

§ 922.369 *Valencia Orange Regulation 69*—(a) *Findings.* (1) Pursuant to Order No. 22 (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective March 31, 1954, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on May 17, 1956, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., May 20, 1956, and ending at 12:01 a. m., P. s. t., May 27, 1956, is hereby fixed as follows:

(i) District 1: 184,800 cartons;

(ii) District 2: 438,174 cartons;

(iii) District 3: Unlimited movement.

(2) Valencia oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "handler," "District 1," "District 2," and "District 3," have the same meaning as when used in said order; and "carton" means the standard one-half orange, grapefruit or lemon box set forth as standard container number 58 in section 828.83, as amended, of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 18, 1956.

[SEAL] S. R. SMITH, *Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-4035; Filed, May 18, 1956; 11:22 a. m.]

[Grapefruit Reg. 244]

### PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

#### LIMITATION OF SHIPMENTS

§ 933.793 *Grapefruit Regulation 244*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than May 21, 1956. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until May 21, 1956; the recommendation and supporting information for continued regulation subsequent to May 20, 1956, were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on May 15, 1956; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid

recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., May 21, 1956, and ending at 12:01 a. m., e. s. t., May 28, 1956, no handler shall ship:

(i) Any white seeded grapefruit, grown in the State of Florida, which are not mature and do not grade at least U. S. No. 1 Bronze;

(ii) Any white seedless grapefruit, grown in Regulation Area I, which are not mature and do not grade at least U. S. No. 1 Bronze;

(iii) Any white seedless grapefruit, grown in Regulation Area II, which are not mature and do not grade at least U. S. No. 2 Russet;

(iv) Any pink grapefruit, grown in the State of Florida, which are not mature and do not grade at least U. S. No. 2;

(v) Any white seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 70 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box;

(vi) Any pink seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(vii) Any seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 112 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "handler," "ship," "Growers Administrative Committee," "Regulation Area I," and "Regulation Area II" shall have the same meaning as when used in said amended marketing agreement and order; the terms "U. S. No. 1 Bronze," "U. S. No. 2," "U. S. No. 2 Russet," "standard pack," and "standard nailed box" shall have the same meaning as when used in the United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title); and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, Chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (Chapters 25149 and 28090) and also by section 601.18, as amended on June 2, 1955 (Chapter 29760).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 16, 1956.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-3970; Filed, May 18, 1956; 8:51 a. m.]

[Tangerine Reg. 176]

## PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

### LIMITATION OF SHIPMENTS

§ 933.794 *Tangerine Regulation 176*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of tangerines, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions effective not later than May 21, 1956. Shipments of tangerines, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order and will so continue until May 21, 1956; the recommendation and supporting information for continued regulation subsequent to May 20, 1956, were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on May 15, 1956; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such tangerines; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of tangerines, and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., May 21, 1956, and ending at 12:01 a. m., e. s. t., July 31, 1956, no handler shall ship:

(i) Any tangerines, grown in the State of Florida, that do not grade at least U. S. No. 2 Russet; or

(ii) Any tangerines, grown in the State of Florida, that are of a size smaller than the size that will pack 294 tangerines, packed in accordance with the requirements of a standard pack, in a half-standard box (inside dimensions 9½ x 9½ x 19⅛ inches; capacity 1,726 cubic inches).

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 2 Russet," and "standard pack" shall have the same meaning as when used in the revised United States Standards for Florida Tangerines §§ 51.1810 to 51.1836 of this title).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 16, 1956.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-3971; Filed, May 18, 1956; 8:51 a. m.]

[Lemon Reg. 642]

## PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

### LIMITATION OF SHIPMENTS

§ 953.749 *Lemon Regulation 642*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 8451), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently



subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on May 16, 1956, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., May 20, 1956, and ending at 12:01 a. m., P. s. t., May 27, 1956, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 465,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," and "District 3" have the same meaning as when used in the said amended marketing agreement and order; and "carton" means the standard one-half orange, grapefruit or lemon box set forth as standard container number 58 in section 828.83, as amended, of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 17, 1956.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-4018; Filed, May 18, 1956; 8:56 a. m.]

[Avocado Order 12]

## PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

### MATURITY REGULATION

§ 969.312 *Avocado Order 12*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969; 20 F. R. 4177), regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than May 20, 1956. A reasonable determination as to the time of maturity of avocados must await the development of the crop thereof, and adequate information thereon was not available to the Avocado Administrative Committee until May 8, 1956; determinations as to the time of maturity of the varieties of avocados covered by this section were made at the meeting of said committee on May 8, 1956, after consideration of all available information relative to such maturity and growing conditions prevailing during the current season for such avocados, at which time the recommendations and supporting information for such maturity regulation was submitted to the Department; such meeting was held to consider recommendation for such regulation after giving due notice thereof, and interested parties were afforded an opportunity to submit their views at this meeting; the provisions of this section are identical with the aforesaid recommendations of the committee and information concerning such provisions has been disseminated among the handlers of avocados; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) After the effective time of this section, no handler shall handle any of the varieties of avocados of the West Indian type listed in Column 1 of Table I prior to 12:01 a. m., e. s. t., of the date listed for the respective variety in Column 2 of such table;

(2) During the period from 12:01 a. m., e. s. t., of the date listed for the respective variety in Column 2 of Table I and 12:01 a. m., e. s. t., of the date listed for the respective variety in Column 4 of such table, no handler shall handle any avocados unless the individual fruit weighs at least the ounces specified for the respective variety in Column 3 of such table or is of at least the diameter specified for such variety in said Column 3;

(3) During the period from 12:01 a. m., e. s. t., of the date listed for the respective variety in Column 4 of Table I and 12:01 a. m., e. s. t., of the date listed for the respective variety in Column 6 of such table, no handler shall handle any avocados unless the individual fruit weighs at least the ounces specified for the respective variety in Column 5 of such table or is of at least the diameter specified for such variety in said Column 5;

(4) During the period from 12:01 a. m., e. s. t., of the date listed for the respective variety in Column 6 of Table I and 12:01 a. m., e. s. t., of the date listed for the respective variety in Column 8 of such table, no handler shall handle any avocados unless the individual fruit weighs at least the ounces specified for the respective variety in Column 7 of such table or is of at least the diameter specified for such variety in said Column 7;

(5) Notwithstanding the provisions of subparagraphs (1) through (4) of this paragraph regarding the minimum weight or diameter for individual fruit, up to 10 percent, by count, of the individual fruit contained in each lot may weigh less than the minimum specified weight and be less than the minimum specified diameter: *Provided,* That such avocados weigh not more than two ounces less than the applicable specified weight, for the particular variety as prescribed in Column 3, 5, or 7 of Table I. Such tolerances shall be on a lot basis, but not to exceed double such tolerances shall be permitted for an individual container in a lot;

TABLE I

| Variety (1) | Date (2) | Minimum weight or diameter (4) | Date (4) | Minimum weight or diameter (5) | Date (6) | Minimum weight or diameter (7) | Date (8) |
|---|---|---|---|---|---|---|---|
| Fuchs | 6-18-56 | 12 oz., 3¼/₁₆ in. | 7- 2-56 | 10 oz., 2¹³/₁₆ in. | 7-16-56 | 8 oz., 2⁹/₁₆ in. | 8—6-56 |
| Pollock | 7- 2-56 | 18 oz., 3¹⁹/₁₆ in. | 7-16-56 | 15 oz., 3⁶/₁₆ in. | 7-30-56 | 12 oz., 3¼/₁₆ in. | 8-27-56 |
| Simmonds | 7- 2-56 | 16 oz., 3⁸/₁₆ in. | 7-16-56 | 14 oz., 3⁴/₁₆ in. | 7-30-56 | 12 oz., 3¼/₁₆ in. | 8-27-56 |
| Nadir | 7- 2-56 | 14 oz., 3⅝/₁₆ in. | 7-16-56 | 12 oz., 3⅜/₁₆ in. | 7-30-56 | 9 oz., 2¹²/₁₆ in. | 8-27-56 |
| Hardee | 7- 2-56 | 16 oz., 3¾/₁₆ in. | 7-16-56 | 14 oz., 3⅜/₁₆ in. | 7-30-56 | 10 oz., 2¹³/₁₆ in. | 8-27-56 |

(6) With respect to the varieties of avocados listed in Columns 1, 3, 5, and 7 of Table II, no handler shall handle any variety of such avocados prior to the applicable specified date for the particular variety as prescribed in Columns 2, 4, 6, or 8 of said Table II;

TABLE II

| Variety (1) | Date (2) | Variety (3) | Date (4) | Variety (5) | Date (6) | Variety (7) | Date (8) |
|---|---|---|---|---|---|---|---|
| Trapp | 7-25-56 | Monroe | 11-21-56 | Vaca | 10- 3-56 | Ajax | 11- 7-56 |
| Waldin | 8- 1-56 | Choquette | 11-21-56 | Sherman | 10- 3-56 | Dunedin | 11-14-56 |
| Tonnage | 8-22-56 | Taylor | 11- 7-56 | Black Prince | 10- 3-56 | Blakeman | 11-21-56 |
| Booth 8 | 9-12-56 | Linda | 12- 5-56 | Collinred | 10-10-56 | Byars 1 | 12- 5-56 |
| Lula | 10- 3-56 | Wagner | 12-19-56 | Marcus | 10-10-56 | Nabal | 12-12-56 |
| Booth 7 | 10-10-56 | Nesbitt | 6-27-56 | Booth 5 | 10-17-56 | Eagle Rock | 1- 2-57 |
| Hickson | 10-17-56 | Calusa | 7- 4-56 | Blair | 10-17-56 | Colla | 1-16-57 |
| Collinson | 10-17-56 | Petersen | 8- 8-56 | Nelson | 10-24-56 | Schmidt | 1-30-57 |
| Hall | 10-24-56 | Edmunds | 8-15-56 | Rue | 10-24-56 | McDonald | 2-13-57 |
| Herman | 10-31-56 | Pinelli | 8-22-56 | Avon | 10-10-56 | Itzamna | 2-27-57 |
| Winslowson | 10-31-56 | Fairchild | 9- 5-56 | Booth 10 | 10-31-56 | | |
| Booth 3 | 11- 7-56 | Nirody | 9-19-56 | Booth 11 | 10-31-56 | | |
| Booth 1 | 11-21-56 | Simpson | 9-26-56 | Yon | 10-31-56 | | |

(7) Insofar as varieties of the West Indian type of avocados not listed in Table I or Table II are concerned, no handler shall handle any of such varieties except in accordance with the following terms and conditions:

(i) No such avocados shall be handled prior to 12:01 a. m., e. s. t., June 1, 1956;

(ii) To be eligible for handling during the period beginning at 12:01 a. m., e. s. t., June 1, 1956, and ending at 12:01 a. m., e. s. t., June 18, 1956, the individual fruit in each lot must weigh at least 16 ounces: *Provided*, That not to exceed 10 percent, by count, of the individual fruit in each lot may weigh less than 16 ounces but not less than 14 ounces, and not to exceed double such tolerance percentage shall be permitted for an individual container in a lot if the entire lot is within the tolerance;

(iii) To be eligible for handling during the period beginning at 12:01 a. m., e. s. t., June 18, 1956, and ending at 12:01 a. m., e. s. t., July 16, 1956, the individual fruit in each lot must weigh at least 14 ounces: *Provided*, That not to exceed 10 percent, by count, of the individual fruit in each lot may weigh less than 14 ounces but not less than 12 ounces, and not to exceed double such tolerance percentage shall be permitted for an individual container in a lot if the entire lot is within the tolerance; and

(iv) To be eligible for handling during the period beginning at 12:01 a. m., e. s. t., July 16, 1956, and ending at 12:01 a. m., e. s. t., September 10, 1956, the individual fruit in each lot must weigh at least 12 ounces: *Provided*, That not to exceed 10 percent, by count, of the individual fruit in each lot may weigh less than 12 ounces but not less than 10 ounces, and not to exceed double such tolerance percentage shall be permitted for an individual container in a lot if the entire lot is within the tolerance.

(8) Insofar as any and all avocados not covered under subparagraphs (1) through (7) of this paragraph are concerned, no handler shall handle any such avocados except in accordance with the following terms and conditions:

(i) No such avocados shall be handled prior to 12:01 a. m., e. s. t., September 3, 1956;

(ii) To be eligible for handling during the period beginning at 12:01 a. m., e. s. t., September 3, 1956, and ending at 12:01 a. m., e. s. t., October 1, 1956, the individual fruit in each lot must weigh at least 14 ounces: *Provided*, That not to exceed 10 percent, by count, of the individual fruit in each lot may weigh less than 14 ounces but not less than 12 ounces, and not to exceed double such tolerance percentage shall be permitted for an individual container in a lot if the entire lot is within the tolerance; and

(iii) To be eligible for handling during the period beginning at 12:01 a. m., e. s. t., October 1, 1956, and ending at 12:01 a. m., e. s. t., December 17, 1956, the individual fruit in each lot must weigh at least 12 ounces: *Provided*, That not to exceed 10 percent, by count, of the individual fruit in each lot may weigh less than 12 ounces but not less than 10 ounces, and not to exceed double such tolerance percentage shall be permitted for an individual container in a lot if the entire lot is within the tolerance.

(9) Notwithstanding the provisions of subparagraphs (7) and (8) of this paragraph, any handler may, on and after the applicable beginning date specified in subdivision (i) of each of such subparagraphs, handle any lot of avocados covered by such subparagraphs without regard to the minimum weight requirements specified when (i) the exterior seed coat of the individual fruit is of a brown color characteristic of a mature avocado, or (ii) such avocados, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color normal for that fruit when mature.

(10) As used in this section, the term "diameter" means the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit.

(c) *Termination of Avocado Order 6.* The provisions of § 969.306 (Avocado Order 6; 20 F. R. 3427), are hereby terminated effective as of the effective time of this section.

(d) *Effective time.* The provisions of this section shall become effective at 12:01 a. m., e. s. t., May 20, 1956.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 16, 1956.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-3968; Filed, May 18, 1956; 8:50 a. m.]

# TITLE 29—LABOR

## Chapter V—Wage and Hour Division, Department of Labor

### PART 694—MINIMUM WAGE RATES IN INDUSTRIES IN THE VIRGIN ISLANDS

### WAGE ORDER GIVING EFFECT TO RECOMMENDATIONS

On March 1, 1956, pursuant to section 5 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), the Secretary of Labor by Administrative Order No. 460 (21 F. R. 1369) directed Industry Committee No. 3 for the Virgin Islands to recommend the minimum wage rate or rates to be paid under section 6 (c) of the act to employees in the Virgin Islands who are engaged in commerce or in the production of goods for commerce.

Subsequent to an investigation and hearing, conducted pursuant to notice published in the March 1, 1956 issue of the FEDERAL REGISTER (21 F. R. 1369), the committee filed with the Administrator a report containing its findings of fact and recommendations with respect to the matters referred to it. Accordingly as authorized and required by section 8 of the act and General Order No. 45-A (15 F. R. 3290) of the Secretary (1) these recommendations are hereby published in the following amendments to the Code of Federal Regulations; and (2) effective June 9, 1956, Part 694 of Title 29, is amended to read as follows:

Sec.
694.1 Definitions of industries in the Virgin Islands.
694.2 Wage rates.
694.3 Application and notice.

AUTHORITY: §§ 694.1 to 694.3 issued under sec. 8, 52 Stat. 1064, as amended; 29 U. S. C. 208. Interpret or apply sec. 5, 52 Stat. 1064, as amended; 29 U. S. C. 205.

§ 694.1 *Definitions of industries in the Virgin Islands.* The industries in the Virgin Islands to which this part shall apply are hereby defined as follows:

(a) *Alcoholic beverages and industrial alcohol industry.* This industry shall include the manufacture, including, but not by way of limitation, the distilling, rectifying, blending, or bottling of rum, gin, whiskey, brandy, liqueurs, cordials, wine, beer, and other alcoholic beverages, and of industrial and other types of alcohol.

(b) *Banking, real estate, accounting and insurance, wholesale distribution, trucking, construction and communications industry.* This industry shall include:

(1) The business carried on by any banking, insurance financial, real estate, or accounting firm, institution, agency, or enterprise; and

(2) The wholesaling, warehousing, and other distribution of commodities, including, but not by way of limitation, the activities of importers, exporters, wholesalers, public warehouses, and brokers and agents (except realty and financial), including manufacturers' selling agencies; and

(3) The activity carried on by any common or contract carrier engaged in the transportation of property by motor vehicle; and



(4) The designing, contruction, reconstruction, alteration, repair, and maintenance of buildings, structures, and other improvements, including, but not by way of limitation, factories, highways, bridges, sewers and water mains, irrigation canals and pipe lines, harbors, and airfields; the assembling at the construction site and the installation of machinery and other facilities in or upon such buildings, structures, and improvements; and the dismantling, wrecking or other demolition of such improvements and facilities; and

(5) The activities carried on by any wire or radio system of communication or by any messenger service; by any concern engaged in the production or distribution of electricity; by any concern engaged in the distribution of water or the operation of sanitation facilities; and by any concern engaged in other public utility operations.

(c) *Bay rum and other toilet preparations industry.* This industry shall include the manufacture (including bottling and packaging) of bay oil, bay rum, perfumes, colognes, toilet waters, and other similar toilet preparations.

(d) *Button and buckle industry.* This industry shall include the manufacture of buttons and buckles from any material.

(e) *Fruit and vegetable packing and farm product assembling and meat packing industry.* This industry shall include:

(1) The assembling and preparing for market of fresh fruits, vegetables and other related products; and

(2) The slaughtering of meat animals and the dressing and packing of meat, and all operations incidental thereto.

(f) *Hand-made art linen and straw goods industry.* This industry shall include:

(1) The manufacture from any woven material of hand-made handkerchiefs and hand-made household art linens, including, but not by way of limitation, table cloths, napkins, bridge sets, luncheon cloths, table covers and towels; and

(2) The manufacture by hand from straw, raffia, sisal, or similar materials, of hats, baskets, purses, mats, trays, bottle coverings, or other articles, except footwear.

(g) *Shipping, transportation, ship and boat building industry.* This industry shall include:

(1) The transportation of passengers and cargo by water or by air, and all activities in connection therewith, including, but not by way of limitation, the operation of piers, wharves and docks, including bunkering, stevedoring, storage, and lighterage operations, and the operation of tourist bureaus, and travel and ticket agencies; and

(2) The building, repairing, and maintenance of ships and boats, and manufacture and repairing of sails, rope, fenders, and other marine equipment.

(h) *Miscellaneous industries.* These industries shall include the manufacture of ice, dolls, eye shades, precious jewelry, costume jewelry, wearing apparel, slippers and other footwear, printing and publishing, machine-embroidered laces, the bottling of non-alcoholic beverages, the manufacture of furniture, wooden ware and wooden novelties; and all other industries not included in other specific industries defined in this part.

§ 694.2 *Wage rates.*—(a) *Alcoholic beverages and industrial alcohol industry.* Wages at a rate of not less than 50 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the alcoholic beverages and industrial alcohol industry in the Virgin Islands who is engaged in commerce or in the production of goods for commerce.

(b) *Banking, real estate, accounting and insurance, wholesale distribution, trucking, construction and communications industry.* Wages at a rate of not less than 65 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the banking, real estate, accounting and insurance, wholesale distribution, trucking, construction and communications industry in the Virgin Islands who is engaged in commerce or in the production of goods for commerce.

(c) *Bay rum and other toilet preparations industry.* Wages at a rate of not less than 60 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the bay rum and other toilet preparations industry in the Virgin Islands who is engaged in commerce or in the production of goods for commerce.

(d) *Button and buckle industry.* Wages at a rate of not less than 55 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the button and buckle industry in the Virgin Islands who is engaged in commerce or in the production of goods for commerce.

(e) *Fruit and vegetable packing and farm product assembling and meat packing industry.* Wages at a rate of not less than 40 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the fruit and vegetable packing and farm product assembling and meat packing industry in the Virgin Islands who is engaged in commerce or in the production of goods for commerce.

(f) *Hand-made art linen and straw goods industry.* Wages at not less than the following rates an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the hand-made art linen and straw goods industry in the Virgin Islands who is engaged in commerce or in the production of goods for commerce:

(1) For hand sewing operations in the hand-made art linen classification of this industry, wages at a rate of not less than 20 cents per hour.

(2) For hand sewing and hand weaving operations in the hand-made straw goods classification of this industry, wages at a rate of not less than 15 cents per hour.

(3) For all other operations, wages at a rate of not less than 40 cents per hour.

(g) *Shipping, transportation, ship and boat building industry.* Wages at a rate of not less than 80 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the shipping, transportation, ship and boat building industry in the Virgin Islands who is engaged in commerce or in the production of goods for commerce.

(h) *Miscellaneous industries.* Wages at a rate of not less than 50 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the miscellaneous industries in the Virgin Islands who is engaged in commerce or in the production of goods for commerce.

§ 694.3 *Application and notice.* Wages of not less than the hourly wage rate specified in § 694.2 shall be paid under section 6 of the Fair Labor Standards Act of 1938, by every employer to each of his employees who is engaged in commerce or in the production of goods for commerce in the industries in the Virgin Islands. Every employer employing any such employee shall post in a conspicuous place in each department of his establishment where any such employees are working such notice of this order as shall be prescribed from time to time by the Administrator of the Wage and Hour Division, United States Department of Labor, and shall give such other notice as the Administrator may prescribe.

Signed at Washington, D. C., this 15th day of May 1956.

NEWELL BROWN,
*Administrator, Wage and Hour Division.*

[F. R. Doc. 56-3962; Filed, May 18, 1956; 8:49 a. m.]

# TITLE 14—CIVIL AVIATION

## Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 163]

### PART 608—RESTRICTED AREAS

### KENTUCKY AND SOUTH CAROLINA

The restricted area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to

become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure, and effective date, provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.25, the Fort Campbell, Kentucky, area (R–63 formerly D–63), amended on July 25, 1951, in 16 F. R. 7277, is further amended by changing the "Designated Altitudes" column to read: "Surface to 26,000 feet MSL".

2. In § 608.48, the Fort Jackson, South Carolina, area (R–114 formerly D–114), amended on February 21, 1952, in 17 F. R. 1612, is further amended by changing the "Designated Altitudes" column to read: "Surface to 26,000 feet MSL".

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on June 8, 1956.

[SEAL] C. J. LOWEN,
*Administrator of Civil Aeronautics.*

[F. R. Doc. 56–3946; Filed, May 18, 1956; 8:45 a. m.]

[Amdt. 195]

## PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

### PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, GCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is canceled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

| City and State; airport name, elevation; facility; class and identification; procedure No.; effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance, facility to airport | Ceiling and visibility minimums: Condition | 2 engines or less: 65 knots or less | 2 engines or less: More than 65 knots | More than 2 engines; more than 65 knots | If visual contact not established at authorized minimums after passing facility within distance specified, or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| AKRON, COLO.<br>CAA Intermediate, 4,585'.<br>SBMRAZ-DTV.<br>Procedure No. 1.<br>Amendment: Original.<br>Effective date: April 23, 1953.<br>Major change: Cancels procedure issued on Form ACAN-1725. | PROCEDURE CANCELED APRIL 12, 1956. (LFR TO BE DECOMMISSIONED.) | | | | | | | | | | |
| MILWAUKEE, WIS.<br>General Mitchell, 698'.<br>SBRAZ-DTV-MKE.<br>Procedure No. 1.<br>Amendment No. 9.<br>Effective date: May 9, 1956.<br>Supersedes No. 8, dated July 10, 1954.<br>Major changes: (1) MKE VOR relocated, transitions revised; (2) New format on minimums and conversion to nautical miles; (3) Kenosha and Genessee FM transitions deleted. | MKE VOR | 122—21.8 | 2,300 | E side of S course:<br>179° outbound.<br>359° inbound.<br>2,000' within 10 miles. | 1,400 | 356—1.8 | T-dn<br>C-dn<br>S-dn 1<br>A-dn | 300–1<br>600–1<br>400–1<br>800–2 | 300–1<br>600–1<br>400–1<br>800–2 | 200–½<br>600–1½<br>400–1<br>800–2 | Within 1.8 miles, climb to 2,700' on N course MKE-LFR, or when directed by ATC, make left climbing turn, climb to 2,500' on W course MKE-LFR within 20 miles. |
| | Franksville FM | 359—8.7 | Final 1,400 | | | | | | | | |
| | Intersection MKE VOR 086 R and N course MKE LFR. | 353—13.0 | 2,700 | | | | | | | | |
| SAN ANGELO, TEX.<br>Mathis, 1,915'.<br>BMRLZ-DTV-SJT.<br>Procedure No. 1.<br>Amendment No. 6.<br>Effective date: June 9, 1956.<br>Supersedes Amendment 5, dated April 17, 1954.<br>Major changes: New format. Limits procedure turn distance. Raises missed approach altitude. Nautical mile form. | San Angelo VOR | 063—3.8 | 3,000 | N side of E course:<br>060° outbound.<br>240° inbound.<br>3,400' within 10 miles.<br>Beyond 10 miles not authorized. | 3,400 | 240—5.6 | T-dn<br>C-dn<br>S-dn<br>21 or 27<br>A-dn | 300–1<br>400–1<br>400–1<br>800–2 | 300–1<br>500–1<br>400–1<br>800–2 | 200–½<br>500–1½<br>400–1<br>800–2 | Within 5.6 miles, climb to 3,600' on W course of LFR within 20 miles. Not approved for ADF approach. |





LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| City and State; airport name, elevation; facility; class and identification; procedure No.; effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance, facility to airport | Ceiling and visibility minimums: Condition | 2 engines or less: 65 knots or less | 2 engines or less: More than 65 knots | More than 2 engines; more than 65 knots | If visual contact not established at authorized minimums after passing facility within distance specified, or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| YAKATAGA, ALASKA.<br>Yakataga Airport, 12'.<br>BMRLZ-PDVT-CYT.<br>Procedure No. 1.<br>Amendment No. 8.<br>Effective date: June 9, 1956.<br>Supersedes Amendment 7, dated December 7, 1955.<br>Major changes: (1) Realignment of all range courses 23° counterclockwise; (2) final approach course established on SW course; (3) takeoff minimums for more than 2 engines raised; (4) nautical mile form. | Icy Bay Intersection@ | 303—19 | 3,500 | S side of SW course:<br>213° outbound.<br>033° inbound.<br>1,000' within 10 nautical miles of Cape Suckling Intersection.# | See column 11 | 146—0.4 | T-dn<br>C-dn<br>A-dn | 300–1<br>500–1<br>800–2 | 300–1<br>500–1<br>800–2 | 300–1<br>500–1½<br>800–2 | If visual contact not established on final approach at authorized landing minimums 15 miles after passing Cape Suckling Intersection#, turn right, climb to 1,500' on SW course (213°) to Cape Suckling Intersection.#<br>This procedure not authorized for ADF procedure.<br>CAUTION: High terrain NW through E 6 to 7 miles from airport. Hill 2,258' mean sea level 3 miles E of airport.<br>@Intersection SE course Yakataga LFR and W course Yakutat LFR.<br>#Intersection SW course Yakataga LFR and E course Hinchinbrook LFR. |
| | Cape Suckling Intersection# | 033—20 | 3,500 | | | | | | | | |
| | Cape Suckling Intersection# to point of missed approach (final). | 033—15<br>See column 11 | 500 | | | | | | | | |

2. The very high frequency omnirange procedures prescribed in § 609.9 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses, and radials are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

| City and State; airport name, elevation; facility; class and identification; procedure No.; effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance, facility to airport | Ceiling and visibility minimums: Condition | 2 engines or less: 65 knots or less | 2 engines or less: More than 65 knots | More than 2 engines; more than 65 knots | If visual contact not established at authorized minimums after passing facility within distance specified or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| AKRON, COLO.<br>CAA Intermediate, 4,585'.<br>BVOR.<br>Procedure No. 1.<br>Amendment No. 1.<br>Effective date: June 9, 1956.<br>Supersedes form ACAN-1725, dated April 27, 1953.<br>Major changes: (1) Places procedure on form ACA-511; (2) changes to nautical miles and knots. | ---------- | ---------- | ---------- | W side of course:<br>334° outbound.<br>154° inbound.<br>6,000' within 10 miles. | 5,200 | 154—2.3 | T-dn<br>C-dn<br>A-dn | 300–1<br>500–1½<br>800–2 | NA<br>NA<br>NA | NA<br>NA<br>NA | Within 2.3 miles, climb to 6,000' on 154° magnetic radial AKO VOR within 20 miles.<br>Turf field, rough; heavy aircraft use with caution.<br>Not authorized for air carrier use. |
| GAINESVILLE, FLA.<br>Gainesville, 153'.<br>VOR-GNV.<br>Procedure No. 1.<br>Amendment: Original.<br>Effective date: Commissioning of facility, about May 31, 1956. | ---------- | ---------- | ---------- | S side of course:<br>213° outbound.<br>033° inbound.<br>1,500' within 10 miles.<br>Beyond 10 miles not authorized. | 900 | 033—8.3 | T-dn<br>C-d<br>C-n<br>S-d<br>S-n 6<br>A-dn | 300–1<br>700–1<br>700–1<br>700–1<br>700–1<br>*NA | 300–1<br>700–1½<br>700–1½<br>700–1<br>700–1<br>*NA | 200–½<br>700–1½<br>700–2<br>700–1<br>700–2<br>*NA | Within 8.3 miles, climb to 1,500' on radial 033° within 15 miles.<br>NOTE: Weather and communications service not available to general public. Itinerant flights contact Cross City radio for approach clearance or on missed approach.<br>May be authorized only for air carriers having approval of their arrangements for weather and communications service at this airport.<br>*Air carrier authority shall include alternate minima of 800-2 day and night. |

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| City and State; airport name, elevation; facility; class and identification; procedure No.; effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance, facility to airport | Ceiling and visibility minimums | | | | If visual contact not established at authorized minimums after passing facility within distance specified or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Condition | 2 engines or less | | More than 2 engines; more than 65 knots | |
| | | | | | | | | 65 knots or less | More than 65 knots | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| MILWAUKEE, WIS.<br>General Mitchell, 698'.<br>BVOR-DTV-MKE.<br>Procedure No. 1.<br>Amendment No. 1.<br>Effective date: July 10, 1954. | PROCEDURE CANCELED MAY 9, 1956. VOR RELOCATED. | | | | | | | | | | |
| PEORIA, ILL.<br>Greater Peoria, 659'.<br>Combination VOR-ADF.<br>Procedure No. 2.<br>Amendment: Original.<br>Effective date: June 9, 1956. | Peoria LFR | River Intersection* 127—5.0 | 2,300 | N side of course:<br>101° outbound.<br>281° inbound.<br>2,300' within 10 miles of River Intersection.* | 1,800 over River Intersection* | River Intersection* to airport runway 99 281—3.6 miles | T-dn<br>C-dn<br>S-dn 30<br>A-dn | 300-1<br>400-1<br>400-1<br>800-2 | 300-1<br>500-1<br>400-1<br>800-2 | 200-½<br>500-1½<br>500-1½<br>800-2 | Within 3.6 miles after passing River Intersection*, climb to 2,000' proceeding to PIA VOR. |
| | Intersection 214-R Pontiac VOR and 101-R PIA VOR. | River Intersection* 281—27 | 2,300 | | | | | | | | *River Intersection: 101-R PIA VOR and 312° bearing to PIA LFR.<br>Procedure authorized only when aircraft equipped to receive ADF and VOR. |
| | Peoria VOR | River Intersection* 101—8.8 | 2,300 | | | | | | | | |
| SAN ANGELO, TEX.<br>Mathis, 1,915'.<br>BVOR-DTV-SJT.<br>Procedure No. 1.<br>Amendment No. 3.<br>Effective date: June 9, 1956.<br>Supersedes Amendment 2, dated April 17, 1954.<br>Major changes: New format. Limits procedure turn distance. Raises missed approach altitude. | San Angelo LFR | 243—3.8 | 3,000 | N side of course:<br>061° outbound.<br>241° inbound.<br>3,400' within 10 miles.<br>Beyond 10 miles not authorized. | LFR-Z 3,400<br>VOR 2,500 | 234—1.8 | T-dn<br>C-dn<br>S-dn 21<br>A-dn | 300-1<br>400-1<br>400-1<br>800-2 | 300-1<br>500-1<br>400-1<br>800-2 | 200-½<br>500-1½<br>400-1<br>800-2 | Within 1.8 miles, climb to 3,600' on radial 234° within 20 nautical mile. |
| WACO, TEX.<br>Municipal, 515'.<br>BVOR-DME-ACT.<br>Procednre No. 1.<br>Amendment No. 3.<br>Effective date: June 9, 1956.<br>Supersedes Amendment 2, dated January 7, 1956.<br>Major changes: Position of VOR revised. | Waco LFR | 339—5.8 | 1,900 | W side of course:<br>321° outbound.<br>141° inbound.<br>1,900' within 10 miles. | 1,400 | 141—3.0 | T-dn<br>C-dn<br>S-dn 14<br>A-dn | 300-1<br>400-1<br>400-1<br>800-2 | 300-1<br>500-1<br>400-1<br>800-2 | 200-½<br>500-1½<br>400-1<br>800-2 | Within 3 miles, climb to 2,000' on R-141 within 20 miles.<br>*DME fix. |
| | 10-mile fix* on R-321 (final) | 141—10 | 1,400 | | | | | | | | |
| | 10-mile orbit from R-027 W to R-321. | ---------- | 1,900 | | | | | | | | |
| WACO, TEX.<br>Municipal, 515'.<br>BVOR-DME-ACT.<br>Procedure No. 2.<br>Amendment No. 1.<br>Effective date: June 9, 1956.<br>Supersedes Amendment Original, dated January 21, 1956.<br>Major changes: Position of VOR revised. | 12-mile orbit from R-187 E to R-141. | ---------- | 2,000 | E side of course:<br>141° outbound.<br>321° inbound.<br>2,000' within 10 miles. | 1,500 over 7-mile fix* R-141<br>If no DME, 1,500 over VOR@ | 141—3.5 VOR to runway 32 (4-mile fix*)<br>321—3 miles from 7-mile fix* to runway 32 (4-mile fix*) | T-dn<br>@C-dn<br>@S-dn #23<br>@A-dn | 300-1<br>400-1<br>400-1<br>800-2 | 300-1<br>500-1<br>400-1<br>800-2 | 200-½<br>500-1½<br>400-1<br>800-2 | At 4-mile fix*, climb to 2,000' on R-321 within 20 miles.<br>No DME: Within 0 mile, (over VOR)@, climb to 2,000' on R-321 within 20 miles.<br>*DME fix.<br>#570 f. p. m. descent required at 105K.<br>@Landing ceiling minimums without DME are 1,000' (1,500' mean sea level). |
| | 12-mile fix* R-141 to 7-mile fix* R-141 (final). | 321—5.0 | 1,500 | | | | | | | | |
| | 7-mile fix* R-141 to 4-mile fix* R-141 (final to runway 32). | 321—3.0 | @9,000 | | | | | | | | |



3. The very high frequency omnirange procedures prescribed in § 609.9 (b) are amended to read in part:

TVOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses, and radials are magnetic. NOTE: Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a TVOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for an en route operation in the particular area or as set forth below.

| City and State; airport name, elevation; facility; class and identification; procedure No. (TVOR); effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance from int. runway center line extended and final course to approach end of runway | Ceiling and visibility minimums | | | | If visual contact not established at TVOR, or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Condition | 2 engines or less | | More than 2 engines; more than 65 knots | |
| | | | | | | | | 65 knots or less | More than 65 knots | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| SAN FRANCISCO, CALIF.<br>International 11'.<br>TVOR-SFO.<br>TVOR-19 L/R.<br>Amendment: Original.<br>Effective date: June 9, 1956. | Stinson Beach Intersection | 105—22.0 | 2,500 | E side of course:<br>011° outbound.<br>191° inbound.<br>Or Teardrop type:<br>036° outbound.<br>191° inbound.<br>1,000' within 5 miles.<br>Beyond 5 miles (N of VSF 309-R) not authorized. | 500 | 191<br>final approach course parallel and between runways 19 L/R | T-dn<br>C-dn<br>S-dn<br>A-dn | 300-1<br>500-1<br>500-1<br>800-2 | 300-1<br>600-1<br>500-1<br>800-2 | *200-½<br>600-1½<br>500-1<br>800-2 | Immediate left climbing turn to 2,000' on 101° radial from SFO TVOR within 10 miles.<br>Circling minimums do not provide standard clearance W. and southwest of airport. This approach predicated on radar monitoring.<br>*300-1 required for takeoff runway 19 L/R. |
| | Half Moon Bay Intersection | 017—10.0 | 3,000 | | | | | | | | |
| | Richmond VHF Intersection | 161—18.5 | 2,500 | | | | | | | | |
| | VSF VOR | 287—23.0 | 2,500 | | | | | | | | |
| | Newark FM/HW | 263—16.5 | 2,500 | | | | | | | | |
| | OAK VOR to intersection 224° radial OAK and 011° radial SFO. | 224—4.5 | 2,000 | | | | | | | | |
| | Intersection of 224° radial OAK VOR and 011° radial SFO TVOR (final). | 191—5.8 | 500 | | | | | | | | |
| SAN FRANCISCO, CALIF.<br>International, 11'.<br>TVOR-SFO.<br>TVOR-28 L/R.<br>Amendment: Original.<br>Effective date: June 9, 1956. | Stinson Beach Intersection | 105—22.0 | 2,500 | No procedure turn as such authorized. All necessary maneuvering and descent shall be accomplished in accordance with and within the confines of the SFO LOM holding pattern (1 minute, left turns, 2,000' minimum altitude); final approach course: 101° outbound, 281° inbound. | 400 | 281<br>final approach course parallel and between runways 28 L/R | T-dn<br>C-dn<br>S-dn<br>A-dn | 300-1<br>500-1<br>400-1<br>800-2 | 300-1<br>600-1<br>400-1<br>800-2 | *200-½<br>600-1½<br>400-1<br>800-2 | Climb to 2,500' on 292° radial from SFO TVOR within 20 miles.<br>Circling minimums do not provide standard clearance W and SW of airport.<br>*300-1 required for takeoff runway 19 L/R. |
| | Half Moon Bay Intersection | 017—10.0 | 3,000 | | | | | | | | |
| | Richmond VHF Intersection. | 161—18.5 | 2,500 | | | | | | | | |
| | VSF VOR | 287—23.0 | 2,500 | | | | | | | | |
| | OAK VOR | 203—10.0 | 2,500 | | | | | | | | |
| | Newark FM/HW | 263—16.5 | 2,500 | | | | | | | | |
| | VSF VOR to SFO LOM (final). | 290—16.9 | 1,700 | | | | | | | | |

4. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

| City and State; airport name, elevation; facility; class and identification; procedure No.; effective date | Transition to ILS | | | Procedure turn (—) side of final approach course (outbound and inbound; altitudes; limiting distances | Minimum altitude at glide slope intercept inbound (ft.) | Altitude of glide slope and distance to approach end of runway at— | | Ceiling and visibility minimums | | | | If visual contact not established upon descent to authorized landing minimums or if landing not accomplished— |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | From— | To— | Course and distance | Minimum altitudes (ft.) | | Outer marker | Middle marker | Condition | 2 engines or less: 65 knots or less | 2 engines or less: More than 65 knots | More than 2 engines (more than 65 knots) | |
| 1 | 2 | 3 | 4 | 5 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| GREENVILLE, S. C. Greenville, 1,049'. ILS-10-HL. LOM-GR. Procedure No. 1, Amdt. No. 2. Effective date: June 9, 1956. Supersedes Amendment No. 1, dated December 24, 1954. Major changes: Adds transitions. Increases procedure turn altitude. Adds glide slope. Adjusts minima in accordance with criteria. Adds caution note. Nautical mile form. | Greenville LFR | LOM | 190—2.3 | 2,300 | ILS 2,200 ADF 1,600 over LOM | ILS 2,188—3.9 ADF 1,213—0.6 over LOM | | T-dn C-dn S-dn-30 ILS | 300–¾ | 300–¾ | 300–¾ | W side of S course: 180° outbound, 001° inbound. 2,300' within 10 miles. |
| | Intersection S course ILS and SW course SIA LFR (mod). | LOM | 001—4.5 | 2,300 ADF 1,600 | | | | | 400–1 | 400–1 | 400–1 | Climb to 3,200' on N course ILS within 10 miles, turn right and return to LOM. Maximum altitude 3,200'. |
| | Intersection S course ILS and R-076 HYN. | LOM | 001—17.2 | 2,200 | | | | ADF | 600–2 | 600–2 | 600–2 | CAUTION: Maximum angle glide slope. Heavily obstructed. No usable approaches. 400–¾ required when glide slope not utilized. |
| | | | | | | | | A-dn ILS | 800–2 | 800–2 | 800–2 | |
| | | | | | | | | ADF | | | | |
| MILWAUKEE, WIS. General Mitchell, 698'. ILS-MKE. LOM-MK. Procedure No. 1. Combination ILS-ADF. Amdt. No. 2. Effective date: May 9, 1956. Supersedes Amendment 6, dated July 10, 1954. Major changes: (1) Transitions revised, VHF deleted. (2) column 4 revised to 10 miles; (3) column 8 revised to 2,035; (4) column 14 revised. | MKE-LFR | LOM | 195—2.2 | 2,000 | ILS 2,000 ADF 1,400 over LOM | ILS 2,035—4.0 | 913—0.5 | T-dn C-dn | 300–1 600–1 | 300–1 600–1 | 200–½ 600–1½ | Within 4 miles after passing LOM, climb to 2,700' on N course, NW course within 20 miles, or when directed by ATC; make left climbing turn to 2,300' and intercept 109R MKE-VOR and proceed to MKE-VOR. Descend to 2,000' authorized after passing intersection inbound. |
| | Frauksville FM | LOM | 354—6.5 | Final ILS 2,000 ADF 1,400 | | | | S-dn-1 ILS | 200–½ | 200–½ | 200–½ | |
| | | | | | | | | ADF | 400–1 | 400–1 | 400–1 | |
| | MKE VOR | LOM | 127—22.6 | 2,300 | | | | A-dn ILS | 600–2 | 600–2 | 600–2 | |
| | Intersection N course MKE LFR and ILS S course. | LOM | 198—3.7 | 2,000 | | | | ADF | 800–2 | 800–2 | 800–2 | |
| | Genesee FM | LOM | 106—21.7 | 2,000 | | | | | | | | E side of S course: 180° outbound, 000° inbound. 2,000' within 10 miles. |
| | Racine intersection VHF | LOM | 302—11.3 | *3,000 | | | | | | | | |
| | Cardinal Intersection VHF. | LOM | 186—14.8 | 2,700 | | | | | | | | |

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] JAMES T. PYLE, *Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 56-3710; Filed, May 18, 1956; 8:45 a. m.]



# TITLE 41—PUBLIC CONTRACTS

## Chapter II—Division of Public Contracts, Department of Labor

### PART 202—MINIMUM WAGE DETERMINATIONS

### OFFICE MACHINES INDUSTRY

On January 10, 1956, notice was published in the FEDERAL REGISTER of a proposed decision of the Secretary of Labor determining prevailing minimum wages under the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U. S. C. 35 et seq.), for the Office Machines Industry (21 F. R. 202). The notice allowed a period of thirty days in which interested parties might submit exceptions to the proposed decision.

The one exception which has been received is directed to the definition of the industry as defined in the proposed decision. It requests (1) that the definition be modified by the exclusion of electronic computing and associated information processing equipment, and (2) that the reference to "parts therefor" be clarified so that only those parts which are particular and unique to office machines, and not parts suitable for use in equipment other than office machines, are within the scope of the definition.

The matter of the inclusion of electronic computing and associated information processing equipment in the definition of the industry was specifically raised during the course of the public hearing. The record supports the inclusion of these products in the industry, and justifies a conclusion that they are customarily manufactured by firms making office machines. This part of the exception is overruled.

The second part of the exception which requests the clarification of the words "parts therefor" is well taken and the final determination will be modified to identify the parts with greater particularity.

Aside from the exception considered above, a review of the proposed determination reveals that the inclusion of a specific provision for the employment of handicapped workers is unnecessary since § 201.1102 of the general regulations (41 CFR Part 201) delineates the procedures to be followed for the employment of handicapped workers at wages lower than the prevailing minimum wage applicable under section 1 (b) of the act.

Upon reviewing the entire record, it is my conclusion that the proposed determination, amended by the clarification of the words "parts therefor", and deletion of the special provision applicable to the employment of handicapped workers, should be adopted. Accordingly, pursuant to authority vested in me by the Walsh-Healey Public Contracts Act, Part 202 of Title 41 is hereby amended by the addition of § 202.52 to read as follows:

§ 202.52 *Office machines industry*—(a) *Definition.* The office machines industry is that industry which manufactures or furnishes machines (and parts especially designed therefor) primarily for use in offices, such machines including, but not being limited to, the following:

Accounting machines.
Adding machines.
Addressing machines (manual and automatic).
Billing machines.
Bookkeeping machines.
Calculating machines.
Cash registers.
Change making machines.
Check handling machines.
Collating machines.
Currency and coin handling machines.
Dating machines (automatic).
Dictating machines (except tape and wire recorders).
Duplicating machines (except photocopy, blueprint and printing).
Electronic computing and associated information processing equipment.
Envelope handling machines.
Folding machines.
Inserting machines.
Key punch machines.
Label pasting machines.
Mailing machines.
Payroll machines.
Perforating and cancelling machines (except hand punches).
Postal permit mailing machines.
Post office cancelling machines.
Punched card tabulating machines.
Shorthand machines.
Sorting machines.
Stamp affixing machines.
Stencil machines.
Tabulating machines.
Time recorders.
Time stamping machines (except hand stamping).
Typewriters.
Varitypers.

(b) *Minimum wages.* The minimum wage for persons employed in the manufacture or furnishing of products of the office machines industry under contracts subject to the Walsh-Healey Public Contracts Act shall be $1.10 an hour, arrived at either on a time or piece-rate basis.

(c) *Tolerance for apprentices.* (1) Apprentices may be employed at wage rates below the statutory minimum of the Fair Labor Standards Act upon the same terms and conditions as are prescribed for the employment of apprentices by the regulations of the Administrator of the Wage and Hour and Public Contracts Division of the United States Department of Labor (29 CFR Part 521), under section 14 of the Fair Labor Standards Act.

(2) Apprentices may be employed at wage rates equal to or in excess of the statutory minimum of the Fair Labor Standards Act but less than $1.10 an hour, provided the apprentice is employed under a written apprenticeship agreement or program which is recorded as meeting the standards of a State Apprenticeship Agency recognized by the Bureau of Apprenticeship, United States Department of Labor; or the standards of the Bureau of Apprenticeship, United States Department of Labor.

(d) *Effect on other obligations.* Nothing in this section shall affect any obligations for the payment of minimum wages that an employer may have under any law or agreement more favorable to employees than the requirements of this section.

(e) *Effective date.* This section shall be effective and the minimum wage hereby established shall apply to all contracts subject to the Public Contracts Act, bids for which are solicited or negotiations otherwise commenced on or after June 18, 1956.

(Sec. 4, 49 Stat. 2038; 41 U. S. C. 38)

Signed at Washington, D. C., this 15th day of May 1956.

JAMES P. MITCHELL, *Secretary of Labor.*

[F. R. Doc. 56-3966; Filed, May 18, 1956; 8:49 a. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### [ 26 CFR (1954) Part 301 ]

### PROCEDURE AND ADMINISTRATION

### PAYMENT OF TAXES BY FOREIGN CURRENCY

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 6316 and 7805 of the Internal Revenue Code of 1954 (68A Stat. 778, 917; 26 U. S. C. 6316, 7805).

[SEAL] O. GORDON DELK, *Acting Commissioner of Internal Revenue.*

The following regulations, applicable with respect to the tax for taxable years beginning on or after January 1, 1955, are hereby prescribed under section 6316 of the Internal Revenue Code of 1954:

Sec.
301.6316 Statutory provision payment by foreign currency.

Sec.


301.6316–1 Persons entitled to pay tax in foreign currency.
301.6316–2 Definitions.
301.6316–3 Allocation of tax attributable to foreign currency.
301.6316–4 Return requirements.
301.6316–5 Manner of paying tax by foreign currency.
301.6316–6 Declarations of estimated tax.
301.6316–7 Refunds and credits in foreign currency.
301.6316–8 Interest, additions to tax, etc.


§ 301.6316 *Statutory provisions; payment by foreign currency.*

SEC. 6316. *Payment by foreign currency.* The Secretary or his delegate is authorized in his discretion to allow payment of taxes in the currency of a foreign country under such circumstances and subject to such conditions as the Secretary or his delegate may by regulations prescribe.

§ 301.6316–1 *Persons entitled to pay tax in foreign currency.* Subject to the provisions of §§ 301.6316–3 to 301.6316–5, inclusive, that portion of the tax which is attributable to amounts received by a citizen of the United States in nonconvertible foreign currency disbursed from funds made available to a foundation or commission established in a foreign country pursuant to an agreement entered into under the authority of section 32 (b) of the Surplus Property Act of 1944, as amended, 50 U. S. C. App. 1641, may be paid in that currency if:

(a) The amounts so received (1) constitute either a grant made for the authorized purposes of the agreement or compensation for personal services performed in the employ of the foundation or commission and (2) are treated as income from sources without the United States under the provisions of sections 861 to 864, inclusive, and the regulations thereunder; and

(b) At least 75 percent of the entire amount of the grant or compensation paid to the citizen by that foundation or commission is paid in such nonconvertible foreign currency.

§ 301.6316–2 *Definitions.* For purposes of §§ 301.6316–1 to 301.6316–7, inclusive:

(a) The term "tax" means the income tax imposed for the taxable year by chapter 1 of the Internal Revenue Code of 1954.

(b) The term "nonconvertible foreign currency" means currency of the government of a foreign country which, owing to (1) monetary, exchange, or other restrictions imposed by the foreign country, (2) an agreement entered into with the United States of America, or (3) the terms and conditions of the United States Government grant, is not convertible into United States dollars or into other money which is convertible into United States dollars. The term shall not, however, include currency which, notwithstanding such restrictions, agreement, terms, or conditions, is in fact converted into United States dollars or into property which is readily disposable for United States dollars.

(c) If the taxpayer computes taxable income under the accrual method, then the term "received" shall be construed to mean "accrued".

§ 301.6316–3 *Allocation of tax attributable to foreign currency*—(a) *Adjusted gross income ratio.* The portion of the tax which is attributable to amounts received in nonconvertible foreign currency shall, for purposes of applying § 301.6316–1 to the currency of each foreign country, be the amount by which:

(1) The amount which bears the same ratio to the entire tax for the taxable year as (i) the taxpayer's adjusted gross income received in that currency bears to (ii) the adjusted gross income determined under section 62 by taking into account the entire gross income and all deductions allowable under that section without distinction as to amounts received in foreign currency, exceeds

(2) The total of the allowable credits against tax, and payments on account of tax, which are properly allocable to the amount of that currency included in gross income.

(b) *Example.* (1) For the calendar year 1955 Mr. Jones and his wife filed a joint return on which the adjusted gross income is as follows, after amounts received in foreign currency had been properly translated into United States dollars for tax computation purposes:

| | |
|---|---|
| Fulbright grant received by Mr. Jones in nonconvertible foreign currency | $8,000 |
| Dividends received by Mr. Jones entitled to dividends-received credit | 500 |
| Compensation for personal services of Mrs. Jones | 3,000 |
| Net profit from business carried on by Mrs. Jones | 2,500 |
| Total adjusted gross income | 14,000 |

(2) The following amounts are allowable as properly deductible from adjusted gross income, no determination being made as to whether or not any part of them is properly allocable to the Fulbright grant:

| | |
|---|---|
| Deduction for personal exemptions | $3,000 |
| Charitable contributions | 500 |
| Interest expense | 400 |
| Taxes | 300 |
| Total allowable deductions | 4,200 |

(3) For the taxable year the following amounts are allowable as credits against the tax, or as payments on account of the tax:

| | | |
|---|---|---|
| Foreign tax credit for foreign taxes paid on Fulbright grant | | $300.00 |
| Dividends-received credit | | 20.00 |
| Credit for income tax withheld upon compensation of Mrs. Jones | | 304.80 |
| Payments of estimated tax (see § 301.6316–6 (b) (2) for determination of amounts): | | |
| United States dollars | $428.32 | |
| Foreign currency | 893.88 | |
| | | 1,320.20 |
| Total allowable credits and payments | | 1,945.00 |

(4) The portion of the tax which is attributable to amounts received in nonconvertible foreign currency is $33.49, determined as follows:

| | |
|---|---|
| Adjusted gross income | $14,000.00 |
| Less: Allowable deductions | 4,200.00 |
| Taxable income | 9,800.00 |
| Tax computed under section 2 | $2,148.00 |
| Ratio of adjusted gross income received in nonconvertible foreign currency to entire adjusted gross income ($8,000 ÷ $14,000) (percent) | 57.14 |
| Portion of tax attributable to nonconvertible foreign currency ($2,148 × 57.14 percent) | 1,227.37 |
| Less: | |
| Credit for foreign taxes paid on Fulbright grant | $300.00 |
| Payment in foreign currency of estimated tax | 893.88 |
| | 1,193.88 |
| Portion of tax attributable to amounts received in nonconvertible foreign currency | 33.49 |

§ 301.6316–4 *Return requirements*—(a) *Place for filing.* A return of income which includes amounts received in foreign currency on which the tax is paid in accordance with § 301.6316–1 shall be filed with the Director of International Operations, Internal Revenue Service, Washington 25, D. C. For the time for filing income tax returns, see sections 6072 and 6081 and the regulations thereunder.

(b) *Statements required.* (1) A statement, certified by the United States educational foundation or commission, shall be attached to the return showing that for the taxable year involved the taxpayer is entitled to pay tax in foreign currency in accordance with section 6316 and the regulations thereunder. This statement shall disclose the amount of the grant or compensation received by the taxpayer during the taxable year under the authority of section 32 (b) of the Surplus Property Act of 1944, as amended, and the amount thereof paid in nonconvertible foreign currency. It shall also state that with respect to the grant or compensation the percentage requirement of paragraph (b) of § 301.6316–1 is satisfied.

(2) The taxpayer shall also attach to the return a detailed statement showing (i) the computation, in the manner prescribed by § 301.6316–3, of the portion of the tax attributable to amounts received in nonconvertible foreign currency and (ii) the rates of exchange used in determining the tax liability in United States dollars. See paragraph (c) of § 301.6316–5.

§ 301.6316–5 *Manner of paying tax by foreign currency*—(a) *Time and place to pay.* The unpaid tax required to be shown on a return filed in accordance with § 301.6316–4, whether payable in whole or in part in foreign currency, is due and payable to the Director of International Operations, Internal Revenue Service, Washington 25, D. C., at the time the return is filed. However, see paragraph (d) of this section with respect to the depositing of the foreign currency with the disbursing officer of the Department of State.

(b) *Certified statement.* Every taxpayer who desires to pay tax in foreign currency under the provisions of § 301.6316–1 shall first obtain the certified statement referred to in paragraph (b) (1) of § 301.6316–4.

(c) *Determination of the tax.* In determining the tax payable for the taxable year in United States dollars, the taxpayer shall use the rates of exchange which most clearly reflect the correct tax liability in dollars, whether it be the official rate, the open market rate, or any other appropriate rate. After determining the correct tax liability in United States dollars the taxpayer shall then ascertain, in accordance with the principles of § 301.6316–3, the portion of the tax which is attributable to amounts received in nonconvertible foreign currency.

(d) *Deposit of foreign currency with disbursing officer.* (1) After the portion of the tax which is attributable to amounts received in nonconvertible foreign currency is determined in United States dollars, the amount so determined shall be deposited in the same nonconvertible foreign currency with the disbursing officer of the Department of State for the foreign country in which the foundation or commission paying the grant or compensation is located. The amount of foreign currency to be deposited shall be that amount which, when converted at the rate of exchange used on the date of deposit by that disbursing officer for the acquisition of such currency for his official disbursements, equals the portion of the tax so determined in United States dollars.

(2) The disbursing officer may rely upon the taxpayer for the determination of the amount of tax payable in foreign currency but may not accept any such currency for deposit until the taxpayer has presented for inspection the certified statement referred to in paragraph (b) (1) of § 301.6316–4. Upon acceptance of foreign currency for deposit the disbursing officer shall give the taxpayer a receipt in duplicate showing the name and address of the depositor, the date of the deposit, the amount of foreign currency deposited, and its equivalent in United States dollars on the date of deposit.

(3) Every taxpayer making a deposit of foreign currency in accordance with this paragraph shall attach to the return required to be filed in accordance with § 301.6316–4, in part or full payment of the taxes shown thereon, the original of the receipt given by the disbursing officer and shall pay to the Director of International Operations in United States dollars the balance, if any, of the tax shown to be due. Tender of such receipt to the Director of International Operations shall be considered as payment of tax in an amount equal to the United States dollars represented by the receipt.

(4) A taxpayer shall make the deposit required by this paragraph in ample time to permit him to attach the receipt to his return for filing within the time prescribed by section 6072 or 6081 and the regulations thereunder.

§ 301.6316–6 *Declarations of estimated tax*—(a) *Filing of declaration.* A declaration of estimated tax in respect of amounts on which the tax is to be paid in foreign currency under the provisions of § 301.6316–1 shall be filed with the Director of International Operations, Internal Revenue Service, Washington 25, D. C., and shall have attached thereto the statements required by paragraph (b) (1) and (2) (i) of § 301.6316–4 in respect of the tax return. For the time for filing declarations of estimated tax, see sections 6073 and 6081 and the regulations thereunder.

(b) *Determination of estimated tax*—(1) *Allocation of tax attributable to foreign currency.* In determining the amount of estimated tax for purposes of this section, all items of income, deduction, and credit, whether or not attributable to amounts received in nonconvertible foreign currency, shall be taken into account. The portion of the estimated tax which is attributable to amounts to be received during the taxable year in nonconvertible foreign currency shall be determined consistently with the manner prescribed by § 301.6316–3.

(2) *Example.* (i) For the calendar year 1955 Mr. Jones and his wife filed a joint declaration of estimated tax in the determination of which the adjusted gross income was estimated to be as follows, after amounts received in foreign currency had been properly translated into United States dollars for tax computation purposes:

| | |
|---|---|
| Fulbright grant to be received by Mr. Jones in nonconvertible foreign currency | $8,000 |
| Dividends to be received by Mr. Jones entitled to dividends-received credit | 375 |
| Compensation to be received by Mrs. Jones for personal services | 3,000 |
| Net profit to be derived from business carried on by Mrs. Jones | 1,625 |
| Total estimated adjusted gross income | 13,000 |

(ii) The following amounts were determined to be allowable as properly deductible from estimated adjusted gross income, no determination being made as to whether or not any part of them was properly allocable to the Fulbright grant:

| | |
|---|---|
| Deduction for personal exemptions | $3,000 |
| Standard deduction allowed by section 141 | 1,000 |
| Total allowable deductions | 4,000 |

(iii) The following estimated amounts were determined to be allowable as credits against the tax for the taxable year:

| | |
|---|---|
| Foreign tax credit for foreign taxes to be paid on Fulbright grant | $300.00 |
| Credit for income tax expected to be withheld upon compensation of Mrs. Jones | 304.80 |
| Dividends-received credit | 15.00 |
| Total allowable estimated credits | 619.80 |

(iv) The portion of the estimated tax which is attributable to amounts to be received during the taxable year in nonconvertible foreign currency is $893.88, determined as follows:

| | |
|---|---|
| Estimated adjusted gross income | $13,000.00 |
| Less: Allowable deductions | 4,000.00 |
| Estimated taxable income | 9,000.00 |
| Tax computed under section 2 | $1,940.00 |
| Ratio of estimated adjusted gross income to be received in nonconvertible foreign currency to entire estimated adjusted gross income ($8,000 ÷ $13,000) (percent) | 61.54 |
| Portion of above tax attributable to nonconvertible foreign currency ($1,940 × 61.54 percent) | 1,193.88 |
| Less: Credit for foreign taxes expected to be paid on Fulbright grant | 300.00 |
| Portion of estimated tax which is attributable to amounts to be received during the taxable year in nonconvertible foreign currency | 893.88 |

(v) The portion of the estimated tax which is payable in United States dollars is $426.32, determined as follows:

| | |
|---|---|
| Tax computed under section 2 | $1,940.00 |
| Less: Total allowable estimated credits | 619.80 |
| Total estimated tax | 1,320.20 |
| Less: Portion of estimated tax payable in foreign currency | 893.88 |
| Portion of estimated tax payable in United States dollars | 426.32 |

(c) *Payment of estimated tax.* (1) The provisions of § 301.6316–5 relating to the certified statement, determination of the tax, and the depositing of the foreign currency shall apply for purposes of this section, except that the certified statement may be based upon amounts expected to be received by the taxpayer during the taxable year if they are not in fact known at the time of the certification. The full amount of estimated tax payable in foreign currency, as determined under paragraph (b) of this section, may be deposited before the date prescribed for the payment thereof.

(2) Every taxpayer making a deposit of foreign currency in accordance with this paragraph shall tender to the Director of International Operations, Internal Revenue Service, Washington 25, D. C., the original of the receipt from the disbursing officer as payment, to the extent of the amount represented thereby in United States dollars, of the estimated tax. For the dates prescribed for the payment of estimated tax, see sections 6153 and 6161 and the regulations thereunder. A taxpayer should make the deposit required by this paragraph in ample time to permit him to tender such receipt by the date prescribed for payment of the estimated tax.

(d) *Credit on return for the taxable year.* The receipt given by the disbursing officer of the Department of State and tendered in payment of estimated tax under this section shall, for purposes of paragraph (a) (2) of § 301.6316–3, be considered as payment on account of the tax for the taxable year. The amount so considered to be paid shall be the amount in United States dollars represented by the receipt.

§ 301.6316–7 *Refunds and credits in foreign currency*—(a) *Refunds.* The refund of any overpayment of tax which has been paid under section 6316 in for-

eign currency may, in the discretion of the Commissioner, be made in the same foreign currency by which the tax was paid. The amount of any such refund made in foreign currency shall be the amount of the overpayment in United States dollars converted, on the date of the refund check, at the rate of exchange then used for his official disbursements by the disbursing officer of the Department of State in the country where the foreign currency was originally deposited.

(b) *Credits.* Unless otherwise in the best interest of the Internal Revenue Service, no credit of any overpayment of tax which has been paid under section 6316 in foreign currency shall be allowed against any outstanding liability of the person making the overpayment except in respect of that portion of the liability which, in accordance with § 301.6316–1, would otherwise be permitted to be paid in the same foreign currency.

§ 301.6316–8 *Interest, additions to tax, etc.* Any reference in §§ 301.6316–1 to 301.6316–7, inclusive, to "tax" shall be deemed also to refer to the interest, additions to the tax, additional amounts, and penalties attributable to the tax.

[F. R. Doc. 56–3956; Filed, May 18, 1956; 8:47 a. m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

### [ 25 CFR Part 112 ]

KLAMATH INDIAN IRRIGATION PROJECT, OREGON

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of the Interior intends to establish rules and regulations governing the operation and maintenance of the Klamath Indian Irrigation Project pursuant to the authority contained in the act of April 4, 1910 (36 Stat. 270–272), as amended; 25 U. S. C. 365.

All interested persons who desire to submit written data, views, or arguments in connection with the establishment of these rules and regulations should file same with Mr. Don C. Foster, Area Director, Bureau of Indian Affairs, 1001 N. E. Lloyd Boulevard, P. O. Box 4097, Portland 8, Oregon, not later than 30 days after publication hereof in the FEDERAL REGISTER.

The proposed rules and regulations are as follows:

Sec.
112.1 Definitions.
112.3 Organization.
112.3 Irrigation season.
112.4 Domestic and stock use.
112.5 Farm units.
112.6 Delivery point.
112.7 Method of delivery.
112.8 Duty of water.
112.9 Waterusers responsible for delivered water.
112.10 Waste water.
112.11 Right-of-way.
112.12 Obstructions and their removal.
112.13 Fences.
112.14 Structures.
112.15 Service ditches.
112.16 Assessments.
112.17 Waterusers' ledgers.
112.18 Crop and statistical report.
112.19 Complaints.

§ 112.1 *Definitions.* As used in §§ 112.2 through 112.18 "Commissioner" shall mean the Commissioner of Indian Affairs or his authorized representative.

§ 112.2 *Organization.* The Klamath Indian Irrigation Project is in the charge of the Commissioner who is fully authorized to administer, carry out and enforce the rules and regulations in this part, either directly or as delegated by him, through other officials and employees such as, the Area Director, Superintendent, watermasters, ditchriders, foremen, and other assistants. The Commissioner is fully authorized to refuse or discontinue delivery of water to any person who willfully disregards the rules and regulations in this part.

§ 112.3 *Irrigation season.* Water shall be available for irrigation purposes from April 15 to September 30 each year. These dates may be varied as much as 15 days when the Commissioner determines that weather conditions and the necessity for doing maintenance work warrants doing so.

§ 112.4 *Domestic and stock use.* Irrigation projects are primarily built and maintained for serving land with water for the irrigation of crops during the growing season. Water for domestic and stock water use shall be delivered during the non-irrigation season only at the discretion of the Commissioner.

§ 112.5 *Farm units.* For the purpose of the rules and regulations in this part and for the delivery of water, a farm unit shall be defined as a contiguous area of land in single ownership containing not less than one 40-acre subdivision of the public survey regardless of the original status as a farm unit or allotment. In the case of leases a farm unit shall be defined as the contiguous area under a single lease.

§ 112.6 *Delivery point.* The general rule of the project shall be one delivery point at the upper boundary of the farm unit or allotment, and the project shall maintain the lateral system to that extent. In special cases where from a cost or topographic standpoint it is impracticable for the landowner or lessee to irrigate the entire irrigable area of his tract from one delivery point, the Commissioner may establish additional delivery points but in no instance shall more than one delivery point be established and maintained when the landowner or lessee can at a reasonable expense provide for delivery by the construction of suitable head ditches.

§ 112.7 *Method of delivery.* Water for irrigation purposes shall be delivered throughout the irrigation season at the discretion of the Commissioner either by the continuous flow or rotation method.

§ 112.8 *Duty of water.* Water shall be delivered subject to the provisions of the regulations in this part, on a demand basis so long as a sufficient quantity is available for project use. In case of a shortage of water, the Commissioner is authorized to adopt a rotation system, either for the entire project or for individual units thereof when, in his opinion, such action shall be for the best interests of the project. In the apportionment of the water each user shall receive his proportionate share of the available supply on an irrigable area basis.

§ 112.9 *Waterusers responsible for delivered water.* It shall be the duty of the Commissioner to furnish water for beneficial irrigation use only, and it shall be the duty of the wateruser to assist in the prevention of waste, and also prevent damage to adjacent lands. Waterusers shall be held responsible for water after it is delivered to their land, and they shall be required to have their field ditches in suitable condition and of such capacity as to permit the use of economical heads.

§ 112.10 *Waste water.* In all cases waste water shall be kept to a minimum consistent with good irrigation practice and the water user shall be held responsible for the disposal of all waste water, coming from his fields, in such a manner that no injury shall be done to his land or other land by flooding or "subbing." Waste water may be emptied into project canals, laterals and drain ditches only at such points as have been designated for that purpose by the Commissioner, who shall have the right summarily to shut off water from any lands where he finds that water is being unnecessarily wasted or that the provisions of this section are being violated by the owner of such land, or other person who may be in charge of such land under authority of the owner.

§ 112.11 *Right-of-way.* For use in the necessary activities and emergencies incident to the operation and maintenance of the irrigation system, there shall be reserved a right-of-way along all canals, laterals, sub-laterals and drains, in addition to the land actually occupied by such channels and their embankments, measured from the outside limits of the embankments or channel, a strip of land of sufficient width on each side of said canals, laterals, sub-laterals and drains to permit the operation of maintenance equipment, making repairs and improvements, and travel by the project ditchriders.

§ 112.12 *Obstructions and their removal.* No trees, buildings, hay or straw stacks, or other obstructions, shall be placed upon said reserved right-of-way by any adjacent landowners or others. Any trees, buildings, hay or straw stacks, or other obstructions of any kind whatsoever located upon said right-of-way may be ordered removed by the Commissioner, and if not removed by the person or persons placing them thereon they shall be removed under the supervision of the Commissioner at his discretion, and the cost of such removal shall be added to the cost of operation and maintenance for the particular tract of land under the project belonging to the persons so placing or causing such obtsructions to be placed thereon.



§ 112.13 *Fences.* No fences shall be placed in the right-of-way except those crossing a canal, lateral or drain ditch, and in such case a gate of approved type shall be installed and maintained by the property owner on each side of the canal, lateral or drain ditch of sufficient width to permit the operation of equipment, travel of ditchriders and all other necessary activities incident to the proper operation and maintenance of the project system. No wire, timber or other material used in the construction of fences across a project canal, lateral or drain ditch shall be placed less than 12 inches above the maximum high water surface elevation of the canal, lateral or drain ditch.

§ 112.14 *Structures.* (a) All necessary headgates, checks, drops, turnouts, flumes and measuring devices will be installed and maintained by the project. Any person or corporation desiring to build a bridge or other structures over, under, in or across a project canal, lateral or drainage ditch, shall first obtain from the Commissioner a written permit to build such structures, which permit shall stipulate that it is granted, and accepted by the permittee, on the condition that the repair and maintenance of the structures shall be the duty of the permittee, or his successors, without cost to the project. The permit shall further provide that if any such structure be not regularly used for a period of one year or more the Commissioner in writing may notify the person responsible for its maintenance to remove it within a period of 90 days; and that if the structure is not removed within the time allowed, it may thereafter be removed by the Commissioner, the cost of such removal to be paid by the party responsible for the maintenance of the structure.

(b) Wherever the project is extended to an area without existing roads, and the construction of roads, bridges or culverts becomes necessary, the Commissioner shall investigate the possibility of liquidating all or part of the cost of such construction by securing funds from any governmental agency providing funds for such purposes, and he is authorized to negotiate any necessary agreements with such governmental agency.

(c) All persons or corporations are warned against the violation of this section.

§ 112.15 *Service ditches.* The farm unit or service ditch into which water is delivered from the project canals, or laterals shall have ample capacity and be maintained by the water user in proper condition to receive water and convey it to the place of use with a minimum of loss. Any service ditch that has been or may be constructed upon any project canal, lateral or drain right-of-way shall be considered an obstruction and subject to the provisions of § 112.12.

§ 112.16 *Assessments.* The annual per acre charge for operation and maintenance shall be levied against the entire irrigable area of each farm unit or allotment to which irrigation water can be delivered from present constructed works. Charges shall become due and payable in accordance with §§ 130.47 to 130.48b of this chapter, and the provisions therein regarding the refusal of delivery of water in case of delinquency shall be enforced.

§ 112.17 *Waterusers' ledgers.* Separate entries shall be made in the waterusers' ledgers for each tract. Bills shall be issued to the record owner, and payments made thereon shall be credited to the proper ledger accounts.

§ 112.18 *Crop and statistical report.* A crop report on forms furnished for that purpose shall be taken each year by the Commissioner. This report shall show the number of acres devoted to each crop, total yield and value of crops for each unit of the project and for the entire project.

§ 112.19 *Complaints.* All complaints shall be made to the official in charge of the project under these regulations in this part in writing. In case of dispute regarding application of rules and regulations and decisions of such official made pursuant thereto, appeal may be made within 30 days to the Area Director who shall settle the dispute if possible or refer it with his recommendations to the Commissioner of Indian Affairs.

FRED G. AANDAHL,
*Acting Secretary of the Interior.*

MAY 15, 1956.

[F. R. Doc. 56–3947; Filed, May 18, 1956; 8:45 a. m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### [ 7 CFR Part 905 ]

[Docket No. AO–209–A8]

HANDLING OF MILK IN OKLAHOMA CITY, OKLAHOMA, MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Crystal Room, Skirvin Hotel, Oklahoma City, Oklahoma, beginning at 9:30 a. m., c. s. t., June 5, 1956.

*Subjects and issues involved in the hearing.* This public hearing is for the purpose of receiving evidence with respect to economic and emergency conditions which relate to the handling of milk in the Oklahoma City, Oklahoma, marketing area and to the provisions specified in the proposal listed below or some other provision appropriate to the terms of the Agricultural Marketing Agreement Act of 1937 which will best tend to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended.

The amendment to the order (No. 5), as amended, was proposed by the Central Oklahoma Milk Producers Association:

Amend § 905.66 by adding thereto the following paragraph (d):

(d) The market administrator shall determine and assign bases to producers delivering to a handler who becomes an operator of a pool plant after the end of the base-setting period by an audit of that handler's records in the same market that bases are determined and assigned to producers who deliver to the operator of a pool plant during the base-setting period.

Copies of this notice of hearing may be procured from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or from the Market Administrator, 2901 Classen Boulevard, Room 250, Oklahoma City 6, Oklahoma, or may be there inspected.

Dated: May 17, 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator.*

[F. R. Doc. 56–4000; Filed, May 18, 1956; 8:52 a. m.]

### [ 7 CFR Parts 905, 906 ]

[Docket Nos. AO–209–A9, AO–210–A9]

HANDLING OF MILK IN OKLAHOMA METROPOLITAN MARKETING AREA (PRESENTLY OKLAHOMA CITY AND TULSA-MUSKOGEE MARKETING AREAS)

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENTS AND TO ORDERS, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and in accordance with the applicable rules of practice and procedure, as amended (7 CFR Part 900), notice is hereby given of a joint public hearing to be held in the Crystal Room, Skirvin Hotel, Oklahoma City, Oklahoma, beginning at 10:00 a. m., c. s. t., June 5, 1956.

*Subjects and issues involved in the hearing.* This public hearing is for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth or appropriate modifications thereof to the tentative marketing agreements heretofore approved by the Secretary of Agriculture and to the orders, as amended, now in effect regulating the handling of milk in the Oklahoma City and Tulsa-Muskogee, Oklahoma, marketing areas. These proposed amendments have not received the approval of the Secretary of Agriculture.

Amendments to the orders as in effect were proposed as enumerated below:

Section 906.6 of the proposed amendments proposes to redesignate the marketing area defined in Part 906 of the Oklahoma metropolitan marketing area and to include in addition to the territory now included the Oklahoma City marketing area and additional territory in the State of Oklahoma and to terminate all provisions of Part 905 upon the adoption of such redesignation. The hearing therefore is to determine whether the present provisions of Order No. 6, regulating the handling of milk in the Tulsa-Muskogee, Oklahoma, marketing area, as amended, in accordance with the proposals set forth below, which would tend to effectuate the declared

policy of the act if applied to the marketing area as proposed to be redesignated, if not, what modifications are appropriate to effectuate the declared policy of the act.

*Marketing Agreement and Order, as amended, Regulating the Handling of Milk in the Oklahoma Metropolitan Marketing Area*

Proposed by the Oklahoma Milk Marketing Federation:

DEFINITIONS

§ 906.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

§ 906.2 *Secretary.* "Secretary" means the Secretary of Agriculture or other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary of Agriculture.

§ 906.3 *Department.* "Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in this subpart.

§ 906.4 *Person.* "Person" means any individual, partnership, corporation, association or any other business unit.

§ 906.5 *Cooperative association.* "Cooperative association" means the cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act;"

(b) To have full authority in the sale of milk of its members; and

(c) To be engaged in making collective sales or marketing milk or its products for its members.

§ 906.6 *Oklahoma Metropolitan marketing area.* "Oklahoma Metropolitan marketing area", hereinafter referred to as the "marketing area", means all territory within the County of Tulsa, the city of Sapulpa, the township of Sapulpa in Creek County, that part of Black Dog township in 20 North, Ranges 10, 11 and 12 East in Osage County, and the Cities of Muskogee, McAlester and Tahlequah; all territory within the boundaries of Oklahoma County; within the townships of Moore, Taylor, Case, Liberty, Norman, and Noble in Cleveland County, and within the townships of Bales, David, Dent, Rock Creek, Brinton, Forest and Earlsboro in Pottawatomie County; all of Payne County; all of the territory within the city limits of Sumner and Morrison in Noble County, all in the State of Oklahoma.

§ 906.7 *Supply plant.* "Supply plant" means a plant from which milk, skim milk or cream which is acceptable to an appropriate health authority having jurisdiction in the marketing area for distribution in the marketing area under a Grade A label is shipped during the month to a pool plant qualified pursuant to § 906.9.

§ 906.8 *Distributing plant.* "Distributing plant" means a plant which is approved by an appropriate health authority for the processing or packaging of Grade A milk and from which any fluid milk product is disposed of during the month on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except pool plants) located in the marketing area.

§ 906.9 *Pool plant.* "Pool plant" means:

(a) A distributing plant from which a volume of Class I milk equal to not less than 50 percent of the Grade A milk received at such plant from dairy farmers and from other plants is disposed of during the month on routes during the months of February through July and 60 percent of the Grade A milk received at such plant from dairy farmers and from other plants is disposed of during the month on routes during all other months (including routes operated by vendors), or through plant stores to retail or wholesale outlets (except pool plants) and not less than 20 percent of such receipts are so disposed of to such outlets in the marketing area: *Provided,* That if the operator of a supply plant disposes of not less than 70 percent of his receipts of producer Grade A milk as Class I in the marketing area during the delivery periods of September through December, such operator shall qualify as a pool plant during the months of January through August, provided he disposes of not less than 30 percent of his receipts of producer Grade A milk as Class I in the marketing area.

§ 906.10 *Nonpool plant.* "Nonpool plant" means any milk manufacturing, processing or bottling plant other than a pool plant.

§ 906.11 *Handler.* "Handler" means:

(a) Any person in his capacity as the operator of one or more supply plants or distributing plants;

(b) A cooperative association qualified pursuant to § 906.5 for milk produced by its members which is received in a bulk tank owned and operated by such cooperative association regardless of whether such producer milk is received at a pool plant; or

(c) A milk plant approved by an appropriate health authority having jurisdiction within the marketing area for the receipt of Grade A milk, at which milk is received directly from the farms of producers holding Grade A permits or authorizations issued by such health authority and which is operated by a cooperative association, qualified pursuant to § 906.5, which ships 60 percent or more of the milk produced by its members to pool plants.

§ 906.12 *Producer.* "Producer" means any person, other than a producer-handler, who produces milk, under a dairy farm permit, permit authorization or rating, for the production of milk to be disposed of as Grade A milk, issued by a duly constituted health authority, which is received at a pool plant. Producer shall include any such person whose milk is caused by a handler to be diverted for the account of such handler from a pool plant to a nonpool plant, and milk so diverted shall be deemed to have been received at a pool plant by the handler who causes it to be diverted. Producer shall not include any person with respect to milk produced by him which is received at a plant operated by a handler who is subject to another Federal order.

§ 906.13 *Producer milk.* "Producer milk" means all skim milk and butterfat in milk produced by a producer which is received by a handler either directly from producers or from other handlers.

§ 906.14 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of fluid milk products except:

(1) Fluid milk products received from pool plants, or

(2) Producer milk; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 906.15 *Producer-handler.* "Producer-handler" means any person who produces milk and operates a distributing plant, but who receives no milk from producers.

§ 906.16 *Base milk.* "Base milk" means producer milk received by a handler during any of the months of February through July which is not in excess of each producer's daily average base computed pursuant to § 906.65 multiplied by the number of days in such month for which such producer delivered milk to such handler.

§ 906.17 *Excess milk.* "Excess milk" means producer milk received by a handler during any of the months of February through July which is in excess of base milk received from each producer during such month, and shall include all milk received from producers for whom no daily average base can be computed pursuant to § 906.65.

§ 906.18 *Route.* "Route" means any delivery (including any delivery by a vendor or disposition at a plant store) of skim milk, buttermilk, flavored milk, flavored milk drinks or cream other than delivery in bulk form to a milk plant.

MARKET ADMINISTRATOR

§ 906.20 *Designation.* The agency for the administration of this subpart shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 906.21 *Powers.* The market administrator shall have the following powers with respect to this subpart:

(a) To administer its terms and provisions;

(b) To receive, investigate and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and



(d) To recommend amendments to the Secretary.

§ 906.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of funds provided by § 906.88 the cost of his bond and of the bonds of his employees, his own compensation, and all other expenses (except those incurred under § 906.87), necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this subpart, and upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(f) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(g) Audit all reports and payments by each handler by inspection of such handler's records and of the records of any other handler or person upon whose utilization the classification of skim milk or butterfat for such handlers depends;

(h) Publicly announce, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person, who after the day upon which he is required to perform such acts, has not:

(1) Made reports pursuant to §§ 906.30 to 906.32, inclusive,

(2) Maintained adequate records and facilities pursuant to § 906.33, or

(3) Made payments pursuant to §§ 906.80 to 906.88, inclusive;

(i) On or before the 12th day after the end of each month, report to each cooperative association which so requests the amount and class utilization of milk caused to be delivered by such cooperative association from producers who are members of such cooperative to each handler to whom the cooperative association sells milk. For the purpose of this report, the milk caused to be so delivered by a cooperative association shall be prorated to each class in the proportion that the total receipts of producer milk by such handler were used in each class;

(j) Publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the prices determined for each month as follows:

(1) On or before the 12th day of each month the minimum price for Class I milk computed pursuant to § 906.51 (a), and the Class I butterfat differential computed pursuant to § 906.52 (a) both for the current month; and on or before the 5th day of each month, minimum price for Class II milk pursuant to § 906.51 (b) and the Class II butterfat differential computed pursuant to § 906.52 (b), both for the previous month, and

(2) On or before the 12th day of each month the uniform price(s) computed pursuant to § 906.71 or § 906.72, as applicable, and the butterfat differential computed pursuant to § 906.82, both for the previous month; and

(k) Prepare and disseminate to the public such statistics and information as he deems advisable and as do not reveal confidential information.

REPORTS, RECORDS AND FACILITIES

§ 906.30 *Reports of receipts and utilization.* On or before the 7th day after the end of each month each handler, except a producer-handler, shall report to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in milk received from producers, and, for the months of February through July, the aggregate quantities of base milk and excess milk;

(b) The quantities of skim milk and butterfat contained in (or used in the production of) receipts from other handlers;

(c) The quantities of skim milk and butterfat contained in receipts of other source milk (except Class II products disposed of in the form in which received without further processing or packaging by the handler);

(d) The utilization of all skim milk and butterfat required to be reported pursuant to this section;

(e) The disposition of Class I products on routes wholly outside the marketing area; and

(f) Such other information with respect to receipts and utilization as the market administrator may prescribe.

§ 906.31 *Reports of payments to producers.* On or before the 20th day of each month, each handler shall submit to the market administrator his producer payroll for deliveries of the preceding months which shall show:

(a) The total pounds of milk received from each producer and cooperative association, the total pounds of butterfat contained in such milk and the number of days on which milk was received from such producers, including for the months of February through July such producer's deliveries of base and excess milk;

(b) The amount of payment to each producer or cooperative association; and

(c) The nature and amount of any deductions or charges involved in such payments.

§ 906.32 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe; and

(b) Each handler who causes milk to be diverted to a nonpool plant, shall prior to such diversion, report to the market administrator and to the cooperative association of which such producer is a member, of his intention to divert such milk, the proposed date or dates of such diversion, and the plant to which such milk is to be diverted.

§ 906.33 *Records and facilities.* Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipts and utilization of all receipts of producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream, and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and milk products on hand at the beginning and end of each month.

§ 906.34 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 906.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the month by a handler and which is required to be reported pursuant to § 906.30 shall be classified by the market administrator pursuant to the provisions of §§ 906.41 to 906.46, inclusive.

§ 906.41 *Classes of utilization.* Subject to the conditions set forth in §§ 906.43 and 906.44, inclusive, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat disposed of in the form of milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream, cultured ice cream, any mixture (except bulk ice cream mix) of cream and milk or skim

milk, and all skim milk and butterfat not specifically accounted for under paragraph (b) of this section;

(b) Class II milk shall be all skim milk and butterfat;

(1) Used to produce any product other than those specified in paragraph (a) of this section,

(2) Disposed of for livestock feed,

(3) In cream frozen and stored,

(4) In skim milk dumped, after prior notification to and opportunity for verification by the market administrator,

(5) In shrinkage assigned to Class II milk pursuant to § 906.42,

(6) In shrinkage of other source milk, and

(7) In inventory at the end of the month as milk, skim milk, cream (except frozen) of any product specified in paragraph (a) of this section.

§ 906.42 *Shrinkage.* The market administrator shall determine the assignment of shrinkage to Class II milk as follows:

(a) Determine the total shrinkage of butterfat and skim milk in the fluid milk plant(s) of each handler;

(b) Multiply the pounds of skim milk and butterfat in producer milk (except milk diverted pursuant to § 906.12) and other source milk by 0.02;

(c) Multiply the pounds of butterfat and skim milk respectively, determined pursuant to paragraphs (a) and (b) of this section, whichever is less, by the percentage of butterfat and skim milk classified pursuant to § 906.41 (a) and (b) which is in Class II milk. The resulting amounts of skim milk and butterfat shall be classified as Class II milk;

(d) Assign the shrinkage of skim milk and butterfat classified as Class II milk pro rata to producer milk and other source milk; and

(e) If milk is received by a cooperative producers association, qualified pursuant to § 906.5, at a supply plant or pool plant, and is transferred to the operator of a pool plant, the two percent shrinkage allowance shall be allocated, as follows:

(1) One-half of one percent to such cooperative association, and

(2) One and one-half percent to the operator of the pool plant.

§ 906.43 *Responsibility of handlers and reclassification of milk.* All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat can prove to the market administrator that such skim milk or butterfat should be classified otherwise.

§ 906.44 *Transfers.* Skim milk or butterfat disposed of by a handler either by transfer or diversion shall be classified:

(a) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream, to the pool plant of another handler (except a producer-handler) unless utilization in Class II is mutually indicated in writing to the market administrator by both handlers on or before the 7th day after the end of the month within which such transaction occurred: *Provided,* That the skim milk or butterfat so assigned to Class II shall be limited to the amount thereof remaining in Class II in the plant of the transferee-handler after the subtraction of other source milk pursuant to § 906.46, and any additional amounts of such skim milk or butterfat shall be assigned to Class I: *And provided further,* That if, either or both handlers have received other source milk, the skim milk or butterfat so transferred or diverted shall be classified at both plants so as to allocate the greatest possible Class I utilization to producer milk;

(b) As Class I milk is transferred or diverted to a producer-handler in the form of milk, skim milk or cream;

(c) As Class I milk if transferred or diverted in the form of milk or skim milk to a nonpool plant located more than 350 miles from the pool plant, by the shortest highway distance as determined by the market administrator;

(d) As Class I milk if transferred in the form of cream under Grade A certification to a nonpool plant, or unless the handler claims classification as Class II milk and established the fact that such cream was transferred without Grade A certification and with each container labeled or tagged to indicate that the contents are for manufacturing use only, and that the shipment was so invoiced;

(e) (1) As Class I milk, if transferred or diverted in the form of milk or skim milk to a nonpool plant located not more than 350 highway miles from the pool plant, and from which fluid milk is disposed of on wholesale or retail routes or to other milk plants, unless all the following conditions are met:

(i) The market administrator is permitted to audit the records of such nonpool plant, and

(ii) Such nonpool plant received milk from dairy farmers who the market administrator determines constitute its regular source of supply for Class I milk, and

(2) If these conditions are met the market administrator shall classify such milk as reported by the handler subject to verification as follows:

(i) Determine the use of all skim milk and butterfat at such nonpool plant, and

(ii) Allocate the skim milk and butterfat so transferred or diverted to the highest use classification remaining after subtracting in series beginning with the highest use classification, the skim milk and butterfat in milk received at the nonpool plant from dairy farmers; and

(f) As Class II milk if transferred or diverted in the form of milk or skim milk to a nonpool plant located not more than 350 miles from the pool plant, and from which fluid milk is not disposed of on wholesale or retail routes, except that:

(1) If such nonpool plant transfers milk or skim milk to a pool plant, an equal amount of skim milk and butterfat transferred to such nonpool plant from the pool plants of other handlers shall be deemed to have been transferred directly to the second pool plant and shall be classified pursuant to the provisions of paragraph (a) of this section, and

(2) If such nonpool plant transfers milk or skim milk to a second nonpool plant which distributes fluid milk on wholesale or retail routes, skim milk or butterfat transferred from a pool plant to the first nonpool plant shall be Class I milk to the extent of the amount so transferred to such second nonpool plant unless it is established that the milk or skim milk was transferred to the second nonpool plant without Grade A certification and with each container labeled or tagged to indicate that the contents are for manufacturing use only, and that the shipment was so invoiced.

§ 906.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the monthly report submitted by each handler and shall compute the pounds of skim milk and butterfat in Class I milk and Class II milk for such handler.

§ 906.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 906.45 the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II the pounds of skim milk determined pursuant to § 906.41 (b) (5),

(2) Subtract from the remaining pounds of skim milk, in series beginning with Class II, the pounds of skim milk in receipt of other source milk,

(3) Subtract the volume of unpriced other source milk from the volume of other source milk which has been priced pursuant to the provision of another Federal milk marketing order and agreement,

(4) Subtract from the remaining pounds of skim milk in each class the skim milk received from other handlers in the form of milk, skim milk or cream according to its classification as determined pursuant to § 906.44 (a),

(5) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph, and

(6) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk received from producers, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be called "overage";

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section; and

(c) Determine the weighted average butterfat content of the Class I and Class II milk computed pursuant to paragraphs (a) and (b) of this section.

## MINIMUM PRICES

§ 906.50 *Basic formula price to be used in determining Class I prices.* The basic formula price to be used in determining the price per hundredweight of Class I milk shall be the highest of the prices computed pursuant to paragraphs (a) and (b) of this section and § 906.51 (b) for the preceding month.

(a) The average of the basic or field prices per hundredweight reported to have been paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department, divided by 3.5 and multiplied by 5.0:

*Present Operator and Location*

Borden Co., Mount Pleasant, Mich.
Carnation Co., Sparta, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., Wayland, Mich.
Pet Milk Co., Coopersville, Mich.
Borden Co., Orfordville, Wis.
Borden Co., New London, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Oconomowoc, Wis.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Belleville, Wis.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by adding together the plus values pursuant to subparagraphs (1) and (2) of this paragraph:

(1) From the simple average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of Grade A (92-score) bulk creamery butter per pounds at Chicago, as reported by the Department during the month, subtract 3 cents, add 20 percent thereof and multiply by 4.0, and

(2) From the simple average as computed by the market administrator of the weighted averages of carlot prices per pounds for nonfat dry milk solids, spray, and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area as published for the period from the 26th day of the preceding month through the 25th day of the current month by the Department, deduct 5.5 cents, multiply by 8.5 and then multiply by 0.96.

§ 906.51 *Class prices.* Subject to the provisions of § 906.52 and § 906.53, inclusive, the minimum prices per hundredweight to be paid by each handler for milk received at his plant from producers during the months shall be as follows:

(a) *Class I milk.* The basic formula price plus $2.30 during all months of the year provided that for each of the months of September, October, November and December, such price shall not be less than that for the preceding month, and that for each of the months of April, May and June, such price shall not be more than that for the preceding month. To this price, add or subtract a supply-demand adjustment of not more than 35 cents, computed as follows:

(1) Divide the total receipts of producer milk in the first and second months preceding by the total gross volume of Class I milk (excluding interhandler transfers, and sales by producer-handlers and handlers partially exempt from this subpart pursuant to § 906.61) for the same months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the Class I utilization percentage,

(2) Compute a "net deviation percentage" as follows:

(i) If the Class I utilization percentage is neither less than the minimum standard utilization percentage below nor in excess of the maximum standard utilization percentage is zero,



(ii) Any amount by which the Class I utilization percentage is less than the minimum standard utilization percentage specified below is a "minus net deviation" percentage, and

(iii) Any amount by which the Class I utilization percentage exceeds the maximum standard utilization percentage specified below is a "plus net deviation" percentage;

| Months for which price applies | Months used in computations | Standard utilization percentages | |
|---|---|---|---|
| | | Minimum | Maximum |
| January | November–December | 117 | 123 |
| February | December–January | 118 | 124 |
| March | January–February | 122 | 128 |
| April | February–March | 126 | 132 |
| May | March–April | 130 | 136 |
| June | April–May | 140 | 146 |
| July | May–June | 140 | 146 |
| August | June–July | 130 | 136 |
| September | July–August | 120 | 126 |
| October | August–September | 117 | 123 |
| November | September–October | 115 | 121 |
| December | October–November | 117 | 123 |

(3) For a "minus net deviation percentage" the Class I price shall be increased and for a "plus net deviation percentage" the Class I price shall be decreased as follows:

(i) One cent for each such percentage point of net deviation,

(ii) One cent for the lesser of:

(*a*) Each such percentage point of net deviation, or

(*b*) Each percentage point of net deviation of like direction (plus or minus, with any net deviation percentage of opposite direction considered to be zero for purposes of the computations of this subparagraph) computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding, and

(iii) One cent for the least of:

(*a*) Each such percentage point of net deviation,

(*b*) Each percentage point of net deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the month immediately preceding, or

(*c*) Each percentage point of net deviation of like direction computed pursuant to subparagraph (2) of this paragraph for the second preceding month; and

(b) *Class II milk.* The average of the basic or field prices reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department.

*Present Operator and Location*

Glit Edge Dairy, Norman, Okla.
American Foods Co., Miami, Okla.
Muskogee Dairy Products Co., Muskogee, Okla.
Page Milk Co., Coffeyville, Kans.
Pet Milk Co., Siloam Springs, Ark.
Real Test Foods Co., Tulsa, Okla.

§ 906.52 *Butterfat differentials to handlers.* If the average butterfat content of the milk of any handler allocated to any class pursuant to § 906.46 is more or less than 4.0 percent, there shall be added to the respective class price, computed pursuant to § 906.51, for each one-tenth of 1 percent that the average butterfat content of such milk is above 4.0 percent or subtracted for each one-tenth of 1 percent that such average butterfat content is below 4.0 percent an amount equal to the butterfat differential computed by multiplying the simple average, as computed by the market administrator, of the daily wholesale selling price per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month specified below by the applicable factor listed and dividing the result by 10:

(a) *Class I milk.* Multiply such price for the preceding month by 1.25; and

(b) *Class II milk.* Multiply such price for the current month by 1.15.

§ 906.53 *Location adjustment credit to handlers.* For that portion of milk which is,

(a) Received directly from producers at a pool plant located outside of the marketing area and 35 or more miles from a point computed by drawing a circle from the City Hall of Bristow, Oklahoma, with an 80 mile radius by the shortest hard-surfaced highway distance as determined by the market administrator; and

(b) Is either:

(1) Transferred in the form of milk, skim milk or cream to a pool plant located in the marketing area and assigned to Class I pursuant to the provisions of this section; or

(2) Is classified as Class I milk without such improvement, the prices specified in § 906.51 shall be subject to a location adjustment credit to the handler computed as follows:

| Distance from nearest edge of marketing area: | *Cents per hundredweight* |
|---|---|
| 35 to 50 miles | 15 |
| 50.1 to 65 miles | 17 |
| 65.1 to 80 miles | 19 |
| 80.1 to 95 miles | 21 |
| 95.1 to 110 miles | 23 |
| 110.1 to 125 miles | 25 |
| 125.1 to 140 miles | 27 |

Plus 1 cent for each additional 15 miles or fraction thereof in excess of 140 miles.

*Provided,* That for the purposes of calculating such adjustment transfers between pool plants shall be assigned to Class I milk in a volume not in excess of that by which Class I disposition at the transferee plant exceeds 95 percent of the receipts from producers at such plant, such assignment to transferor plants to be made first to plants at which no adjustment credit is applicable and then in the sequence at which the lowest location adjustment credit would apply.

§ 906.54 *Use of equivalent prices.* If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

## APPLICATION OF PROVISIONS

§ 906.60 *Producer - handlers.* Sections 906.40 through 906.46, 906.65, 906.66, 906.50 through 906.54, 906.70 through

906.73, and 906.80 through 906.89, shall not apply to a producer-handler.

§ 906.61 *Handlers subject to other orders.* In the case of any handler who the Secretary determines disposes of a greater portion of his milk as Class I milk in another marketing area regulated by another milk marketing agreement or order issued pursuant to the act, the provisions of this subpart shall not apply except as follows:

(a) The handler shall, with respect to his total receipts of skim milk and butterfat, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator; and

(b) If the price which such handler is required to pay under the other Federal order to which he is subject, for skim milk and butterfat which would be classified as Class I milk under this subpart is less than the price provided by this subpart, such handler shall pay to the market administrator for deposit into the producer-settlement fund (with respect to all skim milk and butterfat disposed of as Class I milk within the marketing area) an amount equal to the difference between the value of such skim milk or butterfat as computed pursuant to this subpart and its value as determined pursuant to the other order to which he is subject, less the amount of any allowable location adjustment credit computed pursuant to § 906.53.

§ 906.62 *Handlers operating nonpool plants.* None of the provisions from §§ 906.50 through 906.54, inclusive, from §§ 906.70 through 906.73, or §§ 906.80 through 906.86, inclusive, shall apply in the case of a handler in his capacity as the operator of a nonpool plant, except that such handler shall, on or before the 13th day after the end of each month, pay to the market administrator for deposit into the producer-settlement fund an amount calculated by multiplying the total hundredweight of butterfat and skim milk disposed of as Class I milk from such plant to retail or wholesale outlets (including sales by vendors and plant stores) in the marketing area during the month, by the rate determined pursuant to § 906.63.

§ 906.63 *Rate of payment on unpriced milk.* Each handler who operates a distributing plant which is not a pool plant, but from which Class I milk is disposed of on routes in the marketing area, shall in lieu of the payments required by §§ 906.80 through 906.88, pay to the market administrator on or before the 13th day after the end of the month during which milk was received, an amount of money calculated as follows:

(a) For the producer-settlement fund, the lesser of the amounts resulting from the following computations:

(1) From the value of all skim milk and butterfat disposed of as Class I milk on routes in the marketing area at the Class I price applicable at the location of such handler's plant, deduct the value of milk, skim milk and butterfat at the Class II price, or

(2) Any plus amount remaining after deducting from the value that would have been computed pursuant to § 906.70 if such handler had operated a pool plant, the gross payments, including any authorized deductions, made by such handler for milk received during the preceding month from dairy farmers whose milk was approved for fluid use; and

(b) As his pro rata share of the expenses of administration of this subpart, an amount equal to that which would have been computed pursuant to § 906.88 had such handler operated a pool plant.

DETERMINATION OF BASE

§ 906.65 *Computation of daily average base for each producer.* For the months of February through July of each year, the market administrator shall compute a daily average base for each producer as follows, subject to the rules set forth in § 906.66:

(a) Divide the total pounds of milk received by a handler(s) from such producer during the months of September through December immediately preceding by the number of days between the first day of delivery and December 31, not to be less than ninety, of such producer's delivery in such period.

§ 906.66 *Base rules.* (a) A base shall apply to deliveries of milk by the producer for whose account that milk was delivered during the base-forming period;

(b) Bases may be transferred only during the period of February through July by notifying the market administrator in writing before the last day of any month that such base is to be transferred to the person named in such notice only as follows:

(1) In the event of the death, retirement, or entry into military service of a producer the entire base may be transferred to a member(s) of such producer's immediate family who carries on the dairy operations, and

(2) If a base is held jointly and such joint holding is terminated, the entire base may be transferred to one of the joint holders;

(c) A producer who ceases to deliver milk to a handler for more than 45 consecutive days after the end of the base setting period shall forfeit his base; and

(d) The market administrator shall determine and assign bases to producers delivering to a handler who becomes an operator of a pool plant after the end of the base setting period by an audit of that handler's records in the same manner that bases are determined and assigned to producers who deliver to the operator of a pool plant during the base setting period.

DETERMINATION OF UNIFORM PRICES

§ 906.70 *Computation of value of milk.* The value of milk received by each handler each month from producers shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of such milk in each class by the applicable respective class prices (adjusted pursuant to §§ 906.52 and 906.53) and add together the resulting amounts;

(b) Add an amount computed by multiplying the pounds of any overage deducted from each class pursuant to § 906.46 (a) (6) by the applicable class price(s);

(c) Add any charges computed as follows:

(1) For any skim milk or butterfat in inventory reclassified pursuant to § 906.43 (b) which is not in excess of the quantity in producer milk classified as Class II milk (other than as shrinkage) in the handler's plant(s) for the preceding month, a charge shall be computed at the difference between its value at the Class I price for the current month and its value at the Class II price of the preceding month; and

(d) For any other source milk in inventory reclassified during the month in Class I, add an amount equal to the difference between its value at the Class I and Class II price for the current month.

§ 906.71 *Computation of aggregate value used to determine price(s).* For each month, the market administrator shall compute an aggregate value from which to determine the uniform price(s) per hundredweight for milk of 4.0 percent butterfat content received from producers as follows:

(a) Combine into one total the values computed pursuant to § 906.70 for all handlers who made the reports prescribed in § 906.30 and who made the payments pursuant to § 906.80 and § 906.84 for the preceding month;

(b) Add the aggregate of the values of all allowable location adjustments to producers pursuant to § 906.81;

(c) Add not less than one-half of the cash balance on hand in the producer-settlement fund less the total amount of the contingent obligations to handlers pursuant to § 906.85; and

(d) Subtract if the average butterfat content of the milk included in these computations is greater than 4.0 percent, or add if such average butterfat content is less than 4.0 percent an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 906.82 and multiplying the resulting figure by the total hundredweight of such milk.

§ 906.72 *Computation of uniform price.* For each of the months of August through January the market administrator shall compute the uniform price per hundredweight for all milk of 4.0 percent butterfat content received from producers as follows:

(a) Divide the aggregate value computed pursuant to § 906.71 by the total hundredweight of milk included in such computation; and

(b) Subtract not less than 4 cents nor more than 5 cents.

§ 906.73 *Computation of uniform prices for base milk and excess milk.* For each of the months of February through July the market adminstrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content, as follows:



(a) Compute the total value on a 4.0 percent butterfat basis of excess milk included in these computations by multiplying the hundredweight of such milk not in excess of the total quantity of Class II milk included in these computations by the price for Class II milk of 4.0 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 4.0 butterfat content, and adding together the resulting amounts;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 4.0 percent butterfat received from producers;

(c) Subtract the value of excess milk obtained in paragraph (a) of this section from the aggregate value of milk computed pursuant to § 906.71 and adjust by any amount involved in adjusting the uniform price of excess milk to the nearest cent;

(d) Divide the amount obtained in paragraph (c) of this section by the total hundredweight of base milk included in these computations; and

(e) Subtract no less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat content received from producers.

PAYMENTS

§ 906.80 *Time and method payment.* Each handler shall make payment as follows:

(a) On or before the 15th day after the end of the month during which the milk was received, to each producer to whom payment is not made pursuant to paragraph (c) of this section, at not less than the applicable uniform price(s) for such month computed pursuant to § 906.72 and § 906.73, adjusted by the butterfat differential computed pursuant to § 906.82, subject to location adjustments to producers pursuant to paragraph (d) of this section; *Provided,* That if by such date such handler has not received full payment pursuant to § 906.85, he may reduce his total payments to all producers uniformly by not less than the amount of reduction in payment from the market administrator; he shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator,

(b) On or before the last day of each month, to each producer for whom payment is not made pursuant to paragraph (c) of this section for milk received from him during the first 15 days of the month at not less than the Class II price for the preceding month;

(c) (1) Upon receipt of a written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and receipt of a written promise to reimburse the handler the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative, each handler shall (i) pay to the cooperative association on or before the 13th and 27th day of each month, in lieu of payments pursuant to paragraphs (a) and (b) respectively, of this section, an amount equal to the gross sum due for all milk received from certified members, less amounts owing by each member-producer to the handler for supplies purchased from him on prior written order or as evidenced by a delivery ticket signed by the producer, (ii) submit to the cooperative association on or before the 10th day of each month written information which shows for each member-producer (*a*) the total pounds of milk received during the preceding month, (*b*) the total pounds of butterfat contained in such milk, (*c*) the number of days on which milk was received, (*d*) for the months of February through July the amount of base and excess milk received, and (*e*) the amounts withheld by the handler in payment for supplies sold, and (iii) submit to the cooperative association on or before the 25th day of each month written information which shows for each such member-producer the total pounds of milk received during the first 15 days of the current month. The foregoing payment and submission of information shall be made with respect to milk of each producer whom the cooperative association certifies is a member, which is received on and after the first day of the calendar month next following receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the association, and

(2) A copy of each such request, promise to reimburse and certified list of members shall be filed simultaneously with the market administrator by the cooperative and shall be subject to verification at his discretion, through audit of the records of the cooperative association pertaining thereto. Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member, or by a handler, shall be made by written notice to the market administrator and shall be subject to his determination, and

(d) On or before the 15th day after the end of each month, each handler shall pay each cooperative association which operates a pool plant for skim milk or butterfat received from such cooperative association during such month an amount of money computed by multiplying the total pounds of such skim milk and butterfat in each class pursuant to §§ 906.41 through 906.44 by the class price.

§ 906.81 *Location adjustment to producers.* In making payments to producers pursuant to § 906.80 each handler may deduct the hundredweight of milk received from producers at a nonpool plant, or diverted to a nonpool plant, either of which is located outside the marketing area and 35 or more miles from a point computed by drawing a circle from the City Hall of Bristow, Oklahoma, with a radius of 80 miles by shortest hard-surfaced highway distance, as determined by the market administrator, the applicable amounts set forth below:

| Distance from nearest edge of marketing area: | *Cents per hundredweight* |
|---|---|
| 35 to 50 miles | 15 |
| 50.1 to 65 miles | 17 |
| 65.1 to 80 miles | 19 |
| 80.1 to 95 miles | 21 |
| 95.1 to 110 miles | 23 |
| 110.1 to 125 miles | 25 |
| 125.1 to 140 miles | 27 |

Plus 1 cent for each additional 15 miles or major fraction thereof in excess of 140 miles.

§ 906.82 *Producer butterfat differential.* In making payments pursuant to § 906.80 there shall be added to or subtracted from the uniform price for each one-tenth of one percent that the average butterfat content of the milk received from the producer is above or below 4.0 percent, an amount computed by multiplying by 1.2 the simple average, as computed by the market administrator, of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago as reported by the Department during the month, dividing the resulting sum by 10, and rounding to the nearest one-tenth of a cent.

§ 906.83 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund", into which he shall deposit all payments made by handlers pursuant to §§ 906.84, 906.61 (b) and 906.86, and out of which he shall make all payments to handlers pursuant to §§ 906.85 and 906.86, inclusive.

§ 906.84 *Payments to the producer-settlement fund.* On or before the 13th day after the end of the month during which the milk was received, each handler, including a cooperative association which is a handler, shall pay to the market administrator the amount, if any, by which the value of the milk received by such handler from producers as determined pursuant to § 906.70 is greater than the amount required to be paid producers by such handler pursuant to § 906.80.

§ 906.85 *Payment out of the producer-settlement fund.* On or before the 14th day after the end of the month during which the milk was received the market administrator shall pay to each handler, including a cooperative association which is a handler, the amount, if any, by which the value of the milk received by such handler from producers during the month as determined pursuant to § 906.70 is less than the amount required to be paid producers by such handlers pursuant to § 906.80: *Provided,* That if the balance in the producer-settlement fund is insufficient to make all payments pursuant to this paragraph, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the necessary funds are available.

§ 906.86 *Adjustments of accounts.* Whenever audit by the market administrator of any handler's reports, books, records or accounts discloses errors re-

sulting on moneys due (a) the market administrator from such handler (b) such handler from the market administrator, or (c) any producer or cooperative association from such handler, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 906.87 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers (other than himself) pursuant to § 906.80 shall deduct 5 cents per hundredweight or such amount not exceeding 5 cents per hundredweight as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of each month. Such moneys shall be used by the market administrator to sample, test, and check the weights of milk received from producers and to provide producers with market information; and

(b) In the case of producers for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers and on or before the 15th day after the end of each month pay such deduction to the cooperative association rendering such services, identified by a statement showing for each such producer the information required to be reported to the market administrator pursuant to § 906.31. In lieu of such statement a handler may authorize the market administrator to furnish such cooperative association the information with respect to such producers reported pursuant to § 906.31.

§ 906.88 *Expense of administration.* As his pro rata share of expenses of administration of this subpart, each handler shall pay to the market administrator on or before the 15th day after the end of the month, 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight as the Secretary may prescribe, with respect to all receipts within the month of (a) other source milk which is classified as Class I milk, and (b) milk from producers including such handler's own production.

§ 906.89 *Termination of obligation.* The provisions of this section shall apply to any obligation under this subpart for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation unless within such two year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to, the following information:

(1) The amount of the obligation,

(2) The month(s) during which the milk with respect to which the obligation exists, was received and handled, and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books and records required by this subpart to be made available, the market administrator may, within the two year period provided in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator notifies a handler, the said two year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8 (c) (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 906.90 *Effective time.* The provisions of this subpart or any amendment to this subpart shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 906.91.

§ 906.91 *Suspension or termination.* The Secretary may suspend or terminate this subpart or any provision of this subpart whenever he finds this subpart or any provision of this subpart obstructs or does not tend to effectuate the declared policy of the act. This subpart shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 906.92 *Continuing obligations.* If, upon the suspension or termination of any or all of the provisions of this subpart, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 906.93 *Liquidation.* Upon the suspension or termination of the provisions of this subpart, except this section, the market administrator or such other liquidating agents as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 906.100 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 906.101 *Separability of provisions.* If any provision of this subpart, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this subpart, to other persons or circumstances shall not be affected thereby.

Additional proposals:

Proposed by Midwest Creamery Company, Ponca City, Oklahoma:

1. Add Ponca City in Kay County, Oklahoma, to the marketing area.

Proposed by Fairmont Foods Company, Guthrie, Oklahoma:

Add Logan County, Oklahoma, including the city of Guthrie, to the marketing area.

Proposed by handlers regulated under orders Nos. 5 and 6:

Amend the marketing area to include the following counties in the State of Oklahoma.

| | |
|---|---|
| Ottawa. | Beckham. |
| Adair. | Jackson. |
| Delaware. | Sequoyah. |
| Muskogee. | LaFlore. |
| Tulsa. | Craig. |
| Okfuskee. | Rogers. |
| Kay. | Okmulgee. |
| Pottawatomie. | Creek. |
| Murray. | Noble. |
| Oklahoma. | Seminole. |
| Grady. | Garvin. |
| Garfield. | Logan. |
| Stephens. | Greer. |
| Blaine. | Tillman. |
| Kiowa. | Latimer. |
| Harmon. | Pushmataha. |
| Mayes. | Pittsburg. |
| Waggoner. | McIntosh. |
| Haskell. | Washington. |
| Nowata. | Hughes. |
| Coal. | Osage. |
| Pawnee. | Lincoln. |
| Payne. | Johnston. |
| Pontotoc. | Cleveland. |
| McClain. | Canadian. |
| Kingfisher. | Caddo. |
| Comanche. | Washita. |
| Custer. | |

Copies of this notice of hearing may be procured from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or from the Market Administrator, 2901 Classen Boulevard, Room 250, Oklahoma City 6, Oklahoma, or may be there inspected.

Dated: May 17, 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator.*

[F. R. Doc. 56-3999; Filed, May 18, 1956; 8:52 a. m.]

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## [ 7 CFR Part 941 ]

[Docket No. AO-101-A22]

MILK IN CHICAGO, ILL., MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVELY APPROVED MARKETING AGREEMENT AND TO ORDER, AS AMENDED, REGULATING HANDLING

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the LaSalle Hotel, LaSalle and Madison Street, Chicago, Illinois, beginning at 10:00 a. m., c. d. t., June 4, 1956.

The hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the handling of milk for the Chicago, Illinois, marketing area and to the proposed amendments set forth herein below, or modifications thereof, to the tentative marketing agreement as heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the said marketing area. Consideration will be given to the question of whether market conditions, as presented on the record, require emergency action with respect to any amendments deemed necessary as the result of this hearing. The amendments proposed have not received the approval of the Secretary of Agriculture.

The following amendments have been proposed:

Proposed by the Pure Milk Association:

*Proposal no. 1.* Delete §§ 941.52 (a) (3), 941.52 (b) (3), 941.52 (e) (1), and 941.52 (e) (2) which refer to a 70-cent out of market sales differential.





*Proposal no. 2.* Delete § 941.6 *Reload point,* and the words "or reload point" in § 941.65 (a).

*Proposal No. 3.* Amend § 941.41 (b) and § 941.44 (d), respectively, to include the following provisions:

a. In § 941.41 (b) establish a new and separate class designated Class II-a by adding: "Class II-a milk shall consist of ice cream, ice cream mix and other frozen desserts."

b. In § 941.44 (d) add: "Compute the milk equivalent of Class II-a milk as follows:

"(1) Divide the pounds of butterfat in Class II-a milk by 0.0467;

"(2) Divide the pounds of non-fat milk solids in Class II-a milk by 0.14; and

"(3) Add the figures obtained from 1 and 2 to obtain the total pounds of Class II-a milk."

*Proposal No. 4.* Change § 941.52 (a) to read as follows:

(a) *Class I milk.* (1) The price for Grade A Class I milk shall be the basic formula price plus $1.10; *Provided,* That such Class I price differential shall be increased, or decreased, respectively, 2 cents for each full percent that the adjusted supply-demand ratio is greater or less than 72 percent, but shall not be increased or decreased more than 24 cents because of the supply-demand ratio.

(2) The price for Grade B Class I milk shall be the price for Grade A Class I milk, less $0.10.

*Proposal No. 5.* Delete §§ 941.66 and 941.67 and substitute therefor the following:

§ 941.66 *Pool plant.* (a) In order to qualify as a "pool plant" any country receiving station which does not process and/or package Class I and Class II products must ship more than 50 percent of the butterfat received from producers to a plant which does process more than 50 percent of its total receipts into Class I and Class II products for distribution in the marketing area. Any plant which fulfills this requirement during each of the months of September, October and November will be considered a pool plant until the following September.

(b) Each plant must qualify on an individual basis.

(c) Any handler receiving milk or cream from a "non-pool" plant will be credited in the pool with the blended price adjusted by the appropriate handler and producer location adjustments provided under this order.

*Proposal No. 6.* Change § 941.70 (d) to read as follows:

(d) Subtract the following rates upon milk produced at farms located as follows: Within 55 mile zone, 4 cents per hundredweight; and beyond 55 mile zone but within 70 mile zone, 2 cents per hundredweight.

*Proposal No. 7.* Change § 941.80 (a) and (b) to read as follows:

(a) On or before the 15th day after the end of each delivery period each handler shall pay to each cooperative association which is also a handler for milk received from it during the delivery period not less than the total value of such milk computed by multiplying the pounds of such milk in each class by the applicable class price subject to the location adjustment credit pursuant to § 941.53 and to a butterfat differential computed as in § 941.82. If milk is produced at farms located as follows, the following additional rates shall be added; i. e., if farm is located within 55 mile zone, 4 cents per hundredweight, and outside 55 mile zone and within 70 mile zone, 2 cents per hundredweight, plus 4 cents per hundredweight if the milk was received from producers at a pool plant located within the marketing area and 2 cents if received at a pool plant located outside the marketing area and not more than 55 miles from the City Hall in Chicago.

(b) On or before the 18th day after the end of the delivery periods of July through February each handler shall pay to each producer per hundredweight of milk received from him during such delivery period not less than the uniform price, subject to the location adjustment and butterfat differential provided by § 941.81 and § 941.82: *Provided,* That if milk was produced at farms located as follows, the following additional payments shall be made; i. e., if farm is located within 55 mile zone, 4 cents per hundredweight; and beyond 55 mile zone, but within 70 mile zone, 2 cents per hundredweight, plus 4 cents per hundredweight, if the milk was received from producers at a pool plant located within the marketing area and 2 cents if received at a pool plant located outside the marketing area and not more than 55 miles from the City Hall in Chicago.

*Proposal No. 8.* Add a new paragraph (d) to § 941.80 to read as follows:

(d) On or before the 4th day after the end of each delivery period, each handler shall pay to each producer, or to a cooperative association authorized to collect payment, a payment which for the delivery periods of July through February shall be at not less than the uniform price announced by the market administrator for the preceding delivery period, and for the delivery periods of March through June at not less than the uniform price announced by the market administrator for base milk for the preceding delivery period such payment to be for milk received from such producer or caused to be delivered to such handler by such cooperative association during the first 15 days of such delivery period: *Provided,* That in the event any producer or cooperative association discontinues shipping to such handler during any delivery period, such partial payments shall not be made and full payment for all milk received from such producr or cooperative association during such delivery period shall be made on the 18th day after the end of such delivery period pursuant to paragraphs (b) and (c) of this section.

Proposed by Willow-Dale Dairy Company; also proposed by certain (12) producers:

*Proposal No. 9.* That the definition of the Chicago milk marketing area, as set forth in § 941.3 of Order 41, be amended so as to include all of Lake

County, Illinois, in the Chicago milk marketing area.

Proposed by Beatrice Foods Company:

*Proposal No. 10.* Amend § 941.40 (b) so as to include Dubuque County, Iowa, in what is referred to as the surplus milk manufacturing area.

*Proposal No. 11.* Amend § 941.44 so that all skim milk and butterfat will be accounted for on a fat and skim basis rather than on a milk equivalent basis.

*Proposal No. 12.* Review § 941.52 for the purpose of taking evidence with respect to proper adjustments in class prices to compensate for any change which might result in producer prices in the event the Department recommends changing the method of accounting from a milk equivalent to a fat and skim basis.

Proposed by Mr. G. R. Scheib (producer):

*Proposal No. 13.* Delete in § 941.6, § 941.65 (a) and § 941.66 and wherever else necessary in other provisions of the order such language as will rescind or render void the concept of "Reload point" as incorporated into the order effective March 1, 1956.

Proposed by Pure Milk Products Cooperative:

*Proposal No. 14.* Amend § 941.52 to provide for a Class I differential of $1.10 per cwt. to be added to the basic formula price during each delivery period of the year.

*Proposal No. 15.* Delete §§ 941.52 (a) (3) and 941.52 (b) (3), so as to eliminate the 70 cents payment for out of market sales during the fall months of September, October and November.

*Proposal No. 16.* Amend § 941.52 so as to provide for a Class II differential of 70 cents per cwt, to be added to the basic formula price during each delivery period of the year, providing, however, a special allowance for butterfat used in ice cream sold in competition with ice cream made from unregulated milk.

*Proposal No. 17.* Amend §§ 941.51 and 941.52 so as to provide for the elimination of the supply-demand adjustor provision of Order 41 as it affects the Class I and Class II price differentials.

Proposed by Mr. Hugh Miller (producer, hauler).

*Proposal No. 18.* Reconsider the order amendments made effective March 1, 1956, which relate to §§ 941.6, 941.45 (a), 941.65 (a), 941.66, and 941.69 (a) (2).

*Proposal No. 19.* Reconsider all provisions which reduce the price paid for milk to dairy farmers or rebate funds from the milk pool to handlers.

Amend the order to provide a higher price to dairy producers.

Proposed by the Carnation Company:

*Proposal No. 20.* Amend § 941.41 (c) (1) to include malted milk in Class III (a) milk.

Proposed by the Dairy Division, Agricultural Marketing Service:

*Proposal No. 21.* Reconsider paragraphs (a) and (b) of § 941.52 in their entirety in view of the price proposals herein before set forth.

*Proposal No. 22.* Make such other changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and of the said order, as amended, may be procured from the Market Administrator, 73 West Monroe Street, Chicago 3, Illinois, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: May 16, 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator.*

[F. R. Doc. 56-3972; Filed, May 18, 1956; 8:51 a. m.]

## [ 7 CFR Part 1067 ]

### AVOCADOS

#### NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Department is giving consideration to the issuance of maturity requirements, effective at 12:01 a. m., e. s. t., June 1, 1956, regulating the importation of avocados into the United States, and to requiring inspection and certification of each such import by the Federal or Federal-State Inspection Service pursuant to the provisions of § 1060.153 of the General Regulations (Part 1060 of this subchapter; 19 F. R. 7707, 8012) applicable to the importation of certain listed commodities (including avocados).

The requirements under consideration are to impose the same restrictions on imports of avocados that are imposed on the handlers of Florida avocados as set forth in the maturity regulation (Avocado Order 12, published in this issue of the FEDERAL REGISTER)[1] which is being made effective pursuant to the marketing agreement as amended, and Order No. 69 as amended (7 CFR Part 969; 20 F. R. 4177), regulating the handling of avocados grown in South Florida. Copies of this notice and of said Avocado Order 12 are being mailed to the Asociacion De Cosecheros—Exportadores De Frutas y Vegetales De Cuba, Havana, Cuba.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposals set forth in the preceding paragraph should do so by forwarding the same to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D. C., not later than the fifth day after the publication of this notice in the FEDERAL REGISTER. Interested parties are particularly invited to submit, within the time specified, factual data concerning any differences in the characteristics of the avocados that are exported to the United States from other countries as compared to the Florida produced avocados, including information with respect to variations in the time of maturity of such avocados and the minimum sizes of mature fruit.

Dated: May 16, 1956.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-3969; Filed, May 18, 1956; 8:50 a. m.]

[1] See Title 7, Chapter I, Part 969, supra.

## DEPARTMENT OF LABOR

### Wage and Hour Division

## [ 29 CFR Part 689 ]

[Admin. Order 462]

### SUGAR MANUFACTURING INDUSTRY IN PUERTO RICO

#### APPOINTMENT OF INDUSTRY COMMITTEE NO. 21 TO INVESTIGATE CONDITIONS AND RECOMMEND MINIMUM WAGES

Pursuant to authority under the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.) and Reorganization Plan No. 6 of 1950 (5 U. S. C. 611), I hereby appoint, convene, and give notice of the hearing of Industry Committee No. 21 for the sugar manufacturing industry in Puerto Rico to be composed of the following representatives:

For the public:

Archibald Cox, Wayland, Massachusetts, Chairman.
Carroll L. Christenson, Bloomington, Indiana.
Martin Clapp, Santurce, Puerto Rico.

For the employers:

Juan B. Garcia-Mendez, San Juan, Puerto Rico.
Fernando A. Villamil, Aguirre, Puerto Rico.
Fortune A. Graugnard, Jr., New Orleans, Louisiana.

For the employees:

Frank Masino, Philadelphia, Pennsylvania.
Bertrand R. Seidman, Washington, D. C.
David Sternback, San Juan, Puerto Rico.

For the purpose of this order the sugar manufacturing industry in Puerto Rico is defined as follows:

The production of raw sugar, cane juice, molasses and refined sugar, and incidental by-products and all railroad transportation activities carried on by a producer of any of these products (or by any firm owned or controlled by or owning and controlling such producer, or by any firm owned or controlled by the parent company of such producer), where the railroad transportation activities are in whole or in part used for the production or shipment of the products of the industry, and any transportation activities by truck or other vehicle performed by a producer of the products of the industry in connection with the production or shipment of such products by such producer: *Provided, however,* That the industry shall not include any transportation activity covered by the wage orders for the shipping industry or the railroad, railway express and property motor transport industry in Puerto Rico, or any transportation activity to which the agricultural exemption contained in section 13 (a) (6) of the act is applicable.

I hereby refer to the industry committee the question of the minimum rate or rates to be fixed under section 6 (c) of the act for the sugar manufacturing industry. The industry committee shall investigate conditions in the industry, and the committee, or any authorized sub-committee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the act.

The Committee herein appointed and convened shall commence its hearing on June 25, 1956, at 2 p. m. in the offices of the Wage and Hour Division, United States Department of Labor, New York Department Store Building, Portalesa and San Juan Streets, San Juan, Puerto Rico.

In order to conduct its investigation and to make appropriate decisions concerning its hearing, the Committee will meet at the same place at 10 a. m. on June 25, 1956.

In order to reach as rapidly as is economically feasible the objective of the minimum wage prescribed in paragraph (1) of section 6 (a) of the act, the industry committee shall recommend to the Administrator the highest minimum wage rates for the industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico. Where the industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in the industry than may be determined for other employees in the industry, the committee shall recommend such reasonable classifications within the industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it, under the principles set out here, which will not substantially curtail employment in such classification and will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within the industry, in making such classifications, and in determining the minimum wage rates for such classifications, the committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living and production costs; (2) the wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) the wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

The Administrator shall prepare an economic report containing such data as he is able to assemble pertinent to the matters to be referred to the committee. Copies of this report may be obtained at the National and Puerto Rican Offices of the Department of Labor as soon as they are completed and prior to the hearing. The Committee will take official notice of the facts stated in the economic report to the extent that they are not refuted by evidence received at the hearing.

The procedure of this industry committee will be governed by 29 CFR, Part 511, as revised and published in the November 4, 1955 issue of the FEDERAL REGISTER, (20 F. R. 8285), which, among other requirements, provides that a notice of intention to participate and a prehearing statement containing certain specific information, shall be filed before the hearing, within the time provided, by persons interested in participating as witnesses or parties.

Signed at Washington, D. C., this 15th day of May 1956.

JAMES P. MITCHELL,
*Secretary of Labor.*

[F. R. Doc. 56-3963; Filed, May 18, 1956; 8:49 a. m.]



## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

## [ 21 CFR Part 130 ]

[Docket No. FDC-62]

### HYDROCORTISONE AND HYDROCORTISONE ACETATE OINTMENTS AND LOTIONS; EXEMPTION FROM PRESCRIPTION-DISPENSING REQUIREMENTS

#### NOTICE OF POSTPONEMENT OF HEARING

In the matter of exempting certain drugs composed wholly or partially of hydrocortisone or hydrocortisone acetate from prescription-dispensing requirements:

Requests for postponement of the public hearing in the above-entitled matter have been received from proponents and opponents of the proposed rule published in the FEDERAL REGISTER of January 20, 1956 (21 F. R. 430) on the ground that additional time is necessary for the preparation of evidence to be presented at the hearing. These requests are granted.

Accordingly, notice is hereby given that the public hearing for the purpose of receiving evidence in the above-entitled matter, heretofore announced to commence on May 23, 1956 (FEDERAL REGISTER of March 31, 1956; 21 F. R. 2112), is postponed to commence on Wednesday, August 15, 1956, at 10:00 a. m., in Room G-755, Department of Health, Education, and Welfare Building, Fourth Street and Independence Avenue SW., Washington, D. C.

Dated: May 17, 1956.

[SEAL] GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F. R. Doc. 56-4001; Filed, May 18, 1956; 8:53 a. m.]

# NOTICES

## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

### CHIEF, FOREST SERVICE, AND ADMINISTRATOR, SOIL CONSERVATION SERVICE

#### DELEGATION OF AUTHORITY FOR PROCUREMENT OF ENGINEERING SERVICES BY CONTRACT

Pursuant to the authority vested in the Secretary of Agriculture by the Administrator, General Services Administration, under date of April 17, 1956 (21 F. R. 2606), authority is delegated to the Chief, Forest Service, with authority to redelegate to Regional Foresters and Acting Regional Foresters, and authority is delegated to the Administrator, Soil Conservation Service, with authority to redelegate to officials of the Soil Conservation Service to negotiate contracts without advertising in accordance with section 302 (c) (4) and (9) of the Federal Property and Administrative Services Act of 1949, as amended, 63 Stat. 377, 41 U. S. C. 252 for the following operations:

Forest Service: For professional engineering services required for all roads, trails, bridges, dams, buildings and cadastral surveys that are involved in programs of the Forest Service. Operating procedures previously approved in connection with the delegation of authority to the Chief, Forest Service, dated December 10, 1954 (19 F. R. 8585), shall be applicable to this delegation. This delegation supersedes the said delegation to the Chief, Forest Service, of December 10, 1954.

Soil Conservation Service: Professional engineering services incident to the construction of dams, channels, silting basins and other water use and control structures in connection with water shed and flood prevention programs. Exercise of this authority shall be in accordance with operating procedures to be prepared by the Soil Conservation Service and approved by the Director, Office of Plant and Operations.

The authority hereby delegated shall be exercised in accordance with the requirements of the above titled act and the delegation of authority of the Administrator, General Services Administration, and shall not extend beyond

July 1, 1957, unless the delegation from the Administrator, General Services Administration to the Secretary shall have been extended.

Done at Washington, D. C. this 15th day of May 1956.

[SEAL] E. L. PETERSON,
*Assistant Secretary.*

[F. R. Doc. 56-3960; Filed, May 18, 1956; 8:48 a. m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Department of the Air Force has filed an application, Serial No. Fairbanks 012881, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including mining and mineral leasing laws. The applicant desires the land for military purposes.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

Township 4 South, Range 4 East, F. M.,
Section 28: W½SW¼SW¼SE¼; SE¼SW¼SW¼SE¼ (unsurveyed);
Section 29: S½S½;
Section 32: N½NE¼.

Containing approximately 247½ acres.

ROGER R. ROBINSON,
*Operations Supervisor.*

[F. R. Doc. 56-3948; Filed, May 18, 1956; 8:45 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Department of the Air Force has filed an application, Serial No. Fairbanks 012866, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining and mineral leasing laws. The applicant desires the land for military purposes.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

Commencing at the point of intersection of latitude 64°40' North and longitude 146° 45' West; thence South along said longitude line for a distance of 2,085 feet to the True Point of Beginning for this description; thence West 4,580 feet; thence North 6,875 feet; thence East 7,700 feet; thence South 6,675 feet; thence West 3,120 feet to the point of beginning, and containing 1,215 acres, more or less.

ROGER R. ROBINSON,
*Operations Supervisor.*

[F. R. Doc. 56-3949; Filed, May 18, 1956; 8:45 a. m.]

### Bureau of Mines

[Regional Administrative Order 16]

VARIOUS OFFICIALS, REGION III

DELEGATION OF AUTHORITY TO EXECUTE CONTRACTS

1. In accordance with the provisions of paragraph 205.2.4A (4) of the Bureau of Mines Manual, the following officials of Region III, Bureau of Mines, may, subject to the limitations herein prescribed, execute and approve contracts and purchase orders for equipment, supplies, or services, including maintenance and repairs in conformity with applicable regulations and statutory requirements, except that contracts and purchase orders in the following categories require approval by the Regional Director, Region III, or the Director, Bureau of Mines (see subparagraph 205.2.4A (1)):

(a) Any for more than $500.
(b) Purchase of land.
(c) Printing and binding.
(d) Automobiles and trucks.
(e) Microfilm equipment and services over $100.
(f) Construction.
(g) Alterations and repairs to buildings in excess of $500.
(h) Drilling.
(i) Working fund agreements with other Government agencies.
(j) Cooperative agreements on research programs.
(k) Office furniture and machines.

Superintendent and Administrative Officer, Intermountain Experiment Station, Salt Lake City, Utah.

Superintendent, Southwest Experiment Station, Tucson, Arizona.

Superintendent, Denver Experiment Station, Denver, Colorado.

Superintendent, Rapid City Experiment Station, Rapid City, South Dakota.

Superintendent and Administrative Officer, Lignite Experiment Station, Grand Forks, North Dakota.

Superintendent and Administrative Officer, Petroleum and Oil Shale Experiment Station, Laramie, Wyoming.

Superintendent and Administrative Officer, Oil Shale Experiment Station, Rifle, Colorado.

Chief, Division of Administration, Denver, Colorado.

Supply Officer, Division of Administration, Denver, Colorado.

Designated engineers in charge of field projects: *Provided*, That under this subparagraph the fiscal limitation of item (a) shall be $200.

2. Change orders and extra work orders: With respect to any contract (including a contract approved by the Director or the Regional Director, Region III) the officials mentioned above may, up to $500, issue change orders and extra work orders pursuant to the contract, enter into any modifications and amendments of the contract which are legally permissible, and terminate the contract if such action is legally authorized.

3. Authorities delegated by this order may not be redelegated without the approval of the Regional Director, Region III.

4. The delegations contained herein supersede those in Regional Administrative Order No. 2 (Amended) of January 6, 1956.

J. H. EAST, Jr.,
*Regional Director, Region III.*

Approved: May 15, 1956.

THOS. H. MILLER,
*Acting Director, Bureau of Mines.*

[F. R. Doc. 56-3950; Filed, May 18, 1956; 8:46 a. m.]

### Bureau of Reclamation

HORNET CREEK PROJECT, IDAHO

FIRST FORM RECLAMATION WITHDRAWAL

NOVEMBER 8, 1954.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby withdraw the following-described lands from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

BOISE MERIDIAN, IDAHO

T. 17 N., R. 2 W.,
Sec. 29, SW¼;
Sec. 32, NW¼.

The above areas aggregate 320 acres.

E. V. LINDSETH,
*Acting Commissioner.*

[68090]

MAY 15, 1956.

I concur. The records of the Bureau of Land Management will be noted accordingly.

EDWARD WOOZLEY,
*Director, Bureau of Land Management.*

*Notice for Filing Objections to Order Withdrawing Public Lands for the Hornet Creek Project, Idaho*

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of Idaho, for use in connection with the proposed development of the Hornet Creek Project, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

E. V. LINDSETH,
*Acting Commissioner.*

[F. R. Doc. 56-3952; Filed, May 18, 1956; 8:46 a. m.]

UPPER STAR VALLEY PROJECT, IDAHO

FIRST FORM RECLAMATION WITHDRAWAL

NOVEMBER 8, 1954.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby withdraw the following-described lands from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

BOISE MERIDIAN, IDAHO

T. 9 S., R. 46 E.,
Sec. 11, Lot 2 and SW¼NW¼;
Sec. 15, E½SE¼.

The above areas aggregate 164.59 acres.

E. V. LINDSETH,
*Acting Commissioner.*

[68089]

MAY 15, 1956.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The lands shall be administered by the Bureau of Land Management until such time as they are needed for reclamation purposes.

EDWARD WOOZLEY,
*Director, Bureau of Land Management.*

*Notice for Filing Objections to Order Withdrawing Public Lands for the Upper Star Valley Project, Idaho*

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of Idaho, for use in connection with the proposed development of the Upper Star Valley Project, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

E. V. LINDSETH,
*Acting Commissioner.*

[F. R. Doc. 56-3953; Filed, May 18, 1956; 8:47 a. m.]

MOUNTAIN HOME DIVISION, SNAKE RIVER PROJECT, IDAHO

FIRST FORM RECLAMATION WITHDRAWAL

NOVEMBER 5, 1954.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby withdraw the following-described lands from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

BOISE MERIDIAN, IDAHO

T. 1 S., R. 8 E.,
Sec. 17, Lots 7 and 8, SW¼SW¼ and NE¼SE¼.

The above areas aggregate 125.45 acres.

E. V. LINDSETH,
*Acting Commissioner.*

[68092]

MAY 15, 1956.

I concur. The records of the Bureau of Land Management will be noted accordingly.

EDWARD WOOZLEY,
*Director, Bureau of Land Management.*

*Notice for Filing Objections to Order Withdrawing Public Lands for the Mountain Home Division, Snake River Project, Idaho*

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of Idaho, for use in connection with the proposed development of the Mountain Home Division of the Snake River Project, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

E. V. LINDSETH,
*Acting Commissioner.*

[F. R. Doc. 56-3954; Filed, May 18, 1956; 8:47 a. m.]

RIVERTON PROJECT, WYOMING

FIRST FORM RECLAMATION WITHDRAWAL

JANUARY 31, 1956.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby withdraw the following described lands from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

WIND RIVER MERIDIAN, WYOMING

T. 3 N., R. 2 E.,
Sec. 7, lots 1 and 2.

The above areas aggregate 52.36 acres.

E. G. NIELSEN,
*Acting Commissioner.*

[70823]

MAY 15, 1956.

I concur. The records of the Bureau of Land Management will be noted accordingly.

EDWARD WOOZLEY,
*Director, Bureau of Land Management.*

*Notice for Filing Objections to Order Withdrawing Public Lands for the Riverton Project, Wyoming*

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands which were formerly Indian ceded lands on the Wind River Indian Reservation in the State of Wyoming, for use in connection with the Riverton reclamation project may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

E. G. NIELSEN,
*Acting Commissioner.*

[F. R. Doc. 56-3955; Filed, May 18, 1956; 8:47 a. m.]

## National Park Service

[Order 14, Amdt. 14]

REGIONAL DIRECTORS

DELEGATION OF AUTHORITY TO ACCEPT OFFERS IN SETTLEMENT OF TIMBER TRESPASSES

MAY 15, 1956.

Paragraph (f) of section 1 of Order 14, as amended (21 F. R. 1467) is further amended so that the introductory portion of the section and paragraph (f) will read as follows:

SECTION 1. The Regional Directors of the National Park Service, in the administration, operation, and development of the areas and offices in the regions under their supervision; and the Superintendent, National Capital Parks, in the administration, operation, and development of the areas and offices under his supervision, are authorized to exercise all of the authority now or hereafter vested in the Director, except with respect to the following matters:

• • •

(f) Acceptance of an offer in settlement of a timber trespass unless (1) the trespass is an innocent one, (2) the damages therefrom do not exceed $5,000, and (3) payment of the full amount of the damages is offered.

• • • • • •

(Secretary's Order No. 2640)

CONRAD L. WIRTH,
*Director.*

[F. R. Doc. 56-3951; Filed, May 18, 1956; 8:46 a. m.]

## DEPARTMENT OF THE TREASURY

### Foreign Assets Control

IMPORTATION OF CERTAIN MERCHANDISE DIRECTLY FROM HONG KONG

AVAILABLE CERTIFICATIONS BY THE GOVERNMENT OF HONG KONG

Notice is hereby given that certificates of origin issued by the Department of Commerce and Industry of the Government of Hong Kong under procedures agreed upon between that government and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from Hong Kong of the following additional commodities:

Lemon sauce.
Shark fins.
Wine, Chinese-type, medicinal (Ng Kay Py).

[SEAL] ELTING ARNOLD,
*Acting Director,*
*Foreign Assets Control.*

[F. R. Doc. 56-3930; Filed, May 18, 1956; 8:45 a. m.]

## GENERAL SERVICES ADMINISTRATION

QUARTERLY REPORT OF PURCHASES UNDER DOMESTIC PURCHASE REGULATIONS

Activities under the Defense Production Act as amended. Quarterly report of purchases under Domestic Purchase Regulations as of March 31, 1956.

| Regulation | Termination date | Unit | Quantity: Program limitation | Quantity: Purchases [1] during quarter | Quantity: Cumulative purchases [1] through end of quarter |
|---|---|---|---|---|---|
| Asbestos | Oct. 1, 1957 | Short tons, crude No. 1 and/or crude No. 2, asbestos. | 1,500 | 164 | 1,425 |
| | | Short tons, crude No. 3 | | 96 | 741 |
| Beryl | June 30, 1957 | Short dry tons, beryl ore | 1,500 | 81 | 914 |
| Chrome | do | Long dry tons, chrome ore and/or chrome concentrates. | 200,000 | 4,018 | 105,652 |
| Columbium-Tantalum | Dec. 31, 1958 | Pounds, contained combined Pentoxide. | 15,000,000 | 419,461 | 15,583,218 |
| Manganese: | | | | | |
| Butte-Phillipsburg | June 30, 1958 | Long ton units, recoverable, manganese. | 6,000,000 | 148,425 | 2,184,950 |
| Deming | do | do | 6,000,000 | 22,165 | 6,205,580 |
| Wenden | do | do | 6,000,000 | 0 | 6,108,316 |
| Domestic Small Producers. | do | Long ton units, contained manganese. | 19,000,000 | 843,270 | 6,174,790 |
| Mercury | Dec. 31, 1957 | Flasks, prime virgin mercury | 125,000 | 0 | 5 |
| Mica | June 30, 1957 | Short tons, hand-cobbed mica or equivalent. | 25,000 | 439 | 7,965 |
| Tungsten | July 1, 1958 | Short ton units, tungsten trioxide. | 3,000,000 | 272,353 | 2,652,328 |

[1] Quantities represent deliveries.

Dated: May 11, 1956.

FRANKLIN G. FLOETE,
*Administrator.*

[F. R. Doc. 56-3965; Filed, May 18, 1956; 8:49 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3466]

NATIONAL FUEL GAS CO. ET AL.

ORDER AUTHORIZING ISSUANCE AND SALE OF COMMON STOCK AND INSTALLMENT NOTES BY SUBSIDIARY COMPANIES, AND ACQUISITION THEREOF BY PARENT COMPANY

MAY 15, 1956.

In the matter of National Fuel Gas Company, Iroquois Gas Corporation, Republic Light, Heat and Power Company, Inc., United Natural Gas Company, and Pennsylvania Gas Company; File No. 70-3466.

National Fuel Gas Company ("National"), a registered holding company, and its four gas utility subsidiaries Iroquois Gas Corporation ("Iroquois"), Republic Light, Heat and Power Company, Inc. ("Republic"), United Natural Gas Company ("United") and Pennsylvania Gas Company ("Pennsylvania") have filed with this Commission a joint application-declaration and amendments thereto pursuant to sections 6 (b), 7, 9 (a), 10, 12 (b) and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-43 and U-45 promulgated thereunder, including, in addition to two transactions by National heretofore approved, the following:

*Transactions Nos. 3 and 4.* Iroquois proposes (in Transaction No. 3) to issue and sell to National 23,000 shares of its common capital stock, par value $100 per share, for the sum of $2,300,000 cash; also (in Transaction No. 4) to issue and sell to National from time to time during 1956, serial promissory notes aggregating in principal amount not to exceed $2,000,000, and to use the net proceeds therefrom to provide its treasury with funds with which, together with funds available from current operations, to purchase additional gas for underground storage, to make needed additions to its utility plant during 1956, estimated to cost $4,450,000, and to discharge short-term bank borrowings in the amount of $600,000.

*Transaction No. 5.* Republic proposes to issue and sell to National 33,000 shares of its common capital stock, par value $100 per share, for the sum of $3,300,000 cash and to use the net proceeds therefrom to provide its treasury with funds with which, together with funds available from current operations, to purchase additional gas for underground storage, to make needed additions to its utility plant during 1956, estimated to cost $3,095,000, and to discharge outstanding short-term bank borrowings in the aggregate amount of $644,296.

*Transaction No. 6.* United proposes to issue and sell to National from time to time during 1956, serial promissory notes aggregating in principal amount not to exceed $2,800,000, and to use the net proceeds therefrom to provide its treasury with funds with which, together with funds available from current operations, to purchase additional gas for underground storage and to make needed additions to its utility plant during 1956, estimated to cost $3,179,000.

*Transaction No. 7.* Pennsylvania proposes to issue and sell to National from time to time during 1956, serial promissory notes aggregating in principal amount not to exceed $3,400,000, to provide its treasury with funds with which, together with funds available from current operations, to purchase additional gas for underground storage and to make needed additions to its utility plant during 1956, estimated to cost $3,484,000.

The serial notes proposed in Transactions Nos. 4, 6, and 7 will be in the principal amount of $200,000 each, will mature at annual intervals beginning May 1, 1959, and will bear interest at the prime commercial rate of The Chase Manhattan Bank currently in force on the dates of issue, subject to adjustment as of the date of National's next debenture issue to the coupon rate applicable to such issue.

Transactions Nos. 3, 4, and 5 have been approved by the New York Public Service Commission, the regulatory commission of the State in which Iroquois and Republic are organized and doing business; and Transactions Nos. 6 and 7 have been approved by the Pennsylvania Public Utility Commission, the regulatory commission of the State in which United and Pennsylvania are organized and doing business.

It is requested that the Commission's order herein become effective upon issuance.

Due notice of the filing of said application-declaration having been given in the manner prescribed by Rule U-23 promulgated under the act, and no hearing having been requested of or ordered by the Commission, and the Commission finding that the applicable provisions of the act and of the rules promulgated thereunder are satisfied as to said Transactions Nos. 3 to 7 inclusive, and that the application-declaration as amended with respect thereto should be granted and permitted to become effective forthwith:

*It is ordered,* Pursuant to Rule U-23 and the applicable provisions of the act and the rules thereunder, that said application-declaration, as amended, with respect to Transactions Nos. 3 to 7, inclusive, be, and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 56-3959; Filed, May 18, 1956; 8:48 a. m.]

[File No. 70-3478]

COLUMBIA GAS SYSTEM, INC., ET AL.

NOTICE OF FILING OF JOINT APPLICATION-DECLARATION RELATING TO PROPOSED ISSUANCE AND SALE OF SECURITIES BY TWELVE SUBSIDIARIES TO THEIR PARENT COMPANY, AND TO PROPOSED OPEN-ACCOUNT ADVANCES BY PARENT COMPANY TO SIX OF SAID SUBSIDIARIES

MAY 15, 1956.

In the matter of The Columbia Gas System, Inc., United Fuel Gas Company, Amere Gas Utilities Company, Atlantic Seaboard Corporation, Central Kentucky Natural Gas Company, Virginia Gas Distribution Corporation, The Ohio Fuel Gas Company, Natural Gas Company of West Virginia, The Manufacturers Light and Heat Company, Binghamton Gas Works, Cumberland and Allegheny Gas Company, Home Gas Company, and The Keystone Gas Company, Inc.; File No. 70-3478.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and its wholly-owned subsidiaries United Fuel Gas Company ("United Fuel"), Amere Gas Utilities Company ("Amere"), Atlantic Seaboard Corporation ("Seaboard"), Central Kentucky Natural Gas Company ("Central Kentucky"), Virginia Gas Distribution Corporation ("Distribution"), The Ohio Fuel Gas Company ("Ohio"), Natural Gas Company of West Virginia ("Natural Gas"), The Manufacturers Light and Heat Company ("Manufacturers"), Binghamton Gas Works ("Binghamton"), Cumberland and Allegheny Gas Company ("Cumberland"), Home Gas Company ("Home"), and The Keystone Gas Company, Inc. ("Keystone"), have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 (b), 9, 10, 12 (b) and 12 (f), and Rules U-43 and U-45 thereunder as applicable to the proposed transactions which are summarized as follows:

*Financing Construction Requirements.* Said subsidiary companies are engaged in construction programs which will require expenditures and the raising of new money in 1956 as follows:

| Company | Estimated construction expenditures | New money requirements [1] |
|---|---|---|
| Manufacturers | $13,205,600 | $10,450,000 |
| United Fuel | 15,875,800 | 9,000,000 |
| Ohio | 21,356,608 | 16,000,000 |
| Amere | 472,100 | 425,000 |
| Seaboard | 9,327,000 | 5,900,000 |
| Distribution | 629,300 | 550,000 |
| Central Kentucky | 1,146,100 | 800,000 |
| Cumberland | 2,906,500 | 2,175,000 |
| Home | 934,129 | 525,000 |
| Keystone | 270,406 | 215,000 |
| Natural Gas | 1,091,800 | 925,000 |
| Binghamton | 1,437,336 | 1,025,000 |
| Total | 68,652,679 | 47,990,000 |

[1] The additional capital necessary to complete the construction programs will be obtained from internal sources of the respective companies.

It is proposed that the new money required by the respective subsidiary companies will be obtained by their issuance and sale to Columbia of either shares of their Common Stock or Installment Promissory Notes or both, in amounts as follows:

| Company | Common stock: Number of common shares | Common stock: Par value | Common stock: Aggregate amount | Installment notes, aggregate amount not to exceed— |
|---|---|---|---|---|
| Manufacturers | 50,000 | $50 | $2,500,000 | $7,950,000 |
| United Fuel | | | | 9,000,000 |
| Ohio | 140,000 | 45 | 6,300,000 | 9,700,000 |
| Amere | | | | 425,000 |
| Seaboard | 100,000 | 25 | 2,500,000 | 3,400,000 |
| Distribution | 8,000 | 25 | 200,000 | 350,000 |
| Central Kentucky | | | | 800,000 |
| Cumberland | 10,000 | 25 | 250,000 | 1,925,000 |
| Home | | | | 525,000 |
| Keystone | 2,000 | 25 | 50,000 | 165,000 |
| Natural Gas | 6,000 | 100 | 600,000 | 325,000 |
| Binghamton | 11,000 | 25 | 275,000 | 750,000 |
| Total amounts | | | 12,675,000 | 35,315,000 |

The Installment Notes will be unsecured and will be dated when issued. The principal amounts will be due in 25 equal annual installments on February 15 of each of the years 1958 to 1982 inclusive. Interest will be payable semi-annually at the rate of 3.9 percent per annum, which is the approximate cost of money to Columbia on its last sale of debentures.

The securities will be issued and sold periodically when and to the extent that funds are required for the purposes stated. With respect to each of the companies issuing Common Stock, Columbia will first purchase Common Stock up to the amounts above set forth and thereafter will purchase Installment Notes; but none of the Common Stock or Installment Notes will be purchased after March 31, 1957.

Of approximately $40,000,000 realized by Columbia from its sale of Series F debentures in April 1956, $25,000,000 was applied in discharging an outstanding bank loan, leaving approximately $15,000,000 available to meet the New Money Requirements of $47,990,000 aforesaid. In a prior filing (File No. 70-3454) Columbia stated that the remaining New Money Requirements of approximately $33,000,000 will be provided by means of bank loans, the sale of additional debentures, or some combination thereof.

*Financing Gas Inventory Requirements.* Six of the aforesaid subsidiary companies operate facilities for the underground storage of natural gas, which is purchased during the offpeak seasonal periods. Columbia proposes to advance to these subsidiaries, on open account, such amounts as they may require during 1956 for the purchase of current inventory gas, not to exceed the following aggregate amounts:

| | |
|---|---|
| Manufacturers | $6,600,000 |
| United Fuel | 10,000,000 |
| Ohio | 16,000,000 |
| Seaboard | 600,000 |
| Central Kentucky | 300,000 |
| Home | 1,500,000 |
| Total | 35,000,000 |

Such advances will be repayable in three equal installments on February 25, March 25, and April 25, 1957, with interest at the rate of 3½ percent per annum, which rate is the same as that which Columbia has agreed to pay on bank loans to be consummated for the procurement of the required funds. The borrowing by Columbia will be the subject of a separate declaration.

The aggregate fees and expenses to be paid by the several companies in connection with the proposed transactions are estimated at $17,292.50, including Federal original issue taxes $13,942.50, services of Columbia Gas System Service Corporation $1,300 (or $100 for each company involved), and miscellaneous expenses $2,050 (including legal fees of $200 and $400 to be paid by Manufacturers and Distribution, respectively).

Authorization for the issuance and sale of the securities as proposed must be obtained by eleven of the twelve subsidiary companies from the regulatory commissions of the States in which such companies are organized and doing business, as follows:

*Company and State Commission*

Manufacturers: Pennsylvania Public Utility Commission.
United Fuel: [1] Public Service Commission of West Virginia.
Amere: Public Service Commission of West Virginia.
Cumberland: Public Service Commission of West Virginia.
Ohio: Public Utilities Commission of Ohio.
Natural Gas: Public Utilities Commission of Ohio.

[1] United Fuel is also required to obtain state authorization for Columbia's advances to it on open account.

Distribution: State Corporation Commission of Virginia.

Central Kentucky: Kentucky Public Service Commission.

Home: New York Public Service Commission.

Keystone: New York Public Service Commission.

Binghamton: New York Public Service Commission.

It is requested that the Commission issue its order herein with respect to each proposed transaction as soon as possible after the filing of the final amendment applicable thereto.

Notice is further given that any interested person may, not later than May 31, 1956, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said application-declaration, as filed or as amended, may be granted and permitted to become effective, in whole or in part, as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-3958; Filed, May 18, 1956; 8:48 a. m.]

## INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 16, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32089: *Motor-water-motor rates, Pan Atlantic Steamship Corporation.* Filed by Pan Atlantic Steamship Corporation, for itself and other interested motor carriers. Rates on various commodities moving on commodity rates in specified minimum volume truck loads between specified base points, in Connecticut, Delaware, District of Columbia, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont, on motor-truck carriers parties to the tariff listed below, on the one hand, and specified base points in Texas, on motor-truck carriers parties to the same tariff, on the other.

Grounds for relief: Competition with rail-water-rail carriers.

Tariff: Pan Atlantic Steamship Corporation tariff I. C. C. 257.

FSA No. 32090: *Coke briquettes—St. Louis, Mo., group to Keokuk, Iowa.* Rates on coke briquettes, carloads from St. Louis, Mo., East St. Louis, Federal, Roxana and Wood River, Ill., to Keokuk, Iowa.

Grounds for relief: Market competition with coke, coke breeze, etc., moving on water-competitive rates, potential barge competition, and circuitous routes.

Tariff: Supplement 45 to Agent Raasch's I. C. C. 767.

FSA No. 32091: *Sulphuric acid—Oklahoma to Sulphur Springs, Tex.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on sulphuric acid, tank-car loads from Bartlesville and Tulsa, Okla., to Sulphur Springs, Tex.

Grounds for relief: Circuitous routes.

Tariff: Supplement 89 to Agent Kratzmeir's I. C. C. 4025.

FSA No. 32092: *Newsprint paper—Calhoun, Tenn., to Houston, Tex.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on newsprint paper, carloads, from Calhoun, Tenn., to Houston, Tex.

Grounds for relief: Foreign competition with water-borne traffic from Newfoundland and circuity.

Tariff: Supplement 5 to Agent Kratzmeir's I. C. C. 4198.

FSA No. 32093: *Alcoholic liquors in southern territory.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on alcoholic liquors including vermouth and wine, carloads from and to specified points in southern territory, also between base points in southern territory and points grouped therewith as taking same rates.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Agent Spaninger's tariff I. C. C. 1519.

FSA No. 32094: *Alcoholic liquors—south to official territory.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on alcoholic liquors, including vermouth and wine, carloads from specified points in southern territory to specified points in official (including Illinois) territory.

Grounds for relief: Short-line distance formula, and circuity.

Tariff: Agent Spaninger's tariff I. C. C. 1519.

FSA No. 32095: *Alcoholic liquors—Kentucky to Raleigh, N. C.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on alcoholic liquors, including wine, carloads, from Frankfort, Sam Clay, Cliffside and Elsinore, Ky., to Raleigh, N. C.

Grounds for relief: Truck competition and circuity.

Tariff: Agent Spaninger's tariff I. C. C. 1519.

FSA No. 32096: *Asphalt—official territory to Beaver Falls, N. Y.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on asphalt (asphaltum), natural, by-product of petroleum, other than paint, stain or varnish, and tar, paving or roofing, tank-car loads from specified points in Delaware, Maryland, New Jersey, and Pennsylvania to Beaver Falls, N. Y.

Grounds for relief: Short-line distance formula and circuity.

Tariffs: Supplement 13 to B & O I. C. C. No. 23959 and eight other tariffs.

FSA No. 32097: *Cottonseed oil—between Texas points and to Texas ports.* Filed by J. F. Brown, Agent, for interested rail carriers. Rates on cottonseed oil, liquid, tank-car loads between points in Texas on interstate domestic traffic, and from specified points in Texas to Galveston, Houston and Texas City, for export and coastwise movement beyond.

Grounds for relief: Short-line distance formula, motor-truck competition, and circuity.

Tariff: Supplement 5 to Agent Brown's tariff I. C. C. 564.

FSA No. 32098: *Soda products—Michigan, Ohio, and West Virginia to Folcy, Fla.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on sodium (soda), and caustic (sodium hydroxide), liquid, tank-car loads from Whitehall-Montague, Wyandotte, and Detroit, Mich., Barberton, Fairport Harbor, Painesville, and Perry, Ohio, Natrium and Perkings, W. Va., to Foley, Fla.

Grounds for relief: Market competition and circuitous routes.

Tariff: Agent Hinsch's I. C. C. 4664.

FSA No. 32099: *Iron and steel articles—to the South.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on iron and steel articles, carloads, also pipe and tubing, carloads (change in minimum weights), from Centralia, Mo., Kansas City, Kans.-Mo., and Minnequa, Colo., to destinations in southern territory.

Grounds for relief: Short-line distance formula, market competition and circuity.

FSA No. 32100: *Commodities from and to central territory.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on automobile parts and other commodities, carloads from specified points in central territory to specified points in official and central territories.

Grounds for relief: Carrier competition and circuity.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 56-3957; Filed, May 18, 1956; 8:48 a. m.]

UNIVERSITY OF MICHIGAN
MAIN READING ROOM

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934
OF THE UNITED STATES

# FEDERAL REGISTER

VOLUME 21 NUMBER 99

*Washington, Tuesday, May 22, 1956*

## TITLE 3—THE PRESIDENT

### EXECUTIVE ORDER 10669

AMENDMENT OF EXECUTIVE ORDER NO. 10495,[1] PRESCRIBING THE ORDER OF SUCCESSION OF OFFICERS TO ACT AS SECRETARY OF DEFENSE, SECRETARY OF THE ARMY, SECRETARY OF THE NAVY, AND SECRETARY OF THE AIR FORCE

By virtue of the authority vested in me by section 179 of the Revised Statutes of the United States (5 U. S. C. 6), and as President of the United States, it is ordered that Executive Order No. 10495 of October 14, 1953, entitled "Prescribing the Order of Succession of Officers To Act as Secretary of Defense, Secretary of the Army, Secretary of the Navy, and Secretary of the Air Force", be, and it is hereby, amended as follows:

1. The item numbered 5 in Part II, "Chief of the United States Army Field Forces", is amended to read: "Commanding General, Continental Army Command."

2. The items numbered 2 and 3 in Part III, "Assistant Secretary of the Navy" and "Assistant Secretary of the Navy for Air", respectively, are renumbered as item 2 and amended to read: "Assistant Secretaries of the Navy and Assistant Secretary of the Navy for Air, in the order prescribed by the Secretary of the Navy, or if no order is prescribed by the Secretary, then in the order in which they have taken office as Assistant Secretaries."

3. The items numbered 4 and 5 in Part III are renumbered 3 and 4, respectively.

4. The item numbered 6 in Part IV, "Commanding General, Tactical Air Command", is amended to read "Commander, Air University."

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
*May 18, 1956.*

[F. R. Doc. 56-4046; Filed, May 18, 1956; 4:55 p. m.]

[1] 18 F. R. 6585; 3 CFR, 1953 Supp., p. 111.

## TITLE 7—AGRICULTURE

### Chapter III—Agricultural Research Service, Department of Agriculture

PART 362—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT

SUBPART—IMPORTS

By virtue of the authority vested in the Secretary of the Treasury and the Secretary of Agriculture by sections 6 and 10 of the Federal Insecticide, Fungicide, and Rodenticide Act, approved June 25, 1947 (Secs. 6, 10, 61 Stat. 168, 171; 7 U. S. C. 135d, 135h), Part 362, Chapter III, Title 7, Code of Federal Regulations (7 CFR Part 362), is hereby amended as follows:

Section 362.32 is amended by deleting ", made before a United States consular officer," following "shipper".

(Sec. 6, 61 Stat. 168; 7 U. S. C. 135d)

Issued this 16th day of May 1956.

DAVID W. KENDALL, *Acting Secretary of the Treasury.*

[SEAL] E. L. PETERSON, *Assistant Secretary of Agriculture.*

[F. R. Doc. 56-3984; Filed, May 21, 1956; 8:46 a. m.]

## TITLE 8—ALIENS AND NATIONALITY

### Chapter I—Immigration and Naturalization Service, Department of Justice

Subchapter A—General Provisions

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed.

PART 1—GENERAL

Paragraph (a) *Terms used in this chapter* and paragraph (b) *Terms used in Subchapter B of this chapter* of § 1.1 *Definitions* are amended in the following respects:

(Continued on p. 3337)

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# FEDERAL REGISTER

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**CFR SUPPLEMENTS**

**(As of January 1, 1956)**

**The following Supplement is now available:**

**Title 32A (Rev., 1955) ($1.25)**

***Previously announced:*** **Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 7: Parts 1–209 ($1.25); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. I, and Title 27 ($1.00); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Titles 40–42 ($0.65); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)**

**Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.**


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1. Subparagraph (12) of paragraph (a) is amended to read as follows:

(12) The term "officer in charge" means the Service Officer in charge of a suboffice.

2. Subparagraph (15) is added to paragraph (a) to read as follows:

(15) The term "suboffice" means any office or facility specifically designated as such in the statement of organization of the Service.

3. Subdivision (iii) of subparagraph (3) of paragraph (b) is amended by deleting the words "or officer in charge".

4. Subdivision (iii) of subparagraph (4) of paragraph (b) is amended by deleting the words "or the officer in charge".

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PART 2—SERVICE RECORDS; FEES

The eleventh and twenty-first items in § 2.5 are amended so that when taken with the introductory material they will read as follows:

§ 2.5 *Fees for service, documents, papers, and records not specified in the Immigration and Nationality Act.* In addition to the fees enumerated in sections 281 and 344 of the Immigration and Nationality Act, the following fees and charges are prescribed:

* * * * * *

| | |
|---|---|
| For filing application for waiver of passport or visa of an individual alien prior to or at the time he applies for temporary admission to the United States. (This fee shall not be applicable to an admissible alien who is officially engaged in activities in connection with any multipartite treaty organization of which the United States is signatory, or who is a member of the armed forces of any foreign government, or who is seeking admission under section 101 (a) (15) (A) or (G) of the act) | $ 10.00 |

* * * * * *

| | |
|---|---|
| For filing application for waiver of passport of an individual alien prior to or at the time he applies for admission to the United States for permanent residence | $ 10.00 |

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PART 3—IMMIGRATION BONDS

1. Paragraph (b) *Approval; extension agreements; consent of surety; collateral security* of § 3.1 *Immigration bonds* is amended by deleting the words "and officers in charge" appearing in the first sentence.

2. Subparagraph (1) of paragraph (c) *Violation of conditions; cancellation* of § 3.1 *Immigration bonds* is amended to read as follows:

(1) Whenever it shall appear that a condition of a bond executed in connection with the administration of the immigration laws may have been violated, or when a request for release from liability is received from an obligor, the bond, all appurtenant documents, and a full report of the circumstances shall be forwarded to the district director having administrative jurisdiction over the office where the bond is retained for decision as to whether the conditions of the bond have been met so that it may be cancelled, or whether any condition of the bond has been violated so that liability thereunder should be enforced, or whether the circumstances are such that the bond should be continued in effect. If the obligors are adversely affected by the decision of the district director, they shall be notified by him in writing on Form I–323 of his decision. No appeal shall lie from the decision of the district director.

3. Subparagraph (2) of paragraph (c) of § 3.1 *Immigration bonds* is amended by deleting the words "or officer in charge" appearing in the first sentence.

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PART 6—BOARD OF IMMIGRATION APPEALS: APPEALS; REOPENING AND RECONSIDERATION

1. Subparagraph (7) of paragraph (b) of § 6.1 *Board of Immigration Appeals* is amended so that when taken with the introductory material it will read as follows:

(b) *Appellate jurisdiction.* Appeals shall lie to the Board of Immigration Appeals from the following:

* * * * * *

(7) Determinations of regional commissioners or district directors relating to bond, parole, or detention of an alien as provided in Part 242 of this chapter.

2. Section 6.11 *Notice of appeal* is amended by deleting the words "or officer in charge" appearing in the second sentence and by deleting the words "officer in charge," appearing in the third sentence.

3. Section 6.12 *Withdrawal of appeal* is amended by deleting the words "to the officer in charge" appearing in the third sentence.

4. Section 6.13 *Forwarding of record on appeal* is amended by deleting the words "or officer in charge".

5. Section 6.15 *Notice of certification* is amended by deleting the words "or the officer in charge" appearing in the fourth sentence, the words "or officer in charge" and ", officer in charge" appearing in the sixth sentence, and the words "or officer in charge" appearing in the eighth sentence.

6. The last sentence of paragraph (a) *Form* of § 6.21 *Motion to reopen or motion to reconsider* is amended to read as follows: "Execution of such decision shall proceed unless a stay of execution is specifically granted by the Board or the district director having administrative jurisdiction over the case."

7. Paragraph (b) *Distribution of motion papers when alien is moving party* of § 6.21 *Motion to reopen or motion to reconsider* is amended by deleting the words "or the officer in charge".

PART 7—REGIONAL COMMISSIONERS: APPEALS

1. Section 7.11 *Notice of appeal* is amended by deleting the words "or with the officer in charge" appearing in the first sentence and the words ", officer in charge" appearing in the fifth sentence.

2. Section 7.13 *Forwarding of record on appeal* is amended by deleting the words "or the officer in charge" appearing in the introductory material.

3. Section 7.15 *Notice of certification* is amended by deleting the words "or the officer in charge" appearing in the fourth sentence, the words "or officer in charge" and ", officer in charge," appearing in the sixth sentence, and the words "or the officer in charge" appearing in the eighth sentence.

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PART 8—REOPENING AND RECONSIDERATION

1. The first and last sentences of paragraph (a) *Filing* of § 8.11 *Motion to reopen or reconsider* are amended to read as follows: "When the alien is the moving party, a motion to reopen or to reconsider shall be filed in duplicate with the district director of the place where the proceeding was conducted for transmittal to the officer having jurisdiction to act on the motion, as provided in § 8.1." • • • "Execution of such decision shall proceed unless a stay is specifically granted by the district director of the place where the proceeding was conducted."

2. Paragraph (f) *Fees* of § 3.11 *Motion to reopen or reconsider* is amended by deleting the words "or officer in charge" appearing in the third sentence.

---

PART 9—AUTHORITY OF COMMISSIONER, REGIONAL COMMISSIONERS, AND ASSISTANT COMMISSIONERS

1. Paragraph (o) of § 9.5a is amended so that when taken with the introductory material it will read as follows:

§ 9.5a *Authority of Regional Commissioners.* The powers, privileges, and duties conferred or imposed upon officers or employees of the Service under this chapter with respect to the following-described matters are hereby conferred or imposed upon the regional commissioners:

• • • • • •

(o) Designation, and withdrawal of designation, of ports of entry for aliens arriving by vessel or by land transportation as provided in the statement of organization of the Service, and designation, and withdrawal of designation, of airports as international airports for entry of aliens as provided in Part 239 of this chapter.

2. Section 9.5b is amended to read as follows:

§ 9.5b *Authority of District Directors.* Except as otherwise provided, district directors are authorized to grant or deny any formal application or petition in any case provided for in this chapter.

(Sec. 501, 65 Stat. 290, sec. 103, 66 Stat. 173; 5 U. S. C. 140, 8 U. S. C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order relate to agency management and procedure.

Dated: May 15, 1956.

HERBERT BROWNELL, Jr.,
*Attorney General.*

Recommended: April 30, 1956.

J. M. SWING,
*Commissioner of Immigration and Naturalization.*

[F. R. Doc. 56-4026; Filed, May 21, 1956; 8:54 a. m.]

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## TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

### Chapter I—Veterans Administration

PART 17—MEDICAL

STATUTORY DISCHARGE; AUTHORITY FOR DISCIPLINARY ACTION

1. In § 17.65, paragraph (b) is amended to read as follows:

§ 17.65 *Statutory discharge.* • • •

(b) Actively tuberculous patients whose discharge from hospital treatment under paragraph (a) of this section is not disapproved by the Chief Medical Officer or Director, Professional Services, will be so discharged if proper investigation by the office concerned discloses the following necessities of home environment. A sanitary domicile where reasonable comforts and care can be provided, such as a well-ventilated room or porch, good food, fresh air, etc.; relatives or friends who can assume the obligations of continued nursing care, who know how to properly safeguard themselves from infection by proper disposition of the patient's sputum, and who can furnish, on forms supplied by the Veterans Administration, the information necessary for administrative supervision; feasibility of keeping infants and young children from infection by the patient; facilities to provide for not less than 18 hours a day in bed or in a "curing chair."

• • • • • •

2. In § 17.66, paragraph (a) is amended to read as follows:

§ 17.66 *Authority for disciplinary action.* (a) The good conduct of beneficiaries receiving hospitalization for observation and examination or for treatment, or receiving domiciliary care in facilities under direct and exclusive jurisdiction of the Veterans Administration, will be maintained by corrective and disciplinary procedure formulated by the Veterans Administration. Such corrective and disciplinary measures, to be selectively applied in keeping with the comparative gravity of the particular offense, will consist, in respect to hospital patients, of such penalties as the withholding for a determined period of pass privileges, exclusion from entertainments, or disciplinary discharge; and, in respect to domiciled members, such penalties as confinement to sections or grounds, deprivation of privileges, enforced furlough, or disciplinary discharge.

• • • • • •

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707. Interpret or apply secs. 1, 6, 48 Stat. 9, 301, 53 Stat. 652, as amended; 38 U. S. C. 706, 706a)

This regulation is effective May 22, 1956.

[SEAL] H. V. HIGLEY,
*Administrator of Veterans' Affairs.*

[F. R. Doc. 56-4002; Filed, May 21, 1956; 8:49 a. m.]

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## TITLE 21—FOOD AND DRUGS

### Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS

STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) SULFATE POWDER ORAL VETERINARY

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, 61 Stat. 11; 21 U. S. C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), the regulations for the certification of streptomycin and streptomycin-containing drugs (21 CFR, 1955 Edition, 146b; 21 F. R. 131, 1795, 2231) are amended by making the following changes in § 146b.115 *Streptomycin sulfate powder oral veterinary* • • •.

1. In paragraph (a) *Standards of identity* • • •, the words "333 micrograms per milligram" in the second sentence are changed to read "3.75 grams per pound."

2. In paragraph (c) *Labeling*, subparagraph (1) (iv) is amended by changing the colon after the word "section" to a comma and adding the following clause: "and except that if the potency of the batch is less than 150 grams per pound the blank is filled in with the date that is 12 months after the month during which the batch was certified:".

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

*Effective date.* This order shall be effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, 21 U. S. C. 371. Interprets or applies sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: May 15, 1956.

[SEAL] GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F. R. Doc. 56-3990; Filed, May 21, 1956; 8:47 a. m.]



## TITLE 14—CIVIL AVIATION

### Chapter I—Civil Aeronautics Board

#### Subchapter A—Civil Air Regulations

PART 3—AIRPLANE AIRWORTHINESS; NORMAL, UTILITY, AND ACROBATIC CATEGORIES

REVISION OF PART

Because of the number of outstanding amendments to Part 3 there follows a revision of Part 3 incorporating all amendments thereto which were in effect on May 15, 1956.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
*Secretary.*

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AUTHORITY: §§ 3.0 to 3.792 issued under sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007; 49 U. S. C. 551.

## SUBPART A—GENERAL

### APPLICABILITY AND DEFINITIONS

§ 3.0 *Applicability of this part.* This part establishes standards with which compliance shall be demonstrated for the issuance of and changes to type certificates for normal, utility, and acrobatic category airplanes. This part, until superseded or rescinded, shall apply to all airplanes for which applications for type certification under this part were made between the effective date of this part (November 13, 1945) and March 31, 1953. For applications for a type certificate made after March 31, 1953, this part shall apply only to airplanes which have a maximum weight of 12,500 pounds or less.

§ 3.1 *Definitions.* As used in this part terms are defined as follows:

(a) *Administration*—(1) *Administrator.* The Administrator is the Administrator of Civil Aeronautics.

(2) *Applicant.* An applicant is a person or persons applying for approval of an airplane or any part thereof.

(3) *Approved.* Approved, when used alone or as modifying terms such as means, devices, specifications, etc., shall mean approved by the Administrator. (See § 3.18.)

(b) *General design*—(1) *Standard atmosphere.* The standard atmosphere is an atmosphere defined as follows:

(i) The air is a dry, perfect gas,

(ii) The temperature at sea level is 59° F.,

(iii) The pressure at sea level is 29.92 inches Hg,

(iv) The temperature gradient from sea level to the altitude at which the temperature equals −67° F. is −0.003566° F./ft. and zero thereabove,

(v) The density $\rho_0$ at sea level under the above conditions is 0.002378 lb. sec.$^2$/ft.$^4$

(2) *Maximum anticipated air temperature.* The maximum anticipated air temperature is a temperature specified for the purpose of compliance with the powerplant cooling standards. (See § 3.583.)

(3) *Airplane configuration.* Airplane configuration is a term referring to the position of the various elements affecting the aerodynamic characteristics of the airplane (e. g. wing flaps, landing gear).

(4) *Aerodynamic coefficients.* Aerodynamic coefficients are nondimensional coefficients for forces and moments. They correspond with those adopted by the U. S. National Advisory Committee for Aeronautics.

(5) *Critical engine(s).* The critical engine(s) is that engine(s) the failure of which gives the most adverse effect on the airplane flight characteristics relative to the case under consideration.

(c) *Weights*—(1) *Maximum weight.* The maximum weight of the airplane is that maximum at which compliance with the requirements of this part of the Civil Air Regulations is demonstrated. (See § 3.74.)

(2) *Minimum weight.* The minimum weight of the airplane is that minimum at which compliance with the requirements of this part of the Civil Air Regulations is demonstrated. (See § 3.75.)

(3) *Empty weight.* The empty weight of the airplane is a readily reproducible weight which is used in the determination of the operating weights. (See § 3.73.)

(4) *Design maximum weight.* The design maximum weight is the maximum weight of the airplane at which compliance is shown with the structural loading conditions. (See § 3.181.)

(5) *Design minimum weight.* The design minimum weight is the minimum weight of the airplane at which compliance is shown with the structural loading conditions. (See § 3.181.)

(6) *Design landing weight.* The design landing weight is the maximum airplane weight used in structural design for landing conditions at the maximum velocity of descent. (See § 3.242.)

(7) *Design unit weight.* The design unit weight is a representative weight used to show compliance with the structural design requirements:

(i) Gasoline 6 pounds per U. S. gallon.

(ii) Lubricating oil 7.5 pounds per U. S. gallon.

(iii) Crew and passengers 170 pounds per person.

(d) *Speeds*—(1) *IAS.* Indicated air speed is equal to the pitot static air-speed indicator reading as installed in the airplane without correction for air-speed indicator system errors but including the sea level standard adiabatic compressible flow correction. (This latter correction is included in the calibration of the air-speed instrument dials.)

(2) *CAS.* Calibrated air speed is equal to the air-speed indicator reading corrected for position and instrument error. (As a result of the sea level adiabatic compressible flow correction to the air-speed instrument dial, CAS is equal to the true air speed TAS in standard atmosphere at sea level.)

(3) *EAS.* Equivalent air speed is equal to the air-speed indicator reading corrected for position error, instrument error, and for adiabatic compressible flow for the particular altitude. (EAS is equal to CAS at sea level in standard atmosphere.)

(4) *TAS.* True air speed of the airplane relative to undisturbed air. ($TAS=EAS(\rho_0/\rho)^{1/2}$).

(5) $V_c$. The design cruising speed. (See § 3.184.)

(6) $V_d$. The design diving speed. (See § 3.184.)

(7) $V_f$. The design flap speed for flight loading conditions with wing flaps in the landing position. (See § 3.190.)

(8) $V_{fe}$. The flap extended speed is a maximum speed with wing flaps in a prescribed extended position. (See § 3.742.)

(9) $V_h$. The maximum speed obtainable in level flight with rated rpm and power.

(10) $V_{mc}$. The minimum control speed with the critical engine inoperative. (See § 3.111.)

(11) $V_{ne}$. The never-exceed speed. (See § 3.739.)

(12) $V_{no}$. The maximum structural cruising speed. (See § 3.740.)

(13) $V_p$. The design maneuvering speed. (See § 3.184.)

(14) $V_{sf}$. The stalling speed computed at the design landing weight with the flaps fully extended. (See § 3.190.)

(15) $V_{s_0}$. The stalling speed or the minimum steady flight speed with wing flaps in the landing position. (See § 3.82.)

(16) $V_{s_1}$. The stalling speed or the minimum steady flight speed obtained in a specified configuration. (See § 3.82.)

(17) $V_x$. The speed for best angle of climb.

(18) $V_y$. The speed for best rate of climb.

(e) *Structural*—(1) *Limit load.* A limit load is the maximum load anticipated in normal conditions of operation. (See § 3.171.)

(2) *Ultimate load.* An ultimate load is a limit load multiplied by the appropriate factor of safety. (See § 3.173.)

(3) *Factor of safety.* The factor of safety is a design factor used to provide for the possibility of loads greater than those anticipated in normal conditions of operation and for uncertainties in design. (See § 3.172.)

(4) *Load factor.* The load factor is the ratio of a specified load to the total weight of the airplane; the specified load may be expressed in terms of any of the following: aerodynamic forces, inertia forces, or ground or water reactions.

(5) *Limit load factor.* The limit load factor is the load factor corresponding with limit loads.

(6) *Ultimate load factor.* The ultimate load factor is the load factor corresponding with ultimate loads.

(7) *Design wing area.* The design wing area is the area enclosed by the wing outline (including wing flaps in the retracted position and ailerons, but excluding fillets or fairings) on a surface containing the wing chords. The outline is assumed to be extended through the nacelles and fuselage to the plane of symmetry in any reasonable manner.

(8) *Balancing tail load.* A balancing tail load is that load necessary to place the airplane in equilibrium with zero pitch acceleration.

(9) *Fitting.* A fitting is a part or terminal used to join one structural member to another. (See § 3.306.)

(f) *Power installation*[1]—(1) *Brake horsepower.* Brake horsepower is the power delivered at the propeller shaft of the engine.

(2) *Take-off power.* Take-off power is the brake horsepower developed under standard sea level conditions, under the maximum conditions of crankshaft rotational speed and engine manifold pressure approved for use in the normal take-off, and limited in use to a maximum continuous period as indicated in the approved engine specifications.

(3) *Maximum continuous power.* Maximum continuous power is the brake horsepower developed in standard atmosphere at a specified altitude under the maximum conditions of crankshaft rotational speed and engine manifold pressure approved for use during periods of unrestricted duration.

(4) *Manifold pressure.* Manifold pressure is the absolute pressure measured at the appropriate point in the induction system, usually in inches of mercury.

(5) *Critical altitude.* The critical altitude is the maximum altitude at which in standard atmosphere it is possible to maintain, at a specified rotational speed, a specified power or a specified manifold pressure. Unless otherwise stated, the critical altitude is the maximum altitude at which it is possible to maintain, at the maximum continuous rotational speed, one of the following:

(i) The maximum continuous power, in the case of engines for which this power rating is the same at sea level and at the rated altitude.

(ii) The maximum continuous rated manifold pressure, in the case of engines the maximum continuous power of which is governed by a constant manifold pressure.

(6) *Pitch setting.* Pitch setting is the propeller blade setting determined by the blade angle measured in a manner, and at a radius, specified in the instruction manual for the propeller.

(7) *Feathered pitch.* Feathered pitch is the pitch setting, which in flight, with the engines stopped, gives approximately the minimum drag and corresponds with a windmilling torque of approximately zero.

(8) *Reverse pitch.* Reverse pitch is the propeller pitch setting for any blade angle used beyond zero pitch (e. g., the negative angle used for reverse thrust).

(g) *Fire protection* — (1) *Fireproof.* Fireproof material means material which will withstand heat at least as well as steel in dimensions appropriate for the purpose for which it is to be used. When applied to material and parts used to confine fires in designated fire zones, fireproof means that the material or part will perform this function under the most severe conditions of fire and duration likely to occur in such zones.

(2) *Fire-resistant.* When applied to sheet or structural members, fire-resistant material means a material which will withstand heat at least as well as aluminum alloy in dimensions appropriate for the purpose for which it is to be used. When applied to fluid-carrying lines, other flammable fluid system components, wiring, air ducts, fittings, and powerplant controls, this term refers to a line and fitting assembly, component, wiring, or duct, or controls which will perform the intended functions under the heat and other conditions likely to occur at the particular location.

(3) *Flame-resistant.* Flame-resistant material means material which will not support combustion to the point of propagating, beyond safe limits, a flame after the removal of the ignition source.

(4) *Flash-resistant.* Flash-resistant material means material which will not burn violently when ignited.

(5) *Flammable.* Flammable pertains to those fluids or gases which will ignite readily or explode.

[1] For engine airworthiness requirements see Part 13 of this subchapter. For propeller airworthiness requirements see Part 14 of this subchapter.

CERTIFICATION

§ 3.10 *Eligibility for type certificate.* An airplane shall be eligible for type certification under the provisions of this part if it complies with the airworthiness provisions hereinafter established or if the Administrator finds that the provision or provisions not complied with are compensated for by factors which provide an equivalent level of safety: *Provided,* That the Administrator finds no feature or characteristic of the airplane which renders it unsafe for the category in which it is certificated.

§ 3.11 *Designation of applicable regulations.* The provisions of this section shall apply to all airplane types certificated under this part irrespective of the date of application for type certificate.

(a) Unless otherwise established by the Board, the airplane shall comply with the provisions of this part together with all amendments thereto effective on the date of application for type certificate, except that compliance with later effective amendments may be elected or required pursuant to paragraphs (c), (d), and (e) of this section.

(b) If the interval between the date of application for type certificate and the issuance of the corresponding type certificate exceeds three years, a new application for type certificate shall be required, except that for applications pending on May 1, 1954, such three-year period shall commence on that date. At the option of the applicant, a new application may be filed prior to the expiration of the three-year period. In either instance the applicable regulations shall be those effective on the date of the new application in accordance with paragraph (a) of this section.

(c) During the interval between filing the application and the issuance of a type certificate, the applicant may elect to show compliance with any amendment of this part which becomes effective during that interval, in which case all other amendments found by the Administrator to be directly related shall be complied with.



(d) Except as otherwise provided by the Board, or by the Administrator pursuant to § 1.24 of this subchapter, a change to a type certificate (see § 3.13 (b)) may be accomplished, at the option of the holder of the type certificate, either in accordance with the regulations incorporated by reference in the type certificate pursuant to § 3.13 (c), or in accordance with subsequent amendments to such regulations in effect on the date of application for approval of the change, subject to the following provisions:

(1) When the applicant elects to show compliance with an amendment to the regulations in effect on the date of application for approval of a change, he shall show compliance with all amendments which the Administrator finds are directly related to the particular amendment selected by the applicant.

(2) When the change consists of a new design or a substantially complete redesign of a component, equipment installation, or system installation of the airplane, and the Administrator finds that the regulations incorporated by reference in the type certificate pursuant to § 3.13 (c) do not provide complete standards with respect to such change, he shall require compliance with such provisions of the regulations in effect on the date of application for approval of the change as he finds will provide a level of safety equal to that established by the regulations incorporated by reference at the time of issuance of the type certificate.

NOTE: Examples of new or redesigned components and installations which might require compliance with regulations in effect on the date of application for approval, are: New powerplant installation which is likely to introduce additional fire or operational hazards unless additional protective measures are incorporated; the installation of an auto-pilot or a new electric power system.

(e) If changes listed in subparagraphs (1) through (3) of this paragraph are made, the airplane shall be considered as a new type, in which case a new application for type certificate shall be required and the regulations together with all amendments thereto effective on the date of the new application shall be made applicable in accordance with paragraphs (a), (b), (c), and (d) of this section.

(1) A change in the number of engines;

(2) A change to engines employing different principles of operation or propulsion;

(3) A change in design, configuration, power, or weight which the Administrator finds is so extensive as to require a substantially complete investigation of compliance with the regulations.

§ 3.12 *Recording of applicable regulations.* The Administrator, upon the issuance of a type certificate, shall record the applicable regulations with which compliance was demonstrated. Thereafter, the Administrator shall record the applicable regulations for each change in the type certificate which is accomplished in accordance with regulations other than those recorded at the time of issuance of the type certificate. (See § 3.11.)

§ 3.13 *Type certificate.* (a) An applicant shall be issued a type certificate when he demonstrates the eligibility of the airplane by complying with the requirements of this part in addition to the applicable requirements in Part 1 of this subchapter.

(b) The type certificate shall be deemed to include the type design (see § 3.14 (b)), the operating limitations for the airplane (see § 3.737), and any other conditions or limitations prescribed by the regulations in this subchapter.

(c) The applicable provisions of this part recorded by the Administrator in accordance with § 3.12 shall be considered as incorporated in the type certificate as though set forth in full.

§ 3.14 *Data required.* (a) The applicant for a type certificate shall submit to the Administrator such descriptive data, test reports, and computations as are necessary to demonstrate that the airplane complies with the requirements of this part.

(b) The descriptive data required in paragraph (a) of this section shall be known as the type design and shall consist of such drawings and specifications as are necessary to disclose the configuration of the airplane and all the design features covered in the requirements of this part, such information on dimensions, materials, and processes as is necessary to define the structural strength of the airplane, and such other data as are necessary to permit by comparison the determination of the airworthiness of subsequent airplanes of the same type.

§ 3.15 *Inspections and tests.* Inspections and tests shall include all those found necessary by the Administrator to insure that the airplane complies with the applicable airworthiness requirements and conforms to the following:

(a) All materials and products are in accordance with the specifications in the type design.

(b) All parts of the airplane are constructed in accordance with the drawings in the type design.

(c) All manufacturing processes, construction, and assembling are as specified in the type design.

§ 3.16 *Flight tests.* After proof of compliance with the structural requirements contained in this part, and upon completion of all necessary inspections and testing on the ground, and proof of the conformity of the airplane with the type design, and upon receipt from the applicant of a report of flight tests performed by him, the following shall be conducted:

(a) Such official flight tests as the Administrator finds necessary to determine compliance with the requirements of this part.

(b) After the conclusion of flight tests specified in paragraph (a) of this section, such additional flight tests, on airplanes having a maximum certificated take-off weight of more than 6,000 pounds, as the Administrator finds necessary to ascertain whether there is reasonable assurance that the airplane, its components, and equipment are reliable and function properly. The extent of such additional flight tests shall depend upon the complexity of the airplane, the number and nature of new design features, and the record of previous tests and experience for the particular airplane type, its components, and equipment. If practicable, these flight tests shall be conducted on the same airplane used in the flight tests specified in paragraph (a) of this section.

§ 3.17 *Airworthiness, experimental, and production certificates.* (For requirements with regard to these certificates see Part 1 of this subchapter.)

§ 3.18 *Approval of materials, parts, processes, and appliances.* (a) Materials, parts, processes, and appliances shall be approved upon a basis and in a manner found necessary by the Administrator to implement the pertinent provisions of the regulations in this subchapter. The Administrator may adopt and publish such specifications as he finds necessary to administer this regulation, and shall incorporate therein such portions of the aviation industry, Federal, and military specifications respecting such materials, parts, processes, and appliances as he finds appropriate.

NOTE: The provisions of this paragraph are intended to allow approval of materials, parts, processes, and appliances under the system of Technical Standard Orders, or in conjunction with type certification procedures for an airplane, or by any other form of approval by the Administrator.

(b) Any material, part, process, or appliance shall be deemed to have met the requirements for approval when it meets the pertinent specifications adopted by the Administrator, and the manufacturer so certifies in a manner prescribed by the Administrator.

§ 3.19 *Changes in type design.* (For requirements with regard to changes in type design and the designation of applicable regulations therefor, see § 3.11 (d) and (e), and Part 1 of this subchapter.)

AIRPLANE CATEGORIES

§ 3.20 *Airplane categories.* (a) For the purpose of certification under this part, airplanes are divided upon the basis of their intended operation into the following categories:

(1) *Normal-suffix N.* Airplanes in this category are intended for nonacrobatic, nonscheduled passenger, and nonscheduled cargo operation.

(2) *Utility-suffix U.* Airplanes in this category are intended for normal operations and limited acrobatic maneuvers. These airplanes are not suited for use in snap or inverted maneuvers.

NOTE: The following interpretation of paragraph (a) (2) was issued May 15, 1947, 12 F. R. 3434: The phrase "limited acrobatic maneuvers" as used in § 3.6 (now § 3.20) is interpreted to include steep turns, spins, stalls (except whip stalls), lazy eights, and chandelles.

(3) *Acrobatic-suffix A.* Airplanes in this category will have no specific restrictions as to type of maneuver per-

mitted unless the necessity therefor is disclosed by the required flight tests.

(b) An airplane may be certificated under the requirements of a particular category, or in more than one category, provided that all of the requirements of each such category are met. Sections of this part which apply to only one or more, but not all, categories are identified in this part by the appropriate suffixes added to the section number, as indicated in paragraph (a) of this section. All sections not identified by a suffix are applicable to all categories except as otherwise specified.

### SUBPART B—FLIGHT REQUIREMENTS

#### GENERAL

§ 3.61 *Policy re proof of compliance.* Compliance with the requirements specified in this subpart governing functional characteristics shall be demonstrated by suitable flight or other tests conducted upon an airplane of the type, or by calculations based upon the test data referred to above, provided that the results so obtained are substantially equal in accuracy to the results of direct testing. Compliance with each requirement must be provided at the critical combination of airplane weight and center of gravity position within the range of either for which certification is desired. Such compliance must be demonstrated by systematic investigation of all probable weight and center of gravity combinations or must be reasonably inferable from such as are investigated.

§ 3.62 *Flight test pilot.* The applicant shall provide a person holding an appropriate pilot certificate to make the flight tests, but a designated representative of the Administrator may pilot the airplane insofar as that may be necessary for the determination of compliance with the airworthiness requirements.

§ 3.63 *Noncompliance with test requirements.* Official type tests will be discontinued until corrective measures have been taken by the applicant when either:

(a) The applicant's test pilot is unable or unwilling to conduct any of the required flight tests; or

(b) Items of noncompliance with requirements are found which may render additional test data meaningless or are of such nature as to make further testing unduly hazardous.

§ 3.64 *Emergency egress.* Adequate provisions shall be made for emergency egress and use of parachutes by members of the crew during the flight tests.

§ 3.65 *Report.* The applicant shall submit to the representative of the Administrator a report covering all computations and tests required in connection with calibration of instruments used for test purposes and correction of test results to standard atmospheric conditions. The representative of the Administrator will conduct any flight tests which he finds to be necessary in order to check the calibration and correction report.

#### WEIGHT RANGE AND CENTER OF GRAVITY

§ 3.71 *Weight and balance.* (a) There shall be established, as a part of the type inspection, ranges of weight and center of gravity within which the airplane may be safely operated.

(b) When low fuel adversely affects balance or stability, the airplane shall be so tested as to simulate the condition existing when the amount of usable fuel on board does not exceed 1 gallon for every 12 maximum continuous horsepower of the engine or engines installed.

§ 3.72 *Use of ballast.* Removable ballast may be used to enable airplanes to comply with the flight requirements in accordance with the following provisions:

(a) The place or places for carrying ballast shall be properly designed, installed, and plainly marked as specified in § 3.766.

(b) The Airplane Flight Manual shall include instructions regarding the proper disposition of the removable ballast under all loading conditions for which such ballast is necessary, as specified in §§ 3.766 and 3.777.

§ 3.73 *Empty weight.* The empty weight and corresponding center of gravity location shall include all fixed ballast, the unusable fuel supply (see § 3.437), undrainable oil, full engine coolant, and hydraulic fluid. The weight and location of items of equipment installed when the airplane is weighed shall be noted in the Airplane Flight Manual.

§ 3.74 *Maximum weight.* (a) The maximum weight shall not exceed any of the following:

(1) The weight selected by the applicant.

(2) The design weight for which the structure has been proven, except as provided in § 3.242 for multiengine airplanes.

(3) The maximum weight at which compliance with all of the applicable flight requirements has been demonstrated.

(b) The maximum weight shall not be less than the weights under the loading conditions prescribed in subparagraphs (1) and (2) of this paragraph assuming that the weight of the occupant in each of the seats is 170 pounds for the normal category and 190 pounds for the utility and acrobatic categories, unless placarded otherwise.

(1) All seats occupied, oil to full tank capacity, and at least a fuel supply for one-half hour operation at rated maximum continuous power.

(2) Fuel and oil to full tank capacities, and minimum crew.

§ 3.75 *Minimum weight.* The minimum weight shall not exceed the sum of the weights of the following:

(a) The empty weight as defined by § 3.73.

(b) The minimum crew necessary to operate the airplane (170 pounds for each crew member).

(c) One gallon of usable fuel (see § 3.437) for every 12 maximum continuous horsepower for which the airplane is certificated.

(d) Either 1 gallon of oil for each 25 gallons of fuel specified in (c) or 1 gallon of oil for each 75 maximum continuous horsepower for which the airplane is certificated, whichever is greater.

§ 3.76 *Center of gravity position.* If the center of gravity position under any possible loading condition between the maximum weight as specified in § 3.74 and the minimum weight as specified in § 3.75 lies beyond (a) the extremes selected by the applicant, or (b) the extremes for which the structure has been proven, or (c) the extremes for which compliance with all functional requirements were demonstrated, loading instructions shall be provided in the Airplane Flight Manual as specified in § 3.777–3.780.

#### PERFORMANCE REQUIREMENTS

#### GENERAL

§ 3.80 *Alternate performance requirements.* The provisions of §§ 3.84, 3.85, 3.86, and 3.112 (a) (2) (ii) shall not be applicable to airplanes having a maximum certificated take-off weight of 6,000 pounds or less. In lieu thereof, such airplanes shall comply with the provisions of §§ 3.84a, 3.85a, 3.87, and 3.112 (c).

§ 3.81 *Performance.* The following items of performance shall be determined and the airplane shall comply with the corresponding requirements in standard atmosphere and still air.

§ 3.82 *Definition of stalling speeds.* (a) $V_{s_0}$ denotes the true indicated stalling speed, if obtainable, or the minimum steady flight speed at which the airplane is controllable, in miles per hour, with:

(1) Engines idling, throttles closed (or not more than sufficient power for zero thrust),

(2) Propellers in position normally used for take-off,

(3) Landing gear extended,

(4) Wing flaps in the landing position,

(5) Cowl flaps closed,

(6) Center of gravity in the most unfavorable position within the allowable landing range,

(7) The weight of the airplane equal to the weight in connection with which $V_{s_0}$ is being used as a factor to determine a required performance.

(b) $V_{s_1}$ denotes the true indicated stalling speed, if obtainable, otherwise the calculated value in miles per hour, with:

(1) Engines idling, throttles closed (or not more than sufficient power for zero thrust),

(2) Propellers in position normally used for take-off, the airplane in all other respects (flaps, landing gear, etc.) in the particular condition existing in the particular test in connection with which $V_{s_1}$ is being used.

(3) The weight of the airplane equal to the weight in connection with which $V_{s_1}$ is being used as a factor to determine a required performance.

(c) These speeds shall be determined by flight tests using the procedure outlined in § 3.120.

§ 3.83 *Stalling speed.* $V_{s_0}$ at maximum weight shall not exceed 70 miles per hour for (1) single-engine airplanes and (2) multiengine airplanes which do not have the rate of climb with critical engine inoperative specified in § 3.85 (b).



#### TAKE-OFF

§ 3.84 *Take-off.* (a) The distance required to take off and climb over a 50-foot obstacle shall be determined under the following conditions:

(1) Most unfavorable combination of weight and center of gravity location,

(2) Engines operating within the approved limitations,

(3) Cowl flaps in the position normally used for take-off.

(b) Upon obtaining a height of 50 feet above the level take-off surface, the airplane shall have attained a speed of not less than 1.3 $V_{s_1}$ unless a lower speed of not less than $V_2$ plus 5 can be shown to be safe under all conditions, including turbulence and complete engine failure.

(c) The distance so obtained, the type of surface from which made, and the pertinent information with respect to the cowl flap position, the use of flight-path control devices and landing gear retraction system shall be entered in the Airplane Flight Manual. The take-off shall be made in such a manner that its reproduction shall not require an exceptional degree of skill on the part of the pilot or exceptionally favorable conditions.

§ 3.84a *Take-off requirements; airplanes of 6,000 lbs. or less.* Airplanes having a maximum certificated take-off weight of 6,000 lbs. or less shall comply with the provisions of this section.

(a) The elevator control for tail wheel type airplanes shall be sufficient to maintain at a speed equal to 0.8 $V_{s_1}$ an airplane attitude which will permit holding the airplane on the runway until a safe take-off speed is attained.

(b) The elevator control for nose wheel type airplanes shall be sufficient to raise the nose wheel clear of the take-off surface at a speed equal to 0.85 $V_{s_1}$.

(c) The characteristics prescribed in paragraphs (a) and (b) of this section shall be demonstrated with:

(1) Take-off power,

(2) Most unfavorable weight,

(3) Most unfavorable c. g. position.

(d) It shall be demonstrated that the airplane will take off safely without requiring an exceptional degree of piloting skill.

#### CLIMB

§ 3.85 *Climb*—(a) *Normal climb condition.* The steady rate of climb at sea level shall be at least 300 feet per minute, and the steady angle of climb at least 1:12 for landplanes or 1:15 for seaplanes with:

(1) Not more than maximum continuous power on all engines,

(2) Landing gear fully retracted,

(3) Wing flaps in take-off position,

(4) Cowl flaps in the position used in cooling tests specified in §§ 3.581–3.596.

(b) *Climb with inoperative engine.* All multiengine airplanes having a stalling speed $V_{s_0}$ greater than 70 miles per hour or a maximum weight greater than 6,000 pounds shall have a steady rate of climb of at least 0.02 $V_{s_0}^2$ in feet per minute at an altitude of 5,000 feet with the critical engine inoperative and:

(1) The remaining engines operating at not more than maximum continuous power,

(2) The inoperative propeller in the minimum drag position,

(3) Landing gear retracted,

(4) Wing flaps in the most favorable position,

(5) Cowl flaps in the position used in cooling tests specified in §§ 3.581–3.596.

(c) *Balked landing conditions.* The steady angle of climb at sea level shall be at least 1:30 with:

(1) Take-off power on all engines,

(2) Landing gear extended,

(3) Wing flaps in landing position.

If rapid retraction is possible with safety without loss of altitude and without requiring sudden changes of angle of attack or exceptional skill on the part of the pilot, wing flaps may be retracted.

§ 3.85a *Climb requirements; airplanes of 6,000 lbs. or less.* Airplanes having a maximum certificated take-off weight of 6,000 lbs. or less shall comply with the requirements of this section.

(a) *Climb; take-off climb condition.* The steady rate of climb at sea level shall not be less than 10 $V_{s_1}$ or 300 feet per minute, whichever is the greater, with:

(1) Take-off power,

(2) Landing gear extended,

(3) Wing flaps in take-off position,

(4) Cowl flaps in the position used in cooling tests specified in §§ 3.581 through 3.596.

(b) *Climb with inoperative engine.* All multiengine airplanes having a stalling speed $V_{s_0}$ greater than 70 miles per hour shall have a steady rate of climb of at least 0.02 $V_{s_0}^2$ in feet per minute at an altitude of 5,000 feet with the critical engine inoperative and:

(1) The remaining engines operating at not more than maximum continuous power,

(2) The inoperative propeller in the minimum drag position,

(3) Landing gear retracted,

(4) Wing flaps in the most favorable position,

(5) Cowl flaps in the position used in cooling tests specified in §§ 3.581–3.596.

(c) *Climb; balked landing conditions.* The steady rate of climb at sea level shall not be less than 5 $V_{s_0}$ or 200 feet per minute, whichever is the greater, with:

(1) Take-off power,

(2) Landing gear extended,

(3) Wing flaps in the landing position.

If rapid retraction is possible with safety, without loss of altitude and without requiring sudden changes of angle of attack or exceptional skill on the part of the pilot, wing flaps may be retracted.

#### LANDING

§ 3.86 *Landing.* (a) The horizontal distance required to land and to come to a complete stop (to a speed of approximately 3 miles per hour for seaplanes or float planes) from a point at a height of 50 feet above the landing surface shall be determined as follows:

(1) Immediately prior to reaching the 50-foot altitude, a steady gliding approach shall have been maintained, with a true indicated air speed of at least 1.3 $V_{s_0}$.

(2) The landing shall be made in such a manner that there is no excessive vertical acceleration, no tendency to bounce, nose over, ground loop, porpoise, or water loop, and in such a manner that its reproduction shall not require any exceptional degree of skill on the part of the pilot or exceptionally favorable conditions.

(b) The distance so obtained, the type of landing surface on which made and the pertinent information with respect to cowl flap position, and the use of flight path control devices shall be entered in the Airplane Flight Manual.

§ 3.87 *Landing requirements; airplanes of 6,000 lbs. or less.* For an airplane having a maximum certificated take-off weight of 6,000 lbs. or less it shall be demonstrated that the airplane can be safely landed and brought to a stop without requiring an exceptional degree of piloting skill, and without excessive vertical acceleration, tendency to bounce, nose over, ground loop, porpoise, or water loop.

#### FLIGHT CHARACTERISTICS

§ 3.105 *Requirements.* The airplane shall meet the requirements set forth in §§ 3.106 to 3.124 at all normally expected operating altitudes under all critical loading conditions within the range of center of gravity and, except as otherwise specified, at the maximum weight for which certification is sought.

#### CONTROLLABILITY

§ 3.106 *General.* The airplane shall be satisfactorily controllable and maneuverable during take-off, climb, level flight, dive, and landing with or without power. It shall be possible to make a smooth transition from one flight condition to another, including turns and slips, without requiring an exceptional degree of skill, alertness, or strength on the part of the pilot, and without danger of exceeding the limit load factor under all conditions of operation probable for the type, including for multiengine airplanes those conditions normally encountered in the event of sudden failure of any engine. Compliance with "strength of pilots" limits need not be demonstrated by quantitative tests unless the Administrator finds the condition to be marginal. In the latter case they shall not exceed maximum values found by the Administrator to be appropriate for the type but in no case shall they exceed the following limits:

| | Pitch | Roll | Yaw |
|---|---|---|---|
| (a) For temporary application: | | | |
| Stick | 60 | 30 | 150 |
| Wheel [1] | 75 | 60 | 150 |
| (b) For prolonged application | 10 | 5 | 20 |

[1] Applied to rim.

§ 3.107–U *Approved acrobatic maneuvers.* It shall be demonstrated that the approved acrobatic maneuvers can be performed safely. Safe entry speeds shall be determined for these maneuvers.

§ 3.108–A *Acrobatic maneuvers.* It shall be demonstrated that acrobatic maneuvers can be performed readily and

safely. Safe entry speeds shall be determined for these maneuvers.

§ 3.109 *Longitudinal control.* The airplane shall be demonstrated to comply with the following requirements:

(a) It shall be possible at all speeds below $V_x$ to pitch the nose downward so that the rate of increase in air speed is satisfactory for prompt acceleration to $V_x$ with:

(1) Maximum continuous power on all engines, the airplane trimmed at $V_x$.

(2) Power off, airplanes of more than 6,000 pounds maximum weight trimmed at 1.4 $V_{s_1}$, and airplanes of 6,000 pounds or less maximum weight trimmed at 1.5 $V_{s_1}$.

(3) (i) Wing flaps and landing gear extended and

(ii) Wing flaps and landing gear retracted.

(b) During each of the controllability demonstrations outlined below it shall not require a change in the trim control or the exertion of more control force than can be readily applied with one hand for a short period. Each maneuver shall be performed with the landing gear extended.

(1) With power off, flaps retracted, and the airplane trimmed as prescribed in paragraph (a) (2) of this section, the flaps shall be extended as rapidly as possible while maintaining the air speed at approximately 40 percent above the instantaneous value of the stalling speed.

(2) Same as subparagraph (1) of this paragraph, except the flaps shall be initially extended and the airplane trimmed as prescribed in paragraph (a) (2) of this section, then the flaps shall be retracted as rapidly as possible.

(3) Same as subparagraph (2) of this paragraph, except maximum continuous power shall be used.

(4) With power off, the flaps retracted, and the airplane trimmed as prescribed in paragraph (a) (2) of this section, take-off power shall be applied quickly while the same air speed is maintained.

(5) Same as subparagraph (4) of this paragraph, except with the flaps extended.

(6) With power off, flaps extended, and the airplane trimmed as prescribed in paragraph (a) (2) of this section, air speeds within the range of 1.1 $V_{s_1}$ to 1.7 $V_{s_1}$ or $V_f$, whichever is the lesser, shall be obtained and maintained.

(c) It shall be possible without the use of exceptional piloting skill to maintain essentially level flight when flap retraction from any position is initiated during steady horizontal flight at 1.1 $V_{s_1}$ with simultaneous application of not more than maximum continuous power.

§ 3.110 *Lateral and directional control.* (a) It shall be possible with multiengine airplanes to execute 15-degree banked turns both with and against the inoperative engine from steady climb at 1.4 $V_{s_1}$ or $V_y$ for the condition with:

(1) Maximum continuous power on the operating engines,

(2) Rearmost center of gravity,

(3) (i) Landing gear retracted and

(ii) Landing gear extended.

(4) Wing flaps in most favorable climb position,

(5) Maximum weight,

(6) The inoperative propeller in its minimum drag condition.

(b) It shall be possible with multiengine airplanes, while holding the wings level laterally within 5 degrees, to execute sudden changes in heading in both directions without dangerous characteristics being encountered. This shall be demonstrated at 1.4 $V_{s_1}$ or $V_y$ up to heading changes of 15 degrees, except that the heading change at which the rudder force corresponds to that specified in § 3.106 need not be exceeded, with:

(1) The critical engine inoperative,

(2) Maximum continuous power on the operating engine(s),

(3) (i) Landing gear retracted and

(ii) Landing gear extended,

(4) Wing flaps in the most favorable climb position,

(5) The inoperative propeller in its minimum drag condition,

(6) The airplane center of gravity at its rearmost position.

§ 3.111 *Minimum control speed* ($V_{mc}$). (a) A minimum speed shall be determined under the conditions specified below, such that when any one engine is suddenly made inoperative at that speed, it shall be possible to recover control of the airplane, with the one engine still inoperative, and to maintain it in straight flight at that speed, either with zero yaw or, at the option of the applicant, with a bank not in excess of 5 degrees. Such speed shall not exceed 1.3 $V_{s_1}$, with:

(1) Take-off or maximum available power on all engines,

(2) Rearmost center of gravity,

(3) Flaps in take-off position,

(4) Landing gear retracted.

(b) In demonstrating this minimum speed, the rudder force required to maintain it shall not exceed forces specified in § 3.106, nor shall it be necessary to throttle the remaining engines. During recovery the airplane shall not assume any dangerous attitude, nor shall it require exceptional skill, strength, or alertness on the part of the pilot to prevent a change of heading in excess of 20 degrees before recovery is complete.

TRIM

§ 3.112 *Requirements.* (a) The means used for trimming the airplane shall be such that, after being trimmed and without further pressure upon or movement of either the primary control or its corresponding trim control by the pilot or the automatic pilot, the airplane will maintain:

(1) Lateral and directional trim in level flight at a speed of 0.9 $V_h$ or at $V_c$, if lower, with the landing gear and wing flaps retracted;

(2) Longitudinal trim under the following conditions:

(i) During a climb with maximum continuous power at a speed between $V_z$ and 1.4 $V_{s_1}$,

(a) With landing gear retracted and wing flaps retracted,

(b) With landing gear retracted and wing flaps in the take-off position,

(ii) During a glide with power off at a speed not in excess of 1.4 $V_{s_1}$,

(a) With landing gear extended and wing flaps retracted,

(b) With landing gear extended and wing flaps extended under the forward center of gravity position approved with the maximum authorized weight,

(c) With landing gear extended and wing flaps extended under the most forward center of gravity position approved, regardless of weight.

(iii) During level flight at any speed from 0.9 $V_h$ to $V_z$ or 1.4 $V_{s_1}$ with landing gear and wing flaps retracted.

(b) In addition to the above, multiengine airplanes shall maintain longitudinal and directional trim at a speed between $V_y$ and 1.4 $V_{s_1}$ during climbing flight with the critical of two or more engines inoperative, with:

(1) The other engine(s) operating at maximum continuous power,

(2) The landing gear retracted,

(3) Wing flaps retracted,

(4) Bank not in excess of 5 degrees.

(c) For aircraft having a maximum certificated take-off weight of 6,000 lbs. or less, the value specified in paragraph (a) (2) (ii) of this section shall be 1.5 $V_{s_1}$ or, if the stalling speed $V_{s_1}$ is not obtainable in the particular configuration, 1.5 times the minimum steady flight speed at which the airplane is controllable.

STABILITY

§ 3.113 *General.* The airplane shall be longitudinally, directionally, and laterally stable in accordance with the following sections. Suitable stability and control "feel" (static stability) shall be required in other conditions normally encountered in service, if flight tests show such stability to be necessary for safe operation.

§ 3.114 *Static longitudinal stability.* In the configurations outlined in § 3.115 and with the airplane trimmed as indicated, the characteristics of the elevator control forces and the friction within the control system shall be such that:

(a) A pull shall be required to obtain and maintain speeds below the specified trim speed and a push to obtain and maintain speeds above the specified trim speed. This shall be so at any speed which can be obtained without excessive control force, except that such speeds need not be greater than the appropriate maximum permissible speed or less than the minimum speed in steady unstalled flight.

(b) The air speed shall return to within 10 percent of the original trim speed when the control force is slowly released from any speed within the limits defined in paragraph (a) of this section.

§ 3.115 *Specific conditions.* In conditions set forth in this section, within the speeds specified, the stable slope of stick force versus speed curve shall be such that any substantial change in speed is clearly perceptible to the pilot through a resulting change in stick force.

(a) *Landing.* The stick force curve shall have a stable slope and the stick force shall not exceed 40 lbs. at any speed between 1.1 $V_{s_1}$ and 1.8 $V_{s_1}$ with:

(1) Wing flaps in the landing position,

(2) The landing gear extended,

(3) Maximum weight,

(4) Throttles closed on all engines,

(5) Airplanes of more than 6,000 pounds maximum weight trimmed at 1.4 $V_{s_1}$, and airplanes of 6,000 pounds or less maximum weight trimmed at 1.5 $V_{s_1}$.

(b) *Climb.* The stick force curve shall have a stable slope at all speeds between 1.2 $V_{s_1}$ and 1.6 $V_{s_1}$ with:

(1) Wing flaps retracted,

(2) Landing gear retracted,

(3) Maximum weight,

(4) 75 percent of maximum continuous power,

(5) The airplane trimmed at 1.4 $V_{s_1}$.

(c) *Cruising.* (1) Between 1.3 $V_{s_1}$ and the maximum permissible speed, the stick force curve shall have a stable slope at all speeds obtainable with a stick force not in excess of 40 pounds with:

(i) Landing gear retracted,

(ii) Wing flaps retracted,

(iii) Maximum weight,

(iv) 75 percent of maximum continuous power,

(v) The airplane trimmed for level flight with 75 percent of the maximum continuous power.

(2) Same as subparagraph (1) of this paragraph, except that the landing gear shall be extended and the level flight trim speed need not be exceeded.

§ 3.116 *Instrumented stick force measurements.* Instrumented stick force measurements need not be made when changes in speed are clearly reflected by changes in stick forces and the maximum forces obtained in the above conditions are not excessive.

§ 3.117 *Dynamic longitudinal stability.* Any short period oscillation occurring between stalling speed and maximum permissible speed shall be heavily damped with the primary controls (1) free, and (2) in a fixed position.

§ 3.118 *Directional and lateral stability*—(a) *Three-control airplanes.* (1) The static directional stability, as shown by the tendency to recover from a skid with rudder free, shall be positive for all flap positions and symmetrical power conditions, and for all speeds from 1.2 $V_{s_1}$ up to the maximum permissible speed.

(2) The static lateral stability as shown by the tendency to raise the low wing in a sideslip, for all flap positions and symmetrical power conditions, shall:

(i) Be positive at the maximum permissible speed.

(ii) Not be negative at a speed equal to 1.2 $V_{s_1}$.

(3) In straight steady sideslips (unaccelerated forward slips), the aileron and rudder control movements and forces shall increase steadily, but not necessarily in constant proportion, as the angle of sideslip is increased; the rate of increase of the movements and forces shall lie between satisfactory limits up to sideslip angles considered appropriate to the operation of the type. At greater angles, up to that at which the full rudder control is employed or a rudder pedal force of 150 pounds is obtained, the rudder pedal forces shall not reverse and increased rudder deflection shall produce increased angles of sideslip. Sufficient bank shall accompany sideslipping to indicate adequately any departure from steady unyawed flight.

(4) Any short-period oscillation occurring between stalling speed and maximum permissible speed shall be heavily damped with the primary controls (i) free and (ii) in a fixed position.

(b) *Two-control (or simplified) airplanes.* (1) The directional stability shall be shown to be adequate by demonstrating that the airplane in all configurations can be rapidly rolled from a 45-degree bank to a 45-degree bank in the opposite direction without exhibiting dangerous skidding characteristics.

(2) Lateral stability shall be shown to be adequate by demonstrating that the airplane will not assume a dangerous attitude or speed when all the controls are abandoned for a period of 2 minutes. This demonstration shall be made in moderately smooth air with the airplane trimmed for straight level flight at 0.9 $V_h$ (or at $V_c$, if lower), flaps and gear retracted, and with rearward center of gravity loading.

(3) Any short period oscillation occurring between the stalling speed and the maximum permissible speed shall be heavily damped with the primary controls (i) free and (ii) in a fixed position.

STALLS

§ 3.120 *Stalling demonstration.* (a) Stalls shall be demonstrated under two conditions:

(1) With power off, and

(2) With a power setting of not less than that required to show compliance with the provisions of § 3.85 (a) for airplanes of more than 6,000 pounds maximum weight, or with 90 percent of maximum continuous power for airplanes of 6,000 pounds or less maximum weight.

(b) In either condition required by paragraph (a) of this section it shall be possible, with flaps and landing gear in any position, with center of gravity in the position least favorable for recovery, and with appropriate airplane weights, to show compliance with the applicable requirements of paragraphs (c) through (f) of this section.

(c) For airplanes having independently controlled rolling and directional controls, it shall be possible to produce and to correct roll by unreversed use of the rolling control and to produce and correct yaw by unreversed use of the directional control up until the time the airplane pitches in the maneuver prescribed in paragraph (g) of this section.

(d) For two-control airplanes having either interconnected lateral and directional controls or for airplanes having only one of these controls, it shall be possible to produce and to correct roll by unreversed use of the rolling control without producing excessive yaw up until the time the airplane pitches in the maneuver prescribed in paragraph (g) of this section.

(e) During the recovery portion of the maneuver, it shall be possible to prevent more than 15 degrees roll or yaw by the normal use of controls, and any loss of altitude in excess of 100 feet or any pitch in excess of 30 degrees below level shall be entered in the Airplane Flight Manual.

(f) A clear and distinctive stall warning shall precede the stalling of the airplane, with the flaps and landing gear in any position, both in straight and turning flight. The stall warning shall begin at a speed exceeding that of stalling by not less than 5 but not more than 10 miles per hour and shall continue until the stall occurs.

(g) In demonstrating the qualities required by paragraphs (c) through (f) of this section, the procedure set forth in subparagraphs (1) and (2) of this paragraph shall be followed.

(1) With trim controls adjusted for straight flight at a speed of approximately 1.4 $V_{s_1}$ for airplanes of more than 6,000 pounds maximum weight, or approximately 1.5 $V_{s_1}$ for airplanes of 6,000 pounds or less maximum weight, the speed shall be reduced by means of the elevator control until the speed is slightly above the stalling speed; then

(2) The elevator control shall be pulled back at a rate such that the airplane speed reduction does not exceed 1 mile per hour per second until a stall is produced as evidenced by an uncontrollable downward pitching motion of the airplane, or until the control reaches the stop. Normal use of the elevator control for recovery shall be allowed after such pitching motion has unmistakably developed.

§ 3.121 *Climbing stalls.* When stalled from an excessive climb attitude it shall be possible to recover from this maneuver without exceeding the limiting air speed or the allowable acceleration limit.

§ 3.122 *Turning flight stalls.* When stalled during a coordinated 30-degree banked turn with 75 percent maximum continuous power on all engines, flaps and landing gear retracted, it shall be possible to recover to normal level flight without encountering excessive loss of altitude, uncontrollable rolling characteristics, or uncontrollable spinning tendencies. These qualities shall be demonstrated by performing the following maneuver: After a steady curvilinear level coordinated flight condition in a 30-degree bank is established and while maintaining the 30-degree bank, the airplane shall be stalled by steadily and progressively tightening the turn with the elevator control until the airplane is stalled or until the elevator has reached its stop. When the stall has fully developed, recovery to level flight shall be made with normal use of the controls.

§ 3.123 *One-engine-inoperative stalls.* Multiengine airplanes shall not display any undue spinning tendency and shall be safely recoverable without applying power to the inoperative engine when stalled with:

(a) The critical engine inoperative,

(b) Flaps and landing gear retracted,

(c) The remaining engines operating at up to 75 percent of maximum continuous power, except that the power need not be greater than that at which the use of maximum control travel just

holds the wings laterally level in approaching the stall. The operating engines may be throttled back during the recovery from the stall.

SPINNING

§ 3.124 *Spinning*—(a) *Category N.* All airplanes of 4,000 lbs. or less maximum weight shall recover from a one-turn spin with the controls applied normally for recovery in not more than one additional turn and without exceeding either the limiting air speed or the limit positive maneuvering load factor for the airplane. In addition, there shall be no excessive back pressure either during the spin or in the recovery. It shall not be possible to obtain uncontrollable spins by means of any possible use of the controls. Compliance with these requirements shall be demonstrated at any permissible combination of weight and center of gravity positions obtainable with all or any part of the designed useful load. All airplanes in category N, regardless of weight, shall be placarded against spins or demonstrated to be "characteristically incapable of spinning" in which case they shall be so designated. (See paragraph (d) of this section.)

(b) *Category U.* Airplanes in this category shall comply with either the entire requirements of paragraph (a) of this section or the entire requirements of paragraph (c) of this section.

(c) *Category A.* All airplanes in this category shall be capable of spinning and shall comply with the following:

(1) At any permissible combination of weight and center of gravity position obtainable with all or part of the design useful load, the airplane shall recover from a six-turn spin, or from any point in a six-turn spin, in not more than 1½ additional turns after the application of the controls in the manner normally used for recovery.

(2) It shall be possible to recover from the maneuver prescribed in subparagraph (1) of this paragraph without exceeding either the limiting air speed or the limit positive maneuvering load factor of the airplane.

(3) It shall not be possible to obtain uncontrollable spins by means of any possible use of the controls.

(4) A placard shall be placed in the cockpit of the airplane setting forth the use of the controls required for recovery from spinning maneuvers.

(d) *Category NU.* When it is desired to designate an airplane as a type "characteristically incapable of spinning," the flight tests to demonstrate this characteristic shall also be conducted with:

(1) A maximum weight 5 percent in excess of the weight for which approval is desired,

(2) A center of gravity at least 3 percent aft of the rearmost position for which approval is desired,

(3) An available up-elevator travel 4 degrees in excess of that to which the elevator travel is to be limited by appropriate stops.

(4) An available rudder travel 7 degrees, in both directions, in excess of that to which the rudder travel is to be limited by appropriate stops.

GROUND AND WATER CHARACTERISTICS

§ 3.143 *Requirements.* All airplanes shall comply with the requirements of §§ 3.144 to 3.147.

§ 3.144 *Longitudinal stability and control.* There shall be no uncontrollable tendency for landplanes to nose over in any operating condition reasonably expected for the type, or when rebound occurs during landing or take-off. Wheel brakes shall operate smoothly and shall exhibit no undue tendency to induce nosing over. Seaplanes shall exhibit no dangerous or uncontrollable porpoising at any speed at which the airplane is normally operated on the water.

§ 3.145 *Directional stability and control.* (a) There shall be no uncontrollable looping tendency in 90-degree cross winds up to a velocity equal to 0.2 $V_{s_0}$ at any speed at which the aircraft may be expected to be operated upon the ground or water.

(b) All landplanes shall be demonstrated to be satisfactorily controllable with no exceptional degree of skill or alertness on the part of the pilot in power-off landings at normal landing speed and during which brakes or engine power are not used to maintain a straight path.

(c) Means shall be provided for adequate directional control during taxying.

§ 3.146 *Shock absorption.* The shock-absorbing mechanism shall not produce damage to the structure when the airplane is taxied on the roughest ground which it is reasonable to expect the airplane to encounter in normal operation.

§ 3.147 *Spray characteristics.* For seaplanes, spray during taxying, take-off, and landing shall at no time dangerously obscure the vision of the pilots nor produce damage to the propeller or other parts of the airplane.

FLUTTER AND VIBRATION

§ 3.159 *Flutter and vibration.* All parts of the airplane shall be demonstrated to be free from flutter and excessive vibration under all speed and power conditions appropriate to the operation of the airplane up to at least the minimum value permitted for $V_d$ in § 3.184. There shall also be no buffeting condition in any normal flight condition severe enough to interfere with the satisfactory control of the airplane or to cause excessive fatigue to the crew or result in structural damage. However, buffeting as stall warning is considered desirable and discouragement of this type of buffeting is not intended.

SUBPART C—STRENGTH REQUIREMENTS

GENERAL

§ 3.171 *Loads.* (a) Strength requirements are specified in terms of limit and ultimate loads. Limit loads are the maximum loads anticipated in service. Ultimate loads are equal to the limit loads multiplied by the factor of safety. Unless otherwise described, loads specified are limit loads.

(b) Unless otherwise provided, the specified air, ground, and water loads shall be placed in equilibrium with inertia forces, considering all items of mass in the airplane. All such loads shall be distributed in a manner conservatively approximating or closely representing actual conditions. If deflections under load would change significantly the distribution of external or internal loads, such redistribution shall be taken into account.

(c) Simplified structural design criteria shall be acceptable if the Administrator finds that they result in design loads not less than those prescribed in §§ 3.181 through 3.265.

§ 3.172 *Factor of safety.* The factor of safety shall be 1.5 unless otherwise specified.

§ 3.173 *Strength and deformations.* The structure shall be capable of supporting limit loads without suffering detrimental permanent deformations. At all loads up to limit loads, the deformation shall be such as not to interfere with safe operation of the airplane. The structure shall be capable of supporting ultimate loads without failure for at least 3 seconds, except that when proof of strength is demonstrated by dynamic tests simulating actual conditions of load application, the 3-second limit does not apply.

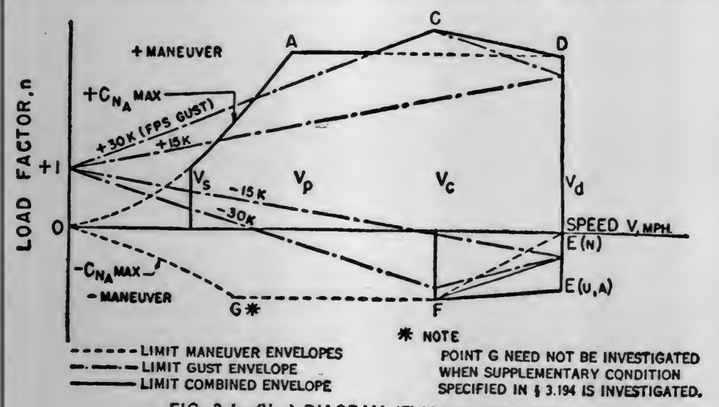



FIG. 3-1—(V-n) DIAGRAM (FLIGHT ENVELOPE)



§ 3.174 *Proof of structure.* Proof of compliance of the structure with the strength and deformation requirements of § 3.173 shall be made for all critical loading conditions. Proof of compliance by means of structural analysis will be accepted only when the structure conforms with types for which experience has shown such methods to be reliable. In all other cases substantiating load tests are required. Dynamic tests including structural flight tests shall be acceptable, provided that it is demonstrated that the design load conditions have been simulated. In all cases certain portions of the structure must be subjected to tests as specified in Subpart D of this part.

FLIGHT LOADS

§ 3.181 *General.* Flight load requirements shall be complied with at critical altitudes within the range in which the airplane may be expected to operate and at all weights between the minimum design weight and the maximum design weight, with any practicable distribution of disposable load within prescribed operating limitations stated in §§ 3.777–3.780.

§ 3.182 *Definition of flight load factor.* The flight load factors specified represent the acceleration component (in terms of the gravitational constant *g*) normal to the assumed longitudinal axis of the airplane, and equal in magnitude and opposite in direction to the airplane inertia load factor at the center of gravity.

SYMMETRICAL FLIGHT CONDITIONS (FLAPS RETRACTED)

§ 3.183 *General.* The strength requirements shall be met at all combinations of air speed and load factor on and within the boundaries of a pertinent *V–n* diagram, constructed similarly to the one shown in Figure 3–1, which represents the envelope of the flight loading conditions specified by the maneuvering and gust criteria of §§ 3.185 and 3.187. This diagram will also be used in determining the airplane structural operating limitations as specified in Subpart G of this part.

§ 3.184 *Design air speeds.* The design air speeds shall be chosen by the designer except that they shall not be less than the following values:

$V_c$ (design cruising speed)
$=38\ \sqrt{W/S}$ (*NU*)
$=42\ \sqrt{W/S}$ (*A*)

except that for values of $W/S$ greater than 20, the above numerical multiplying factors shall be decreased linearly with $W/S$ to a value of 33 at $W/S=100$: *And further provided,* That the required minimum value need be no greater than 0.9 $V_h$ actually obtained at sea level.

$V_d$ (design dive speed)
$=1.40\ V_{c\ \min}$ (N)
$=1.50\ V_{c\ \min}$ (U)
$=1.55\ V_{c\ \min}$ (A)

except that for values of $W/S$ greater than 20, the above numerical multiplying factors shall be decreased linearly with $W/S$ to a value of 1.35 at $W/S=100$. ($V_{c\ \min}$ is the required minimum value of design cruising speed specified above.)

$V_p$ (design manuevering speed)
$=V_s\ \sqrt{n}$ where:
$V_s$=a computed stalling speed with flaps fully retracted at the design weight, normally based on the maximum airplane normal force coefficient, $C_{N_A}$.
$n$=limit maneuvering load factor used in design,

except that the value of $V_p$ need not exceed the value of $V_c$ used in design.

§ 3.185 *Maneuvering envelope.* The airplane shall be assumed to be subjected to symmetrical maneuvers resulting in the following limit load factors, except where limited by maximum (static) lift coefficients:

(a) The positive maneuvering load factor specified in § 3.186 at all speeds up to $V_d$,

(b) The negative maneuvering load factor specified in § 3.186 at speed $V_c$; and factors varying linearly with speed from the specified value at $V_c$ to 0.0 at $V_d$ for the N category and −1.0 at $V_d$ for the A and U categories.

§ 3.186 *Maneuvering load factors.* (a) The positive limit maneuvering load factors shall not be less than the following values:

$n=2.1+\frac{24{,}000}{W+10{,}000}$ ---------- Category N

except that $n$ need not be greater than 3.8 and shall not be less than 2.5.

$n=4.4$ ---------- Category U
$n=6.0$ ---------- Category A

(b) The negative limit maneuvering load factors shall not be less than −0.4 times the positive load factor for the N and U categories, and shall not be less than −0.5 times the positive load factor for the A category.

(c) Lower values of maneuvering load factor may be employed only if it be proven that the airplane embodies features of design which make it impossible to exceed such values in flight. (See also § 3.106.)

§ 3.187 *Gust envelope.* The airplane shall be assumed to encounter symmetrical vertical gusts as specified below while in level flight and the resulting loads shall be considered limit loads:

(a) Positive (up) and negative (down) gusts of 30 feet per second nominal intensity at all speeds up to $V_c$,

(b) Positive and negative 15 feet per second gusts at $V_d$. Gust load factors shall be assumed to vary linearly between $V_c$ and $V_d$.

§ 3.188 *Gust load factors.* In applying the gust requirements, the gust load factors shall be computed by the following formula:

$$n=1+\frac{KUVm}{575\ (W/S)}$$

where: $K=\frac{1}{2}(W/S)^{1/4}$ (for $W/S<16$ p. s. f.)

$=1.33-\frac{2.67}{(W/S)^{2/4}}$ (for $W/S>16$ p. s. f.)

$U$=nominal gust velocity, f. p. s. (Note that the "effective sharp-edged gust" equals $KU$.)

$V$=airplane speed, m. p. h.
m=slope of lift curve, $C_L$ per radian, corrected for aspect ratio.
$W/S$=wing loading, p. s. f.

§ 3.189 *Airplane equilibrium.* In determining the wing loads and linear inertia loads corresponding to any of the above specified flight conditions, the appropriate balancing horizontal tail load (see § 3.215) shall be taken into account in a rational or conservative manner.

Incremental horizontal tail loads due to maneuvering and gusts (see §§ 3.216 and 3.217) shall be reacted by angular inertia of the complete airplane in a rational or conservative manner.

FLAPS EXTENDED FLIGHT CONDITIONS

§ 3.190 *Flaps extended flight conditions.* (a) When flaps or similar high lift devices intended for use at the relatively low air speeds of approach, landing, and take-off are installed, the airplane shall be assumed to be subjected to symmetrical maneuvers and gusts with the flaps fully deflected at the design flap speed $V_f$ resulting in limit load factors within the range determined by the following conditions:

(1) Maneuvering, to a positive limit load factor of 2.0.

(2) Positive and negative 15-feet-per-second gusts acting normal to the flight path in level flight. The gust load factors shall be computed by the formula of § 3.188.

$V_f$ shall be assumed not less than 1.4 $V_s$ or 1.8 $V_{sf}$, whichever is greater, where:

$V_s$=the computed stalling speed with flaps fully retracted at the design weight
$V_{sf}$=the computed stalling speed with flaps fully extended at the design weight

except that when an automatic flap load limiting device is employed, the airplane may be designed for critical combinations of air speed and flap position permitted by the device. (See also § 3.338.)

(b) In designing the flaps and supporting structure, slipstream effects shall be taken into account as specified in § 3.223.

NOTE: In determining the external loads on the airplane as a whole, the thrust, slipstream, and pitching acceleration may be assumed equal to zero.

UNSYMMETRICAL FLIGHT CONDITIONS

§ 3.191 *Unsymmetrical flight conditions.* The airplane shall be assumed to be subjected to rolling and yawing maneuvers as described in the following conditions. Unbalanced aerodynamic moments about the center of gravity shall be reacted in a rational or conservative manner considering the principal masses furnishing the reacting inertia forces.

(a) *Rolling conditions.* The airplane shall be designed for (1) unsymmetrical wing loads appropriate to the category, and (2) the loads resulting from the aileron deflections and speeds specified in § 3.222, in combination with an airplane load factor of at least two-thirds of the positive maneuvering factor used in the design of the airplane. Only the wing and wing bracing need be investigated for this condition.

NOTE: These conditions may be covered as noted below:

(a) Rolling accelerations may be obtained by modifying the symmetrical flight conditions shown in Figure 3–1 as follows:

(1) *Acrobatic category.* In conditions A and F assume 100 percent of the wing airload acting on one side of the plane of symmetry and 60 percent on the other.

(2) *Normal and utility categories.* In condition A, assume 100 percent of the wing airload acting on one side of the airplane and 70 percent on the other. For airplanes over 1,000 pounds design weight, the latter percentage may be increased linearly with weight up to 80 percent at 25,000 pounds.

(b) The effect of aileron displacement on wing torsion may be accounted for by adding the following increment to the basic airfoil moment coefficient over the aileron portion of the span in the critical condition as determined by the note under § 3.222:

$$\Delta c_m = -.01\delta$$

where:

$\Delta c_m$ = moment coefficient increment
$\delta$ = down aileron deflection in degrees in critical condition

(b) *Yawing conditions.* The airplane shall be designed for the yawing loads resulting from the vertical surface loads specified in §§ 3.219 to 3.221.

SUPPLEMENTARY CONDITIONS

§ 3.194 *Special condition for rear lift truss.* When a rear lift truss is employed, it shall be designed for conditions of reversed airflow at a design speed of:

$$V = 10\sqrt{W/S} + 10 \text{ (m. p. h.)}$$

NOTE: It may be assumed that the value of $C_L$ is equal to $-0.8$ and the chordwise distribution is triangular between a peak at the trailing edge and zero at the leading edge.

§ 3.195 *Engine torque effects.* (a) Engine mounts and their supporting structures shall be designed for engine torque effects combined with certain basic flight conditions as described in subparagraphs (1) and (2) of this paragraph. Engine torque may be neglected in the other flight conditions.

(1) The limit torque corresponding to take-off power and propeller speed acting simultaneously with 75 percent of the limit loads from flight condition A. (See Fig. 3–1.)

(2) The limit torque corresponding to maximum continuous power and propeller speed, acting simultaneously with the limit loads from flight condition A. (See Fig. 3–1.)

(b) The limit torque shall be obtained by multiplying the mean torque by a factor of 1.33 in the case of engines having 5 or more cylinders. For 4-, 3-, and 2-cylinder engines, the factors shall be 2, 3, and 4, respectively.

§ 3.196 *Side load on engine mount.* The limit load factor in a lateral direction for this condition shall be at least equal to one-third of the limit load factor for flight condition A (see Fig. 3–1) except that it shall not be less than 1.33. Engine mounts and their supporting structure shall be designed for this condition which may be assumed independent of other flight conditions.

CONTROL SURFACE LOADS

§ 3.211 *General.* The control surface loads specified in the following sections shall be assumed to occur in the symmetrical and unsymmetrical flight conditions as described in §§ 3.189–3.191. See Figures 3–3 to 3–10 for acceptable values of control surface loadings which are considered as conforming to the following detailed rational requirements.

§ 3.212 *Pilot effort.* In the control surface loading conditions described, the airloads on the movable surfaces and the corresponding deflections need not exceed those which could be obtained in flight by employing the maximum pilot control forces specified in Figure 3–11. In applying this criterion, proper consideration shall be given to the effects of control system boost and servo mechanisms, tabs, and automatic pilot systems in assisting the pilot.

§ 3.213 *Trim tab effects.* The effects of trim tabs on the control surface design conditions need be taken into account only in cases where the surface loads are limited on the basis of maximum pilot effort. In such cases the tabs shall be considered to be deflected in the direction which would assist the pilot and the deflection shall correspond to the maximum expected degree of "out of trim" at the speed for the condition under consideration.

HORIZONTAL TAIL SURFACES

§ 3.214 *Horizontal tail surfaces.* The horizontal tail surfaces shall be designed for the conditions set forth in §§ 3.215–3.218.

§ 3.215 *Balancing loads.* A horizontal tail balancing load is defined as that necessary to maintain the airplane in equilibrium in a specified flight condition with zero pitching acceleration. The horizontal tail surfaces shall be designed for the balancing loads occurring at any point on the limit maneuvering envelope, Figure 3–1, and in the flap conditions. (See § 3.190.)

NOTE: The distribution of Figure 3–7 may be used.

§ 3.216 *Maneuvering loads.* (a) At maneuvering speed $V_p$ assume a sudden deflection of the elevator control to the maximum upward deflection as limited by the control stops or pilot effort, whichever is critical.

NOTE: The average loading of Figure 3–3 and the distribution of Figure 3–8 may be used. In determining the resultant normal force coefficient for the tail under these conditions, it will be permissible to assume that the angle of attack of the stabilizer with respect to the resultant direction of air flow is equal to that which occurs when the airplane is in steady unaccelerated flight at a flight speed equal to $V_p$. The maximum elevator deflection can then be determined from the above criteria and the tail normal force coefficient can be obtained from the data given in NACA Report No. 688, "Aerodynamic Characteristics of Horizontal Tail Surfaces," or other applicable NACA reports.

(b) Same as case (a) except that the elevator deflection is downward.

NOTE: The average loading of Figure 3–3 and the distribution of Figure 3–8 may be used.

(c) At all speeds above $V_p$ the horizontal tail shall be designed for the maneuvering loads resulting from a sudden upward deflection of the elevator, followed by a downward deflection of the elevator such that the following combinations of normal acceleration and angular acceleration are obtained:

| Condition | Airplane normal acceleration $n$ | Angular acceleration radian/sec.$^2$ |
|---|---|---|
| Down load | 1.0 | $+\frac{45}{V}n_m(n_m-1.5)$ |
| Up load | $n_m$ | $-\frac{45}{V}n_m(n_m-1.5)$ |

where:

$n_m$ = positive limit maneuvering load factor used in the design of the airplane.
$V$ = initial speed in miles per hour.

(d) The total tail load for the conditions specified in (c) shall be the sum of: (1) The balancing tail load corresponding with the condition at speed $V$ and the specified value of the normal load factor $n$, plus (2) the maneuvering load increment due to the specified value of the angular acceleration.

NOTE: The maneuvering load increment of Figure 3–4 and the distributions of Figure 3–8 (for down loads) and Figure 3–9 (for up loads) may be used. These distributions apply to the total tail load.

§ 3.217 *Gust loads.* The horizontal tail surfaces shall be designed for loads occurring in the conditions specified in paragraphs (a) and (b) of this section.

(a) Positive and negative gusts of 30 feet per second nominal intensity at speed $V_c$ corresponding with the flight condition specified in § 3.187 (a) with flaps retracted.

NOTE: The average loadings of Figures 3–5 (a) and (b) and the distribution of Figure 3–9 may be used for the total tail loading in this condition.

(b) Positive and negative gusts of 15 feet per second nominal intensity at speed $V_f$ corresponding with the flight condition specified in § 3.190 (b) with flaps extended and at speed $V_d$ corresponding with the flight condition specified in § 3.187 (b) with flaps retracted.

(c) In determining the total load on the horizontal tail for the conditions specified in paragraphs (a) and (b) of this section, the initial balancing tail loads shall first be determined for steady unaccelerated flight at the pertinent design speeds $V_f$, $V_c$, and $V_d$. The incremental tail load resulting from the gust shall be added to the initial balancing tail load to obtain the total tail load.

NOTE: The incremental tail load due to the gust may be computed by the following formula:

$$\Delta t = 0.1\ KUVS_t a_t \left[1 - \frac{36 a_w}{R_w}\right]$$

where:

$\Delta t$ = the limit gust load increment on the tail in pounds,
$K$ = gust coefficient $K$ in § 3.188,
$U$ = nominal gust intensity in feet per second,
$V$ = airplane speed in miles per hour,
$S_t$ = tail surface area in square feet,
$a_t$ = slope of lift curve of tail surface, $C_L$ per degree, corrected for aspect ratio,
$a_w$ = slope of lift curve of wing, $C_L$ per degree, and
$R_w$ = aspect ratio of the wing.



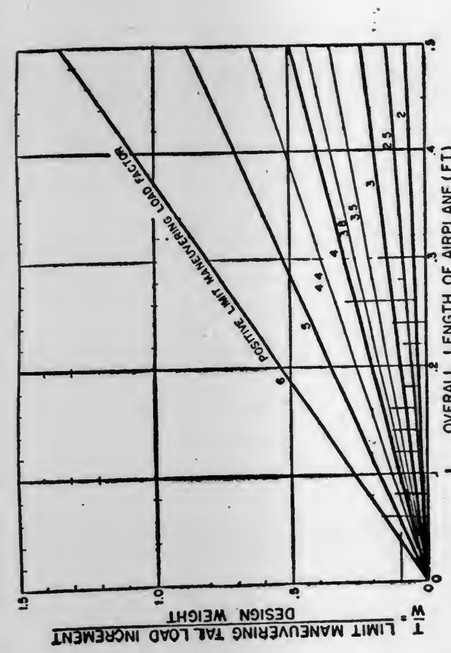



FIG. 3-4 — MANEUVERING TAIL LOAD INCREMENT (UP OR DOWN)

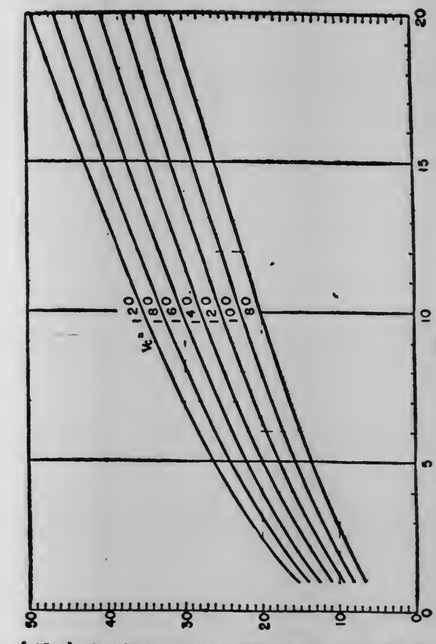



FIG. 3-5(a) — DOWN GUST LOADING ON HORIZONTAL TAIL SURFACE

*Vertical Tail Surfaces*

Acceptable values of limit average maneuvering control surface loadings can be obtained from Figure 3–3 (b) as follows:

*Horizontal Tail Surfaces*

(1) Condition § 3.216 (a): Obtain $\overline{w}$ as function of $W/S$ and surface deflection;
Use Curve C for deflection 10° or less;
Use Curve B for deflection 20°;
Use Curve A for deflection 30° or more;
(Interpolate for other deflections);
Use distribution of Figure 3–8.

(2) Condition § 3.216 (b): Obtain $\overline{w}$ from Curve B. Use distribution of Figure 3–8.

(3) Condition § 3.219 (a): Obtain $\overline{w}$ as function of $W/S$ and surface deflection in same manner as outlined in (1) above, use distribution of Figure 3–8;

(4) Condition § 3.219 (b): Obtain $\overline{w}$ from Curve C, use distribution of Figure 3–7;

(5) Condition § 3.219 (c): Obtain $\overline{w}$ from Curve A, use distribution of Figure 3–9. (Note that condition § 3.220 generally will be more critical than this condition.)

*Ailerons*

(6) In lieu of conditions § 3.222 (b): Obtain $\overline{w}$ from Curve B, acting in both up and down directions.
Use distribution of Figure 3–10.

FIG. 3-3(a)—LIMIT AVERAGE MANEUVERING CONTROL SURFACE LOADINGS

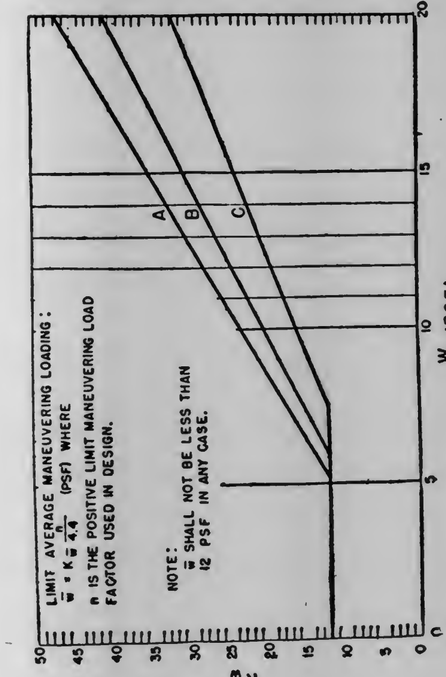



FIG. 3-3(b)—LIMIT AVERAGE MANEUVERING CONTROL SURFACE LOADING

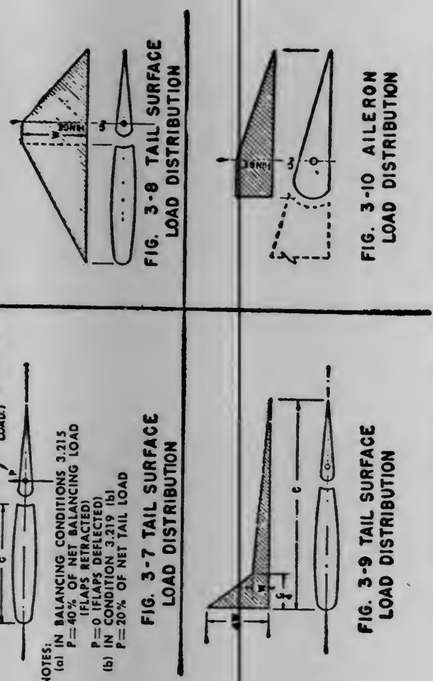



FIG. 3-7 TAIL SURFACE LOAD DISTRIBUTION

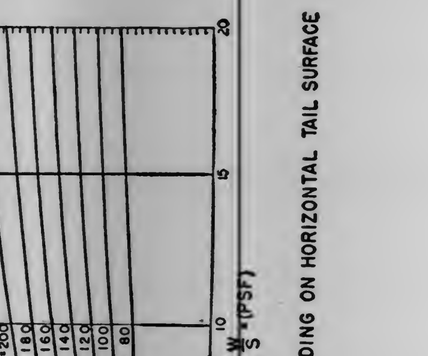



FIG. 3-5(b) — UP GUST LOADING ON HORIZONTAL TAIL SURFACE



FIG. 3-8 TAIL SURFACE LOAD DISTRIBUTION



FIG. 3-9 TAIL SURFACE LOAD DISTRIBUTION



FIG. 3-10 AILERON LOAD DISTRIBUTION

§ 3.218 *Unsymmetrical loads.* The maximum horizontal tail surface loading (load per unit area), as determined by the preceding sections, shall be applied to the horizontal surfaces on one side of the plane of symmetry and the following percentage of that loading shall be applied on the opposite side:

$\%=100-10\ (n-1)$ where:

$n$ is the specified positive maneuvering load factor.

In any case the above value shall not be greater than 80 percent.

VERTICAL TAIL SURFACES

§ 3.219 *Maneuvering loads.* At all speeds up to $V_p$:

(a) With the airplane in unaccelerated flight at zero yaw, a sudden displacement of the rudder control to the maximum deflection as limited by the control stops or pilot effort, whichever is critical, shall be assumed.

NOTE: The average loading of Figure 3-3 and the distribution of Figure 3-8 may be used.

(b) The airplane shall be assumed to be yawed to a sidslip angle of 15 degrees while the rudder control is maintained at full deflection (except as limited by pilot effort) in the direction tending to increase the sideslip.

NOTE: The average loading of Figure 3-3 and the distribution of Figure 3-7 may be used.

(c) The airplane shall be assumed to be yawed to a sidslip angle of 15 degrees while the rudder control is maintained in the neutral position (except as limited by pilot effort). The assumed sideslip angles may be reduced if it is shown that the value chosen for a particular speed cannot be exceeded in the cases of steady slips, uncoordinated rolls from a steep bank, and sudden failure of the critical engine with delayed corrective action.

NOTE: The average loading of Figure 3-3 and the distribution of Figure 3-9 may be used.

§ 3.220 *Gust loads.* (a) The airplane shall be assumed to encounter a gust of 30 feet per second nominal intensity, normal to the plane of symmetry while in unaccelerated flight at speed $V_c$.

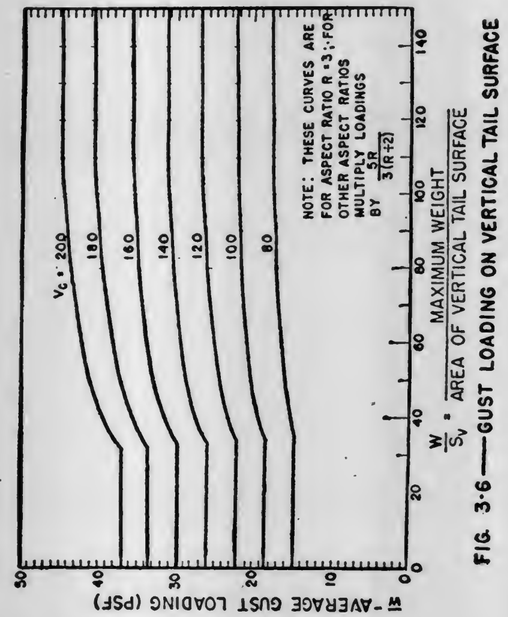



FIG. 3-6 — GUST LOADING ON VERTICAL TAIL SURFACE



(b) The gust loading shall be computed by the following formula:

$$\overline{w}=\frac{KUVm}{575}$$

where:

$\overline{w}$ = average limit unit pressure in pounds per square foot,

$K=1.33-\frac{4.5}{(W/S_v)^{3/4}}$, except that $K$ shall not be less than 1.0. A value of $K$ obtained by rational determination may be used.

$U$ = nominal gust intensity in feet per second,

$V$ = airplane speed in miles per hour,

$m$ = slope of lift curve of vertical surface, $C_L$ per radian, corrected for aspect ratio,

$W$ = design weight in pounds,

$S_v$ = vertical surface area in square feet.

(c) This loading applies only to that portion of the vertical surfaces having a well-defined leading edge.

NOTE: The average loading of Figure 3-6 and the distribution of Figure 3-9 may be used.

§ 3.221 *Outboard fins.* When outboard fins are carried on the horizontal tail surface, the tail surfaces shall be designed for the maximum horizontal surface load in combination with the corresponding loads induced on the vertical surfaces by end plate effects. Such induced effects need not be combined with other vertical surface loads. When outboard fins extend above and below the horizontal surface, the critical vertical surface loading (load per unit area) as determined by §§ 3.219 and 3.220 shall be applied:

(a) To the portion of the vertical surfaces above the horizontal surface, and 80 percent of that loading applied to the portion below the horizontal surface,

(b) To the portion of the vertical surfaces below the horizontal surface, and 80 percent of that loading applied to the portion above the horizontal surface.

AILERONS, WING FLAPS, TABS, ETC.

§ 3.222 *Ailerons.* (a) In the symmetrical flight conditions (see §§ 3.183–3.189), the ailerons shall be designed for all loads to which they are subjected while in the neutral position.

(b) In unsymmetrical flight conditions (see § 3.191 (a)), the ailerons shall be designed for the loads resulting from the following deflections except as limited by pilot effort:

(1) At speed $V_p$ it shall be assumed that there occurs a sudden maximum displacement of the aileron control. (Suitable allowance may be made for control system deflections.)

(2) When $V_c$ is greater than $V_p$, the aileron deflection at $V_c$ shall be that required to produce a rate of roll not less than that obtained in condition (1).

(3) At speed $V_d$ the aileron deflection shall be that required to produce a rate of roll not less than one-third of that which would be obtained at the speed and aileron deflection specified in condition (1).

NOTE: For conventional ailerons, the deflections for conditions (2) and (3) may be computed from:

$$\delta_2=\frac{V_p}{V_c}\delta_1; \qquad \text{and } \delta_3=\frac{0.5V_p}{V_d}\delta_1;$$

where:

$\delta_1$ = total aileron deflection (sum of both aileron deflections) in condition (1).

$\delta_2$ = total aileron deflection in condition (2).

$\delta_3$ = total deflection in condition (3). In the equation for $\delta_3$, the 0.5 factor is used instead of 0.33 to allow for wing torsional flexibility.

(c) The critical loading on the ailerons should occur in condition (2) if $V_d$ is less than $2V_c$ and the wing meets the torsional stiffness criteria. The normal force coefficient $C_N$ for the ailerons may be taken as $0.04\delta$, where $\delta$ is the deflection of the individual aileron in degrees. The critical condition for wing torsional loads will depend upon the basic airfoil moment coefficient as well as the speed, and may be determined as follows:

$$\frac{T_3}{T_2}=\frac{(C_m-.01\delta_{3_i})V_d^2}{(C_m-.01\delta_{2_i})V_c^2}$$

where:

$T_3/T_2$ is the ratio of wing torsion in condition (b) (3) to that in condition (b) (2).

$\delta_{2_i}$ and $\delta_{3_i}$ are the down deflections of the individual aileron in conditions (b) (2) and (3) respectively.

(d) When $T_3/T_2$ is greater than 1.0 condition (b) (3) is critical; when $T_3/T_2$ is less than 1.0 condition (b) (2) is critical.

(e) In lieu of the above rational conditions the average loading of Figure 3–3 and the distribution of Figure 3–10 may be used.

§ 3.223 *Wing flaps.* Wing flaps, their operating mechanism, and supporting structure shall be designed for critical loads occurring in the flap-extended flight conditions (see § 3.190) with the flaps extended to any position from fully retracted to fully extended; except that when an automatic flap load limiting device is employed these parts may be designed for critical combinations of air speed and flap position permitted by the device. (Also see §§ 3.338 and 3.339.) The effects of propeller slipstream corresponding to take-off power shall be taken into account at an airplane speed of not less than $1.4V_s$, where $V_s$ is the computed stalling speed with flaps fully retracted at the design weight. For investigation of the slipstream condition, the airplane load factor may be assumed to be 1.0.

§ 3.224 *Tabs.* Control surface tabs shall be designed for the most severe combination of air speed and tab deflection likely to be obtained within the limit $V$–$n$ diagram (Fig. 3–1) for any usable loading condition of the airplane.

§ 3.225 *Special devices.* The loading for special devices employing aerodynamic surfaces, such as slots and spoilers, shall be based on test data.

CONTROL SYSTEM LOADS

§ 3.231 *Primary flight controls and systems.* (a) Flight control systems and supporting structures shall be designed for loads corresponding to 125 percent of the computed hinge moments of the movable control surface in the conditions prescribed in §§ 3.211 to 3.225, subject to the following maxima and minima:

(1) The system limit loads need not exceed those which can be produced by the pilot and automatic devices operating the controls.

(2) The loads shall in any case be sufficient to provide a rugged system for service use, including consideration of jamming, ground gusts, taxying tail to wind, control inertia, and friction.

(b) Acceptable maximum and minimum pilot loads for elevator, aileron, and rudder controls are shown in Figure 3–11. These pilot loads shall be assumed to act at the appropriate control grips or pads in a manner simulating flight conditions and to be reacted at the attachments of the control system to the control surface horn.

§ 3.232 *Dual controls.* When dual controls are provided, the systems shall be designed for the pilots operating in opposition, using individual pilot loads equal to 75 percent of those obtained in accordance with § 3.231, except that the individual pilot loads shall not be less than the minimum loads specified in Figure 3–11.

§ 3.233 *Ground gust conditions.* (a) The following ground gust conditions shall be investigated in cases where a deviation from the specific values for minimum control forces listed in Figure 3–11 is applicable. The following conditions are intended to simulate the loadings on control surfaces due to ground gusts and when taxying with the wind.

(b) The limit hinge moment $H$ shall be obtained from the following formula:

$$H=K_cSq$$

where:

$H$ = limit hinge moment (foot-pounds).

$c$ = mean chord of the control surface aft of the hinge line (feet).

$S$ = area of control surface aft of the hinge line (square feet).

$q$ = dynamic pressure (pounds per square foot) to be based on a design speed not less than $10\sqrt{W/S}+10$ miles per hour, except that the design speed need not exceed 60 miles per hour.

$K$ = factor as specified below:

| *Surface* | $K$ |
|---|---|
| (a) Aileron ---------- Control column locked or lashed in mid-position. | +0.75 |
| (b) Aileron ---------- Ailerons at full throw; + moment on one aileron, − moment on the other. | ±0.50 |
| (c) (d) Elevator ---------- Elevator (c) full up (−), and (d) full down (+). | ±0.75 |
| (e) (f) Rudder ---------- Rudder (e) in neutral, and (f) at full throw. | ±0.75 |

(c) As used in paragraph (b) in connection with ailerons and elevators, a positive value of $K$ indicates a moment tending to depress the surface while a negative value of $K$ indicates a moment tending to raise the surface.

§ 3.234 *Secondary controls and systems.* Secondary controls, such as wheel brakes, spoilers, and tab controls, shall be designed for the loads based on the maximum which a pilot is likely to apply to the control in question.

GROUND LOADS

§ 3.241 *Ground loads.* The loads specified in the following conditions shall be considered as the external loads and the inertia forces which occur in an airplane structure. In each of the ground load conditions specified the external reactions shall be placed in equilibrium with the linear and angular inertia forces in a rational or conservative manner.

§ 3.242 *Design weight.* The design landing weight shall not be less than the maximum weight for which the airplane is to be certificated, except as provided in paragraph (a) or (b) of this section.

(a) A design landing weight equal to not less than 95 percent of the maximum weight shall be acceptable if it is demonstrated that the structural limit load values at the maximum weight are not exceeded when the airplane is operated over terrain having the degree of roughness to be expected in service at all speeds up to the take-off speed. In addition, the following shall apply:

(1) The minimum fuel capacity shall not be less than the total of the capacity prescribed in § 3.440 and of the capacity equivalent to the weight of fuel equal in amount to that by which the maximum weight exceeds the design landing weight.

(2) The operating limitations shall limit the take-off weight in such a manner as to assure that landings in normal operation would not exceed the design landing weight.

(b) A design landing weight equal to less than 95 percent of the maximum weight shall be acceptable for multi-engine airplanes, meeting the one-engine-inoperative climb requirement of § 3.85 (b) or § 3.85a (b) if compliance is shown with the following sections of Part 4b of this subchapter in lieu of the corresponding requirement of this part: The ground load requirements of § 4b.230, the landing gear requirements of §§ 4b.331 through 4b.336, and the fuel jettisoning system requirements of § 4b.437.

§ 3.243 *Load factor for landing conditions.* In the following landing conditions the limit vertical inertia load factor at the center of gravity of the airplane shall be chosen by the designer but shall not be less than the value which would be obtained when landing the airplane with a descent velocity, in feet per second, equal to the following value:

$$V = 4.4\ (W/S)^{\frac{1}{4}}$$

except that the descent velocity need not exceed 10 feet per second and shall not be less than 7 feet per second. Wing lift, not exceeding two-thirds of the weight of the airplane may be assumed to exist throughout the landing impact and may be assumed to act through the airplane center of gravity. When such wing lift is assumed, the ground reaction load factor may be taken equal to the inertia load factor minus the ratio of the assumed wing lift to the airplane weight. (See § 3.354 for requirements concerning the energy absorption tests which determine the limit load factor corresponding to the required limit descent velocities.) In no case, however, shall the inertia load factor used for design purposes be less than 2.67, nor shall the limit ground reaction load factor be less than 2.0, unless it is demonstrated that lower values of limit load factor will not be exceeded in taxying the airplane over terrain having the maximum degree of roughness to be expected under intended service use at all speeds up to take-off speed.

LANDING CASES AND ATTITUDES

§ 3.244 *Landing cases and attitudes.* For conventional arrangements of main and nose, or main and tail wheels, the airplane shall be assumed to contact the ground at the specified limit vertical velocity in the attitudes described in §§ 3.245–3.247. (See Figs. 3-12 (a) and 3-12 (b) for acceptable landing conditions which are considered to conform with §§ 3.245–3.247.)

§ 3.245 *Level landing.*—(a) *Tail wheel type.* Normal level flight attitude.

| Condition | Tail wheel type | | Nose wheel type | | |
|---|---|---|---|---|---|
| | Level landing | Tail-down landing | Level landing with inclined reactions | Level landing with nose wheel just clear of ground | Tail-down landing |
| Reference section | § 3.245 (a) | § 3.246 (a) | § 3.245 (b) (1) | § 3.245 (b) (2) | §3.246(b)(c) |
| Vertical component at c. g. | $n_1W$ | $n_1W$ | $n_1W$ | $n_1W$ | $n_1W$ |
| Fore and aft component at c. g. | $K n_1 W$ | 0 | $K n_1 W$ | $K n_1 W$ | 0 |
| Lateral component in either direction at c. g. | 0 | 0 | 0 | 0 | 0 |
| Shock absorber extension (hydraulic shock absorber) | Note (2) | Note (2) | Note (2) | Note (2) | Note (2) |
| Shock absorber deflection (rubber or spring shock absorber) | 100% Static | 100% Static | 100% Static | 100% Static | 100% Static |
| Tire deflection | $(n_1-L)W/d$ | $(n_1-L)W/d$ | $(n_1-L)W/d$ | $(n_1-L)W/d$ | $(n_1-L)W$ |
| Main wheel loads (both wheels) | $D_1$ | 0 | $K n_1 W/d$ | $K n_1 W/d$ | 0 |
| | $V_1$ | | $(n_1-L)Wa/d$ | $K n_1 Wa/d$ | 0 |
| | $D_1$ | | $(n_1-L)Wb/d$ | $K n_1 Wb/d$ | 0 |
| Tail (nose) wheel loads | $D_1$ | $D_1$ | $K n_1 Wa/d$ | | 0 |
| | $V_1$ | 0 | $K n_1 Wb/d$ | | 0 |
| Notes | (1) and (3) | | (1) | (1) and (3) | (3) |

Note (1). $K$ may be determined as follows: $K=0.25$ for $W=3{,}000$ pounds or less; $K=0.33$ for $W=6{,}000$ pounds or greater, with linear variation of $K$ between these weights.

Note (2). For the purpose of design, the maximum load factor shall be assumed to occur throughout the shock absorber stroke from 25 percent deflection to 100 percent deflection unless demonstrated otherwise, and the load factor shall be used with whatever shock absorber extension is most critical for each element of the landing gear.

Note (3). Unbalanced moments shall be balanced by a rational or conservative method.

Note (4). $L$ is defined in § 3.353.

FIG. 3-12(a)—BASIC LANDING CONDITIONS

| Control | Maximum loads for design weight W equal to or less than 5,000 lbs.[1] | Minimum loads[2] |
|---|---|---|
| Aileron: | | |
| Stick | 67 pounds | 40 pounds. |
| Wheel[3] | 53 D in-pounds[4] | 40 D in-pounds.[4] |
| Elevator: | | |
| Stick | 167 pounds | 100 pounds. |
| Wheel | 200 pounds | 100 pounds. |
| Rudder | 200 pounds | 130 pounds. |

[1] For design weight $W$ greater than 5,000 pounds the above specified maximum values shall be increased linearly with weight to 1.5 times the specified values at a design weight of 25,000 pounds.

[2] If the design includes any other kind of control systems or surfaces (such as to make these specified minimum loads inapplicable, values corresponding to those determined for similar systems in airplanes of similar characteristics shall be used instead, except that in any case values less than 0.6 of the specified moments obtained according to § 3.233 may be used instead.

[3] The critical portions of the aileron control system shall also be designed for a single tangential force having a limit value equal to 1.25 times the couple force determined from the above criteria.

[4] D = wheel diameter.

FIG. 3-11—PILOT CONTROL FORCE LIMITS



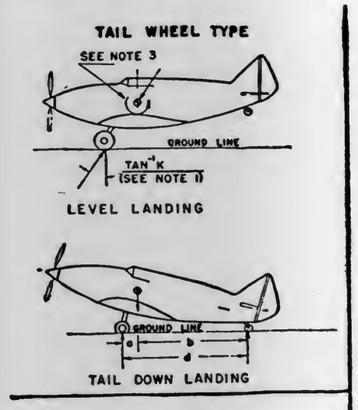
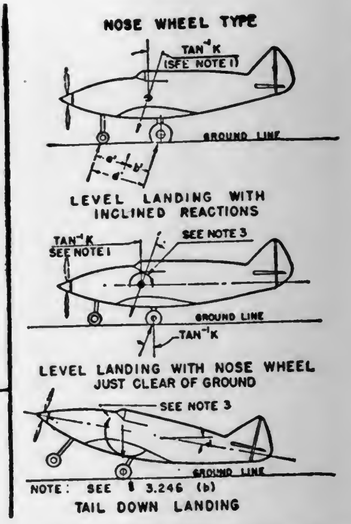



FIG. 3-12(b)

BASIC LANDING CONDITIONS




(c) *Vertical ground reactions.* In this condition, it shall be assumed that the ground reactions are vertical, the wheels having been brought up to speed before the maximum vertical load is attained.

§ 3.247 *One-wheel landing.* One side of the main gear shall contact the ground with the airplane in the level attitude. The ground reactions shall be the same as those obtained on the one side in the level attitude. (See § 3.245.)

GROUND ROLL CONDITIONS

§ 3.248 *Braked roll.* The limit vertical load factor shall be 1.33. The attitude and ground contacts shall be those described for level landings in § 3.245, with the shock absorbers and tires deflected to their static positions. A drag reaction equal to the vertical reaction at the wheel multiplied by a coefficient of friction of 0.8 shall be applied at the ground contact point of each wheel having brakes, except that the drag reaction need not exceed the maximum value based on limiting brake torque.

§ 3.249 *Side load.* Level attitude with main wheels only contacting the ground, with the shock absorbers and tires deflected to their static positions. The limit vertical load factor shall be 1.33 with the vertical ground reaction divided equally between main wheels. The limit side inertia factor shall be 0.83 with the side ground reaction divided between main wheels as follows:

0.5$W$ acting inboard on one side.
0.33$W$ acting outboard on the other side.

TAIL WHEELS

§ 3.250 *Supplementary conditions for tail wheels.* The conditions in §§ 3.251 and 3.252 apply to tail wheels and affected supporting structure.

§ 3.251 *Obstruction load.* The limit ground reaction obtained in the tail down landing condition shall be assumed to act up and aft through the axle at 45 degrees. The shock absorber and tire may be assumed deflected to their static positions.

§ 3.252 *Side load.* A limit vertical ground reaction equal to the static load on the tail wheel, in combination with a side component of equal magnitude. When a swivel is provided, the tail wheel shall be assumed swiveled 90 degrees to the airplane longitudinal axis, the resultant ground load passing through the axle. When a lock steering device or shimmy damper is provided, the tail wheel shall also be assumed in the trailing position with the side load acting at the ground contact point. The shock absorber and tire shall be assumed deflected to their static positions.

NOSE WHEELS

§ 3.253 *Supplementary conditions for nose wheels.* The conditions set forth in §§ 3.254–3.256 apply to nose wheels and affected supporting structure. The shock absorbers and tires shall be assumed deflected to their static positions.

§ 3.254 *Aft load.* Limit force components at axle:

Vertical, 2.25 times static load on wheel,
Drag, 0.8 times vertical load.

§ 3.255 *Forward load.* Limit force components at axle:

Vertical, 2.25 times static load on wheel,
Forward, 0.4 times vertical load.

§ 3.256 *Side load.* Limit force components at ground contact:

Vertical, 2.25 times static load on wheel,
Side, 0.7 times vertical load.

SKIPLANES

§ 3.257 *Supplementary conditions for skiplanes.* The airplane shall be assumed resting on the ground with one main ski frozen in the snow and the other main ski and the tail ski free to slide. A limit side force equal to $P/3$ shall be applied at the most convenient point near the tail assembly, where $P$ is the static ground reaction on the tail ski. For this condition the factor of safety shall be assumed equal to 1.0.

WATER LOADS

§ 3.265 *Water load conditions.* The structure of boat and float type seaplanes shall be designed for water loads developed during take-off and landing with the seaplane in any attitude likely to occur in normal operation at appropriate forward and sinking velocities under the most severe sea conditions likely to be encountered. Unless a more rational analysis of the water loads is performed, the requirements of §§ 4b.251 through 4b.258 of this subchapter shall apply.

SUBPART D—DESIGN AND CONSTRUCTION

GENERAL

§ 3.291 *General.* The suitability of all questionable design details or parts having an important bearing on safety in operation shall be established by tests.

§ 3.292 *Materials and workmanship.* The suitability and durability of all materials used in the airplane structure shall be established on the basis of experience or tests. All materials used in the airplane structure shall conform to approved specifications which will insure their having the strength and other properties assumed in the design data. All workmanship shall be of a high standard.

§ 3.293 *Fabrication methods.* The methods of fabrication employed in constructing the airplane structure shall be such as to produce consistently sound structure. When a fabrication process such as gluing, spot welding, or heat-treating requires close control to attain this objective, the process shall be performed in accordance with an approved process specification.

§ 3.294 *Standard fastenings.* All bolts, pins, screws, and rivets used in the structure shall be of an approved type. The use of an approved locking device or method is required for all such bolts, pins, and screws. Self-locking nuts shall not be used on bolts subject to rotation during the operation of the airplane.

§ 3.295 *Protection.* All members of the structure shall be suitably protected against deterioration or loss of strength in service due to weathering, corrosion, abrasion, or other causes. In seaplanes, special precaution shall be taken against corrosion from salt water, particularly where parts made from different metals are in close proximity. Adequate provisions for ventilation and drainage of all parts of the structure shall be made.

§ 3.296 *Inspection provisions.* Adequate means shall be provided to permit the close examination of such parts of the airplane as require periodic inspection, adjustments for proper alignment and functioning, and lubrication of moving parts.

STRUCTURAL PARTS

§ 3.301 *Material strength properties and design values.* Material strength

properties shall be based on a sufficient number of tests of material conforming to specifications to establish design values on a statistical basis. The design values shall be so chosen that the probability of any structure being understrength because of material variations is extremely remote. Values contained in ANC–5, ANC–18, and ANC–23, Part II shall be used unless shown to be inapplicable in a particular case.

NOTE: ANC–5, "Strength of Metal Aircraft Elements," ANC–18, "Design of Wood Aircraft Structures," and ANC–23, "Sandwich Construction for Aircraft," are published by the Subcommittee on Air Force-Navy-Civil Aircraft Design Criteria, and may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

§ 3.302 *Special factors.* Where there may be uncertainty concerning the actual strength of particular parts of the structure or where the strength is likely to deteriorate in service prior to normal replacement, increased factors of safety shall be provided to insure that the reliability of such parts is not less than the rest of the structure as specified in §§ 3.303–3.306.

§ 3.303 *Variability factor.* For parts whose strength is subject to appreciable variability due to uncertainties in manufacturing processes and inspection methods, the factor of safety shall be increased sufficiently to make the probability of any part being under-strength from this cause extremely remote. Minimum variability factors (only the highest pertinent variability factor need be considered) are set forth in §§ 3.304–3.306.

§ 3.304 *Castings.* (a) Where visual inspection only is to be employed, the variability factor shall be 2.0.

(b) The variability factor may be reduced to 1.25 for ultimate loads and 1.15 for limit loads when at least three sample castings are tested to show compliance with these factors, and all sample and production castings are visually and radiographically inspected in accordance with an approved inspection specification.

(c) Other inspection procedures and variability factors may be used if found satisfactory by the Administrator.

§ 3.305 *Bearing factors.* (a) The factor of safety in bearing at bolted or pinned joints shall be suitably increased to provide for the following conditions:

(1) Relative motion in operation (control surface and system joints are covered in §§ 3.327–3.347).

(2) Joints with clearance (free fit) subject to pounding or vibration.

(b) Bearing factors need not be applied when covered by other special factors.

§ 3.306 *Fitting factor.* Fittings are defined as parts such as end terminals used to join one structural member to another. A multiplying factor of safety of at least 1.15 shall be used in the analysis of all fittings the strength of which is not proved by limit and ultimate load tests in which the actual stress conditions are simulated in the fitting and the surrounding structure. This factor applies to all portions of the fitting, the means of attachment, and bearing on the members joined. In the case of integral fittings, the part shall be treated as a fitting up to the point where the section properties become typical of the member. The fitting factor need not be applied where a type of joint design based on comprehensive test data is used. The following are examples: continuous joints in metal plating, welded joints, and scarf joints in wood, all made in accordance with approved practices.

§ 3.307 *Fatigue strength.* The structure shall be designed, insofar as practicable, to avoid points of stress concentration where variable stresses above the fatigue limit are likely to occur in normal service.

### FLUTTER AND VIBRATION

§ 3.311 *Flutter and vibration prevention measures.* Wings, tail, and control surfaces shall be free from flutter, airfoil divergence, and control reversal from lack of rigidity, for all conditions of operation within the limit *V–n* envelope, and the following detail requirements shall apply:

(a) Adequate wing torsional rigidity shall be demonstrated by tests or other methods found suitable by the Administrator.

(b) The mass balance of surfaces shall be such as to preclude flutter.

(c) The natural frequencies of all main structural components shall be determined by vibration tests or other methods found satisfactory by the Administrator.

### WINGS

§ 3.317 *Proof of strength.* The strength of stressed-skin wings shall be substantiated by load tests or by combined structural analysis and tests.

§ 3.318 *Ribs.* Rib tests shall simulate conditions in the airplane with respect to torsional rigidity of spars, fixity conditions, lateral support, and attachment to spars. The effects of ailerons and high lift devices shall be properly accounted for.

### CONTROL SURFACES (FIXED AND MOVABLE)

§ 3.327 *Proof of strength.* Limit load tests of control surfaces are required. Such tests shall include the horn or fitting to which the control system is attached. In structural analyses, rigging loads due to wire bracing shall be taken into account in a rational or conservative manner.

§ 3.328 *Installation.* Movable tail surfaces shall be so installed that there is no interference between the surfaces or their bracing when each is held in its extreme position and all others are operated through their full angular movement. When an adjustable stabilizer is used, stops shall be provided which, in the event of failure of the adjusting mechanism, will limit its travel to a range permitting safe flight and landing.

§ 3.329 *Hinges.* Control surface hinges, excepting ball and roller bearings, shall incorporate a multiplying factor of safety of not less than 6.67 with respect to the ultimate bearing strength of the softest material used as a bearing. For hinges incorporating ball or roller bearings, the approved rating of the bearing shall not be exceeded. Hinges shall provide sufficient strength and rigidity for loads parallel to the hinge line.

§ 3.330 *Mass balance weights.* The supporting structure and the attachment of concentrated mass balance weights which are incorporated on control surfaces shall be designed for the following limit accelerations: 24g normal to the plane of the control surface, 12g fore and aft, and 12g parallel to the hinge line.

### CONTROL SYSTEMS

§ 3.335 *General.* All controls shall operate with sufficient ease, smoothness, and positiveness to permit the proper performance of their function and shall be so arranged and identified as to provide convenience in operation and prevent the possibility of confusion and subsequent inadvertent operation. (See § 3.384 for cockpit controls.)

§ 3.336 *Primary flight controls.* (a) Primary flight controls are defined as those used by the pilot for the immediate control of the pitching, rolling, and yawing of the airplane.

(b) For two-control airplanes the design shall be such as to minimize the likelihood of complete loss of the lateral directional control in the event of failure of any connecting or transmitting element in the control system.

§ 3.337 *Trimming controls.* Proper precautions shall be taken against the possibility of inadvertent, improper, or abrupt tab operations. Means shall be provided to indicate to the pilot the direction of control movement relative to airplane motion and the position of the trim device with respect to the range of adjustment. The means used to indicate the direction of the control movement shall be adjacent to the control, and the means used to indicate the position of the trim device shall be easily visible to the pilot and so located and operated as to preclude the possibility of confusion. Longitudinal trimming devices for single-engine airplanes and longitudinal and directional trimming devices for multiengine airplanes shall be capable of continued normal operation notwithstanding the failure of any one connecting or transmitting element in the primary flight control system. Tab controls shall be irreversible unless the tab is properly balanced and possesses no unsafe flutter characteristics. Irreversible tab systems shall provide adequate rigidity and reliability in the portion of the system from the tab to the attachment of the irreversible unit to the airplane structure.

§ 3.338 *Wing flap controls.* The controls shall be such that when the flap has been placed in any position upon which compliance with the performance requirements is based, the flap will not move from that position except upon further adjustment of the control or the automatic operation of a flap load limiting device. Means shall be provided to indicate the flap position to the pilot.



If any flap position other than fully retracted or extended is used to show compliance with the performance requirements, such means shall indicate each such position. The rate of movement of the flaps in response to the operation of the pilot's control, or of an automatic device shall not be such as to result in unsatisfactory flight or performance characteristics under steady or changing conditions of air speed, engine power, and airplane attitude. (See § 3.109 (b) and (c).)

§ 3.339 *Flap interconnection.* (a) The motion of flaps on opposite sides of the plane of symmetry shall be synchronized by a mechanical interconnection, unless the airplane is demonstrated to have safe flight characteristics while the flaps are retracted on one side and extended on the other.

(b) Where an interconnection is used, in the case of multiengine airplanes, it shall be designed to account for the unsymmetrical loads resulting from flight with the engines on one side of the plane of symmetry inoperative and the remaining engines at take-off power. For single-engine airplanes, it may be assumed that 100 percent of the critical air load acts on one side and 70 percent on the other.

§ 3.340 *Stops.* All control systems shall be provided with stops which positively limit the range of motion of the control surfaces. Stops shall be so located in the system that wear, slackness, or take-up adjustments will not appreciably affect the range of surface travel. Stops shall be capable of withstanding the loads corresponding to the design conditions for the control system.

§ 3.341 *Control system locks.* When a device is provided for locking a control surface while the airplane is on the ground or water:

(a) The locking device shall be so installed as to provide unmistakable warning to the pilot when it is engaged, and

(b) Means shall be provided to preclude the possibility of the lock becoming engaged during flight.

§ 3.342 *Proof of strength.* Tests shall be conducted to prove compliance with limit load requirements. The direction of test loads shall be such as to produce the most severe loading of the control system structure. The tests shall include all fittings, pulleys, and brackets used to attach the control system to the primary structure. Analyses or individual load tests shall be conducted to demonstrate compliance with the multiplying factor of safety requirements specified for control system joints subjected to angular motion.

§ 3.343 *Operation test.* An operation test shall be conducted by operating the controls from the pilot compartment with the entire system so loaded as to correspond to the limit air loads on the surface. In this test there shall be no jamming, excessive friction, or excessive deflection.

### CONTROL SYSTEM DETAILS

§ 3.344 *General.* All control systems and operating devices shall be so designed and installed as to prevent jamming, chafing, or interference as a result of inadequate clearances or from cargo, passengers, or loose objects. Special precautions shall be provided in the cockpit to prevent the entry of foreign objects into places where they might jam the controls. Provisions shall be made to prevent the slapping of cables or tubes against parts of the airplane. The elements of the flight control system shall incorporate design features or shall be distinctively and permanently marked to minimize the possibility of incorrect assembly which could result in malfunctioning of the control system.

§ 3.345 *Cable systems.* Cables, cable fittings, turnbuckles, splices, and pulleys shall be in accordance with approved specifications. Cables smaller than ⅛-inch diameter shall not be used in primary control systems. The design of cable systems shall be such that there will not be hazardous change in cable tension throughout the range of travel under operating conditions and temperature variations. Pulley types and sizes shall correspond to the cables with which they are used, as specified on the pulley specification. All pulleys shall be provided with satisfactory guards which shall be closely fitted to prevent the cables becoming misplaced or fouling, even when slack. The pulleys shall lie in the plane passing through the cable within such limits that the cable does not rub against the pulley flange. Fairleads shall be so installed that they are not required to cause a change in cable direction of more than 3 degrees. Clevis pins (excluding those not subject to load or motion) retained only by cotter pins shall not be employed in the control system. Turnbuckles shall be attached to parts having angular motion in such a manner as to prevent positively binding throughout the range of travel. Provisions for visual inspection shall be made at all fairleads, pulleys, terminals, and turnbuckles.

§ 3.346 *Joints.* Control system joints subject to angular motion in push-pull systems, excepting ball and roller bearing systems, shall incorporate a multiplying factor of safety of not less than 3.33 with respect to the ultimate bearing strength of the softest material used as a bearing. This factor may be reduced to 2.0 for such joints in cable control systems. For ball or roller bearings the approved rating of the bearing shall not be exceeded.

§ 3.347 *Spring devices.* The reliability of any spring devices used in the control system shall be established by tests simulating service conditions, unless it is demonstrated that failure of the spring will not cause flutter or unsafe flight characteristics.

### LANDING GEAR

#### SHOCK ABSORBERS

§ 3.351 *Tests.* Shock absorbing elements in main, nose, and tail wheel units shall be substantiated by the tests specified in the following section. In addition, the shock absorbing ability of the landing gear in taxying must be demonstrated in the operational tests of § 3.146.

§ 3.352 *Shock absorption tests.* (a) It shall be demonstrated by energy absorption tests that the limit load factors selected for design in accordance with § 3.243 will not be exceeded in landings with the limit descent velocity specified in that section.

(b) In addition, a reserve of energy absorption shall be demonstrated by a test in which the descent velocity is at least 1.2 times the limit descent velocity. In this test there shall be no failure of the shock absorbing unit, although yielding of the unit will be permitted. Wing lift equal to the weight of the airplane may be assumed for purposes of this test.

§ 3.353 *Limit drop tests.* (a) If compliance with the specified limit landing conditions of § 3.352 (a) is demonstrated by free drop tests, these shall be conducted on the complete airplane, or on units consisting of wheel, tire, and shock absorber in their proper relation, from free drop heights not less than the following:

$$h \text{ (inches)} = 3.6\ (W/S)^{0.5}$$

except that the free drop height shall not be less than 9.2 inches and need not be greater than 18.7 inches.

(b) In simulating the permissible wing lift in free drop tests, the landing gear unit shall be dropped with an effective mass equal to:

$$W_e = W\left[\frac{h+(1-L)\,d}{h+d}\right]$$

where:

$W_e$ = the effective weight to be used in the drop test.
$h$ = specified height of drop in inches.
$d$ = deflection under impact of the tire (at the approved inflation pressure) plus the vertical component of the axle travel relative to the drop mass. The value of $d$ used in the computation of $W_e$ shall not exceed the value actually obtained in the drop tests.
$W = W_M$ for main gear units, and shall be equal to the static weight on the particular unit with the airplane in the level attitude (with the nose wheel clear, in the case of nose wheel type airplanes).
$W = W_T$ for tail gear units, and shall be equal to the static weight on the tail unit with the airplane in the tail down attitude.
$W = W_N$ for nose wheel units, and shall be equal to the static reaction which will exist at the nose wheel when the mass of the airplane is concentrated at the center of gravity and exerts a force of $1.0g$ downward and $0.33g$ forward.
$L$ = ratio of assumed wing lift to airplane weight, not greater than 0.667.

The attitude in which the landing gear unit is drop tested shall be such as to simulate the airplane landing condition which is critical from the standpoint of energy to be absorbed by the particular unit.

§ 3.354 *Limit load factor determination.* In determining the limit airplane inertia load factor $n$ from the free drop

test described above, the following formula shall be used:

$$n = n_j \frac{W_e}{W} + L$$

where:

$n_j$ = the load factor developed in the drop test, i. e., the acceleration ($d_v/dt$) in $g$'s recorded in the drop test, plus 1.0.

The value of $n$ so determined shall not be greater than the limit inertia load factor used in the landing conditions, § 3.243.

§ 3.355 *Reserve energy absorption drop tests.* If compliance with the reserve energy absorption condition specified in § 3.352 (b) is demonstrated by free drop tests, the drop height shall be not less than 1.44 times the drop height specified in § 3.353. In simulating wing lift equal to the airplane weight, the units shall be dropped with an effective mass equal to

$$W_e = W \frac{h}{h+d}$$

where the symbols and other details are the same as in § 3.353.

RETRACTING MECHANISM

§ 3.356 *General.* The landing gear retracting mechanism and supporting structure shall be designed for the maximum load factors in the flight conditions when the gear is in the retracted position. It shall also be designed for the combination of friction, inertia, brake torque, and air loads occurring during retraction at any air speed up to 1.6 $V_s$, flaps retracted and any load factors up to those specified for the flaps extended condition, § 3.190. The landing gear and retracting mechanism, including the wheel well doors, shall withstand flight loads with the landing gear extended at any speed up to at least 1.6 $V_s$, flaps retracted. Positive means shall be provided for the purpose of maintaining the wheels in the extended position.

§ 3.357 *Emergency operation.* When other than manual power for the operation of the landing gear is employed, an auxiliary means of extending the landing gear shall be provided.

§ 3.358 *Operation test.* Proper functioning of the landing gear retracting mechanism shall be demonstrated by operation tests.

§ 3.359 *Position indicator and warning device.* When retractable landing wheels are used, means shall be provided for indicating to the pilot when the wheels are secured in the extreme positions. In addition, landplanes shall be provided with an aural or equally effective warning device which shall function continuously after the throttle is closed until the gear is down and locked.

§ 3.360 *Control.* See § 3.384.

WHEELS AND TIRES

§ 3.361 *Wheels.* Main wheels and nose wheels shall be of an approved type. The maximum static load rating of each main wheel and nose wheel shall not be less than the corresponding static ground reaction under the design maximum weight of the airplane and the critical center of gravity position. The maximum limit load rating of each main wheel and nose wheel shall not be less than the maximum radial limit load determined in accordance with the applicable ground load requirements of this part. (See §§ 3.241 through 3.256.)

§ 3.362 *Tires.* A landing gear wheel may be equipped with any make or type of tire, provided that the tire is a proper fit on the rim of the wheel and provided that the approved tire rating is not exceeded under the following conditions:

(a) Load on each main wheel tire equal to the corresponding static ground reaction under the design maximum weight of the airplane and the critical center of gravity position.

(b) Load on nose wheel tires (to be compared with the dynamic rating established for such tires) equal to the reaction obtained at the nose wheel, assuming the mass of the airplane concentrated at the most critical center of gravity and exerting a force of 1.0$g$ downward and 0.31$g$ forward, the reactions being distributed to the nose and main wheels by the principle of statics with the drag reaction at the ground applied only at those wheels having brakes. When specially constructed tires are used to support an airplane, the wheels shall be plainly and conspicuously marked to that effect. Such markings shall include the make, size, number of plies, and identification marking of the proper tire.

BRAKES

§ 3.363 *Brakes.* Brakes shall be installed which are adequate to prevent the airplane from rolling on a paved runway while applying take-off power to the critical engine, and of sufficient capacity to provide adequate speed control during taxying without the use of excessive pedal or hand forces.

SKIS

§ 3.364 *Skis.* Skis shall be of an approved type. The maximum limit load rating of each ski shall not be less than the maximum limit load determined in accordance with the applicable ground load requirements of this part. (See §§ 3.241 through 3.257.)

HULLS AND FLOATS

§ 3.371 *Seaplane main floats.* Seaplane main floats shall be of an approved type and shall comply with the provisions of § 3.265. In addition, the following shall apply:

(a) *Buoyancy.* Each seaplane main float shall have a buoyancy of 80 percent in excess of that required to support the maximum weight of the seaplane in fresh water.

(b) *Compartmentation.* Each seaplane main float for use on airplanes of 2,500 pounds or more maximum weight shall contain not less than 5 watertight compartments, and those for use on airplanes of less than 2,500 pounds maximum weight shall contain not less than 4 such compartments. The compartments shall have approximately equal volumes.

§ 3.372 *Buoyancy (boat seaplanes).* The hulls of boat seaplanes and amphibians shall be divided into watertight compartments in accordance with the following requirements:

(a) In airplanes of 5,000 pounds or more maximum weight, the compartments shall be so arranged that, with any two adjacent compartments flooded, the hull and auxiliary floats (and tires, if used) will retain sufficient buoyancy to support the maximum weight of the airplane in fresh water.

(b) In airplanes of 1,500 to 5,000 pounds maximum weight, the compartments shall be so arranged that, with any one compartment flooded, the hull and auxiliary floats (and tires, if used) will retain sufficient buoyancy to support the maximum weight of the airplane in fresh water.

(c) In airplanes of less than 1,500 pounds maximum weight, watertight subdivision of the hull is not required.

(d) Bulkheads may have watertight doors for the purpose of communication between compartments.

§ 3.373 *Water stability.* Auxiliary floats shall be so arranged that when completely submerged in fresh water, they will provide a righting moment which is at least 1.5 times the upsetting moment caused by the airplane being tilted. A greater degree of stability may be required by the Administrator in the case of large flying boats, depending on the height of the center of gravity above the water level, the area and location of wings and tail surfaces, and other considerations.

FUSELAGE

PILOT COMPARTMENT

§ 3.381 *General.* (a) The arrangement of the pilot compartment and its appurtenances shall provide a satisfactory degree of safety and assurance that the pilot will be able to perform all his duties and operate the controls in the correct manner without unreasonable concentration and fatigue.

(b) The primary flight control units listed on Figure 3–14, excluding cables and control rods, shall be so located with respect to the propellers that no portion of the pilot or controls lies in the region between the plane of rotation of any inboard propeller and the surface generated by a line passing through the center of the propeller hub and making an angle of 5° forward or aft of the plane of rotation of the propeller.

§ 3.382 *Vision.* The pilot compartment shall be arranged to afford the pilot a sufficiently extensive, clear, and undistorted view for the safe operation of the airplane. During flight in a moderate rain condition, the pilot shall have an adequate view of the flight path in normal flight and landing, and have sufficient protection from the elements so that his vision is not unduly impaired. This may be accomplished by providing an openable window or by a means for maintaining a portion of the windshield in a clear condition without continuous attention by the pilot. The pilot compartment shall be free of glare and reflections which would interfere with the pilot's vision. For airplanes intended for night operation, the demonstration of these qualities shall include night flight tests.



§ 3.383 *Pilot windshield and windows.* All glass panes shall be of a nonsplintering safety type.

§ 3.384 *Cockpit controls.* (a) All cockpit controls shall be so located and, except for those the function of which is obvious, identified as to provide convenience in operation including provisions to prevent the possibility of confusion and consequent inadvertent operation. (See Fig. 3–14 for required sense of motion of cockpit controls.) The controls shall be so located and arranged that when seated it will be readily possible for the pilot to obtain full and unrestricted movement of each control without interference from either his clothing or the cockpit structure.

(b) Identical power-plant controls for the several engines in the case of multiengine airplanes shall be so located as to prevent any misleading impression as to the engines to which they relate.

| *Controls* | *Movement and actuation* |
|---|---|
| Primary: | |
| Aileron | Right (clockwise) for right wing down. |
| Elevator | Rearward for nose up. |
| Rudder | Right pedal forward for nose right. |
| Power plant: | |
| Throttle | Forward to open. |

FIGURE 3–14 COCKPIT CONTROLS

§ 3.385 *Instruments and markings.* See § 3.661 relative to instrument arrangement. The operational markings, instructions, and placards required for the instruments and controls are specified in §§ 3.756 to 3.765.

EMERGENCY PROVISIONS

§ 3.386 *Protection.* The fuselage shall be designed to give reasonable assurance that each occupant, if he makes proper use of belts or harness for which provisions are made in the design, will not suffer serious injury during minor crash conditions as a result of contact of any vulnerable part of his body with any penetrating or relatively solid object, although it is accepted that parts of the airplane may be damaged.

(a) The ultimate accelerations to which occupants are assumed to be subjected shall be as follows:

| | N, U | A |
|---|---|---|
| Upward | 3.0$g$ | 4.5$g$ |
| Forward | 9.0$g$ | 9.0$g$ |
| Sideward | 1.5$g$ | 1.5$g$ |

(b) For airplanes having retractable landing gear, the fuselage in combination with other portions of the structure shall be designed to afford protection of the occupants in a wheels-up landing with moderate descent velocity.

(c) If the characteristics of an airplane are such as to make a turnover reasonably probable, the fuselage of such an airplane in combination with other portions of the structure shall be designed to afford protection of the occupants in a complete turnover.

NOTE: In § 3.386 (b) and (c), a vertical ultimate acceleration of 3$g$ and a friction coefficient of 0.5 at the ground may be assumed.

(d) The inertia forces specified for N, U, and A category airplanes in paragraph (a) of this section shall be applied to all items of mass which would be apt to injure the passengers or crew if such items became loose in the event of a minor crash landing, and the supporting structure shall be designed to restrain these items.

§ 3.387 *Exits.* (a) Closed cabins on airplanes carrying more than 5 persons shall be provided with emergency exits consisting of movable windows or panels or of additional external doors which provide a clear and unobstructed opening, the minimum dimensions of which shall be such that a 19-by-26-inch ellipse may be completely inscribed therein. The exits shall be readily accessible, shall not require exceptional agility of a person using them, and shall be distributed so as to facilitate egress without crowding in all probable attitudes resulting from a crash. The method of opening shall be simple and obvious, and the exits shall be so arranged and marked as to be readily located and operated even in darkness. Reasonable provisions shall be made against the jamming of exits as a result of fuselage deformation. The proper functioning of exits shall be demonstrated by tests.

(b) The number of emergency exits required is as follows:

(1) Airplanes with a total seating capacity of more than 5 persons, but not in excess of 15, shall be provided with at least one emergency exit or one suitable door in addition to the main door specified in § 3.389. This emergency exit, or second door, shall be on the opposite side of the cabin from the main door.

(2) Airplanes with a seating capacity of more than 15 persons shall be provided with emergency exits or doors in addition to those required in paragraph (b) (1) of this section. There shall be one such additional exit or door located either in the top or side of the cabin for every additional 7 persons or fraction thereof above 15, except that not more than four exits, including doors, will be required if the arrangement and dimensions are suitable for quick evacuation of all occupants.

(c) If the pilot compartment is separated from the cabin by a door which is likely to block escape in the event of a minor crash, it shall have its own exit, but such exit shall not be considered as an emergency exit for the passengers.

(d) In categories U and A exits shall be provided which will permit all occupants to bail out quickly with parachutes.

§ 3.388 *Fire precautions*—(a) *Cabin interiors.* Only materials which are flash-resistant shall be used. In compartments where smoking is to be permitted, the wall and ceiling linings, the covering of all upholstering, floors, and furnishings shall be flame-resistant. Such compartments shall be equipped with an adequate number of self-contained ash trays. All other compartments shall be placarded against smoking.

(b) *Combustion heaters.* If combustion heaters are installed, they shall be of an approved type. The installation shall comply with applicable parts of the powerplant installation requirements covering fire hazards and precautions. All applicable requirements concerning fuel tanks, lines, and exhaust systems shall be considered.

PERSONNEL AND CARGO ACCOMMODATIONS

§ 3.389 *Doors.* Closed cabins on all airplanes carrying passengers shall be provided with at least one adequate and easily accessible external door. No passenger door shall be so located with respect to the propeller discs as to endanger persons using the door.

§ 3.390 *Seats and berths.* All seats and berths shall be of an approved type. They and their supporting structures shall be designed for an occupant weighing at least 170 pounds (190 pounds with parachute for seats intended for the acrobatic and utility categories) and for the maximum load factors corresponding with all specified flight and ground load conditions including the emergency landing conditions prescribed in § 3.386. The provisions of paragraphs (a) through (d) of this section shall also apply:

(a) Pilot seats shall be designed for the reactions resulting from the application of pilot forces to the primary flight controls as prescribed in § 3.231.

(b) All seats in the U and A categories shall be designed to accommodate passengers wearing parachutes, unless placarded in accordance with § 3.74 (b).

(c) Berths shall be so designed that the forward portion is provided with a padded end board, a canvas diaphragm, or other equivalent means, capable of withstanding the static load reaction of the occupant when subjected to the forward accelerations prescribed in § 3.386. Berths shall be provided with an approved safety belt and shall be free from corners or protuberances likely to cause serious injury to a person occupying the berth during emergency conditions. Berth safety belt attachments shall withstand the critical loads resulting from all relevant flight and ground load conditions and from the emergency landing conditions of § 3.386 with the exception of the forward load.

(d) In determining the strength of the attachment of the seat and berth to the structure, the accelerations prescribed in § 3.386 shall be multiplied by a factor of 1.33.

§ 3.392 *Cargo compartments.* Each cargo compartment shall be designed for the placarded maximum weight of contents and critical load distributions at the appropriate maximum load factors corresponding to all specified flight and ground load conditions. Suitable provisions shall be made to prevent the contents of cargo compartments from becoming a hazard by shifting. Such provisions shall be adequate to protect the passengers from injury by the contents of any cargo compartment when the ultimate forward acting accelerating force is 4.5$g$.

§ 3.393 *Ventilation.* All passenger and crew compartments shall be suitably ventilated. Carbon monoxide concentration shall not exceed 1 part in 20,000 parts of air.

MISCELLANEOUS

§ 3.401 *Leveling marks.* Leveling marks shall be provided for leveling the airplane on the ground.

SUBPART E—POWER-PLANT INSTALLATIONS: RECIPROCATING ENGINES

GENERAL

§ 3.411 *Components.* (a) The power-plant installation shall be considered to include all components of the airplane which are necessary for its propulsion. It shall also be considered to include all components which affect the control of the major propulsive units or which affect their continued safety of operation.

(b) All components of the power-plant installation shall be constructed, arranged, and installed in a manner which will assure the continued safe operation of the airplane and power plant. Accessibility shall be provided to permit such inspection and maintenance as is necessary to assure continued airworthiness.

ENGINES AND PROPELLERS

§ 3.415 *Engines.* Engines installed in certificated airplanes shall be of a type which has been certificated in accordance with the provisions of Part 13 of this subchapter.

§ 3.416 *Propellers.* (a) Propellers installed in certificated airplanes shall be of a type which has been certificated in accordance with the provisions of Part 14 of this subchapter.

(b) The maximum engine power and propeller shaft rotational speed permissible for use in the particular airplane involved shall not exceed the corresponding limits for which the propeller has been certificated.

§ 3.417 *Propeller vibration.* In the case of propellers with metal blades or other highly stressed metal components, the magnitude of the critical vibration stresses under all normal conditions of operation shall be determined by actual measurements or by comparison with similar installations for which such measurements have been made. The vibration stresses thus determined shall not exceed values which have been demonstrated to be safe for continuous operation. Vibration tests may be waived and the propeller installation accepted on the basis of service experience, engine or ground tests which show adequate margins of safety, or other considerations which satisfactorily substantiate its safety in this respect. In addition to metal propellers, the Administrator may require that similar substantiation of the vibration characteristics be accomplished for other types of propellers, with the exception of conventional fixed-pitch wood propellers.

§ 3.418 *Propeller pitch and speed limitations.* The propeller pitch and speed shall be limited to values which will assure safe operation under all normal conditions of operation and will assure compliance with the performance requirements specified in §§ 3.81–3.86.

§ 3.419 *Speed limitations for fixed-pitch propellers, ground adjustable pitch propellers, and automatically varying pitch propellers which cannot be controlled in flight.* (a) During take-off and initial climb at best rate-of-climb speed, the propeller, in the case of fixed-pitch or ground adjustable types, shall restrain the engine to a speed not exceeding its maximum permissible take-off speed and, in the case of automatic variable-pitch types, shall limit the maximum governed engine revolutions per minute to a speed not exceeding the maximum permissible take-off speed. In demonstrating compliance with this provision the engine shall be operated at full throttle or the throttle setting corresponding to the maximum permissible take-off manifold pressure.

(b) During a closed throttle glide at the placard, "never-exceed speed" (see § 3.739), the propeller shall not cause the engine to rotate at a speed in excess of 110 percent of its maximum allowable continuous speed.

§ 3.420 *Speed and pitch limitations for controllable pitch propellers without constant speed controls.* The stops or other means incorporated in the propeller mechanism to restrict the pitch range shall limit (a) the lowest possible blade pitch to a value which will assure compliance with the provisions of § 3.419 (a), and (b) the highest possible blade pitch to a value not lower than the flattest blade pitch with which compliance with the provisions of § 3.419 (b) can be demonstrated.

§ 3.421 *Variable pitch propellers with constant speed controls.* (a) Suitable means shall be provided at the governor to limit the speed of the propeller. Such means shall limit the maximum governed engine speed to a value not exceeding its maximum permissible take-off revolutions per minute.

(b) The low pitch blade stop, or other means incorporated in the propeller mechanism to restrict the pitch range, shall limit the speed of the engine to a value not exceeding 103 percent of the maximum permissible take-off revolutions per minute under the following conditions:

(1) Propeller blades set in the lowest possible pitch and the governor inoperative.

(2) Engine operating at take-off manifold pressure with the airplane stationary and with no wind.

§ 3.422 *Propeller clearance.* With the airplane loaded to the maximum weight and most adverse center of gravity position and the propeller in the most adverse pitch position, propeller clearances shall not be less than the following, unless smaller clearances are properly substantiated for the particular design involved:

(a) *Ground clearance.* (1) Seven inches (for airplanes equipped with nose wheel type landing gears) or 9 inches (for airplanes equipped with tail wheel type landing gears) with the landing gear statically deflected and the airplane in the level, normal take-off, or taxying attitude, whichever is most critical.

(2) In addition to subparagraph (1) of this paragraph, there shall be positive clearance between the propeller and the ground when, with the airplane in the level take-off attitude, the critical tire is completely deflated and the corresponding landing gear strut is completely bottomed.

(b) *Water clearance.* A minimum clearance of 18 inches shall be provided unless compliance with § 3.147 can be demonstrated with lesser clearance.

(c) *Structural clearance.* (1) One inch radial clearance between the blade tips and the airplane structure, or whatever additional radial clearance is necessary to preclude harmful vibration of the propeller or airplane.

(2) One-half inch longitudinal clearance between the propeller blades or cuffs and stationary portions of the airplane. Adequate positive clearance shall be provided between other rotating portions of the propeller or spinner and stationary portions of the airplane.

FUEL SYSTEM

§ 3.429 *General.* The fuel system shall be constructed and arranged in a manner to assure the provision of fuel to each engine at a flow rate and pressure adequate for proper engine functioning under all normal conditions of operation, including all maneuvers and acrobatics for which the airplane is intended.

ARRANGEMENT

§ 3.430 *Fuel system arrangement.* Fuel systems shall be so arranged as to permit any one fuel pump to draw fuel from only one tank at a time. Gravity feed systems shall not supply fuel to any one engine from more than one tank at a time unless the tank air spaces are interconnected in such a manner as to assure that all interconnected tanks will feed equally. (See also § 3.439.)

§ 3.431 *Multiengine fuel system arrangement.* The fuel systems of multiengine airplanes shall be arranged to permit operation in at least one configuration in such a manner that the failure of any one component will not result in the loss of power of more than one engine and will not require immediate action by the pilot to prevent the loss of power of more than one engine. Unless other provisions are made to comply with this requirement, the fuel system shall be arranged to permit supplying fuel to each engine through a system entirely independent of any portion of the system supplying fuel to the other engines.

NOTE: It is not necessarily intended that fuel tanks proper be separate for each engine if a common tank is provided with separate outlets and the remainder of the fuel system is independent.

§ 3.432 *Pressure cross feed arrangements.* Pressure cross feed lines shall not pass through portions of the airplane devoted to carrying personnel or cargo, unless means are provided to permit the flight personnel to shut off the supply of fuel to these lines, or unless any joints, fittings, or other possible sources of leakage installed in such lines are enclosed in a fuel- and fume-proof enclosure which is ventilated and drained to the exterior of the airplane. Bare tubing need not be enclosed but shall be protected where necessary against possible inadvertent damage.



OPERATION

§ 3.433 *Fuel flow rate.* The ability of the fuel system to provide the required fuel flow rate and pressure shall be demonstrated when the airplane is in the attitude which represents the most adverse condition from the standpoint of fuel feed and quantity of unusable fuel in the tank. During this test fuel shall be delivered to the engine at the applicable flow rate (see §§ 3.434–3.436) and at a pressure not less than the minimum required for proper carburetor operation. A suitable mock-up of the system, in which the most adverse conditions are simulated, may be used for this purpose. The quantity of fuel in the tank being tested shall not exceed the amount established as the unusable fuel supply for that tank as determined by demonstration of compliance with the provisions of § 3.437 (see also §§ 3.440 and 3.672), plus whatever minimum quantity of fuel it may be necessary to add for the purpose of conducting the flow test. If a fuel flowmeter is provided, the meter shall be blocked during the flow test and the fuel shall flow through the meter bypass.

§ 3.434 *Fuel flow rate for gravity systems.* The fuel flow rate for gravity systems (main and reserve supply) shall be 150 percent of the actual take-off fuel consumption of the engine.

§ 3.435 *Fuel flow rate for pump systems.* The fuel flow rate for pump systems (main and reserve supply) shall be 0.9 pound per hour for each take-off horsepower or 125 percent of the actual take-off fuel consumption of the engine, whichever is greater. This flow rate shall be applicable to both the primary engine-driven pump and the emergency pumps and shall be available when the pump is running at the speed at which it would normally be operating during take-off. In the case of hand-operated pumps, this speed shall be considered to be not more than 60 complete cycles (120 single strokes) per minute.

§ 3.436 *Fuel flow rate for auxiliary fuel systems and fuel transfer systems.* The provisions of § 3.434 or § 3.435, whichever is applicable, shall also apply to auxiliary and transfer systems with the exception that the required fuel flow rate shall be established upon the basis of maximum continuous power and speed instead of take-off power and speed. A lesser flow rate shall be acceptable, however, in the case of a small auxiliary tank feeding into a large main tank, provided a suitable placard is installed to require that the auxiliary tank must only be opened to the main tank when a predetermined satisfactory amount of fuel still remains in the main tank.

§ 3.437 *Determination of unusable fuel supply and fuel system operation on low fuel.* (a) The unusable fuel supply for each tank shall be established as not less than the quantity at which the first evidence of malfunctioning occurs under the conditions specified in this section. (See also § 3.440.) In the case of airplanes equipped with more than one fuel tank, any tank which is not required to feed the engine in all of the conditions specified in this section need be investigated only for those flight conditions in which it shall be used and the unusable fuel supply for the particular tank in question shall then be based on the most critical of those conditions which are found to be applicable. In all such cases, information regarding the conditions under which the full amount of usable fuel in the tank can safely be used shall be made available to the operating personnel by means of a suitable placard or instructions in the Airplane Flight Manual.

(b) Upon presentation of the airplane for test, the applicant shall stipulate the quantity of fuel with which he chooses to demonstrate compliance with this provision and shall also indicate which of the following conditions is most critical from the standpoint of establishing the unusable fuel supply. He shall also indicate the order in which the other conditions are critical from this standpoint:

(1) Level flight at maximum continuous power or the power required for level flight at $V_C$, whichever is less.

(2) Climb at maximum continuous power at the calculated best angle of climb at minimum weight.

(3) Rapid application of power and subsequent transition to best rate of climb following a power-off glide at 1.3 $V_{S_0}$.

(4) Sideslips and skids in level flight, climb, and glide under the conditions specified in subparagraphs (1), (2), and (3) of this paragraph, of the greatest severity likely to be encountered in normal service or in turbulent air.

(c) In the case of utility category airplanes, there shall be no evidence of malfunctioning during the execution of all approved maneuvers included in the Airplane Flight Manual. During this test the quantity of fuel in each tank shall not exceed the quantity established as the unusable fuel supply, in accordance with paragraph (b) of this section, plus 0.03 gallon for each maximum continuous horsepower for which the airplane is certificated.

(d) In the case of acrobatic category airplanes, there shall be no evidence of malfunctioning during the execution of all approved maneuvers included in the Airplane Flight Manual. During this test the quantity of fuel in each tank shall not exceed that specified in paragraph (c) of this section.

(e) If an engine can be supplied with fuel from more than one tank, it shall be possible to regain the full power and fuel pressure of that engine in not more than 10 seconds (for single-engine airplanes) or 20 seconds (for multiengine airplanes) after switching to any full tank after engine malfunctioning becomes apparent due to the depletion of the fuel supply in any tank from which the engine can be fed. Compliance with this provision shall be demonstrated in level flight.

(f) There shall be no evidence of malfunctioning during take-off and climb for 1 minute at the calculated attitude of best angle of climb at take-off power and minimum weight. At the beginning of this test the quantity of fuel in each tank shall not exceed that specified in paragraph (c) of this section.

§ 3.438 *Fuel system hot weather operation.* Airplanes with suction lift fuel systems or other fuel system features conducive to vapor formation shall be demonstrated to be free from vapor lock when using fuel at a temperature of 110° F. under critical operating conditions.

§ 3.439 *Flow between interconnected tanks.* In the case of gravity feed systems with tanks whose outlets are interconnected, it shall not be possible for fuel to flow between tanks in quantities sufficient to cause an overflow of fuel from the tank vent when the airplane is operated as specified in § 3.437 (a) and the tanks are full.

FUEL TANKS

§ 3.440 *General.* Fuel tanks shall be capable of withstanding without failure any vibration, inertia, and fluid and structural loads to which they may be subjected in operation. Flexible fuel tank liners shall be of an acceptable type. Integral type fuel tanks shall be provided with adequate facilities for the inspection and repair of the tank interior. The total usable capacity of the fuel tanks shall be sufficient for not less than one-half hour operation at rated maximum continuous power (see § 3.74 (d)). The unusable capacity shall be considered to be the minimum quantity of fuel which will permit compliance with the provisions of § 3.437. The fuel quantity indicator shall be adjusted to account for the unusable fuel supply as specified in § 3.672. If the unusable fuel supply in any tank exceeds 5 percent of the tank capacity or 1 gallon, whichever is greater, a placard and a suitable notation in the Airplane Flight Manual shall be provided to indicate to the flight personnel that the fuel remaining in the tank when the quantity indicator reads zero cannot be used safely in flight. The weight of the unusable fuel supply shall be included in the empty weight of the airplane.

§ 3.441 *Fuel tank tests.* (a) Fuel tanks shall be capable of withstanding the following pressure tests without failure or leakage. These pressures may be applied in a manner simulating the actual pressure distribution in service:

(1) Conventional metal tanks and nonmetallic tanks whose walls are not supported by the airplane structure: A pressure of 3.5 p. s. i. or the pressure developed during the maximum ultimate acceleration of the airplane with a full tank, whichever is greater.

(2) Integral tanks: The pressure developed during the maximum limit acceleration of the airplane with a full tank, simultaneously with the application of the critical limit structural loads.

(3) Nonmetallic tanks the walls of which are supported by the airplane structure: Tanks constructed of an acceptable basic tank material and type of construction and with actual or simulated support conditions shall be subjected to a pressure of 2 p. s. i. for the first tank of a specific design. The supporting structure shall be designed for the critical loads occurring in the flight or landing strength conditions combined with the fuel pressure loads resulting from the corresponding accelerations.

(b) (1) Tanks with large unsupported or unstiffened flat areas shall be capable of withstanding the following tests without leakage or failure. The complete tank assembly, together with its supports, shall be subjected to a vibration test when mounted in a manner simulating the actual installation. The tank assembly shall be vibrated for 25 hours at a total amplitude of not less than 1/32 of an inch while filled 2/3 full of water. The frequency of vibration shall be 90 percent of the maximum continuous rated speed of the engine unless some other frequency within the normal operating range of speeds of the engine is more critical, in which case the latter speed shall be employed and the time of test shall be adjusted to accomplish the same number of vibration cycles.

(2) In conjunction with the vibration test, the tank assembly shall be rocked through an angle of 15° on either side of the horizontal (30° total) about an axis parallel to the axis of the fuselage. The assembly shall be rocked at the rate of 16 to 20 complete cycles per minute.

(c) Integral tanks which incorporate methods of construction and sealing not previously substantiated by satisfactory test data or service experience shall be capable of withstanding the vibration test specified in paragraph (b) of this section.

(d) (1) Tanks with nonmetallic liners shall be subjected to the sloshing portion of the test outlined under paragraph (b) of this section with fuel at room temperature.

(2) In addition, a specimen liner of the same basic construction as that to be used in the airplane shall, when installed in a suitable test tank, satisfactorily withstand the slosh test with fuel at a temperature of 110° F.

§ 3.442 *Fuel tank installation.* (a) The method of supporting tanks shall not be such as to concentrate the loads resulting from the weight of the fuel in the tanks. Pads shall be provided to prevent chafing between the tank and its supports. Materials employed for padding shall be nonabsorbent or shall be treated to prevent the absorption of fuels. If flexible tank liners are employed, they shall be of an approved type, and they shall be so supported that the liner is not required to withstand fluid loads. Interior surfaces of compartments for such liners shall be smooth and free of projections which are apt to cause wear of the liner, unless provisions are made for the protection of the liner at such points or unless the construction of the liner itself provides such protection. A positive pressure shall be maintained within the vapor space of all bladder cells under all conditions of operation including the critical condition of low air speed and rate of descent likely to be encountered in normal operation.

(b) Tank compartments shall be ventilated and drained to prevent the accumulation of inflammable fluids or vapors. Compartments adjacent to tanks which are an integral part of the airplane structure shall also be ventilated and drained.

(c) Fuel tanks shall not be located on the engine side of the fire wall. Not less than one-half inch of clear air space shall be provided between the fuel tank and the fire wall. No portion of engine nacelle skin which lies immediately behind a major air egress opening from the engine compartment shall act as the wall of an integral tank. Fuel tanks shall not be located in personnel compartments, except in the case of single-engine airplanes. In such cases fuel tanks the capacity of which does not exceed 25 gallons may be located in personnel compartments, if adequate ventilation and drainage are provided. In all other cases, fuel tanks shall be isolated from personnel compartments by means of fume and fuel proof enclosures.

§ 3.443 *Fuel tank expansion space.* Fuel tanks shall be provided with an expansion space of not less than 2 percent of the tank capacity, unless the tank vent discharges clear of the aircraft in which case no expansion space will be required. It shall not be possible inadvertently to fill the fuel tank expansion space when the airplane is in the normal ground attitude.

§ 3.444 *Fuel tank sump.* (a) Each tank shall be provided with a drainable sump having a capacity of not less than 0.25 percent of the tank capacity or 1/16 gallon, whichever is the greater. It shall be acceptable to dispense with the sump if the fuel system is provided with a sediment bowl permitting ground inspection. The sediment bowl shall also be accessible for drainage. The capacity of the sediment chamber shall not be less than 1 ounce per each 20 gallons of the fuel tank capacity.

(b) If a fuel tank sump is provided, the capacity specified in paragraph (a) of this section shall be effective with the airplane in the normal ground attitude and in all normal flight attitudes.

(c) If a separate sediment bowl is provided in lieu of a tank sump, the fuel tank outlet shall be so located that, when the airplane is in the normal ground attitude, water will drain from all portions of the tank to the sediment bowl.

§ 3.445 *Fuel tank filler connection.* (a) Fuel tank filler connections shall be marked as specified in § 3.767.

(b) Provision shall be made to prevent the entrance of spilled fuel into the fuel tank compartment or any portions of the airplane other than the tank itself. The filler cap shall provide a fuel-tight seal for the main filler opening. However, small openings in the fuel tank cap for venting purposes or to permit passage of a fuel gauge through the cap shall be permissible.

§ 3.446 *Fuel tank vents and carburetor vapor vents.* (a) Fuel tanks shall be vented from the top portion of the expansion space. Vent outlets shall be so located and constructed as to minimize the possibility of their being obstructed by ice or other foreign matter. The vent shall be so constructed as to preclude the possibility of siphoning fuel during normal operation. The vent shall be of sufficient size to permit the rapid relief of excessive differences of pressure between the interior and exterior of the tank. Air spaces of tanks the outlets of which are interconnected shall also be interconnected. There shall be no undrainable points in the vent line where moisture is apt to accumulate with the airplane in either the ground or level flight attitude. Vents shall not terminate at points where the discharge of fuel from the vent outlet will constitute a fire hazard or from which fumes may enter personnel compartments.

(b) Carburetors which are provided with vapor elimination connections shall be provided with a vent line which will lead vapors back to one of the airplane fuel tanks. If more than one fuel tank is provided and it is necessary to use these tanks in a definite sequence for any reason, the vapor vent return line shall lead back to the fuel tank which must be used first unless the relative capacities of the tanks are such that return to another tank is preferable.

§ 3.447–A *Fuel tank vents.* Provision shall be made to prevent excessive loss of fuel during acrobatic maneuvers including short periods of inverted flight. It shall not be possible for fuel to siphon from the vent when normal flight has been resumed after having executed any acrobatic maneuver for which the airplane is intended.

§ 3.448 *Fuel tank outlet.* The fuel tank outlet shall be provided with a screen of from 8 to 16 meshes per inch. If a finger strainer is used, the length of the strainer shall not be less than 4 times the outlet diameter. The diameter of the strainer shall not be less than the diameter of the fuel tank outlet. Finger strainers shall be accessible for inspection and cleaning.

FUEL PUMPS

§ 3.449 *Fuel pump and pump installation.* (a) If fuel pumps are provided to maintain a supply of fuel to the engine, at least one pump for each engine shall be directly driven by the engine. Fuel pumps shall be adequate to meet the flow requirements of the applicable portions of §§ 3.433–3.436.

(b) Emergency fuel pumps shall be provided to permit supplying all engines with fuel in case of the failure of any one engine-driven pump, except that if an engine fuel injection pump which has been certificated as an integral part of the engine is used, an emergency pump is not required. Emergency pumps shall be available for immediate use in case of the failure of any other pump. If both the normal pump and emergency pump operate continuously, means shall be provided to indicate to the crew when either pump is malfunctioning.

LINES, FITTINGS, AND ACCESSORIES

§ 3.550 *Fuel system lines, fittings, and accessories.* Fuel lines shall be installed and supported in a manner which will prevent excessive vibration and will be adequate to withstand loads due to fuel pressure and accelerated flight conditions. Lines which are connected to components of the airplane between which relative motion might exist shall incorporate provisions for flexibility. Flexible hose shall be of an acceptable type.



§ 3.551 *Fuel valves.* (a) Means shall be provided to permit the flight personnel to shut off rapidly the flow of fuel to any engine individually in flight. Valves provided for this purpose shall be located on the side of the fire wall most remote from the engine.

(b) Shut-off valves shall be so constructed as to make it possible for the flight personnel to reopen the valves rapidly after they have once been closed.

(c) Valves shall be provided with either positive stops or "feel" in the on and off positions and shall be supported in such a manner that loads resulting from their operation or from accelerated flight conditions are not transmitted to the lines connected to the valve. Valves shall be so installed that the effect of gravity and vibration will tend to turn their handles to the open rather than the closed position.

(d) Fuel valve handles and their connections to the valve mechanism shall incorporate design features to minimize the possibility of incorrect installation.

§ 3.552 *Fuel strainer.* A fuel strainer shall be provided between the fuel tank outlet and the carburetor inlet. If an engine-driven fuel pump is provided, the strainer shall be located between the tank outlet and the engine-driven pump inlet. The strainer shall be accessible for drainage and cleaning, and the strainer screen shall be removable.

DRAINS AND INSTRUMENTS

§ 3.553 *Fuel system drains.* Drains shall be provided to permit safe drainage of the entire fuel system and shall incorporate means for locking in the closed position. The provisions for drainage shall be effective in the normal ground attitude.

§ 3.554 *Fuel system instruments.* (See § 3.655 and §§ 3.670 through 3.673.)

OIL SYSTEM

§ 3.561 *Oil system.* Each engine shall be provided with an independent oil system capable of supplying the engine with an ample quantity of oil at a temperature not exceeding the maximum which has been established as safe for continuous operation. The usable oil tank capacity shall not be less than the product of the endurance of the airplane under critical operating conditions and the maximum oil consumption of the engine under the same conditions, plus a suitable margin to assure adequate system circulation and cooling.

§ 3.562 *Oil cooling.* See § 3.581 and pertinent sections.

OIL TANKS

§ 3.563 *Oil tanks.* Oil tanks shall be capable of withstanding without failure all vibration, inertia, and fluid loads to which they might be subjected in operation. Flexible oil tank liners shall be of an acceptable type.

§ 3.564 *Oil tank tests.* Oil tank tests shall be the same as fuel tank tests (see § 3.441), except as follows:

(a) The 3.5 p. s. i. pressure specified in § 3.441 (a) shall be 5 pounds p. s. i.

(b) In the case of tanks with nonmetallic liners, the test fluid shall be oil rather than fuel as specified in § 3.441 (d) and the slosh test on a specimen liner shall be conducted with oil at a temperature of 250° F.

§ 3.565 *Oil tank installation.* Oil tank installations shall comply with the requirements of § 3.442 (a) and (b).

§ 3.566 *Oil tank expansion space.* Oil tanks shall be provided with an expansion space of not less than 10 percent of the tank capacity or ½ gallon, whichever is greater. It shall not be possible inadvertently to fill the oil tank expansion space when the airplane is in the normal ground attitude.

§ 3.567 *Oil tank filler connection.* Oil tank filler connections shall be marked as specified in § 3.767.

§ 3.568 *Oil tank vent.* (a) Oil tanks shall be vented to the engine crankcase from the top of the expansion space in such a manner that the vent connection is not covered by oil under any normal flight conditions. Oil tank vents shall be so arranged that condensed water vapor which might freeze and obstruct the line cannot accumulate at any point.

(b) *Category A.* Provision shall be made to prevent hazardous loss of oil during acrobatic maneuvers including short periods of inverted flight.

§ 3.569 *Oil tank outlet.* The oil tank outlet shall not be enclosed or covered by any screen or other guard which might impede the flow of oil. The diameter of the oil tank outlet shall not be less than the diameter of the engine oil pump inlet. (See also § 3.577.)

LINES, FITTINGS, AND ACCESSORIES

§ 3.570 *Oil system lines, fittings, and accessories.* Oil lines shall comply with the provisions of § 3.550, except that the inside diameter of the engine oil inlet and outlet lines shall not be less than the diameter of the corresponding engine oil pump inlet and outlet.

§ 3.571 *Oil valves.* See § 3.637.

§ 3.572 *Oil radiators.* Oil radiators and their support shall be capable of withstanding without failure any vibration, inertia, and oil pressure loads to which they might normally be subjected.

§ 3.573 *Oil filters.* If the engine is equipped with an oil filter, the filter shall be constructed and installed in such a manner that complete blocking of the flow through the filter element will not jeopardize the continued operation of the engine oil supply system.

§ 3.574 *Oil system drains.* Drains shall be provided to permit safe drainage of the entire oil system and shall incorporate means for positive locking in the closed position.

§ 3.575 *Engine breather lines.* (a) Engine breather lines shall be so arranged that condensed water vapor which might freeze and obstruct the line cannot accumulate at any point. Breathers shall discharge in a location which will not constitute a fire hazard in case foaming occurs and so that oil emitted from the line will not impinge upon the pilot's windshield. The breather shall not discharge into the engine air induction system.

(b) *Category A.* In the case of acrobatic type airplanes, provision shall be made to prevent excessive loss of oil from the breather during acrobatic maneuvers including short periods of inverted flight.

§ 3.576 *Oil system instruments.* See §§ 3.655, 3.670, 3.671, and 3.674.

§ 3.577 *Propeller feathering system.* If the propeller feathering system is dependent upon the use of the engine oil supply, provision shall be made to trap a quantity of oil in the tank in case the supply becomes depleted due to failure of any portion of the lubricating system other than the tank itself. The quantity of oil so trapped shall be sufficient to accomplish the feathering operation and shall be available only to the feathering pump. The ability of the system to accomplish feathering when the supply of oil has fallen to the above level shall be demonstrated.

COOLING

§ 3.581 *General.* The power-plant cooling provisions shall be capable of maintaining the temperatures of all power-plant components, engine parts, and engine fluids (oil and coolant), at or below the maximum established safe values under critical conditions of ground and flight operation.

TESTS

§ 3.582 *Cooling tests.* Compliance with the provisions of § 3.581 shall be demonstrated under critical ground, water, and flight operating conditions. If the tests are conducted under conditions which deviate from the highest anticipated summer air temperature (see § 3.583), the recorded power-plant temperatures shall be corrected in accordance with the provisions of §§ 3.584 and 3.585. The corrected temperatures determined in this manner shall not exceed the maximum established safe values. The fuel used during the cooling tests shall be of the minimum octane number approved for the engines involved, and the mixture settings shall be those appropriate to the operating conditions. The test procedures shall be as outlined in §§ 3.586 and 3.587.

§ 3.583 *Maximum anticipated summer air temperatures.* The maximum anticipated summer air temperature shall be considered to be 100° F. at sea level and to decrease from this value at the rate of 3.6° F. per thousand feet of altitude above sea level.

§ 3.584 *Correction factor for cylinder head, oil inlet, carburetor air, and engine coolant inlet temperatures.* These temperatures shall be corrected by adding the difference between the maximum anticipated summer air temperature and the temperature of the ambient air at the time of the first occurrence of maximum head, air, oil, or coolant temperature recorded during the cooling test.

§ 3.585 *Correction factor for cylinder barrel temperatures.* Cylinder barrel temperatures shall be corrected by adding 0.7 of the difference between the maximum anticipated summer air temperature and the temperature of the am-

bient air at the time of the first occurrence of the maximum cylinder barrel temperature recorded during the cooling test.

§ 3.586 *Cooling test procedure for single-engine airplanes.* This test shall be conducted by stabilizing engine temperatures in flight and then starting at the lowest practicable altitude and climbing for 1 minute at take-off power. At the end of 1 minute, the climb shall be continued at maximum continuous power until at least 5 minutes after the occurrence of the highest temperature recorded. The climb shall not be conducted at a speed greater than the best rate-of-climb speed with maximum continuous power unless:

(a) The slope of the flight path at the speed chosen for the cooling test is equal to or greater than the minimum required angle of climb (see § 3.85 (a)), and

(b) A cylinder head temperature indicator is provided as specified in § 3.675.

§ 3.587 *Cooling test procedure for multiengine airplanes*—(a) *Airplanes which meet the minimum one-engine-inoperative climb performance specified in § 3.85 (b).* The engine cooling test for these airplanes shall be conducted with the airplane in the configuration specified in § 3.85 (b), except that the operating engine(s) shall be operated at maximum continuous power or at full throttle when above the critical altitude. After stabilizing temperatures in flight, the climb shall be started at the lower of the two following altitudes and shall be continued until at least 5 minutes after the highest temperature has been recorded:

(1) 1,000 feet below the engine critical altitude or at the lowest practicable altitude (when applicable).

(2) 1,000 feet below the altitude at which the single-engine-inoperative rate of climb is 0.02 $V_{s_0}^2$.

The climb shall be conducted at a speed not in excess of the highest speed at which compliance with the climb requirement of § 3.85 (b) can be shown. However, if the speed used exceeds the speed for best rate of climb with one engine inoperative, a cylinder head temperature indicator shall be provided as specified in § 3.675.

(b) *Airplanes which cannot meet the minimum one-engine-inoperative climb performance specified in § 3.85 (b).* The engine cooling test for these airplanes shall be the same as in paragraph (a) of this section, except that after stabilizing temperatures in flight, the climb (or descent, in the case of airplanes with zero or negative one-engine-inoperative rate of climb) shall be commenced at as near sea level as practicable and shall be conducted at the best rate-of-climb speed (or the speed of minimum rate of descent, in the case of airplanes with zero or negative one-engine-inoperative rate of climb).

LIQUID COOLING SYSTEMS

§ 3.588 *Independent systems.* Each liquid cooled engine shall be provided with an independent cooling system. The cooling system shall be so arranged that no air or vapor can be trapped in any portion of the system, except the expansion tank, either during filling or during operation.

§ 3.589 *Coolant tank.* A coolant tank shall be provided. The tank capacity shall not be less than 1 gallon plus 10 percent of the cooling system capacity. Coolant tanks shall be capable of withstanding without failure all vibration, inertia, and fluid loads to which they may be subjected in operation. Coolant tanks shall be provided with an expansion space of not less than 10 percent of the total cooling system capacity. It shall not be possible inadvertently to fill the expansion space with the airplane in the normal ground attitude.

§ 3.590 *Coolant tank tests.* Coolant tank tests shall be the same as fuel tank tests (see § 3.441), except as follows:

(a) The 3.5 pounds per square inch pressure test of § 3.441 (a) shall be replaced by the sum of the pressure developed during the maximum ultimate acceleration with a full tank or a pressure of 3.5 pounds per square inch, whichever is greater, plus the maximum working pressure of the system.

(b) In the case of tanks with nonmetallic liners, the test fluid shall be coolant rather than fuel as specified in § 3.441 (d), and the slosh test on a specimen liner shall be conducted with coolant at operating temperature.

§ 3.591 *Coolant tank installation.* Coolant tanks shall be supported in a manner so as to distribute the tank loads over a large portion of the tank surface. Pads shall be provided to prevent chafing between the tank and the support. Material used for padding shall be nonabsorbent or shall be treated to prevent the absorption of inflammable fluids.

§ 3.592 *Coolant tank filler connection.* Coolant tank filler connections shall be marked as specified in § 3.767. Provisions shall be made to prevent the entrance of spilled coolant into the coolant tank compartment or any portions of the airplane other than the tank itself. Recessed coolant filler connections shall be drained and the drain shall discharge clear of all portions of the airplane.

§ 3.593 *Coolant lines, fittings, and accessories.* Coolant lines shall comply with the provisions of § 3.550, except that the inside diameter of the engine coolant inlet and outlet lines shall not be less than the diameter of the corresponding engine inlet and outlet connections.

§ 3.594 *Coolant radiators.* Coolant radiators shall be capable of withstanding without failure any vibration, inertia, and coolant pressure loads to which they may normally be subjected. Radiators shall be supported in a manner which will permit expansion due to operating temperatures and prevent the transmittal of harmful vibration to the radiator. If the coolant employed is inflammable, the air intake duct to the coolant radiator shall be so located that flames issuing from the nacelle in case of fire cannot impinge upon the radiator.

§ 3.595 *Cooling system drains.* One or more drains shall be provided to permit drainage of the entire cooling system, including the coolant tank, radiator, and the engine, when the airplane is in the normal ground attitude. Drains shall discharge clear of all portions of the airplane and shall be provided with means for positively locking the drain in the closed position. Cooling system drains shall be accessible.

§ 3.596 *Cooling system instruments.* See §§ 3.655, 3.670, and 3.671.

INDUCTION SYSTEM

§ 3.605 *General.* (a) The engine air induction system shall permit supplying an adequate quantity of air to the engine under all conditions of operation.

(b) Each engine shall be provided with at least two separate air intake sources, except that in the case of an engine equipped with a fuel injector only one air intake source need be provided, if the air intake, opening, or passage is unobstructed by a screen, filter, or other part on which ice might form and so restrict the air flow as to affect adversely engine operation. It shall be permissible for primary air intakes to open within the cowling only if that portion of the cowling is isolated from the engine accessory section by means of a fire-resistant diaphragm or if provision is made to prevent the emergence of backfire flames. Alternate air intakes shall be located in a sheltered position and shall not open within the cowling unless they are so located that the emergence of backfire flames will not result in a hazard. Supplying air to the engine through the alternate air intake system of the carburetor air preheater shall not result in the loss of excessive power in addition to the power lost due to the rise in the temperature of the air.

§ 3.606 *Induction system de-icing and anti-icing provisions.* The engine air induction system shall incorporate means for the prevention and elimination of ice accumulations in accordance with the provisions in this section. It shall be demonstrated that compliance with the provisions outlined in the following paragraphs can be accomplished when the airplane is operating in air at a temperature of 30° F. when the air is free of visible moisture.

(a) Airplanes equipped with sea level engines employing conventional venturi carburetors shall be provided with a preheater capable of providing a heat rise of 90° F. when the engine is operating at 75 percent of its maximum continuous power.

(b) Airplanes equipped with altitude engines employing conventional venturi carburetors shall be provided with a preheater capable of providing a heat rise of 120° F. when the engine is operating at 75 percent of its maximum continuous power.

(c) Airplanes equipped with altitude engines employing carburetors which embody features tending to reduce the possibility of ice formation shall be provided with a preheater capable of providing a heat rise of 100° F. when the engine is operating at 60 percent of its maximum continuous power. However, the preheater need not provide a heat rise in excess of 40° F. if a fluid de-icing system complying with the provisions of §§ 3.607–3.609 is also installed.

(d) Airplanes equipped with sea level engines employing carburetors which embody features tending to reduce the possibility of ice formation shall be provided with a sheltered alternate source of air. The preheat supplied to this alternate air intake shall be not less than that provided by the engine cooling air downstream of the cylinders.

§ 3.607 *Carburetor de-icing fluid flow rate.* The system shall be capable of providing each engine with a rate of fluid flow, expressed in pounds per hour, of not less than 2.5 multiplied by the square root of the maximum continuous power of the engine. This flow shall be available to all engines simultaneously. The fluid shall be introduced into the air induction system at a point close to, and upstream from, the carburetor. The fluid shall be introduced in a manner to assure its equal distribution over the entire cross section of the induction system air passages.

§ 3.608 *Carburetor fluid de-icing system capacity.* The fluid de-icing system capacity shall not be less than that required to provide fluid at the rate specified in § 3.607 for a time equal to 3 percent of the maximum endurance of the airplane. However, the capacity need not in any case exceed that required for 2 hours of operation nor shall it be less than that required for 20 minutes of operation at the above flow rate. If the available preheat exceeds 50° F. but is less than 100° F., it shall be permissible to decrease the capacity of the system in proportion to the heat rise available in excess of 50° F.

§ 3.609 *Carburetor fluid de-icing system detail design.* Carburetor fluid de-icing systems shall comply with provisions for the design of fuel systems, except as specified in §§ 3.607 and 3.608, unless such provisions are manifestly inapplicable.

§ 3.610 *Carburetor air preheater design.* Means shall be provided to assure adequate ventilation of the carburetor air preheater when the engine is being operated in cold air. The preheater shall be constructed in such a manner as to permit inspection of exhaust manifold parts which it surrounds and also to permit inspection of critical portions of the preheater itself.

§ 3.611 *Induction system ducts.* Induction system ducts shall be provided with drains which will prevent the accumulation of fuel or moisture in all normal ground and flight attitudes. No open drains shall be located on the pressure side of turbo-supercharger installations. Drains shall not discharge in a location which will constitute a fire hazard. Ducts which are connected to components of the airplane between which relative motion may exist shall incorporate provisions for flexibility.

§ 3.612 *Induction system screens.* If induction system screens are employed, they shall be located upstream from the carburetor. It shall not be possible for fuel to impinge upon the screen. Screens shall not be located in portions of the induction system which constitute the only passage through which air can reach the engine, unless the available preheat is 100° F. or over and the screen is so located that it can be de-iced by the application of heated air. De-icing of screens by means of alcohol in lieu of heated air shall not be acceptable.

EXHAUST SYSTEM

§ 3.615 *General.* (a) The exhaust system shall be constructed and arranged in such a manner as to assure the safe disposal of exhaust gases without the existence of a hazard of fire or carbon monoxide contamination of air in personnel compartments.

(b) Unless suitable precautions are taken, exhaust system parts shall not be located in close proximity to portions of any systems carrying inflammable fluids or vapors nor shall they be located under portions of such systems which may be subject to leakage. All exhaust system components shall be separated from adjacent inflammable portions of the airplane which are outside the engine compartment by means of fireproof shields. Exhaust gases shall not be discharged at a location which will cause a glare seriously affecting pilot visibility at night, nor shall they discharge within dangerous proximity of any fuel or oil system drains. All exhaust system components shall be ventilated to prevent the existence of points of excessively high temperature.

§ 3.616 *Exhaust manifold.* Exhaust manifolds shall be made of fireproof, corrosion-resistant materials, and shall incorporate provisions to prevent failure due to their expansion when heated to operating temperatures. Exhaust manifolds shall be supported in a manner adequate to withstand all vibration and inertia loads to which they might be subjected in operation. Portions of the manifold which are connected to components between which relative motion might exist shall incorporate provisions for flexibility.

§ 3.617 *Exhaust heat exchangers.* (a) Exhaust heat exchangers shall be constructed and installed in such a manner as to assure their ability to withstand without failure all vibration, inertia, and other loads to which they might normally be subjected. Heat exchangers shall be constructed of materials which are suitable for continued operation at high temperatures and which are adequately resistant to corrosion due to products contained in exhaust gases.

(b) Provisions shall be made for the inspection of all critical portions of exhaust heat exchangers, particularly if a welded construction is employed. Heat exchangers shall be ventilated under all conditions in which they are subject to contact with exhaust gases.

§ 3.618 *Exhaust heat exchangers used in ventilating air heating systems.* Heat exchangers of this type shall be so constructed as to preclude the possibility of exhaust gases entering the ventilating air.

FIRE WALL AND COWLING

§ 3.623 *Fire walls.* All engines, auxiliary power units, fuel burning heaters, and other combustion equipment which are intended for operation in flight shall be isolated from the remainder of the airplane by means of fire walls, or shrouds, or other equivalent means.

§ 3.624 *Fire wall construction.* (a) Fire walls and shrouds shall be constructed in such a manner that no hazardous quantity of liquids, gases, or flame could pass from the engine compartment to other portions of the airplane. All openings in the fire wall or shroud shall be sealed tight with fireproof grommets, bushings, or fire-wall fittings, except that, such seals of fire-resistant materials shall be acceptable for use on single-engine airplanes and multiengine airplanes not required to comply with § 3.85 (b) or § 3.85a (b), if such airplanes are equipped with engine(s) having a volumetric displacement of 1,000 cubic inches or less; and if the openings in the fire walls or shrouds are such that, without seals, the passage of a hazardous quantity of flame could not result.

(b) Fire walls and shrouds shall be constructed of fireproof material and shall be protected against corrosion. The following materials have been found to comply with this requirement:

(1) Heat- and corrosion-resistant steel 0.015 inch thick,

(2) Low carbon steel, suitably protected against corrosion, 0.018 inch thick.

§ 3.625 *Cowling.* (a) Cowling shall be constructed and supported in such a manner as to be capable of resisting all vibration, inertia, and air loads to which it may normally be subjected. Provision shall be made to permit rapid and complete drainage of all portions of the cowling in all normal ground and flight attitudes. Drains shall not discharge in locations constituting a fire hazard.

(b) Cowling shall be constructed of fire-resistant material. All portions of the airplane lying behind openings in the engine compartment cowling shall also be constructed of fire-resistant materials for a distance of at least 24 inches aft of such openings. Portions of cowling which are subjected to high temperatures due to proximity to exhaust system ports or exhaust gas impingement shall be constructed of fireproof material.

POWER-PLANT CONTROLS AND ACCESSORIES

CONTROLS

§ 3.627 *Power-plant controls.* Power-plant controls shall comply with the provisions of §§ 3.384 and 3.762. Controls shall maintain any necessary position without constant attention by the flight personnel and shall not tend to creep due to control loads or vibration. Flexible controls shall be of an acceptable type. Controls shall have adequate strength and rigidity to withstand operating loads without failure or excessive reflection.

§ 3.628 *Throttle controls.* A throttle control shall be provided to give independent control for each engine. Throt-

tle controls shall afford a positive and immediately responsive means of controlling the engine(s). Throttle controls shall be grouped and arranged in such a manner as to permit separate control of each engine and also simultaneous control of all engines.

§ 3.629 *Ignition switches.* Ignition switches shall provide control for each ignition circuit on each engine. It shall be possible to shut off quickly all ignition on multiengine airplanes, either by grouping of the individual switches or by providing a master ignition control. If a master control is provided, suitable means shall be incorporated to prevent its inadvertent operation.

§ 3.630 *Mixture controls.* If mixture controls are provided, a separate control shall be provided for each engine. The controls shall be grouped and arranged in such a manner as to permit both separate and simultaneous control of all engines.

§ 3.631 *Propeller speed and pitch controls.* (See also § 3.421 (a).) If propeller speed or pitch controls are provided, the controls shall be grouped and arranged in such a manner as to permit control of all propellers, both separately and together. The controls shall permit ready synchronization of all propellers on multiengine airplanes.

§ 3.632 *Propeller feathering controls.* If propeller feathering controls are provided, a separate control shall be provided for each propeller. Propeller feathering controls shall be provided with means to prevent inadvertent operation.

§ 3.633 *Fuel system controls.* Fuel system controls shall comply with requirements of § 3.551 (c).

§ 3.634 *Carburetor air preheat controls.* Separate controls shall be provided to regulate the temperature of the carburetor air for each engine.

ACCESSORIES

§ 3.635 *Power-plant accessories.* Engine-driven accessories shall be of a type satisfactory for installation on the engine involved and shall utilize the provisions made on the engine for the mounting of such units. Items of electrical equipment subject to arcing or sparking shall be installed so as to minimize the possibility of their contact with any inflammable fluids or vapors which might be present in a free state.

§ 3.636 *Engine battery ignition systems.* (a) Battery ignition systems shall be supplemented with a generator which is automatically made available as an alternate source of electrical energy to permit continued engine operation in the event of the depletion of any battery.

(b) The capacity of batteries and generators shall be sufficient to meet the simultaneous demands of the engine ignition system and the greatest demands of any of the airplane's electrical system components which may draw electrical energy from the same source. Consideration shall be given to the condition of an inoperative generator, and to the condition of a completely depleted battery when the generator is running at its normal operating speed. If only one battery is provided, consideration shall also be given to the condition in which the battery is completely depleted and the generator is operating at idling speed.

(c) Means shall be provided to warn the appropriate flight personnel if malfunctioning of any part of the electrical system is causing the continuous discharging of a battery used for engine ignition. (See § 3.629 for ignition switches.)

POWER-PLANT FIRE PROTECTION

§ 3.637 *Power-plant fire protection.* Suitable means shall be provided to shut off the flow in all lines carrying flammable fluids into the engine compartment on multiengine airplanes required to comply with the provisions of § 3.85 (b).

SUBPART F—EQUIPMENT

§ 3.651 *General.* The equipment specified in § 3.655 shall be the minimum installed when the airplane is submitted to determine its compliance with the airworthiness requirements. Such additional equipment as is necessary for a specific type of operation is specified in other pertinent parts of this subchapter, but, where necessary, its installation and that of the items mentioned in § 3.655 is covered by this part.

§ 3.652 *Functional and installational requirements.* Each item of equipment which is essential to the safe operation of the airplane shall be found by the Administrator to perform adequately the functions for which it is to be used, shall function properly when installed, and shall be adequately labeled as to its identification, function, operational limitations, or any combination of these, whichever is applicable.

BASIC EQUIPMENT

§ 3.655 *Required basic equipment.* The following table shows the basic equipment items required for type and airworthiness certification of an airplane:

(a) *Flight and navigational instruments.* (1) Air-speed indicator (see § 3.663).

(2) Altimeter.

(3) Magnetic direction indicator (see § 3.666).

(b) *Power-plant instruments*—(1) *For each engine or tank.* (i) Fuel quantity indicator (see § 3.672).

(ii) Oil pressure indicator.

(iii) Oil temperature indicator.

(iv) Tachometer.

(2) *For each engine or tank (if required in reference section).* (i) Carburetor air temperature indicator (see § 3.676).

(ii) Coolant temperature indicator (if liquid-cooled engines used).

(iii) Cylinder head temperature indicator (see § 3.675).

(iv) Fuel pressure indicator (if pump-fed engines used).

(v) Manifold pressure indicator (if altitude engines used).

(vi) Oil quantity indicator (see § 3.674).

(c) *Electrical equipment (if required by reference section).* (1) Master switch arrangement (see § 3.688).

(2) Adequate source(s) of electrical energy (see §§ 3.682 and 3.685).

(3) Electrical protective devices (see § 3.690).

(d) *Miscellaneous equipment.* (1) Approved safety belts for all occupants (see § 3.715).

(2) Airplane Flight Manual if required by § 3.777.

INSTRUMENTS; INSTALLATION

GENERAL

§ 3.661 *Arrangement and visibility of instrument installations.* (a) Flight, navigation, and power-plant instruments for use by each pilot shall be easily visible to him.

(b) On multiengine airplanes, identical power-plant instruments for the several engines shall be so located as to prevent any confusion as to the engines to which they relate.

§ 3.662 *Instrument panel vibration characteristics.* Vibration characteristics of the instrument panel shall not be such as to impair the accuracy of the instruments or to cause damage to them.

FLIGHT AND NAVIGATIONAL INSTRUMENTS

§ 3.663 *Air-speed indicating system.* This system shall be so installed that the air-speed indicator shall indicate true air speed at sea level under standard conditions to within an allowable installational error of not more than plus or minus 3 percent of the calibrated air speed or 5 miles per hour, whichever is greater, throughout the operating range of the airplane with flaps up from $V_c$ to 1.3 $V_{s_1}$ and with flaps down at 1.3 $V_{s_1}$. The calibration shall be made in flight.

§ 3.664 *Air-speed indicator marking.* The air-speed indicator shall be marked as specified in § 3.757.

§ 3.665 *Static air vent system.* All instruments provided with static air case connections shall be so vented that the influence of airplane speed, the opening and closing of windows, air-flow variation, moisture, or other foreign matter will not seriously affect their accuracy.

§ 3.666 *Magnetic direction indicator.* The magnetic direction indicator shall be so installed that its accuracy shall not be excessively affected by the airplane's vibration or magnetic fields. After the direction indicator has been compensated, the installation shall be such that the deviation in level flight does not exceed 10 degrees on any heading. A suitable calibration placard shall be provided as specified in § 3.758.

§ 3.667 *Automatic pilot system.* If an automatic pilot system is installed:

(a) The system shall be designed so that the automatic pilot can either:

(1) Be quickly and positively disengaged by the human pilot(s) to prevent it from interfering with his control of the airplane, or

(2) Be sufficiently overpowered by one human pilot to enable him to control the airplane.

(b) A satisfactory means shall be provided to indicate readily to the pilot the alignment of the actuating device in relation to the control system which it operates, except when automatic synchronization is provided.

(c) The manually operated control(s) for the system's operation shall be readily accessible to the pilot.

(d) The automatic pilot system shall be designed so that, within the range of adjustment available to the human pilot, it cannot produce hazardous loads on the airplane or create hazardous deviations in the flight path under any conditions of flight appropriate to its use either during normal operation or in the event of malfunctioning, assuming that corrective action is initiated within a reasonable period of time.

§ 3.668 *Gyroscopic indicators.* All gyroscopic instruments installed in airplanes intended for operation under instrument flight rules shall derive their energy from a power source of sufficient capacity to maintain their required accuracy at all airplane speeds above the best rate-of-climb speed. They shall be installed to preclude malfunctioning due to rain, oil, and other detrimental elements. Means shall be provided for indicating the adequacy of the power being supplied to each of the instruments. In addition, the following provisions shall be applicable to multiengine airplanes:

(a) There shall be provided at least two independent sources of power, a manual or an automatic means for selecting the power source, and a means for indicating the adequacy of the power being supplied by each source.

(b) The installation and power supply systems shall be such that failure of one instrument or of the energy supply from one source will not interfere with the proper supply of energy to the remaining instruments or from the other source.

§ 3.669 *Flight director instrument.* If a flight director instrument is installed, its installation shall not affect the performance and accuracy of the required instruments. A means for disconnecting the flight director instrument from the required instruments or their installations shall be provided.

POWER-PLANT INSTRUMENTS

§ 3.670 *Operational markings.* Instruments shall be marked as specified in § 3.759.

§ 3.671 *Instrument lines.* Power-plant instrument lines shall comply with the provisions of § 3.550. In addition, instrument lines carrying inflammable fluids or gases under pressure shall be provided with restricted orifices or other safety devices at the source of the pressure to prevent escape of excessive fluid or gas in case of line failure.

§ 3.672 *Fuel quantity indicator.* Means shall be provided to indicate to the flight personnel the quantity of fuel in each tank during flight. Tanks, the outlets and air spaces of which are interconnected, may be considered as one tank and need not be provided with separate indicators. Exposed sight gauges shall be so installed and guarded as to preclude the possibility of breakage or damage. Sight gauges which form a trap in which water can collect and freeze shall be provided with means to permit drainage on the ground. Fuel quantity gauges shall be calibrated to read zero during level flight when the quantity of fuel remaining in the tank is equal to the unusable fuel supply as defined by § 3.437. Fuel gauges need not be provided for small auxiliary tanks which are used only to transfer fuel to other tanks, provided that the relative size of the tanks, the rate of fuel transfer, and the instructions pertaining to the use of the tanks are adequate to guard against overflow and to assume that the crew will receive prompt warning in case transfer is not being achieved as intended.

§ 3.673 *Fuel flowmeter system.* When a fuel flowmeter system is installed in the fuel line(s), the metering component shall be of such design as to include a suitable means for bypassing the fuel supply in the event that malfunctioning of the metering component offers a severe restriction to fuel flow.

§ 3.674 *Oil quantity indicator.* Ground means, such as a stick gauge, shall be provided to indicate the quantity of oil in each tank. If an oil transfer system or a reserve oil supply system is installed, means shall be provided to indicate to the flight personnel during flight the quantity of oil in each tank.

§ 3.675 *Cylinder head temperature indicating system for air-cooled engines.* A cylinder head temperature indicator shall be provided for each engine on airplanes equipped with cowl flaps. In the case of airplanes which do not have cowl flaps, an indicator shall be provided if compliance with the provisions of § 3.581 is demonstrated at a speed in excess of the speed of best rate of climb.

§ 3.676 *Carburetor air temperature indicating system.* A carburetor air temperature indicating system shall be provided for each altitude engine equipped with a preheater which is capable of providing a heat rise in excess of 60° F.

ELECTRICAL SYSTEMS AND EQUIPMENT

§ 3.681 *Installation.* (a) Electrical systems in airplanes shall be free from hazards in themselves, in their method of operation, and in their effects on other parts of the airplane. Electrical equipment shall be of a type and design adequate for the use intended. Electrical systems shall be installed in such a manner that they are suitably protected from fuel, oil, water, other detrimental substances, and mechanical damage.

(b) Items of electrical equipment required for a specific type of operation are listed in other pertinent parts of this subchapter.

BATTERIES

§ 3.682 *Batteries.* When an item of electrical equipment which is essential to the safe operation of the airplane is installed, the battery required shall have sufficient capacity to supply the electrical power necessary for dependable operation of the connected electrical equipment.

§ 3.683 *Protection against acid.* If batteries are of such a type that corrosive substance may escape during servicing or flight, means such as a completely enclosed compartment shall be provided to prevent such substances from coming in contact with other parts of the airplane which are essential to safe operation. Batteries shall be accessible for servicing and inspection on the ground.

§ 3.684 *Battery vents.* The battery container or compartment shall be vented in such manner that gases released by the battery are carried outside the airplane.

GENERATORS

§ 3.685 *Generator.* Generators shall be capable of delivering their continuous rated power.

§ 3.686 *Generator controls.* Generator voltage control equipment shall be capable of dependably regulating the generator output within rated limits.

§ 3.687 *Reverse current cut-out.* A generator reverse current cut-out shall disconnect the generator from the battery and other generators when the generator is developing a voltage of such value that current sufficient to cause malfunctioning can flow into the generator.

MASTER SWITCH

§ 3.688 *Arrangement.* If electrical equipment is installed, a master switch arrangement shall be provided which will disconnect all sources of electrical power from the main distribution system at a point adjacent to the power sources.

§ 3.689 *Master switch installation.* The master switch or its controls shall be so installed that it is easily discernible and accessible to a member of the crew in flight.

PROTECTIVE DEVICES

§ 3.690 *Fuses or circuit breakers.* If electrical equipment is installed, protective devices (fuses or circuit breakers) shall be installed in the circuits to all electrical equipment, except that such items need not be installed in the main circuits of starter motors or in other circuits where no hazard is presented by their omission.

§ 3.691 *Protective devices installation.* Protective devices in circuits essential to safety in flight shall be so located and identified that fuses may be replaced or circuit breakers reset readily in flight.

§ 3.692 *Spare fuses.* If fuses are used, one spare of each rating or 50 percent spare fuses of each rating, whichever is greater, shall be provided.

ELECTRIC CABLES

§ 3.693 *Electric cables.* If electrical equipment is installed, the connecting cables used shall be in accordance with recognized standards for electric cable of a slow burning type and of suitable capacity.

SWITCHES

§ 3.694 *Switches.* Switches shall be capable of carrying their rated current and shall be of such construction that there is sufficient distance or insulating material between current carrying parts and the housing so that vibration in flight will not cause shorting.

§ 3.695 *Switch installation.* Switches shall be so installed as to be readily accessible to the appropriate crew member and shall be suitably labeled as to operation and the circuit controlled.

INSTRUMENT LIGHTS

§ 3.696 *Instrument lights.* If instrument lights are required, they shall be of such construction that there is sufficient distance or insulating material between current carrying parts and the housing so that vibration in flight will not cause shorting. They shall provide sufficient illumination to make all instruments and controls easily readable and discernible, respectively.

§ 3.697 *Instrument light installation.* Instrument lights shall be installed in such a manner that their direct rays are shielded from the pilot's eyes. Direct rays shall not be reflected from the windshield or other surfaces into the pilot's eyes.

LANDING LIGHTS

§ 3.698 *Landing lights.* If landing lights are installed, they shall be of an acceptable type.

§ 3.699 *Landing light installation.* Landing lights shall be so installed that there is no dangerous glare visible to the pilot and also so that the pilot is not seriously affected by halation. They shall be installed at such a location that they provide adequate illumination for night landing.

POSITION LIGHTS

§ 3.700 *Position light system installation*—(a) *General.* The provisions of §§ 3.700 through 3.703 shall be applicable to the position light system as a whole, and shall be complied with if a single circuit type system is installed.[1] The single circuit system shall include the items specified in paragraphs (b) through (f) of this section.

(b) *Forward position lights.* Forward position lights shall consist of a red and a green light spaced laterally as far apart as practicable and installed forward on the airplane in such a location that, with the airplane in normal flying position, the red light is displayed on the left side and the green light is displayed on the right side. The individual lights shall be of an approved type.

(c) *Rear position light.* The rear position light shall be a white light mounted as far aft as practicable. The light shall be of an approved type.

(d) *Circuit.* The two forward position lights and the rear position light shall constitute a single circuit.

[1] Requirements for dual circuit position light systems are contained in Part 4b of this subchapter.

(e) *Flasher.* If employed, an approved position light flasher for a single circuit system shall be installed. The flasher shall be such that the system is energized automatically at a rate of not less than 60 nor more than 120 flashes per minute with an on-off ratio between 2.5:1 and 1:1. Unless the flasher is of a fail-safe type, means shall be provided in the system to indicate to the pilot when there is a failure of the flasher and a further means shall be provided for turning the lights on steady in the event of such failure.

(f) *Light covers and color filters.* Light covers or color filters used shall be of noncombustible material and shall be constructed so that they will not change color or shape or suffer any appreciable loss of light transmission during normal use.

§ 3.701 *Position light system dihedral angles.* The forward and rear position lights as installed on the airplane shall show unbroken light within dihedral angles specified in paragraphs (a) through (c) of this section.

(a) Dihedral angle *L* (left) shall be considered formed by two intersecting vertical planes, one parallel to the longitudinal axis of the airplane and the other at 110° to the left of the first, when looking forward along the longitudinal axis.

(b) Dihedral angle *R* (right) shall be considered formed by two intersecting vertical planes, one parallel to the longitudinal axis of the airplane and the other at 110° to the right of the first, when looking forward along the longitudinal axis.

(c) Dihedral angle *A* (aft) shall be considered formed by two intersecting vertical planes making angles of 70° to the right and 70° to the left, respectively, looking aft along the longitudinal axis, to a vertical plane passing through the longitudinal axis.

§ 3.702 *Position light distribution and intensities*—(a) *General.* The intensities prescribed in this section are those to be provided by new equipment with all light covers and color filters in place. Intensities shall be determined with the light source operating at a steady value equal to the average luminous output of the light source at the normal operating voltage of the airplane. The light distribution and intensities of position lights shall comply with the provisions of paragraph (b) of this section.

(b) *Forward and rear position lights.* The light distribution and intensities of forward and rear position lights shall be expressed in terms of minimum intensities in the horizontal plane, minimum intensities in any vertical plane, and maximum intensities in overlapping beams within dihedral angles *L*, *R*, and *A*, and shall comply with the provisions of subparagraphs (1) through (3) of this paragraph.

(1) *Intensities in horizontal plane.* The intensities in the horizontal plane shall not be less than the values given in Figure 3–15. (The horizontal plane is the plane containing the longitudinal axis of the airplane and is perpendicular to the plane of symmetry of the airplane.)

(2) *Intensities above and below horizontal.* The intensities in any vertical plane shall not be less than the appropriate value given in Figure 3–16, where *I* is the minimum intensity prescribed in Figure 3–15 for the corresponding angles in the horizontal plane. (Vertical planes are planes perpendicular to the horizontal plane.)

(3) *Overlaps between adjacent signals.* The intensities in overlaps between adjacent signals shall not exceed the values given in Figure 3–17, except that higher intensities in the overlaps shall be acceptable with the use of main beam intensities substantially greater than the minima specified in Figures 3–15 and 3–16 if the overlap intensities in relation to the main beam intensities are such as not to affect adversely signal clarity.

| Dihedral angle (light involved) | Angle from right or left of longitudinal axis, measured from dead ahead | Intensity (candles) |
|---|---|---|
| *L* and *R* (forward red and green) | 0° to 10° | 40 |
| | 10° to 20° | 30 |
| | 20° to 110° | 5 |
| *A* (rear white) | 110° to 180° | 20 |

FIGURE 3–15—Minimum intensities in the horizontal plane of forward and rear position lights.

| Angle above or below horizontal | Intensity |
|---|---|
| 0° | 1.00 *I*. |
| 0° to 5° | 0.90 *I*. |
| 5° to 10° | 0.80 *I*. |
| 10° to 15° | 0.70 *I*. |
| 15° to 20° | 0.50 *I*. |
| 20° to 30° | 0.30 *I*. |
| 30° to 40° | 0.10 *I*. |
| 40° to 90° | At least 2 candles. |

FIGURE 3–16—Minimum intensities in any vertical plane of forward and rear position lights.

| Overlaps | Maximum intensity | |
|---|---|---|
| | Area A (candles) | Area B (candles) |
| Green in dihedral angle *L* | 10 | 1 |
| Red in dihedral angle *R* | 10 | 1 |
| Green in dihedral angle *A* | 5 | 1 |
| Red in dihedral angle *A* | 5 | 1 |
| Rear white in dihedral angle *L* | 5 | 1 |
| Rear white in dihedral angle *R* | 5 | 1 |

NOTE: Area A includes all directions in the adjacent dihedral angle which pass through the light source and which intersect the common boundary plane at more than 10 degrees but less than 20 degrees. Area B includes all directions in the adjacent dihedral angle which pass through the light source and which intersect the common boundary plane at more than 20 degrees.

FIGURE 3–17—Maximum intensities in overlapping beams of forward and rear position lights.

§ 3.703 *Color specifications.* The colors of the position lights shall have the International Commission on Illumination chromaticity coordinates as set forth in paragraphs (a) through (c) of this section.

(a) *Aviation red.*

$y$ is not greater than 0.335,
$z$ is not greater than 0.002;

(b) *Aviation green.*

$x$ is not greater than $0.440-0.320y$,
$x$ is not greater than $y-0.170$,
$y$ is not less than $0.390-0.170x$;



(c) *Aviation white.*

$x$ is not less than 0.350,
$x$ is not greater than 0.540,
$y-y_0$ is not numerically greater than 0.01, $y_0$ being the $y$ coordinate of the Planckian radiator for which $x_0=x$.

RIDING LIGHT

§ 3.704 *Riding light.* (a) When a riding (anchor) light is required for a seaplane, flying boat, or amphibian, it shall be capable of showing a white light for at least 2 miles at night under clear atmospheric conditions.

(b) The riding light shall be installed to show the maximum unbroken light practicable when the airplane is moored or drifting on the water. Externally hung lights shall be acceptable.

SAFETY EQUIPMENT; INSTALLATION

§ 3.711 *Marking.* Required safety equipment which the crew is expected to operate at a time of emergency, such as flares and automatic life raft releases, shall be readily accessible and plainly marked as to its method of operation. When such equipment is carried in lockers, compartments, or other storage places, such storage places shall be marked for the benefit of passengers and crew.

§ 3.712 *De-icers.* When pneumatic de-icers are installed, the installation shall be in accordance with approved data. Positive means shall be provided for the deflation of the pneumatic boots.

§ 3.713 *Flare requirements.* When parachute flares are required, they shall be of an approved type.

§ 3.714 *Flare installation.* Parachute flares shall be releasable from the pilot compartment and so installed that danger of accidental discharge is reduced to a minimum. The installation shall be demonstrated in flight to eject flares satisfactorily, except in those cases where inspection indicates a ground test will be adequate. If the flares are ejected so that recoil loads are involved, structural provisions for such loads shall be made.

§ 3.715 *Safety belts.* Safety belts shall be of an approved type. In no case shall the rated strength of the safety belt be less than that corresponding with the ultimate load factors specified in § 3.386 (a), taking due account of the dimensional characteristics of the safety belt installation for the specific seat or berth arrangement. Safety belts shall be attached so that no part of the anchorage will fail at a load lower than that corresponding with the ultimate load factors equal to those specified in § 3.386 (a) multiplied by a factor of 1.33. In the case of safety belts for berths, the forward load factor need not be applied.

EMERGENCY FLOTATION AND SIGNALING EQUIPMENT

§ 3.716 *Rafts and life preservers.* Rafts and life preservers shall be of an approved type.

§ 3.717 *Installation.* When such emergency equipment is required, it shall be so installed as to be readily available to the crew and passengers. Rafts released automatically or by the pilot shall be attached to the airplane by means of a line to keep them adjacent to the airplane. The strength of the line shall be such that it will break before submerging the empty raft.

§ 3.718 *Signaling device.* Signaling devices, when required by other parts of the regulations of this subchapter, shall be accessible, function satisfactorily, and be free from any hazard in their operation.

RADIO EQUIPMENT; INSTALLATION

§ 3.721 *General.* Radio equipment and installations in the airplane shall be free from hazards in themselves, in their method of operation, and in their effects on other components of the airplane.

MISCELLANEOUS EQUIPMENT; INSTALLATION

§ 3.725 *Accessories for multiengine airplanes.* Engine driven accessories essential to the safe operation of the airplane shall be so distributed among two or more engines that the failure of any one engine will not impair the safe operation of the airplane by the malfunctioning of these accessories.

HYDRAULIC SYSTEMS

§ 3.726 *General.* Hydraulic systems and elements shall be so designed as to withstand, without exceeding the yield point, any structural loads which might be imposed in addition to the hydraulic loads.

§ 3.727 *Tests.* Hydraulic systems shall be substantiated by proof pressure tests. When proof tested, no part of the hydraulic system shall fail, malfunction, or experience a permanent set. The proof load of any system shall be 1.5 times the maximum operating pressure of that system.

§ 3.728 *Accumulators.* Hydraulic accumulators or pressurized reservoirs shall not be installed on the engine side of the fire wall, except when they form an integral part of the engine or propeller.

## SUBPART G—OPERATING LIMITATIONS AND INFORMATION

§ 3.735 *General.* Means shall be provided to inform adequately the pilot and other appropriate crew members of all operating limitations upon which the type design is based. Any other information concerning the airplane found by the Administrator to be necessary for safety during its operation shall also be made available to the crew. (See §§ 3.755 and 3.777.)

LIMITATIONS

§ 3.737 *Limitations.* The operating limitations specified in §§ 3.738–3.750 and any similar limitations shall be established for any airplane and made available to the operator as further described in §§ 3.755–3.780, unless its design is such that they are unnecessary for safe operation.

AIR SPEED

§ 3.738 *Air speed.* Air-speed limitations shall be established as set forth in §§ 3.739–3.743.

§ 3.739 *Never-exceed speed* ($V_{ne}$). This speed shall not exceed the lesser of the following:

(a) 0.9 $V_d$ chosen in accordance with § 3.184.

(b) 0.9 times the maximum speed demonstrated in accordance with § 3.159, but shall not be less than 0.9 times the minimum value of $V_d$ permitted by § 3.184.

§ 3.740 *Maximum structural cruising speed* ($V_{no}$). This operating limitation shall be:

(a) Not greater than $V_c$ chosen in accordance with § 3.184.

(b) Not greater than 0.89 times $V_{ne}$ established under § 3.739.

(c) Not less than the minimum $V_c$ permitted in § 3.184.

§ 3.741 *Maneuvering speed* ($V_p$). (See § 3.184.)

§ 3.742 *Flaps-extended speed* ($V_{fe}$). (a) This speed shall not exceed the lesser of the following:

(1) The design flap speed, $V_f$, chosen in accordance with § 3.190.

(2) The design flap speed chosen in accordance with § 3.223, but shall not be less than the minimum value of design flap speed permitted in §§ 3.190 and 3.223.

(b) Additional combinations of flap setting, air speed, and engine power may be established, provided the structure has been proven for the corresponding design conditions.

§ 3.743 *Minimum control speed* ($V_{mc}$). (See § 3.111.)

POWER PLANT

§ 3.744 *Power plant.* The power-plant limitations in §§ 3.745 through 3.747 shall be established and shall not exceed the corresponding limits established as a part of the type certification of the engine and propeller installed in the airplane.

§ 3.745 *Take-off operation.* (a) Maximum rotational speed (revolutions per minute).

(b) Maximum permissible manifold pressure (if applicable).

(c) The time limit upon the use of the corresponding power.

(d) Where the time limit of paragraph (c) of this section exceeds 2 minutes, the maximum allowable temperatures for cylinder head, oil, and coolant outlet if applicable.

§ 3.746 *Maximum continuous operation.* (a) Maximum rotational speed (revolutions per minute).

(b) Maximum permissible manifold pressure (if applicable).

(c) Maximum allowable temperatures for cylinder head, oil, and coolant outlet if applicable.

§ 3.747 *Fuel octane rating.* The minimum octane rating of fuel required for satisfactory operation of the power plant at the limits of §§ 3.745 and 3.746.

AIRPLANE WEIGHT

§ 3.748 *Airplane weight.* The airplane weight and center of gravity limitations are those required to be determined by § 3.71.

MINIMUM FLIGHT CREW

§ 3.749 *Minimum flight crew.* The minimum flight crew shall be established

as that number of persons required for the safe operation of the airplane during any contact flight as determined by the availability and satisfactory operation of all necessary controls by each operator concerned.

TYPES OF OPERATION

§ 3.750 *Types of operation.* The type of operation to which the airplane is limited shall be established by the category in which it has been found eligible for certification and by the equipment installed. (See the appropriate operating parts of the Civil Air Regulations.)

MARKINGS AND PLACARDS

§ 3.755 *Markings and placards.* (a) The markings and placards specified are required for all airplanes. Placards shall be displayed in a conspicuous place and both shall be such that they cannot be easily erased, disfigured, or obscured. Additional informational placards and instrument markings having a direct and important bearing on safe operation may be required by the Administrator when unusual design, operating, or handling characteristics so warrant.

(b) When an airplane is certificated in more than one category, the applicant shall select one category on which all placards and markings on the airplane shall be based. The placard and marking information for the other categories in which the airplane is certificated shall be entered in the Airplane Flight Manual. A reference to this information shall be included on a placard which shall also indicate the category on which the airplane placards and markings are based.

INSTRUMENT MARKINGS

§ 3.756 *Instrument markings.* The instruments listed in §§ 3.757–3.761 shall have the following limitations marked thereon. When these markings are placed on the cover glass of the instrument, adequate provision shall be made to maintain the correct alignment of the glass cover with the face of the dial. All arcs and lines shall be of sufficient width and so located as to be clearly and easily visible to the pilot.

§ 3.757 *Air-speed indicator.* (a) True indicated air speed shall be used:

(1) The never-exceed speed, $V_{NE}$—a radial red line (see § 3.739).

(2) The caution range—a yellow arc extending from the red line in (1) above to the upper limit of the green arc specified in (3) below.

(3) The normal operating range—a green arc with the lower limit at $V_{S_1}$, as determined in § 3.82 with maximum weight, landing gear and wing flaps retracted, and the upper limit at the maximum structural cruising speed established in § 3.740.

(4) The flap operating range—a white arc with the lower limit at $V_{S_0}$ as determined in § 3.82 at the maximum weight, and the upper limit at the flaps-extended speed in § 3.742.

(b) When the never-exceed and maximum structural cruising speeds vary with altitude, means shall be provided which will indicate the appropriate limitations to the pilot throughout the operating altitude range.

§ 3.758 *Magnetic direction indicator.* A placard shall be installed on or in close proximity to the magnetic direction indicator which contains the calibration of the instrument in a level flight attitude with engine(s) operating and radio receiver(s) on or off (which shall be stated). The calibration readings shall be those to known magnetic headings in not greater than 30-degree increments.

§ 3.759 *Power-plant instruments.* All required power-plant instruments shall be marked with a red radial line at the maximum and minimum (if applicable) indications for safe operation. The normal operating ranges shall be marked with a green arc which shall not extend beyond the maximum and minimum limits for continuous operation. Take-off and precautionary ranges shall be marked with a yellow arc. Ranges of engine speed which are restricted as a result of excessive engine or propeller vibration shall be marked with a red arc.

§ 3.760 *Oil quantity indicators.* Indicators shall be suitably marked in sufficient increments so that they will readily and accurately indicate the quantity of oil.

§ 3.761 *Fuel quantity indicator.* When the unusable fuel supply for any tank exceeds 1 gallon or 5 percent of the tank capacity, whichever is greater, a red band shall be placed on the indicator extending from the calibrated zero reading (see § 3.437) to the lowest reading obtainable in the level flight attitude, and a suitable notation in the Airplane Flight Manual shall be provided to indicate to the flight personnel that the fuel remaining in the tank when the quantity indicator reaches zero cannot be used safely in flight. (See § 3.672.)

CONTROL MARKINGS

§ 3.762 *General.* All cockpit controls, with the exception of the primary flight controls, shall be plainly marked as to their function and method of operation.

§ 3.763 *Aerodynamic controls.* The secondary controls shall be suitably marked to comply with §§ 3.337 and 3.338.

§ 3.764 *Power-plant fuel controls.* (a) Controls for fuel tank selector valves shall be marked to indicate the position corresponding to each tank and to all existing cross feed positions.

(b) When more than one fuel tank is provided, and if safe operation depends upon the use of tanks in a specific sequence, the fuel tank selector controls shall be marked adjacent to or on the control to indicate to the flight personnel the order in which the tanks must be used.

(c) On multiengine airplanes, controls for engine valves shall be marked to indicate the position corresponding to each engine.

(d) The usable capacity of each tank shall be indicated adjacent to or on the fuel tank selector control.

§ 3.765 *Accessory and auxiliary controls.* (a) When a retractable landing gear is used, the indicator required in § 3.359 shall be marked in such a manner that the pilot can ascertain at all times when the wheels are secured in the extreme positions.

(b) Emergency controls shall be colored red and clearly marked as to their method of operation.

MISCELLANEOUS

§ 3.766 *Baggage compartments, ballast location, and special seat loading limitations.* (a) Each baggage or cargo compartment and ballast location shall bear a placard which states the maximum allowable weight of contents and, if applicable, any special limitation of contents due to loading requirements, etc.

(b) When the maximum permissible weight to be carried in a seat is less than 170 pounds (see § 3.74), a placard shall be permanently attached to the seat structure which states the maximum allowable weight of occupants to be carried.

§ 3.767 *Fuel, oil, and coolant filler openings.* The following information shall be marked on or adjacent to the filler cover in each case:

(a) The word "fuel," the minimum permissible fuel octane number for the engines installed, and the usable fuel tank capacity. (See § 3.437.)

(b) The word "oil" and the oil tank capacity.

(c) The name of the proper coolant fluid and the capacity of the coolant system.

§ 3.768 *Emergency exit placards.* Emergency exit placards and operating controls shall be colored red. A placard shall be located adjacent to the control(s) which clearly indicates it to be an emergency exit and describes the method of operation. (See § 3.387.)

§ 3.769 *Approved flight maneuvers*—(a) *Category N.* A placard shall be provided in front of and in clear view of the pilot stating: "No acrobatic maneuvers including spins approved."

(b) *Category U.* A placard shall be provided in clear view of the pilot stating: "Acrobatic maneuvers are limited to the following: ---------- (list approved maneuvers)."

(c) *Category A.* A placard shall be provided in clear view of the pilot which lists all approved acrobatic maneuvers and the recommended entry air speed for each. If inverted flight maneuvers are not approved, the placard shall bear a notation to this effect.

§ 3.770 *Operating limitations placard.* A placard shall be provided in clear view of the pilot stating: "This airplane must be operated as a ---------- or ---------- category airplane in compliance with the operating limitations stated in the form of placards, markings, and manuals."

§ 3.771 *Airspeed placards.* The following airspeed limitations shall be shown on placards in view of the pilot:



(a) Maximum speed with landing gear extended, if the airplane is equipped with retractable landing gear.

(b) Minimum control speed with one engine inoperative, for multiengine airplanes.

(c) Rough air or maneuvering speed determined in accordance with § 3.741.

AIRPLANE FLIGHT MANUAL

§ 3.777 *Airplane Flight Manual.* (a) An Airplane Flight Manual shall be furnished with each airplane, having a maximum certificated weight of more than 6,000 pounds. The portions of this document listed below shall be verified and approved by the Administrator, and shall be segregated, identified, and clearly distinguished from portions not so approved. Additional items of information having a direct and important bearing on safe operation may be required by the Administrator when unusual design, operating, or handling characteristics so warrant.

(b) For airplanes having a maximum certificated weight of 6,000 pounds or less an Airplane Flight Manual is not required; instead, the information prescribed in this part for inclusion in the Airplane Flight Manual shall be made available to the operator by the manufacturer in the form of clearly stated placards, markings, or manuals.

§ 3.778 *Operating limitations*—(a) *Air-speed limitations.* Sufficient information shall be included to permit proper marking of the air-speed limitations on the indicator as required in § 3.757. It shall also include the design, maneuvering speed, and the maximum safe air speed at which the landing gear can be safely lowered. In addition to the above information, the significance of the air speed limitations and of the color coding used shall be explained.

(b) *Power-plant limitations.* Sufficient information shall be included to outline and explain all power-plant limitations (see § 3.744) and to permit marking the instruments as required in § 3.759.

(c) *Weight.* The following information shall be included:

(1) Maximum weight for which the airplane has been certificated,

(2) Airplane empty weight and center of gravity location,

(3) Useful load,

(4) The composition of the useful load, including the total weight of fuel and oil with tanks full.

(d) *Load distribution.* (1) All authorized center of gravity limits shall be stated. If the available space for loading the airplane is adequately placarded or so arranged that any reasonable distribution of the useful load listed in weight above will not result in a center of gravity location outside of the stated limits, this section need not include any other information than the statement of center of gravity limits.

(2) In all other cases this section shall also include adequate information to indicate satisfactory loading combinations which will assure maintaining the center of gravity position within approved limits.

(e) *Maneuvers.* All authorized maneuvers and the appropriate air-speed limitations as well as all unauthorized maneuvers shall be included in accordance with the following:

(1) *Normal category.* All acrobatic maneuvers, including spins, are unauthorized. If the airplane has been demonstrated to be characteristically incapable of spinning in accordance with § 3.124 (d), a statement to this effect shall be entered here.

(2) *Utility category.* All authorized maneuvers demonstrated in the type flight tests shall be listed, together with recommended entry speeds. All other maneuvers are not approved. If the airplane has been demonstrated to be characteristically incapable of spinning in accordance with § 3.124 (d), a statement to this effect shall be entered here.

(3) *Acrobatic category.* All approved flight maneuvers demonstrated in the type flight tests shall be included, together with recommended entry speeds.

(f) *Flight load factor.* The positive limit load factors made good by the airplane's structure shall be described here in terms of accelerations.

(g) *Flight crew.* When a flight crew of more than one is required to operate the airplane safely, the number and functions of the minimum flight crew shall be included.

§ 3.779 *Operating procedures.* This section shall contain information concerning normal and emergency procedures and other pertinent information peculiar to the airplane's operating characteristics which are necessary to safe operation.

§ 3.780 *Performance information.* (a) For airplanes with a maximum certificated take-off weight of more than 6,000 lbs., information relative to the items of performance set forth in subparagraphs (1) through (5) of this paragraph shall be included:

(1) The stalling speed, $V_{S_0}$, at maximum weight,

(2) The stalling speed, $V_{S_1}$, at maximum weight and with landing gear and wing flaps retracted,

(3) The take-off distance determined in accordance with § 3.84, including the air speed at the 50-foot height, and the airplane configuration, if pertinent,

(4) The landing distance determined in accordance with § 3.86, including the airplane configuration, if pertinent,

(5) The steady rate of climb determined in accordance with § 3.85 (a), (c), and, as appropriate, (b), including the air speed, power, and airplane configuration, if pertinent.

(b) The effect of variation in paragraph (a) (2) of this section with angle of bank up to 60 degrees shall be included.

(c) The calculated approximate effect of variations in paragraph (a) (3), (4) and (5) of this section with altitude and temperature shall be included.

SUBPART H—IDENTIFICATION DATA

§ 3.791 *Identification plate.* A fireproof identification plate shall be securely attached to the structure in an accessible location where it will not likely be defaced during normal service. The identification plate shall not be placed in a location where it might be expected to be destroyed or lost in the event of an accident. The identification plate shall contain the identification data required by § 1.50 of this subchapter.

§ 3.792 *Airworthiness certificate number.* The identifying symbols and registration numbers shall be permanently affixed to the airplane structure in compliance with § 1.100 of this subchapter.

[F. R. Doc. 56–4021; Filed, May 21, 1956; 8:53 a. m.]

## TITLE 29—LABOR

### Chapter V—Wage and Hour Division, Department of Labor

PART 783—SEAMAN EXEMPTION

WHO IS "EMPLOYED AS A SEAMAN," FOR PURPOSES OF EXEMPTION

On April 26, 1956, the Administrator of the Wage and Hour Division of the United States Department of Labor issued an amendment to Part 783 of Title 29, Code of Federal Regulations, entitled Seaman Exemption, which was published in the May 2, 1956 issue of the FEDERAL REGISTER (21 F. R. 2862).

The first sentence of § 783.2 (d) of Part 783 reads in part "• • • putting out running and mooring lines • • •". The word "lines" should read "lights". Section 783.2 (d) of Part 783, Title 29, Code of Federal Regulations, is therefore corrected by striking the word "lines" in this phrase and substituting therefor the word "lights".

Dated at Washington, D. C., this 16th day of May 1956.

NEWELL BROWN,
*Administrator,*
*Wage and Hour Division.*

[F. R. Doc. 56–4017; Filed, May 21, 1956; 8:52 a. m.]

## TITLE 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

[FCC 56–467]

[Amdts. 2–21 and 12–19]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

PART 12—AMATEUR RADIO SERVICE

MODIFYING AREAS OF PERMISSIBLE SHARING BETWEEN AMATEUR SERVICE AND LORAN STATIONS

In the matter of amendment of Parts 2 and 12 of the Commission's rules to modify the areas of permissible sharing between the Amateur Service and Loran stations in the band 1800–20000 kc.

1. At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 16th day of May 1956;

2. The Commission having under consideration its proposal in the above entitled matter; and

3. It appearing that footnote NG23 to the table of frequency allocations contained in § 2.104 (a) (5) of the Commission's rules and that § 12.111 (a) of the Commission's rules stipulate that the Amateur Service may use certain portions of the band 1800–2000 kc in certain areas in accordance with the following conditions (among others):

(1) The use of these frequencies by the amateur service shall not be a bar to the expansion of the radionavigation (Loran) service;

(2) The amateur service shall not cause harmful interference to the radionavigation (Loran) service; and

(3) The provisions of this footnote and section shall be considered as temporary in the sense that they shall remain subject to cancellation or revision, in whole or in part, by order of the Commission without hearing whenever the Commission shall deem such cancellation or revision to be necessary or desirable in the light of the priority within this band of the Loran system of radionavigation; and

4. It further appearing that as a means of preventing harmful interference from being caused to the maritime mobile use of 2009 kc on the west coast of Florida, and to permit the orderly expansion of Loran service in the West Indies/Caribbean area, the carrier frequency of the Gulf of Mexico Loran Chain was changed from 1950 kc to 1850 kc on May 1, 1956; and

5. It further appearing that the West Indies Loran Chain scheduled for operation later this year will also operate on 1850 kc; and

6. It further appearing that the east coast Loran chain will then be operating on 1950 kc, and the west coast, West Indies, and Gulf of Mexico Loran Chains will then be operating on 1850; and

7. It further appearing that the existing frequency sharing arrangement between the amateur service and Loran as set forth in footnote NG23 and § 12.111 (a) no longer provides the protection from interference required by a navigational aid; and

8. It further appearing that the continued use of frequencies by the amateur service in accordance with the aforementioned existing sharing arrangement may constitute a hazard to the safety of life and property through interference to the Loran system of radionavigation; and

9. It further appearing therefore, that pursuant to the provisions of section 4 (a) of the Administrative Procedure Act, the issuance of a Notice of Proposed Rule Making in this matter, prior to an order effecting the necessary rule changes would be contrary to the public interest; and

10. It further appearing that the public interest, convenience, and necessity will be served by the amendments herein ordered, the authority for which is contained in section 303 (c), (f), (h) and (r) of the Communications Act of 1934, as amended;

11. *It is ordered*, That effective July 9, 1956, Parts 2 and 12 of the Commission's rules are amended as set forth below: *Provided, however*, That inasmuch as the safety of life and property at sea is involved in this matter and the Gulf Loran Chain is already in operation on 1850 kc, all amateurs are requested to comply with this order on a voluntary basis immediately upon receipt of the information contained herein.

(Sec. 303, 48 Stat. 1082 as amended, 47 U. S. C. 303)

Released: May 17, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

NOTE: Rules changes herein will be included in Amendments 2–21 and 12–19.

The table associated with footnote NG23 to the Table of Frequency Allocations, § 2.104 (a) (5), of Part 2 of the Commission's rules is amended to read as follows:

(4) Amateur operation shall be limited to:

| Area | Bands (kc) | DC plate input power in watts | |
|---|---|---|---|
| | | Day | Night |
| Minnesota, Iowa, Wisconsin, Michigan, Pennsylvania, Maryland, Delaware, and States to the north of these, including the District of Columbia. | 1800–1825<br>1875–1900 | 500 | 200. |
| North Dakota, South Dakota, Nebraska, Colorado, New Mexico, and States to the west of these States (except State of Washington). | 1900–1925<br>1975–2000 | 500 | 200. |
| State of Washington | 1900–1925<br>1975–2000 | 200 | 50. |
| Oklahoma, Kansas, Missouri, Arkansas, Illinois, Indiana, Kentucky, Tennessee, Ohio, West Virginia, Virginia, North Carolina, South Carolina, Texas (West of 99° W. or North of 32° N). | 1800–1825<br>1875–1900 | 200 | 50. |
| Hawaiian Islands | 1900–1925<br>1975–2000 | 500 | 200. |
| Texas (East of 99° W. and South of 32° N.), Louisiana, Mississippi, Alabama, Georgia, Florida, Puerto Rico, Virgin Islands, Alaska, Guam, and other Territories and possessions of the U. S. not listed above. | None | No operation | No operation. |

The table associated with § 12.111 (a) (4) of the Commission's rules is amended to read as follows:

| Area | Authorized bands (kc) | DC plate input power in watts | |
|---|---|---|---|
| | | Day | Night |
| Minnesota, Iowa, Wisconsin, Michigan, Pennsylvania, Maryland, Delaware, and States to the north of these, including the District of Columbia. | 1800–1825<br>1875–1900 | 500 | 200. |
| North Dakota, South Dakota, Nebraska, Colorado, New Mexico, and States to the west of these States (except State of Washington). | 1900–1925<br>1975–2000 | 500 | 200. |
| State of Washington | 1900–1925<br>1975–2000 | 200 | 50. |
| Oklahoma, Kansas, Missouri, Arkansas, Illinois, Indiana, Kentucky, Tennessee, Ohio, West Virginia, Virginia, North Carolina, South Carolina, Texas (West of 99° W. or North of 32° N.). | 1800–1825<br>1875–1900 | 200 | 50. |
| Hawaiian Islands | 1900–1925<br>1975–2000 | 500 | 200. |
| Texas (East of 99° W. and South of 32° N.), Louisiana, Mississippi, Alabama, Georgia, Florida, Puerto Rico, Virgin Islands, Alaska, Guam, and other Territories and possessions of the U. S. not listed above. | None | No operation | No operation. |

[F. R. Doc. 56–4004; Filed, May 21, 1956; 8:50 a. m.]

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[FCC 56–460]

[Amdt. No. 11–17]

## PART 11—INDUSTRIAL RADIO SERVICES

### INDUSTRIAL RADIOLOCATION SERVICE

In the matter of amendment of the Commission's rules governing the Industrial Radiolocation Service to add the frequency band 10500–10550 Mc for CW Radiolocation.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 16th day of May 1956;

The Commission having under consideration its rules governing the Industrial Radiolocation Service, Subpart M of Part 11, with respect to use of the frequency band 10500–10550 Mc; and

It appearing that in accordance with the provisions of § 2.104 of Part 2 of the Commission's rules, that frequency band is available for CW Radiolocation; and

It further appearing that to facilitate the licensing of CW Radiolocation devices in the Industrial Radiolocation Service, Subpart M of Part 11 should be amended to reflect the availability of this frequency band; and

It further appearing that general notice of proposed rule making is not required in this matter under section 4 of the Administrative Procedure Act because this amendment is solely for the purpose of listing frequencies which have already been made available by previous action of the Commission and, that for the same reason the amendment may become effective immediately;

*It is ordered*, Pursuant to the authority contained in section (4) (i) and 303 (c), (f), (g) and (r) of the Communications Act of 1934, as amended, that effective immediately, § 11.607 is amended by the addition of a new paragraph (f) as follows:

§ 11.607 *Frequencies available.* • • •

(f) Land Radiopositioning Stations and Mobile Radiopositioning Stations in this service, including speed measuring devices, may be authorized to use frequencies in the band 10500–10550 Mc, for CW emission only, on a shared basis with stations in other services.

NOTE: Rules changes herein will be included in Amendment 11–17.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: May 17, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56–4005; Filed, May 21, 1956; 8:50 a. m.]

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[Docket No. 11467; FCC 56–458]

[Amdt. 18–10]

## PART 18—INDUSTRIAL, SCIENTIFIC, AND MEDICAL SERVICE

### RADIO FREQUENCY STABILIZED ARC WELDERS

In the matter of amendment of Part 18 of the Commission's rules and regulations with respect to those portions governing radio frequency stabilized arc welders.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 16th day of May 1956,

The Commission having under consideration its Notice of Proposed Rule Making in the above entitled matter adopted on July 27, 1955; and

It appearing that footnote 1 to § 18.1 of the Commission's rules provides temporary rules applicable to radio frequency stabilized arc welding equipment and suspends until April 30, 1956, the more stringent requirements of the miscellaneous equipment provisions of Part 18 which would otherwise be applicable; and

It further appearing that additional information is needed by the Commission to formulate permanent rules applicable to non-type-approved radio frequency stabilized arc welding equipment and that a Further Notice of Proposed Rule Making is being issued setting forth specific items upon which further information is needed; and

It further appearing that pending the promulgation of final rules, the temporary regulations heretofore in effect should be continued; and

It further appearing that it will be in the public interest to provide specifically at this time for the type approval and use of radio frequency stabilized arc welding equipment which complies with the requirements for type approval of miscellaneous equipment; and

It further appearing that compliance with the provisions of section 4 (a) of the Administrative Procedure Act would be impracticable in view of the date now specified for compliance of this equipment with the requirements for miscellaneous equipment in the rules and that, since this amendment relieves a restriction, it may be made effective immediately,

*It is ordered*, That, pursuant to the authority of sections 4 (i), 301 and 303 (r) of the Communications Act of 1934, as amended, that footnote 1 to § 18.1 is amended as set forth below effective April 30, 1956.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154; interprets or applies secs. 301, 303, 48 Stat. 1081, 1082, as amended; 47 U. S. C. 301, 303)

Released: May 17, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

Amend Footnote 1 to § 18.1 to read as follows:

[1] The effective date of Part 18 with respect to electric arc welding devices using radio frequency energy is suspended until action is completed in the Docket No. 11467 proceeding with respect to these devices: *Provided*, That, in the event of interference from electric arc welding devices using radio frequency energy to any authorized radio service, steps to remedy such interference shall promptly be taken (except that, in case of interference to receivers arising from direct intermediate frequency pickup by such receivers of the fundamental frequency emissions of certified electric arc welding equipment using radio frequency energy, this provision with respect to interference shall not apply): *And further provided, however*, That equipment manufactured after September 1, 1952 shall be subject to the same technical limitations and standards as set forth for industrial heating equipment in §§ 18.21 to 18.24, inclusive, except that such equipment need not be operated within a shielded room or space but in lieu thereof shall be operated with sufficient shielding to limit the radiation to the value prescribed in § 18.22: *And further provided*, That radio frequency stabilized electric arc welding equipment designed for operation on ISM frequencies may be type approved and operated in accordance with the provisions of § 18.31 (c) of the rules relating to miscellaneous equipment: *And further provided*, That broad band type of emissions from arc welding equipment shall be measured by an instrument having performance characteristics similar to the "Proposed American Standards Specification for a Radio Noise Meter—0.15 to 25 Megacycles/second" dated March 1950, published by the American Standards Association Committee on Radio Electrical Coordination C63. Quasi-peak values of field intensity shall be measured and used in determining compliance with §§ 18.21 (b) and 18.22 (a). Instruments not having characteristics similar to the above mentioned standards may be used provided suitable correlation factors are used to adjust the field intensity readings to values which would be obtained with an instrument having the desired characteristics.

The certification required by § 18.22 may be based upon field intensity measurements made by the manufacturer of the equipment at locations other than the one where the equipment is in use provided such certification includes a statement by the operator of the equipment that the equipment covered thereby has been installed and is being operated in conformity to the instructions issued by the manufacturer.

[F. R. Doc. 56–4006; Filed, May 21, 1956; 8:50 a. m.]

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# TITLE 33—NAVIGATION AND NAVIGABLE WATERS

## Chapter II—Corps of Engineers, Department of the Army

### PART 202—ANCHORAGE REGULATIONS

### PART 203—BRIDGE REGULATIONS

### PONCE HARBOR, PUERTO RICO

### DORSEYS CREEK, MARYLAND

1. Pursuant to the provisions of section 7 of the River and Harbor Act of March 4, 1915 (38 Stat. 1053; 33 U. S. C. 471) § 202.255 is hereby prescribed establishing and governing the use of an anchorage area in Ponce Harbor, Puerto Rico, as follows:

§ 202.255 *Ponce Harbor, P. R.*—(a) *Small-craft anchorage.* On the northwest of Ponce Municipal Pier and northeast of Cayitos Reef, bounded as follows: Beginning at latitude 17°58'27", longitude 66°37'29.5", bearing approximately 325° true, 2,200 feet from the most southwest corner of Ponce Municipal Pier; thence 273° 30' true, 1,800 feet; thence 15° true, 900 feet; thence 93° 30' true, 1,800 feet; thence 195° true, 900 feet to the point of beginning.

(b) *The regulations.* (1) The Commonwealth Captain of the Port may authorize use of this anchorage whenever he finds such use required in safeguarding the maritime or commercial interests.

(2) No vessel shall anchor within the area until assigned a berth by the Commonwealth Captain of the Port. Application for permission to occupy the anchorage must be submitted in advance by the master or authorized representative of the vessel.

(3) Vessels occupying the anchorage will at all times keep within the limits of the area, and shall move or shift their position promptly upon notification by the Commonwealth Captain of the Port.

(4) The anchorage is reserved for all types of small craft, including schooners, fishing vessels, yachts and pleasure craft.

(5) Floats for marking anchors in place will be allowed; stakes or mooring piles are prohibited.

[Regs, May 8, 1956, 800.212 (Ponce Harbor, P. R.)—ENGWO] (Sec. 7, 38 Stat. 1053; 33 U. S. C. 471)

2. Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499) § 203.245 governing the operation of drawbridges across navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets, where constant attendance of draw tenders is not required is amended

deleting the provision pertaining to the Baltimore and Annapolis Railroad Company bridge across Dorseys Creek, Maryland, from subparagraph (f) (3), and prescribing subparagraph (f) (3–a) to govern the operation of this bridge, as follows:

§ 203.245 *Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.* • • •

(f) *Waterways discharging into Chesapeake Bay.* • • •

(3) Dorseys Creek, Md.; United States Naval Academy highway and railroad bridges, and Maryland State Roads Commission bridge at Annapolis. At least 5 hours' advance notice required.

(3–a) Dorseys Creek, Md.; Baltimore and Annapolis Railroad Company bridge at Annapolis. The draw need not be opened for the passage of vessels, and paragraphs (b) to (e), inclusive, of this section shall not apply to this bridge.

• • • • • • •

[Regs., May 8, 1956, 823.01 (Dorseys Creek, Md.)—ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

[SEAL] JOHN A. KLEIN,
*Major General, U. S. Army,*
*The Adjutant General.*

[F. R. Doc. 56-3985; Filed, May 21, 1956; 8:46 a. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### [ 26 CFR (1954) Part 290 ]

EXPORTATION OF TOBACCO MATERIALS, TOBACCO PRODUCTS, AND CIGARETTE PAPERS AND TUBES, WITHOUT PAYMENT OF TAX, OR WITH DRAWBACK OF TAX

NOTICE OF PROPOSED RULEMAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] RUSSELL C. HARRINGTON,
*Commissioner of Internal Revenue.*

*Preamble.* 1. These regulations, 26 CFR Part 290, "Exportation of Tobacco Materials, Tobacco Products, and Cigarette Papers and Tubes, Without Payment of Tax, or With Drawback of Tax," supersede 26 CFR (1939) Part 141, "Shipment or Delivery of Manufactured Tobacco, Snuff, Cigars, Cigarettes, and Cigarette Papers or Tubes, for Use as Sea Stores Without Payment of Internal Revenue Tax," Part 142, "Tax-Free Withdrawals of Cigars From Customs Bonded Warehouses, Class 6," and, with respect to tobacco products and cigarette papers and tubes, supersede Part 451, "Exportation Without Payment of Tax of Tobacco Manufactures, Oleomargarine, Adulterated Butter, Mixed Flour, and Playing Cards; Shipments to Possessions of the United States, and Drawback on Tobacco Manufactures and Stills Exported, or Shipped to Puerto Rico or Philippine Islands," and are promulgated in order to implement the Internal Revenue Code of 1954.

2. These regulations shall not affect any act done, or any liability or right accruing or accrued, or any suit or proceeding had or commenced, before the effective date of the regulations.


Subpart A—Scope of Regulations

Sec.
290.1 Exportation of tobacco materials, tobacco products, and cigarette papers and tubes, without payment of tax, or with drawback of tax.
290.2 Forms prescribed.

Subpart B—Definitions

290.10 Meaning of terms.
290.11 Articles.
290.12 Assistant regional commissioner.
290.13 Black Fat.
290.14 Cigar.
290.15 Cigarette.
290.16 Cigarette paper.
290.17 Cigarette papers.
290.18 Cigarette tube.
290.19 Clippings.
290.20 Collector of customs.
290.21 Commissioner.
290.22 Customs warehouse.
290.23 Cuttings.
290.24 Dealer in tobacco materials.
290.25 Director, Alcohol and Tobacco Tax Division.
290.26 Establishment.
290.27 Exportation or export.
290.28 Factory.
290.29 Inclusive language.
290.30 I. R. C.
290.31 Leaf tobacco.
290.32 Manufactured tobacco.
290.33 Manufacturer of cigarette papers and tubes.
290.34 Manufacturer of cigars and cigarettes.
290.35 Manufacturer of tobacco.
290.36 Perique.
290.37 Person.
290.38 Proprietor.
290.39 Region.
290.40 Regional commissioner.
290.41 Removal or remove.
290.42 Revenue officer.
290.43 Scraps.
290.44 Siftings.
290.45 State.
290.46 Stems.
290.47 Tobacco in process.
290.48 Tobacco materials.
290.49 Tobacco products.
290.50 United States.
290.51 U. S. C.
290.52 Warehouse.
290.53 Waste.

Subpart C—General

290.60 Exportation.
290.61 Articles for use on vessels and aircraft.
290.62 Restrictions on disposal of articles on vessels and aircraft.
290.63 Responsibility for delivery or exportation of articles and tobacco materials.
290.64 Tax liability.
290.65 Assessment of tax.
290.66 Authority of revenue officers to enter premises.
290.67 Interference with administration.
290.68 American articles returned.
290.69 Unlawful diversion of articles or tobacco materials.
290.70 Disposal of forfeited, condemned, and abandoned articles and tobacco materials.
290.71 Variations from requirements.

Subpart D—Establishment, Operation, and Discontinuance of Warehouses

ESTABLISHMENT OF WAREHOUSES

290.80 Authority to establish.
290.81 Application.
290.82 Bond.
290.83 Corporate documents.
290.84 Articles of partnership or association.
290.85 Trade name certificate.
290.86 Power of attorney.
290.87 Warehouse premises.
290.88 Additional information.
290.89 Investigation of applicant.
290.90 Issuance of authority to operate.
290.91 Withdrawal of authority to continue operation of warehouse.

OPERATION OF WAREHOUSES

290.92 Sign.
290.93 Inventories.
290.94 Records.
290.95 Reports.
290.96 Claim for abatement of assessment.
290.97 Claim for refund of tax.

CHANGES SUBSEQUENT TO ORIGINAL ESTABLISHMENT OF WAREHOUSES

290.98 Change in individual name.
290.99 Change in trade name.
290.100 Change in corporate name.
290.101 Fiduciary successor.
290.102 Transfer of ownership.
290.103 Change in officers or directors of a corporation.
290.104 Change in stockholders of a corporation.
290.105 Change in location within same region.
290.106 Change in location to another region.
290.107 Change in warehouse premises.

BONDS AND EXTENSIONS OF COVERAGE OF BONDS

290.108 Corporate surety.
290.109 Deposit of bonds, notes, or obligations in lieu of corporate surety.
290.110 Amount of bond.
290.111 Strengthening bond.
290.112 Superseding bond.
290.113 Extension of coverage of bond.
290.114 Approval of bond and extension of coverage of bond.
290.115 Termination of liability of surety under bond.
290.116 Release of bonds, notes, and obligations.

DISCONTINUANCE OF WAREHOUSES

290.117 Discontinuance of operations.

Subpart E—Shipments of Tobacco Materials by Dealers in Tobacco Materials

290.130 Shipments for export.

Subpart F—Removal of Articles and Tobacco Materials by Manufacturers, and Removal of Articles by Warehouse Proprietors

290.140 Packages.
290.141 Lottery features.
290.142 Indecent or immoral material.
290.143 Label or notice.
290.144 Shipping containers.
290.145 Consignments of articles or tobacco materials.
290.146 Notice of removal.
290.147 Execution and disposition of notice of removal.
290.148 Diversion of shipment to another consignee.
290.149 Return of shipment to factory or warehouse.
290.150 Destruction of articles under official supervision.
290.151 Delay in lading at port of exportation.
290.152 Foreign trade zones.

Subpart G—Drawback of Tax

290.160 Application of drawback of tax.
290.161 Claim.
290.162 Drawback bond.
290.163 Inspection by revenue officer.
290.164 Delivery of products for shipment to destination.
290.165 Customs procedure.
290.166 Landing certificate.
290.167 Collateral evidence as to landing.
290.168 Proof of loss.
290.169 Extension of time.

Subpart H—Withdrawal of Cigars From Customs Warehouses

290.180 Shipment restricted.
290.181 Bond.
290.182 Amount of bond.
290.183 Strengthening bond.
290.184 Superseding bond.
290.185 Termination of liability of surety under bond.
290.186 Packages.
290.187 Lottery features.
290.188 Indecent or immoral material.
290.189 Label or notice.
290.190 Shipping containers.
290.191 Notice of removal.
290.192 Execution and disposition of notice of removal.
290.193 Return of shipment to warehouse.


AUTHORITY: §§ 290.1 to 290.193 issued under 68A Stat. 917; 26 U. S. C. 7805. Statutory provisions interpreted or applied are cited to text in parentheses.

### SUBPART A—SCOPE OF REGULATIONS

§ 290.1 *Exportation of tobacco materials, tobacco products, and cigarette papers and tubes, without payment of tax, or with drawback of tax.* This part contains the regulations governing the exportation (including shipment for sea stores) of articles and tobacco materials, without payment of tax, the establishment of warehouses for the receipt, storage, and subsequent exportation of articles, without payment of tax, and the allowance of drawback of tax paid on tobacco products exported.





§ 290.2 *Forms prescribed.* The Director, Alcohol and Tobacco Tax Division, is authorized to prescribe all forms required by this part, including bonds, notices, and reports. Information called for thereon shall be furnished in accordance with the instructions on the forms or issued in respect thereto.

### SUBPART B—DEFINITIONS

§ 290.10 *Meaning of terms.* The terms used in this part shall have the meanings ascribed in this subpart, unless the context otherwise indicates.

§ 290.11 *Articles.* "Articles" shall mean manufactured tobacco, cigars, cigarettes, and cigarette papers and tubes.

§ 290.12 *Assistant regional commissioner.* "Assistant regional commissioner" shall mean the Assistant Regional Commissioner, Alcohol and Tobacco Tax, who is responsible to and functions under the direction and supervision of the Regional Commissioner.

§ 290.13 *Black Fat.* "Black Fat" shall mean tobacco which is normally treated with oil under pressure and results in black tobacco, and shall include all tobacco similarly treated and referred to by such other terms as Black Horse, etc.

§ 290.14 *Cigar.* "Cigar" shall mean any roll of tobacco wrapped in tobacco.

§ 290.15 *Cigarette.* "Cigarette" shall mean any roll of tobacco, wrapped in paper or any substance other than tobacco.

§ 290.16 *Cigarette paper.* "Cigarette paper" shall mean paper, or any other material except tobacco, prepared for use as a cigarette wrapper.

§ 290.17 *Cigarette papers.* "Cigarette papers" shall mean taxable packages, books, or sets, of cigarette paper.

§ 290.18 *Cigarette tube.* "Cigarette tube" shall bean cigarette paper made into a hollow cylinder for use in making cigarettes.

§ 290.19 *Clippings.* "Clippings" shall mean the tobacco which is clipped or cut off the ends of cigars in the manufacture thereof.

§ 290.20 *Collector of customs.* "Collector of customs" shall mean the person having charge of a customs collection district and shall also include assistant collector of customs, deputy collector of customs, and any person authorized by law or by regulations approved by the Secretary of the Treasury to perform the duties of a collector of customs.

§ 290.21 *Commissioner.* "Commissioner" shall mean the Commissioner of Internal Revenue.

§ 290.22 *Customs warehouse.* "Customs warehouse" shall mean a customs bonded manufacturing warehouse, class 6, where cigars are manufactured of imported tobacco.

§ 290.23 *Cuttings.* "Cuttings" shall mean the tobacco remaining after the binders and wrappers for cigars are cut out of the leaf.

§ 290.24 *Dealer in tobacco materials.* "Dealer in tobacco materials" shall mean every person who handles tobacco materials for sale, shipment, or delivery solely to another qualified dealer in such materials, to a qualified manufacturer of tobacco products, or to a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States. Dealer in tobacco materials shall include every person who produces Perique or Black Fat for sale, shipment, or delivery, in accordance with 26 CFR Part 280. Dealer in tobacco materials shall not include (a) an operator of a warehouse who stores tobacco materials solely for a dealer in tobacco materials, for a manufacturer of tobacco products, for a farmer or grower of tobacco, or for a bona fide association of farmers or growers of tobacco; or (b) a farmer or grower of tobacco who sells leaf tobacco of his own growth or raising, or a bona fide association of farmers or growers of tobacco which sells only leaf tobacco grown by farmer or grower members, if the tobacco so sold is in the condition as cured on the farm.

§ 290.25 *Director, Alcohol and Tobacco Tax Division.* "Director, Alcohol and Tobacco Tax Division" shall mean the Director, Alcohol and Tobacco Tax Division, Internal Revenue Service, Treasury Department, Washington, D. C.

§ 290.26 *Establishment.* "Establishment" shall mean the premises of a dealer in tobacco materials in which he carries on such business.

§ 290.27 *Exportation or export.* "Exportation" or "export" shall, for the purposes of this part, mean the shipment for and clearance of articles and tobacco materials to a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States, and shall include the shipment for and clearance of articles for consumption (as ships' supplies or stores) beyond the jurisdiction of the internal revenue laws of the United States.

§ 290.28 *Factory.* "Factory" shall mean the premises of a manufacturer of tobacco, cigars and cigarettes, or cigarette papers and tubes in which he carries on such business.

§ 290.29 *Inclusive language.* Words in the plural form shall include the singular, and vice versa, and words in the masculine gender shall include the feminine, partnerships, associations, companies, corporations, estates, and trusts.

§ 290.30 *I. R. C.* "I. R. C." shall mean the Internal Revenue Code of 1954.

§ 290.31 *Leaf tobacco.* "Leaf tobacco" shall mean:

(a) *Unstemmed.* Tobacco from which the stem or mid-rib has not been removed, and

(b) *Stemmed.* Tobacco from which the stem or mid-rib has been removed, also known as "strips."

§ 290.32 *Manufactured tobacco.* "Manufactured tobacco" shall mean all tobacco, other than cigars and cigarettes, prepared, processed, manipulated, or packaged for consumption by smoking or

for use in the mouth or nose. Any other tobacco not exempt from tax under Chapter 52, I. R. C., which is sold or delivered to any person contrary to such chapter and regulations thereunder, shall be regarded as manufactured tobacco.

§ 290.33 *Manufacturer of cigarette papers and tubes.* "Manufacturer of cigarette papers and tubes" shall mean every person who makes up cigarette paper into packages, books, or sets, on which tax is imposed, or into tubes, except for his own personal use or consumption or solely for use by him in the manufacture of cigarettes.

§ 290.34 *Manufacturer of cigars and cigarettes.* "Manufacturer of cigars and cigarettes" shall mean every person who produces cigars or cigarettes, except for his own personal consumption.

§ 290.35 *Manufacturer of tobacco.* "Manufacturer of tobacco" shall mean every person who manufactures tobacco by any method of preparing, processing, or manipulating, except for his own personal consumption or use; or who packages any tobacco for consumption by smoking or for use in the mouth or nose; or who sells or delivers any tobacco, not exempt from tax under Chapter 52, I. R. C., to any person, contrary to the provisions of such chapter and regulations thereunder. The term "manufacturer of tobacco" shall not include (a) a farmer or grower of tobacco who sells leaf tobacco of his own growth or raising, or a bona fide association of farmers or growers of tobacco which sells only leaf tobacco grown by farmer or grower members, if the tobacco so sold is in the condition as cured on the farm; or (b) a dealer in tobacco materials who handles tobacco solely for sale, shipment, or delivery, in bulk, to another dealer in such materials or to a manufacturer of tobacco products, or to a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States.

§ 290.36 *Perique.* "Perique" shall mean tobacco, such as that produced in Louisiana, cured in its own juices and given other treatment peculiar to this type of tobacco.

§ 290.37 *Person.* "Person" shall mean and include an individual, partnership, association, company, corporation, estate, or trust.

§ 290.38 *Proprietor.* "Proprietor" shall mean the operator of a warehouse established under this part.

§ 290.39 *Region.* "Region" shall mean the area, designated by the Secretary or his delegate, comprising the geographical jurisdiction of a regional commissioner of internal revenue.

§ 290.40 *Regional commissioner.* "Regional commissioner" shall mean the Regional Commissioner of Internal Revenue of an internal revenue region.

§ 290.41 *Removal or remove.* "Removal" or "remove" shall mean removal of articles under and from internal revenue bond.

§ 290.42 *Revenue officer.* "Revenue officer" shall mean any officer or employee of the United States acting in connection with any internal revenue law of the United States.

§ 290.43 *Scraps.* "Scraps" shall mean portions of leaf tobacco.

§ 290.44 *Siftings.* "Siftings" shall mean the particles of tobacco salvaged in the process of sifting or screening the residue of tobacco.

§ 290.45 *State.* "State" shall, for the purposes of this part, be construed to include the Territories of Alaska and Hawaii, and the District of Columbia.

§ 290.46 *Stems.* "Stems" shall mean the stems or mid-ribs of tobacco.

§ 290.47 *Tobacco in process.* "Tobacco in process" shall mean tobacco which has been, or is being, manipulated or processed, but is to undergo further manipulation, processing, or handling, prior to removal for consumption by smoking or for use in the mouth or nose.

§ 290.48 *Tobacco materials.* "Tobacco materials" shall mean tobacco in process, Perique, Black Fat, leaf tobacco, and tobacco scraps, cuttings, clippings, siftings, dust, stems, and waste.

§ 290.49 *Tobacco products.* "Tobacco products" shall mean manufactured tobacco, cigars, and cigarettes.

§ 290.50 *United States.* "United States" shall, for the purposes of this part, include only the States, the Territories of Alaska and Hawaii, and the District of Columbia.

§ 290.51 *U. S. C.* "U. S. C." shall mean the United States Code.

§ 290.52 *Warehouse.* "Warehouse" shall mean a bonded internal revenue warehouse established under the provisions of this part for the storage of articles for subsequent exportation, without payment of tax.

§ 290.53 *Waste.* "Waste" shall mean tobacco, including dust, and foreign substances resulting from the handling, manipulation, or processing of tobacco, and which are worthless for use in the manufacture of tobacco products and have no market value for that purpose.

## SUBPART C—GENERAL

§ 290.60 *Exportation.* Articles may be removed from factories, warehouses, and customs warehouses, and tobacco materials may be shipped from factories and establishments, without payment of tax, under this part, for exportation.

§ 290.61 *Articles for use on vessels and aircraft.* Articles may be removed by a manufacturer or warehouse proprietor under his factory or warehouse bond, without payment of tax, for delivery to vessels or aircraft for consumption or use thereon as supplies beyond the jurisdiction of the internal revenue laws of the United States. Where articles are removed for this purpose it will be necessary for the manufacturer or warehouse proprietor to submit to the assistant regional commissioner, for the region in which such a removal originates, satisfactory proof that such articles will be so consumed or used. Such proof may include a showing that the vessel is actually engaged in foreign, intercoastal, or noncontiguous territory trade (i. e., that it is operating on a regular schedule in such trade, actually transporting passengers and/or cargo between a port in the United States and a foreign port, a port on the opposite coast of the United States, or a port in a noncontiguous territory or possession, or between ports in one such territory or possession and another such territory or possession); that it is departing for a foreign port, a port on the opposite coast, or a port in a noncontiguous territory or possession; or that it is a vessel of war or other governmental activity or a vessel employed in the fisheries or whaling business. In the case of aircraft, such proof may include a showing that the aircraft is clearing through customs en route to a place or places beyond the jurisdiction of the internal revenue laws of the United States, or that it is operating on a regular schedule between places in the United States which requires operation outside the jurisdiction of the internal revenue laws of the United States. Such removals may not be made to a vessel or aircraft stationed in the United States for an indefinite period, or where its schedule does not include operations outside such jurisdiction.

(68A Stat. 708; 26 U. S. C. 5704)

§ 290.62 *Restrictions on disposal of articles on vessels and aircraft.* Articles delivered to a vessel or aircraft, without payment of tax, pursuant to § 290.61, for consumption thereon, shall not be sold, offered for sale, or otherwise disposed of while the vessel or aircraft is within the jurisdiction of the internal revenue laws of the United States, i. e., inside the 3-mile limits or international boundary, as the case may be, of the United States.

(68A Stat. 708; 26 U. S. C. 5704; 19 U. S. C. 1317)

§ 290.63 *Responsibility for delivery or exportation of articles and tobacco materials.* Responsibility for compliance with the provisions of this part with respect to the removal under bond of articles and tobacco materials, without payment of tax, for export, and for the proper delivery or exportation of such articles and materials, and with respect to the exportation of tobacco products with benefit of drawback of tax, shall rest upon the manufacturer of articles, dealer in tobacco materials, and the proprietor of a warehouse from whose premises such articles and materials are removed for export, and upon the exporter who exports tobacco products with benefit of drawback of tax.

§ 290.64 *Tax liability.* A dealer in tobacco materials, manufacturer of tobacco products or cigarette papers and tubes, and a proprietor of a warehouse, who ships tobacco materials from his establishment or factory, or removes tobacco products or cigarette papers or tubes from his factory or warehouse for export, under his bond, without payment of tax, and fails to comply with the provisions of this part, shall be liable for tax on the tobacco materials, equal to the tax imposed by law on manufactured tobacco, and for tax on tobacco products and cigarette papers and tubes at the rate imposed by law on such articles. A dealer, manufacturer, or warehouse proprietor, who removes tobacco materials, tobacco products, or cigarette papers and tubes for export, under his bond, without payment of tax, in accordance with the provisions of this part, shall be liable for such tax unless satisfactory evidence of exportation or proper delivery, as required by this part, is timely furnished the assistant regional commissioner for the region in which is located the establishment, factory, or warehouse, from which the articles or tobacco materials were so removed. Such evidence shall be furnished within 90 days of the date of removal of the tobacco materials, tobacco products, or cigarette papers and tubes: *Provided*, That this period may be extended for good cause shown.



§ 290.65 *Assessment of tax.* The tax determined by the assistant regional commissioner to be due, pursuant to § 290.64, shall be assessed, subject to the limitations prescribed in section 6501, I. R. C., against the dealer in tobacco materials, manufacturer, or warehouse proprietor liable for the tax. The tax so assessed shall be in addition to any penalties prescribed by law for failure to pay such tax: *Provided*, That, except in cases where delay may jeopardize collection of the tax, or where the amount is nominal or the result of an evident mathematical error, no such assessment shall be made until and after notice has been afforded the dealer, manufacturer, or warehouse proprietor to show cause against such assessment. The dealer, manufacturer, or warehouse proprietor will be allowed 30 days from the date of such notice to show cause, in writing, against such assessment.

(68A Stat. 707, 836; 26 U. S. C. 5703, 6862)

§ 290.66 *Authority of revenue officers to enter premises.* Any revenue officer may enter in the daytime any premises where articles removed under this part are kept, so far as it may be necessary for the purpose of examining such articles. When such premises are open at night, any revenue officer may enter them, while so open, in the performance of his official duties. The owner of such premises, or person having the superintendence of the same, who refuses to admit any revenue officer or permit him to examine the articles removed under this part shall be liable to the penalties prescribed by law for the offense.

(68A Stat. 872, 903; 26 U. S. C. 7342, 7606)

§ 290.67 *Interference with administration.* Whoever, corruptly or by force or threats of force, endeavors to hinder or obstruct the administration of this part, or endeavors to intimidate or impede any revenue officer acting in his official capacity, or forcibly rescues or attempts to rescue or causes to be rescued any property, after it has been duly seized for forfeiture to the United States in connection with a violation or intended violation of this part, shall be liable to the penalties prescribed by law.

(68A Stat. 855; 26 U. S. C. 7212)

§ 290.68 *American articles returned.* When articles produced in factories operated under the internal revenue laws of the United States, which have been exported, and upon which no internal revenue tax has been paid, or upon which such tax has been paid and refunded by allowance of drawback, are returned to the United States, they are liable to customs duty equal to the tax imposed by the internal revenue laws upon such articles. All packages of returned American cigars and cigarettes produced in factories operated under the internal revenue laws shall be marked or stamped, in accordance with customs regulations, "U. S. Customs—American Goods Returned," to denote payment of duty thereon.

All returned American manufactured tobacco produced in factories operated under the internal revenue laws shall have the proper internal revenue stamps, in payment of the duty, affixed and canceled before release from customs custody. Customs regulations provide that no customs inspection stamp shall be affixed to returned American manufactured tobacco, but the packages of such tobacco shall be marked or stamped, preferably over the internal revenue stamp, with the inscription "American goods returned." All returned American cigarette papers and tubes produced in factories operated under the internal revenue laws shall be marked or stamped, in accordance with customs regulations, "U. S. Customs—American Goods Returned," to denote payment of duty thereon. Cigars produced in customs warehouses and exported under this part, when returned to the United States, are subject to internal revenue tax in effect on such articles at the time of return. Therefore, internal revenue stamps in payment of the tax shall be affixed to such cigars in addition to any customs stamps required to denote the payment of duty with respect to such cigars. Returned American articles after release by customs may not be received in any internal revenue cigar, cigarette, tobacco, or cigarette paper and tube factory, except as provided in Parts 270, 275, and 285 of this chapter.

(19 U. S. C., Sec. 1201, Par. 1615)

§ 290.69 *Unlawful diversion of articles or tobacco materials.* Any person who diverts, for taxable purposes, articles or tobacco materials, removed under this part, without payment of tax, shall be liable for the tax thereon and may also be subject to other penalties prescribed by law for such offense. Such articles and tobacco materials, as well as any other property possessed with intent to defraud the United States or intended for use in violating the provisions of this part, are subject to forfeiture to the United States.

(68A Stat. 716, 717, 718; 26 U. S. C. 5751, 5761, 5762, 5763)

§ 290.70 *Disposal of forfeited, condemned, and abandoned articles and tobacco materials.* When in the opinion of any officer having custody of forfeited, condemned, or abandoned articles or tobacco materials, upon which the Federal tax has not been paid, the sale thereof will not bring a price equal to such tax due and payable thereon, and the expenses incident to the sale thereof, he shall not sell, nor cause to be sold, such articles or materials for consumption in the United States. Where the articles or materials are not sold, the officer may deliver them to a Federal or State hospital or institution (if they are fit for human consumption) or cause their destruction. Where such articles or materials are sold, they shall not be released by the officer having custody thereof until they are properly packaged and internal revenue stamps (the cost of which stamps shall be considered as a portion of the sales price) are affixed to each package to denote the payment of tax. In the case of such articles or materials held by or for the Federal Government, the sale thereof shall be subject to the applicable provisions of the regulations of the General Services Administration, Title 1, Personal Property Management.

(68A Stat. 716, 831; 26 U. S. C. 5753, 6807)

§ 290.71 *Variations from requirements*—(a) *Construction and separation of premises.* The Director, Alcohol and Tobacco Tax Division, may approve a manner of construction and separation of warehouse premises in lieu of that specified in this part, where it is shown that it is impracticable to conform to the requirements, and the proposed construction and separation will afford as much or more security and protection to the revenue as is intended by the requirements in this part, and where such variation is not contrary to any provision of law. Where it is proposed to employ a manner of construction and separation of premises other than that provided for by this part, prior approval shall be obtained in accordance with the provisions of paragraph (c) of this section.

(b) *Methods of operation.* The Director, Alcohol and Tobacco Tax Division, may in case of emergency approve methods of operation other than those provided for by this part, where it is shown that variations from the requirements are necessary, will not hinder the effective administration of this part, will not jeopardize the revenue, and where such variations are not contrary to any provision of law. Where it is proposed to employ methods of operation other than those provided for by this part, prior approval shall be obtained in accordance with the provisions of paragraph (c) of this section.

(c) *Application.* Any person, subject to the provisions of this part, who proposes to employ methods of operation, or of construction and separation of warehouse premises, other than as provided in this part, shall submit an application so to do, in triplicate, to the assistant regional commissioner. Such application shall describe the proposed variations and state the necessity therefor. With respect to variations in construction and separation of warehouse premises, where they cannot be adequately described in the application, drawings, or photographs thereof shall also be submitted. The assistant regional commissioner shall make such inquiry as is necessary to ascertain the necessity for the variations and whether approval thereof will hinder the effective administration of this part

or result in jeopardy to the revenue. On completion of the inquiry, the assistant regional commissioner will forward two copies of the application to the Director, Alcohol and Tobacco Tax Division, together with a report of his findings and his recommendation.

### SUBPART D—ESTABLISHMENT, OPERATION, AND DISCONTINUANCE OF WAREHOUSES

#### ESTABLISHMENT OF WAREHOUSES

§ 290.80 *Authority to establish.* Subject to approval by the assistant regional commissioner, a warehouse may be established, in accordance with this subpart, for the receipt and storage of articles and the subsequent removal thereof under this part.

§ 290.81 *Application.* Every person desiring to establish a warehouse, under this subpart, shall make application so to do, in writing, to the assistant regional commissioner for the region in which the warehouse is to be located. He shall, before commencing business, qualify in accordance with the provisions of this subpart. All documents required under this subpart to be furnished with such application shall be made a part thereof.

§ 290.82 *Bond.* Every person, before commencing business as a proprietor of a warehouse, shall file with the assistant regional commissioner, a bond, Form 2103, in accordance with the applicable provisions of this subpart, conditioned upon compliance with the provisions of Chapter 52, I. R. C., and regulations thereunder, including, but not limited to, the timely payment of taxes imposed by such chapter and penalties and interest in connection therewith for which he may become liable to the United States.

§ 290.83 *Corporate documents.* Every corporation, before commencing business as a proprietor of a warehouse, shall furnish with the application required by § 290.81, a true copy of the corporate charter or a certificate of corporate existence or incorporation, executed by the appropriate officer of the State in which incorporated. The corporation shall also furnish, in duplicate, evidence which will establish the authority of the officer or other person who executes the application to execute the same; the authority of persons to sign other documents, required by this part, for the corporation; and the identity of the officers and directors, and each person who holds more than ten percent of the stock of such corporation. Where a corporation has previously filed such documents or evidence with the same assistant regional commissioner, a written statement by the corporation, in duplicate, to that effect will be sufficient for the purpose of this section.

§ 290.84 *Articles of partnership or association.* Every partnership or association, before commencing business as the proprietor of a warehouse, shall furnish with its application, required by § 290.81, a true copy of the articles of partnership or association, if any, or certificate of partnership or association where required to be filed by any State, county, or municipality. Where a partnership or association has previously filed such documents with the same assistant regional commissioner, a written statement by the partnership or association, in duplicate, to that effect will be sufficient for the purpose of this section.

§ 290.85 *Trade name certificate.* Every person, before commencing business under a trade name as the proprietor of a warehouse, shall furnish with his application, required by § 290.81, true copies, in duplicate, of the certificate or other document, if any, issued by a State, county, or municipal authority in connection with the transaction of business under such trade name. If no such certificate or other document is so issued, a written statement by such person, in duplicate, to that effect will be sufficient for the purpose of this section.

§ 290.86 *Power of attorney.* If the application or other qualifying documents are signed by an attorney in fact for an individual, partnership, association, company, or corporation, or by one of the partners for a partnership, or by an officer of an association or company, or, in the case of a corporation, by an officer or other person not authorized to sign by the corporate documents described in § 290.83, power of attorney conferring authority upon the person signing the documents shall be manifested on Form 1534 and furnished to the assistant regional commissioner.

§ 290.87 *Warehouse premises*—(a) *Description and diagram.* The premises to be used by a proprietor as his warehouse shall be described, in the application required by § 290.81, by number, street, and city, town, or village, and State. Such premises may consist of more than one building, which need not be contiguous, but shall be located in the same city, town, or village; shall be suitable for the purpose intended; provide proper protection and safety for the articles to be stored therein; and afford adequate protection of the revenue with respect to such articles. Where such premises consist of less than an entire building, a diagram, in duplicate, shall also be furnished showing the particular floor or floors, or room or rooms, comprising the warehouse.

(b) *Separation.* Where the warehouse premises consist of less than an entire building, the premises shall be completely separated from adjoining portions of the building, which separation shall be constructed of materials generally used in the construction of buildings and may include any necessary doors or other openings. The premises shall be accessible directly from the street, yard, or common passageway or means of entrance.

(c) *Warehouses established prior to effective date.* Warehouses established prior to the effective date of this part shall not be subject to the provisions of paragraph (b) of this section if, in the opinion of the assistant regional commissioner, the existing premises afford adequate protection to the revenue.

(d) *Restrictions.* Warehouse premises shall be used exclusively for the storage of articles for subsequent removal under this part.

(e) *Emergency premises.* In cases of emergency, the assistant regional commissioner may authorize, for a limited period, the temporary storage of articles outside the particular premises of the warehouse provided the extension of coverage of the warehouse proprietor's bond is furnished in the manner required under § 290.113, also the temporary separation of warehouse premises by means other than those specified in paragraph (b) of this section, where such action will not hinder the effective administration of this part, is not contrary to law, and will not jeopardize the revenue.

§ 290.88 *Additional information.* In connection with the establishment of a warehouse under this subpart, the assistant regional commissioner may require such additional information as he may deem necessary to justify the establishment of such warehouse.

§ 290.89 *Investigation of applicant.* The assistant regional commissioner shall promptly cause such inquiry or investigation to be made, as he deems necessary, to verify the information furnished in connection with the application to establish a warehouse and to determine whether the premises of the proposed warehouse are adequate for the purpose intended and for the protection of the revenue.

§ 290.90 *Issuance of authority to operate.* If the application, bond, and supporting documents, required under this subpart, are approved by the assistant regional commissioner, the applicant will be notified, in writing, of such approval and of the number assigned to him to identify his warehouse for the purposes of this part.

§ 290.91 *Withdrawal of authority to continue operation of warehouse.* Where the assistant regional commissioner has reason to believe that the proprietor has not in good faith complied with the provisions of this part, or has failed to maintain his warehouse in such manner as to protect the revenue, he may terminate the right of the proprietor to operate, after notice and opportunity for hearing, for reasonable cause.

#### OPERATION OF WAREHOUSES

§ 290.92 *Sign.* The proprietor of a warehouse, established under this subpart, shall place and keep, on the outside of the building in which his warehouse is located, or at the entrance of his warehouse, where it can be plainly seen, a sign in plain and legible letters containing the words "Internal Revenue Tobacco Export Warehouse No. ____," with the number to be that assigned by the assistant regional commissioner under § 290.90.

§ 290.93 *Inventories*—(a) *General.* Every proprietor of a warehouse shall make a true and accurate inventory of the articles held by him at the times specified in this section. Such inventory shall be rendered to the appropriate assistant regional commissioner and shall be subject to verification by a revenue officer.

(b) *Opening.* An opening inventory shall be made by the proprietor at the time of commencing business. The date of commencing business under this subpart shall be the effective date of the bond as indicated thereon by the assistant regional commissioner. A similar inventory shall be made by the proprietor when he files and commences business under a superseding bond. The date of such inventory shall be the effective date of such superseding bond as indicated thereon by the assistant regional commissioner.

(c) *Special.* A special inventory shall be made by the proprietor whenever required by any revenue officer.

(d) *Closing.* A closing inventory shall be made by the proprietor when he transfers ownership, changes his location to another region, or discontinues his warehouse. Where the proprietor transfers ownership or changes the location of the warehouse to another region the closing inventory shall be made as of the day preceding the date of the opening inventory of the successor or the date of the opening inventory at the new location.

§ 290.94 *Records.* Every proprietor shall keep at his warehouse complete and adequate records consistent with accepted commercial practice of the date, kind, and quantity of articles received, removed, transferred, destroyed, lost, or returned to manufacturers. In support of such records the proprietor shall retain a copy of each notice of removal received from a manufacturer or another warehouse proprietor from whom articles are received, and a copy of each notice, as required by this part, covering articles removed from his warehouse. Such records and copies of the notices of removal shall be retained for two years after the year in which the shipments were received or removed and shall be made available for inspection by any revenue officer upon his request.

§ 290.95 *Reports*—(a) *General.* Reports shall be made, as required by this section, for each warehouse established under this subpart. Such reports shall be made by the proprietor of the warehouse on Form 2140 to the assistant regional commissioner and shall cover all articles on hand, received, removed or transferred, and lost or destroyed while in the warehouse, during the month or period of the month covered by the report. With respect to articles lost or destroyed the facts of such loss or destruction shall be established to the satisfaction of the assistant regional commissioner before credit therefor in the records of such warehouse proprietor may be authorized. A copy of each such report shall be retained by the proprietor for two years following the close of the year covered in such reports, and made available for inspection by any revenue officer upon his request.

(b) *Opening.* An opening report, covering the period from the date of the opening inventory, as required by § 290.93, to the end of the month, shall be made on or before the 20th day following the end of the month in which such inventory was made.

(c) *Monthly.* A report for each full month shall be made on or before the 20th day following the end of the month covered in the report.

(d) *Special.* A special report shall be made with each special inventory required by an internal revenue officer. Such special report shall cover the period from the first of the month to the close of business of the day preceding the date of the special inventory. Another report, covering the period from the date of such inventory to the end of the month, shall be made on or before the 20th day following the end of the month in which the inventory was made.

(e) *Closing.* A closing report, covering the period from the first of the month to the date of the closing inventory, as required by § 290.93, shall be made with such inventory.

§ 290.96 *Claim for abatement of assessment.* Claim for abatement of the unpaid portion of the assessment of any tax on articles removed from a warehouse, or any liability in respect of such tax, alleged to be excessive in amount, assessed after the expiration of the period of limitation applicable thereto, or erroneously or illegally assessed, shall be filed on Form 843, in duplicate, with the assistant regional commissioner. Such claim shall set forth the reasons relied upon for the allowance of the claim and shall be accompanied by evidence necessary to support the claim.

(68A Stat. 792; 26 U. S. C. 6404)

§ 290.97 Claim for refund of tax. The tax paid on articles delivered to, stored in, or removed from a warehouse established under this subpart, may be refunded where the tax has been paid in error. The claim for refund, Form 843, shall be filed in duplicate within three years from the date of payment of the tax, with the assistant regional commissioner for the region in which the tax was paid, and the claim shall be supported by evidence necessary to establish to the satisfaction of the assistant regional commissioner that the claim is valid.

(68A Stat. 791; 26 U. S. C. 6402)

#### CHANGES SUBSEQUENT TO ORIGINAL ESTABLISHMENT OF WAREHOUSES

§ 290.98 *Change in individual name.* Where there is merely a change in the name of an individual operating as a proprietor of a warehouse, he shall, within 30 days of such change, notify the assistant regional commissioner, in writing, and furnish an extension of coverage of his bond, in accordance with the provisions of § 290.113.

§ 290.99 *Change in trade name.* Where there is merely a change in the trade name of a proprietor operating a warehouse, he shall, within 30 days of the adoption of the new trade name, notify the assistant regional commissioner, in writing, and furnish an extension of coverage of bond, in accordance with the provisions of § 290.113. The proprietor shall also furnish true copies, in duplicate, of any new trade name certificate or document issued to him, or statement in lieu thereof, required by § 290.85.

§ 290.100 *Change in corporate name.* Where there is merely a change in the name of a corporate proprietor operating a warehouse, the proprietor shall, within 30 days of such change, notify the assistant regional commissioner, in writing, and furnish an extension of coverage of bond, in accordance with the provisions of § 290.113. The proprietor shall also furnish such documents as may be reasonably necessary to establish that the corporate name has been changed.

§ 290.101 *Fiduciary successor.* If an administrator, executor, receiver, trustee, assignee, or other fiduciary, is to take over and continue the operation of a warehouse, such fiduciary shall, before commencing operations, so notify the assistant regional commissioner, in writing, file a bond in accordance with the provisions of § 290.82, furnish certified copies, in duplicate, of the order of the court, or other pertinent documents, showing his appointment and qualifications as such fiduciary, and make an opening inventory, in accordance with the provisions of § 290.93: *Provided*, That where a diagram of the warehouse premises has been previously furnished in accordance with the provisions of § 290.87, the fiduciary may adopt such diagram. However, where a fiduciary intends merely to liquidate the business, qualification as a proprietor of a warehouse will not be required if he promptly files with the assistant regional commissioner a statement to that effect, together with an extension of coverage of the predecessor's bond, in accordance with the provisions of § 290.113, which shall be executed on behalf of the principal on the bond by the fiduciary.

§ 290.102 *Transfer of ownership.* If a transfer is to be made in the proprietorship of a warehouse (including a change in the identity of the members of a partnership or association), such proprietor shall give notice, in writing, to the assistant regional commissioner, naming the proposed successor and the desired effective date of such transfer. The proposed successor shall, before commencing operations, qualify as the proprietor of a warehouse, in accordance with the applicable provisions of this subpart: *Provided*, That where a diagram has been furnished by the proprietor in accordance with the provisions of § 290.87, the proposed successor may adopt such diagram. The proprietor shall give such notice of transfer, and the proposed successor shall make application and file bond, as required, in ample time for examination and approval thereof before the desired date of such change. The predecessor shall make a closing inventory and closing report, in accordance with the provisions of §§ 290.93 and 290.95, respectively, and the successor shall make an opening inventory, in accordance with the provisions of § 290.93.

§ 290.103 *Change in officers or directors of a corporation.* Where there is any change in the officers or directors of a corporation operating as the proprietor of a warehouse, the proprietor shall furnish to the assistant regional commissioner notice, in writing, of the election of the new officers or directors within 30 days after such election.

§ 290.104 *Change in stockholders of a corporation.* Where the issuance, sale, or transfer of the capital stock of a corporation, operating as a proprietor of a warehouse, results in a change in the identity of the principal stockholders exercising actual or legal control of the operations of the corporation, the corporate proprietor shall, within 30 days after the change occurs, notify the assistant regional commissioner of the change. The continued operation of the warehouse by the new principal stockholders exercising actual or legal control shall be subject to the approval of the assistant regional commissioner.

§ 290.105 *Change in location within same region*—(a) *Transfer to a new location.* Whenever a proprietor of a warehouse contemplates changing the location of his warehouse within the same region, he shall, before commencing operations at the new location, notify the assistant regional commissioner, in writing, of the change and shall furnish an extension of coverage of the bond filed under this subpart, in accordance with the provisions of § 290.113.

(b) *Mere change in address.* Whenever any change occurs in the address, but not the location, of the warehouse, as a result of action of local authorities, the proprietor shall, within 30 days of such change, notify the assistant regional commissioner, in writing, and shall furnish an extension of coverage of the bond filed under this subpart, in accordance with the provisions of § 290.113.

§ 290.106 *Change in location to another region.* Whenever a proprietor of a warehouse contemplates changing the location of his warehouse to another region, he shall, before commencing operations at the new location, qualify as such a proprietor in the new region, in accordance with the applicable provisions of this subpart. The proprietor shall notify the assistant regional commissioner of the region from which he is removing of his qualification in the new region, giving the address of the new location of his warehouse, and make a closing inventory and closing report, in accordance with the provisions of §§ 290.93 and 290.95, respectively.

§ 290.107 *Change in warehouse premises.* Where the premises of a warehouse are to be changed to an extent which will make inaccurate the description of such premises as set forth in the last application of the proprietor, or the diagram, if any, furnished with such application, the proprietor shall notify the assistant regional commissioner, in writing, describing the proposed change in such premises, and furnish a diagram thereof, if required under the provisions of § 290.87. The proprietor shall also furnish an extension of coverage of bond, in accordance with the provisions of § 290.113.

BONDS AND EXTENSIONS OF COVERAGE OF BONDS

§ 290.108 *Corporate surety.* Surety bonds, required under the provisions of this subpart, may be given only with corporate sureties holding certificates of authority from the Secretary of the Treasury as acceptable sureties on Federal bonds. Limitations concerning corporate sureties are prescribed by the Secretary in Treasury Department Form 356, revised. The surety shall have no interest whatever in the business covered by the bond.

(61 Stat. 646; 6 U. S. C. 6)

§ 290.109 *Deposit of bonds, notes, or obligations in lieu of corporate surety.* Bonds or notes of the United States, or other obligations which are unconditionally guaranteed as to both interest and principal by the United States, may be pledged and deposited by the proprietor of a warehouse as security in connection with bond to cover his operations, in lieu of the corporate surety, in accordance with the provisions of Treasury Department Circular No. 154, revised (31 CFR Part 225). Such bonds or notes which are nontransferable, or the pledging of which will not be recognized by the Treasury Department, are not acceptable as security in lieu of corporate surety.

(61 Stat. 646; 6 U. S. C. 15)

§ 290.110 *Amount of bond.* The amount of the bond required to be filed by the proprietor of a warehouse, as required by § 290.82, shall be not less than the estimated amount of tax which may at any time constitute a charge against the bond: *Provided*, That the amount of any such bond (or the total amount where original and strengthening bonds are filed) shall not exceed $200,000 nor be less than $1,000. The charge against such bond shall be subject to increase upon receipt of articles into the warehouse and to decrease as required evidence of exportation or other delivery is received by the assistant regional commissioner with respect to articles transferred or removed. When the limit of liability under a bond given in less than the maximum amount has been reached, no additional shipments shall be received into the warehouse until a strengthening or superseding bond is filed, as required by §§ 290.111 or 290.112.

§ 290.111 *Strengthening bond.* Where the assistant regional commissioner determines that the amount of the bond under which a proprietor of a warehouse is currently carrying on business no longer adequately protects the revenue, and such bond is in an amount of less than $200,000, the assistant regional commissioner may require the proprietor to file a strengthening bond in an appropriate amount with the same surety as that on the bond already in effect, in lieu of a superseding bond to cover the full liability on the basis of § 290.110. The assistant regional commissioner shall refuse to approve any strengthening bond where any notation is made thereon which is intended or which may be construed as a release of any former bond, or as limiting the amount of either bond to less than its full amount. Such strengthening bonds shall have placed thereon, by the obligors at the time of execution, the notation "Strengthening Bond."

§ 290.112 *Superseding bond.* The proprietor of a warehouse shall file a new bond to supersede his current bond, immediately when (a) the corporate surety on the current bond becomes insolvent, (b) the assistant regional commissioner approves a request from the surety on the current bond to terminate his liability under the bond, (c) payment of any liability under a bond is made by the surety thereon, or (d) the assistant regional commissioner considers such a superseding bond necessary for the protection of the revenue.

§ 290.113 *Extension of coverage of bond.* An extension of the coverage of any bond filed under this subpart shall be manifested on Form 2105 by the proprietor of the warehouse and by the surety on the bond with the same formality and proof of authority as required for the execution of the bond.

§ 290.114 *Approval of bond and extension of coverage of bond.* No person shall commence operations under any bond, nor extend his operations, until he receives from the assistant regional commissioner notice of his approval of the bond or of an appropriate extension of coverage of the bond required under this subpart.

§ 290.115 *Termination of liability of surety under bond.* The liability of a surety on any bond required by this subpart shall be terminated only as to operations on and after the date of approval of a superseding bond, or the date of approval of the discontinuance of operations by the proprietor of a warehouse, or otherwise in accordance with the termination provisions of the bond. The surety shall remain bound in respect of any liability for unpaid taxes, penalties, and interest, not in excess of the amount of the bond, incurred by the proprietor while the bond is in force.

§ 290.116 *Release of bonds, notes, and obligations.* Bonds, notes, and other obligations of the United States, pledged and deposited as security in connection with bonds required by this subpart, shall be released only in accordance with the provisions of Treasury Department Circular No. 154, revised (31 CFR Part 225). When the assistant regional commissioner who has accepted such security is satisfied that it is no longer necessary to hold such security, he shall fix the date or dates on which a part or all of such security may be released. At any time prior to the release of such security, the assistant regional commissioner may, for proper cause, extend the date of release of such security for such additional length of time as in his judgment may be appropriate.

(61 Stat. 646; 6 U. S. C. 15)

DISCONTINUANCE OF WAREHOUSES

§ 290.117 *Discontinuance of operations.* A proprietor who desires to discontinue operations and close out his warehouse shall dispose of all articles on hand, in accordance with this part, and make a closing inventory and closing report, in accordance with the provisions of §§ 290.93 and 290.95, respectively, to the assistant regional commissioner as notice of such discontinuance and to permit the assistant regional commisisoner to terminate the liability of the surety on the bond of the proprietor.



SUBPART E—SHIPMENTS OF TOBACCO MATERIALS BY DEALERS IN TOBACCO MATERIALS

§ 290.130 *Shipments for export*—(a) *Other than by parcel post.* Where a dealer in tobacco materials removes a shipment of tobacco materials, under his bond and this subpart, and forwards it directly to the port for lading and exportation, the dealer, or his forwarding or export agent at the port, shall prepare an extra copy of the shipper's export declaration, Commerce Form 7525–V, marked "For internal revenue purposes," which shall show the quantity of each kind of tobacco materials included in the shipment. This copy of the shipper's export declaration, after it has been completed by the customs authorities at the port to indicate exportation of the tobacco materials described thereon, shall be retained by the dealer as a part of the records of his establishment for two years after the close of the year in which the tobacco materials are removed. This copy of the shipper's export declaration shall be made available for inspection by any revenue officer upon his requst.

(b) *By parcel post.* Tobacco materials removed by a dealer in tobacco materials, under his bond and this subpart, for export by parcel post to a person in a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States, shall be addressed and consigned to such person when the tobacco materials are deposited in the mails. Waiver of his right to withdraw the shipment from the mails shall be endorsed on each package or parcel in the shipment and signd by the dealer in tobacco materials making the shipment. In any case where a shipper's export declaration, Commerce Form 7525–V, is not required to be executed by the dealer in connection with a shipment of tobacco materials for export by parcel post, he shall obtain from the postmaster or his agent a receipt on Post Office Department Form 3817. Such receipt shall be retained by the dealer at his establishment, as a part of the records thereof, for two years after the close of the year in which the shipment is deposited in the mails and shall be made available for inspection by any revenue officer upon his request.

SUBPART F—REMOVAL OF ARTICLES AND TOBACCO MATERIALS BY MANUFACTURERS, AND REMOVAL OF ARTICLES BY WAREHOUSE PROPRIETORS

§ 290.140 *Packages.* Articles and tobacco materials may be put up for removal under this subpart in any packages desired.

(68A Stat. 713; 26 U. S. C. 5723)

§ 290.141 *Lottery features.* No certificate, coupon, or other device purporting to be or to represent a ticket, chance, share, or an interest in, or dependent on, the event of a lottery shall be contained in, attached to, or stamped, marked, written, or printed on any package of articles or tobacco materials removed under this subpart.

(68A Stat. 713; 26 U. S. C. 5723)

§ 290.142 *Indecent or immoral material.* No indecent or immoral picture, print, or representation shall be contained in, attached to, or stamped, marked, written, or printed on any package of tobacco materials or articles removed under this subpart.

(68A Stat. 713; 26 U. S. C. 5723)

§ 290.143 *Label or notice.* Every package of articles, before removal from the factory, under this subpart, without payment of tax, shall have legibly imprinted thereon, or on a label securely affixed thereto, the words "For export purposes. U. S. Tax-exempt."

§ 290.144 *Shipping containers.* Each shipping case, crate, or other container, in which tobacco materials or articles are to be shipped or removed, under this subpart, without payment of tax, shall bear a number, such number to be assigned by the manufacturer. Removals of articles from a warehouse established under this part shall be made, in so far as practicable, in the same containers in which received from factories. However, where it is necessary to break a manufacturer's original shipping container to remove a portion of the contents for export, a new container shall be provided for the portion to be removed, which container shall be marked with the same number as the manufacturer's original container number followed by the letter "A" for the removal of the first portion thereof, "B" for the second portion, and so on as may be necessary.

§ 290.145 *Consignments of articles or tobacco materials*—(a) *General.* Articles and tobacco materials transferred or removed from a factory, or articles removed from a warehouse, under this subpart, without payment of tax, shall be consigned as hereafter required by this section.

(b) *To a warehouse.* Where articles are transferred under bond from a factory to a warehouse, the manufacturer shall consign the articles to the proprietor thereof.

(c) *To another warehouse or for return to the manufacturer.* Where articles are shipped under bond from a warehouse for transfer to another such warehouse, or for return to the manufacturer, the proprietor of the warehouse from which the articles are removed shall consign the articles to the proprietor of the warehouse or to the manufacturer to whom the articles are to be delivered.

(d) *To officers of the armed forces for subsequent exportation.* Where articles are removed from a factory or warehouse for delivery to officers of the armed forces in this country for shipment to, and use by, the armed forces outside the continental United States and the Territories of Alaska and Hawaii, the manufacturer or warehouse proprietor shall consign such articles to the receiving officer at the armed forces base or installation, in this country, to which the articles are to be delivered.

(e) *To vessels and aircraft for shipment to noncontiguous foreign countries and possessions of the United States.* Where articles or tobacco materials are removed from a factory, or articles are removed from a warehouse, for export to a noncontiguous foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States, the manufacturer or warehouse proprietor shall consign such articles or tobacco materials directly to the vessel or aircraft, or to his agent at the port for delivery to the vessel or aircraft.

(f) *To contiguous foreign countries.* Where articles or tobacco materials are removed from a factory, or articles are removed from a warehouse, for export to a person in a contiguous foreign country, the manufacturer or warehouse proprietor shall consign such shipment to the collector or deputy collector of customs at the border or other port of exit.

(g) *To Government vessels and aircraft for use as supplies.* When articles are removed from a factory or warehouse for delivery to a vessel or aircraft, engaged in an activity for the Government of the United States or a foreign government, for consumption or use as supplies beyond the jurisdiction of the internal revenue laws (3-mile limit of the continental United States and the Territories of Alaska and Hawaii), the manufacturer or warehouse proprietor shall consign such articles to the proper officer on board the vessel or aircraft to which the articles are to be delivered.

(h) *To commercial vessels and aircraft for use as supplies.* Where articles are removed from a factory or warehouse for delivery to a commercial vessel or aircraft for consumption or use as supplies beyond the jurisdiction of the internal revenue laws (3-mile limit of the continental United States and the Territories of Alaska and Hawaii), the manufacturer or warehouse proprietor shall consign such articles to the collector of customs at the port at which the articles will be laden on the vessel or aircraft.

(i) *For exportation by parcel post.* Articles or tobacco materials removed from a factory, or articles removed from a warehouse, for export by parcel post to a person in a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States, shall be addressed and consigned to such person when the articles or tobacco materials are deposited in the mails. Waiver of his right to withdraw such articles or materials from the mails shall be endorsed on each package or parcel in the shipment and be signed by the manufacturer or warehouse proprietor.

§ 290.146 *Notice of removal.* For each shipment of articles or tobacco materials transferred or removed under bond from his factory, under this subpart, the manufacturer shall prepare a notice of removal on Form 2149, and for each shipment of articles removed from his warehouse, the proprietor shall prepare a notice of removal on Form 2150. Each such notice shall be given a serial number by the manufacturer, or warehouse proprietor, in a series beginning with number 1, with respect to the first shipment removed from the factory or warehouse, under this subpart, and commencing again with number 1 on January 1 of each year thereafter.

§ 290.147 *Execution and disposition of notice of removal*—(a) *General.* After

actual removal from his factory or warehouse of the shipment described on the Form 2149, or Form 2150, required by § 290.146, the manufacturer or warehouse proprietor shall, except where the shipment is to be exported by parcel post, promptly forward one copy of the notice to the assistant regional commissioner for the region in which is located the factory or warehouse from which the shipment is removed. The manufacturer or warehouse proprietor shall enter on such copy of the notice the date of removal of the shipment described thereon. The manufacturer or warehouse proprietor shall retain one copy of such notice at his factory or warehouse, as a part of his records, for two years after the close of the year in which the related shipment was removed and such copy shall be made available for inspection by any revenue officer upon his request. The manufacturer or warehouse proprietor shall dispose of the other copies of each notice of removal as hereafter required by this section.

(b) *Shipment of articles from factory to warehouse.* Where articles are transferred under bond from a factory to a warehouse, the manufacturer shall forward to the proprietor three copies of the notice of removal, Form 2149, covering the shipment. Immediately upon receipt of the shipment at his warehouse, the proprietor shall check the containers comprising the same, ascertain that none show evidence of having been broken or tampered with, satisfy himself as to the contents, properly execute the certificate of receipt on each of the copies of the Form 2149, and forward one such copy to the manufacturer for disposition as provided by paragraph (j) of this section. The warehouse proprietor shall file one other such copy of the Form 2149 with his report, as required by § 290.95, and shall retain the other copy at his warehouse, as a part of his records, as required by § 290.94.

(c) *Shipment of articles to another warehouse or for return to the manufacturer.* Where articles are shipped under bond from a warehouse for transfer to another such warehouse or for return to the manufacturer, the proprietor of the warehouse from which the articles are shipped shall forward three copies of the notice of removal, Form 2150, to the proprietor of the receiving warehouse, or forward two copies of the notice to the manufacturer concerned. Immediately upon receipt of the shipment at his warehouse or factory, the proprietor or manufacturer shall check the containers to determine whether all of the articles described on the related notice have been received and shall then properly execute the certificate of receipt on each of the copies of the Form 2150, and forward one such copy to the proprietor making the shipment for disposition as provided by paragraph (j) of this section. The manufacturer receiving the articles into his factory shall retain the other receipted copy of the Form 2150, at his factory, as a part of his records, for two years after the close of the year in which the shipment was received. Such copy shall be made available for inspection by any revenue officer upon his request. The proprietor of the receiving warehouse shall file one copy of the completed Form 2150 with his report, as required by § 290.95, and shall retain the other completed copy at his warehouse, as part of his records, as required by § 290.94.

(d) *Shipment of articles to officers of the armed forces for subsequent exportation.* Where articles are removed from a factory or warehouse for delivery to officers of the armed forces in this country for shipment to, and use by, the armed forces outside the continental United States and the Territories of Alaska and Hawaii, the manufacturer or warehouse proprietor making the shipment shall be responsible for delivery of the shipment to the base or installation and for the proper execution of the certificate of receipt on a copy of the notice of removal, Form 2149, or Form 2150, by the officer at such base or installation responsible for receiving the shipment. After completing the certificate of receipt on such copy thereof the receiving officer shall return the form to the manufacturer or warehouse proprietor making the shipment for disposition as provided by paragraph (j) of this section.

(e) *Shipments to noncontiguous foreign countries and possessions of the United States*—(1) *Regular.* Where a shipment of articles or tobacco materials is removed from a factory, or a shipment of articles is removed from a warehouse, under this subpart, for direct delivery to a vessel or aircraft for transportation to a noncontiguous foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States, the manufacturer or warehouse proprietor making the shipment shall be responsible for delivery of the shipment to such vessel or aircraft. The manufacturer or warehouse proprietor shall file two copies of the appropriate notice of removal, Form 2149, or Form 2150, with the office of the collector of customs at the port where the shipment is laden for transportation to its destination. Such copies of the notice of removal should be filed with the related shipper's export declaration, Commerce Form 7525–V. In the event the copies of the notice of removal are not filed with the shipper's export declaration, when the copies of the notice of removal are filed with the collector of customs they shall show all particulars necessary to enable the collector to identify the shipment with the related shipper's export declaration and any other documents filed with his office in connection with the shipment. After the vessel or aircraft on which the shipment has been laden clears or departs from his port, the collector of customs shall execute the certificate of exportation on the notice of removal, retain one copy thereof for his records and deliver or transmit the other copy to the manufacturer or warehouse proprietor making the shipment for disposition by him as provided by paragraph (j) of this section.

(2) *Special.* Where a shipment of articles removed from a factory or warehouse, under this subpart, is destined for a noncontiguous foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States, but the shipment is to be delivered to a Federal department or agency, or to an authorized dispatch agent, transportation officer, or port director of such a department or agency for forwarding on to the place of destination of the shipment, the manufacturer or warehouse proprietor making the shipment shall furnish a copy of the related notice of removal, Form 2149, or Form 2150, to the Federal department or agency, or an officer thereof at the port, receiving the shipment for ultimate transmittal to the place of destination, in order that such department, agency, or officer, can properly modify and execute the certificate of receipt on such notice to evidence receipt of the shipment for transmittal to a place beyond the jurisdiction of the internal revenue laws of the United States. After completing such certificate, the Federal department, agency, or officer, shall return the copy of the notice of removal, so executed, to the manufacturer or warehouse proprietor concerned for disposition by him as provided by paragraph (j) of this section.

(f) *Shipment of articles and tobacco materials to a contiguous foreign country.* Where a shipment of articles or tobacco materials is removed from a factory, or a shipment of articles is removed from a warehouse, and consigned to a person in a contiguous foreign country, the manufacturer or warehouse proprietor making the shipment shall furnish to the collector or deputy collector of customs at the border or other port of exit of the shipment from the United States, through which the shipment will be routed, two copies of the notice of removal, Form 2149, or Form 2150, together with the related shipper's export declaration, Commerce Form 7525–V. In the event the copies of the notice of removal are not filed with the shipper's export declaration or, in the case of a shipment for the armed forces of the United States in the contiguous foreign country, where no shipper's export declaration is required, the copies of the notice of removal when filed with the collector of customs shall show all particulars necessary to enable the collector to identify the shipment with the related shipper's export declaration, if any, and any other documents filed with his office in connection with the shipment. After the shipment has been cleared by customs from the United States the customs authorities at the port of exit will complete the certificate of exportation on each copy of the Form 2149, or Form 2150, retain one copy thereof and transmit the other copy to the manufacturer or warehouse proprietor making the shipment for disposition by him as provided by paragraph (j) of this section.

(g) *Shipment of articles to Government vessels and aircraft for use as supplies.* Where articles are removed from a factory or warehouse for direct delivery to a vessel or aircraft, engaged in an activity for the Government of the United States or a foreign government, for consumption or use as supplies beyond the jurisdiction of the internal revenue laws of the United States, the manufacturer or warehouse proprietor making the shipment shall be responsible for delivery of the shipment aboard the vessel or aircraft and for the proper execution of the certificate of receipt on one copy of the notice of removal, Form 2149, or Form 2150, by the officer of the vessel or aircraft responsible for receiving the shipment. After completing such certificate of receipt the receiving officer of the vessel or aircraft shall return the form to the manufacturer or warehouse proprietor making the shipment for disposition by him as provided by paragraph (j) of this section.

(h) *Shipment of articles to commercial vessels and aircraft for use as supplies.* Where a shipment of articles is removed from a factory or warehouse, under this subpart, for delivery to a vessel or aircraft entitled to receive such articles for consumption or use thereon as supplies beyond the jurisdiction of the internal revenue laws of the United States, such shipment shall be inspected and laden on the vessel or aircraft under the supervision of the customs authorities at the port of actual lading. The manufacturer or warehouse proprietor making the shipment shall file two copies of the notice of removal, Form 2149, or Form 2150, with the office of the collector of customs at the port where the shipment is to be laden in sufficient time to permit the collector of customs to execute his order for inspection and lading thereon and to deliver such copies to the inspector of customs who will inspect the shipment and supervise its lading. The inspector of customs shall note on the copies of the notice of removal any discrepancy between the shipment inspected and laden under his supervision and that described on the notice of removal. After complying with the order for inspection and lading, the inspector shall complete and sign the certificate of inspection and lading on both copies of the notice of removal. Where the vessel or aircraft does not clear from the port at which the shipment is laden in foreign intercoastal, or noncontiguous trade, or to a port or destination beyond the jurisdiction of the internal revenue laws of the United States, the customs inspector supervising the lading of the shipment shall require the person on board the vessel or aircraft responsible for receiving the shipment to execute the certificate of receipt on the two copies of the notice of removal and to indicate thereon the trade or activity in which the vessel or aircraft is or will be engaged. The inspector of customs will return both copies of the notice to his collector who will retain one copy for his records and deliver or transmit the other copy to the manufacturer or warehouse proprietor making the shipment, for disposition by him as provided by paragraph (j) of this section. Where the vessel or aircraft clears or departs from the port at which the shipment is laden in foreign, intercoastal, or noncontiguous trade, or for some other destination beyond the jurisdiction of the internal revenue laws of the United States, the collector of customs shall also execute the certificate of clearance or departure on the copy of the related notice of removal before delivering or transmitting such copy to the manufacturer or warehouse proprietor concerned.





(i) *Shipment of articles and tobacco materials from factory or warehouse for export by parcel post.* Where a shipment of articles or tobacco materials is removed from a factory, or a shipment of articles is removed from a warehouse, for export by parcel post, the manufacturer or warehouse proprietor shall present one copy of the notice of removal, Form 2149, or Form 2150, together with the packages containing the shipment, to the postal authorities with the request that the postmaster or his agent execute the certificate of mailing on the form. The manufacturer or warehouse proprietor shall then dispose of the receipted copy as provided by paragraph (j) of this section.

(j) *Disposition of executed copies by manufacturers and proprietors.* The manufacturer or proprietor receiving a completed copy of a notice of removal, Form 2149, or Form 2150, shall immediately file such copy with the appropriate assistant regional commissioner.

§ 290.148 *Diversion of shipment to another consignee.* If, after removal of a shipment from a factory or warehouse, the manufacturer or warehouse proprietor desires to divert the shipment to another consignee he shall so notify the appropriate assistant regional commissioner. The manufacturer or warehouse proprietor shall describe the shipment, set forth the serial number and date of the notice of removal under which the shipment was removed from his factory or warehouse, furnish the name and address of the new consignee, and request the assistant regional commissioner to correct his copy of the notice of removal accordingly.

§ 290.149 *Return of shipment to factory or warehouse.* A manufacturer or warehouse proprietor may return to his factory or warehouse articles or tobacco materials previously removed therefrom, under this subpart, without internal revenue supervision when so authorized by the assistant regional commissioner. The manufacturer or warehouse proprietor shall, prior to returning the articles or materials to the bonded premises of his factory or warehouse, make application to the appropriate assistant regional commissioner for permission so to do, which application shall be accompanied by three copies of the Form 2149, or Form 2150, under which the articles or materials were orginally removed. If less than the entire shipment of articles or materials, as described on the form, is intended to be returned to the factory or warehouse, the application shall set forth accurately the articles or materials to be returned and shall show what disposition was made of the balance of the original shipment and any other facts pertinent to such shipment. If the assistant regional commissioner approves the application, he shall so indicate by appropriate endorsement to that effect on each of the three copies of the related Form 2149, or Form 2150, set forth the articles or materials for which return is approved, if less than all of the articles or materials described on the form, and return all three copies thereof to the manufacturer or warehouse proprietor. Upon receipt of the three copies of the form bearing the endorsement of the assistant regional commissioner, the manufacturer or warehouse proprietor shall proceed at once to take the articles or materials back into the bonded premises of his factory or warehouse, properly modify and execute the certificate of receipt on each copy of the related Form 2149, or Form 2150, and transmit one such copy at once to the assistant regional commissioner. With respect to the other two copies of the related form, the manufacturer or warehouse proprietor shall retain one copy for the records of his factory or warehouse and shall submit the other copy with his report for the month in which the articles or materials are returned.

§ 290.150 *Destruction of articles under official supervision.* Where the proprietor of a warehouse desires to destroy any of the articles stored in his warehouse, he shall notify the assistant regional commissioner of the kind and quantity of articles to be destroyed and the date on which he desires the destruction to take place in order that the assistant regional commissioner may detail a revenue officer to inspect the articles and supervise their destruction. The warehouse proprietor shall prepare a notice of removal, Form 2150, describing the articles to be destroyed. After witnessing the destruction of the articles the revenue officer will certify to their destruction on two copies of the notice of removal and return them to the proprietor. The proprietor shall file one such copy with his monthly report, as required by § 290.95, and shall retain the other copy at his warehouse, as a part of his records, for two years after the close of the year in which the articles are so destroyed. Such copy shall be made available for inspection by any revenue officer upon his request.

§ 290.151 *Delay in lading at port of exportation.* If, on arrival at the port of a shipment of articles or tobacco materials, the vessel or aircraft for which they are intended is not prepared to receive the shipment, such articles or materials may be properly stored at the port for not more than 30 days. In the event of any further delay, the facts shall be reported to the appropriate assistant regional commissioner and unless he approves an extension of time in which to effect lading and clearance of the shipment it must be returned to the factory or warehouse.

§ 290.152 *Foreign trade zones.* A manufacturer or warehouse proprietor may remove tobacco products and cigarette papers and tubes, under his bond, without payment of tax, for shipment to a foreign trade zone in accordance with the applicable provisions of Part 253 of this title.

### SUBPART G—DRAWBACK OF TAX

§ 290.160 *Application of drawback of tax.* Refund of tax by allowance of drawback shall apply only to tobacco products, on which tax has been paid, when such products are shipped to a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United

States. Such drawback shall be allowed only to the person who paid the tax on such products and who complies with the provisions of this subpart.

(68A Stat. 709, 908; 26 U. S. C. 5706, 7653)

§ 290.161 *Claim.* Claim for allowance of drawback of tax, under this subpart, shall be filed on Form 2147 with the assistant regional commissioner for the region in which the tobacco products covered by the claim are held by the claimant. Such claim shall be so filed in sufficient time to permit the assistant regional commissioner to detail a revenue officer to inspect the products and supervise destruction of the stamps to denote payment of tax, since the claim will not be allowed until such stamps have been so destroyed. Upon receipt of a claim supported by satisfactory bond, as required by this subpart, the assistant regional commissioner shall execute his order thereon and assign a revenue officer to proceed to the place where the products involved are held and there perform the functions required in § 290.163.

§ 290.162 *Drawback bond.* Each claim for allowance of drawback of tax, under this subpart, shall be accompanied by a bond, Form 2148, satisfactory to the assistant regional commissioner with whom the claim is filed. Such bond shall be in an amount not less than the amount of tax for which drawback is claimed, conditioned that the claimant shall furnish, within a reasonable time, evidence satisfactory to the assistant regional commissioner that the tobacco products have been landed at some port beyond the jurisdiction of the internal revenue laws of the United States, or that after clearance from the United States the products were lost (otherwise than by theft) or destroyed by fire, casualty, or act of God, and have not been relanded within the limits of the United States. The provisions of §§ 290.108 and 290.109 are applicable with respect to any drawback bond required under this section.

(68A Stat. 709; 26 U. S. C. 5706)

§ 290.163 *Inspection by revenue officer.* The revenue officer assigned in connection with a claim for drawback of tax, under this subpart, shall, at the place where the tobacco products covered by the claim are held by the claimant, examine such products and satisfy himself as to the accuracy of the schedule of such products appearing in the claim, Form 2147, and determine that the packages of such products bear proper stamps to denote payment of tax. The officer shall then supervise destruction of the stamps on the packages. No particular mode of destruction of such stamps is prescribed but the use of any indelible preparation which will render them illegible is approved. When the stamps have been properly destroyed, the revenue officer shall supervise the packing of the tobacco products in shipping containers, the numbering of each such container, and the affixture thereto of the following: "Drawback of tax claimed on products contained herein. Sale, consumption, or use in United States prohibited. Products subject to customs duty equal to tax if brought back into the United States.

After the claimant has completed the schedule, recapitulation, and affidavit on each copy of the claim, Form 2147, the revenue officer will execute his report on each copy of the claim, return two copies to the claimant, deliver one copy to the assistant regional commissioner, and release the shipment to the claimant for transmittal to the port of exportation.

§ 290.164 *Delivery of products for shipment to destination.*—(a) *Other than by parcel post.* The claimant, upon release of the tobacco products by the revenue officer for shipment with benefit of drawback of tax, under this subpart, will be responsible for delivery of such products at the port of exportation for customs inspection and supervision of lading and clearance of the products. The claimant, or his agent at said port, shall file with the collector of customs at the port of exportation in sufficient time, prior to lading, to permit his inspection and supervision of lading of the tobacco products, the two copies of the Form 2147 returned to the claimant by the revenue officer in accordance with § 290.163.

(b) *By parcel post.* Where the tobacco products are to be shipped by parcel post to a destination in a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States, the claimant shall endorse and sign on each container or parcel in the shipment a waiver of his right to withdraw such container or parcel from the mails, after which the claimant shall present the shipment to the post office. The claimant shall request the postmaster or his agent to execute the certificate of mailing on each of the two copies of the claim, Form 2147, returned to the claimant by the revenue officer in accordance with § 290.163. When so executed by the postal authorities the two copies of the Form 2147 shall be transmitted at once to the assistant regional commissioner with whom the form was previously filed.

§ 290.165 *Customs procedure.* The inspector of customs shall satisfy himself that the tobacco products described on the Form 2147 and those inspected by him are the same, and shall note on the form any discrepancy. After having inspected the products and supervised the lading thereof on the export carrier, the inspector shall complete and sign the certificate of inspection and lading on each copy of the Form 2147, and then deliver or transmit such copies of the form to the office of his collector of customs for further processing. After clearance from the port of the export carrier on which the products are laden, the collector of customs shall execute the certificate of exportation on both copies of Form 2147. The collector shall retain one copy of the form for his record and transmit the other copy to the assistant regional commissioner of the region from which the products were shipped.

(68A Stat. 709; 26 U. S. C. 5706)

§ 290.166 *Landing certificate.* Each claimant for drawback under this subpart agrees in the bond filed by him that he will furnish, within a reasonable time, evidence satisfactory to the assistant regional commissioner that the tobacco products covered by his claim have been landed at some port beyond the jurisdiction of the internal revenue laws of the United States, or that after shipment from the United States the products were lost, and have not been relanded within the limits of the United States. The landing certificate shall accurately describe the products involved, so as to readily identify the drawback claim to which it relates. The landing certificate shall be signed by a revenue officer at the place of destination, unless it is shown that no such officer can furnish such landing certificate, in which case the certificate of landing shall be signed by the consignee, or by the vessel's agent at the place of landing, and shall be sworn to before a notary public or other officer authorized to administer oaths and having an official seal. The landing certificate shall be filed with the assistant regional commissioner, with whom the drawback claim was filed, within six months from the date of clearance of the tobacco products from the United States. A landing certificate prepared in a foreign language shall be accompanied by an accurate translation thereof in English.

(68A Stat. 709; 26 U. S. C. 5706)

§ 290.167 *Collateral evidence as to landing.* In case of inability to furnish the prescribed evidence of landing, application for relief shall be made by the claimant to the assistant regional commissioner with whom the drawback claim and bond were filed. Such application shall set forth the facts connected with the alleged exportation, and indicate the date of shipment, the kind, quantity, and value of tobacco products shipped, the name of the consignee, and the name of the vessel by, and the port or place of destination to which the shipment was made, and the date and amount of the bond covering such shipment. The application shall also state in what particular the provisions of this subpart, respecting the proofs of landing, have not been complied with, and the cause of failure to furnish such proofs; that such failure was not occasioned by any lack of diligence on the part of the claimant, or that of his agents; and that he is unable to furnish any other or better evidence than that furnished with his application. Each such application shall be supported by the best collateral evidence the claimant may be able to submit. The evidence may consist of the original or verified copies of letters from the consignee advising the claimant of the arrival or sale of the tobacco products, with such other statements respecting the failure to furnish the prescribed evidence of landing as may be obtained from the consignee or other persons having knowledge thereof. Such letters and other documents in a foreign language shall be accompanied by accurate translations thereof in English, and, when the letters fail to identify sufficiently the tobacco products, the original sales account must be produced.

(68A Stat. 709; 26 U. S. C. 5706)



§ 290.168 *Proof of loss.* When the claimant is unable to procure a certificate of landing, in accordance with the provisions of § 290.166, in consequence of loss of the tobacco products, his application for relief shall set forth the extent of the loss and, if possible, the location and manner of shipwreck or other casualty and the time of its occurrence. When obtainable, affidavits of the vessel's owners should be furnished detailing the manner and extent of the loss and the time and location of the disaster. If the tobacco products were insured, the claimant shall furnish certificates by officers of the insurance companies that the insurance has been paid, and that, to the best of their knowledge and belief, the products were actually destroyed. The aforesaid proof shall be furnished to the assistant regional commissioner within six months from the date of clearance of the tobacco products from the United States.

(68A Stat. 709; 26 U. S. C. 5706)

§ 290.169 *Extension of time.* In case the claimant, from causes beyond his control, is unable to furnish the landing certificate or proof of loss, within the time prescribed therefor, he may make an application to the assistant regional commissioner for an extension of time in which to do so. Such application must state specifically the cause of failure to furnish the evidence. Two extensions of three months each may be granted by the assistant regional commissioner, provided the surety on the drawback bond of the claimant assents in writing thereto.

(68A Stat. 709; 26 U. S. C. 5706)

## SUBPART H—WITHDRAWAL OF CIGARS FROM CUSTOMS WAREHOUSES

§ 290.180 *Shipment restricted.* Only cigars produced in customs warehouses of imported tobacco on which the duties have been paid may be withdrawn under this subpart, without payment of tax, for export to a foreign country or a possession of the United States. Such duties paid may not be recovered on cigars withdrawn under this subpart. Cigars produced in customs warehouses of imported tobacco on which the customs duties have not been paid must be withdrawn in accordance with customs regulations and procedure.

§ 290.181 *Bond.* Where the customs warehouse proprietor desires to withdraw cigars from his warehouse, without payment of tax, under this subpart, he shall, prior to making the first withdrawal, file with the assistant regional commissioner a bond, Form 2104, conditioned upon compliance with the provisions of Chapter 52, I. R. C., and of this part, including, but not limited to, the timely payment of taxes imposed by such chapter and penalties and interest in connection therewith for which he may become liable to the United States. The provisions of §§ 290.108 and 290.109 are applicable to the bond required under this section.

§ 290.182 *Amount of bond.* The amount of the bond required to be filed by the customs warehouse proprietor, as required by § 290.181, shall be not less than the estimated amount of tax which may at any time constitute a charge against the bond: *Provided*, That the amount of any such bond (or the total amount where original and strengthening bonds are filed) shall not exceed $25,000 nor be less than $1,000. The charge against such bond shall be subject to increase as withdrawals are made and decrease as required evidence of exportation is received by the assistant regional commissioner with respect to cigars withdrawn. When the limit of liability under a bond given in less than the maximum amount has been reached, further withdrawals shall not be made thereunder until a strengthening or superseding bond is filed, as required by §§ 290.183 or 290.184.

§ 290.183 *Strengthening bond.* Where the assistant regional commissioner determines that the amount of the bond, under which the customs warehouse proprietor is withdrawing cigars for shipment under this subpart, no longer adequately protects the revenue, and such bond is in an amount of less than $25,000, the assistant regional commissioner may require the proprietor to file a strengthening bond in an appropriate amount with the same surety as that on the bond already in effect, in lieu of a superseding bond to cover the full liability on the basis of § 290.182. The assistant regional commissioner shall refuse to approve any strengthening bond where any notation is made thereon which is intended or which may be construed as a release of any former bond, or as limiting the amount of either bond to less than its full amount. Such strengthening bond shall have placed thereon, by the obligors at the time of execution, the notation "Strengthening Bond."

§ 290.184 *Superseding bond.* The customs warehouse proprietor shall file a new bond to supersede his current bond, immediately when (a) the corporate surety on the current bond becomes insolvent, (b) the assistant regional commissioner approves a request from the surety on the current bond to terminate his liability under the bond, (c) payment of any liability under a bond is made by the surety thereon, or (d) the assistant regional commissioner considers such a superseding bond necessary for the protection of the revenue.

§ 290.185 *Termination of liability of surety under bond.* The liability of a surety on any bond required by this subpart shall be terminated only as to operations on and after the date of approval of a superseding bond, or the date of approval of the customs warehouse proprietor's request for termination, or otherwise, in accordance with the termination provisions of the bond. The surety shall remain bound in respect of any liability for unpaid taxes, penalties, and interest, not in excess of the amount of the bond, incurred by the proprietor while the bond is in force.

§ 290.186 *Packages.* Cigars may be put up for withdrawal under this subpart in any packages desired.

(68A Stat. 713; 26 U. S. C. 5723)

§ 290.187 *Lottery features.* No certificate, coupon, or other device purporting to be or to represent a ticket, chance, share, or an interest in, or dependent on, the event of a lottery shall be contained in, attached to, or stamped, marked, written, or printed on any package of cigars withdrawn under this subpart.

(68A Stat. 713; 26 U. S. C. 5723)

§ 290.188 *Indecent or immoral material.* No indecent or immoral picture, print, or representation shall be contained in, attached to, or stamped, marked, written, or printed on any package of cigars withdrawn under this subpart.

(68A Stat. 713; 26 U. S. C. 5723)

§ 290.189 *Label or notice.* Every package of cigars before removal from the customs warehouse, under this subpart, without payment of tax, shall have legibly imprinted thereon, or on a label securely affixed thereto, the words "For export purposes. U. S. Tax-exempt."

§ 290.190 *Shipping containers.* Each shipping case, crate, or other container in which cigars are to be withdrawn, under this subpart, shall bear a number, such number to be assigned by the customs warehouse proprietor.

§ 290.191 *Notice of removal.* For each shipment to be withdrawn under this subpart, the customs warehouse proprietor shall prepare a notice of removal on Form 2149. Each such notice shall be given a serial number by the proprietor in a series beginning with number 1, with respect to the first shipment withdrawn, under this subpart, and commencing again with number 1 on January 1 of each year thereafter.

§ 290.192 *Execution and disposition of notice of removal.*—(a) *General.* After actual withdrawal from his warehouse of the shipment described on the Form 2149, required by § 290.191, the customs warehouse proprietor shall, except where the shipment is to be exported by parcel post, promptly forward one copy of the notice to the assistant regional commissioner for the region in which is located the customs warehouse from which the shipment is withdrawn. The customs warehouse proprietor shall enter on such copy of the form the date of withdrawal of the shipment described thereon. The proprietor shall retain one copy of such notice at his warehouse, as a part of his records, for two years after the close of the year in which the shipment was withdrawn and such copy shall be made available for inspection by any revenue officer upon his request. The proprietor shall dispose of the other copies of the Form 2149 as hereafter required by this section.

(b) *Cigars withdrawn for export to noncontiguous foreign countries and possessions of the United States.*—(1) *Regular.* Where cigars are withdrawn from a warehouse, under this subpart, for direct delivery to a vessel or aircraft for transportation to a noncontiguous foreign country or to a possession of the United States, the customs warehouse proprietor making the withdrawal shall be responsible for delivery of the shipment to such

vessel or aircraft. The customs warehouse proprietor shall file two copies of the notice of removal, Form 2149, with the office of the collector of customs at the port where the shipment is laden for transportation to its destination. Such copies of the notice of removal shall be filed with the related shipper's export declaration, Commerce Form 7525–V. In the event the copies of the notice of removal are not filed with the shipper's export declaration, when the copies of the notice of removal are filed with the collector of customs they shall show all particulars necessary to enable the collector to identify the shipment with the related shipper's export declaration and any other documents filed with his office in connection with the shipment. After the vessel or aircraft on which the shipment has been laden clears or departs from his port, the collector of customs shall execute the certificate of exportation on the notice of removal, retain one copy thereof for his records and deliver or transmit the other copy to the customs warehouse proprietor making the shipment for disposition as provided by paragraph (e) of this section.

(2) *Special.* Where a shipment of cigars withdrawn from a warehouse, under this subpart, is destined for a noncontiguous foreign country or a possession of the United States, but the shipment is to be delivered to a Federal department or agency, or port director of such a department or agency for forwarding on to the place of destination of the shipment, the customs warehouse proprietor making the shipment shall furnish a copy of the notice of removal, Form 2149, to the Federal department or agency, or an officer thereof at the port, receiving the shipment for ultimate transmittal to the place of destination, in order that such department, agency, or officer can properly modify and execute the certificate of receipt on such notice to evidence receipt of the shipment for transmittal to a place beyond the jurisdiction of the internal revenue laws of the United States. After completing such certificate, the Federal department, agency, or officer, shall return the copy of the notice of removal, so executed, to the customs warehouse proprietor concerned for disposition by him as provided by paragraph (e) of this section.

(c) *Cigars withdrawn for export to a contiguous foreign country.* Where cigars are withdrawn from a customs warehouse and consigned to a person in a contiguous foreign country, the customs warehouse proprietor shall furnish to the collector or deputy collector of customs at the border or other port of exit of the shipment from the United States, through which the shipment will be routed, two copies of the notice of removal, Form 2149, together with the related shipper's export declaration, Commerce Form 7525–V. In the event the copies of the notice of removal are not filed with the shipper's export declaration or, in the case of a shipment for the armed forces of the United States in the contiguous foreign country, where no shipper's export declaration is required, the copies of the notice of removal when filed with the collector of customs shall show all particulars necessary to enable the collector to identify the shipment with the related shipper's export declaration, if any, and any other documents filed with his office in connection with the shipment. After the shipment has been cleared by customs from the United States the customs authorities at the port of exit will complete the certificate of exportation on each copy of the Form 2149, retain one copy thereof and transmit the other copy to the customs warehouse proprietor making the shipment for disposition by him as provided by paragraph (e) of this section.

(d) *Cigars withdrawn for export by parcel post.* Where cigars are withdrawn from a customs warehouse for export by parcel post, the customs warehouse proprietor shall present one copy of the notice of removal, Form 2149, to the postal authorities, together with the packages containing the cigars, with the request that the postmaster or his agent execute the certificate of mailing on the notice. The customs warehouse proprietor shall dispose of the receipted copy as provided by paragraph (e) of this section.

(e) *Disposition of executed copies by customs warehouse proprietors.* The customs warehouse proprietor receiving a completed copy of the notice of removal, Form 2149, shall immediately file such copy with the appropriate assistant regional commissioner.

§ 290.193 *Return of shipment to warehouse.* A customs warehouse proprietor may return to his warehouse cigars previously withdrawn therefrom, under this subpart, provided he promptly files with the appropriate assistant regional commissioner a copy of the Form 2149 under which the cigars were originally withdrawn, with the certificate of receipt properly modified and executed by the customs officer in charge of the warehouse to show return of the shipment. If less than the entire shipment is returned to the warehouse, the form shall state what disposition was made of the balance of the original shipment and any other facts pertinent to such shipment. The customs warehouse proprietor shall retain a copy of such form for the records of his warehouse for two years after the close of the year in which the shipment was returned. Such copy shall be made available for inspection by any revenue officer upon his request.

[F. R. Doc. 56–4003; Filed, May 21, 1956; 8:50 a. m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### [ 7 CFR Part 961 ]

[Docket No. AO–160–A18]

HANDLING OF MILK IN PHILADELPHIA, PA., MARKETING AREA

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVELY APPROVED MARKETING AGREEMENT AND TO ORDER AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the opening of a public hearing to be held in Courtroom No. 7, Room 3018, United States Courthouse, Ninth and Market Streets, Philadelphia, Pennsylvania, beginning at 10:00 a. m., e. d. s. t., June 11, 1956 for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement heretofore approved by the Secretary of Agriculture, and to the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area. These proposed amendments have not received the approval of the Secretary of Agriculture.

Proposals Nos. 1 and 6 relative to the enlargement of the marketing areas, raise the issue as to whether the present provisions of the order would tend to effectuate the declared policy of the act if applied to the marketing area as proposed to be extended, or if not, what modifications of such provisions are appropriate to effectuate the declared policy of the act.

By the Milk Distributors Association of the Philadelphia Area, Inc.:

1. Extend the Philadelphia marketing area to include that portion of Bucks County, Pennsylvania, south and southeast of and including the following townships: Plumstead, Bedminster, East Rockhill and West Rockhill, and the portion of Montgomery County, Pennsylvania, south and southeast of and including the townships of Salford, Upper Salford, Lower Frederick and Limerick and the following boroughs and townships in Chester County, Pennsylvania: The Boroughs of Spring City, Phoenixville, West Chester and Malvern and the Townships of Tredyffrin, Easttown, Willistown, East Goshen, West Goshen, Westtown and Thornbury; and the remaining part of Philadelphia County, Pennsylvania, not already included in the marketing area.

2. Amend the Class I pricing provisions to provide a Class I price for milk disposed of in the proposed area of extension 15 cents per hundredweight less than the Class I price applicable to milk sold in the present marketing area.

3. Delete from the list of named plants set forth in § 961.6 (a) the plants at Pottstown, Pennsylvania, Byers, Pennsylvania, and Port Allegany, Pennsylvania, and add to the list of such named plants, the plant at Nassau, Delaware, and make such other changes as may be necessary to bring the list of plants up to date.

4. Provide for increased making allowances during each March, April, May and June for Class II milk in § 961.40 (b) and reconsider § 961.31 (b) and § 961.40 (b) to provide for a permanent classification and pricing of low value products during March, April, May and June.

5. Reconsider the butterfat differentials to be used in calculating values of milk of differing butterfat content, as received from individual producers, and as disposed of in various uses by handlers.



By Inter-State Milk Producers' Cooperative:

6. Extend the Philadelphia marketing area to include all or part of the following townships and boroughs, all in Pennsylvania; balance of Philadelphia City and County, Bensalem, Bristol, Falls, Lower Southampton, Middletown, Lower Makefield, Upper Southampton, Northampton, Newtown, Upper Makefield, Wrightstown, Warwick, Warminster, and Warrington and the boroughs and cities therein, all in Bucks County; balance of Upper Moreland, Horsham, Montgomery, Hatfield, Upper Salford, Lower Salford, Towamencin, Upper Gwynedd, Lower Gwynedd, Upper Dublin, Whitemarsh, Whitpain, Worcester, Skippack, Lower Frederick, Limerick, Upper Providence, Lower Providence, East Norriton, West Norriton, Upper Merion, Plymouth, and the boroughs and cities therein all in Montgomery County; Tredyffrin, Easttown, Willistown, East Goshen, West Goshen, Westtown, Thornbury, and all the boroughs and cities therein and Spring City, Phoenixville and West Chester, all in Chester County.

7. Consider defining "producer" (for pooling purposes) with respect to deliveries through the bulk tank system.

8. Bring up-to-date the list of named plants in § 961.6 (a).

9. Reconsider the Class I pricing formula, first, with respect to an adjustment in the table entitled "Class I Price Schedule—Class I Price Per Hundredweight" § 961.40 (a) (6), and second, with respect to the deletion of the supply-demand adjustment, § 961.40 (a) (7) and (8).

10. Reconsider the handler (§ 961.41) and producer (§ 961.82) butterfat differentials.

11. Provide a butterfat differential premium to be charged handlers for Class I sales with a butterfat content in excess of 4.0 percent, except for such sales qualifying for the premiums in § 961.85 and for such sales which are clearly designated with a nationally registered breed trademark.

12. Delete § 961.84, additional deductions. (Nearby location differentials.)

By Oakland Farms:

13. Provide for the classification of cream as a Class I product with a separate pricing for cream. Amend also, all relevant provisions of the order with respect to the definition of a producer milk plant to include the shipment of cream into the marketing area.

14. Provide for the classification as Class I, all milk or butterfat entering the marketing area except that milk moved directly from producers' farms.

15. Amend § 961.42 to provide for the payment of Class I differential in series beginning with the plant nearest the marketing area and eliminate differentials on Class II milk.

By Chester County Dairymen's Cooperative Association, United Farmers Cooperative and Southern York County Dairymen's Association:

16. Review the provisions of §§ 961.41 (a) and (b), 961.83, and 961.85 relating to handler and producer butterfat differentials.

17. Review the Class I pricing formula as set forth in § 961.40 (a), particularly with respect to including an index reflecting farm labor costs.

By Southern York County Dairymen's Association:

18. Revise the Class II pricing formula to bring about an increase in Class II price to compensate for increased milk production costs.

By Borden's Farm Products of New Jersey, Inc.

19. Provide an out-of-area price for milk purchased from producers and sold outside the defined marketing area.

20. Frame the producer milk plant definition in a manner which will permit the continued receipts of unregulated milk from other dealers.

By Mifflin Creamery Company, Inc., Lancaster Milk Company, Lancaster Milk Company, Inc., W. M. Evans Dairy Company, Inc., Christiana Milk Products Company, Inc., Tri-County Dairy Company, Inc., The H. E. Koontz Creamery, Inc., and Grover Farms, Inc.:

21. Amend the order to provide for the payment to producers through the medium of a marketwide pool.

22. Amend § 961.6 (c) by deleting the present language and substituting therefor the following:

(c) Any other plant from which milk is supplied to a pasteurizing or bottling plant described in paragraph (b) of this section: *Provided*, That any such other plant shall not be included in this definition during any month in which there is shipped from the plant only Class II milk as defined in § 961.31 or during any of the months of October, November, December, and January in which less than 100,000 pounds of milk are shipped into the marketing area and allocated to Class I to such pasteurizing or bottling plant or to a plant or plants supplying such pasteurizing or bottling plant.

Proposed by the Dairy Division:

23. Consider standardization of the language of the definition and administrative provisions of the order.

24. Make such other changes as may be required to make the marketing agreement and order in their entirety conform with any amendment thereto that may result from this hearing.

Copies of this notice of hearing and of the order as now in effect may be procured from the market administrator, 1612 Market Street, Philadelphia 3, Pennsylvania, or from the Hearing Clerk, Administration Building, United States Department of Agriculture, Room 112, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 17th day of May 1956.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 56–3983; Filed, May 21, 1956; 8:46 a. m.]

## CIVIL AERONAUTICS BOARD

### [ 14 CFR Part 1 ]

[Draft Release No. 56–13]

AIRCRAFT IDENTIFICATION MARKINGS

EXTENSION OF JULY 27, 1956, DATE

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board a Special Civil Air Regulation extending the July 27, 1956, deadline date for identification of fixed-wing aircraft in accordance with Special Civil Air Regulation No. SR–412.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rule, communications must be received by July 2, 1956. Copies of such communications will be available after July 5, 1956, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

Some time ago, the Department of Defense advised the Board that the size and location of identification markings on civil aircraft made it necessary for military aircraft to reduce their speed to approximately that of civil aircraft when making interceptions in restricted areas; and that, as a consequence, interceptors such as the F–86D were required to make identifications at less than a safe maneuverable speed. For this reason, the Department concluded that civil aircraft should be identified from the side, rather than from above or below, since the latter procedures were considered too hazardous. Accordingly, the Department of Defense recommended that larger identification markings be required on the side surfaces of civil aircraft.

In view of the foregoing information and recommendations, a notice of proposed rule making was published in the FEDERAL REGISTER (20 F. R. 1225) and circulated as Civil Air Regulations Draft Release No. 55–7, dated February 18, 1955, which proposed, among other things, the deletion of the requirement in Part 1 of the Civil Air Regulations for wing and tail surface markings on fixed-wing aircraft. In lieu thereof, it proposed to require that larger identification markings be displayed horizontally either on the fuselage side or vertical tail surfaces of all fixed-wing aircraft after January 1, 1960.

Analysis of the comment received in response to Draft Release No. 55–7 revealed that the great majority of those who commented challenged the justification made for the proposed amendment. However, prior to and following the publication of the proposal, the Board received requests from many aircraft operators for waivers of certain of the identification marking requirements prescribed in Part 1. In view of these requests, and the Board's desire to obtain additional information which would be of value in making a final decision with respect to identification marking requirements, the Board was of the opinion that persons who desired to do so should be permitted to display, for a temporary period, larger identification markings on either the fuselage side or vertical tail surfaces of fixed-wing aircraft in lieu of upper and lower wing surface markings and small tail surface markings.

Accordingly, the Board promulgated Special Civil Air Regulation No. SR–412 which permits, until July 27, 1956, identification marks to be affixed to the fuselage side or vertical tail surfaces in lieu of the markings required by Part 1.

Since SR–412 became effective, many persons have availed themselves of its provisions; however, the Bureau has been advised that, if SR–412 is amended to allow an extension beyond the present date of July 27, 1956, for affixing the markings, one scheduled air carrier and possibly more will take advantage of this regulation. The Bureau is of the opinion that such an extension should be granted in order that additional information may be obtained on which to base a final decision.

Persons who choose to display identification markings in accordance with the amended regulation proposed herein will be required to affix the markings to their aircraft before July 27, 1956. Since this regulation will remain in effect for a period of 4 years from its effective date, unless sooner superseded or rescinded, those who affix identification markings in accordance with this proposed regulation can be assured of being able to continue to display such markings for a period of at least 2 years.

It would be of value to the Board if those persons who display identification markings on their aircraft in accordance with this regulation submit to the Board photographs or sketches of their aircraft displaying such markings, and also their comments as to the effect such markings have on ground-to-air and air-to-air identification of their aircraft. All such information should be addressed to the Civil Aeronautics Board, attention of Bureau of Safety Regulation, Washington 25, D. C.

Accordingly, it is proposed to issue a Special Civil Air Regulation effective July 28, 1956, to read as follows:

Contrary provisions of §§ 1.102 (a) and 1.103 (a) of Part 1 of the Civil Air Regulations notwithstanding, identification markings may be removed from the upper and lower wing surfaces provided that vertical tail or fuselage markings are affixed in accordance with the following:

1. The markings shall be placed horizontally and the letters and numbers shall be of equal height not less than 12 inches high.

2. If on the sides of the fuselage, the markings shall be displayed on both sides of the fuselage in an area between the wing trailing edge and the horizontal stabilizer leading edge.

3. If on the vertical tail, the markings shall be displayed on both sides of a single vertical tail surface or on the outer sides of multitail surfaces.

4. Identification markings may be affixed in accordance with the foregoing provisions until July 27, 1958.

5. Identification markings affixed in accordance with the foregoing provisions may be displayed until the termination date of this special regulation.

It is proposed that this regulation supersede Special Civil Air Regulation No. SR–412, and be effective for a period of 4 years.

This regulation is proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205 (a) 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply secs. 601–610, 52 Stat. 1007–1012, as amended; 49 U. S. C. 551–560)

Dated at Washington, D. C., May 16, 1956.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN, *Director.*

[F. R. Doc. 56–4023; Filed, May 21, 1956; 8:54 a. m.]

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## [ 14 CFR Parts 3, 4b, 6, 7, 40, 41, 42, 43, 45 ]

[Special Civil Air Regulation No. SR–392A]

[Draft Release No. 56–12]

### POSITION AND ANTI-COLLISION LIGHT REQUIREMENTS AND FACILITATION OF EXPERIMENTS WITH EXTERIOR LIGHTING SYSTEMS

### NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board the adoption of amendments to Parts 3, 4b, 6, Proposed Part 7, and Special Civil Air Regulation No. SR–392A as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by July 25, 1956. Copies of such communications will be available after July 30, 1956, for examination by interested persons in the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

The continuing increase in air traffic density and the advent of airplanes capable of appreciably higher speeds than heretofore attained demand further improvements in the exterior lighting of aircraft. The presently effective regulations in Parts 3, 4b, and 6 of the Civil Air Regulations require the installation of position lights and prescribe certain specifications for such lights. There are also contained in the regulations in these same parts certain specifications for anti-collision lights, and there is a regulatory requirement in Parts 40, 41, 42, and 43 that they be installed on all airplanes of more than 12,500 pounds by May 31, 1956. In addition, Special Civil Air Regulation No. SR–392A permits under certain conditions experimentation with exterior lights which do not conform to the specifications in the regulations.

Recent experience with exterior lighting systems indicates the need for a thorough re-evaluation of the pertinent regulations. The main issues are concerned with: (1) The specifications for anti-collision lights; (2) the specifications for position lights, and (3) the facilitation of experiments with exterior lighting systems. These three issues are being made the subject of specific proposals which follow.

In summary, it is being proposed herein to establish new specifications for anti-collision lights and to revise the specifications for position lights by eliminating the use of flashers and, in dual circuit systems, the fuselage and red tail lights. These new specifications for anti-collision and position lights are proposed to be applicable to all future new type aircraft regardless of category. Although the new specifications could be used on present aircraft, such use would be on a voluntary basis, and it is proposed that presently approved systems be allowed to be used indefinitely. In addition, it is being proposed to permit further experimentation with exterior lighting on both air carrier and non-air-carrier aircraft, rather than on only air carrier aircraft.

A. *Specifications for anti-collision lights.* At the present time the specifications for anti-collision lights are contained in § 4b.637 of Part 4b of the Civil Air Regulations applicable to transport category airplanes. The Administrator of Civil Aeronautics has made these specifications applicable in the approval of anti-collision lights not only on large airplanes but also on small airplanes and on rotorcraft. Practical considerations in the future might indicate the advisability of some difference in details between the specifications for large aircraft and the smaller ones. For this reason, it is proposed not only to re-evaluate the specifications contained in Part 4b but also to include specifications in the airworthiness parts of the regulations for smaller airplanes and for rotorcraft. Following is a discussion of the pertinent technical issues involved and the specific proposals for new anti-collision light specifications for inclusion in Parts 3, 4b, 6, and 7 of the Civil Air Regulations.

NOTE: Action by the Board is now pending with respect to Part 7 dealing with transport category rotorcraft.

The presently effective specifications for anti-collision lights contained in § 4b.637 were established a few years ago and reflect the state-of-the-art as of that time. They were based upon conclusions reached from experimentation and studies conducted by both industry and Government. The use on a relatively large number of aircrafts of lights conforming to these specifications has revealed certain shortcomings in the specifications. Furthermore, during the past year or so experimentation has led to the development of condenser-discharge type lights which appear to have certain advantageous features. The inherent characteristics of such lights, however, do not permit compliance with certain of the specifications presently contained in § 4b.637. Thus, the purpose of the re-evaluation of these specifications is to take into account more recent experience with anti-collision lights and to broaden the



specifications to reflect some of the characteristics of the condenser-discharge lights. The Bureau considers that both the incandescent and the condenser-discharge lights have sufficient advantages to permit their use, providing of course, that the design features essential in an effective anti-collision light system are incorporated.

As a result of various reports of experiments and studies conducted, as well as specific recommendations submitted, the following technical issues need particular consideration in evaluating proper specifications for anti-collision lights.

1. *Flash frequencies.* From tests on representative type flashing lights it was found some time ago that the optimum flash frequencies from the standpoint of attention attraction were of the order of 60–80 flashes per minute. However, further tests indicated that flash frequencies beyond these limits were also satisfactory. The presently effective regulations for anti-collision lights require that the frequencies be between the limits of 40 and 100 flashes per minute. More recently new experimental type lights operated at frequencies higher than the 100 flashes per minute indicate that even at 180 flashes per minute the individual flashes are clearly distinguishable. As a matter of fact, experience with the presently approved type lights which have been in service for some time indicates that the upper flash frequency limit can be raised without undue loss of conspicuity. On a number of airplanes these lights have been installed in pairs, one light on top and one on the bottom of the fuselage. The frequency of the individual light is about 90 flashes per minute; however, in the overlap areas in and adjacent to the horizontal plane, the effective frequency becomes 180 flashes per minute. No adverse experience has been indicated as a result of these higher frequencies and, therefore, a recently adopted amendment to the regulations permits flash frequencies in overlap areas to exceed the prescribed limit of 100 flashes per minute. For these reasons, it is proposed to extend the upper limit of flash frequencies from 100 to 180 flashes per minute. With respect to the lower limit, the Bureau can find no substantiation at this time for either lowering or raising it.

2. *Field of coverage.* The various positions in which two aircraft can find themselves with respect to each other calls ideally for an exterior lighting systerm visible throughout the complete sphere of the aircraft. However, practical difficulties with most of the anti-collision light systems make this extremely difficult of accomplishment without the installation of a large number of individual light units. Requiring such a step would not be justified in view of the fact that the posiiton lights on an aircraft are such as to cover approximately the complete sphere. Thus the additional conspicuity from an anti-collision light can best be utilized by covering more effectively the area in the horizontal plane, including reasonable angles above and below the horizontal. It has been recommended to the Bureau that the field of coverage by an anti-collision light system include all angles from 30° above to 30° below the horizontal. It was further recommended that an arc or arcs of invisibility totalling no more than 6° be permitted to the rear of the aircraft. This obviously is in consideration of the vertical tail (or tails) which would obscure a light installed on top of the fuselage. The combined effect of these two recommendations would be to permit a region of invisibility expressed in terms of solid angles of about 0.03 steradians within a region of about 0.15 steradians in the rearward direction. The prescribed field of coverage to extend around the aircraft from 30° above to 30° below the horizontal would in practice require the installation of either one light on top of the fin or, more probably, two lights on the fuselage, one on top and the other on the bottom.

3. *Light intensities.* The presently effective regulation does not specify the minimum required intensities for anti-collision lights. With the advent of a variety of anti-collision light types utilizing a relatively wide range of flash frequencies and on-off ratios, it appears necessary to establish a minimum standard of light intensity. When light is flashed at intervals and the duration of each flash is short, the reaction of the light on the human eye is such that the "effective" intensity is smaller than the actual intensity of the same light when it is on steady. This notwithstanding the fact that when measured photometrically the intensity of the steady light might be exactly the same as the peak intensity of the flashing light. Experimental determination of the constant for the well known Blondel-Rey expression indicates, for flash durations such as can be expected in anti-collision lights, the following relation between the effective intensity and the actual (steady light) beam intensity as a function of flash duration:

$$I_e = \frac{\int_{t_1}^{t_2} I(t)\,dt}{0.2 + (t_2 - t_1)};$$

where $I(t)$ is the instantaneous intensity as a function of time, and $(t_2 - t_1)$ is the time interval of flash.

It is proposed to prescribe minimum effective light intensities varying from 100 candles at the horizontal plane of the aircraft to 10 candles at 30° above and 30° below the horizontal. It is believed that these minimum effective intensities are well within the effective intensities being attained on anti-collision lights now used. It is possible that further information obtained in response to this notice of proposed rule making will indicate a need for somewhat higher values.

4. *Color.* The presently specified color in the regulations for anti-collision lights is aviation red. This color was chosen after extensive experimentation. Until recently there was generally uniform agreement throughout the industry and interested Government agencies that the red color would be the most effective in an anti-collision light. With the advent of the condenser-discharge type lights it has been suggested in some quarters that a white light with a color temperature in the vicinity of 6,000–8,000 degrees Kelvin would be more effective than a red light. The proponents of this color light offer principally two advantages. The first is that a condenser-discharge white light is reacted to by the human eye over a wider periphery than a red light. The second is that, for the same light source intensity, a white filter transmits about four times as much of the light as does a red filter, thus increasing substantially the light intensity. The latter conclusion, however, must be qualified. Although the red light at close distances would have only one-quarter the intensity of the white light, the range of visibility would be reduced only to one-half instead of to one-quarter (in accordance with the inverse-square law). At longer distances atmospheric absorption alters the relative range appreciably so that, for example, a light which could be seen at 20 miles with a white filter could be seen at about 16–18 miles with a red filter. This difference would have a further tendency to be reduced with progressively worse weather conditions. These conclusions are based on experiments with a tungsten type light. No technical data have been presented so far to indicate whether or not different conclusions would be reached for the condenser-discharge type light. The proponents of the red light point to a number of advantages for the red light as compared to a white light; for example, easier recognition against an urban background, less distraction to the pilot from light scatter in hazy or cloudy atmospheric conditions, less adverse effect on pilot dark adaptation, together with the fact that red is generally thought of as a sign of danger and therefore draws quicker attention. Without attempting to prejudge the final resolution of this issue, the Bureau thus far considers that the red light should continue to be required.

5. *Location of lights.* In order that anti-collision lights give the necessary field of coverage it will probably be necessary to install two lights on an aircraft, one on top and one on the bottom of the fuselage, although in some instances it might be possible to have only one light mounted on top of the fin. In either case, the proper positioning of the lights is of considerable importance from the standpoint of possible glare to the pilot in IFR conditions. Recently, special tests in overcast conditions have indicated that with certain installations the anti-collision lights had extremely undesirable effects on the pilots. In some cases these effects resulted in vertigo, in others, in very severe annoyance. It is of interest to note that the tests were conducted with red as well as with white lights. It appears that these undesirable effects are more likely to occur on small aircraft where the anti-collision lights are located fairly near the pilot's cockpit. The wording in the presently effective regulations for anti-collision lights is directed against installations which would be conducive to the types of conditions evidenced in the tests. Apparently, however, lack of sufficient experience with anti-collision lights has led to some installations which do not meet the intent of the regulations. Since the present

wording in § 4b.637 is considered clear as to its intent, it is not proposed to make any significant changes therein. It is believed that, on the basis of past experience, anti-collision lights in the future will not be installed so as to have an extreme effect upon pilots. It is further considered that, with installations where undesirable effects on the pilot are apparent but not sufficiently pronounced to cause concern, judicious operational practices will be exercised in the use of anti-collision lights under IFR conditions.

6. *Direction indication.* In addition to the prime function of exterior lighting, which is to make the aircraft conspicuous, there is another function; namely, to indicate direction of flight. For this purpose, consistent with tradition established by other modes of navigation, the disposition on an aircraft of red, green, and white lights has world-wide acceptance. The regulations require basically that a red position light be placed on the left side, a green one on the right, and a white one in the rear. Recently new concepts have been introduced experimentally for direction indication. However, the Bureau does not feel justified at this time in suggesting a change in this respect and, therefore, the present system of direction indication is proposed for retention.

Experience with anti-collision lights has shown that the relatively high intensity of these lights may have a deleterious effect on the visibility of the position lights, particularly if the latter are flashing. Apparently the flashing of wing and tail position lights, the fuselage lights, and the anti-collision lights is conducive to confusion as regards the direction of flight. Tests have shown that with the presently used system, the clearest indication is obtained when, in addition to the flashing anti-collision light, the lighting system is limited to the two wing lights and a white tail light, and when these three position lights are on steady. It is proposed, therefore, to prescribe steady position lights when such are used in conjunction with an anti-collision light. (The matter of altering the specifications for position lights is discussed later in this notice of proposed rule making.)

7. *Applicability.* The presently effective regulations in Part 4b prescribe the specifications for anti-collision lights when such are installed. Since the promulgation of those specifications, the operating parts of the regulations have been amended to require the installation of anti-collision lights on all airplanes of more than 12,500 pounds. Consequently, in amending the specifications in Part 4b to be made applicable to future new type airplanes, it is proposed that anti-collision lights be made required equipment. It is also proposed that the introduction of specifications into Parts 3 and 6 of the regulations for airplanes of 12,500 pounds or less and for rotorcraft be made also on the basis of required equipment. Thus, all new type airplanes and rotorcraft irrespective of size introduced into service in the future would have anti-collision lights installed. This proposal does not include any differentiation in the specifications of anti-collision lights for small versus large aircraft. In principle, equal conspicuity should be required. It is considered that the proposed specifications are sufficiently broad and reasonable as to apply equally to all aircraft without undue burden to the designer and operator. However, the Bureau is prepared to consider any specific suggestions regarding possible differentiation.

In view of the foregoing, notice is hereby given that it is proposed to recommend to the Board that Parts 3, 4b, and 6 of the Civil Air Regulations be amended:

1. By adding new §§ 3.705 and 6.637, and by inserting in lieu of the presently effective provision of § 4b.637 a new provision, all to read as follows: (Part 7 for transport category rotorcraft now pending consideration before the Board would also be amended similarly.)

§§ 3.705, 4b.637, 6.637 *Anti-collision light system.* An approved anti-collision light system consisting of one or more lights shall be so located that the light would not be detrimental to the crew's vision and would not detract from the conspicuity of the position lights. The system shall comply with the provisions of paragraphs (a) through (d) of this section.

(a) *Field of coverage.* The system shall consist of such lights as will afford coverage of all vital areas around the airplane with due consideration to the physical configuration and the flight characteristics of the airplane. In any case, the field of coverage shall extend in all directions within 30° above and 30° below the horizontal plane of the airplane, except that a solid angle or angles of obstructed visibility totalling not more than 0.03 steradians shall be permissible within a solid angle equal to 0.15 steradians centered about the longitudinal axis in the rearward direction.

(b) *Flashing characteristics.* The arrangement of the system, i. e., number of light sources, beam width, speed of rotation, etc., shall be such as to give an effective flash frequency of not less than 40 and not more than 180 cycles per minute. The effective flash frequency shall be the frequency at which the airplane's complete anti-collision light system is observed from a distance, and shall apply to all sectors of light including the overlaps which might exist when the system consists of more than one light source.

(c) *Color.* The color of anti-collision lights shall be aviation red in accordance with the specifications of § 4b.635 (a).

(d) *Light intensity.* The minimum light intensities, measured with the red filter and expressed in terms of "effective" intensities, shall be in accordance with Figure 4b–27. The following relation shall be assumed:

$$I_e=\frac{\int_{t_1}^{t_2} I(t)\,dt}{0.2+(t_2-t_1)};$$

where:

$I_e$=effective intensity (BCP),
$I(t)$=instantaneous intensity as a function of time,
$t_2-t_1$=flash time interval.

NOTE: Normally, the maximum value of effective intensity is obtained when $t_2$ and $t_1$ are so chosen that the effective intensity is equal to the instantaneous intensity at $t_2$ and $t_1$.

| Angle above or below horizontal plane | Effective intensity (candles) |
|---|---|
| 0° to 5° | 100 |
| 5° to 10° | 60 |
| 10° to 20° | 20 |
| 20° to 30° | 10 |

FIGURE 4b–27—MINIMUM EFFECTIVE INTENSITIES FOR ANTI-COLLISION LIGHTS

B. *Specifications for position lights.* The present regulations require flashing position lights on air carrier airplanes and the specifications for such lights are contained in Part 4b. For small airplanes and for rotorcraft there are contained in Parts 3 and 6 specifications for the flashing features if the position lights are designed to be flashed.

Several years ago, it was established that the flashing of position lights contributed noticeably to the conspicuity of aircraft. However, the continued search for even more effective exterior lighting led to the development of the anti-collision light. The latter type light is also flashing in effect and has the added advantage of more concentrated intensities of light which offer conspicuity at greater distances. As explained in connection with the proposed changes to the anti-collision light specifications, it remains of importance for the position lights to retain their direction and attitude indicating features. This appears to be most effectively accomplished by maintaining the position lights steady rather than flashing when used simultaneously with an anti-collision light system. Inasmuch as it is being proposed to require for all future new type aircraft the intallation of anti-collision lights, it is also being proposed to require that steady position lights be used.

The position light specifications in the presently effective Part 4b call not only for the basic red and green forward position lights and the white rear position light, but also for two white fuselage lights and an additional red rear position light. The need for the three latter lights to supplement the flashing of the basic position lights no longer exists if the position lights are required to be on steady. Therefore, it is proposed that the position light specifications in Part 4b be limited to the three basic lights; namely, red and green forward position lights, and white rear position light.

In view of the foregoing, notice is hereby given that it is proposed to recommend to the Board that Parts 3, 4b, and 6 of the Civil Air Regulations be amended as follows: (Part 7 for transport category rotorcraft now pending consideration before the Board would also be amended similarly.)

1. By making editorial changes in § 3.700 (a) to eliminate reference to single and dual circuit systems and by deleting § 3.700 (e) which now deals with flasher characteristics.

2. By deleting § 4b.632 (d), 4b.632 (e), and 4b.634 (c) which now deal with fuselage lights and flasher characteristics, and by also making changes in § 4b.632 (c) and in Figures 4b–18 and 4b–20 to eliminate all references to the rear red position light.

3. By making editorial changes in § 6.632 (a) to eliminate reference to single and dual circuit systems, and by deleting § 6.632 (e) which now deals with flasher characteristics.

4. By deleting from the operating parts of the Civil Air Regulations the requirement for flashing position lights on airplanes equipped with anti-collision lights.

C. *The facilitation of experiments with exterior lighting systems.* Special Civil Air Regulation No. SR–392A adopted June 29, 1955, permits air carriers subject to the approval of the Administrator to install and use experimentally, on a limited number of their airplanes, exterior light systems which do not conform to the specifications contained in Part 4b of the Civil Air Regulations. The purpose of SR–392A was to permit experimentation on large airplanes while retaining their standard airworthiness certification. Prior to that time such experimentation was conducted either on Government-owned aircraft or on private aircraft limited in operations to the conditions of an experimental certificate.

SR–392A does not extend the permission for experimentation with exterior lights to non-air-carrier aircraft because at the time of its adoption only air carrier operators indicated interest in this activity. Recently, however, new experimental developments in anti-collision light systems have aroused the interest of private and corporate operators to the extent that some of the operators apparently wish to install the new systems on their aircraft for purposes of experimentation. The Bureau sees no valid reason why operators other than air carriers should not be permitted to participate, if they wish, in experiments intended to improve the effectiveness of aircraft exterior lighting, provided that the number of such aircraft is reasonably limited.

Under the provisions of SR–392A only a relatively small number of airplanes was involved in the experimentation which was conducted by the air carriers under coordinated programs. The results of these experiments have become generally known to interested persons. The Bureau believes that the knowledge gained from such experiments warrants permitting deviations from the exterior lighting specifications contained in the Civil Air Regulations.

If future experimentation is to be conducted more widely and by private individuals, the Bureau believes that conditions should be imposed which would assure that the experimental exterior lights are in fact installed for purposes of bona fide experimentation and that the results of such experimentation become available to the Government and to all other interested persons.

In view of the foreging, notice is hereby given that it is proposed to recommend to the Board the adoption of a new Special Civil Air Regulation to supersede SR–392A to read substantively as follows:





Contrary provisions of the Civil Air Regulations notwithstanding, experimental exterior lighting equipment which does not comply with the relevant specifications contained in the Civil Air Regulations may, subject to the approval of the Administrator, be installed and used on aircraft for the purpose of experimentation intended to improve exterior lighting: *Provided,* That

1. The Administrator may grant approval for a period not to exceed six months, except that approval for additional periods may be granted if the Administrator finds that the experiments can be reasonably expected to contribute to improvements in exterior lighting;

2. Not more than 15 aircraft possessing a U. S. certificate of airworthiness may have installed at any one time experimental exterior lighting equipment of one basic type;

3. The Administrator shall prescribe such conditions and limitations as may be necessary to insure safety and to avoid confusion in air navigation;

4. The person engaged in the operation of the aircraft shall disclose publicly the deviations of the exterior lighting from the relevant specifications contained in the Civil Air Regulations at times and in a manner prescribed by the Administrator;

5. Upon application for approval to conduct experimentation with exterior lighting, the applicant shall advise the Administrator of the specific purpose of the experiments to be conducted; and at the conclusion of the approved period of experimentation, he shall advise the Administrator of the detailed results thereof.

This proposed regulation would supersede Special Civil Air Regulation No. SR–392A.

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposals may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205 (a), 52 Stat. 984, 49 U. S. C. 425 (a). Interpret or apply secs. 601–610, 52 Stat. 1007–1012, as amended, 49 U. S. C. 551–560)

Dated at Washington, D. C., May 14, 1956.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN, *Director.*

[F. R. Doc. 56–4022; Filed, May 21, 1956; 8:53 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

### [ 47 CFR Part 18 ]

[Docket No. 11467; FCC 56–459]

### RADIO FREQUENCY STABILIZED ARC WELDERS

### FURTHER NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given of further proposed rule making in the above entitled matter.

2. The Commission has reviewed the comments submitted in reply to the original notice of proposed rule making in this proceeding. Evidence is provided that there is a need for more stringent radiation limits than is provided by the temporary regulations now in effect. On the other hand, the comments indicate that it may be quite difficult to reduce the radiation from these devices while at the same time retaining the characteristics necessary for efficient welding.

3. On the basis of these comments, the Commission has concluded that the regulations governing miscellaneous equipment (§§ 18.31 and 18.32) are not directly applicable to radio frequency stabilized arc welders. It has further concluded that the present temporary regulations (Footnote 1 to § 18.1) do not adequately control the interference caused by these welders. It, therefore, proposes to promulgate rules covering the operation of radio frequency stabilized arc welders (or the radio frequency stabilizer when this device is a separate component) based on the following principles:

(a) Radiation shall be limited to 15 uv/m at 1,000 feet on all frequencies not allocated for ISM use, except that a welder equipped with an arc stabilizing capacitor in series with the welding lead or with such other arc stabilizing device which will require rf energy flow for brief infrequent intervals may radiate a maximum of 10 uv/m at one mile.

(b) Radio frequency energy fed back into the power line shall be limited to 1000 uv below 490 kc and to 200 uv above 490 kc when measured across a line stabilization network.

(c) That welders which are not type approved and are operated within 1,000 feet of a radio equipped airport be registered with the Commission prior to being operated by filing the following information:

(i) Location of the welder.

(ii) Manufacturer, model number and serial number of the welder.

(iii) Name of radio-equipped airport(s) within 1,000 feet of the welder.

(iv) Reason why the welding equipment must be operated within 1,000 feet of the airport.

(v) A statement that the welder operator has furnished the person in charge of communications at the airport with a telephone number to be called in the event of interference.

(vi) A statement that in the event harmful interference is caused, operation of the offending welding equipment will be discontinued immediately until the interference condition is corrected.

(vii) A statement of the estimated length of time the welding equipment will be used at the location described in (i) above.

(viii) A statement that if operation of the welder at the described location is discontinued, the Commission will be promptly notified.

(ix) A statement that the user of the welder will make inquiries at radio-euipped airports within 1,000 feet of the welder immediately after the welder is installed to determine whether the welder causes interference and that the user will continue to make such inquiries periodically at least once each three months.

(x) A statement that the welder is type approved or certified.

(d) Requirement that the welder be type approved or certified.

(e) Provision for type approval if the welder operates on ISM frequencies.

(f) Certification may be based on measurements at the point of operation or on measurements of a prototype.

(g) A provision that welders certificated prior to the date the rules become effective may operate without further certification until a date two years after that date provided no harmful interference is caused, and provided further that where such welders are located within 1,000 feet of a radio-equipped airport they shall be registered with the Commission.

(h) A provision that the technical limits and standards of the rules, including certification (or type approval) will not be applicable until September 1, 1957, for welders manufactured or installed prior to September 1, 1952, provided harmful interference is not caused to authorized radio services, and provided further that where such welders are located within 1,000 feet of a radio-equipped airport they shall be registered with the Commission.

4. Pending the promulgation of permanent regulations, the Commission has further extended the applicability of Footnote 1 of § 18.1 from April 30, 1956, until action is completed in this docket.

5. Any interested party may file comments in this matter before June 18, 1956. Replies to comments may be filed within ten days from the last day for filing original comments. The Commission will consider all such comments and briefs that are presented before taking final action.

6. This proposal to amend the Commission's rules is issued under the authority of sections 4 (i), 301, and 303 (r) of the Communications Act of 1934, as amended.

7. In accordance with the provisions of § 1.764 of the Commission's rules an original and 14 copies of all statements, briefs, or comments, filed shall be furnished the Federal Communications Commission.

Adopted: May 16, 1956.

Released: May 17, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4007; Filed, May 21, 1956; 8:51 a. m.]

# NOTICES

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[W-035865]

WYOMING

STOCK DRIVEWAY WITHDRAWAL NO. 44
WYOMING NO. 8, ENLARGED

By virtue of the authority contained in section 10 of the act of December 29, 1916 (39 Stat. 865), as amended by the act of January 29, 1929 (45 Stat. 1144; 43 U. S. C. 300), and in section 7 of the act of June 28, 1934, (48 Stat. 1272), as amended by the act of June 26, 1936 (49 Stat. 1976; 43 U. S. C. 315f), and pursuant to the authority delegated by the Director, Bureau of Land Management, Order No. 541 of April 21, 1954 (19 F. R. 2473), it is ordered as follows:

The following described lands in the State of Wyoming are hereby classified as necessary and suitable for stock driveway purposes, and, excepting any mineral deposits therein, are withdrawn from all disposal under the public land laws and reserved, subject to valid existing rights, for the use of the general public, the reservation to be known as Stock Driveway Withdrawal No. 44, Wyoming No. 8, Enlarged:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 49 N., R. 102 W.,
Sec. 27: SE¼SE¼:
Sec. 35: Lots 3, 4, 5.

The area described aggregates 127.09 acres.

Any mineral deposits in the lands shall be subject to location and entry only in the manner prescribed by the Secretary of the Interior in accordance with the provisions of the aforesaid act of January 29, 1929, and existing regulations.

*Notice for Filing Objections to the Foregoing Order, Published Simultaneously Herewith, Enlarging Stock Driveway Withdrawal No. 44, Wyoming No. 8*

For a period of 30 days from the date of publication of the above entitled order, persons having cause to object to the terms thereof may file their objections in duplicate in the office of the State Supervisor, Room 305, Federal Office Building, Cheyenne, Wyoming. In the case any objection is filed and the nature is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

LOWELL M. PUCKETT,
*State Supervisor.*

[F. R. Doc. 56-3991; Filed, May 21, 1956; 8:48 a. m.]

### National Park Service

[Rocky Mountain National Park Order 2]

SUPERVISORY PARK RANGERS

DELEGATION OF AUTHORITY TO EXECUTE AND APPROVE CERTAIN PERMITS

APRIL 18, 1956.

SECTION 1. *Saddle Livery Permits.* The Supervisory Park Rangers of Rocky Mountain National Park and Shadow Mountain National Recreation Area may issue revocable permits having a term of one year or less, authorizing saddle livery operations based on privately owned lands to use the trails within Rocky Mountain National Park and Shadow Mountain National Recreation Area.

SEC. 2. *Appeals.* Any party aggrieved by any action or decision of the Supervisory Park Rangers, shall have a right to appeal to the Superintendent of the area. Any such appeal shall be in writing and shall be submitted to the Superintendent within 30 days after receipt by the aggrieved party of notice of action taken or decision made by the Supervisory Park Ranger.

(National Park Service Order No. 14 (21 F. R. 1467); 39 Stat. 535; 16 U. S. C., 1952 ed., sec. 2. Region Two Order No. 3 (21 F. R. 1494))

[SEAL] JAMES V. LLOYD,
*Superintendent, Rocky Mountain National Park and Shadow Mountain National Recreation Area.*

[F. R. Doc. 56-3992; Filed, May 21, 1956; 8:48 a. m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

GETTYSBURG LIVESTOCK SALES CO.

POSTING OF STOCKYARD

The Secretary of Agriculture has information that the Gettysburg Livestock Sales Co., Gettysburg, South Dakota, is a stockyard as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of that act.

Therefore, notice is hereby given that the Secretary of Agriculture proposes to issue a rule designating the stockyard named above as a posted stockyard subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), as is provided in section 302 of that act. Any interested person who desires to do so may submit, within 15 days of the publication of this notice, any data, views or arguments, in writing, on the proposed rule to the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C.

Done at Washington, D. C., this 17th day of May 1956.

[SEAL] H. E. REED,
*Director, Livestock Division.*

[F. R. Doc. 56-4019; Filed, May 21, 1956; 8:53 a. m.]



### Office of the Secretary

DIRECTOR OF AGRICULTURAL CREDIT SERVICES

DESIGNATION TO DIRECT CERTAIN FUNCTIONS

Effective immediately and pending the appointment of a Rural Electrification Administration Administrator, the rural electrification program and the rural telephone program, as assigned to the Rural Electrification Administration by order of the Secretary, effective January 2, 1954, entitled "Designations of Authority and Assignment of Functions" (19 F. R. 74, et seq.), subject to the reservations in section 1501 of said order, shall be under the immediate direction and supervision of the Director of Agricultural Credit Services.

The Director of Agricultural Credit Services under the authority of this order and signing in his own title shall have all the functions of a head of agency with respect to these programs, as prescribed in section 116 of said order of January 2, 1954, including the authority to execute loan documents applicable to these programs.

Done at Washington, D. C., this 17th day of May 1956.

[SEAL] EZRA TAFT BENSON,
*Secretary of Agriculture.*

[F. R. Doc. 56-4020; Filed, May 21, 1956; 8:53 a. m.]

## DEPARTMENT OF COMMERCE

### Federal Maritime Board

[Docket No. M-64 (Sub. 1)]

PACIFIC FAR EAST LINE, INC.

NOTICE OF APPLICATION TO EXTEND BAREBOAT CHARTER OF VESSELS AND TENTATIVE FINDINGS

Pursuant to section 5 (e) of the Merchant Ships Sales Act, 1946, as amended (Pub. Law 591, 81st Cong.) (50 U. S. C. App. 1738), seven (7) Victory type vessels owned by the United States were chartered to Pacific Far East Line, Inc. (Applicant), for the carriage of iron ore from Stockton, California, to ore ports in Japan; the charter contemplated two (2) voyages per vessel, a total of fourteen (14) voyages; four (4) of the vessels were recalled after completion of one (1) voyage; the applicant is obligated to redeliver said vessels on or before June 20, 1956.

Applicant seeks to use the three (3) vessels currently under charter to complete a sufficient number of voyages so that the total voyages accomplished under the charter will be the total of fourteen (14) contemplated by the Report of the Board dated March 20, 1956.

The Board has tentatively affirmed its findings of March 20, 1956, and has tentatively determined that its recommendation 6 in its Report of March 20, 1956, should be relaxed to permit applicant to continue using the three (3) vessels for additional voyages sufficient to accomplish a total of fourteen (14) under the charter.

Any interested party may be heard concerning these tentative findings in Room 4519, New General Accounting Office Building, Fifth and G Streets NW., Washington, D. C., at 2:00 p. m., e. d. t., May 24, 1956. Said findings will become final if no protestant appears.

Dated: May 18, 1956.

By order of the Board.

[SEAL] GEO. A. VIEHMANN,
*Assistant Secretary.*

[F. R. Doc. 56-4045; Filed, May 21, 1956; 8:55 a. m.]

### Office of the Secretary

GEORGE E. LAWRENCE

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

*Report of Appointment*

1. Name of appointee: George E. Lawrence.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: April 30, 1956.
4. Title of position: Consultant.
5. Name of private employer: Bausch & Lomb Optical Co., 635 St. Paul Street, Rochester 2, New York.

CARLTON HAYWARD,
*Director of Personnel.*

*Statement of Financial Interests*

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Bausch & Lomb Optical Co.
Bank Deposits.

Dated: May 7, 1956.

GEO. E. LAWRENCE.

[F. R. Doc. 56-3987; Filed, May 21, 1956; 8:47 a. m.]

EUGENE EASTERLY

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

*Report of Appointment*

1. Name of appointee: Eugene Easterly.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: May 10, 1956.
4. Title of position: Consultant.
5. Name of private employer: Union Carbide & Carbon Corporation, a Division of Linde Air Products Company.

CARLTON HAYWARD,
*Director of Personnel.*

*Statement of Financial Interests*

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Union Carbide & Carbon Corporation.
American Airlines, Inc.
Avco Manufacturing Corporation.
Bank Deposits.
Real Estate.

Dated: May 10, 1956.

EUGENE EASTERLY.

[F. R. Doc. 56-3988; Filed, May 21, 1956; 8:47 a. m.]

NORVAL W. POSTWEILER

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

*Report of Appointment*

1. Name of appointee: Norval W. Postweiler.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: April 20, 1956.
4. Title of position: Consultant.
5. Name of private employer: Riegel Paper Corporation, 260 Madison Avenue, New York 16, New York.

CARLTON HAYWARD,
*Director of Personnel.*

*Statement of Financial Interests*

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

General Motors Corp.
Riegel Paper Corp.
Riegel Textile Corp.
Bethlehem Steel.
Armco Steel.

Canadian Javelin, Ltd.
Bank Deposits.

Dated: April 20, 1956.

[SEAL] NORVAL W. POSTWEILER.

[F. R. Doc. 56-3989; Filed, May 21, 1956; 8:47 a. m.]

## DEPARTMENT OF LABOR

### Wage and Hour Division

#### LEARNER EMPLOYMENT CERTIFICATES

#### ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended March 1, 1956, 21 F. R. 1349).

The following learner certificates were issued authorizing the employment of not more than 10 percent of the total number of factory production workers as learners for normal labor turnover purposes:

H. Bomse & Brothers, Inc., 1666 Callowhill Street, Philadelphia, Pa.; effective 5-4-56 to 5-3-57 (ladies' dresses).

Classic Dress Co., Mary and Hamilton Streets, Dickson City, Pa.; effective 5-8-56 to 5-7-57 (children's dresses).

Dalmatia Blouse Co., Dalmatia, Pa.; effective 5-4-56 to 5-3-57 (women's blouses).

Dolly Sportwear, Inc., 21 St. Casimir Avenue, Yonkers, N. Y.; effective 5-4-56 to 5-3-57 (dresses).

Gaco Manufacturing Co., Inc., 119 Ivie Street, Cornelia, Ga.; effective 4-30-56 to 4-29-57 (sport shirts).

Hollywood Corset Co., 24 West Fifth South Street, Salt Lake City, Utah; effective 5-8-56 to 5-5-57 (brassieres).

Hollywood-Maxwell Co., 407 Main Street, Arkadelphia, Ark.; effective 5-4-56 to 5-3-57 (brassieres).

Horton Garment Co., Horton, Kans.; effective 5-2-56 to 5-1-57 (dresses).

Kutztown Sportswear Co., 361 East Main Street, Kutztown, Pa.; effective 5-4-56 to 5-3-57 (ladies' blouses).

Mid-American Manufacturing Co., Inc., 304 South First Street, Ponca City, Okla.; effective 5-14-56 to 5-13-57 (jeans).

Miller Manufacturing Co., Inc., 10th and Virginia Streets, Joplin, Jasper Co., Mo.; effective 5-13-56 to 5-12-57 (shirts, pants).

Mode Manufacturing Corp., Wind Gap, Pa.; effective 4-30-56 to 4-29-57 (ladies' blouses).

Rebel Garment Co., Magee, Miss.; effective 5-2-56 to 5-1-57 (dungarees, pants).

Star Union Co. of Tennessee, Inc., Manchester, Tenn.; effective 5-16-56 to 5-15-57 (pajamas).

Tiny Town Togs, Inc., 2 River Street, Troy, N. Y.; effective 5-2-56 to 5-1-57 (children's dresses).

Tiny Town Troy, Inc., 2 River Street, Troy, N. Y.; effective 5-2-56 to 5-1-57 (children's dresses).

Valley View Manufacturing Co., Valley View, Pa.; effective 5-7-56 to 5-6-57 (dresses, housecoats).

The following learner certificates were issued for normal labor turnover purposes. The number of learners authorized is indicated:

Atlas Sportswear Corp., 2150 Washington Street, Boston, Mass.; effective 5-8-56 to 5-7-57; 3 learners (women's rain wear).

Arkay Infants Wear, Inc., 58 Smith Street, Newburgh, N. Y.; effective 5-4-56 to 5-3-57; 5 learners (infants' wear).

Baronol Garment Co., Washington and Sycamore Streets, Berwick, Pa.; effective 4-30-56 to 4-29-57; 5 learners (children's apparel).

Chance Pajama Manufacturing Co., 1346 Franklin Street, Johnstown, Pa.; effective 5-7-56 to 5-6-57; 5 learners (ladies' pajamas).

Elena-Fay Dresses, Inc., 45 Social Street, Woonsocket, R. I.; effective 5-4-56 to 5-3-57; 10 learners (women's dresses).

Emmy-Lou Dress Co., 1339 North Main Street, Scranton, Pa.; effective 5-4-56 to 5-3-57; 4 learners (dresses).

Empire Manufacturing Co., 750 Acoma Street, Denver, Colo.; effective 5-7-56 to 5-6-57; 5 learners (children's pajamas).

Grace Sportwear Co., 614 Exeter Avenue, West Pittston, Pa.; effective 5-7-56 to 5-6-57; 3 learners (blouses).

Haven Manufacturing Corp., Walnut Street, Pottsville, Pa.; effective 5-8-56 to 5-7-57; 10 learners (dresses).

Mar Tee Original, Inc., 1233 Washington Avenue, St. Louis, Mo.; effective 5-2-56 to 5-1-57; 10 learners (dresses).

United Garment Manufacturing Co., 316 West Lake Street, Chisholm, Minn.; effective 5-18-56 to 5-17-57; 10 learners (outerwear).

The following learner certificates were issued for plant expansion purposes. The number of learners authorized is indicated:

Alabama Textile Products Corp., Crestview, Fla.; effective 5-7-56 to 11-6-56; 20 learners (pajamas).

Chippewa Falls Woolen Mill Co., 714 East Spring Street, Chippewa Falls, Wis.; effective 5-2-56 to 11-1-56; 30 learners (sportswear).

Eureka Pants Manufacturing Co., Shelbyville, Tenn.; effective 5-1-56 to 10-31-56; 30 learners (work pants, and shirts).

Huntland Development Corp., Huntland, Tenn.; effective 5-2-56 to 11-1-56; 20 learners (sport coats, jackets).

Meyers & Son Manufacturing Co., First and Jefferson Streets, Madison, Ind.; effective 5-8-56 to 5-7-57; 30 learners (coveralls).

Ruleville Manufacturing Co., Ruleville, Miss.; effective 5-7-56 to 11-6-56; 30 learners (jackets).

Glove Industry Learner Regulations (29 CFR 522.60 to 522.65, as amended March 1, 1956, 21 F. R. 581).

Northland Glove & Mitten Manufacturing Co., 50 Pearl Street, Essex Junction, Vt.; effective 5-7-56 to 5-6-57; 1 learner for normal labor turnover purposes (work gloves, ski gloves, mittens).

Richmond Glove Corp., 601 North D Street, Richmond, Ind.; effective 5-7-56 to 5-6-57; 10 learners for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.43, as amended March 1, 1956, 21 F. R. 629).

The following learner certificates were issued for normal labor turnover purposes:

Carolina Lee Knitting Co., Madison, N. C.; effective 5-7-56 to 5-6-57; 4 learners.

M K M Knitting Mills, Inc., North Commercial Street, Manchester, N. H.; effective 4-30-56 to 4-29-57; 5 percent of factory production workers engaged in the manufacture of hosiery.

Renfro Hosiery Mills Co., 304 Willow Street, Mount Airy, N. C.; effective 5-12-56 to 5-11-57; 5 percent of factory production workers.

Sussex Hosiery Co., Intersection of Highway 73 and Central Drive, Concord, N. C.; effective 5-7-56 to 5-6-57; 5 learners.

Independent Telephone Industry Learner Regulations (29 CFR 522.70 to 522.74, as amended March 1, 1956, 21 F. R. 581).

Twin Valley-Ulen Telephone Co., Twin Valley, Mo.; effective 5-7-56 to 5-6-57.

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended March 1, 1956, 21 F. R. 581).

The following learner certificates were issued for normal labor turnover purposes, except as otherwise indicated:

Alabama Textile Products Corp., Crestview, Fla.; effective 5-7-56 to 11-6-56; 20 learners for plant expansion purposes engaged in the production of men's shorts (men's undershorts).

DeKalb Garment Co., Inc., Fyffe, DeKalb County, Ala.; effective 5-1-56 to 10-31-56; 10 learners for plant expansion purposes (men's shorts).

DeKalb Garment Co., Inc., Fyffe, DeKalb County, Ala.; effective 5-1-56 to 4-30-57; 5 learners (men's undershorts).

L & L Manufacturing Co., Inc., North Wilkesboro, N. C.; effective 5-1-56 to 10-31-56; 20 learners for plant expansion purposes (knit underwear).

L & L Manufacturing Co., Inc., North Wilkesboro, N. C.; effective 5-1-56 to 4-30-57; 5 percent of factory production workers (knit underwear).

M K M Knitting Mills, Inc., North Commercial Street, Manchester, N. H.; effective 4-30-56 to 4-29-57; 5 percent of factory production workers engaged in the manufacture of sweaters (sweaters).

Henry L. Miller & Son, Inc., Port Carbon, Pa.; effective 5-2-56 to 5-1-57; 5 percent of factory production workers (knit underwear).

Superior Underwear Mill, Bechtelsville, Pa.; effective 5-4-56 to 5-3-57; 5 percent of factory production workers (athletic shirts).

Regulations applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645).

Brinkley Pearl Works, Brinkley, Ark.; effective 5-7-56 to 11-6-56; not less than 85 cents per hour for the first 320 hours and 90 cents per hour for the remaining 160 hours of the 480-hour learning period, for the occupation of blank button cutter; authorizing the employment of 5 learners for normal labor turnover purposes (pearl button blanks).

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods and the number or proportion of learners authorized to be employed, are as indicated:



Esquire Manufacturing Corp., Humacao, P. R.; effective 4-16-56 to 4-15-57; not less than 30 cents per hour for the first 160 hours, 36 cents per hour for the next 160 hours, and 42 cents per hour for the remaining 160 hours of the 480-hour learning period, for the occupations of sewing machine operators, final pressers, and cutters; not less than 36 cents per hour for a maximum of 160 hours, for the occupations of marking, snapping, collar turning, and examining; authorizing the employment of 13 learners for normal labor turnover purposes (men's pajamas). (Effective 4-30-56, the above rates are amended to not less than 45 cents per hour for the first 240 hours and 50 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of sewing machine operators, final pressers, and cutters, and not less than 45 cents per hour for a maximum of 160 hours, for the occupations of marking, snapping, collar turning, and examining.)

Gordonshire Knitting Mills, Inc., Cayey, P. R.; effective 4-18-56 to 10-24-56; not less than 46 cents per hour for the first 480 hours and 50 cents per hour for the remaining 480 hours of the 960-hour learning period, for the occupations of looping and mending; not less than 46 cents per hour for a maximum of 240 hours, for the occupations of knitting and examining; authorizing the employment of 10 learners for plant expansion purposes (seamless hosiery) (replacement certificate).

Rico Glove Corp., Washington Avenue, Cayey, P. R.; effective 4-25-56 to 10-24-56; not less than 35 cents per hour for the first 160 hours, 43 cents per hour for the next 160 hours, and 52 cents per hour for the remaining 160 hours of the 480-hour learning period, for the occupation of sewing machine operators; authorizing the employment of 40 learners for plant expansion purposes (fabric and leather gloves).

Rio Manufacturing Corp., State Road 838, Rio Piedras, P. R.; effective 4-24-56 to 10-23-56; not less than 58 cents per hour for a maximum of 240 hours, for the occupation of punch press operators; not less than 58 cents per hour for the first 240 hours and 66 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of grinders, crimpers, spotters, and silver welders; authorizing the employment of 7 learners for normal labor turnover purposes (fishing tackle hardware).

Senorita Hosiery Mills, Inc., Gurabo, P. R.; effective 4-18-56 to 9-19-56; not less than 53 cents per hour for the first 480 hours and 58 cents per hour for the remaining 480 hours of the 960-hour learning period, for the occupations of knitting, seaming, and mending; not less than 53 cents per hour for a maximum of 240 hours, for the occupation of examining; authorizing the employment of 6 learners for normal labor turnover purposes (full-fashioned hosiery) (replacement certificate).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 14th day of May 1956.

MILTON BROOKE,
*Authorized Representative of the Administrator.*

[F. R. Doc. 56-3967; Filed, May 18, 1956; 8:50 a. m.]

## ATOMIC ENERGY COMMISSION

[Docket No. 18]

#### GENERAL ELECTRIC CO.

#### NOTICE OF ISSUANCE OF CONSTRUCTION PERMIT

Please take notice that the Atomic Energy Commission has issued the construction permit set forth below to the General Electric Company. In accordance with the procedures set forth in the Commission's rules of practice (10 CFR Part 2), the Commission will direct the holding of a formal hearing upon timely receipt of a request therefor from the applicant or an intervenor.

*Construction permit* (No. CPPR-3). The General Electric Company, Schenectady, New York (hereinafter "GE") on January 10, 1956, filed its application for license under section 104 of the Atomic Energy Act of 1954 (hereinafter the "act") to construct and operate a nuclear reactor (hereinafter "the reactor"). A revised application was filed on March 6, 1956. The original application together with said revision is hereinafter referred to as "the application."

The Atomic Energy Commission (hereinafter the "Commission") has found that:

A. The reactor will be a utilization facility as defined in the Commission's regulations contained in 10 CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities."

B. GE proposes to utilize the reactor in the conduct of research and development activities leading to the demonstration of the practical value of the boiling water type of reactor for industrial or commercial purposes.

C. GE is financially qualified to construct and operate the reactor in accordance with the regulations contained in 10 CFR, Chapter 1; to assume financial responsibility for the payment of Commission charges for special nuclear material and to undertake and carry out the proposed use of such material for a reasonable period of time.

D. GE is technically qualified to design and construct the reactor.

E. GE has submitted sufficient information to provide reasonable assurance that a utilization facility of the general type proposed by GE can be constructed and operated at the proposed location without undue risk to the health and safety of the public and that additional information required to complete its application will be supplied.

Pursuant to the Atomic Energy Act of 1954 and 10 CFR, Chapter 1, Part 50, "Licensing of Production and Utilization Facilities," the Commission hereby issues a construction permit to GE to construct the reactor as a utilization facility. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Atomic Energy Act of 1954 and rules, regulations and orders of the Atomic Energy Commission now or hereafter in effect; and is subject to any additional conditions specified or incorporated below:

(1) The earliest date for the completion of the reactor is June 1, 1957. The latest date for completion of the reactor is February 28, 1958. The term "completion date" as used herein means the date on which construction of the reactor is completed except for the introduction of the fuel material.

(2) The site proposed for the location of the reactor is the location in Alameda County, California, specified in report GEAP-069—"Technical Information with Environmental Factors Regarding Developmental Boiling Water Reactor."

(3) The general type of facility authorized for construction is a boiling water type reactor designed to furnish energy equivalent to 3,000 kilowatts of electricity, using uranium enriched in the isotope uranium-235 as fuel.

(4) This permit is subject to submittal by GE to the Commission (by proposed amendment of the application) of the complete, final Hazards Summary Report (portions of which may be submitted and evaluated from time to time) and a finding by the Commission that the final design provides reasonable assurance that the health and safety of the public will not be endangered by operation of the reactor in accordance with the specified procedures.

(5) From time to time GE may submit to the Commission, in writing, reports upon the progress being made in experimental and developmental work. Following the submission of each such report the Commission will review the data included therein to determine whether the results of such work can be incorporated as technical specifications by appropriate amendment to this permit.

(6) Upon completion (as defined in paragraph "1" above) of the construction of the facility in accordance with the terms and conditions of this permit, upon the filing of any additional information needed to bring the original application up to date, and upon finding that the facility authorized has been constructed in conformity with the application as amended and in conformity with the provisions of the act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the act, the Commission will issue a Class 104 license to GE pursuant to section 104b. of the act, which license shall expire seven (7) years after the date of this construction permit.

Pursuant to § 50.60 of the regulations in 10 CFR Part 50, the Commission has allocated to GE, for use in the operation of the reactor, 29.0 kilograms of uranium-235-contained in uranium at the isotopic

ratio specified in GE's application. Estimated schedules of special nuclear material transfers to GE and returns to the Commission are contained in Appendix "A" which is set forth below. Deliveries by the Commission to GE in accordance with schedule 1 in Appendix "A" will be conditioned upon GE's return to the Commission of special nuclear material substantially in accordance with schedule 2 of Appendix "A".

Date of issuance: May 14, 1956.

Dated at Washington, D. C., this 14th day of May 1956.

For the Atomic Energy Commission.

H. L. PRICE,
*Director,*
*Division of Civilian Application.*

APPENDIX "A" TO GENERAL ELECTRIC COMPANY CONSTRUCTION PERMIT

SCHEDULE 1

Estimated schedule of transfers of special nuclear material from the Commission to GE:

| Date of transfer | Kilograms of contained U-235 |
|---|---|
| 1956 | 50 |
| 1957 | None |
| 1958 | 30 |
| 1959 | 30 |
| 1960 | 30 |
| 1961 | 30 |
| 1962 | 30 |
| Total for license period | 200 |

SCHEDULE 2

Estimated schedule of transfers of special nuclear material from GE to the Commission:

| Date of transfer | Kilograms of contained U-235 | | |
|---|---|---|---|
| | In fabrication scrap | In spent fuel | Total |
| 1956 | 19.5 | None | 19.5 |
| 1957 | None | None | None |
| 1958 | 11.7 | None | 11.7 |
| 1959 | 11.7 | 10.0 | 21.7 |
| 1960 | 11.7 | 15.0 | 26.7 |
| 1961 | 11.7 | 10.0 | 21.7 |
| 1962 | 11.7 | 15.0 | 26.7 |
| Return of inventory | | | 43.0 |
| Total for license period | | | 171.0 |

[F. R. Doc. 56-3986; Filed, May 21, 1956; 8:47 a. m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 7280]

TRANS WORLD AIRLINES, INC.; INDIA-BANGKOK-MANILA EXTENSION

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on June 20, 1956, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.



Dated at Washington, D. C., May 15, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56-4024; Filed, May 21, 1956; 8:54 a. m.]

[Docket No. 7002 et al.]

NEW YORK-NASSAU CASE

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on July 5, 1956, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., May 16, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56-4025; Filed, May 21, 1956; 8:54 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11124, 11125; FCC 56M-487]

HAROLD M. GADE AND MONMOUTH COUNTY BROADCASTERS

ORDER SCHEDULING HEARING

In re applications of Harold M. Gade, Eatontown, New Jersey, Docket No. 11124, File No. BP-9096; Monmouth County Broadcasters, Long Branch, New Jersey, Docket No. 11125, File No. BP-9231; for construction permits.

The Hearing Examiner having under consideration: (1) a "Petition to Advance Hearing Date" filed May 7, 1956, on behalf of applicant Gade; (2) the procedural facts shown by the record herein; and (3) the statements made by Bureau counsel at an oral argument on the above pleading which was scheduled on this date and which was attended by no other counsel; and

It appearing that a third application formerly involved in this proceeding was dismissed by order dated May 8, 1956, that Monmouth County Broadcasters failed to appear at the prehearing conference on April 3, 1956, and no applicant or party except Bureau appeared at the scheduled oral argument on this date and no party opposes the pending petition; and

It further appearing that it would conduce to the orderly dispatch of the Commission's business to advance the hearing date substantially as requested by petitioner, and as herein ordered, and that good cause is shown for accordingly modifying the previous pretrial order hereinafter referred to; now therefore:

*It is ordered,* This 15th day of May 1956, that the hearing upon the applications here involved shall be commenced at the offices of the Commission in Washington, D. C., at 10:00 a. m., on Thursday, June 7, 1956; and

*It is further ordered,* That paragraphs 4 and 5 of the Order After Third Prehearing Conference, dated April 10, 1956, (fixing the dates for prehearing and further hearing on June 8 and June 27) be and they are hereby set aside.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3974; Filed, May 21, 1956; 8:45 a. m.]

[Docket Nos. 11623, 11624; FCC 56M-481]

BLACK HILLS BROADCAST CO. OF RAPID CITY AND HEART OF THE BLACK HILLS STATIONS

ORDER CONTINUING HEARING

In re applications of Black Hills Broadcast Company of Rapid City, Lead, South Dakota, Docket No. 11623, File No. BPCT-2033; John Daniels, Eli Daniels and Harry Daniels d/b as THE HEART OF THE BLACK HILLS STATIONS, Deadwood, South Dakota, Docket No. 11624, File No. BPCT-2040; for television construction permits (Channel 5).

The Hearing Examiner having under consideration a motion, filed by Black Hills Broadcast Company of Rapid City on May 8, 1956, requesting that the dates set in the present schedule for the exchange of written case, the further conference, and the commencement of the hearing, be continued for at least thirty days, to afford movant an opportunity to canvas the feasibility of dismissing its application and thus remove the conflict and necessity of hearing;

It appearing that time for filing opposition to the motion has expired, that no opposition has been filed, and that good cause for the requested continuance has been shown;

*It is ordered,* This 15th day of May 1956, that the motion for continuance is granted, and that the dates in the schedule are continued as follows:

a. Exchange of written case under Rule 1.841—from May 25, 1956 to June 25, 1956, 5:00 p. m.

b. Further conference under Rule 1.841—from June 5, 1956 to July 5, 1956, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

c. Commencement of evidentiary hearing—from June 20, 1956 to July 23, 1956, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3975; Filed, May 21, 1956; 8:45 a. m.]

[Docket Nos. 11673, 11674; FCC 56M-470]

MISSISSIPPI BROADCASTING CO. (WCCC-TV) AND LAUREL TELEVISION CO., INC.

ORDER CONTINUING HEARING CONFERENCE

In re applications of Mississippi Broadcasting Company (WCCC-TV), Pachuta, Mississippi, Docket No. 11673, File No. BMPCT-3213; for modification of construction permit; and Laurel Television Company, Inc., Laurel, Mississippi, Docket No. 11674, File No. BPCT-2031; for construction permit for a new television broadcast station (Channel 7).

On the oral request of counsel for applicants, and without objection by counsel for the Broadcast Bureau, *It is ordered,* This 14th day of May 1956, that the further prehearing conference now scheduled for May 16, 1956, is continued to Thursday, May 24, 1956, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3976; Filed, May 21, 1956; 8:45 a. m.]

[Docket No. 11682; FCC 56M-491]

GENERAL-TIMES TELEVISION CORP. AND COLUMBIA BROADCASTING SYSTEM, INC.

ORDER CONTINUING HEARING

In re application of General-Times Television Corporation (Assignor) and Columbia Broadcasting System, Inc. (Assignee), Docket No. 11682, File No. BAPCT-159; for consent to the assignment of the construction permit for WGTH-TV Hartford, Connecticut.

*It is ordered,* This 15th day of May 1956, upon joint request of all participating parties, that the prehearing conference scheduled for May 16, 1956 in the above-entitled proceeding, is continued to May 29, 1956; and

*It is further ordered,* On the Hearing Examiners' own motion, with the consent of all participating parties, that formal hearing in the matter, which was originally scheduled to commence May 28, 1956, is continued to a date to be specified by subsequent order.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3978; Filed, May 21, 1956; 8:45 a. m.]

[Docket No. 11699; FCC 56M-489]

SOUTHERN OREGON BROADCASTING CO. (KUIN)

ORDER SCHEDULING HEARING

In re application of Southern Oregon Broadcasting Company (KUIN), Grants Pass, Oregon, Docket No. 11699, File No. BP-10099; for construction permit.

*It is ordered,* This 15th day of May 1956, that Annie Neal Huntting will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 3, 1956, in Washington, D. C.

Released: May 16, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3979; Filed, May 21, 1956; 8:45 a. m.]



[Docket Nos. 11702, 11703; FCC 56M-482]

POLLY B. HUGHES AND HOLIDAY ISLES BROADCASTING CO.

ORDER SCHEDULING HEARING

In re applications of Polly B. Hughes, Tampa, Florida, Docket No. 11702, File No. BP-9897; Edmund A. Spence tr/as Holiday Isles Broadcasting Company, St. Petersburg Beach, Florida, Docket No. 11703, File No. BP-10148; for construction permits.

*It is ordered,* This 15th day of May 1956, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 18, 1956, in Washington, D. C.

Released: May 16, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4008; Filed, May 21, 1956; 8:51 a. m.]

[Docket No. 11704; FCC 56M-486]

MT. STERLING BROADCASTING CO.

ORDER SCHEDULING HEARING

In re application of Mt. Sterling Broadcasting Company, Mt. Sterling, Kentucky, Docket No. 11704, File No. BP-10301; for construction permit.

*It is ordered,* This 15th day of May 1956, that Thomas H. Donahue will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 25, 1956, in Washington, D. C.

Released: May 16, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3980; Filed, May 21, 1956; 8:45 a. m.]

[Docket No. 11705; FCC 56M-485]

HENRY COUNTY BROADCASTING CO.

ORDER SCHEDULING HEARING

In re application of John Garrett tr/as Henry County Broadcasting Company, Mt. Pleasant, Iowa, Docket No. 11705, File No. BP-9983; for construction permit.

*It is ordered,* This 15th day of May 1956, that J. D. Bond will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 11, 1956, in Washington, D. C.

Released: May 16, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3981; Filed, May 21, 1956; 8:46 a. m.]

[Docket No. 11706; FCC 56M-484]

DAY-NITE RADIO MESSAGE SERVICE CORP.

ORDER SCHEDULING HEARING

In re application of Day-Nite Radio Message Service Corporation, Philadelphia, Pennsylvania, Docket No. 11706, File No. 731-C2-R-56; for renewal of the license for station KGA 593, a two-way communications facility in the Domestic Public Land Mobile Radio Service.

*It is ordered,* This 15th day of May 1956, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 18, 1956, in Washington, D. C.

Released: May 16, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-3982; Filed, May 21, 1956; 8:46 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. G-10101, etc.]

MILLS BENNETT ESTATE ET AL.

NOTICE OF APPLICATIONS

MAY 16, 1956.

In the matters of Mills Bennett Estate, Docket No. G-10101; Edwin W. Pauley, Operator, Docket No. G-10109; Renwar Oil Corporation et al., Docket No. G-10112; Roy H. Bettis and G. Frederick Shepherd d. b. a. Bettis and Shepherd, Docket No. G-10120; George R. Brown, Docket No. G-10124; Hidalgo Gas Production Corporation, Docket No. G-10132; Heep Oil Corporation, Docket No. G-10140; George W. Graham et al., Docket No. G-10178; Arkansas Fuel Oil Corporation, Docket Nos. G-10186 thru G-10190, inc.; Forest Oil Corporation, Docket Nos. G-10225 and G-10226; L. A. Douglas, Operator, Docket No. G-10229; Sinclair Oil and Gas Corporation, Docket No. G-10269; Panhandle Oil Corporation, Docket No. G-10312.

Take notice that each of the above Applicants has filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicants to sell natural gas, subject to the jurisdiction of the Commission, all as more fully described in their respective applications which are on file with the Commission and open for public inspection.

All of the Applicants listed above produce and propose to sell natural gas to Texas Eastern Transmission Corporation for transportation in interstate commerce for resale, as indicated below.

*Docket No. G- and Location of Field*

10101: Bennett Ranch Field, Brooks County, Tex.

10109: Tabasco Field and adjacent areas, Hidalgo County, Tex.

10112: West Rockport Field, Aransas County, Tex.

10120: Mercedes Field, Hidalgo County, Tex.

10124: Lockridge and South Lockridge Fields, Brazoria County, Tex.

10132: Mercedes Field, Hidalgo County, Tex.; Agua Dulce Field, Nueces County, Tex.

10140; May Field, Kleberg County, Tex.
10178; East Bishop Field, Nueces County, Tex.
10186; San Antonio Bay Field, Calhoun County, Tex.
10187; Guedin Field, San Patricio County, Tex.
10188; May Field, Kleberg County, Tex.
10189; Midway Field, San Patricio County, Tex.
10190; Puerto Bay Field, Aransas and San Patricio Counties, Tex.
10225; Sal Del Rey Field, Hidalgo County, Tex.
10226; Encino Pasture Field, San Patricio County, Tex.
10229; Violet Field, Nueces County, Tex.
10269; East White Point Field, Nueces and San Patricio Counties, Tex.
10312; Bird Island Field, Kleberg County, Tex.

Protests or petitions to intervene may be filed with the Commission in accordance with § 1.8 or 1.10 of its rules of practice and procedure (18 CFR 1.8 or 1.10), on or before June 4, 1956.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-3993; Filed, May 21, 1956; 8:48 a. m.]

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[Docket No. G-10201]

OHIO FUEL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 15, 1956.

Take notice that The Ohio Fuel Gas Company, Applicant, an Ohio corporation and a subsidiary of The Columbia Gas System, Inc., having its principal place of business at 99 North Front Street, Columbus 15, Ohio, filed on April 4, 1956, an application for a certificate of public convenience and necessity, authorizing it to construct and operate certain proposed facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

The proposed facilities consist of: Approximately 11.6 miles of 20-inch O. D. transmission pipeline extending Line B-115 from Johnstown, Licking County, Ohio, to Treat Station, Licking County, Ohio; together with valves, piping and incidental facilities necessary for practical operation.

The purpose of the application is to enable the Applicant to increase the volumes of gas necessary to satisfy its storage requirements during the summer months and thereby enable it to meet its future winter requirements. The application states that to perform the required market service and maintain scheduled deliveries for input to storage, Applicant must increase the capacity of its high pressure transmission system transporting gas for delivery to northern markets and storage areas. The estimated daily capacity of the existing facilities is approximately 316 MMcf. The total capacity required is 356 MMcf per day, which includes 101 MMcf required for market service and 255 MMcf for input into storage for an average day in the month of July 1956.

The total cost of these facilities is estimated at $611,000 of which $568,000 is for construction of 11.6 miles of 20-inch loop line, and $43,000 is for construction of the valve setting and tie-in connections at Treat Station. This will be financed by the Columbia Gas System, Inc.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Monday, June 18, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 4, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-3994; Filed, May 21; 1956; 8:48 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3682]

BAILEY SELBURN OIL & GAS LTD., CLASS A STOCK

NOTICE OF APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

MAY 15, 1956.

The above named issuer, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to withdraw the specified security from listing and registration on the San Francisco Stock Exchange.

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

Since listing of this stock on the San Francisco Stock Exchange in 1953, reported trading on said Exchange has averaged only about 1,000 shares per annum. The stock is listed and actively traded on the American Stock Exchange.

Savings of time in preparing reports and of listing fees on additional shares will result from the proposed delisting. The San Francisco Stock Exchange states that it has no objection to the delisting and has suspended the stock from dealings on its floor at the close of business April 9, 1956.

Upon receipt of a request, on or before June 4, 1956, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 56-3997; Filed, May 21, 1956; 8:49 a. m.]

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[File No. 54-219, 59-13]

STANDARD SHARES, INC.

ORDER APPROVING ACCOUNTING ENTRIES AND RELEASING JURISDICTION WITH RESPECT THERETO

MAY 16, 1956.

The Commission, by order dated February 16, 1956, having approved a plan of Standard Shares, Inc. ("Standard Shares"), a registered holding company, formerly named Standard Power and Light Corporation, filed under section 11 (e) of the Public Utility Holding Company Act of 1935 ("act") which plan proposed, among other things, a program for the transformation of Standard Shares into a closed-end nondiversified investment company; and having reserved jurisdiction over the accounting entries to be made by Standard Shares in connection with consummation of said plan; and

Standard Shares on May 4, 1956, having filed an application herein proposing, inter alia, (a) the restatement of the ledger values of its portfolio securities as of January 1, 1956, on the basis of the market values of such securities as of December 31, 1955, thereby reducing the aggregate ledger carrying values of such securities from $113,671,004 to $25,030,561, and (b) to write off the amounts in its Organization and Capital Stock Discount and Expense accounts of $204,089 and $59,595, respectively; and

The Commission having considered said application and having found that the accounting entries proposed therein should be approved and that the jurisdiction heretofore reserved by the Commission with respect thereto should be released:



*It is ordered,* That the accounting entries proposed to be made by Standard Shares be, and the same hereby are, approved, and that the jurisdiction heretofore reserved by the Commission with respect thereto be, and the same hereby is, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 56-3998; Filed, May 21, 1956; 8:49 a. m.]

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## DEPARTMENT OF JUSTICE

### Office of Alien Property

[Vesting Order SA-38]

SULCOP S. A. R.

In re: Debt owing to Sulcop S. A. R. F-57-872.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of Irving Trust Company, 1 Wall Street, New York 15, New York, arising out of a Demand Deposit Account in the name of Sulcop S. A. R., Bucharest, Roumania, maintained by the aforesaid bank, together with any and all rights to demand, enforce, and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Sulcop S. A. R., Bucharest, Roumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to Section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on May 16, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
*Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-4009; Filed, May 21, 1956; 8:51 a. m.]

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[Vesting Order SA-39]

MAGYAR REZHENGERMUVEK RESZVCNYTARSASAG AZELOH CHAUDOIR GUSZTAV ES TARSA

In re: Debt owing to Magyar Rezhengermuvek Reszvcnytarsasag Azeloh Chaudoir Gusztav Es Tarsa, a/k/a Ungarische Kupferwalzwerke, A. G. F-34-1297.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of Anaconda Export Company, formerly Copper Export Association, Inc., New York, New York, arising out of an account payable entitled, "Accounts Payable Blocked Account", maintained by the aforesaid Company, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Magyar Rezhengermuvek Reszvcnytarsasag Azeloh Chaudoir Gusztav Es Tarsa, a/k/a Ungarische Kupferwalzwerke, A. G., Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to Section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on May 16, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
*Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-4010; Filed, May 21, 1956; 8:51 a. m.]

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[Vesting Order SA-40]

BANQUE CREDIT BULGARE S. A.

In Re: Debt owing to Banque Credit Bulgare S. A. F-11-39.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of The First National City Bank of New York, 55 Wall Street, New York 15, New York, arising out of an account entitled, "Union Bank of Switzerland, Iden. G. R. 17 Banque Nationale de Bulgarie," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Banque Credit Bulgare S. A., Sofia, Bulgaria, a national of Bulgaria as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the prop-

erty described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on May 16, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
*Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-4011; Filed, May 21, 1956; 8:51 a. m.]

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MARCEL CHOPIN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., and Property*

Marcel Chopin, Seine, France; property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943) relating to United States Letters Patent No. 2,281,182. Claim No. 36868.

Executed at Washington, D. C., on May 11, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-4012; Filed, May 21, 1956; 8:52 a. m.]

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NOBUKO MIGUCHI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Nobuko Miguchi (nee Nobuko Hamaoka), Yamaguchi-Ken, Japan, $17,882.31 in the Treasury of the United States. Claim No. 64042, Vesting Order No. 18858.

Executed at Washington, D. C., on May 11, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-4013; Filed, May 21, 1956; 8:52 a. m.]

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ELIGIO MIRONE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Eligio Mirone, Turin, Italy, property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943), relating to United States Letters Patent No. 2,188,246. Claim No. 37581.

Executed at Washington, D. C., on May 11, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-4014; Filed, May 21, 1956; 8:52 a. m.]

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ELECTRICAL FONO FILMS CO. A/S

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., and Property*

Electrical Fono Films Co. A/S, 576 Vesterport, Copenhagen, Denmark, property described in Vesting Order No. 290 (7 F. R. 9833, November 26, 1942) relating to United States Patent Application Serial No. 294,402 (now United States Letters Patent No. 2,345,087). Claim No. 9503, Vesting Order No. 290.

Executed at Washington, D. C., on May 11, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-4015; Filed, May 21, 1956; 8:52 a. m.]

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STATE OF NETHERLANDS FOR BENEFIT OF LEA POLAK ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

The State of the Netherlands for the benefit of: (all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Lea Polak and Mietje Hildesheim, L. S. Claim No. 158; Kansas City Southern Railway Company 3/50 Bond No. 15281, in the principal amount of $1,000; and Union Pacific Railroad Company 4/47 Bond No. 86429, in the principal amount of $1,000.

Harold Rose and Emma van Blema Nijkerk, L. S. Claim No. 160; Norfolk & Western Railway Company 4/96 Bonds Nos. 22984 and 26125, in the principal amount of $1,000; Norfolk & Western Railway Company 4/96 Bonds Nos. 3396, 3951, 6549, 6673, 7543 and 8135, in the principal amount of $500; Union Pacific Railroad Company 4/47 Bond No. 20719, in the principal amount of $1,000; and Union Pacific Railroad Company 4/47 Bond No. 8809, in the principal amount of $500.

P. E. Warendorf, L. S. Claim No. 176; Union Pacific Railroad Company 4/47 Bond No. 74914, in the principal amount of $1,000.

Irene Gerda Abelman, L. S. Claim No. 181; Cities Service Company 5/69 Debenture No. 32434, in the principal amount of $1,000.

Mrs. Rosetta Blom, L. S. Claim No. 192; Cities Service Company 5/58 Debenture No. 46300, in the principal amount of $1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on May 11, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-4016; Filed, May 21, 1956; 8:52 a. m.]



## INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 17, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32101: *Trailer-on-flat-car service—Erie Railroad Company.* Filed by The Erie Railroad Company, for itself and interested rail carriers. Rates on electrical appliances, floor covering, crude rubber, and refined sugar, truckloads, loaded in or on motor-truck trailers and transported on railroad flat cars from New York, N. Y., to Cleveland, Ohio, and in the reverse direction in movement of floor covering.

Grounds for relief: Circuitous route, meeting competition of direct route performing similar trailer-on-flat-car service in competition with carriers by motor truck.

Tariff: Erie Railroad Company's tariff I. C. C. 21047.

FSA No. 32102: *Aluminum billets—New Kensington, Pa., to the South.* Filed by C. W. Boin, agent, for interested rail carriers. Rates on aluminum billets, blooms, etc., carloads, from New Kensington, Pa., to specified points in southern territory.

Grounds for relief: Circuitous routes.

Tariff: Supplement 14 to Agent Boin's I. C. C. A-1079.

FSA No. 32103: *Latex—New York to Southern points.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on latex (liquid crude rubber), natural or synthetic, tank-car loads from Brooklyn and New York, N. Y., to Dalton, Ga., and Hazelwood, N. C.

Grounds for relief: Short-line distance formula, and circuity.

Tariff: Supplement 14 to Agent Boin's I. C. C. A-1079.

FSA No. 32104: *Sewing machine cases, etc.—New York and New Jersey to Anderson, S. C.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on sewing machine cases, electrical appliances and nine other described commodities, mixed carloads from New York and Brooklyn, N. Y., and Elizabethport and Manville (Finderne), N. J., to Anderson, S. C.

Grounds for relief: Motor truck competition and circuity, analogous commodities.

Tariff: Supplement 14 to Agent Boin's I. C. C. A-1079.

By the Commission.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F. R. Doc. 56-3995; Filed, May 21, 1956; 8:49 a. m.]

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[No. 31955]

ILLINOIS CENTRAL RAILROAD CO.

SUBURBAN FARE INCREASE; INVESTIGATION INSTITUTED AND HEARING ASSIGNED

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 8th day of May A. D. 1956.

It appearing that, by petition filed March 26, 1956, with the Interstate Commerce Commission, the Illinois Central Railroad Company seeks authority to increase generally its intrastate and interstate passenger fares between points in the Chicago, Ill. suburban area by 36 percent;

And it further appearing that the petitioner avers that it has filed with the Illinois Commerce Commission tariff schedules containing the proposed increases in intrastate passenger fares in the said area and that the schedules have been suspended and not permitted to become effective; that the intrastate fares presently applicable in connection with the petitioner's suburban operations approved in Docket No. 30560, Illinois Central Multiple Fares in Chicago Area, 289 I. C. C. 133, 141, and Illinois Commerce Commission Docket No. 40483, which tariffs became effective on June 27, 1953, are unduly low resulting in unjust discrimination against, and a burden upon, interstate commerce in violation of section 13 of the Interstate Commerce Act unless increased to the extent proposed;

For good cause appearing:

*It is ordered*, That in response to said petition, an investigation be, and it is hereby, instituted, and that a hearing be held for the purpose of giving the respondent hereinafter designated and any other persons interested an opportunity to present evidence to determine whether the present intrastate passenger fares and charges in connection with petitioner's suburban operations cause, or will cause, any undue or unreasonable advantage, preference, or prejudice as between persons or localities in intrastate commerce, on the one hand and interstate commerce, on the other hand, or any undue, unreasonable, or unjust discrimination against interstate commerce, and to determine what fares and charges, if any, or what maximum or minimum, or maximum and minimum fares or charges, should be prescribed to remove the unlawful advantage, preference, prejudice, or discrimination, if any, as may be found to exist;

*It is further ordered*, That the Illinois Central Railroad Company be, and it is hereby, made the respondent to this proceeding; that a copy of this order be served upon such respondent; and that the State of Illinois be notified of this proceeding by sending copies of this order and of the said petition by registered mail to the Governor of said State and to the Illinois Commerce Commission at Chicago, Ill.;

*It is further ordered*, That notice of this proceeding be given to the general public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register Washington, D. C.;

*And it is further ordered*, That this proceeding be assigned for hearing at such time and place as the Commission may hereafter designate.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F. R. Doc. 56-3996; Filed, May 21, 1956; 8:49 a. m.]

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MAY 23 1956
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# FEDERAL REGISTER

VOLUME 21 NUMBER 100

*Washington, Wednesday, May 23, 1956*

## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Effective upon publication in the FEDERAL REGISTER, paragraph (b) (9) is added to § 6.114 as set out below.

§ 6.114 *Department of Health, Education, and Welfare.* • • •

(b) *Public Health Service.* • • •

(9) Not to exceed 30 positions of clerical assistants employed on a part-time and intermittent basis to aid cooperating clinicians in non-Federal tuberculosis sanatoria in the keeping of records and the preparation of reports in connection with research studies into the effectiveness of antimicrobial agents in the treatment of tuberculosis. Persons appointed under this authority may not be employed in this kind of work in the Public Health Service for more than 180 working days in a single year under this authority or under a combination of this and any other authority for excepted appointment that may be appropriate.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
*Executive Assistant.*

[F. R. Doc. 56-4055; Filed, May, 22, 1956; 8:50 a. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter V—Department of the Army

#### Subchapter A—Aid of Civil Authorities and Public Relations

PART 512—PRISONERS

REVISION OF PART

Part 512, including §§ 512.1 and 512.2 is revised to read as follows:

Sec.
512.1 Clemency.
512.2 Correspondence and visits.
512.3 Temporary parole.

AUTHORITY: §§ 512.1 to 512.3 issued under sec. 2, 38 Stat. 1085, as amended; 10 U. S. C. 1453. Interpret or apply secs. 1, 2, 38 Stat. 1074, 1075, 1085, 1086; 10 U. S. C. 1455, 1457, 1457a, 1457b.

SOURCE: AR 633-10, January 20, 1956, and AR 633-5, March 29, 1956.

§ 512.1 *Clemency*—(a) *General.* The regulations of this section establish uniform policies for the mitigation, remission and suspension of sentences of Army prisoners. For further information, see Manual for Courts-Martial 1951 (16 F. R. 1303), paragraph 97.

(b) *Authority to mitigate, remit, and suspend sentences.* (1) Any commanding officer of a sentenced or unsentenced prisoner who has the authority to appoint a court of the kind that imposed the sentence, or any superior military authority, may mitigate, remit, or suspend, in whole or in part, any unexecuted portion of a sentence (including all uncollected forfeitures) adjudged by a court-martial, other than a sentence extending to death or dismissal or affecting a general officer, with the following exception: only the Secretary of the Army or other person designated by him may mitigate, remit, or suspend the unexecuted portions of sentences of sentenced prisoners confined in United States disciplinary barracks or in institutions under the control of the Attorney General.

(2) As an exception to Article 74 (a), Uniform Code of Military Justice, the President has delegated to the Secretary of the Army the authority as to persons convicted by military tribunals under jurisdiction of the Department of the Army to remit or suspend any part or amount of the unexecuted portion of any sentence extending to death which, as approved by the President, has been commuted to a lesser punishment (Executive Order 10498, 4 Nov. 53, 18 F. R. 7003).

(3) After being informed of the decision of the Board of Review in a case referred to it, The Judge Advocate General may, prior to taking the action prescribed in Manual for Courts-Martial, 1951, paragraph 100c (1), mitigate, remit, or suspend in whole or in part any unexecuted portion of a sentence other than a sentence extending to death or dismissal or affecting a general officer

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FEDERAL REGISTER

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**CFR SUPPLEMENTS**

**(As of January 1, 1956)**

The following Supplement is now available:

**Title 32A (Rev., 1955) ($1.25)**

*Previously announced:* Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 7: Parts 1–209 ($1.25); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. I, and Title 27 ($1.00); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Titles 40–42 ($0.65); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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(including all uncollected forfeitures) adjudged by a court-martial.

(4) Under the provisions of Article 74 (b), Uniform Code of Military Justice, only the Secretary of the Army may authorize, for good cause, substitution of an administrative form of discharge for a discharge or dismissal executed in accordance with the sentence of a court-martial.

(c) *Policy.* So far as may be consistent with the maintenance of military discipline and the preservation of good order, commanders will exercise their authority to mitigate, remit, or suspend unexecuted portions of court-martial sentences when they deem that such action is merited and will result in restoration to duty or otherwise contribute to the rehabilitation of the prisoner. A prisoner's civilian, military, and confinement record will be considered in determining his suitability for clemency.

(d) *Responsibility for required clemency consideration.* Each prisoner will be considered for clemency in accordance with paragraph (e) of this section, by the authorities designated as follows:

(1) *Guardhouses and stockades.* Prisoners confined in the foregoing facilities will be considered for clemency by the commander exercising general court-martial jurisdiction over the prisoners.

(2) *Hospitals.* Prisoners in hospitals who are carried on the rolls of disciplinary barracks will be considered for clemency in accordance with subparagraph (3) of this paragraph. All other prisoners in hospitals, including those prisoners who are designated for confinement in a disciplinary barracks or Federal institution but who are hospitalized prior to arrival at such institutions, except for persons to whom paragraph (b) (2) of this section applies, will be given clemency consideration by the commander exercising general court-martial jurisdiction over the prisoners.

(3) *Disciplinary barracks and Federal institutions.* Each prisoner serving a sentence in a disciplinary barracks or Federal penal or correctional institution or released on parole or conditionally released from such institutions, and each prisoner in a hospital who is carried on the rolls of a disciplinary barracks, will be considered for clemency by the Secretary of the Army. Commandants of disciplinary barracks and wardens of Federal penal and correctional institutions are responsible for furnishing The Provost Marshal General, Department of the Army, case histories of Army prisoners, together with their recommendations concerning restoration to duty and clemency.

(e) *Time of clemency consideration.* (1) Prisoners sentenced to dismissal, dishonorable or bad conduct discharge, and confinement will be considered for clemency by the authority specified in paragraph (d) of this section, as follows:

(i) In cases in which the sentence to confinement is less than 8 months, as soon as practicable.

(ii) In cases in which the sentence to confinement is 8 months or more and less than 2 years, not earlier than 4 months nor later than 6 months from the date the sentence to confinement became effective, and annually thereafter.

(iii) In cases in which the confinement is 2 years or more, not earlier than 6 months nor later than 8 months from the date the sentence to confinement became effective, and annually thereafter.

(iv) In any case at any time prior to completion of the sentence, upon recommendation for cause.

NOTE: The date on which initial clemency consideration is due will be extended by any period during which credit is not given for serving a sentence.

(2) In addition to the considerations for clemency otherwise required, written application for a special clemency consideration, setting forth a basis for the application and containing sufficient grounds for further clemency consideration, may be made by the prisoner or in behalf of the prisoner, and forwarded through channels to the appropriate convening authority having court-martial jurisdiction if the prisoner is confined in a place other than a disciplinary barracks or Federal penal or correctional institution. If the prisoner is confined in a disciplinary barracks or Federal penal or correctional institution, such application will be forwarded to The Provost Marshal General, Department of the Army.

(3) A prisoner released on parole from a disciplinary barracks will be considered annually for clemency until expiration of his sentence as reduced by abatements if the sentence was adjudged prior to May 31, 1951 and without credit for abatements if the sentence was adjudged on or after May 31, 1951.

(4) A prisoner released on parole or conditionally released from a Federal penal or correctional institution will be considered annually for clemency until expiration of the full term of his sentence or sentences without credit for abatements.

§ 512.2 *Correspondence and visits—*(a) *General.* The maintenance of wholesome and frequent contacts with their families and others genuinely interested in their welfare is a vital factor in the rehabilitation of persons in confinement. The right of prisoners to mail and visiting privileges will be limited only by security requirements and the facilities available for proper inspection, handling and supervision. Restrictions on mail or visiting privileges will not be imposed as a disciplinary measure.

(b) *Authorized correspondents and visitors.* No limitations will be imposed as to the number of persons who may be approved for the purpose of visiting or corresponding with a prisoner. The prisoner's wife, children, parents, brothers, and sisters should be approved uniformly, unless disapproval is required in the interest of safe administration or the prisoner's welfare. Other persons may be approved as correspondents and visitors when this appears to be in the best interest of the prisoner.

(c) *Mail.* (1) Incoming and outgoing mail will be inspected for unauthorized content.

(2) Restrictions will not be placed on the number of letters to or from authorized correspondents, except as necessary for security and control, prevention of unreasonable individual excesses, or to prevent delays in processing mail. Normally, prisoners will be permitted to write at least two letters each week and to receive all incoming letters from authorized correspondents. Mail privileges for unsentenced prisoners will be as liberal as operating conditions and facilities permit. Letters to members of Congress, to Federal officials, to higher military authority, or to inspectors general, and correspondence regarding legal matters in which the prisoner has a legitimate interest, will be forwarded to the addressee, subject to inspection. Other special purpose correspondence may be permitted at the discretion of the installation commander or commandant. Letters to members of Congress or the President, and petitions for writs or release, will be forwarded direct to the addressee. Letters containing accusations, charges, or complaints, if addressed to other than a member of Congress or the President, will be forwarded through proper channels to officials who have the authority to correct the complaints or alleged wrongs.

(3) Vulgar or obscene language or any violations of postal laws will not be permitted.

(d) *Visits.* (1) Restrictions on the number and length of visits and on the number of authorized persons permitted to visit at any one time, will be limited to those which are necessary for the safe handling of visits, prisoner control, and those made necessary by operational routines or limited facilities. Normally, sentenced prisoners should be permitted to receive visits of 1 to 2 hours' duration on nonworkdays (weekends and holidays) at least twice monthly. However, in determining the need for exceptions, consideration should be given to the distance traveled by visitors, the frequency of visits, and other pertinent factors. Visits for unsentenced prisoners will be as liberal as operating conditions and facilities permit. Reasonable exceptions as to time and length of visits will be made for attorneys to interview their clients regarding pending legal affairs.

(2) All visits to prisoners will be supervised.

(e) *Other.* The receiving of articles other than correspondence may be authorized by installation commanders or commandants. Telegraphic communications may be authorized only when warranted by existing circumstances. Telephone calls to or by prisoners, at the expense of the caller, will be permitted only in emergencies when no other means of communication will suffice, will be monitored, and will be limited to the emergency subject.

§ 512.3 *Temporary parole.* The installation commander or commandant may authorize a brief home visit by a prisoner, for emergency reasons, after determining that circumstances exist which justify such special action, and that such action is not inconsistent with custodial requirements or the public safety. For this purpose, a temporary parole may be granted the prisoner, analogous to emergency leave, unless the installation commander or commandant determines that travel under guard is required. Travel and subsistence expenses incident to such a home visit, including those of any accompanying guard, will be borne by the prisoner. Normally, visits will be granted only in case of critical illness of an immediate relative, on the basis of verified information, and will be limited to the minimum number of days considered necessary, usually not exceeding one week, exclusive of travel time. For this purpose, "immediate relative" will include wife, children, parents, brothers and sisters, and other persons closely related to the prisoner.

[SEAL] JOHN A. KLEIN,
*Major General, U. S. Army,*
*The Adjutant General.*

[F. R. Doc. 56-4027; Filed, May 22, 1956; 8:45 a. m.]

## TITLE 14—CIVIL AVIATION

### Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 40–1]

PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

WEATHER REPORTING FACILITIES AND REQUIREMENTS COVERING LANDING LIMITATIONS OUTSIDE CONTINENTAL UNITED STATES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 18th day of May 1956.

Part 40 of the Civil Air Regulations contains the certification and operation rules for scheduled air carriers conducting interstate operations. Part 41, on the other hand, contains the regulations applicable to scheduled air carriers operating outside the continental limits of the United States. However, § 40.1 of Part 40 permits the Administrator to authorize air carriers whose operations are essentially domestic in character to operate on routes extending beyond the continental limits of the United States in accordance with the provisions of Part 40 in lieu of the provisions of Part 41 in order to permit continuity of operating procedures throughout the air carriers' systems.

Currently effective § 40.35 of Part 40 requires air carriers to show that sufficient wheather reporting services are available en route to insure necessary weather reports and forecasts prepared and released by the United States Weather Bureau or by a source approved by the Weather Bureau. However, reports prepared by the United States Weather Bureau or a source approved by the Weather Bureau are not normally available for areas under the jurisdiction of other nations.

Currently effective § 40.406 of Part 40 prescribes the take-off and landing weather minimum requirements for IFR flight. These requirements include provisions allowing pilots to "take-a-look" to determine whether conditions at the airport are at or above prescribed weather minimums and, if so, to continue to approach and land. Authority to "take-a-look" is limited to airports served by ILS and GCA in operative condition or to airports at which certain instrument approach procedures are commenced when weather conditions above prescribed minimums exist but which a later report indicates are below minimum requirements. Part 41, on the other hand, prohibits air carriers from "taking-a-look" only at airports at which United States Weather Bureau reports indicate below minimum conditions exist. At airports outside the United States which do not possess a United States Weather Bureau reporting service, a pilot may in his discretion "take-a-look". If he finds that weather conditions at the airport are at or above prescribed weather minimums, he may complete the approach and land.

The inapplicability of § 40.35 to air carrier operations outside the United States and the inconsistency between Parts 40 and 41 with respect to "take-a-look" restrictions appear to have been an oversight. In order to correct this situation, § 40.35 is being amended to provide for the use of weather reports prepared by sources other than those approved by the United States Weather Bureau on routes extending beyond the continental limits of the United States on which operations are conducted pursuant to § 40.1. These "other" sources shall be approved by the Administrator. In addition, § 40.406 is being amended to prohibit pilots from "taking-a-look" only when the latest United States Weather Bureau report or a report from a source approved by the Weather Bureau indicates the ceiling or visibility to be less than the prescribed minimum. This will enable pilots flying on routes outside the continental United States pursuant to § 40.1 to exercise the same "take-a-look" privileges as are available to pilots flying in accordance with Part 41.

Interested persons have been afforded an opportunity to participate in the making of this amendment and due consideration has been given to all relevant matter presented (20 F. R. 8579).

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 40 of the Civil Air Regulations (14 CFR Part 40, as amended) effective June 22, 1956:

1. By amending § 40.35 to read as follows:

§ 40.35 *Weather reporting facilities.* The air carrier shall show that sufficient weather reporting services are available along the route to insure weather reports and forecasts necessary for the operation. Forecasts used to control flight movements shall be prepared from weather reports furnished in accordance with paragraphs (a) and (b) of this section as appropriate.

(a) For operations within the continental limits of the United States, weather reports used to control flight movements shall be those prepared by the United States Weather Bureau, or by a source approved by the Weather Bureau.

(b) For operations authorized in accordance with § 40.1 to be conducted outside the continental limits of the United States, weather reports used to control flight movements may be those prepared by any source approved by the Administrator.

2. By amending § 40.406 to read as follows:

§ 40.406 *Take-off and landing weather minimums; IFR.* (a) Except as provided in paragraphs (c) and (d) of this section, irrespective of any clearance which may be obtained from air traffic control, no airplane shall take off or land under IFR when the ceiling or ground visibility reported by the U. S. Weather Bureau or by a source approved by the Weather Bureau is less than the minimum approved for the airport when used as a regular airport.

(b) Except as provided in paragraphs (c) and (d) of this section, no instrument approach procedure shall be executed when the latest weather report prepared by the U. S. Weather Bureau or by a source approved by the Weather Bureau indicates the ceiling or visibility is less than the landing minimum approved for the airport when used as a regular airport.

(c) An instrument approach procedure may be executed when the weather report prepared by the U. S. Weather Bureau or by a source approved by the Weather Bureau indicates that the ceiling or visibility is less than approved minimum for landing, if the airport is served by ILS and PAR in operative condition and both are used by the pilot, and thereafter a landing may be made, if weather conditions equal to or better than the prescribed minimums are found to exist by the pilot in command upon reaching the authorized landing minimum altitude.

(d) If an instrument approach procedure is initiated when the current report prepared by the U. S. Weather Bureau or by a source approved by the Weather Bureau indicates that the prescribed ceiling and visibility minimums exist and a later weather report indicating below minimum conditions is received after the airplane (1) is on an ILS final approach and has passed the outer marker, or (2) is on a final approach using a radio range station or comparable facility and has passed the appropriate facility and has reached the authorized landing minimum altitude, or (3) is on GCA final approach and has been turned over to the final approach controller, such ILS, Range, or GCA approach may be continued and a landing may be made in the event weather conditions equal to or better than the prescribed minimums for the airport are found to exist by the pilot in command of the flight upon reaching the authorized landing minimum altitude.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551–554)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
*Secretary.*

[F. R. Doc. 56–4054; Filed, May 22, 1956; 8:50 a. m.]

## Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 196]

### PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

### PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, GCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is canceled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.



1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and latitudes are in feet, MSL. Ceilings are in feet above airport elevation. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

| City and State; airport name, elevation; facility; class and identification; procedure No.; effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance facility to airport | Ceiling and visibility minimums: Condition | Ceiling and visibility minimums: 2 engines or less: 65 knots or less | Ceiling and visibility minimums: 2 engines or less: More than 65 knots | Ceiling and visibility minimums: More than 2 engines (more than 65 knots) | If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| DAVENPORT, IOWA. Municipal, 737'. SBRAZ-DTV-MLI. Procedure No. 1. Amendment No. 3. Effective date: June 16, 1956. Supersedes Amendment 2, dated January 21, 1956. Major changes: (1) Missed approach instructions revised to prevent conflict with aircraft holding on the back course of MLI ILS; (2) conversion of statute to nautical miles. | Moline VOR | 236—18.3 | 2,300 | S side of W course: 265° outbound. 085° inbound. 2,000' within 10 miles. | 1,300 | 040—2.3 | T-dn<br>C-dn<br>S-dn<br>A-dn | 300–1<br>400–1<br>400–1<br>800–2 | 300–1<br>500–1<br>500–1<br>800–2 | 200–½<br>500–1½<br>500–1½<br>800–2 | Within 2.3 miles, make left turn and return to the MLI LFR holding within 20 miles on the W course. CAUTION: Official weather information indicating conditions at Davenport at or above minimums specified must be obtained prior to the time a let-down is started. |
| PEORIA, ILL. Greater Peoria, 659'. SBMRAZ-DTV-PIA. Procedure No. 1. Amendment No. 4. Effective date: June 16, 1956. Supersedes Amendment 3, dated June 30, 1954. Major changes: (1) Missed approach altitude raised account 1,267' radio tower in pull-up area; (2) procedure turn distance reduced to 10 miles; (3) transition from Peoria VOR added; (4) Peoria approach distance limited. | Peoria VOR | 071—5.2 | 2,000 | W side of N course: 002° outbound. 182° inbound. 2,000' within 10 miles. | 1,500 | 170—2.1 | T-dn<br>C-dn<br>S-dn<br>A-dn | 300–1<br>400–1<br>400–1<br>800–2 | 300–1<br>500–1<br>500–1<br>800–2 | 200–½<br>500–1½<br>500–1½<br>800–2 | Within 2.1 miles, climb to 2,300' on S course within 20 miles. |
| PIERRE, S. DAK. Pierre, 1,742'. SBRAZ-DTV-PIR. Procedure No. 1. Amendment No. 8. Effective date: June 16, 1956. Supersedes Amendment 7, dated July 17, 1954. Major changes: (1) New form, including conversion to statute units; (2) column 5 distance revised (criteria); (3) Straight-in runway number added; (4) column 11 distance revised to 20 miles; Washington request; (5) Procedure page restriction deleted. | PIR VOR | 236—2.2 | 3,000 | N side of E course: 094° outbound. 274° inbound. 3,000' within 10 miles. | 2,500 | 269—2.9 | *T-dn<br>C-d<br>C-n<br>S-d 25<br>S-n 25<br>A-dn | 300–1<br>400–1½<br>400–1<br>400–1½<br>800–2 | 300–1<br>500–1½<br>500–1<br>500–1½<br>800–2 | 200–½<br>500–1½<br>500–2<br>500–1½<br>800–2 | Within 2.9 miles turn left, climb to 3,500' on W course within 20 miles. *Takeoff to NW restricted to 400–1. |

2. The very high frequency omnirange procedures prescribed in § 609.9 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses, and radials are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

| City and State; airport name, elevation; facility: class and identification; procedure No.; effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance, facility to airport | Ceiling and visibility minimums | | | | If visual contact not established at authorized minimums after passing facility within distance specified or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Condition | 2 engines or less | | More than 2 engines; more than 65 knots | |
| | | | | | | | | 65 knots or less | More than 65 knots | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| CASPER, WYO.<br>Natrona County, 5,348'.<br>BVOR-CPR.<br>Procedure No. 1.<br>Amendment No. 2.<br>Effective date: June 16, 1956.<br>Supersedes Amendment 1, dated January 27, 1953.<br>Major changes: new form; change missed approach procedure. | CPR LFR | 350—10.9 | 7,000 | N side of course:<br>021° outbound.<br>201° inbound.<br>7,000' within 10 miles<br>Beyond 10 miles not authorized. | 7,000 | 201—13.2 | T-dn<br>C-dn<br>S-dn<br>A-dn | 300-1<br>1,000-3<br>1,000-3<br>1,000-3 | 300-1<br>1,000-3<br>1,000-3<br>1,000-3 | 200-½<br>1,000-3<br>1,000-3<br>1,000-3 | Climb to 8,000' on 201° radial of CPR VOR within 20 miles.<br>Alternate missed approach: When directed by ATC climb to 7,500' on W course of ILS within 20 miles of LMM.<br>NOTE: Terrain 5,900' at VOR site and 5 miles S, SW, and W of airport. |
| CLINTON, IOWA.<br>Municipal, 701'.<br>BVOR-MLI.<br>Procedure No. 1.<br>Amendment No. 1.<br>Effective date: June 16, 1956.<br>Supersedes Original, dated March 30, 1954.<br>Major changes: (1) Procedure turn distance reduced to 10 miles to prevent confliction with back course ILS traffic at Moline; (2) column 5 revised to agree with C & (; (3) conversion from statute to nautical miles. | Moline LFR | 056—18.5 | 2,100 | E side of course:<br>154° outbound.<br>334° inbound.<br>1,900' within 10 miles. | 1,400 | 334—6.3 | T-dn<br>C-d<br>C-n<br>S-d 32<br>S-n 32<br>A-dn | 300-1<br>500-1<br>500-2<br>500-1<br>500-2<br>800-2 | 300-1<br>500-1<br>500-2<br>500-1<br>500-2<br>800-2 | Not applicable | Within 6.3 miles, make left climbing turn and return to the MLI VOR at 1,900'.<br>CAUTION: Official weather information indicating conditions at Clinton are at or above minimums specified must be obtained prior to the time a let-down is started. |
| | Rockford LFR | 234—63.0 | 2,500 | | | | | | | | |
| PEORIA, ILL.<br>Greater Peoria, 659'.<br>BVOR-PIA.<br>Procedure No. 1.<br>Amendment No. 1.<br>Effective date: June 16, 1956.<br>Supersedes Original, dated November 19, 1955.<br>Major changes: (1) Missed approach altitudes raised account 1,267' tower; (2) conversion of statute to nautical miles. | Peoria LFR | 251—5.2 | 2,000 | S side of course:<br>278° outbound.<br>098° inbound.<br>2,000' within 10 miles. | 1,500 | 098—4.4 | T-dn<br>C-dn<br>S-dn 12<br>A-dn | 300-1<br>400-1<br>400-1<br>800-2 | 300-1<br>500-1<br>400-1<br>800-2 | 200-½<br>500-1½<br>400-1<br>800-2 | Within 4.4 miles, make right turn climbing to 2,300'. Return to Peoria VOR, or when directed by ATC: (1) Make left turn climbing to 2,300'. Proceed to PIA-LFR.<br>CAUTION: Unlighted high tension towers between facility and airport. |
| PIERRE, S. DAK.<br>Pierre, 1,742'.<br>SBAZ-DTV-PIR.<br>Procedure No. 1.<br>Amendment No. 2.<br>Effective date: June 16, 1956.<br>Supersedes Amendment 1, dated July 17, 1954.<br>Major changes: (1) New form, mileages changed to nautical; (2) column 5 distance revised (criteria); (3) columns 5, 7 and 12, courses revised and straight-in runway added column 8; (4). Missed approach distance revised; (5) preface page note deleted. | PIR LFR | 056—2.2 | 3,000 | N side of course:<br>075° outbound.<br>255° inbound.<br>3,000' within 10 miles. | 2,500 | 255—4.9 | *T-dn<br>C-d<br>C-n<br>S-d 25<br>S-n 25<br>A-dn | 300-1<br>400-1<br>400-1½<br>400-1<br>400-1½<br>800-2 | 300-1<br>500-1<br>500-1½<br>500-1<br>500-1½<br>800-2 | 200-½<br>500-1½<br>500-2<br>500-1½<br>500-2<br>800-2 | Within 4.9 miles, make left turn climb to 3,500' on 255R of Pierre VOR within 20 miles.<br>*Takeoff to NW restricted to 400-1. |





3. The very high frequency omnirange procedures prescribed in § 609.9 (b) are amended to read in part:

TVOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses and radials are magnetic. NOTE: Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a TVOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

| City and State; airport name, elevation; facility: class and identification; Procedure No. (TVOR); effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance from int. runway center line extended and final course to approach end of runway | Ceilings and visibility minimums | | | | If visual contact not established at TVOR, or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Condition | 2 engines or less | | More than 2 engines; more than 65 knots | |
| | | | | | | | | 65 knots or less | More than 65 knots | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| WAKE ISLAND<br>Wake Airport, 10'.<br>VOR-AWK.<br>Amendment: Original.<br>Effective date: June 16, 1956. | Procedure No. TVOR-9 | | | S side of course:<br>280° outbound.<br>100° inbound.<br>1,000' within 10 miles. | 500 | #093—0.49 | T-dn<br>C-dn | 400-1<br>500-1 | 400-1<br>500-1 | 400-1<br>500-1½ | Climb to 1,500' on R-100 within 20 miles.<br>#Approximately over AXX MHW. |
| | Procedure No. TVOR-27 | | | N side of course:<br>090° outbound.<br>270° inbound.<br>1,000' within 10 miles. | 500 | 273—0.87 | S-dn 9-27<br>A-dn | 500-1<br>800-2 | 500-1<br>800-2 | 500-1½<br>800-2 | Climb to 1,500' on R-270 within 20 miles. |

4. The very high frequency omnirange procedures prescribed in § 609.9 (c) are amended to read in part:

VOR/DME STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses, and radials are magnetic. Elevations and altitude are in feet MSL.

If a VOR/DME instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specific routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

NOTE: Distances are in nautical miles unless otherwise indicated except visibilities, which are in statute miles.

El Paso, Tex.; International Airport; elevation 3,926'; facility BVOR/DME; identification ELP; Amendment No. 2; effective date, June 16, 1956; supersedes Amendment 1, dated January 18, 1956.

| Transition to facility or transition to DME orbit | | | | Procedure turn; side of approach radial; altitudes; limiting distances | Minimum altitude on approach radial | | | | Procedure No.; direct or right or left turn to final approach orbit; Runway No. | Minimum altitude on final approach orbit | | | Ceiling and visibility minimums | | | | If visual contact not established at authorized landing minimums at fix specified, or if landing not accomplished— |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | | | Condition | 2 engines or less | | More than 2 engines | |
| From— (mi.) | To— (mi.) | Radial | Minimum altitude (ft.) | | From— (mi.) | To— (mi.) | Radial | Minimum altitude (ft.) | | From radial | To radial | Minimum altitude (ft.) | | 65 knots or less | More than 65 knots | More than 65 knots | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 |
| 15<br>8 | 8<br>0 | 259<br>259 | 8,500<br>5,100 | S side 079° 6,500' within 10 miles. | 10<br>5<br>0 | 5<br>0<br>4.7 airport | 079<br>079<br>259 | #5,200<br>4,800<br>4,300 | Procedure No. 1 direct to runway 26. | | | | T-dn<br>C-dn<br>##S-dn<br>A-dn | 300-1<br>400-1<br>400-1<br>800-2 | 300-1<br>500-1<br>400-1<br>800-2 | 200-½<br>500-1½<br>400-1<br>800-2 | Turn left to 125, climb to 5,000', intercept and proceed on R-150 within 20 miles. |
| | | | | | 10<br>0 | 0<br>5.9 | 079<br>325 | 5,200<br>4,500 | Procedure No. 2 left 5.9 runway 17. | 325<br>278 | 278<br>269 | 4,400<br>4,300 | | | | | Turn left to 125, climb to 5,000', intercept and proceed on R-150 within 20 miles. |
| | | | | | 10<br>0 | 0<br>5.8 | 079<br>200 | 5,200<br>4,600 | Procedure No. 3 right 5.8 runway 35. | 200<br>247 | 247<br>257 | 4,400<br>4,300 | | | | | Turn right to 125, climb to 5,000', intercept and proceed on radial 150° within 20 miles. |

Major change: Increase orbiting altitude.

NOTE: When authorized by ATC, DME may be used within 10 miles between radials 325° clockwise to 200° at 7,300' to position aircraft for final approach, with the elimination of a procedure turn.

#NOTE: DME not required for Procedure No. 1 if 5,200' is maintained to VOR.

##Straight-in to runway indicated by procedure.

5. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

| City and State; airport name, elevation; facility; class and identification; procedure No.; effective date | Transition to ILS | | | | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude at glide slope intercept-ion inbound (ft.) | Altitude of glide slope and distance to approach end of runway at— | | Ceiling and visibility minimums | | | | If visual contact not established upon descent to authorized landing minimums or if landing not accomplished— |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | From— | To— | Course and distance | Minimum altitudes (ft.) | | | Outer marker | Middle marker | Condition | 2 engines or less: 65 knots or less | 2 engines or less: More than 65 knots | More than 2 engines (more than 65 knots) | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| CASPER, WYO. Natrona County, 5,348', ILS-CPR. Procedure No. 1 Amendment No. 2. Effective date: June 16, 1956. Supersedes Amendment 1, dated August 6, 1954. Major changes: Add transitions from V-26; add alternate missed approach; delete procedure 2 from this form. | CPR LFR | LOM | 255—11.9 | 7,000 | N side of W course: 254° outbound. 074° inbound. 7,000' within 5 miles LOM. Beyond 5 miles not authorized. Procedure turn N side due to more favorable terrain. | 7,000 | 6,680—3.9 | 5,620—0.6 | T-dn | 300-1 | 300-1 | 200-½ | Climb to 7,500' on E course of ILS within 20 miles of LMM. Alternate missed approach procedure: When directed by ATC, climb to 7,500' on N course CPR LFR within 20 miles. Approach lights not available. AIR CARRIER NOTE: Section 29 (A) and (B) not applicable. |
| | CPR VOR | LOM | 214—16.9 | 7,500 | | | | | C-dn | 500-2 | 500-2 | 500-2 | |
| | Intersection 201° radial CPR VOR and ILS W course. | LOM | 254—5.0 | 7,000 | | | | | S-dn Runway 7 | 300-1 | 300-1 | 200-½ | |
| | Intersection 201° radial CPR VOR and 350° magnetic bearing to LOM. | LOM | 350—7.8 | 7,000 | | | | | A-du | 800-2 | 800-2 | 800-2 | |
| CASPER, WYO. Natrona County, 5,348', ILS-CPR. Procedure No. 2. Amendment No. 2. Effective date: June 16, 1956. Supersedes Amendment 1, dated August 6, 1954. Major changes: Establish this procedure on separate form; establish missed approach to W. | CPR LFR | ECRS ILS | 074—0.0 | 7,000 | N side E course: 074° outbound. 254° inbound. 7,000' within 10 miles CPR LFR. | No glide path. | Over CPR LFR on final 6,500—6.6 | | T-dn | 300-1 | 300-1 | 200-½ | Climb to 7,500' on W course of ILS within 20 miles of LMM. Alternate missed approach: when directed by ATC, turn left and climb to 8,000' on 201° radial of CPR VOR within 20 miles. Approach lights not available. AIR CARRIER NOTE: Section 29 (A) and (B) not applicable. |
| | CPR VOR | ECRS ILS | 153—10.9 | 7,000 | | | | | C-dn | 500-2 | 500-2 | 500-2 | |
| | Parktown FM | ECRS ILS | 266—3.0 | 6,500 | | | | | S-d | 400-1 | 400-1 | 400-1½ | |
| | Intersection 201° radial CPR VOR and ILS W course. | CPR LFR | 075—6.9 | 7,000 | | | | | S-n Runway 25 | 400-1½ | 400-1½ | 400-2 | |
| | | | | | | | | | A-dn | 800-2 | 800-2 | 800-2 | |





6. The ground controlled approach procedures prescribed in § 609.13 are amended to read in part:

GCA STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. NOTE: Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a GCA instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with GCA to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a PAR approach, or for more than 30 seconds during an ASR approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

| City and State; airport name; airport elevation; effective date | Radar terminal area; maneuvering altitudes by sectors and limiting distances | Ceiling and visibility minimums | | | | | | | | Missed approach procedure |
|---|---|---|---|---|---|---|---|---|---|---|
| | | Runway No. | Condition | Precision approach (PAR) | | | Surveillance approach (ASR) | | | |
| | | | | 2 engines or less | | More than 2 engines | 2 engines or less | | More than 2 engines | |
| | | | | 65 knots or less | Over 65 knots | Over 65 knots | 65 knots or less | Over 65 knots | Over 65 knots | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| MILWAUKEE, WIS. General Mitchell, 698'; Procedure No. 1. Amendment No. 2. Effective date: June 16, 1956. Supersedes Amendment 1, dated January 29, 1955. Major changes: (1) New form; (2) column 11 revised. | All sectors 2,500' within 25 miles. At 2,500' 3 miles lateral separation required from TV tower 1,685' mean sea level located 8.7 miles N of airport. Sector altitudes measured from radar site at airport. | All | T-dn | | | | 300-1 | 300-1 | 200-½ | Runway 1: Climb to 2,700' on N course MKE-LFR within 20 miles. CAUTION: TV tower 1,685' mean sea level 8.7 miles N of airport. |
| | | | C-dn | | | | 600-1 | 600-1 | 600-1½ | |
| | | | A-dn | | | | 800-2 | 800-2 | 800-2 | |
| | | 1-19-7 | S-dn | | | | 400-1 | 400-1 | 400-1 | Runway 19: Climb to 2,000' on localizer course to LOM. |
| | | 13 | S-dn | | | | 500-1 | 500-1 | 500-1 | Runways 7-13: Right turn climb to 2,000' and proceed to the LOM. |
| | | 25-31 | S-dn | | | | 600-1 | 600-1 | 600-1 | Runways 25-31: Left turn climb to 2,000' and proceed to LOM. |

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

C. J. LOWEN,
*Administrator of Civil Aeronautics.*

[F. R. Doc. 56-3791; Filed, May 22, 1956; 8:45 a. m.]

# TITLE 6—AGRICULTURAL CREDIT

## Chapter III—Farmers Home Administration, Department of Agriculture

### Subchapter B—Farm Ownership Loans

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUE OF FARMS; PUERTO RICO

On May 14, 1956, for the purpose of Title I of the Bankhead-Jones Farm Tenant Act, as amended, the average value of efficient family-type farm-management units for the county identified below was determined to be as herein set forth. The average value heretofore established for said county, which appears in the tabulations of average values under § 311.29, Chapter III, Title 6 of the Code of Federal Regulations, is hereby superseded by the average value set forth below for said county.

| PUERTO RICO | *Average value* |
|---|---|
| County: | |
| Utuado | $20,000 |

(Sec. 41 (1), 50 Stat. 529, as amended; 7 U. S. C. 1015 (l))

Dated: May 18, 1956.

[SEAL] R. B. MCLEAISH,
*Administrator,*
*Farmers Home Administration.*

[F. R. Doc. 56-4053; Filed, May 22, 1956; 8:50 a. m.]

## Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

### Subchapter B—Loans, Purchases, and Other Operations

[1955 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 2, Corn]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1955-CROP CORN LOAN AND PURCHASE AGREEMENT PROGRAM

MISCELLANEOUS AMENDMENTS

The regulations issued by Commodity Credit Corporation and Commodity Stabilization Service, published in 20 F. R. 4104, 7413 and 7977, containing the specific requirements for the 1955-Crop Corn Price Support Program are hereby amended as follows:

1. Section 421.1138 (f) is hereby amended to also make corn which is delivered to CCC from other than approved warehouse storage, under purchase agreements eligible for sale to CCC if such corn grades No. 4 other than for test weight or grades No. 5, and if it grades "weevily" in addition to a numerical grade of No. 5 or better, so that the amended subsection reads as follows:

§ 421.1138 *Eligible corn.* • • •

(f) (1) To be eligible for sale to CCC under a purchase agreement:

(i) Corn delivered to CCC from other than approved warehouse storage must grade No. 5 or better, except that such corn may bear the special grade "Weevily" in addition to the numerical grade.

(ii) Corn placed in approved warehouse storage prior to the time that the producer notifies the county committee of his intention to sell the corn to CCC must grade No. 3 or better or No. 4 on the factor of test weight only but otherwise No. 3 or better, must not contain in excess of 13.5 percent moisture, and must not grade "weevily".

2. Section 421.1145 (a) (2) is hereby amended to provide the basis of settlement for corn deliverd to CCC from other than approved warehouse storage grading No. 4 on the basis of factors other than test weight, for corn grading No. 5, and for corn bearing the special grade "Weevily" in addition to a numerical grade, and also to provide the basis of settlement for ineligible corn which is inadvertently accepted by CCC and which cannot be returned, so that the amended subsection reads as follows:

§ 421.1145 *Settlement*—(a) *Settlement value.* * * *

(2) (i) Settlement for corn delivered to and purchased by CCC under a purchase agreement shall be made as provided in this section, subject to the provisions of paragraph (d), (f) and (g) of § 421.1018 of the 1955 C. C. C. Grain Price Support Bulletin 1 (20 F. R. 3017 and 20 F. R. 4563).

(ii) Settlement for corn delivered to CCC from other than approved warehouse storage, and purchased by CCC under a purchase agreement shall be made on the basis of weight, grade and other quality factors determined at the time of delivery in accordance with § 421.1018 (d) (4) of the 1955 C. C. C. Grain Price Support Bulletin 1 and §§ 421.1140 and 421.1141, except that in cases provided for in § 421.1018 (d) (3) of the 1955 C. C. C. Grain Price Support Bulletin 1, settlement shall be made on the basis of the grade and quality factors determined pursuant to such section or on the basis of the grade and quality factors determined at the time of delivery, whichever is higher. Settlement for eligible corn delivered to CCC by submission of warehouse receipts issued by an approved warehouse shall be made on the basis of the weight, grade and other quality factors shown on the warehouse receipt or accompanying documents in accordance with § 421.1018 (d) (4) of the 1955 C. C. C. General Grain Bulletin 1. No grade or quality factors determined at any time or on any basis other than indicated herein shall be considered in determining the settlement value.

(iii) Settlement for eligible corn delivered under purchase agreement from other than approved warehouse storage grading No. 3 or better, or No. 4 on the factor of test weight only but otherwise No. 3 or better, and for corn of such grades bearing the special grade "Weevily" in addition to the numerical grade shall be made on the basis of the applicable basic county support rate and the "Schedule of Premiums and Discounts" contained in the 1955 C. C. C. Grain Price Support Bulletin 1, Supplement 2, Corn (20 F. R. 7977). Settlement for eligible corn delivered from other than approved warehouse storage and grading No. 4 on the basis of factors other than test weight and grading No. 5, and for corn of such grades bearing the special grade "Weevily" in addition to the numerical grade, shall be computed on the basis of the applicable basic county support rate applicable for corn grading No. 3 except for moisture, less the difference, if any at the time of delivery, between the market price for No. 3 corn and the market price of the corn delivered, as determined by CCC: *Provided, however,* That if such corn is sold by CCC in order to determine its market price, the settlement value shall not be less than such sales price. Settlement for eligible corn delivered to CCC by the submission of warehouse receipts issued by an approved warehouse shall be made on the basis of the applicable basic county support rate and the "Schedule of Premiums and Discounts" contained in the 1955 C. C. C. Grain Price Support Bulletin 1, Supplement 2, Corn.

(iv) In the event that any corn grading "Sample" or "Sample Weevily", or any corn in excess of the maximum stated in the purchase agreement is delivered to CCC under a purchase agreement and, is inadvertently accepted and CCC determines that it is not in a position to reject the corn to the producer, the settlement value shall be the market price of such corn, as determined by CCC, on the date of delivery to CCC: *Provided, however,* That if such corn is sold by CCC in order to determine its market price, the settlement value shall be not less than the sales price.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053; 15 U. S. C. 714, 7 U. S. C. 1447, 1421)

Issued this 18th day of May 1956.

[SEAL] WALTER C. BERGER,
*Acting Executive Vice President, Commodity Credit Corporation.*

[F. R. Doc. 56-4052; Filed, May 22, 1956; 8:50 a. m.]

## TITLE 7—AGRICULTURE

### Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 927—MILK IN THE NEW YORK METROPOLITAN MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the "act", and of the order, as amended (7 CFR Part 927), regulating the handling of milk in the New York metropolitan milk marketing area, hereinafter referred to as the "order", it is hereby found and determined, that:

(a) The following provisions of the order do not tend to effectuate the declared policy of the act:

(1) For the period June 1–13, 1956, all provisions of subparagraph (11) of § 927.40 (a) except the provision "(11) Multiply the result determined pursuant to subparagraph (10) of this paragraph by" and the provision "0.88."

(2) For the period June 14–30, 1956, all provisions of subparagraph (11) of § 927.40 (a) except the provision "(11) Multiply the result determined pursuant to subparagraph (10) of this paragraph by" and the provision "0.94."

(b) Notice of proposed rule making, public procedure thereon, and 30 days notice of the effective date hereof, are found to be impracticable, unnecessary, and contrary to the public interest in that:

(1) The information upon which this action is based did not become available in time sufficient for such compliance;

(2) A substantial majority of the producers of milk for the market have requested this action;

(3) It is found necessary to issue and make effective this suspension order to reflect current marketing conditions and to facilitate, promote, and maintain orderly marketing conditions in the marketing area; and

(4) This suspension order does not require of persons affected substantial or extensive preparation prior to its effective date.

Therefore, good cause exists for issuance of this order.

*It is therefore ordered,* That, the following provisions appearing in § 927.40 (a) of the order be and hereby are suspended:

(1) For the period June 1–13, 1956, all provisions of subparagraph (11) of § 927.40 (a) except the provision "(11) Multiply the result determined pursuant to subparagraph (10) of this paragraph by" and the provision "0.88."

(2) For the period June 14–30, 1956, all provisions of subparagraph (11) of § 927.40 (a) except the provision "(11) Multiply the result determined pursuant to subparagraph (10) of this paragraph by" and the provision "0.94."

(Sec. 5, 49 Stat. 753, as amended, 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 18th day of May 1956.

[SEAL] EARL L. BUTZ,
*Assistant Secretary.*

[F. R. Doc. 56-4051; Filed, May 22, 1956; 8:50 a. m.]

[945.301 Amdt. 9]

PART 945—TOMATOES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

*Findings.* (a) Pursuant to Marketing Agreement No. 125 and Order No. 45 (7 CFR Part 945; 20 F. R. 7357), regulating the handling of tomatoes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Florida Tomato Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (1) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of tomatoes, in the manner set forth below, on and after the effective date of this amendment, (3) compliance with this amendment will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted, under the circumstances, for such preparation, (5) information regarding the committee's recommendations has been made available to producers and handlers in the production area, and (6) this amendment relieves restrictions on the handling of tomatoes grown in the production area.

(b) *Order, as amended.* The provisions of § 945.301 (b) (2), as amended (31 F. R. 2408, 2746, 3075, 3217), are hereby further amended by deleting all of such subparagraph (2). Section 945.301 (b) (3), (4), (5), (6), (7), and (8) is hereby renumbered respectively § 945.301 (b) (2), (3), (4), (5), (6), and (7).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 21st day of May 1956, to become effective May 23, 1956.

[SEAL] S. R. SMITH,
*Director,*
*Fruit and Vegetable Division.*

[F. R. Doc. 56-4093; Filed, May 22, 1956; 8:52 a. m.]

PART 1001—LIMES GROWN IN FLORIDA

MISCELLANEOUS AMENDMENTS

Notice was published in the FEDERAL REGISTER issue of May 2, 1956 (21 F. R. 2895), that the Department was giving consideration to the proposed amendment of the supplementing rules and regulations (7 CFR 1001.110 et seq.; Subpart—Rules and Regulations; 20 F. R. 6017) currently in effect pursuant to the marketing agreement and Order No. 101 (7 CFR Part 1001; 20 F. R. 4179) regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Florida Lime Administrative Committee (established pursuant to said marketing agreement and order as the agency to administer the provisions thereof), it is hereby found that the amendment, as hereinafter set forth, of the said rules and regulations is in accordance with the provisions of the said marketing agreement and order and will tend to effectuate the declared purposes of the Agricultural Marketing Agreement Act of 1937, as amended. Such amendment is hereby approved; and the said rules and regulations are amended as follows:

1. By changing the period at the end of paragraph (b) of § 1001.120 *Handler registration* to a colon and adding immediately thereafter the following: "*Provided,* That such applicant shall have been issued for the current season a certificate of registration pursuant to § 601.40 of the Florida Citrus Code covering the packing house in which limes are to be handled."

2. By adding in § 1001.130 *Limes not subject to regulation* immediately following paragraph (a) of such section, a new paragraph (b) reading as follows:

(b) The term "commercial processing into products," as used in paragraph (c) of § 1001.56, means the manufacture of any lime product which has been preserved by any recognized commercial process, including canning, freezing, dehydrating, drying, the addition of chemical substances, or by fermentation. Limes handled for conversion into juice without further processing or preservative treatment, as herein described, shall be deemed fresh limes subject to all regulations under this part.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued this 18th day of May 1956, to become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator.*

[F. R. Doc. 56-4049; Filed, May 22, 1956; 8:49 a. m.]

## TITLE 39—POSTAL SERVICE

### Chapter I—Post Office Department

PART 43—MAIL DEPOSIT AND COLLECTION

PART 45—CITY DELIVERY

PART 97—APARTMENT HOUSE REGULATIONS

MISCELLANEOUS AMENDMENTS

a. Section 43.4 *Mail chutes* is hereby rescinded.

b. Section 43.5 *Separation of mail by sender* is redesignated as § 43.4.

c. Section 43.6 *Recall of mail* is redesignated as § 43.5.

d. New § 43.6 is hereby added to read as follows:

§ 43.6 *Mail chutes and receiving boxes*—(a) *Use.* (1) Mailing chutes and receiving boxes may be placed at the expense of the owner in public buildings, railroad stations, hotels, and business or office buildings of not less than 4 stories, and apartment houses of not less than 40 residential apartments. Buildings in which receiving boxes are located must be open to the general public, without restrictions, during the hours prescribed for mail collections. If the owner of a building does not desire to install a mail chute and receiving box, a receiving box only may be installed, provided the postmaster has determined it is necessary and has approved its installation.

(2) Mailing chutes and receiving boxes are intended for the reception or deposit of mail matter of the first class and must not be used for the deposit of mail of any other class.

(b) *Approval of installation.* (1) Requests for the installation of mailing chutes and receiving boxes must be approved by the postmaster and he must be furnished the contract and specifications for any proposed chute and box. The postmaster has authority to approve, upon formal application, the installation of mailing chutes and receiving boxes conforming to these regulations. Collection will not be made from any chute box until approved by the postmaster, and no unapproved chute shall bear any sign indicating that it is under the protection of the United States Postal Service.

(2) The specifications must provide for a complete installation ready for collection service, with a tentative plan of the building showing the contemplated location of the whole of such chute and of the receiving box.

(3) If the postmaster approves the contract and specifications, he will endorse his approval upon the contract and report his action to the Regional Director or the regional operations manager.

(c) *Specifications for construction of chutes*—(1) *Size.* The chute must be approximately 2 by 8 inches in size and must extend in a continuously vertical line from the point of beginning to the receiving box.

(2) *Material.* (i) Every mailing chute must be made entirely of metal and glass. The metal parts of the chute must be of such form, weight, and character as to insure rigidity, safety, and durability. Panel moldings must be of metal of suitable strength and resilience to insure a constant grip on the glass. At least three-fourths of the front of the chute in each story must be of heavy sheet or plate glass not less than three-sixteenths of an inch in thickness. All joints in the chute must be tight so that mail matter cannot catch or lodge therein.

(ii) Chutes must be securely mounted on steel angles, or other material approved by the Regional Director or regional operations manager. The mounting must be plumb and flush the entire length of the chute. The chute must be so constructed that floor sections can be easily removed from floor thimbles.

(3) *Mail slots.* (i) The chute must be provided with openings (mail slots) on each floor for deposit of mail. Each opening must be 4¾ by ½ inches, with a second inside opening of the same size

2½ inches below the first, with serrate edges or other suitable device designed to prevent clogging. The legend "U. S. Mail" must be plainly inscribed upon chutes at every mail opening.

(ii) At each slot opening, there must be attached a suitable dustproof glazed frame for printed cards, 4¾ by 9 inches, giving information as to the use of mail chutes, stating that the hours of collection are posted on the receiving box, and calling attention to the penalties for tampering with mail equipment.

(4) *Locking devices.* The chute must be provided with a suitable locking device and keys by means of which it may be conveniently opened and closed by postal authorities but not by other persons. The lock must be so constructed that the key cannot be removed until the chute is properly locked.

(5) *Location and arrangement.* (i) The chute must be so placed as to be conveniently accessible throughout the entire length. In no case shall the chutes be placed behind elevator screens or partitions or run through any part of a building to which the public is denied access, without the prior approval of the Regional Director or the regional operations manager.

(ii) Mail chutes installed in pairs must be so constructed and erected that any part of either chute may be removed, leaving the other for service.

(iii) The chute must be so constructed that it can be easily opened and closed without the use of tools and without injury to structure or finish, and all portions of its interior must be easily reached. Where panels are not set entirely inside channels, adequate intermediate fastenings controlled by official key must be provided.

(d) *Specifications for construction of receiving boxes*—(1) *Dimensions.* The cubic contents of receiving boxes will be determined by the postmaster. The bottom of the door of the box must not be less than 30 inches from the floor level of the building. The exterior of the bottom of the box must not be less than 20 inches from the floor level, and this space shall be entirely open and unobstructed and so arranged that the mail collector may place a satchel or other receptacle in convenient position under the bottom of the door when making collections.

(2) *Material.* Receiving boxes must be constructed of metal of sufficient weight and such character as to insure security and rigidity. Boxes must be provided with cushions, yielding bottoms, or deflecting devices which will effectively prevent injury to mail matter descending through the chute. If cushions are used, they shall be made of wool felt and covered with asbestos cloth. The bottom of the box must be provided with a suitable means of attaching and holding the carrier's satchel or other receptacle in position.

(3) *Door and floor.* Receiving boxes must be provided with doors opening to the right upon exposed side hinges secured with rivets. The door openings must be not less than 12 by 20 inches nor more than 18 by 30 inches. The floor of the interior of the box, or cushion if one is used, must be level with the threshold of the door. Four screw holes must be placed in the door, to fit letter box arrow locks furnished by the postmaster.

(4) *Mail slots, markings, and display frames.* Boxes must be provided with mail openings 1¼ inches wide by 11 inches long, protected by inside hood. Openings shall be not more than 5 feet 10 inches above the floor level and protected by inside hinge flaps, and legibly inscribed "Letters". Boxes must be distinctly marked "U. S. Mail Letter Box" and must be provided with suitable and convenient frames to display collection schedule cards 3¾ by 5½ inches in size.

(5) *Location.* Every receiving box must be placed as near to a main entrance of the building as practicable. Receiving boxes must not be located more than 100 feet from a main entrance by the shortest line of travel. The location will be approved only when the postmaster, after careful examination of the tentative building plan, finds it impracticable because of structural conditions to place a receiving box closer to a main entrance. A receiving box may be placed on only the ground floor of a building.

(6) *Auxiliary box.* If the receiving box to be attached to the chute will not be of sufficient size to accommodate the deposits of first-class mail, an auxiliary box or boxes of sufficient capacity should be installed in close proximity to the mail chute boxes. The cubic contents of the auxiliary receiving box or boxes will be determined by the postmaster, and their construction must conform to the general specifications for the receiving boxes except deflecting devices are not required. The mail openings should be of sufficient size to permit the deposit of first-class mail tied in bundles and the mail opening or "pull-down" shall be inscribed "Letters" and "Letter Mail Tied in Bundles."

(7) *Metal compartments.* If, due to structural conditions, it is not practicable to install auxiliary boxes, a metal compartment comparable in size to a small P. O. sack rack should be provided. Although no specifications are stipulated for the construction of the metal compartment, it should be of sufficient height and length to permit the suspension of the required number of sacks from hooks, the number of mail openings to correspond to the number of sacks. The compartment must be lettered or stenciled "U. S. Mail" in large letters and have on each section or at the mail opening the inscription "Letter Mail Tied in Bundles." The compartment must be constructed so as to permit the convenient hanging and withdrawing of the sacks.

(8) *Combination letter and bundle box.* If the receiving box to be attached to a chute will not be of sufficient size to accommodate the deposits of first-class mail, and it is not desired to install a separate auxiliary box, a combination letter and bundle letter box may be attached to the chute in lieu of the regular receiving box, constructed as follows:

(i) The box must be at least 60 inches high, 23 inches wide, and 17 inches deep, and shall have a pull-down inlet door with an opening 7 by 11½ inches inscribed "Letters and Letter Mail Tied in Bundles." The bottom edge of the door opening should be not more than 5 feet above the floor level. The mail opening shall be fully protected by inside baffle plates so as to prevent pilfering of mail.

(ii) At a height of 3 feet 4 inches from the bottom of the box there must be placed a ¾-inch pipe hanger (removable) along each side of the box from the front to the back, each equipped with two sliding hooks so that a No. 1 mail sack may be hung thereon.

(iii) The bottom of the box and this door should be flush or below the level of the bottom of the box and this door should be of such size and so constructed as to permit the convenient hanging and withdrawing of the sacks. There must be four screw holes in this door to fit the letter box arrow lock to be furnished by the postmaster.

(iv) Boxes shall be distinctly marked "U. S. Mail."

(e) *Maintenance of chutes and receiving boxes.* (1) Every mailing chute and receiving box must be inspected by a representative of the postmaster at least once a year; and such cleaning and repairing as may be directed by the postmaster must then be done under his supervision, by and at the expense of the proprietor or lessee of the building in which such mailing chute and receiving box are situated.

(2) If the postmaster finds that any part of the chute or receiving box does not conform to these regulations, or has become defective, he must close the mail openings and discontinue collections, and shall not resume collections until the mailing chute and receiving box fully meet the requirements of these regulations. All repairs, changes, and alterations to mailing chutes and receiving boxes must be made by and at the expense of the owner or lessee of the building in which they are situated, under the supervision and subject to the approval of the postmaster.

(3) Any obstruction in a mailing chute must be at once reported to the postmaster, who must promptly make an inspection of the chute. If the obstruction resulted from misuse or abuse of the chute, he will notify the proprietor or lessee of the building in which it is located and may, in his discretion, close the mail openings and discontinue collections until satisfied that proper care will be taken in the future use of the chute and the receiving box. If collections are discontinued, the postmaster will attach to the chute, at the several mail openings, notices of discontinuance.

(f) *Custody and control of chutes and receiving boxes.* (1) Mailing chutes and receiving boxes are considered the property of the United States as long as collections of mail are made from them and shall remain under the exclusive custody and control of the postmaster until collections are discontinued by his direction.

(2) Every mail chute contract must contain an explicit waiver by the owner or owners of patents issued or to be issued on the chute and receiving box covered by the contract, and on any device or devices connected therewith, of all claims against the United States and its officers and agents for the use of such chute and box and such device or devices.

(3) The contract must contain a full warranty by the company or person proposing to erect the chute and receiving box against claims on account of infringements of the patents of others. Before commencing collections of mail, the postmaster must assure himself that a blanket bond in such form and with such penalty as may be prescribed by the Postmaster General has been filed at the Department conditioned that the obligor and his or its sureties shall and will protect and indemnify the United States from any and all such claims, accompanied with a written notice from such person or company that they have no claim of any kind against such mailing chute and receiving box. This bond must be in the amount of $10,000, though a larger sum may be required if considered advisable by the Post Office Department.

(4) With every mail chute contract submitted for approval there must be furnished evidence that a surety bond in the sum of $3,000 has been given to the purchaser guaranteeing the construction and installation of the mail chute equipment in accordance with the rules, regulations, and specifications of the Post Office Department, and that any defect arising within 3 years will be remedied by the manufacturer without expense to the purchaser.

(5) When mailing chutes and receiving boxes are erected under lease, the postmaster is authorized to sign an agreement, endorsed on the back of the contract, between the proprietor or lessee of the building and the person or company erecting the chutes and boxes, providing that if the lessors of the chutes and boxes shall request the return of the mailing apparatus, the postmaster will, after due notice to the proprietor or lessee, discontinue collections, remove the lock from the receiving box, and permit the removal of the mailing apparatus by the lessors.

(g) *Regulations to be part of contract.* The contents of this section must be printed on the back and become a part of every contract for the erection and use of mailing chutes and receiving boxes entered into between the manufacturers or owners of chutes and boxes and the proprietor or lessee of the building in which they are located. Postmasters may obtain copies of the contents of this section from their area supply centers for distribution to appropriate patrons.

(h) *Mailing chute manufacturers.* The following are approved mailing chute manufacturers:

Capitol Mail Chute Corp., 55 Cozine Avenue, Brooklyn, N. Y.

Cutler Mail Chute Company, 76 Anderson Avenue, Rochester 7, N. Y.

Federal Mail Chute Corp., Ltd., 1890 Sixteenth Street, San Francisco, Calif.

(R. S. 161, 396, as amended; sec. 1, 24 Stat. 569, as amended; 5 U. S. C. 22, 369, 39 U. S. C. 156)

e. In § 45.4 *Mail receptacles* rescind paragraph (c).

f. Add new § 45.6, to read as follows:

§ 45.6 *Apartment house receptacles*—(a) *Conditions requiring installation of receptacles.* (1) The delivery of mail in apartment houses, family hotels, residential flats, and business flats in residential areas, containing three or more apartments having a common street entrance, shall be contingent on the installation and maintenance of United States Post Office approved mail receptacles, one for each apartment, including resident manager and janitor, unless the management has arranged for the mail to be delivered at the office or desk for distribution by its employees. The cost of receptacles and their installation are paid for by the owner of the building.

(2) Owners and managers of apartment houses, family hotels, and flats, equipped with old-type apartment house mail receptacles are urged to install up-to-date and approved receptacles to assure more adequate protection to the mail of occupants. When these buildings are remodeled to provide additional apartments or when a material change in the location of boxes is made, they shall be equipped with approved receptacles.

(3) When new apartments are being erected or existing ones are remodeled, postmasters will inform builders and owners of the requirements of this section and will provide for a suitable inspection to see that receptacles of safe and durable construction are installed in conformity with this section.

(b) *Specifications for construction of receptacles*—(1) *Materials.* The receptacles shall be manufactured of material of such strength and thickness as to provide reasonable safety to the mail deposited.

(2) *Capacity.* The receptacles must be of sufficient capacity to receive long-letter mail 4½ inches in width and certain large and bulky magazines, unrolled as well as rolled, and must be so constructed and of such height or length and capacity that magazines 14¼ inches in length and 2½ inches in diameter, if rolled, may be deposited and removed with facility.

(3) *Individual doors and locks.* (i) Each individual receptacle must be equipped with a door through which the mail may be removed by the holder. The doors of the several receptacles shall be secured by key locks or combination keyless locks. If key locks are installed, manufacturers must provide a sufficient number of key changes to prevent the opening of receptacles by the use of a key to any other receptacle in the same house or in the immediate locality. These locks must be securely fastened to the door or receptacle. Each lock should be clearly numbered on the back so that if key is lost, a duplicate may be ordered by number. The lock number should also be clearly shown on the inside of the master door directly above the individual box to which it is attached.

(ii) Apartment house managers must maintain a record of the number of keys supplied by manufacturers and jobbers, relating the key number to the receptacle number, so that, when necessary, new keys may be ordered. Key numbers shall not be placed on the barrels of the locks, as this would make it possible for unauthorized persons to secure keys and gain access to the boxes. Apartment house managers must keep a record of the combinations of keyless locks so that new tenants may be given the combination. These records of key numbers and combinations must be kept in the custody of the manager or a trusted employee.

(4) *Master doors and locks.* (i) Each group of receptacles must be equipped with a master door or device on the opening of which the entire group of receptacles is accessible for the deposit of mail by carrier. The master door or device shall be secured by a master lock furnished by the Post Office Department for use so long as mail is delivered by letter carriers, the key for which shall be in the custody of postal employees.

(ii) The master lock must be attached to the group of receptacles by the owner or builder of the apartment house, or by his direction, under the supervision of the postmaster's representative who will see that they are securely attached. The plate to which the master lock will be fastened should be riveted to the face of the box.

(5) *Slot.* In the face of each receptacle there must be provided a slot 2 inches in length and one-eighth inch wide for the deposit of carrier and special delivery notices.

(6) *Numbers and name cards.* (i) Mail receptacles must be satisfactorily numbered or lettered in numerical or alphabetical sequence from left to right so as to enable the carrier to expeditiously deliver the mail.

(ii) Each receptacle must be fitted with clasps or holders for placing a card on which shall be placed a list of the names of persons receiving mail through such receptacles. The holders for the lists of names may be placed on the outside of the receptacles instead of inside, if the holders are wide enough for not less than three names and are placed so that the carrier while in a standing position may read the names when the master door is open.

(7) *Arrangement and location.* (i) Not more than two tiers of boxes may be installed. Boxes should be arranged so as to permit the installation of the largest number of boxes with the smallest number of master locks. The minimum number of boxes to which one master lock may be attached is three.

(ii) The receptacles must be arranged in groups, as many in each group as is consistent with safety, but never less than eight in a group, except where the number of apartments is less than eight or where the number of boxes cannot be evenly divided into multiples of eight or where telephone units are installed with the receptacles.

(iii) Receptacles in apartment houses shall be located at points reasonably near the entrance in vestibules, halls, or lobbies, adequately lighted, so as to afford the best protection to the mail and enable the carriers to read the addresses on mail and the names on boxes without undue strain on their eyes and without molestation by swinging or opening doors. The receptacles must be placed

so that the center of the barrel of the master lock of the upper tier will be not more than 5½ feet from the floor and the center of the barrel of the master lock of the lower tier will be not less than 30 inches from the floor.

(8) *Installation with telephone units.* (i) Where necessary or desirable to install mail receptacles in conjunction with a telephone unit of a standard size, the receptacles may be placed in two tiers, or they may be installed in groups or batteries of less than eight if required for the proper arrangement of the groups in the two tiers. This does not apply to cases where the telephone unit is installed independently of mail receptacles. Although there is no objection to combining these two services, the mail receptacles must be separated from the telephone or electrical unit. Electric push buttons may be placed in the flange of the face of the nests of mail receptacles, connecting with wires outside the mail receptacles, provided the pushbuttons can be removed from the outside and the wire connection with such pushbuttons can be repaired without removal of the receptacles.

(ii) Telephone units combined with mail receptacle units must be constructed so that access to the telephone unit is not dependent on entering the mail receptacle, and the latter must not be accessible when the telephone unit is opened.

(c) *Directories.* (1) In all apartment houses where there are 25 or more receptacles, a complete directory of all persons receiving mail must be maintained. Where an apartment house is divided into units with separate entrances and 25 or more receptacles are installed to the unit, a separate directory must be provided for each unit. In addition, where mail is not generally addressed to specific units, a directory must be kept at the main unit of the building, listing all persons receiving mail in the various units.

(2) Directories must be alphabetical by surname and must be maintained and kept corrected to date. The receptacle number and apartment number should always be the same, and the apartment number should appear on the right of the name on the directory. If, for any cause, the apartment number is different from the number of the receptacle, the receptacle number should appear on the left of the name in the directory. The same arrangement shall be followed where the apartments and receptacles are either lettered or lettered and numbered.

(3) The directory must be of legible type, in a suitable frame for protection purpose, and attached to the wall immediately above or to the side of the mail receptacles where it can be easily read. If an attendant, such as telephone operator, doorman, or elevator conductor, is on duty between the hours of 7 a. m. and 11 p. m. and mail is delivered either to apartment house receptacles or in bulk for distribution by employees of the building, the directory may be kept in the custody of the employee on duty in the building so that it may be available to the carrier or special delivery messenger on request.

(d) *Maintenance and repair.* (1) The owners or managers of buildings must keep receptacles in good repair. Owners and managers of buildings must return to the postmaster any inside letter-box arrow locks that become defective or that are no longer needed.

(2) Carriers will report on Form 3521, Carriers' Report of Condition of Mail Receptacle, all apartment houses that are being remodeled and all mail boxes that are not locked or are out of repair. Delivering employees and postmasters will see that inside letter-box arrow locks are properly accounted for when buildings are torn down or remodeled and that such defective locks are recovered.

(3) Upon receipt of a report of lack of repair or irregularity in the operation of apartment house mail receptacles, postmasters will have prompt investigation made and direct what repairs must be made by and at the expense of the owners or managers. So that there will be no question as to the disposition or treatment of mail, repairs must be made only when a representative of the post office is present. It is unlawful for other than postal employees to open receptacles and expose mail.

(4) Failure to keep boxes locked or in proper repair as directed by postmasters is sufficient justification for withholding delivery of mail therein and requiring the occupants of the apartments to call for their mail at the post office, if this action is believed advisable for safety reasons. When such action is contemplated, a reasonable notice of approximately 30 days will be given in writing to the patrons and the owner or manager of the apartment building.

(5) The postmaster will investigate complaints of loss, theft, or injury of mail deposited by carrier in apartment house mail receptacles, and, when it is shown that some one has wilfully or maliciously injured, defaced, or destroyed mail deposited in receptacles, the postmaster will take action to have the matter investigated by a post office inspector.

(6) The United States Penal Code prescribes penalties for the wrongful possession of mail locks and the wilful or malicious injury or destruction of letter boxes and the theft of mail therefrom. Manufacturers are authorized to place on each installation of apartment house mail receptacles the words "U. S. Mail" and a warning notice of these provisions of law. Manufacturers are also authorized to place inconspicuously on each installation their name and words "Approved by the Postmaster General," when the designs have been approved by the Post Office Department.

(e) *Manufacturers and distributors.* The following is a list of manufacturers and distributors of one or more designs of apartment house mail receptacles approved by the Post Office Department, with trade names of boxes:

Art Brass & Plating Works, 417 South Alaskan Way, Seattle 4, Wash. (No. 16 horizontal, and No. 4 vertical).

Auth Electric Co., Inc., 34–20 45th Street, Long Island City 1, N. Y.

Bommer Springs Hinge Co., Inc., 251–271 Classon Avenue, Brooklyn 5, N. Y. (Keilson).

Connecticut Telephone and Electric Co., Meriden, Conn. (Keil).

S. H. Couch Co., Inc., Boston 71, Mass. (Nos. 73 and 73–F).

Edwards Company, Inc., 15 Merwin Street, Norwalk, Conn.

Florence Manufacturing Co., Inc., 8908–18 South State Street, Chicago 19, Ill. (Pry-Proof, 13–F).

Mail Safe Manufacturing Division, of Ekholm Manufacturing Co., 622 Watson Avenue, Saint Paul 2, Minn.

Perma-Bilt Steel Products Co., 8324 Graham Avenue, Los Angeles 1, Calif.

(R. S. 161, 396, as amended; 5 U. S. C. 22, 369)

g. Part 97 Apartment House Regulations is hereby rescinded.

(R. S. 161, 396, as amended; 5 U. S. C. 22, 369)

[SEAL] ABE MCGREGOR GOFF,
*The Solicitor.*

[F. R. Doc. 56–3977; Filed, May 22, 1956; 8:45 a. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### [ 7 CFR Part 909 ]

[Docket No. AO 214–A1]

ALMONDS GROWN IN CALIFORNIA

NOTICE OF HEARING WITH RESPECT TO PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900; 19 F. R. 57), notice is hereby given of a public hearing to be held in the assembly room, State Agriculture Building, 1220 N Street, Sacramento, California, beginning 9:30 a. m., P. d. s. t., June 5, 1956, with respect to proposed amendments to the marketing agreement and order (7 CFR Part 909) regulating the handling of almonds grown in California. The proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing will be held for the purpose of receiving evidence with respect to the proposed amendments which are hereinafter set forth, or appropriate modifications thereof.

The California Almond Growers Exchange, a cooperative marketing association, has proposed the following amendments and has requested a hearing thereon:



1. Amend § 909.4 by deleting the words "in the initial crop year hereunder, and thereafter" appearing at the end of the section.

2. Amend § 909.6 by deleting the present provisions and substituting therefor the following:

§ 909.6 *Shelled almonds.* "Shelled almonds" means almonds after the shells are removed and includes blanched, diced, sliced, slivered and roasted shelled almonds.

3. Delete §§ 909.7, 909.8, 909.9, and 909.10.

4. Amend § 909.11 by deleting the present provisions and substituting therefor the following:

§ 909.11 *Inedible kernel.* "Inedible kernel" means a kernel, piece, or particle of almond kernel which is not an edible kernel.

5. Amend § 909.12 by deleting the present provisions and substituting therefor the following:

§ 909.12 *Edible kernel.* "Edible kernel" means a kernel, piece, or particle of almond kernel which is free from serious damage as defined in the effective U. S. Standards for shelled almonds. This definition may be changed by the Secretary after consideration of a Control Board recommendation or other pertinent information.

6. Amend § 909.13 by deleting the present provisions and substituting therefor the following:

§ 909.13 *Kernel weight.* "Kernel weight" means the weight of kernels, including pieces and particles, regardless of whether undamaged or damaged, contained in any lot of almonds, unshelled or shelled.

7. Delete §§ 909.19 and 909.20.

8. Amend § 909.21 by deleting the present provisions and substituting therefor the following:

§ 909.21 *Almond products.* "Almond products" means any edible preparation other than blanched, diced, sliced, slivered or roasted shelled almonds, manufactured entirely or partially from raw shelled almonds. This definition may be revised by the Secretary, upon consideration of a recommendation by the Board.

9. Amend § 909.23 by deleting the present provisions and substituting therefor the following:

§ 909.23 *Inspection agency.* "Inspection agency" means the Federal-State Inspection Service or, when specifically designated, the Federal Inspection Service.

10. Amend § 909.24 by deleting the words: "(d) For inedible kernel content" appearing at the end thereof.

11. Amend § 909.25 by deleting the proviso at the end thereof.

12. Amend § 909.26 by deleting the present provisions and substituting therefor the following:

§ 909.26 *Handler carryover.* "Handler carryover" as of any given date means all almonds (except almonds held as certified surplus) wherever located, then held by handlers or for their accounts (whether or not sold), not including any almond products.

13. Amend § 909.27 by deleting the present provisions and substituting therefor the following:

§ 909.27 *Trade demand.* "Trade demand" means the quantity of almonds which commercial distributors and users such as the wholesale, chain store, confectionery, bakery, ice cream, and nut salting trades will acquire from all handlers during a crop year for distribution in continental United States, Alaska, Hawaii, Puerto Rico, and the Canal Zone. Unless otherwise stated it shall be expressed in terms of kernel weight.

14. Amend § 909.41 (e) by deleting therefrom the proviso at the end thereof.

15. Delete § 909.42.

16. Amend § 909.43 by deleting the present provisions and inserting in lieu thereof two sections as follows:

§ 909.43 *Nominations*—(a) *Method.* Nominees for the respective member and alternate member positions shall be chosen by ballot delivered to the Control Board. Nominees chosen as provided herein shall be submitted by the Control Board to the Secretary on or before May 20 of each year together with such related information as he may require. If a nomination for any Board member is not received by the Secretary on or before May 20 he may select such member from persons belonging to the group to be represented, without nomination. The Control Board shall mail to all handlers and growers, other than cooperatives, of record the required ballots and all necessary voting information including the names of incumbents willing to accept renomination and, for growers other than cooperative representation, the name of any person proposed for nomination in a petition signed by 15 such growers and filed with the Board prior to mailing of the ballots. Distribution of ballots shall be announced by press releases furnishing pertinent information on balloting issued by the Control Board through newspapers and other publication having general circulation in the almond producing areas.

(b) *Voting.* (1) Nominees for each member and alternate member position shall be voted upon separately by the group proposing them. The handler or grower group which is determined to be eligible for additional representation pursuant to § 909.41 (e) and (f) respectively, shall nominate such representatives in the same manner prescribed for choosing other nominees.

(2) Each handler may vote for a nominee for each position representing the group to which he belongs. Each handler vote shall be weighted by the quantity of almonds (kernel weight basis computed to the nearest whole ton) handled for his own account through March 31 of the crop year in which nominations are made. The nominee for each position shall be the person receiving highest weighted vote for the position.

(3) Growers who market their almonds through cooperative handlers shall vote through their respective organizations. Each cooperative shall cast a vote for nominees for each position representing the cooperative grower group and such ballots shall be weighted by the number of growers who are members of, or under contract with, such cooperative. The nominee for each position shall be the person receiving the highest weighted vote for that position.

(4) Growers who market their almonds through other than cooperative handlers shall each have one equal vote. The nominees for each position representing such grower group shall be the person receiving the highest number of votes for that position.

§ 909.43a *Selection and term of office.* Members and their respective alternates shall be selected annually by the Secretary for a term of one year beginning June 10 and shall serve until their respective successors are selected and qualified.

17. Amend § 909.46 by deleting the present provisions and substituting therefor the following:

§ 909.46 *Vacancy.* To fill any vacancy occasioned by the death, removal, resignation or disqualification of any member or alternate of the Control Board, a successor for his unexpired term shall be selected by the Secretary after consideration of recommendations which may be submitted by members of the group in which such vacancy exists, unless such selection is deemed impractical by the Secretary due to the proximity of the end of the term or for other reason.

18. Amend § 909.50 (c) by deleting the present provisions and substituting therefor the following:

(c) *Voting by mail or telegram.* The Control Board may vote by mail or telegram upon due notice to all members including in the notice to each a statement of a reasonable time in which a vote by mail or telegram must be received by the Board manager or president for counting: *Provided,* That voting by mail or telegram shall not be permitted at any assembled meeting of the Board. When any proposition is submitted for voting by mail or telegram, one dissenting vote shall prevent its adoption by that method.

19. Amend § 909.62 by deleting the present provisions and substituting therefor the following:

§ 909.62 *Method of establishing salable and surplus percentages.* Whenever the Secretary finds from the recommendations and supporting information supplied by the Control Board or from any other available information, that to designate the percentages of almonds during such crop year which shall be salable almonds and surplus almonds would tend to effectuate the declared policy of the act, he shall designate such percentages. The salable and surplus percentages shall each be applied to the kernel weight of almonds received by a handler for his own account during the crop year, as provided in § 909.65. In establishing such salable and surplus percentages, the Secretary shall give consideration to the ratio of estimated trade demand, minus the handler carryover at

the beginning of the crop year, plus the desirable handler carryover at the end of the crop year, to the estimated production of almonds, all expressed in terms of kernel weight, the recommendation submitted to him by the Control Board, and such other data as he deems appropriate. The total of the salable and surplus percentages established each crop year shall equal 100 percent.

20. Amend § 909.63 by deleting the present provisions and substituting therefor the following:

§ 909.63 *Increase of salable percentage.* The Secretary may, on request of the Control Board made at any time prior to May 15 of any crop year (or if the Control Board shall fail to so request, upon the request within like time of two or more handlers who have handled during the immediately preceding crop year at least 15 percent of the total tonnage, in terms of kernel weight, handled by all handlers during such crop year), and after findings of fact, based upon a revision of the estimates required under § 909.64 and other pertinent information, that the salable almonds are not sufficient to satisfy trade demand for the crop year and requirements for a desirable carryover at the end of the crop year, increase the salable percentage. Such redetermination shall be made in the manner specified in § 909.62.

21. Amend § 909.64 by deleting the present provisions and substituting therefor the following:

§ 909.64 *Board estimates and recommendations.* (a) To aid the Secretary in fixing the salable and surplus percentages, the Board shall furnish to the Secretary, not later than August 1 of each crop year, the following estimates (expressed in terms of kernel weight) and recommendations, each of which shall be adopted by the affirmative vote of at least six members:

(1) The quantity of almonds to be produced;

(2) The handler carryover as of July 1;

(3) The desirable handler carryover at the end of the crop year;

(4) The trade demand, taking into consideration anticipated imports, economic conditions and the anticipated market price (within the limitations of the act); and

(5) The recommended salable and surplus percentages to be established.

(b) The Board shall also furnish to the Secretary a complete report of the proceedings of the Board meeting at which the recommended salable and surplus percentages to be fixed by the Secretary were adopted. If, for any reason, the Board fails to make these estimates or to recommend to the Secretary salable and surplus percentages as required hereby, reports representing the respective views of each member with respect to such matters shall be submitted to the Secretary and the Secretary may act on the basis of such reports or such other information as may be available to him.

22. Amend § 909.65 by deleting the present provisions and substituting therefor the following:

§ 909.65 *Surplus obligation*—(a) *Requirement for withholding.* Except as otherwise provided in §§ 909.66 and 909.68, every handler shall withhold from handling a quantity of almonds having a certified kernel weight equal to the surplus percentage of the kernel weight of all almonds such handler receives for his own account during the crop year and shall have such almonds inspected as required in § 909.84: *Provided,* That this provision shall not apply to any lot of almonds for which the surplus obligation has been met by a previous holder and the handler acquiring such almonds makes a report thereof to the Control Board accompanied by a certification from the previous holder that the surplus obligation for such almonds has been met. Such almonds so withheld shall be set aside and thereafter kept for the account of the Control Board and, from the date of withholding, and at all times thereafter, shall be kept by the handler available for inspection by the Control Board or its agents. Such almonds shall be stored in such manner as to maintain them in the same condition as when certified as surplus except for loss through fire, acts of God, acts of war, riot or other conditions beyond the handler's control. Upon demand of the Control Board they shall be delivered to the Board f. o. b. handler's warehouse or point of storage, except that the Control Board shall not make such demand upon a handler with respect to surplus almonds for which the time for withholding has been deferred pursuant to § 909.66. All such surplus almonds so withheld by the handler shall be, at the time of withholding, placed by the handler at his expense in suitable containers which may be prescribed by the Control Board and following inspection shall be identified by appropriate seals or stamps or tags to be furnished by the Board and to be affixed to the containers by the handlers under the direction and supervision of the inspectors or the Control Board. The quantity of almonds hereby required to be withheld shall constitute, and may be referred to as, the "surplus" or "surplus obligation" of a handler. The almonds handled by any handler in accordance with the provisions of this part shall be deemed to be that handler's quota fixed by the Secretary within the meaning of section 8 (a) (5) of the act.

(b) *Requirements for surplus.* A lot of almonds to be eligible for use in satisfying the surplus obligation of a handler must meet the following requirements, and the weight to be certified and credited as surplus shall be the kernel weight less any inedible kernel weight in excess of three percent of its edible kernel content: (1) The almonds in such lots shall be dry and properly cured, (2) lots of unshelled almonds shall not have more than 10 percent of the almonds by count affected by adhering hulls (where more than 10 percent of the surface is affected) and shall not contain more than 5 percent by weight of loose shells, hulls and other foreign material; and (3) lots of shelled almonds shall not contain, in the aggregate, more than 15 percent by weight of unshelled almonds and shells, loose hulls, and other foreign material and not more than 40 percent inedible kernels. The kernel content of unshelled almonds shall be included in determining edible and inedible kernel weight. The Secretary upon the recommendation of the Control Board may modify these requirements or establish additional requirements including grade requirements for lots of surplus for export or disposition into outlets for human consumption as kernels.

23. Amend § 909.66 by deleting the present provisions and substituting therefor the following:

§ 909.66 *Deferment of time for withholding surplus and procedure*—(a) *Deferment of time.* Compliance by any handler with the requirements of § 909.65 for withholding surplus shall be deferred to any date desired by the handler but not later than May 15 of the crop year, upon the voluntary execution and delivery by such handler to the Control Board of a written undertaking that on or prior to a date within the deferment period herein authorized, he will have fully satisfied his surplus withholding obligation required by said § 909.65. Such undertaking shall be secured either by almonds owned by the applying handler and pledged to the Control Board or by a bond or bonds to be filed with and acceptable to the Control Board in the amount or amounts hereinafter specified conditioned upon full compliance with such undertaking.

(b) *Procedure when almonds are offered as security.* In case the applying handler desires to pledge almonds as security, such almonds shall be owned by him free and clear of any and all liens or encumbrances and shall be in a quantity, kernel weight basis, equal to or in excess of the quantity for which deferment is desired, such quantity to be determined pursuant to rules and regulations prescribed by the Control Board with the approval of the Secretary. The applying handler shall execute and deliver to the Control Board appropriate instruments which shall authorize the Board, in case of default, to sell the pledged almonds up to the quantity represented by the deferred surplus obligation as soon as practicable in the most favorable surplus outlets available, and to remit the proceeds, less Board expenses in connection therewith, to the defaulting handler. Pledged almonds in excess of the deferred obligation shall be returned to the defaulting handler, who shall be charged with any board expenses in connection with such excess quantity. The applying handler, in pledging almonds to the Board, shall agree in writing that he will: store the pledged almonds in bulk storage bins or other containers regularly used by almond handlers, separate and apart from all other almonds; permit inspection of such almonds by the Board or the inspection agency at any time; maintain such almonds insofar as is reasonably practicable in the same condition as when offered as security; store such almonds in a manner that they can be readily identified, weighed, measured, and sampled; and place or cause to be placed on the bins or other containers such seals, tags, stamps or other means of identification



as shall be prescribed by the Control Board, and not remove or permit to be removed such identification except under supervision or direction of the Board.

(c) *Procedure when a bond is offered as security.* (1) In case the applying handler desires to furnish a bond as security, such bond shall be provided at the handler's expense, shall be acceptable to the Control Board, with a surety or sureties acceptable to the board, and shall be in an amount computed by multiplying the pounds of almonds, kernel weight basis, for which deferment is desired by the bonding rate. Such bonding rate shall be computed by the manager of the Control Board and shall be the average (to the nearest half cent) of the current season's opening prices per pound for shelled almonds known as nonpareil shelled count-to-the-ounce almonds 20/22, 23/25, and 27/30, f. o. b. shipping point, in sacks of any handler or handlers who during the preceding crop year handled 51 percent of the almonds handled by all handlers. Such handler or handlers shall be selected in order of volume handled in the preceding crop year, using the minimum number of handlers to represent a volume of 51 percent of the total volume handled. If the prices of one handler only are involved such average shall be a simple average of such prices. If the prices of two or more handlers are involved for the designated almonds, the simple average price of each such handler shall be weighted by the total quantity of almonds handled by him during the preceding crop year. Handlers whose prices are to be used as aforesaid shall furnish the Board with information necessary to compute the bonding rate. Until the bonding rate can be computed in any new crop year, the bonding rate to be used shall be computed as herein provided on the basis of the most recent price lists of such handlers. In the event the average price used in computing the bond rate changed by 5 percent or more, the bonding rate shall be recomputed and the amount of the handler's bond shall be adjusted on the basis of such revised bonding rate. This method of establishing and adjusting the bonding rate may be modified by the Secretary after consideration of a Board recommendation.

(2) In case a handler defaults in meeting his deferred surplus obligation, any funds collected by the Board from the bonding company through such default shall be used by the Control Board to purchase from handlers a quantity of almonds, kernel weight basis, up to but not exceeding the quantity on which the default occurred. Purchases shall be made from almonds with respect to which the surplus obligation has been met, and shall be of grades, varieties or sizes, and in such containers as the Board specifies in consideration of available surplus outlets. Purchases shall be at the lowest prices at which such almonds are offered and if more almonds are offered than required by the Board, it shall make the purchases from various handlers as nearly as practicable in proportion to the quantity of their respective offerings at the same price. The control Board shall dispose of the almonds acquired as soon as practicable in the most favorable surplus outlets and shall remit the proceeds from such sales less Board expenses in connection with such transaction, to the defaulting handler.

(3) If any balance should remain, after purchases and dispositions are made pursuant to the provisions of this paragraph in a quantity equal to the defaulted obligation, such balance shall be remitted to the defaulting handler. If for any reason the Board is unable to purchase a quantity of almonds as large as the quantity of surplus in default by the handler, any remaining balance of funds received because of the default less expenses of the Board, shall be remitted to all handlers, other than the defaulting handler, in proportion to the ratio of each such handler's surplus obligation to the total surplus obligation of all such other handlers for the crop year with reference to which the default occurred.

(d) *Effect of satisfaction.* A handler who has defaulted on his bond shall be credited on his surplus obligation with that quantity of almonds represented by the sums collected divided by the bonding rate.

24. Amend § 909.67 by deleting the present provisions and substituting therefor the following:

§ 909.67 *Payment to handlers for services rendered.* The Control Board may pay handlers for necessary services rendered by handlers in connection with almonds eventually disposed of as surplus including but not limited to storing, shelling, sorting, bleaching, grading, packaging, fumigating, and other services in accordance with such schedule of payments as may be established by the secretary after recommendation of the Control Board.

25. Amend § 909.68 by deleting the present provisions and substituting therefor the following:

§ 909.68 *Interhandler transfers.* Any handler, may, upon notice to, and under the supervision and direction of the Control Board, transfer to another handler requesting such transfer, surplus credits or almonds. Any such transfers of almonds shall be accounted for in such manner that the surplus obligation and assessments on the combined transactions of the participating handlers shall be fully met and such surplus obligation and assessments may be divided between such handlers in accordance with their arrangements subject to approval of the Control Board.

26. Amend § 909.69 by adding thereto the following sentence: "The Board shall be kept fully informed by handlers in regard to their interhandler transfers so that its records will reflect accurately the status of each handler's surplus obligation."

27. Delete § 909.71.

28. Amend § 909.72 by deleting the present provisions and substituting therefor the following:

§ 909.72 *Exchange of surplus almonds.* Any handler who has withheld surplus almonds pursuant to the requirements of § 909.65 and has had the same certified as surplus almonds may exchange therefor, to the extent that such almonds have not been disposed of, an equal quantity, by certified kernel weight, of other almonds which he has on hand or which he acquires. Any such exchange shall be made under the supervision and direction of the Control Board with appropriate inspection and certification of the almonds involved.

29. Amend § 909.73 by deleting the words "edible kernel weight poundage" where they appear in the second paragraph of said section and substituting therefor the words "certified kernel weight"; and by deleting the next to last sentence of the section.

30. Amend § 909.81 by deleting the word "edible" where it appears before the words "kernel weight" in the last sentence of the section.

31. Amend § 909.82 by deleting the present provisions and substituting therefor the following:

§ 909.82 *Determination of kernel weight*—(a) *Almonds for which settlement is made on kernel weight.* All lots of almonds, whether shelled or unshelled, for which settlement is made on the basis of kernel weight shall be included in the total kernel weight for any handler at the settlement weight.

(b) *Almonds for which settlement is made on unshelled weight.* Any unshelled almonds for which settlement is made on the basis of unshelled weight shall be included in the total kernel weight for any handler at the settlement weight of such unshelled almonds multiplied by the applicable shelling ratio in accordance with § 909.161.

32. Amend § 909.83 by deleting the present provisions and substituting therefor the following:

§ 909.83 *Redetermination of kernel weight.*—The Control Board on the basis of reports by handlers as required in §§ 909.111 through 909.114 shall redetermine the kernel weight of all almonds received by each handler for his own account during each crop year (and on which surplus has not been contributed by a previous handler) through each of the following dates: December 31, March 31, and June 30. Such redetermined kernel weight for each handler shall be the base for application of the surplus percentage in computing such handler's redetermined surplus obligation for the crop year through such dates. Such redetermined kernel weight for each handler as of any date during the crop year shall be his carryover as of that date, plus deliveries of salable almonds, plus certified surplus for such crop year to that date (whether or not delivered), minus his carryover at the beginning of the crop year. Adjustments shall be made for almonds on which the surplus obligation has been assumed by a previous handler. Weights used in such computation for various classifications of almonds shall be: (a) For unshelled almonds, other than certified surplus, the kernel weight computed by application of shelling ratios authorized pursuant to § 909.161; (b) for unshelled almonds certified as surplus, the certified kernel weight; (c) for shelled almonds other than certified surplus, the net weight; (d) for shelled almonds cer-

tified as surplus, the certified kernel weight; and (e) for shelled almonds used in production of almond products, the weight of such almonds. Such examination or audit of handler's records as the Board makes shall be at the Board's expense and under uniform procedure.

33. Amend § 909.84 by deleting the present provisions and substituting therefor the following:

§ 909.84 *Inspection and certification of surplus.* Each handler shall cause an inspection to be made of all almonds withheld by him in satisfaction of his surplus obligation, as soon as practicable after withholding or at such times as the Board may require, to determine that such almonds meet the requirements specified in § 909.65 (b) and to ascertain the kernal weight to be certified. The Board shall check handlers' records and plants from time to time to verify that the withholding requirements are being complied with and shall use the reports submitted pursuant to §§ 909.111 through 909.114 in checking compliance. Each handler shall obtain an inspection certificate from the inspection agency and furnish such certificate to the Control Board. The handler shall bear the costs of the inspection and the certificate. The inspection certificate shall show, in addition to such other requirements as the Control Board may specify, the identity of the handler, the kind and number of containers in the lot and any brands or labels, whether the lot is shelled or unshelled, the variety or varieties of almonds in unshelled lots, the certified kernal weight contained in the lot, and that such lot meets the grade requirements for surplus almonds. Lots certified as surplus shall be identified by seals furnished by the Board and attached to the twine of each sack, by the handler under the supervision of the inspector. If the surplus is in containers other than sacks, or if it is for export, it may be stamped or identified as the Board may require. Provisions of this section may be modified by the Secretary upon recommendation of the Board.

34. Amend § 909.101 (e) by deleting the present provisions and substituting therefor the following:

(e) *Disposition after September 1.* Any surplus almonds remaining unsold as of September 1 shall be disposed of by the Board as soon as practicable through the most readily available surplus outlets. The date of September 1 herein specified may be extended to a later date by the Secretary, upon recommendation of the Board.

35. Amend § 909.102 by deleting the period and inserting at the end of the second sentence thereof the following: "or may acquire credits for surplus disposition from another handler in accordance with § 909.68"; and by changing the date "August 1" wherever it appears in said section to "September 1"; and by adding at the end of the section the following sentence: "The date of September 1 herein specified may be extended to a later date by the Secretary upon recommendation of the Board."

36. Amend § 909.103 by changing the dates July 31 and August 1, wherever they appear in said section, to August 31 and September 1, respectively; and by adding at the end of § 103 (a) the following: "If the date of September 1 specified in § 909.102 is extended, the dates of August 31 and September 1 herein specified shall be extended correspondingly."

37. Amend the heading: "reports, books and records" and §§ 909.111, 909.112, 909.114, and 909.115 by deleting the present provisions of said sections and substituting therefor the following:

RECORDS AND REPORTS

§ 909.111 *Records.* Each handler shall keep records which will clearly show the details of his receipts of almonds, withholdings, sales, shipments, inventories, surplus disposition and other pertinent information in respect to his operations pursuant to the provisions of this part. Such records shall be retained by the handler for two years after the end of the crop year to which they apply. Each handler's premises where almonds are held and where the aforesaid records are kept shall be acessible to authorized representatives of the Board and the Secretary for inspection and observation of the almonds, and for examination and audit of the aforesaid records. Each handler shall furnish all labor necessary to facilitate any inspection of the almonds which may be made by the Board or the Secretary. The Board or the Secretary shall make such checks or audits of each handler's records each crop year as is deemed appropriate by the Secretary to insure that accurate information as required in this part is being furnished by handlers to the Board.

§ 909.112 *Reports.* On or before January 15, April 15, and July 15 of each crop year, each handler shall file with the Control Board a written report, certified to the Board and to the Secretary by such handler as to its completeness and correctness, containing the following information pertaining to the crop year operations as of the close of business on December 31, March 31, and June 30, respectively:

(a) *Handler carryover regardless of year of production and whether or not sold.* (1) Weight of unshelled almonds by varieties.

(2) Weight of shelled almonds by varieties.

(b) *Surplus almonds in inventory, whether or not sold, segregated by crop years.* (1) Weight of unshelled certified surplus.

(2) Weight of shelled certified surplus.

(c) *Sales and deliveries during the crop year.* (1) Weight of sales of unshelled salable almonds by varieties, segregated as to delivered and undelivered.

(2) Weight of sales of shelled salable almonds by varieties, segregated as to delivered and undelivered, including therein as delivered, the kernel weight of almonds used in producing almond products other than those authorized as outlets for surplus.

(3) Weight of sales of unshelled certified surplus, segregated as to delivered and undelivered and by crop years.

(4) Weight of sales of shelled certified surplus, segregated as to delivered and undelivered, and by crop years, including therein as delivered, the weight of shelled almonds used in producing almond products authorized as outlets for surplus.

§ 909.114 *Confidential nature of records and reports.* All information contained in handler records made available to the Board or the Secretary, or in reports to the Board, constituting a trade secret or disclosing the trade position, financial condition, or business operations of any handler shall be considered as confidential information. Such information received by the Board, shall be kept in the custody and under the control of one or more employees of the Board, who shall disclose such information to no person except the Secretary.

38. Amend § 909.120 by striking out the proviso contained therein referring to the first year of operation.

39. Amend § 909.121 (a) by deleting the present provisions and substituting therefor the following:

(a) *Requirement for payment.* Each handler shall pay to the Control Board on demand by the Board, from time to time, such sum, not to exceed two-tenths of one cent, per pound of almonds, kernel weight basis, received by him for his own account (except as to receipts from other handlers on which assessments have been paid) as the Secretary finds is necessary to provide funds to meet the authorized Board expenses for the crop year and to provide an adequate carryover into the next crop year. Upon redetermination of the kernel weight of almonds received by handlers for their own account as provided in § 909.83, such redetermined kernel weight for each handler shall be the basis upon which he shall pay assessments at the aforesaid rate. At any time during or after a crop year, the Secretary may increase the rate of assessment to apply to all such almonds during such crop year to secure sufficient funds to cover the expenses authorized by § 909.120 or by any later finding by the Secretary relative to the expenses of the Control Board, and such additional assessments shall be paid to the Control Board by each handler on demand.

40. Delete the heading "Appendix I—Schedule of Payments to Handlers for Services Rendered in Connection With Surplus Almonds" and delete §§ 909.151, 909.152, 909.153, and 909.154.

41. Delete the heading "Appendix II—Varietal Shelling Ratios Applicable to Unshelled Almonds" and amend § 909.161 by deleting the word "edible" where it appears before the words "kernel weight" immediately preceding the table; and by adding after the table, the following paragraph:

Lots of unshelled almonds designated by a handler as unknown or unnamed varieties, or varieties of a name not listed in this section, also lots of mixed varieties (lots containing more than 10 percent by weight of unshelled almonds which differ materially in shape or appearance from the predominant variety in the lot) shall be converted to kernel weight at 60 percent, unless the handler, at his expense, furnishes an inspection certificate applicable to the lot, issued by the inspection agency, showing the kernel weight content of the lot. The shelling ratios in this section may be changed by the Secretary, and shelling ratios for other varieties may be specified by him, upon consideration of a Control Board recommendation and other available data.

42. Make such other changes as may be necessary to make the entire marketing agreement and order conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing may be obtained from the Hearing Clerk, Room 112 A, Administration Building, Washington 25, D. C.; from the Western Marketing Field Offices of the Fruit and Vegetable Division, Agricultural Marketing Service, at Room 300, Old P. O. Building, 701 K Street, Sacramento 14, California, and at 1515 Clay Street, Oakland 12, California; and at the Almond Control Board Office, Forum Building, Room 721, Sacramento 14, California.

Done at Washington, D. C., this 18th day of May 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator,*
*Marketing Services.*

[F. R. Doc. 56-4048; Filed, May 22, 1956; 8:49 a. m.]

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## [ 7 CFR Part 942 ]

[Docket No. AO-103-A14]

MILK IN NEW ORLEANS, LA., MARKETING AREA

NOTICE OF EXTENSION OF TIME FOR FILING EXCEPTIONS TO A TENTATIVE DECISION WITH RESPECT TO A PROPOSED AMENDMENT TO THE ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and orders (7 CFR Part 900), notice is hereby given that the time for the filing of exceptions to the tentative decision of the Assistant Secretary, with respect to a proposed amendment to the order, as amended, regulating the handling of milk in the New Orleans, Louisiana, marketing area, which was issued May 2, 1956 (21 F. R. 3203), is hereby extended until May 25, 1956.

Dated: May 18, 1956.

[SEAL] EARL L. BUTZ,
*Assistant Secretary.*

[F. R. Doc. 56-4050; Filed, May 22, 1956; 8:49 a. m.]



## [ 7 CFR Part 957 ]

[AO-150 A-2]

POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER, AS AMENDED

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR Part 957)[1] regulating the handling of potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, to be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), hereinafter called the "act." Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the fifteenth day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

*Preliminary statement.* The public hearing on the record of which the proposed amendment to the marketing agreement and to the order, as amended, was formulated was held at Pocatello, Idaho, on January 19–21, 1956, pursuant to notice thereof which was published December 21, 1955, in the FEDERAL REGISTER (20 F. R. 9825). Such notice sets forth proposed amendments.

To facilitate reference to the specific documents mentioned in this proceeding, Marketing Agreement No. 98 and Order No. 57, as amended, are hereinafter referred to as the "present order." The proposed amendments to Marketing Agreement No. 98 and Order No. 57, as amended, are hereinafter referred to as the "proposed order."

*Material issues.* The material issues presented on the record of the hearing are as follows:

(1) The right to exercise Federal jurisdiction.

(2) The amendment of (a) § 957.1 *Secretary* to include employees of the United States Department of Agriculture among the persons to whom authority may be or has been delegated to act in the stead of the Secretary, (b) § 957.2 *Act* to add the citation of the statute pertaining to the amendments to the act passed by the 83d Congress, and (c) § 957.3 *Person* to conform the definition thereof to that set forth in the act.

(3) The amendment of (a) § 957.7 *Seed potatoes* to delete "the State from which the potatoes are shipped" and substitute "the State in which the potatoes are grown", (b) § 957.8 *Handler* to further set forth the persons to whom the proposed order and rules and regulations thereunder would apply, and (c) § 957.9 *Ship* or *Handle* to extend its applicability to sales and the transportation of potatoes within the production area except the movement of potatoes within the area for certain purposes.

(4) The amendment of § 957.12 *Fiscal year* to change the fiscal year from June 1 to May 31 following, to a period beginning and ending on the dates approved by the Secretary pursuant to recommendations by the committee.

(5) The renumbering and amendment to § 957.13 *Grade and size* to provide current citations, whether to include United States Standards for Grades of Peeled Potatoes, and to identify the Idaho and Oregon State standards for potatoes as those issued by the State of Idaho or Oregon whichever is applicable.

(6) The addition of a new § 957.13 to define "Prepare for market".

(7) The renumbering and amendment of § 957.15 *District* so as to cover redistricting.

(8) The addition of a new § 957.15 to define "Pack" and a new § 957.16 to define "Container".

(9) The addition of a new § 957.19 to define "Marketing season", and whether to include new sections defining the terms "Table stock potatoes" and "processor".

(10) The renumbering and amendment of § 957.20 to provide for the additional membership on the Idaho-Eastern Oregon Potato Committee and to set forth producer members' qualifications.

(11) The renumbering and amendment of § 957.21 to change the terms of office of committee members.

(12) The addition of a new § 957.28 to provide for "Redistricting" of the production area and the reapportionment of committee membership.

(13) The renumbering and amendment of (a) § 957.23 to provide for the selection of the enlarged committee membership, (b) § 957.24 to provide an altered procedure for the nomination of committee members, and (c) § 957.25 to provide appropriate language and cross-references.

(14) The renumbering and amendment of (a) § 957.28 to provide that alternate members may perform duties as assigned or requested by the committee, (b) § 957.29 to increase the number of committee members necessary to constitute a quorum, and (c) § 957.30 to increase the rate of reimbursement to committee members, to authorize the committee to request alternates to attend committee meetings, and to provide for the payment of expenses and compensation of such alternates.

(15) The amendment of §§ 957.40 to 957.46, inclusive, to authorize (a) incur-

[1] The recodification of Order No. 57, as amended, originally appeared at 16 F. R. 10765.

ring of reasonable and necessary expenses by the committee, (b) preparation of an estimated budget of income and expenditures likely to be incurred by the committee, (c) the levying of assessments to cover such expenses, and (d) the accounting and refunding of any excess funds collected.

(16) Authority for the establishment of potato marketing research and development projects.

(17) The amendment of §§ 957.50 to 957.54, inclusive, to delete the present provisions contained in these sections and to substitute new sections which require the submission of a marketing policy, authorize recommendation of regulations by the committee, and provide for the issuance of limitation of shipment regulations by the Secretary, and whether to exempt from such regulations the movement of potatoes within the production area for certain purposes.

(18) The renumbering and amendment of § 957.57 to delete the proviso that inspection or payment of assessments may be required at different times than specified by other provisions of this part.

(19) The amendment of § 957.65 so as to (a) authorize the inspection of all shipments during any period which regulations are in effect; (b) require reinspection of regraded, resorted, or repacked lots which have had prior inspection; (c) authorize the committee to establish, with the approval of the Secretary, a length of time for which an inspection certificate may be valid; and (d) provide that a copy of each inspection certificate issued by the inspection service be made available to the committee.

(20) Whether to delete the provisions relating to the issuance of exemption certificates and procedures applicable thereto.

(21) The amendment of § 957.83 by inserting "(a)" after the title *Effective time*, and by adding a new paragraph (b) so as to specify that the rules and regulations in effect under the present order at the time the proposed order is promulgated shall continue in force and effect until subsequent modification or termination.

(22) The making of such other changes as may be necessary to make the proposed order conform to the amendments which are contained herein.

*Findings and conclusions.* The findings and conclusions on the material issues all of which are based upon the evidence adduced at the hearing and the record thereof are as follows:

(1) The right to exercise Federal jurisdiction under the act and under the proposed order is established by the fact that all sales and transportation of potatoes grown in the Idaho portion of the production area and in Malheur County, Oregon (hereinafter referred to as the "production area") are in the current of interstate or foreign commerce or directly burden, obstruct, or affect such commerce.

Order No. 57 was originally issued September 2, 1941, and subsequently amended January 16, 1950. The present order (Order No. 57, as amended) governs such handling of production area potatoes as is not only in interstate commerce but also in intrastate commerce between the production area and the non-production area regions of the State where the potatoes were grown. In other words, the right of Federal jurisdiction is being exercised under the present order with respect to the handling of potatoes within the States of Idaho and Oregon.

One of the briefs in this proceeding asserted that the extension under the proposed order of Federal jurisdiction over intrastate handling transactions will come into direct conflict with the State authority in a zone heretofore reserved to the State of Idaho, one of the States involved in the production area. But, as already indicated, the present order exercises the Federal authority with respect to such handling transactions as are between the production area and points within the remainder of Idaho, and, in fact, grade and size regulations, including modifications thereof, were in effect with regard thereto during past seasons. The extension of such jurisdiction to encompass all intrastate handling activities within the production area is feasible, appropriate, and proper to the effectuation of the declared policy of the act. The record evidence supports such extension in the manner indicated in the proposed order.

Any handling of potatoes grown in the production area exerts a direct influence upon all other handling of such potatoes. A factor or factors which influence the market at shipping point soon are reflected in prices in terminal markets, subject to the effect of location factors, and, in turn, factors influencing prices in receiving markets are soon reflected in the market at shipping point. For example, terminal market prices are directly and adversely affected whenever excessive supplies of unsold potatoes of suitable market quality are accumulated in the production area. Frequently potatoes are prepared for market and loaded aboard cars or trucks within the production area at such a rate that it is not possible for shippers to find buyers to purchase such potatoes at reasonable prices. The presence of such quantities of unsold potatoes in the production area is, therefore, a direct burden on the market because terminal market prices are influenced thereby. Such burdensome supply tends to depress prices in terminal markets at points beyond the production area as well as within such area. Changes in the supply of potatoes in the production area being marketed at any particular time and changes in estimates of available potato supplies directly affect the price of potatoes in terminal markets.

A substantial portion of the potato crop grown in the production area is utilized or consumed within such area. Although potatoes are produced primarily for fresh market sale both within the production area and outside of Idaho and Oregon, an ever increasing quantity is used for processing potatoes into certain products, especially within the production area. The Idaho potato processing industry has made great strides during recent years in terms of newly developed potato products and enlarged plant capacity, and further expansion of processing facilities for the manufacture of dehydrated products and starch appears likely in the near future within Idaho.

One of the briefs filed in this proceeding asserted that shipments of Idaho potatoes grading less than U. S. No. 2 within the area do not directly burden, obstruct, or affect interstate commerce in production area potatoes.

However, the record shows that one of the processors testified that had it not been for the doubling during the past year of the plant capacities by processors in the area, the excessively large 1955 crop of potatoes would have sold at low prices. He further testified that his plant is in constant competition with every fresh market shipper in securing potato supplies which include field-run and cull potatoes, and some better quality potatoes depending on price. Also, if it were not for the fact his processing plants had acquired, and utilized, during the current season an aggregate of approximately one million bags of U. S. No. 1 and U. S. No. 2 grade potatoes (included in its field-run purchases), the producers would be getting very little for their potatoes on the commercial market. This shows a real and direct effect on the price of the remainder of the potato crop that was sold in the commercial fresh market during a season of high production of potatoes in the production area.

Slightly in excess of 18 percent of the production of 1954 crop Idaho potatoes went to processing outlets official estimates indicate. Approximately 7.5 million bushels out of a total crop of 40.8 million bushels were converted into starch, flour, dehydrated products, and other potato products, the bulk of which moved out of the production area to points outside thereof in interstate commerce.

Estimates supplied by processors testifying at the hearing indicate a somewhat greater utilization of production area potatoes as follows: 3 to 4 million hundredweight in starch, slightly more than 2 million hundredweight dehydrated, 0.6 million hundredweight in flour, and slightly more than 1 million hundredweight in other products, including frozen French fries and other frozen and canned products.

Potatoes are also handled in the production area as seed and for livestock feed, as well as for fresh use for human consumption. Approximately 3.6 million bushels of seed, including 1.5 million bushels used on the farms where grown, were used in Idaho from the 1954 crop. This same crop provided about 2.7 million bushels of potatoes which were fed to livestock.

During the past several years poor grades and off-size of potatoes have frequently been sold in the fresh market within the production area. Each sale of such poor-grade and off-size potatoes displaces an equivalent quantity of more desirable potatoes, such as those that meet grade and size regulations, which tends to depress the price of such better potatoes. Also, the substitution of poorer potatoes makes it necessary to find another market within or outside the area for such better potatoes which results



in adding potatoes to the supply thereof in such new market. Any such increase in supply has a direct and opposite effect on the price of potatoes in markets outside the area. Any loss of a local market for good quality potatoes, as a result of the sale of unregulated (poor quality) potatoes, forces the shipper in the production area to seek markets elsewhere. Shipments of potatoes originating in Idaho are transported by rail or by truck to other points in Idaho and sold for use as fresh potatoes. The sale of discounted grades and sizes of Idaho or Malheur County, Oregon, potatoes for fresh table use within the production area tends to depress the market for better grades and sizes which constitute the bulk of potatoes grown and handled in the production area. The sale of discounted grades and sizes, such as pickouts or culls, for table use within the production area directly affects the market price level for all potatoes and, in turn, the prices which farmers receive for their potatoes. Also, potatoes move between Idaho and Malheur County, Oregon. These sales and transportation of potatoes within the production area constitute a direct burden upon interstate commerce in potatoes grown in the production area, or are in interstate commerce.

It is common practice for handlers to load potatoes at shipping points within the production area and to ship such potatoes to markets within such area, and, before or upon arrival at such markets, to divert such potatoes to markets outside the production area. It is impossible, in many cases, at the time potatoes are sold, especially to truckers, to determine finally whether such potatoes will be marketed by the trucker within the production area or at a point outside thereof. Further the extension of the authority in the proposed order to cover all handling of potatoes within the production area will greatly aid in effecting compliance with the regulatory program and thereby tend to effectuate the declared policy of the act. Under the present order, it is difficult for the committee to ascertain at the time a shipment of potatoes is so diverted within the production area whether such diversion is to a point outside thereof and whether the potatoes are of the proper grade and size.

To the extent that potatoes are diverted and fail to comply with the then current grade and size regulation or are not inspected and certified, such diversion would tend toward disorderly marketing conditions. To regulate intra-production area handling transactions to correct such disorderly marketing conditions would, therefore, tend to effectuate the declared policy of the act.

The season average prices received by farmers for production area potatoes have, since 1949, ranged from a low of $0.54 to as high as $1.54 per bushel. These prices are equivalent to a range of 36 to 112 percent of parity. During the 1954 season, growers averaged $1.11 per bushel, equivalent to 96 percent of parity. However, the average price was down to $0.57 per bushel or 46 percent of the parity equivalent price during the 1953 season.

The U. S. average price received by farmers for potatoes as of December 15, 1955, was $1.44 per bushel or 57 percent of parity. The average price received by Idaho farmers for the same date was $0.60 per bushel. In view of the foregoing, it is not expected that the season average price received by farmers in the production area for their potatoes will equal the parity equivalent price therefor.

The direct relationship between growers' prices, f. o. b. shipping point prices, and terminal market prices is reflected in the following schedule of prices (hundredweight basis, U. S. No. 1, Size A, 2 inches minimum Russets, sold in Chicago during the 1954–55 season):

| Week ending | Growers' prices | F. o. b. prices at shipping point | Terminal market prices |
|---|---|---|---|
| | *Dollars* | *Dollars* | *Dollars* |
| Aug. 14, 1954 | 2.25–2.45 | 2.85–3.25 | 4.25 |
| Sept. 18 | 1.80–2.00 | 2.65–2.90 | 4.00–4.25 |
| Oct. 16 | 1.40–1.70 | 2.10–2.35 | 3.40–3.75 |
| Nov. 27 | 1.65–2.25 | 2.25–3.00 | 3.80–4.25 |
| Dec. 25 | 1.75–2.40 | 2.75–3.35 | 3.90–4.35 |
| Feb. 5, 1955 | 2.35–2.80 | 2.85–3.50 | 4.35–4.80 |
| Mar. 12 | 2.50–3.00 | 3.05–3.70 | 4.40–5.00 |

This direct relationship of prices at all of the various distributive levels is not restricted to shipments leaving the production area or to potatoes destined for such shipments. The price incentives that begin or cause the beginning of the preparation of potatoes for market are the same whether such potatoes are to be marketed within the production area or outside thereof. The grower does not receive any special or different price consideration solely on the basis of destination, all other factors, such as grade, size, or pack, being equal. Whether or not a grower's potatoes leave the production area or are consumed therein, after grading, is not involved in his returns therefrom. However, his return is directly related to terminal market prices determined by the trade in production area potatoes. The production area grower or shipper does not receive one f. o. b. price for potatoes destined for points within the production area and a different f. o. b. price for potatoes destined for Chicago or other terminal markets. The same factors determine each price.

(2) The definition of "Secretary" should include not only the Secretary of Agriculture of the United States, the official charged by law with responsibilities for programs of this nature, but also any other officer or employee of the United States Department of Agriculture who is or hereafter may be authorized to act in his stead. It is physically impossible for the Secretary to perform in person all functions and duties imposed upon him by law. The Secretary is empowered to delegate certain responsibilities and authority. The delegation of authority in the proposed definition of Secretary is provided by law and should be included in the definition as an appropriate means of promoting proper administration of the proposed order.

The definition of "act" should be amended to include the citation "68 Stat. 906, 1047" which refers to the recent amendments to the Agricultural Marketing Agreement Act of 1937, as amended, contained in the Agricultural Act of 1954. Such amendments authorize provisions for container regulation and for the establishment of research and development projects. This authority is contained in the proposed order.

The definition of "person" should be amended so to follow the definition of "person" as that term is defined in the act, which will insure that it will have the same meaning as used in the act.

(3) The definition of "seed potatoes" should be redefined as "certified seed potatoes" to make it clear that only such potatoes as are certified as seed potatoes by the appropriate state certifying agency will come within the scope of that term to preclude any misunderstanding as to the meaning of this term. Also, since seed potatoes are certified in the State where grown by the seed potato certifying agency of such state, rather than by a certifying agency of the State from which such potatoes are shipped, it is appropriate that the definition of the term should so provide.

The terms "handler" and "shipper" as used in the proposed order, are synonymous and they should be defined to identify those persons who handle potatoes in the manner described and set forth in the definition of "handle" because such persons are to be subject to the regulation by the proposed order. Any person who is engaged in the act or acts of handling or shipping potatoes or who causes potatoes to be handled or shipped should be considered as a handler. Such persons are responsible for the grade, size, quality, and maturity of potatoes delivered to transportation agencies, or which are transported or sold in the current of interstate or foreign commerce, or so as directly to burden, obstruct, or affect such commerce, and such persons are handlers.

Common or contract carriers transporting potatoes are performing a handling function, but when such potatoes are owned by another person such handling should not be regulated under the order because such carriers are not responsible for the grade, size, quality, or maturity of the potatoes being transported. Neither are they responsible for the introduction of such potatoes into the stream of interstate commerce. Also, the sole interest of common or contract carriers in such potatoes is to transport them for a service charge to destinations selected by others. The responsibility for the grade, size, quality, and maturity of such potatoes delivered to a common or contract carrier should be borne solely by the person or persons responsible for delivering such potatoes to the carriers.

The proposed order contains two changes in the definition of "handler". One such change is a substitution of "handle" for "ship" which is a conforming change. The other is the addition of the phrase "or who causes potatoes to be handled". This phrase should be made a part of the definition so as to include all persons responsible for the initiation and carrying out of the activities covered by the term "handle". Those persons, in addition to owners and officers of a firm handling potatoes, should include individuals who, in a supervisory capacity, are directly responsible for the sale or

transportation of potatoes. Therefore, the term handler or shipper should be defined to mean any person (except a common or contract carrier of potatoes owned by another person) who handles potatoes or causes potatoes to be handled; and such term should not be limited to any particular handler. All persons within the meaning of such term should be responsible for complying with the obligations imposed by or pursuant to the proposed order so as to assure that all potatoes will be handled in accordance therewith.

The term "handle" or "ship" is defined in the proposed order to indicate those transactions which determine whether a person is a handler and comes within the authority for regulation under this program. Ship and handle are synonymous. Handle should include the act of handling or shipping and the activities by handlers which are included within these terms. The handling of potatoes under the proposed order begins with the movement of such potatoes from the field where grown and continues to follow such potatoes until they are ultimately disposed of within the production area or leave the area. Handle should also mean the sale of potatoes at any point between the time that they begin to move from the field until they are ultimately disposed of within the production area or leave the area.

The growing and harvesting of potatoes in the production area are producer functions and should be construed as operations of the producer in his capacity as a producer. The digging of potatoes is a harvesting activity performed as a grower function, even though it is an essential preliminary to the marketing of potatoes because until potatoes are dug from the ground, their specific identity, kind, and quantity are unknown.

It is a common practice during the early part of the marketing season for some potatoes grown in the production area to move directly after grading to market. However, the great bulk of potatoes dug in the latter part of September and in October are stored and disposed of during the following seven to nine months. The storage within the production area and movement to such storage of such potatoes should not be considered as a handling activity and should be specifically exempt from regulation under the proposed order because such potatoes are ungraded, and have not yet otherwise been prepared for market. However, as soon as such stored potatoes start their movement out of storage, such movement, except for planting within the production area, whether to a packing house or to a processing plant, constitutes an act of handling.

The initial handling activity should begin when potatoes are moved from the field other than to storage. This activity should apply to all potatoes except those moved for preparation for market or storage within the production area or for planting therein. Some handlers pick potatoes from the field and put them in sacks or other containers and then haul them directly to market. Such potatoes also may be sold immediately after picking and move to market. In such instances the operation of picking potatoes constitutes a preparation for market because the person responsible for the picking has left some potatoes behind because they are too small or too large, or cut, or sunburned, or rotten, or in some other manner unsuitable for the market outlet to which the bulk of the potatoes are destined. The operation of picking the potatoes and of preparing them for market in any other manner is a handler function regardless of whether it is performed by the grower of such potatoes or by other because this operation makes such potatoes a visible and direct part of the supply of such potatoes available for market and it is the first step in actually moving such potatoes into market channels. Such potatoes can sometimes continue moving in market channels to the retailer or other ultimate outlet without further preparation for market. With the exception of the processes and activities specifically excluded from the term "handle", any movement of potatoes, whether ungraded or graded to points outside the production area should constitute handling. The picking, loading, hauling, or any other movement of such potatoes from the place where grown causes the potatoes to become a part of the visible supply of potatoes which are available for market, and directly burdens, obstructs or affects interstate commerce. The sale of such potatoes at any time after they are dug continues such potatoes in commerce because such sale constructively moves the potatoes in the stream of commerce from the seller to the buyer or consignee and actual movement of such potatoes in the stream of commerce pursuant to the instructions of the buyer or consignee constitutes sale or transportation, or both.

All potatoes grown in the production area, which are grown for market, are graded or otherwise prepared for market and such activities should be handler functions in the marketing of such potatoes which are included in the definition of handle or ship.

The movement of potatoes out of storage and the running of such potatoes over a mechanical grader, or the preparation of such potatoes for market by any other means, comes within the definition of handle because such activities determine the various outlets to which potatoes can go and they have a direct effect upon the price which potato growers shall receive for their crop. The matter of compliance with regulations which are authorized by the proposed order can be determined by the handler who is grading or preparing such potatoes for market. The primary responsibility for the grade, size, and quality of potatoes in any given unit, or in any given lot should rest with the person or persons responsible for the grading operation. Such persons determine the kind of potatoes which are put in the sack or the shipping unit.

The act of selling such potatoes makes the persons who make such sale a handler because such such sale directly affects the market for potatoes and it thereby becomes a burden or obstruction of interstate commerce in such potatoes. The transportation of potatoes also directly burdens, obstructs or affects interstate commerce in potatoes for it has a direct bearing on the market and the movement and sale of potatoes, regardless of whether such sale or movement is within the production area or to a point outside thereof, are so inextricably intermingled that such movement and sale become a part of the stream of interstate commerce.

The definition of handle should not include the sale of potatoes at retail by a person in his capacity as a retailer, or the growing and digging of potatoes because the latter activities are construed as being those of a producer in his capacity as such; and retailers and producers are exempt from regulation under the act with respect to retailer and producer functions, respectively. Also, the movement of potatoes within the production area for the purpose of having such potatoes prepared for market, stored, or planted in such area should not come within the scope of handling. All other activities from the time potatoes are picked until their ultimate disposition within the production area or shipment therefrom should, however, be included within handling.

(4) A fiscal period should be substituted for the presently defined fiscal year. Fiscal year is presently defined to include the period from June 1 of each year to May 31 of the following year. Under the definition of fiscal period, as hereinafter set forth, the fiscal period covers a period beginning and ending on dates recommended by the committee and approved by the Secretary. The committee should have this authority so as to recommend the period that is most practicable and workable. This permits the adjustment of the beginning and ending dates of the fiscal period to correspond to the extent practicable to the actual marketing season.

(5) The definitions of "Grade, and size" should be amended to provide current citations applicable to the United States Standards for potatoes. A reference to the States of Idaho and Oregon in connection with State potato standards should be included since the potatoes grown in the production area involve these two States. Testimony in the record does not support any basis for regulation in terms of the United States Standards for Grades of Peeled Potatoes. Therefore, the latter standards relating to peeled potatoes and any other reference to peeled potatoes are not included.

(6) The term "Prepare for Market" commonly referred to as "grading", should mean the sorting of potatoes by hand or mechanical means, or both, whereby such potatoes are separated into grade size, quality, or maturity classifications, or any combination thereof. Such classifications may be, and usually are, determined by a handler who directs in person, or who delegates responsibility to his agent, how and in what number of classes, including packs, the particular lot of potatoes shall be separated. Grading may vary from an operation performed entirely by hand which selects certain potatoes when they are picked up after digging, to the more common production line operation whereby potatoes are carried by mechanical conveyor through a series of washers, moving screens or belts, and over tables, where sizes are determined, and good quality, as represented by grades and sizes, or both, is separated from bad so that the potatoes which are to go to preferred price outlets are separated from those going to discounted price outlets. Such operation includes the packing of the various combinations of grades and sizes into their respective containers (or in the case of pickouts or culls, the usual bulk loading) and the loading, or setting aside for later loading, into rail cars or trucks for transportation to markets both within the production area and outside thereof. The grading or preparation for market is an operation that applies to all potatoes grown in the production area, even though the extent to which potatoes are separated into classes may vary considerably among the types of ultimate outlets. For example, potatoes destined for fresh market outlets usually result in a lot of such potatoes being carefully graded so that only the preferred qualities and sizes are shipped to such outlets while the off-grades and off-sizes, commonly referred to as "pickouts," go to starch plants, to livestock feeding operations, or to other types of outlets which do not require such careful separation into market classifications or do not demand preferred grades and sizes.

The definition of the grading operation "prepare for market" should mean the sorting or separation of potatoes into grades or sizes, or other market classifications, by any means, as set forth in the proposed order. Since the proposed order prohibits the handling of any potatoes that were prepared for market during so-called "shipping holidays", the definition of the term "prepare for market" will serve as the guide in determining whether a particular shipment may properly be made.

(7) The definition of "district" should be amended to provide for appropriate references to the new section, in the proposed order, relating to redistricting which contains authority for the reestablishment of districts and the reapportionment of committee membership.

(8) "Pack" should be defined as set forth in the proposed order as a means for establishing a method of regulation and as the basis for distinguishing among the various units in which potatoes are prepared for market and shipped. The term pack is commonly used throughout the potato trade and refers to a combination of factors relating to grade, size, and maturity of the potatoes and to the type of container. Among the common or usual packs handled by the potato industry in the production area are U. S. No. 1, size A, 2 inch or 4-ounce minimum, in 100-pound burlap bags or in 50-pound paper bags, or in 10-pound paper or mesh bags. The latter packs are loaded loose or in 50-pound master (paper) containers. Other packs may include those in which a particular size range, 6 to 10 ounces, for example, or perhaps 20 to 30 percent 10-ounces and larger, is packed in a given shipping unit according to the buyer's instructions. The common units in which production area potatoes are handled are 100-pounds, 50-pounds, 15-pounds, 10-pounds, and 5-pounds. Grades such as U. S. No. 1, U. S. No. 2, or Idaho Standard, may be tied in with any such unit, and, in addition, minimum and maximum sizes may also be specified.

The current trend in potato packs is toward the consumer-size package. However, other developments may occur in the future. The committee should be able to recommend such pack regulations as will permit taking advantage of any practice or innovation which may tend to improve growers' returns. Pack is merely a combination of grade, size, and container. The particular packs which may be handled should be specified by recommendation of the committee with approval of the Secretary, and thereby permit the tailoring of particular regulations to particular packs.

"Container" should be defined in the proposed order as a basis for differentiating among the numerous shipping units in which potatoes may move to market outlets. Authority for regulation by type of container was enacted by the 83rd Congress as an amendment to the Agricultural Marketing Agreement Act of 1937, as amended. Such authority should be included to permit the committee to recommend, and the Secretary to issue, rules and regulations which would fix the size, weight, dimensions, or pack of the container or containers which may be used in the packaging, transportation, sale, shipment, or handling of potatoes when to do so would effectuate the declared policy of the act. But there is no intent to extend such authority to cover any containers used in the handling of processed potato products.

(9) "Marketing season" or "season" should be defined in the proposed order because reference to this term is made a number of times in the proposed order and to indicate the period of time within which the potatoes of one crop year will generally move to market. The beginning date of July 1 coincides closely with the start of the late summer crop of potatoes grown in District No. 2 (Malheur County-Western Idaho). Handling of potatoes from this district generally starts about the middle of July and continues through most of September. The late crop potatoes start to move from District No. 1 (Eastern Idaho) and District No. 3 (Twin Falls-Burley area) during the latter part of September and continue through the following June. Marketing season, therefore, should be defined as the period from July 1 of one year to June 30 of the following year.

Testimony in the record does not support the need for a definition of "table-stock potatoes". Evidence indicates that the proposed definition is too inclusive, a residual term covering all potatoes not included within the definition of certified seed potatoes. The definition of such term is not necessary for the issuance of any regulations or other operation in connection with the proposed order; hence, it is not included.

It is necessary to include a definition of "process" in the proposed order because the section of the proposed order relating to the composition of the committee provides that one of the four handler members of the committee may be a processor. Processors gave considerable testimony at the hearing as to the probable effect of the proposed order on their operations, activities, and future plans. There is also evidence as to the possible adverse effect of regulation on shipments of potatoes for processing. In order to offer the substantial and expanding potato processing industry a voice in committee deliberations, the membership of the committee should permit the inclusion of one processor.

The term "process" should be defined to mean to manufacture or convert potatoes into any of the products thereof. The proposed order also authorizes the modification, suspension or termination of regulations applicable to potatoes shipped for processing in order to facilitate shipments for such purpose.

(10) The proposed order should provide for the selection by the Secretary of a committee, the Idaho-Eastern Oregon Potato Committee, composed of eleven members of whom seven should be producers and four should be handlers (one of whom may be a processor), and their respective alternates. The present order authorizes a committee of five producers and three handlers, a total of eight members. The change in total committee membership is necessitated by the increased representation proposed for Districts 1 and 3.

The section of the proposed order relating to the establishment of the committee should provide that employees of producers are eligible for committee membership in the same manner as the present order provides for corporate producers. Unincorporated producers should be able to be represented by employees since their interests as producers are basically the same. Many producers are also handlers.

For purposes of nomination and selection as a producer member, any such producer may also be a handler but at least 51 percent of the total quantity of potatoes handled by him must have been of his own production. This percentage requirement should assure producers throughout the production area that their representatives on the committee will be primarily concerned with and allied with producers' interests. To restrict the producer membership on the committee to growers who handled nothing but their own production, would deny committee membership to many able producers simply because they handled some of their neighbors' potatoes. For the same reason, such a requirement could disqualify a producer member during his tenure on the committee. The 51 percent requirement is deemed to be a reasonable one in determining producers' qualifications for nomination and selection. This type of eligibility should also be applicable to producers participating in nomination meetings.

(11) The proposed order should provide for a two-year term of office for committee members and alternates, so that five members, including three producers and two handlers, and their alternates, will end their respective terms of office on the first May 31 after the effective date of the proposed order and the remaining six members including four producers and two handlers, and

their alternates, will end their respective two-year terms of office the second May 31 after said effective date. A term of office of two years' duration will permit the members to gain experience and familiarity with the committee's operations over a longer period of time than the present order provides and the staggered terms will enable new members to avail themselves of the benefits of the experience of the incumbent members.

(12) The provision for redistricting is desirable because it allows the committee to consider from time to time whether the basis for representation could be improved and how such improvements should be made. The guides as set forth in the proposed order which the committee should keep in mind in considering redistricting and the reapportionment of committee membership are appropriate and desirable points of reference that relate directly to the welfare of potato producers and handlers.

At least four months should precede any committee recommendation for redistricting or reapportionment so as to afford producers and handlers an ample opportunity to become acquainted with the proposed changes and to act accordingly. Also, an adequate period of time, as set forth in the proposed order, should precede the effective date of any such redistricting or reapportionment similarly to afford sufficient time to nominate members for new positions, especially prior to the beginning of a new fiscal period.

(13) The proposed order should provide for the addition of two producers and one handler to the present membership of the committee. One such producer and the handler member, with their respective alternates, should be added to committee representation from District No. 1 (Eastern Idaho); and District No. 3 (Twin Falls-Burley area) representation should be increased by the other producer member, with his alternate. The committee would then be composed of eleven members, five from District No. 1, two from District No. 2, and four from District No. 3. It is reasonable and appropriate to provide for such new representation. District No. 1, which would have five of the eleven members, accounts for a majority of the acreage and production of potatoes grown in the production area. An increase of two members in District No. 1 will provide representation on the committee more in line with the district's importance. The additional producer members for District No. 3 is reasonable and has two purposes: (i) such increased membership will maintain about the same producer-handler relationship on the committee as now exists; and (ii) the additional member for District No. 3 will reduce the concentration of representation which would otherwise obtain for District No. 1. The present representation of one producer member and one handler member for District No. 2 (Malheur County-Western Idaho) should remain unchanged. The census data for 1954 generally supports the above representation. District No. 1 (five members) produced nearly 60 percent of the volume of potatoes grown in the production area; District No. 2 (two members) produced approximately 15 percent; and District No. 3 (four members) produced slightly more than 25 percent.

The procedure applicable to nomination of committee members and alternates contained in the present order should be changed so as no longer to require that two nominees be designated for each position to be filled on the committee. The appropriate section should provide that the Secretary may select members and alternates from nominations submitted by the committee or from other eligible persons. The Secretary, the official charged with the responsibility of administration of the proposed order, should have a choice of selecting members from all eligible persons especially if a particular nominee may, for some reason, be unqualified for committee membership. Of course, this change will not prevent the committee or any other person from submitting the names of more than one nominee for each position to be filled. However, past experience has shown that usually the producers and handlers in a district have particular preference for a single slate of representatives from that district. Frequently, at a producer nomination meeting the present arrangement has resulted in the names of first and second choices being submitted for the position as member, and the third and fourth choices for the position as alternate; and such an arrangement could result in the elimination of a top choice as alternate. Submission of a single slate of qualified nominees by the committee, which slate would most likely be the only one submitted, could ordinarily result in the selection of the members and alternates desired by the industry.

The committee should have flexibility in arranging nomination meetings. Such meetings should be permitted in conjunction with other meetings conducted by other groups or organizations. Such an arrangement should result in a larger attendance of producers and handlers than ordinarily could be expected at a meeting held solely for nominations. Also, a combination of meetings could result in time saving for potato industry representatives.

(14) Alternate members continue in the same status as under the present order. They should also be available, however, on the same basis as committee members to perform duties requested or assigned by the committee. Such duties should include, but not be limited to, serving on various subcommittees, or perhaps to help in reporting or tracing violations of the proposed order. Unless an alternate member attends committee meetings from time to time, if not regularly, he will generally be uninitiated in committee business and will not be well qualified to serve in the absence of the member for whom he is an alternate. Also, in the event an alternate subsequently is selected as a member, his tenure as an alternate will have served as good experience. An alternate, when performing duties assigned or requested by the committee, should be entitled to compensation and reimbursement of expenses on the same basis as committee members.

The provisions of the present order require that five of the eight members (approximately 63 percent) of the committee shall constitute a quorum and that the same number of concurring votes are necessary to approve any committee action. In order to maintain this relationship under the proposed order, a quorum should require the presence of seven of the eleven members at any assembled meeting. Also, the concurrence of seven members of the enlarged committee should be required for the passage of any motion or approval of any committee action.

The maximum per diem rate of compensation to be paid members or alternates when attending to committee business should be increased from $5.00 to $10.00. The lower rate was established by the 1950 amendment to Order No. 57. Committee members and alternates frequently attend to committee business at a personal financial sacrifice. Regardless of whether the $5.00 or $10.00 maximum rate is effective, such rate will not, in most cases, compensate the individual for the time lost from his own interests. It is reasonable that the rate of compensation should be increased in view of rising costs that have occurred since 1950. The proposed order authorizes the committee to request that alternates as well as members attend meetings of the committee even though all members are expected to be present. In the event such request is made, alternates in attendance should be paid the per diem compensation and their reasonable and necessary expenses.

(15) The committee should be required to prepare a budget of expenses at the beginning of each fiscal period, and as often as may be necessary thereafter, showing estimates of income and expenditures necessary for the administration of the proposed order. Each such budget should be presented to the Secretary with an analysis of its components and explanation thereof in the form of a report on such budget. It is desirable that the committee should recommend a rate of assessment to the Secretary which should be designed to bring in during each fiscal period sufficient income to cover expenses incurred by the committee. This will furnish the Secretary with adequate data and information concerning the committee's proposed activities and enable him to determine whether the proposed expenses, and related rate of assessment, are reasonable and likely to be incurred by the committee in carrying out its duties and functions under the proposed order.

The funds to cover the expenses of the committee should be obtained through the levying of assessments on handlers. The act specifically authorizes the Secretary to approve the incurring of reasonable expenses by administrative agencies, such as the committee, and the statute also requires that each order issued pursuant to the act shall contain provisions requiring handlers to pay their pro rata share of the necessary expenses. Moreover, in order to assure continuance of the committee, the payment of assessments by handlers should be required irrespective of whether particular provisions of the proposed order are suspended or become inoperative.

Each handler should pay the committee upon demand his pro rata share of such reasonable expenses which the Secretary finds will be incurred necessarily by the committee during each fiscal period. Such pro rata share of expenses should be equal to the ratio between the total quantity of potatoes handled by him as the first handler thereof during a specified fiscal period and the total quantity of potatoes so handled by all handlers during the same fiscal period; and such proration of expenses will be equitable among handlers. Since the first handler usually applies for inspection, such handler should be the person who is to pay the assessment. For potatoes which are not so inspected, the handler responsible for the assessment should continue to be the handler who first handles the potatoes and should be so designated by the committee. The maximum allowable assessment rate of $1.00 per carload, as set forth in the present order, remains unchanged. The rate of assessment should be established by the Secretary on the basis of the committee's recommendation, or other available information, so as to assure the imposition of such assessments as are consistent with the act.

At any time during or subsequent to a given fiscal period the committee should be authorized to recommend the approval of an amended budget and to recommend the fixing of an increased rate of assessment to balance necessary committee expenses and revenues for such period. Upon the basis of such recommendations, or other available information, the Secretary should be authorized to approve amended budgets, and, if he finds that the then current rate of assessment is insufficient to cover committee expenses and permit proper administration of the proposed order, he should be authorized to increase the rate of assessment, so as to avoid inequities. The proposed order should provide that such increased rate of assessment shall be applied retroactively to all potatoes previously handled by first handlers during the specified fiscal period.

Funds received by the committee pursuant to the levying of assessments should be used solely for the purpose of administering the provisions of the proposed order. The committee should be required to maintain books and records clearly reflecting the true, up-to-date operation of its affairs so that its administration may be subject to inspection at any time by appropriate parties. Each member and each alternate, as well as employees, agents, or other persons working for or on behalf of the committee should be required to account for all receipts and disbursements, funds, property, or records for which they are responsible, should the Secretary at any time ask for such an accounting. Whenever any person ceases to be a member or alternate of the committee, he should be required to account for all receipts, disbursements, funds, property, books, records, and other committee assets for which he is responsible and to deliver such funds, property, and other assets as directed by the Secretary. Such person should also be required to execute assignments and such other instruments which may be appropriate to vest in his successor or agency, or person designated by the Secretary the right to all such funds and property and all claims vested in such person. This is a matter of good business practice.

If the committee were to recommend that the operation of the proposed order should be suspended, or if no regulation should be in effect for a part or all of a marketing season, the committee should be authorized to recommend as a practical measure that one or more of its members, or any other person, should be designated by the Secretary to act as a trustee or trustees during such period. This provides a feasible means whereby the committee's business affairs may be taken care of during periods of relative inactivity with a minimum of difficulty and expense to the industry and to the Secretary.

The committee should provide periodic reports on its fiscal operations. Audit reports may be requested by the Secretary at appropriate times, such as at the end of each marketing season or at such other times as may be necessary to maintain appropriate supervision and control of the committee's affairs. Handlers should be entitled to a proportionate refund of the excess assessments which remain at the end of a fiscal period. Such refund should be credited to each such handler against the operations of the following fiscal period so as to provide the committee with operating funds prior to the start of the ensuing shipping season. Whenever a handler demands payment of any such credit, the proportionate refund should be paid to him.

When the committee is required to wind up its affairs upon termination of the proposed order, considerable expense may be involved in the liquidation process. It is appropriate, therefore, in order to meet the expenses of such liquidation that some of the funds remaining at the end of a fiscal period, which are in excess of those necessary for payment of expeditures during such period, should be carried over into subsequent fiscal periods as a reserve for possible liquidation. Such reserve should be maintained for the purpose of helping to cover the expenses of final liquidation of the committee in the event that the proposed order is terminated and should, to the extent practical, spread the cost of liquidation on an equitable basis among handlers during the entire period the program was in effect. However, any funds not required for such liquidation should, to the extent practical, be returned on a pro rata basis to all persons who contributed to the fund. This will assure equitable distribution of the cost of the program.

(16) The establishment or providing for the establishment of marketing research and development projects was expressly authorized by amendments to the act in Public Law 690 enacted by the 83d Congress. Such authorization should be included in the proposed order as a continuation of related authority in the present order with respect to appropriate projects.

By means of marketing research and development projects, the committee should be able to, for example, determine the volume of potatoes falling into each grade and size composition of each crop. With such information the Secretary and the committee should know what volume could be taken off the market by specific grade and size restrictions in an effort to carry out the declared purpose of the act. By such projects the industry could undertake to determine the practicability of distributing educational literature describing the nutritional value of potatoes as an effort to counteract the declining per capita consumption of potatoes.

Information relative to the marketing of potatoes is needed to improve consumer acceptance. The committee could study or arrange studies conducted on consumer preferences for certain varieties, types, sizes, and packs of potatoes to determine more nearly what potatoes and packs the consumer desires in terms of price preferences, so that growers' returns may be improved. Potatoes packed to high standards in the shipping area are often damaged en route to the market. Potato quality almost always declines in storage. Studies which could discover improved methods of transporting and storing potatoes could permit improvement of potato quality and thereby enable the industry to market a better product.

As the industry becomes more experienced in conducting market research and development projects, new studies which are not readily anticipated at this time will undoubtedly become apparent. Therefore, the committee should have the authority to recommend the establishment of such projects which are designed to assist, improve, or promote the marketing, distribution, and consumption of potatoes and tend to improve growers' returns. The committee should be empowered to engage in such projects, to spend assessment funds for them, and to consult and cooperate with other agencies with regard to their establishment. All such projects must be approved by the Secretary, so as to assure, among other things, that they are within the purview of the statute.

(17) The declared policy of the act is to establish and maintain such orderly marketing conditions for potatoes, among other commodities, as will tend to establish parity prices for such potatoes, and to establish and maintain such minimum standards of quality and maturity and such grading and inspection requirements as will effectuate such orderly marketing of potatoes as will be in the public interest. The regulation of the handling of potatoes by grade, size, quality, or maturity as authorized in the present order and continued in the proposed order provides a means of carrying out such policy.

The provisions of the present order relative to marketing policy, recommendation for regulations, and the issuance of regulations should be revised so as to clarify such provisions in the proposed order.

The procedures and methods which are outlined in the proposed order for the development and institution of marketing policies relating to grade, size, quality,

or maturity regulation provide a practical basis for the committee to obtain appropriate and adequate in formation relating to potato marketing problems. Also, other members of the industry, including both growers and handlers, should be provided with the information regarding the policies and regulations recommended by the committee to enable them to plan their operations accordingly. The factors set forth in the proposed order which the committee should take into consideration in developing its marketing policies are the factors commonly and usually taken into account by growers and handlers in their day-to-day evaluation of the market outlook with respect to potatoes.

In order that the Secretary may effectively carry out his responsibilities in connection with the proposed order, the committee should prepare and submit to the Secretary a report on its proposed marketing policy, as well as revisions thereof, relating to the marketing of potatoes during each season. The initial marketing policy offered each season by the committee should be prepared and submitted promptly to the Secretary prior to or simultaneous with recommendations for regulations. This should give all interested parties the maximum notice of probable regulations. All reports on marketing policy and regulations recommended by the committee should be submitted promptly to the Secretary and presented to the industry as a means of keeping both informed. In order that the Secretary may be currently apprised of the committee's thinking relative to marketing policies and its appraisal of market conditions, the committee should furnish the Secretary, whenever conditions warrant a change from an existing marketing policy and regulation, with a new or revised policy. This will tend to keep program operations as nearly as may be on current basis in the light of the then market conditions.

The proposed order should authorize the Secretary to limit shipments of potatoes whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulation would tend to effectuate the declared policy of the act. This authority should be in the proposed order, and it is included in the present order. It should be continued with appropriate amendments. Authority to regulate shipments by grade and size has been exercised under Order No. 57 since the 1948–49 season and the committee has operated thereunder each season since then. This exercise of jurisdiction under the present order has established a pattern of grade (including maturity and quality requirements) and size regulation which has tended to improve growers' returns for potatoes grown in the production area. It is appropriate and proper that the proposed order contain authority to regulate in any or all portions of the production area the handling of particular grades, sizes, qualities, or maturities, or any combinations thereof, of any or all varieties of potatoes during any period, much the same as is now done under the present order and thereby tend to improve growers' returns. This is a proper exercise of the authority granted by Congress through the Agricultural Marketing Agreement Act of 1937, as amended.

Under the present order the regulation of handling of particular grades, sizes, qualities, or maturities of potatoes differently for different varieties has tended to increase the returns to growers. Experience under the present order has established the desirability of continued operation. Such provisions should be included in the proposed order so as to continue these benefits. It is also proper that the Secretary should have authority to issue different regulations for certified seed and for other potatoes. Under the present order grade and size regulations were generally modified for shipments of potatoes for seed purposes. No separate regulations were issued for seed potatoes as such. However, it is an appropriate authority to have in the proposed order so that, if it should be the judgment of the committee that to do so would tend to effectuate the declared purposes of the act, the committee should have authority to recommend such action to the Secretary and the Secretary should have authority to regulate the handling of certified seed potatoes differently from other potatoes.

The proposed order should contain authority for regulating the grade, size, quality, and maturity of potatoes differently for different outlets. It is important that the committee and the Secretary should be able to give consideration to the alternative prices that growers can obtain from potatoes that are shipped to the domestic table stock market, to export market, or to certain other outlets such as for potato chips or other types of processing. Each of these outlets may take a particular grade and size potato at a price such outlets warrant or for which buyers are willing to pay a premium, or buy only at discount from usual table stock prices. In recognition of this fact and in the interest of maximizing growers' returns the committee should be able to consider these differences and to recommend, and the Secretary issue, such different regulations by grade, size, quality, and maturity that should be applied to potatoes going to each type of outlet as the circumstances may warrant.

The present order provides for different regulations by different portions of the production area and such authority has been exercised from time to time, particularly with respect to the so-called early deal in the western part of Idaho and Malheur County, Oregon, and the late or storage deal in the central and eastern part of Idaho.

For example, in the early deal, potatoes are usually shipped immediately after harvest; and in order that such potatoes reach market in an acceptable form, without excessive skinning or feathering, regulations were issued which specified a maturity requirement for such potatoes. In addition, some portions of the production area may suffer from a condition affecting the crop which does not necessarily extend throughout the production area. In such cases, different regulations for the respective portions of the production area could be made effective to meet the precise problems. It is important, therefore, that the proposed order should also have this authority to recognize these differences and to permit the issuance of different regulations when the condition of the crop or the market so justifies.

The proposed order should have authority for regulating the handling of particular grades, sizes, qualities, or maturities of potatoes differently for different varieties, for certified seed and other potatoes, for different outlets, and for different portions of the production area. This is an appropriate authority that should be in the proposed order so that the committee may make appropriate recommendations and the Secretary issue such regulations as will establish and maintain orderly marketing conditions and as will tend to establish parity prices.

Common practice throughout the potato industry in the production area has been to prepare specific packs of potatoes for market. These packs have developed over a number of years. The 100-pound, U. S. No. 1 grade, pack is a common one throughout the area, as also are the U. S. No. 2 grade, and, under the Idaho grades, the Idaho Deluxe grade, the Idaho Standard grade, and Idaho Utility. In addition, "Bakers" refers to a particular size of potatoes and such designation is, at times, used in connection with any grade of potatoes. The combination of grade and size related to the size of unit establishes a pack of potatoes. On the other hand, the 10, 15, and 25 pound packs of U. S. No. 1's, or of Idaho Standards, or Utilities, also are common packs. Each particular grouping by grade and size in connection with the container has been emphasized by the industry in its dealings with the public and with receivers in terminal markets. The designation of "Bakers" on containers of Idaho potatoes is a significant commercial asset in the market. It is important that these trade distinctions, which have a monetary value, should be preserved in the interests of doing a good merchandising job for the industry. The results of this practice has been to place particular limitations on the size of potatoes, as well as the extent of grade defects which are placed in certain types of packs. The development of certain grades and sizes in connection with certain packages, however, involves some mechanical difficulties particularly in the smaller packs. The proposed order should provide authority to issue different regulations for different kinds of packs so that the industry may avail itself of prescribed tolerances in recognition of certain mechanical difficulties inherent in grading and packing and for proper merchandising of its packs in the markets which will pay premiums for such packs. In addition, the export market will take certain kinds of packs, such as U. S. No. 1, Size B, which would not reflect an appropriate return if sold in domestic markets. Sales of such packs in export markets would net the grower an additional return rather than a low price when sold on the domestic market which would tend to depress the price of more desirable sizes. The committee should have authority to determine the kind of packs that go into export, the kind of packs that should go into different outlets, or the grade and size of potatoes that should go into various packs. This is part of a good merchandising approach.



The proposed order should also authorize different grade and size regulations for potatoes when packed in different kinds of containers. This is part of the authority that becomes an important adjunct to good merchandising. Containers other than those in current use may enter the marketing picture in the near future. The potato industry in the production area may wish to protect newly developed or specialized containers by restricting their use to certain grades, sizes, or qualities while allowing other grades and sizes to be shipped in other of the containers in use at the same time.

The order should contain authority for the Secretary to fix, through rules and regulations, the size, capacity, weight, dimensions or pack of container or containers which may be used in the packaging or handling of potatoes, or both, as this is an appropriate means for assisting growers in increasing returns for their crop. Although the need for fixing the size, and other features, of containers in the potato industry may be less urgent than in some other crops, nevertheless the evolution of containers for potatoes indicates that there may be situations in the future in which the committee should have the right and authority to exercise its judgment in the elimination of nuisance types of container or containers that tend to create disorderly rather than orderly marketing.

The proposed order should provide, the same as the present order, authority to regulate shipments of potatoes by establishing, in terms of grade, size, or both, minimum standards of quality and maturity when prices are above parity. The shipment of culls, and other undesirable grades and sizes of potatoes that are below minimum standards of quality or maturity when prices are above parity, is not in the public interest. If it is the judgment of the committee that low grades and off sizes of potatoes should not be handled when prices are above parity, the committee should have authority to recommend, and the Secretary to issue, regulations which will maintain minimum standards of quality and maturity during such price situations.

Producers and handlers who market potatoes between early July and September 15 frequently encounter trouble, pricewise, in marketing their crop due to excess potatoes on the market. Such excess of potatoes has resulted in glutted markets, low prices to growers, and, in general, disorderly marketing conditions for potatoes grown within the production area. Such producers and handlers have found it desirable at times to stop digging and otherwise decrease supplies of potatoes in order for the market conditions to clear up. At times, during this summer deal, more potatoes are dug and prepared for market during a given period than can be sold at satisfactory prices to the producer. Potatoes are of a perishable nature, especially during the summer, and once they are dug, they must be moved to market immediately because there are not available for such potatoes adequate storages. When potatoes are dug, but still unsold, they hang over the market so that prices are depressed to extremely low points. Growers and handlers suffer from these low prices and, at times in the past, the potatoes have brought less even than the cost of digging. As harvested potatoes accumulate in the production area and roll to market unsold, this excess supply situation tends to depress prices, not only locally, but also in terminal markets, and to create disorderly marketing conditions. Growers and handlers have found through experience that the best remedy for this situation is to discontinue putting potatoes on the market so as to facilitate the disposition of unsold rollers. They have attempted to do so at times in the past through voluntary digging holidays. However, these have not been successful in that not all growers have been willing to go along with the holiday program. Evidence indicates that the most practical approach to this problem is to authorize the prohibition of the preparation of such potatoes for market. In practical effect this means that the grading sheds would be shut down and grading operations would be discontinued during the period of the "shipping holiday." The purpose of such a holiday should be to clear up the local supplies so that the quantities of unsold potatoes may be brought into manageable proportions which do not have a depressing effect on the market price and growers' returns. Growers proposed that shipping holidays should be in effect either under glutted conditions such as they experienced in the past or during Saturday and Sunday (over week-ends) so as to eliminate the preparation for market of potatoes during these periods when receivers and other buyers in terminal markets are not open for business; and such holidays would tend to prevent adding supplies to an already glutted market. Because the primary objective of a "shipping holiday" is to clear up local supplies and unsold rollers, the sale and transportation of such potatoes as are already loaded at the beginning of such holiday should be permitted. This permission would facilitate moving all loaded supplies to the terminal markets and thereby tend to reduce the pressure of the excess supply at the source.

The proposed order should authorize that a prohibition of the preparation of potatoes for market may be declared by the Secretary pursuant to committee recommendation, whenever supply situations are such that prices to growers are unduly depressed and the prohibition of the preparation of potatoes for market will tend to increase such prices up to the parity level. Such prohibition or holiday should be authorized either during week-ends or any other part of the week whenever the circumstances warrant. However, no such holiday should prohibit the shipment of potatoes to processors within the production area only, irrespective of whether the potatoes were already loaded at the beginning of the holiday. Such potatoes as are delivered to these processors do not contribute to the accumulation of the unsold excess supply. Also, such prohibition of preparation of potatoes for market should be limited to the two-month period from July 15 to September 15. No regulation should be issued or be effective under this provision during the remainder of the marketing season. Also, as a protective measure for growers so that the digging and preparation of potatoes for market will not be prohibited for an undue length of time, no such prohibition of the preparation of potatoes for market should be effective for more than 96 consecutive hours, and at least 72 consecutive hours should elapse between any two successive shipping holidays. Any regulation so issued under the prohibition of the preparation of potatoes for market should not apply to the handling of potatoes for processing. Potatoes for processing includes those potatoes which go to dehydration and other types of processing, such as starch or flour.

Further, handlers should be permitted to sell or contract to sell any potatoes during a holiday to the extent that such sales are in conformity with all regulations in effect at that time under the proposed order in order to reduce the number of unsold rollers that may move to market after the holiday.

No handler should be permitted to handle during any shipping holiday, or at any time thereafter, any potatoes which were prepared for market or loaded during the holiday. This is necessary in order to prevent the additional accumulation of potato supplies during the holiday which could be dumped on the market immediately after the holiday thereby tending to minimize the benefits thereof.

The authority to issue regulations should also contain authority to amend or suspend them. This is a logical outgrowth of the authority to issue such regulations. In the same way, the Secretary may terminate any regulation when he finds that the regulation obstructs or no longer tends to effectuate the declared policy of the act.

The Secretary, upon the basis of recommendations and information submitted by the committee, or other available information, should be authorized to modify, suspend, or terminate grade, size, or quality regulations to facilitate the handling of potatoes for purposes other than disposition in normal domestic fresh markets. Rules and regulations applicable to inspection or the collection of assessments should also be subject to modification, suspension, or termination in connection with such handling. The committee should be well qualified because of the experience and knowledge of individual members, to recommend such modifications, suspensions, or terminations as will be in the best interests of the Idaho-Malheur County potato industry and which will tend to effectuate the declared policy of the act. Potatoes moving to or sold in certain outlets, such as those specified in § 957.53 of the proposed order, are usually handled in a different manner, or such outlets usually accept different grades, sizes, qualities, maturities, packs, or containers, or different prices are returned, or combinations of such considerations may apply. The proposed order

should provide authority for the committee and the Secretary to give appropriate consideration to the handling of potatoes for such purposes so that full opportunity may be taken under this program to improve orderly marketing conditions for potatoes, thereby promoting the tendency to increase total returns to potato growers in the production area.

The movement or transportation of ungraded or field-run potatoes for the purpose of having such potatoes prepared for market should be exempt in the proposed order provided that such movement is confined to the production area. Although some potatoes move directly from the field to the packing house for preparation for market, most potatoes grown in the production area are first moved to farm storage in field-run condition. Prior to grading for fresh market or movement to processors, much of the crop at farm storages receives a rough grading which results in the elimination of rots and other obvious cull potatoes, not desirable for either fresh or processing outlets.

Usually grading or preparation for market is done close to the farm where the potatoes are grown; and it is not the usual practice to haul ungraded potatoes for any great distance for this purpose. In some instances, however, potatoes move directly from storage in field-run condition to graders at more distant points within the production area for preparation for market. It is impractical, as a matter of every day business operation, to require such potatoes, which are later to be graded or prepared for market, to meet grade, size, and other regulations at the time of such movement. To require such compliance with such regulations for table stock potatoes would impose an unreasonable hardship on producers and handlers in the production area. Such movement for grading or preparation for market within the production area should be specifically excluded from the definition of the term "handle."

Movement of ungraded or field-run potatoes within the production area for the purpose of having such potatoes stored within the production area or for planting within the production area should similarly not be restricted. No useful purpose would be served by including such movement within the authority of the proposed order. Movement of ungraded potatoes for planting or storage within the production area occurs prior to the time such potatoes are prepared for market or moved thereto. Exclusion of such movement within the production area from the definition of "handle" will ease the burden of administration on the committee and reduce any reporting and other requirements on growers.

Some export markets accept certain grades, and particularly some sizes, which are generally discounted in domestic markets. The proposed order should therefore, provide that grade, size, and other regulations may be modified, suspended, or terminated to facilitate the movement to export outlets so that this demand can be met and the sale of potatoes grown in the production area may continue in such markets. This authority is contained in the present order.

The proposed order should provide that special considerations may be given to the handling of potatoes for relief or for charitable purposes. Such shipments are intended for special outlets and usually the shipments are by way of donation or due to some special consideration between the shippers and the receivers.

The handling of pickouts and culls for livestock feed has been relieved from regulation under the present order. Under the proposed order such handling similarly should be relieved from regulation but only for disposition within the production area. Adequate outlets are available in the production area for livestock feed potatoes. Since such production area can utilize the available supply of such potatoes, it is practical and desirable to permit such handling to localized livestock outlets as a means of effecting compliance with the terms and conditions of the proposed order. Such a limitation would also assure that the potatoes earmarked for such outlet are not diverted to the fresh market outside the production area.

The committee should continue to have authority under the proposed order to recommend that any regulation applicable to potatoes for the fresh market should be modified, suspended, or terminated with respect to the handling of certified seed potatoes, when to do so would facilitate the shipment thereof for seed purposes. Also, the Secretary's authority should be continued in this respect. Seed potatoes must pass a series of tests before certification by the appropriate State agency. There is additional expense to the grower for such certification. Certified seed is usually sold at a premium over potatoes for fresh market; small sizes are preferred as seed but discounted for table use. However, should prices of table-stock potatoes be at relatively high levels, growers and shippers may be encouraged to divert certified seed potatoes to the table (or fresh) market. In such event, the committee should be authorized to recommend, and the Secretary to issue, safeguarding requirements or other regulations applicable to certified seed shipments to insure that they are in fact shipped for use as seed.

A practice has been started by a number of growers and handlers of holding potatoes in so-called warm storage to promote proper conditioning for manufacture into potato chips. This is in accordance with the desires and specifications of potato chippers. Such conditioning usually puts the potatoes in a preferred condition for potato chips but in a condition (i. e., shriveled and with sprouts) which could result in discounted prices if sold on the fresh market. The committee should have authority to recommend that special consideration be given for potatoes which have been conditioned for chipping. Such consideration should include, among other things, authority to prescribe a different period of validity for inspection certificates issued on potatoes moving into warm storage in the production area for conditioning. However, such special consideration need not be extended to all potatoes which are destined to potato chip plants without prior conditioning. Also, an existing grade regulation could be modified so as to permit the handling of conditioned potatoes that fail to meet the requirements of the grade because of shriveling and sprouting. The Secretary should have the requisite authority to accomplish this.

The committee and the Secretary should have authority to give special consideration to potatoes which move to processing outlets or which may be converted into any products or by-products, whether for edible or industrial use. Market requirements vary for shipments of potatoes destined for several processing outlets. The common processed potato products include dehydrated potatoes in various forms, starch, flour, and canned and frozen products. Other products of raw potatoes include alcohol, and glucose. There is no authority provided in the present or proposed order which would permit any regulation of potato products or by-products as such. Therefore, only those handling activities which precede the manufacturing process should be subject to the aforesaid special consideration which includes modification, suspension, or termination of regulations applicable to the usual fresh market shipments of potatoes. Shipments of potatoes, among other vegetables, for the purpose of having such potatoes canned or frozen, are specifically exempted from regulation by the act. Any reference to potatoes for canning or freezing herein has particular reference merely to a safeguard, which requirement may cause such shipments to canners or freezers to be reported to the committee for the sole purpose of assuring the committee, the Secretary, and the potato industry in the production area that such shipments are, in fact, moved to the outlet for which intended. No other regulation or restriction is implied on potatoes for canning or freezing.

Evidence supports the fact that, in most cases, shipments to starch processors should be subject only to safeguarding requirements to determine that such shipments reach the announced outlet. Starch is primarily a salvage outlet for pickouts or culls in the production area. Such pickouts or culls are usually purchased from fresh market packing house operators at a very low price. Few field-run potatoes are used in starch plant operations. Also starch does not compete, in a large sense, with potatoes for edible uses.

On the other hand, the testimony in the hearing record shows that dehydrators use and prefer higher quality potatoes than do starch processors. Exclusive use of field-run potatoes in dehydration plants is not uncommon; however, at times culls or pickouts are blended with field-run or graded potatoes. It was testified that efficiency of operation in dehydration plants improves directly with the quality of the raw product, and that processors compete with fresh market shippers for potato supplies. Some producers make an attempt to remove rots and green potatoes from their field-run stock prior to delivery to dehydrators because their returns are based on grade-out. In any event, rots and green potatoes are subject to culling by the dehydrators because the use of such culls would result in the manufacture of a poorer quality product.

The present order regulates the handling of potatoes shipped outside the production area for processing and contains authority for relaxing regulations to facilitate such handling. In view of the foregoing, the proposed order should also authorize the Secretary to relax the grade and size regulation which would otherwise be applicable to all handling of potatoes to facilitate the movement of potatoes to the several processing outlets. Of course, the degree of relaxation should be reasonably related to the particular processing outlet. Prices at which growers sell and processors buy field-run potatoes are directly related to and dependent on fresh market prices. The same is generally true but to a lesser extent, of prices of culls or pickouts sold to processors. Most of the processing plants in the production area utilize large quantities of field-run potatoes or cull potatoes in their operations, often exceeding one million bushels per plant during a marketing season.

During certain seasons, excessively high production and supplies could result in depressed prices and lower returns to growers. Some potato crops grown in the production area may be of such generally poor quality as to contain a high proportion of culls in field-run lots thereby resulting in the committee recommending and the Secretary issuing a somewhat less stringent grade and size regulation to permit the filling of market demands or to facilitate grading operations. The committee should, therefore, have authority to recommend some restriction on the handling of culls and pickouts for manufacturing or processing during seasons when these conditions exist. The members of the committee may decide that the wisest and most prudent course to follow, after consideration of the nature of the potato crop and the position of growers, shippers, and processors, should be to recommend, for example, that the Secretary modify the grade and size regulation to the extent that only field-run or better quality or sizes of potatoes may be handled for processing rather than culls and pickouts. Such modification may, for example, permit the delivery and utilization of field-run potatoes at dehydration plants and prohibit the blending therewith of culls or pickouts. At times it may be necessary for the committee to recommend the issuance of somewhat more restrictive regulations.

For other purposes or outlets which may develop in the future, the committee should be empowered with sufficient flexibility so as to recommend that special treatment, through modification, suspension, or termination of regulations be made applicable thereto. The committee, with the approval of the Secretary, should be authorized to give such special consideration to help promote orderly marketing of potatoes by taking advantage of such new outlets and to facilitate the handling of potatoes therefore.

(18) The provisions of the present order relating to safeguards (applicable to shipments of potatoes for special purposes) should be somewhat modified mainly to delete superfluous wording and to simplify committee administration. The proviso in the present § 957.57 (b) (2) relating to inspection and payment of expenses at different times than otherwise usually specified should be deleted because no need for its applicability is contemplated. The committee should continue to have authority to rescind any Certificate of Privilege issued as a safeguard to a handler for a special purpose shipment whenever proof satisfactory to the committee is obtained which shows that the terms of the certificate have been violated by him. This will assure handlers that a Certificate of Privilege will not be revoked without adequate proof of a violation.

(19) Provision should be made for inspection by the Federal-State Inspection Service, or by such other inspection service as the Secretary may approve, of shipments of potatoes grown in the production area during any period in which shipments of potatoes are regulated under the proposed order. Such inspection requirements should apply to all potatoes shipped under regulations issued under the proposed order, except when any such shipments are relieved from inspection requirements pursuant to such order, so as to assure compliance with the program.

Inspection of shipments subject to regulation establishes a means for providing the shipper, the buyer, the committee, the Secretary, and other interested parties, with an authoritative determination as to whether a shipment or shipments of potatoes comply with the requirements of any particular grade, size, quality, or maturity regulation which may be in effect under the proposed order. Effective regulation of the handling of potatoes grown in the production area requires that the grade, size, quality, and maturity of each shipment of such potatoes should be authoritatively established so that the administration of the proposed order shall be efficient and effective.

Copies of inspection certificates issued pursuant to the requirements of the proposed order should be supplied to the committee promptly so that it may properly discharge its administrative responsibilities under the program, including checking the compliance aspects thereof. Such certificates also could provide a basis for computing assessment due by handlers.

Provision should be made in the proposed order for authority to inspect potatoes, not only by personnel of the Federal-State Inspection Service but also by personnel of such other inspection service as the Secretary may designate, so that sufficient flexibility for successful operation can be provided through appropriate inspection if Federal-State Inspection is not available. The requirement that no handler shall ship potatoes unless the shipment is inspected by an authorized inspection service approved under the proposed order is reasonable and necessary for the proper administration of the program.

Responsibility for obtaining inspection should fall primarily on the handler who first handles potatoes after they have been prepared for market so that each shipment of such potatoes will be identified and certified with respect to its grade, size, and other factors. The handler who so first handles potatoes should be required to obtain inspection and subsequent handlers may not handle such potatoes unless a properly issued inspection certificate, valid under the terms of the proposed order, applies to the potatoes.

In order that the committee may carry out its duties under the order to determine that specific shipments of potatoes have been properly inspected and certified and also comply with other applicable regulations, it is necessary that the committee be supplied with appropriate evidence of each such shipment in the form of an inspection certificate.

Whenever any shipment of potatoes subject to the terms and provisions of the proposed order have been inspected and are later dumped from the containers in which they were inspected, such potatoes lose their identity insofar as the original inspection certificate issued for them is concerned. When any such lot of potatoes thereafter should be repacked, regraded, or resorted, such potatoes take on new identity; and any subsequent handling of such potatoes should comply with regulations issued under the proposed order. Therefore, inspection of such potatoes should be required as in the case of any other handling of potatoes. Such requirement is necessary to effectuate the declared policy of the act and a means effecting compliance. Therefore, the proposed order should provide that any person who handles potatoes grown in the production area after they have been repacked, regraded, or resorted shall not handle such potatoes unless they are inspected prior to handling. Such inspection of repacked, regraded, or resorted potatoes is necessary so that the shipper thereof, as well as subsequent handlers, and the committee may determine if such shipments comply with the regulations then in effect and applicable thereto.

The committee with the approval of the Secretary, should be authorized to determine the length of time the inspection certificates may be valid insofar as the requirements of the proposed order are concerned. In order to assure that an inspection certificate will reflect at the time of handling, the quality of a particular lot of potatoes at the time of inspection prior thereto, the committee should have authority to fix, with approval of the Secretary, a time limit governing the continuing validity of any such certificate. Such requirement is reasonable and necessary; and it could be helpful especially with respect to warehouse or lot inspections, so that a time could be fixed that would allow adequate opportunity for the handling of all of the inspected potatoes, thereby accommodating handlers and truckers. For example, this provision could serve to

authorize the committee with approval of the Secretary to establish a longer period of validity for inspection certificates issued in the case of potatoes placed in warm storage for conditioning for use as chips and shipped out of storage at some later date. As previously indicated conditioned potatoes are subject to shriveling and sprouting, due to conditioning; and the added time would enable the subsequent handling of such conditioned potatoes if they otherwise meet the then current regulations.

(20) The provisions of the present order set forth procedures to be followed in the issuance of exemption certificates to individual producers and handlers who, because of adverse circumstances beyond their control or reasonable expectation, are unable to handle a quantity of potatoes equal to the average handled by all producers and handlers in their immediate areas. The committee proposed deletion of the sections of the order applicable to exemptions contending that unusual weather conditions are reasonably to be expected, the shipment of undergrade and undersize potatoes moved under exemption certificates tends to depress the returns paid for good quality potatoes, and it is difficult to administer the exemption procedures and simultaneously afford equitable treatment to all producers and handlers. Testimony in the hearing record reveals that approximately 50 exemption certificates, applicable to an area of 5,000 to 6,000 acres of potatoes, were issued by the committee to producers and handlers during the 1954-55 season. Most of the 50 certificates were issued on the basis of hardship resulting from hail damage. Contrary to the committee's contention, hail cannot be anticipated. Such weather factors do not affect all producers and handlers in an area alike. During past marketing seasons, the volume moved under exemption certificates has been slight compared to total shipments. During the 1954-55 season, e. g., the acreage affected amounted to only 3 percent of the total acreage in the production area. In addition, not all of the production from any such affected acreage failed to meet minimum regulatory requirements.

The record does not support a finding that would justify deletion of the provisions of the present order relating to exemptions. It was testified that producers and handlers would be unable to seek equitable treatment under the program should the exemption feature not be in the proposed order. No other adequate or reasonable course is available to producers and handlers; therefore, the exemption provisions should be continued in the proposed order.

(21) The continuation of rules and regulations effective under the present order which may be in operation at the time of issuance of the proposed order is necessary for the efficient operation of the program. For example, rules and regulations (7 CFR 957.100 through 957.133) relative to exemption certificates, Certificates of Privilege, and safeguards are currently in effect under the present order. Since there are no substantial changes in the provisions of the proposed order authorizing these rules and regulations, they should continue in effect until subsequently modified or terminated. Such continuation is practical and necessary for efficient operation. Any lapse in such rules and regulations for technical reasons could result in undue administrative hardship on the committee and the Secretary, and on the industry.

(22) The provisions of the present order which remain essentially unchanged by the terms and conditions of the proposed order should be applied to all handling of potatoes grown in the production area because such provisions are incidental to, and not inconsistent with section 8c (6) and (7) of the act, and they are necessary to effectuate the other provisions of the proposed order and the declared policy of the act. These provisions include, among others, the miscellaneous provisions, §§ 957.80 through 957.95 which are an essential part of the present order, also common to other potato marketing orders, and they are necessary and appropriate to the operation of the proposed order. The other provisions of the present order remaining essentially the same in the proposed order are incorporated on the same basis. The record shows the desirability and necessity for doing so. These sections set forth certain definitions, rights, obligations, privileges, or procedures which are necessary and appropriate for the effective operation of the proposed order.

*Ruling on proposed findings and conclusions.* At the conclusion of the hearing, the Presiding Officer fixed March 16, 1956, later extended to April 2, 1956, as the latest day on which briefs from interested parties with respect to the testimony presented in evidence at the hearing and the findings and conclusions to be drawn therefrom must be received by the Hearing Clerk of this Department.

Briefs were filed within the allotted time by L. E. Haight, Attorney for Food Processing Division, J. R. Simplot Company, Boise, Idaho; and Jones, Pomeroy & Jones, Pocatello, Idaho, Attorneys for Rogers Bros. Seed Company, American Potato Company, and Idaho Potato Growers, Inc., all of Idaho Falls, Idaho. The briefs contained proposed findings of fact, conclusions, and arguments with respect to the proposed amendments considered at the hearing. The briefs generally contend, among other things, that there is no competition between fresh and processed potatoes, and that the evidence received at the hearing does not justify a referendum with respect to proposed amendment.

The proposed order has as its primary purpose the establishment and maintenance of such orderly marketing conditions as will establish parity prices for potatoes grown in the production area. The proposed order relates only to the handling of fresh or raw unprocessed potatoes; and the returns to producers for such potatoes are the direct and positive concern of such authority.

There is direct competition among all buyers for each crop of potatoes grown in the production area. In most instances, potatoes grown in the production area are produced for sale to fresh market outlets. The prices at which growers sell to processors are, for the most part, governed by the multiple factors which determine fresh market prices. Each grower first considers price alternatives and opportunities in fresh market channels, based on his best estimates of the grade and size of his particular crop or lot of potatoes, before making any sale commitments with processors, including contracts to sell to processors before planting or harvest. In such latter instances, the grower's judgment as to the prospect for fresh market prices during the ensuing marketing season are an important consideration in his decision whether to sell to processors. To the extent, then, that producers weigh prices offered by processors for potatoes grown in the production area against fresh market prices (both within and outside the State) for such potatoes, there is direct price competition between such outlets.

Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions herein set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the fact found and stated in connection with the conclusions in this recommended decision.

*General findings.* Upon the basis of evidence introduced at the hearing and the record thereof it is found that:

(1) The marketing agreement, as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act with respect to potatoes produced in the production area, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to the producers thereof, parity prices and by protecting the interest of the consumer (i) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (ii) by authorizing no action which has for its purpose the maintenance of prices to producers of such potatoes above the parity level, and (iii) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such potatoes as will be in the public interest;

(2) The marketing agreement, as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, regulate the handling of potatoes grown in the production area in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which hearings have been held;

(3) The said marketing agreement, as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, are limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of the several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) The said marketing agreement, as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, prescribe, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to the differences in the production and marketing of potatoes grown in the production area; and

(5) All handling of potatoes grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs or affects such commerce.

*Recommended amendment to the marketing agreement and order.* The proposed amendment of the marketing agreement and order, as amended, is recommended as the detailed means by which the aforesaid conclusions may be carried out; and, for ready reference to all of the provisions of the present order as proposed to be amended, an entire order, as amended, is set forth:

DEFINITIONS

§ 957.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 957.2 *Act.* "Act" means Public Act No. 10, 73rd Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

§ 957.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 957.4 *Production area.* "Production area" means all territory included within Malheur County, Oregon, and the counties of Adams, Valley, Lemhi, Clark, and Fremont in the State of Idaho, and all of the counties in Idaho lying south of the aforesaid counties in Idaho.

§ 957.5 *Potatoes.* "Potatoes" means all varieties of Irish potatoes grown within the production area and does not include any products thereof.

§ 957.6 *Varieties.* "Varieties" means and includes all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 957.7 *Certified seed potatoes.* "Certified seed potatoes" means and includes all potatoes officially certified and tagged, marked or otherwise appropriately identified, under the supervision of the official seed potato certifying agency of the State in which the potatoes are grown, or other seed certification agencies which the Secretary may recognize and approve.

§ 957.8 *Handler.* "Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of potatoes owned by another person) who handles potatoes or causes potatoes to be handled.

§ 957.9 *Handle.* "Handle" is synonymous with "ship" and means to sell or transport potatoes within the production area or between the production area and any point outside thereof: *Provided*, That such term shall not include the movement of potatoes within the production area for the purpose of having such potatoes prepared for market, stored, or planted within such area.

§ 957.10 *Producer.* "Producer" means any person engaged in the production of potatoes for market.

§ 957.11 *Committee.* "Committee" means the administrative committee, called the Idaho-Eastern Oregon Potato Committee, established pursuant to § 957.25.

§ 957.12 *Fiscal period.* "Fiscal period" means the period beginning and ending on the dates approved by the Secretary pursuant to recommendations by the committee.

§ 957.13 *Prepare for market.* "Prepare for market" means to sort or separate potatoes into grades, sizes, qualities, or packs, or any combination thereof, for market purposes.

§ 957.14 *Grade and size.* "Grade" means any one of the officially established grades of potatoes, and "size" means any one of the officially established sizes of potatoes, as defined and set forth in:

(a) United States Standards for Potatoes issued by the United States Department of Agriculture (§§ 51.1540 to 51.1559 of this title), or amendments thereto, or modifications thereof, or variations based thereon;

(b) United States Consumer Standards for Potatoes issued by the United States Department of Agriculture (§§ 51.1575 to 51.1587 of this title), or amendments thereto, or modifications thereof, or variations based thereon; and

(c) Standards for potatoes issued by the State of Idaho or Oregon or amendments thereto, or modifications, or variations based thereon.

§ 957.15 *Pack.* "Pack" means a unit of potatoes in any type of container and which falls within specific weight limits or within specific grade limits, or both, recommended by the committee and approved by the Secretary.

§ 957.16 *Container.* "Container" means a sack, box, bag, crate, hamper, basket, carton, package, barrel, or any other type of unit used in the packaging, transportation, sale, shipment or handling of potatoes.

§ 957.17 *Export.* "Export" means shipment of potatoes beyond the boundaries of continental United States.

§ 957.18 *District.* "District" means each one of the geographical divisions of the production area established pursuant to § 957.27 or as reestablished pursuant to § 957.28.

§ 957.19 *Marketing season.* "Marketing season" is synonymous with "season" and means the period July 1 of any year to and including June 30 of the following year.

§ 957.20 *Process.* "Process" means to manufacture or convert potatoes into any of the products thereof.

COMMITTEE

§ 957.25 *Establishment and membership.* (a) The Idaho-Eastern Oregon Potato Committee consisting of eleven members, of whom seven shall be producers and four shall be handlers (including one handler from any district within the production area who may be a processor), is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(b) Each person selected as a producer member or alternate shall be an individual who (1) is a producer in the district for which selected or an officer or employee of a producer in such district, and (2) is also a resident of such district. A producer who handles potatoes other than of his own production shall qualify as a producer under this section, and §§ 957.29, 957.30, 957.32, and 957.34, only if the potatoes of his own production constituted 51 percent or more of the total quantity of potatoes handled by him during the portion of the then current season preceding his nomination.

§ 957.26 *Term of office.* (a) The term of office of committee members and alternates shall be for two years beginning June 1 and ending May 31. After June 1, 1956, and on an alternating basis in succeeding years, the terms of office shall be so determined that the tenure of three producer members and two handler members, and their respective alternates, shall terminate as of May 31 of one year and the tenure of four producer members and two handler members, and their respective alternates, shall terminate as of May 31 of the following year.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify and continuing until the end of the term for which selected, and until their successors are selected and have qualified.

§ 957.27 *Districts.* For the purpose of selecting committee members, the following districts of the production area are hereby established:

(a) *District No. 1.* The counties of Oneida, Power, Bingham, Butte, Clark, and all counties lying east thereof in Idaho;

(b) *District No. 2.* Malheur County, Oregon, and counties of Owyhee, Elmore,

Boise, Valley, and all counties lying west thereof in Idaho;

(c) *District No. 3.* The remaining designated counties in Idaho included in the production area, and not included in District No. 1 or District No. 2.

§ 957.28 *Redistricting.* The committee may recommend, and pursuant thereto the Secretary may approve, the reapportionment of members among districts, and the reestablishment of districts, set forth in § 957.27, within the production area. In recommending any such changes, the committee shall give consideration to: (a) Shifts in potato acreage within districts and within the production area during recent years; (b) the importance of new potato production in its relation to existing districts; (c) the equitable relationship between the committee membership and districts; (d) economies to result for producers in promoting efficient administration due to redistricting or reapportionment of members within districts; and (e) other relevant factors. No change in districting or in apportionment of members within districts may become effective within less than 60 days prior to the beginning of a fiscal period; and no recommendations for such redistricting or reapportionment may be made less than four months prior to such date.

§ 957.29 *Selection.* Members and alternates shall be selected on the following basis (unless otherwise apportioned pursuant to § 957.28): (a) Three producer members and two handler members, with their respective alternates, from District No. 1; (b) one producer member and one handler member, with their respective alternates from District No. 2; and (c) three producer members and one handler member, with their respective alternates, from District No. 3.

§ 957.30 *Nominations.* (a) The Secretary may select the members and alternates of the Idaho-Eastern Oregon Potato Committee from nominations which may be made in the following manner, or from other eligible persons; and nominations for members and alternates may be submitted by producers or handlers, including processors, as the case may be, or groups of either thereof, on an elective basis or otherwise:

(b) In order to provide nominations for committee members and alternates:

(1) The committee shall hold or cause to be held prior to April 1 of each year, one or more meetings of producers and of handlers in each of the districts designated in § 957.27, or pursuant to § 957.28, in which the then current terms of office will expire the following May 31; and

(2) In arranging for such meetings, the committee may, if it deems desirable, utilize the services and facilities of existing organizations and agencies, and may combine its meetings with others.

(c) Nominations shall be supplied to the Secretary, in such manner and form as he may prescribe, not later than 30 days prior to the expiration of the terms of office.

(d) Only producers may participate in designating nominees for producer members and alternates and only handlers, including those who are also processors, may participate in designating nominees for handler members and alternates.

(e) Regardless of the number of districts in which a person produces or handles potatoes, such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives, in designating nominees for committee members and alternates: *Provided*, That in the event a person is engaged in producing or handling potatoes in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees: *Provided further*, That an eligible voter's privilege of casting only one vote, as aforesaid, shall be construed to permit such voter to cast one vote for each position to be filled in the district in which he elects to vote.

§ 957.31 *Failure to nominate.* If nominations are not made within the time and in the manner and form specified by the Secretary pursuant to § 957.30, the Secretary may, without regard to nominations, select the committee members and alternates: *Provided*, That such selection shall be on the basis of the representation prescribed in this subpart.

§ 957.32 *Acceptance.* Any person selected by the Secretary as a committee member or as an alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 957.33 *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a committee member or as an alternate to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate, a successor for his unexpired term may be selected by the Secretary from nominations made in the manner specified in § 957.30, or the Secretary may select such committee member or alternate from previously unselected nominees on the current nominee list from the district involved. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of the representation provided for in § 957.29.

§ 957.34 *Alternate members.* An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate during such member's absence; and an alternate member may perform such other duties as assigned or requested by the committee. In the event of the death, removal, resignation, or disqualification of a member his alternate shall act for him until a successor to such member is selected and has qualified.

§ 957.35 *Procedure.* (a) Seven members of the committee shall be necessary to constitute a quorum; and at least seven concurring votes shall be required to pass any motion or approve any committee action. At any assembled meeting, all votes shall be cast in person.

(b) The committee may provide for meetings, by telephone, telegraph, or other means of communication and any vote cast at such meeting shall be confirmed promptly in writing.

§ 957.36 *Expenses and compensation.* Committee members and their respective alternates shall be reimbursed for reasonable expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this subpart, and shall receive compensation at a rate to be determined by the committee and approved by the Secretary, not to exceed $10.00 for each day, or portion thereof, spent in attending to committee business: *Provided*, That at its discretion the committee may request the attendance of one or more alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members, and may pay expenses and compensation, as aforesaid.

§ 957.37 *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this subpart in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this subpart; and

(d) To recommend to the Secretary amendments to this subpart.

§ 957.38 *Duties.* It shall be the duty of the committee:

(a) To act as intermediary between the Secretary and any producer or handler;

(b) To select a chairman and such other officers as may be necessary, to select subcommittees of committee members, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(c) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(d) To investigate, from time to time, and to assemble data on the growing, harvesting, shipping and marketing conditions with respect to potatoes;

(e) To furnish to the Secretary such available information as he may request;

(f) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative;

(g) To make available to producers and handlers the committee voting record on recommended regulations and on other matters of policy;

(h) At the beginning of each fiscal period, to submit to the Secretary a budget of its expenses for such fiscal period, together with a report thereon;

(i) To cause the books of the committee to be audited by a competent accountant at least once each fiscal period; and at such other time as the committee may deem necessary or as the Secretary may request; the report of such audit shall show the receipt and expenditure of funds collected pursuant to this subpart;



a copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers; and

(j) To consult, cooperate, and exchange information when deemed desirable by the committee with other potato marketing committees and other individuals or agencies in connection with all proper committee activities and objectives under this subpart.

EXPENSES AND ASSESSMENTS

§ 957.40 *Expenses.* The committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred during each fiscal period for its maintenance and functioning, and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. Handlers shall share expenses upon the basis of a fiscal period. Each handler's share of such expense shall be proportionate to the ratio between the total quantity of potatoes handled by him as the first handler thereof during a fiscal period and the total quantity of potatoes handled by all handlers as first handlers thereof during the same period.

§ 957.41 *Budget.*. At the beginning of each fiscal period, and as may be necessary thereafter, the committee shall prepare a budget of estimated income and expenditures necessary for the administration of this part. The committee may recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget promptly to the Secretary with an accompanying report showing the basis for its calculations.

§ 957.42 *Assessments.* (a) The funds to cover the committee's expenses pursuant to § 957.40 shall be acquired by the levying of assessments upon handlers as provided in this subpart. Each handler who ships potatoes as the first handler thereof shall pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of such expenses.

(b) Assessments shall be levied upon handlers at rates established by the Secretary, but not to exceed $1.00 per carload. Such rates may be established upon the basis of the committee's recommendations or other available information.

(c) At any time during or subsequent to a given fiscal period, the committee may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendation, or other available information, the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all potatoes which were regulated under this part and which were shipped by the first handler thereof during such fiscal period.

§ 957.43 *Accounting.* (a) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part.

(b) The Secretary may at any time require the committee, its members and alternates, employees, agents, and all other persons to account for all receipts and disbursements, funds, property, or records for which they are responsible. Whenever any person ceases to be a member or alternate of the committee, he shall account for all receipts, disbursements, funds, and property (including but not being limited to books and other records) pertaining to the committee's activities for which he is responsible, and deliver all such property and funds in his hands to such successor, agency, or person as may be designated by the Secretary, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor, committee, or designated person, the right to all of such property and funds and all claims vested in such person.

(c) The committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other committee property during periods of suspension of this part, or during any period or periods when regulations are not in effect; and if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for the committee.

§ 957.44 *Refunds.* Monies arising from the excess of assessments over expenses shall be accounted for as provided in this section. Each handler entitled to a proportionate refund of the excess assessments at the end of a fiscal period shall be credited with such refund against the operations of the following fiscal period unless he demands payment thereof, in which event such proportionate refund shall be paid to him. However, the Secretary, upon recommendation of the committee, may determine that it is appropriate for the maintenance and functioning of the committee that some of the funds remaining at the end of a fiscal period which are in excess of the expenses necessary for committee operations during such period may be carried over into following periods as a reserve for possible liquidation. Upon approval by the Secretary, such reserve may be used upon termination of this part to liquidate the affairs of the committee: *Provided*, That upon termination of this part any monies in the reserve for liquidation which are not required to defray the necessary expenses of committee liquidation shall, to the extent practical, be returned upon a pro rata basis to all persons from whom such funds were collected.

RESEARCH AND DEVELOPMENT

§ 957.47 *Research and development.* The committee, with the approval of the Secretary, may provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of potatoes.

REGULATION

§ 957.50 *Marketing policy*—(a) *Preparation.* Prior to or at the same time as recommendations are made pursuant to § 957.51, the committee shall consider and prepare a proposed policy for the marketing of potatoes. In developing its marketing policy the committee shall investigate relevant supply and demand conditions for potatoes. In such investigations the committee shall give appropriate consideration to the following:

(1) Market prices for potatoes, including prices by grade, size, and quality in different packs, and in different containers;

(2) Supplies of potatoes by grade, size, and quality in the production area and in other production areas;

(3) The trend and level of consumer income;

(4) Establishing and maintaining orderly marketing conditions for potatoes;

(5) Orderly marketing of potatoes as will be in the public interest; and

(6) Other relevant factors.

(b) *Reports.* (1) The committee shall promptly submit a report to the Secretary setting forth the aforesaid marketing policy and shall notify producers and handlers of the contents of such report.

(2) In the event it becomes advisable to shift from such marketing policy because of changed supply and demand conditions, the committee shall prepare a new or revised marketing policy in the manner set forth in paragraph (a) of this section and this paragraph. The committee shall promptly submit a report thereon to the Secretary and notify producers and handlers of the contents of such report on the new or revised marketing policy.

§ 957.51 *Recommendation for regulations.* Whenever the committee deems it advisable that the handling of potatoes be regulated pursuant to § 957.52 or § 957.53, or both, it shall recommend such regulations to the Secretary, or amendment, thereto, or modification, suspension or termination thereof, whenever it finds that such regulations will tend to effectuate the declared policy of the act.

§ 957.52 *Issuance of regulations.* (a) The Secretary shall limit the handling of potatoes whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulation would tend to effectuate the declared policy of the act. Such limitation may:

(1) Regulate in any or all portions of the production area, the handling of particular grades, sizes, qualities, or maturities, or any combination thereof, of any or all varieties of potatoes during any period;

(2) Regulate the handling of particular grades, sizes, qualities, or maturities of potatoes differently, for different varieties, for certified seed potatoes and other potatoes, for different outlets, for different portions of the production area, for different packs, for different containers, or for any combination of the foregoing, during any period.

(3) Provide a method, through rules and regulations issued pursuant to this part, for fixing the size, capacity, weight, dimensions, or pack of the container, or containers, which may be used in the packaging or handling of potatoes, or both;

(4) Regulate the handling of potatoes by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity; or

(5) Prohibit the handling of potatoes during a specified period or periods. No regulation issued pursuant to this subparagraph shall be applicable to the handling of potatoes (i) for processing, (ii) that were already loaded at the beginning of such period, or (iii) during any period other than between July 15 and September 15 of any marketing season. No such prohibition shall be deemed to limit the right of any person to sell or contract to sell any potatoes which are in conformity with the then current regulations, if any, that are in effect under this part. Further, no such prohibition shall be effective for more than 96 consecutive hours and at least 72 hours shall elapse between the termination of any such period of prohibition and the beginning of the next such period.

(b) In the event the handling of potatoes is regulated pursuant to § 957.52 (a) (5), no handler shall, except as otherwise permitted by said § 957.52 (a) (5), handle any potatoes that were prepared for market or loaded during the effective period of such regulation.

(c) The Secretary may amend any regulation issued under this part whenever he finds that such amendment would tend to effectuate the declared policy of the act. The Secretary may also terminate or suspend any regulation or amendment thereof whenever he finds that such regulation or amendment obstructs or no longer tends to effectuate the declared policy of the act.

§ 957.53 *Modification, suspension, or termination.* Whenever the Secretary finds, upon the basis of the recommendations and information submitted by the committee, or from other available information, that it will tend to effectuate the declared policy of the act, he shall modify, suspend, or terminate regulation under or pursuant to § 957.42, § 957.52, or § 957.65, or any combination thereof, in order to facilitate the handling of potatoes for the following purposes:

(a) Export;

(b) Relief or charity;

(c) Livestock feed within the production area;

(d) Certified seed potatoes;

(e) Processing into specified products; and

(f) Such other purposes which may be specified by the committee, with approval of the Secretary.

§ 957.54 *Minimum quantity exemption.* The committee, with the approval of the Secretary, may establish, for any or all portions of the production area, minimum quantities below which shipments will be free from regulations issued or in effect pursuant to §§ 957.40 to 957.65, inclusive, or any combination thereof.

§ 957.55 *Notification of regulation.* The Secretary shall notify the committee of any regulations issued or of any modification, suspension, or termination thereof. The committee shall give reasonable notice thereof to handlers.

§ 957.56 *Safeguards.* (a) The committee, with the approval of the Secretary, may prescribe adequate safeguards to prevent shipments pursuant to § 957.53 and other outlets from entering channels of trade for other than the specific purpose authorized therefor.

(b) Safeguards, as provided by this section, may include requirements that handlers:

(1) Shall obtain the inspection required by § 957.65 or pay the assessment provided by § 957.42, or both, in connection with the potato shipments effected in accordance with § 957.53; and

(2) Shall obtain certificates of privilege from the committee for shipments of potatoes effected or to be effected under provisions of § 957.53.

(c) The committee, with the approval of the Secretary, shall prescribe rules governing the issuance and the contents of certificates of privilege.

(d) The committee may rescind or deny to any handler certificates of privilege if proof satisfactory to the committee is obtained that potatoes shipped by him for the purposes stated in § 957.53 were handled contrary to the provisions of this part.

(e) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

(f) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of potatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of potatoes shipped under duly issued certificates and such other information as may be requested by the Secretary.

INSPECTION AND CERTIFICATION

§ 957.65 *Inspection and certification.* (a) During any period in which regulations are issued pursuant to §§ 957.52, 957.53, or any combination thereof, no handler shall handle potatoes unless such potatoes are inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary may designate, and is covered by a valid inspection certificate, except when relieved from such requirements pursuant to recommendation by the committee and approval by the Secretary.

(b) Regrading, resorting, or repacking any lot of potatoes shall invalidate any prior inspection certificates covering such potatoes insofar as the requirements of this section are concerned. During any period in which shipments of potatoes are regulated, as aforesaid, no handler shall handle potatoes after they have been regraded, resorted, repacked, or in any way further prepared for market, unless such potatoes are inspected and covered by a valid inspection certificate as required in paragraph (a) of this section.

(c) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate shall be valid may be established by the committee with the approval of the Secretary; and such length of time may be different for shipments for different purposes.

(d) When potatoes are inspected in accordance with the requirements of this section, a copy of each inspection certificate issued shall be made available promptly to the committee by the inspection service.

EXEMPTIONS

§ 957.70 *Procedure.* The committee may adopt, subject to approval of the Secretary, the procedures pursuant to which certificates of exemption will be issued to producers or handlers.

§ 957.71 *Granting exemptions.* (a) The committee may issue certificates of exemption to any producer who applies for such exemption and furnishes adequate evidence to the committee: (1) That by reason of a regulation issued pursuant to § 957.52 or § 957.53, or both, he will be prevented from handling as large a proportion of his production as the average proportion of production handled by all producers in said applicant's immediate production area, and (2) that the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the producer to handle the amount of potatoes specified thereon. Such certificate shall be transferred with such potatoes at time of handling.

(b) The committee may issue certificates of exemption to any handler who applies for such exemption and furnishes adequate evidence to the committee: (1) That by reason of a regulation issued pursuant to § 957.52 or § 957.53, or both, he will be prevented from handling as large a proportion of his storage holdings of ungraded potatoes, acquired during or immediately following the digging season, as the average proportion of ungraded storage holdings handled by all handlers in said applicant's immediate shipping area, and (2) that the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the handler to handle the amount of potatoes specified thereon. Such certificate may be transferred with such potatoes at time of handling.

(c) The committee shall be permitted at any time to make a thorough investigation of any producer's or handler's claim pertaining to exemptions.

§ 957.72 *Appeal.* If any applicant for exemption certificates is dissatisfied with the determination by the committee with respect to his application, said applicant may file an appeal with the committee. Such an appeal must be taken promptly after the determination by the committee from which the appeal is taken. Any applicant filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application. The committee shall notify the appellant of the final determination, and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.



§ 957.73 *Records, reports, and review of exemptions.* (a) The committee shall maintain a record of all applications submitted for exemption certificates, a record of all exemption certificates issued and denied, the quantity of potatoes covered by such exemption certificates, a record of the amount of potatoes shipped under exemption certificates, a record of appeals for reconsideration of applications, and such information as may be requested by the Secretary. Periodic reports on such records shall be compiled and issued by the committee upon request of the Secretary.

(b) The Secretary shall have the right to modify, change, alter, or rescind any procedure and any exemptions granted pursuant to §§ 957.70 to 957.73, inclusive.

MISCELLANEOUS PROVISIONS

§ 957.80 *Reports.* Upon the request of the committee, with approval of the Secretary, every handler[*] shall furnish to the committee, in such manner and at such time as may be prescribed, such information as will enable the committee to exercise its powers and perform its duties under this subpart. The Secretary shall have the right to modify, change, or rescind any requests for reports pursuant to this section.

§ 957.81 *Compliance.* Except as provided in this part, no handler shall handle potatoes, the handling of which has been prohibited by the Secretary in accordance with provisions of this part, and no handler shall handle potatoes except in conformity to the provisions of this part.

§ 957.82 *Right of the Secretary.* The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 957.83 *Effective time.* (a) The provisions of this subpart shall become effective at such time as the Secretary may declare above his signature attached to this subpart, and shall continue in force until terminated in one of the ways specified in this subpart.

(b) All rules and regulations issued by the Secretary pursuant to this part (Order No. 57, as amended), which are in effect immediately prior to the date of this amendment shall continue in effect under this subpart as originally issued, or subsequently modified, until such rules and regulations are changed, modified, or suspended in accordance with this subpart.

§ 957.84 *Termination.* (a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any season whenever he finds that such termination is favored by a majority of producers who, during the preceding season, have been engaged in the production for market of potatoes: *Provided*, That such majority has, during such season, produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effective only if announced on or before April 30 of the then current season.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 957.85 *Proceedings after termination.* (a) Upon the termination of the provisions of this subpart the then functioning members of the committee shall continue as trustees, for the purpose of liquidating the affairs of the committee, of all the funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall upon request of the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 957.86 *Effect of termination or amendments.* (a) Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not (1) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (2) release or extinguish any violation of this subpart or of any regulation issued under this subpart, or (3) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

(b) Each person who is a committee member or alternate on the effective date of this subpart shall continue in office under this subpart until the end of such person's term of office, and until his successor has been selected and has qualified; and all effective rules and regulations issued pursuant to this subpart shall continue in effect until modified, suspended, or terminated by the Secretary in accordance with the provisions of this subpart.

§ 957.87 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 957.88 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the United States, or name any agency in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 957.89 *Derogation.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 957.90 *Personal liability.* No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission as such member, alternate, employee, or agent, except for acts of dishonesty.

§ 957.91 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 957.92 *Amendments.* Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary.

§ 957.93 *Counterparts.* This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.[*]

[*] Applicable only to the proposed marketing agreement.

§ 957.94 *Additional parties.* After the effective date hereof, any handler who had not previously executed this agreement may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.[2]

§ 957.95 *Order with marketing agreement.* Each signatory handler favors and approves the issuance of an order, by the Secretary, regulating the handling of potatoes in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the act, such an order.[2]

Done at Washington, D. C., this 18th day of May 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator.*

[F. R. Doc. 56-4047; Filed, May 22, 1956; 8:49 a. m.]

## [ 7 CFR Part 975 ]

[Docket No. AO-179-A13]

MILK IN CLEVELAND, OHIO, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED AMENDMENTS TO THE ORDER, AS AMENDED, REGULATING HANDLING

*Correction*

In Federal Register Document 55-3393, of the issue dated April 27, 1955, the following corrections are made:

1. On page 2803 Col. 1, 11th line of 2d full paragraph change "Class II" to "Class III".

2. On page 2806 Col. 1, 18th line of 1st paragraph change "Class II" to "Class III".

3. On page 2806 Col. 2, 7th line from end of 1st paragraph change "Class II" to "Class III".

4. On page 2806 Col. 3, 18th line from bottom change "Class II" to "Class III".

5. On page 2807 Col. 3, next to last line change "$1.35" to "$1.40", and on page 2808 Col. 1, 2d line change "$1.80" to "$1.85".

## FEDERAL COMMUNICATIONS COMMISSION

## [ 47 CFR Part 3 ]

[Docket No. 11677]

REMOTE CONTROL OPERATION OF CERTAIN STANDARD, FM, AND NON-COMMERCIAL EDUCATIONAL FM BROADCAST STATIONS

NOTICE OF EXTENSION OF TIME FOR FILING COMMENTS

In the Matter of amendment of §§ 3.66, 3.274 and 3.572 of the Commission's rules and regulations relating to remote control operation of certain standard, FM, and non-commercial educational FM broadcast stations.

1. On April 12, 1956, the Commission issued a Notice of Proposed Rule Making (FCC 56-323) in the above-entitled proceeding which specified that comments should be filed on or before June 1, 1956, with replies to comments due 20 days thereafter.

2. On May 10, 1956, the International Brotherhood of Electrical Workers (AFL-CIO) filed a request for extension of time in which to file comments, as the June 1, 1956, date would be unfair and impractical in that it would not allow it sufficient time for the presentation of considered views prepared with the degree of care and accuracy that the Commission is entitled to have before it in its consideration of the proposed rule making in the matter.

3. The Commission believes that a sufficient showing has been made to warrant an extension of time for filing comments in this proceeding and that such an extension would be in the public interest.

4. In view of the foregoing, *It is ordered*, That the time for filing comments in the above-entitled proceeding is extended to July 2, 1956; and that the time for filing replies to such comments is extended to 20 days thereafter.

Adopted: May 17, 1956.

Released: May 17, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4043; Filed, May 22, 1956; 8:48 a. m.]

[2] Applicable only to the proposed marketing agreement.

# NOTICES

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[Doc. 14—California State Office]

CALIFORNIA

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

MAY 14, 1956.

Pursuant to the authority delegated by the Director, Bureau of Land Management, in section 2.5 of Order 541, dated April 21, 1954 (19 F. R. 2473, 2476), it is ordered as follows:

Subject to valid rights and provisions of existing withdrawals, the Departmental order of January 21, 1933, establishing Stockdriveway Withdrawal No. 235, California No. 17, under section 10 of the act of December 29, 1916 as amended (30 Stat. 865; 43 U. S. C. 300), is hereby revoked so far as it affects the following described lands:

MOUNT DIABLO MERIDIAN

T. 26 S., R. 35 E.,
Section 2, SE¼NE¼.
T. 25 S., R. 36 E.,
Section 20, S½SE¼.

The areas described aggregate 120 acres.

This revocation is made in furtherance of an exchange under section 8 of the act of June 28, 1934 as amended by section 8 of the act of June 26, 1936 (48 Stat. 1272; 49 Stat. 1976; 43 U. S. C. 315g) by which the offered lands will benefit a Federal land program. This restoration is, therefore, not subject to the provisions contained in the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284) as amended, granting preference rights to veterans of World War II and others.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, 5th Floor Bartlett Building, 215 W. 7th St., Los Angeles 14, California.

R. R. BEST,
*State Supervisor.*

[F. R. Doc. 56-4030; Filed, May 22, 1956; 8:45 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Department of the Air Force has filed an application, Serial No. Fairbanks 012867, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining and mineral leasing laws.

The applicant desires the land for military purposes.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

Commencing at the point of intersection of latitude 64°35' North and longitude 146°42' West; thence South along said longitude line for a distance of 670 feet to the True Point of Beginning for this description; thence West 9,200 feet; thence North 1,540 feet; thence N. 55° 00' E. 6,875 feet; thence East 6,335 feet; thence South 5,460 feet, more or less, to a point due East of the Point of Beginning; thence West 2,710 feet, more or less, to the Point of Beginning, and containing 1,240 acres, more or less.

ROGER R. ROBINSON,
*Operations Supervisor.*

[F. R. Doc. 56-4031; Filed, May 22, 1956; 8:46 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The U. S. Coast Guard has filed an application, Serial No. Anchorage 022116, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including mining and mineral leasing laws and the Grazing Act.

The applicant desires the land for primary communication facilities.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

Point of beginning Coast Guard Reservation Corner No. 1, from which Corner No. 9 of U. S. Survey No. 3275 bears west 4.484 chains; thence approximately south 89° 24' E. a distance of approximately 68.7 chains to CG Reservation Corner No. 2, which is identical to Corner No. 3 of U. S. Survey No. 3022; thence south 85° 08' 30" E. a distance of 2.692 chains to Coast Guard Reservation Corner No. 3, which is identical to Corner No. 13 of U. S. Survey No. 2808; thence east a distance of 16.48 chains; passing thru Corner No. 12 of U. S. Survey No. 2808, to Coast Guard Reservation Corner No. 4; thence south a distance of approximately 40 chains to Coast Guard Reservation Corner No. 5; thence west approximately 87.88 chains, passing thru corner No. 9 of U. S. Survey No. 3155, to Coast Guard Reservation Corner No. 6; thence north a distance approximately 41 chains to Coast Guard Reservation Corner No. 1 the point of beginning. Such Reservation containing an approximate area of 356 acres, including the area occupied by the right of way of the North Tongass Highway which passes thru this Reservation.

ROGER R. ROBINSON,
*Operations Supervisor.*

[F. R. Doc. 56-4032; Filed, May 22, 1956; 8:46 a. m.]

### Bureau of Reclamation

PAONIA PROJECT, COLORADO

ORDER OF REVOCATION

MARCH 1, 1956.

Pursuant to authority delegated by Departmental Order No. 2765 of July 30, 1954 (19 F. R. 5004), I hereby revoke Departmental Order of December 7, 1942, insofar as said order affects the following described lands; provided, however, that such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the lands hereinafter described:

SIXTH PRINCIPAL MERIDIAN, COLORADO

PAONIA PROJECT

T. 14 S., R. 90 W.,
Sec. 16; W½NE¼, SW¼SE¼;
Sec. 21; W½NE¼, W½, SE¼;
Sec. 22; S½SW¼.

The above areas aggregate 760 acres.

E. G. NIELSEN,
*Assistant Commissioner.*

[1941433]

MAY 17, 1956.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The released lands are within the Gunnison National Forest and have been open to applications and offers under the mineral-leasing laws. They will be open to such other applications, selections and locations, as are permitted on national forest lands effective at 10:00 a. m. on June 22, 1956.

Inquiries concerning applications and offers under the mineral-leasing laws and locations under the mining laws shall be addressed to the Manager, Land Office, Bureau of Land Management, Denver, Colorado. Other inquiries shall be addressed to the Regional Forester, Federal Center—Building 85, Denver, Colorado.

EDWARD WOOZLEY,
*Director,*
*Bureau of Land Management.*

[F. R. Doc. 56-4042; Filed, May 22, 1956; 8:48 a. m.]

### National Park Service

[Order 14, Amdt. 6]

REGIONAL DIRECTORS

DELEGATION OF AUTHORITY TO ACCEPT OFFERS IN SETTLEMENT OF TIMBER TRESPASSES

*Correction*

In F. R. Document 56-3951 appearing in the issue for Saturday, May 19, 1956, on page 3332, the bracket should read as set forth above.

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11004, 11691; FCC 56M-500]

OHIO VALLEY BROADCASTING CORP. ET AL.

ORDER SCHEDULING HEARING

In re applications of Ohio Valley Broadcasting Corporation, Clarksburg, West Virginia, Docket No. 11004, File No. BPCT-849; for television construction permit. News Publishing Company, Wheeling, West Virginia, (transferor), and WSTV, Inc., Steubenville, Ohio, (transferee), Docket No. 11691, File No. BTC-2048; for commission consent to transfer of control of Ohio Valley Broadcasting Corporation.

*It is ordered*, This 16th day of May 1956 that, pursuant to agreement of counsel arrived at during the pre-hearing conference held on this date, the hearing in the above-entitled proceeding will commence on June 11, 1956, at 10 o'clock a. m., in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4044; Filed, May 22, 1956; 8:48 a. m.]



## FEDERAL POWER COMMISSION

[Docket No. E-6679]

PACIFIC POWER & LIGHT CO.

NOTICE OF APPLICATION FOR AUTHORITY TO ISSUE UNSECURED PROMISSORY NOTES

MAY 17, 1956.

Take notice that on May 11, 1956, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Pacific Power & Light Company ("Applicant"), a corporation organized under the laws of the State of Maine and doing business in the States of Oregon, Washington, Wyoming, Montana and Idaho, with its principal business office at Portland, Oregon, seeking an order authorizing the issuance of unsecured Promissory Notes in the aggregate principal amount of not to exceed $25,000,000 at any one time outstanding. Applicant proposes to issue the unsecured Promissory Notes in varying amounts to the banks listed below:

| *Name and Address* | *Amount* |
|---|---|
| Guaranty Trust Co. of New York, New York, N. Y. | $8,000,000 |
| The Chase Manhattan Bank, New York, N. Y. | 5,000,000 |
| The first National City Bank of New York, New York, N. Y. | 5,000,000 |
| Mellon National Bank & Trust Co., Pittsburgh, Pa. | 3,000,000 |
| Continental Illinois National Bank & Trust Co. of Chicago, Chicago, Ill. | 2,000,000 |
| The Hanover Bank, New York, N. Y. | 2,000,000 |
| Total | 25,000,000 |

The First National Bank of Portland (Oregon), the United States National Bank of Portland (Oregon), and Bank of California N. A. (Portland, Oregon Branch) will have participations of $500,000 each, and National Bank of Commerce of Seattle (Washington) and Seattle-First National Bank (Seattle, Washington) will have participations of $300,000 each, through agreements with Guaranty Trust Company of New York.

Each of the notes to be issued will be dated the date of the borrowing evidenced thereby, have a stated maturity of November 15, 1964, and bear interest at the rate of 4% per annum from the date thereof until December 31, 1958, and at the rate of 4¼ percent per annum from January 1, 1959 until maturity.

Any person desiring to be heard or to make any protest with reference to said application, should on or before the 7th day of June 1956, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's Rules of Practice and Procedure. The application is on file and available for public inspection.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-4037; Filed, May 22, 1956; 8:47 a. m.]

[Docket No. G-3802, et al.]

DAVE MORGAN OIL CO. ET AL.

NOTICE OF SEVERANCE AND CONTINUANCE

MAY 18, 1956.

In the matters of Dave Morgan, d. b. a. Dave Morgan Oil Company et al.,

Docket No. G–3802 et al.; Shell Oil Company, Docket No. G–5082.

Notice is hereby given that the application of Shell Oil Company in Docket No. G–5082 in the above consolidated proceedings and scheduled for a hearing on May 23, 1956, at 9:30 a. m., e. d. s. t., is hereby severed therefrom and continued for a hearing at a subsequent date to be set by further notice.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–4038; Filed, May 22, 1956; 8:47 a. m.]

[Docket No. G–10414]

HUNT OIL CO.

ORDER INSTITUTING INVESTIGATION

Hunt Oil Company, (Respondent) is engaged in the production of natural gas and the sale thereof in interstate commerce for resale for ultimate public consumption, and is a natural gas company within the meaning of the Natural Gas Act, as found by the Commission by order issued February 7, 1956 In the Matter of Hunt Oil Company, Docket No. G–4366.

On October 4, 1955, Respondent, as party Seller, submitted for filing a contract, dated August 22, 1955, with Texas Eastern Transmission Corporation, as Buyer, for the sale of gas produced in the Greenwood-Waskom Field in Caddo Parish, Louisiana, which was designated by the Commission as Hunt Oil Company FPC Gas Rate Schedule No. 28, and accepted for filing by Commission letter dated November 30, 1955.

In addition to the sale of natural gas hereinbefore specifically referred to, it appears from the Commission's files that the Respondent also engages in other sales of natural gas in interstate commerce. It further appears that, upon the basis of data available to the Commission, the rates, charges, and classifications for or in connection with the sale or transportation of natural gas by the Respondent herein, subject to the jurisdiction of the Commission, and the rules, regulations, practices, and contracts relating thereto may be unjust, unreasonable, unduly discriminatory, or preferential.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that an investigation be instituted by the Commission, upon its own motion, into and concerning all rates, charges, or classifications demanded, observed, charged or collected by the said Respondent in connection with any transportation or sale of natural gas, subject to the jurisdiction of the Commission, and any rules, regulations, practices or contracts affecting such rates, charges or classifications.

The Commission orders:

(A) An investigation of Respondent be and it is hereby instituted under the provisions of the Natural Gas Act for the purpose of enabling the Commission to determine whether, with respect to any transportation or sale of natural gas, subject to the jurisdiction of the Commission, made or proposed to be made by said Respondent, any of the rates, charges, or classifications demanded, observed, charged, or collected, or any rules, regulations, practices or contracts affecting such rates, charges or classifications are unjust, unreasonable, unduly discriminatory or preferential.

(B) If the Commission, after a hearing has been had, shall find with respect to the Respondent that any of their rates, charges, classifications, rules, regulations, practices, or contracts subject to the jurisdiction of the Commission, are unjust, unreasonable, unduly discriminatory, or preferential, the Commission will thereupon determine and fix by order or orders just and reasonable rates, charges, classifications, rules, regulations, practices or contracts to be thereafter observed and in force.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, particularly sections 5, 14, 15, and 16 thereof, and the Commission's rules of practice and procedure, a public hearing be held upon a date to be fixed by further order of the Commission concerning the matters specified in Paragraphs (A) and (B) above.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: May 17, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–4039; Filed, May 22, 1956; 8:47 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 70–3479]

COLUMBIA GAS SYSTEM, INC.

NOTICE OF PROPOSED BANK BORROWINGS

MAY 17, 1956.

Notice is hereby given that The Columbia Gas System, Inc. ("Columbia"), a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating Sections 6 and 7 thereof as applicable to the proposed transactions, which are summarized as follows:

Columbia proposes to borrow $35,000,000 in aggregate amount from eighteen commercial banks, as follows:

| Bank | Amount |
|---|---|
| Guaranty Trust Co. of New York | $10,910,000 |
| Chemical Corn Exchange Bank | 4,200,000 |
| Mellon National Bank & Trust Co | 4,200,000 |
| Bankers Trust Co | 2,500,000 |
| The First National City Bank of New York | 2,500,000 |
| Irving Trust Co | 2,000,000 |
| The Hanover Bank | 2,000,000 |
| J. P. Morgan & Co., Inc | 1,500,000 |
| Manufacturers Trust Co | 1,500,000 |
| Peoples First National Bank & Trust Co | 900,000 |
| Brown Brothers, Harriman & Co | 750,000 |
| Fidelity Trust Co | $600,000 |
| The Ohio National Bank of Columbus | 450,000 |
| The Union National Bank of Pittsburgh | 300,000 |
| The Charleston National Bank | 240,000 |
| The Kanawha Valley Bank | 240,000 |
| The First Huntington National Bank | 120,000 |
| First-City National Bank of Binghamton | 90,000 |
| Total | 35,000,000 |

Loans will be made and mature in accordance with this schedule:

| To be borrowed on or before— | To mature— | Amount |
|---|---|---|
| July 13, 1956 | Feb. 28, 1957 | $10,000,000 |
| Aug. 15, 1956 | Mar. 29, 1957 | 15,000,000 |
| Sept. 14, 1956 | Apr. 30, 1957 | 10,000,000 |

Each borrowing will be apportioned ratably among the participating banks. The loans will be evidenced by unsecured notes bearing interest at the rate of 3½ percent per annum (the prime rate at the time the loans were negotiated), payable three months after the date of each respective note and at maturity or earlier payment. Notes may be prepaid in whole or in part, in order of maturity, without penalty on ten days' notice, except that prepayments may not be made with funds borrowed from banks at a lower interest rate.

Pursuant to a separate filing (File No. 70–3478), Columbia will advance the borrowed funds to its six subsidiaries which operate facilities for the underground storage of natural gas, in order to finance their purchases of inventory gas. Funds for repayment of the bank loans will become available to Columbia as said subsidiaries repay the advances with proceeds of the sale of gas withdrawn from storage.

Columbia's aggregate fees and expenses in this matter are estimated at $400.

It is requested that the Commission's order herein be made effective upon issuance.

Notice is further given that any interested person may, not later than June 4, 1956, at 5:30 p. m., request in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56–4040; Filed, May 22, 1956; 8:48 a. m.]



[File No. 7–1797]

DENVER & RIO GRANDE WESTERN RAILROAD CO.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

MAY 17, 1956.

In the matter of application by the San Francisco Stock Exchange for unlisted trading privileges in The Denver & Rio Grande Western Railroad Company, common stock; File No. 7–1797.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F–1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before June 4, 1956, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56–4041; Filed, May 22, 1956; 8:48 a. m.]

## INTERSTATE COMMERCE COMMISSION

[Notice 113]

MOTOR CARRIER APPLICATIONS

MAY 18, 1956.

Protests consisting of an original and two copies to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and State address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in forms of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, pre-hearing conference, taking of depositions, or other proceeding shall notify the Commission by letter or telegram within 30 days of publication of this notice in the FEDERAL REGISTER. Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operations of Motor Carrier properties sought to be acquired in an application under section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 200 Sub 189, filed May 9, 1956, RISS & COMPANY, INC., Riss Building, 15 West Tenth Street, Kansas City, Mo. Applicant's representative: M. W. Van Cleave, 15 West Tenth Street, Kansas City, Mo. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Peoria, Ill., and Lincoln, Ill., from Peoria over U. S. Highway 150 to junction Illinois Highway 121, thence over Illinois Highway 121 to Lincoln, and return over the same route, serving no intermediate points and with no service at the termini except as otherwise authorized, as an alternate or connecting route for operating convenience only in connection with carrier's authorized regular route operations between Peoria, Ill., and St. Louis, Mo. Applicant is authorized to conduct operations in Missouri, Kansas, Colorado, Oklahoma, Texas, Illinois, Iowa, Nebraska, Ohio, Indiana, Pennsylvania, Maryland, New York, New Jersey, Michigan, Kentucky, Massachusetts, Connecticut, West Virginia, Virginia, and the District of Columbia.

No. MC 730 Sub 67, filed May 14, 1956, PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 299 Adeline Street, Oakland, Calif. Applicant's attorney: Lynn S. Richards, 716 Newhouse Building, Salt Lake City 11, Utah. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Salt Lake City, Utah, and points within ten miles thereof, to (1) Elko, Cobre, Lamoille, Ely, Cherry Creek, Egan, Tippett, Anderson's Ranch, Aurum, Muncy, Ruth, and Kimberly, Nev., (2) points on U. S. Highway 40 between Elko, Nev., and the Utah-Nevada State Line, (3) points on U. S. Highway 50 between Ely, Nev., and the Utah-Nevada State Line, and (4) points in Nevada on U. S. Highway 93 between the Junction of U. S. Highways 50 and 93 and the Junction of U. S. Highways 40 and 93.

NOTE: Applicant states applied-for authority would remove existing restriction in applicant's Sub 52. It also broadens the authority by adding petroleum to the commodity description. Applicant is authorized to conduct operations in Arizona, California, Idaho, Montana, Nevada, Oregon, Utah, and Washington.

No. MC 1150 Sub 16, filed May 9, 1956, J. B. HEEREN, doing business as HEEREN TRUCKING COMPANY, Lemmon, S. Dak. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in or in connection with the discovery, mining, development, production, refining, manufacture, processing, storage, transmission, and distribution of uranium and its products and by-products, and *uranium, uraniferous lignite ore* and *other ores or materials from which uranium is derived*, between points in Carter, Powder River, Fallon, Custer, Rosebud, Wibaux, Prairie, and Dawson Counties, Mont., and points in North Dakota and South Dakota on and west of U. S. Highway 83.

No. MC 1227 Sub 3, filed April 26, 1956, CHELAN TRANSFER COMPANY, INC., Box 7, Chelan, Wash. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the proposed Wells Dam Site to be located between Chelan Station and Wells, Wash., as an off-route point in connection with applicant's regular route operations between Chelan Falls, Wash., and Wenatchee, Wash. Applicant is authorized to conduct operations in Washington.

No. MC 1872 Sub 38, filed May 7, 1956, RULON C. ASHWORTH, JOSEPHINE G. ASHWORTH, RALPH G. ASHWORTH, AND RULON C. ASHWORTH, JR., doing business as ASHWORTH TRANSFER COMPANY, 1526 South Sixth West, Salt Lake City, Utah. Applicant's attorney: Harry D. Pugsley, Continental Bank Building, Salt Lake City 1, Utah. For authority to operate as a *common carrier*, over irregular routes, transporting: *Ammonium nitrate*, and *damaged shipments* thereof, between Bacchus, Utah, and points in Wyoming, Colorado, New Mexico, Arizona, California, Oregon, Nevada, Idaho, and Montana. Applicant is authorized to conduct operations in Arizona, California, Colorado, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, and Wyoming. Any duplication with present authority should be eliminated.

No. MC 2229 Sub 77, filed May 10, 1956, RED BALL MOTOR FREIGHT, INC., 1210 South Lamar Street, P. O. Box 3148, Dallas, Tex. Applicant's attorney: Scott P. Sayers, Century Life Building, Fort Worth, Tex. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, including *Class A and B explosives*, but excepting household goods as defined by the Commission, articles of unusual value, commodities in bulk, commodities

requiring special equipment and those injurious or contaminating to other lading, between Sherman, Tex., and Henrietta, Tex., over U. S. Highway 82, serving no intermediate points, but serving the termini for purpose of joinder only, as an alternate route in connection with applicant's authorized regular route operations between Houston and Vernon, Tex., and between Sherman and Greenville, Tex. Applicant is authorized to conduct operations in Arkansas, Louisiana, and Texas.

No. MC 7348 Sub 4, filed May 7, 1956, HIGHWAY MOTOR FREIGHT, INC., P. O. Box 451, Hastings, Nebr. Applicant's attorney: Marion F. Jones, Suite 526, Denham Building, Denver 2, Colo. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving all intermediate and off-route points within 20 miles of Denver, Colo., in connection with applicant's regular route operations between Akron, Colo., and Denver, Colo., restricted to commodities having a prior or subsequent movement on applicant's authorized regular route, and excluding incorporated municipalities.

NOTE: The purpose of this application is to enable applicant to make delivery to or to pickup at a number of new installations and manufacturing plants constructed and being constructed in the area around Denver. Applicant is authorized to conduct operations in Nebraska, Iowa, and Colorado.

No. MC 8989 Sub 157, filed May 9, 1956, HOWARD SOBER, INC., 2400 West St. Joseph Street, P. O. Box 1228, Lansing 4, Mich. Applicant's attorney: Albert F. Beasley, Investment Building, 15th and K Streets NW., Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Motor trucks, motor truck-tractors, motor truck chassis, motor vehicles (except trailers) designed for transportation of passengers and property*, with or without bodies, and *parts thereof*, in initial movements, in driveaway service, from Fort Wayne, Ind. and Springfield, Ohio, to points in the United States; *damaged shipments* of the above-described commodities on return. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states that it holds authority to transport most, if not all, of the vehicles in this application and that its primary purpose is to clarify the commodity description. No duplicating authority is sought.

No. MC 9140 Sub 6, filed May 9, 1956, W. DON MAURER, doing business as DON MAURER TRUCK LINE, 523 First Avenue, East Spencer, Iowa. Applicant's attorney: Donald R. Wigton, 1221 Badgerow Building, Sioux City 1, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Farm machinery* and *parts thereof*, from Coldwater, Ohio, to Omaha, Nebr., Sioux City, Iowa, Spencer, Iowa, and points in Iowa within fifty (50) miles of Spencer. Applicant is authorized to transport the named commodities from specified Illinois points and West Bend, Wis., to Sioux City and Spencer, Iowa, and points within 35 miles of Spencer, and between Spencer and Omaha, Nebr.

No. MC 15808 Sub 17, filed April 30, 1956, GIRTON BROS., INC., P. O. Box 341, U. S. 40 East, Brazil, Ind. Applicant's attorney: Louis E. Smith, Suite 503, 1800 North Meridian Street, Indianapolis 2, Ind. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Internal combustion engines* and *parts thereof*, between Louisville, Ky., and Springfield, Ohio. Applicant is authorized to conduct operations in Indiana and Ohio.

No. MC 19201 Sub 91, filed May 8, 1956, PENNSYLVANIA TRUCK LINES, INC., 110 South Main Street, W. E., Pittsburgh, Pa. Applicant's attorney: Robert H. Griswold, Commerce Building, P. O. Box 432, Harrisburg, Pa. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, including *commodities of unusual value, commodities in bulk*, and *commodities requiring special equipment*, but excluding Class A and B explosives and household goods as defined by the Commission, between Norristown, Pa., and King of Prussia, Pa., over U. S. Highway 202, and between junction U. S. Highway 202 and unnumbered highway (Henderson Road) and King of Prussia, from junction U. S. Highway 202 and unnumbered highway (Henderson Road) over unnumbered highway to junction unnumbered highway at or near Henderson, Pa., thence over unnumbered highway to junction Pennsylvania Highway 23, thence over Pennsylvania Highway 23 to King of Prussia, and return over the same route, serving all points on said routes which are stations on the line of The Pennsylvania Railroad. RESTRICTION: Applied-for authority to be restricted to service which is auxiliary to, or supplemental of rail service of The Pennsylvania Railroad Company. Applicant is authorized to conduct operations in Indiana, Michigan, New York, Ohio, Pennsylvania, and West Virginia.

No. MC 26664 Sub 3, filed April 16, 1956, HARVEY B. WATTS, 23 Belmont Avenue, Floral Park, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Manufactured fertilizer*, from Carteret, N. J., to points in Westchester County, N. Y. Applicant is authorized to transport fertilizer from Carteret, N. J., to New York, N. Y. and points in a defined area in New York.

No. MC 28008 Sub 2, filed April 24, 1956, (CORRECTION), MIDWEST FREIGHT FORWARDING COMPANY, INC., published on Page 3092, issue of May 9, 1956. Route 2 as published described the request for authority as "Between Boston, Mass., and Chicago, Ill., serving all intermediate points". This description was in error. The correct route description reads "From Boston, Mass., to Chicago, Ill., serving no intermediate points" over the described route.

No. MC 30837 Sub 204, filed April 23, 1956, KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. For authority to operate as a common carrier, over irregular routes, transporting: *Motor trucks, motor truck tractors, motor truck chassis, motor vehicles (except trailers) designed for the transportation of passengers and property*, with or without bodies, and *parts thereof*, (1) in initial movements, in driveaway service, from Fort Wayne, Ind., and Springfield, Ohio, to points in the United States; (2) in secondary movements, in driveaway service, between points in the United States, restricted to transportation of vehicles which have previously been transported in initial movements from Bridgeport, Conn., Fort Wayne, Ind., or Springfield, Ohio. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states that it holds authority similar to that sought in this application both as to commodity and as to territory to be served and that the only purpose of the application is to clarify the commodity description.

No. MC 34837 Sub 8, filed May 7, 1956, RELIABLE TRANSPORT, INCORPORATED, 1601 Wake Forest Road, P. O. Box 2323, Raleigh, N. C. Applicant's attorney: Harry F. Gillis, Mills Building, Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Norfolk, Hopewell, and Richmond, Va., and points within ten (10) miles of Norfolk, Hopewell, and Richmond, to points in South Carolina. Applicant is authorized to transport liquid petroleum products from the above-described areas to points in a described area in North Carolina and diesel oil fuel from Cheatam Annex, Va., to Raleigh, N. C.

No. MC 2329 Sub 125, filed May 7, 1956, HAYES FREIGHT LINES, INC., 628 East Adams Street, Springfield, Ill. Applicant's attorney: Jack Goodman, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Iron and steel articles*, between Aurora, Ind., on the one hand, and, on the other, points in Indiana.

No. MC 48479 Sub 5, filed May 4, 1956, FRIGIDWAYS, INC., P. O. Box 2503, 253 West Virginia Avenue, Memphis, Tenn. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Packing-house products*, as described by the Commission, from Humboldt and Union City, Tenn., to points in Mississippi and Louisiana. Applicant is authorized to conduct operations in Alabama, Georgia, Iowa, Louisiana Minnesota, Mississippi, and Tennessee.

No. MC 48479 Sub 6, filed May 9, 1956, FRIGIDWAYS, INC., 253 West Virginia Avenue, P. O. Box 2503, Memphis, Tenn. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods*, from points in Tennessee and Arkansas to points in Missouri, Kansas, Nebraska, Iowa, Wisconsin, Minnesota, Indiana, Georgia, Alabama, Mississippi, Louisiana, Michigan, Ohio, and Tennessee.

No. MC 59120 Sub 12, filed April 17, 1956, EAZOR EXPRESS, INC., 15 26th Street, Pittsburgh 2, Pa. Applicant's attorney: Samuel P. Delisi, 1211 Berger Building, Pittsburgh 19, Pa. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment (but including perishable commodities requiring refrigerator equipment), (1) between Norwalk, Ohio and Girard, Pa.; from Norwalk over U. S. Highway 20 to Girard, and return over the same route, serving no intermediate or off-route points; (2) between Akron, Ohio, and Girard, Pa.; from Akron over Ohio Highway 5 to junction Ohio Highway 7, thence over Ohio Highway 7 to junction U. S. Highway 20 at Conneaut, Ohio, and thence over U. S. Highway 20 to Girard, and return over the same route, serving no intermediate or off-route points, as alternate routes for operating convenience only in connection with applicant's authorized regular routes in Certificate No. MC 59120 Sub 11, between Chicago, Ill., and Pittsburgh, Pa.; and (3) between Akron, Ohio, and junction of U. S. Highway 62 and Pennsylvania Highway 18 in Mercer County, Pa.; from Akron over Ohio Highway 5 to Warren, Ohio, thence over Ohio Highway 82 to the Ohio-Pennsylvania State Line, thence over U. S. Highway 62 to junction with Pennsylvania Highway 18 in Mercer County, Pa., and return over the same route, serving no intermediate or off-route points, as an alternate route for operating convenience only in connection with applicant's authorized regular routes in Certificate MC 59120 between Pittsburgh, Pa., and Buffalo, N. Y. Applicant is authorized to conduct operations in Pennsylvania, New York, Illinois, and Ohio.

No. MC 59135 Sub 11, filed April 18, 1956, amended May 10, 1956, RED STAR EXPRESS LINES OF AUBURN, INCORPORATED, doing business as RED STAR EXPRESS LINES, 26–50 Wright Avenue, Auburn, N. Y. Applicant's attorney: P. Bateman Ennis, 640 Shoreham Building, Washington, D. C. For authority to operate as a *common carrier*, over regular routes, transporting: *Dry Aluminum Chloride*, in bulk, between Grasselli, N. J., and Rochester, N. Y., from Grasselli over U. S. Highway 1–9 to North Bergen, N. J., thence over U. S. Highway 1–9 to junction U. S. Highway 6, thence over U. S. Highway 6 to junction New Jersey Highway 46, thence over New Jersey Highway 46 to junction New Jersey Highway 17, thence over New Jersey Highway 17 to the New York State line, thence over New York Highway 17 to junction U. S. Highway 11, thence over U. S. Highway 11 to junction New York Highway 5 to Auburn, N. Y., thence over New York Highway 5 to junction U. S. Highway 31, thence over U. S. Highway 31 to Rochester, and return over the same route, serving no intermediate points.

No. MC 60012 Sub 37, filed May 7, 1956, RIO GRANDE MOTOR WAY, INC., 775 Wazee Street, P. O. Box 1469, Denver, Colo. Applicant's attorney: Ernest Porter, 1531 Stout Street, P. O. Box 5482, Denver 17, Colo. For authority to operate as a *common carrier*, transporting: *General commodities*, including Class A, B and C explosives, and except household goods as defined by the Commission, commodities of unusual value, livestock, commodities in bulk and those requiring special equipment, serving the site of the Glenn L. Martin Company plant located near Watertown and Kassler, Colo., approximately 15 miles southwest of Denver, as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Colorado and New Mexico.

No. MC 64932 Sub 209, (Amended), filed April 30, 1956, published in the May 16, 1956, issue, of page 3240, ROGERS CARTAGE CO., a corporation, 1934 South Wentworth Avenue, Chicago, Ill. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Aqua ammonia solutions*, and *nitric acid*, in bulk, in tank vehicles, from West Henderson, Ky., to points in Indiana, Ohio, Michigan, Missouri, Iowa, Minnesota, Wisconsin, Illinois, Arkansas, and Tennessee.

No. MC 66632 Sub 1, filed May 8, 1956, JACK LURIE AND SID LURIE, doing business as VERMONT MOVING & STORAGE, 2124 Pitkin Avenue, Brooklyn, N. Y. Applicant's attorney: Morris Honig, 150 Broadway, New York 38, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household goods*, as defined by the Commission, between New York, N. Y., on the one hand, and, on the other, points in Maine, New Hampshire, and Vermont. Applicant is authorized to conduct operations in New York, Connecticut, Massachusetts, New Jersey, Pennsylvania, and Rhode Island.

No. MC 68909 Sub 47, filed May 7, 1956, DECATUR CARTAGE CO., a corporation, 1932 South Wentworth Avenue, Chicago, Ill. Applicant's attorney: Jack Goodman, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Iron and steel articles*, between Aurora, Ind., on the one hand, and, on the other, points in Indiana.

No. MC 71902 Sub 57, filed May 7, 1956, UNITED TRANSPORTS, INC., 4900 North Santa Fe, Oklahoma City, Okla. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis 3, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Motor trucks, motor truck tractors, motor truck chassis, motor vehicles (except trailers) designed for the transportation of passengers and property*, with or without bodies, and *parts thereof*, (1) in initial movements, in driveaway service, from Fort Wayne, Ind., and Springfield, Ohio, to points in Kansas, Oklahoma, Texas, Arizona, and New Mexico; (2) in secondary movements, in driveaway service, between points in Kansas, Oklahoma, Texas, New Mexico, and Arizona, restricted to transportation of vehicles which have been previously transported in initial movements from Bridgeport, Conn., Fort Wayne, Ind., or Springfield, Ohio. Applicant is authorized to conduct operations in Oklahoma, Texas, Missouri, Ohio, Kansas, Arizona, and New Mexico.

NOTE: Applicant states that it holds authority similar to that sought herein both as to commodity and as to territory served and that the only purpose of filing this application is to clarify the commodity description.

No. MC 80430 Sub 79, filed May 7, 1956, GATEWAY TRANSPORTATION CO., a corporation, 2130–2150 South Avenue, La Crosse, Wis. Applicant's attorney: Joseph E. Ludden, P. O. Box 851, La Crosse, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, to serve the site of the Studebaker-Packard plant located at Mound and 23 Mile Road in Shelby Township, Macomb County, Mich. (near Utica), as an off-route point in connection with carrier's regular route operations between Chicago, Ill., and Detroit, Mich., over U. S. Highway 112. Applicant is authorized to conduct operations in Illinois, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin.

No. MC 89726 Sub 4, filed May 4, 1956, FRANK W. EDMANDS, INC., 16 Woodbury Avenue, Saugas, Mass. Applicant's attorney: Mary E. Kelley, 84 State Street, Boston 9, Mass. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Coke*, in bulk, from Everett, Mass., to Pawcatuck, Putnam, and Winsor, Conn., and Winsor, Conn., and points in Rhode Island. Applicant is authorized to conduct operations in Massachusetts and New Hampshire.

No. MC 92983 Sub 164, filed May 3, 1956, ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Vegetable oils*, in bulk, in tank vehicles, from Washington, Iowa to Muscatine, Iowa. Applicant is authorized to conduct operations in Missouri, Kansas, Nebraska, New York, Pennsylvania, Mississippi, Tennessee, Illinois, Indiana, Arkansas, Kentucky, Michigan, Ohio, and Wisconsin.

No. MC 92983 Sub 165, filed May 7, 1956, ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids*, (Acetic) in bulk, in tank vehicles, from Memphis, Tenn., to Louisville, Ky., Asheville, N. C., and Greenville, Spartanburg, and Ware Shoals, S. C. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Georgia, Indiana, Iowa, Illinois, Kentucky, Kansas, Louisiana, Mississippi, Missouri, Minnesota, Nebraska, North Dakota, Oklahoma, Ohio, South Dakota, Texas, and Tennessee.

No. MC 95084 Sub 31, filed May 7, 1956, HOVE TRUCK LINE, Stanhope, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Agricultural machinery* and *agricultural implements*, hand, and other than hand, and *agri-*

*cultural machinery and agricultural implement parts*, hand, and other than hand, as defined by the Commission, from Coldwater, Ohio, to points in Lucas, Monroe, Wapello, Wayne, Appanoose, Davis, Lyon, Osceola, Dickinson, Emmett, Sioux, O'Brien, Clay, Palo Alto, Plymouth, Cherokee, Buena Vista, Pocahontas, Woodbury, Ida, Sac, Calhoun, Monona, Crawford, Carroll, Harrison, Shelby, Audubon, Pottawattamie, Cass, Mills, Montgomery, Adams, Fremont, Page, and Taylor Counties, Iowa, and those in Missouri on and north of U. S. Highway 50. Applicant is authorized to conduct operations in Iowa, Illinois, Indiana, Kentucky, Colorado, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, Wisconsin, Wyoming, and Kansas, and from Fort Dodge, Iowa, to Amarillo and Dallas, Tex.

No. MC 95920 Sub 9, filed May 3, 1956, D. D. SANTRY, doing business as SANTRY TRUCKING CO., 1525 Southwest Alder Street, Portland, Oreg. Applicant's attorney: John M. Hickson, Yeon Building, Portland, Oreg. For authority to operate as a *contract carrier*, over regular routes, transporting: *Beer*, from Olympia, Wash., to Portland, Oreg., over U. S. Highway 99, and *empty malt beverage containers* and *spoiled shipments* of the above-named commodity on return. Applicant is authorized to conduct operations in Oregon and Washington.

No. MC 101126 Sub 51, filed May 10, 1956, STILLPASS TRANSIT COMPANY, INC., 4967 Spring Grove Avenue, Cincinnati 32, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Vegetable oils* and *vegetable oil products*, in bulk, in insulated stainless steel tank vehicles, from St. Bernard, Ohio, to Pittsburgh, Pa., and *empty containers or other such incidental facilities* used in transporting the commodities specified on return. Applicant is authorized to conduct operations in Illinois, Arkansas, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Tennessee, Wisconsin, and New York.

No. MC 102138 Sub 22, filed May 4, 1956, REFINERS TRANSPORT, INC., 412 Illinois Building, Indianapolis, Ind. Applicant's attorney: William J. Guenther, 1511–1514 Fletcher Trust Building, Indianapolis, Ind. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Liquid petroleum asphalt*, in bulk, in tank vehicles, from Lawrenceville, Ill., to St. Louis, Mo. Applicant is authorized to conduct operations in Illinois and Indiana.

No. MC 102616 Sub 620, filed May 11, 1956, COASTAL TANK LINES, INC., Grantley Road, York, Pa. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum lubricating oil*, in bulk, in tank vehicles, from Pittsburgh, Pa., to points in Logan, McDowell, Mingo, and Wyoming Counties, W. Va. Applicant is authorized to conduct operations in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia.

No. MC 103378 Sub 62, filed May 7, 1956, PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 500 Atlantic National Bank Building, Jacksonville, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lubricating oil*, in bulk, in tank vehicles, from Savannah, Ga., to Key West, Fla. Applicant is authorized to conduct operations in Alabama, Georgia, Florida, North Carolina, and South Carolina.

No. MC 103435 Sub 68, filed May 7, 1956, BUCKINGHAM TRANSPORTATION, INC., Omaha and West Boulevard, Rapid City 5, S. Dak. Applicant's attorney: Marion F. Jones, Suite 526, Denham Building, Denver 2, Colo. For authority to operate as a *common carrier*, transporting: *General commodities*, including Class A and B explosives, but excluding livestock, commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving all intermediate and off-route points within 20 miles of Denver, Colo., in connection with applicant's regular route operations between Deadwood, S. Dak., and Denver, Colo., restricted to commodities having a prior or subsequent movement on applicant's authorized regular routes, and excluding incorporated municipalities.

NOTE: The purpose of this application is to enable applicant to make delivery to or to pickup at a number of new installations and manufacturing plants constructed and being constructed in the area around Denver. Applicant is authorized to conduct operations in Minnesota, South Dakota, Nebraska, Iowa, Wyoming, Colorado, Utah, and Montana.

No. MC 103993 Sub 69, filed May 3, 1956, MORGAN DRIVE-AWAY, INC., 509 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 632 Illinois Building, 17 West Market Street, Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Commercial trailers*, and *special purpose trailers*, in initial movements, in truckaway service, from Camp Hill, in Cumberland County, Pa., to points in the United States, and *damaged shipments* of the above-specified commodities on return. Applicant is authorized to conduct operations throughout the United States.

No. MC 104430 Sub 19, filed May 7, 1956, CAPITAL TRANSPORT COMPANY, INC., P. O. Box 789, McComb, Miss. Applicant's attorney: Dudley W. Conner, Conner Building, Hattiesburg, Miss. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Purvis, Miss., and points within five (5) miles thereof, including the site of the Pontiac Refinery, to points in Alabama and Louisiana, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity on return movements. Applicant is authorized to conduct operations in Alabama, Florida, Louisiana, and Mississippi.

No. MC 106379 Sub 24, filed May 11, 1956, GULF SOUTHWESTERN TRANSPORTATION COMPANY, 5812 Brock Street, Houston, Tex. Applicant's attorney: Joe G. Fender, 1421 Melrose Building, Houston, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in, or in connection with discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and byproducts, and *machinery, equipment, materials and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, *contractors' equipment and supplies*, and *commodities* the transportation of which because of size or weight requires the use of special equipment or which require special handling or rigging between points in Texas, Ohio, Michigan, Pennsylvania, New Jersey, and New York, on the one hand, and, on the other, United States-Canadian Ports of Entry located at or near the International Boundary in North Dakota, Montana, and Washington, restricted to transportation of shipments originating at or destined to points in Canada. Applicant is authorized to conduct operations in Arkansas, Louisiana, New Mexico, Texas, Mississippi, Alabama, Georgia, Florida, North Dakota, Michigan, Illinois, Indiana, and Ohio.

No. MC 106379 Sub 25, filed April 23, 1956, GULF SOUTHWESTERN TRANSPORTATION COMPANY, 5812 Brock Street, Houston, Tex. Applicant's attorney: Joe G. Fender, 1421 Melrose Building, Houston, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in, or in connection with discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum and their products and byproducts, and *machinery, equipment, materials and supplies* used in, or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, *contractors' equipment and supplies*, and *commodities*, the transportation of which because of size or weight requires the use of special equipment or which require special handling or rigging, between points in Michigan, Ohio, Pennsylvania, New Jersey, and New York, on the one hand, and, on the other, points in North Dakota, Arizona, California, and Washington. Applicant is authorized to conduct operations in Arkansas, Louisiana, New Mexico, Texas, Mississippi, Alabama, Georgia, Florida, North Dakota, Michigan, Illinois, Indiana, and Ohio.

No. MC 106398 Sub 65, filed May 4, 1956, NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, P. O. Box 8096 Dawson Station, Tulsa 15, Okla. Applicant's attorney: John E. Lesow, 632 Illinois Building, 17 West Market Street, Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from Coffeyville, Kans., and points within ten miles of Coffeyville, to points in the United States. Applicant is authorized to conduct operations throughout the United States.



No. MC 107002 Sub 96, filed May 7, 1956, WALTER M. CHAMBERS, doing business as W. M. CHAMBERS TRUCK LINE, 105 Giuffrias Avenue (P. O. Box 687) New Orleans, La. For authority to operate as a *common carrier*, over irregular routes, transporting: *Washing compound* and *fatty acid esters*, in bulk, in tank vehicles, from Memphis, Tenn., to Dayton, Ohio. Applicant is authorized to conduct operations in Alabama and Texas.

No. MC 109637 Sub 34, filed May 9, 1956, GASOLINE TRANSPORT CO., 4500 Bells Lane, Louisville, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, and *Acids* and *chemicals*, as defined by the Commission, in bulk, in tank vehicles, between Calvert City, Ky., and points within 10 miles thereof, and points in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Texas, West Virginia, and Wisconsin. Applicant is authorized to conduct operations in Kentucky, Indiana, Tennessee, and Illinois.

No. MC 110525 Sub 308, filed May 8, 1956, CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Gerald L. Phelps and John R. Sims, Jr., Munsey Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Coal tar products, acids* and *chemicals*, in bulk in tank vehicles, (1) between points in Bergen and Passaic Counties, N. J., on the one hand, and, on the other, points in Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, Sullivan, Ulster and Westchester Counties, N. Y., points in Montgomery County, Pa., and points in Connecticut, and (2) between points in Morris and Somerset Counties, N. J., on the one hand, and, on the other, points in Connecticut, Maine, Massachusetts, New Hampshire, New York, Pennsylvania, Rhode Island and Vermont, except liquid chemicals and coal tar products, (a) between points in Somerset County, N. J., on the one hand, and, on the other, points in Pennsylvania on and east of U. S. Highway 220, and (b) between points in Somerset County, N. J., on the one hand, and, on the other, points in Erie, Jefferson, Niagara, Oneida and Rockland Counties, N. Y., and Allegheny, Beaver, Butler, Cambria, Fayette, McKean, Mercer, and Venango Counties, Pa.; except oil of myrbane, from Bound Brook (Somerset County), N. J., to North Haven, Conn.; and except toluol from Bound Brook, N. J., to New Haven, Conn. Applicant is authorized to conduct operations in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

No. MC 110585 Sub 4, filed May 4, 1956, REPUBLIC VAN AND STORAGE CO., INC., 330 South Central Avenue, Los Angeles, Calif. Applicant's attorney: Leo P. Kitchen, Suite 713 Professional Building, Jacksonville 2, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in Rhode Island, on the one hand, and, on the other, points in Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Mexico, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Utah, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia. Applicant is authorized to conduct operations in Alabama, Arkansas, California, Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, Nevada, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, Utah, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia.

No. MC 112016 Sub 5, filed April 30, 1956, ZIGMUND GANCASZ, doing business as G. & M. TRUCKING CO., 188 Dupont Street, Brooklyn 22, N. Y. Applicant's attorney: Edward M. Alfano, 36 West 44th Street, New York 36, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Toll Booths* (assembled and uncrated), from Bayonne, N. J., to points in Connecticut, Rhode Island, Massachusetts, Vermont, New Hampshire, and Maine. Applicant is authorized to conduct operations in New York, Pennsylvania, and New Jersey.

No. MC 112595 Sub 7, filed May 7, 1956, FORD BROTHERS, INC., 2940 South Third Street, Box 419, Ironton, Ohio. Applicant's attorney: Chas. T. Dodrill, West Virginia Building, 600 Fifth Avenue, Huntington, W. Va. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid petroleum products*, in bulk, in tank vehicles, from Cobb, Kanawha County, W. Va. (gas compressor station of United Fuel Gas Company located on Elk River and on West Virginia Highway 4, about two miles east of Clendenin, Kanawha County, W. Va.), and Leach, Boyd County, Ky., and points within five (5) miles of each, to Morenci, Mich. Applicant is authorized to conduct operations in Kentucky, Michigan, Ohio, Virginia, and West Virginia.

No. MC 112617 Sub 22, Filed May 9, 1956, LIQUID TRANSPORTERS, INC., P. O. Box 35, Cherokee Station, Louisville 5, Ky. Applicant's attorneys: Gerald Phelps and John R. Sims, Jr., Munsey Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Coal Tar Products, Acids* and *Chemicals*, in bulk, in tank vehicles, between points in Marshall County, Ky., on the one hand, and, on the other, points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and Wisconsin. Applicant is authorized to conduct operations in Kentucky, Maryland, Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, Ohio, Pennsylvania, West Virginia, Indiana, Michigan, Illinois, Tennessee, Oklahoma, Iowa, Minnesota, Nebraska, Kansas, Arkansas, Louisiana, Texas, and Tennessee.

No. MC 113779 Sub 41, filed May 7, 1956, YORK INTERSTATE TRUCKING, INC., 8222 Market Street Road, Houston, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Anhydrous ammonia* and *nitrogen solutions*, in bulk, in tank vehicles, between El Dorado, Ark., and Luling, La. Applicant is authorized to conduct operations in Arkansas, Louisiana, Mississippi, New Mexico, Oklahoma, and Texas.

No. MC 114632 Sub 8, filed April 19, 1956, APPLE LINES, INC., Madison, S. Dak. Applicant's attorney: Einar Viren, 904 City National Bank Building, Omaha 2, Nebr. For authority to operate as a common carrier, over irregular routes, transporting: *Petroleum products*, in containers, from Coffeyville, Kans., to points in Nebraska, and *Empty containers* for petroleum products, from points in Nebraska to Coffeyville, Kans. Applicant holds authority to conduct operations in Kansas, Wyoming, Oklahoma, Nebraska, Iowa, South Dakota, and Minnesota.

No. MC 115625 Sub 1, filed May 3, 1956, THE FRANKLIN TRANSFER COMPANY, 2693 Dixie Highway, Franklin, Ohio. Applicant's attorney: Richard H. Brandon, Hartman Building, Columbus 15, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Pulpboard*, in rolls or sheets, from Franklin, Ohio, to Detroit, Mich., and Chicago, Ill.; *scrap paper* and *empty skids* from Detroit, Mich., and Chicago, Ill., to Franklin, Ohio.

No. MC 115717 Sub 1, filed May 7, 1956, SEQUOIA TRANSPORT, a corporation, 555 Hazel Avenue, Ukiah, Calif. Applicant's attorney: John G. Lyons, Mills Tower, San Francisco 4, Calif. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Dry ice* (solid carbon dioxide), from Hopland, Mendocino County, Calif., to points in Idaho, Nevada, Utah, Oregon, and Washington.

No. MC 115777 Sub 3, filed April 30, 1956, E. P. HOPKINS, doing business as PORT DEPOSIT GRANITE COMPANY, Port Deposit, Md. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except Class A and B explosives, household goods, as defined by the Commission, frozen foods, commodities in bulk, and those requiring special equipment, (1) from Perryville, Md., to U. S. Naval Training Center at Bainbridge, Md., over

U. S. Highway 222, serving no intermediate points, (2) between Bainbridge, Md., and Perryville, Md., over U. S. Highway 222, serving no intermediate points. RESTRICTION: Service to be performed under authority sought is limited to the handling of shipments having a prior movement to Perryville by the Pennsylvania Railroad.

No. MC 115777 Sub 4, filed April 30, 1956, E. P. HOPKINS, doing business as PORT DEPOSIT GRANITE COMPANY, Port Deposit, Md. For authority to operate as a *common carrier*, over irregular routes, transporting: *Coal*, in bulk, in dump motor vehicles, from Conowingo and Perryville, Md., to U. S. Naval Training Center at Bainbridge, Md. RESTRICTION: The service to be performed under the authority sought is limited to the handling of shipments having prior movement to Conowingo and Perryville, Md., by the Pennsylvania Railroad.

No. MC 115834, filed February 27, 1956 (REVISED) WILLIE T. BOAZ, BOBBY BOAZ AND CLYDE BOAZ, A PARTNERSHIP, doing business as BOURBON TRANSFER CO., 1 Pinecrest Avenue, Paris, Ky., published on page 1924, issue of March 28, 1956. The following portion of authority sought, "in seasonal operations between May 1 and August 1 of each year", should be revised to read "in seasonal operations from May 1 to September 1 of each year", and the commodity and territorial descriptions also revised to read: *"Used farm machinery, used motor vehicles, and equipment, materials and supplies* used in connection with blue grass stripping and processing, between Paris, Ky., and points in Indiana and Ohio; *blue grass seed*, from points in Indiana and Ohio to points in Bourbon County, Ky.

No. MC 115836 Sub 1, filed May 7, 1956, REX KLUMP. OIL COMPANY, a corporation, 208 Bolivia Street, Bartonville, Ill. Applicant's attorney: Grover C. Hoff, Suite 1121 Ridgely Building, Springfield, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from the River Terminal of the Clark Oil and Refining Corporation at Tuscarora, Ill., near Peoria, Ill., to points in Iowa on and East of U. S. Highway No. 69.

No. MC 115903 (REVISED), MARVIN PHILLIP DICUS, Steelville, Mo., published page 2674, issue of April 25, 1956, shows Earl E. Roberts as applicant's attorney. Letter dated May 9, 1956, advises that Mr. Roberts desires to withdraw as counsel for applicant.

No. MC 115914 Sub 2, filed April 19, 1956, DAVID JAMES ESKRIDGE, 676 Barclay Street, Craig, Colo. Applicant's attorney: Worth F. Shrimpton, Bank Building, Craig, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Minerals and ores*, from points within 100 miles of Craig, Colo., to mill sites at or near Rifle, Maybell and Kremmling, Colo., and Garfield, Utah, as more fully described in the application.

No. MC 115917, filed April 10, 1956, UNDERWOOD & WELD COMPANY, INC., Crossnore, N. C. Applicant's attorney: Wilmer A. Hill, Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Clay, dry ground mica*, and *building materials*, from points in Avery, Mitchell, and Yancey Counties, N. C., to Tuscaloosa, Ala.; Camden, Ark.; Stratford, Conn.; Edge Moor, Del.; Jacksonville, and Tampa, Fla.; Savannah, Ga.; Chicago, Elgin, Joliet, Matteson, Waukegan, and Wilmington, Ill.; Whiting, Ind.; Louisville, Ky.; Goodhope, La.; Baltimore, Md.; Millis, Mass.; Detroit and mount Clemens, Mich.; Minneapolis and Red Wing, Minnn.; Kansas City, Mo.; Bayonne, East Rutherford, Jersey City, Kearny, Manville, Newark, Perth Amboy, Raritan, South Bound Brook, and Trenton, N. J.; Bronx, Buffalo,, Fulton, New Brighton, Niagara Falls, Rochester, Schenectady, Syracuse, and Tonawanda, N. Y.; Cleveland, Coshocton, Crooksville, East Liverpool, East Palestine, Franklin, Gypsum, Lockland, Luckey, Newark, Salem, Sebring, Steubenville, and Wellsville, Ohio; Wynnewood, Okla.; Beaver Falls, Canonsburg, Chester, Erie, Lansdale, New Castle, Washington, and York, Pa.; Anderson, S. C.; Erwin, and Memphis, Tenn.; Acme, Dallas, Houston, and Sweetwater, Tenn.; Newport News, Va.; Chester, Manningtон, Newell, Parkersburg, and Wheeling, W. Va.; and *building materials*, from Baltimore, Md., Chicago, and Joliet, Ill., Cincinnati, and Lockland, Ohio, to points in Avery, Mitchell, Watauga, and Yancey Counties, N. C., on return movements.

No. MC 115954, filed April 27, 1956, A. E. CARTER, doing business as CARTER TRUCKING CO., 122 10th Street, Cloquet, Minn. Applicant's attorney: Leonard E. Lindquist, Midland Bank Building, Minneapolis 1, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Coal* and *Coke*, in bulk, (1) from Superior, Wis., to points in Minnesota and (2) from Duluth, Minn., to points in Wisconsin.

No. MC 115977, filed May 8, 1956, LOUIS F. SKOK, East 918, 28th Avenue, Spokane, Wash. For authority to operate as a *contract carrier*, over regular routes, transporting: *Bakery products, empty containers or other such incidental facilities* used in transporting the commodities specified, *newspapers* and *U. S. mail*, (1) between Spokane, Wash., and Clarkston, Wash.: from Spokane over U. S. Highway 195 to the Washington-Idaho State Line, thence over U. S. Highway 95 to Lewiston, Idaho, and thence over U. S. Highway 410 to Clarkston, and return over the same route, serving the intermediate points of Spangle, Plaza, Rosalia, Thornton, Steptoe, Colfax, Colton, and Uniontown, Wash., and Lewiston, Idaho; and (2) from Lewiston, Idaho, over U. S. Highway 95 to Moscow, Idaho, thence over Idaho Highway 8 to the Idaho-Washington State Line, thence over Washington Highway 3 to junction U. S. Highway 195 at Pullman, Wash., and thence over U. S. Highway 195 to Spokane, serving the intermediate point of Genessee, Idaho.

No. MC 115979, filed May 8, 1956, DWIGHT D. WIESE AND E. W. McBETH, doing business as WIESE AND McBETH, 17005 D Street, Victorville, Calif. Applicant's attorney: William J. Johnstone, 16890 "C" Street, Victorville, Calif. For authority to operate as a *contract carrier*, over regular routes, transporting: *Mined ore* (1) from Kingman, Ariz., to Barstow, Calif., from Kingman over U. S. Highway 66 to mill in Santa Fe right of way at Barstow, and *cement*, in bulk or sacks, on return movement, serving no intermediate points, but serving as an off-route point a mine located 30 miles east of Topock, Calif., and (2) between Kingman, Ariz., and Sun Valley Mill at San Fernando Valley, Calif., from Kingman over U. S. Highway 66 to Victorville, Calif., thence westerly over Palmdale County Road to junction California Highway 138, thence over California Highway 138, through Mint Canyon on U. S. Highway 6, to junction U. S. Highway 99, thence over U. S. Highway 99 to Sun Valley Mill at San Fernando Valley, and return over the same route, serving no intermediate points.

No. MC 115988, filed May 10, 1956, OLIVER W. PANKRATZ, doing business as O. W. PANKRATZ TRANSPORTATION, Henderson, Nebr. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Coiled sheet aluminum*, used in the manufacture of aluminum irrigation pipe, from the site of the Alcoa Aluminum Company at or near Bettendorf, Iowa, to Henderson, Nebr.

### APPLICATIONS FOR MOTOR CARRIERS OF PASSENGERS

No. MC 109736 Sub 7, filed May 7, 1956, CAPITOL BUS COMPANY, a corporation, Fourth and Chestnut Streets, Harrisburg, Pa. Applicant's attorney: James E. Wilson, Continental Building, Fourteenth at K NW., Washington 5, D. C. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express, mail*, and *newspapers*, in the same vehicle with passengers, between Scranton, Pa., and Elmira, N. Y., from Scranton over U. S. Highway 11 to Clarks Summit, Pa., thence over U. S. Highway 6 to Tunkhannock, Pa., thence over U. S. Highway 309 to Towanda, Pa., thence over U. S. Highway 220 to Waverly, N. Y., thence over New York Highway 17 to Elmira, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Maryland and Pennsylvania.

### APPLICATION FOR BROKERAGE LICENSE

No. MC 12645, filed April 30, 1956, PARAGON TRAVEL AGENCY, INC., 678 Pleasant Street, New Bedford, Mass. Applicant's attorney: Selwyn I. Braudy, 888 Purchase Street, New Bedford, Mass. For a license (BMC 5) authorizing operations as a *broker* at New Bedford, Mass., in arranging for transportation in interstate or foreign commerce, by motor vehicle, of *Passengers and their baggage*, in the same vehicle with passengers, both as individuals and groups, for tours, entertainment, events, and sightseeing trips, between points in the United States.



NOTE: By this application, applicant proposes to include such activity as arranging for the transportation of groups of passengers to religious shrines, baseball and other outdoor athletic events, beach, mountain, and country recreation centers, and on personally conducted tours as may be arranged by applicant. President of Corporation now holds License No. MC 12409, covering substantially the same authority sought herein and states that the purpose of this application is to substitute the Corporation for the individual.

### APPLICATIONS UNDER SECTION 5 (2) AND 210a (b)

No. MC–F 6226, published in the March 28, 1956, issue of the FEDERAL REGISTER on Page 1926. Application filed May 10, 1956, for temporary authority under section 210a (b).

No. MC–F 6265. Authority sought for control by ACME MOVERS AND STORAGE, INC., 720 East Shiawassee, Lansing, Mich., LOUIS DESTEFANIS, doing business as ACME VAN COMPANY, 240 West 60th Street, New York 20, N. Y., THE ANDREWS MOVING AND STORAGE COMPANY, 6802 Lexington Avenue, Cleveland, Ohio, ARPIN-PAQUIN VAN LINES, INC., 71 Greenville Avenue, Johnston, R. I., C. BAIN, INC., 180 Walnut Street, Somerville, Mass., BEVERLY STORAGE CO., INC., 304 East 61st Street, New York, New York, CABRINI MOVING SERVICE, INC., 531 Worthington St., Springfield, Mass., CADILLAC STORAGE COMPANY, 11745 12th Street, Detroit, Mich., THE CATER TRANSFER & STORAGE COMPANY, 121 South Madison, Spokane, Wash., CITY VAN & STORAGE CO., INC., 1200 North Country Club, Tucson, Ariz., OWEN CULLEN, doing business as CLANCY STORAGE CO., 2148 Westchester Avenue, Bronx, N. Y., COLUMBIA STORAGE WAREHOUSE COMPANY, 12 Garden Street, Boston, Mass., CROWN TRANSFER & STORAGE CO., doing business as CROWN TRANSFER & STORAGE CO., AND CROWN CITY & LOS ANGELES EXPRESS, 45 South Arroyo Parkway, Pasadena, Calif., JAMES HENRY DOOLEY, HARRY DOOLEY, ADMINISTRATOR, doing business as DOOLEY TRANSFER COMPANY, 319 Pearl Street, Columbia, Ind., ENSLEE FIREPROOF STORAGE & VAN CO., 78 Elm Street, Morristown, N. J., THE FERGUSON MOVING & STORAGE CO., 5225 Madison Road, Cincinnati, Ohio, GEIGER TRANSFER & STORAGE COMPANY, INC., 401 Northwest Second, Evansville, Ind., THE GEM VAN AND STORAGE COMPANY, 503 Windson Street, Hartford, Conn., B. F. GEORGE STORAGE AND VAN COMPANY, 900 Eighth Street, Muskegon Heights, Mich., H. A. HARTMAN & SON, INC., 537 North Front Street, Steelton, Pa., JACKSON TRANSFER AND STORAGE COMPANY, INCORPORATED, 220 East 19th Street, Norfolk, Va., JOHNSON STORAGE & VAN CO., 901 West Vickery Street, Fort Worth, Tex., LIBERTY MOVING AND STORAGE CO., 124 44th Street, Union City, N. J., WINIFRED E. MacDONALD, doing business as B. A. MacDONALD'S EXPRESS, McARDLE & CASAZZA TRUCKING CO., INC., 374 South Pearl Street, Albany, N. Y., DANIEL H. McCOLLISTER, doing business as McCOLLISTER'S EXPRESS, Burlington, N. J., MAFFUCCI STORAGE CORP., 15 Langdon Place, Lynbrook, Long Island, N. Y., MERCHANT'S TRANSFER AND STORAGE COMPANY, 920 E Street, NW., Washington, D. C., V. D. MORGAN VAN SERVICE & STORAGE COMPANY, INC., 819 West Main Street, Louisville, Ky., MARTIN T. O'ROURKE, KATHRYN I. O'ROURKE, EXECUTRIX, KATHRYN I. O'ROURKE, and MARTIN M. O'ROURKE, doing business as O'ROURKE STORAGE & TRANSFER COMPANY, 5436 Centre Avenue, Pittsburgh, Pa., HOWARD C. RANSLER, doing business as RANSLER STORAGE & VAN SERVICE, 703 North Street, Kalamazoo, Mich., CHARLES S. ROGERS AND DAVID F. ROGERS, doing business as ROGERS CARTING & STORAGE CO., 3612 Main Street, Buffalo, N. Y., VINCENT H. SCHNURR, doing business as ROSEBANK STORAGE WAREHOUSE, 139 Bay St., St. George, Staten Island, N. Y., CARL H. SCHULTZ, doing business as SCHULTZ'S MOVING SERVICE, Second Avenue and Lawrence Street, Spring Valley, N. Y., WM. SPARKS and IVAN SPARKS, doing business as W. SPARKS AND SON, 75 Breeze Hill Avenue, Ottawa, Ontario, Canada, FELIX J. BERNERD, doing business as STRATFORD WEST END MOVING, 2400 Barnum Avenue, Stratford, Conn., PATSY SCIALLO and DOMINIC SCIALLO, doing business as SUNRISE STORAGE COMPANY, 24 South Grove Street, Freeport, N. Y., TEAGUE BROTHERS TRANSFER & STORAGE CO., INC., Mobile, Ala., THAMES MOVING & STORAGE, INC., 563 Colman Street, New London, Conn., C. L. CUTLER, doing business as UNIVERSITY VAN & STORAGE, 2217 30th Street, San Diego, Calif., WALKER TRANSPORTATION CO., 2312 North 15th Street, Philadelphia, Pa., and WASHBURN STORAGE COMPANY, 83 Fifth Street, Macon, Ga., of the operating rights and property of UNITED VAN LINES, INC., 7808 Maplewood Industrial Court, St. Louis 17, Mo. Applicant's attorney: B. W. LaTourette, Suite 1230 Boatmen's Bank, 314 North Broadway, St. Louis 2, Mo. Operating rights sought to be controlled: *Household goods*, as defined by the Commission, as a *common carrier* over irregular routes, between points in the United States. Applicants are authorized to operations in all states in the United States and the District of Columbia, except the States of Colorado, Nevada, New Mexico, North Dakota, South Dakota, and Wyoming. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6268. Authority sought for control and merger by A. & H. TRUCK LINE, INC., 1277 Maxwell Avenue, Evansville, Ind., of the operating rights and property of MORROW, INC., 1700 Bartlett Avenue, Evansville, Ind., and for acquisition by DONALD H. ANDERSON, also of Evansville, of control of such rights and property through the transaction. Applicants' attorney: John S. Powell, 520 Illinois Building, Indianapolis, Ind. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions including household goods, as a *common carrier* over regular routes, between Evansville, Ind., and Chicago, Ill., and between Hammond, Ind., and the junction of U. S. Highways 41 and 6 and Indiana Highway 152, serving certain intermediate and off-route points. A. & H. TRUCK LINE, INC., is authorized to operate in New York, North Carolina, Oklahoma, South Carolina, Texas, Virginia, Indiana, Kentucky, Ohio, Tennessee, Illinois, Missouri, Michigan, Minnesota, West Virginia, Wisconsin, Iowa, Pennsylvania, Alabama, Arkansas, Colorado, Florida, Georgia, Kansas, Louisiana, Mississippi, and Nebraska. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6270. Authority sought for purchase by THE OVERLAND EXPRESS, LTD., 201 Wellington Street, Woodstock, Ontario, Canada, of a portion of the operating rights and certain property of REID TRANSPORTS, LTD., 569 Christina Street North, Sarnia, Ontario, Canada, and for acquisition by G. W. A. TRANSPORT, LTD., also of Woodstock, of control of such rights and property through the purchase. Applicants' attorney; Walter N. Bieneman, 2150 Guardian Building, Detroit 26, Mich. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods, as a *common carrier*, over irregular routes, between the international boundary between the United States and Canada at Port Huron, Mich., on the one hand, and, on the other, Port Huron, Mich., restricted to traffic moving from or to points in Canada which is interchanged with other carriers at Port Huron, either before or after going through customs. Vendee is authorized to operate in Michigan. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6271. Authority sought for control and merger by CONSOLIDATED FREIGHTWAYS, INC., 2029 Northwest Quimby Street, Portland, Oreg., of the operating rights and property of HUNT TRANSFER CO., INC., 321 Northwest Glisan Street, Portland, Oreg. Applicant's attorney: Donald A. Schafer, 803 Public Service Building, Portland 4, Oreg. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions including household goods, as a *common carrier* over irregular routes, between points within three miles of Portland, Oreg., including Portland; household goods, as defined by the Commission, between points in Washington, Oregon, California, Idaho, Utah, and Montana; *new and used store and office furniture and fixtures*, uncrated, between points in Washington,, Oregon, and California; and *new and used store and office fixtures*, uncrated, between Portland, Oreg., on the one hand, and, on the other, points in Idaho, Utah, and Montana. HUNT TRANSFER CO., INC., is authorized to engage in operations as a broker in the States of Oregon, Washington, and California in connection with household goods. CONSOLIDATED FREIGHTWAYS, INC., is authorized to operate in Oregon, Washington, Idaho, Nevada, Minnesota, North Dakota, Montana, Utah, California, Wisconsin, Illinois, and Iowa. Application has not been filed for

temporary authority under section 210a (b).

No. MC–F 6272. Authority sought by SITES FREIGHTLINES, INC., 1321 Southeast Water Avenue, Portland, Oreg., to merge the operating rights and property of SILVER WHEEL MOTOR FREIGHT, INC., 300 East First Street, Albany, Oreg., into the first-named corporation for ownership, management and operation, and for acquisition by HERMAN O. SITES, also of Portland, of control of such rights and property through the transaction. Applicant's attorney: John M. Hickson, 1012 Yeon Building, Portland 4, Oreg. Operating rights sought to be merged: *General commodities*, with certain exceptions including household goods, as a *common carrier* over regular routes, between Portland, Oreg., and Harrisburg, Oreg., between Newport, Oreg., and Lebanon, Oreg., between Halsey, Oreg., and Brownsville, Oreg., between Corvallis, Oreg., and Yachats, Oreg., between Newport, Oreg., and Waldport, Oreg., and between Lebanon, Oreg., and the C. C. C. Camp near Cascadia, Oreg., serving intermediate and off-route points; alternate route for operating convenience only between Portland, Oreg., on the one hand, and, on the other, Newport, Oreg. SITES FREIGHTLINES, INC., is authorized to operate in Oregon and Washington. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6273. Authority sought for control and merger by MURPHY MOTOR FREIGHT LINES, INC., 965 Eustis Street, St. Paul, Minn., of the operating rights and property of HESS MOTOR EXPRESS, INC., 412 Second Street NW., Pipestone, Minn., and for acquisition by E. L. MURPHY, JR., and STANLEY L. WASIE, both of St. Paul, of control of such rights and property through the transaction. Applicant's attorney: Axelrod, Goodman & Steiner, 39 South LaSalle Street, Chicago 3, Ill., Woodlief Thomas, Pillsbury Building, Minneapolis, Minn., and S. T. Persen, 620 Marquette Avenue, Minneapolis, Minn. Operating rights sought to be controlled and merged: *Household goods* as defined by the Commission, and *general commodities*, except those of unusual value, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading, as a common carrier over regular routes between Pipestone, Minn., and Sioux City, Iowa, Sioux Falls, S. Dak., and Clear Lake, S. Dak., and between Sioux Falls, S. Dak., and Luverne, Minn., serving certain intermediate and off-route points; *general commodities*, with certain exceptions including household goods, over regular routes, including routes between Marshall, Minn., and Pipestone, Minn., between Luverne, Minn., and Pipestone, Minn., between Jasper, Minn., and Pipestone, Minn., between Pipestone, Minn., and Worthington and Jeffers, Minn., between Slayton, Minn., and Worthington, Minn., and between Sioux Falls, S. Dak., and Worthington, Minn., serving certain intermediate and off-route points; five alternate routes for operating convenience only; general commodities, with certain exceptions including household goods, over irregular routes, between certain points in Minneapolis, between Westbrook, Minn., and points within 35 miles of Westbrook, on the one hand, and, on the other, Chicago, Ill., Sioux City and Waterloo, Iowa, Sioux Falls, S. Dak., and Wahpenton and Forgo, N. Dak., and between Luverne, Minn., and points in Minnesota within 20 miles of Luverne, on the one hand, and, on the other, Sioux Falls, S. Dak. MURPHY MOTOR FREIGHT LINES, INC., is authorized to operate in Minnesota, Iowa, and Wisconsin. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6275. Authority sought for purchase by LAKE SHORE DELIVERY, INC., 219 Brigham Road, Dunkirk, N. Y., of the operating rights and certain property of B. & H. TRUCKING COMPANY, 16 River Street, Jamestown, N. Y., and for acquisition by JOHN W. COOGAN, also of Dunkirk, of control of such rights and property through the purchase. Applicants' attorney: Kenneth T. Johnson, Bank of Jamestown Bldg., Jamestown, N. Y. Operating rights sought to be transferred: *Household goods* and *general commodities* with certain exceptions not including household goods, as a *common carrier* over regular routes between Union City, Pa., and Jamestown, N. Y., between Union City, Pa., and Stow, N. Y., between Elgin, Pa., and Findlay Lake, N. Y., between Corry, Pa., and Pittsfield, Pa., between Lottsville, Pa., and Chautauqua, N. Y., and between North Clymer, N. Y., and Sherman, N. Y., serving all intermediate and certain off-route points. Vendee is authorized to operate in New York and Pennsylvania. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56–4034; Filed, May 22, 1956; 8:46 a. m.]

## FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 18, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

### LONG-AND-SHORT HAUL

FSA No. 32105: *Silicon carbide briquettes—To Saginaw, Mich.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on silicon carbide briquettes, carloads from Niagara Falls and Suspension Bridge, N. Y., to Saginaw, Mich.

Grounds for relief: Circuitous routes.

Tariff: Supplement 43 to Erie Railroad tariff I. C. C. A–7851; Supplement 95 to New York Central tariff I. C. C. 1611.

FSA No. 32106: *Bituminous coal—Indiana and Illinois to Iowa.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on bituminous screened coal, carloads from mines in Indiana in the Brazil-Clinton and Linton-Sullivan districts and in Illinois in the Belleville district to Aladdin, Cedar Falls, East Waterloo and Waterloo, Iowa.

Grounds for relief: Market competition and circuity.

Tariff: Supplement 64 to Pennsylvania Railroad Company I. C. C. 3210.

FSA No. 32107: *Artificial rubber—from Baton Rouge and North Baton Rouge, La.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on rubber, artificial, guayule, natural, synthetic or neoprene, crude, carloads from Baton Rouge and North Baton Rouge, La., to Paris, Tenn., and Long Branch, N. J.

Grounds for relief: Circuitous routes, in part west of the Mississippi River.

FSA No. 32108: *Building or roofing material—Cincinnati, Ohio, to Sioux Falls, S. Dak.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on building or roofing material, carloads from Cincinnati, Ohio to Sioux Falls, S. Dak.

Grounds for relief: Competition with markets at other destinations in South Dakota, Iowa and Nebraska, and circuity.

Tariff: Supplement 136 to Agent Hinsch's I. C. C. 4238.

FSA No. 32109: *Motor-water and motor-water-motor rates—Pan Atlantic Steamship.* Filed by Pan Atlantic Steamship Corporation, for itself, and interested motor carriers. Rates on commodities, various, moving on class rates between points in Connecticut, Delaware, District of Columbia, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island and Vermont, on the one hand, and points in Texas, on the other.

Grounds for relief: Competition with rail-water, water-rail and rail-water-rail carriers, and circuity.

Tariff: Supplement 6 to Pan Atlantic Steamship Corporation tariff I. C. C. No. 253.

FSA No. 32110: *Trailer-on-flat-car service—N. Y., N. H. & H. R. R.* Filed by The New York, New Haven and Hartford Railroad Company, for itself and other interested rail carriers. Rates on freight loaded in or on trailers and transported on railroad flat cars between specified points in Connecticut, Massachusetts, and Rhode Island, on the New York, New Haven & Hartford Railroad, on the one hand, and points in New York and Pennsylvania, also points in Illinois, Indiana, Michigan, Missouri, and Ohio, on the other.

Grounds for relief: Motor-truck competition, and circuity.

Tariff: New York, New Haven and Hartford Railroad Company's tariff I. C. C. F–4394.

FSA No. 32111: *Kyanite—Clover, S. C., to Hartford, Conn.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on kyanite, crude or ground (not pulverized), carloads from Clover, S. C., to Hartford, Conn.

Grounds for relief: Short-line distance formula, and circuity.

Tariff: Supplement 107 to Agent Spaninger's I. C. C. 1346.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56–4033; Filed, May 22, 1956; 8:46 a. m.]

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## TITLE 7—AGRICULTURE

### Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 53—MEATS, PREPARED MEATS, AND MEAT PRODUCTS (GRADING, CERTIFICATION, AND STANDARDS)

SUBPART B—STANDARDS

OFFICIAL UNITED STATES STANDARDS FOR GRADES OF SLAUGHTER CATTLE

On April 25, 1956, a notice of proposed rule making was published in the FEDERAL REGISTER (21 F. R. 2662) regarding proposed amendments of the official United States standards (7 CFR 53.203, 53.204) for grades of certain slaughter cattle (steers, heifers, and cows) under the provisions of Sections 203 and 205 of the Agricultural Marketing Act of 1946 (7 U. S. C. 1622 and 1624) and the general language in the item for the Agricultural Marketing Service contained in the Department of Agriculture and Farm Credit Administration Appropriation Act, 1956 (69 Stat. 56–57).

After due consideration of all relevant material submitted pursuant to the notice and under the aforesaid sections of the Agricultural Marketing Act of 1946 and the item for the Agricultural Marketing Service contained in the Department of Agriculture and Farm Credit Appropriation Act, the standards for grades of slaughter cattle are amended as follows:

1. In § 53.203, paragraph (b) (2) is amended to read as follows:

(2) Since evidences of maturity in the beef carcass vary among animals of the same approximate age, only general age limitations can be used for descriptive standards for slaughter cattle. Approximate maximum age limitations for the specified grades of steers, heifers and cows are as follows: Prime—36 months; Choice—42 months; Good—48 months; and Standard—48 months. The Commercial grade for steers, heifers, and cows applies only to cattle over approximately 48 months. There are no age limitations for the Utility, Cutter and Canner grades of steers, heifers, and cows.

2. In § 53.204, paragraphs (d), (e), (f), and (g) are redesignated (e), (f), (g), and (h), respectively.

3. A new paragraph (d) is inserted in § 53.204, and redesignated paragraph (e) of § 53.204 is amended, to read, respectively, as follows:

(d) *Standard.* Cattle possessing the minimum qualifications for the Standard grade may differ somewhat in appearance because of the numerous possible combinations of age, conformation, finish, and quality. The maximum maturity for steers, heifers, and cows of the Standard grade is approximately 48 months. In conformation, Standard grade cattle tend to be slightly rangy, thin fleshed, slightly narrow through the crops, back, and loin, somewhat prominent at the hips, and shallow in the twist and quarter. The loin, rump, and rounds appear flat with no evidence of fullness. Cattle ranging from 30 to 48 months of age carry a slightly thin fat covering which is primarily in evidence over the back, loin, and ribs. The brisket, rear flanks, and cod or udder show only slight fullness. Cattle under 30 months of age carry only a thin covering of fat which is largely restricted to the back, loin, and upper rib. Standard grade cattle frequently have the heavy bone and prominent hips and shoulders associated with coarseness or the small bone, tight hide, and angularity denoting overrefinement.

(e) *Commercial.* The Commercial grade for steers, heifers, and cows is limited to cattle over approximately 48 months of age and, therefore, too advanced in maturity for the Good or Standard grades. Cattle possessing the minimum qualifications for Commercial grade may vary slightly in appearance because of different possible combinations of the grade factors. In conformation, Commercial grade cattle tend to be slightly rangy and slightly thin fleshed. They appear deep through the fore-rib and moderately wide over the back and loin. The hips and shoulders are prominent, and the quarters are thin and shallow with no apparent bulge or fullness. Cattle near the minimum maturity for the grade carry a slightly thick fat covering over the back, ribs, loin, and rump. Fully mature cattle usually carry at least a moderately thick fat covering

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FEDERAL REGISTER

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**CFR SUPPLEMENTS**

**(As of January 1, 1956)**

The following Supplement is now available:

**Titles 35–37 ($1.00)**

Previously announced: Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 7: Parts 1–209 ($1.25); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. I, and Title 27 ($1.00); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Titles 40–42 ($0.65); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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and considerable patchiness is evident about the tailhead. The brisket, flanks, and cod or udder appear slightly to moderately full. Commercial grade cattle tend to be rather coarse and rough with prominent shoulders and hips, slightly coarse bone, and moderately thick, heavy hide.

This order shall become effective June 1, 1956.

This order divides the Commercial grade for slaughter steers, heifers, and cows into two grades, Standard and Commercial, to conform with the revised standards for carcass beef which are to become effective on June 1, 1956. It is desirable that the revised standards for slaughter cattle and carcass beef become effective concurrently to avoid a variance between the market grade for slaughter cattle and the grade of beef derived from such cattle. Accordingly, good cause is found under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) for issuance of this order effective less than 30 days after its publication in the FEDERAL REGISTER.

(Sec. 205, 60 Stat. 1090; 7 U. S. C. 1624)

Done at Washington, D. C., this 21st day of May 1956.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 56-4095; Filed, May 23, 1956; 8:52 a. m.]



## Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Plum Order 1]

### PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.524 *Plum Order 1*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than May 25, 1956. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until May 18, 1956; recommendation as to the need for, and the extent of regulation of shipments of such plums was made at the meeting of said committee on May 18, 1956, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about May 29, 1956; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefore which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., May 25, 1956, and ending at 12:01 a. m., P. s. t., November 1, 1956, no shipper shall ship from any shipping point during any day any package or container of Beauty plums unless:

(i) Such plums grade at least U. S. No. 1;

(ii) The plums are, except to the extent otherwise permitted under this paragraph, of a size not smaller than a size that will pack a 4 x 5 standard pack; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That a total of of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) During each day of the aforesaid period, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 4 x 5 standard pack but are not of a size smaller than a size that will pack a 5 x 5 standard pack if said quantity does not exceed one hundred (100) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 4 x 5 standard pack, as aforesaid.

(3) If any shipper, during any day of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than a size that will pack a 4 x 5 standard pack, the quantity of the undershipment of such plums may be shipped by such shipper only from such shipping point during the next two succeeding calendar days in addition to the quantities of such plums of a size smaller than a size that will pack a 4 x 5 standard pack that such shipper could have shipped from such shipping point on such two succeeding calendar days if there had been no undershipment.

(4) Section 936.143 of the rules and regulations, as amended (§ 936.100 et seq.), sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(5) As used herein, "U. S. No. 1" and "serious damage" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh) (§§ 51.1520 to 51.1530 of this title); "standard pack" shall have the applicable meanings of the terms "standard pack" and "equivalent size," and "diameter" shall have the meaning of that term as used in § 936.142 of the aforesaid amended rules and regulations; and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 22, 1956.

[SEAL] S. R. SMITH, *Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-4129; Filed, May 23, 1956; 9:07 a. m.]

[Plum Order 2]

### PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES

§ 936.525 *Plum Order 2*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the Burmosa, Earliana, Gros Hungarian, Laroda, Queen Ann, Red Heart, Standard, Satsuma, and Splendor varieties (hereinafter referred to as "miscellaneous varieties of plums"), in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than May 25, 1956. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until May 18, 1956; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on May 18, 1956, after consideration of all available

information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information were submitted to the Department; shipments of the current crop of the miscellaneous varieties of plums are expected to begin on or about May 29, 1956, and this section should be applicable, insofar as practicable, to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., May 25, 1956, and ending at 12:01 a. m., P. s. t., November 1, 1956, no shipper shall ship any package or container of miscellaneous varieties of plums unless:

(i) Such plums grade at least U. S. No. 1.

(2) Section 936.143 of the rules and regulations, as amended (§ 936.100 et seq.) sets forth the requirements with respect to the inspection and certification of shipments of plums. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade regulations applicable to the respective shipment.

(3) As used in this section, "U. S. No. 1" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh) §§ 51.1520 to 51.1530 of this title); and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 22, 1956.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-4130; Filed, May 23, 1956; 9:07 a. m.]

## TITLE 12—BANKS AND BANKING

### Chapter III—Federal Deposit Insurance Corporation

PART 327—ASSESSMENTS

ASSESSMENT DECISIONS

The following assessment decisions and amendments of assessment decisions have been adopted:

1. Section 327.102 is amended by adding Assessment Decision No. 2 and the section is revised to read as follows:

§ 327.102 *Assessment Decision No. 2; acceptances; deposits made prior to maturity.* Funds received by a bank to meet its acceptance at maturity, not in excess of the amount due on the acceptance, need not be included in the assessment base, provided they are not subject to withdrawal by the obligor and are carried in a special non-interest-bearing account designated to properly show their purposes or are credited to customers' liability account for acceptances. This includes funds received through charges made to the depositor's account.

2. Section 327.121 is amended by adding Assessment Decision No. 21 and the section is revised to read as follows:

§ 327.121 *Assessment Decision No. 21; cash funds received and held as security to indebtedness to the bank.* (a) Cash funds which are received and held solely for the purpose of securing a liability to the bank may be excluded from the assessment base provided all of the following requirements are met:

(1) The funds excluded are not in excess of the liability to the bank.

(2) The funds are not subject to withdrawal by the obligor.

(3) The funds are carried in a special non-interest-bearing account designated to properly show their purpose.

(b) Funds transferred by the reporting bank from an existing deposit account to such a special security account are "received" within the meaning of that term as used in this decision. However, the mere assignment or blocking of an existing deposit account, whether that account be a checking, savings, time, or other type of deposit account, does not come within the exemption. The special security account above described may be maintained in the form of a non-interest-bearing certificate of deposit, officer's check, or certified check, provided it otherwise meets the above requirements.

(c) Although the cash funds meeting the above requirements may be excluded from the reported deposits, the reporting bank may include the funds in the deposit liabilities on the Certified Statement and take a deduction for them as nonassessable items in the space provided on the Certified Statement with a brief description of their nature.

(d) Examples of cash funds held as security which are exempt from assessment, provided the above requirements are met, include the following:

(1) Repayments on installment loans held as security for later application on the indebtedness. (See § 327.225 Assessment Decision No. 125, Personal Loan Repayments.)

(2) Funds received and held to meet payment of an acceptance at its maturity. (See § 327.102 Assessment Decision No. 2, Acceptances, Deposits Made Prior to Maturity.)

(3) Funds received to secure a reimbursement agreement for the issuance of a commercial letter of credit. (See § 327.209 Assessment Decision No. 109, Letters of Credit, Commercial.)

(4) Proceeds from the sale of collateral and cash dividends received on such collateral held as security pending application on the indebtedness or the purchase of substitute collateral.

(5) Funds received and held as security in connection with discounted paper commonly known as "Dealers Reserves". (See § 327.152 Assessment Decision No. 52, Dealers Reserves.)

3. Section 327.139 is amended to read as follows:

§ 327.139 *Assessment Decision No. 39; checks and drafts received for the sale or other disposition of the bank's own assets.* (a) Checks, drafts, or instruments drawn on persons or banks other than the reporting bank, received by the reporting bank in payment for the sale or other disposition of any of its assets are not eligible for deduction by the reporting bank as cash items or otherwise. (See footnote 9.)

(b) The following are illustrations of items which are not eligible for deduction as cash items or otherwise:

(1) A check or draft received by the reporting bank in the sale of bonds, mortgages, or any of its other assets including a check or draft received for bonds owned by it which have been called for payment.

(2) A check or draft received from the Commodity Credit Corporation for the transfer of notes to it, or any sight draft drawn by the bank on the Commodity Credit Corporation for the amount of such notes.

(3) A check or draft received for tax anticipation warrants owned by the bank.

(c) Although no deduction may be claimed for instruments received for the sale or other disposition of an asset of the bank, it is permissible to claim a deduction for instruments drawn on other banks which are received as a payment on indebtedness to the bank. Thus, a check drawn on another bank received by the reporting bank to be applied on a promissory note to the reporting bank is eligible for deduction.

4. Section 327.148 is amended to read as follows and the note following the section is deleted:

§ 327.148 *Assessment Decision No. 48; construction loans.* (a) When granting construction loans or making commitments therefor, banks normally require the borrower to execute and deliver a note and mortgage for the estimated maximum amount of the loan before construction begins, and the amount of such loan or commitment is then credited to an account variously entitled "construction loans", "incomplete mortgage loans", or similar designation.

(b) If the balance in this account represents merely a commitment to make a loan and the borower is liable only for the amounts actually advanced from time to time with interest thereon from the date of such advancement, then the balance need not be included in the deposits for the assessment base.

(c) If the balance in this account represents the proceeds of a loan, then such balance must be included in the deposit liabilities for the assessment base and may not be claimed as a deduction, either in whole or in part, unless such balance is held solely for the purpose of securing a liability to the bank.

(d) Where the borrower has deposited his own funds to this or a like account, the balance representing such borrower's own funds must likewise be included in the deposit liabilities for the assessment base unless such funds are held solely for the purpose of securing a liability to the bank.

(e) The balance (or balances) mentioned in paragraphs (c) and (d) of this section may be excluded from the assessment base only if it is received and held solely for the purpose of securing a liability to the bank, is not subject to withdrawal by the obligor, and is carried in a special non-interest-bearing account designated to properly show its purpose, and then only in an amount not in excess of the liability which it secures. Upon the termination of the liability for which such balance is held as security, the funds in such an account must be included in the assessment base.

5. Section 327.150 is amended to read as follows:

§ 327.150 *Assessment Decision No. 50; coupons or bonds owned by the reporting bank.* (a) Coupons and bonds owned by the reporting bank which are forwarded for collection, or the checks and drafts received for the sale or redemption thereof, are not eligible for deduction as a cash item or otherwise. Thus, coupons owned by the reporting bank which are forwarded for collection on the base day or at any other time may not be included in the deductions. Similarly, bonds sold or called for redemption which are forwarded for collection or the check or draft received therefor are ineligible for deduction in any manner. (See § 327.139 Assessment Decision No. 39, Checks and Drafts Received for the Sale or Other Disposition of the Bank's Own Assets.)

(b) Only cash items which the bank pays or credits to a deposit account are eligible for deduction. Bonds and coupons owned by the reporting bank itself, or the remittance received in payment therefor, are not paid by the bank or credited to deposit accounts and are ineligible for deduction.

6. Section 327.169 is amended to read as follows:

§ 327.169 *Assessment Decision No. 69; drafts with bonds and coupons attached.* (a) Drafts with bonds and/or coupons attached payable upon presentation which are paid by the reporting bank or credited to deposit accounts are eligible for deduction as cash items.

(b) Drafts constituting or evidencing loans are not eligible for deduction as cash items or otherwise.

7. Section 327.174 is amended to read as follows:

§ 327.174 *Assessment Decision No. 74; drafts payable on presentation with bills of lading attached.* (a) Commodity drafts, that is, drafts with shipping documents attached, if payable upon presentation and if they have been paid or credited to deposit accounts subject to final payment, are eligible for deduction as cash items. For the purpose of claiming deductions, if the alternate (bb) method is used, they may be considered as uncollected for the time required to effect collection. If the collecting bank forwards a check or draft in payment, such check or draft received by the reporting bank is not a cash item eligible for deduction.

(b) Commodity drafts are known under many names, such as "livestock drafts", "cotton drafts", "documentary drafts", "peanut drafts", "fruits and vegetable drafts", etc. The procedure in handling all of these types of drafts is, nevertheless, the same.

(c) Only drafts payable upon presentation may be claimed as a deduction. Accordingly, drafts payable at some future date or upon arrival of a car, etc., are ineligible for deduction. (See § 327.168 Assessment Decision No. 68, Drafts With Bills of Lading Attached Not Payable Upon Presentation.)

(d) Drafts constituting or evidencing loans are not eligible for deduction as cash items or otherwise.

8. Section 327.177 is amended to read as follows:

§ 327.177 *Assessment Decision No. 77; due bills for local cash items.* (a) Cash Items Held for Clearings, Local Exchanges, consist of items paid or credited to deposit accounts by the reporting bank which are drawn on banks, persons, or corporations in the same city or local clearing area where the reporting bank is located which are held for clearings at the close of the books on the assessment base day. (See § 327.127 Assessment Decision No. 27, Cash Items Deductions, Local.)

(b) The settlement with other local banks is customarily made at some designated hour(s), such as 10:00 a. m., but the actual physical delivery of the cash items may have been made at an earlier hour and possibly in the evening of the preceding day. When the local cash items are thus delivered to the drawee bank prior to the actual settlement, the delivering bank may receive some type of ticket or instrument which is commonly referred to as a "due bill".

(c) The physical delivery of local cash items to the banks on which drawn does not preclude such items from being considered as held for clearings by the delivering bank, and thus eligible for deduction by it, provided the following factors are present:

(1) The items were received in the usual course of business on the base day before the close of the books on that day and paid or credited to deposit accounts.

(2) The due bill received constitutes in fact a trust receipt for the items and ownership of the items is retained by the delivering bank until settlement is made therefor.

(3) No change is made in the normal procedure on base days.

(d) Other types of instruments may be denominated "due bills" but these are not "due bills" within that term as used in this decision. For instance, an instrument given for a check returned from clearings because of insufficient funds is not a due bill eligible for deduction as a cash item (See § 327.236 Assessment Decision No. 136, Redemption Checks); nor is an instrument given by a clearing house for items received for collection eligible for deduction as a cash item. (See § 327.137 Assessment Decision No. 37, Checks or Drafts Received in Payment of Clearings.)

9. Section 327.178 is amended to read as follows:

§ 327.178 *Assessment Decision No. 78; escrow funds.* Funds held in escrow must be included in the assessment base unless they are held solely as security for a liability to the bank as provided in § 327.121 Assessment Decision No. 21, Cash Funds Received and Held as Security to Indebtedness to the Bank. Cash Funds Received and Held as Sepose and are in the nature of trust funds.

This includes all types of escrow funds.

10. Section 327.196 is amended to read as follows:

§ 327.196 *Assessment Decision No. 96; foreign exchange transactions; checks received.* (a) A check or draft received in payment for foreign currency delivered over the counter, if it otherwise complies with the requirements of a cash item as shown in § 327.123 Assessment Decision No. 23, Cash Items Eligible for Deduction as Exchanges, is eligible for deduction as a cash item.

(b) A check or draft is ineligible for deduction as a cash item or otherwise when received in payment for foreign exchange made available in a country outside of the States of the United States, the District of Columbia, any Territory of the United States, Puerto Rico, and the Virgin Islands. This is true whether the transaction is made in terms of foreign exchange or United States dollars and whether the method of establishing availability is by the issuance of a draft, bill of exchange, cable, letter, or other authorization. As denominated by the parties, such a transaction is essentially a purchase and sale of foreign currency or credits which is consummated in a foreign country.

11. Section 327.199 is amended to read as follows:

§ 327.199 *Assessment decision No. 99; guaranty deposit fund.* (a) Funds received and held by the reporting bank as a guaranty fund for and on behalf of any of its customers constitute special purpose funds and are deposits which must be included in the assessment base. An illustration of such a guaranty account is where a city furnishes water meters to consumers and requires the consumer to deposit a certain amount as a guaranty against loss or damage to the meter. Such funds paid into the bank by the consumer or city and carried in a guaranty account on behalf of the city are subject to assessment. For deposits on articles owned by the bank itself, see § 327.243 Assessment Decision No. 143, Safety Deposit Key Deposits.

(b) Funds received by the reporting bank and held solely as security for a liability of the customer to the bank upon its guaranty to others on behalf of the customer, need not be included in the assessment base provided the funds excluded (a) are not in excess of the liability they secure; (b) are not subject to withdrawal by the pledgor; and (c) are carried in a special non-interest-bearing account designated to properly show their purpose.

12. Section 327.207 is amended by adding Assessment Decision No. 107 and the section is revised to read as follows:

§ 327.207 *Assessment Decision No. 107; interest prepayment.* (a) Interest

* For the period from July 1, 1950, through the December 31, 1953, base day such items were eligible for deduction as cash items.

and discount paid to the reporting bank in accordance with the terms of the notes, mortgages, or other instruments held by the bank and credited to an account entitled "Interest Received", "Unearned Interest Collected", or a similar account, need not be included in the assessment base.

(b) Prepaid interest or discount received by the bank prior to the time when it is required to be paid under the terms of the notes, mortgages, or other instruments must be included in the assessment base. An example of such prepayment of interest which must be included in the assessment base is where the interest is payable at maturity, quarterly, or at other intervals and the obligor deposits with, or delivers to, the bank a sum of money for the payment of the interest when it becomes due under the terms of the instrument. Another example of such prepayment subject to assessment is where a renewal note together with cash funds for the payment of the discount thereon is received by the bank prior to the maturity of the note for which it is to be used as renewal.

13. Section 327.209 is amended by adding Assessment Decision No. 109 and the section is revised to read as follows:

§ 327.209 *Assessment Decision No. 109; letters of credit; commercial.* (a) Commercial letters of credit on which the reporting bank is primarily liable and which are sold for cash (that is, issued for a charge against a deposit account in the reporting bank or for money or its equivalent received by the reporting bank) are assessable deposits. A commercial letter of credit is regarded as being issued for the equivalent of money when issued in exchange for checks or drafts or for a promissory note upon which the person procuring the letter of credit is primarily or secondarily liable.

(b) Commercial letters of credit normally are not sold for cash but are issued against an agreement to reimburse the bank for payments to be made by the bank under the letter of credit. The agreement may be contained in a written contract or it may rest in custom and usage. (See Article 10 of the Uniform Customs and Practice for Commercial Documentary Credits Fixed by the Thirteenth Congress of the International Chamber of Commerce, effective January 1, 1952.) If such an agreement does not constitute a promissory note, the letter of credit issued upon such an agreement is not subject to assessment.

(c) When cash funds are received by the reporting bank as collateral security to the reimbursement agreement to protect the bank on its liability for issuing a commercial letter of credit, such funds not in excess of such liability need not be included in the assessment base if (1) they are received and held solely for the purpose of securing a liability to the bank; (2) they are not subject to withdrawal by the obligor; and (3) they are carried in a special non-interest-bearing account designated to properly show their purpose. Furthermore, under such circumstances the letter of credit itself need not be included in the assessment base.

(d) Funds transferred by the reporting bank from an existing deposit account to a special or collateral account are "received" within the meaning of paragraph (c) of this section. Funds are considered to be received and held "solely" for the purpose of securing a liability to the bank, within the meaning of paragraph (c) of this section, even though the customer thereby obtains the benefit of a waiver or reduction of the charges customarily made for the issuance or confirmation of commercial letters of credit.

(e) Funds received and held by the reporting bank in connection with letters of credit issued by other banks and not confirmed by the reporting bank must be included in the assessment base unless excludable under the provisions of § 327.211 Assessment Decision No. 111, Letters of Credit, Issued Through Another Bank.

14. Section 327.211 is amended to read as follows:

§ 327.211 *Assessment Decision No. 111; letters of credit; issued through another bank.* Some banks instead of issuing commercial letters of credit requested by their customers will cause them to be issued by another bank. Cash funds received by a bank and held by it as security for its liability to the issuing bank to meet drawings under commercial letters of credit so issued need not be included in the assessment base provided the funds so excluded (a) do not exceed the liability secured; (b) are received and held solely for the purpose of securing the liability to the bank incurred by the issuance of the commercial letter of credit; (c) are not subject to withdrawal by the obligor; and (d) are carried in a special non-interest-bearing account designated to properly show their purpose. (See § 327.209 Assessment Decision No. 109, Letters of Credit, Commercial.)

15. Section 327.239 is amended to read as follows:

§ 327.239 *Assessment Decision No. 139; rent security deposits.* (a) Cash funds received by a bank from a tenant as security for rent under a lease on real estate owned by the bank need not be included in the assessment base provided the cash funds excluded (1) do not exceed the liability to the bank under the lease; (2) are received and held solely for the purpose of securing a liability to the bank; (3) are not subject to withdrawal by the obligor; and (4) are carried in a special non-interest-bearing account designated to properly show their purpose.

(b) Deposits made with a bank by a tenant as security for rental due on real estate owned by others must be included in deposits for assessment purposes.

16. Section 327.247 is amended to read as follows:

§ 327.247 *Assessment Decision No. 147; securities purchased for customers.* Funds received by a bank to be used for the purchase of securities for the account of customers must be included in the deposit liabilities for assessment purposes until disbursed by the bank in payment for said securities. However, if the bank places the order and in doing so becomes liable for the purchase price and receives funds from the customer as security to protect it on that liability, the funds so received not in excess of the liability to the bank may be excluded from the assessment base provided they are not subject to withdrawal by the pledgor and are carried in a special non-interest-bearing account designated to properly show their purpose.

(Sec. 9, 64 Stat. 882; 12 U. S. C. 1819)

FEDERAL DEPOSIT INSURANCE CORPORATION,
[SEAL] E. F. DOWNEY,
*Secretary.*

[F. R. Doc. 56-4084; Filed, May 23, 1956; 8:51 a. m.]

## TITLE 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket 6368]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

UNITED FISHERMEN OF ALASKA ET AL.

Subpart—*Coercing and intimidating:* § 13.350 *Customers or prospective customers:* To eliminate competitive purchasing; § 13.365 *Employees of competitors;* § 13.370 *Suppliers and sellers:* To limit sale and distribution to member or acceptable distributors. Subpart—*Combining or conspiring:* § 13.430 *To enhance, maintain or unify prices.* Subpart—*Controlling, unfairly, seller-suppliers:* § 13.535 *Controlling, unfairly, seller-suppliers.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, United Fishermen of Alaska (Kodiak, Alaska) et al., Docket 6368, May 3, 1956]

*In the Matter of United Fishermen of Alaska, an Unincorporated Association; and Eldon Lester, Individually, as President of United Fishermen of Alaska, and as Representative of All Members of Said Union, John Anderson, Individually, as Vice President of United Fishermen of Alaska, and as Representative of All Members of Said Union, and P. J. Kerrigan, Individually, as Secretary-Treasurer of United Fishermen of Alaska, and as Representative of All Members of Said Union; and Charles Warren, Russell Attwood, and Alfred Levine, Individually as Members of the Executive Board of United Fishermen of Alaska, and as Representative of All Members of Said Union; and Kodiak Fish Producers Association; and W. A. Cannon, Dal Valley, Barney Corgatelli, Jack Warren, A. J. Cichoski, Ray Heinrichs, and Thomas Clampffer, Individually, as Directors of Kodiak Fish Producers Association, and as Representative of All Members of Said Association; and Island Seafoods, Inc., a Corporation; King Crab, Inc., a Corporation; and Walter Muller and Mildred D. Muller, Individually and as Partners Doing Business Under the Trade Name of Kodiak Sea Foods Packing Company*

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging two associations of independent fishermen and three canners of crab meat secured from King crab caught in waters adjacent to their packing plants in Kodiak, Alaska, with effectuating a conspiracy to restrain competition in the sale and distribution of King crab or crab meat in commerce, in the course of which they jointly fixed and maintained minimum prices for all King crab and crab meat caught in said area by means of annual contracts between the canners and the fishermen's associations, enforced by intimidation and threats of violence against canners and fishermen not parties to the agreement, and threats of black-listing fishermen who sought employment with other canners not paying the fixed minimum prices—and an agreement between two of said canners and counsel supporting the complaint providing for entry of a consent order.

On this basis, the hearing examiner made, as to those two canner respondents, his initial decision and order to cease and desist, which included a provision that the order cease to be of effect if the pending proceeding against respondent fishermen's associations be finally determined in any manner other than in an order to cease and desist from the same acts and practices.

Other provisos protected respondents' rights to bargain individually, to form bona fide business ventures which might determine prices of raw King crab and crab meat, and rights of any association of bona fide crab fishermen to perform any of the acts or practices permitted by the Fisheries Cooperative Marketing Act.

The initial decision and order to cease and desist became, on May 3, 1956, the decision of the Commission. The proceeding remains pending as to the two fishermen's associations and a third canner of King crab and crab meat.

Said order to cease and desist is as follows:

*It is ordered*, That respondents Island Seafoods, Inc., a corporation, and King Crab, Inc., a corporation, their respective officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the purchase, or offering to purchase, in commerce, as "commerce" is defined in the Federal Trade Commission Act, of raw king crab caught in waters bordering western and northwestern Alaska, including the waters adjacent to Kodiak, Alaska, do forthwith cease and desist from entering into, cooperating in or carrying out any planned common and concerted course of action, understanding or agreement between said respondents or between or among said respondents and one or more of the other respondents named in the complaint herein or between either of said respondents and others not parties hereto, to do or perform any of the following acts:

1. Fixing, establishing, maintaining or adhering to, or attempting to fix, establish or maintain, or cause adherence to, by any means or method, any prices for the purchase or sale of such raw king crab and king crab meat;

2. Jointly or collectively negotiating, bargaining or agreeing, by any means or method, as to the price or prices at which said raw king crab or king crab meat are proposed to be, or are, purchased or sold;

3. Authorizing or empowering any association, group, corporation or union to negotiate, bargain or agree as to the prices to be paid or received in the purchase of such king crab or king crab meat;

*Provided, however*, That nothing herein contained shall be construed or interpreted as preventing or prohibiting any respondent named herein, individually, from purchasing or selling, or bargaining for the purchase or sale of such raw king crab and king crab meat with any boat owner, boat captain, or other single seller or buyer.

*Provided further*, That nothing herein contained shall be deemed to prohibit the respondents herein from entering into a bona fide partnership, joint operation, or venture, or consolidation, for the purpose of operating one or more canneries and in which the prices of such raw king crab and king crab meat are determined by said partnership, joint operation, or venture, or consolidation, and where such determination is under the contract establishing such partnership, joint operation, or venture, or consolidation binding upon all members thereof. This proviso shall not be construed as either an approval or disapproval of any specific partnership, joint operation, or venture or consolidation, nor as permitting any such partnership, joint operation or venture or consolidation, to be continued or formed for the purpose, or with the effect, directly or indirectly, of rendering ineffective or unenforceable the inhibitions of this order and the purposes thereof.

*Provided further*, That nothing herein contained shall prevent any association of bona fide crab fishermen, acting pursuant to or in accordance with the provisions of the Fisheries Cooperative Marketing Act (15 U. S. C. A. sections 521 and 522) from performing any of the acts and practices permitted by said act; and

*Provided further*, That if the pending proceeding against respondents United Fishermen of Alaska and Kodiak Fish Producers Association is finally determined in any manner except by the issuance of an order to cease and desist, either (a) by consent, or (b) by final order of the Commission not subject to further review, or (c) by order of the Commission, which, although subject to further review, continues effective, requiring said respondents United Fishermen of Alaska and Kodiak Fish Producers Association to cease and desist from the same or similar acts or practices provided by the order contained herein, then this order shall terminate and cease to be of any effect.

By "Decision of the Commission," etc., report of compliance was required as follows:

*It is ordered*, That respondents Island Seafoods, Inc., and King Crab, Inc., corporations, herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 3, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
*Secretary.*

[F. R. Doc. 56-4080; Filed, May 23, 1956; 8:50 a. m.]

[Docket 6441]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

HELENA RUBINSTEIN, INC.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended*—Payment for services or facilities for processing or sale under 2 (d): § 13.825 *Allowances for services or facilities;* [*Discriminating in price under section 2, Clayton Act, as amended*]—Furnishing services or facilities for processing, handling, etc., under 2 (e): § 13.835 *"Demonstrators";* § 13.843 *Promotional enterprises.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Helena Rubinstein, Inc., New York, N. Y., Docket 6441, May 9, 1956]

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging a corporate manufacturer of cosmetics, beauty aids, and toilet preparations, with principal place of business in New York City, with violating sections 2 (d) and 2 (e) of the Clayton Act as amended, by furnishing or paying demonstrator services or allowances, advertising facilities or allowances, and promotional allowances to certain competing customers in amounts determined on the basis of individual negotiations which resulted in different and arbitrary terms to different customers—and an agreement between the parties providing for entry of a consent order.

On this basis, the hearing examiner made his initial decision and order to cease and desist which became, on May 9, 1956, the decision of the Commission.

The order to cease and desist is as follows:

*It is ordered*, That respondent Helena Rubinstein, Inc., a corporation, its officers, employees, agents and representatives, directly or through any corporate or other device, in connection with the sale or offering for sale, of cosmetics, beauty aids, and toilet preparations in commerce, as "commerce" is defined in the Clayton Act as amended, do forthwith cease and desist from:

1. Paying, or contracting to pay to, or for the benefit of, any customer, anything of value as compensation or in consideration for services or facilities furnished by or through such customer in connection with the handling, processing, sale or offering for sale of respondent's products unless such payment or consideration is made available on proportionally equal terms to all other customers competing in the distribution or resale of such products.

2. Furnishing or contributing to the furnishing of services or facilities in connection with the handling, processing, sale or offering for sale of respondent's products to any purchaser from respondent of such products bought for resale, when such services or facilities are not accorded on proportionally equal terms to all other purchasers from respondent who resell such products in competition with such purchasers who receive such services or facilities.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is ordered,* That the respondent herein shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

Issued: May 9, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
*Secretary.*

[F. R. Doc. 56-4082; Filed, May 23, 1956; 8:50 a. m.]

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[Docket 6483]

## PART 13—DIGEST OF CEASE AND DESIST ORDERS

### DAVID BECKER ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.155 *Prices:* Comparative; exaggerated as regular and customary; fictitious marking; retail or selling as wholesale, jobbing, factory distributors', etc., or discounted. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; Sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, David Becker et al. t. a. Becker & Burns Furriers, Philadelphia, Pa., Docket 6483, May 9, 1956]

*In the Matter of David Becker and Abraham Burns, Individually and as Copartners, Trading as Becker & Burns Furriers, Respondents*

This proceeding was heard by a hearing examiner on the complaint of the Commission — charging two partners with violating the Fur Products Labeling Act by advertisements in circulars, handbills, letters, and otherwise, which failed to disclose the names of animals producing the fur contained in fur products they sold, misrepresented prices of the products as wholesale and less, as reduced from purported regular prices which were in fact fictitious, and misrepresented savings possible to purchasers of their products by means of comparative prices not based on current market values—and an agreement between the parties providing for entry of a consent order.

Upon this basis, the hearing examiner made his initial decision and order to cease and desist which became, on May 9, 1956, the decision of the Commission.

The order to cease and desist is as follows:

*It is ordered,* That respondents David Becker and Abraham Burns (also known as Al Burns), individually and as copartners trading as Becker & Burns Furriers, or under any other trade name, and respondents' representatives, agents and employees, directly or through any corporate or other device in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of any fur product which is made in whole or in part of fur which had been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Falsely or deceptively labeling or otherwise identifying any such product as to the name or names of the animal or animals that produced the fur from which such garment was manufactured.

2. Failing to affix labels to fur products showing:

(a) The name or names of the animal or animals producing the fur products as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations.

(b) That the fur product contains or is composed of used furs when such is a fact.

(c) That the fur product contains or is composed of bleached, dyed, or artificially colored fur when such is a fact.

(d) That the fur product is composed in whole or in substantial part of paws, tails, bellies or waste fur when such is a fact.

(e) The name or other identification issued and registered by the Commission of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered for sale in commerce or transported or distributed it in commerce.

(f) The name of the country of origin of any imported furs used in the fur product.

3. Setting forth on labels attached to fur products the name or names of any animal or animals other than the name or names provided for in paragraph A (2) (a) above.

4. Setting forth on labels attached to fur products non-required information mingled with required information.

B. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly in the sale or offering for sale of fur products, and which:

1. Fails to disclose the name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed by the rules and regulations.

2. Represents directly or by implication:

(a) That the prices at which said fur products are being offered for sale are as low or less than wholesale cost, when such is not a fact;

(b) That the regular or usual price of any fur product is any amount which is in excess of the price at which the respondents have usually and customarily sold such products in the recent regular course of their business;

(c) That comparative prices are other than current market values, unless the time of such compared price is given, as provided in Rule 44 (b) of the rules and regulations.

3. Makes pricing claims or representations of the type referred to in paragraph B (2) above unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based as required by Rule 44 (e) of the rules and regulations.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is ordered,* That respondents David Becker and Abraham Burns (also known as Al Burns), individually and as copartners herein, shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 9, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
*Secretary.*

[F. R. Doc. 56-4081; Filed, May 23, 1956; 8:50 a. m.]

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# TITLE 24—HOUSING AND HOUSING CREDIT

## Chapter III — Public Housing Administration, Housing and Home Finance Agency

### PART 300—GENERAL PROCEDURAL PROVISIONS

Part 300 is revised to read as follows:

Sec.
300.1 PHA records.
300.2 Final PHA action.
300.3 Claims cognizable under Federal Tort Claims Act.

AUTHORITY: §§ 300.1 to 300.3 issued under sec. 8, 50 Stat. 891; 42 U. S. C. 1408.

§ 300.1 *PHA records*—(a) *Availability of records.* (1) Section 3 (c) of the Administrative Procedure Act, approved June 11, 1946, requires that matters of official record shall be made available to persons properly and directly concerned, except:

(i) Where otherwise required by statute.

(ii) Where the matter is held confidential for good cause found.

(iii) Where there is involved (*a*) any function of the United States requiring secrecy in the public interest or (*b*) any matter relating solely to the internal management of an agency.



(2) The responsibility for compliance with this provision is vested in the Director of the Production and Document Control Branch. Persons desiring to consult such records should apply, in writing, to the Director of the Production and Document Control Branch, PHA, Longfellow Building, Washington 25, D. C. Such applications shall identify as precisely as possible the official records which the applicant desires to consult, and shall set forth the facts bearing on the extent to which the applicant is a person properly and directly concerned with the matter involved. The Director of the Production and Document Control Branch shall advise the applicant in writing either (i) of the time and place at which the records will be available to him; or (ii) that the records are not available to the applicant, in which case the reasons shall be briefly stated.

(b) *Definition of official records.* The term "official records" as used in this part means documents which embody the official acts of the PHA and documents which are filed with the PHA pursuant to statute, PHA regulations, or contract with the PHA, as determined by the Director of the Production and Document Control Branch. It does not include memoranda and other reports which reflect research and analysis preliminary to official action or which are otherwise merely part of the background upon which official action is predicated.

§ 300.2 *Final PHA action*—(a) *Availability of final PHA actions.* Section 3 (b) of the Administrative Procedure Act, approved June 11, 1946, requires that every agency make available to public inspection all final opinions or orders in the adjudication of cases (except those required for good cause to be held confidential and not cited as precedents) and all rules, except where there is involved (1) any function of the United States requiring secrecy in the public interest or (2) any matter relating solely to the internal management of an agency. Except as hereinafter provided, the required information will be available at the Regional Office having jurisdiction over the project covered by the particular action. It is the responsibility of the Regional Director to assemble the actions in a form in which they may be readily consulted by members of the public. The only exceptions to the foregoing are the following:

(1) *Actions on applications for tenancy.* Information on final action on applications for tenancy shall be kept at the project office and made available to the public by the Housing Manager.

(2) *Project management procurement.* Information as to final action of Housing Managers in the procurement of supplies and materials for which such managers are authorized to contract shall be kept at the project office and made available to the public by the Housing Manager.

§ 300.3 *Claims cognizable under the Federal Tort Claims Act.* (a) The PHA will give consideration to claims brought under the Federal Tort Claims Act, as amended (28 U. S. C. A. Sections 2671–2680), if such claims meet all of the following conditions:

(1) They are for $1,000 or less;

(2) They are for injury or loss of property or personal injury or death;

(3) They result from the negligent or wrongful act or omission of an employee of the PHA acting within the scope of his employment;

(4) The PHA, if a private person, would be liable for the claim under the law of the place where the act or omission occurred.

(b) The following types of claims are excepted from the Federal Tort Claims Act by Section 421 (28 U. S. C. A. Section 2680) of that act and will not be considered by the PHA:

(1) Any claim based upon an act or omission of an employee, exercising due care, in the execution of a statute or regulation, whether or not such statute or regulation be valid;

(2) Any claim based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of the PHA or an employee, whether or not the discretion involved be abused;

(3) Any claim arising out of the loss, miscarriage, or negligent transmission of letters or postal matter;

(4) Any claim arising out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights.

(c) A claim may be filed by:

(1) The person injured or the owner of the property lost or injured;

(2) His duly authorized agent or other legal representative if, by reason of death, disability, or other reasons deemed satisfactory by the PHA, he is unable to file a claim. In such cases, the claim shall show the capacity of the person signing and shall be accompanied by evidence of the appointment of such person as agent, executor, administrator, guardian, or other fiduciary. If an attorney representing a claimant claims a fee, he shall file a statement to that effect.

(d) A claim should be filed at the PHA project or Regional Office nearest the place where the damage or injury occurred. Claims may also be filed with the Central Office of the Public Housing Administration, Longfellow Building, Washington 25, D. C.

(e) The claim shall be presented to the PHA on Standard Form 95, "Claim for Damage or Injury," which will be furnished by the PHA upon request, and shall be accompanied by the substantiating evidence specified on the reverse side of the form. The claimant shall also fill in that portion of the Form on the reverse side thereof which is headed "Instructions Regarding Insurance Coverage." If the claim is not submitted on Standard Form 95, the claimant shall be furnished with copies of the Form and required to fill it out and submit it with the required evidence. An insurance company or other person who has compensated the claimant for all or part of the damage or injury on which the claim is based and who claims reimbursement from the Government must clearly establish its rights as a subrogee.

(f) A claim must be presented, in writing, to the PHA within two years after the claim has accrued. This requirement is satisfied by the claimant's presenting the claim in writing even though Standard Form 95 is not filled out in time. The date of filing of the claim (the date received by the PHA) will be made a matter of record on the face of the claim.

(g) Upon receipt of a Standard Form 95 in the PHA an investigation of the claim will be made by a PHA investigator. A report of the investigation will be submitted to the PHA counsel for an opinion which will include findings and a recommendation of award or denial.

(h) The Comptroller, for claims arising out of the acts or omissions of Central Office employees, and the Regional Directors, for claims arising out of acts or omissions of employees under their respective jurisdictions, will review the case and make the final determination. The claimant will be notified of the determination of his claim as soon as possible.

(i) If the determination is that the claimant is entitled to an award, he will be required to complete Standard Form 1145, a copy of which will be furnished him. If all or part of the award is in favor of a subrogee of the person who actually sustained the damage or injury, the subrogee, as well as the claimant, will be required to sign the Standard Form 1145. The claimant will be paid after he has properly executed and returned the necessary forms.

(j) If a claimant has been represented by an attorney who claims a fee, the counsel may recommend that fee be paid out of the award. If the award is $500 or more, the fee allowed may not exceed ten percent (10%) of the award. If the award is less than $500 a reasonable fee, not to exceed $50, may be allowed.

(k) There shall be no administrative appeal by the claimant from the determination of the Comptroller or Regional Directors set forth in paragraph (g) of this section.

Date approved: May 16, 1956.

CHARLES E. SLUSSER,
*Commissioner.*

[F. R. Doc. 56-4071; Filed, May 23, 1956; 8:48 a. m.]

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# TITLE 39—POSTAL SERVICE

## Chapter I—Post Office Department

### PART 5—COMPLAINTS

Part 5 Complaints, is amended to read as follows:

Sec.
5.1 Postal service.
5.2 Postal law violations.

AUTHORITY: §§ 5.1 and 5.2 issued under R. S. 161, 396, as amended; 5 U. S. C. 22, 369.

§ 5.1 *Postal service.* Make complaints concerning the Postal Service to your postmaster. If you prefer, you may address your complaint to the Postmaster General, Washington 25, D. C.

§ 5.2 *Postal law violations.* Send information and complaints concerning postal law violations, such as use of mails for lotteries and schemes to defraud, mailing of obscene and scurrilous matters, extortion, and theft of mail to:

| *Postal Inspector in Charge at—* | *If you live in the State of—* |
|---|---|
| Atlanta 2, Ga. | Florida, Georgia, North Carolina, South Carolina, Puerto Rico, Virgin Islands. |
| Boston 7, Mass. | Connecticut, Maine, Massachusetts, New Hampshire, City of Fishers Island, New York, Rhode Island, Vermont. |
| Chattanooga 1, Tenn. | Alabama, Mississippi, Tennessee. |
| Chicago 7, Ill. | Illinois, Michigan, Wisconsin. |
| Cincinnati 1, Ohio | Indiana, Kentucky, Ohio. |
| Denver 1, Colo. | Arizona, Colorado, New Mexico, Utah, Wyoming. |
| Fort Worth 1, Tex. | Louisiana, Texas (except city of Texarkana). |
| Kansas City 42, Mo. | Kansas, County of Jackson, Mo., Nebraska, Oklahoma. |
| New York 1, N. Y. | New York, except city of Fishers Island. |
| Philadelphia 1, Pa. | New Jersey, Pennsylvania. |
| St. Louis 1, Mo. | Arkansas, Iowa, Missouri (except Jackson County), also city of Texarkana, Texas. |
| Saint Paul 1, Minn. | Minnesota, North Dakota, South Dakota. |
| San Francisco 1, Calif. | California, Canton Island, Guam, Hawaii Territory, Nevada, American Samoa, and Trust Territory, Pacific Islands. |
| Seattle 11, Wash. | Alaska Territory, Idaho, Montana, Oregon, Washington. |
| Washington 13, D. C. | Delaware, District of Columbia, Maryland, Virginia, West Virginia. |

ABE MCGREGOR GOFF,
*The Solicitor.*

[F. R. Doc. 56-4073; Filed, May 23, 1956; 8:48 a. m.]

## TITLE 42—PUBLIC HEALTH

### Chapter I—Public Health Service, Department of Health, Education, and Welfare

PART 21—COMMISSIONED OFFICERS

SUBPART D—INCREASED PAY AND ALLOWANCES

Subpart D is amended by adding at the end thereof the following new section:

§ 21.62 *Duty involving frequent and regular participation in aerial flight.* Except as otherwise designated by the Secretary of Health, Education, and Welfare, all duty performed under competent orders by commissioned officers involving frequent and regular participation in aerial flights shall be as a nonrew member pursuant to section 204 (a) 3) of the Career Compensation Act of 1949, as amended, and shall entitle such officers to the pay authorized by subsection (c) of such section.

(Sec. 215, 58 Stat. 690; 42 U. S. C. 216. Interprets or applies sec. 209, 58 Stat. 686, as amended, sec. 204, 63 Stat. 809; 42 U. S. C. 210, 37 U. S. C. 235. E. O. 10152, 15 F. R. 5489; 3 CFR, 1950 Supp.)

[SEAL] LEONARD A. SCHEELE,
*Surgeon General.*

Approved: May 18, 1956.

M. B. FOLSOM,
*Secretary.*

[F. R. Doc. 56-4058; Filed, May 23, 1956; 8:45 a. m.]

## PROPOSED RULE MAKING

### DEPARTMENT OF AGRICULTURE

#### Agricultural Marketing Service

#### [ 7 CFR Part 28 ]

COTTON STANDARDS

PROPOSED REVISION OF REGULATIONS FOR U. S. COTTON LINTERS

Notice is hereby given that the United States Department of Agriculture is considering a revision of §§ 28.76 to 28.96 and 28.136 to 28.146 (7 CFR Part 28) of the regulations relating to licensed classifiers and the classification of United States cotton linters, pursuant to authority contained in the United States Cotton Standards Act, as amended (42 Stat. 1517; 7 U. S. C. 51 et seq.).

The proposed revision would amend present regulations or add new regulations relating to (1) types of cotton linters classification services available, (2) filing of classification requests, (3) drawing and submitting of samples, (4) method of classification, (5) terms used in classification, and (6) requirements for licensed linters classifiers as to classification and supervision. The Department proposes to make the revision effective July 1, 1956.

Any interested person who wishes to submit written data, views, or arguments concerning the proposed revision may do so by filing them with the Director, Cotton Division, Agricultural Marketing Service, United States Department of Agriculture not later than June 22, 1956.

The proposed amendment is as follows:

1. Section 28.83 would be amended to read:

§ 28.83 *Copies of class certificates; retention period; other requirements.* Each licensed classifier shall keep for a period of 1 year in a place accessible to interested persons a copy of each certificate issued by him as a licensed classifier under this subpart. The Administrator may require that a copy of each such certificate be forwarded to a supervising office of the Agricultural Marketing Service immediately after issuance of the certificate.

2. Section 28.85 would be amended to read:

§ 28.85 *Supervisory samples and reports.* The Administrator may require each licensed classifier to submit supervisory samples to a supervising office of the Agricultural Marketing Service in accordance with instructions furnished to licensed classifiers from time to time. The Administrator may also require each licensed classifier to make reports on forms furnished by the Agricultural Marketing Service, or otherwise, bearing upon his activities as such licensed classifier.

3. Section 28.92 (h) would be amended to read:

(h) A statement in accordance with the facts in each case, either (1) that the classifier has drawn the samples upon which his classification is based, or (2) that the samples were submitted to the classifier by another person, in which case the name and address of such person shall be stated.

4. Section 28.96 would be amended to read:

§ 28.96 *Inconsistent classifications.* In the event any licensed classifier or any employee of the Department of Agriculture shall find that any cotton has been inconsistently classified by two or more licensed classifiers, he shall thereupon bring the matter to the attention of the supervising office of the Agricultural Marketing Service, which shall review all the facts obtainable and, if possible, determine the classification of the cotton. The supervising office may examine or requisition such samples of the cotton in question as may be in the hands of such licensed classifiers, or, in the discretion of the supervising officer may request that new samples be drawn, if obtainable. In the event samples are not obtainable, the supervising officer may, if in his judgment sufficient facts are available, decide which of the inconsistent classifications shall be sustained. The records of the licensed cotton classifiers concerned shall be corrected to show the findings of the supervising office.

5. Sections 28.147, 28.148, and 28.149 would be re-numbered §§ 28.160, 28.161, and 28.162 respectively.

6. The center heading immediately preceding § 28.136 and §§ 28.136 through 28.146 would be deleted and the following substituted therefor: "United States Cotton Linters".

§ 28.136 *Applicability of other sections of regulations.* Insofar as applicable, and not inconsistent with §§ 28.136 to 28.152, the provisions of the foregoing subpart relating to cotton shall likewise apply to cotton linters.

§ 28.137 *Boards of cotton linters examiners.* There shall be located at Washington, D. C., and, when necessary in the opinion of the Administrator, at any other point that he shall designate for the purpose, a board of cotton linters examiners. The members of all such boards and the chairman of each shall be designated by the Administrator.

§ 28.138 *Classification and comparison; requests; memorandums and certificates.* For each lot or mark of linters which the applicant desires classified or compared separately he shall make a separate written request specifying which of the following forms of service is desired. Only one request within a 30 day period shall be made by the same owner for the classification or comparison of the same linters, except a request for a review determination. If the applicant desires that the samples be returned to him, at his expense, he must indicate this in the request for classification or comparison. If the return of samples is not requested they shall become the property of the Government and shall be disposed of in accordance with law and applicable regulations.

(a) *Form A determination.* The classification or comparison of samples of linters that have been freshly drawn by a licensed classifier and submitted direct to a Board of Cotton Linters Examiners without classification or further handling by such classifier. Such classification or comparison shall be evidenced by a Form A memorandum which shall be subject to review as provided in § 28.146. Composite samples composed of portions of linters drawn from more than one bale are not eligible for Form A determinations.

(b) *Form C determination.* The classification of bales of linters sampled under the supervision of an employee of the Department of Agriculture. The classification in such cases shall be evidenced by a Form C certificate which shall be subject to review as provided in § 28.146. Such certificate when it has been reviewed in accordance with § 28.146 shall be deemed to be a final certificate as to the classification shown, within the meaning of section 4 of the act (42 Stat. 1517; 7 U. S. C. 54).

(c) *Form D determination.* The classification or comparison of samples submitted for other than Form A or Form C determinations. Such classification or comparison shall be evidenced by a Form D memorandum which shall not be subject to review.

§ 28.139 *Filing of requests.* All requests for classification or comparison leading to Form A memoranda, Form D memoranda, or Form C certificates shall be filed with the secretary of the Board of Cotton Linters Examiners at Washington, D. C., unless otherwise directed by the Administrator.

§ 28.140 *Samples; weight; drawing.* Each sample submitted to a Board of Cotton Linters Examiners shall weigh not less than 8 ounces; shall be wrapped separately; shall contain a coupon or tag showing the bale number or identity of bale from which drawn; and shall be drawn in the following manner:

(a) *Condenser system linters.* Three separate portions shall be drawn from between different ties from each side of the bale, each portion to be approximately 6 by 8 inches in size. The six portions shall be placed in a single paper sack or wrapper together with an identifying tag stub or other identification. The six portions together shall constitute the sample representing one bale.

(b) *Flue and beater system linters.* A sample of not less than 8 ounces, consisting of equal portions drawn from the two heads of a bale or from two different sides of a bale shall be drawn.

§ 28.141 *Inspection of bales for special conditions.* A licensed classifier drawing samples for submission to a Board of Cotton Linters Examiners for Form A classification or comparison shall inspect each bale and shall specify on his sampler's certificate accompanying the samples any conditions not fully indicated by the samples.

§ 28.142 *Submission of samples.* All samples submitted to a Board of Cotton Linters Examiners for classification or comparison under this subpart shall be delivered or sent to the secretary of the board with all transportation charges incident thereto prepaid. All samples submitted by a licensed linters classifier for Form A classification must have been freshly drawn by such classifier, must be submitted direct to the board without classification or further handling, and must be accompanied by a sampler's certificate. Such certificate shall be on a form furnished by the Agricultural Marketing Service for this purpose.

§ 28.143 *Method of classification.* The classification of all cotton linters samples shall be in accordance with the official cotton linters standards of the United States and §§ 28.143 to 28.145. The grade, staple, and character of each sample shall be determined and designated separately, together with any special conditions of the sample or bale.

§ 28.144 *Samples falling between grades or staples.* In classification, a sample which is determined to be between two adjacent grades or between two adjacent staples shall be assigned the lower of the two grades or two staples.

§ 28.145 *Terms defined; linters classification.* For the purposes of classification of any cotton linters or comparison with a type or other samples, the following terms shall be construed, respectively, to mean:

(a) *Grade.* The term grade means the color and trash in cotton linters.

(b) *Staple.* The staple normal for each grade as illustrated in grades 1 through 7 (§§ 28.201 to 28.207) shall be designated as staples 1, 2, 3, 4, 5, 6, and 7, respectively.

(c) *Character.* The term character means the relative harshness of linters. In linters classification, character shall be described as follows: Soft (symbol S); Average (symbol A); Harsh (symbol H); or Extra Harsh (symbol EH).

(d) *Prime linters.* Prime linters are cotton linters which are equivalent in grade to the official grade standards and do not show evidence of excess trash, physical deterioration, the presence of objectionable odors, or other characteristics which prohibit its description in terms of the official grade standards.

(e) *Off grade linters.* Cotton linters which show evidence of physical deterioration, the presence of objectionable odors, or other characteristics which prohibit its description in terms of the official grade standards shall be designated as "Off Grade," and no specific grade assigned.

(f) *Excess trash.* Cotton linters that contain more trash than is represented in the grades described in §§ 28.201 to 28.208 shall be assigned that grade to which it is equal in color and further described by the term "Excess Trash." Such linters shall not be considered as prime linters.

(g) *Compound grades.* Cotton linters which in grade show a variation equal to that shown in any 2 or 3 adjacent grades of those described in §§ 28.201 to 28.208 shall be designated by the compounded name of such grades.

(h) *Compound staples.* Cotton linters which in staple show a variation equal to that shown in any 2 or 3 adjacent staples of those listed in § 28.209 shall be designated by the compounded name of such staples.

(i) *Mixed packed grades.* Cotton linters which in grade show a variation greater than that shown in any 3 adjacent grades of those described in §§ 28.201 to 28.208 shall be designated as "Mixed Packed" for grade on classification certificates and memoranda and the grade constituting the mixture shown.

(j) *Mixed-packed staples.* Cotton linters which in staple show a variation greater than that shown in any 3 adjacent staples of those listed in § 28.209 shall be designated as "Mixed Packed" for staple on classification certificates and memoranda and the staples constituting the mixture shown.

(k) *Weak staple.* Cotton linters in which the strength of staple is below that normally found in linters of otherwise comparable staple shall be designated by the term "Weak" and no specific staple assigned.

(l) *Below 7 staple.* Cotton linters which in staple is below that illustrated in Grade 7 (§ 28.207) shall be designated as "Below 7" staple.

(m) *False packed linters.* Linters in a bale (1) containing substances entirely foreign to linters; (2) containing damaged linters in the interior with or without any indication of such damage upon the exterior; (3) composed of good linters upon the exterior and decidedly inferior linters in the interior, in such manner as not to be detected by customary examination; or (4) containing motes, sweepings, or hull fiber worked into the bale.

(n) *Repacked linters.* Linters that is composed of factors', brokers', or other samples, or of loose or miscellaneous lots collected and rebaled, or linters in a bale which is composed of linters from two or more smaller bales or parts of bales.

(o) *Water-packed linters.* Linters in a bale that has been penetrated by water during the baling process, causing damage to the fiber, or a bale that through exposure to the weather or by other means, while apparently dry on the exterior, has been damaged by water in the interior.

§ 28.146 *Reviews.* A review of any Form A or Form C determination may be requested by the owner of the linters from which the sample was drawn, or his agent, within 30 days after the issu-

ance of the original memorandum or certificate. Such request shall be filed with the secretary of the Board of Cotton Linters Examiners at Washington, D. C., and shall be accompanied by the original classification memorandum or certificate if it is in the possession of the applicant. The application shall state the reason for failure to submit such document. Form D determinations are not subject to review.

(a) *Form A and Form C Reviews.* Redrawn samples will be required except in cases where the original samples have remained in the custody of the Board of Cotton Linters Examiners. When redrawn samples are necessary, they shall be drawn and submitted in accordance with the applicable provisions of §§ 28.138, 28.140, 28.141, and 28.142. A Form A memorandum or Form C certificate, as applicable, appropriately marked to indicate that it represents a review determination shall be issued to the applicant requesting the review. The review classification memorandum shall supersede the original classification memorandum.

(b) *Review of licensed classifier's certificate.* In case a review is desired of the classification of any linters represented in a valid certificate issued by a licensed linters classifier, the holder of such certificate shall surrender the same, together with samples of the linters involved, to the Board of Cotton Linters Examiners and receive in its stead a Form D memorandum signed by the chairman of such board. Such Form D memorandum shall be appropriately marked to show it represents a review of a licensed classifier's certificate. The Form D memorandum issued in lieu of the licensed classifier's certificate shall not be subject to further review. The provisions of this paragraph do not prohibit the drawing of new samples and filing of a request with the Board of Cotton Linters Examiners leading to a Form A or Form D memorandum or a Form C certificate.

§ 28.147 *Licensed classifiers.* Subject to the applicable terms and conditions of §§ 28.76 to 28.96, any person may, upon presentation of evidence of competency, be licensed to grade or classify linters, and to certificate the grade or class thereof in accordance with the official cotton linters standards of the United States.

(a) *Class certificates; form; mailing to board.* Each class certificate issued by a licensed linters classifier under this subpart shall be on a form furnished by the Department of Agriculture. A copy of each certificate shall be mailed to the Board of Cotton Linters Examiners at Washington, D. C., within 3 days after issuance.

(b) *Supervisory samples.* Some samples from each lot or mark of samples on which a licensed linters classifier issues a certificate under this subpart shall be sent to the Board of Cotton Linters Examiners for supervisory purposes. Such supervisory samples shall be submitted to the board in accordance with instructions furnished licensees by the Department of Agriculture from time to time.

§ 28.148 *Fees and costs; classification; reviews; other.* The fee for the classification, comparison, or review of linters with respect to grade, staple, and character, or any of these qualities, shall be at the rate of 20 cents for each bale or sample involved. The provisions of §§ 28.118 to 28.135 relating to other fees and costs shall, so far as applicable, apply to services performed with respect to linters.

§ 28.149 *Fees and costs; supervision of sampling.* For the supervision of sampling of bales of linters leading to a Form C certificate pursuant to § 28.138 (b), the person making the request for classification shall pay, in addition to the classification fee prescribed in § 28.148, the necessary traveling expenses and subsistence, or per diem in lieu of subsistence, incurred on account of such request, in accordance with the fiscal regulations of the Department of Agriculture, by the Department employee supervising the sampling.

§ 28.150 *Fee; licenses; renewals.* The fee for the examination of an applicant for a license to classify linters shall be $10. No additional charge shall be made for the issuance of a license to an applicant found to be properly qualified. The fee for each renewal of such a license shall be $5.

§ 28.151 *Cost of practical forms; period effective.* Practical forms of the official cotton linters standards of the United States will be furnished to any person subject to the applicable terms and conditions specified in § 28.115, and upon prepayment of the costs thereof: *Provided,* That no practical form of any of the official cotton linters standards of the United States shall be considered as representing any of said standards after the date of its cancellation in accordance with this subpart, or, in any event, after the expiration of 12 months following the date of its certification. The costs of the official standards shall be at the rate of $5 each, f. o. b., Washington, D. C., for shipments within the continental United States, and $6.50 each, delivered to destination, for shipments outside the continental United States.

§ 28.152 *Staple guide samples.* An actual sample of linters illustrating the staples as embraced in each of the grades 1 through 7 (§§ 28.201 to 28.207) shall be made available, to the extent that facilities permit, to purchasers of practical forms of the official standards, at the rate of $1 each, f. o. b., Washington, D. C., for shipments within the continental United States, and $1.50 each, delivered to destination, for shipments outside the continental United States.

Done at Washington, D. C., this 21st day of May 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator,*
*Agricultural Marketing Service.*

[F. R. Doc. 56-4094; Filed, May 23, 1956; 8:52 a. m.]

## [ 7 CFR Part 922 ]

### VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

### NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO APPROVAL OF EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1955-56 FISCAL YEAR

Consideration is being given to the following proposals submitted by the Valencia Orange Administrative Committee, established under Order No. 22 (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective March 31, 1954, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), as the agency to administer the terms and provisions thereof: (1) that the Secretary of Agriculture find that expenses not to exceed $176,022.00 will be necessarily incurred during the fiscal year November 1, 1955, through October 31, 1956, for the maintenance and functioning of the committee established under the aforesaid order, and (2) that the Secretary of Agriculture fix, as the share of such expenses which each handler who first handles oranges shall pay during the fiscal year in accordance with the aforesaid order, the rate of assessment of $0.0075 per carton of oranges handled by such handler as the first handler thereof during such fiscal year.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid proposals should file the same with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D. C., not later than the 10th day after the publication of this notice in the FEDERAL REGISTER. All documents should be filed in quadruplicate.

As used in this section, "handle," "handler," "oranges," and "fiscal year" shall have the same meaning as is given to each such term in said order; and "carton" shall mean the standard one-half orange, grapefruit or lemon box set forth as standard container number 58 in section 828.83, as amended, of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 21, 1956.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-4091; Filed, May 23, 1956; 8:51 a. m.]

## [ 7 CFR Part 936 ]

### FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

### NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO EXPENSES AND FIXING OF RATES OF ASSESSMENT FOR 1956-57 SEASON

Consideration is being given to the following proposals submitted by the Control Committee, established under the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), as the agency to administer the provisions thereof:

(a) That the Secretary of Agriculture find, with respect to Bartlett pears, early varieties of plums, late varieties of plums, and Elberta peaches, that expenses not to exceed the following amounts are likely to be incurred, during the season beginning March 1, 1956, and ending February 28, 1957, both dates inclusive, by the Control Committee for the maintenance and functioning of such committee and the respective commodity committee established under the aforesaid amended marketing agreement and order:

(1) Bartlett pears, $23,154.45;

(2) Early varieties of plums, $18,513.23;

(3) Late varieties of plums, $19,789.84; and

(4) Elberta peaches, $19,477.48.

(b) That the Secretary of Agriculture fix, as each handler's pro rata share of such expenses, the following rates of assessment which each handler shall pay in accordance with the provisions of said amended marketing agreement and order:

(1) 8½ mills ($0.0085) per standard western pear box of Bartlett pears, or its equivalent in other containers or in bulk;

(2) 9 mills ($0.009) per standard four-basket crate of early varieties of plums, or its equivalent in other containers or in bulk;

(3) 9 mills ($0.009) per standard four-basket crate of late varieties of plums, or its equivalent in other containers or in bulk; and

(4) 4 mills ($0.004) per California peach box of Elberta peaches, or its equivalent in other containers or in bulk.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposals may do so by submitting the same to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than the 10th day following publication of this notice in the FEDERAL REGISTER.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 21, 1956.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-4092; Filed, May 23, 1956; 8:51 a. m.]



## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

## [ 21 CFR Part 120 ]

### TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

### NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCES FOR RESIDUES OF CALCIUM CYANIDE

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (Sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by The American Cyanamid Company, 30 Rockefeller Plaza, New York, New York, proposing the establishment of a tolerance of 25 parts per million for residues of calcium cyanide, determined as hydrocyanic acid, in or on the following raw agricultural commodities: Buckwheat grain, oat grain, and grain sorghum.

The analytical methods for determining residues of hydrocyanic acid are published in "Official Methods of Analysis of the Association of Official Agricultural Chemists," Eighth Edition, sections 22.55 and 22.54, page 380 (1955).

Dated: May 18, 1956.

[SEAL] JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F. R. Doc. 56-4057; Filed, May 23, 1956; 8:45 a. m.]

# NOTICES

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

ALASKA

### NOTICE OF FILING OF PLATS OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

MAY 17, 1956.

1. A plat of survey of the lands described below will be officially filed in the Anchorage Land Office, Anchorage, Alaska, effective at 10:00 a. m. June 22, 1956.

COPPER RIVER MERIDIAN

Township 4 North, Range 2 West,
Sections 25, 26, 27, 28 and 29.

The area described aggregate 3190.06 acres.

2. The above lands lie in the vicinity of Glenallen, Alaska, and are partially bordered on the North by the Glenn Highway. The terrain is generally level to rolling countryside. The major vegetative cover is a mixed stand of birch, aspen, and spruce. There are scattered patches of muskeg.

3. Lots 2, 3, 5, 7, 9, 11, 13, 15 and 17, Section 29, lie wholly within the Glenn Highway right-of-way as withdrawn by Public Land Order No. 601, as amended, and U. S. Survey No. 3197 is patented. Therefore these lands are not subject to disposition.

4. Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 1 hereof, are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Alaska Homesite, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284 as amended), presented prior to 10:00 a. m. on June 8, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on September 21, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m. on September 21, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

5. Persons claiming veterans' preference rights under paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

6. Inquiries concerning these lands shall be addressed to the Manager, An-

chorage Land Office, P. O. Box 1740, Anchorage, Alaska.

VIRGIL O. SEISER,
*Manager.*

[F. R. Doc. 56-4059; Filed, May 23, 1956; 8:45 a. m.]

## Bureau of Reclamation

COLORADO RIVER STORAGE PROJECT, UTAH

FIRST FORM RECLAMATION WITHDRAWAL

APRIL 25, 1956.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby withdraw the following-described lands from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat., 388):

SALT LAKE BASE AND MERIDIAN, UTAH

T. 40 S., R. 1 E. (unsurveyed), all.
Tps. 41, 42 and 43 S., R. 1 E., all.
T. 41 S., R. 2 E. (unsurveyed), all.
T. 42 S., R. 2 E., all.
T. 43 S., R. 2 E.,

Secs. 3 to 10, inclusive, secs. 15 to 22, inclusive, and secs. 27 to 34, inclusive, all.

The above areas aggregate approximately 153,600 acres.

E. G. NIELSEN,
*Assistant Commissioner.*

[71776]

MAY 18, 1956.

I concur. The records of the Bureau of Land Management will be noted accordingly. *Provided*, That this order shall be subject to valid existing rights and the provisions of existing withdrawals.

The Bureau of Land Management will administer the lands until they are needed for reclamation purposes.

EDWARD WOOZLEY,
*Director,*
*Bureau of Land Management.*

*Notice for Filing Objections to Order Withdrawing Public Lands for the Colorado River Storage Project, Utah*

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of Utah for use in connection with the proposed Glen Canyon Unit, Colorado River Storage Project may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

E. G. NIELSEN,
*Assistant Commissioner.*

[F. R. Doc. 56-4060; Filed, May 23, 1956; 8:46 a. m.]

COLORADO RIVER STORAGE PROJECT, ARIZONA

FIRST FORM RECLAMATION WITHDRAWAL

MARCH 26, 1956.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby withdraw the following-described lands from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

GILA AND SALT RIVER MERIDIAN, ARIZONA

T. 41 N., R. 7 E., unsurveyed,
Entire township.
T. 42 N., R. 7 E., unsurveyed,
Secs. 31 to 35, inclusive.

The above areas aggregate approximately 25,500 acres.

E. G. NIELSEN,
*Assistant Commissioner.*

[71463]

MAY 18, 1956.

I concur. The records of the Bureau of Land Management will be noted accordingly. The lands shall continue to be administered by the Bureau of Land Management until they are needed for reclamation purposes.

EDWARD WOOZLEY,
*Director,*
*Bureau of Land Management.*

*Notice for Filing Objections to Order Withdrawing Public Lands for the Colorado River Storage Project, Arizona*

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of Arizona for use in connection with the proposed Colorado River Storage Project may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

E. G. NIELSEN,
*Assistant Commissioner.*

[F. R. Doc. 56-4061; Filed, May 23, 1956; 8:46 a. m.]

# DEPARTMENT OF AGRICULTURE

## Agricultural Marketing Service

CANNED RED TART PITTED CHERRIES

NOTICE OF PURCHASE PROGRAM WMP 89A

In order to encourage the domestic consumption of red tart cherries by diverting them from the normal channels of trade and commerce in accordance with section 32, Public Law 320, 74th Congress, approved August 24, 1935, as amended, the Agricultural Marketing Service offers to purchase canned red tart pitted cherries from growers, associations of growers, or canners on the offer and acceptance basis and will accept offers, to be received by the Department not later than 9:00 a. m., e. d. t., May 29, 1956, to the extent that industry marketing needs require, subject to the quantities and prices offered and to the limitations imposed by the amount of funds available for such purchases. Specifications of the purchase are contained in announcements which were issued by the Department on May 18, 1956. Information as to this purchase program may be obtained from the Fruit and Vegetable Division, Agricultural Marketing Service, Department of Agriculture, Washington 25, D. C.

(Sec. 32, 49 Stat. 774, as amended, 7 U. S. C. and Sup. 612c)

Done at Washington, D. C., this 21st day of May 1956.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-4096; Filed, May 23, 1956; 8:52 a. m.]

# DEPARTMENT OF COMMERCE

## Bureau of Foreign Commerce

[Case No. 213A]

FLORENT M. L. SCHRIJVERS

ORDER REVOKING EXPORT LICENSES AND DENYING EXPORT PRIVILEGES

In the matter of Florent M. L. Schrijvers, 84, Avenue D'Italie, Antwerp, Belgium, respondent; Case No. 213A.

Florent M. L. Schrijvers, the respondent herein, having been charged by the Director, Investigation Staff, Bureau of Foreign Commerce of the Department of Commerce, with having violated the Export Control Act of 1949, as amended, in that, as alleged, (1) he made and submitted false statements and representations for the purpose of causing to be effected exportations from the United States, and (2) he diverted or caused to be diverted and transshipped to an unauthorized destination commodities exported from the United States under export control documents limiting their shipment to the place named in such documents, duly answered the charges, admitted numerous facts, and offered various special defenses in mitigation.

The respondent did not demand an oral hearing but, in accordance with the practice, this case was referred to the Compliance Commissioner who notified him of the time when and the place where he would receive proof of the charges. Respondent did not appear at the time and place specified but wrote the Compliance Commissioner an additional letter of explanation. After the evidence was submitted, the Compliance Commissioner in due course made his report and recommendation, which, upon the facts as hereinafter found, appears to be fair and just and is therefore adopted.

Now, after considering the entire record consisting of the charges, the answer of the respondent, the evidence submitted in support of the charges and the report and recommendation of the Compliance Commissioner, I hereby make the following findings of fact:

1. At all times hereinafter mentioned, Florent M. L. Schrijvers, hereinafter referred to as respondent, was and now is engaged in the export and import business in Antwerp, Belgium.

2. In November 1954 the respondent opened negotiations with a firm in London for a sale of 50 tons of granular boric acid to be shipped to Hong Kong. These negotiations resulted in a contract wherein and whereby the respondent agreed to sell said boric acid to the London firm for ultimate shipment to Hong Kong.

3. Following the making of that contract and, with knowledge that it was to be submitted to the Bureau of Foreign Commerce in support of an application for an export license, respondent executed a Bureau of Foreign Commerce Form IT 842 (consignee-purchaser statement), in which he certified that 50 tons of boric acid to be exported from the United States to him were to be resold by him in Belgium to various consumers in the glassware, enamelware, and leather industries and that the end products were to be distributed in Belgium. In the same form he agreed not to dispose of the boric acid contrary to the statements made therein, that he would notify the American supplier of any change of facts or intentions related to the transaction and would secure U. S. Government approval prior to any such disposition. His American supplier then applied to the Bureau of Foreign Commerce for a license to export the boric acid to the respondent and, in support of that application, submitted respondent's IT 842. The license was granted on December 15, 1954.

4. On January 16, 1955, the American supplier exported 50 metric tons of granular boric acid to the respondent, under and pursuant to the authority of said license. In support of said exportation, it executed an export declaration and procured a bill of lading, in each of which there was endorsed a warning to the effect that the boric acid was being exported to Belgium as the country of ultimate destination and that diversion to another destination was prohibited by the laws of the United States. Schrijvers was therein named as the purchaser or ultimate consignee and Belgium was designated as the country of ultimate destination.

5. For the purpose of performing the contract, the respondent's London purchaser, in March of 1955, opened letters of credit in respondent's favor for 45 metric tons and provided him with markings for shipping to Hong Kong. The London purchaser requested that the remaining five tons be held for future disposition. Respondent accepted these instructions and invoiced his London purchaser for the 45 metric tons. When this boric acid arrived at Antwerp, respondent caused it to be transshipped to Hong Kong without prior notification to, or authorization from, the Bureau of Foreign Commerce.

6. The transshipment was discovered by American authorities and, upon the respondent's having been reminded that such transshipment was in contravention of U. S. export control regulations, respondent arranged for the return to Belgium, at his own expense, of all the boric acid unlawfully transshipped and he thereafter disposed of the entire 50 metric tons by selling them in Belgium or to previously approved consignees in other Western European countries.

7. Prior to the notification to the respondent that his conduct with respect to the 50 tons of granular boric acid was in contravention of U. S. export control regulations, respondent, in January 1955, entered into further negotiations with his London purchaser for the sale to it of an additional 50 tons of boric acid, in powder form, which boric acid he knew was ultimately destined for Hong Kong. His London purchaser accepted this offer.

8. Respondent then entered into negotiations for the purchase of this additional lot of 50 tons of powered boric acid from his American supplier and he again executed a Bureau of Foreign Commerce Form IT 842 containing the same representations and agreements as those contained in the previous form executed by him.

9. His American supplier then utilized this IT 842 to support its application for an export license which was duly issued on January 27, 1955. This license was used to load 50 metric tons of powdered boric acid upon a ship about to leave the United States. The American supplier at the same time executed an export declaration and procured a bill of lading in which were made statements similar to those contained in the previous export declaration and bill of lading. By action of the Department of Commerce, the license was suspended and the boric acid was removed from the vessel.

And, from the foregoing, the following are my conclusions.

A. That respondent knowingly made false statements and concealed material facts on Bureau of Foreign Commerce Forms IT 842 and caused false statements to be made and material facts to be concealed from the Bureau of Foreign Commerce on the export license applications and export declarations executed by his supplier in connection with the transactions involved herein, in violation of §§ 381.2 and 381.5 of the export control regulations.

B. That he failed to notify his American supplier and failed to secure approval from the United States Government before transshipping to Hong Kong 45 tons of granular boric acid in contravention of his agreement in the Bureau of Foreign Commerce Form IT 842 contained, thus violating § 381.5 (d) of the export control regulations.

C. That he made purchases of and sold commodities to be exported from the United States with the knowledge, at the time of such purchases and sales, that the export control regulations would be violated in connection with the transactions related to said purchases and sales, in violation of § 381.4 of the export control regulations.

D. That he knowingly transshipped commodities to persons and destinations and for uses not previously authorized by the Bureau of Foreign Commerce in violation of §§ 379.5, 381.2 and 381.6 of the export control regulations.

In his report, the Compliance Commissioner said:

This respondent points out that no transshipment was brought to a conclusion and that, at great expense to himself, he brought the granular boric acid back to Belgium and disposed of it to consignees approved by the American authorities. His expense in this connection far exceeded the very small profit he would have made and was quite large in proportion to the cost of the goods involved. He says that it was his assumption that even though the goods were ostensibly purchased for Belgium, if they were transshipped in accordance with a license obtained from the Belgian Government, such a transshipment was legal. This is a defense that has frequently been asserted in the past but it is not a good defense and does not relieve the respondent of his wrongful conduct. Whether he actually believed that his intended conduct was proper is not known but, by reason of his other conduct in this case, I am giving him the benefit of the doubt in that respect. In addition to his retrieving of the boric acid unlawfully transshipped, he has been most co-operative with the American authorities during the course of the investigation and, even after the hearing of this case, he has supplied his file relating to the first transshipment. • • • For all these reasons I have concluded that, whereas it would ordinarly be my recommendation that a transshipper of goods to Hong Kong or to a Communist destination, acting in contravention of U. S. export control regulations, should be denied export privileges so long as export controls are in effect, Schrijvers should be given unusual consideration. It is therefore my recommendation, without thereby setting a precedent, that he be denied export privileges for a period of two years but that, after the order has been in effect for three months, such privileges shall be restored to him upon condition that during the entire remaining term of the order he comply with all U. S. export control regulations.

Having concluded that the recommended action is fair, just and necessary to achieve effective enforcement of the law: *It is hereby ordered:*

I. All outstanding validated export licenses in which Florent M. L. Schrijvers, the respondent, appears or participates as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation.

II. Henceforth, and for a period of two years from the date hereof, the said respondent be and he hereby is suspended from and denied all privileges of participating, directly or indirectly, in any manner or capacity, in an exportation of any commodity or technical data from the

United States to any foreign destination, including Canada, whether such exportation has heretofore or hereafter been completed. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation by him, directly or indirectly, in any manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the obtaining or using of any validated or general export license or other export control documents, (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (d) in storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

III. Such denial of export privileges shall extend not only to the respondent, but also to any person, firm, corporation, or business organization with which he may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade in which may be involved exports from the United States or services connected therewith.

IV. Upon condition that the respondent complies in all respects with this order, and with all other requirements of the Export Control Act of 1949, as amended, and all regulations promulgated thereunder, commencing three months following the date hereof, he may engage in and enjoy all export privileges permitted by United States laws and regulations.

V. The privileges conditionally restored to the respondent, under Part IV hereof, may be revoked summarily and without notice upon a finding by the Director of the Office of Export Supply, or such other official as may at that time be exercising the duties now exercised by him, that the respondent has, at any time following the date hereof, knowingly failed to comply with any of the conditions or provisions upon which or whereby, by Part IV hereof, he has been permitted to engage in any phase of the export business otherwise denied to him under Part II hereof, without prejudice to any other action which may be taken by reason of any such new or additional violation. In the event that it be so determined that the respondent has breached the conditions of Part IV hereof, the suspension and denial of his export privileges shall be deemed to commence on the day of such determination and shall continue thereafter for a full term of twenty-one months.

VI. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, during any time when the respondent is prohibited under the terms hereof from engaging in any activity within the scope of Part II hereof, shall, without prior disclosure to, and specific authorization from, the Bureau of Foreign Commerce, directly or indirectly, in any manner or capacity, (a) apply for, obtain, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity, (b) order, receive, buy, use, dispose of, finance, transport or forward, any commodity on behalf of or in any association with the respondent, or (c) do any of the foregoing acts with respect to any commodity or exportation in which the respondent may have any interest or benefit of any kind or nature, direct or indirect.

Dated: May 21, 1956.

JOHN C. BORTON,
*Director,*
*Office of Export Supply.*

[F. R. Doc. 56-4083; Filed, May 23, 1956; 8:50 a. m.]

## Maritime Administration

### TRADE ROUTE 11

NOTICE OF FINAL DETERMINATION ON INCREASE IN U. S. FLAG SERVICE REQUIREMENTS

Notice is hereby given that the Maritime Administrator has directed that his determinations regarding an increase in U. S. flag service requirements and the suitability of two modernized Liberty ships for interim operation on Trade Route No. 11 as published in the FEDERAL REGISTER, issue of April 27, 1956 (21 F. R. 2730), shall stand unchanged.

In the third paragraph of the notice referred to herein, the date March 11, 1956 should read March 17, 1956.

Dated: May 21, 1956.

By order of the Maritime Administrator.

[SEAL] GEO. A. VIEHMANN,
*Assistant Secretary.*

[F. R. Doc. 56-4097; Filed, May 23, 1956; 8:52 a. m.]

## Office of the Secretary

### ERNEST W. DANIELS

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of December 3, 1955, 20 F. R. 9165.

A. Deletions: None.
B. Additions: None.

This statement is made as of May 10, 1956.

[SEAL] ERNEST W. DANIELS.

[F. R. Doc. 56-4078; Filed, May 23, 1956; 8:49 a. m.]

# FEDERAL POWER COMMISSION

[Docket No. E-6680]

SOUTHERN NEVADA POWER CO.

NOTICE OF APPLICATION FOR ORDER AUTHORIZING STOCK ISSUANCE

MAY 18, 1956.

Take notice that on May 14, 1956, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Southern Nevada Power Company ("Applicant"), a corporation organized under the laws of the State of Nevada, and doing business in said State, with its principal business office at Las Vegas, Nevada, seeking an order authorizing the issuance of (1) such number of shares of Common Stock, par value $1.00 per share (hereinafter referred to as the "New Common Stock"), as may become issuable upon the exchange of shares of Common Stock, par value $5.00 per share (hereinafter referred to as the "Old Common Stock") now outstanding; (2) 4¾ percent Convertible Debentures due 1979, and Cumulative Preferred Stock, 4.80 percent Convertible Series, in exchange for the outstanding Convertible Debentures due 1979 and Cumulative Preferred Stock, 4.80 percent Convertible Series, except that there shall be issuable in each case upon conversion, the New Common Stock instead of the Old Common Stock; and (3) such number of shares of New Common Stock as may be issuable from time to time upon conversion of said Convertible Debentures due 1979 and said Cumulative Preferred Stock, 4.80 percent Convertible Series, and upon exercise of options heretofore issued to officers of Applicant.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 5th day of June 1956, file with the Federal Power Commission, Washington 25, D. C. a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file and available for public inspection.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-4062; Filed, May 23, 1956; 8:46 a. m.]

[Docket No. G-10014]

KANSAS-NEBRASKA NATURAL GAS CO.

NOTICE OF HEARING ON APPLICATION FOR CONSTRUCTION OF NATURAL GAS FACILITIES

MAY 18, 1956.

Take notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 12, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by the application filed herein: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure.

Due notice of the application filed herein has been had by publication in the FEDERAL REGISTER on May 1, 1956 (21 F. R. 2857) and no protest or petitions to intervene have been filed herein.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure where such request therefor is made.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-4063; Filed, May 23, 1956; 8:46 a. m.]

[Docket No. G-3275 et al.]

HOWARD W. FLEET ET AL.

NOTICE OF SEVERANCE AND CONTINUANCE

MAY 18, 1956.

In the matters of Howard W. Fleet et al., Docket No. G-3275, et al.; Superior Oil Company, Docket No. G-6180.

Notice is hereby given that the application of the Superior Oil Company in Docket No. G-6180 in the above consolidated proceeding and scheduled for hearing on May 21, 1956, at 9:30 a. m., e. d. s. t., is hereby severed therefrom and scheduled for hearing at a subsequent date to be set by further notice.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-4064; Filed, May 23, 1956; 8:47 a. m.]

[Docket Nos. G-9957; G-10062]

TEXAS GAS TRANSMISSION CORP.

NOTICE OF APPLICATIONS AND DATE OF HEARING

MAY 18, 1956.

Take notice that Texas Gas Transmission Corporation (Applicant), a Delaware corporation with principal place of business at 416 West Third Street, Owensboro, Kentucky, filed, in Docket No. G-9957 on February 7, 1956, and in Docket No. G-10062 on March 7, 1956, as amended April 16, 1956, separate applications for certificates of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render increased natural gas service to certain existing customers and to construct and operate certain natural gas facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the applications which are on file with the Commission and open for public inspection.

In Docket No. G-9957 Applicant proposes to sell and deliver on a firm basis commencing on or about December 1, 1956, in addition to the presently authorized volume of 91,800 Mcf per day, an additional volume of natural gas (viz. 5,100 Mcf per day at 14.73 p. s. i. a.) in interstate commerce to Louisville Gas and Electric Company (Louisville) for resale for the purpose of meeting the increased firm requirements of Louisville. No additional facilities are requested in Docket No. G-9957.





In Docket No. G-10062 Applicant proposes to sell and deliver on a firm basis, as shown below, additional volumes of natural gas in interstate commerce to certain of its existing customers for resale, and to construct and operate, as integral parts of its existing natural gas system, certain natural gas facilities as hereinafter described which are necessary to said delivery and sale of natural gas.

| Customer | Contract demand in Mcf at 14.73 p. s. i. a. | | |
|---|---|---|---|
| | Existing | Proposed increase | Total |
| Louisville Gas & Electric Co. | 91,800 | 15,300 | [1] 112,200 |
| West Tennessee Gas Co. | 26,418 | 3,652 | 30,070 |
| Gas Utilities Co. | 5,099 | 1,020 | 6,119 |
| Western Kentucky Gas Co. (Zone 2) | 13,515 | 530 | 14,045 |

[1] Includes 5,100 Mcf increase requested in Docket No. G-9957.

Applicant also seeks in Docket No. G-10062 the following authorization:

(1) To construct and operate approximately 11.37 miles of 16-inch O. D. pipeline which will loop Applicant's proposed 16-inch line [1] out of Lake Arthur Field, Louisiana.

(2) To construct and operate, southeast of Eunice, Louisiana, approximately 4 miles of 6⅝-inch O. D. pipeline which will cross-connect Applicant's 4-inch Bosco line with Applicant's proposed 20-inch E. Lake Palourde line.[1]

(3) To install and operate two additional 1,500 hp. compressor units at Applicant's proposed Pineville Louisiana Compressor Station [2] which is presently rated at 6,000 hp.

(4) To install and operate two 1,500 hp. compressor units at Applicant's Columbia Louisiana Compressor Station which is presently rated [3] at 6,000 hp.

(5) To install and operate one 2,000 hp. compressor unit at Applicant's Bastrop Louisiana Compressor Station which is presently rated [3] at 16,320 hp.

(6) To construct and operate, south of Applicant's Greenville Mississippi Compressor Station, approximately 5.99 miles of 30-inch pipeline which will extend in a southwesterly direction the proposed 30-inch line [1] looping on Applicant's 26-inch line in that location.

(7) To construct and operate, at and northward of Applicant's Greenville Mississippi Compressor Station, approximately 6.76 miles of 30-inch pipeline which will loop Applicant's 26-inch line at that point.

(8) To construct and operate, north of Applicant's Clarksdale Mississippi Compressor Station, approximately 7.56 miles of 30-inch pipeline which will extend in a northeasterly direction the proposed 30-inch line [1] looping Applicant's 26-inch line in that location.

(9) To install and operate one 1,500 hp. compressor unit at Applicant's Covington Tennessee Compressor Station which is presently rated [4] at 10,500 hp.

(10) To construct and operate, southeast of Robinson, Illinois, approximately 3 miles of 6⅝-inch O. D. pipeline which will extend the existing 6-inch line looping Applicant's 4-inch existing line at that point.

(11) To construct and operate at Hickory School Storage Field, Kentucky, approximately 1 mile of 6-inch loop pipeline.

(12) To install and operate one 1,500 hp. compressor unit at Applicant's Jeffersontown Kentucky Compressor Station which is presently rated at 9,000 hp.

(13) To install and operate one 1,320 hp. compressor unit at Applicant's Dillsboro Indiana Compressor Station which is presently rated at 7,920 hp.

(14) To remove, from Applicant's presently rated 560 hp. Niagara Kentucky Compressor Station, one 100 hp. compressor unit and to relocate and operate the same at Applicant's presently rated 590 hp. Oaktown Storage Field Compressor Station in Indiana.

The total capital cost of these facilities is estimated to be $6,233,000 to be financed through funds derived from short term bank loans, which will be repaid from permanent financing sometime prior to December 31, 1957.

The additional proposed pipeline capacity is required to enable Applicant to meet the estimated peak day demands of its existing aforementioned customers in the 1957-58 winter season, principally for residential and commercial use in markets presently being served.

Applicant desires to schedule the proposed construction coincidentally with the construction authorized in Docket No. G-8828 in order to make substantial savings in construction costs.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Thursday, June 14, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protest or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 4, 1956. Failure of any

[1] The "proposed" natural gas facilities were authorized in Docket No. G-8828.

[2] Present rating includes one 1,500 hp. unit as authorized in Docket No. G-8828.

[3] Present rating includes one 2,000 hp. unit as authorized in Docket No. G-8828.

[4] Present rating includes one 1,500 hp. unit as authorized in Docket No. G-8828.

party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-4065; Filed, May 23, 1956; 8:47 a. m.]

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[Docket No. G-10005]

TRANS-CAROLINA PIPELINE CORP.

NOTICE OF APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

MAY 18, 1956.

Trans-Carolina Pipeline Corporation (Trans-Carolina), a Delaware corporation with its principal place of business in Raleigh, North Carolina, filed an application on February 27, 1956, as supplemented on April 18, 1956, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing construction and operation of a natural-gas transmission system to serve portions of eastern North Carolina and South Carolina now without such service with gas purchased from Transcontinental Gas Pipe Line Corporation (Transco), as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in its application which is on file with the Commission and open for public inspection.

Trans-Carolina states that it proposes to construct and operate a total of approximately 840.1 miles of pipelines consisting of main transmission lines and laterals, extending from a point on Transco's main line near Moore, South Carolina, in a general easterly direction through portions of South Carolina and North Carolina to the Tidewater communities. Trans-Carolina also states that service would be rendered at retail and wholesale in 40 communities in the general area bounded by or adjacent to the communities of York, Chester, Sumter and Florence, South Carolina, and Wilmington, New Bern, Rocky Mount, Smithfield, Southern Pines, Albermarle and Monroe, North Carolina; also, direct industrial sales are proposed to be made to nine customers and the necessary meter and regulating stations are included in the project.

Trans-Carolina further states that the market proposed to be supplied with natural gas consists of 40 communities, of which the largest is Wilmington, North Carolina. Thirteen of these communities have existing manufactured-gas distribution systems, which would buy natural gas from Trans-Carolina, while the remaining 27 have no gas service other than "bottle gas." In its supplement, Trans-Carolina submitted evidence in support of the economic feasibility of constructing and operating distribution systems in each such community by its Distribution Division.

Trans-Carolina alleges that the estimated total peak day requirement for all the communities for the second year of operation is 40,882 Mcf, and for the fifth year is 87,734 Mcf. Corresponding annual requirements are 13,902,716 Mcf and 26,018,179 Mcf, and that Transco proposes to sell 40,000 Mcf per day to Trans-Carolina from the facilities covered by its application at Docket No. G-10000.

Trans-Carolina also alleges that the cost of the transmission facilities, including meter and regulator stations, is estimated to be $21,656,100. In addition, the estimated cost of distribution system in all of the 27 communities not having such systems is $8,132,000 for the first year of operations and $8,789,000 for the third year.

Trans-Carolina's plan of financing, as submitted in outline, calls for the issuance and sale of mortgage bonds equal to 75 percent of the estimated cost of the property. An additional 10 percent will be provided through sale of interim notes and the final 15 percent will be provided through sale of common shares.

Trans-Carolina further alleges that the calculated return on the transmission system, based on the estimated sales, is 6.35 percent in the third year. Revenues are calculated at a city gate rate of $3.80 per Mcf of Contract Demand and $.30 per Mcf of Commodity Charge. Excess gas would be sold at $.425 per Mcf; also, average revenue from direct industrial customers in the third year is $.382 per Mcf.

Trans-Carolina finally alleges that the cost of gas to it is calculated at Transco's currently effective rate schedule, which is about 37 cents at 65 percent load factor, and the estimated rate of return on the investment in the distribution division is 7.8 percent in the third year.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 8, 1956.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-4066; Filed, May 23, 1956; 8:47 a. m.]

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[Docket No. G-10061]

PIEDMONT GAS CO.

NOTICE OF APPLICATION FOR ORDER RE SALE AND DELIVERY OF NATURAL GAS

MAY 18, 1956.

On March 7, 1956, Piedmont Gas Company (Piedmont), a North Carolina corporation with its principal place of business located at Hickory, North Carolina, filed an application, pursuant to section 7 (a) of the Natural Gas Act, for an order directing Transcontinental Gas Pipe Line Corporation (Transco) to establish physical connection and to sell and deliver natural gas to Piedmont for distribution in communities presently supplied with propane-air gas and in other communities without gas service in an area extending generally northwest from Stanley to Morganton, and Lenoir, together with other communities in Gaston, Lincoln, Catawba, Caldwell and Burke Counties, North Carolina, all as more fully described in its application which is on file with the Commission and open for public inspection.

Piedmont states that it proposes to construct and operate a new transmission system composed of approximately 78 miles of 8-, 6-, 4-, 3- and 2-inch pipeline extending from a point of connection with Transco near Stanley, North Carolina, in a generally northwesterly direction to Morgan, North Carolina. From this line natural gas service will be supplied to the existing distribution systems in the communities of Hickory, Conover, Newton, Lenoir and Granite Falls both directly and through an existing inter-city transmission line, and also to distribution systems to be constructed by Piedmont in the communities of Lincolnton, Maiden, Valdese and Morganton. Sales would also be made to industrial customers located adjacent to the new transmission line.

Piedmont also states that all transportation and deliveries of gas would be made within the State of North Carolina. The North Carolina Utilities Commission issued, on February 27, 1956, a certificate of public convenience and necessity authorizing the construction and operation of the proposed facilities.

Piedmont further states that it estimates its third year peak day requirements to be 5,953 Mcf, of which it would purchase 5,500 Mcf from Transco. The balance would be supplied by peak-shaving facilities and Transco proposes to sell and deliver 5,500 Mcf per day to Piedmont from the facilities applied for in Transco's Docket No. G-10000.

Piedmont alleges that the total cost of all facilities to be constructed, including new distribution systems, is $2,659,864 and it will issue $1,800,000 principal amount of 5 percent First Mortgage Bonds. In addition, $450,000 face value of 6 percent two-year interim notes will be issued, convertible into 6 percent stock or cash at maturity, at the option of Piedmont. Common stock sufficient to realize $150,000 will be sold to Piedmont's parent company, Carolina Natural Gas Corporation.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 8, 1956.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-4067; Filed, May 23, 1956; 8:47 a. m.]

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[Docket No. G-1705, etc.]

PANHANDLE EASTERN PIPE LINE CO. ET AL.

ORDER SEVERING PROCEEDINGS AND DIRECTING SALE AND DELIVERY OF NATURAL GAS

In the matters of Panhandle Eastern Pipe Line Company, Docket Nos. G-1705, G-1937, G-2433, G-2475 and G-8665; Missouri Public Service Company, Docket No. G-2057; City of Montgomery, Missouri, Docket No. G-2932; Town Gas Company of Illinois, Docket No. G-3159; Missouri Central Natural Gas Company, Docket No. G-4611; Village of Westville, Illinois, Docket No. G-4666; Village of Pleasant Hill, Illinois, Docket No. G-4940; City of Waverly, Illinois, Docket No. G-5139; Village of Rossville, Illinois, Docket No. G-5979; Central Illinois Electric and Gas Company, Docket No. G-8428; City of Winchester, Illinois, Docket No. G-8431; Village of Franklin, Illinois, Docket No. G-8471; City of Hickman, Kentucky, Docket No. G-8526; Trunkline Gas Company, Docket No. G-8664; City of McLeansboro, Illinois, Docket No. G-8676; City of Vienna, Illinois, Docket No. G-8677; City of Clinton, Kentucky, Docket No. G-8771; City of LaCenter, Kentucky, Docket No. G-8888; City of Bardwell, Kentucky, Docket No. G-8939; City of Wickliffe, Kentucky, Docket No. G-8962; Lake County Utility District, Docket No. G-8963.

These consolidated proceedings, which arose on applications by Panhandle Eastern Pipe Line Company (Panhandle) and Trunkline Gas Company (Trunkline) for certificates of public convenience and necessity under section 7 (c) of the Natural Gas Act (act) involve, among other things, applications under section 7 (a) of the act by some 19 parties for orders directing Panhandle or Trunkline to establish connections with and sell natural gas to such parties. Twelve of the section 7 (a) applicants, namely Missouri Public Service Company, Docket No. G-2057; City of Montgomery, Missouri, Docket No. G-2932; Town Gas Company of Illinois, Docket No. G-3159; Missouri Central Natural Gas Company, Docket No. G-4611; Village of Westville, Illinois, Docket No. G-4666; Village of Pleasant Hill, Illinois, Docket No. G-4940; City of Waverly, Illinois, Docket No. G-5139; Village of Rossville, Illinois, Docket No. G-5979; Central Illinois Electric and Gas Company, Docket No. G-8428; City of Winchester, Illinois, Docket No. G-8431; City of McLeansboro, Illinois, Docket No. G-8676; and City of Vienna, Illinois, Docket No. G-8677, have filed motions to sever their applications from these consolidated proceedings and for immediate Commission decision thereon.

On the basis of the facts herein, we find that the public interest requires that the proceedings respecting the 12 section 7 (a) applicants enumerated above be severed from the above-entitled consolidated proceedings for the purpose of our rendering decision on the aforesaid applications. Some of these applications have been pending before us for a considerable time. Now, however, hearings have been concluded and the record is complete with respect thereto, as well as with respect to such other issues as have bearing on the question of the authorization sought by these applications. The Presiding Examiner has handed down his decision in which he determined that the aforementioned applications should be granted. No exceptions have been filed to these determinations of the Examiner, and time for filing exceptions has expired so that all objections thereto are waived.

Furthermore, many of the issues involving other than the section 7 (a) applications are complex and controversial and it cannot be said when they may be finally determined. No useful purpose would be served by postponement of decision on these applications until such uncertain future time as the other issues herein are finally determined. On the contrary, such action would be contrary to the public interest. Delay in final decision on the authorizations sought by the 12 section 7 (a) applicants would delay financing and construction of their facilities necessary to receive service and thereby perhaps delay applicant's usage of natural gas beyond the 1956–1957 heating season. This would postpone the initial revenues to be derived from the respective systems, and would deprive the communities involved, at least for a time, of the advantages of the natural-gas service which they want and can use.

Moreover, there is no obstacle to severing the proceedings respecting these applications and rendering final decision on them now. As mentioned, the record is complete with respect thereto, and all prerequisities to Commission authorization have been met. Panhandle and Trunkline have signified their willingness to supply volumes of gas to meet these parties' third-year peak demands. Also, Panhandle and Trunkline have been granted authority to construct the major pipeline facilities needed to serve applicants, and are willing and able to render the requested service. Decision now on the applications of the 12 parties in question will not prejudice any other party. In these and the other circumstances presented herein, we find that the applications of the 12 parties enumerated above should be severed from these consolidated proceedings and final decision on these applications be rendered forthwith.

*Applicants' proposals.* At the outset, it should be noted that the volumes of gas nominated by the section 7 (a) applicants constitute anticipated peak-day requirements for the fifth year of operation or later. However, in the circumstances of this case, applicants' estimates for the third year of operation constitute a sufficient and proper basis for our determinations hereinafter reached. This is so for the following reasons: an allotment of an applicant's peak-day requirements for the third year of operation should enable it to have a feasible project if the project is otherwise feasible; a greater volume allocation would tend to reserve to the applicant and correspondingly deprive other pipeline customers of the gas so allocated for an unreasonable length of time; and estimates covering a period beyond the third year of operation are correspondingly more speculative and uncertain. Also it is pertinent to observe that Panhandle is willing to deliver gas to the section 7 (a) applicants in question and in fact has entered into service agreements with Missouri Public Service Company and Missouri Central Natural Gas Company. Central Illinois Electric & Gas Company is an existing customer of Panhandle. Trunkline is willing to serve the cities of McLeansboro and Vienna.

Turning to applicants' separate proposals, Missouri Public Service Co. (Missouri Public Service), the applicant in Docket No. G-2057, is engaged in public utility operations in western and north-central Missouri. It supplies electric or gas service to approximately 148 incorporated municipalities and communities, and water service to a small number of municipalities. The company proposes to install a high pressure pipeline commencing at a point of connection with Panhandle's main pipeline system near New Franklin, Missouri, and extending in a northwesterly direction for a distance of approximately 109 miles. By means of this pipeline, applicant proposes to transport natural gas to 15 municipalities in Missouri now without natural gas service, namely: Glasgow, Dalton, Bucklin, Meadville, Utica, Salisbury, Brunswick, Brookfield, Wheeling, Chula, Keytesville, Marceline, Laclede, Chillicothe and Trenton. The 1950 U. S. census gives the total population of the 15 communities as 32,559. The two largest cities, Chillicothe and Trenton, have populations of 8,694, and 6,157, respectively. Missouri Public Service now serves propane air gas in Chillicothe and Trenton. The company proposes to rehabilitate and extend its distribution systems in these two cities, and to install and operate distribution systems in the remainder of the communities. The total estimated cost of the project, referred to as the "North Central Missouri Project," is $5,424,462. The company's outstanding securities as of October 31, 1954, amount to $7,304,041.

Missouri Public Service proposes to obtain additional financing in the amount of $11,800,000, part of which will be used to defray the cost of the project. Of the securities in such amount proposed to be issued, $8,000,000 will consist of first mortgage bonds covering substantially all of the properties of the company now owned or hereafter acquired, and the remainder will consist of common stock. The company estimates that its peak-day requirements in the third year of operation will be 18,208 Mcf, and its annual requirements in that year, 3,276,194 Mcf.

In Docket No. G-2932, applicant City of Montgomery, Missouri, proposes to install and operate a distribution system in Montgomery, and a lateral line, approximately eight miles in length, which will interconnect its system and a lateral line of the Panhandle system near Wellsville, Missouri. The estimated cost of the project is $320,000, to be financed by the issue and sale of gas revenue bonds. Montgomery has a population of approximately 2,000. This applicant estimates that its peakday requirements in the third year of operation will be 649 Mcf, and its annual requirements in such year, 61,010 Mcf.

In Docket No. G-4611, applicant Missouri Central Natural Gas Co. (Missouri Central) proposes to install and operate a lateral line commencing at a point of connection with a lateral line of Panhandle near Moberly, Missouri, and extending in a northerly direction for a distance of 23 miles to Macon, Missouri. The proposed lateral will pass adjacent to the unincorporated communities of Cairo, Jacksonville and Excello, Missouri. Missouri Central is now engaged in the distribution and sale of propane air gas at Macon. This company would serve Macon and the three unincorporated communities with natural gas. It would utilize and expand the existing distribution system at Macon, and would

construct distribution systems in the other three communities. In the first year, expenditures for construction work, franchises and permits would amount to $476,530; and in the four ensuing years there would be certain incidental expenditures. It is proposed that the necessary funds be raised by the issue and sale of $100,000 of common stock; $400,000 of 20-year first mortgage revenue bonds, payable from a sinking fund; and $50,000 of 15-year debentures—a total of $560,000. Of this sum, $65,000 will be used to liquidate outstanding obligations; and the remainder, $495,000, will be used to cover the construction costs and the other miscellaneous items. Macon has a population of approximately 5,000, and the three unincorporated communities a total population of some 541. This applicant's estimated peak day requirements in the third year of operation are 1,391 Mcf; and its estimated third year annual requirements, 196,684 Mcf.

In Docket No. G–4666, applicant Village of Westville, Illinois, proposes to install and operate distribution systems in Westville and in Unionville, an adjacent unincorporated community, and a one-mile lateral supply line which will interconnect with a Panhandle lateral line known as its Danville, Illinois, lateral. The estimated cost of the project is $459,156, to be financed by the issue and sale of gas revenue bonds: Westville and Unionville have a combined population of approximately 4,500. This applicant estimates that its peak-day requirements in the third year of operation will be 1,039 Mcf; and its annual requirements in that year, 90,095 Mcf.

In Docket No. G–4940, applicant Village of Pleasant Hill, Illinois, proposes to install and operate a distribution system in the village, and a lateral supply line, 1.6 miles in length, which will interconnect its system and Panhandle's main pipeline system. The estimated cost of the project is $160,000, to be financed by the issue and sale of gas revenue bonds. The population of Pleasant Hill is between 900 and 1,000. The estimated peak-day requirements in the third year of operation are 518 Mcf, and the annual requirements in that year, 38,143 Mcf.

In Docket No. G–5139, applicant City of Waverly, Illinois, proposes to install and operate a distribution system in Waverly and the contiguous area, and a lateral supply line, one-half mile in length, which will interconnect its system and Panhandle's main pipeline system. The total estimated cost of construction is $248,000, to be financed by the issue and sale of gas revenue bonds. Approximately 1,400 persons reside in the proposed service area. This applicant's estimated peak-day requirements in the third year of operation are 644 Mcf, and its estimated third-year annual requirements, 48,400 Mcf.

In Docket No. G–5979, applicant Village of Rossville, Illinois, proposes to construct and operate a distribution system in the village, and a stub line, 550 feet in length, which will connect its system and an adjacent Panhandle lateral line known as the Hoopeston Lateral. The proposed facilities will be constructed at an estimated cost of $208,195, and are to be financed by the issue and sale of gas revenue bonds in the amount of $210,000. The population of Rossville is approximately 1,500. This applicant estimates its peak-day requirements in the third year of operation as 643 Mcf, and its annual requirements in such year, 62,061 Mcf.

In Docket No. G–8428, Central Illinois Electric and Gas Co. (Central Illinois), proposes to construct and operate a distribution system in Delavan, Illinois, and a stub line 2,000 feet in length which will interconnect the system with Panhandle's Peoria lateral. The estimated cost of construction is $121,300. Central Illinois has long been engaged in a variety of utility services in Illinois, and will defray the cost from funds on hand. According to the U. S. census in 1950 the population of Delavan was 1,248. The estimated peak-day requirements for Delavan in the third year of operation are 626 Mcf, and the estimated annual requirements in that year, 63,630 Mcf. In addition, Central Illinois seeks an increase in the allocation of gas from Panhandle for natural-gas service which it now supplies to Lincoln, Illinois. The increase in winter contract demand requested is from 6,420 Mcf to 7,100 Mcf. By order issued October 5, 1955, the Commission granted this increase on a temporary basis, from December 1, 1955, to March 31, 1956.

In Docket No. G–8431, applicant City of Winchester, Illinois, proposes to construct and operate a distribution system in Winchester and the adjacent urban area, and a 4-inch lateral line 4½ miles in length which would connect that system and Panhandle's main pipeline system. The cost of the project, estimated by the applicant as $290,000, would be financed by the issue and sale of gas revenue bonds. The population in the proposed service area is approximately 2,000. This applicant estimates that its peak-day requirements in the third year of operation will be 613 Mcf, and its annual requirements in that year, 47,959 Mcf.

In Docket No. G–8676, applicant City of McLeansboro, Illinois, proposes to construct and operate a distribution system in McLeansboro and the adjacent urban area, and a lateral line approximately five miles in length which would interconnect its system and Trunkline's pipeline system. The estimated cost of the project is $405,000, to be financed by the issue and sale of gas revenue bonds. The population of McLeansboro is approximately 3,200. This applicant estimates that its peak-day requirements in the third year of operation will be 1,549 Mcf, and its annual requirements in such year, 203,658 Mcf.

In Docket No. G–8677, applicant City of Vienna, Illinois, proposes to construct and operate a distribution system in Vienna; and a lateral line, slightly less than a mile in length, which would interconnect its system and Trunkline's pipeline system. The estimated cost of the project is $115,000, to be financed by the issue and sale of gas revenue bonds. The population of Vienna is approximately 1,250. This applicant estimates that its peak-day requirements in the third year of operation will be 517 Mcf, and its annual requirements in such year, 67,073 Mcf.

In Docket No. G–3159, applicant Town Gas Co. of Illinois (Town Gas), a recently organized corporation, proposes to conduct business in two divisions, a Town Division and a Farm Tap Division. The Town Division only is the subject of Docket No. G–3159. In this Division, Town Gas proposes to supply natural-gas utility service in Virden, Girard and Thayer, Illinois, and the environs of each. The population of these communities is approximately 5,650. Applicant proposes to install and operate a lateral pipeline commencing at a point of connection with Panhandle's main pipeline system near Auburn Illinois, and extending southwardly for a distance of 11.2 miles, to terminate at Girard. Applicant proposes to install and operate distribution systems in the three communities. The estimated cost of the project is $416,747. Town Gas will finance its total initial capital requirement, estimated at $525,000 for both Town and Farm Tap Divisions, by the issue and sale of $275,000 principal amount of first mortgage sinking fund bonds having a 25-year maturity, $75,000 of preferred stock and $175,000 of common stock. The estimated Town Division peak-day requirements in the third year of operation are 778 Mcf, and the estimated annual requirements in that year, 90,167 Mcf.

*The Commission's determinations.* Section 7 (a) provides that the Commission may, if it "finds such action necessary or desirable in the public interest," direct a natural-gas company to establish physical connection and sell natural gas to "any person or municipality engaged or legally authorized to engage in the local distribution of natural or artificial gas to the public," if the Commission finds that no undue burden will be placed upon such natural-gas company thereby provided that such action would not impair the ability of the natural-gas company to render adequate service to its customers. The criteria to be applied under section 7 (a)'s prescription of "necessary or desirable in the public interest" include whether the pipeline company is the applicant's most feasible source of supply; whether there is a public need for, and will be a public benefit from, natural-gas service in the areas involved; whether the proposed project can be financed; and whether the project is economically feasible.

With respect to the 12 applicants enumerated above the evidence establishes that these requirements of section 7 (a) of the act are met. Certain of these requirements can be disposed of briefly, without particular reference to individual applicants. In all of these proceedings, the facts establish that each of these applicants is now engaged or legally authorized to engage in the local distribution of natural or artificial gas to the public. Likewise the evidence establishes that Panhandle or Trunkline, as the case may be, is the most feasible source of natural gas for the applicants. The evidence further establishes that there is a public need for and that there will be a public benefit from, public utility natural gas service in the cities, towns and villages which the applicants propose to serve. This need and benefit arise from the facts, among others, that all of the communities in question are without natural gas service; that natural gas is a clean, convenient and efficient fuel; that at the current prices of competing fuels, except that of coal in most instances, natural gas will afford a saving to the consumer, and generally will be attractive as compared with coal; and that other municipalities in the same general areas have natural-gas service, so that the communities in question may be placed at a disadvantage in attracting new residents and small industries.

Respecting the questions of financial and economic feasibility, as to which some fuller discussion is justified, the projects of Missouri Public Service and Central Illinois Electric and Gas may be considered separately from the projects of the remainder of applicants whose financing involves gas revenue bonds or sinking fund bonds.

As to Missouri Public Service, Docket No. G–2057, the evidence justifies the conclusion that its North Central Missouri Project can be financed. The record shows that Missouri Public Service has a favorable capital structure and record of earnings and dividends. The depreciated utility plant for 1955 was estimated by the company as $38,738,217. The total outstanding securities of the company, in the amount of $27,304,041, are in the ratio of 56 percent debt, and 44 percent equity. The total operating revenues for 1955 were estimated as $10,249,603. The present dividend rate on the common stock is $1.80 per share. The company proposes to increase the rate to $2.00 in 1956, and to $2.40 in 1960. The record further shows that said applicant has a history of ability to obtain money through mortgage, bonds, debentures and preferred and common stock. Also, the company's statement of anticipated cash flow indicates that the financing of the project is feasible. Letters from insurance companies and financial houses in evidence express interest in the proposed financing program.

Respecting economic feasibility, it appears that Missouri Public Service's estimate of the third-year-of-operation peak day requirements of 18,208 Mcf for its North Central Missouri Project is excessive. However, the estimate includes substantial "small industrial" sales in the interruptible category, which would be curtailable on a peak day and hence should not enter into a peak-day allocation, and is subject to other infirmities. Panhandle has entered into a contract with Missouri Public Service which provides for a contract demand of 11,000 Mcf for the first winter of operation. The Examiner considered that the volume allocated to Missouri Public Service should be 11,000 Mcf and we find that substantial evidence supports this conclusion which we adopt.

Missouri Public Service estimates that the rate of return on the North Central Missouri Project based on an 11,000 Mcf allocation will, in the first year of operation, be 1.42 percent. By this estimate, the revenue from the project will be sufficient for the operating expenses of the project and partial service on the debt related thereto. The testimony discloses that Missouri Public Service is willing to accept the fact that the project will not be fully self sustaining in the initial years. Furthermore, an existing public utility of the size and financial soundness of Missouri Public Service is in a far different position from most of the other section 7 (a) applicants in these proceedings. Missouri Public Service does not require the firm assurance of gas supplies beyond the initial year of operation, or the assurance of the project's economic feasibility, in order to enable it either readily to finance at low interest rates or to weather periods of low return, since the major portion of the existing and proposed future properties of the company consists of electric properties.

Judging from the company's operating income in the past, as contained in the record, there will continue to be an adequate system rate of return. The bonds to be issued under the financing contemplated will be general obligation bonds, covering practically all of the company's properties. With regard to the interests involved other than bondholders, there is no reason to think that the project, once it has been installed, will be abandoned. Finally, it is a responsibility of the Public Service Commission of the State of Missouri to determine whether the North Central Missouri Project should be authorized when the result will be that a portion of the return from the company's other operations must offset any low return on such project, and the Missouri Commission has granted a certificate of convenience and necessity for the construction and operation of the project. We conclude that the application of Missouri Public Service to this Commission should be granted provided the volume of gas allocated to the company is limited to 11,000 Mcf.

As to the financial and economic feasibility of the Central Illinois project, Docket No. G–8428, which would be financed from funds on hand, the estimated cost of the Delavan distribution system contained in the engineering report on behalf of Central Illinois seems to be reasonable, and the estimated operating income conservative. If limited to an allocation of gas consisting of the estimated peak day requirements in the third year of operation, the project appears to be economically feasible. The evidence further shows that there is a need for the increased allocation of gas which Central Illinois requests for Lincoln.

Turning to the question of the financial and economic feasibility of those applicants which propose to finance by means of revenue bonds, the Presiding Examiner concluded that where financing is to be accomplished by this means, the debt service coverage affords "the most practicable and perhaps the best gauge of the financial and economic feasibility of the project," subject to certain qualifications and safeguards. Because of the heavy reliance the Examiner placed on this factor, it is appropriate to set forth his views somewhat at length. He concluded that where the debt-service coverage is adequate, the economic potential of the project permits latitude in operation between that estimated and that actually experienced, without placing the project in critical economic jeopardy. In his view, the coverage affords a safeguard against such contingencies as over-estimation of revenues; under-estimation of cost of construction and operation expenses; emergencies; untimely exhaustion of gas supply; and in a measure, increases in the wholesale price of gas. He emphasized, however, that the coverage ratio is of value only to the extent that the engineering report upon which it is based is reasonable, sound and reliable.

The Presiding Examiner pointed out further that the debt-service coverage ratio varies with the length of the maturity schedule of the bond issue. He considered that in the cases of the projects to be supplied by the Panhandle system, the maturity schedules, on the one hand, should not necessarily be limited to the 20-year period upon which Panhandle specifically based its gas supply showing; and, on the other hand, should not be extended beyond a period of 30 years. And he concluded that where the maturity schedule of a gas revenue bond issue is 30 years, and where the engineering estimates are reasonably reliable, the minimum debt-service coverage in order for the project to be considered economically feasible is in the range of from 1.6 to 1.7. However, he concluded that where the gas supply warrants a 30-year amortization schedule, and where, as here, the allotments of gas will be limited to the peak-day estimates in the third year of operation, the minimum coverage may reasonably be reduced to 1.5. It was pointed out that the risk of want of a market for such volume of gas is less than the risk of want of a market for the estimated volume in, say, the fifth year of operation.

In the cases of the projects to be supplied by the Trunkline system in question here—City of McLeansboro and City of Vienna—the Examiner concluded that the maturity schedules of the bond issue should not exceed 20 years, because of a shortage in availability of Trunkline gas. Limiting the allotment of gas to the estimated peak-day volumes required for the third year of operation, he concluded that the minimum debt-service coverage, if the projects are to be deemed economically feasible, should be 1.5.

In addition to the factor of debt-service coverage the Presiding Examiner recognized that other factors are to be taken into account in the case of a municipal enterprise, including the general character of the community, its credit standing and freedom from default on previous bond issues, and the experience of the municipality in the operation of other utilities. He found that in all of these respects, the showing of each of the applicants here in question was satisfactory. He adverted to still other factors testified to by witnesses as bearing upon the feasibility of a municipal gas distribution project, such as distance of

the municipality from the interstate pipeline, and the consequent cost of the connection and population.

We consider that, in the circumstances of this case and with respect to the 12 section 7 (a) applicants here in question, the approach followed by the Presiding Examiner, as described in the foregoing, is reasonable and appropriate. The questions whether the factor of debt-service coverage should be given the weight the Presiding Examiner apparently accorded it here and whether the coverage ratios and amortization schedules determined upon here should or should not be the same in other cases, must depend upon the facts of such other cases.

By the engineering estimates, and based upon a 30-year maturity schedule for the bond issues and a third year allocation of gas, the debt-service coverages for the following projects to be served by the Panhandle system are as follows:

| Project | Debt-service coverage |
|---|---|
| City of Montgomery, Mo. (Docket No. G–2932) | 2.13 |
| Village of Westville, Ill. (Docket No. G–4666) | 1.80 |
| Village of Pleasant Hill, Ill. (Docket No. G–4940) | 2.01 |
| City of Waverly, Ill. (Docket No. G–5139) | 1.90 |
| Village of Rossville, Ill. (Docket No. G–5979) | 2.82 |
| City of Winchester, Ill. (Docket No. G–8431) | 1.51 |

It will be seen that all of these bond coverages exceed 1.5.

In the cases of Montgomery, Westville and Rossville, generally speaking the engineering reports from which the coverages are derived appear fairly and reasonably to reflect the economic and physical capabilities, and the requirements, of the communities, as well as the projected operation of the projects. We find that the coverages, along with the other facts of the case, are such as to indicate that the projects are economically feasible. Although in the instances of Pleasant Hill, Waverly and Winchester, the engineering reports are perhaps too optimistic in certain respects, specifically in the rates of space-heating customer attachment, taken as a whole the evidence relating to each of these projects is sufficiently persuasive to lead to the conclusion that their economic success is probable.

We find also that the Missouri Central project, Docket No. G–4611, to be served by Panhandle, appears economically feasible. It has been seen that the bonds involved are 20-year revenue bonds, payable from a sinking fund; and that a limited amount of stock and 15-year debentures are also to be issued. Here again, the estimates of income in the engineering report seem conservative, and the estimates of costs and expenses appear sound.

The Town Gas project, Docket No. G–3139, to be served by Panhandle, likewise appears to be economically feasible. It has been noted that the bonds involved are sinking fund bonds, maturing in 25 years, and that the financing will include the issue and sale of stock. On the basis of the gross income estimates in the engineering report, a 28-year period will elapse before all of the bonds are retired. However, the bond interest coverage is substantial, being 2.98 times based on a third heating season allocation of gas. The engineering report appears sound, and the estimates of income appear conservative.

Turning to the projects to be served by the Trunkline system, by the engineering estimates, and based upon a 20-year maturity schedule for the bond issues and a third-year allocation of gas, the debt service coverages for City of McLeansboro, Illinois, Docket No. G–8676, and City of Vienna, Illinois, Docket No. G–8677, are 2.35 and 2.74, respectively. These bond coverages are well above the minimum of 1.5, and the engineering estimates seem to be reasonably sound. Bond ordinances of the two municipalities will provide for a mandatory call and prepayment of bonds from surplus revenues; so that, if the earnings projections are realized, the bonds will be retired at the expiration of 20 years. On consideration of these and the other facts in the record, the projects thus appear to be economically feasible and we so find.[1]

The evidence of record herein justifies the conclusion that an order requiring Panhandle to render service as herein specified to the section 7 (a) applicants already enumerated, will place no undue burden upon Panhandle. Nor will Panhandle be required to enlarge its transportation facilities for such purpose. Nor will Panhandle's ability to render adequate service to its present customers be impaired.

The evidence likewise justifies the conclusion that an order requiring Trunkline to render service, as hereinafter specified, to the section 7 (a) applicants seeking service from it whose applications are hereinafter granted, will not place an undue burden upon Trunkline, or require Trunkline to enlarge its transportation facilities for such purpose, or impair its ability to render adequate service to its customers.

The Commission further finds:

(1) It is necessary and desirable in the public interest that the proceedings respecting the 12 section 7 (a) applicants hereinbefore enumerated, namely, Missouri Public Service Company, Docket No. G–2057; City of Montgomery, Missouri, Docket No. G–2932; Town Gas Company of Illinois, Docket No. G–3159; Missouri Central Natural Gas Company, Docket No. 4611; Village of Westville, Illinois, Docket No. G–4666; Village of Pleasant Hill, Illinois, Docket No. G–4940; City of Waverly, Illinois, Docket No. G–5139; Village of Rossville, Illinois, Docket No. G–5957; Central Illinois Electric and Gas Company; Docket No. G–8428; City of Winchester, Illinois, Docket No. G–8431; City of McLeansboro, Illinois, Docket No. G–8676; and City of Vienna, Illinois, Docket No. G–8677, be severed from these consolidated proceedings and final decision on these applications be rendered forthwith.

(2) Panhandle Eastern Pipe Line Company, a Delaware corporation having its principal office in Kansas City, Missouri, is a "natural-gas company" within the meaning of the Natural Gas Act, as heretofore found by the Commission (4 F. P. C. 1081, 1083).

(3) Trunkline Gas Company, a Delaware corporation having its principal office in Houston, Texas, is a "natural-gas company" within the meaning of the Natural Gas Act, as heretofore found by the Commission (9 F. P. C. 721, 737).

(4) It is necessary and desirable in the public interest that the Commission by order direct Panhandle to establish physical connection of its transportation facilities with those of each of the following applicants and direct the delivery and sale of natural gas by Panhandle to such applicants: Missouri Public Service Company; City of Montgomery, Missouri; Town Gas Company of Illinois; Missouri Central Natural Gas Company; Village of Westville, Illinois; Village of Pleasant Hill, Illinois; Village of Waverly, Illinois; Village of Rossville, Illinois; Central Illinois Electric and Gas Company; and City of Winchester, Illinois.

(5) Panhandle shall deliver and sell to each applicant its requirements of natural gas not to exceed the following stated amounts:

| Applicant | Maximum daily requirement (Mcf) |
|---|---|
| Missouri Public Service Co | 11,000 |
| City of Montgomery, Mo | 649 |
| Town Gas Co. of Illinois | 895 |
| Missouri Central Natural Gas Co | 1,391 |
| Village of Westville, Ill | 1,039 |
| Village of Pleasant Hill, Ill | 518 |
| City of Waverly, Ill | 644 |
| Village of Rossville, Ill | 643 |
| Central Illinois Electric & Gas Co. (for City of Delavan, Ill.) | 626 |
| City of Winchester, Ill | 613 |

(6) It is necessary and desirable in the public interest that the Commission by order direct Trunkline to establish physical connection of its transportation facilities with those of City of McLeansboro, Illinois, and City of Vienna, Illinois, and direct the delivery and sale by Panhandle to each applicant of its natural gas requirements not to exceed the following stated amounts:

| Applicant | Maximum daily requirement (Mcf) |
|---|---|
| City of McLeansboro, Ill | 1,549 |
| City of Vienna, Ill | 517 |

(7) The above-named applicants are persons or municipalities engaged or legally authorized to engage in the local distribution of natural or artificial gas to the public.

(8) The requirement that Panhandle and Trunkline serve applicants, as set forth above, will not place an undue burden upon Panhandle or Trunkline, or impair their ability to render adequate service to their existing customers.

The Commission orders:

(A) The proceedings respecting the 12 section 7 (a) applicants enumerated in paragraph (1) above be and the same are hereby severed from these consolidated proceedings.

(B) Panhandle Eastern Pipe Line Company be and it is hereby directed to establish and maintain physical connection of its transportation facilities with the facilities to be constructed by applicants Missouri Public Service Company; City of Montgomery, Missouri; Town Gas Company of Illinois; Missouri Central Natural Gas Company; Village of Westville, Illinois; Village of Pleasant Hill, Illinois; City of Waverly, Illinois; Village of Rossville, Illinois; Central Illinois Electric and Gas Company and City of Winchester, Illinois; and to deliver and sell to said applicants through such connections their natural-gas requirements as hereinbefore set forth in volumes not to exceed the amounts set forth in paragraph (5) above.

(C) Panhandle shall report to the Commission in writing and under oath the date of commencement of operations and service to the respective applicants enumerated in paragraph (B) above.

(D) Trunkline Gas Company be and it is hereby directed to establish and maintain physical connection of its transportation facilities with the facilities to be constructed by applicants, City of McLeansboro, Illinois, and City of Vienna, Illinois, at appropriate points of interconnection, and to deliver and sell to said applicants through such connections their natural-gas requirements as hereinbefore set forth, in volumes not to exceed the amounts set forth in paragraph (6) above.

(E) Trunkline shall report to the Commission in writing and under oath the date of commencement of operations and service to the applicants enumerated in paragraph (D) above.

(F) Unless the section 7 (a) applicants enumerated in paragraphs (B) and (D) above, within the period of one year from the date on which this order issues, shall have constructed and placed in operation their respective projects to the extent of being able to receive service from Panhandle or Trunkline as the case may be, unless otherwise shown for good cause, said paragraphs (B) and (D) shall have no force or effect as to such applicants who have failed, within such period of time, so to construct and place in operation their projects.

Issued: May 18, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–4068; Filed, May 23, 1956; 8:47 a. m.]

[1] Of course, these findings do not constitute an endorsement of the foregoing projects, nor is endorsement given to any estimates, fees, or projected method or manner of operation contained in the engineering reports or shown by the testimony. Investors in the securities to be issued must exercise their own judgment upon these questions. As we stated In re Carolina Natural Gas Corp., 10 F. P. C. at page 515, "the Commission can assume no responsibility to potential buyers of securities with respect to the success or failure of a (local) distribution system."



## GENERAL SERVICES ADMINISTRATION

### Public Buildings Service

[Wildlife Order 36]

EAST POINT LIGHT STATION, HEISLERVILLE, CUMBERLAND COUNTY, NEW JERSEY

TRANSFER OF PROPERTY FROM UNITED STATES TO STATE OF NEW JERSEY

Pursuant to the provisions of section 2 of Public Law 537, Eightieth Congress, approved May 19, 1948 (16 U. S. C. 667c), notice is hereby given that:

1. By deed from the United States of America, dated April 10, 1956, that property known as East Point Light Station, Heislerville, Cumberland County, New Jersey, and more particularly described in said deed, has been transferred from the United States to the State of New Jersey.

2. The above described property is transferred to the State of New Jersey for wildlife conservation purposes (other than migratory birds) in accordance with the provisions of said Public Law 537.

F. MORAN MCCONIHE, *Commissioner of Public Buildings Service.*

MAY 17, 1956.

[F. R. Doc. 56–4085; Filed, May 23, 1956; 8:51 a. m.]

## HOUSING AND HOME FINANCE AGENCY

### Public Housing Administration

REGIONAL OFFICE ORGANIZATION

DESCRIPTION OF AGENCY AND PROGRAMS

Section I, Description of Agency and Programs, is amended as follows:

Paragraph F is amended to read as follows:

F. *Regional Office Organization.* The Commissioner, in administering the programs of the PHA, has established a decentralized organization, vesting primary responsibility for operating phases of the program in the Regional Offices wherever possible. Each Regional Office is headed by a Regional Director who is responsible to the Assistant Commissioner for Operations for the administration of all PHA activities in his area of jurisdiction. He is assisted by an Assistant to the Regional Director, who is responsible for activities relating to public relations and information, and by the following officials,[1] each of whom is responsible for the activities indicated in his title: Regional Attorney, Assistant Director for Development, Assistant Director for Management and Disposition, Regional Economist, Racial Relations Officer, Production Control Assistant, and Chief of Office Services. In the absence of the Regional Director, the following shall serve as Acting Regional Director in the Regional Office indicated: *Provided,* That in each Regional Office the second named shall so serve only in the absence of both the Regional Director and the first named:

Atlanta Regional Office:
1. John Jones Knudsen, Assistant Director for Development.
2. R. E. Bates, Assistant Director for Management and Disposition.

Chicago Regional Office:
1. Hugo C. Schwartz, Assistant Director for Management and Disposition.
2. Albert F. Muench, Regional Attorney.

Fort Worth Regional Office:
1. Clarence J. Stenzel, Assistant Director for Management and Disposition.
2. Karl Buster, Assistant Director for Development.

New York Regional Office:
1. Richard S. Pallesen, Assistant Director for Development.
2. John P. Prescott, Assistant Director for Management.

Puerto Rico Regional Office:
1. Alfredo T. Ramirez, Assistant Director for Development.
2. Theodore Goshen, Assistant Director for Management.

San Francisco Regional Office:
1. E. Stanton Foster, Deputy Regional Director.
2. Arthur L. Chladek, Assistant Director for Management and Disposition.

Washington Regional Office:
1. R. M. Little, Assistant Director for Management and Disposition.
2. Paul R. Boesch, Regional Attorney.

Date approved: May 16, 1956.

[SEAL] CHARLES E. SLUSSER, *Commissioner.*

[F. R. Doc. 56–4069; Filed, May 23, 1956; 8:48 a. m.]

[1] These officials will be found in a typical Regional Office. However, the organization of a Regional Office may vary according to its workload.

ASSISTANT DIRECTOR FOR DISPOSITION, CHICAGO FIELD OFFICE

DELETION FROM LIST OF OFFICIALS

Section II, Delegations of Final Authority, is amended as follows:

Effective April 30, 1956, paragraphs E12 and E13 are amended by deleting from the list of officials designated therein "Assistant Director for Disposition, Chicago Field Office" and by inserting in place thereof "Assistant Director for Management and Disposition, Chicago Regional Office."

Date approved: May 16, 1956.

[SEAL] CHARLES E. SLUSSER, *Commissioner.*

[F. R. Doc. 56–4070; Filed, May 23, 1956; 8:48 a. m.]

## OFFICE OF DEFENSE MOBILIZATION

[Expansion Goal 16, Rev. 2]

NICKEL

TOTAL ANNUAL SUPPLY

1. The expansion goal for the U. S. supply of nickel (including both domestic production and imports) is hereby re-

vised and set at a total annual supply of 440 million pounds.

Dated: May 18, 1956.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
*Director.*

[F. R. Doc. 56-4079; Filed, May 23, 1956; 8:49 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3471]

UTAH POWER & LIGHT CO.

ORDER AUTHORIZING BANK BORROWINGS

MAY 18, 1956.

Utah Power & Light Company ("Company"), a registered holding company which is also an operating utility company, has filed a declaration and an amendment thereto pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act") regarding the following proposed transactions:

Pursuant to a Credit Agreement to be executed by the Company and seventeen lending banks, the Company proposes to borrow, during the period beginning June 1, 1956 and ending July 15, 1957, not to exceed $25,000,000, as follows:

| Name of lending bank | Amount of commitment |
|---|---|
| First Security Bank of Utah National Association | $1,750,000 |
| Bank of Utah | 75,000 |
| Cache Valley Banking Co. | 60,000 |
| Carbon Emery Bank | 60,000 |
| Commercial Security Bank | 175,000 |
| The Continental Bank & Trust Co. | 400,000 |
| First National Bank of Salt Lake City | 225,000 |
| Union Bank & Trust Co. | 60,000 |
| Utah Savings & Trust Co. | 150,000 |
| Valley State Bank | 60,000 |
| Walker Bank & Trust Co. | 750,000 |
| Zion's Savings Bank & Trust Co. | 450,000 |
| The Chase Manhattan Bank | 9,450,000 |
| Guaranty Trust Co. of New York | 2,700,000 |
| Harris Trust & Savings Bank | 935,000 |
| Mellon National Bank & Trust Co. | 7,200,000 |
| United States National Bank, of Denver | 500,000 |
| Total | 25,000,000 |

Under the terms of the Credit Agreement, the loans will be made from time to time during said period as the Company's construction program requires, and will be evidenced by notes payable on October 15, 1957, which may be paid in whole or in part at any time prior thereto. Each note will bear interest at the prime commercial rate of The Chase Manhattan Bank, New York City, prevailing on the fifth business day prior to the date of such note.

The proceeds from such loans, together with other available cash, will be used to carry forward the system's construction program, estimated to cost approximately $41,000,000 for the years 1956-57 inclusive. It is the Company's present intention to issue and sell, during the second half of 1957, such additional securities as may be required to discharge the aforesaid bank loans and to finance in part the remainder of the 1957 construction program and carry it forward into 1958, maintaining approximately the present debt-equity ratios.

The Idaho Public Utilities Commission, the regulatory commission of one of the three States in which the Company operates, has approved the proposed borrowings. It is stated that no other State commission, nor any Federal commission other than this Commission, has jurisdiction in the premises.

Due notice of the filing of said declaration having been given in the manner provided by Rule U-23, and no hearing having been requested of or ordered by the Commission; and the Commission finding that the applicable standards of the act and the rules thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the declaration as amended be permitted to become effective forthwith:

*It is ordered,* Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration as amended be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 56-4074; Filed, May 23, 1956; 8:48 a. m.]

[File No. 70-3474]

PENNSYLVANIA POWER CO.

ORDER AUTHORIZING ISSUANCE OF BONDS FOR SINKING FUND PURPOSES

MAY 18, 1956.

Pennsylvania Power Company ("Company"), an electric utility subsidiary of Ohio Edison Company, a registered holding company, has filed an application and an amendment thereto pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 ("act") regarding the following proposed transactions:

In connection with satisfying the sinking fund requirements of its indenture, the Company will issue $397,000 principal amount of First Mortgage Bonds, 3¼ percent Series due 1982, under its Mortgage Indenture dated November 1, 1945, to The First National Bank of the City of New York (now The First National City Bank of New York) as amended and supplemented. Said bonds will be authenticated by the Trustee and delivered to the Company in two installments, on the basis of unfunded net property additions aggregating $661,667, and they will forthwith be surrendered to the Trustee for cancellation in consideration of the return by the Trustee to the Company from the mortgage sinking fund of a like amount of cash, as follows: $197,000 of the bonds will be issued and surrendered in May 1956 (to recover cash deposited in the sinking fund on December 1, 1955), and $200,000 of the bonds will be issued and surrendered within six months after December 1, 1956 (to recover cash to be deposited in the sinking fund on December 1, 1956).

It is stated that the bonds will never constitute an obligation for the payment of money and therefore they will not be reflected on the Company's books or published statements as a liability.

The Company proposes to include the released cash in its general funds, in partial reimbursement for moneys expended for new construction and property betterments during the years 1951-55 inclusive.

The proposed transactions have been expressly authorized by the Public Utility Commission of Pennsylvania, in which State the Company is organized and doing business.

Due notice of the filing of the application having been given in the manner provided by Rule U-23 promulgated under the act, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules thereunder have been satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application as amended be granted, to become effective forthwith:

*It is ordered,* Pursuant to Rule U-23 and the applicable provisions of the act, that said application as amended be, and hereby is granted, effective forthwith, subject to the provisions of Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 56-4075; Filed, May 23, 1956; 8:48 a. m.]

[File No. 811-616]

WEBSTER INVESTMENT CO., INC.

NOTICE OF APPLICATION FOR ORDER DECLARING THAT COMPANY HAS CEASED TO BE AN INVESTMENT COMPANY

MAY 18, 1956.

Notice is hereby given that Webster Investment Company, Inc. ("Webster"), has filed an application under section 8 (f) of the Investment Company Act of 1940 for an order declaring that it has ceased to be an investment company.

The following representations are made:

Webster, a Pennsylvania corporation, filed its Notification of Registration under the act on October 29, 1952, as a closed-end, non-diversified management investment company.

On April 30, 1956, pursuant to a vote of its stockholders and prior action of its Board of Directors, Webster effected a merger with its wholly owned subsidiary, Webster Investors, Inc., a Delaware corporation. Under the terms of the Merger Agreement the outstanding shares of Webster were converted into and became a like number of shares of Webster Investors, Inc., which company has filed a Notification of Registration under the Act as a closed-end, non-diversified management investment company.

Following the merger Webster has not engaged in any business and has no assets.

Notice is further given that any interested person may, not later than June 11, 1956, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be converted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 56-4076; Filed, May 23, 1956; 8:49 a. m.]

[File No. 812-1007]

ADAMS EXPRESS CO.

NOTICE OF APPLICATION FOR ORDER EXEMPTING ACQUISITION OF SECURITIES OF AN INVESTMENT COMPANY

MAY 18, 1956.

Notice is hereby given that The Adams Express Company ("Adams"), a closed-end, diversified investment company registered under the Investment Company Act of 1940, has filed an application pursuant to section 6 (c) of the act for an order exempting it from the provisions of section 12 (d) (1) of the act with respect to a proposed acquisition of certain shares of common stock of Petroleum Corporation of America ("Petroleum"), also a registered, closed-end, non-diversified investment company.

The investment policy of Petroleum is stated to be the concentration of investments in common stocks and other securities of corporations engaged in the oil industry or related industries or in interests in undeveloped or producing oil properties. Adams presently owns 16.52 percent (271,200 shares) of the common stock of Petroleum. On May 7, 1956, Petroleum informed its stockholders that it proposes to offer them transferable rights, represented by warrants, to subscribe for 328,400 additional shares of its common stock on the basis of one additional share for each five shares held. In addition, each holder of a warrant is entitled to the privilege of subscribing for additional shares of the Petroleum stock, subject to allotment, out of any shares not subscribed for pursuant to the exercise of the primary subscription rights. Such stock offering by Petroleum will not be underwritten and is expected to expire on or about June 11, 1956.

Adams desires and intends, subject to the granting of the instant application by the Commission, to exercise its rights as a stockholder to purchase shares of Petroleum together with subscription rights under any additional subscription privileges which may be available.

If all stockholders of Petroleum, including Adams, exercise their full rights pursuant to such stock offering the percentage of total outstanding stock of Petroleum owned by applicant will remain the same; 16.52 percent. If subscription rights of others are not exercised, however, the additional stock of Petroleum to be acquired by applicant, pursuant to its rights and additional subscription privileges which may be available, could result in the ownership by Adams of more than the 16.52 percent of the outstanding stock of Petroleum it presently holds.

Section 12 (d) (1) of the act, among other things, makes it unlawful for any registered investment company and any company controlled by it to purchase or otherwise acquire any security issued by any other investment company if such registered investment company and any company controlled by it own in the aggregate, or as a result of such purchase will own, more than 5 percent of the total outstanding stock of such other investment company if the policy of such other investment company is the concentration of investments in a particular industry or group of industries.

Adams has agreed that it will take immediate steps to divest itself of such of its shares of Petroleum as may be in excess of 16.52 percent of the total number of shares of capital stock of Petroleum issued and outstanding after completion of the offering of additional shares of Petroleum.

Section 6 (c) of the act provides, among other things, that the Commission, by order upon application, may conditionally or unconditionally exempt any person from any provision or provisions of the act or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

Notice is further given that any interested person may, not later than May 28, 1956, submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 56-4077; Filed, May 23, 1956; 8:49 a. m.]





## INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 21, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32112: *Scrap iron and steel—Knoxville, Tenn., Group to Chattanooga, Tenn.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on scrap iron and steel, carloads from Knoxville, Tenn., and grouped points taking Knoxville rates to Chattanooga, Tenn.

Grounds for relief: Circuitous routes.

Tariff: Supplement 112 to Agent Spaninger's I. C. C. 1329.

FSA No. 32113: *Commodities from and between points in the South.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on various commodities, as described in exhibit A of the application from and to specified points in southern territory, and from specified points in southern territory to specified points in official territory.

Grounds for relief: Carrier competition and circuity.

FSA No. 32114: *Magnesite—Carlsbad and Loving, N. Mex., to Norton, Ala.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on magnesite, dead burned and or calcined, carloads from Carlsbad and Loving, N. Mex., to Norton, Ala.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 187 to Agent Kratzmeir's I. C. C. 4139.

FSA No. 32115: *Asphalt and road oil to Indiana.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on asphalt (asphaltum) and petroleum road oil, tank-car loads from specified points in Arkansas, Kansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas to specified points in Indiana, applicable only on traffic destined to Canadian points.

Grounds for relief: Origin grouping and circuitous routes. Supplement 61 to Agent Kratzmeir's I. C. C. 4150.

FSA No. 32116: *Lumber from El Paso, Tex., to Memphis, Tenn.* Filed by The Texas and Pacific Railway Company, for itself, and on behalf of the Illinois Central Railroad Company. Rates on lumber and lumber articles, carloads from El Paso, Texas to Memphis, Tenn.

Grounds for relief: Circuity.

Tariff: Supplement 10 to Texas and Pacific Ry. Co. tariff I. C. C. 4187.

FSA No. 32117: *Sugar between points in Official and Western Trunk Line Territories.* Filed by C. W. Boin and O. E. Swenson, Agents, for carriers parties to the Uniform Freight Classification No. A-3. Rates on returned shipments of sugar, beet or cane, liquid or invert, tank-car loads, or sugar, beet or cane, in bulk, carloads between points in official terri-

tory, including extended zone "C" in Wisconsin and western trunk line "Northwest" territory.

Grounds for relief: Rail competition, circuity, and to maintain grouping.

Tariffs: Supplement 399 to Agent Boin's tariff I. C. C. A–848 and ten other tariffs.

FSA No. 32118: *Potassium silicate from Cleveland, Ohio, to Baltimore, Md.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on potassium silicate, other than dry, tank-car loads from Cleveland, Ohio to Baltimore, Md.

Grounds for relief: Market competition and circuity.

Tariff: Supplement 172 to Agent Hinsch's I. C. C. 4542.

FSA No. 32119: *Petroleum coke from Illinois to Norton, Ala.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on petroleum coke, carloads from East St. Louis, Federal, Roxana, and Wood River, Ill., to Norton, Ala.

Grounds for relief—Short-line distance formula and circuity.

Tariff: Supplement 284 to Agent Spaninger's I. C. C. 1062.

FSA No. 32120: *Clay within Southern Territory.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on clay, kaolin or pyrophyllite, carloads between points in southern territory.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 32 to Agent Spaninger's tariff I. C. C. 1491.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56–4029; Filed, May 23, 1956; 8:45 a. m.]

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[No. 31980]

ABILENE & SOUTHERN RAILWAY CO.

TEXAS INTRASTATE RATES ON SUGAR

At a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 9th day of May A. D. 1956.

It appearing that a petition has been filed on behalf of the Abilene & Southern Railway Company and other common carriers by railroad operating in the State of Texas averring that the Railroad Commission of Texas, in its Docket 8368–R, by order dated August 3, 1953, which was sustained by the Supreme Court of Texas, and became effective March 1, 1956, required petitioners to reduce its rates on sugar from Sugar Land, Texas and other Texas origins to Texas destinations;

It further appearing that said petitioners allege that the observance by them of the rates established by the said order of the Railroad Commission of Texas causes and results in undue and unreasonable advantage, preference, and prejudice as between persons and localities in intrastate commerce, on the one hand, and interstate commerce, on the other hand, and undue, unreasonable and unjust discrimination against interstate and foreign commerce;

And it further appearing that the said petition brings in issue freight rates and charges made or imposed by authority of the State of Texas:

*It is ordered,* That in response to the said petition an investigation be, and it is hereby, instituted, and that a hearing be held therein for the purpose of receiving evidence from the respondents hereinafter designated and any other persons interested to determine whether the rates and charges of the common carriers by railroad, or any of them, operating in the State of Texas, for the intrastate transportation of sugar, made or imposed by authority of the State of Texas cause any undue or unreasonable advantage, preference, or prejudice as between persons or localities in intrastate commerce, on the one hand, and interstate or foreign commerce, on the other hand, or any undue, unreasonable or unjust discrimination against interstate or foreign commerce; and to determine what rates and charges, if any, or what maximum, or minimum, or maximum and minimum rates and charges, shall be prescribed to remove the unlawful advantage, preference, prejudice, or discrimination if any, that may be found to exist;

*It is further ordered,* That all common carriers by railroad operating within the State of Texas subject to the jurisdiction of this Commission be, and they are hereby, made respondents to this proceeding; that a copy of this order be served upon each of the said respondents; and that the State of Texas be notified of this proceeding by sending copies of this order and of said petition by registered mail to the Governor of the said State and to the Railroad Commission of Texas at Austin, Tex.;

*It is further ordered,* That notice of this proceeding be given to the public by depositing a copy of this order in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register, Washington, D. C.;

*And it is further ordered,* That this proceeding be assigned for hearing at such times and places as the Commission may hereafter direct.

By the Commission, Division 2.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56–4056; Filed, May 23, 1956; 8:45 a. m.]

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J. ALEX. CROTHERS

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

Pursuant to subsection 302 (c), Part III, Executive Order 10647 (20 F. R. 8769) "Providing for the Appointment of Certain Persons Under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in the interests set forth in my statement of financial interests and business connections dated December 13, 1955 and published in the FEDERAL REGISTER December 29, 1955 (20 F. R. 10085):

A. Additions: None.
B. Deletions: None.

Dated: May 9, 1956.

J. ALEX. CROTHERS.

[F. R. Doc. 56–4086; Filed, May 23, 1956; 8:51 a. m.]

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AUGUST W. FREY

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

Pursuant to subsection 302 (c), Part III, Executive Order 10647 (20 F. R. 8769) "Providing for the Appointment of Certain Persons Under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in the interests set forth in my statement of financial interests and business connections dated December 22, 1955 and published in the FEDERAL REGISTER December 29, 1955 (20 F. R. 10085):

A. Additions: None.
B. Deletions: None.

Dated: May 10, 1956.

AUGUST W. FREY.

[F. R. Doc. 56–4087; Filed, May 23, 1956; 8:51 a. m.]

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KEITH H. LYRLA

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

Pursuant to subsection 302 (c), Part III, Executive Order 10647 (20 F. R. 8769) "Providing for the Appointment of Certain Persons under the Defense Production Act of 1950, as amended", I hereby furnish for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in the interests set forth in my statement of financial interests and business connections dated December 13, 1955, and published in the FEDERAL REGISTER December 29, 1955 (20 F. R. 10085):

A. Addition to paragraph numbered (2) of my original statement: Illinois Central Railroad Company.
B. Deletions: None.

Dated: May 14, 1956.

K. H. LYRLA.

[F. R. Doc. 56–4088; Filed, May 23, 1956; 8:51 a. m.]

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EUGENE S. ROOT

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

Pursuant to subsection 302 (c), Part III, Executive Order 10647 (20 F. R. 8769) "Providing for the Appointment of Certain Persons Under the Defense Production Act of 1950, as amended," I hereby furnish for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in the interests set forth in my statement of financial interests and business connections dated December 9, 1955, and published in the FEDERAL REGISTER December 29, 1955 (20 F. R. 10086):

A. Additions: None.
B. Deletions: None.

Dated: May 10, 1956.

EUGENE S. ROOT.

[F. R. Doc. 56–4089; Filed, May 23, 1956; 8:51 a. m.]



FRED R. WHITE, JR.

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

Pursuant to subsection 302 (c), Part III, Executive Order 10647 (20 F. R. 8769) "Providing for the Appointment of Certain Persons Under the Defense Production Act of 1950, as amended", I hereby furnish for filing with the Division of the Federal Register for publication in the FEDERAL REGISTER the following information showing any changes in the interests set forth in my statement of financial interests and business connections dated December 19, 1955, and published in the FEDERAL REGISTER December 29, 1955 (20 F. R. 10086):

A. Additions to paragraph numbered (2) of my original statement:
Abrasive and Metal Products Co.
Reynolds Metals.
City of Portsmouth, Ohio.
City of Springfield, Ohio.
Erie County, Ohio.
Lake County, Ohio.
Tri-Dam Revenue.
B. Deletions from paragraph numbered (2) of my original statement:
Canadian Industries (1954) Ltd.
Columbia Broadcasting System.
DePont of Canada Securities, Ltd.
Pittsburgh Steel Corp.

Dated: May 11, 1956.

FRED R. WHITE, JR.

[F. R. Doc. 56–4090; Filed, May 23, 1956; 8:51 a. m.]

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# FEDERAL REGISTER

VOLUME 21 NUMBER 102

*Washington, Friday, May 25, 1956*

## TITLE 6—AGRICULTURAL CREDIT

### Chapter III—Farmers Home Administration, Department of Agriculture

**Subchapter G—Miscellaneous Regulations**

[FHA Instruction 444.1]

PART 383—FARM HOUSING LOANS

**DIRECT FARM HOUSING LOANS UNDER SECTION 502 OF THE HOUSING ACT OF 1949, AS AMENDED**

Chapter III of this Title is amended by the addition of a new Part 383 as follows:

Sec.

383.1 General.
383.2 Objective.
383.3 Qualifications for Farm Housing loan.
383.4 Veterans' preference.
383.5 Loan purposes.
383.6 Special requirements.
383.7 Rates and terms.
383.8 Technical service.
383.9 Security.
383.10 Processing applications and county committee certification.
383.11 Preparation of loan docket.
383.12 Loan approval.
383.13 Actions subsequent to loan approval.
383.14 Subsequent Farm Housing loans.

AUTHORITY: §§ 383.1 to 383.14 issued under R. S. 161, sec. 510 (g), 63 Stat. 438; 5 U. S. C. 22, 42 U. S. C. 1480 (g). Statutory provisions interpreted or applied are cited to text in parentheses.

§ 383.1 *General.* This part prescribes the policies, authorities, and procedures for making direct Farm Housing loans under section 502 of the Housing Act of 1949, as amended.

(Sec. 501, 63 Stat. 432; 42 U. S. C. 1471)

§ 383.2 *Objective.* The basic objective of Farm Housing loans is to provide decent, safe, and sanitary farm dwellings, essential farm service buildings, and related facilities to farm owners who do not have sufficient resources to provide such housing and cannot secure credit from other sources on terms and conditions which they reasonably could be expected to fulfill.

(Sec. 501, 63 Stat. 432; 42 U. S. C. 1471)

§ 383.3 *Qualifications for Farm Housing loan*—(a) *Applicant.* In order to be eligible for Farm Housing loan, the applicant must:

(1) Be the owner of a farm.

(2) Have income from the farm and other sources sufficient to meet: farm operating and family living expenses, including necessary capital replacements, payments on any existing debts, and payments on the proposed Farm Housing loan.

(3) Be a citizen of the United States.

(4) Be without sufficient resources to provide on his own account the necessary housing, buildings, or repair and improvements thereto, and be unable to secure the necessary credit from other sources upon terms and conditions which he reasonably could be expected to fulfill.

(5) Possess the character, ability, and experience necessary to carry out successfully the farming operations, and satisfy the County Committee and loan approval official that he will endeavor honestly to carry out the undertakings and obligations required of him in connection with the Farm Housing loan.

(6) Possess legal capacity to contract for the repayment of the Farm Housing loan.

(b) *Farm.* For the purposes of this part, a farm as defined in the Housing Act of 1949, as amended, includes the total acreage of one or more tracts of land owned by the applicant and operated as an individual farm or ranch. In addition, the applicant's farm must be in agricultural production and be of such size and productive capacity that it (1) will produce agricultural commodities in sufficient quantities that the proceeds from their sale will be a substantial portion of the operator's total cash income, and (2) is recognized in the community as a farm rather than a rural residence.

(Secs. 501, 502, 508, 63 Stat. 432, 433, 436; 42 U. S. C. 1471, 1472, 1478)

§ 383.4 *Veterans' preference.* Veterans, as defined in § 301.22 of this chapter, and spouses and children of deceased servicemen, will be given preference for Farm Housing loans. When it appears that available funds will be inadequate to meet the needs of all applicants, the applications on hand from veterans, and spouses and children of deceased service-

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FEDERAL REGISTER

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**CFR SUPPLEMENTS**

**(As of January 1, 1956)**

The following Supplement is now available:

**Titles 35–37 ($1.00)**

*Previously announced:* Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 7: Parts 1–209 ($1.25); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. I, and Title 27 ($1.00); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Titles 40–42 ($0.65); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

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men, will be processed first ("Deceased servicemen" means men or women who died in service during one of the periods specified in § 301.22 of this chapter.)

(Sec. 507, 63 Stat. 436, sec. 3, 67 Stat. 132; 42 U. S. C. 1477)

§ 383.5 *Loan purposes.* Farm Housing loans may be made to qualified applicants for the following purposes:

(a) *Dwellings and other farm buildings.* To construct, improve, alter, repair, replace, or relocate a dwelling(s) or other essential farm building(s) on the farm. This includes the purchase and transfer of an existing dwelling(s) or other building(s) to the borrower's farm. It also includes, in connection with such repair, alteration, new construction, or transfer, sewage disposal systems and the purchase and installation of essential equipment which upon installation becomes part of the real estate. Dwellings will be provided only when needed on the farm for the farm owner, manager, tenants, sharecroppers, or farm laborers. Any portable-type farm service buildings that do not become a part of the real estate, may nevertheless be provided, if (1) the buildings are necessary for the successful operation of the farm, and (2) the borrower's equity in the real estate is sufficient adequately to secure the loan.

(b) *Water.* To provide water supply for dwellings and other farm buildings, including such facilities as wells, pumps, and farmstead distribution systems, which are essential to the health and safety of the family or necessary to the successful operation of livestock enterprises.

(c) *Fees.* To pay fees and expenses incident to the making and closing of the loan which are required to be paid by the borrower and which he cannot pay from other funds.

(Sec. 501, 63 Stat. 432; 42 U. S. C. 1471)

§ 383.6 *Special requirements*—(a) *Loan limitations.* (1) Farm Housing loans will not be made to provide housing or other farm buildings which will be in excess of those economically essential to the operation of the farm, excessive when compared with similar accommodations in the community that are adequate and provide decent, safe, and sanitary farm housing, or significantly more expensive than similar buildings on farms in the community.

(2) Funds will not be included in a Farm Housing loan for line fencing, field fencing, or stock ponds.

(3) When a farm is owned by more than one person, such joint owners may qualify for a Farm Housing loan provided than individually and jointly they are without sufficient resources to finance the necessary improvements on their own account, and are unable to obtain the necessary credit from other sources upon terms and conditions which they reasonably could be expected to fulfill. In such a case, all the joint owners will be required to execute the Farm Housing mortgage so that their interests in the farm will be subjected to the mortgage lien. If the foregoing conditions are fulfilled, a loan may be made to one or more of the joint owners provided that each applicant, as distinguished from the owners who merely would execute the mortgage, otherwise is eligible for the loan.

(b) *Restrictions on loans.* Farm Housing loans will not be made to:

(1) A corporation or cooperative association.

(2) A homestead entryman prior to receipt of a patent on the farm.

(3) An applicant whose debts have been settled pursuant to §§ 364.1 to 364.10, 372.21 to 372.26, or 373.21 to 373.27 of this chapter, or where settlement under such sections is contemplated, unless (i) the applicant's failure to pay his loan indebtedness was the result of circumstances beyond his control, (ii) the causes which necessitated the debt settlement, other than weather hazards, disasters, or price fluctuations, have been removed, (iii) the borrower's operations will be sound and afford him a reasonable prospect of repaying the loan and meeting his other obligations, and (iv) the case is submitted to the National Office for review prior to approval.

(4) Pay debts incurred prior to the closing of a Farm Housing loan except fees for legal, engineering, and other technical services. The County Supervisor, not later than the time of planning farm improvements, will advise each applicant that construction work should not be started and debts for such work or materials should not be incurred before the loan is closed. If, nevertheless, the applicant incurs debts for materials or construction before the loan is closed, the State Director may authorize in writing the use of Farm Housing funds to pay such debts only when he finds that all the following conditions exist:

(i) The debts were incurred after the applicant filed a written application for a loan, or, in the case of a subsequent loan to complete improvements previously planned, the debts were incurred after the initial loan was closed.

(ii) The applicant is unable to pay such debts from his own resources and to obtain credit from other sources, and failure to authorize the use of Farm Housing funds to pay such debts would impair his financial position.

(iii) The debts were incurred for authorized Farm Housing loan purposes.

(iv) The construction or repair work conforms to that shown on Form FHA–643, "Farm Development Plan."

(c) *Loans to Indians who own land in trust or restricted status.* Farm Housing loans may be made to Indians who own land in trust or restricted status in accordance with regulations applicable to Farmers Home Administration real estate mortgage loans to such Indians.

(d) *Relationship of Farm Housing loans to Farm Ownership, and Soil and Water Conservation loans.* (1) If Farm Ownership funds are available, a Farm Housing loan will not be made to an applicant who can qualify for an initial Farm Ownership loan.

(2) A Farm Housing loan will not be made to a Farm Ownership borrower unless:

(i) The building credit needs of the applicant cannot be met with a subsequent Farm Ownership loan.

(ii) The building improvements to be financed are needed to develop the farm into an efficient family-type unit.

(iii) The unpaid balance of the Farm Ownership loan, plus the amount of the proposed Farm Housing loan, will not exceed the loan limit that would be applicable if a subsequent Farm Ownership loan were being made.

(3) If the applicant's total real estate credit needs can be met with a Soil and Water Conservation loan, a Farm Housing loan will not be made.

(Sec. 501, 63 Stat. 432; 42 U. S. C. 1471)

§ 383.7 *Rates and terms*—(a) *Interest rate.* Interest on Farm Housing loans will be charged at the rate of 4 percent per year on the unpaid principal.

(b) *Amortization period.* Each Farm Housing loan will be scheduled for repayment within the shortest period consistent with the ability of the borrower to pay. In no case will the repayment

period exceed 33 years from the date of the note.

(Sec. 502, 63 Stat. 433; 42 U. S. C. 1472)

§ 383.8 *Technical service*—(a) *Planning and performing farm development.* Farm development work will be planned and completed in accordance with §§ 324.1 to 324.2, 324.21 to 324.24, and 324.41 to 324.46 of this chapter.

(b) *Appraisal.* When the County Supervisor determines that a Farm Housing loan likely can be made, an appraisal will be made by the Farmers Home Administration employee authorized to appraise farms.

(c) *Title clearance and legal services in connection with Farm Housing loans.* Title clearance and legal services required for making and closing a Farm Housing loan will be obtained in the same manner as authorized for individual Soil and Water Conservation loans.

(Secs. 506, 509, 63 Stat. 435, 436; 42 U. S. C. 1476, 1479)

§ 383.9 *Security.* Each Farm Housing loan will be secured adequately by a real estate lien(s) to protect the interest of the Government during the period of the loan. Each Farm Housing loan will be secured by a mortgage on the farm being improved.

(a) *Additional security.* When the value of the farm after completion of the planned improvement, minus the amount of any existing liens, will be less than the amount of the proposed Farm Housing loan, such a loan will be made only when additional real estate security can be taken which, in the opinion of the loan approval official, has sufficient security value to compensate adequately for the lack of security represented by the farm to be improved with the Farm Housing loan.

(b) *Purchase contracts.* A mortgage on a farm owned by an applicant under a purchase contract may be taken as security for a Farm Housing loan, provided the purchase contract gives the applicant a mortgageable interest in the property, is not subject to summary cancellation upon default, and does not contain provisions which might jeopardize the Government's security position or the borrower's ability to repay the loan.

(c) *Loans subject to existing liens.* A junior mortgage may be taken as security for a Farm Housing loan, provided:

(1) The prior lien(s) does not contain undesirable future advance provisions, repayment schedules that the borrower cannot meet in addition to repaying his Farm Housing loan, or any provisions which might jeopardize the security position of the Government or the borrower's ability to repay the Farm Housing loan; or

(2) The holder(s) of the prior mortgage(s) agrees to modify, waive, or subordinate any undesirable features of the mortgage(s).

(Sec. 502, 63 Stat. 433; 42 U. S. C. 1472)

§ 383.10 *Processing applications and county committee certification*—(a) *Applications.* Applications for Farm Housing loans will be taken on Form FHA–197, "Application for FHA Services," and processed in accordance with §§301.1 to 301.3 of this chapter.

(b) *County committee certification.* No Farm Housing loan will be made unless the County Committee certifies (1) that the applicant is eligible for the loan and has the character, ability, and experience to carry out the undertakings required in connection with the loan, (2) that the farm is of such a character that the purpose of the loan will be carried out, and (3) as to the normal market value of the farm after the contemplated improvements are made. Form FHA–197A, "Operating Budget and Financial Statement," or farm and home plans, and Forms FHA–440 and FHA–643 will be presented to the County Committee for their consideration before they execute Form FHA–121, "County Committee Certification."

(Secs. 501, 508, 63 Stat. 432, 436; 42 U. S. C. 1471, 1478)

§ 383.11 *Preparation of loan docket*—(a) *Use of operating budget and financial statement, or farm and home plans.* Form FHA–197A will be prepared for each applicant who presently is not receiving supervisory assistance. If the application is being considered early in the crop year, Form FHA–197A will be based on the current year; however, if the crop year is well advanced or completed, Form FHA–197A will be for the ensuing year. If a Form FHA–197A recently was prepared in connection with another type of loan, this form will be revised to show changes in the financial statement and significant changes in the plan of operation. For an active supervised borrower, Form FHA–14A, "Long-Time Farm and Home Plan," and Form FHA–14, "Farm and Home Plan," will be used in lieu of Form FHA–197A. These forms will be revised to show changes in the financial statement and significant changes in the plan of operations.

(b) *Form FHA–446, "Agreement with Prior Lienholder."* Form FHA–446 will be used in connection with any Farm Housing loans made subject to an existing real estate lien when, because of the repayment terms of the prior lien, objectionable provisions in the prior lien such as future advance clauses, or other reasons, it would be hazardous for the Government to make a Farm Housing loan without the agreement.

(c) *Foreclosure notice agreements.* In States where a mortgage foreclosure without actual advance notice to junior lienholders will extinguish the junior liens, a junior lien on real estate will be taken as security for a Farm Housing loan only if the prior lienholder executes an agreement to give the Government actual advance notice of foreclosure or assignment of the mortgage. The State Director will prescribe an appropriate form of notice agreement and will issue a State Instruction regarding its use and prescribing the minimum acceptable period of notice. If recording is required, the cost will be paid by the borrower.

(d) *Form FHA–441B, "Farm Housing Supplementary Payment Agreement."* When repayment of the Farm Housing loan is dependent primarily upon wages or other off-farm income, or farm income received at frequent intervals throughout the year, consideration should be given to the use of Form FHA–441B, to be executed at the time of loan closing by the applicant and his wife as their names appear on the note.

(Secs. 501, 502, 63 Stat. 432, 433; 42 U. S. C. 1471, 1472)

§ 383.12 *Loan approval*—(a) *Authority.* The State Director is authorized to approve or disapprove Farm Housing loans in accordance with this part. He may redelegate this authority in writing to one or more of the following State Office employees: Chief, Farm Loan Operations; Chief, Program Operations; Program Loan Officer; Farm Loan Officer.

(b) *Loan approval action.* The loan approval official's action will be the same as those for a Soil and Water Conservation loan as prescribed in § 352.2 of this chapter.

(R. S. 161, sec. 510 (g), 63 Stat. 438; 5 U. S. C. 22, 42 U. S. C. 1480 (g))

§ 383.13 *Actions subsequent to loan approval*—(a) *Actions prior to loan closing.* The actions subsequent to approval and prior to closing a Farm Housing loan will be the same as for a direct Soil and Water Conservation loan as prescribed in § 352.3 of this chapter.

(b) *Supervised bank account.* The supervised bank account will be used for Farm Housing borrowers in the same manner as prescribed for Farm Ownership borrowers in §§ 303.1 to 303.6 of this chapter.

(c) *Loan closing.* The Farm Housing loan will be closed in accordance with the instructions outlined in § 352.4 (b), (d), and (e) of this chapter for a direct Soil and Water Conservation loan secured only by real estate except that:

(1) Form FHA–441, "Farm Housing Promissory Note," or Form FHA–441A, "Bond," will be used and prepared in the following manner:

(i) The date inserted in the note will be the date the loan is closed.

(ii) The amount of the first installment, which may be less but not more than a regular installment, will be determined by the County Supervisor after considering the debt-paying ability of the borrower.

(iii) The date of the first installment will be the first December 31 following the date of loan closing.

(iv) The number of "the next succeeding" installments will be one less than the number of years over which the loan is to be repaid.

(v) The amount of each succeeding installment will be computed by multiplying the total amount of the loan by the amortization factor for the number of years over which the loan is to be repaid.

(vi) The number of years over which the loan is to be repaid will be that prescribed by the loan approval official.

(vii) The note will be signed on the date of loan closing by the applicant and his wife, whether or not title to the farm is held in the name of only one of them, as their names appear in the title to the farm.

(2) Form FHA–447..., real estate mortgage for Farm Housing loans, will be used. If it does not contain a covenant reading, "That neither said property nor any interest therein will be assigned, sold, or transferred, voluntarily or otherwise, without the consent of the Government," such a covenant will be added before execution by the borrower.

(d) *After loan closing.* A conformed copy of the recorded mortgage will be delivered to the borrower by the County Supervisor.

(Secs. 501, 502, 63 Stat. 432, 433; 42 U. S. C. 1471, 1472)

§ 383.14 *Subsequent Farm Housing loans.* Subsequent Farm Housing loans may be made for the same purposes and under the same conditions as initial loans. The subsequent loan will be processed in the same manner as initial loans except that title evidence will cover only the period since the previous Farm Housing mortgage was filed for record. The mortgage securing the subsequent Farm Housing loan will contain (by typed insertion, if necessary) a provision to the effect that both the initial loan and the subsequent loan will be secured by both the initial mortgage and the subsequent mortgage and that default under either mortgage will be default under both.

(Secs. 501, 502, 63 Stat. 432, 433; 42 U. S. C. 1471, 1472)

Dated: May 21, 1956.

[SEAL] H. C. SMITH,
*Acting Administrator,*
*Farmers Home Administration.*

[F. R. Doc. 56–4138; Filed, May 24, 1956; 8:53 a. m.]

## Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

### Subchapter B—Loans, Purchases, and Other Operations

[1956 C. C. C. Cottonseed Bulletin 1]

### PART 443—OILSEEDS

### SUBPART—1956 COTTONSEED LOAN PROGRAM

This bulletin states the requirements with respect to loans under the 1956 Cottonseed Price Support Program formulated by Commodity Credit Corporation (hereinafter referred to as CCC) and the Commodity Stabilization Service (hereinafter referred to as CSS). A separate bulletin or bulletins will cover purchases of cottonseed under the 1956 Cottonseed Price Support Program. The program will be carried out by CSS under the general supervision and direction of the Executive Vice President, CCC.

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443.1212 Interest rate.
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443.1216 Loss or damage to the cottonseed.
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443.1219 Release of the cottonseed under loan.
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443.1221 Loan and settlement rates.
443.1222 Cooperative marketing associations.

AUTHORITY: §§ 443.1201 to 443.1222 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 1054; 15 U. S. C. 714c, 7 U. S. C. 1447, 1421.

§ 443.1201 *Administration.* In the field, the program will be administered through Agricultural Stabilization and Conservation (hereinafter referred to as "ASC") State and county committees (hereinafter referred to as "State" and "county committees") and the CSS Commodity Office located at Wirth Building, 120 Marais Street, New Orleans 16, Louisiana (hereinafter referred to as "the New Orleans office"). Forms will be distributed through the offices of State and county committees. County committees will determine or cause to be determined the quantity and grade of cottonseed, the amount of the loan, and the value of the cottonseed delivered under the loan. Loan documents will be completed in the county ASC office and copies of such documents will be retained there. All documents will be approved by the county office manager, or other employee of the county office designated by him to act in his behalf. Such designations shall be on file in the county office. County office managers, State and county committees and the New Orleans office do not have authority to modify or waive any of the provisions of this subpart or any amendments thereto.

§ 443.1202 *Availability of loans*—(a) *Area.* Farm-storage loans (hereinafter referred to as loans) shall be available on eligible cottonseed stored in approved storage in all cotton producing areas, except that loans will not be made in any area where the appropriate State committee determines that the damage hazard to farm-storage cottonseed would not warrant the making of loans.

(b) *Time.* Loans shall be available through January 31, 1957. Notes and chattel mortgages must be signed by the producer and delivered to the county office on or before such date.

(c) *Source.* Loans will be made available through the offices of county committees. Disbursements on loans will be made to producers through approved lending agencies under agreements with CCC or by ASC county offices by means of sight drafts drawn on CCC in accordance with instructions issued by CSS to the State and county committees. Disbursements on loans will be made not later than February 15, 1957, except where specifically approved by the New Orleans office in each instance. The producer shall not present the loan documents for disbursement unless the cottonseed are in existence and in good condition. If the cottonseed are not in existence and in good condition at the time of disbursement, the proceeds shall be promptly refunded by the producer.

§ 443.1203 *Approved lending agencies.* An approved lending agency shall be a bank, cooperative marketing association, corporation, partnership, individual, or other legal entity with which CCC has entered into a lending agency agreement (Form CCC–322).

§ 443.1204 *Eligible producer.* (a) An eligible producer shall be any individual, partnership, corporation, association, trust, estate, or other legal entity, or a State or political subdivision thereof or an agency of such State or political subdivision, producing cottonseed in 1956 in the capacity of landowner, landlord, tenant, or sharecropper.

(b) Eligible producers who are members of cooperative marketing associations may act collectively through their associations in obtaining loans in accordance with the provisions of § 443.1222.

§ 443.1205 *Eligible cottonseed.* Eligible cottonseed shall be cottonseed that meet the following requirements:

(a) The cottonseed must have been produced in the United States in 1956 by an eligible producer.

(b) Such cottonseed must have been produced by the person tendering them for a loan, or by the person who delivered the cottonseed to the cooperative association tendering the cottonseed for a loan, and the beneficial interest in the cottonseed must be in such person and must always have been in him or in him and a former producer whom he succeeded before the cottonseed were harvested. Cottonseed tendered by a cooperative association for a loan must have been produced and delivered to the association by its producer-members. Any person tendering cottonseed for a loan must have the legal right to mortgage the cottonseed as security for the loan.

(c) Cottonseed must be sound and clean and must not contain more than 11 percent moisture.

(d) No warehouse receipts shall be outstanding on the cottonseed.

§ 443.1206 *Approved storage.* Approved storage shall consist of storage structures located on or off the farm which, as determined by the county office manager, are of such construction as to afford safe storage of cottonseed and afford protection against weather damage, poultry, livestock and rodents, and reasonable protection against fire and theft.

§ 443.1207 *Approved forms.* (a) The documents named in this section, together with the provisions of this subpart and any supplements or amendments thereto, govern the rights and responsibilities of the producers under this program. Loan documents executed by an administrator, executor or trustee will be acceptable only where valid in law and must be accompanied by documentary evidence of the authority of the person executing such documents. Documents must have State and documentary revenue stamps affixed when required by law.

(b) The following documents must be delivered by the producer in support of every loan: Producer's Note and Supple-

mental Loan Agreement (Commodity Loan Form A) and Commodity Chattel Mortgage (Commodity Loan Form AA) covering the cottonseed tendered as security for the loan both executed and delivered within the period prescribed in § 443.1202, and such other forms as may be prescribed by CCC.

§ 443.1208 *Determination of quantity.* The quantity of cottonseed at the time a loan is made shall be determined by actual weight or by an estimate based upon measurements. When the weight of cottonseed to be placed under loan is estimated by measurement, 90 cubic feet of cottonseed shall be considered the equivalent of one ton. The quantity delivered in liquidation of the loan shall be the net weight, which shall be the gross weight of the cottonseed less a deduction for any foreign matter in excess of 1 percent of the gross weight.

§ 443.1209 *Liens.* The cottonseed must be free and clear of all liens and encumbrances including any claim the ginner may have against the cottonseed for his regular ginning charge. If liens, ginner's claims or encumbrances exist on the cottonseed, proper waivers must be obtained.

§ 443.1210 *Service charges.* The producer shall pay a service charge of 35 cents per ton on the number of tons placed under a loan, or $3.00, whichever is greater. State committees are authorized to require prepayment of $3.00 of the service charges. No refund of any service charge will be made.

§ 443.1211 *Set-offs.* (a) If the producer is indebted to CCC on any accrued obligation, or if any installment or installments on any loan made available by CCC on farm-storage facilities or mobile drying equipment are past due or are payable or prepayable, under the provisions of the note evidencing such loan, out of the proceeds of the price support loan, he must designate CCC or the lending agency holding such note as the payee of the proceeds of the loan to the extent of such indebtedness or installments, but not to exceed that portion of the proceeds remaining after deduction of service charges and amounts due prior lienholders.

(b) If the producer is indebted to any other agency of the United States and such indebtedness is listed on the county debt register, he must designate such agency as the payee of the proceeds to the extent of such indebtedness, but not to exceed that portion of the proceeds remaining after deduction of amounts under paragraph (a) of this section.

(c) Compliance with the provisions of this section shall not constitute a waiver of any right of the producer to contest the justness of the indebtedness involved either by administrative appeal or by legal action.

§ 443.1212 *Interest rate.* Loans will bear interest at the rate of 3½ percent per annum from the date of disbursement to the date of repayment except that in the case of default in satisfaction of loans, the deficiency will bear interest at the rate of 6 percent per annum from the date of default to the date of repayment.

§ 443.1213 *Transfer of producer's equity.* The right of the producer to transfer either his right to redeem the cottonseed under loan or his remaining interest may be restricted by CCC.

§ 443.1214 *Safeguarding of the cottonseed.* The producer who places cottonseed under a loan is obligated to maintain the storage structure in good repair, and to keep the cottonseed in good condition.

§ 443.1215 *Insurance.* CCC will not require the producer to insure the cottonseed placed under a loan; however, if the producer does insure such cottonseed and an indemnity is paid thereon, such indemnity shall inure to the benefit of CCC to the extent of its interest after first satisfying the producer's equity in the cottonseed involved in the loss.

§ 443.1216 *Loss or damage to the cottonseed.* The producers shall be responsible for the quality and for any loss in quantity of the cottonseed placed under loan, except that, subject to the provisions of § 443.1215, any physical loss or damage other than shrinkage or natural deterioration, occurring after disbursement of the loan funds to the producer, without fault, negligence, or conversion on the part of the producer or any other person having control of the storage structure, and resulting solely from an external cause other than insect infestation or vermin will be assumed by CCC to the extent of the loan plus interest, provided the producer or other person having control of the storage structure has given the county office immediate written notice of such loss or damage, and provided there has been no fraudulent representation made by the producer in the loan documents or in obtaining the loan. No physical loss or damage occurring prior to disbursement of the loan funds to the producer will be assumed by CCC. Where disbursement is made by check of draft the date of the check or draft shall constitute the date of disbursement of the funds.

§ 443.1217 *Personal liability.* The making of any fraudulent representations by the producer in the loan documents or in obtaining the loan, or the conversion or unlawful disposition by him of any portion of the cottonseed under loan, shall render the producer subject to criminal prosecution under Federal law and render him personally liable for the amount of the loan and for any resulting expense incurred by any holder of the note.

§ 443.1218 *Maturity and liquidation of loans.* (a) Settlement of loans, and delivery of the cottonseed covered by chattel mortgage shall be made in accordance with this section. All loans mature on demand but not later than March 1, 1957. If the producer does not repay his loan on or before maturity, the producer shall deliver the mortgaged cottonseed in accordance with instructions issued on behalf of the county committee. The producer may, however, pay off his loan and redeem his cottonseed at any time prior to the delivery of the cottonseed to CCC or removal of the cottonseed by CCC. In the event the farm is sold or there is a change of tenancy, the cottonseed may be delivered by the producer before the maturity date of the loan, after obtaining delivery instructions issued on behalf of the county committee, or may be delivered before the maturity date of the loan for other reasons upon prior approval of the Executive Vice President, CCC. After a complete grade determination by a cottonseed chemist licensed by the U. S. Department of Agriculture, credit will be given at the applicable settlement rate, according to grade and/or quality (see § 443.1221), for the total quantity delivered, provided it is the identical cottonseed on which the loan was made.

(b) If the producer is directed to deliver his cottonseed to a point other than the normal delivery point the producer shall be allowed compensation (as determined by CCC) for the additional cost of hauling the cottonseed any distance greater than the distance from the point where the cottonseed are stored by the producer to the normal delivery point.

(c) If the settlement value of the cottonseed delivered under a loan exceeds the amount due on the loan by more than $3.00, such amount will be paid to the producer on the basis of the settlement documents. To avoid administrative costs of making small payments, if the amount found due the producer in such settlement is $3.00 or less, such amount will be paid only upon his request. Payments will be made by sight drafts drawn on CCC by the county office.

(d) If the settlement value of the cottonseed is less than the amount due on the loan (excluding interest), the amount of the deficiency, plus interest, shall be paid to CCC by the producer and may be set off against any payment which would otherwise be due to the producer under any agricultural programs administered by the Secretary of Agriculture or any other payments which are due or may become due to the producer from CCC or any other agency of the United States: *Provided*, That, to avoid administrative costs of handling small accounts, a deficiency of $3.00 or less, including interest, may be disregarded unless demand therefor is made by CCC upon the producer.

(e) If the loan is not liquidated upon maturity by payment or delivery, the holder of the note may remove the cottonseed and sell them in accordance with the provisions of the chattel mortgage (Commodity Loan Form AA).

§ 443.1219 *Release of the cottonseed under loan.* A producer may at any time obtain the release of cottonseed remaining under loan by paying to the holder of the note the principal amount thereof, plus accrued interest and any charges that may be due. Upon payment of a loan, the county office should be requested to release the mortgage by filing an instrument of release or by executing a marginal release on the county records. Partial release of the cottonseed prior to maturity of the loan may be arranged with the county committee by paying to the holder of the note the amount of the loan, plus charges and accrued interest, represented by the quantity of the cottonseed to be released: *Provided, however,* No partial release of cottonseed shall include less than the total quantity of cottonseed stored in any single commingled mass unless the appropriate county committee determines that release of a portion of such commingled mass may be made.

§ 443.1220 *Purchase of notes.* CCC will purchase, from approved lending agencies, notes evidencing approved loans which are secured by chattel mortgages. The purchase price to be paid by CCC will be the principal sum remaining due on such notes, plus an amount computed according to the lending agency agreement to cover interest. Lending agencies are required to submit Commodity Credit Corporation Form 500 or such other form as CCC may prescribe for all payments received on producers' notes held by them and are required to remit interest to CCC computed according to the lending agency agreement.

§ 443.1221 *Loan and settlement rates*—(a) *Loan rates.* Loans on cottonseed shall be made at the rate of $48.00 per ton of eligible cottonseed as defined in § 443.1205.

(b) *Basic settlement rate.* The basic settlement rate for "basis grade" (100) cottonseed shall be $48.00 per net ton f. o. b. railroad cars or trucks at delivery points designated by CCC. The settlement rate for cottonseed grading above or below "basis grade" (100) shall be $48.00 per ton plus or minus a percentage of such price equal to the percentage by which the grade of such cottonseed is above or below 100. In the case of "off quality" or "below grade" cottonseed, as defined in the United States Official Standards for Grades of Cottonseed, CCC will sell such cottonseed pursuant to the provisions of the chattel mortgage at the current market price and the settlement rate shall be the market price per ton determined on the basis of such sale.

§ 443.1222 *Cooperative marketing associations.* (a) Cooperative marketing associations shall be eligible for loans: *Provided*, That (1) the cottonseed placed under loan are delivered to the association by eligible producers who are members of the association; (2) the association has been granted by such producer-members the legal right to mortgage the cottonseed as security for a loan; (3) the association keeps any cottonseed covered by a chattel mortgage segregated from all cottonseed not covered by the mortgage; and (4) the association undertakes to pay CCC any amounts due it under the provisions of this program at the time of settlement.

(b) Cooperative associations desiring loans may obtain documents from the county office for the county in which the association is located. The loan and settlement rates to cooperative associations will be the same as those to individual producers, and loans with respect to such associations will otherwise be on substantially the same basis as loans with respect to individual producers.

Issued this 18th day of May 1956.

[SEAL] WALTER C. BERGER,
*Acting Executive Vice President, Commodity Credit Corporation.*

[F. R. Doc. 56-4110; Filed, May 24, 1956; 8:47 a. m.]

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[1956 C. C. C. Cottonseed Bulletin 2]

## PART 443—OILSEEDS

### SUBPART—1956 COTTONSEED PURCHASE PROGRAM

Sec.
443.1238 General statement.
443.1239 Administration.
443.1240 Availability of purchases.
443.1241 Eligible producer.
443.1242 Eligible cottonseed.
443.1243 Purchase price.
443.1244 Approved forms.
443.1245 Determination of quantity.
443.1246 Liens.
443.1247 Set-offs.
443.1248 Grade reporting areas.

AUTHORITY: §§ 443.1238 to 443.1248 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 1054, 15 U. S. C. 714c, 7 U. S. C. 1447, 1421.

§ 443.1238 *General statement.* The purchase program provided for in this subpart is a part of the 1956 Cottonseed Price Support Program formulated by Commodity Credit Corporation (hereinafter referred to as "CCC") and the Commodity Stabilization Service (hereinafter referred to as "CSS"). This subpart states the terms and conditions (a) under which cotton ginners, who purchase 1956-crop cottonseed produced in the United States from producers, may sell such cottonseed to CCC in accordance with this subpart (such ginners will hereinafter be referred to as "participating ginners"), in cases where the refusal by oil millers to pay participating ginners at least the f. o. b. gin price to ginners for their cottonseed, which CCC agrees to pay as provided in § 443.1243 (b), makes purchases by CCC from participating ginners necessary, and (b) under which CCC will purchase 1956-crop cottonseed directly from producers in cases where nonparticipation by ginners under this subpart makes such purchases necessary. The program will be carried out by CSS under the general supervision and direction of the Executive Vice President, CCC. The requirements with respect to loans to producers are contained in the 1956 C. C. C. Cottonseed Bulletin 1.

§ 443.1239 *Administration.* (a) Operations under the program with respect to the purchase, transportation, handling, and storage of cottonseed prior to delivery of the cottonseed to an oil miller or to a storage facility approved by the New Orleans CSS Commodity Office (such storage facility will hereinafter be referred to as "approved storage facility") will be administered through Agricultural Stabilization and Conservation (hereinafter referred to as "ASC") State and county committees (hereinafter referred to as "State" and "county Committees"). All contracts in connection with such operations may be executed on behalf of CCC only by authorized CCC contracting officers.

(b) Contracts for the storage and handling of cottonseed subsequent to delivery of the cottonseed to an oil miller or an approved storage facility, for the sale, crushing and processing of cottonseed, and for the transportation, storage, handling and sale of the products derived therefrom, will be executed by CCC contracting officers in the New Orleans CSS Commodity Office, Wirth Building, 120 Marais Street, New Orleans 16, Louisiana (hereinafter referred to as "the New Orleans office").

(c) County office managers, State and county committees, and the New Orleans office do not have authority to modify or waive any of the provisions of this subpart or any amendments thereto.

§ 443.1240 *Availability of purchases*—(a) *Area.* The purchase program will be available in all cotton-producing areas of the United States.

(b) *Time.* Purchases will be made from the date of the issuance of this subpart through February 28, 1957.

(c) *Source.* (1) Purchases of cottonseed eligible for purchase by CCC will be made by participating ginners from producers. Purchases will also be made directly from producers by CCC through county committees in areas where ginners do not participate in the program and the appropriate State committee determines that such direct purchases are necessary in order to make the program effective. Payments to producers for cottonseed purchased by CCC and for any authorized transportation performed by the producers in accordance with § 443.1243, will be made by ASC county offices by means of sight drafts drawn on CCC.

(2) Purchases of eligible cottonseed will be made by oil millers from participating ginners and others. Purchases will also be made from participating ginners by CCC through ASC county offices in areas where oil millers refuse to pay such ginners at least the f. o. b. price to ginners for their cottonseed which CCC agrees to pay as provided in § 443.1243 (b), and the appropriate State committee determines that such purchases are necessary to make the program effective. Payments to participating ginners for cottonseed purchased by CCC will be made by ASC county offices by means of sight drafts drawn on CCC.

(3) Lists of participating ginners will be maintained in the State and county offices.

§ 443.1241 *Eligible producer.* (a) An eligible producer shall be any individual, partnership, corporation, association, trust, estate, or other legal entity, or a State or political subdivision thereof or an agency of such State or political subdivision, producing cottonseed in 1956 in the capacity of landowner, landlord, tenant, or sharecropper.

(b) A cooperative association that handles cottonseed for its producer-

members will be considered an eligible producer when selling eligible cottonseed delivered to the association and produced by eligible producers who are members of the association.

§ 443.1242 *Eligible cottonseed.* Eligible cottonseed shall be cottonseed which meet the following requirements:

(a) Such cottonseed must have been produced in the United States in 1956 by an eligible producer.

(b) Such cottonseed must have been produced by the person tendering them for purchase, or by the person who delivered the cottonseed to the cooperative association or ginner tendering the cottonseed for purchase, and the beneficial interest in the cottonseed must be in such person at the time he makes such tender or delivery and must always have been in him or in him and a former producer whom he succeeded before the cottonseed were harvested. Cottonseed tendered by a cooperative association for purchase must have been produced and delivered to the association by its producer-members. Any person tendering cottonseed for purchase must have the legal right to sell the cottonseed.

§ 443.1243 *Purchase price*—(a) *Price to producers.* (1) Any direct purchases by CCC from producers will be made at gin or other designated point of delivery at the rate of $44.00 per gross ton for basis grade (100) cottonseed, with premiums and discounts for other grades equal to the same percentage of such price as the percentage by which the grade of cottonseed purchased exceeds or is less than basis grade (100). The price per ton thus computed may be rounded to the nearest multiple of 10 cents. The grade of eligible cottonseed purchased by CCC directly from producers shall be considered to be the average grade of cottonseed for the area in which the purchase is made (see § 443.1248) as determined on the basis of the latest cottonseed grade report for the area published by CSS or as determined by such other method as the Executive Vice President, CCC, may approve. In areas where both upland and American-Egyptian cotton are grown, the CSS grade report for any such area shall specify the average grade for each such type of cottonseed, and the price to be paid producers in the area shall be determined on the basis of the average grade for the area for the type of cottonseed purchased. The average grade for Sea Island and Sealand cottonseed shall be considered to be that reported for cottonseed in the area in which such cottonseed are produced. Notwithstanding the requirements in this subparagraph, if, at any time while direct purchases are being made by CCC, the State ASC Administrative Officer determines that the average grade for an area, as determined on the basis of the latest cottonseed grade report for the area published by CSS, is higher than the grade of cottonseed being produced in any county in such area, where direct purchases are being made, the State ASC Administrative Officer may reduce the price paid to producers in such county below the price established on the basis of the average grade for the area: *Provided*, That no producer shall be paid, during the period such reduced prices are effective, less than $44.00 per gross ton basis grade (100) cottonseed with price adjustments computed upon the difference between the average grade of cottonseed produced in the county during such period and basis grade (100). The average grade of cottonseed produced in the county during such period shall be determined on the basis of official chemical analysis covering cottonseed produced in such county or on such other reasonable basis as may be determined by the approriate State ASC Administrative Officer.

(2) The grade of any cottonseed purchased before the first grade determination for an area is made shall be considered to be 90.

(3) If the producer, upon authorization by the County Office Manager, transports the cottonseed from (i) the point of delivery to CCC to (ii) an oil miller or approved storage facility or designated concentration point, the producer will be paid for such transportation at a rate not in excess of the commercial rate for such transportation service.

(b) *Price to ginners.* (1) (i) Any purchases by CCC from participating ginners will be at the rate of $48.00 per net ton for basis grade (100) cottonseed, f. o. b. conveyance or carrier at the gin, with premiums and discounts for other grades equal to the same percentage of such price as the percentage by which the grade of cottonseed purchased exceeds or is less than basis grade (100). Cottonseed which are "below grade" or "off quality", as defined in the U. S. Official Standards for Grades of Cottonseed, will be purchased from participating ginners by CCC at the market value of such cottonseed as determined by CCC. The grades of cottonseed purchased by CCC from such ginners shall be determined in accordance with the United States Official Standards for Grades of Cottonseed, by chemical analysis of samples drawn from the cottonseed by federally licensed cottonseed samplers or such other persons as are approved by CCC, and forwarded to and analyzed by federally licensed cottonseed chemists. A ginner tendering cottonseed for purchase by CCC must not have paid any producer for cottonseed purchased by the ginner on or after the date of filing notice of his intention to participate in the program, less than $44.00 per gross ton basis grade (100), plus or minus a percentage of such price equal to the percentage by which the average grade of cottonseed for the area in which the gin is located (see § 443.1248) exceeded or was less than basis grade (100). Such average grade shall be determined on the basis of the latest CSS grade report for the area at the time of purchase from such producer or by such other method as the Executive Vice President, CCC, may approve. In areas where both upland and American-Egyptian cotton are grown, the CSS grade report for any such area shall report the average grade for each such type of cottonseed and the price to be paid producers in the area shall be determined on the basis of the average grade for the area for the type of cottonseed purchased. The average grade for Sea Island and Sealand cottonseed shall be considered to be that reported for cottonseed in the area in which such cottonseed are produced. If it is determined by the county office manager and the State ASC Administrative Officer that any participating ginner paid any producer less than the prices he should have paid under the foregoing provisions of this section, such ginner shall not, without prejudice to any other rights which CCC may have, be eligible to make any further sales to CCC under the 1956 Cottonseed Price Support Program.

(ii) Notwithstanding the preceding requirements as to price, a participating ginner, after first notifying the County Office Manager for the county where the gin is located of his intention to do so, may reduce the price paid to producers below the price established on the basis of the average grade for the area: *Provided*, That the ginner shall not pay any producer, during the period he is paying such reduced price, less than $44.00 per gross ton basis grade (100) with price adjustments computed upon the difference between the average grade of cottonseed produced at the gin during such period and basis grade (100). The average grade of cottonseed produced at the gin during such period shall be determined on the basis of official chemical analysis or oil mill grade reports covering such cottonseed or on such other reasonable basis as may be approved by the county office manager. The ginner shall furnish the county office with certified copies of such chemical analyses, grade reports, or other evidence satisfactory to the county office manager, showing the average grade of cottonseed produced at the gin during such period. If it is determined by the State ASC Administrative Officer and county office manager that any participating ginner paid producers less than the prices he should have paid in accordance with the preceding three sentences, such ginner shall, without prejudice to any other rights which CCC may have, be ineligible to make any further sales to CCC under the 1956 Cottonseed Price Support Program unless he first pays all of such producers the difference between the price paid to producers and the price they should have received.

(iii) A ginner may round per ton prices for cottonseed purchased from producers to the nearest multiple of 10 cents.

(2) The grade of cottonseed purchased from a producer before the first grade determination for an area is made shall be considered to be 90.

(3) If the ginner, upon authorization by the county office manager, transports cottonseed from the gin to oil miller, or approved storage facility, or designated concentration point, the ginner will be paid for such transportation at a rate not in excess of the commercial rate for such transportation service.

§ 443.1244 *Approved forms.* The approved forms, together with the provisions of this subpart and any supplements and amendments thereto, shall govern the rights and responsibilities of producers and participating ginners. Approved forms may be obtained from ASC county offices. Any fraudulent representation made by a producer or ginner in executing an approved form may render him subject to criminal prosecution under Federal law and liable for any damages resulting from the purchase of the cottonseed involved. Documents executed by an administrator, executor or trustee will be acceptable only where valid in law and must be accompanied by documentary evidence of the authority of the person executing such documents. The approved forms consist of the following:

(a) *Producers.* Producer's Voucher (CCC Cottonseed Purchase Form 5) shall be executed by the producer when the cottonseed are purchased from the producer by CCC.

(b) *Cotton ginners.* (1) Each cotton ginner desiring to sell cottonseed to CCC pursuant to this subpart shall, prior to tender of any cottonseed for sale, file with the county office for the county in which each gin is located a Ginner's Notice of Intention to Participate (CCC Cottonseed Purchase Form 1). The filing of such notice does not obligate the ginner to sell any cottonseed to CCC, but all applicable provisions of this subpart must be complied with by the ginner if any cottonseed are offered by the ginner for sale to CCC under the 1956 Cottonseed Price Support Program.

(2) After the Ginner's Notice of Intention to Participate has been filed, a Ginner's Certificate (CCC Cottonseed Purchase Form 2) shall be completed and executed by the participating ginner to cover all cottonseed purchased by him from producers and the form shall be submitted by the ginner to the appropriate county office at such times and covering such periods of time as the State ASC Administrative Officer determines are necessary to make the program effective.

(3) If cottonseed are sold to CCC, the ginner shall prepare and execute a Ginner's Voucher and Certificate (CCC Cottonseed Purchase Form 4) covering the cottonseed and deliver the form to the county office. Each Ginner's Voucher and Certificate submitted by a ginner to the county office shall be supported by weight certificates or warehouse receipts covering the cottonseed purchased which have been issued by an oil miller or an approved storage facility or a representative of the county committee at a designated concentration point, and, in the absence of warehouse receipts guaranteeing grade, by official chemical analyses certificates covering the cottonseed and identifying such cottonseed by lot numbers and/or receipt numbers and weights.

§ 443.1245 *Determination of quantity.* The quantity of cottonseed purchased from the producer by CCC shall be the gross weight actually delivered to CCC as determined by a representative of the county committee, or by an approved storage facility, or by an oil miller. The quantity of cottonseed purchased from a producer by a participating ginner shall be the gross weight of the cottonseed as customarily determined by the ginner in his purchases of cottonseed from producers. The quantity of cottonseed purchased from a ginner by CCC shall be the net weight of the cottonseed at first destination after deduction of the weight of any foreign matter in excess of 1 percent.

§ 443.1246 *Liens.* If liens or encumbrances exist on the cottonseed, proper waivers must be obtained.

§ 443.1247 *Set-offs.* (a) If the cottonseed are purchased from a producer by CCC under this subpart and the producer is indebted to CCC on any accrued obligation, or if any installment or installments of any loan made available by CCC on farm-storage facilities or mobile drying equipment are past due, or are payable or prepayable, under the provisions of the note evidencing such loan, out of the proceeds of the purchase, he must designate CCC or the lending agency holding such note as the payee of the proceeds of the purchase to the extent of such indebtedness or installments, but not to exceed that portion of the proceeds remaining after deduction of service charges and amounts due prior lienholders.

(b) If the producer is indebted to any other agency of the United States, and such indebtedness is listed on the county debt register, he must designate such agency as the payee of the proceeds to the extent of such indebtedness, but not to exceed that portion of the proceeds remaining after deduction of amounts under paragraph (a) of this section.

(c) Compliance with the provisions of this section shall not constitute a waiver of any right of the producer to contest the justness of the indebtedness involved either by administrative appeal or by legal action.

§ 443.1248 *Grade reporting areas.* Areas for grade reporting purposes will be established by the Director, Cotton Division, CSS, and a list of area delineations may be obtained from the applicable ASC State office or the Director of the Cotton Division, CSS, USDA, Washington 25, D. C.

Issued this 18th day of May 1956.

[SEAL] WALTER C. BERGER,
*Acting Executive Vice President, Commodity Credit Corporation.*

[F. R. Doc. 56-4111; Filed, May 24, 1956; 8:48 a. m.]





## TITLE 7—AGRICULTURE

### Chapter III—Agricultural Research Service, Department of Agriculture

[P. Q. 608, Revised]

### PART 319—FOREIGN QUARANTINE NOTICES

### SUBPART—FRUITS AND VEGETABLES

### ADMINISTRATIVE INSTRUCTIONS PRESCRIBING METHOD OF TREATMENT OF MANGOES FROM WEST INDIES

On May 1, 1956, notice of proposed revision of administrative instructions now appearing as § 319.56–2i in Title 7, Code of Federal Regulations, 1954 Supp., was published in the FEDERAL REGISTER (21 F. R. 2846). After due consideration of all relevant matters presented, the Chief of the Plant Quarantine Branch, pursuant to the authority conferred on him by § 319.56–2 of the regulations supplemental to the Fruit and Vegetable Quarantine (Notice of Quarantine No. 56, 7 CFR and Supp. 319.56) under section 5 of the Plant Quarantine Act of 1912 (7 U. S. C. 159), hereby issues revised administrative instructions to appear as § 319.56–2i in Title 7, Code of Federal Regulations, as follows:

§ 319.56–2i *Administrative instructions prescribing method of treatment of mangoes from the West Indies*—(a) *Fumigation upon arrival.* Approved fumigation with ethylene dibromide at normal atmospheric pressure, in accordance with the following procedure, upon arrival, is hereby prescribed as a condition of entry under permit under § 319.56–2 for all shipments of mangoes from the West Indies other than those entered in accordance with the alternate procedure authorized in paragraph (b) of this section:

(1) *West Indies.* As used in this paragraph, the term "West Indies" means the foreign islands lying between North and South America, the Caribbean Sea, and the Atlantic Ocean, including, among others, Cuba, Jamaica, Dominican Republic, and the Bahama, Leeward and Windward Islands, but excluding the chain of islands adjacent and parallel to the north coast of South America (the largest of which are Aruba, Curacao, Bonaire, Tortuga, Margarita, Trinidad, and Tobago).

(2) *Ports of entry.* Mangoes to be offered for entry must be shipped direct from the country of origin to New York or such other North Atlantic ports as may be named in the permit.

(3) *Precooling of fruit.* Mangoes to be offered for entry must be cooled to a maximum temperature of 50° F. prior to unloading from the ship. The fruit may not be removed from the vessel until an inspector of the Plant Quarantine Branch has satisfied himself that this requirement has been complied with and that the fruit can be moved promptly to the fumigation chamber.

(4) *Approved fumigation.* (i) The approved fumigation shall consist of fumigation with ethylene dibromide at normal atmospheric pressure, in a fumigation chamber which has been approved for that purpose by the Plant Quarantine Branch. The dosage shall be applied at the following rates:

6 ounces of ethylene dibromide per 1,000 cubic feet of space for 2 hours at 80° F.
8 ounces of ethylene dibromide per 1,000 cubic feet of space for 2 hours at 70° F.

Cubic feet of space shall include the load. The 2-hour period of exposure shall begin when all of the fumigant has been introduced into the chamber. The required temperatures apply to both air and fruit. The ethylene dibromide must be applied in the liquid state and volatilized within the sealed fumigation chamber by direct contact with a highly heated metal surface over an electric hot plate or other suitable heating medium. The gas shall be circulated within the chamber continuously for the 2-hour period by an electric fan or blower.

(ii) Mangoes to be fumigated may be packed in crates with shredded packing material. When fruits are individually wrapped in paper the wrappings must be removed before fumigation. When loaded in the fumigation chamber the crates or other containers shall be separated at least 2 inches on all sides by wooden strips or other means. The chamber shall not be loaded to more than 50 percent of capacity.

(5) *Other conditions.* The unloading of fruit from the vessel, its delivery to an approved fumigation plant, and the fumigation procedure will be under the supervision of an inspector of the Plant Quarantine Branch. The unloading and delivery shall be conducted in accordance with such safeguard requirements as the inspector may impose to prevent the dissemination of injurious insects. Final release of the fruit for entry into the United States will be conditioned upon compliance with such safeguard requirements and the prescribed regulations.

(6) *Costs.* All costs of treatment and required safeguards and supervision, other than the services of the supervising inspector during regularly assigned hours of duty and at the usual place of duty, shall be borne by the owner of the mangoes, or his representative.

(7) *Department not responsible for damage.* The treatment prescribed in subparagraph (4) of this paragraph is judged from experimental tests to be safe for use with mangoes. However, the Department assumes no responsibility for any damage sustained through or in the course of treatment, or compliance with requirements under subparagraph (5) of this paragraph or in the precooling of fruit required prior to unloading from the vessel.

(b) *Alternate procedure.* Mangoes produced in Cuba if satisfactorily treated in Cuba and otherwise handled and certified as provided in this paragraph will be eligible for entry under permit under § 319.56–2.

(1) *Approved fumigation.* The mangoes shall be fumigated at approved plants in Cuba in accordance with paragraph (a) (4) of this section.

(2) *Approval of fumigation plants; costs of supervision.* Fumigation in Cuba will be contingent upon the availability of a fumigation plant approved by the Chief of the Plant Quarantine Branch to apply the treatment prescribed in paragraph (a) (4) of this section and upon the availability of qualified personnel for assignment to approve the plant and to supervise the treatment and post-treatment handling of the mangoes in Cuba. Those in interest must make advance arrangements for approval of the fumigation plant and for supervision, and furnish the Chief of the Plant Quarantine Branch with acceptable assurances that they will provide, without cost to the United States Department of Agriculture, all transportation, per diem, and other incidental expenses of such personnel and compensation for such personnel for their services in excess of 40 hours weekly, in connection with such approval and supervision, according to the rates established for the payment of inspectors of the Plant Quarantine Branch.

(3) *Supervision of fumigation and subsequent handling.* The fumigation prescribed in this paragraph and the subsequent handling of the mangoes so fumigated must be under the supervision of a representative of the Plant Quarantine Branch. The treated fruit must be safeguarded against reinfestation during the period prior to shipment from Cuba, in a manner required by such representative.

(4) *Certification.* Mangoes will be certified by a representative of the Plant Quarantine Branch in Cuba for entry into the United States upon the basis of treatment under this paragraph and compliance with the post-treatment safeguard requirements imposed by such representative. The final release of the fruit for entry into the United States will be conditioned upon compliance with such requirements and upon satisfactory inspection on arrival to determine efficacy of treatment.

(5) *Costs.* All costs incident to fumigation, including those for constructing, equipping, maintaining and operating fumigation plants and facilities, and carrying out requirements of post-treatment safeguards, and all costs as indicated in subparagraph (2) of this paragraph incident to plant approval and supervision of treatment and subsequent handling of the mangoes in Cuba shall be borne by the owner of the fruit or his representative.

(6) *Department not responsible for damage.* The treatment prescribed in paragraph (a) (4) of this section is judged from experimental tests to be safe for use with mangoes. However, the Department assumes no responsibility for any damage sustained through or in the course of treatment, or because of post-treatment safeguards.

(7) *Ports of entry.* Mangoes to be offered for entry in accordance with the alternate procedure provided for in this paragraph may be entered under permit at any United States port where an inspector is stationed.

(8) *Ineligible shipments.* Any shipments of mangoes produced in Cuba that are not eligible for certification under the alternate procedure provided for in this paragraph may enter only upon compliance with paragraph (a) of this section.

The purpose of this revision is to authorize an alternate procedure for the fumigation of mangoes grown in Cuba and their entry into the United States when they have been certified by a representative of the Plant Quarantine Branch as having been fumigated and safeguarded at point of origin under his supervision. Final release of the fruit for entry is conditioned upon compliance with specified safeguards. All transportation, per diem, and other incidental expenses and overtime salaries of the inspectors in connection with the procedure will be borne by the owners or shippers of the mangoes.

Since the revised administrative instructions relieve restrictions, they are within the exception in section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1003 (c)) and may properly be made effective less than 30 days after their publication in the FEDERAL REGISTER.

These administrative instructions shall be effective May 25, 1956, when they shall supersede 7 CFR 1954 Supp. 319.56–21, issued March 2, 1954, effective March 6, 1954.

(Sec. 9, 37 Stat. 318; 7 U. S. C. 162. Interprets or applies sec. 5, 37 Stat. 316; 7 U. S. C. 159)

Done at Washington, D. C. this 22d day of May, 1956.

[SEAL] H. S. DEAN,
*Acting Chief,*
*Plant Quarantine Branch.*

[F. R. Doc. 56–4137; Filed, May 24, 1956; 8:53 a. m.]

## Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Plum Order 3]

### PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.526 *Plum Order 3*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 1, 1956. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until May 18, 1956; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on May 18, 1956, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about June 5, 1956; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 1, 1956, and ending at 12:01 a. m., P. s. t., November 1, 1956, no shipper shall ship any package or container of Santa Rosa plums unless:

(i) Such plums grade at least U. S. No. 1;

(ii) The plums are of a size not smaller than a size that will pack a 4 x 5 standard pack; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(3) As used in this section, "U. S. No. 1" and "serious damage" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh) (§§ 51.1520 to 51.1530 of this title); "standard pack" shall have the applicable meanings of the terms "standard pack" and "equivalent size," and "diameter" shall have the meaning of that term, as used in § 936.142 and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 22, 1956.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56–4131; Filed, May 24, 1956; 8:52 a. m.]

[Plum Order 4]

### PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.527 *Plum Order 4*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 1, 1956. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until May 18, 1956; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on May 18, 1956, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about June 5, 1956; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 1, 1956, and ending at 12:01 a. m., P. s. t., November 1, 1956, no shipper shall ship any package or container of Santa Rosa plums unless:

(i) Such plums grade at least U. S. No. 1;

(ii) The plums are of a size not smaller than a size that will pack a 4 x 5 standard pack; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(3) As used in this section, "U. S. No. 1" and "serious damage" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh) (§§ 51.1520 to 51.1530 of this title); "standard pack" shall have the applicable meanings of the terms "standard pack" and "equivalent size," and "diameter" shall have the meaning of that term, as used in § 936.142 and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 22, 1956.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56–4132; Filed, May 24, 1956; 8:52 a. m.]

[Plum Order 5]

### PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.528 *Plum Order 5*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 1, 1956. A reasonable determination as to the supply of, and the demand for,

such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until May 18, 1956; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on May 18, 1956, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about June 10, 1956, and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 1, 1956, and ending at 12:01 a. m., P. s. t., November 1, 1956, no shipper shall ship any package or container of Climax plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of five (5) percent for defects not considered serious damage in addition to the tolerances permitted for such grade;

(ii) The plums are of a size not smaller than a size that will pack a 4 x 5 standard pack; and

(iii) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(3) As used in this section, "U. S. No. 1" and "serious damage" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh) (§§ 51.1520 to 51.1530 of this title); "standard pack" shall have the applicable meanings of the terms "standard pack" and "equivalent size," and "diameter" shall have the meaning of that term, as used in § 936.142 and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 22, 1956.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-4133; Filed, May 24, 1956; 8:52 a. m.]

[Avocado Order 13]

## PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

### QUALITY REGULATION

§ 969.313 *Avocado Order 13*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969; 20 F. R. 4177) regulating the handling of avocados grown in south Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 1, 1956. Shipments of avocados, grown in south Florida, are currently prohibited until 12:01 a. m., e. s. t., June 1, 1956, under the maturity regulation (§ 969.312; 21 F. R. 3307) issued May 16, 1956; shipments of such avocados are expected to begin on or soon after June 1, 1956, and this section should be applicable to all such shipments in order to prevent the shipment of avocados of undesirable quality and appearance; a reasonable determination as to the quality, the supply of, and demand for, such avocados must await the development of the crop thereof, and adequate information thereon was not available to the Avocado Administrative Committee until May 17, 1956; recommendation as to the need for, and the extent of, regulation of the quality of shipments of such avocados on and after June 1, 1956, was made at a telephone meeting of said committee on May 17, 1956, after consideration of all available information as to the quality, the supply of, and demand for, such avocados, at which time the recommendations and supporting information for quality regulation in the manner and for the period herein set forth were submitted to the Department; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., June 1, 1956, and ending at 12:01 a. m., e. s. t., April 30, 1957, no handler shall handle any avocados, grown in south Florida, unless such avocados (i) grade at least No. 2 Grade, and (ii) meet the requirements of Standard Pack.

(c) As used in this section, "No. 2 Grade" and "Standard Pack" shall have the same meaning as in paragraphs (c) and (f), respectively, of § 969.130 of the supplementing rules and regulations, as amended (21 F. R. 2409).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c; 68 Stat. 906, 1047)

Dated: May 22, 1956.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-4134; Filed, May 24, 1956; 8:53 a. m.]

## PART 1010—MILK IN WILMINGTON, DELAWARE, MARKETING AREA

### ORDER REGULATING HANDLING


Sec.
1010.0 Findings and determinations.

DEFINITIONS

1010.1 Act.
1010.2 Secretary.
1010.3 Department of Agriculture.
1010.4 Person.
1010.5 Wilmington, Delaware, milk marketing area.
1010.6 Cooperative association.
1010.7 Fluid milk plant.
1010.8 Nonfluid milk plant.
1010.9 Handler.
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1010.11 Producer milk.
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1010.13 Producer-handler.

MARKET ADMINISTRATOR

1010.20 Designation.
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REPORTS, RECORDS AND FACILITIES

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1010.70 Net obligation of handlers.
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1010.80 Payments to producers.
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1010.90 Effective time.
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1010.100 Agents.
1010.101 Separability of provisions.


AUTHORITY: §§ 1010.0 to 1010.101 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c.

§ 1010.0 *Findings and determinations—(a) Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and a proposed order regulating the handling of milk in the Wilmington, Delaware, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler, as his pro rata share of such expense, five cents per hundredweight or such amount not exceeding five cents per hundredweight, as the Secretary may prescribe with respect to all: (a) Receipts of producer milk including such handler's own production, and (b) other source milk at a fluid milk plant which is classified as Class I milk.

(b) *Additional findings.* It is necessary in the public interest to make the order partially effective not later than June 1, 1956, and fully effective not later than June 16, 1956. Any delay beyond these dates will seriously threaten the orderly marketing of milk in the Wilmington, Delaware, marketing area. The provisions of this order are well known to handlers, the public hearing upon which this order is based having been conducted September 12–23, 1955, the recommended decision having been issued on January 17, 1956 (21 F. R. 486; F. R. Doc. 56–514) and the final decision having been issued on April 11, 1956 (21 F. R. 2478; F. R. Doc. 56–2941). Thus, handlers have known of these impending requirements for some time and should be prepared. Furthermore, producers continue to lose substantial income and marketing conditions continue to remain unstabilized each day the effective date of the order is delayed. In view of the foregoing, it is hereby found and determined that good cause exists for making this order partially effective June 1, 1956, and fully effective June 16, 1956, and that it would be contrary to the public interest to delay the effective date of this order for thirty days after its publication in the FEDERAL REGISTER. (See section 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping milk covered by this order) of more than 50 percent of the milk covered by the order, which is marketed within the Wilmington, Delaware, marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order is approved or favored by at least three-fourths of the producers who participated in a referendum thereon and who, during the determined representative period (January 1956), were engaged in the production of milk for sale in the said marketing area.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof the handling of milk in the Wilmington, Delaware, marketing area shall be in conformity to and in compliance with the following terms and conditions:

### DEFINITIONS

§ 1010.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 1010.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 1010.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency as may be authorized by Act of Congress, or by Executive order, to perform the price reporting functions of the United States Department of Agriculture.

§ 1010.4 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 1010.5 *Wilmington, Delaware, milk marketing area.* "Wilmington, Delaware, Marketing Area," hereinafter called "the marketing area," means all of that territory situated within and bounded on the north, east and west by the boundary line of the State of Delaware, and on the south by the Chesapeake and Delaware Canal, all of which area lies within New Castle County, Delaware.

§ 1010.6 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 1010.7 *Fluid milk plant.* "Fluid milk plant" means (a) any pasteurizing or bottling plant from which milk is disposed of during the month as Class I milk in the marketing area on routes (including routes operated by vendors) or through plant stores to retail or wholesale outlets (except other fluid milk plants); (b) any plant during the months of January through August, from which shipments of Grade A milk or skim milk classified as Class I milk, are made during the month to a plant qualified pursuant to paragraph (a) of this section, and (c) any plant during the months of September through December from which shipments of Grade A milk or skim milk, classified as Class I, are made on more than ten days during the month to a plant qualified pursuant to paragraph (a) of this section.

§ 1010.8 *Nonfluid milk plant.* "Nonfluid milk plant" means any milk manufacturing, processing or bottling plant other than a fluid milk plant.

§ 1010.9 *Handler.* "Handler" means any person in his capacity as the operator of one or more fluid milk plants.

§ 1010.10 *Producer.* "Producer" means any person, except a producer-handler, who produces milk which is received at a fluid milk plant: *Provided,* That if such milk is diverted for his account by a handler from a fluid milk plant to a nonfluid milk plant it shall be deemed to have been received by the diverting handler at a fluid milk plant at

the location of the plant from which it was diverted.

§ 1010.11 *Producer milk.* "Producer milk" means only that skim milk or butterfat contained in milk (a) received at a fluid milk plant directly from producers, or (b) diverted from a fluid milk plant to a nonfluid milk plant in accordance with the conditions set forth in § 1010.10.

§ 1010.12 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of fluid cream and of products designated as Class I milk pursuant to § 1010.41 (a) (1) except such products received from another fluid milk plant (other than that of a producer-handler), or as producer milk; and

(b) Products designated as Class II milk pursuant to § 1010.41 (b) (1) (other than fluid cream as provided in subparagraph (a) of this paragraph) from any source (including those from a plant's own production) which are reprocessed or converted to another product during the month.

§ 1010.13 *Producer-handler.* "Producer-handler" means any person who operates both a dairy farm and fluid milk plant from which Class I milk is disposed of in the marketing area, but who receives no milk from other dairy farmers.

MARKET ADMINISTRATOR

§ 1010.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1010.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 1010.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including but not limited to the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount, and with reasonable surety thereon, covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 1010.84, (1) the cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to his successor or to such other person as the Secretary may designate;

(f) Publicly disclose to handlers and producers, at his discretion, the name of any person who, within five days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 1010.30 and 1010.31, or (2) payments pursuant to §§ 1010.80 through 1010.84;

(g) Submit his books and records to examination by the Secretary, and furnish such information and reports as may be required by the Secretary;

(h) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information concerning the operation of this part;

(i) Verify all reports and payments by each handler by audit, if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends;

(j) On or before the date specified, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the following: (1) The 8th day of each month, the Class II price and the handler butterfat differential, both for the preceding month; (2) the 15th day of the month preceding the start of each calendar quarter, the Class I price for such calendar quarter; and (3) the 12th day after the end of each month, the uniform price for each handler, computed pursuant to § 1010.71 and the producer butterfat differential both for the preceding month; and

(k) Publicly announce each month such information regarding the names and plant locations of all plants applying other source milk to the market as does not reveal confidential information on the operations of individual handlers.

REPORTS, RECORDS AND FACILITIES

§ 1010.30 *Reports of receipts and utilization.* On or before the 8th day after the end of each month each handler, except a producer-handler, shall report for each of his fluid milk plants for such month to the market administrator in the detail and on forms prescribed by the market administrator;

(a) The quantities of skim milk and butterfat contained in receipts of producer milk (including such handler's own production);

(b) The quantites of skim milk and butterfat contained in receipts from other fluid milk plants in the form of fluid cream and products designated as Class I in § 1010.41 (a) (1);

(c) The quantities of skim milk and butterfat contained in receipts of other source milk;

(d) Inventories of fluid cream and products designated as Class I milk pursuant to § 1010.41 (a) (1) on hand at the beginning and end of the month; and

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section.

§ 1010.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may request.

(b) Each handler, except a producer-handler, shall report to the market administrator, in the detail and on forms prescribed by the market administrator, as follows:

(1) On or before the 20th day after the end of the month for each of his fluid milk plants his producer payroll for such month which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, (iii) the average butterfat content of such milk, and (iv) the net amount of such handler's payment, together with the price paid and the amount and nature of any deductions;

(2) On or before the first day other source milk is received in the form of milk or fluid skim milk, at his fluid milk plant(s), his intention to receive such product, and on or before the last day such product is received, his intention to discontinue receipt of such milk;

(3) Such other information with respect to the receipts and utilization of butterfat and skim milk as the market administrator may prescribe; and

(4) Promptly after milk is first received from any producer, (a) the name and address of such producer, (b) the date upon which such milk was first received, and (c) the plant at which such milk was received.

§ 1010.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data for each month with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and butterfat and other content of all milk, skim milk, cream, and other milk products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all milk, skim milk, cream, and milk products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions authorized by producers, and disbursement of money so deducted.

§ 1010.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided,* That if within such three-year



period the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation, or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1010.40 *Skim milk and butterfat to be classified.* All skim milk and butterfat received within the month at fluid milk plants and which is required to be reported pursuant to § 1010.30 shall be classified by the market administrator pursuant to the provisions of §§1010.41 through 1010.46.

§ 1010.41 *Classes of utilization.* Subject to the conditions set forth in §§ 1010.43 and 1010.44, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk (including that used to produce concentrated and reconstituted or fortified skim milk) and butterfat (1) disposed of in fluid form as milk, skim milk, buttermilk, cultured buttermilk, flavored milk, flavored milk drinks, concentrated milk, milk shake mix, and any other mixture of cream and milk or skim milk (other than ice cream, ice cream mixes, eggnog, and sterilzed products in hermetically sealed containers) containing less than 18 percent butterfat; and (2) not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used to produce any product other than those designated as Class I milk pursuant to paragraph (a) of this section; (2) disposed of for livestock feed; (3) contained in skim milk dumped, provided the market administrator is notified in advance and given opportunity to verify such dumping; (4) contained in inventory of fluid cream and of products designated as Class I milk pursuant to paragraph (a) of this section on hand at the end of the month; (5) in actual plant shrinkage not to exceed two percent of skim milk and butterfat, respectively, in producer milk; and (6) in shrinkage of other source milk.

§ 1010.42 *Shrinkage.* The market administrator shall allocate shrinkage at the fluid milk plant(s) of each handler as follows:

(a) Compute the shrinkage of skim milk and butterfat;

(b) Allocate the resulting amounts pro rata to the handler's receipts of skim milk and butterfat, respectively, in producer milk and in other source milk.

§ 1010.43 *Responsibility of handlers and reclassification of milk.* (a) All skim milk and butterfat shall be Class I milk unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

§ 1010.44 *Transfers.* Skim milk or butterfat disposed of each month from a fluid milk plant shall be classified:

(a) As Class I milk if transferred in the form of fluid cream or products designated as Class I milk in § 1010.41 (a) (1) to a fluid milk plant of another handler, except a producer-handler, unless utilization as Class II milk is claimed by both handlers in their reports submitted for the month to the market administrator pursuant to § 1010.30: *Provided,* That the skim milk or butterfat so assigned to Class II milk shall be limited to the amount thereof remaining in Class II milk in the plant of the transferee-handler after the subtraction of inventory pursuant to § 1010.46, and any additional amounts of such skim milk or butterfat shall be assigned to Class I milk: *And provided further,* That if either or both handlers have received other source milk, the skim milk or butterfat so transferred shall be classified at both plants so as to allocate the greatest possible Class I milk utilization to the producer milk of both handlers;

(b) As Class I milk if transferred to a producer-handler in the form of products designated as Class I milk in § 1010.41 (a) (1);

(c) As Class I milk if transferred or diverted in bulk form as milk or skim milk to a nonfluid plant unless:

(1) The handler claims Class II on the basis of utilization mutually indicated in writing to the market administrator by both buyer and seller on or before the 8th day after the end of the month within which such transaction occurred;

(2) The buyer maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available, if requested by the market administrator for the purpose of verification; and

(3) Not less than an equivalent amount of skim milk and butterfat was actually used as Class II milk in such buyer's plant.

§ 1010.45 *Computation of skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and other obvious errors the reports of each handler submitted pursuant to § 1010.30 and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk in the fluid milk plant(s) of such handler.

§ 1010.46 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 1010.45 the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk in producer milk classified pursuant to § 1010.41 (b) (5);

(2) Subtract from the pounds of skim milk in Class I milk the pounds of skim milk contained in milk and milk products specified in § 1010.41 (a) received in consumer packages from a regulated plant under another order issued by the Secretary at which plant only producer milk was allocated to Class I milk;

(3) Subtract from the remaining pounds of skim milk in Class II milk the pounds of skim milk in other source milk: *Provided,* That if the pounds of skim milk in other source milk are greater than the remaining pounds of skim milk in Class II milk, an amount equal to the excess shall be subtracted from the pounds of skim milk in Class I milk;

(4) Subtract from the remaining pounds of skim milk in Class II milk the pounds of skim milk contained in inventory of fluid cream and Class I products on hand at the beginning of the month: *Provided,* That if the pounds of skim milk in such inventory are greater than the remaining pounds of skim milk in Class II milk, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I milk;

(5) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk received from the fluid milk plants of other handlers in the form of fluid cream and products designated as Class I milk in § 1010.41 (a) (1) according to the classification thereof as determined pursuant to § 1010.44 (a);

(6) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(7) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be known as "overage".

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section; and

(c) Add the pounds of skim milk and the pounds of butterfat allocated to producer milk in each class, pursuant to paragraphs (a) and (b) of this section, and determine the weighted average butterfat content of each class.

MINIMUM PRICES

§ 1010.50 *Class prices.* Subject to the provisions of § 1010.51 and § 1010.52 each handler shall pay, at the time and in the manner set forth in § 1010.80 for each hundredweight of milk containing 4.0 percent of butterfat received at his fluid milk plant(s) during the month from producers or a cooperative association, not less than the following prices:

(a) *Class I milk.* For each month from the effective date of this order through August 1957 the price per hundredweight of Class I milk shall be the price computed pursuant to subparagraphs 1 through 6 of this paragraph:

(1) Compute an index of wholesale commodity prices by averaging the four latest weekly index figures of wholesale

commodity prices published by the Bureau of Labor Statistics, United States Department of Labor, and convert the result to a 1936–1940 base period by dividing by 0.5108.

(2) Compute an index of prices paid by Pennsylvania farmers per hundredweight for 20 percent protein mixed dairy feed, using a 1936–1940 base period, by dividing by 0.01776 the monthly price for such feed published by the Pennsylvania Federal-State Crop Reporting Service.

(3) Compute an index of prices received by Pennsylvania farmers for farm products except dairy, in a 1936–1940 base period, by dividing the monthly index published by the Pennsylvania Federal-State Crop Reporting Service on a 1910–1914 base by 1.0915, and adjust the result for seasonal variation by dividing by the applicable figure indicated below for each month:

| | |
|---|---|
| January, February, March | 0.96 |
| April, May, June | 1.00 |
| July, August, September | 1.04 |
| October, November, December | 1.00 |

(4) Compute an index of prices paid for milk by 13 Midwest condenseries, using a 1936–40 base period, by dividing by 0.013945 the monthly average price paid by 13 Midwest condenseries as reported by the United States Department of Agriculture, and adjust the result for seasonal variation by dividing by the applicable figure indicated below for each month:

| | | | |
|---|---|---|---|
| January | 1.02 | July | 0.97 |
| February | 1.02 | August | 1.00 |
| March | 1.01 | September | 1.00 |
| April | 0.99 | October | 1.00 |
| May | 0.98 | November | 1.02 |
| June | 0.96 | December | 1.03 |

(5) Compute an index of average daily pounds of Class I milk sold by all handlers under Order 61 regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area during the previous month, except that milk which is moved to plants outside of New Jersey and Delaware from which no routes are operated in the Philadelphia marketing area, using a 1936–40 base period, by dividing the monthly figure by 16.640, and adjust the result for seasonal variation by dividing by the applicable figure indicated below for each month:

| | | | |
|---|---|---|---|
| January | 0.98 | July | 0.99 |
| February | 0.99 | August | 0.99 |
| March | 1.00 | September | 1.04 |
| April | 0.99 | October | 1.05 |
| May | 0.98 | November | 1.02 |
| June | 0.98 | December | 0.99 |

(6) Divide the sum of the indexes calculated in subparagraphs (1) through (5) of this paragraph by 5. This figure shall be the formula index, and shall determine the Class I price for each calendar quarter in accordance with the following table. If such index value is not within a bracket, the price for the calendar quarter shall be determined by the adjacent index bracket which is the same as or nearest to the bracket equivalent to the price in the previous quarter.

CLASS I PRICE SCHEDULE—CLASS I PRICE PER HUNDREDWEIGHT

| Formula index | January, February, March, July, August, September | April, May, June | October, November, December |
|---|---|---|---|
| 116.3–120.3 | 3.29 | 2.89 | 3.69 |
| 124.1–128.1 | 3.49 | 3.09 | 3.89 |
| 131.9–135.9 | 3.69 | 3.29 | 4.09 |
| 139.6–143.6 | 3.89 | 3.49 | 4.29 |
| 147.4–151.4 | 4.09 | 3.69 | 4.49 |
| 155.2–159.2 | 4.29 | 3.89 | 4.69 |
| 163.0–167.0 | 4.49 | 4.09 | 4.89 |
| 170.8–174.8 | 4.69 | 4.29 | 5.09 |
| 178.5–182.5 | 4.89 | 4.49 | 5.29 |
| 186.3–190.3 | 5.09 | 4.69 | 5.49 |
| 194.1–198.1 | 5.29 | 4.89 | 5.69 |
| 201.9–205.9 | 5.49 | 5.09 | 5.89 |
| 209.7–213.7 | 5.69 | 5.29 | 6.09 |
| 217.5–221.5 | 5.89 | 5.49 | 6.29 |
| 225.2–229.2 | 6.09 | 5.69 | 6.49 |
| 233.0–237.0 | 6.29 | 5.89 | 6.69 |
| 240.8–244.8 | 6.49 | 6.09 | 6.89 |
| 248.6–252.6 | 6.69 | 6.29 | 7.09 |
| 256.4–260.4 | 6.89 | 6.49 | 7.29 |

If the formula index is more than 260.4, this table shall be extended at the same rate as in the three highest index brackets shown above.

(b) *Class II milk.* The price per hundredweight of Class II milk during each month shall be the sum of the plus values calculated by the market administrator pursuant to subparagraphs (1) and (2) of this paragraph.

(1) *Butterfat.* Add all market quotations (using the midpoint of any weekly range as one quotation) of prices per 40-quart can of fresh sweet cream of bottling quality of 40 percent butterfat content, not including prices for cream carrying special municipal approvals, reported at Philadelphia for each week ending within the month by the United States Department of Agriculture, divide by the number of quotations, subtract $2.00 and divide by 8.50: *Provided,* That such butterfat value shall not be less than 4.0 times 120 percent of the average of the daily wholesale selling prices for Grade A (92-score) butter at New York as reported by the United States Department of Agriculture for the month for which payment is to be made, less 19.0 cents.

(2) *Skim milk.* From the average of all the prices per pound for nonfat dry milk solids made by roller process, sold as "other brands" for human consumption in bags or barrels by carlots (using midpoint of any range as one quotation), published during such month in "Producer's Price Current," subtract 5 cents, multiply by 0.90 and multiply by 7.5.

§ 1010.51 *Butterfat differential to handlers.* For milk containing more or less than 4.0 percent butterfat, the class prices for the month calculated pursuant to § 1010.50 shall be increased or decreased, respectively, for each one-tenth percent variation in butterfat content at the appropriate rate determined as follows:

(a) *Class I milk.* Five cents per hundredweight: *Provided,* That in the case of milk containing less than 3.0 percent or more than 6.0 percent butterfat the Class II differential computed pursuant to paragraph (b) of this section shall apply.

(b) *Class II milk.* Divide by 40 the butterfat value computed pursuant to § 1010.50 (b) (1).

§ 1010.52 *Location differential to handlers.*—(a) *Class I milk.* For that milk received from producers at a fluid milk plant located 45 miles from the City Hall in Wilmington, Delaware, by shortest highway distance, as determined by the market administrator, and classified as Class I milk, the Class I price set forth in § 1010.50 (a) shall be reduced 20 cents per hundredweight plus one cent for each additional 10-mile distance, or fraction thereof, which such plant is located from the City Hall in Wilmington: *Provided,* That for purpose of calculating such location differential, products designated as Class I milk which are transferred between fluid milk plants shall first be assigned to any remainder of Class II milk in the transferee-plant after making the calculation prescribed in § 1010.46 (a) (1) and (2) and the comparable steps in (b) for such plant. The assignment of such shipment to the transferor plants shall be made in sequence starting with the plant located farthest from the City Hall in Wilmington.

(b) *Class II milk.* For that milk received from producers at a fluid milk plant located 70 miles from the City Hall in Wilmington, Delaware, by shortest highway distance, as determined by the market administrator, and classified as Class II milk, the Class II price set forth in § 1010.50 (b) shall be reduced 5 cents plus one cent for each additional 70-mile distance, or fraction thereof, which such plant is located from the City Hall in Wilmington.

§ 1010.53 *Equivalent prices or indexes.* If for any reason a price or index specified by this order for use in computing class prices or for other purposes is not reported or published in the manner described in this order, the market administrator shall use a price or index determined by the Secretary to be equivalent to or comparable with the factor which is specified.

APPLICATION OF PROVISIONS

§ 1010.60 *Producer-handlers.* Sections 1010.40 through 1010.46, 1010.50 through 1010.52, 1010.70 through 1010.71 and 1010.80 through 1010.85, shall not apply to a producer-handler.

§ 1010.61 *Plants subject to other Federal orders.* Any plant which meets the requirements for a fluid milk plant set forth in § 1010.7 (a), (b), or (c) and which is fully subject to the classification and pricing provisions of another order issued pursuant to the act shall be considered as a nonfluid milk plant except that the operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 1010.30), and allow verification of such reports by the market administrator.



DETERMINATION OF UNIFORM PRICES

§ 1010.70 *Net obligation of handlers.* The net obligation of each handler for producer milk received at his fluid milk plant(s) each month shall be a sum of money computed by the market administrator as follows: (a) Multiply the total hundredweight of such milk in each class by the applicable class price; (b) add together the resulting amounts; (c) add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 1010.46 (a) (6) and (b) by the applicable class price; (d) add or subtract, as the case may be, an amount necessary to correct errors discovered by the market administrator in the verification of reports of such handler of his receipts and utilization of skim milk and butterfat for previous months; (e) add the amount computed by multiplying the difference between the Class II price for the preceding month and the appropriate Class I price for the current month by the hundredweight of producer milk classified in Class II during the preceding month, or the hundredweight of milk subtracted from Class I pursuant to § 1010.46 (a) (4) and (b), whichever is less.

§ 1010.71 *Computation of uniform prices for handlers.* For each month the market administrator shall compute a uniform price for the producer milk received by each handler as follows:

(a) Add to the amount computed pursuant to § 1010.70 the total of the location differential deductions to be made pursuant to § 1010.82.

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk received by such handler is less or more, respectively, than 4.0 percent, an amount computed by multiplying such difference by the butterfat differential to producers, and multiplying the result by the total hundredweight of producer milk.

(c) Add the amount represented by any deductions made for eliminating fractions of a cent in computing the uniform price(s) for such handler for the preceding month.

(d) Divide the resulting amount by the total hundredweight of producer milk received by such handler. The result, less any fraction of a cent per hundredweight, shall be known as the uniform price for such handler for milk of 4.0 percent butterfat content, f. o. b. market.

PAYMENTS

§ 1010.80 *Payments to producers.* Each handler shall make payment to each producer for milk received from such producer as follows: *Provided,* That with respect to producers whose milk was caused to be delivered to such handler by a cooperative association which is authorized to collect payment for such milk, the handler shall, if requested in writing by the cooperative association, pay such association an amount equal to the sum of the individual payments otherwise payable to such producers in accordance with this section.

(a) On or before the last day of each month for milk received during the first 15 days of such month at not less than such handler's estimate of his uniform price per hundredweight but in no event less than the price per hundredweight for Class II milk for the preceding month: *Provided,* That for the first month after the effective date of this order such payment shall be at not less than the Class II price reported for the previous month under Order 61.

(b) On or before the 15th day after the end of each month for milk received during such month at not less than the uniform price per hundredweight, computed for such handler pursuant to § 1010.71, subject to the butterfat differential computed pursuant to § 1010.81 and the location differential computed pursuant to § 1010.82 less proper deductions authorized in writing by such producer and less payment made pursuant to paragraph (a) of this section.

§ 1010.81 *Butterfat differential to producers.* The applicable uniform prices to be paid each producer pursuant to § 1010.80 shall be increased or decreased for each one-tenth of one percent which the butterfat content of his milk is above or below 4.0 percent, respectively, at the rate determined by multiplying the pounds of butterfat in producer milk of such handler allocated to the several subclasses of Class I and Class II milk pursuant to § 1010.46 (b) by the respective butterfat differential for each subclass or class computed pursuant to § 1010.51, dividing the sum of such value by the total pounds of such butterfat and rounding the resultant figure to the nearest half cent.

§ 1010.82 *Location differential to producers.* In making payments to producers pursuant to § 1010.80, the applicable uniform prices to be paid for producer milk received at a fluid milk plant located at least 45 miles from the City Hall in Wilmington, Delaware, by shortest highway distance, as determined by the market administrator, shall be reduced 20 cents plus one cent for each additional 10 miles distance, or fraction thereof, which such plant is located from the City Hall in Wilmington.

§ 1010.83 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records, accounts, or verification of weights and butterfat tests of milk or milk products discloses errors, resulting in money due a producer or the market administrator from such handler, or due such handler from the market administrator, the market administrator shall notify such handler of any amount so due, and payment thereof shall be made on or before the next date for making payments, as set forth in the provisions under which such error occurred.

§ 1010.84 *Expense of administration.* As his pro rata share of the expense of administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of the month for such month five cents per hundredweight, or such amount not exceeding five cents per hundredweight as the Secretary may prescribe, with respect to all (a) receipts of producer milk including such handler's own production, and (b) other source milk at a fluid milk plant which is classified as Class I milk.

§ 1010.85 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator received the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or wilful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION, OR TERMINATION

§ 1010.90 *Effective time.* The provisions of this part or any amendment to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1010.91.

§ 1010.91 *Suspension or termination.* The Secretary may suspend or terminate this part or any provisions of this part whenever he finds this part or any provisions of this part obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate, in any event, whenever the provisions of the act authorizing it cease to be in effect.

§ 1010.92 *Continuing obligations.* If upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder, the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1010.93 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignment or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1010.100 *Agents.* The Secretary may by designation in writing, name any officer or employee of the United States to act as his Agent or Representative in connection with any of the provisions of this part.

§ 1010.101 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 22d day of May 1956, to be effective as follows: §§ 1010.1 through 1010.13; 1010.20 through 1010.22; 1010.30 through 1010.33; 1010.40 through 1010.46; 1010.60, 1010.61, 1010.84, 1010.85, 1010.90 through 1010.93, 1010.100 and 1010.101 shall be effective on and after the 1st day of June 1956 and the entire order (§§ 1010.1 through 1010.101) shall be effective on and after the 16th day of June 1956.

[SEAL] EARL L. BUTZ,
*Assistant Secretary.*

[F. R. Doc. 56-4136; Filed, May 24, 1956; 8:53 a. m.]

# TITLE 8—ALIENS AND NATIONALITY

## Chapter I—Immigration and Naturalization Service, Department of Justice

PART 8—REOPENING AND RECONSIDERATION

*Correction*

In F. R. Doc. 56-4026, appearing at page 3335 of the issue for Tuesday, May 22, 1956, "§ 3.11", in item 2 under Part 8, should read "§ 8.11".

# TITLE 14—CIVIL AVIATION

## Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 8]

PART 600—DESIGNATION OF CIVIL AIRWAYS

CIVIL AIRWAY ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

1. Section 600.263 is amended to read:

§ 600.263 *Red civil airway No. 63 (Bangor, Mich., to Jackson, Mich.).* From the intersection of the southwest course of the Grand Rapids, Mich., radio range and the west course of the Battle Creek, Mich., radio range via the Battle Creek, Mich., radio range station to the Jackson, Mich., nondirectional radio beacon.

2. Section 600.603 *Blue civil airway No. 3 (Miami, Fla., to Sault Ste. Marie, Mich.)* is amended between Miami, Fla., and Fort Myers, Fla., to read: "From the Miami, Fla., radio range station via the Tamiami, Fla., nondirectionl radio beacon; Fort Myers, Fla., nondirectional radio beacon;".

3. *Section 600.6011 VOR civil airway No. 11 (Memphis, Tenn., to Detroit, Mich.)* is amended by changing the words "Indianapolis omnirange 232° True radials;" to read: "Indianapolis omnirange 230° True radials;".

4. Section 600.6012 *VOR civil airway No. 12 (Santa Barbara, Calif., to Philadelphia, Pa.)* is amended by changing the portion which reads: "Wichita, Kans., omnirange station, including a north alternate from the Gage omirange station to the Wichita omnirange station via the intersection of the Gage omirange 044° True and the Wichita omnirange 245° True radials and also a south alternate from the Anthony omnirange station to the Wichita omnirange station via the intersection of the Anthony omnirange 078° True and the Wichita omnirange 194° True radials;" to read: "Wichita, Kans., omnirange station, including a north alternate from the Gage omnirange station to the Wichita omnirange station via the intersection of the Gage omnirange 044° True and the Wichita omnirange 245° True radials and also a south alternate from the Anthony omnirange station to the Wichita omnirange station via the intersection of the Anthony omnirange 060° True and the Wichita omnirange 190° True radials;".

5. Section 600.6014 *VOR civil airway No. 14 (Roswell, N. Mex., to Boston, Mass.)* is amended by changing the portion which reads: "Tulsa, Okla., omnirange station, including a north alternate and also a south alternate via the intersection of the Oklahoma City omnirange 100° True and the Tulsa omnirange 207° True radials;" to read: "Tulsa, Okla., omnirange station, including a north alternate via the intersection of the Oklahoma City omnirange 040° True and the Tulsa omnirange 257° True radials, and also a south alternate via the intersection of the Oklahoma City omnirange 107° True and the Tulsa omnirange 222° True radials;" and by changing the portion which reads: "Indianapolis, Ind., omnirange station, including a south alternate via the intersection of the Terre Haute omnirange 082° True and the Indianapolis omnirange 232° True radials;" to read: "Indianapolis, Ind., omnirange station, including a south alternate via the intersection of the Terre Haute omnirange 082° True and the Indianapolis omnirange 230° True radials;".

6. Section 600.6015 *VOR civil airway No. 15 (Galveston, Tex., to Minot, N. Dak.)* is amended by changing the portion which reads: "Ardmore, Okla., omnirange station, including a west alternate from the Dallas, Tex., omnirange station to the Ardmore, Okla., omnirange station via the intersection of the Dallas omnirange 324° True and the Ardmore omnirange 176° True radials to the Tulsa, Okla., omnirange station, including an east alternate." to read: "Ardmore, Okla., omnirange station, including a west alternate from the Dallas, Tex., omnirange station to the Ardmore, Okla., omnirange station via the intersection of the Dallas omnirange 324° True and the Ardmore omnirange 176° True radials; to the Tulsa, Okla., omnirange station, including an east alternate and also a west alternate via the point of intersection of the Oklahoma City, Okla., omnirange 107° True and the Tulsa omnirange 222° True radials."

7. Section 600.6016 *VOR civil airway No. 16 (Los Angeles, Calif., to Boston, Mass.)* is amended by changing the portion which reads: "Hassayampa, Ariz., omnirange station;" to read: "Hassayampa, Ariz., omnirange station, including a north alternate via the intersection of the Blythe omnirange 079° True and the Hassayampa omnirange 291° True radials;".

8. Section 600.6020 *Vor civil airway No. 20 (Laredo, Tex., to Richmond, Va.)*, is amended by changing the portion which reads: "That airspace over United States territory from Laredo, Tex., omnirange station via the Corpus Christi, Tex., omnirange station;" to read: "That airspace over United States territory from the Laredo, Tex., omnirange station via the Alice, Tex., omnirange station; Corpus Christi, Tex., omnirange station;".

9. Section 600.6038 is amended to read:

§ 600.6038 *VOR civil airway No. 38 (Chicago, Ill., to Elkins, W. Va.).* From the Peotone, Ill., omnirange station via the Fort Wayne, Ind., omnirange station; intersection of the Fort Wayne omnirange 099° True and the Findlay omnirange 276° True radials; Findlay, Ohio, omnirange station; Columbus, Ohio, omnirange station; Parkersburg, W. Va., omnirange station; to the Elkins, W. Va., omnirange station.

10. Section 600.6050 is amended to read:

§ 600.6050 *VOR civil airway No. 50 (Kirksville, Mo., to Indianapolis, Ind.).* From the Kirksville, Mo., omnirange station via the Quincy, Ill., omnirange station, including a south alternate via the intersection of the Kirksville omnirange 121° True and the Quincy omnirange 258° True radials; Springfield, Ill., omnirange station; Terre Haute, Ind., omnirange station; to the point of intersection of the Terre Haute omnirange 082° True radial and the Indianapolis, Ind., Wier Cook Airport ILS localizer 225° True course.

11. Section 600.6068 *VOR civil airway No. 68 (Albuquerque, N. Mex., to Brownsville, Tex.)* is amended by changing all after the San Angelo, Tex., omnirange to read: "San Angelo, Tex., omnirange station, including a south alternate; Junction, Tex., omnirange station, including a south alternate via the intersection of the San Angelo omnirange 181° True and the Junction omnirange 310° True radials; San Antonio, Tex., omnirange station; intersection of the San Antonio omnirange 169° True and the Corpus Christi omnirange 321° True radials; Corpus Christi, Tex., omnirange station; intersection of the Corpus Christi omnirange 236° True and the Alice, Tex., omnirange 171° True radials; intersection of the Alice omnirange 171° True and the Brownsville omnirange 339° True radials; to the Brownsville, Tex., omnirange station. The portions of this airway which conflict with the Corpus Christi Restricted Area (R-227) are excluded."

12. Section 600.6069 is amended to read:

§ 600.6069 *VOR civil airway No. 69 (Pine Bluff, Ark., to Chicago, Ill.).* From the Pine Bluff, Ark., omnirange station via the point of intersection of the Little Rock, Ark., omnirange 062° True and the Memphis, Tenn., omnirange 276° True radials; Walnut Ridge, Ark., omnirange station; Farmington, Mo., omnirange station; intersection of the Farmington omnirange 351° True and the Troy omnirange 215° True radials; Troy, Ill., omnirange station; Springfield, Ill., omnirange station; Pontiac, Ill., omnirange station; Joliet, Ill., omnirange station; to the Chicago, Ill., Midway Airport terminal omnirange station.

13. Section 600.6077 *VOR civil airway No. 77 (San Angelo, Tex., to Des Moines, Iowa)* is amended by changing all after the Ponca City, Okla., omnirange station to read: "Ponca City, Okla., omnirange station; intersection of the Ponca City omnirange 327° True and the Wichita omnirange 226° True radials; Wichita, Kans., omnirange station; Topeka, Kans., omnirange station; St. Joseph, Mo., omnirange station; Lamoni, Iowa, omnirange station; to the Des Moines, Iowa, omnirange station."

14. Section 600.6099 is added to read:

§ 600.6099 *VOR civil airway No. 99 (Newport, Oreg., to Vancouver, British Columbia).* That airspace over United States territory from the Newport, Oreg., omnirange station via the intersection of the Newport omnirange 023° True and the Newberg omnirange 251° True radials; Newberg, Oreg., omnirange station; intersection of the Newberg omnirange 359° True and the Olympia omnirange 184° True radials; Olympia, Wash., omnirange station; point of intersection of the Seattle, Wash., omnirange 359° True and the Bellingham omnirange 169° True radials; Bellingham, Wash., omnirange station; to the Vancouver, British Columbia, radio range station, excluding the portion which overlaps the Ft. Lewis restricted area.

15. Section 600.6123 *VOR civil airway No. 123 (Newport, Oreg., to Newberg, Oreg.)* is revoked.

16. Section 600.6137 is amended to read:

§ 600.6137 *VOR civil airway No. 137 (Thermal, Calif., to Salinas, Calif.)* From the Thermal, Calif., omnirange station via the Palmdale, Calif., omnirange station; point of intersection of the Bakersfield, Calif., omnirange 210° True and the Coalinga omnirange 153° True radials; Coalinga, Calif., omnirange station; to the Salinas, Calif., omnirange station.

17. Section 600.6144 *VOR civil airway No. 144 (Chicago, Ill., to Washington, D. C.)* is amended by changing the portion which reads: "Fort Wayne, Ind., omnirange station; Findlay, Ohio, omnirange station;" to read: "Fort Wayne, Ind., omnirange station; intersection of the Fort Wayne omnirange 099° True and the Findlay omnirange 276° True radials; Findlay, Ohio, omnirange station;".

18. Section 600.6163 is amended to read:

§ 600.6163 *VOR civil airway No. 163 (Waco, Tex., to Oklahoma City, Okla.).* From the Waco, Tex., omnirange station via the Mineral Wells, Tex., omnirange station; Ardmore, Okla., omnirange station; intersection of the Ardmore omnirange 350° True and the Oklahoma City omnirange 137° True radials; to the Oklahoma City, Okla., omnirange station, including an east alternate from the Ardmore omnirange station to the Oklahoma City omnirange station via the point of intersection of the Oklahoma City omnirange 107° True and the Tulsa, Okla., omnirange 222° True radials and also a west alternate from the Ardmore omnirange station to the Oklahoma City omnirange station via the intersection of the Ardmore omnirange 332° True and the Oklahoma City omnirange 175° True radials.

19. Section 600.6165 is amended to read:

§ 600.6165 *VOR civil airway No. 165 (Long Beach, Calif., to Coalinga, Calif.).* From the Long Beach, Calif., omnirange station via the intersection of the Long Beach omnirange 346° True and the Palmdale omnirange 200° True radials; Palmdale, Calif., omnirange station; point of intersection of the Palmdale omnirange direct radial to the point of intersection of the Bakersfield, Calif., omnirange 210° True and the Coalinga, Calif., omnirange 153° True radials with the Bakersfield omnirange 149° True radials; Bakersfield, Calif., omnirange station; to the Coalinga, Calif., omnirange station.

20. Section 600.6233 is amended to read:

§ 600.6233 *VOR civil airway No. 233 (Springfield, Ill., to Moline, Ill.)* From the Springfield, Ill., omnirange via the Peoria, Ill., omnirange station; Bradford, Ill., omnirange station; to the Moline, Ill., omnirange station.

21. Section 600.6238 is amended to read:

§ 600.6238 *VOR civil airway No. 238 (Philadelphia, Pa., to Atlantic City, N. J.).* From the point of intersection of the West Chester, Pa., omnirange 120° True radial and the Philadelphia, Pa., International Airport ILS localizer 256° True course via the Woodstown, N. J., omnirange station; to the point of intersection of the Woodstown omnirange 106° True and Coyle, N. J., omnirange 203° True radials.

(Sec. 205, 52 Stat. 984, amended; 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001, e. s. t., June 28, 1956.

[SEAL] JAMES T. PYLE,
*Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 56-4098; Filed, May 24, 1956; 8:45 a. m.]

[Amdt. 8]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the

Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.263 is amended to read:

§ 601.263 *Red civil airway No. 63 control areas (Bangor, Mich., to Jackson, Mich.).* All of Red civil airway No. 63.

2. Section 601.1091 *Control area extension (Detroit, Mich.)* is amended by changing the words which read: "on the north by Red civil airway No. 63," to read: "on the north by VOR civil airway No. 84."

3. Section 601.1117 *Control area extension (Grosse Ile, Mich.)* is amended by changing the words which read: "bounded on the northwest by VOR civil airway No. 96," to read: "bounded on the west by VOR civil airway No. 197."

4. Section 601.1265 *Control area extension (Golva, N. Dak.)* is revoked.

5. Section 601.1266 *Control area extension (Litchfield, Mich.)* is amended by changing the words which read: "on the northeast by VOR civil airway No. 45," to read: "on the northeast by VOR civil airway No. 47."

6. Section 601.1334 is amended to read:

§ 601.1334 *Control area extension (Del Rio, Tex.).* That airspace over United States territory within a 25-mile radius of Laughlin Air Force Base, Del Rio, Tex.

7. Section 601.1360 is amended to read:

§ 601.1360 *Control area extension (Abilene, Tex.).* That airspace within a 35-mile radius of the Abilene omnirange station.

8. Section 601.1361 *Control area extension (Cotulla, Tex.)* is amended by adding the following portion to present control area extension: "and within 5 miles either side of the 40° True radial of the Cotulla omnirange extending from the omnirange station to the perimeter of the San Antonio control area extension."

9. Section 601.1984 *Five-mile radius zones* is amended by deleting the following airport:

Altus, Okla.: Altus Air Force Base.

10. Section 601.2030 is amended to read:

§ 601.2030 *Galveston, Tex., control zone.* Within a 5-mile radius of Galveston Airport and within 2 miles either side of the northwest and southeast courses of the Galveston radio range extending from the 5-mile radius zone to a point 3 miles northwest of the radio range station.

11. Section 601.2380 is added to read:

§ 601.2380 *Altus, Okla., control zone.* Within a 5-mile radius of Altus Air Force Base and within 2 miles either side of lines bearing 180° and 360° True extending from the Air Force Base to points 10 miles north and south.

12. Section 601.4227 is amended to read:

§ 601.4227 *Red civil airway No. 27 (Atlanta, Ga., to Detroit, Mich.).* Corbin, Ky., VHF VAR radio range station.

13. Section 601.4263 is amended to read:

§ 601.4263 *Red civil airway No. 63 (Bangor, Mich., to Jackson, Mich.).* No reporting point designation.

14. Section 601.6050 is amended to read:

§ 601.6050 *VOR civil airway No. 50 control areas (Kirksville, Mo., to Indianapolis, Ind.).* All of VOR civil airway No. 50, including a south alternate.

15. Section 601.6069 is amended to read:

§ 601.6069 *VOR civil airway No. 69 control areas (Pine Bluff, Ark., to Chicago, Ill.).* All of VOR civil allway No. 69.

16. Section 601.6077 is amended to read:

§ 601.607 *VOR civil airway No. 77 control areas (San Angelo, Tex., to Des Moines, Iowa).* All of VOR civil airway No. 77 including east alternates, but excluding the airspace between the main airway and its east alternate between the San Angelo, Tex., omnirange station and the Abilene, Tex., omnirange station.

17. Section 601.6099 is added to read:

§ 601.6099 *Vor civil airway No. 99 control areas (Newport, Oreg., to Vancouver, B. C.).* All of VOR civil airway No. 99.

18. Section 601.6123 *VOR civil airway No. 123 control areas (Newport, Oreg., to Newberg, Oreg.)* is revoked.

19. Section 601.6137 is amended to read:

§ 601.6137 *VOR civil airway No. 137 control areas (Thermal, Calif., to Salinas, Calif.).* All of VOR civil airway No. 137.

20. Section 601.6163 is amended to read:

§ 601.6163 *VOR civil airway No. 163 control areas (Waco, Tex., to Oklahoma City, Okla.).* All of VOR civil airway No. 163 including an east alternate and a west alternate.

21. Section 601.6165 is amended to read:

§ 601.6165 *VOR civil airway No. 165 control areas (Long Beach, Calif., to Coalinga, Calif.).* All of VOR civil airway No. 165.

22. Section 601.6233 is amended to read:

§ 601.6233 *VOR civil airway No. 233 control areas (Springfield, Ill., to Moline, Ill.).* All of VOR civil airway No. 233.

23. Section 601.7001 *VOR Domestic reporting points* is amended by adding the following reporting points:

Greenville Intersection: The intersection of the Tallahassee, Fla., omnirange 091° True; the Valdosta, Ga., omnirange 236° True radials, and the Cross City, Fla., omnirange 333° True radials.

Jackson Intersection: The intersection of the Litchfield, Mich., omnirange 050° True and the Salem, Mich., omnirange 257° True radials.

Gill Intersection: The intersection of the Carleton, Mich., omnirange 100° True and the Cleveland, Ohio, omnirange 024° True radials.

Leslie Intersection: The intersection of the Lansing, Mich., omnirange 148° True and the Salem, Mich., omnirange 272° True radials.

and by changing the following reporting points to read:

Radnor Intersection: The intersection of the Lafayette, Ind., omnirange 089° True and the Indianapolis, Ind., omnirange 341° True radials.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1107, as amended; 49 U. S. C. 551)

This amendment shall become effective 0001, e. s. t., June 28, 1956:

[SEAL] JAMES T. PYLE,
*Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 56-4099; Filed, May 24, 1956; 8:45 a. m.]

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[Amdt. 164]

## PART 608—RESTRICTED AREAS

### ALTERATIONS

The restricted area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure, and effective date, provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.12, a Gila Bend, Arizona, area No. 2 (R-501), is added to read:

| Name and location (chart) | Description by geographical coordinates | Designated altitudes | Time of designation | Controlling agency |
|---|---|---|---|---|
| Gila Bend, Ariz., No. 2 (R-501) (Phoenix). | Beginning at latitude 32°50'25", longitude 112°49'00"; thence to latitude 32°50'52", longitude 112°42'53"; thence to latitude 32°49'00", longitude 112°39'00"; thence to latitude 32°29'00", longitude 112°43'00"; thence to latitude 32°29'00", longitude 112°53'30"; thence to point of beginning. | Unlimited | Unlimited | Luke Air Force Base, Ariz. |

2. In § 608.30, a Sturgeon Bay, Michigan, area (R-502) is added to read:

| Name and location (chart) | Description by geographical coordinates | Designated altitudes | Time of designation | Controlling agency |
|---|---|---|---|---|
| Sturgeon Bay, Mich. (R-502) (Green Bay). | From latitude 44°48'00", longitude 87°16'00"; thence to latitude 45°23'00", longitude 86°47'00"; thence to latitude 45°18'00", longitude 86°28'00"; thence to latitude 45°10'00", longitude 86°17'00"; thence to latitude 44°39'00", longitude 86°42'00"; thence to latitude 44°28'00", longitude 86°47'00"; thence to latitude 44°34'00", longitude 87°23'00", to point of beginning. | Surface to 45,000 feet mean sea level. | Sunrise to sunset, 7 days a week. | Commander, 37th Air Division, Truax Field, Madison, Wis. |

3. In § 608.30, the Lower Lake Huron, Michigan, area (R-60 formerly D-60), published on July 16, 1949, in 14 F. R. 4287, is redesignated as follows:

| Name and location (chart) | Description by geographical coordinates | Designated altitudes | Time of designation | Controlling agency |
|---|---|---|---|---|
| Lower Lake Huron, Mich. (R-60) (Detroit). | From latitude 43°33'00", longitude 82°34'30"; thence to latitude 44°00'00", longitude 82°40'00"; thence to latitude 44°00'00", longitude 82°12'00"; thence to latitude 43°34'30", longitude 82°07'30"; thence to point of beginning. | Surface to 45,000 feet mean sea level. | Sunrise to sunset, 7 days a week. | Commander, 4708th Air Defense Wing, Selfridge Air Force Base, Mich. |

4. In § 608.30, the Lower Lake Huron, Michigan, area (R-59 formerly D-59), published on July 16, 1949, in 14 F. R. 4287, is rescinded.

5. In § 608.39, the Melrose, New Mexico, area (R-185), amended on May 11, 1955, in 20 F. R. 3187, is further amended by changing the "Description by Geographical Coordinates" column to read: "Beginning at latitude 34°28'00", longitude 103°43'15"; thence to latitude 34°25'25", longitude 103°40'00"; thence to latitude 34°10'00", longitude 103°40'00"; thence to latitude 34°10'00", longitude 103°55'00"; thence to latitude 34°28'00", longitude 103°55'00"; thence to point of beginning.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on June 14, 1956.

[SEAL] JAMES T. PYLE,
*Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 56-4100; Filed, May 24, 1956; 8:45 a. m.]

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[Amdt. 165]

## PART 608—RESTRICTED AREAS

### ALTERATION

The restricted area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Panel and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.58, a Guernsey, Wyoming, Temporary Area is added to read:

| Name and location (chart) | Description by geographical coordinates | Designated altitudes | Time of designation | Controlling agency |
|---|---|---|---|---|
| Guernsey, Wyo. (Casper). | Beginning at latitude 42°28'00", longitude 104°54'00"; thence to latitude 42°28'00", longitude 104°50'00"; thence to latitude 42°20'00", longitude 104°44'00"; thence to latitude 42°18'00", longitude 104°44'00"; thence to latitude 42°18'00", longitude 104°50'30"; thence to latitude 42°22'00", longitude 104°53'30"; thence to point of beginning. | Surface to 16,000 feet mean sea level. | Daily 0700-2200 hours (m. s. t.), June 12 through June 22, 1956. | Adjutant General, Wyoming National Guard, Cheyenne, Wyo. |

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on June 12, 1956.

[SEAL] JAMES T. PYLE,
*Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 56-4101; Filed, May 24, 1956; 8:45 a. m.]

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# TITLE 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PART 146b—CERTIFICATION OF STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) AND STREPTOMYCIN- (OR DIHYDROSTREPTOMYCIN-) CONTAINING DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

### MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended by 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), the regulations for certification of antibiotic and antibiotic-containing drugs (21 CFR 1955 Edition, Parts 146, 146a, 146b, 146c, 146e; 21 F. R. 609, 2788) are amended as indicated below.

1. Section 146.26 *Animal feed containing penicillin* * * * is amended in the following respects:

a. Paragraph (b) (3) (iii) is deleted.

b. Paragraph (b) is amended by changing subparagraphs (15), (16), and (17) to read as follows:

(15) It is intended for use solely as an aid in the prevention or treatment or to lessen the morbidity in poultry in outbreaks of fowl typhoid, pullorum, the paratyphoids, infectious arthritis due to a filterable agent, histomoniasis (blackhead), and hexamitiasis; its labeling bears adequate directions and warnings for such use; and it contains the following quantities of furazolidone, by weight of feed, for the conditions indicated:

(i) For the prevention of fowl typhoid, pullorum, and the paratyphoids in birds older than 2 weeks: 0.0055 percent.

(ii) For the prevention of the diseases listed in subdivision (i) of this subparagraph in birds younger than 2 weeks, and for the treatment of these same conditions in birds regardless of age: 0.011 percent.

(iii) For the prevention of histomoniasis (blackhead) and infectious arthritis due to a filterable agent, and for the prevention and treatment of hexamitiasis: 0.011 percent.

(iv) For the treatment of histomoniasis (blackhead), and to lessen the morbidity in outbreaks of infectious arthritis due to a filterable agent: 0.022 percent.

(16) (i) It is intended for use solely in the prevention of chronic respiratory disease (air-sac infection); its labeling bears adequate directions and warnings for such use; and it contains not less than 50 grams of chlortetracycline or oxytetracycline or a combination of these two drugs per ton of feed. When intended for such use, it may also contain the equivalent of not less than 50 grams of bacitracin per ton of feed.

(ii) It is also intended for the prevention or treatment of the diseases of poultry specified in subparagraph (15) of this paragraph; it contains one of the ingredients in the amount and under the conditions set forth in subdivision (i) of this subparagraph; and it contains furazolidone in the amount specified in subparagraph (15) of this paragraph.

(17) (i) It is intended for use solely as an aid in the treatment of chronic respiratory disease (air-sac infection), infectious sinusitis, blue comb (nonspecific infectious enteritis, mud fever) in poultry; its labeling bears adequate directions and warnings for such use; and it contains not less than 100 grams of chlortetracycline or oxytetracycline or a combination of these two drugs per ton of feed. When intended for such use, it may also contain the equivalent of not less than 100 grams of bacitracin per ton of feed.

(ii) It is also intended for the prevention or treatment of the diseases of poultry specified in subparagraph (15) of this paragraph; it contains one of the ingredients in the amount and under the conditions set forth in subdivision (i) of this subparagraph; and it contains furazolidone in the amount specified in subparagraph (15) of this paragraph.

2. In § 146a.111 *Procaine penicillin-neomycin-polymyxin ointment* * * *, paragraph (b) (2) is amended by changing the parenthetical phrase "(for potency and toxicity)" to read "(for potency, toxicity, moisture, and pH)" and by changing the parenthetical phrase "(for potency, toxicity, moisture, and pH)" to read "(for potency and toxicity)."

3. In § 146b.101 *Streptomycin sulfate.* * * *, paragraph (c) (1) (iii) is amended by changing the colon after the word "certified" to a comma and adding the following new clause: "except that the blank may be filled in with the date that is 60 months after the month during which the batch was certified if the person who requests certification has submitted to the Commissioner results of tests and assays showing that after having been stored for such period of time such drug as prepared by him complies with the standards prescribed by paragraph (a) of this section:".

4. In § 146b.124 *Streptomycin-polymyxin-neomycin ointment* * * *, paragraph (c) (v) is amended by changing the words "12 months" to read "18 months".

5. In § 146c.206 *Chlortetracycline ophthalmic* * * *, paragraph (a) *Standards of identity* * * * is amended by changing the words "2 days" to read "7 days" and by changing "pH 8.2, ±0.2" to read "pH 7.9, ±0.2".

6. In § 146c.219 *Crude chlortetracycline oral veterinary*, paragraph (a) *Standards of identity* * * * is amended by changing the words "10 grams" to read "2 grams".

7. In § 146e.403 *Bacitracin tablets* * * *, paragraph (c) (1) (iii) is amended by changing the words "24 months" to read "24 months or 36 months".

Notice and public procedure are not necessary to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry, since it relaxes existing requirements, and since it would be against public interest to delay providing for the amendments set forth above.

I further find that animal feeds containing antibiotic drugs need not comply with the requirements of sections 502 (l) and 507 of the Federal Food, Drug, and Cosmetic Act in order to insure their safety and efficacy, provided they are used in the amounts and for the purposes specified in these amendments.

*Effective date.* This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply, sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: May 18, 1956.

[SEAL] JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F. R. Doc. 56-4109; Filed, May 24, 1956; 8:47 a. m.]

# TITLE 22—FOREIGN RELATIONS

## Chapter I—Department of State

[Dept. Reg. 108.288]

## PART 75—UNITED STATES MUNITIONS LIST: ENUMERATION OF ARMS, AMMUNITION, AND IMPLEMENTS OF WAR, INCLUDING TECHNICAL DATA RELATING THERETO; AND REGULATIONS GOVERNING SAME

### MISCELLANEOUS AMENDMENTS

The regulations of the Secretary of State, issued August 26, 1955, are amended as follows:

1. Section 75.28 is amended to read as follows:

§ 75.28 *Maintenance of records by persons required to register as manufacturers, importers or exporters of United States Munitions List articles.* (a) Persons required to register shall maintain, subject to the inspection of the Secretary of State or any person designated by him, records for a period of six years on the importation and exportation of articles enumerated in the United States Munitions List. The Secretary may prescribe a longer or shorter period in individual cases, as he deems necessary. Records of imports shall contain information on the consignor and the country of origin. Records of exports shall contain information as to the source of supply, consignee, purchaser, and the initial and ultimate destination of the shipments. Retention records for both import and export shipments shall, in addition, include statistics on quantities shipped and the estimated values thereof.

(b) Special agents of the Department of State and United States Customs agents are hereby designated as the representatives of the Secretary of State for the purpose of this section.

2. Section 75.49 is amended to read as follows:

§ 75.49 *Licenses filed with collectors of customs.* (a) Export or import licenses shall be filed prior to exportation or importation with the collector of customs at the port through which the shipment authorized is being made. Shippers' export declarations (United States Department of Commerce Form 7525–V) must also be filed with and authenticated by the collector before the commodities are exported or imported. (See also § 75.51.).

(b) Photostatic copies of licenses shall not be made unless this is specifically authorized on the face of the license or otherwise authorized by the Department of State.

3. Section 75.51 is amended to read as follows:

§ 75.51 *Shipment by mail.* Export licenses for articles which are being transported by mail shall be filed with the postmaster at the post office where the article is mailed. Import licenses shall be filed with the collector of customs at the porty of entry. (See also § 75.49.)

4. Paragraph (a) of § 75.52 is amended to read:

(a) The provisions of this part shall be considered as binding in addition to and not in lieu of those established under the provisions of the National Firearms Act, approved by the President June 26, 1934, as amended, now known as ch. 53, Internal Revenue Code of 1954 (26 U. S. C. 5801–5862); under the provisions of the Federal Firearms Act, approved by the President June 30, 1938 (52 Stat. 1250; 15 U. S. C. sections 901–909), as amended March 10, 1947 (61 Stat. 11), August 6, 1939 (53 Stat. 1222), and February 7, 1950 (64 Stat. 3); and under the provisions of the Federal Explosives Act, approved by the President October 6, 1917 (40 Stat. 385; 50 U. S. C. ch. 8), as amended December 26, 1941 (55 Stat. 863; 50 U. S. C. ch. 8).

5. Section 75.53 is amended to read as follows:

§ 75.53 *Foreign trade zones.* For the purpose of this part, the foreign trade zones of the United States are considered as an integral part of the United States. Accordingly, persons who intend to ship articles into foreign trade zones of the United States (established pursuant to 19 U. S. C. 81c, supp. 5) shall submit an application for import license described in § 75.40 and obtain a license prior to the entry of such articles. Persons who intend to ship such articles from foreign trade zones to foreign destinations shall submit an application for export license, as described in § 75.40, and obtain a license prior to shipment. The provisions of § 75.43 with respect to intransit licenses are applicable to intransit shipments through a foreign trade zone.



6. Section 75.70 is amended to read as follows:

§ 75.70 *Shipment by or to the United States Government.* The exportation or importation of arms, ammunition, and implements of war by the United States Government is not subject to the provisions of section 414 of the Mutual Security Act. A license to import and export such articles is not required, therefore, when the United States Government or an agency thereof is the consignor or consignee unless a private individual or firm is involved in the shipping procedures.

7. Section 75.72 is amended by the addition of paragraph (d) as follows:

(d) The provisions of paragraph (a) of this section do not apply to shipments of arms, ammunition, and implements of war which were imported into Canada from a third country within one year.

8. Section 75.73 *Cathode ray tubes being shipped with radar,* is renumbered as § 75.84.

9. The new § 75.73 reads as follows:

§ 75.73 *Certain helium gas exports for medical purposes.* Collectors of customs are authorized to permit shipments of miniature cylinders containing helium gas in fractional cubic foot quantities mixed with other gases without requiring the presentation of an individual export or import license provided:

(a) The ultimate destination is not a country named in § 75.83;

(b) The company has arranged with the Department of State to furnish it with periodic reports of such shipments;

(c) The shipment to any consignee does not exceed ten cubic feet of "contained helium", as defined in § 75.4;

(d) The gas is being exported for medical use.

10. Paragraph (d) of § 75.74 is amended to read as follows:

(d) When an affidavit is required, it must be submitted in the following form:

AFFIDAVIT OF TEMPORARY SOJOURN

COUNTY OF }
STATE OF } ss.

The undersigned, being duly sworn, says that he is the (owner) (operator) of an aircraft identified as a _____; bearing markings _____; that it is departing from the United States on a temporary sojourn abroad not to exceed six (6) months; that he is the holder of CAA letter of registration for this aircraft dated _____; that the aircraft's ultimate destination outside the United States is _____; that it will reenter the United States through the port of _____ on or about _____; that he will not dispose of the aircraft, its parts, components, or accessories in any foreign country nor permit its use in military activities; that it will be operated by a United States licensed pilot (except in demonstration flights) while abroad; that he will not change its United States registration while abroad; that if the aircraft or any of its parts is to be sold or disposed of in a foreign country, it will be immediately returned to the United States and an export license obtained; that he will not transport in such aircraft arms, ammunition, or implements of war enumerated in the United States Munitions List unless authorized by the Secretary of State; and that the purpose of the temporary sojourn abroad is as follows:

_____

This statement is given to United States Customs authority at _____ or the Secretary of State pursuant to regulations of the Secretary of State, Title 22, Code of Federal Regulations, Section 75.74, in support of claim for exemption from the Department of State requirements relating to licenses to export aircraft enumerated in the United States Munitions List.

Signed _____
(Owner-operator)

Address _____
_____

Subscribed and sworn to before me at _____ this _____ day of _____, 19 ____.

_____
(Signature and title of officer)

11. Section 75.76 is amended by the addition of paragraph (c) as follows:

(c) Under the provisions of this section, collectors of customs also may permit aircraft of a country contiguous to the United States to transit the United States for a temporary sojourn in another country contiguous to the United States not to exceed six (6) months' duration.

12. Section 75.77 is amended to read as follows:

§ 75.77 *Articles returned to the United States for repair or overhaul and re-export.* Collectors of customs are authorized to permit arms, ammunition, and implements of war which have been legally exported from the United States and which are returned to the United States worn or damaged for repair and re-export to the country of origin to enter the United States without requiring the presentation of an import license (subject to the provisions of § 75.83). An individual export license, however, is required before such articles may be re-exported.

13. Section 75.78 is amended to read as follows:

§ 75.78 *Antique arms and implements of war.* Collectors of customs are authorized on presentation of satisfactory evidence to permit antique arms and implements of war, components, parts, accessories and attachments therefor, designated in the United States Munitions List, which are more than one hundred years old to enter the United States or to depart therefrom without requiring the presentation of a license (subject to the provisions of § 75.83).

14. Section 75.79 is amended to read as follows:

§ 75.79 *Arms carried on person or in baggage.* Collectors of customs are authorized to permit rifles, carbines, revolvers, or pistols, and ammunition therefor, to enter the United States or depart therefrom without requiring the presentation of a license (subject to the provisions of § 75.83) when these articles enter or leave the United States on the person of an individual or in his baggage, and are intended exclusively for the personal use of that individual for sporting or scientific purposes or for personal protection. No more than three arms and no more than five hundred cartridges shall in any case be carried from or into the United States by an individual under the provisions of this section.

15. Section 75.80 is amended to read as follows:

§ 75.80 *Ammunition for personal use of consignee.* Licenses will not be required for the exportation or importation of ammunition for rifles, carbines, revolvers, or pistols, provided the quantity does not exceed five hundred rounds in any shipment and the ammunition is for the personal use of the consignee and not for resale (subject to the provisions of § 75.83). A license is required, however, for the exportation of such ammunition to Bahrein, Kuwait, Qatar, the Trucial States, and Muscat-and-Oman.

16. Paragraphs (b) and (c) of § 75.82 are amended to read as follows:

(b) Collectors of customs are authorized to permit rifles, carbines, revolvers, pistols, and parts of such weapons to leave the United States without a license, provided they are consigned to servicemen's clubs overseas or to individual members of the Armed Forces of the United States, accompanied by a written authorization from the commanding officer and the parcel is plainly marked as to content.

(c) Collectors of customs are authorized to permit parts, components, and accessories of rifles, carbines, pistols, and revolvers to enter or leave the United States without a license when the shipment does not exceed $25 in value, is consigned to individual members of the Armed Forces of the United States, is for the consignee's own use and not for resale, and the parcel is plainly marked as to content.

17. Section 75.81 is renumbered § 75.83 and is amended to read as follows:

§ 75.83 *Shipments to or from certain countries.* The exemptions provided by §§ 75.73, 75.74, 75.76, 75.77, 75.78, 75.79, and 75.80 do not apply to shipments destined for or originating in the Soviet Union, Soviet bloc countries, Communist China, North Korea, and that part of Viet-Nam which lies north of the 17th parallel and any of the territories of free Viet-Nam or Laos which are under de facto control of the Communists, or any other area that may come under Communist control.

18. Section 75.84 is amended to read as follows:

§ 75.84 *Cathode ray tubes being shipped with radar.* Applications for license to ship radar equipment may include cathode ray tubes installed in or intended for use in such equipment, provided the tubes are being shipped with such equipment. (If shipped separately, information concerning licensing requirements for cathode ray tubes should be obtained from the Bureau of Foreign Commerce, Department of Commerce.)

19. Section 75.110 is amended to read as follows:

§ 75.110 *Exportation of technical data.* (a) A license issued by the Secretary of State is required in all cases for the export of unclassified technical data to any of the destinations referred to in § 75.140 (f). (See also § 75.2.)

(b) A license is also required for the export of such data to all other destinations except when otherwise exempted by §§ 75.111 to 75.160 or when it is in published form and is (1) sold at newsstands or bookstores; (2) available by subscription or purchase to any individual without restriction; (3) granted second class mailing privilege by the United States Government; or (4) freely available at public libraries.

(c) When classified technical data is involved, except for releases of classified military information made directly to a foreign government by the Department of Defense or one of its agencies, special clearance from the Department of State is required in each case. Full details should be submitted to the Department by letter, accompanied by any additional documents that might assist in the consideration of the proposal. All documents should be submitted in quadruplicate. If the subject matter is disclosed in a patent application subject to a secrecy order issued by the Patent Office under 35 U. S. C. 181, the letter to the Department should state this fact and identify the patent application.

20. Section 75.111 is amended to read as follows:

§ 75.111 *Shipment by the United States Government.* The exportation by the United States Government of technical data relating to arms, ammunition, and implements of war is not subject to the provisions of section 414 of the Mutual Security Act. A license to export documents and information of this kind, therefore, is not required when the United States Government or an agency thereof is the consignor unless a private individual or firm is involved in the shipping or mailing procedures.

21. Section 75.114 is amended to read as follows:

§ 75.114 *Exportation of technical data with patent applications.* The exportation of technical data relating to arms, ammunition, and implements of war with any patent application for foreign patents is subject to the jurisdiction of the Secretary of State. A Department of State export license is required for the exportation of unclassified technical data included as part of or with an application for a foreign patent unless the exporter has a currently valid United States Patent Office license for foreign filing. The Patent Office may issue such a license prior to the expiration of six months following the filing of an application for patent in the United States. If the subject matter is covered by a secrecy order, the provisions of § 75.110 (c) are applicable.

22. Paragraph (f) of § 75.140 is amended to read as follows:

(f) Under any of the above exemptions, the exporter must also certify that the technical data is not intended for the Soviet Union, Soviet bloc countries, Communist China, North Korea, and that part of Viet-Nam which lies north of the 17th parallel and any of the territories of free Viet-Nam or Laos which are under de facto control of the Communists, or any other area that may come under Communist control.

23. Section 75.180 is amended to read as follows:

§ 75.180 *Violations in general.* It shall be unlawful for any person to export or attempt to export from the United States any of those articles designated by the United States Munitions List or regulations as arms, ammunition, and implements of war or to import or attempt to import such articles into the United States without first having obtained a license therefor unless an exemption from this requirement is authorized by this part.

(Sec. 414, 68 Stat. 848; 22 U. S. C. 1934. Sec. 103, E. O. 10575, 19 F. R. 7251, 3 CFR, 1954 Supp.)

Dated: May 15, 1956.

For the Secretary of State.

SCOTT MCLEOD,
*Administrator,*
*Bureau of Security*
*and Consular Affairs.*

[F. R. Doc. 56-4107; Filed, May 24, 1956; 8:47 a. m.]

## TITLE 24—HOUSING AND HOUSING CREDIT

### Chapter II—Federal Housing Administration, Housing and Home Finance Agency

**Subchapter C—Mutual Mortgage Insurance and Servicemen's Mortgage Insurance**

PART 221—MUTUAL MORTGAGE INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE- TO FOUR-FAMILY DWELLINGS

ELIGIBILITY OF MISCELLANEOUS TYPE MORTGAGES

In § 221.42 (b) the introductory text is amended to read as follows:

§ 221.42 *Eligibility of miscellaneous type mortgages.* * * *

(b) A mortgage may be in an amount not exceeding 90 percent (88 percent in the case of a mortgage insured pursuant to an application received by the Commissioner on or after July 30, 1955, except in the case of a loan insured pursuant to the provisions of subparagraph (4) of this paragraph or paragraph (f) of this section) of the appraised value of the mortgaged property as of the date the mortgage is accepted for insurance if:

* * * * *

(Sec. 211, 52 Stat. 23; 12 U. S. C. 1715b)

Issued at Washington, D. C., May 18, 1956.

NORMAN P. MASON,
*Federal Housing Commissioner.*

[F. R. Doc. 56-4108; Filed, May 24, 1956; 8:47 a. m.]

## TITLE 26—INTERNAL REVENUE, 1954

### Chapter I—Internal Revenue Service, Department of the Treasury

**Subchapter A—Income Tax**

[T. D. 6175]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

PARTNERS AND PARTNERSHIPS

On August 12, 1955, notice of proposed rulemaking regarding the regulations under subchapter K of chapter 1 of the Internal Revenue Code of 1954 (Public Law 591, 83d Congress) approved August 16, 1954, was published in the FEDERAL REGISTER (20 F. R. 5854). After consideration of such relevant suggestions as were presented by interested persons regarding the proposals, the following regulations are hereby adopted:

Sec.
1.701 Statutory provisions; partners, not partnership, subject to tax.
1.701-1 Partners, not partnership, subject to tax.
1.702 Statutory provisions; income and credits of partner.
1.702-1 Income and credits of partner.
1.702-2 Net operating loss deduction of partner.
1.703 Statutory provisions; partnership computations.
1.703-1 Partnership computations.
1.704 Statutory provisions; partner's distributive share.
1.704-1 Partner's distributive share.
1.705 Statutory provisions; determination of basis of partner's interest.
1.705-1 Determination of basis of partner's interest.
1.706 Statutory provisions; taxable years of partner and partnership.
1.706-1 Taxable years of partner and partnership.
1.707 Statutory provisions; transactions between partner and partnership.
1.707-1 Transactions between partner and partnership.
1.708 Statutory provisions; continuation of partnership.
1.708-1 Continuation of partnership.
1.721 Statutory provisions; nonrecognition of gain or loss on contribution.
1.721-1 Nonrecognition of gain or loss on contribution.
1.722 Statutory provisions; basis of contributing partner's interest.
1.722-1 Basis of contributing partner's interest.
1.723 Statutory provisions; basis of property contributed to partnership.
1.723-1 Basis of property contributed to partnership.
1.731 Statutory provisions; extent of recognition of gain or loss on distribution.
1.731-1 Extent of recognition of gain or loss on distribution.
1.732 Statutory provisions; basis of distributed property other than money.
1.732-1 Basis of distributed property other than money.
1.732-2 Special partnership basis of distributed property.
1.733 Statutory provisions; basis of distributee partner's interest.
1.733-1 Basis of distributee partner's interest.
1.734 Statutory provisions; optional adjustment to basis of undistributed partnership property.
1.734-1 Optional adjustment to basis of undistributed partnership property.



Sec.
1.734-2 Adjustment after distribution to transferee partner.
1.735 Statutory provisions; character of gain or loss on disposition of distributed property.
1.735-1 Character of gain or loss on disposition of distributed property.
1.736 Statutory provisions; payments to a retiring partner or a deceased partner's successor in interest.
1.736-1 Payments to a retiring partner or a deceased partner's successor in interest.
1.741 Statutory provisions; recognition and character of gain or loss on sale or exchange.
1.741-1 Recognition and character of gain or loss on sale or exchange.
1.742 Statutory provisions; basis of transferee partner's interest.
1.742-1 Basis of transferee partner's interest.
1.743 Statutory provisions; optional adjustment to basis of partnership property.
1.743-1 Optional adjustment to basis of partnership property.
1.751 Statutory provisions; unrealized receivables and inventory items.
1.751-1 Unrealized receivables and inventory items.
1.752 Statutory provisions; treatment of certain liabilities.
1.752-1 Treatment of certain liabilities.
1.753 Statutory provisions; partner receiving income in respect of decedent.
1.753-1 Partner receiving income in respect of decedent.
1.754 Statutory provisions; manner of electing optional adjustment to basis of partnership property.
1.754-1 Time and manner of making election to adjust basis of partnership property.
1.755 Statutory provisions; rules for allocation of basis.
1.755-1 Rules for allocation of basis.
1.761 Statutory provisions; terms defined.
1.761-1 Terms defined.
1.771 Statutory provisions; effective date.
1.771-1 Effective date.

AUTHORITY: §§ 1.701 to 1.771-1 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805. Interpret or apply secs. 701-708, 721-723, 731-736, 741-743, 751-755, 761, 771, 68A Stat. 239-254; 26 U. S. C. 701-708, 721-723, 731-736, 741-743, 751-755, 761, 771.

PARTNERS AND PARTNERSHIPS

DETERMINATION OF TAX LIABILITY

§ 1.701 *Statutory provisions; partners, not partnership, subject to tax.*

SEC. 701. *Partners, not partnership, subject to tax.* A partnership as such shall not be subject to the income tax imposed by this chapter. Persons carrying on business as partners shall be liable for income tax only in their separate or individual capacities.

§ 1.701-1 *Partners, not partnership, subject to tax.* Partners are liable for income tax only in their separate capacities. Partnerships as such are not subject to the income tax imposed by subtitle A but are required to make returns of income under the provisions of section 6031 and the regulations thereunder. For definition of the terms "partner" and "partnership", see sections 761 and 7701 (a) (2), and the regulations thereunder. For provisions relating to the election of certain partnerships to be taxed as domestic corporations, see section 1361 and the regulations thereunder.



§ 1.702 *Statutory provisions; income and credits of partner.*

SEC. 702. *Income and credits of partner—*

(a) *General rule.* In determining his income tax, each partner shall take into account separately his distributive share of the partnership's—

(1) Gains and losses from sales or exchanges of capital assets held for not more than 6 months,

(2) Gains and losses from sales or exchanges of capital assets held for more than 6 months,

(3) Gains and losses from sales or exchanges of property described in section 1231 (relating to certain property used in a trade or business and involuntary conversions),

(4) Charitable contributions (as defined in section 170 (c)),

(5) Dividends with respect to which there is provided a credit under section 34, an exclusion under section 116, or a deduction under part VIII of subchapter B,

(6) Taxes, described in section 901, paid or accrued to foreign countries and to possessions of the United States,

(7) Partially tax-exempt interest on obligations of the United States or on obligations of instrumentalities of the United States as described in section 35 or section 242 (but, if the partnership elects to amortize the premiums on bonds as provided in section 171, the amount received on such obligations shall be reduced by the reduction provided under section 171 (a) (3)),

(8) Other items of income, gain, loss, deduction, or credit, to the extent provided by regulations prescribed by the Secretary or his delegate, and

(9) Taxable income or loss, exclusive of items requiring separate computation under other paragraphs of this subsection.

(b) *Character of items constituting distributive share.* The character of any item of income, gain, loss, deduction, or credit included in a partner's distributive share under paragraphs (1) through (8) of subsection (a) shall be determined as if such item were realized directly from the source from which realized by the partnership, or incurred in the same manner as incurred by the partnership.

(c) *Gross income of a partner.* In any case where it is necessary to determine the gross income of a partner for purposes of this title, such amount shall include his distributive share of the gross income of the partnership.

§ 1.702-1 *Income and credits of partner—*(a) *General rule.* Each partner is required to take into account separately in his return his distributive share, whether or not distributed, of each class or item of partnership income, gain, loss, deduction, or credit described in subparagraphs (1) through (9) of this paragraph. (For the taxable year in which a partner includes his distributive share of partnership taxable income, see section 706 (a) and § 1.706-1 (a). Such distributive share shall be determined as provided in section 704 and § 1.704-1). Accordingly, in determining his income tax:

(1) Each partner shall take into account, as part of his gains and losses from sales or exchanges of capital assets held for not more than six months, his distributive share of the combined net amount of such gains and losses of the partnership.

(2) Each partner shall take into account, as part of his gains and losses from sales or exchanges of capital assets held for more than six months, his distributive share of the combined net amount of such gains and losses of the partnership.

(3) Each partner shall take into account, as part of his gains and losses from sales or exchanges of property described in section 1231 (relating to property used in the trade or business and involuntary conversions), his distributive share of the combined net amount of such gains and losses of the partnership . The partnership shall not combine such items with items set forth in subparagraph (1) or (2) of this paragraph.

(4) Each partner shall take into account, as part of the charitable contributions paid by him, his distributive share of each class of charitable contributions paid by the partnership within the partnership's taxable year. Section 170 determines the extent to which such amount may be allowed as a deduction to the partner. For the definition of the term "charitable contribution", see section 170 (c).

(5) Each partner shall take into account, as part of the dividends received by him from domestic corporations, his distributive share of dividends received by the partnership, with respect to which the partner is entitled to a credit under section 34, an exclusion under section 116, or a deduction under part VIII of subchapter B.

(6) Each partner shall take into account, as part of his taxes described in section 901 which have been paid or accrued to foreign countries or to possessions of the United States, his distributive share of such taxes which have been paid or accrued by the partnership, according to its method of treating such taxes. A partner may elect to treat his total amount of such taxes, including his distributive share of such taxes of the partnership, as a deduction under section 164 or as a credit under section 901, subject to the provisions of sections 901 through 905.

(7) Each partner shall take into account, as part of the partially tax-exempt interest received by him on obligations of the United States or on obligations of instrumentalities of the United States, as described in section 35 or section 242, his distributive share of such partially tax-exempt interest received by the partnership. However, if the partnership elects to amortize premiums on bonds as provided in section 171, the amount received on such obligations by the partnership shall be reduced by the amortizable bond premium applicable to such obligations as provided in section 171 (a) (3).

(8) (i) Each partner shall take into account separately, as part of any class of income, gain, loss, deduction, or credit, his distributive share of the following items: recoveries of bad debts, prior taxes, and delinquency amounts (section 111); gains and losses from wagering transactions (section 165 (d)); soil and water conservation expenditures (section 175); nonbusiness expenses as described in section 212; medical, dental, etc., expenses (section 213); expenses for care of certain dependents (section 214); alimony, etc., payments (section 215); amounts representing taxes and

interest paid to cooperative housing corporations (section 216); intangible drilling and developments costs (section 263 (c)); exploration expenditures (section 615); income, gain, or loss to the partnership under section 751 (b); and any items of income, gain, loss, deduction, or credit subject to a special allocation under the partnership agreement which differs from the allocation of partnership taxable income or loss generally.

(ii) Each partner must also take into account separately his distributive share of any partnreship item which if separately taken into account by any partner would result in an income tax liability for that partner different from that which would result if that partner did not take the item into account separately. Thus, if any partner would qualify for the retirement income credit under section 37 if the partnership pensions and annuities, interest, rents, dividends, and earned income were separately stated, such items must be separately stated for all partners. Under section 911 (a), if any partner is a bona fide resident of a foreign country who may exclude from his gross income the part of his distributive share which qualifies as earned income as defined in section 911 (b), the earned income of the partnership for all partners must be separately stated. Similarly, all relevant items of income or deduction of the partnership must be separately stated for all partners in determining the applicability of section 270 (relating to "hobby losses") and the recomputation of tax thereunder for any partner.

(iii) Each partner shall aggregate the amount of his separate deductions or exclusions and his distributive share of partnership deductions or exclusions separately stated in determining the amount allowable to him of any deduction or exclusion under subtitle A as to which a limitation is imposed. For example, partner A has individual exploration expenditures of $75,000. He is also a member of the AB partnership which has exploration expenditures of $120,000. A's distributive share of this item is $60,000. However, the total amount that A can deduct as exploration expenditures under section 615 (a) is limited to $100,000. Therefore, the excess of $35,000 ($135,000 minus $100,000) is not deductible by A.

(9) Each partner shall also take into account separately his distributive share of the taxable income or loss of the partnership, exclusive of items requiring separate computations under subparagraphs (1) through (8) of this paragraph. For limitation on allowance of a partner's distributive share of partnership losses, see section 704 (d) and § 1.704–1 (d).

(b) *Character of items constituting distributive share.* The character in the hands of a partner of any item of income, gain, loss, deduction, or credit described in section 702 (a) (1) through (8) shall be determined as if such item were realized directly from the source from which realized by the partnership or incurred in the same manner as incurred by the partnership. For example, a partner's distributive share of gain from the sale of depreciable property used in the trade or business of the partnership shall be considered as gain from the sale of such depreciable property in the hands of the partner. Similarly, a partner's distributive share of partnership "hobby losses" (section 270) or his distributive share of partnership charitable contributions to churches, educational organizations, or hospitals (section 170 (b) (1) (A)) retains such character in the hands of the partner.

(c) *Gross income of a partner.* (1) Where it is necessary to determine the amount or character of the gross income of a partner, his gross income shall include the partner's distributive share of the gross income of the partnership, that is, the amount of gross income of the partnership from which was derived the partner's distributive share of partnership taxable income or loss (including items described in section 702 (a) (1) through (8)). For example, a partner is required to include his distributive share of partnership gross income:

(i) In computing his gross income for the purpose of determining the necessity of filing a return (section 6012 (a));

(ii) In determining the application of the provision permitting the spreading of income for services rendered over a 36-month period (section 1301);

(iii) In computing the amount of gross income received from sources within possessions of the United States (section 931); and

(iv) In determining a partner's "gross income from farming" (sections 175 and 6073).

(2) In determining the applicability of the 6-year period of limitation on assessment and collection provided in section 6501 (e) (relating to omisssion of more than 25 percent of gross income), a partner's gross income includes his distributive share of partnership gross income (as described in section 6501 (e) (1) (A) (i)). In this respect, the amount of partnership gross income from which was derived the partner's distributive share of any item of partnership income, gain, loss, deduction, or credit (as included or disclosed in the partner's return) is considered as an amount of gross income stated in the partner's return for the purposes of section 6501 (e). For example, A, who is entitled to one-fourth of the profits of the ABCD partnership, which has $10,000 gross income and $2,000 taxable income, reports only $300 as his distributive share of partnership profits. A should have shown $500 as his distributive share of profits, which amount was derived from $2,500 of partnership gross income. However, since A included only $300 on his return without explaining in the return the difference of $200, he is regarded as having stated in his return only $1,500 ($300/$500 of $2,500) as gross income from the partnership.

(d) *Partners in community property States.* If separate returns are made by a husband and wife domiciled in a community property State, and only one spouse is a member of the partnership, the part of his or her distributive share of any item or items listed in paragraph (a) (1) through (9) of this section which is community property, or which is derived from community property, should be reported by the husband and wife in equal proportions.

§ 1.702–2 *Net operating loss deduction of partner.* For the purpose of determining a net operating loss deduction under section 172, a partner shall take into account his distributive share of items of income, gain, loss, deduction, or credit of the partnership. The character of any such item shall be determined as if such item were realized directly from the source from which realized by the partnership, or incurred in the same manner as incurred by the partnership. See section 702 (b) and § 1.702–1 (b). To the extent necessary to determine the allowance under section 172 (d) (4) of the nonbusiness deductions of a partner (arising from both partnership and nonpartnership sources), the partner shall separately take into account his distributive share of the deductions of the partnership which are not attributable to a trade or business and combine such amount with his nonbusiness deductions from nonpartnership sources. Such partner shall also separately take into account his distributive share of the gross income of the partnership not derived from a trade or business and combine such amount with his nonbusiness income from nonpartnership sources. See section 172 and the regulations thereunder.

§ 1.703 *Statutory provisions; partnership computations.*

SEC. 703. *Partnership computations*—(a) *Income and deductions.* The taxable income of a partnership shall be computed in the same manner as in the case of an individual except that—

(1) The items described in section 702 (a) shall be separately stated, and

(2) The following deductions shall not be allowed to the partnership:

(A) The standard deduction provided in section 141,

(B) The deductions for personal exemptions provided in section 151,

(C) The deduction for taxes provided in section 164 (a) with respect to taxes, described in section 901, paid or accrued to foreign countries and to possessions of the United States,

(D) The deduction for charitable contributions provided in section 170,

(E) The net operating loss deduction provided in section 172, and

(F) The additional itemized deductions for individuals provided in part VII of subchapter B (sec. 211 and following).

(b) *Elections of the partnership.* Any election affecting the computation of taxable income derived from a partnership shall be made by the partnership, except that the election under section 901, relating to taxes of foreign countries and possessions of the United States, shall be made by each partner separately.

§ 1.703–1 *Partnership computations*—(a) *Income and deductions.* (1) The taxable income of a partnership shall be computed in the same manner as the taxable income of an individual, except as otherwise provided in this section. A partnership is required to state separately in its return the items described in section 702 (a) (1) through (7) and, in addition, to attach to its return a statement setting forth separately those items described in section 702 (a) (8) which the partner is required to take into account separately in determining his income tax. See § 1.702–1 (a) (8). The partnership is further required to compute and to state separately in its return:

(i) As taxable income under section 702 (a) (9), the total of all other items of gross income (not separately stated) over the total of all other allowable deductions (not separately stated), or

(ii) As loss under section 702 (a) (9), the total of all other allowable deductions (not separately stated) over the total of all other items of gross income (not separately stated).

The taxable income or loss so computed shall be accounted for by the partners in accordance with their partnership agreement.

(2) The partnership is not allowed the following deductions:

(i) The standard deduction provided in section 141.

(ii) The deduction for personal exemptions provided in section 151.

(iii) The deduction provided in section 164 (a) for taxes, described in section 901, paid or accrued to foreign countries or possessions of the United States. Each partner's distributive share of such taxes shall be accounted for separately by him as provided in section 702 (a) (6).

(iv) The deduction for charitable contributions provided in section 170. Each partner is considered as having paid within his taxable year his distributive share of any contribution or gift, payment of which was actually made by the partnership within its taxable year ending within or with the partner's taxable year. This item shall be accounted for separately by the partners as provided in section 702 (a) (4). See also § 1.702–1 (b).

(v) The net operating loss deduction provided in section 172. See § 1.702–2.

(vi) The additional itemized deductions for individuals provided in part VII of subchapter B, as follows: expenses for production of income (section 212), medical, dental, etc., expenses (section 213); expenses for care of certain dependents (section 214); alimony, etc., payments (section 215); and amounts representing taxes and interest paid to cooperative housing corporation (section 216). However, see § 1.702–1 (a) (8) (iv).

(vii) The deduction for capital gains provided by section 1202 and the deduction for capital loss carryover provided by section 1212.

(b) *Elections of the partnership*—(1) *General rule.* Any elections (other than the election with respect to foreign taxes) affecting the computation of income derived from a partnership shall be made by the partnership. For example, elections of methods of accounting, of computing depreciation, of treating soil and water conservation expenditures, of treating exploration expenditures, and the option to deduct as expenses intangible drilling and development costs, shall be made by the partnership and not by the partners separately. All partnership elections are applicable to all partners equally, but any election made by a partnership shall not apply to any partner's nonpartnership interests.



(2) *Exception.* Each partner shall add his distributive share of taxes described in section 901 paid or accrued by the partnership to foreign countries or possessions of the United States (according to its method of treating such taxes) to any such taxes paid or accrued by him (according to his method of treating such taxes), and may elect to use the total amount either as a credit against tax or as a deduction from income.

§ 1.704 *Statutory provisions; partner's distributive share.*

SEC. 704. *Partner's distributive share*—(a) *Effect of partnership agreement.* A partner's distributive share of income, gain, loss, deduction, or credit shall, except as otherwise provided in this section, be determined by the partnership agreement.

(b) *Distributive share determined by income or loss ratio.* A partner's distributive share of any item of income, gain, loss, deduction, or credit shall be determined in accordance with his distributive share of taxable income or loss of the partnership, as described in section 702 (a) (9), for the taxable year, if—

(1) The partnership agreement does not provide as to the partner's distributive share of such item, or

(2) The principal purpose of any provision in the partnership agreement with respect to the partner's distributive share of such item is the avoidance or evasion of any tax imposed by this subtitle.

(c) *Contributed property*—(1) *General rule.* In determining a partner's distributive share of items deseribed in section 702 (a), depreciation, depletion, or gain or loss with respect to property contributed to the partnership by a partner shall, except to the extent otherwise provided in paragraph (2) or (3), be allocated among the partners in the same manner as if such property had been purchased by the partnership.

(2) *Effect of partnership agreement.* If the partnership agreement so provides, depreciation, depletion, or gain or loss with respect to property contributed to the partnership by a partner shall, under regulations prescribed by the Secretary or his delegate, be shared among the partners so as to take account of the variation between the basis of the property to the partnership and its fair market value at the time of contribution.

(3) *Undivided interests.* If the partnership agreement does not provide otherwise, depreciation, depletion, or gain or loss with respect to undivided interests in property contributed to a partnership shall be determined as though such undivided interests had not been contributed to the partnership. This paragraph shall apply only if all the partners had undivided interests in such property prior to contribution and their interests in the capital and profits of the partnership correspond with such undivided interests.

(d) *Limitation on allowance of losses.* A partner's distributive share of partnership loss (including capital loss) shall be allowed only to the extent of the adjusted basis of such partner's interest in the partnership at the end of the partnership year in which such loss occurred. Any excess of such loss over such basis shall be allowed as a deduction at the end of the partnership year in which such excesa is repaid to the partnership.

(e) *Family partnerships*—(1) *Recognition of interest created by purchase or gift.* A person shall be recognized as a partner for purposes of this subtitle if he owns a capital interest in a partnership in which capital is a material income-producing factor, whether or not such interest was derived by purchase or gift from any other person.

(2) *Distributive share of donee includible in gross income.* In the case of any partnership interest created by gift, the distributive share of the donee under the partnership agreement shall be includible in his gross income, except to the extent that such share is determined without allowance of reasonable compensation for services rendered to the partnership by the donor, and except to the extent that the portion of such share attributable to donated capital is proportionately greater than the share of the donor attributable to the donor's capital. The distributive share of a partner in the earnings of the partnership shall not be diminished because of absence due to military service.

(3) *Purchase of interest by member of family.* For purposes of this section, an interest purchased by one member of a family from another shall be considered to be created by gift from the seller, and the fair market value of the purchased interest shall be considered to be donated capital. The "family" of any individual shall include only his spouse, ancestors, and lineal descendants, and any trusts for the primary benefit of such persons.

§ 1.704–1 *Partner's distributive share*—(a) *Effect of partnership agreement.* A partner's distributive share of any item or class of items of income, gain, loss, deduction, or credit of the partnership shall be determined by the partnership agreement, unless otherwise provided by section 704 and paragraphs (b) through (e) of this section. For definition of partnership agreement see section 761 (c).

(b) *Distributive share determined by income or loss ratio.* (1) If the partnership agreement makes no specific provision for the manner of sharing one or more items or classes of items, a partner's distributive share of such items shall be determined in accordance with the provisions of the partnership agreement for the division of the general profits or losses (that is, the taxable income or loss of the partnership as described in section 702 (a) (9)). In applying this rule, the manner in which the net profit or loss (computed after excluding any item subject to a recognized special allocation) is actually credited on the partnership books to the accounts of the partners will generally determine each partner's share of taxable income or loss as described in section 702 (a) (9).

(2) If the principal purpose of any provision in the partnership agreement determining a partner's distributive share of a particular item is to avoid or evade the Federal income tax, the provision shall be disregarded and the partners' distributive shares of that item shall be determined in accordance with the ratio in which the partners divide the general profits or losses of the partnership (as described in section 702 (a) (9)). In determining whether the principal purpose of any provision in the partnership agreement for a special allocation is the avoidance or evasion of Federal income tax, the provision must be considered in relation to all the surrounding facts and circumstances. Among the relevant circumstances are the following: Whether the partnership or a partner individually has a business purpose for the allocation; whether the allocation has "substantial economic effect", that is, whether the allocation may actually affect the dollar amount of the

partners' shares of the total partnership income or loss independently of tax consequences; whether related items of income, gain, loss, deduction, or credit from the same source are subject to the same allocation; whether the allocation was made without recognition of normal business factors and only after the amount of the specially allocated item could reasonably be estimated; the duration of the allocation; and the overall tax consequences of the allocation. The application of the provisions of this subparagraph may be illustrated by the following examples:

*Example (1).* The provisions of a partnership agreement for a year in which the partnership incurs losses on the sale of depreciable property used in the trade or business are amended to allocate such losses to one partner who has no such gains individually. An equivalent amount of partnership loss or deduction of a different character is allocated to other partners who individually have gains from the sale of depreciable property used in the trade or business. Since the purpose and effect of this allocation is solely to reduce the taxes of certain partners without actually affecting their shares of partnership income, such allocation will not be recognized. Under section 704 (b) (2), those items will be allocated to all the partners in accordance with the provisions of the partnership agreement for sharing partnership income or loss generally.

*Example (2).* The provisions of a partnership agreement allocate to a partner who is a resident of a foreign country a percentage of the profit derived from operations conducted by him within such country, which percentage is greater than his distributive share of partnership income generally. Such allocation has substantial economic effect and will be recognized in the absence of other circumstances showing that the principal purpose was tax avoidance or evasion.

*Example (3).* Rather than impair the credit standing of the AB partnership by a distribution, the partners agree to invest surplus partnership funds in an equal dollar amount of municipal bonds and corporate stock. The partners further agree that A is to receive all the interest income and gain or loss from tax-exempt bonds and B is to receive all the dividend income and gain or loss from corporate stock. Such allocation has substantial economic effect and will be recognized in the absence of other circumstances showing that the principal purpose was tax avoidance or evasion. On the other hand, under an agreement with respect to partnership CD, it is provided that C's distributive share of income shall be the first $10,000 of tax-exempt income, and D's distributive share of income shall be the first $10,000 of dividend income, the balances to be divided equally. Since the principal purpose of this provision is to allocate tax-exempt interest to C, who is in a higher income tax bracket than D, it will be disregarded. Each partner's distributive share of such interest and dividends will then be allocated in accordance with the provisions of the partnership agreement for sharing partnership income or loss generally.

*Example (4).* KL is a brokerage partnership with assets consisting of securities with a basis of $20,000 and a value of $50,000. M makes a $25,000 cash contribution to the partnership in order to become an equal partner. Subsequently, when the value of the securities has appreciated to $74,000, they are sold. Of the $54,000 taxable gain on the sale of the securities, $24,000 (appreciation in value occurring after M became a partner) is allocated in equal shares to K, L, and M, in accordance with the ratio for sharing profits and losses generally. The $30,000 balance is allocated to K and L in the profit and loss ratio existing before M became a partner. This latter allocation attributes to K and L the appreciation in value of the securities occurring before M became a partner, even though the cash proceeds are a partnership asset in which all three partners share equally. This allocation has substantial economic effect and will be recognized in the absence of other circumstances showing that the principal purpose of the allocation was tax avoidance or evasion.

*Example (5).* G and H enter into a partnership agreement to develop and market an electronic device. H, an electronics engineer, contributes $2,500 cash and agrees to devote his full-time services to the partnership. G contributes $100,000 cash and agrees to obtain a loan for the partnership of any additional capital needed. The partnership agreement provides that the full amount of any research and experimental expenditures and any interest on partnership loans are to be charged to G. It also provides that G's distributive share is to be 90 percent of partnership income or loss computed without reduction by such research and experimental expenditures and such interest, until all loans have been repaid and G has received through his 90 percent share of income an amount equal to the full amount of such research and experimental expenditures, of such interest, and his share of any partnership operating losses. During this time H's distributive share will be 10 percent. Thereafter, G and H will share profits and losses equally. Since all of the research and experimental expenditures and interest specially allocated to G are in fact borne by G, the allocation will be recognized in the absence of other circumstances showing that its principal purpose was tax avoidance or evasion.

(c) *Contributed property*—(1) *In general.* Where property has actually been contributed by a partner to a partnership (so as to become partnership property as among the partners and not merely property subject to the claims of partnership creditors), section 704 (c) and this paragraph provide rules for determining a partner's distributive share of depreciation, depletion, or gain or loss with respect to such contributed property. These rules do not apply to property, only the use of which is permitted the partnership by the partner who owns it. Section 704 (c) and this paragraph provide certain alternatives in determining the partners' distributive shares of such items in order to account for precontribution appreciation or diminution in value of the property contributed. When the partnership agreement is silent as to the treatment of such items with respect to contributed property (and if such property is not an undivided interest as described in section 704 (c) (3)), depreciation, depletion, or gain or loss with respect to such property shall be treated in the same manner as though such items arose with respect to property purchased by the partnership. The application of this provision may be illustrated by the following examples:

*Example (1).* A and B form an equal partnership. A contributes $1,000 cash and B contributes inventory with an adjusted basis to him of $800 and a fair market value of $1,000. Under section 723, the basis of the inventory to the partnership is also $800. During the year, the inventory is sold for $1,100. There is no provision in the partnership agreement for treatment of items with respect to contributed property. Under section 704 (c) (1), the $300 profit on the sale of the inventory is treated as if it were gain on property that had been purchased by the partnership and subsequently sold. Therefore, each partner's distributive share of such profit on the inventory is $150.

*Example (2).* C and D form an equal partnership. C contributes machinery worth $10,000 with an adjusted basis to him of $4,000. D contributes $10,000 cash. Under the provisions of section 722, the basis of A's partnership interest is $4,000 and the basis of B's interest is $10,000. There is no provision in the partnership agreement relating to contributed property. If the contributed property depreciates at an annual rate of 10 percent, the partnership will have an annual depreciation deduction of $400, which will result in a reduction of $200 in each partner's distributive share of partnership income. Thus, at the end of the first year, the adjusted basis of the contributed property will be $3,600. If the partnership has no other taxable income or loss for that year, each partner will have a deduction of $200, representing his distributive share of partnership loss for the year. C's adjusted basis for his interest will be $3,800 ($4,000, the original basis of his interest, reduced by $200); D's adjusted basis will be $9,800 ($10,000, reduced by $200).

*Example (3).* Assume that the property in example (2) of this subparagraph is sold at the beginning of the second year of partnership operation for $9,000. The partnership gain will be $5,400 ($9,000, the amount realized, less the adjusted basis of $3,600). Each partner's share of the $5,400 gain will be $2,700. If the partnership has no other taxable income or loss for that year, each partner will have a gain from the partnership of $2,700, representing his distributive share of gain from the sale of property used in the partnership business. C's adjusted basis for his interest will then be $6,500 (the basis of $3,800, increased by the gain of $2,700). D's adjusted basis will be $12,500 (the basis of $9,800, increased by the gain of $2,700). If the partnership is then terminated, and its assets consisting of $19,000 in cash are distributed to the partners pro rata in liquidation of their entire interests, C will have a capital gain of $3,000 ($9,500, the amount received, less $6,500, the adjusted basis of his interest). D will have a capital loss of $3,000 (D's adjusted basis, $12,500, reduced by the amount received, $9,500).

(2) *Effect of partnership agreement.* (i) If the partners so provide in the partnership agreement, depreciation, depletion, or gain or loss with respect to contributed property may be allocated among the partners in a manner which takes into account all or any portion of the difference between the adjusted basis and the fair market value of contributed property at the time of contribution. The allocation may apply to all contributed property or to specific items. The appreciation or diminution in value represented by the difference between the adjusted basis and the fair market value of contributed property at the time of contribution may thus be attributed to the contributing partner upon a subsequent sale or exchange of the property by the partnership. Such appreciation or diminution also may be used in allocating the allowable depreciation or depletion with respect to such property among the contributing partner and the noncontributing partners. In any case, however, the total depreciation, depletion, or gain or loss allocated to the partners is limited to a "ceiling" which cannot exceed the amount of gain or loss realized by the partnership or the depreciation or depletion allowable to it. The application of this subdivision may be illustrated by the following examples:

*Example (1).* Assume that partners C and D, in examples (2) and (3) of subparagraph (1) of this paragraph, agree under section 704 (c) (2) to attribute to C, the contributor of the machinery, the potential gain of $6,000 represented by the difference between its adjusted basis of $4,000 and its fair market value of $10,000. With his contribution of $10,000 cash, D has, in effect, purchased an undivided one-half interest in the property for $5,000. Since the property depreciates at an annual rate of 10 percent, D would have been entitled to a depreciation deduction of $500 per year. However, since under the "ceiling" approach the partnership is allowed only $400 per year (10 percent of $4,000), no more than $400 may be allocated between the partners, i. e., the partnership cannot allocate $500 of depreciation to D and thereby treat C as if C had received an additional $100 of income. Therefore, the partners allocate the $400 deduction for depreciation entirely to D and none to C, the contributor. At the end of the first year, the adjusted basis of the contributed property will be $3,600. Since the $400 deduction is allocated entirely to D, if the partnership has no other taxable income or loss, C will have no income or loss, and D will have a deduction of $400. C's basis for his interest will remain $4,000. D's adjusted basis for his interest will be $9,600 ($10,000, the original basis of his interest, reduced by the deduction of $400).

*Example (2).* Assume that the partners in example (1) of this subdivision also agree under section 704 (c) (2) that, upon a sale of the contributed property, the portion of the proceeds attributable to the excess of the fair market value of the property at date of contribution (less accumulated depreciation on such value) over its basis at date of contribution (less accumulated depreciation on such basis) shall result in gain to the contributing partner only. If the property is sold at the beginning of the second year of partnership operation for $9,000, the partnership gain of $5,400 ($9,000, the amount realized, less the adjusted basis of $3,600) must be allocated to the partners under the terms of the agreement. The fair market value of the property as depreciated is $9,000 ($10,000, the value on contribution, less $1,000, the accumulated depreciation on such value). Under section 704 (c) (2) and the terms of the partnership agreement, the $5,400 difference between $9,000, the fair market value as depreciated, and $3,600, the adjusted basis of the property, represents the portion of the gain to be allocated to C. None of this gain is allocated to D. (If the property were sold for more than $9,000, the portion of the gain in excess of $5,400 would be allocated equally between the partners in accordance with their agreement for sharing gains. If the property were sold for less than $9,000, the entire gain would be allocated to C and nothing to D.) If the partnership and partners engaged in no other transactions that year, C will report a gain of $5,400, and D, no income or loss. C's adjusted basis for his interest will then be $9,400 ($4,000, his original basis, increased by the gain of $5,400). D's adjusted basis will be $9,600 ($10,000, his original basis, less $400 depreciation deduction in the first partnership year). If the partnership is then terminated, and its assets consisting of $19,000 in cash are distributed to the partners pro rata in liquidation of their interests, C will have a capital gain of $100 ($9,500, the amount received, less $9,400, the adjusted basis of his interest). D will have a capital loss of $100 (the excess of D's adjusted basis, $9,600, over the amount received, $9,500).

(ii) For the effect of an agreement under section 704 (c) (2) on undivided interests in property contributed to the partnership where the partners' interests in the capital and profits of the partnership do not correspond with such undivided interests, see subparagraph (3) (ii) of this paragraph.

(3) *Undivided interests.* (i) Section 704 (c) (3) provides a special rule for the allocation of depreciation, depletion, or gain or loss with respect to undivided interests in property contributed by the partners to a partnership where the partnership agreement does not provide otherwise. This provision applies only to property contributed to a partnership by all of its partners and only where the relative undivided interests of the partners in the property prior to the contribution are in the same ratio as their interests in the capital and in the profits of the partnership (except for depreciation, depletion, or gain or loss with respect to the contributed undivided interest) after the contribution. Where these conditions are met, depreciation, depletion, or gain or loss with respect to the undivided interests in contributed property shall be determined in the same manner as though such undivided interests continued to be held by the partners outside the partnership. The rule stated in section 704 (c) (3) applies only to the case where persons actually contribute undivided interests to a partnership. The provisions of this subdivision may be illustrated by the following examples:

*Example (1).* A and B are tenants in common owning undivided one-half interests in improved real estate consisting of land on which a factory is situated. They each contribute their respective undivided interests in the real estate to a partnership in which the profits are to be divided equally and, because the partners have equal shares in the capital, the assets will be divided equally on dissolution. A's basis for his undivided one-half interest is $4,000, of which $1,000 is allocable to the land and $3,000 to the factory. B's basis for his undivided one-half interest is $10,000, of which $3,000 is allocable to the land and $7,000 to the factory. The partnership agreement contains no provisions as to the allocation of depreciation or gain or loss on disposition of the property by the partnership. The factory depreciates at a rate of 5 percent a year. The annual partnership allowance for depreciation of $500 (5 percent of $10,000) will be allocated between the partners by allowing A a deduction of $150 (5 percent of $3,000, his basis for his undivided interest in the factory), and by allowing B a deduction of $350 (5 percent of $7,000, his basis for his undivided interest in the factory). At the end of the first year of partnership operation, A's adjusted basis for his undivided interest in the factory is $2,850 ($3,000 less $150), and B's adjusted basis is $6,650 ($7,000 less $350).

*Example (2).* If, in example (1) of this subdivision, the partnership at the end of the first year's operation sells the factory and land for $12,000, each partner's share of the gain or loss would be determined as follows: Since the undivided interests in the factory and the land are to be treated as though held by the partners outside the partnership, A's share of the proceeds of the sale is $6,000. His adjusted basis in the contributed property is $3,850 ($1,000 for the land and $2,850 for the factory). Therefore, his gain from the sale is $2,150. Since B's share of the proceeds is also $6,000, and his adjusted basis in the contributed property is $9,650 ($3,000 for the land and $6,650 for the factory), his loss is $3,650.

*Example (3).* Assume the same facts as in examples (1) and (2) of this subdivision, except that A and B do not enter into a partnership agreement. Assume further that they are found to be a partnership for income tax purposes because of their joint business activity, but that the factory and the land are not actually contributed by them to the partnership. Although A and B have permitted the partnership to use such properties, they continue to own the factory and the land in their individual capacities (as tenants in common), and the same tax consequences result as in examples (1) and (2) of this subdivision.

(ii) The allocation illustrated in subdivision (i) of this subparagraph will not be affected by the contribution, either at the time of the original contribution or subsequent thereto, of additional property not held as undivided interests if the partners' respective interests in the capital and in the profits of the partnership (except for depreciation, depletion, or gain or loss with respect to the contributed undivided interests) remain the same as their undivided interests in the property previously contributed to the partnership. If the partners' interests in the capital and profits of the partnership are changed from their undivided interests in the property previously contributed to the partnership, the method of allocation of depreciation, depletion, or gain or loss with respect to such property no longer applies. Such a change of the partner's interests in capital and profits may result from a modification of the agreement, or from a change in a partner's respective interest in capital either as a result of a further contribution or as a result of a distribution. (However, drawings made throughout the year against profits, and loans will be disregarded.) Where such a change takes place, the partners may agree under section 704 (c) (2) that depreciation, depletion, or gain or loss with respect to the property formerly held as undivided interests shall continue to be allocated in the same manner as prior to the change. These provisions may be illustrated by the following examples:

*Example (1).* C and D are tenants in common, each owning an undivided one-half interest in certain unimproved land. Each contributes his respective undivided interest in the land to a partnership in which each has an equal interest in capital and profits. C's basis for his one-half interest is $4,000; D's basis is $10,000. The fair market value of the land is $20,000. Subsequently, C contributes $5,000 cash to his share of partnership capital. As a result of C's additional contribution, he now has a 60-percent interest in partnership capital and D, a 40-percent interest, although profits and losses still are to be shared equally. Since the interests of the partners in the capital and profits of the partnership no longer correspond to their undivided interests in the land, the method of allocation prescribed by section 704 (c) (3) no longer applies. Therefore, if the land is sold for $12,000, the partnership will have a loss of $2,000 ($14,000 partnership basis minus $12,000). Since the partnership agreement contains no special allocation for gain or loss with respect to contributed property, the $2,000 loss is allocated as if such property had been purchased by the partnership, i. e., $1,000 to each partner.

*Example (2).* Assume in example (1) of this subdivision that the partners agree that,

because of C's additional contribution of $5,000 cash, he is to have a 60-percent interest in partnership capital. Profits and losses still are to be shared equally, except that gain or loss with respect to the land is, under section 704 (c) (2), to continue to be allocated in the same manner as it had been allocated under section 704 (c) (3) prior to the additional contribution. The land is sold for $12,000. C's share of the proceeds is $6,000. His basis for the land is $4,000. Therefore, he has a $2,000 gain. D's loss is $4,000 ($10,000 basis less $6,000 proceeds).

(d) *Limitation on allowance of losses.* (1) A partner's distributive share of partnership loss will be allowed only to the extent of the adjusted basis (before reduction by current year's losses) of such partner's interest in the partnership at the end of the partnership taxable year in which such loss occurred. A partner's share of loss in excess of his adjusted basis at the end of the partnership taxable year will not be allowed for that year. However, any loss so disallowed shall be allowed as a deduction at the end of the first succeeding partnership taxable year, and subsequent partnership taxable years, to the extent that the partner's adjusted basis for his partnership interest at the end of any such year exceeds zero (before reduction by such loss for such year).

(2) In computing the adjusted basis of a partner's interest for the purpose of ascertaining the extent to which a partner's distributive share of partnership loss shall be allowed as a deduction for the taxable year, the basis shall first be increased under section 705 (a) (1) and decreased under section 705 (a) (2), except for losses of the taxable year and losses previously disallowed. If the partner's distributive share of the aggregate of items of loss specified in section 702 (a) (1), (2), (3), (8), and (9) exceeds the basis of the partner's interest computed under the preceding sentence, the limitation on losses under section 704 (d) must be allocated to his distributive share of each such loss. This allocation shall be determined by taking the proportion that each loss bears to the total of all such losses. For purposes of the preceding sentence, the total losses for the taxable year shall be the sum of his distributive share of losses for the current year and his losses disallowed and carried forward from prior years.

(3) For the treatment of certain liabilities of the partner or partnership, see section 752 and § 1.752–1.

(4) The provisions of this paragraph may be illustrated by the following examples:

*Example (1).* At the end of the partnership taxable year 1955, partnership AB has a loss of $20,000. Partner A's distributive share of this loss is $10,000. At the end such year, A's adjusted basis for his interest in the partnership (not taking into account his distributive share of the loss) is $6,000. Under section 704 (d), A's distributive share of partnership loss is allowed to him (in his taxable year within or with which the partnership taxable year ends) only to the extent of his adjusted basis of $6,000. The $6,000 loss allowed for 1955 decreases the adjusted basis of A's interest to zero. Assume that, at the end of partnership taxable year 1956, A's share of partnership income has increased the adjusted basis of A's interest in the partnership to $3,000 (not taking into account the $4,000 loss disallowed in 1955). Of the $4,000 loss disallowed for the partnership taxable year 1955, $3,000 is allowed A for the partnership taxable year 1956, thus again decreasing the adjusted basis of his interest to zero. If, at the end of partnership taxable year 1957, A has an adjusted basis of his interest of at least $1,000 (not taking into account the disallowed loss of $1,000), he will be allowed the $1,000 loss previously disallowed.

*Example (2).* At the end of partnership taxable year 1955, partnership CD has a loss of $20,000. Partner C's distributive share of this loss is $10,000. The adjusted basis of his interest in the partnership (not taking into account his distributive share of such loss) is $6,000. Therefore, $4,000 of the loss is disallowed. At the end of partnership taxable year 1956, the partnership has no taxable income or loss, but owes $8,000 to a bank for money borrowed. Since C's share of this liability is $4,000, the basis of his partnership interest is increased from zero to $4,000. (See sections 752 and 722, and § 1.752–1 and 1.722–1. C is allowed the $4,000 loss, disallowed for the preceding year under section 704 (d), for his taxable year within or with which partnership taxable year 1956 ends.

*Example (3).* At the end of partnership taxable year 1955, partner C has the following distributive share of partnership items described in section 702 (a): long-term capital loss, $4,000; short-term capital loss, $2,000; income as described in section 702 (a) (9), $4,000. Partner C's adjusted basis for his partnership interest at the end of 1955, before adjustment for any of the above items, is $1,000. As adjusted under section 705 (a) (1) (A), C's basis is increased from $1,000 to $5,000 at the end of the year. C's total distributive share of partnership loss is $6,000. Since without regard to losses, C has a basis of only $5,000, C is allowed only $5,000/$6,000 of each loss, that is, $3,333 of his long-term capital loss, and $1,667 of his short-term capital loss. C must carry forward to succeeding taxable years $667 as a long-term capital loss and $333 as a short-term capital loss.

(e) *Family partnerships*—(1) *In general*—(i) *Introduction.* The production of income by a partnership is attributable to the capital or services, or both, contributed by the partners. The provisions of subchapter K are to be read in the light of their relationship to section 61, which requires, inter alia, that income be taxed to the person who earns it through his own labor and skill and the utilization of his own capital.

(ii) *Recognition of donee as partner.* With respect to partnerships in which capital is a material income-producing factor, section 704 (e) (1) provides that a person shall be recognized as a partner for income tax purposes if he owns a capital interest in such a partnership whether or not such interest is derived by purchase or gift from any other person. If a capital interest in a partnership in which capital is a material income-producing factor is created by gift, section 704 (e) (2) provides that the distributive share of the donee under the partnership agreement shall be includible in his gross income, except to the extent that such distributive share is determined without allowance of reasonable compensation for services rendered to the partnership by the donor, and except to the extent that the portion of such distributive share attributable to donated capital is proportionately greater than the share of the donor attributable to the donor's capital. For rules of allocation in such cases, see subparagraph (3) of this paragraph.

(iii) *Requirement of complete transfer to donee.* A donee or purchaser of a capital interest in a partnership is not recognized as a partner under the principles of section 704 (e) (1) unless such interest is acquired in a bona fide transaction, not a mere sham for tax avoidance or evasion purposes, and the donee or purchaser is the real owner of such interest. To be recognized, a transfer must vest dominion and contol of the partnership interest in the transferee. The existence of such dominion and control in the donee is to be determined from all the facts and circumstances. A transfer is not recognized if the transferor retains such incidents of ownership that the transferee has not acquired full and complete ownership of the partnership interest. Transactions between members of a family will be closely scrutinized, and the circumstances, not only at the time of the purported transfer but also during the periods preceding and following it, will be taken into consideration in determining the bona fides or lack of bona fides of the purported gift or sale. A partnership may be recognized for income tax purposes as to some partners but not as to others.

(iv) *Capital as a material income-producing factor.* For purposes of section 704 (e) (1), the determination as to whether capital in a material income-producing factor must be made by reference to all the facts of each case. Capital is a material income-producing factor if a substantial portion of the gross income of the business is attributable to the employment of capital in the business conducted by the partnership. In general, capital is not a material income-producing factor where the income of the business consists principally of fees, commissions, or other compensation for personal services performed by members or employees of the partnership. On the other hand, capital is ordinarily a material income-producing factor if the operation of the business requires substantial inventories or a substantial investment in plant, machinery, or other equipment.

(v) *Capital interest in a partnership.* For purposes of section 704 (e), a capital interest in a partnership means an interest in the assets of the partnership, which is distributable to the owner of the capital interest upon his withdrawal from the partnership or upon liquidation of the partnership. The mere right to participate in the earnings and profits of a partnership is not a capital interest in the partnership.

(2) *Basic tests as to ownership*—(i) *In general.* Whether an alleged partner who is a donee of a capital interest in a partnership is the real owner of such capital interest, and whether the donee has dominion and control over such interest, must be ascertained from all the facts and circumstances of the particular case. Isolated facts are not determinative; the reality of the donee's ownership is to be determined in the light of the transaction as a whole. The execution of legally sufficient and irrevocable deeds or other instruments of gift under State law is a factor to be taken into account but is not determinative of ownership by the donee for the purposes of section 704 (e). The reality of the transfer and of the donee's ownership of the property attributed to him are to be ascertained from the conduct of the parties with respect to the alleged gift and not by any mechanical or formal test. Some of the more important factors to be considered in determining whether the donee has acquired ownership of the capital interest in a partnership are indicated in subdivisions (ii) to (x), inclusive, of this subparagraph.

(ii) *Retained controls.* The donor may have retained such controls of the interest which he has purported to transfer to the donee that the donor should be treated as remaining the substantial owner of the interest. Controls of particular significance include, for example, the following:

(*a*) Retention of control of the distribution of amounts of income or restrictions on the distributions of amounts of income (other than amounts retained in the partnership annually with the consent of the partners, including the donee partner, for the reasonable needs of the business). If there is a partnership agreement providing for a managing partner or partners, then amounts of income may be retained in the partnership without the acquiescence of all the partners if such amounts are retained for the reasonable needs of the business.

(*b*) Limitation of the right of the donee to liquidate or sell his interest in the partnership at his discretion without financial detriment.

(*c*) Retention of control of assets essential to the business (for example, through retention of assets leased to the alleged partnership).

(*d*) Retention of management powers inconsistent with normal relationships among partners. Retention by the donor of control of business management or of voting control, such as is common in ordinary business relationships, is not by itself to be considered as inconsistent with normal relationships among partners, provided the donee is free to liquidate his interest at his discretion without financial detriment. The donee shall not be considered free to liquidate his interest unless, considering all the facts, it is evident that the donee is independent of the donor and has such maturity and understanding of his rights as to be capable of deciding to exercise, and capable of exercising, his right to withdraw his capital interest from the partnership.

The existence of some of the indicated controls, though amounting to less than substantial ownership retained by the donor, may be considered along with other facts and circumstances as tending to show the lack of reality of the partnership interest of the donee.

(iii) *Indirect controls.* Controls inconsistent with ownership by the donee may be exercised indirectly as well as directly, for example, through a separate business organization, estate, trust, individual, or other partnership. Where such indirect controls exist, the reality of the donee's interest will be determined as if such controls were exercisable directly.

(iv) *Participation in management.* Substantial participation by the donee in the control and management of the business (including participation in the major policy decisions affecting the business) is strong evidence of a donee partner's exercise of dominion and control over his interest. Such participation presupposes sufficient maturity and experience on the part of the donee to deal with the business problems of the partnership.

(v) *Income distributions.* The actual distribution to a donee partner of the entire amount or a major portion of his distributive share of the business income for the sole benefit and use of the donee is substantial evidence of the reality of the donee's interest, provided the donor has not retained controls inconsistent with real ownership by the donee. Amounts distributed are not considered to be used for the donee's sole benefit if, for example, they are deposited, loaned, or invested in such manner that the donor controls or can control the use or enjoyment of such funds.

(vi) *Conduct of partnership business.* In determining the reality of the donee's ownership of a capital interest in a partnership, consideration shall be given to whether the donee is actually treated as a partner in the operation of the business. Whether or not the donee has been held out publicly as a partner in the conduct of the business, in relations with customers, or with creditors or other sources of financing, is of primary significance. Other factors of significance in this connection include:

(*a*) Compliance with local partnership, fictitious names, and business registration statutes.

(*b*) Control of business bank accounts.

(*c*) Recognition of the donee's rights in distributions of partnership property and profits.

(*d*) Recognition of the donee's interest in insurance policies, leases, and other business contracts and in litigation affecting business.

(*e*) The existence of written agreements, records, or memoranda, contemporaneous with the taxable year or years concerned, establishing the nature of the partnership agreement and the rights and liabilities of the respective partners.

(*f*) Filing of partnership tax returns as required by law.

However, despite formal compliance with the above factors, other circumstances may indicate that the donor has retained substantial ownership of the interest purportedly transferred to the donee.

(vii) *Trustees as partners.* A trustee may be recognized as a partner for income tax purposes under the principles relating to family partnerships generally as applied to the particular facts of the trust-partnership arrangement. A trustee who is unrelated to and independent of the grantor, and who participates as a partner and receives distribution of the income distributable to the trust, will ordinarily be recognized as the legal owner of the partnership interest which he holds in trust unless the grantor has retained controls inconsistent with such ownership. However, if the grantor is the trustee, or if the trustee is amenable to the will of the grantor, the provisions of the trust instrument (particularly as to whether the trustee is subject to the responsibilities of a fiduciary), the provisions of the partnership agreement, and the conduct of the parties must all be taken into account in determining whether the trustee in a fiduciary capacity has become the real owner of the partnership interest. Where the grantor (or person amenable to his will) is the trustee, the trust may be recognized as a partner only if the grantor (or such other person) in his participation in the affairs of the partnership actively represents and protects the interests of the beneficiaries in accordance with the obligations of a fiduciary and does not subordinate such interests to the interests of the grantor. Furthermore, if the grantor (or person amenable to his will) is the trustee, the following factors will be given particular consideration:

(*a*) Whether the trust is recognized as a partner in business dealings with customers and creditors, and

(*b*) Whether, if any amount of the partnership income is not properly retained for the reasonable needs of the business, the trust's share of such amount is distributed to the trust annually and paid to the beneficiaries or reinvested with regard solely to the interests of the beneficiaries.

(viii) *Interests (not held in trust) of minor children.* Except where a minor child is shown to be competent to manage his own property and participate in the partnership activities in accordance with his interest in the property, a minor child generally will not be recognized as a member of a partnership unless control of the property is exercised by another person as fiduciary for the sole benefit of the child, and unless there is such judicial supervision of the conduct of the fiduciary as is required by law. The use of the child's property or income for support for which a parent is legally responsible will be considered a use for the parent's benefit. "Judicial supervision of the conduct of the fiduciary" includes filing of such accountings and reports as are required by law of the fiduciary who participates in the affairs of the partnership on behalf of the minor. A minor child will be considered as competent to manage his own property if he actually has sufficient maturity and experience to be treated by disinterested persons as competent to enter business dealings and otherwise to conduct his affairs on a basis of equality with adult persons, notwithstanding legal disabilities of the minor under State law.

(ix) *Donees as limited partners.* The recognition of a donee's interest in a limited partnership will depend, as in the case of other donated interests, on whether the transfer of property is real and on whether the donee has acquired dominion and control over the interest purportedly transferred to him. To be recognized for Fedeal income tax purposes, a limited partnership must be organized and conducted in accordance with the requirements of the applicable

State limited-partnership law. The absence of services and participation in management by a donee in a limited partnership is immaterial if the limited partnership meets all the other requirements prescribed in this paragraph. If the limited partner's right to transfer or liquidate his interest is subject to substantial restrictions (for example, where the interest of the limited partner is not assignable in a real sense or where such interest may be required to be left in the business for a long term of years), or if the general partner retains any other control which substantially limits any of the rights which would ordinarily be exercisable by unrelated limited partners in normal business relationships, such restrictions on the right to transfer or liquidate, or retention of other control, will be considered strong evidence as to the lack of reality of ownership by the donee.

(x) *Motive.* If the reality of the transfer of interest is satisfactorily established, the motives for the transaction are generally immaterial. However, the presence or absence of a tax-avoidance motive is one of many factors to be considered in determining the reality of the ownership of a capital interest acquired by gift.

(3) *Allocation of family partnership income*—(i) *In general.* (a) Where a capital interest in a partnership in which capital is a material income-producing factor is created by gift, the donee's distributive share shall be includible in his gross income, except to the extent that such share is determined without allowance of reasonable compensation for services rendered to the partnership by the donor, and except to the extent that the portion of such distributive share attributable to donated capital is proportionately greater than the distributive share attributable to the donor's capital. For the purpose of section 704, a capital interest in a partnership purchased by one member of a family from another shall be considered to be created by gift from the seller, and the fair market value of the purchased interest shall be considered to be donated capital. The "family" of any individual, for the purpose of the preceding sentence, shall include only his spouse, ancestors, and lineal descendants, and any trust for the primary benefit of such persons.

(*b*) To the extent that the partnership agreement does not allocate the partnership income in accordance with (*a*) of this subdivision, the distributive shares of the partnership income of the donor and donee shall be reallocated by making a reasonable allowance for the services of the donor and by attributing the balance of such income (other than a reasonable allowance for the services, if any, rendered by the donee) to the partnership capital of the donor and donee. The portion of income, if any, thus attributable to partnership capital for the taxable year shall be allocated between the donor and donee in accordance with their respective interests in partnership capital.

(*c*) In determining a reasonable allowance for services rendered by the partners, consideration shall be given to all the facts and circumstances of the business, including the fact that some of the partners may have greater managerial responsibility than others. There shall also be considered the amount that would ordinarily be paid in order to obtain comparable services from a person not having an interest in the partnership.

(*d*) The distributive share of partnership income, as determined under (*b*) of this subdivision, of a partner who rendered services to the partnership before entering the Armed Forces of the United States shall not be diminished because of absence due to military service. Such distributive share shall be adjusted to reflect increases or decreases in the capital interest of the absent partner. However, the partners may by agreement allocate a smaller share to the absent partner due to his absence.

(ii) *Special rules.* (a) The provisions of subdivision (i) of this subparagraph, relating to allocation of family partnership income, are applicable where the interest in the partnership is created by gift, indirectly or directly. Where the partnership interest is created indirectly, the term "donor" may include persons other than the nominal transferor. This rule may be illustrated by the following examples:

*Example (1).* A father gives property to his son who shortly thereafter conveys the property to a partnership consisting of the father and the son. The partnership interest of the son may be considered created by gift and the father may be considered the donor of the son's partnership interest.

*Example (2).* A father, the owner of a business conducted as a sole proprietorship, transfers the business to a partnership consisting of his wife and himself. The wife subsequently conveys her interest to their son. In such case, the father, as well as the mother, may be considered the donor of the son's partnership interest.

*Example (3).* A father makes a gift to his son of stock in the family corporation. The corporation is subsequently liquidated. The son later contributes the property received in the liquidation of the corporation to a partnership consisting of his father and himself. In such case, for purposes of section 704, the son's partnership interest may be considered created by gift and the father may be considered the donor of his son's partnership interest.

(*b*) The allocation rules set forth in section 704 (e) and subdivision (i) of this subparagraph apply in any case in which the transfer or creation of the partnership interest has any of the substantial characteristics of a gift. Thus, allocation may be required where transfer of a partnership interest is made between members of a family (including collaterals) under a purported purchase agreement, if the characteristics of a gift are ascertained from the terms of the purchase agreement, the terms of any loan or credit arrangements made to finance the purchase, or from other relevant data.

(*c*) In the case of a limited partnership, for the purpose of the allocation provisions of subdivision (i) of this subparagraph, consideration shall be given to the fact that a general partner, unlike a limited partner, risks his credit in the partnership business.

(4) *Purchased interest*—(i) *In general.* If a purported purchase of a capital interest in a partnership does not meet the requirements of subdivision (ii) of this subparagraph, the ownership by the transferee of such capital interest will be recognized only if it qualifies under the requirements applicable to a transfer of a partnership interest by gifts. In a case not qualifying under subdivision (ii) of this subparagraph, if payment of any part of the purchase price is made out of partnership earnings, the transaction may be regarded in the same light as a purported gift subject to deferred enjoyment of income. Such a transaction may be lacking in reality either as a gift or as a bona fide purchase.

(ii) *Tests as to reality of purchased interests.* A purchase of a capital interest in a partnership, either directly or by means of a loan or credit extended by a member of the family, will be recognized as bona fide if:

(*a*) It can be shown that the purchase has the usual characteristics of an arm's-length transaction, considering all relevant factors, including the terms of the purchase agreement (as to price, due date of payment, rate of interest, and security, if any) and the terms of any loan or credit arrangement collateral to the purchase agreement; the credit standing of the purchaser (apart from relationship to the seller) and the capacity of the purchaser to incur a legally binding obligation; or

(*b*) It can be shown, in the absence of characteristics of an arm's-length transaction, that the purchase was genuinely intended to promote the success of the business by securing participation of the purchaser in the business or by adding his credit to that of the other participants.

However, if the alleged purchase price or loan has not been paid or the obligation otherwise discharged, the factors indicated in subdivisions (*a*) and (*b*) of this subdivision shall be taken into account only as an aid in determining whether a bona fide purchase or loan obligation existed.

§ 1.705 *Statutory provisions; determination of basis of partner's interest.*

SEC. 705. *Determination of basis of partner's interest*—(a) *General rule.* The adjusted basis of a partner's interest in a partnership shall, except as provided in subsection (b), be the basis of such interest determined under section 722 (relating to contributions to a partnership) or section 742 (relating to transfers of partnership interests)—

(1) Increased by the sum of his distributive share for the taxable year and prior taxable years of—

(A) Taxable income of the partnership as determined under section 703 (a),

(B) Income of the partnership exempt from tax under this title, and

(C) The excess of the deductions for depletion over the basis of the property subject to depletion; and

(2) Decreased (but not below zero) by distributions by the partnership as provided in section 733 and by the sum of his distributive share for the taxable year and prior taxable years of—

(A) Losses of the partnership, and

(B) Expenditures of the partnership not deductible in computing its taxable income and not properly chargeable to capital account.

(b) *Alternative rule.* The Secretary or his delegate shall prescribe by regulations the circumstances under which the adjusted basis of a partner's interest in a partnership may be determined by reference to his proportionate share of the adjusted basis of partnership property upon a termination of the partnership.

§ 1.705–1 *Determination of basis of partner's interest*—(a) *General rule.* (1) Section 705 and this section provide rules for determining the adjusted basis of a partner's interest in a partnership. A partner is required to determine the adjusted basis of his interest in a partnership only when necessary for the determination of his tax liability or that of any other person. The determination of the adjusted basis of a partnership interest is ordinarily made as of the end of a patnership taxable year. Thus, for example, such year-end determination is necessary in ascertaining the extent to which a partner's distributive share of partnership losses may be allowed. See section 704 (d). However, where there has been a sale or exchange of all or a part of a partnership interest or a liquidation of a partner's entire interest in a partnership, the adjusted basis of the partner's interest should be determined as of the date of sale or exchange or liquidation. The adjusted basis of a partner's interest in a partnership is determined without regard to any amount shown in the partnership books as the partner's "capital", equity", or similar account. For example, A contributes property with an adjusted basis to him of $400 (and a value of $1,000) to a partnership. B contributes $1,000 cash. While under their agreement each may have a "capital account" in the partnership of $1,000, the adjusted basis of A's interest is only $400 and B's interest $1,000.

(2) The original basis of a partner's interest in a partnership shall be determined under section 722 (relating to contributions to a partnership) or section 742 (relating to transfers of partnership interests). Such basis shall be increased under section 722 by any further contributions to the partnership and by the sum of the partner's distributive share for the taxable year and prior taxable years of—

(i) Taxable income of the partnership as determined under section 703 (a),

(ii) Tax-exempt receipts of the partnership, and

(iii) The excess of the deductions for depletion over the basis of the depletable property.

(3) The basis shall be decreased (but not below zero) by distributions from the partnership as provided in section 733 and by the sum of the partner's distributive share for the taxable year and prior taxable years of—

(i) Partnership losses (including capital losses), and

(ii) Partnership expenditures which are not deductible in computing partnership taxable income or loss and which are not capital expenditures.

(4) For the effect of liabilities in determining the amount of contributions made by a partner to a partnership or the amount of distributions made by a partnership to a partner, see section 752 and § 1.752–1, relating to the treatment of certain liabilities. In determining the basis of a partnership interest on the effective date of subchapter K or any of the sections thereof, the partner's share of partnership liabilities on that date shall be included.

(b) *Alternative rule.* In certain cases, the adjusted basis of a partner's interest in a partnership may be determined by reference to the partner's share of the adjusted basis of partnership property which would be distributable upon termination of the partnership. The alternative rule may be used to determine the adjusted basis of a partner's interest where circumstances are such that the partner cannot practicably apply the general rule set forth in section 705 (a) and paragraph (a) of this section, or where, from a consideration of all the facts, it is, in the opinion of the Commissioner, reasonable to conclude that the result produced will not vary substantially from the result obtainable under the general rule. Where the alternative rule is used, adjustments may be necessary in determining the adjusted basis of a partner's interest in a partnership. Adjustments would be required, for example, in order to reflect in a partner's share of the adjusted basis of partnership property any significant discrepancies arising as a result of contributed property, transfers of partnership interests, or distributions of property to the partners. The operation of the alternative rules may be illustrated by the following examples:

*Example (1).* The ABC partnership, in which A, B, and C are equal partners, owns various properties with a total adjusted basis of $1,500 and has earned and retained an additional $1,500. The total adjusted basis of partnership property is thus $3,000. Each partner's share in the adjusted basis of partnership property is one-third of this amount, or $1,000. Under the alternative rule, this amount represents each partner's adjusted basis for his partnership interest.

*Example (2).* Assume that partner A in example (1) of this paragraph sells his partnership interest to D for $1,250 at a time when the partnership property with an adjusted basis of $1,500 had appreciated in value to $3,000, and when the partnership also had $750 in cash. The total adjusted basis of all partnership property is $2,250 and the value of such property is $3,750. D's basis for his partnership interest is his cost, $1,250. However, his one-third share of the adjusted basis of partnership property is only $750. Therefore, for the purposes of the alternative rule, D has an adjustment of $500 in determining the basis of his interest. This amount represents the difference between the cost of his partnership interest and his share of partnership basis at the time of his purchase. If the partnership subsequently earns and retains an additional $1,500, its property will have an adjusted basis of $3,750. D's adjusted basis for his interest under the alternative rule is $1,750, determined by adding $500, his basis adjustment to $1,250 (his one-third share of the $3,750 adjusted basis of partnership property). If the partnership distributes $250 to each partner in a current distribution, D's adjusted basis for his interest will be $1,500 ($1,000, his one-third share of the remaining basis of partnership property, $3,000, plus his basis adjustment of $500).

*Example (3).* Assume that BCD partnership in example (2) of this paragraph continues to operate. In 1960, D proposes to sell his partnership interest and wishes to evaluate the tax consequences of such sale. It is necessary, therefore, to determine the adjusted basis of his interest in the partnership. Assume further that D cannot determine the adjusted basis of his interest under the general rule. The balance sheet of the BCD partnership is as follows:

| Assets | Adjusted basis per books | Market value |
|---|---|---|
| Cash | $3,000 | $3,000 |
| Receivables | 4,000 | 4,000 |
| Depreciable property | 5,000 | 5,000 |
| Land held for investment | 18,000 | 30,000 |
| Total | 30,000 | 42,000 |

| Liabilities and capital | Per books |
|---|---|
| Liabilities | $6,000 |
| Capital accounts: | |
| B | 4,500 |
| C | 4,500 |
| D | 15,000 |
| Total | 30,000 |

The $15,000 representing the amount of D's capital account does not reflect the $500 basis adjustment arising from D's purchase of his interest. See example (2) of this paragraph. The adjusted basis of D's partnership interest determined under the alternative rule is as follows:

| | |
|---|---|
| D's share of the adjusted basis of partnership property (reduced by the amount of liabilities) at time of proposed sale | $15,000 |
| D's share of partnership liabilities (under the partnership agreement liabilities are shared equally) | 2,000 |
| D's basis adjustment from example (2) | 500 |
| Adjusted basis of D's interest at the time of proposed sale, as determined under alternative rule | 17,500 |

§ 1.706 *Statutory provisions; taxable years of partner and partnerships.*

SEC. 706. *Taxable years of partner and partnership*—(a) *Year in which partnership income is includible.* In computing the taxable income of a partner for a taxable year, the inclusions required by section 702 and section 707 (c) with respect to a partnership shall be based on the income, gain, loss, deduction, or credit of the partnership for any taxable year of the partnership ending within or with the taxable year of the partner.

(b) *Adoption of taxable year*—(1) *Partnership's taxable year.* The taxable year of a partnership shall be determined as though the partnership were a taxpayer. A partnership may not change to, or adopt, a taxable year other than that of all its principal partners unless it establishes, to the satisfaction of the Secretary or his delegate, a business purpose therefor.

(2) *Partner's taxable year.* A partner may not change to a taxable year other than that of a partnership in which he is a principal partner unless he establishes, to the satisfaction of the Secretary or his delegate, a business purpose therefor.

(3) *Principal partner.* For the purpose of this subsection, a principal partner is a partner having an interest of 5 percent or more in partnership profits or capital.

(c) *Closing of partnership year*—(1) *General rule.* Except in the case of a termination of a partnership and except as provided in paragraph (2) of this subsection, the taxable year of a partnership shall not close as the result of the death of a partner, the entry of a new partner, the liquidation of a part-

ner's interest in the partnership, or the sale or exchange of a partner's interest in the partnership.

(2) *Partner who retires or sells interest in partnership*—(A) *Disposition of entire interest.* The taxable year of a partnership shall close—

(1) With respect to a partner who sells or exchanges his entire interest in a partnership, and

(ii) With respect to a partner whose interest is liquidated, except that the taxable year of a partnership with respect to a partner who dies shall not close prior to the end of the partnership's taxable year.

Such partner's distributive share of items described in section 702 (a) for such year shall be determined, under regulations prescribed by the Secretary or his delegate, for the period ending with such sale, exchange, or liquidation.

(B) *Disposition of less than entire interest.* The taxable year of a partnership shall not close (other than at the end of a partnership's taxable year as determined under subsection (b) (1)) with respect to a partner who sells or exchanges less than his entire interest in the partnership or with respect to a partner whose interest is reduced, but such partner's distributive share of items described in section 702 (a) shall be determined by taking into account his varying interests in the partnership during the taxable year.

§ 1.706–1 *Taxable years or partner and partnership*—(a) *Year in which partnership income is includible.* (1) In computing his taxable income for a taxable year, a partner is required to include his distributive share of partnership items set forth in section 702 for any partnership year ending within or with his taxable year. A partner shall also include in his taxable income for a taxable year "guaranteed payments" under section 707 (c) which are made to him in a partnership taxable year ending within or with his taxable year. The provisions of this subparagraph may be illustrated by the following example:

*Example.* Partner A reports his income for a calendar year, while the partnership of which he is a member reports its income for a fiscal year ending May 31. During the partnership taxable year ending May 31, 1956, A received guaranteed payments of $1,200 for services and for the use of capital. Of this amount, $700 was received by A between June 1 and December 31, 1955, and the remaining $500 was received by him between January 1 and May 31, 1956. This entire $1,200 received by A is includible in his taxable income for the calendar year 1956 (together with his distributive share of partnership items set forth in section 702 for the partnership taxable year ending May 31, 1956).

(2) If a partner receives distributions under section 731 or sells or exchanges all or part of his partnership interest, any gain or loss arising therefrom does not constitute partnership income and is includible in the partner's gross income for his taxable year in which the payment is made. See sections 451 and 461.

(b) *Adoption or change in taxable year*—(1) *Partnership taxable year.* (i) The taxable year of a partnership shall be determined as though the partnership were a taxpayer.

(ii) A newly formed partnership may adopt a taxable year which is the same as the taxable year of all its principal partners (or the same as the taxable year to which all of its principal partners are concurrently changing) without securing prior approval from the Commissioner, or it may adopt a calendar year without securing prior approval from the Commissioner if all its principal partners are not on the same taxable year. In any other case, a newly formed partnership must secure prior approval from the Commissioner for the adoption of a taxable year.

(iii) An existing partnership may not change its taxable year without securing prior approval from the Commissioner, unless all its principal partners have the same taxable year to which the partnership changes, or unless all its principal partners concurrently change to such taxable year.

(2) *Partner's taxable year.* A partner may not change his taxable year without securing prior approval from the Commissioner. See section 442 and the regulations thereunder.

(3) *Principal partner.* For the purpose of this paragraph, a principal partner is a partner having an interest of 5 percent or more in partnership profits or capital.

(4) *Application for approval*—(i) *Change.* Application for a change in a taxable year shall be filed on Form 1128 with the Commissioner on or before the last day of the month following the close of the short period for which a return is required to effect the change of taxable year.

(ii) *Adoption.* Where a newly formed partnership is required to secure prior approval from the Commissioner for the adoption of a taxable year, the partnership shall file an application on Form 1128 with the Commissioner on or before the last day of the month following the close of the taxable year to be adopted. The partnership shall modify Form 1128 to the extent necessary to indicate that it is an application for adoption of a taxable year.

(iii) *Business purpose.* Where prior approval is required under this paragraph, the applicant must establish a business purpose to the satisfaction of the Commissioner. For example, partnership AB, which is on a calendar year, is engaged in a business which has a natural business year (the annual accounting period encompassing all related income and expenses) ending on September 30th. The intention of the partnership to make its tax year coincide with such natural business year constitutes a sufficient business purpose.

(5) *Returns*—(i) *Partner.* A partner who changes his taxable year shall make his return for a short period in accordance with section 443, and shall attach to the return a copy of the letter from the Commissioner granting approval for the change of taxable year.

(ii) *Partnership.* (a) A partnership which changes its taxable year shall make its return for a short period in accordance with section 443, but shall not annualize the partnership taxable income. The partnership shall attach to the return either a copy of the letter from the Commissioner granting approval of the change of taxable year, or a statement indicating that the partnership is changing its taxable year to the same taxable year as that of all its principal partners or to the same taxable year as that to which all its principal partners are concurrently changing.

(b) Any newly formed partnership shall file with its first return either:

(*1*) A copy of the letter from the Commissioner approving the adoption of a partnership taxable year which is not the same as the taxable year of all its principal partners; or

(2) A statement indicating that the taxable year it has adopted is the same as the taxable year of all its principal partners, or that all its principal partners are concurrently changing to the taxable year it has adopted; or

(3) A statement that all its principal partners are not on the same taxable year and that it is adopting a calendar year without prior approval.

(6) *Effective date.* Section 706 (b) applies to any partnership which adopts or changes to a taxable year beginning on or after April 2, 1954, and to any partner who changes to a taxable year beginning on or after that date. For the purpose of applying this provision, section 708 (relating to the continuation of a partnership) applies to any such taxable year. See section 771 (b) (1) and § 1.771–1 (b) (1). If a partnership has changed to or adopted, or if a partner has changed to, a taxable year beginning on or after April 2, 1954, without obtaining prior approval of the Commissioner, and if, under the provisions of this paragraph, prior approval is required for the change or adoption, such annual accounting period will not be accepted as a taxable year until approval thereof is secured. Under these circumstances, an application to change to or adopt the desired taxable year will be considered timely if filed within 90 days following the promulgation of the regulations under section 706.

(c) *Closing of partnership year*—(1) *General rule.* Section 706 (c) and this paragraph provide rules governing the closing of partnership years. The closing of a partnership taxable year or a termination of a partnership for Federal income tax purposes is not necessarily governed by the "dissolution", "liquidation", etc., of a partnership under State or local law. The taxable year of a partnership shall not close as the result of the death of a partner, the entry of a new partner, the liquidation of a partner's entire interest in the partnership (as defined in section 761 (d)), or the sale or exchange of a partner's interest in the partnership, except in the case of a termination of a partnership and except as provided in subparagraph (2) of this paragraph. In the case of termination, the partnership taxable year closes for all partners as of the date of termination. See section 708 (b) and § 1.708–1 (b).

(2) *Partner who retires or sells interest in partnership*—(i) *Disposition of entire interest.* A partnership taxable year shall close with respect to a partner who sells or exchanges his entire interest in a partnership, and with respect to a partner whose entire interest is liquidated. However, a partnership taxable year with respect to a partner who dies shall not close prior to the end of such partnership taxable year, or the time



when such partner's interest (held by his estate or other successor) is liquidated or sold or exchanged, whichever is earlier. See subparagraph (3) of this paragraph.

(ii) *Inclusions in taxable income.* In the case of a sale, exchange, or liquidation of a partner's entire interest in a partnership, the partner shall include in his taxable income for his taxable year within or with which his membership in the partnership ends, his distributive share of items described in section 702 (a), and any guaranteed payments under section 707 (c), for his partnership taxable year ending with the date of such sale, exchange, or liquidation. In order to avoid an interim closing of the partnership books, such partner's distributive share of items described in section 702 (a) may, by agreement among the partners, be estimated by taking his pro rata part of the amount of such items he would have included in his taxable income had he remained a partner until the end of the partnership taxable year. The proration may be based on the portion of the taxable year that has elapsed prior to the sale, exchange, or liquidation, or may be determined under any other method that is reasonable. Any partner who is the transferee of such partner's interest shall include in his taxable income, as his distributive share of items described in section 702 (a) with respect to the acquired interest, the pro rata part (determined by the method used by the transferor partner) of the amount of such items he would have included had he been a partner from the beginning of the taxable year of the partnership. The application of this subdivision may be illustrated by the following example:

*Example.* Assume that a partner selling his partnership interest on June 30, 1955, has an adjusted basis for his interest of $5,000 on that date; that his pro rata share of partnership income up to June 30 is $15,000; and that he sells his interest for $20,000. Under the provisions of section 706 (c) (2), the partnership year with respect to him closes at the time of the sale. The $15,000 is includible in his income as his distributive share and, under section 705, it increases the basis of his partnership interest to $20,000, which is also the selling price of his interest. Therefore, no gain is realized on the sale of his partnership interest. The purchaser of this partnership interest shall include in his income as his distributive share his pro rata part of partnership income for the remainder of the partnership taxable year.

(3) *Partner who dies.* (i) When a partner dies, the partnership taxable year shall not close with respect to such partner prior to the end of the partnership taxable year. The partnership taxable year shall continue both for the remaining partners and the decedent partner. Where the death of a partner results in the termination of the partnership, the partnership taxable year shall close for all partners on the date of such termination under section 708 (b) (1) (A). See also § 1.708–1 (b) (1) (i) (*b*) for the continuation of a 2-member partnership under certain circumstances after the death of a partner. However, if the decedent partner's estate or other successor sells or exchanges its entire interest in the partnership, or if its entire interest is liquidated, the partnership taxable year with respect to the estate or other succession in interest close on the date of such sale or exchange, or the date of completion of the liquidation.

(ii) The last return of a decedent partner shall include only his share of partnership taxable income for any partnership taxable year or years ending within or with the last taxable year for such decedent partner (i. e., the year ending with the date of his death). The distributive share of partnership taxable income for a partnership taxable year ending after the decedent's last taxable year is includible in the return of his estate or other successor in interest. If the estate or other successor in interest of a partner continues to share in the profits or losses of the partnership business, the distributive share thereof is includible in the taxable year of the estate or other successor in interest within or with which the taxable year of the partnership ends. See also § 1.736–1 (a) (1) (ii). Where the estate or other successor in interest receives distributions, any gain or loss on such distributions is includible in its gross income for its taxable year in which the distribution is made.

(iii) If a partner (or a retiring partner), in accordance with the terms of the partnership agreement, designates a person to succeed to his interest in the partnership after his death, such designated person shall be regarded as a successor in interest of the deceased for purposes of this chapter. Thus, where a partner designates his widow as the successor in interest, her distributive share of income for the taxable year of the partnership ending within or with her taxable year may be included in a joint return in accordance with the provisions of sections 2 and 6013 (a) (2) and (3).

(iv) If, under the terms of an agreement existing at the date of death of a partner, a sale or exchange of the decedent partner's interest in the partnership occurs upon that date, then the taxable year of the partnership with respect to such decedent partner shall close upon the date of death. See section 706 (c) (2) (A) (i). The sale or exchange of a partnership interest does not, for the purpose of this rule, include any transfer of a partnership interest which occurs at death as a result of inheritance or any testamentary disposition.

(v) To the extent that any part of a distributive share of partnership income of the estate or other successor in interest of a deceased partner is attributable to the decedent for the period ending with the date of his death, such part of the distributive share is income in respect of the decedent under section 691. See section 691 and the regulations thereunder.

(vi) The provisions of this subparagraph may be illustrated by the following examples:

*Example (1).* B has a taxable year ending December 31 and is a member of partnership ABC, the taxable year of which ends on June 30. B dies on October 31, 1955. His estate (which as a new taxpayer may, under section 441 and the regulations thereunder, adopt any taxable year) adopts a taxable year ending October 31. The return of the decedent for the period January 1 to October 31, 1955, will include only his distributive share of taxable income of the partnership for its taxable year ending June 30, 1955. The distributive share of taxable income of the partnership for its taxable year ending June 30, 1956, arising from the interest of the decedent, will be includible in the return of the estate for its taxable year ending October 31, 1956. That part of the distributive share attributable to the decedent for the period ending with the date of his death (July 1 through October 31, 1955) is income in respect of a decedent under section 691.

*Example (2).* Assume the same facts as in example (1) of this subdivision, except that, prior to B's death, B and D had agreed that, upon B's death, D would purchase B's interest for $10,000. When B dies on October 31, 1955, the partnership taxable year beginning July 1, 1955, closes with respect to him. Therefore, the return for B's last taxable year (January 1 to October 31, 1955) will include his distributive share of taxable income of the partnership for its taxable year ending June 30, 1955, plus his distributive share of partnership taxable income for the period July 1 to October 31, 1955. See subdivision (iv) of this subparagraph.

*Example (3).* H is a member of a partnership having a taxable year ending December 31. Both H and his wife W are on a calendar year and file joint returns. H dies on March 31, 1955. Administration of the estate is completed and the estate, including the partnership interest, is distributed to W as legatee on November 30, 1955. Such distribution by the estate is not a sale or exchange of H's partnership interest. No part of the taxable income of the partnership for the taxable year ending December 31, 1955, which is allocable to H, will be included in H's taxable income for his last taxable year (January 1 through March 31, 1955) or in the taxable income of H's estate for the taxable year April 1 through November 30, 1955. The distributive share of partnership taxable income for the full calendar year that is allocable to H will be includible in the taxable income of W for her taxable year ending December 31, 1955, and she may file a joint return under sections 2 and 6013 (a) (3). That part of the distributive share attributable to the decedent for the period ending with the date of his death (January 1 through March 31, 1955) is income in respect of a decedent under section 691.

*Example (4).* M is a member of partnership JKM which operates on a calendar year. M and his wife S file joint returns for calendar years. In accordance with the partnership agreement, M designated S to succeed to his interest in the partnership upon his death. M, who had withdrawn $10,000 from the partnership before his death, dies on October 20, 1955. S's distributive share of income for the taxable year 1955 is $15,000 ($10,000 of which represents the amount withdrawn by M). S shall include $15,000 in her income, even though M received $10,000 of this amount before his death. S may file a joint return with M for the year 1955 under sections 2 and 6013 (a). That part of the $15,000 distributive share attributable to the decedent for the period ending with the date of his death (January 1 through October 20, 1955) is income in respect of a decedent under section 691.

(4) *Disposition of less than entire interest.* If a partner sells or exchanges a part of his interest in a partnership, or if the interest of a partner is reduced, the partnership taxable year shall continue to its normal end. In such case, the partner's distributive share of items which he is required to include in his taxable income under the provisions of section 702 (a) shall be determined by taking into account his varying interests

in the partnership during the partnership taxable year in which such sale, exchange, or reduction of interest occurred.

(5) *Transfer of interest by gift.* The transfer of a partnership interest by gift does not close the partnership taxable year with respect to the donor. However, the income up to the date of gift attributable to the donor's interest shall be allocated to him under section 704 (e) (2).

§ 1.707 *Statutory provisions; transactions between partner and partnership.*

SEC. 707. *Transactions between partner and partnership*—(a) *Partner not acting in capacity as partner.* If a partner engages in a transaction with a partnership other than in his capacity as a member of such partnership, the transaction shall, except as otherwise provided in this section, be considered as occurring between the partnership and one who is not a partner.

(b) *Certain sales or exchanges of property with respect to controlled partnerships*—(1) *Losses disallowed.* No deduction shall be allowed in respect of losses from sales or exchanges of property (other than an interest in the partnership), directly or indirectly, between—

(A) A partnership and a partner owning, directly or indirectly more than 50 percent of the capital interest, or the profits interest, in such partnership, or

(B) Two partnerships in which the same persons own, directly or indirectly, more than 50 percent of the capital interests or profits interests.

In the case of a subsequent sale or exchange by a transferee described in this paragraph, section 267 (d) shall be applicable as if the loss were disallowed under section 267 (a) (1).

(2) *Gains treated as ordinary income.* In the case of a sale or exchange, directly or indirectly, of property, which in the hands of the transferee, is property other than a capital asset as defined in section 1221—

(A) Between a partnership and a partner owning, directly or indirectly, more than 80 percent of the capital interest, or profits interest, in such partnership, or

(B) Between two partnerships in which the same persons own, directly or indirectly, more than 80 percent of the capital interests or profits interests,

any gain recognized shall be considered as gain from the sale or exchange of property other than a capital asset.

(3) *Ownership of a capital or profits interest.* For purposes of paragraphs (1) and (2) of this subsection, the ownership of a capital or profits interest in a partnership shall be determined in accordance with the rules for constructive ownership of stock provided in section 267 (c) other than paragraph (3) of such section.

(c) *Guaranteed payments.* To the extent determined without regard to the income of the partnership, payments to a partner for services or the use of capital shall be considered as made to one who is not a member of the partnership, but only for the purposes of section 61 (a) (relating to gross income) and section 162 (a) (relating to trade or business expenses).

§ 1.707–1 *Transactions between partner and partnership*—(a) *Partner not acting in capacity as partner.* A partner who engages in a transaction with a partnership other than in his capacity as a partner shall be treated as if he were not a member of the partnership with respect to such transaction. Such transactions include, for example, loans of money or property by the partnership to the partner or by the partner to the partnership, the sale of property by the partner to the partnership, the purchase of property by the partner from the partnership, and the rendering of services by the partnership to the partner or by the partner to the partnership. Where a partner retains the ownership of property but allows the partnership to use such separately owned property for partnership purposes (for example, to obtain credit or to secure firm creditors by guaranty, pledge, or other agreement) the transaction is treated as one between a partnership and a partner not acting in his capacity as a partner. However, transfers of money or property by a partner to a partnership as contributions, or transfers of money or property by a partnership to a partner as distributions, are not transactions included within the provisions of this section. In all cases, the substance of the transaction will govern rather than its form. See § 1.731–1 (c) (3).

(b) *Certain sales or exchanges of property with respect to controlled partnerships*—(1) *Losses disallowed.* (i) No deduction shall be allowed for a loss on a sale or exchange of property (other than an interest in the partnership), directly or indirectly, between a partnership and a partner who owns, directly or indirectly, more than 50 percent of the capital interest or profits interest in such partnership. A loss on a sale or exchange of property, directly or indirectly, between two partnerships in which the same persons own, directly or indirectly, more than 50 percent of the capital interest or profits interests in each partnership shall not be allowed.

(ii) If a gain is realized upon the subsequent sale or exchange by a transferee of property with respect to which a loss was disallowed under the provisions of subdivision (i) of this subparagraph, section 267 (d) (relating to amount of gain where loss previously disallowed) shall apply as though the loss were disallowed under section 267 (a) (1).

(2) *Gains treated as ordinary income.* Any gain recognized upon the sale or exchange, directly or indirectly, of property which, in the hands of the transferee immediately after the transfer, is property other than a capital asset, as defined in section 1221, shall be ordinary income if the transaction is between a partnership and a partner who owns, directly or indirectly, more than 80 percent of the capital interest or profits interest in the partnership. This rule also applies where such a transaction is between partnerships in which the same persons own, directly or indirectly, more than 80 percent of the capital interests or profits interests in each partnership. The term "property other than a capital asset" includes (but is not limited to) trade accounts receivable, inventory, stock in trade, and depreciable or real property used in the trade or business.

(3) *Ownership of capital or profits interest.* For the purpose of section 707 (b) and this paragraph, the ownership of a capital interest or profits interest in a partnership shall be determined in accordance with the rules for constructive ownership of stock provided in section 267 (c) (1), (2), (4), and (5). Under these rules, ownership of a capital or profits interest in a partnership may in certain circumstances be attributed to a person who is not a partner as defined in section 761 (b).

(c) *Guaranteed payments.* Payments made by a partnership to a partner for services or for the use of capital are considered as made to a person who is not a partner, to the extent such payments are determined without regard to the income of the partnership. However, a partner must include such payments as ordinary income for his taxable year within or with which ends the partnership taxable year in which the partnership deducted such payments as paid or accrued under its method of accounting. See section 706 (a) and § 1.706–1 (a). Guaranteed payments are considered as made to one who is not a member of the partnership, only for the purposes of section 61 (a) (relating to gross income) and section 162 (a) (relating to trade or business expenses). They do not constitute an interest in partnership profits for purposes of sections 706 (b) (3), 707 (b), and 708 (b). For the purposes of other provisions of the internal revenue laws, guaranteed payments are regarded as a partner's distributive share of ordinary income. Thus, a partner who receives guaranteed payments for a period during which he is absent from work because of personal injuries or sickness is not entitled to exclude such payments from his gross income under section 105 (d). Similarly, a partner who receives guaranteed payments is not regarded as an employee of the partnership for the purposes of withholding of tax at source, deferred compensation plans, etc. The provisions of this paragraph may be illustrated by the following examples:

*Example (1).* Under the ABC partnership agreement, partner A is entitled to a fixed annual payment of $10,000 for services, without regard to the income of the partnership. His distributive share is 10 percent. After deducting the guaranteed payment, the partnership has $50,000 ordinary income. A must include $15,000 as ordinary income for his taxable year within or with which the partnership taxable year ends ($10,000 guaranteed payment plus $5,000 distributive share).

*Example (2).* Partner C in the CD partnership is to receive 30 percent of partnership income as determined before taking into account any guaranteed payments, but not less than $10,000. The income of the partnership is $60,000, and C is entitled to $18,000 (30 percent of $60,000) as his distributive share. No part of this amount is a guaranteed payment. However, if the partnership had income of $20,000 instead of $60,000, $6,000 (30 percent of $20,000) would be partner C's distributive share, and the remaining $4,000 payable to C would be a guaranteed payment.

*Example (3).* Partner X in the XY partnership is to receive a payment of $10,000 for services, plus 30 percent of the taxable income or loss of the partnership. After deducting the payment of $10,000 to partner X, the XY partnership has a loss of $9,000. Of this amount, $2,700 (30 percent of the loss) is X's distributive share of partnership loss and, subject to section 704 (d), is to be taken into account by him in his return. In addition, he must report as ordinary income the guaranteed payment of $10,000 made to him by the partnership.

*Example (4).* Assume the same facts as in example (3) of this paragraph except that, instead of a $9,000 loss, the partnership has $30,000 in capital gains and no other items of income or deduction except the $10,000 paid X as a guaranteed payment. Since the items of partnership income or loss must be segregated under section 702 (a), the partnership has a $10,000 ordinary loss and $30,000 in capital gains. X's 30 percent distributive shares of these amounts are $3,000 ordinary loss and $9,000 capital gain. In addition, X has received a $10,000 guaranteed payment which is ordinary income to him.



§ 1.708 *Statutory provisions; continuation of partnership.*

SEC. 708. *Continuation of partnership*—(a) *General rule.* For purposes of this subchapter, an existing partnership shall be considered as continuing if it is not terminated.

(b) *Termination*—(1) *General rule.* For purposes of subsection (a), a partnership shall be considered as terminated only if—

(A) No part of any business, financial operation, or venture of the partnership continues to be carried on by any of its partners in a partnership, or

(B) Within a 12-month period there is a sale or exchange of 50 percent or more of the total interest in partnership capital and profits.

(2) *Special rules*—(A) *Merger or consolidation.* In the case of the merger or consolidation of two or more partnerships, the resulting partnership shall, for purposes of this section, be considered the continuation of any merging or consolidating partnership whose members own an interest of more than 50 percent in the capital and profits of the resulting partnership.

(B) *Division of a partnership.* In the case of a division of a partnership into two or more partnerships, the resulting partnerships (other than any resulting partnership the members of which had an interest of 50 percent or less in the capital and profits of the prior partnership) shall, for purposes of this section, be considered a continuation of the prior partnership.

§ 1.708–1 *Continuation of partnership*—(a) *General rule.* For purposes of subchapter K, an existing partnership shall be considered as continuing if it is not terminated.

(b) *Termination*—(1) *General rule.* (i) A partnership shall terminate when the operations of the partnership are discontinued and no part of any business, financial operation, or venture of the partnership continues to be carried on by any of its partners in a partnership. For example, on November 20, 1956, A and B, each of whom is a 20-percent partner in partnership ABC, sell their interests to C, who is a 60-percent partner. Since the business is no longer carried on by any of its partners in a partnership, the ABC partnership is terminated as of November 20, 1956. However, where partners DEF agree on April 30, 1957, to dissolve their partnership, but carry on the business through a winding up period ending September 30, 1957, when all remaining assets, consisting only of cash, are distributed to the partners, the partnership does not terminate because of cessation of business until September 30, 1957.

(*a*) Upon the death of one partner in a 2-member partnership, the partnership shall not be considered as terminated if the estate or other successor in interest of the deceased partner continues to share in the profits or losses of the partnership business.

(*b*) For the continuation of a partnership where payments are being made under section 736 (relating to payments to a retiring partner or a deceased partner's successor in interest), see § 1.736–1 (a) (6).

(ii) A partnership shall terminate when 50 percent or more of the total interest in partnership capital and profits is sold or exchanged within a period of 12 consecutive months. Such sale or exchange includes a sale or exchange to another member of the partnership. However, a disposition of a partnership interest by gift (including assignment to a successor in interest), bequest, or inheritance, or the liquidation of a partnership interest, is not a sale or exchange for purposes of this subparagraph. Furthermore, the contribution of property to a partnership does not constitute such a sale or exchange. See, however, § 1.731–1 (c) (3). Fifty percent or more of the total interest in partnership capital and profits means 50 percent or more of the total interest in partnership capital plus 50 percent or more of the total interest in partnership profits. Thus, the sale of a 30-percent interest in partnership capital and a 60-percent interest in partnership profits is not the sale or exchange of 50 percent or more of the total interest in partnership capital and profits. If one or more partners sell or exchange interests aggregating 50 percent or more of the total interest in partnership capital and 50 percent or more of the total interest in partnership profits within a period of 12 consecutive months, such sale or exchange is considered as being within the provisions of this subparagraph. When interests are sold or exchanged on different dates, the percentages to be added are determined as of the date of each sale. For example, with respect to the ABC partnership, the sale by A on May 12, 1956, of a 30-percent interest in capital and profits to D, and the sale by B on March 27, 1957, of a 30-percent interest in capital and profits to E, is a sale of a 50-percent or more interest. Accordingly, the partnership is terminated as of March 27, 1957. However, if, on March 27, 1957, D instead of B, sold his 30-percent interest in capital and profits to E, there would be no termination since only one 30-percent interest would have been sold or exchanged within a 12-month period.

(iii) For purposes of subchapter K, a partnership taxable year closes with respect to all partners on the date on which the partnership terminates. See section 706 (c) (1) and § 1.706–1 (c) (1). The date of termination is:

(*a*) For purposes of section 708 (b) (1) (A), the date on which the winding up of the partnership affairs is completed.

(*b*) For purposes of section 708 (b) (1) (B), the date of the sale or exchange of a partnership interest which, of itself or together with sales or exchanges in the preceding 12 months, transfers an interest of 50 percent or more in both partnership capital and profits.

(iv) If a partnership is terminated by a sale or exchange of an interest, the following is deemed to occur: The partnership distributes its properties to the purchaser and the other remaining partners in proportion to their respective interests in the partnership properties; and, immediately thereafter, the purchaser and the other remaining partners contribute the properties to a new partnership, either for the continuation of the business or for its dissolution and winding up. In the latter case, the new partnership terminates in accordance with subdivision (i) of this subparagraph. See sections 731 and 732 and §§ 1.731–1 and 1.732–1. For election of basis adjustments by the purchaser and other remaining partners, see sections 732 (d) and 743 (b) and §§ 1.732–1 (d) and 1.743–1 (b).

(2) *Special rules*—(i) *Merger or consolidation.* If two or more partnerships merge or consolidated into one partnership, the resulting partnership shall be considered a continuation of the merging or consolidating partnership the members of which own an interest of more than 50 percent in the capital and profits of the resulting partnership. If the resulting partnership can, under the preceding sentence, be considered a continuation of more than one of the merging or consolidating partnerships, it shall, unless the Commissioner permits otherwise, be considered the continuation of that partnership which is credited with the contribution of the greatest dollar value of assets to the resulting partnership. Any other merging or consolidating partnerships shall be considered as terminated. If the members of none of the merging or consolidating partnerships have an interest of more than 50 percent in the capital and profits of the resulting partnership, all of the merged or consolidated partnerships are terminated, and a new partnership results. The taxable years of such merging or consolidating partnerships which are considered terminated shall be closed in accordance with the provisions of section 706 (c), and such partnerships shall file their returns for a taxable year ending upon the date of termination, i. e., the date of merger or consolidation. The resulting partnership shall file a return for the taxable year of the merging or consolidating partnership that is considered as continuing. The return shall state that the resulting partnership is a continuation of such merging or consolidating partnership and shall include the names and addresses of the merged or consolidated partnerships. The respective distributive shares of the partners for the periods prior to and subsequent to the date of merger or consolidation shall be shown as a part of the return. The provisions of this subdivision may be illustrated by the following example:

*Example.* Partnership AB, in whose capital and profits A and B each own a 50-percent interest, and partnership CD, in whose capital and profits C and D each own a 50-percent interest, merge on September 30, 1955, and form partnership ABCD. Partners A, B, C, and D are on a calendar year; partnership AB is also on a calendar year; and partnership CD is on a fiscal year ending June 30th. After the merger, the partners have capital and profits interests as follows: A, 30 percent; B, 30 percent; C, 20 percent; and D, 20 percent. Since A and B together own an interest of more than 50 percent in the capital and profits of partnership ABCD, such partnership shall be

considered a continuation of partnership AB and shall continue to file returns on a calendar year basis. Since C and D own an interest of less than 50 percent in the capital and profits of partnership ABCD, the taxable year of partnership CD closes as of September 30, 1955, the date of the merger, and CD partnership is terminated as of that date. Partnership ABCD is required to file a return for the taxable year January 1 to December 31, 1955, indicating thereon that, until September 30, 1955, it was partnership AB. Partnership CD is required to file a return for its final taxable year, July 1 through September 30, 1955.

(ii) *Division of a partnership.* Upon the division of a partnership into two or more partnerships, any resulting partnership or partnerships shall be considered a continuation of the prior partnership if its members had an interest of more than 50 percent in the capital and profits of the prior partnership. Any other resulting partnership will not be considered a continuation of the prior partnership but will be considered a new partnership. If the members of none of the resulting partnerships owned an interest of more than 50 percent in the capital and profits of the divided partnership, the divided partnership is terminated. Where members of a partnership which has been divided into two or more partnerships do not become members of a resulting partnership which is considered a continuation of the prior partnership, such partner's interests shall be considered liquidated as of the date of the division. The resulting partnership that is regarded as continuing shall file a return for the taxable year of the partnership that has been divided. The return shall state that the partnership is a continuation of the divided partnership and shall set forth separately the respective distributive shares of the partners for the periods prior to and subsequent to the date of division. The provisions of this subdivision may be illustrated by the following example:

*Example.* Partnership ABCD is in the real estate and insurance business. A owns a 40-percent interest, and B, C, and D each owns a 20-percent interest, in the capital and profits of the partnership. The partnership and the partners report their income on a calendar year. They agree to separate the real estate and insurance business as of November 1, 1955, and to form two partnerships; partnership AB to take over the real estate business, and partnership CD to take over the insurance business. Since members of resulting partnership AB owned more than a 50-percent interest in the capital and profits of partnership ABCD (A, 40 percent, and B, 20 percent), partnership AB shall be considered a continuation of partnership ABCD. Partnership AB is required to file a return for the taxable year January 1 to December 31, 1955, indicating thereon that until November 1, 1955, it was partnership ABCD. In forming partnership CD, partners C and D may contribute the property distributed to them in liquidation of their entire interests in divided partnership ABCD. Partnership CD will be required to file a return for the taxable year it adopts pursuant to section 706 (b) and § 1.706–1 (b).

CONTRIBUTIONS, DISTRIBUTIONS, AND TRANSFERS

*Contributions to a Partnership*

§ 1.721 *Statutory provisions; nonrecognition of gain or loss on contribution.*

SEC. 721. *Nonrecognition of gain or loss on contribution.* No gain or loss shall be recognized to a partnership or to any of its partners in the case of a contribution of property to the partnership in exchange for an interest in the partnership.

§ 1.721–1 *Nonrecognition of gain or loss on contribution.* (a) No gain or loss shall be recognized either to the partnership or to any of its partners upon a contribution of property, including installment obligations, to the partnership in exchange for a partnership interest. This rule applies whether the contribution is made to a partnership in the process of formation or to a partnership which is already formed and operating. Section 721 shall not apply to a transaction between a partnership and a partner not acting in his capacity as a partner since such a transaction is governed by section 707. Rather than contributing property to a partnership, a partner may sell property to the partnership or may retain the ownership of property and allow the partnership to use it. In all cases, the substance of the transaction will govern, rather than its form. See § 1.731–1 (c) (3). Thus, if the transfer of property by the partner to the partnership results in the receipt by the partner of money or other consideration, including a promissory obligation fixed in amount and time for payment, the transaction will be treated as a sale or exchange under section 707 rather than as a contribution under section 721. For the rules governing the treatment of liabilities to which contributed property is subject, see section 752 and § 1.752–1.

(b) (1) Normally, under local law, each partner is entitled to be repaid his contributions of money or other property to the partnership (at the value placed upon such property by the partnership at the time of the contribution) whether made at the formation of the partnership or subsequent thereto. To the extent that any of the partners gives up any part of his right to be repaid his contributions (as distinguished from a share in partnership profits) in favor of another partner as compensation for services (or in satisfaction of an obligation), section 721 does not apply. The value of an interest in such partnership capital so transferred to a partner as compensation for services constitutes income to the partner under section 61. The amount of such income is the fair market value of the interest in capital so transferred, either at the time the transfer is made for past services, or at the time the services have been rendered where the transfer is conditioned on the completion of the transferee's future services. The time when such income is realized depends on all the facts and circumstances, including any substantial restrictions or conditions on the compensated partner's right to withdraw or otherwise dispose of such interest. To the extent that an interest in capital representing compensation for services rendered by the decedent prior to his death is transferred after his death to the decedent's successor in interest, the fair market value of such interest is income in respect of a decedent under section 691.

(2) To the extent that the value of such interest is: (i) compensation for services rendered to the partnership, it is a guaranteed payment for services under section 707 (c); (ii) compensation for services rendered to a partner, it is not deductible by the partnership, but is deductible only by such partner to the extent allowable under this chapter.

§ 1.722 *Statutory provisions; basis of contributing partner's interest.*

SEC. 722. *Basis of contributing partner's interest.* The basis of an interest in a partnership acquired by a contribution of property, including money, to the partnership shall be the amount of such money and the adjusted basis of such property to the contributing partner at the time of the contribution.

§ 1.722–1 *Basis of contributing partner's interest.* The basis to a partner of a partnership interest acquired by a contribution of property, including money, to the partnership shall be the amount of money contributed plus the adjusted basis at the time of contribution of any property contributed. If the acquisition of an interest in partnership capital results in taxable income to a partner, such income shall constitute an addition to the basis of the partner's interest. See § 1.721–1 (b). If the contributed property is subject to indebtedness or if liabilities of the partner are assumed by the partnership, the basis of the contributing partner's interest shall be reduced by the portion of the indebtedness assumed by the other partners, since the partnership's assumption of his indebtedness is treated as a distribution of money to the partner. Conversely, the assumption by the other partners of a portion of the contributor's indebtedness is treated as a contribution of money by them. See section 752 and § 1.752–1. The provisions of this section may be illustrated by the following examples:

*Example (1).* A acquired a 20-percent interest in a partnership by contributing property. At the time of A's contribution, the property had a fair market value of $10,000, an adjusted basis to A of $4,000, and was subject to a mortgage of $2,000. Payment of the mortgage was assumed by the partnership. The basis of A's interest in the partnership is $2,400, computed as follows:

| | |
|---|---|
| Adjusted basis to A of property contributed | $4,000 |
| Less portion of mortgage assumed by other partners which must be treated as a distribution (80 percent of $2,000) | 1,600 |
| Basis of A's interest | 2,400 |

*Example (2).* If, in example (1) of this section, the property contributed by A was subject to a mortgage of $6,000, the basis of A's interest would be zero, computed as follows:

| | |
|---|---|
| Adjusted basis to A of property contributed | $4,000 |
| Less portion of mortgage assumed by other partners which must be treated as a distribution (80 percent of $6,000) | 4,800 |
| | (800) |

Since A's basis cannot be less than zero, the $800 in excess of basis, which is considered as a distribution of money under section 752 (b), is treated as capital gain from the sale or exchange or a partnership interest. See section 731 (a).



§ 1.723 *Statutory provisions; basis of property contributed to partnership.*

SEC. 723. *Basis of property contributed to partnership.* The basis of property contributed to a partnership by a partner shall be the adjusted basis of such property to the contributing partner at the time of the contribution.

§ 1.723–1 *Basis of property contributed to partnership.* The basis to the partnership of property contributed to it by a partner is the adjusted basis of such property to the contributing partner at the time of the contribution. Since such property has the same basis in the hands of the partnership as it had in the hands of the contributing partner, the holding period of such property for the partnership includes the period during which it was held by the partner. See section 1223 (2). For elective adjustments to the basis of partnership property arising from distributions or transfers of partnership interests, see sections 732 (d), 734 (b), and 743 (b).

*Distributions by a Partnership*

§ 1.731 *Statutory provisions; extent of recognition of gain or loss on distribution.*

SEC. 731. *Extent of recognition of gain or loss on distribution.*—(a) *Partners.* In the case of a distribution by a partnership to a partner—

(1) Gain shall not be recognized to such partner, except to the extent that any money distributed exceeds the adjusted basis of such partner's interest in the partnership immediately before the distribution, and

(2) Loss shall not be recognized to such partner, except that upon a distribution in liquidation of a partner's interest in a partnership where no property other than that described in subparagraph (A) or (B) is distributed to such partner, loss shall be recognized to the extent of the excess of the adjusted basis of such partner's interest in the partnership over the sum of—

(A) Any money distributed, and

(B) The basis to the distributee, as determined under section 732, of any unrealized receivables (as defined in section 751 (c)) and inventory (as defined in section 751 (d) (2)).

Any gain or loss recognized under this subsection shall be considered as gain or loss from the sale or exchange of the partnership interest of the distributee partner.

(b) *Partnerships.* No gain or loss shall be recognized to a partnership on a distribution to a partner of property, including money.

(c) *Exceptions.* This section shall not apply to the extent otherwise provided by section 736 (relating to payments to a retiring partner or a deceased partner's successor in interest) and section 751 (relating to unrealized receivables and inventory items).

§ 1.731–1 *Extent of recognition of gain or loss on distribution.*—(a) *Recognition of gain or loss to partner.*—(1) *Recognition of gain.* (i) Where money is distributed by a partnership to a partner, no gain shall be recognized to the partner except to the extent that the amount of money distributed exceeds the adjusted basis of the partner's interest in the partnership immediately before the distribution. This rule is applicable both to current distributions (i. e., distributions other than in liquidation of an entire interest) and to distributions in liquidation of a partner's entire interest in a partnership. Thus, if a partner with a basis for his interest of $10,000 receives a distribution of cash of $8,000 and property with a fair market value of $3,000, no gain is recognized to him. If $11,000 cash were distributed, gain would be recognized to the extent of $1,000. No gain shall be recognized to a distributee partner with respect to a distribution of property (other than money) until he sells or otherwise disposes of such property, except to the extent otherwise provided by section 736 (relating to payments to a retiring partner or a deceased partner's successor in interest) and section 751 (relating to unrealized receivables and inventory items). See section 731 (c) and paragraph (c) of this section.

(ii) For the purposes of sections 731 and 705, advances or drawings of money or property against a partner's distributive share of income shall be treated as current distributions made on the last day of the partnership taxable year with respect to such partner.

(2) *Recognition of loss.* Loss is recognized to a partner only upon liquidation of his entire interest in the partnership, and only if the property distributed to him consists solely of money, unrealized receivables (as defined in section 751 (c)), and inventory items (as defined in section 751 (d) (2)). The term "liquidation of a partner's interest", as defined in section 761 (d), is the termination of the partner's entire interest in the partnership by means of a distribution or a series of distributions. Loss is recognized to the distributee partner in such cases to the extent of the excess of the adjusted basis of such partner's interest in the partnership at the time of the distribution over the sum of—

(i) Any money distributed to him, and

(ii) The basis to the distributee, as determined under section 732, of any unrealized receivables and inventory items that are distributed to him.

If the partner whose interest is liquidated receives any property other than money, unrealized receivables, or inventory items, then no loss will be recognized. Application of the provisions of this subparagraph may be illustrated by the following examples:

*Example (1).* Partner A has a partnership interest in partnership ABC with an adjusted basis to him of $10,000. He retires from the partnership and receives, as a distribution in liquidation of his entire interest, his share of partnership property. This share is $5,000 cash and inventory with a basis to him (under section 732) of $3,000. Partner A realizes a capital loss of $2,000, which is recognized under section 731 (a) (2).

*Example (2).* Partner B has a partnership interest in partnership BCD with an adjusted basis to him of $10,000. He retires from the partnership and receives, as a distribution in liquidation of his entire interest, his share of partnership property. This share is $4,000 cash, real property (used in the trade or business) with an adjusted basis to the partnership of $2,000, and unrealized receivables having a basis to him (under section 732) of $3,000. No loss will be recognized to B on the transaction because he received property other than money, unrealized receivables, and inventory items. As determined under section 732, the basis to B for the real property received is $3,000.

(3) *Character of gain or loss.* Gain or loss recognized under section 731 (a) on a distribution is considered gain or loss from the sale or exchange of the partnership interest of the distributee partner, that is, capital gain or loss.

(b) *Gain or loss recognized by partnership.* A distribution of property (including money) by a partnership to a partner does not result in recognized gain or loss to the partnership under section 731. However, recognized gain or loss may result to the partnership from certain distributions which, under section 751 (b), must be treated as a sale or exchange of property between the distributee partner and the partnership.

(c) *Exceptions.* (1) Section 731 does not apply to the extent otherwise provided by—

(i) Section 736 (relating to payments to a retiring partner or to a deceased partner's successor in interest), and

(ii) Section 751 (relating to unrealized receivables and inventory items).

For example, payments under section 736 (a), which are considered as a distributive share or guaranteed payment, are taxable as such under that section.

(2) The receipt by a partner from the partnership of money or property under an obligation to repay the amount of such money or to return such property does not constitute a distribution subject to section 731 but is a loan governed by section 707 (a). To the extent that such an obligation is canceled, the obligor partner will be considered to have received a distribution of money or property at the time of cancellation.

(3) If there is a contribution of property to a partnership and within a short period:

(i) Before or after such contribution other property is distributed to the contributing partner and the contributed property is retained by the partnership, or

(ii) After such contribution the contributed property is distributed to another partner,

such distribution may not fall within the scope of section 731. Section 731 does not apply to a distribution of property, if, in fact, the distribution was made in order to effect an exchange of property between two or more of the partners or between the partnership and a partner. Such a transaction shall be treated as an exchange of property.

§ 1.732 *Statutory provisions; basis of distributed property other than money.*

SEC. 732. *Basis of distributed property other than money.*—(a) *Distributions other than in liquidation of a partner's interest.*—(1) *General rule.* The basis of property (other than money) distributed by a partnership to a partner other than in liquidation of the partner's interest shall, except as provided in paragraph (2), be its adjusted basis to the partnership immediately before such distribution.

(2) *Limitation.* The basis to the distributee partner of property to which paragraph (1) is applicable shall not exceed the adjusted basis of such partner's interest in the

partnership reduced by any money distributed in the same transaction.

(b) *Distribution in liquidation.* The basis of property (other than money) distributed by a partnership to a partner in liquidation of the partner's interest shall be an amount equal to the adjusted basis of such partner's interest in the partnership reduced by any money distributed in the same transaction.

(c) *Allocation of basis.* The basis of distributed properties to which subsection (a) (2) or subsection (b) is applicable shall be allocated—

(1) First to any unrealized receivables (as defined in section 751 (c)) and inventory items (as defined in section 751 (d) (2)) in an amount equal to the adjusted basis of each such property to the partnership (or if the basis to be allocated is less than the sum of the adjusted bases of such properties to the partnership, in proportion to such bases), and

(2) To the extent of any remaining basis, to any other distributed properties in proportion to their adjusted bases to the partnership.

(d) *Special partnership basis to transferee.* For purposes of subsections (a), (b), and (c), a partner who acquired all or a part of his interest by a transfer with respect to which the election provided in section 754 is not in effect, and to whom a distribution of property (other than money) is made with respect to the transferred interest within 2 years after such transfer, may elect, under regulations prescribed by the Secretary or his delegate, to treat as the adjusted partnership basis of such property the adjusted basis such property would have if the adjustment provided in section 743 (b) were in effect with respect to the partnership property. The Secretary or his delegate may by regulations require the application of this subsection in the case of a distribution to a transferee partner, whether or not made within 2 years after the transfer, if at the time of the transfer the fair market value of the partnership property (other than money) exceeded 110 percent of its adjusted basis to the partnership.

(e) *Exception.* This section shall not apply to the extent that a distribution is treated as a sale or exchange of property under section 751 (b) (relating to unrealized receivables and inventory items).

§ 1.732–1 *Basis of distributed property other than money*—(a) *Distributions other than in liquidation of a partner's interest.* The basis of property (other than money) received by a partner in a distribution from a partnership, other than in liquidation of his entire interest, shall be its adjusted basis to the partnership immediately before such distribution. However, the basis of the property to the partner shall not exceed the adjusted basis of the partner's interest in the partnership, reduced by the amount of any money distributed to him in the same transaction. The provisions of this paragraph may be illustrated by the following examples:

*Example (1).* Partner A, with an adjusted basis of $15,000 for his partnership interest, receives in a current distribution property having an adjusted basis of $10,000 to the partnership immediately before distribution, and $2,000 cash. The basis of the property in A's hands will be $10,000. Under sections 733 and 705, the basis of A's partnership interest will be reduced by the distribution to $3,000 ($15,000, less $2,000 cash, less $10,000, the basis of the distributed property to A).

*Example (2).* Partner R has an adjusted basis of $10,000 for his partnership interest. He receives a current distribution of $4,000 cash and property with an adjusted basis to the partnership of $6,000. The basis of the distributed property to partner R is limited to $6,000 ($10,000, the adjusted basis of his interest, reduced by $4,000, the cash distributed).

(b) *Distribution in liquidation.* Where a partnership distributes property (other than money) in liquidation of a partner's entire interest in the partnership, the basis of such property to the partner shall be an amount equal to the adjusted basis of his interest in the partnership reduced by the amount of any money distributed to him in the same transaction. Application of this rule may be illustrated by the following example:

*Example.* Partner B, with a partnership interest having an adjusted basis to him of $12,000, retires from the partnership and receives cash of $2,000, and real property with an adjusted basis to the partnership of $6,000 and a fair market value of $14,000. The basis of the real property to B is $10,000 (B's basis for his partnership interest, $12,000, reduced by $2,000, the cash distributed).

(c) *Allocation of basis among properties distributed to a partner.* (1) Under section 732 (a) (2) or (b), the basis to be allocated to properties distributed to a partner shall be allocated first to any unrealized receivables (as defined in section 751 (c)) and inventory items (as defined in section 751 (d) (2)) included in the distribution. However, such receivables or inventory items may not take a higher basis in the hands of the partner than their common adjusted basis to the partnership immediately before the distribution, unless such distribution is treated as a sale or exchange under section 751 (b), or unless the distributee partner has a special basis adjustment for the distributed property under sections 732 (d) or 743 (b). Any basis not allocated to unrealized receivable or inventory items shall be allocated to any other properties distributed to the partner in the same transaction, in proportion to the bases of such other properties in the hands of the partnership before distribution. The provisions of this subparagraph may be illustrated by the following example:

*Example.* Partner A, whose partnership interest in partnership ABC has an adjusted basis of $15,000, receives as a distribution in liquidation of his entire interest inventory items having a basis to the partnership of $6,000. In addition, he receives cash of $5,000, and two parcels of real property with adjusted bases to the partnership of $6,000 and $2,000, respectively. Basis in the amount of $10,000 ($15,000 basis, less $5,000 cash received) is allocated $6,000 to inventory items, and $3,000 (6,000/8,000 x $4,000) and $1,000 (2,000/8,000 x $4,000), respectively, to the two parcels of real property.

(2) If the adjusted basis to the partnership of the unrealized receivables and inventory items distributed to a partner is greater than the partner's adjusted basis of his interest (reduced by the amount of money distributed to him in the same transaction), the amount of the basis to be allocated to such unrealized receivables and inventory items shall be allocated in proportion to the adjusted bases of such properties in the hands of the partnership. If the basis of the partner's interest to be allocated upon a distribution in liquidation of his entire interest is in excess of the adjusted basis to the partnership of the unrealized receivables and inventory items distributed, and if there is no other property distributed to which such excess can be allocated, the distributee partner sustains a capital loss under section 731 (a) (2) to the extent of the unallocated basis of his partnership interest. The provisions of this subparagraph may be illustrated by the following examples:

*Example (1).* Partner C, whose interest in partnership ABC has an adjusted basis to him of $9,000, receives as a distribution in liquidation cash of $6,000, inventory items having an adjusted basis to the partnership of $6,000, and real property having a basis to the partnership of $4,000. The cash payment reduces C's basis to $3,000, which is allocated entirely to inventory items. The real property has a zero basis in C's hands. The partnership bases not carried over to C for the distributed properties are lost unless an election under section 754 is in effect requiring the partnership to adjust the bases of remaining partnership properties under section 734 (b).

*Example (2).* Partner B, whose interest in partnership ABC has an adjusted basis to him of $9,000, receives as a distribution in liquidation cash of $1,000 and inventory items having a basis to the partnership of $6,000. The cash payment reduces B's basis to $8,000, which can be allocated only to the extent of $6,000 to the inventory items. The remaining $2,000 basis, not allocable to distributed property, constitutes a capital loss in that amount to partner B under section 731 (a) (2). If the election under section 754 is in effect, see section 734 (b) for adjustment of the basis of undistributed partnership property.

(d) *Special partnership basis to transferee under section 732 (d).* (1) (i) A transfer of a partnership interest occurs upon a sale or exchange of an interest or upon the death of a partner. Section 732 (d) provides a special rule for the determination of the basis of property distributed to a transferee partner who acquired any part of his partnership interest in a transfer with respect to which the election under section 754 (relating to the optional adjustment to basis of partnership property) was not in effect.

(ii) Where an election under section 754 is in effect, see section 743 (b) and §§ 1.743–1 (b) and 1.732–2.

(iii) If a transferee partner receives a distribution of property (other than money) from the partnership within 2 years after he acquired his interest or part thereof in the partnership by a transfer with respect to which the election under section 754 was not in effect, he may elect to treat as the adjusted partnership basis of such property the adjusted basis such property would have if the adjustment provided in section 743 (b) were in effect.

(iv) If an election under section 732 (d) is made upon a distribution of property to a transferee partner, the amount of the adjustment with respect to the transferee partner is not diminished by any depletion or depreciation of that portion of the basis of partnership property which arises from the special basis adjustment under section 732 (d), since depletion or depreciation on such portion



for the period prior to distribution is allowed or allowable only if the optional adjustment under section 743 (b) is in effect.

(v) If property is distributed to transferee partner who elects under section 732 (d), and if such property is not the same property which would have had a special basis adjustment, then such special basis adjustment shall apply to any like property received in the distribution, provided that the transferee, in exchange for the property distributed, has relinquished his interest in the property with respect to which he would have had a special basis adjustment. This rule applies whether the property in which the transferee has relinquished his interest is retained or disposed or by the partnership. (For shift of transferee's special basis adjustment to like property, see § 1.743–1 (b) (2) (ii).)

(vi) The provisions of this subparagraph may be illustrated by the following example:

*Example.* The basis to transferee partner K of his one-fourth interest in partnership WJKS is $17,000. At the time he acquired such interest by purchase, the election under section 754 was not in effect and the partnership inventory had a basis to the partnership of $14,000 and a value of $16,000. K's purchase price reflected $500 of this difference. Thus, $4,000 of the $17,000 paid by K for his one-fourth interest was attributable to his share of partnership inventory with a basis of $3,500. Within 2 years after acquiring his interest, K retired from the partnership and received in liquidation of his entire interest cash of $1,500, inventory with a basis to the partnership of $3,500, property X (a capital asset), with an adjusted basis to the partnership of $2,000, and property Y (a depreciable asset), with an adjusted basis to the partnership of $4,000. The value of the inventory received by K was one-fourth of the value of all partnership inventory and was his share of such property. It is immaterial whether the inventory K received was on hand when K acquired his interest. In accordance with K's election under section 732 (d), the amount of his share of partnership basis which is attributable to partnership inventory is increased by $500 (one-fourth of the $2,000 difference between the value of such property, $16,000, and its $14,000 basis to the partnership at the time K acquired his interest). This adjustment under section 732 (d) applies only for purposes of distributions to partner K, and not for purposes of partnership depreciation, depletion, or gain or loss on disposition. Thus, the amount to be allocated among the properties received by K in the liquidating distribution is $15,500 ($17,000, K's basis for his interest, reduced by the amount of cash received, $1,500). This amount is allocated as follows: The basis of the inventory items received is $4,000, consisting of the $3,500 common partnership basis for such items, plus the special basis adjustment of $500 which K would have had under section 743 (b). The remaining basis of $11,500 ($15,500 minus $4,000) is to be allocated to the remaining property distributed to K in proportion to their adjusted bases to the partnership. Since the adjusted basis to the partnership of property X is $2,000, and that of property Y is $4,000, the $11,500 is allocated $3,833 (2,000/6,000×$11,500) to X, and $7,667 (4,000/6,000×$11,500) to Y.

(2) A transferee partner who wishes to elect under section 732 (d) shall make the election with his tax return—

(i) For the year of the distribution, if the distribution includes any property subject to the allowance for depreciation, depletion, or amortization, or

(ii) For any taxable year no later than the first taxable year in which the basis of any of the distributed property is pertinent in determining his income tax, if the distribution does not include any such property subject to the allowance for depreciation, depletion or amortization.

(3) A taxpayer making an election under section 732 (d) shall submit with the return in which the election is made a schedule setting forth the following:

(i) That under section 732 (d) he elects to adjust the basis of property received in a distribution; and

(ii) The computation of the special basis adjustment for the property distributed and the properties to which the adjustment has been allocated. For rules of allocation, see section 755.

(4) A partner who acquired any part of his partnership interest in a transfer to which the election provided in section 754 was not in effect, is required to apply the special basis rule contained in section 732 (d) to a distribution to him, whether or not made within 2 years after the transfer, if at the time of his acquisition of the transferred interest—

(i) The fair market value of all partnership property (other than money) exceeded 110 percent of its adjusted basis to the partnership,

(ii) An allocation of basis under section 732 (c) upon a liquidation of his interest immediately after the transfer of the interest would have resulted in a shift of basis from property not subject to an allowance for depreciation, depletion, or amortization, to property subject to such an allowance, and

(iii) A special basis adjustment under section 743 (b) would change the basis to the transferee partner of the property actually distributed.

The application of this rule may be illustrated by the following examples:

*Example (1).* Partnership ABC owns three parcels of land, each of which has an adjusted basis to the partnership of $5,000 and is worth $55,000, and depreciable property with an adjusted basis and value of $150,000. D purchases A's partnership interest for $105,000 when the election under section 754 is not in effect. At the time of D's purchase, the fair market value of all partnership property (other than money) is $315,000, which exceeds 110 percent of $165,000, its adjusted basis to the partnership. Four years later, the partnership is dissolved. D receives one of the three parcels of land which has a basis to the partnership of $5,000, and one-third of the depreciable property with an adjusted basis to the partnership at that time of $45,000, one-third of $135,000 ($150,000 basis, minus $15,000 depreciation computed on the partnership basis. See subparagraph (1) (iv) of this paragraph.) If D's adjusted basis for his interest at the time of the distribution was $100,000 and was allocated under section 732 (c) to the property received by him in proportion to their respective bases to the partnership, the basis to him for the distributed land would be $10,000 (5,000/50,000×$100,000) and the basis of the depreciable property would be $90,000 (45,000/50,000×$100,000). In effect, D would be attributing to the basis of the depreciable property a portion of the cost of his partnership interest properly attributable to appreciation in nondepreciable property. The application of section 743 (b) to the transfer of the interest would have resulted in a different basis to D for the property actually distributed. Therefore, the special basis adjustment under section 732 (d) must be made so that D must increase the basis of the land by a special basis adjustment of $50,000 ($55,000 fair market value less $5,000 partnership basis), making the basis of his interest therein $55,000 (55,000/100,000× $100,000). D's basis for the depreciable property will then be $45,000 (45,000/100,000 ×$100,000).

*Example (2).* Assume the same facts as in example (1) of this subparagraph, except that the partnership does not dissolve but distributes one parcel of land to each of the partners in a current distribution. Since the conditions of this subparagraph have been met, D's basis for the distributed land is the adjusted basis such land would have if the adjustment provided in section 743 (b) were in effect with respect to the partnership property. Therefore, D's basis for the land is $55,000 ($5,000 basis of the land to the partnership, plus $50,000 special basis adjustment under section 732 (d)). D's basis for his partnership interest is reduced by $55,000, his basis for the property distributed.

(e) *Exception.* When a partnership distributes unrealized receivables (as defined in section 751 (c)) or substantially appreciated inventory items (as defined in section 751 (d)) in exchange for any part of a partner's interest in other partnership property (including money), or, conversely, partnership property (including money) other than unrealized receivables or substantially appreciated inventory items in exchange for any part of a partner's interest in the partnership's unrealized receivables or substantially appreciated inventory items, the distribution will be treated as a sale or exchange of property under the provisions of section 751 (b). In such case, section 732 (including subsection (d) thereof) applies in determining the partner's basis of the property which he is treated as having sold to or exchanged with the partnership (as constituted after the distribution). The partner is considered as having received such property in a current distribution and, immediately thereafter, as having sold or exchanged it. See section 751 (b) and § 1.751–1 (b). However, section 732 does not apply in determining the basis of that part of property actually distributed to a partner which is treated as received by him in a sale or exchange under section 751 (b). Consequently, the basis of such property shall be its cost to the partner.

§ 1.732–2 *Special partnership basis of distributed property*—(a) *Adjustments under section 734 (b).* In the case of a distribution of property to a partner, the partnership bases of the distributed properties shall reflect any increases or decreases to the basis of partnership property which have been made previously under section 734 (b) (relating to the optional adjustment to basis of undistributed partnership property) in connection with previous distributions.

(b) *Adjustments under section 743 (b).* In the case of a distribution of property to a partner who acquired any part of his interest in a transfer as to which an election under section 754 was in effect, then, for the purposes of section 732 (other than subsection (d)),

the adjusted partnership bases of the distributed property shall take into account, in addition to any adjustments under section 734 (b), the transferee's special basis adjustment for the distributed property under section 743 (b). The application of this paragraph may be illustrated by the following example:

*Example.* Partner D acquired his interest in partnership ABD from a previous partner. Since the partnership had made an election under section 754, a special basis adjustment with respect to D is applicable to the basis of partnership property in accordance with section 743 (b). One of the assets of the partnership at the time D acquired his interest was property X, which is later distributed to D in a current distribution. Property X has an adjusted basis to the partnership of $1,000 and with respect to D it has a special basis adjustment of $500. Therefore, for purposes of section 732 (a) (1), the adjusted basis of such property to the partnership with respect to D immediately before its distribution is $1,500. However, if property X is distributed to partner A, a nontransferee partner, its adjusted basis to the partnership for purposes of section 732 (a) (1) is only $1,000. In such case, D's $500 special basis adjustment may shift over to other property. See § 1.743–1 (b) (2) (ii).

(c) *Adjustments to basis of distributed inventory and unrealized receivables.* Under section 732, the basis to be allocated to distributed properties shall be allocated first to any unrealized receivables and inventory items. If the distributee partner is a transferee of a partnership interest and has a special basis adjustment for unrealized receivables or inventory items under either section 743 (b) or section 732 (d), then the partnership adjusted basis immediately prior to distribution of any unrealized receivables or inventory items distributed to such partner shall be determined as follows: If the distributee partner receives his entire share of the fair market value of the inventory items or unrealized receivables of the partnership, the adjusted basis of such distributed property to the partnership, for the purposes of section 732, shall take into account the entire amount of any special basis adjustment which the distributee partner may have for such assets. If the distributee partner receives less than his entire share of the fair market value of partnership inventory items or unrealized receivables, then, for purposes of section 732, the adjusted basis of such distributed property to the partnership shall take into account the same proportion of the distributee's special basis adjustment for unrealized receivables or inventory items as the value of such items distributed to him bears to his entire share of the total value of all such items of the partnership. The provisions of this paragraph may be illustrated by the following example:

*Example.* Partner C acquired his 40-percent interest in partnership AC from a previous partner. Since the partnership had made an election under section 754, C has a special basis adjustment to partnership property under section 743 (b). C retires from the partnership when the adjusted basis of his partnership interest is $3,000. He receives from the partnership in liquidation of his entire interest, $1,000 cash, certain capital assets, depreciable property, and certain inventory items and unrealized receivables. C has a special basis adjustment of $800 with respect to partnership inventory items and of $200 with respect to unrealized receivables. The common partnership basis for the inventory items distributed to him is $500 and for the unrealized receivables is zero. If the value of inventory items and the unrealized receivables distributed to C in his 40 percent share of the total value of all partnership inventory items and unrealized receivables, then, for purposes of section 732, the adjusted basis of such property in C's hands will be $1,300 for the inventory items ($500 plus $800) and $200 for the unrealized receivables (zero plus $200). The remaining basis of $500, which constitutes the basis of the capital assets and depreciable property distributed to C, is determined as follows: $3,000 (total basis) less $1,000 cash, or $2,000 (the amount to be allocated to the basis of all distributed property), less $1,500 ($800 and $200 special basis adjustments, plus $500 common partnership basis, the amount allocated to inventory items and unrealized receivables). However, if the value of the inventory items and unrealized receivables distributed to C consisted of only 20 percent of the total fair market value of such property (i. e., only one-half of C's 40-percent share), then only one-half of C's special basis adjustment of $800 for partnership inventory items and $200 for unrealized receivables would be taken into account. In that case, the basis of the inventory items in C's hands would be $650 ($250, the common partnership basis for inventory items distributed to him, plus $400, one-half of C's special basis adjustment for inventory items). The basis of the unrealized receivables in C's hands would be $100 (zero plus $100, one-half of C's special basis adjustment for unrealized receivables).

§ 1.733 *Statutory provisions; basis of distributee partner's interest.*

SEC. 733. *Basis of distributee partner's interest.* In the case of a distribution by a partnership to a partner other than in liquidation of a partner's interest, the adjusted basis to such partner of his interest in the partnership shall be reduced (but not below zero) by—

(1) The amount of any money distributed to such partner, and

(2) The amount of the basis to such partner of distributed property other than money, as determined under section 732.

§ 1.733–1 *Basis of distributee partner's interest.* In the case of a distribution by a partnership to a partner other than in liquidation of a partner's entire interest, the adjusted basis to such partner of his interest in the partnership shall be reduced (but not below zero) by the amount of any money distributed to such partner and by the amount of the basis to him of distributed property other than money as determined under section 732 and §§ 1.732–1 and 1.732–2.

§ 1.734 *Statutory provisions; optional adjustment to basis of undistributed partnership property.*

SEC. 734. *Optional adjustment to basis of undistributed partnership property*—(a) *General rule.* The basis of partnership property shall not be adjusted as the result of a distribution of property to a partner unless the election, provided in section 754 (relating to optional adjustment to basis of partnership property), is in effect with respect to such partnership.

(b) *Method of adjustment.* In the case of a distribution of property to a partner, a partnership, with respect to which the election provided in section 754 is in effect, shall—

(1) Increase the adjusted basis of partnership property by—

(A) The amount of any gain recognized to the distributee partner with respect to such distribution under section 731 (a) (1), and

(B) In the case of distributed property to which section 732 (a) (2) or (b) applies, the excess of the adjusted basis of the distributed property to the partnership immediately before the distribution (as adjusted by section 732 (d)) over the basis of the distributed property to the distributee, as determined under section 732, or

(2) Decrease the adjusted basis of partnership property by—

(A) The amount of any loss recognized to the distributee partner with respect to such distribution under section 731 (a) (2), and

(B) In the case of distributed property to which section 732 (b) applies, the excess of the basis of the distributed property to the distributee, as determined under section 732, over the adjusted basis of the distributed property to the partnership immediately before such distribution (as adjusted by section 732 (d)).

(c) *Allocation of basis.* The allocation of basis among partnership properties where subsection (b) is applicable shall be made in accordance with the rules provided in section 755.

§ 1.734–1 *Optional adjustment to basis of undistributed partnership property*—(a) *General rule.* A partnership shall not adjust the basis of partnership property as the result of a distribution of property to a partner, unless the election provided in section 754 (relating to optional adjustment to basis of partnership property) is in effect.

(b) *Method of adjustment*—(1) *Increase in basis.* Where an election under section 754 is in effect and a distribution of partnership property is made, whether or not in liquidation of the partner's entire interest in the partnership, the adjusted basis of the remaining partnership assets shall be increased by—

(i) The amount of any gain recognized under section 731 (a) (1) to the distributee partner, or

(ii) The excess of the adjusted basis to the partnership immediately before the distribution of any property distributed (including adjustments under section 743 (b) or section 732 (d) when applied) over the basis under section 732 (including such special basis adjustments) of such property to the distributee partner.

The provisions of this subparagraph may be illustrated by the following examples:

*Example (1).* Partner A has a basis of $10,000 for his one-third interest in partnership ABC. The partnership has no liabilities and has assets consisting of cash of $11,000 and property with a partnership basis of $19,000 and a value of $22,000. A receives $11,000 in cash in liquidation of his entire interest in the partnership. He has a gain of $1,000 under section 731 (a) (1). If the election under section 754 is in effect, the partnership basis for the property becomes $20,000 ($19,000 plus $1,000).

*Example (2).* Partner D has a basis of $10,000 for his one-third interest in partnership DEF. The partnership balance sheet before the distribution shows the following:



ASSETS

| | Adjusted basis | Value |
|---|---|---|
| Cash | $4,000 | $4,000 |
| Property X | 11,000 | 11,000 |
| Property Y | 15,000 | 18,000 |
| Total | 30,000 | 33,000 |

LIABILITIES AND CAPITAL

| | | |
|---|---|---|
| Liabilities | $0 | $0 |
| Capital: | | |
| D | 10,000 | 11,000 |
| E | 10,000 | 11,000 |
| F | 10,000 | 11,000 |
| Total | 30,000 | 33,000 |

In liquidation of his entire interest in the partnership, D received property X with a partnership basis of $11,000. D's basis for property X is $10,000 under section 732 (b). Where the election under section 754 is in effect, the excess of $1,000 (the partnership basis before the distribution less D's basis for property X after distribution) is added to the basis of property Y. The basis of property Y becomes $16,000 ($15,000 plus $1,000). If the distribution is made to a transferee partner who elects under section 732 (d), see § 1.734–2.

(2) *Decrease in basis.* Where the election provided in section 754 is in effect and a distribution is made in liquidation of a partner's entire interest, the partnership shall decrease the adjusted basis of the remaining partnership property by—

(i) The amount of loss, if any, recognized under section 731 (a) (2) to the distributee partner, or

(ii) The excess of the basis of the distributed property to the distributee, as determined under section 732 (including adjustments under section 743 (b) or section 732 (d) when applied) over the adjusted basis of such property to the partnership (including such special basis adjustments) immediately before such distribution.

The provisions of this subparagraph may be illustrated by the following examples:

*Example (1).* Partner G has a basis of $11,000 for his one-third interest in partnership GHI. Partnership assets consist of cash of $10,000 and property with a basis of $23,000 and a value of $20,000. There are no partnership liabilities. In liquidation of his entire interest in the partnership, G receives $10,000 in cash. He has a loss of $1,000 under section 731 (a) (2). If the election under section 754 is in effect, the partnership basis for the property becomes $22,000 ($23,000 less $1,000).

*Example (2).* Partner J has a basis of $11,000 for his one-third interest in partnership JKL. The partnership balance sheet before the distribution shows the following:

ASSETS

| | Adjusted basis | Value |
|---|---|---|
| Cash | $5,000 | $5,000 |
| Property X | 10,000 | 10,000 |
| Property Y | 18,000 | 15,000 |
| Total | 33,000 | 30,000 |

LIABILITIES AND CAPITAL

| | Adjusted basis | Value |
|---|---|---|
| Liabilities | $0 | $0 |
| Capital: | | |
| J | 11,000 | 10,000 |
| K | 11,000 | 10,000 |
| L | 11,000 | 10,000 |
| Total | 33,000 | 30,000 |

In liquidation of his entire interest in the partnership, J receives property X with a partnership basis of $10,000. J's basis for property X under section 732 (b) is $11,000. Where the election under section 754 is in effect, the excess of $1,000 ($11,000 basis of property X to J, the distributee, less its $10,000 adjusted basis to the partnership immediately before the distribution) decreases the basis of property Y in the partnership. Thus, the basis of property Y becomes $17,000 ($18,000 less $1,000). If the distribution is made to a transferee partner who elects under section 732 (d), see § 1.734–2.

(c) *Allocation of basis.* For allocation among the partnership properties of basis adjustments under section 734 (b) and paragraph (b) of this section, see section 755 and § 1.755–1.

(d) *Returns.* A partnership which must adjust the bases of partnership properties under section 734 shall attach a statement to the partnership return for the year of the distribution setting forth the computation of the adjustment and the partnership properties to which the adjustment has been allocated.

§ 1.734–2 *Adjustment after distribution to transferee partner.* (a) In the case of a distribution of property by the partnership to a partner who has obtained all or part of his partnership interest by transfer, the adjustments to basis provided in section 743 (b) and section 732 (d) shall be taken into account in applying the rules under section 734 (b). For determining the adjusted basis of distributed property to the partnership immediately before the distribution where there has been a prior transfer of a partnership interest with respect to which the election provided in section 754 or section 732 (d) is in effect, see §§ 1.732–1 and 1.732–2.

(b) (1) If a transferee partner, in liquidation of his entire partnership interest, receives a distribution of property (including money) with respect to which he has no special basis adjustment, in exchange for his interest in property with respect to which he has a special basis adjustment, and does not utilize his entire special basis adjustment in determining the basis of the distributed property to him under section 732, the unused special basis adjustment of the distributee shall be applied as an adjustment to the partnership basis of the property retained by the partnership and as to which the distributee did not use his special basis adjustment. The provisions of this subparagraph may be illustrated by the following example:

*Example.* Upon the death of his father, partner S acquires by inheritance a half-interest in partnership ACS. Partners A and C each have a one-quarter interest. The assets of the partnership consist of $10,000 cash and land used in farming worth $10,000 with a basis of $1,000 to the partnership. Since the partnership had made the election under section 754 at the time of transfer, partner S had a special basis adjustment of $4,500 under section 743 (b) with respect to his undivided half-interest in the real estate. The basis of S's partnership interest, in accordance with section 742, is $10,000. S retires from the partnership and receives $10,000 in cash in exchange for his entire interest. Since S has received no part of the real estate, his special basis adjustment of $4,500 will be allocated to the real estate, the remaining partnership property, and will increase its basis to the partnership to $5,500.

(2) The provisions of this paragraph do not apply to the extent that certain distributions are treated as sales or exchanges under section 751 (b) (relating to unrealized receivables and substantially appreciated inventory items). See section 751 (b) and § 1.751–1 (b).

§ 1.735 *Statutory provisions; character of gain or loss on disposition of distributed property.*

SEC. 735. *Character of gain or loss on disposition of distributed property*—(a) *Sale or exchange of certain distributed property*—(1) *Unrealized receivables.* Gain or loss on the disposition by a distributee partner of unrealized receivables (as defined in section 751 (c)) distributed by a partnership, shall be considered gain or loss from the sale or exchange of property other than a capital asset.

(2) *Inventory items.* Gain or loss on the sale or exchange by a distributee partner of inventory items (as defined in section 751 (d) (2)) distributed by a partnership shall, if sold or exchanged within 5 years from the date of the distribution, be considered gain or loss from the sale or exchange of property other than a capital asset.

(b) *Holding period for distributed property.* In determining the period for which a partner has held property received in a distribution from a partnership (other than for purposes of subsection (a) (2)), there shall be included the holding period of the partnership, as determined under section 1223, with respect to such property.

§ 1.735–1 *Character of gain or loss on disposition of distributed property*—(a) *Sale or exchange of distributed property*—(1) *Unrealized receivables.* Any gain realized or loss sustained by a partner on a sale or exchange or other disposition of unrealized receivables (as defined in section 751 (c)) received by him in a distribution from a partnership shall be considered gain or loss from the sale or exchange of property other than a capital asset.

(2) *Inventory items.* Any gain realized or loss sustained by a partner on a sale or exchange of inventory items (as defined in section 751 (d) (2)) received in a distribution from a partnership shall be considered gain or loss from the sale or exchange of property other than a capital asset if such inventory items are sold or exchanged within 5 years from the date of the distribution by the partnership. The character of any gain or loss from a sale or exchange by the distributee partner of such inventory items after 5 years from the date

of distribution shall be determined as of the date of such sale or exchange by reference to the character of the assets in his hands at that date (inventory items, capital assets, property used in a trade or business, etc.).

(b) *Holding period for distributed property.* A partner's holding period for property distributed to him by a partnership shall include the period such property was held by the partnership. The provisions of this paragraph do not apply for the purpose of determining the 5-year period described in section 735 (a) (2) and paragraph (a) (2) of this section. If the property has been contributed to the partnership by a partner, then the period that the property was held by such partner shall also be included. See section 1223 (2). For a partnership's holding period for contributed property, see § 1.723–1.

(c) *Effective date.* Section 735 (a) applies to any property distributed by a partnership to a partner after March 9, 1954. See section 771 (b) (2) and § 1.771–1 (b) (2). However, see section 771 (c).

§ 1.736 *Statutory provisions; payments to a retiring partner or a deceased partner's successor in interest.*

SEC. 736. *Payments to a retiring partner or a deceased partner's successor in interest*—(a) *Payments considered as distributive share or guaranteed payment.* Payments made in liquidation of the interest of a retiring partner or a deceased partner shall, except as provided in subsection (b), be considered—

(1) As a distributive share to the recipient of partnership income if the amount thereof is determined with regard to the income of the partnership, or

(2) As a guaranteed payment described in section 707 (c) if the amount thereof is determined without regard to the income of the partnership.

(b) *Payments for interest in partnership*—(1) *General rule.* Payments made in liquidation of the interest of a retiring partner or a deceased partner shall, to the extent such payments (other than payments described in paragraph (2)) are determined, under regulations prescribed by the Secretary or his delegate, to be made in exchange for the interest of such partner in partnership property, be considered as a distribution by the partnership and not as a distributive share or guaranteed payment under subsection (a).

(2) *Special rules.* For purposes of this subsection, payments in exchange for an interest in partnership property shall not include amounts paid for—

(A) Unrealized receivables of the partnership (as defined in section 751 (c)), or

(B) Good will of the partnership, except to the extent that the partnership agreement provides for a payment with respect to good will.

§ 1.736–1 *Payments to a retiring partner or a deceased partner's successor in interest*—(a) *Payments considered as distributive share or guaranteed payment.* (1) (i) Section 736 and this section apply only to payments made to a retiring partner or to a deceased partner's successor in interest in liquidation of such partner's entire interest in the partnership. See section 761 (d). Section 736 and this section do not apply if the estate or other successor in interest of a deceased partner continues as a partner in its own right under local law. Section 736 and this section apply only to payments made by the partnership and not to transactions between the partners. Thus, a sale by partner A to partner B of his entire one-fourth interest in partnership ABCD would not come within the scope of section 736.

(ii) A partner retires when he ceases to be a partner under local law. However, for the purposes of subchapter K, a retired partner or a deceased partner's successor will be treated as a partner until his interest in the partnership has been completely liquidated.

(2) When payments (including assumption of liabilities treated as a distribution of money under section 752) are made to a withdrawing partner, that is, a retiring partner or the estate or other successor in interest of a deceased partner, the amounts paid may represent several items. In part, they may represent the fair market value at the time of his death or retirement of the withdrawing partner's interest in all the assets of the partnership (including inventory) unreduced by partnership liabilities. Also, part of such payments may be attributable to his interest in unrealized receivables and part to an arrangement among the partners in the nature of mutual insurance. When a partnership makes such payments, whether or not related to partnership income, to retire the withdrawing partner's entire interest in the partnership, the payments must be allocated between (i) payments for the value of his interest in assets, except unrealized receivables and, under some circumstances, good will (section 736 (b)), and (ii) other payments (section 736 (a)). The amounts paid for his interest in assets are treated in the same manner as a distribution in complete liquidation under sections 731, 732, and, where applicable, 751. See § 1.751–1 (b) (4) (ii). The remaining partners are allowed no deduction for these payments since they represent either a distribution or a purchase of the withdrawing partner's capital interest by the partnership (composed of the remaining partners).

(3) Under section 736 (a), the portion of the payments made to a withdrawing partner for his share of unrealized receivables, good will (in the absence of an agreement to the contrary), or otherwise not in exchange for his interest in assets under the rules contained in paragraph (b) of this section will be considered either—

(i) A distributive share of partnership income, if the amount of payment is determined with regard to income of the partnership; or

(ii) A guaranteed payment under section 707 (c), if the amount of the payment is determined without regard to income of the partnership.

(4) Payments, to the extent considered as a distributive share of partnership income under section 736 (a) (1), are taken into account under section 702 in the income of the withdrawing partner and thus reduce the amount of the distributive shares of the remaining partners. Payments, to the extent considered as guaranteed payments under section 736 (a) (2), are deductible by the partnership under section 162 (a) and are taxable as ordinary income to the recipient under section 61 (a). See section 707 (c).

(5) The amount of any payments under section 736 (a) shall be included in the income of the recipient for his taxable year with or within which ends the partnership taxable year for which the payment is a distributive share, or in which the partnership is entitled to deduct such amount as a guaranteed payment. On the other hand, payments under section 736 (b) shall be taken into account by the recipient for his taxable year in which such payments are made. See paragraph (b) (4) of this section.

(6) A retiring partner or a deceased partner's successor in interest receiving payments under section 736 is regarded as a partner until the entire interest of the retiring or deceased partner is liquidated. Therefore, if one of the members of a 2-man partnership retires under a plan whereby he is to receive payments under section 736, the partnership will not be considered terminated, nor will the partnership year close with respect to either partner, until the retiring partner's entire interest is liquidated, since the retiring partner continues to hold a partnership interest in the partnership until that time. Similarly, if a partner in a 2-man partnership dies, and his estate or other successor in interest receives payments under section 736, the partnership shall not be considered to have terminated upon the death of the partner but shall terminate as to both partners only when the entire interest of the decedent is liquidated. See section 708 (b).

(b) *Payments for interest in partnership.* (1) Payments made in liquidation of the entire interest of a retiring partner or deceased partner shall, to the extent made in exchange for such partner's interest in partnership property (except for unrealized receivables and good will as provided in subparagraphs (2) and (3) of this paragraph), be considered as a distribution by the partnership (and not as a distributive share or guaranteed payment under section 736 (a)). Generally, the valuation placed by the partners upon a partner's interest in partnership property in an arm's length agreement will be regarded as correct. If such valuation reflects only the partner's net interest in the property (i. e., total assets less liabilities), it must be adjusted so that both the value of the partner's interest in property and the basis for his interest take into account the partner's share of partnership liabilities. Gain or loss with respect to distributions under section 736 (b) and this paragraph will be recognized to the distributee to the extent provided in section 731 and, where applicable, section 751.

(2) Payments made to a retiring partner or to the successor in interest of a deceased partner for his interest in unrealized receivables of the partnership in excess of their partnership basis, including any special basis adjustment for them to which such partner is entitled, shall not be considered as made in exchange for such partner's interest in partnership property. Such payments shall be treated as payments under section 736 (a) and paragraph (a) of this section. For definition of unrealized receivables, see section 751 (c).

(3) For the purposes of section 736 (b) and this paragraph, payments made to a retiring partner or to a successor in interest of a deceased partner in exchange for the interest of such partner in partnership property shall not include any amount paid for the partner's share of good will of the partnership in excess of its partnership basis, including any special basis adjustments for it to which such partner is entitled, except to the extent that the partnership agreement provides for a reasonable payment with respect to such good will. Such payments shall be considered as payments under section 736 (a). To the extent that the partnership agreement provides for a reasonable payment with respect to good will, such payments shall be treated under section 736 (b) and this paragraph. Generally, the valuation placed upon good will by an arm's length agreement of the partners, whether specific in amount or determined by a formula, shall be regarded as correct.

(4) Payments made to a retiring partner or to a successor in interest of a deceased partner for his interest in inventory shall be considered as made in exchange for such partner's interest in partnership property for the purposes of section 736 (b) and this paragraph. However, payments for an interest in substantially appreciated inventory items, as defined in section 751 (d), are subject to the rules provided in section 751 (b) and § 1.751–1 (b). The partnership basis in inventory items as to a deceased partner's successor in interest does not change because of the death of the partner unless the partnership has elected the optional basis adjustment under section 754. But see § 1.751–1 (b) (3) (iii).

(5) Where payments made under section 736 are received during the taxable year, the recipient must segregate that portion of each such payment which is determined to be in exchange for the partner's interest in partnership property and treated as a distribution under section 736 (b) from that portion treated as a distributive share or guaranteed payment under section 736 (a). Such allocation shall be made as follows—

(i) If a fixed amount (whether or not supplemented by any additional amounts) is to be received over a fixed number of years, the portion of each payment to be treated as a distribution under section 736 (b) for the taxable year shall bear the same ratio to the total fixed agreed payment for such year (as distinguished from the amount actually received) as the total fixed agreed payments under section 736 (b) bear to the total fixed agreed payments under section 736 (a) and (b). The balance, if any, of such amount received in the same taxable year shall be treated as a distributive share or a guaranteed payment under section 736 (a) (1) or (2). However, if the total amount received in any one year is less than the amount considered as a distribution under section 736 (b) for that year, then any unapplied portion shall be added to the portion of the payments for the following year or years which are to be treated as a distribution under section 736 (b). For example, retiring partner W who is entitled to an annual payment of $6,000 for 10 years for his interest in partnership property, receives only $3,500 in 1955. In 1956, he receives $10,000. Of this amount, $8,500 ($6,000 plus $2,500 from 1955) is treated as a distribution under section 736 (b) for 1956; $1,500, as a payment under section 736 (a).

(ii) If the retiring partner or deceased partner's successor in interest receives payments which are not fixed in amount, such payments shall first be treated as payments in exchange for his interest in partnership property under section 736 (b) to the extent of the value of that interest and, thereafter, as payments under section 736 (a).

(iii) In lieu of the rules provided in subdivisions (i) and (ii) of this subparagraph, the allocation of each annual payment between section 736 (a) and (b) may be made in any manner to which all the remaining partners and the withdrawing partner or his successor in interest agree, provided that the total amount allocated to property under section 736 (b) does not exceed the fair market value of such property at the date of death or retirement.

(6) Except to the extent section 751 (b) applies, the amount of any gain or loss with respect to payments under section 736 (b) for a retiring or deceased partner's interest in property for each year of payment shall be determined under section 731. However, where the total of section 736 (b) payments is a fixed sum, a retiring partner or a deceased partner's successor in interest may elect (in his tax return for the first taxable year for which he receives such payments), to report and to measure the amount of any gain or loss by the difference between—

(i) The amount treated as a distribution under section 736 (b) in that year, and

(ii) The portion of the adjusted basis of the partner for his partnership interest attributable to such distribution (i. e., the amount which bears the same proportion to the partner's total adjusted basis for his partnership interest as the amount distributed under section 736 (b) in that year bears to the total amount to be distributed under section 736 (b)).

A recipient who elects under this subparagraph shall attach a statement to his tax return for the first taxable year for which he receives such payments, indicating his election and showing the computation of the gain included in gross income.

(7) The provisions of this paragraph may be illustrated by the following examples:

*Example (1)* Partnership ABC is a personal service partnership and its balance sheet is as follows:

ASSETS

| | Adjusted basis per books | Market value |
|---|---|---|
| Cash | $13,000 | $13,000 |
| Unrealized receivables | 0 | 30,000 |
| Capital and section 1231 assets | 20,000 | 23,000 |
| Total | 33,000 | 66,000 |

LIABILITIES AND CAPITAL

| | Per books | Value |
|---|---|---|
| Liabilities | $3,000 | $3,000 |
| Capital: | | |
| A | 10,000 | 21,000 |
| B | 10,000 | 21,000 |
| C | 10,000 | 21,000 |
| Total | 33,000 | 66,000 |

Partner A retires from the partnership in accordance with an agreement whereby his share of liabilities ($1,000) is assumed. In addition he is to receive $9,000 in the year of retirement plus $10,000 in each of the two succeeding years. Thus, the total that A receives for his partnership interest is $30,000 ($29,000 in cash and $1,000 in liabilities assumed). Under the agreement terminating A's interest, the value of A's interest in section 736 (b) partnership property is $12,000 (one-third of $36,000, the sum of $13,000 cash and $23,000, the fair market value of capital and section 1231 assets). A's share in unrealized receivables is not included in his interest in partnership property described in section 736 (b). Since the basis of A's interest is $11,000 ($10,000 plus $1,000, his share of partnership liabilities), he will realize a capital gain of $1,000 ($12,000 minus $11,000) from the disposition of his interest in partnership property. The remaining $18,000 ($30,000 minus $12,000) will constitute payments under section 736 (a) (2) which are taxable to A as guaranteed payments under section 707 (c). The payment for the first year is $10,000, consisting of $9,000 in cash, plus $1,000 in liability assumed (section 752 (b)). Thus, unless the partners agree otherwise under subparagraph (5) (iii) of this paragraph, each annual payment of $10,000 will be allocated as follows: $6,000 (18,000/30,000 of $10,000) is a section 736 (a) (2) payment and $4,000 (12,000/30,000 of $10,000) is a payment for an interest in section 736 (b) partnership property. (The partnership may deduct the $6,000 guaranteed payment made to A in each of the 3 years.) The gain on the payments for partnership property will be determined under section 731, as provided in subparagraph (6) of this paragraph. A will treat only $4,000 of each payment as a distribution in a series in liquidation of his entire interest and, under section 731, will have a capital gain of $1,000 when the last payment is made. However, if A so elects, as provided in subparagraph (6) of this paragraph, he may treat such gain as follows: Of each $4,000 payment attributable to A's interest in partnership property, $333 is capital gain (one-third of the total capital gain of $1,000), and $3,667 is a return of capital.

*Example (2).* Assume the same facts as in example (1) of this subparagraph except that the agreement between the partners provides for payments to A for 3 years of a percentage of annual income instead of a fixed amount. Unless the partners agree otherwise under subparagraph (5) (iii) of this paragraph, all payments received by A up to $12,000 shall be treated under section 736 (b) as payments for A's interest in partnership property. His gain of $1,000 will be taxed only after he has received his full basis under section 731. Since the payments are not fixed in amount, the election provided in subparagraph (6) of this paragraph is not available. Any payments in excess of $12,000 shall be treated as a distributive share of partnership income to A under section 736 (a) (1).

*Example (3).* Assume the same facts as in example (1) of this subparagraph except that the partnership agreement provides that the payment for A's interest in partnership property shall include payment for his interest in the good will of the partnership. At the time of A's retirement, the partners determine the value of partnership good will to be $9,000. The value of A's interest in partnership property described in section 736 (b)

is thus $15,000 (one-third of $45,000, the sum of $13,000 cash, plus $23,000, the value of capital and section 1231 assets, plus $9,000 good will). From the disposition of his interest in partnership property, A will realize a capital gain of $4,000 ($15,000, minus $11,000) the basis of his interest. The remaining $15,000 ($30,000 minus $15,000) will constitute payments under section 736 (a) (2) which are taxable to A as guaranteed payments under section 707 (c).

(c) *Cross reference.* See section 753 for treatment of payments under section 736 (a) as income in respect of a decedent under section 691.

*Transfers of Interests in a Partnership*

§ 1.741 *Statutory provisions; recognition and character of gain or loss on sale or exchange.*

SEC. 741. *Recognition and character of gain or loss on sale or exchange.* In the case of a sale or exchange of an interest in a partnership, gain or loss shall be recognized to the transferor partner. Such gain or loss shall be considered as gain or loss from the sale or exchange of a capital asset, except as otherwise provided in section 751 (relating to unrealized receivables and inventory items which have appreciated substantially in value).

§ 1.741–1 *Recognition and character of gain or loss on sale or exchange.* (a) The sale or exchange of an interest in a partnership shall, except to the extent section 751 (a) applies, be treated as the sale or exchange of a capital asset, resulting in capital gain or loss measured by the difference between the amount realized and the adjusted basis of the partnership interest, as determined under section 705. For treatment of selling partner's distributive share up to date of sale, see section 706 (c) (2). Where the provisions of section 751 require the recognition of ordinary income or loss with respect to a portion of the amount realized from such sale or exchange, the amount realized shall be reduced by the amount attributable under section 751 to unrealized receivables and substantially appreciated inventory items, and the adjusted basis of the transferor partner's interest in the partnership shall be reduced by the portion of such basis attributable to such unrealized receivables and substantially appreciated inventory items. See section 751 and § 1.751–1.

(b) Section 741 shall apply whether the partnership interest is sold to one or more members of the partnership or to one or more persons who are not members of the partnership. Section 741 shall also apply even though the sale of the partnership interest results in a termination of the partnership under section 708 (b). Thus, the provisions of section 741 shall be applicable (1) to the transferor partner in a 2-man partnership when he sells his interest to the other partner, and (2) to all the members of a partnership when they sell their interests to one or more persons outside the partnership.

(c) See section 351 for nonrecognition of gain or loss upon transfer of a partnership interest to a corporation controlled by the transferor.

§ 1.742 *Statutory provisions; basis of transferee partner's interest.*

SEC. 742. *Basis of transferee partner's interest.* The basis of an interest in a partnership acquired other than by contribution shall be determined under part II of subchapter O (sec. 1011 and following).

§ 1.742–1 *Basis of transferee partner's interest.* The basis to a transferee partner of an interest in a partnership shall be determined under the general basis rules for property provided by part II of subchapter O (sections 1011 to 1022, inclusive). Thus, the basis of a purchased interest will be its cost. The basis of a partnership interest acquired from a decedent is the fair market value of the interest at the date of his death or at the alternate valuation date, increased by his estate's or other successor's share of partnership liabilities, if any, on that date, and reduced to the extent that such value is attributable to items constituting income in respect of a decedent (see section 753 and §§ 1.706–1 (c) (3) (v) and 1.753–1 (b)) under section 691. See section 1014 (c). For basis of contributing partner's interest, see section 722. The basis so determined is then subject to the adjustments provided in section 705.

§ 1.743 *Statutory provisions; optional adjustment to basis of partnership property.*

SEC. 743. *Optional adjustment to basis of partnership property.*—(a) *General rule.* The basis of partnership property shall not be adjusted as the result of a transfer of an interest in a partnership by sale or exchange or on the death of a partner unless the election provided by section 754 (relating to optional adjustment to basis of partnership property) is in effect with respect to such partnership.

(b) *Adjustment to basis of partnership property.* In the case of a transfer of an interest in a partnership by sale or exchange or upon the death of a partner, a partnership with respect to which the election provided in section 754 is in effect shall—

(1) Increase the adjusted basis of the partnership property by the excess of the basis to the transferee partner of his interest in the partnership over his proportionate share of the adjusted basis of the partnership property, or

(2) Decrease the adjusted basis of the partnership property by the excess of the transferee partner's proportionate share of the adjusted basis of the partnership property over the basis of his interest in the partnership.

Under regulations prescribed by the Secretary or his delegate, such increase or decrease shall constitute an adjustment to the basis of partnership property with respect to the transferee partner only. A partner's proportionate share of the adjusted basis of partnership property shall be determined in accordance with his interest in partnership capital and, in the case of an agreement described in section 704 (c) (2) (relating to effect of partnership agreement on contributed property), such share shall be determined by taking such agreement into account. In the case of an adjustment under this subsection to the basis of partnership property subject to depletion, any depletion allowable shall be determined separately for the transferee partner with respect to his interest in such property.

(c) *Allocation of basis.* The allocation of basis among partnership properties where subsection (b) is applicable shall be made in accordance with the rules provided in section 755.

§ 1.743–1 *Optional adjustment to basis of partnership property.*—(a) *General rule.* The basis of partnership property shall not be adjusted as the result of a transfer of an interest in a partnership, either by sale or exchange or as a result of the death of a partner, unless the election provided by section 754 (relating to optional adjustment to basis of partnership property) is in effect with respect to the partnership. However, whether or not the election provided in section 754 is in effect, the basis of partnership property shall not be adjusted as the result of a contribution of property, including money, to the partnership.

(b) *Adjustment to basis of partnership property.*—(1) *Determination of adjustment.* In the case of a transfer of an interest in a partnership, either by sale or exchange or as a result of the death of a partner, a partnership as to which the election under section 754 is in effect shall—

(i) Increase the adjusted basis of partnership property by the excess of the transferee's basis for his partnership interest over his share of the adjusted basis to the partnership of all partnership property, or

(ii) Decrease the adjusted basis of partnership property by the excess of the transferee partner's share of the adjusted basis of all partnership property over his basis for his partnership interest.

The amount of the increase or decrease constitutes an adjustment affecting the basis of partnership property with respect to the transferee partner only. Thus, for purposes of depreciation, depletion, gain or loss, and distributions, the transferee partner will have a special basis for those partnership properties which are adjusted under section 743 (b) and this paragraph. This special basis in his share of the common partnership basis (i. e., the adjusted basis of such properties to the partnership without regard to any special basis adjustments of any transferee) plus or minus his special basis adjustments. A partner's share of the adjusted basis of partnership property is equal to the sum of his interest as a partner in partnership capital and surplus, plus his share of partnership liabilities. Where an agreement with respect to contributed property is in effect under section 704 (c) (2), such agreement shall be taken into account in determining a partner's share of the adjusted basis of partnership property. Generally, if a partner's interest in partnership capital and profits is ⅓, his share of the adjusted basis of partnership property will be ⅓ of such basis. The provisions of this paragraph may be illustrated by the following examples:

*Example (1).* A is a member of partnership ABC in which the partners have equal interests in capital and profits. The partnership has made the election under section 754, relating to the optional adjustment to the basis of partnership property. A sells his interest to P for $22,000. The balance sheet of the partnership at the date of sale shows the following:



ASSETS

| | Adjusted basis per books | Market value |
|---|---|---|
| Cash | $5,000 | $5,000 |
| Accounts receivable | 10,000 | 10,000 |
| Inventory | 20,000 | 21,000 |
| Depreciable assets | 20,000 | 40,000 |
| Total | 55,000 | 76,000 |

LIABILITIES AND CAPITAL

| | Adjusted basis per books | Value |
|---|---|---|
| Liabilities | $10,000 | $10,000 |
| Capital: | | |
| A | 15,000 | 22,000 |
| B | 15,000 | 22,000 |
| C | 15,000 | 22,000 |
| Total | 55,000 | 76,000 |

The amount of the adjustment under section 743 (b) is the difference between the basis of the transferee's interest in the partnership and his share of the adjusted basis of partnership property. Under section 742, the basis of P's interest is $25,333 (the cash paid for A's interest, $22,000, plus $3,333, P's share of partnership liabilities). P's share of the adjusted basis of partnership property is $18,333, i. e., $15,000 plus $3,333. The amount to be added to the basis of partnership property is, therefore, $7,000, the difference between $25,333 and $18,333. This amount will be allocated to partnership properties in accordance with the rules set forth in section 755 and § 1.755–1.

*Example (2).* D is a member of partnership DEF in which the partners have equal interests in profits, but not in capital. The partnership has made the election under section 754. D dies and his interest passes to W, his widow. The balance sheet of the partnership at the date of D's death shows the following:

ASSETS

| | Adjusted basis per books | Market value |
|---|---|---|
| Cash | $7,000 | $7,000 |
| Accounts receivable | 10,000 | 10,000 |
| Inventory | 20,000 | 24,000 |
| Depreciable assets | 20,000 | 40,000 |
| Total | 57,000 | 81,000 |

LIABILITIES AND CAPITAL

| | Adjusted basis per books | Value |
|---|---|---|
| Liabilities | $10,000 | $10,000 |
| Capital: | | |
| D | 18,000 | 26,000 |
| E | 15,000 | 23,000 |
| F | 14,000 | 22,000 |
| Total | 57,000 | 81,000 |

The amount of the adjustment under section 743 (b) is the difference between the basis of the transferee's interest in the partnership and her share of the adjusted basis of partnership property. Under section 742, the basis of W's interest is $29,333 (the fair market value of D's interest at his death, $26,000, plus $3,333, his share of partnership liabilities). W's share of the adjusted basis of partnership property is $21,333 (i. e., $18,000 plus $3,333, per share of partnership liabilities). The amount to be added to the basis of partnership property is, therefore, $8,000, the difference between $29,333 and $21,333. This amount will be allocated to partnership properties in accordance with the rules set forth in section 755 and § 1.755–1.

Note that in examples (1) and (2) of this subparagraph the amount of the adjustment does not depend upon the adjusted basis to the transferor for his interest in partnership capital.

(2) *Determination of partner's share of adjusted basis of partnership property.* (i) Under the provisions of section 743 (b), a partner's share of the adjusted basis of partnership property shall be determined by taking into account the effect of any partnership agreement with respect to contributed property as described in section 704 (c) (2), or the effect of the contribution of undivided interests under section 704 (c) (3). This rule may be illustrated by the following examples:

*Example (1).* A, B, and C form partnership ABC, to which A contributes land worth $1,000 (property X) with an adjusted basis to him of $400, and B and C each contributes $1,000 cash. Each partner has $1,000 credited to him on the books of the partnership as his capital contribution. The partners share in profits equally. During the partnership's first taxable year, property X appreciates in value to $1,300. A sells his one-third interest in the partnership to D for $1,100, when the election under section 754 is in effect. No agreement under section 704 (c) (2) is in effect. The adjusted basis of the partnership property is increased with respect to D by the excess of his basis for his partnership interest, $1,100, over his share of the adjusted basis of partnership property, $800 (⅓ of $2,400, the total adjusted basis of partnership property). The amount of the adjustment, therefore, is $300 ($1,100 minus $800), which is an increase in the basis of partnership property with respect to D only. This special basis adjustment will be allocated to property X. (See section 755 and § 1.755–1.) If property X is sold for $1,600, the gain to the partnership is $1,200 ($1,600 received, less the adjusted common partnership basis of $400 for property X). Thus, each partner's distributive share of the gain on the sale is $400. However, D's recognized gain is only $100 (his $400 distributive share of the gain, reduced by $300, his special basis adjustment with respect to property X). If D purchased his interest from B or C, the partners who contributed cash, D's adjustment under section 743 (b) would also be $300, computed in exactly the same manner as in the case of a purchase from A.

*Example (2).* Assume that partnership ABC described in example (1) of this subdivision has an agreement under section 704 (c) (2) with respect to property X, stating that upon the sale of that property any gain, to the extent attributable to the precontribution appreciation of $600 (the difference between its value, $1,000, and its basis, $400, at the time of the contribution) is to be allocated entirely to A, who contributed property X. Upon the purchase of A's interest by D for $1,100, the computation of D's special basis would differ from that indicated in example (1) of this subdivision as follows: Under the partnership agreement, A's share of the $2,400 adjusted basis of partnership property is only $400 (his basis for property X prior to its contribution to the partnership), and B's and C's share is $1,000 each (the amount of the cash investment of each). The amount of the increase to D in the adjusted basis of partnership property under section 743 (b) (1) is $700 (the excess of $1,100, D's cost basis for his interest, over $400, A's share of the adjusted basis of partnership property to which D succeeds). This amount constitutes an adjustment to the basis of partnership property with respect to D only. If X is sold by the partnership for $1,600, the gain is $1,200 ($1,600 received less the adjusted common partnership basis of $400). Under the partnership agreement, $600 of this gain, which is attributable to precontribution appreciation in value, is allocable to D, who is A's successor. The remaining $600 gain is not subject to the agreement and is allocable to the partners equally, $200 each. D's distributive share of the partnership gain is thus $600 plus $200, or $800. However, D has a special basis adjustment of $700 under section 743 (b) (1), which reduces his gain from $800 to $100. B and C each has a gain of $200, which is unaffected by the transfer of A's interest to D.

*Example (3).* Assume the same facts as in example (2) of this subdivision, except that D has purchased his interest from B instead of from A. His special basis adjustment for partnership property in this case differs from that where he had purchased his interest from A, because of the effect of the agreement under section 704 (c) (2). In this case, D is a successor to B, whose share of the adjusted basis of partnership property is $1,000, instead of A, whose share is only $400. As a result, the adjustment under section 743 (b) (1) is the excess of D's cost basis for his interest, $1,100, over his share of the adjusted basis of partnership property, $1,000, or $100. In this case, if property X is sold for $1,600, the partnership gain is $1,200 ($1,600 less the adjusted partnership basis of $400). Of this gain, $600, representing precontribution appreciation, is allocable to A under the partnership agreement. The remaining $600 is allocable in the amount of $200 to each partner. Since D as a transferee has a special basis adjustment of $100 under section 743 (b) (1), his gain is reduced from $200 to $100.

(ii) If a partner receives a distribution of property with respect to which another partner has a special basis adjustment, the distributee shall not take into account the special basis adjustment of the other partner. However, the partner with the special basis adjustment will reallocate it under section 755 to remaining partnership property of a like kind or, if he receives a distribution of like property, to such distributed property. If a partner receives a distribution of property with respect to which he has a special basis adjustment, such basis adjustment will be taken into account when relevant under section 732. See § 1.732–2 (b). If, at the time a partner receives property (whether or not he has a special basis adjustment with respect to such property), he relinquishes his interest in other property of a like kind with respect to which he has a special basis adjustment, the adjusted basis to the partnership of the distributed property shall include his special basis adjustment for the property in which he relinquished his interest. For the purposes of the preceding sentence, a partner will be considered as having relinquished his interest in any remaining partnership properties when his interest has been completely liquidated; however, when a partner receives a distribution not in liquidation, he will be considered as relinquishing his interest only in property distributed to other partners. For the purposes of this subdivision, like property means property of the same class, that is, stock in trade, property used in the trade or business, capital

assets, etc. For certain adjustments to the basis of remaining partnership property after a distribution to a transferee partner, see § 1.734–2 (b). The provisions of this subdivision may be illustrated by the following examples:

*Example (1).* C is a transferee partner in partnership BC. The partnership owns, among other assets, X, a depreciable asset with a common basis to the partnership of $1,000 and a special basis adjustment to C of $200, and Y, another depreciable asset with a common basis of $800 and a special basis adjustment to C of $300. B and C agree that B will receive a distribution of property Y, and C will receive a distribution of property X, with all other property to remain in the partnership. With respect to B, the partnership basis of property Y is $800, the common partnership basis. Y will, therefore, have a basis of $800 in B's hands under section 732 (a) which provides for the use of a carryover basis in the case of current distributions. With respect to C, however, the partnership basis of property X is $1,500, the common partnership basis of $1,000, plus C's special basis adjustment of $200 for property X, plus C's additional special basis adjustment of $300 for property Y, in which he has relinquished his interest.

*Example (2).* (a) Partner D acquired his one-third interest in partnership BCD for $14,000 from a previous partner when an election under section 754 was in effect. Therefore, under section 743 (b), D has a special basis adjustment for certain partnership property. Assume that at the time of the distribution in paragraph (b) of this example, the partnership assets consist of cash and rental property and that such assets and D's special basis adjustments under section 743 (b) are as follows:

| Item | Fair market value | Common partnership basis | D's share | D's special basis adjustment | Partnership basis to D |
|---|---|---|---|---|---|
| Cash | $12,000 | $12,000 | $4,000 | -------- | $4,000 |
| House: | | | | | |
| U | 9,000 | 1,200 | 400 | -------- | 400 |
| V | 6,000 | 4,500 | 1,500 | -------- | 1,500 |
| W | 8,000 | 1,500 | 500 | -------- | 500 |
| X | 9,000 | 4,800 | 1,600 | $2,000 | 3,600 |
| Y | 9,000 | 6,000 | 2,000 | -------- | 2,000 |
| Z | 7,000 | 3,000 | 1,000 | 1,000 | 2,000 |
| Total | 60,000 | 33,000 | 11,000 | 3,000 | 14,000 |

(b) Assume further that D receives $4,000 in cash and houses Y and Z in complete liquidation of his interest in partnership BCD. In determining the basis to D of houses Y and Z under section 732 (b) and (c), D must allocate $10,000 basis ($14,000 basis for his interest, less $4,000 cash received) to houses Y and Z in proportion to their adjusted bases to the partnership. For purposes of section 732 (c), the adjusted basis of house Y is $7,200. ($6,000 common partnership basis, plus $1,200, allocated share of D's special basis adjustment of $2,000 for house X, in which D relinquished his interest). The adjusted basis of house Z is $4,800 ($3,000 common partnership basis, plus $1,000, D's special basis for house Z, plus $800, allocated share of D's special basis of $2,000 for house X, in which D relinquished his interest). See subparagraph (2) (ii) of this paragraph under which 6,000/10,000 of the $2,000 special basis adjustment for X is allocated to Y and 4,000/10,000 of such amount to Z. Therefore, $6,000 basis (7,200/12,000 of $10,000) is allocated to house Y and $4,000 basis (4,800/12,000 of $10,000) to house Z.

(c) Since houses Y and Z had $12,000 basis to the partnership, as computed in paragraph (b) of this example, and only $1,000 basis to D, as determined under section 732, the partnership, under section 734 (b) (1) (B), must increase the basis of remaining partnership property (houses U, V, W, and X) by $2,000 (excess of $12,000 over $10,000). For allocation of this amount, see section 755 and § 1.755–1.

(iii) Where an adjustment is made under section 743 (b) to the basis of partnership property subject to depletion, any depletion allowable shall be determined separately for each partner, including the transferee partner, based on his interest in such property. See § 1.702–1 (a) (8). This rule may be illustrated by the following example:

*Example.* A, B, and C each contributes $5,000 cash to form partnership ABC, which purchases oil property for $15,000. C subsequently sells his partnership interest to D for $100,000 when the election under section 754 is in effect. D has a special basis adjustment for the oil property of $95,000 (the difference between D's basis, $100,000, and his share of the basis of partnership property, $5,000). Assume that the depletion allowance computed under the percentage method would be $21,000 for the taxable year so that each partner would be entitled to $7,000 as his share of the deduction for depletion. However, under the cost depletion method, at an assumed rate of 10 percent, the allowance with respect to D's one-third interest which has a basis to him of $100,000 ($5,000, plus his special basis adjustment of $95,000) is $10,000, although the cost depletion allowance with respect to the one-third interest of A and B in the oil property, each of which has a basis of $5,000, is only $500. For partners A and B, the percentage depletion is greater than cost depletion and each will deduct $7,000 based on the percentage depletion method. However, as to D, the transferee partner, the cost depletion method results in a greater allowance and D will, therefore, deduct $10,000 based on cost depletion. See section 613 (a).

(iv) Where there has been more than one transfer of partnership interests, the last transferee's special basis adjustment, if any, under section 743 (b) shall be determined by reference to the partnership common basis for its property without regard to any prior transferee's special basis adjustment. For example, A, B, and C form a partnership. A and B each contributes $1,000 cash and C contributes land with a basis and value of $1,000. When the land has appreciated in value to $1,300, A sells his interest to D for $1,100 (⅓ of $3,300, the value of the partnership property). The election under section 754 is in effect; therefore, D has a special basis adjustment of $100 with respect to the land under section 743 (b). After the land has further appreciated in value to $1,600, D sells his interest to E for $1,200 (⅓ of $3,600, the value of the partnership property). Under section 743 (b), E has a special basis adjustment of $200. This amount is determined without regard to any special basis adjustment that D may have had in the partnership assets.

(3) *Returns.* A transferee partner who has a special basis adjustment under section 743 (b) shall attach a statement to his income tax return for the first taxable year in which the basis of any partnership property subject to the adjustment is pertinent in determining his income tax, showing the computation of the adjustment and the partnership properties to which the adjustment has been allocated.

(c) *Allocation of basis.* For the allocation of basis among partnership properties where section 743 (b) applies, see section 755 and § 1.755–1.

*Provisions Common to Other Subparts*

§ 1.751 *Statutory provisions; unrealized receivables and inventory items.*

SEC. 751. *Unrealized receivables and inventory items—*(a) *Sale or exchange of interest in partnership.* The amount of any money, or the fair market value of any property, received by a transferor partner in exchange for all or a part of his interest in the partnership attributable to—

(1) Unrealized receivables of the partnership, or

(2) Inventory items of the partnership which have appreciated substantially in value,

shall be considered as an amount realized from the sale or exchange of property other than a capital asset.

(b) *Certain distributions treated as sales or exchanges—*(1) *General rule.* To the extent a partner receives in a distribution—

(A) Partnership property described in subsection (a) (1) or (2) in exchange for all or a part of his interest in other partnership property (including money), or

(B) Partnership property (including money) other than property described in subsection (a) (1) or (2) in exchange for all or a part of his interest in partnership property described in subsection (a) (1) or (2),

such transactions shall, under regulations prescribed by the Secretary or his delegate, be considered as a sale or exchange of such property between the distributee and the partnership (as constituted after the distribution).

(2) *Exceptions.* Paragraph (1) shall not apply to—

(A) A distribution of property which the distributee contributed to the partnership, or

(B) Payments, described in section 736 (a), to a retiring partner or successor in interest of a deceased partner.

(c) *Unrealized receivables.* For purposes of this subchapter, the term "unrealized receivables" includes, to the extent not previously includible in income under the method of accounting used by the partnership, any rights (contractual or otherwise) to payment for—

(1) Goods delivered, or to be delivered, to the extent the proceeds therefrom would be treated as amounts received from the sale or exchange of property other than a capital asset, or

(2) Services rendered, or to be rendered.

(d) *Inventory items which have appreciated substantially in value—*(1) *Substantial appreciation.* Inventory items of the partnership shall be considered to have appreciated substantially in value if their fair market value exceeds—

(A) 120 percent of the adjusted basis to the partnership of such property, and

(B) 10 percent of the fair market value of all partnership property, other than money.

(2) *Inventory items.* For purposes of this subchapter the term "inventory items" means—

(A) Property of the partnership of the kind described in section 1221 (1),

(B) Any other property of the partnership which, on sale or exchange by the partnership, would be considered property other than a capital asset and other than property described in section 1231, and

(C) Any other property held by the partnership which, if held by the selling or distributee partner, would be considered property of the type described in subparagraph (A) or (B).



§ 1.751–1 *Unrealized receivables and inventory items—*(a) *Sale or exchange of interest in a partnership—*(1) *Character of amount realized.* To the extent that money or property received by a partner in exchange for all or part of his partnership interest is attributable to his share of the value of partnership unrealized receivables or substantially appreciated inventory items, the money or fair market value of the property received shall be considered as an amount realized from the sale or exchange of property other than a capital asset. The remainder of the total amount realized on the sale or exchange of the partnership interest is realized from the sale or exchange of a capital asset under section 741. For definition of "unrealized receivables" and "inventory items which have appreciated substantially in value", see section 751 (c) and (d). Unrealized receivables and substantially appreciated inventory items are hereafter in this section referred to as "section 751 property". See paragraph (e) of this section.

(2) *Determination of gain or loss.* The income or loss realized by a partner upon the sale or exchange of his interest in section 751 property is the difference between (i) the portion of the total amount realized for the partnership interest allocated to section 751 property, and (ii) the portion of the selling partner's basis for his entire interest allocated to such property. Generally, the portion of the total amount realized which the seller and the purchaser allocate to section 751 property in an arm's length agreement will be regarded as correct. The portion of the partner's adjusted basis for his partnership interest to be allocated to section 751 property shall be an amount equal to the basis such property would have had under section 732 (including subsection (d) thereof) if the selling partner had received his share of such properties in a current distribution made immediately before the sale. See §§ 1.732–1 and 1.733–2. Such basis shall reflect the rules of section 704 (c) (3), if applicable, or any agreement under section 704 (c) (2). Any gain or loss recognized which is attributable to section 751 property will be ordinary gain or loss. The difference between the remainder, if any, of the partner's adjusted basis for his partnership interest and the balance, if any, of the amount realized is the transferor's capital gain or loss on the sale of his partnership interest.

(3) *Statement required.* A transferor partner selling or exchanging any part of his interest in a partnership which has any section 751 property at the time of sale or exchange shall submit with his income tax return for the taxable year in which the sale or exchange occurs a statement setting forth separately the following information:

(i) The date of the sale or exchange, the amount of the transferor partner's adjusted basis for his partnership interest, and the portion thereof attributable to section 751 property under section 732; and

(ii) The amount of any money and the fair market value of any other property received or to be received for the transferred interest in the partnership, and the portion thereof attributable to section 751 property.

(iii) If the transferor partner computes his adjusted basis for section 751 property under the provisions of section 732 (d), he must also include in the statement the information required by § 1.732–1 (d) (3).

(iv) If the transferor partner has a special basis adjustment under section 743 (b), he must also include in the statement the computation of his special basis adjustment and the partnership properties to which the adjustment has been allocated.

(b) *Certain distributions treated as sales or exchanges—*(1) *In general.* (i) Certain distributions to which section 751 (b) applies are treated in part as sales or exchanges of property between the partnership and the distributee partner, and not as distributions to which sections 731 through 736 apply. A distribution treated as a sale or exchange under section 751 (b) is not subject to the provisions of section 707 (b). Section 751 (b) applies whether or not the distribution is in liquidation of the distributee partner's entire interest in the partnership. However, section 751 (b) applies only to the extent that a partner either receives section 751 property in exchange for his relinquishing any part of his interest in other property, or receives other property in exchange for his relinquishing any part of his interest in section 751 property.

(ii) Section 751 (b) does not apply to a distribution to a partner which is not in exchange for his interest in other partnership property. Thus, section 751 (b) does not apply to the extent that a distribution consists of the distributee partner's share of section 751 property or his share of other property. Similarly, section 751 (b) does not apply to current drawings or to advances against the partner's distributive share, or to a distribution which is, in fact, a gift or payment for services or for the use of capital. In determining whether a partner has received only his share of either section 751 property or of other property, his interest in such property remaining in the partnership immediately after a distribution must be taken into account. For example, the section 751 property in partnership ABC has a fair market value of $100,000 in which partner A has an interest of 30 percent, or $30,000. If A receives $20,000 of section 751 property in a distribution, and continues to have a 30-percent interest in the $80,000 of section 751 property remaining in the partnership after the distribution, only $6,000 ($30,000 minus $24,000 (30 percent of $80,000)) of the section 751 property received by him will be considered to be his share of such property. The remaining $14,000 ($20,000 minus $6,000) received is in excess of his share.

(iii) If a distribution is, in part, a distribution of the distributee partner's share of section 751 property, or of other property (including money) and, in part, a distribution in exchange of such properties, the distribution shall be divided for the purpose of applying section 751 (b). The rules of section 751 (b) shall first apply to the part of the distribution treated as a sale or exchange of such properties, and then the rules of sections 731 through 736 shall apply to the part of the distribution not treated as a sale or exchange. See paragraph (b) (4) (ii) of this section for treatment of payments under section 736 (a).

(2) *Distribution of section 751 property (unrealized receivables or substantially appreciated inventory items).* (i) To the extent that a partner receives section 751 property in a distribution in exchange for any part of his interest in partnership property (including money) other than section 751 property, the transaction shall be treated as a sale or exchange of such properties between the distributee partner and the partnership (as constituted after the distribution).

(ii) At the time of the distribution, the partnership (as constituted after the distribution) realizes ordinary income or loss on the sale or exchange of the section 751 property. The amount of the income or loss to the partnership will be measured by the difference between the adjusted basis to the partnership of the section 751 property considered as sold to or exchanged with the partner, and the fair market value of the distributee partner's interest in other partnership property which he relinquished in the exchange. In computing the partners' distributive shares of such ordinary income or loss, the income or loss shall be allocated only to partners other than the distributee and separately taken into account under section 702 (a) (8).

(iii) At the time of the distribution, the distributee partner realizes gain or loss measured by the difference between his adjusted basis for the property relinquished in the exchange (including any special basis adjustment which he may have) and the fair market value of the section 751 property received by him in exchange for his interest in other property which he has relinquished. The distributee's adjusted basis for the property relinquished is the basis such property would have had under section 732 (including subsection (d) thereof) if the distributee partner had received such property in a current distribution immediately before the actual distribution which is treated wholly or partly as a sale or exchange under section 751 (b). The character of the gain or loss to the distributee partner shall be determined by the character of the property in which he relinquished his interest.

(3) *Distribution of partnership property other than section 751 property.* (i) To the extent that a partner receives a distribution of partnership property (including money) other than section 751 property in exchange for any part of his interest in section 751 property of the partnership, the distribution shall be treated as a sale or exchange of such properties between the distributee partner and the partnership (as constituted after the distribution).

(ii) At the time of the distribution, the partnership (as constituted after the

distribution) realizes gain or loss on the sale or exchange of the property other than section 751 property. The amount of the gain to the partnership will be measured by the difference between the adjusted basis to the partnership of the distributed property considered as sold to or exchanged with the partner, and the fair market value of the distributee partner's interest in section 751 property which he relinquished in the exchange. The character of the gain or loss to the partnership is determined by the character of the distributed property treated as sold or exchanged by the partnership. In computing the partners' distributive shares of such gain or loss, the gain or loss shall be allocated only to partners other than the distributee and separately taken into account under section 702 (a) (8).

(iii) At the time of the distribution, the distributee partner realizes ordinary income or loss on the sale or exchange of the section 751 property. The amount of the distributee partner's income or loss shall be measured by the difference between his adjusted basis for the section 751 property relinquished in the exchange (including any special basis adjustment which he may have), and the fair market value of other property (including money) received by him in exchange for his interest in the section 751 property which he has relinquished. The distributee partner's adjusted basis for the section 751 property relinquished is the basis such property would have had under section 732 (including subsection (d) thereof) if the distributee partner had received such property in a current distribution immediately before the actual distribution which is treated wholly or partly as a sale or exchange under section 751 (b).

(4) *Exceptions.* (i) Section 751 (b) does not apply to the distribution to a partner of property which the distributee partner contributed to the partnership. The distribution of such property is governed by the rules set forth in sections 731 through 736, relating to distributions by a partnership.

(ii) Section 751 (b) does not apply to payments made to a retiring partner or to a deceased partner's successor in interest to the extent that, under section 736 (a), such payments constitute a distributive share of partnership income or guaranteed payments. Payments to a retiring partner or to a deceased partner's successor in interest for his interest in unrealized receivables of the partnership in excess of their partnership basis, including any special basis adjustment for them to which such partner is entitled, constitute payments under section 736 (a) and, therefore, are not subject to section 751 (b). However, payments under section 736 (b) which are considered as made in exchange for an interest in partnership property are subject to section 751 (b) to the extent that they involve an exchange of substantially appreciated inventory items for other property. Thus, payments to a retiring partner or to a deceased partner's successor in interest under section 736 must first be divided between payments under section 736 (a) and section 736 (b). The section 736 (b) payments must then be divided, if there is an exchange of substantially appreciated inventory items for other property, between the payments treated as a sale or exchange under section 751 (b) and payments treated as a distribution under sections 731 through 736. See subparagraph (1) (iii) of this paragraph, and section 736 and § 1.736–1.

(5) *Statement required.* A partnership which distributes section 751 property to a partner in exchange for his interest in other partnership property, or which distributes other property in exchange for any part of the partner's interest in section 751 property, shall submit with its return for the year of the distribution a statement showing the computation of any income, gain, or loss to the partnership under the provisions of section 751 (b) and this paragraph. The distributee partner shall submit with his return a statement showing the computation of any income, gain, or loss to him. Such statement shall contain information similar to that required under paragraph (a) (3) of this section.

(c) *Unrealized receivables.* (1) The term "unrealized receivables", as used in subchapter K, means any rights (contractual or otherwise) to payment for—

(i) Goods delivered or to be delivered to the extent that such payment would be treated as received for property other than a capital asset), or

(ii) Services rendered or to be rendered,

to the extent that income arising from such rights to payment was not previously includible in income under the method of accounting employed by the partnership. Such rights must have arisen under contracts or agreements in existence at the time of sale or distribution, although the partnership may not be able to enforce payment until a later time. For example, the term includes trade accounts receivable of a cash method taxpayer, and rights to payment for work or goods begun but incomplete at the time of the sale or distribution.

(2) The basis for such unrealized receivables shall include all costs or expenses attributable thereto paid or accrued but not previously taken into account under the partnership method of accounting.

(3) In determining the amount of the sale price attributable to unrealized receivables, or their value in a distribution treated as a sale or exchange, any arm's length agreement between the buyer and the seller, or between the partnership and the distributee partner, will generally establish the amount or value. In the absence of such an agreement, full account shall be taken not only of the estimated cost of completing performance of the contract or agreement, but also of the time between the sale or distribution and the time of payment.

(d) *Inventory items which have substantially appreciated in value*—(1) *Substantial appreciation.* Partnership inventory items shall be considered to have appreciated substantially in value if, at the time of the sale or distribution, the total fair market value of all the inventory items of the partnership exceeds 120 percent of the aggregate adjusted basis for such property in the hands of the partnership (without regard to any special basis adjustment of any partner) and, in addition, exceeds 10 percent of the fair market value of all partnership property other than money. The terms "inventory items which have appreciated substantially in value" or "substantially appreciated inventory items" refer to the aggregate of all partnership inventory items. These terms do not refer to specific partnership inventory items or to specific groups of such items. For example, any distribution of inventory items by a partnership the inventory items of which as a whole are substantially appreciated in value shall be a distribution of substantially appreciated inventory items for the purposes of section 751 (b), even though the specific inventory items distributed may not be appreciated in value. Similarly, if the aggregate of partnership inventory items are not substantially appreciated in value, a distribution of specific inventory items, the value of which is more than 120 percent of their adjusted basis, will not constitute a distribution of substantially appreciated inventory items. For the purpose of this paragraph, the "fair market value" of inventory items has the same meaning as "market" value in the regulations under section 471, relating to general rule for inventories.

(2) *Inventory items.* The term "inventory items" as used in subchapter K includes the following types of property:

(i) Stock in trade of the partnership, or other property of a kind which would properly be included in the inventory of the partnership if on hand at the close of the taxable year, or property held by the partnership primarily for sale to customers in the ordinary course of its trade or business. See section 1221 (1).

(ii) Any other property of the partnership which, on sale or exchange by the partnership, would be considered property other than a capital asset and other than property described in section 1231. Thus, accounts receivable acquired in the ordinary course of business for services or from the sale of stock in trade constitute inventory items (see section 1221 (4)), as do any unrealized receivables.

(iii) Any other property retained by the partnership which, if held by the partner selling his partnership interest or receiving a distribution described in section 751 (b), would be considered property described in subdivisions (i) or (ii) of this subparagraph. Property actually distributed to the partner does not come within the provisions of section 751 (d) (2) (C) and this subdivision.

(e) *Section 751 property and other property.* For the purposes of this section, "section 751 property" means unrealized receivables or substantially appreciated inventory items, and "other property" means all property (including money) except section 751 property.

(f) *Effective date.* Section 751 applies to gain or loss to a seller, distributee, or partnership in the case of a sale, exchange, or distribution occurring after March 9, 1954. For the purpose of applying this paragraph in the case of a taxable year beginning before January 1, 1955, a partnership or a partner may elect to treat as applicable any other section of subchapter K. Any such election shall be made by a statement submitted not later than the time prescribed by law for the filing of the return for such taxable year, or submitted within 90 days after the promulgation of the regulations under this section, whichever date is later (but not later than 6 months after the time prescribed by law for the filing of the return for such year). See section 771 (b) (3) and § 1.771–1 (b) (3). See also section 771 (c) and § 1.771–1 (c).

(g) *Examples.* Application of the provisions of section 751 may be illustrated by the following examples:

*Example (1).* C buys B's interest in personal service partnership AB for $15,000, when the balance sheet of the firm (reflecting a cash receipts and disbursements method of accounting) is as follows:

ASSETS

| | Adjusted basis per books | Market value |
|---|---|---|
| Cash | $3,000 | $3,000 |
| Loans receivable | 10,000 | 10,000 |
| Other assets | 7,000 | 7,000 |
| Unrealized receivables | 0 | 12,000 |
| Total | 20,000 | 32,000 |

LIABILITIES AND CAPITAL

| | Per books | Value |
|---|---|---|
| Liabilities | $2,000 | $2,000 |
| Capital: | | |
| A | 9,000 | 15,000 |
| B | 9,000 | 15,000 |
| Total | 20,000 | 32,000 |

Section 751 (a) applies to the sale. The total amount realized by B is $16,000, consisting of the cash received, $15,000, plus $1,000, B's share of the partnership liabilities assumed by C. See section 752. B's undivided half interest in the partnership property includes a half-interest in the partnership's unrealized receivables which are worth $12,000. Consequently, $6,000 of the $16,000 realized by B shall be considered received in exchange for B's interest in the partnership attributable to its unrealized receivables. The remaining $10,000 realized by B is in exchange for a capital asset. B's basis for his partnership interest is $10,000 ($9,000, plus $1,000, B's share of partnership liabilities). No portion of this basis is attributable to B's share of the unrealized receivables of the partnership since such property has a zero basis in the hands of the partnership; therefore, B has a basis of zero for the unrealized receivables because the partnership basis for such receivables would have carried over to him under section 732 had they been distributed to him. The difference between the zero basis and the $6,000 B realized for the unrealized receivables is ordinary income to him. The entire $10,000 of B's basis is the basis for his interest in partnership property other than unrealized receivables and is applied against the remaining $10,000 ($16,000 minus $6,000) received from the sale of his interest. Therefore, B has no capital gain or loss. (If B's basis for his interest in partnership property, other than unrealized receivables, were $9,000, he would realize capital gain of $1,000. If his basis were $11,000, he would sustain a capital loss of $1,000.)



*Example (2).* (a) *Facts.* Partnership ABC makes a distribution to partner C in liquidation of his entire one-third interest in the partnership. At the time of the distribution, the balance sheet of the partnership, which uses the accrual method of accounting, is as follows:

ASSETS

| | Adjusted basis per books | Market value |
|---|---|---|
| Cash | $15,000 | $15,000 |
| Accounts receivable | 9,000 | 9,000 |
| Inventory | 21,000 | 30,000 |
| Depreciable property | 42,000 | 48,000 |
| Land | 9,000 | 9,000 |
| Total | 96,000 | 111,000 |

LIABILITIES AND CAPITAL

| | Per books | Value |
|---|---|---|
| Current liabilities | $15,000 | $15,000 |
| Mortgage payable | 21,000 | 21,000 |
| Capital: | | |
| A | 20,000 | 25,000 |
| B | 20,000 | 25,000 |
| C | 20,000 | 25,000 |
| Total | 96,000 | 111,000 |

The distribution received by C consists of $10,000 cash and depreciable property with a fair market value of $15,000 and an adjusted basis to the partnership of $15,000.

(b) *Presence of section 751 property.* The partnership has no unrealized receivables, but the dual test provided in section 751 (d) (1) must be applied to determine whether the inventory items of the partnership, in the aggregate, have appreciated substantially in value. The fair market value of all partnership inventory items, $39,000 (inventory $30,000, and accounts receivable $9,000), exceeds 120 percent of the $30,000 adjusted basis of such items to the partnership. The fair market value of the inventory items, $39,000, also exceeds 10 percent of the fair market value of all partnership property other than money (10 percent of $96,000 or $9,600). Therefore, the partnership inventory items have substantially appreciated in value.

(c) *The properties exchanged.* Since C's entire partnership interest is to be liquidated, the provisions of section 736 are applicable. No part of the payment, however, is considered as a distributive share or as a guaranteed payment under section 736 (a) because the entire payment is made for C's interest in partnership property. Therefore, the entire payment is for an interest in partnership property under section 736 (b), and, to the extent applicable, subject to the rules of section 751. In the distribution, C received his share of cash ($5,000) and $15,000 in depreciable property ($1,000 less than his $16,000 share). In addition, he received other partnership property ($5,000 cash and $12,000 liabilities assumed, treated as money distributed under section 752 (b)) in exchange for his interest in accounts receivable ($3,000), inventory ($10,000), land ($3,000), and the balance of his interest in depreciable property ($1,000). Section 751 (b) applies only to the extent of the exchange of other property for section 751 property (i. e., inventory items, which include trade accounts receivable). The section 751 property exchanged has a fair market value of $13,000 ($3,000 in accounts receivable and $10,000 in inventory). Thus, $13,000 of the total amount C received is considered as received for the sale of section 751 property.

(d) *Distributee partner's tax consequences.* C's tax consequences on the distribution are as follows:

(1) *The section 751 (b) sale or exchange.* C's share of the inventory items is treated as if he received them in a current distribution, and his basis for such items is $10,000 ($7,000 for inventory and $3,000 for accounts receivable) as determined under paragraph (b) (3) (iii) of this section. Then C is considered as having sold his share of inventory items to the partnership for $13,000. Thus, on the sale of his share of inventory items, C realizes $3,000 of ordinary income.

(2) *The part of the distribution not under section 751 (b).* Section 751 (b) does not apply to the balance of the distribution. Before the distribution, C's basis for his partnership interest was $32,000 ($20,000 plus $12,000, his share of partnership liabilities). See section 752 (a). This basis is reduced by $10,000, the basis attributed to the section 751 property treated as distributed to C and sold by him to the partnership. Thus, C has a basis of $22,000 for the remainder of his partnership interest. The total distribution to C was $37,000 ($22,000 in cash and liabilities assumed, and $15,000 in depreciable property). Since C received no more than his share of the depreciable property, none of the depreciable property constitutes proceeds of the sale under section 751 (b). C did receive more than his share of money. Therefore, the sale proceeds, treated separately in subparagraph (1) of this paragraph of this example, must consist of money and therefore must be deducted from the money distribution. Consequently, in liquidation of the balance of C's interest, he receives depreciable property and $9,000 in money ($22,000 less $13,000). Therefore, no gain or loss is recognized to C on the distribution. Under section 732 (b), C's basis for the depreciable property is $13,000 (the remaining basis of his partnership interest, $22,000, reduced by $9,000, the money received in the distribution).

(e) *Partnership's tax consequences.* The tax consequences to the partnership on the distribution are as follows:

(1) *The section 751 (b) sale or exchange.* The partnership consisting of the remaining members has no ordinary income on the distribution since it did not give up any section 751 property in the exchange. Of the $22,000 money distributed (in cash and the assumption of C's share of liabilities), $13,000 was paid to acquire C's interest in inventory ($10,000 fair market value) and in accounts receivable ($3,000). Since under section 751 (b) the partnership is treated as buying these properties, it has a new cost basis for the inventory and accounts receivable acquired from C. Its basis for C's share of inventory and accounts receivable is $13,000, the amount which the partnership is considered as having paid C in the exchange. Since the partnership is treated as having distributed C's share of inventory and accounts receivable to him, the partnership must decrease its basis for inventory and accounts receivable ($30,000) by $10,000, the basis of C's share treated as distributed to him, and then increase the basis for inventory and accounts receivable by $13,000 to reflect the purchase prices of the items acquired. Thus, the basis of the partnership inventory is increased from $21,000 to $24,000 in the transaction. (Note that the basis of property acquired in a section 751 (b) exchange is determined under section 1012 without regard to any elections of the partnership. See § 1.732–1 (e).) Further, the partnership realizes no capital gain or loss on the portion of the distribution treated as a sale under section 751 (b) since, to acquire C's interest in the inventory and accounts receivable, it gave up money and assumed C's share of liabilities.

(2) *The part of the distribution not under section 751 (b).* In the remainder of the distribution to C which was not in exchange for C's interest in section 751 property, C received only other property as follows: $15,000 in depreciable property (with a basis to the partnership of $15,000) and $9,000 in

money ($22,000 less $13,000 treated under subparagraph (1) of this paragraph of this example). Since this part of the distribution is not an exchange of section 751 property for other property, section 751 (b) does not apply. Instead, the provisions which apply are sections 731 through 736, relating to distributions by a partnership. No gain or loss is recognized to the partnership on the distribution. (See section 731 (b).) Further, the partnership makes no adjustment to the basis of remaining depreciable property unless an election under section 754 is in effect. (See section 734 (a).) Thus, the basis of the depreciable property before the distribution, $42,000, is reduced by the basis of the depreciable property distributed, $15,000, leaving a basis for the depreciable property in the partnership of $27,000. However, if an election under section 754 is in effect, the partnership must make the adjustment required under section 734 (b) as follows: Since the adjusted basis of the distributed property to the partnership had been $15,000, and is only $13,000 in C's hands (see paragraph (d) (2) of this example), the partnership will increase the basis of the depreciable property remaining in the partnership by $2,000 (the excess of the adjusted basis to the partnership of the distributed depreciable property immediately before the distribution over its basis to the distributee). Whether or not an election under section 754 is in effect, the basis for each of the remaining partner's partnership interests will be $38,000 ($20,000 original contribution, plus $12,000, each partner's original share of the liabilities, plus $6,000, the share of C's liabilities each assumed).

(f) *Partnership trial balance.* A trial balance of the AB partnership after the distribution in liquidation of C's entire interest would reflect the results set forth in the schedule below. Column I shows the amounts to be reflected in the records if an election is in effect under section 754 with respect to an optional adjustment under section 734 (b) to the basis of undistributed partnership property. Column II shows the amounts to be reflected in the records where an election under section 754 is not in effect. Note that in column II, the total bases for the partnership assets do not equal the total of the bases for the partnership interests.

| | I Sec. 754, Election in effect | | II Sec. 754, Election not in effect | |
|---|---|---|---|---|
| | Basis | Fair market value | Basis | Fair market value |
| Cash | $5,000 | $5,000 | $5,000 | $5,000 |
| Accounts receivable | 9,000 | 9,000 | 9,000 | 9,000 |
| Inventory | 24,000 | 30,000 | 24,000 | 30,000 |
| Depreciable property | 29,000 | 33,000 | 27,000 | 33,000 |
| Land | 9,000 | 9,000 | 9,800 | 9,000 |
| | 76,000 | 86,000 | 74,000 | 86,000 |
| Current liabilities | 15,000 | 15,000 | 15,000 | 15,000 |
| Mortgage | 21,000 | 21,000 | 21,000 | 21,000 |
| Capital: | | | | |
| A | 20,000 | 25,000 | 20,000 | 25,000 |
| B | 20,000 | 25,000 | 20,000 | 25,000 |
| | 76,000 | 86,000 | 76,000 | 86,000 |

*Example* (3). (a) *Facts.* Assume that the distribution to partner C in example (2) of this paragraph in liquidation of his entire interest in partnership ABC consists of $5,000 in cash and $20,000 worth of partnership inventory with a basis of $14,000.

(b) *Presence of section 751 property.* For the same reason as stated in paragraph (b) of that example, the partnership inventory items have substantially appreciated in value.

(c) *The properties exchanged.* In the distribution, C received his share of cash ($5,000) and his share of appreciated inventory items ($13,000). In addition, he received appreciated inventory with a fair market value of $7,000 (and with an adjusted basis to the partnership of $4,900) and $12,000 in money (liabilities assumed). C has relinquished his interest in $16,000 of depreciable property and $3,000 of land. Although C relinquished his interest in $3,000 of accounts receivable, such accounts receivable are inventory items and, therefore, that exchange was not an exchange of section 751 property for other property. Section 751 (b) applies only to the extent of the exchange of other property for section 751 property (i. e., depreciable property or land for inventory items). Assume that the partners agree that the $7,000 of inventory in excess of C's share was received by him in exchange for $7,000 of depreciable property.

(d) *Distributee partner's tax consequences.* C's tax consequence on the distributions are as follows:

(1) *The section 751 (b) sale or exchange.* C is treated as if he had received his 7/16ths share of the depreciable property in a current distribution. His basis for that share is $6,125 (42,000/48,000 of $7,000), as determined under paragraph (b) (2) (iii) of this section. Then C is considered as having sold his 7/16ths share of depreciable property to the partnership for $7,000, realizing a gain of $875.

(2) *The part of the distribution not under section 751 (b).* Section 751 (b) does not apply to the balance of the distribution. Before the distribution, C's basis for his partnership interest was $32,000 ($20,000, plus $12,000, his share of partnership liabilities). See section 752 (a). This basis is reduced by $6,125, the basis of property treated as distributed to C and sold by him to the partnership. Thus, C will have a basis of $25,875 for the remainder of his partnership interest. Of the $37,000 total distribution to C, $30,000 ($17,000 in money, including liabilities assumed, and $13,000 in inventory) is not within section 751 (b). Under section 732 (b), C's basis for the inventory with a fair market value of $13,000 (which had an adjusted basis to the partnership of $9,100) is limited to $8,875, the amount of the remaining basis for his partnership interest, $25,875, reduced by $17,000, the money received. Thus, C's total aggregate basis for the inventory received is $15,875 ($7,000 plus $8,875), and not its $14,000 basis in the hands of the partnership.

(e) *Partnership's tax consequences.* The tax consequences to the partnership on the distribution are as follows:

(1) *The section 751 (b) sale or exchange.* The partnership consisting of the remaining members has $2,100 of ordinary income on the sale of the $7,000 of inventory which had a basis to the partnership of $4,900 (21,000/30,000 of $7,000). This $7,000 of inventory was paid to acquire 7/16ths of C's interest in the depreciable property. Since, under section 751 (b), the partnership is treated as buying this property from C, it has a new cost basis for such property. Its basis for the depreciable property is $42,875 ($42,000 less $6,125, the basis of the 7/16ths share considered as distributed to C, plus $7,000, the partnership purchase price for this share).

(2) *The part of the distribution not under section 751 (b).* In the remainder of the distribution to C which was not a sale or exchange of section 751 property for other property, the partnership realizes no gain or loss. See section 731 (b). Further, under section 734 (a), the partnership makes no adjustment to the basis of the accounts receivable or the 9/16ths interest in depreciable property which C relinquished. However, if an election under section 754 is in effect, the partnership must make the adjustment required under section 734 (b) since the adjusted basis to the partnership of the inventory distributed had been $9,100, and C's basis for such inventory after distribution is only $8,875. The basis of the inventory remaining in the partnership must be increased by $225. Whether or not an election under section 754 is in effect, the basis for each of the remaining partnership interests will be $39,050 ($20,000 original contribution, plus $12,000, each partner's original share of the liabilities, plus $6,000, the share of C's liabilities now assumed, plus $1,050, each partner's share of ordinary income realized by the partnership upon that part of the distribution treated as a sale or exchange).

*Example* (4). (a) *Facts.* Assume the same facts as in example (3) of this paragraph, except that the partners did not identify the property which C relinqushed in exchange for the $7,000 of inventory which he received in excess of his share.

(b) *Presence of section 751 property.* For the same reasons stated in paragraph (b) of example (2) of this paragraph, the partnership inventory items have substantially appreciated in value.

(c) *The properties exchanged.* The analysis stated in paragraph (c) of example (3) of this paragraph is the same in this example, except that, in the absence of a specific agreement among the partners as to the properties exchanged, C will be presumed to have sold to the partnership a proportionate amount of each property in which he relinquished an interest. Thus, in the absence of an agreement, C has received $7,000 of inventory in exchange for his release of 7/19ths of the depreciable property and 7/19ths of the land. ($7,000, fair market value of property released, over $19,000, the sum of the fair market values of C's interest in the land and C's interest in the depreciable property.)

(d) *Distributee partner's tax consequences.* C's tax consequences on the distribution are as follows:

(1) *The section 751 (b) sale or exchange.* C is treated as if he had received his 7/19ths shares of the depreciable property and land in a current distribution. His basis for those shares is $6,263 (51,000/57,000 of $7,000, their fair market value), as determined under paragraph (b) (2) (iii) of this section. Then C is considered as having sold his 7/19ths shares of depreciable property and land to the partnership for $7,000, realizing a gain of $737.

(2) *The part of the distribution not under section 751 (b).* Section 751 (b) does not apply to the balance of the distribution. Before the distribution C's basis for his partnership interest was $32,000 ($20,000 plus $12,000, his share of partnership liabilities). See section 752 (a). This basis is reduced by $6,263, the bases of C's shares of depreciable property and land treated as distributed to him and sold by him to the partnership. Thus, C will have a basis of $25,737 for the remainder of his partnership interest. Of the total $37,000 distributed to C, $30,000 ($17,000 in money, including liabilities assumed, and $13,000 in inventory) is not within section 751 (b). Under section 732 (b), C's basis for the inventory (with a fair market value of $13,000 and an adjusted basis to the partnership of $9,100) is limited to $8,737, the amount of the remaining basis for his partnership interest ($25,737 less $17,000, money received. Thus, C's total aggregate basis for the inventory he received is $15,737 ($7,000 plus $8,737), and not the $14,000 basis it had in the hands of the partnership.

(e) *Partnership's tax consequences.* The tax consequences to the partnership on the distribution are as follows:

(1) *The section 751 (b) sale or exchange.* The partnership consisting of the remaining members has $2,100 of ordinary income on the sale of $7,000 of inventory which had a basis to the partnership of $4,900 (21,000/30,000 of $7,000). This $7,000 of inventory was paid to acquire 7/19ths of C's interest in the depreciable property and land. Since, under section 751 (b), the partnership is treated as buying this property from C, it has a new cost basis for such property. The bases of the depreciable property and land would be $42,737 and $9,000, respectively. The basis for the depreciable property is computed as follows: The common partnership basis of $42,000 is reduced by the $5,158 basis (42,000/48,000 of $5,895) for C's 7/19ths interest constructively distributed and increased by $5,895 (16,000/19,000 of $7,000), the part of the purchase price allocated to the depreciable property. The basis of the land would be computed in the same way. The $9,000 original partnership basis is reduced by $1,105 basis ($9,000/9,000 of $1,105) of land constructively distributed to C, and increased by $1,105 (3,000/19,000 of $7,000), the portion of the purchase price allocated to the land.

(2) *The part of the distribution not under section 751 (b).* In the remainder of the distribution to C which was not a sale or exchange of section 751 property for other property, the partnership realizes no gain or loss. See section 731 (b). Further, under section 734 (a), the partnership makes no adjustment to the basis of the accounts receivable or the 12/19ths interests in depreciable property and land which C relinquished. However, if an election under section 754 is in effect, the partnership must make the adjustment required under section 734 (b) since the adjusted basis to the partnership of the inventory distributed had been $9,100 and C's basis for such inventory after the distribution is only $8,737. The basis of the inventory remaining in the partnership must be increased by the difference of $363. Whether or not an election under section 754 is in effect, the basis for each of the remaining partnership interests will be $39,050 ($20,000 original contribution plus $12,000, each partner's original share of the liabilities, plus $6,000, the share of C's liabilities assumed, plus $1,050, each partner's share of ordinary income realized by the partnership upon the part of the distribution treated as a sale or exchange).

*Example* (5). (a) *Facts.* Assume that partner C in example (2) of this paragraph agrees to reduce his interest in capital and profits from 1/3 to 1/5 for a current distribution consisting of $5,000 in cash, and $7,500 of accounts receivable with a basis to the partnership of $7,500. At the same time, the total liabilities of the partnership are not reduced. Therefore, after the distribution, C's share of the partnership liabilities has been reduced by $4,800 from $12,000 (1/3 of $36,000) to $7,200 (1/5 of $36,000).

(b) *Presence of section 751 property.* For the same reasons as stated in paragraph (b) of example (2) of this paragraph, the partnership inventory items have substantially appreciated in value.

(c) *The properties exchanged.* C's interest in the fair market value of the partnership properties before and after the distribution can be illustrated by the following table:

| Item | C's interest | | C received | | C relinquished |
|---|---|---|---|---|---|
| | Fair market, one-third before | Value, one-fifth after | Distribution of share | In excess of share | |
| Cash | $5,000 | $2,000 | $3,000 | $2,000 | |
| Liabilities assumed | (12,000) | (7,200) | | 4,800 | |
| Inventory items: | | | | | |
| Accounts receivable | 3,000 | 300 | 2,700 | 4,800 | |
| Inventory | 10,000 | 6,000 | | | $4,000 |
| Depreciable property | 16,000 | 9,600 | | | 6,400 |
| Land | 3,000 | 1,800 | | | 1,200 |
| Total | 25,000 | 12,500 | 5,700 | 11,600 | 11,600 |

Although C relinquished his interest in $4,000 of inventory and received $4,800 of accounts receivable, both items constitute section 751 property and C has received only $800 of accounts receivable for $800 worth of depreciable property or for an $800 undivided interest in land. In the absence of an agreement identifying the properties exchanged, it is presumed C received $800 for proportionate shares of his interests in both depreciable property and land. To the extent that inventory was exchanged for accounts receivable, or to the extent cash was distributed for the release of C's interest in the balance of the depreciable property and land, the transaction does not fall within section 751 (b) and is a current distribution under section 732 (a). Thus, the remaining $6,700 of accounts receivable are received in a current distribution.

(d) *Distributee partner's tax consequences.* C's tax consequences on the distribution are as follows:

(1) *The section 751 (b) sale or exchange.* Assuming that the partners paid $800 worth of accounts receivable for $800 worth of depreciable property, C is treated as if he received the depreciable property in a current distribution, and his basis for the $800 worth of depreciable property is $700 (42,000/48,000 of $800, its fair market value), as determined under paragraph (b) (2) (iii) of this section. Then C is considered as having sold his $800 share of depreciable property to the partnership for $800. On the sale of the depreciable property, C realizes a gain of $100. If, on the other hand, the partners had agreed that C exchanged an $800 interest in the land for $800 worth of accounts receivable, C would realize no gain or loss, because under paragraph (b) (2) (iii) of this section his basis for the land sold would be $800. In the absence of an agreement, the basis for the depreciable property and land (which C is considered as having received in a current distribution and then sold back to the partnership) would be $716 (51,000/57,000 of $800). In that case, on the sale of the balance of the $800 share of depreciable property and land, C would realize $84 of gain ($800 less $716).

(2) *The part of the distribution not under section 751 (b).* Section 751 (b) does not apply to the balance of the distribution. Under section 731, C does not realize either gain or loss on the balance of the distribution. The adjustments to the basis of C's interest are illustrated in the following table:

| | If accounts receivable received for depreciable property | If accounts receivable received for land | If there is no agreement |
|---|---|---|---|
| Original basis for C's interest | $32,000 | $32,000 | $32,000 |
| Less basis of property distributed prior to sec. 751 (b) sale or exchange | −700 | −800 | −716 |
| | 31,300 | 31,200 | 31,284 |
| Less money received in distribution | −9,800 | −9,800 | −9,800 |
| | 21,500 | 21,400 | 21,484 |
| Less basis of property received in a current distribution under sec. 732 | −6,700 | −6,700 | −6,700 |
| Resulting basis for C's interest | 14,800 | 14,700 | 14,784 |

C's basis for the $7,500 worth of accounts receivable which he received in the distribution will be $7,500, composed of $800 for the portion purchased in the section 751 (b) exchange, plus $6,700, the basis carried over under section 732 (a) for the portion received in the current distribution.

(e) *Partnership's tax consequences.* The tax consequences to the partnership on the distribution are as follows:

(1) *The section 751 (b) sale or exchange.* The partnership realizes no gain or loss in the section 751 sale or exchange because it had a basis of $800 for the accounts receivable for which it received $800 worth of other property. If the partnership agreed to purchase $800 worth of depreciable property, the partnership basis of depreciable property becomes $42,100 ($42,000 less $700 basis of property constructively distributed to C, plus $800, price of property purchased). If the partnership purchased land with the accounts receivable, there would be no change in the basis of the land to the partnership because the basis of land distributed was equal to its purchase price. If there were no agreement, the basis of the depreciable property and land would be $51,084 (depreciable property, $42,084 and land $9,000). The basis for the depreciable property is computed as follows: The common partnership basis of $42,000 is reduced by the $590 basis (42,000/48,000 of $674) for C's $674 interest constructively distributed, and increased by $674 (6,400/7,600 of $800), the part of the purchase price allocated to the depreciable property. The basis of the land would be computed in the same way. The $9,000 original partnership basis is reduced by $126 basis (9,000/9,000 of $126) of the land constructively distributed to C, and increased by $126 (1,200/7,600 of $800), the portion of the purchase price allocated to the land.

(2) *The part of the distribution not under section 751 (b).* The partnership will realize no gain or loss in the balance of the distribution under section 731. Since the property in C's hands after the distribution will have the same basis it had in the partnership, the basis of partnership property remaining in the partnership after the distribution will not be adjusted (whether or not an election under 754 is in effect).

### § 1.752 *Statutory provisions; treatment of certain liabilities.*

SEC. 752. *Treatment of certain liabilities.*—(a) *Increase in partner's liabilities.* Any in-

crease in a partner's share of the liabilities of a partnership, or any increase in a partner's individual liabilities by reason of the assumption by such partner of partnership liabilities, shall be considered as a contribution of money by such partner to the partnership.

(b) *Decrease in partner's liabilities.* Any decrease in a partner's share of the liabilities of a partnership, or any decrease in a partner's individual liabilities by reason of the assumption by the partnership of such individual liabilities, shall be considered as a distribution of money to the partner by the partnership.

(c) *Liability to which property is subject.* For purposes of this section, a liability to which property is subject shall, to the extent of the fair market value of such property, be considered as a liability of the owner of the property.

(d) *Sale or exchange of an interest.* In the case of a sale or exchange of an interest in a partnership, liabilities shall be treated in the same manner as liabilities in connection with the sale or exchange of property not associated with partnerships.

§ 1.752–1 *Treatment of certain liabilities*—(a) *Increase in partner's liabilities.* (1) Where the liabilities of a partnership are increased, and each partner's share of such liabilities is thereby increased, the amount of each partner's increase shall be treated as a contribution of money by that partner to the partnership. For example, partnership AB borrows $1,000. If A and B are equal partners, the basis of the partnership interest of each is increased by $500 since each is considered under section 752 (a) to have contributed that amount of money to the partnership.

(2) Any increase in a partner's individual liabilities because of the assumption by him of partnership liabilities shall also be considered as a contribution of money by him to the partnership. For example, equal partnership AB owns real property with an adjusted basis to the partnership of $1,000, a fair market value of $800, and which is subject to a mortgage of $400 which the partnership has not assumed. The mortgage is considered as a liability of the partnership under section 752 (c). Since A and B each share one-half thereof, under section 752 (a) the liability of each has been increased $200. Under section 722 such $200 increase is reflected in the basis of each partner for his interest. The real property is distributed by the partnership to A. Under the provisions of section 733 (2), there is a net decrease of $800 in A's basis for his partnership interest. This amount is computed as follows: The basis of A's partnership interest is decreased in the distribution by $1,000 (the partnership basis for the distributed property) and further decreased under section 752 (b) by $200 (the decrease in A's share of partnership liabilities) and increased under section 752 (a) by $400 (the increase in A's individual liability by reason of section 752 (c)). Conversely, the basis of B's partnership interest is decreased by $200 since the distribution of the real property to A resulted in a decrease in B's share of the partnership liability under section 752 (b).

(b) *Decrease in partner's liabilities.* (1) Where the liabilities of a partnership are decreased, and each partner's share of such liabilities is thereby decreased, the amount of the decrease shall be treated as a distribution of money to the partner by the partnership. For example, partnership AB, in which A and B are equal partners, repays an obligation of $10,000. The repayment reduces each partner's share of partnership liabilities by $5,000 and is considered a distribution of money which reduces the basis of each partner's interest in the partnership by that amount. For the effect of a discharge of indebtedness on the basis of partnership property, see sections 108 and 1017.

(2) Where a partnership assumes the separate liabilities of a partner or a liability to which property owned by such partner is subject (see paragraph (c) of this section), the amount of the decrease in such partner's liabilities is treated as a distribution of money by the partnership to such partner. For example, partner A contributes property with a basis of $1,000 to partnership ABC in exchange for a one-third interest in the partnership. The property is subject to a mortgage of $150. (It is immaterial whether the mortgage is assumed by the partnership. See section 752 (c).) The basis of A's partnership interest is $900, computed as follows: $1,000, A's basis for the contributed property, reduced by $100, two-thirds of A's original liability of $150 now attributable to partners B and C and reflected in their bases under the provisions of paragraph (a) of this section.

(c) *Liability to which property is subject.* Where property subject to a liability is contributed by a partner to a partnership, or distributed by a partnership to a partner, the amount of the liability, to an extent not exceeding the fair market value of the property at the time of the contribution or distribution, shall be considered as a liability assumed by the transferee. For example, A contributes property with a basis to him of $1,000 to equal partnership AB. The property is subject to a mortgage of $2,500 and its value exceeds $2,500. Under paragraph (b) of this section, A will be treated as receiving a distribution in money of $1,250, one-half of the liability of $2,500 assumed by the partnership. Since the basis of A's partnership interest is $1,000 (the basis of the property contributed by him), the distribution to him of $1,250 results in his realizing a capital gain of $250 under section 731 (a). A's basis for his partnership interest is zero. Although as a partner A has a $1,250 share of the $2,500 partnership liability, this $1,250 is not added to the basis of A's partnership interest since it does not represent an increase in liabilities as to him.

(d) *Sale or exchange of a partnership interest.* Where there is a sale or exchange of an interest in a partnership, liabilities shall be treated in the same manner as liabilities in connection with the sale or exchange of property not associated with partnerships. For example, if a partner sells his interest in a partnership for $750 cash and at the same time transfers to the purchaser his share of partnership liabilities amounting to $250, the amount realized by the seller on the transaction is $1,000.

(e) *Partner's share of partnership liabilities.* A partner's share of partnership liabilities shall be determined in accordance with his ratio for sharing losses under the partnership agreement. In the case of a limited partnership, a limited partner's share of partnership liabilities shall not exceed the difference between his actual contribution credited to him by the partnership and the total contribution which he is obligated to make under the limited partnership agreement. However, where none of the partners have any personal liability with respect to a partnership liability (as in the case of a mortgage on real estate acquired by the partnership without the assumption by the partnership or any of the partners of any liability on the mortgage), then all partners, including limited partners, shall be considered as sharing such liability under section 752 (c) in the same proportion as they share the profits. The provisions of this paragraph may be illustrated by the following example:

*Example.* G is a general partner and L is a limited partner in partnership GL. Each makes equal contributions of $20,000 cash to the partnership upon its formation. Under the terms of the partnership agreement, they are to share profits equality but L's liabilities are limited to the extent of his contribution. Subsequently, the partnership pays $10,000 for real property which is subject to a mortgage of $5,000. Neither the partnership nor any of the partners assume any liability on the mortgage. The basis of such property to the partnership is $15,000. The basis of G and L for their partnership interests is increased by $2,500 each, since each partner's share of the partnership liability (the $5,000 mortgage) has increased by that amount. However, if the partnership had assumed the mortgage so that G had become personally liable thereunder, G's basis for his interest would have been increased by $5,000 and L's basis would remain unchanged.

(f) *Limitation.* In determining the amount of liabilities for the purposes of section 752 and this section, the amount of an indebtedness is to be taken into account only once, even though a partner (in addition to his liability for such indebtedness as a partner) may be separately liable therefor in a capacity other than as a partner.

§ 1.753 *Statutory provisions; partner receiving income in respect of decedent.*

SEC. 753. *Partner receiving income in respect of decedent.* The amount includible in the gross income of a successor in interest of a deceased partner under section 736 (a) shall be considered income in respect of a decedent under section 691.

§ 1.753–1 *Partner receiving income in respect of decedent*—(a) *Income in respect of a decedent under section 736 (a).* All payments coming within the provisions of section 736 (a) made by a partnership to the estate or other successor in interest of a deceased partner are considered income in respect of the decedent under section 691. The estate or other successor in interest of a deceased partner shall be considered to have received income in respect of a decedent to the extent that amounts are paid by a third person in exchange for rights to future payments from the partnership under section 736 (a). When a partner who is receiving payments under section 736 (a) dies, section 753 applies to any remaining payments under section 736 (a) made to his estate or other successor in interest.

(b) *Other income in respect of a decedent.* When a partner dies, the entire portion of the distributive share which is attributable to the period ending with the date of his death and which is taxable to his estate or other successor constitutes income in respect of a decedent under section 691. This rule applies even though that part of the distributive share for the period before death which the decedent withdrew is not included in the value of the decedent's partnership interest for estate tax purposes. See § 1.706–1 (c) (3).

(c) *Example.* The provisions of this section may be illustrated by the following example:

*Example.* A and the decedent B were equal partners in a business having assets (other than money) worth $40,000 with an adjusted basis of $10,000. Certain partnership business was well advanced towards completion before B's death, and after B's death but before the end of the partnership year, payment of $10,000 was made to the partnership for such work. The partnership agreement provided that, upon the death of one of the partners, all partnership property, including unfinished work, would pass to the surviving partner, and that the surviving partner would pay the estate of the decedent the undrawn balance of his share of partnership earnings to the date of death, plus $10,000 in each of the three years after death. B's share of earnings to the date of his death was $4,000, of which he had withdrawn $3,000. B's distributive share of partnership income of $4,000 to the date of his death is income in respect of a decedent (although only the $1,000 undrawn at B's death will be reflected in the value of B's partnership interest on B's estate tax return). Assume that the value of B's interest in partnership property at the date of his death was $22,000, composed of the following items: B's one-half share of the assets of $40,000, plus $2,000, B's interest in partnership cash. It should be noted that B's $1,000 undrawn share of earnings to the date of his death is not a separate item but will be paid from partnership assets. Under the partnership agreement, A is to pay B's estate a total of $31,000. The difference of $9,000 between the amount to be paid by A ($31,000) and the value of B's interest in partnership property ($22,000) comes within section 736 (a) and, thus, also constitutes income in respect of a decedent. (However, the $17,000 difference between the $5,000 basis for B's share of the partnership property and its $22,000 value at the date of his death does not constitute income in respect of a decedent.) If, before the close of the partnership taxable year, A pays B's estate $11,000, of which they agree to allocate $3,000 as the payment under section 736 (a), B's estate will include $7,000 in its gross income (B's $4,000 distributive share plus $3,000 payment under section 736 (a)). In computing the deduction under section 691 (c), this $7,000 will be considered as the value for estate tax purposes of such income in respect of a decedent, even though only $4,000 ($1,000 of distributive share not withdrawn, plus $3,000, payment under section 736 (a)) of this amount can be identified on the estate tax return as part of the partnership interest.

(d) *Effective date.* The provisions of section 753 apply only in the case of payments made with respect to decedents whose death occurred after December 31, 1954. See section 771 (b) (4) and § 1.771 (b) (4).

§ 1.754 *Statutory provisions; manner of electing optional adjustment to basis of partnership property.*

SEC. 754. *Manner of electing optional adjustment to basis of partnership property.* If a partnership files an election, in accordance with regulations prescribed by the Secretary or his delegate, the basis of partnership property shall be adjusted, in the case of a distribution of property, in the manner provided in section 734 and, in the case of a transfer of a partnership interest, in the manner provided in section 743. Such an election shall apply with respect to all distributions of property by the partnership and to all transfers of interests in the partnership during the taxable year with respect to which such election was filed and all subsequent taxable years. Such election may be revoked by the partnership, subject to such limitations as may be provided by regulations prescribed by the Secretary or his delegate.

§ 1.754–1 *Time and manner of making election to adjust basis of partnership property*—(a) *In general.* A partnership may adjust the basis of partnership property under sections 734 (b) and 743 (b) if it files an election in accordance with the rules set forth in paragraph (b) of this section. An election may not be filed to make the adjustments provided in either section 734 (b) or section 743 (b) alone, but such an election must apply to both sections. An election made under the provisions of this section shall apply to all property distributions and transfers of partnership interests taking place in the partnership taxable year for which the election is made and in all subsequent partnership taxable years unless the election is revoked pursuant to paragraph (c) of this section.

(b) *Method of making election.* An election under this section to adjust the basis of partnership property under sections 734 (b) and 743 (b) shall be made in a written statement filed with the partnership return for the first taxable year to which the election applies (or within 90 days after the promulgation of the regulations under section 754). The statement shall (1) set forth the name and address of the partnership making the election, (2) be signed by any one of the partners, and (3) contain a declaration that the partnership elects to apply the provisions of section 734 (b) and section 743 (b).

(c) *Revocation of election.* A partnership having an election in effect under this section may revoke such election with the approval of the district director for the district in which the partnership return is required to be filed. A partnership which wishes to revoke such an election shall file with the district director for the district in which the partnership return is required to be filed an application setting forth the grounds on which the revocation is desired. The application shall be filed not later than 30 days after the close of the partnership taxable year with respect to which revocation is intended to take effect and shall be signed by any one of the partners. Examples of situations which may be considered sufficient reason for approving an application for revocation include a change in the nature of the partnership business, a substantial increase in the assets of the partnership, a change in the character of partnership assets, or an increased frequency of retirements or shifts of partnership interests, so that an increased administrative burden would result to the partnership from the election. However, no application for revocation of an election shall be approved when the purpose of the revocation is primarily to avoid stepping down the basis of partnership assets upon a transfer or distribution.

§ 1.755 *Statutory provisions; rules for allocation of basis.*

SEC. 755. *Rules for allocation of basis*—(a) *General rule.* Any increase or decrease in the adjusted basis of partnership property under section 734 (b) (relating to the optional adjustment to the basis of undistributed partnership property) or section 743 (b) (relating to the optional adjustment to the basis of partnership property in the case of a transfer of an interest in a partnership) shall, except as provided in subsection (b), be allocated—

(1) In a manner which has the effect of reducing the difference between the fair market value and the adjusted basis of partnership properties, or

(2) In any other manner permitted by regulations prescribed by the Secretary or his delegate.

(b) *Special rule.* In applying the allocation rules provided in subsection (a), increases or decreases in the adjusted basis of partnership property arising from a distribution of, or a transfer of an interest attributable to, property consisting of—

(1) Capital assets and property described in section 1231 (b), or

(2) Any other property of the partnership,

shall be allocated to partnership property of a like character except that the basis of any such partnership property shall not be reduced below zero. If, in the case of a distribution, the adjustment to basis of property described in paragraph (1) or (2) is prevented by the absence of such property or by insufficient adjusted basis for such property, such adjustment shall be applied to subsequently acquired property of a like character in accordance with regulations prescribed by the Secretary or his delegate.

§ 1.755–1 *Rules for allocation of basis*—(a) *General rule.* (1) (i) A partnership which has elected under section 754 must adjust the basis of partnership property under the provisions of section 734 (b) (relating to the optional adjustment to the basis of undistributed partnership property) and section 743 (b) (relating to the optional adjustment to the basis of partnership property where a partnership interest is transferred). The amount of the increase or decrease (as determined in those sections) in the adjusted basis of the partnership property shall first be divided, under paragraph (b) of this section, between the two classes of property described in section 755 (b). Then, the portion of the increase or decrease allocated to each class shall be further allocated to the bases of the properties within the class in a manner which will reduce the difference between the fair market value and the adjusted basis of partnership properties. In the alternative, any increase or decrease may be allocated in any other manner approved

by the district director under subparagraph (2) of this paragraph.

(ii) If there is an increase in basis to be allocated to partnership assets, such increase must be allocated only to assets whose values exceed their bases and in proportion to the difference between the value and basis of each. No increase shall be made to the basis of any asset the adjusted basis of which equals or exceeds its fair market value.

(iii) If there is a decrease in basis to be allocated to partnership assets, such decrease must be allocated to assets whose bases exceed their value and in proportion to the difference between the basis and value of each. No decrease shall be made to the basis of any asset, the fair market value of which equals or exceeds its adjusted basis.

(iv) The application of the rules with respect to the allocation of an adjustment in basis under subdivisions (ii) and (iii) of this subparagraph requires that a portion of such adjustment be allocated to partnership good will, to the extent that good will exists and is reflected in the value of the property distributed, the price at which the partnership interest is sold, or the basis of the partnership interest determined under section 1014, in accordance with the difference between such value of the good will and its adjusted basis at the time of the transaction.

(2) If a partnership (or a partner electing under section 732 (d)) desires to adjust the basis of assets under section 734 (b) or 743 (b) in a manner other than that prescribed in subparagraph (1) of this paragraph, it must file an application for permission to use such method with the district director no later than 30 days after the close of the partnership taxable year in which the proposed adjustment is to be made. The application must describe the proposed adjustments in detail and set forth the reasons for the desired use of the other method. Under section 755 (a) (2), the district director may permit the partnership to increase the bases of some partnership properties and decrease the bases of other partnership properties under section 734 (b) or 743 (b). Each increase or decrease to the basis of an asset must reduce or eliminate the difference between such basis and the value of the asset. The net amount of all such adjustments must equal the amount of the adjustment under section 734 (b) or 743 (b). Adjustments that both increase and decrease the basis of partnership assets will be permitted by the district director only upon a satisfactory showing of the values for partnership assets used by the parties to determine the price at which a partnership interest was sold, the value of the decedent's partnership interest at date of death (or at the alternate valuation date, if used), or the amount of a distribution.

(b) *Special rules.* For the purposes of applying section 755, all partnership property shall be classified into two categories: capital assets and property described in section 1231 (b) (certain property used in the trade or business), or any other property of the partnership.

(1) *Distributions.* (i) Where there is a distribution of partnership property resulting in an adjustment to the basis of undistributed partnership property under section 734 (b) (1) (B) or (b) (2) (B), such adjustment must be allocated to remaining partnership property of a character similar to that of the distributed property with respect to which the adjustment arose. Thus, when the partnership adjusted basis of distributed capital assets and section 1231 (b) property immediately prior to distribution exceeds the basis of such property to the distributee partner (as determined under section 732), the basis of the undistributed capital assets and section 1231 (b) property remaining in the partnership shall be increased by an amount equal to such excess. Conversely, when the basis to the distributee partner (as determined under section 732) of distributed capital assets and section 1231 (b) property exceeds the partnership adjusted basis of such property immediately prior to the distribution, the basis of the undistributed capital assets and section 1231 (b) property remaining in the partnership shall be decreased by an amount equal to such excess. Similarly, where there is a distribution of partnership property other than capital assets and section 1231 (b) property, and the basis of such other property to the distributee partner (as determined under section 732) is not the same as the partnership adjusted basis of such property immediately prior to distribution, the adjustment shall be made only to undistributed property of the same category remaining in the partnership.

(ii) Where there is a distribution resulting in an adjustment under section 734 (b) (1) (A) or (b) (2) (A) to the basis of undistributed partnership property, such adjustment must be allocated only to capital assets or section 1231 (b) property.

(2) *Transfers.* Where there is a basis adjustment under section 743 (b) arising from a transfer of an interest in a partnership by sale or exchange or upon the death of a partner, the amount of the adjustment shall be allocated between the two classes of property described in section 755 (b) and then the amount allocated to each class shall be further allocated under the rules of paragraph (a) (1) of this section. Thus, to the extent that an amount paid by a purchaser of a partnership interest (or the basis of the partnership interest to the estate or other successor in interest of a deceased partner) is attributable to the value of capital assets and section 1231 (b) property, any difference between the amount so attributable and the transferee partner's share of the partnership basis of such property shall constitute a special basis adjustment with respect to partnership capital assets and section 1231 (b) property. Similarly, any such difference attributable to any other property of the partnership shall constitute a special basis adjustment with respect to such property.

(3) *Limitation on decrease of basis.* Where a decrease in the basis of partnership assets is required under section 734 (b) (2) and the amount of the decrease exceeds the adjusted basis to the partnership of property of the required character, the basis of such property shall be reduced to zero (but not below zero), and the balance of the decrease in basis shall be made when the partnership subsequently acquires property of a like character to which an adjustment can be made.

(4) *Carryover of adjustment.* Where, in the case of a distribution, an increase or decrease required under paragraph (a) of this section in the basis of undistributed partnership property cannot be made because the partnership owns no property of the character required to be adjusted, or because the adjustment has been limited under subparagraph (3) of this paragraph, the adjustment shall be made when the partnership subsequently acquires property of a like character to which an adjustment can be made.

(c) *Examples.* The provisions of this section may be illustrated by the following examples:

*Example (1).* Assume that partnership ABC has three assets: X, a capital asset with an adjusted basis of $1,000 and a value of $1,500; Y, a depreciable asset with an adjusted basis of $1,000 and a value of $900; and Z, inventory items with an adjusted basis of $700 and a value of $600. A sells his interest to D (when an election under 754 is in effect) for $1,000 (⅓ of $3,000, the total value of partnership assets). D's share of the adjusted basis of partnership property is $900 (⅓ of $2,700). Therefore, under section 743 (b), D has a special basis adjustment of $100 ($1,000 minus $900). This adjustment must be allocated entirely to property X, since such allocation will have the effect of reducing the difference between the value and basis of such asset. Therefore, D has a special basis adjustment of $100 with respect to property X, which now has a special basis to him of $1,100. No part of the adjustment is made to depreciable property Y or inventory items Z, since any such adjustment would increase the difference between the basis and value of each such asset.

*Example (2).* Assume the same facts as in example (1) of this paragraph except that capital asset X has a value of $1,500, depreciable property Y has a value of $1,100, and inventory items Z have a value of only $400. Therefore, under section 743 (b), D has a special basis adjustment of $100, the excess of D's basis for his interest in the partnership ($1,000) over his share of the adjusted basis of partnership property ($900). This $100 adjustment must be allocated entirely to capital asset X and depreciable property Y in proportion to the difference between the value and basis of each since such alloeation has the effect of reducing the difference between the value and basis of each such asset. Therefore, D has a special basis adjustment of $83 ($500/$600 of $100) with respect to capital asset X, which now has a special basis to him of $1,083, and of $17 ($100/$600 of $100) with respect to depreciable property Y, which now has a special basis to him of $1,017. No part of the adjustment is made to inventory items Z, since any such adjustment would increase the difference between the basis of such asset and its value.

*Example (3).* Assume that partnership EFG has three assets: X, a capital asset with an adjusted basis of $1,000 and a value of $1,500; Y, a depreciable asset with an adjusted basis of $1,000 and a value of $700; and Z, inventory items with an adjusted basis of $700 and a value of $800. E sells his interest to H (when an election under section 754 is in effect) for $1,000 (⅓ of $3,000, the total value of the partnership assets). H's share of the adjusted basis of partnership is $900 (⅓ of $2,700). Therefore, H has a special basis adjustment of $100 ($1,000 minus $900) under section 743 (b). Since, of the total $300 difference between the value and the adjusted basis of all partnership property, $200 ($500, appreciation in value of X, minus $300, depreciation in value of Y) is attributable to the class of capital assets and depreciable property, and $100 (appreciation in value of inventory items Z) to the class of other property, H's special basis adjustment of $100 must be allocated ⅔ to capital assets and depreciable property and ⅓ to other property (inventory). The $67 increase (⅔ of $100) to be allocated to capital assets and depreciable property must further be allocated so as to reduce the difference between the value and basis of such assets. This can be done only by allocating the entire $67 increase to capital asset X (the basis of which is less than its value), and no part of the increase to depreciable property Y (the basis of which exceeds its value). Therefore, H has a special basis adjustment of $67 for capital asset X, which now has a special basis to him of $1,067; he has no special basis adjustment for depreciable property Y. H also has a special basis adjustment of $33 (⅓ of $100) for inventory items Z, the special basis of which is now $733.



DEFINITIONS

§ 1.761 *Statutory provisions; terms defined.*

SEC. 761. *Terms defined*—(a) *Partnership.* For purposes of this subtitle, the term "partnership" includes a syndicate, group, pool, joint venture, or other unincorporated organization through or by means of which any business, financial operation, or venture is carried on, and which is not, within the meaning of this title, a corporation or a trust or estate. Under regulations the Secretary or his delegate may, at the election of all the members of an unincorporated organization, exclude such organization from the application of all or part of this subchapter, if it is availed of—

(1) For investment purposes only and not for the active conduct of a business, or

(2) For the joint production, extraction, or use of property, but not for the purpose of selling services or property produced or extracted,

if the income of the members of the organization may be adequately determined without the computation of partnership taxable income.

(b) *Partner.* For purposes of this subtitle, the term "partner" means a member of a partnership.

(c) *Partnership agreement.* For purposes of this subchapter, a partnership agreement includes any modifications of the partnership agreement made prior to, or at, the time prescribed by law for the filing of the partnership return for the taxable year (not including extensions) which are agreed to by all the partners, or which are adopted in such other manner as may be provided by the partnership agreement.

(d) *Liquidation of a partner's interest.* For purposes of this subchapter, the term "liquidation of a partner's interest" means the termination of a partner's entire interest in a partnership by means of a distribution, or a series of distributions, to the partner by the partnership.

§ 1.761–1 *Terms defined*—(a) *Partnership*—(1) *In general.* The term "partnership" includes a syndicate, group, pool, joint venture, or other unincorporated organization through or by means of which any business, financial operation, or venture is carried on, and which is not a corporation or a trust or estate within the meaning of the Internal Revenue Code of 1954. The term "partnership" is broader in scope than the common law meaning of partnership, and may include groups not commonly called partnerships. See section 7701 (a) (2). See regulations under section 7701 (a) (1), (2), and (3) for the description of those unincorporated organizations taxable as corporations or trusts. A joint undertaking merely to share expenses is not a partnership. For example, if two or more persons jointly construct a ditch merely to drain surface water from their properties, they are not partners. Mere coownership of property which is maintained, kept in repair, and rented or leased does not constitute a partnership. For example, if an individual owner, or tenants in common, of farm property lease it to a farmer for a cash rental or a share of the crops, they do not necessarily create a partnership thereby. Tenants in common, however, may be partners if they actively carry on a trade, business, financial operation, or venture and divide the profits thereof. For example, a partnership exists if coowners of an apartment building lease space and in addition provide services to the occupants either directly or through an agent.

(2) *Exclusion of certain partnerships from provisions of subchapter K*—(i) *In general.* Under the conditions set forth in this paragraph, an unincorporated organization described in subdivision (ii) or (iii) of this subparagraph may be excluded from the application of all or a part of the provisions of subchapter K. Such organization must be availed of for investment purposes only and not for the active conduct of a business, or for the joint production, extraction, or use of property, but not for the purpose of selling services or property produced or extracted. The members of such organization must be able to compute their income without the necessity of computing partnership taxable income. Any syndicate, group, pool, or joint venture which is classifiable as an association, or any group operating under an agreement which creates an organization classifiable as an association, does not fall within these provisions.

(ii) *Investing partnership.* Where the participants in the joint purchase, retention, sales, or exchange of investment property—

(a) Own the property as coowners,

(b) Reserve the right separately to take or dispose of their shares of any property acquired or retained, and

(c) Do not actively conduct business for joint profit, or irrevocably authorize some person or persons acting in a representative capacity to purchase, sell, or exchange such investment property, although each separate participant may delegate authority to purchase, sell, or exchange his share of any such investment property for the time being for his account, but not for a period of more than a year, then

such group may be excluded from the application of the provisions of subchapter K under the rules set forth in subdivision (iv) of this subparagraph.

(iii) *Operating agreements.* Where the participants in the joint production, extraction, or use of property—

(a) Own the property as coowners, either in fee or under a lease or other form of contract granting exclusive operating rights, and

(b) Reserve the right separately to take in kind or dispose of their shares of any property produced, extracted, or used, and

(c) Do not jointly sell services or the property produced or extracted, although each separate participant may delegate authority to sell his share of the property produced or extracted for the time being for his account, but not for a period of time in excess of the minimum needs of the industry, and in no event for more than one year, then

such group may be excluded from the application of the provisions of subchapter K under the rules set forth in subdivision (iv) of this subparagraph. However, the preceding sentence does not apply to any unincorporated organization one of whose principal purposes is cycling, manufacturing, or processing for persons who are not members of the organization.

(iv) *Method of election*—(a) *Complete exclusion from subchapter K.* An unincorporated organization which wishes to be excluded from all of subchapter K must make the election provided in section 761 (a) in a statement attached to a partnership return filed with the district director for the district in which the organization has its principal office or place of business. Such return shall be properly executed and shall contain, in lieu of the information required thereon, only the name and address of the organization. The statement attached to the return shall include the names and addresses of all the members of the organization; a statement that the organization qualifies under subdivisions (i) and either (ii) or (iii) of § 1.761–1 (a) (2) and elects to be excluded from all of subchapter K; and a copy of the agreement under which the organization operates if written (or a summary thereof if oral). Unless, within 90 days after the formation of the organization (or after the promulgation of the regulations under subchapter K, whichever is later), any member of the organization notifies the Commissioner that the member desires subchapter K to apply to such organization, and also advises the Commissioner that he has so notified all other members of the organization by registered or certified mail, the election to be excluded will be approved. Such election is irrevocable as long as the organization remains qualified under subdivisions (i) and either (ii) or (iii) of this subparagraph.

(b) *Partial exclusion from subchapter K.* An unincorporated organization which wishes to be excluded from only certain sections of subchapter K must submit to the Commissioner, no later than 90 days after the beginning of the first taxable year for which partial exclusion is desired, a request for permission to be excluded from certain provisions of subchapter K. The request shall set forth the sections of subchapter K

from which exclusion is sought and shall state that such organization qualifies under subdivisions (i) and either (ii) or (iii) of § 1.761–1 (a) (2), and that the members of the organization elect to be excluded to the extent indicated. Such exclusion shall be effective only upon approval of the election by the Commissioner and subject to the conditions he may impose.

(v) *Information to be filed by organizations excluded under section 761.* (*a*) An organization excluded from all of subchapter K shall file annually with the Commissioner of Internal Revenue, Midwest Service Center, Kansas City, Missouri, a Form 1099 for each person who was a member of the organization during any part of the calendar year. Such form shall show the name and address of the member (under "To Whom Paid") and the name and address of the organization (under "By Whom Paid"). In lieu of "Kind and Amount of Income Paid", each such form shall state "Filed under section 761 (a)" and the principal activity of the orgnization. Such organization need not file Form 1065 annually.

(*b*) Organizations partially excluded from subchapter K shall file partnership returns containing such information as the Commissioner may require upon the granting of the partial exclusion under section 761 (a).

(b) *Partner.* The term "partner" means a member of a partnership.

(c) *Partnership agreement.* For the purposes of subchapter K, a partnership agreement includes the original agreement and any modifications thereof agreed to by all the partners or adopted in any other manner provided by the partnership agreement. Such agreement or modifications can be oral or written. A partnership agreement may be modified with respect to a particular taxable year subsequent to the close of such taxable year, but not later than the date (not including any extension of time) prescribed by law for the filing of the partnership return. As to any matter on which the partnership agreement, or any modification thereof, is silent, the provisions of local law shall be considered to constitute a part of the agreement.

(d) *Liquidation of partner's interest.* The term "liquidation of a partner's interest" means the termination of a partner's entire interest in a partnership by means of a distribution, or a series of distributions, to the partner by the partnership. A series of distributions will come within the meaning of this term whether they are made in one year or in more than one year. Where a partner's interest is to be liquidated by a series of distributions, the interest will not be considered as liquidated until the final distribution has been made. For the basis of property distributed in one liquidating distribution, or in a series of distributions in liquidation, see section 732 (b). A distribution which is not in liquidation of a partner's entire interest, as defined in this paragraph, is a current distribution. Current distributions, therefore, include distributions in partial liquidation of a partner's interest, and distributions of the partner's distributive share. See § 1.731–1 (a) (1) (ii).

EFFECTIVE DATE FOR SUBCHAPTER

§ 1.771 *Statutory provisions; effective date.*

SEC. 771. *Effective date*—(a) *General rule*—(1) *Taxable years beginning after December 31, 1954.* Except as provided in subsection (b), this subchapter shall apply with respect to—

(A) Any partnership taxable year beginning after December 31, 1954, and

(B) Any part of a partner's taxable year falling within such partnership taxable year.

(2) *Application of prior provisions.* Except as provided in subsection (b), sections 113 (a) (13), 181 to 191 (inclusive), and 3797 (a) (2) of the Internal Revenue Code of 1939 shall apply with respect to—

(A) Any partnership taxable year beginning before January 1, 1955, and

(B) Any part of a partner's taxable year falling within such partnership taxable year.

(b) *Special rules*—(1) *Adoption of taxable year.* Section 706 (b) (relating to the adoption of a taxable year by a partnership or partner) shall apply to—

(A) Any partnership which adopts, or changes to, a taxable year beginning after April 1, 1954, and

(B) Any partner who changes to a taxable year beginning after April 1, 1954.

For the purpose of applying this paragraph, section 708 (relating to the continuation of a partnership) shall be effective for taxable years beginning after April 1, 1954.

(2) *Property distributed by a partnership.* Section 735 (a) (relating to the character of gain or loss on the disposition of property distributed by a partnership) shall apply only to property distributed by a partnership after March 9, 1954.

(3) *Unrealized receivables and inventory items.* Section 751 (relating to unrealized receivables and inventory items) shall apply with respect to gain or loss to a seller, distributee, or partnership in the case of a sale, exchange, or distribution occurring after March 9, 1954. For the purpose of applying this paragraph in the case of a taxable year beginning before January 1, 1955, the other sections of this subchapter shall be applicable to the extent provided by regulations prescribed by the Secretary or his delegate.

(4) *Partner receiving income in respect of decedent.* Section 753 (relating to income in respect of a decedent) shall apply only in the case of payments made with respect to decedents dying after December 31, 1954.

(c) *Optional treatment of certain distributions.* In the case of a partnership taxable year beginning after December 31, 1953, and before January 1, 1955, a partnership may elect, under regulations prescribed by the Secretary or his delegate, with respect to distributions made during such year to any partner, other than in liquidation of the partner's interest, to apply the rules in sections 731, 732 (a), (c), and (e), 733, 735, and 751 (b), (c), and (d) (and, to the extent applicable, the rules provided in sections 705, 752, and 761 (d)). If a partnership so elects, such rules shall be effective for the partnership and all members of such partnership with respect to such distributions.

§ 1.771–1 *Effective date*—(a) *General rule.* Except as provided in paragraph (b) or (c) of this section, the provisions of subchapter K shall apply to any taxable year of a partnership beginning after December 31, 1954, and to any part of a partner's taxable year falling within such partnership taxable year. The provisions of the Internal Revenue Code of 1939 relating to partnerships shall apply to any taxable year of a partnership beginning before January 1, 1955, and to any part of a partner's taxable year falling within such partnership taxable year. If a partnership and the partners are on different taxable years, subchapter K shall become effective at the same time both for the partnership and for the partners.

(b) *Special rules.* Certain provisions of section 771 apply after specific dates in 1954, as follows:

(1) *Adoption of taxable year.* Section 706 (b) (relating to the adoption of taxable years by partners and partnerships), shall apply to any partnership which adopts or changes to, and any partner who changes to, a taxable year beginning on or after April 2, 1954. For the purpose of applying this subparagraph, the rules of section 708 (relating to the continuation of partnerships) shall apply. For example, if two or more partnerships merge after April 1, 1954, and the new partnership uses the taxable year of the partnership of which it is deemed to be the successor under section 708 (b) (2) (A), it will not need prior approval to continue to use such taxable year even though such year may be different from the taxable years of the partners. Such a partnership is not "adopting" or "changing" its taxable year.

(2) *Property distributed by a partnership.* Section 735 (a), relating to the character of gain or loss on disposition of property distributed by a partnership to a partner, shall apply only to property distributed after March 9, 1954. Although a partnership whose taxable year begins before January 1, 1955, generally will be subject to the provisions of the Internal Revenue Code of 1939; any unrealized receivables or inventory items distributed by any such partnership after March 9, 1954, will be subject to the provisions of section 735 (a), and the gain or loss on the subsequent disposition of such property will be ordinary gain or loss rather than capital gain or loss. In the case of property distributed before March 10, 1954, section 735 (a) will not apply, even though the property is disposed of by the distributee partner after that date, unless the partnership elects under paragraph (c) of this section to apply section 735.

(3) *Unrealized receivables and inventory items.* Section 751 (providing for the realization of ordinary income on certain transfers or distributions of unrealized receivables or substantially appreciated inventory items) shall be applicable to any such transfer or distribution occurring after March 9, 1954. For the purpose of applying section 751 in the case of a taxable year beginning before January 1, 1955, a partnership or partner may elect to treat as applicable any other section of subchapter K. See § 1.751–1 (f).

(4) *Partner receiving income in respect of a decedent.* Section 753, which provides that the amount includible in the gross income of a successor in interest of a deceased partner under section 736 (a) shall be considered income in respect of a decedent under section 691, shall apply only in the case of payments made with respect to decedents whose death occurred after December 31, 1954.

(c) *Optional treatment of certain distributions.* (1) For a partnership taxable year beginning after December 31, 1953, and before January 1, 1955, a partnership may elect to apply the rules of certain sections of subchapter K with respect to current distributions made by the partnership in such year. These sections are 731, 732 (a), (c), and (e), 733, 735, and 751 (b), (c), and (d). If an election is made, it shall apply to the partnership and all its members for all current distributions made by the partnership during the taxable year. Such distributions shall also be subject to the rules of sections 705 (relating to determination of basis of a partner's interest), 752 (relating to treatment of certain liabilities), and 761 (d) (relating to the definition of liquidation of a partner's interest), to the extent that such sections apply to current distributions.

(2) An election under this paragraph shall be made by a statement filed with the partnership return for the taxable year to which such election applies, or filed within 90 days after the promulgation of the regulations under section 771, whichever date is later. The statement shall be signed by all members of the partnership and the election once made shall be binding on the partnership and on all of its members.

[SEAL] RUSSELL C. HARRINGTON,
*Commissioner of Internal Revenue.*

Approved: May 23, 1956.

DAN THROOP SMITH,
*Special Assistant to the Secretary in Charge of Tax Policy.*

[F. R. Doc. 56–4164; Filed, May 23, 1956; 4:51 p. m.]

## TITLE 27—INTOXICATING LIQUORS

### Chapter I—Internal Revenue Service, Department of the Treasury

[T. D. 6174]

[Reg. 5]

PART 5—LABELING AND ADVERTISING OF DISTILLED SPIRITS

MISCELLANEOUS AMENDMENTS

Notice of public hearing to be held in Washington, D. C., on December 1, 1955, with respect to certain proposals to amend Regulations No. 5, Relating to Labeling and Advertising of Distilled Spirits, was published in the FEDERAL REGISTER on November 19, 1955 (20 F. R. 8574). Upon the conclusion of the said hearing and after consideration of all relevant material submitted by interested persons in connection therewith regarding the proposals, the following amendments to Regulations No. 5 (27 CFR, Part 5) are hereby adopted:

PARAGRAPH 1. Section 21, class 4 (a) (27 CFR 5.21 (d) (1)), by adding the following proviso at the end of the second sentence: *"Provided,* That in the case of any fruit brandy, other than neutral brandy, pomace brandy, marc brandy or grappa brandy distilled from the fermented juice, mash, or wine of grapes, or the residue thereof, which has been aged for less than two years, the statement of the class (and type, if any) shall be preceded by the word 'immature' appearing in the same size and kind of type and as a part thereof, e. g., 'immature brandy' or 'immature grape brandy'."

PAR. 2. The proviso at the end of section 39 (b) (1) (27 CFR 5.39 (b) (1)) is amended to read as follows: *"Provided,* That an appropriate statement with respect to age shall appear on the brand label in the case of brandy (other than immature brandies) not aged for a period of at last two years."

PAR. 3. Section 39 (e) (5) (27 CFR 5.39 (e) (5)) is amended by inserting immediately after the word "brandies" appearing in the proviso at the end of the first sentence thereof, the following: "(except immature brandies)".

PAR. 4. Section 64 (c) (27 CFR 5.64 (c)) is amended by inserting in the last sentence immediately after the word "brandy", the following: "(except immature brandies)".

This Treasury decision shall become effective thirty days after publication in the FEDERAL REGISTER.

(53 Stat. 375; 26 U. S. C. 3176. Interpret or apply sec. 5, 49 Stat. 981, as amended; 27 U. S. C. 205)

[SEAL] HARRY J. TRAINOR,
*Acting Commissioner.*

Approved: May 21, 1956.

DAN THROOP SMITH,
*Special Assistant to the Secretary in Charge of Tax Policy.*

[F. R. Doc. 56–4118; Filed, May 24, 1956; 8:49 a. m.]

## TITLE 43—PUBLIC LANDS: INTERIOR

### Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1300]

[Utah 010927, 010931]

UTAH

MODIFYING THE EXECUTIVE ORDER OF APRIL 4, 1922, WHICH CREATED PUBLIC WATER RESERVE NO. 82

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The Executive order of April 4, 1922, establishing Public Water Reserve No. 82, is hereby modified to the extent necessary to permit disposal of the following-described lands under applicable public-land laws by a State exchange or a State selection:

SALT LAKE MERIDIAN

T. 17 S., R. 21 E.,
Sec. 15, SW¼SW¼;
Sec. 22, N½NW¼;
Sec. 27, SW¼SE¼;
Sec. 28, NE¼NW¼;
Sec. 33, SE¼SW¼;
Sec. 34, W½NW¼;
Sec. 35, SW¼NW¼.
T. 18 S., R. 21 E.,
Sec. 1, lot 4;
Sec. 9, N½SE¼;
Sec. 10, NE¼SE¼;
Sec. 11, SW¼SW¼, SW¼SE¼;
Sec. 14, NW¼NE¼, SW¼NW¼, NW¼SW¼;
Sec. 15, NE¼NE¼, NE¼SW¼;
Sec. 17, SE¼NE¼;
Sec. 20, S½NE¼, SW¼SW¼;
Sec. 29, SW¼SE¼.

The areas described aggregate 985.98 acres.

WESLEY A. D'EWART,
*Assistant Secretary of the Interior.*

MAY 21, 1956.

[F. R. Doc. 56–4104; Filed, May 24, 1956; 8:46 a. m.]

## TITLE 46—SHIPPING

### Chapter I—Coast Guard, Department of the Treasury

Subchapter N—Explosives or Other Dangerous Articles or Substances and Combustible Liquids on Board Vessels

[CGFR 56–21]

PART 146—TRANSPORTATION OR STOWAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

MISCELLANEOUS STORAGE REQUIREMENTS

A notice regarding proposed changes in the navigation and vessel inspection regulations was published in the FEDERAL REGISTER dated March 1, 1956 (21 F. R. 1350–1356), as Items I through XVI on the Agenda to be considered by the Merchant Marine Council, and a public hearing was held on April 24, 1956, at Washington, D. C. This document is the first of a series of documents covering the regulations considered at this public hearing. Another document will be published containing all the miscellaneous amendments regarding Dangerous Cargo Regulations in Item XIII on the Agenda.

After the public hearing held on April

24, 1956, written and oral requests were received petitioning that the amendments concerning motor fuel antiknock compound, oakum, chromic acid, and chlorate and borate mixtures be placed in effect immediately and prior to publication of all the miscellaneous amendments contained in the Agenda. Since these changes were not commented on at the public hearing, and since these amendments will relax present stowage requirements, these changes shall be placed in effect immediately.

The amendment to 46 CFR 146.25–200 Table H, will permit stowage of authorized tank cars containing motor fuel antiknock compound "under deck away from heat" in addition to the presently authorized stowage "on deck in open" and "on deck under cover."

The amendment to 46 CFR 146.27–100 Table K, will permit oakum to be shipped in fiberboard boxes in addition to presently authorized bound bales and wooden boxes.

The amendment to 46 CFR 146.22–100 Table E, will exempt chlorate and borate mixtures containing 25 percent or less chlorate and no other hazardous additives from the regulations, as well as provide for the use of multi-wall paper bags (ICC–44C, 44D), for shipment of chlorate mixtures containing more than 25 percent and less than 50 percent chlorate.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and Treasury Department Order 167–14, dated November 26, 1954 (19 F. R. 8026), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments are prescribed and shall become effective on the date of publication of this document in the FEDERAL REGISTER:

SUBPART—DETAILED REGULATIONS GOVERNING INFLAMMABLE SOLIDS AND OXIDIZING MATERIALS

Section 146.22–100 *Table E—Classification: Inflammable solids and oxidizing materials* is amended by revising the requirements regarding certain articles as follows:

a. For "chlorate and borate mixtures" and "chlorate and magnesium chloride mixtures" as follows:

1. In column 1 the note is revised to read as follows:

NOTE: Such mixtures containing 25 percent or less chlorate and no other hazardous additives are not subject to the regulations in this part.

2. In column 4 under "mixtures containing more than 25 percent chlorate but less than 50 percent may also be accepted in:" add:

"Multi-wall paper bags: (ICC–44C, 44D) not over 50 lb. net wt."

b. For "chromic acid," "chromic anhydride," and "chromium trioxide" as follows:

1. In column 4 under "Stowage" add: "Tween decks readily accessible."

SUBPART—DETAILED REGULATIONS GOVERNING POISONOUS ARTICLES

Section 146.25–200 *Table H—Classification: Class B; Less dangerous poisons* is amended by changing requirements for the article "motor fuel antiknock compound" as follows:

a. In column 4 change "tank cars (ICC–105A300, 105A300W)" etc., to read as follows: "tank cars (ICC–105A300, 105A300W) stenciled on both sides 'for motor fuel antiknock compound only.' In addition to stowages listed, authorized tank cars may be stowed 'under deck away from heat.'"

SUBPART—DETAILED REGULATIONS GOVERNING HAZARDOUS ARTICLES

Section 146.27–100 *Table K—Classification: Hazardous articles* is amended by changing requirements for the article "Oakum" "Twisted jute packing (rope) (treated or untreated)" as follows:

a. In columns 4, 5, 6, and 7, under "Outside containers," add: "Fiberboard boxes."

(R. S. 4405, as amended, 4462, as amended, and 4472, as amended; 46 U. S. C. 375, 416, 170. Interpret or apply sec. 3, 68 Stat. 675; 50 U. S. C. 198; E. O. 10402, 17 F. R. 9917, 3 CFR, 1952 Supp.)

Dated: May 18, 1956.

[SEAL] A. C. RICHMOND,
*Vice Admiral, U. S. Coast Guard, Commandant.*

[F. R. Doc. 56–4115; Filed, May 24, 1956; 8:49 a. m.]



# PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### [ 7 CFR Parts 927, 990 ]

[Docket Nos. AO–71–A–32, AO–284]

HANDLING OF MILK IN THE NEW YORK METROPOLITAN MARKETING AREA AND IN NORTHERN NEW JERSEY

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Hotel Robert Treat, Newark, New Jersey, beginning on June 18, 1956, at 10:00 a. m., e. d. t., and also at the following times and places, beginning in each instance at 10:00 a. m., e. d. t.: July 10, Alfred E. Smith State Office Building, Albany, New York; July 12, Nelson House, Poughkeepsie, New York; July 17, Arlington Hotel, Binghamton, New York; July 19, Mark Twain Hotel, Elmira, New York; July 24, Utica Hotel, Utica, New York; July 26, Syracuse Hotel, Syracuse, New York.

*Purpose of hearing and issues involved.* On February 23, 1956, following an extensive investigation, the Secretary of Agriculture announced and published in the FEDERAL REGISTER (21 F. R. 1418), his decision that a public hearing should be called on proposals for a separate new milk marketing order for Northern New Jersey, together with proposals to amend present provisions of the New York milk marketing order (No. 27) designed to coordinate the two orders. It also was announced by the Secretary of Agriculture on December 15, 1955, and published in the FEDERAL REGISTER (20 F. R. 10167) that the proximity of Northern New Jersey to metropolitan New York, and the fact that there is to a considerable degree a common source of supply, make the marketing and pricing of milk in this region closely interdependent.

In accordance with these announcements, this public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions relating to the handling of milk in a proposed Northern New Jersey milk marketing area, and with respect to issuance of a marketing agreement and order regulating the handling of milk in the said marketing area, and also for the purpose of receiving evidence with respect to the proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area (7 CFR Part 927 et seq.).

For purposes of this hearing, the said Northern New Jersey milk marketing area means all or a portion of the territory within the New Jersey counties of Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, Union, and Warren, and the New York counties of Dutchess, Orange, Putnam, Rockland, Sullivan, and Ulster.

Evidence will be received with respect to expansion of the present New York metropolitan milk marketing area to include all or a portion of the additional territory in the State of New York within the counties of Albany, Rensselaer, Schenectady, Saratoga, Montgomery, Fulton, Oneida, Herkimer, Madison, Onondaga, Cayuga, Oswego, Tompkins, Chemung, Tioga, Broome, Sullivan, Ulster, Orange, Rockland, Putnam and Dutchess, and as to whether all or a part of the territory within the New York counties of Dutchess, Orange, Putnam, Rockland, Sullivan, and Ulster should be included within the New York marketing area or within the boundaries of a Northern New Jersey milk marketing area.

Evidence will be received at the hearing with respect to the proposed terms and provisions hereinafter set forth, or appropriate modifications thereof, of a proposed marketing agreement and order for Northern New Jersey, including evidence as to whether (1) the handling of milk in the area proposed to be regulated is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects interstate or foreign commerce, (2) there is justification for issuance of a marketing agreement and order for the area proposed to be regulated, and (3) the terms and provisions of the proposed marketing agreement and order hereinafter set forth, or some other appropriate terms and provisions will best tend to effectuate the declared policy of the Agricultural Marketing Agreement Act, as amended.

The proposals for a marketing agreement and order for Northern New Jersey and for amendment of the New York metropolitan milk marketing order hereinafter set forth have not received the approval of the Secretary of Agriculture.

Proposals for a marketing agreement and order for Northern New Jersey and for amendment of the New York metropolitan milk marketing order are as follows:

Provisions of a State and Federal milk marketing order regulating the handling of milk in the Northern New Jersey milk marketing area; proposed by The Governor's Milk Committee of New Jersey, United Milk Producers of New Jersey, and Eastern Milk Producers Cooperative Association, Inc.:

DEFINITIONS


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990.3 Statute.
990.4 Director.
990.5 Marketing area.
990.6 Person.
990.7 Producer.
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MARKET ADMINISTRATOR

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990.96 Agents.
990.97 Separability of provisions.
990.98 Compensatory payments.


DEFINITIONS

§ 990.1 *Act.* Act means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 as amended.

§ 990.2 *Secretary of U. S. D. A.* Secretary of U. S. D. A. means the Secretary of Agriculture of the United States or any officer or employee of the United States who is, or who may hereafter be authorized to exercise the powers and perform the duties of the Secretary of Agriculture.

§ 990.3 *Statute.* Statute means the Milk Control Act of the State of New Jersey Chapter 274, P.L. 1941 as amended by Chapter 447 P. L. 1948.

§ 990.4 *Director.* Director of the Office of Milk Industry means the Director of the Office of Milk Industry of the State of New Jersey, or any officer or employee of the State of New Jersey who is, or who may hereafter be, authorized to exercise the powers and to perform the duties of the office.

§ 990.5 *Marketing area.* Northern New Jersey milk marketing area, hereinafter called, "the marketing area," means all of the territory within the boundaries of the New Jersey Counties of Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, Union and Warren.

§ 990.6 *Person.* Person means any individual, partnership, corporation, association or any other business unit.

§ 990.7 *Producer.* Producer means any person who operates a dairy farm from which milk is delivered to an order milk plant.

§ 990.8 *Handler.* Handler means any person who (a) operates or controls the operation of an order milk plant or plants, or (b) packages Class I milk for sale in the marketing area.

§ 990.9 *Order milk plant.* Order milk plant means any plant not subject to another Federal Milk Order that meets the following requirements:

(a) *Permanent—Permit.* (1) The plant holds a permit from the New Jersey State Health Authority for the sale or distribution of Class I milk in New Jersey.

(2) *Designation of order plants.* Any plant, which is qualified in accordance with subparagraph (1) of this paragraph may apply for designation as an order plant any time during the first 12 months of the order and thereafter during June or July of any year for designation on the following August 1.

(3) *Requirements for retaining pool plant designation.* Any plant or plants operated as a unit shall meet the following percentages of total producer receipts as Class I sales in the marketing area.

(i) During August, September, October and November 60 percent of total receipts from producers: *Provided, however,* That such percentage of total producer receipts as Class I sales in the marketing area shall be 50 percent or more in each of these months.

(ii) During December, January, February and March, 25 percent each month.

(iii) During April, May and June, no percentage shipment.

(iv) During July, 35 percent.

(b) *Temporary.* During any month a plant not subject to another Federal order and qualified under paragraph (a) (1) of this section, which has shipped 55 percent of its receipts from producers to the marketing area for sale or distribution as fluid milk, shall be an order plant for that month.

(c) *Cancellation.* Any "order milk plant" shall have its status as a permanent order milk plant cancelled if it fails to meet the basic requirements of this section and the designation of any plant may be cancelled upon application of the handlers but such plants shall be eligible to apply for redesignation as an order plant during the second succeeding months of June or July to become effective on August 1, following such application.

§ 990.10 *Non order milk plant.* (a) Any plant not meeting the requirements for order plants as set forth in § 990.9 shall be a "non order plant."

(b) A plant under the provisions of another Federal Milk Order shall be a "non order plant": *Provided, however,* That receipts of milk from such plants shall be subject to the provisions of § 990.80.

§ 990.11 *Market Administrator.* The term "Market Administrator" means the person designated pursuant to § 990.20 as the agency for the administration of this order.

§ 990.12 *Producer handler.* Producer handler means any person who operates a dairy farm and a plant from which Class I milk is distributed in the marketing area not in excess of 1,000 pounds of milk per day.

MARKET ADMINISTRATOR

§ 990.20 *Designation.* The Secretary and the Director shall utilize one and the same agency for the administration of the joint and complementary orders which shall be a Market Administrator who is approved and designated as such by both the Secretary and the Director.

§ 990.21 *Powers.* The Market Administrator of this part shall have power:

(a) To administer its terms and provisions.

(b) To receive, investigate, and report to the Secretary and the Director complaints of violations.

(c) To make rules and regulations to effectuate its terms and provisions.

(d) To recommend amendments to the Secretary and the Director.

§ 990.22 *Duties.* The Market Administrator shall:

(a) Keep such books and records as will clearly reflect the transactions provided for in this part and shall surrender the same to his successor or to such other person as the Secretary and Director may designate;

(b) Submit his books and records to examination by the Secretary and the Director at all times.

(c) Furnish such information and verified reports as the Secretary and the Director may request;

(d) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary and the Director copies of a bond, conditioned upon the faithful performance of his duties in an amount and with surety thereon satisfactory to the Secretary and Director;

(e) Publicly disclose to handlers and to producers, unless otherwise directed by the Secretary and the Director, the name of any person who, within 15 days after the date upon which he is required to perform such acts, has not (1) made reports pursuant to §§ 990.50, 990.51 and 990.53 or (2) made payments pursuant to §§ 990.70 and 990.71;

(f) Prepare and disseminate for the benefit of producers, consumers and handlers such statistics and information concerning the operation of the order as do not reveal confidential information;

(g) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this part;

(h) Obtain a bond with reasonable surety thereon covering each employee who handles funds entrusted to the Market Administrator;

(i) Pay, out of the funds provided by § 990.80, (1) the cost of his bond and of the bonds of such of his employees as handle funds entrusted to the Market Administrator, (2) his own compensation, (3) all other expenses which will necessarily be incurred by him for the maintenance and functioning of his office and the performance of his duties;

(j) Promptly verify the information contained in the reports submitted by handlers.

CLASSIFICATION OF MILK

§ 990.30 *Classes of utilization.* Subject to § 990.31, all milk and milk products received by a handler shall be classified as Class I or Class II.

(a) Class I milk shall be (1) all that milk purchased, received or handled which is marketed as fluid milk, concentrated or other form of fluid milk, flavored milk, buttermilk, skim milk or flavored skim milk drink and (2) all fluid milk, the utilization of which is not established.

(b) Class II milk shall be, (1) all milk disposed of in products other than those included in paragraph (a) of this section, and (2) all milk accounted for as actual plant shrinkage but not to exceed two percent of the total pounds of milk, skim milk and cream received by a handler at all of his order milk plants.

§ 990.31 *Transfers of milk.* Milk transferred from an order plant to another plant shall be classified at the plant where it was received from producers.

(a) Milk which is designated for disposition as Class II milk may be transferred from an order plant to another plant or from another plant to an order plant and be classified as Class II milk, if:

(1) The transaction is carried out under a written agreement between the operator of the shipping plant and the operator of the receiving plant.

(2) Prior to the transfers of such milk the written agreement, referred to in subparagraph (1) of this paragraph (1), has been submitted to the Market Administrator.

(3) The receiving plant has used in Class II products a quantity of milk equivalent to the milk received from the other plant under such agreement.

(b) Milk transferred from a non-order plant, not subject to Federal Orders No. 27 or No. 61, to an order plant, where the volume so transferred is not in excess of the total quantity of Class II milk handled at the receiving order plant, shall in any event be Class II milk.

(c) Milk transferred from an order plant to a non-order plant not subject to Federal Orders No. 27 or No. 61, and the transaction is not carried out under the agreement described in paragraph (a) of this section, shall be Class I milk up to the full quantity of Class I milk used at the non-order plant.

(d) Milk transferred from an order plant to a plant subject to Federal Order No. 27 shall be classified in accordance with its classification by the Market Administrator of Order No. 27: *Provided, however,* That such transfers which have been moved into the marketing area of Order No. 27, and upon which milk, compensatory payment has been made as prescribed in Order 27, then such transfers in the computation of the handlers uniform price shall be classified as Class II milk.

(e) Milk transferred from an order plant to a plant subject to Federal Order No. 61 shall be classified in accordance with its classification by the Administrator of Order No. 61.

§ 990.32 *Allocation of milk.* For the purpose of computing the milk received from producers in computing the uniform prices, there shall be deducted from the handlers total disposition of Class I milk, the milk received from other order plants that has been classified as Class I at the plant where it was received from producers; and milk received from non-order plants that has been classified as Class I and to the remainder there shall be added all milk the utilization of which is not established and there shall be deducted from the handlers total disposition of Class II, all milk not classified as Class I which has been received from other plants or from non-producer sources.

MINIMUM PRICES

§ 990.40 *Class I price.* The administrator shall determine a basic Class I price computed under Order 27 without the seasonal adjustment and add to such basic Class I price $.08 to adjust to a 3.7 percent butterfat content and $.58 the zone price differential of this order in the marketing area or within 50 miles from the City Hall in Newark, New Jersey. The Class I price for each month shall be on a quarterly basis as shown in the following table:

TABLE A

| Range of basic Class I price + $0.66, 0-50 mi. zone falls between— | When such basic Class I price is in the ranges indicated the Class I price for the month and the succeeding 2 months shall be— | | | |
|---|---|---|---|---|
| | January | April | July | October |
| 4.05–4.249 | $4.15 | $3.75 | $4.15 | $4.55 |
| 4.25–4.449 | 4.35 | 3.95 | 4.35 | 4.75 |
| 4.45–4.649 | 4.55 | 4.15 | 4.55 | 4.95 |
| 4.65–4.849 | 4.75 | 4.35 | 4.75 | 5.15 |
| 4.85–5.049 | 4.95 | 4.55 | 4.95 | 5.35 |
| 5.05–5.245 | 5.15 | 4.75 | 5.15 | 5.55 |
| 5.25–5.445 | 5.35 | 4.95 | 5.35 | 5.75 |
| 5.45–5.645 | 5.55 | 5.15 | 5.55 | 5.95 |
| 5.65–5.849 | 5.75 | 5.35 | 5.75 | 6.15 |
| 5.85–6.049 | 5.95 | 5.55 | 5.95 | 6.35 |
| 6.05–6.249 | 6.15 | 5.75 | 6.15 | 6.55 |
| 6.25–6.449 | 6.35 | 5.95 | 6.35 | 6.75 |
| 6.45–6.649 | 6.55 | 6.15 | 6.55 | 6.95 |

and so on at the same rate.

§ 990.41 *Class II milk.* The price for Class II milk shall be the New York Order 27 price for Class III milk adjusted to 3.7 percent butterfat content and plus the six cents zone differential to the marketing area.

§ 990.42 *Butterfat differentials.* The price for Class I and Class II milk shall be subject to a butterfat differential for each one-tenth of one percent variation above or below 3.7 percent, computed as follows: From the Class II price subtract the value of skim as provided under the Class III formula Order 27 and divide by 37 to the nearest full cent.

§ 990.43 *Zone price differentials.* There shall be deducted from the Class I price set forth in § 990.40 and from the prices for Class II milk set forth in § 990.41 zone price differentials as described in the following table.

TABLE B

| Mileage distance from City Hall, Newark Marketing Area, or— | Minus deduction cents per hundredweight, from Class I price for base price | Minus in cents per hundredweight Class II prices and price for excess milk |
|---|---|---|
| 0–50 | 0 | 0 |
| 51–60 | 10 | 1 |
| 61–70 | 19 | 1 |
| 71–80 | 27 | 1 |
| 81–90 | 34 | 2 |
| 91–100 | 40 | 2 |
| 101–110 | 44 | 2 |
| 111–120 | 45.4 | 3 |
| 121–130 | 46.8 | 3 |
| 131–140 | 48.2 | 3 |
| 141–150 | 49.6 | 4 |
| 151–160 | 51 | 4 |
| 161–170 | 52.4 | 4 |
| 171–180 | 53.8 | 5 |
| 181–190 | 55.2 | 5 |
| 191–200 | 56.6 | 5 |
| 201–210 | [1] 58 | [2] 6 |

[1] Plus 1.4 cents each 10 miles thereafter.
[2] Plus 1 cent each 30 miles thereafter.

The distance from market shall be the shortest distance on highways over which the Highway Department of the several states permit milk tank trucks to move, or if no such distance is recognized the distance shall be that ascertained and announced by the Market Administrator. These distances shall be from the handler's plant where the milk is received from producers to the City Hall in Newark.

§ 990.44 *Application to uniform prices.* There should be deducted from payments to producers delivering milk to a plant located in a mileage zone set forth in § 990.43 differentials for base milk those shown in column 1 and for excess milk equal to those shown in column 2.

§ 990.45 *Milk disposed of outside the marketing area.* The class prices to be paid by handlers for milk disposed of outside the marketing area shall be the same as for milk sold in the marketing area.

§ 990.46 *Base ratings*—(a) *Determination of bases.* (1) Daily producer bases to be effective in each month under the order until February 1 after the order has been effective during an entire August-November period shall be calculated each month by multiplying each producer's average daily deliveries in that month by 120 percent of the handler's percentage utilization in Class I: *Provided,* That in no event shall any producer's base exceed average daily deliveries in that month, and that in making the calculations the percentage utilization shall be used to one decimal point (e. g., 68.6%), and each producer's base shall be calculated to the nearest full pound.

(2) Daily producer bases to be effective in each month beginning February 1 following an entire August-November period during which the order has been effective shall be calculated for the first 12 months of their use by dividing deliveries at pool plants by each producer in August, September, October, and November by 122, to the nearest full pound. In each succeeding year, bases shall be calculated by adding one-third of each producer's former base to two-thirds of a newly calculated base determined by each producer's deliveries at pool plants in the immediately preceding August-November period divided by 122.

(b) *Provision for new producers and hardship cases.* A new producer shall receive an excess price for milk deliveries in his first two months under the order. Except for this, each producer shall have a minimum base in each month, notwithstanding the other provisions of the order, of the following percentages of his deliveries:

| | | | |
|---|---|---|---|
| January | 40 | July | 35 |
| February | 35 | August | 45 |
| March | 30 | September | 45 |
| April | 30 | October | 45 |
| May | 25 | November | 45 |
| June | 25 | December | 40 |

(c) *Ownership and transfer of bases.*

(1) A base shall be held in the name of the producer and may be transferred only at his option.

(2) The milk to which the transferred base shall apply must be produced on the same farm from which such base was earned, and the transferor must notify the Market Administrator in writing on or before the last day of the month that such base is to be transferred indicating the name of the transferee, the amount of base transferred, the effective date of the transfer, and in the event of a producer's death his base may be so transferred upon written notice to the Market Administrator from any member of the producer's immediate family.

(d) *Notification to producers and handlers.* (1) On or before February 1 of each year following an August-November period under the order, the Market Administrator shall notify each producer of his base, and shall notify each handler of the base of each of the producers delivering to the handler's plant or plants.

(e) *Applicability of bases in paying producers.* (1) If in any month the percent utilization in Class I equals or exceeds 90.0 for all milk under the order, the use of base and excess prices shall be suspended for that month.

(2) In all other months, payments for base and excess milk shall be as prescribed in § 990.62.

§ 990.47 *Location differentials.* Location differentials in addition to the blend price for base milk shall be paid to producers delivering to individual handlers plants. The rate of payment shall be on

base milk only and shall be adjusted to the percentages that Class I sales of each handler are of his total receipts from producers and by the zone differential applicable to the plant where the milk is delivered according to the accompanying table. *Provided, however,* That the zone location differential for milk delivered in bulk tank pick-ups shall be the center of the bulk pick-up route as determined by the administrator.

(a) *Basic rate.* The basic location differential rate shall be 25 percent of the difference between the Class I and the Class II prices at the 0–50 mile zone.

(b) The basic rate shall be adjusted for the producers delivering to each handler at all of his plants by multiplying by the percentage that net Class I sales are of the total receipts of milk from producers.

(c) The net location differential shall be adjusted to zones as shown in the following schedule: On can deliveries paid on basis of plant location for bulk tank deliveries the location differentials to be paid on central point of the pick-up area.

| Location differential zones distance from City Hall, Newark, N. J.[1] | Adjusted basic rate less cents per hundredweight |
|---|---|
| 0–50 miles | 0 |
| 51–60 miles | 5 |
| 61–70 miles | 10 |
| 71–80 miles | 15 |
| 81–90 miles | 20 |
| 91–100 miles | 25 |
| 101–110 miles | [2] 29 |

[1] All plants in New Jersey are deemed to be in the 0–50 mile zone.

[2] 4 cents additional for each 10 miles.

NOTE: Eastern Milk Producers Co-operative Association, Inc., has reservations as to the need for location differentials to be paid to nearby producers believing that the base rating plan, revised transportation and the other provision of the proposed order could adequately protect the interests of these nearby producers.

REPORT OF HANDLERS

§ 990.50 *Periodic reports.* On or before the 8th day after the end of each month each handler shall report to the market administrator, in the detail and on forms prescribed by the market administrator, as follows:

(a) The receipts at each plant from producers who are not handlers;

(b) The receipts at each plant from any other handler, including any handler who is also a producer;

(c) The quantity, if any, produced by such handlers;

(d) The receipts at each plant from any other source, including receipts from a plant subject to another Federal order;

(e) The respective quantities of milk and milk products disposed of on hand at each plant, with the butterfat content thereof, and

(f) The shipment of milk from each plant.

§ 990.51 *Reports of handlers who received no milk from producers.* Handlers who receive no milk from producers shall make reports to the market administrator at such time and in such manner as the market administrator may require.

§ 990.52 *Reports as to producers.* Each handler shall report to the market administrator:



(a) Within 10 days after the market administrator's request, with respect to any producer for whom such information is not in the files of the market administrator, and with respect to a period or periods of time designated by the market administrator, (1) the name and address, (2) the total pounds of milk received, (3) the average butterfat test of milk received, and (4) the number of days upon which milk was received; and

(b) within 10 days after first receiving milk from any producer, (1) the name and address of such producer, (2) the date upon which such milk was first received and (3) the plant at which such milk was received.

§ 990.53 *Reports of payments to producers.* Each handler shall submit to the market administrator on or before the 25th day after the end of each month his producer payroll for such month which shall show for each producer (a) the net amount of such producer's payment with the prices, deductions, and charges involved, and (b) the total delivery of milk with the average butterfat test thereof.

§ 990.54 *Outside cream receipts.* Each handler shall report as requested by the market administrator his receipts, if any, of sweet and sour cream, showing the quantity and source of each such receipt and the cost thereof f. o. b. marketing area.

§ 990.55 *Verification of reports.* Each handler shall permit the market administrator or his agent, or such other person as the secretary and director may designate, during the usual hours of business, to (a) verify the information contained in reports submitted in accordance with this section.

§ 990.56 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That, if within such three year period, the market administrator notifies the handler in writing that longer retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (a) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

APPLICATION OF PROVISIONS

§ 990.60 *Handlers who receive no milk from producers.* The provisions of this part, except those set forth in §§ 990.50 through 990.56 and 990.30 shall not apply to a producer-handler who receives no milk from producers nor to handler whose sole source of milk supply consists of receipts from other handlers. A producer handler shall account to the pool at the Class I price for any milk purchased from producers.

§ 990.61 *Computation of the value of milk for each handler.* For each month the market administrator shall compute, subject to the provisions of § 990.60 the value of milk of producers disposed of by each handler, by (a) multiplying the hundredweight of such milk in each class, computed pursuant to §§ 990.30 through 990.32 by the price applicable pursuant to §§ 990.40 through 990.45, and (b) adding together the resulting values.

§ 990.62 *Computation and announcement of price for base and excess milk.* The market administrator shall compute and announce for each handler the uniform price per hundredweight of base milk received by him at each plant from producers during each month in the following manner:

Using the computation made in § 990.61:

(a) From the total receipts of milk from producers deduct the quantity that was excess milk up to but not more than the total quantity of Class II milk, and from the total of the resulting values deduct the value of the excess milk used above at the Class II price, and compute a preliminary uniform base price. If the total Class I sales are greater than in amount than the total delivered bases the amount and the value of such over base Class I milk shall be included in the computation of the price for excess milk.

(b) Pursuant to the provisions of § 990.47 compute the appropriate location differential rates and the totals payable to producers at all plants. Divide this total by the total quantity of delivered bases and subtract the resultant quotient from the preliminary uniform base price determined in paragraph (a) of this section. The result shall be the uniform base price.

(c) Adjust such uniform base price by the applicable differentials: *Provided, however,* That the location differential rate in each case shall not result in a final base price at any plant greater than the Zone Class I price at that plant. Any such surplus that may result from this rule shall be added to the total value of excess milk.

(d) The price for excess milk shall be computed by adding:

(1) The amount and value at the Class II price of excess milk not greater in volume than the total of Class II milk.

(2) The amount and value at the Class I price of any over base milk that is greater in volume than the total of Class II milk.

(3) Add any sums that may result from the location differential calculations where the base price at any plant must be limited to the Class I price.

(4) Divide the sum of the above values by the total amounts of excess milk. The result shall be the blend or uniform price for excess milk.

(e) On or before the 15th day after the end of each month, notify each handler and publicly announce the uniform price for base milk and for excess milk computed for each plant pursuant to this section.

PAYMENTS FOR MILK

§ 990.70 *Time and method of payment*—(a) *Semimonthly payment.* On or before the 5th day after the end of each month each handler shall make an advance payment for the approximate value of milk received during the first 15 days of the month.

(b) *Final payment.* On or before the 20th day after the end of each month each handler shall make full payment, subject to butterfat, location and zone price receipt differentials, to each producer for the total value of milk received from such producer during such month, at not less than the base price per hundredweight for base milk and at not less than the excess price for excess milk after taking credit for payment made pursuant to paragraph (a) of this section.

§ 990.71 *Errors in payment.* Errors in making payment for milk shall be corrected not later than the date for making payments next following the determination of such errors.

EXPENSE OF ADMINISTRATION

§ 990.80 *Payment by handlers.* As his pro rata share of the expense of the administration of this part, each handler on or before the 20th day after the end of each month shall pay to the market administrator, with respect to all milk received by such handler directly from producers, and all milk received from non-order milk plants including plants subject to another Federal order which is allocated to Class I under § 990.32 an amount not exceeding three cents per hundredweight, the exact amount to be determined by the market administrator subject to review by the secretary and director.

§ 990.81 *Deductions for members of an association of producers.* In the case of producers who are members of an established association of producers each handler shall make such deductions from payments made pursuant to § 990.70 as may be authorized by such producers and pay, on or before the 25th day after the end of each month, such deductions to such association together with a detailed statement of the amount deducted from each producer.

MISCELLANEOUS PROVISIONS

§ 990.90 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for this payment of money irrespective of when such obligation arose. The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraph (c) (2) and (3) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to the following information.

(a) The amount of obligation;

(b) The month(s) during which the milk, with respect to which the obligation exists, was received or handled, and

(c) (1) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(2) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representative(s) all books and records required by this part to be made available, the market administrator may, within the two year period provided for in subparagraph (1) of this paragraph, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligations are made available to the market administrator or his representative(s).

(3) Notwithstanding the provisions of subparagraph (1) and (2) of this paragraph, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(4) Any obligation on the part of the market administrator to pay handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8C (15) (a) of the act, a petition claiming such money.

§ 990.91 *Effective time.* The provisions of this part or any amendment thereto shall become effective at such time as the secretary may declare and shall continue in force until suspended or terminated pursuant to § 990.92.

§ 990.92 *Suspension or termination.* The secretary may suspend or terminate this part or any provision hereof whenever he finds this part or any provision hereof obstructs or does not tend to effectuate the declared policy of the act. This part shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

§ 990.93 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 990.94 *Liquidation.* Upon the suspension or termination of the provisions of this part, except this section, the market administrator, or such other liquidating agent as the secretary may designate, shall, if so directed by the secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

§ 990.95 *Equivalent prices or indices.* If for any reason a price or index specified by this part for use in computing class prices or other purposes is not reported or published in the manner described in this part, the market administrator shall use a price or index determined by the secretaries to be equivalent or comparable with the factor which is specified.

§ 990.96 *Agents.* The secretary and director may each by designation in writing, name any officer or employee of the State of New Jersey or the United States or name any bureau or division of the New Jersey Department of Agriculture or the United States Department of Agriculture to act as their agent(s) or representative(s) in connection with any of the provisions hereof.

§ 990.97 *Separability of provisions.* If any provisions of this part, or its application to any person or circumstances, is held invalid, the application of such provision and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 990.98 *Compensatory payments.* (a) Class I sales from plants which are subject to another Federal order shall be subject to payments into the North Jersey pool of the difference between the North Jersey Class I and the other order Class I price if lower. Class I sales from plants not subject to another Federal order, on route sales up to 25 percent of the receipts of milk at such plant shall be subject to payments into the North Jersey pool at a rate on Class I sales calculated by determining a utilization price at North Jersey class prices for the plant times milk received at the plant less actual payments to patrons divided by the volume of Class I sales in the marketing area, or the difference between the New Jersey Class I and Class II prices, whichever is lower.

(b) Class I sales from plants not pool plants under another Federal order, on sales in excess of 25 percent of the producer receipts at the plant shall be subject to payments into the New Jersey pool the difference between the North Jersey Class I and Class II prices.

Proposed amendments to Order No. 27; proposed by The Governor's Milk Committee of New Jersey, United Milk Producers of New Jersey and Eastern

Milk Producers Cooperative Association, Inc.:

POOL REQUIREMENTS FOR PLANTS AND PRODUCERS

A. Delete §§ 927.20 through 927.27.

B. Insert as § 927.20 the following:

§ 927.20 *Temporary pool plants.* For any month a plant from which during such month Class I–A milk, either directly or through other plants, is sold or distributed in or shipped to the marketing area, which quantity of milk during the month of July through March, is equal to more than 25 percent of the milk received directly from dairy farmers, or during the months of April through June is equal to more than 10 percent of the milk received directly from dairy farmers, shall be designated a pool plant: *Provided,* That for the months of April, May, or June no plant at which milk was received from dairy farmers during the preceding months of July, August, September, October, November or December shall be a pool plant on this basis, unless at least 60 percent of such milk was classified in each month in Class I–A, and either directly, or through other plants, was sold or distributed in or shipped to the marketing area in the form of milk: *Provided further,* That no plant shall be a pool plant on this basis unless the person operating such plant has kept such control over the sanitary conditions under which milk received at the plant is produced and handled, that the plant can meet the requirements of a source of milk for the marketing area: *Provided further,* That approval by a health authority of the plant as a source of milk for the marketing area shall constitute sufficient evidence that this requirement is being met even though such approval is restricted to prohibit shipment to the marketing area of milk for specified periods during which permission is given by such health authority for receiving unapproved milk or skim milk at the plant or for shipment of approved skim milk from such plant.

C. Add a new § 927.21, as follows:

§ 927.21 *Regular pool plants*—(a) *Carry-over designation.* Any plant for which the report of milk received from dairy farmers was used in the computation of the uniform price for November 1951 and for July 1956 is hereby designated as a pool plant until such designation is cancelled pursuant to § 927.22.

(b) *Submission of application.* Any person who operates a plant which is located in New York State, Vermont, Massachusetts, Connecticut, New Jersey or Pennsylvania, and which is either approved as a source of milk by a health authority in the marketing area at the time of application and under the sanitary supervision of such authority may apply to the Secretary prior to August 1 of any year to have such plant designated as a pool: *Provided,* That if 50 percent or more of the dairy farmers delivering milk at such plant deliver such milk for the account of a cooperative association which does not operate the plant but for which milk such association receives payment, an application must be made by such cooperative association as well as by the person operating the plant. Applications shall be addressed to the Secretary and filed at the office of the Market Administrator.

(c) *Designation upon application.* Any plant for which an application has been made pursuant to paragraph (b) of this section shall be designated as a pool plant upon the determination that the requirements of paragraph (e) of this section are being met. Such designation shall be effective as of the first of the month following the date of such determination. If, based upon the information contained in the application filed pursuant to paragraph (b) of this section, the Secretary determines that the requirements of paragraph (e) of this section are not being met, the applicant or applicants shall be so notified. Within 15 days after receipt of such notice, the applicant or applicants may submit additional information and request further consideration. Prior to the issuance of the determination of the Secretary, an application may be withdrawn by written request of the applicant or applicants.

(d) *Computation of plant uniform price.* The market administrator shall, for the purpose of carrying out the provisions of this section, compute for each plant submitting an application pursuant to paragraph (b) of this section an average uniform price for such plant for the appropriate 12-month period in the following manner:

(1) Compute for each month, pursuant to § 927.60, the net pool obligation of such plant;

(2) Subtract an appropriate proportional share of the total of payments required to be made for such month by § 927.76;

(3) Add an appropriate proportional share of the total of payments required to be made for such month pursuant to §§ 927.78 and 927.79;

(4) Add an appropriate proportional share of the unreserved cash in the producer settlement fund;

(5) Subtract per hundredweight of milk the amount arrived at in § 927.61 (e) for all milk received at such plant;

(6) Subtract the Class I–C milk at such plant from total milk received from producers at such plant;

(7) Divide the result obtained in subparagraph (5) of this paragraph by the result obtained in subparagraph (6) of this paragraph; and

(8) Compute, for the appropriate 12-month period referred to in paragraph (e) of this section, an average of the monthly results obtained pursuant to the preceding subparagraph.

(e) *Requirements.* In order to qualify as a pool plant under this section, the plant shall meet one of the following requirements: *Provided,* That no plant shall be a pool plant on this basis unless the person operating such plant has kept such control over the sanitary conditions under which milk received at the plant is produced and handled, that the plant can meet the requirements of a source of milk for the marketing area: *Provided further,* That approval by a health authority of the plant as source of milk for the marketing area shall constitute sufficient evidence that this requirement is being met even though such approval is restricted to prohibit shipment to the marketing area of milk for specified periods during which permission is given by such health authority for receiving unapproved milk or skim milk at the plant or for shipment of approved skim milk from such plant.

(1) The report of milk received from dairy farmers at such plant shall have been used in the computation of the uniform price for July 1956: *Provided,* That the average uniform price computed pursuant to paragraph (d) of this section for such plant for the 12-month period ending July 31, 1956, shall have been higher than the average of the uniform prices computed pursuant to § 927.61 for the same period, or

(2) The report of milk received from dairy farmers shall have been used in the computation of the uniform price for July 1956: *Provided,* That the qualification of any plant qualifying under this subparagraph shall terminate on July 31, 1957, unless the average uniform price computed pursuant to paragraph (d) of this section for the 12-month period ending July 31, 1957, shall have been higher than the average of the uniform prices computed pursuant to § 927.61 for the same period. The qualification of any such plant shall terminate on July 31, of any subsequent 12-month period unless the average uniform price for such plant for such 12-month period shall have been higher than the average of the uniform prices computed pursuant to § 927.61 for the same period; or

(3) The proportion of Class I–A milk to total milk received at such plant during the period October, November, and December shall have been equal to or higher in each of the three consecutive years preceding the designation of such plant than the proportion of total Class I–A milk of all handlers to total milk received by all such handlers for each such respective period: *Provided,* That if the applicant operates more than one pool plant, no plant operated by him shall be qualified under this subparagraph unless the average of the uniform prices for all plants operated by such applicant for the 12-month period ending with the preceding July 31 shall have been higher than the average of the uniform prices computed pursuant to § 927.61 for the same period.

D. Insert as § 927.22 the following:

§ 927.22 *Cancellation of designation.* The designation of a pool plant pursuant to paragraphs (a) and (c) of § 927.21, or pursuant to § 927.23 may be cancelled under either of the following provisions:

(a) The designation shall be cancelled upon application to the market administrator by the handler operating the plant effective at any time during the months of April through July of any year but not sooner than 30 days after receipt of such application: *Provided,* That such application for cancellation shall be accompanied by proof that the handler, if not a cooperative association qualified pursuant to § 927.76, has notified any qualified cooperative association which has any members who deliver milk to such plant, and has notified individually all producers delivering to such plant who are not members of such qualified cooperative association, of his intention to make such application: *Provided further,* That if 50 percent or more of the producers delivering milk at such plant deliver such milk for the account of a cooperative association which does not operate the plant, but for which milk such association receives payment, an application must be made by such cooperative association as well as by the handler operating the plant.

(b) The designation of any plant which on June 15 of any year is not approved by a health authority as a source of milk for the marketing area shall be automatically cancelled effective on August 1 of such year unless the absence of such approval is a temporary condition covering a period of not more than 15 days: *Provided,* That the designation of a plant approved by a health authority as a source of milk for the marketing area even though such approval is restricted to prohibit shipment to the marketing area of milk for specified periods during which permission is given by such health authority for receiving unapproved milk or skim milk at the plant or for shipment of approved skim milk from such plant, shall not be cancelled pursuant to this provision. This provision does not prevent a handler from applying pursuant to § 927.21, for a new designation.

E. Insert as § 927.23 the following:

§ 927.23 *Plant replacement.* A plant may be designated at any time as a pool plant upon application made by the person operating the plant to the Secretary showing that the plant is a replacement for one or more pool plants designated pursuant to paragraphs (a) and (c) of § 927.21 or pursuant to this section which are operated by him and that substantially all of the dairy farmers delivering milk at the plant previously delivered milk to the pool plant or plants replaced. Upon designation of a plant pursuant to this section, the designation of the plant or plants which it replaced shall be automatically cancelled.

F. Insert as § 927.24 the following:

§ 927.24 *Change of operator.* The designation of pool plants pursuant to paragraphs (a) and (c) of § 927.21 and pursuant to § 927.23 shall be considered as applicable to the plant as such, and subject to cancellation only pursuant to §§ 927.22 and 927.23 regardless of change in the person owning or operating the plant. The market administrator shall be notified, by the handlers involved, of any transfer from one person to another of ownership or operation of a pool plant.

SEASONAL VARIATIONS IN PRODUCTION

A. Add a new § 927.12, as follows:

§ 927.12 *Base, base milk and excess milk*— (a) *Base.* "Base" means a quantity of milk expressed in pounds per day computed pursuant to § 927.56.

(b) *Base milk.* "Base milk" means a quantity of milk received from a producer by a handler during each of the months of April, May and June which is not in excess of such producer's base multiplied by the number of days such milk was delivered during each such month.

(c) *Excess milk.* "Excess milk" means milk received from a producer by a handler during each of the months of April, May and June which is in excess of the base milk received from such producer.

B. Add a new paragraph (b) in § 927.50 as follows, and re-letter existing paragraphs (b) to (e) accordingly:

(b) For the delivery periods of April through June, the total quantity of base milk and the total quantity of excess milk received from producers.

C. Add the following words at the end of § 927.51 (b) (1): "and for the delivery periods of August through November, and April through June, the number of days on which milk was delivered."

D. Add a new § 927.56, as follows:

§ 927.56 *Computation of base and base rules.* (a) Subject to the conditions set forth in paragraph (b) of this section, the market administrator shall compute for each of the months of April, May and June, a base for each producer as follows:

(1) Divide the total pounds of milk received by a handler from each producer during the months of August, September, October and November immediately preceding by the number of days such milk was delivered (not to be less than 90 days).

(b) Any base computed pursuant to paragraph (a) (1) of this section shall be subject to the following rules:

(1) A base shall be held in the name of the producer for whose account the milk was delivered during the base-forming period.

(2) Bases may be transferred in whole or in part by written notice from the producer to the handler(s) receiving milk from such producer, and from the handler(s) to the market administrator submitted on or before the first day of the month for which such base is to be transferred, indicating the name of the transferee, the amount of base transferred, and the effective date of such transfer.

(3) On or before April 1 of each year, the market administrator shall notify each handler of the base of each of the producers delivering milk to the handler's plant(s).

E. Add a new § 927.62 as follows, and renumber the existing § 927.62 as § 927.64:

§ 927.62 *Computation of excess milk price.* For each of the months of April, May and June, the excess milk price shall be the Class III price.

F. Add a new § 927.63, as follows:

§ 927.63 *Computation of uniform price for base milk.* For each of the months of April, May and June, the market administrator shall compute a uniform price for base milk in the following manner:

(a) Multiply the total milk received from producers by all handlers by the result obtained in paragraph (g) of § 927.61;

(b) Multiply the total of excess milk received from producer's by all handlers by the excess milk price;

(c) Subtract the result obtained in paragraph (b) of this section from the result obtained in paragraph (a) of this section; and

(d) Divide the result obtained in paragraph (c) of this section by the total of base milk received from producers by all handlers. The result shall be known as the uniform price for base milk containing 3.5 percent butterfat received from producers at plants in the 1–10 mile zone.

G. Amend § 927.66 to read as follows:

§ 927.66 *Transportation and location differentials.* (a) The uniform price at any plant, and for the months of April, May and June, the uniform price for base milk at any plant shall be reduced by the differential shown in column B of the schedule contained in § 927.42 for the zone of the plant in effect pursuant to § 927.42.

(b) For the months of April, May and June, the excess milk price at any plant shall be reduced by the differential shown in column C of the schedule contained in § 927.42 for the zone of the plant in effect pursuant to § 927.42.

PRICING OF CLASS I–A MILK

A. Delete § 927.40 (a) and substitute therefor the following:

(a) For Class I–A milk the price during each month shall be a price computed by multiplying the base price of $5.23 by the seasonal adjustment factor for each respective month given in the following schedule:

| | | | |
|---|---|---|---|
| January | 1.05 | July | 0.95 |
| February | 1.03 | August | 1.00 |
| March | 1.00 | September | 1.04 |
| April | 0.94 | October | 1.07 |
| May | 0.88 | November | 1.09 |
| June | 0.88 | December | 1.07 |

DEFINITION OF CLASS I–B MILK

A. Amend § 927.37 (b) by changing the words "outside of the State of New York and outside of Northern New Jersey", where they occur, to read "outside the counties of Dutchess, Orange, Putnam, Rockland, Sullivan and Ulster in the State of New York."

DEFINITION AND PRICING OF CLASS I–C MILK

A. Amend § 927.37 (c) by changing the words "State of New York or Northern New Jersey", where they occur, to read "counties of Dutchess, Orange, Putnam, Rockland, Sullivan and Ulster in the State of New York."

B. Amend § 927.40 (d) by deleting the phrase "20 cents" and substituting therefor "40 cents."

FLUID SKIM DIFFERENTIAL

A. Amend § 927.44 by changing the words "Deduct the price of Class II milk computed pursuant to § 927.40 (e)" where they occur to read "Deduct the price of Class III milk computed pursuant to § 927.40 (f)."

PRICING OF NON-FLUID CLASSES

A. Amend § 927.40 (f) by deleting the first proviso thereof and substituting therefor the following: "*Provided further,* That for the months of July

through March an additional 10 cents shall be added to such sum."

B. Amend § 927.43 by inserting, after the initial words "For milk received from producer," the words "during the months of April, May and June"; and by deleting, in the second proviso, the words "during any of the months of March through July."

LOCATION DIFFERENTIALS

A. Delete paragraph (f) of § 927.60, and re-letter paragraph (g) as paragraph (f). (This proposal is not concurred in by the United Milk Producers of New Jersey, or the Governor's Committee of New Jersey, who propose that a provision be adopted similar to the one proposed for Northern New Jersey.)

TRANSPORTATION DIFFERENTIALS

A. Amend § 927.42 by deleting the schedule contained in such section and substituting therefor the following:

| A | B | C |
|---|---|---|
| Freight zone (miles) | Class I–A, I–B and I–C and skim milk subject to the fluid skim differential | Class II and III |
| | Cents per hundredweight | Cents per hundredweight |
| 1–10 | +28.0 | +4.0 |
| 11–20 | +26.6 | +3.8 |
| 21–25 | +25.2 | +3.6 |
| 26–30 | +24.5 | +3.5 |
| 31–40 | +23.8 | +3.4 |
| 41–50 | +22.4 | +3.2 |
| 51–60 | +21.0 | +3.0 |
| 61–70 | +19.6 | +2.8 |
| 71–75 | +18.2 | +2.6 |
| 76–80 | +17.5 | +2.5 |
| 81–90 | +16.8 | +2.4 |
| 91–100 | +15.4 | +2.2 |
| 101–110 | +14.0 | +2.0 |
| 111–120 | +12.6 | +1.8 |
| 121–125 | +11.2 | +1.6 |
| 126–130 | +10.5 | +1.5 |
| 131–140 | +9.8 | +1.4 |
| 141–150 | +8.4 | +1.2 |
| 151–160 | +7.0 | +1.0 |
| 161–170 | +5.6 | +0.8 |
| 171–175 | +4.2 | +0.6 |
| 176–180 | +3.5 | +0.5 |
| 181–190 | +2.8 | +0.4 |
| 191–200 | +1.4 | +0.2 |
| 201–210 | 0 | 0 |
| 211–220 | −1.4 | −0.2 |
| 221–225 | −2.1 | −0.3 |
| 226–230 | −2.8 | −0.4 |
| 231–240 | −4.2 | −0.6 |
| 241–250 | −5.6 | −0.8 |
| 251–260 | −7.0 | −1.0 |
| 261–270 | −8.4 | −1.2 |
| 271–275 | −9.1 | −1.3 |
| 276–280 | −9.8 | −1.4 |
| 281–290 | −11.2 | −1.6 |
| 291–300 | −12.6 | −1.8 |
| 301–310 | −14.0 | −2.0 |
| 311–320 | −15.4 | −2.2 |
| 321–325 | −16.1 | −2.3 |
| 326–330 | −16.8 | −2.4 |
| 331–340 | −18.2 | −2.6 |
| 341–350 | −19.6 | −2.8 |
| 351–360 | −21.0 | −3.0 |
| 361–370 | −22.4 | −3.2 |
| 371–375 | −23.1 | −3.3 |
| 376–380 | −23.8 | −3.4 |
| 381–390 | −25.2 | −3.6 |
| 391–400 | −26.6 | −3.8 |
| 401–410 | −28.0 | −4.0 |
| 411 and over | −29.4 | −4.2 |

CONFORMING AMENDMENT

A. Make such other changes as may be required to make the entire order conform with the amendments proposed above.

Terms and provisions of a proposal for a coordinated milk marketing program for the New York-New Jersey marketing area; proposed by Mutual Federation of Independent Cooperatives, Inc.: Terms and provisions of proposed Northern New Jersey order.

DEFINITIONS

SECTION 1. *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

SEC. 2. *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is, or who may hereafter be, authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

SEC. 3. *Marketing area.* "Northern New Jersey milk marketing area" (hereinafter called the "marketing area") means all territory within the State of New Jersey defined as follows:

Beginning at the point on the line separating Rockland County, New York, from the State of New Jersey at the western edge of the Hudson River, northwesterly along the New Jersey-New York State Line to Sloatsburg Road;

Then south on Sloatsburg Road in New Jersey to its intersection with Passaic County, New Jersey, Highway 511 (Also known as Greenwood Lake Road);

Then left in a southerly direction on said highway to its intersection with the Northern boundary of the Borough of Wanaque;

Then, starting westerly, along the boundary between the Boroughs of Wanaque and Ringwood to the junction with the boundary of the Borough of Bloomingdale;

Then along the boundary between the Boroughs of Bloomingdale and Ringwood to the junction with the boundary of West Milford Township;

Then south along the boundary between the Borough of Bloomingdale and West Milford Township to the junction with the Passaic and Morris County Line;

Then west along the Passaic-Morris County Line to its junction with the boundary between Kinnelon Borough and Rockaway Township;

Then south along the boundary between Kinnelon Borough and Rockaway Township to the junction with the boundary of Boonton Township;

Then southwest along the boundary between Boonton and Rockaway Townships to the junction with the Denville Township boundary;

Then, continuing westerly along the boundary between Rockaway and Denville Townships to the junction with the northern boundary of Rockaway Borough;

Then, starting northwest, along the boundary between Rockaway Borough and Rockaway Township to its junction with Mt. Pleasant Turnpike;

Then westerly along Mt. Pleasant Turnpike to its junction with the boundary between Rockaway Township and Wharton Borough;

Then northwesterly along the boundary between Rockaway Township and Wharton Borough to the junction with the tracks of the D. L. & W. Railroad;

Then westerly along this railroad track to the point where it crosses Ledgewood-Mt. Arlington Road;

Then southwest along this road to its junction at S. Route 46;

Then to the left along U. S. Route 46 to its junction with New Jersey Route 10;

Then southeasterly on New Jersey Route 10 to its junction with the boundary between Denville and Randolph Townships;

Then south along the boundary between Denville and Randolph Townships to the junction with the boundary between Parsippany-Troy Hills and Morris Townships;

Then in the same direction along the boundary between Morris and Randolph Townships to the junction with Mendham Township;

Then in the same direction along the boundary between Morris and Mendham Townships to the junction with the boundary between Morris and Harding Townships;

Then southeast along the boundary between Morris and Harding townships to the junction with U. S. Highway 202;

Then south along U. S. Highway 202 to the junction with the Morris-Somerset County Line;

Then to the right and westerly along the Morris-Somerset County Line to the junction with U. S. Highway 206;

Then southerly and to the left along U. S. Highway 206 to the junction with the boundary between Bedminster and Bridgewater townships;

Then to the right and westerly along the boundary between Bedminster and Bridgewater townships (which follows Chambers Brook) to the junction with the north branch of the Raritan River;

Then southerly along the north branch of the Raritan River to its junction with the south branch of the Raritan River;

Then to the left along the Raritan River easterly to its junction with the boundary between Hillsboro Township and Manville Borough;

Then south along the boundary between Manville Borough and Hillsboro Township to the junction with Somerset County Highway 533;

Then south and to the right along Somerset County Highway 533 to the junction with the northern boundary of Millstone Borough;

Then to the right and west along the Millstone boundary around to the point of intersection again with Somerset County Highway 533 on the south side of Millstone Borough;

Then south again along Somerset County Highway 533 to the causeway over the Millstone River;

The to the left and to the east over said causeway to Griggstown Canal Road;

Then to the right and southerly along Griggstown Canal Road to Suydam Road;

Then left and east along Suydam Road to Franklin Park Road;

Then continuing in the same direction along Franklin Park Road across the Somerset-Middlesex County Boundary to the junction with U. S. Highway No. 1;

Then right on U. S. Highway No. 1 to the junction with Dean's Lane;

Then left off U. S. Highway No. 1 along Dean's Lane to George's Road;

Then to the left on George's Road to Dean's-Rhodehall Road;

Then right on Dean's-Rhodehall Road to the New Jersey Turnpike;

Then south to the right on the New Jersey Turnpike to the intersection with an overpass over the Turnpike carrying Hoffman Station Road at Stults Corner;

Then to the left and east along Hoffman Station Road (through Deys Corner and Stults Corner) to the intersection with the Jamesburg and Englishtown Road;

Then to the right and southeast along the Jamesburg and Englishtown Road to the Monmouth-Middlesex County Line;

Then northeast and to the left along the Monmouth-Middlesex County Line to the point of intersection with U. S. Highway No. 9;

Then to the right and south along U. S. Highway No. 9 (including Lakewood Township) to its junction with the New Jersey Garden State Parkway;



Then south along the Garden State Parkway to Cedar Creek in Ocean County;

Thence east on Cedar Creek to the Atlantic Ocean;

Then north along the New Jersey coast and the west bank of the Hudson River to the point of beginning (including all islands and outer bank territories considered a part of the State of New Jersey and adjacent to the area described).

Together with all piers, docks, and wharves connected therewith and all crafts moored thereat, and including territory within such boundaries which is occupied by government (Municipal, State, Federal, or International) reservations, installations, institutions, or other establishments.

SEC. 4. *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

SEC. 5. *Dairy farmer.* "Dairy farmer" means any person who produces milk.

SEC. 6. *Producer.* "Producer" means any dairy farmer whose milk is delivered direct from farm to a pool plant.

SEC. 7. *Handler.* "Handler" means (a) any person who engages in the handling of milk or products therefrom, which milk was received at a pool plant, or at a plant approved by any health authority as a source of milk for the marketing area, (b) any person who engages in the handling of milk, concentrated fluid milk, cultured or flavored milk drinks, cream, half and half, or skim milk, all or a portion of which is shipped to, or received in, the marketing area, or (c) any cooperative association of dairy farmers with respect to any milk which it causes to be delivered from dairy farmers to a pool plant of any other handler for the account of such association and for which such association receives payment.

SEC. 8. *Plant.* "Plant" means the land, building, surroundings, facilities, and equipment or vehicle whether owned or operated by one or more persons, constituting a single operating unit or establishment for the receiving, and sampling and handling, or processing of milk or milk products as determined by the market administrator.

SEC. 9. *Pool plant.* "Pool plant" means any plant which is designated as a pool plant pursuant to sections 20, 22, 25 or 27 provided a vehicle shall not be designated as a "pool plant" unless operated by a person who is defined as a "handler" because of other operations.

SEC. 10. *Market administrator.* "Market administrator" means the agency, which is described in sections 15 through 18, for the administration of this subpart.

SEC. 11. *Northern New Jersey.* "Northern New Jersey" means the following counties in the state of New Jersey:

| | |
|---|---|
| Hunterdon. | Passaic. |
| Middlesex. | Somerset. |
| Monmouth. | Sussex. |
| Morris. | Warren. |

or such parts thereof as are not in the marketing area.

SEC. 11. *New York order.* "New York order" means Order 27, as amended, regulating the handling of milk in the New York Metropolitan milk marketing area.

MARKET ADMINISTRATOR

SEC. 15. *Selection, removal, and bond.* The agency for the administration of this subpart shall be a market administrator who shall be a person selected and subject to removal by the Secretary. The market administrator shall, within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary.

SEC. 16. *Compensation.* The market administrator shall be entitled to such reasonable compensation as shall be determined by the Secretary.

SEC. 17. *Powers.* The market administrator shall have the following powers:

(a) To administer the terms and provisions of this subpart; including joint administration with the market administrator of the New York order of sections 35, 36, 47, 54, 61, 70 and 73 of this subpart and §§ 927.35, 927.36, 927.47, 927.54, 927.61, 927.70 and 927.73 of the New York order.

(b) To make rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive, investigate, and report to the Secretary complaints of violations of this subpart; and

(d) To recommend to the Secretary amendments to this subpart.

SEC. 18. *Duties.* The market administrator, in addition to the duties hereinafter described, shall:

(a) Keep such books and records as will clearly reflect the transactions provided for in this subpart;

(b) Submit his books and records to examination by the Secretary at any and all times;

(c) Furnish such information and such verified reports as the Secretary may request;

(d) Obtain a bond with reasonable security thereon covering each employee who handles funds entrusted to the market administrator;

(e) Publicly disclose, after reasonable notice, the name of any person who has not made reports pursuant to sections 50, 51, and 53, or made payments required by sections 65, 66, 67, 72, 75, 77, 78, 79, and 80;

(f) Prepare and disseminate for the benefit of producers, consumers, and handlers such statistics and information concerning the operation of this subpart, as amended, as do not reveal confidential information;

(g) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this subpart;

(h) Pay out of the funds received pursuant to § 927.80 the cost of his bond and of the bonds of such of his employees as handle funds entrusted to the market administrator, his own compensation, and all other expenses which will necessarily be incurred by him for the maintenance and functioning of his office and the performance of his duties;

(i) Maintain a main office and such branch offices as may be necessary;

(j) Promptly notify a handler, upon receipt of the handler's written request therefor, of his determination: as to whether one or more plants exist at a specified location, as to whether any specified item constitutes a part of the handler's plant, or as to which plant a specified item is a part in the event that the particular premises in question constitutes more than one plant: *Provided,* That if the request of the handler is for revision or affirmation of a previous determination, there is set forth in the request a statement of what the handler believes to be the changed conditions which make a new determination necessary. If a handler has been notified in writing of a determination with respect to an establishment operated by him, any revision of such determination shall not be effective prior to the date on which such handler is notified of the revised determination; and

(k) Cooperate with the market administrator of the New York order to achieve coordination of this order and the North Jersey order and to effectuate the declared purposes of the act.

POOL PLANTS

Sec. 20. *Initial designation.* Plants shall be designated by the market administrator as pool plants under this order, beginning with the effective date of this order and continuing until such designation is cancelled pursuant to section 24 or 25, if they had, in November, 1955, approval as a source of milk for fluid purposes by a health authority in the marketing area, continue to have such approval and such designation is requested by the operator of the plant, except that plants which are pool plants under federal milk orders other than the New York Order shall not be so designated: Applications shall be addressed to the Secretary and filed at the office of the market administrator.

SEC. 21. *Eligible applicants.* Any person who operates a plant which is either approved as a source of milk by a health authority in the marketing area at the time of application and under the sanitary supervision of such authority, or was a pool plant during the preceding October, November, and December, and which had 80 percent of the milk it received from producers in each of the preceding months of July, August, October, November and December classified as I–A by actual utilization, rather than assignment or selection of classification and without displacing other milk, may apply to the Secretary prior to January 1 of any year to have such a plant designated as a pool plant: *Provided,* That if 50 percent or more of the dairy farmers delivering milk at such plant deliver such milk for the account of a cooperative association which does not operate the plant but for which milk such association receives payment, an application must be made by such cooperative association as well as by the person operating the plant.

SEC. 22. *Designation upon application.* Any plant for which an application has been made pursuant to section 21 shall be designated as a pool plant upon determination by the Secretary that the

requirements of section 23 are being met. Such designation shall be effective as of February 1 following the date of application and until cancelled pursuant to section 24. If, based upon the information contained in an application filed pursuant to section 21, the Secretary determines that the requirements of section 23 are not being met, the applicant or applicants shall be so notified. Within 15 days after receipt of such notice, the applicant or applicants may submit additional information and request further consideration. Prior to the issuance of the determination of the Secretary, an application may be withdrawn by written request of the applicant or applicants In the event that no determination is made by the Secretary prior to February 1, the effective date of the designation, upon written request of the applicant or applicants prior to the issuance of a determination, shall be deferred until the first of the month following the date of such determination. If the application is not so withdrawn, or the effective date of designation is not so deferred, the plant shall be treated as a pool plant as of February 1: *Provided*, That all payments into or out of the producer settlement fund (except such payments which are made on the basis of operations during a month in which a plant meets the requirements of section 27) shall be held in reserve by the market administrator until a determination is made.

SEC. 23. *Requirements.* In order to qualify as a pool plant pursuant to sections 20, 22, or 25, the person operating the plant shall meet each of the following requirements:

(a) Be willing to ship in the form of milk to the marketing area, milk received at the plant from dairy farmers;

(b) Keep such control over the sanitary conditions under which milk received at the plant is produced and handled, that the plant can meet the requirements of a source of milk for the marketing area: *Provided*, That approval by a health authority of the plant as a source of milk for the marketing area shall constitute sufficient evidence that this requirement is being met even though such approval is restricted to prohibit shipment to the marketing area of milk for specified periods during which permission is given by such health authority for receiving unapproved milk or skim milk at the plant or for shipment of approved skim milk from such plant; and

(c) Have no commitments for disposition of milk that prevent him from utilizing milk as set forth in section 24 (g).

(d) In the case of plants designated pursuant to section 22, such plants continue to ship 80 percent of the milk received at the plant each year in accordance with the classification requirements of section 21.

SEC. 24. *Suspension and cancellation of designation.* The designation of a pool plant pursuant to sections 20, 22, or 25 may be suspended or cancelled under any of the following provisions:

(a) The designation shall be cancelled upon application to the market administrator by the handler operating the plant effective at any time but not sooner than 30 days after receipt of such application: *Provided*, That such application for cancellation shall be accompanied by proof that the handler, if not a cooperative association qualified pursuant to section 76, has notified any qualified cooperative association which has any members who deliver milk to such plant, and has notified individually all producers delivering to such plant who are not members of such qualified cooperative association, of his intention to make such application: *Provided further*, That if 50 percent or more of the producers delivering milk at such plant deliver such milk for the account of a cooperative association which does not operate the plant, but for which milk such association receives payment, an application must be made by such cooperative association as well as by the handler operating the plant.

(b) The designation of any plant which on December 15 of any year is not approved by a health authority as a source of milk for the marketing area shall be automatically cancelled effective on February 1 of such year unless the absence of such approval is a temporary condition covering a period of not more than 15 days: *Provided*, That the designation of a plant approved by a health authority as a source of milk for the marketing area, even though such approval is restricted to prohibit shipment to the marketing area of milk for specified periods during which permission is given by such health authority for receiving unapproved milk or skim milk at the plant or for shipment of approved skim milk from such plant, shall not be cancelled pursuant to this provision. This provision does not prevent a handler from applying pursuant to § 927.21 for a new designation effective on December 1 of the same year.

(c) The designation of any plant shall be suspended, effective no sooner than 10 days nor later than 20 days after the date of mailing of notice, by registered letter, to the handler, whenever the market administrator, subject to the limitations set forth in paragraph (g) of this section, finds on the basis of available information that the handler operating the plant is not meeting the requirements set forth in section 23: *Provided*, That if the handler operating the plant is not a cooperative association qualified pursuant to section 76, the market administrator shall also notify any qualified cooperative association which has any members who deliver milk to such plant, and shall notify individually all producers delivering to such plant who are not members of such qualified cooperative association, of such suspension of designation.

(d) In the case of the suspension pursuant to this section of the designation of one or more plants for failure to meet the requirements of section 23 (a) or (c), the handler operating such plant may select, prior to the effective date of such suspension, some other pool plant or plants to be substituted for the plant or plants suspended if, during the preceding month, the quantity of milk received from producers at such substituted plant or plants was not less than the quantity of milk received from producers at the suspended plant or plants. The handler may also select the order in which plant designations are to be canceled in the event of a later determination by the Secretary cancelling the designation of some but not all of the plants suspended.

(e) Not later than 10 days after the effective date of suspension of designation pursuant to this section, the handler operating the plant may apply to the Secretary for a review. If the handler fails to so apply for such review, the designation of the plant as a pool plant shall be cancelled as of the effective date of the suspension. If the handler does so apply, the Secretary shall, after review, either determine that the requirements set forth in section 23 have been met and order the suspension revoked, or determine that such requirements have not been met and order the designation canceled as of the effective date of the suspension: *Provided*, That if the Secretary has made no determination within two months after the end of the month in which the suspension was made effective, celled as of the effective date of the susbut later orders the designation cancelled, such cancellation shall be effective as of the first of the month following the date of such determination.

(f) Beginning with the effective date of a suspension pursuant to this section, and until the Secretary has either ordered the designation cancelled or ordered the suspension revoked, the plant shall be treated as a pool plant: *Provided*, That all payments into or out of the producer settlement fund (except such payments on the basis of operations during a month in which the plant meets the requirements of section 27), shall be held in reserve by the market administrator until an order is issued by the Secretary, but not longer than two months after the end of the month in which the suspension was made effective.

(g) No pool plant designation shall be suspended for failure to meet the requirements of section 23 (a) except under the following conditions:

(1) A meeting has been held, no sooner than three days after notice by the market administrator to all handlers operating pool plants designated pursuant to sections 20, 22, or 25, for consideration of the desirable utilization of milk received from producers during a period ending not later than the end of the second month after the month during which such meeting is held.

(2) There has been issued by the market administrator, following such meeting, and mailed to all handlers operating pool plants designated pursuant to sections 20, 22, or 25 the market administrator's determination of the desirable utilization of milk received from producers each month during all or a part of the period set forth in subparagraph (1) of this paragraph. Such determination shall include a schedule setting forth, by months, the desired minimum percentage of milk received from producers to be utilized in specified classes. Such specified classes shall include Class I–A, and Class I–C to the extent of 50 percent of the milk received by a handler from producers which is ultimately distributed in the state of New York, in New Jersey, in Fairfield County, Connecticut, or in Pennsylvania outside the counties of Allegheny, Beaver, Fayette, Greene, Washington, and Westmoreland. In addition, such specified classes may include all or a part of Class II and other I–C.

(3) The market administrator finds on the basis of available information that the handler operating a plant or the cooperative reporting a plant is not utilizing milk received from producers in accordance with the minimum percentage set forth in the determination of the market administrator previously announced pursuant to subparagraph (2) of this paragraph: *Provided*, That the suspension of the pool plant designation of a plant may be made effective during the months of November and December if the market administrator finds that the handler is utilizing any milk received from producers in classes other than those set forth in the determination of the market administrator announced pursuant to subparagraph (2) of this paragraph.

(h) The cancellation of pool plant designations for failure to meet the requirements of section 23 (a) shall be subject to the following conditions:

(1) No pool plant designation shall be cancelled if the handler operating the plant utilized the milk received by him at all pool plants from producers during the month in which the suspension is made effective in accordance with the minimum percentage set forth in the determination of the market administrator announced pursuant to paragraph (g) (2) of this section.

(2) No pool plant designation shall be cancelled if the handler operating the plant utilized in the specified classes set forth in the determination of the market administrator announced pursuant to paragraph (g) (2) of this section a percentage of the total milk received by him at all pool plants from producers during the month in which the suspension is made effective which is not less than the percentage of the total milk reported by all handlers to have been received from producers during such month which was reported to have been used in the specified classes: *Provided*, That the limitations as to quantity and area set forth in the determination of the market administrator announced pursuant to paragraph (g) (2) of this section shall apply in computing the utilization percentage of the individual handler but shall not apply in computing the utilization percentage of all handlers.

(3) In the event that all milk received from producers at a plant is reported to the market administrator by a cooperative association qualified pursuant to section 76, and such association pays the producers for such milk, the pool plant designation of such plant shall not be cancelled if a percentage of all milk reported by such cooperative association is utilized in accordance with the minimum percentage set forth in the determination of the market administrator announced pursuant to paragraph (g) (2) of this section, or in accordance with the percentage set forth in subparagraph (2) of this paragraph.

(4) Cancellation of designations shall be limited to those plants necessary to result in a utilization of milk received at the remaining pool plants operated by the handler, or reported by the cooperative, as the case may be, in accordance with the minimum percentage set forth in the determination of the market administrator announced pursuant to paragraph (g) (2) of this section.

(i) Loss of approval by health authorities of a plant as a source of milk for the marketing area may in itself constitute adequate reason for the market administrator to suspend the designation of a plant for failure to meet the requirements of section 23 (b), only if the absence of such approval continues for more than 15 days.

SEC. 25. *Plant replacements.* A plant may be designated at any time as a pool plant upon application made by the person operating the plant to the Secretary showing that the plant is a replacement for one or more pool plants designated pursuant to sections 20, 22, or this section which are operated by him and that substantially all of the dairy farmers delivering milk at the plant previously delivered milk to the pool plant or plants replaced. Upon designation of a plant pursuant to this section, the designation of the plant or plants which is replaced shall be automatically cancelled.

SEC. 26. *Change of operator.* The designation of pool plants pursuant to sections 20, 22, and 25 shall be considered as applicable to the plant as such, and subject to cancellation only pursuant to sections 24 and 25, regardless of change in the person owning or operating the plant. The market administrator shall be notified, by the handlers involved, of any transfer from one person to another of ownership or operation of a pool plant.

SEC. 27. *Plants shipping Class I–A milk to the marketing area.* For any month a plant from which during such month Class I–A milk, either directly or through other plants, is sold or distributed in or shipped to the marketing area, which quantity of milk during the months of July through March, is equal to more than 25 percent of the milk received directly from dairy farmers, or during the months of April through June is equal to more than 10 percent of the milk received directly from dairy farmers, shall automatically be designated a pool plant: *Provided*, That for the months of April, May, or June no plant at which milk was received from dairy farmers during the preceding period of October, November, and December shall be a pool plant on this basis, unless at least 60 percent of such milk was classified in Class I–A, and either directly, or through other plants, was sold or distributed in or shipped to the marketing area in the form of milk: *Provided further*, That no plant shall be a pool plant on this basis during the months of January through July, if the designation of the plant as a pool plant was cancelled for failure to meet the requirements of section 23 (a) during the preceding year: *Provided further*, That this section shall not be in effect at any time later than twelve months after the effective date of this subpart unless and until the utilization of Class I–A milk under the subpart exceeds 75 percent of the milk included in the computation of the Producer Settlement Fund, in which event this section shall again be in effect starting with the second month following the month in which such classification condition occurs and continue in effect for eleven months thereafter. At the time of announcing the uniform price for each month, the market administrator shall make public the location and name of the operator of any plant for which a report of receipts from dairy farmers was used pursuant to this section in the computation of that uniform price.

SEC. 28. *Pool Plant transfer.* Any plant designated as a pool plant under §§ 927.20 and 927.22 of the New York order may, prior to January 1, apply to the Secretary for transfer to this order provided the plant is approved as a source of milk by a health authority in the marketing area at the time of application and under the sanitary supervision of such authority and continues to meet the requirements set forth in § 927.23 applicable to such plant in accordance with its prior designation under §§ 927.20 or 927.22 of the New York order, whichever applies. Such designation shall be effective as of February 1 following the date of application and until cancelled pursuant to § 927.24 or § 927.25.

CLASSIFICATION

SEC. 30. *Basis of classification.* All milk the butterfat from which is received at a plant at which the classification of milk received from producers is to be determined pursuant to section 33, and all milk entering the marketing area in the form of milk, concentrated fluid milk, fluid milk products, cultured or flavored milk drinks, cream, half and half, fluid cream products, or skim milk, shall be classified in accordance with the form in which it is held at, or moved from, the plant at which classification is determined. Such classification shall be subject to the conditions set forth in sections 31 through 35.

SEC. 31. *Burden of proof.* In establishing the classification of milk received from producers, the burden rests upon the handler who received the milk from producers to show that the milk should not be classified as Class I–A, and that the skim milk in Class II and Class III milk should not be subject to the fluid skim differential. The burden rests upon the handler who receives in the marketing area or at a pool plant, or distributes in the marketing area, milk, concentrated fluid milk, fluid milk products, cultured or flavored milk drinks, cream, half and half, fluid cream products, or fluid skim milk to establish the source of all of his milk and milk products, and in the absence of such proof such milk and the milk equivalent of such enumerated products shall be subject to the provisions of section 79.

SEC. 32. *Period for establishing classification.* A period ending with the last day of the month following the month during which the milk was received from dairy farmers shall be allowed for handling such milk as a basis for establishing the classification as other than Class I–A: *Provided*, That the holding of milk in the form of cream in a licensed cold

storage warehouse for at least 7 days shall constitute that portion of the handling of such cream required pursuant to section 37 (e) (2) that is required to be performed during the month following its receipt from dairy farmers.

SEC. 33. *Plant at which classification is to be determined.* Classification shall be determined at the plant at which milk is received from dairy farmers: *Provided,* That if such milk is shipped in the form of milk or cream to another plant or other plants, it shall be classified, subject to the provisions of paragraphs (a) through (e) of this section, at the plant or plants to which it is shipped, and there shall be no limit on the number of interplant movements in the form of milk or cream except as set forth in paragraphs (a) through (e) of this section: *Provided further,* That for the purpose of applying subsections (a), (b) and (c) of this section, "marketing area" means the marketing area under this order or the marketing area under the New York order.

(a) The classification of milk shipped in the form of milk to a plant in the marketing area shall be determined at the plant from which such milk is shipped to the plant in the marketing area.

(b) Except as set forth in paragraph (c) of this section, the classification of milk the butterfat from which is shipped in the form of cream to a plant in the marketing area shall be determined at the plant from which such cream is shipped to the plant in the marketing area.

(c) The classification of milk the butterfat from which is shipped in the form of cream to a plant in the marketing area shall be determined, if such cream is moved in the form of frozen desserts or homogenized mixtures, whipped topping mixtures, or cream cheese either from the plant at which cream is first received in the marketing area or from the first plant to which cream is shipped from the plant where first received in the marketing area, at the first plant from which the frozen desserts or homogenized mixtures, whipped topping mixtures, or cream cheese are so moved.

(d) Except as set forth in paragraph (e) of this section, the classification of milk the butterfat from which is shipped in the form of cream to a non-pool plant shall be determined at the non-pool plant, unless the handler operating the pool plant from which such shipments are made to the non-pool plant elects in writing on his monthly reports to have classification of all milk or cream received during the month at such handler's pool plant and shipped as milk or cream to the non-pool plant determined at the pool plant from which the milk or cream is shipped to the non-pool plant: *Provided,* That non-pool plant for the purpose of applying this subsection shall be limited to plants which are not pool plants under either this order or the New York order.

(e) The classification of milk the butterfat from which is shipped in the form of cream more than 65 miles from the plant where the milk was separated to a plant outside Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York State, Ohio, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, or the District of Columbia shall be determined at the plant from which cream is so shipped.

SEC. 34. *Plant loss.* Allowances for plant loss not to exceed 5 percent of the butterfat in the product resulting from any specific plant operation, which plant loss may be classified the same as the milk equivalent of the butterfat in the product, shall be determined by the market administrator pursuant to section 36.

SEC. 35. *Accounting procedure.* The accounting procedure for classifying milk pursuant to sections 30 through 37 and in section 42 shall be set up by the market administrator pursuant to section 36. Such accounting procedure shall include methods of making determinations under section 42 and individual determinations made in accordance with such methods and conversion factors to be used in the absence of specfic weights and tests, specific definitions of products, and such methods for assignment of milk to classes according to source and form as may be necessary to effectuate the provisions of sections 30 through 37 and which are not inconsistent with the following general principles:

(a) Milk, concentrated fluid milk, fluid milk products, cream, half and half, fluid cream products, and skim milk received from pool plants or from producers shall be assigned, as far as possible, to Class I-A, Class II, or to skim milk subject to the fluid skim milk differential: *Provided,* That at a plant in the marketing area milk received directly from producers by tank truck shall be assigned to Class I-A prior to the assignment of milk from other plants to Class I-A.

(b) After the assignments prescribed in paragraph (a) of this section, the remaining whole milk received at a plant from producers or from pool plants and in like form from dairy farmers not producers or from non-pool plants shall be assigned pro rata to the total classification of all milk on hand at or leaving such plant as whole milk: *Provided,* That fluid milk shipped from a pool plant to a non-pool plant in the area in which I–C classification is permitted, and when milk from such non-pool plant is shipped in the same month either directly or indirectly to an area where I–B classification applies, and there used for fluid purposes, such shipment shall be assigned as far as possible to Class I–B.

(c) After the assignments prescribed in paragraphs (a) and (b) of this section, the then remaining milk or cream received from producers or from pool plants and the milk or cream received from dairy farmers not producers or from non-pool plants shall be assigned pro rata to the total remaining classification of such products received in like form.

(d) After the assignment of skim milk prescribed in paragraph (a) of this section, skim milk received from non-pool plants shall be assigned to the remaining skim milk subject to the fluid skim differential.

(e) The milk received from producers which is eliminated from the computation of the handler's net pool obligation pursuant to Sec. 60 shall be assigned pro rata to the total classification of all milk from producers and pool plants.

SEC. 36. *Rules and regulations.* The rules and regulations to effectuate the terms and provisions of sections 30 through 37 and in section 42 shall be made, and may from time to time be amended by the market administrator in accordance with the procedure set forth in this section: *Provided,* That at any time upon a determination by the Secretary that an emergency exists which requires the immediate adoption of rules and regulations, the market administrator may issue, with the approval of the Secretary, temporary rules and regulations without regard to the following procedure: *Provided further,* That if any interested person makes written request for the issuance, amendment, or repeal of any rule, the market administrator shall within 30 days either issue notice of meeting pursuant to paragraph (a) of this section or deny such request, and except in affirming a prior denial, or where the denial is self-explanatory, shall state the grounds for such denial.

(a) All proposed rules and regulations and amendments thereto shall be the subject of a meeting called by the market administrator, at which time all interested persons shall have opportunity to be heard. Notice of such meeting shall be given by the market administrator, and a copy of the proposed rules and regulations shall be sent at least five days prior to the date of the meeting to all handlers operating pool plants. A stenographic record shall be made at all such meetings and such record shall be public information available for inspection at the office of the market administrator. All such meetings shall be conducted jointly with the administrator of the New York order and handlers under this order and the New York order shall be considered interested parties.

(b) A period of at least five days after the meeting held pursuant to paragraph (a) of this section shall be allowed for the filing of briefs. Such briefs shall be public information available for inspection at the office of the market administrator.

(c) Not later than 30 days after a meeting held pursuant to paragraph (a) of this section, the market administrator shall issue and send to all handlers operating pool plants the tentative rules and regulations or amendments thereto relating to the issues considered at such meetings, or a tentative notice that no rules or regulations or amendments thereto are to be issued prior to further consideration at another meeting. The tentative rules and regulations, or tentative notice, together with copies of the stenographic record and briefs, shall also at the same time be forwarded by the market administrator to the Secretary. The tentative rules and regulations shall, in substance, be the same as issued by the New York market administrator.

(d) Not later than 30 days after issuance by the market administrator, the Secretary shall either approve the tentative rules and regulations or tentative notice as issued, or direct the market administrator to reconsider. In which latter event, the market administrator shall within 30 days either issue revised tentative rules and regulations or tentative notice, or call another meeting pursuant to paragraph (a) of this section.

(e) The tentative rules and regulations and amendments thereto or tentative notice issued pursuant to paragraph (c) of this section shall be effective as of the first of the month following approval by the Secretary, but not sooner than ten days after issuance by the market administrator.

SEC. 37. *Classes of utilization.* Subject to all of the conditions set forth in sections 30 through 36, milk shall be classified at the plant at which classification is to be determined as follows:

(a) Class I–A milk shall be all milk, except as provided in paragraphs (b) and (c) of this section and in subparagraphs (3) and (5) of paragraph (e) of this section, the butterfat from which leaves or is on hand at the plant in the form of milk, concentrated fluid milk, fluid milk products, or as cultured or flavored milk drinks containing 3.0 percent or more but not more than 5.0 percent of butterfat, and all milk the classification of which is not established in some other class named in this section.

(b) Class I–B milk shall be all milk, except as provided in subparagraphs (3) and (5) of paragraph (e) of this section, the butterfat from which leaves the plant in the form of milk, concentrated fluid milk, fluid milk products, or of cultured or flavored milk drinks containing 3.0 percent or more but not more than 5.0 percent of butterfat, and which is delivered to a plant or a purchaser outside of the state of New York and outside of Northern New Jersey, but which at no time (1) is received, other than directly from the producers, at a plant in the marketing area of this order or the marketing area of the New York order or (2) otherwise enters such marketing areas, except as an incident to its transportation and delivery to a point outside of the marketing area: *Provided,* That use aboard a ship or other carrier shall not constitute such delivery.

(c) Class I–C milk shall be all milk, except as provided in subparagraphs (3) and (5) of paragraph (e) of this section, the butterfat from which leaves the plant in the form of milk, concentrated fluid milk, fluid milk products, or as cultured or flavored milk drinks containing 3.0 percent or more but not more than 5.0 percent of butterfat, and which is delivered to a plant or a purchaser in the state of New York or Northern New Jersey, but which at no time (1) is received, other than directly from producers, at a plant in the marketing area of this order or the marketing area of the New York order or (2) otherwise enters such marketing areas, except as an incident to its transportation and delivery to a point outside of the marketing area: *Provided,* That use aboard a ship or other carrier shall not constitute such delivery.

(d) Class II milk shall be all milk the butterfat from which leaves or is on hand at the plant in the form of cream, sweet or sour, half and half, fluid cream products, or in the form of cultured or flavored milk drinks containing less than 3.0 percent or more than 5.0 percent of butterfat, which is delivered to a plant or a purchaser in the marketing area of the New York order, unless such cream, half and half, fluid cream products, or cultured or flavored milk drinks are established to have been so handled or marketed as to classify such milk in some other class named in this section.

(e) Class III milk shall be all milk which meets the conditions set forth in any one of the following subparagraphs:

(1) All milk the butterfat from which leaves or is on hand at the plant in the form of cream, sweet or sour, fluid cream products or in the form of cultured or flavored milk drinks containing less than 3.0 percent or more than 5.0 percent of butterfat which is delivered to a plant or a purchaser in the marketing area, unless such cream, fluid cream products, or cultured or flavored milk drinks are established to have been so handled or marketed as to classify such milk in some other class named in this section.

(2) All milk the butterfat from which leaves or is on hand at the plant in the form of cultured or flavored milk drinks containing less than 3.0 percent or more than 5.0 percent of butterfat or in the form of cream, half and half, or fluid cream products which cream, half and half, fluid cream products, or cultured or flavored milk drinks is delivered to a plant or a purchaser outside the marketing area, but which at no time (1) is received at a plant in the marketing area, or (2) otherwise enters the marketing area except as an incident to its transportation and delivery to a point outside of the marketing area: *Provided,* That use aboard a ship or other carrier shall not constitute such delivery.

(3) All milk the butterfat from which leaves or is on hand at the plant in the form of cream which is subsequently held in a licensed cold storage warehouse for at least 28 days, and which is subject at all times until utilization of such cream to being inspected by a representative of the market administrator to determine the physical presence of the cream. After the first 7 days, such cream may be moved from one licensed cold storage warehouse to another: *Provided,* That the market administrator receives notice of such removal within 7 days thereafter. Any handler whose report claimed the original classification of milk pursuant to this subparagraph shall be liable under the provisions of section 75 for the difference between the Class II and Class III prices for the month in which the Class III classification was claimed on any such milk if the storage of cream does not comply with all the requirements of this subparagraph.

(4) All milk the butterfat from which leaves the plant in the form of products named in paragraphs (a), (b) (c), or (d) of this section if such products have been sterilized and leave the plant in hermetically sealed containers.

(5) All milk received during the months of March through July the butterfat from which leaves the plant in the form of milk which is delivered in bulk to an establishment outside the marketing area (other than a plant as defined in section 8), at which food products are processed and packed in hermetically sealed containers and at which establishment there is no disposition of milk or milk products specified in paragraphs (a), (b), (c), or (d) of this section other than milk or milk products received in consumer packages for consumption on the premises.

(6) All milk the butterfat from which leaves or is on hand at the plant in the form of concentrated fluid milk which is established not to have been packaged in consumer packages either before or after leaving the plant.

(7) All milk the butterfat from which leaves or is on hand at the plant in the form of some product the classification of which is not established in some other class named in this section.

MINIMUM PRICES

SEC. 40. *Class prices.* For milk received during each month from producers or cooperative associations of producers, each handler shall pay per hundredweight not less than the prices set forth in this section, subject to the differentials and adjustments in sections 41 through 44. Any handler who purchases or receives, during any month, milk from a cooperative association of producers which is also a handler shall, on or before the 15th day of the following month, pay such cooperative association in full for such milk at not less than the minimum class prices applicable pursuant to this section, subject to the differentials and adjustments in sections 41 through 44.

(a) For Class I–A milk the price during each month shall be the New Jersey-New York basic Class I-A price per hundredweight determined for each month pursuant to section 47.

(b) For Class I–B milk the price during each month shall be the price for Class I-A milk.

(c) For Class I–C milk the price shall be the uniform price computed by the market administrator pursuant to § 927.61 plus 20 cents per hundredweight.

(d) For Class II milk the price during each month shall be the sum of the amounts computed to subparagraphs (1) and (2) of this paragraph.

| U. S. Grade A or U. S. 92-score butter, wholesale, at New York, average price announced pursuant to sec. 46 (a) (4) for the period ending on the 24th of the preceding month (cents per pound) | Class II price | |
|---|---|---|
| | March through July | August through February |
| | *Dollars per hundredweight* | *Dollars per hundredweight* |
| Under 21.5 | 1.35 | 1.50 |
| 21.5 or over, but under 25.0 | 1.50 | 1.65 |
| 25.0 or over, but under 28.5 | 1.65 | 1.80 |
| 28.5 or over, but under 32.0 | 1.80 | 1.95 |
| 32.0 or over, but under 35.5 | 1.95 | 2.10 |
| 35.5 or over, but under 39.0 | 2.10 | 2.25 |
| 39.0 or over, but under 42.5 | 2.25 | 2.40 |
| 42.5 or over, but under 46.0 | 2.40 | 2.55 |
| 46.0 or over, but under 49.5 | 2.55 | 2.70 |
| 49.5 or over, but under 53.0 | 2.70 | 2.85 |
| 53.0 or over, but under 56.5 | 2.85 | 3.00 |
| 56.5 or over, but under 60.0 | 3.00 | 3.15 |
| 60.0 or over, but under 63.5 | 3.15 | 3.30 |
| 63.5 or over, but under 67.0 | 3.30 | 3.45 |
| 67.0 or over, but under 70.5 | 3.45 | 3.60 |
| 70.5 or over, but under 74.0 | 3.60 | 3.75 |
| 74.0 or over, but under 77.5 | 3.75 | 3.90 |
| 77.5 or over, but under 81.0 | 3.90 | 4.05 |

Should the average butter price set forth above be 81.0 cents or more, the Class II price shall be the price which would result from further extension of this table at the same rate to cover such average butter price.

(2) Multiply by 7.5 the average of all the rot roller process dry skim milk or nonfat dry milk solids quotations for "other brands, human consumption, carlots, bags, or barrels" (using midpoint of any range as one quotation), published for the delivery period in "The Producers' Price-Current," and subtract 48 cents.

(e) For Class III milk, the price shall be the sum of the amounts computed pursuant to subparagraphs (1) and (2) of this paragraph minus 80 cents: *Provided*, That for the months of May and June 1954 an additional 10 cents shall be subtracted from such sum.

(1) To the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) reported during such month by the United States Department of Agriculture for Grade A (92-score) bulk creamery butter in the New York City market, add two cents, multiply by 1.22, and then multiply by 3.5: *Provided*, That for any of the months from August through February for which the utilization adjustment percentage announced pursuant to section 46 (a) (2) is 92 or larger, there shall be an additional three cents added to such average butter price.

(2) Multiply by 7.8 the weighted average, as computed by the market administrator using a weight of 70 for roller process prices and a weight of 30 for spray process prices, of the prices per pound of roller process and spray process nonfat dry milk solids, for human consumption in carlots, f. o. b. manufacturing plants in the Chicago area, as published by the United States Department of Agriculture for the period from the 26th day of the immediately preceding month through the 25th day of the current month.

SEC. 41. *Butterfat differentials.* The minimum price for Class I–A, Class I–B, and Class I–C milk shall be plus or minus four cents for each one-tenth of 1 percent of butterfat therein above or below 3.5 percent. The minimum price for Class II and Class III milk shall be plus or minus, for each one-tenth of 1 percent of butterfat therein above or below 3.5 percent, an amount computed as follows: subtract from the respective class prices an amount pursuant to section 40 (d) (2), and divide by 35.

SEC. 42. *Transportation differentials.* The Market Administrator shall determine and publicly announce a freight zone for each pool plant and each reloading point and he shall determine the freight zone for each plant at which milk or milk products, subject to the provisions of sections 78 or 79 is received from dairy farmers or is first found. Such freight zone shall be based on the shortest highway mileage usable throughout the year for milk transportation from the plant or reloading point to the New York-New Jersey state line in the Lincoln Tunnel. The freight zone for producers delivering to bulk tank trucks which is reloaded into another tank truck before entering a plant shall be at the point of reloading. The freight zone for producers delivering milk to bulk tank trucks which is not so reloaded shall be the freight zone of the pool plant to which milk is delivered. The class prices set forth in section 40 and the fluid skim differential set forth in section 44 shall be plus or minus and the payments to producers under section 66 shall be plus or minus the respective amount set forth in the following schedule:

| A | B | C | D |
|---|---|---|---|
| Freight zone (miles) | Classes IA, IB, IC and skim milk subject to the fluid skim differential | Classes II and III | Producer payment |
| | *Cents per hundredweight* | *Cents per hundredweight* | *Cents per hundredweight* |
| 1–10 | 23.8 | 10 | 23.8 |
| 11–20 | 23.8 | 10 | 23.8 |
| 21–25 | 23.8 | 10 | 23.8 |
| 26–30 | 23.8 | 10 | 23.8 |
| 31–40 | 23.8 | 10 | 23.8 |
| 41–50 | 22.4 | 10 | 22.4 |
| 51–60 | 21.0 | 8 | 21.0 |
| 61–70 | 19.6 | 8 | 19.6 |
| 71–75 | 18.2 | 8 | 18.2 |
| 76–80 | 17.5 | 6 | 17.5 |
| 81–90 | 16.8 | 6 | 16.8 |
| 91–100 | 15.4 | 6 | 15.4 |
| 101–110 | 14.0 | 4 | 14.0 |
| 111–120 | 12.6 | 4 | 12.6 |
| 121–125 | 11.2 | 4 | 11.2 |
| 126–130 | 10.5 | 3 | 10.5 |
| 131–140 | 9.8 | 3 | 9.8 |
| 141–150 | 8.4 | 3 | 8.4 |
| 151–160 | 7.0 | 2 | 7.0 |
| 161–170 | 5.6 | 2 | 5.6 |
| 171–175 | 4.2 | 2 | 4.2 |
| 176–180 | 3.5 | 1 | 3.5 |
| 181–190 | 2.8 | 1 | 2.8 |
| 191–200 | 1.4 | 1 | 1.4 |
| 201–210 | 0.0 | 0 | 0.0 |
| 211–220 | −1.4 | 0 | −1.0 |
| 221–225 | −2.1 | 0 | −1.0 |
| 226–230 | −2.8 | −1 | −1.0 |
| 231–240 | −4.2 | −1 | −2.0 |
| 241–250 | −5.6 | −1 | −2.0 |
| 251–260 | −6.6 | −2 | −3.5 |
| 261–270 | −6.6 | −2 | −3.5 |
| 271–275 | −6.6 | −2 | −3.5 |
| 276–280 | −7.6 | −3 | −3.5 |
| 281–290 | −7.6 | −3 | −4.5 |
| 291–300 | −7.6 | −3 | −5.5 |
| 301–310 | −8.6 | −4 | −5.5 |
| 311–320 | −8.6 | −4 | −5.5 |
| 321–325 | −8.6 | −4 | −7.0 |
| 326–330 | −9.6 | −5 | −7.0 |
| 331–340 | −9.6 | −5 | −7.0 |
| 341–350 | −9.6 | −5 | −8.0 |
| 351–360 | −10.6 | −6 | −8.0 |
| 361–370 | −10.6 | −6 | −8.0 |
| 371–375 | −10.6 | −6 | −9.0 |
| 376–380 | −11.6 | −7 | −9.0 |
| 381–390 | −11.6 | −7 | −9.0 |
| 391–400 | −11.6 | −7 | −9.0 |
| 401–410 | −12.6 | −8 | −10.5 |
| 411–420 | −12.6 | −8 | −10.5 |
| 421–425 | −12.6 | −8 | −10.5 |
| 426–430 | −13.6 | −9 | −10.5 |
| 431–440 | −13.6 | −9 | −11.5 |
| 441–450 | −13.6 | −9 | −11.5 |
| 451–460 | −14.6 | −10 | −11.5 |
| 461–470 | −14.6 | −10 | −12.5 |
| 471–475 | −14.6 | −10 | −12.5 |
| 476–490 | −15.6 | −11 | −12.5 |
| 491–490 | −15.6 | −11 | −14.0 |
| 491 and over | −15.6 | −11 | −14.0 |

SEC. 43. *Butter-cheese adjustment.* For milk received from producers which is classified as Class III pursuant to section 37 (e) (6), and which leaves or is on hand at the plant at which classification is determined in the form of butter or Cheddar, American Cheddar, Colby, washed curd, or part skim Cheddar cheese, or is assigned to plant loss which pursuant to section 34 is associated with such products, there shall be credited to the handler receiving the milk from producers four cents per pound of butterfat in such milk: *Provided*, That the amount so credited shall be reduced one cent per pound of butterfat for each one-tenth by which the ratio of 2.5 exceeds a ratio computed as follows: Add to the New York 92-score butter price for the month announced pursuant to section 46 (b) (5) the amount obtained by multiplying by 1.83 the weighted nonfat dry milk solids price for the period ending with the 25th day of the month as announced pursuant to section 46 (b) (7); divide this sum by the price of Cheddar cheese for the month as announced pursuant to section 46 (b) (8) and round the result to the nearest tenth: *Provided further*, That for milk received from producers during any of the months of March through July which is classified on the basis of one of the types of cheese named in this section, the amount so credited shall be increased one cent per pound of butterfat for each full five hundredths by which the ratio of 2.5 is lower than the ratio computed pursuant to the first proviso of this section, except that, for purposes of this proviso, the ratio computed shall be rounded to the nearest hundredth: *Provided further*, That for such milk received from producers at a plant in a freight zone farther from New York City than the 321–325 mile zone, there shall be deducted from the amount so credited the following amounts per hundredweight of milk:

| Zones of plant: | *Cents per hundredweight* |
|---|---|
| 326–350 | 1 |
| 351–375 | 2 |
| 376–400 | 3 |
| 401–425 | 4 |
| 426–450 | 5 |
| 451–475 | 6 |
| 476–500 | 7 |

With respect to each plant at which milk received from producers is reported by the handler operating the plant to have been utilized (either at the plant where received or at another plant), in an amount exceeding an average of 4,000 pounds per day in the manufacture of butter or of Cheddar, American Cheddar, Colby, washed curd, or part skim Cheddar cheese, the market administrator shall publicly disclose (a) the location of the plant at which the milk was received from producers, and (b) the name of the handler operating such plant. Such public disclosure shall be made monthly on the basis of handlers' monthly reports, and may be made more frequently on the basis of such other utilization reports as may be required by the market administrator.

SEC. 44 *Fluid skim differential.* For skim milk derived from Class II or Class III milk which skim milk enters the marketing area in the form of milk, fluid skim milk, half and half, cream, or cultured milk drinks and there utilized or disposed of in the form of milk, fluid skim milk, half and half, or cultured milk drinks, and for all other skim milk derived from Class II or Class III milk which is not established to have been otherwise utilized or disposed of, the handler shall pay a fluid skim differential per hundredweight computed as follows: Deduct the price of Class III milk from which the butterfat was used in the manufacture of butter and priced in accordance with the preceding section from the price for Class I–A milk computed pursuant to section 40 (a), and divide by 0.9125: *Provided*, That with respect to skim milk so utilized or disposed of in half and half, this differential shall apply only to that quantity of skim milk in excess of 4.5 times the quantity of butterfat in such half and half.



SEC. 45. *Use of equivalent price or index.* If for any reason a price or index specified in sections 40 through 46 for use in computing and announcing class prices or for any other purpose is not reported or published in the manner therein described, the market administrator shall use a price or index determined by the Secretary to be equivalent to or comparable with the price or index specified.

SEC. 46. *Announcement of prices.* The market administrator shall publicly announce the following:

(a) Not later than the 25th day of each month, or the next succeeding workday in any month in which the 25th day is a Sunday or holiday:

(1) The monthly wholsale price index for all commodities in the preceding month as reported on a 1947–1949 base by the Bureau of Labor Statistics, United States Department of Labor, and the resulting index determined pursuant to § 927.40 (a) (1) multiplied by 100.

(2) The utilization adjustment percentage computed pursuant to section 47 for the following month.

(3) The preliminary Class I–A price computed pursuant to section 47 for the following month.

(4) The average, for the period beginning with the 25th of the immediately preceding month and ending with the 24th of the current month of the highest prices reported daily by the United States Department of Agriculture for U. S. Grade A or U. S. 92-score butter at wholesale in the New York market.

(5) The preliminary calculation for the following month pursuant to section 40 (d) (1).

(6) The index of the cost of production for the preceding month computed by the market administrator as follows:

(i) Combine the index numbers for the States of New York, Pennsylvania, and Vermont with weights of 84 for New York, 13 for Pennsylvania, and 3 for Vermont. The index numbers of cost of production for New York shall be index numbers computed by the New York State College of Agriculture at Cornell University (1910–14 base), converted to a 1948 base.

(ii) The index numbers of cost of production for Pennsylvania shall be computed by combining the index (using a base of 54 cents and a weight of 50) of hourly composite wage rates, reported for Pennsylvania by the United States Department of Agriculture; the index (using a base of $4.53 and a weight of 30) of all purchases of mixed dairy feeds, reported for Pennsylvania by the United States Department of Agriculture; and the index (using a base of $23.31 and a weight of 20) of prices received by farmers for all hay, baled per ton, reported for Pennsylvania by the United States Department of Agriculture.

(iii) The index numbers of cost of production for Vermont shall be computed by combining the index (using a base of 69 cents and a weight of 50) of hourly composite wage rates, reported for Vermont by the United States Department of Agriculture; the index (using a base of $4.63 and a weight of 30) of all purchases of mixed dairy feeds, reported for Vermont by the United States Department of Agriculture; and the index (using a base of $25.42 and a weight of 20) of prices received by farmers for all hay, baled per ton, reported for Vermont by the United States Department of Agriculture.

(7) The index computed by dividing the Class I–A formula price, prior to the seasonal adjustment, for the following month by $5.66.

(8) Other statistics relating to economic conditions affecting the market supply and demand for milk.

(b) Not later than the 5th day of each month for the preceding month:

(1) The minimum class prices pursuant to section 40.

(2) The butterfat differentials pursuant to section 41.

(3) The butter and cheese adjustment pursuant to section 43.

(4) The fluid skim differential pursuant to section 44.

(5) The simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) reported by the United States Department of Agriculture for Grade A or 92-score bulk creamery butter in New York City.

(6) The average of the prices (using midpoint of any range as one quotation) reported daily in "The Producers' Price-Current," for hot roller process dry skim milk or nonfat dry milk solids "other brands, human consumption, carlots, bags, or barrels."

(7) The respective averages of the carlot prices per pound of spray process and of roller process nonfat dry milk solids for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the second preceding month through the 25th day of the preceding month by the United States Department of Agriculture, and the weighted average of such two averages using a weight of 70 for roller prices and a weight of 30 for spray prices.

(8) The average selling prices per pound reported by the United States Department of Agriculture for Wisconsin State Brand Cheddars, cars or truckloads, f. o. b. Wisconsin assembly points.

(9) The average of prices paid in the preceding month by 18 mid-western condenseries as reported by the United States Department of Agriculture.

SEC. 47. *New Jersey-New York basic Class I–A price formula.* The New Jersey-New York basic Class I–A price per hundredweight of milk containing 3.5 percent butterfat shall be a price computed pursuant to paragraphs (a) through (k) of this section:

(a) Divide (with the result expressed to three decimal places) the monthly wholesale price index for all commodities in the second preceding month as reported on a 1947–1949 base by the Bureau of Labor Statistics, United States Department of Labor, by the average of the monthly indexes reported on the same base for the year 1948.

(b) Multiply the base price of $5.66 by the result determined pursuant to paragraph (a) of this section. Express the result to the nearest cent.

(c) For each month during the 3 year period ending with the second preceding month, calculate to one decimal place the percentage that the total volume of milk in Classes I–A, I–B, and I–C under this order, and under the New York order was of the total volume of reported receipts from producers and from unrevealed sources under both of such orders (these percentages to be referred to as utilization percentages): *Provided, however*, That in using the above formula for the first thirty-nine months after the effective date of this subpart, the figures used in such computation for any period of time previous to the effective date of this subpart shall be figures derived from the operation of the New York order except that the figure computed in accordance with this section for each of the three months previous to the effective date of any federal order regulating the handling of milk in the North Jersey marketing area shall have added to it the respective percentage point from the following list:

| | | | |
|---|---|---|---|
| January | 4.2 | July | 3.8 |
| February | 4.5 | August | 3.2 |
| March | 4.9 | September | 3.7 |
| April | 5.0 | October | 2.7 |
| May | 4.8 | November | 2.6 |
| June | 4.9 | December | 3.1 |

(d) Calculate the average of the 36 monthly utilization percentages for the 3 year period ending with the second preceding month.

(e) Calculate the average of the 6 utilization percentages for the second and third preceding months and for the same months of the 2 preceding years.

(f) Divide the result determined pursuant to paragraph (e) of this section by the result determined pursuant to paragraph (d) of this section expressing the result to three decimal places.

(g) Calculate the average of the 2 utilization percentages in the second and third preceding months.

(h) Divide the result determined pursuant to paragraph (g) of this section by the result determined pursuant to paragraph (f) of this section. Express the result to one decimal place and add 100.

(i) Calculate a utilization adjustment percentage by subtracting the base utilization percentages of 63.6 from the result determined pursuant to paragraph (h) of this section.

(j) Multiply the result determined pursuant to paragraph (b) of this section by the utilization adjustment percentage determined pursuant to paragraph (i) of this section.

(k) Multiply the result determined pursuant to paragraph (j) of this section by the following seasonal adjustment factor for the month for which the Class I–A price is being determined:

| | | | |
|---|---|---|---|
| January | 1.05 | July | 0.95 |
| February | 1.03 | August | 1.00 |
| March | 1.00 | September | 1.04 |
| April | 0.94 | October | 1.07 |
| May | 0.88 | November | 1.09 |
| June | 0.88 | December | 1.07 |

(l) Whenever any of the following conditions exist for 3 consecutive months,

the Secretary shall call a public hearing promptly to consider those and other economic conditions, or promptly announce his determination that such a hearing should not be held, together with reasons for such determination;

(1) There is a difference of more than 6 points for each of 3 consecutive months between the index of the cost of production announced pursuant to section 46 (a) (6) and the index of wholesale prices (1948 base) announced pursuant to section 46 (a) (7).

(2) There is a difference of more than 15 points for each of 3 consecutive months between 90 percent of the index of the cost of production announced pursuant to section 46 (a) (6) and the index of the Class I–A price announced pursuant to section 46 (a) (7).

(3) The Class I–A price for each of 3 consecutive months is less than $1.00 higher than the condensery price announced pursuant to section 46 (a) (8) for such months or more than $2.50 higher than such condensery price.

REPORTS OF HANDLERS

SEC. 50. *Monthly reports.* On or before the 10th day of each month, each handler shall report to the market administrator, for the preceding month, in the manner and on forms prescribed by the market administrator, with respect to milk or milk products received at each of his pool plants, and at each of his plants where milk or milk products subjected to payments under sections 78 and 79 were handled, the following:

(a) The total quantity of milk and of each milk product with the average butterfat content thereof, received from dairy farmers, from other plants, from such handler's own farm, from other handlers, and from other sources;

(b) The total quantity of milk and of each milk product moved out of, or on hand at, such plant, the average butterfat content thereof, and the destination of any milk or milk product the classification of which wholly or partially depends upon its destination, moved out of such plant;

(c) The disposition of milk or milk products at each other plant at which the disposition of any milk or milk products is claimed as the basis of classification;

(d) The computation pursuant to section 60 of such handler's net pool obligation; and

(e) The computation of the amount of any payments pursuant to sections 78 and 79.

(f) The amount of milk to be paid for to producers at the Class III price pursuant to the fourth and fifth provisos of section 65.

SEC. 51. *Producer payroll reports.* Each handler shall report with respect to producers as follows:

(a) On or before the 10th day after the end of each month, the information required by the market administrator with respect to producer additions, producer withdrawals, and changes in names of farm operators; and

(b) On or before the last day of each month, such handler's producer payroll for the preceding month, which shall show for each producer:

(1) The total delivery of milk with the average butterfat test thereof,

(2) The amount of payment due such producer,

(3) Any deductions and charges made by the handler,

(4) The net amount of payment to such producer made pursuant to sections 65 through 67, and

(5) Such other information with respect thereto as the market administrator may require.

SEC. 52. *Storage cream reports.* (a) On or before the last day of the period for establishing classification pursuant to section 32, or, if earlier, not later than 15 days prior to the date of final removal of the cream from storage, each handler who separates milk the cream from which is stored as a basis for Class III classification pursuant to section 37 (e) (2) shall report to the market administrator on forms prescribed by the market administrator information with respect to the storage of cream. Failure to make such report shall result in the disallowance of Class III classification pursuant to section 37 (e) (2).

(b) The handler who made such reports shall report to the market administrator, not later than the end of the second month following the month during which frozen cream is utilized, information with respect to the utilization of such cream. Failure to make such reports shall result in the disallowance of storage cream payments pursuant to section 77 (b).

(c) With respect to notices of transfer of cream filed pursuant to section 37 (e) (2) and with respect to storage cream reports filed pursuant to this section, a receipt form acknowledging receipt of such notice or report shall be mailed by the market administrator to the handler within 48 hours after such notice or report is received by the market administrator.

SEC. 53. *Other reports.* At such time as the market administrator may request, each handler shall report to the market administrator in the manner and on forms prescribed by the market administrator:

(a) The total quantity of milk and of each milk product received at his non-pool plants, with the average butterfat content thereof, from dairy farmers, from other plants, from such handler's own farm, from other handlers, and from other sources;

(b) The total quantity of milk and of each milk product moved out of, or on hand at, his non-pool plants, the average butterfat content thereof, and the destination of any milk or milk product moved out of such plants;

(c) Information concerning land, buildings, surrounding, facilities, and equipment at any of his plants;

(d) The current receipts and utilization of milk at each of his pool plants; and

(e) Such other information as may be necessary for the administration of the provisions of this subpart.

SEC. 54. *Verification of reports and payments.* The market administrator shall promptly verify all reports and payments of each handler by audit of such handler's records and of the records of any handler or person upon whose disposition of milk such handler claims classification, and each such handler shall, during the usual hours of business, make available to the market administrator or his representative such records and facilities, of his own or other persons, as will enable the market administrator to:

(a) Verify the receipts and disposition of all milk required to be reported pursuant to sections 50 through 53, and, in case of errors or omissions, ascertain the correct figures;

(b) Weigh, sample, and test for butterfat content the milk received from producers and any product of milk upon which classification depends;

(c) Verify the payments to producers prescribed in sections 65 through 67; and

(d) Verify all claims for payments pursuant to sections 76 and 77.

(e) Make inspection of buildings and their surroundings, facilities, and equipment for verification purposes and to ascertain what constitutes a plant: *Provided,* That in making verification pursuant to all paragraphs of this section, in case such verification depends on audit of records of handlers under the New York order, the market administrator may rely on audits made by the administrator of the New York order in lieu of audit under this section.

SEC. 55. *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided,* That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

SEC. 56. *Base rating plan.* The base milk of each producer, for the purpose of computing the uniform price in section 61 and determining rates of payments to producers in section 65 shall be determined by the market administrator, starting with the first year this subpart has been in effect since the previous August 1, in accordance with the following rules:

(a) *Daily base.* Each producer's daily base to be applied in March, April, May and June shall, except as provided in (d) of this section, be his deliveries of milk to a handler during the previous year in the months of August, September, October and November divided by 122, expressed to the nearest pound. The respective handler shall calculate each daily base and notify producers, or in the case of a cooperative association qualified under section 65, shall notify the cooperative association of the daily bases not later than 45 days after the end of the base making period.

(b) *Base milk.* During each of the months of March, April, May and June, the base milk of each producer shall be his deliveries of milk to a handler up to the quantity obtained by multiplying his daily base by the number of days in the month: *Provided,* That upon request in writing to the market administrator made not later than December 31, if a producer does not deliver milk during part of the base making period because of extreme hardship in production conditions on his farm beyond his control, his daily base shall be determined by dividing his total deliveries of milk during the base making period by the number of days on which deliveries were made except that such number of days shall not be less than 30.

(c) *Excess milk.* Excess milk shall be all milk delivered by producers to handlers in excess of deliveries of base milk.

(d) *Transfer of daily bases.* A daily base of a producer determined under paragraph (a) of this section shall be considered attached to the producer, the farm and the herd of cows involved in producing such base, but may be transferred by the market administrator, upon request by such producer, made in writing not later than 15 days prior to the desired date of such transfer, under the following conditions:

(1) If the producer moves his herd to another farm his daily base may be used on such other farm.

(2) If the producer moves to another farm without the herd of cows which made the daily base, the base remains with the farm.

(3) If the producer sells or otherwise disposes of his farm or leases or rents it, together with the herd of cows which produced the daily base, the base may only be transferred to such other operator of the farm and herd.

DETERMINATION OF UNIFORM PRICE

SEC. 60. *Net pool obligation of handlers.* Milk received from handler's own farm up to 1000 pounds per day if the handler receives no milk from other producers or plants, shall not be included in the determination of the uniform price, and such milk shall be deemed excluded by the phrase "milk received from producers" as such phrase is used in this section and in sections 43, 61, 74, 76, 77 and 80.

(a) Determine the classification pursuant to sections 30 through 37 of milk received from producers at each pool plant;

(b) Subject to adjustment for appropriate differentials pursuant to sections 41 and 42, multiply the Class I–C milk by 20 cents per hundredweight, multiply the remaining milk in each class by the class price, multiply the skim milk subject to the fluid skim differential by the fluid skim differential per hundredweight, add together the resulting values;



(c) Deduct, in the case of each plant where the average butterfat content of all milk received from producers is in excess of 3.5 percent, and add, in the case of each plant where the butterfat content of all milk received from producers is less than 3.5 percent, the total value of the butterfat differential applicable pursuant to section 67;

(d) Deduct, in the case of each plant nearer the midpoint of the Lincoln Tunnel than the 201–210 mile zone, and add, in the case of each plant farther from the mid-point of the Lincoln Tunnel than the 201–210 mile zone, the sum obtained by multiplying the milk received from producers by the zone differential set forth in column C of the schedule in section 42 applicable to the plant;

(e) Deduct the total amount of the butter-cheese adjustment computed pursuant to section 43;

(f) With respect to milk received from producers, deduct 10 cents per hundredweight at plants located at Honesdale, Milanville, and Lookout, Pennsylvania; 20 cents per hundredweight at plants in the marketing area and at plants located at Accord, Ellenville, Gardiner, Kyserike, New Paltz, Phinney's Crossing, Wallkill, and West Coxsackie, New York, and in the following counties:

New Jersey: Burlington, Hunterdon, Morris, Passaic, Somerset, Sussex, Warren.
New York: Columbia.
Connecticut: Litchfield.
Massachusetts: Berkshire.

*Provided,* That with regard to the payments specified in this section, no producer shall be entitled to such payments if the milk house on his farm is located outside the above specified counties and if such milk house is nearer to a pool plant outside such counties than it is to a pool plant within such counties or to one of the plants individually named in such subdivisions.

(g) Add together the handler's net pool obligation for all plants at which milk was received from producers.

SEC. 61. *Computation of the uniform price.* The market administrator shall, on or before the 14th day of each month, audit for mathematical correctness and obvious errors the report submitted for the preceding month by each handler. If the unreserved cash balance in the producer settlement fund to be included in the computation is less than two cents per hundredweight of milk received from producers on all reports, the report of any handler who has not made payment of the last monthly pool debit account rendered pursuant to section 71 shall not be included in the computation of the uniform price. The report of such handler shall not be included in the computation for succeeding months until he has made full payment of outstanding monthly pool debits. Subject to the aforementioned conditions, the market administrator of this order and the market administrator of the New York order, shall jointly compute the uniform price in the following manner:

(a) Combine into one total the net pool obligations of all handlers under this order and the New York order;

(b) Subtract the total of payments required to be made for such month by section 76 and § 927.76 of the New York order;

(c) Add to the total payments required to be made by handlers for such month pursuant to sections 78 and 79 and the New York order;

(d) Add the amount of unreserved cash in the producer settlement fund;

(e) Subtract an amount equal to not less than eight cents nor more than nine cents per hundredweight of milk received from producers to provide against the contingency of errors in reports and payments or of delinquencies in payments by handlers; under this order and the New York order;

(f) Subtract the amounts payable to producers under the fourth and fifth provisos of section 65 and the New York order;

(g) Subtract the amount of milk on which the payments were made to producers under the fourth and fifth provisos of section 65 and the New York order;

(h) Subtract the Class I–C milk of all handlers whose reports are included in this computation from the total milk received from producers by all such handlers under this order and the New York order; and

(i) Divide the result obtained in paragraph (f) of this section by the result obtained in paragraph (h) of this section. The result shall be known as the uniform price for milk containing 3.5 percent butterfat received from producers at plants in the 201–210 mile zone.

SEC. 62. *Announcement of uniform price and weighted average butterfat differential.* The market administrator shall announce, not later than the 14th day of each month, the uniform price computed pursuant to section 61 and, not later than the 5th day of each month, the weighted average butterfat differential pursuant to section 67.

PAYMENT BY HANDLERS DIRECTLY TO PRODUCERS

SEC. 65. *Time and rate of payments.* On or before the 25th day of each month each handler shall make payment to each producer for all milk delivered by such producer during the preceding month at not less than the uniform price subject to differentials set forth in sections 66 and 67: *Provided,* That each handler which is also a cooperative marketing association determined by the Secretary to be qualified under the Capper-Volstead Act may, with respect to producers who are members of and under contract with such association, make distribution, in accordance with the contract between the association and such members, of the net proceeds of all its sales in all markets in all use classifications. Whenever verification by the market administrator of the payment to any producer or cooperative association of producers for milk delivered to any handler discloses payment of less than is required by this subpart, the handler shall make up such payment to the producer or cooperative association of producers not later than the time of making payment next following such disclosure: *Provided further,* That if a handler claims that he cannot make the required payment because the producer is deceased or cannot be lo-

cated, or because the cooperative association or its lawful successor or assignee is no longer in existence, such payment shall be made to the producer settlement fund, and in the event that the handler subsequently locates and pays the producer or a lawful claimant, or in the event that the handler no longer exists and a lawful claim is later established, the market administrator shall make such payment from the producer settlement fund to the handler or to the lawful claimant as the case may be: *Provided further*, That if not later than the date when such payment is required to be made, legal proceedings have been instituted by the handler for the purpose of administrative or judicial review of the market administrator's findings upon verification as provided above, such payment shall be made to the producer settlement fund and shall be held in reserve until such time as the above-mentioned proceedings have been completed, or until the handler submits proof to the market administrator that the required payment has been made to the producer or association of producers, in which latter event the payment shall be refunded to the handler: *Provided further*, That in paying producers for milk for each of the months of March through June, the amount of excess milk delivered by each producer defined in accordance with section 56 shall be paid for at the Class III price, subject to the same differentials as provided in sections 66 and 67: *Provided further*, That in paying any producer who did not regularly sell milk during a period of thirty days next preceding the effective date of this subpart for consumption in the marketing area covered hereby, payments to such producer, for the period beginning with the first regular delivery by such producer and continuing until the end of two full calendar months following the first day of the next succeeding calendar month shall be at the price set forth in section 40 (c) less the largest adjustment set forth in section 43.

SEC. 66. *Transportation and location differentials.* The uniform price at any plant shall be:

(a) Plus or minus the differential shown in column D of the schedule contained in section 42 for the zone of the plant in effect pursuant to section 42; and

(b) Plus the differentials, if any, applicable pursuant to § 927.60 (f) plus five cents.

SEC. 67. *Butterfat differential.* The uniform price shall be plus or minus, as the case may be, for each one-tenth of 1 percent above or below 3.5 percent of average butterfat content of milk delivered by any producer during any month, an amount equivalent to the average of the butterfat differentials determined pursuant to section 41, for each class weighted by the pounds of butterfat in the milk in each such class used in the computation of the uniform price for the preceding month. Such differential shall be computed to the nearest even tenth of a cent.

SEC. 68. *Direct delivery differential.* The uniform price for milk delivered by producers to any plant within the mileage zones hereinafter specified and from which milk is delivered either to stores or consumers or both without passing through any other plant shall be plus the respective amount set forth for each of such zones:

| Mileage zone (miles): | Direct delivery differential (cents per hundredweight) |
|---|---|
| 1–10 | 15 |
| 11–20 | 13½ |
| 21–30 | 12 |
| 31–40 | 10½ |
| 41–50 | 9 |
| 51–60 | 7½ |
| 61–70 | 6 |
| 71–80 | 4½ |
| 81–90 | 3 |
| 91–100 | 1½ |

PRODUCER SETTLEMENT FUND AND ITS OPERATION

SEC. 70. *Producer settlement fund.* The market administrator of this order shall, and the market administrator of the New York order, shall jointly establish and maintain a separate fund known as "the producer settlement fund" into which they shall deposit all payments and out of which they shall make all payments pursuant to sections 72 through 79 and the New York order.

SEC. 71. *Handlers' accounts.* The market administrator shall establish an account for each handler who is required to make payments to the producer settlement fund or who received payments from the producer settlement fund. After computing the uniform price and each handler's pool debit or credit each month, and at such times as he deems appropriate, the market administrator shall render each handler a statement of his account showing the debit or credit balance, together with all debits or credits entered on such handler's account since the previous statement was rendered.

SEC. 72. *Payment to the producer settlement fund.* On or before the 18th day of each month each handler shall make full payment of the debit balance, if any, of such handler shown on the last statement of account rendered pursuant to section 71.

SEC. 73. *Payments out of producer settlement fund.* On or before the 20th day of each month the market administrators of this subpart and the New York order shall jointly make payment to each handler under this subpart and the New York order of the credit balance, if any, of such handler shown on the last statement of account rendered pursuant to section 71 or § 927.71 of the New York order. If, at any such time, the balance in the producer settlement fund is insufficient to make full payment due to each handler, the market administrator shall reduce uniformly the payments to each handler and shall complete such payments as soon as the necessary funds are available. No handler who, on the 25th day of the month, has not received such payments in full from the market administrator shall be deemed to be in violation of sections 65 through 67 if he reduces his total payments to producers for milk delivered by such producers during the preceding month by not more than the amount of the reduction in payment from the producer settlement fund.

SEC. 74. *Handlers' pool debit or credit.* After computing the uniform price for each month, the market administrator shall compute each handler's pool debit or pool credit as follows:

(a) Add to each handler's net pool obligations the value of his Class I-C milk at the uniform price.

(b) Multiply the quantity of milk received by each handler from producers by the uniform price.

(c) If the result obtained in paragraph (b) of this section is less than the result in paragraph (a) of this section, the difference shall be entered on the handler's producer settlement fund account as such handler's pool debit.

(d) If the result obtained in paragraph (b) of this section is greater than the result in paragraph (a) of this section, the difference shall be entered on the handler's producer settlement fund account as such handler's pool credit.

SEC. 75. *Adjustments of errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors made in payments to or from the producer settlement fund, the market administrator shall debit the handler's producer settlement fund account for any unpaid amount. Whenever verification discloses that payment is due from the market administrator to any handler, the market administrator shall credit the handler's producer settlement fund account for any such amount.

SEC. 76. *Cooperative payments for market-wide services.* Payments shall be made to qualified cooperatives or to federations under the conditions, in the manner, and at the rates set forth in this section.

(a) *Definitions.* As used in this section the following terms shall have the following meanings:

(1) "Cooperative" means a cooperative association of producers which is duly incorporated under the cooperative corporation laws of a State; is qualified under the Capper-Volstead Act (7 U. S. C. 291 et seq.); has all its activities under the control of its members; and has full authority in the sale of its members' milk.

(2) "Federation" means a federation of cooperatives.

(3) "Federated cooperative" means a cooperative which is a member of a federation and on whose membership the federation is an applicant for or receives payments under subparagraph (2) of paragraph (f) of this section.

(4) "Member" means, when used with respect to a member of a cooperative or of a federated cooperative, only a member who is also a producer, as defined in section 6 or § 927.6 of the N. Y. Order.

(b) *Qualified cooperatives and federations.* A cooperative or federation may submit an application to the market administrator for payments under the provisions of this section. In accordance with the requirements of the rules and regulations issued by the market administrator, any such application shall include a written description of the applicant's program for the performance of market-wide services, including evidence that adequate facilities and personnel will be maintained by it so as to enable it to perform the market-wide services; and the application shall contain a statement by the applicant that it will perform the required market-wide services for which it is applying for payments. The application shall set forth all necessary data so as to enable the market administrator to determine whether it meets the qualification requirements with respect to the payments for which the application is submitted. For the purpose of meeting the minimum membership requirements of 4,000 and 6,000 specified in this paragraph, members shall include the members who are producers as defined in section 76 and section 76 of the New York order. An application shall be approved by the market administrator only if he determines that:

(1) In the case of a cooperative:

(i) It has not less than 4,000 members and receives from its members not less than 1 cent per hundredweight of milk delivered by them: *Provided*, That no person shall be counted in this respect as a member if he is a member of another cooperative which is an applicant for or which receives cooperative payments, or if he is a member of a federated cooperative.

(ii) If the application is also for an additional payment under subparagraph (3) of paragraph (f) of this section, it has not less than 6,000 members and receives from its members not less than 1 cent per hundredweight of milk delivered by them, subject to the proviso in subdivision (i) of this subparagraph.

(iii) If the application is also for an additional payment under subparagraph (4) of paragraph (f) of this section, the cooperative is an operating cooperative which operates marketing facilities, i. e., pool plant(s), at which it receives at least 25 per centum, by weight, of the milk marketed by its members: *Provided*, That in determining whether the 25 per centum minimum requirement is complied with, there shall be excluded the milk delivered by a member of the cooperative who is a member of another cooperative which is an applicant for or which receives cooperative payments on the same milk or which is a federated cooperative in a federation which is an applicant for or receiving cooperative payments on the same milk.

(2) In the case of a federation:

(i) It is duly incorporated under the laws of a State.

(ii) It has contracts with each of its federated cooperatives under which the cooperatives agree to remain in the federation for at least one year, and such contracts cover or will be renewed for a yearly period for every subsequent year for which the federated cooperatives are to be included within the membership of the federation for cooperative payment purposes.

(iii) Its federated cooperatives have an aggregate of not less than 4,000 members and the federated cooperatives receive from their members not less than 1 cent per hundredweight of milk delivered by them; and its federated cooperatives will pay to the federation, when required by rules and regulations issued by the market administrator, the minimum monthly payment specified in the rules and regulations to finance the activities of the federation that are not market-wide in character: *Provided*, That no person shall be counted in this respect as a member if he is a member of a cooperative which is an applicant for or which receives cooperative payments, or if he is a member of another federated cooperative.

(iv) If the application is also for an additional payment under subparagraph (3) of paragraph (f) of this section, the aggregate membership of the federated cooperatives is not less than 6,000 members and the federated cooperatives receive from their members not less than 1 cent per hundredweight of milk delivered by their members, subject to the proviso in subdivision (iii) of this subparagraph.

(v) If the application is also for an additional payment unedr subparagraph (5) of paragraph (f) of this section, the federation operates marketing facilities, i. e., pool plant(s), or the federated cooperatives operate marketing facilities, at which is received at least 25 per centum, by weight, of the milk marketed by the members of the federated cooperatives: *Provided*, That in determining whether the 25 per centum minimum requirement is complied with, there shall be excluded the milk delivered by members of a cooperative which is an applicant for or which receives cooperative payments on the same milk, or which is a federated cooperative in another federation which is an applicant for or receiving cooperative payments on the same milk, or which is not meeting the requirements of this section applicable to it.

(3) The applicant cooperative or federation demonstrates that it has the ability to perform the market-wide services for which application is made, and that such services will be performed.

(4) The applicant cooperative or the federated cooperatives of an applicant federation are in no way precluded from arranging for the utilization of milk under their respective control so as to yield the highest available net return to all producers without displacing an equivalent quantity of other producer milk in the preferred classification.

(c) *Notice of qualification or denial; effective date.* Upon determination by the market administrator that a cooperative or a federation is qualified to receive payment for performance of the market-wide services, he shall transmit such determination to the applicant cooperative or federation and publicly announce the issuance of the determination. The determination shall be effective with respect to milk delivered on and after the first day of the month following issuance of the determination. If, after consideration of an application for payments for market-wide services, the market administrator determines that the cooperative or federation is not qualified to receive such payments, he shall promptly notify the applicant and specifically set forth in such notice his reasons for denial of the application.

(d) *Requirements for continued qualification.* From time to time and in accordance with rules and regulations which may be issued by the market administrator, each qualified cooperative or federation must demonstrate to the market administrator that it continues to meet the qualification requirements for the payments and is fully performing the market-wide services for which it is being paid.

(e) *Market-wide services.* Each cooperative or federation shall perform the market-wide services enumerated in this paragraph. Such services are: (1) Analyzing milk marketing problems and their solutions, conducting market research and maintaining current information as to all market developments, preparing and assembling statistical data relative to prices and marketing conditions, and making an economic analysis of all such data; (2) determining the need for the formulation of amendments to the order and proposing such amendments or requesting other appropriate action by the Secretary or the market administrator in the light of changing conditions; (3) participating in proceedings with respect to amendments to the order, including the preparation and presentation of evidence at public hearings, the submission of appropriate briefs and exceptions, and also participating, by voting or otherwise, in the referenda relative to amendments; (4) participating in the meetings called by the market administrator, such as meetings with respect to rules and regulations issued under the order, including activities such as the preparation and presentation of data at such meetings and briefs for submission thereafter; (5) conducting a comprehensive education program among producers—i. e., members and non-members of cooperatives—and keeping such producers well informed for participation in the activities under the regulatory order and, as a part of such program, issuing publications that contain relevant data and information about the order and its operation, and the distribution of such publications to members and, on the same subscription basis, to non-members who request it, and holding meetings at which members and non-members may attend; and (6) in the case of a cooperative or federation which receives an additional payment under subparagraph (4) or (5) of paragraph (f) of this section, operating marketing facilities, or having within its membership federated cooperatives operating marketing facilities, i. e., pool plant(s), at which is received at least 25 per centum, by weight, of the milk marketed by all the members of the cooperative or by all the members of the federated cooperatives' members.

(f) *Rate, computation, time, and method of payment.* (1) Subject to the provisions of paragraph (g) of this section, the market administrator, on or before the 25th day of each month, shall make payment out of the producer settlement fund, or issue equivalent credit therefor, to each cooperative or federation which is qualified for such payments for market-wide services. The payment to a cooperative shall be based upon the

milk reported by cooperative or proprietary handlers to have been received during the preceding month from its members, and the payment to a federation shall be based upon the milk reported by cooperative or proprietary handlers to have been received during the preceding month from the members of its federated cooperatives, subject in both instances to adjustment upon verification by the market administrator.

(2) Such payment or credit shall be at the rate of 2 cents per hundredweight of milk in accordance with subparagraph (1) of this paragraph: *Provided*, That in computing payment to a cooperative, there shall be excluded all of the milk of its members who belong to another cooperative which is an applicant for or which receives cooperative payments on the same milk or which is a federated cooperative in a federation which is an applicant for or receiving cooperative payments on the same milk: *Provided further*, That in computing payment to a federation there shall be excluded all of the milk of members of a cooperative which is an applicant for or which receives cooperative payments on the same milk, or which is a federated cooperative in another federation which is an applicant for or receiving cooperative payments on the same milk, or which is not meeting the requirements of this section applicable to it.

(3) Any cooperative that has at least 6,000 members and any federation which has an aggregate membership of its federated cooperatives of at least 6,000 members shall receive a payment, in addition to the payment provided for in subparagraph (2) of this paragraph, of 1 cent per hundredweight of milk in accordance with subparagraph (1) of this paragraph and subject to the provisos contained in subparagraph (2) of this paragraph.

(4) Any cooperative that operates marketing facilities, i. e., pool plant(s) at which is received at least 25 per centum, by weight, of the milk marketed by its members shall receive a payment, in addition to the payment provided for in subparagraph (2) or (3) of this paragraph of 1 cent per hundredweight of all milk marketed by its members in accordance with subparagraph (1) of this paragraph: *Provided*, That in computing the payment under this subparagraph there shall be excluded the milk delivered by a member of the cooperative who is a member of another cooperative which is an applicant for or which receives cooperative payments on the same milk or which is a federated cooperative in a federation which is an applicant for or receiving cooperative payments on the same milk.

(5) Any federation that operates marketing facilities, i. e., pool plant(s), or whose members include one or more federated cooperatives that operate marketing facilities, at which is received at least 25 per centum, by weight, of the milk marketed by the members of its federated cooperatives shall receive a payment, in addition to the payment provided for in subparagraph (2) or (3) of this paragraph, of 1 cent per hundredweight of all milk marketed by such members in accordance with subparagraph (1) of this paragraph: *Provided*, That in computing the payment under this subparagraph there shall be excluded the milk delivered by members of a cooperative which is an applicant for or which receives cooperative payments on the same milk, or which is a federated cooperative in another federation which is an applicant for or receiving cooperative payments on the same milk, or which is not meeting the requirements of this section applicable to it.

(6) If an individually qualified cooperative is affiliated with a federation, the cooperative payment shall be made to such cooperative unless its contract with the federation specifies in writing that the federation is to receive the payments. Any such contract must authorize the federation to receive the payments for at least one year and such agreement must cover or be renewed for a yearly period for every subsequent year for which the federation is to receive the payments.

(g) *Disqualification.* (1) The market administrator shall issue an order wholly or partly disqualifying a previously qualified cooperative or federation for payments authorized pursuant to this section and such payments shall not thereafter be made to it if he determines that:

(i) The cooperative or federation no longer complies with the requirements of this section: *Provided*, That in the case of the federation if one of its federated cooperatives has failed to comply with the requirements of this section applicable to it or has failed, promptly after demand by the market administrator, to arrange for the utilization of milk under its control so as to yield the highest available net return to all producers without displacing an equivalent quantity of other producer milk in the preferred classification; the federation shall be disqualified only to the extent that its qualification for payments or the amount of its payments are based upon the membership, milk, or operations of such non-complying federated cooperatives;

(ii) The cooperative or federation has failed to make reports or furnish records pursuant to this section or pursuant to rules and regulations issued by the market administrator; or

(iii) In the case of the cooperative, it has failed, promptly after demand by the market administrator, to arrange for the utilization of milk under its control so as to yield the highest available net return to all producers without displacing an equivalent quantity of other producer milk in the preferred classification.

(2) An order of the market administrator wholly or partly disqualifying a cooperative or federation shall not be issued until after the cooperative or federation has had opportunity for hearing thereon following not less than 15 days' notice to it specifying the reasons for the proposed disqualifications. If the cooperative or federation fails to file a written request for hearing with the market administrator within such period of 15 days the market administrator may issue an order of disqualification without further notice; but if within such period a request for hearing is filed, the market administrator shall promptly proceed to hold such hearing pursuant to rules and regulations issued by him under paragraph (i) of this section.

(3) A disqualification order issued by the market administrator shall set forth the findings and conclusions on the basis of which it is issued.

(h) *Appeals*—(1) *From denials of application.* Any cooperative or federation whose application for qualification has been denied by the market administrator may, within 30 days after notice of such denial, file with the Secretary a written petition for review. But the failure to file such petition shall not bar the cooperative or federation from again applying to the market administrator for qualification.

(2) *From disqualification orders.* A disqualification order by the market administrator shall become final 30 days after its service on the cooperative or federation unless within such 30-day period the cooperative or federation files a written petition with the Secretary for review thereof. If such petition for review is filed, payments for which the cooperative or federation has been disqualified by the order shall be held in reserve by the market administrator pending ruling of the Secretary, after which the sums so held in reserve shall either be returned to the producer settlement fund or paid over to the cooperative or federation depending on the Secretary's ruling on the petition. If such petition for review is not filed, any payments which otherwise would be made within the 30-day period following issuance of the disqualification order shall be held in reserve until such order becomes final and shall then be returned to the producer settlement fund.

(3) *Record on appeal.* If an appeal is taken under subparagraph (1) or (2) of this paragraph, the market administrator shall promptly certify to the Secretary the ruling or order appealed from and the evidence upon which it was issued: *Provided*, That if a hearing was held the complete record thereof, including the applications, petitions, and all exhibits or other documentary material submitted in evidence shall be the record so certified. Such certified material shall constitute the sole record upon which the appeal shall be decided by the Secretary.

(i) *Regulations.* The market administrator is authorized to issue regulations and amendments thereto to effectuate the provisions of this section and to facilitate and implement the administration of its provisions. Such regulations shall be issued in accordance with the following procedure:

(1) All proposed rules and regulations and amendments thereto shall be the subject of a meeting called by the market administrator, at which all interested persons shall have opportunity to be heard. Not less than five days prior to the meeting, notice thereof and of the proposed regulations or amendments shall be published in the FEDERAL REGISTER and mailed to qualified cooperatives and federations. A stenographic record shall be made at such meetings which shall be public information and be available for inspection at the office of the market administrator.

(2) A period of at least five days after the meeting shall be allowed for the filing of briefs.

(3) All regulations and amendments thereto issued by the market administrator pursuant to this section must be submitted in tentative form to the Secretary for approval, shall not be effective without such approval, and shall be published in the FEDERAL REGISTER following such approval. The regulations or amendments in tentative form shall be forwarded also to cooperatives and federations qualified under this section and to other persons upon request in writing. The Secretary shall either approve the regulations or amendments thereto submitted by the market administrator or direct the market administrator to reconsider the tentative rules or amendments. In the event the market administrator is directed to give reconsideration to the matter, the market administrator shall either issue revised tentative regulations or amendments or call another meeting pursuant to this section for additional consideration of the rules or amendments.

(j) *Reports and records.* A qualified cooperative or federation and any federated cooperative in a qualified federation shall make such reports to the market administrator as may be requested by him for the administration of the provisions of this section, and shall maintain and make available to the market administrator or his representative such records as will enable the market administrator to verify such reports.

(k) *Notices, demands, orders, etc.* All notices, demands, orders, or other papers required by this section to be given to or served upon a cooperative or federation shall be deemed to have been given or served as of the time when mailed to the last known secretary of the cooperative or federation at his last known address.

SEC. 77. *Cream payments.* (a) For milk received from producers which is classified as Class III pursuant to section 37 (e) (2) the butterfat from which is subsequently assigned in accordance with the provisions of the rules and regulations issued by the market administrator pursuant to section 36 to sour cream, half and half, or reconstituted cream shipped to, received in, or distributed in the marketing area, or is not established to have been otherwise utilized, or to be still in storage, the handler required to file reports pursuant to section 52 shall pay to the producer settlement fund or be issued debits against balances due to such handler from the producer settlement fund an amount equal to 9 cents per pound of butterfat if the milk was separated in the months of March through July, and 10 cents per pound of butterfat if the milk was separated in the months of August through February.

(b) On the basis of reports pursuant to section 52 of the utilization of frozen cream and the market administrator's investigation and audit of such reports, the market administrator shall make payment out of the producer settlement fund to the handler filing such reports, or issue credit against balances due from such handler to the producer settlement fund, an amount equal to the butter-cheese adjustment on each pound of butterfat in such cream which was separated in the months of April through September from milk received from producers and was assigned, in accordance with the provisions of the rules and regulations issued by the market administrator pursuant to section 36, to butter in the months of January through March.

(c) With respect to Class II milk the butterfat from which is on hand at the plant in the form of cream, or having left the plant in the form of cream had not been delivered to a plant or purchaser by the end of the period for establishing classification, but subsequent to the end of the period for establishing classification such cream is so handled that it would have been classified at a plant outside the marketing area in Class III pursuant to section 37 (e) (1), (3), (5), or (6) had such handling occurred during the period for establishing classification, the handler who received the milk from producers may claim a refund by filing a report giving the facts with respect to such handling. On the basis of verification of such report, the market administrator shall make payment out of the producer settlement fund to such handler or issue credit against any balance due from such handler to the producer settlement fund in an amount equal to the difference between the Class II and Class III prices applicable for the month when the milk was received from producers.

SEC. 78. *Payments on milk received from dairy farmers at non-pool plants.* Payments shall be made by handlers to producers, through the producer settlement fund, for milk and milk products under conditions, in amounts, and by the handler pursuant to paragraphs (a) through (d) of this section: *Provided*, That for any month in which the volume of Class III milk used in the computation of the uniform price is less than 15 percent of the combined volume of the Class I–A and Class II milk used in such computation, the payments set forth in this section shall not be required: *And provided further*, That in the case of milk received by a handler under this subpart from a plant which is a pool plant under the New York order, the payments set forth in this section shall not be required.

(a) Payments shall be made for milk, concentrated fluid milk, fluid milk products, cultured or flavored milk drinks, cream, half and half, fluid cream products, and skim milk, which milk or milk products meets each of the following conditions:

(1) It was derived from milk received at a non-pool plant from dairy farmers other than the plant operator.

(2) It was shipped to, received in, or distributed in the marketing area, or was received at a pool plant outside the marketing area.

(3) The milk or milk equivalent of the butterfat is classified as Class I–A or Class II, or the skim milk would be subject to the fluid skim differential if it were derived from pool milk.

(b) The amounts of payment for the products set forth in paragraph (a) of this section shall be as follows:

(1) If the milk or the milk equivalent of the butterfat, or the skim milk is classified and paid for under another order issued pursuant to the act, the amount of payment on such products, except skim milk, shall be any plus amount obtained by subtracting the value of the milk or the milk equivalent of the butterfat at the class price or prices under such order from the value computed in accordance with the classification and pricing set forth in this subpart: *Provided*, That the payment shall be at the rates set forth in subparagraph (2) of this paragraph if the other order permits the deduction of such payment from the amount otherwise due for such milk pursuant to such other order. The amount of payments on skim milk shall be an amount computed pursuant to section 44 adjusted for the location of the plant.

(2) If the milk or milk product is derived from milk received from dairy farmers at a non-pool plant in the 421–425 mile zone, or in some other zone nearer the marketing area, the handling of which is not regulated by an order issued pursuant to the act or is regulated by another order as specified in the proviso of subparagraph (1) of this paragraph, the amount of payment, except as otherwise specified in subparagraph (4) of this paragraph, shall be the differences between its classified value at the Class I–A or the Class II price, depending upon its classification, and its value at the Class III price, such class prices to be adjusted for butterfat test and the location of the plant at which the non-pool milk was originally received from farmers: *Provided*, That for concentrated fluid milk, cream, half and half, fluid cream products, and cultured or flavored milk drinks containing less than 3.0 percent or more than 5.0 percent butterfat, the payment shall be computed on the milk equivalent thereof as so classified. The amount of the payment on skim milk (either as skim milk, half and half, or in cultured milk drinks) shall be the amount computed pursuant to section 44 as similarly adjusted for location.

(3) If the milk or milk product is derived from milk received from dairy farmers at a non-pool plant farther from the marketing area than the 421–425 mile zone, the handling of which is not regulated by another order issued pursuant to the act, or is regulated by another order as specified in the proviso of subparagraph (1) of this paragraph, the amount of payments shall be the difference between the value of its milk equivalent at the Class I–A or Class II price, depending upon its classification, and the value of such milk at the midwestern condensery price announced pursuant to section 46 (b) (9), such class prices to be adjusted for the location of the plant at which the non-pool milk was originally received from dairy farmers: *Provided*, That for milk, fluid milk products, and cultured or flavored milk drinks containing 3.0 percent or more but not more than 5.0 percent

of butterfat, the payment shall be the difference between the value of such milk or milk product at the Class I–A price for milk containing 3.5 percent butterfat, adjusted for location of the plant, and the condensery price. The amount of the payment on skim milk (either as skim milk, half and half, or in cultured milk drinks) shall be the amount computed pursuant to section 44 similarly adjusted for location.

(4) For any month in which the volume of milk subject to the butter-cheese adjustment used in the computation of the uniform price is more than 15 percent of the combined volume of the Class I–A and Class II milk used in such computation, the payment required by subparagraph (2) of this paragraph shall be increased by the value of the milk or milk equivalent at the rate of the butter-cheese adjustment at the plant where the milk was received from dairy farmers.

(5) In computing the milk equivalent value of milk or milk products as specified in this paragraph, such value shall be computed on the basis of milk containing 3.5 percent of butterfat.

(c) Payment for any milk or milk product pursuant to this section shall be made, on behalf of the handler receiving the milk from dairy farmers, by the appropriate handler as set forth in subparagraphs (1) through (3) of this paragraph: *Provided*, That if the milk is received from a handler under another order issued pursuant to the act, which order provides that the payment to the producer settlement fund may be deducted from the handler's obligation under the other order, the payment shall be made by the handler subject to the other order regardless of the provisions of subparagraphs (1) through (3) of this paragraph:

(1) By the handler first receiving the milk or milk product at a pool plant outside the marketing area.

(2) By the handler operating the plant where the milk or milk product is first received in the marketing area if the milk or milk product is not received at a pool plant outside the marketing area.

(3) By the handler operating the plant from which the milk or milk product was moved into the marketing area if such milk or milk product is neither received at a pool plant outside the marketing area nor at a plant in the marketing area.

(d) The amount due pursuant to this section shall be entered on the handler's account as a debit immediately after the filing of the report pursuant to section 50, or if the handler fails to file such report, such amount shall be entered on the handler's account in accordance with section 75.

SEC. 79. *Payments on milk or milk products the source of which is not established.* Payments shall be made by handlers to producers through the producer settlement fund, for milk and milk products under conditions, in amounts, and by the handler pursuant to paragraphs (a) through (d) of this section.

(a) Payments shall be made for milk, concentrated fluid milk, fluid milk products, cultured or flavored milk drinks, cream, half and half, fluid cream products, and skim milk which milk or milk product meets each of the following conditions:

(1) It was derived from milk for which the farm source is not established.

(2) It was shipped to, received in, or distributed in the marketing area, or was received at a pool plant.

(3) If first found at a non-pool plant, the milk or milk equivalent of the butterfat is classified as Class I–A or Class II, or the skim milk is subject to the fluid differential.

(b) The amounts of payment for the product set forth in paragraph (a) of this section shall be as follows:

(1) For milk, concentrated fluid milk, fluid milk products, or cultured or flavored milk drinks containing 3.0 percent or more but not more than 5.0 percent of butterfat, the value of such milk, fluid milk products, cultured or flavored milk drinks, or the milk equivalent of such concentrated fluid milk at the class price at the plant where first found.

(2) For cream, half and half, fluid cream products, or cultured or flavored milk drinks containing less than 3.0 percent or more than 5.0 percent of butterfat, the value of the milk equivalent of such product at a rate per hundredweight computed pursuant to section 40 (e) (1) adjusted by the differential set forth in column C in the table in section 42 for the zone of the plant at which first found.

(3) For skim milk in a form subject to the fluid skim milk differential, the value at a rate per hundredweight computed as follows: divide the amount computed pursuant to section 40 (e) (2) by 0.9125, add an amount computed pursuant to section 44, and adjust the result by the differential set forth in column B in the table in section 42 for the zone of the plant where first found.

(4) For skim milk in a form not subject to the fluid skim milk differential, the value at a rate per hundredweight computed as follows: divide the amount computed pursuant to section 40 (e) (2) by 0.9125.

(5) In computing the milk equivalent value of products as specified in this paragraph, such value shall be computed on the basis of milk containing 3.5 percent of butterfat.

(c) Payment for any milk or milk product pursuant to this section shall be made, on behalf of the handler receiving the milk from dairy farmers, by the appropriate handler as set forth in the subparagraphs (1) through (3) of this paragraph:

(1) By the handler first receiving the milk or milk product at a pool plant outside the marketing area.

(2) By the handler operating the plant where the milk or milk product is first received in the marketing area if the milk or milk product is not received at a pool plant outside the marketing area.

(3) By the handler operating the plant from which the milk or milk product was moved into the marketing area if such milk or milk product is neither received at a pool plant outside the marketing area nor at a plant in the marketing area.

(d) The amount due pursuant to this section shall be entered on the handler's account as a debit immediately after the filing of the report pursuant to section 50, or if the handler fails to file such report, such amount shall be entered on the handler's account in accordance with section 75.

EXPENSE OF ADMINISTRATION

SEC. 80. *Payment by handlers.* As his pro rata share of the expense of administration of this subpart, each handler shall, on or before the 18th day of each month, pay to the market administrator a sum not exceeding 4 cents per hundredweight on the total quantity of milk which was received from producers at plants operated by such handler, directly or at the instance of a cooperative association of producers, the exact amount to be determined by the market administrator subject to review by the Secretary. This section shall not be deemed to duplicate any similar payment by any handler under an order issued by (appropriate authorities of the State of New Jersey), with respect to the marketing area. Whenever verification by the market administrator discloses an error in the payment made by any handler, such error shall be adjusted not later than the date next following such disclosure on which payments are due pursuant to this section.

MISCELLANEOUS

SEC. 85. *Termination of obligations.* The provisions of this section shall apply to any obligation under this subpart for the payment of money irrespective of when such obligation arose, except an obligation involved in an action before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books and records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claim was received (or with respect to storage cream payments pursuant to section 77 (b), two years after the end of the calendar month during which such cream is utilized) if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable periods of time, files pursuant to section 8c (15) (A) of the act, a petition claiming such money.

SEC. 86. *Continuing obligation of handlers.* Unless otherwise provided by the Secretary in any notice of amendment, termination, or suspension of any or all of the provisions of this subpart, such amendment, termination, or suspension shall not affect, waive, or terminate any right, duty, obligation, or liability which shall have risen or may thereafter arise in connection with any provision of this subpart; release or waive any violation of this subpart occurring prior to the effective date of such amendment, termination, or suspension; or affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violations.

SEC. 87. *Continuing power and duty of market administrator.* The market administrator shall (a) continue in such capacity until discharged by the Secretary; (b) from time to time account for all receipts and disbursements and deliver all funds or property on hand, together with the books and records of the market administrator, to such person as the Secretary shall direct; and (c) if so directed by the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator pursuant to this subpart.

SEC. 88. *Liquidation.* Upon the termination or suspension of this subpart, the market administrator shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid and owing at the time of such termination or suspension. Any funds collected for expenses pursuant to the provisions of this subpart over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator in liquidating the business of the market administrator's office shall be distributed by the market administrator to handlers in an equitable manner.

SEC. 89. *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

SEC. 90. Whenever the Secretary calls a public hearing to consider amendments to this subpart he shall also simultaneously call a public hearing to consider the same amendments to the New York order or promptly announce his determination that such a hearing with respect to the New York order should not be held, together with reasons for such determination.

Terms and provisions of New York Order No. 27, as amended, including proposed amendments to coordinate with proposed Northern New Jersey order.

DEFINITIONS

§ 927.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

§ 927.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States who is, or who may hereafter be, authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 927.3 *Marketing area.* "New York metropolitan milk marketing area" (hereinafter called the "marketing area") means all territory within the boundaries of the city of New York, the counties of Nassau, Rockland, Orange, Sullivan, Ulster, Dutchess, Putnam, Suffolk (except Fisher's Island), and Westchester, all in the state of New York together with all piers, docks, and wharves connected therewith and all craft moored thereat, and including territory within such boundaries which is occupied by government (Municipal, State, Federal, or International) reservations, installations, institutions, or other establishments.

§ 927.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 927.5 *Dairy farmer.* "Dairy farmer" means any person who produces milk.

§ 927.6 *Producer.* "Producer" means any dairy farmer whose milk is delivered direct from farm to a pool plant.

§ 927.7 *Handler.* "Handler" means (a) any person who engages in the handling of milk or products therefrom, which milk was received at a pool plant, or at a plant approved by any health authority as a source of milk for the marketing area, (b) any person who engages in the handling of milk, concentrated fluid milk, cultured or flavored milk drinks, cream, half and half, or skim milk, all or a portion of which is shipped to, or received in, the marketing area, or (c) any cooperative association of dairy farmers with respect to any milk which it causes to be delivered from dairy farmers to a pool plant of any other handler for the account of such association and for which such association receives payment.

§ 927.8 *Plant.* "Plant" means the land, building, surroundings, facilities, and equipment, or vehicle whether owned or operated by one or more persons, constituting a single operating unit or establishment for the receiving, and sampling and handling, or processing of milk or milk products as determined by the market administrator.

§ 927.9 *Pool plant.* "Pool plant" means any plant which is designated as a pool plant pursuant to sections 20, 22, 25 or 27 provided a vehicle shall not be designated as a "pool plant" unless operated by a person who is defined as a "handler" because of other operations.

§ 927.10 *Market administrator.* "Market administrator" means the agency, which is described in §§ 927.15 through 927.18, for the administration of this subpart.

§ 927.11 *Northern New Jersey.* "Northern New Jersey" means the following counties in the State of New Jersey:

| | |
|---|---|
| Hunterdon. | Passaic. |
| Middlesex. | Somerset. |
| Monmouth. | Sussex. |
| Morris. | Warren. |

or such parts thereof as are not in the North Jersey marketing area, defined under the federal order regulating the handling of milk in the Northern New Jersey Marketing Area.

§ 927.11 *North Jersey order.* "North Jersey order" means any order issued by the Secretary regulating the handling of milk in the Northern New Jersey marketing area.

MARKET ADMINISTRATOR

§ 927.15 *Selection, removal, and bond.* The agency for the administration of this subpart shall be a market administrator who shall be a person selected and subject to removal by the Secretary. The market administrator shall, within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary.

§ 927.16 *Compensation.* The market administrator shall be entitled to such reasonable compensation as shall be determined by the Secretary.

§ 927.17 *Powers.* The market administrator shall have the following powers:

(a) To administer the terms and provisions of this subpart; including joint administration with the market administrator of the North Jersey order of §§ 927.35, 927.36, 927.47, 927.54, 927.61, 927.70 and 927.73 and sections 35, 36, 47,

54, 61, 70 and 73 of the North Jersey order;

(b) To make rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive, investigate, and report to the Secretary complaints of violations of this subpart; and

(d) To recommend to the Secretary amendments to this subpart.

§ 927.18 *Duties.* The market administrator, in addition to the duties hereinafter described, shall:

(a) Keep such books and records as will clearly reflect the transactions provided for in this subpart;

(b) Submit his books and records to examination by the Secretary at any and all times;

(c) Furnish such information and such verified reports as the Secretary may request;

(d) Obtain a bond with reasonable security thereon covering each employee who handles funds entrusted to the market administrator;

(e) Publicly disclose, after reasonable notice, the name of any person who has not made reports pursuant to §§ 927.50, 927.51, and 927.53, or made payments required by §§ 927.65, 927.66, 927.67, 927.72, 927.75, 927.77, 927.78, 927.79, and 927.80;

(f) Prepare and disseminate for the benefit of producers, consumers, and handlers such statistics and information concerning the operation of this subpart, as amended, as do not reveal confidential information;

(g) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions of this subpart;

(h) Pay out of the funds received pursuant to § 927.80 the cost of his bond and of the bonds of such of his employees as handle funds entrusted to the market administrator, his own compensation, and all other expenses which will necessarily be incurred by him for the maintenance and functioning of his office and the performance of his duties;

(i) Maintain a main office and such branch offices as may be necessary;

(j) Promptly notify a handler, upon receipt of the handler's written request therefor, of his determination: as to whether one or more plants exist at a specified location, as to whether any specified item constitutes a part of the handler's plant, or as to which plant a specified item is a part in the event that the particular premises in question constitutes more than one plant: *Provided,* That if the request of the handler is for revision or affirmation of a previous determination, there is set forth in the request a statement of what the handler believes to be the changed conditions which make a new determination necessary. If a handler has been notified in writing of a determination with respect to an establishment operated by him, any revision of such determination shall not be effective prior to the date on which such handler is notified of the revised determination; and

(k) Cooperate with the market administrator of the North Jersey order to achieve coordination of this order and the New York order and to effectuate the declared purposes of the act.

POOL PLANTS

§ 927.20 *Initial designation.* Any plant for which the report of milk received from dairy farmers was used in the computation of the uniform price for November 1955 and which was a pool plant by designation under §§ 927.20 through 927.26 of Order No. 27 is hereby designated as a pool plant until such designation is cancelled pursuant to sections 24 or 25. In addition any plant which had 80 percent of the milk it received in each of the preceding months of July, August, October, November and December used as fluid milk in the marketing area shall be so designated subject to the same cancellation. Applications shall be addressed to the Secretary and filed at the office of the market administrator.

§ 927.21 *Eligible applicants.* Any person who operates a plant which is either approved as a source of milk by a health authority in the marketing area at the time of application and under the sanitary supervision of such authority, or was a pool plant during the preceding October, November, and December, and which had 80 percent of the milk it received from producers in each of the preceding months of July, August, October, November and December classified as I–A by actual utilization, rather than assignment or selection of classification and without displacing other milk, may apply to the Secretary prior to January 1 of any year to have such a plant designated as a pool plant: *Provided,* That if 50 percent or more of the dairy farmers delivering milk at such plant deliver such milk for the account of a cooperative association which does not operate the plant but for which milk such association receives payment, an application must be made by such cooperative association as well as by the person operating the plant.

§ 927.22 *Designation upon application.* Any plant for which an application has been made pursuant to § 927.21 shall be designated as a pool plant upon determination by the Secretary that the requirements of § 927.23 are being met. Such designation shall be effective as of February 1 following the date of application and until cancelled pursuant to § 927.24. If, based upon the information contained in an application filed pursuant to § 927.21, the Secretary determines that the requirements of § 927.23 are not being met, the applicant or applicants shall be so notified. Within 15 days after receipt of such notice, the applicant or applicants may submit additional information and request further consideration. Prior to the issuance of the determination of the Secretary, an application may be withdrawn by written request of the applicant or applicants. In the event that no determination is made by the Secretary prior to February 1, the effective date of the designation, upon written request of the applicant or applicants prior to the issuance of a determination, shall be deferred until the first of the month following the date of such determination. If the application is not so withdrawn, or the effective date of designation is not so deferred, the plant shall be treated as a pool plant as of February 1: *Provided,* That all payments into or out of the producer settlement fund (except such payments which are made on the basis of operations during a month in which a plant meets the requirements of § 927.27) shall be held in reserve by the market administrator until a determination is made.

§ 927.23 *Requirements.* In order to qualify as a pool plant pursuant to §§ 927.20, 927.22, or 927.25, the person operating the plant shall meet each of the following requirements:

(a) Be willing to ship in the form of milk to the marketing area, milk received at the plant from dairy farmers;

(b) Keep such control over the sanitary conditions under which milk received at the plant is produced and handled, that the plant can meet the requirements of a source of milk for the marketing area: *Provided,* That approval by a health authority of the plant as a source of milk for the marketing area shall constitute sufficient evidence that this requirement is being met even though such approval is restricted to prohibit shipment to the marketing area of milk for specified periods during which permission is given by such health authority for receiving unapproved milk or skim milk at the plant or for shipment of approved skim milk from such plant; and

(c) Have no commitments for disposition of milk that prevent him from utilizing milk as set forth in § 927.24 (g).

(d) In the case of plants designated pursuant to § 927.22, such plants continue to ship 80 percent of the milk received at the plant each year in accordance with the classification requirements of § 927.21.

§ 927.24 *Suspension and cancellation of designation.* The designation of a pool plant pursuant to §§ 927.20, 927.22, or 927.25 may be suspended or cancelled under any of the following provisions:

(a) The designation shall be cancelled upon application to the market administrator by the handler operating the plant effective at any time but not sooner than 30 days after receipt of such application: *Provided,* That such application for cancellation shall be accompanied by proof that the handler, if not a cooperative association qualified pursuant to § 927.76, has notified any qualified cooperative association which has any members who deliver milk to such plant, and has notified individually all producers delivering to such plant who are not members of such qualified cooperative association, of his intention to make such application: *Provided further,* That if 50 percent or more of the producers delivering milk at such plant deliver such milk for the account of a cooperative association which does not operate the plant, but for which milk such association receives payment, an application must be made by such cooperative association as well as by the handler operating the plant.



(b) The designation of any plant which on December 15 of any year is not approved by a health authority as a source of milk for the marketing area shall be automatically cancelled effective on February 1 of such year unless the absence of such approval is a temporary condition covering a period of not more than 15 days: *Provided,* That the designation of a plant approved by a health authority as a source of milk for the marketing area, even though such approval is restricted to prohibit shipment to the marketing area of milk for specified periods during which permission is given by such health authority for receiving unapproved milk or skim milk at the plant or for shipment of approved skim milk from such plant, shall not be cancelled pursuant to this provision. This provision does not prevent a handler from applying pursuant to § 927.21 for a new designation effective on December 1 of the same year.

(c) The designation of any plant shall be suspended, effective no sooner than 10 days nor later than 20 days after the date of mailing of notice, by registered letter, to the handler, whenever the market administrator, subject to the limitations set forth in paragraph (g) of this section, finds on the basis of available information that the handler operating the plant is not meeting the requirements set forth in § 927.23: *Provided,* That if the handler operating the plant is not a cooperative association qualified pursuant to § 927.76, the market administrator shall also notify any qualified cooperative association which has any members who deliver milk to such plant, and shall notify individually all producers delivering to such plant who are not members of such qualified cooperative association, of such suspension of designation.

(d) In the case of the suspension pursuant to this section of the designation of one or more plants for failure to meet the requirements of § 927.23 (a) or (c), the handler operating such plant may select, prior to the effective date of such suspension, some other pool plant or plants to be substituted for the plant or plants suspended if, during the preceding month, the quantity of milk received from producers at such substituted plant or plants was not less than the quantity of milk received from producers at the suspended plant or plants. The handler may also select the order in which plant designations are to be cancelled in the event of a later determination by the Secretary cancelling the designation of some but not all of the plants suspended.

(e) Not later than 10 days after the effective date of suspension of designation pursuant to this section, the handler operating the plant may apply to the Secretary for a review. If the handler fails to so apply for such review, the designation of the plant as a pool plant shall be cancelled as of the effective date of the suspension. If the handler does so apply, the Secretary shall, after review, either determine that the requirements set forth in § 927.23 have been met and order the suspension revoked, or determine that such requirements have not been met and order the designation cancelled as of the effective date of the suspension: *Provided,* That, if the Secretary has made no determination within two months after the end of the month in which the suspension was made effective, but later orders the designation cancelled, such cancellation shall be effective as of the first of the month following the date of such determination.

(f) Beginning with the effective date of a suspension pursuant to this section, and until the Secretary has either ordered the designation cancelled or ordered the suspension revoked, the plant shall be treated as a pool plant: *Provided,* That all payments into or out of the producer settlement fund (except such payments on the basis of operations during a month in which the plant meets the requirements of § 927.27), shall be held in reserve by the market administrator until an order is issued by the Secretary, but not longer than two months after the end of the month in which the suspension was made effective.

(g) No pool plant designation shall be suspended for failure to meet the requirements of § 927.23 (a) except under the following conditions:

(1) A meeting has been held, no sooner than three days after notice by the market administrator to all handlers operating pool plants designated pursuant to §§ 927.20, 927.22, or 927.25, for consideration of the desirable utilization of milk received from producers during a period ending not later than the end of the second month after the month during which such meeting is held.

(2) There has been issued by the market administrator, following such meeting, and mailed to all handlers operating pool plants designated pursuant to §§ 927.20, 927.22, or 927.25 the market administrator's determination of the desirable utilization of milk received from producers each month during all or a part of the period set forth in subparagraph (1) of this paragraph. Such determination shall include a schedule setting forth, by months, the desired minimum percentage of milk received from producers to be utilized in specified classes. Such specified classes shall include Class I–A, and Class I–C to the extent of 50 percent of the milk received by a handler from producers which is ultimately distributed in the State of New York, in New Jersey, in Fairfield County, Connecticut, or in Pennsylvania outside the counties of Allegheny, Beaver, Fayette, Greene, Washington, and Westmoreland. In addition, such specified classes may include all or a part of Class II and other I–C.

(3) The market administrator finds on the basis of available information that the handler operating a plant or the cooperative reporting a plant is not utilizing milk received from producers in accordance with the minimum percentage set forth in the determination of the market administrator previously announced pursuant to subparagraph (2) of this paragraph: *Provided,* That the suspension of the pool plant designation of a plant may be made effective during the months of November and December if the market administrator finds that the handler is utilizing any milk received from producers in classes other than those set forth in the determination of the market administrator announced pursuant to subparagraph (2) of this paragraph.

(h) The cancellation of pool plant designations for failure to meet the requirements of § 927.23 (a) shall be subject to the following conditions:

(1) No pool plant designation shall be cancelled if the handler operating the plant utilized the milk received by him at all pool plants from producers during the month in which the suspension is made effective in accordance with the minimum percentage set forth in the determination of the market administrator announced pursuant to paragraph (g) (2) of this section.

(2) No pool plant designation shall be cancelled if the handler operating the plant utilized in the specified classes set forth in the determination of the market administrator announced pursuant to paragraph (g) (2) of this section a percentage of the total milk received by him at all pool plants from producers during the month in which the suspension is made effective which is not less than the percentage of the total milk reported by all handlers to have been received from producers during such month which was reported to have been used in the specified classes: *Provided,* That the limitation as to quantity and area set forth in the determination of the market administrator announced pursuant to paragraph (g) (2) of this section shall apply in computing the utilization percentage of the individual handler but shall not apply in computing the utilization percentage of all handlers.

(3) In the event that all milk received from producers at a plant is reported to the market administrator by a cooperative association qualified pursuant to § 927.76, and such association pays the producers for such milk, the pool plant designation of such plant shall not be cancelled if a percentage of all milk reported by such cooperative association is utilized in accordance with the minimum percentage set forth in the determination of the market administrator announced pursuant to paragraph (g) (2) of this section, or in accordance with the percentage set forth in subparagraph (2) of this paragraph.

(4) Cancellation of designations shall be limited to those plants necessary to result in a utilization of milk received at the remaining pool plants operated by the handler, or reported by the cooperative, as the case may be, in accordance with the minimum percentage set forth in the determination of the market administrator announced pursuant to paragraph (g) (2) of this section.

(i) Loss of approval by health authorities of a plant as a source of milk for the marketing area may in itself constitute adequate reason for the market administrator to suspend the designation of a plant for failure to meet the requirements of § 927.23 (b), only if the absence of such approval continues for more than 15 days.

§ 927.25 *Plant replacements.* A plant may be designated at any time as a pool plant upon application made by the per-

son operating the plant to the Secretary showing that the plant is a replacement for one or more pool plants designated pursuant to §§ 927.20, 927.22, or this section which are operated by him and that substantially all of the dairy farmers delivering milk at the plant previously delivered milk to the pool plant or plants replaced. Upon designation of a plant pursuant to this section, the designation of the plant or plants which is replaced shall be automatically cancelled.

§ 927.26 *Change of operator.* The designation of pool plants pursuant to §§ 927.20, 927.22, and 927.25 shall be considered as applicable to the plant as such, and subject to cancellation only pursuant to §§ 927.24 and 927.25, regardless of change in the person owning or operating the plant. The market administrator shall be notified, by the handlers involved, of any transfer from one person to another of ownership or operation of a pool plant.

§ 927.27 *Plants shipping Class I–A milk to the marketing area.* For any month a plant from which during such month Class I–A milk, either directly or through other plants, is sold or distributed in or shipped to the marketing area, which quantity of milk during the months of July through March, is equal to more than 25 percent of the milk received directly from dairy farmers, or during the months of April through June is equal to more than 10 percent of the milk received directly from dairy farmers, shall automatically be designated a pool plant: *Provided*, That for the months of April, May, or June no plant at which milk was received from dairy farmers during the preceding period of October, November, and December shall be a pool plant on this basis, unless at least 60 percent of such milk was classified in Class I–A, and either directly, or through other plants, was sold or distributed in or shipped to the marketing area in the form of milk: *Provided further*, That no plant shall be a pool plant on this basis during the months of January through July, if the designation of the plant as a pool plant was cancelled for failure to meet the requirements of § 927.23 (a) during the preceding year: *Provided further*, That this section shall not be in effect at any time later than twelve months after the effective date of this subpart unless and until the utilization of Class I–A milk under the subpart exceeds 75 percent of the milk included in the computation of the Producer Settlement Fund, in which event this section shall again be in effect starting with the second month following the month in which such classification condition occurs and continue in effect for eleven months thereafter. At the time of announcing the uniform price for each month, the market administrator shall make public the location and name of the operator of any plant for which a report of receipts from dairy farmers was used pursuant to this section in the computation of that uniform price.

§ 927.28 *Pool plant transfer.* Any plant designated as a pool plant under sections 20 and 22 of the North Jersey order may, prior to January 1, apply to the Secretary for transfer to this order provided the plant is approved as a source of milk by a health authority in the marketing area at the time of application and under the sanitary supervision of such authority and continues to meet the requirements set forth in section 23 applicable to such plant in accordance with its prior designation under section 20 or 22 of the North Jersey order, which ever applies. Such designation shall be effective as of February 1 following the date of application and until cancelled pursuant to section 24 or 25.

CLASSIFICATION

§ 927.30 *Basis of classification.* All milk the butterfat from which is received at a plant at which the classification of milk received from producers is to be determined pursuant to § 927.33, and all milk entering the marketing area in the form of milk, concentrated fluid milk, fluid milk products, cultured or flavored milk drinks, cream, half and half, fluid cream products, or skim milk, shall be classified in accordance with the form in which it is held at, or moved from, the plant at which classification is determined. Such classification shall be subject to the conditions set forth in §§ 927.31 through 927.35.

§ 927.31 *Burden of proof.* In establishing the classification of milk received from producers, the burden rests upon the handler who received the milk from producers to show that the milk should not be classified as Class I-A, and that the skim milk in Class II and Class III milk should not be subject to the fluid skim differential. The burden rests upon the handler who receives in the marketing area or at a pool plant or distributes in the marketing area, milk, concentrated fluid milk, fluid milk products, cultured or flavored milk drinks, cream, half and half, fluid cream products, or fluid skim milk to establish the source of all of his milk and milk products, and in the absence of such proof such milk and the milk equivalent of such enumerated products shall be subject to the provisions of § 927.79.

§ 927.32 *Period for establishing classification.* A period ending with the last day of the month following the month during which the milk was received from dairy farmers shall be allowed for handling such milk as a basis for establishing the classification as other than Class I–A: *Provided*, That the holding of milk in the form of cream in a licensed cold storage warehouse for at least 7 days shall constitute that portion of the handling of such cream required pursuant to § 927.37 (e) (2) that is required to be performed during the month following its receipt from dairy farmers.

§ 927.33 *Plant at which classification is to be determined.* Classification shall be determined at the plant at which milk is received from dairy farmers: *Provided*, That if such milk is shipped in the form of milk or cream to another plant or other plants, it shall be classified, subject to the provisions of paragraphs (a) through (e) of this section, at the plant or plants to which it is shipped, and there shall be no limit on the number of interplant movements in the form of milk or cream except as set forth in paragraphs (a) through (e) of this section: *Provided further*, That for the purpose of applying paragraphs (a), (b) and (c) of this section, "marketing area" means the marketing area under this order or the marketing area under the North Jersey order.

(a) The classification of milk shipped in the form of milk to a plant in the marketing area shall be determined at the plant from which such milk is shipped to the plant in the marketing area.

(b) Except as set forth in paragraph (c) of this section, the classification of milk the butterfat from which is shipped in the form of cream to a plant in the marketing area shall be determined at the plant from which such cream is shipped to the plant in the marketing area.

(c) The classification of milk the butterfat from which is shipped in the form of cream to a plant in the marketing area shall be determined, if such cream is moved in the form of frozen desserts or homogenized mixtures, whipped topping mixtures, or cream cheese either from the plant at which cream is first received in the marketing area or from the first plant to which cream is shipped from the plant where first received in the marketing area, at the first plant from which the frozen desserts or homogenized mixtures, whipped topping mixtures, or cream cheese are so moved.

(d) Except as set forth in paragraph (e) of this section, the classification of milk the butterfat from which is shipped in the form of cream to a non-pool plant shall be determined at the non-pool plant, unless the handler operating the pool plant from which such shipments are made to the non-pool plant elects in writing on his monthly reports to have classification of all milk or cream received during the month at such handler's pool plant and shipped as milk or cream to the non-pool plant determined at the pool plant from which the milk or cream is shipped to the non-pool plant: *Provided*, That non-pool plant for the purpose of applying this paragraph shall be limited to plants which are not pool plants under either this order or the North Jersey order.

(e) The classification of milk the butterfat from which is shipped in the form of cream more than 65 miles from the plant where the milk was separated to a plant outside Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York State, Ohio, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, or the District of Columbia shall be determined at the plant from which cream is so shipped.

§ 927.34 *Plant loss.* Allowances for plant loss not to exceed 5 percent of the butterfat in the product resulting from any specific plant operation, which plant loss may be classified the same as the milk equivalent of the butterfat in the product, shall be determined by the market administrator pursuant to § 927.36.

§ 927.35 *Accounting procedure.* The accounting procedure for classifying milk pursuant to §§ 927.30 through 927.37 and in § 927.42 shall be set up by the market administrator pursuant to § 927.36. Such accounting procedure shall include methods of making determinations under § 927.42 and individual determinations made in accordance with such methods and conversion factors to be used in the absence of specific weights and tests, specific definitions of products, and such methods for assignment of milk to classes according to source and form as may be necessary to effectuate the provisions of §§ 927.30 through 927.37 and which are not inconsistent with the following general principles:

(a) Milk, concentrated fluid milk, fluid milk products, cream, half and half, fluid cream products, and skim milk received from pool plants or from producers shall be assigned, as far as possible, to Class I–A, Class II, or to skim milk subject to the fluid skim milk differential: *Provided*, That at a plant in the marketing area milk received directly from producers by tank truck shall be assigned to Class I–A prior to the assignment of milk from other plants to Class I–A.

(b) After the assignments prescribed in paragraph (a) of this section, the remaining whole milk received at a plant from producers or from pool plants and in like form from dairy farmers not producers or from non-pool plants shall be assigned pro rata to the total classification of all milk on hand at or leaving such plant as whole milk: *Provided*, That fluid milk shipped from a pool plant to a non-pool plant in the area in which I–C classification is permitted, and when milk from such non-pool plant is shipped in the same month either directly or indirectly to an area where I–B classification applies, and there used for fluid purposes, such shipment shall be assigned as far as possible to Class I–B.

(c) After the assignments prescribed in paragraphs (a) and (b) of this section, the then remaining milk or cream received from producers or from pool plants and the milk or cream received from dairy farmers not producers or from non-pool plants shall be assigned pro rata to the total remaining classification of such products received in like form.

(d) After the assignment of skim milk prescribed in paragraph (a) of this section, skim milk received from non-pool plants shall be assigned to the remaining skim milk subject to the fluid skim differential.

(e) The milk received from producers which is eliminated from the computation of the handler's net pool obligation pursuant to § 927.60 shall be assigned pro rata to the total classification of all milk from producers and pool plants.

§ 927.36 *Rules and regulations.* The rules and regulations to effectuate the terms and provisions of §§ 927.30 through 927.37 and in § 927.42 shall be made, and may from time to time be amended by the market administrator in accordance with the procedure set forth in this section: *Provided*, That at any time upon a determination by the Secretary that an emergency exists which requires the immediate adoption of rules and regulations, the market administrator may issue, with the approval of the Secretary, temporary rules and regulations without regard to the following procedure: *Provided further*, That if any interested person makes written request for the issuance, amendment, or repeal of any rule, the market administrator shall within 30 days either issue notice of meeting pursuant to paragraph (a) of this section or deny such request, and except in affirming a prior denial, or where the denial is self-explanatory, shall state the grounds for such denial.

(a) All proposed rules and regulations and amendments thereto shall be the subject of a meeting called by the market administrator, at which time all interested persons shall have opportunity to be heard. Notice of such meeting shall be given by the market administrator, and a copy of the proposed rules and regulations shall be sent at least five days prior to the date of the meeting to all handlers operating pool plants. A stenographic record shall be made at all such meetings and such record shall be public information available for inspection at the office of the market administrator. All such meetings shall be conducted jointly with the administrator of the North Jersey order and handlers under this order and the North Jersey order shall be considered interested parties.

(b) A period of at least five days after the meeting held pursuant to paragraph (a) of this section shall be allowed for the filing of briefs. Such briefs shall be public information available for inspection at the office of the market administrator.

(c) Not later than 30 days after a meeting held pursuant to paragraph (a) of this section, the market administrator shall issue and send to all handlers operating pool plants the tentative rules and regulations or amendments thereto relating to the issues considered at such meeting, or a tentative notice that no rules or regulations or amendments thereto are to be issued prior to further consideration at another meeting. The tentative rules and regulations, or tentative notice, together with copies of the stenographic record and briefs, shall also at the same time be forwarded by the market administrator to the Secretary. The tentative rules and regulations shall, in substance, be the same as issued by the North Jersey market administrator.

(d) Not later than 30 days after issuance by the market administrator, the Secretary shall either approve the tentative rules and regulations or tentative notice as issued, or direct the market administrator to reconsider. In which latter event, the market administrator shall within 30 days either issue revised tentative rules and regulations or tentative notice, or call another meeting pursuant to paragraph (a) of this section.

(e) The tentative rules and regulations and amendments thereto or tentative notice issued pursuant to paragraph (c) of this section shall be effective as of the first of the month following approval by the Secretary, but not sooner than ten days after issuance by the market administrator.

§ 927.37 *Classes of utilization.* Subject to all of the conditions set forth in §§ 927.30 through 927.36, milk shall be classified at the plant at which classification is to be determined as follows:

(a) Class I–A milk shall be all milk, except as provided in paragraphs (b) and (c) of this section and in subparagraphs (3) and (5) of paragraph (e) of this section, the butterfat from which leaves or is on hand at the plant in the form of milk, concentrated fluid milk, fluid milk products, or as cultured or flavored milk drinks containing 3.0 percent or more but not more than 5.0 percent of butterfat, and all milk the classification of which is not established in some other class named in this section.

(b) Class I–B milk shall be all milk, except as provided in subparagraphs (3) and (5) of paragraph (e) of this section, the butterfat from which leaves the plant in the form of milk, concentrated fluid milk, fluid milk products, or of cultured or flavored milk drinks containing 3.0 percent or more but not more than 5.0 percent of butterfat, and which is delivered to a plant or a purchaser outside of the state of New York and outside of Northern New Jersey, but which at no time (1) is received, other than directly from producers, at a plant in the marketing area of this subpart or the marketing area of the North Jersey order or (2) otherwise enters such marketing areas, except as an incident to its transportation and delivery to a point outside of the marketing area: *Provided*, That use aboard a ship or other carrier shall not constitute such delivery.

(c) Class I–C milk shall be all milk, except as provided in subparagraph (3) and (5) of paragraph (e) of this section, the butterfat from which leaves the plant in the form of milk, concentrated fluid milk, fluid milk products, or as cultured or flavored milk drinks containing 3.0 percent or more but not more than 5.0 percent of butterfat, and which is delivered to a plant or a purchaser in the state of New York or Northern New Jersey, but which at no time (1) is received, other than directly from producers, at a plant in the marketing area of this subpart or the marketing area of the North Jersey order or (2) otherwise enters such marketing areas, except as an incident to its transportation and delivery to a point outside of the marketing area: *Provided*, That use aboard a ship or other carrier shall not constitute such delivery.

(d) Class II milk shall be all milk the butterfat from which leaves or is on hand at the plant in the form of cream, sweet or sour, half and half, fluid cream products, or in the form of cultured or flavored milk drinks containing less than 3.0 percent or more than 5.0 percent of butterfat, unless such cream, half and half, fluid cream products, or cultured or flavored milk drinks are established to have been so handled or marketed as to classify such milk in some other class named in this section.

(e) Class III milk shall be all milk which meets the conditions set forth in any one of the following subparagraphs:

(1) All milk the butterfat from which leaves or is on hand at the plant in the form of cultured or flavored milk drinks containing less than 3.0 percent or more than 5.0 percent of butterfat or in the form of cream, half and half, or fluid cream products which cream, half and half, fluid cream products, or cultured or flavored milk drinks is delivered to a plant or a purchaser outside the marketing area, but which at no time (i) is received at a plant in the marketing area, or (ii) otherwise enters the marketing area except as an incident to its transportation and delivery to a point outside of the marketing area: *Provided*, That use aboard a ship or other carrier shall not constitute such delivery.

(2) All milk the butterfat from which leaves or is on hand at the plant in the form of cream which is subsequently held in a licensed cold storage warehouse for at least 28 days, and which is subject at all times until utilization of such cream to being inspected by a representative of the market administrator to determine the physical presence of the cream. After the first 7 days, such cream may be moved from one licensed cold storage warehouse to another: *Provided*, That the market administrator receives notice of such removal within 7 days thereafter. Any handler whose report claimed the original classification of milk pursuant to this subparagraph shall be liable under the provisions of § 927.75 for the difference between the Class II and Class III prices for the month in which the Class III classification was claimed on any such milk if the storage of cream does not comply with all the requirements of this subparagraph.

(3) All milk the butterfat from which leaves the plant in the form of products named in paragraphs (a), (b), (c), or (d) of this section if such products have been sterilized and leave the plant in hermetically sealed containers.

(4) All milk received during the months of March through July the butterfat from which leaves the plant in the form of milk which is delivered in bulk to an establishment outside the marketing area (other than a plant as defined in § 927.8), at which food products are processed and packed in hermetically sealed containers and at which establishment there is no disposition of milk or milk products specified in paragraphs (a), (b), (c), or (d) of this section other than milk or milk products received in consumer packages for consumption on the premises.

(5) All milk the butterfat from which leaves or is on hand at the plant in the form of concentrated fluid milk which is established not to have been packaged in consumer packages either before or after leaving the plant.

(6) All milk the butterfat from which leaves or is on hand at the plant in the form of some product the classification of which is not established in some other class named in this section.

MINIMUM PRICES

§ 927.40 *Class prices.* For milk received during each month from producers or cooperative associations of producers, each handler shall pay per hundredweight not less than the prices set forth in this section, subject to the differentials and adjustments in §§ 927.41 through 927.44. Any handler who purchases or receives, during any month, milk from a cooperative association of producers which is also a handler shall, on or before the 15th day of the following month, pay such cooperative association in full for such milk at not less than the minimum class prices applicable pursuant to this section, subject to the differentials and adjustments in §§ 927.41 through 927.44.

(a) For Class I–A milk the price during each month shall be the New Jersey-New York basic Class I–A price per hundredweight determined for each month pursuant to § 927.47.

(b) For Class I–B milk the price during each month shall be the price for Class I–A milk.

(c) For Class I–C milk the price shall be the uniform price computed by the market administrator pursuant to § 927.61 plus 20 cents per hundredweight.

(d) For Class II milk the price during each month shall be the sum of the amounts computed pursuant to subparagraphs (1) and (2) of this paragraph.

(1)

| U. S. Grade A or U. S. 92-score butter, wholesale, at New York, average price announced pursuant to sec. 927.46 (a) (4) for the period ending on the 24th of the preceding month (cents per pound) | Class II price | |
|---|---|---|
| | March through July | August through February |
| | *Dollars per hundredweight* | *Dollars per hundredweight* |
| Under 21.5 | 1.35 | 1.50 |
| 21.5 or over, but under 25.0 | 1.50 | 1.65 |
| 25.0 or over, but under 28.5 | 1.65 | 1.80 |
| 28.5 or over, but under 32.0 | 1.80 | 1.95 |
| 32.0 or over, but under 35.5 | 1.95 | 2.10 |
| 35.5 or over, but under 39.0 | 2.10 | 2.25 |
| 39.0 or over, but under 42.5 | 2.25 | 2.40 |
| 42.5 or over, but under 46.0 | 2.40 | 2.55 |
| 46.0 or over, but under 49.5 | 2.55 | 2.70 |
| 49.5 or over, but under 53.0 | 2.70 | 2.85 |
| 53.0 or over, but under 56.5 | 2.85 | 3.00 |
| 56.5 or over, but under 60.0 | 3.00 | 3.15 |
| 60.0 or over, but under 63.5 | 3.15 | 3.30 |
| 63.5 or over, but under 67.0 | 3.30 | 3.45 |
| 67.0 or over, but under 70.5 | 3.45 | 3.60 |
| 70.5 or over, but under 74.0 | 3.60 | 3.75 |
| 74.0 or over, but under 77.5 | 3.75 | 3.90 |
| 77.5 or over, but under 81.0 | 3.90 | 4.05 |

Should the average butter price set forth above be 81.0 cents or more, the Class II price shall be the price which would result from further extension of this table at the same rate to cover such average butter price.

(2) Multiply by 7.5 the average of all the hot roller process dry skim milk or nonfat dry milk solids quotation for "other brands, human consumption, carlots, bags, or barrels" (using midpoint of any range as one quotation), published for the delivery period in "The Producers' Price-Current," and subtract 48 cents.

(e) For Class III milk, the price shall be the sum of the amounts computed pursuant to subparagraphs (1) and (2) of this paragraph minus 80 cents: *Provided*, That for the months of May and June 1954 an additional 10 cents shall be subtracted from such sum.

(1) To the simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) reported during such month by the United States Department of Agriculture for Grade A (92-score) bulk creamery butter in the New York City market, add two cents, multiply by 1.22, and then multiply by 3.5: *Provided*, That for any of the months from August through February for which the utilization adjustment percentage announced pursuant to § 927.46 (a) (2) is 92 or larger, there shall be an additional three cents added to such average butter price.

(2) Multiply by 7.8 the weighted average, as computed by the market administrator using a weight of 70 for roller process prices and a weight of 30 for spray process prices, of the prices per pound of roller process and spray process nonfat dry milk solids, for human consumption in carlots, f. o. b. manufacturing plants in the Chicago area, as published by the United States Department of Agriculture for the period from the 26th day of the immediately preceding month through the 25th day of the current month.

§ 927.41 *Butterfat differentials.* The minimum price for Class I–A, Class I–B, and Class I–C milk shall be plus or minus four cents for each one-tenth of 1 percent of butterfat therein above or below 3.5 percent. The minimum price for Class II and Class III milk shall be plus or minus, for each one-tenth of 1 percent of butterfat therein above or below 3.5 percent, an amount computed as follows: subtract from the respective class prices an amount computed pursuant to § 927.40 (d) (2), and divide by 35.

§ 927.42 *Transportation differentials.* The Market Administrator shall determine and publicly announce a freight zone for each pool plant and each reloading point and he shall determine the freight zone for each plant at which milk or milk products, subject to the provisions of §§ 927.78 or 927.79 is received from dairy farmers or is first found. Such freight zone shall be based on the shortest highway mileage usable throughout the year for milk transportation from the plant or reloading point to the New York-New Jersey state line in the Lincoln Tunnel. The freight zone for producers delivering to bulk tank trucks which is reloaded into another tank truck before entering a plant shall be at the point of reloading. The freight zone for producers delivering milk to bulk tank trucks which is not so reloaded shall be the freight zone of the pool plant to which milk is delivered. The class prices set forth in § 927.40 and the fluid skim differential set forth in § 927.44 shall be plus or minus and the payments to producers under § 927.66 shall be plus or minus the respective amount set forth in the following schedule:

| A | B | C | D |
|---|---|---|---|
| Freight zone (miles) | Classes I–A, I–B, I–C and skim milk subject to the fluid skim differential | Classes II and III | Producer payment |
| | *Cents per hundredweight* | *Cents per hundredweight* | *Cents per hundredweight* |
| 1–10 | 23.8 | 10 | 21.8 |
| 11–20 | 23.8 | 10 | 23.8 |
| 21–25 | 23.8 | 10 | 23.8 |
| 26–30 | 23.8 | 10 | 23.8 |
| 31–40 | 23.8 | 10 | 23.8 |



| A | B | C | D |
|---|---|---|---|
| Freight zone (miles) | Classes I–A, I–B, I–C and skim milk subject to the fluid skim differential | Classes II and III | Producer payment |
| | *Cents per hundredweight* | *Cents per hundredweight* | *Cents per hundredweight* |
| 41–50 | 22.4 | 10 | 22.4 |
| 51–60 | 21.0 | 8 | 21.0 |
| 61–70 | 19.6 | 8 | 19.6 |
| 71–75 | 18.2 | 8 | 18.2 |
| 76–80 | 17.5 | 6 | 17.5 |
| 81–90 | 16.8 | 6 | 16.8 |
| 91–100 | 15.4 | 6 | 15.4 |
| 101–110 | 14.0 | 4 | 14.0 |
| 111–120 | 12.6 | 4 | 12.6 |
| 121–125 | 11.2 | 4 | 11.2 |
| 126–130 | 10.5 | 3 | 10.5 |
| 131–140 | 9.8 | 3 | 9.8 |
| 141–150 | 8.4 | 3 | 8.4 |
| 151–160 | 7.0 | 2 | 7.0 |
| 161–170 | 5.6 | 2 | 5.6 |
| 171–175 | 4.2 | 2 | 4.2 |
| 176–180 | 3.5 | 1 | 3.5 |
| 181–190 | 2.8 | 1 | 2.8 |
| 191–200 | 1.4 | 1 | 1.4 |
| 201–210 | 0.0 | 0 | 0.0 |
| 211–220 | −1.4 | 0 | −1.0 |
| 221–225 | −2.1 | 0 | −1.0 |
| 226–230 | −2.8 | −1 | −1.0 |
| 231–240 | −4.2 | −1 | −2.0 |
| 241–250 | −5.6 | −1 | −2.0 |
| 251–260 | −6.6 | −2 | −3.5 |
| 261–270 | −6.6 | −2 | −3.5 |
| 271–275 | −6.6 | −2 | −3.5 |
| 276–280 | −7.6 | −3 | −3.5 |
| 281–290 | −7.6 | −3 | −4.5 |
| 291–300 | −7.6 | −3 | −5.5 |
| 301–310 | −8.6 | −4 | −5.5 |
| 311–320 | −8.6 | −4 | −5.5 |
| 321–325 | −8.6 | −4 | −7.0 |
| 326–330 | −9.6 | −5 | −7.0 |
| 331–340 | −9.6 | −5 | −7.0 |
| 341–350 | −9.6 | −5 | −8.0 |
| 351–360 | −10.6 | −6 | −8.0 |
| 361–370 | −10.6 | −6 | −8.0 |
| 371–375 | −10.6 | −6 | −9.0 |
| 376–380 | −11.6 | −7 | −9.0 |
| 381–390 | −11.6 | −7 | −9.0 |
| 391–400 | −11.6 | −7 | −9.0 |
| 401–410 | −12.6 | −8 | −10.5 |
| 411–420 | −12.6 | −8 | −10.5 |
| 421–425 | −12.6 | −8 | −10.5 |
| 426–430 | −13.6 | −9 | −10.5 |
| 431–440 | −13.6 | −9 | −11.5 |
| 441–450 | −13.6 | −9 | −11.5 |
| 451–460 | −14.6 | −10 | −11.5 |
| 461–470 | −14.6 | −10 | −12.5 |
| 471–475 | −14.6 | −10 | −12.5 |
| 476–480 | −15.6 | −11 | −12.5 |
| 481–490 | −15.6 | −11 | −14.0 |
| 491 and over | −15.6 | −11 | −14.0 |

§ 927.43 *Butter-cheese adjustment.* For milk received from producers which is classified as Class III pursuant to § 927.37 (e) (6), and which leaves or is on hand at the plant at which classification is determined in the form of butter or Cheddar, American Cheddar, Colby, washed curd, or part skim Cheddar cheese, or is assigned to plant loss which pursuant to § 927.34 is associated with such products, there shall be credited to the handler receiving the milk from producers four cents per pound of butterfat in such milk: *Provided*, That the amount so credited shall be reduced one cent per pound of butterfat for each one-tenth by which the ratio of 2.5 exceeds a ratio computed as follows: Add to the New York 92-score butter price for the month announced pursuant to § 927.46 (b) (5) the amount obtained by multiplying by 1.83 the weighted nonfat dry milk solids price for the period ending with the 25th day of the month as announced pursuant to § 927.46 (b) (7); divide this sum by the price of Cheddar cheese for the month as announced pursuant to § 927.46 (b) (8) and round the result to the nearest tenth: *Provided further*, That for milk received from producers during any of the months of March through July which is classified on the basis of one of the types of cheese named in this section, the amount so credited shall be increased one cent per pound of butterfat for each full five hundredths by which the ratio of 2.5 is lower than the ratio computed pursuant to the first proviso of this section, except that, for purposes of this proviso, the ratio computed shall be rounded to the nearest hundredth: *Provided further*, That for such milk received from producers at a plant in a freight zone farther from New York City than the 321-325 mile zone, there shall be deducted from the amount so credited the following amounts per hundredweight of milk:

| Zones of plant: | *Cents per hundredweight* |
|---|---|
| 326–350 | 1 |
| 351–375 | 2 |
| 376–400 | 3 |
| 401–425 | 4 |
| 426–450 | 5 |
| 451–475 | 6 |
| 476–500 | 7 |

With respect to each plant at which milk received from producers is reported by the handler operating the plant to have been utilized (either at the plant where received or at another plant), in an amount exceeding an average of 4,000 pounds per day in the manufacture of butter or of Cheddar, American Cheddar, Colby, washed curd, or part skim Cheddar cheese, the market administrator shall publicly disclose (a) the location of the plant at which the milk was received from producers, and (b) the name of the handler operating such plant. Such public disclosure shall be made monthly on the basis of handlers' monthly reports, and may be made more frequently on the basis of such other utilization reports as may be required by the market administrator.

§ 927.44 *Fluid skim differential.* For skim milk derived from Class II or Class III milk which skim milk enters the marketing area in the form of milk, fluid skim milk, half and half, cream, or cultured milk drinks and there utilized or disposed of in the form of milk, fluid skim milk, half and half, or cultured milk drinks, and for all other skim milk derived from Class II or Class III milk which is not established to have been otherwise utilized or disposed of, the handler shall pay a fluid skim differential per hundredweight computed as follows: Deduct the price of Class III milk from which the butterfat was used in the manufacture of butter and priced in accordance with the preceding section from the price for Class I–A milk computed pursuant to § 927.40 (a), and divide by 0.9125: *Provided*, That with respect to skim milk so utilized or disposed of in half and half, this differential shall apply only to that quantity of skim milk in excess of 4.5 times the quantity of butterfat in such half and half.

§ 927.45 *Use of equivalent price or index.* If for any reason a price or index specified in §§ 927.40 through 927.46 for use in computing and announcing class prices or for any other purpose is not reported or published in the manner therein described, the market administrator shall use a price or index determined by the Secretary to be equivalent to or comparable with the price or index specified.

§ 927.46 *Announcement of prices.* The market administrator shall publicly announce the following:

(a) Not later than the 25th day of each month, or the next succeeding workday in any month in which the 25th day is a Sunday or holiday:

(1) The monthly wholesale price index for all commodities in the preceding month as reported on a 1947–1949 base by the Bureau of Labor Statistics, United States Department of Labor, and the resulting index determined pursuant to § 927.40 (a) (1) multiplied by 100.

(2) The utilization adjustment percentage computed pursuant to § 927.47 for the following month.

(3) The preliminary Class I–A price computed pursuant to § 927.47 for the following month.

(4) The average, for the period beginning with the 25th of the immediately preceding month and ending with the 24th of the current month of the highest prices reported daily by the United States Department of Agriculture for U. S. Grade A or U. S. 92-score butter at wholesale in the New York market.

(5) The preliminary calculation for the following month pursuant to § 927.40 (d) (1).

(6) The index of the cost of production for the preceding month computed by the market administrator as follows:

(i) Combine the index numbers for the states of New York, Pennsylvania, and Vermont with weights of 84 for New York, 13 for Pennsylvania, and 3 for Vermont. The index numbers of cost of production for New York shall be index numbers computed by the New York State College of Agriculture at Cornell University (1910–14 base), converted to a 1948 base.

(ii) The index numbers of cost of production for Pennsylvania shall be computed by combining the index (using a base of 54 cents and a weight of 50) of hourly composite wage rates, reported for Pennsylvania by the United States Department of Agriculture; the index (using a base of $4.53 and a weight of 30) of all purchases of mixed dairy feeds, reported for Pennsylvania by the United States Department of Agriculture; and the index (using a base of $23.31 and a weight of 20) of prices received by farmers for all hay, baled per ton, reported for Pennsylvania by the United States Department of Agriculture.

(iii) The index numbers of cost of production for Vermont shall be computed by combining the index (using a base of 69 cents and a weight of 50) of hourly composite wage rates, reported for Vermont by the United States Department of Agriculture; the index (using a base of $4.63 and a weight of 30) of all purchases of mixed dairy feeds, reported for Vermont by the United States Department of Agriculture; and the index (using a base of $25.42 and a weight of 20) of prices received by farmers for all hay, baled per ton, reported for Ver-

mont by the United States Department of Agriculture.

(7) The index computed by dividing the Class I–A formula price, prior to the seasonal adjustment, for the following month by $5.66.

(8) Other statistics relating to economic conditions affecting the market supply and demand for milk.

(b) Not later than the 5th day of each month for the preceding month:

(1) The minimum class prices pursuant to § 927.40.

(2) The butterfat differentials pursuant to § 927.41.

(3) The butter and cheese adjustment pursuant to § 927.43.

(4) The fluid skim differential pursuant to § 927.44.

(5) The simple average of the daily wholesale selling prices per pound (using the midpoint of any price range as one price) reported by the United States Department of Agriculture for Grade A or 92-score bulk creamery butter in New York City.

(6) The average of the prices (using midpoint of any range as one quotation) reported daily in "The Producers' Price-Current," for hot roller process dry skim milk or nonfat dry milk solids "other brands, human consumption, carlots, bags, or barrels."

(7) The respective averages of the carlot prices per pound of spray process and of roller process nonfat dry milk solids for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the second preceding month through the 25th day of the preceding month by the United States Department of Agriculture, and the weighted average of such two averages using a weight of 70 for roller prices and a weight of 30 for spray prices.

(8) The average selling prices per pound reported by the United States Department of Agriculture for Wisconsin State Brand Cheddars, cars or truckloads, f. o. b. Wisconsin assembly points.

(9) The average of prices paid in the preceding month by 18 midwestern condenseries as reported by the United States Department of Agriculture.

§ 927.47 *New Jersey-New York basic Class I–A price formula.* The New Jersey-New York basic Class I–A price per hundredweight of milk containing 3.5 percent butterfat shall be a price computed pursuant to paragraphs (a) through (k) of this section:

(a) Divide (with the result expressed to three decimal places) the monthly wholesale price index for all commodities in the second preceding month as reported on a 1947–1949 base by the Bureau of Labor Statistics, United States Department of Labor, by the average of the monthly indexes reported on the same base for the year 1948.

(b) Multiply the base price of $5.66 by the result determined pursuant to paragraph (a) of this section. Express the result to the nearest cent.

(c) For each month during the 3 year period ending with the second preceding month, calculate to one decimal place the percentage that the total volume of milk in Classes I-A, I-B, and I-C under this order, and under the North Jersey order was of the total volume of reported receipts from producers and from unrevealed sources under both of such orders (these percentages to be referred to as utilization percentages): *Provided, however,* That in using the above formula for the first thirty-nine months after the effective date of this subpart, the figures used in such computation for any period of time previous to the effective date of this subpart shall be figures derived from the operation of the New York order except that the figure computed in accordance with this section for each of the three months previous to the effective date of any federal order regulating the handling of milk in the North Jersey marketing area shall have added to it the respective percentage point from the following list:

| | | | |
|---|---|---|---|
| January | 4.2 | July | 3.8 |
| February | 4.5 | August | 3.2 |
| March | 4.9 | September | 3.7 |
| April | 5.0 | October | 2.7 |
| May | 4.8 | November | 2.6 |
| June | 4.9 | December | 3.1 |

(d) Calculate the average of the 36 monthly utilization percentages for the 3 year period ending with the second preceding month.

(e) Calculate the average of the 6 utilization percentages for the second and third preceding months and for the same months of the 2 preceding years.

(f) Divide the result determined pursuant to subsection (e) of this paragraph by the result determined pursuant to paragraph (d) of this section expressing the result to three decimal places.

(g) Calculate the average of the 2 utilization percentages in the second and third preceding months.

(h) Divide the result determined pursuant to paragraph (g) of this section by the result determined pursuant to paragraph (f) of this section. Express the result to one decimal place and add 100.

(i) Calculate a utilization adjustment percentage by subtracting the base utilization percentages of 63.6 from the result determined pursuant to paragraph (h) of this section.

(j) Multiply the result determined pursuant to subsection (b) of this paragraph by the utilization adjustment percentage determined pursuant to paragraph (i) of this section.

(k) Multiply the result determined pursuant to paragraph (j) of this section by the following seasonal adjustment factor for the month for which the Class I-A price is being determined:

| | | | |
|---|---|---|---|
| January | 1.05 | July | 0.95 |
| February | 1.03 | August | 1.00 |
| March | 1.00 | September | 1.04 |
| April | 0.94 | October | 1.07 |
| May | 0.88 | November | 1.09 |
| June | 0.88 | December | 1.07 |

(l) Whenever any of the following conditions exist for 3 consecutive months, the Secretary shall call a public hearing promptly to consider those and other economic conditions, or promptly announce his determination that such a hearing should not be held, together with reasons for such determination:

(1) There is a difference of more than 6 points for each of 3 consecutive months between the index of the cost of production announced pursuant to § 927.46 (a) (6) and the index of wholesale prices (1948 base) announced pursuant to § 927.45 (a) (7).

(2) There is a difference of more than 15 points for each of 3 consecutive months between 90 percent of the index of the cost of production announced pursuant to § 927.46 (a) (6) and the index of the Class I–A price announced pursuant to § 927.46 (a) (7).

(3) The Class I–A price for each of 3 consecutive months is less than $1.00 higher than the condensery price announced pursuant to § 927.46 (a) (8) for such months or more than $2.50 higher than such condensery price.

REPORTS OF HANDLERS

§ 927.50 *Monthly reports.* On or before the 10th day of each month, each handler shall report to the market administrator, for the preceding month, in the manner and on forms prescribed by the market administrator, with respect to milk or milk products received at each of his pool plants, and at each of his plants where milk or milk products subjected to payments under §§ 927.78 and 927.79 were handled, the following:

(a) The total quantity of milk and of each milk product with the average butterfat content thereof, received from dairy farmers, from other plants, from such handler's own farm, from other handlers, and from other sources;

(b) The total quantity of milk and of each milk product moved out of, or on hand at, such plant, the average butterfat content thereof, and the destination of any milk or milk product the classification of which wholly or partially depends upon its destination, moved out of such plant;

(c) The disposition of milk or milk products at each other plant at which the disposition of any milk or milk products is claimed as the basis of classification;

(d) The computation pursuant to § 927.60 of such handler's net pool obligation; and

(e) The computation of the amount of any payments pursuant to §§ 927.78 and 927.79.

(f) The amount of milk to be paid for to producers at the Class III price pursuant to the fourth and fifth provisos of § 927.65.

§ 927.51 *Producer payroll reports.* Each handler shall report with respect to producers as follows:

(a) On or before the 10th day after the end of each month, the information required by the market administrator with respect to producer additions, producer withdrawals, and changes in names of farm operators; and

(b) On or before the last day of each month, such handler's producer payroll for the preceding month, which shall show for each producer:

(1) The total delivery of milk with the average butterfat test thereof,

(2) The amount of payment due such producer,

(3) Any deductions and charges made by the handler,



(4) The net amount of payment to such producer made pursuant to §§ 927.65 through 927.67, and

(5) Such other information with respect thereto as the market administrator may require.

§ 927.52 *Storage cream reports.* (a) On or before the last day of the period for establishing classification pursuant to § 927.32, or, if earlier, not later than 15 days prior to the date of final removal of the cream from storage, each handler who separates milk and cream from which is stored as a basis for Class III classification pursuant to § 927.37 (e) (2) shall report to the market administrator on forms prescribed by the market administrator information with respect to the storage of cream. Failure to make such report shall result in the disallowance of Class III classification pursuant to § 927.37 (e) (2).

(b) The handler who made such report shall report to the market administrator, not later than the end of the second month following the month during which frozen cream is utilized, information with respect to the utilization of such cream. Failure to make such reports shall result in the disallowance of storage cream payments pursuant to § 927.77 (b).

(c) With respect to notices of transfer of cream filed pursuant to § 927.37 (e) (2) and with respect to storage cream reports filed pursuant to this section, a receipt form acknowledging receipt of such notice or report shall be mailed by the market administrator to the handler within 48 hours after such notice or report is received by the market administrator.

§ 927.53 *Other reports.* At such time as the market administrator may request, each handler shall report to the market administrator in the manner and on forms prescribed by the market administrator:

(a) The total quantity of milk and of each milk product received at his non-pool plants, with the average butterfat content thereof, from dairy farmers, from other plants, from such handler's own farm, from other handlers, and from other sources;

(b) The total quantity of milk and of each milk product moved out of, or on hand at, his non-pool plants, the average butterfat content thereof, and the destination of any milk or milk product moved out of such plants;

(c) Information concerning land, buildings, surroundings, facilities, and equipment at any of his plants;

(d) The current receipts and utilization of milk at each of his pool plants; and

(e) Such other information as may be necessary for the administration of the provisions of this subpart.

§ 927.54 *Verification of reports and payments.* The market administrator shall promptly verify all reports and payments of each handler by audit of such handler's records and of the records of any handler or person upon whose disposition of milk such handler claims classification, and each such handler shall, during the usual hours of business, make available to the market administrator or his representative such records and facilities, of his own or other persons, as will enable the market administrator to:

(a) Verify the receipts and disposition of all milk required to be reported pursuant to §§ 927.50 through 927.53, and, in case of errors or omissions, ascertain the correct figures;

(b) Weigh, sample, and test for butterfat content the milk received from producers and any product of milk upon which classification depends;

(c) Verify the payments to producers prescribed in §§ 927.65 through 927.67; and

(d) Verify all claims for payments pursuant to §§ 927.76 and 927.77.

(e) Make inspection of buildings and their surroundings, facilities, and equipment for verification purposes and to ascertain what constitutes a plant. *Provided,* That in making verification pursuant to all paragraphs of this section, in case such verification depends on audit of records of handlers under the North Jersey order, the market administrator may rely on audits made by the administrator of the North Jersey order in lieu of audit under this section.

§ 927.55 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain, except that all such books and records pertaining to transactions before August 1, 1946, shall be retained until October 1, 1949: *Provided,* That if, within such three-year period, or before October 1, 1949, whichever is applicable, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

§ 927.56 *Base rating plan.* The base milk of each producer for the purpose of computing the uniform price in § 927.61 and determining rates of payments to producers in § 927.65 shall be determined by the market administrator, starting with the first year this subpart has been in effect since the previous August 1, in accordance with the following rules:

(a) *Daily base.* Each producer's daily base to be applied in March, April, May and June shall, except as provided in paragraph (d) of this section, be his deliveries of milk to a handler during the previous year in the months of August, September, October and November divided by 122, expressed to the nearest pound. The respective handler shall calculate each daily base and notify producers, or in case of a cooperative association qualified under § 927.65, shall notify the cooperative association of the daily bases not later than 45 days after the end of the base making period.

(b) *Base milk.* During each of the months of March, April, May and June, the base milk of each producer shall be his deliveries of milk to a handler up to the quantity obtained by multiplying his daily base by the number of days in the month: *Provided,* That upon request in writing to the market administrator made not later than December 31, if a producer does not deliver milk during part of the base making period because of extreme hardship in production conditions on his farm beyond his control, his daily base shall be determined by dividing his total deliveries of milk during the base making period by the number of days on which deliveries were made except that such number of days shall not be less than 30.

(c) *Excess milk.* Excess milk shall be all milk delivered by producers to handlers in excess of deliveries of base milk.

(d) *Transfer of daily bases.* A daily base of a producer determined under paragraph (a) of this section shall be considered attached to the producer, the farm and the herd of cows involved in producing such base, but may be transferred by the market administrator, upon request by such producer, made in writing not later than 15 days prior to the desired date of such transfer, under the following conditions:

(1) If the producer moves his herd to another farm his daily base may be used on such other farm.

(2) If the producer moves to another farm without the herd of cows which made the daily base, the base remains with the farm.

(3) If the producer sells or otherwise disposes of his farm or leases or rents it, together with the herd of cows which produced the daily base, the base may only be transferred to such other operator of the farm and herd.

DETERMINATION OF UNIFORM PRICE

§ 927.60 *Net pool obligation of handlers.* Milk received from handler's own farm up to 1,000 pounds per day if the handler receive no milk from other producers or plants, shall not be included in the determination of the uniform price, and such milk shall be deemed excluded by the phrase "milk received from producers" as such phrase is used in this section and in §§ 927.43, 927.61, 927.74, 927.76, 927.77, and 927.80.

(a) Determine the classification pursuant to §§ 927.30 through 927.37 of milk received from producers at each pool plant;

(b) Subject to adjustment for appropriate differentials pursuant to §§ 927.41 and 927.42, multiply the Class I-C milk by 20 cents per hundredweight, multiply the remaining milk in each class by the class price, multiply the skim milk subject to the fluid skim differential by the fluid skim differential per hundredweight, and add together the resulting values;

(c) Deduct, in the case of each plant where the average butterfat content of all milk received from producers is in

excess of 3.5 percent, and add, in the case of each plant where the butterfat content of all milk received from producers is less than 3.5 percent, the total value of the butterfat differential applicable pursuant to § 927.67;

(d) Deduct, in the case of each plant nearer the midpoint of the Lincoln Tunnel than the 201–210 mile zone, and add, in the case of each plant farther from the midpoint of the Lincoln Tunnel than the 201–210 mile zone, the sum obtained by multiplying the milk received from producers by the zone differential set forth in column C of the schedule in § 927.42 applicable to the plant;

(e) Deduct the total amount of the butter-cheese adjustment computed pursuant to § 927.43;

(f) With respect to milk received from producers, deduct 10 cents per hundredweight at plants located at Honesdale, Milanville, and Lookout, Pennsylvania; 20 cents per hundredweight at plants in the marketing area and at plants located at Accord, Ellenville, Gardiner, Kyserike, New Paltz, Phinney's Crossing, Wallkill, and West Coxsackie, New York, and in the following counties:

New Jersey: Burlington, Hunterdon, Morris, Passaic, Somerset, Sussex, Warren.
New York: Columbia.
Connecticut: Litchfield.
Massachusetts: Berkshire.

*Provided,* That with regard to the payments specified in this section, no producer shall be entitled to such payments if the milk house on his farm is located outside the above specified counties and if such milk house is nearer to a pool plant outside such counties than it is to a pool plant within such counties or to one of the plants individually named in such subdivisions.

(g) Add together the handler's net pool obligation for all plants at which milk was received from producers.

§ 927.61 *Computation of the uniform price.* The market administrator shall, on or before the 14th day of each month, audit for mathematical correctness and obvious errors the report submitted for the preceding month by each handler. If the unreserved cash balance in the producer settlement fund to be included in the computation is less than two cents per hundredweight of milk received from producers on all reports, the report of any handler who has not made payment of the last monthly pool debit account rendered pursuant to § 927.71 shall not be included in the computation of the uniform price. The report of such handler shall not be included in the computation for succeeding months until he has made full payment of outstanding monthly pool debits. Subject to the aforementioned conditions, the market administrator of this subpart and the market administrator of the North Jersey order, shall, jointly compute the uniform price in the following manner:

(a) Combine into one total the net pool obligations of all handlers under this order and the North Jersey order;

(b) Subtract the total of payments required to be made for such month by § 927.76 of this order and § 927.76 of the North Jersey order;

(c) Add to the total payments required to be made by handlers for such month pursuant to §§ 927.78 and 927.79 of this order and the North Jersey order;

(d) Add the amount of unreserved cash in the producer settlement fund;

(e) Subtract an amount equal to not less than eight cents nor more than nine cents per hundredweight of milk received from producers to provide against the contingency of errors in reports and payments or of delinquencies in payments by handlers; under this order and the North Jersey order;

(f) Subtract the amounts payable to producers under the fourth and fifth provisos of § 927.65 of this order and the North Jersey order;

(g) Subtract the amount of milk on which the payments were made to producers under the fourth and fifth provisos of § 927.65 of this order and the North Jersey order;

(h) Subtract the Class I–C milk of all handlers whose reports are included in this computation from the total milk received from producers by all such handlers under this order and the North Jersey order; and

(i) Divide the result obtained in paragraph (f) of this section by the result obtained in paragraph (h) of this section. The result shall be known as the uniform price for milk containing 3.5 percent butterfat received from producers at plants in the 201–210 mile zone.

§ 927.62 *Announcement of uniform price and weighted average butterfat differential.* The market administrator shall announce, not later than the 14th day of each month, the uniform price computed pursuant to § 927.61 and, not later than the 5th day of each month, the weighted average butterfat differential pursuant to § 927.67.

PAYMENT BY HANDLERS DIRECTLY TO PRODUCERS

§ 927.65 *Time and rate of payments.* On or before the 25th day of each month each handler shall make payment to each producer for all milk delivered by such producer during the preceding month at not less than the uniform price subject to differentials set forth in §§ 927.66 and 927.67: *Provided,* That each handler which is also a cooperative marketing association determined by the Secretary to be qualified under the Capper-Volstead Act may, with respect to producers who are members of and under contract with such association, make distribution, in accordance with the contract between the association and such members, of the net proceeds of all its sales in all markets in all use classifications. Whenever verification by the market administrator of the payment to any producer or cooperative association of producers for milk delivered to any handler discloses payment of less than is required by this subpart, the handler shall make up such payment to the producer or cooperative association of producers not later than the time of making payment next following such disclosure: *Provided further,* That if a handler claims that he cannot make the required payment because the producer is deceased or cannot be located, or because the cooperative association or its lawful successor or assignee is no longer in existence, such payment shall be made to the producer settlement fund, and in the event that the handler subsequently locates and pays the producer or a lawful claimant, or in the event that the handler no longer exists and a lawful claim is later established, the market administrator shall make such payment from the producer settlement fund to the handler or to the lawful claimant as the case may be: *Provided further,* That if not later than the date when such payment is required to be made, legal proceedings have been instituted by the handler for the purpose of administrative or judicial review of the market administrator's findings upon verification as provided above, such payment shall be made to the producer settlement fund and shall be held in reserve until such time as the above-mentioned proceedings have been completed, or until the handler submits proof to the market administrator that the required payment has been made to the producer or association of producers, in which latter event the payment shall be refunded to the handler: *Provided further,* That in paying producers for milk for each of the months of March through June, the amount of excess milk delivered by each producer defined in accordance with § 927.56 shall be paid for at the Class III price, subject to the same differentials as provided in §§ 927.66 and 927.67: *Provided further,* That in paying any producer who did not regularly sell milk during a period of thirty days next preceding the effective date of this subpart for consumption in the marketing area covered hereby, payments to such producer, for the period beginning with the first regular delivery by such producer and continuing until the end of two full calendar months following the first day of the next succeeding calendar month shall be at the price set forth in § 927.40 (c) less the largest adjustment set forth in § 927.43.

§ 927.66 *Transportation and location differentials.* The uniform price at any plant shall be:

(a) Plus or minus the differential shown in column D of the schedule contained in § 927.42 for the zone of the plant in effect pursuant to § 927.42; and

(b) Plus the differentials, if any, applicable pursuant to § 927.60 (f) plus five cents.

§ 927.67 *Butterfat differential.* The uniform price shall be plus or minus, as the case may be, for each one-tenth of 1 percent above or below 3.5 percent of average butterfat content of milk delivered by any producer during any month, an amount equivalent to the average of the butterfat differentials determined pursuant to § 927.41, for each class weighted by the pounds of butterfat in the milk in each such class used in the computation of the uniform price for the preceding month. Such differential shall be computed to the nearest even tenth of a cent.

§ 927.68 *Direct delivery differential.* The uniform price for milk delivered by producers to any plant within the mile-



age zones hereinafter specified and from which milk is delivered either to stores or consumers or both without passing through any other plant shall be plus the respective amount set forth for each of such zones:

| Mileage zone (miles): | *Direct delivery differential (cents per hundredweight)* |
|---|---|
| 1–10 | 15 |
| 11–20 | 13½ |
| 21–30 | 12 |
| 31–40 | 10½ |
| 41–50 | 9 |
| 51–60 | 7½ |
| 61–70 | 6 |
| 71–80 | 4½ |
| 81–90 | 3 |
| 91–100 | 1½ |

PRODUCER SETTLEMENT FUND AND ITS OPERATION

§ 927.70 *Producer settlement fund.* The market administrator of this subpart shall, and the market administrator of the North Jersey order, shall jointly establish and maintain a separate fund known as "the producer settlement fund" into which they shall deposit all payments and out of which they shall make all payments pursuant to § 927.72 through 927.79 of this order and the North Jersey order.

§ 927.71 *Handlers' accounts.* The market administrator shall establish an account for each handler who is required to make payments to the producer settlement fund or who received payments from the producer settlement fund. After computing the uniform price and each handler's pool debit or credit each month, and at such times as he deems appropriate, the market administrator shall render each handler a statement of his account showing the debit or credit balance, together with all debits or credits entered on such handler's account since the previous statement was rendered.

§ 927.72 *Payment to the producer settlement fund.* On or before the 18th day of each month each handler shall make full payment of the debit balance, if any, of such handler shown on the last statement of account rendered pursuant to § 927.71.

§ 927.73 *Payments out of producer settlement fund.* On or before the 20th day of each month the market administrators of this subpart and the North Jersey order shall jointly make payment to each handler under this subpart and the North Jersey order of the credit balance, if any, of such handler shown on the last statement of account rendered pursuant to § 927.71 of this order or section 71 of the North Jersey order. If, at any such time, the balance in the producer settlement fund is insufficient to make full payment due to each handler, the market administrator shall reduce uniformly the payments to each handler and shall complete such payments as soon as the necessary funds are available. No handler who, on the 25th day of the month, has not received such payments in full from the market administrator shall be deemed to be in violation §§ 927.65 through 927.67 if he reduces his total payments to producers for milk delivered by such producers during the preceding month by not more than the amount of the reduction in payment from the producer settlement fund.

§ 927.74 *Handlers' pool debit or credit.* After computing the uniform price for each month, the market administrator shall compute each handler's pool debit or pool credit as follows:

(a) Add to each handler's net pool obligations the value of his Class I–C milk at the uniform price.

(b) Multiply the quantity of milk received by each handler from producers by the uniform price.

(c) If the result obtained in paragraph (b) of this section is less than the result in paragraph (a) of this section, the difference shall be entered on the handler's producer settlement fund account as such handler's pool debit.

(d) If the result obtained in paragraph (b) of this section is greater than the result in paragraph (a) of this section, the difference shall be entered on the handler's producer settlement fund account as such handler's pool credit.

§ 927.75 *Adjustments of errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors made in payments to or from the producer settlement fund, the market administrator shall debit the handler's producer settlement fund account for any unpaid amount. Whenever verification discloses that payment is due from the market administrator to any handler, the market administrator shall credit the handler's producer settlement fund account for any such amount.

§ 927.76 *Cooperative payments for market-wide services.* Payments shall be made to qualified cooperatives or to federation under the conditions, in the manner, and at the rates set forth in this section.

(a) *Definitions.* As used in this section the following terms shall have the following meanings:

(1) "Cooperative" means a cooperative association of producers which is duly incorporated under the cooperative corporation laws of a state; is qualified under the Capper-Volstead Act (7 U. S. C. 291 et seq.); has all its activities under the control of its members; and has full authority in the sale of its members' milk.

(2) "Federation" means a federation of cooperatives.

(3) "Federated cooperative" means a cooperative which is a member of a federation and on whose membership the federation is an applicant for or receives payments under subparagraph (2) of paragraph (f) of this section.

(4) "Member" means, when used with respect to a member of a cooperative or of a federated cooperative, only a member who is also a producer, as defined in § 927.6 or section 6 of the North Jersey Order.

(b) *Qualified cooperatives and federations.* A cooperative or federation may submit an application to the market administrator for payments under the provisions of this section. In accordance with the requirements of the rules and regulations issued by the market administrator, any such application shall include a written description of the applicant's program for the performance of market-wide services, including evidence that adequate facilities and personnel will be maintained by it so as to enable it to perform the market-wide services; and the application shall contain a statement by the applicant that it will perform the required market-wide services for which it is applying for payments. The application shall set forth all necessary data so as to enable the market administrator to determine whether it meets the qualification requirements with respect to the payments for which the application is submitted. For the purpose of meeting the minimum membership requirements of 4,000 and 6,000 specified in this subsection, members shall include the members who are producers as defined in § 927.76 of this order and section 76 of the North Jersey order. An application shall be approved by the market administrator only if he determines that:

(1) In the case of a cooperative:

(i) It has not less than 4,000 members and receives from its members not less than 1 cent per hundredweight of milk delivered by them: *Provided,* That no person shall be counted in this respect as a member if he is a member of another cooperative which is an applicant for or which receives cooperative payments, or if he is a member of a federated cooperative.

(ii) If the application is also for an additional payment under subparagraph (3) of paragraph (f) of this section, it has not less than 6,000 members and receives from its members not less than 1 cent per hundredweight of milk delivered by them, subject to the proviso in subdivision (i) of this subparagraph.

(iii) If the application is also for an additional payment under subparagraph (4) of paragraph (f) of this section, the cooperative is an operating cooperative which operates marketing facilities, i. e., pool plant(s), at which it receives at least 25 per centum, by weight, of the milk marketed by its members: *Provided,* That in determining whether the 25 per centum minimum requirement is complied with, there shall be excluded the milk delivered by a member of the cooperative who is a member of another cooperative which is an applicant for or which receives cooperative payments on the same milk or which is a federated cooperative in a federation which is an applicant for or receiving cooperative payments on the same milk.

(2) In the case of a federation:

(i) It is duly incorporated under the laws of a state.

(ii) It has contracts with each of its federated cooperatives under which the cooperatives agree to remain in the federation for at least one year, and such contracts cover or will be renewed for a yearly period for every subsequent year for which the federated cooperatives are to be included within the membership of the federation for cooperative payment purposes.

(iii) Its federated cooperatives have an aggregate of not less than 4,000 mem-

bers and the federated cooperatives receive from their members not less than 1 cent per hundredweight of milk delivered by them; and its federated cooperatives will pay to the federation, when required by rules and regulations issued by the market administrator, the minimum monthly payment specified in the rules and regulations to finance the activities of the federation that are not market-wide in character: *Provided*, That no person shall be counted in this respect as a member if he is a member of a cooperative which is an applicant for or which receives cooperative payments, or if he is a member of another federated cooperative.

(iv) If the application is also for an additional payment under subparagraph (3) of paragraph (f) of this section, the aggregate membership of the federated cooperatives is not less than 6,000 members and the federated cooperatives receive from their members not less than 1 cent per hundredweight of milk delivered by their members, subject to the proviso in subdivision (iii) of this subparagraph.

(v) If the application is also for an additional payment under subparagraph (5) of paragraph (f) of this section, the federation operates marketing facilities, i. e., pool plant(s), or the federated cooperatives operate marketing facilities, at which is received at least 25 per centum, by weight, of the milk marketed by the members of the federated cooperatives: *Provided*, That in determining whether the 25 per centum minimum requirement is complied with, there shall be excluded the milk delivered by members of a cooperative which is an applicant for or which receives cooperative payments on the same milk, or which is a federated cooperative in another federation which is an applicant for or receiving cooperative payments on the same milk, or which is not meeting the requirements of this section applicable to it.

(3) The applicant cooperative or federation demonstrates that it has the ability to perform the market-wide services for which application is made, and that such services will be performed.

(4) The applicant cooperative or the federated cooperatives of an applicant federation are in no way precluded from arranging for the utilization of milk under their respective control so as to yield the highest available net return to all producers without displacing an equivalent quantity of other producer milk in the preferred classification.

(c) *Notice of qualification or denial: Effective date.* Upon determination by the market administrator that a cooperative or a federation is qualified to receive payment for performance of the market-wide services, he shall transmit such determination to the applicant cooperative or federation and publicly announce the issuance of the determination. The determination shall be effective with respect to milk delivered on and after the first day of the month following issuance of the determination. If, after consideration of an application for payments for market-wide services, the market administrator determines that the cooperative or federation is not qualified to receive such payments, he shall promptly notify the applicant and specifically set forth in such notice his reasons for denial of the application.

(d) *Requirements for continued qualification.* From time to time and in accordance with rules and regulations which may be issued by the market administrator, each qualified cooperative or federation must demonstrate to the market administrator that it continues to meet the qualification requirements for the payments and is fully performing the market-wide services for which it is being paid.

(e) *Market-wide services.* Each cooperative or federation shall perform the market-wide services enumerated in this paragraph. Such services are: (1) Analyzing milk marketing problems and their solutions, conducting market research and maintaining current information as to all market developments, preparing and assembling statistical data relative to prices and marketing conditions, and making an economic analysis of all such data; (2) determining the need for the formulation of amendments to the order and proposing such amendments or requesting other appropriate action by the Secretary or the market administrator in the light of changing conditions; (3) participating in proceedings with respect to amendments to the order, including the preparation and presentation of evidence at public hearings, the submission of appropriate briefs and exceptions, and also participating, by voting or otherwise, in the referenda relative to amendments; (4) participating in the meetings called by the market administrator, such as meetings with respect to rules and regulations issued under the order, including activities such as the preparation and presentation of data at such meetings and briefs for submission thereafter; (5) conducting a comprehensive education program among producers—i. e., members and non-members of cooperatives—and keeping such producers well informed for participation in the activities under the regulatory order and, as a part of such program, issuing publications that contain relevant data and information about the order and its operation; and the distribution of such publications to members and, on the same subscription basis, to non-members who request it, and holding meetings at which members and non-members may attend; and (6) in the case of a cooperative or federation which receives an additional payment under subparagraph (4) or (5) of paragraph (f) of this section, operating marketing facilities, or having within its membership federated cooperatives operating marketing facilities, i. e., pool plant(s), at which is received at least 25 per centum, by weight, of the milk marketed by all the members of the cooperative or by all the members of the federated cooperatives' members.

(f) *Rate, computation, time, and method of payment.* (1) Subject to the provisions of paragraph (g) of this section, the market administrator, on or before the 25th day of each month, shall make payment out of the producer settlement fund, or issue equivalent credit therefor, to each cooperative or federation which is qualified for such payments for market-wide services. The payment to a cooperative shall be based upon the milk reported by cooperative or proprietary handlers to have been received during the preceding month from its members, and the payment to a federation shall be based upon the milk reported by cooperative or proprietary handlers to have been received during the preceding month from the members of its federated cooperatives, subject in both instances to adjustment upon verification by the market administrator.

(2) Such payment or credit shall be at the rate of 2 cents per hundredweight of milk in accordance with subparagraph (1) of this paragraph: *Provided*, That in computing payment to a cooperative, there shall be excluded all of the milk of its members who belong to another cooperative which is an applicant for or which receives cooperative payments on the same milk or which is a federated cooperative in a federation which is an applicant for or receiving cooperative payments on the same milk: *Provided further*, That in computing payment to a federation there shall be excluded all of the milk of members of a cooperative which is an applicant for or which receives cooperative payments on the same milk, or which is a federated cooperative in another federation which is an applicant for or receiving cooperative payments on the same milk, or which is not meeting the requirements of this section applicable to it.

(3) Any cooperative that has at least 6,000 members and any federation which has an aggregate membership of its federated cooperatives of at least 6,000 members shall receive a payment, in addition to the payment provided for in subparagraph (2) of this paragraph, of 1 cent per hundredweight of milk in accordance with subparagraph (1) of this paragraph and subject to the provisos contained in subparagraph (2) of this paragraph.

(4) Any cooperative that operates marketing facilities, i. e., pool plant(s), at which is received at least 25 per centum, by weight, of the milk marketed by its members shall receive a payment, in addition to the payment provided for in subparagraph (2) or (3) of this paragraph of 1 cent per hundredweight of all milk marketed by its members in accordance with subparagraph (1) of this paragraph: *Provided*, That in computing the payment under this subparagraph there shall be excluded the milk delivered by a member of the cooperative who is a member of another cooperative which is an applicant for or which receives cooperative payments on the same milk or which is a federated cooperative in a federation which is an applicant for or receiving cooperative payments on the same milk.

(5) Any federation that operates marketing facilities, i. e., pool plant(s), or whose members include one or more federated cooperatives that operate marketing facilities, at which is received at least 25 per centum by weight, of the milk marketed by the members of its federated cooperatives shall receive a payment, in addition to the payment provided for in subparagraph (2) or (3) of this paragraph, of 1 cent per hundredweight of all milk marketed by such members in accordance with subparagraph (1) of this paragraph: *Provided*, That in computing the payment under this subparagraph, there shall be excluded the milk delivered by members of a cooperative which is an applicant for or which receives cooperative payments on the same milk, or which is a federated cooperative in another federation which is an applicant for or receiving cooperative payments on the same milk, or which is not meeting the requirements of this section applicable to it.

(6) If an individually qualified cooperative is affiliated with a federation, the cooperative payment shall be made to such cooperative unless its contract with the federation specifies in writing that the federation is to receive the payments. Any such contract must authorize the federation to receive the payments for at least one year, and such agreement must cover or be renewed for a yearly period for every subsequent year for which the federation is to receive the payments.

(g) *Disqualification.* (1) The market administrator shall issue an order wholly or partly disqualifying a previously qualified cooperative or federation for payments authorized pursuant to this section and such payments shall not thereafter be made to it if he determines that:

(i) The cooperative of federation no longer complies with the requirements of this section: *Provided*, That in the case of the federation, if one of its defeated cooperatives has failed to comply with the requirements of this section applicable to it or has failed, promptly after demand by the market administrator, to arrange for the utilization of milk under its control so as to yield the highest available net return to all producers without displacing an equivalent quantity of other producer milk in the preferred classification; the federation shall be disqualified only to the extent that its qualification for payments or the amount of its payments are based upon the membership, milk, or operations of such noncomplying federated cooperatives;

(ii) The cooperative or federation has failed to make reports or furnish records pursuant to this section or pursuant to rules and regulations issued by the market administrator; or

(iii) In the case of the cooperative, it has failed, promptly after demand by the market administrator, to arrange for the utilization of milk under its control so as to yield the highest available net return to all producers without displacing an equivalent quantity of other producer milk in the preferred classification.

(2) An order of the market administrator wholly or partly disqualifying a cooperative or federation shall not be issued until after the cooperative or federation has had opportunity for hearing thereon following not less than 15 days' notice to it specifying the reasons for the proposed disqualifications. If the cooperative or federation fails to file a written request for hearing with the market administrator within such period of 15 days, the market administrator may issue an order of disqualification without further notice; but if within such period a request for hearing is filed, the market administrator shall promptly proceed to hold such hearing pursuant to rules and regulations issued by him under paragraph (i) of this section.

(3) A disqualification order issued by the market administrator shall set forth the findings and conclusions on the basis of which it is issued.

(h) *Appeals*—(1) *From denials of application.* Any cooperative or federation whose application for qualification has been denied by the market administrator may, within 30 days after notice of such denial, file with the Secretary a written petition for review. But the failure to file such petition shall not bar the cooperative or federation from again applying to the market administrator for qualification.

(2) *From disqualification orders.* A disqualification order by the market administrator shall become final 30 days after its service on the cooperative or federation unless within such 30-day period the cooperative or federation files a written petition with the Secretary for review thereof. If such petition for review is filed, payments for which the cooperative or federation has been disqualified by the order shall be held in reserve by the market administrator pending ruling of the Secretary, after which the sums so held in reserve shall either be returned to the producer settlement fund or paid over to the cooperative or federation depending on the Secretary's ruling on the petition. If such petition for review is not filed, any payments which otherwise would be made within the 30-day period following issuance of the disqualification order shall be held in reserve until such order becomes final and shall then be returned to the producer settlement fund.

(3) *Record on appeal.* If an appeal is taken under subparagraph (1) or (2) of this paragraph, the market administrator shall promptly certify to the Secretary the ruling or order appealed from and the evidence upon which it was issued: *Provided*, That if a hearing was held the complete record thereof, including the applications, petitions, and all exhibits or other documentary material submitted in evidence shall be the record so certified. Such certified material shall constitute the sole record upon which the appeal shall be decided by the Secretary.

(i) *Regulations.* The market administrator is authorized to issue regulations and amendments thereto to effectuate the provisions of this section and to facilitate and implement the administration of its provisions. Such regulations shall be issued in accordance with the following procedure:

(1) All proposed rules and regulations and amendments thereto shall be the subject of a meeting called by the market administrator, at which all interested persons shall have opportunity to be heard. Not less than five days prior to the meeting, notice thereof and of the proposed regulations or amendments shall be published in the FEDERAL REGISTER and mailed to qualified cooperatives and federations. A stenographic record shall be made at such meetings which shall be public information and be available for inspection at the office of the market administrator.

(2) A period of at least five days after the meeting shall be allowed for the filing of briefs.

(3) All regulations and amendments thereto issued by the market administrator pursuant to this section must be submitted in tentative form to the Secretary for approval, shall not be effective without such approval, and shall be published in the FEDERAL REGISTER following such approval. The regulations or amendments in tentative form shall be forwarded also to cooperatives and federations qualified under this section and to other persons upon request in writing. The Secretary shall either approve the regulations or amendments thereto submitted by the market administrator or direct the market administrator to reconsider the tentative rules or amendments. In the event the market administrator is directed to give reconsideration to the matter, the market administrator shall either issue revised tentative regulations or amendments or call another meeting pursuant to this section for additional consideration of the rules or amendments.

(j) *Reports and records.* A qualified cooperative or federation and any federated cooperative in a qualified federation shall make such reports to the market administrator as may be requested by him for the administration of the provisions of this section, and shall maintain and make available to the market administrator or his representative such records as will enable the market administrator to verify such reports.

(k) *Notices, demands, orders, etc.* All notices, demands, orders, or other papers required by this section to be given to or served upon a cooperative or federation shall be deemed to have been given or served as of the time when mailed to the last known secretary of the cooperative or federation at his last known address.

(l) *Adjustment period.* Any cooperative which was qualified, on the effective date of this section, to receive payments pursuant to the provisions of § 927.76 as effective December 31, 1952 (referred to in this paragraph as the "former provisions"), shall continue to receive payments pursuant to and subject to the conditions specified in such former provisions on milk received from producers during the 90-day period immediately following the effective date of this section; and if such cooperative has applied, or is a federated cooperative of a federation which has applied, for qualification pursuant to this section prior to the expiration of such 90-day period, it shall continue to receive payments pursuant to the former provisions beyond such 90-day period until such time as the market administrator has ruled upon such application: *Provided*, That a cooperative or a federation may be qualified to receive payments pursuant to this section within such 90-day period: *Provided further*, That in no event shall a cooperative, or a federated cooperative in a federation, receive payment under the former provisions for any period following the effec-

tive date of qualification of the cooperative or federation under this section. For the purposes and to the extent specified in this paragraph, the provisions of § 927.76 as effective December 31, 1952, shall remain in force and effect after the effective date of this section.

§ 927.77 *Cream payments.* (a) For milk received from producers which is classified as Class III pursuant to § 927.37 (e) (2) the butterfat from which is subsequently assigned in accordance with the provisions of the rules and regulations issued by the market administrator pursuant to § 927.36 to sour cream, half and half, or reconstituted cream shipped to, received in, or distributed in the marketing area, or is not established to have been otherwise utilized, or to be still in storage, the handler required to file reports pursuant to § 927.52 shall pay to the producer settlement fund or be issued debits against balances due to such handler from the producer settlement fund an amount equal to 9 cents per pound of butterfat if the milk was separated in the months of March through July, and 10 cents per pound of butterfat if the milk was separated in the months of August through February.

(b) On the basis of reports pursuant to § 927.52 of the utilization of frozen cream and the market administrator's investigation and audit of such reports, the market administrator shall make payment out of the producer settlement fund to the handler filing such reports, or issue credit against balances due from such handler to the producer settlement fund, an amount equal to the butter-cheese adjustment on each pound of butterfat in such cream which was separated in the months of April through September from milk received from producers and was assigned, in accordance with the provisions of the rules and regulations issued by the market administrator pursuant to § 927.36, to butter in the months of January through March.

(c) With respect to Class II milk the butterfat from which is on hand at the plant in the form of cream, or having left the plant in the form of cream had not been delivered to a plant or purchaser by the end of the period for establishing classification, but subsequent to the end of the period for establishing classification such cream is so handled that it would have been classified at a plant outside the marketing area in Class III pursuant to § 927.37 (e) (1), (3), (5), or (6) had such handling occurred during the period for establishing classification, the handler who received the milk from producers may claim a refund by filing a report giving the facts with respect to such handling. On the basis of verification of such report, the market administrator shall make payment out of the producer settlement fund to such handler or issue credit against any balance due from such handler to the producer settlement fund in an amount equal to the difference between the Class II and Class III prices applicable for the month when the milk was received from producers.

§ 927.78 *Payments on milk received from dairy farmers at non-pool plants.* Payments shall be made by handlers to producers, through the producer settlement fund, for milk and milk products under conditions, in amounts, and by the handler pursuant to paragraphs (a) through (d) of this section: *Provided*, That for any month in which the volume of Class III milk used in the computation of the uniform price is less than 15 percent of the combined volume of the Class I–A and Class II milk used in such computation, the payments set forth in this section shall not be required; and *Provided further*, That in the case of milk received by a handler under this order from a plant which is a pool plant under the North Jersey order, the payments set forth in this section shall not be required.

(a) Payments shall be made for milk, concentrated fluid milk, fluid milk products, cultured or flavored milk drinks, cream, half and half, fluid cream products, and skim milk, which milk or milk products meets each of the following conditions:

(1) It was derived from milk received at a non-pool plant from dairy farmers other than the plant operator.

(2) It was shipped to, received in, or distributed in the marketing area, or was received at a pool plant outside the marketing area.

(3) The milk or milk equivalent of the butterfat is classified as Class I–A or Class II, or the skim milk would be subject to the fluid skim differential if it were derived from pool milk.

(b) The amounts of payment for the products set forth in paragraph (a) of this section shall be as follows:

(1) If the milk or the milk equivalent of the butterfat, or the skim milk is classified and paid for under another order issued pursuant to the act, the amount of payment on such products, except skim milk, shall be any plus amount obtained by subtracting the value of the milk or the milk equivalent of the butterfat at the class price or prices under such order from the value computed in accordance with the classification and pricing set forth in this subpart: *Provided*, That the payment shall be at the rates set forth in subparagraph (2) of this paragraph if the other order permits the deduction of such payment from the amount otherwise due for such milk pursuant to such other order. The amount of payments on skim milk shall be an amount computed pursuant to § 927.44 adjusted for the location of the plant.

(2) If the milk or milk product is derived from milk received from dairy farmers at a non-pool plant in the 421–425 mile zone, or in some other zone nearer the marketing area, the handling of which is not regulated by an order issued pursuant to the act or is regulated by another order as specified in the proviso of subparagraph (1) of this paragraph, the amount of payment, except as otherwise specified in subparagraph (4) of this paragraph, shall be the differences between its classified value at the Class I–A or the Class II price, depending upon its classification, and its value at the Class III price, such class prices to be adjusted for butterfat test and the location of the plant at which the non-pool milk was originally received from farmers: *Provided*, That for concentrated fluid milk, cream, half and half, fluid cream products, and cultured or flavored milk drinks containing less than 3.0 percent or more than 5.0 percent butterfat, the payment shall be computed on the milk equivalent thereof as so classified. The amount of the payment on skim milk (either as skim milk, half and half, or in cultured milk drinks) shall be the amount computed pursuant to § 927.44 as similarly adjusted for location.

(3) If the milk or milk product is derived from milk received from dairy farmers at a non-pool plant farther from the marketing area than the 421–425 mile zone, the handling of which is not regulated by another order issued pursuant to the act, or is regulated by another order as specified in the proviso of subparagraph (1) of this paragraph, the amount of payments shall be the difference between the value of its milk equivalent at the Class I–A or Class II price, depending upon its classification, and the value of such milk at the midwestern condensery price announced pursuant to § 927.46 (b) (9), such class prices to be adjusted for the location of the plant at which the non-pool milk was originally received from dairy farmers: *Provided*, That for milk, fluid milk products, and cultured or flavored milk drinks containing 3.0 percent or more but not more than 5.0 percent of butterfat, the payment shall be the difference between the value of such milk or milk product at the Class I–A price for milk containing 3.5 percent butterfat, adjusted for location of the plant, and the condensery price. The amount of the payment on skim milk (either as skim milk, half and half, or in cultured milk drinks) shall be the amount computed pursuant to § 927.44 similarly adjusted for location.

(4) For any month in which the volume of milk subject to the butter-cheese adjustment used in the computation of the uniform price is more than 15 percent of the combined volume of the Class I–A and Class II milk used in such computation, the payment required by subparagraph (2) of this paragraph shall be increased by the value of the milk or milk equivalent at the rate of the butter-cheese adjustment at the plant where the milk was received from dairy farmers.

(5) In computing the milk equivalent value of milk or milk products as specified in this paragraph, such value shall be computed on the basis of milk containing 3.5 percent of butterfat.

(c) Payment for any milk or milk product pursuant to this section shall be made, on behalf of the handler receiving the milk from dairy farmers, by the appropriate handler as set forth in subparagraphs (1) through (3) of this paragraph: *Provided*, That if the milk is received from a handler under another order issued pursuant to the act, which order provides that the payment to the producer settlement fund may be deducted from the handler's obligation under the other order, the payment shall be made by the handler subject to the other order regardless of the provisions of subparagraphs (1) through (3) of this paragraph.



(1) By the handler first receiving the milk or milk product at a pool plant outside the marketing area.

(2) By the handler operating the plant where the milk or milk product is first received in the marketing area if the milk or milk product is not received at a pool plant outside the marketing area.

(3) By the handler operating the plant from which the milk or milk product was moved into the marketing area if such milk or milk product is neither received at a pool plant outside the marketing area nor at a plant in the marketing area.

(d) The amount due pursuant to this section shall be entered on the handler's account as a debit immediately after the filing of the report pursuant to § 927.50, or if the handler fails to file such report, such amount shall be entered on the handler's account in accordance with § 927.75.

§ 927.79 *Payments on milk or milk products the source of which is not established.* Payments shall be made by handlers to producers through the producer settlement fund, for milk and milk products under conditions, in amounts, and by the handler pursuant to paragraphs (a) through (d) of this section.

(a) Payments shall be made for milk, concentrated fluid milk, fluid milk products, cultured or flavored milk drinks, cream, half and half, fluid cream products, and skim milk which milk or milk product meets each of the following conditions:

(1) It was derived from milk for which the farm source is not established.

(2) It was shipped to, received in, or distributed in the marketing area, or was received at a pool plant.

(3) If first found at a non-pool plant, the milk or milk equivalent of the butterfat is classified as Class I–A or Class II, or the skim milk is subject to the fluid skim differential.

(b) The amounts of payment for the product set forth in paragraph (a) of this section shall be as follows:

(1) For milk, concentrated fluid milk, fluid milk products, or cultured or flavored milk drinks containing 3.0 percent or more but not more than 5.0 percent of butterfat, the value of such milk, fluid milk products, cultured or flavored milk drinks, or the milk equivalent of such concentrated fluid milk at the class price at the plant where first found.

(2) For cream, half and half, fluid cream products, or cultured or flavored milk drinks containing less than 3.0 percent or more than 5.0 percent of butterfat, the value of the milk equivalent of such product at a rate per hundredweight computed pursuant to § 927.40 (e) (1) adjusted by the differentials set forth in column C in the table in § 927.42 for the zone of the plant at which first found.

(3) For skim milk in a form subject to the fluid skim milk differential, the value at a rate per hundredweight computed as follows: divide the amount computed pursuant to § 927.40 (e) (2) by 0.9125, add an amount computed pursuant to § 927.44, and adjust the result by the differential set forth in column B in the table in § 927.42 for the zone of the plant where first found.

(4) For skim milk in a form not subject to the fluid skim milk differential, the value at a rate per hundredweight computed as follows: divide the amount computed pursuant to § 927.40 (e) (2) by 0.9125.

(5) In computing the milk equivalent value of products as specified in this paragraph, such value shall be computed on the basis of milk containing 3.5 percent of butterfat.

(c) Payment for any milk or milk product pursuant to this section shall be made, on behalf of the handler receiving the milk from dairy farmers, by the appropriate handler as set forth in subparagraphs (1) through (3) of this paragraph:

(1) By the handler first receiving the milk or milk product at a pool plant outside the marketing area.

(2) By the handler operating the plant where the milk or milk product is first received in the marketing area if the milk or milk product is not received at a pool plant outside the marketing area.

(3) By the handler operating the plant from which the milk or milk product was moved into the marketing area if such milk or milk product is neither received at a pool plant outside the marketing area nor at a plant in the marketing area.

(d) The amount due pursuant to this section shall be entered on the handler's account as a debit immediately after the filing of the report pursuant to § 927.50, or if the handler fails to file such report, such amount shall be entered on the handler's account in accordance with § 927.75.

EXPENSE OF ADMINISTRATION

§ 927.80 *Payment by handlers.* As his pro rata share of the expense of administration of this subpart, each handler shall, on or before the 18th day of each month, pay to the market administrator a sum not exceeding two cents per hundredweight on the total quantity of milk which was received from producers at plants operated by such handler, directly or at the instance of a cooperative association of producers, the exact amount to be determined by the market administrator subject to review by the Secretary. This section shall not be deemed to duplicate any similar payment by any handler under an order issued by the Commissioner of Agriculture and Markets of the State of New York, with respect to the marketing area. Whenever verification by the market administrator discloses an error in the payment made by any handler, such error shall be adjusted not later than the date next following such disclosure on which payments are due pursuant to this section.

MISCELLANEOUS

§ 927.85 *Termination of obligations.* The provisions of this section shall apply to any obligation under this subpart for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before August 1, 1949, under Sec. 8c (15) (A) of the act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books and records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claim was received (or with respect to storage cream payments pursuant to § 927.77 (b), two years after the end of the calendar month during which such cream is utilized) if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable periods of time, files pursuant to section 8c (15) (A) of the act, a petition claiming such money.

§ 927.86 *Continuing obligation of handlers.* Unless otherwise provided by the Secretary in any notice of amendment, termination, or suspension of any

or all of the provisions of this subpart, such amendment, termination, or suspension shall not affect, waive, or terminate any right, duty, obligation, or liability which shall have risen or may thereafter arise in connection with any provision of this subpart; release or waive any violation of this subpart occurring prior to the effective date of such amendment, termination, or suspension; or affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violations.

§ 927.87 *Continuing power and duty of market administrator.* The market administrator shall (a) continue in such capacity until discharged by the Secretary; (b) from time to time account for all receipts and disbursements and deliver all funds or property on hand, together with the books and records of the market administrator, to such person as the Secretary shall direct; and (c) if so directed by the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator pursuant to this subpart.

§ 927.88 *Liquidation.* Upon the termination or suspension of this subpart, the market administrator shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid and owing at the time of such termination or suspension. Any funds collected for expenses pursuant to the provisions of this subpart over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator in liquidating the business of the market administrator's office shall be distributed by the market administrator to handlers in an equitable manner.

§ 927.89 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 927.90 *Amendments.* Whenever the Secretary calls a public hearing to consider amendments to this subpart he shall also simultaneously call a public hearing to consider the same amendments to the North Jersey order or promptly announce his determination that such a hearing with respect to the North Jersey order should not be held, together with reasons for such determination.

Following are proposed amendments to the New York Order No. 27; proposed by Dairymen's League Cooperative Association, Inc., and Metropolitan Cooperative Milk Producers Bargaining Agency, Inc.:

Amend Order No. 27 as follows:

(a) Enlarge the definition of a marketing area (§ 927.3) to include all or parts of the following counties in the State of New York: Albany, Rensselaer, Schenectady, Saratoga, Montgomery, Fulton, Oneida, Herkimer, Madison, Onondaga, Cayuga, Oswego, Tompkins, Chemung, Tioga, Broome, Sullivan, Ulster, Orange, Rockland, Putnam and Dutchess.

(b) Make coordinating amendments to others sections of the order so that certain of the present provisions applicable to the present marketing area do not apply to the added portions of the marketing area such as (1) § 927.60 (f) and § 927.66 (b) with regard to location differentials (see (c) below); (2) § 927.33 insofar as it now carries out the objective of country utilization classification which is practically unfeasible with regard to upstate markets, and (3) § 927.60, with regard to the method of pooling producer dealers (see (d) below.)

(c) Providing for a 15-cent per hundredweight direct delivery differential for milk delivered by producers to handlers' plants in the upstate extensions of the marketing area at which milk is packaged in consumer packages, to be paid by handlers in addition to the uniform price, in place of the location payments eliminated as to such upstate markets by (b) (1) above.

(d) Provide for the pooling of milk from handlers' own farms in the upstate extensions of the marketing area in excess of one thousand pounds a day, if the handler receives no milk from other producers or plants (see (b) (3) above.)

(e) Eliminate I–C pricing in upstate New York by amending § 927.37 (c) by taking out the words "the State of New York or."

Proposals for separate order for Northern New Jersey for amendment of Order No. 27; proposed by Milk Dealers' Association of Metropolitan New York, Inc., and Sheffield Farms Company, Inc.:

Class definitions and class prices. The class definitions and class prices should be the same under the two orders.

The base point for determining mileage zones, the actual mileage zones for each plant, freight zone differentials and location differentials should be identical under both orders.

Butterfat differentials applicable to class prices and the blend price to producers should be the same under both orders,

In order to achieve uniformity of blend prices at country plants in the same geographic area, the three following methods must be considered at a hearing. If the preliminary blend price computation under one order comes out higher than under the other, then provisions in the orders should

(a) Allow for the transfer of funds from one pool to the other so as to equalize the blend prices; or

(b) Allow for the assignment of milk from one pool to the other so as to equalize the blend prices; or

(c) Develop "area of production orders" so as to segregate on a geographic basis the plants eligible to participate in each order.

One of the key provisions of such "area of production orders" would be as follows:

All plants in Vermont, New York State except Rockland, Orange counties and in the Pennsylvania counties of Erie, Warren, McKean, Potter, Tioga, Bradford, Susquehanna, Wayne, Crawford, Sullivan and Wyoming can be Order 27 pool plants upon application and determination by the Secretary that the requirements for pool plant status are met and no plants in such area shall be eligible for pool plant status under a New Jersey order.

All plants in New Jersey, Delaware, Maryland, Pennsylvania except the eleven named counties above, and in the New York counties of Orange and Rockland can be New Jersey order plants upon application and determination by the Secretary that the requirements for pool plants are met, and no plants in such area shall be eligible for pool plant status under Order No. 27.

(1) Requirements: In order to qualify as a pool plant under either order, the person operating the plant shall meet each of the following requirements:

(aa) Be willing to ship fluid milk to the marketing area under either order milk received at the plant from dairy farmers.

(bb) Keep such control over the sanitary conditions under which milk received at the plant is produced and handled so that the plant can meet the requirements of a source of fluid milk for the marketing area under either order.

(cc) Have no commitments for disposition of milk that prevent him from shipping milk to the marketing area.

NOTE: Bulk tank farm milk should be treated in the same way that plants are treated, with the location of the farm being the governing factor in determining the order under which the milk would be regulated.

All of the proposals which follow as paragraphs are contingent on the adoption of one or more of the three proposals listed above as (a), (b) or (c):

* * * * *

If "area or production orders" are not developed, all plants having approval to ship fluid milk or fluid cream to the North Jersey markets in recent years should be allowed to elect to be pool plants under the New Jersey Order.

*Marketing area*—(a) *North Jersey.* If milk sold for fluid use in non-federally regulated areas is priced on a competitive basis the North Jersey marketing area should include only the 13 counties of North Jersey. If milk sold for fluid use in non-federally regulated areas is not priced on a competitive basis the three nearby counties in New York of Rockland, Orange and Sullivan, should also be included in the North Jersey marketing area.

(b) *Order No. 27.* If milk sold for fluid use in non-federally regulated areas is priced on a competitive basis there need be no change in the marketing area under Order No. 27. If competitive pricing is not maintained, then Putnam and Dutchess Counties in New York State should be included in the Order No. 27 marketing area.

*Mileage zones.* The hearing notice should provide for taking evidence on an equitable and proper method of determining mileage distances from a point in the marketing area under Order No. 27 to individual plants either under Order No. 27 or under a separate New Jersey order. The mileages so determined should apply under any separate New Jersey order as well as under Order No. 27. Such a method should be based on the following principles:

(a) Establish a representative basing point for the marketing area.

(b) Establish key points in the milkshed and also milk tank truck routes and mileages to the representative basing point for the marketing area.

(c) Provide that mileages from locations not at key points be established as a result of rules and regulations meeting on the basis of the shortest practical milk tank truck route to the key point route, with appropriate adjustment in key point mileage.

*Relocation payments.* For milk utilized for manufacturing, both orders should provide for payments from the respective pools to cover a portion of the first plant handling cost and transportation of the milk from the plant where first received from producers to the plant where the milk is manufactured.

*Pooling.* A New Jersey order must provide for market-wide pooling.

*Classification.* The New Jersey Order and Order 27 should use the same method of determining classification, as follows:

(a) Classification shall be determined at the plant at which milk is received from dairy farmers: *Provided*, that if such milk is shipped in the form of milk or cream

(1) to another pool plant or plants whether inside or outside the marketing area, and/or

(2) to another non-pool plant or plants within the marketing area, it shall be classified at the plant or plants to which it is shipped, and there shall be no limit on the number of inter-plant movements in the form of milk or cream (in other words, complete marketing area classification) except that milk or cream shipped to a non-pool plant outside the marketing area shall be classified at such non-pool plant unless the handler operating the pool plant from which such shipments are made to the non-pool plant elects in writing in his monthly reports to have classification of all milk or cream received during the month at such handler's pool plant and shipped as milk or cream to the non-pool plant determined at the pool plant from which the milk or cream is shipped to the non-pool plant.

(b) At the hearing appropriate methods of classifying and pricing milk moved from Order 27 plants to New Jersey order plants and vice versa, should be developed.

*Burden of proof and losses in transit.* Both orders should provide that the burden should rest on the handler receiving milk from producers to show that the milk should not be classified as Class I. If a handler can prove loss in transit, the milk equivalent shall be paid for at the Class II price.

*Period for establishing classification.* Both orders should provide that a period ending with the last day of the month following the month during which the milk was received from dairy farmers shall be allowed for handling such milk as a basis for establishing the classification as other than Class I.



Both orders should provide for establishing the same accounting procedure and appropriate rules and regulations.

*Classes of utilization for both orders.* (a) Class I shall be all milk sold or distributed as fluid milk in any federally regulated marketing area.

(b) Class I–A shall be all milk sold or distributed as fluid milk in any area not under federal regulation, except as defined in I–B.

(c) Class I–B shall be all milk sold or distributed as fluid milk in any area regulated by a state where compensatory payments are required on such milk. Both orders should expressly provide that this provision shall not be deemed a consent to or validation of the action of any state authority in imposing compensatory payments on milk under federal regulation without federal sanction.

(d) Concentrated fluid milk, fluid milk products, cultured or flavored milk drinks containing 3 percent or more but not more than 5.0 percent of butterfat sold or distributed in the Class I, Class I–A or Class I–B areas shall be classified the same as fluid milk in the same area.

(e) Class II: All milk received from producers at pool plants, except that which is classified as I, I–A, I–B, or III.

(f) Class III: All milk received from producers at pool plants, utilized for cheddar or cheddar type cheeses.

*Storage cream rebates.* With respect to Class II milk which is classified as storage cream or is on hand at the plant in the form of cream but subsequently is churned into butter, the Market Administrator shall credit the handler with 4 cents per pound of fat. Compare present Order 27, § 927.77 (b) and (c). (This provision should be the same in both orders.)

*Announcement of prices.* Both orders should provide that all class prices and uniform prices be announced on a 3.5 percent butterfat basis at the 201–210 mile zone.

*Class prices in both orders.* (a) Class I: Keep the present formula in Order 27, but provide for two changes, as follows:

(1) Adjust the base utilization percentage of 63.6 in the present Order 27 I–A formula to allow for the difference in the combined percentage of Class I milk in the two orders.

(2) Incorporate a new set of seasonal adjustment factors, as follows:

| | | | |
|---|---|---|---|
| January | 0.96 | July | 1.04 |
| February | .96 | August | 1.08 |
| March | .96 | September | 1.08 |
| April | .92 | October | 1.08 |
| May | .92 | November | 1.04 |
| June | .96 | December | 1.00 |

(b) Class I–A: (fluid milk in non-regulated area), uniform price plus 20 cents per hundredweight.

(c) Class I–B: (fluid milk in areas regulated by a state and upon which compensatory payments are required), Class II price in Order 27, described below.

(d) Class II: (all milk other than fluid milk and cheddar cheese)

(1) To be priced along the lines of present Order No. 27 Class III price, with appropriate modifications to reflect local conditions more realistically.

(2) For Class II milk utilized in butter, the Class II price under Order 27 (described above) minus 4.0 cents per pound of butterfat.

(e) Class III: (milk utilized for cheddar cheese). The formula price for this class to be based on the Wisconsin assembly point price of state brand cheddar cheese, with appropriate yield factor and making allowance.

*Fluid skim differential.* There shall be no fluid skim differential under either order.

*Butterfat differentials under both orders.* (a) Paid by handlers:

(1) Classes I, I–A and I–B, 4 cents per point.

(2) Class II, fat value in Class II (butter + 2 × 1.22 × 3.5) minus $0.33 divided by 35.

(3) Class III to be determined on the basis of evidence presented at the hearing.

(b) Paid to producers (uniform price). Weighted average butterfat differential paid by handlers on all milk in pool under Order No. 27.

*Location differential.* Both orders should provide that any and all location differentials should be paid out of the respective pools, and no part should be payable by the handler.

Provisions of Order 27 which should be incorporated in Order 27 and the New Jersey Order:

(a) Compensatory payments: These need not necessarily be the same in both orders.

(b) Expense of administration.

Miscellaneous provisions common to both orders:

(a) Termination of obligations.

(b) Continuing obligation of handlers.

(c) Liquidation.

(d) Appointment of agents by the Secretary.

One and the same market administrator should administer both orders and the rules and determinations under both orders should be the same.

Proposals for a separate order for Northern New Jersey and amendments to Order No. 27; proposed by a group of 23 members of the Milk Dealers Association of Northern New Jersey:

The respective orders must recognize and encompass the following:

1. The Northern New Jersey marketing area should include the four nearby New York counties located west of the Hudson River, and the Order 27 marketing area should include the two nearby New York counties located east of the Hudson River, or provision should be made for competitive pricing in those six nearby New York counties.

2. Market-wide pool for Northern New Jersey Order.

3. Equalization of prices to producers regardless of area in which their milk is marketed.

4. Equalization of cost of milk to dealers at given point or points in the marketing area or areas.

5. Freedom of movement and marketing of milk in both marketing areas.

6. Competitive pricing of milk marketed in non-federally regulated markets.

7. Recognition of long established open cream market in New Jersey as distinguished from New York City.

8. Classification of milk in the marketing areas.

9. Any new regulation for Northern New Jersey not effective until effective date of amended Order 27 designed to be compatible with such new Northern New Jersey Order.

10. Certified milk shall not be pooled.

Proposed order for Northern New Jersey; proposed by a group of 12 members of the Milk Dealers Association of Northern New Jersey:

DEFINITIONS

A. *Marketing area.* The marketing area shall include the following thirteen (13) counties in Northern New Jersey: Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Union and Warren and herein referred to as North Jersey.

B. *Others.* At the Hearing, definitions should be developed for: (1) Producer, (2) producer-handler, (3) dairy farmer, (4) Secretary, (5) Director, (6) Special premium grade A milk or equivalent, (7) person, (8) pool plant, (9) base-rating, (10) re-load plant, (11) other sources, (12) regulated plant, (13) city plant, (14) country plant, (15) reserve plant, etc. This list is not considered to be all inclusive.

MARKET ADMINISTRATOR

North Jersey Order should provide that it be administered by a Market Administrator, selected by the Secretary of the United States Department of Agriculture and the Director of the Office of Milk Industry, New Jersey State Department of Agriculture with his compensation, powers and duties to be set forth in accordance with the latest federal orders issued or to be issued.

POOL PLANTS

A. Plants eligible for pool plant status under North Jersey Order as of the effective date of the order:

1. Any person who operted a plant receiving milk for producers which plant shipped milk for fluid use into the marketing area of North Jersey Order during any of the months of July through December 1955 is qualified to have such plant designated as a pool plant provided such plant has a license issued by the New Jersey State Department of Health as an "A", or "B" or "C" designation and/or by any other health authority in the area.

2. Any person who operated a plant receiving milk from producers which plant was a reserve suply for the marketing area of North Jersey Order is qualified to have such plant designated as a pool plant prior to the effective date of the North Jersey Order provided it has a license from the New Jersey State Department of Health.

B. Requirements: In order to be designated as a pool plant upon application, the plant must maintain a license from a health authority in the area for shipment of milk for fluid use in the marketing area, be located in New York State, Vermont, Massachusetts, Connecticut, Pennsylvania, New Jersey, Maryland and Delaware and, in addition, the person operating the plant shall meet each of the following requirements.

1. Be willing to ship all the milk received at the plant from dairy farmers or producers to the marketing area.

2. Have no commitments for the disposition of the milk or milk products at the plant which would prevent the operator from shipping the fluid milk received at the plant from producers to the marketing area.

3. Any person who operated a plant which was pooled on the basis of shipping plant provision for 12 consecutive months, may apply to have such plant designated as a pool plant under North Jersey Order, effective the following month provided application is made prior to end of the 12th month.

C. Shipping plants: For any month a plant which ships Class I fluid milk to the marketing area, either directly or through other plants, which quantity of milk during the months of July through March is equal to more than 40 percent of the milk received from producers, or during the month of April through June is equal to more than 10 percent of the milk received directly from producers, shall automatically be designated a pool plant; *Provided*, that for the months of April, May or June no plant at which milk was received from producers shall be a pool plant on this basis unless during the preceding July, August, September and October at least 60 percent of such milk for each month is Class I, either directly or through other plants, was sold or distributed in or shipped to the marketing area in the form of milk.

D. Suspension and cancellation: North Jersey Order should provide:

1. That the designation of any plant as a pool plant shall be cancelled at the end of any month of December through April upon 15 days' prior notice to the Market Administrator by the person operating the plant and designation of pool plant once cancelled cannot be reinstated except when complying with B–3 of this section.

2. For an emergency milk provision that can be made effective in time of short supply and suspension upon noncompliance.

E. Plant replacements and change of operator: North Jersey Order should provide:

1. For replacement of one pool plant by another upon application made by the person operating the plant to the Market Administrator showing that the plant is a replacement for one or more pool plants.

2. That the designation of a plant as a pool plant in accordance with III-B shall be considered as applicable to the plant and subject to cancellation and suspension in accordance with III-D, regardless of change in the person owning or operating the plant.

CLASSIFICATION

A. Classification shall be determined at the plant at which milk is received from producers: *Provided*, That if such milk is shipped in the form of milk or cream to another plant or plants both outside and inside the marketing area, it shall be classified at the plant or plants to which it is shipped, and there shall be no limit on the number of interplant movements in the form of milk or cream, except when shipped to a non-pool plant outside the marketing area.

When milk or cream is shipped to a non-pool plant outside the marketing area, the classification of milk shipped in the form of milk and of milk, the butterfat from which is shipped in the form of cream and fluid skim milk shall be determined at the non-pool plant, unless the handler operating the pool plant from which such shipments are made to the non-pool plant elects in writing on his monthly reports to have classification of such milk, skim milk or cream received during the month at such handler's pool plant and shipped as milk, skim milk or cream to the non-pool plant determined at the pool plant from which the milk, skim milk or cream is shipped to the non-pool plant.

B. Burden of proof: The burden of proof should rest on the handler receiving milk from producers to show that the milk should not be classified as Class I. If a handler cannot prove loss of milk and milk products in transit, the milk shall be paid for at the Class I price; otherwise loss shall be plant loss at the Origin of shipment.

C. Period for establishing classification: A period ending with the last day of the month following the month during which the milk was received from dairy farmers shall be allowed for handling such milk as a basis for establishing the classification as other than Class I.

D. Classes of utilization:

1. Class I shall be all milk sold, distributed, or disposed of as fluid milk in the marketing area and not accounted for in any other class in this paragraph.

2. Class I–A shall be all milk sold or distributed as fluid milk in any other federally regulated marketing area.

3. Class I–B shall be all milk sold or distributed as fluid milk in any area not under federal regulation.

4. Class II shall be all milk products, the utilization of which is established as being sold, distributed, or disposed of and not established in Class II–A and plant shrinkage not in excess of 2% of the volume received from producers.

5. Class II–A shall be all milk products utilized for and made by Cheddar, Colby, or washed curd process utilized for processed cheese, butter, milk powder over 10% butterfat and chocolate products.

CLASS PRICES AND PAYMENTS TO PRODUCER

A. Announcement of prices: All class prices and uniform prices to be announced on a 3.7% butterfat basis at City Hall, Newark, New Jersey.

B. Class prices:

1. *Class I.* Use the present formula in order 61, Philadelphia marketing area with appropriate changes as may be developed at the Hearing for 3.7% Milk.

2. *Class I–A.* Same as Class I milk applicable in marketing area to which milk was shipped adjusted for 3.7% Butterfat.

3. *Class I–B.* Price shall be competitive with unregulated milk sold in same area.

4. *Class II.* (All milk other than fluid, cheese, butter, milk powder over 10% butterfat and chocolate products.) The formula price for this class to be: Fat value, (New York butter + 2 Cents × 1.22 × 3.7) plus non-fat value (weighted average prices of roller process (70%) and spray process (30%) non-fat dry milk solids at New York as reported by Urner-Barry × 7.5) minus 80 cents.

5. *Class II–A.* (Milk utilized for processed cheese, butter, milk powder over 10% butterfat, and chocolate products.) The formula price for this class to be four times the average wholesale price of 92-score butter at New York City, New York.

C. Fluid skim differential. There shall be no fluid skim differential.

D. Butterfat differentials using 3.7% as a base butterfat test.

1. Paid by handlers:

(a) Classes I, I–A, I–B, 4 cents per 1/10 of one percent of butterfat.

(b) Class II, fat value in Class II (butter+2×1.22×3.7) minus $0.33 divided by 37.

(c) Class II–A to be about 7 cents per 1/10% of butterfat or its equivalent value in butter.

2. Paid to producers (zone-blend price). Weighted average butterfat differential paid by handlers on all milk in pool on monthly basis.

E. Payment to producers to be on a base rating plan with the months of July, August, September and October to be used for establishing bases which must be kept in relation to Class I sales.

F. Area prices to be considered f. o. b. Newark, New Jersey.

G. Compensatory payments shall be paid by persons receiving milk in the marketing area from other sources, except from plants under Order No. 27.

MILEAGE ZONES AND PLANT PRICE DIFFERENTIALS

A. Mileage zones for country plants:

1. To be measured from City Hall, Newark, New Jersey.

2. At the hearing establish plant handling and transportation differentials.

B. Transportation differentials between mileage zones to be established on basis of evidence presented at the Hearing and set forth in a table.

1. The differential on Class I to be based on current costs of transportation as between mileage zones.

2. The differentials on Class II and Class II-A to be based on current costs of transportation as between mileage zones.

3. Zone price differentials paid to producers from the pool to be set forth in a table.

C. Mileage zones for specified plants and producer differentials:

1. The call of the hearing should be broad enough to permit equitable cost to handlers and equitable returns to producers.

PRODUCER DEALERS' AND HANDLERS' OWN HERD MILK

The method of handling dealer's own herd milk presents a special problem in North Jersey and should be given adequate consideration at the hearing as to whether or not it should be pooled.

BULK TANK PICKUP

North Jersey Order should provide that minimum prices to producers on bulk tank milk be based on the zone in which the milk house is located and in line with minimum prices at pool plants in the same area, with a provision for an appropriate differential to compensate handlers for the extra services rendered producers when milk is picked up at the milk house on a bulk tank basis.

Proposed order for Northern New Jersey and proposed amendment of Order No. 27, proposed by I. Elkin Nathans on behalf of Order 27 handlers: Mifflin Creamery Co. Inc., W. M. Evans Dairy Co. Inc., Lancaster Milk Company, Grover Farms Inc.; unregulated handlers: Lancaster Milk Company, Christiana Milk Products Co. Inc., The H. E. Koontz Creamery Inc., Tri-County Dairy Co. Inc., Hohneker's Dairy.

Proposals common to both orders:

1. *Definitions.* Act, Secretary, person, dairy farmers, producer, handler, plant, market Administrator: Same as §§ 927.1, 927.2, 927.4, 927.5, 927.6, 927.7, 927.8, and 927.10 of Order 27.

Marketing area:

For Order 27: Same as § 927.3 of Order 27.

For Order X: "The Northern New Jersey metropolitan milk marketing area" (hereinafter called the "marketing area") means all territory within the boundaries of the counties of Bergen, Essex, Hudson, Hunterdon, Middlesex, Monmouth, Morris, Ocean, Passaic, Somerset, Sussex, Union and Warren, all in the state of New Jersey, and the counties of Dutchess, Orange, Putnam, Rockland, Sullivan and Ulster, all in the state of New York together with all piers, docks, and wharves connected therewith and all crafts moored thereat, and including territory within such boundaries which is occupied by government (Municipal, State, Federal or International) reservations, installations, institutions, or other establishments.

Pool plant: "Pool plant" means any plant which is designated as a pool plant pursuant to (as to Order 27 §§ 927.20, 927.22, 927.25 or 927.27 and as to Order X appropriate corresponding sections).

2. *Market Administrator.* Selection; compensation; powers and duties: Same as §§ 927.15, 927.16, 927.17 and 927.18 of Order 27 except that section numbers shown in § 927.18 (e) would refer to appropriate sections of Order X.

Proposed: That there be a single Market Administrator to administer the terms and provisions of both Order X and Order 27.

The following provisions are not common to both orders and our proposals are:

3. *Pool Plants; Order X.* The order shall not become effective until two months after the first day of the month following that in which the Secretary determines and announces the provisions of the order have been approved by the required number of dairy farmers eligible to vote thereon.

*Carry-over designation; Order X.* Any plant located in the States of New Jersey, New York, Vermont, Massachusetts, Connecticut, Pennsylvania, Delaware or Maryland, approved as a source of milk supply by a health authority in the marketing area at the time this order becomes effective, provided such plant is not at that time designated as a pool plant under another order of the Secretary, and from which shipments of fluid milk, fluid skim milk, or fluid cream were made into the marketing area during any of the months of July through December 1955, is hereby designated as a pool plant until such designation is cancelled pursuant to Sec. _____ of this order: *Provided*, however, such designation shall not apply to any person operating such plant if such person notifies the Secretary in writing within the calendar month following that in which the Secretary has announced the order had been approved in a referendum of dairy farmers, that he does not desire such designation.

*Eligible applicants; Order X.* Any person operating a plant located in the States of New Jersey, New York, Vermont, Massachusetts, Connecticut, Pennsylvania, Delaware or Maryland, which is approved as a source of milk supply by a health authority in the marketing area, may apply to the Secretary at any time during the first 12 months this order is in effect for designation as a pool plant, and thereafter may so apply before May 31 of any year for designation as a pool plant effective as of July 1. Applications shall be addressed to the Secretary and filed at the office of the Market Administrator. No such application may be made after the first 12 months in which this order is in effect by any person for a plant which was a designated pool plant during any of the 12 months preceding such application.

*Pool Plants; Order 27.*

*Carry-over designation; Order 27.* Same as § 927.20 of Order 27 except: Change "November 1944" to "November 1955."

*Eligible applicants; Order 27.* Same as § 927.21 of Order 27 except: Change "October, November and December" to "July, August, September, October and November" and change "July 1" to "June 1." Add the following: No such application may be made by any person for a plant which was designated pool plant during any of the 12 months preceding such application.

Provision common to both Orders X and 27:

*Requirements.* To qualify as a pool plant pursuant to Sec. _____ (as to Order X the sections entitled "Carry-over designation" and "Eligible Applicants" and as to Order 27 §§ 927.20, 927.22 or 927.25 of that order) the person operating the plant shall meet each of the following requirements:

Same as § 927.23 (a) (b) of Order 27 and (c) changed to read: "Have no commitments for the disposition of milk at the plant which would prevent the operator from being able to direct the shipments of the milk received at the plant from dairy farmers to the marketing area in order to comply with the call milk requirements of the order."

Further provisions common to both Order X and Order 27:

*Designation upon application.* Same as § 927.22 of Order 27 except: Change "August 1" in three places to "July 1."

*Suspension and cancellation of designation.* Same as § 927.24 of Order 27

except: In subsection (a) eliminate the words "during the months of April through July of any year" and the words "and, in addition, the designation shall be cancelled effective either on the first day of February or the first day of March 1954 upon application of the handler submitted to the Market Administrator prior to the effective date of cancellation." In subsection (b) change "June 15" to "May 15" and in final line change "August 1" to "July 1."

*Plant replacements.* Same as § 927.26 of Order 27.

*Plants shipping Class I milk to the marketing area.* Same as § 927.27 of Order 27 except: Change "Class I–A" to "Class I" and change "October, November and December" to "July, August, September, October and November" and change "60 percent" to "50 percent." In final proviso, change "January through July" to "January through June."

*Classification; basis for determination.* Classification shall be determined at the plant at which milk is received from producers: *Provided*, That if milk is shipped in the form of milk or cream

(a) To another pool plant or plants whether inside or outside the marketing area, and/or

(b) To another non-pool plant or plants within the marketing area, it shall be classified at the plant or plants to which it is shipped, and there shall be no limit on the number of inter-plant movements in the form of milk or cream (in other words, complete marketing area classification), except that milk or cream shipped to a non-pool plant outside the marketing area shall be classified at such non-pool plant unless the handler operating the pool plant from which such shipments are made to the non-pool plant elects in writing on his monthly reports to have classification of all milk and cream to the non-pool plant determined at the pool plant from which the milk or cream is shipped to the non-pool plant.

(As to Order 27 the above is a substitute for § 927.33.)

*Plant loss.* Allowances for plant loss on milk classified in Classes I, I–A, I–B and II not to exceed 5 percent of the butterfat in the product resulting from any such specific plant operation shall be classified in Class II; and from any specific plant operation classified as Class III plant loss shall be classified as Class III.

*Burden of proof.* The burden of proof should rest on the handler receiving milk from producers to show that the milk should not be classified as Class I. If a handler can prove loss in transit, the milk equivalent shall be paid for at the Class II price.

*Period for establishing classification.* A period ending with the last day of the month following the month during which the milk was received from producers shall be allowed for handling such milk as a basis for establishing the classification other than Class I.

*Accounting procedure and rules and regulations.* Both Order X and Order 27 must provide for accounting procedure and rules and regulations. As far as we can see the provisions of § 927.35 and § 927.36 of Order 27 are adequate and applicable to both orders with Order X to provide for appropriate section references.

Classification—Classes of Utilization:

Class I: Fluid milk and other products defined in Sec. 927.37 (a) of Order 27.

Class I–A: Fluid milk and other products as defined in § 927.37 (b) of Order 27 for use in other Federally regulated markets.

Class I–B: Fluid milk and other products as defined in § 927.37 (c) of Order 27 for use in markets outside the marketing area other than Federally regulated markets.

Class II: Butterfat in the form of cream for all uses and other products defined in § 927.37 (d) and in § 927.37 (e) of Order 27.

Class III: Milk utilized in Cheddar, American Cheddar, Colby, washed curd, or part skim Cheddar cheese, or is assigned to plant loss which pursuant to § 927.34 (as to Order X appropriate section) is associated with such products.

Class IV: Milk utilized in butter.

Minimum prices:

Class I: Sec. 927.40 (a) to be incorporated except § 927.40 (a) (9) and (11) to be amended to read:

(9) Adjust the base utilization percentage in Order X of 63.6 upward to allow for the higher percent of Class I milk in such order than in Order 27. (However, it is difficult to see how a correct figure can be applied until it is known from experience what will be the percentage of Class I to total receipts after the pool is set up and in operation).

(11) Incorporate a new set of seasonal adjustment factors as follows:

| | | | |
|---|---|---|---|
| January | 0.96 | July | 1.04 |
| February | .96 | August | 1.08 |
| March | .96 | September | 1.08 |
| April | .92 | October | 1.08 |
| May | .92 | November | 1.04 |
| June | .96 | December | 1.00 |

Class I: On shipments of Class I milk made by handlers under Order X into the marketing area of Order 27; or by handlers under Order 27 into the marketing area of Order X the price shall be the Class I price fixed in the order regulating the marketing area to which the milk is shipped and so utilized. As to other Federally regulated markets, principally Order 61, the compensatory provisions similar to § 927.78 of Order 27 should be retained, due to the fact that under Order 61 shipments of non-producer milk may be brought in without bringing the shipping plant under regulation, thus defeating the provisions of the compensatory payment section. However, § 927.78 as it would be incorporated in Order X and Order 27 should specify it is not applicable to Class I milk regulated by Order X or Order 27 as the case may be.

Class I–B: For Class I–B milk the price shall be the uniform price computed by the market administrator pursuant to Sec. ____ plus 20 cents per hundredweight.

Class II: Same as § 927.40 (f) of Order 27.

Class III: The formula price for this class to be based on the Wisconsin assembly price of state brand cheddar cheese, with appropriate yield factor and making allowance as developed in the hearing.

Class IV: For milk utilized in butter the Class II price minus 4.0 cents per pound of butterfat.

Butterfat differentials: Same as § 927.41 of Order 27 except: change "II and III" to "II" and provide that Classes III and IV be on direct ratio for the butterfat portion of the milk.

Transportation differentials.—A. Mileage zones for plants:

1. To be measured from the Manhattan entrance to the Holland Tunnel.

2. At the hearing establish key points in the milk shed and milk tank truck routes and mileages to the representative point in the marketing area.

3. Provide that mileages from other locations not at key points be established as the result of rules and regulations meeting, on basis of shortest practical milk tank route to the key point route, and appropriate adjustment in key point mileage.

B. Transportation zone differentials:

1. Payable by handlers: the differentials between mileage zones to be paid by handlers to be established on the basis of evidence presented at the hearing. But that whatever zone differential is established as representing true transportation cost in zones under 201–210 miles be carried through into zones over 201–210 miles to the end that the cost of milk from all zones be priced the same f. o. b. the marketing area basing point. Sufficient evidence has not been presented in any previous hearing as to what actual current transportation costs really are. Interested parties should be called upon to present such evidence.

2. Differentials to producers to be established on basis of evidence at the hearing.

Location differentials: Location differentials, if any, should be identical for both Order X and Order 27 and should be paid entirely out of the pool, and no part should be paid by handlers.

Other sections of Order 27 not specifically covered above would appear to be applicable to both Orders X and 27. These are:

Sec.
927.45 Use of equivalent price or index.
927.46 Announcement of prices
927.50 Reports of handlers.
927.51 Producer payroll reports.
927.52 Storage cream reports.
927.53 Other reports.
927.54 Verification of reports and payments.
927.55 Retention of records.
927.60 Determination of uniform price: General provisions to be followed subject to whatever location differentials, if any, are continued. Change reference to "I–C" to "I–B."
927.61 Computation of the uniform price: General provisions to be followed. Change "I–C" to "I–B."
927.62 Announcement of uniform price and weighted average butterfat differential.
927.65 Time and rate of payments.
927.66 Transportation and location differentials: In (b) delete "plus five cents."
927.67 Butterfat differential in uniform price.
927.70 Producer settlement fund.



Sec.
927.71 Handlers' accounts.
927.72 Payment to the producer settlement fund.
927.73 Payment out of the producer settlement fund.
927.74 Handlers' pool debit or credit.
927.75 Adjustment of errors in payments.
927.79 Payments on milk or milk products the source of which is not established.
927.80 Expense of administration — payments by handlers.
927.85 Termination of obligations.
927.86 Continuing obligation of handlers.
927.87 Continuing power and duty of market administrator.
927.88 Liquidation.
927.89 Agents.

Producer handlers: The provision that milk received from farms in Nassau or Suffolk counties, New York, which farms are not approved for the sale of milk in New York City, or received from the handler's own farm shall not be included in the determination of the uniform price (§ 927.60 of Order 27) should be continued as to Order 27. But such receipts in the area regulated by Order X should be so included.

Bulk tank shipments: The provisions of § 927.35 (a) and § 927.60 (f) as amended effective February 1, 1956 should be continued as to Order 27 and included in Order X, subject to such testimony as may be adduced at the hearing as is the amount, if any, of location differentials and the area in which they shall apply.

Under these proposals § 927.43 of Order 27—Butter-cheese differential adjustment; § 927.44—Skim milk differential; and § 927.77—Cream payments would be eliminated from Order 27 and also would not be proposed for Order X.

As to Order 27, make such further changes in all of our proposals as may be necessary, if inadvertently overlooked, through which there would be conflict by reason of our proposal to merge present Class II and Class III into one classification to be designated as Class II.

Proposals for a Northern New Jersey Order; Proposed by Lehigh Valley Cooperative Farmers and the Warren County Milk Dealers' Association:

1. The marketing area shall not include the counties of Sussex, Hunterdon, and Warren, all in the State of New Jersey.

2. The rate of payment per hundredweight to be paid by handlers located in the Commonwealth of Pennsylvania for milk disposed of within the marketing area as Class I shall be no less than the Class I prices determined under this order, with applicable deductions and differentials. Any payments required under this section shall be made by handlers to producers from whom such milk is received and shall not require payments in any form whatsoever into the Producer Settlement Fund or Market Pool established in this order.

3. Each handler located in the Commonwealth of Pennsylvania, and outside the Milk Marketing Area, shall pay to the Market Administrator ___ cents or such lesser amount as the Secretary shall prescribe for each hundredweight of Class I milk disposed of in the Marketing Area as Class I milk as his share of the expenses of this order.

Copies of this notice of hearing, and of Order No. 27, as amended, may be procured from the Market Administrator, 205 East 42d Street, New York 17, New York, or from the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., or may be there inspected.

Dated: May 18, 1956.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 56-4036; Filed, May 24, 1956; 8:47 a. m.]

## [ 7 CFR Part 1067 ]

### AVOCADOS

### NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Department is giving consideration to the issuance of quality restrictions regarding the importation of avocados into the United States, and to requiring inspection and certification of each such import by the Federal or Federal-State Inspection Service pursuant to the provisions of § 1060.153 of the general regulations (Part 1060, 19 F. R. 7707, 8012) applicable to the importation of certain listed commodities (including avocados).

The requirements under consideration are to impose the same restrictions with respect to grade on imports of avocados that are imposed on the handlers of Florida avocados as set forth in the quality regulation which is being issued to become effective June 1, 1956, pursuant to the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969; 20 F. R. 4177), regulating the handling of avocados grown in south Florida. The applicable regulatory provisions of such regulation are contained in paragraphs (b) and (c) thereof and are as follows:

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., June 1, 1956, and ending at 12:01 a. m., e. s. t., April 30, 1957, no handler shall handle any avocados unless such avocados (i) grade at least No. 2 Grade, * * *.

(c) As used herein "No. 2 Grade" * * * shall have the same meaning as in paragraph (c) * * * of § 969.130 of the supplementing rules and regulations, as amended (21 F. R. 2409).

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposals set forth in the preceding paragraph should do so by forwarding the same to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Room 2077, South Building, Washington 25, D. C., not later than the fifth day after the publication of this notice in the FEDERAL REGISTER.

Dated: May 22, 1956.

[SEAL] S. R. SMITH, *Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-4135; Filed, May 24, 1956; 8:53 a. m.]

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### [ 26 CFR (1954) Part 1 ]

### INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

### TREATMENT OF EXCESS DISTRIBUTIONS BY TRUSTS

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth below in tentative form are proposed to be prescribed by the Commissioner Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T: P, Washington 25, D. C., within the period of thirty days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 665 (c), 665 (d), 668 (a), and 7805 of the Internal Revenue Code of 1954 (68A Stat. 223, 224, 225, and 917; 26 U. S. C. 665 (c), 665 (d), 668 (a), and 7805).

[SEAL] RUSSELL C. HARRINGTON, *Commissioner of Internal Revenue.*

The following regulations for taxable years beginning after December 31, 1953, and ending after August 16, 1954, except where otherwise specifically provided, are hereby prescribed under sections 665 through 668 of the Internal Revenue Code of 1954:

TREATMENT OF EXCESS DISTRIBUTIONS BY TRUSTS

Sec.
1.665–1 Excess distributions by trusts; scope of Subpart D.
1.665 (a) Statutory provisions; excess distributions by trust; definition of undistributed net income.
1.665 (a)–1 Undistributed net income.
1.665 (b) Statutory provisions; excess distributions by trust; definition of accumulation distribution.
1.665 (b)–1 Accumulation distribution.
1.665 (c) Statutory provisions; excess distributions by trust; definition of taxes imposed on the trust.
1.665 (c)–1 Taxes imposed on the trust.
1.665 (d) Statutory provisions; excess distributions by trust; definition of preceding taxable year.
1.665 (d)–1 Preceding taxable years.
1.665 (d)–2 Application of separate share rule.
1.666 (a) Statutory provisions; excess distributions by trusts; allocation of accumulation distribution.
1.666 (a)–1 Amount allocated.
1.666 (b) Statutory provisions; excess distributions by trusts; total taxes deemed distributed.
1.666 (b)–1 Total taxes deemed distributed.
1.666 (c) Statutory provisions; excess distributions by trusts; pro rata portion of taxes deemed distributed.
1.666 (c)–1 Pro rata portion of taxes deemed distributed.
1.666 (Examples) Examples.
1.667 Statutory provisions; excess distributions by trusts; denial of refund to trusts.

Sec.
1.667–1 Denial of refund to trusts.
1.668 (a) Statutory provisions; excess distributions by trusts; treatment of amounts deemed distributed in preceding taxable years; amounts treated as received in prior taxable years.
1.668 (a)–1 Amounts treated as received in prior taxable years.
1.668 (b) Statutory provisions; excess distributions by trusts; treatment of amounts deemed distributed in preceding taxable years; credit for taxes paid by trust.
1.668 (b)–1 Credit for taxes paid by the trust.
1.668 (Example) Example.

TREATMENT OF EXCESS DISTRIBUTIONS BY TRUSTS

§ 1.665–1 *Excess distributions by trusts; scope of subpart D.* Sections 665 through 668 (subpart D) are designed generally to prevent a shift of tax burden to a trust from a beneficiary or beneficiaries. To accomplish this, the sections provide special rules for treatment of amounts paid, credited, or required to be distributed by a complex trust (subject to sections 661 through 663 (subpart C)) in any year in excess of distributable net income for that year. Such an excess distribution is defined as an accumulation distribution, subject to the limitations in section 665 (b). An accumulation distribution is "thrown back" to each of the five preceding years in inverse order. That is, it will be taxed to the beneficiaries of the trust in the year the distribution is made or required, but in general only to the extent of the distributable net income of those years which was not in fact distributed. However, the resulting tax will not be greater than the aggregate of the taxes that would have been attributable to the amounts thrown back to previous years had they been included in gross income of the beneficiaries in those years. To prevent double taxation, the beneficiaries receive a credit for any taxes previously paid by the trust which are attributable to the excess thrown back. Sections 665 through 668 (subpart D) do not apply to any estate.

§ 1.665 (a) *Statutory provisions; excess distributions by trust; definition of undistributed net income.*

SEC. 665. *Definitions applicable to subpart D*—(a) *Undistributed net income.* For purposes of this subpart, the term "undistributed net income" for any taxable year means the amount by which distributable net income of the trust for such taxable year exceeds the sum of—

(1) The amounts for such taxable year specified in paragraphs (1) and (2) of section 661 (a); and

(2) The amount of taxes imposed on the trust.

§ 1.665 (a)–1 *Undistributed net income.* (a) The term "undistributed net income" means for any taxable year the distributable net income of the trust for that year as determined under section 643 (a), less—

(1) The amount of income required to be distributed currently and any other amounts properly paid or credited or required to be distributed to beneficiaries in the taxable year as specified in paragraphs (1) and (2) of section 661 (a), and

(2) The amount of taxes imposed on the trust, as defined in § 1.665 (c)–1.

The application of the rule in this paragraph to the first year of a trust in which income is accumulated may be illustrated by the following example:

*Example.* Assume that under the terms of the trust, $10,000 of income is required to be distributed currently to A and the trustee has discretion to make additional distributions to A. During the taxable year 1954 the trust had distributable net income of $30,100 derived from royalties and the trustee made distributions of $20,000 to A. The taxable income of the trust is $10,000 on which a tax of $2,640 is paid. The undistributed net income of the trust as of the close of the taxable year 1954 is $7,460 computed as follows:

| | | |
|---|---|---|
| Distributable net income | | $30,100 |
| Less: | | |
| Income currently distributable to A | $10,000 | |
| Other amounts distributed to A | 10,000 | |
| Taxes imposed on the trust (see § 1.665 (c)–1) | 2,640 | |
| | | 22,640 |
| Undistributed net income | | 7,460 |

See also paragraphs (e) (1) and (f) (1) of § 1.668 (Example) for additional illustrations of the application of the rule in this paragraph to the first year of a trust in which income is accumulated.

(b) However, the undistributed net income for any year to which an accumulation distribution for a later year may be thrown back may be reduced by accumulation distributions in intervening years and any taxes imposed on the trust which are deemed to be distributed under section 666 by reason of the accumulation distributions. On the other hand, undistributed net income for any year will not be reduced by any distributions in an intervening year which are excluded from the definition of an accumulation distribution under section 665 (b), or which are excluded under section 663 (a) (1). See paragraph (f) (5) of § 1.668 (Example) for an illustration of the reduction of undistributed net income for any year by a subsequent accumulation distribution.

§ 1.665 (b) *Statutory provisions; excess distributions by trust; definition of accumulation distribution.*

SEC. 665. *Definitions applicable to subpart D.* • • •

(b) *Accumulation distribution.* For purposes of this subpart, the term "accumulation distribution" for any taxable year of the trust means the amount (if in excess of $2,000) by which the amounts specified in paragraph (2) of section 661 (a) for such taxable year exceed distributable net income reduced by the amounts specified in paragraph (1) of section 661 (a). For purposes of this subsection, the amount specified in paragraph (2) of section 661 (a) shall be determined without regard to section 666 and shall not include—

(1) Amounts paid, credited, or required to be distributed to a beneficiary as income accumulated before the birth of such beneficiary or before such beneficiary attains the age of 21;

(2) Amounts properly paid or credited to a beneficiafy to meet the emergency needs of such beneficiary;

(3) Amounts properly paid or credited to a beneficiary upon such beneficiary's attaining a specified age or ages if—

(A) The total number of such distributions cannot exceed 4 with respect to such beneficiary,

(B) The period between each such distribution to such beneficiary is 4 years or more, and

(C) As of January 1, 1954, such distributions are required by the specific terms of the governing instrument; and

(4) Amounts properly paid or credited to a beneficiary as a final distribution of the trust if such final distribution is made more than 9 years after the date of the last transfer to such trust.

§ 1.665 (b)–1 *Accumulation distribution*—(a) *In general.* (1) Subject to the limitations set forth in paragraph (b) of this section the term "accumulation distribution" for any taxable year means an amount (if in excess of $2,000) by which the amounts properly paid, credited, or required to be distributed within the meaning of section 661 (a) (2) for that year exceed the distributable net income (determined under section 643 (a)) of the trust, reduced (but not below zero) by the amount of income required to be distributed currently. In computing the amount of an accumulation distribution pursuant to the preceding sentence, there is taken into account amounts applied or distributed for the purpose specified in section 677 (b) or section 678 (c) out of corpus or out of other than income for the taxable year and amounts used to discharge or satisfy any person's legal obligation as that term is used in § 1.662 (a)–4. If the distribution as so computed is $2,000 or less, it is not an accumulation distribution within the meaning of sections 665 through 668 (subpart D). If the distribution exceeds $2,000, then the full amount is an accumulation distribution for the purposes of sections 665 through 668 (subpart D).

(2) Although amounts properly paid, credited, or required to be distributed under section 661 (a) (2) do not exceed the income of the trust during the taxable year, an accumulation distribution may result if such amounts exceed distributable net income. This may result from the fact that expenses allocable to corpus are taken into account in determining taxable income and hence distributable net income. However, the provisions of sections 665 through 668 (subpart D) will not apply unless there is undistributed net income in at least one of the five preceding taxable years. See section 666 and the regulations thereunder.

(3) The provisions of subparagraphs (1) and (2) of this paragraph may be illustrated by the following examples (it is assumed in each case that the exclusions provided in paragraph (b) do not apply):

*Example (1).* A trustee properly makes a distribution to a beneficiary of $20,000 during the taxable year 1956, of which $10,000 is income required to be distributed currently to the beneficiary. The distributable net income of the trust is $15,000. There is an accumulation distribution of $5,000 computed as follows:



| | | |
|---|---|---|
| Total distribution | | $20,000 |
| Less: Income required to be distributed currently (section 661 (a) (1)) | | 10,000 |
| Other amounts distributed (section 661 (a) (2)) | | 10,000 |
| Distributable net income | $15,000 | |
| Less: Income required to be distributed currently | 10,000 | |
| Balance of distributable net income | | 5,000 |
| Accumulation distribution | | 5,000 |

*Example (2).* Under the terms of the trust instrument, an annuity of $15,000 is required to be paid to A out of income each year and the trustee may in his discretion make distributions out of income or corpus to B. During the taxable year the trust had income of $18,000, as defined in section 643 (b), and expenses allocable to corpus of $5,000. Distributable net income amounted to $13,000. The trustee distributed $15,000 of income to A and, in the exercise of his discretion, paid $5,000 to B. There is an accumulation distribution of $5,000 computed as follows:

| | | |
|---|---|---|
| Total distribution | | $20,000 |
| Less: Income required to be distributed currently to A (section 661 (a) (1)) | | 15,000 |
| Other amounts distributed (section 661 (a) (2)) | | 5,000 |
| Distributable net income | $13,000 | |
| Less: Income required to be distributed currently to A | 15,000 | |
| Balance of distributable net income | | 0 |
| Accumulation distribution to B | | 5,000 |

*Example (3).* Under the terms of a trust instrument, the trustee may either accumulate the trust income or make distributions to A and B. The trustee may also invade corpus for the benefit of A and B. During the taxable year, the trust had income as defined in section 643 (b) of $22,000 and expenses of $5,000 allocable to corpus. Distributable net income amounts to $17,000. The trustee distributed $10,000 each to A and B during the taxable year. There is an accumulation distribution of $3,000 computed as follows:

| | | |
|---|---|---|
| Total distribution | | $20,000 |
| Less: Income required to be distributed currently | | 0 |
| Other amounts distributed (section 661 (a) (2)) | | 20,000 |
| Distributable net income | | 17,000 |
| Accumulation distribution | | 3,000 |

(4) There are not taken into account, in computing the accumulation distribution for any taxable year, any amounts deemed distributed in that year because of an accumulation distribution in a later year. Thus, if a trust, reporting on the calendar year basis, makes an excess distribution of $1,000 for the taxable year 1955 and an accumulation distribution as defined in subparagraph (1) of this paragraph of $5,000 for 1956, and in 1956 $1,060 is deemed distributed under section 666 (b) or (c) as of the last day of 1955, the amount of $6,060 will not be added to the excess distribution for the year 1955 for the purpose of determining whether an accumulation distribution was made in 1955.

(b) *Exclusions.* (1) Certain amounts paid, credited, or required to be distributed to a beneficiary are excluded under section 665 (b) in determining whether there is an accumulation distribution for the purposes of sections 665 through 668 (subpart D). These exclusions are solely for the purpose of determining the amount allocable to preceding years under section 666 and in no way affect the determination under sections 661 through 663 (subpart C) of the beneficiary's tax liability for the year of distribution. Further, amounts excluded from accumulation distributions do not reduce the amount of undistributed net income for the 5 years preceding the year of distribution. The amounts excluded from the computation of an accumulation distribution are discussed in the following subparagraphs.

(2) *Distribution from accumulations while a beneficiary is under 21.* (i) The first exception to the definition of an accumulation distribution is for amounts paid, credited, or required to be distributed to a beneficiary who was under 21 years of age or unborn when it was accumulated. A distribution is to be considered as so paid, credited, or required to be distributed to the extent, and only to the extent, that there is no undistributed net income for taxable years preceding the year of distribution other than undistributed net income accumulated while the beneficiary was under 21. If a distribution can be made from income accumulated either before or after a beneficiary reaches 21, it will be considered as made from the most recently accumulated income, and it will be so considered even though the governing instrument directs that distributions be charged first against the earliest accumulations.

(ii) As was indicated in subparagraph (1) of this paragraph, a distribution of an amount excepted from the definition of an accumulation distribution will not reduce undistributed net income for the purpose of determining the effect of a future accumulation distribution. Thus a distribution to a beneficiary of income accumulated before he reached 21 would not reduce the undistributed net income includible in a future accumulation distribution to another beneficiary. However, all future distributions to the same beneficiary, or to another beneficiary to whom a distribution would be excepted under the provisions of this subparagraph, to the extent that they could not be paid, credited, or required to be distributed from other accumulated income, would be excepted from the definition of an accumulation distribution.

(iii) The following examples illustrate the application of the foregoing rules of this subparagraph (in each of these examples it is assumed that the exceptions in section 665 (b) (2), (3), and (4) do not apply):

(*a*) Income is to be accumulated until A reaches 21 when the corpus and accumulated income are to be distributed to him. The distribution is not an accumulation distribution.

(*b*) Income is to be accumulated until A is 21, when it is to be distributed to him but the corpus is to remain in trust. A distribution of the accumulated income to A when he reaches 21 is not an accumulation distribution.

(*c*) Income is to be accumulated and added to corpus until A reaches 21, when he is to receive one-third of the corpus (including accumulations). Thereafter all the income is to be paid to A until he is 23 when the remaining corpus (and accumulations) is to be paid to him. If A dies under that age any undistributed portion is to be paid to B, aged 45 when the trust was created. Distributions to A at 21 and 23 out of accumulations are not accumulation distributions even though they include accumulated income. However, if A died at the age of 22 a distribution to B would be an accumulation distribution and the amount of undistributed net income includible in the distribution will not be reduced by the previous distribution to A.

(*d*) Income is to be accumulated and added to corpus until A is 21. After he is 21, he is entitled to all the income and, in addition, to distributions of corpus in the discretion of the trustee. When he reaches 25 he is entitled to the corpus. Distributions to A are not accumulation distributions, whether they are discretionary or upon termination of the trust.

(*e*) The facts are the same as in the preceding example, except that income is to be accumulated until A is 23. Distributions to A are accumulation distributions to the extent of income accumulated after A reached 21.

(*f*) Income may be distributed among a testator's children or accumulated and added to corpus until the youngest child is 21, when the corpus is to be distributed to the testator's descendants per stirpes. Upon termination of the trust, the corpus is distributed to A, age 21; B, age 23; and C, the child of a deceased child, age 3. The distributions to A and C are not accumulation distributions. The distribution to B is an accumulation distribution to the extent of income accumulated after he reaches 21.

(*g*) Income may be distributed to A or accumulated and added to corpus during A's life. Upon the death of A the corpus is to be distributed to B. B is 23 at A's death. The distribution is an accumulation distribution to the extent of income accumulated since B reached 21.

(3) *Emergency distributions.* The second exclusion from the definition of an accumulation distribution is for amounts properly paid or credited to a beneficiary to meet his emergency needs. Whether or not a distribution falls within this exclusion depends upon the facts and circumstances causing the distribution. A distribution based upon an unforeseen or unforeseeable combination of circumstances requiring immediate help to the beneficiary would qualify for the exclusion. However, the beneficiary must be in actual need of the distribution and the fact that he had other sufficient resources would tend to negate the conclusion that a distribution was to meet his emergency needs. Ordinary distributions for the support, maintenance, or education of the beneficiary would not qualify for the exclusion.

(4) *Certain distributions at specified ages.* The third exclusion from the definition of accumulation distribution is for

amounts properly paid or credited to a beneficiary upon the beneficiary's attaining a specified age or ages, provided, (i) the total number of such distributions cannot exceed 4 with respect to that beneficiary; (ii) the period between each such distribution is 4 years or more; and (iii) on January 1, 1954, such distributions are required by the specific terms of the governing instrument. Any discretionary invasion of corpus at other times is not excluded under this subparagraph, but does not affect the status of distributions that would otherwise be excluded. If more than four distributions are required to be made to a particular beneficiary at specified ages if he survives to receive them, none of the distributions will be excluded, even though the beneficiary dies before he receives more than four. On the other hand, a direction to make additional distributions to a remainderman will not affect the status of distributions required to be made to the primary beneficiary. For example, a trust agreement provided on January 1, 1954, that when A reached 25 he would receive one-eighth of the corpus and accumulated income, as then constituted, and similar distributions at ages 30, 35, and 40. It also provided for similar distributions to B after A's death, and for additional discretionary distributions to both A and B. Required distributions to both A and B are excluded, regardless of whether discretionary distributions are made, but discretionary distributions are not excluded. On the other hand, if an additional distribution to A was directed when he reached 45, no distributions to him would be excluded, regardless of when he died.

(5) *Certain final distributions.* (i) The last exception to the definition of an accumulation distribution is for amounts properly paid or credited to a beneficiary as a final distribution of a trust if the final distribution is made more than 9 years after the date of the last transfer to such trust.

(ii) The term "last transfer to such trust" includes only transfers, whether by the original grantor or by a third person, made with a donative intent. A transfer arising out of a property right held by the trust is excluded, such as a transfer by a debtor in satisfaction of his indebtedness, or a distribution in liquidation or reorganization of a corporation. If the terms of two or more trusts include cross-remainders on the deaths of life beneficiaries, the donative transfers occurred at the time the trusts were created. The addition of the corpus of one trust to that of another when a remainder falls in is therefore not a new transfer within the meaning of the subsection.

(iii) For example, under the terms of a trust created July 1, 1950, by H for the benefit of his wife, W, the income of the trust is to be accumulated and added to corpus. Upon the expiration of a 10-year period, the trust is to terminate and its assets, including all accumulated income, are to be distributed to W. No transfers were made by H or other persons to the trust after it was created. Both the trust and W file returns on the calendar year basis. In accordance with its terms, the trust terminated on June 30, 1960, and on August 1, 1960, the trustee made a final distribution of the assets of the trust to W, consisting of $100,000 of donated principal, accumulated income of $30,000 attributable to the period July 1, 1950, through December 31, 1959, and income of $3,000 attributable to the period the trust was in existence during 1960. Subpart D is inapplicable to the $3,000 of income of the trust for 1960 since that amount would be deductible by the trust and includible in W's gross income for that year to the extent provided in sections 661 through 663 (subpart C). However, the balance of the distribution will qualify as an exclusion from the provisions of sections 665 through 668 (subpart D).

(6) *Exclusions under section 663 (a) (1).* Subparagraphs (1), (2), (3), (4), and (5) of this paragraph have no application to an amount which qualifies as an exclusion under section 663 (a) (1).

§ 1.665 (c) *Statutory provisions; excess distributions by trust; definition of taxes imposed on the trust.*

SEC. 665. *Definitions applicable to subpart D.* * * *

(c) *Taxes imposed on the trust.* For purposes of this subpart, the term "taxes imposed on the trust" means the amount of the taxes which are imposed for any taxable year on the trust under this chapter (without regard to this subpart) and which, under regulations prescribed by the Secretary or his delegate, are properly allocable to the undistributed portion of the distributable net income. The amount determined in the preceding sentence shall be reduced by any amount of such taxes allowed, under sections 667 and 668, as a credit to any beneficiary on account of any accumulation distribution determined for any taxable year.

§ 1.665 (c)-1 *Taxes imposed on the trust.* (a) (1) For the purpose of sections 665 through 668 (subpart D), the term "taxes imposed on the trust" means (for any taxable year) the amount of Federal income taxes which are properly allocable to the undistributed portion of the distributable net income. This amount is the difference between the total taxes of the trust for the year and the amount which would have been paid by the trust had all of the distributable net income, as determined under section 643 (a), been distributed. Thus, in determining the amount of taxes imposed on the trust for the purposes of sections 665 through 668 (subpart D), there is excluded the portion of the taxes paid by the trust which is attributable to items of gross income which are not includible in distributable net income, such as capital gains allocable to corpus.

(2) The rule stated in the preceding subparagraph may be illustrated by the following example:

*Example.* (i) Under the terms of a trust, which reports on the calendar year basis, the income may be accumulated or distributed to A in the discretion of the trustee and capital gains are allocable to corpus. During the taxable year 1954, the trust had income of $20,000 from royalties, long-term capital gains of $10,000, and expenses of $2,000. The trustee in his discretion made a distribution of $10,000 to A. The taxes imposed on the trust for the purposes of this subpart are $2,712, determined as shown below.

(ii) The distributable net income of the trust computed under section 643 (a) is $18,000 (royalties of $20,000 less expenses of $2,000). The total taxes paid by the trust are $3,787, computed as follows:

| | | |
|---|---|---|
| Royalties | | $20,000 |
| Capital gains | | 10,000 |
| Gross income | | 30,000 |
| Deductions: | | |
| Expenses | $2,000 | |
| Distributions to A | 10,000 | |
| Capital gain deduction | 5,000 | |
| Personal exemption | 100 | |
| | | 17,100 |
| Taxable income | | 12,900 |
| Total income taxes | | 3,787 |

(iii) The amount of taxes which would have been paid by the trust, had all of the distributable net income ($18,000) of the trust been distributed to A, is $1,074 computed as follows:

| | |
|---|---|
| Taxable income of the trust | $12,900 |
| Less: Undistributed portion of distributable net income ($18,000 −$10,000) | 8,000 |
| Balance of taxable income | 4,900 |
| Income taxes on $4,900 | 1,074 |

(iv) The amount of taxes imposed on the trust as defined in this paragraph is $2,713, computed as follows:

| | |
|---|---|
| Total taxes | $3,787 |
| Taxes which would have been paid by the trust had all of the distributable net income been distributed | 1,074 |
| Taxes imposed on the trust as defined in subdivision (i) | 2,713 |

(b) If in any subsequent year an accumulation distribution is made by the trust which results in a throwback to the taxable year, the taxes of the taxable year allocable to the undistributed portion of distributable net income (the taxes imposed on the trust), after the close of the subsequent year, are the taxes prescribed in paragraph (a) of this section reduced by the taxes of the taxable year allowed as credits to beneficiaries on account of amounts deemed distributed on the last day of the taxable year under section 666. See paragraph (f) (4) of the example in § 1.668 (Example) for an illustration of the application of this rule.

§ 1.665 (d) *Statutory provisions; excess distributions by trusts; definition of preceding taxable year.*

SEC. 665. *Definitions applicable to subpart D.* * * *

(d) *Preceding taxable year.* For purposes of this subpart, the term "preceding taxable year" does not include any taxable year of the trust to which this part does not apply. In the case of a preceding taxable year with respect to which a trust qualifies (without regard to this subpart) under the provisions of subpart B, for purposes of the application of this subpart to such trust for such taxable year, such trust shall, in accordance with regulations prescribed by the Secretary or his delegate, be treated as a trust to which subpart C applies.

§ 1.665 (d)-1 *Preceding taxable years*—(a) *Definition.* For purposes of sections 665 through 668 (subpart D), the term "preceding taxable year" does not include any taxable year to which part I of subchapter J of chapter 1 of the Internal Revenue Code of 1954 does not apply. See section 683 and regulations thereunder. Accordingly, the provisions of sections 665 through 668 (subpart D) may not, in general, be applied to any taxable year which begins before 1954 or ends before August 17, 1954. For example, if a trust (reporting on the calendar year basis) makes a distribution during the calendar year 1955 of income accumulated during prior years and the distribution exceeds the distributable net income of 1955, the excess distribution may be allocated under sections 665 through 668 (subpart D) to 1954, but it may not be allocated to 1953 and preceding years, since the Internal Revenue Code of 1939 applies to those years.

(b) *Simple trusts subject to sections 665 through 668 (subpart D).* An accumulation distribution may be properly allocated to a preceding taxable year in which the trust qualified for treatment under sections 651 and 652 (subpart B—relating to trusts which distribute current income only). In such event, the trust is treated for the preceding taxable year in all respects as if it were a trust to which sections 661 through 663 (subpart C) applies. An example of such a circumstance would be in the case of a trust (required under the trust instrument to distribute all of its income currently) which received in the preceding taxable year extraordinary dividends or taxable stock dividends which the trustee in good faith allocated to corpus, but which are subsequently determined to be currently distributable to the beneficiary. See section 643 (a) (4) and § 1.643 (a)-5. The trust would qualify for treatment under sections 661 through 663 (subpart C) for the year of distribution of the extraordinary dividends or taxable stock dividends, because the distribution is not out of income of the current taxable year and would be treated as other amounts properly paid or credited or required to be distributed for such taxable year within the meaning of section 661 (a) (2). Also, the distribution would qualify as an accumulation distribution for the purposes of sections 665 through 668 (subpart D) if in excess of $2,000 and not excepted under section 665 (b) and the regulations thereunder. For the purposes only of sections 665 through 668 (subpart D), the trust would be treated as subject to the provisions of sections 661 through 663 (subpart C) for the preceding taxable year and, in computing undistributed net income for such preceding year, the extraordinary and taxable stock dividends would be included in distributable net income under section 643 (a). Also, a personal exemption of only $100 would be allowable to the trust, rather than the $300 exemption allowed to trusts qualifying for treatment under sections 651 and 652 (subpart B), in determining the amount of taxes imposed on the trust for the purposes of sections 667 and 668.

§ 1.665 (d)-2 *Application of separate share rule.* In trust to which the separate share rule of section 663 (c) is applicable for any taxable year, sections 665 through 668 (subpart D) shall be applied as if each share were a separate trust. Thus, "undistributed net income" and the amount of an "accumulation distribution" are computed separately for each share. The "taxes imposed on the trust" shall be allocated as follows:

(a) There is first allocated to each separate share that portion of the "taxes imposed on the trust", computed before the allowance of credits under section 642 (a), which bears the same relation to the total that the distributable net income of the separate share bears to the distributable net income of the trust, adjusted for this purpose as follows:

(1) There is excluded from distributable net income of the trust and of each separate share any tax-exempt interest, foreign income of a foreign trust, and excluded dividends, to the extent such amounts are included in distributable net income pursuant to section 643 (a) (5), (6) and (7); and

(2) The distributable net income of the trust is reduced by any deductions allowable under section 661 for amounts paid, credited, or required to be distributed during the taxable year, and the distributable net income of each separate share is reduced by any such deduction allocable to that share.

(b) The taxes so determined for each separate share are then reduced by that portion of the credits against tax allowable to the trust under section 642 (a) in computing the "taxes imposed on the trust" which bear the same relation to the total that the items of income (allocable to the separate share) with respect to which the credit is allowed bear to the total of such items of the trust. The amount of taxes imposed on the trust allocable to a separate share as so determined is then reduced by the amount of the taxes allowed under sections 667 and 668 as a credit to a beneficiary of the separate share on account of any accumulation distribution determined for any subsequent taxable year. See § 1.665 (c)-1 (b).

§ 1.666 (a) *Statutory provisions; excess distributions by trusts; allocation of accumulation distribution.*

SEC. 666. *Accumulation distribution allocated to 5 preceding years*—(a) *Amount allocated.* In the case of a trust which for a taxable year beginning after December 31, 1953, is subject to subpart C, the amount of the accumulation distribution of such trust for such taxable year shall be deemed to be an amount within the meaning of paragraph (2) of section 661 (a) distributed on the last day of each of the 5 preceding taxable years to the extent that such amount exceeds the total of any undistributed net incomes for any taxable years intervening between the taxable year with respect to which the accumulation distribution is determined and such preceding taxable year. The amount deemed to be distributed in any such preceding taxable year under the preceding sentence shall not exceed the undistributed net income of such preceding taxable year. For purposes of this subsection, undistributed net income for each of such 5 preceding taxable years shall be computed without regard to such accumulation distribution and without regard to any accumulation distribution determined for any succeeding taxable year.

§ 1.666 (a)-1 *Amount allocated.* (a) If a trust makes an accumulation distribution in any taxable year, the distribution is included in the beneficiary's taxable income for that year to the extent of the undistributed net income of the trust for the preceding 5 years. It is therefore necessary to determine the extent to which there is undistributed net income for the preceding 5 years. For this purpose, an accumulation distribution made in any taxable year is allocated to each of the 5 preceding taxable years in turn, beginning with the most recent year, to the extent of the undistributed net income of each of those years. Thus, an accumulation distribution is deemed to have been made from the most recently accumulated income of the trust.

(b) If, prior to the application of the provisions of sections 665 through 668 (subpart D) to an accumulation distribution for the taxable year, there is no undistributed net income for a preceding taxable year, then no portion of the accumulation distribution is deemed distributed on the last day of such preceding taxable year. Thus, if an accumulation distribution is made during the taxable year 1960 and the trust had no undistributed net income for the taxable year 1959, then no portion of the 1960 accumulation distribution shall be deemed distributed on the last day of 1959. For purposes of sections 665 through 668 (subpart D), the term "5 preceding taxable years" includes only the 5 taxable years immediately preceding the taxable years in which the accumulation distribution is made and which are subject to part I of subchapter J of chapter 1 of the Internal Revenue Code of 1954, even though the trust has no undistributed net income during one or more of those years.

(c) Paragraphs (a) and (b) of this section may be illustrated by the following example:

*Example.* In 1959, a trust, reporting on the calendar year basis, makes an accumulation distribution of $25,000. In 1958, the trust had $7,000 of undistributed net income; in 1957, none; in 1956, $12,000; in 1955, $4,000; in 1954, $4,000. The accumulation distribution will be deemed distributed $7,000 in 1958, none in 1957, $12,000 in 1956, $4,000 in 1955, and $2,000 in 1954.

(d) For the purposes of allocating to any preceding taxable year an accumulation distribution of the taxable year, the undistributed net income of such preceding taxable year is computed without regard to the accumulation distribution of the taxable year or of taxable years following the taxable year. However, accumulation distributions of any taxable years intervening between such preceding taxable year and the taxable year are taken into account. Accordingly, if a trust has undistributed net income for the taxable year 1954 and makes an accumulation distribution during the taxable year 1955, the undistributed net income for 1954 is computed without regard to the accumulation distribution for 1955 or any subsequent year. If the trust makes a further accumulation distribution for 1956, the undistributed net income for 1954 is computed without regard to the accumulation distribution for 1956 or subsequent years; but the undistributed net income for 1954 will take into account the accumulation distribution for 1955.

§ 1.666 (b) *Statutory provisions; excess distributions by trusts; total taxes deemed distributed.*

SEC. 666. *Accumulation distribution allocated to 5 preceding years.* * * *

(b) *Total taxes deemed distributed.* If any portion of an accumulation distribution for any taxable year is deemed under subsection (a) to be an amount within the meaning of paragraph (2) of section 661 (a) distributed on the last day of any preceding taxable year, and such portion of such accumulation distribution is not less than the undistributed net income for such preceding taxable year, the trust shall be deemed to have distributed on the last day of such preceding taxable year an additional amount within the meaning of paragraph (2) of section 661 (a). Such additional amount shall be equal to the taxes imposed on the trust for such preceding taxable year. For purposes of this subsection, the undistributed net income and the taxes imposed on the trust for such preceding taxable year shall be computed without regard to such accumulation distribution and without regard to any accumulation distribution determined for any succeeding taxable year.

§ 1.666 (b)–1 *Total taxes deemed distributed.* (a) If an accumulation distribution is deemed under § 1.666 (a)–1 to be distributed on the last day of a preceding taxable year and the amount is not less than the undistributed net income for such preceding taxable year, then an additional amount equal to the taxes imposed on the trust as defined in § 1.665 (c)–1 for such preceding taxable year is likewise deemed distributed under section 661 (a) (2). For example, a trust has taxable income of $11,032 (not including any capital gains) and undistributed net income of $8,000 for the taxable year 1954. The taxes imposed on the trust are $3,032. During the taxable year 1955, an accumulation distribution of $8,000 is made to the beneficiary, which is deemed under § 1.666 (a)–1 to have been distributed on the last day of 1954. The taxes imposed on the trust for 1954 of $3,032 are also deemed to to have been distributed on the last day of 1954 since the 1955 accumulation distribution is not less than the 1954 undistributed net income. Thus, a total of $11,032 will be deemed to have been distributed on the last day of 1954 because of the accumulation distribution of $8,000 made in 1955.

(b) For the purpose of paragraph (a) of this section, the undistributed net income of any preceding taxable year is computed without regard to the accumulation distribution of the taxable year or any taxable year following such taxable year. However, any accumulation distribution of taxable years intervening between such preceding taxable year and the taxable year are taken into account. See § 1.666-(a)–1 (d) and paragraphs (f) (5) and (g) (1) of § 1.668 (Example).

§ 1.666 (c) *Statutory provisions; excess distributions by trusts; pro rata portion of taxes deemed distributed.*

SEC. 666. *Accumulation distribution allocated to 5 preceding years.* * * *

(c) *Pro rata portion of taxes deemed distributed.* If any portion of an accumulation distribution for any taxable year is deemed under subsection (a) to be an amount within the meaning of paragraph (2) of section 661 (a) distributed on the last day of any preceding taxable year and such portion of the accumulation distribution is less than the undistributed net income for such preceding taxable year, the trust shall be deemed to have distributed on the last day of such preceding taxable year an additional amount within the meaning of paragraph (2) of section 661 (a). Such additional amount shall be equal to the taxes imposed on the trust for such taxable year multiplied by the ratio of the portion of the accumulation distribution to the undistributed net income of the trust for such year. For purposes of this subsection, the undistributed net income and the taxes imposed on the trust for such preceding taxable year shall be computed without regard to the accumulation distribution and without regard to any accumulation distribution determined for any succeeding taxable year.

§ 1.666 (c)–1 *Pro rata portion of taxes deemed distributed.* (a) If an accumulation distribution is deemed under § 1.666 (a)–1 to be distributed on the last day of a preceding taxable year and the amount is less than the undistributed net income for such preceding taxable year, then an additional amount is likewise deemed distributed under section 661 (a) (2). The additional amount is equal to the taxes imposed on the trust, as defined in § 1.665 (c)–1, for such preceding taxable year, multiplied by the fraction of which the numerator is the amount of the accumulation distribution and the denominator is the undistributed net income for such preceding taxable year. See paragraphs (c) and (d) of example (2) in § 1.666 (Examples) and paragraph (f) (2) of § 1.668 (Example) for illustrations of this rule.

(b) For the purpose of paragraph (a) of this section, the undistributed net income of any preceding taxable year is computed without regard to the accumulation distribution of the taxable year or any taxable year following the taxable year. However, accumulation distributions of any taxable years intervening between such preceding taxable year and the taxable year are taken into account. See § 1.666 (a)–1 (d), paragraphs (e) and (h) of example (2) in § 1.666 (Examples), and paragraph (f) (5) of § 1.668 (Example).

§ 1.666 (Examples) *Examples.* The application of the provisions of §§ 1.666 (a)–1, 1.666 (b)–1, and 1.666 (c)–1 may be illustrated by the following examples:

*Example (1).* (a) A trust makes accumulation distributions as follows:

| | |
|---|---|
| 1959 | $7,000 |
| 1960 | 25,000 |

For 1954 through 1958, the undistributed portion of distributable net income, taxes imposed on the trust, and undistributed net income are as follows:

| Year | Undistributed portion of distributable net income | Taxes imposed on the trust | Undistributed net income |
|---|---|---|---|
| 1958 | $12,100 | $3,400 | $8,700 |
| 1957 | 16,100 | 5,200 | 10,900 |
| 1956 | 6,100 | 1,360 | 4,740 |
| 1955 | None | None | None |
| 1954 | 10,100 | 2,640 | 7,460 |

(b) Since the entire amount of the accumulation distribution for 1959 ($7,000), determined without regard to the accumulation distribution for 1960, is less than the undistributed net income for 1958 ($8,700), an additional amount of $2,736 is likewise deemed distributed under section 666 (c), determined as follows:

| | |
|---|---|
| $3,400 (taxes imposed on the trust for 1958) multiplied by | |
| $7,000 (accumulation distribution for 1958) | |
| $8,700 (undistributed net income for 1958) | |

(c) In allocating the accumulation distribution for 1960, the undistributed net income for 1958 will take into account the accumulation distribution for 1959, and the additional amount of taxes imposed on the trust for 1958 deemed distributed. The undistributed net income for 1958 will then be $1,906; and the taxes imposed on the trust for 1958 will then be $458, determined as follows:

| | | |
|---|---|---|
| Undistributed portion of distributable net income as of the close of 1958 | | $12,100 |
| Less: | | |
| Accumulation distribution (1959) | $7,000 | |
| Taxes deemed distributed under section 666 (c) (7,000/8,700×$3,400) | 2,736 | |
| | | 9,736 |
| Balance | | 2,364 |
| Less: Personal exemption | | 100 |
| Balance | | 2,264 |
| Taxes imposed on the trust (income taxes on $2,264) | | 458 |
| Undistributed portion of distributable net income as of the close of 1959 | | 2,364 |
| Less: Income taxes attributable thereto | | 458 |
| Undistributed net income for 1958 as of the close of 1959 | | 1,906 |

(d) The accumulation distribution of $25,000 for 1960 is deemed to have been made on the last day of the 5 preceding taxable years of the trust to the extent of $17,546, the total of the undistributed net income for such years, as shown in the tabulation below. In addition, $7,018, the total taxes imposed on the trust for such years are also deemed to have been distributed on the last day of such years, as shown below:

| Year | Undistributed net income | Taxes imposed on the trust |
|---|---|---|
| 1959 | None | None |
| 1958 | $1,906 | $458 |
| 1957 | 10,900 | 5,200 |
| 1956 | 4,740 | 1,360 |
| 1955 | None | None |

(e) No portion of the 1960 accumulation distribution is deemed made on the last day of 1954 because, as to 1960, 1954 is the sixth preceding taxable year.

*Example (2).* (a) Under the terms of a trust instrument, the trustee has discretion to accumulate or distribute the income to X and to invade corpus for the benefit of X. The entire income of the trust is from royalties. Both X and the trust report on the calendar year basis. The distributable net income of the trust for the taxable year 1954 is $20,100 and the income taxes paid by the trust for such year with respect to such income are $7,260. All of the income for 1954 was accumulated. All of the income for 1955 and 1956 was distributed and in addition the trustee made accumulation distributions within the meaning of section 665 (b) of $6,420 for each year.

(b) The undistributed net income of the trust determined under section 665 (a) as of the close of 1954, is $12,840, computed as follows:

| | | |
|---|---|---|
| Distributable net income | | $20,100 |
| Less: Taxes imposed on the trust | | 7,260 |
| Undistributed net income as of the close of 1954 | | 12,840 |

(c) The accumulation distribution of $6,420 made during the taxable year 1955 is deemed under section 666 (a) to have been made on December 31, 1954. Since this accumulation distribution is less than the 1954 undistributed net income of $12,840, a portion of the taxes imposed on the trust for 1954 is also deemed under section 666 (c) to have been distributed on December 31, 1954. The total amount deemed to have been distributed to X on December 31, 1954, is $10,050, computed as follows:

| | |
|---|---|
| Accumulation distribution | $6,420 |
| Taxes deemed distributed (6,420/12,840×$7,260) | 3,630 |
| Total | 10,050 |

(d) After the application of the provisions of sections 665 through 668 (subpart D) to the accumulation distribution of 1955, the undistributed portion of the distributable net income of the trust for 1954, is $10,050, and the taxes imposed with respect thereto are $2,623, computed as follows:

| | | |
|---|---|---|
| Distributable net income as of the close of 1954 | | $20,100 |
| Less: 1955 accumulation distribution and taxes deemed distributed on Dec. 31, 1954 (paragraph (c)) | | 10,050 |
| Undistributed portion of the 1954 distributable net income adjusted as of the close of 1955 | | 10,050 |
| Less: Personal exemption | | 100 |
| Balance | | 9,950 |
| Income taxes on $9,950 | | 2,623 |

(e) The undistributed net income of the trust for the taxable year 1954, as adjusted to give effect to the 1955 accumulation distribution, is $7,427, computed as follows:

| | | |
|---|---|---|
| Undistributed portion of distributable net income as of the close of 1955 | | $10,050 |
| Less: Income taxes applicable thereto | | 2,623 |
| Undistributed net income determined as of the close of 1955 | | 7,427 |

(f) Inasmuch as all of the income of the trust for the taxable year 1955 was distributed to X, the trust had no undistributed net income for that year. Accordingly, the accumulation distribution of $6,420 made during the taxable year 1956 is, under section 666 (a), deemed a distribution to X on December 31, 1954, within the meaning of section 661 (a) (2). Since this accumulation distribution is less than the 1954 adjusted undistributed net income of $7,427, the trust is deemed under section 666 (c) also to have distributed on December 31, 1954, a portion of the taxes imposed on the trust for 1954. The total amount deemed to be distributed on December 31, 1954, with respect to the accumulation distribution made in 1956, is $8,687, computed as follows:

| | |
|---|---|
| Accumulation distribution | $6,420 |
| Taxes deemed distributed (6,420/7,427×$2,623) | 2,267 |
| Total | 8,687 |

(g) After the application of the provisions of sections 665 through 668 (subpart D) to the accumulation distribution of 1956, the undistributed portion of the distributable net income of the trust for 1954, is $1,363, and the taxes imposed on the trust with respect thereto are $253, computed as follows:

| | | |
|---|---|---|
| Undistributed portion of distributable net income as of the close of 1955 | | $10,050 |
| Less: 1956 accumulation distribution and taxes deemed distributed on December 31, 1954 (paragraph (f)) | | 8,687 |
| Undistributed portion of distributable net income as of the close of 1956 | | 1,363 |
| Less: Personal exemption | | 100 |
| Balance | | 1,263 |
| Income taxes on $1,263 | | 253 |

(h) The undistributed net income of the trust for the taxable year 1954, determined as of the close of the taxable year 1956, is $1,110 ($1,363 less $253).

§ 1.667 *Statutory provisions; excess distributions by trusts; denial of refund to trusts.*

SEC. 667. *Denial of refund to trusts.* The amount of taxes imposed on the trust under this chapter, which would not have been payable by the trust for any preceding taxable year had the trust in fact made distributions at the times and in the amounts deemed under section 666, shall not be refunded or credited to the trust, but shall be allowed as a credit under section 668 (b) against the tax of the beneficiaries who are treated as having received the distributions. For purposes of the preceding sentence, the amount of taxes which may not be refunded or credited to the trust shall be an amount equal to the excess of (1) the taxes imposed on the trust for any preceding taxable year (computed without regard to the accumulation distribution for the taxable year) over (2) the amount of taxes for such preceding taxable year imposed on the undistributed portion of distributable net income of the trust for such preceding taxable year after the application of this subpart on account of the accumulation distribution determined for such taxable year.

§ 1.667–1 *Denial of refund to trusts.* (a) If an amount is deemed under section 666 to be an amount paid, credited, or required to be distributed on the last day of a preceding taxable year, the trust is not allowed a refund or credit of the amount of taxes imposed on the trust, as defined in § 1.665 (c)–1, which would not have been payable for the preceding taxable year had the trust in fact made such distribution on the last day of such year. Such taxes are allowed as a credit under section 668 (b) against the tax of the beneficiaries who are treated as having received the distributions in the preceding taxable year. The amount of taxes which may not be refunded or credited to the trust under this paragraph and which are allowed as a credit under section 668 (b) against the tax of the beneficiaries, shall be an amount equal to the excess of the taxes imposed on the trust (as defined in section 665 (c) and the regulations thereunder) for any preceding taxable year (computed without regard to the accumulation distribution for the taxable year) over the amount of taxes for such preceding taxable year which would be imposed on the undistributed portion of distributable net income of the trust for such preceding taxable year after the application of sections 665 through 668 (subpart D) on account of the accumulation distribution determined for such taxable year.

(b) Paragraph (a) of this section may be illustrated by the following examples:

*Example (1).* In 1954, a trust of which A is the sole beneficiary has taxable income of $20,000 (including capital gains allocable to corpus), on which a tax of $7,260 is paid. The undistributed portion of distributable net income is $15,000, to which $6,160 of the tax is allocable under section 665. The undistributed net income is therefore $8,840 ($15,000 minus $6,160). In 1955, the trust makes an accumulation distribution of $8,840. Under section 666 (b), the total taxes for 1954 attributable to undistributed net income are deemed distributed, so $15,000 is deemed distributed. The amount of the tax which may not be refunded to the trust under section 667 and the credit to which A is entitled under section 668 (b) is the excess of $6,160 over zero, since after the distribution and the application of sections 665 through 668 (subpart D) there is no remaining undistributed portion of distributable net income for 1954.

*Example (2).* The same trust as in example (1) above distributes $5,000 in 1955, rather than $8,840. The amount of the tax which may not be refunded to the trust and the amount of the credit available to A is the excess of $6,160 over $4,044, the tax on an amount equal to the undistributed portion of distributable net income ($15,000) reduced by the amount deemed under section 666 to have been distributed in 1954 ($8,484). The excess is computed as follows:

| | | |
|---|---|---|
| Accumulation distribution in 1955 | | $5,000 |
| Taxes deemed distributed under section 666 (c) (5,000/8,840×$6,160) | | 3,484 |
| Total amount deemed distributed out of the undistributed portion of distributable net income | | 8,484 |
| Tax attributable to the undistributed portion of distributable net income | | 6,160 |
| Tax on $11,516 (taxable income of $20,000 minus $8,484, amount deemed distributed) | $3,216 | |
| Tax on $5,000 (capital gains allocable to corpus) | 1,100 | |
| Tax attributable to undistributed portion of distributable net income | | 2,116 |
| Refund disallowed to the trust and credit available to A in 1955 | | 4,044 |

§ 1.668 (a) *Statutory provisions; excess distributions by trusts; treatment of amounts deemed distributed in preceding taxable years; amounts treated as received in prior taxable years.*

SEC. 668. *Treatment of amounts deemed distributed in preceding years—(a) Amounts treated as received in prior taxable years.* The total of the amounts which are treated under section 666 as having been distributed by the trust in preceding taxable year shall be included in the income of a beneficiary or beneficiaries of the trust when paid, credited, or required to be distributed to the extent that such total would have been included in the income of such beneficiary or beneficiaries under section 662 (a) (2) and (b) if such total had been paid to such beneficiary or beneficiaries on the last day of such preceding taxable year. The portion of such total included under the preceding sentence in the income of any beneficiary shall be based upon the same ratio as determined under the second sentence of section 662 (a) (2) for the taxable year in respect of which the accumulation distribution is determined, except that proper adjustment of

such ratio shall be made, in accordance with regulations prescribed by the Secretary or his delegate, for amounts which fall within paragraphs (1) through (4) of section 665 (b). The tax of the beneficiaries attributable to the amounts treated as having been received on the last day of such preceding taxable year of the trust shall not be greater than the aggregate of the taxes attributable to those amounts had they been included in the gross income of the beneficiaries on such day in accordance with section 662 (a) (2) and (b).

§ 1.668 (a)–1 *Amounts treated as received in prior taxable years—*(a) *Inclusion in gross income.* (1) Section 668 (a) provides that the total of the amounts treated under section 666 as having been distributed by the trust on the last day of a preceding taxable year of the trust shall be included in the gross income of the beneficiary receiving them. The total of such amounts is includible to the extent the amounts would have been included under section 662 (a) (2) and (b) if the total had actually been paid by the trust on the last day of such preceding taxable year. The total shall be included in the gross income of the beneficiary for the taxable year of the beneficiary in which such amounts are in fact paid, credited, or required to be distributed unless the taxable year of the beneficiary differs from the taxable year of the trust (see section 662 (c) and the regulations thereunder).

(2) The total of the amounts treated under section 666 as having been distributed by the trust on the last day of a preceding taxable year of the trust are included as prescribed in subparagraph (1) of this paragraph in the gross income of the beneficiary even though as of that day the beneficiary would not have been entitled to receive them had they actually been distributed on that day.

(3) Any deduction allowed to the trust in computing distributable net income for a preceding taxable year (such as depreciation, depletion, etc.) is not deemed allocable to a beneficiary because of amounts included in a beneficiary's gross income under this section (see paragraph (h) (2) (ii) of § 1.668 (Example)), since the deduction has already been utilized in reducing the amount included in the beneficiary's income.

(b) *Allocation among beneficiaries.* (1) The portion of the total amount includible in gross income under the preceding paragraph which is includible in the gross income of a particular beneficiary shall be based upon the ratio determined under the second sentence of section 662 (a) (2) for the taxable year (not the preceding taxable year).

(2) The rule of subparagraph (1) of this paragraph may be illustrated by the following example:

*Example.* (i) Under the terms of a trust instrument, the trustee may accumulate the income or make distributions to A and B. The trustee may also invade corpus for the benefit of A and B. The distributable net income of the trust for the taxable year 1955 is $10,000. The trust had undistributed net income for the taxable year 1954 of $5,000, to which a tax of $1,100 was allocable. During the taxable year 1955, the trustee distributes $10,000 to A and $5,000 to B. Thus, of the total distribution of $15,000, A received two-thirds and B received one-third.

(ii) For the purposes of determining the amounts includible in the beneficiaries' gross income for 1955, the trust is deemed to have made the following distributions:

| | |
|---|---|
| Amount distributed out of 1955 income (distributable net income) | $10,000 |
| Accumulation distribution deemed distributed by the trust on the last day of 1954 under section 666 (a) | 5,000 |
| Taxes imposed on the trust deemed distributed under section 666 (b) | 1,100 |

(iii) A will include in his gross income for 1955 two-thirds of each item shown in subdivision (ii). Thus, he will include in gross income $6,666.67 (10,000/15,000×$10,000) of the 1955 distributable net income of the trust as provided in section 662 (a) (2), and $3,333.33 (10,000/15,000×$5,000) of the accumulation distribution and $733.33 (10,000/15,000×$1,000) of the taxes imposed on the trust as provided in section 668 (a).

(iv) B will include in his gross income for 1955 one-third of each item shown in subdivision (ii), computed in the manner shown in subdivision (iii).

(3) When a trust pays, credits, or is required to distribute to a beneficiary amounts which are excluded under section 665 (b) (1), (2), (3), or (4) from the computation of an accumulation distribution, the amount includible under sections 665 through 668 (subpart D) in the gross income of the beneficiaries pursuant to paragraph (a) of this section is first allocated to the beneficiaries as provided in subparagraph (1) of this paragraph and, second, the amount allocable to the beneficiary receiving amounts which are excluded under section 665 (b) (1), (2), (3), or (4) is reduced by the excluded amounts.

(4) Subparagraph (3) of this paragraph may be illustrated by the following examples in which it is assumed the trusts and beneficiaries report on the calendar year basis and the income of the trusts was derived entirely from taxable interest:

*Example (1).* (i) A trust in 1957 has income as defined in section 643 (b) of $35,000 and expenses allocable to corpus of $5,000. Its distributable net income is, therefore, $30,000 ($35,000—$5,000). The undistributed net income of the trust and the taxes imposed on the trust were $12,840 and $7,260, respectively, for each of the years 1956, 1955, and 1954. The terms of the trust instrument provide for the accumulation of income during the minority of beneficiaries A and B. However, the trustee may make discretionary distributions to either beneficiary after he becomes 21 years of age. Also, the trustee may invade corpus for the benefit of A and B. B became 21 years of age on January 1, 1957, and, as of that date, A was 25 years old. The trustee distributed $50,000 each to A and B during 1957.

(ii) Since each beneficiary received one-half of the total amount distributed by the trust, each must include in gross income under section 662 (a) (2) one-half ($15,000) of the distributable net income ($30,000) of the trust for 1957.

(iii) The excess distribution of $35,000 ($50,000—$15,000) received by B is excluded from the determination of an accumulation distribution under section 665 (b) (1) and accordingly is not includible in B's gross income under section 668 (a). Nor is such amount treated as an accumulation distribution for the purpose of determining the amount includible in A's gross income under section 668 (a).

(iv) The accumulation distribution of the trust is $35,000, computed as follows:

| | | |
|---|---|---|
| Total distribution by the trust | | $100,000 |
| Less: | | |
| Distributable net income for 1957 | $30,000 | |
| Excess distribution to B | 35,000 | |
| | | 65,000 |
| Accumulation distribution to A | | 35,000 |

(v) The accumulation distribution of $35,000 will be allocated to the preceding taxable years 1956, 1955, and 1954, and the trust will be deemed to have made the following distributions to A on the last day of those years:

| | 1956 | 1955 | 1954 |
|---|---|---|---|
| Undistributed net income | $12,840 | $12,840 | $9,320 |
| Taxes imposed on the trust | 7,260 | 7,260 | 5,270 |
| Total | 20,100 | 20,100 | 14,590 |

Thus, A will include $54,790 in his gross income for 1957 under section 668 (a). A will, however, receive credit against his tax under section 668 (b).

*Example (2).* (i) Under the terms of a trust the trustee may make discretionary distributions out of income to A during her life. The balance of the income is to be accumulated during the minority of her son, B, and is to be distributed to him when he becomes 21 years of age. Thereafter the trustee may also make discretionary payments of income to B. Also, the trustee may invade corpus for the benefit of A and B. B became 21 years of age on December 31, 1955. The distributable net income of the trust for 1955 is $30,000. It had undistributed net income of $12,840 for the preceding taxable year 1954 and the taxes imposed on the trust for such year were $7,260. The trustee distributed $15,000 to A during 1955 and on December 31, 1955, he distributed $60,000 to B, which represented income accumulated during his minority.

(ii) Since B received four-fifths of the total amount ($75,000) distributed by the trust during 1955, he must include in his gross income under section 662 (a) (2) four-fifths ($24,000) of the distributable net income ($30,000) of the trust for 1955. A will include in her gross income under section 662 (a) (2) one-fifth ($6,000) of the distributable net income ($30,000) of the trust for 1955.

(iii) The excess distribution of $36,000 ($60,000—$24,000) received by B is excluded from the determination of an accumulation distribution under section 665 (b) (1) and accordingly is not includible in his gross income under section 668 (a).

(iv) The amount treated as an accumulation distribution for the purpose of determining the amount includible in A's gross income for 1955 under section 668 (a) is $9,000, computed as follows:

| | | |
|---|---|---|
| Total distribution by the trust | | $75,000 |
| Less: | | |
| Distributable net income for 1955 | $30,000 | |
| Excess distribution to B | 36,000 | |
| | | 66,000 |
| Amount treated as an accumulation distribution | | 9,000 |

(v) Inasmuch as the amount of $9,000 is less than the total undistributed net income of the trust ($12,840) for the preceding taxable year 1954, a pro rata portion of the taxes imposed on the trust for that year are also deemed distributed by the trust. Thus, A will include $14,073 in her gross income for 1955 under section 668 (a) computed as follows:



| | 1954 |
|---|---|
| Undistributed net income | $9,000 |
| Taxes imposed on the trust (9,000/12,840×$7,260) | 5,073 |
| Total | 14,073 |

A will, however, receive credit against her tax under section 668 (b).

(c) *Tax attributable to throwback.* (1) The tax attributable to amounts deemed distributed under section 666 is imposed on the beneficiary for the taxable year of the beneficiary in which the accumulation distribution is made unless the taxable year of the beneficiary is different from that of the trust (see section 662 (c) and the regulations thereunder). However, the tax cannot be greater than the aggregate of the taxes attributable to those amounts had they been included, in accordance with the provisions of section 662 (a) (2) and (b), in the gross income of the beneficiary for the preceding taxable year or years in which they were deemed distributed. The tax liability of the beneficiary for the taxable year is computed in the following manner:

(i) First, compute the amount of tax for the taxable year attributable to the section 666 amounts which are included in the gross income of the beneficiary for the year. The tax attributable to those amounts is the difference between the tax for the taxable year computed with the inclusion of the section 666 amounts in gross income and the tax computed without including them in gross income.

(ii) Next, compute the tax attributable to the section 666 amounts for each of the preceding taxable years as if they had been included in gross income for those years. The tax attributable to such amounts in each such preceding taxable year is the difference between the tax for such preceding year computed with the inclusion of the section 666 amounts in gross income and the tax for such year computed without including them in gross income. The tax computation for each preceding year shall reflect the taxpayer's marital and dependency status for that year.

(iii) The total tax for the taxable year shall be the tax for that year computed without including the section 666 amounts, plus—

(*a*) The amount of the tax for the taxable year attributable to the section 666 amounts (computed in accordance with subdivision (i) of this subparagraph), or

(*b*) The sum of the taxes for the preceding taxable years attributable to the section 666 amounts (computed in accordance with subdivision (ii) of this subparagraph),

whichever is the smaller.

(2) The provisions of subparagraph (1) of this paragraph may be illustrated by the following example:

*Example.* (i) During the taxable year 1956, $10,000 is deemed distributed under section 666 to a beneficiary, of which $6,000 is deemed distributed by the trust on the last day of 1955 and $4,000 on the last day of 1954. The beneficiary had taxable income (after deductions) from other sources of $5,000 for 1956, $10,000 for 1955, and $10,000 for 1954. The beneficiary's tax liability for 1956 is $4,730 determined as follows:

*Year 1956*

| | |
|---|---|
| Tax on $15,000 (taxable income including section 666 amounts) | $4,730 |
| Tax on $5,000 (taxable income excluding section 666 amounts) | 1,100 |
| Tax attributable to section 666 amounts | 3,630 |

*Year 1955*

| | |
|---|---|
| Tax on $16,000 (taxable income including section 666 amounts) | 5,200 |
| Tax on $10,000 (taxable income excluding section 666 amounts) | 2,640 |
| Tax attributable to section 666 amounts | 2,560 |

*Year 1954*

| | |
|---|---|
| Tax on $14,000 (taxable income including section 666 amounts) | 4,260 |
| Tax on $10,000 (taxable income excluding section 666 amounts) | 2,640 |
| Tax attributable to section 666 amounts | 1,620 |

(ii) Inasmuch as the tax of $3,630 attributable to the section 666 amounts as computed at 1956 rates is less than the aggregate of the taxes of $4,180 ($2,560 plus $1,620) determine for the preceding taxable years, the amount of $3,630 is added to the tax ($1,100) computed for 1956 without including the section 666 amounts.

§ 1.668 (b) *Statutory provisions; excess distributions by trusts; treatment of amounts deemed distributed in preceding taxable years; credit for taxes paid by trust.*

SEC. 668. *Treatment of amounts deemed distributed in preceding taxable years.* * * *

(b) *Credit for taxes paid by trust.* The tax imposed on beneficiaries under this chapter shall be credited with a pro rata portion of the taxes imposed on the trust under this chapter for such preceding taxable year which would not have been payable by the trust for such preceding taxable year had the trust in fact made distributions to such beneficiaries at the times and in the amounts specified in section 666.

§ 1.668 (b)–1 *Credit for taxes paid by the trust.* (a) The taxes imposed on a complex trust for a taxable year which would not have been paybale by the trust if amounts deemed under section 666 to have been distributed in the year had in fact been distributed in the year are not allowable as a refund to the trust but are allowable as a credit against the tax of the beneficiaries to whom the amounts described in section 666 (a) are distributed.

(b) The credit to which a beneficiary is entitled under section 668 (b) is allowed for the taxable year in which the accumulation distribution (to which the credit relates) is required to be included in the gross income of the beneficiary. Any excess over the total tax liability of the beneficiary is treated as an overpayment of tax.

(c) The beneficiary is entitled to a portion of the credit described in paragraph (a) of this section in the ratio which the amount of the accumulation distribution to him bears to the accumulation distributions to all the beneficiaries.

§ 1.668 (Example) *Example.* The provisions of sections 665 through 668 (subpart D) may be illustrated by the following example:

*Example.* (a) *Facts.* (1) Under the terms of a trust instrument, one-half of the trust income is required to be distributed currently to beneficiary A. The trustee may in his discretion accumulate the balance of the income of the trust or he may make distributions to B out of income or corpus. The trust is to terminate upon the death of A and the corpus is to be distributed to B. Capital gains are allocable to corpus. All of the expenses of the trust are charges against income. No provision is made in the trust instrument with respect to depreciation. The trust and both beneficiaries report on the calendar year basis. The trust had long-term capital gains of $20,000 for 1954, and $10,000 for 1955, which were allocated to corpus. The distributable net income of the trust as determined under section 643 (a) for 1954, 1955, 1956, and 1957 is deemed to consist of the following items of income:

| | Dividends | Rents | Interest (taxable) | Interest (exempt) | Total |
|---|---|---|---|---|---|
| 1954 | $15,000 | $20,000 | $10,000 | $5,000 | $50,000 |
| 1955 | 10,000 | 15,000 | 10,000 | 5,000 | 40,000 |
| 1956 | 10,000 | 20,000 | 15,000 | 5,000 | 50,000 |
| 1957 | 10,000 | 15,000 | 15,000 | 5,000 | 45,000 |

(2) One-half ($7,500) of the dividends for 1954 were received by the trust on or before July 31, 1954, and the balance were received after that date. The depreciation of rental property amounted to $10,000 for each of the years 1954 through 1957, one-half ($5,000) of which was deducted by the trust in computing the distributable net income shown above for the years 1954 and 1955. No deduction was taken by the trust for depreciation for the years 1956 and 1957 since all of the income was distributed during those years.

(3) The following distributions were made by the trustee to A and B during the taxable years 1954 through 1957:

| | A | B |
|---|---|---|
| 1954 | $25,000 | None |
| 1955 | 20,000 | None |
| 1956 | 25,000 | $45,000 |
| 1957 | 22,500 | 29,550 |

(b) *Distributions to A.* A is deemed to have received one-half of each item of income entering into the computation of distributable net income as shown in paragraph (a) (1) above. See § 1.662 (a)–2 for rules for the treatment of currently distributable income in the hands of the beneficiary. Inasmuch as one-half of the trust income is currently distributable to A, he is entitled to a deduction of one-half ($5,000) of the depreciation of the trust for each of the years 1954 through 1957 in computing his taxable income.

(c) *Tax liability of the trust—*(1) *1954.* (i) The tax liability of the trust for the taxable year 1954 is $13,451, computed as follows:

| | | |
|---|---|---|
| Distributable net income under section 643 (a) (paragraph (a) (1)) | | $50,000 |
| Less amounts not includible in gross income: | | |
| Tax-exempt interest | $5,000 | |
| Dividend exclusion | 50 | |
| | | 5,050 |
| Distributable net income as adjusted | | 44,950 |

| | |
|---|---|
| Add: Capital gains (long-term) | $20,000 |
| Total | 64,950 |
| Brought forward—Total | 64,950 |
| Deductions: | |
| Distributions to A | 22,475 |
| Capital gain deduction | 10,000 |
| Personal exemption | 100 |
| | 32,575 |
| Taxable income | 32,375 |
| Alternative tax | 13,601 |
| Dividend received credit | 150 |
| Tax liability | 13,451 |

(ii) See paragraph (b) above for character of income deemed distributed to A and section 661 for rules for computing the amount deductible by a trust for distributions to beneficiaries. Inasmuch as one-half of the dividends of the trust are deemed to be distributed to A, $25 of such distribution is deemed to be made from the dividend exclusion of $50, and the balance from dividends included in the gross income of the trust (that is, since the year 1954 is involved, $3,725 from dividends received on or before July 31, 1954, and $3,750 from dividends received after July 31, 1954; the trust is entitled to a dividend received credit attributable to the dividends of $3,750 received after July 31, 1954, which were not distributed to any beneficiary during the taxable year).

(2) *1955.* (i) The tax liability of the trust for the taxable year 1955 is $8,189, computed as follows:

| | |
|---|---|
| Distributable net income under section 643 (a) (paragraph (a) (1)) | $40,000 |
| Less amounts not includible in gross income: | |
| Tax-exempt interest | $5,000 |
| Dividend exclusion | 50 |
| | 5,050 |
| Distributable net income as adjusted | 34,950 |
| Add: Capital gains (long-term) | 10,000 |
| Total | 44,950 |
| Brought forward—Total | 44,950 |
| Deductions: | |
| Distributions to A | 17,475 |
| Capital gain deduction | 5,000 |
| Personal exemption | 100 |
| | 22,575 |
| Taxable income | 22,375 |
| Alternative tax | 8,388 |
| Dividend received credit | 199 |
| Tax liability | 8,189 |

(ii) See paragraph (b) above for character of income deemed distributed to A and section 661 for rules for computing the amount deductible by a trust for distributions to beneficiaries. Inasmuch as one-half ($4,975) of the dividends of $9,950 ($10,000 less dividend exclusion of $50) included in the gross income of the trust is deemed distributed to A, the trust is entitled to a dividend received credit with respect to the dividends of $4,975 which were not distributed to any beneficiary during the taxable year.

(3) *1956 and 1957.* The trust had no tax liability for the taxable years 1956 and 1957 since all of its income was distributed during such years.

(d) *Accumulation distributions.* (1) Accumulation distributions of $20,000 and $7,050, as defined in section 665 (b), were made to B during the years 1956 and 1957, respectively, computed as shown below:

| | 1956 | 1957 |
|---|---|---|
| Distributable net income of the trust as computed under section 643 (a) | $50,000 | $45,000 |
| Less: Income currently distributable to A | 25,000 | 22,500 |
| Balance of income | 25,000 | 22,500 |
| Other amounts distributed to B | 45,000 | 29,550 |
| Accumulation distributions to B | 20,000 | 7,050 |

(2) B is deemed to have received one-half of each item of income entering into the computation of distributable net income (shown in paragraph (a) (1)) for the years 1956 and 1957. Also, he is entitled to a deduction of one-half ($5,000) of the depreciation of the trust for each of the years 1956 and 1957 in computing his taxable income for these years.

(3) The accumulation distribution for 1956 must first be allocated to the preceding taxable years as provided in section 666. After the application of the provisions of sections 665 through 668 (subpart D) to the 1956 accumulation distribution and to the undistributed net incomes of the preceding taxable years, a similar allocation must be made of the 1957 accumulation distribution.

(e) *Throwback of 1956 accumulation distribution to 1955.* The accumulation distribution of $20,000 for 1956 must be allocated to the first preceding taxable year 1955, before allocation is made to the second preceding taxable year 1954.

(1) *1955 Undistributed net income.* (i) The undistributed net income of the trust for 1955, determined as of the close of 1955, is $12,885, computed as follows:

| | |
|---|---|
| Distributable net income as computed under section 643 (a) (paragraph (a) (1)) | $40,000 |
| Less: | |
| Distributions to A | $20,000 |
| Taxes imposed on the trust | 7,115 |
| | 27,115 |
| Undistributed net income as of the close of 1955 | 12,885 |

(ii) The taxes imposed on the trust of $7,115 are that portion of the taxes paid by the trust for 1955 which is attributable to the undistributed portion of distributable net income included in the taxable income of the trust (the "balance" in the computation below) and is determined as follows:

| | |
|---|---|
| Taxable income (paragraph (c) (2) (i)) | $22,375 |
| Capital gains allocable to corpus | $10,000 |
| Less: | |
| Capital gain deduction | $5,000 |
| Personal exemption | 100 |
| | 5,100 |
| Portion of taxable income allocable to corpus | 4,900 |
| Balance | 17,475 |
| Total taxes paid by the trust | 8,189 |
| Taxes on income ($4,900) allocable to corpus | 1,074 |
| Taxes imposed on the trust (section 665 (c)) | 7,115 |

(iii) The amount of $1,074 is the taxes which the trust would have paid for 1955 had all of the distributable net income been distributed during the year.

(2) *Allocation of 1956 accumulation distribution to the preceding taxable year 1955.* The portion of the 1956 accumulation distribution which is deemed under section 666 (a) to be distributed to B on the last day of 1955 (the first preceding taxable year) is $12,885, an amount equal to the undistributed net income for 1955. An additional amount equal to the taxes imposed on the trust ($7,115) is, under section 666 (b), also deemed to be distributed to B on the last day of 1955. Thus, a total of $20,000 ($12,885 plus $7,115) is deemed to be distributed to B on December 31, 1955, by reason of the allocation of the 1956 accumulation distribution to the first preceding taxable year. See paragraph (h) of this example for the treatment of the amount of $20,000 in the hands of B.

(3) *Character of amounts deemed distributed.* Inasmuch as one-half of the 1955 distributable net income of the trust as determined under section 643 (a) was currently distributable to A and the balance of such income is deemed under section 666 to be distributed to B on December 31, 1955, the distribution to B is deemed to consist of one-half of each item of income entering into the computation of the 1955 distributable net income; that is, dividends of $5,000, rents of $7,500, taxable interest of $5,000, and tax-exempt interest of $2,500.

(4) *Credit for taxes paid by the trust.* The amount of the taxes for the year 1955 which may not be refunded or credited to the trust under section 667 and which is allowed as a credit against the tax of B for 1956 under section 668 (b) is $7,115. See also paragraph (h) (3) of this example.

(5) *Effect of application of provisions of sections 665 through 668 (subpart D) to the year 1955.* After the allocation of the 1956 accumulation distribution to the preceding taxable year 1955, the undistributed portion of the distributable net income, and the undistributed net income, and the taxes imposed on the trust for 1955 are zero. The portion of the 1956 accumulation distribution which is unabsorbed by the 1955 undistributed net income is $7,115, determined as follows:

| | |
|---|---|
| 1956 accumulation distribution (paragraph (d) (1)) | $20,000 |
| Less: Amount allocable to 1955 | 12,885 |
| Balance allocable to second preceding taxable year 1954 | 7,115 |

(f) *Throwback of 1956 accumulation distribution to 1954.* The unabsorbed portion of the 1956 accumulation distribution of $7,115 is allocable to the second preceding taxable year 1954 and is treated under section 666 as a distribution to B on the last day of such year.

(1) *1954 Undistributed net income.* (i) The undistributed net income of the trust for 1954, determined as of the close of 1954, is $14,155, computed as follows:

| | |
|---|---|
| Distributable net income as computed under section 643 (a) (paragraph (a) (1)) | $50,000 |
| Less: | |
| Distributions to A | $25,000 |
| Taxes imposed on the trust | 10,845 |
| | 35,845 |
| Undistributed net income as of the close of 1954 | 14,155 |

(ii) The taxes imposed on the trust of $10,845 is that portion of the taxes paid by the trust for 1954 which is attributable to the undistributed portion of distributable net income included in the taxable income of the trust (the "balance" in the computation below) and is determined as follows:

| | |
|---|---|
| Taxable income (paragraph (c) (1) (i)) | $32,375 |
| Capital gains allocable to corpus | $20,000 |



| | |
|---|---|
| Less: | |
| Capital gain deduction | $10,000 |
| Personal exemption | 100 |
| | $10,100 |
| Portion of taxable income allocable to corpus | $9,900 |
| Balance | 22,475 |
| Total taxes paid by the trust | 13,451 |
| Taxes on income ($9,900) allocable to corpus | 2,606 |
| Taxes imposed on the trust (section 665 (c)) | 10,845 |

(iii) The amount of $2,606 is the taxes which the trust would have paid for 1954 had all of the distributable net income been distributed during that year.

(2) *Allocation of 1956 accumulation distribution to the second preceding taxable year 1954.* Since the unabsorbed portion of the 1956 accumulation distribution of $7,115 is less than the 1954 undistributed net income of $14,155, the trust is deemed under section 666 (c) to have also distributed an additional amount ($5,442) equal to a pro rata portion (7.115/14.165×$10.635) of the taxes imposed on the trust for 1954. Thus, a total of $12,557 ($7,115 plus $5,442) is deemed to be distributed to B on December 31, 1954, by reason of the throwback of the 1956 accumulation distribution. See paragraph (h) of this example for the treatment of the amount of $12,557 in the hands of B.

(3) *Character of amounts deemed distributed to B.* The amount of $12,557 which, under section 666, is deemed to be distributed to B on December 31, 1954, is deemed to be composed of the following items of income of the trust: Dividends, $3,767 (15,000/50,000×$12,557); rents, $5,023 (20,000/50,000×$12,557); taxable interest, $2,511 (10,000/50,000×$12,557); and tax-exempt interest, $1,256 (5,000/50,000×$12,557). One-half of the dividends of $3,767 is considered as distributed from the dividends received by the trust on or before July 31, 1954, of which $13 (3,767/15,000×$50) is deemed distributed from the dividends excluded under section 116 and the balance as distributed from the dividends received after July 31, 1954. Thus, of the total of $12,557 deemed distributed to B, $11,288 is considered as made from income included in the gross income of the trust and $1,269 from nontaxable income of the trust.

(4) *Credit for taxes paid by the trust.* The amount of the taxes for the year 1954 which may not be refunded or credited to the trust under section 667 and which is allowed as a credit against the tax of B for 1956 under section 668 (b), because of the allocation of the 1956 accumulation distribution to 1954, is $5,398, computed as follows:

| | |
|---|---|
| Taxable income of the trust as of the close of 1954 (paragraph (c) (1)) | $32,375 |
| Less: Amount deemed distributed to B under section 666 from the taxable income of the trust | 11,288 |
| Taxable income adjusted as of the close of 1956 | 21,087 |
| Taxes on $21,087 (alternative tax) | 6,053 |
| Taxes on income allocable to corpus (subparagraph (1) (ii) of this paragraph) | 2,606 |
| Taxes imposed on the trust determined as of the close of 1956 | 5,447 |
| Taxes imposed on the trust determined as of the close of 1954 | 10,845 |
| Taxes imposed on the trust determined as of the close of 1956 | $5,447 |
| Amount of taxes allowed as a credit to B under section 668 (b) | 5,398 |

(5) *Effect of application of provisions of sections 665 through 668 (subpart D) to the year 1954.* (i) The undistributed portion of the distributable net income of the trust for the year 1954, determined as of the close of 1956, is $12,443, computed as follows:

| | |
|---|---|
| Distributable net income (section 643 (a)) | $50,000 |
| Less: | |
| Amount currently distributable to A | $25,000 |
| Amount deemed distributed to B under section 666 | 12,557 |
| | 37,557 |
| Undistributed portion of distributable net income as of the close of 1956 | 12,443 |

(ii) The amount of $12,443 is deemed to consist of dividends of $3,733, rents of $4,977, taxable interest of $2,489, and tax-exempt interest of $1,244, determined as follows:

| | Dividends | Rents | Interest (taxable) | Interest (exempt) | Total |
|---|---|---|---|---|---|
| Trust income | $15,000 | $20,000 | $10,000 | $5,000 | [1] $50,000 |
| Distributions: | | | | | |
| To A | 7,500 | 10,000 | 5,000 | 2,500 | [2] 25,000 |
| To B | 3,767 | 5,023 | 2,511 | 1,256 | [3] 12,557 |
| Total | 11,267 | 15,023 | 7,511 | 3,756 | 37,557 |
| Balance | 3,733 | 4,977 | 2,489 | 1,244 | 12,443 |

[1] See paragraph (a) (1).
[2] See paragraph (b).
[3] See paragraph (f) (3).

(iii) The undistributed net income of the trust for 1954, determined as of the close of 1956, is $6,996, computed as follows:

| | |
|---|---|
| Undistributed portion of distributable net income as of the close of 1956 | $12,443 |
| Less: Taxes imposed on the trust determined as of the close of 1956 (subparagraph (4) of this paragraph) | 5,447 |
| Undistributed net income as of the close of 1956 | 6,996 |

(g) *Throwback of 1957 accumulation distribution.* Inasmuch as all of the income of the trust for the first preceding taxable year 1956 was distributed during such year and the trust had no undistributed net income for the second preceding taxable year 1955 after the application of sections 663 through 668 (subpart D) to the accumulation distribution made during 1956, the 1957 accumulation distribution of $7,050 is allocable to the third preceding taxable year 1954. See paragraph (d) (1) for computation of the accumulation distribution.

(1) *Allocation of 1957 accumulation distribution to the preceding taxable year 1954.* The portion of the 1957 accumulation distribution which is deemed under section 666 (a) to be distributed to B on the last day of 1954 is $6,996, an amount equal to the undistributed net income of the trust for 1954, determined as of the close of 1956. An additional amount equal to the taxes imposed on the trust ($5,447), determined as of the close of 1956, is under section 666 (b) also deemed to be distributed to B on the last day of 1954. See paragraph (f) (4) and (5) of this example. Thus, a total of $12,443 ($6,996 plus $5,447) is deemed to be distributed to B on December 31, 1954, by reason of the allocation of the 1957 accumulation distribution to the taxable year 1954. See paragraph (j) of this example for the treatment of the amount of $12,443 in the hands of B.

(2) *Character of amounts deemed distributed.* Inasmuch as the balance of the 1954 distributable net income of the trust is deemed under section 666 to be distributed to B on December 31, 1954, the distribution is deemed to consist of dividends of $3,733, rents of $4,977, taxable interest of $2,489, and tax-exempt interest of $1,244. See paragraph (f) (5) (ii) of this example.

(3) *Credit for taxes paid by the trust.* The amount of taxes for the year 1954 which may not be refunded or credited to the trust under section 667 and which is allowed as a credit against the tax of B under section 668 (b) is $5,447, the amount of taxes imposed on the trust determined as of the close of 1956. See paragraph (f) (4) of this example.

(4) *Effect of application of provisions of sections 665 through 668 (subpart D) to the year 1954.* After the allocation of the 1957 accumulation distribution to the preceding taxable year 1954, the undistributed portion of the distributable net income, the undistributed net income, and the taxes imposed on the trust for 1954 are zero. The balance of $54 ($7,050 less $6,996) of the 1957 accumulation distribution remaining after the allocation of the accumulation distribution to the year 1954, may not be allocated to the year 1953 since that year is not subject to the provisions of the Internal Revenue Code of 1954.

(h) *Determination of B's tax liability; taxable year 1956—*(1) *Amount of trust income includible in gross income.* (i) Of the amount of $45,000 distributed by the trust to B during the taxable year 1956, $25,000 is treated as a distribution out of trust income for that year within the meaning of section 662 (a) (2), and $20,000 as an accumulation distribution within the meaning of section 665 (b) (see paragraph (d) of this example). However, $12,885 plus taxes of $7,115 is deemed distributed to B on December 31, 1955, and $7,115 plus taxes of $5,442 on December 31, 1954, under section 666 by reason of the accumulation distribution made during 1956, and these amounts are includible in B's gross income for 1956 to the extent that they would have been includible in his gross income under section 662 (a) (2) and (b) for 1955 and 1954, respectively, had they been distributed on the last day of those years.

(ii) The amounts distributed to B out of trust income for the year 1956, and the amounts deemed distributed out of income for the preceding taxable years 1955 and 1954 have the following character for the purpose of determining the amount includible in B's gross income for 1956:

| Year | Dividends | Rents | Interest (taxable) | Interest (exempt) | Total |
|---|---|---|---|---|---|
| 1956 | $5,000 | $10,000 | $7,500 | $2,500 | [1] $25,000 |
| 1955 | 5,000 | 7,500 | 5,000 | 2,500 | [2] 20,000 |
| 1954 | 3,767 | 5,023 | 2,511 | 1,256 | [3] 12,557 |
| Total | 13,767 | 22,523 | 15,011 | 6,256 | 57,557 |

[1] See paragraph (d) (2).
[2] See paragraph (e) (3).
[3] See paragraph (f) (3).

Thus, B will include in gross income for 1956 dividends of $13,767 (subject to the dividend exclusion), rents of $22,523, and taxable interest of $15,011, and will exclude the tax-exempt interest of $6,256.

(2) *Computation of tax.* (i) For the purpose of computing B's tax liability, it is assumed that he was single during the taxable years 1954, 1955, and 1956, and that his taxable income (derived from salary) for each of the years 1954 and 1955 amounted to

$13,400 on which a tax of $4,002 was paid for each year. It is also assumed that his income (other than distributions from the trust) for 1956 was $15,000 derived from salary, and he had allowable deductions of $10,600, which included the deductions for personal exemption and depreciation of $5,000 from the trust.

(ii) The computation of the tax for the taxable year 1956 attributable to the section 666 amounts which are included in B's gross income for such year, as provided in § 1.668 (a)-1 (c) (1) (i), is as follows:

| | (1) Section 666 amounts excluded | (2) Section 666 amounts included |
|---|---|---|
| Salary | $15,000 | $15,000 |
| Income from trust: | | |
| Dividends ($50 excluded) | 4,950 | 13,717 |
| Rents | 10,000 | 22,523 |
| Taxable interest | 7,500 | 15,011 |
| Total | 37,450 | 66,251 |
| Less: Allowable deductions | 10,600 | 10,600 |
| Taxable income | 26,850 | 55,651 |
| Total tax | 11,267 | 31,058 |
| Less: Dividend received credit | 198 | 475 |
| Tax liability | 11,069 | 30,583 |
| Tax on income from which section 666 amounts are excluded | | 11,069 |
| 1956 tax attributable to section 666 amounts | | 19,514 |

No deduction for depreciation is allowed to B with respect to the portion of the accumulation distribution allocated to the preceding taxable years 1955 and 1954, since the deductions for depreciation allowed to the trust for those years were taken into consideration in determining the undistributed net income of the trust for each such year. Only that portion of the dividends received by the trust after July 31, 1954, and deemed distributed to B under section 666, on the last day of such year is included in computing the dividend received credit shown in column (2) above. See paragraph (f) (3).

(iii) The computation of the taxes for the preceding taxable years attributable to the section 666 amounts which are deemed attributed by the trust on the last day of these years, as provided in § 1.668 (a)-1 (c) (1) (ii), is as follows:

| | Preceding taxable years | |
|---|---|---|
| | First, 1955 | Second, 1954 |
| Taxable income previously reported | $13,400 | $13,400 |
| Section 666 amounts: | | |
| Dividends ($50 excluded) | 4,950 | 3,717 |
| Rents | 7,500 | 5,023 |
| Taxable interest | 5,000 | 2,511 |
| Taxable income as adjusted | 30,850 | 24,651 |
| Total tax | 13,747 | 9,944 |
| Less: Dividend received credit | 198 | 75 |
| Balance of tax | 13,539 | 9,869 |
| Tax liability | 4,002 | 4,002 |
| Tax attributable to section 666 amounts | 9,516 | 5,867 |

Only that portion ($1,883.50) of the dividends received by the trust after July 31, 1954, and deemed distributed under section 666 on the last day of that year, is included in computing the dividend received credit of $75 for the year 1954. See paragraph (f) (3).

(iv) Inasmuch as the aggregate of the taxes of $15,383 ($9,516 plus $5,867) attributable to the section 666 amounts as determined for the preceding taxable years is less than the tax of $19,514 determined for the taxable year 1956, the amount of $15,383 shall be added to the tax computed for 1956 without including the section 666 amounts. Thus, B's tax liability for 1956 is $26,452 ($11,069 plus $15,383).

(3) *Credits against the tax.* B is allowed under section 668 (b) a credit of $12,513 ($5,398 for 1954 and $7,115 for 1955) against his 1956 tax liability for the taxes paid by the trust for the preceding taxable years and which may not be refunded or credited to the trust under section 667. See paragraphs (e) (4) and (f) (4).

(i) [Reserved]

(j) *Taxable year 1957*—(1) *Amount of trust income includible in gross income.* (i) Of the amount of $29,550 distributed by the trust to B during the taxable year 1956, $22,500 is treated as a distribution out of trust income for that year within the meaning of section 662 (a) (2), and $7,050 as an accumulation distribution within the meaning of section 665 (b) (see paragraph (d)). However, $6,996 plus taxes of $5,442 is deemed distributed to B on December 31, 1954, under section 666 by reason of the accumulation distribution made during 1957, and that amount is includible in B's gross income for 1957, to the extent that it would have been includible in his gross income under section 662 (a) (2) and (b) for 1954, had it been distributed on the last day of that year.

(ii) The amounts deemed distributed to B out of trust income for the year 1957 and the preceding taxable year 1954 are deemed to have the following character for the purpose of determining the amount includible in B's gross income for 1957:

| Year | Dividends | Rents | Interest (taxable) | Interest (exempt) | Total |
|---|---|---|---|---|---|
| 1957 | $5,000 | $7,500 | $7,500 | $2,500 | [1] $22,500 |
| 1954 | 3,733 | 4,977 | 2,489 | 1,244 | [2] 12,443 |
| Total | 8,733 | 12,477 | 9,989 | 3,744 | 34,943 |

[1] See paragraph (d) (2).
[2] See paragraph (g) (2).

Thus, B will include in gross income for the year 1957 dividends of $8,733 (subject to the dividend exclusion), rents of $12,477, and taxable interest of $9,989 and will exclude the tax-exempt interest of $3,744.

(2) *Computation of tax.* (i) For the purpose of computing B's tax liability for 1957, it is assumed that he was single for the entire year and had income (other than distributions from the trust) of $15,000 from salary. Also, he had allowable deductions of $8,100, which included the deductions for personal exemption and depreciation of $5,000 from the trust of 1957.

(ii) The computation of the tax for the taxable year 1957 attributable to the section 666 amounts which are included in B's gross income for that year, as provided in § 1.668 (a)-1 (c) (1) (i), is as follows:

| | Section 666 amounts excluded | Section 666 amounts included |
|---|---|---|
| Salary | $15,000 | $15,000 |
| Trust income: | | |
| Dividends ($50 excluded) | 4,950 | 8,683 |
| Rents | 7,500 | 12,477 |
| Taxable interest | 7,500 | 9,989 |
| Total | 34,950 | 46,149 |
| Less: Allowable deductions | 8,100 | 8,100 |
| Taxable income | 26,850 | 38,049 |
| Total tax | 11,267 | 18,394 |
| Less: Dividends received credit | 198 | 275 |
| Tax liability | 11,069 | 18,119 |
| Tax on income from which section 666 amounts are excluded | | 11,069 |
| 1957 tax attributable to section 666 amounts | | 7,050 |

See explanation following computation in paragraph (h) (2) (ii) with respect to the allowance of deduction for depreciation and computation of the dividend received credit on dividends received by the trust in 1954.

(iii) The amount of tax, computed at 1954 rates, attributable to the section 666 amounts which are deemed to have been distributed by the trust on the last day of 1954, is $6,944, computed as follows:

| | | |
|---|---|---|
| 1954 taxable income as adjusted (paragraph (h) (2) (iii)) | | $24,651 |
| Section 666 amounts: | | |
| Dividends | 3,733 | |
| Rents | 4,977 | |
| Taxable interest | 2,489 | |
| Taxable income as adjusted | | 35,850 |
| Total tax | | 16,963 |
| Less: Dividends received credit | | 150 |
| Balance of tax | | 16,813 |
| Tax liability for 1954 | $4,002 | |
| Tax attributable to 1956 accumulation distribution (paragraph (h) (2) (iii)) | 5,867 | |
| | | 9,869 |
| Tax attributable to the section 666 amounts distributed in 1957 | | 6,944 |

Only that portion ($3,750) of the dividends received by the trust after July 31, 1954, and deemed distributed under section 666 on the last day of that year, is included in computing the dividend received credit of $150. See paragraphs (f) (3) and (g) (2).

(iv) Inasmuch as the tax $6,944 attributable to the section 666 amounts as determined for the preceding taxable year 1954 is less than the tax of $7,050 attributable to these amounts for the year 1957, the amount of $6,944 shall be added to the tax computed for 1957 without including in gross income the section 666 amounts. Thus, B's tax liability for 1957 is $18,013 ($11,069 plus $6,944).

(3) *Credit against the tax.* B is allowed under section 668 (b) a credit of $5,447 against his 1957 tax liability for the balance of the taxes paid by the trust for 1954 and which may not be refunded or credited to the trust under section 667. See paragraph (h) (3) of this example.

[F. R. Doc. 56-4119; Filed, May 24, 1956; 8:49 a. m.]

## [ 26 CFR (1954) Part 1 ]

### INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

### GRANTORS AND OTHERS TREATED AS SUBSTANTIAL OWNERS

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T: P, Washington 25, D. C., within the period of thirty days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] RUSSELL C. HARRINGTON,
*Commissioner of Internal Revenue.*

The following regulations for taxable years beginning after December 31, 1953, and ending after August 16, 1954, are hereby prescribed under sections 671 through 678 of the Internal Revenue Code of 1954.

GRANTORS AND OTHERS TREATED AS SUBSTANTIAL OWNERS

| Sec. | |
|---|---|
| 1.671 | Statutory provisions; estates and trusts; grantors and others treated as substantial owners; income, deductions, and credits attributable to grantors and others as substantial owners. |
| 1.671-1 | Grantors and others treated as substantial owners; scope. |
| 1.671-2 | Applicable principles. |
| 1.671-3 | Attribution or inclusion of income, deductions, and credits against tax. |
| 1.671-4 | Method of reporting. |
| 1.672 (a) | Statutory provisions; estates and trusts; grantors and others treated as substantial owners; definition of adverse party. |
| 1.672 (a)-1 | Definition of adverse party. |
| 1.672 (b) | Statutory provisions; estates and trusts; grantors and others treated as substantial owners; definition of nonadverse party. |
| 1.672 (b)-1 | Nonadverse party. |
| 1.672 (c) | Statutory provisions; estates and trusts; grantors and others treated as substantial owners; definition of related or subordinate party. |
| 1.672 (c)-1 | Related or subordinate party. |
| 1.672 (d) | Statutory provisions; estates and trusts; grantors and other treated as subtsantial owners; rule where power is subject to condition precedent. |
| 1.672 (d)-1 | Power subject to condition precedent. |
| 1.673 (a) | Statutory provisions; estates and trusts; grantors and others treated as substantial owners; reversionary interests. |
| 1.673 (a)-1 | Reversionary interests; income payable to beneficiaries other than certain charitable organizations; general rule. |
| 1.673 (b) | Statutory provisions; estates and trusts; grantors and others treated as substantial owners; charitable beneficiaries. |
| 1.673 (b)-1 | Income payable to charitable beneficiaries. |
| 1.673 (c) | Statutory provisions; estates and trusts; grantora and others treated as substantial owners; reversionary interest taking effect at death of income beneficiary. |
| 1.673 (c)-1 | Reversionary interest after income beneficiary's death. |
| 1.673 (d) | Statutory provisions; estates and trusts; grantors and others treated as substantial owners; postponement of date specified for reacquisition. |
| 1.673 (d)-1 | Postponement of date specified for reacquisition. |
| 1.674 (a) | Statutory provisions; estates and trusts; grantors and others treated as substantial owners; power to control beneficial enjoyment. |
| 1.674 (a)-1 | Power to control beneficial enjoyment; scope of section 674. |
| 1.674 (b) | Statutory provisions; estates and trusts; grantors and others treated as substantial owners; exceptions for certain powers to control beneficial enjoyment. |
| 1.674 (b)-1 | Excepted powers exercisable by any person. |
| 1.674 (c) | Statutory provisions; estates and trusts; grantors and others treated as substantial owners; exception for certain powers of independent trustees. |
| 1.674 (c)-1 | Excepted powers exercisable only by independent trustees. |
| 1.674 (d) | Statutory provisions; estates and trusts; grantors and others treated as substantial owners; power to allocate income if limited by a standard. |
| 1.674 (d)-1 | Excepted powers exercisable by any trustee other than grantor or spouse. |
| 1.674 (d)-2 | Limitations on exceptions in section 674 (b), (c), and (d). |
| 1.675 | Statutory provisions; estates and trusts; grantors and others treated as substantial owners; administrative powers. |
| 1.675-1 | Administrative powers. |
| 1.676 (a) | Statutory provisions; estates and trusts; grantors and others treated as substantial owners; power to revoke; general rule. |
| 1.676 (a)-1 | Power to revest title to portion of trust property in grantor; general rule. |
| 1.676 (b) | Statutory provisions; estates and trusts; grantors and others treated as substantial owners; power to revoke exercisable only after a period of time. |
| 1.676 (b)-1 | Powers exercisable only after a period of time. |
| 1.677 (a) | Statutory provisions; estates and trusts; grantors and others treated as substantial owners; income for benefit of grantor; general rule. |
| 1.667 (a)-1 | Income for benefit of grantor; general rule. |
| 1.677 (b) | Statutory provisions; estates and trusts; grantors and others treated as substantial owners; trusts for support of grantor's dependents. |
| 1.677 (b)-1 | Trusts for support. |
| 1.678 (a) | Statutory provisions; estates and trusts; grantors and others treated as substantial owners; person other than grantor treated as substantial owner; general rule. |
| 1.678 (a)-1 | Person other than grantor treated as substantial owner; general rule. |
| 1.678 (b) | Statutory provisions; estates and trusts; grantors and others treated as substantial owners; exception where grantor is taxable. |
| 1.678 (b)-1 | If grantor is treated as the owner. |
| 1.678 (c) | Statutory provisions; estates and trusts; grantors and others treated as substantial owners; trusts for support. |
| 1.678 (c)-1 | Trusts for support. |
| 1.678 (d) | Statutory provisions; estates and trusts; grantors and others treated as substantial owners; effect of renunciation or disclaimer. |
| 1.678 (d)-1 | Renunciation of power. |



GRANTORS AND OTHERS TREATED AS SUBSTANTIAL OWNERS

§ 1.671 *Statutory provisions; estates and trusts; grantors and others treated as substantial owners; income, deductions, and credits attributable to grantors and others as substantial owners.*

SEC. 671. *Trust income, deductions, and credits attributable to grantors and others as substantial owners.* Where it is specified in this subpart that the grantor or another person shall be treated as the owner of any portion of a trust, there shall then be included in computing the taxable income and credits of the grantor or the other person those items of income, deductions, and credits against tax of the trust which are attributable to that portion of the trust to the extent that such items would be taken into account under this chapter in computing taxable income or credits against the tax of an individual. Any remaining portion of the trust shall be subject to subparts A through D. No items of a trust shall be included in computing the taxable income and credits of the grantor or of any other person solely on the grounds of his dominion and control over the trust under section 61 (relating to definition of gross income) or any other provision of this title, except as specified in this subpart.

§ 1.671-1 *Grantors and others treated as substantial owners; scope.* (a) Sections 671–678 (subpart E of subchapter J) contain provisions taxing income of a trust to the grantor or another person under certain circumstances even though he is not treated as a beneficiary under sections 641–668 (subparts A through D). Sections 671 and 672 contain general provisions relating to the entire subpart. Sections 673–677 define the circumstances under which income of a trust is taxed to a grantor. These circumstances are in general as follows:

(1) If the grantor has retained a reversionary interest in the trust, within specified time limits (section 673);

(2) If the grantor or a nonadverse party has certain powers over the beneficial interests under the trust (section 674);

(3) If certain administrative powers over the trust exist under which the grantor can or does benefit (section 675);

(4) If the grantor has a power to revoke the trust (section 676); or

(5) If the grantor or a nonadverse party has the power to distribute corpus or income to or for the benefit of the grantor (sections 676 and 677).

Under section 678, income of a trust is taxed to a person other than the grantor to the extent that he has the sole power to vest corpus or income in himself.

(b) Sections 671–677 do not apply if the income of a trust is taxable to a grantor's spouse under section 71 or 682 (relating respectively to alimony and separate maintenance payments, and the income of an estate or trust in the case of divorce, etc.).

(c) Except as provided in sections 671–678 (subpart E), income of a trust is not included in computing the taxable income and credits of a grantor or another person solely on the grounds of his dominion and control over the trust. However, the provisions of sections 671–678 do not apply in situations involving an assignment of future income, whether or not the assignment is to a trust. Thus,

for example, a person who assigns his right to future income under an employment contract may be taxed on that income even though the assignment is to a trust over which the assignor has retained none of the controls specified in sections 671–677. Similarly, a bondholder who assigns his right to interest may be taxed on interest payments even though the assignment is to an uncontrolled trust. Nor are the rules as to family partnerships affected by the provisions of sections 671–678. Likewise, these sections have no application in determining the right of a grantor to deductions for payments to a trust under a transfer and leaseback arrangement. In addition, the limitation of the last sentence of section 671 does not prevent any person from being taxed on the income of a trust when it is used to discharge his legal obligation. See § 1.662 (a)–4. He is then treated as a beneficiary under sections 641–668 (subparts A through D) or treated as an owner under section 677 or 678 because the income is distributed for his benefit, and not because of his dominion or control over the trust.

(d) For the effective date of sections 671–678 (subpart E) see section 683 and the regulations thereunder.

§ 1.671–2 *Applicable principles.* (a) Under section 671 a grantor or another person includes in computing his taxable income and credits those items of income, deduction, and credit against tax which are attributable to or included in any portion of a trust of which he is treated as the owner. Sections 673–678 set forth the rules for determining when the grantor or another person is treated as the owner of any portion of a trust. The rules for determining the items of income, deduction, and credit against tax that are attributable to or included in a portion of the trust are set forth in § 1.671–3.

(b) Since the principle underlying sections 671–678 (subpart E) is in general that income of a trust over which the grantor or another person has retained substantial dominion or control should be taxed to the grantor or other person rather than to the trust which receives the income or to the beneficiary to whom the trust may distribute it, it is ordinarily immaterial whether the income involved constitutes income or corpus for trust accounting purposes. Accordingly, when it is stated in the regulations under subpart E that "income" is attributed to the grantor or another person, the reference, unless specifically limited, is to income determined for tax purposes and not to income for trust accounting purposes. When it is intended to emphasize that income for trust accounting purposes is meant, the phrase "ordinary income" is used.

(c) An item of income, deduction, or credit included in computing the taxable income and credits of a grantor or another person under section 671 is treated as if it had been received or paid directly by the grantor or other person. For example, a charitable contribution made by a trust which is attributed to the grantor (an individual) under sections 671–677 will be aggregated with his other charitable contributions to determine their deductibility under the limitations of section 170 (b) (1). Likewise, dividends received by a trust from sources in a particular foreign country which are attributed to a grantor or another person under sections 671–678 (subpart E) will be aggregated with his other income from sources within that country to determine whether the taxpayer is subject to the limitations of section 904 with respect to credit for the tax paid to that country.

(d) Items of income, deduction, and credit not attributed to or included in any portion of a trust of which the grantor or another person is treated as the owner under sections 671–678 (subpart E) are subject to the provisions of sections 641–668 (subparts A through D of subchapter J).

(e) The term "grantor" as used in the regulations under subpart E includes a corporation.

§ 1.671–3 *Attribution or inclusion of income, deductions, and credits against tax.* (a) When a grantor or another person is treated under sections 671–678 (subpart E) as the owner of any portion of a trust, there are included in computing his tax liability those items of income, deduction, and credit against tax attributable to or included in that portion. For example—

(1) If a grantor or another person is treated as the owner of an entire trust (corpus as well as income), he takes into account in computing his current tax liability all items of income, deduction, and credit (including capital gains and losses) to which he would have been entitled had the trust not been in existence during the period he is treated as owner.

(2) If the portion treated as owned consists of specific trust property and its income, all items directly related to that property are attributable to the portion. Items directly related to trust property not included in the portion treated as owned by the grantor or other person are governed by the provisions of sections 641–668 (subparts A through D). Items that relate both to the portion treated as owned by the grantor and to the balance of the trust must be apportioned in a manner that is reasonable in the light of all the circumstances of each case, including the terms of the governing instrument, local law, and the practice of the trustee if it is reasonable and consistent.

(3) If the portion of a trust treated as owned by a grantor or another person consists of an undivided fractional interest in the trust, or of an interest represented by a dollar amount, a pro rata share of each item of income, deduction, and credit is normally allocated to the portion. The share not treated as owned by the grantor or other person is governed by the provisions of sections 641–668 (subparts A through D).

(4) If a grantor or another person is treated as the owner of a portion of a trust, that portion may or may not include both ordinary income and other income allocable to corpus. For example—

(i) Only ordinary income is included by reason of an interest in or a power over ordinary income alone. Thus, if a grantor is treated under section 673 as an owner by reason of a reversionary interest in ordinary income only, items of income, deduction, and credit allocable to corpus (determined as provided in paragraph (b) of this section) will not be included in the portion he is treated as owning. Similarly, if a grantor or another person is treated under sections 674–678 as an owner of a portion by reason of a power over ordinary income only, items of income, deduction, and credit allocable to corpus are not included in that portion.

(ii) Only income allocable to corpus is included by reason of an interest in or a power over corpus alone, if satisfaction of the interest or an exercise of the power will not result in an interest in or the exercise of a power over ordinary income which would itself cause that income to be included. For example, if a grantor has a reversionary interest in a trust which is not such as to require that he be treated as an owner under section 673, he may nevertheless be treated as an owner under section 677 (a) (2) since any income allocable to corpus is accumulated for future distribution to him, but items of income, deduction, and credit included in determining ordinary income are not included in the portion he is treated as owning. Similarly, he may have a power over corpus which is such that he is treated as an owner under section 674 or 676 (a), but ordinary income will not be included in the portion he owns, if his power can only affect income received after a period of time such that he would not be treated as an owner of the income if the power were a reversionary interest.

(iii) Both ordinary income and other income allocable to corpus are included by reason of an interest in or a power over both ordinary income and corpus, or an interest in or a power over corpus alone which does not come within the provisions of the preceding paragraph. For example, if a grantor is treated under section 673 as the owner of a portion of a trust by reason of a reversionary interest in corpus, both ordinary income and other income allocable to corpus are included in the portion. Further, a grantor includes both ordinary income and other income allocable to corpus in the portion he is treated as owning if he is treated under section 674 or 676 as an owner because of a power over corpus which can affect income received within a period such that he would be treated as an owner under section 673 if the power were a reversionary interest. Similarly, a grantor or another person includes both ordinary income and other income allocable to corpus in the portion he is treated as owning if he is treated as an owner under section 675 or 678 because of a power over corpus.

(b) If only income allocable to corpus is included in computing the grantor's tax liability, he will take into account in that computation only those items of income, deduction, and credit which would not be included under sections 641–668 (subparts A through D) in the computation of the tax liability of the current income beneficiaries if all distributable net income had actually been distributed to those beneficiaries. On the other hand, if the grantor or another person is treated as an owner solely because of his power over or right to ordinary income, he will take into account in computing his tax liability those items which would be included in computing the tax liability of a current income beneficiary, including expenses allocable to corpus which enter into the computation of distributable net income. If the grantor is treated as an owner because of his power over or rights to a dollar amount of ordinary income, he will first take into account a portion of those items of income and expense entering into the computation of ordinary income under the trust instrument or local law sufficient to produce income of the dollar amount required. There will then be attributable to him a pro rata portion of other items entering into the computation of distributable net income under sections 641–668 (subparts A through D), such as expenses allocable to corpus, and pro rata portion of credits of the trust. For examples of computation under this paragraph see § 1.677 (a)–1 (g).



§ 1.671–4 *Method of reporting.* Items of income, deduction, and credit attributable to any portion of a trust which, under the provisions of sections 671–678 (subpart E) are treated as owned by the grantor or another person should not be reported by the trust on Form 1041, but should be shown on a separate statement to be attached to that form.

§ 1.672 (a) *Statutory provisions; estates and trusts; grantors and others treated as substantial owners; definition of adverse party.*

SEC. 672. *Definitions and rules*—(a) *Adverse party.* For purposes of this subpart, the term "adverse party" means any person having a substantial beneficial interest in the trust which would be adversely affected by the exercise or nonexercise of the power which he possesses respecting the trust. A person having a general power of appointment over the trust property shall be deemed to have a beneficial interest in the trust.

§ 1.672 (a)–1 *Definition of adverse party.* Under section 672 (a) an adverse party is defined as any person having a substantial beneficial interest in a trust which would be adversely affected by the exercise or nonexercise of a power which he possesses respecting the trust. A person having a general power of appointment over the trust property is deemed to have a beneficial interest in the trust. A trustee is not an adverse party merely because of his interest as trustee. Ordinarily, a beneficiary will be an adverse party, but if his right to share in the income or corpus of a trust is limited to only a part, he may be an adverse party only as to that part. Thus, if A, B, C, and D are equal income beneficiaries of a trust and the grantor can revoke with A's consent, the grantor is treated as the owner of a portion which represents three-fourths of the trust; and items of income, deduction, and credit attributable to that portion are included in determining the tax of the grantor. A person may have a substantial beneficial interest in a trust which would be adversely affected by the exercise or nonexercise of one type of power that he possesses but which would not be adversely affected by the exercise or nonexercise of another type of power. Accordingly, he may be an adverse party as to one power and nonadverse as to another. For example, if a grantor creates a trust which provides for income to be distributed equally to three beneficiaries for 10 years and then for the corpus to go to X, a power exercisable by X to revest corpus in the grantor is a power exercisable by an adverse party; however, a power exercisable by X to distribute part or all of the ordinary income to the grantor may be a power exercisable by a nonadverse party (which would cause the ordinary income to be taxed to the grantor).

§ 1.672 (b) *Statutory provisions; estates and trusts; grantors and others treated as substantial owners; definition of nonadverse party.*

SEC. 672. *Definitions and rules.* • • •

(b) *Nonadverse party.* For purposes of this subpart, the term "nonadverse party" means any person who is not an adverse party.

§ 1.672 (b)–1 *Nonadverse party.* A "nonadverse party" is any person who is not an adverse party.

§ 1.672 (c) *Statutory provisions estates and trusts; grantors and others treated as substantial owners; definition of related or subordinate party.*

SEC. 672. *Definitions and rules.* • • •

(c) *Related or subordinate party.* For purposes of this subpart, the term "related or subordinate party" means any nonadverse party who is—

(1) The grantor's spouse if living with the grantor;

(2) Any one of the following: The grantor's father, mother, issue, brother or sister; an employee of the grantor; a corporation or any employee of a corporation in which the stock holdings of the grantor and the trust are significant from the viewpoint of voting control; a subordinate employee of a corporation in which the grantor is an executive.

For purposes of sections 674 and 675, a related or subordiante party shall be presumed to be subservient to the grantor in respect of the exercise or nonexercise of the powers conferred on him unless such party is shown not to be subservient by a preponderance of the evidence.

§ 1.672 (c)–1 *Related or subordinate party.* Section 672 (c) defines the term "related or subordinate party." The term, as used in sections 671–677, means any nonadverse party who is the grantor's spouse if living with the grantor; the grantor's father, mother, issue, brother or sister; an employee of the grantor; a corporation or any employee of a corporation in which the stock holdings of the grantor and the trust are significant from the viewpoint of voting control; or a subordinate employee of a corporation in which the grantor is an executive. For purposes of sections 674 (c) and 675 (3), these persons are presumed to be subservient to the grantor in respect of the exercise or nonexercise of the powers conferred on them unless shown not to be subservient by a preponderance of the evidence.

§ 1.672 (d) *Statutory provisions; estates and trusts; grantors and others treated as substantial owners; rule where power is subject to condition precedent.*

SEC. 672. *Definitions and rules.* • • •

(d) *Rule where power is subject to condition precedent.* A person shall be considered to have a power described in this subpart even though the exercise of the power is subject to a precedent giving of notice or takes effect only on the expiration of a certain period after the exercise of the power.

§ 1.672 (d)–1 *Power subject to condition precedent.* Section 672 (d) provides that a person is considered to have a power described in sections 671–678 even though the exercise of the power is subject to a precedent giving of notice or takes effect only after the expiration of a certain period of time. However, although a person may be considered to have such a power, the grantor will nevertheless not be treated as an owner by reason of the power if its exercise can only affect beneficial enjoyment of income received after the expiration of a period of time such that, if the power were a reversionary interest, he would not be treated as an owner under section 673. See sections 674 (b) (2), 676 (b), and the last sentence of section 677 (a). Thus, for example, if a grantor creates a trust for the benefit of his son and retains a power to revoke which takes effect only after the expiration of 2 years from the date of exercise, he is treated as an owner from the inception of the trust. However, if the grantor retains a power to revoke, exercisable at any time, which can only affect the beneficial enjoyment of the ordinary income of a trust received after the expiration of 10 years commencing with the date of the transfer in trust, or after the death of the income beneficiary, the power does not cause him to be treated as an owner with respect to ordinary income during the first 10 years of the trust or during the income beneficiary's life, as the case may be. See section 676 (b).

§ 1.673 (a) *Statutory provisions; estates and trusts; grantors and others treated as substantial owners; reversionary interests.*

SEC. 673. *Reversionary interests*—(a) *General rule.* The grantor shall be treated as the owner of any portion of a trust in which he has a reversionary interest in either the corpus or the income therefrom if, as of the inception of that portion of the trust, the interest will or may reasonably be expected to take effect in possession or enjoyment within 10 years commencing with the date of the transfer of that portion of the trust.

§ 1.673 (a)–1 *Reversionary interests; income payable to beneficiaries other than certain charitable organizations; general rule.* (a) Under section 673 (a), a grantor, in general, is treated as the owner of any portion of a trust in which he has a reversionary interest in either the corpus or income if, as of the inception of that portion of the trust, the grantor's interest will or may reasonably be expected to take effect in possession or enjoyment within 10 years commenc-

ing with the date of transfer of that portion of the trust. However, the following types of reversionary interests are excepted from the general rule of the preceding sentence:

(1) A reversionary interest after the death of the income beneficiary of a trust (see paragraph (b) below); and

(2) A reversionary interest in a charitable trust meeting the requirements of section 673 (b) (see § 1.673 (b)–1).

Even though the duration of the trust may be such that the grantor is not treated as owner under section 673, and therefore is not taxed on the ordinary income, he may nevertheless be treated as an owner under section 677 (a) (2) if he has a reversionary interest in the corpus. In the latter case, items of income, deduction, and credit allocable to corpus, such as capital gains and losses, will be included in the portion he owns. See § 1.671–3 and the regulations under section 677.

(b) The grantor is not treated as the owner of any portion of a trust by reason of section 673 if his reversionary interest in the portion is not to take effect in possession or enjoyment until the death of the person or persons to whom the income of the portion is payable, regardless of the life expectancies of the income beneficiaries. If his reversionary interest is to take effect on or after the death of an income beneficiary or upon the expiration of a specific term of years, whichever is earlier, the grantor is treated as the owner if the specific term of years is less than 10 years (but not if the term is 10 years or longer).

(c) Where the grantor's reversionary interest in a portion of a trust is to take effect in possession or enjoyment by reason of some event other than the expiration of a specific term of years or the death of the income beneficiary, the grantor is treated as the owner of the portion if the event may reasonably be expected to occur within 10 years from the date of transfer of that portion, but he is not treated as the owner under section 673 if the event may not reasonably be expected to occur within 10 years from that date. For example, if the reversionary interest in any portion of a trust is to take effect on or after the death of the grantor (or any person other than the person to whom the income is payable) the grantor is treated under section 673 as the owner of the portion if the life expectancy of the grantor (or other person) is less than 10 years on the date of transfer of the portion, but not if the life expectancy is 10 years or longer. If the reversionary interest in any portion is to take effect on or after the death of the grantor (or any person other than the person to whom the income is payable) or upon the expiration of a specific term of years, whichever is earlier, the grantor is treated as the owner of the portion if on the date of transfer of the portion either the life expectancy of the grantor (or other person) or the specific term is less than 10 years; however, if both the life expectancy and the specific term are 10 years or longer the grantor is not treated as the owner of the portion under section 673. Similarly, if the grantor has a reversionary interest in any portion which will take effect at the death of the income beneficiary or the grantor, whichever is earlier, the grantor is not treated as an owner of the portion unless his life expectancy is less than 10 years.

(d) It is immaterial that a reversionary interest in corpus or income is subject to a contingency if the reversionary interest may, taking the contingency into consideration, reasonably be expected to take effect in possession or enjoyment within 10 years. For example, the grantor is taxable where the trust income is to be paid to the grantor's son for 3 years, and the corpus is then to be returned to the grantor if he survives that period, or to be paid to the grantor's son if he is already deceased.

(e) See section 671 and §§ 1.671–2 and 1.671–3 for rules for treatment of items of income, deduction, and credit when a person is treated as the owner of all or only a portion of a trust.

§ 1.673 (b) *Statutory provisions; estates and trusts; grantors and others treated as substantial owners; charitable beneficiaries.*

SEC. 673. *Reversionary interests.* • • •

(b) *Exception where income is payable to charitable beneficiaries.* Subsection (a) shall not apply to the extent that the income of a portion of a trust in which the grantor has a reversionary interest is, under the terms of the trust, irrevocably payable for a period of at least 2 years (commencing with the date of the transfer) to a designated beneficiary, which beneficiary is of a type described in section 170 (b) (1) (A) (i), (ii), or (iii).

§ 1.673 (b)–1 *Income payable to charitable beneficiaries.* (a) Pursuant to section 673 (b) a grantor is not treated as an owner of any portion of a trust under section 673, even though he has a reversionary interest which will take effect within 10 years, to the extent that, under the terms of the trust, the income of the portion is irrevocably payable for a period of at least 2 years (commencing with the date of the transfer) to a designated beneficiary of the type described in section 170 (b) (1) (A) (i), (ii), or (iii); that is, to a church or a convention or association of churches, or to certain educational organizations or hospitals. For definition of these terms see the regulations under section 170.

(b) The income must be irrevocably payable to a single designated beneficiary for at least 2 years commencing with the date of the transfer before the benefit of section 673 (b) will apply. Thus, section 673 (b) will not apply if income of a trust is irrevocably payable to University A for 1 year and then to University B for the next year; or if income of a trust may be allocated among two or more charitable beneficiaries in the discretion of the trustee or any other person.

(c) Section 673 (b) applies to the period of 2 years or longer during which income is paid to a designated beneficiary of the type described in section 170 (b) (1) (A) (i), (ii), or (iii), even though the trust term is to extend beyond that period. However, the other provisions of section 673 apply to the part of the trust term, if any, that extends beyond that period. This paragraph may be illustrated by the following example:

*Example.* G transfers property in trust with the ordinary income payable to University C (which qualifies under section 170 (A) (1) (A) (ii)) for 3 years, and then to his son, B, for 5 years. At the expiration of the term the trust reverts to G. G is not taxed under section 673 on the trust income payable to University C for the first 3 years because of the application of section 673 (b). However, he is taxed on income for the next 5 years because he has a reversionary interest which will take effect within 10 years commencing with the date of the transfer. On the other hand, if the income were payable to University C for 3 years and then to B for 7 years so that the trust corpus would not be returned to G within 10 years, G would not be taxable under section 673 on income payable to University C and to B during any part of the term.

§ 1.673 (c) *Statutory provisions; estates and trusts; grantors and others treated as substantial owners; reversionary interest taking effect at death of income beneficiary.*

SEC. 673. *Reversionary interests.* • • •

(c) *Reversionary interest taking effect at death of income beneficiary.* The grantor shall not be treated under subsection (a) as the owner of any portion of a trust where his reversionary interest in such portion is not to take effect in possession or enjoyment until the death of the person or persons to whom the income therefrom is payable.

§ 1.673 (c)–1 *Reversionary interest after income beneficiary's death.* The subject matter of section 673 (c) is covered in § 1.673 (a)–1 (b).

§ 1.673 (d) *Statutory provisions; estates and trusts; grantors and others treated as substantial owners; postponement of date specified for reacquisition.*

SEC. 673. *Reversionary interests.* • • •

(d) *Postponement of date specified for reacquisition.* Any postponement of the date specified for the reacquisition of possession or enjoyment of the reversionary interest shall be treated as a new transfer in trust commencing with the date on which the postponement is effected and terminating with the date prescribed by the postponement. However, income for any period shall not be included in the income of the grantor by reason of the preceding sentence if such income would not be so includible in the absence of such postponement.

§ 1.673 (d)–1 *Postponement of date specified for reacquisition.* Any postponement of the date specified for the reacquisition of possession or enjoyment of any reversionary interest is considered a new transfer in trust commencing with the date on which the postponement is effected and terminating with the date prescribed by the postponement. However, the grantor will not be treated as the owner of any portion of a trust for any taxable year by reason of the foregoing sentence if he would not be so treated in the absence of any postponement. The rules contained in this section may be illustrated by the following example:

*Example.* G places property in trust for the benefit of his son B. Upon the expiration of 12 years or the earlier death of B the property is to be paid over to G or his estate. After the expiration of 9 years G extends the term of the trust for an additional 2 years. G is considered to have made a new transfer in trust for a term of 5 years (the remaining 3 years of the original transfer plus the 2-year extension). However, he is not treated as the owner of the trust under section 673 for the first 3 years of the new term because he would not be so treated if the term of the trust had not been extended. G is treated as the owner of the trust, however, for the remaining 2 years.

§ 1.674 (a) *Statutory provisions; estates and trusts; grantors and others treated as substantial owners; power to control beneficial enjoyment.*

SEC. 674. *Power to control beneficial enjoyment.*—(a) *General rule.* The grantor shall be treated as the owner of any portion of a trust in respect of which the beneficial enjoyment of the corpus or the income therefrom is subject to a power of disposition, exercisable by the grantor or a nonadverse party, or both, without the approval or consent of any adverse party.

§ 1.674 (a)–1 *Power to control beneficial enjoyment; scope of section 674.* (a) Under section 674, the grantor is treated as the owner of a portion of a trust if the grantor or a nonadverse party has a power, beyond specified limits, to dispose of the beneficial enjoyment of the income or corpus, whether the power is a fiduciary power, a power of appointment, or any other power. Section 674 (a) states in general terms that the grantor is treated as the owner in every case in which he or a nonadverse party can affect the beneficial enjoyment of a portion of a trust, the limitations being set forth as exceptions in subsections (b), (c), and (d) of section 674. These exceptions are discussed in detail in §§ 1.674 (b)–1 through 1.674 (d)–2. Section 674 (b) describes powers which are excepted regardless of who holds them. Section 674 (c) describes additional powers of trustees which are excepted if at least half the trustees are independent, and if the grantor is not a trustee. Section 674 (d) describes a further power which is excepted if it is held by trustees other than the grantor or his spouse (if living with the grantor).

(b) In general terms the grantor is treated as the owner of a portion of a trust if he or a nonadverse party or both has a power to dispose of the beneficial enjoyment of the corpus or income unless the power is one of the following:

(1) *Miscellaneous powers over either ordinary income or corpus.* (i) A power that can only affect the beneficial enjoyment of income (including capital gains) received after a period of time such that the grantor would not be treated as an owner under section 673 if the power were a reversionary interest (section 674 (b) (2));

(ii) A testamentary power held by anyone (other than a testamentary power held by the grantor over accumulated income) (section 674 (b) (3));

(iii) A power to choose between charitable beneficiaries or to affect the manner of their enjoyment of a beneficial interest (section 674 (b) (4));

(iv) A power to allocate receipts and disbursements between income and corpus (section 674 (b) (8)).

(2) *Powers of distribution primarily affecting only one beneficiary.* (i) *A power to distribute corpus* to or for a current income beneficiary, if the distribution must be charged against the share of corpus from which the beneficiary may receive income (section 674 (b) (5) (B));

(ii) *A power to distribute income* to or for a current income beneficiary or to accumulate it either (*a*) if accumulated income must either be payable to the beneficiary from whom it was withheld or as described in § 1.674 (b)–1 (b) (6) section 674 (b) (6)); (*b*) if the power is to apply income to the support of a dependent of the grantor, and the income is not so applied (section 674 (b) (1)); or (*c*) if the beneficiary is under 21 or under a legal disability and accumulated income is added to corpus (section 674 (b) (7)).

(3) *Powers of distribution affecting more than one beneficiary.* A power to distribute corpus or income to or among one or more beneficiaries or to accumulate income, either (i) if the power is held by a trustee or trustees other than the grantor, at least half of whom are independent (section 674 (c)), or (ii) if the power is limited by a reasonably definite standard in the trust instrument, and in the case of a power over income, if in addition the power is held by a trustee or trustees other than the grantor and the grantor's spouse living with the grantor (sections 674 (b) (5) (A) and 674 (d)). (These powers include both powers to "sprinkle" income or corpus among current beneficiaries, and powers to shift income or corpus between current beneficiaries and remaindermen; however, certain of the powers described under subparagraph (2) of this section can have the latter effect incidentally.)

(c) See section 671 and §§ 1.671–2 and 1.671–3 for rules for the treatment of income, deductions, and credits when a person is treated as the owner of all or only a portion of a trust.

§ 1.674 (b) *Statutory provisions; estates and trusts; grantors and others treated as substantial owners; exceptions for certain powers to control beneficial enjoyment.*

SEC. 674. *Power to control beneficial enjoyment.* • • •

(b) *Exceptions for certain powers.* Subsection (a) shall not apply to the following powers regardless of by whom held:

(1) *Power to apply income to support of a dependent.* A power described in section 677 (b) to the extent that the grantor would not be subject to tax under that section.

(2) *Power affecting beneficial enjoyment only after expiration of 10-year period.* A power, the exercise of which can only affect the beneficial enjoyment of the income for a period commencing after the expiration of a period such that a grantor would not be treated as the owner under section 673 if the power were a reversionary interest; but the grantor may be treated as the owner after the expiration of the period unless the power is relinquished.

(3) *Power exercisable only by will.* A power exercisable only by will, other than a power in the grantor to appoint by will the income of the trust where the income is accumulated for such disposition by the grantor or may be so accumulated in the discretion of the grantor or a nonadverse party, or both, without the approval or consent of any adverse party.

(4) *Power to allocate among charitable beneficiaries.* A power to determine the beneficial enjoyment of the corpus or the income therefrom if the corpus or income is irrevocably payable for a purpose specified in section 170 (c) (relating to definition of charitable contributions).

(5) *Power to distribute corpus.* A power to distribute corpus either—

(A) To or for a beneficiary or beneficaries or to or for a class of beneficiaries (whether or not income beneficiaries) provided that the power is limited by a reasonably definite standard which is set forth in the trust instrument; or

(B) To or for any current income beneficiary, provided that the distribution of corpus must be chargeable against the proportionate share of corpus held in trust for the payment of income to the beneficiary as if the corpus constituted a separate trust.

A power does not fall within the powers described in this paragraph if any person has a power to add to the beneficiary or beneficiaries or to a class of beneficiaries designated to receive the income or corpus, except where such action is to provide for after-born or after-adopted children.

(6) *Power to withhold income temporarily.* A power to distribute or apply income to or for any current income beneficiary or to accumulate the income for him, provided that any accumulated income must ultimately be payable—

(A) To the beneficiary from whom distribution or application is withheld, to his estate, or to his appointees (or persons named as alternate takers in default of appointment) provided that such beneficiary possesses a power of appointment which does not exclude from the class of possible appointees any person other than the beneficiary, his estate, his creditors, or the creditors of his estate, or

(B) On termination of the trust, or in conjunction with a distribution of corpus which is augmented by such accumulated income, to the current income beneficiaries in shares which have been irrevocably specified in the trust instrument.

Accumulated income shall be considered so payable although it is provided that if any beneficiary does not survive a date of distribution which could reasonably have been expected to occur within the beneficiary's lifetime, the share of the deceased beneficiary is to be paid to his appointees or to one or more designated alternate takers (other than the grantor or the grantor's estate) whose shares have been irrevocably specified. A power does not fall within the powers described in this paragraph if any person has a power to add to the beneficiary or beneficiaries or to a class of beneficiaries designated to receive the income or corpus except where such action is to provide for after-born or after-adopted children.

(7) *Power to withhold income during disability of a beneficiary.* A power exercisable only during—

(A) The existence of a legal disability of any current income beneficiary, or

(B) The period during which any income beneficiary shall be under the age of 21 years,

to distribute or apply income to or for such beneficiary or to accumulate and add the income to corpus. A power does not fall within the powers described in this paragraph if any person has a power to add to the beneficiary or beneficiaries or to a class of beneficiaries designated to receive the income or corpus, except where such action is to provide for after-born or after-adopted children.

(8) *Power to allocate between corpus and income.* A power to allocate receipts and disbursements as between corpus and income, even though expressed in broad language.

§ 1.674 (b)–1 *Excepted powers exercisable by any person.* (a) Subparagraphs (1) through (8) of paragraph (b) of this section set forth a number of powers which may be exercisable by any person without causing the grantor to be treated as an owner of a trust under

section 674 (a). Further, with the exception of powers described in subparagraph (1) of paragraph (b) of this section, it is immaterial whether these powers are held in the capacity of trustee. It makes no difference under section 674 (b) that the person holding the power is the grantor, or a related or subordinate party (with the qualifications noted in subparagraphs (1) and (3) of paragraph (b) of this section).

(b) The exceptions referred to in paragraph (a) of this section are as follows:

(1) *Powers to apply income to support of a dependent.* Section 674 (b) (1) provides, in effect, that regardless of the general rule of section 674 (a), the income of a trust will not be considered as taxable to the grantor merely because in the discretion of any person (other than a grantor who is not acting as a trustee or cotrustee) it may be used for the support of a beneficiary whom the grantor is legally obligated to support, except to the extent that it is in fact used for that purpose. See section 677 (b) and the regulations thereunder.

(2) *Powers affecting beneficial enjoyment only after a period.* Section 674 (b) (2) provides an exception to section 674 (a) if the exercise of a power can only affect the beneficial enjoyment of the income of a trust received after a period of time which is such that a grantor would not be treated as an owner under section 673 if the power were a reversionary interest. See §§ 1.673 (a)–1 and 1.673 (b)–1. For example, if a trust created on January 1, 1955, provides for the payment of income to the grantor's son, and the grantor reserves the power to substitute other beneficiaries of income or corpus in lieu of his son on or after January 1, 1965, the grantor is not treated under section 674 as the owner of the trust with respect to ordinary income received before January 1, 1965. But the grantor will be treated as an owner on and after that date unless the power is relinquished. If the beginning of the period during which the grantor may substitute beneficiaries is postponed, the rules set forth in § 1.673 (d)–1 are applicable in order to determine whether the grantor should be treated as an owner during the period following the postponement.

(3) *Testamentary powers.* Under paragraph (3) of section 674 (b) a power in any person to control beneficial enjoyment exercisable only by will does not cause a grantor to be treated as an owner under section 674 (a). However, this exception does not apply to income accumulated for testamentary disposition by the grantor or to income which may be accumulated for such distribution in the discretion of the grantor or a nonadverse party, or both, without the approval or consent of any adverse party. For example, if a trust instrument provides that the income is to be accumulated during the grantor's life and that the grantor may appoint the accumulated income by will, the grantor is treated as the owner of the trust. Moreover, if a trust instrument provides that the income is payable to another person for his life, but the grantor has a testamentary power of appointment over the remainder, and under the trust instrument and local law capital gains are added to corpus, the grantor is treated as the owner of a portion of the trust and capital gains and losses are included in that portion. (See § 1.671–3.)

(4) *Powers to determine beneficial enjoyment of charitable beneficiaries.* Under paragraph (4) of section 674 (b) a power in any person to determine the beneficial enjoyment of corpus or income which is irrevocably payable for a purpose specified in section 170 (c) (relating to definition of charitable contributions) will not cause the grantor to be treated as an owner under section 674 (a). For example, if a grantor creates a trust, the income of which is irrevocably payable solely to educational organizations that qualify under section 170 (c), he is not treated as an owner under section 674 although he retains the power to allocate the income among such organizations.

(5) *Powers to distribute corpus.* Paragraph (5) of section 674 (b) provides an exception to section 674 (a) for powers to distribute corpus, subject to certain limitations. If the power is limited by a reasonably definite standard which is set forth in the trust instrument, it may extend to corpus distributions to or for any beneficiary or beneficiaries or class of beneficiaries (whether or not income beneficiaries) without causing the grantor to be treated as an owner under section 674. (It is not required that the standard consist of needs and circumstances of the beneficiaries.) See section 674 (b) (6) (A). If, however, the power is not limited by a reasonably definite standard set forth in the trust instrument, it will not come within the exception unless it is only exercisable in favor of current income beneficiaries, and unless any corpus distributed to a current income beneficiary must be chargeable to the proportionate part of corpus held in trust for payment of income to that beneficiary as if it constituted a separate trust. See section 674 (b) (5) (B). This subparagraph may be illustrated by the following examples:

*Example (1).* A trust instrument provides for payment of the income to the grantor's two brother for life, and for payment of the corpus to the grantor's nephews in equal shares. The grantor reserves the power to distribute corpus to pay medical expenses that may be incurred by his brothers or nephews. The grantor is not treated as an owner by reason of this power because section 674 (b) (5) (A) excepts a power, exercisable by any person, to invade corpus for any beneficiary, including a remainderman, if the power is limited by a reasonably definite standard which is set forth in the trust instrument.

*Example (2).* The facts are the same as in example (1) except that the grantor reserves the power to distribute any part of the corpus to his brothers or to his nephews for their happiness. The grantor is treated as the owner of the trust. Paragraph (5) (A) of section 674 (b) is inapplicable because the power is not limited by a reasonably definite standard. Paragraph (5) (B) is inapplicable because the power to distribute corpus permits a distribution of corpus to persons other than current income beneficiaries.

*Example (3).* A trust instrument provides for payment of the income to the grantor's two adult sons in equal shares for 10 years, after which the corpus is to be distributed to his grandchildren in equal shares. The grantor reserves the power to pay over to each son up to one-half of the corpus during the 10-year period, but any such payment shall proportionately reduce subsequent income payments made to the son receiving the corpus. Thus, if one-half of the corpus is paid to one son, all the income from the remaining half is thereafter payable to the other son. The grantor is not treated as an owner under section 674 (a) by reason of this power because it qualifies under the exception of section 674 (b) (5) (B).

(6) *Powers to withhold income temporarily.* (i) Section 674 (b) (6) excepts a power which, in general, enables the holder merely to effect a postponement in the time when the ordinary income is enjoyed by a current income beneficiary. Specifically, there is excepted a power to distribute or apply ordinary income to or for a current income beneficiary or to accumulate the income, if the accumulated income must ultimately be payable either—

(*a*) To the beneficiary from whom it was withheld, his estate, or his appointees (or persons named as alternate takers in default of appointment) under a power of appointment held by the beneficiary which does not exclude from the class of possible appointees any person other than the beneficiary, his estate, his creditors, or the creditors of his estate;

(*b*) To the beneficiary from whom it was withheld, or if he does not survive a date of distribution which could reasonably be expected to occur within his lifetime, to his appointees (or alternate takers in default of appointment) under any power of appointment, general or special, or if he has no power of appointment to one or more designated alternate takers (other than the grantor or the grantor's estate) whose shares have been irrevocably specified in the trust instrument; or

(*c*) On termination of the trust, or in conjunction with a distribution of corpus which is augmented by the accumulated income, to the current income beneficiaries in shares which have been irrevocably specified in the trust instrument, or if any beneficiary does not survive a date of distribution which would reasonably be expected to occur within his lifetime, to his appointees (or alternate takers in default of appointment) under any power of appointment, general or special, or if he has no power of appointment to one or more designated alternate takers (other than the grantor or the grantor's estate) whose shares have been irrevocably specified in the trust instrument.

(In the application of (*a*) of this subdivision, if the accumulated income of a trust is ultimately payable to the estate of the current income beneficiary, or is ultimately payable to his appointees, or takers in default of appointment, under a power of the type described in (*a*) of this subdivision, it need not be payable to the beneficiary from whom it was withheld under any circumstances; if the trust otherwise qualifies for the exception in (*a*) of this subdivision the trust income will not be considered to



be taxable to the grantor under section 677 by reason of the existence of the power of appointment referred to in (*a*) of this subdivision.) In general, the exception in section 674 (b) (6) is not applicable if the power is in substance one to shift ordinary income from one beneficiary to another. Thus, a power will not qualify for this exception if ordinary income may be distributed to beneficiary A, or may be added to corpus which is ultimately payable to a remainderman who is not a current income beneficiary. However, section 674 (b) (6) (B), and (c) of this subdivision, permit a limited power to shift ordinary income among current income beneficiaries, as illustrated in example (1) of subdivision (ii) of this subparagraph.

(ii) The application of section 674 (b) (6) may be illustrated by the following examples:

*Example (1).* A trust instrument provides that the income shall be paid in equal shares to the grantor's two adult daughters but the grantor reserves the power to withhold from either beneficiary any part of that beneficiary's share of income and to add it to the corpus of the trust until the younger daughter reaches the age of 30 years. When the younger daughter reaches the age of 30, the trust is to terminate and the corpus is to be divided equally between the two daughters or their estates. Although exercise of this power may permit the shifting of accumulated income from one beneficiary to the other (since the corpus with the accumulations is to be divided equally) the power is excepted under section 674 (b) (6).

*Example (2).* The facts are the same as in example (1), except that the grantor of the trust reserves the power to distribute accumulated income to the beneficiaries in such shares as he chooses. The combined powers are not excepted by section 674 (b) (6) since income accumulated pursuant to the first power is neither required to be payable only in conjunction with a corpus distribution nor required to be payable in shares specified in the trust instrument. See, however, section 674 (c) and § 1.674 (c)–1 for the effect of such a power if it is exercisable only by independent trustees.

*Example (3).* A trust provides for payment of income to the grantor's adult son with the grantor retaining the power to accumulate the income until the grantor's death, when all accumulations are to be paid to the son. If the son predeceases the grantor, all accumulations are, at the death of the grantor, to be paid to his daughter, or if she is not living, to alternate takers (which do not include the grantor's estate) in specified shares. The power is excepted under section 674 (b) (6) since the date of distribution (the date of the grantor's death) may, in the usual case, reasonably be expected to occur during the beneficiary's (the son's) lifetime. It is not necessary that the accumulations be payable to the son's estate or his appointees if he should predecease the grantor for this exception to apply.

(7) *Power to withhold income during disability.* Section 674 (b) (7) provides an exception for a power which, in general, will permit ordinary income to be withheld during the legal disability of an income beneficiary or while he is under 21. Specifically, there is excepted a power, exercisable only during the existence of a legal disability of any current income beneficiary or the period during which any income beneficiary is under the age of 21 years, to distribute or apply ordinary income to or for that beneficiary or to accumulate the income and add it to corpus. To qualify under this exception it is not necessary that the income ultimately be payable to the income beneficiary from whom it was withheld, his estate, or his appointees; that is, the accumulated income may be added to corpus and ultimately distributed to others. For example, the grantor is not treated as an owner under section 674 if the income of a trust is payable to his son for life, remainder to his grandchildren, although he reserves the power to accumulate income and add it to corpus while his son is under 21.

(8) *Powers to allocate between corpus and income.* Paragraph (8) of section 674 (b) provides that a power to allocate receipts and disbursements between corpus and income, even though expressed in broad language, will not cause the grantor to be treated as an owner under the general rule of section 674 (a).

§ 1.674 (c) *Statutory provisions; estates and trusts; grantors and others treated as substantial owners; exception for certain powers of independent trustees.*

SEC. 674. *Power to control beneficial enjoyment.* • • •

(c) *Exception for certain powers of independent trustees.* Subsection (a) shall not apply to a power solely exercisable (without the approval or consent of any other person) by a trustee or trustees, none of whom is the grantor, and no more than half of whom are related or subordinate parties who are subservient to the wishes of the grantor—

(1) To distribute, apportion, or accumulate income to or for a beneficiary or beneficiaries, or to, for, or within a class of beneficiaries; or

(2) To pay out corpus to or for a beneficiary or beneficiaries or to or for a class of beneficiaries (whether or not income beneficiaries).

A power does not fall within the powers described in this subsection if any person has a power to add to the beneficiary or beneficiaries or to a class of beneficiaries designated to receive the income or corpus, except where such action is to provide for after-born or after-adopted children.

§ 1.674 (c)–1 *Excepted powers exercisable only by independent trustees.* Section 674 (c) provides an exception to the general rule of section 674 (a) for certain powers that are exercisable by independent trustees. This exception is in addition to those provided for under section 674 (b) which may be held by any person including an independent trustee. The powers to which section 674 (c) apply are powers (a) to distribute, apportion, or accumulate income to or for a beneficiary or beneficiaries, or to, for, or within a class of beneficiaries, or (b) to pay out corpus to or for a beneficiary or beneficiaries or to or for a class of beneficiaries (whether or not income beneficiaries). In order for such a power to fall within the exception of section 674 (c) it must be exercisable solely by a trustee or trustees none of whom is the grantor and no more than half of whom are related or subordinate parties who are subservient to the wishes of the grantor. (See section 672 (c) for definitions of these terms.) An example of the application of section 674 (c) is a trust whose income is payable to the grantor's three adult sons with power in an independent trustee to allocate without restriction the amounts of income to be paid to each son each year. Such a power does not cause the grantor to be treated as the owner of the trust. See also § 1.674 (d)–2.

§ 1.674 (d) *Statutory provisions; estates and trusts; grantors and others treated as substantial owners; power to allocate income if limited by a standard.*

SEC. 674. *Power to control beneficial enjoyment.* • • •

(d) *Power to allocate income if limited by a standard.* Subsection (a) shall not apply to a power solely exercisable (without the approval or consent of any other person) by a trustee or trustees, none of whom is the grantor or spouse living with the grantor, to distribute, apportion, or accumulate income to or for a beneficiary or beneficiaries, or to, for, or within a class of beneficiaries, whether or not the conditions of paragraph (6) or (7) of subsection (b) are satisfied, if such power is limited by a reasonably definite external standard which is set forth in the trust instrument. A power does not fall within the powers described in this subsection if any person haa a power to add to the beneficiary or beneficiaries or to a class of beneficiaries designated to receive the income or corpus except where such action is to provide for after-born or after-adopted children.

§ 1.674 (d)–1 *Excepted powers exercisable by any trustees other than grantor or spouse.* Section 674 (d) provides an additional exception to the general rule of section 674 (a) for a power to distribute, apportion, or accumulate income to or for a beneficiary or beneficiaries or to, for, or within a class of beneficiaries, whether or not the conditions of section 674 (b) (6) or (7) are satisfied, if the power is exercisable by a trustee or trustees none of whom is the grantor or spouse living with the grantor, and if the power is limited by a reasonably definite external standard set forth in the trust instrument. (It is not required that the standard consist of needs and circumstances of the beneficiaries.)

§ 1.674 (d)–2 *Limitations on exceptions in section 674 (b), (c), and (d)—(a) Power to remove trustee.* The powers specified in section 674 (c) and (d) are not excepted from the general rule of section 674 (a) if they are exercisable by the grantor (whether or not as trustee or cotrustee) or if their exercise by the trustees referred to in those subsections requires the approval or consent of the grantor. For example, a power in an independent trustee to allocate income among a class of beneficiaries will not qualify under section 674 (c) if the grantor has the power to remove the trustee without cause and to substitute any other person, including himself, as trustee.

(b) *Power to add beneficiaries.* The exceptions described in sections 674 (b) (5), (6), and (7), and 674 (c) and (d) are not applicable if any person has a power to add to the beneficiary or beneficiaries or to a class of beneficiaries designated to receive the income or corpus, except where the action is to provide for after-born or after-adopted children. This limitation does not apply to a power held by a beneficiary to substitute other

beneficiaries to succeed to his interest in the trust (so that he would be an adverse party as to the exercise or non-exercise of that power). For example, the limitation does not apply to a power in a beneficiary of a nonspendthrift trust to assign his interest. Nor does the limitation apply to a power held by any person which would qualify as an exception under section 674 (b) (3) (relating to testamentary powers).

§ 1.675 *Statutory provisions; estates and trusts; grantors and others treated as substantial owners; administrative powers.*

SEC. 675. *Administrative powers.* The grantor shall be treated as the owner of any portion of a trust in respect of which—

(1) *Power to deal for less than adequate and full consideration.* A power exercisable by the grantor or a nonadverse party, or both, without the approval or consent of any adverse party enables the grantor or any person to purchase, exchange, or otherwise deal with or dispose of the corpus or the income therefrom for less than an adequate consideration in money or money's worth.

(2) *Power to borrow without adequate interest or security.* A power exercisable by the grantor or a non-adverse party, or both, enables the grantor to borrow the corpus or income, directly or indirectly, without adequate interest or without adequate security except where a trustee (other than the grantor) is authorized under a general lending power to make loans to any person without regard to interest or security.

(3) *Borrowing of the trust funds.* The grantor has directly or indirectly borrowed the corpus or income and has not completely repaid the loan, including any interest, before the beginning of the taxable year. The preceding sentence shall not apply to a loan which provides for adequate interest and adequate security, if such loan is made by a trustee other than the grantor and other than a related or subordinate trustee subservient to the grantor.

(4) *General powers of administration.* A power of administration is exercisable in a nonfiduciary capacity by any person without the approval or consent of any person in a fiduciary capacity. For purposes of this paragraph, the term "power of administration" means any one or more of the following powers: (A) a power to vote or direct the voting of stock or other securities of a corporation in which the holdings of the grantor and the trust are significant from the viewpoint of voting control; (B) a power to control the investment of the trust funds either by directing investments or reinvestments, or by vetoing proposed investments or reinvestments, to the extent that the trust funds consist of stocks or securities of corporations in which the holdings of the grantor and the trust are significant from the viewpoint of voting control; or (C) a power to reacquire the trust corpus by substituting other property of an equivalent value.

§ 1.675–1 *Administrative powers*—(a) *General rule.* Section 675 provides in effect that the grantor is treated as the owner of any portion of a trust if under the terms of the trust instrument or circumstances attendant on its operation administrative control is exercisable primarily for the benefit of the grantor rather than the beneficiaries of the trust. If a grantor retains a power to amend the administrative provisions of a trust instrument which is broad enough to permit an amendment causing the grantor to be treated as the owner of a portion of the trust under section 675, he will be treated as the owner of the portion from its inception. See section 671 and §§ 1.671–2 and 1.671–3 for rules for treatment of items of income, deduction, and credit when a person is treated as the owner of all or only a portion of a trust.

(b) *Prohibited controls.* The circumstances which cause administrative controls to be considered exercisable primarily for the benefit of the grantor are specifically described in paragraphs (1) to (4), inclusive, of section 675, as follows:

(1) The existence of a power, exercisable by the grantor or a nonadverse party, or both, without the approval or consent of any adverse party, which enables the grantor or any other person to purchase, exchange, or otherwise deal with or dispose of the corpus or the income of the trust for less than adequate consideration in money or money's worth. Whether the existence of the power itself will constitute the holder an adverse party will depend on the particular circumstances.

(2) The existence of a power exercisable by the grantor or a nonadverse party, or both, which enables the grantor to borrow the corpus or income of the trust, directly or indirectly, without adequate interest or adequate security. However, this paragraph does not apply where a trustee (other than the grantor) is authorized under a general lending power to make loans to any person without regard to interest or security.

(3) The circumstances that the grantor has directly or indirectly borrowed the corpus or income of the trust and has not completely repaid the loan, including any interest, before the beginning of the taxable year. The preceding sentence does not apply to a loan which provides for adequate interest and adequate security, if it is made by a trustee other than the grantor or a related or subordinate trustee subservient to the grantor. See section 672 (c) for definition of "a related or subordinate party".

(4) The existence of certain powers of administration exercisable in a nonfiduciary capacity by any nonadverse party without the approval or consent of any person in a fiduciary capacity. The term "powers of administration" means one or more of the following powers:

(i) A power to vote or direct the voting of stock or other securities of a corporation in which the holdings of the grantor and the trust are significant from the viewpoint of voting control;

(ii) A power to control the investment of the trust funds either by directing investments or reinvestments, or by vetoing proposed investments or reinvestments, to the extent that the trust funds consist of stocks or securities of corporations in which the holdings of the grantor and the trust are significant from the viewpoint of voting control; or

(iii) A power to reacquire the trust corpus by substituting other property of an equivalent value. If a power is exercisable by a person as trustee, it is presumed that the power is exercisable in a fiduciary capacity primarily in the interests of the beneficiaries. This presumption may be rebutted only by clear and convincing proof that the power is not exercisable primarily in the interests of the beneficiaries. If a power is not exercisable by a person as trustee, the determination of whether the power is exercisable in a fiduciary or a nonfiduciary capacity depends on all the terms of the trust and the circumstances surrounding its creation and administration.

(c) *Authority of trustee.* The mere fact that a power exercisable by a trustee is described in broad language does not indicate that the trustee is authorized to purchase, exchange, or otherwise deal with or dispose of the trust property or income for less than an adequate and full consideration in money or money's worth, or is authorized to lend the trust property or income to the grantor without adequate interest. On the other hand, such authority may be indicated by the actual administration of the trust.

§ 1.676 (a) *Statutory provisions; estates and trusts; grantors and others treated as substantial owners; power to revoke; general rule.*

SEC. 676. *Power to revoke*—(a) *General rule.* The grantor shall be treated as the owner of any portion of a trust, whether or not he is treated as such owner under any other provision of this part, where at any time the power to revest in the grantor title to such portion is exercisable by the grantor or a non-adverse party, or both.

§ 1.676 (a)–1 *Power to revest title to portion of trust property in grantor; general rule.* If a power to revest in the grantor title to any portion of a trust is exercisable by the grantor or a nonadverse party, or both, without the approval or consent of an adverse party, the grantor is treated as the owner of that portion, except as provided in section 676 (b) (relating to powers affecting beneficial enjoyment of income only after the expiration of certain periods of time). See section 671 and §§ 1.671–2 and 1.671–3 for rules for treatment of items of income, deduction, and credit when a person is treated as the owner of all or only a portion of a trust. If the title to a portion of the trust will revest in the grantor upon the exercise of a power by the grantor or a nonadverse party, or both, the grantor is treated as the owner of that portion regardless of whether the power is a power to revoke, to terminate, to alter or amend, or to appoint.

§ 1.676 (b) *Statutory provisions; estates and trusts; grantors and others treated as substantial owners; power to revoke exercisable only after a period of time.*

SEC. 676. *Power to revoke.* • • •

(b) *Power affecting beneficial enjoyment only after expiration of 10-year period.* Subsection (a) shall not apply to a power the exercise of which can only affect the beneficial enjoyment of the income for a period commencing after the expiration of a period such that a grantor would not be treated as the owner under section 673 if the power were a reversionary interest. But the grantor may be treated as the owner after the expiration of such period unless the power is relinquished.

§ 1.676 (b)–1 *Powers exercisable only after a period of time.* Section 676 (b) provides an exception to the general rule of section 676 (a) when the exercise of a power can only affect the beneficial enjoyment of the income of a trust received after the expiration of a period of time which is such that a grantor would not be treated as an owner under section 673 if the power were a reversionary interest. See §§ 1.673 (a)–1 and 1.673 (b)–1. Thus, for example, a grantor is excepted from the general rule of section 676 (a) with respect to ordinary income if exercise of a power to revest corpus in him cannot affect the beneficial enjoyment of the income received within 10 years after the date of transfer of that portion of the trust. It is immaterial for this purpose that the power is vested at the time of the transfer. However, the grantor is subject to the general rule of section 676 (a) after the expiration of the period unless the power is relinquished. Thus, in the above example, the grantor may be treated as the owner and be taxed on all income in the eleventh and succeeding years. If the beginning of the period during which the grantor may revest is postponed, the rules set forth in § 1.673 (d)–1 are applicable to determine whether the grantor should be treated as an owner during the period following the postponement.

§ 1.677 (a) *Statutory provisions; estates and trusts; grantors and others treated as substantial owners; income for benefit of grantor; general rule.*

SEC. 677. *Income for benefit of grantor*—(a) *General rule.* The grantor shall be treated as the owner of any portion of a trust, whether or not he is treated as such owner under section 674, whose income without the approval or consent of any adverse party is, or, in the discretion of the grantor or a nonadverse party, or both, may be—

(1) Distributed to the grantor;

(2) Held or accumulated for future distribution to the grantor; or

(3) Applied to the payment of premiums on policies of insurance on the life of the grantor (except policies of insurance irrevocably payable for a purpose specified in section 170 (c) (relating to definition of charitable contributions)).

This subsection shall not apply to a power the exercise of which can only affect the beneficial enjoyment of the income for a period commencing after the expiration of a period such that the grantor would not be treated as the owner under section 673 if the power were a reversionary interest: but the grantor may be treated as the owner after the expiration of the period unless the power is relinquished.

§ 1.677 (a)–1 *Income for benefit of grantor; general rule.* (a) Section 677 deals with situations in which a grantor of a trust is treated as the owner of a portion of the trust because he has retained an interest in the income from that portion. See section 671 and §§ 1.671–2 and 1.671–3 for rules for treatment of items of income, deduction, and credit when a person is treated as the owner of all or only a portion of a trust.

(b) Under section 677, the grantor is treated in any taxable year as the owner of a portion of a trust (whether or not he is treated as an owner under section 674) of which the income for the taxable year or for a period not coming within the exception described in paragraph (e) of this section is, or in the discretion of the grantor or a nonadverse party, or both (without the approval or consent of any adverse party) may be—

(1) Distributed to the grantor;

(2) Held or accumulated for future distribution to the grantor; or

(3) Applied to the payment of premiums on policies of insurance on the life of the grantor, except policies of insurance irrevocably payable for a charitable purpose specified in section 170 (c).

(c) Therefore, under the general rule of section 677 the grantor is treated as the owner of a portion of a trust if he has retained any interest which might, without the approval or consent of an adverse party, enable him to have the income from the portion, at some time, distributed to him either actually or constructively (subject to the exception described in paragraph (e) of this section). Constructive distribution to the grantor includes payment to another in obedience to his direction and payment of premiums upon policies of insurance on the grantor's life (other than policies of insurance irrevocably payable for charitable purposes). If the grantor strips himself permanently and definitely of every interest described in the first sentence of this paragraph, he is not treated as an owner under section 677 after that divesting.

(d) Under section 677 a grantor is, in general, treated as owner of a portion of a trust whose income is or in the discretion of the grantor or a nonadverse party, or both, may be applied to discharge of a legal obligation of the grantor. However, see § 1.677 (b)–1 for special rules for trusts whose income may not be applied for the discharge of any legal obligation of the grantor other than the support or maintenance of a beneficiary whom the grantor is legally obligated to support.

(e) The last sentence of section 677 (a) provides an exception to the general rule when a discretionary right can only affect the beneficial enjoyment of the income of a trust received after a period of time which is such that a grantor would not be treated as an owner under section 673 if the power were a reversionary interest. See §§ 1.673 (a)–1 and 1.673 (b)–1. For example, if the ordinary income of a trust is payable to B for 10 years and then in the grantor's discretion income or corpus may be paid to B or to the grantor, the grantor is not treated as an owner with respect to ordinary income under section 677 during the first 10 years. He will be treated as an owner under section 677 after the expiration of the 10-year period unless the power is relinquished. If the beginning of the period during which the grantor may substitute beneficiaries is postponed, the rules set forth in § 1.673 (d)–1 are applicable in order to determine whether the grantor should be treated as an owner during the period following the postponement.

(f) However, if income is accumulated in any taxable year for future distribution to the grantor, section 677 (a) (2) treats the grantor as an owner for that taxable year. The exception set forth in the last sentence of section 677 (a) does not apply merely because the grantor must await the expiration of a period of time before he can receive or exercise discretion over previously accumulated income of the trust, even though the period is such that the grantor would not be treated as an owner under section 673 if a reversionary interest were involved. Thus, if income of a trust is to be accumulated for 10 years and then will, or at the discretion of the grantor may be, distributed to the grantor, the grantor is treated as the owner of the trust from its inception.

(g) The application of section 677 (a) may be illustrated by the following examples:

*Example (1).* G creates an irrevocable trust which provides that the ordinary income is to be payable to himself for life and that on his death the corpus shall be distributed to a designated charity. Except for the right to receive income, G retains no right or power which would cause him to be treated as an owner under sections 671–677. Under the applicable local law caiptal gains must be applied to corpus. During the taxable year 1955 the trust has the following items of gross income and deductions:

| | |
|---|---|
| Dividends | $5,000 |
| Capital gain | 1,000 |
| Expenses allocable to income | 200 |
| Expenses allocable to corpus | 100 |

Since G has a right to receive income he is treated as an owner of a portion of the trust under section 677. Accordingly, he should include the $5,000 of dividends, $200 income expense, and $100 corpus expense in the computation of his taxable income for 1955. He should not include the $1,000 capital gain since that is not attributable to the portion of the trust that he owns. (See § 1.671–3. The tax consequences of the capital gain are governed by the provisions of sections 641–668. Had the trust sustained a capital loss in any amount the loss would likewise not be included in the computation of G's taxable income, but would also be governed by the provisions of sections 641–668.

*Example (2).* G creates a trust whose ordinary income is payable to his adult son. Ten years from the date of transfer or on the death of his son, whichever is earlier, corpus is to revert to G. In addition, G retains a discretionary right to receive $5,000 of ordinary income each year. (Absent the exercise of this right all the ordinary income is to be distributed to his son.) G retains no other right or power which would cause him to be treated as an owner under subpart E. Under the terms of the trust instrument and applicable local law capital gains must be applied to corpus. During the taxable year 1955 the trust had the following items of income and deductions:

| | |
|---|---|
| Dividends | $10,000 |
| Capital gain | 2,000 |
| Expenses allocable to income | 400 |
| Expenses allocable to corpus | 200 |

Since the capital gain is held or accumulated for future distributions to G, he is treated under section 677 (a) (2) as an owner of a portion of the trust to which the gain is attributable. Therefore, he must include the capital gain in the computation of his taxable income. (Had the trust sustained a capital loss in any amount, G would likewise include that loss in the computation of his taxable income.) Because of G's discretionary right (whether exercised or not) he is treated as the owner of a portion of the trust which will permit a distribution of income to him of $5,000. Accordingly, G includes dividends of $5,208.33 and income expenses of $208.33 in computing his taxable income, determined in the following manner:

| | |
|---|---|
| Total dividends | $10,000 |
| Less: Expenses allocable to income | 400 |
| Distributable income of the trust | 9,600 |
| Portion of dividends attributable to G (5,000/9,600×$10,000) | 5,208.33 |
| Portion of income expenses attributable to G (5,000/9,600×$400) | 208.33 |
| Amount of income subject to discretionary right | 5,000.00 |

In accordance with § 1.671–3 (b), G also takes into account $104.17 (5,000/9,600×$200) of corpus expenses in computing his tax liability. The portion of the dividends and expenses of the trust not attributable to G are governed by the provisions of sections 641–668 (subparts A through D).

§ 1.677 (b) *Statutory provisions; estates and trusts; grantors and others treated as substantial owners; trusts for support of grantor's dependents.*

SEC. 677. *Income for benefit of grantor.* • • •

(b) *Obligations of support.* Income of a trust shall not be considered taxable to the grantor under subsection (a) or any other provision of this chapter merely because such income in the discretion of another person, the trustee, or the grantor acting as trustee or co-trustee, may be applied or distributed for the support or maintenance of a beneficiary whom the grantor is legally obligated to support or maintain, except to the extent that such income is so applied or distributed. In cases where the amounts so applied or distributed are paid out of corpus or out of other than income for the taxable year, such amounts shall be considered to be an amount paid or credited within the meaning of paragraph (2) of section 661 (a) and shall be taxed to the grantor under section 662.

§ 1.677 (b)–1 *Trusts for support.* (a) Section 677 (b) provides in effect that a grantor is not treated as the owner of a trust merely because its income may in the discretion of any person except the grantor not acting as trustee or cotrustee be applied or distributed for the support or maintenance of a beneficiary, such as the wife or child of the grantor, whom the grantor is legally obligated to support. If income of the current year of the trust is actually so applied or distributed the grantor may be treated as the owner of any portion of the trust under section 677 to that extent, even though it might have been applied or distributed for other purposes.

(b) If any amount applied or distributed for the support of a beneficiary whom the grantor is legally obligated to support is paid out of corpus or out of other than income of the current year, the grantor is treated as a beneficiary of the trust, and the amount applied or distributed is considered to be an amount paid within the meaning of section 662 (a) (2), taxable to the grantor under section 662. Thus, he is subject to the other relevant portions of sections 641–668 (subparts A through D). Accordingly, the grantor may be taxed on an accumulation distribution under sections 665 through 668 (subpart D). The provisions of those sections, including the exceptions in section 665, are applied on the basis that the grantor is the beneficiary.

(c) For the purpose of determining the items of income, deduction, and credit of a trust to be included under this section in computing the grantor's tax liability, the income of the trust for the taxable year of distribution will be deemed to have been first distributed. For example, in the case of a trust reporting on the calendar year basis, a distribution made on January 1, 1956, will be deemed to have been made out of ordinary income of the trust for the calendar year 1956 to the extent of the income for that year even though the trust had received no income as of January 1, 1956. Thus, if a distribution of $10,000 is made on January 1, 1956, for the support of the grantor's dependent and the trust received dividends of $5,000 and incurred expenses of $1,000 during that year but subsequent to January 1, the grantor will be treated as the owner of the trust for 1956. He will take into account dividends of $5,000 and expenses of $1,000 in computing his tax liability for 1956. In addition, the grantor will be treated as a beneficiary of the trust with respect to the $6,000 ($10,000 less distributable income of $4,000 (dividends of $5,000 less expenses of $1,000)) paid out of corpus or out of other than income of the current year. See paragraph (b) of this section.

(d) The exception provided in section 677 (b) relates solely to the satisfaction of the grantor's legal obligation to support or maintain a beneficiary. Consequently, the general rule of section 677 (a) is applicable when in the discretion of the grantor or nonadverse parties income of a trust may be applied in discharge of a grantor's obligations other than his obligation of support or maintenance falling within section 677 (b). Thus, if the grantor creates a trust, the income of which may in the discretion of a nonadverse party be applied in the payment of the grantor's debts, such as the payment of his rent or other household expenses, he is treated as an owner of the trust regardless of whether the income is actually so applied.

(e) The general rule of section 677 (a), and not section 677 (b), is applicable if discretion to apply or distribute income of a trust rests solely in the grantor, or in the grantor in conjunction with other persons, unless in either case the grantor has such discretion as trustee or co-trustee.

(f) The general rule of section 677 (a), and not section 677 (b), is applicable to the extent that income is required, without any discretionary determination, to be applied to the support of a beneficiary whom the grantor is legally obligated to support.

§ 1.678 (a) *Statutory provisions; estates and trusts; grantors and others treated as substantial owners; person other than grantor treated as substantial owner; general rule.*

SEC. 678. *Person other than grantor treated as substantial owner.*—(a) *General rule.* A person other than the grantor shall be treated as the owner of any portion of a trust with respect to which:

(1) Such person has a power exercisable solely by himself to vest the corpus or the income therefrom in himself, or

(2) Such person has previously partially released or otherwise modified such a power and after the release or modification retains such control as would, within the principles of sections 671 to 677, inclusive, subject a grantor of a trust to treatment as the owner thereof.

§ 1.678 (a)–1 *Person other than grantor treated as substantial owner; general rule.* (a) Where a person other than the grantor of a trust has a power exercisable solely by himself to vest the corpus or the income of any portion of a testamentary or inter vivos trust in himself, he is treated under section 678 (a) as the owner of that portion except as provided in subsection 678 (b) (involving taxation of the grantor) and subsection 678 (c) (involving an obligation of support). The holder of such a power also is treated as an owner of the trust even though he has partially released or otherwise modified the power so that he can no longer vest the corpus or income in himself, if he has retained such control of the trust as would, if retained by a grantor, subject the grantor to treatment as the owner under sections 671 to 677, inclusive. See section 671 and §§ 1.671–2 and 1.671–3 for rules for treatment of items of income, deduction, and credit where a person is treated as the owner of all or only a portion of a trust.

(b) Section 678 (a) treats a person as an owner of a trust if he has a power exercisable solely by himself to apply the income or corpus for the satisfaction of his legal obligations, other than an obligation to support a dependent (see § 1.678 (c)–1) subject to the limitation of section 678 (b). Section 678 does not apply if the power is not exercisable solely by himself. However, see § 1.662 (a)–4 for principles applicable to income of a trust which, pursuant to the terms of the trust instrument, is used to satisfy the obligations of a person other than the grantor.

§ 1.678 (b) *Statutory provisions; estates and trusts; grantors and others treated as substantial owners; exception where grantor is taxable.*

SEC. 678. *Person other than grantor treated as substantial owner.* • • •

(b) *Exception where grantor is taxable.* Subsection (a) shall not apply with respect to a power over income, as originally granted or thereafter modified, if the grantor of the trust is otherwise treated as the owner under sections 671 to 677, inclusive.

§ 1.678 (b)–1 *If grantor is treated as the owner.* Section 678 (a) does not apply with respect to a power over income, as originally granted or thereafter modified, if the grantor of the trust is treated as the owner under sections 671 to 677, inclusive.

§ 1.678 (c) *Statutory provisions; estates and trusts; grantors and others treated as substantial owners; trusts for support.*

SEC. 678. *Person other than grantor treated as substantial owner.* • • •

(c) *Obligations of support.* Subsection (a) shall not apply to a power which enables such person, in the capacity of trustee or co-trustee, merely to apply the income of the trust to the support or maintenance of a person whom the holder of the power is obligated to support or maintain except to the extent that such income is so applied. In cases where the amounts so applied or distributed are paid out of corpus or out of other than income of the taxable year, such amounts shall be considered to be an amount paid or credited within the meaning of paragraph (2) of section 661 (a) and shall be taxed to the holder of the power under section 662.

§ 1.678 (c)–1 *Trusts for support.* (a) Section 678 (a) does not apply to a power which enables the holder, in the capacity of trustee or cotrustee, to apply the income of the trust to the support or maintenance of a person whom the holder is obligated to support, except to the extent the income is so applied. See § 1.677 (b)–1 (a) and (b) for applicable principles where any amount is applied for the support or maintenance of a person whom the holder is obligated to support.

(b) The general rule in section 678 (a) (and not the exception in section 678 (b)) is applicable in any case in which the holder of a power exercisable solely by himself is able, in any capacity other than that of trustee or cotrustee, to apply the income in discharge of his obligation of support or maintenance.

§ 1.678 (d) *Statutory provisions; estates and trusts; grantors and others treated as substantial owners; effect of renunciation or disclaimer.*

SEC. 678. *Person other than grantor treated as substantial owner.* • • •

(d) *Effect of renunciation or disclaimer.* Subsection (a) shall not apply with respect to a power which has been renounced or disclaimed within a reasonable time after the holder of the power first became aware of its existence.

§ 1.678 (d)–1 *Renunciation of power.* Section 678 (a) does not apply to a power which has been renounced or disclaimed within a reasonable time after the holder of the power first became aware of its existence.

[F. R. Doc. 56–4163; Filed, May 23, 1956; 4:51 p. m.]



## [ 26 CFR (1954) Part 511 ]

### GENERAL REGULATIONS UNDER INCOME TAX CONVENTION BETWEEN UNITED STATES AND FINLAND

### NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing in duplicate to the Commissioner of Internal Revenue, Attention: T:I, Washington 25, D. C., within the period of thirty days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805) and Article XXII of the income tax convention between the United States and Finland proclaimed by the President of the United States on December 22, 1952.

[SEAL] RUSSELL C. HARRINGTON,
*Commissioner of Internal Revenue.*

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§ 511.101 *Introductory.* The income tax convention between the United States and Finland, signed March 3, 1952, and proclaimed by the President of the United States on December 22, 1952, hereinafter referred to as the convention, provides as follows, effective for taxable years beginning on or after January 1, 1952:

ARTICLE I

(1) The taxes referred to in this Convention are:

(a) In the case of the United States of America:

The Federal income tax, including surtaxes and excess profits taxes.

(b) In the case of Finland:

The State (National) income tax.

(2) The present Convention shall also apply to any other taxes of a substantially similar character imposed by either contracting State subsequently to the date of signature of the present Convention.

ARTICLE II

(1) As used in this Convention:

(a) The term "United States" means United States of America, and when used in a geographical sense includes only the States, the Territories of Alaska and Hawaii, and the District of Columbia.

(b) The term "Finland" means the Republic of Finland.

(c) The term "permanent establishment" means a branch office, factory, warehouse or other fixed place of business, but does not include the casual and temporary use of merely storage facilities, nor does it include an agency unless the agent has and exercises a general authority to negotiate and conclude contracts on behalf of an enterprise or has a stock of merchandise from which he regularly fills orders on its behalf. An enterprise of one of the contracting States shall not be deemed to have a permanent establishment in the other State merely because it carries on business dealings in such other State through a bona fide commission agent, broker or custodian acting in the ordinary course of his business as such. The fact that an enterprise of one of the contracting States maintains in the other State a fixed place of business exclusively for the purchase of goods or merchandise shall not of itself constitute such fixed place of business a permanent establishment of such enterprise. The fact that a corporation of one contracting State has a subsidiary corporation which is a corporation of the other State or which is engaged in trade or business in the other State shall not of itself constitute that subsidiary corporation a permanent establishment of its parent corporation.

(d) The term "enterprise" includes every form of undertaking whether carried on by an individual, partnership, corporation, or any other entity.

(e) The term "enterprise of one of the contracting States" means, as the case may be, "United States enterprise" or "Finnish enterprise".

(f) The term "United States enterprise" means an enterprise carried on in the United States by a resident or partnership of the United States or by a United States corporation or other entity; the term "United States corporation or other entity" means a corporation or other entity created or organized in the United States or under the law of the United States or of any State or Territory of the United States.

(g) The term "Finnish enterprise" means an enterprise carried on in Finland by a resident or partnership of Finland or by a Finnish corporation or other entity; the term "Finnish corporation or other entity" means a corporation or other entity created or organized in Finland or under Finnish law.

(h) The term "competent authorities" means, in the case of the United States the Commissioner of Internal Revenue as authorized by the Secretary of the Treasury; and in the case of Finland, the Taxation Department of the Ministry of Finance.

(2) In the application of the provisions of the present Convention by one of the contracting States any term not otherwise defined shall, unless the context otherwise requires, have the meaning which such term has under the tax laws of that State.

ARTICLE III

(1) An enterprise of one of the contracting States shall not be subject to taxation in the other contracting State in respect of its industrial and commercial profits unless it is engaged in trade or business in such other State through a permanent establishment situated therein. If it is so engaged such other State may impose its tax upon the entire income of such enterprise from sources within such other State.

(2) In determining the industrial or commercial profits from sources within the territory of one of the contracting States of an enterprise of the other contracting State, no profits shall be deemed to arise from the mere purchase of goods or merchandise within the territory of the former contracting State by such enterprise. In the determination of the net industrial and commercial profits of the permanent establishment there shall be allowed as deductions all expenses, wherever incurred, reasonably allocable to the permanent establishment, including executive and general administrative expenses so allocable.

(3) Where an enterprise of one of the contracting States is engaged in trade or business in the territory of the other contracting State through a permanent establishment situated therein, there shall be attributed to such permanent establishment the industrial or commercial profits which it might be expected to derive if it were an independent enterprise engaged in the same or similar activities under the same or similar conditions and dealing at arm's length with the enterprise of which it is a permanent establishment and the profits so attributed shall, subject to the law of such other contracting

State, be deemed to be income from sources within the territory of such other contracting State.

(4) The competent authorities of the two contracting States may lay down rules by agreement for the apportionment of industrial and commercial profits.

ARTICLE IV

Where an enterprise of one of the contracting States, by reason of its participation in the management or the financial structure of an enterprise of the other contracting State, makes with or imposes on the latter, in their commercial or financial relations, conditions different from those which would be made with an independent enterprise, any profits which would normally have accrued to one of the enterprises but by reason of those conditions have not so accrued, may be included in the profits of that enterprise and taxed accordingly.

ARTICLE V

(1) Income which an enterprise of one of the contracting States derives from the operation of ships or aircraft registered in that State shall be exempt from taxation in the other contracting State.

(2) The present Convention shall be deemed to have superseded, as of the effective date of this Convention, the arrangement between the United States and Finland providing for relief from double income taxation on shipping profits, effected by exchange of notes dated June 6, 1946, and January 7, 1947.

ARTICLE VI

(1) The rate of United States tax on dividends derived from a United States corporation by a resident or corporation or other entity of Finland, not engaged in trade or business in the United States through a permanent establishment therein, shall not exceed 15 percent: provided that such rate of tax shall not exceed 5 percent if such Finnish corporation controls, directly or indirectly, at least 95 percent of the entire voting power in the corporation paying the dividend, and not more than 25 percent of the gross income of such paying corporation is derived from interest and dividends, other than interest and dividends from its own subsidiary corporation. Such reduction of the rate to 5 percent shall not apply if the relationship of the two corporations has been arranged or is maintained primarily with the intention of securing such reduced rate.

(2) The rate of Finnish tax on dividends derived from a Finnish corporation by a resident or corporation or other entity of the United States, not engaged in trade or business in Finland through a permanent establishment therein, shall not exceed 15 percent: provided that such rate of tax shall not exceed 5 percent if such United States corporation controls, directly or indirectly, at least 95 percent of the entire voting power in the corporation paying the dividend, and not more than 25 percent of the gross income of such paying corporation is derived from interest and dividends, other than interest and dividends from its own subsidiary corporation. Such reduction of the rate to 5 percent shall not apply if the relationship of the two corporations has been arranged or is maintained primarily with the intention of securing such reduced rate. For the purposes of this paragraph the combined Finnish tax on such dividends and the Finnish property tax on the capital stock of a Finnish corporation owned by such resident or corporation of other entity shall not exceed an amount computed at such rates as applied to dividends, if any, so derived.

ARTICLE VII

(1) Interest on bonds, securities, notes, debentures, or on any other form of indebtedness derived from sources within one of the contracting States by a resident or corporation or other entity of the other contracting State, not having a permanent establishment in the former State, shall be exempt from tax by such former State.

(2) Bonds, bank deposits and trade balances beneficially owned by a resident or corporation or other entity of the United States shall be exempt from the Finnish property tax.

ARTICLE VIII

Royalties for the right to use copyrights or in respect of the right to produce or reproduce any literary, dramatic, musical, or artistic work (but not inclusive of rents or royalties in respect of motion picture films) derived from sources within one of the contracting States by a resident or corporation or other entity of the other contracting State, not engaged in trade or business in the former State through a permanent establishment therein, shall be exempt from tax imposed by such former State.

ARTICLE IX

(1) Income from real property (not including interest derived from mortgages and bonds secured by real property) and royalties in respect of the operation of mines, quarries, or other natural resources, shall be taxable only in the contracting State in which such property, mines, quarries, or other natural resources are situated.

(2) A resident or corporation or other entity of one of the contracting States deriving any such income from sources within the other contracting State may, for any taxable year, elect to be subject to the tax of such other contracting State as if such resident or corporation or other entity were engaged in trade or business within such other contracting State through a permanent establishment therein during such taxable year.

ARTICLE X

(1) (a) Wages, salaries and similar compensation and pensions, paid by the United States or by the political subdivisions or territories thereof to an individual (other than a Finnish citizen who is not also a citizen of the United States) shall be exempt from Finnish tax.

(b) Wages, salaries and similar compensation and pensions, paid either directly, or from funds or institutions created, by Finland or by the political subdivisions or communities thereof, to an individual (other than a United States citizen who is not also a citizen of Finland) shall be exempt from United States tax. The term "funds or institutions" shall not be deemed to include a corporation even if such corporation is owned, in whole or in part, by the Government of Finland.

(2) Private pensions and life annuities derived from within one of the contracting States and paid to individuals residing in the other contracting State shall be exempt from taxation in the former State.

(3) The term "pensions", as used in this Article, means periodic payments made in consideration for services rendered or by way of compensation for injuries received.

(4) The term "life annuities" as used in this Article means a stated sum payable periodically at stated times during life, or during a specified number of years, under an obligation to make the payments in return for adequate and full consideration in money or money's worth.

ARTICLE XI

(1) A resident of Finland shall be exempt from United States tax upon compensation for labor or personal services (including the practice of the liberal and artistic professions) if he is temporarily present in the United States for a period or periods not exceeding a total of 183 days during the taxable year and either of the following conditions is met:

(a) His compensation is received for labor or personal services performed as an employee of, or under contract with, a resident, or corporation or other entity of Finland, or

(b) His compensation received for labor or personal services does not exceed $10,000.

(2) The provisions of paragraph (1) of this Article shall apply, mutatis mutandis, to a resident of the United States with respect to compensation for such labor or personal services performed in Finland.

(3) The provisions of this Article shall have no application to the income to which Article X (1) relates.

ARTICLE XII

(1) Dividends and interest paid by a Finnish corporation shall be exempt from United States tax except where the recipient is a citizen, resident or corporation or other entity of the United States.

(2) Dividends and interest paid by a United States corporation shall be exempt from Finnish tax except where the recipient is a resident or corporation or other entity of Finland.

ARTICLE XIII

A professor or teacher, a resident of one of the contracting States, who temporarily visits the territory of the other contracting State for the purpose of teaching for a period not exceeding two years at a university, college, school or other educational institution in the other contracting State, shall be exempted in such other contracting State from tax on his remuneration for such teaching for such period.

ARTICLE XIV

A student or apprentice, a resident of one of the contracting States, who temporarily visits the other contracting State exclusively for the purposes of study or for acquiring business or technical experience shall not be taxable in the latter State in respect of remittances received by him from abroad for the purpose of his maintenance or studies.

ARTICLE XV

(1) It is agreed that double taxation shall be avoided in the following manner:

(a) The United States in determining its taxes specified in Article I of this Convention in the case of its citizens, residents or corporations may, regardless of any other provision of this Convention, include in the basis upon which such taxes are imposed all items of income taxable under the revenue laws of the United States as if this Convention had not come into effect. The United States shall, however, subject to the provisions of section 131, Internal Revenue Code, as in effect on the date of the entry into force of this Convention, deduct from its taxes the amount of Finnish taxes specified in Article I of this Convention.

(b) Finland in determining its taxes specified in Article I of this Convention in the case of its residents or corporations or other entities may, regardless of any other provision of this Convention, include in the basis upon which such taxes are imposed all items of income taxable under the revenue laws of Finland as if this Convention has not come into effect. Finland shall, however, deduct from the taxes so calculated that portion of such tax liability which the taxpayer's income from sources in the United States (not exempt from United States tax under this Convention) bears to the taxpayer's entire income but not in excess of the income tax paid to the United States and to the political subdivisions thereof on or with respect to the income so taxable in the United States.

(2) The provisions of this Article shall not be construed to deny the exemptions from United States tax or Finnish tax, as the case may be, granted by Article X (1) of this Convention.



ARTICLE XVI

The citizens of one of the contracting States shall not, while resident in the other contracting State, be subjected therein to other or more burdensome taxes than are the citizens of such other contracting State residing in its territory. As used in this paragraph,

(a) The term "citizens" includes all legal persons, partnerships, and associations created or organized under the laws in the respective contracting States, and

(b) The term "taxes" means taxes of every kind or description whether nation, Federal, state, communal or municipal.

ARTICLE XVII

The competent authorities of the contracting States shall exchange such information (being information available under the respective taxation laws of the contracting States) as is necessary for carrying out the provisions of the present Convention or for the prevention of fraud or the administration of statutory provisions against tax avoidance in relation to the taxes which are the subject of the present Convention. Any information so exchanged shall be treated as secret and shall not be disclosed to any person other than those concerned with the assessment and collection of the taxes which are the subject of the present Convention. No information shall be exchanged which would disclose any trade secret or trade process.

ARTICLE XVIII

Each of the contracting States may collect taxes, which are the subject of this Convention, imposed by the other contracting State (as though such tax were a tax imposed by the former State) as will ensure that the exemption or reduced rate of tax granted under the present Convention by such other State shall not be enjoyed by persons not entitled to such benefits.

ARTICLE XIX

The State to which application is made for information or assistance shall comply as soon as possible with the request addressed to it except that such State may refuse to comply with the request for reasons of public policy or if compliance would involve violation of a trade, business, industrial, or professional secret or trade process.

ARTICLE XX

Where a taxpayer shows proof that the action of the revenue authorities of the contracting States has resulted in double taxation in his case in respect of any of the taxes to which the present Convention relates, he shall be entitled to lodge a claim with the State of which he is a citizen, or if he is not a citizen of either of the contracting States, with the State of which he is a resident, or, if the taxpayer is a corporation or other entity, with the State in which it is created or organized. Should the claim be upheld, the competent authority of such State may come to an agreement with the competent authority of the other State with a view to equitable avoidance of the double taxation in question.

ARTICLE XXI

(1) The provisions of this Convention shall not be construed to deny or affect in any manner the right of diplomatic and consular officers to other or additional exemptions now enjoyed or which may hereafter be granted to such officers.

(2) The provisions of the present Convention shall not be construed to restrict in any manner any exemption, deduction, credit or other allowance accorded by the laws of one of the contracting States in the determination of the tax imposed by such State.

(3) Should any difficulty or doubt arise as to the interpretation or application of the present Convention, or its relationship to Conventions between one of the contracting States and any other State, the competent authorities of the contracting States may settle the question by mutual agreement.

ARTICLE XXII

(1) The competent authorities of the two contracting States may prescribe regulations necessary to interpret and carry out the provisions of this Convention. With respect to the provisions of this Convention relating to exchange of information and mutual assistance in the collection of taxes, such authorites may, by common agreement, prescribe rules concerning matters of procedure, forms of application and replies thereto, conversion of currency, disposition of amounts collected, minimum amounts subject to collection and related matters.

(2) The competent authorities of the two contracting States may communicate with each other directly for the purpose of giving effect to the provisions of this Convention.

ARTICLE XXIII

(1) The present Convention shall be ratified and the instruments of ratification shall be exchanged at Helsinki as soon as possible. It shall have effect for the taxable years beginning on or after the first day of January of the year in which such exchange takes place.

(2) The present Convention shall continue effective for a period of five years and indefinitely after that period, but may be terminated by either of the contracting States at the end of the five-year period, or at any time thereafter, provided that at least six months' prior notice of termination has been given and, in such event, the present Convention shall cease to be effective for the taxable years beginning on or after the first day of January next following the expiration of the six-month period.

Done at Washington, in duplicate, in the English and Finnish languages, the two texts having equal authenticity, this third day of March, 1952.

For the President of the United States of America:

[SEAL] DEAN ACHESON.

For the President of the Republic of Finland:

[SEAL] JOHAN A. NYKOPP.

PROCLAMATION BY THE PRESIDENT OF THE UNITED STATES DATED DECEMBER 22, 1952

* * * * * *

And whereas the Senate of the United States of America, by their resolution of July 4, 1952, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the aforesaid convention;

And whereas the aforesaid convention was duly ratified by the President of the United States of America on July 21, 1952, in pursuance of the aforesaid advice and consent of the Senate, and the aforesaid convention was duly ratified on the part of the Republic of Finland;

And whereas the respective instruments of ratification of the aforesaid convention were duly exchanged at Helsinki on December 18, 1952, and a protocol of exchange of instruments of ratification was signed at the place and on that date by the respective Plenipotentiaries of the United States of America and the Republic of Finland;

And whereas it is provided in Article XXIII of the aforesaid convention that the convention shall have effect for the taxable years beginning on or after the first day of January of the year in which the exchange of instruments of ratification takes place;

Now, therefore, be it known that I, Harry S. Truman, President of the United States of America, do hereby proclaim and make public the aforesaid convention to the end that the said convention and each and every article and clause thereof may be observed and fulfilled with good faith by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

* * * * * *

§ 511.102 *Applicable provisions of law*—(a) *General.* The Internal Revenue Code of 1954 provides in part as follows:

SUBTITLE A—INCOME TAXES

* * * * * *

SEC. 894. *Income exempt under treaty.* Income of any kind, to the extent required by any treaty obligation of the United States, shall not be included in gross income and shall be exempt from taxation under this subtitle.

* * * * * *

SUBTITLE F—PROCEDURE AND ADMINISTRATION

* * * * * *

SEC. 7805. *Rules and regulations*—(a) *Authorization.* Except where such authority is expressly given by this title to any person other than an officer or employee of the Treasury Department, the Secretary or his delegate shall prescribe all needful rules and regulations for the enforcement of this title, including all rules and regulations as may be necessary by reason of any alteration of law in relation to internal revenue.

(b) *Retroactivity of regulations or rulings.* The Secretary or his delegate may prescribe the extent, if any, to which any ruling or regulation, relating to the internal revenue laws, shall be applied without retroactive effect.

* * * * * *

(b) *Internal Revenue Code of 1939.* Any reference in §§ 511.101 to 511.123 to any provision of the Internal Revenue Code of 1954 shall, where applicable, be deemed also to refer to the corresponding provision of the Internal Revenue Code of 1939.

(c) *Effective date of regulations.* Pursuant to sections 894 and 7805 of the Internal Revenue Code of 1954, Article XXII of the convention, and other provisions of the internal revenue laws, §§ 511.101 through 511.123, are hereby prescribed effective for taxable years beginning on or after January 1, 1952. All regulations inconsistent herewith are modified accordingly.

§ 511.103 *Scope of the convention*—(a) *Purposes of convention.* The primary purposes of the convention, to be accomplished on a reciprocal basis, are to avoid double taxation upon certain items of income derived from sources in one country by residents or corporations or other entities of the other country and to provide for administrative cooperation between the competent tax authorities of the two countries looking to the avoidance of double taxation and the prevention of fiscal evasion.

(b) *Exemption from United States tax.* The following items of income are not included in gross income and are exempt from United States tax for taxable years beginning on or after January 1, 1952, subject to the respective articles of the convention:

(1) Industrial and commercial profits of a Finnish enterprise having no permanent establishment in the United States (Article III);

(2) Income derived by a Finnish enterprise from the operation of ships or aircraft registered in Finland (Article V);

(3) Interest derived by a nonresident alien who is a resident of Finland, or by a Finnish corporation or other entity, if such alien, corporation, or other entity has no permanent establishment in the United States (Article VII);

(4) Copyright royalties, and other like amounts (but not including motion picture film rentals or royalties) derived by a nonresident alien who is a resident of Finland, or by a Finnish corporation or other entity, if such alien, corporation, or other entity has no permanent establishment in the United States (Article VIII);

(5) Compensation and pensions paid by Finland to an alien individual, and to a citizen of Finland who is also a citizen of the United States (Article X);

(6) Private pensions and life annuities paid to a nonresident alien who is a resident of Finland (Article X);

(7) Compensation, subject to certain limitations, for personal services performed in the United States by a nonresident alien who is a resident of Finland (Article XI);

(8) Dividends and interest paid by a Finnish corporation except where the recipient is a citizen, resident, or corporation or other entity of the United States (Article XII);

(9) Remuneration derived from certain teaching in the United States by a professor or teacher who is a nonresident alien residing in Finland (Article XIII); and

(10) Remittances received from abroad for the purpose of maintenance or studies by a student or apprentice, a nonresident alien residing in Finland, who is temporarily present in the United States under specified circumstances (Article XIV).

(c) *Reduced rates of United States tax.* Dividends derived from a domestic corporation by a nonresident alien who is a resident of Finland, or by a Finnish corporation or other entity, are subject to United States tax at reduced rates, if such alien, corporation, or other entity has no permanent establishment in the United States (Article VI).

(d) *United States citizens, residents, and corporations.* (1) Any citizen of Finland who is a resident of the United States is liable to United States tax as though the convention had not come into effect; however, such alien resident of the United States is entitled to a credit against United States tax for Finnish tax in accordance with Article XV and is also entitled to the benefits of Articles X (1), XVI, and XXI.

(2) A citizen of the United States, even though resident in Finland, or a domestic corporation, even though engaged in trade or business in Finland through a permanent establishment situated therein, is liable to United States tax as though the convention had not come into effect but is likewise entitled to a credit against United States tax for Finnish tax and, to the extent applicable, to the benefits of Article X (1).

(e) *Other provisions applicable to Finnish residents and corporations.* Except as otherwise expressly provided by the convention, the United States tax liability of a nonresident alien who is a resident of Finland, or of a Finnish corporation or other entity, is determined in accordance with the provisions of the Internal Revenue Code of 1954 relating to nonresident alien individuals and foreign corporations.

§ 511.104 *Definitions*—(a) *General.* Any term defined in the convention or §§ 511.101 to 511.123 shall have the meaning so assigned to it; any term not so defined shall, unless the context otherwise requires, have the meaning which such term has under the internal revenue laws of the United States.

(b) *Specific terms.* As used in §§ 511.101 to 511.123:

(1) *United States tax.* The term "United States tax" means the Federal income taxes, including surtaxes and excess profits taxes, and any other income or profits tax of a substantially similar character imposed by the United States after March 3, 1952.

(2) *Finnish tax.* The term "Finnish tax" means the State (National) income tax and any other taxes of a substantially similar character imposed by Finland after March 3, 1952.

(3) *United States.* The term "United States" means the United States of America; and, when used in a geographical sense, includes only the States, the Territories of Alaska and Hawaii, and the District of Columbia.

(4) *Finland.* The term "Finland" means the Republic of Finland.

(5) *Permanent establishment* — (i) *Fixed place of business.* The term "permanent establishment" means a branch office, factory, warehouse, or other fixed place of business, but does not include the casual and temporary use of merely storage facilities. It implies the active conduct of a business enterprise. The mere ownership, for example, of timberlands or a warehouse in the United States by a Finnish enterprise does not mean that such enterprise, in the absence of any business activity therein, has a permanent establishment in the United States. The fact that a Finnish enterprise maintains in the United States an office or other fixed place of business used exclusively for the purchase for such enterprise of goods or merchandise shall not of itself constitute such fixed place of business a permanent establishment of such enterprise.

(ii) *Agency.* A Finnish enterprise which has an agency in the United States does not thereby have a permanent establishment in the United States, unless the agent has, and exercises, a general authority to negotiate and conclude contracts on behalf of such enterprise or unless he has a stock of merchandise from which he regularly fills orders on its behalf. If the enterprise has an agent in the United States who has power to contract on its behalf, but only at fixed prices and under conditions determined by such principal, it does not thereby necessarily have a permanent establishment in the United States. The mere fact that an agent of a Finnish enterprise—assuming he has no general authority to negotiate and conclude contracts on behalf of his principal—maintains samples, or occasionally fills orders from incidental stocks of goods maintained, in the United States does not of itself mean that such enterprise has a permanent establishment in the United States. The mere fact that salesmen, employees of a Finnish enterprise, promote the sale of their employer's products in the United States or that a Finnish enterprise transacts business in the United States by means of mail order activities does not mean that such enterprise has a permanent establishment in the United States. A Finnish enterprise shall not be deemed to have a permanent establishment in the United States merely because it carries on business dealings in the United States through a bona fide commission agent, broker, or custodian, acting in the ordinary course of his business as such.

(iii) *Subsidiary corporation.* The fact that a Finnish corporation has a domestic subsidiary corporation, or a foreign subsidiary corporation which is engaged in trade or business in the United States through a permanent establishment situated therein, does not of itself constitute either subsidiary corporation the United States permanent establishment of the Finnish parent corporation.

(6) *Enterprise.* The term "enterprise" means any form of commercial or industrial undertaking carried on by an individual, partnership, corporation, or other entity. It includes such activities as manufacturing, merchandising, mining, processing, banking, and insuring. It does not include the rendition of personal services. Hence a nonresident alien individual who is a resident of Finland and who performs personal services is not, merely by reason of such services, engaged in a Finnish enterprise within the meaning of the convention; consequently, his liability to United States tax is not determined under Article III of the convention, if he has not otherwise carried on a Finnish enterprise.

(7) *United States enterprise.* The term "United States enterprise" means an enterprise carried on in the United States by a resident of the United States, by a partnership of the United States, or by a United States corporation or other entity.

(8) *United States corporation or other entity.* The term "United States corporation or other entity" means a corporation or other entity created or organized in the United States or under the law of the United States or of any State or Territory of the United States.

(9) *Finnish enterprise.* The term "Finnish enterprise" means an enterprise carried on in Finland by a nonresident alien individual who is a resident of Finland, by a partnership of Finland, or by a Finnish corporation or other entity. Thus, an enterprise carried on wholly outside Finland by a Finnish corporation is not a Finnish enterprise within the meaning of the convention.

(10) *Finnish corporation or other entity.* The term "Finnish corporation or other entity" means a corporation or other entity created or organized in Finland or under Finnish law.



(11) *Industrial and commercial profits.* The term "industrial and commercial profits" means profits arising from industrial, commercial, merchantile, manufacturing, and like activities of an enterprise. It does not include investment income such as dividends, interests, rents, or royalties, or remuneration for personal services. In determining the industrial and commercial profits from sources within the United States of a Finnish enterprise, no profits shall be deemed to arise from the mere purchase of goods or merchandise within the United States by such enterprise. Moreover, in determining such profits of the United States permanent establishment of such enterprise, there shall be allowed as deductions all expenses, wherever incurred, which are reasonably allocable to the permanent establishment, including executive and general administrative expenses so allocable. See sections 861 through 864, Internal Revenue Code of 1954, and the regulations thereunder.

(12) *Commissioner.* The term "Commissioner" means the Commissioner of Internal Revenue or his authorized representative.

(13) *Taxation Department of the Ministry of Finance.* The term "Taxation Department of the Ministry of Finance" means the Taxation Department of the Ministry of Finance of Finland.

§ 511.105 *Industrial and commercial profits*—(a) *General.* (1) Article III of the convention adopts the principle that an enterprise of one of the contracting States shall not be taxable by the other contracting State upon its industrial and commercial profits unless it is engaged in trade or business in the latter State through a permanent establishment situated therein. Accordingly, a Finnish enterprise is subject to United States tax upon its industrial and commercial profits, to the extent of such profits from sources within the United States, only if it is engaged in trade or business in the United States at some time during the taxable year through a permanent establishment situated therein.

(2) From the standpoint of the United States tax, the article has application only to a Finnish enterprise and its industrial and commercial profits from sources within the United States. Thus, a nonresident alien individual who is a citizen of Finland, or a Finnish corporation or other entity, carrying on an enterprise which is not Finnish, is subject to tax on such income of such enterprise pursuant to section 871 (c) or section 882 (a), Internal Revenue Code of 1954, if such alien, corporation, or other entity has engaged in trade or business in the United States at any time during the taxable year, even though it has not had a permanent establishment therein at any time within such year.

(b) *No United States permanent establishment.* A Finnish enterprise is not subject to United States tax upon its industrial and commercial profits from sources within the United States, nor shall such profits be included in gross income, if it has not at any time during the taxable year engaged in trade or business in the United States through a permanent establishment situated therein. For example, if during the taxable year an enterprise carried on in Finland by a Finnish corporation were to sell merchandise in the United States through a bona fide commission agent or broker acting in the ordinary course of his business, the profits arising from such sale would not be included in gross income and would be exempt from United States tax, assuming the enterprise does not otherwise have a permanent establishment in the United States. Similarly, if during the taxable year such enterprise were to secure orders in the United States for merchandise through its sales agents whose sole function in the United States is sales promotion, the orders being transmitted to Finland for acceptance, then the profits arising from such sales would not be included in gross income and would be exempt from United States tax.

(c) *United States permanent establishment*—(1) *General.* A Finnish enterprise is subject to United States tax upon its industrial and commercial profits from sources within the United States to the same extent as are nonresident aliens or foreign corporations which are subject to tax pursuant to section 871 (c) or section 882 (a), Internal Revenue Code of 1954, if such enterprise has at any time during the taxable year engaged in trade or business in the United States through a permanent establishment situated therein. If it is so engaged, it is subject to United States tax upon its entire income from sources within the United States except to the extent otherwise exempt from United States tax.

(2) *Allocation of profits.* In the determination of the income taxable to such enterprise for purposes of the United States tax, all industrial and commercial profits from sources within the United States shall be deemed to be allocable to the permanent establishment in the United States. Hence, if a Finnish enterprise which has a permanent establishment in the United States at some time during the taxable year were to sell in the United States, through a bona fide commission agent therein acting in the ordinary course of his business as such, merchandise which has been produced in Finland, the profits arising from such sale would be allocable to the permanent establishment to the extent they are derived from sources within the United States, even though the sale is made independently of the permanent establishment.

(3) *Independent basis.* The industrial and commercial profits of the permanent establishment in the United States shall be determined as if the establishment were an independent enterprise engaged in the same or similar activities under the same or similar conditions and dealing at arm's length, or on an independent basis, with the enterprise of which it is a permanent establishment. Any profits so attributed to such permanent establishment shall, subject to the provisions of the Internal Revenue Code of 1954, be deemed to be income from sources within the United States.

§ 511.106 *Control of a United States enterprise by a Finnish enterprise.* In effect, Article IV of the convention provides that, if a Finnish enterprise, by reason of its control of a United States enterprise, imposes on the latter enterprise conditions different from those which would result from normal business relations between independent enterprises, the accounts between the enterprises shall be adjusted in order to ascertain the true taxable income of each enterprise. The purpose is to place the controlled United States enterprise on a tax parity with an uncontrolled United States enterprise by determining, according to the standard of an uncontrolled enterprise, the true taxable income from the property and business of the controlled enterprise. The basic objective of the article is that, if the accounting records do not truly reflect the taxable income from the property and business of the United States enterprise, the Commissioner shall intervene and, by making such distributions, apportionments, or allocations as he may deem necessary of gross income, deductions, credits, or allowances, or of any item or element affecting taxable income, between the United States enterprise and the Finnish enterprise by which it is controlled or directed, shall determine the true taxable income of the United States enterprise. The provisions of section 482 of the Internal Revenue Code of 1954, and the regulations thereunder, shall, insofar as applicable, be followed in the determination of the taxable income of the United States enterprise.

§ 511.107 *Income from operation of ships or aircraft*—(a) *Exempt from tax.* Under Article V of this convention, so much of the income from sources within the United States of a Finnish enterprise as consists of earnings derived from the operation of ships or aircraft documented or registered in Finland shall not be included in gross income and shall be exempt from United States tax, even though at some time during the taxable year such enterprise has engaged in trade or business in the United States through a permanent establishment situated therein.

(b) *Prior arrangement superseded.* Effective with respect to taxable years beginning on or after January 1, 1952, the convention shall be deemed to have superseded the arrangement between the United States and Finland providing for relief from double income taxation on shipping profits, effected by exchange of notes dated June 6, 1946, and January 7, 1947 [Treaties and Other International Acts Series, No. 1596; 61 Stat. 2671]. Accordingly, while the provisions of Article V are in effect, no exemption from United States tax shall be accorded pursuant to, or by reason of, any agreement effected by the exchange of such notes. This paragraph shall not be construed, however, to restrict any exemption which, without reference to an exchange of notes, is accorded by section 872 (b) and section 883 of the Internal Revenue Code of 1954. See Article XXI (2) of the convention.

§ 511.108 *Dividends*—(a) General. (1) The rate of United States tax im-

posed by the Internal Revenue Code of 1954 upon dividends derived from a domestic corporation by a nonresident alien individual who is a resident of Finland, or by a Finnish corporation or other entity, shall not exceed 15 percent under the provisions of Article VI of the convention, if such alien, corporation, or other entity at no time during the taxable year in which such dividends are derived has engaged in trade or business within the United States through a permanent establishment situated therein.

(2) If, for example, a nonresident alien individual who is a resident of Finland performs personal services within the United States during the taxable year, but has at no time during such year a permanent establishment within the United States, he is entitled to the reduced rate of tax with respect to dividends derived in that year from a domestic corporation, as provided in Article VI of the convention, even though under the provisions of section 871 (c) of the Internal Revenue Code of 1954 he has engaged in trade or business within the United States during such year by reason of his having performed personal services therein.

(b) *Dividends paid by related corporation.* The rate of United States tax imposed by the Internal Revenue Code of 1954 upon dividends derived from a domestic corporation by a Finnish corporation shall not exceed 5 percent under the proviso of Article VI (1) of the convention if:

(1) The Finnish corporation controls, directly or indirectly, at the time the dividend is paid 95 percent or more of the entire voting power in the corporation paying the dividend;

(2) Not more than 25 percent of the gross income of the paying corporation for the three-year period immediately preceding the taxable year in which the dividend is paid consists of dividends and interest (other than dividends and interest received by such paying corporation from its own subsidiary corporations, if any);

(3) The relationship between the paying corporation and the Finnish corporation has not been arranged or maintained primarily with the intention of securing the reduced rate of 5 percent; and

(4) The Finnish corporation at no time during the taxable year in which such dividends are derived has engaged in trade or business within the United States through a permanent establishment situated therein.

(c) *Dividends received from a foreign corporation.* The reduction in the rate of United States tax granted by Article VI (1) of the convention does not apply to dividends received from a foreign corporation which are treated as income from sources within the United States under the provisions of section 861 (a) (2) (B) of the Internal Revenue Code of 1954. However, see the provisions of § 511.115 for the exemption from United States tax applicable to dividends paid by a Finnish corporation.

§ 511.109 *Interest.* (a) Interest on bonds, securities, notes, debentures, or on any other form of indebtedness, which is derived from sources within the United States by a nonresident alien individual who is a resident of Finland, or by a Finnish corporation or other entity, shall not be included in gross income and shall be exempt from United States tax under the provisions of Article VII of the convention, if such alien, corporation, or other entity at no time during the taxable year in which such interest is derived has a permanent establishment in the United States.

(b) Interest on obligations of the United States and instrumentalities thereof, and on mortgages and bonds secured by real property, is included among the items to which this section applies.

§ 511.110 *Copyright royalties.* (a) Royalties for the right to use copyrights or in respect of the right to produce or reproduce any literary, dramatic, musical, or artistic work which are derived from sources within the United States by a nonresident alien individual who is a resident of Finland, or by a Finnish corporation or other entity, shall not be included in gross income and shall be exempt from United States tax under the provisions of Article VIII of the convention if such alien, corporation, or other entity at no time during the taxable year in which such royalties are derived has engaged in trade or business within the United States through a permanent establishment situated therein.

(b) Rents or royalties in respect to motion picture films are not exempt from United States tax under the provisions of Article VIII of the convention.

§ 511.111 *Real property income and natural resource royalties*—(a) *General.* (1) Income of whatever nature derived by a nonresident alien who is a resident of Finland, or by a Finnish corporation or other entity, from real property situated in the United States (including gains derived from the sale or exchange of real property and rentals therefrom) and royalties in respect of the operation of mines, quarries, or other natural resources situated in the United States, is not exempt from United States tax by the convention. Such items of income are subject to taxation under the provisions of the Internal Revenue Code of 1954 generally applicable to the taxation of nonresident alien individuals and foreign corporations. See Article IX (1) of the convention.

(2) This paragraph does not apply to interest derived from mortgages and bonds secured by real property. See paragraph (b) of § 511.109.

(b) *Net basis*—(1) *General.* Notwithstanding the provisions of paragraph (a) of this section, a nonresident alien who is a resident of Finland, or a Finnish corporation or other entity, who during the taxable year derives from sources within the United States any income to which such paragraph applies may elect for such taxable year to be subject to United States tax on a net basis as though such alien, corporation, or other entity were engaged in trade or business in the United States during such year through a permanent establishment situated therein. See Article IX (2) of the convention.

(2) *Manner of electing.* A nonresident alien individual who is a resident of Finland shall signify his election to be subject to tax on such a basis by filing Form 1040B clearly marked at the top of the first page thereof as follows: "Return of Resident of Finland Electing to File on a Net Basis Pursuant to Article IX of Finnish Income Tax Convention." A Finnish corporation shall signify its election to be subject to tax on such a basis by filing Form 1120 clearly marked at the top of the first page thereof as follows: "Return of Finnish Corporation Electing to File on a Net Basis Pursuant to Article IX of Finnish Income Tax Convention." The election so signified shall be irrevocable for the taxable year for which such election is made. All income from sources within the United States, including gains from the sale or exchange of capital assets or of other property, shall be disclosed on the return so filed. See sections 871 and 882 of the Internal Revenue Code of 1954 and the regulations thereunder.

§ 511.112 *Government wages, salaries, and pensions*—(a) *General.* Under Article X of the convention, any wage, salary, or similar compensation, or any pension, paid either directly, or from funds or institutions created, by Finland or by the political subdivisions or communities thereof, to any alien individual (whether or not a resident of the United States) or to any individual who occupies the dual status of a citizen of the United States and a citizen of Finland shall not be included in gross income and shall be exempt from United States tax, even though at some time during the taxable year such individual has engaged in trade or business in the United States through a permanent establishment situated therein. Under Article XV (2) of the convention the exclusion from gross income and exemption from United States tax provided in this section shall not be denied despite the provisions of Article XV. See § 511.118.

(b) *Definition.* As used in this section, the term "pensions" means periodic payments made in consideration for services rendered or by way of compensation for injuries received. The term "funds or institutions" shall not be deemed to include a corporation, even if such corporation is owned, in whole or in part, by the government of Finland.

(c) *Cross reference.* For the taxation generally of compensation of alien employees of foreign governments and the consequences of executing and filing the waiver provided for in section 247 (b) of the Immigration and Nationality Act, see section 893 of the Internal Revenue Code of 1954 and the regulations thereunder.

§ 511.113 *Private pensions and life annuities*—(a) *General.* Private pensions and life annuities derived from sources within the United States and paid to a nonresident alien individual who is a resident of Finland shall not be included in gross income and shall be exempt from United States tax, in accordance with Article X of the convention, even though at some time during the taxable year such individual has engaged in trade or business in the United States through a permanent establishment situated therein.

(b) *Definitions.* As used in this section, the term "pensions" means periodic payments made in consideration for services rendered or by way of compensation for injuries received; and the term "life annuities" means a stated sum payable periodically at stated times during life, or during a specified number of years, under an obligation to make the payments in return for adequate and full consideration in money or money's worth.

§ 511.114 *Compensation for labor or personal services*—(a) *Exemption from tax.* Under Article XI of the convention, compensation received by a nonresident alien individual who is a resident of Finland for labor or personal services, including the practice of the liberal and artistic professions, performed in the United States shall not be included in gross income and shall be exempt from United States tax in either of the following situations:

(1) *Finnish employer.* Where such individual is temporarily present in the United States for a period or periods not exceeding in the aggregate a total of 183 days during a taxable year beginning on or after January 1, 1952, any compensation received by him (irrespective of when received, if received in taxable years beginning on or after January 1, 1952) for such labor or personal services performed in the United States during such year as an employee of, or under contract with, a nonresident alien who is a resident of Finland, or a Finnish corporation or other entity, whether or not such resident, corporation, or other entity is engaged in trade or business within the United States, shall not be included in gross income and shall be exempt from United States tax.

(2) *Other employers.* Where such individual is temporarily present in the United States for a period or periods not exceeding in the aggregate a total of 183 days during a taxable year beginning on or after January 1, 1952, any compensation received by him (irrespective of when received, if received in taxable years beginning on or after January 1, 1952) for such labor or personal services performed in the United States during such year shall not be included in gross income and shall be exempt from United States tax if such compensation does not exceed $10,000 in the aggregate. Thus, if a nonresident alien individual who is a resident of Finland performs personal services in the United States during the taxable year as an employee of a domestic corporation for which he receives compensation of $15,000 in the aggregate, none of such compensation shall be exempt from United States tax even though such individual is present in the United States during such year for a period or periods not exceeding a total of 183 days, since the aggregate compensation received is in excess of $10,000.

(b) *Definition.* For the purposes of this section, the term "compensation for labor or personal services" shall include, but shall not be limited to, the compensation, profits, emoluments or other remuneration of public entertainers, such as stage, motion picture, television, or radio artists, musicians, and athletes. for the allocation or segregation as between sources within, and sources without, the United States in the case of compensation for labor or personal services, see sections 861 through 864, Internal Revenue Code of 1954, and the regulations thereunder.

(c) *Exception.* The provisions of this section have no application to income to which Article X (1) of the convention relates.

§ 511.115 *Dividends and interest paid by a Finnish corporation*—(a) *General*—(1) *Dividends.* A dividend paid by a foreign corporation constitutes, in whole or in part, income from sources within the United States and is subject to tax by the United States when received by a nonresident alien individual or other foreign corporation, if 50 percent or more of the gross income of the paying corporation for the statutory period was derived from sources within the United States. See section 861 (a) (2) (B), section 872 (a), and section 882 (b), Internal Revenue Code of 1954 and the regulations thereunder.

(2) *Interest.* Interest on bonds, notes, and other interest-bearing obligations of resident foreign corporations constitutes, in its entirety, income from sources within the United States and is subject to tax by the United States when received by a nonresident alien individual or other foreign corporation, if 20 percent or more of the gross income of the paying corporation for the statutory period was derived from sources within the United States. See section 861 (a) (1) (B), section 872 (a), and section 882 (b), Internal Revenue Code of 1954 and the regulations thereunder.

(b) *Exemption from United States tax.* Notwithstanding the provisions of paragraph (a) of this section, Article XII (1) of the convention provides that dividends and interest paid by a Finnish corporation shall not be included in gross income and shall be exempt from United States tax except where the recipient is a citizen, resident, or corporation or other entity of the United States. The exemption so provided shall apply even though the corporation paying the dividends or interest is a resident foreign corporation at the time of payment and without regard to the percentage of its gross income from sources within the United States.

§ 511.116 *Visiting professors or teachers*—(a) *General.* Pursuant to Article XIII of the convention, a professor or teacher, a nonresident alien who is a resident of Finland, who temporarily visits the United States for the purpose of teaching for a period not exceeding two years at any university, college, school, or other educational institution situated within the United States shall, for a period not exceeding two years from the date of his initial arrival in the United States, be exempt from United States tax with respect to his remuneration earned in taxable years beginning on or after January 1, 1952, for such teaching during such period.

(b) *More than two years.* The exemption granted by Article XIII is applicable to remuneration earned during such part of the individual's visit as does not exceed two years from the date of arrival even though the total period of his presence in the United States may extend beyond two years, provided that during such entire period he may be considered to be temporarily visiting the United States and that the requirements of paragraph (a) of this section are otherwise satisfied.

(c) *Nonresidence presumed.* An individual who otherwise qualifies for the exemption from United States tax granted by Article XIII shall, for a period of not more than two years immediately succeeding the date of his arrival within the United States for the purpose of such teaching, be deemed to have the tax status of a nonresident alien in the absence of proof of his intention to remain indefinitely in the United States. See section 871 of the Internal Revenue Code of 1954 and the regulations thereunder.

§ 511.117 *Students or apprentices*—(a) *General.* Under Article XIV of the convention, a student, or apprentice, a nonresident alien who is a resident of Finland, who temporarily visits the United States exclusively for the purposes of study or for acquiring business or technical experience shall not include in gross income and shall be exempt from United States tax with respect to amounts derived by him in taxable years beginning on or after January 1, 1952, and received during such years from without the United States as remittances for the purpose of his maintenance or studies.

(b) *Personal services.* The exemption granted by Article XIV of the convention does not apply to amounts received as compensation for labor or personal services.

§ 511.118 *Credit against United States tax for Finnish tax*—(a) *General*—(1) *Taxable as though no convention.* Notwithstanding any other provision of the convention, the United States, in determining the United States tax of a citizen or resident of the United States or of a domestic corporation, may, under Article XV (1) (a) of the convention, include in the basis upon which such tax is imposed all items of income taxable under the revenue laws of the United States, as though the convention had not come into effect. For example, despite the exemption from United States tax granted by Article VIII of the convention with respect to a copyright royalty derived from sources within the United States by a resident of Finland, such royalty shall be included in gross income and is subject to United States tax when so derived by a resident of Finland who is a citizen of the United States, even though such resident has no permanent establishment in the United States.

(2) *Exception.* Notwithstanding the provisions of subparagraph (1) of this paragraph, the exclusion from gross income and exemption from United States tax granted by Article X (1) of the convention with respect to wages, salaries,

and similar compensation, and pensions, paid by Finland or any political subdivisions or communities thereof shall not be denied. See Article XV (2) of the convention.

(b) *Application of credit*—(1) *General.* For the purpose of mitigating double taxation, Article XV (1) (a) of the convention provides that a citizen of the United States, a citizen of Finland who is a resident of the United States, or a domestic corporation, deriving income from sources within Finland shall be allowed a credit against the United States tax for the amount of Finnish tax paid or accrued during the taxable year. This credit shall be made in accordance with the provisions of section 131 of the Internal Revenue Code of 1939 as in effect on December 18, 1952, but subject to the provisions of Article XXI (2) of the convention.

(2) *Similar credit requirement.* By virtue of the provisions of Article XV (1) (b) of the convention, relating to the credit against Finnish tax, Finland satisfies the similar credit requirement set forth in section 901 (b) (3), Internal Revenue Code of 1954, in the case of Finnish citizens residing in the United States, but only with respect to taxes paid to Finland and not with respect to taxes paid to another foreign country. This subparagraph shall not be construed, however, to prevent Finland from otherwise satisfying the similar credit requirement, in accordance with section 901 of the 1954 Code and the regulations thereunder, with respect to taxes paid to another foreign country. Thus, if pursuant to a convention between Finland and another foreign country, Finland were to exempt from its income taxes the income received from sources within such other foreign country by a United States citizen residing in Finland, or were to allow a credit against its income taxes for the income taxes of the other foreign country on such income, then Finland would, in accordance with such regulations under section 901, satisfy the similar credit requirement of section 901 (b) (3) with respect to income taxes paid to such other foreign country by a Finnish citizen residing in the United States.

§ 511.119 *Exchange of information*—(a) *General.* By Articles XVII, XIX and XXII of the convention, the United States and Finland adopt the principle of exchange of such information as is necessary for carrying out the provisions of the convention, preventing fraud, or for the administration of statutory provisions against tax avoidance in relation to the taxes which are the subject of the convention, but not including information which would be contrary to public policy or which would disclose any trade secret or trade process. The information and correspondence relative to exchange of information may be transmitted directly by the Commissioner to the Taxation Department of the Ministry of Finance.

(b) *Return of information by withholding agents.* (1) To facilitate compliance with Article XVII of the convention, every United States withholding agent shall make and file in duplicate with the District Director of Internal Revenue, Baltimore 2, Maryland, an information return on Form 1042 Supplement, with respect to persons having addresses in Finland, which shall be filed for the calendar year 1955 and subsequent calendar years. This return shall be filed simultaneously with Form 1042.

(2) There shall be reported on such Form 1042 Supplement all items of fixed or determinable annual or periodical income (and amounts described in section 402 (a) (2), section 631 (b) and (c), and section 1235 of the Internal Revenue Code of 1954, which are considered to be gains from the sale or exchange of capital assets) derived from sources within the United States and paid to nonresident aliens (including nonresident alien individuals, fiduciaries, and partnerships) and to nonresident foreign corporations, whose addresses at the time of payment were in Finland, including such items of income upon which, in accordance with the withholding regulations under the convention, no withholding of United States tax is required; except that any of such items which constitute interest in respect of which Form 1001–FIN or substitute Form 1001–FIN has been filed in duplicate with the withholding agent is not required to be reported on such Form 1042 Supplement.

(c) *Information to be furnished in ordinary course.* In compliance with the provisions of Article XVII of the convention, the Commissioner will transmit to the Taxation Department of the Ministry of Finance, as soon as practicable after the close of the calendar year 1955 and of each subsequent calendar year during which the convention is in effect, the following information relating to such preceding calendar year:

(1) The duplicate copy of each available Form 1042 Supplement filed pursuant to paragraph (b) of this section; and

(2) The duplicate copy of each available ownership certificate, Form 1001-FIN, and substitute Form 1001-FIN, filed pursuant to the withholding regulations under the convention, in connection with coupon bond interest.

(d) *Information in specific cases.* Under the provisions and limitations of Articles XVII and XIX of the convention and upon request of the Taxation Department of the Ministry of Finance, the Commissioner shall furnish to the Taxation Department information available to, or obtainable by, the Commissioner relative to the tax liability of any person under the revenue laws of Finland in any case in which such information is necessary for carrying out the provisions of the convention, preventing fraud, or administering statutory provisions against tax avoidance in relation to the taxes which are the subject of the convention.

§ 511.120 *Double taxation claims*—(a) *General.* Under Article XX of the convention, where the taxpayer shows proof that the action of the revenue authorities of the United States or Finland has resulted in double taxation contrary to the provisions of the convention, he is entitled to lodge a claim with the country of which he is a citizen; or, if he is not a citizen of either country, with the country of which he is a resident; or, if the taxpayer is a corporation or other entity, with the country in which it is created or organized. The article provides that, should the taxpayer's claim be upheld, the competent authority of the country with which the claim is lodged shall undertake to come to an agreement with the competent authority of the other country with a view to equitable avoidance of the double taxation in question.

(b) *Manner of filing claim.* Such a claim on behalf of a United States citizen, corporation, or other entity, or on behalf of a resident of the United States who is not a Finnish citizen, shall be filed with the Commissioner. The claim shall be set up in the form of a letter addressed to "The Commissioner of Internal Revenue, Washington 25, D. C." and shall show fully all facts and law on the basis of which the claimant alleges that such double taxation has resulted. If the Commissioner determines that there is an appropriate basis for the claim under the convention, he shall take up the matter with the Taxation Department of the Ministry of Finance with a view to arranging an agreement of the character contemplated by Article XX.

§ 511.121 *Beneficiaries of an estate or trust*—(a) *Qualified beneficiary.* If he otherwise satisfies the requirements of the respective articles concerned, a non-resident alien who is a beneficiary of an estate or trust shall be entitled to the exemption from, or reduction in the rate of, United States tax granted by Articles VI, VII, VIII, and XII of the convention with respect to dividends, interest, and copyright royalties and other like amounts, to the extent that (1) any amount paid, credited, or required to be distributed by such estate or trust to such beneficiary is deemed to consist of such items and (2) such items would, without regard to the convention, be includible in his gross income.

(b) *Amounts otherwise includible in gross income of beneficiary.* For the determination of amounts which, without regard to the convention, are includible in the gross income of the beneficiary, see subchapter J of chapter 1 of the Internal Revenue Code of 1954, and the regulations thereunder.

§ 511.122 *Members of a partnership*—(a) *General.* Whether an individual, corporation, or other entity, a member of a partnership, is subject to United States tax upon such person's distributive share of the income of the partnership depends upon both the status of the partnership and the status of the member.

(b) *Citizen partner.* A citizen or resident of the United States, or a domestic corporation, is subject to United States tax upon such person's distributive share of the income of a partnership as though the convention had not come into effect, but subject to the provisions of § 511.118; even though other members, by reason of benefits granted by the convention, are not subject to United States tax upon their distributive share of the income.

(c) *Noncitizen partner.* In any case in which income is derived from sources within the United States by a partnership, any member of such partnership who has a permanent establishment in the United States or who is either (1) a nonresident alien not a resident of Finland or (2) a foreign corporation or other entity which is not Finnish is not entitled, with respect to such member's distributive share of such income, to any benefit granted by the convention solely to nonresident aliens residing in Finland, or to Finnish corporations or other entities, having no permanent establishment in the United States. Conversely, any member of a partnership who individually complies with the requirements for obtaining any such benefit will be entitled thereto with respect to such member's distributive share of such income. A member of a partnership which has a permanent establishment in the United States shall likewise be considered to have a permanent establishment in the United States.

§ 511.123 *Withholding regulations.* For regulations pertaining to the release or refund of excess tax withheld, and to exemption from, or reduction in the rate of, withholding of United States tax at source, in the case of dividends, interest, copyright royalties, private pensions, and life annuities received by a nonresident alien who is a resident of Finland, or by a Finnish corporation or other entity, see Treasury Decision 6030, approved July 10, 1953 (26 CFR (1939) 7.700 through 7.710).

[F. R. Doc. 56–4120; Filed, May 24, 1956; 8:49 a. m.]



# NOTICES

## DEPARTMENT OF THE TREASURY

### Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1956, Supp. 136]

GLENS FALLS INDEMNITY CO.

TERMINATION OF THE AUTHORITY TO QUALIFY AS SURETY ON FEDERAL BONDS

MAY 22, 1956.

Notice is hereby given that the Certificate of Authority issued by the Secretary of the Treasury to the Glens Falls Indemnity Company, Glens Falls, New York, under the provisions of the Act of Congress, approved July 30, 1947, (6 U. S. C. 6–13) to qualify as sole surety on recognizances, stipulations, bonds and undertakings permitted or required by the laws of the United States, was terminated as of April 30, 1956, by request of the Glens Falls Indemnity Company.

The Treasury has obtained from Glens Falls Insurance Company, which holds such a Certificate of Authority from the Secretary of the Treasury, an indemnifying agreement dated April 24, 1956, whereby the Glens Falls Insurance Company has assumed the liability for any losses and claims that have arisen or may arise under or in connection with any bond, undertaking or other form of obligation entered into or assumed by the Glens Falls Indemnity Company on or before April 30, 1956, in which the United States of America has or may have an interest direct or indirect.

Further details with respect to this agreement may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D. C.

[SEAL] W. RANDOLPH BURGESS,
*Acting Secretary of the Treasury.*

[F. R. Doc. 56–4116; Filed, May 24, 1956; 8:49 a. m.]

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[Dept. Circ. 570, Rev. Apr. 20, 1943, 1956. Supp. 137]

IOWA MUTUAL INSURANCE CO.

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

MAY 22, 1956.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the act of Congress approved July 30, 1947, 6 U. S. C. secs. 6–13, as an acceptable surety on Federal bonds. An underwriting limitation of $225,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D. C.

Name of company, location of principal executive office and state in which incorporated: Iowa; Iowa Mutual Insurance Company, DeWitt.

[SEAL] W. RANDOLPH BURGESS,
*Acting Secretary of the Treasury.*

[F. R. Doc. 56–4117; Filed, May 24, 1956; 8:49 a. m.]

## DEPARTMENT OF COMMERCE

### Bureau of Foreign Commerce

[Case No. 211A]

ZEMANEK & CO., LTD., AND FRANZ GINTZ

ORDER DENYING EXPORT PRIVILEGES

In the matter of Zemanek & Co., Ltd., Franz Gintz, Director, 46–47 Chancery Lane, London W. C. 2, England, Respondents, Case No. 211A.

The respondents, Zemanek & Co., Ltd., and Franz Gintz, hereinafter referred to as respondents, having been charged by the Director, Investigation Staff, Bureau of Foreign Commerce, (a) with having participated in exportations during the period in which a prior denial order was in effect, (b) with having made false representations in connection with the obtaining of goods to be exported from the United States, and (c) with having shipped such goods to unauthorized destinations, failed to appear in this proceeding, either by answer or demand for hearing. In accordance with the practice, this case was referred to the Compliance Commissioner. After the evidence was submitted, the Compliance Commissioner in due course made his report and recommendation, which, upon the facts as hereinafter found, appears to be fair and just and is therefore adopted.

Now, after considering the entire record consisting of the charges, the evidence submitted in support of the charges and the report and recommendation of the Compliance Commissioner, I hereby make the following findings of fact.

1. At all times hereinafter mentioned, Zemanek & Co., Ltd., was a firm engaged in the export-import business in London, England and Franz Gintz was its active and controlling director, the latter having personally performed all the acts hereinafter found to have been performed in the name of Zemanek.

2. On the 1st day of September, 1953, Zemanek had been denied, pursuant to an order duly entered and published in the FEDERAL REGISTER, all privileges of participating, directly or indirectly, in any manner or capacity, in the exportation of any commodity from the United States to any foreign destination, for a period of two years from the date of that order. All the acts hereinafter found to have been performed by Zemanek and Gintz were performed during the effective term of said order and prior to the expiration thereof.

3. On or about the 21st day of March, 1955, Zemanek and Gintz ordered from an American supplier ten tons of asbestos fiber and instructed that supplier to export the said asbestos for its account. The American supplier did thereafter, on or about the 15th day of April, 1955, export said ten tons of asbestos for the account of Zemanek.

4. On or prior to the 4th day of July, 1955, Zemanek and Gintz ordered from the same American supplier 515 metric tons of asbestos and directed that the said asbestos be shipped to a specified firm in Hamburg, Germany; Hamburg being named as the port of destination.

5. In compliance with said order, the American firm did thereafter, on or about the 8th day of July, 1955, export the said asbestos to the named consignee in Hamburg, Germany, and, in the export declaration authenticated in connection with such exportation, named said consignee as the purchaser or ultimate consignee and named West Germany as the country of ultimate destination.

6. When the said 515 metric tons of asbestos arrived at Hamburg, the same was transshipped by Zemanek, or caused to be transshipped by it, to Czechoslovakia, in accordance with a contract which Zemanek had arranged with a Czechoslovakian purchaser prior to the time that Zemanek had arranged for its

purchase of the asbestos from the American supplier.

And, from the foregoing, the following are my conclusions:

A. That Zemanek and Gintz participated in exportations of commodities from the United States to a foreign destination during the time when the said respondents had been denied export privileges and that by reason thereof they violated the terms and provisions of the order denying export privileges to them, as well as § 381.6 of the export control regulations;

B. That Zemanek and Gintz caused false representations to be made and facts to be concealed from the Bureau of Foreign Commerce by representing falsely to their American supplier the name of their consignee and the country of destination in violation of § 381.5 of the export control regulations;

C. That Zemanek and Gintz diverted and transshipped, or caused to be diverted and transshipped a commodity exported from the United States, to a party and destination in violation of and contrary to the contents of an export control document and their prior representations to their American supplier in violation of §§ 371.4 and 381.6 of the export control regulations.

In his report the Compliance Commissioner said,

> The earlier denial of license privileges to Zemanek and Gintz for a period of two years apparently has had no corrective influence on these respondents. Not only did they violate in two instances the express terms of that order but the violation in one of the instances involved in this case was very much like the previous violation. The violation consisted of a transshipment to a Communist dominated country. Under the circumstances, it is my recommendation that Zemanek and Gintz be denied export privileges so long as export controls are in effect.

Having concluded that the recommended action is fair, just, and necessary to achieve effective enforcement of the law, it is hereby ordered:

I. Henceforth, and for the duration of export controls, the respondents, Zemanek & Co., Ltd. and Franz Gintz, be, and they hereby are suspended from and denied all privileges of participating, directly or indirectly, in any manner or capacity, in an exportation of any commodity or technical data from the United States to any foreign destination, including Canada, whether such exportation has heretofore or hereafter been completed. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation by either respondent, directly or indirectly, in any manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the obtaining or using of any validated or general export license or other export control documents, (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (d) in storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

II. Such denial of export privileges shall extend not only to the respondents, but also to any person, firm, corporation, or business organization with which they may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade in which may be involved exports from the United States or services connected therewith.

III. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere shall, without prior disclosure to, and specific authorization from the Bureau of Foreign Commerce, directly or indirectly, in any manner or capacity, (a) apply for, obtain, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity, (b) order, receive, buy, use, dispose of, finance, transport or forward, any commodity on behalf of or in any association with the respondents, or (c) do any of the foregoing acts with respect to any commodity or exportation in which the respondents may have any interest of any kind or nature, direct or indirect.

Dated: May 21, 1956.

JOHN C. BORTON,
*Director,*
*Office of Export Supply.*

[F. R. Doc. 56-4102; Filed, May 24, 1956; 8:46 a. m.]

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[Case No. 211B]

PHILIP FISHER

ORDER DISMISSING CHARGES OF VIOLATION AND VACATING TEMPORARY DENIAL ORDER

In the matter of Philip Fisher, 63A Great Russell Street, London W. C. 1, England, Respondent, Case No. 211B.

The respondent, Philip Fisher, having been charged with having violated the Export Control Act of 1949, as amended, and the regulations promulgated thereunder, and said respondent having been joined with Zemanek & Co., Ltd. and Franz Gintz in a proceeding arising out of said violations, and the respondent having answered the charges and appeared in the said proceeding which was thereafter duly referred to the Compliance Commissioner, who has heard the evidence and made his report, finding that there is no evidence sufficient to support said charges and that the respondent has resigned his offices in Zemanek & Co., Ltd.: *It is hereby ordered:*

That the charges of violation heretofore made against the respondent Philip Fisher in a charging letter dated December 30, 1955, be, and the same hereby are dismissed and the order temporarily denying export privileges to said respondent, Philip Fisher (20 F. R. 7383, FEDERAL REGISTER, October 4, 1955), be, and the same hereby is vacated as to him alone.

Dated: May 21, 1956.

JOHN C. BORTON,
*Director,*
*Office of Export Supply.*

[F. R. Doc. 56-4103; Filed, May 24, 1956; 8:46 a. m.]

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## DEPARTMENT OF AGRICULTURE

### Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

MAY 1956 MONTHLY SALES LIST SUPPLEMENT

The price listing for the May 1956 Monthly Sales List is supplemented by adding flaxseed, effective May 4, and small red beans and great northern beans, effective May 11, as set forth below, pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F. R. 6669).

| Commodity and approximate quantity available (subject to prior sale) | Sales price or method of sale |
|---|---|
| Flaxseed, 1955 crop, as available | Domestic or export, unrestricted use: The higher of (1) the domestic market price as determined by CCC, or (2) 105 percent of the 1955-crop price support rate, plus carrying charges. Available Minneapolis, Chicago, and Portland CSS Commodity Offices. |
| Small red beans, 1955 crop, as available. | Domestic: $7.52 per 100 pounds, Nebraska points of production. For other areas, adjust by the 1955 support price differentials.<br>Export: Competitive bid. Quantities and bid dates will be announced by Portland CSS Commodity Office. |
| Great Northern beans, 1955 crop, as available. | Domestic: $7.73 per 100 pounds, Nebraska points of production. For other areas, adjust by the 1955 support price differentials.<br>Export: Competitive bid. Quantities and bid dates will be announced by Kansas City CSS Commodity Office. |

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U. S. C. 1427, sec. 208, 63 Stat. 901)

Issued: May 21, 1956.

[SEAL] EARL M. HUGHES,
*Executive Vice-President,*
*Commodity Credit Corporation.*

[F. R. Doc. 56-4112; Filed, May 24, 1956; 8:48 a. m.]

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AGRICULTURAL STABILIZATION AND CONSERVATION COUNTY OFFICE MANAGERS

DELEGATION OF AUTHORITY TO ACT AS CONTRACTING OFFICERS

Pursuant to authority vested in the Executive Vice President, Commodity Credit Corporation, by the bylaws of the Corporation, the respective chairmen, or in their absence the acting chairmen, of the Agricultural Stabilization and Conservation County Committees in the cotton-producing States, or if so designated by such Agricultural Stabilization and Conservation County Committees, the ASC county office managers are hereby appointed contracting officers of Commodity Credit Corporation, with authority to execute, in the name of the Corporation, contracts, agreements, or other documents relating to the purchase, transportation, handling, and storage of cottonseed prior to the delivery of such cottonseed to an oil miller or an approved storage facility under the 1956-Crop Cottonseed Purchase Program formulated by Commodity Credit Corporation and Commodity Stabilization Service.

The foregoing authority as contracting officers shall be exercised in accordance with instructions issued by the appropriate Vice President of Commodity Credit Corporation, which shall be available for public inspection in the files of the Agricultural Stabilization and Conservation county offices in the respective cotton-producing States.

Issued this 18th day of May 1956.

[SEAL] WALTER C. BERGER,
*Acting Executive Vice President,*
*Commodity Credit Corporation.*

[F. R. Doc. 56-4113; Filed May 24, 1956; 8:48 a. m.]

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## DEPARTMENT OF DEFENSE

### Office of the Secretary

SECRETARY OF THE NAVY

DELEGATION OF AUTHORITY WITH RESPECT TO CERTIFICATION OF SPECIAL PURPOSE VESSELS

The following delegation of authority is promulgated pursuant to the authority vested in me by subsection 202 (f) of the National Security Act, as amended (63 Stat. 581; 5 U. S. C. 171a. (f)), and section 5 of Reorganization Plan No. 6 of 1953 (67 Stat. 638; 5 U. S. C. 133z-15):

1. There is hereby delegated to the Secretary of the Navy full power and authority to act for and in the name of the Secretary of Defense, and to exercise the power and authority of the Secretary of Defense upon any and all matters relating to the certification of special purpose vessels to be essential to national defense, on which the Secretary of Defense is authorized to act pursuant to sections 3 (a) and (b) of the act of September 3, 1954 (68 Stat. 1268 and 1269; (46 U. S. C. 1273)).

2. All certifications of special purpose vessels to be essential to national defense made pursuant to this delegation shall be deemed to have been made by the Secretary of Defense, and with the full power and authority of the Secretary of Defense.

3. The authority delegated herein may be redelegated to the Under Secretary or any Assistant Secretary of the Navy.

4. Any such certification heretofore made by the Secretary the Under Secretary or any Assistant Secretary of the Navy on or after January 1, 1956, is hereby confirmed and ratified.

C. E. WILSON,
*Secretary of Defense.*

[F. R. Doc. 56-4114; Filed, May 24, 1956; 8:48 a. m.]



## CIVIL AERONAUTICS BOARD

[Docket No. 7902]

CAPITAL GAINS PROCEEDING

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference in the above-entitled investigation (See Order No. E-10171, instituting proceedings) is assigned to be held on June 4, 1956, at 10:00 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Paul N. Pfeiffer.

Dated at Washington, D. C., May 21, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56-4127; Filed, May 24, 1956; 8:51 a. m.]

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[Docket No. 8007]

MACKEY AIRLINES, INC., AND MIDET AVIATION CORP.

NOTICE OF PREHEARING CONFERENCE

In the matter of the application of Mackey Airlines, Inc. and Midet Aviation Corporation under sections 408 and 401 (i) of the act as amended, and such other sections thereof as may be applicable, for approval of agreement dated April 30, 1956.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on June 5, 1956, at 10:00 a. m., e. d. s. t., in Room 1512, Temporary Building No. 4, Seventeenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Barron Fredricks.

Dated at Washington, D. C., May 22, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56-4128; Filed, May 24, 1956; 8:51 a. m.]

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## DEPARTMENT OF LABOR

### Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended March 1, 1956, 21 F. R. 1349).

The following learner certificates were issued authorizing the employment of not more than 10 percent of the total number of factory production workers as learners for normal labor turnover purposes:

Cowden Manufacturing Co., 109 Mackville Hill, Springfield, Ky.; effective 5-1-56 to 4-30-57 (dungarees).

Dart-Win Trousers, Inc., Gonzales, La.; effective 4-25-56 to 4-24-57 (trousers).

Husin Shirt Co., 14-16 Rose Street, Ephrata, Pa.; effective 4-27-56 to 4-26-57 (ladies' blouses).

The Joanie Jan Co., Walnut Ridge, Ark.; effective 5-8-56 to 5-7-57 (frocks).

La Follette Shirt Co., Inc., 125 First Street, La Follette, Tenn.; effective 5-7-56 to 5-6-57 (shirts).

The LeeWall Sportswear Co., 1372 West Sixth Street, Cleveland, Ohio; effective 4-30-56 to 4-29-57 (woman's apparel).

Norris Manufacturing Co., Taylors, S. C.; effective 4-26-56 to 4-25-57 (sport shirts).

Pettibelle, Inc., East Liberty Street Extended, Sumter, S. C.; effective 5-3-56 to 5-2-57 (children's dresses).

Pontotoc Manufacturing Co., New Albany, Miss.; effective 5-1-56 to 4-30-57 (work shirts).

Selro Manufacturing Co., Rear 115 Race Street, Cambridge, Md.; effective 4-25-56 to 4-24-57 (women's apparel).

Sunnyvale of Pennsylvania, Inc., 3 South Webster Avenue, Scranton, Pa.; effective 4-23-56 to 4-22-57 (dresses).

Yorktowne Manufacturing Co., Ephrata, Pa.; effective 4-26-56 to 4-25-57 (women's blouses).

The following learner certificates were issued for normal labor turnover purposes and, except as otherwise indicated below, a maximum of 10 learners were authorized:

Barad Lingerie Co., Salem, Mo.; effective 4-25-56 to 4-24-57 (ladies' underwear).

Freeland Dress Co., Inc., 721 Birkbeck Street, Freeland, Pa.; effective 5-1-56 to 4-30-57 (children's dresses).

H & D Manufacturing Co., 6100 Robertson Road, Nashville, Tenn.; effective 4-23-56 to 2-28-57; 9 learners (ladies' T shirts, etc.) (replacement certificate).

Johnson Co., 307 West Second Street, Marshfield, Wis.; effective 5-2-56 to 5-1-57; 4 learners (heavy outerwear and parkas).

Merrill Sportswear Co., Merrill, Wis.; effective 5-2-56 to 5-1-57; 5 learners (heavy outerwear).

Pearce Woolen Mills, Inc., Spearing Street, Howard, Pa.; effective 4-27-56 to 4-26-57 (shirts).

Scott & Kurt Manufacturing Co., Rothsville, Lancaster Co., Pa.; effective 4-26-56 to 4-25-57; 5 learners (ladies' blouses).

Selinsgrove Manufacturing Co., Inc., 106 South High Street, Selinsgrove, Pa.; effective 4-26-56 to 4-25-57 (ladies' pajamas).

Style Casuals, Inc., 350 Northeast 75th Street, Miami, Fla.; effective 4-26-56 to 4-25-57; 5 learners (men's sportswear).

Temple Sportswear Co., 4434 Kutztown Road, Temple, Pa.; effective 4-27-56 to 4-26-57 (ladies' blouses).

Milton & Erma Westgate, Jud's Manufacturing Co., 1114 Court Street, Honesdale, Pa.; effective 5-2-56 to 5-1-57; 4 learners (ladies' dresses).

The following learner certificates were issued for plant expansion purposes. The number of learners authorized is indicated:

Adel Manufacturing Co., Fifth Street, Adel, Ga.; effective 4-30-56 to 10-29-56; 70 learners (sport shirts).

Amsterdam Sportswear, Inc., 2 Ann Street, Amsterdam, N. Y.; effective 5-5-56 to 11-4-56; 25 learners (dresses).

The Joanie Jan Co., Walnut Ridge, Ark.; effective 4-27-56 to 10-26-56; 20 learners (frocks).

Little Guys & Dolls Garment Manufacturing Co., Mesick, Mich.; effective 4-30-56 to 10-29-56; 20 learners (children's outerwear).

Sunbeam Sportswear, Inc., Valley View, Pa.; effective 4-26-56 to 8-31-56; 20 learners (dresses) (supplemental certificate).

Cigar Industry Learner Regulations (29 CFR 522.80 to 522.85, as amended March 1, 1956, 21 F. R. 629).

R. G. Sullivan, Inc., 114 West Central Street, Manchester, N. H.; effective 4-25-56 to 4-24-57; 10 percent of the total number of factory production workers for normal labor turnover purposes.

Glove Industry Learner Regulations (29 CFR 522.60 to 522.65, as amended March 1, 1956, 21 F. R. 581).

The following learner certificates were issued for normal labor turnover purposes:

Burnham-Edina Manufacturing Co., Edina, Mo.; effective 4-24-56 to 4-23-57; 5 learners (work gloves).

Indianapolis Glove Co., Inc., Glenwood, Ark.; effective 5-11-56 to 5-10-57; 10 learners (work gloves).

Glen Wild Knitting Co., Broadalbin, N. Y.; effective 4-30-56 to 4-29-57; 5 learners (knit gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.43, as amended March 1, 1956, 21 F. R. 629).

Elder Hosiery Mills, Inc., South Park Avenue, Burlington, N. C.; effective 4-26-56 to 4-25-57; 3 learners for normal labor turnover purposes.

Independent Telephone Industry Learner Regulations (29 CFR 522.70 to 522.74, as amended March 1, 1956, 21 F. R. 581).

Citizens Telephone Corporation, Warren, Ind.; effective 4-25-56 to 4-24-57.

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended March 1, 1956, 21 F. R. 581).

Alpha Mills Corp., Margaretta Street, Schuylkill Haven, Pa.; effective 4-24-56 to 4-23-57; 5 percent of factory production workers for normal labor turnover purposes (ladies' knit underwear, etc.).

Louis Gallet Knitting Mills, Inc., 120 Delaware Avenue, Uniontown, Pa.; effective 5-1-56 to 4-30-57; 5 percent of factory production workers for normal labor turnover purposes (sweaters and cardigans).

P. H. Hanes Knitting Co., Galax Plant, Galax, Va.; effective 4-25-56 to 10-24-56; 150 learners for plant expansion purposes (knitted outerwear).

P. H. Hanes Knitting Co., Sparta Plant, Sparta, N. C.; effective 4-30-56 to 10-22-56; 40 learners for plant expansion purposes (men's undershorts) (replacement certificate).

Moyer Knitting Mills, South Race Street, Richland, Pa.; effective 4-25-56 to 4-24-57; 4 learners for normal labor turnover purposes (men's knitted outerwear).

Regulations applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645).

The following learner certificates were issued for normal labor turnover purposes to the companies listed below manufacturing miscellaneous products. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as follows:

Carver Manufacturing Co., Inc.; North Jackson Street, Athens, Tenn.; effective 4-30-56 to 10-29-56; not less than 80 cents per hour for the first 320 hours and 85 cents per hour for the remaining 160 hours of the 480-hour learning period, for the occupation of upholsterers; authorizing the employment of 3 learners (upholstered furniture).

Littlestown Manufacturing Co., Bonneaville Road, Littlestown, Pa.; effective 4-30-56 to 10-29-56; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupation of sewing machine operator; authorizing the employment of five percent of factory production workers (boys' wash suits).

Magic Snell Tackle Co., 45 Niagara Street, Canandaigua, N. Y.; effective 4-24-56 to 10-23-56; not less than 80 cents per hour for the first 40 hours, 85 cents per hour for the next 80 hours, 90 cents per hour for the next 80 hours and 95 cents per hour for the remaining 120 hours of the authorized 320-hour learning period, for the occupations of winder and solderer; authorizing the employment of 4 learners (fishing tackle).

The following special learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated:

Puerto Rico Hosiery Mills, Inc., Arecibo, P. R.; effective 4-18-56 to 11-27-56; not less than 53 cents per hour for the first 480 hours and 58 cents per hour for the remaining 480 hours of the 960-hour learning period, for the occupations of knitters and seamers; authorizing the employment of 12 learners for normal labor turnover purposes (hosiery) (replacement certificate).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 4th day of May 1956.

MILTON BROOKE,
*Authorized Representative of the Administrator.*

[F. R. Doc. 56-4105; Filed, May 24, 1956; 8:46 a. m.]

### LEARNER EMPLOYMENT CERTIFICATES

#### ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended March 1, 1956, 21 F. R. 1349).

The following learner certificates were issued authorizing the employment of not more than 10 percent of the total number of factory production workers as learners for normal labor turnover purposes.

Frackville Pajamas, Inc., Broad Mountain Avenue and Oak Streets, Frackville, Pa.; effective 5-28-56 to 5-27-57 (men's pajamas, flannel shirts etc.).

Charles W. Henson Manufacturing Co., Monroe, Ga.; effective 5-27-56 to 5-26-57 (work pants).

Jantus Manufacturing Co., 606 West 11th Avenue, Gary, Ind.; effective 5-11-56 to 5-10-57 (ladies' outerwear).

M. L. M. Sportswear, Inc., 1401 South 16th Street, Philadelphia, Pa.; effective 5-15-56 to 5-14-57 (jackets).

Maiden Form Brassiere Co., Inc., Main Street and Monticello Avenue, Clarksburg, W. Va.; effective 5-19-56 to 5-18-57 (brassieres).

Maiden Form Brassiere Co., Inc., 2311 Adams Avenue, Huntington, W. Va.; effective 5-19-56 to 5-18-57 (brassieres).

Maiden Form Brassiere Co., Inc., Route No. 1, Princeton, W. Va.; effective 5-19-56 to 5-18-57 (brassieres).

NuBone Co., Inc., 25th and Ash Streets, Erie, Pa.; effective 5-14-56 to 5-13-57 (corsets and infants wear).

Outerwear, Inc., 614 Wyoming Avenue, Scranton, Pa.; effective 5-8-56 to 5-7-57 (trousers).

Phillips-Jones Corp., Barnesboro, Pa.; effective 5-20-56 to 5-19-57 (sport shirts).

Phillips-Jones Factory, Pottsville, Pa.; effective 5-20-56 to 5-19-57 (dress shirts).

Plains Manufacturing Co., Inc., 61 Hudson Road, Plains, Pa.; effective 5-14-56 to 5-13-57 (brassieres).

Scranton Pants Manufacturing Co., 614 Wyoming Avenue, Scranton, Pa.; effective 5-23-56 to 5-22-57 (pants).

Steward Manufacturing Co., Inc., 63 Central Avenue, Ossining, N. Y.; effective 5-9-56 to 5-8-57 (dresses).

The following learner certificates were issued for normal labor turnover purposes, except as otherwise indicated:

Coast Fashions, 8468 State Street, South Gate, Calif.; effective 5-15-56 to 5-14-57; 5 learners (dresses).



Gunnin Manufacturing Co., Corner Main and Church Streets, Dawson, Ga.; effective 5-27-56 to 5-26-57; 10 learners (sport shirts).

Harvey Manufacturing Co., 203 Grant Street, Dupont, Pa.; effective 5-14-56 to 5-13-57; 5 learners (children's outerwear).

Iron King Overall Co., 113 South Hanover Street, Baltimore, Md.; effective 5-15-56 to 5-14-57; 5 learners (overalls and dungarees).

Meltex Fabrics, Inc., 1406 East Main Street, Richmond, Va.; effective 5-14-56 to 5-13-57; 10 learners (lingerie).

Mitchell Garment Co., Inc., 119 West Third Street, Farmville, Va.; effective 5-16-56 to 5-15-57; 5 learners (children's dresses).

Oneonta Plains Manufacturing Co., Inc., Country Club Road, Oneonta, N. Y.; effective 5-14-56 to 5-13-57; 10 learners (ladies' dresses).

Pinebrook Manufacturing Co., Inc., 109 Kingston Street., Boston, Mass.; effective 5-11-56 to 5-10-57; 4 learners (housecoats and dusters).

J. Rechtschaffer, Inc., 35 Lander Street, Newburgh, N. Y.; effective 5-14-56 to 5-13-57; 6 learners (housedresses).

Rexmont Mills, Inc., Rexmont, Pa.; effective 5-14-56 to 5-13-57; 5 learners (children's lingerie).

S & F Sportswear Co., 197 Vrooman Avenue, Amsterdam, N. Y.; effective 5-14-56 to 5-13-57; 4 learners (leather and suede jackets).

Sandye Shirt Corp., Portland, Tenn.; effective 5-10-56 to 11-9-56; 40 learners for plant expansion purposes (sports shirts).

Summits Sportswear Co., 44 West Ludlow Street, Summit Hill, Pa.; effective 5-15-56 to 5-14-57; 5 learners (ladies' blouses).

Glove Industry Learner Regulations (29 CFR 522.60 to 522.65, as amended March 1, 1956, 21 F. R. 581).

Riegel Textile Corp., Greenville, Ala.; effective 5-20-56 to 5-19-57; 10 percent of factory production workers engaged in the authorized learner occupations for normal labor turnover purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.43, as amended March 1, 1956, 21 F. R. 629).

Interwoven Stocking Co., Martinsburg, W. Va.; effective 5-14-56 to 5-13-57; 5 percent of factory production workers for normal labor turnover purposes.

J. W. Landenberger & Co., Elkton, Md.; effective 5-14-56 to 11-13-56; 21 learners for plant expansion purposes.

Nolde & Horst Co., Hugh Grey Division, Concord, N. C.; effective 5-14-56 to 11-13-56; 40 learners for plant expansion purposes.

Silver-Knit Hosiery Mills, Inc., 401 South Hamilton Street, High Point, N. C.; effective 5-10-56 to 5-9-57; 5 percent of factory production workers for normal labor turnover purposes.

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended March 1, 1956, 21 F. R. 581).

Chic Lingerie Co., Inc., 1126 Santee Street, Los Angeles, Calif.; effective 5-16-56 to 3-7-57; 5 percent of factory production workers for normal labor turnover purposes (women's knit lingerie) (replacement certificate).

Herbert Mills Co., Inc., Marion, S. C.; effective 5-10-56 to 5-9-57; 5 percent of factory production workers for normal labor turnover purposes (sweaters).

Herbert Mills Co., Inc., Marion, S. C.; effective 5-10-56 to 11-9-56; 20 learners for plant expansion purposes (sweaters).

Leola Undergarment Co., Inc., Leola, Pa.; effective 5-14-56 to 5-13-57; 5 learners for normal labor turnover purposes (ladies' knit and woven lingerie).

Shoe Industry Learner Regulations (29 CFR 522.50 to 522.55, as amended March 1, 1956, 21 F. R. 1195).

Cedar Shoe Co., Boscobel, Wis.; effective 5-14-56 to 11-13-56; 30 learners for plant expansion purposes.

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645).

Cornell-Dubilier Electric Corp., 8 Grafton Street, Worcester, Mass.; effective 5-7-56 to 11-6-56; not less than 81 cents per hour for the first 240 hours, 85 cents per hour for the next 120 hours, and 90 cents per hour for the remaining 120 hours of the 480-hour learning period, for the occupations of basic hand and machine production operations, authorizing the employment of ten percent of factory production workers for normal labor turnover purposes (electrical condensers).

The following special learner certificate was issued in Puerto Rico to the company hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated:

The Bravada Corp., Aracibo, P. R.; effective 4-30-56 to 8-8-56; not less than 45 cents per hour for the first 240 hours and 50 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupation of sewing machine operator; not less than 45 cents per hour for a maximum of 160 hours, for the occupation of final inspector; authorizing the employment of 47 learners for plant expansion purposes (underwear) (replacement certificate).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be canceled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 16th day of May 1956.

MILTON BROOKE,
*Authorized Representative of the Administrator.*

[F. R. Doc. 56-4106; Filed, May 24, 1956; 8:47 a. m.]

## DEPARTMENT OF JUSTICE

### Office of Alien Property

[Vesting Order SA-41]

BRANCA ROMANEASCA S. A.

In re: debt owing to Banca Romaneasca S. A.; F-57-101.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of the Belgium-American Banking Corporation, 52 Wall Street, New York 5, N. Y., arising out of an account entitled, "Banque de la Republique Populaire Roumaine," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Banca Romaneasca S. A., Bucharest, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to Section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on May 21, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
*Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-4121; Filed, May 24, 1956; 8:50 a. m.]

[Vesting Order SA-42]

BANCA ROMANEASCA S. A.

In Re: Debt owing to Banca Romaneasco S. A., F-57-101.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of The Chase Manhattan Bank, 18 Pine Street, New York 15, N. Y., arising out of an account entitled, "Banca Romaneasca, Old Account, Bucharest, Rumania", maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by the Banca Romaneasca S. A., Bucharest, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to Section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on May 21, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
*Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56–4122; Filed, May 24, 1956; 8:50 a. m.]

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[Vesting Order SA–43]

BANCA ROMANEASCA S. A.

In re: Debt owing to Banca Romaneasca S. A.; F–57–101.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of the Guaranty Trust Company of New York, 140 Broadway, New York 15, N. Y., arising out of an account entitled, "Banca Romaneasca S. A., in Liquidation, % Banque de la Republique Populaire Roumaine, Banque d'Etat, Bucharest, Roumania", maintained at the aforesaid bank together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947 was, owned directly or indirectly by the Banca Romaneasca S. A., Bucharest, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to Section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on May 21, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
*Assistant Attorney General, Director, Officer of Alien Property.*

[F. R. Doc. 56–4123; Filed, May 24, 1956; 8:50 a. m.]

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[Vesting Order SA–44]

BANCA ROMANEASCA S. A.

In re: Debt owing to Banca Romaneasca S. A., Cernauti Branch; F–57–101.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of the Guaranty Trust Company of New York, 140 Broadway, New York 15, N. Y., arising out of an account entitled, "Banca Romaneasca, S. A. In Liquidation, (Cernauti), c/o Banque de la Republique Populaire Rcumaine, Banque D'Etat, Bucharest, Roumania," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Banca Romaneasca S. A., Cernauti, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruc-



tion, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on May 21, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
*Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56–4124; Filed, May 24, 1956; 8:50 a. m.]

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[Vesting Order SA–45]

BANCA ROMANEASCA S. A.

In re: Debt owing to Banca Romaneasca S. A.; F–57–101.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of the Irving Trust Company, One Wall Street, New York 15, N. Y., arising out of an account entitled, "Banca Romaneasca S. A. in Liquidation, % Banque de la Republique Populaire Roumanie, Banque d'Etat, Foreign Department, Bucharest, Roumania," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Banca Romaneasca S. A., Bucharest, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to Section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on May 21, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
*Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56–4125; Filed, May 24, 1956; 8:50 a. m.]

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[Vesting Order SA–46]

HUBERT SIGMUND STAHL UND METALLWAREN

In re: Debt owing to Hubert Sigmund Stahl und Metallwaren, also known as Hubert es Sigmund Acel es Femarugyar Kft.; F–34–1651.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of the Guaranty Trust Company of New York, 140 Broadway, New York 15, New York, arising out of an account entitled, "Lombardbank A. G., a/c Hubert Sigmund Stahl und Metallwaren, Budapest, Hungary, Zurich, Switzerland," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is and as of September 15, 1947, was, owned directly or indirectly by Hubert Sigmund Stahl und Metallwaren, also known as Hubert es Sigmund Acel es Femarugyar Kft., Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on May 21, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
*Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56–4126; Filed, May 24, 1956; 8:50 a. m.]

UNIVERSITY OF MICHIGAN
MAY 29 1956
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# FEDERAL REGISTER

VOLUME 21 NUMBER 103

*Washington, Saturday, May 26, 1956*


## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

DEPARTMENT OF THE INTERIOR

Effective upon publication in the FEDERAL REGISTER, subparagraphs (3) and (5) of paragraph (c) and subparagraphs (13) and (19) of paragraph (l) of § 6.310 are amended as set out below.

§ 6.310 *Department of the Interior.*

* * *

(c) *Fish and Wildlife Service.* * * *

(3) One Assistant Director for Wildlife.

* * * * *

(5) One Assistant Director for Field Operations.

* * * * *

(l) *Office of Territories.* * * *

(13) Director, Alaska Road Commission.

* * * * *

(19) Chief Engineer, Alaska Public works.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
*Executive Assistant.*

[F. R. Doc. 56-4184; Filed, May 25, 1956; 8:52 a. m.]

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

FEDERAL CIVIL DEFENSE ADMINISTRATION

Effective upon publication in the FEDERAL REGISTER, paragraphs (c) and (g) of § 6.323 are amended as set out below.

§ 6.323 *Federal Civil Defense Administration.* * * *

(c) One Assistant Administrator, Field and Congressional Relations; one Assistant Administrator, Civil Defense Planning Staff; one Assistant Administrator, Civil Defense Education Services; one Assistant Administrator, Civil Defense Operations Control Service; and one Assistant Administrator, Civil Defense Technical Advisory Service.

* * * * *

(g) One Secretary to the Assistant Administrator, Field and Congressional Relations.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
*Executive Assistant.*

[F. R. Doc. 56-4185; Filed, May 25, 1956; 8:52 a. m.]

## TITLE 7—AGRICULTURE

### Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 88]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.388 *Navel Orange Regulation 88*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 14, as amended (7 CFR Part 914), regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circum-

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FEDERAL REGISTER

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**CFR SUPPLEMENTS**

**(As of January 1, 1956)**

The following Supplement is now available:

**Titles 35–37 ($1.00)**

*Previously announced:* Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 7: Parts 1–209 ($1.25); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. I, and Title 27 ($1.00); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Titles 40–42 ($0.65); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

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inafter set forth so as to provide for the continued regulation of the handling of all such oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) Navel Orange Regulation 64 (§ 914.364; 20 F. R. 9151) is hereby terminated at 12:01 a. m., P. s. t., June 3, 1956.

(2) During the period beginning at 12:01 a. m., P. s. t., June 3, 1956, and ending at 12:01 a. m., P. s. t., September 30, 1956, no handler shall handle any navel oranges, grown in District 1 or District 2, which are of a size smaller than 2.31 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit: *Provided,* That not to exceed 5 percent, by count, of the oranges contained in any type of container may measure smaller than 2.31 inches in diameter.

(3) As used in this section, "handle," "handler," "District 1," and "District 2," shall have the same meaning as when used in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 24, 1956.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56–4211; Filed, May 25, 1956; 8:53 a. m.]

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[Valencia Orange Reg. 70]

## PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

### LIMITATION OF HANDLING

§ 922.370 *Valencia Orange Regulation 70*—(a) *Findings.* (1) Pursuant to Order No. 22 (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective March 31, 1954, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on May 24, 1956, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., May 27, 1956, and ending at 12:01 a. m., P. s. t., June 3, 1956, is hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 554,400 cartons;
(iii) District 3: Unlimited movement.

(2) Valencia oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "handler," "District 1," "District 2," and "District 3," have the same meaning as when used in said order; and "carton" means the standard one-half orange, grapefruit or lemon box set forth as standard container number 58 in section 828.83, as amended, of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 25, 1956.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56–4223; Filed, May 25, 1956; 12:08 p. m.]

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[Orange Reg. 298]

## PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

### LIMITATION OF SHIPMENTS

§ 933.795 *Orange Regulation 298*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all Florida oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than May 28, 1956. Shipments of all oranges, except Temple oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until May 28, 1956; the recommendation and supporting information for continued regulation subsequent to May 27, 1956, were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on May 22, 1956, such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, except Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., May 28, 1956, and ending at 12:01 a. m., e. s. t., June 11, 1956, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 1 Russet;

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than a size that will pack 288 oranges, packed in accordance with the requirements of a

standard pack, in a standard 1⅗ bushel nailed box;

(iii) Any Valencia, Lue Gim Gong, or similar late-maturing oranges of the Valencia type, grown in the State of Florida, that grade U. S. Fancy or U. S. No. 1 Bright, which are of a size larger than 3 10/16 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of oranges larger than such maximum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title; 20 F. R. 7205): *Provided*, That in determining the percentage of oranges in any lot which are larger than 3 10/16 inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 3 6/16 inches in diameter and larger; or

(iv) Any Valencia, Lue Gim Gong, or similar late-maturing oranges of the Valencia type, grown in the State of Florida, that grade U. S. No. 1, U. S. No. 1 Golden, U. S. No. 1 Bronze or U. S. No. 1 Russet, which are of a size larger than 3 6/16 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 10 percent, by count, of oranges larger than such maximum diameter shall be permitted, which tolerance shall be applied in accordance with the provisions for the application of tolerances, specified in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title; 20 F. R. 7205): *Provided*, That in determining the percentage of oranges in any lot which are larger than 3 6/16 inches in diameter, such percentage shall be based only on those oranges in such lot which are of a size 3 inches in diameter and larger.

(2) As used in this section, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. Fancy," "U. S. No. 1 Bright," "U. S. No. 1," "U. S. No. 1 Golden," "U. S. No. 1 Bronze," "U. S. No. 1 Russet," "standard pack," and "standard 1⅗ bushel nailed box" shall have the same meaning as when used in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title; 20 F. R. 7205).

Shipments of Temple oranges, grown in the State of Florida, are subject to the provisions of Orange Regulation 294 (§ 933.782, 21 F. R. 2039).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 23, 1956.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-4182; Filed, May 25, 1956; 8:52 a. m.]

[Grapefruit Reg. 245]

## PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

### LIMITATION OF SHIPMENTS

§ 933.796 *Grapefruit Regulation 245*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than May 28, 1956. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until May 28, 1956; the recommendation and supporting information for continued regulation subsequent to May 27, 1956, were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on May 22, 1956; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., May 28, 1956, and ending at 12:01 a. m., e. s. t., June 11, 1956, no handler shall ship:

(i) Any white seeded grapefruit, grown in the State of Florida, which are not mature and do not grade at least U. S. No. 1 Bronze;

(ii) Any white seedless grapefruit, grown in Regulation Area I, which are not mature and do not grade at least U. S. No. 2;

(iii) Any white seedless grapefruit, grown in Regulation Area II, which are not mature and do not grade at least U. S. No. 2 Russet;

(iv) Any pink seeded grapefruit, grown in the State of Florida, which are not mature and do not grade at least U. S. No. 2;

(v) Any pink seedless grapefruit, grown in the State of Florida, which are not mature and do not grade at least U. S. No. 2 Russet;

(vi) Any seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(vii) Any seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 112 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "handler," "ship," "Growers Administrative Committee," "Regulation Area I," and "Regulation Area II" shall have the same meaning as when used in said amended marketing agreement and order; the terms "U. S. No. 1 Bronze," "U. S. No. 2," "U. S. No. 2 Russet," "standard pack," and "standard nailed box" shall have the same meaning as when used in the United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title); and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, Chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (Chapters 25149 and 28090) and also by section 601.18, as amended on June 2, 1955 (Chapter 29760).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 23, 1956.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-4181; Filed, May 25, 1956; 8:52 a. m.]

[Lemon Reg. 643]

## PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

### LIMITATION OF SHIPMENTS

§ 953.750 *Lemon Regulation 643*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 8451), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on May 23, 1956, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., May 27, 1956, and ending at 12:01 a. m., P. s. t., June 3, 1956, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 465,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," and "District 3" have the same meaning as when used in the said amended marketing agreement and order; and "carton" means the standard one-half orange, grapefruit or lemon box set forth as standard container number 58 in section 828.83, as amended, of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 24, 1956.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-4210; Filed, May 25, 1956; 8:53 a. m.]



# TITLE 14—CIVIL AVIATION

## Chapter II—Civil Aeronautics Administration, Department of Commerce

### Subchapter A—Procedural Regulations

[Amdt. 1]

## PART 407—RECORDATION PROCEDURES

### CANCELLATION OF PART

On June 15, 1955, the Administrator adopted new Parts 503 through 505, which included the recordation procedures previously found in Part 407 of the regulations of the Administrator. Therefore, Part 407 is no longer necessary and is hereby rescinded.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 501–503, 52 Stat. 1005, 1006, as amended; 49 U. S. C. 521–523)

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] C. J. LOWEN,
*Administrator of Civil Aeronautics.*

[F. R. Doc. 56-4142; Filed, May 25, 1956; 8:45 a. m.]

[Amdt. 9]

## PART 600—DESIGNATION OF CIVIL AIRWAYS

### ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

1. Section 600.16 *Green civil airway No. 6 (Laredo, Tex., to Norfolk, Va.)* is amended between New Orleans, La., radio range station and Bay Minette, Ala., nondirectional radio beacon to read: "New Orleans, La., radio range station via the Keesler AFB, Biloxi, Miss., radio range station; Bay Minette, Ala., nondirectional radio beacon;".

2. Section 600.230 *Red civil airway No. 30 (Shreveport, La., to Jacksonville, Fla.)* is amended by changing the portion beginning at New Orleans, La., to read: "From the New Orleans, La., radio range station via the intersection of the northeast course of the Saufley Field, Pensacola, Fla. (Navy), radio range and the west course of the Pensacola, Fla., radio range; Whiting Field, Milton, Fla. (Navy), radio range station; Crestview, Fla., radio range station, excluding the portion below 2,000 feet MSL lying within Pensacola caution area C-488; the intersection of the east course of the Crestview, Fla., radio range and the northwest course of the Tallahassee, Fla., radio range; Tallahassee, Fla., radio range station to the Jacksonville, Fla., radio range station, excluding the portion above 19,000 feet MSL lying within the Tyndall restricted area (R-336), between sunset and sunrise."

3. Section 600.274 is added to read:

§ 600.274 *Red civil airway No. 74 (New Orleans, La., to Bay Minette, Ala.).* From the intersection of the east course of the New Orleans, La., radio range with a line bearing 230° True from the Bay Minette, Ala., nondirectional radio beacon to the Bay Minette, Ala., nondirectional radio beacon.

4. Section 600.301 is added to read:

§ 601.301 *Red civil airway No. 101 (Biloxi, Miss., to Pensacola, Fla.).* From the Keesler Air Force Base, Biloxi, Miss., radio range station to the intersection of the southeast course of the Keesler AFB radio range with west course of the Pensacola, Fla., radio range.

5. Section 600.310 is added to read:

§ 600.310 *Red civil airway No. 110 (Mobile, Ala., to Pensacola, Fla.).* From the intersection of a line bearing 331° True from the Brookley Air Force Base, Mobile, Ala., nondirectional radio beacon with Green civil airway No. 6 via the Brookley AFB nondirectional radio beacon to the intersection of a line bearing 151° True from the Brookley AFB nondirectional radio beacon with the west course of the Pensacola, Fla., radio range.

6. Section 600.659 *Blue civil airway No. 59 (Pensacola, Fla., to Goodway, Ala.)* is revoked.

7. Section 600.6022 *VOR civil airway No. 22 (New Orleans, La., to Jacksonville, Fla.)* is amended by changing all before the Crestview, Fla., omnirange station to read: "From the New Orleans, La., omnirange station via the Pensacola (Saufley Field), Fla., omnirange station; intersection of the Pensacola (Saufley Field) omnirange 039° True and the Crestview omnirange 260° True radials; Crestview, Fla., omnirange station;" and by adding a new last sentence to read: "The portions of this airway, below 2000 feet above mean sea level, which lie within the Pensacola Caution Area (O-488) are excluded."

8. Section 600.6240 is added to read:

§ 600.6240 *VOR civil airway No. 240 (Ship Island, Miss., to Mobile, Ala.).* From the point of intersection of the New Orleans, La., omnirange direct radial to the Pensacola (Saufley Field), Fla., omnirange station and the Mobile omnirange 224° True radial to the Mobile, Ala., omnirange station.

9. Section 600.6241 is added to read:

§ 600.6241 *VOR civil airway No. 241.* (Unassigned.)

10. Section 600.6242 is added to read:

§ 600.6242 *VOR civil airway No. 242 (Mobile, Ala., to Magnolia Springs, Ala.).* From the Mobile, Ala., omnirange station to the point of intersection of the Mobile omnirange 134° True and the New Orleans, La., omnirange direct radial to the Pensacola (Saufley Field), Fla., omnirange station.

(Sec. 205, 52 Stat. 984, amended; 49 U. S. C. 425. Interprets or applies sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t. July 1, 1956.

[SEAL] JAMES T. PYLE,
*Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 56-4143; Filed, May 25, 1956; 8:45 a. m.]

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[Amdt. 9]

## PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

### ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.274 is added to read:

§ 601.274 *Red civil airway No. 74 control areas (New Orleans, La., to Bay Minette, Ala.).* All of Red civil airway No. 74.

2. Section 601.301 is added to read:

§ 601.301 *Red civil airway No. 101 control areas (Biloxi, Miss., to Pensacola, Fla.).* All of Red civil Airway No. 101.

3. Section 601.310 is added to read:

§ 601.310 *Red civil airway No. 110 control areas (Mobile, Ala., to Pensacola, Fla.).* All of Red civil airway No. 110.

4. Section 601.659 *Blue civil airway No. 59 control areas (Pensacola, Fla., to Goodway, Ala.)* is revoked.

5. Section 601.1166 *Control area extension (Mobile, Ala.)* is amended by changing the words which read: "Caution Area C–146," to read: "Caution Area C–488,".

6. Section 601.1219 is amended to read:

§ 601.1219 *Control area extension (Pensacola, Saufley Field, Ala.).* Within a 25-mile radius of Saufley Field, Pensacola, Fla., excluding the portions which overlap Restricted and Warning Areas.

7. Section 601.1406 is added to read:

§ 601.1406 *Control area extension (Milton, Fla.).* Within a 5-mile radius of NAAS Whiting (North), Milton, Fla., and within 5 miles either side of the northwest course of the Whiting (Navy) radio range extending from the radio range station to a point 12 miles northwest.

8. Section 601.1407 is added to read:

§ 601.1407 *Control area extension (Crestview, Fla.).* Within 5 miles either side of the 292° True radial of the Crestview, Fla., omnirange extending from the omnirange station to a point 12 miles northwest.

9. Section 601.1984 *Five mile radius zones* is amended by adding the following airport: Pensacola, Fla.: Forrest Sherman Field.

10. Section 601.4016 *Green civil airway No. 6 (Laredo, Tex., to Norfolk, Va.)* is amended after New Orleans, La., radio range station by adding the following reporting point: "Keesler AFB, Biloxi, Miss., radio range station;".

11. Section 601.4230 *Red civil airway No. 30 (Shreveport, La., to Jacksonville, Fla.)* is amended between Baton Rouge, La., and Crestview, Fla., radio range stations by deleting the following reporting point: "Keesler AFB, Biloxi, Miss., radio range station;" and by adding the following reporting points: "the intersection of the east course of the New Orleans, La., radio range and the southwest course of the Keesler AFB, Biloxi, Miss., radio range; the intersection of the west course of the Pensacola, Fla., radio range and the northeast course of the Saufley Field (Navy) radio range;".

12. Section 601.4274 is added to read:

§ 601.4274 *Red civil airway No. 74 (New Orleans, La., to Bay Minette, Ala.).* No reporting point designation.

13. Section 601.4301 is added to read:

§ 601.4301 *Red civil airway No. 101 (Biloxi, Miss., to Pensacola, Fla.).* No reporting point designation.

14. Section 601.4310 is added to read:

§ 601.4310 *Red civil airway No. 110 (Mobile, Ala., to Pensacola, Fla.).* Brookley AFB, Mobile, Ala., nondirectional radio beacon.

15. Section 601.4659 *Blue civil airway No. 59 (Pensacola, Ala., to Goodway, Ala.)* is revoked.

16. Section 601.6240 is added to read:

§ 601.6240 *VOR civil airway No. 240 control areas (Ship Island, Miss., to Mobile, Ala.).* All of VOR civil airway No. 240.

17. Section 601.6241 is added to read:

§ 601.6241 *VOR civil airway No. 241 control areas.* (Unassigned.)

18. Section 601.6242 is added to read:

§ 601.6242 *VOR civil airway No. 242 control areas (Mobile, Ala., to Magnolia Springs, Ala.).* All of VOR civil airway No. 242.

19. Section 601.7001 *VOR Domestic reporting points* is amended by adding the following reporting points:

Pensacola (Saufley Field), Fla., omnirange station.

Dog Intersection: The intersection of the New Orleans, La., omnirange 078° True and the Mobile, Ala., omnirange 224° True radials.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551).

This amendment shall become effective 0001 e. s. t., July 1, 1956.

[SEAL] JAMES T. PYLE,
*Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 56-4144; Filed, May 25, 1956; 8:46 a. m.]

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# TITLE 15—COMMERCE AND FOREIGN TRADE

## Chapter V—Weather Bureau, Department of Commerce

## PART 503—SCHEDULE OF CHARGES FOR SERVICES

Insofar as the Administrative Procedure Act may be applicable: Because of the nature of this notice, I find, for good cause shown, that it would be impracticable and unnecessary, and no good reason would be served to give preliminary notice, engage in public rule-making procedure or postpone the effective date thereof.

The effective date of these charges is February 20, 1956.

§ 503.1 *Charges for services and publications*—(a) *Services.*

| | |
|---|---|
| (1) Prints, black and white, enlargements from microfilm (when microfilm has been previously prepared): | |
| 8 by 10 or smaller | $0.22 |
| 11 by 14 or larger | .35 |
| (2) Prints, photocopy: | |
| 11 by 14 or smaller | .35 |
| Larger than 11 by 14 | .55 |
| (3) Prints, contact (on positive paper for use as photolithographic copy): | |
| 11 by 14 | 2.50 |
| 20 by 24 | 3.50 |
| 30 by 40 | 5.00 |
| (4) Microfilm: | |
| Negative film (1 or 2 pages to exposure on panchromatic contrast film): | |
| Per frame or exposure: | |
| 35 millimeter | .05 |
| 16 millimeter | .04 |
| Positive film (when negtive is of uniform density): | |
| 35 millimeter (per foot) | .10 |
| 16 millimeter (per foot) | .08 |
| Aniline dye (when negative is of uniform density): | |
| 35 millimeter (per foot) | .04 |
| 16 millimeter (per foot) | .03 |
| Metal spool and box (for 35 or 16 millimeter microfilm) | .35 |
| (5) Photographs: | |
| Negatives: | |
| 11 by 14 (1 negative 11 by 14 or smaller) | 1.50 |
| 14 by 17 | 2.00 |
| 18 by 22 | 3.50 |
| 40 by 40 | 5.00 |
| Copy negatives: | |
| Contact prints, single weight, matte paper: 8 by 10 or smaller | .50 |
| Contact prints, single weight, matte paper: 8 by 10 (1 print 8 by 10 or smaller) | .50 |
| (5) Photographs—Continued | |
| Enlargements: | |
| 5 by 7 | $0.45 |
| 8 by 10 | .60 |
| 11 by 14 | 1.00 |
| (6) Lantern slides: | |
| Slide, including negative | 1.75 |
| Slide only (when negatives are available) | .75 |
| (7) Ozalid prints (up to 44 inches wide) per square foot | .07 |
| (8) Thermofax copies or direct contact prints: | |
| 8½ by 11 | .10 |
| Larger than 8½ by 11 (per square foot) | .15 |
| (9) Reproduction of punched cards, basic charge for straight run involving no selection, per thousand, f. o. b. duplication point | 3.00 |

An additional charge will be made for costs of selection of cards for reproduction, depending on the amount of selection required. Shipment of punched cards will be made shipping charges collect.

| | |
|---|---|
| (10) Tabulating machine listings: | |
| WBAN form 22 (formerly WB form 1114). | |
| Winds aloft summary form. | |
| WBAN form 33 (formerly WB Form 1173). | |
| Summary of constant pressure data. | |
| During current processing, per sheet | .10 |

(11) Time spent by field station employees in performing the following services will be at the rate of $2.25 per hour if services are performed during normal working hours, or at the rate of $3.00 per hour if it is necessary to perfrom the service on an overtime basis.

(i) Hand transcription of official meteorological records.

(ii) Searching map or record files to assemble material.

(iii) Unbinding and reassembling bound volumes of maps or records preparatory to making ozalid, photostats, or other reproductions.

Rates for the above services performed at the National Weather Records Center, Asheville, N. C., will be on the basis of actual cost for services rendered.

(b) *Publications.* With respect to publications of the Bureau, the basis of charges is contained in Department of Commerce Administrative Order No. 59, the pertinent provision of which is contained in § 1.2 of this title (21 F. R. 1848). Charges will not be made when the publication is furnished to an individual or agency that cooperates with the Bureau in such a way as to minimize costs of dissemination to the public, otherwise incurred. The Weather Bureau Price List is reissued from time to time, as changes warrant.

(56 Stat. 1067, sec. 501, 65 Stat. 290; 5 U. S. C. 606, 140)

F. W. REICHELDERFER,
*Chief, Weather Bureau.*

[F. R. Doc. 56-4166; Filed, May 25, 1956; 8:50 a. m.]



# TITLE 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket 6376]

## PART 13—DIGEST OF CEASE AND DESIST ORDERS

### PUGET SOUND SALMON CANNERS, INC., ET AL.

Subpart—*Combining or conspiring:* § 13.430 *To enhance, maintain or unify prices;* § 13.475 *To restrict competition in buying.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Puget Sound Salmon Canners, Inc. (Seattle, Wash.), et al., Docket 6376, May 8, 1956]

*In the Matter of Puget Sound Salmon Canners, Inc., a Corporation, Its Officers, Directors, and Members; and Alaska Packers Association, American Packing Company, Burk Canning Company, Inc., Jay F. Carroll, Doing Business as Anacortes Canning Company, Columbia River Packers Association, Inc., Dressel-Collins Fish Company, Farwest Fishermen, Inc., Fishermen's Packing Corporation, Friday Harbor Canning Company, New England Fish Company, Pacific American Fisheries, Inc., Sebastian-Stuart Fish Company, Washington Fish and Oyster Company, Inc., and Whiz Fish Products Company, Individually and as Members of Puget Sound Salmon Canners, Inc.; Purse Seine Vessel Owners Association, Its Officers, Directors, and Members; and Local No. 3, Fishermen & Allied Workers Division, International Longshoremen & Warehousemen's Union*

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging a trade association of canners of salmon caught in Puget Sound and adjacent areas (total pack of which in 1952 had an estimated value of about $12,000,000) and its members, along with an organization of owners of some 60 percent of the Purse Seine vessels engaged in fishing for salmon in that area, and a union of salmon fishermen, including those on such vessels, with collectively controlling the prices at which the raw salmon was purchased and sold by means of agreements between and among themselves—and an agreement for entry of a consent order between 13 of the corporate canner respondents and counsel supporting the complaint.

On this basis, the hearing examiner made his initial decision and order to cease and desist which became, on May 8, 1956, the decision of the Commission.

The order to cease and desist is as follows:

*It is ordered,* That respondents Alaska Packers Association, American Packing Company, Burk Canning Company, Inc., Columbia River Packers Association, Inc., Dressel-Collins Fish Company, Farwest Fishermen, Inc., Fishermen's Packing Corporation, Friday Harbor Canning Company, New England Fish Company, Pacific American Fisheries, Inc., Sebastian-Stuart Fish Company, Washington Fish and Oyster Company, Inc., and Whiz Fish Products Company, Inc., who shall be deemed herein to be parties respondent, their respective officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the purchase, or offering to purchase, in commerce, as "commerce" is defined in the Federal Trade Commission Act, of raw or fresh salmon caught in the fishing area of Puget Sound, do forthwith cease and desist from entering into, continuing, cooperating in or carrying out any planned common and concerted course of action, understanding or agreement between any two or more of said respondents, or between any one or more of said respondents and others not parties hereto, to do or perform any of the following acts:

1. Entering into or carrying out, or attempting to enter into or carry out any "salmon agreement" as defined and explained in the complaint herein, or any other contract, agreement or understanding having the same or similar provisions;

2. Fixing, establishing, adopting, maintaining or adhering to, or attempting to fix, establish, adopt, maintain or cause adherence to, by any means or method any price at which raw or fresh salmon is to be purchased or sold;

3. Jointly or collectively negotiating, bargaining or agreeing by any means or method as to the price or prices at which said raw or fresh salmon is proposed to be, or is, purchased or sold;

4. Authorizing or empowering any association, group, corporation, or union to negotiate, bargain or agree as to the prices to be paid in the purchase or sale of any such raw or fresh salmon;

*Provided, however,* That nothing herein contained shall be construed or interpreted as preventing or prohibiting any respondent named herein, individually, from purchasing or selling, or bargaining for the purchase or sale of such salmon with any boat owner, boat captain, or any other single seller or buyer.

*Provided further,* That nothing herein contained shall prevent any association of bona fide salmon fishermen, acting pursuant to or in accordance with the provisions of the Fisheries Cooperative Marketing Act (15 U. S. C. A. sections 521 and 522) from performing any of the acts and practices permitted by said act; and

*Provided further,* That nothing herein contained shall be deemed to prohibit one or more of the respondents herein from entering into or continuing a bona fide partnership, joint operation, or venture, or consolidation, for the purpose of operating one or more canneries and in which the prices of raw salmon are determined by said partnership, joint operation or venture, or consolidation, and where such determination is under the contract establishing such partnership, joint operation, or venture or consolidation, binding upon all members thereof. This proviso shall not be construed as either an approval or disapproval of any

specific partnership, joint operation, or venture, or consolidation, nor as permitting any such partnership, joint operation, or venture, or consolidation, to be continued or formed for the purpose of or with the effect, directly or indirectly, of rendering ineffective or unenforceable the inhibitions of this order and the purposes thereof.

*Provided further*, That if the pending proceeding against respondents Purse Seine Vessel Owners Association and Local No. 3, Fishermen & Allied Workers Division, International Longshoremen & Warehousemen's Union is finally terminated in any manner except by the issuance of an order to cease and desist, either (a) by consent, or (b) by final order of the Commission not subject to further review, or (c) by order of the Commission, which, although subject to further review, continues effective, requiring said respondents Union and Boat Owners Association to cease and desist from the same or similar acts or practices provided by the order contained herein, then this order shall terminate and cease to be of any effect.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is ordered*, That respondents Alaska Packers Association, American Packing Company, Burk Canning Company, Inc., Columbia River Packers Association, Inc., Dressel-Collins Fish Company, Farwest Fishermen, Inc., Fishermen's Packing Corporation, Friday Harbor Canning Company, New England Fish Company, Pacific American Fisheries, Inc., Sebastian-Stuart Fish Company, Washington Fish and Oyster Company, Inc., and Whiz Fish Products Company, Inc., shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 8, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-4177; Filed, May 25, 1956; 8:51 a. m.]

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[Docket 6500]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

WESTERN STAR MILL CO. ET AL.

Subpart—*Using, selling, or supplying lottery devices:* § 13.2475 *Devices for lottery selling.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Western Star Mill Co. (Salina, Kans.) et al., Docket 6500, May 10, 1956]

*In the Matter of Western Star Mill Co., a Corporation, and John J. Vanier, and Robert H. Adams, Individually, and as Officers of Western Star Mill Co., and L. P. McCarty, an Individual*

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging a corporate flour mill and its officers, with place of business at Salina, Kansas, and a wholesale grocery dealer of Tupelo, Mississippi, with furnishing to retail dealers and other purchasers of their flour, devices and merchandising plans involving the operation of a lottery scheme in that purchasers of a bag of respondents' flour who by chance selected either of two lucky numbers on a push card received an additional 25-pound bag of flour, which was thus awarded wholly by lot or chance—and an agreement between the parties providing for entry of a consent order.

On this basis, the hearing examiner made his initial decision and order to cease and desist which became, on May 10, 1956, the decision of the Commission.

The order to cease and desist is as follows:

*It is ordered*, That respondents Western Star Mill Co., a corporation, and John J. Vanier and Robert H. Adams, individually and as officers of Western Star Mill Co., and respondent L. P. McCarty, an individual, their representatives, agents and employees, directly or through any corporate or other device in connection with the offering for sale, sale and distribution of flour or any other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using any sales promotion plan or scheme whereby purchasers of their said products are entitled to participate in the award of flour or other prizes, the winners of which are determined by the use of push card, pull cards, or any other lottery devices.

2. Selling or otherwise disposing of any merchandise through the use of, or by means of, a game of chance, gift enterprise or lottery scheme.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is ordered*, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 10, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-4176; Filed, May 25, 1956; 8:51 a. m.]

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## TITLE 37—PATENTS, TRADEMARKS, AND COPYRIGHTS

### Chapter I—Patent Office, Department of Commerce

PART 6—CLASSIFICATION OF GOODS AND SERVICES UNDER THE TRADEMARK ACT

SCHEDULE FOR COLLECTIVE MEMBERSHIP MARKS

The following amendment is made to take effect on publication in the FEDERAL REGISTER.

Section 6.3, reading as follows, is added:

§ 6.3 *Schedule for collective membership marks.* All collective membership marks are classified as follows:

*Class and Title*

200; Collective Membership.

(Sec. 41, 60 Stat. 440; 15 U. S. C. 1123. Interprets or applies sec. 30, 60 Stat. 436; 15 U. S. C. 1112)

[SEAL] ROBERT C. WATSON, *Commissioner of Patents.*

Approved:

SINCLAIR WEEKS, *Secretary of Commerce.*

[F. R. Doc. 56-4167; Filed, May 25, 1956; 8:50 a. m.]

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# PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### [ 7 CFR Part 52 ]

CANNED APRICOTS [1]

U. S. STANDARDS FOR GRADES

Notice is hereby given that the United States Department of Agriculture is considering the revision of the United States Standards for Grades of Canned Apricots, pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.). This revision, if made effective, will be the fourth issue by the Department of grade standards for this product.

All persons who desire to submit written data, views, or arguments for consideration in connection with the proposed revision should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C. not later than December 31, 1956.

The proposed revision is as follows:

PRODUCT DESCRIPTION, STYLES, AND GRADES

Sec.
52.2641 Product description.
52.2642 Styles of canned apricots.
52.2643 Grades of canned apricots.
52.2644 Grades of canned "solid-pack" apricots.

LIQUID MEDIA, FILL OF CONTAINER, AND DRAINED WEIGHTS

52.2645 Liquid media and Brix measurements for canned apricots.
52.2646 Fill of container for canned apricots.

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.



Sec.
52.2647 Recommended fill of container for canned "dietetic" and "solid-pack" apricots.
52.2648 Recommended minimum drained weights for canned apricots.
52.2649 Compliance with recommended drained weights.

FACTORS OF QUALITY

52.2650 Ascertaining the grade.
52.2651 Ascertaining the rating for the factors which are scored.
52.2652 Color.
52.2653 Uniformity of size and symmetry.
52.2654 Absence of defects.
52.2655 Character.

LOT CERTIFICATION TOLERANCES

52.2656 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.2657 Score sheet for canned apricots.

AUTHORITY: §§ 52.2641–52.2657 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.2641 *Product description*—(a) *Canned apricots.* "Canned apricots" means "canned apricots" as such product is defined in the standard of identity for canned apricots (21 CFR 27.10) issued pursuant to the Federal Food, Drug, and Cosmetic Act. For the purposes of the standards in this subpart, and unless the text indicates otherwise, the terms "canned apricots" include "canned apricots" as defined in the aforesaid standard of identity, canned "solid-pack" apricots, canned "dietetic" apricots, and canned "spiced" apricots.

(b) *Canned "solid-pack" apricots.* For the purposes of the standards in this subpart, canned apricots when referred to as "canned 'solid-pack' apricots" means prepared apricots packed without a liquid packing medium, with or without a dry nutritive sweetening ingredient added, and sufficiently processed by heat to assure preservation of the product in hermetically sealed containers. "Solid-pack" apricots to which a dry nutritive sweetening ingredient has been added are considered "sweetened."

(c) *Canned "dietetic" apricots.* For the purposes of the standards in this subpart, canned apricots when referred to as "canned 'dietetic' apricots" means canned apricots without nutritive sweetening ingredient(s) added and declared for dietary use, or with artificial sweetening ingredient(s) added, or with any other ingredient(s) permissible for dietary use under the provisions of the Federal Food, Drug, and Cosmetic Act.

§ 52.2642 *Styles of canned apricots.* (a) "Unpeeled halves" or "Unpeeled halved" canned apricots are unpeeled and pitted apricots cut approximately in half along the suture from stem to apex.

(b) "Peeled halves" or "Peeled halved" canned apricots are peeled and pitted apricots cut approximately in half along the suture from stem to apex.

(c) "Unpeeled slices" or "Unpeeled sliced" canned apricots are unpeeled and pitted apricots cut into thin sectors or strips.

(d) "Unpeeled whole" canned apricots are unpeeled, unpitted, whole apricots with or without stems removed.

(e) "Peeled whole" canned apricots are peeled, unpitted, whole apricots with stems removed.

(f) "Unpeeled mixed pieces of irregular sizes and shapes" are cut units of canned unpeeled apricots that are predominantly irregular in size and shape which do not conform to a single style of unpeeled halves, unpeeled slices, or unpeeled whole canned apricots or which are a mixture of two or more of such styles.

(g) "Peeled mixed pieces of irregular sizes and shapes" are cut units of canned peeled apricots that are predominantly irregular in size and shape which do not conform to a single style of peeled halves or peeled whole canned apricots or which are a mixture of such styles.

§ 52.2643 *Grades of canned apricots.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of unpeeled or peeled halves, unpeeled slices, or unpeeled or peeled whole canned apricots that possess similar varietal characteristics; that possess a normal flavor and odor, that possess a good color, that are practically uniform in size and symmetry for the applicable style, that are practically free from defects, that possess a good character, and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 90 points: *Provided*, That unpeeled or peeled halves, unpeeled slices, or unpeeled or peeled whole canned apricots may possess a reasonably good color that scores not less than 17 points, may be reasonably uniform in size and symmetry for the applicable style except for limits for off-suture cuts in unpeeled halves, and may possess a reasonably good character, if the total score is not less than 90 points.

(b) "U. S. Grade B" or "U. S. Choice" is the quality of unpeeled or peeled halves, unpeeled slices, unpeeled or peeled whole, or unpeeled or peeled mixed pieces of irregular sizes and shapes of canned apricots that possess similar varietal characteristics; that possess a normal flavor and odor, that possess a reasonably good color, that are reasonably uniform in size and symmetry for the applicable style, that are reasonably free from defects, that possess a reasonably good character, and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 80 points: *Provided*, That unpeeled or peeled halves, or unpeeled or peeled whole canned apricots may be fairly uniform in size and symmetry except for limits for off-suture cuts in unpeeled halves, if the total score is not less than 80 points.

(c) "U. S. Grade C" or "U. S. Standard" is the quality of unpeeled or peeled halves, unpeeled slices, unpeeled or peeled whole, or unpeeled or peeled mixed pieces of irregular sizes and shapes of canned apricots that possess similar varietal characteristics; that possess a normal flavor and odor, that possess a fairly good color, that are fairly uniform in size and symmetry for the applicable style, that are fairly free from defects, that possess a fairly good character, and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 70 points.

(d) "U. S. Grade D" is the quality of unpeeled or peeled halves, unpeeled slices, unpeeled or peeled whole, or unpeeled or peeled mixed pieces of irregular sizes and shapes of canned apricots that may possess dissimilar varietal characteristics; that possess a normal flavor and odor, that possess a fairly good color, that may vary in size and symmetry for the applicable style, that are fairly free from defects except for crushed and broken units in the styles of halves or whole style, that possess a noticeable variability in character, and that for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 60 points. Canned apricots of this grade may or may not meet the minimum standard or quality for canned apricots issued pursuant to the Federal Food, Drug, and Cosmetic Act.

(e) "Substandard" is the quality of canned apricots that fail to meet the applicable requirements of U. S. Grade C or U. S. Standard or of U. S. Grade D and is the quality of canned apricots that may or may not meet the minimum standard of quality for canned apricots issued pursuant to the Federal Food, Drug, and Cosmetic Act.

§ 52.2644 *Grades of canned "solid-pack" apricots.* (a) "U. S. Grade C Solid-Pack" or "U. S. Standard Solid-Pack" is the quality of unpeeled or peeled halves, unpeeled slices, unpeeled or peeled whole, or unpeeled or peeled mixed pieces of irregular sizes and shapes of canned "solid-pack" apricots that possess a normal flavor and odor; that possess a fairly good color for canned "solid-pack" apricots, that are fairly free from defects for canned "solid-pack" apricots, that possess a fairly good character for canned "solid-pack" apricots, and that for those factors which are scored in accordance with the scoring system outlined in this subpart score not less than 70 points.

(b) "U. S. Grade D Solid-Pack" is the quality of unpeeled or peeled halves, unpeeled slices, unpeeled or peeled whole, or unpeeled or peeled mixed pieces of irregular sizes and shapes of canned "solid-pack" apricots that possess a normal flavor and odor; that possess a fairly good color for canned "solid-pack" apricots, that are fairly free from defects for canned "solid-pack" apricots except for blemished units, that possess a noticeable variability in character for canned "solid-pack" apricots, and that for those factors which are scored in accordance with the scoring system outlined in this subpart score not less than 60 points.

(c) "Substandard Solid-Pack" is the quality of unpeeled or peeled halves, unpeeled slices, unpeeled or peeled whole, or unpeeled or peeled mixed pieces of

drained weights from all the containers which are representative of a specific lot and such lot is considered as meeting the recommendations if the following criteria are met:

(a) The average of the drained weights from all of the containers meets the recommended drained weight;

(b) One-half or more of the containers meet the recommended drained weight; and

(c) The drained weights from the containers which do not meet the recommended drained weight are within the range of variability for good commercial practice.

TABLE I—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR CANNED APRICOTS (DETERMINED IMMEDIATELY AFTER PROCESSING)

| Container designations (metal, unless otherwise stated) | Container size—overall dimensions | | Any grade in any syrup or other liquid medium, including "dietetic" apricots | |
|---|---|---|---|---|
| | Width | Height | Unpeeled or peeled halves; unpeeled slices; unpeeled or peeled mixed pieces of irregular sizes and shapes | Unpeeled whole; peeled whole |
| | *Inches* | *Inches* | *Ounces* | *Ounces* |
| 8 Z tall | 2 1/16 | 3 5/16 | 4 1/2 | 4 1/2 |
| 8-ounce glass | 3 1/16 | 4 1/16 | 6 1/2 | 6 1/2 |
| No. 1 tall | 3 1/16 | 4 13/16 | 9 | 8 1/2 |
| No. 303 | 3 3/16 | 4 9/16 | 9 | 8 1/2 |
| 303 glass | | | 9 | 8 1/2 |
| No. 2 | 3 7/16 | 4 5/16 | 11 1/2 | 10 1/2 |
| No. 2 1/2 | 4 1/16 | 4 13/16 | 15 1/2 | 15 |
| No. 2 1/2 glass | | | 16 1/2 | 14 1/2 |
| No. 10 | 6 3/16 | 7 | 69 | 58 |
| | | | "Heavy pack"—any style, in any liquid medium except "dietetic packs" | "Solid-pack"—all applicable styles; sweetened or unsweetened |
| No. 2 1/2 | 4 1/16 | | *Ounces* 70 | *Ounces* 24 |
| No. 10 | 6 3/16 | | | 88 |

TABLE II—RECOMMENDED MINIMUM DRAINED WEIGHTS FOR CANNED APRICOTS

| Container designations (metal, unless otherwise stated) | Container size—overall dimensions | | Any grade in any syrup or other liquid medium, including "dietetic" apricots | |
|---|---|---|---|---|
| | Width | Height | Unpeeled or peeled halves; unpeeled slices; unpeeled or peeled mixed pieces of irregular sizes and shapes | Unpeeled whole; peeled whole |
| | *Inches* | *Inches* | *Ounces* | *Ounces* |
| 8 Z tall | 2 1/16 | 3 5/16 | 5 | 4 1/2 |
| 8-ounce glass | 3 1/16 | 4 1/16 | 9 1/2 | 9 |
| No. 1 tall | 3 1/16 | 4 13/16 | 9 1/2 | 9 |
| No. 303 | 3 3/16 | 4 9/16 | 9 1/2 | 9 |
| 303 glass | | | 9 1/2 | 9 |
| No. 2 | 3 7/16 | 4 5/16 | 12 | 11 1/2 |
| No. 2 1/2 | 4 1/16 | 4 13/16 | 16 1/2 | 15 1/2 |
| No. 2 1/2 glass | | | 16 1/2 | 15 1/2 |
| No. 10 | 6 3/16 | 7 | 64 | 61 |
| | | | "Heavy pack"—any style, in any liquid medium except "dietetic packs" | "Solid-pack"—all applicable styles; sweetened or unsweetened |
| No. 2 1/2 | 4 1/16 | | *Ounces* 70 | *Ounces* 24 |
| No. 10 | 6 3/16 | | | 88 |

"Cut-out" requirements for liquid media in canned apricots are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purposes of these grades. The "cut-out" Brix measurement, as applicable, for the respective designations are as follows:

| Designations | Brix measurement |
|---|---|
| "Extra heavy syrup" or "Extra heavy apricot juice syrup" | 25° or more but not more than 40°. |
| "Heavy syrup" or "Heavy apricot juice syrup" | 21° or more but less than 25°. |
| "Light syrup" or "Light apricot juice syrup" | 16° or more but less than 21°. |
| "Slightly sweetened water" or "Slightly sweetened apricot juice" | Less than 16°. |
| "In water" | Packed in water. |
| "In apricot juice" | Packed in apricot juice. |

LIQUID MEDIA, FILL OF CONTAINER, AND DRAINED WEIGHTS

§ 52.2645 *Liquid media and Brix measurements for canned apricots.* The standard of quality for canned apricots that fail to meet the requirements of "U. S. Grade D Solid-Pack".

§ 52.2646 *Fill of container for canned apricots.* The standard of fill of container for canned apricots is the maximum quantity of the apricot units which can be sealed in the container and processed by heat to prevent spoilage, without crushing or breaking such ingredient. Canned apricots that do not meet this requirement are "Below Standard in Fill."

§ 52.2647 *Recommended fill of container for canned "dietetic" and "solid-pack" apricots.* The recommended fill of container for canned "dietetic" and "solid-pack" apricots is not incorporated in the grades of the finished product since fill of container, as such, is not a factor of quality for the purposes of these grades. It is recommended that each container of "dietetic" or "solid-pack" apricots be as full of apricots as practicable without impairment of quality and that the product occupy not less than 90 percent of the volume of the container.

§ 52.2648 *Recommended minimum drained weights for canned apricots*—(a) *General.* The minimum drained weight recommendations for the various applicable styles in Table I or Table II are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purposes of these grades.

(1) *Table I.* The recommendations in Table I apply only when the drained weight determination is made immediately after processing. For the purposes of ascertaining compliance with the recommended minimum drained weights in Table I, "immediately after processing" means after the product has been cooled to room temperature and during a period of more than 8 hours to not more than 24 hours after processing.

(2) *Table II.* The recommendations in Table II apply when the drained weight determination is made at periods other than immediately after processing.

(b) *Method for ascertaining drained weight.* The drained weight of canned apricots, canned "dietetic" apricots, and canned "solid-pack" apricots is determined by emptying the contents of the container, turning the pit cavities down in halves, upon a United States Standard No. 8 circular sieve of proper diameter containing 8 meshes to the inch (0.0937-inch±3%, square openings) so as to distribute the product evenly, inclining the sieve slightly to facilitate drainage, and allowing to drain for two minutes. The drained weight is the weight of the sieve and apricots less the weight of the dry sieve. A sieve 8 inches in diameter is used for the equivalent of No. 3 size cans (404 x 414) and smaller, and a sieve 12 inches in diameter is used for containers larger than the equivalent of the No. 3 size can.

§ 52.2649 *Compliance with recommended drained weights.* Compliance with the recommended drained weights for canned apricots, canned "dietetic" apricots, and canned "solid-pack" apricots is determined by averaging the



FACTORS OF QUALITY

§ 52.2650 *Ascertaining the grade*—(a) *General.* In addition to considering other requirements outlined in the standards the following quality factors are evaluated:

(1) *Factors not rated by score points in canned apricots other than canned "solid-pack" apricots.* (i) Varietal characteristics.

(ii) Flavor and odor.

(2) *Factors not rated by score points in canned "solid-pack" apricots.* (i) Flavor and odor.

(3) *Factors rated by score points in canned apricots.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

| | Points |
|---|---|
| (i) Color | 20 |
| (ii) Uniformity of size and symmetry | 20 |
| (iii) Absence of defects | 30 |
| (iv) Character | 30 |
| Total score | 100 |

(b) *Definition of flavor and odor.* "Normal flavor and odor" means that the canned apricots are free from objectionable flavors and objectionable odors of any kind.

§ 52.2651 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive (for example, "18 to 20 points" means 18, 19, or 20 points).

§ 52.2652 *Color*—(a) *General.* (1) The color of canned apricots other than canned "spiced" apricots refers to the characteristic color of the outer surfaces of the units; and the varying degrees of "pale yellow areas", "light greenish-yellow areas", and "light green areas", refer to the outer surfaces of either peeled or unpeeled units.

(2) The factor of color for canned "spiced" apricots is not based on any detailed requirement and is not scored but the color shall be normal for canned "spiced" apricots; the other three factors (uniformity of size and symmetry, absence of defects, and character as applicable) are scored and the total is multiplied by 100 and divided by 80, dropping any fractions to determine the total score.

(b) *(A) classification.* Unpeeled or peeled halves, unpeeled slices, unpeeled or peeled whole, or unpeeled or peeled mixed pieces of irregular sizes and shapes of canned apricots that possess a good color may be given a score of 18 to 20 points. Unpeeled or peeled mixed pieces of irregular sizes and shapes of canned apricots that score 18 to 20 points shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a partial limiting rule). "Good color" means that the canned apricots possess a typical color characteristic of well-matured apricots which color is practically uniform; that the canned apricots are free from brown color due to oxidation, improper processing, or other causes; and that, in addition, has the following meanings for the respective styles:

(1) *Unpeeled or peeled halves; unpeeled or peeled whole.* All of the units may possess pale yellow areas not exceeding one-fourth on a unit; not more than a total of 5 percent, by count, of the units or 1 unit may possess a reasonably good color including pale yellow areas exceeding one-fourth but not exceeding one-half on a unit or may possess light greenish-yellow areas not exceeding one-fourth on a unit; but none of the units may possess a fairly good color including pale yellow areas exceeding one-half on a unit or light greenish-yellow areas exceeding one-fourth on a unit or light green areas on a unit.

(2) *Unpeeled slices; unpeeled or peeled mixed pieces of irregular sizes and shapes.* Not more than 5 percent, by weight, of the drained fruit may possess a reasonably good color or may consist of units that possess predominating pale yellow or light greenish-yellow areas and none of the units may possess a fairly good color including predominating light green areas.

(c) *(B) classification.* Unpeeled or peeled halves, unpeeled slices, unpeeled or peeled whole, or unpeeled or peeled mixed pieces of irregular sizes and shapes of canned apricots that possess a reasonably good color may be given a score of 16 or 17 points. Unpeeled or peeled mixed pieces of irregular sizes and shapes of canned apricots that fall into this classification or other styles that score 16 points shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a partial limiting rule). "Reasonably good color" means that the canned apricots possess a typical color characteristic of reasonably well-matured apricots which color is reasonably uniform; that the canned apricots are free from brown color due to oxidation, improper processing, or other causes; and that, in addition, has the following meanings for the respective styles:

(1) *Unpeeled or peeled halves; unpeeled or peeled whole.* All of the units may possess pale yellow areas not exceeding one-half on a unit or may possess light greenish-yellow areas not exceeding one-fourth on a unit; not more than a total of 10 percent, by count, of the units or 1 unit may possess a fairly good color including pale yellow areas exceeding one-half on a unit or light greenish-yellow areas exceeding one-fourth on a unit or light green areas exceeding one-fourth on a unit.

(2) *Unpeeled slices; unpeeled or peeled mixed pieces of irregular sizes and shapes.* Not more than 10 percent, by weight, of the drained fruit may possess a fairly good color or may consist of units that possess predominating pale yellow or light greenish-yellow areas or light green areas: *Provided,* That such light green areas do not affect materially the appearance of the product.

(d) *(C), (D) classification.* Unpeeled or peeled halves, unpeeled slices, unpeeled or peeled whole, or unpeeled or peeled mixed pieces of irregular sizes and shapes of canned apricots that possess a fairly good color may be given a score of 14 or 15 points. Canned apricots that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good color" means that the canned apricots possess a typical color characteristic of fairly well-matured apricots which color is fairly uniform; that the canned apricots may possess not more than a slight brown color due to oxidation, improper processing, or other causes; and that, in addition, has the following meanings for the respective styles:

(1) *Unpeeled or peeled halves; unpeeled or peeled whole.* All of the units may possess pale yellow areas, may possess light greenish-yellow areas not exceeding one-half on a unit, or may possess light green areas not exceeding one-fourth on a unit; and not more than a total of 10 percent, by count, of the units or 1 unit may possess light greenish-yellow areas exceeding one-half on a unit or may possess light green areas exceeding one-fourth on a unit.

(2) *Unpeeled slices; unpeeled or peeled mixed pieces of irregular sizes and shapes.* Not more than 10 percent, by weight, of the drained fruit may consist of units that possess predominating light greenish-yellow areas or light green areas or shades of color not typical of fairly well-matured apricots: *Provided,* That such color does not affect seriously the appearance of the product.

(e) *(C–SP) and (D–SP) classifications.* Unpeeled or peeled halves, unpeeled slices, unpeeled or peeled whole, or unpeeled or peeled mixed pieces of irregular sizes and shapes of canned "solid-pack" apricots that possess a fairly good color for canned "solid-pack" apricots may be given a score of 14 or 15 points. Canned "solid-pack" apricots that fall into this classification shall not be graded above U. S. Grade C Solid-Pack or U. S. Standard Solid-Pack, regardless of the total score for the product (this is a limiting rule). "Fairly good color for canned 'solid-pack' apricots" means that the canned apricots possess a color characteristic of fairly well-matured apricots; that the canned apricots may possess not more than a slight brown color due to oxidation, improper processing, or other causes; and that not more than 15 percent, by weight, of the drained fruit may consist of units that possess light greenish-yellow areas or light green areas or shades of color not typical of fairly well-matured apricots: *Provided,* That such color does not affect seriously the appearance of the product.

(f) *(SStd) and (SStd–SP) classification.* Canned apricots and canned "solid-pack" apricots that fail to meet the requirements of paragraph (d) or (e) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard or Substandard Solid-Pack, whichever is applicable, regardless or the total score for the product (this is a limiting rule).

§ 52.2353 *Uniformity of size and symmetry*—(a) *General.* The factor of uniformity of size and symmetry for unpeeled slices and unpeeled or peeled mixed pieces of irregular sizes and shapes of canned apricots and all applicable styles of canned "solid-pack" apricots is not based on any detailed requirements and is not scored; the other three factors (color, absence of defects, and character as applicable) are scored and the total is multiplied by 100 and divided by 80, dropping any fractions to determine the total score.

(b) *Off-suture cut.* "Off-suture cut" in unpeeled halved canned apricots means a halved unit which has been cut at a distance from the suture greater than ¼ inch at the widest measurement from the suture.

(c) (*A*) *classification.* Unpeeled or peeled halves or unpeeled or peeled whole canned apricots that are practically uniform in size and summetry may be given a score of 18 to 20 points. "Practically uniform in size and symmetry" in halved and whole canned apricots means that the units are very symmetrical; that the weight of the largest full-size unit does not exceed the weight of the smallest full-size unit by more than 50 percent; that the weight of each half is not less than ⅔ ounce; and that not more than 5 percent, by count, of the units in the style of unpeeled halves may possess off-suture cuts.

(d) (*B*) *classification.* Unpeeled or peeled halves or unpeeled or peeled whole canned apricots that are reasonably uniform in size and symmetry may be given a score of 16 or 17 points. Unpeeled halved canned apricots that possess more than 10 percent, by count, of the units that are off-suture cuts shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a partial limiting rule). "Reasonably uniform in size and symmetry" in halved and whole canned apricots means that the units are reasonably symmetrical; that the weight of the largest full-size unit does not exceed the weight of the smallest full-size unit by more than 75 percent; that the weight of each half is not less than ⅔ ounce; and that not more than 15 percent, by count, of the units in the style of unpeeled halves may possess off-suture cuts.

(e) (*C*) *classification.* Unpeeled or peeled halves or unpeeled or peeled whole canned apricots that are fairly uniform in size and symmetry may be given a score of 14 or 15 points. Except for off-suture cuts in unpeeled halves, canned apricots that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product; and unpeeled halves of canned apricots that possess more than 15 percent, by count, of the units that are off-suture cuts shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a partial limiting rule). "Fairly uniform in size and symmetry" in halved and whole canned apricots means that the units may vary in size, thickness, and symmetry; that the weight of the largest full-size unit may be not more than twice the weight of the smallest full-size unit; that the weight of each half is not less than ⅔ ounce; and that not more than 30 percent, by count, of the units in the style of unpeeled halves may possess off-suture cuts.

(f) (*D*) *and* (*SStd*) *classification.* Canned apricots of the applicable styles which fail to meet paragraph (e) of this section may be given a score of 0 to 13 points and shall not be graded above the following stated grade, regardless of the total score for the product (this is a limiting rule):

(1) Halves or whole canned apricots in which the weight of the largest full-size unit is more than twice the weight of the smallest full-size unit shall not be graded above U. S. Grade D and are also "Below Standard in Quality—Mixed Sizes."

(2) Halves of canned apricots in which the weight of any half is less than ⅔ ounce shall not be graded above U. S. Grade D and are also "Below Standard in Quality—Small Halves."

(3) Unpeeled halves of canned apricots in which more than 30 percent, by count, of the units are off-suture cuts shall not be graded above U. S. Grade D.

§ 52.2654 *Absence of defects*—(a) *General.* The factor of absence of defects as applicable for the respective styles refers to the degree of freedom from pit material, from loose pits, from harmless extraneous material, from short stems, from peel, from minor blemishes and blemishes, from crushed or broken units, and from any other defects which affect the appearance or edibility of the product.

(b) *Definitions and explanations of defects*—(1) *Harmless extraneous material.* "Harmless extraneous material" means any vegetable substance (such as, but not limited to, a leaf or portion thereof or a large stem) that is harmless.

(2) *Short stem.* A "short stem" means the short, thick, woody stem which attaches the apricot to the twig of the tree or other stem material of equivalent woodiness and shortness.

(3) *Pit material.* "Pit material" means any whole pit in other than whole styles or any portion of an apricot pit, regardless of size, except when whole apricot pits or apricot kernels are permitted as seasoning ingredients in other than whole style.

(4) *Loose pit.* A "loose pit" means a whole, unbroken pit not adhering to the flesh of a unit in the styles of whole apricots.

(5) *Minor blemishes.* "Minor blemishes" in unpeeled styles include "freckles" and also mean:

(i) Light brown to brown surface areas which, singly or in combination on a unit, exceed in the aggregate the area of a circle ⅛ inch in diameter but do not exceed in the aggregate the area of a circle ¼ inch in diameter; or

(ii) Single dark brown surface areas that do not exceed the area of a circle ⅛ inch in diameter but which, singly or in combination with other "minor blemishes" on a unit, affect materially but not seriously the appearance of the unit. Light brown to brown surface areas and "freckles" that are insignificant and less than the area of a circle ⅛ inch in diameter and which do not affect materially the appearance of the unit are not considered "defects."

(6) *Blemishes.* "Blemishes" in canned apricots include units affected by scab, hail injury, discoloration, or other abnormalities in the following degree:

(i) Light brown to brown surface areas in unpeeled styles which, singly or in combination on a unit, exceed in the aggregate the area of a circle ¼ inch in diameter.

(ii) Blemishes that extend into the fruit tissue regardless of area or depth;

(iii) Single dark brown surface areas in unpeeled styles that exceed the area of a circle ⅛ inch in diameter, whether or not the unit is affected by minor blemishes; or

(iv) Any blemish whether or not specifically defined or mentioned in this subparagraph which affects seriously the appearance of the unit but is not a filthy or decomposed substance.

(7) *Crushed or broken.* "Crushed or broken" means that:

(i) A unit in halves or whole style of canned apricots is "crushed" if the unit has definitely lost its normal shape and bears marks of crushing or is otherwise crushed not due to ripeness; and

(ii) A unit in halves or whole style of canned apricots is "broken" if severed into definite parts; halves of canned apricots that are slightly or partially split or mashed from the edge to the pit cavity are not considered broken, or units in the style of peeled whole apricots that are mashed or very soft due to ripeness to the extent that the pit cavity is exposed or a seed missing therefrom is not crushed or broken. Portions equivalent to a full-size unit that has been broken are considered as one unit in determining the percentage by count.

(c) (*A*) *classification.* Unpeeled or peeled halves, unpeeled slices, unpeeled or peeled whole, or unpeeled or peeled mixed pieces of irregular sizes and shapes of canned apricots that are practically free from defects may be given a score of 27 to 30 points. Unpeeled or peeled mixed pieces of irregular sizes and shapes of canned apricots that score 27 to 30 points shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a partial limiting rule). "Practically free from defects" means that the canned apricots are practically free from pit material and from any defects not specifically mentioned that affect the appearance or edibility of the product; and the following defects may be present within the limits stated for the respective styles of canned apricots:

(1) *Unpeeled or peeled halves; unpeeled or peeled whole.* (i) No harmless extraneous material;

(ii) Not more than an average of 1 short stem for each 30 ounces of contents;

(iii) Not more than an average of ⅛ square inch of peel for each pound of contents in peeled styles;

(iv) Not more than 2 loose pits for each 30 ounces of contents in whole apricots;

(v) Not more than 5 percent, by count, of the units may be crushed or broken or one unit in a container is permitted to be crushed or broken if such unit exceeds the allowance of 5 percent, by count: *Provided,* That in all containers comprising the sample such crushed or broken units do not exceed an average of 5 percent of the total number of units; and

(vi) Not more than a total of 10 percent, by count, of the units may possess minor blemishes and blemishes: *Provided,* That not more than 5 percent, by count, of the units possess blemishes. One unit in a container is permitted to possess minor blemishes or blemishes if such unit exceeds the respective allowances of 10 percent or 5 percent, by count: *Provided,* That in all containers comprising the sample such units possessing minor blemishes and blemishes do not exceed an average of 10 percent of the total number of units including not more than an average of 5 percent of the total number of units that may possess blemishes.

(2) *Unpeeled slices; unpeeled or peeled mixed pieces of irregular sizes and shapes.* (i) No harmless extraneous material;

(ii) Not more than an average of 1 short stem for each 30 ounces of contents;

(iii) Not more than an average of ⅛ square inch of peel for each pound of contents in peeled style; and

(iv) Not more than 5 percent, by weight, of the drained fruit may consist of units that possess minor blemishes and blemishes: *Provided,* That the appearance or edibility of the product is not more than slightly affected.

(d) (*B*) *classification.* Unpeeled or peeled halves, unpeeled slices, or unpeeled or peeled whole, or unpeeled or peeled mixed pieces of irregular sizes and shapes of canned apricots that are reasonably free from defects may be given a score of 24 to 26 points. Canned apricots that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the canned apricots are practically free from pit material; are reasonably free from any defects not specifically mentioned that affect the appearance or edibility of the product; and the following defects may be present within the limits stated for the respective styles of canned apricots:

(1) *Unpeeled or peeled halves; unpeeled or peeled whole.* (i) Not more than 1 piece of harmless extraneous material for each 100 ounces of contents;

(ii) Not more than an average of 2 short stems for each 30 ounces of contents;

(iii) Not more than an average of ¼ square inch of peel for each pound of contents in the peeled styles;

(iv) Not more than 3 loose pits for each 30 ounces of contents in whole apricots;

(v) Not more than 5 percent, by count, of the units may be crushed or broken or one unit in a container is permitted to be crushed or broken if such unit exceeds the allowance of 5 percent, by count: *Provided,* That in all containers comprising the sample such crushed or broken units do not exceed an average of 5 percent of the total number of units; and

(vi) Not more than a total of 20 percent, by count, of the units may possess minor blemishes and blemishes: *Provided,* That not more than 10 percent, by count, of the units possess blemishes. One unit in a container is permitted to possess minor blemishes or blemishes if such unit exceeds the respective allowances of 20 percent or 10 percent, by count: *Provided,* That in all containers comprising the sample such units possessing minor blemishes and blemishes do not exceed an average of 20 percent of the total number of units including not more than an average of 10 percent of the total number of units that may possess blemishes.

(2) *Unpeeled slices; unpeeled or peeled mixed pieces of irregular sizes and shapes.* (i) Not more than 1 piece of harmless extraneous material for each 100 ounces of contents;

(ii) Not more than an average of 2 short stems for each 30 ounces of contents;

(iii) Not more than an average of ¼ square inch of peel for each pound of contents in peeled style;

(iv) Not more than 10 percent, by weight, of the drained fruit may consist of units that possess minor blemishes and blemishes: *Provided,* That the appearance or edibility of the product is not materially affected.

(e) (*C*) *classification.* Unpeeled or peeled halves, unpeeled slices, unpeeled or peeled whole, or unpeeled or peeled mixed pieces of irregular sizes and shapes of canned apricots that are fairly free from defects may be given a score of 21 to 23 points. Canned apricots that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects" means that the canned apricots are practically free from pit material; are fairly free from any defects not specifically mentioned (and including excessive trimming in halved or whole style) that affect the appearance or edibility of the product; and the following defects may be present within the limits stated for the respective styles of canned apricots:

(1) *Unpeeled or peeled halves; unpeeled or peeled whole.* (i) Not more than 1 piece of harmless extraneous material for each 30 ounces of contents;

(ii) Not more than an average of 3 short stems for each 30 ounces of contents;

(iii) Not more than an average of ½ square inch of peel for each pound of contents in peeled style;

(iv) Not more than 4 loose pits for each 30 ounces of contents in whole apricots;

(v) Not more than 5 percent, by count, of the units may be crushed or broken or one unit in a container is permitted to be crushed or broken if such unit exceeds the allowance of 5 percent, by count: *Provided,* That in all containers comprising the sample such crushed or broken units do not exceed an average of 5 percent of the total number of units; and

(vi) Not more than a total of 40 percent, by count, of the units may possess minor blemishes and blemishes: *Provided,* That not more than 20 percent, by count, of the units possess blemishes.

(2) *Unpeeled slices; unpeeled or peeled mixed pieces of irregular sizes and shapes.* (i) Not more than 1 piece of harmless extraneous material for each 30 ounces of contents;

(ii) Not more than an average of 3 short stems for each 30 ounces of contents;

(iii) Not more than an average of ½ square inch of peel for each pound of contents in peeled style; and

(iv) Not more than 20 percent, by weight, of the drained fruit may consist of units that possess minor blemishes and blemishes: *Provided,* That the appearance or edibility of the product is not seriously affected.

(f) (*D*) *classification.* Canned apricots of any style which fail to meet the requirements of paragraph (e) of this section but which meet the requirements of this paragraph may be given a score of 0 to 20 points and shall not be graded above U. S. Grade D, regardless of the total score for the product (this is a limiting rule). Halves or whole canned apricots that are thereby U. S. Grade D may also be "Below Standard in Quality"—"Partly Crushed or Broken" or "Unevenly Trimmed," or both. Canned apricots of U. S. Grade D with respect to "absence of defects" are practically free from pit material; are fairly free from any defects not specifically mentioned that affect materially the appearance or edibility of the product; and the following defects may be present within the limits stated for the respective styles of canned apricots:

(1) Not more than 1 piece of harmless extraneous material for each 30 ounces of contents;

(2) Not more than an average of 3 short stems for each 30 ounces of contents;

(3) Not more than an average of ½ square inch of peel for each pound of contents in the peeled styles;

(4) Not more than 4 loose pits for each 30 ounces of contents in whole canned apricots;

(5) Any amount of unevenly trimmed units in halved or whole style;

(6) Any amount of crushed or broken units in halved or whole style; and

(7) In halved or whole style, not more than a total of 40 percent, by count, of the units may possess minor blemishes and blemishes: *Provided,* That not more than 20 percent, by count, of the units possess blemishes; or

(8) In the styles of unpeeled sliced and unpeeled or peeled mixed pieces of irregular sizes and shapes, not more than 20 percent, by weight, of the drained fruit may consist of units that possess minor blemishes and blemishes: *Provided,* That the appearance or edibility of the product is not seriously affected.

(g) (*SStd*) *classification.* Canned apricots that fail to meet the applicable requirements of paragraphs (e) or (f) of this section may be given a score of 0 to 20 points and shall not be graded above the following stated grades, as applicable, regardless of the total score for the product (this is a limiting rule):

(1) Halves or whole canned apricots shall not be graded above Substandard and may also be "Below Standard in Quality" for the applicable reasons:

(i) Partly crushed or broken

(ii) Unevenly trimmed

(iii) Blemished.

(2) Unpeeled slices and unpeeled or peeled mixed pieces of irregular sizes and shapes of canned apricots shall not be graded above Substandard and may also be "Below Standard in Quality"—"Blemished" if more than 20 percent, by count, of the units possess blemishes.

(h) (*C–SP*) *classification.* Unpeeled or peeled halves, unpeeled slices, unpeeled or peeled whole, or unpeeled or peeled mixed pieces of irregular sizes and shapes of canned "solid-pack" apricots that are fairly free from defects for canned "solid-pack" apricots may be given a score of 21 to 23 points. Canned "solid-pack" apricots that fall into this classification shall not be graded above U. S. Grade C Solid-Pack or U. S. Standard Solid-Pack, regardless of the total score for the product (this is a limiting rule). "Fairly free from defects for canned 'solid-pack' apricots" means that the canned "solid-pack" apricots are practically free from pit material; are fairly free from any defects not specifically mentioned that affect the appearance or edibility of the product; and, in addition there may be present:

(1) Not more than 1 piece of harmless extraneous material for each 30 ounces of contents;

(2) Not more than an average of 3 short stems for each 30 ounces of contents;

(3) Not more than an average of ½ square inch of peel for each pound of contents in the peeled styles;

(4) Not more than 4 loose pits for each 30 ounces of contents in whole canned apricots; and

(5) Not more than 6 units that possess blemishes for each pound of contents.

(j) (*SStd–SP*) *classification.* Unpeeled or peeled halves, unpeeled slices, unpeeled or peeled whole, or unpeeled or peeled mixed pieces of irregular sizes and shapes of canned "solid-pack" apricots that fail to meet the requirements of paragraph (i) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard Solid-Pack, regardless of the total score for the product (this is a limiting rule).

§ 52.2655 *Character*—(a) *General.* The factor of character refers to the degree of ripeness, the texture and condition of the flesh, the firmness and tenderness of the canned apricots and their tendency to retain their apparent original conformation and size without material disintegration.

(b) (*A*) *classification.* Unpeeled or peeled halves, unpeeled slices, unpeeled or peeled whole, or unpeeled or peeled mixed pieces of irregular sizes and shapes of canned apricots that possess a good character may be given a score of 27 to 30 points. Unpeeled or peeled mixed pieces of irregular sizes and shapes of canned apricots that score 27 to 30 points shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a partial limiting rule). "Good character" means that the units possess a practically uniform tender, fleshy texture typical of well-ripened, properly prepared, and properly processed canned apricots; the units are uniformly intact and may be soft but hold their original conformation and size without material disintegration; and not more than 5 percent, by count, of the units may possess a "reasonably good character". One unit in a container is permitted to possess a "reasonably good character" if such unit exceeds 5 percent, by count: *Provided*, That the appearance or eating quality, or both, is not more than slightly affected by the character of such unit.

(c) (*B*) *classification.* Unpeeled or peeled halves, unpeeled slices, unpeeled or peeled whole, or unpeeled or peeled mixed pieces of irregular sizes and shapes of canned apricots that possess a reasonably good character may be given a score of 24 to 26 points. Mixed pieces of irregular sizes and shapes of canned apricots that fall into this classification shall not be graded above U. S. Grade B or U. S. Choice, regardless of the total score for the product (this is a partial limiting rule). "Reasonably good character" means that the units possess a reasonably uniform, reasonably tender texture typical of properly ripened canned apricots that are properly processed; the texture is reasonably fleshy, and the units are reasonably thick but the tenderness may be variable within the unit or among the units; the units may be soft to slightly firm or slightly ragged but are not mushy; and not more than 10 percent, by count, of the units may possess a fairly good character, except for "not tender units." One unit in a container is permitted to have such fairly good character if one unit exceeds the allowance of 10 percent, by count: *Provided*, That in all containers comprising the sample the units with fairly good character do not exceed an average of 10 percent of the total number of units.

(d) (*C*) *classification.* Unpeeled or peeled halves, unpeeled slices, unpeeled or peeled whole, or unpeeled or peeled mixed pieces of irregular sizes and shapes of canned apricots that possess a fairly good character may be given a score of 21 to 23 points. Canned apricots that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly good character" means that the units possess a texture of properly processed apricots which may be variable in fleshiness but the texture is fairly fleshy and the units are intact; the units may be lacking uniformity of tenderness; the units may be markedly ragged with frayed edges or may be very soft; and not more than 10 percent, by weight, of the drained apricots may be mushy or units that are not tender.

(e) (*D*) *classification.* Canned apricots of any style that meet the requirements of paragraph (d) of this section with respect to units that are not tender but which otherwise possess a noticeably variable texture with not more than 25 percent, by weight, of the drained apricots that consist of mushy fruit may be given a score of 0 to 20 points and shall not be graded above U. S. Grade D, regardless of the total score for the product (this is a limiting rule).

(f) (*SStd*) *classification.* Canned apricots of any style that fail to meet the applicable requirements of paragraph (d) or (e) of this section or that are "not tender" may be given a score of 0 to 20 points and shall not be graded above Substandard, regardless of the total score for the product (this is a limiting rule). Canned apricots that are "not tender" are also "Below Standard in Quality—Not Tender."

(g) (*C–SP*) *classification.* Unpeeled or peeled halves, unpeeled slices, unpeeled or peeled whole, or unpeeled or peeled mixed pieces of irregular sizes and shapes of canned "solid-pack" apricots that possess a fairly good character for canned "solid-pack" apricots may be given a score of 21 to 23 points. Canned "solid-pack" apricots that fall into this classification shall not be graded above U. S. Grade C Solid-Pack or U. S. Standard Solid-Pack, regardless of the total score for the product (this is a limiting rule). "Fairly good character for canned 'solid-pack' apricots" means the product generally possesses a texture of properly processed apricots which may be variable in tenderness or may be soft to very soft, and not less than 60 percent, by weight, of the drained apricots are in reasonably intact units and the balance may be mushy or may consist of fairly firm units.

(h) (*D–SP*) *classification.* Unpeeled or peeled halves, unpeeled slices, unpeeled or peeled whole, or unpeeled or peeled mixed pieces of irregular sizes and shapes of canned "solid-pack" apricots which fail to meet the requirements of paragraph (g) of this section but not less than 40 percent, by weight, of the drained apricots are in reasonably intact units may be given a score of 0 to 20 points and shall not be graded above U. S. Grade D Solid-Pack, regardless of the total score for the product (this is a limiting rule).

(i) (*SStd–SP*) *classification.* Unpeeled or peeled halves, unpeeled slices, unpeeled or peeled whole, or unpeeled or peeled mixed pieces of irregular sizes and shapes of canned "solid-pack" apricots which fail to meet the requirements of paragraph (h) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard Solid-Pack, regardless of the total score for the product (this is a limiting rule).

LOT CERTIFICATION TOLERANCES

§ 52.2656 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of canned apricots the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, (1) such containers meet all of the applicable grade requirements of the factors of quality that are not rated by score points; (2) all containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification; and (3) with respect to those factors which are rated by score points:

(i) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(ii) None of the containers falls more than 4 points below the minimum score for the grade indicated by the average of such total scores;

(iii) None of the containers falls more than one grade below the grade indicated by the average of such total scores; and

(iv) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample.

SCORE SHEET

§ 52.2657 *Score sheet for canned apricots.*

| | |
|---|---|
| Size and kind of container | |
| Container mark or identification | |
| Label | |
| Net weight (ounces) | |
| Vacuum (inches) | |
| Drained weight (ounces) | |
| Solid pack ( ) Spiced ( ) | |
| If in a liquid packing medium: | |
| Brix measurement | |
| Sirup designation (Extra heavy, heavy, etc.) | |
| Style | |
| Count (Halves, Whole) | |

| Factors | Score points | |
|---|---|---|
| Color | 20 | (A) 18–20.[2]<br>(B) 16–17.[2]<br>(C), (D), (C–SP), (D–SP) 14–15.[1]<br>(SStd) and (SStd–SP) 0–13.[1] |
| Uniformity of size and symmetry | 20 | (A) 18–20.<br>(B) 16–17.[2]<br>(C) 14–15.[2]<br>(D) and (SStd) 0–13.[1] |
| Absence of defects | 30 | (A) 27–30.[2]<br>(B) 24–26.[2]<br>(C) and (C–SP) 21–23.[1]<br>(D), (D–SP), (SStd), and (SStd–SP) 0–20.[1] |
| Character | 30 | (A) 27–30.[2]<br>(B) 24–26.[2]<br>(C) and (C–SP) 21–23.[1]<br>(D), (D–SP), (SStd) and (SStd–SP) 0–20.[1] |
| Total score | 100 | |

| | |
|---|---|
| Varietal characteristics ( ) Similar ( ) Dissimilar | |
| Normal flavor and odor | |
| Grade | |

[1] Limiting rule.
[2] Partial limiting rule.

Dated: May 22, 1956.

[SEAL]

ROY W. LENNARTSON,
*Deputy Administrator,*
*Marketing Services.*

[F. R. Doc. 56–4183; Filed, May 25, 1956; 8:52 a. m.]

## DEPARTMENT OF COMMERCE

### Civil Aeronautics Administration

### [ 14 CFR Part 406 ]

CERTIFICATION PROCEDURES

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Administrator of Civil Aeronautics contemplates the adoption of the following rule under which (1) applicants for aircraft registration would submit the executed originals of Parts B and C of Form ACA–500 rather than the duplicates and (2) purchasers of aircraft would be permitted to operate such aircraft without registration for more appropriate periods of time after acquisition rather than the 60-day period presently prescribed.

All interested persons who desire to submit comments and suggestions for consideration by the Administrator of Civil Aeronautics in connection with the proposed rules shall send them to the Civil Aeronautics Administration, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER.

1. Section 406.14 (c) is amended to read as follows:

§ 406.14 *Aircraft certificates.* * * *

(c) *Aircraft registration certificate.* * * *

(2) *Application and fee.* An application for this certificate shall be made on a Form ACA–500. This form will contain three parts: Part A, "Certificate of Registration"; Part B, "Application for Registration"; and Part C, "Bill of Sale." An applicant for a certificate of registration shall mail the original and a duplicate of Part A, an original of Part B, an original of Part C or another bill of sale or other form of conveyance described in § 501.4 (b) (2) of this chapter, and a registration fee of $4 to the Administrative and Records Branch of the Administration in Washington, D. C. If a contract of conditional sale is submitted, an additional fee of $4 shall be enclosed to record it. The applicant shall retain the duplicate of Part B in the aircraft as a temporary registration pending receipt of the certificate of registration, Part A of Form ACA–500, and in the event later notification from the CAA authorizes continued temporary operation of the aircraft pending receipt of such certificate of registration, the applicant shall also retain such notification in the aircraft.

(3) *Issuance.* This certificate will be issued on the original "Certificate of Registration," Form ACA–500, Part A.

(4) *Additional requirements.* Further provisions regarding this certificate are contained in Part 501 of this chapter.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 501, 52 Stat. 1005, 49 U. S. C. 521)

[SEAL] JAMES T. PYLE,
*Acting Administrator*
*of Civil Aeronautics.*

[F. R. Doc. 56–4139; Filed, May 25, 1956; 8:45 a. m.]

### [ 14 CFR Part 501 ]

AIRCRAFT CERTIFICATES OF REGISTRATION

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Administrator of Civil Aeronautics contemplates the adoption of the following rules under which (1) applicants for registration would submit the executed originals of Parts B and C of Form ACA–500 rather than the duplicates, (2) purchasers of aircraft would be permitted to operate such aircraft without registration for more appropriate periods of time after acquisition rather than the inflexible 60-day period presently prescribed and (3) registered owners of aircraft would be required to fill out the reverse side of the certificate of registration and return the certificate to the Civil Aeronautics Administration upon sale of the aircraft, registration of the aircraft under the

laws of any foreign country, or upon the aircraft becoming permanently inoperative.

All interested persons who desire to submit comments and suggestions for consideration by the Administrator of Civil Aeronautics in connection with the proposed rules shall send them to the Civil Aeronautics, Administration, Washington 25, D. C. within 30 days after publication of this notice in the FEDERAL REGISTER.

1. Section 501.3 (a) is amended to read as follows:

§ 501.3 *Application*—(a) *Form.* * * *
(1) An original and a duplicate of Part A;
(2) Signed original of Part B;
(3) A signed and executed original of Part C [2] or another bill of sale or other form of conveyance specified in § 501.4 (b) (2);
(4) A registration fee of $4.00 in the form of a check or money order made payable to CAA, Department of Commerce.

The name of the purchaser shall be identical on Parts A, B, and C. If a contract of conditional sale is submitted, an additional fee of $4.00 shall be enclosed to record it. The applicant shall retain the duplicate of Part B in the aircraft as a temporary registration pending receipt of the certificate of registration, Part A of Form ACA-500, and in the event a later notification from the Civil Aeronautics Administration authorizes continued operation of the aircraft pending receipt of such certificate of registration, the applicant shall also retain such notification in the aircraft.

2. Section 501.7 is amended to read as follows:

§ 501.7 *Duration.* Upon application for registration made upon the prescribed form, and submission of the required proof of ownership, an aircraft may be operated for the period pending registration, or for the period designated in a notice mailed to the applicant at the address shown on the application, whichever is shorter. The certificate of registration issued by the Administrator of Civil Aeronautics pursuant thereto shall remain in effect indefinitely unless suspended or revoked: *Provided*, That such registration and certificate shall immediately expire on the date,

(a) The aircraft is registered under the laws of any foreign country; or

(b) The registration of the aircraft is cancelled at the written request of the owner; or

(c) The aircraft is totally destroyed or scrapped; or

(d) The ownership of the aircraft is transferred.

[2] A separate Part C (Bill of Sale) to Form ACA-500 has been provided for use when an additional bill of sale is required to complete the chain of ownership, or the execution of a new bill of sale is required to replace that submitted which did not meet the recording requirements of the Act or the Regulations of the Administrator. This form will also serve the aircraft manufacturers, dealers, distributors, and purchasers, who buy for immediate resale.

3. Section 501.11 is amended to read as follows:

§ 501.11 *Notice of change of address, ownership or registration.* The registered owner of any aircraft shall notify the Civil Aeronautics Administration, Administrative and Records Branch, W-240, Washington 25, D. C., immediately of any change of permanent mailing address. Upon sale, destruction, scrapping or permanent retirement of the aircraft or registration of the aircraft under the laws of any foreign country, the reverse side of the certificate of registration, Part A of Form ACA-500, shall be appropriately completed and returned immediately to the Civil Aeronautics Administration, Administrative and Records Branch, W-240, Washington 25, D. C.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 501, 52 Stat. 1005, as amended; 49 U. S. C. 521)

[SEAL] JAMES T. PYLE,
*Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 56-4140; Filed, May 25, 1956; 8:45 a. m.]

## [ 14 CFR Part 503 ]

### RECORDATION OF AIRCRAFT OWNERSHIP

### NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Administrator of Civil Aeronautics contemplates the adoption of the following rules under which any conveyance or instrument affecting title to United States registered aircraft would be eligible for recordation by the Administrator even if unaccompanied by a duly executed application for registration. The eligible conveyance would include instruments transferring ownership of United States registered aircraft to foreign nationals. A recordation fee of $4.00 would be charged for each aircraft covered by the conveyance submitted for recordation. A separate registration fee of $4.00 would be charged when the application for registration was submitted later. The Administrator would continue the practices of (1) charging only $4.00 as a combined recordation and registration fee when proof of ownership, except a contract of conditional sale, and the application for registration are submitted together; (2) recording without charge releases, cancellations, or other discharges of instruments executed for security purposes; and (3) charging a $4.00 recordation fee for each aircraft covered by a conveyance executed for security purposes, including contracts of conditional sale. A minor revision would also be made in § 503.3 (a) (2) to require listing in a conveyance the model of the aircraft in addition to the identification details now required. This addition would provide information required for certificates of registration by Annex 7 to the Convention on International Civil Aviation.

All interested persons who desire to submit comments and suggestions for consideration by the Administrator of Civil Aeronautics in connection with the proposed rules shall send them to the Civil Aeronautics Administration, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER.

1. Section 503.3 (a) is amended to read as follows:

§ 503.3 *Eligibility of conveyance.* (a) A conveyance shall be eligible recordation only if:

(1) It is executed upon the form prescribed by the Administrator of Civil Aeronautics for such type of conveyance, or upon a form deemed appropriate by the Administrator, and is submitted to the Civil Aeronautics Administration, Administrative and Records Branch, W-240, Washington 25, D. C.;

(2) It describes the aircraft by make and model, manufacturer's serial number and Civil Aeronautics registration number, or by other detail sufficient to enable identification;

(3) It is the original document or an executed duplicate thereof, with all signatures in ink;[3]

(4) It affects an aircraft registered under the Civil Aeronautics Act of 1938, as amended, or is a bill of sale or contract of conditional sale to the holder of a dealer's aircraft registration certificate; [3]

(5) It is acknowledged by the signer or signers before a notary public or other officer authorized by the law of the United States, or of a State, Territory or possession thereof, or the District of Columbia, to take acknowledgment of deeds; and

(6) It is accompanied by the required recordation fee of $4.00 in the form of a check or money order made payable to CAA, Department of Commerce, for each aircraft covered by the conveyance: *Provided*, That this paragraph shall apply only to bills of sale unaccompanied by a duly executed application for registration and registration fee of $4.00 or conveyances executed for security purposes such as contracts of conditional sale or chattel mortgages.

NOTE: No fee is charged for the recordation of any bill of sale or bills of sale accompanied by a duly executed application for registration and registration fee of $4.00 or for the recordation of any release, cancellation, in-

[3] When return of the original conveyance to the sender is desired, a certified true copy thereof shall be submitted with the original document. After recording, the certified true copy will be retained and the original will be returned to the sender stamped with the date and hour of recordation. A certified true copy of an original document is a document which is a complete copy of the original in all respects, including the dates, signatures, and acknowledgments and to which is attached a certificate of a notary public stating that such officer has compared the copy with the original document and that it is a true and correct copy in all respects.

[3] Documents of this nature are recorded under the numbers assigned to aircraft by their manufacturers. No particular dealers' aircraft registration certificate is associated with a particular aircraft. This action of recordation provides information to those consulting the records as to the ownership of the aircraft. The question of whether the full benefits of the recording provisions of the Civil Aeronautics Act are thus acquired has not yet been the subject of judicial review.



validation, discharge, or satisfaction of any conveyance executed for security purposes.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 503, 52 Stat. 1006, as amended; 49 U. S. C. 523)

[SEAL] JAMES T. PYLE,
*Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 56-4141; Filed, May 25, 1956; 8:45 a. m.]

# NOTICES

## DEPARTMENT OF THE INTERIOR

### Bureau of Reclamation

FEATHER RIVER DIVISION, CENTRAL VALLEY PROJECT, CALIFORNIA

ORDER OF REVOCATION

NOVEMBER 10, 1955.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954 (19 F. R. 5004), I hereby revoke Departmental Order of February 27, 1952, insofar as said order affects the following described land; provided, however, that such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 22 N., R. 6 E.,
Sec. 24, SW¼NW¼, NW¼SW¼;
Sec. 26, W½NE¼, NE¼NW¼, NW¼SE¼;
Sec. 36, (unsurveyed) S½NE¼, N½SE¼.
T. 22 N., R. 7 E.,
Sec. 11, SE¼SW¼, S½SE¼, NE¼SE¼;
Sec. 12, Lots 3, 6, SW¼NE¼, S½NW¼, SW¼, NW¼SE¼;
Sec. 13, NW¼NW¼;
Sec. 14, NE¼, E½W½, NW¼NW¼, E½SW¼NW¼, E½NW¼SW¼, SW¼NW¼SW¼, SW¼SW¼;
Sec. 15, S½SE¼, S½NE¼SE¼, NW¼NE¼SE¼;
Sec. 21, E½SE¼, SW¼SE¼;
Sec. 22, Lots 1, 2, 3, S½N½, SW¼, NW¼SE¼;
Sec. 23, Lot 4;
Sec. 27, NW¼NW¼;
Sec. 28, E½, E½W½, SW¼SW¼;
Sec. 29, S½SE¼;
Sec. 31, Lots 2, 3, S½NE¼, SE¼NW¼, NE¼SW¼, N½SE¼;
Sec. 32, N½, N½SW¼;
Sec. 33, NW¼NE¼, N½NW¼.
T. 22 N., R. 8 E.,
Sec. 2, Lots 1, 2, 3, 4;
Sec. 3, Lots 1, 2, S½NE¼, SW¼NW¼, SW¼, NW½SE¼;
Sec. 4, NE¼SE¼, S½S½;
Sec. 5 (unsurveyed), S½S½;
Sec. 7 (unsurveyed), NE¼NE¼, S½NE¼, NE¼SW¼, S½SW¼, SE¼;
Sec. 8, N½, N½SW¼, SW¼SW¼ (unsurveyed), NW¼SE¼;
Sec. 9, N½NE¼, NW¼;
Sec. 10, NW¼NW¼;
Sec. 18, Lot 1, N½NE¼, NE¼NW¼.
T. 23 N., R. 8 E.,
Sec. 25, S½SE¼;
Sec. 34, N½NE¼, SE¼NE¼;
Sec. 35, Lots 1, 2, 3, NW¼NE¼, S½NE¼, W½, NE¼SE¼;
Sec. 36, NE¼NW¼, N½SE¼.

The above areas aggregate approximately 6,550.25 acres.

E. G. NIELSEN,
*Assistant Commissioner.*

No. 103——3

[70172]

MAY 22, 1956.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The released lands are within the Plumas National Forest and have been open to applications and offers under the mineral-leasing laws. They will be open to such other applications, selections and locations, as are permitted on national forest lands effective at 10:00 a. m., on June 27, 1956.

Inquiries concerning applications and offers under the mineral-leasing laws and locations under the mining laws shall be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, California. Other inquiries shall be addressed to the Regional Forester, 630 Sansome Street, San Francisco, California.

EDWARD WOOZLEY,
*Director,*
*Bureau of Land Management.*

[F. R. Doc. 56-4145; Filed, May 25, 1956; 8:46 a. m.]

BOISE PROJECT, IDAHO

FIRST FORM RECLAMATION WITHDRAWAL

NOVEMBER 8, 1954.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby withdraw the following-described lands from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

BOISE MERIDIAN, IDAHO

T. 9 N., R. 5 E.,
Sec. 18, Lots 3 and 4, E½SW¼ and SE¼;
Sec. 19, Lots 1 and 2 and E½NW¼.
T. 10 N., R. 5 E.,
Sec. 5, Lots 3 and 4, S½NW¼ and SW¼;
Sec. 6, all.
T. 11 N., R. 5 E.,
Sec. 31, E½;
Sec. 32, N½ and SW¼.

The above areas aggregate approximately 2,134.75 acres.

E. V. LINDSETH,
*Acting Commissioner.*

[68111]

MAY 21, 1956.

I concur. The records of the Bureau of Land Management will be noted accordingly.

EDWARD WOOZLEY,
*Director,*
*Bureau of Land Management.*

*Notice for Filing Objections to Order Withdrawing Public Lands for the Boise Project, Idaho*

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of Idaho, for use in connection with the proposed development of the Garden Valley Reservoir site, Boise Project, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

E. V. LINDSETH,
*Acting Commissioner.*

[F. R. Doc. 56-4146; Filed, May 25, 1956; 8:46 a. m.]

BUTTE DIVISION, KLAMATH PROJECT, CALIFORNIA

FIRST FORM RECLAMATION WITHDRAWAL

APRIL 4, 1956.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby withdraw the following-described lands from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 47 N., R. 1 E.,
Sec. 18, S½ of Lot 1 of NW¼, Lot 2 of NW¼, N½ of Lot 1 of SW¼.
T. 47 N., R. 1 W.,
Sec. 14, NE¼, SE¼SE¼;
Sec. 22, NW¼.
T. 45 N., R. 2 W.,
Sec. 1, Lots 3, 4, N½NE¼SW¼;
Sec. 2, W½ of Lot 3, Lot 4;
Sec. 11, all;
Sec. 12, W½NW¼, NE¼NW¼, NW¼SW¼;
Sec. 14, W½E½, N½SW¼;
Sec. 15, NE¼, NE¼NW¼, N½SE¼.
T. 47 N., R. 2 W.,
Sec. 28, S½NW¼.

The above areas aggregate 2,069.08 acres.

E. G. NIELSEN,
*Assistant Commissioner.*

[71600]

MAY 22, 1956.

I concur. The records of the Bureau of Land Management will be noted accordingly: *Provided*, That this order shall be subject to valid existing rights.

EDWARD WOOZLEY,
*Director,*
*Bureau of Land Management.*

*Notice for Filing Objections to Order Withdrawing Public Lands for the Butte Division of the Klamath Project, California*

APRIL 4, 1956.

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of California, for use in connection with the proposed Butte Division of the Klamath Project, may present their objections to the Secretary of the Interior. Such objections should be

in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

E. G. NIELSEN,
*Assistant Commissioner.*

[F. R. Doc. 56-4147; Filed, May 25, 1956; 8:47 a. m.]

## DEPARTMENT OF COMMERCE

### Federal Maritime Board

[Docket No. S-63]

AMERICAN PRESIDENT LINES, LTD.

NOTICE OF HEARING ON APPLICATION FOR INCREASE IN NUMBER OF SUBSIDIZED SAILINGS

A public hearing will be held under section 605 (c) and section 805 (a) of the Merchant Marine Act, 1936, as amended (46 U. S. C. 1175 and 1223), upon an application of American President Lines, Ltd., for an increase in the number of subsidized sailings under its operating-differential subsidy agreement from a minimum of 12 and a maximum of 16 subsidized sailings per year, to a minimum of 24 and a maximum of 28 per year, in the Atlantic/Straits Service on Trade Route No. 17, described as follows:

From New York (other Atlantic ports as traffic offers) via the Panama Canal, Los Angeles and/or San Francisco to a Philippine port, Hong Kong, not less than six ports (including Singapore) in Malaya/Indonesia, thence to Los Angeles, and via the Panama Canal, to New York, calling (as Traffic offers and schedules permit) (a) at Hong Kong, homebound; (b) at Indochina and Thailand; (c) at Guam outbound; (d) at one or two Philippine outports homebound in addition to Manila; and (e) at San Francisco homebound solely for the purpose of discharging foreign cargoes and then only if no calls on the homebound leg have been made at Philippine outports.

The purpose of the hearing is to receive evidence relevant to the following: (1) Whether the application is one with respect to a vessel or vessels to be operated on a service, route, or line served by citizens of the United States which would be in addition to the existing service, or services, and, if so, whether the service already provided by vessels of United States registry in such service, route, or line is inadequate, and in the accomplishment of the purposes and policy of the act additional vessels should be operated thereon; (2) whether the application is one with respect to a vessel operated or to be operated in a service, route, or line served by two or more citizens of the United States with vessels of United States registry, and, if so, whether the effect of the subsidy contract would be to give undue advantage or be unduly prejudicial, as between citizens of the United States, in the operation of vessels in competitive services, routes, or lines; (3) whether it is necessary to enter into such contract in order to provide adequate service by vessels of United States registry; and (4) whether granting the application will result in unfair competition to any person, firm, or corporation operating exclusively in the coastwise or intercoastal service or be prejudicial to the objects and policy of the Merchant Marine Act, 1936 (46 U. S. C. 1101 et seq.).

The Hearing will be conducted before an Examiner at a time and place to be announced in accordance with the Board's rules of practice and procedure, and a recommended decision will be issued.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) desiring to intervene in this proceeding are requested to notify the Board within fifteen (15) days from publication hereof and should promptly file petitions for leave to intervene in accordance with said rules of practice and procedure.

By order of the Federal Maritime Board.

Dated: May 23, 1956.

[SEAL] GEO. A. VIEHMANN,
*Assistant Secretary.*

[F. R. Doc. 56-4161; Filed, May 25, 1956; 8:49 a. m.]

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COMPAGNIE NAVIERA INDEPENDENCIA AND J. FRITZEN & SOHN

NOTICE OF AGREEMENT FILED WITH BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, as amended; 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8087, between Compagnie Naviera Independencia (Independence Line) and J. Fritzen & Sohn, provides for the operation by Compagnie Naviera Independencia in its common carrier service of vessels furnished by it and by J. Fritzen & Sohn or jointly by both parties, and sets forth the agreed formula for the apportionment of the results of such operation.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: May 23, 1956.

[SEAL] GEO. A. VIEHMANN,
*Assistant Secretary.*

[F. R. Doc. 56-4162; Filed, May 25, 1956; 8:49 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 10285, etc.; FCC 56M-504]

PORT ARTHUR COLLEGE ET AL.

ORDER CONTROLLING THE CONDUCT OF HEARING

MAY 17, 1956.

In re applications of Port Arthur College, Port Arthur, Texas, Docket No. 10285, File No. BPCT-839; Joe B. Carrigan, Trustee and James K. Smith, a partnership, d/b as Smith Radio Company, Port Arthur, Texas, Docket No. 10352, File No. BPCT-1013; Jefferson Amusement Company, Port Arthur, Texas, Docket No. 10779, File No. BPCT-1440; for construction permits for new television broadcast stations (Channel 4).

*Appearances.* John P. Southmayd, on behalf of Port Arthur College; Maurice M. Jansky and Joe B. Carrigan, on behalf of Joe B. Carrigan, Trustee and James K. Smith, a partnership d/b as Smith Radio Company; John Erle Stephen and Carl D. Levy, on behalf of Jefferson Amusement Company; and Earl C. Walck, on behalf of the Chief, Broadcast Bureau, Federal Communications Commission.

1. The pre-hearing conference called pursuant to the provisions of § 1.813 of the Commission's rules was held May 4, 1956. The parties attending were those indicated in the appearances above.

2. Prior evidentiary hearing in this proceeding was held May 6, 1953, and the record of the hearing on that date is part of the record in this proceeding.

3. The Commission's order adopted April 25, 1956, released May 1, 1956, specified the following four issues:

1. To determine the legal, technical, financial and other qualifications of the applicants to construct and operate the proposed stations.

2. To determine the type and character of the program services proposed to be rendered and whether they would meet the needs of the communities and areas within the Grade A and Grade B field intensity contours.

3. To determine whether the construction and operation of the proposed stations would be in compliance with the Commission's Rules and Regulations governing television broadcast stations.

4. To determine on a comparative basis which, if any, of the above-entitled applications should be granted.

4. The Hearing Examiner construes the Commission order of April 25, 1956, to mean that the above four issues are the only issues to be resolved in this proceeding, the reasons for such interpretation being stated at the hearing conference on May 4, 1956. Two issues originally specified in the Commission's order of July 11, 1952, as amended by order of November 5, 1952, are not now applicable to this proceeding.[1]

5. The Commission has not questioned the legal, technical, financial or other qualifications of any of the three applicants as is contemplated by section 309 (b) of the act. The issues as presently framed are the same as those originally adopted by the Commission on July 11, 1952, prior to the amendment of section 309 (b) of the Communications Act. The Examiner rules that appropriate exhibits reflecting the legal, technical and financial qualifications of the applicant, if consistent with the application, upon being received in evidence, will be sufficient to create a rebuttal presumption that the applicant is legally, technically and financially qualified.

6. Each of the applicants stipulates that:

(a) The successful applicant will be able to obtain an affiliation with one of the three television networks.

(b) The sources of film for recorded programming available to one are equally available to the other.

Such stipulations, however, are without prejudice to the right of any applicant to show that the over-all programming proposed by him or the integration of network, film and locally originated programming as proposed by him is superior to that proposed by either of the other applicants.

7. The exhibits to be introduced in evidence by each party will be numbered consecutively and carry identifying symbols as follows: For Port Arthur College, the words "Port Arthur"; for Smith Radio Company, the words "Smith Radio"; for Jefferson Amusement Company, the word "Jefferson"; and for the Chief, Broadcast Bureau, FCC, the letters "FCC."

8. The exhibits to be prepared and exchanged are as follows:

Exhibit 1—Background and experience.
Exhibit 2—Integration of ownership with management.
Exhibit 3—Past operation of broadcast stations.
Exhibit 4—Programs—proposed TV programs with particular reference to locally originated programs as distinguished from network or film presentation.
Exhibit 5—Studies and surveys.
Exhibit 6—Studio, transmitter, and auxiliary broadcast equipment.
Exhibit 7—Studio, office, and transmitter building facilities.
Exhibit 8—Management and staffing plans.
Exhibit 9—Legal qualifications.
Exhibit 10—Financial qualifications.

9. Each applicant shall exercise its own discretion as to the organization and completeness of the exhibits he proposes to exchange and offer in evidence. The exhibits as exchanged shall contain all material deemed necessary by the applicant to establish his affirmative case. The exhibits may contain narrative statements. They may contain depositions. The facts stated in one exhibit may be but need not be restated in another or other exhibits even though they may be pertinent thereto. Within the ten exhibits identified in paragraph 8, the applicant will be able to make an affirmative showing with respect to all of the issues presently involved in this proceeding. If in addition to an affirmative showing a party wishes to include other material in the nature of anticipated reply or rebuttal exhibits, he may do so.

10. The exhibits referred to in paragraphs 8 and 9 shall be exchanged with other parties to the proceeding on or before Monday, July 2, 1956. It is contemplated that after the exchange of the exhibits, counsel for each party shall endeavor, through informal conferences, to obtain such other information as may be necessary to explain or clarify the exhibit or exhibits of the other parties. In the event this information cannot be obtained on an informal basis, the Hearing Examiner will rule on the relevancy of the request for such information at the hearing on July 30, 1956.

11. At the hearing on July 30, 1956:

a. The Hearing Examiner will receive in evidence those exhibits which were exchanged on July 2, 1956, to which there are no objections and such other exhibits which, after objections, are found to be admissible, reserving ruling in instances where the presence of a witness is necessary or desirable before acting on the objections.

b. Counsel for each party will identify the witness or witnesses of the other parties desired for cross-examination or in the absence of the identity of the witness, the subject material to be explored on cross-examination.

c. The Hearing Examiner shall specify the dates for further hearing, the cross-examination of witnesses, the exchange of reply or rebuttal exhibits and take such other action as may be appropriate.

*It is so ordered,* This the 17th day of May 1956.

Released: May 21, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4148; Filed, May 25, 1956; 8:47 a. m.]

[1] A 307 (b) issue was inserted on November 5, 1952, because at that time one of the applicants, Lufkin Amusement Company (now dismissed), specified its principal studio to be in Beaumont, Texas. The second issue related to a possible hazard to air navigation. This has been rendered moot by a favorable report of the Air Space Subcommittee.

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[Docket Nos. 11417, 11418; FCC 56M-506]

TAYLOR BROADCASTING CO. AND GARDEN OF THE GODS BROADCASTING CO.

ORDER CONTINUING HEARING CONFERENCE

In re applications of Taylor Broadcasting Company, Colorado Springs, Colorado, Docket No. 11417, File No. BP-9439; Garden of the Gods Broadcasting Company, Manitou Springs, Colorado, Docket No. 11418, File No. BP-9462; for construction permits.

The Hearing Examiner having under consideration a request for continuance filed by Garden of the Gods Broadcasting Company on May 11, 1956;

It appearing that the dates currently established for the exchange of exhibits and for a further hearing conference are May 21, and May 31, 1956, respectively; and

It further appearing that the petitioner has shown good cause for this request and that all parties to the proceeding have given their consent to the continuance;

*It is ordered,* This 21st day of May 1956, that the petition of Garden of the Gods Broadcasting Company is granted and that the date for exchange of exhibits is continued to June 4, 1956, and the date for further hearing conference is continued to June 14, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4149; Filed, May 25, 1956 8:47 a. m.]

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[Docket Nos. 11565, 11566; FCC 56M-505]

ROLLINS BROADCASTING OF DELAWARE, INC., AND FRANKLIN BROADCASTING CO.

ORDER SCHEDULING HEARING

In re applications of Rollins Broadcasting of Delaware, Inc., Philadelphia, Pennsylvania, Docket No. 11565, File No. BP-9500; Lawrence M. C. Smith, tr/as Franklin Broadcasting Company, Philadelphia, Pennsylvania, Docket No. 11566, File No. BP-9633; for construction permits.

*Appearances.* Mr. Leonard H. Marks of Washington, D. C., on behalf of Rollins Broadcasting of Delaware, Inc.; Mr. Lucien Hilmer of Washington, D. C., on behalf of Franklin Broadcasting Company; and Mr. Richard E. Ely of Washington, D. C., on behalf of the Chief, Broadcast Bureau, Federal Communications Commission.

1. Pursuant to orders previously entered a prehearing conference was held on Thursday, May 17, 1956, at which the parties were represented by counsel as indicated in the statement of appearances above. The transcript of the proceedings, being Volume 2, is made a part of the record; the actions taken and the determinations made at the conference are set out herein.

2. The order of designation named as a party the Wm. Penn Broadcasting Company, licensee of Station WPEN; by written statement filed in the docket record this respondent indicated that it did not intend to participate in the hearing, and it has not appeared or been represented by counsel at any stage of this proceeding; accordingly, notices of pleadings or of further proceedings will not be required to be served upon the said respondent.

3. The original order of designation included the mutually exclusive application of Miners Broadcasting Service, Inc. (Docket No. 11564) for broadcast facilities at West Chester, Pennsylvania, and specified in issues 6 and 7 inquiries relating to engineering matters applicable only to that proposal and to the facility allocation requirements of section 307 (b) of the Communications Act. This third application was dismissed by order dated December 22, 1955, and accordingly issues 6 and 7 as originally specified are now moot and no further consideration of this proceeding will be accorded to the matters therein stated.

4. The originally stated issue 4 directed inquiry regarding the possibility that the antenna structure proposed by each applicant might constitute a hazard to air navigation. Bureau counsel

stated that the suggested problem has been administratively resolved favorably to the proposals herein, and that no question remains upon the air navigation hazard matter. Accordingly, issue 4 is eliminated and no evidence or findings thereunder will be developed or considered.

5. The order of designation authorized the Hearing Examiner, upon his own motion or on the request of any party, to add an issue permitting inquiry about the sufficiency of funds to effectuate the operations proposed. No reason has been made to appear for the addition of such an issue upon the Hearing Examiner's own motion; however, any party may request the addition of that issue by petition which may be filed on or before June 18, 1956, and consideration of and ruling upon such petition, if any, will be accorded at the further prehearing conference on June 20 as hereinafter ordered.

6. Under § 1.841 (e) of the Commission's rules any party may submit timely and reasonable requests for additional information upon the matters there set out. Requests for additional information in those areas should be made as soon as it is reasonably feasible to do so, and in any event not later than June 18, 1956. Any request for additional information submitted after that date will be considered untimely unless a showing of good cause for the delay is made. If disagreements arise concerning the additional information request matters, consideration and appropriate rulings will be accorded thereto at the further prehearing conference on June 20.

7. The parties shall exchange the direct affirmative case exhibits upon nonengineering matters (the comparative inquiry area) as required by § 1.841 (a) on or before Wednesday, June 13, 1956. One copy each of the exchanged exhibits here contemplated, and as in paragraph 9 below, will be supplied at the time of exchange to Bureau counsel and to the Hearing Examiner.

8. Bureau counsel advised the applicants, by statements made on the record, that the Broadcast Bureau desires that the engineering evidence for the applicants shall show, among other facts: the 5 mv/m and 2 mv/m contours of the proposed station in relation to the boundaries and area and population of the city of Philadelphia; the normally protected 0.5 mv/m, and the interference free 0.5 mv/m contours of the proposed station and the areas and populations therein; a map or maps showing the service contours of the proposed station and the primary service contours of other stations serving the areas proposed to be served, as well as tabulations of the other available services indicating the minimum and maximum number of services available throughout the area, but if nine or more services are available then the map depictions of the multiple service contours will not be requested; if interference is proposed to Stations WJWL, WTTN or WCBS then as to such stations a showing of their normally protected and interference free 0.5 mv/m contours and the areas and populations therein and in the proposed interference area, as well as a showing of the primary services available to the proposed interference areas. Counsel for the applicants agreed in general that the desired information would be developed and presented.

9. Counsel for the parties agreed, and accordingly it is expected, that the consulting engineers for each applicant and for Broadcast Bureau will meet in conference or conferences for the purpose of discussing and developing the engineering evidence to be offered in this proceeding. It is anticipated that such engineering conferences will resolve substantially all disagreements that might otherwise arise at the hearing, and that the engineering evidence in most areas will thus be presented in stipulated affidavits and exhibits. The time and place for such conferences were not etsablished, but they will be completed so as to enable the parties to submit and exchange the engineering exhibits on or before Monday, June 18, 1956. Accordingly, the exchange of the direct affirmative case exhibits upon engineering matters, as contemplated by § 1.841 (a), will be accomplished on or before Monday, June 18, 1956.

10. A further prehearing conference as provided for in § 1.841 (c) will be commenced at 10:00 a. m. on Wednesday, June 20, and the hearing of evidence will be commenced on Wednesday, June 27, 1956.

*Accordingly, it is ordered,* This 18th day of May 1956, that the order of April 17, 1956, which set this matter for further hearing on June 18, 1956, be and it is hereby set aside; and

*It is further ordered,* That a further prehearing conference and the hearing of evidence shall be commenced at 10:00 a. m. on Wednesday, June 20, and Wednesday, June 27, 1956, at the offices of the Commission in Washington, D. C.; and

*It is further ordered,* That the provisions of this order, unless modified or set aside, shall govern the course of the conduct of the hearing in this proceeding.

Released: May 21, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4150; Filed, May 25, 1956; 8:47 a. m.]

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[Docket No. 11641; FCC 56M-509]

BURWELL B. KING AND FRANCIS B. KING

ORDER CONTINUING HEARING

In the matter of Burwell B. King and Francis B. King, Aransas Pass, Texas, Docket No. 11641; order to show cause why the license of radiotelephone station WF-2500 should not be revoked.

On the oral request of counsel for the Safety and Special Radio Services Bureau: *It is ordered,* This 21st day of May 1956, that the hearing scheduled for today is continued indefinitely in order to permit counsel to file an appropriate pleading to dispose of this matter without hearing, respondents having waived hearing.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4151; Filed, May 25, 1956; 8:47 a. m.]

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[Docket No. 11693]

SOUTHERN BELL TELEPHONE AND TELEGRAPH CO.

ORDER ASSIGNING MATTER FOR PUBLIC HEARING

In the matter of the application of Southern Bell Telephone and Telegraph Company, Docket No. 11693, File No. P-C-3744; for a certificate under section 221 (a) of the Communications Act of 1934, as amended, to acquire certain telephone plant and properties of E. B. Hicks and wife, Maude M. Hicks, d/b as Graysville Telephone Company at Graysville, Tennessee.

The Commission having under consideration an application filed by Southern Bell Telephone and Telegraph Company for a certificate under section 221 (a) of the Communications Act of 1934, as amended, that the proposed acquisition by Southern Bell Telephone and Telegraph Company of certain telephone plant and properties of E. B. Hicks and wife, Maude M. Hicks, d/b as Graysville Telephone Company furnishing telephone service in and around Graysville, Tennessee, will be of advantage to the persons to whom service is to be rendered and in the public interest;

*It is ordered,* This 21st day of May 1956, that pursuant to the provisions of section 221 (a) of the Communications Act of 1934, as amended, the above application is assigned for public hearing for the purpose of determining whether the proposed acquisition will be of advantage to the persons to whom service is to be rendered and in the public interest;

*It is further ordered,* That the hearing upon said application be held at the offices of the Commission in Washington, D. C., beginning at 10:00 a. m., on the 27th day of June 1956, and that a copy of this order shall be served upon the Governor of the State of Tennessee, Tennessee Public Service Commission, Southern Bell Telephone and Telegraph Company, E. B. Hicks and wife, Maude M. Hicks, d/b as Graysville Telephone Company, and the Postmaster of Graysville, Tennessee; and

*It is further ordered,* That within ten days after the receipt from the Commission of a copy of this order, the applicant herein shall cause a copy hereof to be published in a newspaper or newspapers having general circulation in Graysville, Tennessee and shall furnish proof of such publication at the hearing herein.

Released: May 22, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4152; Filed, May 25, 1956; 8:48 a. m.]



[Docket No. 11694]

OHIO BELL TELEPHONE CO.

ORDER ASSIGNING MATTER FOR PUBLIC HEARING

In the matter of the application of The Ohio Bell Telephone Company, Docket No. 11694, File No. P-C-3747; for a certificate under section 221 (a) of the Communications Act of 1934, as amended, to acquire certain telephone plant and properties of The Trail Run Telephone Company at Fly, Ohio.

The Commission having under consideration an application filed by The Ohio Bell Telephone Company for a certificate under section 221 (a) of the Communications Act of 1934, as amended, that the proposed acquisition by The Ohio Bell Telephone Company of certain telephone plant and properties of The Trail Run Telephone Company furnishing telephone service in the community of Trail Run and surrounding territory in Monroe County, Ohio, and in the village of New Matamoras and community of Newport and surrounding territory in Washington County, Ohio will be of advantage to the persons to whom service is to be rendered and in the public interest;

*It is ordered,* This 21st day of May 1956, that pursuant to the provisions of section 221 (a) of the Communications Act of 1934, as amended, the above application is assigned for public hearing for the purpose of determining whether the proposed acquisition will be of advantage to the persons to whom service is to be rendered and in the public interest;

*It is further ordered,* That the hearing upon said application be held at the offices of the Commission in Washington, D. C., beginning at 2:00 p. m., on the 27th day of June 1956, and that a copy of this order shall be served upon the Governor of the State of Ohio, State of Ohio Public Utilities Commission, The Ohio Bell Telephone Company, The Trail Run Telephone Company, and the Postmasters of Fly, New Matamoras and Newport, Ohio; and

*It is further ordered,* That within ten days after the receipt from the Commission of a copy of this order, the applicant herein shall cause a copy hereof to be published in a newspaper or newspapers having general circulation in the community of Trail Run and surrounding territory in Monroe County, Ohio, and in the village of New Matamoras and community of Newport and surrounding territory in Washington County, Ohio and shall furnish proof of such publication at the hearing herein.

Released: May 22, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4153; Filed, May 25, 1956; 8:48 a. m.]

# FEDERAL POWER COMMISSION

[Docket No. G-9928, etc.]

GULF OIL CORP. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

MAY 21, 1956.

In the matters of Gulf Oil Corporation, Docket No. G-9928; Natural Gas Pipeline Company of America, Docket No. G-9934; The Shamrock Oil and Gas Corporation, Docket No. G-10072; The Superior Oil Company, Docket No. G-10108; Sinclair Oil & Gas Company, Docket No. G-10119.

Gulf Oil Corporation (Gulf), a Pennsylvania corporation with principal place of business at P. O. Box 1166, Pittsburgh 30, Pennsylvania, filed, on January 26, 1956, in Docket No. G-9928, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act (act), authorizing Gulf to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

The Shamrock Oil and Gas Corporation (Shamrock), a Delaware corporation whose address is P. O. Box 631, Amarillo, Texas, filed, on March 8, 1956, in Docket No. G-10072, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the act, authorizing Shamrock to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

The Superior Oil Company (Superior), a California corporation with principal place of business at 930 Edison Building, Los Angeles 17, California, filed, on March 16, 1956, in Docket No. G-10108, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the act, authorizing Superior to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Sinclair Oil & Gas Company (Sinclair), a Maine corporation with principal place of business at Sinclair Building, Tenth and Boston, Tulsa, Oklahoma, filed, on March 19, 1956, in Docket No. G-10119, an application for a certificate of public convenience and necessity, authorizing Sinclair to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicants Gulf, Shamrock, Superior and Sinclair propose to sell natural gas in interstate commerce as described below to Natural Gas Pipeline Company of America for resale.

*Docket No.; Applicant; and Source of Gas*

G-9928; Gulf Oil Corporation; Quinduno (Lower Albany Dolomite) oil field and Quinduno (Strawn) Field, Roberts County, Tex.

G-10072; The Shamrock Oil and Gas Corporation; Quinduno (Lower Albany Dolomite) oil field, Roberts County, Tex.

G-10108; The Superior Oil Company; Lower Albany Formation and granite wash formation of Pennsylvanian age, Quinduno Field, Roberts County, Tex.

G-10119; Sinclair Oil & Gas Company; Quinduno Field, Roberts County, Tex.

Natural Gas Pipeline Company of America (Natural), a Delaware corporation with principal place of business at 20 North Wacker Drive, Chicago 6, Illinois, filed, on January 27, 1956, as supplemented March 6, 1956, in Docket No. G-9934, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the act, authorizing Natural to construct and operate, as integral parts of its existing or authorized natural gas system, certain natural gas facilities as hereinafter described, which are necessary to the transportation and sale of natural gas in interstate commerce, for the purpose of taking natural gas from Gulf, Shamrock, Superior and Sinclair in Quinduno Field, Roberts County, Texas.

The facilities proposed to be constructed and operated by Natural consist of:

(1) Approximately 25 miles of 12-inch pipeline extending from Quinduno Field, Roberts County, Texas, to a point of connection with Natural's existing 24 inch Carson-Gray Counties main trunk gathering pipeline together with (a) a 1,980 horsepower field compressor station to be located at a central point in the Quinduno Field, (b) a hydrogen sulphide removal plant to be installed at the said compressor station site, (c) approximately 11½ miles of 6 to 16 inch field lines and (d) metering and other appurtenant facilities.

The estimated total cost of these facilities, which will be used to take approximately 13,500 Mcf of gas per day from Gulf in Quinduno Field, is approximately $2,664,400. The cost is to be financed through short term bank loans.

(2) One 3,300 horsepower field compressor station to be located at a central point in the Quinduno Field which is estimated to cost approximately $350,000, together with various field lines and metering facilities which are estimated to cost approximately $252,000.

These facilities will be used to take approximately 6,500 Mcf of gas per day from Shamrock, Superior and Sinclair in Quinduno Field.

The total estimated cost of all of the foregoing facilities is stated to be $3,266,300.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to

the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Thursday, June 14, 1956 at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of section 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 7, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-4154; Filed, May 25, 1956; 8:48 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 24D-1759]

YORK OIL AND URANIUM CO.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

MAY 22, 1956.

I. York Oil and Uranium Company, a Wyoming corporation (hereinafter referred to as "issuer"), P. O. Box 348, Newcastle, Wyoming, having filed with the Commission on June 3, 1955, a notification on Form 1-A and an offering circular, and subsequently having filed amendments thereto, relating to a proposed public offering of 10,000,000 shares of common capital stock, par value 2 cents per share, at 2 cents per share for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having reasonable grounds to believe that:

A. The notification and the offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made in light of the circumstances under which they were made not misleading, particularly in that:

1. Item 3 (a) of the notification and the offering circular under the heading "Capitalization" failed to disclose that on June 1, 1955, the issuer had contracted to issue additional shares of common stock with a par value of $7,000 to Greenfire Uranium Corporation in consideration for the transfer of certain unpatented mining lode claims; and the offering circular failed to describe these claims as required by Rule 219 (c) (1).

2. Item 3 (a) of the notification and the offering circular under the heading "Material Transactions" were false and misleading in representing that 767,000 shares of stock had been issued to Earl E. Fehr as part payment of the contract of purchase of the Whiskers Draw Claims and the North Barker Dome-Red Mesa area oil and gas lease rights and in failing to disclose that in selling such properties, Fehr was acting for himself and others and part of the stock issued to him was accepted for others; and the offering circular was also false and misleading in failing to disclose that on or about January 3, 1956, said contract was renegotiated whereby 1,000,000 shares of stock of the issuer were acquired instead of the 767,000 shares.

3. Item 3 (b) of the notification and the offering circular under the heading "Material Transactions" were false and misleading in representing that none of the 3,310,000 shares of common stock issued to officers and directors of the issuer has been transferred and that the stock is still held by them in view of the fact that the officers and directors either sold or agreed to sell a portion of the shares and the cash received was remitted to the issuer in payment for the cash consideration of $8,000 which the issuer represented had already been paid by the officers and directors as part consideration for the issuance of the shares.

4. The offering circular was misleading in failing to disclose under "Use of Proceeds" and in the financial statements included therein that the issuer may have incurred a contingent liability under section 12 of the Securities Act of 1933, as amended, in connection with the foregoing; and

B. The offering did and would operate as a fraud and deceit upon the purchasers.

III. *It is ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

*It is further ordered,* That this order and notice shall be served upon York Oil and Uranium Company and Empire Securities Corporation, 311 South Main, Salt Lake City, Utah, personally or by registered mail or by confirmed telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-4157; Filed, May 25, 1956; 8:49 a. m.]

[File No. 812-1005]

SCUDDER SPECIAL FUND, INC.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION

MAY 21, 1956.

Notice is herein given that Scudder Special Fund, Inc. (the "Fund"), a Delaware corporation which is a registered investment company, has filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 ("act") for an order of exemption from the provisions of sections 10 (b) (2), 15 (a), 16 (a), and 32 (a) (2) of the act.

The application states that the Fund has registered under the act as an open-end, diversified, management investment company with an authorized capitalization of 1,000,000 shares of capital stock, $1 par value, none of which is outstanding. The Fund has not issued or received any subscriptions for any stock and has no assets. It is stated that the Fund was organized by the investment counsel firm of Scudder, Stevens & Clark, the proposed investment adviser for the Fund, to provide a vehicle for investors, primarily clients, partners and employees of Scudder, Stevens & Clark, to participate in special risks with the basic aim of long-term principal growth.

The Fund states that it proposes to make a continuous public offering of 300,000 shares of its capital stock through a single principal underwriter, Scudder Fund Distributor's, Inc., and by the Fund directly. The offering price of shares will be the net asset value, without any sales load, with the offering to commence at a price of $10 per share. It is contemplated that ordinarily subscriptions will be accepted only from clients, employees or partners of Scudder, Stevens & Clark, but that shares will be freely transferable. The Fund represents that it will obtain firm agreements and payments from not more than 25 responsible persons for the purchase of shares for an aggregate net amount equalling at least $100,000 prior to the acceptance of any subscriptions for any security from any other persons and that it will make other provisions as part of the public offering to assure that the requirements of section 14 (a) of the act are met.

Prior to beginning operation as an investment company, the Fund proposes to enter into an investment advisory contract with Scudder, Stevens & Clark and into an underwriting agreement with Scudder Fund Distributors, Inc. The fiscal year of the Fund ends September 30 and the date of its first annual meeting of stockholders is fixed by its by-laws as December 4, 1956. Since the Fund will have no stockholders prior to the public offering, it is proposed to take appropriate stockholder action at the first annual meeting of stockholders with respect to an investment advisory contract, the selection of the Fund's independent public accountants, and the election of directors.

The Fund requests an order of the Commission under section 6 (c) of the act exempting the Fund from the requirements of sections 15 (a), 16 (a), and 32 (a) (2) of the act so that the Fund may operate for a limited period without stockholder approval of an investment advisory contract, without stockholder election of directors, and without stockholder approval of the selection of independent public accountants, as required, respectively, by those sections of the act, until stockholder approval can be obtained with respect to these matters at the first annual meeting of stockholders scheduled to be held December 4, 1956.

The underwriting agreement between the Fund and Scudder Fund Distributors, Inc., will provide in substance that no sales load will be charged in connection with the distribution of the Fund's shares. The Fund states that it will meet the requirements of section 10 (d) of the act in this and other respects and accordingly, as permitted by that section, all the members of its board of directors except one may be officers or employees of the Fund or affiliated persons of its investment adviser.

Scudder Fund Distributors, Inc., is wholly owned by Scudder, Stevens & Clark, the proposed investment adviser. It is stated that all the members of the Fund's board of directors, except one, will also be affiliated persons of Scudder Fund Distributors, Inc., either by reason of the stock ownership of the latter by Scudder, Stevens & Clark or by reason of their being officers, directors or employees of Scudder Fund Distributors, Inc. The application states that the sale of the Fund's shares without a sales load will be made possible by the fact that Scudder Fund Distributors, Inc., as a wholly owned subsidiary of Scudder, Stevens & Clark, will absorb the cost of distribution. The application also requests an exemption pursuant to section 6 (c) of the act from the requirement of section 10 (b) (2) that a majority of the Fund's board of directors consist of persons who are not affiliated with the principal underwriter.

Section 6 (c) of the act provides that the Commission, by order upon application, may conditionally or unconditionally exempt any transaction from any provision of the act if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

Notice is further given that any interested person may, not later than June 4, 1956, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-4155; Filed, May 25, 1956; 8:48 a. m.]

HAROLD S. BENNETT

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

MAY 22, 1956.

In the matter of Harold S. Bennett, a sole proprietor, Keyser Building, Baltimore 2, Md.

I. The Commission's public official files disclose that Harold S. Bennett, a sole proprietor, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934, and is a member of the National Association of Securities Dealers, Inc., a national securities association, registered pursuant to section 15A of said act.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1951, 1952, 1954, 1955, as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) whether the statement referred to in Paragraph II hereof is true;

(b) whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant;

(d) whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant; and

(e) whether, pursuant to section 15A (l) (2) of the Securities Exchange Act of 1934, it is necessary or appropriate in the public interest or for the protection of investors or to carry out the purposes of said section, to suspend for a period not to exceed twelve (12) months or to expel registrant from membership in the National Association of Securities Dealers, Inc.

V. *It is ordered,* That registrant be given an opportunity for hearing as set forth in paragraph IV hereof at 10 a. m. on the 25th day of June 1956, at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. At such time the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before June 11, 1956. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

*It is further ordered,* That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to June 25, 1956.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-4158; Filed, May 25, 1956; 8:49 a. m.]

[1] Filed as part of original document.

SMITH, HECK DEVELOPMENT CO.

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 22d day of May 1956.

In the matter of Smith, Heck Development Company, Allegheny River at Bull Creek, Tarentum, Pa.

I. The Commission's public official files disclose that Smith-Heck Development Company, a Pennsylvania corpora-

tion, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1954, 1955, as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 25th day of June 1956, at 10:00 a. m. at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before June 11, 1956. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the Rules of Practice unless such decision is waived.

*It is further ordered*, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to June 25, 1956.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 56-4156; Filed, May 25, 1956; 8:48 a. m.]

[1] Filed as part of the original document.

## SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 100]

MICHIGAN

DECLARATION OF DISASTER AREA

Whereas it has been reported that on or about May 11, 1956, because of disastrous effects of floods, damage resulted to residences and business property located in certain areas in the State of Michigan; and

Whereas the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended:

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Office below indicated from persons or firms whose property situated in the following counties (including any areas adjacent to the counties named) suffered damage or other destruction as a result of the catastrophe above referred to:

Counties of: Ionia, Kent, Ottawa.

Small Business Administration Regional Office, U. S. Post Office and Courthouse, Rooms 618, 620, 622, 231 West Lafayette Boulevard, Detroit 26, Michigan.

2. A special field office to receive and process such applications has been established at 4163 Lake Michigan Drive (Standale), Grand Rapids, Michigan.

3. Applications for disaster loans under the authority of this Declaration wil not be accepted after November 30, 1956.

Dated: May 11, 1956.

WENDELL B. BARNES,
*Administrator.*

[F. R. Doc. 56-4178; Filed, May 25, 1956; 8:51 a. m.]

[Declaration of Disaster Area 101]

MICHIGAN

DECLARATION OF DISASTER AREA

Whereas it has been reported that on or about May 13, 1956, because of the disastrous effects of floods and tornadoes, damage resulted to residences and business property located in certain areas in the State of Michigan; and

Whereas the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended;

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Office below indicated from persons or firms whose property situated in the following counties (including any areas adjacent to the counties below named) suffered damage or other destruction as a result of the catastrophe above referred to:

Counties of: Genesee, Livingston, Oakland, Saginaw, Wayne.

Small Business Administration Regional Office, U. S. Post Office and Courthouse, Rooms 618, 620, 622, 231 West Lafayette Boulevard, Detroit 26, Michigan.

2. A special field office to receive and process such applications has been established at 423½ Detroit Street, Flint, Michigan.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1956.

Dated: May 14, 1956.

WENDELL B. BARNES,
*Administrator.*

[F. R. Doc. 56-4179; Filed, May 25, 1956; 8:51 a. m.]

[Declaration of Disaster Area 102]

OHIO

DECLARATION OF DISASTER AREA

Whereas, it has been reported that on or about May 13, 1956, because of the disastrous effects of tornadoes damage resulted to residences and business property located in certain areas in the State of Ohio; and

Whereas, the Small Business Administration has investigated and has received other reports of investigation of conditions in the areas affected; and

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended:

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Office below indicated from persons or firms whose property situated in the following counties (including any areas adjacent to the counties named) suffered damage or other destruction as a result of the catastrophe above referred to:

Counties of: Portage, Cuyahoga.

Small Business Administration Regional Office, Federal Reserve Bank Building, Fourth Floor, 713 Superior Avenue, Cleveland 1, Ohio.

2. No special field office will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1956.

Dated May 15, 1956.

WENDELL B. BARNES,
*Administrator.*

[F. R. Doc. 56-4180; Filed, May 25, 1956; 8:51 a. m.]



## DEPARTMENT OF JUSTICE

### Office of Alien Property

MICHAEL GILL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Michael Gill, No. 9 F. B. Cottages, Greve d'Azette, St. Clements, Jersey, Channel Islands, Ireland; $44.69 in the Treasury of the United States. Claim No. 6887.

Executed at Washington, D. C., on May 17, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 56-4168; Filed, May 25, 1956; 8:50 a .m.]

GASTON MULLER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Gaston Muller, Lomas de Chapultepec, Mexico, D. F.; $7,109.28 in the Treasury of the United States; Claim No. 60167, Vesting Order No. 18053.

Executed at Washington, D. C., on May 17, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 56-4169; Filed, May 25, 1956; 8:50 a. m.]

LEO ROBINSOHN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Leo Robinsohn, Paris, France; thirty-two (32) German Reich Coupons detached from German External Loan 7% Gold Bonds dated October 15, 1924, due October 15, 1949, numbered C-012746, 012748, 012749, 012750, 012752, 012753, 012754 and 012756, each coupon having a face value of $35.00, in bearer form, having become due 10/15/39; 4/15/40; 10/15/40 and 4/15/41, which coupons are presently in the custody of the Federal Reserve Bank of New York; Claim No. 42928; Vesting Order No. 8567.

Executed at Washington, D. C., on May 17, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 56-4170; Filed, May 25, 1956; 8:50 a. m.]

BERTA SCHNEIDER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Berta Schneider, Ebensee, Austria; $800 in the Treasury of the United States; Claim No. 62301, Vesting Order No. 11212.

Executed at Washington, D. C., on May 17, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 56-4171; Filed, May 25, 1956; 8:50 a. m.]

GEORGE TANAKA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

George Tanaka, Hyogo-ken, Japan; $2,704.78 in the Treasury of the United States; Claim No. 62624, Vesting Order No. 18853.

Executed at Washington, D. C., on May 17, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 56-4172; Filed, May 25, 1956; 8:50 a. m.]

STATE OF THE NETHERLANDS FOR BENEFIT OF EMMY STARINK-WIJNBERGEN ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

The State of the Netherlands for the benefit of (all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Emmy Starink-Wijnbergen, L. S. Claim No. 125; Southern Pacific Company 4/49 Bond No. 15281, in the principal amount of $1,000.

Curt Isaacson Lawson, Ilse Cohen (Mrs. James Samuel Clarcke) and Franz Heinrich Behrend, L. S. Claim No. 206; Atchison, Topeka and Santa Fe Railway Company 4/95 Bond No. 106973, in the principal amount of $1,000.

Elisabeth and Arthur Heimans, L. S. Claim No. 207; Kansas City Southern Railway Company 5/50 Bond No. 18603, in the principal amount of $1,000.

Diena Hertzberger and Betsy Hedeman Joosten, L. S. Claim No. 213; Cities Service Company 5/66 Debenture No. 2283, in the principal amount of $500.

Flora Alice Hirschberg, and Wolfgang, Lili Ruth and Hannah Wagner; L. S. Claim No. 320; Long Island Railroad Company 4/49 Bond No. 682, in the principal amount of $500.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on May 17, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 56-4173; Filed, May 25, 1956; 8:50 a. m.]

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STATE OF THE NETHERLANDS FOR BENEFIT OF DR. H. D. DE HAAS ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

The State of the Netherlands for the benefit of (all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Dr. H. D. de Haas, L. S. Claim No. 205; Cities Service Company 5/69 Debenture No. 32933, in the principal amount of $1,000.

Karel Hijmans, L. S. Claim No. 208; Southern Pacific Company-San Francisco Terminal 4/50 Bond No. 887, in the principal amount of $500; and Kansas City Southern Railway Company 5/50 Bond No. 7951, in the principal amount of $1,000.

Marcus Louis Jacobs, L. S. Claim No. 210; Atchison, Topeka and Santa Fe Railway Company 4/95 Bond No. 112367, in the principal amount of $1,000.

Emma Lievenboom, L. S. Claim No. 212; Cities Service Company 5/58 Debenture No. 38570, in the principal amount of $1,000.

Coenraad Polak, L. S. Claim No. 216; Southern Pacific Company 4/49 Bond No. 21410, in the principal amount of $1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on May 17, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 56-4174; Filed, May 25, 1956; 8:50 a. m.]

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STATE OF THE NETHERLANDS FOR BENEFIT OF SABINE, LILY, WILLY, AND JOUNO BIRNBAUM

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

The State of the Netherlands for the benefit of (all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Sabine, Lily, Willy, and Jouno Birnbaum, L. S. Claim No. 191; Southern Pacific Railroad Company 4/55 Bond No. 2470, in the principal amount of $500.

A. Bosman and Clare, Sam and Betty de Vries, L. S. Claim No. 193; Cities Service Company 5/58 Debenture No. 38233, in the principal amount of $1,000.

Mrs. H. Denekamp and Mrs. A. W. J. Enthoven, L. S. Claim No. 197; Atchison, Topeka and Santa Fe Railway Company 4/95 Bond No. 67184, in the principal amount of $1,000.

Hugo David Elias, L. S. Claim No. 199; Southern Pacific Company-San Francisco Terminal 4/50 Bond No. 11913, in the principal amount of $500.

Philippina and Selina Franken and Antonetta Van Der Zanden, L. S. Claim No. 202; Central Pacific Railway Company 4/49 Bond No. 20904, in the principal amount of $1,000; and Kansas City Southern Railway Company 3/50 Bond No. 9516, in the principal amount of $1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on May 17, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 56-4175; Filed, May 25, 1956; 8:51 a. m.]

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## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Effective upon publication in the FEDERAL REGISTER, paragraphs (a) (1) and (b) (5) of § 6.114 are amended as set out below.

§ 6.114 *Department of Health, Education, and Welfare*—(a) *St. Elizabeths Hospital.* (1) Three Medical Officers (Surgical Resident).

* * * * * * *

(b) *Public Health Service.* * * *

(5) Medical and dental internes, externes, and residents; and student nurses.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
*Executive Assistant.*

[F. R. Doc. 56-4199; Filed, May 26, 1956; 8:47 a. m.]

## TITLE 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket 6518]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

LUXURIOUS WOOLLENS, LTD., ET AL.

Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Wool Products Labeling Act.[1] Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Wool Products Labeling Act. Subpart—*Misrepresenting oneself and goods*—Goods: § 13.1590 *Composition:* Wool Products Labeling Act;[1] § 13.1647 *Guarantee—statutory:* Wool Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; secs. 2-5, 54 Stat. 1128-1130; 15 U. S. C. 45, 68-68c) [Cease and desist order, Luxurious Woollens, Ltd., et al., New York, N. Y., Docket 6518, May 11, 1956]

*In the Matter of Luxurious Woollens, Ltd., a Corporation, Max Wasserman, Individually and as an Officer of the Corporation; and Paul A. Raich, Individually and as General Manager of the Corporation*

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging a corporation and its officers, with place of business in New York City, with violation of the Wool Products Labeling Act through misrepresenting the percentage of beaver fur in certain wool products on sales invoices and shipping memoranda and on attached labels, and through furnishing similar labels to customers for attachment to garments manufactured from respondents' wool products; through furnishing false guaranties that certain of their wool products were not misbranded; and through failing to label certain products as required by the act—and an agreement between the parties providing for entry of a consent order.

On this basis, the hearing examiner made his initial decision and order to cease and desist which became, on May 11, 1956, the decision of the Commission.

The order to cease and desist is as follows:

*It is ordered,* That the respondent, Luxurious Woollens, Ltd., a corporation; its officers; the respondent, Max Wasserman, individually and as an officer of the corporation; the respondent, Paul A. Raich, individually and as General Manager of the corporation; and respondents' representatives, agents and employees, directly or through any corporate device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce (as "commerce" is defined in the Federal Trade Commission Act and the Wool

(Continued on next page)

[1] New.

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FEDERAL REGISTER

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**CFR SUPPLEMENTS**

**(As of January 1, 1956)**

**The following Supplements are now available:**

**Title 14: Parts 1–399 ($2.50)**
**Titles 28–29 ($1.25)**

***Previously announced:*** **Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 7: Parts 1–209 ($1.25); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. I, and Title 27 ($1.00); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Titles 35–37 ($1.00); Titles 40–42 ($0.65); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)**

**Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.**

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Products Labeling Act) of piece goods or other "wool products" (as "wool products" are defined in the Wool Products Labeling Act), do forthwith cease and desist from:

A. Misbranding such products by:

1. Attaching or using stamps, tags, labels or other means of identification which represent that such products contain a certain percentage of beaver hair or fiber which is contrary to fact;

2. Otherwise falsely or deceptively stamping, tagging, labeling or identifying such products as to the character or amount of their constituent fibers;

3. Failing to affix securely on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product (exclusive of ornamentation not exceeding five per centum of the total fiber weight) of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where the percentage of weight of such fiber is five per centum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool product, of any non-fibrous loading, filling or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution, or delivery for shipment of such wool product in commerce (as "commerce" is defined in the Wool Products Labeling Act of 1939).

B. Furnishing false guaranties that piece goods, or other wool products (as "wool products" are defined in the Wool Products Labeling Act) are not misbranded under the provisions of the Wool Products Labeling Act, when there is reason to believe that the wool products



so guaranteed may be introduced, sold, transported, or distributed in commerce.

*Provided,* That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939; and

*Provided further,* That nothing contained in this order shall be construed as limiting any applicable provisions of said Act or the Rules and Regulations promulgated thereunder.

*It is further ordered,* That the respondent, Luxurious Woollens, Ltd., a corporation; its officers; the respondent, Max Wasserman, individually and as an officer of the corporation; the respondent, Paul A. Raich, individually and as general manager of the corporation; and respondents' agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce (as "commerce" is defined in the Federal Trade Commission Act) of piece goods, or other wool products, do forthwith cease and desist from:

A. Misrepresenting in invoices, by labels separately furnished or in any other manner the character or amount of the constituent fibers contained in such products.

B. Furnishing to or placing in the hands of others stamps, tags, or labels by means of which the respondents' products, or garments made from them, may be falsely or deceptively stamped, tagged, labeled or otherwise identified, either as to the character or amount of their constituent fibers or in any other respect.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is ordered,* That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 11, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-4192; Filed, May 28, 1956; 8:46 a. m.]

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[Docket 6509]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

VANCOUVER FUR FACTORY

Subpart—*Advertising falsely or misleadingly:* § 13.30 *Composition of goods:* Fur Products Labeling Act; § 13.73 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.135 *Nature:* Product or service. Subpart—*Invoicing products falsely:* [1] § 13.1108 *Invoicing products falsely:* [1] Fur Products Labeling Act.[1] Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1260 *Nature.* Subpart—*Misrepresenting oneself and goods—* Goods: § 13.1590 *Composition:* Fur Products Labeling Act; [1] § 13.1623 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1685 *Nature:* Fur Products Labeling Act.[1] Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1870 *Nature:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, William Overton t. a. Vancouver Fur Factory, Vancouver, Wash., Docket 6509, May 10, 1956]

*In the Matter of William Overton, an Individual Trading as Vancouver Fur Factory*

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging a fur dealer with false advertising, misbranding, and false invoicing of his fur products in violation of the Fur Products Labeling Act in that he failed to disclose the names of animals producing the fur or that certain products contained artificially colored fur, set forth names of animals other than the real source of furs, failed to maintain adequate records supporting purported claims of savings, and failed to attach labels or failed to set forth information as required on attached labels and on invoices—and an agreement between the parties for entry of a consent order.

On this basis, the hearing examiner made his initial decision and order to cease and desist which became, on May 10, 1956, the decision of the Commission.

The order to cease and desist is as follows:

*It is ordered,* That respondent, William Overton, individually or trading as Vancouver Fur Factory or under any other trade name, and respondent's representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or the sale, advertising or offering for sale, or the transportation or distribution of any fur product in commerce, or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which had been shipped and received in commerce, as "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing:

a. The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

b. That the fur product contains or is composed of used fur when such is a fact;

c. That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur when such is a fact;

d. That the fur product is composed in whole or in substantial part of paws, tails, bellies or waste fur when such is a fact;

e. The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

f. The name of the country of origin of any imported furs used in the fur product.

2. Setting forth, on labels attached to fur products, the name or names of any animal or animals other than the name or names provided for in paragraph A (1) (a) above.

3. Setting forth on labels attached to fur products:

a. Required information in abbreviated form;

b. Non-required information mingled with required information;

c. Required information in handwriting;

4. Failing to show, on labels attached to fur products, all of the required information on one side of such labels.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

a. The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

b. That the fur product contains or is composed of used fur when such is a fact;

c. That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur when such is a fact;

d. That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur when such is a fact;

e. The name and address of the person issuing such invoices;

f. The name of the country of origin of any imported furs contained in the fur product.

2. Setting forth required information in abbreviated form.

3. Failing to show the item number or mark of fur products on the invoices pertaining to such products, as required by Rule 40 of the rules and regulations.

C. Falsely or deceptively advertising fur products, through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Fails to disclose:

a. The name or names of the animal or animals producing the fur or furs contained in the fur products as set forth

[1] New.

in the Fur Products Name Guide and as prescribed under the rules and regulations;

b. That the fur products contain or are composed of bleached, dyed, or otherwise artificially colored fur when such is a fact;

2. Contains the name or names of any animal other than the name or names of the animals provided for in paragraph C (1) (a) above.

3. Makes claims or representations as to value or savings, unless there are maintained by respondent full and adequate records disclosing the facts upon which such claims or representations are based.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is ordered*, That the respondent herein shall within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: May 10, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-4193; Filed, May 28, 1956; 8:46 a. m.]

## TITLE 14—CIVIL AVIATION

### Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 8]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

*Correction*

In F. R. Doc. 56-4099, appearing at page 3495 of the issue for Friday, May 25, 1956, "§ 601.607" under item 16 should read "§ 601.6077."

## TITLE 17—COMMODITY AND SECURITIES EXCHANGES

### Chapter II—Securities and Exchange Commission

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

EXEMPTION OF CERTAIN ACQUISITIONS OF SECURITIES UNDER CERTAIN PLANS

The Commission today adopted an amendment of § 240.16b-3 (Rule X-16B-3) in the form set forth below.

Section 240.16b-3, as adopted February 25, 1949, sought to exempt from section 16 (b) of the act certain transactions involving securities acquired under bonus, profit-sharing or similar plans. On August 16, 1955, in Release No. 5209, the Commission published for comment a revision proposal which was not intended to change the meaning and scope of the rule but rather to clarify the application of its provisions in accordance with interpretations which the Commission has heretofore given. As a result of an analysis of the comments received and a further review of the problem, a revised amendment proposal was published for further public comment, on March 22, 1956, and further comments were received and considered.

*Background of the rule.* Section 240.16b-3 was first adopted on October 9, 1935. It provided, at that time, for an exemption from section 16 (b) liability for certain transactions in connection with stock option plans. Any purchase and sale or sale and purchase was exempted from the operation of section 16 (b): *Provided*, That (1) the purchase was pursuant to a nontransferable option granted prior to June 6, 1934, in connection with an employment contract, (2) the sale was made subsequent to October 9, 1935, (3) the plan was approved at a stockholders' meeting, and (4) the price of the stock under the option was at least as high as the market price of the stock at the time the option was granted.

With the passage of time this rule became obsolete and on February 25, 1949, it was withdrawn and a new rule, dealing with an entirely different subject matter, was adopted. The new rule took the form of an amendment to the old rule, but it did not deal with options at all. Instead, it specifically omitted from the scope of its exemptive provisions convertible securities, options, warrants, or other rights to purchase a security. The February 25, 1949, rule dealt with the exemption from section 16 (b) of transactions involving securities acquired under bonus, profit-sharing or similar plans. It exempted purchases made pursuant to a bonus, profit-sharing or similar plan meeting the following requirements:

(1) The plan must have been approved by security holders

(2) The security must have been issued for services

(3) The recipients of the bonus must have been selected by persons not entitled to receive any bonus, and

(4) The aggregate amount received under the bonus plan must have been limited to a percentage of net profits of the issuer or its subsidiaries.

The Internal Revenue Act of 1950 accorded favorable tax treatment to the receipt of certain non-transferable stock options (called "restricted stock options") and to the exercise of such options and the sale of stock covered thereby, if certain conditions were met.

The Commission again amended § 240.16b-3 in 1952 to exempt purchases pursuant to restricted stock option plans which met the same standards as had been provided in the rule for bonus plans. The release which accompanied the promulgation of the rule (Securities Exchange Act Release No. 4754) stated: "The amendment to § 240.16b-3 broadens the exemption hitherto provided by the rule by making it applicable to acquisitions of nontransferable options, as well as to acquisitions of shares of stock." It sought to accomplish this purpose by adding the purchase of non-transferable options to the transactions exempted, and by amending that portion of the rule which denied the benefits of the rule to plans under which cash was paid for stock to except stock received pursuant to an option. The rule also eliminated the provision requiring the security to be received from the issuer for services.

*Problems under the rule.* The effort to adapt a rule dealing with stock bonus and similar plans, which excluded stock option plans, to stock option plans has led to many interpretative problems for the staff of the Commission. These problems have also been the subject of private litigation in the Courts. Interpretations by the Commission staff have received very limited publicity, and are not official determinations of the Commission.

The Commission thereafter published for comment on August 16, 1955 a proposed amended rule which in effect would codify interpretations rendered by the staff. In the course of considering the many comments received, it was concluded that the public interest would be better served by a rule which, in addition to serving as a clarification and codification of existing interpretations, would simplify the provisions and reinforce investor protection. Accordingly a revised proposal was published for comment on March 22, 1956. Further comments were received and considered and the Commission has adopted the rule substantially in the form published on March 22. The only changes from that proposal in the rule as adopted permit the required consent of security holders to be given by written consent following adequate solicitation as well as at a stockholders' meeting and clarify the use of outstanding securities as a basis for a formula limiting the amount of funds or securities which may be allocated pursuant to the plan.

*Analysis of amended rule.* 1. The amended rule makes it clear that the exemption applies to the acquisition of stock pursuant to non-transferable options. This is consistent with the expressed intention of the Commission which amended the rule in 1952 for the purpose of conforming it to the Revenue Act of 1950.

2. The amended rule requires that, to qualify for the exemption, the plan must be approved by the holders of at least a majority of the securities of the issuer present or represented and entitled to vote at a meeting for which proxies were solicited substantially in accordance with the Commission's proxy rules whether or not such rules were applicable to the solicitation or by written consents of a majority of such holders, solicited in accordance with such rules. This makes clear that (a) approval of the plan by holders of a majority of the securities represented at the stockholders' meeting and entitled to vote or by such written consents is necessary, and sufficient, and (b) even if the corporation was not subject to the Securities Exchange Act at the time the plan was approved it may qualify for the exemption if, in fact, the requisite number of votes were obtained following an adequate proxy solicitation. This is in accord with administrative interpretations of the present rule.

3. The amended rule adds a new subsection authorizing successor corporations to qualify for the benefits of the rule if their predecessors would have been eligible. By administrative interpretation, the present rule has been construed to include successor corporations.

4. The amended rule eliminates the requirement that the selection of the persons who are to receive the securities pursuant to the plan must be made by a board of directors, a majority of whom are not eligible to participate in the plan, or a committee all of the members of which are not eligible to participate in the plan. This requirement raised problems of state law relating to the responsibility of officers and directors who vote upon their compensation. Drafting difficulties which would have to take into account the state statutes dealing with director responsibilities for compensation, and practical difficulties when a board of directors is composed entirely or in large part of officers of the company eligible to participate under the option plan also add to the problem of adopting any provision dealing with this matter. It is believed that these problems are matters to be resolved in state courts. In addition, there has been no demonstration that any additional investor protection has been conferred by this provision. The provision has a very limited operation since it is restricted to prohibiting directors or committee members entitled to benefit from the particular plan or similar plan from constituting a majority or all of those awarding the options. The means by which a director or committee member may benefit himself, if he so desires, are not greatly restricted.

5. The amended rule clarifies the existing language to indicate that the plan may qualify under the rule if it limits the funds or securities allocated under the plan by establishing limitations for each fiscal year, or for the duration of the plan, and the limitation may be determined by fixed amounts of securities or funds, or by formulas based upon earnings, dividends, compensation received by participants, percentages of outstanding securities, or similar factors. This has been the administrative interpretation of the present rule.

6. The amended rule eliminates the existing language dealing with the payment of cash as a factor in the availability of the exemption. Originally, this provision served to exclude stock acquired pursuant to options or similar contracts which called for the payment of cash, for the rule was then limited to bonus or similar plans. The conflicting provisions dealing with cash payments can only be reconciled by arbitrary determinations which have no place in the consideration of whether the public interest requires this provision in the rule.

*Purpose of the amendment.* In connection with the amendment, the Commission limited itself to the effectuation of the basic intention, as expressed in the release which amended the rule after the Revenue Act of 1950, to exempt acquisitions pursuant to both bonus and similar plans and restricted stock option plans. A clarification of the rule seemed urgent, and in connection with the clarification it seemed desirable to simplify the operation and language of the rule to enable a clearer understanding of its effect so long as the public interest was not prejudiced.

*Statutory basis.* This action is taken pursuant to the Securities Exchange Act of 1934, particularly sections 3 (a) (12), 3 (b), 16 (b) and 23 (a).

*Text of rule.* The text of the amended rule is as follows:

§ 240.16b-3 *Exemption from section 16 (b) of certain acquisitions of securities under certain plans.* Any acquisition of non-transferable options or of shares of stock including stock acquired pursuant to such options by a director or officer of the issuer of such stock shall be exempt from the operation of section 16 (b) of the act if the stock or option was acquired pursuant to a bonus, profit-sharing, retirement, stock option, thrift, savings or similar plan meeting all the following conditions:

(a) The plan has been approved specifically, or through the approval of a charter amendment authorizing stock for issuance pursuant to the plan:

(1) By the holders of at least a majority of the securities of the issuer present or represented and entitled to vote at a meeting for which proxies were solicited substantially in accordance with such rules and regulations, if any, as were then in effect under section 14 (a) of the act, whether or not such rules and regulations were applicable to such solicitation; or by written consents of the holders of at least a majority of the securities of the issuer entitled to vote solicited substantially in accordance with such rules and regulations; or

(2) By the security holders of a predecessor corporation in the manner provided in subparagraph (1) of this paragraph, if the plan, or obligations to participate thereunder, were assumed by the issuer in connection with the transaction of succession.

(b) The plan effectively limits (subject to any provisions for adjustment of the plan or options outstanding thereunder to prevent dilution or enlargement of rights) the aggregate amount of funds or securities which may be allocated pursuant to the plan, either by limiting the maximum amount which may be allocated to each participant in the plan or by limiting the maximum amount which may be so allocated to all such participants. Such limitations may be established for each fiscal year, or for the duration of the plan, whether or not the plan has a fixed termination date, and may be determined either by fixed amounts of securities or funds, or by formulas based upon earnings of the issuer, dividends paid, compensation received by participants, outstanding securities or percentages thereof outstanding from time to time, or similar factors which will result in a determinable limitation.

(c) Unless the context otherwise requires, all terms used in this section shall have the same meanings as in the act or elsewhere in the general rules and regulations thereunder. In addition the following definitions apply:

(1) The term "plan" in this section includes all plans whether or not set forth in any formal document;

(2) The term "non-transferable option" includes an option which by its terms is not transferable by such optionee otherwise than by will or the laws of descent and distribution, and is exercisable, during his lifetime, only by him.

Since the amendments to the rule are interpretative in nature and have the effect of relieving restriction, the amended rule shall become effective immediately upon publication.

(Sec. 23, 48 Stat. 901, as amended, 15 U. S. C. 78w. Interprets or applies secs. 3, 16, 48 Stat. 882, 896; 15 U. S. C. 78c, 78p)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

MAY 18, 1956.

[F. R. Doc. 56-4200; Filed, May 28, 1956; 8:47 a. m.]



## TITLE 26—INTERNAL REVENUE

### Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter D—Employment Taxes

[T. D. 6176]

[Regs. 128]

PART 408—EMPLOYEE TAX AND EMPLOYER TAX UNDER THE FEDERAL INSURANCE CONTRIBUTIONS ACT; APPLICABLE ON AND AFTER JANUARY 1, 1951

SERVICES FOR CERTAIN TAX EXEMPT ORGANIZATIONS

On March 14, 1956, notice of proposed rule making regarding amendments to conform Regulations 128 (26 CFR (1939) Part 408), as amended, relating to the employee tax and the employer tax under the Federal Insurance Contributions Act (subchapter A, chapter 9, Internal Revenue Code of 1939), to the provisions of section 403 of the Social Security Amendments of 1954 (68 Stat. 1098), approved September 1, 1954, was published in the FEDERAL REGISTER (21 F. R. 1598). No objection to the rules proposed having been received during the 30-day period prescribed in the notice, the following amendments to such regulations are hereby adopted:

PARAGRAPH 1. Section 408.201 is amended by inserting after paragraph (q) the following new paragraph (r):

(r) "Social Security Amendments of 1954" means the act approved September 1, 1954 (68 Stat. 1052).

PAR. 2. There is inserted immediately preceding § 408.216 the following:

SECTION 403 OF THE SOCIAL SECURITY AMENDMENTS OF 1954, APPROVED SEPTEMBER 1, 1954

SERVICE FOR CERTAIN TAX-EXEMPT ORGANIZATIONS PRIOR TO ENACTMENT OF THIS ACT

(a) In any case in which—

(1) An individual has been employed, at any time subsequent to 1950 and prior to the enactment of this act, by an organization which is exempt from income tax under section 101 (6) of the Internal Revenue Code

of 1939 but which has failed to file prior to the enactment of this act a waiver certificate under section 1426 (l) (1) of the Internal Revenue Code of 1939;

(2) The service performed by such individual as an employee of such organization during the period subsequent to 1950 and prior to 1955 would have constituted employment (as defined in section 210 of the Social Security Act and section 1426 (b) of the Internal Revenue Code of 1939) if such organization had filed prior to the performance of such service such a certificate accompanied by a list of the signatures of employees who concurred in the filing of such certificate and such individual's signature had appeared on such list;

(3) The taxes imposed by sections 1400 and 1410 of the Internal Revenue Code of 1939 have been paid with respect to any part of the remuneration paid to such individual by such organization for such service;

(4) Part of such taxes have been paid prior to the enactment of this Act;

(5) So much of such taxes as have been paid prior to the enactment of this Act have been paid by such organization in good faith and upon the assumption that a waiver certificate had been filed by it under section 1426 (l) (1) of the Internal Revenue Code of 1939; and

(6) No refund of such taxes has been obtained,

the amount of such remuneration with respect to which such taxes have been paid shall, upon the request of such individual (filed in such form and manner, and with such official, as may be prescribed by regulations made under subchapter A of Chapter 9 of the Internal Revenue Code of 1939), be deemed to constitute remuneration for employment as defined in section 210 of the Social Security Act and section 1426 (b) of the Internal Revenue Code of 1939.

(b) In any case in which—

(1) An individual has been employed, at any time subsequent to 1950 and prior to the enactment of this Act, by an organization which has filed a waiver certificate under section 1426 (l) (1) of the Internal Revenue Code of 1939;

(2) The service performed by such individual during the time he was so employed would have constituted employment (as defined in section 210 of the Social Security Act and section 1426 (b) of the Internal Revenue Code of 1939) if such individual's signature had appeared on the list of signatures of employees who concurred in the filing of such certificate;

(3) The taxes imposed by sections 1400 and 1410 of the Internal Revenue Code of 1939 have been paid prior to the enactment of this Act with respect to any part of the remuneration paid to such individual by such organization for such service; and

(4) No refund of such taxes has been obtained,

the amount of such remuneration with respect to which such taxes have been paid shall, upon the request of such individual (filed on or before January 1, 1957, and in such form and manner, and with such official, as may be prescribed by regulations made under subchapter A of chapter 9 of the Internal Revenue Code of 1939), be deemed to constitute remuneration for employment as defined in section 210 of the Social Security Act and section 1426 (b) of the Internal Revenue Code of 1939, and such individual shall be deemed to have concurred in the filing of the waiver certificate filed by such organization under section 1426 (l) (1) of the Internal Revenue Code of 1939.

PAR. 3. Section 408.216 is amended as follows:

(A) By revising § 408.216 (a) (1) to read as follows:

(1) Services performed by an employee in the employ of a religious, charitable, educational, or other organization exempt from income tax under section 101 (6) of the Internal Revenue Code are excepted from employment. However, this exception does not apply to services (i) performed during the period for which a certificate, filed pursuant to section 1426 (l) of the act, is in effect if such services are performed by an employee (*a*) whose signature appears, or is deemed pursuant to section 403 (b) of the Social Security Amendments of 1954 and paragraph (d) of this section to appear, on the list filed by such organization under section 1426 (l) of the act, or (*b*) who became an employee of such organization after the calendar quarter in which the certificate was filed; or (ii) with respect to which the employee and employer taxes have been paid and a request is thereafter filed under the conditions stated in paragraph (c) (1) and (2) of this section.

(B) By revising the first and second sentences of § 408.216 (b) (2) (v) to read as follows:

(v) Services performed in the employ of an organization which has duly filed a certificate are not excepted from employment under section 1426 (b) (9) (B) of the act, during the period for which the certificate is in effect, if such services are performed by an employee (*a*) whose signature appears, or is deemed pursuant to section 403 (b) of the Social Security Amendments of 1954 and paragraph (d) of this section to appear, on the list filed by the organization on Form SS–15a, or on Form SS–15a Supplement, or (*b*) who becomes an employee of the organization after the calendar quarter in which the certificate is filed. Consequently, the taxes imposed under the Act will apply to the organization and to each employee whose services constitute employment and whose signature appears, or is deemed pursuant to section 403 (b) of the Social Security Amendments of 1954 and paragraph (d) of this section to appear, on the accompanying list or on any supplemental list or lists filed within the prescribed time, commencing with the first day following the close of the calendar quarter in which the certificate is filed. * * *

(C) By adding at the end of § 408.216 the following new paragraphs (c) and (d):

(c) *Special procedure for coverage of certain services in cases where waiver was not filed prior to September 1, 1954*—(1) *In general.* Pursuant to section 403 (a) of the Social Security Amendments of 1954, any individual who, as an employee, performed services after December 31, 1950, and prior to September 1, 1954, for an organization exempt from income tax under section 101 (6) of the Internal Revenue Code which had failed to file, prior to September 1, 1954, a valid certificate under section 1426 (l) of the act, may request that the remuneration received by him for services performed in the employ of the organization after 1950 and before 1955 be deemed to constitute remuneration for employment for purposes of the taxes imposed under the act and for purposes of title II of the Social Security Act, if:

(i) Any of the services performed by the individual after December 31, 1950, and prior to January 1, 1955, would have constituted employment, as defined in section 1426 (b) of the act, if a certificate on Form SS–15 filed by the organization under section 1426 (l) of the act had been in effect for the period during which the services were performed and the individual's signature had appeared on the accompanying list on Form SS–15a;

(ii) The employee and employer taxes have been paid with respect to any part of the remuneration received by the individual from the organization for such services;

(iii) A part of such taxes was paid prior to September 1, 1954;

(iv) Such taxes as were paid before September 1, 1954, were paid by the organization in good faith and upon the assumption that it had filed a valid certificate under section 1426 (l) of the act; and

(v) No refund (or credit) of such taxes has been obtained either by the employee or the employer, exclusive of any refund (or credit) which would be allowable if the services performed by the individual had constituted employment.

The provisions of section 403 (a) of the Social Security Amendments of 1954 have no application to remuneration for services performed after 1954.

(2) *Execution and filing of request.* (i) Except where the alternative procedure set forth in subdivision (ii) of this subparagraph is followed, the request of an individual under section 403 (a) of the Social Security Amendments of 1954 shall be made and filed as provided in this subdivision. The request shall be in writing, shall be signed and dated by the individual, and shall include:

(*a*) The name and address of the organization for which the services were performed;

(*b*) The name, address, and social security account number of the individual;

(c) A statement that the individual has not obtained refund or credit (other than a refund or credit which would be allowable if the services had constituted employment) from the district director of any part of the employee tax paid with respect to remuneration received by him from the organization for services performed after 1950 and before 1955; and

(*d*) A request that all remuneration received by him from the organization for such services with respect to which employee and employer taxes have been paid shall be deemed to constitute remuneration for employment to the extent authorized by section 403 (a) of the Social Security Amendments of 1954. The request of an individual shall be accompanied by a statement of the organization incorporating the substance of each of the five conditions listed in subparagraph (1) of this paragraph. The statement of the organization should also show that the individual performed services for the organization after December 31, 1950, and prior to September 1, 1954; that the organization was exempt from income tax under section 101 (6) of the Internal Revenue Code and failed to file, prior to September 1, 1954, a valid certificate under section 1426 (l) of the act; and the district director with whom returns on Form 941 are filed. Such statement must be signed by the president or other principal officer of the organization who shall certify that the statement is correct to the best of his knowledge and belief. If the statement of the organization is not submitted with the individual's request, the individual shall include in his request an explanation of his inability to submit such statement. Other information may be required, but should be submitted only upon receipt of a specific request therefor. No particular form is prescribed for the request of the individual or the statement of the organization required to be submitted with the request. The individual's request should be filed with the district director with whom the organization files returns on Form 941. If the individual is deceased or mentally incompetent and the request filed pursuant to section 403 (a) of the Social Security Amendments of 1954 is made by the legal representative of the individual or other person authorized to act on his behalf, the request must be accompanied by evidence showing such person's authority to make the request.

(ii) An organization which has or had in its employ individuals with respect to whom section 403 (a) of the Social Security Amendments of 1954 is applicable may, if it so desires, prepare a form or forms for use by any such individual or individuals in making requests under such section. Any such form shall provide space for the signature of the individual or individuals and shall contain such information as is required by subdivision (i) of this subparagraph to be included in a request. Any such form used by more than one individual, and any such form used by one individual which is signed and returned to the organization, shall be submitted by the organization, together with its statement (as required in subdivision (i) of this subparagraph), to the district director with whom the organization files returns on Form 941. An individual is not required to use a form prepared by the organization but may, at his election, file his request in accordance with the provisions of subdivision (i) of this subparagraph.

(3) *Optional tax payments by organization.* An organization which, prior to September 1, 1954, has reported and paid taxes under the act with respect to any portion of the remuneration paid to an individual, who is eligible to file a request under section 403 (a) of the Social Security Amendments of 1954, for services performed by him subsequent to 1950 and prior to 1955, may report and pay taxes under the act on or after September 1, 1954, with respect to any remaining portion of such remuneration which would have constituted wages if a certificate had been in effect with respect to such services. Such taxes may be reported as an adjustment without interest in the manner prescribed in Subpart G of the regulations in this part. The statement in explanation of such adjustment should include a reference to section 403 (a) of the Social Security Amendments of 1954.

(4) *Effect of request.* If a request is made and filed under the conditions stated in subparagraphs (1) and (2) of this paragraph with respect to one or more individuals, remuneration for services performed by each such individual subsequent to 1950 and prior to 1955, with respect to which the employee and employer taxes are paid on or before the date on which the request is filed with the district director, will be deemed to constitute remuneration for employment to the extent that such services would have constituted employment as defined in section 1426 (b) of the act if a certificate had been in effect with respect to such services. However, the provisions of section 1426 (a) of the act and §§ 408.226 and 408.227 are applicable in determining the extent to which such remuneration for employment constitutes wages for purposes of the employee and employer taxes.

(d) *Special procedure for coverage of certain services in cases where individual failed to sign list of concurring employees*—(1) *In general.* Pursuant to section 403 (b) of the Social Security Amendments of 1954, any individual who, as an employee, performed services after December 31, 1950, and prior to September 1, 1954, for an organization which filed a valid certificate under section 1426 (l) of the act, but who failed to sign the list of employees concurring in the filing of such certificate, may request that the remuneration received by him for such services be deemed to constitute remuneration for employment for purposes of the taxes imposed under the act and for purposes of title II of the Social Security Act, if:

(i) Any of the services performed by the individual after December 31, 1950, and prior to September 1, 1954, would have constituted employment, as defined in section 1426 (b) of the act, if his signature had appeared on the list of employees who concurred in the filing of the certificate;

(ii) The employee and employer taxes were paid prior to September 1, 1954, with respect to any part of the remuneration received by the individual from the organization for such services; and

(iii) No refund (or credit) of such taxes has been obtained either by the employee or the employer, exclusive of any refund (or credit) which would be allowable if the services performed by the individual had constituted employment.

(2) *Effect of request.* An individual who makes and files a request under the conditions stated in subparagraphs (1) and (3) of this paragraph with respect to services performed as an employee of an organization exempt from income tax under section 101 (6) of the Internal Revenue Code will be deemed to have signed the list accompanying the certificate filed by the organization under section 1426 (l) of the act. Accordingly, all services performed by the individual for the organization on and after the effective date of the certificate will constitute employment to the same extent as if he had, in fact, signed the list. The employee tax and employer tax are applicable with respect to any remuneration paid to the employee by the organization which constitutes wages. If less than the correct amount of such taxes has been paid, the additional amount due should be reported as an adjustment without interest within the time specified in Subpart G of the regulations in this part. The statement in explanation of such adjustment should include a reference to section 403 (b) of the Social Security Amendments of 1954.

(3) *Execution and filing of request.* (i) Except where the alternative procedure set forth in subdivision (ii) of this subparagraph is followed, the request of an individual under section 403 (b) of the Social Security Amendments of 1954 shall be made and filed as provided in this subdivision. The request shall be filed on or before January 1, 1957, shall be in writing, shall be signed and dated by the individual, and shall include:

(*a*) The name and address of the organization for which the services were performed;

(*b*) The name, address, and social security account number of the individual;

(*c*) A statement that the individual has not obtained a refund or credit (other than a refund or credit which would be allowable if the services had constituted employment) from the district director of any part of the employee tax paid before September 1, 1954, with respect to remuneration received by him from the organization;

(*d*) A request that all remuneration received by the individual from the organization for services performed after 1950 and before September 1, 1954, with respect to which employee and employer taxes were paid before September 1, 1954, shall be deemed to constitute remuneration for employment to the extent authorized by section 403 (b) of the Social Security Amendments of 1954; and

(*e*) A statement that the individual understands that, upon the filing of such request with the district director, (*1*) he will be deemed to have concurred in the certificate which was previously filed by the organization, and (2) the employee and employer taxes will be applicable to all wages received, and to be received, by him for services performed for the organization on or after the effective date of such certificate to the extent that such taxes would have been applicable if he had signed the list on Form SS–15a submitted with the certificate.

The request of an individual shall be accompanied by a statement of the organization incorporating the substance of each of the three conditions listed in subparagraph (1) of this paragraph. The statement of the organization should also show that the individual performed services for the organization after December 31, 1950, and prior to September 1, 1954; that the organization filed a valid certificate under section 1426 (l) of the act; and the district director with whom returns on Form 941 are filed. Such statement must be signed by the president or other principal officer of the organization who shall certify that the

statement is correct to the best of his knowledge and belief. If the statement of the organization is not submitted with the individual's request, the individual shall include in his request an explanation of his inability to submit such statement. Other information may be required, but should be submitted only upon receipt of a specific request therefor. No particular form is prescribed for the request of the individual or the statement of the organization required to be submitted with the request. The individual's request should be filed with the district director with whom the organization files returns on Form 941. If the individual is deceased or mentally incompetent and the request filed pursuant to section 403 (b) of the Social Security Amendments of 1954 is made by the legal representative of the individual or other person authorized to act on his behalf, the request must be accompanied by evidence showing such person's authority to make the request.

(ii) An organization which has or had in its employ individuals with respect to whom section 403 (b) of the Social Security Amendments of 1954 is applicable, may, if it so desires, prepare a form or forms for use by any such individual or individuals in making requests under such section. Any such form shall provide space for the signature of the individual or individuals and shall contain such information as is required by subdivision (i) of this subparagraph to be included in a request. Any such form used by more than one individual, and any such form used by one individual which is signed and returned to the organization, shall be submitted by the organization, together with its statement (as required in subdivision (i) of this subparagraph), to the district director with whom the organization files returns on Form 941. An individual is not required to use a form prepared by the organization but may, at his election, file his request in accordance with the provisions of subdivision (i) of this subparagraph.

(Sec. 403, 68 Stat. 1098, 53 Stat. 178, 467; 26 U. S. C. 1426, App. note, 1429, 3791)

[SEAL] RUSSELL C. HARRINGTON,
*Commissioner of Internal Revenue.*

Approved: May 24, 1956.

DAN THROOP SMITH,
*Special Assistant to the Secretary in Charge of Tax Policy.*

[F. R. Doc. 56-4197; Filed, May 28, 1956; 8:46 a. m.]

## TITLE 49—TRANSPORTATION

### Chapter I—Interstate Commerce Commission

[Rev. S. O. 562, Amdt. 8]

PART 97—ROUTING OF TRAFFIC

REROUTING OF TRAFFIC, APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 23d day of May A. D. 1956.

Upon further consideration of the provisions of Revised Service Order No. 562 (14 F. R. 2697), as amended (15 F. R. 3105; 8651; 16 F. R. 4551; 17 F. R. 4675; 18 F. R. 3048; 19 F. R. 2966; 20 F. R. 3685), and good cause appearing therefor:

It is ordered, That: § 97.562 *Rerouting of traffic; appointment of agent*, of Revised Service Order No. 562 be, and it is hereby, further amended by substituting the following paragraphs (a) and (d) hereof for paragraphs (a) and (d) thereof:

(a) Charles W. Taylor, Director, Bureau of Safety and Service, Interstate Commerce Commission, Washington 25, D. C., is hereby designated and appointed an Agent of the Interstate Commerce Commission and vested with authority to authorize diversion and rerouting of loaded and empty freight cars from and to any point in the United States whenever in his opinion an emergency exists whereby any railroad is unable to move traffic currently over its lines.

* * * * * *

(d) Expiration date: This order shall expire at 11:59 p. m., May 25, 1957, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

*It is further ordered*, That this amendment shall become effective at 11:59 p. m., May 25, 1956; that a copy of this order and direction be served upon the state railroad regulatory bodies of each State, upon all common carriers by railroad subject to the Interstate Commerce Act, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended, sec. 15, 24 Stat. 384, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F. R. Doc. 56-4195; Filed, May 28, 1956; 8:46 a. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### [ 26 CFR (1954) Part 1 ]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

COMMON NONTAXABLE EXCHANGES

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] RUSSELL C. HARRINGTON,
*Commissioner of Internal Revenue.*

The following regulations for taxable years beginning after December 31, 1953, and ending after August 16, 1954, except where otherwise specifically provided, are hereby prescribed under sections 1031 (exchange of property held for productive use or investment), 1032 (exchange of stock for property), and 1036 (stock for stock of same corporaton) of the Internal Revenue Code of 1954:

COMMON NONTAXABLE EXCHANGES

Sec.


1.1031 (a) Statutory provisions; exchange of property held for productive use or investment; nonrecognition of gain or loss from exchanges solely in kind.
1.1031 (a)-1 Property held for productive use in trade or business or for investment.
1.1031 (b) Statutory provisions; exchange of property held for productive use or investment; gain from exchanges not solely in kind.
1.1031 (b)-1 Receipt of other property or money in tax-free exchange.
1.1031 (c) Statutory provisions; exchange of property held for productive use or investment; loss from exchanges not solely in kind.
1.1031 (c)-1 Nonrecognition of loss.
1.1031 (d) Statutory provisions; exchange of property held for productive use or investment; basis.
1.1031 (d)-1 Property acquired upon a tax-free exchange.
1.1031 (d)-2 Treatment of assumption of liabilities.
1.1032 Statutory provisions; exchange of stock for property.
1.1032-1 Disposition by a corporation of its own capital stock.
1.1036 Statutory provisions; stock for stock of same corporation.
1.1036-1 Stock for stock of the same corporation.


§ 1.1031 (a) *Statutory provisions; exchange of property held for productive use or investment; nonrecognition of gain or loss from exchanges solely in kind.*

SEC. 1031. *Exchange of property held for productive use or investment*—(a) *Nonrecognition of gain or loss from exchanges solely in kind.* No gain or loss shall be recognized if property held for productive use in trade or business or for investment (not including stock in trade or other property held primarily for sale, nor stocks, bonds, notes, choses in action, certificates of trust or beneficial interest, or other securities or evidences of indebtedness or interest) is exchanged solely for property of a like kind to be held either for productive use in trade or business or for investment.

§ 1.1031 (a)-1 *Property held for productive use in trade or business or for investment.* (a) Section 1031 (a) provides an exception from the general rule requiring the recognition of gain or loss upon the sale or exchange of property. See section 1002 and the regulations thereunder. Under section 1031 (a), no gain or loss is recognized if property held for productive use in trade or business or for investment is exchanged solely for property of a like kind to be held either for productive use in trade or business or for investment. Under section 1031 (a), property held for productive use in trade or business may be exchanged for property held for investment. Similarly, property held for investment may be exchanged for property held for productive use in trade or business. However, section 1031 (a) provides that property held for productive use in trade or business or for investment does not include stock in trade or other property held primarily for sale, nor stocks, bonds, notes, choses in action, certificates of trust or beneficial interest, or other securities or evidences of indebtedness or interest. A transfer is not within the provisions of section 1031 (a) if as part of the consideration the taxpayer receives money or property which does not meet the requirements of section 1031 (a), but such transfer, if otherwise qualified, will be within the provisions of section 1031 (b). Similarly, a transfer is not within the provisions of section 1031 (a) if as part of the consideration the other party to the exchange assumes a liability of the taxpayer, but such transfer, if otherwise qualified, will be within the provisions of section 1031 (b). (See § 1.1002-2 relating to assumption of liabilities.) A transfer of property meeting the requirements of section 1031 (a) may be within the provisions of section 1031 (a) even though the taxpayer transfers in addition property not meeting the requirements of section 1031 (a) or money. However, the nonrecognition treatment provided by section 1031 (a) does not apply to the property transferred which does not meet the requirements of section 1031 (a).

(b) As used in section 1031 (a), the words "like kind" have reference to the nature or character of the property and not to its grade or quality. One kind or class of property may not, under such section, be exchanged for property of a different kind or class. The fact that any real estate involved is improved or unimproved is not material, for such fact relates only to the grade or quality of the property and not to its kind or class. Unproductive real estate held by one other than a dealer for future use or future realization of the increment in value is held for investment and not primarily for sale.

(c) No gain or loss is recognized if (1) a taxpayer exchanges property held for productive use in his trade or business, together with cash, for other property of like kind for the same use, such as a truck for a new truck or a passenger automobile for a new passenger automobile to be used for a like purpose, or (2) a taxpayer who is not a dealer in real estate exchanges city real estate for a ranch or farm, or exchanges a leasehold of a fee with 30 years or more to run for real estate, or exchanges improved real estate for unimproved real estate, or (3) a taxpayer exchanges investment property and cash for investment property of a like kind.

(d) Gain or loss is recognized if, for instance, a taxpayer exchanges (1) Treasury bonds maturing March 15, 1958, for Treasury bonds maturing December 15, 1968, or (2) a real estate mortgage for consolidated farm loan bonds.

§ 1.1031 (b) *Statutory provisions; exchange of property held for productive use or investment; gain from exchanges not solely in kind.*

SEC. 1031. *Exchange of property held for productive use* or investment. * * *

(b) *Gain from exchanges not solely in kind.* If any exchange would be within the provisions of subsection (a), of section 1035 (a), or of section 1036 (a), if it were not for the fact that the property received in exchange consists not only of property permitted by such provisions to be received without the recognition of gain, but also of other property or money, then the gain, if any, to the recipient shall be recognized, but in an amount not in excess of the sum of such money and the fair market value of such other property.

§ 1.1031 (b)-1 *Receipt of other property or money in tax-free exchange.* (a) If there is received by the taxpayer other property (in addition to property permitted to be received without recognition of gain) or money (1) in an exchange described in section 1031 (a) of property held for investment or productive use in trade or business for property of like kind to be held either for productive use or for investment, or (2) in an exchange described in section 1035 (a) of insurance policies or annuity contracts, or (3) in an exchange described in section 1036 (a) of common stock for common stock, or preferred stock for preferred stock, in the same corporation and not in connection with a corporate reorganization, then—

(i) The gain, if any, to the taxpayer will be recognized in an amount not in excess of the sum of the money and the fair market value of the other property, but

(ii) The loss, if any, to the taxpayer from such an exchange is not to be recognized to any extent (see section 1031 (c)).

(b) The application of this section may be illustrated by the following example:

*Example.* A, who is not a dealer in real estate, in 1954 exchanges real estate, which he purchased (for investment) in 1940 for $5,000, for other real estate (to be held for productive use in trade or business) which has a fair market value of $6,000, and $2,000 in cash. The gain from the transaction is $3,000, but is recognized only to the extent of the cash received of $2,000.

(c) Consideration received in the form of an assumption of liabilities (or a transfer subject to a liability) is to be treated as "other property or money" for the purposes of section 1031 (b).

§ 1.1031 (c) *Statutory provisions; exchange of property held for productive use or investment; loss from exchanges not solely in kind.*

SEC. 1031. *Exchange of property held for productive use or investment.* * * *

(c) *Loss from exchanges not solely in kind.* If an exchange would be within the provisions of subsection (a), of section 1035 (a), or of section 1036 (a), if it were not for the fact that the property received in exchange consists not only of property permitted by such provisions to be received without the recognition of gain or loss, but also of other property or money, then no loss from the exchange shall be recognized.

§ 1.1031 (c)-1 *Nonrecognition of loss.* Section 1031 (c) provides that a loss shall not be recognized from an exchange of property described in sections 1031 (a), 1035 (a), or 1036 (a) where there is received in the exchange other property or money in addition to property permitted to be received without recognition of gain or loss.

§ 1.1031 (d) *Statutory provisions; exchange of property held for productive use or investment; basis.*

SEC. 1031. *Exchange of property held for productive use or investment.* * * *

(d) *Basis.* If property was acquired on an exchange described in this section, section 1035 (a), or section 1036 (a), then the basis shall be the same as that of the property exchanged decreased in the amount of any money received by the taxpayer and increased in the amount of gain to the taxpayer that was recognized on such exchange. If the property so acquired consisted in part of the type of property permitted by this section, section 1035 (a), or section 1036 (a), to be received without the recognition of gain or loss, and in part of other property, the basis provided in this paragraph shall be allocated between the properties (other than money) received, and for the purpose of the allocation there shall be assigned to such other property an amount equivalent to its fair market value at the date of the exchange. For purposes of this section, section 1035 (a), and section 1036 (a), where as part of the consideration to the taxpayer another party to the exchange assumed a liability of the taxpayer or acquired from the taxpayer property subject to a liability, such assumption or acquisition (in the amount of the liability) shall be considered as money received by the taxpayer on the exchange.

§ 1.1031 (d)-1 *Property acquired upon a tax-free exchange.* (a) In the case of an exchange of property solely of the type described in section 1031, section

1035 (a), or section 1036 (a), if no part of the gain or loss was recognized under the law applicable to the year in which the exchange was made, the basis of the property acquired is the same as the basis of the property transferred by the taxpayer with proper adjustments to the date of the exchange.

(b) If, in an exchange of properties of the type indicated in section 1031, section 1035 (a), or section 1036 (a), gain to the taxpayer was recognized under the provisions of section 1031 (b) or a similar provision of a prior revenue law, on account of the receipt of money in the transaction, the basis of the property acquired is the basis of the property transferred (adjusted to the date of the exchange), decreased by the amount of money received and increased by the amount of gain recognized on the exchange. The application of this paragraph may be illustrated by the following example:

*Example.* A, an individual in the moving and storage business, in 1954 transfers one of his moving trucks with an adjusted basis in his hands of $2,500 to B in exchange for a truck (to be used in A's business) with a fair market value of $2,400 and $200 in cash. A realizes a gain of $100 upon the exchange, all of which is recognized under section 1031 (b). The basis of the truck acquired by A is determined as follows:

| | |
|---|---|
| Adjusted basis of A's former truck | $2,500 |
| Less: Amount of money received | 200 |
| Difference | 2,300 |
| Plus: Amount of gain recognized | 100 |
| Basis of truck acquired by A | 2,400 |

(c) If, upon an exchange of properties of the type described in section 1031, section 1035 (a), or section 1036 (a), there was received by the taxpayer other property (not permitted to be received without the recognition of gain) and gain from the transaction was recognized as required under section 1031 (b), or a similar provision of a prior revenue law, the basis (adjusted to the date of the exchange) of the property transferred by the taxpayer, decreased by the amount of any money received and increased by the amount of gain recognized, must be allocated to and is the basis of the properties (other than money) received on the exchange. For the purpose of the allocation of the basis to the properties received, there must be assigned to such other property an amount equivalent to its fair market value at the date of the exchange. The applicaton of this paragraph may be illustrated by the following example:

*Example.* A, who is not a dealer in real estate, in 1954 transfers real estate which he purchased (for investment) in 1940 for $10,000 in exchange for other real estate (to be held for investment) which has a fair market value of $9,000, an automobile which has a fair market value of $2,000 and $1,500 in cash. A realizes a gain of $2,500, all of which is recognized under section 1031 (b). The basis of the property received in exchange is the basis of the real estate A transfers ($10,000) decreased by the amount of money received ($1,500) and increased in the amount of gain that was recognized ($2,500), which results in a basis for the property received of $11,000. This basis of $11,000 is allocated between the automobile and the real estate received by A, the basis of the automobile being its fair market value at the date of the exchange, $2,000, and the basis of the real estate received being the remainder, $9,000.

(d) Section 1031 (c) and, with respect to section 1031 and section 1036 (a), similar provisions of prior revenue laws provide that no loss may be recognized on an exchange of properties of a type described in section 1031, section 1035 (a), or section 1036 (a), although the taxpayer receives other property or money from the transaction. However, the basis of the property or properties (other than money) received by the taxpayer is the basis (adjusted to the date of the exchange) of the property transferred, decreased by the amount of money received. This basis must be allocated to the properties received, and for this purpose there must be allocated to such other property an amount of such basis equivalent to its fair market value at the date of the exchange.

§ 1.1031 (d)–2 *Treatment of assumption of liabilities.* For the purposes of section 1031, section 1035 (a), and section 1036 (a), the amount of any liabilities of the taxpayer assumed by the other party to the exchange (or of any liabilities to which the exchange is subject) is to be treated as money received by the taxpayer upon the exchange, whether or not the assumption resulted in a recognition of gain or loss to the taxpayer under the law applicable to the year in which the exchange was made. See § 1.1002–2 relating to assumption of liabilities. The application of this section may be illustrated by the following example:

*Example.* B, an individual, owns an apartment house which has an adjusted basis in his hands of $500,000, but which is subject to a mortgage of $150,000. On September 1, 1954, he transfers such apartment house to C, receiving in exchange therefor $50,000 in cash and another apartment house with a fair market value on that date of $600,000. The transfer to C is made subject to the $150,000 mortgage. B realizes a gain of $300,000 on the exchange, computed as follows:

| | |
|---|---|
| Value of property received | $600,000 |
| Cash | 50,000 |
| Liabilities subject to which old property was transferred | 150,000 |
| Total consideration received | 800,000 |
| Less: Adjusted basis of property transferred | 500,000 |
| Gain realized | 300,000 |

Under section 1031 (b), $200,000 of the $300,000 gain is recognized. The basis of the apartment house acquired by B upon the exchange is $500,000, computed as follows:

| | | |
|---|---|---|
| Adjusted basis of property transferred | | $500,000 |
| Less: Amount of money received: | | |
| Cash | $50,000 | |
| Amount of liabilities subject to which property was transferred | 150,000 | |
| | | 200,000 |
| Difference | | 300,000 |
| Plus: Amount of gain recognized upon the exchange | | 200,000 |
| Basis of property acquired upon the exchange | | 500,000 |

§ 1.1032 *Statutory provisions; exchange of stock for property.*

SEC. 1032. *Exchange of stock for property*—(a) *Nonrecognition of gain or loss.* No gain or loss shall be recognized to a corporation on the receipt of money or other property in exchange for stock (including treasury stock) of such corporation.

(b) *Basis.* For basis of property acquired by a corporation in certain exchanges for its stock, see section 362.

§ 1.1032–1 *Disposition by a corporation of its own capital stock.* (a) The disposition by a corporation of shares of its own stock (including treasury stock) for money or other property does not give rise to taxable gain or deductible loss to the corporation regardless of the nature of the transaction or the facts and circumstances involved. For example, the receipt by a corporation of the subscription price of shares of its stock upon their original issuance gives rise to neither taxable gain nor deductible loss, whether the subscription or issue price be equal to, in excess of, or less than, the par or stated value of such stock. Also, the exchange or sale by a corporation of its own shares for money or other property does not result in taxable gain or deductible loss, even though the corporation deals in such shares as it might in the shares of another corporation.

(b) Section 1032 (a) does not apply to the extent that a corporation transfers shares of its own stock (including treasury stock) as compensation for services rendered or to be rendered. Whether such transfers give rise to taxable gain or deductible loss to a corporation depends upon the real nature of the transaction, which is to be ascertained from all its facts and circumstances. If such transfer is made by the original issuance by a corporation of shares of its stock there is no taxable gain or deductible loss. If such transfer does not involve the original issuance by a corporation of shares of its stock there is no taxable gain or deductible loss if the corporation is not dealing in its own shares as it might in the shares of another corporation; however, if the corporation is dealing in its own shares as it might in the shares of another corporation, the resulting gain or loss is to be computed in the same manner as though the corporation were dealing in the shares of another.

(c) Section 1032 (a) does not apply where a corporation receives its own stock unless the receipt of such stock is in exchange for stock (including treasury stock) of the corporation. See § 1.311–1 (e) relating to treatment of acquisitions of a corporation's own stock. Similarly, section 1032 (a) does not relate to the tax treatment of the recipient of a corporation's stock. Accordingly, if a corporation receives its own stock in exchange for its stock (including treasury stock) the transaction may qualify not only under section 1032 (a), but also under section 368 (a) (1) (E) (recapitalization) or section 305 (a) (distribution of stock and stock rights).

(d) For basis of property acquired by a corporation in certain exchanges for its stock, see section 362.



§ 1.1036 *Statutory provisions; stock for stock of same corporation.*

SEC. 1036. *Stock for stock of same corporation*—(a) *General rule.* No gain or loss shall be recognized if common stock in a corporation is exchanged solely for common stock in the same corporation, or if preferred stock in a corporaton is exchanged solely for preferred stock in the same corporation.

(b) *Cross references.* (1) For rules relating to recognition of gain or loss where an exchange is not solely in kind, see subsections (b) and (c) of section 1031.

(2) For rules relating to the basis of property acquired in an exchange described in subsection (a), see subsection (d) of section 1031.

§ 1.1036–1 *Stock for stock of the same corporation.* (a) Section 1036 permits the exchange, without the recognition of gain or loss, of common stock for common stock, or of preferred stock for preferred stock, in the same corporation. It is not limited to an exchange between two individual stockholders; it includes a transaction between a stockholder and the corporation. However, a transaction between a stockholder and the corporation may qualify not only under section 1036 (a), but also under section 368 (a) (1) (E) (recapitalization) or section 305 (a) (distribution of stock and stock rights). The provisions of section 1036 (a) do not apply if stock is exchanged for bonds, or preferred stock is exchanged for common stock, or common stock is exchanged for preferred stock, or common stock in one corporation is exchanged for common stock in another corporation. See § 1.301–1 (1) for certain transactions treated as distributions under section 301. See § 1.368–2 (e) for certain transactions treated as distributions under section 305 (b) (1).

(b) For rules relating to recognition of gain or loss where an exchange is not wholly in kind, see subsections (b) and (c) of section 1031. For rules relating to the basis of property acquired in an exchange described in paragraph (a) of this section, see subsection (d) of section 1031.

(c) A transfer is not within the provisions of section 1036 (a) if as part of the consideration the other party to the exchange assumes a liability of the taxpayer (or if the property transferred is subject to a liability), but the transfer, if otherwise qualified, will be within the provisions of section 1031 (b).

[F. R. Doc. 56–4198; Filed, May 28, 1956; 8:47 a. m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### [ 7 CFR Part 989 ]

HANDLING OF RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

NOTICE OF FURTHER MODIFICATION OF MINIMUM GRADE AND CONDITION STANDARDS FOR NATURAL CONDITION RAISINS

Notice is hereby given that the Secretary of Agriculture is considering a proposed rule to modify further the minimum grade and condition standards for natural condition raisins, as hereinafter set forth. The further modification of such minimum grade and condition standards is proposed after consideration of the recommendation submitted by the Raisin Administrative Committee and other information available to the Secretary, in accordance with the applicable provisions of Marketing Agreement No. 109, as amended, and Marketing Order No. 89, as amended (20 F. R. 6435), regulating the handling of raisins produced from raisin variety grapes grown in California, effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Consideration will be given to any data, views or arguments pertaining thereto which are filed in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., and received not later than the close of business on the fifteenth day after the date of publication of this notice in the FEDERAL REGISTER, except that, if said fifteenth day after publication should fall on a legal holiday or Saturday or Sunday, each submission will be received by the Director not later than the close of business on the next following business day.

The proposed modification would change from 14 percent to 15 percent the permitted moisture content of natural condition Golden Seedless, Sulfur Bleached, and Soda Dipped raisins received by handlers. The committee has concluded that such a change for Golden Seedless raisins would be desirable. Available evidence indicates that natural condition Golden Seedless raisins containing 15 percent moisture as a maximum may be stored satisfactorily, and that they may be processed within the 18 percent maximum moisture content permitted by the applicable provisions of the United States Standards for Grades of Processed Raisins. The present requirements with respect to moisture content are the same for Sulfur Bleached and Soda Dipped raisins as for Golden Seedless raisins. While the production of Sulfur Bleached and Soda Dipped raisins in most years is negligible, it appears that the reasons for a change in the permitted maximum moisture content of Golden Seedless also apply to the other two varietal types. Hence, the same change in moisture content is proposed for natural condition raisins of the three varietal types.

The proposed modification is as follows:

The minimum grade and condition standards prescribed in § 989.97 for natural condition raisins, as heretofore modified (20 F. R. 7808; 21 F. R. 1; 21 F. R. 130), are further modified by changing the parenthetical phrase appearing in § 989.97 A 3 which reads "(except Golden Seedless, Sulfur Bleached, and Soda Dipped shall not exceed 14 percent)" to read: "(except Golden Seedless, Sulfur Bleached, and Soda Dipped shall not exceed 15 percent)".

Dated: May 24, 1956.

[SEAL] S. R. SMITH,
*Director,*
*Fruit and Vegetable Division.*

[F. R. Doc. 56–4212; Filed, May 28, 1956; 8:50 a. m.]

### [ 7 CFR Part 1017 ]

[AO–283]

HANDLING OF ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

NOTICE OF HEARING WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR 900.0 et seq.), notice is hereby given of a public hearing to be held at the Dairyman's Hall, Caldwell, Idaho, beginning at 9:30 a. m., local time, June 20, 1956, with respect to proposed Marketing Agreement No. 130 and Order No. 117, regulating the handling of onions grown in the certain designated counties in Idaho and Malheur County, Oregon. The proposed marketing agreement and order have not received the approval of the Secretary of Agriculture.

The public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the provisions of the marketing agreement and order, hereinafter set forth, or appropriate modifications thereof.

Growers and shippers in the State of Oregon as represented by the Malheur County Onion Growers Association, and in the State of Idaho as represented by the Southwestern Idaho Onion Growers Association requested a hearing on the following proposed marketing agreement and order authorizing regulation of the handling of onions in the proposed production area.

DEFINITIONS

§ 1017.1 *Secretary.* "Secretary" means the Secretary of Agriculutre of the United States or any officer or employee of the United States Department of Agriculture to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 1017.2 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq., 68 Stat. 906, 1047).

§ 1017.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 1017.4 *Production area.* "Production area" means all territory included within the boundaries of the Counties of Malheur in Oregon, and all counties south of the southern boundary of Idaho County in the State of Idaho.

§ 1017.5 *Onions.* "Onions" means all varieties of onions grown within the production area.

§ 1017.6 *Handler.* "Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of onions owned by another person) who handles onions or causes onions to be handled.

§ 1017.7 *Handle.* "Handle" or "ship" means to sell or transport onions within the production area or between the production area and any point outside thereof.

§ 1017.8 *Grading.* "Grading" means the sorting, or separation of onions into grades and sizes for market purposes.

§ 1017.9 *Grade and size.* "Grade" means any one of the officially established grades of onions and "size" means any one of the officially established sizes of onions, as defined and set forth in the "United States Standards for Northern Grown Onions," issued by the United States Department of Agriculture, effective July 31, 1944, or amendments thereto, or modification thereof, or variations based thereon.

§ 1017.10 *Producer.* "Producer" means any person engaged in the production of onions for market.

§ 1017.11 *Committee.* "Committee" means the Idaho-Eastern Oregon Onion Administrative Committee established pursuant to § 1017.20.

§ 1017.12 *Fiscal period.* "Fiscal period" means the period beginning and ending on the dates approved by the Secretary pursuant to recommendations by the committee.

§ 1017.13 *Varieties.* "Varieties" means and includes all classifications or subdivision of onions according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 1017.14 *Export.* "Export" means shipment of onions beyond the boundaries of continental United States.

§ 1017.15 *District.* "District" means each of the geographical divisions of the production area initially established or as reestablished pursuant to § 1017.27.

§ 1017.16 *Pack.* "Pack" means a unit of onions in any type of container and which falls within specific weight limits or within specific grade limits, or both, recommended by the committee and approved by the Secretary.

§ 1017.17 *Container.* "Container" means a sack, box, bag, crate, hamper, basket, carton, package, or any other type of unit used in the packaging, transportation, sale, shipment or handling of onions.

ADMINISTRATIVE COMMITTEE

§ 1017.20 *Establishment and membership.* (a) The Idaho-Eastern Oregon Onion Administrative Committee consisting of ten members, of whom six shall be producers and four shall be handlers, is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(b) An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate, during such member's absence and perform other duties as assigned. In the event of the death, removal, resignation or disqualification of a member his alternate shall act for him until a successor for such member is selected and qualified.

§ 1017.21 *Procedure.* (a) Seven members of the committee shall be necessary to constitute a quorum and seven concurring votes will be required to pass any motion or approve any committee action.

(b) The committee may provide for meeting by telephone, telegraph, or other means of communication and any vote cast at such meeting shall be confirmed promptly in writing: *Provided,* That if any assembled meeting is held, all votes shall be cast in person.

§ 1017.22 *Selection.* (a) Persons selected as committee members or alternates to represent producers or handlers shall be producers or handlers, respectively, or officers or employees of a corporate producer or handler, respectively, in the district for which selected.

(b) The Secretary shall select one producer member of the committee, with his respective alternate from each of the districts designated in § 1017.27. The Secretary shall also select one handler member of the committee, with his respective alternate, from Idaho and from Oregon and two handler members with their respective alternates from the production area at large.

(c) Any person selected by the Secretary as a committee member or as an alternate shall qualify by filing a written acceptance with the Secretary.

§ 1017.23 *Term of Office.* (a) The term of office of committee members and alternates shall be for two years beginning on the first day of June and continuing until May 31, and until their successors are selected and have qualified. The terms of office of such members and alternates shall be so determined that one-half of the total Committee membership shall terminate each May 31.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify during the current term of office and continuing until the end thereof, and until their successors are selected and have qualified.

§ 1017.24 *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this part in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this part;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this part; and

(d) To recommend to the Secretary amendments to this part.

§ 1017.25 *Duties.* It shall be the duty of the committee:

(a) At the beginning of each fiscal year, to meet and organize, to select a chairman and such other officers as may be necessary, to select subcommittees of committee members, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(b) To act as intermediary between the Secretary and any producer or handler;

(c) To furnish to the Secretary such available information as he may request;

(d) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(e) To investigate, from time to time, and to assemble data on the growing, harvesting, shipping, and marketing conditions with respect to onions, and to engage in such research and service activities which relate to the handling or marketing of onions as may be approved by the Secretary;

(f) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative;

(g) To make available to producers and handlers the committee voting record on recommended regulations and on other matters of policy;

(h) At the beginning of each fiscal period, to submit to the Secretary a budget of its expenses for such fiscal period, together with a report thereon;

(i) To cause the books of the committee to be audited by a competent accountant at least once each fiscal period, and at such other time as the committee may deem necessary or as the Secretary may request. The report of such audit shall show the receipt and expenditure of funds collected pursuant to this subpart; a copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers; and

(j) To consult, cooperate and exchange information with other onion marketing committees and other individuals or agencies in connection with all proper committee activities and objectives under this subpart.

§ 1017.26 *Expenses and compensation.* Committee members and their respective alternates when acting on committee business, shall be reimbursed for expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this subpart, and may receive compensation at a rate to be determined by the committee and approved by the Secretary, not to exceed $10 for each day, or portion thereof, spent in attending to committee business: *Provided,* That at its discretion the committee may request the attendance of one or more alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members, and may pay expenses and compensation, as aforesaid.

§ 1017.27 *Districts.* (a) For the purpose of selecting committee members, the following districts of the production area are hereby initially established:

District No. 1: Emmett, Payette, Weiser Area District. To include all territory within the boundary of Washington, Payette and Gem counties, in Idaho.

District No. 2: Oregon Slope. All territory within a boundary following the Snake River north from the junction of the Malheur, to the West line of Range 46E. Thence South along this line to the South line of Ts. 17S, and thence East along this line to its junction with the Malheur River, and thence East along the Malheur River to the junction with the Snake River, the point of beginning.

District No. 3: Ontario, Vale, Jamieson, Brogan. All territory within a boundary running West along the Malheur River from its junction with the Snake River, to the intersection of the Malheur with the South line of Ts. 17 South, thence, West along this line to the West line of Range 45E; thence North along this line to the North boundary of Malheur County; thence West along this line to the West line of Range 42E; thence South along this line to the South line of Ts. 20S; thence East along this line to the East line of Range 44E; thence East North along this line to the South line of Ts. 18S; thence East along this line to its intersection with the Hyline Canal; thence North along the Hyline Canal and siphon to its intersection with Highway 28; thence East along Highway 28 to Cairo Jct; thence South along Highway 20 to the junction of Oregon Avenue; thence East along Oregon Avenue to the Snake River; thence North along the Snake River to its junction with the Malheur, the point of beginning.

District No. 4: Nyssa and Adrian. All territory within a boundary beginning at the junction of Oregon Avenue and the Snake River; thence West along Oregon Avenue to its junction with Highway 20, thence North along Highway 20 to Cairo Junction; thence West along Highway 28 to its junction with the Hyline Canal siphon; thence South and West along the Hyline Canal to its junction with the Owyhee River; thence East along the Owyhee River to its junction with the East line of Range 45E; thence South along this line to the South line of T 22S; thence East along this line to the Oregon-Idaho State line; thence North along the State line to the junction of the Snake River and Oregon Avenue, the point of beginning.

District No. 5: Parma, Wilder, Nampa and Notus Area District, to include all territory within the boundary of Canyon County, Idaho.

District No. 6: Homedale, Marsing, Meridian, Melba, Mountain Home, Glenns Ferry and Twin Falls Area District, to include all other counties south of the southern boundary of Idaho County in the State of Idaho.

(b) The Secretary, upon the recommendation of the committee, may reestablish districts within the production area and may reapportion committee membership among the various districts: *Provided,* That in recommending any such changes in districts or representation, the committee shall give consideration to: (1) The relative importance of new areas of production; (2) changes in the relative position, with respect to production of existing districts; (3) the geographic location of areas of production as they would affect the efficiency of administering the marketing agreement and order; and (4) other relevant factors: *Provided further,* That there shall be no change in the total number of committee members or in the total number of districts.

§ 1017.28 *Nominations.* The Secretary may select the members of the Idaho-Eastern Oregon Onion Committee and their respective alternates from nominations which may be made in the following manner:

(a) The committee shall hold or cause to be held prior to April 1 of each year, after the effective date of this subpart, a meeting or meetings of producers and of handlers in the production area;

(b) In arranging for such meetings the committee may, if it deems desirable, utilize the services and facilities of existing organizations and agencies;

(c) Nominations for committee members and alternate members shall be supplied to the Secretary in such manner and form as he may prescribe, not later than 30 days prior to the end of each fiscal period;

(d) Only producers may participate in designating nominees for producer committee members and their alternates and only handlers may participate in designating nominees for handler committee members and their alternates;

(e) Each person who is both a handler and a producer may vote either as a handler or as a producer and may elect the group in which he votes; and

(f) Regardless of the number of districts in which a person handles or produces onions, each such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates and representatives, in designating nominees for committee members and alternates. In the event a person is engaged in handling or producing onions in more than one district, such person shall elect the district within which he may participate as aforesaid in designating nominees. An eligible voter's privilege of casting only one vote, as aforesaid, shall be construed to permit a voter to cast one vote for each position to be filled in the respective district in which he elects to vote.

§ 1017.29 *Failure to nominate.* If nominations are not made within the time and in the manner specified by the Secretary pursuant to § 1017.28, the Secretary may, without regard to nominations, select the committee members and alternates on the basis of the representation provided for in this subpart.

§ 1017.30 *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a committee member or as an alternate to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate, a successor for his unexpired term may be selected by the Secretary from nominations made in the manner specified in § 1017.28, or the Secretary may select such committee member or alternate from previously unselected nominees on the current nominee list from the district involved. If the names of nominees to fill any such vacancy are not made available within 30 days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of the representation provided for in this subpart.

EXPENSES AND ASSESSMENTS

§ 1017.40 *Expenses.* The committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred during each fiscal period for its maintenance and functioning, and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. Handlers shall share expenses upon the basis of a fiscal period. Each handler's share of such expense shall be proportionate to the ratio between the total quantity of onions handled by him as the first handler thereof during a fiscal period and the total quantity of onions handled by all handlers as first handlers thereof during the same period.

§ 1017.41 *Budget.* At the beginning of each fiscal period, and as may be necessary thereafter, the committee shall prepare a budget of estimated income and expenditures necessary for the administration of this part. The committee may recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget promptly to the Secretary with an accompanying report showing the basis for its calculations.

§ 1017.42 *Assessments.* (a) The funds to cover the committee's expenses pursuant to § 1017.40 shall be acquired by the levying of assessments upon handlers as provided in this subpart. Each handler who ships onions as the first handler thereof shall pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of such expenses.

(b) Assessments shall be levied upon handlers at rates established by the Secretary. Such rates may be established upon the basis of the committee's recommendations or other available information.

(c) At any time during or subsequent to a given fiscal period, the committee may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendation, or other available information, the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all onions which were regulated under this part and which were shipped by the first handler thereof during such fiscal period.

§ 1017.43 *Accounting.* (a) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part.

(b) The Secretary may at any time require the committee, its members and alternates, employees, agents, and all other persons to account for all receipts and disbursements, funds, property, or

records for which they are responsible. Whenever any person ceases to be a member or alternate of the committee, he shall account for all receipts, disbursements, funds, and property (including but not being limited to books and other records) pertaining to the committee's activities for which he is responsible, and deliver all such property and funds in his hands to such successor, agency, or person as may be designated by the Secretary, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in each such successor, committee or designated person, the right to all of such property and funds and all claims vested in such person.

(c) The committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other committee property during periods of suspension of this part, or during any period or periods when regulations are not in effect and; if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for the committee.

§ 1017.44 *Refunds.* Monies arising from the excess of assessments over expenses shall be accounted for as provided in this section. Each handler entitled to a proportionate refund of the excess assessments at the end of a fiscal period shall be credited with such refund against the operations of the following fiscal period unless he demands payment thereof, in which event such proportionate refund shall be paid to him. However, the Secretary, upon recommendation of the committee may determine that it is appropriate for the maintenance and functioning of the committee that some of the funds remaining at the end of a fiscal period which are in excess of the expenses necessary for committee operations during such period may be carried over into following periods as a reserve for possible liquidation. Upon approval by the Secretary, such reserve may be used upon termination of this order to liquidate the affairs of the committee: *Provided,* That upon termination of this part any monies in the reserve for liquidation which are not required to defray the necessary expenses of committee liquidation shall, to the extent practical, be returned upon a pro rata basis to all persons from whom such funds were collected.

RESEARCH AND DEVELOPMENT

§ 1017.47 *Research and development.* The committee, with the approval of the Secretary, may provide for the establishment of research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of onions.

QUALITY REGULATION

§ 1017.50 *Marketing policy*—(a) *Preparation.* Prior to each marketing season the committee shall consider and prepare a proposed policy for the marketing of onions. In developing its marketing policy the committee shall investigate relevant supply and demand conditions for onions. In such investigations the committee shall give appropriate consideration to the following:

(1) Market prices for onions, including prices by variety, grade, size, and quality in different packs, or any other shipping unit;

(2) Supply of onions by grade, size, and quality in the production area and in other production areas;

(3) The trend and level of consumer income;

(4) Establishing and maintaining orderly marketing conditions for onions;

(5) Orderly marketing of onions as will be in the public interest; and

(6) Other relevant factors.

(b) *Reports.* (1) The committee shall submit a report to the Secretary setting forth the aforesaid marketing policy and the committee shall notify producers and handlers of the contents of such report.

(2) In the event it becomes advisable to shift from such marketing policy because of changed supply and demand conditions, the committee shall prepare a new marketing policy in accordance with the manner previously outlined. The committee shall submit a report thereon to the Secretary and notify producers and handlers of the contents of such report on the revised or amended marketing policy.

§ 1017.51 *Recommendations for regulations.* The committee shall recommend regulations to the Secretary whenever it finds that such regulations, as provided in § 1017.52, will tend to effectuate the declared policy of the act. The committee also may recommend modification, suspension, or termination of any regulation, or amendments thereto, in order to facilitate shipments of onions for the purposes authorized in § 1017.53. The committee may also recommend termination or suspension of any regulation issued under this part.

§ 1017.52 *Issuance of regulations.* (a) The Secretary shall limit the shipment of onions by any one or more of the methods hereinafter set forth whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulation would tend to effectuate the declared policy of the act. Such limitation may:

(1) Regulate in any or all portions of the production area, the shipment of particular grades, sizes, or qualities, of any or all varieties of onions, or both, during any period;

(2) Regulate the shipment of particular grades, sizes, or qualities, of onions differently, for different varieties, for different portions of the production area, for different packs, for different containers, or for any combination of the foregoing, during any period;

(3) Provide a method through rules and regulations, issued pursuant to this part for fixing the size, capacity, weight, dimensions, or pack of the container, or containers, which may be used in the packaging or handling of onions, or both;

(4) Regulate the shipment of onions by establishing, in terms of grades, sizes, or both, minimum standards of quality; or

(5) Prohibit the handling of onions during a specified period or periods. No regulation issued pursuant to this subparagraph shall be effective for more than 96 consecutive hours: *Provided,* That not less than 72 consecutive hours shall elapse between the termination of any such period of limitation and the beginning of the next such period.

(b) In the event the handling of onions is regulated pursuant to paragraph (a) (5) of this section, no handler shall handle any such onions which were prepared for market during the effective period of such regulation.

(c) The Secretary may amend any regulation issued under this part whenever he finds that such amendment would tend to effectuate the declared policy of the act. The Secretary may also terminate or suspend any regulation or amendment thereof whenever he finds that such regulation or amendment obstructs or no longer tends to effectuate the declared policy of the act.

§ 1017.53 *Modification, suspension, or termination.* Upon the basis of recommendations and information submitted by the committee, or other available information, the Secretary shall modify, suspend, or terminate regulations issued pursuant to §§ 1017.42, 1017.52, 1017.60, or any combination thereof, in order to facilitate shipments of onions for the following purposes whenever he finds that it will tend to effectuate the declared policy of the act:

(a) For grading or storage within the production area;

(b) For export;

(c) For manufacture or conversion into specified products;

(d) For livestock feed;

(e) For seed; and

(f) For other purposes which may be specified.

§ 1017.54 *Minimum quantity regulation.* The committee with the approval of the Secretary, may establish for any or all portions of the production area minimum quantities below which shipments will be free from regulations issued pursuant to §§ 1017.42, 1017.52, 1017.53, 1017.60, or any combination thereof.

§ 1017.55 *Notification of regulation.* The Secretary shall notify the committee of any regulations issued or of any modification, suspension, or termination thereof. The committee shall give reasonable notice thereof to handlers.

§ 1017.56 *Safeguards.* (a) The committee, with the approval of the Secretary, may prescribe adequate safeguards to prevent shipments pursuant to §§ 1017.53 or 1017.54 from entering channels of trade for other than the specific purpose authorized therefor, and rules governing the issuance and the contents of Certificates of Privilege if such certificates are prescribed as safeguards by the committee. Such safeguards may include requirements that:

(1) Handlers shall file applications with the committee to ship onions pursuant to § 1017.53;

(2) Handlers shall obtain inspection provided by § 1017.60, or pay the pro rata share of expenses provided by § 1017.42, or both, in connection with onion shipments effected under the provisions of § 1017.53: *Provided,* That such inspection or payment of expenses may be required at different times than otherwise specified by the aforesaid sections; and

(3) Handlers shall obtain Certificates of Privilege from the committee for shipments of onions effected or to be effected under the provision of § 1017.53.

(b) The committee may rescind or deny Certificates of Privilege to any shipper if proof is obtained that onions shipped by him for the purposes stated in § 1017.53 were handled contrary to the provisions of this subpart.

(c) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

(d) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of onions covered by such applications, the number of such applications denied and certificates granted, the quantity of onions shipped under duly issued certificates, and such other information as may be requested.

INSPECTION

§ 1017.60 *Inspection and certification.* (a) During any period in which shipments of onions are regulated pursuant to § 1017.42, § 1017.52, or § 1017.53, or any combination thereof, no handler shall ship onions unless each such shipment is inspected by an authorized representative of the Federal-State Inspection Services, or such other inspection service as the Secretary shall designate, except when relieved from such requirements pursuant to § 1017.53 or § 1017.54, or both.

(b) Regrading, resorting, or repacking any lot of onions shall invalidate any prior inspection certificates insofar as the requirements of this section are concerned. No handler shall ship onions after they have been regraded, resorted, repacked, or in any other way further prepared for market, unless shipment of such onions is inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary shall designate.

(c) Upon recommendation of the committee, and approval of the Secretary, all lots so inspected and certified shall be identified by appropriate seals, stamps, or tags to be affixed to the containers by the handler under the direction and supervision of the Federal-State or Federal inspector or the Committee. Master containers may bear the identification instead of the individual containers within said master container.

(d) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate is valid may be established by the committee with the approval of the Secretary.

(e) When onions are inspected in accordance with the requirements of this section, a copy of each inspection certificate issued shall be made available to the committee by the inspection service.



EFFECTIVE TIME AND TERMINATION

§ 1017.70 *Effective time.* The provisions of this subpart, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until terminated in one of the ways specified in this subpart.

§ 1017.71 *Termination.* (a) The Secretary may at any time terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(b) The Secretary may terminate or suspend the operations of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers who, during a representative period, have been engaged in the production for market of onions: *Provided,* That such majority has, during such representative period, produced for market more than fifty percent of the volume of such onions produced for market.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 1017.72 *Proceedings after termination.* (a) Upon the termination of the provisions of this subpart the then functioning members of the committee shall continue as joint trustees, for the purpose of liquidating the affairs of the committee, of all the funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant to this subpart.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 1017.73 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, nor (b) release or extinguish any violation of this subpart or of any regulations issued under this subpart, nor (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violatons.

REPORTS

§ 1017.80 *Reports.* Upon request of the committee, made with approval of the Secretary, each handler shall furnish to the committee, in such manner and at such time as it may prescribe, such reports and other information as may be necessary for the committee to perform its duties under this part.

(a) Such reports may include, but are not necessarily limited to, the following: (1) The quantities of onions received by a handler; (2) the quantities disposed of by him, segregated as to the respective quantities subject to regulation and not subject to regulation; (3) the date of each such disposition and the identification of the carrier transporting such onions; and (4) identification of the inspection certificates relating to the onions which were handled, pursuant to §§ 1017.53 and 1017.54.

(b) All such reports shall be held under appropriate protective classification and custody by the committee, or duly appointed employees thereof, so that the information contained therein which may adversely affect the competitive position of any handler in relation to other handlers will not be disclosed. Compilations of general reports from data submitted by handlers is authorized, subject to prohibition of disclosure of individual handlers identities or operations.

(c) Each handler shall maintain for at least two succeeding years such records of the onions received and disposed of by such handler as may be necessary to verify the reports he submits to the committee pursuant to this section.

MISCELLANEOUS PROVISIONS

§ 1017.81 *Compliance.* Except as provided in this part, no handler shall handle onions, the handling of which has been prohibited by the Secretary in accordance with provisions of this part, and no handler shall handle onions except in conformity to the provisions of this part.

§ 1017.82 *Right of the Secretary.* The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 1017.83 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 1017.84 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the United States, or name any agency in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.

§ 1017.85 *Derogation.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 1017.86 *Personal liability.* No member or alternate of the committee nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, agent, or employee, except for acts of dishonesty, wilful misconduct, or gross negligence.

§ 1017.87 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 1017.88 *Amendments.* Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary.

§ 1017.89 *Counterparts.* This agreement may be executed in multiple counterparts and when one counterpart is signed by the Secretary all such counterparts shall constitute, when taken together, one and the same instrument as if all signatures were contained in one original.[1]

§ 1017.90 *Additional parties.* After the effective date hereof, any handler who has not previously executed this agreement may become a party hereto if a counterpart hereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.[1]

§ 1017.91 *Order with marketing agreement.* Each signatory handler favors and approves the issuance of an order by the Secretary regulating the handling of onions in the same manner as is provided for in this agreement; and each signatory handler hereby requests the Secretary to issue, pursuant to the act, such an order.[1]

[1] Applicable only to the proposed marketing agreement.

Copies of this notice may be obtained from the Hearing Clerk, Administration Building, United States Department of Agriculture, Washington 25, D. C. or may be there inspected.

Dated: May 24, 1956.

[SEAL] F. R. BURKE,
*Acting Deputy Administrator.*

[F. R. Doc. 56-4213; Filed, May 28, 1956; 8:50 a. m.]

## CIVIL AERONAUTICS BOARD

### [ 14 CFR Parts 43, 60 ]

[Draft Release 56-7A]

VFR MINIMUMS WITHIN CONTROL ZONES FOR FLIGHTS ISSUED TRAFFIC CLEARANCE

SUPPLEMENTAL NOTICE OF PROPOSED RULE MAKING

The Bureau of Safety Regulation circulated as Civil Air Regulations Draft Release No. 56-7 on March 5, 1956, proposed amendments to Parts 43 and 60 of the Civil Air Regulations on the subject: "VFR Minimums Within Control Zones for Flights Issued Traffic Clearance." Reference is made to the draft release for a full explanation of the purpose and background of the proposed rules.

The draft release stated that all persons desiring to participate in the making of the proposed rules should submit comment to the Civil Aeronautics Board prior to May 25, 1956. The Aircraft Owners and Pilots Association requested an extension of the date for return of comment so that it could have sufficient time to secure the opinions of all of its members with respect to the proposed amendments. In view of the fact that such industry opinion will greatly aid in giving proper consideration to the issues raised by the proposals, it appears that the requested extension for the return of comment will serve a useful purpose.

Accordingly, the Bureau is extending the time for submission of comment with respect to Civil Air Regulations Draft Release No. 56-7, and the Bureau will consider written comment submitted not later than June 25, 1956. Comments should be submitted in duplicate and addressed to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C.

(Sec. 205 (a), 52 Stat. 984, 49 U. S. C. 425 (a). Interpret or apply secs. 601-610, 52 Stat. 1007-1012, as amended, 49 U. S. C. 551-560)

Dated at Washington, D. C., May 24, 1956.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
*Director.*

[F. R. Doc. 56-4225; Filed, May 28, 1956; 8:51 a. m.]

## FEDERAL RESERVE SYSTEM

### [ 12 CFR Part 222 ]

[Reg. Y]

BANK HOLDING COMPANIES

NOTICE OF PROPOSED RULE MAKING

The Board of Governors of the Federal Reserve System is considering the adoption of a new Part 222 (Regulation Y) to be issued pursuant to authority contained in the Bank Holding Company Act of 1956 (70 Stat. 133).

The proposed Part 222 is designed generally to implement the provisions of the Bank Holding Company Act of 1956, and particularly to prescribe procedures for the filing of registration statements by bank holding companies and for the handling of applications for prior approval of the Board with respect to transactions requiring such approval under that act.

This notice is published pursuant to section 4 of the Administrative Procedure Act and section 2 of the rules of procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.2).

To aid in the consideration of this matter the Board will be glad to receive from interested persons any relevant data, views or arguments. Although such material may be sent directly to the Board it is preferable that it be sent to the Federal Reserve Bank of the district which will forward it to the Board to be considered. All such material should be submitted in writing to be received not later than June 25, 1956.

The proposed Part 222 is as follows:

Sec.
222.1 Authority and scope.
222.2 Definitions.
222.3 Registration.
222.4 Acquisition of bank shares or assets.
222.5 Interests in nonbanking organizations.
222.6 Hearings and proceedings.
222.7 Reports and examinations.
222.8 Borrowing by bank holding company or its subsidiaries.
222.9 Statutory penalties.

§ 221.1 *Authority and scope.* This part is issued pursuant to the Bank Holding Company Act of 1956. Provisions relating to holding company affiliates, as defined in section 2 (c) of the Banking Act of 1933, are contained in Part 216 of this chapter (Reg. P).[1]

§ 222.2 *Definitions*—(a) *Bank holding company.* Subject to the exceptions stated in paragraph (b) of this section, the term "bank holding company" means any company:

(1) Which directly or indirectly owns, controls, or holds with power to vote either:

(i) 25 per centum or more of the voting shares of each of two or more banks, or

(ii) 25 per centum or more of the voting shares of any other company which is or becomes a bank holding company;

(2) Which controls in any manner the election of a majority of the directors of each of two or more banks;

(3) For the benefit of whose shareholders or members 25 per centum or more of the voting shares of each of two or more banks or of a bank holding company is held by trustees; or

(4) Which is a successor to any company that falls within subparagraphs (1), (2), or (3) of this paragraph, and any such successor shall be deemed to be a bank holding company from the date as of which its predecessor company became a bank holding company.

(b) *Exceptions from definition of "bank holding company".* No company shall be considered a bank holding company:

(1) If it is a bank and it would otherwise be a bank holding company only by virtue of its ownership or control of shares in a fiduciary capacity, provided such shares are not held for the benefit of the shareholders of such bank;

(2) If (i) it is registered under the Investment Company Act of 1940 and was so registered prior to May 15, 1955, or is affiliated with any such registered company in such manner as to constitute it an affiliated company within the meaning of that act, and (ii) it does not directly own 25 per centum or more of the voting shares of each of two or more banks;

(3) If it would otherwise be a bank holding company only by virtue of its ownership or control of shares acquired by it in connection with its underwriting of securities and if such shares are held only for such period of time as will permit the sale thereof upon a reasonable basis;

(4) If it was formed for the sole purpose of participating in a proxy solicitation and would otherwise be a bank holding company only by virtue of its control of voting rights of shares acquired in the course of such solicitation; or

(5) If at least 80 per centum of its total assets are composed of holdings in the field of agriculture, and for this purpose the term "agriculture" includes farming in all its branches, including fruitgrowing, dairying, the raising of livestock, bees, fur-bearing animals, or poultry, forestry or lumbering operations, and the production of naval stores, and operations directly related thereto.

(c) *Company.* The term "company" means any corporation (including a bank), business trust, association, or similar organization, except:

(1) Any corporation the majority of the shares of which are owned by the United States or by any State;

(2) Any corporation or community chest, fund, or foundation, organized and operated exclusively for religious, charitable, or education purposes, no part of the net earnings of which inures to the benefit of any private shareholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting to influence legislation; and

(3) Any partnership.

(d) *Bank.* The term "bank" means any national banking association or any State bank, savings bank, or trust company, but shall not include any organization operating under section 25 (a) of the Federal Reserve Act, or any organization which does not do any business within the United States.

(e) *State member bank.* The term "State member bank" means any State bank which is a member of the Federal Reserve System.

(f) *District bank.* The term "District bank" means any State bank organized or operating under the Code of Law for the District of Columbia.

(g) *Subsidiary.* The term "subsidiary", as used with respect to a specified bank holding company, means:

(1) Any company 25 per centum or more of whose voting shares (excluding shares owned by the United States or by any company wholly owned by the United States) is owned or controlled by such bank holding company;

(2) Any company the election of a majority of whose directors is controlled in any manner by such bank holding company; or

(3) Any company 25 per centum or more of whose voting shares is held by trustees for the benefit of the shareholders or members of such bank holding company.

(h) *Successor.* The term "successor" includes any company which acquires directly or indirectly from a bank holding company shares of any bank, when and if the relationship between such company and such bank holding company is such that the transaction effects no substantial change in the control of such bank or beneficial ownership of such shares of such bank.

(i) *Board.* The term "Board" means the Board of Governors of the Federal Reserve System.

(j) *The act.* The term "the act" means the Bank Holding Company Act of 1956.

(k) *Federal Reserve Bank.* The term "Federal Reserve Bank" as used in this part with respect to the filing of registration statements, applications, requests, or reports by a bank holding company or other company shall mean the Federal Reserve Bank of the Federal Reserve district in which such company has its principal office.

§ 222.3 *Registration*—(a) *Registration statement.* On or before November 5, 1956, or within 180 days after it becomes a bank holding company, whichever is later, each bank holding company shall register with the Board by filing with the Federal Reserve Bank a registration statement, in duplicate. Upon timely application by any bank holding company and upon a satisfactory showing as to the need therefor, the Board in its discretion may extend the time prescribed in this paragraph for the filing of a registration statement by such bank holding company.

(b) *Date of registration.* The date of registration of a bank holding company shall be the date on which its registration statement is received by the Federal Reserve Bank with which such statement is required to be filed.

§ 222.4 *Acquisition of bank shares or assets*—(a) *Transactions requiring Board approval.* Except with the prior approval of the Board or except as provided in paragraph (b) of this section:

(1) No action shall be taken which will result in any company becoming a bank holding company within the meaning of § 222.2 (a);

(2) No bank holding company shall acquire direct or indirect ownership or control of any voting shares of any bank;

(3) No bank holding company which is not a bank and no nonbanking subsidiary of a bank holding company shall acquire all or substantially all of the assets of a bank; and

(4) No bank holding company shall merge or consolidate with any other bank holding company.

(b) *Excepted transactions.* Prior approval by the Board is not necessary with respect to any of the following transactions:

(1) The acquisition by a bank holding company of direct or indirect ownership or control of any voting shares of any bank if, after such acquisition, such company will not directly or indirectly own or control more than 5 per centum of the voting shares of such bank;

(2) The acquisition by a bank holding company of additional shares in a bank in which such bank holding company owned or controlled a majority of the voting shares immediately prior to such acquisition; or

(3) The acquisition by a bank (whether such bank is a bank holding company or a subsidiary of a bank holding company) of the voting shares of any bank, if:

(i) Such shares are acquired in good faith in a fiduciary capacity and are not held for the benefit of the shareholders of the acquiring bank, or

(ii) Such shares are acquired in the regular course of securing or collecting a debt previously contracted in good faith: *Provided*, That any shares acquired after the date of the act in securing or collecting any such previously contracted debt shall be disposed of within a period of two years from the date on which they were acquired.

(c) *Applications which will not be approved.* No application will be approved by the Board if such approval would permit a bank holding company or any subsidiary thereof to acquire, directly or indirectly, any voting shares of, interest in, or all of substantially all of the assets of any bank which was not a subsidiary of the bank holding company on the date of enactment of the act and which is located outside the State in which such bank holding company maintains its principal office and place of business or in which it conducts its principal operations, unless the acquisition of such shares or assets of a State bank by an out-of-State bank holding compay is specifically authorized by the statute laws of the State in which such bank is located, by language to that effect and not merely by implication.

(d) *Submission of application.* Application for approval by the Board of any transaction requiring such approval under paragraph (a) of this section shall

[1] The Bank Holding Company Act of 1956 and this part are in addition to, and do not take the place of, provisions of other laws, such as section 5144 of the Revised Statutes, and Part 216 of this chapter (Reg. P) thereunder, which relate to holding company affiliates as distinguished from bank holding companies.

be filed, in triplicate, with the Federal Reserve Bank. Any such application shall be filed not less than 60 days before the date on which it is proposed that the transaction requiring approval be consummated. Upon timely request and upon a satisfactory showing as to the need therefor, the Board in its discretion may accept an application although submitted within such period of 60 days. A separate application shall be filed with respect to each bank the voting shares or assets of which are sought to be acquired.

(e) *Procedure on application.* A Federal Reserve Bank receiving an application under this section will forward two copies thereof to the Board. If either the applicant or the bank the voting shares or assets of which are to be acquired is a national bank or a District bank, the Board will transmit a copy of the application to the Comptroller of the Currency. If either the applicant or the bank the voting shares or assets of which are to be acquired is a State bank, the Board will transmit a copy of the application to the appropriate supervisory authority of the State in which such bank is located.

(f) *Hearings on applications.* In any case in which the Board receives written advice of disapproval of the application from the Comptroller of the Currency or the appropriate State supervisory authority, as the case may be, within 30 days from the date of receipt of the application by the notified authority, the Board will so notify the applicant in writing, directing the applicant's attention to the provisions of section 3 (b) of the act. Within three days after the date of the sending of such notice to the applicant, the Board will notify in writing the applicant and the Comptroller of the Currency or the appropriate State supervisory authority, as the case may be, of the date fixed by the Board for the commencement of a hearing on the application and of the place and time at which such hearing will be held. Any such hearing will be commenced not less than ten days nor more than thirty days after the date on which the Board sent the applicant notice of the disapproval of the Comptroller of the Currency or the appropriate State supervisory authority. All such hearings will be conducted in accordance with Part 263 of this chapter (Rules of Practice for Formal Hearings).

(g) *Action on applications.* In any case in which a hearing is held in accordance with paragraph (f) of this section, the Board, after the conclusion of such hearing, will by order grant or deny the application on the basis of the record made at such hearing. In all other cases, the Board will by order grant or deny the application after receipt by it of advice that the Comptroller of the Currency or the appropriate State supervisory authority, as the case may be, does not disapprove the application, or, if no such advise is received, after the expiration of thirty days from the date of receipt of the copy of the application by the Comptroller of the Currency or such State authority.

(h) *Factors affecting action.* In acting upon any application the Board, as required by the act, will consider the following factors:

(1) The financial history and condition of the bank holding company and the bank concerned;

(2) The prospects of the bank holding company and the bank concerned;

(3) The character of the management of the bank holding company and the bank concerned;

(4) The convenience, needs, and welfare of the communities and the area concerned; and

(5) Whether or not the effect of the proposed transaction for which approval is desired would be to expand the size or extent of the bank holding company system involved beyond limits consistent with adequate and sound banking, the public interest, and the preservation of competition in the field of banking.

§ 222.5 *Interests in nonbanking organizations*—(a) *Period allowed for divestment.* Under the act, no bank holding company, except as provided in section 4 (c) of the act, shall (1) after the date of the act acquire direct or indirect ownership or control of any voting shares of any company which is not a bank, or (2) after two years after the date of the act or from the date as of which it becomes a bank holding company, whichever is later, retain direct or indirect ownership or control of any voting shares of any company which is not a bank or a bank holding company, or engage in any business other than that of banking or of managing or controlling banks or of furnishing services to or performing services for any bank of which it owns or controls 25 per centum or more of the voting shares. Upon timely request and upon a satisfactory showing of the need therefor, the Board in its discretion may extend the two-year period referred to in the preceding sentence, except that, as provided by the act, no such extension of time may be approved by the Board for more than one year at a time or for any period beyond a date five years after the date of the act or five years after the date as of which the company became a bank holding company, whichever is later.

(b) *Shares of financial, fiduciary, or insurance companies.* Any bank holding company which proposes to acquire, or to retain after the expiration of the period referred to in paragraph (2) of section 4 (a) of the act, direct or indirect ownership or control of any voting shares of a company all of the activities of which are of a financial, fiduciary, or insurance nature, may, through the Federal Reserve Bank, request the Board to determine, pursuant to section 4 (c) (6) of the act, that the activities of such company are so closely related to the business of banking or of managing or controlling banks, as conducted by such bank holding company or its banking subsidiaries, as to be a proper incident thereto and as to make it unnecessary for the prohibitions of section 4 of the act to apply in order to carry out the purposes of the act. After receipt of any such request, the Board will notify the bank holding company of the place and time fixed for a hearing on the requested determination; and, after the conclusion of such hearing and on the basis of the record made at the hearing, the Board will by order make or decline to make the requested determination. Any such hearing shall be conducted in accordance with Part 263 of this chapter (Rules of Practice for Formal Hearings).

(c) *Tax certifications.* Any bank holding company desiring a certification by the Board for purposes of the provisions of Part VIII of Subchapter O of Chapter 1 of the Internal Revenue Code of 1954, as amended by the act, may file an application in duplicate for such certification with the Federal Reserve Bank; and any such application will be forwarded by the Federal Reserve Bank to the Board. Any application for a certification under subsections (a), (b), or (c) of section 1101 of said Part VIII shall be filed not less than sixty days in advance of the distribution, or exchange and distribution, with respect to which such certification is desired. Upon timely request by any bank holding company and upon a satisfactory showing as to the need therefor, the Board in its discretion may accept an application for any such certification although submitted within such 60-day period. The Board will by order grant or deny any application under this paragraph; and, if granted, the certification will be transmitted to the applicant and a duplicate original thereof will be forwarded to the Internal Revenue Service of the Treasury Department.

§ 222.6 *Hearings and proceedings*—(a) *Hearings.* In addition to hearings required by the act (see §§ 222.4 (f) and 222.5 (b)), a hearing may be ordered by the Board in its discretion with respect to any application or request under this part, either upon its own motion or upon the request of any party in interest, if the Board deems such hearing to be in the interests of the parties or the public interest. Hearings required by the act will ordinarily be held before trial examiners appointed in accordance with provisions of the Administrative Procedure Act.

(b) *Record of proceedings.* The record in any proceeding under this part upon which an order of the Board is based shall consist of the application or request filed with the Board in connection with such proceeding; any pertinent documents submitted by the party making such application or request; any views and recommendations received by the Board from the Comptroller of the Currency or the appropriate State supervisory authority pursuant to section 3 (b) of the act; the transcript of any hearing held with respect to such application or request and any report and recommendation made by the trial examiner or hearing officer before whom such hearing was held; any other document or writing relied upon by the Board in making disposition of the matter; and any order of the Board granting or denying the application or request.

(c) *Parties.* A party to any proceeding under this part shall include any person or agency named or admitted as a party, or any person who has filed in writing a request to be heard therein and who has sufficient legal interest to be entitled to be admitted as a party.

§ 222.7 *Reports and examinations.* Each bank holding company shall furnish to the Board a report of its operations for its fiscal year ending in 1956 or the fiscal year in which it became a bank holding company, whichever is later, and for each fiscal year thereafter until it ceases to be a bank holding company. Each such annual report shall be filed, in duplicate, with the Federal Reserve Bank. Each bank holding company shall furnish to the Board such additional information at such times as the Board may require. The Board may, through the appropriate Federal Reserve Bank, examine any bank holding company or any of its subsidiaries and the cost of any such examination shall be assessed against and paid by such bank holding company. As far as possible the Board will use reports of examinations made by the Comptroller of the Currency, the Federal Deposit Insurance Corporation, or the appropriate State bank supervisory authority for the purposes of this section.

§ 222.8 *Borrowing by bank holding company or its subsidiaries.* It is unlawful under the act for any bank which is a subsidiary of a bank holding company to make loans to, or invest in the stock or obligations of, such bank holding company or any of its subsidiaries, with certain exceptions. For statutory provisions on this subject, see section 6 of the act.

§ 222.9 *Statutory penalties.* Under the act, any company which willfully violates any provision of the act or any regulation or order issued by the Board pursuant thereto shall upon conviction be fined not more than $1,000 for each day during which the violation continues; and any individual who willfully participates in a violation of any provision of the act shall upon conviction be fined not more than $10,000 or imprisoned not more than one year, or both. Every officer, director, agent, and employee of a bank holding company is subject under the act to the same penalties for false entries in any book, report, or statement of such bank holding company as are applicable to officers, directors, agents, and employees of member banks of the Federal Reserve System for false entries in any books, reports, or statements of member banks under section 1005 of Title 18, U. S. Code.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
*Assistant Secretary.*

[F. R. Doc. 56-4207; Filed, May 28, 1956; 8:49 a. m.]



# NOTICES

## DEPARTMENT OF COMMERCE

### Federal Maritime Board

[Docket No. M-68]

GULF & SOUTH AMERICAN STEAMSHIP CO., INC.

NOTICE OF HEARING ON APPLICATION TO CHARTER

Notice is hereby given that a public hearing will be held on June 7, 1956, at 10:00 a. m., in Room 4519, New General Accounting Office Building, Fifth and G Streets NW., Washington, D. C., upon the application of Gulf & South American Steamship Co., Inc., to bareboat charter one (1) Victory type dry-cargo vessel for operation on Trade Route No. 31 between U. S. Gulf of Mexico ports and the West Coast of South America for a minimum period of six (6) months, pursuant to section 5 (e) of the Merchant Ship Sales Act, 1946, as amended (Public Law 591, 81st Cong.) (50 U. S. C. App. 1738).

The purpose of the hearing is to receive evidence with respect to whether the service for which such vessel is proposed to be chartered is required in the public interest and is not adequately served, and with respect to the availability of privately-owned American-flag vessels for charter on reasonable conditions and at reasonable rates for use in such service. Evidence will be received with respect to any restrictions or conditions that may be necessary or appropriate to protect the public interest in respect of such charter as may be granted and to protect privately-owned vessels against competition from vessels chartered as a result of this proceeding.

All persons having an interest in the application will be given an opportunity to be heard if present.

An Examiner from the Hearing Examiner's Office will preside at the hearing, and oral argument may be had at the conclusion of receipt of evidence. A Recommended Decision will be issued. The time for filing Exceptions thereto is hereby restricted to seven (7) days, and no replies to Exceptions will be received.

Dated: May 25, 1956.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
*Assistant Secretary.*

[F. R. Doc. 56-4239; Filed, May 28, 1956; 8:51 a. m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 4294]

NORTHWEST AIRLINES, INC.; PITTSBURGH-CLEVELAND AND DETROIT RESTRICTION CASE

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on June 6, 1956, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., May 24, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56-4208; Filed, May 28, 1956; 8:49 a. m.]

[Docket Nos. 6881 et al.; 8901 et al.]

FIRST CLASS AND OTHER PREFERENTIAL MAIL RATES (EAST) AND (WEST)

NOTICE OF CANCELLATION OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is cancelled.

Dated at Washington, D. C., May 24, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56-4209; Filed, May 28, 1956; 8:49 a. m.]

[Docket No. 8008]

SCOPE OF GENERAL PASSENGER FARE INVESTIGATION

NOTICE OF ORAL PRESENTATION

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral presentation in the above-entitled proceeding with respect to the basic issues to be included in the investigation instituted by Order No. E-10279 and the nature of the modifications, if any, which should be made in the scope of such investigation, is assigned to be held on June 12, 1956, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between 14th and 15th Streets NW., Washington, D. C., before the Board. Any party desiring to appear at the oral presentation should notify the Office of the Chief Examiner on or before June 1, 1956.

Dated at Washington, D. C., May 25, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56-4262; Filed, May 28, 1956; 8:54 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. G-10435]

MOUND CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Mound Company (Applicant) on April 26, 1956, tendered for filing proposed

changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

*Description; Purchaser; Rate Schedule Designation; Effective Date* [1]

Notice of change, undated; Texas Gas Pipe Line Corporation; Supplement No. 4 to Applicant's FPC Gas Rate Schedule No. 1; June 1, 1956.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until November 1, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Issued: May 22, 1956.

By the Commission.[2]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-4186; Filed, May 28, 1956; 8:45 a. m.]

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[Docket No. G-10436]

STANOLIND OIL AND GAS CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

Stanolind Oil and Gas Company (Applicant) on April 26, 1956, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

*Description; Purchaser; Rate Schedule Designation; Effective Date* [1]

Notice of change, dated April 24, 1956; Texas Gas Pipe Line Corporation; Supplement No. 4 to Applicant's FPC Gas Rate Schedule No. 3; June 1, 1956.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until November 1, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Issued: May 22, 1956.

By the Commission.[2]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-4187; Filed, May 28, 1956; 8:45 a. m.]

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[Docket No. G-10437]

F. A. CALLERY, INC.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

F. A. Callery, Inc. (Applicant), on April 27, 1956, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

*Description; Purchaser; Rate Schedule Designation; Effective Date* [1]

Notice of change, dated April 25, 1956; Texas Gas Pipe Line Corporation; Supplement No. 2 to Applicant's FPC Gas Rate Schedule No. 1; June 1, 1956.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until November 1, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Issued: May 22, 1956.

By the Commission.[2]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-4188; Filed, May 28, 1956; 8:45 a. m.]

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[Docket No. G-10438]

MCCARTHY OIL & GAS CORP.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

McCarthy Oil & Gas Corporation (Applicant) on April 27, 1956, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filings which are proposed to become effective on the date shown:

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Applicant if later.

[2] Commissioner Digby dissenting.



*Description; Purchaser; Rate Schedule Designation; Effective Date* [1]

Notice of change, dated April 24, 1956; Texas Gas Pipe Line Corporation; Supplement No. 9 to Applicant's FPC Gas Rate Schedule No. 1; June 1, 1956.

Notice of change, dated April 24, 1956; Texas Gas Pipe Line Corporation; Supplement No. 10 to Applicant's FPC Gas Rate Schedule No. 1; June 1, 1956.

The increased rates and charges proposed in the aforesaid filings have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter 1), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and pending such hearing and decision thereon, the above-designated supplements be and the same hereby are suspended and the use thereof deferred until November 1, 1956, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplements hereby suspended nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: May 22, 1956.

By the Commission.[2]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-4189; Filed, May 28, 1956; 8:45 a. m.]

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[Docket No. G-5999]

SATURN OIL & GAS CO., INC.

ORDER REFERRING PROCEEDING TO PRESIDING EXAMINER

Saturn Oil & Gas Company, Inc. (Saturn), filed on November 26, 1954, an application for the conditional issuance of a certificate of public convenience and necessity covering its sales of natural gas to two interstate pipeline companies. The matter of said application, Docket No. G-5999, was consolidated with a number of other applications for hearing ordered to be held on May 7, 1956. The notice of said hearing provided for the disposition of all the consolidated matters under § 1.30 (c) (i) of the Commission's rules of practice and procedure, in the event of a non-contested hearing.

Counsel for Saturn appeared at the hearing held on May 7, 1956, and moved orally for the severance of its application from the consolidated proceeding and the dismissal thereof. The motion to dismiss was filed in writing with the Commission on May 7, 1956.

The Presiding Examiner has referred both of said motions to the Commission. By order of the Commission issued May 21, 1956, the application of Saturn was severed from said consolidated proceedings. It is in the public interest that the motion of Saturn to dismiss its application be referred to the Presiding Examiner, to be ruled upon as part of his initial decision submitted after the conclusion of the hearing on said application.

The Commission orders: The motion to dismiss hereinabove described is hereby referred to the Presiding Examiner to be ruled upon as a part of his initial decision submitted after the conclusion of the hearing and the completion of the record herein. A public hearing shall be held on June 7, 1956, beginning at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by the above application and the said motion to dismiss.

Issued: May 22, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-4190; Filed, May 28, 1956; 8:45 a. m.]

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[Docket No. G-10439]

PURE OIL CO.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

The Pure Oil Company (Applicant) on April 27, 1956, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

*Description; Purchaser; Rate Schedule Designation; Effective Date* [1]

Notice of change, undated; Phillips Petroleum Company; Supplement No. 4 to Applicant's FPC Gas Rate Schedule No. 19; May 28, 1956.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until October 28, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Issued: May 22, 1956.

By the Commission.[2]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-4191; Filed, May 28, 1956; 8:46 a. m.]

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[Docket Nos. G-5298 et al., G-5317]

SKELLY OIL CO.

NOTICE OF SEVERANCE OF HEARING ON APPLICATION FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

MAY 23, 1956.

Take notice that the hearing now scheduled for June 4, 1956, upon the application for certificate of public convenience and necessity filed in Docket No. G-5317, which was consolidated with the applications in Docket Nos. G-5298 et al., is hereby severed from the consolidated dockets aforesaid and is hereby postponed to a date to be hereafter fixed by further notice.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-4205; Filed, May 28, 1956; 8:48 a. m.]

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by Applicant if later.

[2] Commissioner Digby dissenting.

[Docket No. G-10126]

UNITED GAS PIPE LINE CO.

NOTICE OF APPLICATION AND DATE OF HEARING

MAY 23, 1956.

Take notice that United Gas Pipe Line Company (Applicant), a Delaware corporation with principal place of business at 1525 Fairfield Avenue, Shreveport, Louisiana, filed, on March 20, 1956, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to continue to operate, as an integral part of its existing natural gas system, certain existing natural gas facilities which are necessary to the partial delivery and direct sale of natural gas in interstate commerce by Applicant to Newport Industries, Incorporated (Newport) in daily volumes up to a maximum of approximately 7,080 Mcf at 14.73 psia in a proportionately interruptible basis pursuant to a 6 year fuel requirements contract dated March 8, 1956, for use in Newport's naval stores plant and auxiliaries thereto located in Pensacola, Escambia County, Florida.

The application states that Applicant is presently delivering natural gas to City of Pensacola, Florida (Pensacola), for resale to Newport; that Applicant has entered into a Transportation Agreement with Pensacola dated February 24, 1956, under the terms of which Applicant will continue to deliver the gas requirements of Newport to Pensacola at the existing delivery point where Applicant is presently making deliveries to Pensacola and Pensacola will transport said gas through Pensacola's existing distribution facilities and deliver same to Newport for the account of Applicant; that this new arrangement will permit uniformity of rates and contract conditions as between Newport and Applicant's other direct industrial customers in the area; that this new arrangement is mutually agreeable to Applicant, Pensacola and Newport; that no increase in Applicant's total sales of gas will result as Newport is presently receiving gas from Applicant's system; that the new arrangement will not affect the aggregate quantities of gas delivered at the City Gate Stations at Pensacola; and that service to Newport will be uninterrupted.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Monday, June 18, 1956 at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 9, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-4206; Filed, May 28, 1956; 8:49 a. m.]

## GENERAL SERVICES ADMINISTRATION

DEPUTY ADMINISTRATOR OF GENERAL SERVICES

DELEGATION OF AUTHORITY TO MANAGE NICKEL PRODUCING AND PROCESSING FACILITIES AND ACTIVITIES RELATING TO NICARO NICKEL PROJECT IN ORIENTE PROVINCE, CUBA

1. Pursuant to the authority vested in me by the provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377; 40 U. S. C. 471–514, 41 U. S. C. 251–260), the Defense Production Act of 1950 (64 Stat. 798; 50 U. S. C. App. 2061–2166), the National Industrial Reserve Act of 1948 (62 Stat. 1225; 50 U. S. C. 451–462), the Strategic and Critical Materials Stock Piling Act (60 Stat. 596; 50 U. S. C. 98–98h), and Executive Order No. 10480 (18 F. R. 4939), all as amended, authority is hereby delegated to the Deputy Administrator of General Services to manage the Nicaro nickel producing and processing facilities and activities administered by the Government in Oriente Province, Cuba, and any and all other facilities and activities related thereto regardless of where located. In furtherance thereof, the Deputy Administrator of General Services is fully authorized (a) to negotiate, execute, administer, amend, and terminate any and all contracts, letters of intent, deeds, and other contractual instruments relating to the Nicaro nickel project, (b) to provided for the performance on behalf of the Administrator or Deputy Administrator of General Services of other functions relating thereto by the Special Assistant to the Administrator (Nicaro Project), (c) to consult with and obtain expert advice from said Special Assistant on all matters relating to the Nicaro nickel project, and (d) to take such other action in connection therewith as may be necessary and lawful. In the absence of the Deputy Administrator of General Services, all contractual instruments and all matters involving questions of policy shall be referred to the Administrator of General Services for execution or resolution.

2. The authority so delegated shall be exercised in accordance with applicable directives and certificates issued by the Secretary of Defense under said National Industrial Reserve Act of 1948, and by the Director of the Office of Defense Mobilization under said Strategic and Critical Materials Stock Piling Act and said Defense Production Act of 1950.

3. The functions and authorities heretofore vested in the Nickel-Graphite Committee and not covered by the foregoing paragraphs will be performed and exercised as may be appropriate under the general organizational pattern, or under the direction of the respective heads of the services and staff offices, of the General Services Administration.

4. The delegation of authority entitled "Nickel-Graphite Committee—Delegation of Authority with Respect to Duties and Functions" and dated August 25, 1953 (18 F. R. 5285), and all amendments thereto, are hereby rescinded.

5. This delegation of authority shall be effective upon publication in the FEDERAL REGISTER.

Dated: May 25, 1956.

FRANKLIN G. FLOETE,
*Administrator.*

[F. R. Doc. 56-4253; Filed, May 28, 1956; 8:53 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

JOHN R. WEERTS

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 22d day of May 1956.

In the matter of John R. Weerts, dba John R. Weerts Investment Broker, 233 Plaza Building, 245 S. E. First St., Miami, Florida.

I. The Commission's public official files disclose that John R. Weerts, a sole proprietor, dba John R. Weerts Investment Broker, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar year 1955, as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

[1] Filed as part of the original document.



IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered,* That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 25th day of June, 1956 at 10 a. m., at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before June 11, 1956. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

*It is further ordered,* That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer, of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to June 25, 1956.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 56-4201; Filed, May 28, 1956; 8:47 a. m.]

CHARLES R. MORGAN

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 22d day of May 1956.

In the matter of Charles R. Morgan, 322 Mercantile Building, Knoxville, Tennessee.

I. The Commission's public official files disclose that Charles R. Morgan, a sole proprietor, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar year 1955 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered,* That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof on the 25th day of June, 1956 at 10 a. m., at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. On such date the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before June 11, 1956. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

*It is further ordered,* That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to June 25, 1956.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 56-4202; Filed, May 28, 1956; 8:47 a. m.]

[1] Filed as part of the original document.

JAMES W. TWOHIG

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

MAY 22, 1956.

In the matter of James W. Twohig, a sole proprietor, dba James W. Twohig and Company, Box 540, Alderson, West Virginia.

I. The Commission's public official files disclose that James W. Twohig, a sole proprietor, dba James W. Twohig and Company, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934, and is a member of the National Association of Securities Dealers, Inc., a national securities association, registered pursuant to section 15A of said act.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar year 1955, as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems

it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant;

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant; and

(e) Whether, pursuant to section 15A (*l*) (2) of the Securities Exchange Act of 1934, it is necessary or appropriate in the public interest or for the protection of investors or to carry out the purposes of said section, to suspend for a period not to exceed twelve (12) months or to expel registrant from membership in the National Association of Securities Dealers, Inc.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in paragraph IV hereof at 10 a. m. on the 25th day of June 1956, at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. At such time the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before June 11, 1956. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

*It is further ordered*, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to June 25, 1956.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-4203; Filed, May 28, 1956; 8:48 a. m.]

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[File No. 1-1665]

## CINCINNATI MERCHANDISE WAREHOUSES, INC.

### NOTICE OF APPLICATION TO STRIKE FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

MAY 23, 1956.

Cincinnati Stock Exchange has made application, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, to strike the above named security from listing and registration thereon.

The reasons alleged in the application for striking this security from listing and registration include the following:

The Cincinnati Stock Exchange has been informed by the issuer that the number of shares of stock outstanding has been reduced to 5,998 and the number of shareholders has decreased to 153. The records of The Cincinnati Stock Exchange indicate that only 79 shares of this issue were traded on the exchange in 1954 and 199 shares in 1955. The Board of Trustees of the exchange is of the opinion that there is not sufficient stock available to make an exchange market in this issue. The Board of Directors of the issuer state that "In light of the foregoing facts we believe that continuation of the listing of our stock on an Exchange is of no advantage to the Shareholders of the Corporation or prospective investors and no longer justified."

Upon receipt of a request, on or before June 12, 1956, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state brefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-4204; Filed, May 28, 1956; 8:48 a. m.]


# FEDERAL REGISTER

VOLUME 21 NUMBER 105

Washington, Wednesday, May 30, 1956


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MAIN READING ROOM

## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

POSITIONS IN FOREIGN COUNTRIES

Effective upon publication in the FEDERAL REGISTER, paragraph (h) of § 6.101 is amended as set out below.

§ 6.101 *Entire executive civil service.* • • •

(h) Any position in a foreign country, when in the opinion of the Commission, appointment through competitive examination is impracticable, except as provided in paragraph (i) of this section: *Provided*, That the following positions in foreign countries are not included in this exception: Positions in the Immigration and Naturalization Service, all positions in Canada and Mexico, and continuing positions at GS-7 and above in Cuba; positions in the Bureau of Customs and technical positions in the Internal Revenue Service, Treasury Department; General Accounting Office positions; positions in the International Field Offices of the Civil Aeronautics Administration, Department of Commerce; positions in the Departments of Defense, Army, Navy, and Air Force; positions in the Veterans Administration.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
*Executive Assistant.*

[F. R. Doc. 56-4242; Filed, May 29, 1956; 8:51 a. m.]

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PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

DEPARTMENT OF THE INTERIOR

Effective upon publication in the FEDERAL REGISTER, subparagraph (4) of § 6.110 (a) is amended as set out below.

§ 6.110 *Department of the Interior*—(a) *General.* • • •

(4) Temporary, intermittent, or seasonal field assistants at GS-5, or its equivalent, and below in such areas as forestry, range management, soils, engineering, fishery and wildlife management, and with surveying parties. Employment under this authority shall not exceed 180 working days a year for positions at GS-4 and below in survey parties in the Bureau of Land Management and Geological Survey and shall not exceed 130 working days a year for other positions authorized under this subparagraph.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
*Executive Assistant.*

[F. R. Doc. 56-4241; Filed, May 29, 1956; 8:51 a. m.]

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## TITLE 6—AGRICULTURAL CREDIT

### Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[FHA Instruction 401.2]

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS; TEXAS

On April 9, 1956, for the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below were determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 311.29, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

| TEXAS | *Average value* |
|---|---|
| County: | |
| Bowie | $20,000 |
| Cass | 25,000 |
| Delta | 25,000 |
| Gonzales | 25,000 |

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# FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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The regulatory material appearing herein is keyed to the CODE OF FEDERAL REGULATIONS, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953. The CODE OF FEDERAL REGULATIONS is sold by the Superintendent of Documents. Prices of books and pocket supplements vary.

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**CFR SUPPLEMENTS**

**(As of January 1, 1956)**

**The following Supplements are now available:**

**Title 14: Parts 1–399 ($2.50)**
**Titles 28–29 ($1.25)**
**Title 32: Parts 400–699 ($0.65)**
**Title 33 ($1.50)**
**Title 43 ($0.50)**
**Title 46: Parts 1–145 ($0.60)**

*Previously announced:* Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 7: Parts 1–209 ($1.25); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. I, and Title 27 ($1.00); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Titles 35–37 ($1.00); Titles 40–42 ($0.65); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

**Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.**


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| County—Continued | *Average value* |
|---|---|
| Kaufman | $30,000 |
| Kinney | 40,000 |
| Lavaca | 25,000 |
| Red River | 25,000 |
| Terrell | 40,000 |
| Throckmorton | 30,000 |

Dated: May 24, 1956.

(Sec. 41 (1), 50 Stat. 529, as amended; 7 U. S. C. 1015 (1))

[SEAL] H. C. SMITH,
*Acting Administrator,*
*Farmers Home Administration.*

[F. R. Doc. 56-4224; Filed, May 29, 1956; 8:47 a. m.]

## Chapter V—Agricultural Marketing Service, Department of Agriculture

PART 519—FRESH IRISH POTATOES

TERMINATION OF FRESH IRISH POTATOES LIVESTOCK FEED DIVERSION PROGRAM WMD 3a

Pursuant to § 519.110 (20 F. R. 6989) notice is hereby given of the termination of the Fresh Irish Potatoes Livestock Feed Diversion Program (§§ 519.100–519.119) effective at midnight, local time, on May 31, 1956. This termination will not affect transactions involving potatoes diverted prior to the effective date of the termination.

(Sec. 32, 49 Stat. 774, as amended; 7 U. S. C. 612c)

Dated: May 22, 1956.

[SEAL] S. R. SMITH,
*Authorized Representative of the Secretary of Agriculture.*

[F. R. Doc. 56-4159; Filed, May 28, 1956; 2:51 p. m.]

## TITLE 7—AGRICULTURE

## Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

Subchapter A—Commodity Standards and Standard Container Regulations

PART 29—TOBACCO INSPECTION

MISCELLANEOUS AMENDMENTS

A notice of proposed amendment to the regulations governing the inspection of tobacco (7 CFR Part 29) was published in the FEDERAL REGISTER on May 16, 1956 (21 F. R. 3228) and afforded interested persons the opportunity to submit written data, views, or arguments in connection therewith.

After consideration of all relevant material presented and the notice of rule making, the amendments hereafter set forth are hereby promulgated, to become effective 30 days after publication in the FEDERAL REGISTER.

The amendments are as follows:

1. Change § 29.121 to read as follows:

§ 29.121 *Fees for inspection service performed under an agreement.* The fees to be charged and collected for service performed under an agreement shall be those provided for by such agreement.

2. Change § 29.122 to read as follows:

§ 29.122 *Fees and charges for inspection other than under an agreement.* Fees or charges for inspection service shall be fixed in accordance with § 29.123. Charges as computed in accordance with this part shall be increased by 8 percent to cover administrative expenses.

3. Change § 29.123 to read as follows:

§ 29.123 *Fees and charges.* The fees and charges for inspection other than under an agreement shall be as follows:

(a) Fees and charges for inspection at redrying plants and receiving points shall comprise the cost of travel expense, per diem allowance and salaries.

(b) The fees or charges for hogshead, bale or case inspection shall be the larger of (1) the actual total cost including travel expenses, per diem allowance and salaries or (2) $10.

(c) The fees or charges for sample inspection shall be the larger of (1) the actual total cost including travel expense, per diem allowance and salaries or (2) $5.

4. Add a new Subpart E to read as follows:

SUBPART E—FORMS

APPLICATION AND AGREEMENT FOR PERMISSIVE INSPECTION SERVICE

§ 29.801 *Application and agreement for permissive tobacco inspection service.*

Application for inspection service on an agreement basis is hereby made under the authority of The Tobacco Inspection Act and

the regulations issued pursuant thereto (7 CFR Part 29). Upon approval of this application by the Agricultural Marketing Service, United States Department of Agriculture (hereinafter referred to as "AMS"), AMS will furnish inspection service in accordance with the terms and conditions hereof, and this document shall constitute an agreement for permissive inspection. Such inspection service is to be performed for the firm herein designated:

---
(Name of firm)

---
(Street address)

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(City and State)

The applicant agrees to pay for the full cost of the inspection service covered hereby to AMS at the time the respective invoices are rendered by AMS. The full costs shall be determined in accordance with the following rates for services as are applicable:

A. *Determination of fees or charges and payments of costs.* 1. Fees or charges for inspection at redrying plants, receiving points and non-designated auction markets shall include travel expenses, per diem allowance and salaries.

2. Fees or charges for hogshead, bale or case inspection shall be the larger of (i) actual total cost including travel expense, per diem allowance and salaries or (ii) $10.

3. Fees or charges for sample inspection shall be the larger of (i) actual total cost including travel expense, per diem allowance and salaries or (ii) $5.

4. All charges as assessed under paragraphs 1, 2, and 3, shall be increased by 8 percent to cover administrative expenses.

5. It is mutually agreed that AMS will pay all expenses above mentioned from any available appropriation with the agreement and understanding that AMS shall be reimbursed therefor by the applicant for all expenses so paid by AMS for conducting the work hereunder.

6. The applicant agrees to reimburse the Agricultural Marketing Service for all expenses incurred in the conduct of the services rendered under this application, such payment to be made by check, money order, or draft, payable and mailed to the Agricultural Marketing Service, Washington 25, D. C., for deposit to the appropriation from which the expenses were paid.

B. *Employment and assignment of inspectors.* 1. All inspectors given Federal appointments shall be under the jurisdiction of the AMS as to supervision, salaries, hours of work and duties. All inspectors shall make such reports to the Administrator of the AMS as may be required.

2. AMS will assume, through its local representatives, responsibility for the administrative and technical supervision of the inspection service established, maintained and conducted under this application; such representatives to determine the detailed assignments of inspectors. Assigment of inspectors and licensees shall be at the sole discretion of AMS.

3. AMS will select, train and appoint such inspectors as are necessary to perform the work, with the understanding that it assumes no responsibility beyond its ability to obtain suitable qualified men at salaries determined by the provisions of the Federal Classification Act.

4. AMS shall not be responsible for damages accruing through any acts of commission or omission on the part of any Federal employee or licensee.

C. *Rules and regulations.* 1. It is mutually agreed that all inspection work shall be in accordance with the United States Standards and that certificates issued shall be Federal certificates issued in accordance with the rules and regulations of the Secretary of Agriculture under The Tobacco Inspection Act.

2. The applicant agrees to comply with the terms and conditions of the regulations and such other terms and conditions hereinafter enumerated.

3. All terms used herein shall have the same meaning as when used in the aforesaid Regulations and Instructions.

D. *Continuation of services and termination.* 1. This agreement shall continue in force until June 30, 19__, and as long thereafter as Congress shall provide the necessary authority therefor, subject to annual confirmation by a duly authorized officer of the United States Department of Agriculture: provided, however, that this agreement may be abrogated at any time by mutual consent or by either party hereto by giving written notice to the other party thirty (30) days in advance of and specifying the date of termination.

2. The services to be rendered hereunder shall be terminated by AMS at any time AMS, acting pursuant to any applicable laws, rules, or regulations, debars the applicant from receiving any further benefits of the service, or the services hereunder may be suspended or terminated at any time AMS concludes that the applicant has not conformed, or cannot conform, hereto.

E. *Member of Congress provision.* 1. No member of or delegate to Congress, or Resident Commissioner after his election or appointment, and either before or after he has qualified and during his continuance in office; and no officer, agent or employee of the Government shall be admitted to any share or part of this agreement or to any benefit to arise thereupon. The provision herein with respect to the interest of members of or delegates to Congress and Resident Commissioners in the agreement shall not be construed to extend to any incorporated company where such contract or agreement is made for the general benefit of such incorporation or company.

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(Applicant)

By ---

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(Street)

--- ---
(City) (State)

---
(Date)

Approved:

By ---

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(Title)

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(Date)

*Agricultural Marketing Service, U. S. Department of Agriculture.*

(49 Stat. 734; 7 U. S. C. 511 m)

Issued at Washington, D. C., this 28th day of May 1956.

[SEAL] F. R. BURKE,
*Acting Deputy Administrator, Agricultural Marketing Service.*

[F. R. Doc. 56-4286; Filed, May 29, 1956; 8:58 a. m.]

## Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

### Subchapter G—Determination of Proportionate Shares

[Sugar Determination 850.30, Amdt. 3]

### PART 850—DOMESTIC BEET SUGAR PRODUCING AREA 1956 CROP

#### INCREASE IN ACREAGE ALLOTMENT

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended, paragraph (a) (1) of § 850.30 of the Determination of Proportionate Shares for the Domestic Beet Sugar Producing Area—1956 Crop, issued September 21, 1955 (20 F. R. 7159), as amended November 30, 1955 (20 F. R. 8772) and February 11, 1956 (21 F. R. 986), is hereby amended by changing the two references to "850,000" therein to "850,500", and by adding in alphabetical sequence "Nevada -- 500" to the list of States and acres enumerated therein.

*Statement of bases and considerations.* This amendment provides for an increase of 500 acres in the national acreage objective, formalizes an allocation in like amount for the State of Nevada and maintains the reserve allocation of 500 acres. An allocation for the State of Nevada was not established under the original determination because sugar beets were not planted in that State during the base period (1950–54) used in establishing State acreage allocations from the national total of 850,000 acres.

Pursuant to the authority contained in paragraph (a) (2) of the original determination, the Director of the Sugar Division recently allocated acreage to the State of Nevada from the reserve of 500 acres at the request of farmers in that State who desire to raise sugar beets. To warrant the investment by a sugar beet processor in the necessary local equipment and service, a minimum production of 500 acres of sugar beets was required. Accordingly, the allocation specified that acreage. Since the farm shares to be established from this allocation will be new-producer shares, the procedures to be established by the ASC Nevada State Committee, subject to the approval of the Director, will provide for a reasonable maximum acreage per farm. The allocation to the State of Nevada exhausted the acreage in the reserve. Since it is essential that the reserve be maintained for the purposes stated in the original determination, this amendment re-establishes the reserve at 500 acres.

The acreage added to the national total by this amendment is only about six-hundredths of one percent of the former total. Thus, even if the entire additional 500 acres are planted, the resulting production of sugar will have an insignificant effect on the beet sugar production and normal carryover situation.

Accordingly, I hereby find and conclude that the foregoing amendment to the determination will effectuate the applicable provisions of the Sugar Act of 1948, as amended.



(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 302, 61 Stat. 930; 7 U. S. C. 1132)

Issued this 25th day of May, 1956.

[SEAL] TRUE D. MORSE,
*Acting Secretary.*

[F. R. Doc. 56-4255; Filed, May 29, 1956; 8:54 a. m.]

## Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

### PART 961—MILK IN PHILADELPHIA, PENNSYLVANIA, MARKETING AREA

#### ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

*Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and proposed amendments to the order, as amended, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area, as determined pursuant to section 2 of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, as amended, effective June 1, 1956. Any delay beyond that date in the effective date of this order amending the order, as amended, will seriously threaten the orderly marketing of milk in the Philadelphia, Pennsylvania, marketing area. The provisions of the said order are well known to handlers—the public hearing having been held on February 1–7, 1956, the recommended decision having been issued on April 5, 1956 (21 F. R. 2333; F. R. Doc. 56-2753), and the final decision having been issued on May 7, 1956 (21 F. R. 3116; F. R. Doc. 56-3709). Therefore, reasonable time has been afforded persons affected to prepare for its effective date. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order, as amended, effective June 1, 1956, and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER (see section 4 (c), Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order) of more than 50 percent of the milk covered by the order, which is marketed within the Philadelphia, Pennsylvania, marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order is approved or favored by at least three-fourths of the producers who participated in a referendum thereon and who, during the determined representative period (January 1956), were engaged in the production of milk for sale in the said marketing area.

*Order relative to handling.* It is therefore ordered that on and after the effective date hereof, the handling of milk in the Philadelphia, Pennsylvania, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order is hereby further amended as follows:

1. Delete the language of § 961.5 and substitute therefor the following:

§ 961.5 *Producer.* "Producer" means any person, except a producer-handler, who produces milk which is received directly at a producer milk plant.

2. Delete § 961.6 (c) and substitute therefor the following:

(c) Any other plant from which milk is supplied to a pasteurizing or bottling plant described in paragraph (b) of this section: *Provided*, That any such other plant shall not be included in this definition during any month in which there is shipped from the plant only Class II milk as defined in § 961.31 or during any of the months of October, November, December, and January in which shipments, any part of which are allocated to Class I milk, are made from the plant on less than 11 days to such pasteurizing and bottling plant, or to a plant or plants supplying such pasteurizing or bottling plant.

3. Delete the entire last sentence of § 961.6.

4. Delete the language of § 961.8 and substitute therefor the following:

§ 961.8 *Handler.* "Handler" means any person wherever located or operating, who engages in the handling of milk which is disposed of in the marketing area as milk, or skim milk.

5. Add a new § 961.10 as follows:

§ 961.10 *Producer-handler.* "Producer-handler" means any person who operates as his own personal enterprises both a dairy farm and a producer milk plant from which Class I milk is disposed of in the marketing area, but who receives no milk from producers.

6. Delete §§ 961.30 and 961.31 and substitute therefor the following:

§ 961.30 *Milk to be classified.* All milk, skim milk, and cream which is received within the month by a handler, which is required to be reported pursuant to §§ 961.50 and 961.51 shall be classified by the market administrator pursuant to the provisions of §§ 961.31 through 961.34.

§ 961.31 *Classes of utilization.* Subject to the conditions set forth in §§ 961.32 and 961.33 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all milk and skim milk (including the milk or skim milk equivalent of concentrated milk, and of dry whole milk, condensed skim milk and nonfat dry milk solids used in reconstituting or fortifying any Class I product) and butterfat disposed of in fluid form as milk, skim milk, buttermilk, milk drinks (plain or flavored) concentrated milk, or any mixture of milk, cream, or skim milk containing less than 18 percent butterfat (except sterilized products in hermetically sealed containers, ice cream mixes, ice milk mixes and eggnog) including such products which are:

(1) Disposed of to retail establishments which disposes of milk both for fluid and other uses, (2) contained in inventory variations of milk and milk products designated as Class I milk, or (3) not accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all milk, skim milk and cream: (1) used to produce any product other than those designated as Class I milk pursuant to paragraph (a) of this section; (2) dumped or disposed of for livestock feed; (3) disposed of in bulk and used in soup, candy, bakery products or any other nondairy commercial food product; (4) contained in inventory variation of cream; and (5) accounted for as ac-

tual plant shrinkage not in excess of two percent of the total pounds of milk, skim milk and cream received by a handler at all of his producer milk plants.

7. Delete §§ 961.34 and 961.35 and substitute therefor the following:

§ 961.34 *Allocation of milk, skim milk and butterfat classified.* The market administrator shall determine the classification of producer milk received at the producer milk plant(s) of each handler as follows:

(a) The gross product pounds of milk and milk products classified shall be allocated in the following manner:

(1) If the total product pounds of all milk and milk products classified is less than the total product pounds of all milk and milk products received at the handlers producer milk plant(s) add to the product pounds of Class I and Class II milk the product pounds classified as plant shrinkage pursuant to § 961.31 (a) (3) and (b) (5);

(2) Subtract from the product pounds in Class II milk the product pounds in receipts from nonproducer milk plant(s) in the form of cream containing 18 percent or more butterfat and the milk or skim milk equivalent of such receipts of concentrated and dried milk or skim milk utilized in a reconstituted or fortified product: *Provided*, That if the product pounds of such receipts to be subtracted are greater than the product pounds in Class II milk, the balance shall be subtracted pro rata from the product pounds in the several price subdivisions of Class I milk;

(3) During the months of February through September, subtract from the remaining product pounds in Class II milk the product pounds of milk and skim milk received from a nonproducer milk plant(s): *Provided*, That if the product pounds of such receipts to be subtracted are greater than the remaining product pounds in Class II milk, the provisions hereof shall not apply and the plant(s) from which such milk and skim milk were received shall be designated a producer milk plant(s) pursuant to § 961.6 (c);

(4) During the months of February through September, subtract from the remaining product pounds of milk, in sequence, beginning with Class II milk, the product pounds of milk and skim milk received from plants subject to regulation under other Federal orders;

(5) During the months of October through January, subtract from the product pounds remaining in Class II milk, the product pounds of milk and skim milk in receipts from nonproducer milk plants and plants subject to regulation under other Federal orders: *Provided*, That if the product pounds of such receipts to be subtracted are greater than the remaining product pounds in Class II milk, the balance shall be subtracted from the remaining product pounds in the applicable price subdivision of Class I milk: *And provided further*, That a different allocation shall be made at the written request of the receiving handler if it does not result in a greater than pro rata allocation to Class I milk as computed pursuant to subparagraph (8) of this paragraph;

(6) Subtract from the product pounds remaining in Class II milk, the product pounds of milk and skim milk received in bulk from producer-handlers: *Provided*, That if the product pounds of such receipts to be subtracted are greater than the remaining product pounds in Class II milk, the balance shall be subtracted from the remaining product pounds in the applicable price subdivision of Class I milk: *And provided further*, That a different allocation shall be made at the written request of the receiving handler if it does not result in a greater than pro rata allocation to Class I milk as computed pursuant to subparagraph (8) of this paragraph;

(7) Subtract from the product pounds remaining in each class the product pounds of milk, skim milk and cream in receipts from producer milk plants of other handlers and assigned to such class pursuant to § 961.32: *Provided*, That if the product pounds of such receipts to be subtracted from Class II milk are greater than the remaining product pounds in such class, the balance shall be subtracted from the remaining product pounds in the applicable price subdivision of Class I milk;

(8) Subtract pro rata from the remaining product pounds in the several subdivisions of Class I milk and Class II milk, the product pounds of milk and skim milk received from nonproducer milk plants, and plants subject to regulation under other Federal orders, and in bulk from producer-handler, for which the handler has requested a different allocation than that provided in subparagraphs (5) and (6) of this paragraph: *Provided*, That a greater volume as determined by the handler may be subtracted from the remaining product pounds of Class II milk.

(b) Butterfat shall be allocated under the same procedure outlined for gross product pounds in paragraph (a) of this section.

(c) Divide the pounds of butterfat in each class or price subdivision by the hundredweight of product pounds in such class or price subdivision to determine the weighted average butterfat content of each class or price subdivision.

8. Delete the language of § 961.43 and substitute the following:

§ 961.43 *Class I milk disposed of in the New York marketing area.* The price to be paid by handlers for Class I milk disposed of in the New York metropolitan milk marketing area shall be the Class I–A price computed pursuant to the New York order less such payment as is required on such milk pursuant to the New York order.

9. Add a new § 961.61 to read as follows:

§ 961.61 *Plants subject to other Federal orders.* A plant specified in paragraphs (a), (b) or (c) of this section shall be exempted from regulation under this order except that the operator thereof shall, with respect to total receipts and utilization at such plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to §§ 961.50 through 961.54) and allow verification of such reports by the market administrator.

(a) Any distributing or supply plant which disposes of Class I milk in the marketing area but which is a fully regulated plant under the New York Federal order.

(b) Any other distributing plant which would be subject to the classification and pricing provisions of another order issued pursuant to the act (except the Wilmington, Delaware, marketing order), unless a greater volume of Class I milk is disposed of from such plant to retail or wholesale outlets (except producer milk plants) in the Philadelphia marketing area than in the marketing area regulated pursuant to such other order.

(c) Any other supply plant which would be subject to the classification and pricing provisions of another order issued pursuant to the act (except the Wilmington, Delaware, marketing order) unless such plant disposes of a greater volume of Class I milk to producer milk plants under the Philadelphia order than to plants distributing in the marketing area regulated pursuant to such other order.

10. In § 961.70 (a) change the reference "§ 961.35" to read "§ 961.34".

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 25th day of May 1956, to be effective on and after June 1, 1956.

[SEAL] EARL L. BUTZ,
*Assistant Secretary.*

[F. R. Doc. 56–4254; Filed, May 29, 1956; 8:53 a. m.]

## TITLE 21—FOOD AND DRUGS

### Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 130—DRUGS EXEMPTED FROM PRESCRIPTION - DISPENSING REQUIREMENTS OF SECTION 505 (b) (1) (C) OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

EXEMPTION OF CERTAIN DOXYLAMINE SUCCINATE PREPARATIONS FROM PRESCRIPTION-DISPENSING REQUIREMENTS

There was published in the FEDERAL REGISTER of April 5, 1956 (21 F. R. 2197), a notice and text of a proposed amendment to § 130.1 *Exemption for certain drugs limited by new-drug applications to prescription sale.* The notice proposed the exemption of two such drugs. One is sulfur dioxide preparations meeting certain conditions, which is the subject of an exemption order published in the FEDERAL REGISTER of May 17, 1956 (21 F. R. 3247), to be effective 30 days after publication, and appears as § 130.1 (a) (13).

Due consideration having been given to the comments filed with respect to the proposed exemption of the other drug (doxylamine succinate preparations) from prescription-dispensing requirements, the amendment set out below is hereby ordered, effective 30 days from the date of publication of this order in the FEDERAL REGISTER.

Section 130.1 (a) is amended by adding the following new subparagraph:

(14) Doxylamine succinate preparations meeting all the following conditions:

(i) The doxylamine succinate is prepared, with or without other drugs, in tablet or other dosage form suitable for oral use in self-medication, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The doxylamine succinate and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 7.5 milligrams of doxylamine succinate per dosage unit, or if it is in liquid form not more than 1.5 milligrams of doxylamine succinate per milliliter.

(v) The preparation is labeled with adequate directions for use in the temporary relief of the symptoms of the minor conditions in which it is indicated.

(vi) The dosages recommended or suggested in the labeling do not exceed: For adults, 7.5 milligrams of doxylamine succinate per dose or 45 milligrams of doxylamine succinate per 24-hour period; for children 6 to 12 years of age, one-half of the maximum adult dose or dosage.

(vii) The labeling bears in juxtaposition with the dosage recommendations:

(*a*) Clear warning statements against administration of the drug to children under 6 years of age, except as directed by a physician, and against driving a car or operating machinery while using the drug, since it may cause drowsiness.

(*b*) If the article is offered for temporary relief of the symptoms of colds, a statement that continued administration for such use should not exceed 3 days, except as directed by a physician.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies secs. 503, 505, 52 Stat. 1052, 65 Stat. 649; 21 U. S. C. 353, 355)

Dated: May 24, 1956.

[SEAL] GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F. R. Doc. 56–4222; Filed, May 29, 1956; 8:47 a. m.]

## TITLE 24—HOUSING AND HOUSING CREDIT

### Chapter II—Federal Housing Administration, Housing and Home Finance Agency

**Subchapter 3—Mutual Mortgage Insurance and Servicemen's Mortgage Insurance**

PART 222—MUTUAL MORTGAGE INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER THE INSURANCE CONTRACT

TERMINATION OF CONTRACT OF INSURANCE BY ASSIGNMENT

In § 222.16, subparagraphs (2) and (4) of paragraph (b) are amended to read as follows:

§ 222.16 *Termination of contract of insurance by assignment.* • • •

(b) • • •

(2) Any mortgage so long as it is held in a common trust estate administered by a bank or trust company which is subject to the inspection and supervision of a governmental agency, exclusively for the benefit of other banking institutions which are subject to the inspection and supervision of a governmental agency, and which are authorized by law to acquire beneficial interests in such common trust estate, nor to any mortgage or group of mortgages transferred to such a bank or trust company as trustee exclusively for the benefit of outstanding owners of undivided interests in the trust estate, under the terms of certificates issued and sold more than three years prior to said transfer, by a corporation which is subject to the inspection and supervision of a governmental agency;

• • • • •

(4) Any participation in a mortgage by two approved mortgagees under an agreement which provides that one of the parficipants shall be the mortgagee of record under the contract of mortgage insurance and that the Federal Housing Commissioner shall be under no obligation to recognize or deal with the other participant with respect to the obligations of the mortgagee under the contract of insurance or the rights of the mortgagee to obtain the benefits of the contract of insurance.

(Sec. 211, 52 Stat. 23; 12 U. S. C. 1715b)

Issued at Washington, D. C., May 24, 1956.

NORMAN P. MASON,
*Federal Housing Commissioner.*

[F. R. Doc. 56–4228; Filed, May 29, 1956; 8:48 a. m.]



## TITLE 14—CIVIL AVIATION

### Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 166]

PART 608—RESTRICTED AREAS

ALTERATIONS

The restricted area alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure, and effective date, provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.38, the Fort Dix, New Jersey, area (R–25), amended on February 8, 1956, in 21 F. R. 859, is further amended by changing the "Controlling Agency" column to read: "Headquarters, First Army, Governors Island 4, New York."

2. In § 608.57, the Camp Williams, Wisconsin, area (R–468 formerly D–468), published on October 9, 1954, in 19 F. R. 6513, is amended by changing the "Time of Designation" column to read: "Day and Night", and the "Controlling Agency" column to read: "Adjutant General of the State of Wisconsin, Madison 2, Wisconsin".

3. In § 608.41, the Center Hill, North Carolina, area (R–89), amended on May 5, 1956, in 21 F. R. 2977, is rescinded.

4. In § 608.30, the Betsie Point, Michigan, area (R–77 formerly D–77), amended on June 4, 1954, in 19 F. R. 3298, is redesignated as follows:

| Name and location (chart) | Description by geographical coordinates | Designated altitudes | Time of designation | Controlling agency |
|---|---|---|---|---|
| Betsie Point, Mich. (R–77) (Green Bay). | Beginning at latitude 44°43′15″ N., longitude 86°27′40″ W.; ESE. to latitude 44°41′30″ N., longitude 86°16′04″ W.; SSW. to latitude 44°20′12″ N., longitude 86°22′30″ W.; WNW. to latitude 44°21′45″ N., longitude 86°34′12″ W.; NNE. to latitude 44°43′15″ N., longitude 86°27′40″ W., point of beginning. | Surface to 30,000 feet mean sea level. | Days | Adjutant General, State of Michigan. |

5. In § 608.57, the Sheboygan, Wisconsin, area (R–83), amended on March 24, 1956, in 21 F. R. 1819, is redesignated as follows:

| Name and location (chart) | Description by geographical coordinates | Designated altitudes | Time of designation | Controlling agency |
|---|---|---|---|---|
| Sheboygan, Wis. (R–83) (Milwaukee). | From latitude 43°44′30″, longitude 87°36′00″; thence to latitude 43°35′00″, longitude 87°00′00″; thence to latitude 43°14′15″, longitude 87°12′30″; thence to latitude 43°23′00″, longitude 87°43′00″, thence to latitude 43°33′00″, longitude 87°41′30″; thence to point of beginning. | Surface to 40,000 feet mean sea level. | Daylight | 10th Air Force, Fort Selfridge Air Force Base, Mich. |

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply Sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on June 23, 1956.

[SEAL] JAMES T. PYLE,
*Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 56–4215; Filed, May 29, 1956; 8:45 a. m.]

[Amdt. 197]

## PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

### PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, GCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is canceled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

| City and State; airport name, elevation; facility: class and identification; procedure No.; effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance, facility to airport | Ceiling and visibility minimums | | | | If visual contact not established at authorized minimums after passing facility within distance specified or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Condition | 2 engines or less | | More than 2 engines; more than 65 knots | |
| | | | | | | | | 65 knots or less | More than 65 knots | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| FRESNO, CALIF.<br>Fresno-Chandler, 277'.<br>SBRAZ-DTV-FNO.<br>Procedure No. 1.<br>Amendment No. 5.<br>Effective date: June 16, 1956.<br>Supersedes Amendment 4, dated July 23, 1955.<br>Major changes: Raise minimum altitude over facility and landing minimums; all changes made to meet obstruction clearance criteria (460' tower ½ mile S of range). | Bowles intersection (final)--- | 316—10.0 | 1,000 | W side of SE course:<br>136° outbound.<br>316° inbound.<br>1,500' within 10 miles.<br>Procedure turn W side for more favorable terrain. | 1,000 | 036—0.9 | T-dn<br>C-dn<br>A-dn | 300-1<br>700-2<br>800-2 | NA<br>NA<br>NA | NA<br>NA<br>NA | Within 0 mile, climb to 2,000' on W course within 20 miles. |
| FRESNO, CALIF.<br>Fresno-Chandler, 277'.<br>SBRAZ-DTV.<br>Procedure No. 2.<br>Amendment No. 6.<br>Effective date: June 16, 1956.<br>Supersedes Amendment 5, dated May 14, 1955.<br>Major changes: Raise minimum altitude over facility and landing minimums; all changes made to meet obstruction clearance criteria (460' tower ½ mile S of range). | Bowles Intersection--------- | 316—10.0 | 1,900 | S side of W course:<br>272° outbound.<br>092° inbound.<br>1,900' within 10 miles. | 1,000 | 036—0.9 | T-dn<br>C-dn<br>A-dn | 300-1<br>700-2<br>800-2 | NA<br>NA<br>NA | NA<br>NA<br>NA | Within 0 mile, climb to 1,500' on SE course within 20 miles. |

LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| City and State; airport name, elevation; facility; class and identification; procedure No.; effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance, facility to airport | Ceiling and visibility minimums | | | | If visual contact not established at authorized minimums after passing facility within distance specified, or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Condition | 2 engines or less | | More than 2 engines; more than 65 knots | |
| | | | | | | | | 65 knots or less | More than 65 knots | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| NEW YORK, N. Y.<br>La Guardia, 20'.<br>SBRAZ-DTXV-LGA.<br>Procedure No. 1.<br>Amendment No. 5.<br>Effective date: June 16, 1956.<br>Supersedes Amendment 4, dated October 22, 1953.<br>Major changes: Alternate missed approaches added. | Port Chester FM (final)---- | 223—13.9 | *1,000 | N side of NE course:<br>043° outbound.<br>223° inbound.<br>1,500' within 10 miles. | *1,000 (*800 authorized after New Rochelle MHW) | 223—2.8 | T-dn<br>C-dn<br>S-dn 22<br>A-dn | 300-1<br>500-1<br>500-1<br>800-2 | 300-1<br>600-1<br>500-1<br>800-2 | 200-½<br>600-1½<br>500-1<br>800-2 | Within 2.8 miles, after passing La Guardia LFR, climb to 1,500' on SW course of LaGuardia LFR or (when directed by ATC), (2) climb to a higher altitude, or (3) make a climbing left turn to 1,500' return to New Rochelle MHW, or (4) if unable to proceed from New Rochelle MHW with 3 miles visibility and clear of all clouds, make a climbing right turn to 1,500' and return to New Rochelle holding pattern.<br>*Descent to landing minimums authorized only after passing La-Guardia LFR.<br>CAUTION: Standard clearance not provided over obstructions in final approach area, circling area of airport, and in missed approach area. |
| NEW YORK, N. Y.<br>La Guardia, 20'.<br>SBRAZ-DTXV-LGA.<br>Procedure No. 2.<br>Amendment No. 5.<br>Effective date: June 16, 1956.<br>Supersedes Amendment 4, dated October 22, 1953.<br>Major change: Alternate missed approaches added. | Flatbush FM (final)-------- | 043—14 | *1,200 | S side of SW course:<br>233° outbound.<br>043° inbound.<br>1,500'.<br>Procedure turn to be conducted S of Flatbush FM within 10 miles. | *1,200 (over LGA OM) | 043—3.9 (from LGA OM) | T-dn<br>C-dn<br>S-dn 4<br>A-dn | 300-1<br>500-1<br>500-1<br>800-2 | 300-1<br>600-1<br>500-1<br>800-2 | 200-½<br>600-1½<br>500-1<br>800-2 | Within 3.9 miles of LGA OM, climb to 1,500' on NE course LGA LFR or (when directed by ATC), (2) climb to a higher altitude, or (3) make a climbing right turn to 1,500' and return to Flatbush FM.<br>*Descent to landing minimums authorized after passing LGA OM.<br>CAUTION: Standard obstruction clearance not provided over obstructions in final approach area, circling area of airport, and in missed approach area. |

**2. The very high frequency omnirange (VOR) procedures prescribed in § 609.9 are amended to read in part:**

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses, and radials are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

| City and State; airport name, elevation; facility: class and identification; procedure No.; effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance, facility to airport | Ceiling and visibility minimums: Condition | 2 engines or less: 65 knots or less | 2 engines or less: More than 65 knots | More than 2 engines; more than 65 knots | If visual contact not established at authorized minimums after passing facility within distance specified or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| ASHEVILLE, N. C.<br>Asheville-Hendersonville, 2,103'.<br>BVOR-AVL.<br>Procedure No. 1.<br>Amendment No. 3.<br>Effective date: June 16, 1956.<br>Supersedes Amendment 2, dated January 21, 1956.<br>Major changes: Complete revision to procedure. | Asheville Radiobeacon | 100—10.0 | 6,000 | S side of course:<br>065° outbound.<br>245° inbound.<br>6,000' within 10 miles. | VOR 5,000<br>Hendersonville Intersection 4,100* | VOR to Hendersonville Intersection 245—8.0* | T-d<br>C-d<br>A-d | 2,000-1<br>2,000-2<br>2,000-2 | 2,000-1<br>2,000-2<br>2,000-2 | NA<br>NA<br>NA | Within 8 miles turn left, climb SE to 6,000' on radial 310° of the Spartanburg VOR within 20 miles of Hendersonville Intersection. Night operation not authorized.<br>AIR CARRIER NOTES: No reduction in landing minima below 1½ miles, and no reduction in takeoff minima authorized.<br>*From Hendersonville Intersection proceed to airport VFR. Hendersonville Intersection 310° radial SPA and 245 radial AVL or 145 bearing from Asheville Radiobeacon. |
| MIDLAND, TEX.<br>Air Terminal, 2,867'.<br>BVOR-DTV-MAF.<br>Procedure No. 1.<br>Amendment No. 4.<br>Effective date: June 16, 1956.<br>Supersedes Amendment 3, dated July 16, 1955.<br>Major changes: Reduce procedure turn altitude. | Midland LFR | 020—7.5 | 4,200 | W side of course:<br>360° outbound.<br>180° inbound.<br>4,000' within 10 miles.<br>Beyond 10 miles not authorized. | 3,500 | 180—3.6 | T-dn<br>C-dn<br>S-dn 16R<br>A-dn | 300-1<br>400-1<br>400-1<br>800-2 | 300-1<br>500-1<br>400-1<br>800-2 | *200-½<br>500-1½<br>400-1<br>800-2 | Within 3.6 miles, climb to 4,000' on radial 150° within 20 miles.<br>*AIR CARRIER NOTE: 300-1 required on runways 16L and 34R. |
| WEST LAFAYETTE, IND.<br>Purdue University, 605'.<br>VOR-LAF.<br>Procedure No. 1.<br>Amendment No. Original.<br>Effective date: May 31, 1956.<br>Supersedes none.<br>Major changes: New procedure. | | | | W side of course:<br>319° outbound.<br>139° inbound.<br>2,300' within 10 miles. | 1,500 | 139—5.3 | T-dn<br>C-d<br>C-n<br>A-dn | 300-1<br>600-1<br>600-1½<br>800-2 | 300-1<br>600-1<br>600-1½<br>800-2 | Not applicable | Within 5.3 miles, make right turn climb to 2,300' on 139° radial to LAF-VOR.<br>CAUTION: Lighted stack 881' mean sea level located approximately 1.5 miles NE of airport.<br>AIR CARRIER NOTE: Use of sliding scale, reduction in landing visibility, or reduction in takeoff minimums not authorized for night operations, or for day operations when visibility below ¼ mile. |

**3. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:**

ILS STANDARD APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

| City and State; airport name, elevation; facility class and identification; procedure No.; effective date | Transition to ILS: From— | Transition to ILS: To— | Transition to ILS: Course and distance | Transition to ILS: Minimum altitudes (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude at glide slope intercept. inbound (ft.) | Altitude of glide slope and distance to approach end of runway at—: Outer marker | Altitude of glide slope and distance to approach end of runway at—: Middle marker | Ceiling and visibility minimums: Condition | 2 engines or less: 65 knots or less | 2 engines or less: More than 65 knots | More than 2 engines (more than 65 knots) | If visual contact not established upon descent to authorized landing minimums or if landing not accomplished— |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| NEW YORK, N. Y.<br>LaGuardia, 20'.<br>ILS-LGA.<br>LOM-LG.<br>Combination ILS-ADF.<br>Procedure No. 1.<br>Amendment No. 11.<br>Effective date: June 16, 1956.<br>Supersedes Amendment 10, dated June 25, 1955.<br>Major changes: Procedure turn S of Flatbush and alternate missed approaches added. | LaGuardia LFR | LOM | 224—7.8 | 2,500 | S side of SW course:<br>224° outbound.<br>044° inbound.<br>1,500'.<br>Procedure turn to be conducted S of Flatbush MHW within 10 miles. | ILS 1,500<br>ADF 1,200 over LOM | 1,310—3.9 | 295—0.7 | T-dn<br>C-dn | 300-1<br>500-1 | 300-1<br>600-1 | 200-½<br>600-1½ | Within 3.9 miles of LOM, climb to 1,500' on NE course LGA ILS or LFR or (when directed by ATC), (2) climb to a higher altitude, or (3) make a climbing right turn to 1,500' and return to Flatbush FM. LaGuardia LFR must be monitored during ADF approach.<br>*500-1 required with any component of the ILS inoperative.<br>CAUTION: Standard clearance not provided over obstructions in final approach area, circling area of airport, and in missed approach area. |
| | Glen Cove Intersection | LOM | 252—14.9 | 2,500 | | | | | *S-dn 4<br>ILS | 400-¾ | 400-¾ | 400-¾ | |
| | Ridgewood Intersection | LOM | 162—14.8 | 2,500 | | | | | ADF | 500-1 | 500-1 | 500-1 | |
| | Flatbush MHW (final) | LOM | 044—6.1 | 1,500 | | | | | A-dn<br>ILS | 600-2 | 600-2 | 600-2 | |
| | Colts Neck VOR | Flatbush MHW. | 032—20 | 1,500 | | | | | ADF | 800-2 | 800-2 | 800-2 | |
| NEW YORK, N. Y.<br>La Guardia, 20'.<br>(Using back course La Guardia ILS and New Rochelle MHW RWC.)<br>Procedure No. 2.<br>Combination ILS-ADF<br>Amendment No. 5.<br>Effective date: June 16, 1956.<br>Supersedes Amendment 4, dated June 25, 1955.<br>Major change: Alternate missed approaches added. | Port Chester Intersection | RWC MHW | 223—12.2 | 1,500 | W side of NE course:<br>044° outbound.<br>224° inbound.<br>1,500' within 10 miles of New Rochelle MHW. | No glide slope or markers. Final approach altitudes and distances to runway 22 RWC MHW 1,000' 7.7 miles LGA LFR 800' 2.8 miles. | | | T-dn<br>C-dn | 300-1<br>500-1 | 300-1<br>600-1 | 200-½<br>600-1½ | Within 2.8 miles after passing LGA LFR, climb to 1,500' on SW course LGA ILS or LFR or (when directed by ATC), (2) climb to a higher altitude, or (3) make a climbing left turn to 1,500' return to RWC MHW, or (4) if unable to proceed from RWC MHW with 3 miles visibility and clear of all clouds make a climbing right turn to 1,500' and return to RWC MHW holding pattern.<br>CAUTION: Standard clearance not provided over obstructions in final approach area, circling area of airport, and in missed approach area. |
| | Ridgewood Intersection | RWC MHW | 112—14.2 | 1,900 | | | | | S-dn 22<br>ILS | 400-1 | 400-1 | 400-1 | |
| | La Guardia LFR | RWC MHW | 043—5.2 | 1,500 | | | | | ADF | 500-1 | 500-1 | 500-1 | |
| | Port Chester FM (final) | RWC MHW | 223—8.7 | 1,000 | | | | | A-dn<br>ILS | 600-2 | 600-2 | 600-2 | |
| | Glen Cove Intersection | RWC MHW | 305—7 | 1,500 | | | | | ADF | 800-2 | 800-2 | 800-2 | |
| WINSTON-SALEM, N. C.<br>Smith-Reynolds, 969'.<br>ILS-IINT.<br>LOM-IN.<br>Combination ILS and ADF.<br>Procedure No. 1<br>Amendment No. 5.<br>Effective date: June 16, 1956.<br>Supersedes Amendment 4, dated November 5, 1955.<br>Major changes: Adds final from Wallburg. Adds transition GSO VOR, Wallburg. | Winston-Salem LFR | LOM | 328—0.5 | 2,200 | W side of SE course:<br>148° outbound.<br>328° inbound.<br>2,200' within 10 miles.<br>Beyond 10 miles not authorized. | ILS 2,200<br>ADF 1,700 over LOM | 2,200—3.9 | 1,120—0.5 | T-dn<br>C-dn | 300-1<br>500-1 | 300-1<br>500-1 | 200-½<br>500-1½ | 3.9 miles after passing LOM (ADF), climb to 4,000' on NW course LFR or 299° radial GSO within 15 miles. When directed by ATC turn right immediately climb to 2,200' on SE course. ILS or 148 course. LOM within 10 miles.<br>AIR CARRIER NOTE: *200-½ authorized providing the available runway length exceeds by 3,000' the landing distance required by the aircraft performance operating limitations of the CAR's and high intensity runway lights are operative on the entire length of the runway. |
| | Wallburg Intersection (final) | LOM | 328—5.0 | ILS 2,200<br>ADF 1,700 | | | | | S-dn 33<br>*ILS | 300-¾ | 300-¾ | 300-¾ | |
| | | | | | | | | | ADF | 400-1 | 400-1 | 400-1 | |
| | Greensboro VOR | Wallburg Intersection. | 248—7.0 | 2,300 | | | | | A-dn<br>ILS | 600-2 | 600-2 | 600-2 | |
| | Thomas Intersection | LOM | 328—10.0 | 2,200 | | | | | ADF | 800-2 | 800-2 | 800-2 | |

4. The ground controlled approach procedures prescribed in § 609.13 are amended to read in part:

GCA STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, and courses are magnetic. NOTE: Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a GCA instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is authorized by the Administrator of Civil Aeronautics and a different procedure is prescribed for such airport in his operations specifications. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. No deviation from prescribed procedure shall be made without prior authorization from the radar controller. From initial contact with GCA to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during an ASR approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

| Ceiling and visibility minimums | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| City and State; airport name; airport elevation; effective date | Radar terminal area; maneuvering altitudes by sectors and limiting distances | Runway No. | Condition | Precision approach (PAR) | | | Surveillance approach (ASR) | | | Missed approach procedure |
| | | | | 2 engines or less | | More than 2 engines | 2 engines or less | | More than 2 engines | |
| | | | | 65 knots or less | Over 65 knots | Over 65 knots | 65 knots or less | Over 65 knots | Over 65 knots | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| NEW YORK, N. Y. La Guardia, 20'. Procedure No. 1. Amendment No. 6. Effective date: June 16, 1956. Supersedes Amendment 5, dated June 25, 1955. Major change: Alternate missed approaches added. | | 4 | T-dn<br>C-dn<br>•S-dn<br>A-dn | 300-1<br>500-1<br>400-¾<br>600-2 | 300-1<br>600-1<br>400-¾<br>600-2 | 300-1<br>600-1½<br>400-¾<br>600-2 | | | | Climb to 1,000' on NE course of La Guardia I-FR or (when directed by ATC), (2) climb to a higher altitude or (3) make a climbing right turn to 1,500' and return to Flatbush RBN.<br>CAUTION: Circling minimums do not provide standard clearance over obstructions.<br>•500-1 required with approach lights inoperative. |

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

JAMES T. PYLE,
*Acting Administrator of Civil Aeronautics.*

May 29, 1956; 8:45 a. m.]

## TITLE 29—LABOR

### Chapter V—Wage and Hour Division, Department of Labor

PART 511—WAGE ORDER PROCEDURE FOR PUERTO RICO AND THE VIRGIN ISLANDS

MISCELLANEOUS AMENDMENTS

Pursuant to section 5 (c) of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U. S. C. 201 et seq.), regulations, Title 29, Part 511, which were originally issued on September 22, 1938 (3 F. R. 2744), were amended on November 4, 1955 (20 F. R. 8285) to reflect the changed wage order procedures required under the Fair Labor Standards Amendments of 1955 (69 Stat. 711). Since that amendment, twelve industry committees have conducted their proceedings pursuant to the amended regulations. The purpose of the present amendment is to effect such further changes in the regulations as experience under the changed procedures indicates to be necessary in order to accomplish the objectives stated in sections 5, 8, and 8 of the act.

Now, therefore, pursuant to authority vested in me by the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, 29 U. S. C. 201 et seq.), and General Order of the Secretary of Labor No. 45–A (15 F. R. 3290), Part 511 (29 CFR Part 511) is hereby amended as follows:

1. Sections 511.8 and 511.9 are hereby revoked and a new section designated as § 511.8 is issued to read as follows:

§ 511.8 *Prehearing statements.* (a) Every employer, employee, trade association, trade union, or group of employers, employees, associations or unions in the industry as defined, or in such industry elsewhere in the United States, and every other person who, in the judgment of the committee has an interest sufficient to justify the participation he proposes, shall be considered an interested person. No member of the committee may participate as a party or as a witness. Any other interested person who wishes to participate on his own behalf shall file a written prehearing statement not later than 10 days before the first hearing date set for any committee in the notice of hearing. An original and eleven copies of the prehearing statement shall be filed at the office of the Territorial Director of the Wage and Hour Division, United States Department of Labor, New York Department Store Building, Fortaleza and San Jose Streets, San Juan, Puerto Rico. One copy of the prehearing statement shall be filed at the office of the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C. If such statements are sent by airmail between Puerto Rico or the Virgin Islands and the mainland, such filing shall be deemed timely if postmarked within the time provided. The prehearing statement shall describe the person's interest and specify whether he proposes to participate as a party or only as a witness. No such statement shall be required of a witness named in and appearing solely for the purpose of presenting testimony summarized in a party's prehearing statement under paragraph (c) of this section.

(b) The prehearing statement of each person who proposes to participate as a witness shall contain (1) the written data he proposes to introduce in evidence, including all tangible objective data to be submitted pursuant to § 511.13, (2) the prepared statement he proposes to give, if any, and (3) a statement of the approximate length of time his direct testimony should take. The filing of a prehearing statement in accordance with the above requirements shall give the right to testify, but shall not give the rights provided in this section and in §§ 511.12, 511.13, 511.14 and 511.15 for parties.

(c) The prehearing statement of each person who proposes to participate as a party shall contain (1) a statement of the classifications and wage rates, if any, which he proposes to support, (2) the written data he proposes to introduce in evidence, including all tangible objective data to be submitted pursuant to § 511.13, (3) the names and addresses of the witnesses he proposes to call, and a summary of the evidence proposed to be developed, (4) a statement of the approximate length of time his case will take, and (5) the name and address of the individual who will present his case. If the prehearing statement is in conformity with the above requirements, the person shall have the right to participate as a party. In accordance with section 6 (c) of the Administrative Procedure Act, industry committees shall, after considering the advice of committee counsel, issue subpoenas authorized by section 9 of the Fair Labor Standards Act of 1938, to parties who make a request therefor accompanied by a clear showing of general relevance and reasonable scope of the evidence sought.

(d) Prehearing statements of parties and witnesses shall be made available for examination at the offices of the Wage and Hour Division, in San Juan, Puerto Rico, and Washington, D. C. Each person who files a prehearing statement should, if requested, make himself available for conference with the committee staff to make any needed clarification of his prehearing statement, and arrange details of presenting his testimony or case.

(e) In exceptional circumstances a person who has not filed the prehearing statement required by this section and who does not appear on a witness list filed by a party may nevertheless, be permitted, in the discretion of the committee, to testify as a witness.

2. Sections 511.10 and 511.11 are hereby redesignated as § 511.9 and § 511.10, respectively.

3. A new section, designated as § 511.11, is hereby issued to read as follows:

§ 511.11 *Pertinent data.* Among the types of data which may be considered pertinent to the subjects and issues delineated in § 511.10, are those revealing (a) employment and labor conditions and trends in Puerto Rico or the Virgin Islands, as the case may be, and on the mainland, particularly since the promulgation of the presently applicable wage order, including such items as present and past employment, present wage rates and fringe benefits, changes in average hourly earnings or wage structure, provisions of collective bargaining agreements, hours of work, labor turnover, absenteeism, productivity, learning periods, rejection rates, and similar factors, (b) market conditions and trends in Puero Rico or the Virgin Islands, as the case may be, and on the mainland, including changes in the volume and value of production, market outlets, price changes, style factors, consumer demand, competitive relationships, tariff rates, and similar marketing factors (c) comparative production costs in Puerto Rico or the Virgin Islands, as the case may be, on the mainland, and in foreign countries, together with the factors responsible for differences (d) financial conditions and trends since promulgation of the present wage order as reflected in profit and loss statements and balance sheets, and (e) data bearing on proper definitions of classifications within an industry.

4. Section 511.13 is hereby amended to read as follows:

§ 511.13 *Evidence.* In accordance with the notice of hearing, the committee and any authorized subcommittee will take official notice of the facts stated in the economic report to the extent they are not refuted by evidence received at the hearing. Other pertinent evidence available to the Department of Labor may be presented at the hearing. The committee itself may call witnesses not otherwise scheduled to testify. Oral or documentary evidence may be received, but the committee shall exclude irrelevant, immaterial, and unduly repetitious evidence. Every interested person who has met the requirements for participation as a party shall have the right to present his case by oral or documentary evidence, to submit rebuttal evidence, and to conduct such cross examination of witnesses called by others as may be required for a full and true disclosure of the facts. Testimony on behalf of an employer or group of employers as to inability to absorb wage increases shall be received in evidence only if supported by tangible objective data, such as the pertinent profit and loss statements and balance sheets for a representative period of years, filed as part of the prehearing statement under § 511.8. Evidence of witnesses not present at the hearing may be submitted only by affidavits received with, or as a part of, a prehearing statement which meets the requirements of § 511.8 and satisfactorily explains why each affiant cannot be present. Such affidavits will be received in evidence to the same extent that testimony from affiants would have been admitted had they been present. The committee will give such weight to these statements as it considers appropriate, and the fact that such affiants have not been subject to cross examination may be considered, along with other relevant facts, in assessing the weight to be given such evidence.

5. Section 511.14 (b) is hereby amended to read as follows:

(b) Unless otherwise directed by the committee, witnesses shall be called in the following order: The committee economist qualified to testify concerning the content and preparation of the economic report, other witnesses called by the Department of Labor, witnesses called by the parties, other witnesses. Unless otherwise directed by the committee, all witnesses other than those called by the parties shall be examined in the following order: By committee counsel, by committee economist, by committee members, by the parties or their representatives. Witnesses called by the parties shall be examined first by the party calling them or by his specified representative, and then in the order herein indicated for all other witnesses. Re-direct examination may be permitted in the discretion of the committee. Rebuttal evidence may be offered in the order and manner in this section provided for other evidence. To the extent not specified in this section, the order for calling and examining witnesses shall be specified by the chairman of the committee or sub-committee.

These amendments shall take effect upon publication in the FEDERAL REGISTER.

(Sec. 5, 52 Stat. 1064, as amended; 29 U. S. C. 205)

Signed at Washington, D. C., this 25th day of May 1956.

NEWELL BROWN,
*Administrator.*

[F. R. Doc. 56–4259; Filed, May 29, 1956; 8:55 a. m.]

## TITLE 26—INTERNAL REVENUE, 1954

### Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income Tax

[T. D. 6177]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

AMENDMENT TO CORRECT CLERICAL ERROR

In order to correct a clerical error in the regulations issued under section 105 of the Internal Revenue Code of 1954, § 1.105–4 (d) (3) (ii) (f) of the Income Tax Regulations is amended by striking the amount of "$140.04" shown as the weekly rate in example (2), and inserting in lieu thereof the amount of "$140.38".

Because this Treasury decision merely corrects a clerical error made in the regulations issued under section 105 of the Internal Revenue Code of 1954, it is found unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the effective date limitation of section 4 (c) of that act.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] RUSSELL C. HARRINGTON,
*Commissioner of Internal Revenue.*

Approved: May 24, 1956.

DAN THROOP SMITH,
*Special Assistant to the Secretary in Charge of Tax Policy.*

[F. R. Doc. 56–4261; Filed, May 29, 1956; 8:55 a. m.]

# TITLE 32—NATIONAL DEFENSE

## Chapter VII—Department of the Air Force

### Subchapter C—Claims and Accounts

### PART 836—CLAIMS AGAINST THE UNITED STATES

MISCELLANEOUS AMENDMENTS

1. In Part 836, § 836.121 *statutory provisions* is amended by adding the following clause at the end thereof: "*Provided, further,* that with respect to land acquired subsequent to July 27, 1954 but prior to July 15, 1955, reimbursement shall be restricted to those owners and tenants who used such land for residential or agricultural purposes."

(Sec. 401, 66 Stat. 624, sec. 509, 68 Stat. 562, sec. 513, 69 Stat. 352)

2. In Part 836, § 836.131 *statutory provisions* is amended by adding the following clause at the end thereof: "*Provided, further,* that with respect to land acquired subsequent to July 27, 1954 but prior to July 15, 1955, reimbursement shall be restricted to those owners and tenants who used such land for residential or agricultural purposes."

(Sec. 401, 65 Stat. 363, sec. 509, 68 Stat. 562, sec. 513, 69 Stat. 352)

DERIVATION: Approval of Under Secretary of Air Force and Deputy Secretary of Defense.

[SEAL] E. E. TORO,
*Colonel, U. S. Air Force,*
*Air Adjutant General.*

[F. R. Doc. 56-4214; Filed, May 29, 1956; 8:45 a. m.]

# TITLE 33—NAVIGATION AND NAVIGABLE WATERS

## Chapter I—Coast Guard, Department of the Treasury

### Subchapter B—Military Personnel

[CGFR 56-16]

### PART 40—CADETS OF THE COAST GUARD

MISCELLANEOUS AMENDMENTS

By virtue of the authority contained in Title 14, United States Code, sections 92, 182, 633 (sec. 1, 63 Stat. 503, 508, 545), the regulations in Part 40 of the Title 33 CFR are amended to read as follows, and are to be effective on and after the date of publication in the FEDERAL REGISTER:

1. Section 40.4 (a) (1) is amended to read as follows:

(1) The subjects listed below, comprising 6 units, are mandatory and are required for eligibility:

| | |
|---|---|
| Mathematics (1) (algebra to quadratics) | 1 |
| Mathematics (2) (quadratics and beyond) | 1 |
| Mathematics (3) (plane geometry) | 1 |
| English 1, 2, and 3 | 3 |
| Total | 6 |

2. Section 40.4 (a) (2) (i) is amended to read as follows:

(2) (i) Further evidence of adequate preparation, amounting to 9 units of optional subjects is required and may be offered from the following groups:

Mathematics.
Fourth year English.
Social studies (history, civics, problems of democracy, citizenship, American problems, sociology).
Biological science (biology, zoology, botany, physiology).
Physical science (physics, chemistry, general science, geology, astronomy).
Foreign language (not less than 2 units credit will be allowed in any language. This means the student must complete, successfully, a two-year course in an accredited school).

3. Section 40.7 (c) is deleted.

4. Section 40.13 (c) is amended to read as follows:

(c) *Achievement tests.* Each candidate will be tested for knowledge in all the following subjects:

(1) English (grammar, composition, literature, and reading comprehension).

(2) Mathematics (algebra and plane geometry).

5. Section 40.13 (d) is amended to read as follows:

(d) *Aptitude and ability tests.* The examination will include a battery of short tests in the following:

(1) Quantitative-mathematical ability.

(2) Verbal or linguistic ability.

(3) Ability to visualize spatial relations.

(4) Scientific ability.

6. Section 40.13 (i) is amended to read as follows:

(i) *Computation of final mark.* The final marks of each candidate will be computed by averaging the following sub-scores in accordance with the indicated weights.

| | |
|---|---|
| English | 20 |
| Mathematics | 20 |
| Science aptitude | 10 |
| Aptitudes and abilities | 10 |
| Personal inventory and index of background, activity, and preference | 15 |
| General adaptability | 25 |
| Total | 100 |

7. Section 40.14 is amended to read as follows:

§ 40.14 *Schedule of examinations.* The schedule of examination will normally be as follows:

First day: 8 a. m. to 12 noon—Mathematics and science aptitude. 1 p. m. to 4:30 p. m.—English, personal inventory.

Second day: 8 a. m. to 12 noon—Aptitude test, IBAP questionnaire. 1 p. m. to 4:30 p. m.—General adaptability interviews.

8. In § 40.15 delete all problems and answers concerning (Science) Physics and also items 11 through 15 of the key.

(Sec. 1, 63 Stat. 503, 508, 545, as amended; 14 U. S. C. 92, 182, 633)

[SEAL] A. C. RICHMOND,
*Vice Admiral, U. S. Coast Guard,*
*Commandant.*

MAY 10, 1956.

[F. R. Doc. 56-4260; Filed, May 29, 1956; 8:55 a. m.]

# TITLE 39—POSTAL SERVICE

## Chapter I—Post Office Department

### PART 131—PREPARATION, ADDRESSING, AND POSTAGE

POSTAGE; REPLY COUPONS, AMERICO-SPANISH COUNTRIES

The following note is added to § 131.3.

NOTE: The new Convention of the Postal Union of the Americas and Spain, signed at Bogota in 1955, eliminates the provision for an Americo-Spanish reply coupon. PUAS coupons have not been sold in the United States, but are exchanged for stamps (see § 131.3 (e) (2) of 39 CFR Chapter I). Such exchange will be continued until the close of business June 30, 1956. PUAS coupons presented for exchange after the close of business June 30, 1956, shall be returned to patrons with the suggestion that they return them to their correspondents for redemption through the selling post office. Universal Postal Union reply coupons will remain valid for all countries.

(R. S. 161, 396, 398, as amended; 5 U. S. C. 22, 369, 372)

[SEAL] ABE MCGREGOR GOFF,
*The Solicitor.*

[F. R. Doc. 56-4072; Filed, May 28, 1956; 1:41 p. m.]

# TITLE 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

[Docket No. 11611; FCC 56-488]

[Rules Amdt. 4-4]

### PART 4—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST SERVICES

MISCELLANEOUS AMENDMENTS

In the matter of amendment of the Commission's rules and regulations to permit the operation of TV translator stations in conjunction with the primary transmitter. Docket No. 11611.

1. The Commission has before it for consideration its Notice of Proposed Rule Making (FCC 56-44), issued in this proceeding on January 17, 1956, proposing the authorization of television translators.

2. The Commission has been concerned with the important problem of providing television service to small, isolated communities and sparsely settled areas beyond the range of stations now on the air. Many such communities and areas are unable to support their own television station under present requirements, even though channels may be assigned to the community or would be available for assignment. The purpose of this proceeding has been to explore the possibility of low-cost television translator stations as one means of extending the benefits of television to these outlying communities and areas.

3. Translators would employ relatively inexpensive, low-powered equipment designed to receive the signals of existing television stations and convert them for retransmission on one of the upper 14 UHF channels—Channels 70-83. It is possible, by confining translators to this less congested portion of the television band, to relax generally the operating requirements for translators and to obtain maximum flexibility in the assignment of channels since the required number of protective spacings from existing stations is reduced substantially. With this in mind, the proposed rules reduce the translator operating requirements to the barest minimum consistent with dependable service and protection of other services.

4. All interested parties have been afforded the opportunity of submitting comments on the translator proposal. Of the approximately 35 comments filed in the proceeding, only one expresses outright opposition to the authorization of translators.[1] However, a number of the comments, while generally supporting the proposal, suggest that this proceeding be expanded to encompass other means for providing service to isolated communities or advance suggested revisions to particular provisions.[2] Upon our careful consideration of the comments, we have concluded that the public interest would be served by the authorization of television translators; and we are amending our rules to provide for their establishment. We have, however, incorporated into the rules a number of revisions suggested by the comments filed, as indicated in the course of the discussion below.

5. Comments generally supporting translators were submitted by National Broadcasting Company, Inc., Coastal Bend Television Company (KVDO), Corpus Christi, Texas, the Radio Electronics Television Manufacturers Association (RETMA) and Adler Electronics, Inc., New Rochelle, New York. NBC states that translators will provide an economical method of supplying television service to underserved areas without departing from the allocation plan. Coastal Bend submits that translators will afford a means by which UHF stations can serve "white areas" beyond their normal service range. RETMA, while suggesting several amendments to particular provisions, expresses general support for the translator proposal. Adler Electronics expresses support for translators and notes that it has developed 10 watt equipment for translator use. Adler represents that a model of such equipment is available for type testing and presents technical data with respect thereto.[3]

6. WSM, Inc. (WSM-TV), Nashville, Tennessee, C. J. Community Services, Inc., Bridgeport, Washington, Washington State TV Reflector Association, and Congressman Don Magnuson of the State of Washington suggest that on-channel boosters be authorized in addition to translators as part of a broader scheme for serving outlying areas. C. J. Community Services maintains that by its action the Commission has apparently selected UHF translators as the only feasible method for extending television to isolated areas, and argues that this method alone will not suffice and that proven methods, currently in use, such as on-channel boosters, should also be employed. C. J. Community Services submits that the Commission's obligation to provide for more effective use of radio cannot be discharged merely by translators. The Reflector Association contends that the terrain in Washington east of the Cascades makes direct reception of television service virtually impossible and that unauthorized on-channel boosters have provided a practical solution. Doubts are voiced as to the feasibility of UHF translators in the area. It is argued that since the principal service already there is VHF, UHF would not provide satisfactory coverage in rough terrain, and that the initial cost, as well as maintenance and upkeep, would be prohibitive in light of the technical difficulties inherent in operation in this part of the spectrum. The Association maintains, for these reasons, that limiting authorizations to UHF translators would effectively deprive isolated communities of service. In urging authorization of boosters in addition to translators, Congressman Magnuson refers to the technical difficulties attendant upon operation on the higher UHF channels and notes that boosters would not entail conversion of outstanding sets. He submits that the translator proposal is too limited in scope and should constitute only one facet of a comprehensive, flexibile program, which would afford alternative means for bringing service to small communities and would enable each community to select the particular system best suited to its own economic and geographic conditions.

7. In our Notice of Rule Making in this proceeding we pointed out that on-channel boosters represent one method of providing unserved areas with television and that the authorization of such boosters was the subject of a separate rule-making proceeding (Docket No. 11331). In that proceding careful consideration will be given to the feasibility of authorizing boosters, in addition to translators, as a means of providing service to isolated communities, as suggested by the above parties. We are now ready to take final action on translators. The public interest would not be served by withholding this means of bringing service to isolated communities until all problems in the booster proceeding can be resolved. We wish to emphasize, further, that in authorizing translators at this time we are in no way prejudicing any action we may take in the bootser proceeding.

8. WSM, Inc., Western Slope Broadcasting Company, Inc. (KFXJ-TV), Grand Junction, Colorado, Archer S. Taylor, Missoula, Montana, C. J. Community Services, Inc., the Washington State TV Reflector Association and Congressman Magnuson urge that translators should not be restricted to the 14 upper UHF channels. They argue that these frequencies may not be well suited for translators because of "ghosting" reflections. Receivers for reception on these channels, they contend, are marked by lack of sensitivity and stability and by a high noise level. The difficulties encountered in operating on these frequencies and the lack of suitable equipment are referred to; and it is argued that such operation would be very expensive. The parties submit that a VHF transmitter would not require conversion of outstanding sets and at the same time would provide a superior service. They argue that VHF translators would be cheaper than UHF and, therefore, would make it economically possible to provide more multiple services to isolated communities. It is accordingly suggested that all UHF channels and the VHF channels should be made available for translator use.

9. We believe the above proposals that translators be authorized on VHF channels and all UHF channels are unsound. They overlook the fact that only by confining translators to the less congested top 14 UHF channels can we find a sufficient number of channels meeting the required protective spacings, and generally relax operating and licensing requirements to make the authorization of translators possible. Also, VHF translators would require extensive engineering measurements to determine interference with existing stations and the use of such channels would be highly inefficient when considered in terms of the overall frequency allocation requirements. Moreover, we are convinced that Channels 70-83 are completely adequate to meet the needs of the translator service. With respect to the contentions that suitable equipment for operation on Channels 70-83 is lacking, Adler Electronics has represented that equipment is now ready for type testing. We are confident the television industry can furnish low cost equipment to provide satisfactory translator service. While UHF equipment at this stage in its development may be somewhat more expensive than comparable VHF equipment, and UHF translators will necessitate the purchase of UHF receivers or conversion of outstanding sets, these disadvantages are more than offset by the fact that only by confining translators to this band can the operating requirements be sufficiently relaxed to make translator operation economically feasible in small communities.

10. Spencer Kennedy Laboratories, Boston, Massachusetts, and the National Community Television Association urge the Commission to consider the effect that translators would have on established community antenna systems, which have been bringing television service to isolated communities. They submit that these systems provide service to many people and widespread areas at a reasonable fee, and represent a large aggregate investment by local groups and the public. The Association requests the Commission to consider the impact that translators would have on this established and proven method of providing fringe area service; and urges that while community antenna systems should not be protected from competition, the requirements for translators

[1] K-V Electronics, Inc., Ellenville, N. Y., opposes the authorization of translators, contending that their installation and operating costs would be prohibitive. However, no factual data was submitted in support of this contention.

[2] The comments are discussed briefly in the course of the general discussion below.

[3] Several other comments also endorse the proposal in part.

should not be so low that technically and financially unsound translator installations would undermine the ability of community antennas to continue to provide service to the public. Spencer Kennedy urges that because community antenna systems were undertaken in good faith and offer enormous potential to local communities, they should be afforded a breathing space of 3 or 4 years before being subjected to competition from translators. This could be accomplished, it is suggested, by providing that in any community which on March 1, 1956 had a community antenna system, a translator would not be authorized prior to March 1, 1960.

11. We recognize that during these formative years in the development of the television service, community antennas, although not established under Commission authorization, have contributed significantly in providing television reception to isolated areas without service from regular stations. But community antennas do not provide a broadcast service available to the public at large. Their service is limited to subscribers who must pay a fee, and often is not available even at a fee for those members of the community in outlying areas. The Commission, under the Communications Act, is obligated to provide a fair and equitable distribution of television service. We would not be warranted in withholding the authorization of translators, designed to provide television to isolated communities, merely because they would compete with community antennas providing service to some people at a fee. Investments in community antennas were not made on the basis of any assurance that the areas served by them would remain without direct television reception. Such systems have been interim measures, taken without Commission authorization, to provide outlying areas with television until direct reception could be achieved. The public interest would not be served by depriving a community of the privilege of obtaining direct television reception to protect these investments.

12. UMPQUA Radio and Television, Inc., Roseburg, Oregon, supports the translator proposal but suggests that, in addition, the top 14 UHF channels be made available for a "limited or modified common carrier relay system" to provide means for relaying programs from large metropolitan areas to small communities, many miles distant. Archer S. Taylor, Missoula, Montana, proposes similarly, that translators be authorized to relay signals from a reception point on a mountain to cable distribution systems in small towns as a means of eliminating expensive microwave relays and cable runs. He also suggests that translators could be used to extend service by means of scrambled subscription transmissions to fringe areas not connected to the cable systems.

13. Jerrold Electronics Corporation, Philadelphia, Pa., also proposes a combined use of translators and community antennas. Jerrold submits that there are many areas where the cost of establishing community antennas may be prohibitive and that translators would not solve the problem in such areas because of insufficient financial support. Jerrold contends that since anyone could receive the transmissions of a translator without cost merely by procuring a receiver, there is no well established method for supporting them. Jerrold proposes a combination translator and community antenna system, with the translator used to provide the link between the receiving antenna site and the cable distribution terminal of the community antenna system. Translators would be employed to beam the signals from the point at which originating signals can be received to the center of the community, where they would be distributed by means of a conventional community antenna system. Jerrold submits that under its plan, the translator would provide an economic means of bringing television signals to the centers of population and thus of providing a means of financial support.

14. The Commission's proposal contemplates that translators will operate on the top 14 UHF channels, which have been allocated for broadcasting. Translators will function as broadcast stations, with their transmissions intended for reception by the general public. We do not believe that we would be warranted in authorizing translators, operating on broadcast frequencies, to function as a part of a point-to-point communication service in conjunction with community antennas. The proposals for combined use of translators and community antenna systems involve difficult questions of basic policy, some of which are before the Commission in other proceedings. The public interest would not be served by delaying the establishment of translators until these questions can be resolved, and the proposals for combined use of translators and community antennas are being rejected at this time.[4]

15. On February 14, 1956, Lenkurt Electric Company, San Carlos, California, filed a petition for amendment of Part 18 of the rules or, alternatively, for reallocation of the 890–940 Mc band to the common carrier fixed service. On April 24, 1956, an engineering study was submitted in connection with this petition.[5] Two of four alternative proposals advanced therein would require reallocating several of the upper UHF television channels to industrial, scientific and medical use. We are of the view, however, that the proposed translator operation should not be altered merely on the strength of Lenkurt's alternative proposals. The urgent need for television service in isolated communities requires prompt action, and the public interest would not be served by delaying final action on translators until final disposition of the Lenkurt petition. However, our action herein in authorizing the operation of translators on Channels 70–83 is without prejudice to any action on the Lenkurt request that we may find the public interest requires.

16. Several parties urge that translators should be limited to those areas without local television service, and that translators should be required to cease operation in any area after a local station goes on the air. Cascade Broadcasting Company, permittee directly or through subsidiary companies of several television stations in the Pacific Northwest, maintains that the operation of stations in small communities is marginal at best, so that competition from a translator could very easily force such stations out of existence. Archer S. Taylor submits that translators should be prevented from competing with regular television stations and threatening their existence. He voices a fear that an existing station, under the rules as proposed, could use a translator to extend its service for the purpose of competing with other stations, far beyond its normal service area. Columbia Broadcasting System, Inc., submits that translators should be authorized expressly for the purpose of serving "shadow areas" within the normal service area of existing stations, as well as to communities outside such normal service area. To prevent the use of translators for the purpose of extending the normal service area of stations in order to encroach upon areas already receiving multiple signals, CBS suggests that applicants should be required to demonstrate a need for the type of service contemplated.

17. The foregoing comments are concerned with the possibility that translators may be employed to compete with regularly established stations and suggest various rules for avoiding or limiting such use. Translators are intended primarily to provide a means whereby television can be brought to areas without service. Translators could also be employed to bring multiple services to communities too small to support several stations on a regular basis. We recognize that the use of translators in competition with regular stations raises a number of serious questions. Nevertheless, we do not agree that a universal, hard and fast rule governing such situations should be adopted at this time. We believe, rather, that such questions can be more appropriately considered as they arise.

[4] To the extent that it can be accomplished under the rules as adopted herein, a community may use a master antenna to which individual television receivers are connected by cable in lieu of individual receiving antennas for reception of the signals of a television translator station. It is expected that arrangements of this sort may be used to serve small "shadowed" areas in individual communities where a line-of-sight transmission path from a suitable translator site to all parts of the community cannot be found. However, such stations may not be operated so as to deliberately preclude direct reception in areas where such direct reception is feasible.

[5] This study was accompanied by a petition for acceptance of late comments in the present proceeding. It is urged in support of this petition that the preliminary studies leading to formulation of the engineering study had not been completed at the time comments were due in the present proceeding, and because the effect of the study on this proceeding could not then be ascertained, it was not possible to file timely comments. Since it appears that the late filing was not due to lack of diligence, and will not adversely affect expeditious disposition of this matter, the petition for late filing is granted.



18. Several comments raise the question of the economic feasibility of translators. Spencer Kennedy maintains that since translators would not originate local programs, they will lack an adequate financial base. Archer S. Taylor and the National Community Television Association submit that dependence on voluntary contributions from the public represents an unsatisfactory means for financing. Spencer Kennedy states that inasmuch as the local community will be dependent upon continued translator operation, applicants should be required to obtain a permit from the community and should be required to deposit in escrow sufficient funds to ensure continued operation for at least 5 years. Archer S. Taylor suggests that translators be authorized to operate on a subscription basis, or be permitted to present local commercials on slides. The Association maintains that translators will cost in excess of $1,000, and urges that applicants should be required to demonstrate that they have made adequate surveys to determine what equipment will be required for satisfactory service and that they have adequate financial resources to construct and operate the stations.

19. We recognize that translators must be adequately financed to ensure their construction and operation during the term of authorization. Nevertheless, we are of the view that the proposed requirements for an appropriate financial showing are adequate for the purpose and that translators can be adequately financed under the proposal. We see no necessity for or desirability in adopting any of the more stringent proposals advanced in the foregoing comments. With respect to the suggestions relating to subscription operation, this general matter is the subject of a separate proceeding (Docket No. 11279). With respect to the suggestions that translators be authorized to introduce local slide commercials, we believe that in this initial stage in their development, translators should be limited to the rebroadcasting of other stations.

20. Western Slope submits that fully automatic and unattended operation should be permitted so long as the manufacturer is required to include protective devices which will prevent radiation when no signal is available or when there is a deviation from the authorized operation or frequency. We believe, however, that in this initial stage, translators should be attended by a qualified operator to insure satisfactory performance. Moreover, translators are engaged in broadcasting and Section 318 of the Communications Act requires that a qualified operator be in attendance of a broadcast operation. But it should be noted, in connection with this general problem, that remote control operation of translators is permitted and, as indicated below, other requirements are being relaxed. The control point, under the rules, need not be manned continuously where suitable automatic devices are provided to deenergize the transmitter. We believe that the rules we are adopting represent the maximum relaxation of supervisory requirements consistent with dependable service and protection of other services.

21. Sylvania Electric Products, Inc., suggests that the proposed rules be modified to permit demodulation and remodulation techniques to be employed in the operation of translators. We have carefully considered this suggestion but are of the view that such techniques would unduly increase the complexity of the transmitting apparatus and would thus necessitate more supervision during operation. The direct frequency conversion method of operation is geared to meet the objective of the present rules: to provide simple, inexpensive apparatus capable of operating with minimum technical supervision and least likely to affect adversely the operation of other stations.

22. The rules as proposed require applicants to list all other translators within a 50-mile radius. RETMA suggests that this requirement be relaxed to specify other translators within 15 miles of the proposed station, urging that this represents a more realistic figure with relation to possible interference. We believe this suggestion has merit and it is being adopted by deleting the provision from the rules and incorporating a requirement for data within 15 miles in the application form.

23. Sylvania suggests that § 4.702 (c) as proposed be clarified to indicate that "channel assignments" as used thercin means the channel assignments whether or not in use. This entire provision has been revised in order to clarify its meaning.

24. Several parties advance suggestions for an increase in the maximum power output of translators above the 10 watts proposed. The Washington State TV Reflector Association recommends 31.6 watts; the Citizens of Flathead Valley, Montana, suggest 60 watts; and WSM proposes 100 watts. Upon carefully considering the foregoing suggestions, we have concluded that the 10 watt maximum power requirement should be retained until data based on actual experience with translators operating under a variety of conditions is obtained. Such data will demonstrate whether the maximum power now authorized is adequate, or whether more power is necessary or desirable. The experience obtained in this initial stage will also assist us in evaluating the possible effects that increased power might have on other translators and other services. In retaining the 10 watt maximum, we point out that no limit is placed on the maximum effective radiated power which may be achieved by translators through the use of horizontally or vertically directive transmitting antennas. The use of such antennas will make it possible to concentrate the signals in areas intended to be served.

25. RETMA and Sylvania suggest that the proposed rules should be modified to specify that spurious emissions including radio frequency harmonics should be attenuated no less than 60 db below the visual power of the translator. They maintain that the standards as proposed would tend to increase the cost of the operation, thereby defeating the purpose of translators. We believe this proposal has merit and the rules are being revised accordingly.

26. Sylvania submits that the proposed frequency tolerance of plus or minus 10 kc, or plus or minus 1 kc, if offset, is unduly restrictive since at the highest translator frequency a 10 kc tolerance would require the frequency to be held to 0.0011 percent; and Sylvania suggests that the tolerance requirement be relaxed to plus or minus 0.01 percent. Sylvania urges that there is no commercial equipment available at reasonable prices for achieving such a tolerance as that proposed. Sylvania also submits that offset carrier operation is unnecessary since in light of the low power employed, there should be little inter-translator interference. Upon our study of the foregoing comments, we have concluded that the frequency tolerance proposed may be unnecessarily rigorous, and we are reducing the required tolerance to 0.01 percent as urged. We are also deleting all provisions relating to offset carrier operation. Individual licensees, however, may, by mutual agreement, employ offset carrier techniques to meet unusual interference problems within the broader tolerance adopted.

27. WSM submits that § 4.763 (a) should be revised so that each applicant for a translator would be required to show that he has permission to rebroadcast programs sufficient to meet the minimum operating requirements of § 3.651 of the Commission's rules governing regular television stations. We believe that this suggestion might unduly restrict the development of translators in this developmental stage and it is not being adopted.

28. Western Slope suggests that responsibility for identifying the call letters, frequency and location of translators should be placed with the originating station, and that such identification should be required only at the start and end of the originating station's broadcast day. Western Slope contends that the proposed use of Morse Code for station identification would interrupt program service and annoy viewers and that, because of the limited range of translators, would be of little value for monitoring purposes. We see no need for altering the proposed requirements for station identification. We find little likelihood that these requirements will result in any undue hardship to the translator operator or annoyance to viewers since the identification breaks of the translators will generally coincide with those of the originating station. Furthermore, we do not believe that identification of translators by the originating stations would be practical, and such a procedure would hamper monitoring operations.

29. Section 4.731 (b), as proposed, provides that a change in the identity of the station being rebroadcast should, to the extent practicable, be accomplished at such times that interruption or incomplete retransmission of individual programs will not result. Mosby's Inc. (KGVO–TV), Missoula, Montana, suggests that this requirement be deleted as unnecessary, urging that the provision attempts to compel an operator by rule to employ his best judgment in the operation of a station. This provision has been clarified and the language objected to by Mosby's, Inc., has been deleted.

30. Sylvania suggests that § 4.734 (a) should be modified to include the same restrictive provisions as contained in § 4.766 (a) with regard to the grade of commercial operator license required in order to make the two provisions consistent. We believe this suggestion has merit, and the rules are being revised to make it clear that holders of a temporary limited radio telegraph second class license or an aircraft radiotelephone authorization cannot be in charge at the translator control point.

31. Section 4.734 (d) of the proposed rules would require that observations of the signals transmitted by a translator be made at least once each hour. Sylvania, Western Slope and Archie S. Taylor maintain that this requirement would be unduly burdensome and is unnecessary inasmuch as all apparatus will be type tested and presumably capable of stable operation. They point out that since translators may operate from 12 to 16 hours per day, the proposed requirement would entail employment of at least 2 qualified operators, and would thus conflict with the intended objective of providing low cost operation. These parties maintain that because of the low power employed and the automatic devices geared to take the station off the air upon improper operation, there is little likelihood of any harm to other services. We believe the foregoing comments have merit, and we are relaxing our requirements to provide for observations once every 6 hours.

32. Western Slope asserts that the requirement of monitoring by a commercial grade operator will impose hardship in instances where such operators are not available in the community, and submits that where the originating station assumes responsibility for correct operation of the translator, so that the first class operator of the originating station would be available, the hourly monitoring by a commercial grade operator should be waived and any qualified person should be permitted to observe and report to the originating station any deviation from normal service. As noted above, we are relaxing the observation requirements. However, we are of the view that the observations should be made by an operator holding a commercial grade license in order that satisfactory service will be assured.

33. In order to implement our new translator rules, we are adopting FCC Form 346, to be used in making application for a Construction Permit for a Television Broadcast Translator Station. This form and other appropriate forms will be available in the near future.

34. Authority for adoption of the rules herein is contained in sections 4 (i), 301, 303 (a), (b), (c), (d), (e), (f), (g), (j), and (r), and 307 (b) of the Communications Act of 1934, as amended.

35. In view of the foregoing: *It is ordered*, That effective July 2, 1956, the Commission's rules and regulations are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1083 as amended; 47 U. S. C. 301, 303, 307)

Adopted: May 23, 1956.

Released: May 24, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

Part 4 of the Commission's rules is amended as follows:

1. The title of the part is changed to read as set forth above.

2. Section 4.1 is amended by adding a new paragraph (c) to read as follows:

(c) *Special broadcast.* (1) Television Broadcast translator (Subpart G).

3. Section 4.11 is amended by adding a new paragraph (c) to read as follows:

(c) If application is for a construction permit for a new television broadcast translator station or to make changes in an existing television broadcast translator station, FCC Form 346 shall be filed, in triplicate; if for a station license, FCC Form 347 shall be filed; if for renewal of station license, FCC Form 348 shall be filed.

4. Section 4.18 is amended by adding a new class of station to the list in paragraph (a) as follows:

Television broadcast translator station: June 1.

5. A new Subpart G is added to read as follows:

## SUBPART G—TELEVISION BROADCAST TRANSLATOR STATIONS

DEFINITIONS AND ALLOCATION OF FREQUENCIES

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4.766 Operator requirements.
4.767 Marking and lighting of antenna structures.
4.768 Additional orders.
4.769 Copies of rules.

OPERATION

4.781 Station records.
4.782 (Reserved.)
4.783 Station identification.
4.784 Rebroadcasts.

AUTHORITY: §§ 4.701 to 4.784 issued under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 301, 303, 307, 48 Stat. 1081, 1082, as amended, 1083, as amended, 47 U. S. C. 301, 303, 307.

### SUBPART G—TELEVISION BROADCAST TRANSLATOR STATIONS

DEFINITIONS AND ALLOCATION OF FREQUENCIES

§ 4.701 *Definitions.* (a) Television broadcast translator station: A station in the broadcasting service operated solely for the purpose of retransmitting the signals of a television broadcast station or another television broadcast translator station, by means of direct frequency conversion and amplification of the incoming signals and without significantly altering any characteristic of the incoming signal other than its frequency and amplitude, for the purpose of providing television reception to the general public.

(b) *Primary station.* The television broadcasting station radiating the signals which are retransmitted by a television broadcast translator station.

§ 4.702 *Frequency assignment.* (a) An application for a television broadcast translator station shall be specific with regard to the channel requested. One of the following channels may be assigned:

| Channel No. | Frequency band | Visual carrier frequency | Aural carrier frequency |
|---|---|---|---|
| | *Mc.* | *Mc.* | *Mc.* |
| 70 | 806–812 | 807.25 | 811.75 |
| 71 | 812–818 | 813.25 | 817.75 |
| 72 | 818–824 | 819.25 | 823.75 |
| 73 | 824–830 | 825.25 | 829.75 |
| 74 | 830–836 | 831.25 | 835.75 |
| 75 | 836–842 | 837.25 | 841.75 |
| 76 | 842–848 | 843.25 | 847.75 |
| 77 | 848–854 | 849.25 | 853.75 |
| 78 | 854–860 | 855.25 | 859.75 |
| 79 | 860–866 | 861.25 | 865.75 |
| 80 | 866–872 | 867.25 | 871.75 |
| 81 | 872–878 | 873.25 | 877.75 |
| 82 | 878–884 | 879.25 | 883.75 |
| 83 | 884–890 | 885.25 | 889.75 |

(b) An applicant for a television broadcast translator station shall endeavor to select a channel on which its operation will not cause interference to other television broadcast translator stations.

(c) A channel listed in paragraph (a) of this section will not be assigned to a television broadcast translator station located:

(1) Within 20 miles of a television broadcast channel assignment on the second, third, fourth, fifth, or eighth channel below or above the requested channel;

(2) Within 55 miles of a television broadcast channel assignment on an adjacent channel;

(3) Within 60 miles of a television broadcast channel assignment on the seventh channel above or below or the fourteenth channel below the requested assignment;

(4) Within 75 miles of a television broadcast channel assignment on the fifteenth channel below the requested assignment;



(5) Within 155 miles of a television broadcast channel assignment on the same channel as that requested for the television broadcast translator station.

The distances specified above in this paragraph are to be determined with respect to channels having the above relationship, between the proposed site of the television broadcast translator station and the Post Office location in any city listed in § 3.606 of this chapter unless the channel shown therein has been assigned to a television broadcast station, in which case the distance shall be determined between the proposed site of the translator and the transmitter site of the television broadcast station. Changes in the Table of Assignments of § 3.606 (c) of this chapter may be made without regard to existing or proposed television broadcast translator stations and where such changes result in minimum separations less than those specified above, the licensee of an affected television broadcast translator station shall file an application for a change in channel assignment to comply with the required separations.

(d) No minimum distance separation is specified between television broadcast translator stations operating on the same channel. However, the separation shall in all cases be adequate to prevent mutual interference. Adjacent channel assignments will not be made to television broadcast translator stations intended to serve all or a part of the same area.

§ 4.703 *Interference.* (a) An application for a new television broadcast translator station or for changes in the facilities of an existing station will not be granted where it is apparent that mutual interference will result within the area or areas intended to be served by such stations. In general, the licensee of a new television broadcast translator station shall protect existing television broadcast translator stations from interference resulting from its operation.

(b) It shall be the responsibility of the licensee of a television broadcast translator station to correct any condition of interference which results from the radiation of radio frequency energy by its equipment on any frequency outside the assigned channel. Upon notice by the Commission to the station licensee or operator that such interference is being caused, the operation of the television broadcast translator station shall be suspended immediately and shall not be resumed until the interference has been eliminated, or it can be demonstrated that the interference is not due to spurious emissions by the television broadcast translator station: *Provided, however*, That short test transmissions may be made during the period of suspended operation to check the efficacy of remedial measures.

(c) In each instance where suspension of operation is required, the licensee shall submit a full report to the Commission after operation is resumed, containing details of the nature of the interference, the source of the interfering signals, and the remedial steps taken to eliminate the interference.

ADMINISTRATIVE PROCEDURE

§ 4.711 *Administrative procedure.* See §§ 4.11 to 4.23 inclusive.

LICENSING POLICIES

§ 4.731 *Purpose and permissible service.* (a) Television broadcast translator stations provide a means whereby the signals of television broadcast stations may be retransmitted to areas in which direct reception of such television broadcast stations is unsatisfactory due to distance or intervening terrain barriers.

(b) A television broadcast translator station may be used only for the purpose of retransmitting to the general public, on one of the channels provided herein, the signals of a television broadcast station, or of another television broadcast translator station operating on a channel other than the one on which the retransmission is made. The retransmitted signals shall not be significantly altered as to content or technical characteristics other than in frequency and amplitude.

(c) A television broadcast translator station may retransmit the signals of different television broadcast stations or different television broadcast translator stations during different periods of its operation in order to provide programs best suited to the needs of a particular community.

(d) Retransmission of the signals of any station shall be made only in accordance with the provisions of § 4.784.

§ 4.732 *Eligibility and licensing requirements.* (a) A license for a television broadcast translator station may be issued to any qualified individual, organized group of individuals, broadcast station licensee, or local civil governmental body upon an appropriate showing that plans for financing the installation and operation of the station are sufficiently sound to insure continuation of the operation for the period of the license.

(b) More than one television broadcast translator station may be licensed to the same applicant whether or not such stations serve substantially the same area, upon an appropriate showing of need for such additional stations.

(c) Only one channel will be assigned to each television broadcast translator station. Additional television broadcast translator stations may be authorized to provide additional reception. A separate application is required for each television broadcast translator station and each application shall be complete in all respects.

§ 4.733 [Reserved.]

§ 4.734 *Remote control operation.* (a) A television broadcast translator station may be operated by remote control, provided that such operation is conducted in accordance with conditions set forth in subparagraphs (1) through (5) of this paragraph.

(1) The control point shall be located on premises under the control and supervision of the licensee or its agent. Facilities shall be provided at the control point to enable the operator to observe the transmissions of the television broadcast translator station at any time, and which will permit the operator to turn the transmitter on and off at will.

(2) An operator holding a commercial radio operator's license of any class issued by the Commission except a Temporary Limited Radio Telegraph Second Class License or an Aircraft Radiotelephone Operator Authorization, shall be in charge of this control point and shall observe the transmissions of the television broadcast translator station at the control point within one hour after the start of any period of operation and during operation at intervals of no more than six hours. The operator in charge shall promptly correct any condition of improper operation observed and if unable or not qualified to do so under the provisions of § 4.750 (d), shall immediately suspend operation until suitable repairs can be made.

(3) A carrier operated device shall be installed at the control point which shall give a continuous visual indication whenever the transmitter is radiating; or, in lieu thereof, a device shall be provided which will give a continuous visual indication when any transmitter control circuits have been placed in a condition to produce radiation.

(4) The control circuits shall be so designed and installed that failure of any part of the circuit which results in loss of control from the remote control point will place the transmitter in an inoperative condition.

(5) The transmitter and its associated controls shall be so installed and protected that they are not accessible to other than duly authorized persons.

(b) In the event that the control point is not continuously manned by a qualified operator, the transmitter shall be equipped with suitable automatic devices which will place it in an inoperative condition when no signal is available for retransmission. In addition to the automatic and manual controls, a television broadcast translator station may be turned on and off by a time switch.

(c) If remote control is proposed at a new television broadcast translator station, the application for construction permit shall be accompanied by a showing as to the manner of compliance with the above conditions. Any proposal to change a television broadcast translator station from direct control to remote control shall be submitted in the form of an application for modification of existing authorization accompanied by the above showing of compliance.

§ 4.735 *Power limitations.* (a) A television broadcast translator station will not be authorized to operate with transmitter power output in excess of the rated power output of the transmitter and in no event shall the rated peak visual power output of the transmitter be in excess of 10 watts. The power output of a television broadcast translator station is considered to be the product of the direct current and voltage applied to the plate circuit of the final radio frequency amplifier multiplied by an efficiency factor supplied by the manufacturer.

(b) No limit is placed upon the effective radiated power which may be obtained by the use of horizontally

or vertically directive transmitting antennas.

§ 4.736 *Emissions and bandwidth.* (a) The license of a television broadcast translator station authorizes the transmission of the visual signal by amplitude modulation. (A5) and the accompanying aural signal by frequency modulation (F3).

(b) Standard width television channels will be assigned and the emissions of a television broadcast translator station shall be confined to the authorized channel in accordance with the Television Technical Standards contained in Part 3, Subpart E of this chapter.

(c) Spurious emissions, including radio frequency harmonics, more than 3 Mc above or below the upper and lower edges, respectively, of the assigned channel shall be attenuated no less than 60 decibels below the visual transmitter power. Greater attenuation will be required if such spurious emissions cause interference to any radio service.

§ 4.737 *Antenna location.* (a) An applicant for a new television broadcast translator station or for a change in the facilities of an existing station shall endeavor to select a site which will provide a line-of-sight transmission path to the entire area intended to be served and at which there is available a suitable signal from the primary station or stations. The transmitting antenna should be placed above growing vegetation and trees lying in the direction of the area intended to be served to minimize the possibility of signal absorption by foliage.

(b) A site within 5 miles of the area intended to be served is to be preferred if the conditions in paragraph (a) of this section can be met.

(c) Consideration should be given to accessibility of the site at all seasons of the year and to the availability of facilities for the maintenance and operation of the television broadcast translator station.

(d) The transmitting antenna should be located as near as is practical to the transmitter to avoid the use of long transmission lines and the associated power losses.

(e) Consideration should be given to the existence of strong radio frequency fields from other transmitters at the translator site and the possibility that such fields may result in the retransmission of signals originating on frequencies other than that of the primary station.

EQUIPMENT

§ 4.750 *Equipment and installation.* (a) An application for construction permit for a new television broadcast translator station or for changes in the facilities of an existing station shall specify equipment which has been type approved by the Commission.

(b) Type approval will be granted only after tests have been made at the Commission's Laboratory, Laurel, Maryland. Manufacturers may submit a production model for type approval and such approval, if granted, will be considered to apply to all identical models manufactured under that type number. No change, either mechanical or electrical, may be made in any type approved apparatus without prior approval of the Commission upon appropriate application therefor. Type approval may be withdrawn at any time if the apparatus fails to meet the requirements under which type approval was granted.

(c) Type approval will be granted only if the apparatus meets the following requirements:

(1) The frequency converter and associated amplifiers shall be so designed that the electrical characteristics of the incoming signal will not be altered significantly upon retransmission except as to frequency and amplitude.

(2) The overall characteristics of the apparatus shall be such that emissions on any discrete frequency more than 3 Mc above or below the upper and lower limits respectively, of the assigned channel shall be attenuated no less than 60 decibels below the visual transmitted power, regardless of whether such emissions are generated within the translator or are produced as the result of an external signal introduced into the input circuits of the translator apparatus.

(3) The local oscillator employed in the frequency converted shall be sufficiently stable that, subject to variations in ambient temperature between —15° and +55° Centigrade and power main voltage variations of 15 percent, its frequency will not vary more than 0.01 percent.

(4) The translator shall be so designed and adjusted that its overall characteristics will remain essentially linear under all conditions of operation. It shall be equipped with suitable automatic circuits to maintain a constant output under conditions where the intensity of the received signal varies 20 decibels. If a manual adjustment is provided to compensate for differing average signal intensities which may be encountered in various locations and installations, provision shall be made for determining the proper setting of the manual adjustment by means of a meter or meter jack to measure direct current of voltage of appropriate circuits in the translator. If improper adjustment of the manual control could result in improper operation of the translator, a label shall be affixed at the adjustment control bearing a suitable warning.

(5) The tube or tubes employed in the final radio frequency amplifier shall be of the proper rating to supply the rated power output. The rated maximum peak visual power output of the translator shall not be greater than 10 watts.

(6) The apparatus shall be equipped with suitable automatic devices which will place it in an inoperative condition in the absence of a visual and aural signal from the primary station. Such automatic devices may be provided with reasonable time constants to prevent momentary failures of the incoming signal from interrupting the operation.

(7) In general, the transmitter shall be mounted on racks and panels or in totally enclosed frames protected as required by Article 810 of the National Electrical Code.

(8) (i) Any manufacturer desiring to submit a translator for type approval shall supply the Commission with full specification details (two sworn copies) as well as the test data specified in this section. If this information appears to meet the requirements of the rules, shipping instructions will be issued to the manufacturer. The shipping charges to and from the Laboratory at Laurel, Maryland, shall be paid for by the manufacturer. Approval of a translator will only be given on the basis of the data obtained from a sample translator submitted to the Commission for test.

(ii) In approving a translator upon the basis of the tests conducted by the Laboratory, the Commission merely recognizes that the type of translator has the inherent capability of functioning in compliance with the rules, if properly constructed, maintained, and operated.

(iii) Additional rules with respect to withdrawal of type approval, modification of type approval equipment, and limitations on the findings upon which type approval is based are set forth in Part 2, Subpart F, of the Commission's rules.

(d) The installation of a television broadcast translator station shall be made only by, or under the direct supervision of, a qualified electronics engineer, and any repairs or adjustments made during or subsequent to the installation, which could result in improper operation, shall be made by or under the direct supervision of an operator holding a valid first or second class radiotelephone operators license issued by the Commission.

(e) The choice of transmitting and receiving antennas is left to the discretion of the applicant. In general, the transmitting antenna should be designed to provide maximum signal over the area intended to be served and to minimize radiation over other areas, particularly those in which interference could be caused to the reception of other stations. The Commission reserves the right to require the use of a suitable directive transmitting antennas in order to permit the assignment of the same channel to two or more television broadcast translator stations located in the same general area. An application for construction permit for a new television broadcast translator station or for changes in the facilities of an existing station, shall supply complete details of the proposed receiving and retransmitting antenna systems, including an accurate plot of the field pattern of the transmitting antenna, if directive.

§ 4.751 *Equipment changes.* (a) No change, either mechanical or electrical, may be made in type approved apparatus except upon instructions of the manufacturer of the equipment, based upon Commission approval for the change granted to the manufacturer in accordance with § 4.750 (b).

(b) Formal application (FCC Form 346) is required for any of the following changes:

(1) Replacement of the transmitter as a whole, except by one of an identical type.

(2) A change in the transmitting antenna system, including the direction of radiation, directive antenna pattern, or transmission line.

(3) An increase in the overall height of the antenna above ground of more than 20 feet or which will result in an overall height above ground of more than 170 feet.

(4) A change of the control point of a remotely controlled television broadcast translator station or any change in the control circuits.

(5) Any change in the location of the transmitter except a move within the same building or upon the same tower or pole, and any horizontal change in the location of the transmitting antenna in excess of 500 feet.

(6) A change of frequency assignment.

(7) A change of authorized operating power.

(8) A change of the primary TV station or stations being retransmitted.

(c) Other equipment changes not specifically referred to above may be made at the discretion of the licensee, provided that the Engineer in Charge of the radio district in which the television broadcast translator station is located and the Commission's Washington, D. C. office, are notified in writing upon completion of such changes, and provided, further, that the changes are appropriately reflected in the next application for renewal of license of the television broadcast translator station.

TECHNICAL OPERATION

§ 4.761 *Frequency tolerance.* The licensee of a television broadcast translator station shall maintain the visual carrier frequency and the aural center frequency at the output of the translator within 0.01 percent of its assigned frequencies when the primary station is operating exactly on its assigned frequencies. This tolerance shall not be exceeded at times when the primary station is not on its assigned frequencies, by more than the amount of the departure by the primary station.

§ 4.762 *Frequency monitors and measurements.* (a) The licensee of a television broadcast translator station is not required to provide means for measuring the operating frequencies of the transmitter. However, only equipment having the required stability will be approved for use at a television broadcast translator station.

(b) In the event that a television broadcast translator station is found to be operating beyond the frequency tolerance prescribed in § 4.761, the licensee shall promptly suspend operation of the translator and shall not resume operation until the translator has been restored to its assigned frequencies. Adjustment of the frequency determining circuits of a television broadcast translator station shall be made only by a qualified person in accordance with § 4.705 (d).

(c) The licensee of a television broadcast translator station may, at its discretion, provide means for comparing the frequency of the translator with an external frequency source of known accuracy as a preventive measure to avoid unnecessary interruptions to service.

§ 4.763 *Time of operation.* (a) A television broadcast translator station is not required to adhere to any regular schedule of operation. However, the licensee of a television translator station is expected to provide a dependable service to the extent that such is within its control and to avoid unwarranted interruptions to the service provided.

(b) If causes beyond the control of the licensee require that a television broadcast translator station remain inoperative for a period in excess of 10 days, the Engineer in Charge of the radio district in which the station is located shall be notified promptly in writing, describing the cause of failure and the steps taken to place the station in operation again, and shall be notified promptly when the operation is resumed.

(c) Failure of a television broadcast translator station to operate for a period of 30 days or more, except for causes beyond the control of the licensee, shall be deemed evidence of discontinuance of operation and the license of the station will be cancelled.

(d) A television broadcast translator station shall not be permitted to radiate during extended periods when signals of the primary station are not being retransmitted.

§ 4.764 *Station inspection.* The licensee of a television broadcast translator station shall make the station and the records required to be kept by the rules in this subpart, available for inspection by representatives of the Commission.

§ 4.765 *Posting of station and operators licenses.* (a) The station license and any other instrument of authorization or individual order concerning the construction of the equipment or manner of operation shall be posted in a conspicuous place in the room in which the transmitter is located so that all terms thereof are visible; *Provided:*

(1) If the transmitter is operated by remote control pursuant to § 4.734, the station license shall be posted in the above described manner at the control point.

(2) If the transmitter is installed so as to be exposed to the elements and posting of the license would result in its being so exposed, the license or a photo copy thereof may be kept in the possession of the operator in charge of the transmitter. If a photo copy is used, the original license shall be conveniently available for inspection by a representative of the Commission.

(b) The original of each station operator license shall be posted at the place where he is on duty: *Provided, however,* That if the original license of a station operator is posted at another radio transmitting station in accordance with the Rules governing that class of station and is there available for inspection by a representative of the Commission, a verification card (Form 758–F) is acceptable in lieu of the posting of such license: *Provided, further, however,* That if the operator in charge holds a restricted radiotelephone operator permit of the card form (as distinguished from the diploma form), he shall not post that permit but shall keep it in his personal possession.

§ 4.766 *Operator requirements.* (a) The actual operation of the transmitting apparatus at a television broadcast translator station shall be carried on only by a person holding a valid commercial radio operator's license or permit of any class issued by the Commission except a Temporary Limited Radiotelegraph Second-Class License or an Aircraft Radiotelephone Operator Authorization who shall provide supervision to no less extent than that required by § 4.734 and who shall be responsible for the proper operation of the apparatus with respect to those functions under his control. This responsibility, however, shall in no way relieve the licensee of its responsibility for the proper operation of the station.

(b) Any repairs or adjustments to a television broadcast translator station which might result in improper operation of the equipment shall be made only by or under the direct supervision of a person holding a valid first or second class radiotelephone operator's license issued by the Commission.

(c) The licensed operator on duty and in charge of a television broadcast translator station may, at the discretion of the licensee, be employed for other duties or for the operation of another station or stations in accordance with the class of license which he holds and the rules and regulations governing such stations. However, such duties shall in nowise interfere with the operation of the television broadcast translator station.

§ 4.767 *Marking and lighting of antenna structures.* The marking and lighting of antenna structures employed at a television broadcast translator station, where required, will be specified in the authorization issued by the Commission. Part 17 of the Commission's rules sets forth the conditions under which such marking and lighting will be required and the responsibility of the licensee with regard thereto.

§ 4.768 *Additional orders.* In case the rules contained in this part do not cover all phases of operation or experimentation with respect to external effects, the Commission may make supplemental or additional orders, in each case as may be deemed necessary.

§ 4.769 *Copies of rules.* The licensee of a television broadcast translator station shall have current copies of Part 3, Part 4, and Part 17 of the Commission's rules available for use by the operator in charge, and is expected to be familiar with those rules relating to the operation of a television broadcast translator station. Copies of the Commission's rules may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D. C., at nominal cost.

OPERATION

§ 4.781 *Station records.* (a) The licensee of a television broadcast translator station shall maintain an operating log showing the following:

(1) Hours of operation.

(2) Call letters, channel, and location of primary station or stations.

(3) Time of periodic observation required by § 4.734 (d), and operating conditions, signed by the operator making the observation.

(4) A record of all repairs, adjustments, maintenance, tests, and equipment changes, showing the date of such events, the name and qualifications of the person performing the operation, and a brief description of the matter logged.

(b) Where an antenna structure is required to be illuminated, see § 17.38 of this subchapter.

(c) The operating log shall be made available upon request to any authorized representative of the Commission.

(d) Station records shall be retained for a period of two years.

§ 4.782 [Reserved.]

§ 4.783 *Station identification.* (a) The call sign of a television broadcast translator station shall be transmitted in international Morse Code by means of an automatic keying device, at the beginning and end of each period of operation and during operation, within 5 minutes of the hour and half hour. This transmission may be accomplished either by turning the visual and aural carriers of the translator on and off in the proper sequence or by superimposing an audio frequency tone containing the telegraphic identification, on the visual and aural carriers radiated by the translator. The modulation level of the identifying signal shall not be less than 30 percent of the aural signal.

(b) The Commission may, in its discretion, specify other methods of identification.

(c) Call signs for television broadcast translator stations will be made up of the initial letter K or W followed by the channel number assigned to the translator and two letters. The use of the initial letter will generally follow the pattern used in the broadcast service, i. e., stations west of the Mississippi River will be assigned an initial letter K and those east of the Mississippi River the letter W. The two letter combinations following the channel number will be assigned in order and requests for the assignment of particular combinations of letters will not be considered.

§ 4.784 *Rebroadcasts.* (a) The term "rebroadcast" means the reception by radio of the programs or other signals of a radio or television station and the simultaneous or subsequent retransmission of such programs or signals for direct reception by the general public.

(b) The licensee of a television broadcast translator station shall not rebroadcast the programs of any television broadcast station or other television broadcast translator station without obtaining prior consent of the station whose signals or programs are proposed to be retransmitted. The Commission shall be notified of the call letters of each station rebroadcast and the licensee of the television broadcast translator station shall certify that express authority has been received from the licensee of the station whose programs are retransmitted.

(c) A television broadcast translator station is not authorized to rebroadcast the transmissions of any class of station other than a television broadcast station or another television broadcast translator station.

[F. R. Doc. 56-4245; Filed, May 29, 1956; 8:52 a. m.]

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[FCC 56-494]

[Rules Amdts. 7-10 and 8-16]

PART 7—STATIONS ON LAND IN THE MARITIME SERVICES

PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICES

MISCELLANEOUS AMENDMENTS

In the matter of amendment of Parts 7 and 8 of the Commission's rules to delete the condition of non-interference to any Government station by the use of the frequency 2522 kc in the Los Angeles-San Diego area.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of May 1956;

The Commission having under consideration the above-captioned matter; and

It appearing that the frequency 2522 kc is available for assignment in the Los Angeles-San Diego area from 7 a. m. to 7 p. m., P. s. t., only on condition that harmful interference is not caused to the service of any United States Government station; and

It further appearing that the Government operation which necessitated the restriction on non-Government use of 2522 kc in the Los Angeles-San Diego area has been removed and the non-interference clause now contained in the rules, being inapplicable, should be deleted; and

It further appearing that because the amendment herein ordered is of a non-controversial nature and merely deletes a condition which is no longer applicable, compliance with the public notice and rule making procedure prescribed by sections 4 (a) and (b) of the Administrative Procedure Act is unnecessary; and

It further appearing that since the amendment herein ordered relieves an existing restriction, compliance with the effective date provisions of section 4 (c) of the Administrative Procedure Act is not required; and

It further appearing that the public interest, convenience and necessity will be served by the amendments herein ordered, the authority for which is contained in section 303 (r) of the Communications Act of 1934, as amended;

*It is ordered*, That, effective June 4, 1956, Parts 7 and 8 of the Commission's rules are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: May 25, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

A. Part 7 is amended as follows:

1. Section 7.306 (b): That portion of the frequency table dealing with Los Angeles-San Diego, California, is amended to read as follows:

| | | | | |
|---|---|---|---|---|
| Los Angeles-San Diego, Calif. | 2566 | None | 2009 | None. |
| | 2466 | Available beginning on a date to be designated; on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Tampa, Fla., to which this carrier frequency is assigned for transmission.[3] | 2382 | Available beginning on a date to be designated; on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of New Orleans, La., and is transmitting on this frequency to a coast station located in the vicinity of that port.[3] |
| | 2598 | 7 a. m. to 7 p. m., P. s. t., only | 2206 | 7 a. m. to 7 p. m., P. s. t., only. |
| | 2522 | 7 a. m. to 7 p. m., P. s. t., only | 2126 | 7 a. m. to 7 p. m., P. s. t., only. |

B. Part 8 is amended as follows:

1. Section 8.354 (a) (1): That portion of the frequency table dealing with Los Angeles-San Diego, California, is amended to read as follows:

| | | | | |
|---|---|---|---|---|
| Los Angeles-San Diego, Calif. | 2009 | None | 2566 | None. |
| | 2382 | Available beginning on a date to be designated; on condition that harmful interference is not caused to the service of any ship station which is within 300 nautical miles of New Orleans, La., and is transmitting on this frequency to a coast station located in the vicinity of that port.[3] | 2466 | Available beginning on a date to be designated; on condition that harmful interference is not caused to the service of any coast station located in the vicinity of Tampa, Fla., to which this carrier frequency is assigned for transmission.[3] |
| | 2206 | 7 a. m. to 7 p. m., P. s. t., only | 2598 | 7 a. m. to 7 p. m., P. s. t., only. |
| | 2126 | 7 a. m. to 7 p. m., P. s. t., only | 2522 | 7 a. m. to 7 p. m., P. s. t., only. |

[F. R. Doc. 56-4246; Filed, May 29, 1956; 8:52 a. m.]



# PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

### Commodity Stabilization Service

### [ 7 CFR Part 722 ]

UPLAND COTTON

NOTICE OF FORMULATION OF REGULATIONS RELATING TO DETERMINATION OF FARM MARKETING QUOTA AND FARM MARKETING EXCESS, MARKETING OF UPLAND COTTON, COLLECTION OF MARKETING PENALTIES, AND RECORDS AND REPORTS FOR 1956, 1956–57 MARKETING YEAR

A national marketing quota proclamation for the 1956 crop of upland cotton was issued by the Secretary of Agriculture on October 14, 1955 (20 F. R. 7806), and the quota was approved by upland cotton producers voting in a referendum on December 13, 1955. Farm acreage allotments for the 1956 crop of upland cotton were established pursuant to section 344 of the Agricultural Adjustment Act of 1938, as amended; and notices thereof mailed to farm operators prior to the date of the referendum in accordance with section 362 of the act.

Pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301–1376), the Secretary of Agriculture is preparing to formulate and issue marketing quota regulations covering the identification of farms; the amount, adjustment and review of the farm marketing quota and farm marketing excess; the issuance of marketing cards and certificates; the identification of upland cotton which is marketed as being subject to or not subject to the penalty and lien for the penalty; the rate of the penalty and the manner in which penalties shall be paid by producers and buyers; the refunding of penalty overpayments; the records and reports required to be made by upland cotton producers, ginners, buyers and others; and other miscellaneous provisions regarding the production and marketing of upland cotton.

It is proposed that the regulations be substantially the same as the regulations in effect for the 1955–56 marketing year (20 F. R. 3979 and 4939) except that certain provisions governing the measurement of farms and the exemption of cotton produced by publicly-owned agricultural experiment stations have already been included in the Acreage Allotment Regulations for the 1956 Crop of Upland Cotton (20 F. R. 8247) and, therefore, will be omitted from the proposed regulations.

Prior to the issuance of such regulations, consideration will be given to any data, views, or information pertaining thereto which are submitted in writing to the Director, Cotton Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than 15 calendar days from the date of publication of this notice in the FEDERAL REGISTER in order to be considered. The date of the postmark will be considered as the date of any submission.

Issued this 24th day of May 1956.

[SEAL] EARL M. HUGHES,
*Administrator.*

[F. R. Doc. 56-4257; Filed, May 29, 1956; 8:54 a. m.]

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### [ 7 CFR Part 722 ]

EXTRA LONG STAPLE COTTON

NOTICE OF FORMULATION OF REGULATIONS RELATING TO DETERMINATION OF FARM MARKETING QUOTA AND FARM MARKETING EXCESS, MARKETING OF EXTRA LONG STAPLE COTTON, COLLECTION OF MARKETING PENALTIES, AND RECORDS AND REPORTS FOR 1956 CROP AND 1956–57 MARKETING YEAR

A national marketing quota proclamation for the 1955 crop of extra long staple cotton was issued by the Secretary of Agriculture on October 14, 1955 (20 F. R. 7807), and the quota was approved by extra long staple cotton producers voting in a referendum on December 13, 1955. Farm acreage allotments for the 1956 crop of extra long staple cotton were established pursuant to sections 347 (c) and 344 of the Agricultural Adjustment Act of 1938, as amended; and notices thereof mailed to farm operators prior to the date of the referendum in accordance with section 362 of the act.

Pursuant to the authority contained in the applicable provisions of the act, as amended (7 U. S. C. 1301–1376), the Secretary of Agriculture is preparing to formulate and issue marketing quota regulations covering the identification of farms; the amount, adjustment and review of the farm marketing quota and farm marketing excess; the issuance of marketing cards and certificates; the identification of extra long staple cotton which is marketed as being subject to or not subject to the penalty and lien for the penalty; the rate of the penalty and the manner in which penalties shall be paid by producers and buyers; the refunding of penalty overpayments; the records and reports required to be made by extra long staple cotton producers, ginners, buyers and others; and other miscellaneous provisions regarding the production and marketing of extra long staple cotton.

It is proposed that the regulations be substantially the same as the regulations in effect for the 1955–56 marketing year (20 F. R. 3989 and 4940) except that certain provisions governing the measurement of farms and the exemption of cotton produced by publicly-owned agricultural experiment stations have already been included in the Acreage Allotment Regulations for the 1956 Crop of Extra Long Staple Cotton (20 F. R. 8621) and, therefore, will be omitted from the proposed regulations.

Prior to the issuance of such regulations, consideration will be given to any data, views, or information pertaining thereto which are submitted in writing to the Director, Cotton Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than 15 calendar days from the date of publication of this notice in the FEDERAL REGISTER in order to be considered. The date of the postmark will be considered as the date of any submission.

Issued this 24th day of May 1956.

[SEAL] EARL M. HUGHES,
*Administrator.*

[F. R. Doc. 56-4258; Filed, May 29, 1956; 8:54 a. m.]

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### [ 7 CFR Parts 725, 726 ]

BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO

NOTICE OF FORMULATION OF REGULATIONS RELATING TO THE MARKETING OF TOBACCO, COLLECTION OF MARKETING PENALTIES, AND RECORDS AND REPORTS, 1956–57 MARKETING YEAR

Notice is hereby given that pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1301, 1311–1315, 1372–1375), marketing quota regulations are being prepared covering the issuance of marketing cards, the identification of tobacco, the collection and refund of penalties, and the records and reports incident thereto on the marketing of burley, flue-cured, fire-cured, dark air-cured, and Virginia sun-cured tobacco for the 1956–57 marketing year.

It is contemplated that the regulations for the 1956–57 marketing year will be substantially the same as those issued for the 1955–56 marketing year (20 F. R. 4106, burley and flue-cured; 20 F. R. 6010, fire-cured, dark air-cured, and Virginia sun-cured) except for changes and additional provisions as follows:

A. For the 1956–57 and subsequent marketing years, it is proposed that the regulations relating to marketings of fire-cured, dark air-cured, and Virginia sun-cured tobacco be combined under Part 725 with the regulations relating to marketings of burley and flue-cured tobacco.

B. Prior regulations relating to the marketing of tobacco grown for experimental purposes only would be changed to provide that the Director of a publicly-owned Agricultural Experiment Station furnish the State committee a list by counties showing the following information with respect to the farms on which tobacco is grown for experimental purposes only:

1. Name and address of the publicly-owned experiment station.

2. Name of the owner, and name of the operator if different from the owner,

of each farm on which tobacco is grown for experimental purposes only.

3. The acreage of tobacco grown on each farm for experimental purposes only.

4. A certification signed by the Director of the publicly-owned agricultural experiment station to the effect that:

(a) Such acreage of tobacco was grown on each farm for experimental purposes only;

(b) The tobacco was grown under his direction;

(c) The acreage in each plot was considered necessary for carrying out the experiment.

Provision would be made for issuing to the experiment station a within quota marketing card for use in identifying marketings of tobacco grown on farms or land for which the above information is furnished.

C. The provision in prior regulations for placing excess tobacco in storage under bond as a method by which the farm operator may dispose of excess tobacco so as to avoid the payment of penalty would be eliminated. The definition of "carry-over tobacco" would be continued as in prior regulations, however, and provisions would be made for marketing penalty-free an amount of carry-over tobacco or tobacco under bond from a prior marketing year equal to the amount, as determined under the regulations, by which the harvested acreage is less than the acreage allotment for a subsequent marketing year.

D. As in the previous regulation, a "zero percent" excess marketing card will be required to be issued where a request for a remeasurement of tobacco acreage in excess of the farm acreage allotment is not made within the prescribed time limit. In addition, a provision would be included which would require the issuance of a "zero percent" excess marketing card if excess tobacco is harvested from a farm even though such excess tobacco is disposed of prior to marketing any tobacco from the farm. The effect of these provisions would be to deny price support loans on a kind of tobacco if a request for remeasurement is not timely made, or if tobacco is harvested from an acreage in excess of the allotment for the farm. The proposed regulations also will provide that where more than one kind of tobacco is produced on a farm, a "zero percent" excess marketing card will be issued for each kind of tobacco for which the harvested acreage does not exceed the farm acreage allotment in the event an excess marketing card other than "zero percent" is issued for any kind of tobacco on the farm.

E. An additional provision would provide that if a farm operator or his representative refused to sign a form CSS–578, Report of 1956 Acreage, all acreage of tobacco on the farm would be deemed to be in excess of the farm acreage allotment for the purpose of issuing a marketing card for the farm. The effect of this provision would be to require the issuance of an excess marketing card (ineligible for price support loans) showing that all tobacco marketed from the farm is subject to a rate of penalty per pound equal to 75 percent of the 1955–56 market average price if the farm operator or his representative refused to sign such report.

Prior to the final adoption and issuance of such regulations, consideration will be given to any data, views, or recommendations pertaining thereto which are submitted in writing to the Director, Tobacco Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than ten days from the date of publication of this notice in the FEDERAL REGISTER in order to be considered.

Issued at Washington, D. C., this 24th day of May 1956.

[SEAL] EARL M. HUGHES,
*Administrator.*

[F. R. Doc. 56-4256; Filed, May 29, 1956; 8:54 a. m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

### [ 21 CFR Parts 1, 3, 130 ]

ENFORCEMENT OF FEDERAL FOOD, DRUG, AND COSMETIC ACT; NEW DRUGS

NOTICE OF PROPOSED RULE MAKING

Pursuant to the tentative order published in the FEDERAL REGISTER on September 8, 1955 (20 F. R. 6584) with respect to the proposal of the Commissioner of Food and Drugs to promulgate a revision of the regulations pertaining to new drugs, numerous comments were received. In view of the number of changes made in the proposed order as a result of the comments filed, the Commissioner, under authority delegated to him by the Secretary of Health, Education, and Welfare (20 F. R. 1996) and pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 503, 505, 701; 52 Stat. 1052, 1055; 65 Stat. 648, 649; 21 U. S. C. 353, 355, 371), reissues the proposed order set forth below, and hereby again offers all interested persons an opportunity to submit their views in writing, within 30 days from the date of publication of this notice in the FEDERAL REGISTER, to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C.

1. It is proposed to revoke §§ 1.109 to 1.114, inclusive (21 CFR, 1955 Edition, 1.109–1.114).

2. It is proposed to change the title of Part 130 to read: "Part 130—New Drugs," and to add thereto new sections numbered as §§ 130.1 to 130.32, inclusive, under the subpart heading "Subpart A—Procedural and Interpretative Regulations."

3. It is proposed to transfer § 3.37 from Part 3 to Part 130 and renumber the section as § 130.32.

4. It is proposed to add to Part 130 a new subpart entitled, "Subpart B—Drugs Exempted from Prescription-Dispensing Requirements."

5. It is proposed to renumber § 130.1 *Exemption for certain drugs limited by new-drug applications to prescription sale* as § 130.102, and transfer that section to Subpart B.

6. It is proposed to remove § 1.108 (b), (c), (d), and (e) to Part 130 (Subpart B), change the section title to read "§ 130.101 *Prescription-exemption procedure,*" and redesignate paragraphs (b), (c), (d), and (e) as paragraphs (a), (b), (c), and (d), respectively.

7. It is proposed to amend § 1.108 by deleting "(a)", inserting a semicolon in place thereof; and redesignating subparagraphs (1), (2), (3), and (4) as paragraphs (a), (b), (c), and (d), respectively.

As amended, Part 130 will read as follows:

PART 130—NEW DRUGS

SUBPART A—PROCEDURAL AND INTERPRETATIVE REGULATIONS


Sec.
130.1 Definitions and interpretations.
130.2 Biologics; products subject to license control.
130.3 New drugs for investigational use; exemptions under section 505 (a).
130.4 Applications.
130.5 Reasons for refusing to file applications.
130.6 Comment on applications.
130.7 Amended applications.
130.8 Withdrawal of applications without prejudice.
130.9 Supplemental applications.
130.10 Notification of applicant of effectiveness of application.
130.11 Postponing the effective date.
130.12 Refusal to permit the application to become effective.
130.13 Insufficient information in application.
130.14 Contents of notice of hearing.
130.15 Failure to file an appearance.
130.16 Appearance of respondent.
130.17 Hearing examiner.
130.18 Prehearing and other conferences.
130.19 Submission of documentary evidence in advance.
130.20 Excerpts from documentary evidence.
130.21 Submission and receipt of evidence.
130.22 Transcript of the testimony.
130.23 Oral and written arguments.
130.24 Tentative order.
130.25 Exceptions to the tentative order.
130.26 Issuance of final order.
130.27 Suspension of effective application.
130.28 Revocation of order refusing to permit application to become effective or suspending effective applications.
130.29 Service of notices and orders.
130.30 Untrue statements in applications.
130.31 Judicial review.
130.32 Statement of policy concerning confidentiality of information contained in new-drug applications.


SUBPART B—DRUGS EXEMPTED FROM PRESCRIPTION-DISPENSING REQUIREMENTS


130.101 Prescription-exemption procedure.
130.102 Exemption for certain drugs limited by new-drug applications to prescription sale.


AUTHORITY: §§ 130.1 to 130.102 issued under section 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interpret or apply secs. 503, 505, 52 Stat. 1051, as amended, 1052, as amended; 21 U. S. C. 353, 355.

CROSS REFERENCES: For other regulations on new drugs, issued under the Federal Food, Drug, and Cosmetic Act, see § 1.106 (g) and (k) and § 3.7 of Subchapter A of this chapter.

§ 130.1 *Definitions and interpretations.* (a) As used in this part, the term "act" means the Federal Food, Drug, and Cosmetic Act approved June 25, 1938 (52 Stat. 1040 et seq., as amended; 21 U. S. C. 301–392).

(b) "Department" means the Department of Health, Education, and Welfare.

(c) "Secretary" means the Secretary of Health, Education, and Welfare.

(d) "Commissioner" means the Commissioner of Food and Drugs.

(e) "New Drug Branch" means the unit established within the Food and Drug Administration charged with the administration of section 505 of the act relating to new drugs.

(f) The newness of a drug may arise by reason (among other reasons) of:

(1) The newness for drug use of any substance which composes such drug, in whole or in part, whether it be an active substance or a menstruum, excipient, carrier, coating, or other component.

(2) The newness for drug use of a combination of two or more substances, none of which is a new drug.

(3) The newness for drug use of the proportion of a substance in a combination, even though such combination containing such substance in other proportion is not a new drug.

(4) The newness of use of such drug in diagnosing, curing, mitigating, treating, or preventing a disease, or to affect a structure or function of the body, even though such drug is not a new drug when used in another disease or to affect another structure or function of the body.

(5) The newness of a dosage, or method or duration of administration or application, or other condition of use prescribed, recommended, or suggested in the labeling of such drug, even though such drug when used in other dosage, or other method or duration of administration or application, or different condition, is not a new drug.

(g) "New-drug substance" means any substance that, when used in the manufacture, processing, or packing of a drug, causes that drug to be a new drug, but does not include intermediates used in the synthesis of such substance.

(h) The term "person" includes individuals, partnerships, corporations, and associations.

(i) The definitions and interpretations of terms contained in section 201 of the act shall be applicable to such terms when used in the regulations in this part.

§ 130.2 *Biologics; products subject to license control.* A new drug shall not be deemed to be subject to section 505 of the act if it is a drug licensed under the Public Health Service Act of July 1, 1944 (58 Stat. 682, as amended; 42 U. S. C. 201 et seq.) or under the animal-virus-serum-toxin law of March 4, 1913 (37 Stat. 832; 21 U. S. C. 151 et seq.)

§ 130.3 *New drugs for investigational use; exemptions from section 505 (a).* (a) Except as provided by paragraph (b) of this section, a shipment or other delivery of a new drug shall be exempt from section 505 (a) of the act if all the following conditions are complied with:

(1) The label of such drug bears the statement "Caution: New drug—Limited by Federal law to investigational use."

(2) Such shipment or delivery is made only to, and solely for investigational use by or under the direction of, an expert qualified by scientific training and experience to investigate the safety of such drug.

(3) The person who introduced such shipment or who delivered the drug for introduction into interstate commerce obtains, prior to the introduction or delivery, a statement signed by such expert showing that he has adequate facilities for the investigation to be conducted by him, and that such drug will be used solely by him or under his direction for the investigation, unless and until an application becomes effective with respect to such drug under section 505 of the act. This subparagraph shall not apply when such shipment or delivery is made to an agency of the Government of the United States (including the National Research Council) or of any State or municipality whose official functions involve investigations of new drugs by such experts.

(4) Such person retains in his files the statement referred to in subparagraph (3) of this paragraph, together with complete records showing the date, quantity, and batch or code mark (if any) of each such shipment and delivery, until 3 years after the introduction or delivery for introduction of such shipment into interstate commerce. Upon the request of any officer or employee of the Department at reasonable times, he makes the records referred to in this subparagraph and in subparagraph (3) of this paragraph available for inspection, and upon written request he submits such records, or copies thereof, to the New Drug Branch for examination.

(b) A shipment or other delivery of a new drug that is being imported or offered for import into the United States shall be exempt from section 505 (a) of the act if all the following conditions are complied with:

(1) The label of such drug bears the statement "Caution: New drug—Limited by United States law to investigational use."

(2) The importer of all such shipments or deliveries is an agent of the foreign exporter, residing in the United States, or the operator of an establishment in the United States which has facilities for regularly investigating the safety of such drugs, which facilities are manned by experts qualified by scientific training and experience to conduct such investigation.

(3) Such operator uses such drugs solely for such investigation in such establishment, or such operator or agent otherwise disposes of such drug only to, and solely for investigational use by or under the direction of, such an expert outside such establishment.

(4) Such importer, prior to disposing of any of such drug to such an expert, obtains a statement signed by such expert showing that he has adequate facilities for the investigation to be conducted by him, and that such drug will be used solely by him or under his direction for the investigation, unless and until an application becomes effective with respect to such drug under section 505 of the act. This subparagraph shall not apply to any shipment or delivery or part thereof disposed of by such importer to an agency of the Government of the United States (including the National Research Council) or of any State or municipality whose official functions involve investigations of new drugs by such experts.

(5) Such importer retains in his files the statement referred to in subparagraph (4) of this paragraph and complete records showing the date, quantity, and batch or code marks (if any) of each such shipment and delivery and the disposition thereof, until 3 years after disposition by such importer of the lot of such drug to which the statements and records relate. Upon the request of any officer or employee of the Department at reasonable times, he makes the records referred to in this subparagraph and in subparagraph (4) of this paragraph available for inspection, and upon written request he submits such records, or copies thereof, to the New Drug Branch for examination.

(c) An exemption under paragraph (a) or (b) of this section shall become void ab initio if any record or statement required by such paragraph to be kept and made available for inspection is not kept or made available as so required.

(d) An exemption under paragraph (a) or (b) of this section shall expire with respect to any exempted shipment or delivery or part thereof which has been supplied to an expert who has signed the statement referred to in paragraph (a) (3) or (b) (4) of this section and which is used otherwise than in accordance with such signed statement.

(e) An exemption under paragraph (b) of this section shall become void ab initio if the exempted shipment or delivery or any part thereof is disposed of otherwise than as provided by subparagraph (3) of that paragraph.

(f) No exemption under paragraph (b) of this section shall apply to any shipment or delivery to such importer if such importer, within 3 years prior to the offering of such shipment or delivery for import, has caused an exemption to become void as provided by paragraph (c) or (e) of this section.

§ 130.4 *Applications.* (a) Applications to be filed under the provisions of section 505 (b) of the act shall be submitted in duplicate to the New Drug Branch. If any part of the application is in a foreign language, an accurate and complete English translation shall be appended to such part; translations of literature printed in a foreign language shall be accompanied by copies of the original publication.

(b) Pertinent information may be incorporated in, and will be considered as part of, an application on the basis of specific reference to such information submitted to and retained in the files of the Food and Drug Administration. However, any reference to information furnished by a person other than the applicant will not be considered unless use of such information is authorized in a written statement signed by the person who submitted it.

(c) Applications shall be submitted in the following form:

Form FD-356—Rev. 1956

Department of Health, Education, and Welfare, Food and Drug Administration.

ORIGINAL ☐ OR SUPPLEMENTAL ☐ APPLICATION

Name of applicant ----------
Address ----------
Date ----------
Name of new drug ----------
(If this is a supplemental application see Item (8))

To the Secretary of Health, Education, and Welfare,
For the Commissioner of Food and Drugs,
Washington 25, D. C.
Dear Sir:

The undersigned, ----------, submits this application with respect to a new drug pursuant to section 505 (b) of the Federal Food, Drug, and Cosmetic Act. Attached hereto, in duplicate, and constituting a part of this application are the following:

(1) Full reports of all investigations that have been made to show whether or not the drug is safe for use.

(a) An application may be incomplete or may be refused unless it includes full reports of adequate tests by all methods reasonably applicable to show whether or not the drug is safe for use as suggested in the proposed labeling. The reports ordinarily should include detailed data derived from appropriate animal or other biological experiments in which the methods used and the results obtained are clearly set forth. Reports of all clinical tests by experts, qualified by scientific training and experience to evaluate the safety of drugs, should be attached and ordinarily should include detailed information pertaining to each individual treated, including age, sex, conditions treated, dosage, frequency of administration, duration of administration of the drug, results of clinical and laboratory examinations made, and a full statement of any adverse effects and therapeutic results observed.

(b) The complete composition and/or method of manufacture of the new drug used in each submitted report of investigation should be shown to the extent necessary to establish its identity, strength, quality, and purity if it differs from the description in parts (2), (3), or (4) of the application in any way that would bias an evaluation of the report.

(c) The unexplained omission of any reports of investigations made with the drug by the applicant or submitted to him by an investigator he supplied with the drug that would bias an evaluation of the safety of the drug constitutes grounds for the refusal or suspension of an application.

(2) A full list of the articles used as components of the drug. (This list should include all substances used in the synthesis, extraction, or other method of preparation of any new-drug substance, regardless of whether they undergo chemical change in the process. Each substance should be identified by its common English name or complete chemical name, using structural formulas when necessary for specific identification. If any proprietary preparation is used as a component, the proprietary name should be followed by a complete quantitative statement of composition. Reasonable alternatives for any listed substance may be specified.)

(3) A full statement of the composition of the drug. (This statement should set forth the name and amount of each ingredient, whether active or not, contained in a stated quantity of the drug in the form in which it is to be distributed; as, for example, amount per tablet or per milliliter, in addition to a representative batch formula. Any calculated excess of an ingredient over the label declaration should be designated as such and percent excess shown. Reasonable variations may be specified.)

(4) (a) A full description of the methods used in the manufacture, processing, and packing of the drug. (Included in this description should be full information on the following, in sufficient detail to permit evaluation of the adequacy of the manufacturing, processing, and packing methods to determine and preserve the identity, strength, quality, and purity of the drug:

(i) The methods used in the synthesis, extraction, isolation, or purification of any new-drug susbtance. When the specifications and controls applied to such substance (described in part (4) (b) of this form) are inadequate in themselves to determine its identity, strength, quality, and purity, the methods should be described in sufficient detail, including quantities used, times, temperature, pH, solvents, etc., to determine these characteristics. Alternative methods or variations in methods within reasonable limits that do not affect such characteristics of the substance may be specified.

(ii) The methods used in processing and packing each proposed dosage form of the new drug, including a description of the container or other packaging material.

(iii) If the applicant does not himself perform all the manufacturing, processing, and packing operations for any new drug substance or the new drug, his statement identifying each person who will perform a part of such operations and designating the part and a signed statement from each such person, fully describing the methods he uses directly or by reference.

(b) A full description of the facilities and controls used for the manufacture, processing, and packing of the drug.

(Included in this description should be full information on the following in sufficient detail to permit evaluation of the adequacy of the described methods, facilities, and controls to preserve the identity, strength, quality, and purity of the drug.)

(i) A description of the physical facilities including plant and equipment used in manufacturing, processing, packing, and control operations on the new drug.

(ii) If the applicant does not himself perform all the manufacturing, processing, packing, and control operations, his statement identifying each person who will perform a part of such operations and designating the part; and a signed statement from each such person fully describing the facilities and controls he uses in his part of the operations directly or by reference.

(iii) Precautions to insure proper identity, strength, quality, and purity of the raw materials, whether active or not, including the specifications for acceptance of each lot of raw material.

(iv) Whether or not each lot of raw materials is given a serial number to identify it, and the use made of such numbers in subsequent plant operations.

(v) Method of preparation of formula card, and manner in which it is used.

(vi) Number of individuals checking weight or volume of each individual ingredient entering into each batch of the drug.

(vii) Whether or not the total weight or volume of each batch is determined at any stage of the manufacturing process subsequent to making up a batch according to the formula card and at what stage and by whom it is done.

(viii) Precautions to check the actual packaged yield produced from a batch of the drug with the theoretical yield.

(ix) Precautions to insure that the proper labels are placed on the drug for a particular lot, including provisions for label storage and inventory control.

(x) The analytical controls used during the various stages of the manufacturing, processing, and packing of the drug, including a detailed description of the collection of samples and the analytical procedures to which they are subjected. If the article is one which is represented to be sterile, the same information should be given for sterility controls. Include the standards required for acceptance of each lot of the finished drug.

(xi) An explanation of the exact significance of any batch control numbers used in the manufacturing, processing, and packing of the drug, including any such control numbers that may appear on the label of the finished article. State whether or not any of the numbers appear on invoices and describe any other methods used to permit determination of the distribution of any batch if its recall is required.

(xii) A complete description of and the data derived from studies of the stability of the drug. If the data indicate that an expiration date is needed to preserve the identity, strength, quality, and purity of the drug until it is used, a statement of an expiration date.

(xiii) Additional procedures employed which are designed to prevent contamination and otherwise insure proper control of the product.

(5) Three finished market packages of the drug, and other samples of the drug or its components on request.

(When finished market packages of the drug are not available to submit with the application, state that finished market packages conforming to the description under part (4) (a) (ii) and labeled as provided in part (6) of the application will be submitted as soon as available and prior to the marketing of the drug. In case the drug is available only in limited quantity, state the extent to which samples of the drug and its components will be available on request.)

(6) Five copies of each label and other labeling to be used for the drug.

(a) Each label, or other labeling, should be clearly identified to show its position on, or the manner in which it accompanies, the market package.

(b) The labeling on or within the retail package should include adequate directions for use by the layman under all the conditions for which the drug is intended for lay use, or is to be prescribed, recommended, or suggested in any labeling or advertising sponsored by or on behalf of the applicant and directed to laymen.

(c) The labeling on or within the retail package, or a brochure or other printed matter specifically identified on such label or labeling and made available to practitioners, should contain adequate information for use of the drug by such practitioners under all the conditions for which the drug is intended or is to be prescribed, recommended, or suggested in any labeling or advertising sponsored by or on behalf of the applicant.

(d) Labeling bearing adequate information for use of the drug by practitioners should be a part of the retail package of injections and any other drug that may be unsafe for the intended use unless such information is immediately available to the practitioner.

(e) Typewritten or other draft labeling copy may be accepted for conditional consideration of an application, provided, a statement is made that final printed labeling identical in content to the draft copy provided for in the application will be submitted as soon as available and prior to the marketing of the drug.

(7) State whether the drug is (or is not) limited in its labeling and by this application to use under the professional supervision of a practitioner licensed by law to administer it.

(8) If this is a supplemental application, full information on each proposed change concerning any statement made in the effective application.

(After an application is effective, a supplemental application may propose changes. The supplemental application may omit statements made in the effective application concerning which no change is proposed. A supplemental application should be submitted for any change beyond the variations provided for in the application, that may alter the conditions of use, the labeling, the safety, identity, strength, quality, or purity of the drug or the adequacy of manufacturing methods, facilities, or controls to preserve them. When necessary for the safety of the drug, a supplemental application may be required to specify a period of time within which the proposed change will be made; and in such case the distribution of the drug after such time without such change constitutes distribution without an effective new-drug application. A supplemental application is not required when the article is no longer a new drug unless the proposed change itself causes it to become a new drug. If a material change is made from the representations in an effective application for a new drug before a supplement is effective for such change, the application may be suspended under § 130.27.)

(9) It is understood that all representations in this application regarding the components, composition, manufacturing methods, facilities, controls, and labeling apply to the drug produced until an effective supplement to the application provides for a change or the article is no longer a new drug.

Very truly yours,

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(Applicant)
Per ----------
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(Indicate authority)

This application must be signed by the applicant or by an authorized attorney, agent, or official.

The data specified under the several numbered headings should be on separate sheets or sets of sheets, suitably identified. The sample of the drug, if sent under separate cover, should be addressed to the New Drug Branch and identified on the outside of the shipping package with the name of the applicant and the name of the drug as shown on the application.

The applicant will be notified of the date on which his application is filed. An incomplete application, or one which has not been submitted in duplicate, will usually be retained but not filed as an application provided for in section 505 (b) of the act. The applicant will be notified in what respect his application is incomplete.

ALL APPLICATIONS AND CORRESPONDENCE SHOULD BE SUBMITTED IN DUPLICATE

(d) "Specimens of the labeling proposed to be used," quoted from section 505 (b) (6) of the act, means final printed labeling if printed labeling is to be used. However, for the purpose of facilitating consideration of applications and necessary revisions in labeling, the New Drug Branch may conditionally file and may inform the applicant of the conditional effectiveness of his application on the basis of typewritten or other draft labeling copy, provided that both of the following conditions are met:

(1) It is reasonable to reach a conclusion as to the safety of the drug on considering the submitted labeling copy and description of format, typography, etc.

(2) The application states that final printed labeling identical in content to the draft copy provided for in the application will be submitted as soon as available and prior to the marketing of the drug.

An application conditionally filed and conditionally effective as provided in this paragraph will be considered incomplete under section 505 (b) (6) of the act, not filed as an application pursuant to section 505 (b), and not effective if the new drug is marketed prior to the submission to the New Drug Branch of specimens of its final printed labeling conforming to the conditions of the application.



§ 130.5 *Reasons for refusing to file applications.* (a) An application shall not be considered complete and will not be filed as a new-drug application within the meaning of section 505 (b) of the act if it does not contain complete and accurate English translations of any part in a foreign language, if only one copy is submitted, or if it is incomplete on its face, in that:

(1) It does not contain all the matter required by clauses (1), (2), (3), (4), and (6) of section 505 (b) of the act.

(2) It does not state the conditions under which the drug is to be used.

(3) The specimens of labeling proposed for use upon or within the retail package do not expressly nor by reference to a brochure or other printed matter prescribe, recommend, or suggest the use of such drug under such conditions. The New Drug Branch will notify the applicant promptly of such nonacceptance and the reason therefor and, in case of incompleteness as to matter required by any clause of section 505 (b) of the act shall specify such clause. Otherwise, the date on which an application is received will be considered to be the date on which such application is filed, and the New Drug Branch will notify the applicant of such date.

(b) If an applicant disputes the finding of the New Drug Branch that his application is incomplete, he may within 10 days after receipt of the notice of nonfiling make written request to the New Drug Branch to file the application. In such case, the application shall be considered filed as of the original date of receipt, over the protest of the New Drug Branch, with the effective date of such application postponed for not more than 180 days after the filing thereof.

(c) If within 180 days the Commissioner finds that the application is incomplete or that other facts exist which require him to issue an order refusing to allow the application to become effective, he shall issue a notice to the applicant as provided in § 130.14. Subsequent to such notice, the procedure followed shall be in accordance with §§ 130.14 to 130.26, inclusive.

§ 130.6 *Comment on applications.* After the New Drug Branch has studied the application, it will furnish oral or written comment to the applicant on any apparent deficiencies in the data submitted or on the need for any additional data or changes in the application to facilitate its consideration. The New Drug Branch will disclose to the applicant any information upon which such comment is based, except information as to data or their source that has been submitted as part of another person's new-drug application or otherwise submitted with the specific request that it be considered confidential. The New Drug Branch may suggest withdrawal of an application when it finds that additional evidence is required to support a finding that the drug is safe or that the methods, facilities, and controls used in manufacturing, processing, and packing the drug are adequate.

§ 130.7 *Amended applications.* The applicant may submit an amendment to an application that is pending, but in such case the unamended application shall be considered as withdrawn and the amended application shall be considered resubmitted on the date on which the amendment is received by the New Drug Branch. The New Drug Branch will notify the applicant of such date.

§ 130.8 *Withdrawal of applications without prejudice.* The applicant may at any time withdraw his application from consideration as a new-drug application upon notification to the New Drug Branch. Such withdrawal may be made without prejudice to a future filing. Upon resubmission, the time limitation will begin to run from the date of resubmission. The application itself will be retained by the New Drug Branch although it is considered withdrawn, but the applicant shall be furnished a copy at cost on request.

§ 130.9 *Supplemental applications.* After an application is effective, a supplemental application may propose changes. The supplemental application may omit statements made in the effective application concerning which no change is proposed. A supplemental application should be submitted for any change beyond the variations provided for in the application, that may alter the conditions of use, the labeling, the safety, identity, strength, quality, or purity of the drug or the adequacy of manufacturing methods, facilities, or controls to preserve them. When necessary for the safety of the drug, a supplemental application may be required to specify a period of time within which the proposed change will be made; and in such case the distribution of the drug after such time without such change constitutes distribution without an effective new-drug application. A supplemental application is not required when the article is no longer a new drug unless the proposed change itself causes it to become a new drug. If a material change is made from the representations in an effective application for a new drug before a supplement is effective for such change, the application may be suspended under § 130.27.

§ 130.10 *Notification to applicant of effectiveness of application.* If the Commissioner determines, before the sixtieth day after the filing of an application (or before the one hundred and eightieth day after filing if he has postponed the effective date), that he has no cause to issue an order under section 505 (d) of the act refusing to permit the application to become effective, the New Drug Branch shall so notify the applicant in writing and the application shall become effective on the date of the notification. However, if such determination and notification are conditioned on the meeting of conditions agreed to by the applicant and stated in the letter of notification, the application shall become effective on the date such conditions are met.

§ 130.11 *Postponing the effective date.* If the New Drug Branch determines, before the sixtieth day after the filing of the application, that more time is needed for study and investigation of the application, the Commissioner shall so notify

the applicant and inform him that the effective date of the application has been postponed for not more than 180 days from the filing thereof.

§ 130.12 *Refusal to permit the application to become effective.* If the Commissioner determines upon the basis of the application, or upon the basis of other information before him with respect to the new drug, that:

(a) The investigations, reports of which are required to be submitted pursuant to section 505 (b) of the act, do not include adequate tests by all methods reasonably applicable to show whether or not such drug is safe for use under the conditions prescribed, recommended, or suggested in the proposed labeling thereof;

(b) The results of such tests show that such drug is unsafe for use under such conditions or do not show that such drug is safe for use under such conditions;

(c) The methods used in, and the facilities and controls used for, the manufacture, processing, and packing of such drug are inadequate to preserve its identity, strength, quality, and purity; or

(d) Upon the basis of the information submitted to him as part of the application, or upon the basis of any other information before him with respect to such drug, he has insufficient information to determine whether such drug is safe for use under such conditions,

he will, prior to the effective date of the application, notify the applicant that he proposes to issue an order refusing to permit the application to become effective, as provided in § 130.14.

§ 130.13 *Insufficient information in application.* (a) The information contained in an application may be insufficient for the Commissioner to determine whether a drug is safe for use if it fails to include (among other things) a statement showing whether the drug is to be limited to prescription sale and exempt under section 502 (f) (1) of the act, from the requirement that its labeling bear adequate directions for use. If the drug is to be exempt, the information may also be insufficient if:

(1) The specimen labeling proposed for use on or within the market package of the drug fails to incorporate directly or by reference a specifically identified brochure or other printed matter containing information adequate for the use of such drug by practitioners licensed by law to administer the drug.

(2) Such labeling fails to state that the drug is to be used as shown in such brochure or printed matter and that such brochure or printed matter will be sent on request to practitioners licensed by law to administer such drug.

(3) The application fails to contain copies of such brochure or printed matter.

(4) The application fails to show that such brochure or printed matter is readily available to practitioners licensed by law to administer the drug; or if not, that is it to be made so when the application becomes effective.

§ 130.14 *Contents of notice of hearing.* The notice of hearing to the applicant that the Commissioner proposes to refuse to permit the application to become effective or to suspend an effective new-drug application will specify the grounds upon which he proposes to issue his order. On request of the applicant, the Commissioner will furnish any information he considered in support of his proposal except information concerning data or their source that has been submitted as part of another person's new-drug application or otherwise, submitted with the specific request that it be considered confidential. The notice will contain the name of the hearing examiner designated to conduct the hearing, and will specify the time and place at which the hearing will be held. The notice of hearing will specify a date, ordinarily not less than 10 days after issuance of the notice, by which the respondent will be required to file a written appearance electing whether:

(a) To avail himself of the opportunity for a hearing at the time and place specified in the notice of hearing; or

(b) Not to avail himself of the opportunity for a hearing.

The hearing will not be public unless the respondent specifies in his appearance that he desires a public hearing, in which event the hearing will be public.

§ 130.15 *Failure to file an appearance.* If the respondent fails to file a written appearance in answer to the notice of hearing, his failure will be construed as an election not to avail himself of the opportunity for the hearing, and the Commissioner, without further notice, may enter a final order.

§ 130.16 *Appearance of respondent.* If the respondent elects to avail himself of the opportunity for the hearing, he may appear in person or by counsel. If the respondent desires to be heard through counsel, the counsel will file with the hearing examiner a written appearance.

§ 130.17 *Hearing examiner.* The hearing will be conducted by a hearing examiner appointed as provided in the Administrative Procedure Act (60 Stat. 235; 5 U. S. C. 1002 et seq.) and designated in the notice for conducting the hearing. Any such designation may be made or revoked by the Commissioner at any time. Hearings will be conducted in an informal but orderly manner in accordance with these regulations and the requirements of the Administrative Procedure Act. The hearing examiner will have the power to administer oaths and affirmations, to rule upon offers of proof and the admissibility of evidence, to receive relevant evidence, to examine witnesses, to regulate the course of the hearing, to hold conferences for the simplification of the issues, and to dispose of procedural requests, but will not have the power to decide any motion that involves final determination of the merits of the proceeding.

§ 130.18 *Prehearing and other conferences:* The hearing examiner, on his own motion or on the motion of the applicant or the New Drug Branch, may direct all parties or their representatives to appear at a specified time and place for a conference to consider:

(a) The simplification of the issues.

(b) The possibility of obtaining stipulations, admissions of facts, and documents.

(c) The limitation of the number of expert witnesses.

(d) The scheduling of witnesses to be called.

(e) The advance submission of all documentary evidence.

(f) Such other matters as may aid in the disposition of the proceeding.

The hearing examiner will make an order reciting the action taken at the conference, the agreements made by the parties or their representatives, the schedule of witnesses, and limiting the issues for hearing to those not disposed of by admissions or agreements. Such order will control the subsequent course of the proceeding unless modified for good cause by subsequent order. The hearing examiner may also direct all parties and their representatives to appear at conferences at any time during the hearing with a view to simplification, clarification, or shortening the hearing.

§ 130.19 *Submission of documentary evidence in advance.* (a) All documentary evidence to be offered at the hearing shall be submitted to the hearing examiner and to the parties sufficiently in advance of the offer of such documentary evidence for introduction into the record to permit study and preparation of cross-examination and rebuttal evidence.

(b) The hearing examiner after consultation with the parties at a conference called in accordance with § 130.18 shall make an order specifying the time at which documentary evidence shall be submitted. He shall also specify in his order the time within which objection to the authenticity of such documents must be made to comply with paragraph (d) of this section.

(c) Documentary evidence not submitted in advance in accordance with the requirements of paragraphs (a) and (b) of this section shall not be received in evidence in the absence of a clear showing that the offering party had good cause for his failure to produce the evidence sooner.

(d) The authenticity of all documents submitted in advance shall be deemed admitted unless written objection thereto is filed with the hearing examiner upon notice to the other parties within the time specified by the hearing examiner in accordance with paragraph (b) of this section, except that a party will be permitted to challenge such authenticity at a later time upon a clear showing of good cause for failure to have filed such written objection.

§ 130.20 *Excerpts from documentary evidence.* When portions only of a document are to be relied upon, the offering party shall prepare the pertinent excerpts, adequately identified, and shall supply copies of such excerpts, together with a statement indicating the purpose for which such materials will be offered, to the hearing examiner and to the other parties. Only the excerpts, so prepared and submitted, shall be received in the record. However, the whole of the original document shall be made available for examination and for use by opposing counsel for purposes of cross-examination.



§ 130.21 *Submission and receipt of evidence.* (a) Each witness shall, before proceeding to testify, be sworn or make affirmation.

(b) When necessary in order to prevent undue prolongation of the hearing, the hearing examiner may limit the number of times any witness may testify, the repetitious examination and cross-examination of witnesses, or the amount of corroborative or cumulative evidence.

(c) The hearing examiner shall admit only evidence that is relevant, material, and not unduly repetitious.

(d) Opinion evidence shall be admitted when the presiding officer is satisfied that the witness is properly qualified.

(e) If any person objects to the admission or rejection of any evidence, or other limitation of the scope of any examination or cross-examination, he shall state briefly the grounds for such objection, and the transcript shall not include extended argument or debate thereon except as ordered by the hearing examiner. A ruling on any such objection shall be a part of the transcript, together with such offer of proof as has been made.

§ 130.22 *Transcript of the testimony.* Testimony given at a hearing shall be reported verbatim. All written statements, charts, tabulations, and similar data offered in evidence at the hearing shall be marked for identification and, upon a showing satisfactory to the hearing examiner of their authenticity, relevancy, and materiality, shall be received in evidence subject to section 7 (c) of the Administrative Procedure Act (5 U. S. C. 1006 (c)). Exhibits shall, if practicable, be submitted in quintuplicate. In case the required number of copies are not made available, the hearing examiner shall exercise his discretion as to whether said exhibit shall be read in evidence or whether additional copies shall be required to be submitted within a time to be specified by the hearing examiner. Where the testimony of a witness refers to a statute, or to a report or document, the hearing examiner shall, after inquiry relating to the identification of such statute, report, or document, determine whether the same shall be produced at the hearing and physically be made a part of the evidence or shall be incorporated in the record by reference. Where relevant and material matter offered in evidence is embraced in a report or document containing immaterial and irrelevant matter, such immaterial and irrelevant matter shall be excluded and shall be segregated insofar as practicable, subject to the direction of the hearing examiner.

§ 130.23 *Oral and written arguments.* (a) Unless the hearing examiner shall issue an announcement at the hearing authorizing oral argument before him, it shall not be permitted.

(b) The hearing examiner shall announce at the hearing a reasonable period within which the parties or their representatives may file written arguments based solely upon the evidence received at the hearing, citing the pages of the transcript of the testimony or of properly identified exhibits where such evidence occurs.

§ 130.24 *Tentative order.* The hearing examiner, within a reasonable time, shall prepare tentative findings of fact and a tentative order, which shall be served upon the respondent and the New Drug Branch, or sent to them by registered mail. If no exceptions are taken to the tentative order within 20 days or such other time specified in such order, that order shall become final.

§ 130.25 *Exceptions to the tentative order.* Within 20 days or such other time specified in the tentative order, the respondent or the New Drug Branch may transmit exceptions to the hearing examiner, together with any briefs or argument in support thereof. If exception is taken to any tentative findings of fact, reference must be made to the pages or parts of the record relied upon, and a corrected finding of fact must be submitted. The respondent, if he files exceptions, shall state in writing whether he desires to make an oral argument.

§ 130.26 *Issuance of final order.* Within a reasonable time after the filing of exceptions, or after oral argument (if such argument is requested), the Commissioner shall issue the final order in the proceeding. The order will include the findings of fact upon which it is based.

§ 130.27 *Suspension of effective application.* If the Commissioner has reason to believe (a) that clinical experience, tests by new methods, or tests by methods not deemed reasonably applicable when such application became effective show that a drug for which an application is effective is unsafe for use under the conditions of use upon the basis of which the application became effective, or (b) that the application contains any untrue statement of a material fact, he shall so notify the person holding the effective new-drug application and afford an opportunity for a hearing. The notice and hearing will conform to the provisions of §§ 130.14 to 130.27, inclusive.

§ 130.28 *Revocation of order refusing to permit application to become effective or suspending effective applications.* The Commissioner, upon his own initiative or upon request of an applicant stating reasonable grounds therefor, may, if he finds that the facts so require, issue an order allowing an application to become effective which has been refused or suspended.

§ 130.29 *Service of notices and orders.* All notices and orders under this part and section 505 of the act pertaining to new-drug applications shall be served:

(a) In person by any officer or employee of the Department designated by the Commissioner; or

(b) By mailing the order by registered mail addressed to the applicant or respondent at his last known address in the records of the Department.

§ 130.30 *Untrue statements in application.* Among the reasons why an application may contain an untrue statement of a material fact are:

(a) Differences in:

(1) Conditions of use prescribed, recommended, or suggested by the applicant for the drug from the conditions of such use stated in the application;

(2) Articles used as components of the drug from those listed in the application;

(3) Composition of the drug from that stated in the application;

(4) Methods used in, or the facilities or controls used for, the manufacture, processing, or packing of the drug from such methods, facilities, and controls described in the application;

(5) Labeling from the specimens contained in the application; or

(b) The unexplained omission in whole or in part of any information obtained from (1) investigations as to safety, or (2) investigations as to identity, strength, quality or purity of the drug made by the applicant with the drug or submitted to him by any investigator whom he supplied with the drug, when such omission would bias an evaluation of the safety of the drug.

§ 130.31 *Judicial review.* The Assistant General Counsel for Food and Drugs of the Department of Health, Education, and Welfare is hereby designated as the officer upon whom copies of petitions for judicial review shall be served. Such officer shall be responsible for filing in the court a transcript of proceedings and the record on which the final orders were based. The transcript and record shall be certified by the Commissioner.

§ 130.32 *Confidentiality of information contained in new-drug applications.* (a) The Federal Food, Drug, and Cosmetic Act provides, in section 505 (b), that any person may file with the Secretary of Health, Education, and Welfare an application with respect to any new drug, which shall include, among other things, a full list of the articles used as components and a full statement of the composition of such drug. These requirements apply to all components or ingredients of a new drug, whether or not they are therapeutically active. Fulfillment of these requirements may be met by submitting a full statement of the chemical or common or usual name and of the quantity of each component or ingredient of the drug. Such requirements may also be met through the inclusion in the new-drug application of a properly authorized reference to a previous application or other Food and Drug Administration file containing the relevant information.

(b) The Food and Drug Administration treats information in new-drug applications as confidential. Section 301 (j) of the Federal Food, Drug, and Cosmetic Act makes it an offense to divulge to unauthorized persons any information acquired from a new-drug application concerning any method or process that is a trade secret. Basic manufacturers sometimes submit data to the Food and Drug Administration in the form of so-called master files for the purpose

of establishing the safety of ingredients that may be used in new drugs and authorize specified applicants to incorporate by reference such data in support of their applications. Such manufacturers may regard some of the data in such files as trade secrets and request the Food and Drug Administration to treat such information as confidential. The Food and Drug Administration will preserve the confidentiality of such data to the extent that it may properly do so. Because the applicant is legally responsible for the composition of the new drug and all its ingredients and may require information in the master file for judicial or administrative proceedings concerning the drug, the Food and Drug Administration will not withhold such information from the applicant when his need for it arises and he submits a written request for it. The Food and Drug Administration will inform the person who submitted the data of any such requests.

SUBPART B—DRUGS EXEMPTED FROM PRESCRIPTION-DISPENSING REQUIREMENTS

§ 130.101 *Prescription-exemption procedure*—(a) *Duration of prescription requirement.* Any drug limited to prescription use under section 503 (b) (1) (C) of the act remains so limited until it is exempted as provided in paragraph (b) of this section.

(b) *Prescription-exemption procedure for drugs limited by a new-drug application.* Any drug limited to prescription use under section 503 (b) (1) (C) of the act shall be exempted from prescription-dispensing requirements when the Commissioner finds such requirements are not necessary for the protection of the public health by reason of the drug's toxicity or other potentiality for harmful effect, or the method of its use, or the collateral measures necessary to its use. The exemption of a drug from the prescription-dispensing requirements of section 503 (b) (1) (C) of the act may be initiated by the Commissioner or by any interested person. Any interested person may file a petition seeking such exemption, stating reasonable grounds therefor, which petition may be in the form of a supplement to an effective new-drug application. Upon receipt of such a petition, or on his own initiative at any time, the Commissioner will publish a notice of proposed rule making and invite written comments. After consideration of all available data, including any comments submitted, the Commissioner may issue a regulation granting or refusing the exemption, effective on a date specified therein. Whenever the Commissioner concludes, either at the time of publication of the notice of proposed rule making or after considering the written comments submitted, that granting or refusing the exemption requires a more thorough development of the facts than is possible in a written presentation, he may call a public hearing for that purpose. The notice of such hearing shall specify the questions to be considered. As soon as practicable after completion of the hearing, the final regulation granting or refusing the exemption shall be issued, effective on a date specified therein. If the Commissioner for good cause finds (and incorporates the finding and a brief statement of the reasons therefor in a regulation) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest, he may issue the final regulation forthwith.

(c) *New-drug status of drugs exempted from the prescription requirement.* A drug exempted from the prescription requirement under the provisions of paragraph (b) of this section is a "new drug" within the meaning of section 201 (p) of the act until it has been used to a material extent or for a material time under such conditions.

(d) *Prescription legend not allowed on exempted drugs.* The use of the prescription caution statement quoted in section 503 (b) (4) of the act, in the labeling of a drug exempted under the provisions of this section, constitutes misbranding. Any other statement or suggestion in the labeling of a drug exempted under this section, that such drug is limited to prescription use, may constitute misbranding.

§ 130.102 *Exemption for certain drugs limited by new-drug applications to prescription sale.* (a) The prescription-dispensing requirements of section 503 (b) (1) (C) of the Federal Food, Drug, and Cosmetic Act are not necessary for the protection of the public health with respect to the following drugs subject to new-drug applications:

(1) *N*-acetyl-*p*-aminophenol (*p*-hydroxy-acetenilid) preparations meeting all the following conditions:

(i) The *N*-acetyl-*p*-aminophenol is prepared with or without other drugs in tablet or other dosage form suitable for oral use in self-medication, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The *N*-acetyl-*p*-aminophenol and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 0.325 gram (5 grains) of *N*-acetyl-*p*-aminophenol per dosage unit.

(v) The preparation is labeled with adequate directions for use in minor conditions as a simple analgesic.

(vi) The dosages of *N*-acetyl-*p*-aminophenol recommended or suggested in the labeling do not exceed: For adults, 0.325 gram (5 grains) per dose or 1.0 gram (15 grains) per 24-hour period; for children 6 to 12 years of age, one-half of the maximum adult dose or dosage.

(vii) The labeling bears, in juxtaposition with the dosage recommendations, a clear warning statement against administration of the drug to children under 6 years of age and against use of the drug for more than 10 days, except as such uses may be directed by a physician.

(2) Sodium gentisate (sodium-2, 5-dihydroxybenzoate) preparations meeting all the following conditions:

(i) The sodium gentisate is prepared, with or without other drugs, in tablet or other dosage form suitable for oral use in self-medication, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The sodium gentisate and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 0.5 gram (7.7 grains) of anhydrous sodium gentisate per dosage unit.

(v) The preparation is labeled with adequate directions for use in minor conditions as a simple analgesic.

(vi) The dosages of sodium gentisate recommended or suggested in the labeling do not exceed: For adults, 0.5 gram (7.7 grains) per dose or 2.0 grams (31 grains) per 24-hour period; for children 6 to 12 years of age, one-half of the maximum adult dose or dosage.

(vii) The labeling bears, in juxtaposition with the dosage recommendations, a clear warning statement against administration of the drug to children under 6 years of age and against use of the drug for a prolonged period, except as such uses may be directed by a physician.

(3) Isoamylhydrocupreine and zolamine hydrochloride (N, N-dimethyl-N'-2-thiazolyl-N'-*p*-methoxybenzyl-ethylenediamine hydrochloride) preparations meeting all the following conditions:

(i) The isoamylhydrocupreine and zolamine hydrochloride are prepared in dosage form suitable for self-medication as rectal suppositories or as an ointment and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The isoamylhydrocupreine, zolamine hydrochloride, and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 0.25 percent of isoamylhydrocupreine and 1.0 percent of zolamine hydrochloride.

(v) If the preparation is in suppository form, it contains not more than 5.0 milligrams of isoamylhydrocupreine and not more than 20.0 milligrams of zolamine hydrochloride per suppository.

(vi) The preparation is labeled with adequate directions for use in the temporary relief of local pain and itching associated with hemorrhoids.

(vii) The directions provide for the use of not more than two suppositories or two applications of ointment in a 24-hour period.

(viii) The labeling bears, in juxtaposition with the dosage recommendations, a clear warning statement against use of the preparation in case of rectal bleeding, as this may indicate serious disease.

(4) Phenyltoloxamine dihydrogen citrate (*N,N* dimethyl-(α-phenyl-*O*-tolyoxy) ethylamine dihydrogen citrate) preparations meeting all the following conditions:

(i) The phenyltoloxamine dihydrogen citrate is prepared, with or without other drugs, in tablet or other dosage form suitable for oral use in self-medication, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The phenyltoloxamine dihydrogen citrate and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 88 milligrams of phenyltoloxamine dihydrogen citrate (equivalent to 50 milligrams of phenyltoloxamine) per dosage unit.

(v) The preparation is labeled with adequate directions for use in the temporary relief of the symptoms of hay fever and/or the symptoms of other minor conditions in which it is indicated.

(vi) The dosages recommended or suggested in the labeling do not exceed: For adults, 88 milligrams of phenyltoloxamine dihydrogen citrate (equivalent to 50 milligrams of phenyltoloxamine) per dose or 264 milligrams of phenyltoloxamine dihydrogen citrate (equivalent to 150 milligrams of phenyltoloxamine) per 24-hour period; for children 6 to 12 years of age, one-half of the maximum adult dose or dosage.

(vii) The labeling bears, in juxtaposition with the dosage recommendations:

(*a*) Clear warning statements against administration of the drug to children under 6 years of age, except as directed by a physician, and against driving a car or operating machinery while using the drug, since it may cause drowsiness.

(*b*) If the article is offered for temporary relief of the symptoms of colds, a statement that continued administration for such use should not exceed 3 days, except as directed by a physician.

(5) Oxytetracycline and polymyxin B sulfate preparations meeting all the following requirements:

(i) The oxytetracycline and polymyxin B sulfate are prepared in ointment or other dosage form suitable for self-medication by external application to the skin and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The oxytetracycline, polymyxin B sulfate, and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains per gram an amount of oxytetracycline hydrochloride equivalent to not more than 30 milligrams of oxytetracycline and an amount of polymyxin B sulfate equivalent to not more than 10,000 units of polymyxin B.

(v) The preparation is labeled with adequate directions for use by external application to prevent infection in minor burns, minor wounds, and abrasions.



(vi) The labeling bears, in juxtaposition with the directions for use, clear warning statements against:

(*a*) Use of the preparation in the eye.

(*b*) Use if irritation or infection develops, except as directed by a physician.

(6) Meclizine hydrochloride (1-*p*-chlorobenzhydryl-4-*m*-methylbenzyl-piperazine dihydrochloride) preparations meeting all the following conditions:

(i) The meclizine hydrochloride is prepared, with or without other drugs, in tablet or other dosage form suitable for oral use in self-medication, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The meclizine hydrochloride and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 25 milligrams of meclizine hydrochloride per dosage unit.

(v) The preparation is labeled with adequate directions for use in the prevention of motion sickness.

(vi) The dosages recommended or suggested in the labeling do not exceed: For adults, 50 milligrams of meclizine hydrochloride per 24-hour period; for children 6 to 12 years of age, 25 milligrams of meclizine hydrochloride per 24-hour period.

(vii) The labeling bears, in juxtaposition with the dosage recommendations, clear warning statements against:

(*a*) Exceeding the recommended dosage.

(*b*) Administration of the drug to children under 6 years of age, except as directed by a physician.

(*c*) Driving a car or operating machinery while using the drug, since it may cause drowsiness.

(*d*) Keeping the drug within reach of children, if it is in candy form.

(7) Diamthazole dihydrochloride (2-dimethylamino-6-(β-diethylamino ethoxy)-benzothiazole dihydrochloride) preparations meeting all the following conditions:

(i) The diamthazole dihydrochloride is prepared with or without other drugs in a dosage form suitable for external application in self-medication as a dusting powder.

(ii) The diamthazole dihydrochloride and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 5 percent by weight of diamthazole dihydrochloride.

(v) The preparation is labeled with adequate directions for use only for adults and children 12 years of age and older in the prevention of athlete's foot.

(vi) The labeling bears, in juxtaposition with the directions for use, clear warning statements against:

(*a*) Application to infants or young children.

(*b*) Use on open cracks or weeping stages of athlete's foot.

(*c*) Contact with mucous membranes.

(*d*) Use in the event of irritation.

(8) Dicyclomine hydrochloride (1-cyclohexylhexahydrobenzoic acid, β-diethylaminoethyl ester hydrochloride; diethylaminocarbethoxy-bicyclohexyl hydrochloride) preparations meeting all the following conditions:

(i) The dicyclomine hydrochloride is prepared with suitable antacid and other components, in tablet or other dosage form for oral use in self-medication, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The dicyclomine hydrochloride and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 5 milligrams of dicyclomine hydrochloride per dosage unit, or if it is in liquid form not more than 0.5 milligram of dicyclomine hydrochloride per milliliter.

(v) The preparation is labeled with adequate directions for use only by adults and children over 12 years of age, in the temporary relief of gastric hyperacidity.

(vi) The dosages recommended or suggested in the directions for use do not exceed 10 milligrams of dicyclomine hydrochloride per dose or 30 milligrams in a 24-hour period.

(vii) The labeling bears, in juxtaposition with the dosage recommendations, clear warning statements against:

(*a*) Exceeding the recommended dosage.

(*b*) Prolonged use, except as directed by a physician, since persistent or recurring symptoms may indicate a serious disease requiring medical attention.

(*c*) Administration to children under 12 years of age except as directed by a physician.

(*d*) Use if dryness of the throat, blurring of vision, dizziness, or rapid pulse occurs.

(9) Neomycin sulfate preparations meeting all the following conditions:

(i) The neomycin sulfate is prepared with a vasoconstrictor, and with or without other drugs, in an aqueous vehicle suitable for administration in self-medication as a nasal spray, or as nose drops, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The preparation is packaged with a style of container or assembly suited to self-medication by the recommended route of administration, and delivering not more than 0.1 milliliter of the preparation per spray or per drop.

(iii) The neomycin sulfate and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iv) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(v) The neomycin sulfate content of the preparation does not exceed the

equivalent of 0.8 milligram of standard neomycin base per milliliter.

(vi) The preparation is labeled with adequate directions for use in the temporary relief of nasal congestion due to the common cold and hay fever.

(vii) The dosages recommended or suggested in the directions for use do not exceed: For adults, 3 sprays or 3 drops per nostril per dose, or 5 doses in a 24-hour period; for children over 3 years of age, 2 sprays or 2 drops per nostril per dose, or 5 doses in a 24-hour period.

(viii) The labeling bears, in juxtaposition with the dosage recommendations, clear warning statements against:

(*a*) Administration to children under 3 years of age, except as directed by a physician.

(*b*) Exceeding the recommended dosage.

(c) Use in a manner contraindicated by the nature of the vasoconstrictor or other components.

(10) Sodium fluoride preparations meeting all the following conditions:

(i) The sodium fluoride is prepared, with other components, in a dosage form suitable for household use as a dentrifice powder, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The sodium fluoride and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 5 milligrams of sodium fluoride per gram and is packaged to contain not more than 300 milligrams of sodium fluoride per retail package.

(v) The preparation is labeled with adequate directions for use only as a dentrifice by adults and children 6 years of age and over, and includes instructions to rinse the mouth thoroughly after brushing the teeth.

(vi) The labeling bears, in juxtaposition with the directions for use, clear warning statements against:

(*a*) Use by children under 6 years of age.

(*b*) Use if the water supply contains fluoride, except as directed by a dentist.

(11)[1] Hydrocortisone or hydrocortisone acetate preparations meeting all the following conditions:

(i) The hydrocortisone or hydrocortisone acetate is prepared, with or without other drugs, in a dosage form suitable for use in self-medication by external application to the skin, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The hydrocortisone or hydrocortisone acetate and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 25 milligrams of hydrocortisone or hydrocortisone acetate per gram.

(v) The preparation is labeled with adequate directions for use by external application to the skin in the relief of itching and inflammation associated with minor skin irritations.

(vi) The directions for use recommend or suggest not more than two applications of the preparation per day and not more than 5 days' duration of use, except as directed by a physician.

(vii) The labeling bears, in juxtaposition with the directions for use, clear warning statements against:

(*a*) Use for more than 5 days except as directed by a physician.

(*b*) Use on infections or where pus is present, because the drug may cause infection to spread.

(c) Continued use if redness, irritation, swelling, or pain persists or increases.

(12) Hexadenol (a mixture of tetracosanes and their oxidation products) preparations meeting all the following conditions:

(i) The hexadenol is prepared and packaged, with or without other drugs, solvents, and propellants, in a form suitable for self-medication by external application to the skin as a spray, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The hexadenol and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 5 percent by weight of hexadenol.

(v) The preparation is labeled with adequate directions for use by external application in the treatment of minor burns and minor skin irritations.

(vi) The labeling bears, in juxtaposition with the directions for use, clear warning statements against:

(*a*) Use on serious burns or skin conditions or prolonged use, except as directed by a physician.

(*b*) Spraying the preparation in the vicinity of eyes, mouth, nose, or ears.

Dated: May 23, 1956.

[SEAL] GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F. R. Doc. 56-4196; Filed, May 29, 1956; 8:45 a. m.]

[1] Subparagraph (11) was previously published as a proposal January 20, 1956 (21 F. R. 431). Objections were received and a hearing has been scheduled on August 15, 1956 (21 F. R. 2112 and 3329).

## CIVIL AERONAUTICS BOARD

### [ 14 CFR Part 241 ]

[Economic Regs. Draft Release 81]

UNIFORM SYSTEM OF ACCOUNTS AND REPORTS OF CERTIFICATED AIR CARRIERS

REVISIONS TO BE MADE IMMEDIATELY EFFECTIVE

*Correction*

In F. R. Doc. 56-3719, appearing at page 3188 of the issue for Tuesday, May 15, 1956, the following changes should be made:

1. The headings should read as set forth above.

2. In item 5, "§ 241.3-1 (c) (2)" should read "§ 241.3-1 (c)."

### [ 14 CFR Part 241 ]

[Economic Regs. Draft Release 82]

REVISED UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

PRESCRIPTION OF DEPRECIATION ACCOUNTING PRACTICES

*Correction*

In F. R. Doc. 56-3720, appearing at page 3192 of the issue for Tuesday, May 15, 1956, the fifth line of § 241.35 (a) should be changed so that the word "of" reads "or".

## FEDERAL COMMUNICATIONS COMMISSION

### [ 47 CFR Parts 1, 17 ]

[Docket No. 11665]

PRACTICE AND PROCEDURE; CONSTRUCTION, MARKING AND LIGHTING OF ANTENNA TOWERS AND/OR THEIR SUPPORTING STRUCTURES

ORDER GRANTING EXTENSION OF TIME

In the matter of amendment of Parts 1 and 17 of the Commission's rules and regulations.

The Commission having under consideration a petition dated May 15, 1956, filed on behalf of WHAS, Inc., and Deep South Broadcasting Company, requesting an extension of time in which to submit comments directed to the Commission's notice of proposed rule making in the above-captioned matter:

It appearing that the Commission's proposal to encourage the grouping of antenna towers and the multiple use of structures for supporting antennas is related to the air hazard criteria for determining antenna height and location presently being developed by the Joint Industry/Government Tall Structures Committee (JIGTSC) of the Air Coordinating Committee; and

It further appearing that in view of the relationship between the above-captioned proceeding and the continuing work of the JIGTSC, the public interest would be served by extending the time for reception of comments in this docket in the manner requested:

*It is ordered*, This 24th day of May 1956, that, pursuant to authority contained in § 0.332 (b) of the Commission's rules, the time for filing comments in the above-captioned matter is hereby extended from May 31, 1956, to July 2, 1956, and that rebuttal comments may be filed within 20 days from the extended closing date for original comments.

Released: May 24, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4247; Filed, May 29, 1956; 8:52 a. m.]



### [ 47 CFR Part 3 ]

[Docket No. 11715; FCC 56-481]

RADIO BROADCAST SERVICES

TABLE OF ASSIGNMENTS, TELEVISION BROADCAST STATIONS (FORT WAYNE, INDIANA)

1. Notice is hereby given that the Commission is considering a proposal for rule making in the above-entitled matter.

2. The Commission has under consideration the assignment of television channel 21+ to Huntington, Indiana, in the Table of assignments in § 3.606 of the rules and regulations. The Commission, upon its own motion, proposes to shift Channel 21 from Huntington to Fort Wayne, Indiana.

3. Channel 21+ was originally assigned to Fort Wayne in the Sixth Report and Order. It was subsequently removed from that city upon discovery that this assignment did not meet all the required mileage separations. This channel was later assigned to the community of Huntington. It is our view that a more effective use can be made of the frequency if Channel 21 is assigned to Fort Wayne.

4. We have this date proposed in a separate proceeding amendment of the mileage separation rule so as to permit a 5-mile tolerance in making assignments to communities where there would result no more than a 5-mile shortage to another transmitter site but where transmitter sites may be found which would meet the required spacing. In the event this rule change is adopted, Channel 21 could be assigned to Fort Wayne in conformity with the mileage spacing requirements.

5. The Commission is of the view that rule making proceedings should be instituted in this matter in order that all interested parties may submit their views to the Commission and the Commission may have the benefit of such views prior to taking further action.

6. Authority for the adoption of the amendment herein is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r), and 307 (b) of the Communications Act of 1934, as amended.

7. Any interested party who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before June 24, 1956, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

8. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: May 23, 1956.

Released: May 24, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4249; Filed, May 29, 1956; 8:53 a. m.]

### [ 47 CFR Part 3 ]

[Docket No. 11714; FCC 56-480]

REFERENCE POINTS AND DISTANCE COMPUTATIONS

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of § 3.611 (a) (2) of the Commission's rules and regulations.

1. Notice is hereby given of rule making in the above-entitled matter.

2. Section 3.611 concerns the reference points used and the distance computation methods for assignments in the television Table of Assignments. Section 3.611 (a) (2) reads as follows:

(2) Where an authorized transmitter site is available for use as a reference point in one community but not in the other for the pertinent channels, separations shall be determined by the distance between the coordinates of the transmitter site as set forth in the Commission's authorization therefor and the coordinates of the other community as set forth in the publication "Air Line Distances Between Cities in the United States." If said publication does not contain the coordinates for said other community, the coordinates of the main post office thereof shall be used.

3. In June 1953 an interested party proposed that the above rule be amended so as to provide a 5-mile tolerance in making new assignments to a community where the community does not meet the required spacings to an existing transmitter site in another community but where transmitter sites are available which would meet these requirements. The Commission denied the requested amendment, but in its report and order (FCC 53-1718) issued on December 29, 1953, taking this action stated that "It is our view, however, that the contemplated changes in our assignment rules should be reexamined at some later date in the light of the additional data and experience which will be available to us at such later time."

4. There are presently over 600 authorized stations in the television service, both operating and authorized. There is, consequently, a set pattern of transmitter sites for reference purposes. In view of this, and in light of the need in some cases of a tolerance in making assignments available to a community where the assignment can be made except for the failure to meet the required spacing to an existing transmitter site in another community, the Commission is proposing to amend the subject rule.

5. It is proposed to amend § 3.611 (a) (2) by adding the following: "If the distance from the authorized transmitter site in one community and the reference point in said other community is less than, but within five miles of, the minimum separation requirements of § 3.610, the channel may be assigned to said other community with condition and notation that any transmitter site proposed must be so located as to fully satisfy the minimum separation requirements of § 3.610."

6. It should be emphasized that the Commission is not now proposing a reduction in any of the mileage separation requirements as regards physical spacing between transmitter sites. The amendment proposed relates only to making assignments available to communities. Parties proposing assignments under the proposed rule would be expected to make a showing that transmitter sites are available which would meet the required minimum assignment spacings. Parties filing applications for such assignments would be required to specify transmitter sites which would meet all the technical requirements, including the minimum spacings.

7. The Commission is of the view that rule making proceedings should be instituted in this matter in order that all interested parties may submit their views to the Commission and the Commission may have the benefit of such views prior to taking further action.

8. Authority for the adoption of the amendment herein is contained in sections 4 (i), 301, 303 (c), (d), (f) and (r) and 307 (b) of the Communications Act of 1934, as amended.

9. Any interested party who is of the opinion that the amendment proposed herein should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before June 24, 1956, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

10. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: May 23, 1956.

Released: May 24, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4248; Filed, May 29, 1956; 8:52 a. m.]

## [ 47 CFR Part 9 ]

[Docket No. 11717; FCC 56-495]

AVIATION SERVICES

NOTICE OF PROPOSED RULE MAKING

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend §§ 9.434 (b) and 9.443 of Part 9 of the Commission's rules governing Aviation Services as set forth below, to define more precisely the conditions under which aeronautical mobile frequencies are available for assignment to the licensees of aeronautical en-route stations in Alaska, and to further define the conditions under which fixed frequencies are available for assignment to aeronautical fixed stations in Alaska. The rules herein proposed reflect the changes requested by Alaska Aviation Radio, Inc. (AARI), Anchorage, Alaska, in a petition presently on file with the Commission.

3. The frequencies available under § 9.434 (b), are for assignment to aeronautical en route stations in Alaska only when serving scheduled certificated aircarriers as defined by the Civil Aeronautics Board (CAB). At the time the rule was adopted, provision was made for the conduct of scheduled certificated aircarrier operations and for nonscheduled type operations on separate frequencies. The intent of the rule was to make specific frequencies available for each specialized type of operation. AARI is of the opinion that § 9.434 (b) might be interpreted to permit the assignment of frequencies available for scheduled certificated aircarrier operations, to stations serving the "bush" or nonscheduled operations of a scheduled airline. This would, in effect, cause general rather than specialized use of the frequencies available for scheduled aircarrier operations, thus defeating the purpose of the rule. The proposed amendment is designed to remove this ambiguity and spell out more clearly the Commission's policy with respect to the assignment of high frequencies and VHF frequencies in Alaska.

4. The AARI petition additionally requests that the principle of frequency separation established between scheduled and non-scheduled aircarriers for air-ground operations be extended to the aeronautical fixed service in Alaska. At the present time § 9.443 makes frequencies, in accordance with § 2.104 (a) of the rules, available for assignment for aeronautical fixed operations in Alaska without the previously mentioned distinction. AARI requests that § 9.443 be amended to permit, as at present, the assignment of any available fixed frequency to stations serving scheduled certificated aircarriers, as defined by the CAB, but limiting non-scheduled aircarriers to the frequency 4645 kc. The request is based on the fact that the coordination vital to air transportation in Alaska is effective only in conjunction with adequate aeronautical fixed communications. Accordingly, AARI feels that the aeronautical fixed operations of scheduled aircarrier operations should be kept separate and apart, from a frequency standpoint, from the aeronautical fixed operations of non-scheduled operators.

5. The proposed amendment is issued under the authority of sections 303 (b), (c), (f) and (r) of the Communications Act of 1934, as amended.

6. Any interested person who is of the opinion that the proposed amendments should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before July 27, 1956, written data, views or arguments setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Rebuttal comments may be filed within 10 days from the last day for filing of original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

7. In accordance with the provisions of § 1.764 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: May 23, 1956.

Released: May 25, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

Amend Part 9, rules governing Aviation Services, as follows:

1. The introductory material preceding subparagraph (1) of § 9.434 (b) is amended to read as follows:

(b) The following frequencies are available for assignment to aeronautical en route stations in Alaska, only when serving scheduled certificated aircarriers as defined by the Civil Aeronautics Board. In filing an application for the use of these frequencies, the applicant must show that in addition to complying with the provisions of § 9.431 the station will serve the scheduled operations of such scheduled certificated aircarriers. A copy of the contractual arrangement made with each of the aircarriers to be served must be submitted with the application.

* * * * *

2. Section 9.434 (d) is amended to read as follows:

(d) The following frequencies are available for assignment to aeronautical en route stations in Alaska subject to the provisions of paragraph (b) of this section:

| *Mc.* | *Mc.* | *Mc.* |
|---|---|---|
| 127.1 | 127.5 | 129.3 |
| 127.3 | 127.9 | 129.9 |

3. Delete present § 9.443 and substitute therefor the following:

§ 9.443 *Assignment of frequencies—*(a) *United States (except Alaska).* Only those frequencies which are in accordance with § 2.104 (a) of the Commission's rules may be authorized for use by aeronautical fixed stations. The applicant shall request specific frequencies within such bands when making an application for an aeronautical fixed station. The availability for assignment of such frequencies will be determined in the Commission by study of the probabilities of interference to and from existing services assigned on the same or adjacent frequencies, and, if necessary, by appropriate coordination with other agencies. All new assignments of frequencies will be subject to such conditions as may be required to minimize the possibility of harmful interference to existing services.

(b) *Alaska.* In the authorization of frequencies for use by aeronautical fixed stations in Alaska, the following conditions, in addition to those in paragraph (a) of this section, shall apply:

(1) Frequencies will be authorized to aeronautical fixed stations in Alaska, only when such stations serve scheduled certificated aircarriers as defined by the Civil Aeronautics Board. When filing applications for such frequencies, the applicant must show that the station will serve the scheduled operations of such scheduled certificated aircarriers. A copy of the contractual arrangements made with each of the aircarriers to be served must be submitted with the application.

(2) The frequency 4645 kc. is available for assignment to aeronautical fixed stations in the Territory of Alaska. The frequency will only be authorized in conjunction with authorizations for use of the aeronautical en route frequencies specified in § 9.434 (a). The provisions of § 9.443 (b) (1) do not apply to stations operating on the frequency 4645 kc.

[F. R. Doc. 56-4250; Filed, May 29, 1956; 8:53 a. m.]

## [ 47 CFR Part 13 ]

[Docket No. 11716; FCC 56-489]

COMMERCIAL RADIO OPERATORS

NOTICE OF PROPOSED RULE-MAKING

The scope of the operating authority granted holders of the various classes of commercial radio operator licenses issued by the Commission is stated for each class of license primarily in § 13.61 of the Commercial Radio Operator Rules. In addition, certain special operating privileges are stated in § 13.62 which include the following:

(a) The holder of any class of commercial radio operator license except temporary limited radio-telegraph second-class operator license may operate any station in the experimental service while using frequencies solely above 300 megacycles.

At the time the basic provisions of § 13.62 (a) were adopted there were no detailed operator requirements in Part 5, rules governing the Experimental Services, and that section was relied upon in the case of stations operating on frequencies above 30 Mc (later changed to 300 Mc) in the experimental services to determine the grade of licensed operator required. Part 5, as recently revised, now includes detailed operator requirements corresponding to the duties of operators employed in those services which supersede the provisions of § 13.62 (a).

In veiw of the foregoing it is proposed to delete § 13.62 (a). Authority for this proposal is contained in sections 4 (i), 303 (l) and 303 (r) of the Communications Act of 1934, as amended.

Any interested person who is of the opinion that the proposed amendment should not be adopted may file with the Commission on or before July 10, 1956, a written statement or brief setting forth his comments. At the same time, any person who favors the amendment, as proposed, may file a written statement in support thereof. Comments or briefs in reply to the original comments or briefs may be filed within 15 days from the last day for filing said original comments or briefs. The Commission will consider all comments, briefs and statements presented before taking final action in the matter.

In accordance with the provisions of § 1.764 of the Commission's rules, an original and fourteen copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: May 23, 1956.

Released: May 25, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4251; Filed, May 29, 1956; 8:53 a. m.]



# NOTICES

## DEPARTMENT OF DEFENSE

### Office of the Secretary of the Army

C. S. LAWSON

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place as of February 1, 1956 in my financial interests as reported in the FEDERAL REGISTER of 20 F. R. 10176, December 31, 1955.

A. Deletion: No change.
B. Addition: No change.

Dated: April 9, 1956.

C. S. LAWSON.

[F. R. Doc. 56-4229; Filed May 29, 1956; 8:48 a. m.]

WILLIAM J. RUSHTON

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place as of April 9, 1956, in my financial interests as reported in the FEDERAL REGISTER of 20 F. R. 10174, December 31, 1955.

A. Deletion: No change.
B. Addition: No change.

Dated: April 9, 1956.

WILLIAM J. RUSHTON.

[F. R. Doc. 56-4230; Filed, May 29, 1956; 8:48 a. m.]

JOHN S. PFEIL

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place as of February 1, 1956, in my financial interests as reported in the FEDERAL REGISTER of 20 F. R. 10176, December 31, 1955.

A. Deletion: No change.
B. Addition: No change.

Dated: April 6, 1956.

JOHN S. PFEIL.

[F. R. Doc. 56-4231; Filed, May 29, 1956; 8:48 a. m.]

RALPH M. BESSE

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place as of February 1, 1956, in my financial interests as reported in the FEDERAL REGISTER of 20 F. R. 10173, December 31, 1955.

A. Deletions: Stockholder: Harris Seybold Co. Stockholder: Southern Production Co.
B. Addition: No change.

Dated: April 10, 1956.

RALPH M. BESSE.

[F. R. Doc. 56-4232; Filed, May 29, 1956; 8:49 a. m.]

KENNETH B. COATES

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place as of February 1, 1956 in my financial interests as reported in the FEDERAL REGISTER of 20 F. R. 10173, December 31, 1955.

A. Deletion: No change.
B. Addition: No change.

Dated: April 7, 1956.

KENNETH B. COATES.

[F. R. Doc. 56-4233; Filed, May 29, 1956; 8:49 a. m.]

MILTON DRAKE

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place as of February 1, 1956, in my financial interests as reported in the FEDERAL REGISTER of 20 F. R. 10176, December 31, 1955.

A. Deletion: No change.
B. Addition: No change.

Dated: April 9, 1956.

MILTON DRAKE.

[F. R. Doc. 56-4234; Filed, May 29, 1956; 8:49 a. m.]

ARTHUR J. FUSHMAN

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place as of February 1, 1956, in my financial interests as reported in the FEDERAL REGISTER of 20 F. R. 10176, December 31, 1955.

A. Deletion: Director: Booth Newspapers, Detroit, Michigan.
B. Additions: Stockholder: Ford Motor Co. Stockholder: Booth Newspapers, Detroit, Michigan.

Dated: April 9, 1956.

ARTHUR J. FUSHMAN.

[F. R. Doc. 56-4235; Filed, May 29, 1956; 8:49 a. m.]

C. L. RUGG

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place as of February 1, 1956, in my financial

interests as reported in the FEDERAL REGISTER of 20 F. R. 10175, December 31, 1955.

A. Deletion: No change.
B. Addition: No change.

Dated: April 9, 1956.

C. L. RUGG.

[F. R. Doc. 56-4236; Filed, May 29, 1956; 8:50 a. m.]

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J. A. ZINN

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place as of February 1, 1956, in my financial interests as reported in the FEDERAL REGISTER of 20 F. R. 10176, December 31, 1955.

A. Deletion: No change.
B. Addition: Stockholder: Ford Motor Co., Detroit, Michigan.

Dated: April 17, 1956.

J. A. ZINN.

[F. R. Doc. 56-4237; Filed, May 29, 1956; 8:50 a. m.]

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BYRON C. HEACOCK

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place as of February 1, 1956, in my financial interests as reported in the FEDERAL REGISTER of 20 F. R. 10174, December 31, 1955.

A. Deletion: No change.
B. Addition: No change.

Dated: April 12, 1956.

BYRON C. HEACOCK.

[F. R. Doc. 56-4238; Filed, May 29, 1956; 8:50 a. m.]

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## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[Order 612]

FIELD COMMISSIONERS

AUTHORITY AS TO CONTESTS INITIATED OR FILED PRIOR TO MAY 1, 1956

MAY 23, 1956.

1. Pursuant to section 1.5 of Order No. 2583 of the Secretary of the Interior, as amended February 16, 1954 (19 F. R. 1021), authority is hereby delegated to Field Commissioners of the Bureau of Land Management to conduct and preside at hearings on private and Government contests initiated or filed prior to May 1, 1956.

2. Field Commissioners shall conduct such contest proceedings and shall take all necessary actions with respect thereto, in accordance with the applicable laws and regulations. They shall render decisions on contests to the same effect and in the same manner as the managers of land offices heretofore were authorized by section 1.4 of Order No. 2583, and otherwise. Actions of Field Commissioners in such proceedings shall be subject to the right of appeal to the Director to the same extent as similar actions of managers of land offices.

3. Proceedings before Field Commissioners on contests initiated or filed prior to May 1, 1956, shall be conducted in accordance with the regulations specified in Title 43, Code of Federal Regulations, § 221.107, approved March 20, 1956 (21 F. R. 1860).

4. Bureau orders numbered 533, 552, 553, and 599 are hereby revoked.

EDWARD WOOZLEY,
*Director.*

[F. R. Doc. 56-4216; Filed, May 29, 1956; 8:45 a. m.]

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[Classification Order 485]

CALIFORNIA

SMALL TRACT CLASSIFICATION

MAY 22, 1956.

1. Pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office, dated November 19, 1954 (19 F. R. 7697), I hereby classify the following described lands, totaling 480 acres, in San Bernardino County, California, as suitable for lease and sale for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609.43 USC 682a), as amended:

SAN BERNARDINO BASE AND MERIDIAN

T. 3 N., R. 5 E.,
Sec. 35, NW¼, S½.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application or lease under the Small Tract Act of June 1, 1938 (52 Stat. 609.43 USC 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or lease with a preference right to veterans of World War II and of the Korean conflict, and other qualified persons entitled to preference under the Act of September 27, 1944 (58 Stat. 497.43 USC 279–284), as amended.

4. All valid applications filed prior to May 22, 1956, will, as soon as possible, be granted the preference right provided for by 43 CFR 257.5 (a).

R. G. SPORLEDER,
*Officer-in-Charge,*
*Southern Field Group, Los Angeles.*

[F. R. Doc. 56-4217; Filed, May 29, 1956; 8:45 a. m.]

### Bureau of Reclamation

UNCOMPAHGRE PROJECT, COLORADO

ORDER OF REVOCATION

MARCH 1, 1956.

Pursuant to authority delegated by Department Order No. 2765 of July 30, 1954 (19 F. R. 5004), I hereby revoke Departmental Orders of September 21, 1903 and December 30, 1909, insofar as said orders affect the following described lands; provided, however, that such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the lands hereinafter described:

SIXTH PRINCIPAL MERIDIAN, COLORADO

Uncompahgre project:
T. 12 S., R. 83 W.,
Secs. 26, 27, 28, 33, 34 and 35, all.

The above areas aggregate 3,840 acres.

E. G. NIELSEN,
*Assistant Commissioner.*

[71192]

I concur. The records of the Bureau of Land Management will be noted accordingly.

The released lands are within the Gunnison National Forest and have been open to applications and offers under the mineral-leasing laws. They will be open to such other applications, selections and locations, as are permitted on national forest lands effective at 10:00 a. m. on June 29, 1956.

Inquiries concerning applications and offers under the mineral-leasing laws and locations under the mining laws shall be addressed to the Manager, Land Office, Bureau of Land Management, Denver, Colorado. Other inquiries shall be addressed to the Regional Forester, Federal Center, Building No. 85, Denver, Colorado.

EDWARD WOOZLEY,
*Director,*
*Bureau of Land Management.*

[F. R. Doc. 56-4218; Filed, May 29, 1956; 8:46 a. m.]

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## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

FRESH IRISH POTATOES

TERMINATION OF POTATO DIVERSION PAYMENT PROGRAM WMD 3A

Notice is hereby given that the Fresh Irish Potato Diversion Payment Program WMD 3a under which payments are made for the diversion of fresh Irish potatoes into the manufacture of potato starch or potato flour is terminated effective at midnight, local time, May 31, 1956. This termination will not affect transactions involving potatoes diverted prior to the effective date of the termination.

Dated: May 22, 1956.

[SEAL] S. R. SMITH,
*Director,*
*Fruit and Vegetable Division.*

[F. R. Doc. 56-4160; Filed, May 28, 1956; 2:51 p. m.]



## DEPARTMENT OF COMMERCE

### Federal Maritime Board

NIAGARA LIJN N. V. ET AL.

NOTICE OF CANCELLATION OF AGREEMENT BY THE BOARD

Notice is hereby given that the Board by order dated May 18, 1956, approved the cancellation of the following described agreement pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8034, between Niagara Lijn N. V., Rederi A. B. Ragne and Rederi A. B. Ferlef, a cooperative working arrangement which provided (1) that Ragne and Ferlef would each charter one of its vessels to Niagara which Niagara would operate in addition to other vessels in the east and westbound Great Lakes/Mediterranean trades, and (2) that Ragne and Ferlef would not operate any vessels as a common carrier of passengers or cargo in such trades.

By order of the Federal Maritime Board.

Dated: May 24, 1956.

[SEAL] GEO. A. VIEHMANN,
*Assistant Secretary.*

[F. R. Doc. 56-4240; Filed, May 29, 1956; 8:50 a. m.]

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### Office of the Secretary

GENERAL EXPORT CLOTHING CORP., ET AL.

APPEALS BOARD DECISION

In the matter of General Export Clothing Corporation, Lila Kass, 145–147 Mulberry Street, New York, New York; Appeals Board Docket FC–32; B. F. C. Case No. 209.

This appeal arises from a denial by the Director of the Bureau of Export Supply, Bureau of Foreign Commerce, of the appellant's request for a postponement of the effective date of the Order Revoking Export Licenses and Denying Export Privileges of the appellant, dated May 14, 1956, to become effective May 30, 1956.

The Board has considered this appeal on the record and finds that (1) the appellant is in effect a one-man company and (2) there was a delay in actual receipt of the suspension order due to the fact that the individual who, in effect, is the company, was abroad. Consequently, the Board concludes that a limited extension of the effective date of the suspension order is appropriate.

*Therefore, it is ordered,* That the Order Revoking Export Licenses and Denying Export Privileges of the appellant, dated May 14, 1956, be and hereby is modified to extend the effective date of said order from May 30, 1956 to June 11, 1956: *Provided,* That this extension shall not apply to any transactions based on purchase orders accepted after May 30, 1956; *And further provided,* That in all other respects the terms and provisions of said order shall become effective on June 11, 1956 without regard to the date of negotiations or contracts for export transactions.

FREDERIC W. OLMSTEAD,
*Chairman, Appeals Board.*

MAY 23, 1956.

[F. R. Doc. 56-4243; Filed, May 29, 1956; 8:51 a. m.]

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## CIVIL AERONAUTICS BOARD

[Docket No. 8037]

LEAVENS BROS. LTD.

NOTICE OF HEARING

In the matter of the application of Leavens Bros. Limited for extension of a foreign air carrier permit, approved June 4, 1953, issued pursuant to section 402 of the Civil Aeronautics Act, to perform operations of a casual, occasional or infrequent nature, in common carriage, into the United States.

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled matter is assigned to be held on June 4, 1956, at 2:30 p. m., e. d. s. t., in Room E–210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., May 25, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56-4263; Filed, May 29, 1956; 8:55 a. m.]

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GREAT LAKES LOCAL SERVICE INVESTIGATION

NOTICE OF PREHEARING CONFERENCE

Notice is hereby given that a prehearing conference covering the local air service pattern in the Great Lakes Area (see Order No. E–9734) is assigned to be held on July 10, 1956, at 10:00 a. m., e. d. s. t., in Room E–224, Temporary Building No. 5, Seventeenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Ferdinand D. Moran.

Attention is directed to § 302.12 (b) of the Board's rules of practice which specifies:

> A motion to consolidate or contemporaneously consider an application with any other application shall be filed not later than the prehearing conference in the proceeding with which consolidation or contemporaneous consideration is requested, and shall relate only to a then pending application.

In order to facilitate conduct of the conference and in accord with the above rule it is requested that any party desiring to prosecute an application in this proceeding file on or before June 22, 1956 a motion for consolidation with Examiner Moran and/or any new applications for which consolidation may be sought.

In addition, it is requested that any "request for evidence" be transmitted to the examiner and to the party from whom the evidence is sought on or before June 22, 1956.

Counsel will be expected to state the views of their client with respect to issues discussed during the course of this conference.

Dated at Washington, D. C., May 23, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56-4226; Filed, May 29, 1956; 8:47 a. m.]

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## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11658; FCC 56M–514]

DOROTHY J. LAIRD (WDUX)

ORDER CONTINUING HEARING

In re application of Dorothy J. Laird (WDUX), Waupaca, Wisconsin, Docket No. 11658, File No. BMP–7086; for modification of construction permit.

*It is ordered,* This 22d day of May 1956, upon joint oral request of all parties to the proceeding, that hearing in the matter, which was originally scheduled to commence on May 28, 1956, is continued to July 16, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4252; Filed, May 29, 1956; 8:53 a. m.]

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## FEDERAL POWER COMMISSION

[Docket No. G–10058]

CITY OF LEWISPORT, KENTUCKY

NOTICE OF APPLICATION

MAY 24, 1956.

Take notice that The City of Lewisport, Kentucky (Applicant), a municipal corporation organized and existing under the laws of the State of Kentucky, filed an application on March 7, 1956, pursuant to section 7 (c) of the Natural Gas Act, for an order directing Texas Gas Transmission Corporation (Texas Gas) to establish physical connection of its transportation facilities with the proposed facilities of Applicant and to sell natural gas to Applicant for distribution and sale to the inhabitants of Lewisport, Kentucky, and vicinity as hereinafter described, all as more fully represented in the application, which is now on file with the Commission and open to public inspection.

Applicant states that the City of Lewisport has a population of 750 for 1955, with an estimated increase of 100 by 1958, and will require 513 Mcf of natural gas per day in the third year of operation, including 100 Mcf for a firm industrial customer.

Applicant estimates that the total overall cost of its proposed distribution system will be $164,000, which Applicant proposes to finance with the proceeds from the sale of gas revenue bonds.

Protests or petitions to intervene may be filed with the Commission, in accordance with §§ 1.8 and 1.10 of its rules of practice and procedure (18 CFR 1.8 and 1.10) on or before June 12, 1956.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-4227; Filed, May 29, 1956; 8:47 a. m.]

## OFFICE OF DEFENSE MOBILIZATION

### W. C. BAKER

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

APRIL 30, 1956.

I have your letter of the 27th, enclosing Forms ODM–163, on which it is required under the provisions of Defense Production Act and Executive Order No. 10647 that a statement of financial interests be filled in and the forms filed semi-annually and published in the FEDERAL REGISTER.

There has been no change in the information previously filed by me and under the circumstances presume it is not necessary to again fill out the forms.[1]

W. C. BAKER.

[F. R. Doc. 56–4264; Filed, May 29, 1956; 8:56 a. m.]

### J. E. McLEOD

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

MAY 3, 1956.

I have your letter of April 27, advising that under the provisions of the Defense Production Act and Executive Order No. 10647, it is required that a statement of financial interests be filed semi-annually and published in the FEDERAL REGISTER.

There has been no change in the information shown on form,[2] dated October 29, 1955, and sent you with my letter of the same date.

J. E. McLEOD.

[F. R. Doc. 56–4265; Filed, May 29, 1956; 8:56 a. m.]

### P. J. LYNCH

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

APRIL 30, 1956.

I have your letter of April 27th with reference to the provisions of the Defense Production Act and Executive Order No. 10647 which require that a statement of financial interests be filed semi-annually and published in the FEDERAL REGISTER.

This is to advise that no change is required in Form ODM–163 [3] which I previously filed.

P. J. LYNCH.

[F. R. Doc. 56–4266; Filed, May 29, 1956; 8:56 a. m.]

[1] This amends statement previously published in the FEDERAL REGISTER (20 F. R. 10184).

[2] This amends statement previously published in the FEDERAL REGISTER December 31, 1955 (20 F. R. 10181).

[3] This amends statement previously published in the FEDERAL REGISTER, December 31, 1955 (20 F. R. 10186).

### JAMES H. TAYLOR

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change [4] since last submission of Form ODM–163.

Dated: April 16, 1956.

JAMES H. TAYLOR.

[F. R. Doc. 56–4268; Filed, May 29, 1956; 8:56 a. m.]

### GRANVILLE CONWAY

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

MAY 2, 1956.

In reply to your letter of April 27th this is to advise there has been no change [5] in my financial interests as submitted with my letter of December 8th, 1955.

GRANVILLE CONWAY.

[F. R. Doc. 56–4267; Filed, May 29, 1956; 8:56 a. m.]

### BENJAMIN CAPLAN

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change [6] from the statement filed as of December 15, 1955.

Dated: February 1, 1956.

BENJAMIN CAPLAN.

[F. R. Doc. 56–4269; Filed, May 29, 1956; 8:57 a. m.]

### DAVID CHARLES HOLUB

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

FEBRUARY 1, 1956.

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change [4] from previous report.

Dated: February 1, 1956.

DAVID CHARLES HOLUB.

[F. R. Doc. 56–4270; Filed, May 29, 1956; 8:57 a. m.]

[4] This amends statement previously published in the FEDERAL REGISTER December 31, 1955 (20 F. R. 10179).

[5] This amends statement previously published in the FEDERAL REGISTER December 31, 1955 (20 F. R. 10185).

## SECURITIES AND EXCHANGE COMMISSION

[24W–1629]

### SKY RIDE HELICOPTER CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

MAY 24, 1956.

I. Sky Ride Helicopter Corporation, a Delaware corporation, with principal offices located at Washington National Airport, Washington 1, D. C., having filed with the Commission on July 22, 1953, a Notification on Form 1–A and an Offering Circular, and subsequently having filed amendments thereto relating to a proposed offering of 10,000 shares of no par capital stock at $2 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having reasonable cause to believe that the terms and conditions of Regulation A have not been complied with in that the company has failed to file on Form 2–A reports of sales as required by Rule 224 of Regulation A, and has ignored requests by the Commission's staff for such reports.

III. *It is ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

*It is further ordered*, That this Order and Notice shall be served upon Sky Ride Helicopter Corporation; Mr. Maynard H. Smith, 509 13th Street SE., Washington 3, D. C.; Mr. J. D. Theisz, 2413 32d Street SE., Washington 20, D. C.; and Mrs. Elizabeth Sibley, 1705 38th Street SE., Washington 20, D. C., personally or by registered mail or by confirmed telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56–4221; Filed, May 29, 1956; 8:47 a. m.]



## INTERSTATE COMMERCE COMMISSION

[Notice 114]

### MOTOR CARRIER APPLICATIONS

MAY 25, 1956.

Protests consisting of an original and two copies to the granting of an application must be filed with the Commission within 30 days from this date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (39 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in forms of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, prehearing conference, taking of depositions, or other proceeding shall notify the Commission by letter or telegram within 30 days of publication of this notice in the FEDERAL REGISTER. Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operations of Motor Carrier properties sought to be acquired in an application under section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

### APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 200 Sub 190, filed May 10, 1956, RISS & COMPANY, INC., 15 West 10th Street, Kansas City, Mo. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except livestock, serving the site of the Glenn L. Martin Company plant located north of Colorado Highway 75, opposite the community of Kassler (Waterton), Colo., as an off-route point in connection with applicant's authorized operations to and from Denver, Colo., over U. S. Highway 85. Applicant is authorized to conduct operations in Missouri, Colorado, Oklahoma, Kansas, Texas, Illinois, and Iowa.

No. MC 263 Sub 81, filed April 30, 1956, GARRETT FREIGHTLINES, INC., 2055 Pole Line Road, Pocatello, Idaho. Applicant's attorney: Maurice H. Greene, P. O. Box 1554, Boise, Idaho. For authority to operate as a *common carrier*, over regular routes, transporting: *Bulk ores* and *concentrates*, (1) from the mine and mill of Calera Mining Company near Cobalt, Idaho, to the smelter of the Calera Mining Company at Garfield, Utah, from the mine and mill of Calera Mining Company near Cobalt over unnumbered highway to junction U. S. Highway 93 near Challis, Idaho, thence over U. S. Highway 93 to junction Alternate U. S. Highway 93 near Challis, thence over Alternate U. S. Highway 93 to junction U. S. Highway 26 at Arco, Idaho, thence over U. S. Highway 26 to junction U. S. Highway 191 at Blackfoot, Idaho, thence over U. S. Highway 191 to Salt Lake City, Utah, thence over U. S. Highway 40 to Garfield, serving no intermediate points, (2) from the mine and mill of Calera Mining Company near Cobalt, Idaho, to the smelter of the American Smelting & Refining Company at or near Tacoma, Wash., (a) from the mine and mill of Calera Mining Company near Cobalt over unnumbered highway to junction U. S. Highway 93 at North Fork, Idaho, thence over U. S. Highway 93 to junction U. S. Highway 10 at Missoula, Mont., thence over U. S. Highway 10 to junction U. S. Highway 99 at Seattle, Wash., thence over U. S. Highway 99 to Tacoma, serving no intermediate points, (b) from the mine and mill of Calera Mining Company over unnumbered highway to junction U. S. Highway 93 near Challis, Idaho, thence over U. S. Highway 93 to junction Alternate U. S. Highway 93 near Challis, Idaho, thence over Alternate U. S. Highway 93 to junction U. S. Highway 93 near Shoshone, Idaho, thence over U. S. Highway 26 to junction U. S. Highway 30 at Bliss, Idaho, thence over U. S. Highway 30 to junction Oregon Highway 207 near Stanfield, Oreg., thence over Oregon Highway 207 to junction U. S. Highway 730 near Cold Springs, Oreg., thence over U. S. Highway 730 to junction Washington Highway 8 at Plymouth, Wash., thence over Washington Highway 8 to junction Washington Highway 8–E, near Paterson, Wash., thence over Washington Highway 8–E to junction U. S. Highway 410 at or near Prosser, Wash., thence over U. S. Highway 410 to junction U. S. Highway 97 at Buena, Wash., thence over U. S. Highway 97 to junction U. S. Highway 10 at Ellensburg, Wash., thence over U. S. Highway 10 to Seattle, Wash., thence over U. S. Highway 99 to Tacoma, serving no intermediate points.

No. MC 504 Sub 22, filed May 7, 1956, LOUIS PATZ, doing business as HARPER MOTOR LINES, 220 North McIntosh Street, Elberton, Ga. Applicant's attorney: Reuben G. Crimm, 805 Peachtree Street Building, Atlanta 5, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Plastic bottles* and *plastic vials* when moving in connection with glass containers and closures, and *closures* for plastic bottles and plastic vials, from Gas City, Ind., to points in Georgia and points in that part of Florida north of a line beginning at Ft. Pierce, Fla. and extending westward along Florida Highway 70 to junction Florida Highway 72 at or near Arcadia, thence along Florida Highway 72 to Sarasota, Fla., including points on the indicated portions of the highways specified; *fibreboard boxes* when moving in connection with glass containers and closures, (a) from Streator, Ill., Huntington, W. Va., and Bridgeton, N. J., to points in Alabama and Georgia; (b) from Fairmont, W. Va., to points in Alabama and points in Georgia south of U. S. Highway 280; and (c) from Streator, Ill. and Fairmont, Huntington and Owens, W. Va., to points in Florida on and north of a line beginning at Ft. Pierce and extending west along Florida Highway 70 to junction Florida Highway 72 at or near Arcadia, thence along Florida Highway 72 to Sarasota; and *fibreboard boxes* and *wooden boxes* or *wooden box parts* when moving in connection with glass containers and closures, from Alton, Ill., to points in Alabama and Georgia and points in that part of Florida on and north of a line beginning at Ft. Pierce and extending west along Florida Highway 70 to junction Florida Highway 72 at or near Arcadia, thence along Florida Highway 72 to Sarasota.

NOTE: The authority here sought applies only as to additional commodities in connection with applicant's present authority to transport glass containers and closures from and to above-outlined origin and destination territory in Certificate No. MC 504 Sub 1 dated December 28, 1955.

No. MC 730 Sub 68, filed May 21, 1956, PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 299 Adeline Street, Oakland, Calif. For authority to operate as a *common carrier*, transporting: *General commodities, including Class A and B explosives*, but excepting livestock, household goods as defined by the Commission and commodities requiring special equipment, serving the Glen Canyon Dam Site located on the Colorado River approximately 15 miles upstream from Marble Canyon, Ariz., near the Utah-Arizona boundary, points within 10 miles thereof, and construction sites located at points on access roads thereto, as off-route points in connection with applicant's authorized regular route operations between Salt Lake City, Utah, and Los Angeles, Calif. Applicant is authorized to conduct operations in California, Colorado, Idaho, Illinois, Kansas, Missouri, Montana, Nevada, Oregon, Utah, Washington, and Wyoming.

No. MC 2329 Sub 125 (CORRECTION). The foregoing docket number shown on Page 3442, issue of May 23, 1956, as assigned to the application of HAYES FREIGHT LINES, INC., 628 East Adams Street, Springfield, Ill., was in error. The correct docket number assigned is MC 42329 Sub 125, and the proposed operations will be conducted in the manner set forth under the latter docket number, as published this issue.

No. MC 6964 Sub 4, filed May 15, 1956, MID-WEST MOTOR SERVICE COMPANY, a corporation, 4915 South Campbell Avenue, Chicago, Ill. Applicant's attorney: Jack Goodman, 39 South LaSalle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Malt beverages*, from Chicago, Ill., to points in Iowa on and east of U. S. Highway 69, including Davenport, Clinton and Muscatine, Iowa, but excluding all other points in Iowa located within 200 miles

of Chicago, Ill., and *empty containers or other such incidental facilities* used in transporting the commodity specified, from the above specified destination points to Chicago, Ill.

NOTE: Applicant is presently authorized to transport malt beverages from Chicago to points in Iowa within 200 miles of Chicago, except Davenport, Clinton and Muscatine, Iowa. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Michigan, and Wisconsin.

No. MC 6992 Sub 1, filed May 15, 1956, AMERICAN RED BALL TRANSIT COMPANY, INC., 17 West Market Street, Indianapolis 4, Ind. Applicant's attorney: Homer S. Carpenter, Suite 618 Perpetual Building, 1111 E Street NW., Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household goods*, as defined by the Commission, (1) between points in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia, on the one hand, and, on the other, points in Arizona, California, Idaho, Montana, Nevada, North Dakota, Oregon, Utah, and Washington, (2) between points in Arizona, California, Idaho, Montana, Nevada, North Dakota, Oregon, Utah and Washington. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, Wisconsin, West Virginia, Wyoming, and the District of Columbia.

No. MC 8948 Sub 35 (Amended), published on Page 2901, issue of May 2, 1956, filed April 16, 1956. WESTERN TRUCK LINES, LTD., 2835 Santa Fe Avenue, Los Angeles 58, Calif. Applicant's attorney: Lloyd R. Guerra, 2835 Santa Fe Avenue, Los Angeles, Calif. For authority to operate as a *common carrier*, transporting: *Class A, B, and C explosives, ammunition*, not included in Class A, B, and C explosives, and *component parts* of Class A, B, and C explosives, and of ammunition not included in Class A, B, and C explosives, between Phoenix, Ariz., on the one hand, and, on the other, points in Arizona, California and Nevada, in connection with applicant's authorized regular route operations in Certificate No. MC 8948 and sub-numbers thereunder, in the transportation of general commodities, with exceptions. Applicant is authorized to conduct operations in Texas, California, Nevada, and Arizona.

No. MC 11185 Sub 96, filed May 14, 1956, J-T TRANSPORT, INC., 3501 Manchester Trafficway, Kansas City, Mo. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis 3, Tenn. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Airplane parts and equipment* (uncrated), except airplane engines, which parts and equipment require special handling and equipment, because of the delicate nature of the commodity involved, from Garland, Tex., to Burbank, Calif. Applicant is authorized to conduct operations throughout the United States.

No. MC 11185 Sub 97, filed May 14, 1956, J-T TRANSPORT COMPANY, INC., 3501 Manchester Trafficway, Kansas City, Mo. Applicant's attorney: James W. Wrape, 211 Sterick Building, Memphis 3, Tenn. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Aircraft parts and equipment* (uncrated), except airplane engines, which parts and equipment require special handling and equipment because of the delicate nature of commodity involved, from Grand Prairie, Tex., to Palmdale, Calif. Applicant is authorized to conduct operations throughout the United States.

No. MC 22454 Sub 345, filed May 14, 1956, NU-CAR CARRIERS, INC., Front and Pennell Streets, Chester, Pa. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trucks, tractors*, and *chassis*, in initial movements, in truckaway service, *truck bodies, cabs*, and *parts* and *accessories* for, and moving in the same shipment with, the vehicles to be transported, from Exton, Pa., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. Applicant is authorized to conduct operations throughout the United States.

No. MC 28132 Sub 41, filed May 16, 1956, HVIDSTEN TRANSPORT, INC., 2801 Main Avenue, Fargo, N. Dak. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Grand Forks, N. Dak., on the one hand, and, on the other, the site of the United States Air Force Base and points within five (5) miles thereof, located approximately fifteen to twenty-five miles northwest of Grand Forks, N. Dak. Applicant is authorized to conduct operations in Minnesota and North Dakota.

No. MC 29490 Sub 5, filed May 16, 1956, WILLIAM S. CLARK, 506 North Street, Mifflintown, Pa. Applicant's attorney: Andrew Wilson Green, 603 North Front Street, Harrisburg, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Firebrick*, from Van Dyke, Pa. (near Thompsontown, Juniata County, Pa.), to points in Ohio, north and east of U. S. Highway 250, and *damaged shipments of firebrick*, and *empty pallets* from points in Ohio north of U. S. Highway 250, to Van Dyke, Pa., and (2) *firebrick* from Niles, Ohio to Van Dyke, Pa., and Frostburg, Md.

No. MC 30319 Sub 67, filed May 7, 1956, SOUTHERN PACIFIC TRANSPORT COMPANY, a Corporation, 810 North San Jacinto Street, P. O. Box 4054, Houston, Tex. Applicant's attorney: Edwin N. Bell, Southern Pacific Lines, Texas & New Orleans Railroad Co., Houston 2, Tex. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities, including air freight* having a prior or subsequent movement by air, but excluding commodities of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between Orange, Tex., and Vinton, La., over U. S. Highway 90, serving, in addition to termini, all intermediate points located on and served by applicant's affiliate, the Texas & New Orleans Railroad, including Toomey, La. Applicant is authorized to conduct operations in Louisiana and Texas.

No. MC 30319 Sub 68, filed May 14, 1956, SOUTHERN PACIFIC TRANSPORT COMPANY, 810 North San Jacinto, P. O. Box 4054, Houston, Tex. Applicant's representative: G. D. Clark, P. O. Box 4054, Houston, Tex. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between San Antonio, Tex., and Nixon, Tex., over U. S. Highway 87 serving the intermediate points of Sayers, Martinez, Adkins, Lavernia, Sutherland Springs, Stockdale, and Pandora. RESTRICTIONS: Service to be performed by carrier shall be limited to service which is auxiliary to, or supplemental of rail service of applicant's affiliate, the Texas and New Orleans Railroad Company; carrier shall not serve any point not a station on the railroad except Sayers, Martinez, Adkins, Lavernia, Sutherlands Springs, Stockdale and Pandora; all contractual arrangements between carrier and the railroad shall be reported to the Interstate Commerce Commission and shall be subject to the revision of and as the Commission finds it necessary in order that such arrangements shall be fair and equitable to the parties; and such further specific conditions as the Commission, in the future, may find it necessary to impose in order to restrict said carrier's operations to service which is auxiliary to, or supplemental of rail service.

NOTE: Applicant holds authority in Certificate No. MC 30319 Sub 24 to transport commodities as outlined above between San Antonio and Smiley, Tex., over U. S. Highway 87 with service to and from all intermediate points but is restricted against service at any point not a station on the Texas & New Orleans Railroad Company. The Railroad has pending petition to abandon that portion of its route between Salado Junction (near San Antonio) and Nixon, Tex., and the points applicant proposes to serve herein are intermediate points along this route. The purpose of this application is to modify the second condition in Certificate No. MC 30319 Sub 24 to read as follows: "The carrier shall not serve any point not a station on the railroad except Sayers, Martinez, Adkins, Lavernia, Sutherland Springs, Stockdale and Pandora, Tex." Applicant is authorized to conduct operations in Texas and Louisiana.



No. MC 30319 Sub 69, filed May 15, 1956, SOUTHERN PACIFIC TRANSPORT COMPANY, 810 North San Jacinto, P. O. Box 4054, Houston, Tex. Applicant's representative: G. D. Clark, P. O. Box 4054, Houston, Tex. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, including air freight having a prior or subsequent movement by air, but excluding those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Reklaw, Tex., and the plant site of the Texas Power & Light Co., from Reklaw north over unnumbered County Road to junction F-M Road 839, thence over F-M Road 839 approximately 4.2 miles to junction unnumbered County Road, and thence over unnumbered County Road to Texas Power & Light Co. plant site, and return over the same route. Applicant is authorized to conduct operations in Texas and Louisiana.

NOTE: Reklaw, Tex., is a station on route of applicant as well as its rail affiliate, the Texas & New Orleans Railroad.

No. MC 30837 Sub 205, filed April 30, 1956, KENOSHA AUTO TRANSPORT CORPORATION, 4519 76th Street, Kenosha, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Internal combustion engines* and *parts thereof*, from Louisville, Ky., to Bridgeport, Conn., and *empty racks, pallets* or other *dunnage* used in transporting the commodities specified on return. Applicant is authorized to conduct operations in Indiana and Connecticut.

No. MC 38183 Sub 38, filed May 14, 1956, WHEELOCK BROS., INC., Third and Charlotte Streets, Kansas City, Mo. Applicant's attorney: Stockton, Linville and Lewis, The 1650 Grant Street Building, Denver 3, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods, as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Denver, Colo., and the site of the Glenn L. Martin Company plant, located north of Colorado Highway 75, opposite the community of Kassler (Waterton), Colo., restricted to traffic having a prior or subsequent movement over applicant's own lines. Applicant is authorized to conduct operations in Illinois, Colorado, Missouri, Kansas, Indiana, Iowa, Nebraska, Oklahoma, and Texas.

No. MC 42329 Sub 125, filed May 7, 1956, (CORRECTION), HAYES FREIGHT LINES, INC., 628 East Adams Street, Springfield, Ill., published on Page 3442, issue of May 23, 1956. Applicant's attorney: Jack Goodman, 39 South La Salle Street, Chicago 3, Ill. The description of authority sought reading "Between Aurora, Ind., on the one hand, and, on the other, points in Indiana" was in error. The correct authority sought in said application reads "*From* Aurora, Ind., *to* points in Indiana."

No. MC 48958 Sub 28, filed May 11, 1956, ILLINOIS - CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver 16, Colo. Applicant's attorney: Truman A. Stockton, Jr., The 1650 Grant Street Building, Denver 3, Colo. For authority to operate as a *common carrier*, transporting: *General commodities, including household goods as defined by the Commission* but excepting those of unusual value, Class A and B explosives, commodities in bulk, and commodities requiring special equipment, serving the site of the Glenn L. Martin Company plant located in Jefferson County, Colo., approximately nine (9) miles south and west of Denver as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Colorado, New Mexico, California, Arizona, Wyoming, Nebraska, Illinois, and Iowa.

No. MC 50404 Sub 43, filed May 14, 1956, THE MAXWELL CO., a Corporation, 2200 Glendale-Milford Road, Cincinnati, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Rosin sizing*, in bulk, in tank vehicles, from Addyston, Ohio, to points in the Lower Peninsula of Michigan.

No. MC 52465 Sub 14, filed May 14, 1956, WESTERN EXPRESS, a corporation, 2300 Ninth Avenue North, Great Falls, Mont. Applicant's attorney: Ray F. Koby, 527-529 Ford Building, Great Falls, Mont. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods, as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Great Falls, Mont., and Kalispell, Mont., from Great Falls over U. S. Highways 89 and 91 to Vaughn, Mont., thence over U. S. Highway 89 to Browning, Mont., thence over U. S. Highway 2 to Kalispell (also from Great Falls over U. S. Highways 89 and 91 to Vaughn, Mont., thence over U. S. Highway 91 to Shelby, Mont., thence over U. S. Highway 2 to Kalispell) and return over the same routes, serving all intermediate points.

NOTE: All duplicating authority to be eliminated. Applicant is authorized to conduct operations in Montana.

No. MC 52657 Sub 485, filed May 14, 1956, ARGO AUTO CARRIERS, INC., 91st Street and Perry Avenue, Chicago 20, Ill. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automotive vehicles*, passenger and freight, in secondary truckaway service, from Baltimore, Md., to points in Illinois, Indiana, Iowa, Minnesota, North Dakota, South Dakota, and Wisconsin. Applicant is authorized to conduct operations throughout the United States.

No. MC 52746 Sub 45, filed May 7, 1956, KNAUS TRUCK LINES, INC., 201 West 21st Street, Kansas City, Mo. Applicant's attorney: Walter V. Huston, 4105 Main Street, Kansas City 11, Mo. For authority to operate as a *common carrier*, transporting: *General commodities*, except Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, including bulk liquids, assembled automobiles, and heavy machinery requiring special equipment for handling, (1) between Springfield, Ill., and Virginia, Ill.; from Springfield over Illinois Highway 125 to Virginia and return over the same route, serving no intermediate or off-route points; (2) between Rushville, Ill., and Burlington, Iowa: from Rushville over U. S. Highway 67 to junction Illinois Highway 116, thence over Illinois Highway 116 to junction U. S. Highway 34, and thence over U. S. Highway 34 to Burlington, and return over the same route, serving no intermediate or off-route points; (3) between Ottumwa, Iowa, and Des Moines, Iowa: from Ottumwa over U. S. Highway 63 to junction Iowa Highway 163 and thence over Iowa Highway 163 to Des Moines, and return over the same route, serving no intermediate or off-route points, as alternate routes for operating convenience only in connection with applicant's authorized regular routes (1) between Kansas City, Mo., and Chicago, Ill., and between Jacksonville, Ill., and Rushville, Ill., (2) between Taylor, Mo., and Peoria, Ill., and between Kansas City, Mo., and Davenport, Iowa, and (3) between Kansas City, Mo., and Burlington, Iowa, and between Kansas City, Mo., and Des Moines, Iowa, in Certificate No. MC 52746. Applicant is authorized to conduct operations in Kansas, Iowa, Indiana, Illinois, Missouri, and Colorado.

No. MC 55236 Sub 29, filed May 16, 1956, OLSON TRANSPORTATION COMPANY, P. O. Box 1187, Green Bay, Wis. For authority to operate as a *common carrier*, transporting: *General commodities, including those of unusual value, Class A and B explosives, commodities in bulk*, and *commodities requiring special equipment*, but excepting household goods as defined by the Commission, serving the Green Bay, Wis., Filtering Plant site about eleven (11) miles east of Green Bay, Wis., as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Wisconsin, Illinois, and Indiana.

No. MC 59590 Sub 7, filed May 14, 1956, CLIPPER TRANSPORTATION COMPANY, 56 McAdoo Avenue, Jersey City, N. J. Applicant's attorney: George A. Olsen, 69 Tonnele Avenue, Jersey City 6, N. J. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Reinforced concrete planks*, from the site of the Concrete Plank Company plant in Jersey City, N. J., to points in New York, Ohio, Pennsylvania, Virginia, West Virginia and the District of

Columbia, and *empty containers or other such incidental facilities* used in transporting the commodities specified on return. Applicant is authorized to conduct operations in Pennsylvania, New Jersey, New York, and Connecticut.

No. MC 60478 Sub 10, filed May 14, 1956, WILLIAM LAND, INC., 513 Lackawanna Avenue, Scranton, Pa. Applicant's attorney: Morris J. Winokur, Market Street National Bank Building, Juniper and Market Streets, Philadelphia, Pa. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, between Scranton, Pa., and Wilkes-Barre, Pa., from Scranton over U. S. Highway 11 to Pittstown, thence over unnumbered highway to Wilkes-Barre, and return over the same route, serving the intermediate points of Virginia, Rocky Glen, Moosic, Avoca, Dupont, Pittstown, Plains and Midvale. RESTRICTION: The service by motor vehicle to be performed by said carrier shall be limited to service which is auxiliary to, or supplemental of, rail service of the Delaware, Lackawanna and Western Railroad Company, hereinafter called the railroad. Said carrier shall not serve any point not a station on the line of the railroad. All contractual arrangements between said carrier and the railroad shall be reported to the Commission and shall be subject to revision, if and as the Commission finds it to be necessary in order that such arrangements shall be fair and equitable to the parties. Such further specific conditions as the Commission, in the future, may find necessary to impose in order to restrict said carrier's operation to service which is auxiliary to, or supplemental of, rail service. Such further specific conditions as the Commission in the future may find it necessary to impose in order to restrict said carrier's operation by motor vehicle to service which is auxiliary to, or supplemental of, the rail service of the railroad. Applicant is authorized to conduct operations in Pennsylvania and New York.

NOTE: Applicant states that the transportation will be performed for Lackawanna & Wyoming Valley Railroad Co. in trailers which have a prior or subsequent movement on rail cars of Delaware-Lackawanna & Western Railroad Co. in so-called "piggy back service" in substitution for authorized service by the said Lackawanna & Wyoming Valley Railroad Co.

No. MC 61932 Sub 210, filed May 21, 1956, ROGERS CARTAGE CO., a Corporation, 1934 South Wentworth Avenue, Chicago, Ill. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids* and *chemicals* in bulk, in tank vehicles, from points in Pike County, Mo., to points in Minnesota, Iowa, Nebraska, Oklahoma, Arkansas, Missouri, Wisconsin, Illinois, Michigan, Indiana, Kansas, Kentucky, and Tennessee. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, West Virginia, and Wisconsin.

No. MC 65580 Sub 7, filed March 23, 1956, (Amended), published page 2161, issue of April 4, 1956, MUSHROOM TRANSPORTATION CO., INC., 2514–18 North Broad Street, Philadelphia 32, Pa. Applicant's attorney: Eugene T. Liipfert, 2001 Massachusetts Avenue NW., Washington 6, D. C. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the plant site of Haynes Lithograph Company, near Rockville, Md., located approximately within one mile of the Washington, D. C., Commercial Zone as defined by the Commission, as an off-route point in connection with applicant's regular route operations (1) between Baltimore, Md., and Philadelphia, Pa., and (2) between Baltimore, Md., and Buffalo, N. Y., restricted against service from the above-requested point to or from points on applicant's regular route operations authorized in Maryland, Pennsylvania, and the District of Columbia, as described in (1) and (2) above. Applicant is authorized to conduct operations in Maryland, New York, and Pennsylvania.

NOTE: Applicant states it is now authorized to serve the Washington, D. C., Commercial Zone as defined by the Commission, as an off-route point in connection with the above-described regular route operations.

No. MC 66562 Sub 1288, filed May 15, 1956, RAILWAY EXPRESS INCORPORATED, 219 East 42d Street, New York 17, N. Y. Applicant's attorney: William H. Marx, 219 East 42d Street, New York 17, N. Y. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, between Paris, Ky., and Flemingsburg, Ky., from Paris over U. S. Highway 68 to junction Kentucky Highway 36, thence over Kentucky Highway 36 to junction Kentucky Highway 32, and thence over Kentucky Highway 32 to Flemingsburg, and return over the same routes, serving the intermediate point of Carlisle, Ky. Applicant is authorized to conduct operations throughout the United States.

No. MC 68618 Sub 23, filed April 30, 1956, LOS ANGELES-SEATTLE MOTOR EXPRESS, INC., 3200 Sixth Avenue South, Seattle, Wash. Applicant's attorney: Donald D. Fleming, 1405 Hoge Building, Seattle 4, Wash. For authority to operate as a *common carrier*, over irregular routes, transporting: *Malt liquor, malt liquor containers, bottle openers, can openers, bottle caps*, and *advertising material* when transported in connection with the commodity which it advertises, from Seattle, Tacoma, and Olympia, Wash., to points in California. *Empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application and *returned shipments* of the above-specified commodities on return.

NOTE: Applicant states any duplication of present authority to be excluded.

No. MC 68909 Sub 47, filed May 7, 1956, (CORRECTION), DECATUR CARTAGE CO., a corporation, 1932 South Wentworth Avenue, Chicago, Ill., published on Page 3443, issue of May 23, 1956. Applicant's attorney: Jack Goodman, 39 South La Salle Street, Chicago 3, Ill. The description of authority sought reading "Between Aurora, Ind., on the one hand, and, on the other, points in Indiana" was in error. The correct authority sought in said application reads "*From* Aurora, Ind., *to* points in Indiana."

No. MC 76246 Sub 6, filed May 15, 1956, EMMERSON TRUCK & STORAGE CO., a corporation, 121 East State Street, Battle Creek, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight require the use of special equipment, and *related machinery parts*, and *related contractors' materials and supplies* when their transportation is incidental to the transportation by carrier of commodities which by reason of size or weight require the use of special equipment, between points in that part of Michigan on and south of a line extending along the northern boundaries of Allegan, Barry, and Eaton Counties, thence on and west of a line extending along U. S. Highway 127 to the Michigan-Ohio State line, on the one hand, and, on the other, points in Pennsylvania, New York, New Jersey, Connecticut, Missouri, and Iowa. Applicant is authorized to conduct operations in Michigan, Illinois, Indiana, Ohio, and Wisconsin.

No. MC 76564 Sub 54, filed May 17, 1956, HILL LINES, INC., 1300 Grant Street, Amarillo, Tex. Applicant's attorney: Morris G. Cobb, 1300 Grant Street, Amarillo, Tex. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, including Class A and B explosives and commodities in bulk, but excluding those of unusual value, household goods as defined by the Commission, and commodities requiring special equipment, (1) between Hobbs, N. Mex., and the Texas-New Mexico State line near Jal, N. Mex., from Hobbs over New Mexico Highway 18 to the Texas-New Mexico State line near Jal, N. Mex., and return over the same route, (2) between the junction of New Mexico State Highway 18 and New Mexico State Highway 176 near Eunice, N. Mex., and the junction of New Mexico State Highway 176 and U. S. Highways 62–180, from the junction of New Mexico State Highway 18 and New Mexico State Highway 176 near Eunice, N. Mex., over New Mexico State Highway 176 to junction of U. S. Highways 62–180 and return over the same route, (3) between the junction of New Mexico State Highway 8 and U. S. Highways 62–180 and the junction of New Mexico State Highway 8 and New Mexico State Highway 176, from the junction of New Mexico State Highway 8 and U. S. Highways 62–180, over New Mexico State Highway 8 to junction of New Mexico State Highway 176 and return over the same route, serving all intermediate and off-route points within 5 miles of all three of the above described routes, and the additional off-route points of Ochoa and Bennett, N. Mex. Applicant is authorized to conduct operations in New Mexico and Texas.



No. MC 80284 Sub 15, filed May 16, 1956, CHRISPENS TRUCK LINES, INC., 4551 South Racine Avenue, Chicago, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Cleaning compounds, washing compounds, soap, soap products, concentrated lye, chlorinated lime, shortening, oleomargarine* and *glycerine*, between Chicago, Ill., on the one hand, and, on the other, Fort Wayne, Ind., and points in that part of Ohio on and north of a line beginning at the West Virginia-Ohio State line and extending along U. S. Highway 22 to Cincinnati, Ohio, thence along the Ohio River to the Ohio-Indiana State line.

NOTE: Applicant states it has been transporting, since 1934, the commodities applied for herein into the identical territory covered by the application under its authority to transport "Packing house products"; that the Commission has questioned the right of applicant to haul these commodities for any shipper other than a meat packing house; and that applicant intends to make a motion to dismiss the application after it has presented evidence.

No. MC 80428 Sub 21, filed May 10, 1956, H. LEON McBRIDE, FRANK McBRIDE AND H. LEON McBRIDE, JR., doing business as H. L. & F. McBRIDE, Main Street, Goshen, N. Y. Applicant's attorney: Sherwin B. Abrams, 292 Madison Avenue, New York 17, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Milk products*, such as butter, in boxes, cartons, cans, pails or tubs; *buttermilk*, in cans or in containers in cases; ice cream mix, in containers or in bulk, in tank vehicles; *milk, skim, condensed, concentrated*, in containers, or in bulk, in tank vehicles; *milk, skim, powdered*, in containers, *milk, whole, powdered*, in containers, *milk, whole, concentrated*, in containers, from Bear Lake, Pa., to Arkport, Cohocton, and New York, N. Y., and *empty containers or other such incidental facilities* (not specified) on return. Applicant is authorized to conduct operations in Maryland, New York, New Jersey, Pennsylvania, Connecticut, and Massachusetts.

No. MC 82507 Sub 4, filed May 14, 1956, LANDWEHR TRANSFER AND STORAGE, INC., 225 N. P. Lane SE., St. Cloud, Minn. Applicant's representative: A. R. Fowler, Agent, Associated Motor Carriers Tariff Bureau, 2288 University Avenue, St. Paul 14, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cleaning, scouring and washing compounds, cooking, oil fats, lard compounds, lard substitutes, vegetable oil shortening, soap, soap products* and *foodstuffs*, (1) from St. Cloud, Minn., to points in Benton, Kandiyohi, Meeker, Morrison, Pope, Stearns, Todd, Sherburne and Wadena Counties, Minn., and those in Isanti, Mille Lacs, and Wright Counties, Minn., within 35 miles of St. Cloud, Minn., (2) from Alexandria, Brainerd, Fergus Falls, Glenwood, Little Falls, Long Prairie, Milaca, Motley, Sauk Centre, Wadena, and Wilmar, Minn., to points in Aitkin, Benton, Cass, Crow Wing, Douglas, Isanti, Kanabec, Kandiyohi, Meeker, Mille Lacs, Morrison, Otter Tail, Pope, Sherburne, Stearns, Todd, Wadena and Wright Counties, Minn., and (3) *damaged shipments* of the above-specified commodities, on return. Applicant is authorized to conduct operations in Minnesota.

No. MC 85239 Sub 9, filed May 14, 1956, WEIMAR STORAGE CO., INC., 337 West Grand Street, Elizabeth, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Delaware City, Del., to points in Connecticut, Maryland, Massachusetts, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Virginia, West Virginia, and the District of Columbia. Applicant is authorized to conduct operations in New Jersey, New York, Connecticut, and Pennsylvania.

No. MC 87674 Sub 5, filed May 3, 1956, BERNERD EDWARD RICE, doing business as RICE TRANSFER & STORAGE, 177 Lancaster Avenue, Rock Hill, S. C. Applicant's attorney: Frank A. Graham, Jr., 707 Security Federal Building, Columbia 1, S. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meat, meat products, meat by-products, dairy products*, and *articles distributed by meat packing houses*, as defined by the Commission, from Charlotte, N. C., and Rock Hill, S. C., to points in that part of North Carolina bounded by a line beginning at Statesville, N. C., and extending therefrom in a northerly direction over U. S. Highway 21 to the intersection of that highway with U. S. Highway 421 at Brooks Cross Roads, N. C., thence west over U. S. Highway 421 to junction with N. C. Highway 18, thence southeast over N. C. Highway 18 to North Wilkesboro, N. C., thence southwest over N. C. Highway 18 through Lenoir to Morganton, N. C., thence east over U. S. Highway 64–70 to point of beginning, including points on the indicated portions of the highways specified, and *damaged shipments* from the above described destination points to Charlotte, N. C. and Rock Hill, S. C. Applicant is authorized to conduct operations in North Carolina and South Carolina.

No. MC 88905 Sub 15, filed March 13, 1956, (Amended), published March 28, 1956 on Page 1922, CARL R. VAN DYKE, doing business as C. R. VAN DYKE, 87 Clinton Street, Montgomery, N. Y. Applicant's representative: A. E. Enoch, Brodhead Block, 556 Main Street, Bethlehem, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Coal*, from points in Lackawanna, Luzerne, Carbon, and Schuylkill Counties, Pa., to points in Hartford and Litchfield Counties, Conn., excluding Woodbury, Litchfield, New Hartford, and Roxbury, Conn. Applicant is authorized to conduct operations in Connecticut, New York and Pennsylvania.

NOTE: Applicant has contract carrier, irregular route authority under Permit No. MC 109864, dated December 12, 1955, acquired by carrier pursuant to MC–FC 58506, section 210 (dual operations) may be involved.

No. MC 93903 Sub 5, filed May 10, 1956, ANDERSON'S TRUCKING CORPORATION, 93 Marcy Avenue, East Orange, N. J. Applicant's attorney: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N. J. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Concrete pipe and fittings, forms, moulds*, and *equipment*, used in the manufacture of concrete pipe, between Perryman, Md., on the one hand, and, on the other, points in Delaware, the District of Columbia, Maryland, New Jersey, New York, Pennsylvania, and Virginia. Applicant is authorized to conduct operations in New Jersey, New York, Delaware, Connecticut, Rhode Island, Massachusetts, Pennsylvania, Maryland, Virginia, and the District of Columbia.

No. MC 95540 Sub 269, filed May 11, 1956, WATKINS MOTOR LINES, INC., Cassidy Road, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products and meat by-products*, and *articles distributed by meat-packing houses*, as defined by the Commission, from points in Florida and Georgia, and Dothan, Ala., to points in Alabama, Arkansas, Colorado, Georgia, Indiana, Illinois, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, Oklahoma, Tennessee, and Wisconsin.

No. MC 95540 Sub 270, filed May 15, 1956, WATKINS MOTOR LINES, INC., Cassidy Road, P. O. Box 785, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat-products and meat by-products*, and *articles distributed by meat-packing houses*, as defined by the Commission, from points in Colorado to points in Alabama, Florida, Georgia, and South Carolina. Applicant is authorized to conduct operations in Alabama, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Wisconsin, and the District of Columbia.

No. MC 100929 Sub 8, filed May 18, 1956, R. W. ISHERWOOD, INC., 39 Highland Avenue, Patchogue, Long Island, N. Y. Applicant's attorney: Martin Werner, 295 Madison Avenue, New York 17, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Agricultural insecticides*, in seasonal operations between April 1 and September 30 of each year from Elkton, Md., to points in Nassau and Suffolk Counties, N. Y. Applicant is authorized

to conduct operations in New York and Pennsylvania.

No. MC 103378 Sub 63, filed May 14, 1956, PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Tall oil*, in bulk, in tank vehicles, from St. Marys, Ga., to points in Polk County, Fla. Applicant is authorized to conduct operations in Florida, Georgia, and South Carolina.

No. MC 103378 Sub 64, filed May 15, 1956, PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid sulphate of alumina*, in bulk, in tank vehicles, from Chattanooga, Tenn., to Coosa Pines, Ala., approximately three miles north of Childersburg, Ala., on the Coosa River. Applicant is authorized to conduct operations in Alabama and Florida.

No. MC 103490 Sub 44, filed May 16, 1956, PROVAN PETROLEUM TRANSPORTATION COMPANY, INC., 210 Mill Street, Newburgh, N. Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Delaware City, Del., to points in New Jersey, New York, Connecticut, Rhode Island, and Massachusetts.

No. MC 103993 Sub 71, filed May 18, 1956, MORGAN DRIVE-AWAY, INC., 509 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 632 Illinois Building, 17 West Market Street, Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from Milwaukee, Wis., to points in the United States. Applicant is authorized to conduct operations throughout the United States.

No. MC 104430 Sub 19, filed May 7, 1956 (Amended), published May 23, 1956 on Page 3444, CAPITAL TRANSPORT COMPANY, INC., P. O. Box 789, McComb, Miss. Applicant's attorney: Dudley W. Conner, Conner Building, Hattiesburg, Miss. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Purvis, Miss., and points within five (5) miles thereof, including the site of the Pontiac Refinery, to points in Alabama and Louisiana, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return movements. Applicant is authorized to conduct operations in Alabama, Florida, Louisiana, and Mississippi.

No. MC 105813 Sub 25, filed May 11, 1956, BELFORD TRUCKING CO., INC., 1299 Northwest 23d Street, Miami 42, Fla. Applicant's attorney: Dan R. Schwartz, Suite 716 Professional Building, Jacksonville 2, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Meats, meat products, and meat by-products*, as defined by the Commission, from Chicago, East St. Louis, and Peoria, Ill., Indianapolis, Ind., Cedar Rapids, Iowa, Kansas City, Kans., Kansas City, St. Joseph, and St. Louis, Mo., and Madison and Milwaukee, Wis., to Cottondale and Panama City, Fla., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return; (2) *dairy products*, as defined by the Commission, from Chicago and East St. Louis, Ill., Indianapolis, Ind., Kansas City, Kans., and Kansas City and St. Louis, Mo., to Cottondale and Panama City, Fla., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity on return; and (3) *oleomargarine*, from Indianapolis, Ind., to points in Florida, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodity on return. Applicant is authorized to conduct operations in Florida, Illinois, Indiana, Iowa, Kansas, Missouri, and Wisconsin.

No. MC 105813 Sub 26, filed May 11, 1956, BELFORD TRUCKING CO., INC., 1299 Northwest 23d Street, Miami 42, Fla. Applicant's attorney: Dan R. Schwartz, Suite 716 Professional Building, Jacksonville 2, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Meats, meat products, and meat by-products, dairy products*, and *articles distributed by meat-packing houses*, as defined by the Commission, and (2) *frozen foods*, from Evansville, Frankfort, Muncie, and Terre Haute, Ind.; Davenport, Fort Dodge, Keokuk, Marcus, Mason City, Ottumwa, and Sioux City, Iowa; Detroit, Mich.; Albert Lea, Faribault, Minneapolis, and St. Paul Minn.; Cincinnati, Cleveland, Columbus, and Dayton, Ohio, to points in Florida, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, on return. Applicant is authorized to conduct operations in Delaware, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Massachusetts, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, Wisconsin, and the District of Columbia.

No. MC 106020 Sub 15, filed May 4, 1956, G. L. ALLEN COMPANY, 5850 Pardee Road, Dearborn, Mich. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Hot asphalt*, in bulk, in tank vehicles equipped for protection against heat and cold, from Lemont, Ill., to points in Indiana and Michigan; *damaged shipments* of hot asphalt on return. Applicant is authorized to transport liquid petroleum asphalt from Heath, Ohio, to Detroit, Mich.

No. MC 106278 Sub 15, filed May 14, 1956, E. B. LAW AND SON, INC., 848 North Seventh Street, P. O. Box 902, Las Cruces, N. Mex. Applicant's attorney: Donovan N. Hoover, P. O. Box 897, Santa Fe, N. Mex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid Nitrogen*, in bulk, transported under temperature and pressure control, in government-owned tank vehicles, on government bills of lading, from Houston, Tex., to White Sands Proving Grounds, N. Mex., and *Empty Government-owned tank vehicles* on return. Applicant is authorized to conduct operations in Texas and New Mexico.

No. MC 106398 Sub 66, filed May 17, 1956, NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road (P. O. Box 896, Dawson Station), Tulsa 15, Okla. Applicant's attorney: John E. Lesow, 632 Illinois Building, 17 West Market Street, Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, by the truckaway method, from Milwaukee, Wis., to points in the United States. Applicant is authorized to conduct operations throughout the United States.

No. MC 107002 Sub 79, filed May 16, 1956, WALTER M. CHAMBERS, doing business as CHAMBERS TRUCK LINE, 105 Giuffrias Avenue (P. O. Box 687), New Orleans, La. For authority to operate as a *common carrier*, over irregular routes, transporting: *Vegetable oils*, and *vegetable oil compounds*, in bulk, in tank vehicles, from Newport, Ark., and Greenville, Miss., to Memphis, Tenn.

No. MC 107500 Sub 12, filed May 21, 1956, BURLINGTON TRUCK LINES, INC., 547 West Jackson Boulevard, Chicago 6, Ill. For authority to operate as a *Common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods, as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Denver, Colo., and the site of the Glenn L. Martin Company Plant, located north of Colorado Highway 75, opposite the community of Kessler (Waterton), Colo., from Denver over U. S. Highway 85 to Littleton, Colo., thence over Colorado Highway 75 to the plant of the Glenn L. Martin Company. Applicant is authorized to conduct operations in Colorado, Illinois, Indiana, Iowa, Missouri, Montana, Nebraska, Wyoming, and Kansas.

No. MC 107515 Sub 224, filed May 16, 1956, REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta, Ga. Applicant's attorney: Allan Watkins, Grant Building, Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods*, from Fairmont, Minn., to Little Rock, Ark. Applicant is authorized to conduct operations in Georgia, Tennessee, Louisiana, North Carolina, South Carolina, Florida, Alabama, Mississippi, Arkansas, Missouri, Minnesota, Illinois, Oklahoma, Texas, Indiana, Iowa, Wisconsin, Kentucky, Ohio, Michigan, and Nebraska.

No. MC 107998 Sub 2, filed April 27, 1956, WALTER A. ECHOLS, doing business as FURNITURE CARRIER COMPANY, 372 Lee Street SW., Atlanta, Ga. Applicant's attorney: Reuben G. Crimm, Eight-O-Five Peachtree Street Building, Atlanta 5, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *New furniture*, from points in that part of North Carolina, Tennessee, and Virginia, bounded by a line beginning at the South Carolina-North Carolina State line on U. S. Highway 17 and extending along U. S. Highway 17 to Wilmington, N. C., thence along U. S. Highway 117 to Wilson, N. C., thence along U. S. Highway 301 to Richmond, Va., thence along U. S. Highway 360 to Burkeville, Va., thence along U. S. Highway 460 to Roanoke, Va., thence along U. S. Highway 11 to Bristol, Va.-Tenn., thence along U. S. Highway 11E to Johnson City, Tenn., thence along U. S. Highway 23 to the North Carolina-South Carolina State line, thence along the North Carolina-South Carolina State line to point of beginning, including points located on the indicated portions of the highways specified, to points in Alabama and those in Florida on and north of a line bounded on the east by a line beginning at the Atlantic Ocean on U. S. Highway 90, and extending along U. S. Highway 90 to junction Florida Highway 20, approximately four (4) miles west of Tallahassee, thence along Florida Highway 20 to junction U. S. Highway 231, thence along U. S. Highway 231 to Panama City, Fla., thence along U. S. Highway 98 to junction U. S. Highway 90, thence along U. S. Highway 90 to the Florida-Alabama State line. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, and Virginia.

No. MC 108207 Sub 51, filed April 23, 1956 (Amended), published May 16, 1956 on Page 3241, FROZEN FOOD EXPRESS, a corporation, 318 Cadiz Street, P. O. Box 5382, Dallas, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Frozen foods*, from Lafayette and Indianapolis, Ind., to points in Missouri, Kansas, Oklahoma, Arkansas, Louisiana, Texas, Mississippi, and Memphis, Tenn.; (2) *salads*, requiring refrigeration in transit, and *dairy products*, as defined by the Commission, from Indianapolis, Ind., and Van Wert, Ohio, to points in Oklahoma, Texas, Arkansas, Louisiana, Mississippi, and Memphis, Tenn.; and (3) *frozen foods*, from Brownsville, Harlingen, Eagle Pass, Carrizo Springs, San Antonio, and Dallas, Tex., and points within 15 miles of each, to points in Indiana, Ohio, and Kentucky. Applicant is authorized to conduct operations in Arkansas, California, Illinois, Iowa, Kansas, Louisiana, Michigan, Mississippi, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, Texas, and Wisconsin.

No. MC 108340 Sub 8, filed May 8, 1956, HANEY TRUCK LINE, A Corporation, 2219 Cedar Street, Forest Grove, Oreg. Applicant's attorney: John M. Hickson, Yeon Building, Portland, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber* and *lumber mill products*, from points in Washington, Tillamook, and Yamhill Counties, Oreg., to points in California; *cottonseed meal*, between points in California, on the one hand, and, on the other, points in Washington, Tillamook, Yamhill and Multnomah Counties, Oreg.; *glass containers*, from points in Washington, to points in Washington County, Oreg. Applicant is authorized to conduct operations in Oregon and Washington.

No. MC 109689 Sub 33, filed May 14, 1956, W. S. HATCH CO., a corporation, Woods Cross, Utah. Applicant's attorney: Mark K. Boyle, Continental Bank Building, Salt Lake City 1, Utah. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Salt Lake City, Utah and points within one mile thereof, to (1) Elko, Cobre, Lamoille, Ely, Cherry Creek, Egan, Tippett, Anderson's Ranch, Aurum, Muncy, Ruth, and Kimberly, Nev., (2) points on U. S. Highway 40 between Elko, Nev., and the Utah-Nevada State line, (3) points on U. S. Highway 50 between Ely, Nev., and the Utah-Nevada State line, and (4) points in Nevada on U. S. Highway 93 between junction U. S. Highways 50 and 93 and junction U. S. Highways 40 and 93, and *contaminated shipments* of the above-named commodities on return. Applicant is authorized to conduct operations in Nevada, Oregon, and Utah.

NOTE: Applicant states that the instant application is made for the purpose of removing the restriction set forth in applicant's authority in Docket No. MC 109689.

No. MC 110698 Sub 71, filed May 16, 1956, MILLER MOTOR LINE OF NORTH CAROLINA, INCORPORATED, J. Archie Cannon, Jr., Successor Trustee, Winston Road, P. O. Box 457, Greensboro, N. C. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids*, and *chemicals*, as defined by the Commission, in bulk, in tank vehicles, from points in Hamilton County, Tenn., to points in Alabama and Florida. Applicant is authorized to conduct operations in South Carolina, North Carolina, Georgia, Virginia, Tennessee, Maryland, West Virginia, Alabama, Mississippi, Florida, Louisiana, New York, New Jersey, Delaware, Pennsylvania, Kentucky, Ohio, and Missouri.

No. MC 111159 Sub 26, filed May 11, 1956, MILLER PETROLEUM TRANSPORTERS, LTD., P. O. Box 1123, Jackson, Miss. Applicant's attorney: Phineas Stevens, Suite 900 Milner Building, P. O. Box 141, Jackson, Miss. For authority to operate as a *common carrier*, over irregular routes, transporting: *Urea solution*, in bulk, in tank vehicles, from Woodstock, Tenn., to points in Alabama, Arkansas, Kentucky, Louisiana, Missouri, and Mississippi, except site of the plant of Spencer Chemical Company located approximately 4 miles south of Vicksburg, Miss.

No. MC 111320 Sub 25, filed May 7, 1956, CURTIS KEAL TRANSPORT COMPANY, INC., East 54th Street, and Cleveland Shoreway, Cleveland, Ohio. Applicant's attorney: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Road building and earth moving equipment* and *parts thereof*, in truckaway service, between New Philadelphia, Ohio, on the one hand, and, on the other, points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia. Applicant is authorized to conduct operations in all States in the United States and the District of Columbia.

No. MC 112822 Sub 7, filed April 25, 1956, EARL BRAY, INC., Lenwood and North Street, P. O. Box 910, Cushing, Okla. Applicant's attorney: Erle W. Francis, Veterans of Foreign Wars Building, 214 West Sixth Street, Topeka, Kans. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Ponca City, Okla., and points in Kay County, Okla., to points in Arkansas, Illinois, Iowa, Kentucky, Minnesota, Nebraska, Tennessee, and Missouri (except points in that part of Missouri south of U. S. Highway 36 and west of a line beginning at Macon, Mo., and extending along U. S. Highway 63 to Jefferson City, Mo., thence along U. S. Highway 54 to Camdenton, Mo., thence along Missouri Highway 5 to Lebanon, Mo., thence along U. S. Highway 66 to Springfield, Mo., and thence along U. S. Highway 65 to the Missouri-Arkansas State line), and *damaged shipments* of the above specified commodities, on return. Applicant is authorized to conduct operations in Oklahoma, Kansas, Missouri, and Arkansas.

No. MC 113624 Sub 8 (Amended), published on Page 2905, issue of May 2, 1956, filed April 16, 1956, WARD TRANSPORT, INC., P. O. Box 133, Pueblo, Colo. Applicant's attorney: Marion F. Jones, Suite 526 Denham Building, Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, (1) between points in Colorado, on the one hand, and, on the other, points in Nebraska; (2) from Albuquerque, N. Mex., and points in New Mexico within 5 miles of Albuquerque, to points in Colorado on and west of U. S. Highway 85 and on and south of U. S. Highway 50; and (3) from points in Colorado to points in Kansas north of Kansas Highway 96 and on and west of U. S. Highway 283. Applicant is authorized to conduct operations in Colorado, New Mexico, Kansas, Oklahoma, Texas, Wyoming, and Nebraska.

No. MC 113779 Sub 42, filed May 16, 1956, YORK INTERSTATE TRUCKING, INC., 8222 Market Street Road, Houston, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Tung oils, naval stores, vegetable oils, lards, cooking oils, shortenings,*

and *blends thereof; corn syrups, molasses, glucose, flavoring syrups, fish oils, fish solubles* and *fish oil foods*, between points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Oklahoma and Texas (except fish oils and fish solubles from points in Jefferson County, Tex., to Avondale and Shreveport, La., and Springdale, Ark., and points in Iowa, Kansas and Oklahoma). Applicant is authorized to conduct operations in Louisiana and Arkansas.

No. MC 113822 Sub 1, filed May 7, 1956, JOHN DALGARNO, 465 Milton Avenue, Casper, Wyo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Machinery, equipment, materials*, and *supplies*, including complete *drilling rigs*, used in, or in connection with: the discovery, development, production, refining, manufacture, processing, storage, transmission and distribution of natural gas and petroleum, and their products and by-products, and the construction, operation, servicing, repair, maintenance and dismantling of pipelines, including the stringing and picking up thereof, except in connection with main or trunk pipelines, between points in Wyoming, North Dakota, South Dakota, Montana, Utah, Colorado, and Nebraska. Applicant is authorized to conduct operations in Wyoming, Utah, Colorado, Nebraska, South Dakota, North Dakota, Montana, and Wyoming.

No. MC 113855 Sub 7, filed May 14, 1956, INTERNATIONAL TRANSPORT, INC., 2303 Third Avenue North, Fargo, N. Dak. Applicant's attorney: Franklin J. VanOsdel, First National Bank Building, Fargo, N. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Heavy machinery and machine parts, farm implements* and *road construction materials, supplies and equipment*, from points in North Dakota, South Dakota, Iowa, Illinois, and Wisconsin to ports of entry on the Minnesota-Canada border.

NOTE: Applicant is authorized in Certificate No. MC 113855 Sub 1 to perform the above service to all points on the Minnesota-Canada border between Grand Forks and International Falls, and in the same certificate is authorized to transport heavy machinery between Minot, N. Dak., and points in Minnesota. Applicant states that the transportation will be in foreign commerce only and no new origins, destinations or commodities are sought. Applicant is authorized to conduct operations in North Dakota, South Dakota, Minnesota, Iowa, Illinois, and Wisconsin.

No. MC 115050 Sub 1, filed May 10, 1956, DARRELL V. THOMPSON, doing business as THOMPSON TRANSPORT COMPANY, P. O. Box 30, McPherson, Kans. Applicant's attorney: W. A. Sawtell, Jr., Farnam Building, Omaha 2, Nebr. For authority to operate as a *common carrier*, over irregular routes, transporting: *Crude oil*, in bulk, in tank vehicles, from oil wells in Richardson and Pawnee Counties, Nebr., and Brown County, Kans., to the Fairview pipeline outlet at Fairview, Kans., and points in Brown County, Kans.

No. MC 115209 Sub 1, filed May 14, 1956, WALTER PIERCE, doing business as PIERCE & SON, 935 Holly Street, San Carlos, Calif. Applicant's attorney: John Waldier, 733 Laurel Street, San Carlos, Calif. For authority to operate as a *contract carrier*, over regular routes, transporting: *Potato chips, corn chips, cheese nibbles, salted corn, toasted corn, pretzels, soda crackers, fried pork skins, marshmallows, candy*, and *nuts*, in containers, and in connection therewith *racks* and *display material* used in the sale and promotion of such products, (1) from Reno, Nev., to Sparks, Nev., from Reno over U. S. Highway 40 to Sparks. *Damaged and unsalable shipments* of the above-specified commodities and *used empty containers* and *racks* on return. (2) Serving the off-route point of North Sacramento, Calif., in connection with carrier's regular route operations in Permit No. MC 115209, from and to Oakland, Calif., and Reno, Nev., over U. S. Highway 40, in the transportation of the commodities specified in this application. Applicant is authorized to conduct operations in California and Nevada.

No. MC 115322 Sub 5, filed May 16, 1956, J. M. BLYTHE, doing business as J. M. BLYTHE MOTOR LINES, 1303 French Avenue, Sanford, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods* and *chilled fruit products*, requiring refrigeration in transit, from points in Florida to points in Maine, New Hampshire, Vermont, and those in New York on and north of U. S. Highway 20, and Westfield, Mass.

No. MC 115621 Sub 2, filed May 7, 1956, ROCKY MOUNTAIN MOBILE HOME TOWING SERVICE, INC., 621 South Perry Street, Denver, Colo. Applicant's attorney: Harold D. Torgan, Suite 1010 First National Bank Building, Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Mobile homes* (house trailers), in initial and secondary movements, in truckaway service, between points in Colorado, Nebraska, Kansas, Wyoming, and Missouri.

No. MC 115804, filed February 9, 1956 (further amended), published on Page 1924 issue of March 28, 1956, amended on Page 2906 issue of May 2, 1956, VERN BELLOWS, doing business as BELLOWS AND BELLOWS, Cameron, Wis. Applicant's attorney: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cleaning, scouring or washing compounds, cooking oil fats, lard compounds, lard substitutes, soap, soap chips or flakes, soap powder or granules, vegetable oil shortening, foodstuffs*, and *advertising matter and premiums* related thereto and moving therewith, from Cameron, Wis., to points in Burnett, Washburn, Sawyer, Polk, Barron, Rusk, St. Croix, Dunn, Chippewa, Taylor (located on and west of Wisconsin Highway 73), and Eau Claire Counties, Wis.

NOTE: Service restricted to traffic having a prior movement by rail or by regular route common carrier.

No. MC 115949, filed April 25, 1956, WALLACE & MORLEY COMPANY, A Corporation, Bay Port, Mich. Applicant's attorney: Gilbert A. Deibel, 308–9 Second National Bank Building, Saginaw, Mich. For authority to operate as a *contract carrier*, over a regular route, transporting: *Dry fertilizer compounds*, from plant of Allied Chemical & Dye Corporation, Nitrogen Division, South Point (near Ironton), Ohio, to Fairgrove, Mich.: from South Point over Ohio Highway 75 to Jackson, Ohio, thence over U. S. Highway 35 to Chillicothe, Ohio, thence over U. S. Highway 23 via Columbus, Marion and Fostoria, Ohio, to Toledo, Ohio, thence over U. S. Highway 24 via Columbus, Marion and Fostoria, Ohio, to Toledo, Ohio, thence over U. S. Highway 24 to Detroit, Mich., thence over U. S. Highway 10 to junction Michigan Highway 15 near Clarkston, Mich., thence over Michigan Highway 15 to Vassar, Mich., thence over unnumbered highway to junction Michigan Highway 138, and thence in a easterly direction over Michigan Highway 138 to Fairgrove, serving no intermediate or off-route points.

No. MC 115955, filed April 27, 1956, HARRY J. SCARI, doing business as SCARI'S DELIVERY SERVICE, 1014 West Sixth Street, Wilmington, Del. Applicant's attorney: Kenneth J. McAuliffe, 233 Broadway, New York 7, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, in express service, involving exclusive use of vehicle by a single shipper only, between points in New Castle County, Del., and those in Delaware, Chester and Philadelphia Counties, Pa., on the one hand, and, on the other, all points in Virginia, West Virginia, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Vermont, New Hampshire, Massachusetts, Maryland, and the District of Columbia.

No. MC 115962, filed April 30, 1956, CHARLES J. KYLE, doing business as C. J. KYLE, Huntingdon, Quebec, Canada. Applicant's attorney: Robert G. Main, Malone, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Building stone*, from Burke, N. Y. to Ports of Entry between the United States and Canada located at or near Chateaugay, Jamieson's Lines (Malone), and Trout River, N. Y.

No. MC 115971, filed May 4, 1956, WILLIS SHAW AND ELLIS BOGAN, doing business as WILLIS SHAW PRODUCE CO., Elm Springs, Ark. Applicant's attorneys: Kenneth Teasdale, 506 Olive Street, St. Louis, 1, Mo., *and* A. Alvis Layne, Jr., Pennsylvania Building, Washington 4, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Frozen poultry, poultry products*, and *frozen foods*, from points in Arkansas, to points in California, Oregon, Washington, Idaho, Nevada, Arizona, New Mexico, and Colorado, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return movements.

No. MC 115978, filed May 9, 1956, WALTER MARSHALL, doing business as POINT TRUCKING CO., 860 Arnold Avenue, P. O. Box 271, Point Pleasant, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Jersey City, Newark, Keyport and Bradley Beach, N. J., on the one hand, and, on the other, points in New Jersey on and east and south of a line beginning at Jersey City, N. J., and extending along U. S. Highway 1 to junction U. S. Highway 9, thence along U. S. Highway 9 to junction New Jersey Highway 70, thence along New Jersey Highway 70 to Camden, N. J., (New Jersey-Pennsylvania State Line).

NOTE: Service restricted to the transportation of shipments having a prior or subsequent movement in interstate commerce.

No. MC 115987, filed May 10, 1956, D. V. THOMPSON, INC., P. O. Box 30, McPherson, Kans. Applicant's attorney: W. A. Sawtell, Jr., Farnam Building, Omaha 2, Nebr. For authority to operate as a *common carrier*, over irregular routes, transporting: *Crude oil*, in bulk, in tank vehicles, from oil well, in Kimball, Banner, Morrill and Cheyenne Counties, Nebr., to pipelines located in said counties, and *empty containers or other such incidental facilities* (not specified) used in transporting crude oil on return.

No. MC 115989, filed May 14, 1956, MACY L. NELSON, doing business as NELSON MOTOR FREIGHT, Joy, Ill. Applicant's attorney: Grover C. Hoff, Suite 1121 Ridgely Building, Springfield, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Brick* and *clay products*, from the unincorporated village of Shale City, near Aledo (Mercer County), Ill., to points in St. Louis County, Mo.

No. MC 116001, filed May 18, 1956, BEAUCE TRANSPORT, LTD., First Avenue, Beauceville, Quebec, Canada. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cement*, from the port of entry on the International boundary line between the United States and Canada near Jackman, Maine, on U. S. Highway 201, to points in Maine.

APPLICATIONS FOR BROKERAGE LICENSES

No. MC 12646, filed May 10, 1956, DIXIE TRUCK BROKERAGE, INC., 8160 Douglas Avenue, Route 2, Kalamazoo, Mich. For a license (BMC 4) authorizing operations as a broker in arranging for the transportation at Kalamazoo, Mich., and Belleview, Fla., of *fresh, frozen, and processed agricultural commodities*, in interstate or foreign commerce, between points in Florida, on and north of Florida Highway 80 and U. S. Highways 47 and 441, on the one hand, and, on the other, points in the United States.



APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 3647 Sub 200, filed May 14, 1956, PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 80 Park Place, Newark, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special operations, in round-trip, sightseeing and pleasure tours, beginning and ending at points in Burlington County, N. J. and extending to points in Pennsylvania, New York, Delaware, Maryland, Virginia, Connecticut, Rhode Island, Massachusetts, New Hampshire, Vermont and Maine, and the District of Columbia.

No. MC 109780 Sub 44 (Correction), filed April 9, 1956, published in the May 9, 1956, issue on page 3097, TRANSCONTINENTAL BUS SYSTEM, INC., 315 Continental Avenue, P. O. Box 6067, Dallas, Tex. Applicant's attorneys: Theodore W. Russell and R. I. Schureman, 639 South Spring Street, Los Angeles 14, Calif. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers*, in the same vehicle with passengers, between Phoenix, Ariz., and junction Arizona Highway 279 and Alternate U. S. Highway 89 near Cottonwood, Ariz., from Phoenix over U. S. Highway 89 to junction Arizona Highway 69 near Phoenix, thence over Arizona Highway 69 to junction Arizona Highway 79, thence over Arizona Highway 79 to junction Arizona Highway 279 near Camp Verde, Ariz., thence over Arizona Highway 279 to junction Alternate U. S. Highway 89 near Cottonwood, and return over the same route, serving all intermediate points.

APPLICATIONS UNDER SECTION 5 AND 210a (b)

No. MC–F 6249, published in the April 25, 1956, issue of the FEDERAL REGISTER on page 2676. Application filed May 21, 1956, for temporary authority under section 210a (b).

No. MC–F 6274. Authority sought for purchase by EAZOR EXPRESS, INC., 15 26th Street, Pittsburgh 22, Pa., of the operating rights of DONALD H. AXE, doing business as AXE & ARTHUR MOTOR EXPRESS, 433 West Belden Avenue, Syracuse, N. Y., and for acquisition by THOMAS A. EAZOR, also of Pittsburgh, of control of such rights through the purchase. Applicants' attorneys: Samuel P. Delisi, 1211 Berger Building, Pittsburgh 19, Pa., and Norman M. Pinsky, 407 South Warren Street, Syracuse 2, N. Y. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods, as a *common carrier* over regular routes between Syracuse, N. Y., and Rochester, N. Y., and all intermediate points; and the off-route points of Conquest, South Butler, North Rose, and Phelps, N. Y. Vendee is authorized to operate as a *common carrier* in Pennsylvania, New York, Ohio, Illinois, Indiana and New Jersey. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6277. Authority sought for control and merger by SPEEDWAY CARRIERS, INC., Route 15, P. O. Box 146, Selinsgrove, Pa., of the operating rights and property of NEW YORK AND PENNSYLVANIA MOTOR EXPRESS, INC., 210 Franklin Street, Reading, Pa., and for acquisition by GUY B. GHEEN, E. L. BERGSTRESSER and ABE ROSENBLUM, all of Sunbury, Pa., F. PARSON KEPLER, SR., and CARROLL A. ESCHBACK, both of Milton, Pa., and PAUL B. LENTZ, of Selinsgrove, Pa., of control of such rights and property through the transaction. Applicant's attorney: Paul F. Barnes, 811 Lewis Tower Building, Philadelphia 2, Pa. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions including household goods, as a *common carrier* over regular routes including routes between Reading, Pa., and Baltimore, Md., between New York, N. Y., and Reading, Pa., between Reading, Pa., and Harrisburg, Pa., between Reading, Pa., and Sunbury, Pa., between Lancaster, Pa., and Harrisburg, Pa., between Sunbury, Pa., and between Allentown, Pa., and Souderton, Pa., serving certain intermediate and off-route points; three alternate routes for operating convenience only; general commodities, with certain exceptions including household goods, over irregular routes, between certain points in Pennsylvania. SPEEDWAY CARRIERS, INC., is authorized to operate as a *common carrier* in Pennsylvania, New York, New Jersey, Maryland and the District of Columbia. Application has been filed for temporary authority section 210a (b).

No. MC–F 6279. Authority sought for control by McLEAN TRUCKING COMPANY, 617 Waughtown Street, P. O. Box 213, Winston-Salem, N. C., of the operating rights and property of SERVICE INCORPORATED, 1919 Kanawha Turnpike, Charleston, W. Va. Applicant's attorney: David G. MacDonald, 504 Commonwealth Building, Washington 6, D. C. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods, as a *common carrier* over regular routes between Huntington, W. Va., and New York, N. Y., between Louisville, Ky., and Huntington, W. Va., and betweeen Louisville, Ky., and Richmond, Ky., serving certain intermediate and off-route points; numerous routes for operating convenience only. Vendee is authorized to operate as a *common carrier* in North Carolina, Georgia, South Carolina, Virginia, New York, Maryland, Delaware, New Jersey, Pennsylvania, Rhode Island, Connecticut, Massachusetts and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6280. Authority sought for purchase by VOSS TRUCK LINES, INC., 900 West Washington, Oklahoma City, Okla., of the operating rights and property of MOUNTAIN TRUCK LINE, INC., Mountain Home, Ark., and for acquisition by L. M. VOSS, also of Oklahoma City, of control of such rights and property through the purchase. Applicants' attorney: J. F. Miller, 500 Board of Trade Building, Kansas City, Mo. Operating

rights sought to be transferred: *General commodities*, with certain exceptions including household goods, as a *common carrier* over regular routes including routes between Salem, Ark., and Mammoth Spring, Ark., between Springfield, Mo., and Cotter and Calico Rock, Ark., between Harrison, Ark., and Salem, Ark., between Batesville, Ark., and Turrell, Ark., between Batesville, Ark., and Oil Trough, Ark., between Batesville, Ark., and Salem, Ark., and between Memphis, Tenn., and Turrell, Ark., serving certain intermediate points; alternate route for operating convenience only between Calico Rock, Ark., and Brockwell, Ark.; *livestock*, from Flippin, Ark., to Springfield, Mo., serving the intermediate points of Yellville and Pyatt, Ark.; *groceries, hardware*, and *general merchandise*, including canned goods, from Springfield, Mo., to Flippin, Ark., serving the intermediate point of Yellville and Pyatt, Ark. Vendee is authorized to operate as a *common carrier* in Oklahoma, Illinois, Missouri, Indiana, Nebraska, Kansas, Iowa, and Arkansas. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6281. Authority sought for purchase by GETTER TRUCKING, INCORPORATED, 200 East Railway Street, Cut Bank, Mont., of the operating rights and property of CLYDE BREWER, doing business as "C" BREWER, 316 Eighth Avenue East, Roundup, Mont., and for acquisition by RALPH E. GETTER, THOMAS I. GETTER, and RUTH V. GETTER, all of Cut Bank, of control of such rights and property through the purchase. Person to whom correspondence should be addressed: Ralph E. Getter, President, Getter Trucking, Incorporated, 200 East Railway Street, Cut Bank, Mont. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods, as a *common carrier* over irregular routes, between points in Montana within 100 miles of Melstone, Mont., including Melstone; *machinery, equipment, materials* and *supplies* used in, or in connection with the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and byproducts, machinery, materials, equipment, and supplies used in, or in connection with the construction, operations, repair, servicing, maintenance and dismantling of pipelines, including the stringing and picking up thereof, *heavy machinery, equipment, materials, supplies* and *tools*, used by construction, building, telephone, power line, and excavation contractors, and *heavy and bulky articles, camps, camp supplies*, and *equipment* used in the establishment of camps in connection with construction work, between points in Montana and Wyoming; *chrome*, in package and in bulk, from Dean, Mont., and points within eight miles thereof, to Columbus, Mont. Vendee is authorized to operate as a *common carrier* in Montana. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6282. Authority sought for purchase by ALABAMA TANK LINES, INC., P. O. Box 36, Powderly Station, Birmingham, Ala., of the operating rights and property of ROBINS TRANSFER COMPANY, INC., P. O. Box 36, Powderly Station, Birmingham, Ala., and for acquisition by JOHN F. BEAIRD and CHLOE N. BEAIRD, both of Tampa, Fla., of control of such rights and property through the purchase. Applicant's attorney: Bennett T. Waites, 531–34 Frank Nelson Building, Birmingham, Ala. Operating rights sought to be transferred: *Asphalt* and *fuel oils*, both in bulk and in tank vehicles, as a *common carrier* over irregular routes, from Tuscaloosa, Ala., to points in Mississippi, Tennessee, and Georgia; *liquid coal tar products*, in bulk, in tank vehicles, from Birmingham and Fox, Ala., to points in Georgia, Tennessee, Florida, Mississippi, Kentucky, Louisiana, North Carolina, South Carolina, and Arkansas; *liquid glue*, in bulk, in tank vehicles, from Fox, Ala., to points in Louisiana, Mississippi, Arkansas, Georgia and Florida; *petroleum* and *petroleum products* except asphalt and fuel oils, in bulk, in tank vehicles, from Tuscaloosa, Ala., to points in Tennessee and Georgia. Vendee holds no authority from this Commission but is affiliated with GASOLINE TRANSPORT CO., which is authorized to operate as a *common carrier* in Illinois, Kentucky, Indiana, and Tennessee. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6283. Authority sought for control by L. C. HALL and HAROLD H. BLAKE, both of Camas, Wash., of the operating rights and property of CROWN TRANSPORT, INC., 507 Northwest Seventh, Camas, Wash. Applicants' attorney: Ferris F. Boothe, 331 Pacific Building, Portland, Oreg. Authority applied for by CROWN TRANSPORT, INC., and sought to be controlled by applicants: *Pulp* (wood) in bulk, as a *common carrier* over a regular route between Camas, Wash., and St. Helens, Oreg., serving no intermediate points. L. C. HALL is a minority stockholder in L. C. HALL'S TRUCK LINE, INC. HAROLD H. BLAKE, doing business as COLUMBIA RIVER TRUCK CO., AND INTERSTATE EXPRESS, is authorized to operate as a *common carrier* in Oregon and Washington. Application has not been filed for temporary authority under section 210 a (b).

No. MC-F 6284. Authority sought for purchase by HAECKL'S EXPRESS, INCORPORATED, 1255 Corwin Avenue, Hamilton, Ohio, of the operating rights and property of THOMAS G. AKMON, doing business as ACKMAN MOTOR EXPRESS, 347 23d Street, Detroit 16, Mich., and for acquistion by ELMER HAECKL, JOSEPH B. CONROY, and RYAN HALL, all of Hamilton, of control of such rights and property through the purchase. Applicants' attorney: Noel F. George, 44 East Broad Street, Columbus 15, Ohio. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods, as a *common carrier*, over regular routes, between Detroit, Mich., and Dayton, Ohio, and between Detroit, Mich., and Chrysler Tank Arsenal near Center Line, Mich., serving certain intermediate and off-route points; alternate routes for operating convenience only between Springfield, Ohio, and Dayton, Ohio, and between Brandt, Ohio, and Vandalia, Ohio. Vendee is authorized to operate as a *common carrier* in Ohio, Indiana, and Kentucky. Application has been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F. R. Doc. 56–4220; Filed, May 29, 1956; 8:46 a. m.]

## DEPARTMENT OF JUSTICE

### Office of Alien Property

BETTY PFEIFEROVA ER AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Betty Pfeiferova, Rokycany 12/III, Czechoslovakia, Claim No. 36481; $81.62 in the Treasury of the United States.

Vaclav Stransky, Rokycany 28/I, Czechoslovakia, Claim No. 36482; $81.62 in the Treasury of the United States.

Josef Jisa, Trutnov, Zizkova 22/195, Czechoslovakia, Claim No. 36960; $81.62 in the Treasury of the United States.

Marie Lukesova, Borek cp, 61, Rokycany, Czechoslovakia, Claim No. 36962; $81.62 in the Treasury of the United States. Voluntary turnover.

Executed at Washington, D. C., on May 22, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 56–4244; Filed, May 29, 1956; 8:51 a. m.]

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# FEDERAL REGISTER

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## TITLE 6—AGRICULTURAL CREDIT

### Chapter III—Farmers Home Administration, Department of Agriculture

[Admn. Letter 462 (440)]

Subchapter B—Farm Ownership Loans

PART 332—PROCESSING INITIAL LOANS

Subchapter D—Soil and Water Conservation Loans

PART 352—PROCESSING LOANS TO INDIVIDUALS

PART 353—PROCESSING LOANS TO PARTICIPATE IN GROUP SERVICES

PART 354—PROCESSING LOANS TO ASSOCIATIONS

MISCELLANEOUS AMENDMENTS

1. Section 332.13 (b) in Title 6, Code of Federal Regulations (20 F. R. 3671), is amended to authorize the endorsement of insured loan checks drawn payable jointly to the borrower(s) and the Farmers Home Administration, and to read as follows:

§ 332.13 *Action by the County Supervisor following receipt of closing instructions.* • • •

(b) *Handling loan checks.* The loan check will be deposited in a supervised bank account on the date of loan closing in accordance with procedures outlined in Part 303 of this chapter. The County Supervisor is authorized to endorse, on behalf of the Farmers Home Administration, a loan check for making an insured loan if it is drawn payable jointly to the borrower(s) and the Farmers Home Administration, provided the following form of endorsement is used: "Endorsed without recourse: Farmers Home Administration, By: ---------, Title: ---------." The State Director also is authorized to endorse such check in the same manner.

(Sec. 41 (1), 60 Stat. 1066, 7 U. S. C. 1015 (i))

2. Sections 352.3 (b), 353.5, and 354.7 (c) in Title 6, Code of Federal Regulations (20 F. R. 1968, 1971, 7214), are amended to authorize the endorsement of insured loan checks drawn jointly to the borrower(s) and the Farmers Home Administration, by the addition of §§ 352.3 (b) (3) and 353.5 (d), and amendment of § 354.7 (c) to read as follows:

§ 352.3 *Procedures between loan approval and loan closing.* • • •

(b) *Handling loan checks.* • • •

(3) The County Supervisor is authorized to endorse, on behalf of the Farmers Home Administration, a loan check for making an insured loan if it is drawn payable jointly to the borrower(s) and the Farmers Home Administration, provided the following form of endorsement is used: "Endorsed without recourse: Farmers Home Administration, By: ----------, Title: ----------." The State Director also is authorized to endorse such check in the same manner.

(Sec. 6 (3), 50 Stat. 870, sec. 10 (a) (7), 68 Stat. 735; 16 U. S. C. 590w (3), 590x–3 (a) (7))

§ 353.5 *Loan closing.* • • •

(d) The County Supervisor is authorized to endorse, on behalf of the Farmers Home Administration, a loan check for making an insured loan if it is drawn payable jointly to the borrower(s) and the Farmers Home Administration, provided the following form of endorsement is used: "Endorsed without recourse: Farmers Home Administration, By: ----------, Title: ----------." The State Director also is authorized to endorse such check in the same manner.

(Sec. 6 (3), 50 Stat. 870, sec. 10 (a) (7), 68 Stat. 735; 16 U. S. C. 590w (3), 590x–3 (a) (7))

§ 354.7 *Actions between approval and closing of loan.* • • •

(c) *Handling of loan check.* Loan checks will be deposited in a supervised bank account on the date of loan closing. The County Supervisor is authorized to endorse, on behalf of the Farmers Home Administration, a loan check for making an insured loan if it is drawn payable jointly to the borrower(s) and the Farmers Home Administration, provided the following form of endorsement is used: "Endorsed without recourse: Farmers Home Administration, By: ----------, Title: ----------." The State Director also is authorized to endorse such check in the same manner.

(Sec. 6 (3), 50 Stat. 870, sec. 10 (a) (7), 68 Stat. 735; 16 U. S. C. 590w (3), 590x–3 (a) (7))

Dated: May 25, 1956.

[SEAL] R. B. MCLEAISH,
*Administrator,*
*Farmers Home Administration.*

[F. R. Doc. 56-4283; Filed, May 31, 1956; 8:47 a. m.]

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**CFR SUPPLEMENTS**

**(As of January 1, 1956)**

**The following Supplements are now available:**

**Title 14: Parts 1–399 ($2.50)**
**Titles 28–29 ($1.25)**
**Title 32: Parts 400–699 ($0.65)**
**Title 33 ($1.50)**
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*Previously announced:* Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 7: Parts 1–209 ($1.25); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. I, and Title 27 ($1.00); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Titles 35–37 ($1.00); Titles 40–42 ($0.65); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

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# TITLE 14—CIVIL AVIATION

## Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 198]

## PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

### PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, GCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is cancelled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

**Bearings**, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

| City and State; airport name, elevation; facility; class and identification; procedure No.; effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Missed approach: Climb to altitude of ... over facility on final approach course (climb straight ahead unless otherwise directed); distance to ... | Ceiling and visibility minimums: Condition | Ceiling and visibility minimums: 2 engines or less: 65 knots or less | Ceiling and visibility minimums: 2 engines or less: More than 65 knots | Ceiling and visibility minimums: More than 2 engines; more than 65 knots | If visual contact not established at authorized minimums after passing facility within distance specified, or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| GREENVILLE, S. C. Greenville, 1,049'. SBMRLZ–GRL. Procedure No. 1. Amendment No. 8. Effective date: June 23, 1956. Supersedes Amendment 7, dated Dec. 24, 1954. Major changes: Adjusts minima in accordance with criteria. Deletes transition from Beacon 14 Intersection. | Reedy Intersection (final) | 002—7.0 | 1,600 | W side of S course: 182° outbound. 002° inbound. 2,100' within 10 miles. | 1,000 | T–dn<br>C–dn<br>A–dn | 300–1<br>500–1<br>800–2 | 300–1<br>500–1<br>800–2 | 300–1<br>500–1<br>800–2 | Within 1.5 miles, climb to 3,200' on N course. LFR within 10 miles, turn right and return to LFR. CAUTION: High terrain 4 miles W. sea level tower 4.5 miles W LFR. |
| NEW HAVEN, CONN. Municipal, 13'. Using Bridgeport, Conn., MLAW–LOM–LFR. Amendment No. 1. Procedure No. Original. Effective date: June 23, 1956. | | | | S side of SW course: 231° outbound. 051° inbound. 1,500' within 10 miles. | 1,000 | T–d<br>C–d<br>A–d | 300–1<br>800–1½<br>1,000–2 | 300–1<br>800–1½<br>1,000–2 | 300–1<br>800–1½<br>1,000–2 | Within 8.9 miles, make climbing right turn to 1,500' and return to Bridgeport LFR. ADF approach not authorized. |
| RAPID CITY, S. DAK. Rapid City, 3,172'. SBRA–ZOT–GRL. Procedure No. 1. Amendment No. 8. Effective date:: June 23, 1956. Supersedes Amendment 7, dated December 17, 1954. Major changes: (1) Adds standard and high speed columns 3 and 4; (2) limits distance column 5 (criteria); (3) revises column 12. | RAP–VOR | 310—6.0 | 4,500 | S side of course: 075° outbound. 255° inbound. 4,400' within 10 miles. Procedure turn not standard to avoid Air Force jet traffic. | 3,900 | T–dn<br>C–dn<br>A–dn | 300–1<br>700–1<br>800–2 | 300–1<br>700–1<br>800–2 | 300–1<br>700–1½<br>800–2 | Within 0 mile, make left climbing turn to climb to 4,500 on S. course within 20 miles. 4,500 on S. course CAUTION: Rising terrain to 3,447' mean sea level 3 miles N. of airport. •Airport located between point of completion of procedure turn and FAF. Aircraft larger than DC–3 restricted to NW/SE runway. |

**2.** The automatic direction finding procedures prescribed in § 609.8 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and latitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

| City and State; airport name, elevation; facility: class and identification; procedure No.; effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance, facility to airport | Ceiling and visibility minimums | | | | If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Condition | 2 engines or less | | More than 2 engines (more than 65 knots) | |
| | | | | | | | | 65 knots or less | More than 65 knots | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| AMARILLO, TEX. Air Terminal, 3,604'. Saint Francis MHW-SFW. Procedure No. 2. Amendment No. 4. Effective date: July 30, 1955. | PROCEDURE CANCELED MAY 23, 1956. SAINT FRANCIS MHW IS BEING DECOMMISSIONED ABOUT JUNE 8, 1956. | | | | | | | | | | |

**3.** The very high frequency omnirange (VOR) procedures prescribed in § 609.9 are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses, and radials are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

| City and State; airport name, elevation; facility: class and identification; procedure No.; effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance, facility to airport | Ceiling and visibility minimums | | | | If visual contact not established at authorized minimums after passing facility within distance specified or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Condition | 2 engines or less | | More than 2 engines; more than 65 knots | |
| | | | | | | | | 65 knots or less | More than 65 knots | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| BRADFORD, PA. McKean County, 2,142'. VORW-BFD. Procedure No. 1. Amendment No. 1. Effective date: June 23, 1956. Supersedes Amendment Original, dated December 5, 1953. Major changes: Revises missed approach procedure. | ---------- | ---------- | ---------- | E side of course: 145° outbound. 325° inbound. 3,400' within 10 miles. | *2,900 | 325—1.0 | T–dn<br>C–d<br>C–n<br>S–dn 32<br>A–dn | 300–1<br>400–1<br>400–1½<br>400–1<br>800–2 | 300–1<br>500–1<br>500–1½<br>400–1<br>800–2 | ----------<br>----------<br>----------<br>----------<br>---------- | Within 1 mile, climb to 3,400' on course 325° within 20 miles of Bradford VOR. Make climbing left turn, return to Bradford VOR at 4,000'.<br>*Descent to authorized field minimums authorized after passing Bradford MH. If Bradford MH not received, maintain 2,900' until over Bradford VOR. Straight-in landing minimums premised on reception of Bradford MH. |
| RAPID CITY, S. DAK. Rapid City, 3,172'. BVOR–DTV–RAP. Procedure No. 1. Amendment No. 3. Effective date: June 23, 1956. Supersedes Amendment 2, dated December 17, 1954. Major changes: (1) VOR relocated; (2) columns 2 through 12 revised. | RAP LFR---------- | 128—5.6 | 4,500 | E side of course: 141° outbound. 321° inbound. 4,500' within 10 miles. | 4,000 | 321—4.3 | T–dn<br>C–dn<br>S–dn 32<br>A–dn | 300–1<br>600–1<br>400–1<br>800–2 | 300–1<br>600–1<br>400–1<br>800–2 | 200–½<br>600–1½<br>400–1<br>800–2 | Within 4.3 miles make left climbing turn to 4,500' and return to RAP–VOR, thence proceed outbound on 141 Radial and hold at 4,500' within 10 miles of RAP–VOR.<br>CAUTION: Rising terrain to 3,447' mean sea level 3 miles north of airport. Aircraft larger than DC–3 restricted to NW/SE runway. |



**4.** The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

| City and State; airport name, elevation; facility: class and identification; procedure No.; effective date | Transition to ILS | | | | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude at glide slope intercept-tion inbound (ft.) | Altitude of glide slope and distance to approach end of runway at— | | Ceiling and visibility minimums | | | | If visual contact not established upon descent to authorized landing minimums or if landing not accomplished— |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | From— | To— | *Course and distance | Minimum altitudes (ft.) | | | Outer marker | Middle marker | Condition | 2 engines or less | | More than 2 engines (more than 65 knots) | |
| | | | | | | | | | | 65 knots or less | More than 65 knots | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| GRAND JUNCTION, COLO. Walker Field, 4,858'. ILS–GJT. Procedure No. 1. Amendment No. 10. Effective date: June 23, 1956. Supersedes Amendment 9, dated January 22, 1955. Major changes: Lowers minimums for aircraft with 75 m. p. h. or less stall speed. | GJT VOR---------- | Loma Intersection. | *342—13.5 | 8,100 | S side of NW course: 290° outbound. 110° inbound. 8,000' within 5 miles Loma Intersection. Beyond 5 miles not authorized. | 6,200 | 6,060—3.9 | 5,065—0.6 | T–dn<br>C–dn<br>S–dn<br>Runway 11<br>A–dn | 400–1<br>800–1½<br>400–1<br>1,500–2 | 500–2<br>1,000–2<br>500–2<br>1,500–2 | 300–1<br>1,000–2<br>500–2<br>1,500–2 | Turn right, climb to 8,000' on NW course. ILS to Loma Intersection. If second approach not desired proceed to GJT VOR from Loma Intersection climbing to 10,000'.<br>When glide slope or approach lights inoperative: T. O. minimums 2-engine aircraft, straight-in landing minimums all aircraft, and circling landing minimum 2-engine 65 K or less, 800–2; with other ILS components inoperative, 1,000–2.<br>AIR CARRIER NOTE: Sliding scale applicable to straight-in minimums only. |
| | GJT VOR---------- | ILS LMM---- | 055—12.7 | 10,000 | | | | | | | | | |
| | Intersection 047° radial GJT VOR and NW course ILS. | Loma Intersection. | 290—13.5 | 8,000 | | | | | | | | | |
| SACRAMENTO, CALIF. Sacramento, 21'. ILS–SAC. Procedure No. 2. (Back course) Amendment No. 2. Effective date: May 23, 1956. Supersedes Amendment 1, dated December 7, 1955 Major changes: Redesignates intersections. Changes transition bearings and distances. | McClellan Radiobeacon-- | North Sacramento Intersection*. | 168—8.7 | 1,500 | No procedure turn; transitions authorized are for straight-in approaches from the N or NE only. Final approach course inbound from North Sacramento Intersection* 196. | No glide slope | No outer marker<br>North Sacramento Intersection* 1,500—6.2. | No middle marker | T–dn<br>C–dn<br>A–dn | 300–1<br>700–1<br>800–2 | 300–1<br>700–1<br>800–2 | 200–½<br>700–1½<br>800–2 | Within 6.2 miles of the North Sacramento Intersection*, climb to 1,200' and hold at the LOM in a 1 minute pattern.<br>*North Sacramento Intersection: Intersection NE course SAC ILS and 348° bearing to McClellan Radiobeacon.<br>#Roseville VHF Intersection: Intersection R–023 SAC VOR and 255° bearing to McClellan Radiobeacon.<br>@Roseville LF Intersection: Intersection NE course SAC LFR and 255° bearing to McClellan Radiobeacon. |
| | Roseville VHF Intersection#. | North Sacramento Intersection*. | 210—12.2 | 1,500 | | | | | | | | | |
| | Roseville LF Intersection@. | North Sacramento Intersection*. | 207—11.6 | 1,500 | | | | | | | | | |

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

JAMES T. PYLE,
*Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 56–4271; Filed, May 31, 1956; 8:45 a. m.]

[Amdt. 2]

## PART 610—MINIMUM EN ROUTE IFR ALTITUDES

### MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required. Part 610 is amended as follows: (Listed items to be placed in appropriate sequence in the sections indicated).

Section 610.20 *Green civil airway 10* is amended to read in part:

From Two Rivers INT, Wyo.; to Laramie, Wyo., LFR; MEA 10,500. (Deletes MCA at Laramie.)

Section 610.103 *Amber civil airway 3* is amended to read in part:

From Las Vegas, N. Mex., LFR; to *Trinidad, Colo., LFR; MEA 11,000. *10,000—MCA Trinidad LFR, southbound.

Section 610.108 *Amber civil airway 8* is amended to read in part:

From The Dalles, Oreg., LFR; to Saw Mill INT, Wash.; MEA 8,000.

From Saw Mill INT, Wash.; to Yakima, Wash, LFR, southwestbound, MEA 6,000; northeastbound, MEA 4,000.

Section 610.225 *Red civil airway 25* is amended to read in part:

From U. S.-Canadian Border; to Kokadjo INT, Maine; MEA 5,000.

Section 610.263 *Red civil airway 63* is amended to delete:

From Int. N crs. Detroit and 265–085 mag. brg. Sarnia, Ontario, LF/RBN; to *Sarnia, Ontario, Canada LF/RBN; MEA 2,400. *For that airspace over U. S. territory.

Section 610.603 *Blue civil airway 3* is amended to read in part:

From Miami, Fla., LFR; to Tamiami, Fla., LF/RBN; MEA 1,110.

From Tamiami, Fla., LF/RBN; to Ft. Myers, Fla., LF/RBN; MEA 1,200.

Section 610.647 *Blue civil airway 47* is amended to read in part:

From Brodnax INT, Va.; to Blackstone, Va., LFR; MEA 1,500.

From Blackstone, Va., LFR; to Morven INT, Va.; MEA 2,000.

From Morven INT, Va.; to Gordonsville, Va., LFR; MEA 3,000.

Section 610.6003 *VOR civil airway 3* is amended to read in part:

From Jacksonville, Fla., VOR via W alter.; to Brunswick, Ga., VOR via W alter.; MEA 1,200.

From Daytona Beach, Fla., VOR via E alter.; to Marion INT, Fla., via E alter.; MEA *1,400. *1,200—MOCA.

From Marion INT, Fla., via E alter.; to Jacksonville, Fla., VOR via E alter.; MEA *1,400. *1,300—MOCA.

Section 610.6004 *VOR civil airway 4* is amended to read in part:

From Cherokee, Wyo., VOR; to *Laramie, Wyo., VOR; MEA 14,000. *12,500—MCA Laramie VOR, westbound.

From Laramie, Wyo., VOR to *Dacono INT, Colo.; MEA 11,500. *8,000—MCA Dacono INT, northwestbound.

From Dacono INT, Colo., to Denver, Colo., VOR; MEA 7,500.

Section 610.6005 *VOR civil airway 5* is amended to read in part:

From Orlando, Fla., VOR; to *Crescent Lake INT, Fla.; MEA **3,000. *3,000—MRA. **1,300—MOCA.

From Crescent Lake INT, Fla.; to Blue Jacket INT, Fla.; MEA *3,000. *1,300—MOCA.

From Blue Jacket INT, Fla.; to Jacksonville, Fla., VOR; MEA 1,500.

From Orlando, Fla., VOR via E alter.; to Daytona Beach, Fla., VOR via E alter.; MEA 1,500.

From Daytona Beach, Fla., VOR via E alter.; to *Crescent Lake INT, Fla.; via E alter.; MEA 1,200. *3,000—MRA.

From Crescent Lake INT, Fla.; via E alter.; to Blue Jacket INT, Fla., via E alter.; MEA *3,000. *1,300—MOCA.

From Blue Jacket INT, Fla., via E alter.; to Jacksonville, Fla., VOR via E alter.; MEA 1,500.

From Jacksonville, Fla., VOR; to Folkston INT, Ga.; MEA 1,300.

From Folkston INT, Ga.; to Alma, Ga., VOR; MEA 1,600.

From Jacksonville, Fla., VOR via E alter.; to Colesburg INT, Ga., via E alter.; MEA 1,200.

From Colesburg INT, Ga., via E alter.; to Alma, Ga., VOR via E alter.; MEA *1,400. *1,200—MOCA.

From Jacksonville, Fla., VOR via W alter; to Callahan INT, Fla., via W alter.; MEA 1,200.

From Callahan INT, Fla., via W alter.; to Hilliard INT, Fla., via W alter.; MEA 1,300.

From Hilliard INT, Fla., via W alter.; to Alma, Ga., VOR via W alter.; MEA 1,600.

Section 610.6006 *VOR civil airway 6* is amended to read in part:

From Cherokee, Wyo., VOR; to Rock River, Wyo., VOR; MEA 12,000. Via N alter.; MEA 12,000.

Section 610.6007 *VOR civil airway 7* is amended to read in part:

From Marianna, Fla., VOR; to *Shady Grove INT, Fla.; MEA **2,500. *3,000—MRA. **1,800—MOCA.

Section 610.6008 *VOR civil airway 8* is amended to read in part:

From Grand Junction, Colo., VOR; to Kremmling, Colo., VOR; MEA 14,000.

From Kremmling, Colo. VOR; to *Denver, Colo., VOR; MEA 16,000. *Via N alter.; MEA 16,000. *12,600—MCA Denver VOR, westbound.

From Superior, Colo., FM; to Denver, Colo., VOR, eastbound only; MEA 10,000.

Section 610.6012 *VOR civil airway 12* is amended to read in part:

From Anthony, Kans., VOR; to *Milton INT, Kans.; MEA 2,900. *4,000—MRA.

From Milton INT, Kans.; to Wichita, Kans., VOR; MEA 2,900.

From Anthony, Kans., VOR via S alter.; to Wichita, Kans.; VOR via S alter.; MEA 2,500.

From *Wichita, Kans., VOR; to **DeGraff INT, Kans.; MEA 3,000. *3,000—MCA Wichita VOR, northeastbound. **4,800—MRA.

From DeGraff INT, Kans.; to Emporia, Kans., VOR; MEA 3,000.

From *Wichita, Kans., VOR via N alter.; to Emporia, Kans., VOR via N alter.; MEA 3,000. *3,000—MCA Wichita VOR, northeastbound.

From West Chester, Pa., VOR; to Boothwyn INT, Pa.; MEA 1,800.

Section 610.6014 *VOR civil airway 14* is amended to read in part:

From Oklahoma City, Okla., VOR via N alter.; to Tulsa, Okla., VOR via N alter.; MEA *3,500. *3,000—MOCA.

From Oklahoma City, Okla., VOR via S alter.; to Shawnee INT, Okla., via S alter.; MEA *3,000. *2,700—MOCA.

From Shawnee INT, Okla., via S alter.; to Tulsa, Okla., VOR via S alter.; MEA *6,000. *3,100—MOCA.

From Indianapolis, Ind., VOR; to Florida INT, Ind.; MEA 2,800.

From Florida INT, Ind.; to Coldwater INT, Ind.; MEA *4,300. *2,800—MOCA.

From Coldwater INT, Ind.; to Findlay, Ohio, VOR; MEA 2,200.

Section 610.6015 *VOR civil airway 15* is amended by adding:

From Ardmore, Okla., VOR via W alter.; to Shawnee INT, Okla., via W alter.; MEA *3,000. *2,700—MOCA.

From Shawnee INT, Okla., via W alter.; to Tulsa, Okla., VOR via W alter.; MEA *6,000. *3,100—MOCA.

Section 610.6016 *VOR civil airway 16* is amended by adding:

From Blythe, Calif., VOR via N alter.; to Hassayampa, Ariz., VOR via N alter.; MEA 7,500.

Section 610.6017 *VOR civil airway 17* is amended to read in part:

From Bradley INT, Okla.; to *Blanchard INT, Okla.; MEA 2,600. *2,800—MRA.

From Blanchard INT, Okla.; to Oklahoma City, Okla., VOR; MEA 2,600.

Section 610.6018 *VOR civil airway 18* is amended to read in part:

From Augusta, Ga., VOR; to *St. George INT, S. C.; MEA **2,800. *3,500—MRA. **2,000—MOCA.

From St. George INT, S. C.; to Charleston, S. C., VOR; MEA *2,800. *2,000—MOCA.

Section 610.6020 *VOR civil airway 20* is amended to read in part:

From Laredo, Tex., VOR; to Alice, Tex., VOR; MEA 1,900.

From Alice, Tex., VOR; to Corpus Christi, Tex., VOR; MEA 1,500.

Section 610.6022 *VOR civil airway 22* is amended to read in part:

From *Genoa INT, Fla.; to Bryceville INT, Fla.; MEA **2,500. *3,000—MRA. **1,200—MOCA.

From Bryceville INT, Fla.; to Jacksonville, Fla., VOR; MEA *1,500. *1,300—MOCA.

Section 610.6026 *VOR civil airway 26* is amended to read in part:

From Cherokee, Wyo., VOR; to Casper, Wyo., VOR; MEA 11,000.

From Park INT, Mich.; to Canard INT, Mich.; MEA 2,300.

From Canard INT, Mich.; to Pelee INT, Ontario, Canada; MEA *#2,500. *2,000—MOCA. #For that airspace over U. S. territory.

Section 610.6035 *VOR civil airway 35* is amended to read in part:

From Crystal INT, Fla.; to *Shrimp INT, Fla.; MEA **1,500. *6,000—MRA. **1,000—MOCA.

Section 610.6037 *VOR civil airway 37* is amended to read in part:

From Columbia, S. C., VOR; to *Blythewood INT, S. C.; MEA 2,000. *3,000—MRA.

Section 610.6038 *VOR civil airway 38* is amended to read in part:

From Ft. Wayne, Ind., VOR; to Findlay, Ohio, VOR; MEA 2,600.



Section 610.6042 *VOR civil airway 42* is amended to delete:

From Lansing Mich., VOR; to Flint INT, Mich.; MEA 2,400.

Section 610.6045 *VOR civil airway 45* is amended to read in part:

From Int. Waterville, Ohio, VOR 330° M and Litchfield, Mich., VOR 091° M rads.; to *Leslie INT, Mich.; MEA 2,300. *3,000—MRA.

From Leslie INT, Mich.; to Lansing, Mich., VOR; MEA 2,300.

Section 610.6047 *VOR civil airway 47* is amended to read in part:

From Detroit, Mich., ILS loc. (Willow Run Airport); to Midcraft INT, Mich.; MEA 2,300.

Section 610.6050 *VOR civil airway 50* is amended to delete:

From St. Joseph, Mo., VOR; to Santa Rosa INT, Mo.; MEA 2,400.

From Santa Rosa INT, Mo.; to Kirksville, Mo., VOR; MEA *3,000. *2,400—MOCA.

Section 610.6051 *VOR civil airway 51* is amended to read in part:

From Jacksonville, Fla., VOR; to Folkston INT, Ga.; MEA 1,300.

From Folkston INT, Ga.; to Alma, Ga., VOR; MEA 1,600.

From Jacksonville, Fla., VOR via E alter.; to Colesburg INT, Ga., via E alter.; MEA 1,200.

From Colesburg INT, Ga., via E alter.; to Alma, Ga., VOR via E alter.; MEA *1,400. *1,200—MOCA.

From Jacksonville, Fla., VOR via W alter.; to Callahan INT, Fla., via W alter.; MEA 1,200.

From Callahan INT, Fla., via W alter.; to Hilliard INT, Fla., via W alter.; MEA 1,300.

From Hilliard INT, Fla., via W alter.; to Alma, Ga., VOR via W alter.; MEA 1,600.

Section 610.6054 *VOR civil airway 54* is amended to read in part:

From Little Rock, Ark., VOR; to Biscoe INT, Ark.; MEA 1,500.

From Biscoe INT Ark.; to Memphis, Tenn., VOR; MEA *2,500. *1,700—MOCA.

Section 610.6056 *VOR civil airway 56* is amended to read in part:

From *Blythewood INT, S. C.; via N alter.; to Florence, S. C., VOR via N alter.; MEA **3,000. *3,000—MRA. **1,900—MOCA.

Section 610.6068 *VOR civil airway 68* is amended to read in part:

From *Albuquerque, N. Mex., VOR; to Corona, N. Mex., VOR; MEA 12,000. Via N alter.; MEA 10,000. *10,000—MCA Albuquerque VOR, southeastbound.

From Albuquerque, N. Mex., VOR via S alter.; to Bernardo INT, N. Mex., via S alter.; MEA 10,000.

From Bernardo INT, N. Mex. via S. alter.; to Corona, N. Mex., VOR via S. alter.; MEA 9,500.

From San Antonio, Tex., VOR; to *Elmendorf INT, Tex.; MEA 2,200. *4,000—MRA.

From Elmendorf INT, Tex.; to Corpus Christi, Tex., VOR; MEA 2,200.

From Corpus Christi, Tex., VOR; to *Kingsville INT, Tex.; MEA 1,400. *4,500—MRA.

From Kingsville INT, Tex.; to Brownsville, Tex., VOR; MEA 1,400.

Section 610.6068 *VOR civil airway 68* is amended by adding:

From San Angelo, Tex., VOR via S alter.; to Junction, Tex., VOR via S alter.; MEA 3,500.

Section 610.6069 *VOR civil airway 69* is amended to delete:

From Little Rock, Ark., VOR; to Lonoke INT, Ark; MEA 1,500.

From Lonoke INT, Ark.; to Hillemann INT, Ark.; MEA *2,500. *1,600—MOCA.

From Hillemann INT, Ark.; to Walnut Ridge, Ark., VOR; MEA *2,500. *1,500—MOCA.

Section 610.6069 *VOR civil airway 69* amended by adding:

From Pine Bluff, Ark., VOR; to Biscoe INT, Ark.; MEA 1,500.

From Biscoe INT, Ark.; to *Hillemann INT, Ark.; MEA **3,000. *3,000—MRA. **1,400—MOCA.

From Hillemann INT, Ark.; to Walnut Ridge, Ark., VOR; MEA *2,500. *1,500—MOCA.

Section 610.6071 *VOR civil airway 71* is amended to read in part:

From Flippin, Ark., VOR; to *Ozark INT, Mo.; MEA 3,000. *5,500—MRA.

Section 610.6073 *VOR civil airway 73* is amended to read in part:

From *Wichita, Kans., VOR; to Hutchinson, Kans., VOR; MEA 3,400. *3,400—MCA Wichita VOR, northwestbound.

Section 610.6077 *VOR civil airway 77* is amended to delete:

From Ponca City, Okla., VOR via W alter. to Wichita, Kans., VOR via W alter.; MEA 2,500.

Section 610.6077 *VOR civil airway 77* is amended to read in part:

From Wichita Falls, Tex., VOR; to *Chickasha INT, Okla.; MEA **2,800. *3,000—MRA. **2,400—MOCA.

From Chickasha INT, Okla.; to Oklahoma City, Okla., VOR; MEA *2,800. *2,400—MOCA.

From Ponca City, Okla.; to *Milton INT, Kans.; MEA **4,000. *4,000—MRA. **2,500—MOCA.

From Milton INT, Kans.; to Wichita, Kans., VOR; MEA 2,900.

Section 610.6081 *VOR civil airway 81* is amended to read in part:

From Midland, Tex., VOR; to Mustang INT, Tex.; MEA 4,000.

From Mustang INT, Tex.; to *Pat INT, Tex.; MEA 4,000. *5,800—MRA.

From Pat INT, Tex.; to Lubbock, Tex., VOR; MEA 5,100.

Section 610.6085 *VOR civil airway 85* is amended to read in part:

From Rock River, Wyo., VOR; to *Casper, Wyo., VOR; MEA 11,000. *Via E alter.; 11,000. *9,500—MCA Casper VOR, southbound.

Section 610.6099 *VOR civil airway 99* is added to read:

From Newport, Oreg., VOR; to Newberg, Oreg., VOR; MEA 5,500.

From Newberg, Oreg., VOR; to Winlock INT, Wash.; MEA 5,000.

From Winlock INT, Wash.; to Olympia, Wash., VOR, northbound, MEA 4,000; southbound, MEA 5,000.

From Olympia, Wash., VOR; to Rosedale INT, Wash.; MEA 3,000.

From Rosedale INT, Wash.; to Port Madison INT, Wash.; MEA 5,500.

From Port Madison INT, Wash.; to *Tulalip INT, Wash.; MEA 6,300. *6,300—MCA Tulalip INT, southwest bound.

From Tulalip INT, Wash.; to Bellingham, Wash., VOR; MEA 4,000.

From Bellingham, Wash., VOR; to Vancouver, B. C., LFR; MEA *2,000. *For that airspace over U. S. territory.

Section 610.6118 *VOR civil airway 118* is amended to read in part:

From Laramie, Wyo., VOR; to *Cheyenne, Wyo., VOR; MEA 11,000. *9,000—MCA Cheyenne VOR, westbound.

Section 610.6123 *VOR civil airway 123* is amended to delete:

From Newport, Oreg., VOR; to Newberg, Oreg., VOR; MEA 5,500.

Section 610.6137 *VOR civil airway 137* is amended to read in part:

From *Thermal, Calif., VOR; to **Arrowhead INT, Calif.; MEA 14,000. *12,000—MCA Thermal VOR, northwestbound. **12,500—MCA Arrowhead INT, southeastbound.

From Arrowhead INT, Calif.; to *Palmdale, Calif., VOR; MEA 12,000. *11,000—MCA Palmdale VOR, southeastbound.

From *Palmdale, Calif., VOR; to White Oaks INT, Calif.; MEA 10,000. *8,000—MCA Palmdale VOR, northwestbound.

From White Oaks INT, Calif.; to *Maricopa INT, Calif.; MEA 12,000. *12,000—MCA Maricopa INT, southeastbound.

From Maricopa INT, Calif.; to McKettrick INT, Calif., northwestbound, MEA 6,000; southeastbound, MEA 11,000.

From McKettrick INT, Calif.; to Coalinga, Calif., VOR; MEA 6,000.

Section 610.6140 *VOR civil airway 140* is amended to read in part:

From Baltimore, Md., VOR; to Port Deposit INT, Md.; MEA 2,000.

From Port Deposit INT, Md.; to Woodstown, N. J., VOR; MEA 1,600.

From Sayre, Okla., VOR; to *Union INT, Okla., MEA **3,200. *4,000—MRA. **3,000—MOCA.

From Union INT, Okla.; to Oklahoma City, Okla., VOR; MEA *3,200. *3,000—MOCA.

Section 610.6144 *VOR civil airway 144* is amended to read in part:

From Ft. Wayne, Ind., VOR; to Findlay, Ohio, VOR; MEA 2,600.

Section 610.6154 *VOR civil airway 154* is amended to read in part:

From Macon, Ga., VOR; to *Dublin INT, Ga.; MEA **2,400. *4,000—MRA. **1,800—MOCA.

From Dublin INT, Ga.; to *Lotts INT, Ga.; MEA **4,000. *4,000—MRA. **1,600—MOCA.

From Lotts INT, Ga.; to Savannah, Ga., VOR; MEA 1,400.

Section 610.6163 *VOR civil airway 163* is amended to read in part:

From Ardmore, Okla., VOR via E alter.; to Oklahoma City, Okla., VOR via E alter.; MEA *3,000. *2,700—MOCA.

Section 610.6163 *VOR civil airway 163* is amended by adding:

From Ardmore, Okla., VOR via W alter.; to *Blanchard INT, Okla., via W alter.; MEA **2,800. *2,800—MRA. **2,500—MOCA.

From Blanchard INT, Okla., via W alter.; to Oklahoma City, Okla., VOR via W alter.; MEA 2,600.

Section 610.6165 *VOR civil airway 165* is amended by adding:

From *Palmdale, Calif., VOR; to White Oaks INT, Calif.; MEA 10,000. *9,000—MCA Palmdale VOR, southbound. *8,000—MCA Palmdale VOR, northwestbound.

From White Oaks INT, Calif.; to *Bakersfield, Calif., VOR, southbound, MEA 10,000; northbound, MEA 6,000. *7,000—MCA Bakersfield VOR, southbound.

From Bakersfield, Calif., VOR; to Coalinga, Calif., VOR; MEA 3,000.

Section 610.6166 *VOR civil airway 166* is amended to read in part:

From Hoopes INT, Del.; to Philadelphia, Pa., ILS loc.; MEA 1,800.

Section 610.6171 *VOR civil airway 171* is amended to read in part:

From Terre Haute, Ind., VOR; to State Line INT, Ind.; MEA 2,000.
From State Line INT, Ind.; to Peotone, Ill., VOR; MEA *2,500. *2,000—MOCA.

Section 610.6188 *VOR civil airway 188* is amended to read in part:

From Pelee INT, Canada; to *Gill INT, U. S.; MEA **#6,000. *6,000—MRA. **2,000—MOCA. #For that airspace over U. S. territory.
From Gill INT, U. S.; to Perry Ohio, LF/RBN; MEA *#9,000. *2,500—MOCA. #For that airspace over U. S. territory.
From Gill INT, U. S.; to Perry, Ohio, LF/RBN; MEA *#6,000. *2,500—MOCA. #Utilizing Perry LF/RBN.

Section 610.6205 *VOR civil airway 205* is amended to read in part:

From Springfield, Mo., VOR; to *Bolivar INT, Mo.; MEA 2,500. *5,500—MRA.

Section 610.6233 *VOR civil airway 233* is amended to delete:

From Evansville, Ind., VOR; to *Farina INT, Ill.; MEA 2,000. *3,100—MRA.
From Farina INT, Ill.; to Vandalia, Ill., VOR; MEA 2,000.
From Evansville, Ind., VOR via E alter.; to Vandalia, Ill., VOR via E alter.; MEA 2,000.

Section 610.6237 *VOR civil airway 237* is amended to read:

From Needles, Calif., VOR; to Mead INT, Nev.; MEA 9,000.
From *Mead INT, Nev.; to Mormon Mesa, Nev., VOR; MEA 7,000. *7,000—MCA Mead INT, northbound.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective June 28, 1956.

[SEAL] JAMES T. PYLE,
*Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 56-4272; Filed, May 31, 1956; 8:46 a. m.]

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[Amdt. 3]

## PART 610—MINIMUM EN ROUTE IFR ALTITUDES

### MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required. Part 610 is amended as follows: (Listed items to be placed in appropriate sequence in the sections indicated).

Section 610.16 *Green civil airway 6* is amended to read in part:

From New Orleans, La., LFR; to Keesler AFB, Miss., LFR; MEA 1,400.
From Keesler AFB, Miss., LFR; to Prichard INT, Ala; MEA 1,400.
From Prichard INT, Ala.; to Bay Minette, Ala., LF/RBN; MEA 1,500.

Section 610.230 *Red civil airway 30* is amended to read in part:

From New Orleans, La., LFR; to Horn INT, Miss.; MEA 1,400.
From Horn INT, Miss.; to Bon Secour INT, Ala.; MEA 1,100.
From Bon Secour INT, Ala.; to Whiting, Fla., LFR; MEA 2,000.
From Whiting, Fla., LFR; to Crestview, Fla., LFR; MEA 1,400.

Section 610.274 *Red civil airway 74* is added to read:

From Horn INT, Miss.; to Bay Minette, Ala., LF/RBN; MEA 1,600.

Section 610.301 *Red civil airway 101* is added to read:

From Keesler AFB, Miss., LFR; to Horn INT, Miss.; MEA 1,300.

Section 610.310 *Red civil airway 110* is added to read:

From Prichard INT, Ala.; to Brookley, Ala., LF/RBN; MEA 1,600.
From Brookley, Ala., LF/RBN; to Bon Secour INT, Ala.; MEA 1,200.

Section 610.659 *Blue civil airway 59* is amended to delete:

From Pensacola, Fla., LFR; to McDavid INT, Fla.; MEA 1,300.
From McDavid INT, Fla.; to Goodway INT, Ala.; MEA 1,400.

Section 610.6022 *VOR civil airway 22* is amended to read in part:

From New Orleans, La., VOR; to *Dog INT, La.; MEA **3,900. *3,900—MRA. **1,600—MOCA.
From Dog INT, La.; to Bon Secour INT, Ala.; MEA *4,300. *1,100—MOCA.
From *Bon Secour INT, Ala.; to Saufley, Fla., VOR; MEA **2,000. *2,000—MRA. **1,300—MOCA.
From Saufley, Fla., VOR; to Gonzales INT, Fla.; MEA *2,000. *1,700—MOCA.
From Gonzales INT, Fla.; to Whiting INT, Fla.; MEA *2,000. *1,300—MOCA.
From Whiting INT, Fla.; to Crestview, Fla., VOR; MEA *2,000. *1,400—MOCA.

Section 610.6240 *VOR civil airway 240* is added to read:

From Bon Secour INT, Ala.; to Mobile, Ala., VOR; MEA 1,600.

Section 610.6242 *VOR civil airway 242* is added to read:

From Mobile, Ala., VOR; to Dog INT, La.; MEA *1,500. *1,400—MOCA.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective July 1, 1956.

[SEAL] JAMES T. PYLE,
*Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 56-4273; Filed, May 31, 1956; 8:46 a. m.]

# TITLE 7—AGRICULTURE

## Chapter III—Agricultural Research Service, Department of Agriculture

[P. P. C. 615, Rev.]

## PART 301—DOMESTIC QUARANTINE NOTICES

### SUBPART—MEDITERRANEAN FRUIT FLY

### ADMINISTRATIVE INSTRUCTIONS DESIGNATING CERTAIN LOCALITIES AS REGULATED AREA

Pursuant to § 301.78–2 of the regulations supplemental to the Mediterranean Fruit Fly Quarantine (7 CFR Supp. 301.78–2, 21 F. R. 3214), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), administrative instructions issued as 7 CFR Supp. 301.78–2a (21 F. R. 3216), effective May 16, 1956, are hereby amended to read as follows:

§ 301.78–2a *Administrative instructions designating regulated area under the Mediterranean fruit fly quarantine and regulations.* Infestations of the Mediterranean fruit fly have been determined to exist in the civil divisions listed below. Accordingly, such civil divisions are hereby designated as the Mediterranean fruit fly regulated area within the meaning of the provisions in this subpart:

Florida: The counties of Broward, Dade, and Palm Beach.

These amended administrative instructions shall become effective June 1, 1956.

The purpose of the amendment is to add the Florida county of Palm Beach to the list of counties in which Mediterranean fruit fly infestations have been determined to exist, and designate Palm Beach County as part of the area regulated under the Mediterranean fruit fly quarantine and regulations.

This amendment imposes restrictions supplementing Mediterranean fruit fly quarantine regulations already effective. It must be made effective promptly in order to carry out the purposes of the regulations. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable and contrary to the public interest, and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 28th day of May 1956.

[SEAL] E. D. BURGESS,
*Chief, Plant Pest Control Branch.*

[F. R. Doc. 56-4307; Filed, May 31, 1956; 8:52 a. m.]



# TITLE 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket 6413]

## PART 13—DIGEST OF CEASE AND DESIST ORDERS

### ROBERT G. BUSSE ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Government connection; individual or private business as educational, religious or research institution; § 13.55 *Demand, business, or other opportunities;* § 13.60 *Earnings and profits;* § 13.115 *Jobs and employment service;* § 13.125 *Limited offers or supply;* § 13.205 *Scientific or other relevant facts;* § 13.240 *Special or limited offers.* Subpart—*Misrepresenting oneself and goods*—Business status, advantages or connections: § 13.1425 *Government connection;* § 13.1450 *Individual or private business as educational, religious or research institution;* [*Misrepresenting oneself and goods*]—Goods: § 13.1610 *Demand for or business opportunities;* § 13.1615 *Earnings and profits;* § 13.1670 *Jobs and employment.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 13.1935 *Earnings and profits;* § 13.1995 *Job guarantee and employment;* § 13.2000 *Limited offers or supply;* § 13.2015 *Opportunities in product or service.* Subpart—*Securing signatures wrongfully:* § 13.2175 *Securing signatures wrongfully.* Subpart—*Using misleading name*—Vendor: § 13.2410 *Individual or private business being educational, religious or research institution or organization.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Robert G. Busse t. a. Lincoln Institute, etc., Pekin, Ill., Docket 6413, May 17, 1956]

*In the Matter of Robert G. Busse, an Individual Trading as Lincoln Institute and Lincoln Training Service*

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a Pekin, Ill., seller of correspondence courses on passing Civil Service examinations with falsely representing on postal cards and printed circular letters and through statements of his sales agents, that his school was connected with the United States Civil Service Commission, that completion of his course guaranteed graduates positions therein and in desired geographical locations, that vacancies existed, and that starting salaries were higher than was the fact; and with misrepresenting the character of his school through use of the word "Institute" in his trade name, among other things.

Following agreement between the parties for entry of a consent order, the hearing examiner made his initial decision and order to cease and desist which became, on May 17, 1956, the decision of the Commission.

The order to cease and desist is as follows:

*It is ordered,* That the respondent, Robert G. Busse, individually and doing business under the name of Lincoln Institute and Lincoln Training Service, or any other name, and his representatives, agents and employees, directly or through any corporate or other device, in the connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of courses of study and instruction, intended for preparing students thereof for examination for civil Service positions under the United States Government, or any similar courses of study, do forthwith cease and desist from:

1. Representing, directly or by implication:

(a) That respondent, his school, his agents or representatives, or any one of them, have any connection with or are a part of the United States Civil Service Commission or any other agency of the United States Government.

(b) That the completion of respondent's course of instructions assures or guarantees a position in the United States Civil Service or makes them eligible for appointment to such position.

(c) That positions in said Civil Service may be obtained through respondent's school after completion of the course of instruction immediately or at any time.

(d) That persons who complete respondent's course of instruction are assured of obtaining passing grades in Civil Service examinations or that they will be qualified for Civil Service positions.

(e) That there is any assurance that persons who complete respondent's course of instructions and obtain Civil Service positions will be employed in any particular geographical area.

(f) That any specific Civil Service positions are available to all applicants or that any Civil Service position which requires appointees to have veterans status or certain physical, mental, educational or experiential qualifications is generally available and may be obtained by persons not meeting such requirements.

(g) That vacancies exist in, or that appointments will be made to, any United States Civil Service position contrary to fact; or that the number of positions available or vacant or to which appointments will be made in said Civil Service or any branch thereof is greater than is actually the fact.

(h) That prospective students lose the opportunity to enroll for respondent's course of study unless they enroll at the time of the first visit of respondent's agent or representative.

(i) That the starting salary for any United States Civil Service position is greater than it is in fact.

2. Using the words and phrases of "Director," "Executive Offices," or representing by any similar means, that his business has any connection with the United States Government or any branch or agency thereof.

3. Using the word "Institute" or any word or term of similar import or meaning as part of respondent's trade name, or as a part of the name of the respondent's school.

4. Soliciting, procuring or accepting contracts for respondent's course of study, without permitting prospects to read the same fully and thoroughly before the signing of such contract by the prospect.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is ordered,* That the respondent herein shall within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: May 17, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
*Secretary.*

[F. R. Doc. 56-4165; Filed, May 31, 1956; 8:45 a. m.]

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[Docket 5848]

## PART 13—DIGEST OF CEASE AND DESIST ORDERS

### CORDAGE INSTITUTE ET AL.

Subpart—*Combining or conspiring:* § 13.400 *To discriminate or stabilize prices through basing point or delivered price systems;* § 13.430 *To enhance, maintain or unify prices.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Cordage Institute (New York, N. Y.) et al., Docket 5848, May 12, 1956]

*In the Matter of Cordage Institute, an Unincorporated, Non-Profit Membership Association, J. S. McDaniel, an Individual and Its Secretary, R. C. Utess, Individually and as Its President and Chairman of Its Executive Committee, S. W. Metcalf, Individually and as a Member of Its Executive Committee, W. S. Miles, Jr., Individually and as a Member of Its Executive Committee, E. G. Roos, Individually and as a Member of Its Executive Committee, H. M. Wall, Individually and as a Member of Its Executive Committee, Plymouth Cordage Co., a Corporation, American Manufacturing Company, a Corporation, Columbian Rope Company, a Corporation, The Edwin H. Fitler Company, a Corporation, R. A. Kelly Company, a Corporation, The E. T. Rugg Company, a Corporation, Peoria Cordage Company, a Corporation, New Bedford Cordage Company, a Corporation, Tubbs Cordage Company (California), a Corporation, Tubbs Cordage Company (Washington), a Corporation, Wall Rope Works, Inc., a Corporation, Whitlock Cordage Company, a Corporation, Cating Rope Works, Inc., a Corporation, Cupples Company, Inc., a Corporation, The Thomas Jackson & Son Company, a Corporation, Waterbury Rope Sales Corporation, a Corporation, The Hooven & Allison Company, a Corporation, Rinek Cordage Company, a Corporation, Respondents*

This proceeding was heard by a hearing examiner on the complaint of the Commission charging 18 corporate manufacturers of hard fiber rope, cordage,

and wrapping twine, and their trade association with concertedly establishing and maintaining geographical price zones and zone price differentials in the sale of their products, among other things. At the conclusion of the reception of evidence in support of the complaint, the hearing examiner granted respondents' motion for dismissal for failure of proof. On appeal, the Commission affirmed his dismissal, except as to the issue involving the use by respondents of geographical zones, and as to this, the Commission remanded the matter for further proceedings.

An agreement on this issue having been entered into between the parties, the hearing examiner made his initial decision and order to cease and desist which, by order of May 11, 1956, became on the 12th of May the decision of the Commission.

The order to cease and desist is as follows:

*It is ordered,* That respondents, Cordage Institute, an unincorporated membership association, J. S. McDaniel, individually and as Secretary of Cordage Institute, R. C. Utess, individually and as President and Chairman of the Executive Committee of Cordage Institute, S. W. Metcalf, individually and as a member of the Executive Committee of Cordage Institute, W. S. Miles, Jr., individually and as a member of the Executive Committee of Cordage Institute, E. G. Roos, individually and as a member of the Executive Committee of Cordage Institute, H. M. Wall, individually and as a member of the Executive Committee of Cordage Institute, and Plymouth Cordage Co., American Manufacturing Company, Columbian Rope Company, The Edwin H. Fitler Company, R. A. Kelly Company, The E. T. Rugg Company, Peoria Cordage Company, New Bedford Cordage Company, Tubbs Cordage Company, Tubbs Cordage Company (Washington), Wall Rope Works, Inc., Whitlock Cordage Company, Cating Rope Works, Inc., Cupples Company Manufacturers, The Thomas Jackson & Son Company, Waterbury Rope Sales Corporation, The Hooven & Allison Company, and Rinek Cordage Company, corporations, and their officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of hard fiber rope or hard fiber wrapping twine in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from entering into, continuing, cooperating in, or carrying out any planned common course of action, agreement, understanding, combination, or conspiracy between or among any two or more of said respondents, or between any one or more of said respondents and others not parties to this proceeding, to establish or maintain geographical price zones or zone price differentials in the sale of hard fiber rope or hard fiber wrapping twine.

*It is further ordered,* That the remaining charges of the complaint be, and they hereby are, dismissed.

By "Decision of the Commission," etc., report of compliance was required as follows:

*It is ordered,* That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 11, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-4219; Filed, May 31, 1956; 8:45 a. m.]

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[Docket 6391]

## PART 13—DIGEST OF CEASE AND DESIST ORDERS

### UNION BAG & PAPER CORP. AND HANKINS CONTAINER CO.

Subpart—*Acquiring stock, or assets, etc., of competitor:* § 13.5 *Acquiring stock, or assets, etc., of competitor.* Subpart—*Combining or conspiring:* § 13.410 *To eliminate or restrain competition in conspirators' goods;* § 13.452 *To limit production;* § 13.475 *To restrict competition in buying.* Subpart—*Interlocking directorates unlawfully:*[1] § 13.1106 *Interlocking directorates unlawfully.*[1]

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, sec. 7, 38 Stat. 731, sec. 8, 38 Stat. 732; 15 U. S. C. 45, 18, 19) [Cease and desist order, Union Bag & Paper Corporation (New York, N. Y.) et al., Docket 6391, May 10, 1956]

*In the Matter of Union Bag & Paper Corporation, a Corporation, and Hankins Container Company, a Corporation*

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging two corporate manufacturers of corrugated boxes and sheets, one manufacturing container board in excess of its own requirements therefor and the other mainly a converter and dependent on a limited number of manufacturers for its supply, with sales in 1954 of $105,000,000 and $24,000,000, respectively, with violation of the merger and interlocking directorate sections of the Clayton Act and section 5 of the Federal Trade Commission Act, through entering into contracts providing, among other things, that the larger, Union, buy a substantial amount of common stock in the smaller, Hankins, and that Hankins' controlling stockholders vote for election to its board of directors of a director of Union; and providing further that Union not acquire stock of any substantial competitor of Hankins having plants in the latter's territory; and that Hankins restrict its production of container board and, with certain exceptions, confine its purchases thereof to Union—and an agreement between counsel providing for entry of a consent order.

On this basis, the hearing examiner made his initial decision and order to cease and desist which became, on May 10, 1956, the decision of the Commission.

Said order to cease and desist is as follows:

*It is ordered,* That respondent Union Bag & Paper Corporation (hereinafter referred to as respondent "Union"), and respondent Hankins Container Company (hereinafter referred to as respondent "Hankins"), either directly or through their respective officers, directors, agents, representatives and employees, together with the successors or assigns of same, directly or through any corporate or other device, in connection with the purchase, offering for purchase, sale, offering for sale, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, and Clayton Act, as amended, of container board, liner board, corrugating medium, corrugated boxes, or corrugated sheets (hereinafter referred to collectively as "said products"), do forthwith cease and desist from entering into, continuing, cooperating in, or carrying out, any planned common course of action, understanding, or agreement between said respondents or between either of said respondents and others not parties hereto, to do or perform any of the following acts:

1. Permitting, or attempting to permit, directly or indirectly, by any means or method, the acquisition by respondent Union, either directly or through any of its officers, directors, employees, agents, representatives, assigns or successors of any of the stock, assets or control of, or in, respondent Hankins other than 9 percent stock interest in respondent Hankins, which may be acquired and held according to the proviso hereinafter set forth;

2. Causing, or attempting to cause, any stock, regardless of its type or designation, in respondent Hankins, to be voted or used, directly or indirectly, by any means or method, for the purpose or with the effect of having or causing any officer, director, employee, agent or representative of respondent Union, or of any subsidiary of respondent Union, to be elected, appointed, selected or designated as an officer or director of respondent Hankins, or of any subsidiary of respondent Hankins;

3. Permitting, or attempting to permit, directly or indirectly, by any means or method, the respondent Union, directly or through any officer, director, employee, agent or representative of said respondent, or of any subsidiary of said respondent, to control, conduct, or attempt to control or conduct, by any means or method, directly or indirectly, the management or operation of respondent Hankins or of any subsidiary of respondent Hankins;

4. Restricting, preventing, limiting or attempting to restrict, prevent or limit the right, power, or privilege of respondent Hankins to sell or transfer any of its stock;

5. Restricting, limiting, or attempting to restrict or limit the right, power or privilege of respondent Union to purchase or acquire any stock of any box manufacturer;

6. Restricting, preventing, limiting, or attempting to restrict, prevent or limit, the quantity or amount of said products, described in the preamble hereto, which respondent Hankins can or may purchase from sellers thereof other than respondent Union;

7. Fixing, or attempting to fix, the maximum amount or quantity which respondent Hankins shall, or may consume, use, produce, sell or distribute of any of said products produced or manufactured by respondent Hankins;

8. Restricting, limiting, preventing, or attempting to restrict, limit or prevent, actual or potential competition between respondent Union and other producers or manufacturers of said products, in offering for sale, selling or distributing any of same to respondent Hankins;

*It is further ordered,* That respondent Union cease and desist from permitting or allowing anyone to be elected or to serve as a director of respondent Union or of any of its subsidiaries who is a director of respondent Hankins.

*It is further ordered,* That respondent Hankins cease and desist from permitting or allowing anyone to be elected, or to serve as a director of respondent Hankins or any of its subsidiaries who is a director of respondent Union.

*It is further ordered,* That respondent Union, within 90 days from the date of service upon it of a copy of this order, shall divest itself absolutely, in good faith, retaining no interest whatsoever therein, of all stock which it now holds or owns, directly or indirectly, in, or of, respondent Hankins.

It is understood, however, that nothing in this order shall be construed or interpreted as preventing respondent Union from acquiring, owning, or holding stock in respondent Hankins when the total amount of such stock, by whatever means acquired, owned or held, does not exceed 9 percent of the total outstanding capital stock in respondent Hankins (this is the same percentage of stock interest in respondent Hankins which was represented by the 12,500 shares of respondent Hankins acquired by respondent Union on June 24, 1954, plus the 6,250 shares acquired on June 24, 1955, plus the 6,250 shares which were to be acquired on June 22, 1956, all under the provisions of the agreements or contracts entered into by and between respondent Hankins and respondent Union on June 7, 1954), provided said stock is held solely for investment and provided further that respondent Union, if it votes such stock, shall not vote it for the purpose, or with the effect, of evading or violating any of the provisions in this order, or of substantially lessening competition or tending to create a monopoly in any line of commerce in which said respondents are engaged, and provided still further that should the Commission bring any action based upon an alleged violation of these provisos, the burden of refuting same shall be assumed by respondent Union.

It is further understood that nothing in injunctive provision 4 of this order shall be construed as preventing respondent Hankins, acting in good faith and without intent to violate any of the provisions of this order, from contracting to sell, selling or transferring stock to purchasers not owned, controlled or acting under the direction of respondent Union or any of its subsidiaries.

It is further understood that nothing in injunctive provisions 6, 7 and 8 of this order shall be construed as preventing respondent Union from selling to respondent Hankins or respondent Hankins from buying, or committing itself to buy, from respondent Union or from others not parties hereto, any of the products described in the preamble hereof, pursuant to contract or contracts: *Provided, however,* That the Commission hereby is not approving or disapproving the legality of any such contract or contracts, between the said respondents for the purchase or sale of such products, with regard to grounds of attack not arising from these specific provisions of the order.

It is further understood that nothing in this order shall be construed or interpreted as preventing either respondent Hankins or respondent Union from petitioning the Commission to reopen these proceedings and modify this order to cease and desist because of a change in conditions of fact, law or the public interest, so as to permit, respondent Union to purchase, or respondent Hankins to sell to respondent Union, additional stock in respondent Hankins; and if such petition alleges, as a change in conditions of fact, that there has been a full and complete compliance with all the injunctive provisions of this order, and that the acquisition of such additional stock does not substantially lessen competition or tend to create a monopoly in any line of commerce in which said respondents are engaged, the Commission shall reopen the proceedings and permit the introduction of evidence; and if at such reopening, the petitioning respondent can sustain these allegations, the Commission shall grant such petition to modify this order.

By the Commission's order, report of compliance was required as follows:

*It is ordered,* That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 10, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-4302; Filed, May 31, 1956; 8:51 a. m.]

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[1] New.



# TITLE 31—MONEY AND FINANCE: TREASURY

## Chapter V—Foreign Assets Control, Department of the Treasury

### PART 500—FOREIGN ASSETS CONTROL REGULATIONS

REPORTS WITH RESPECT TO CHINESE HOG BRISTLES AND PAINT BRUSHES MADE THEREFROM; IMPORTATION OF AND DEALINGS IN CERTAIN MERCHANDISE

The Foreign Assets Control Regulations, 31 CFR 500.101–500.808, are hereby amended by the amendment of § 500.204 and by the addition of § 500.605.

The new § 500.605 requires all importers, processors, and dealers in hog bristles and all manufacturers and importers of paint brushes to report with respect to their holdings of Chinese hog bristles and of paint brushes containing such hog bristles. Reports are to be made as of June 1, 1956, and are due on June 15, 1956.

The various amendments of § 500.204 affect Asiatic feathers and down, muga silk and muga silk piece goods, and sheet glass.

Asiatic feathers and down, which were previously prohibited from importation only if moving through Hong Kong, Macao, or the Soviet bloc, have been prohibited from importation regardless of the countries through which they move. An exception, however, has been provided which allows the importation of Asiatic feathers and down if they come directly from the principal Asian producing countries. The purpose of this amendment is to prevent the importation of such feathers from third countries where they may have been adulterated with Chinese feathers.

Muga silk and muga silk piece goods have been subjected to the same prohibitions as affect tussah silk and tussah silk piece goods, to which they are closely related and from which they are physically indistinguishable.

Sheet glass has been prohibited from importation from or through Hong Kong or Macao since those areas, which do not produce such glass, are receiving it in substantial quantities from China, and it is being offered for re-exportation.

1. Section 500.204 is hereby amended as follows:

a. The following items are added to the list set forth in paragraph (a) (2) (ii):

Feathers and down, Asiatic (Exceptions: Burma, India, Taiwan, Thailand, and those those areas of Viet Nam which are not under Communist control).
Silk piece goods, tussah and muga (Exceptions: None).
Silk, tussah and muga (Exceptions: None).

b. The following item is deleted from the list set forth in paragraph (a) (3):

Feathers and down, Asiatic.

c. The following subparagraph (4) is added to paragraph (a):

(4) Merchandise specified in this subparagraph, howsoever processed, if such

merchandise is or has been located in or transported from or through Hong Kong or Macao.

Type of merchandise: Glass, sheet (window).

2. Section 500.605 is hereby added to the regulations, as follows:

§ 500.605 *Reports with respect to Chinese hog bristles and paint brushes made therefrom.* (a) Every person subject to the jurisdiction of the United States who, at any time between January 1, 1955, and June 1, 1956, whether for his own account or for the account of another, imported, dealt in, or processed hog bristles or manufactured or imported paint brushes (including paint, varnish, white wash, kalsomine, paper hanging, marking, and stenciling brushes) shall, on or before June 15, 1956, report on Form TFR–605 with respect to all hog bristles which are the growth or produce of China (other than Formosa) or North Korea, owned by such person on June 1, 1956, or in which such person then had any interest, and shall supply all information required on such form, including an inventory of all paint brushes containing such bristles which on that date were owned by such person or in which he then had any interest.

(b) Reports on Forms TFR–605 shall be filed in triplicate with Unit 605, Foreign Assets Control, Treasury Department, Washington 25, D. C. Report forms may be procured from Unit 605 or from the Foreign Assets Control Department of the Federal Reserve Bank of New York, 33 Liberty Street, New York 45, New York.

(Sec. 5, 40 Stat. 415, as amended; 50 U. S. C., App. 5. E. O. 9193, 7 F. R. 5205; 3 CFR 1943 Cum. Supp., E. O. 9989, 13 F. R. 4891; 3 CFR 1948 Supp.)

[SEAL] A. N. OVERBY,
*Acting Secretary of the Treasury.*

[F. R. Doc. 56–4279; Filed, May 31, 1956; 8:47 a. m.]

## TITLE 50—WILDLIFE

### Chapter I—Fish and Wildlife Service, Department of the Interior

#### Subchapter F—Alaska Commercial Fisheries

MISCELLANEOUS AMENDMENTS TO SUBCHAPTER

*Basis and purpose.* On the basis of continuing field investigations by personnel of the Fish and Wildlife Service, it has been determined that the following changes are necessary for proper conservation of the Alaska salmon fisheries.

Therefore, effective immediately upon publication in the FEDERAL REGISTER:

PART 109—COOK INLET AREA

1. Section 109.2 is amended in paragraph (c) by deleting "August 8" and substituting in lieu thereof "August 12," and in paragraph (d) by deleting "August 12" and substituting in lieu thereof "August 1."

2. Section 109.51 is amended in paragraph (c) to read as follows:

(c) The streams and lakes tributary to the east coast of Cook Inlet north of the town of Homer and tributary to the north coast east of the mouth of Susitna River, including all drainages of Knik and Turnagain Arms, except with hand rod, hook and line.

PART 111—PRINCE WILLIAM SOUND AREA

Section 111.1a is amended in paragraph (a) to read as follows:

(a) Eshamy district: All waters within one mile of the mainland shore from the outer point on the north shore of Granite Bay to the light on the south shore of the entrance to Port Nellie Juan.

PART 114—YAKUTAT AREA

Section 114.6 is deleted.

PART 119—SOUTHEASTERN ALASKA AREA, EASTERN DISTRICT, SALMON FISHERIES

Section 119.12 is amended to read as follows:

§ 119.12 *Bag limit.* It is prohibited to take more than 15 salmon less than 18 inches in length, or more than 15 pounds of such salmon, in the fresh waters of the Mendenhall River and Jordan Creek drainages, and all tributaries and impoundments within these drainages.

PART 122—SOUTHEASTERN ALASKA AREA, CLARENCE STRAIT DISTRICT, SALMON FISHERIES

Section 122.8 is amended in paragraph (r) by deleting subparagraphs (1) and (3).

PART 124—SOUTHEASTERN ALASKA AREA, SOUTHERN DISTRICT, SALMON FISHERIES

Section 124.8 is amended in paragraph (d), subparagraph (3) to read as follows:

(3) Within 2,500 feet of a point at 55 degrees 7 minutes north latitude.

Since immediate action is necessary, notice and public procedure on this amendment are impracticable (60 Stat. 237; 5 U. S. C. 1001 et seq.).

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

JOHN L. FARLEY,
*Director.*

MAY 29, 1956.

[F. R. Doc. 56–4336; Filed, May 29, 1956; 3:37 p. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF THE TREASURY

### Bureau of Customs

[ 19 CFR Part 11 ]

ORNAMENTS, GLASS CHRISTMAS TREE

NOTICE OF PROPOSED REVOCATION OF EXCEPTION OF CERTAIN ARTICLES FROM REQUIREMENTS OF MARKING TO INDICATE COUNTRY OF ORIGIN

Notice is hereby given pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that consideration is being given by the Bureau of Customs to requiring "ornaments, glass Christmas tree" to be marked to indicate the country of origin in accordance with the provisions of section 304 of the Tariff Act of 1930, as amended (19 U. S. C. 1304), notwithstanding that this item is listed in T. D. 49896 (4 F. R. 2509) among the articles found, pursuant to section 304 (a) (3) (J), to have been imported in substantial quantities during the five-year period immediately preceding January 1, 1937, and not required during such period to be marked to indicate the country of their origin, which articles are now excepted from the marking requirements by § 11.10 (a) of the Customs Regulations.

Consideration will be given to all data, views, and arguments submitted in writing to the Commissioner of Customs, Washington 25, D. C., within 30 days after the date of publication of this notice in the FEDERAL REGISTER. No hearings will be held.

[SEAL] C. A. EMERICK,
*Acting Commissioner of Customs.*

Approved: May 23, 1956.

DAVID W. KENDALL,
*Acting Secretary of the Treasury.*

[F. R. Doc. 56–4293; Filed, May 31, 1956; 8:49 a. m.]

# NOTICES

## DEPARTMENT OF THE TREASURY

### Bureau of Customs

[T. D. 54095]

WATCHES AND WATCH MOVEMENTS

TARIFF CLASSIFICATION

MAY 25, 1956.

Certain movements engineered for the later addition or incorporation of self-winding devices are classifiable under paragraph 367 (a) (1) through (5), Tariff Act of 1930; self-winding devices or mechanisms imported in separate shipments are classifiable as assemblies or subassemblies under paragraph 367 (c).

Reference is made to the notice of prospective tariff classification of certain self-winding watch movements published in the FEDERAL REGISTER dated January 19, 1956 (21 F. R. 400).

The question presented is the tariff classification of the following when imported in separate shipments:

(a) Watch movements containing 17 or a lesser number of real or synthetic jewels (including substitutes for jewels) engineered for the later addition or incorporation of self-winding devices, and

(b) Self-winding devices.

The Bureau has given the most careful consideration to all written submissions, oral presentations, and other evidence presented to it.

In view of the fact that paragraph 367 (a) (5), Tariff Act of 1930, as modified, provides in part for an additional duty of 75 cents on any article covered by paragraph 367 (a) (1) through (4) "if a self-winding device may be incorporated therein", the Bureau is of the opinion that certain movements engineered for the later addition or incorporation of self-winding devices are classifiable under paragraph 367 (a) (1) through (4) subject to the additional duties provided under subparagraph (a) (5). The fact that watch movements are engineered for the later addition or incorporation of self-winding devices does not, standing alone, result in movements specially engineered, constructed, designed, or prepared to facilitate upjeweling after importation within the meaning of T. D. 53753.

The Bureau has concluded that watch movements containing not more than 17 jewels (including any substitutes for jewels) which, when stem wound, will keep accurate time for at least 24 hours in their imported condition without the utilization of self-winding mechanisms are classifiable as watch movements under paragraph 367 (a) (1) through (5), Tariff Act of 1930, as modified. The self-winding devices imported in separate shipments from the movements are classifiable under paragraph 367 (c), as modified, as assemblies or subassemblies dutiable at the reduced rate of 2 cents for each part or piece and 9 cents per jewel (including any substitutes for jewels), but not less than 45 percent ad valorem.

[SEAL] RALPH KELLY,
*Commissioner of Customs.*

[F. R. Doc. 56–4292; Filed, May 31, 1956; 8:49 a. m.]

## United States Coast Guard

[CGFR 56–17]

APPROVAL OF EQUIPMENT AND CHANGE IN NAME OF MANUFACTURER

*Correction*

In F. R. Doc. 56–3816, appearing at page 3195 of the issue for Tuesday, May 15, 1956, "Life Products Co." in Approval Nos. 160.047/86/0, 160.047/87/0 and 160.047/88/0 should read "Lifo Products Co."

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[Colorado B—26194, Classification 16]

COLORADO

SMALL TRACT CLASSIFICATION

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473), I hereby classify the following described public lands, totaling 40 acres in Summit County, Colorado, as suitable for lease and sale for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a), as amended:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 5 S., R. 77 W.,
Sec. 7: NE¼NW¼.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid with a preference right to veterans of World War II and of the Korean conflict and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279–284), as amended.

4. All valid applications filed prior to May 25, 1956, will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5 (a).

MAX CAPLAN,
*State Supervisor.*

MAY 25, 1956.

[F. R. Doc. 56–4277; Filed, May 31, 1956; 8:46 a. m.]

ALASKA

NOTICE OF FILING OF PLATS OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

MAY 24, 1956.

1. A plat of survey of the lands described below will be officially filed in the Anchorage Land Office, Anchorage, Alaska, effective at 10:00 a. m., June 29, 1956.

SEWARD MERIDIAN

Township 12 North, Range 2 West. Sections 29, 30, 31 and 32, comprising 2,493.96 acres of public land.

2. The land is located approximately 15 miles southwest of Anchorage, Alaska. The terrain is high to extremely mountainous, and only a portion is suitable for agricultural purposes.

3. Section 29 is withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral leasing, by Public Land Order No. 576, dated March 29, 1949, under the jurisdiction of the Secretary of Interior, for the protection of the water supply of the City of Anchorage.

4. The remaining lands are subject to disposition as follows:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Alaska Homesite, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on June 29, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on September 28, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m. on September 28, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. Of the lands open to entry, the following are within Power Site Classification No. 107, dated June 12, 1925, which were opened to disposition by Restoration Order No. 1, dated November 16, 1951, subject to the provision of Section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818) as amended.

SEWARD, MERIDIAN

T. 12 N., R. 2 W.,
Sec. 30: Lot 4, SE¼SW¼;
Sec. 31: Lots 1 and 2; E½NW¼, W½NE¼, N½SW¼ and SE¼;
Sec. 29: NE¼NW¼, E½;
Sec. 32: NE¼NE¼.

5. Persons claiming veterans' preference rights under paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

6. Inquiries concerning these lands shall be addressed to the Manager, Anchorage Land Office, P. O. Box 1740, Anchorage, Alaska.

VIRGIL O. SEISER,
*Manager.*

[F. R. Doc. 56–4278; Filed, May 31, 1956; 8:47 a. m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

CANNED RED TART PITTED CHERRIES

NOTICE OF EXTENSION OF OFFERING DATE UNDER PURCHASE PROGRAM WMP 89a

The time for submitting offers to sell canned red tart pitted cherries to the Department of Agriculture under Program WMP 89a has been extended to 9:00 a. m., e. d. t., June 15, 1956. This amends "Notice of Purchase Program WMP 89a" published May 24, 1956 (21 F. R. 3462).

(Sec. 32, 49 Stat. 774, as amended, 7 U. S. C. and Sup. 612c)

Done at Washington, D. C., this 28th day of May 1956.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-4306; Filed, May 31, 1956; 8:52 a. m.]

### Office of the Secretary

OKLAHOMA, NEW MEXICO, AND TEXAS

DISASTER ASSISTANCE; DELINEATION OF DROUGHT AREAS

Pursuant to Public Law 875, 81st Congress, the President determined on February 27, 1956, that major disasters occasioned by drought existed in the States of Oklahoma and New Mexico, and the President also determined on July 21, 1954, that a major disaster occasioned by drought existed in the State of Texas and extended that determination on September 19, 1955.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148, 5364; 20 F. R. 4664), and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, the following counties and parts of counties were determined on the dates indicated to be affected by the above-mentioned major disasters.

OKLAHOMA

Determined on April 16, 1956: Beaver, Ellis, Harper.

NEW MEXICO

Determined on April 2, 1956: Curry, Guadalupe, DeBaca, Santa Fe, Torrance, Quay.

That part of Valencia County lying north of U. S. Highway 66.

That part of Harding County lying east and south of State Highway 120.

Determined on May 11, 1956: Mora, San Miguel, Roosevelt.

That part of Harding County lying west and north of State Highway 120.

TEXAS

Determined on May 11, 1956: Armstrong, Maverick.

Done at Washington, D. C., this 25th day of May 1956.

[SEAL] TRUE D. MORSE,
*Acting Secretary.*

[F. R. Doc. 56-4284; Filed, May 31, 1956; 8:48 a. m.]

## DEPARTMENT OF COMMERCE

### Office of the Secretary

HARRY V. KILEY

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

*Report of Appointment*

1. Name of appointee: Harry V. Kiley.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: April 13, 1956.
4. Title of position: Director, Forest Products Division.
5. Name of private employer: Edens-Birch Lumber Co., Corrigan, Texas.

CARLTON HAYWARD,
*Director of Personnel.*

*Statement of Financial Interests*

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Edens-Birch Lumber Co., Corrigan, Tex.
Southern States Oil Co., San Antonio, Tex.
Bank deposits.

Dated: May 13, 1956.

HARRY V. KILEY.

[F. R. Doc. 56-4274; Filed, May 31, 1956; 8:46 a. m.]

ROBERT DE S. COUCH

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

*Report of Appointment*

1. Name of appointee: Robert de S. Couch.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: April 20, 1956.
4. Title of position: Consultant.
5. Name of private employer: General Foods Corporation, 490 East Michigan Avenue, Battle Creek, Michigan.

CARLTON HAYWARD,
*Director of Personnel.*

*Statement of Financial Interests*

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Cochran Foil.
Standard Packaging.
Wilrich Petroleum.
Paterson Parchment Paper Company.
General Foods Corporation.
Gerber Products Company.
Pyramid Electric Co.
Standard Uranium.
Bank Deposits.

Dated: April 25, 1956.

ROBERT DE S. COUCH.

[F. R. Doc. 56-4275; Filed, May 31, 1956; 8:46 a. m.]

WILLIAM E. VAUGHN

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

*Report of Appointment*

1. Name of appointee: William E. Vaughn.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: May 18, 1956.
4. Title of position: Consultant.
5. Name of private employer: American Can Company.

CARLTON HAYWARD,
*Director of Personnel.*

*Statement of Financial Interests*

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Bank account.
American Can Company.

Dated: May 18, 1956.

WILLIAM E. VAUGHN.

[F. R. Doc. 56-4276; Filed, May 31, 1956; 8:46 a. m.]

## CIVIL AERONAUTICS BOARD

[Docket No. SR-2188]

ADMINISTRATOR OF CIVIL AERONAUTICS VS. SIDNEY W. WILSON

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

Notice is hereby given, that the oral argument in the above-entitled matter now assigned for May 29 is hereby postponed to June 7, 1956, 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., May 25, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56-4303; Filed, May 31, 1956; 8:51 a. m.]

[Docket No. 8007]

MACKEY AIRLINES, INC., AND MIDET AVIATION CORPORATION

NOTICE OF POSTPONEMENT OF PREHEARING CONFERENCE

In the matter of the application of Mackey Airlines, Inc. and Midet Aviation Corporation under sections 408 and 401 (i) of the act, as amended, and such other sections thereof as may be applicable, for approval of agreement dated April 30, 1956.

Notice is hereby given that the prehearing conference in the above-entitled matter, heretofore assigned for June 5, 1956, has been postponed and will be held on June 7, 1956, at 10:00 a. m., e. d. s. t., in Room 1512, Temporary Building No. 4, Seventeenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Barron Fredricks.

Dated at Washington, D. C., May 25, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56-4304; Filed, May 31, 1956; 8:51 a. m.]

[Docket No. 7818]

HAWAIIAN AIRLINES CARGO RATE INVESTIGATION

NOTICE OF HEARING

In the matter of the investigation to determine whether the rates, charges, and provisions contained in Hawaiian Airlines, Ltd.'s Freight Tariff CAB No. 12, including subsequent revisions and reissues thereof, are or will be unjust or unreasonable, unjustly discriminatory, unduly preferential, unduly prejudicial, or otherwise unlawful, and if found to be unlawful, to determine and prescribe the lawful rates, charges, and provisions.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding will be held June 25, 1956, 10:00 a. m. (Hawaiian Time) in Courtroom No. 2, U. S. Post Office, Custom House, and Court House, Honolulu, Hawaii before Examiner Thomas L. Wrenn.

Without limiting the scope of the issues, particular attention will be directed to the following matters:

1. Whether the various cargo rates and charges of Hawaiian Airlines' Freight Tariff CAB No. 12 are just and reasonable and are not unjustly discriminatory, unduly preferential, or unduly prejudicial or otherwise unlawful.

2. If the rates and charges in Freight Tariff CAB No. 12 are not just and reasonable, what are just and reasonable cargo rates or the maximum or minimum cargo rates and charges.

3. The following rules in Hawaiian Airlines' Freight Tariff CAB No. 12:

Rule 4, last paragraph, Shipments not Acceptable.
Rule 7, Excess Value Charge.
Rule 11, Minimum Charge Applicable to General Commodity Rates.
Rule 18, Liability for Loss or Damage.
Rule 21, Handling Charge for Heavy Lifts.
Rule 22, Handling Charge for Household Goods.
Rule 25, Charge for Cubic Dimensional Weight.

Notice is further given that any interested person, other than the parties of record, desiring to be heard regarding the issues involved in this proceeding should notify the Examiner before or at the beginning of the hearing June 25, 1956, making known the matters of fact or law on which he desires to be heard.

Dated at Washington, D. C., May 28, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56-4305; Filed, May 31, 1956; 8:51 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11399, 11400; FCC 56M-521]

NEW BRITAIN BROADCASTING CO. (WKNB-TV) ET AL.

ORDER CONTINUING HEARING CONFERENCE

In re applications of The New Britain Broadcasting Company (WKNB-TV), New Britain, Connecticut, Docket No. 11399, File No. BMPCT-2787; for modification of construction permit (Channel 30); and Julian Gross, et al. (Transferors) and National Broadcasting Company, Inc. (Transferee), Docket No. 11400, File No. BTC-1896; for transfer of control of The New Britain Broadcasting Company (WKNB and WKNB-TV).

*It is ordered*, This 24th day of May 1956, on the Hearing Examiners' own motion, and with the consent of all parties to the proceeding, hearing conference in the matter, presently scheduled for May 25, 1956, is continued to June 8, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4294; Filed, May 31, 1956; 8:49 a. m.]

[Docket Nos. 11511, 11710; FCC 56-474]

BOOTH RADIO AND TELEVISION STATIONS, INC. AND KNORR BROADCASTING CORP.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Booth Radio and Television Stations, Inc., Lansing, Michigan, Docket No. 11511, File No. BP-9767 and Knorr Broadcasting Corporation, Lansing, Michigan, Docket No. 11710, File No. BP-10391; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of May 1956;

The Commission having under consideration the above-captioned applications of the Booth Radio and Television Stations, Inc., and the Knorr Broadcasting Corporation, each for a construction permit for a new standard broadcast station to operate on 730 kilocycles with a power of 500 watts, directional antenna, daytime only, at Lansing, Michigan;

It appearing that each applicant is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate its proposed station, but that operation of both proposals would result in mutually destructive interference; that both proposed operations would be involved in interference with Station WGN, Chicago, Illinois; that, in view of the interests of parties to both applications in broadcast stations in several other nearby communities, a grant of either application might be in violation of § 3.35 of the Commission's rules; and that it has not yet been determined whether the proposed antenna system of the Knorr Broadcasting Corporation would constitute a hazard to air navigation; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated April 5, 1956, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of either application would be in the public interest; and

It further appearing that, in a pleading filed December 19, 1955, and by letters dated February 28 and May 7, 1956, counsel for Station WGN requested that the subject applications be designated for hearing; and

It further appearing that a timely reply was received from each subject applicant; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

*It is ordered*, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposed operations, and the availability of other primary service to such areas and populations.

2. To determine whether each of the proposed operations would be involved in objectionable interference with Station WGN, Chicago, Illinois, or any other existing standard broadcast station, and, if

so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether a grant of either applicant would be in contravention of the provisions of § 3.35 of the Commission's rules on multiple ownership.

4. To determine whether the antenna system proposed by the Knorr Broadcasting Corporation would constitute a hazard to air navigation.

5. To determine which of the operations proposed in the above-captioned applications would better serve the public interest in the light of the evidence adduced under the foregoing issues and record made with respect to the significant differences between the applications as to:

(a) The background and experience of each of the above-named applicants to own and operate its proposed station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programming service proposed in each of the above-mentioned applications.

6. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

*It is further ordered,* That WGN, Incorporated, licensee of Station WGN, is made a party to the proceeding.

Released: May 28, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4295; Filed, May 31, 1956; 8:49 a. m.]

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[Docket No. 11699; FCC 56M-522]

SOUTHERN OREGON BROADCASTING CO. (KUIN)

ORDER SCHEDULING PREHEARING CONFERENCE

In re application of Southern Oregon Broadcasting Company (KUIN), Grants Pass, Oregon, Docket No. 11699, File No. BP-10099; for construction permit.

The Hearing Examiner having under consideration the above-entitled proceeding;

*It is ordered,* This 24th day of May 1956, that all parties, or their attorneys, are directed to appear for a pre-hearing conference, pursuant to the provisions of § 1.813 of the Commission's rules, at the Commission's offices in Washington, D. C., at 10:00 a. m., June 5, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4296; Filed, May 31, 1956; 8:50 a. m.]

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[Docket No. 11711; FCC 56-475]

SOUTH GEORGIA BROADCASTING CO. AND BEN HILL BROADCASTING CORP. (WBHB)

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Al. H. Evans and Joseph Bilodeau, a partnership d/b as South Georgia Broadcasting Company, Fitzgerald, Georgia, Docket No. 11711, File No. BP-9969; and Ben Hill Broadcasting Corporation (WBHB), Fitzgerald, Georgia, Docket No. 11712, File No. BP-10195; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of May 1956;

The Commission having under consideration the above-entitled applications of Al. H. Evans and Joseph Bilodeau, a partnership d/b as South Georgia Broadcasting Company, for a construction permit for a new standard broadcast station to operate on 1380 kilocycles with a power of 5 kilowatts, daytime only, at Fitzgerald, Georgia; and Ben Hill Broadcasting Corporation for a construction permit to change the facilities of Station WBHB, Fitzgerald, Georgia, from operation on 1240 kilocycles with a power of 250 watts, unlimited time, to operation on 1380 kilocycles with a power of 5 kilowatts, daytime only;

It appearing that each of the applicants is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate its proposed station, but that the operation of both stations as proposed would result in mutually destructive interference; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated January 4, 1956, of the aforementioned deficiency; and

It further appearing that a timely reply was filed by each of the applicants; and

It further appearing that the Ben Hill Broadcasting Corporation amended its application on February 2, 1956, to specify a different transmitter-antenna site, and it has not yet been determined whether the antenna would constitute a hazard to air navigation; and

It further appearing that the commission, after consideration of the replies, is of the opinion that a hearing is necessary;

*It is ordered,* That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operation of the South Georgia Broadcasting Company, and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of the Ben Hill Broadcasting Corporation, and the availability of other primary service to such areas and populations.

3. To determine whether the antenna proposed by the Ben Hill Broadcasting Corporation would constitute a hazard to air navigation.

4. To determine which of the operations proposed in the above-entitled applications would better serve the public interest in the light of the evidence adduced under the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate the proposed stations.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programming service proposed in each of the above-mentioned applications.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either of the applications should be granted.

Released: May 28, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4297; Filed, May 31, 1956; 8:50 a. m.]

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[Docket No. 11713; FCC 56-477]

RADIO HANOVER, INC. (WHVR)

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Radio Hanover, Inc. (WHVR), Hanover, Pennsylvania, Docket No. 11713, File No. BP-10212; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 23d day of May 1956;

The Commission having under consideration the above-captioned application of Radio Hanover, Inc. for a construction permit to increase the daytime power of Station WHVR, Hanover, Pennsylvania (1280 kc, 500 w, 1 kw-LS, DA-N, Unl.) to 5 kilowatts and install a directional antenna; and

It appearing that the applicant is legally, technically, financially, and otherwise qualified to operate Station WHVR as proposed, but that interference would be caused to the existing operation of Station WSUX, Seaford, Delaware (1280 kc, 500 w, Day) and to the proposed operation of Station WSUX (1280 kc, 1 kw, Day), on which an Initial Decision was released February 3, 1956, looking toward a grant of the proposal, File No. BMP-6870, Docket No. 11516; and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised in a letter dated March 28, 1956, of this interference and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing that the applicant, in a reply filed on April 10, 1956, requested a grant notwithstanding the interference that would be caused to WSUX; and

It further appearing that in view of the foregoing, we are of the opinion that a hearing on the subject application is necessary;

*It is ordered,* That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the operation of Station WHVR as proposed, and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation of Station WHVR would cause objectionable interference to the existing or proposed (File No. BP-6870; Docket No. 11516) operation of Station WSUX, Seaford, Delaware, or any other existing station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in light of the evidence adduced pursuant to the foregoing issues, whether a grant of the subject application should be made.

*It is further ordered,* That Elizabeth Evans and W. Courtney Evans, licensee of Station WSUX, Seaford, Delaware, are made parties to the hearing.

Released: May 28, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4298; Filed, May 31, 1956; 8:50 a. m.]

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## FEDERAL POWER COMMISSION

[Docket Nos. G-8622, 8993]

PAISANO TRADING CO. ET AL.

ORDER GRANTING MOTION FOR RECONSIDERATION AND POSTPONING HEARING

In the matters of William Negley d/b/a Paisano Trading Company, Ltd., et al., Docket No. G-8622; A. W. Gregg, Docket No. G-8993.

A. W. Gregg filed on May 16, 1956, a request for postponement of the hearing scheduled for May 28, 1956, in the above-designated matters.

The Secretary on May 18, 1956, issued a notice denying said request for postponement of hearing.

A. W. Gregg filed thereafter, on May 23, 1956, a motion for reconsideration of the request for postponement of hearing.

The Commission finds: Good cause has been shown for postponing the aforementioned hearing from May 28, 1956 to June 18, 1956.

The Commission orders: The hearing in the above-designated matters now scheduled for May 28, 1956, is hereby postponed to June 18, 1956, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission at 441 G Street NW., Washington, D. C.

Issued: May 25, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-4280; Filed, May 31, 1956; 8:47 a. m.]

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## INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 28, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32132: *Rock salt—Ojibway, Ont., to western trunk line territory.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on rock salt (sodium chloride), carloads from Ojibway, Ont., Canada to specified points in Iowa, Michigan (upper peninsula), Minnesota, Missouri, North Dakota, South Dakota, and Wisconsin.

Grounds for relief: Circuitous routes.

Tariff: Agent R. K. Watson's tariff I. C. C. No. 198.

FSA No. 32133: *Hides, pelts or skins—Powell, Tenn., to Endicott, N. Y.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on hides, pelts or skins, carloads from Powell, Tenn., to Endicott, N. Y.

Grounds for relief: Circuitous routes.

Tariff: Supplement 182 to Agent Spaninger's I. C. C. 1324.

FSA No. 32134: *Asphalt filler—Chattsworth, Ga., to New Jersey.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on asphalt filler, carloads from Chattsworth, Ga., to Garwood and Westfield, N. J.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 182 to Agent Spaninger's I. C. C. 1324.

FSA No. 32135: *Paper articles—Crossett, Ark., to Kansas and Missouri.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on paper and paper articles, carloads from Crossett, Ark., to Kansas City, Mo.-Kans. proper and for beyond.

Grounds for relief: Circuitous routes.

Tariff: Supplement 35 to Agent Kratzmeir's I. C. C. 4151.

FSA No. 32136: *Perlite rock—Colorado to Birmingham, Ala.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on perlite rock, broken, crushed or ground, dried or not dried, carloads, from Antonito, Del Norte, Florence, and South Fork, Colo., to Birmingham, Ala.

Grounds for relief: Circuitous routes.

Tariff: Supplement 108 to Agent Prueter's I. C. C. A-3973.

FSA No. 32137: *Asphalt filler—Alpine, Ala., to Garwood, N. J.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on asphalt filler, viz.: soapstone, pulverized, and talc tailings, pulverized, carloads from Alpine, Ala., to Garwood, N. J.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 182 to Agent Spaninger's I. C. C. 1324.

FSA No. 32138: *Flooring—Stevenson, Ala., to Nashville, Tenn.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on flooring, carloads, from Stevenson, Ala., to Nashville, Tenn.

Grounds for relief: Circuitous route.

Tariff: Supplement 121 to Agent Spaninger's I. C. C. 1293.

FSA No. 32139: *Stone—Lassiter, N. C., to Norfolk, Va.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on stone, broken or crushed, and rip rap stone, in open-top cars, carloads from Lassiter, N. C., to Norfolk, Va.

Grounds for relief: Circuitous route

Tariff: Supplement 62 to Agent Spaninger's I. C. C. 1469.

FSA No. 32140: *Blackstrap molasses and molasses residuum to Chicago, Ill.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on blackstrap molasses and distillery molasses residuum, carloads from New Orleans, La., and points grouped therewith, also Mobile, Ala., and Gulfport, Miss., to Chicago, Ill.

Grounds for relief: Circuitous routes.

Tariff: Supplement 46 to Alternate Agent Marque's I. C. C. 435.

FSA No. 32141: *Vegetable oils—Mississippi points to Memphis, Tenn.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on vegetable oils, carloads from Greenville, Greenwood, Moorhead, and Indianola, Miss., to Memphis, Tenn.

Grounds for relief: Circuitous route.

Tariff: Supplement 54 to Agent Spaninger's I. C. C. 1411.

By the Commission.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F. R. Doc. 56-4285; Filed, May 31, 1956; 8:48 a. m.]

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FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 24, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32121: *Latex—Texas to Derby and Shelton, Conn.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on Latex (liquid crude rubber), carloads, from Port Neches and Velasco, Tex., to Derby and Shelton, Conn.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 188 to Agent Kratzmeir's I. C. C. 4139.

FSA No. 32122: *Grain and products—Kansas to Arkansas and Tennessee.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on grain and grain products, and related articles, carloads from specified points in Kansas, Hutchison to Mullinville, inclusive, to specified points in Arkansas, also Memphis, Tenn.

Grounds for relief: Circuitous routes via Liberal, Kans., transit point.

Tariff: Supplement 78 to Agent Kratzmeir's I. C. C. 3939.

FSA No. 32123: *Commodities—Cincinnati, Ohio, to western points.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on building and roofing materials, carloads, and automobile parts, carloads from Cincinnati, Ohio, to specified points in Colorado and Minnesota.

Grounds for relief: Carrier competition and circuity.

FSA No. 32124: *Rock salt—Detroit, Mich., to Michigan and Minnesota.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on rock salt, loose in bulk, carloads from Detroit, Mich., to Marinette, Wis., and Menominee, Mich.

Grounds for relief: Competition of water carriers and circuitous routes.

Tariff: Supplement 48 to Agent Hinsch's I. C. C. 4198.

FSA No. 32125: *Lumber—Michigan and Wisconsin to the South.* Filed by W. J. Preuter, Agent, for interested rail carriers. Rates on lumber and related articles, taking lumber rates or arbitraries higher, from Manistique, Mich., Kewaunee, Manitowoc, and Marinette, Wis., to specified destinations in southern territory.

Grounds for relief: Grouping and circuitous routes.

Tariff: Supplement 26 to Agent Prueters' I. C. C. A–3978.

FSA No. 32126: *Cast iron pipe—Birmingham, Ala., to Houston, Tex.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on cast iron pressure pipe and fittings, carloads, from Birmingham, Ala., and Group to Houston, Tex.

Grounds for relief: Circuitous routes.

Tariff: Supplement 84 to Agent Spaninger's I. C. C. 1374.

FSA No. 32127: *All freight—Lawrenceburg, Tenn., to official territory.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on merchandise, mixed carloads from Lawrenceburg, Tenn., to specified points in Connecticut, District of Columbia, Maryland, Massachusetts, New Jersey, New York, Ohio and Pennsylvania.

Grounds for relief: Motor-truck competition and circuitous routes.

Tariff: Supplement 41 to Agent Spaninger's I. C. C. 1458.

FSA No. 32128: *Automobile bodies—Marion, Ind., to central territory.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on automobile bodies, hoods, and fenders, from Marion, Ind., to specified points in Illinois, Missouri, Michigan, and Ohio.

Grounds for relief: Carrier competition and circuity.



FSA No. 32129: *Fine sand—Eastern points to Norton, Ala., and Martinsville, Va.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on sand, ground or pulverized, carloads from specified points in New Jersey, Virginia, and West Virginia to Norton, Ala., and Martinsville, Va.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 15 to Agent C. W. Boin's I. C. C. A–1079.

FSA No. 32130: *Substituted service-motor-rail-motor—Pennsylvania Railroad.* Filed by Transamerican Freight Lines, Inc., for itself and interested rail and motor carriers. Rates on various commodities loaded in or on highway trailers transported on railroad flat cars between Chicago and East St. Louis, Ill., Pittsburgh, Pa., and Indianapolis, Ind., on the one hand, and Kearny, N. J., Pittsburgh and Philadelphia, Pa., on the other.

Grounds for relief: Motor-truck competition.

FSA No. 32131: *Trailer-on-flat-car service—St. L.-S. F. Ry.* Filed by St. Louis-San Francisco Railway Company, for itself, for interested rail and motor carriers. Rates on various commodities, moving on class and commodity rates, loaded in or on trailers and transported on railroad flat cars between points in Missouri and Oklahoma on the one hand, and points in Louisiana, Oklahoma and Texas, on the other, also between Kansas City, Mo., and Memphis, Tenn.

Grounds for relief: Competition of motor truck carriers and circuitous routes.

Tariff: St. Louis-San Francisco Railway Company I. C. C. No. A–641.

By the Commission.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F. R. Doc. 56–4194; Filed, May 28, 1956; 8:46 a. m.]

## OFFICE OF DEFENSE MOBILIZATION

WILLIAM WEBSTER

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Additions since last submission of Form ODM–163: Stock investment—American Nepheline Co., Riddle Airlines.

This amends statement previously published in the FEDERAL REGISTER December 31, 1955 (20 F. R. 10180).

Dated: February 1, 1956.

WILLIAM WEBSTER.

[F. R. Doc. 56–4287; Filed, May 31, 1956; 8:48 a. m.]

RUSSELL C. McCARTHY

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of Form ODM–163.

This amends statement previously published in the FEDERAL REGISTER December 31, 1955 (20 F. R. 10179).

Dated: February 1, 1956.

RUSSELL C. McCARTHY.

[F. R. Doc. 56–4288; Filed, May 31, 1956; 8:48 a. m.]

PETER HENLE

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of Form ODM–163.

This amends statement previously published in the FEDERAL REGISTER December 31, 1955 (20 F. R. 10177).

Dated: February 1, 1956.

PETER HENLE.

[F. R. Doc. 56–4289; Filed, May 31, 1956; 8:48 a. m.]

R. CARTER WELLFORD

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No changes since last submission of Form ODM–163.

This amends statement previously published in the FEDERAL REGISTER December 31, 1955 (20 F. R. 10179).

Dated: February 1, 1956.

R. CARTER WELLFORD.

[F. R. Doc. 56–4290; Filed, May 31, 1956; 8:48 a. m.]

STANLEY RUTTENBERG

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of Form ODM–163.

This amends statement previously published in the FEDERAL REGISTER December 31, 1955 (20 F. R. 10184).

Dated: February 1, 1956.

STANLEY RUTTENBERG.

[F. R. Doc. 56–4291; Filed, May 31, 1956; 8:49 a. m.]



## SECURITIES AND EXCHANGE COMMISSION

[File No. 70–3477]

PUBLIC SERVICE COMPANY OF OKLAHOMA

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE REGARDING ISSUANCE OF SHORT-TERM NOTES TO BANKS

MAY 25, 1956.

Public Service Company of Oklahoma ("Public Service"), a public-utility subsidiary of Central and South West Corporation, a registered holding company, has filed a declaration with this Commission pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 ("act") regarding certain proposed transactions which are summarized as follows:

Public Service proposes to borrow at any time or from time to time on or after May 28, 1956, from each of seven banks named below all or any part of the amount stated below opposite the name of such bank, provided that all such borrowings from all of said banks shall not exceed, in the aggregate, the sum of $12,000,000. The banks from which Public Service proposes to make these borrowings and their respective commitments thereunder are as follows:

| | |
|---|---|
| The First National Bank of Chicago (Chicago, Ill.) | $4,950,000 |
| Bankers Trust Co. (New York, N. Y.) | 3,600,000 |
| The First National Bank & Trust Co. of Tulsa (Tulsa, Okla.) | 1,200,000 |
| Harris Trust & Savings Bank (Chicago, Ill.) | 1,080,000 |
| National Bank of Tulsa (Tulsa, Okla.) | 960,000 |
| First National Bank in Bartlesville (Bartlesville, Okla.) | 150,000 |
| Utica Square National Bank of Tulsa (Tulsa, Okla.) | 60,000 |
| Total | 12,000,000 |

Such borrowings will be made pursuant to a Loan Agreement dated April 26, 1956, between Public Service and said banks which provides, among other things, that such borrowings may be effected no later than July 1, 1957, or the maturity date of the notes evidencing the first borrowing thereunder, whichever is earlier: *Provided, however,* That such first borrowing shall be made not later than August 1, 1956.

The borrowings are to be evidenced by promissory notes to be issued and delivered by Public Service from time to time in a principal amount equal to the amount of the borrowing made, to mature one year from the date of the first borrowing under said Loan Agreement, to bear interest from the dates thereof at the prime rate of interest in effect at The First National Bank of Chicago at the date each such borrowing is made, payable at maturity, and after maturity at the rate of 5 percent per annum, and to be subject to prepayment by Public Service at any time and from time to time without premium or penalty; all as provided in said Loan Agreement. Each borrowing and each prepayment shall be made in the ratio that the respective loans bear to the total loans to be made under the Loan Agreement and each borrowing will be made in multiples of $500,000.

The proceeds of such borrowings are required and will be used by the company to finance temporarily a portion of its 1956 construction expenditures, which are estimated at about $27,000,000, and such borrowings will be made from time to time as funds are required for the purpose during a period of not to exceed one year from the date of the first such borrowing.

It is contemplated that the notes proposed to be issued will be paid at or before maturity through the issuance and sale by Public Service of such securities as may be considered most appropriate in the light of market conditions existing at the time and as may be approved by the Commission to the extent required by the act.

No State commission and no Federal commission other than this Commission has jurisdiction over the proposed transactions.

No commitment or other fees are proposed to be paid by the company in connection with the proposed borrowings. The expenses to be incurred by the company in connection with the transaction will be nominal, consisting primarily of telephone tolls and other miscellaneous items of expense, estimated at not to exceed $400.

Due notice of the filing of said declaration having been given in the manner prescribed by Rule U-23 promulgated under said act, and no hearing having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and of the rules promulgated thereunder are satisfied, that the expenses set forth above are not unreasonable, and that the declaration should be permitted to become effective forthwith:

*It is ordered,* Pursuant to Rule U-23 and the applicable provisions of the act that said declaration be, and the same hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
*Secretary.*

[F. R. Doc. 56–4281; Filed, May 31, 1956; 8:47 a. m.]

[File No. 812–1012]

NATIONAL AVIATION CORP.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION OF PURCHASE OF SECURITIES DURING EXISTENCE OF UNDERWRITING SYNDICATE

MAY 25, 1956.

Notice is hereby given that National Aviation Corporation, a registered closed-and non-diversified investment company, has filed an application and an amendment thereto, pursuant to section 10 (f) of the Investment Company Act of 1940 ("act"), for an order of the Commission exempting from the provisions of section 10 (f) of the act, the proposed purchase by the applicant of not to exceed $500,000 principal amount of the __ percent Convertible Subordinated Debentures, due June 1, 1971, of Western Air Lines, Inc. at the public offering price.

The application states that Western Air Lines, Inc. is preparing to issue $5,000,000 principal amount of __ percent Convertible Subordinated Debentures, due June 1, 1971. Such Debentures are proposed to be issued and sold on or about June 6, 1956, through an underwriting syndicate, including the firm of Paine, Webber, Jackson & Curtis.

The applicant states that it proposes to purchase the Debentures from any of the underwriters other than Paine, Webber, Jackson & Curtis. The amount of Debentures proposed to be purchased by the applicant would constitute 10 percent of the total offering by Western Air Lines, Inc. and would represent approximately 2 percent of the total assets of the applicant.

The application recites that Stuart R. Reed, a director of the applicant, is a special partner in the firm of Paine, Webber, Jackson & Curtis.

Section 10 (f) of the act provides, among other things, that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security (except a security of which such company is the issuer) a principal underwriter of which is a person of which a director of such registered investment company is an affiliated person unless the Commission by order grants an exemption therefrom. Since Reed is an affiliated person of an investment banking firm which will be part of the underwriting group of the Debenture offering of Western Air Lines, Inc., referred to above, the purchase of such Debentures by the applicant from such underwriters is subject to the provisions of section 10 (f) of the act.

It is represented that the proposed purchase of Debentures of Western Airlines, Inc. is consistent with the investment policies of the applicant.

Notice is further given that any interested person may, not later than June 5, 1956, at 12:00 noon, submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application, as amended, may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
*Secretary.*

[F. R. Doc. 56–4282; Filed, May 31, 1956; 8:47 a. m.]

## DEPARTMENT OF JUSTICE

### Office of Alien Property

[Vesting Order 14772, Amdt.]

ALLIANZ LEBENSVERSICHERUNGS A. G.

In re: Bonds and coupons owned by Allianz Lebensversicherungs A. G. F-28-22181; A-1.

Vesting Order 14772, dated June 20, 1950, is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Allianz Lebensversicherungs, A. G., the last known address of which is 1 Jebenstrasse, Berlin-Charlottenburg, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has, or since the effective date of Executive Order 8389, as amended, has had its principal place of business in Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain debts or other obligations, matured and unmatured, evidenced by the bonds described in Exhibit A, attached hereto and by reference made a part hereof, and evidenced by coupons attached to or detached from said bonds and due on or after the respective dates set forth in said Exhibit A, said bonds and coupons issued in bearer form, together with any and all accruals to the aforesaid debts or other obligations, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under said bonds and coupons, and

b. Those certain debts or other obligations, matured and unmatured, evidenced by twelve (12) coupons, detached from State of California Veterans of 1929 Bonds, numbered 11827/38, said coupons of an aggregate face value of $240.00, and due February 1, 1940, together with any and all accruals to the aforesaid debts or other obligations, and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under said coupons,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Allianz Lebensversicherungs A. G., the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 25, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,*
*Office of Alien Property.*

EXHIBIT A—BONDS

| Description of issue | Bond Nos. | Coupons | Face amount |
|---|---|---|---|
| United States Treasury 4 percent bonds, 1944-54 | J-52839 | Dec. 15, 1939 | $10,000. |
| | J-57609 | Dec. 15, 1939 | $10,000. |
| | K-59980 | Dec. 15, 1939 | $10,000. |
| | B-221322 | Dec. 15, 1939 | $1,000. |
| | B-221323 | Dec. 15, 1939 | $1,000. |
| United States Treasury 4½ percent bonds, 1947-52 | K-2870 | Oct. 15, 1939 | $100,000. |
| State of California 4 percent First Highway bonds, due July 3, 1946. | 11836/60 | Jan. 3, 1940 | $1,000 each. |
| State of California 4 percent Veterans bonds of 1929, due Feb. 1, 1948. | 11839/59 | Feb. 1, 1940 | $1,000 each. |
| | 11876/925 | Feb. 1, 1940 | $1,000 each. |
| State of California 4 percent Veterans bonds of 1925, due Feb. 1, 1949. | 15761/4 | Feb. 1, 1940 | $1,000 each. |
| | 15848/68 | Feb. 1, 1940 | $1,000 each. |
| State of California 4 percent San Francisco Harbor Improvement No. 2 bonds, due July 2, 1989. | 2371 | Jan. 2, 1940 | $1,000. |
| | 2387/95 | Jan. 2, 1940 | $1,000 each. |
| State of Illinois 4¾ percent Service Compensation bonds, due Aug. 1, 1942. | 12026 | Aug. 1, 1940 | $1,000. |
| | 12037/45 | Aug. 1, 1940 | $1,000 each. |
| | 13628/32 | Aug. 1, 1940 | $1,000 each. |
| | 13876/85 | Aug. 1, 1940 | $1,000 each. |
| State of Iowa 4½ percent World War I bonus bonds due Dec. 1, 1939. | 18479/500 | Dec. 1, 1939 | $1,000 each. |
| State of Maine 4 percent Highway bonds, due May 1, 1941 | 30013/22 | Nov. 1, 1939 | $1,000 each. |
| State of Michigan 4¼ percent Highway Improvement bonds, due Nov. 15, 1944. | 451/500 | Nov. 15, 1939 | $1,000 each. |
| | 2151/2200 | Nov. 15, 1939 | $1,000 each. |
| State of Michigan 4½ percent Highway Improvement bonds, due Aug. 1, 1943. | P-1033/40 | Feb. 1, 1940 | $1,000 each. |
| State of Minnesota 3¾ percent Highway bonds, due July 15, 1942. | 12216/25 | Jan. 15, 1940 | $1,000 each. |
| State of Missouri 4¼ percent Road-I bond, due Mar. 1, 1944 | 3412 | Mar. 1, 1940 | $1,000. |
| State of New Jersey 4¼ percent Road bonds, due July 1, 1944 | 9101/90 | Jan. 1, 1940 | $1,000 each. |
| | 9981/10,000 | Jan. 1, 1940 | $1,000 each. |
| State of Oregon 4 percent World War Veterans State Aid bonds, due Oct. 1, 1943. | 2976/3000 | Oct. 1, 1939 | $1,000 each. |
| State of Oregon 4¼ percent Highway bonds, due Oct. 1, 1945 | 5816/40 | Oct. 1, 1939 | $1,000 each. |
| State of West Virginia 4¼ percent Road bonds, due Jan. 1, 1950 | 18026/75 | Jan. 1, 1940 | $1,000 each. |
| State of West Virginia 4½ percent Road bonds, due Apr. 1, 1951 | 16513/15 | Oct. 1, 1939 | $1,000 each. |
| State of West Virginia 4¼ percent Road bonds, due Apr. 1, 1957 | 16967/95 | Oct. 1, 1939 | $1,000 each. |

[F. R. Doc. 56-4299; Filed, May 31, 1956; 8:50 a. m.]

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[Vesting Order 17685, Amdt.]

HEDWIG NEUHAUS

In re: Bonds owned by Hedwig Neuhaus. F-28-31427.

Vesting Order 17685, dated April 18, 1951, is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hedwig Neuhaus, whose last known address is 17/I Oststrasse, Bad Harzburg, Germany, is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations matured or unmatured, evidenced by two (2) Southern Pacific Railroad Company 4 percent 1st Refunding Mortgage Gold bonds, due January 1, 1955, each of $1,000 face value, bearing numbers 27580 and 69309, and evidenced by coupons attached to or detached from said bonds and due on or after July 1, 1940, together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid bonds and coupons,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Hedwig Neuhaus, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 25, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 56-4300; Filed, May 31, 1956; 8:50 a. m.]

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[Vesting Order 18114, Amdt.]

OTTO LEISER

In re: Bonds owned by Otto Leiser. F-28-31483.

Vesting Order 18114, dated July 2, 1951, is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Otto Leiser, whose last known address is Hamburg, Germany is a resident of Germany and a national of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain debts or other obligations, matured or unmatured, evidenced by three (3) Norfolk and Western Railway Company, First Consolidated Mortgage 4 percent Gold Bonds in bearer form, bearing the numbers D 4393 and D 4775 of $500 face value each and 31131 of $1,000 face value, and evidenced by coupons attached to or detached from said bonds and due on or after October 1, 1940, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under said bonds and coupons, and

b. Those certain debts or other obligations, matured or unmatured, evidenced by two (2) The Atchison, Topeka and Santa Fe Railway Company General Mortgage 4 percent Gold Bonds, of $1,000 face value each, in bearer form and bearing the numbers M 73255 and M 78273, and evidenced by coupons attached to or detached from said bonds and due on or after October 1, 1940, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under said bonds and coupons,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on May 25, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 56-4301; Filed, May 31, 1956; 8:51 a. m.]

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

# FEDERAL REGISTER

VOLUME 21 NUMBER 107

Washington, Saturday, June 2, 1956

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## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

PART 38—MOTOR VEHICLE OPERATOR REGULATIONS

IDENTIFICATION CARD

Section 38.201 is amended as set out below:

§ 38.201 *Identification card.* (a) An employee who operates a Government-owned motor vehicle shall have an identification card issued in accordance with the regulations in this part: *Provided,* That an employee who has been qualified to drive by an agency prior to the effective date of the regulations in this part and who possesses a valid State license may continue to operate Government-owned motor vehicles after such effective date but in no event beyond three years after such effective date unless he is issued an identification card in accordance with the regulations in this part.

(b) The Commission may grant exceptions to the requirement that the identification card be issued to certain employees who otherwise meet the requirements of the regulations in this part when such exceptions are found to be in the interest of good administration.

(R. S. 1753, sec. 2, 22 Stat. 403, as amended, sec. 211, 64 Stat. 583, sec. 2, 68 Stat. 1126; 5 U. S. C. 631, 633, 40 U. S. C. 491)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
*Exccutive Assistant.*

[F. R. Doc. 56-4337; Filed, June 1, 1956; 8:51 a. m.]

## TITLE 6—AGRICULTURAL CREDIT

### Chapter I—Farm Credit Administration

Subchapter B—Federal Farm Loan System

PART 10—FEDERAL LAND BANKS GENERALLY

INTEREST RATES ON LOANS MADE THROUGH ASSOCIATIONS

Approval has been given to: an interest rate of 5 percent per annum on loans by the Federal Land Bank of Baltimore applied for through associations on and after June 1, 1956; an interest rate of 4½ percent per annum on loans by the Federal Land Bank of Berkeley applied for through associations on and after June 1, 1956; and an interest rate of 4½ percent per annum on loans by the Federal Land Bank of Spokane applied for through associations on and after June 1, 1956. In order to reflect such approvals, § 10.54 of Title 6 of the Code of Federal Regulations (1955 Supp.) is hereby amended, effective June 1, 1956, to read as follows:

§ 10.54 *Interest rates on loans made through associations.* Notwithstanding such loan interest rates may exceed by more than 1 percent per annum the interest rate on the Federal farm loan bonds of the last series issued prior to the making of any such loans, approval is given to an interest rate of 4 percent per annum on loans made by banks through associations generally, except that higher interest rates are approved for the following banks as indicated:

| Federal land bank: | *Interest rate (percent)* |
|---|---|
| Springfield | 4½ |
| Baltimore | 5 |
| Columbia | 5 |
| Berkeley | 4½ |
| Spokane | 4½ |

(Sec. 6, 47 Stat. 14, sec. 33, 48 Stat. 49, sec. 80, 48 Stat. 273; 12 U. S. C. 665, secs. 12 "Second" 17, 39 Stat. 370, 375, as amended; 12 U. S. C. 771 "Second," 831)

[SEAL] A. T. ESGATE,
*Acting Governor.*

[F. R. Doc. 56-4324; Filed, June 1, 1956; 8:49 a. m.]

## TITLE 7—AGRICULTURE

### Chapter III—Agricultural Research Service, Department of Agriculture

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—PINK BOLLWORM

CONDITIONS GOVERNING MOVEMENT OF REGULATED ARTICLES; CLEANING OR TREATING REQUIREMENTS FOR ARTICLES WHEN CONTAMINATED

On April 4, 1956, there was published in the FEDERAL REGISTER (21 F. R. 2142) a notice of proposed rule making concerning amendments of certain regulations supplemental to notice of quarantine No. 52 relating to the pink bollworm.

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FEDERAL REGISTER

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**CFR SUPPLEMENTS**

**(As of January 1, 1956)**

The following Supplements are now available:

**Title 14: Parts 1–399 ($2.50)**
**Titles 28–29 ($1.25)**
**Title 32: Parts 400–699 ($0.65)**
**Title 33 ($1.50)**
**Title 43 ($0.50)**
**Title 46: Parts 1–145 ($0.60)**

*Previously announced:* Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 7: Parts 1–209 ($1.25); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. I, and Title 27 ($1.00); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Titles 35–37 ($1.00); Titles 40–42 ($0.65); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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After due consideration of all relevant matters presented, and under the authority of sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), the Administrator of the Agricultural Research Service hereby amends §§ 301.52–5 (l) (2) and 301.52–8 of the regulations supplemental to notice of quarantine No. 52 (7 CFR 301.52–5 (l) (2), 301.52–8, 20 F. R. 4935) to read, respectively, as follows:

§ 301.52–5 *Conditions governing movement of regulated articles.* * * *

(l) *Okra.* * * *

(2) *Edible okra.* (i) Edible okra produced in Texas may be moved under a certificate to any destination during the period December 1 to April 30, inclusive, when produced, handled, and marketed under such conditions as in the judgment of the inspector render it free from infestation.

(ii) Edible okra produced in Texas may be moved to any destination during the period May 1 to November 30, inclusive, under a certificate which may be issued if the okra has been produced, handled, and marketed in such a manner that such movement, in the judgment of the inspector, will not disseminate infestation, or has been treated under the supervision of an inspector in accordance with methods selected by him from administratively authorized procedures known to be effective under the conditions applied.

(iii) Edible okra produced in Texas, when suitably identified on the container thereof with a stamp as required by the inspector, may be moved during the period May 1 to November 30, inclusive, without certificate or limited permit to any destination in the noncotton-producing States of Colorado, Connecticut, Delaware, Idaho, Indiana, Iowa, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, Washington, West Virginia, Wisconsin, and Wyoming; or the District of Columbia; or the following cities in cotton-producing States: Chicago, Illinois; Kansas City and Wichita, Kansas; Kansas City and St. Louis, Missouri; and Louisville, Kentucky; for immediate processing or consumption therein.

(iv) Edible okra produced in Texas may be moved therefrom without restriction to destinations in New Mexico and Oklahoma when suitably identified on the container thereof with a stamp as required by the inspector.

(v) Edible okra produced in any other part of the regulated area may be moved without restriction to any destination when produced, handled, and marketed under such conditions as in the judgment of the inspector render it free from infestation. Otherwise, it must be treated as provided in subdivision (ii) of this subparagraph or must meet the requirements of subdivision (iii) of this subparagraph (other than the requirement of production in Texas).

§ 301.52–8 *Cleaning or treating requirements for articles when contaminated.* Railway cars, trucks, and other means of transportation; bagging and other containers and wrappers for cotton and cotton products; picking, ginning, and oil mill equipment, and other cotton processing machinery and cotton harvesting machinery; other farm equipment; farm household goods; farm products; and any other commodities; which are found to be contaminated with live pink bollworms, or with cotton or cotton products originating within the regulated area or imported thereinto from contiguous areas of Mexico, may be moved from or within the regulated area only after they have been freed from such contamination by cleaning or treatment to the satisfaction of an inspector, after which cleaning or treatment no certificate or limited permit will be required except as prescribed by an inspector for bagging, for other containers and wrappers for cotton and cotton products, and for cotton processing or harvesting machinery. Cotton harvesting machinery or cotton ginning machinery that has been used or otherwise kept within the regulated area will be deemed to be contaminated within the meaning of § 301.52 and may be moved to a nonregulated area or to that part of the regulated area in Arizona, Arkansas, or Louisiana from any part of the regulated area not in one of these three States only if it has been cleaned and given an approved fumigation and is covered by a certificate: *Provided, however,* That approved fumigation of such cotton ginning machinery as a requirement for certification may be waived when in the judgment of the inspector the machinery has been disassembled, cleaned, and reconditioned in such a manner as to preclude the possibility of its harboring seed cotton or live pink bollworms.

The amendment of § 301.52–5 (l) (2) (i) extends for one month the period during which certain edible okra produced in Texas may be moved under certificate. Corresponding changes have been made in § 301.52–5 (l) (2) (ii) and (iii). Provision in § 301.52–5 (l) (2) (ii) for certification of edible okra, for movement after processing under authorized methods, has been eliminated. An amendment of § 301.52–5 (l) (2) (iii) eliminates a previous restriction as to the shipper and manner of shipment of edible okra to certain destinations and adds St. Louis, Missouri to the list of such destinations. A new § 301.52–5 (l) (2) (iv) allows unrestricted movement throughout the year of identifiable Texas-grown edible okra when shipped from Texas to New Mexico or Oklahoma. Former § 301.52–5 (l) (2) (iv) has been redesignated as § 301.52–5 (l) (2) (v) and a reference therein to a processing requirement has been eliminated in conformity with the amended § 301.52–5 (l) (2) (ii). Provisions in § 301.52–5 (l) (2) (i) and (ii) and redesignated (v) have been changed specifically to require as a condition of movement that certain edible okra must have been handled and marketed, as well as produced, under various specified conditions. Section 301.52–8 has been amended to allow waiver of fumigation requirements for certain cotton ginning machinery.

These amendments should be made effective as soon as possible in order to be of maximum benefit in preventing the interstate spread of the pink bollworm and in permitting the movement of edible okra under certain conditions. Good cause is found, therefore, for issuing them effective less than 30 days after publication in the FEDERAL REGISTER, as provided in section 4 of the Administrative Procedure Act (5 U. S. C. 1003).

(Secs. 8, 9, 37 Stat. 318, as amended; 7 U. S. C. 161, 162)

These amendments shall be effective June 2, 1956.

Done at Washington, D. C., this 28th day of May 1956.

[SEAL] M. R. CLARKSON,
*Acting Administrator,*
*Agricultural Research Service.*

[F. R. Doc. 56-4352; Filed, June 1, 1956; 8:55 a. m.]

## Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 71]

### PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

#### LIMITATION OF HANDLING

§ 922.371 *Valencia Orange Regulation 71*—(a) *Findings.* (1) Pursuant to

Order No. 22 (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective March 31, 1954, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on May 31, 1956, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting: the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., June 3, 1956, and ending at 12:01 a. m., P. s. t., June 10, 1956, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 831,600 cartons;

(iii) District 3: Unlimited movement.

(2) Valencia oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "handler," "District 1," "District 2," and "District 3," have the same meaning as when used in said order; and "carton" means the standard one-half orange, grapefruit or lemon box set forth as standard container number 58 in section 828.83, as amended, of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 1, 1956.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-4405; Filed, June 1, 1956; 11:26 a. m.]

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[Lemon Reg. 644]

## PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

### LIMITATION OF SHIPMENTS

§ 953.751 *Lemon Regulation 644*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 8451), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on May 29, 1956, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., June 3, 1956, and ending at 12:01 a. m., P. s. t., June 10, 1956, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 511,500 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," and "District 3" have the same meaning as when used in the said amended marketing agreement and order; and "carton" means the standard one-half orange, grapefruit or lemon box set forth as standard container number 58 in section 828.83, as amended, of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: May 31, 1956.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-4389; Filed, June 1, 1956; 8:58 a. m.]

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# TITLE 14—CIVIL AVIATION

## Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 6-8]

## PART 6—ROTORCRAFT AIRWORTHINESS; NORMAL CATEGORY

### SIMPLIFICATION OF AIRWORTHINESS REQUIREMENTS FOR SMALL AIRCRAFT

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 25th day of May 1956.

Part 6, as adopted in 1946, was the initial attempt to establish standards for rotorcraft certification. Since then, as equipment improved and experience with respect to rotorcraft operations increased, amendments were adopted from time to time in recognition of the changes, and an attempt was made in each amendment to accommodate the changes within the framework of the part. This has become increasingly difficult to do especially when it becomes necessary to prescribe regulations for the larger and more complicated equipment. To date no distinction has been made in the Civil Air Regulations between large and small rotorcraft or rotorcraft intended for general and air carrier services, and it has become apparent that the existing regulations are not suitable for both large and small rotorcraft.



In recognition of this situation, the Board, in recent years, has conducted studies with the view to establishing separate airworthiness requirements for large rotorcraft intended for use in air carrier service. These studies have resulted in a categorization of rotorcraft with corresponding airworthiness requirements.

The three categories being established are the "Normal Category" for relatively small rotorcraft, and "Transport Category A" and "Transport Category B" applicable to large rotorcraft. Rotorcraft certificated in the Normal Category are intended to be eligible for passenger and cargo operations for hire including services such as those generally classified as "fixed base" and "air taxi". It is not intended that air carrier operations conducted under a certificate of public convenience and necessity will utilize Normal Category rotorcraft. Certification in the normal category would be limited to rotorcraft of 6,000 pounds or less maximum weight. By dividing the rotorcraft for certification into categories as aforementioned, and by amending some of the provisions in the present requirements, it is considered that the provisions of Part 6 will be simplified and made more directly applicable to smaller rotorcraft. Significant in this simplification of the provisions of Part 6 is the clarification and liberalization of the performance information provisions and the deletion of the requirement for a flight manual for helicopters.

Concurrently with the adoption of these amendments to Part 6, the Board is adopting a new Part 7 of the Civil Air Regulations which will be applicable to the large rotorcraft, and under which rotorcraft in Transport Categories A and B may be certificated.

Interested persons have been afforded an opportunity to participate in the making of these amendments (20 F. R. 3114), and due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 6 of the Civil Air Regulations (14 CFR Part 6, as amended) as follows, effective August 1, 1956:

1. By amending the title of Part 6 to read "Rotocraft Airworthiness Normal Category."

2. By amending § 6.0 to read as follows:

§ 6.0 *Applicability of this part.* This part contains standards with which compliance shall be demonstrated for the issuance of and changes to type certificates for rotorcraft. This part, until superseded or rescinded, shall apply to rotorcraft of any weight for which applications for type certification under this part were made between the effective date of this part (January 15, 1951) and August 1, 1956. For applications for type certificates made after August 1, 1956, this part shall apply only to rotorcraft which have a maximum weight of 6,000 pounds or less.

3. By amending § 6.1 (c) by deleting subparagraph (6) and redesignating subparagraphs (7) and (8) as (6) and (7), respectively.

4. By amending § 6.103 (a) by deleting from the second sentence the words "with full throttle and" and adding to the end of the sentence the words "and with the engine(s) operating within the approved limitations".

5. By amending § 6.111 to read as follows:

§ 6.111 *Take-off.* The take-off shall be demonstrated at maximum certificated weight, forward center of gravity, and using take-off power at take-off rpm and made in a manner such that a landing can be made safely at any point along the flight path in case of an engine failure and shall not require an exceptional degree of skill on the part of the pilot or exceptionally favorable conditions. Pertinent information concerning the take-off procedure, including the type of take-off surface and appropriate climb-out air speeds, shall be specified in the operating procedures section of the Rotorcraft Flight Manual. (See §§ 6.715, 6.740, and 6.742.)

6. By amending § 6.112 (a) by adding the words "except helicopters" between the words "rotorcraft" and "the" in the first sentence and deleting the phrase "For all rotorcraft except helicopters" from the second sentence.

7. By amending § 6.112 (b) to read as follows:

§ 6.112 *Climb.* • • •

(b) For helicopters the best rate-of-climb speed shall be determined at standard sea level conditions at maximum certificated weight with all engines operating at maximum continuous power.

8. By amending § 6.112 by adding a new paragraph (c) to read as follows:

§ 6.112 *Climb.* • • •

(c) For multiengine helicopters the steady rate of climb or descent shall be determined at maximum certificated weight, at the best rate-of-climb or descent speed, with one engine inoperative, and the remaining engine(s) operating at maximum continuous power.

9. By amending § 6.113 (a) to read as follows:

§ 6.113 *Minimum operating speed performance.* (a) Hovering ceilings for helicopters shall be determined over the range of weights, altitudes, and temperatures for which certification is sought with take-off power and landing gear extended in the ground effect at a height above the ground consistent with normal take-off procedures.

10. By amending § 6.113 (b) by deleting the words "in subparagraph (a) (1)" and inserting in lieu thereof the words "in paragraph (a)".

11. By amending § 6.114 by deleting the introductory paragraph and inserting in lieu thereof the following: "Landings shall be demonstrated in accordance with the provisions of paragraphs (a) through (d) of this section. Pertinent information concerning the landing procedure, including the type of landing surface and appropriate approach and glide air speeds, shall be specified in the operating procedures section of the Rotorcraft Flight Manual (see §§ 6.740 and 6.742)."

12. By amending § 6.114 by deleting paragraph (e).

13. By amending § 6.121 (d) by inserting the words "weight and" between the word "critical" and the phrase "center of gravity".

14. By amending § 6.123 (b) (1) and (b) (2) to read as follows:

§ 6.123 *Stability.* • • •

(b) *Static longitudinal stability.* • • •

(1) *Climb.* The stick position curve shall have a stable slope over a speed range from 15 percent of $V_Y$ or 15 mph, whichever is greater, below $V_Y$ to 20 percent of $V_Y$ or 15 mph, whichever is greater, above $V_Y$, but in no case greater than 1.1 $V_{NE}$, with:

(i) Critical weight and center of gravity,

(ii) Maximum continuous power,

(iii) Landing gear retracted, and

(iv) Trim at best rate-of-climb speed ($V_Y$).

(2) *Cruise.* The stick position curve shall have a stable slope over a speed range from 0.7 $V_H$ or 0.7 $V_{NE}$, whichever is less, to 1.1 $V_H$ or 1.1 $V_{NE}$, whichever is less, with:

(i) Critical weight and center of gravity,

(ii) Power for level flight at 0.9 $V_H$ or 0.9 $V_{NE}$, whichever is less,

(iii) Landing gear retracted, and

(iv) Trimmed at 0.9 $V_H$ or 0.9 $V_{NE}$, whichever is less.

15. By amending § 6.203 (d) to read as follows:

§ 6.203 *Structural and dynamic tests.* • • •

(d) Flight stress measurements (see §§ 6.221 and 6.250).

16. By amending § 6.230 (c) by deleting the last sentence and inserting in lieu thereof the following: "Higher values of rotor lift shall be acceptable if substantiated by tests and/or data which are applicable to the particular rotorcraft."

17. By amending § 6.234 to read as follows:

§ 6.234 *Lateral-drift landing condition.* (a) The rotorcraft shall be assumed in the level landing attitude. Side loads shall be combined with one-half the maximum ground reactions obtained in the level landing conditions of § 6.231 (b) (1). These loads shall be applied at the ground contact point, unless the landing gear is of the full-swiveling type in which case the loads shall be applied at the center of the axle. The conditions set forth in paragraphs (b) and (c) of this section shall be considered.

(b) Only the wheels aft of the center of gravity shall be assumed to contact the ground. Side loads equal to 0.8 of the vertical reaction acting inward (on one side) and 0.6 of the vertical reaction acting outward (on the other side) shall be combined with the vertical loads specified in paragraph (a) of this section.

(c) The forward and aft wheels shall be assumed to contact the ground simultaneously. Side loads on the wheels aft of the center of gravity shall be applied

in accordance with paragraph (b) of this section. A side load at the forward gear equal to 0.8 of the vertical reaction shall be combined with the vertical load specified in paragraph (a) of this section.

18. By amending § 6.237 (a) by adding the following sentence to the end of the definition of $W=W_M$: "A rational method may be used in computing a main gear static reaction, taking into consideration the distance between the direction of the main wheel reaction and the aircraft c. g."

19. By amending § 6.237 (a) by deleting the phrase "not in excess of 0.5" from the definition of *L*.

20. By amending § 6.237 (b) by deleting the phrase "than 0.75 times the rotorcraft maximum weight" and inserting in lieu thereof the phrase "than 1.5 times the rotor lift used in the limit drop tests".

21. By amending § 6.337 by deleting the first sentence and inserting in lieu thereof the following: "Landing gear wheels shall be equipped with any make or type of tire provided that the tire is a proper fit on the rim of the wheel and provided that the approved tire rating is not exceeded."

22. By amending § 6.338 by deleting the first sentence.

23. By deleting § 6.339.

24. By amending § 6.340 to read as follows:

§ 6.340 *General.* The requirements of §§ 6.341 and 6.342 shall apply to the design of floats.

25. By amending § 6.341 (a) (2) by deleting the words "double floats" and inserting in lieu thereof the words "multiple floats".

26. By amending § 6.341 (b) to read as follows:

§ 6.341 *Buoyancy (main floats).* • • •

(b) Main floats shall contain at least four water-tight compartments of approximately equal volume.

27. By amending § 6.342 (a) by deleting from the first sentence the words "the rotorcraft is designed" and inserting in lieu thereof the words "certification with floats is sought".

28. By amending § 6.342 (b) by deleting the second sentence and inserting in lieu thereof the following: "The loads specified may be distributed along the length of the floats."

29. By amending § 6.350 by deleting paragraph (c) and redesignating paragraph (d) as paragraph (c).

30. By amending § 6.420 by deleting the first three sentences.

31. By amending § 6.440 (b) by deleting from the second sentence the words "the total oil capacity of 1 gallon for each 30 gallons of fuel capacity" and inserting in lieu thereof "the usable oil capacity of 1 gallon for each 40 gallons of usable fuel quantity".

32. By deleting § 6.452.

33. By deleting § 6.487.

34. By deleting § 6.488.

35. By amending § 6.604 (a) by deleting subparagraph (4) and redesignating subparagraph (5) as subparagraph (4).

36. By amending § 6.604 (b) by deleting subparagraph (1) and redesignating the remaining subparagraphs as (1) through (4).

37. By amending § 6.604 by adding a new paragraph (c) to read as follows:

§ 6.604 *Powerplant instruments.* • • •

(c) For each transmission or gear box having an independent oil system there shall be installed:

(1) An oil temperature indicator, and

(2) An oil pressure indicator if a pressure system is employed.

38. By amending § 6.634 to read as follows:

§ 6.634 *Position light distribution and intensities*—(a) *General.* The intensities prescribed in this section are those to be provided by new equipment with all light covers and color filters in place. Intensities shall be determined with the light source operating at a steady value equal to the average luminous output of the light source at the normal operating voltage of the rotorcraft. The light distribution and intensities of position lights shall comply with the provisions of paragraph (b) of this section.

(b) *Forward and rear position lights.* The light distribution and intensities of forward and rear position lights shall be expressed in terms of minimum intensities in the horizontal plane, minimum intensities in any vertical plane, and maximum intensities in overlapping beams, within dihedral angles L, R, and A, and shall comply with the provisions of subparagraphs (1) through (3) of this paragraph.

(1) *Intensities in horizontal plane.* The intensities in the horizontal plane shall not be less than the values given in Figure 6–1. (The horizontal plane is the plane containing the longitudinal axis of the rotorcraft and is perpendicular to the plane of symmetry of the rotorcraft.)

(2) *Intensities above and below horizontal.* The intensities in any vertical plane shall not be less than the appropriate value given in Figure 6–2, where I is the minimum intensity prescribed in Figure 6–1 for the corresponding angles in the horizontal plane. (Vertical planes are planes perpendicular to the horizontal plane.)

(3) *Overlaps between adjacent signals.* The intensities in overlaps between adjacent signals shall not exceed the values given in Figure 6–3, except that higher intensities in the overlaps shall be acceptable with the use of main beam intensities substantially greater than the minima specified in Figures 6–1 and 6–2 if the overlap intensities in relation to the main beam intensities are such as not to affect adversely signal clarity.

| Dihedral angle | Angle from right or left of longitudinal axis, measured from dead ahead | Intensity (candles) |
|---|---|---|
| L and R | 0° to 10° | 40 |
| (Forward red and green) | 10° to 20° | 30 |
| | 20° to 110° | 5 |
| A (rear white) | 110° to 180° | 20 |

FIGURE 6–1—MINIMUM INTENSITIES IN THE HORIZONTAL PLANE OF FORWARD AND REAR POSITION LIGHTS

| Angle above or below horizontal | Intensity |
|---|---|
| 0° | 1.00 I. |
| 0° to 5° | 0.90 I. |
| 5° to 10° | 0.80 I. |
| 10° to 15° | 0.70 I. |
| 15° to 20° | 0.50 I. |
| 20° to 30° | 0.30 I. |
| 30° to 40° | 0.10 I. |
| 40° to 90° | At least 2 candles. |

FIGURE 6–2—MINIMUM INTENSITIES IN ANY VERTICAL PLANE OF FORWARD AND REAR POSITION LIGHTS

| Overlaps | Maximum intensity | |
|---|---|---|
| | Area A (candles) | Area B (candles) |
| Green in dihedral angle L | 10 | 1 |
| Red in dihedral angle R | 10 | 1 |
| Green in dihedral angle A | 5 | 1 |
| Red in dihedral angle A | 5 | 1 |
| Rear white in dihedral angle L | 5 | 1 |
| Rear white in dihedral angle R | 5 | 1 |

NOTE: Area A includes all directions in the adjacent dihedral angle which pass through the light source and which intersect the common boundary plane at more than 10 degrees but less than 20 degrees. Area B includes all directions in the adjacent dihedral angle which pass through the light source and which intersect the common boundary plane at more than 20 degrees.

FIGURE 6–3—MAXIMUM INTENSITIES IN OVERLAPPING BEAMS OF FORWARD AND REAR POSITION LIGHTS

39. By amending § 6.711 (a) by inserting in the second sentence the phrase "with all engines at maximum continuous power" after the phrase "best rate of climb speed".

40. By amending § 6.715 by changing the title to "*Limiting height-speed envelope*" and by adding the following sentence at the end of the section: "Such an envelope shall be established in full autorotation for single-engine helicopters and with one engine inoperative for multiengine helicopters provided that engine insolation design features are incorporated to assure continued operation of the remaining engines. (See § 6.741 (f).)"

41. By amending § 6.738 (b) by changing the title to "*Fuel and oil filler openings*", by deleting the words "subparagraphs (1) through (3)" and inserting in lieu thereof the words "subparagraphs (1) and (2)", and by deleting subparagraph (3).

42. By amending § 6.740 (a) to read as follows:

§ 6.740 *General.* (a) A Rotorcraft Flight Manual shall be furnished with each rotorcraft, except that a Rotorcraft Flight Manual is not required for helicopters certificated under this part; instead, the information prescribed in this part for inclusion in the Rotorcraft Flight Manual shall be made available to the operator by the manufacturer in the form of clearly stated placards, markings, or manuals. If all of the operating limitations are not included in the form of placards and markings on the helicopter then the portion of the manual supplied by the manufacturer containing the operating limitations prescribed in § 6.741 shall be approved and furnished with each helicopter.

43. By amending § 6.742 by adding between the words "information" and "peculiar" the words "including take-off and landing procedures and their appropriate air speeds".

44. By amending § 6.743 by deleting the words "(a) through (d)" and inserting in lieu thereof the words "(a) and (b)", and by deleting paragraphs (a) and (o) and redesignating paragraphs (b) and (d) as paragraphs (a) and (b).

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009 as amended, 49 U. S. C. 551, 553)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
*Secretary.*

[F. R. Doc. 56–4355; Filed, June 1, 1956; 8:56 a. m.]

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## PART 7—ROTORCRAFT AIRWORTHINESS; TRANSPORT CATEGORIES

### CIVIL AIR REGULATIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 25th day of May 1956.

Until the present time, all of the effective airworthiness requirements for rotorcraft were contained in Part 6 of the Civil Air Regulations. These requirements were based mainly upon experience with rotorcraft of relatively small size, and very little distinction was made between large and small rotorcraft or between rotorcraft intended for general and air carrier service.

Since the adoption of Part 6 the size and complexity of rotorcraft equipment have grown, and with each new design development in this field an attempt was made to accommodate the changes within the framework of Part 6. This became more difficult to do because when catering to the larger and more complicated rotorcraft the airworthiness provisions for smaller, more basic, rotorcraft became unnecessarily complex. Therefore, it has become apparent that the existing regulations in Part 6 are not suitable for the certification requirements applicable to both large and small rotorcraft and rotorcraft to be utilized in the transport category class require a set of provisions peculiar to their needs.

In recognition of this situation, the Board, in recent years, has conducted studies with the view to establishing airworthiness requirements for large rotorcraft which are intended to be used in air carrier service. These studies have resulted in a categorization of rotorcraft with corresponding airworthiness requirements. The three categories being established are the "Normal Category" for rotorcraft of 6,000 pounds or less maximum weight, "Transport Category A" for multiengine rotorcraft of unlimited weight, and "Transport Category B" for single or multiengine rotorcraft of 20,000 pounds or less maximum weight. Rotorcraft certificated in either of the transport categories will be eligible for operations in either scheduled or irregular passenger or cargo service.

Concurrently with the adoption of this new Part 7, the Board is adopting amendments to Part 6 of the Civil Air Regulations which make the part applicable to small rotorcraft in the normal category and which simplify and clarify the requirements for certification of such rotorcraft.

In the development of Part 7, consideration was given to the problem of whether specific airworthiness requirements for large rotorcraft should be adopted prior to obtaining significant operating experience in such rotorcraft types, or whether the considerations of the design of large transport category rotorcraft required an early determination of at least the broad objective standards for certification of such large rotorcraft. It is to be desired, and it is the Board's general policy, to have the benefit of experience in advance of adoption of regulations. However, much can be gained by initially establishing broad objective standards and giving the Administrator wide discretion in approving features of design which were not anticipated. Therefore, the Board considers it desirable to promulgate such standards at this time in the belief that safe operations are most assured where basic standards have been established.

After determining that the provisions of Part 6 were not suitable for the certification of large multiengine transport category rotorcraft, and after completion of the aforementioned studies, a notice of proposed rule making (20 F. R. 3114) was circulated as Civil Air Regulation Draft Release No. 55–11 to solicit comment on the proposed categorization of rotorcraft.

Comments received on the subject were almost universally favorable to the Board's adopting objective standards immediately so that the design and construction of large rotorcraft could proceed under some pattern of uniformity. The comment of one industry observer, however, while acknowledging that experience gained with transport category airplanes could provide guideposts for developing regulations for rotorcraft airworthiness in areas such as structures, design, and construction, nevertheless, expressed reservation as to whether performance requirements could be prepared on the same basis since there was insufficient operational experience with the types of rotorcraft envisaged in the transport-category classes.

In recognition of this valid comment, and because the Board does not intend to limit novel design features or operating techniques which may prove advantageous, the performance specifications in this part are limited in general to requirements for the scheduling of performance data. There are included, however, two quantitative requirements: One is the minimum one-engine-inoperative climb for Transport Category A rotorcraft; and the other, a minimum hovering ceiling for Transport Category B rotorcraft. These climb requirements are expressed in terms of rates of climb. Among the comments received on the proposal were recommendations that these minima be expressed in terms of gradient of climb. While this recommendation has substantial merit, it is considered advisable to retain the more familiar expression for the present and to study the matter at the next Annual Airworthiness Review, since consideration of factors of minimum speed or acceleration may be necessary. It is considered that for the time being the two quantitative requirements are reasonable minima. However, in order to define more fully the level of performance for the rotorcraft, it will be necessary to implement the performance data scheduled under this part with operating limitations relating to the measured performance of the rotorcraft, the dimensions of the heliport used, the adjacent obstacles, and the routes traversed. Because it is considered desirable to obtain experience in the operation of transport category rotorcraft before establishing by regulation specific operating limitations, it is contemplated that in the interim, for air carrier operations and for other operations over highly congested areas, the Administrator will determine that the operations in question are limited in such a manner as to assure a safe operation. Performance operating limitations will, however, be developed and included in the Civil Air Regulations as rapidly as the state of the art permits.

In considering this part, a maximum weight limitation had to be established for Transport Category B rotorcraft. The limit set in the notice of proposed rule making was 17,500 pounds. This limit has been raised to 20,000 pounds upon advice that some manufacturers now have design studies for single-engine rotorcraft which are expected to go over 17,500 pounds. This weight limit appears adequate to assure safety to all Transport Category B rotorcraft and is sufficiently high to include all reported single-engine designs now being developed by the manufacturers.

Another important problem to which the Board gave particular consideration is that of fire protection for structures, controls, and other components of the rotorcraft. The fire protection requirements for Transport Category A rotorcraft are intended to permit extinguishment of a fire and the continuation of the flight to a suitable airport. The Category B requirements, on the other hand, are intended to protect the rotorcraft and its occupants during an immediate descent and landing. The difference in the requirements is considered consistent with the approach taken with respect to the performance requirements applicable to each category.

The issue of appropriate maneuvering load factors for maneuvering conditions (structural requirements) is of significance. The maneuvering load factors included are the 3.5 positive and 1.0 negative, which are the same as in Part 6. The values are unchanged due to lack of substantiation of other values; however, because certain comments questioned the necessity for such high values for transport rotorcraft, this is being made a matter for further study.

Interested persons have been afforded an opportunity to participate in the making of this part (20 F. R. 3114), and

due consideration has been given to all relevant matter presented.

In consideration of the foregoing, the Civil Aeronautics Board hereby adopts Part 7 of the Civil Air Regulations (14 CFR Part 7) to read as follows, effective August 1, 1956:

**Subpart A—General**

APPLICABILITY AND DEFINITIONS


Sec.
7.0 Applicability of this part.
7.1 Definitions.


CERTIFICATION


7.10 Eligibility for type certificates.
7.11 Designation of applicable regulations.
7.12 Recording of applicable regulations.
7.13 Type certificate.
7.14 Data required.
7.15 Inspections and tests.
7.16 Flight tests.
7.17 Airworthiness, experimental, and production certificates.
7.18 Approval of materials, parts, processes, and appliances.
7.19 Changes in type design.


ROTORCRAFT CATEGORIES


7.20 Rotorcraft categories.


**Subpart B—Flight**

GENERAL


7.100 Proof of compliance.
7.101 Weight limitations.
7.102 Center of gravity limitations.
7.103 Rotor limitations and pitch settings.
7.104 Empty weight.
7.105 Use of ballast.


PERFORMANCE


7.110 General.
7.111 Limiting height and speeds for safe landing following power failure.
7.112 Take-off; general.
7.113 Category A. Critical decision point.
7.114 Take-off.
7.115 Climb; one-engine-inoperative.
7.116 Hovering or minimum operating performance.
7.117 Landing; general.
7.118 Landing.


FLIGHT CHARACTERISTICS


7.120 General.
7.121 Controllability.
7.122 Trim.
7.123 Stability.


GROUND AND WATER HANDLING CHARACTERISTICS


7.130 General.
7.131 Ground resonance.
7.132 Spray characteristics.


MISCELLANEOUS FLIGHT REQUIREMENTS


7.140 Flutter and vibration.


**Subpart C—Structure**

GENERAL


7.200 Loads.
7.201 Strength and deformation.
7.202 Proof of structure.
7.203 Structural and dynamic tests.
7.204 Design limitations.


FLIGHT LOADS


7.210 General.
7.211 Flight load factor.
7.212 Maneuvering conditions.
7.213 Gust conditions.
7.214 Yawing conditions.


CONTROL SURFACE AND SYSTEM LOADS


7.220 General.
7.221 Auxiliary rotor assemblies.
7.222 Auxiliary rotor attachment structure.
7.223 Tail rotor guard.
7.224 Stabilizing and control surfaces.
7.225 Primary control systems; general.
7.226 Dual primary flight control systems.


LANDING LOADS


7.230 General.
7.231 Level landing conditions.
7.232 Nose-up landing condition.
7.233 One-wheel landing condition.
7.234 Lateral-drift landing condition.
7.235 Brake roll conditions.
7.236 Taxying condition.
7.240 Ski landing conditions.
7.245 Float landing conditions.


MAIN COMPONENT REQUIREMENTS


7.250 Main rotor structure.
7.251 Fuselage and rotor pylon structure.
7.252 Auxiliary lifting surfaces.


EMERGENCY LANDING CONDITIONS


7.260 General.
7.261 Fuel tank protection.


**Subpart D—Design and Construction**

GENERAL


7.300 Scope.
7.301 Materials.
7.302 Fabrication methods.
7.303 Standard fastenings.
7.304 Protection.
7.305 Inspection provisions.
7.306 Material strength properties and design values.
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AUTHORITY: §§ 7.0 to 7.751 issued under sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009, as amended; 49 U. S. C. 551, 553.

## SUBPART A—GENERAL

APPLICABILITY AND DEFINITIONS

§ 7.0 *Applicability of this part.* This part establishes standards with which compliance shall be demonstrated for the issuance of and changes to type certificates for Transport Category A and Transport Category B rotorcraft. This part, until superseded or rescinded, shall apply to all transport category rotorcraft for which applications for type certification in the transport categories are made after the effective date of this part (August 1, 1956).

§ 7.1 *Definitions.* As used in this part terms are defined as follows:

(a) *Administration*—(1) *Administrator.* The Administrator is the Administrator of Civil Aeronautics.

(2) *Applicant.* An applicant is a person or persons applying for approval of a rotorcraft or any part thereof.

(3) *Approved.* Approved, when used alone or as modifying terms such as means, devices, specifications, etc., means approved by the Administrator. (See § 7.18.)

(b) *Rotorcraft types*—(1) *Rotorcraft.* A rotorcraft is any aircraft deriving its principal lift from one or more rotors.

(2) *Helicopter.* A helicopter is a rotorcraft which depends principally for its support and motion in the air upon the lift generated by one or more power-driven rotors, rotating on substantially vertical axes.

(3) *Gyroplane.* A gyroplane is a rotorcraft which depends principally for its support upon the lift generated by one or more rotors which are not power driven, except for initial starting, and which are caused to rotate by the action of the air when the rotorcraft is in motion. The propulsion is independent of the rotor system and usually consists of conventional propellers.

(4) *Gyrodyne.* A gyrodyne is a rotorcraft which depends principally for its support upon the lift generated by one or more rotors, which are partially power driven, rotating on substantially vertical axes. The propulsion is independent of the rotor system and usually consists of conventional propellers.

(c) *General design*—(1) *Standard atmosphere.* The standard atmosphere is an atmosphere defined as follows:

(i) The air is a dry, perfect gas,

(ii) The temperature at sea level is 59° F.,

(iii) The pressure at sea level is 29.92 inches Hg,

(iv) The temperature gradient from sea level to the altitude at which the temperature equals −67° F. is −0.003566° F./ft. and zero thereabove, and

(v) The density $\rho_0$ at sea level under the above conditions is 0.002378 pound sec$^2$/ft$^4$.

(2) *Maximum anticipated air temperature.* The maximum anticipated air temperature is a temperature specified for the purpose of compliance with the powerplant cooling standards. (See § 7.451.)

(3) *Aerodynamic coefficients.* Aerodynamic coefficients are nondimensional coefficients for forces and moments. They correspond with those adopted by the U. S. National Advisory Committee for Aeronautics.

(4) *Autorotation.* Autorotation is a rotorcraft flight condition in which the lifting rotor is driven entirely by the action of the air when the rotorcraft is in motion.

(5) *Autorotative landing.* An autorotative landing is any landing of a rotorcraft in which the entire maneuver is accomplished without the application of power to the rotor.

(6) *Autorotative landing distance.* Autorotative landing distance is the horizontal distance required to make an autorotative landing and come to a complete stop (to a speed of approximately 3 mph for seaplanes or floatplanes) from a height of 50 feet above the landing surface.

(7) *Ground resonance.* Ground resonance is the mechanical instability encountered when the rotorcraft is in contact with the ground.

(8) *Mechanical instability.* Mechanical instability is an unstable resonant condition due to the interaction between the rotor blades and the rotorcraft structure, while the rotorcraft is on the ground or airborne.

(d) *Weights*—(1) *Maximum weight.* The maximum weight of the rotorcraft is that maximum at which compliance with the requirements of this part is demonstrated. (See § 7.101.)

(2) *Minimum weight.* The minimum weight of the rotorcraft is that minimum at which compliance with the requirements of this part is demonstrated. (See § 7.101.)

(3) *Empty weight.* The empty weight of the rotorcraft is a readily reproducible weight which is used in the determination of the operating weights. (See § 7.104.)

(4) *Design maximum weight.* The design maximum weight is the maximum weight of the rotorcraft at which com-

pliance is shown with the structural loading conditions. (See § 7.101.)

(5) *Design minimum weight.* The design minimum weight is the minimum weight of the rotorcraft at which compliance is shown with the structural loading conditions. (See § 7.101.)

(6) *Design unit weight.* The design unit weight is a representative weight used to show compliance with the structural design requirements:

(i) Gasoline 6 pounds per U. S. gallon.

(ii) Lubricating oil 7.5 pounds per U. S. gallon.

(iii) Crew and passengers 170 pounds per person.

(e) *Speeds*—(1) *IAS.* Indicated air speed is equal to the pitot static air-speed indicator reading as installed in the rotorcraft without correction for air-speed indicator system errors but including the sea level standard adiabatic compressible flow correction. (This latter correction is included in the calibration of the air-speed instrument dials.) (See §§ 7.612 and 7.732.)

(2) *CAS.* Calibrated air speed is equal to the air-speed indicator reading corrected for position and instrument error. (As a result of the sea level adiabatic compressible flow correction to the air-speed instrument dial, CAS is equal to the true air speed TAS in standard atmosphere at sea level.)

(3) *EAS.* Equivalent air speed is equal to the air-speed indicator reading corrected for position error, instrument error, and for adiabatic compressible flow for the particular altitude. (EAS is equal to CAS at sea level in standard atmosphere.)

(4) *TAS.* True air speed of the rotorcraft relative to undisturbed air. ($TAS=EAS(\rho_0/\rho)^{1/2}$)

(5) $V_H$. The maximum speed obtainable in level flight with rated rpm and power.

(6) $V_{NE}$. The never-exceed speed. (See § 7.711.)

(7) $V_X$. The speed for best angle of climb.

(8) $V_Y$. The speed for best rate of climb.

(f) *Structural*—(1) *Limit load.* A limit load is the maximum load anticipated in normal conditions of operation. (See § 7.200.)

(2) *Ultimate load.* An ultimate load is a limit load multiplied by the appropriate factor of safety. (See § 7.200.)

(3) *Factor of safety.* The factor of safety is a design factor used to provide for the possibility of loads greater than those anticipated in normal conditions of operation and for uncertainties in design. (See § 7.200.)

(4) *Load factor.* The load factor is the ratio of a specified load to the total weight of the rotorcraft; the specified load may be expressed in terms of any of the following: aerodynamic forces, inertia forces, or ground or water reactions.

(5) *Limit load factor.* The limit load factor is the load factor corresponding with limit loads.

(6) *Ultimate load factor.* The ultimate load factor is the load factor corresponding with ultimate loads.

(7) *Fitting.* A fitting is a part or terminal used to join one structural member to another. (See § 7.307 (d).)

(g) *Power installation*[1]—(1) *Brake horsepower.* Brake horsepower is the power delivered at the propeller shaft of the engine.

(2) *Take-off power.* Take-off power is the brake horsepower developed under standard sea level conditions, under the maximum conditions of crankshaft rotational speed and engine manifold pressure approved for use in the normal take-off, and limited in use to a maximum continuous period as indicated in the approved engine specification.

(3) *Maximum continuous power.* Maximum continuous power is the brake horsepower developed in standard atmosphere at a specified altitude under the maximum conditions of crankshaft rotational speed and engine manifold pressure approved for use during periods of unrestricted duration.

(4) *Manifold pressure.* Manifold pressure is the absolute pressure measured at the appropriate point in the induction system, usually in inches of mercury.

(5) *Critical altitude.* The critical altitude is the maximum altitude at which in standard atmosphere it is possible to maintain, at a specified rotational speed, a specified power or a specified manifold pressure. Unless otherwise stated, the critical altitude is the maximum altitude at which it is possible to maintain, at the maximum continuous rotational speed, one of the following:

(i) The maximum continuous power, in the case of engines for which this power rating is the same at sea level and at the rated altitude.

(ii) The maximum continuous rated manifold pressure, in the case of engines the maximum continuous power of which is governed by a constant manifold pressure.

(h) *Propellers and rotors.*[2]—(1) *Rotor.* Rotor is a system of rotating airfoils.

(2) *Main rotor.* The main rotor is the main system of rotating airfoils providing sustentation for the rotorcraft.

(3) *Auxiliary rotor.* An auxiliary rotor is one which serves either to counteract the effect of the main rotor torque on the rotorcraft, or to maneuver the rotorcraft about one or more of its three principal axes.

(4) *Axis of no feathering.* The axis of no feathering is the axis about which there is no first harmonic feathering or cyclic pitch variation.[3]

(5) *Plane of rotor disc.* The plane of rotor disc is a reference plane at right angles to the axis of no feathering.

(6) *Tip speed ratio.* The tip speed ratio is the ratio of the rotorplane flight velocity component in the plane of rotor disc to the rotational tip speed of the rotor blades expressed as follows:

$$\mu=\frac{V\cos a}{\Omega R};$$

where:

$V$=air speed of the rotorcraft along flight path (fps),
$a$=angle between projection in plane of symmetry of axis of no feathering and a line perpendicular to the flight path (radians, positive when axis is pointing aft),
$\Omega$=angular velocity of rotor (radians per second), and
$R$=rotor radius (ft.).

(i) *Fire protection*—(1) *Fireproof.* Fireproof material means a material which will withstand heat at least as well as steel in dimensions appropriate for the purpose for which it is to be used. When applied to material and parts used to confine fires in designated fire zones, fireproof means that the material or part will perform this function under the most severe conditions of fire and duration likely to occur in such zones.

(2) *Fire-resistant.* When applied to sheet or structural members, fire-resistant material means a material which will withstand heat at least as well as aluminum alloy in dimensions appropriate for the purpose for which it is to be used. When applied to fluid-carrying lines, other flammable fluid system components, wiring, air ducts, fittings, and powerplant controls, this term refers to a line and fitting assembly, component, wiring or duct, or controls which will perform the intended functions under the heat and other conditions likely to occur at the particular location.

(3) *Flame-resistant.* Flame-resistant material means material which will not support combustion to the point of propagating, beyond safe limits, a flame after the removal of the ignition source.

(4) *Flash-resistant.* Flash-resistant material means material which will not burn violently when ignited.

(5) *Flammable.* Flammable pertains to those fluids or gases which will ignite readily or explode.

(j) *Miscellaneous.* (1) *Protective breathing equipment.* Protective breathing equipment is equipment designed to prevent the breathing of noxious gases which might be present as contaminants in the air within the rotorcraft in emergency situations (see § 7.646).

CERTIFICATION

§ 7.10 *Eligibility for type certificates.* A rotorcraft shall be eligible for type certification under the provisions of this part if it complies with the airworthiness provisions hereinafter established or if the Administrator finds that the provision or provisions not complied with are compensated for by factors which provide an equivalent level of safety: *Provided,* That the Administrator finds no feature or characteristic of the rotorcraft which renders it unsafe.

§ 7.11 *Designation of applicable regulations.* The provisions of this section shall apply to all rotorcraft types certificated under this part irrespective of the date of application for type certificate.

[1] For engine airworthiness requirements see Part 13 of this subchapter.
[2] For propeller airworthiness requirements see Part 14 of this subchapter.
[3] See NACA Technical Note No. 1604.



(a) Unless otherwise established by the Board, the rotorcraft shall comply with the provisions of this part together with all amendments thereto effective on the date of application for type certificate, except that compliance with later effective amendments may be elected or required pursuant to paragraphs (c), (d), and (e) of this section.

(b) If the interval between the date of application for type certificate and the issuance of the corresponding type certificate exceeds five years, a new application for type certificate shall be required. At the option of the applicant, a new application may be filed prior to the expiration of the five-year period. In either instance the applicable regulations shall be those effective on the date of the new application in accordance with paragraph (a) of this section.

(c) During the interval between filing the application and the issuance of a type certificate, the applicant may elect to show compliance with any amendment of this part which becomes effective during that interval, in which case all other amendments found by the Administrator to be directly related shall be complied with.

(d) Except as otherwise provided by the Board, or by the Administrator pursuant to § 1.24 of this subchapter, a change to the type certificate (see § 7.13 (b)) may be accomplished, at the option of the holder of the type certificate, either in accordance with the regulations incorporated by reference in the type certificate pursuant to § 7.13 (c), or in accordance with subsequent amendments to such regulations in effect on the date of application for approval of the change, subject to the following provisions:

(1) When the applicant elects to show compliance with an amendment to the regulations in effect on the date of application for approval of a change, he shall show compliance with all amendments which the Administrator finds are directly related to the particular amendment selected by the applicant.

(2) When the change consists of a new design or a substantially complete redesign of a component, equipment installation, or system installation of the rotorcraft, and the Administrator finds that the regulations incorporated by reference in the type certificate pursuant to § 7.13 (c) do not provide complete standards with respect to such change, he shall require compliance with such provisions of the regulations in effect on the date of application for approval of the change as he finds will provide a level of safety equal to that established by the regulations incorporated by reference at the time of issuance of the type certificate.

NOTE: Examples of new or redesigned components and installations which might require compliance with regulations in effect on the date of application for approval, are: New powerplant installation which is likely to introduce additional fire or operational hazards unless additional protective measures are incorporated; the installation of a new rotor system or a new electric power system.

(e) If changes listed in subparagraphs (1) through (3) of this paragraph are made, the rotorcraft shall be considered as a new type, in which case a new application for type certificate shall be required and the regulations together with all amendments thereto effective on the date of the new application shall be made applicable in accordance with paragraphs (a), (b), (c), and (d) of this section.

(1) A change in the number of engines or rotors;

(2) A change to engines or rotors employing different principles of operation or propulsion;

(3) A change in design, configuration, power, or weight which the Administrator finds is so extensive as to require a substantially complete investigation of compliance with the regulations.

§ 7.12 *Recording of applicable regulations.* The Administrator, upon the issuance of a type certificate, shall record the applicable regulations with which compliance was demonstrated. Thereafter, the Administrator shall record the applicable regulations for each change in the type certificate which is accomplished in accordance with regulations other than those recorded at the time of issuance of the type certificate. (See § 7.11.)

§ 7.13 *Type certificate.* (a) An applicant shall be issued a type certificate when he demonstrates the eligibility of the rotorcraft by complying with the requirements of this part in addition to the applicable requirements in Part 1 of this subchapter.

(b) The type certificate shall be deemed to include the type design (see § 7.14 (b)), the operating limitations for the rotorcraft (see § 7.700), and any other conditions or limitations prescribed by the regulations in this subchapter.

(c) The applicable provisions of this part recorded by the Administrator in accordance with § 7.12 shall be considered as incorporated in the type certificate as though set forth in full.

§ 7.14 *Data required.* (a) The applicant for a type certificate shall submit to the Administrator such descriptive data, test reports, and computations as are necessary to demonstrate that the rotorcraft complies with the requirements of this part.

(b) The descriptive data required in paragraph (a) of this section shall be known as the type design and shall consist of such drawings and specifications as are necessary to disclose the configuration of the rotorcraft and all the design features covered in the requirements of this part, such information on dimensions, materials, and processes as is necessary to define the structural strength of the rotorcraft, and such other data as are necessary to permit by comparison the determination of the airworthiness of subsequent rotorcraft of the same type.

§ 7.15 *Inspections and tests.* Inspections and tests shall include all those found necessary by the Administrator to insure that the rotorcraft complies with the applicable airworthiness requirements and conforms to the following:

(a) All materials and products are in accordance with the specifications in the type design,

(b) All parts of the rotorcraft are constructed in accordance with the drawings in the type design,

(c) All manufacturing processes, construction, and assembly are as specified in the type design.

§ 7.16 *Flight tests.* After proof of compliance with the structural requirements contained in this part, and upon completion of all necessary inspections and testing on the ground, and proof of the conformity of the rotorcraft with the type design, and upon receipt from the applicant of a report of flight tests performed by him, the following shall be conducted:

(a) Such official flight tests as the Administrator finds necessary to determine compliance with the requirements of this part.

(b) After the conclusion of flight tests specified in paragraph (a) of this section, such additional flight tests as the Administrator finds necessary to ascertain whether there is reasonable assurance that the rotorcraft, its components, and equipment are reliable and function properly. The extent of such additional flight tests shall depend upon the complexity of the rotorcraft, the number and nature of new design features, and the record of previous tests and experience for the particular rotorcraft type, its components, and equipment. If practicable, these flight tests shall be conducted on the same rotorcraft used in the flight tests specified in paragraph (a) of this section and in the rotor drive endurance tests specified in § 7.405.

§ 7.17 *Airworthiness, experimental, and production certificates.* (For requirements with regard to these certificates see Part 1 of this subchapter.)

§ 7.18 *Approval of materials, parts, processes, and appliances.* (a) Materials, parts, processes, and appliances shall be approved upon a basis and in a manner found necessary by the Administrator to implement the pertinent provisions of the regulations in this subchapter. The Administrator may adopt and publish such specifications as he finds necessary to administer this regulation, and shall incorporate therein such portions of the aviation industry, Federal, and military specifications respecting such materials, parts, processes, and appliances as he finds appropriate.

NOTE: The provisions of this paragraph are intended to allow approval of materials, parts, processes, and appliances under the system of Technical Standard Orders, or in conjunction with type certification procedures for a rotorcraft, or by any other form of approval by the Administrator.

(b) Any material, part, process, or appliance shall be deemed to have met the requirements for approval when it meets the pertinent specifications adopted by the Administrator, and the manufacturer so certifies in a manner prescribed by the Administrator.

§ 7.19 *Changes in type design.* (For requirements with regard to changes in

type design and the designation of applicable regulations therefor, see § 7.11 (d) and (e), and Part 1 of this subchapter.)

ROTORCRAFT CATEGORIES

§ 7.20 *Rotorcraft categories.* (a) For the purpose of certification under this part, rotorcraft are divided upon the basis of their size and complexity into the following categories:

(1) *Transport category A; suffix A.* Rotorcraft in this category shall be multiengined.

(2) *Transport category B; suffix B.* Rotorcraft in this category are limited to 20,000 pounds or less, and can be single- or multiengined.

(b) A multiengined rotorcraft may be certificated under the requirements of a particular category, or in both categories, if all of the requirements of each category are met. Sections of this part which apply to only one category are identified by the appropriate suffix added to the section number, as indicated in paragraph (a) of this section. All sections not identified by a suffix are applicable to both categories except as otherwise specified.

SUBPART B—FLIGHT

GENERAL

§ 7.100 *Proof of compliance.* (a) Compliance with the requirements prescribed in this subpart shall be established by flight or other tests conducted upon a rotorcraft of the type for which a certificate of airworthiness is sought or by calculations based on such tests, provided that the results obtained by calculations are equivalent in accuracy to the results of direct testing.

(b) Compliance with each requirement shall be established at all appropriate combinations of rotorcraft weight and center of gravity position within the range of loading conditions for which certification is sought by systematic investigation of all these combinations, except where compliance can be inferred reasonably from those combinations which are investigated.

(c) The controllability, stability, and trim of the rotorcraft shall be established at all altitudes up to the maximum anticipated operating altitude.

(d) The applicant shall provide a person holding an appropriate pilot certificate to make the flight tests, but a designated representative of the Administrator shall pilot the rotorcraft when it is found necessary for the determination of compliance with the airworthiness requirements.

(e) Official type tests shall be discontinued until corrective measures have been taken by the applicant when either:

(1) The applicant's test pilot is unable or unwilling to conduct any of the required flight tests, or

(2) It is found that requirements which have not been met are so substantial as to render additional test data meaningless or are of such a nature as to make further testing unduly hazardous.

(f) Adequate provision shall be made for emergency egress and for the use of parachutes by members of the crew during the flight tests.

(g) The applicant shall submit to the authorized representative of the Administrator a report covering all computations and tests required in connection with calibration of instruments used for test purposes and correction of test results to standard atmospheric conditions. The authorized representative of the Administrator shall conduct any flight tests which he finds necessary to check the calibration and correction report.

§ 7.101 *Weight limitations.* The maximum and minimum weights at which the rotorcraft will be suitable for operation shall be established as follows:

(a) Maximum weights shall not exceed any of the following:

(1) The weight selected by the applicant;

(2) The design weight for which the structure has been proven; or

(3) The maximum weight at which compliance with all the applicable flight requirements has been demonstrated.

(b) It shall be acceptable to establish maximum weights for each altitude and for each practicably separable operating condition; e. g., take-off, en route, landing.

(c) Minimum weights shall not be less than any of the following:

(1) The minimum weight selected by the applicant;

(2) The design minimum weight for which the structure has been proven; or

(3) The minimum weight at which compliance with all of the applicable flight requirements has been demonstrated. (See § 7.741 (c).)

§ 7.102 *Center of gravity limitations.* (a) Center of gravity limits shall be established as the most forward position permissible for each weight established in accordance with § 7.101 and the most aft position permissible for each of such weights. Such limits of the center of gravity range shall not exceed any of the following:

(1) The extremes selected by the applicant,

(2) The extremes for which the structure has been proven,

(3) The extremes at which compliance with all of the applicable flight requirements has been demonstrated.

(b) Loading instructions shall be provided if the center of gravity position under any possible loading condition between the maximum and minimum weights as specified in § 7.101, with assumed weights for individual passengers and crew members variable over the anticipated range of such weights, lies beyond:

(1) The extremes selected by the applicant,

(2) The extremes for which the structure has been proven,

(3) The extremes for which compliance with all of the applicable flight requirements has been demonstrated. (See § 7.741 (c).)

7.103 *Rotor limitations and pitch settings*—(a) *Power-on.* A range of power-on operating speeds for the main rotor(s) shall be established which will provide adequate margin to accommodate the variation of rotor rpm attendant to all maneuvers appropriate to the rotorcraft type and consistent with the type of synchronizer or governor used, if any (see §§ 7.713 (b) (2) and 7.714 (b)). A means shall be provided to prevent rotational speeds substantially less than the approved minimum rotor rpm in any sustained flight condition with full throttle and with pitch control of the main rotor(s) in the high-pitch position. It shall be acceptable for such means to allow the use of higher pitch in an emergency, provided that the means incorporate provisions to prevent inadvertent transition from the normal operating range to the higher pitch angles.

(b) *Power-off.* A range of power-off operating rotor speeds shall be established which will permit execution of all autorotative flight maneuvers appropriate to the rotorcraft type throughout the range of air speeds and weights for which certification is sought (see §§ 7.713 (a) and 7.713 (b) (1)). A rotor blade low-pitch limiting device shall be positioned to provide sufficient rotational speed within the approved rotor speed range in any autorotative flight condition under the most adverse combinations of weight and air speed with the rotor pitch control in the full low-pitch position. However, it shall be possible to prevent overspeeding of the rotor without requiring exceptional piloting skill.

§ 7.104 *Empty weight.* (a) The empty weight, and the corresponding center of gravity position, shall be determined by weighing the rotorcraft. This weight shall exclude the weight of the crew and payload, but shall include the weight of all fixed ballast, unusable fuel supply (see § 7.416), undrainable oil, total quantity of engine coolant, and total quantity of hydraulic fluid.

(b) The condition of the rotorcraft at the time of weighing shall be one which can be easily repeated and easily defined, particularly as regards the contents of the fuel, oil, and coolant tanks, and the items of equipment installed. (See § 7.740.)

§ 7.105 *Use of ballast.* Removable ballast may be used to enable the rotorcraft to comply with the flight requirements. (See §§ 7.391, 7.738, and 7.740.)

PERFORMANCE

§ 7.110 *General.* (a) The performance prescribed in this subpart shall be determined using normal pilot skill and shall not require exceptionally favorable conditions. Compliance shall be shown for sea level standard conditions in still air and for the range of atmospheric variables as selected by the applicant. The performance as affected by engine power, instead of being based on dry air, shall be based on 80 percent relative humidity or 0.7'' Hg. vapor pressure whichever is less.

(b) Each set of performance data required for a particular flight condition shall be determined with the powerplant accessories absorbing the normal amount of power appropriate to that flight condition.

NOTE: The Administrator is authorized to establish appropriate margins to be applied to the performance data determined in accordance with this part for operating variables not covered in the performance determination; e. g., variations in pilot technique, engine power, rotor drag, rough air, etc.

§ 7.111 *Limiting height and speeds for safe landing following power failure*—(a) *Category A.* If a range of heights exists at any speed, including zero, within which it is not possible to make a safe landing when the critical engine is suddenly made inoperative with take-off power on the operating engine(s), the range of heights and its variation with forward speed shall be established (see §§ 7.715 and 7.741 (f)).

(b) *Category B.* If a range of heights exists at any speed, including zero, within which it is not possible to make a safe landing following complete power failure, the range of heights and its variation with forward speed shall be established (see §§ 7.715 and 7.741 (f)).

(c) *Category B; optional requirements for multiengined rotorcraft.* In lieu of compliance with paragraph (b) of this section, a multiengine rotorcraft that is certificated in accordance with Transport Category A powerplant installation requirements as well as with § 7.384 (a) of this part, may, at the option of the applicant, comply with paragraph (a) of this section.

§ 7.112 *Take-off; general.* (a) Category A: The take-off performance shall be determined and scheduled in such a manner that, in the event of one engine becoming inoperative at any instant after the start of take-off, it shall be possible for the rotorcraft either to return to and stop safely on the take-off area, or to continue the take-off, climb-out, and attain a rotorcraft configuration and airspeed at which compliance with the climb requirement of § 7.115 (a) (2) is met.

(b) The take-off data required by §§ 7.113, 7.114, and 7.115 (a) (1) and (a) (2) shall be determined under the following conditions:

(1) At all weights, altitudes, and temperatures selected by the applicant, and

(2) With the operating engines not exceeding their approved limitations.

(c) All take-off data, when corrected, shall assume a level take-off surface, and shall be determined on a smooth, dry, hard surface, and in such a manner that reproduction of the performance does not require either exceptional skill or alertness on the part of the pilot or exceptionally favorable conditions. (For wind and runway gradient corrections see appropriate operating rules of the regulations in this subchapter.)

§ 7.113 *Category A; critical decision point.* The critical decision point shall be any combination of height and speed as selected by the applicant in demonstrating the take-off as defined in § 7.114. The method used to attain the critical decision point shall be such as to avoid flight within the critical areas of the limiting height-speed envelope as established in accordance with § 7.111 (a).



§ 7.114 *Take-off*—(a) *Category A.* The take-off flight path and accelerated stop path shall be established. It shall be permissible to initiate the take-off in any manner provided the take-off surface is defined and adequate safeguards are maintained to assure proper center of gravity position and control position.

(1) The accelerated stop path shall be established with take-off power on all engines from the start of take-off to the critical decision point, at which point it shall be assumed that the critical engine becomes inoperative, and the rotorcraft is brought to a safe stop.

(2) The take-off climb-out path shall be established with take-off power on all engines from the start of take-off to the critical decision point, at which point it shall be assumed that the critical engine becomes inoperative. With the remaining engines operating within their approved limitations, the climb-out shall be accomplished at speeds not less than the take-off safety speed used in meeting the rate of climb specified in § 7.115 (a) (1), and in such a manner that the air-speed and configuration used in meeting the climb requirement specified in § 7.115 (a) (2) are attained.

(3) The take-off climb-out and accelerate-stop shall be accomplished in such a manner as to provide a safe and smooth transition between all stages of the maneuver.

(b) *Category B.* The take-off and climb-out shall be established with the most unfavorable center of gravity position. It shall be permissible to initiate the take-off in any manner provided the take-off surface is defined and adequate safeguards are maintained to assure proper center of gravity position and control position and provided a landing can be made safely at any point along the flight path in the case of an engine failure (see § 7.111 (b)).

§ 7.115 *Climb; one-engine-inoperative*—(a) *Category A.* The following take-off and en route climb requirements shall be met by all Category A rotorcraft:

(1) *Take-off climb; gear extended.* The steady rate of climb without ground effect shall not be less than 100 fpm for each weight, altitude, and temperature condition for which take-off data are to be scheduled with:

(i) The critical engine inoperative and the remaining engine(s) operating within their approved limitations,

(ii) Center of gravity in the most unfavorable position permitted for take-off,

(iii) Landing gear extended,

(iv) The take-off safety speed as selected by the applicant (see § 7.114 (a) (2)), and

(v) Cowl flaps or other means of controlling the engine-cooling air supply in the position which provides adequate cooling in the hot-day condition.

(2) *Climb at maximum continuous power.* The steady rate of climb without ground effect shall not be less than 150 fpm for each weight, altitude, and temperature condition for which take-off data are to be scheduled with:

(i) The critical engine inoperative and the remaining engine(s) operating at maximum continuous power,

(ii) Center of gravity in the most unfavorable position permitted for take-off,

(iii) Landing gear retracted, if retractable,

(iv) The speed as selected by the applicant, and

(v) Cowl flaps or other means of controlling the engine-cooling air supply in the position which provides adequate cooling in the hot-day condition.

(3) *En route climb.* The steady rate of climb in feet per minute at any altitude at which the rotorcraft is expected to operate, and at any weight within the range of weights to be specified in the airworthiness certificate, shall be determined with:

(i) The critical engine inoperative, and the remaining engine(s) operating at the maximum continuous power available at such altitude,

(ii) Center of gravity in the most unfavorable position,

(iii) The landing gear retracted, if retractable,

(iv) The speed as selected by the applicant, and

(v) Cowl flaps or other means of controlling the engine-cooling air supply in the position which provides adequate cooling in the hot-day condition.

(b) *Category B.* The following climb requirements shall be applicable to Category B rotorcraft:

(1) For all rotorcraft, the steady rate of climb at the best rate-of-climb speed with maximum continuous power on all engines and landing gear retracted, if retractable; shall be determined over the range of weights, altitudes, and temperatures for which certification is sought (see § 7.740). For all rotorcraft except helicopters this rate of climb shall provide a steady gradient of climb under standard sea level conditions of not less than 1:6.

(2) For multiengine helicopters complying with the optional requirement of § 7.111 (c), the steady rate of climb or descent shall be determined at the best rate-of-climb or rate-of-descent speed with one engine inoperative and the remaining engine(s) operating at a maximum continuous power.

(3) For all helicopters, the steady angle of glide shall be determined at the minimum rate-of-descent speed in autorotation at maximum weight.

§ 7.116 *Hovering or minimum operating performance.* (a) Category A: The hovering performance shall be determined over the range of weights, altitudes, and temperatures for which take-off data are scheduled with not more than take-off power on all engines, landing gear extended, and at a height above the ground consistent with the procedure used in the establishment of take-off and accelerate-stop distance.

(b) Category B: Hovering performance for helicopters shall be determined over the range of weights, altitudes, and temperatures for which certification is sought with take-off power on all engines, landing gear extended, and in the ground effect at a height above the ground consistent with normal take-off

procedures. At maximum weight, under standard atmospheric conditions and under the aforementioned conditions, the hovering ceiling for helicopters shall not be less than 4,000 feet.

(c) For rotorcraft other than helicopters, the steady rate of climb at the minimum operating speed appropriate to the type with take-off power and landing gear extended shall be determined over the range of weights, altitudes, and temperatures for which certification is sought.

§ 7.117 *Landing; general.* (a) Category A: The landing performance shall be determined and scheduled in such a manner that, in the event of one engine becoming inoperative at any point in the approach path, it shall be possible for the rotorcraft to land and stop safely and, further, it shall be possible from a point in the approach path to climb out and attain a rotorcraft configuration and air speed at which compliance with the climb requirement of § 7.115 (a) (2) is met.

(b) The landing data required by § 7.118 shall be determined under the following conditions:

(1) At all weights, altitudes, and temperatures selected by the applicant, and

(2) With the operating engines not exceeding their approved limitations.

(c) The approach and landing shall be made in such a manner that its reproduction does not require an exceptional degree of skill on the part of the pilot or exceptionally favorable conditions.

(d) During the landing there shall be no excessive vertical acceleration and no tendency to bounce, nose over, ground loop, porpoise, or water loop. All landing data, when corrected, shall assume a level landing surface, and shall be determined on a smooth, dry, hard surface. (For wind and runway gradient corrections see appropriate operating rules of the regulations in this subchapter.)

§ 7.118 *Landing*—(a) *Category A; one engine inoperative.* The approach, balked landing, and landing paths shall be established. The approach and landing speeds shall be selected by the applicant and be appropriate to the type of rotorcraft being certificated. Such paths shall be established in the following manner:

(1) The approach and landing path shall be established such as to avoid flight within the critical areas of the limiting height-speed envelope as established in accordance with § 7.111 (a) or, alternatively, at the option of the applicant, an envelope established in accordance with the landing condition with one engine inoperative.

(2) The balked-landing path shall be established such that, from a height and speed combination in the approach path as selected by the applicant, a safe climb-out can be made and speeds attained corresponding to the speeds required in meeting the climb requirements of § 7.115 (a) (1) and (a) (2).

(3) The maneuvers specified in subparagraphs (1) and (2) of this paragraph shall be accomplished in such a manner as to provide safe and smooth transition between each stage.

(b) *Category A; complete failure of all power.* It shall be possible to make a safe landing on a prepared runway following complete failure of all power during normal cruising operating conditions (see § 7.743 (a) (2)).

(c) *Category B; autorotative landing.* The horizontal distance required to land and come to a complete stop (to a speed of approximately 3 mph for seaplanes or float planes) from a point at a height of 50 feet above the landing surface shall be determined. In making this determination the following shall apply:

(1) The approach speed or speeds in the glide shall be appropriate to the type of rotorcraft and shall be chosen by the applicant.

(2) The approach and landing shall be made with power off and shall be entered from steady autorotation.

(3) The approach and landing path shall be such as to avoid flight within the critical areas of the limiting height-speed envelope as established in accordance with § 7.111 (b).

(d) *Category B—Optional requirements for multiengined rotorcraft certificated in Transport Category B.* In lieu of compliance with the autorotative landing distance requirements specified in paragraph (c) of this section, a multiengined rotorcraft that complies with the powerplant installation requirements for Category A and § 7.384 (a) may, at the option of the applicant, comply with paragraphs (a) and (b) of this section, omitting the climb-out requirement specified in paragraph (a) (2) of this section.

### FLIGHT CHARACTERISTICS

§ 7.120 *General.* (a) The rotorcraft shall comply with the requirements prescribed in §§ 7.121 through 7.123 at all normally expected operating altitudes, under all critical loading conditions within the range of weight and center of gravity, and for all speeds, power, and rotor rpm conditions for which certification is sought.

(b) It shall be possible to maintain a flight condition and to make a smooth transition from one flight condition to another without requiring an exceptional degree of skill, alertness, or strength on the part of the pilot, and without danger of exceeding the limit load factor under all conditions of operation probable for the type, including those conditions normally encountered in the event of sudden powerplant failure.

(c) The eligibility of rotorcraft for night and instrument flight is contained in subparagraphs (1) and (2) of this paragraph.

(1) *Category A.* Rotorcraft in this category are eligible for night and instrument flight. To be eligible for night and instrument flight the rotorcraft shall be certificated in accordance with such additional flight characteristic rules as the Administrator finds are required for safe operations under these conditions.

(2) *Category B.* Rotorcraft in this category are not eligible for unlimited night and instrument flight. Rotorcraft in this category, however, are eligible for limited night flight; i. e., night flight under VFR conditions. To be eligible for limited night flight, compliance shall be shown with such requirements as the Administrator finds are necessary for safe operation under these conditions.

§ 7.121 *Controllability.* (a) The rotorcraft shall be safely controllable and maneuverable during steady flight and during the execution of any maneuver appropriate to the type of rotorcraft, including take-off, climb, level flight, turn, glide, and power-on or power-off landings.

(b) The margin of longitudinal and lateral cyclic control shall allow satisfactory pitching and rolling control at $V_{NE}$ (see § 7.711), with:

(1) Maximum weight,

(2) Critical center of gravity,

(3) Power on and power off, and

(4) Critical rotor rpm.

(c) Compliance with paragraph (b) of this section shall include a demonstration with a power failure at $V_H$ or $V_{NE}$, whichever is less.

(d) There shall be established a wind velocity in which the rotorcraft can be operated without loss of control on or near the ground at the critical center of gravity and the critical rotor rpm in any maneuver appropriate to the type of rotorcraft; e. g., cross-wind take-offs, sideward or rearward flight. This wind velocity shall not be less than 20 mph.

§ 7.122 *Trim.* It shall be possible in steady level flight at any speed appropriate to the type of rotorcraft to trim the steady longitudinal and lateral control forces to zero. The trim device shall not introduce any undesirable discontinuities in the force gradients.

§ 7.123 *Stability*—(a) *General.* It shall be possible to fly the rotorcraft in normal maneuvers, including a minimum of three take-offs and landings, for a continuous period of time appropriate to the operational use of the particular type of rotorcraft without the pilot experiencing undue fatigue or strain. In addition, the rotorcraft shall comply with the requirements of paragraph (b) of this section.

(b) *Static longitudinal stability.* In the following configurations the characteristics of the longitudinal cyclic control shall be such that, with constant throttle and collective pitch settings, a rearward displacement of longitudinal control shall be necessary to obtain and maintain speeds below the specified trim speed, and a forward displacement shall be necessary to obtain and maintain speeds above the specified trim speed for the ranges of altitude and rotor rpm for which certification is sought:

(1) *Climb.* The stick position curve shall have a stable slope over a speed range from 15 percent $V_Y$ or 15 mph, whichever is greater, below $V_Y$ to 20 percent of $V_Y$ or 15 mph, whichever is greater above $V_Y$, but in no case greater than 1.1 $V_{NE}$, with:

(i) Critical weight and center of gravity,

(ii) Maximum continuous power,

(iii) Landing gear retracted, and

(iv) Trim at best rate-of-climb speed ($V_Y$).



(2) *Cruise.* The stick position curve shall have a stable slope over a speed range from 0.7 $V_H$ or 0.7 $V_{NE}$, whichever is less, to 1.1 $V_H$ or 1.1 $V_{NE}$, whichever is less, with:

(i) Critical weight and center of gravity,

(ii) Power for level flight at 0.9 $V_H$ or 0.9 $V_{NE}$, whichever is less,

(iii) Landing gear retracted, and

(iv) Trimmed at 0.9 $V_H$, or 0.9 $V_{NE}$, whichever is less.

(3) *Autorotation.* The stick position curve shall have a stable slope throughout the speed range for which certification is sought, with:

(i) Critical weight and center of gravity,

(ii) Power off,

(iii) Landing gear both retracted, if retractable, and extended, and

(iv) Trim at the speed for minimum rate of descent.

(4) *Hovering.* In the case of helicopters the stick position curve shall have a stable slope between the maximum approved rearward speed and a forward speed of 20 mph, with:

(i) Critical weight and center of gravity,

(ii) Power required for hovering in still air,

(iii) Landing gear retracted, and

(iv) Trim for hovering.

### GROUND AND WATER HANDLING CHARACTERISTICS

§ 7.130 *General.* The rotorcraft shall be demonstrated to have satisfactory ground and water handling characteristics. There shall be no uncontrollable tendencies in any operating condition reasonably expected for the type.

§ 7.131 *Ground resonance.* There shall be no uncontrollable tendency for the rotorcraft to oscillate when the rotor is turning and the rotorcraft is on the ground.

§ 7.132 *Spray characteristics.* For rotorcraft equipped with floats, the spray characteristics during taxying, take-off, and landing shall be such as not to obscure the vision of the pilot nor produce damage to the rotors, propellers, or other parts of the rotorcraft.

### MISCELLANEOUS FLIGHT REQUIREMENTS

§ 7.140 *Flutter and vibration.* All parts of the rotorcraft shall be demonstrated to be free from flutter and excessive vibration under all speed and power conditions appropriate to the operation of the type of rotorcraft. (See also §§ 7.203 (f) and 7.711.)

## SUBPART C—STRUCTURE

### GENERAL

§ 7.200 *Loads.* (a) Strength requirements of this subpart are specified in terms of limit and ultimate loads. Unless otherwise stated, the specified loads shall be considered as limit loads. In determining compliance with these requirements the provisions set forth in paragraphs (b) through (e) of this section shall apply.

(b) The factor of safety shall be 1.5 unless otherwise specified, and shall apply to the external and inertia loads, unless its application to the resulting internal stresses is more conservative.

(c) Unless otherwise provided, the specified air, ground, and water loads shall be placed in equilibrium with inertia forces, considering all items of mass in the rotorcraft.

(d) All loads shall be distributed in a manner closely approximating or conservatively representing actual conditions.

(e) If deflections under load significantly change the distribution of external or internal loads, the redistribution shall be taken into account.

§ 7.201 *Strength and deformation.* (a) The structure shall be capable of supporting limit loads without suffering detrimental permanent deformations.

(b) At all loads up to limit loads the deformation shall not be such as to interfere with safe operation of the rotorcraft.

(c) The structure shall be capable of supporting ultimate loads without failure. It shall support the load during a static test for at least 3 seconds, unless proof of strength is demonstrated by dynamic tests simulating actual conditions of load application.

§ 7.202 *Proof of structure.* (a) Proof of compliance of the structure with the strength and deformation requirements of § 7.201 shall be made for all critical loading conditions.

(b) Proof of compliance by means of structural analysis shall be acceptable only when the structure conforms to types for which experience has shown such methods to be reliable. In all other cases substantiating tests shall be required.

(c) In all cases certain portions of the structure shall be tested as specified in § 7.203.

§ 7.203 *Structural and dynamic tests.* At least the following structural tests shall be conducted to show compliance with the strength criteria:

(a) Dynamic and endurance tests of rotors and rotor drives, including controls (see § 7.405).

(b) Control surface and system limit load tests (see § 7.323).

(c) Control system operation tests (see § 7.324).

(d) Flight stress measurements (see §§ 7.221, 7.250, and 7.251).

(e) Landing gear shock absorption tests (see § 7.332).

(f) Ground vigration tests to determine the natural frequencies of the blades and major structural components of the rotorcraft.

(g) Such additional tests as may be found necessary by the Administrator to substantiate new and unusual features of the design.

§ 7.204 *Design limitations.* The following values shall be established by the applicant for purposes of showing compliance with the structural requirements specified in this subpart:

(a) Maximum and minimum design weights,

(b) Power-on and power-off main rotor rpm ranges (see §§ 7.103 and 7.713 through 7.714 (b)),

(c) Maximum forward speeds for the power-on and power-off main rotor rpm ranges established in accordance with paragraph (b) of this section (see § 7.713),

(d) Maximum rearward and sideward flight speeds,

(e) Extreme positions of rotorcraft center of gravity to be used in conjunction with the limitations of paragraphs (b), (c), and (d) of this section,

(f) Rotational speed ratios between the powerplant and all connected rotating components, and

(g) Positive and negative limit maneuvering load factors.

### FLIGHT LOADS

§ 7.210 *General.* Flight load requirements shall be complied with at all weights from the design minimum weight to the design maximum weight, with any practicable distribution of disposable load within prescribed operating limitations stated in the Rotorcraft Flight Manual (see § 7.741).

§ 7.211 *Flight load factor.* The flight load factor shall be assumed to act normal to the longitudinal axis of the rotorcraft, and shall be equal in magnitude and shall be opposite in direction to the rotorcraft inertia load factor at the center of gravity.

§ 7.212 *Maneuvering conditions.* The rotorcraft structure shall be designed for a positive maneuvering limit load factor of 3.5 and a negative maneuvering limit load factor of 1.0, except that lesser values shall be allowed if the applicant shows by analytical study and flight demonstrations that the probability of exceeding the values selected is extremely remote. Where such lesser values of maneuvering load factor are selected, the values selected shall be appropriate to each design weight condition between design minimum and design maximum values. In no case shall the limit load factors be less than 2.0 positive and 0.5 negative. Air loads shall be assumed to be applied at the center(s) of the rotor hub(s) and at any auxiliary lifting surface(s) and to act in such directions with distributions of load among the rotor(s) and auxiliary lifting surface(s) as necessary to represent all critical maneuvering motions of the rotorcraft applicable to the particular type, including flight at the maximum design rotor tip speed ratio under power-on and power-off conditions.

§ 7.213 *Gust conditions.* The rotorcraft structure shall be designed to withstand the loading due to vertical and horizontal gusts of 30 fps in velocity in conjunction with the critical rotorcraft air speeds, including hovering.

§ 7.214 *Yawing conditions.* The rotorcraft shall be designed for loads resulting from conditions specified in this section. Unbalanced aerodynamic moments about the center of gravity shall be reacted in a rational or a conservative manner considering the principal masses furnishing the reacting inertia forces. With the maximum main rotor speed and at a forward speed up to $V_{NE}$ or $V_H$,

whichever is less, the following maneuvers shall be considered:

(a) With the rotorcraft in unaccelerated flight at zero yaw, it shall be assumed that the cockpit directional control is suddenly displaced to the maximum deflection as limited by the control stops or by maximum pilot effort.

(b) With the directional control deflected as in paragraph (a) of this section, it shall be assumed that the rotorcraft yaws to a resulting sideslip angle.

(c) With the rotorcraft yawed to the static sideslip angle corresponding with the directional control deflection specified in paragraph (a) of this section, it shall be assumed that the directional control is suddenly returned to neutral.

CONTROL SURFACE AND SYSTEM LOADS

§ 7.220 *General.* The structure of all auxiliary rotors (antitorque and control), fixed or movable stabilizing and control surfaces, and all systems operating any flight controls shall be designed to comply with the provisions of §§ 7.221 through 7.226.

§ 7.221 *Auxiliary rotor assemblies.* Auxiliary rotor assemblies shall be tested in accordance with the provisions of § 7.405 for rotor drives. In addition, auxiliary rotor assemblies with detachable blades shall be substantiated for centrifugal loads resulting from the maximum design rotor rpm. In the case of auxiliary rotors with highly stressed metal components, the vibration stresses shall be determined in flight, and it shall be demonstrated that these stresses do not exceed safe values for continuous operation.

§ 7.222 *Auxiliary rotor attachment structure.* The attachment structure for the auxiliary rotors shall be designed to withstand a limit load equal to the maximum loads in the structure occurring under the flight and landing conditions.

§ 7.223 *Tail rotor guard.* When a tail rotor is provided on a rotorcraft, it shall not be possible for the tail rotor to contact the landing medium during a normal landing. If a tail rotor guard is provided which will contact the landing medium during landings and thus prevent tail rotor contact, suitable design loads for the guard shall be established, and the guard and its supporting structure shall be designed to withstand the established loads.

§ 7.224 *Stabilizing and control surfaces.* Stabilizing and control surfaces shall be designed to withstand the critical loading from maneuvers or from combined maneuver and gust. In no case shall the limit load be less than 15 pounds per square foot or a load due to $C_N$=0.55 at the maximum design speed. The load distribution shall simulate closely the actual pressure distribution conditions.

§ 7.225 *Primary control systems; general.* Longitudinal, lateral, vertical (collective pitch), and directional control systems shall be designed to the minimum requirements set forth in paragraphs (a) and (b) of this section.

(a) Manually operated control systems, including their supporting structure, shall be designed to withstand the loads resulting from the limit pilot-applied forces as set forth in subparagraphs (1) through (3) of this paragraph, or the maximum loads which can be obtained in normal operation of the rotorcraft, including any single power boost system failure (see § 7.328), whichever is greater. Where it can be shown that the system design or the normal operating loads are such that a portion of the system cannot react the specified pilot-applied forces of subparagraphs (1) through (3) of this paragraph, that portion of the system shall be designed to withstand the maximum loads which can be obtained in normal operation of the rotorcraft, except that design loads less than those resulting from 0.60 of the specified pilot-applied forces shall not be employed.

(1) Foot-type controls—130 pounds.

(2) Stick-type controls—100 pounds fore and aft—67 pounds laterally.

(3) Wheel-type controls—100 pounds fore and aft—53*D* inch-pounds couple at the rim of the control wheel (where *D* is wheel diameter, inches).

(b) The reaction to the applied loads shall be provided as follows:

(1) By the control stops only,

(2) By the control locks only,

(3) By the irreversible mechanism only (with the irreversible mechanism locked and with the control surface in all critical positions for the affected portions of the system within its limit of motion),

(4) By the attachment of the control system to the rotor blade pitch control horn only (with the control in all critical positions for the affected portions of the system within the limits of its motion), and

(5) By the attachment of the control system to the control surface horn (with the control in all critical positions for the affected portions of the system within the limits of its motion).

§ 7.226 *Dual primary flight control systems.* (a) When dual controls are provided, the system shall be designed for the pilots operating in opposition, using individual pilot loads equal to 75 percent of those obtained in accordance with § 7.225.

(b) The control system shall be designed for the pilots acting in conjunction using individual pilot loads equal to 75 percent of those obtained in accordance with § 7.225.

LANDING LOADS

§ 7.230 *General*—(a) *Loads and equilibrium.* The limit loads obtained in the landing conditions shall be considered as external loads which would occur in a rotorcraft structure if it were acting as a rigid body. In each of the conditions the external loads shall be placed in equilibrium with the linear and angular inertia loads in a rational or conservative manner. In applying the specified conditions the provisions of paragraphs (b) through (e) of this section shall be complied with.

(b) *Center of gravity positions.* The critical center of gravity positions within the certification limits shall be selected so that the maximum design loads in each of the landing gear elements are obtained.

(c) *Design weight.* The design weight used in the landing conditions shall not be less than the maximum weight of the rotorcraft. It shall be acceptable to assume a rotor lift, equal to two-thirds the design maximum weight, to exist throughout the landing impact and to act through the center of gravity of the rotorcraft. Higher values of rotor lift shall be acceptable if substantiated by tests and/or data which are applicable to the particular rotorcraft.

(d) *Load factor.* The structure shall be designed for a limit load factor selected by the applicant, of not less than the value of the limit inertia load factor substantiated in accordance with the provisions of § 7.332, except in conditions in which other values of load factors are prescribed.

(e) *Landing gear position.* The tires shall be assumed to be in their static position, and the shock absorbers shall be assumed to be in the most critical position, unless otherwise prescribed.

(f) *Landing gear arrangement.* The provisions of §§ 7.231 through 7.236 shall be applicable to landing gear arrangements where two wheels are located aft and one or more wheels are located forward of the center of gravity.

§ 7.231 *Level landing conditions.* (a) Under loading conditions prescribed in paragraphs (b) and (c) of this section, the rotorcraft shall be assumed to be in the following two level landing attitudes:

(1) All wheels contacting the ground simultaneously, and

(2) The aft wheels contacting the ground with the forward wheel(s) being just clear of the ground.

(b) The following two level landing loading conditions shall be considered. Where the forward portion of the landing gear has two wheels, the total load applied to the forward wheels shall be divided between the two wheels in a 40 : 60 proportion.

(1) Vertical loads shall be applied in accordance with the provisions of § 7.230.

(2) The vertical loads specified in subparagraph (1) of this paragraph shall be combined with a drag load at each wheel. The drag loads shall not be less than 25 percent of the respective vertical loads. For the attitude prescribed in paragraph (a) (1) of this section the resulting pitching moment shall be assumed resisted by the forward gear, while for the attitude prescribed in paragraph (a) (2) of this section the resulting pitching moment shall be assumed resisted by angular inertia forces.

(c) Drag components simulating the forces required to accelerate the wheel rolling assembly up to the specified ground speed shall be combined with the vertical reactions existing at the instant of peak drag loads. The ground speed for determination of the spin-up loads shall be assumed equal to 75 percent of the optimum forward flight speed for minimum rate of descent in autorotative flight. The vertical loads under this loading condition shall be in accordance with the provisions of § 7.230 (d). It shall be acceptable to apply this condition only to the landing gear and the attaching structure.



§ 7.232 *Nose-up landing condition.* The rotorcraft shall be assumed in the maximum nose-up attitude permitting clearance of the ground by all parts of the rotorcraft. The ground loads shall be applied perpendicularly to the ground.

§ 7.233 *One-wheel landing condition.* The rotorcraft shall be assumed in the level attitude to contact the ground on one of the wheels located aft of the center of gravity. The vertical load shall be the same as that obtained on the one side in the condition specified in § 7.231 (b) (1). The unbalanced external loads shall be reacted by the inertia of the rotorcraft.

§ 7.234 *Lateral-drift landing condition.* (a) The rotorcraft shall be assumed in the level landing attitude. Side loads shall be combined with one-half the maximum ground reactions obtained in the level landing conditions of § 7.231 (b) (1). These loads shall be applied at the ground contact point, unless the landing gear is of the full-swiveling type in which case the loads shall be applied at the center of the axle. The conditions set forth in paragraphs (b) and (c) of this section shall be considered.

(b) Only the wheels aft of the center of gravity shall be assumed to contact the ground. Side loads equal to 0.8 of the vertical reaction acting inward (on one side) and 0.6 of the vertical reaction acting outward (on the other side) shall be combined with the vertical loads specified in paragraph (a) of this section.

(c) The forward and aft wheels shall be assumed to contact the ground simultaneously. Side loads on the wheels aft of the center of gravity shall be applied in accordance with paragraph (b) of this section. A side load at the forward gear equal to 0.8 of the vertical reaction shall be combined with the vertical load specified in paragraph (a) of this section.

§ 7.235 *Brake roll conditions.* The rotorcraft attitudes shall be assumed to be the same as those prescribed for the level landing conditions in § 7.231 (a), with the shock absorbers deflected to their static position. The limit vertical load shall be based upon a load factor of 1.33. A drag load equal to the vertical load multiplied by a coefficient of friction of 0.8 shall be applied at the ground contact point of each wheel equipped with brakes, except that the drag load need not exceed the maximum value based on limiting brake torque.

§ 7.236 *Taxiing condition.* The rotorcraft and its landing gear shall be designed for loads which occur when the rotorcraft is taxied over the roughest ground which it is reasonable to expect in normal operation.

§ 7.240 *Ski landing conditions.* The structure of a rotorcraft equipped with skis shall be designed in compliance with the loading conditions set forth in paragraphs (a) through (c) of this section:

(a) *Up load conditions.* (1) A vertical load of *Pn* and a horizontal load of *Pn*/4 shall be applied simultaneously at the pedestal bearings, *P* being the maximum static weight on each ski when the rotorcraft is loaded to the maximum design weight. The limit load factor *n* shall be determined in accordance with § 7.230 (d).

(2) A vertical load equal to 1.33 *P* shall be applied at the pedestal bearings. (For *P* see subparagraph (1) of this paragraph.)

(b) *Side-load condition.* A side load of 0.35 *Pn* shall be applied in a horizontal plane perpendicular to the center line of the rotorcraft at the pedestal bearing. (For *P* and *n* see paragraph (a) (1) of this section.)

(c) *Torque-load condition.* A torque load equal to 1.33 *P* (ft.-lb.) shall be applied to the ski about the vertical axis through the center line of the pedestal bearings. (For *P* see paragraph (a) (1) of this section.)

§ 7.245 *Float landing conditions.* The structure of a rotorcraft equipped with floats shall be designed in compliance with the loading conditions set forth in paragraphs (a) and (b) of this section:

(a) *Up load conditions.* (1) With the rotorcraft assumed in the static level attitude a load shall be applied so that the resultant water reaction passes vertically through the center of gravity of the rotorcraft. The limit load factor shall be determined in accordance with § 7.230 (d) or shall be assumed to be the same as the load factor determined for the ground type landing gear.

(2) The vertical load prescribed in subparagraph (1) of this paragraph shall be applied together with an aft component equal to 0.25 the vertical component.

(b) *Side load condition.* The vertical load in this condition equal to 0.75 the vertical load prescribed in paragraph (a) (1) of this section, divided equally between the floats, shall be applied together with a side component. The total side component shall be equal to 0.25 the total vertical load in this condition and shall be applied to one float only.

MAIN COMPONENT REQUIREMENTS

§ 7.250 *Main rotor structure.* The requirements of paragraphs (a) through (g) of this section shall apply to the main rotor assemblies including hubs and blades.

(a) The hubs, blades, blade attachments, and blade controls which are subject to alternating stresses shall be designed to withstand the repeated loading conditions likely to occur within the established service life for such parts. The stresses of critical parts shall be determined in flight in all attitudes appropriate to the type of rotorcraft throughout the ranges of limitations prescribed in § 7.204. The service life of such parts shall be established by the applicant on the basis of fatigue tests or other methods found acceptable to the Administrator.

(b) The main rotor structure shall be designed to withstand the critical flight loads prescribed in §§ 7.210 through 7.214.

(c) The main rotor structure shall be designed to withstand the limit loads prescribed in §§ 7.210 through 7.214 under conditions of autorotation necessary for normal operation.

(d) The rotor blades, hubs, and flapping hinges shall be designed to withstand a loading condition simulating the force of the blade impact against its stop during operation on the ground.

(e) The rotor assembly shall be designed to withstand loadings simulating other critical conditions which might be encountered in normal operation.

(f) The rotor assembly shall be designed to withstand, at all rotational speeds, including zero, the maximum torque likely to be transmitted thereto by the rotor drive in both directions. If a torque limiting device is provided in the transmission system, the design limit torque need not be greater than the torque defined by the limiting device, except that in no case shall the design limit torque be less than the limit torque specified in § 7.251 (c). The design torque shall be distributed to the rotor blades in a rational manner.

(g) The rotor assembly shall be designed to withstand the maximum torque likely to be transmitted thereto from sudden applications of the rotor brake if provided. The design torque shall be equally distributed among the rotor blades.

§ 7.251 *Fuselage and rotor pylon structure.* The requirements of paragraphs (a) through (e) of this section shall apply to the fuselage and rotor pylon structure.

(a) The structure shall be designed to withstand the critical loads prescribed in §§ 7.210 through 7.214. The balancing air loads and inertia loads occurring under the accelerated flight conditions as well as the thrust from auxiliary rotors and the torque reaction of the rotor drive systems shall be considered.

(b) The structure shall be designed to withstand the applicable ground loads prescribed in §§ 7.230 through 7.245.

(c) The engine mount and adjacent fuselage structure shall be designed to withstand loads occurring in the rotorcraft under the accelerated flight and landing conditions, including the effects of engine torque loads. In the case of engines having 5 or more cylinders, the limit torque shall be obtained by multiplying the mean torque as defined by the power conditions in § 7.1 (g) (3) by a factor of 1.33. For 4-, 3-, and 2-cylinder engines, the factors shall be 2, 3, and 4, respectively. When a gas turbine powerplant is used, the limit torque shall be obtained by multiplying the mean torque for maximum continuous power by a factor of 1.25.

(d) The structure shall be designed to withstand the loads prescribed in § 7.250 (d) and (g).

(e) Those parts of the basic structure which are directly subjected to alternating stresses and the sudden failure of which would threaten the structural integrity of the rotorcraft shall be designed to withstand the repeated loading conditions likely to occur within the established service life for such parts. The stresses of critical parts shall be determined in flight in all attitudes appropri-

ate to the type of rotorcraft throughout the ranges of limitations prescribed in § 7.204. The service life of such parts shall be established by the applicant on the basis of fatigue tests or other methods found acceptable to the Administrator.

§ 7.252 *Auxiliary lifting surfaces.* The requirements of paragraphs (a) through (c) of this section shall apply to the auxiliary lifting surfaces.

(a) The structure shall be designed to withstand the critical flight loads prescribed in §§ 7.210 through 7.214.

(b) The structure shall be designed to withstand the applicable ground loads of §§ 7.230 through 7.245.

(c) The structure shall be designed to withstand loadings simulating other critical conditions which might be encountered in normal operations.

EMERGENCY LANDING CONDITIONS

§ 7.260 *General.* The requirements of paragraphs (a) through (c) of this section deal with emergency conditions of landing on land or water in which the safety of the occupants is considered, although it is accepted that parts of the rotorcraft may be damaged.

(a) The structure shall be designed to give every reasonable probability that all of the occupants, if they make proper use of the seats, belts, and other provisions made in the design (see § 7.355), will escape serious injury in the event of a minor crash landing (with wheels up if the rotorcraft is equipped with retractable landing gear) in which the occupants experience the following ultimate inertia forces relative to the surrounding structure:

(1) Upward 1.5g (downward 4.0g).
(2) Forward 4.0g.
(3) Sideward 2.0g.

(b) The use of a lesser value of the downward inertia force specified in paragraph (a) of this section shall be acceptable if it is shown that the rotorcraft structure can absorb the landing loads corresponding with the design maximum weight and an ultimate descent velocity of 5 fps without exceeding the value chosen.

(c) The inertia forces specified in paragraph (a) of this section shall be applied to all items of mass which would be apt to injure the passengers or crew if such items became loose in the event of a minor crash landing, and the supporting structure shall be designed to restrain these items.

§ 7.261 *Fuel tank protection.* When fuel tanks are located within the fuselage and below the passenger floor level in an area where there is a likelihood of tank rupture from ground impact in the emergency landing condition (see § 7.260), the fuselage structure in the area of such fuel tanks shall be designed to resist the crash impact and protect the fuel tanks from rupture.

NOTE: Fuselage keels whose design and structural strength are such as to resist crash impacts associated with the emergency landing conditions of § 7.260 without extreme distortion which might tend to rupture the fuel tank may be considered to comply with the requirements of this section.

SUBPART D—DESIGN AND CONSTRUCTION

GENERAL

§ 7.300 *Scope.* The rotorcraft shall not incorporate design features or details which experience has shown to be hazardous or unreliable. The suitability of all questionable design details or parts shall be established by tests.

§ 7.301 *Materials.* The suitability and durability of all materials used in the rotorcraft structure shall be established on the basis of experience or tests and shall conform to approved specifications which will insure their having the strength and other properties assumed in the design data.

§ 7.302 *Fabrication methods.* The methods of fabrication employed in constructing the rotorcraft structure shall be such as to produce a consistently sound structure. When a fabrication process such as gluing, spot welding, or heat treating requires close control to attain this obejctive, the process shall be performed in accordance with the approved process specification.

§ 7.303 *Standard fastenings.* All bolts, pins, screws, and rivets used in the structure shall be of an approved type. The use of an approved locking device or method is required for all such bolts, pins, and screws. Self-locking nuts shall not be used on bolts which are subject to rotation in operation.

§ 7.304 *Protection.* (a) All members of the structure shall be suitably protected against deterioration or loss of strength in service due to weathering, corrosion, abrasion, or other causes.

(b) Provision for ventilation and drainage of all parts of the structure shall be made where necessary for protection.

(c) In rotorcraft equipped with floats, special precautions shall be taken against corrosion from salt water, particularly where parts made from different metals are in close proximity.

§ 7.305 *Inspection provisions.* Means shall be provided to permit the close examination of those parts of the rotorcraft which require periodic inspection, adjustment for proper alignment and functioning, and lubrication of moving parts.

§ 7.306 *Material strength properties and design values.* (a) Material strength properties shall be based on a sufficient number of tests of material conforming to specifications to establish design values on a statistical basis.

(b) The design values shall be so chosen that the probability of any structure being understrength because of material variations is extremely remote.

(c) ANC–5, ANC–18, and ANC–23, Part II, values shall be used unless shown to be inapplicable in a particular case.

NOTE: ANC–5, "Strength of Metal Aircraft Elements," ANC–18, "Design of Wood Aircraft Structures," and ANC–23, "Sandwich Construction for Aircraft," are published by the Subcommittee on Air Force-Navy-Civil Aircraft Design Criteria, and may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

(d) The strength, detail design, and fabrication of the structure shall be such as to minimize the probability of disastrous fatigue failure.

NOTE: Points of stress concentration are one of the main sources of fatigue failure.

§ 7.307 *Special factors*—(a) *General.* Where there is uncertainty concerning the actual strength of a particular part of the structure, or where the strength is likely to deteriorate in service prior to normal replacement of the part, or where the strength is subject to appreciable variability due to uncertainties in manufacturing processes and inspection methods, the factor of safety prescribed in § 7.200 (b) shall be multiplied by a special factor of a value such as to make the probability of the part being understrength from these causes extremely remote. The special factors set forth in paragraphs (b) through (d) of this section shall be acceptable for this purpose.

(b) *Casting factors.* (1) Where only visual inspection of a casting is to be employed, the casting factor shall be 2.0, except that it need not exceed 1.25 with respect to bearing stresses.

(2) It shall be acceptable to reduce the factor of 2.0 specified in subparagraph (1) of this paragraph to a value of 1.25 if such a reduction is substantiated by testing at least three sample castings and if the sample castings as well as all production castings are visually and radiographically inspected in accordance with an approved inspection specification. During these tests the samples shall withstand the ultimate load multiplied by the factor of 1.25 and in addition shall comply with the corresponding limit load multiplied by a factor of 1.15.

(3) Casting factors other than those contained in subparagraphs (1) and (2) of this paragraph shall be acceptable if they are found to be appropriately related to tests and to inspection procedures.

(4) A casting factor need not be employed with respect to the bearing surface of a part if the bearing factor used (see paragraph (c) of this section) is of greater magnitude than the casting factor.

(c) *Bearing factors.* (1) Bearing factors of sufficient magnitude shall be used to provide for the effects of normal relative motion between parts and in joints with clearance (free fit) which are subject to pounding or vibration.

(2) A bearing factor need not be employed on a part if another special factor prescribed in this section is of greater magnitude than the bearing factor.

(d) *Fitting factors.* (1) A fitting factor of at least 1.15 shall be used on all fittings the strength of which is not proven by limit and ultimate load tests in which the actual stress conditions are simulated in the fitting and the surrounding structure. This factor shall apply to all portions of the fitting, the means of attachment, and the bearing on the members joined.

(2) In the case of integral fittings the part shall be treated as a fitting up to the point where the section properties become typical of the member.



(3) The fitting factor need not be employed where a type of joint made in accordance with approved practices is based on comprehensive test data; e. g., continuous joints in metal plating, welded joints, and scarf joints in wood.

(4) A fitting factor need not be employed with respect to the bearing surface of a part if the bearing factor used (see paragraph (c) of this section) is of greater magnitude than the fitting factor.

MAIN ROTOR

§ 7.310 *Main rotor blades; pressure venting and drainage.* Internal pressure venting of the main rotor blades shall be provided. Drain holes shall be provided and, in addition, the blades shall be designed to preclude the possibility of water becoming trapped in any section of the blade.

§ 7.311 *Stops.* The rotor blades shall be provided with stops, as required for the particular design, to limit the travel of the blades about their various hinges. Provision shall be made to keep the blades from hitting the droop stops except during the starting and stopping of the rotor.

§ 7.312 *Rotor and blade balance.* Rotors and blades shall be mass-balanced to the degree necessary to prevent excessive vibrations and to safeguard against flutter at all speeds up to the maximum forward speed.

§ 7.313 *Rotor blade clearance.* Clearance shall be provided between the main rotor and all other parts of the rotorcraft to prevent the blades from striking any part of the rotorcraft during any operating condition.

CONTROL SYSTEMS

§ 7.320 *General.* All controls and control systems shall operate with ease, smoothness, and positiveness appropriate to their function. (See also §§ 7.350 and 7.353.)

§ 7.321 *Control system stops.* (a) All control systems shall be provided with stops which positively limit the range of motion of the pilot's controls.

(b) Control system stops shall be so located in the system that wear, slackness, or take-up adjustments will not affect appreciably the range of travel.

(c) Control system stops shall be capable of withstanding the loads corresponding with the design conditions for the control system.

§ 7.322 *Control locks.* If a device is provided for locking the control system while the rotorcraft is on the ground or water, the provisions of paragraphs (a) and (b) of this section shall apply.

(a) The device shall either automatically disengage when the pilot operates the controls in a normal manner, or it shall limit the operation of the rotorcraft in such a manner that the pilot receives unmistakable warning while on the ground prior to take-off.

(b) Means shall be provided to preclude the possibility of the lock becoming engaged during flight.

§ 7.323 *Static tests.* Tests shall be conducted on control systems to show compliance with limit load requirements in accordance with the provisions of paragraphs (a) through (c) of this section.

(a) The direction of the test loads shall be such as to produce the most severe loading in the control system.

(b) The tests shall include all fittings, pulleys, and brackets used in attaching the control system to the main structure.

(c) Analyses or individual load tests shall be conducted to demonstrate compliance with the special factor requirements for control system joints subjected to angular motion. (See §§ 7.307 and 7.325.)

§ 7.324 *Operation tests.* An operation test shall be conducted for each control system by operating the controls from the pilot compartment with the entire system loaded to correspond with loads specified for the control system. In this test there shall be no jamming, excessive friction, or excessive deflection.

§ 7.325 *Control system details; general.* All details of control systems shall be designed and installed to prevent jamming, chafing, and interference from cargo, passengers, and loose objects. Precautionary means shall be provided in the cockpit to prevent the entry of foreign objects into places where they would jam the control systems. Provisions shall be made to prevent the slapping of cables or tubes against other parts of the rotorcraft. The following detailed requirements shall be applicable with respect to cable systems and joints:

(a) *Cable systems.* (1) Cables, cable fittings, turnbuckles, splices, and pulleys shall be of an acceptable type.

(2) The design of cable systems shall preclude any hazardous change in cable tension throughout the range of travel under operating conditions and temperature variations.

(3) Cables smaller than 1/8 inch diameter shall not be used in the primary control system.

(4) Pulley types and sizes shall correspond to the cables with which they are used. The pulley-cable combinations and strength values specified in ANC–5 shall be used unless shown to be inapplicable for a particular installation.

(5) All pulleys shall be provided with closely fitted guards to prevent the cables being displaced or fouled.

(6) Pulleys shall lie in the plane passing through the cable within such limits that the cable does not rub against the pulley flange.

(7) Fairleads shall be so installed that they do not cause a change in cable direction of more than 3°.

(8) Clevis pins (excluding those not subject to load or motion) retained only by cotter pins shall not be used in the control system.

(9) Turnbuckles attached to parts having angular motion shall be installed to prevent positively any binding throughout the range of travel.

(10) Provision for visual inspection shall be made at all fairleads, pulleys, terminals, and turnbuckles.

(b) *Joints.* (1) Control system joints subjected to angular motion in push-pull systems, excepting ball and roller bearing systems, shall incorporate a special factor of not less than 3.33 with respect to the ultimate bearing strength of the softest material used as a bearing.

(2) It shall be acceptable to reduce the factor specified in subparagraph (1) of this paragraph to a value of 2.0 for joints in cable control systems.

(3) The manufacturer's static, non-Brinell rating of ball and roller bearings shall not be exceeded.

§ 7.326 *Spring devices.* The reliability of any spring device used in the control system shall be established by tests simulating service conditions, unless it is demonstrated that failure of the spring will not cause flutter or unsafe flight characteristics.

§ 7.327 *Autorotative control mechanism.* The main rotor blade pitch control mechanism shall be arranged to permit rapid entry into autorotative flight in the event of power failure.

§ 7.328 *Power boost systems.* If the rotorcraft is equipped with power boost controls, the design of the control system shall be such that the rotorcraft can be flown and landed safely in the event of any single failure in the power boost system.

LANDING GEAR

§ 7.330 *General.* The requirements of §§ 7.331 through 7.338 shall apply to the complete landing gear.

§ 7.331 *Shock absorbers.* (a) The shock absorbing elements for the main, nose, and rear wheel units shall be substantiated by the tests specified in § 7.332.

(b) The shock absorbing ability of the landing gear in taxying shall be demonstrated by taxying tests (see § 7.236).

§ 7.332 *Shock absorption tests.* Drop tests shall be conducted in accordance with paragraphs (a) and (b) of this section to substantiate the landing limit inertia load factor (see § 7.230 (d)) and to demonstrate the reserve energy absorption capacity of the landing gear. The drop tests shall be conducted with the complete rotorcraft or on units consisting of wheel, tire, and shock absorber in their proper relation.

(a) *Limit drop test.* The drop height in the limit drop test shall be 13 inches measured from the lowest point of the landing gear to the ground. A lesser drop height shall be permissible if it results in a drop test contact velocity found by the Administrator to be equal to the greatest probable sinking speed of the rotorcraft at ground contact in power-off landings likely to be made in normal operation of the rotorcraft. In no case shall the drop height be less than 8 inches. If rotor lift is considered (see § 7.230 (c)), it shall be introduced in the drop test by the use of appropriate energy absorbing devices or by the use of an effective mass.

NOTE: In lieu of more rational computations, the following may be employed when use is made of an effective mass:

$$W_e = W\left(\frac{h+(1-L)d}{h+d}\right)$$

where:

$W_e$ = the effective weight to be used in the drop test (pounds).

$W = W_M$ for main gear units (pounds), equal to the static reaction on the particular unit with the rotorcraft in the most critical attitude; a rational method may be used in computing the main gear static reaction, taking into consideration the distance between the direction of the main wheel reaction and the aircraft center of gravity.

$W = W_N$ for nose wheel units (pounds), equal to the vertical component of the ground reaction which would exist at the nose wheel, assuming the mass of the rotorcraft acting at the center of gravity and exerting a force of 1.0$g$ downward and 0.25$g$ forward.

$h$ = specified free drop height (inches).

$L$ = ratio of assumed rotor lift to the rotorcraft weight.

$d$ = deflection under impact of the tire (at the approved inflation pressure) plus the vertical component of the axle travel relative to the drop mass (inches).

(b) *Reserve energy absorption drop test.* The reserve energy absorption capacity shall be demonstrated by a drop test in which the drop height is equal to 1.5 times the drop height prescribed in paragraph (a) of this section, and the rotor lift is assumed to be not greater than 1.5 times the rotor lift used in the limit drop tests, except that the resultant inertia load factor need not exceed 1.5 times the limit inertia load factor determined in accordance with paragraph (a) of this section. In this test the landing gear shall not collapse.

NOTE: The effect of rotor lift may be considered in a manner similar to that prescribed in paragraph (a) of this section.

§ 7.333 *Limit load factor determination.* In determining the rotorcraft inertia load factor "$n$" from the free drop tests specified in § 7.332, the following formula shall be used:

$$n = n_j \frac{W_e}{W} + L;$$

where:

$n_j$ = load factor during impact developed on the mass used in the drop tests (i. e., the acceleration $dv/dt$ in g's recorded in the drop tests, plus 1.0). (See § 7.332 (a) for explanation of $W_e$, $W$, and $L$.)

§ 7.334 *Retracting mechanism*—(a) *General.* (1) The landing gear retracting mechanism, wheel well doors, and supporting structure shall be designed for the loads occurring in the flight maneuvering conditions when the gear is in the retracted position, and for the combination of friction, inertia, and air loads occurring during retraction and extension at any air speed up to the design maximum landing gear extended speed.

(2) The landing gear, the retracting mechanism, and the rotorcraft structure including wheel well doors shall be designed to withstand flight loads, including those in yawed flight, occurring with the landing gear in the extended position at any air speed up to the design maximum landing gear extended speed.

(b) *Landing gear lock.* A positive means shall be provided for the purpose of maintaining the landing gear in the extended position.

(c) *Emergency operation.* When other than manual power for the operation of the landing gear is employed, emergency means for extending the landing gear shall be provided, so that the landing gear can be extended in the event of any reasonably probable failure in the normal retraction system. In any case, the emergency system shall provide for the failure of any single source of hydraulic, electric, or equivalent energy supply.

(d) *Operation test.* Proper functioning of the landing gear retracting mechanism shall be demonstrated by operation tests.

(e) *Position indicator.* When a retractable landing gear is used, means shall be provided for indicating to the pilot when the gear is secured in the extended and in the retracted positions.

(f) *Control.* The location and operation of the landing gear retraction control shall be according to the provisions of § 7.353.

§ 7.335 *Wheels.* Landing gear wheels shall be of an approved type. The maximum static load rating of each wheel shall not be less than the corresponding static ground reaction under the maximum weight of the rotorcraft and the critical center of gravity position. The maximum limit load rating of each wheel shall not be less than the maximum radial limit load determined in accordance with the applicable ground load requirements of this part.

§ 7.336 *Brakes.* A braking device shall be installed, controllable by the pilot and usable during power-off landings, which is adequate to insure:

(a) Counteraction of any normal unbalanced torque when starting or stopping the rotor.

(b) Holding the rotorcraft parked on a 10° slope on a dry, smooth pavement.

§ 7.337 *Tires.* (a) Landing gear tires shall be of a proper fit on the rim of the wheel, and their approved rating shall be such that it is not exceeded under the following conditions:

(1) Rotorcraft weight equal to the maximum design weight.

(2) Load on each main wheel tire equal to the corresponding static ground reaction when considering the critical center of gravity position.

(3) Load on nose wheel tires (to be compared with the dynamic rating established for such tires) equal to the reaction obtained at the nose wheel assuming the mass of the rotorcraft concentrated at the most critical center of gravity and exerting a force of 1.0g downward and 0.25g forward, the reactions being distributed to the nose and main wheels by the principles of statics with the drag reaction at the ground applied only at those wheels which have brakes.

§ 7.338 *Skis.* (a) Landing gear skis shall have load ratings appropriate to the limit loads determined in accordance with the applicable ground load requirements of this part (see § 7.240).

(b) A stabilizing means shall be provided to maintain the ski in an appropriate position during flight and shall have sufficient strength to withstand the maximum aerodynamic and inertia loads to which the ski is subjected.

FLOATS

§ 7.340 *Buoyancy (main floats).* (a) Main floats shall have a buoyancy in excess of that required to support the maximum weight of the rotorcraft in fresh water as follows:

(1) 50 percent in the case of single floats;

(2) 60 percent in the case of multiple floats.

(b) Main floats shall contain at least 5 watertight compartments of approximately equal volume.

§ 7.341 *Float strength.* Floats shall be designed for the conditions set forth in paragraphs (a) and (b) of this section:

(a) *Bag type floats.* Bag type floats shall withstand the maximum pressure differential which might be developed at the maximum altitude for which certification with floats is sought. In addition, the floats shall withstand the vertical loads prescribed by § 7.245 (a) distributed along the length of the bag over three-quarters of the projected bag area.

(b) *Rigid floats.* Rigid type floats shall withstand the vertical, horizontal, and side loads prescribed in § 7.245. An appropriate load distribution under critical conditions shall be used.

PERSONNEL AND CARGO ACCOMMODATIONS

§ 7.350 *Pilot compartment; general.* (a) The arrangement of the pilot compartment and its appurtenances shall provide safety and assurance that the pilot will be able to perform all of his duties and operate the controls in the correct manner without unreasonable concentration and fatigue.

(b) When provision is made for a second pilot, the rotorcraft shall be controllable with equal safety from both seats.

(c) The pilot compartment shall be constructed to prevent leakage likely to be distracting to the crew or harmful to the structure when flying in rain or snow.

(d) Vibration and noise characteristics of cockpit appurtenances shall not interfere with the safe operation of the rotorcraft.

(e) A passageway between the pilot compartment and the passenger compartment shall be provided. Suitable means shall be provided to prevent passengers from entering the pilot compartment without permission.

§ 7.351 *Pilot compartment vision*—(a) *Nonprecipitation conditions.* (1) The pilot compartment shall be arranged to afford the pilot(s) a sufficiently extensive, clear, and undistorted view for the safe operation of the rotorcraft.

(2) It shall be demonstrated during the day and, where appropriate, during the night by flight tests that the pilot compartment is free of glare and reflection which would tend to interfere with the pilots' vision.

(b) *Precipitation conditions.* (1) Means shall be provided so that the pilot(s) is afforded a sufficiently extensive view to permit safe operation under the following conditions:

(i) In heavy rain at forward speeds up to $V_H$ and

(ii) In the most severe icing condition in which operation of the rotorcraft is approved.

(2) In addition to the means provided in subparagraph (1) of this paragraph, the pilot shall be provided with a window which is openable under the conditions prescribed in subparagraph (1) of this paragraph and which provides the view prescribed in that subparagraph.

§ 7.352 *Pilot windshield and windows.* All glass panes shall be of a nonsplintering safety type.

§ 7.353 *Controls.* (a) All cockpit controls shall be located to provide convenience in operation and in a manner tending to prevent confusion and inadvertent operation. (See also § 7.737.)

(b) The controls shall be so located and arranged with respect to the pilots' seats that there exists full and unrestricted movement of each control without interference from either the cockpit structure or the pilots' clothing when seated. This shall be demonstrated for individuals ranging from 5' 2" to 6' 0" in height.

§ 7.354 *Doors.* (a) Closed cabins shall be provided with at least one adequate and easily accessible external door.

(b) No passenger door shall be so located with respect to the rotor discs as to endanger persons using the door when appropriate operating instructions are employed.

(c) Means shall be provided for locking crew and external passenger doors and for safeguarding against their opening in flight either inadvertently by persons or as a result of mechanical failure. It shall be possible to open external doors from either the inside or the outside of the cabin while the rotorcraft is on the ground. The means of opening shall be simple and obvious and shall be so arranged and marked that it can be readily located and operated.

(d) Reasonable provisions shall be made to prevent the jamming of any external door as a result of fuselage deformation in a minor crash.

(e) Means shall be provided for a direct visual inspection of the locking mechanism by crew members to ascertain whether all external doors, including passenger, crew, service, and cargo doors are fully locked. In addition, visual means shall be provided to signal to appropriate crew members that all normally used external doors are closed and in the fully locked position.

(f) For outwardly opening external doors usable by persons for entrance or egress, an auxiliary safety latching device shall be provided which will prevent the door from coming open in the event of difficulties with the primary latching mechanism. If the door will not meet the requirements of paragraph (c) of this section with the auxiliary safety latching device in place, then suitable operating procedures shall be established to insure that the device shall not be in place during take-off or landing.

§ 7.355 *Seats and safety belts*—(a) *General.* At all stations designated as occupiable during take-off and landing, the seats, belts, harnesses (if used) and adjacent parts of the rotorcraft shall be such that a person making proper use of these facilities will not suffer serious injury in the emergency landing conditions as a result of inertia forces specified in § 7.260. Seats shall be of an approved type (see also § 7.643 concerning safety belts).

(b) *Arrangement.* (1) Passengers and crew shall be afforded protection from head injuries by one of the following means:

(i) Safety belt and shoulder harness which will prevent the head from contacting any injurious object;

(ii) Safety belt and the elimination of all injurious objects within striking radius of the head; or

(iii) Safety belt and a cushioned rest which will support the arms, shoulders, head, and spine.

(2) For arrangements which do not provide a firm handhold on seat backs, hand grips or rails shall be provided along aisles to enable passengers or crew members to steady themselves while using the aisles in moderately rough air.

(3) All projecting objects which would cause injury to persons seated or moving about the rotorcraft in normal flight shall be padded.

(c) *Strength.* All seats and their supporting structure shall be designed for an occupant weight of 170 pounds with due account taken of the maximum load factors, inertia forces, and reactions between occupant, seat, and safety belt or harness corresponding with all relevant flight and ground load conditions, including the emergency landing conditions prescribed in § 7.260. In addition, the following shall apply:

(1) Pilot seats shall be designed for the reactions resulting from the application of pilot forces to the flight controls as prescribed in § 7.225.

(2) In determining the strength of the seat attachments to the structure and the safety belt or shoulder harness (if installed) attachments to the seat or structure, the inertia forces specified in § 7.260 (a) shall be multiplied by a factor of 1.33.

§ 7.356 *Cargo and baggage compartments.* (See also § 7.382.) (a) Each cargo and baggage compartment shall be designed for the placarded maximum weight of contents and the critical load distributions at the appropriate maximum load factors corresponding with all specified flight and ground load conditions, excluding the emergency landing conditions of § 7.260.

(b) Provision shall be made to prevent the contents in the compartments from becoming a hazard by shifting under the loads specified in paragraph (a) of this section.

(c) Provision shall be made to protect the passengers and crew from injury by the contents of any compartment when the ultimate inertia force acting forward is 4g.

§ 7.357 *Emergency evacuation.* Crew and passenger areas shall be provided with emergency evacuation means to permit rapid egress in the event of crash landings, whether with the landing gear extended or retracted, taking into account the possibility of the rotorcraft being on fire. Passenger entrance, crew, and service doors shall be considered as emergency exits if they meet the applicable requirements of this section.

(a) *Flight crew emergency exits.* Flight crew emergency exits shall be located in the flight crew area on both sides of the rotorcraft or as a top hatch to provide for rapid evacuation. Such exits shall not be required on small rotorcraft where the Administrator finds that the proximity of passenger emergency exits to the flight crew area renders them convenient and readily accessible to the flight crew.

(b) *Passenger emergency exits; type and location.* The types of exits and their location shall be as follows:

(1) *Type I.* A rectangular opening of not less than 24 inches wide by 48 inches high, with corner radii not greater than 4 inches, located in the passenger area in the side of the fuselage at floor level and as far away as practicable from areas which might become potential fire hazards after a crash.

(2) *Type II.* Same as Type I (subparagraph (1) of this paragraph) except that the opening is not less than 20 inches wide by 44 inches high.

(3) *Type III.* A rectangular opening of not less than 20 inches wide by 36 inches high, with corner radii not greater than 4 inches, located in the passenger area in the side of the fuselage and as far away as practicable from areas which might become potential fire hazards after a crash.

(4) *Type IV.* A rectangular opening of not less than 19 inches wide by 26 inches high, with corner radii not greater than 4 inches, located in the side of the fuselage with a step-up inside the rotorcraft of not more than 29 inches.

NOTE: Larger openings than those specified in paragraph (b) of this section will be acceptable, whether or not of rectangular shape, provided the specified rectangular openings can be inscribed therein, and further provided that the base of the opening affords a flat surface not less than the width specified.

(c) *Passenger emergency exits; number required.* Emergency exits of the type and located as prescribed in paragraph (b) of this section shall be accessible to the passengers, and shall be provided in accordance with the following table:

| Passenger seating capacity | Emergency exits required on each side of fuselage | | | |
|---|---|---|---|---|
| | Type I | Type II | Type III | Type IV |
| 1 to 19 inclusive | ------ | ------ | 1 | ------ |
| 20 to 39 inclusive | ------ | 1 | ------ | 1 |
| 40 to 69 inclusive | 1 | ------ | ------ | 1 |

In addition to the number of exits required for the side of the fuselage, openings shall be provided in other parts of the fuselage (top, bottom, or ends) so that, in the event of a crash landing in which the fuselage comes to rest on its side, emergency exits shall be available for egress. When it can be satisfactorily demonstrated that the configuration of the rotorcraft is such that the probability of the rotorcraft rolling over and coming to rest on the side of the fuselage after a crash landing is extremely remote, it shall be acceptable to provide emergency exits in the side of the fuselage only.

(d) *Emergency exit arrangement.* (1) Emergency exits shall consist of movable doors or hatches in the external walls of the fuselage and shall provide an unobstructed opening to the outside.

(2) All emergency exits shall be openable from the inside and from the outside.

(3) The means of opening emergency exits shall be simple and obvious and shall not require exceptional effort of a person opening them.

(4) Means shall be provided for locking each emergency exit and for safeguarding against opening in flight either inadvertently by persons or as a result of mechanical failure.

(5) Provision shall be made to minimize the possibility of jamming of emergency exits as a result of fuselage deformation in a minor crash landing.

(6) For all emergency exits other than Type IV located above a wing (see paragraph (b) of this section) which are more than 6 feet from the ground with the rotorcraft on the ground and the landing gear extended, acceptable means shall be provided to assist the occupants in descending to the ground.

(7) The proper functioning of emergency exit installations shall be demonstrated by test.

(e) *Emergency exit marking.* (1) All emergency exits, their means of access, and their means of opening shall be marked conspicuously. The identity and location of emergency exits shall be recognizable from a distance equal to the width of the cabin. The location of the emergency exit operating handle and the instructions for opening shall be marked on or adjacent to the emergency exit and shall be readable from a distance of 30 inches.

(2) A source or sources of light, with an energy supply independent of the main lighting system, shall be installed to illuminate all emergency exit markings. Such lights shall be designed to function automatically in a crash landing and shall also be operable manually.

(3) All emergency exits and their means of opening shall be marked on the outside of the rotorcraft for guidance of rescue personnel.

(f) *Emergency exit access.* Passageways between individual compartments of the passenger area and passageways leading to Type I and Type II emergency exits (see paragraph (b) of this section) shall be unobstructed and shall be not less than 20 inches wide. Adjacent to emergency exits where assisting means are required by paragraph (d) (6) of this section, there shall be sufficient additional space to allow a crew member to assist in the evacuation of passengers without reduction in the unobstructed width of the passageway to such exit.

(g) *Width of main aisle.* The main passenger aisle at any point between seats shall be not less than 15 inches wide up to a height above the floor of 25 inches and not less than 20 inches wide above that height.

§ 7.358 *Ventilation.* (a) All passenger and crew compartments shall be ventilated and crew compartments shall be provided with a sufficient amount of fresh air to enable crew members to perform their duties without undue discomfort or fatigue.

NOTE: A fresh air supply of 10 cubic feet per minute is considered a minimum for each crew member.

(b) Crew and passenger compartment air shall be free from harmful or hazardous concentrations of gases or vapors. The concentration of carbon monoxide shall not exceed 1 part in 20,000 parts of air under conditions of forward flight. For other configurations of operation, suitable operating restrictions shall be provided if the carbon monoxide concentration exceeds this value.

(c) Provisions shall be made to insure the conditions prescribed in paragraph (b) of this section in the event of reasonably probable failures of the ventilating, heating, or other systems and equipment.

NOTE: Examples of acceptable provisions include secondary isolation, integral protective devices, and crew warning and shutoff provisions for equipment the malfunctioning of which could introduce harmful or hazardous quantities of smoke or gases.

§ 7.359 *Heaters.* Combustion heaters shall be of an approved type and shall comply with the fire protection requirements of § 7.383. Engine exhaust heaters shall comply with the provisions of § 7.467 (c) and (d).

FIRE PREVENTION

§ 7.380 *General.* Compliance shall be shown with the fire prevention requirements of §§ 7.381 through 7.385. Additional fire prevention requirements are prescribed in Subpart E, Powerplant Installation, and Subpart F, Equipment.

(a) *Hand fire extinguishers.* Hand fire extinguishers shall be of an approved type. The types and quantities of extinguishing agents shall be appropriate for the type of fires likely to occur in the compartments where the extinguishers are intended for use. Extinguishers intended for use in personnel compartments shall be such as to minimize the hazard of toxic gas concentrations.

(b) *Built-in fire extinguishers.* Where a built-in fire extinguishing system is required, its capacity in relation to the compartment volume and ventilation rate shall be sufficient to combat any fire likely to occur in the compartment. All built-in fire extinguishing systems shall be so installed that any extinguishing agent likely to enter personnel compartments will not be hazardous to the occupants and that any discharge of the extinguisher cannot result in structural damage.

§ 7.381 *Cabin interiors.* All compartments occupied or used by the crew or passengers shall comply with the provisions of paragraphs (a) through (f) of this section.

(a) The materials in no case shall be less than flash-resistant.

(b) The wall and ceiling linings, the covering of all upholstery, floors, and furnishings shall be flame-resistant.

(c) Compartments where smoking is to be permitted shall be equipped with ash trays of the self-contained type which are completely removable. All other compartments shall be placarded against smoking.

(d) All receptacles for used towels, paper, and waste shall be of fire-resistant materials and shall incorporate covers or other provisions for containing possible fires.

(e) At least one hand fire extinguisher shall be provided for use by the flight crew.

(f) In addition to the requirements of paragraph (e) of this section, at least the following number of hand fire extinguishers conveniently located for use in passenger compartments shall be provided according to the passenger capacity of the rotorcraft:

| Passenger capacity | Minimum number of hand fire extinguishers |
|---|---|
| 6 or less | 0 |
| 7 through 30 | 1 |
| 31 through 60 | 2 |

§ 7.382 *Cargo and baggage compartments.* (a) Cargo and baggage compartments shall be constructed of or completely lined with fire-resistant material. Compartments shall include no controls, wiring, lines, equipment, or accessories, the damage or failure of which would affect the safe operation of the rotorcraft, unless such items are shielded, isolated, or otherwise protected so that they cannot be damaged by movement of cargo in the compartment, and so that any breakage or failure of such items will not create a fire hazard. Design of inaccessible compartments and sealing of these compartments shall be such as to contain cargo compartment fires for a period of time sufficient to permit landing and safe evacuation of the occupants.

NOTE: For compartments having a volume not in excess of 500 cubic feet, an airflow of not more than 1,500 cubic feet per hour is considered acceptable. For larger compartments lesser airflow may be applicable.

(b) Cargo and baggage compartments shall be designed or provided with detection devices to insure detection of fires by a crew member while at his proper station, and to preclude the entrance of harmful quantities of smoke, flame, etc., into crew or passenger compartments.

(c) If compartments are intended to be accessible in flight, protective breathing equipment shall be available for the use of the appropriate crew member (see § 7.646).

(d) Compliance with the provisions of this section which refer to fire detection and the entry of hazardous quantities of smoke, extinguishing agents, or other noxious gases into the crew and passenger compartments shall be demonstrated in flight.



§ 7.383 *Combustion heater fire protection*—(a) *Combustion heater fire zones.* The following shall be considered as combustion heater fire zones and shall be protected against fire in accordance with the applicable provisions of §§ 7.480 through 7.486 and § 7.489:

(1) Region surrounding the heater, if such region contains any flammable fluid system components including the heater fuel system which might be damaged by heater malfunctioning or which, in case of leakage or failure, might permit flammable fluids or vapors to reach the heaters.

(2) That portion of the ventilating air passage which surrounds the combustion chamber, except that this area need not be provided with an extinguishing system if the passage is so constructed that it will contain and withstand any fire which may occur within the passage without damage to other rotorcraft components.

(b) *Ventilating air ducts.* (1) Ventilating air ducts which pass through fire zones shall be of fireproof construction.

(2) Unless isolation is provided by the use of fireproof valves or other equivalently effective means, the ventilating air duct downstream of the heater shall be of fireproof construction for a sufficient distance to assure that any fire originating from within the heater can be contained within the duct.

(3) Portions of ventilating ducts passing through regions in the rotorcraft where flammable fluid systems are located shall be so constructed or isolated from such systems that failure or malfunctioning of the flammable fluid system components cannot introduce flammable fluids or vapors into the ventilating airstream.

(c) *Combustion air ducts.* (1) Combustion air ducts shall be of fireproof construction for a distance sufficient to prevent damage from backfiring or reverse flame propagation.

(2) Combustion air ducts shall not communicate with the ventilating airstream unless it is demonstrated that flames from backfires or reverse burning cannot enter the ventilating airstream under any conditions of ground or flight operation including conditions of reverse flow or malfunctioning of the heater or its associated components.

(3) Combustion air ducts shall not restrict prompt relief of backfires which can cause heater failure due to pressures generated within the heater.

(d) *Heater controls; general.* Provisions shall be made to prevent hazardous accumulations of water or ice on or within any heater control components, control system tubing, or safety controls.

(e) *Heater safety controls.* (1) In addition to the components provided for normal continuous control of air temperature, air flow, and fuel flow, means independent of such components shall be provided with respect to each heater to shut off automatically that heater's ignition and fuel supply at a point remote from the heater when the heat exchanger temperature or ventilating air temperature exceeds safe limits or when either the combustion air flow or the ventilating flow becomes inadequate for safe operation. The means provided for this purpose for any individual heater shall be independent of all components serving other heaters, the heat output of which is essential to the safe operation of the rotorcraft. The means shall also be such that the heater will remain off until restarted by the crew.

(2) Warning means shall be provided to indicate to the crew when a heater, the heat output of which is essential to the safe operation of the rotorcraft, has been shut off by the operation of the automatic means prescribed in subparagraph (1) of this paragraph.

(f) *Air intakes.* Combustion and ventilating air intakes shall be so located that no flammable fluids or vapors can enter the heater system under any conditions of ground or flight operation either during normal operation or as a result of malfunctioning, failure, or improper operation of other rotorcraft components.

(g) *Heater exhaust.* Heater exhaust systems shall comply with the provisions of § 7.467 (a) and (b). In addition, the following shall apply:

(1) Exhaust shrouds shall be sealed so that flammable fluids and hazardous quantities of vapors cannot reach the exhaust systems through joints.

(2) Exhaust systems shall not restrict the prompt relief of backfires which can cause heater failure due to pressures generated within the heater.

(h) *Heater fuel systems.* Heater fuel systems shall comply with all portions of the powerplant fuel system requirements which affect safe heater operation. In addition, heater fuel system components within the ventilating airstream shall be protected by shrouds so that leakage from such components cannot enter the ventilating airstream.

(i) *Drains.* Means shall be provided for safe drainage of fuel accumulations which might occur within the combustion chamber or the heat exchanger. Portions of such drains which operate at high temperatures shall be protected in the same manner as heater exhausts (see paragraph (g) of this section). Drains shall be protected against hazardous ice accumulations in flight and during ground operation.

§ 7.384 *Fire protection of structure, controls, and other parts*—(a) *Category A.* All structure, controls, rotor mechanism, and other parts essential to controlled flight and landing of the rotorcraft which would be affected by powerplant fires shall be of fireproof construction.

(b) *Category B.* All structure, controls, rotor mechanism, and other parts essential to a controlled landing of the rotorcraft which would be affected by powerplant fires either shall be of fireproof construction or shall be otherwise protected, so that they can perform their essential functions for at least 5 minutes under all foreseeable powerplant fire conditions. (See also §§ 7.480 and 7.483 (a).)

§ 7.385 *Flammable fluid fire protection.* In areas of the rotorcraft where flammable fluids or vapors might be liberated by leakage or failure in fluid systems, design precautions shall be taken to safeguard against the ignition of such fluids or vapors due to the operation of other equipment or to control any fire resulting from such ignition.

MISCELLANEOUS

§ 7.390 *Leveling marks.* Reference marks shall be provided for use in leveling the rotorcraft to facilitate weight and balance determinations on the ground.

§ 7.391 *Ballast provisions.* Ballast provisions shall be so designed and constructed as to prevent the inadvertent shifting of the ballast in flight. (See also §§ 7.105, 7.738 (a), and 7.741 (c).)

§ 7.392 *Ice protection.* If certification for flight in icing conditions is desired, the rotorcraft shall be capable of operating safely in the range of conditions applicable to the operating limitations of the design.

SUBPART E—POWERPLANT INSTALLATION

GENERAL

§ 7.400 *Scope and general design.* The powerplant installation shall be considered to include all components of the rotorcraft which are necessary for its propulsion with the exception of the structure of the main and auxiliary rotors. It shall also be considered to include all components which affect the control of the major propulsive units or which affect their safety of operation between normal inspections or overhaul periods. (See §§ 7.604 and 7.613 for instrument installation and marking.) The general provisions of paragraphs (a) through (d) of this section shall be applicable.

(a) Reciprocating engine installations shall comply with the provisions of this subpart. Turbine engine installations shall comply with such of the provisions of this subpart as are found applicable to the specific type of installation and such other requirements as may be deemed necessary by the Administrator.

(b) All components of the powerplant installation shall be constructed, arranged, and installed in a manner which will assure their continued safe operation between normal inspections or overhaul periods.

(c) Accessibility shall be provided to permit such inspection and maintenance as is necessary to assure continued airworthiness.

(d) Electrical interconnections shall be provided to prevent the existence of differences of potential between major components of the powerplant installation and other portions of the rotorcraft.

§ 7.401 *Engines*—(a) *Type certification.* All engines shall be type certificated in accordance with the provisions of Part 13 of this subchapter.

(b) *Category A; engine isolation.* The powerplants shall be arranged and isolated each from the other to permit operation in at least one configuration in such a manner that the failure or malfunctioning of any engine, or the failure of any system of the rotorcraft which

can affect an engine, will not prevent the continued safe operation of the remaining engine(s) or require immediate action by crew members for their continued safe operation.

(c) *Category A; control of engine rotation.* Means shall be provided for stopping and restarting the rotation of any engine individually in flight. All components provided for this purpose which are located on the engine side of the fire wall and which might be exposed to fire shall be of fire-resistant construction unless more than one means is available for this purpose and provided further that the duplicate controls are so located that all are not likely to be damaged at the same time in case of fire.

§ 7.402 *Engine vibration.* The engine shall be installed to preclude harmful vibration of any of the engine parts or of any of the components of the rotorcraft. It shall be demonstrated by means of a vibration investigation that the addition of the rotor and the rotor drive system to the engine does not result in modification of engine vibration characteristics to the extent that the principal rotating portions of the engine are subjected to excessive vibratory stresses.

ROTOR DRIVE SYSTEM

§ 7.403 *Rotor drive system*—(a) *General.* The rotor drive system shall be considered to include all parts necessary to transmit power between the engine(s) and the main and/or auxiliary rotor hubs. This includes gear boxes, shafting, universal joints, couplings, rotor brake assembly, overrunning and other clutches, supporting bearings for shafting, and any attendant accessory pads or drives. Cooling fans which are not certificated as part of the engine shall also be considered a part of the rotor drive system.

(b) *Arrangement.* (1) The rotor drive system of a multiengine rotorcraft shall be so arranged that all rotors necessary for operation and control of the rotorcraft will continue to be driven by the remaining engine(s) in the event of failure of any of the engines.

(2) Category B: On single-engine rotorcraft the rotor drive system shall be so arranged that all rotors necessary for control of the rotorcraft in autorotative flight will continue to be driven by the main rotor(s) after disengagement of the engine from the main and auxiliary rotors.

(3) The rotor drive system shall incorporate a unit for each engine which will automatically disengage the engine from the drive system in the event of a power failure of the engine.

(4) If a torque limiting device is employed in the rotor drive system (see § 7.250 (f)), such device shall be located to permit continued control of the rotorcraft after the device becomes operative.

(5) On rotorcraft employing rotors which must be phased for intermeshing purposes, the rotor drive system shall provide constant and positive phase relationship under all operating conditions. If a rotor dephasing device is incorporated, means shall be provided to insure that the rotors are locked in proper phase prior to operation.

§ 7.404 *Rotor brakes.* If a means is provided to control the rotation of the rotor drive system independent of the engine, the limitations on the use of such means shall be specified, and the control for this means shall be guarded to prevent inadvertent operation.

§ 7.405 *Rotor drive system and control mechanism tests*—(a) *Endurance tests*—(1) *General.* The rotor drive system and rotor control mechanism shall be tested for not less than 200 hours. The test shall be conducted on the rotorcraft and the power shall be absorbed by the actual rotors to be installed. The endurance tests shall be conducted in 10-hour test cycles composed of the tests prescribed in subparagraphs (2) through (10) of this paragraph. Compliance with the endurance tests prescribed in this paragraph will be accepted for helicopter engine certification in lieu of the endurance testing specified in Part 13 of this subchapter. (The other phases of helicopter engine certification such as vibration, calibration, detonation, operation, and engine inspection will of course require compliance in accordance with Part 13 of this subchapter.)

(2) *Take-off power run.* The take-off power run shall consist of one hour of alternate runs of 5 minutes at take-off power and speed, and 5 minutes at as low an engine idle speed as practicable. The engine shall be declutched from the rotor drive system and the rotor brake, if furnished and so intended, shall be applied during the first minute of the idle run. During the remaining 4 minutes of the idle run, the clutch shall be engaged so that the engine drives the rotors at the minimum practical rpm. Acceleration of the engine and the rotor drive system shall be accomplished at the maximum rate. When declutching the engine, it shall be decelerated at a rate sufficiently rapid to permit the operation of the overrunning clutch. In the absence of a take-off rating, maximum continuous power and speed shall be substituted for take-off power and speed.

(3) *Maximum continuous run.* Three hours of continuous operation at maximum continuous power and speed as follows:

(i) During the run, the main rotor controls shall be operated at a minimum of 15 times each hour through the main rotor pitch positions of full vertical thrust, maximum forward thrust component, maximum aft thrust component, maximum left thrust component, and maximum right thrust component, except that the control movements need not produce loads or blade flapping motion exceeding the maximum loads or motions encountered in flight.

(ii) The directional controls shall be operated at a minimum of 15 times each hour through the control extremes of maximum right turning torque, neutral torque as required by the power applied to the main rotor, and maximum left turning torque.

(iii) Each control position shall be held at maximum for at least 10 seconds and the rate of change of control position shall be at least as rapid as for normal operation.

(4) *90 percent maximum continuous run.* One hour of continuous operation at 90 percent maximum continuous power at maximum continuous speed.

(5) *80 percent maximum continuous run.* One hour of continuous operation at 80 percent maximum continuous power and speed.

(6) *60 percent maximum continuous run.* Two hours of continuous operation at 60 percent maximum continuous power at minimum desired cruising speed or at 90 percent maximum continuous speed, whichever speed is lower.

(7) *Engine malfunctioning run.* It shall be determined whether malfunctioning of such components as the engine fuel or ignition systems or unequal power output from the various engines can result in dynamic conditions which might be detrimental to the drive system. If so, a suitable number of hours of operation shall be accomplished under such conditions, one hour of which shall be included in each cycle, and the remaining hours accomplished at the conclusion of the 20 cycles. If no detrimental condition results, an additional hour of operation as prescribed in subparagraph (2) of this paragraph shall be substituted.

(8) *Overspeed run.* One hour of continuous operation at 110 percent maximum continuous speed at maximum continuous power. In the event that the engine(s) installed are limited by the manufacturer to an overspeed of less than 110 percent of maximum continuous speed for the periods required, the speed employed shall be the highest speed permissible with the engine(s) involved.

(9) *Rotor control positions.* Whenever the rotor controls are not being cycled during the tie-down tests, the rotor shall be operated to produce each of the maximum thrust positions for the percentages of test time as follows, except that the control positions need not produce loads or blade flapping motion exceeding the maximum loads or motions encountered in flight, using the procedures of subparagraph (3) of this paragraph:

(i) Full vertical thrust, 20 percent.

(ii) Forward thrust component, 50 percent.

(iii) Right thrust component, 10 percent.

(iv) Left thrust component, 10 percent.

(v) Aft thrust component, 10 percent.

(10) *Clutch and brake engagements.* A total of at least 400 clutch and brake engagements including the engagements of paragraph (a) (2) of this section shall be made during the take-off power runs and, as necessary, at each change of power and speed throughout the test. In each clutch engagement, the shaft on the driven side of the clutch shall be accelerated from rest. The clutch engagements shall be accomplished at the speed and by the method prescribed in the operations manual. During deceleration after each clutch engagement, the engine(s) shall be stopped rapidly enough to allow the engine(s) to be automatically disengaged from the rotor(s) and/or rotor-drive(s). If a rotor brake is installed for the purpose of stopping the rotor, the clutch, during brake engagements, shall be disengaged above 40 percent maximum continuous rotor speed and the rotor(s) allowed to decelerate to 40 percent maximum continuous rotor speed at which time the rotor brake shall be applied. If the clutch design does not permit stopping the rotor(s) with the engine running, or if no clutch is provided, the engine shall be stopped before each application of the rotor brake, and then immediately restarted after the rotors have stopped.

(b) *Overspeed test.* After completion of the 200-hour tie-down test and without intervening major disassembly, the rotor drive system shall be subjected to 50 overspeed runs, each 30±3 seconds in duration at 120 percent maximum continuous speed. Overspeed runs shall be alternated with stabilizing runs of 1 to 5 minutes duration each at from 60 to 80 percent maximum continuous speed. Acceleration and deceleration shall be accomplished in a period not longer than 10 seconds, and the time for changing speeds shall not be deducted from the specified time for the overspeed runs. Overspeed runs should be made with the rotor(s) in the flattest pitch at which smooth operation can be obtained. In the event that the engine(s) installed is limited by the engine manufacturer to an overspeed of less than 120 percent of maximum continuous speed for the periods required, the speed employed shall be the highest speed permissible with the engine(s) involved.

(c) *Critical component reliability tests.* Components within the rotor drive system, the failure of which will result in an uncontrolled landing, components essential to the phasing of the rotors on multirotor rotorcraft, or as a driving link for essential control of rotors in autorotation, and components common to more than one engine on multiengine rotorcraft, shall be designed to have a level of safety equivalent to the main rotors. Components which are affected by flight maneuvering and gust loads shall be additionally investigated for the same flight conditions as the main rotor(s). The service life of such parts shall be determined by fatigue tests or by other methods found acceptable by the Administrator.

(d) *Special tests.* Rotor drive systems designed to operate at two or more gear ratios shall be subjected to special testing and durations found necessary by the Administrator to substantiate the airworthiness of the rotor drive system.

(e) *Category A; gear box bench tests.* Each gear box employed in the rotor drive system shall be tested for 150 hours at 110 percent of its maximum continuous power and speed. The components employed in this test need not be the same as those employed in the tests of paragraph (a) of this section.

§ 7.406 *Additional tests.* Such additional dynamic, endurance, and operational tests or vibratory investigations shall be conducted as are found necessary by the Administrator to substantiate the airworthiness of the rotor drive mechanism.

§ 7.407 *Critical shafting speeds.* An investigation shall be made to determine that the critical speeds of all shafting lie outside the range of permissible engine speeds under idling, power-on, and autorotative conditions. If critical vibration conditions (persistent or momentary) are found in the entire range of operations from and including clutch engagement to maximum overspeed, either during acceleration or deceleration, it shall be demonstrated in the rotorcraft that such vibration is within safe limits. Such demonstration may be made during the endurance testing (see § 7.405 (a)), in which case the test schedule may be altered to include the critical vibratory conditions in lieu of equivalent time in appropriate portions of the enduance test procedure.

§ 7.408 *Shafting joints.* All universal joints, slip joints, and other shafting joints shall have provision for lubrication, unless it is demonstrated that lack of lubrication will have no adverse effect on the operation of the rotorcraft.

FUEL SYSTEM OPERATION AND ARRANGEMENT

§ 7.410 *General.* (a) The fuel system shall be constructed and arranged in such a manner as to assure a flow of fuel to each engine at a rate and pressure which have been established for proper engine functioning under all normal conditions, including all maneuvers for which the rotorcraft is intended. (For fuel system instruments see § 7.604.)

(b) The fuel system shall be so arranged that no one engine or fuel pump can draw fuel from more than one tank at a time unless means are provided to prevent introducing air into the system.

§ 7.411 *Fuel system independence*—(a) *Category A.* The design of the fuel system shall comply with the requirements of § 7.401 (b). Unless other provisions are made in compliance with this requirement, the fuel system shall be arranged to permit the supply of fuel to each engine through a system independent of any portion of a system supplying fuel to any other engine.

(b) *Category B.* The design of the fuel system for multiengine rotorcraft shall be arranged to permit supplying fuel to each engine through a system independent of all portions of systems supplying fuel to the other engines, except that separate fuel tanks need not be provided for each engine.

§ 7.412 *Fuel lines in personnel and cargo compartments.* (a) Fuel lines shall not pass through portions of the rotorcraft intended to carry personnel or cargo, unless they are so located or protected by drained and ventilated shrouds or other means which will assure that in case of leakage, fuel and fumes will be carried safely overboard. Means shall be provided to permit the flight personnel to shut off the supply of fuel to such lines without affecting operation of more than one engine.

(b) Lines which can be isolated from the remainder of the fuel system by means of valves at each end shall incorporate provisions for the relief of excessive pressures which might result from exposure of the isolated line to high ambient temperatures.

§ 7.413 *Fuel flow and feed.* (a) The fuel supply system shall be arranged so that, insofar as practicable, the entire fuel supply can be utilized in the maximum inclinations of the rotorcraft for any sustained conditions of flight and so that the feed ports will not be uncovered during normal maneuvers involving moderate rolling or sideslipping. On rotorcraft with more than one fuel tank, the system shall feed promptly when the fuel supply becomes low in one tank and another tank is turned on (see § 7.438).

(b) The ability of the fuel system to provide the required fuel flow rate shall be demonstrated when the rotorcraft is in the attitude which represents the most adverse sustained condition, from the standpoint of fuel feed, which the rotorcraft is designed to attain. The demonstration may be accomplished by a ground test of the rotorcraft or on a representative operating mock-up of the fuel system. The following conditions are applicable to such demonstration:

(1) Category A: The critical attitude (or attitudes) selected shall be verified by a flight demonstration which takes into consideration all operating speeds, power settings, accelerated maneuvers, and engine inoperative conditions.

(2) The quantity of fuel in the tank being considered shall not exceed the amount established as the unusable fuel supply for that tank, as determined by demonstrating compliance with the provisions of § 7.416 (see also §§ 7.418 and 7.613 (b)), together with whatever minimum quantity of fuel it may be necessary to add for the purpose of conducting the flow test.

(3) The fuel shall be delivered to the engine at a pressure not less than the minimum inlet pressure established for proper engine operation in accordance with Part 13 of this subchapter.

(4) If a fuel flowmeter is provided, the meter shall be blocked during the flow test and the fuel shall flow through the meter by-pass.

(c) The fuel flow rate required for the demonstration specified in paragraph (b) of this section shall be as follows:

(1) For gravity feed systems: The fuel flow rate shall be 150 percent of the actual take-off power fuel consumption of the engine.

(2) For pump systems: The fuel flow rate shall be 0.9 pound per hour for each rated take-off horsepower or 125 percent of the actual take-off fuel consumption of the engine, whichever is greater.

§ 7.414 *Pump systems.* (a) The fuel flow rate specified in § 7.413 (c) shall be applicable to both the primary engine-driven pump and to emergency pumps. The fuel flow rate shall be available when the pump is running at the speed at which it normally would be operating during take-off. In the case of hand-operated pumps, the speed required shall be not more than 60 complete cycles (120 single strokes) per minute.

(b) Emergency pumps shall be provided to permit supplying all engines with fuel in case of failure of any one main fuel pump, except in the case of

installations in which the only fuel pump necessary is an engine fuel injection or fuel metering pump which is approved as an integral part of the engine.

(c) Category A: If the arrangement of the fuel system necessitates a fuel boost pump to maintain operating fuel flow and pressure for the range of altitudes and temperatures in which flight is expected, a duplicate boost pump shall be provided to serve as an emergency pump in case of failure of the main boost pump. Each pump shall be capable of supplying fuel flow at the rate specified in § 7.413 (c).

(d) Category A: Where the provisions of paragraph (c) of this section are applicable, and both boost pumps are dependent upon a common source of power, it shall be possible with these components inoperative to maintain cruising fuel flow and pressure for all engines. The limiting weights, speeds, and altitudes shall be demonstrated and the results recorded in the operating procedures portion of the Rotorcraft Flight Manual.

§ 7.415 *Transfer systems.* The provisions of § 7.413 shall apply to transfer systems, except that the required fuel flow rate for the engine or engines involved shall be established upon the basis of maximum continuous power and its corresponding speed.

§ 7.416 *Determination of unusable fuel supply.* The unusable fuel supply in each tank shall be that quantity at which the first evidence of malfunctioning occurs in any sustained flight condition at the most critical weight and center of gravity position within the approved limitations. The unusable fuel supply shall be determined for each tank used in normal operation. (See also §§ 7.104 and 7.613 (b).)

§ 7.417 *Fuel system hot weather operation.* (a) The fuel system shall be so arranged as to minimize the possibility of the formation of vapor in the system under all normal conditions of operation. Rotorcraft with suction lift fuel systems or systems which have features likely to produce vapor shall be demonstrated to be free from vapor lock when using fuel at a temperature of 110° F. under critical operating conditions.

(b) Category A: To prove satisfactory hot weather operation the rotorcraft shall be climbed from the altitude of the airport chosen by the applicant to an altitude of 5,000 feet above the terrain, or to the altitude at which the rotorcraft is expected to operate, whichever is greater. There shall be no evidence of vapor lock or other malfunctioning. The climb test shall be conducted under the following conditions:

(1) All engines shall operate at maximum continuous power, except that take-off power shall be used at the beginning of the demonstration for the maximum time interval for which take-off power is approved for use on the rotorcraft.

(2) The weight shall be with full fuel tanks, minimum crew, and only such ballast as is required to maintain the center of gravity within allowable limits.

(3) The speed of climb shall be the speed for best rate of climb under the conditions of the test.

(4) The fuel temperature shall be not less than 110° F. at the beginning of the demonstration.

(c) Category A: The test prescribed in paragraph (b) of this section shall be performed either in flight or on the ground closely simulating flight conditions. If a flight test is performed in weather sufficiently cold to interfere with the proper conduct of the test, the fuel tank surfaces, fuel lines, and other fuel system parts subjected to cooling action from cold air shall be insulated to simulate, insofar as practicable, flight in hot weather.

§ 7.418 *Flow between interconnected tanks.* (a) Where tank outlets are interconnected and permit flow through the interconnection due to gravity or flight accelerations, it shall not be possible for fuel to flow between tanks in quantities sufficient to cause an overflow of fuel from the tank vent when the rotorcraft is operated in any sustained flight condition.

(b) If it is possible to pump fuel from one tank to another in flight, the design of the fuel tank vents and the fuel transfer system shall be such that structural damage to tanks will not occur in the event of overfilling. In addition, means shall be provided to warn the crew before overflow through the vents occurs.

FUEL TANK CONSTRUCTION AND INSTALLATION

§ 7.420 *General.* (a) Fuel tanks shall be capable of withstanding without failure all vibration, inertia, fluid, and structural loads to which they may be subjected in operation.

(b) Fuel tanks and their installation shall be designed or protected so as to retain the fuel supply without leakage when the rotorcraft is subjected to the emergency landing conditions specified under § 7.260.

(c) Flexible fuel tank liners shall be of an approved type or shall be shown to be suitable for the particular application.

(d) Integral type fuel tanks shall be provided with facilities for inspection and repair of the tank interior.

§ 7.421 *Fuel tank tests.* (a) Fuel tanks shall be capable of withstanding the following pressure tests without failure or leakage. It shall be acceptable to apply the pressures in a manner simulating the actual pressure distribution in service (where this is practicable).

(1) Conventional metal tanks, nonmetallic tanks the walls of which are not supported by the rotorcraft structure, and integral tanks shall be submitted to a pressure of 3.5 psi unless the pressure developed during the maximum limit acceleration or emergency deceleration (see § 7.260) of the rotorcraft with a full tank exceeds this value, in which case a hydrostatic head, or equivalent test, shall be applied to duplicate the acceleration loads insofar as possible, except that the pressure need not exceed 3.5 psi on surfaces not exposed to the acceleration loading.

(2) Nonmetallic tanks the walls of which are supported by the rotorcraft structure shall be submitted to the following tests:

(i) A pressure test of at least 2.0 psi. The test may be conducted on the tank alone in conjunction with the test specified in subdivision (ii) of this subparagraph.

(ii) A pressure test, with the tank mounted in the rotorcraft structure, equivalent to the load developed by the reaction of the contents, when the tanks are full, during the maximum limit acceleration or emergency deceleration (see § 7.260) of the rotorcraft, except that the pressure need not exceed 2.0 psi on the surfaces not exposed to the acceleration loading.

(b) Tanks with large unsupported or unstiffened flat areas or other design or construction features the failure or deformation of which could cause fuel leakage shall be capable of withstanding the following test, or other equivalent test, without leakage or failure:

(1) The complete tank assembly together with its supports shall be subjected to a vibration test when mounted in a manner simulating the actual installation.

(2) The tank assembly shall be vibrated for 25 hours while filled two-thirds full of water or any suitable fluid. The amplitude of vibration shall not be less than one thirty-second of an inch, unless otherwise substantiated.

(3) The frequency of vibration shall be 90 percent of the maximum continuous rated speed of the engine unless some other frequency within the normal operating range of speeds of the engine or rotor system is more critical, in which case the latter speed shall be employed and the time of test shall be adjusted to accomplish the same number of vibration cycles.

(4) During the test, the tank assembly shall be rocked at the rate of 16 to 20 complete cycles per minute through an angle of 15° on either side of the horizontal (30° total) about the most critical axis for 25 hours. If motion about more than one axis is likely to be critical, the tank shall be rocked about each axis for 12½ hours.

§ 7.422 *Fuel tank installation.* (a) The method of support for fuel tanks shall not permit harmful concentrations of loads, resulting from the weight of the fuel in the tank, on unsupported tank surfaces. The following shall be applicable:

(1) Pads shall be provided, if necessary, to prevent chafing between the tank and its supports.

(2) Materials employed for padding shall be nonabsorbent or shall be treated to prevent the absorption of fluids.

(3) If flexible tank liners are employed they shall be so supported that the liner is not required to withstand fluid loads.

(4) Interior surfaces of tank compartments shall be smooth and free of projections which could cause wear of the liner, unless provisions are made for protection of the liner at such points or unless the construction of the liner itself provides such protection.

(b) Spaces adjacent to the surfaces of the tank shall be ventilated consistent with the size of the compartment to avoid accumulation of fuel or fumes in these spaces due to minor leakage. If the tank is in a sealed compartment, it shall be acceptable to limit the ventilation to that provided by drain holes of sufficient size and disposition to prevent clogging and to prevent excessive pressure resulting from altitude changes. If flexible tank liners ars installed, the design of the venting arrangement for the spaces between the liner and its container shall take into consideration the need for maintaining proper relationship to tank vent pressures for all expected flight conditions.

(c) Location of fuel tanks shall comply with the provisions of § 7.481 (b).

(d) No portion of rotorcraft skin which lies immediately adjacent to a major air egress opening from the engine compartment shall act as the wall of an integral tank.

(e) Fuel tanks shall be isolated from personnel compartments by means of fumeproof and fuelproof enclosures.

(f) Fuel tanks located in close proximity to personnel compartments, engines, or combustion heaters shall be so designed or protected and installed as to assure that they will retain their contents in accidents of a severity which will produce the decelerations specified in § 7.260.

§ 7.423 *Fuel tank expansion space.* Fuel tanks shall be provided with an expansion space of not less than 2 percent of the tank capacity. It shall not be possible to fill the fuel tank expansion space inadvertently when the rotorcraft is in the normal ground attitude.

§ 7.424 *Fuel tank sump.* (a) Each fuel tank shall be provided with a sump having a capacity of not less than either 0.10 percent of the tank capacity or one-sixteenth of a gallon, whichever is greater.

(b) The fuel tank sump capacity specified in paragraph (a) of this section shall be effective with the rotorcraft in all normal flight and ground attitudes, and shall be located so that the sump contents cannot be drawn out through the tank outlet opening. The fuel tank shall be constructed to permit drainage of any hazardous quantity of water from all portions of the tank to the sump when the rotorcraft is in the ground attitude.

(c) Fuel tank sumps shall be provided with an accessible and easily operable drain to permit complete drainage of the sump on the ground. The drain shall discharge clear of all portions of the rotorcraft and shall be provided with means for positive locking of the drain in the closed position, either manually or automatically.

§ 7.425 *Fuel tank filler connection.* (a) The design of fuel tank filler connections shall be such as to prevent the entrance of fuel into the fuel tank compartment or to any other portion of the rotorcraft other than the tank itself. The fuel tank filler shall be marked as prescribed in § 7.738 (b) (1).

(b) Recessed fuel tank filler connections which can retain any appreciable quantity of fuel shall incorporate a drain, and the drain shall discharge clear of all portions of the rotorcraft.

(c) The fuel tank filler cap shall provide a fuel-tight seal under the pressure expected to be encountered in normal operation.

(d) Category A: Fuel tank filler caps or filler cap covers shall incorporate features which provide a warning indication when caps are not fully locked or seated on the filler connection.

§ 7.426 *Fuel tank vents and carburetor vapor vents.* (a) Fuel tanks shall be vented from the top portion of the expansion space in such a manner that venting of the tank is effective under all normal flight conditions. The following shall be applicable:

(1) The vents shall be arranged to avoid stoppage by dirt or ice formation.

(2) The vent arrangement shall be constructed to preclude the possibility of siphoning fuel during normal operation.

(3) The venting capacity and vent pressure levels shall be appropriate for the tank installation so as to maintain acceptable differences of pressure between the interior and exterior of the tank during normal flight operation, during maximum rate of ascent and descent, and, if applicable, during refueling and defueling.

(4) Air spaces of tanks with interconnected outlets shall also be interconnected.

(5) There shall be no points in the vent line where moisture could accumulate with the rotorcraft in either the ground or the level flight attitude unless drainage is provided.

(6) Vents and drainage shall not terminate at points where the discharge of fuel from the vent outlet would constitute a fire hazard or from which fumes could enter personnel compartments.

(b) Carburetors which are provided with vapor elimination connections shall be provided with a vent line to lead vapors back to one of the fuel tanks. The vents shall comply with the following:

(1) Provisions shall be incorporated in the vent system to avoid stoppage by ice.

(2) If more than one fuel tank is provided and it is necessary to use the tanks in a definite sequence, the vapor vent return line shall lead back to the fuel tank used for take-off and landing.

§ 7.427 *Fuel tank outlet.* A fuel strainer of 8 to 16 meshes per inch shall be provided either for the fuel tank outlet or for the booster pump. Strainers shall comply with the following:

(a) The clear area of the fuel tank outlet strainer shall not be less than 5 times the area of the fuel tank outlet line.

(b) The diameter of the strainer shall not be less than the diameter of the fuel tank outlet.

(c) Finger strainers shall be accessible for inspection and cleaning.

§ 7.428 *Pressure refueling and fueling provisions below fuel level in the tank.* Fueling connections located below the fuel level in a tank shall be provided with means to prevent the escape of hazardous quantities of fuel from the tank in the event of malfunctioning of the fuel entry valve. For systems intended for pressure refueling, in addition to the normal means provided in the rotorcraft for limiting the tank content, a means shall be installed to prevent damage to the tank in case of failure of the normal means.

FUEL SYSTEM COMPONENTS

§ 7.430 *Fuel pumps*—(a) *Main pumps.* (1) If the engine fuel supply is maintained by means of pumps which are not an integral part of the fuel control system certificated as part of the engine, at least one fuel pump for each engine shall be engine-driven.

(2) All positive displacement fuel pumps shall incorporate an integral bypass unless provision is made for a continuous supply of fuel to all engines in case of failure of any one pump. Engine fuel injection pumps which are approved as an integral part of the engine need not incorporate a by-pass.

(b) *Emergency pumps.* Emergency fuel pumps shall be available for immediate use in case of failure of any other fuel pump. No manipulation of fuel valves shall be necessary on the part of the crew to make an emergency fuel pump available to the engine which it is normally intended to serve when the fuel system is being operated in the configuration complying with the provisions of § 7.411.

§ 7.431 *Fuel pump installation.* (a) Provision shall be made to maintain the fuel pressure at the inlet to the carburetor within the range of limits established for proper engine operation.

(b) When necessary for the maintenance of the proper fuel delivery pressure, a connection shall be provided to transmit the carburetor air intake static pressure to the proper fuel pump relief valve connection. In such cases, to avoid erroneous fuel pressure readings, the gauge balance lines shall be independently connected to the carburetor inlet pressure.

(c) The installation of fuel pumps having seals or diaphragms which may be susceptible to leakage shall incorporate provisions for draining away leaking fuel. Drain lines shall terminate at points where discharge of fuel will not create a fire hazard.

§ 7.432 *Fuel system lines and fittings.* (a) Fuel lines shall be installed and supported to prevent excessive vibration and to withstand loads due to fuel pressure, valve actuation, and accelerated flight conditions.

(b) Fuel lines which are connected to components of the rotorcraft between which relative motion could exist shall incorporate provisions for flexibility.

(c) Flexible connections in fuel lines which may be under pressure or subjected to axial loading shall employ flexible hose assemblies rather than hose clamp connections.

(d) Flexible hose shall be of an approved type suitable for the application.

(e) Flexible hoses which might be adversely affected by exposure to high temperatures shall not be employed in locations where excessive temperatures will exist during operation or after engine shutdown.

§ 7.433 *Fuel lines and fittings in designated fire zones.* Fuel lines and fittings in all designated fire zones (see

§ 7.480) shall comply with the provisions of § 7.483.

§ 7.434 *Fuel valves.* In addition to the requirements of § 7.482 for shutoff means, all fuel valves shall be provided with positive stops or suitable index provisions in the "on" and "off" positions, and they shall be supported so that loads resulting from their operation or from accelerated flight conditions are not transmitted to the lines attached to the valve.

§ 7.435 *Fuel strainer.* (a) A strainer incorporating a sediment trap and drain shall be provided in the fuel system between the fuel tanks and the engine and shall be installed in an accessible location.

(b) The strainer shall provide the necessary degree of protection for the fuel pumps, fuel controls, and the engine against dirt, sediment, and other foreign matter which might be present in the fuel. The screen or straining element shall be able to be easily cleaned.

(c) The strainer shall be mounted in a manner not to cause its weight to be supported by the connecting lines or by the inlet or outlet connections of the strainer itself.

§ 7.436 *Fuel system drains.* Complete drainage of the system shall be accomplished by fuel strainer drains and other drains as provided in § 7.424 with the rotorcraft in its normal ground attitude. The following shall apply:

(a) Drains shall discharge clear of all portions of the rotorcraft and shall incorporate means for positive locking of the drain in the closed position, either manually or automatically.

(b) All fuel system drains shall be accessible.

(c) If drainage of the fuel strainer permits compliance with paragraphs (a) and (b) of this section, no additional drains need be provided unless it is possible for a hazardous quantity of water or sediment to be trapped therein. (See also § 7.483 (c).)

§ 7.437 *Fuel quantity indicator.* The fuel quantity indicators (see §§ 7.604 (e) and 7.613 (b)) shall be installed to clearly indicate to the flight crew the quantity of fuel in each tank in flight. When two or more tanks are closely interconnected by a gravity feed system and vented, and it is impossible to feed from each tank separately, only one fuel quantity indicator need be installed.

§ 7.438 *Low fuel warning device.* On rotorcraft with more than one fuel tank there shall be installed in addition to the fuel quantity indicators (see § 7.604), warning devices to indicate when the fuel in any tank becomes low.

NOTE: The fuel in any tank is considered to be low when there remains approximately a five-minute usable fuel supply with the rotorcraft in the most critical sustained flight attitude.

OIL SYSTEM

§ 7.440 *General.* (a) Each engine shall be provided with an independent oil system capable of supplying the engine with an appropriate quantity of oil at a temperature not exceeding the maximum which has been established as safe for continuous operation. The oil system for components of the rotor drive system which require continuous lubrication shall be independent of the lubrication systems of the engines to whatever extent is necessary to assure the ability to operate with any engine inoperative and to assure the ability to autorotate safely. (For oil system instruments see §§ 7.604 and 7.735.)

(b) The usable oil capacity shall not be less than the product of the endurance of the rotorcraft under critical operating conditions and the maximum permissible oil consumption of the engine under the same conditions to which product a suitable margin shall be added to assure adequate circulation and cooling of the oil system. In lieu of a rational analysis of rotorcraft endurance and oil consumption, the total usable oil capacity of 1 gallon for each 40 gallons of usable fuel capacity, by volume, shall be considered acceptable for reciprocating engine installations.

(c) Oil-fuel ratios lower than those prescribed in paragraph (b) of this section shall be acceptable if substantiated by data on the actual oil consumption of the engine.

(d) The ability of the engine and rotor drive system oil cooling provisions to maintain the oil temperature at or below the maximum established value shall be demonstrated in accordance with pertinent provisions of §§ 7.450 through 7.455.

§ 7.441 *Oil tank construction.* The following requirements shall apply to the construction of the oil tank:

(a) *Oil tank expansion space.* (1) Oil tanks shall have an expansion space of not less than either 10 percent of the tank capacity or 0.5 gallon, whichever is greater.

(2) Reserve oil tanks which have no direct connection to any engine shall have an expansion space which is not less than 2 percent of the tank capacity.

(3) It shall not be possible to fill the oil tank expansion space inadvertently when the rotorcraft is in the normal ground attitude.

(b) *Oil tank filler connection.* (1) Recessed oil tank filler connections which can retain any appreciable quantity of oil shall incorporate a drain, and the drain shall discharge clear of all portions of the rotorcraft.

(2) The oil tank filler cap shall provide an oil-tight seal under the pressure expected to be encountered in operation.

(3) Category A: Oil tank filler caps or filler cap covers shall incorporate features which provide a warning indication when caps are not fully locked or seated on the filler connection.

(4) The oil filler shall be marked as prescribed in § 7.738 (b) (2).

(c) *Oil tank vent.* (1) Oil tanks shall be vented from the top portion of the expansion space in such a manner that venting of the tank is effective under all normal flight conditions.

(2) Oil tank vents shall be arranged so that condensation of water vapor which might freeze and obstruct the line cannot accumulate at any point. (See also § 7.483 (c).)

(d) *Oil tank outlet.* Provision shall be made either to prevent entrance into the tank itself or into the tank outlet of any foreign object which might obstruct the flow of oil through the system. The oil tank outlet shall not be enclosed by any screen or guard which would reduce the flow of oil below a safe value at any operating temperature condition.

(e) *Flexible oil tank liners.* Flexible oil tank liners shall be of an approved type or shall be shown to be suitable for the particular application.

§ 7.442 *Oil tank tests.* (a) Oil tanks shall be capable of withstanding without failure all vibration, inertia, and fluid loads to which they would be subjected in operation.

(b) The provisions of § 7.421 shall be applicable to oil tanks, except that the test pressure specified in § 7.421 (a) shall be 5 psi.

§ 7.443 *Oil tank installation.* The oil tank installation shall comply with the provisions of § 7.422, except that the location of an engine oil tank in a designated fire zone shall be acceptable if the tank and its supports are of fireproof construction to the extent that damage by fire to any nonfireproof parts would not result in leakage or spillage of oil.

§ 7.444 *Oil lines and fittings*—(a) *General.* The provisions of § 7.432 shall be applicable to oil lines.

(b) *Lines and fittings in designated fire zones.* Oil lines and fittings in all designated fire zones (see § 7.480) shall comply with the provisions of § 7.483.

(c) *Breather lines.* (1) Breather lines shall be arranged so that condensation of water vapor which might freeze and obstruct the line cannot accumulate at any point.

(2) Breathers shall discharge in a location which will not constitute a fire hazard in case foaming occurs and in a manner so that the emitted oil will not impinge upon the pilots' windshield.

(3) The breather shall not discharge into the engine air induction system. (See also § 7.483 (c).)

§ 7.445 *Oil valves.* (a) The requirements of § 7.482 for shutoff means shall be complied with. Closing of oil shutoff means shall not prevent autorotation of the rotors.

(b) All oil valves shall be provided with positive stops or suitable index provisions in the "on" and "off" positions, and they shall be supported so that loads resulting from their operation or from accelerated flight conditions are not transmitted to the lines attached to the valves.

§ 7.446 *Oil radiators.* (a) Oil radiators shall be capable of withstanding without failure all vibration, inertia, and oil pressure loads to which they would be subjected in operation.

(b) Oil radiator air ducts shall be located or so equipped that, in case of fire, flames cannot impinge directly upon the radiator with the air flow as it would exist either with the engine operating or inoperative.

§ 7.447 *Oil filters.* If the rotorcraft is equipped with an oil filter, the filter shall be constructed or installed in such a manner that complete blocking of the flow through the filter element will not prevent the safe operation of the engine or rotor drive oil supply systems.

§ 7.448 *Oil system drains.* Accessible drains shall be provided to permit safe drainage of the entire oil system and shall incorporate means for the positive locking of the drain in the closed position, either manually or automatically. (See also § 7.483 (c).)

COOLING SYSTEM

§ 7.450 *General.* The powerplant cooling provisions shall be capable of maintaining the temperatures of all powerplant components, engine fluids, and the carburetor intake air within safe values under all conditions of ground and flight operation. Cooling provisions shall also be provided to maintain the fluids in any power transmission within safe values under conditions of ground and flight operations. (For cooling system instruments see §§ 7.604 and 7.734.)

§ 7.451 *Cooling tests*—(a) *General.* Compliance with the provisions of § 7.450 shall be demonstrated by flight tests in which the temperatures of selected powerplant components, engine(s), and transmission fluids are obtained under critical ground, water, and flight operating conditions. If the tests are conducted under conditions which deviate from the maximum anticipated air temperature (see paragraph (b) of this section), the recorded powerplant temperatures shall be corrected in accordance with the provisions of paragraphs (c) and (d) of this section. The corrected temperatures determined in this manner shall not exceed the maximum established safe values. The fuel used during the cooling tests shall be of the minimum octane number approved for the engine(s) involved, and the mixture settings shall be those used in normal operation. The test procedures shall be as outlined in §§ 7.452 through 7.455.

(b) *Maximum anticipated air temperature.* The maximum anticipated air temperature (hot-day condition) shall be 100° F. at sea level, decreasing from this value at the rate of 3.6° F. per thousand feet of altitude above sea level until a temperature of −67° F. is reached above which altitude the temperature shall be constant at −67° F.

(c) *Correction factor for cylinder head, oil inlet, carburetor air, and engine and transmission coolant outlet temperatures.* The cylinder head, oil inlet, carburetor air, and engine coolant outlet temperatures shall be corrected by adding the difference between the maximum anticipated air temperature and the temperature of the ambient air at the time of the first occurrence of maximum head, oil, air, or coolant temperature recorded during the cooling test, unless a more rational correction is shown to be applicable.

(d) *Correction factor for cylinder barrel temperatures.* Cylinder barrel temperatures shall be corrected by adding 0.7 of the difference between the maximum anticipated air temperature and the temperature of the ambient air at the time of the first occurrence of the maximum cylinder barrel temperature recorded during the cooling test, unless a more rational correction is shown to be applicable.

§ 7.452 *Climb cooling test procedure.* Climb cooling tests shall be conducted on all Category A rotorcraft in accordance with paragraphs (a) through (d) of this section. Such tests shall be conducted on all multiengine Category B rotorcraft that are certificated in accordance with the Transport Category A powerplant installation requirements as well as with § 7.384 (a) at the steady rate of climb or descent established in accordance with § 7.115 (b) (2).

(a) The climb or descent cooling test shall be conducted with the engine inoperative which produces the most adverse cooling conditions for the engine(s) and powerplant components remaining in operation.

(b) All remaining engine(s) shall be operated at their maximum continuous power or at full throttle when above the critical altitude.

(c) After stabilizing temperatures in flight, the climb shall be started at or below the lower of the altitudes specified in subparagraphs (1) and (2) of this paragraph and shall be continued until at least 5 minutes after the occurrence of the highest temperature recorded, or until the maximum altitude is reached for which certification is desired. For Category B rotorcraft which do not have a positive rate of climb, the descent shall start at the all-engine-critical altitude and terminate at the higher of the altitudes specified in subparagraphs (3) and (4) of this paragraph:

(1) 1,000 feet below the engine critical altitude,

(2) 1,000 feet below the maximum altitude at which the rate of climb is equal to 150 fpm,

(3) The altitude at which level flight can be maintained with one engine operative, or

(4) Sea level.

(d) The climb or descent shall be conducted at an air speed selected to represent a normal operational practice for the configuration being tested. However, if it is determined that characteristics of the cooling provisions make them sensitive to rotorcraft speed, the most critical air speed shall be used, but need not exceed the speeds established in accordance with § 7.115 (a) (2) or (b) (2). It shall be acceptable to conduct the climb cooling test in conjunction with the take-off cooling test of § 7.453.

§ 7.453 *Category A; take-off cooling test procedure.* A take-off cooling test shall be conducted to demonstrate cooling during take-off and during subsequent climb with one engine inoperative. The following procedure shall be applicable:

(a) The take-off cooling test shall be commenced by stabilizing temperatures while hovering in ground effect with all engines operating at necessary power, with the appropriate cowl flap and shutter settings, and at the maximum weight for which certification is sought.

(b) After all temperatures have stabilized, the climb shall be started at the lowest practicable altitude and shall be conducted with one engine inoperative.

(c) The remaining engines shall be operated at take-off rpm and power (or at full throttle when above the take-off critical altitude) for the same time interval as take-off power is used during determination of the take-off flight path (see § 7.114 (a)).

(d) At the end of the time interval prescribed in paragraph (c) of this section the power shall be reduced to the maximum continuous power and the climb continued until at least 5 minutes after the occurrence of the highest temperature recorded.

(e) The speeds shall be those used during determination of the take-off flight path (see § 7.114 (a)).

§ 7.454 *Category B; cooling test procedure.* Cooling tests shall be conducted on all Category B rotorcraft in accordance with paragraphs (a) through (e) of this section (see § 7.452 for climb cooling tests where applicable).

(a) The cooling test shall be commenced by stabilizing temperatures while hovering in ground effect with necessary power and appropriate cowl flaps and shutter settings and at the maximum weight for which certification is sought.

(b) After all temperatures have stabilized, the climb shall be started at the lowest practicable altitude with take-off power.

(c) Take-off power shall be used for the same time interval as take-off power is used during determination of the take-off flight path (see § 7.114 (b)).

(d) At the end of the time interval prescribed in paragraph (c) of this section the power shall be reduced to the maximum continuous power and the climb continued until at least 5 minutes after the occurrence of the highest temperature recorded.

(e) The cooling test shall be conducted at an air speed corresponding to normal operational practice for the configuration being tested. However, if it is determined that characteristics of the cooling provisions make them sensitive to rotorcraft speed, the most critical air speed shall be used, but need not exceed the best rate-of-climb speed with maximum continuous power.

§ 7.455 *Hovering cooling test procedures.* Hovering cooling tests shall be conducted as follows:

(a) At maximum certificated weight or at the highest weight at which the rotorcraft is capable of hovering, if less than maximum certificated weight, at sea level using the power required to hover but not exceeding maximum continuous power, in the ground effect with still wind until at least 5 minutes after the occurrence of the highest temperature recorded.

(b) With all engines operating at maximum continuous power, the rotorcraft at maximum certificated weight, and the altitude resulting in zero rate of climb for this configuration until at lease five minutes after the occurrence of the highest temperature recorded.

INDUCTION AND EXHAUST SYSTEMS

§ 7.460 *General.* (a) The engine air induction system shall permit supplying the proper quantity of air to the engine under all conditions of operation.

(b) The induction system shall provide air for proper fuel metering and mixture distribution with the induction system valves in any position.

(c) Air intakes shall not open either within the engine accessory section or other areas of the powerplant compartment where emergence of backfire flame would constitute a fire hazard.

(d) Each engine shall be provided with an alternate air source.

(e) Alternate air intakes shall be so located as to preclude the entrance of rain, ice, or any other foreign matter.

§ 7.461 *Induction system de-icing and anti-icing provisions*—(a) *General.* The engine air induction system shall incorporate means for the prevention and elimination of ice accumulations.

(b) *Heat rise.* Unless it is demonstrated that other means will accomplish the intent of paragraph (a) of this section, compliance with the following heat-rise provisions shall be demonstrated in air free of visible moisture at a temperature of 30° F.:

(1) Rotorcraft equipped with sea level engines employing conventional venturi carburetors shall have a preheater capable of providing a heat rise of 90° F. when the engines are operating at 60 percent of their maximum continuous power.

(2) Rotorcraft equipped with sea level engines employing carburetors which embody features tending to reduce the possibility of ice formation shall have a preheater capable of providing a heat rise of 70° F. when the engines are operating at 60 percent of their maximum continuous power.

(3) Rotorcraft equipped with altitude engines employing conventional venturi carburetors shall have a preheater capable of providing a heat rise of 120° F. when the engines are operating at 60 percent of their maximum continuous power.

(4) Rotorcraft equipped with altitude engines employing carburetors which embody features tending to reduce the possibility of ice formation shall have a preheater capable of providing a heat rise of 100° F. when the engines are operating at 60 percent of their maximum continuous power.

§ 7.462 *Carburetor air preheater design.* Carburetor air preheater shall incorporate the following provisions:

(a) Means shall be provided to assure ventilation of the preheater when the engine is being operated with cold air.

(b) The preheater shall be constructed to permit inspection of exhaust manifold parts which it surrounds and also to permit inspection of critical portions of the preheater itself.

§ 7.463 *Induction system ducts.* Induction system ducts shall incorporate the following provisions:

(a) Induction system ducts ahead of the first stage of the supercharger shall be provided with drains to prevent hazardous accumulations of fuel and moisture in the ground attitude. The drains shall not discharge in locations which might cause a fire hazard.

(b) Sufficient strength shall be incorporated in the ducts to prevent induction system failures resulting from normal backfire conditions.

(c) Ducts which are connected to components of the rotorcraft between which relative motion could exist shall incorporate provisions for flexibility.

(d) Induction system ducts within any fire zone for which a fire-extinguishing system is required shall be of fire-resistant construction.

NOTE: Fireproof ducts are required in instances in which the duct may pass through a fire wall.

§ 7.464 *Induction system screens.* If induction system screens are employed, they shall comply with the following provisions:

(a) Screens shall be located upstream from the carburetor.

(b) Screens shall not be located in portions of the induction system which constitute the only passage through which air can reach the engine, unless the screen is so located that it can be deiced by heated air.

(c) De-icing of induction system screens by means of alcohol alone in lieu of heated air shall not be acceptable.

(d) It shall not be possible for fuel to impinge upon the screens.

§ 7.465 *Carburetor air cooling.* Installations employing two-stage superchargers shall be provided with means to maintain the air temperature at the inlet to the carburetor at or below the maximum established value. Demonstration of compliance with this provision shall be accomplished in accordance with § 7.451.

§ 7.466 *Inter-coolers and after-coolers.* Inter-coolers and after-coolers shall be capable of withstanding without failure all vibration, inertia, and air pressure loads to which they would be subjected in operation.

§ 7.467 *Exhaust system and installation components*—(a) *General.* (1) The exhaust system shall be constructed and arranged to assure the safe disposal of exhaust gases without the existence of a fire hazard or carbon monoxide contamination of air in personnel compartments.

(2) Unless appropriate precautions are taken, exhaust system parts shall not be located in hazardous proximity to portions of any system carrying flammable fluids or vapors nor shall they be located under portions of such systems where the latter could be subject to leakage.

(3) All rotorcraft components upon which hot exhaust gases might impinge, or which could be subjected to high temperatures due to proximity to exhaust system parts, shall be constructed of fireproof material. All exhaust system components shall be separated by means of fireproof shields from adjacent portions of the rotorcraft which are outside the engine compartment.

(4) Exhaust gases shall not discharge in a manner to cause a fire hazard with respect to any flammable fluid vent or drain.

(5) Exhaust gases shall not discharge at a location which will cause a glare seriously affecting pilot visibility at night.

(6) All exhaust system components shall be ventilated to prevent the existence of points of excessively high temperature.

(7) Exhaust shrouds shall be ventilated or insulated to avoid during normal operation a temperature sufficiently high to ignite any flammable fluids or vapors external to the shrouds.

(b) *Exhaust piping.* (1) Exhaust piping shall be constructed of material resistant to heat and corrosion, and shall incorporate provisions to prevent failure due to expansion when heated to operating temperatures.

(2) Exhaust pipes shall be supported to withstand all vibration and inertia loads to which they would be subjected in operation.

(3) Portions of the exhaust piping which are connected to components between which relative motion could exist shall incorporate provisions for flexibility.

(c) *Exhaust heat exchangers.* (1) Exhaust heat exchangers shall be constructed and installed to assure their ability to withstand without failure all vibration, inertia, and other loads to which they would be subjected in operation.

(2) Exhaust heat exchangers shall be constructed of materials which are suitable for continued operation at high temperatures and which are resistant to corrosion due to elements contained in exhaust gases.

(3) Provision shall be made for the inspection of all critical portions of exhaust heat exchangers.

(4) Exhaust heat exchangers shall incorporate cooling provisions wherever they are subject to contact with exhaust gases.

(5) Exhaust heat exchangers or muffs shall incorporate no stagnant areas or liquid traps which would increase the possibility of ignition of flammable fluids or vapors which might be present in case of failure or malfunctioning of components carrying flammable fluids.

(d) *Exhaust heating of ventilating air.* If an exhaust heat exchanger is used for heating ventilating air used by personnel, a secondary heat exchanger shall be provided between the primary exhaust gas heat exchanger and the ventilating air system, unless it is demonstrated that other means used preclude harmful contamination of the ventilating air.

### POWERPLANT CONTROLS AND ACCESSORIES

§ 7.470 *Powerplant controls; general.* The provisions of § 7.353 shall be applicable to all powerplant controls with respect to location and arrangement, and the provisions of § 7.737 shall be applicable to all powerplant controls with respect to marking. All flexible powerplant controls shall be of an approved type. In addition, all powerplant controls shall comply with the following:

(a) Controls shall be so located that they cannot be inadvertently operated by personnel entering, leaving, or making normal movements in the cockpit.

(b) Controls shall maintain any set position without constant attention by flight personnel. They shall not creep due to control loads or vibration.



(c) Controls shall have strength and rigidity to withstand operating loads without failure and without excessive deflection.

§ 7.471 *Throttle and A. D. I. system controls.* (a) A separate throttle control shall be provided for each engine. Throttle controls shall be grouped and arranged to permit separate control of each engine and also simultaneous control of all engines in such a manner that proper synchronization of the power of all engines can be readily achieved.

(b) Throttle controls shall afford a positive and immediately responsive means of controlling the engines.

(c) If an antidetonant injection system is provided, the control shall be incorporated in the throttle controls, except that a separate control may be provided for the antidetonant injection pump.

§ 7.472 *Ignition switches.* Ignition switches shall provide control for each ignition circuit on each engine. Means shall be provided for quickly shutting off all ignition by the grouping of switches or by providing a master ignition control. If a master ignition control is provided, a guard shall be incorporated to prevent inadvertent operation of the control.

§ 7.473 *Mixture controls.* (a) If mixture controls are provided, a separate control shall be provided for each engine. The mixture controls shall be grouped and arranged to permit separate control of each engine and also simultaneous control of all engines.

(b) Any intermediate position of the mixture controls which corresponds with a normal operating setting shall be provided with a means of identification by feel and by vision.

§ 7.474 *Carburetor air preheat controls.* Separate carburetor air preheat controls shall be provided to regulate the temperature of the carburetor air for each engine.

§ 7.475 *Supercharger controls.* Supercharger controls shall be accessible to the pilots, except where a separate flight engineer station with a control panel is provided, in which case they shall be accessible to the flight engineer.

§ 7.476 *Rotor brake controls.* It shall be physically impossible to apply inadvertently the rotor brake in flight. A means shall be provided to warn the crew if the rotor brake has not been completely released prior to take-off.

§ 7.477 *Powerplant accessories.* (a) Engine mounted accessories shall be of a type approved for installation on the engine involved, and shall utilize the provisions made on the engine for mounting.

(b) Items of electrical equipment subject to arcing or sparking shall be installed in such a way as to minimize the possibility of their igniting flammable fluids or vapors which might be present.

(c) If continued rotation of an engine-driven cabin supercharger or any remote accessory driven by the engine will constitute a hazard in case malfunctioning occurs, means shall be provided to prevent hazardous rotation of such accessory without interfering with the continued operation of the engine. (See also § 7.358 (c).)

NOTE: Hazardous rotation may involve consideration of mechanical damage or sustained air flows which may be dangerous under certain conditions.

§ 7.478 *Engine ignition systems.* (a) Battery ignition systems shall be supplemented with a generator which is automatically made available as an alternate source of electrical energy to permit continued engine operation in the event of the depletion of any battery.

(b) The capacity of batteries and generators shall be sufficient to meet the simultaneous demands of the engine ignition system and the greatest demands of any rotorcraft electrical system components which draw electrical energy from the same source.

(1) The design of the engine ignition system shall take into consideration the condition of an inoperative generator and the condition of a completely depleted battery when the generator is running at its normal operating speed.

(2) If only one battery is provided, the design of the engine ignition system shall take into consideration the condition in which the battery is completely depleted and the generator is operating at idling speed.

(3) Portions of magneto ground wires for separate ignition circuits which lie on the engine side of the fire wall shall be installed, located, or protected so as to minimize the possibility of simultaneous failure of two or more wires as a result of mechanical damage, electrical faults, etc.

(4) Ground wires for any engine shall not be routed through fire zones, except those associated with the engine which the wires serve, unless those portions of the wires which are located in such fire zones are fireproof or are protected against the possibility of damage by fire in a manner to render them fireproof. (See § 7.472 for ignition switches.)

(5) Ignition circuits shall be electrically independent of all other electrical circuits except circuits used for analyzing the operation of the ignition system.

(c) Means shall be provided to warn flight personnel if malfunctioning of any part of the electrical system is causing the continuous discharging of a battery which is necessary for engine ignition. (See § 7.472 for ignition switches.)

### POWERPLANT FIRE PROTECTION

§ 7.480 *Designated fire zones.* (a) Designated fire zones shall comprise the following regions: (See also § 7.385.)

(1) Engine power section,

(2) Engine accessory section,

(3) Complete powerplant compartments in which no isolation is provided between the engine power section and the engine accessory section,

(4) Auxiliary power unit compartments, and

(5) Fuel-burning heaters and other combustion equipment installations as defined by § 7.383.

(b) Designated fire zones shall be protected from fire by compliance with §§ 7.481 through 7.489.

NOTE: For Category B rotorcraft, the powerplant fire protection provisions are intended to insure that the main and auxiliary rotors and controls remain operable, that the essential rotorcraft structure remains intact, and that the passengers and crew are otherwise protected for a period of at least 5 minutes after the start of an engine fire to permit a controlled autorotative landing.

§ 7.481 *Flammable fluids.* (a) No tanks or reservoirs which are a part of a system containing flammable fluids or gases shall be located in designated fire zones, except where the fluid contained, the design of the system, the materials used in the tank and its supports, the shutoff means, all connections, lines, and controls are such as to provide an equally high degree of safety.

(b) Fuel tanks shall be isolated from the engines by a fire wall or shroud. Not less than one-half inch of clear airspace shall be provided between any tank or reservoir and a fire wall or shroud isolating a designated fire zone, unless other equivalent means are used to protect against heat transfer from the fire zone to the flammable fluid.

(c) If absorbent materials are located in proximity to flammable fluid system components which might be subject to leakage, such materials shall be covered or treated to prevent the absorption of hazardous quantities of fluids.

§ 7.482 *Shutoff means.* (a) Means shall be provided for shutting off or otherwise preventing hazardous quantities of fuel, oil, de-icer, and other flammable fluids from flowing into, within, or through any designated fire zone specified in § 7.480 (a), except that means need not be provided to shut off flow in lines forming an integral part of an engine. Closing any fuel shutoff valve for any engine shall not affect more than the selected engine.

(1) *Category A.* It shall be shown that no hazardous quantity of flammable fluid could drain into any designated fire zone after shutting off has been accomplished. Closing the fuel shutoff valve for any engine shall not make any of the fuel supply unavailable to the remaining engines.

(2) *Category B.* In installations using engines of less than 500 cubic inches displacement, shutoff means need not be provided for engine oil systems.

(b) Operation of the shutoff means shall not interfere with the subsequent emergency operation of other equipment, such as declutching the engine from the rotor drive.

(c) The shutoff means shall be located outside of designated fire zones, unless an equally high degree of safety is otherwise provided (see § 7.481).

(d) Provision shall be made to guard against inadvertent operation of the shutoff means, and to make it possible for the crew to reopen the shutoff means in flight after it has once been closed.

§ 7.483 *Lines and fittings.* All lines and fittings carrying flammable fluids or gases in areas subject to engine fire conditions shall comply with the provisions of paragraphs (a) through (c) of this section.

(a) Lines and fittings which are under pressure, or which attach directly to the engine, or which are subject to relative motion between components shall be

flexible, fire-resistant lines with fire-resistant end fittings of the permanently attached, detachable, or other approved types. The provisions of this paragraph shall not apply to those lines and fittings which form an integral part of the engine.

(b) Lines and fittings which are not subject to pressure or to relative motion between components shall be of fire-resistant materials.

(c) Vent and drain lines and fittings shall be subject to the provisions of paragraphs (a) and (b) of this section unless a failure of such line or fitting will not result in, or add to, a fire hazard.

§ 7.484 *Fire-extinguishing systems*—(a) *General.* (1) Fire-extinguishing systems shall be provided to serve all designated fire zones except that such systems need not be provided on Category B rotorcraft employing engines of 1,500 cubic inches or less displacement.

(2) On multiengine rotorcraft, the fire-extinguishing system, the quantity of extinguishing agent, and the rate of discharge shall be such as to provide two adequate discharges. It shall be possible to direct both discharges to any main engine installation. Individual "one-shot" systems shall be acceptable in the case of auxiliary power units, fuel-burning heaters, and other combustion equipment. On single-engine rotorcraft, the quantity of extinguishing agent and the rate of discharge shall be such as to provide one adequate discharge for the engine compartment.

(3) The fire-extinguishing system for a powerplant shall be capable of protecting simultaneously all zones of the powerplant compartment for which protection is provided.

(b) *Fire-extinguishing agents.* (1) Extinguishing agents employed shall be methyl bromide, carbon dioxide, or any other agent which has been shown to provide equivalent extinguishing action.

(2) If methyl bromide, carbon dioxide, or any other toxic extinguishing agent is employed, provision shall be made to prevent the entrance of harmful concentrations of fluid or fluid vapors into any personnel compartment either due to leakage during normal operation of the rotorcraft or as a result of discharging the fire extinguisher on the ground or in flight even though a defect may exist in the extinguishing system. Compliance with this requirement shall be demonstrated by appropriate tests.

(3) If a methyl bromide system is provided, the containers shall be charged with a dry agent and shall be sealed by the fire extinguisher manufacturer or by any other party employing appropriate recharging equipment.

(c) *Extinguishing agent container pressure relief.* Extinguishing agent containers shall be provided with a pressure relief to prevent bursting of the container due to excessive internal pressures. The following provisions shall apply:

(1) The discharge line from the relief connection shall terminate outside the rotorcraft in a location convenient for inspection on the ground.

(2) An indicator shall be provided at the discharge end of the line to provide a visual indication when the container has discharged.

(d) *Extinguishing agent container compartment temperature.* Under all conditions in which the rotorcraft is intended for operation, the temperature range of the extinguishing agent containers shall be maintained to assure that the pressure in the containers can neither fall below the minimum necessary to provide an adequate rate of extinguishing agent discharge nor rise above a safe limit so that the system will not be prematurely discharged.

(e) *Fire-extinguishing system materials.* Materials in the fire-extinguishing system shall not react chemically with the extinguishing agent so as to constitute a hazard. All components of the fire-extinguishing systems located in engine compartments shall be constructed of fireproof materials.

§ 7.485 *Fire-detector systems.* Quick-acting fire detectors of an approved type shall be provided in all designated fire zones, except on Category B rotorcraft employing engines of 900 cubic inches or less displacement. The fire detectors shall be sufficient in number and location to assure prompt detection of fire in such zones. Fire detectors shall comply with the following provisions:

(a) Fire detectors shall be constructed and installed to assure their ability to resist without failure all vibration, inertia, and other loads to which they would be subjected in operation.

(b) Fire detectors shall be unaffected by exposure to oil, water, or other fluids or fumes which might be present.

(c) Means shall be provided to permit the crew to check in flight the functioning of the electrical circuit associated with the fire-detector system.

(d) Wiring and other components of the fire-detector systems which are located in engine compartments shall be of fire-resistant construction.

(e) Detector system components for any fire zone shall not pass through other fire zones, unless they are protected against the possibility of false warnings resulting from fires in zones through which they pass. This requirement shall not be applicable with respect to zones which are simultaneously protected by the same detector and extinguishing systems.

§ 7.486 *Fire walls.* Engines shall be isolated from personnel compartments by means of fire walls, shrouds, or other equivalent means. They shall be similarly isolated from the structure, controls, rotor mechanism, and other parts essential to controlled flight and landing of the rotorcraft, unless such parts are protected in accordance with the provisions of § 7.384. All auxiliary power units, fuel-burning heaters, and other combustion equipment which are intended for operation in flight shall be isolated from the remainder of the rotorcraft by means of fire walls, shrouds, or other equivalent means. In complying with the provisions of this section, account shall be taken of the probable path of a fire as affected by the air flow in normal flight and in autorotation. The following shall apply:

(a) Fire walls and shrouds shall be constructed in such a manner that no hazardous quantity of air, fluids, or flame can pass from the engine compartment to other portions of the rotorcraft.

(b) All openings in the fire wall or shroud shall be sealed with close-fitting fireproof grommets, bushings, or fire-wall fittings.

(c) Fire walls and shrouds shall be constructed of fireproof material and shall be protected against corrosion.

§ 7.487 *Cowling.* (a) Cowling or engine compartment covering shall be constructed and supported so as to make it capable of resisting all vibration, inertia, and air loads to which it would be subjected in operation.

(b) Cowling shall have drainage and ventilation provisions as prescribed in § 7.489.

(c) On rotorcraft equipped with a diaphragm complying with § 7.488, the parts of the accessory section cowling which might be subject to flame in the event of a fire in the engine power section of the powerplant shall be constructed of fireproof material and shall comply with the provisions of § 7.486.

(d) Those portions of the cowling or engine compartment covering which would be subjected to high temperatures due to their proximity to exhaust system parts or exhaust gas impingement shall be constructed of fireproof material.

(e) Category A: The rotorcraft shall be so designed and constructed that fire originating in any fire zone cannot enter, either through openings or by burning through external skin, into any other zone or region where such fire would create additional hazards. If the rotorcraft is provided with a retractable landing gear, this provision shall apply with the landing gear retracted. Fireproof materials shall be used for all skin areas which might be subjected to flame in the event of a fire originating in the engine power or accessory sections.

§ 7.488 *Category A; engine accessory section diaphragm.* Unless equivalent protection can be shown by other means, a diaphragm shall be provided on air-cooled engines to isolate the engine power section and all portions of the exhaust system from the engine accessory compartment. This diaphragm shall comply with the provisions of § 7.486.

§ 7.489 *Drainage and ventilation of fire zones.* (a) Complete drainage of all portions of designated fire zones shall be provided to minimize the hazards resulting from failure or malfunctioning of components containing flammable fluids. The drainage provisions shall be effective under conditions expected to prevail when drainage is needed and shall be so arranged that the discharged fluid will not cause an additional fire hazard.

(b) All designated fire zones shall be ventilated to prevent the accumulation of flammable vapors. Ventilation openings shall not be placed in locations which would permit the entrance of flammable fluids, vapors, or flame from other zones. The ventilation provisions shall be so arranged that the discharged vapors will not cause an additional fire hazard.

(c) Category A: Except with respect to the engine power section of the powerplant compartment, provision shall be made to permit the crew to shut off sources of forced ventilation in any fire zone, unless the amount of extinguishing agent and rate of discharge are based on maximum air flow through the zone.



## SUBPART F—EQUIPMENT

### GENERAL

§ 7.600 *Scope.* The required basic equipment as prescribed in this subpart is the minimum which shall be installed in the rotorcraft for certification. Such additional equipment as is necessary for a specific type of operation is prescribed in the operating rules of the regulations in this subchapter.

§ 7.601 *Functional and installational requirements.* Each item of equipment installed in a rotorcraft shall be:

(a) Of a type and design appropriate to perform its intended function;

(b) Labeled as to its identification, function, or operational limitations, or any combination of these, whichever is applicable;

(c) Installed in accordance with specified limitations of the equipment; and

(d) Demonstrated to function properly in the rotorcraft.

§ 7.602 *Required basic equipment.* The equipment listed in §§ 7.603 through 7.605 shall be the required basic equipment. (See § 7.600.)

§ 7.603 *Flight and navigational instruments.* (See § 7.612 for installation requirements.)

(a) Air-speed indicating system.
(b) Altimeter (sensitive).
(c) Clock (sweep-second).
(d) Free-air temperature indicator.
(e) Gyroscopic bank and pitch indicator (non-tumbling type).
(f) Gyroscopic rate-of-turn indicator (with bank indicator).
(g) Gyroscopic direction indicator.
(h) Magnetic direction indicator.
(i) Rate-of-climb indicator (vertical speed).

§ 7.604 *Powerplant instruments.* (See § 7.613 for installation requirements.)

(a) Carburetor air temperature indicator for each engine.

(b) Cylinder head temperature indicator for each air-cooled engine, or coolant temperature indicator for each liquid-cooled engine.

(c) Category A: An individual fuel pressure indicator for each engine and either an independent warning device for each engine or a master warning device for all engines with means for isolating the individual warning circuit from the master warning device.

(d) Category B: An individual fuel pressure indicator for each engine.

(e) Fuel quantity indicator for each fuel tank. (See § 7.437.)

(f) Low fuel warning device for each tank if a multi-tank system is employed. (See § 7.416.)

(g) Manifold pressure indicator for each engine, if altitude engines are used.

(h) Category A: An individual oil pressure indicator for each engine and either an independent warning device for each engine or a master warning device for all engines with means for isolating the individual warning circuit from the master warning device.

(i) Category B: An individual oil pressure indicator for each engine.

(j) Oil pressure warning device for each pressure-lubricated gear box to indicate when the oil pressure falls below a safe value.

(k) Oil quantity indicator for each oil tank and each rotor drive gear box, if lubricant is self-contained. (See § 7.613 (d).)

(l) Oil temperature indicator for each engine.

(m) Oil temperature warning device to indicate when the oil temperature in any rotor drive gear box exceeds a safe value.

(n) Tachometer for each engine. (These tachometers may be combined in a single instrument with that required by paragraph (o) of this section, except that such an instrument shall indicate rotor rpm during autorotation.)

(o) Tachometer(s) to indicate rotor rpm of the main rotor(s), or for each main rotor, the speed of which can vary appreciably with respect to another main rotor.

(p) Category A: Fire warning indicators. (See § 7.485.)

(q) Category B: Fire warning indicators when fire detection is required. (See § 7.485.)

§ 7.605 *Miscellaneous equipment.* There shall be installed:

(a) Approved seats for all occupants. (See § 7.355.)

(b) Approved individual safety belts for all occupants. (See § 7.643.)

(c) Master switch arrangement for electrical circuits other than ignition. (See § 7.622 (c).)

(d) Source(s) of electrical energy. (See § 7.620.)

(e) Electrical protective devices. (See § 7.624.)

(f) Hand fire extinguishers. (See §§ 7.380 (a) and 7.381 (e) and (f).)

(g) Windshield wiper or equivalent for each pilot station. (See § 7.351 (b).)

(h) Radio communication system (two-way).

(i) Ignition switch for each and all engines. (See § 7.472.)

§ 7.606 *Equipment, systems, and installations*—(a) *Functioning and reliability.* All equipment, systems, and installations, the functioning of which is necessary in showing compliance with the regulations in this subchapter, shall be designed and installed to insure that they will perform their intended functions reliably under all reasonably foreseeable operating conditions.

(b) *Hazards.* All equipment, systems, and installations shall be designed to safeguard against hazards to the rotorcraft in the event of their malfunctioning or failure.

(c) *Category A; power supply.* Where an installation, the functioning of which is necessary in showing compliance with the regulations in this subchapter, requires a power supply, such installation shall be considered an essential load on the power supply, and the power sources and the system shall be capable of supplying the following power loads in probable operating combinations and for probable durations:

(1) All loads connected to the system with the system functioning normally.

(2) All essential loads after failure of any one prime mover, power converter, or energy storage device.

(3) All essential loads after failure of any one engine on two- or three-engine rotorcraft, or after failure of any two engines on rotorcraft with four or more engines.

(4) In determining the probable operating combinations and durations of essential loads for the partial power failure conditions prescribed in subparagraphs (2) and (3) of this paragraph, it shall be permissible to assume that the power loads are reduced in accordance with a monitoring procedure which is consistent with safety in the types of operations authorized. If a particular load is not required to maintain controlled flight, it need not be considered for the two-engine-inoperative condition on rotorcraft with four or more engines as prescribed in subparagraph (3) of this paragraph.

### INSTRUMENTS; INSTALLATION

§ 7.610 *General.* The provisions of §§ 7.611 through 7.613 shall apply to the installation of instruments in rotorcraft.

NOTE. It may be necessary to duplicate certain instruments at two or more crew stations to meet the instrument visibility requirements prescribed in § 7.611, or when required by the operating rules of the regulations in this subchapter for reliability or cross check purposes in particular types of operations. In this case independent operating systems are required in accordance with the provisions of § 7.612 (f).

§ 7.611 *Arrangement and visibility of instrument installations.* (a) Flight, navigation, and powerplant instruments for use by each pilot shall be plainly visible to him from his station with the minimum practicable deviation from his normal position and line of vision when he is looking out and forward along the flight path.

(b) The required instruments consisting of the air-speed indicator, gyroscopic direction indicator, gyroscopic bank and pitch indicator, gyroscopic turn and bank indicator, altimeter, rate-of-climb indicator, rotor tachometer(s), and manifold pressure indicator, shall be grouped and shall be centered as nearly as practicable about the vertical plane of the pilot's forward vision. Additional instruments considered of prime importance to the safe operation of the rotorcraft shall be included in the grouping.

(c) All other required powerplant instruments shall be closely grouped on the instrument panel.

(d) Identical powerplant instruments for the several engines shall be located to prevent any misleading impression as to the engines to which they relate.

(e) Powerplant instruments vital to the safe operation of the rotorcraft shall be plainly visible to the appropriate crew members.

(f) The vibration characteristics of the instrument panel shall be such as not to impair seriously the accuracy of the instruments or to damage them.

§ 7.612 *Flight and navigational instruments*—(a) *Air-speed indicating systems.* (1) Air-speed indicating instruments shall be calibrated to indicate true air speed at sea level in the standard atmosphere with a minimum practicable instrument calibration error when the corresponding pitot and static pressures are applied to the instrument.

(2) The air-speed indicating system shall be calibrated to determine the system error; i. e., the relation between IAS and CAS. This calibration shall be determined over an appropriate range of speeds:

(i) In flight for the flight conditions of climb, level flight, an autorotation; and,

(ii) In ground effect during the accelerated take-off run.

(3) The air-speed error of the installation, including the air-speed indicator instrument calibration error, shall not exceed 3 percent or 5 mph, whichever is greater:

(i) Throughout the speed range in level flight at forward speeds of 10 mph or over, and

(ii) Through the speed range in climb of 10 mph below the take-off climb-out safety speed (see § 7.114 (a)) to 10 mph above the best rate-of-climb speed.

(4) The air-speed indicating system shall be arranged insofar as practicable to preclude malfunctioning or serious error due to the entry of moisture, dirt, or other substances.

(5) The air-speed indicating system shall be provided with a heated pitot tube or equivalent means of preventing malfunctioning due to icing.

(b) *Static air vent and pressure altimeter systems.* (1) All instruments provided with static air case connections shall be vented to the outside atmosphere through an appropriate piping system.

(2) The vent(s) shall be so located on the rotorcraft that its orifices will be least affected by air flow variation, moisture, or other foreign matter.

(3) The installation shall be such that the system will be airtight, except for the vent into the atmosphere.

(4) Pressure altimeters shall be of an approved type and shall be calibrated to indicate pressure altitude in standard atmosphere with a minimum practicable instrument calibration error when the corresponding static pressures are applied to the instrument.

(5) The design and installation of the altimeter system shall be such that the error in indicated pressure altitude at sea level in standard atmosphere, excluding instrument calibration error, does not result in a reading more than 30 feet high nor more than 30 feet low in the level flight speed range 0 mph to 0.9 $V_H$.

(c) *Magnetic direction indicator.* (1) The magnetic direction indicator shall be installed so that its accuracy will not be excessively affected by the rotorcraft's vibration or magnetic fields of a permanent or transient nature.

(2) After the magnetic direction indicator has been compensated, the calibration shall be such that the deviation in level flight does not exceed ±10° on any heading.

(3) A calibration placard shall be provided as specified in § 7.733.

(d) *Automatic pilot system.* If an automatic pilot system is installed, it shall be of an approved type, and the following shall be applicable:

(1) The system shall be so designed that the automatic pilot can either:

(i) Be quickly and positively disengaged by the human pilots to prevent it from interfering with their control of the rotorcraft, or

(ii) Be sufficiently overpowered by one human pilot to enable him to control the rotorcraft.

(2) A means shall be provided to indicate readily to the pilot the alignment of the actuating device in relation to the control system which it operates, except when automatic synchronization is provided.

(3) The manually operated control(s) for the system's operation shall be readily accessible to the pilots.

(4) The automatic pilot system shall be of such design and so adjusted that, within the range of adjustment available to the human pilot, it cannot produce hazardous loads on the rotorcraft or create hazardous deviations in the flight path under any conditions of flight appropriate to its use either during normal operation or in the event of malfunctioning, assuming that corrective action is initiated within a reasonable period of time.

(e) *Category A; instruments utilizing a power supply.* Each required flight instrument utilizing a power supply shall be provided with two independent sources of power, a means of selecting either power source, and a means of indicating the adequacy of the power being supplied to the instrument. The installation and power supply system shall be such that failure of any flight instrument connected to one source, or of the energy supply from one source, or a fault in any part of the power distribution system, will not interfere with the proper supply of energy from the other source. (See also §§ 7.606, 7.620, and 7.654.)

(f) *Duplicate instrument systems.* If duplicate flight instruments are required by the operating regulations in this subchapter (see note under § 7.610), the operating system for a duplicate instrument shall be completely independent of the operating system for the duplicated instrument. Additional instruments shall not be connected to the first pitot system. If additional instruments are connected to the other system, provision shall be made to disconnect or isolate in flight such additional instruments.

§ 7.613 *Powerplant instruments*—(a) *Instrument lines.* (1) Powerplant instrument lines carrying flammable fluids or gases under pressure shall be provided with restricted orifices or equivalent safety devices at the source of the pressure to prevent the escape of excessive fluid or gas in case of line failure.

(2) The provisions of §§ 7.432 and 7.433 shall be made applicable to powerplant instrument lines.

(b) *Fuel quantity indicator.* Means shall be provided to indicate to the flight crew the quantity in gallons or equivalent units of usable fuel in each tank during flight. The following shall apply:

(1) Tanks, the outlets and air spaces of which are interconnected, shall be considered as one tank for the purpose of providing separate indicators.

(2) Exposed sight gauges shall be protected against damage.

(3) Fuel quantity indicators shall be calibrated to read zero during level flight when the quantity of fuel remaining in the tank is equal to the unusable fuel supply as defined by § 7.416. (See § 7.736.)

(c) *Fuel flowmeter system.* When a flowmeter system is installed, the metering component shall include a means for by-passing the fuel supply in the event that malfunctioning of the metering component results in a severe restriction to fuel flow.

(d) *Oil quantity indicator.* A stick gauge or other equivalent means shall be provided to indicate the quantity of oil in each tank and in each transmission gear box. (See § 7.735.)

ELECTRICAL SYSTEMS AND EQUIPMENT

§ 7.620 *General.* The provisions of §§ 7.621 through 7.626 shall apply to all electrical systems and equipment (see also § 7.606).

§ 7.621 *Electrical system capacity.* The required generating capacity and the number and type of power sources shall be determined by an electrical load analysis and shall comply with § 7.606.

§ 7.622 *Generating system.* (a) The generating system shall be considered to include electrical power sources, main power busses, transmission cables, and associated control, regulation, and protective devices.

(b) The generating system shall be so designed that the power sources function properly both when connected in combination and independently, and the failure or malfunctioning of any power source cannot create a hazard or impair the ability of the remaining sources to supply essential loads.

(c) Means accessible in flight to appropriate crew members shall be provided for the individual and collective disconnection of electrical power sources from the main bus.

(d) Means shall be provided to indicate to appropriate crew members those generating system quantities which are essential for the safe operation of the system.

NOTE: The voltage and current supplied by each generator are quantities considered essential.

§ 7.623 *Distribution system.* (a) The distribution system shall be considered to include all distribution busses, their associated feeders, and control and protective devices.

(b) Category A: Individual distribution systems shall be designed to insure that essential load circuits can be supplied in the event of reasonably probable faults or open circuits.

(c) Where two independent sources of electrical power for particular equipment or systems are required by the regulations in this subchapter, their electrical energy supply shall be assured.

NOTE: Various means may be used to assure a supply, such as duplicate electrical equipment, throw-over switching, and multichannel or loop circuits separately routed.

§ 7.624 *Electrical protection.* (a) Automatic protective devices shall be provided to minimize distress to the electrical system and hazard to the rotorcraft in the event of wiring faults or serious malfunctioning of the system or connected equipment.

(b) Category A: In the generating system, means shall be provided to automatically de-energize and disconnect from the main bus any power source which develops hazardous overvoltage.

(c) All resettable type circuit protective devices shall be so designed that, when an overload or circuit fault exists, they will open the circuit irrespective of the position of the operating control.

(d) Protective devices or their controls used in essential load circuits shall be accessible for resetting in flight.

(e) Circuits for essential loads shall have individual circuit protection.

NOTE: This provision does not necessarily require individual protection for each circuit in an essential load system; e. g., each position light in the system.

(f) If fuses are used, there shall be provided spare fuses for use in flight equal to at least 50 percent of the number of fuses of each rating required for complete circuit protection.

§ 7.625 *Electrical equipment and installation.* (a) In showing compliance with § 7.606 (a) and (b) with respect to the electrical system, equipment, and installation, consideration shall be given to critical environmental conditions.

NOTE: Critical environmental conditions may include temperature, pressure, humidity, ventilation, position, acceleration, vibration, and presence of detrimental substances.

(b) All electrical equipment, controls, and wiring shall be so installed that operation of any one unit or system of units will not affect adversely the simultaneous operation of any other electrical unit or system of units essential to the safe operation of the rotorcraft.

(c) Cables shall be grouped, routed, and spaced so that damage to essential circuits will be minimized in the event of faults in heavy current-carrying cables.

(d) Batteries and their installations shall provide for ventilation, drainage of fluids, venting of gases, and protection of other parts of the rotorcraft from corrosive battery fluids.

§ 7.626 *Electrical system fire and smoke protection.* The design and installation of all components of the electrical system shall comply with the pertinent fire and smoke protection provisions of §§ 7.358 (c) and 7.385. All electrical cables, terminals, and equipment which are necessary in emergency procedures and which are located in designated fire zones shall be fire-resistant.

LIGHTS

§ 7.630 *Instrument lights.* (a) Instrument lights shall provide sufficient illumination to make all instruments, switches, etc., easily readable.

(b) Instrument lights shall be so installed that their direct rays are shielded from the pilot's eyes and so that no objectionable reflections are visible to him.

§ 7.631 *Landing lights.* (a) When landing or hovering lights are required, they shall be of an approved type.

(b) Landing lights shall be installed so that there is no objectionable glare visible to the pilot and so that the pilot is not adversely affected by halation.

(c) Landing lights shall be installed in a location where they provide the necessary illumination for night operation including hovering and landing.

(d) A switch for each light shall be provided, except that where multiple lights are installed at one location a single switch for the multiple lights shall be acceptable.

§ 7.632 *Position light system installation*—(a) *General.* In addition to this section, the provisions of §§ 7.633 through 7.635 shall be applicable to the position light system as a whole. The position light system shall include the items specified in paragraphs (b) through (f) of this section.

(b) *Forward position lights.* Forward position lights shall consist of a red and a green light spaced laterally as far apart as practicable and installed forward on the rotorcraft in such a location that, with the rotorcraft in normal flying position, the red light is displayed on the left side and the green light is displayed on the right side. The individual lights shall be of an approved type.

(c) *Rear position lights.* Rear position lights shall consist of a red and a white light mounted on the rotorcraft as far aft as practicable and located in close proximity to each other. Individual lights shall be of an approved type.

(d) *Fuselage lights.* Fuselage lights shall consist of two white lights installed approximately in the same vertical plane as the forward position lights. One of these lights shall be mounted on the top of the fuselage, the other on the bottom. The individual lights shall be of an approved type.

(e) *Flasher.* A position light flasher of an approved type shall be installed and shall comply with subparagraphs (1) through (3) of this paragraph.

(1) The flashing frequency shall not be less than 65 and not more than 85 flashes per minute.

(2) The sequence of position lights shall conform to either one of the following:

(i) The forward position lights and fuselage lights flashing simultaneously at the rate specified in subparagraph (1) of this paragraph, with the rear red position light flashing simultaneously with one flash of the forward position and fuselage lights and the rear white position light flashing simultaneously with the next flash of the forward position and fuselage lights, or

(ii) The forward position lights and fuselage lights flashing alternately at the rate specified in subparagraph (1) of this paragraph, with the rear white light flashing simultaneously with the forward position lights and the rear red light flashing simultaneously with the fuselage lights.

(3) A switch shall be provided in the system to disconnect the flasher from the circuit so that continuous light can be supplied by the forward position lights and the rear white position light with the remaining lights de-energized.

(f) *Light covers and color filters.* Light covers or color filters used shall be of flame-resistant material and shall be constructed so that they will not change color or shape or suffer any appreciable loss of light transmission during normal use.

§ 7.633 *Position light system dihedral angles.* The forward and rear position lights as installed on the rotorcraft shall show unbroken light within dihedral angles specified in paragraphs (a) through (c) of this section.

(a) Dihedral angle *L* (left) shall be considered formed by two intersecting vertical planes, one parallel to the longitudinal axis of the rotorcraft and the other at 110° to the left of the first, when looking forward along the longitudinal axis.

(b) Dihedral angle *R* (right) shall be considered formed by two intersecting vertical planes, one parallel to the longitudinal axis of the rotorcraft and the other at 110° to the right of the first, when looking forward along the longitudinal axis.

(c) Dihedral angle *A* (aft) shall be considered formed by two intersecting vertical planes making angles of 70° to the right and 70° to the left, respectively, looking aft along the longitudinal axis, to a vertical plane passing through the longitudinal axis.

§ 7.634 *Position light distribution and intensities*—(a) *General.* The intensities prescribed in this section are those to be provided by new equipment with all light covers and color filters in place. Intensities shall be determined with the light source operating at a steady value equal to the average luminous output of the light source at the normal operating voltage of the rotorcraft. The light distribution and intensities of position lights shall comply with the provisions of paragraphs (b) and (c) of this section.

(b) *Forward and rear position lights.* The light distribution and intensities of forward and rear position lights shall be expressed in terms of minimum intensities in the horizontal plane, minimum intensities in any vertical plane, and maximum intensities in overlapping beams within dihedral angles *L*, *R*, and *A*, and shall comply with the provisions of subparagraphs (1) through (3) of this paragraph.

(1) *Intensities in horizontal plane.* The intensities in the horizontal plane shall not be less than the values given in Figure 7–1. (The horizontal plane is the plane containing the longitudinal axis of the rotorcraft and is perpendicular to the plane of symmetry of the rotorcraft.)

(2) *Intensities above and below horizontal.* The intensities in any vertical plane shall not be less than the appropriate value given in Figure 7–2, where *I* is the minimum intensity prescribed in Figure 7–1 for the corresponding angles in the horizontal plane. (Vertical planes are planes perpendicular to the horizontal plane.)

(3) *Overlaps between adjacent signals.* The intensities in overlaps between adjacent signals shall not exceed the values given in Figure 7–3, except that higher intensities in the overlaps shall be acceptable with the use of main beam intensities substantially greater than the minima specified in Figures 7–1 and 7–2 if the overlap intensities in relation to the main beam intensities are such as not to affect adversely signal clarity.

(c) *Fuselage lights.* The illuminating intensity of the top and the bottom fuselage lights individually shall be equivalent to that which would be furnished by a 32-candlepower lamp installed in a reflector of high reflective properties. The lights shall have a clear cover and the light distribution shall be reasonably uniform throughout approximately a hemisphere.

| Dihedral angle (light involved) | Angle from right or left of longitudinal axis, measured from dead ahead | Intensity (candles) |
|---|---|---|
| L and R (forward red and green) | 0° to 10° | 40 |
| | 10° to 20° | 30 |
| | 20° to 110° | 5 |
| A (rear white) | 110° to 180° | 20 |
| A (rear red) | 110° to 180° | 4 |

FIGURE 7-1—MINIMUM INTENSITIES IN THE HORIZONTAL PLANE OF FORWARD AND REAR POSITION LIGHTS

| Angle above or below horizontal | Intensity |
|---|---|
| 0° | 1.00 I. |
| 0° to 5° | 0.90 I. |
| 5° to 10° | 0.80 I. |
| 10° to 15° | 0.70 I. |
| 15° to 20° | 0.50 I. |
| 20° to 30° | 0.30 I. |
| 30° to 40° | 0.10 I. |
| 40° to 90° | At least 2 candles. |

FIGURE 7-2—MINIMUM INTENSITIES IN ANY VERTICAL PLANE OF FORWARD AND REAR POSITION LIGHTS

| Overlaps | Maximum intensity | |
|---|---|---|
| | Area A (candles) | Area B (candles) |
| Green in dihedral angle L | 10 | 1 |
| Red in dihedral angle R | 10 | 1 |
| Green in dihedral angle A | 5 | 1 |
| Red in dihedral angle A | 5 | 1 |
| Rear white in dihedral angle L | 5 | 1 |
| Rear white in dihedral angle R | 5 | 1 |

FIGURE 7-3—MAXIMUM INTENSITIES IN OVERLAPPING BEAMS OF FORWARD AND REAR POSITION LIGHTS

NOTE: Area A includes all directions in the adjacent dihedral angle which pass through the light source and which intersect the common boundary plane at more than 10 degrees but less than 20 degrees. Area B includes all directions in the adjacent dihedral angle which pass through the light source and which intersect the common boundary plane at more than 20 degrees.

§ 7.635 *Color specifications.* The colors of the position lights shall have the International Commission on Illumination chromaticity coordinates as set forth in paragraphs (a) through (c) of this section.

(a) *Aviation red.*

"*y*" is not greater than 0.335,
"*z*" is not greater than 0.002;

(b) *Aviation green.*

"*x*" is not greater than 0.440—0.320*y*,
"*x*" is not greater than "*y*"—0.170,
"*y*" is not less than 0.390—0.170*x*;

(c) *Aviation white.*

"*x*" is not less than 0.350,
"*x*" is not greater than 0.540,
"*y*"—"*yo*" is not numerically greater than 0.01,

"*yo*" being the "*y*" coordinate of the Planckian radiator for which *xo*=*x*.

§ 7.636 *Riding light.* (a) When a riding (anchor) light is required for a rotorcraft operated from water, it shall be capable of showing a white light for at least 2 miles at night under clear atmospheric conditions.

(b) Riding lights shall be installed so that they will show a maximum practicable unbroken light when the rotorcraft is moored or drifting on the water. Externally hung lights shall be permitted.

§ 7.637 *Anti-collision light.* In addition to the position light system prescribed in §§ 7.632 through 7.635, an approved anti-collision light shall be installed.

SAFETY EQUIPMENT

§ 7.640 *General.* Required safety equipment which the crew is expected to operate at a time of emergency such as flares and automatic life-raft releases, shall be readily accessible. (See also § 7.738 (e).)

§ 7.641 *Flares.* When parachute flares are installed, they shall be of an approved type and installed in accordance with § 7.642.

§ 7.642 *Flare installation.* (a) Parachute flares shall be releasable from the pilot compartment and installed to minimize the danger of accidental discharge.

(b) It shall be demonstrated in flight that the flare installation is such that ejection can be accomplished without hazard to the rotorcraft and its occupants.

(c) If recoil loads are involved in the ejection of the flares, the structure of the rotorcraft shall be designed to withstand such loads.

§ 7.643 *Safety belts.* Safety belts shall be of an approved type (see § 7.355 (c) (2)). When means are provided to indicate to the passengers when seat belts should be fastened, the device shall be so installed that it can be operated from the seat of either the pilot or copilot.

§ 7.644 *Emergency flotation and signaling equipment.* When emergency flotation and signaling equipment is required by the operating rules of the regulations in this subchapter, such equipment shall comply with the provisions of paragraphs (a) through (d) of this section.

(a) *Life rafts.* Life rafts shall be of an approved type. Unless excess rafts of sufficient capacity are provided, the buoyancy and seating capacity beyond the rated capacity of the rafts shall be such as to accommodate all occupants of the rotorcraft in the event of a loss of one life raft of the largest rated capacity on board. Each life raft shall be equipped with a trailing line and with a static line, the latter designed to hold the raft near the rotorcraft but to release it in case the rotorcraft becomes totally submerged. Each raft shall contain obvious markings of instruction on its operation.

(b) *Life-raft equipment.* Approved equipment intended for survival shall be attached to each life raft and marked for identification and method of operation.

NOTE: The extent and type of survival equipment will depend upon the route over which the rotorcraft is operated.

(c) *Long-range signaling device.* An approved long-range signaling device shall be provided for use in one of the life rafts.

(d) *Life preservers.* Life preservers shall be of an approved type. They shall be reversible and shall contain obvious markings of instruction on their use.

§ 7.645 *Stowage of safety equipment.* Special stowage provisions shall be made for all prescribed safety equipment to be used in emergencies. The stowage provisions shall be such that the equipment is directly accessible and its location is obvious. All safety equipment shall be protected against inadvertent damage. The stowage provisions shall be marked conspicuously to identify the contents and to facilitate removal of the equipment. In addition, the following shall specifically apply:

(a) *Emergency exit means.* The stowage provisions for the emergency exit descent device required by § 7.357 (d) (6) shall be located at the exits which they are intended to serve.

(b) *Life rafts.* Life rafts shall be stowed near exists through which the rafts can be launched during an unplanned ditching. Rafts automatically or remotely released on the outside of the rotorcraft shall be attached to the rotorcraft by means of the static line prescribed in § 7.644 (a).

(c) *Long-range signaling device.* The stowage provisions for the long-range signaling device required by § 7.644 (c) shall be located near an exit to be available during an unplanned ditching.

(d) *Life preservers.* Life preservers shall be so located that they are within easy reach of each occupant while seated.

§ 7.646 *Oxygen equipment and supply*—(a) *Protective breathing equipment.* When protective breathing equipment is required by the operating rules of the regulations in this subchapter, it shall be designed to protect the flight crew from the effects of smoke, carbon dioxide, and other harmful gases while on flight deck duty. The protective breathing equipment and the necessary supply of oxygen shall be in accordance with the following provisions:

(1) The protective breathing equipment shall include masks covering the eyes, nose, and mouth, or only the nose and mouth where accessory equipment is provided to protect the eyes.

(2) A supply of protective oxygen per crew member shall be of 10 minutes duration at a pressure altitude of 8,000 feet and a respiratory minute volume of 30 liters per minute BTPD.

NOTE: When a demand-type oxygen system is employed, a supply per crew member of 200 liters of free oxygen at 70° F. and 760 mm. Hg pressure is considered to be of 10 minutes duration at the prescribed altitude and minute volume. BTPD refers to body temperature conditions; i. e., 37° C. at ambient pressure, dry.

MISCELLANEOUS EQUIPMENT

§ 7.650 *Hydraulic systems; strength*—(a) *Structural loads.* All elements of the hydraulic system shall be designed to withstand, without detrimental permanent deformation, all structural loads which may be imposed simultaneously with the maximum hydraulic loads occurring in operation.

(b) *Proof pressure tests.* All elements of the hydraulic system shall be tested to a proof pressure of 1.5 times the maximum pressure to which the part will be subjected in normal operation. In such test, no part of the hydraulic system shall fail, malfunction, or suffer detrimental deformation.

(c) *Burst pressure strength.* Individual hydraulic system elements shall be designed to withstand pressures which are sufficiently increased over the pressures prescribed in paragraph (b) of this section to safeguard against rupture under service conditions.

NOTE: The following pressures, in terms of percentages of maximum operating pressures for particular elements, in most instances are sufficient to insure against rupture in service: 250 percent in units under oil pressure; 400 percent in units containing air and oil under pressure and in lines, hoses, and fittings; and 300 percent in units of system subjected to back pressure.

§ 7.651 *Hydraulic systems; design.* The provisions of § 7.606 shall apply to hydraulic systems and equipment.

(a) *Pressure indication.* A means shall be provided to indicate the pressure in each main hydraulic power system.

(b) *Pressure limiting provisions.* Provision shall be made to assure that pressures in any part of the system will not exceed a safe limit above the maximum operating pressure of the system and to insure against excessive pressures resulting from fluid volumetric changes in all lines which are likely to remain closed long enough for such changes to take place. In addition, consideration shall be given to the possible occurrence of detrimental transient (surge) pressures during operation.

(c) *Installation.* Hydraulic lines, fittings, and components shall be installed and supported to prevent excessive vibration and to withstand inertia loads. All elements of the installation shall be protected from abrasion, corrosion, and mechanical damage.

(d) *Connections.* Flexible hose, or other means of providing flexibility, shall be used to connect points in a hydraulic fluid line between which there is relative motion or differential vibration.

§ 7.652 *Hydraulic system fire protection.* When flammable type hydraulic fluid is used, the hydraulic system shall comply with the provisions of §§ 7.384 and 7.481 through 7.483.

§ 7.653 *Radio installation.* (a) Radio communication and navigational equipment installations in the rotorcraft should be free from hazards in themselves, in their method of operation, and in their effects on other components of the rotorcraft. In showing compliance with this requirement, consideration shall be given to critical environmental conditions.

NOTE: Critical environmental conditions may include temperature, pressure, humidity, ventilation, position, acceleration, vibration, and presence of detrimental substances.

(b) All radio communication and navigational equipment, controls, and wiring shall be so installed that operation of any one unit or system of units will not affect adversely the simultaneous operation of any other radio or electronic unit or system of units required by the regulations in this subchapter.

§ 7.654 *Vacuum systems.* (a) Means, in addition to the normal pressure relief, shall be provided to relieve automatically the pressure in the discharge lines from the vacuum air pump if the delivery temperature of the air reaches an unsafe value.

(b) Vacuum air system lines and fittings on the discharge side of the pump which might contain flammable vapors or fluids shall comply with § 7.483 if they are located in a designated fire zone. Other vacuum air system components located in designated fire zones shall be fire-resistant.

## SUBPART G—OPERATING LIMITATIONS AND INFORMATION

GENERAL

§ 7.700 *Scope.* (a) The operating limitations in §§ 7.710 through 7.718 shall be established as prescribed in this part.

(b) The operating limitations, together with any other information concerning the rotorcraft found necessary for safety during operation, shall be included in the Rotorcraft Flight Manual (§ 7.740), shall be expressed as markings and placards (§ 7.730), and shall be made available by such other means as will convey the information to the crew members.

OPERATING LIMITATIONS

§ 7.710 *Air-speed limitations; general.* When air-speed limitations are a function of weight, weight distribution, altitude, rotor speed, power, or other factors, the values corresponding with all critical combinations of these values shall be established.

§ 7.711 *Never-exceed speed $V_{NE}$.* (a) The never-exceed speed shall be established. It shall not be less than the best rate-of-climb speed with all engines operating at maximum continuous power, nor greater than either of the following:

(1) 0.9 *V* established in accordance with § 7.204, or

(2) 0.9 times the maximum speed demonstrated in accordance with § 7.140.

(b) It shall be permissible to vary the never-exceed speed with altitude and rotor rpm, provided that the ranges of these variables are sufficiently large to allow an operationally practical and safe variation of the never-exceed speeds.

§ 7.712 *Operating speed range.* An operating speed range shall be established for each rotorcraft.

§ 7.713 *Rotor speed.* Rotor rpm limitations shall be established as set forth in paragraphs (a) and (b) of this section. (See also § 7.710.)

(a) *Maximum power off (autorotation).* Not to exceed 95 percent of the maximum design rpm determined under § 7.204 (b) or 95 percent of the maximum rpm demonstrated during the type tests (see § 7.103 (b)), whichever is less.

(b) *Minimum*—(1) *Power off.* Not less than 105 percent of the higher of the following:

(i) The minimum demonstrated during the type test (see § 7.103 (b)), or

(ii) The minimum determined by design substantiation.

(2) *Power on.* Not less than the higher of the following:

(i) The minimum demonstrated during the type tests (see § 7.103 (a)), or

(ii) The minimum determined by design substantiation and not higher than a value determined in compliance with § 7.103 (a).

§ 7.714 *Powerplant limitations.* The powerplant limitations set forth in paragraphs (a) through (d) of this section shall be established for the rotorcraft. They shall not exceed the corresponding limits established as a part of the type certification of the engine(s) installed on the rotorcraft.

(a) *Take-off operation.* The take-off operation shall be limited by:

(1) The maximum rotational speed, which shall not be greater than the maximum value determined by the rotor design, nor greater than the maximum value demonstrated during type tests.

(2) The maximum permissible manifold pressure.

(3) The time limit for use of the power which corresponds with the values established in subparagraphs (1) and (2) of this paragraph.

(4) Where the time limit established in subparagraph (3) of this paragraph exceeds two minutes, the maximum allowable cylinder head or coolant outlet and oil temperatures.

(5) Maximum cylinder head or coolant outlet and oil temperatures, if these differ from the maximum limits for continuous operation.

(b) *Continuous operation.* The continuous operation shall be limited by:

(1) The maximum rotational speed, which shall not be greater than the maximum value determined by the rotor design, nor greater than the maximum value demonstrated during type tests.

(2) Maximum permissible manifold pressure.

(3) Maximum allowable cylinder head or coolant outlet and oil temperatures.

(4) The minimum rotational speed demonstrated in compliance with the

rotor speed requirements as prescribed in § 7.713 (b) (2).

(c) *Fuel octane rating.* The minimum octane rating of fuel required for satisfactory operation of the powerplant within the limitations prescribed in paragraphs (a) and (b) of this section.

(d) *Cooling limitations.* The maximum sea level temperature for which satisfactory cooling has been demonstrated.

§ 7.715 *Limiting height-speed envelope.* If a range of heights exists at any speed, including zero, within which it is not possible to make a safe landing following power failure, the range of heights and its variation with forward speed shall be established together with any other pertinent information, such as type of landing surface. (See §§ 7.11 (a) (1), 7.111 (b), and 7.741 (f).)

§ 7.716 *Rotorcraft weight and center of gravity limitations.* The rotorcraft weight and center of gravity limitations to be established are those required to be determined by §§ 7.101 and 7.102.

§ 7.717 *Minimum flight crew.* The minimum flight crew shall be established by the Administrator as that number of persons which he finds necessary for safety in the operations authorized under § 7.718. This finding shall be based upon the workload imposed upon individual crew members with due consideration given to the accessibility and the ease of operation of all necessary controls by the appropriate crew members.

§ 7.718 *Types of operation.* The type of operation to which a rotorcraft is limited shall be established on the basis of flight characteristics and the equipment installed. (See the operating parts of this subchapter.)

§ 7.719 *Maintenance manual.* The applicant shall furnish with each rotorcraft a maintenance manual to contain information which he considers essential for the proper maintenance of the rotorcraft. The maintenance manual shall include recommended limits on service life or retirement periods for major components of the rotorcraft. Such components shall be identified by serial numbers of by other equivalent means.

MARKINGS AND PLACARDS

§ 7.730 *General.* (a) The markings and placards specified in §§ 7.731 through 7.738 are required for all rotorcraft.

(b) Markings and placards shall be displayed in conspicuous places and shall be such that they cannot be easily erased, disfigured, or obscured.

(c) Additional information, placards, and instrument markings having a direct and important bearing on safe operation of the rotorcraft shall be required when unusual design, operating, or handling characteristics so warrant.

§ 7.731 *Instrument markings; general.* (a) When markings are placed on the cover glass of the instrument, provision shall be made to maintain the correct alignment of the glass cover with the face of the dial.

(b) All arcs and lines shall be of sufficient width and so located that they are clearly visible to the pilot.

§ 7.732 *Air-speed indicator.* Instrument indications shall be in terms of indicated air speed. The markings set forth in paragraphs (a) through (c) of this section shall be used to indicate to the pilot the maximum and minimum permissible speeds and the normal precautionary operating ranges. (See §§ 7.612 (a), 7.710, 7.711, 7.712, 7.713, and 7.715.)

(a) A red radial line shall be used to indicate the limit beyond which operation is dangerous.

(b) A yellow arc shall be used to indicate the precautionary operating range.

(c) A green arc shall be used to indicate the safe operating range.

§ 7.733 *Magnetic direction indicator.* A placard shall be installed on or in close proximity to the magnetic direction indicator which shall comply with the requirements of paragraphs (a) through (c) of this section. (See § 7.612 (c).)

(a) The placard shall contain the calibration of the instrument in a level flight attitude with engine(s) operating.

(b) The placard shall state whether the calibration was made with radio receiver(s) on or off.

(c) The calibration readings shall be in terms of magnetic headings in not greater than 45° increments.

§ 7.734 *Powerplant instruments; general.* All required powerplant instruments shall be marked as follows:

(a) The maximum and the minimum, if applicable, safe operational limits shall be marked with red radial lines.

(b) The normal operating ranges shall be marked with a green arc not extending beyond the maximum and minimum safe operational limits.

(c) The take-off and precautionary ranges shall be marked with a yellow arc.

(d) Engine or rotor speed ranges which are restricted because of excessive vibration stresses shall be marked with red arcs.

§ 7.735 *Oil quantity indicator.* Oil quantity indicators shall be marked in sufficient increments to indicate readily and accurately the quantity of oil. (See § 7.613 (d).)

§ 7.736 *Fuel quantity indicator.* When the unusable fuel supply for any tank exceeds 1 gallon or 5 percent of the tank capacity, whichever is greater, a red arc shall be marked on the indicator extending from the calibrated zero reading to the lowest reading obtainable in the level flight attitude. (See §§ 7.421 and 7.613 (b).) A notation in the Rotorcraft craft Flight Manual shall be made to indicate that the fuel remaining in the tank when the quantity indicator reaches zero is not usable in flight. (See § 7.741 (g).)

§ 7.737 *Control markings*—(a) *General.* All cockpit controls including those referred to in paragraphs (b) and (c) of this section shall be plainly marked as to their function and method of operation. (See § 7.353.)

(b) *Powerplant fuel controls.* The powerplant fuel controls shall be marked in accordance with subparagraphs (1) through (4) of this paragraph.

(1) Controls for fuel tank selector valves shall be marked to indicate the position corresponding with each tank with all existing cross-feed positions.

(2) When more than one fuel tank is provided, and if safe operation depends upon the use of tanks in a specific sequence, the fuel tank selector controls shall be marked adjacent to or on the control to indicate to the flight personnel the order in which the tanks must be used.

(3) On multiengine rotorcraft, controls for engine valves shall be marked to indicate the position corresponding with each engine.

(4) The capacity of each tank shall be indicated adjacent to or on the fuel tank selector control.

(c) *Accessory and auxiliary controls.* Accessory and auxiliary controls shall be marked in accordance with subparagraphs (1) and (2) of this paragraph.

(1) Where visual indicators are essential to the operation of the rotorcraft (such as a rotor pitch or retractable landing gear indicator), they shall be marked in such a manner that the crew members at all times can determine the position of the unit.

(2) Emergency controls shall be colored red and shall be marked to indicate their method of operation.

§ 7.738 *Miscellaneous markings and placards*—(a) *Baggage compartments and ballast location.* Each baggage and cargo compartment as well as the ballast location shall bear a placard stating the maximum allowable weight of contents and, if applicable, any other limitation on contents found necessary due to loading requirements. When the maximum permissible weight to be carried in a seat is less than 170 pounds (see § 7.102 (b)), a placard shall be permanently attached to the seat structure stating the maximum allowable weight of the occupant to be carried.

(b) *Fuel and oil filler openings.* The information required by subparagraphs (1) and (2) of this paragraph shall be marked on or adjacent to the appropriate filler cover.

(1) The word "fuel," the minimum permissible fuel octane number for the engines installed, and the usable fuel tank capacity. (See § 7.425 (a).)

(2) The word "oil" and the oil tank capacity. (See § 7.441 (b) (4).)

(c) *Emergency exit placards.* Emergency exit placards and operating controls shall be colored red. A placard shall be located adjacent to the controls which clearly indicates the location of the exit and the method of operation. (See § 7.357.)

(d) *Operating limitation placard.* A placard shall be provided in clear view of the pilot stating: "This (helicopter, gyrodyne, etc.) must be operated in compliance with the operating limitations specified in the CAA approved Rotorcraft Flight Manual."

(e) *Safety equipment.* (1) Safety equipment controls which the crew is expected to operate in time of emergency, such as flares, automatic life raft releases, etc., shall be plainly marked as to their method of operation.

(2) When fire extinguishers and signaling and other life-saving equipment are carried in lockers, compartments, etc., these locations shall be marked accordingly.



ROTORCRAFT FLIGHT MANUAL

§ 7.740 *General.* (a) A Rotorcraft Flight Manual shall be furnished with each rotorcraft.

(b) The portions of the manual listed in §§ 7.741 through 7.744 as are appropriate to the rotorcraft shall be verified and approved and shall be segregated, identified, and clearly distinguished from portions not so approved.

(c) Additional items of information having a direct and important bearing on safe operation shall be required when unusual design, operating, or handling characteristics so warrant.

§ 7.741 *Operating limitations.* The operating limitations set forth in paragraphs (a) through (g) of this section shall be furnished with each rotorcraft.

(a) *Air-speed and rotor limitations.* Sufficient information necessary for the marking of the limitations on or adjacent to the indicators shall be furnished. (See § 7.732.) In addition, the significance of the limitations and of the color coding used shall be explained.

(b) *Powerplant limitations.* Information shall be included to outline and to explain all powerplant limitations (see § 7.714) and to permit marking the instruments as required by §§ 7.734 through 7.736.

(c) *Weight and loading distribution.* The rotorcraft weights and center of gravity limits required by §§ 7.101 and 7.102 shall be included, together with the items of equipment on which the empty weight is based. Where the variety of possible loading conditions warrants, instructions shall be included to facilitate observance of the limitations.

(d) *Flight crew.* When a flight crew of more than one is required, the number and functions of the minimum flight crew determined in accordance with § 7.717 shall be described.

(e) *Type of operation.* The type(s) of operation(s) shall be listed for which the rotorcraft and its equipment installations have been approved. (See § 7.718.)

(f) *Limiting heights.* Sufficient information shall be included to outline the limiting heights and corresponding speeds for safe landing after power failure. (See § 7.715.)

(g) *Unusable fuel.* If the unusable fuel supply in any tank exceeds one gallon or 5 percent of the tank capacity, whichever is greater, warning shall be provided to indicate to the flight personnel that the fuel remaining in the tank when the quantity indicator reads zero cannot be used safely in flight. (See § 7.421.)

§ 7.742 *Operating procedures.* The section of the manual devoted to operating procedures shall contain information concerning normal and emergency procedures and other pertinent information peculiar to the rotorcraft's operating characteristics which are necessary for safe operation. If applicable, the procedures to be followed in the event of engine failure including minimum speeds, trim, operation of remaining engines, etc., shall be described.

§ 7.743 *Performance information*—(a) *Category A; performance data.* A summary of all performance data shall be given, including performance data necessary for the application of the operating rules of this subchapter, together with descriptions of the conditions, air speeds, etc., under which these data were determined. In addition, the information required by subparagraphs (1) through (3) of this paragraph shall be included.

(1) *Air speeds.* The indicated air speeds corresponding with those determined for take-off shall be listed together with the procedures to be followed in the event the critical engine becomes inoperative during take-off (see § 7.742). Airspeed calibrations shall be included. (See § 7.612 (a) (2) and (3).)

(2) *Autorotative landing technique.* Description of the techniques, associated airspeed, and rates of descent for autorotative landings shall be included. (See § 7.118 (b).)

(3) *Maximum allowable wind.* Information relative to the maximum allowable wind for safe operation near the ground shall be included. (See § 7.121 (d).)

(b) *Category B; performance information.* Information relative to the items of performance set forth in subparagraphs (1) through (5) of this paragraph, including any additional performance data necessary for the application of the operating rules of this subchapter, shall be given.

(1) The take-off distance and the take-off safety air speed together with any pertinent information defining the flight path with respect to the required autorotative landing in the event of an engine failure, including the calculated effect of altitude and temperature. (See § 7.114.)

(2) The steady rates of climb and hovering ceiling together with the corresponding air speeds and other pertinent information, including the calculated effect of altitude and temperature. (See §§ 7.115 and 7.116.)

(3) The landing distance, appropriate glide air speed, and the type of landing surface together with any pertinent information which might affect this distance, including the calculated effect of altitude and temperature. (See §§ 7.117 and 7.118.)

(4) Maximum wind allowable for safe operation near the ground (see § 7.121 (d)).

(5) The air-speed calibrations. (See § 7.612 (a) (2) and (3).)

§ 7.744 *Marking and placard information.* (See § 7.730.)

ROTORCRAFT IDENTIFICATION DATA

§ 7.750 *Identification plate.* A fireproof identification plate shall be securely attached to the structure in an accessible location where it will not likely be defaced during normal service. The identification plate shall not be placed in a location where it might be expected to be destroyed or lost in the event of an accident. The identification plate shall contain the identification data required by § 1.50 of this subchapter.

§ 7.751 *Identification marks.* The nationality and registration marks shall be permanently affixed in accordance with § 1.100 of this subchapter.

(Sec. 205 (a), 52 Stat. 984, 49 U. S. C. 425 (a). Interpret or apply secs. 601, 603, 52 Stat. 1007, 1009, as amended, 49 U. S. C. 551, 553)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 56-4354; Filed, June 1, 1956; 8:56 a. m.]

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[Supp. 4]

PART 24—MECHANIC AND REPAIRMAN CERTIFICATES

AIRMAN IDENTIFICATION CARDS

This supplement revises the wording of the CAA rules of this part specifying the identification cards which are acceptable to the Administrator and the form and manner of applying for an Airman Identification Card. The purpose of this revision is to make the wording of these rules consistent with that for other airman certificates.

These rules do not impose any additional burden upon interested persons, and no useful purpose would be served by compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act. Therefore, compliance is unnecessary and is not required.

The following rules are hereby adopted:

1. Sections 24.10–1 and 24.10–2 are revised to read as follows:

§ 24.10–1 *Airman identification card (CAA rules which apply to § 24.10).* An Airman Identification Card, Form ACA–2135, is issued by the Administrator and may be used to meet the requirements of § 24.10.

§ 24.10–2 *Other identification cards which are acceptable to the Administrator (CAA rules which apply to § 24.10).* Identification cards which are acceptable in lieu of Form ACA–2135 to meet the requirements of § 24.10 are as follows:

(a) Aircrewman Identification Card, Form ACA–2116.1, issued by CAA.

(b) Crew Member Certificate, Form ACA–2116.1, issued by CAA. This certificate is a current revision of the Aircrewman Identification Card.

(c) Current identification cards issued to members on active duty or on reserve status by:

(1) U. S. Army.
(2) U. S. Navy.
(3) U. S. Air Force.
(4) U. S. Marine Corps.
(5) U. S. Coast Guard.
(6) U. S. Merchant Marine.
(7) National Guard.
(8) Civil Air Patrol.

2. Section 24.10–3 is redesignated § 24.10–4 and a new § 24.10–3 is added to read as follows:

§ 24.10–3 *Application (CAA rules which apply to § 24.10).* An applicant for an airman identification card shall comply with the following procedure:

(a) *Application.* The applicant shall apply in person to an Aviation Safety Agent or an Aviation Safety District Office.

(b) *Form.* Application for Airman Identification Card, Form ACA–2134, shall be completed in single copy, typed or printed in ink, and contain precise information on each item.

(c) *Proof of identity.* The applicant shall furnish proof of his identity. The agent may exercise his discretion in the method by which he identifies the applicant. Identification of the applicant may be established by one or more of the following means:

(1) Airman Identification Card, Form ACA–935, issued by the CAA to the applicant during World War II.

(2) The agent's knowledge of the applicant's identity.

(3) The applicant's identification by a person known to the agent.

(4) Combinations of identification cards and licenses held by the applicant.

(5) Comparison of the applicant's signature with that on other cards and licenses held by him.

(d) *Proof of place and date of birth.* The following documentary evidence is satisfactory evidence of place and date of birth:

(1) Airman Identification Card, Form ACA–935, issued by CAA during World War II. (If he held this card and lost it, he may write to CAA, Airman Records Branch, Washington 25, D. C., and obtain confirmation that it was issued to him and the information it contained.)

(2) Birth certificate. (When the applicant's birth certificate does not contain the exact name now used by him, he shall explain the difference on the application form.)

(3) Baptismal record if it contains the full name and place and date of birth.

(4) Naturalization papers if place and date of birth are shown.

(5) Passport, expired or current.

(6) Aircrewman Identification Card, or Crew Member Certificate, Form ACA–2116.1.

(7) Statement from any state or Federal Government agency which has the applicant's birth certification on file.

(8) Statement from any military, state, municipal, local, or Federal Government agency which has established, by investigation or otherwise, the applicant's place and date of birth.

(i) Applicants who cannot furnish any of the documents listed in subparagraphs (1) through (8) of this paragraph may present affidavits from attending physician, either parent, brother, sister, relative, or acquaintances who have personal knowledge of the applicant's place and date of birth.

(ii) Military identification cards, service records, discharge papers, drivers' licenses, and the like are not acceptable documentary evidence of place and date of birth.

(e) *Evidence of citizenship.* The following documentary evidence is satisfactory evidence of citizenship:

(1) Any document listed in paragraph (d) of this section, if citizenship is claimed in the country of birth.

(2) Naturalization papers.

(3) Currently valid passport.

(4) Statement from an appropriate official of a foreign government that the applicant is a citizen of that country.

(5) Civil Aeronautics Board waiver of citizenship requirements for the issuance of an airman certificate to stateless or other persons.

(6) Certified statements from persons, courts, or agencies in authority on cases of derivative citizenship, incompleted naturalization, or other complex citizenship status. Such statements must contain information on the current status of the applicant's citizenship.

(f) *Photographs.* The applicant shall furnish two photographs which are:

(1) Taken from the same negative.

(2) One-inch square, full face, head only.

(3) Taken within the past 12 months.

(4) Readily recognizable as photographs of applicant.

(g) *Fingerprints.* The applicant shall be fingerprinted only by an Aviation Safety Agent or other CAA employee authorized by the agent.

(h) *Reissuance of lost card.* An applicant who has lost his Airman Identification Card, Form ACA–2135, may obtain another by making application exactly as required for his original card, or by:

(1) Writing to the CAA Airman Records Branch, W–253, Washington 25, D. C., and explaining the circumstances of the loss, and requesting a letter verifying that such card has been issued, and

(2) Presenting the letter and two photographs, as required for original issuance, to an Aviation Safety Agent who will issue a duplicate card.

(Sec. 205, 52 Stat. 984, U. S. C. 425. Interpret or apply secs. 601, 602, 608, 52 Stat. 1007, 1008, 1011, as amended; 49 U. S. C. 551, 552, 558)

This supplement shall become effective July 17, 1956.

[SEAL] JAMES T. PYLE,
*Acting Administrator of Civil Aeronautics.*

[F. R. D. Doc. 56–4325; Filed, June 1, 1956; 8:49 a. m.]

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[Reg. No. SR–417]

## PART 49—TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

### SPECIAL CIVIL AIR REGULATION CONTAINING AUTHORITY TO DEVIATE FROM CERTAIN PROVISIONS OF CIVIL AIR REGULATIONS WITHIN TERRITORY OF ALASKA

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 28th day of May 1956.

By letter dated March 26, 1956, Morrison-Knudsen Company, Inc., contractors and engineers, Boise, Idaho, requested the Board to permit certain operators, notwithstanding the provisions of Part 49 of the Civil Air Regulations, to transport Class A explosives and other dangerous articles in civil aircraft, within the territory of Alaska, which are necessary to complete certain urgent construction work being accomplished by this company in the interest of National Defense.

The Civil Aeronautics Administration has notified the Board that certain contractors other than Morrison-Knudsen are involved in the same construction work as the Morrison-Knudsen Company in connection with the "White Alice" military defense contract and require similar authority to transport Class A explosives.

The Board has been advised by Morrison-Knudsen that these materials are essential in their construction work as a subcontractor to Western Electric Company, who, in turn, has a contract with the United States Air Force for important classified installation work throughout Alaska, and that all explosives or other dangerous articles will be shipped in accordance with Interstate Commerce Commission (ICC) packing and handling requirements. A listing of aircraft that are assigned under contract to the project concerned, together with the name of the contractor, base station, and area of operation was appended to Morrison-Knudsen's letter of March 26. The request for authority is to apply initially to the operators listed therein. Morrison-Knudsen proposed to notify the Board when additional aircraft are put under contract to engage in the same work.

The Board has been further advised by Morrison-Knudsen that such shipment of explosives and other dangerous articles will be restricted to aircraft operating exclusively in Alaska and in connection with a military defense project identified as AF–33 (600–29717) and known as ALCOM or White Alice Project.

Under the provisions of §§ 49.41 and 49.81 of Part 49 of the Civil Air Regulations, no explosive or dangerous article listed in Part 72 of the ICC Regulations as a Class A explosive * * * shall be carried on aircraft. Section 49.71, however, authorizes the Administrator, in emergency situations or where other forms of transportation are impracticable, to permit deviations from any of the provisions of this part for a particular flight where he finds that the conditions under which the articles are to be carried are such as to permit the safe carriage of persons and cargo. Since the authority requested by Morrison-Knudsen in this matter is not for a particular flight but for a series of flights, the Administrator is not authorized to grant the special authority requested.

To support the Board's grounds for granting special authority to carry explosives in emergency situations or where other forms of transportation are impracticable, reference is made to § 49.41 which permits transportation in cargo aircraft of any article packed, marked, and labeled in accordance with ICC Regulations for transportation by rail express. Under section 71.13 of the ICC Regulations, shipment of explosives may be made upon request of the Departments of the Army, Navy, and Air Force of the United States Government after compliance with certain handling and packing regulations.

The Board notes that the ICC, pursuant to section 71.13 of its regulations, has authorized the various United States military departments to transport Class A explosives, by rail, whenever critical situations dictated such authorization. In these situations, however, the ICC has required that certain stringent packing, stowing, and carriage provisions of its regulations be complied with as a condition of such authorization. In addition, it is noted that a number of air carriers were authorized to carry, in recent years during national emergency status, Class A explosives in civil aircraft where it was found necessary in the National Defense.

In a letter dated April 5, 1956, from cognizant authority in the Department of the Air Force, it is stated that the work under contract to Morrison-Knudsen "is behind schedule and the cargo involved is necessary for the completion of a major program which is in the interest of National Defense," and it is requested that deviation authority for the air carriers listed in Morrison-Knudsen's letter be granted for a period of not less than one year. The Board regards this justification as particularly compelling. Moreover, in view of the remoteness of the area to which these commodities are to be transported and the improbability of creating a hazard involving persons on the ground, the carriage of such commodities by air does not appear to affect the public interest adversely.

The provisions of this special regulation authorize deviations from Part 49 only with respect to the carriage of Class A explosives and the shipper and operator shall comply with the requirements of Part 49 in all other respects.

Prior to engaging in operations pursuant to this special regulation, each operator will be required to give notice to the Administrator of the type and registration number of the aircraft and the airports and other landing areas to be used.

Except for Class A explosives, the articles included in the list appended to Morrison-Knudsen's letter of March 26 are not prohibited by Part 49 of the Civil Air Regulations for cargo-carrying aircraft. Therefore, the authorization contained herein is limited to Class A explosives.

Since this Special Civil Air Regulation authorizes the transporting of Class A explosives in a remote area and does not appear to affect the safety of the public adversely, and because the Board has been advised by the Department of the Air Force that the White Alice Project is behind schedule and the cargo involved is necessary in the interest of National Defense, the Board finds that omission of notice and public procedure is not contrary to public interest and that good cause exists for making this regulation effective on less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby makes and promulgates the following Special Civil Air Regulation effective May 28, 1956:

1. Contrary provisions of Part 49 of the Civil Air Regulations notwithstanding, and subject to conditions hereinafter set forth, the operators listed in Appendix "A" and any other operator authorized by the Administrator to be added to such list pursuant to this regulation, may deviate from those provisions of Part 49 which prohibit the carriage of Class A explosives in aircraft, to the extent necessary to transport Class A explosives in civil aircraft to and from certain areas within Alaska as listed in Appendix "A", provided that:

a. Shipment of such explosives, by civil aircraft, shall be made only by operators authorized by Morrison-Knudsen Company, Inc., or other contractors acting under a military defense project known as Alcom, Dewline, or White Alice and identified as contract AF–33 (600–29717);

b. Each operator shall furnish the Administrator, prior to carriage of such explosives, with a list showing the type aircraft, registration number, and area in which the aircraft is to be operated, and no deviation from this listing shall be made without the express approval of the Administrator;

c. Each shipper and operator shall comply with all pertinent provisions of Part 49 and the ICC Regulations including packing, marking, labeling, and loading requirements and with any special instructions issued by the ICC for the handling of Class A explosives;

d. The crew of the aircraft shall be thoroughly briefed on the characteristics and proper handling of the cargo;

e. Shipments may be made to and from a civil airport only if prior arrangements have been made between the operator of the aircraft and local civil airport management;

f. The operations on and in the vicinity of civil airports shall be conducted in accordance with such special traffic rules as may be prescribed by the Administrator including weather minimums, airport approach and departure routes to avoid flight over congested areas, and notification to the airport control tower of the nature of the cargo aboard;

g. The aircraft shall not be used to carry persons other than crew members and shall be operated in accordance with the aircraft performance and weight limitations applicable to passenger-carrying aircraft unless otherwise authorized by the Administrator; and

h. Single-engine aircraft shall be operated in accordance with operation specifications approved by the Administrator.

2. That, upon notification by Morrison-Knudsen Company, Inc., or other bona fide contractors acting pursuant to the above-specified contract that certain other operators of aircraft have been put under contract to engage in the same work, the Administrator of Civil Aeronautics is authorized to add to the list in Appendix "A" any such operator who to him meets the requirements of this Special Civil Air Regulation.

This Special Civil Air Regulation shall expire June 1, 1957, unless sooner superseded or rescinded by the Board.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies sec. 601, 902, 52 Stat. 1007, as amended; 1015, as amended; 49 U. S. C. 551, 622)

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
*Secretary.*

APPENDIX "A" TO SPECIAL CIVIL AIR REGULATION NO. SR–417

*Operator and Area*

Morrison-Knudsen Company, Inc., District; all of Alaska except southeastern section.

Cordova Airlines: all of Alaska except southeastern section.

Safeway Airways; upper Yukon, Kuskokwim, Bristol Bay, Illamna.

Safeway Airways; Seward Peninsula.

Circle Air Trails; Bristol Bay and Illamna area.

Alaska Sportsmen; Kuskokwim bay area which includes Bethel and Platinum.

Bernard Blanchard; Galena, McGrath and Fairbanks area.

Foster Air Service; Seward Peninsula.

[F. R. Doc. 56–4356; Filed, June 1, 1956; 8:56 a. m.]

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# TITLE 15—COMMERCE AND FOREIGN TRADE

## Chapter VIII—Office of Business Economics, Department of Commerce

### PART 801—FELLOWSHIPS IN NATIONAL INCOME AND INTERNATIONAL BALANCE OF PAYMENTS STATISTICS FOR QUALIFIED CITIZENS OF OTHER AMERICAN REPUBLICS

REVOCATION OF PART

The material appearing in this part is adequately covered in Title 22, Code of Federal Regulations, particularly Part 65 of Chapter I thereof, and for that reason is hereby revoked.

M. JOSEPH MEEHAN,
*Director, Office of Business Economics.*

[F. R. Doc. 56–4312; Filed, June 1, 1956; 8:46 a. m.]

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# TITLE 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

### Subchapter C—Drugs

### PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

### PART 146e—CERTIFICATION OF BACITRACIN AND BACITRACIN-CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), the regulations for certification of antibiotic and antibiotic-containing drugs (21 CFR Parts 146a, 146e) are amended as indicated below:

1. In § 146a.77 *Benzathine penicillin G for aqueous injection,* subparagraph (1) (iii) of paragraph (c) *Labeling* is amended by changing the words "24 months" to read "24 months or 36 months".

2. Section 146e.402 *Bacitracin ointment* * * * is amended in the following respects:

a. Paragraph (a) *Standards of identity* * * * is amended by inserting immediately following the word "sulfonamides," the following new words: "one or more suitable proteolytic enzymes,".

b. In paragraph (c) *Labeling,* subparagraph (1) (iv) is amended by inserting after the word "ointment" the

following new words: "or if it contains one or more proteolytic enzymes,".

c. Paragraph (c) (2) is amended by deleting the comma after the word "sulfonamides" and inserting the following new words: "or one or more proteolytic enzymes,".

d. Paragraph (c) (5) is amended by deleting the comma and inserting after the word "sulfonamides" the following new words: "or one or more proteolytic enzymes,".

e. Paragraph (f) *Exemption of bacitracin ointment* * * * is amended by inserting after the words "derivative of cortisone" the following new words: ", or one or more proteolytic enzymes".

f. Paragraph (f) (3) is amended by deleting the comma after the word "sulfonamides" and inserting the following new words: "or proteolytic enzymes,".

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

*Effective date.* This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055. Interpret or apply sec. 507, 59 Stat. 463, 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; 21 U. S. C. 357)

Dated: May 25, 1956.

[SEAL] GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F. R. Doc. 56-4322; Filed, June 1, 1956; 8:49 a. m.]

## TITLE 26—INTERNAL REVENUE, 1954

### Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income Tax

[T. D. 6179]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

SALE OR EXCHANGE OF RESIDENCE

On July 28, 1955, notice of proposed rule making regarding regulations under section 1034 of the Internal Revenue Code of 1954, was published in the FEDERAL REGISTER (20 F. R. 5393). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the following regulations are hereby adopted:

§ 1.1034 *Statutory provisions; common nontaxable exchanges; sale or exchange of residence.*

SEC. 1034 *Sale or exchange of residence*—(a) *Nonrecognition of gain.* If property (in this section called "old residence") used by the taxpayer as his principal residence is sold by him after December 31, 1953, and, within a period beginning 1 year before the date of such sale and ending 1 year after such date, property (in this section called "new residence") is purchased and used by the taxpayer as his principal residence, gain (if any) from such sale shall be recognized only to the extent that the taxpayer's adjusted sales price (as defined in subsection (b)) of the old residence exceeds the taxpayer's cost of purchasing the new residence.

(b) *Adjusted sale price defined*—(1) *In general.* For purposes of this section, the term "adjusted sales price" means the amount realized, reduced by the aggregate of the expenses for work performed on the old residence in order to assist in its sale.

(2) *Limitations.* The reduction provided in paragraph (1) applies only to expenses—

(A) For work performed during the 90-day period ending on the day on which the contract to sell the old residence is entered into;

(B) Which are paid on or before the 30th day after the date of the sale of the old residence; and

(C) Which are—

(i) Not allowable as deductions in computing taxable income under section 63 (a) (defining taxable income), and

(ii) Not taken into account in computing the amount realized from the sale of the old residence.

(3) *Effective date.* The reduction provided in paragraph (1) applies to expenses for work performed in any taxable year (whether beginning before, on, or after January 1, 1954), but only in the case of a sale or exchange of an old residence which occurs after December 31, 1953.

(c) *Rules for application of section.* For purposes of this section:

(1) An exchange by the taxpayer of his residence for other property shall be treated as a sale of such residence, and the acquisition of a residence on the exchange of property shall be treated as a purchase of such residence.

(2) A residence any part of which was constructed or reconstructed by the taxpayer shall be treated as purchased by the taxpayer. In determining the taxpayer's cost of purchasing a residence, there shall be included only so much of his cost as is attributable to the acquisition, construction, reconstruction, and improvements made which are properly chargeable to capital account, during the period specified in subsection (a).

(3) If a residence is purchased by the taxpayer before the date of his sale of the old residence, the purchased residence shall not be treated as his new residence if sold or otherwise disposed of by him before the date of the sale of the old residence.

(4) If the taxpayer, during the period described in subsection (a), purchases more than one residence which is used by him as his principal residence at some time within 1 year after the date of the sale of the old residence, only the last of such residences so used by him after the date of such sale shall constitute the new residence.

(5) In the case of a new residence the construction of which was commenced by the taxpayer before the expiration of one year after the date of the sale of the old residence, the period specified in subsection (a), and the 1 year referred to in paragraph (4) of this subsection, shall be treated as including a period of 18 months beginning with the date of the sale of the old residence.

(d) *Limitation.* Subsection (a) shall not apply with respect to the sale of the taxpayer's residence if within 1 year before the date of such sale the taxpayer sold at a gain other property used by him as his principal residence, and any part of such gain was not recognized by reason of subsection (a) or section 112 (n) of the Internal Revenue Code of 1939.

(e) *Basis of new residence.* Where the purchase of a new residence results, under subsection (a) or under section 112 (n) of the Internal Revenue Code of 1939, in the nonrecognition of gain on the sale of an old residence, in determining the adjusted basis of the new residence as of any time following the sale of the old residence, the adjustments to basis shall include a reduction by an amount equal to the amount of the gain not so recognized on the sale of the old residence. For this purpose, the amount of the gain not so recognized on the sale of the old residence includes only so much of such gain as is not recognized by reason of the cost, up to such time, of purchasing the new residence.

(f) *Tenant-stockholder in a cooperative housing corporation.* For purposes of this section, section 1016 (relating to adjustments to basis), and section 1223 (relating to holding period), references to property used by the taxpayer as his principal residence, and references to the residence of a taxpayer, shall include stock held by a tenant-stockholder (as defined in section 216, relating to deduction for amounts representing taxes and interest paid to a cooperative housing corporation) in a cooperative housing corporation (as defined in such section) if—

(1) In the case of stock sold, the house or apartment which the taxpayer was entitled to occupy as such stockholder was used by him as his principal residence, and

(2) In the case of stock purchased, the taxpayer used as his principal residence the house or apartment which he was entitled to occupy as such stockholder.

(g) *Husband and wife.* If the taxpayer and his spouse, in accordance with regulations which shall be prescribed by the Secretary or his delegate pursuant to this subsection, consent to the application of paragraph (2) of this subsection, then—

(1) For purposes of this section—

(A) The taxpayer's adjusted sales price of the old residence is the adjusted sales price (of the taxpayer, or of the taxpayer and his spouse) of the old residence, and

(B) The taxpayer's cost of purchasing the new residence is the cost (to the taxpayer, his spouse, or both) of purchasing the new residence (whether held by the taxpayer, his spouse, or the taxpayer and his spouse); and

(2) So much of the gain on the sale of the old residence as is not recognized solely by reason of this subsection, and so much of the adjustment under subsection (e) to the basis of the new residence as results solely from this subsection shall be allocated between the taxpayer and his spouse as provided in such regulations.

This subsection shall apply only if the old residence and the new residence are each used by the taxpayer and his spouse as their principal residence. In case the taxpayer and his spouse do not consent to the application of paragraph (2) of this subsection then the recognition of gain on the sale of the old residence shall be determined under this section without regard to the rules provided in this subsection.

(h) *Members of Armed Forces.* The running of any period of time specified in subsection (a) or (c) (other than the 1 year referred to in subsection (c) (4)) shall be suspended during any time that the taxpayer (or his spouse if the old residence and the new residence are each used by the taxpayer and his spouse as their principal residence) serves on extended active duty with the Armed Forces of the United States after the date of the sale of the old residence and during an induction period (as defined in section 112 (c) (5)) except that any such period of time as so suspended shall not extend beyond the date 4 years after the date of the sale of the old residence. For purposes of this subsection, the term "extended active duty" means any period of active duty pursuant to a call or order to such duty for a period in excess of 90 days or for an indefinite period.

(i) *Special rule for involuntary conversions*—(1) *In general.* For purposes of this section, the destruction, theft, seizure, requisition, or condemnation of property, or the sale or exchange of property under threat or imminence thereof—

(A) If occurring after December 31, 1950, and before January 1, 1954, shall be treated as the sale of such property; and

(B) If occurring after December 31, 1953, shall not be treated as the sale of such property.

(2) *Cross reference.* For treatment of residences involuntarily converted after December 31, 1953, see section 1033 (relating to involuntary conversions).

(j) *Statute of limitations.* If after December 31, 1950, the taxpayer during a taxable year sells at a gain property used by him as his principal residence, then—

(1) The statutory period for the assessment of any deficiency attributable to any part of such gain shall not expire before the expiration of 3 years from the date the Secretary or his delegate is notified by the taxpayer (in such manner as the Secretary or his delegate may by regulations prescribe) of—

(A) The taxpayer's cost of purchasing the new residence which the taxpayer claims results in nonrecognition of any part of such gain,

(B) The taxpayer's intention not to purchase a new residence within the period specified in subsection (a), or

(C) A failure to make such purchase within such period; and

(2) Such deficiency may be assessed before the expiration of such 3-year period notwithstanding the provisions of any other law or rule of law which would otherwise prevent such assessment.

§ 1.1034-1 *Sale or exchange of residence—(a) Nonrecognition of gain; general statement.* Section 1034 provides rules for the nonrecognition of gain in certain cases where a taxpayer sells one residence after December 31, 1953, and buys, or builds, and uses as his principal residence, another residence within specified time limits before or after such sale. In general, if the taxpayer invests in a new residence an amount at least as large as the adjusted sales price of his old residence, no gain is recognized on the sale of the old residence (see paragraph (b) of this section for definition of "adjusted sales price", "new residence", and "old residence"). On the other hand, if the new residence costs the taxpayer less than the adjusted sales price of the old residence, gain is recognized to the extent of the difference. Thus, if an amount equal to or greater than the adjusted sales price of an old residence is invested in a new residence, according to the rules stated in section 1034, none of the gain (if any) realized from the sale shall be recognized. If an amount less than such adjusted sales price is so invested, gain shall be recognized, but only to the extent provided in section 1034. If there is no investment in a new residence, section 1034 is inapplicable and all of the gain shall be recognized. Whenever, as a result of the application of section 1034, any or all of the gain realized on the sale of an old residence is not recognized, a corresponding reduction must be made in the basis of the new residence. The provisions of section 1034 are mandatory, so that the taxpayer cannot elect to have gain recognized under circumstances where this section is applicable. Section 1034 applies only to gains; losses are recognized or not recognized without regard to the provisions of this section. Section 1034 affects only the amount of gain recognized, and not the amount of gain realized (see also section 1001 and regulations issued thereunder). Any gain realized upon disposition of other property in exchange for the new residence is not affected by section 1034.

(b) *Definitions.* The following definitions of frequently used terms are applicable for purposes of section 1034 (other definitions and detailed explanations appear in subsequent paragraphs of this regulation):

(1) "Old residence" means property used by the taxpayer as his principal residence which is the subject of a sale by him after December 31, 1953 (section 1034 (a); for detailed explanation see paragraph (c) (3) of this section).

(2) "New residence" means property used by the taxpayer as his principal residence which is the subject of a purchase by him (section 1034 (a); for detailed explanation and limitations see paragraph (c) (3) and (d) (1) of this section).

(3) "Adjusted sales price" means the amount realized reduced by the fixing-up expenses (section 1034 (b) (1); for special rule applicable in some cases to husband and wife see paragraph (f) of this section).

(4) "Amount realized" is to be computed by subtracting

(i) The amount of the items which, in determining the gain from the sale of the old residence, are properly an offset against the consideration received upon the sale (such as commissions and expenses of advertising the property for sale, of preparing the deed, and of other legal services in connection with the sale); from

(ii) The amount of the consideration so received, determined (in accordance with section 1001 (b) and regulations issued thereunder) by adding to the sum of any money so received, the fair market value of the property (other than money) so received. If, as part of the consideration for the sale, the purchaser either assumes a liability of the taxpayer or acquires the old residence subject to a liability (whether or not the taxpayer is personally liable on the debt), such assumption or acquisition, in the amount of the liability, shall be treated as money received by the taxpayer in computing the "amount realized."

(5) "Gain realized" is the excess (if any) of the amount realized over the adjusted basis of the old residence (see also section 1001 (a) and regulations issued thereunder).

(6) "Fixing-up expenses" means the aggregate of the expenses for work performed (in any taxable year, whether beginning before, on, or after January 1, 1954) on the old residence in order to assist in its sale, provided that such expenses (i) are incurred for work performed during the 90-day period ending on the day on which the contract to sell the old residence is entered into; and (ii) are paid on or before the 30th day after the date of the sale of the old residence; and (iii) are neither (a) allowable as deductions in computing taxable income under section 63 (a), nor (b) taken into account in computing the amount realized from the sale of the old residence (section 1034 (b) (2) and (3)). "Fixing-up expenses" does no include expenditures which are properly chargeable to capital account and which would, therefore, constitute adjustments to the basis of the old residence (see section 1016 and regulations issued thereunder).

(7) "Cost of purchasing the new residence" means the total of all amounts which are attributable to the acquisition, construction, reconstruction, and improvements constituting capital expenditures, made during the period beginning one year before the date of sale of the old residence and ending either (i) one year after such date in the case of a new residence purchased but not constructed by the taxpayer, or (ii) 18 months after such date in the case of a new residence the construction of which was commenced by the taxpayer before the expiration of one year after such date (section 1034 (a), (c) (2) and (c) (5); for detailed explanation see paragraph (c) (4) of this section; for special rule applicable in some cases to husband and wife see paragraph (f) of this section; see also paragraph (b) (9) of this section for definition of "purchase").

(8) "Sale" (of a residence) means a sale or an exchange (of a residence) for other property either of which occurs after December 31, 1953, or an involuntary conversion (of a residence) which occurs after December 31, 1950, and before January 1, 1954 (section 1034 (c) (1) and (i) (1) (A); for detailed explanation concerning involuntary conversion see paragraph (h) of this section.

(9) "Purchase" (of a residence) means a purchase or an acquisition (of a residence) on the exchange of property or the partial or total construction or reconstruction (of a residence) by the taxpayer (section 1034 (c) (1) and (2)). However, the mere improvement of a residence, not amounting to reconstruction, does not constitute "purchase" of a residence.

(c) *Rules for application of section 1034—(1) General rule; limitations on applicability.* Gain realized from the sale (after December 31, 1953) of an old residence will be recognized only to the extent that the taxpayer's adjusted sales price of the old residence exceeds the taxpayer's cost of purchasing the new residence, provided that the taxpayer either (i) within a period beginning one year before the date of such sale and ending one year after such date purchases property and uses it as his principal residence, or (ii) within a period beginning one year before the date of such sale and ending 18 months after such date uses as his principal residence a new residence the construction of which was commenced by him at any time before the expiration of one year after the date of the sale of the old residence (section 1034 (a) and (c) (5); for detailed explanation of use as "principal residence" see subparagraph (3) of this paragraph). The rule stated in the preceding sentence applies to a new residence purchased by the taxpayer before the date of sale of the old residence provided the new residence is still owned by him on such date (section 1034 (c) (3)). Whether the construction of a new residence was commenced by the taxpayer

before the expiration of one year after the date of the sale of the old residence will depend upon the facts and circumstances of each case. Section 1034 is not applicable to the sale of a residence if within the previous year the taxpayer made another sale of residential property on which gain was realized but not recognized (section 1034 (d)). For further details concerning limitations on the application of section 1034, see paragraph (d) of this section.

(2) *Computation and examples.* In applying the general rule stated in subparagraph (1) of this paragraph, the taxpayer should first subtract the commissions and other selling expenses from the selling price of his old residence, to determine the amount realized. A comparison of the amount realized with the cost or other basis of the old residence will then indicate whether there is any gain realized on the sale. Unless the amount realized is greater than the cost or other basis, no gain is realized and section 1034 does not apply. If the amount realized exceeds the cost or other basis, the amount of such excess constitutes the gain realized. The amount realized should then be reduced by the fixing-up expenses (if any), to determine the adjusted sales price. A comparison of the adjusted sales price of the old residence with the cost of purchasing the new residence will indicate how much (if any) of the realized gain is to be recognized. If the cost of purchasing the new residence is the same as, or greater than, the adjusted sales price of the old residence, then none of the realized gain is to be recognized. On the other hand, if the cost of purchasing the new residence is smaller than the adjusted sales price of the old residence, the gain realized is to be recognized to the extent of the difference. (It should be noted that any amount of gain realized but not recognized is to be applied as a downward adjustment to the basis of the new residence (for details see paragraph (e) of this section).) The application of the general rule stated above may be illustrated by the following examples:

*Example (1).* A taxpayer decides to sell his residence, which has a basis of $17,500. To make it more attractive to buyers, he paints the outside at a cost of $300 in April, 1954. He pays for the painting when the work is finished. In May, 1954, he sells the house for $20,000. Brokers' commissions and other selling expenses are $1,000. In October, 1954, the taxpayer buys a new residence for $18,000. The amount realized, the gain realized, the adjusted sales price, and the gain to be recognized are computed as follows:

| | |
|---|---|
| Selling price | $20,000 |
| Less: Commissions and other selling expenses | 1,000 |
| Amount realized | 19,000 |
| Less: Basis | 17,500 |
| Gain realized | 1,500 |
| Amount realized | 19,000 |
| Less: Fixing-up expenses | 300 |
| Adjusted sales price | 18,700 |
| Cost of purchasing new residence | 18,000 |
| Gain recognized | 700 |
| Gain realized but not recognized | $800 |
| Adjusted basis of new residence (see paragraph (e) of this section) | 17,200 |

*Example (2).* The facts are the same as in example (1), except that the selling price of the old residence is $18,500. The computations are as follows:

| | |
|---|---|
| Selling price | $18,500 |
| Less: Commissions and other selling expenses | 1,000 |
| Amount realized | 17,500 |
| Less: Basis | 17,500 |
| Gain realized | 0 |

NOTE: Since no gain is realized, section 1034 is inapplicable; it is, therefore, unnecessary to compute the adjusted sales price of the old residence and compare it with the cost of purchasing the new residence. No adjustment to the basis of the new residence is to be made.

*Example (3).* The facts are the same as in example (1), except that the cost of purchasing the new residence is $17,000. The computations are as follows:

| | |
|---|---|
| Selling price | $20,000 |
| Less: Commissions and other selling expenses | 1,000 |
| Amount realized | 19,000 |
| Less: Basis | 17,500 |
| Gain realized | 1,500 |
| Amount realized | 19,000 |
| Less: Fixing-up expenses | 300 |
| Adjusted sales price | 18,700 |
| Cost of purchasing the new residence | 17,000 |
| Gain recognized | 1,500 |

NOTE: Since the adjusted sales price of the old residence exceeds the cost of purchasing the new residence by $1,700, which is more than the gain realized, all of the gain realized is recognized. No adjustment to the basis of the new residence is to be made.

| | |
|---|---|
| Gain realized but not recognized | $0 |

*Example (4).* The facts are the same as in example (1), except that the fixing-up expenses are $1,100. The computations are as follows:

| | |
|---|---|
| Selling price | $20,000 |
| Less: Commissions and other selling expenses | 1,000 |
| Amount realized | 19,000 |
| Less: Basis | 17,500 |
| Gain realized | 1,500 |
| Amount realized | 19,000 |
| Less: Fixing-up expenses | 1,100 |
| Adjusted sales price | 17,900 |
| Cost of purchasing the new residence | 18,000 |
| Gain recognized | 0 |

NOTE: Since the cost of purchasing the new residence exceeds the adjusted sales price, none of the gain realized is recognized.

| | |
|---|---|
| Gain realized but not recognized | $1,500 |
| Adjusted basis of new residence (see paragraph (e) of this section) | 16,500 |

(3) *Property used by the taxpayer as his principal residence.* (i) Whether or not property is used by the taxpayer as his residence, and whether or not property is used by the taxpayer as his principal residence (in the case of a taxpayer using more than one property as a residence), depends upon all the facts and circumstances in each case, including the good faith of the taxpayer. The mere fact that property is, or has been, rented is not determinative that such property is not used by the taxpayer as his principal residence. For example, if the taxpayer purchases his new residence before he sells his old residence, the fact that he temporarily rents out the new residence during the period before he vacates the old residence may not, in the light of all the facts and circumstances in the case, prevent the new residence from being considered as property used by the taxpayer as his principal residence. Property used by the taxpayer as his principal residence may include a houseboat, a house trailer, or stock held by a tenant-stockholder in a cooperative housing corporation (as those terms are defined in section 216 (b) (1) and (2)), if the dwelling which the taxpayer is entitled to occupy as such stockholder is used by him as his principal residence (section 1034 (f)). Property used by the taxpayer as his principal residence does not include personal property such as a piece of furniture, a radio, etc., which, in accordance with the applicable local law, is not a fixture.

(ii) Where part of a property is used by the taxpayer as his principal residence and part is used for other purposes, an allocation must be made to determine the application of this section. If the old residence is used only partially for residential purposes, only that part of the gain allocable to the residential portion is not to be recognized under this section and only an amount allocable to the selling price of such portion need be invested in the new residence in order to have the gain allocable to such portion not recognized under this section. If the new residence is used only partially for residential purposes only so much of its cost as is allocable to the residential portion may be counted as the cost of purchasing the new residence.

(4) *Cost of purchasing new residence.* (i) The taxpayer's cost of purchasing the new residence includes not only cash but also any indebtedness to which the property purchased is subject at the time of purchase whether or not assumed by the taxpayer (including purchase-money mortgages, etc.) and the face amount of any liabilities of the taxpayer which are part of the consideration for the purchase. Commissions and other purchasing expenses paid or incurred by the taxpayer on the purchase of the new residence are to be included in determining such cost. In the case of an acquisition of a residence upon an exchange which is considered as a "purchase" under this section, the fair market value of the new residence on the date of the exchange shall be considered as the taxpayer's cost of purchasing the new residence. Where any part of the new residence is acquired by the taxpayer other than by "purchase", the value of such part is not to be included in determining the taxpayer's cost of the new residence (see paragraph (b) (9) of this section for definition of "purchase"). For example, if the taxpayer acquires a residence by gift or inheritance, and spends $20,000 in reconstructing such residence, only such $20,000 may be treated as his cost of purchasing the new residence.

(ii) The taxpayer's cost of purchasing the new residence includes only so much of such cost as is attributable to acquisition, construction, reconstruction, or improvements made within the 2-year or 30-month period of time, as the case may be, in which the purchase and use of the new residence must be made in order to have gain on the sale of the old residence not recognized under this section. Thus, if the construction of the new residence is begun two years before the date of sale of the old residence and completed on the date of sale of the old residence, only that portion of the cost which is attributable to the second year of such construction constitutes the taxpayer's cost of purchasing the new residence, for purposes of section 1034. Furthermore, the taxpayer's cost of purchasing the new residence includes only such amounts as are properly chargeable to capital account rather than to current expense. As to what constitutes capital expenditures, see section 263.

(iii) The provisions of this subparagraph may be illustrated by the following example:

*Example.* M began the construction of a new residence on January 15, 1955, and completed it on October 14, 1955. The cost of $18,000 was incurred ratably over the 9-month period of construction. On July 14, 1956, M sold his old residence and realized a gain of $7,200. In determining the extent to which the realized gain is not to be recognized under section 1034, M's cost of constructing the new residence shall include only the $6,000 which was attributable to the July 15–October 14, 1955, period (3 months at $2,000). The $12,000 balance of the cost of constructing the new residence was not attributable to the period beginning one year before the date of sale of the old residence and ending 18 months after such date and, under section 1034, is not properly a part of M's cost of constructing the new residence.

(d) *Limitations on application of section 1034.* (1) If a residence is purchased by the taxpayer prior to the date of the sale of the old residence, the purchased residence shall, in no event, be treated as a new residence if such purchased residence is sold or otherwise disposed of by him prior to the date of the sale of the old residence (section 1034 (c) (3)). And, if the taxpayer, during the period within which the purchase and use of the new residence must be made in order to have any gain on the sale of the old residence not recognized under this section, purchases more than one property which is used by him as his principal residence during the one year (or 18 months in the case of the construction of the new residence) succeeding the date of the sale of the old residence, only the last of such properties shall be considered a new residence (section 1034 (c) (4)). If within one year before the date of the sale of the old residence, the taxpayer sold other property used by him as his principal residence at a gain, and any part of such gain was not recognized under this section or section 112 (n) of the Internal Revenue Code of 1939, this section shall not apply with respect to the sale of the old residence (section 1034 (d)).

(2) The following example will illustrate the rules of subparagraph (1) of this paragraph:

*Example.* A taxpayer sells his old residence on January 15, 1954, and purchases another residence on February 15, 1954. On March 15, 1954, he sells the residence which he bought on February 15, 1954, and purchases another residence on April 15, 1954. The gain on the sale of the old residence on January 15, 1954, will not be recognized except to the extent to which the taxpayer's adjusted sales price of the old residence exceeds the cost of purchasing the residence which he purchased on April 15, 1954. Gain on the sale of the residence which was bought on February 15, 1954, and sold on March 15, 1954, will be recognized.

(e) *Basis of new residence.* (1) Where the purchase of a new residence results, under this section, in the nonrecognition of any part of the gain realized upon the sale of an old residence, then, in determining the adjusted basis of the new residence as of any time following the sale of the old residence, the adjustments to basis shall include a reduction by an amount equal to the amount of the gain which was not recognized upon the sale of the old residence (section 1034 (e); for special rule applicable in some cases to husband and wife, see paragraph (f) of this section). Such a reduction is not to be made for the purpose of determining the adjusted basis of the new residence as of any time preceding the sale of the old residence. For the purpose of this determination, the amount of the gain not recognized under this section upon the sale of the old residence includes only so much of the gain as is not recognized because of the taxpayer's cost, up to the date of the determination of the adjusted basis, of purchasing the new residence.

(2) The following example will illustrate the rule of subparagraph (1) of this paragraph:

*Example.* On January 1, 1954, the taxpayer buys a new residence for $10,000. On March 1, 1954, he sells for an adjusted sales price of $15,000 his old residence, which has an adjusted basis to him of $5,000 (no fixing-up expenses are involved, so that $15,000 is the "amount realized" as well as the "adjusted sales price"). Between April 1 and April 15 a wing is constructed on the new house at a cost of $5,000. Between May 1 and May 15 a garage is constructed at a cost of $2,000. The adjusted basis of the new residence is $10,000 during January and February, $5,000 during March, $5,000 following the completion of the construction in April, and $7,000 following the completion of the construction in May. Since the old residence was not sold until March 1, no adjustment to the basis of the new residence is made during January and February. Computations for March, April, and May are as follows:

| | |
|---|---|
| *March 1, 1954* | |
| Amount realized on sale of old residence | $15,000 |
| Less: Adjusted basis of old residence | 5,000 |
| Gain realized on sale of old residence | 10,000 |
| Adjusted sales price of old residence | $15,000 |
| Less: Cost of purchasing new residence | 10,000 |
| Gain recognized | $5,000 |
| Gain realized but not recognized | 5,000 |
| Cost of purchasing new residence | 10,000 |
| Less: Gain realized but not recognized | 5,000 |
| Adjusted basis of new residence | 5,000 |
| *April 15, 1954* | |
| Gain realized on sale of old residence | $10,000 |
| Adjusted sales price of old residence | 15,000 |
| Less: Cost of purchasing new residence | 15,000 |
| Gain recognized | 0 |
| Gain realized but not recognized | 10,000 |
| Cost of purchasing new residence | 15,000 |
| Less: Gain realized but not recognized | 10,000 |
| Adjusted basis of new residence | 5,000 |
| *May 15, 1954* | |
| Gain realized on sale of old residence | $10,000 |
| Adjusted sales price of old residence | 15,000 |
| Less: Cost of purchasing new residence | 17,000 |
| Gain recognized | 0 |
| Gain realized but not recognized | 10,000 |
| Cost of purchasing new residence | 17,000 |
| Less: Gain realized but not recognized | 10,000 |
| Adjusted basis of new residence | 7,000 |

(f) *Husband and wife.* (1) If the taxpayer and his spouse file the consent referred to in this paragraph, then the "taxpayer's adjusted sales price of the old residence" shall mean the taxpayer's, or the taxpayer's and his spouse's, adjusted sales price of the old residence, and the "taxpayer's cost of purchasing the new residence" shall mean the cost to the taxpayer, or to his spouse, or to both of them, of purchasing the new residence, whether such new residence is held by the taxpayer, or his spouse, or both (section 1034 (g)). Such consent may be filed only if the old residence and the new residence are each used by the taxpayer and his same spouse as their principal residence. If the taxpayer and his spouse do not file such a consent, the recognition of gain upon sale of the old residence shall be determined under this section without regard to the foregoing.

(2) The consent referred to in subparagraph (1) of this paragraph is a consent by the taxpayer and his spouse to have the basis of the interest of either of them in the new residence reduced from what it would have been but for the filing of such consent by an amount by which the gain of either of them on the sale of his interest in the old residence is not recognized solely by reason of the filing of such consent. Such reduction in basis is applicable to the basis of the new residence, whether such basis is that of the husband, of the wife, or divided between them. If the basis is divided between the husband and wife, the reduction in basis shall be divided between them in the same proportion as the basis (determined without regard to such reduction) is divided. Such con-

sent shall be filed with the district director with whom the taxpayer filed the return for the taxable year or years in which the gain from the sale of the old residence was realized.

(3) The following examples will illustrate the application of this rule:

*Example (1).* A taxpayer, in 1954, sells for an adjusted sales price of $10,000 the principal residence of himself and his wife, which he owns individually and which has an adjusted basis to him of $5,000 (no fixing-up expenses are involved, so that $10,000 is the "amount realized" as well as the "adjusted sales price"). Within a year after such sale he and his wife contribute $5,000 each from their separate funds for the purchase of their new principal residence which they hold as tenants in common, each owning an undivided one-half interest therein. If the taxpayer and his wife file the required consent, the gain of $5,000 upon the sale of the old residence will not be recognized to the taxpayer, and the adjusted basis of the taxpayer's interest in the new residence will be $2,500 and the adjusted basis of his wife's interest in such property will be $2,500.

*Example (2).* A taxpayer and his wife, in 1954, sell for an adjusted sales price of $10,000 their principal residence, which they own as joint tenants and which has an adjusted basis of $2,500 to each of them ($5,000 together) (no fixing-up expenses are involved, so that $10,000 is the "amount realized" as well as the "adjusted sales price"). Within a year after such sale, the wife spends $10,000 of her own funds in the purchase of a principal residence for herself and the taxpayer and takes title in her name only. If the taxpayer and his wife file the required consent, the adjusted basis to the wife of the new residence will be $5,000, and the gain of the taxpayer of $2,500 upon the sale of the old residence will not be recognized. The wife, as a taxpayer herself, will have her gain of $2,500 on the sale of the old residence not recognized under the general rule.

(g) *Members of Armed Forces.* (1) Section 1034 (h) provides a special rule for members of the Armed Forces with respect to the period after the sale of the old residence within which the acquisition of a new residence may result in a nonrecognition of gain on such sale. The running of the 1-year period after the sale of the old residence in the case of the purchase of a new residence, or the 18-month period after such sale in the case of the construction of a new residence, is suspended during any time that the taxpayer serves on extended active duty with the Armed Forces of the United States during an induction period (as defined in section 112 (c) (5)). However, in no event may such suspension extend for more than four years after the date of the sale of the old residence the period within which the purchase or construction of a new residence may result in a nonrecognition of gain. For example, if the taxpayer is on extended active duty with the Army from January 1, 1951, to December 31, 1953, and if he sold his old residence on January 1, 1951, the latest date on which the taxpayer may use a new residence constructed by him and have any part of the gain on the sale of the old residence not recognized under this section is January 1, 1955, the date four years after the date of sale of the old residence.

(2) This suspension covers not only the Armed Forces service of the taxpayer but if the taxpayer and his same spouse used both the old and the new residences as their principal residence, then the extension applies in like manner to the time the taxpayer's spouse is on extended active duty with the Armed Forces of the United States.

(3) The time during which the running of the period is suspended is part of such period. Thus, construction costs during such time are includible in the cost of purchasing the new residence under paragraph (c) (4) of this section.

(4) The running of the 1-year (or 18-month) period after the date of sale of the old residence referred to in section 1034 (c) (4) and in paragraph (d) of this section is not suspended; neither is the running of the 1-year period prior to the date of the sale of the old residence within which the new residence may be purchased in order to have gain on the sale of the old residence not recognized under this section.

(5) The term "extended active duty" means any period of active duty which is served pursuant to a call or order to such duty for a period in excess of 90 days or for an indefinite period. If the call or order is for a period of more than 90 days, it is immaterial that the time served pursuant to such call or order is less than 90 days, if the reason for such shorter period of service occurs after the beginning of such duty. As to what constitutes active service as a member of the Armed Forces of the United States, see § 1.112–1 (i). As to who are members of the Armed Forces of the United States, see section 7701 (a) (15), and the regulations thereunder.

(h) *Special rule for involuntary conversions.* Section 1034 is inapplicable to involuntary conversions of personal residences occurring after December 31, 1953 (section 1034 (i) (1) (B)). However, for purposes of section 1034, an involuntary conversion of a personal residence occurring after December 31, 1950, and before January 1, 1954, is treated as a sale of such residence (section 1034 (i) (1) (A); see paragraph (b) (8) of this section). For the purposes of this section an involuntary conversion is defined as the destruction in whole or in part, theft, seizure, requisition, or condemnation of property, or the sale or exchange of property under threat or imminence thereof. See section 1033 for treatment of residences involuntarily converted after December 31, 1953.

(i) *Statute of limitations.* (1) Whenever a taxpayer sells property used as his principal residence at a gain, the statutory period prescribed in section 6501 (a) for the assessment of a deficiency attributable to any part of such gain shall not expire prior to the expiration of three years from the date of receipt, by the district director with whom the return was filed for the taxable year or years in which the gain from the sale of the old residence was realized (section 1034 (j)), of a written notice from the taxpayer of—

(i) The taxpayer's cost of purchasing the new residence which the taxpayer claims result in nonrecognition of any part of such gain,

(ii) The taxpayer's intention not to purchase a new residence within the period when such a purchase will result in nonrecognition of any part of such gain, or

(iii) The taxpayer's failure to make such a purchase within such period.

Any gain from the sale of the old residence which is required to be recognized shall be included in gross income for the taxable year or years in which such gain was realized. Any deficiency attributable to any portion of such gain may be assessed before the expiration of the 3-year period described in this paragraph, notwithstanding the provisions of any law or rule of law which might otherwise bar such assessment.

(2) The notification required by the preceding subparagraph shall contain all pertinent details in connection with the sale of the old residence and, where applicable, the purchase price of the new residence. The notification shall be in the form of a written statement and shall be accompanied, where appropriate, by an amended return for the year in which the gain from the sale of the old residence was realized, in order to reflect the inclusion in gross income for that year of gain required to be recognized in connection with such sale.

(j) *Effective date.* Pursuant to section 7851 (a) (1) (C), paragraphs (a), (b), (c), (d), (f), (g), and (i) of this section apply in the case of any "sale" (as defined in subparagraph (8) of paragraph (b) of this section) made after December 31, 1953, although such sale may occur in a taxable year subject to the Internal Revenue Code of 1939. Similarly, the rule in paragraph (h) of this section that involuntary conversions of personal residences are not to be treated as sales for purposes of section 1034 but are governed by section 1033 applies to any such involuntary conversion made after December 31, 1953, although such involuntary conversion may occur in a taxable year subject to the Internal Revenue Code of 1939. The rule in paragraph (e) of this section requiring an adjustment to the basis of a new residence, the purchase of which results (under section 1034, or section 112 (n) of the Internal Revenue Code of 1939) in the nonrecognition of gain on the sale of an old residence, applies in determining the adjusted basis of the new residence at any time following such sale, although such sale may occur in a taxable year subject to the Internal Revenue Code of 1939.

(Sec. 7805, 68A Stat. 917; 26 U. S. C. 7805. Interpret or apply sec. 1034, 68A Stat. 306; 26 U. S. C. 1034)

[SEAL] RUSSEL C. HARRINGTON,
*Commissioner of Internal Revenue.*

Approved: May 29, 1956.

DAN THROOP SMITH,
*Special Assistant to the Secretary in Charge of Tax Policy*

[F. R. Doc. 56–4341; Filed, June 1, 1956; 8:52 a. m.]

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[T. D. 6178]

## PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

### GAIN OR LOSS ON DISPOSITION OF PROPERTY

On December 1, 1955, notice of proposed rule making regarding the regulations for taxable years beginning after December 31, 1953, and ending after August 16, 1954, under parts IV, V, VI, and VII of subchapter O of chapter 1 (relating to gain or loss on disposition of property) of the Internal Revenue Code of 1954, was published in the FEDERAL REGISTER (20 F. R. 8816). After consideration of all such relevant matter as was presented by interested parties regarding the rules proposed, the following regulations are hereby adopted:




Sec.
1.1051 Statutory provisions; property acquired during affiliation.
1.1051–1 Basis of property acquired during affiliation.
1.1052 Statutory provisions; basis established by the Revenue Act of 1932 or 1934 or by the Internal Revenue Code of 1939.
1.1052–1 Basis of property established by Revenue Act of 1932.
1.1052–2 Basis of property established by Revenue Act of 1934.
1.1052–3 Basis of property established by the Internal Revenue Code of 1939.
1.1053 Statutory provisions; basis of property acquired before March 1, 1913.
1.1053–1 Property acquired before March 1, 1913.
1.1054 Statutory provisions; cross references.

CHANGES TO EFFECTUATE F. C. C. POLICY

1.1071 Statutory provisions; gain from sale or exchange to effectuate policies of Federal Communications Commission.
1.1071–1 Gain from sale or exchange to effectuate policies of Federal Communications Commission.
1.1071–2 Nature and effect of election.
1.1071–3 Reduction of basis of property pursuant to election under section 1071.
1.1071–4 Manner of election.

EXCHANGES IN OBEDIENCE TO S. E. C. ORDERS

1.1081 Statutory provisions; exchanges and distributions in obedience to orders of the Securities and Exchange Commission; nonrecognition of gain or loss.
1.1081–1 Terms used.
1.1081–2 Purpose and scope of exception.
1.1081–3 Exchanges of stock or securities solely for stock or securities.
1.1081–4 Exchanges of property for property by corporations.
1.1081–5 Distribution solely of stock or securities.
1.1081–6 Transfers within system group.
1.1081–7 Sale of stock or securities received upon exchange by members of system group.
1.1081–8 Exchanges in which money or other nonexempt property is received.
1.1081–9 Requirements with respect to order of Securities and Exchange Commission.
1.1081–10 Nonapplication of other provisions of the Internal Revenue Code of 1954.
1.1081–11 Records to be kept and information to be filed with returns.
1.1082 Statutory provisions; basis of property acquired in exchanges and distributions made in obedience to orders of the Securities and Exchange Commission.
1.1082–1 Basis for determining gain or loss.
1.1082–2 Basis of property acquired upon exchanges under section 1081 (a) or (e).
1.1082–3 Reduction of basis of property by reason of gain not recognized under section 1081 (b).
1.1082–4 Basis of property acquired by corporation under section 1081 (a), 1081 (b), or 1081 (e) as contribution of capital or surplus, or in consideration for its own stock or securities.
1.1082–5 Basis of property acquired by shareholder upon tax-free distribution under section 1081 (c) (1) or (2).
1.1082–6 Basis of property acquired under section 1081 (d) in transactions between corporations of the same system group.
1.1083 Statutory provisions; exchanges and distributions in obedience to orders of the Securities and Exchange Commission; definitions.
1.1083–1 Definitions.

WASH SALES OF STOCKS OR SECURITIES

1.1091 Statutory provisions; losses from wash sales of stock or securities; basis.
1.1091–1 Losses from wash sales of stock or securities.
1.1091–2 Basis of stocks or securities acquired in "wash sales".


AUTHORITY: §§ 1.1051 to 1.1091–2 issued under sec. 7805, 68A Stat. 971; 26 U. S. C. 7805. Interpret or apply secs. 1051, 1071, 1081, 1082, 1091; 68A Stat. 310, 311, 312, 315, 319; 26 U. S. C. 1051, 1071, 1081, 1082, 1091.

### SPECIAL RULES

**§ 1.1051 *Statutory provisions; property acquired during affiliation.***

SEC. 1051. *Property acquired during affiliation.* In the case of property acquired by a corporation, during a period of affiliation, from a corporation with which it was affiliated, the basis of such property, after such period of affiliation, shall be determined in accordance with regulations prescribed by the Secretary or his delegate, without regard to inter-company transactions in respect of which gain or loss was not recognized. For purposes of this section, the term "period of affiliation" means the period during which such corporations were affiliated (determined in accordance with the law applicable thereto) but does not include any taxable year beginning on or after January 1, 1922, unless a consolidated return was made, nor any taxable year after the taxable year 1928. The basis in case of property acquired by a corporation during any period, in the taxable year 1929 or any subsequent taxable year, in respect of which a consolidated return was made by such corporation under chapter 6 of this subtitle (sec. 1501 and following) or under section 141 of the Internal Revenue Code of 1939 or of the Revenue Act of 1938, 1936, 1934, 1932, or 1928 shall be determined in accordance with regulations prescribed under section 1502 or in accordance with regulations prescribed under the appropriate section 141, as the case may be. The basis in the case of property held by a corporation during any period, in the taxable year 1929 or any subsequent taxable year, in respect of which a consolidated return was made by such corporation under chapter 6 of this subtitle or such section 141 shall be adjusted in respect of any items relating to such period, in accordance with regulations prescribed under section 1502 or in accordance with regulations prescribed under the appropriate section 141, as the case may be.

**§ 1.1051–1 *Basis of property acquired during affiliation.*** (a) (1) The basis of property acquired by a corporation during a period of affiliation from a corporation with which it was affiliated shall be the same as it would be in the hands of the corporation from which acquired. This rule is applicable if the basis of the property is material in determining tax liability for any year, whether a separate return or a consolidated return is made in respect of such year. For the purpose of this section, the term "period of affiliation" means the period during which such corporations were affiliated (determined in accordance with the law applicable thereto), but does not include any taxable year beginning on or after January 1, 1922, unless a consolidated return was made, nor any taxable year after the taxable year 1928.

(2) The application of subparagraph (1) of this paragraph may be illustrated by the following example:

*Example.* The X Corporation, the Y Corporation, and the Z Corporation were affiliated for the taxable year 1920. During that year the X Corporation transferred assets to the Y Corporation for $120,000 cash, and the Y Corporation in turn transferred the assets during the same year to the Z Corporation for $130,000 cash. The assets were acquired by the X Corporation in 1916 at a cost of $100,000. The basis of the assets in the hands of the Z Corporation is $100,000.

(b) The basis of property acquired by a corporation during any period, in the taxable year 1929 or any subsequent taxable year, in respect of which a consolidated return was made or was required under the regulations governing the making of consolidated returns, shall be determined in accordance with such regulations. The basis in the case of property held by a corporation during any period, in the taxable year 1929 or any subsequent taxable year, in respect of which a consolidatd return is made or is required under the regulations governing the making of consolidated returns, shall be adjusted in respect of any items relating to such period in accordance with such regulations.

(c) Except as otherwise provided in the regulations promulgated under section 1502, or the regulations under section 141 of the Internal Revenue Code of 1939 or the Revenue Acts of 1938, 1936, 1934, 1932, or 1928, the basis of property after a consolidated return period shall be the same as the basis immediately prior to the close of such period.

**§ 1.1052 *Statutory provisions; basis established by the Revenue Act of 1932 or 1934 or by the Internal Revenue Code of 1939.***

SEC. 1052. *Basis established by the Revenue Act of 1932 or 1934 or by the Internal Revenue Code of 1939.*—(a) *Revenue Act of 1932.* If the property was acquired, after February 28, 1913, in any taxable year beginning before January 1, 1934, and the basis thereof, for purposes of the Revenue Act of 1932 was prescribed by section 113 (a) (6), (7), or (9) of such Act (47 Stat. 199), then for purposes of this subtitle the basis shall be the same as the basis therein prescribed in the Revenue Act of 1932.

(b) *Revenue Act of 1934.* If the property was acquired, after February 28, 1913, in any taxable year beginning before January 1, 1936, and the basis thereof, for purposes of the Revenue Act of 1934, was prescribed by section 113 (a) (6), (7), or (8) of such Act (48 Stat. 706), then for purposes of this subtitle the basis shall be the same as the basis therein prescribed in the Revenue Act of 1934.

(c) *Internal Revenue Code of 1939.* If the property was acquired, after February 28,

1913, in a transaction to which the Internal Revenue Code of 1939 applied, and the basis thereof, for purposes of the Internal Revenue Code of 1939, was prescribed by section 113 (a) (6), (7), (8), (13), (15), (18), (19), or (23) of such code, then for purposes of this subtitle the basis shall be the same as the basis therein prescribed in the Internal Revenue Code of 1939.

§ 1.1052–1 *Basis of property established by Revenue Act of 1932.* Section 1052 (a) provides that if property was acquired after February 28, 1913, in any taxable year beginning before January 1, 1934, and the basis of the property, for the purposes of the Revenue Act of 1932, was prescribed by section 113 (a) (6), (7), or (9) of that act, then for purposes of subtitle A the basis shall be the same as the basis prescribed in the Revenue Act of 1932. For the rules applicable in determining the basis of stocks or securities under section 113 (a) (9) of the Revenue Act of 1932 in case of certain distributions after December 31, 1923, and in any taxable year beginning before January 1, 1934, see 26 CFR (1939) 39.113 (a) (12)–1 (Regulations 118).

§ 1.1052–2 *Basis of property established by Revenue Act of 1934.* Section 1052 (b) provides that if property was acquired after February 28, 1913, in any taxable year beginning before January 1, 1936, and the basis of the property for the purposes of the Revenue Act of 1934 was prescribed by section 113 (a) (6), (7), or (8) of that act, then for purposes of subtitle A the basis shall be the same as the basis prescribed in the Revenue Act of 1934. For example, if after December 31, 1920, and in any taxable year beginning before January 1, 1936, property was acquired by a corporation by the issuance of its stock or securities in connection with a transaction which is not described in section 112 (b) (5) of the Internal Revenue Code of 1939 but which is described in section 112 (b) (5) of the Revenue Act of 1934, the basis of the property so acquired shall be the same as it would be in the hands of the transferor, with proper adjustments to the date of the exchange.

§ 1.1052–3 *Basis of property established by the Internal Revenue Code of 1939.* Section 1052 (c) provides that if property was acquired after February 28, 1913, in a transaction to which the Internal Revenue Code of 1939 applied and the basis thereof was prescribed by section 113 (a) (6), (7), (8), (13), (15), (18), (19) or (23) of such code, then for purposes of subtitle A the basis shall be the same as the basis prescribed in the Internal Revenue Code of 1939. In such cases see section 113 (a) of the Internal Revenue Code of 1939 and the regulations thereunder.

§ 1.1053 *Statutory provisions; basis of property acquired before March 1, 1913.*

SEC. 1053. *Property acquired before March 1, 1913.* In the case of property acquired before March 1, 1913, if the basis otherwise determined under this part, adjusted (for the period before March 1, 1913) as provided in section 1016, is less than the fair market value of the property as of March 1, 1913, then the basis for determining gain shall be such fair market value. In determining the fair market value of stock in a corporation as of March 1, 1913, due regard shall be given to the fair market value of the assets of the corporation as of that date.

§ 1.1053–1 *Property acquired before March 1, 1913—*(a) *Basis for determining gain.* In the case of property acquired before March 1, 1913, the basis as of March 1, 1913, for determining gain is the cost or other basis, adjusted as provided in section 1016 and other applicable provisions of chapter 1, or its fair market value as of March 1, 1913, whichever is greater.

(b) *Basis for determining loss.* In the case of property acquired before March 1, 1913, the basis as of March 1, 1913, for determining loss is the basis determined in accordance with part II of subchapter O, or other applicable provisions of chapter 1, without reference to the fair market value as of March 1, 1913.

(c) *Example.* The application of paragraphs (a) and (b) of this section may be illustrated by the following example:

*Example.* (i) On March 1, 1908, a taxpayer purchased for $100,000, property having a useful life of 50 years. Assuming that there were no capital improvements to the property, the depreciation sustained on the property before March 1, 1913, was $10,000 (5 years @ $2,000), so that the original cost adjusted, as of March 1, 1913, for depreciation sustained prior to that date is $90,000. On that date the property had a fair market value of $94,500 with a remaining life of 45 years.

(ii) For the purpose of determining gain from the sale or other disposition of the property on March 1, 1954, the basis of the property is the fair market value of $94,500 as of March 1, 1913, adjusted for depreciation allowed or allowable after February 28, 1913, computed on $94,500. Thus, the substituted basis, $94,500, is reduced by the depreciation adjustment from March 1, 1913, to February 28, 1954, in the aggregate of $86,100 (41 years @ $2,100), leaving an adjusted basis for determining gain of $8,400 ($94,500 less $86,100).

(iii) For the purpose of determining loss from the sale or other disposition of such property on March 1, 1954, the basis of the property is its cost, adjusted for depreciation sustained before March 1, 1913, computed on cost, and the amount of depreciation allowed or allowable after February 28, 1913, computed on the fair market value of $94,500 as of March 1, 1913. In this example, the amount of depreciation sustained before March 1, 1913, is $10,000 and the amount of depreciation determined for the period after February 28, 1913, is $86,100. Therefore, the aggregate amount of depreciation for which the cost ($100,000) should be adjusted is $96,100 ($10,000 plus $86,100), and the adjusted basis for determining loss on March 1, 1954, is $3,900 ($100,000 less $96,100).

(d) *Fair market value.* The determination of the fair market value of property on March 1, 1913, is generally a question of fact and shall be established by competent evidence. In determining the fair market value of stock or other securities, due regard shall be given to the fair market value of the corporate assets as of such date, and other pertinent factors. In the case of property traded in on public exchanges, actual sales on or near the basic date afford evidence of value. In general, the fair market value of a block or aggregate of a particular kind of property is not to be determined by a forced-sale price, or by an estimate of what a whole block or aggregate would bring if placed upon the market at one and the same time. In such a case the value should be determined by ascertaining as the basis the fair market value of each unit of the property. All relevant facts and elements of value as of the basic date should be considered in each case.

§ 1.1054 *Statutory provisions; cross references.*

SEC. 1054. *Cross references.* (1) For nonrecognition of gain in connection with the transfer of obsolete vessels to the Maritime Administration under section 510 of the Merchant Marine Act, 1936, see subsection (e) of that section, as amended August 4, 1939 (46 U. S. C. 1160).

(2) For recognition of gain or loss in connection with the construction of new vessels, see section 511 of such Act, as amended (46 U. S. C. 1161).

(3) For nonrecognition of gain in connection with vessels exchanged with the Maritime Administration under section 8 of the Merchant Ship Sales Act of 1946, see subsection (a) of that section (50 U. S. C. App. 1741).

CHANGES TO EFFECTUATE F. C. C. POLICY

§ 1.1071 *Statutory provisions; gain from sale or exchange to effectuate policies of Federal Communications Commission.*

SEC. 1071. *Gain from sale or exchange to effectuate policies of F. C. C.—*(a) *Nonrecognition of gain or loss.* If the sale or exchange of property (including stock in a corporation) is certified by the Federal Communications Commission to be necessary or appropriate to effectuate the policies of the Commission with respect to the ownership and control of radio broadcasting stations, such sale or exchange shall, if the taxpayer so elects, be treated as an involuntary conversion of such property within the meaning of section 1033. For purposes of such section as made applicable by the provisions of this section, stock of a corporation operating a radio broadcasting station, whether or not representing control of such corporation, shall be treated as property similar or related in service or use to the property so converted. The part of the gain, if any, on such sale or exchange to which section 1033 is not applied shall nevertheless not be recognized, if the taxpayer so elects, to the extent that it is applied to reduce the basis for determining gain or loss on sale or exchange of property, of a character subject to the allowance for depreciation under section 167, remaining in the hands of the taxpayer immediately after the sale or exchange, or acquired in the same taxable year. The manner and amount of such reduction shall be determined under regulations prescribed by the Secretary or his delegate. Any election made by the taxpayer under this section shall be made by a statement to that effect in his return for the taxable year in which the sale or exchange takes place, and such election shall be binding for the taxable year and all subsequent taxable years.

(b) *Basis.* For basis of property acquired on a sale or exchange treated as an involuntary conversion under subsection (a), see section 1033 (c).

§ 1.1071–1 *Gain from sale or exchange to effectuate policies of Federal Communications Commission.* (a) At the election of the taxpayer, section 1071 in effect postpones the recognition of gain upon the sale or exchange of property, if the Federal Communications Commission certifies such sale or exchange to be necessary or appropriate to effectuate the policies of the Commission with respect to the ownership and control of radio broadcasting stations. Any taxpayer desiring to obtain the benefits of section 1071 shall file with the Commissioner of Internal Revenue, or the district director of internal revenue for the district in which the income tax return of the taxpayer is required to be filed, a certificate from the Federal Communications Commission clearly identifying the property and showing that the sale or exchange of such property is necessary or appropriate to effectuate the policies of the Commission with respect to the ownership and control of radio broadcasting stations. Such certificate shall be accompanied by a detailed statement showing: The kind of property, the date of acquisition, the cost or other basis of the property, the date of sale or exchange, the name and address of the transferee, and the amount of money and the fair market value of the property other than money received upon such sale or exchange.

(b) Section 1071 applies only in the case of a sale or exchange made necessary by reason of the Federal Communications Commission's policies as to ownership or control of radio facilities. Section 1071 does not apply in the case of a sale or exchange made necessary as a result of other matters, such as the operation of a broadcasting station in a manner determined by the Commission to be not in the public interest or in violation of Federal or State law.

(c) An election to have the benefits of section 1071 shall be made in the manner prescribed in § 1.1071–4.

(d) For purposes of section 1071, the term "radio broadcasting" includes telecasting.

§ 1.1071–2 *Nature and effect of election—*(a) *Alternative elections.* (1) A taxpayer entitled to the benefits of section 1071 in respect of a sale or exchange of property may elect—

(i) To treat such sale or exchange as an involuntary conversion under the provisions of section 1033; or

(ii) To treat such sale or exchange as an involuntary conversion under the provisions of section 1033, and in addition elect to reduce the basis of property, in accordance with the regulations prescribed in § 1.1071–3, by all or part of the gain that would otherwise be recognized under section 1033; or

(iii) To reduce the basis of property, in accordance with the regulations prescribed in § 1.1071–3, by all or part of the gain realized upon the sale or exchange.

(2) The effect of the provisions of subparagraph (1) of this paragraph is, in general, to grant the taxpayer an election to treat the proceeds of the sale or exchange as the proceeds of an involuntary conversion subject to the provisions of section 1033, and a further election to reduce the basis of certain property owned by the taxpayer by the amount of the gain realized upon the sale or exchange to the extent of that portion of the proceeds which is not treated as the proceeds of an involuntary conversion.

(3) An election in respect to a sale or exchange under section 1071 shall be irrevocable and binding for the taxable year in which the sale or exchange takes place and for all subsequent taxable years.

(b) *Application of section 1033.* (1) If the taxpayer elects, under either paragraph (a) (1) (i) or (ii) of this section, to treat the sale or exchange as an involuntary conversion, the provisions of section 1033, as modified by section 1071, together with the regulations prescribed under such sections, shall be applicable in determining the amount of recognized gain and the basis of property acquired as a result of such sale or exchange. For the purposes of section 1071 and the regulations thereunder, stock of a corporation operating a radio broadcasting station shall be treated as property similar or related in service or use to the property sold or exchanged. Securities of such a corporation other than stock, or securities of a corporation not operating a radio broadcasting station, do not constitute property similar or related in service or use to the property sold or exchanged. If the taxpayer exercises the election referred to in paragraph (a) (1) (i) of this section, the gain realized upon such sale or exchange shall be recognized to the extent of that part of the money received upon the sale or exchange which is not expended in the manner prescribed in section 1033 and the regulations thereunder. If, however, the taxpayer exercises the elections referred to in paragraph (a) (1) (ii) of this section, the amount of the gain which would be recognized, determined in the same manner as in the case of an election under paragraph (a) (1) (i) of this section, shall not be recognized but shall be applied to reduce the basis of property, remaining in the hands of the taxpayer after such sale or exchange or acquired by him during the same taxable year, which is of a character subject to the allowance for depreciation under section 167. Such reduction of basis shall be made in accordance with and under the conditions prescribed by § 1.1071–3.

(2) In the application of section 1033 to determine the recognized gain and the basis of property acquired as a result of a sale or exchange pursuant to an election under paragraph (a) (1) (i) or (ii) of this section, the entire amount of the proceeds of such sale or exchange shall be taken into account.

(c) *Example.* The application of the provisions of section 1071 may be illustrated by the following example:

*Example.* A, who makes his return on a calendar year basis, sold in 1954, for $100,000 cash, stock of X Corporation, which operates a radio broadcasting station. A's basis of this stock was $75,000. The sale was certified by the Federal Communications Commission as provided in section 1071. Soon after, in the same taxable year, A used $50,000 of the proceeds of the sale to purchase stock in Y Corporation, which operates a radio broadcasting station. A elected in his 1954 return to treat such sale and purchase as an involuntary conversion subject to the provisions of section 1033. He also elected at the same time to reduce the basis of depreciable property by the amount of the gain that otherwise would be recognized under the provisions of section 1033, as made applicable by section 1071. The sale results in a recognized gain of $25,000 under section 1033. However, this gain is not recognized in this case because the taxpayer elected to reduce the basis of other property by the amount of the gain. This may be shown as follows:

| | |
|---|---|
| (1) Sale price of X Corporation stock | $100,000 |
| Basis for gain or loss | 75,000 |
| Gain realized | 25,000 |
| Proceeds of sale | 100,000 |
| Amount expended to replace property sold | 50,000 |
| Amount not expended in manner prescribed in section 1033 | 50,000 |
| Realized gain, recognized under section 1033 (not to exceed the unexpended portion of proceeds of sale) | 25,000 |
| Less: Amount applied as a reduction of basis of depreciable property | 25,000 |
| Recognized gain for tax purposes | None |

(2) The basis of Y Corporation stock in the hands of A is $50,000, computed in accordance with section 1033 and the regulations prescribed under that section. The $50,000 basis is computed as follows:

| | |
|---|---|
| Basis of property sold (converted) | $75,000 |
| Less: Amount of proceeds not expended | 50,000 |
| Balance | 25,000 |
| Plus amount of gain recognized under section 1033 | 25,000 |
| Basis of Y Corporation stock in A's hands | 50,000 |

§ 1.1071–3 *Reduction of basis of property pursuant to election under section 1071—*(a) *General rule.* (1) In addition to the adjustments provided in section 1016 and other applicable provisions of chapter 1, which adjustments are required to be made with respect to the cost or other basis of property, a further adjustment shall be made in the amount of the unrecognized gain under section 1071, if the taxpayer so elects. Such further adjustment shall be made only with respect to the cost or other basis of property which is of a character subject to the allowance for depreciation under section 167 (whether or not used in connection with a broadcasting business), and which remains in the hands of the taxpayer immediately after the sale or exchange in respect of which the election is made, or which is acquired by the taxpayer in the same taxable year in which such sale or exchange occurs. If the property is in the hands of the taxpayer immediately after the sale or exchange, the time of reduction of the basis is the date of the sale or exchange; in all other cases the time of reduction of the basis is the date of acquisition.

(2) The reduction of the basis under section 1071 in the amount of the unrecognized gain shall be made in respect of the cost or other basis, as of the time prescribed, of all units of property of the specified character. The cost or other basis of each unit shall be decreased in an amount equal to such proportion of the unrecognized gain as the adjusted basis (for determining gain, determined without regard to this section) of such unit bears to the aggregate of such ad-

justed bases of all units of such property, but the amount of the decrease shall not be more than the amount of such adjusted basis. If in the application of such rule the adjusted basis of any unit is reduced to zero, the process shall be repeated to reduce the adjusted basis of the remaining units of property by the portion of the unrecognized gain which is not absorbed in the first application of the rule. For such purpose the "adjusted basis" of the remaining units shall be the adjusted basis for determining gain reduced by the amount of the adjustment previously made under this section. The process shall be repeated until the entire amount of the unrecognized gain has been absorbed.

(3) The application of the provisions of this section may be illustrated by the following example:

*Example.* Using the facts given in the example set forth in § 1.1071–2 (c), except that the taxpayer elects to reduce the basis of depreciable property in accordance with paragraph (a) (1) (iii) of § 1.1071–2, the computation may be illustrated as follows:

| | |
|---|---|
| Sale price of X Corporation stock | $100,000 |
| Basis for gain or loss | 75,000 |
| Realized gain (recognized except for the election under § 1.1071–1) | 25,000 |
| Adjusted basis of other depreciable property in hands of A immediately after sale: | |
| Building | 80,000 |
| Transmitter | 16,000 |
| Fixtures | 4,000 |
| Total | 100,000 |
| Computation of reduction: | |
| Building $\frac{80,000}{100,000}\times\$25,000$ (gain) | 20,000 |
| Transmitter $\frac{16,000}{100,000}\times\$25,000$ | 4,000 |
| Fixtures $\frac{4,000}{100,000}\times\$25,000$ | 1,000 |
| Total reduction | 25,000 |
| New basis of assets: | |
| Building ($80,000 minus $20,000) | 60,000 |
| Transmitter ($16,000 minus $4,000) | 12,000 |
| Fixtures ($4,000 minus $1,000) | 3,000 |
| Total adjusted basis after reduction under section 1071 | 75,000 |
| Realized gain upon sale of X Corporation stock | 25,000 |
| Less: Amount applied as a reduction to basis of depreciable property | 25,000 |
| Recognized gain for tax purposes | None |

(b) *Special cases.* With the consent of the Commissioner, the taxpayer may, however, have the basis of the various units of property of the class specified in section 1071 and this section adjusted in a manner different from the general rule set forth in paragraph (a) of this section. Variations from such general rule may, for example, involve adjusting the basis of only certain units of such property. The request for variations from such general rule should be filed by the taxpayer with his return for the taxable year in which he elects to have the basis of property reduced under section 1071. Agreement between the taxpayer and the Commissioner as to any variations from such general rule shall be effective only if incorporated in a closing agreement entered into under the provisions of section 7121.

§ 1.1071–4 *Manner of election.* (a) An election under the provisions of section 1071 shall be in the form of a written statement and shall be executed and filed in duplicate. Such statement shall be signed by the taxpayer or his authorized representative. In the case of a corporation the statement shall be signed with the corporate name, followed by the signature and title of an officer of the corporation empowered to sign for the corporation, and the corporate seal must be affixed. An election under section 1071 to reduce the basis of property and an election under such section to treat the sale or exchange as an involuntary conversion under section 1033 may be exercised independently of each other. An election under section 1071 must be filed with the return for the taxable year in which the sale or exchange occurs. Where practicable, the certificate of the Federal Communications Commission required by § 1.1071–1 should be filed with the election.

(b) If, in pursuance of an election to have the basis of its property adjusted under section 1071, the taxpayer desires to have such basis adjusted in any manner different from the general rule set forth in § 1.1071–3 (a), the precise method (including allocation of amounts) should be set forth in detail on separate sheets accompanying the election. Consent by the Commissioner to any departure from such general rule shall be effected only by a closing agreement entered into under the provisions of section 7121.

EXCHANGES IN OBEDIENCE TO S. E. C. ORDERS

§ 1.1081 *Statutory provisions; exchanges and distributions in obedience to orders of the Securities and Exchange Commission; nonrecognition of gain or loss.*

SEC. 1081. *Nonrecognition of gain or loss on exchanges or distributions in obedience to orders of S. E. C.*—(a) *Exchanges of stock or securities only.* No gain or loss shall be recognized to the transferor if stock or securities in a corporation which is a registered holding company or a majority-owned subsidiary company are transferred to such corporation or to an associate company thereof which is a reigstered holding company or a majority-owned subsidiary company solely in exchange for stock or securities (other than stock or securities which are nonexempt property), and the exchange is made by the transferee corporation in obedience to an order of the Securities and Exchange Commission.

(b) *Exchanges and sales of property by corporations*—(1) *General rule.* No gain shall be recognized to a transferor corporation which is a registered holding company or an associate company of a registered holding company, if such corporation, in obedience to an order of the Securities and Exchange Commission, transfers property in exchange for property, and such order recites that such exchange by the transferor corporation is necessary or appropriate to the integration or simplification of the holding company system of which the transferor corporation is a member. Any gain, to the extent that it cannot be applied in reduction of basis under section 1082 (a) (2), shall be recognized.

(2) *Nonexempt property.* If any such property so received is nonexempt property, gain shall be recognized unless such nonexempt property or an amount equal to the fair market value of such property at the time of the transfer is, within 24 months of the transfer, under regulations prescribed by the Secretary or his delegate, and in accordance with an order of the Securities and Exchange Commission, expended for property other than nonexempt property or is invested as a contribution to the capital, or as paid-in surplus, of another corporation, and such order recites that such expenditure or investment by the transferor corporation is necessary or appropriate to the integration or simplification of the holding company system of which the transferor corporation is a member. If the fair market value of such nonexempt property at the time of the transfer exceeds the amount expended and the amount invested, as required in the preceding sentence, the gain, if any, to the extent of such excess, shall be recognized.

(3) *Cancellation or redemption of stock or securities.* For purposes of this subsection, a distribution in cancellation or redemption (except a distribution having the effect of a dividend) of the whole or a part of the transferor's own stock (not acquired on the transfer) and a payment in complete or partial retirement or cancellation of securities representing indebtedness of the transferor or a complete or partial retirement or cancellation of such securities which is a part of the consideration for the transfer shall be considered an expenditure for property other than nonexempt property, and if, on the transfer, a liability of the transferor is assumed, or property of the transferor is transferred subject to a liability, the amount of such liability shall be considered to be an expenditure by the transferor for property other than nonexempt property.

(4) *Consents.* This subsection shall not apply unless the transferor corporation consents, at such time and in such manner as the Secretary or his delegate may by regulations prescribe to the regulations prescribed under section 1082 (a) (2) in effect at the time of filing its return for the taxable year in which the transfer occurs.

(c) *Distribution of stock or securities only*—(1) *In general.* If there is distributed, in obedience to an order of the Securities and Exchange Commission, to a shareholder in a corporation which is a registered holding company or a majority-owned subsidiary company, stock or securities (other than stock or securities which are nonexempt property), without the surrender by such shareholder of stock or securities in such corporation, no gain to the distributee from the receipt of the stock or securities so distributed shall be recognized.

(2) *Special rule.* If—

(A) There is distributed to a shareholder in a corporation rights to acquire common stock in a second corporation without the surrender by such shareholder of stock in the first corporation,

(B) Such distribution is in accordance with an arrangement forming a ground for an order of the Securities and Exchange Commission issued pursuant to section 3 of the Public Utility Holding Company Act of 1935 (49 Stat. 810; 15 U. S. C. 79c) that such corporation is exempt from any provision or provisions of such Act, and

(C) Before January 1, 1958, the first corporation disposes of all of the common stock in the second corporation which it owns,

then no gain to the distributee from the receipt of the rights so distributed shall be recognized. If the first corporation does not, before January 1, 1958, dispose of all



of the common stock which it owns in the second corporation, then the periods of limitation provided in sections 6501 and 6502 on the making of an assessment or the collection by levy or a proceeding in court shall, with respect to any deficiency (including interest and additions to the tax) resulting solely from the receipt of such rights to acquire stock, include one year immediately following the date on which the first corporation notifies the Secretary or his delegate whether or not the requirements of subparagraph (C) of the preceding sentence have been met; and such assessment and collection may be made notwithstanding any provision of law or rule of law which would otherwise prevent such assessment and collection.

(d) *Transfers within system group*—(1) *General rule.* No gain or loss shall be recognized to a corporation which is a member of a system group—

(A) If such corporation transfers property to another corporation which is a member of the same system group in exchange for other property, and the exchange by each corporation is made in obedience to an order of the Securities and Exchange Commission, or

(B) If there is distributed to such corporation as a shareholder in a corporation which is a member of the same system group, property, without the surrender by such shareholder of stock or securities in the corporation making the distribution, and the distribution is made and received in obedience to an order of the Securities and Exchange Commission.

If an exchange by or a distribution to a corporation with respect to which no gain or loss is recognized under any of the provisions of this paragraph may also be considered to be within the provisions of subsection (a), (b), or (c), then the provisions of this paragraph only shall apply.

(2) *Sales of stock or securities.* If the property received on an exchange which is within any of the provisions of paragraph (1) consists in whole or in part of stock or securities issued by the corporation from which such property was received, and if in obedience to an order of the Securities and Exchange Commission such stock or securities (other than stock which is not preferred as to both dividends and assets) are sold and the proceeds derived therefrom are applied in whole or in part in the retirement or cancellation of stock or of securities of the recipient corporation outstanding at the time of such exchange, no gain or loss shall be recognized to the recipient corporation on the sale of the stock or securities with respect to which such order was made; except that if any part of the proceeds derived from the sale of such stock or securities is not so applied, or if the amount of such proceeds is in excess of the fair market value of such stock or securities at the time of such exchange, the gain, if any, shall be recognized, but in an amount not in excess of the proceeds which are not so applied, or in an amount not more than the amount by which the proceeds derived from such sale exceed such fair market value, whichever is the greater.

(e) *Exchanges not solely in kind*—(1) *General rule.* If an exchange (not within any of the provisions of subsection (d)) would be within the provisions of subsection (a) if it were not for the fact that property received in exchange consists not only of property permitted by such subsection to be received without the recognition of gain or loss, but also of other property or money, then the gain, if any, to the recipient shall be recognized, but in an amount not in excess of the sum of such money and the fair market value of such other property, and the loss, if any, to the recipient shall not be recognized.

(2) *Distribution treated as dividend.* If an exchange is within the provisions of paragraph (1) and if it includes a distribution which has the effect of the distribution of a taxable dividend, then there shall be taxed as a dividend to each distributee such an amount of the gain recognized under such paragraph as is not in excess of his ratable share of the undistributed earnings and profits of the corporation accumulated after February 28, 1913. The remainder, if any, of the gain recognized under paragraph (1) shall be taxed as a gain from the exchange of property.

(f) *Conditions for application of section.* Except in the case of a distribution described in subsection (c) (2), the provisions of this section shall not apply to an exchange, expenditure, investment, distribution, or sale unless—

(1) The order of the Securities and Exchange Commission in obedience to which such exchange, expenditure, investment, distribution, or sale was made recites that such exchange, expenditure, investment, distribution, or sale is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935 (49 Stat. 820; 15 U. S. C. 79k (b)),

(2) Such order specifies and itemizes the stock and securities and other property which are ordered to be acquired, transferred, received, or sold on such exchange, acquisition, expenditure, distribution, or sale, and, in the case of an investment, the investment to be made, and

(3) Such exchange, acquisition, expenditure, investment, distribution, or sale was made in obedience to such order, and was completed within the time prescribed therefor.

(g) *Nonapplication of other provisions.* If a distribution described in subsection (c) (2), or an exchange or distribution made in obedience to an order of the Securities and Exchange Commission, is within any of the provisions of this part and may also be considered to be within any of the other provisions of this subchapter or subchapter C (sec. 301 and following, relating to corporate distributions and adjustments), then the provisions of this part only shall apply.

§ 1.1081–1 *Terms used.* The following terms, when used in this section and §§ 1.1081–2 to 1.1083–1, inclusive, shall have the meanings assigned to them in section 1083: "Order of the Securities and Exchange Commission"; "registered holding company"; "holding company system"; "associate company"; "majority-owned subsidiary company"; "system group"; "nonexempt property"; and "stock or securities". Any other term used in this section and §§ 1.1081–2 to 1.1083–1, inclusive, which is defined in the Internal Revenue Code of 1954, shall be given the respective definition contained in such Code.

§ 1.1081–2 *Purpose and scope of exception.* (a) The general rule is that the entire amount of gain or loss from the sale or exchange of property is to be recognized (see section 1002) and that the entire amount received as a dividend is to be included in gross income. (See sections 61 and 301.) Exceptions to the general rule are provided elsewhere in subchapters C and O of chapter 1, one of which is that made by section 1081 with respect to exchanges, sales, and distributions specifically described in section 1081. Section 1081 provides the extent to which gain or loss is not to be recognized on (1) the receipt of a distribution described in section 1081 (c) (2), or (2) an exchange or sale, or the receipt of a distribution, made in obedience to an order of the Securities and Exchange Commission, which is issued to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935 (15 U. S. C. 79k (b)). Section 331 provides that a distribution in liquidation of a corporation shall be treated as an exchange. Such distribution is to be treated as an exchange under the provisions of sections 1081 to 1083, inclusive. The order of the Securities and Exchange Commission must be one requiring or approving action which the Commission finds to be necessary or appropriate to effect a simplification or geographical integration of a particular public utility holding company system. For specific requirements with respect to an order of the Securities and Exchange Commission, see section 1081 (f).

(b) The requirements for nonrecognition of gain or loss as provided in section 1081 are precisely stated with respect to the following general types of transactions:

(1) The exchange that is provided for in section 1081 (a), in which stock or securities in a registered holding company or a majority-owned subsidiary company are exchanged for stock or securities.

(2) The exchange that is provided for in section 1081 (b), in which a registered holding company or an associate company of a registered holding company exchanges property for property.

(3) The distribution that is provided for in section 1081 (c) (1), in which stock or securities are distributed to a shareholder in a corporation which is a registered holding company or a majority-owned subsidiary company, or the distribution that is provided for in section 1081 (c) (2), in which a corporation distributes to a shareholder, rights to acquire common stock in a second corporation.

(4) The transfer that is provided for in section 1081 (d), in which a corporation which is a member of a system group transfers property to another member of the same system group.

Certain rules with respect to the receipt of nonexempt property on an exchange described in section 1081 (a) are prescribed in section 1081 (e).

(c) These exceptions to the general rule are to be strictly construed. Unless both the purpose and the specific requirements of sections 1081 to 1083, inclusive, are clearly met, the recognition of gain or loss upon the exchange, sale, or distribution will not be postponed under those sections. Moreover, even though a taxable transaction occurs in connection or simultaneously with a realization of gain or loss to which nonrecognition is accorded, nevertheless, nonrecognition will not be accorded to such taxable transaction. In other words, the provisions of section 1081 do not extend in any case to gain or loss other than that realized from and directly attributable to a disposition of property as such, or the receipt of a corporate distribution as such, in an exchange, sale, or distribution specifically described in section 1081.

(d) The application of the provisions of sections 1081 to 1083, inclusive, is intended to result only in postponing the

recognition of gain or loss until a disposition of property is made which is not covered by such provisions, and, in the case of an exchange or sale subject to the provisions of section 1081 (b), in the reduction of basis of certain property. The provisions of section 1082 with respect to the continuation of basis and the reduction in basis are designed to effect these results. Although the time of recognition may be shifted, there must be a true reflection of income in all cases, and it is intended that the provisions of sections 1081 to 1083, inclusive, shall not be construed or applied in such a way as to defeat this purpose.

§ 1.1081–3 *Exchanges of stock or securities solely for stock or securities.* The exchange, without the recognition of gain or loss, that is provided for in section 1081 (a) must be one in which stock or securities in a corporation which is a registered holding company or a majority-owned subsidiary company are exchanged solely for stock or securities other than stock or securities which constitute nonexempt property. An exchange is not within the provisions of section 1081 (a) unless the stock or securities transferred and those received are stock or securities as defined by section 1083 (f). The stock or securities which may be received without the recognition of gain or loss are not limited to stock or securities in the corporation from which they are received. An exchange within the provisions of section 1081 (a) may be a transaction between the holder of stock or securities and the corporation which issued the stock or securities. Also the exchange may be made by a holder of stock or securities with an associate company (i. e., a corporation in the same holding company system with the issuing corporation) which is a registered holding company or a majority-owned subsidiary company. In either case, the nonrecognition provisions of section 1081 (a) apply only to the holder of the stock or securities. However, the transferee corporation must be acting in obedience to an order of the Securities and Exchange Commission directed to such corporation, if no gain or loss is to be recognized to the holder of the stock or securities who makes the exchange with such corporation. See also section 1081 (b), in case the holder of the stock or securities is a registered holding company or an associate company of a registered holding company. An exchange is not within the provisions of section 1081 (a) if it is within the provisions of section 1081 (d), relating to transfers within a system group. For treatment when nonexempt property is received, see section 1081 (e); for further limitations, see section 1081 (f).

§ 1.1081–4 *Exchanges of property for property by corporations*—(a) *Application of section 1081 (b).* Section 1081 (b) applies only to the transfers specified therein with respect to which section 1081 (d) is inapplicable, and deals only with such transfers if gain is realized upon the sale or other disposition effected by such transfers. If loss is realized section 1081 (b) is inapplicable and the application of other provisions of subtitle A must be determined. See section 1081 (g). If section 1081 (b) is applicable, the other provisions of subchapters C and O relating to the nonrecognition of gain are inapplicable, and the conditions under which, and the extent to which, the realized gain is not recognized are set forth in paragraphs (b), (c), (d), (e), and (f) of this section.

(b) *Nonrecognition of gain; no nonexempt proceeds.* No gain is recognized to a transferor corporation upon the sale or other disposition of property transferred by such transferor corporation in exchange solely for property other than nonexempt property, as defined in section 1083 (e), but only if all of the following requirements are satisfied:

(1) The transferor corporation is, under the definition in section 1083 (b), a registered holding company or an associate company of a registered holding company;

(2) Such transfer is in obedience to an order of the Securities and Exchange Commission (as defined in section 1083 (a)) and such order satisfies the requirements of section 1081 (f);

(3) The transferor corporation has filed the required consent to the regulations under section 1082 (a) (2) (see paragraph (g) of this section); and

(4) The entire amount of the gain, as determined under section 1001, can be applied in reduction of basis under section 1082 (a) (2).

(c) *Nonrecognition of gain; nonexempt proceeds.* If the transaction would be within the provisions of paragraph (b) of this section if it were not for the fact that the property received in exchange consists in whole or in part of nonexempt property (as defined in section 1083 (e)), then no gain is recognized if such nonexempt property, or an amount equal to the fair market value of such nonexempt property at the time of the transfer,

(1) Is expended within the required 24-month period for property other than nonexempt property; or

(2) Is invested within the required 24-month period as a contribution to the capital, or as paid-in surplus, of another corporation;

but only if the expenditure or investment is made

(3) In accordance with an order of the Securities and Exchange Commission (as defined in section 1083 (a)) which satisfies the requirements of section 1081 (f) and which recites that such expenditure or investment by the transferor corporation is necessary or appropriate to the integration or simplification of the holding company system of which the transferor corporation is a member; and

(4) The required consent, waiver, and bond have been executed and filed. See paragraphs (g) and (h) of this section.

(d) *Recognition of gain in part; insufficient expenditure or investment in case of nonexempt proceeds.* If the transaction would be within the provisions of paragraph (c) of this section if it were not for the fact that the amount expended or invested is less than the fair market value of the nonexempt property received in exchange, then the gain, if any, is recognized, but in an amount not in excess of the amount by which the fair market value of such nonexempt property at the time of the transfer exceeds the amount so expended and invested.

(e) *Items treated as expenditures for the purpose of paragraphs (c) and (d) of this section.* For the purposes of paragraphs (c) and (d) of this section, the following are treated as expenditures for property other than nonexempt property:

(1) A distribution in cancellation or redemption (except a distribution having the effect of a dividend) of the whole or a part of the transferor's own stock (not acquired on the transfer);

(2) A payment in complete or partial retirement or cancellation of securities representing indebtedness of the transferor or a complete or partial retirement or cancellation of such securities which is a part of the consideration for the transfer; and

(3) If, on the transfer, a liability of the transferor is assumed, or property of the transferor is transferred subject to a liability, the amount of such liability.

(f) *Recognition of gain in part; inability to reduce basis.* If the transaction would be within the provisions of paragraph (b) or (c) of this section, if it were not for the fact that an amount of gain cannot be applied in reduction of basis under section 1082 (a) (2), then the gain, if any, is recognized, but in an amount not in excess of the amount which cannot be so applied in reduction of basis. If the transaction would be within the provisions of paragraph (d) of this section, if it were not for the fact that an amount of gain cannot be applied in reduction of basis under section 1082 (a) (2), then the gain, if any, is recognized, but in an amount not in excess of the aggregate of—

(1) The amount of gain which would be recognized under paragraph (d) of this section if there were no inability to reduce basis under section 1082 (a) (2); and

(2) The amount of gain which cannot be applied in reduction of basis under section 1082 (a) (2).

(g) *Consent to regulations under section 1082 (a) (2).* To be entitled to the benefits of the provisions of section 1081 (b), a corporation must file with its return for the taxable year in which the transfer occurs a consent to have the basis of its property adjusted under section 1082 (a) (2) (see § 1.1082–3), in accordance with the provisions of the regulations in effect at the time of filing of the return for the taxable year in which the transfer occurs. Such consent shall be made in duplicate on Form 982A in accordance with these regulations and instructions on the form or issued therewith.

(h) *Requirements with respect to expenditure or investment.* If the full amount of the expenditure or investment required for the application of paragraph (c) of this section has not been made by the close of the taxable year in which such transfer occurred, the taxpayer shall file with the return for such year



an application for the benefit of the 24-month period for expenditure and investment, reciting the nature and time of the proposed expenditure or investment. When requested by the district director of internal revenue, the taxpayer shall execute and file (at such time and in such form) such waiver of the statute of limitations with respect to the assessment of deficiencies (for the taxable year of the transfer and for all succeeding taxable years in any of which falls any part of the period beginning with the date of the transfer and ending 24 months thereafter) as the district director may specify, and such bond with such surety as the district director may require, in an amount not in excess of double the estimated maximum income tax which would be payable if the corporation does not make the required expenditure or investment within the required 24-month period.

§ 1.1081–5 *Distribution solely of stock or securities*—(a) *In general.* If, without any surrender of his stock or securities as defined in section 1083 (f), a shareholder in a corporation which is a registered holding company or a majority-owned subsidiary company receives stock or securities in such corporation or owned by such corporation, no gain to the shareholder will be recognized with respect to the stock or securities received by such shareholder which do not constitute nonexempt property, if the distribution to such shareholder is made by the distributing corporation in obedience to an order of the Securities and Exchange Commission directed to such corporation. A distribution is not within the provisions of section 1081 (c) (1) if it is within the provisions of section 1081 (d), relating to transfers within a system group. A distribution is also not within the provisions of section 1081 (c) (1) if it involves a surrender by the shareholder of stock or securities or a transfer by the shareholder of property in exchange for the stock or securities received by the shareholder. For further limitations, see section 1081 (f).

(b) *Special rule.* (1) If there is distributed to a shareholder in a corporation rights to acquire common stock in a second corporation, no gain to the shareholder from the receipt of the rights shall be recognized, but only if all the following requirements are met:

(i) The rights are received by the shareholder without the surrender by the shareholder of any stock in the distributing corporation,

(ii) Such distribution is in accordance with an arrangement forming a ground for an order of the Securities and Exchange Commission issued pursuant to section 3 of the Public Utility Holding Company Act of 1935 (15 U. S. C. 79c) that the distributing corporation is exempt from any provision or provisions of such Act, and

(iii) Before January 1, 1958, the distributing corporation disposes of all the common stock in the second corporation which it owns.

(2) The distributing corporation shall, as soon as practicable, notify the district director of internal revenue in whose district the corporation's income tax return and supporting data was filed (see § 1.1081–11 (g)), as to whether or not requirement (iii) of paragraph (b) (1) above has been met. If such requirement has not been met, the periods of limitation (sections 6501 and 6502) with respect to any deficiency, including interest and additions to the tax, resulting solely from the receipt of such rights to acquire stock, shall include one year immediately following the date of such notification; and assessment and collection shall be made notwithstanding any provisions of law or rule of law which would otherwise prevent such assessment and collection.

§ 1.1081–6 *Transfers within system group.* (a) The nonrecognition of gain or loss provided for in section 1081 (d) (1) is applicable to an exchange of property for other property (including money and other nonexempt property) between corporations which are all members of the same system group. The term "system group" is defined in section 1083 (d).

(b) Section 1081 (d) (1) also provides for nonrecognition of gain to a corporation which is a member of a system group if property (including money or other nonexempt property) is distributed to such corporation as a shareholder in a corporation which is a member of the same system group, without the surrender by such shareholder of stock or securities in the distributing corporation.

(c) As stated in § 1.1081–2, nonrecognition of gain or loss will not be accorded to a transaction not clearly provided for in sections 1081 to 1083, inclusive, even though such transaction occurs simultaneously or in connection with an exchange, sale, or distribution to which nonrecognition is specifically accorded. Therefore, nonrecognition will not be accorded to any gain or loss realized from the discharge, or the removal of the burden, of the pecuniary obligations of a member of a system group, even though such obligations are acquired upon a transfer or distribution specifically described in section 1081 (d) (1); but the fact that the acquisition of such obligations was upon a transfer or distribution specifically described in section 1081 (d) (1) will, because of the basis provisions of section 1082 (d), affect the cost to the member of such discharge or its equivalent. Thus, section 1081 (d) (1) does not provide for the nonrecognition of any gain or loss realized from the discharge of the indebtedness of a member of a system group as the result of the acquisition in exchange, sale, or distribution of its own bonds, notes, or other evidences of indebtedness which were acquired by another member of the same system group for a consideration less or more than the issuing price thereof (with proper adjustments for amortization of premiums or discounts).

(d) The provisions of paragraph (c) of this section may be illustrated by the following example:

*Example.* Suppose that the A Corporation and the B Corporation are both members of the same system group; that the A Corporation holds at a cost of $900 a bond issued by the B Corporation at par, $1,000; and that the A Corporation and the B Corporation enter into an exchange subject to the provisions of section 1081 (d) (1) in which the $1,000 bond of the B Corporation is transferred from the A Corporation to the B Corporation. The $900 basis reflecting the cost to the A Corporation which would have been the basis available to the B Corporation if the property transferred to it had been something other than its own securities (see § 1.1082–6) will, in this type of transaction, reflect the cost to the B Corporation of effecting a retirement of its own $1,000 bond. The $100 gain of the B Corporation reflected in the retirement will therefore be recognized.

(e) No exchange or distribution may be made without the recognition of gain or loss as provided for in section 1081 (d) (1), unless all the corporations which are parties to such exchange or distribution are acting in obedience to an order of the Securities and Exchange Commission. If an exchange or distribution is within the provisions of section 1081 (d) (1) and also may be considered to be within some other provisions of section 1081, it shall be considered that only the provisions of section 1081 (d) (1) apply and that the nonrecognition of gain or loss upon such exchange or distribution is by virtue of that section.

§ 1.1081–7 *Sale of stock or securities received upon exchange by members of system group.* (a) Section 1081 (d) (2) provides that to the extent that property received upon an exchange by corporations which are members of the same system group consists of stock or securities issued by the corporation from which such property was received, such stock or securities may, under certain specifically described circumstances, be sold to a party not a member of the system group, without the recognition of gain or loss to the selling corporation. The nonrecognition of gain or loss is limited, in the case of stock, to a sale of stock which is preferred as to both dividends and assets. The stock or securities must have been received upon an exchange with respect to which section 1081 (d) (1) operated to prevent recognition of gain or loss to any party to the exchange. Nonrecognition of gain or loss upon the sale of such stock or securities is permitted only if the proceeds derived from the sale are applied in retirement or cancellation of stock or securities of the selling corporation which were outstanding at the time the exchange was made. It is also essential to nonrecognition of gain or loss upon the sale that both the sale of the stock or securities and the application of the proceeds derived therefrom be made in obedience to an order of the Securities and Exchange Commission. If any part of the proceeds derived from the sale is not applied in making the required retirement or cancellation of stock or securities and if the sale is otherwise within the provisions of section 1081 (d) (2), the gain resulting from the sale shall be recognized, but in an amount not in excess of the proceeds which are not so applied. In any event, if the proceeds derived from the sale of the stock or securities exceed the fair market value of such stock or securities at the time of the exchange through which they were ac-

quired by the selling corporation, the gain resulting from the sale is to be recognized to the extent of such excess. Section 1081 (d) (2) does not provide for the nonrecognition of any gain resulting from the retirement of bonds, notes, or other evidences of indebtedness for a consideration less than the issuing price thereof. Also, that section does not provide for the nonrecognition of gain or loss upon the sale of any stock or securities received upon a distribution or otherwise than upon an exchange.

(b) The application of paragraph (a) of this section may be illustrated by the following example:

*Example.* The X Corporation and the Y Corporation, both of which make their income tax returns on a calendar year basis, are members of the same system group. As part of an exchange to which section 1081 (d) (1) is applicable the Y Corporation on June 1, 1954, issued to the X Corporation 1,000 shares of class A stock, preferred as to both dividends and assets. The fair market value of such stock at the time of issuance was $90,000 and its basis to the X Corporation was $75,000. On December 1, 1954, in obedience to an appropriate order of the Securities and Exchange Commission, the X Corporation sells all of such stock to the public for $100,000 and applies $95,000 of this amount to the retirement of its own bonds, which are outstanding on June 1, 1954. The remaining $5,000 is not used to retire any of the X Corporation's stock or securities. Of the total gain of $25,000 realized on the disposition of the Y Corporation stock, only $10,000 is recognized (the difference between the fair market value of the stock when acquired and the amount for which it was sold), since such amount is greater than the portion ($5,000) of the proceeds not applied to the retirement of the X Corporation's stock or securities. If in this example the stock acquired by the X Corporation had not been stock of the Y Corporation issued to the X Corporation or if it had been stock not preferred as to both dividends and assets, the full amount of the gain ($25,000) realized upon its disposition would have been recognized, regardless of what was done with the proceeds.

§ 1.1081–8 *Exchanges in which money or other nonexempt property is received.* (a) Under section 1081 (e) (1), if in any exchange (not within any of the provisions of section 1081 (d)) in which stock or securities in a corporation which is a registered holding company or a majority-owned subsidiary are exchanged for stock or securities as provided for in section 1081 (a), there is received by the taxpayer money or other nonexempt property (in addition to property permitted to be received without recognition of gain), then—

(1) The gain, if any, to the taxpayer is to be recognized in an amount not in excess of the sum of the money and the fair market value of the other nonexempt property, but

(2) The loss, if any, to the taxpayer from such an exchange is not to be recognized to any extent.

(b) If money or other nonexempt property is received from a corporation in an exchange described in paragraph (a) of this section and if the distribution of such money or other nonexempt property by or on behalf of such corporation has the effect of the distribution of a taxable dividend, then, as provided in section 1081 (e) (2), there shall be taxed to each distributee (1) as a dividend, such an amount of the gain recognized on the exchange as is not in excess of the distributee's ratable share of the undistributed earnings and profits of the corporation accumulated after February 28, 1913, and (2) the remainder of the gain so recognized shall be taxed as a gain from the exchange of property.

§ 1.1081–9 *Requirements with respect to order of Securities and Exchange Commission.* The term "order of the Securities and Exchange Commission" is defined in section 1083 (a). In addition to the requirements specified in that definition, section 1081 (f) provides that, except in the case of a distribution described in section 1081 (c) (2), the provisions of section 1081 shall not apply to an exchange, expenditure, investment, distribution, or sale unless each of the following requirements is met:

(a) The order of the Securities and Exchange Commission must recite that the exchange, expenditure, investment, distribution, or sale is necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935 (15 U. S. C. 79k (b)).

(b) The order shall specify and itemize the stocks and securities and other property (including money) which are ordered to be acquired, transferred, received, or sold upon such exchange, acquisition, expenditure, distribution, or sale and, in the case of an investment, the investment to be made, so as clearly to identify such property.

(c) The exchange, acquisition, expenditure, investment, distribution, or sale shall be made in obedience to such order and shall be completed within the time prescribed in such order.

These requirements were not designed merely to simplify the administration of the provisions of section 1081, and they are not to be considered as pertaining only to administrative matters. Each one of the three requirements is essential and must be met if gain or loss is not to be recognized from the transaction.

§ 1.1081–10 *Nonapplication of other provisions of the Internal Revenue Code of 1954.* The effect of section 1081 (g) is that an exchange, sale, or distribution which is within section 1081 shall, with respect to the nonrecognition of gain or loss and the determination of basis, be governed only by sections 1081 to 1083, inclusive, the purpose being to prevent overlapping of the provisions of such sections and other provisions of subtitle A. In other words, if by virtue of section 1081 any portion of a person's gain or loss on any particular exchange, sale, or distribution is not to be recognized, then the gain or loss of such person shall be nonrecognized only to the extent provided in section 1081, regardless of what the result might have been if sections 1081 to 1083, inclusive, had not been enacted; and similarly, the basis in the hands of such person of the property received by him in such transaction shall be the basis provided by section 1082, regardless of what the basis of such property might have been under section 1011 if sections 1081 to 1083, inclusive, had not been enacted. On the other hand, if section 1081 does not provide for the nonrecognition of any portion of a person's gain or loss (whether or not such person is another party to the same transaction referred to above), then the gain or loss of such person shall be recognized or nonrecognized to the extent provided for by other provisions of subtitle A as if sections 1081 to 1083, inclusive, had not been enacted; and similarly, the basis in his hands of the property received by him in such transaction shall be the basis provided by other provisions of subtitle A as if sections 1081 to 1083, inclusive, had not been enacted.

§ 1.1081–11 *Records to be kept and information to be filed with returns*—(a) *Exchanges; holders of stock or securities.* Every holder of stock or securities who receives stock or securities and other property (including money) upon an exchange shall, if the exchange is made with a corporation acting in obedience to an order of the Securities and Exchange Commission, file as a part of his income tax return for the taxable year in which the exchange takes place a complete statement of all facts pertinent to the nonrecognition of gain or loss upon such exchange, including—

(1) A clear description of the stock or securities transferred in the exchange, together with a statement of the cost or other basis of such stock or securities.

(2) The name and address of the corporation from which the stock or securities were received in the exchange.

(3) A statement of the amount of stock or securities and other property (including money) received from the exchange. The amount of each kind of stock or securities and other property received shall be set forth upon the basis of the fair market value thereof at the date of the exchange.

(b) *Exchanges; corporations subject to S. E. C. orders.* Each corporation which is a party to an exchange made in obedience to an order of the Securities and Exchange Commission directed to such corporation shall file as a part of its income tax return for its taxable year in which the exchange takes place a complete statement of all facts pertinent to the nonrecognition of gain or loss upon such exchange, including—

(1) A copy of the order of the Securities and Exchange Commission directed to such corporation, in obedience to which the exchange was made.

(2) A certified copy of the corporate resolution authorizing the exchange.

(3) A clear description of all property, including all stock or securities, transferred in the exchange, together with a complete statement of the cost or other basis of each class of property.

(4) The date of acquisition of any stock or securities transferred in the exchange, and, if any of such stock or securities were acquired by the corporation in obedience to an order of the Securities and Exchange Commission, a copy of such order.

(5) The name and address of all persons to whom any property was transferred in the exchange.



(6) If any property transferred in the exchange was transferred to another corporation, a copy of any order of the Securities and Exchange Commission directed to the other corporation, in obedience to which the exchange was made by such other corporation.

(7) If the corporation transfers any nonexempt property, the amount of the undistributed earnings and profits of the corporation accumulated after February 28, 1913, to the time of the exchange, computed in accordance with the last sentence of § 1.316–2 (b).

(8) A statement of the amount of stock or securities and other property (including money) received upon the exchange, including a statement of all distributions or other dispositions made thereof. The amount of each kind of stock or securities and other property received shall be stated on the basis of the fair market value thereof at the date of the exchange.

(9) A statement showing as to each class of its stock the number of shares and percentage owned by any other corporation, the voting rights and voting power, and the preference (if any) as to both dividends and assets.

(10) The term "exchange" shall, wherever occurring in this paragraph, be read as "exchange, expenditure, or investment".

(c) *Distributions; shareholders.* Each shareholder who receives stock or securities or other property (including money) upon a distribution made by a corporation in obedience to an order of the Securities and Exchange Commission shall file as a part of his income tax return for the taxable year in which such distribution is received a complete statement of all facts pertinent to the nonrecognition of gain upon such distribution, including—

(1) The name and address of the corporation from which the distribution is received.

(2) A statement of the amount of stock or securities or other property received upon the distribution, including (in case the shareholder is a corporation) a statement of all distributions or other disposition made of such stock or securities or other property by the shareholder. The amount of each class of stock or securities and each kind of property shall be stated on the basis of the fair market value thereof at the date of the distribution.

(3) If the shareholder is a corporation, a statement showing as to each class of its stock the number of shares and percentage owned by a registered holding company or a majority-owned subsidiary company of a registered holding company, the voting rights and voting power, and the preference (if any) as to both dividends and assets.

(d) *Distributions; distributing corporations subject to S. E. C. orders.* Every corporation making a distribution in obedience to an order of the Securities and Exchange Commission shall file as a part of its income tax return for its taxable year in which the distribution is made a complete statement of all facts pertinent to the nonrecognition of gain to the distributee upon such distribution including—

(1) A copy of the order of the Securities and Exchange Commission, in obedience to which the distribution was made.

(2) A certified copy of the corporate resolution authorizing the distribution.

(3) A statement of the amount of stock or securities or other property (including money) distributed to each shareholder. The amount of each kind of stock or securities or other property shall be stated on the basis of the fair market value thereof at the date of the distribution.

(4) The date of acquisition of the stock or securities distributed, and, if any of such stock or securities were acquired by the distributing corporation in obedience to an order of the Securities and Exchange Commission, a copy of such order.

(5) The amount of the undistributed earnings and profits of the corporation accumulated after February 28, 1913, to the time of the distribution, computed in accordance with the last sentence of § 1.316–2 (b).

(6) A statement showing as to each class of its stock the number of shares and percentage owned by any other corporation, the voting rights and voting power, and the preference (if any) as to both dividends and assets.

(e) *Sales by members of system groups.* Each corporation which is a member of a system group and which in obedience to an order of the Securities and Exchange Commission sells stock or securities received upon an exchange (made in obedience to an order of the Securities and Exchange Commission) and applies the proceeds derived therefrom in retirement or cancellation of its own stock or securities shall file as a part of its income tax return for the taxable year in which the sale is made a complete statement of all facts pertaining to the nonrecognition of gain or loss upon such sale, including—

(1) A copy of the order of the Securities and Exchange Commission in obedience to which the sale was made.

(2) A copy of the order of the Securities and Exchange Commission in obedience to which the proceeds derived from the sale were applied in whole or in part in the retirement or cancellation of its stock or securities.

(3) A certified copy of the corporate resolutions authorizing the sale of the stock or securities and the application of the proceeds derived therefrom.

(4) A clear description of the stock or securities sold, including the name and address of the corporation by which they were issued.

(5) The date of acquisition of the stock or securities sold, together with a statement of the fair market value of such stock or securities at the date of acquisition, and a copy of all orders of the Securities and Exchange Commission in obedience to which such stock or securities were acquired.

(6) The amount of the proceeds derived from such sale.

(7) The portion of the proceeds of such sale which was applied in retirement or cancellation of its stock or securities, together with a statement showing how long such stock or securities were outstanding prior to retirement or cancellation.

(8) The issuing price of its stock or securities which were retired or canceled.

(f) *Section 1081 (c) (2) distributions: shareholders.* Each shareholder who receives a distribution described in section 1081 (c) (2) (concerning rights to acquire common stock) shall file as a part of his income tax return for the taxable year in which such distribution is received a complete statement of all the facts pertinent to the nonrecognition of gain upon such distribution, including—

(1) The name and address of the corporation from which the distribution is received.

(2) A statement of the amount of the rights received upon the distribution, stated on the basis of their fair market value at the date of the distribution.

(g) *Section 1081 (c) (2) distributions; distributing corporations.* Every corporation making a distribution described in section 1081 (c) (2) (concerning rights to acquire common stock) shall file as a part of its income tax return for its taxable year in which the distribution is made a complete statement of all facts pertinent to the nonrecognition of gain to the distributees upon such distribution including—

(1) A copy of the arrangement forming the basis for the issuance of the order by the Securities and Exchange Commission.

(2) A copy of the order issued by the Securities and Exchange Commission pursuant to section 3 of the Public Utility Holding Company Act of 1935.

(3) A certified copy of the corporate resolution authorizing the arrangement and the distribution.

(4) A statement of the amount of the rights distributed to each shareholder, stated on the basis of their fair market value at the date of the distribution.

(5) The date of acquisition of the stock with respect to which such rights are distributed, and, if any were acquired by the distributing corporation in obedience to an order of the Securities and Exchange Commission, a copy of such order.

(6) The amount of the undistributed earnings and profits of the distributing corporation accumulated after February 28, 1913, to the time of the distribution, computed in accordance with the last sentence of § 1.316–2 (b).

(h) *General requirements.* Permanent records in substantial form shall be kept by every taxpayer who participates in an exchange or distribution to which sections 1081 to 1083, inclusive, are applicable, showing the cost or other basis of the property transferred and the amount of stock or securities and other property (including money) received, in order to facilitate the determination of gain or loss from a subsequent disposition of such stock or securities and other property received on the exchange or distribution.

§ 1.1082 *Statutory provisions; basis of property acquired in exchanges and distributions made in obedience to orders of the Securities and Exchange Commission.*

SEC. 1082. *Basis for determining gain or loss*—(a) *Exchanges generally*—(1) *Exchanges subject to the provisions of section*

*1081 (a) or (e).* If the property was acquired on an exchange subject to the provisions of section 1081 (a) or (e), or the corresponding provisions of prior internal revenue laws, the basis shall be the same as in the case of the property exchanged, decreased in the amount of any money received by the taxpayer, and increased in the amount of gain or decreased in the amount of loss to the taxpayer that was recognized on such exchange under the law applicable to the year in which the exchange was made. If the property so acquired consisted in part of the type of property permitted by section 1081 (a) to be received without the recognition of gain or loss, and in part of nonexempt property, the basis provided in this subsection shall be allocated between the properties (other than money) received, and for the purpose of the allocation there shall be assigned to such nonexempt property (other than money) an amount equivalent to its fair market value at the date of the exchange. This subsection shall not apply to property acquired by a corporation by the issuance of its stock or securities as the consideration in whole or in part for the transfer of the property to it.

(2) *Exchanges subject to the provisions of section 1081 (b).* The gain not recognized on a transfer by reason of section 1081 (b) or the corresponding provisions of prior internal revenue laws shall be applied to reduce the basis for determining gain or loss on sale or exchange of the following categories of property in the hands of the transferor immediately after the transfer, and property acquired within 24 months after such transfer by an expenditure or investment to which section 1081 (b) relates on account of the acquisition of which gain is not recognized under such subsection, in the following order:

(A) Property of a character subject to the allowance for depreciation under section 167;

(B) Property (not described in subparagraph (A)) with respect to which a deduction for amortization is allowable under section 168 or 169;

(C) Property with respect to which a deduction for depletion is allowable under section 611 but not allowable under section 613;

(D) Stock and securities of corporations not members of the system group of which the transferor is a member (other than stock or securities of a corporation of which the transferor is a subsidiary);

(E) Securities (other than stock) of corporations which are members of the system group of which the transferor is a member (other than securities of the transferor or of a corporation of which the transferor is a subsidiary);

(F) Stock of corporations which are members of the system group of which the transferor is a member (other than stock of the transferor or of a corporation of which the transferor is a subsidiary);

(G) All other remaining property of the transferor (other than stock or securities of the transferor or of a corporation of which the transferor is a subsidiary).

The manner and amount of the reduction to be applied to particular property within any of the categories described in subparagraphs (A) to (G), inclusive, shall be determined under regulations prescribed by the Secretary or his delegate.

(3) *Basis in case of pre-1942 acquisition.* Notwithstanding the provisions of paragraph (1) or (2), if the property was acquired in a taxable year beginning before January 1, 1942, in any manner described in section 372 of the Internal Revenue Code of 1939 before its amendment by the Revenue Act of 1942, the basis shall be that prescribed in such section (before its amendment by such Act) with respect to such property.

(b) *Transfers to corporations.* If, in connection with a transfer subject to the provisions of section 1081 (a), (b), or (e) or the corresponding provisions of prior internal revenue laws, the property was acquired by a corporation, either as paid-in surplus or as a contribution to capital, or in consideration for stock or securities issued by the corporation receiving the property (including cases where part of the consideration for the transfer of such property to the corporation consisted of property or money in addition to such stock or securities), then the basis shall be the same as it would be in the hands of the transferor, increased in the amount of gain or decreased in the amount of loss recognized to the transferor on such transfer under the law applicable to the year in which the transfer was made.

(c) *Distributions of stock or securities.* If the stock or securities were received in a distribution subject to the provisions of section 1081 (c) or the corresponding provisions of prior internal revenue laws, then the basis in the case of the stock in respect of which the distribution was made shall be apportioned, under regulations prescribed by the Secretary or his delegate, between such stock and the stock or securities distributed.

(d) *Transfers within system group.* If the property was acquired by a corporation which is a member of a system group on a transfer or distribution described in section 1081 (d) (1), then the basis shall be the same as it would be in the hands of the transferor; except that if such property is stock or securities issued by the corporation from which such stock or securities were received and they were issued—

(1) As the sole consideration for the property transferred to such corporation, then the basis of such stock or securities shall be either—

(A) The same as in the case of the property transferred therefor, or

(B) The fair market value of such stock or securities at the time of their receipt, whichever is the lower; or

(2) As part consideration for the property transferred to such corporation, then the basis of such stock or securities shall be either—

(A) An amount which bears the same ratio to the basis of the property transferred as the fair market value of such stock or securities at the time of their receipt bears to the total fair market value of the entire consideration received, or

(B) The fair market value of such stock or securities at the time of their receipt, whichever is the lower.

§ 1.1082–1 *Basis for determining gain or loss.* (a) For determining the basis of property acquired in a taxable year beginning before January 1, 1942, in any manner described in section 372 of the Internal Revenue Code of 1939 prior to its amendment by the Revenue Act of 1942, see such section (before its amendment by such Act).

(b) If the property was acquired in a taxable year beginning after December 31, 1941, in any manner described in section 1082 (other than subsection (a) (2)), or section 372 (other than subsection (a) (2)) of the Internal Revenue Code of 1939 after its amendments, the basis shall be that prescribed in section 1082 with respect to such property. However, in the case of property acquired in a transaction described in section 1081 (c) (2), this paragraph is applicable only if the property was acquired in a distribution made in a taxable year subject to the Internal Revenue Code of 1954.

(c) Section 1082 makes provisions with respect to the basis of property acquired in a transfer in connection with which the recognition of gain or loss is prohibited by the provisions of section 1081 with respect to the whole or any part of the property received. In general, and except as provided in § 1.1082–3, it is intended that the basis for determining gain or loss pertaining to the property prior to its transfer, as well as the basis for determining the amount of depreciation or depletion deductible and the amount of earnings or profits available for distribution, shall continue notwithstanding the nontaxable conversion of the asset in form or its change in ownership. The continuance of the basis may be reflected in a shift thereof from one asset to another in the hands of the same owner, or in its transfer with the property from one owner into the hands of another. See also § 1.1081–2.

§ 1.1082–2 *Basis of property acquired upon exchanges under section 1081 (a) or (e).* (a) In the case of an exchange of stock or securities for stock or securities as described in section 1081 (a), if no part of the gain or loss upon such exchange was recognized under section 1081, the basis of the property acquired is the same as the basis of the property transferred by the taxpayer with proper adjustments to the date of the exchange.

(b) If, in an exchange of stock or securities as described in section 1081 (a), gain to the taxpayer was recognized under section 1081 (c) on account of the receipt of money, the basis of the property acquired is the basis of the property transferred (adjusted to the date of the exchange), decreased by the amount of money received and increased by the amount of gain recognized upon the exchange. If, upon such exchange, there were received by the taxpayer money and other nonexempt property (not permitted to be received without the recognition of gain), and gain from the transaction was recognized under section 1081 (e), the basis (adjusted to the date of the exchange) of the property transferred by the taxpayer, decreased by the amount of money received and increased by the amount of gain recognized, must be apportioned to and is the basis of the properties (other than money) received on the exchange. For the purpose of the allocation of such basis to the properties received, there must be assigned to the nonexempt property (other than money) an amount equivalent to its fair market value at the date of the exchange.

(c) Section 1081 (e) provides that no loss may be recognized on an exchange of stock or securities for stock or securities as described in section 1081 (a), although the taxpayer receives money or other nonexempt property from the transaction. However, the basis of the property (other than money) received by the taxpayer is the basis (adjusted to the date of the exchange) of the property transferred, decreased by the amount of money received. This basis must be apportioned to the properties received, and for this purpose there must be allocated to the nonexempt property (other than money) an amount of such basis equivalent to the fair market value of such nonexempt property at the date of the exchange.

(d) Section 1082 (a) does not apply in ascertaining the basis of property acquired by a corporation by the issuance of its stock or securities as the consideration in whole or in part for the transfer of the property to it. For the rule in such cases, see section 1082 (b).

(e) For purposes of this section, any reference to section 1081 shall be deemed to include a reference to corresponding provisions of prior internal revenue laws.

§ 1.1082–3 *Reduction of basis of property by reason of gain not recognized under section 1081 (b).*—(a) *Introductory.* In addition to the adjustments provided in section 1016 and other applicable provisions of chapter 1, and the regulations relating thereto, which are required to be made with respect to the cost or other basis of property, section 1082 (a) (2) provides that a further adjustment shall be made in any case in which there shall have been a nonrecognition of gain under section 1081 (b). Such further adjustment shall be made with respect to the basis of the property in the hands of the transferor immediately after the transfer and of the property acquired within 24 months after such transfer by an expenditure or investment to which section 1081 (b) relates, and on account of which expenditure or investment gain is not recognized. If the property is in the hands of the transferor immediately after the transfer, the time of reduction is the day of the transfer; in all other cases the time of reduction is the date of acquisition. The effect of applying an amount in reduction of basis of property under section 1081 (b) is to reduce by such amount the basis for determining gain upon sale or other disposition, the basis for determining loss upon sale or other disposition, the basis for depreciation and for depletion, and any other amount which the Internal Revenue Code of 1954 prescribes shall be the same as any of such bases. For the purposes of the application of an amount in reduction of basis under section 1081 (b), property is not considered as having a basis capable of reduction if—

(1) It is money, or

(2) If its adjusted basis for determining gain at the time the reduction is to be made is zero, or becomes zero at any time in the application of section 1081 (b).

(b) *General rule.* (1) Section 1082 (a) (2) sets forth seven categories of property, the basis of which for determining gain or loss shall be reduced in the order stated.

(2) If any of the property in the first category has a basis capable of reduction, the reduction must first be made before applying an amount in reduction of the basis of any property in the second or in a succeeding category, to each of which in turn a similar rule is applied.

(3) In the application of the rule to each category, the amount of the gain not recognized shall be applied to reduce the cost or other basis of all the property in the category as follows: The cost or other basis (at the time immediately after the transfer or, if the property is not then held but is thereafter acquired, at the time of such acquisition) of each unit of property in the first category shall be decreased (but the amount of the decrease shall not be more than the amount of the adjusted basis at such time for determining gain, determined without regard to this section) in an amount equal to such proportion of the unrecognized gain as the adjusted basis (for determining gain, determined without regard to this section) at such time of each unit of property of the taxpayer in that category bears to the aggregate of the adjusted basis (for determining gain, computed without regard to this section) at such time of all the property of the taxpayer in that category. When such adjusted basis of the property in the first category has been thus reduced to zero, a similar rule shall be applied, with respect to the portion of such gain which is unabsorbed in such reduction of the basis of the property in such category, in reducing the basis of the property in the second category. A similar rule with respect to the remaining unabsorbed gain shall be applied in reducing the basis of the property in the next succeeding category.

(c) *Special cases.* (1) With the consent of the Commissioner, the taxpayer may, however, have the basis of the various units of property within a particular category specified in section 1082 (a) (2) adjusted in a manner different from the general rule set forth in paragraph (b) of this section. Variations from such general rule may, for example, involve adjusting the basis of only certain units of the taxpayer's property within a given category. A request for variations from the general rule should be filed by the taxpayer with its income tax return for the taxable year in which the transfer of property has occurred.

(2) Agreement between the taxpayer and the Commissioner as to any variations from such general rule shall be effective only if incorporated in a closing agreement entered into under the provisions of section 7121. If no such agreement is entered into by the taxpayer and the Commissioner, then the consent filed on Form 982A shall (except as otherwise provided in this subparagraph) be deemed to be a consent to the application of such general rule, and such general rule shall apply in the determination of the basis of the taxpayer's property. If, however, the taxpayer specifically states on such form that it does not consent to the application of the general rule, then, in the absence of a closing agreement, the document filed shall not be deemed a consent within the meaning of section 1081 (b) (4).

§ 1.1082–4 *Basis of property acquired by corporation under section 1081 (a), 1081 (b), or 1081 (e) as contribution of capital or surplus, or in consideration for its own stock or securities.* If, in connection with an exchange of stock or securities for stock or securities as described in section 1081 (a), or an exchange of property for property as described in section 1081 (b), or an exchange as described in section 1081 (e), property is acquired by a corporation by the issuance of its stock or securities, the basis of such property shall be determined under section 1082 (b). If the corporation issued its stock or securities as part or sole consideration for the property acquired, the basis of the property in the hands of the acquiring corporation is the basis (adjusted to the date of the exchange) which the property would have had in the hands of the transferor if the transfer had not been made, increased in the amount of gain or decreased in the amount of loss recognized under section 1081 to the transferor upon the transfer. If any property is acquired by a corporation from a shareholder as paid-in surplus, or from any person as a contribution to capital, the basis of the property to the corporation is the basis (adjusted to the date of acquisition) of the property in the hands of the transferor.

§ 1.1082–5 *Basis of property acquired by shareholder upon tax-free distribution under section 1081 (c) (1) or (2).*—(a) *Stock or securities.* If there was distributed to a shareholder in a corporation which is a registered holding company or a majority-owned subsidiary company, stock or securities (other than stock or securities which are nonexempt property), and if by virtue of section 1081 (c) (1) no gain was recognized to the shareholder upon such distribution, then the basis of the stock in respect of which the distribution was made must be apportioned between such stock and the stock or securities so distributed to the shareholder. The basis of the old shares and the stock or securities received upon the distribution shall be determined in accordance with the following rules:

(1) If the stock or securities received upon the distribution consist solely of stock in the distributing corporation and the stock received is all of substantially the same character and preference as the stock in respect of which the distribution is made, the basis of each share will be the quotient of the cost or other basis of the old shares of stock divided by the total number of the old and the new shares.

(2) If the stock or securities received upon the distribution are in whole or in part stock in a corporation other than the distributing corporation, or are in whole or in part stock of a character or preference materially different from the stock in respect of which the distribution is made, or if the distribution consists in whole or in part of securities other than stock, the cost or other basis of the stock in respect of which the distribution is made shall be apportioned between such stock and the stock or securities distributed in proportion, as nearly as may be, to the respective values of each class of stock or security, old and new, at the time of such distribution, and the basis of each share of stock or unit of security will be the quotient of the cost or other basis of the class of stock or security to which such share or unit belongs, divided by the number of shares or units in the class. Within the meaning of this subparagraph, stocks or securities in one corporation are different in class from stocks or securities in another corporation, and, in general, any material difference in character or preference or

terms sufficient to distinguish one stock or security from another stock or security, so that different values may properly be assigned thereto, will constitute a difference in class.

(b) *Stock rights.* If there was distributed to a shareholder in a corporation rights to acquire common stock in a second corporation, and if by virtue of section 1081 (c) (2) no gain was recognized to the shareholder upon such distribution, then the basis of the stock in respect of which the distribution was made must be apportioned between such stock and the stock rights so distributed to the shareholder. The basis of such stock and the stock rights received upon the distribution shall be determined in accordance with the following:

(1) The cost or other basis of the stock in respect of which the distribution is made shall be apportioned between such stock and the stock rights distributed, in proportion to the respective values thereof at the time the rights are issued.

(2) The basis for determining gain or loss from the sale of a right, or from the sale of a share of stock in respect of which the distribution is made, will be the quotient of the cost or other basis, properly adjusted, assigned to the rights or the stock, divided, as the case may be, by the number of rights acquired or by the number of shares of such stock held.

(c) *Cross reference.* As to the basis of stock or securities distributed by one member of a system group to another member of the same system group, see § 1.1082–6 below.

§ 1.1082–6 *Basis of property acquired under section 1082 (d) in transactions between corporations of the same system group.* (a) If property was acquired by a corporation which is a member of a system group, from a corporation which is a member of the same system group, upon a transfer or distribution described in section 1081 (d) (1), then as a general rule the basis of such property in the hands of the acquiring corporation is the basis which such property would have had in the hands of the transferor if the transfer or distribution had not been made. Except as otherwise indicated in this section, this rule will apply equally to cases in which the consideration for the property acquired consists of stock or securities, money, and other property, or any of them, but it is contemplated that an ultimate true reflection of income will be obtained in all cases, notwithstanding any peculiarities in form which the various transactions may assume. See the example in § 1.1081–6.

(b) An exception to the general rule is provided for in case the property acquired consists of stock or securities issued by the corporation from which such stock or securities were received. If such stock or securities were the sole consideration for the property transferred to the corporation issuing such stock or securities, then the basis of the stock or securities shall be (1) the same as the basis (adjusted to the time of the transfer) of the property transferred for such stock or securities, or (2) the fair market value of such stock or securities at the time of their receipt, whichever is the lower. If such stock or securities constituted only part consideration for the property transferred to the corporation issuing such stock or securities, then the basis shall be an amount which bears the same ratio to the basis of the property transferred as the fair market value of such stock or securities on their receipt bears to the total fair market value of the entire consideration received, except that the fair market value of such stock or securities at the time of their receipt shall be the basis therefor, if such value is lower than such amount.

(c) The application of paragraph (b) of this section may be illustrated by the following examples:

*Example (1).* Suppose the A Corporation has property with an adjusted basis of $600,000 and, in an exchange in which section 1081 (d) (1) is applicable, transfers such property to the B Corporation in exchange for a total consideration of $1,000,000, consisting of (1) cash in the amount of $100,000, (2) tangible property having a fair market value of $400,000 and an adjusted basis in the hands of the B Corporation of $300,000, and (3) stock or securities issued by the B Corporation with a par value and a fair market value as of the date of their receipt in the amount of $500,000. The basis to the B Corporation of the property received by it is $600,000, which is the adjusted basis of such property in the hands of the A Corporation. The basis to the A Corporation of the assets (other than cash) received by it is as follows: Tangible property, $300,000, the adjusted basis of such property to the B Corporation, the former owner; stock or securities issued by the B Corporation, $300,000, an amount equal to 500,000/1,000,000ths of $600,000.

*Example (2).* Suppose that in example (1) the property of the A Corporation transferred to the B Corporation had an adjusted basis of $1,100,000 instead of $600,000, and that all other factors in the example remain the same. In such case the basis to the A Corporation of the stock or securities in the B Corporation is $500,000, which was the fair market value of such stock or securities at the time of their receipt by the A Corporation, because this amount is less than the amount established as 500,000/1,000,000ths of $1,100,000 or $550,000.

§ 1.1083 *Statutory provisions; exchanges and distributions in obedience to orders of the Securities and Exchange Commission; definitions.*

SEC. 1083. *Definitions*—(a) *Order of Securities and Exchange Commission.* For purposes of this part, the term "order of the Securities and Exchange Commission" means an order issued after May 28, 1938, by the Securities and Exchange Commission which requires, authorizes, permits, or approves transactions described in such order to effectuate section 11 (b) of the Public Utility Holding Company Act of 1935 (49 Stat. 820; 15 U. S. C. 79k (b)), which has become or becomes final in accordance with law.

(b) *Registered holding company; holding company system; associate company.* For purposes of this part, the terms "registered holding company", "holding company system", and "associate company" shall have the meanings assigned to them by section 2 of the Public Utility Holding Company Act of 1935 (49 Stat. 804; 15 U. S. C. 79b (a)).

(c) *Majority-owned subsidiary company.* For purposes of this part, the term "majority-owned subsidiary company" of a registered holding company means a corporation, stock of which, representing in the aggregate more than 50 percent of the total combined voting power of all classes of stock of such corporation entitled to vote (not including stock which is entitled to vote only on default or nonpayment of dividends or other special circumstances) is owned wholly by such registered holding company, or partly by such registered holding company and partly by one or more majority-owned subsidiary companies thereof, or by one or more majority-owned subsidiary companies of such registered holding company.

(d) *System group.* For purposes of this part, the term "system group" means one or more chains of corporations connected through stock ownership with a common parent corporation if—

(1) At least 90 percent of each class of the stock (other than (A) stock which is preferred as to both dividends and assets, and (B) stock which is limited and preferred as to dividends but which is not preferred as to assets but only if the total value of such stock is less than 1 percent of the aggregate value of all classes of stock which are not preferred as to both dividends and assets) of each of the corporations (except the common parent corporation) is owned directly by one or more of the other corporations; and

(2) The common parent corporation owns directly at least 90 percent of each class of the stock (other than stock, which is preferred as to both dividends and assets) of at least one of the other corporations; and

(3) Each of the corporations is either a registered holding company or a majority-owned subsidiary company.

(e) *Nonexempt property.* For purposes of this part, the term "nonexempt property" means—

(1) Any consideration in the form of evidences of indebtedness owed by the transferor or a cancellation or assumption of debts or other liabilities of the transferor (including a continuance of encumbrances subject to which the property was transferred);

(2) Short-term obligations (including notes, drafts, bills of exchange, and bankers' acceptances) having a maturity at the time of issuance of not exceeding 24 months, exclusive of days of grace;

(3) Securities issued or guaranteed as to principal or interest by a government or subdivision thereof (including those issued by a corporation which is an instrumentality of a government or subdivision thereof);

(4) Stock or securities which were acquired from a registered holding company or an associate company of a registered holding company which acquired such stock or securities after February 28, 1938, unless such stock or securities (other than obligations described as nonexempt property in paragraph (1), (2), or (3)) were acquired in obedience to an order of the Securities and Exchange Commission or were acquired with the authorization or approval of the Securities and Exchange Commission under any section of the Public Utility Holding Company Act of 1935 (49 Stat. 820; 15 U. S. C. 79k (b));

(5) Money, and the right to receive money not evidenced by a security other than an obligation described as nonexempt property in paragraph (2) or (3).

(f) *Stock or securities.* For purposes of this part, the term "stock or securities" means shares of stock in any corporation, certificates of stock or interest in any corporation, notes, bonds, debentures, and evidences of indebtedness (including any evidence of an interest in or right to subscribe to or purchase any of the foregoing).

§ 1.1083–1 *Definitions*—(a) *Order of the Securities and Exchange Commission.* (1) An order of the Securities and Exchange Commission as defined in section 1083 (a) must be issued after May 28, 1938 (the date of the enactment of the Revenue Act of 1938), and must be issued under the authority of section 11 (b) or 11 (e) of the Public Utility Holding Company Act of 1935 (15 U. S. C. 79k (b), (e)), to effectuate the provisions of section 11 (b) of such Act. In all cases the order must become or have become final in accordance with law; i. e., it must be valid, outstanding, and not subject to further appeal. See further sections 1083 (a) and 1081 (f).

(2) Section 11 (b) of the Public Utility Holding Company Act of 1935 provides:

(b) It shall be the duty of the Commission, as soon as practicable after January 1, 1938:

(1) To require by order, after notice and opportunity for hearing, that each registered holding company, and each subsidiary company thereof, shall take such action as the Commission shall find necessary to limit the operations of the holding-company system of which such company is a part to a single integrated public-utility system, and to such other businesses as are reasonably incidental, or economically necessary or appropriate to the operations of such integrated public-utility system: *Provided, however,* That the Commission shall permit a registered holding company to continue to control one or more additional integrated public-utility systems, if, after notice and opportunity for hearing, it finds that—

(A) Each of such additional systems cannot be operated as an independent system without the loss of substantial economies which can be secured by the retention of control by such holding company of such system;

(B) All of such additional systems are located in one State, or in adjoining States, or in a contiguous foreign country; and

(C) The continued combination of such systems under the control of such holding company is not so large (considering the state of the art and the area or region affected) as to impair the advantages of localized management, efficient operation, or the effectiveness of regulation. The Commission may permit as reasonably incidental, or economically necessary or appropriate to the operations of one or more integrated public-utility systems the retention of an interest in any business (other than the business of a public-utility company as such) which the Commission shall find necessary or appropriate in the public interest or for the protection of investors or consumers and not detrimental to the proper functioning of such system or systems.

(2) To require by order, after notice and opportunity for hearing, that each registered holding company, and each subsidiary company thereof, shall take such steps as the Commission shall find necessary to ensure that the corporate structure or continued existence of any company in the holding-company system does not unduly or unnecessarily complicate the structure, or unfairly or inequitably distribute voting power among security holders, of such holding-company system. In carrying out the provisions of this paragraph the Commission shall require each registered holding company (and any company in the same holding-company system with such holding company) to take such action as the Commission shall find necessary in order that such holding company shall cease to be a holding company with respect to each of its subsidiary companies which itself has a subsidiary company which is a holding company. Except for the purpose of fairly and equitably distributing voting power among the security holders of such company, nothing in this paragraph shall authorize the Commission to require any change in the corporate structure or existence of any company which is not a holding company, or of any company whose principal business is that of a public-utility company. The Commission may by order revoke or modify any order previously made under this subsection, if, after notice and opportunity for hearing, it finds that the conditions upon which the order was predicated do not exist. Any order made under this subsection shall be subject to judicial review as provided in section 24.

(3) Section 11 (e) of the Public Utility Holding Company Act of 1935 provides:

(e) In accordance with such rules and regulations or order as the Commission may deem necessary or appropriate in the public interest or for the protection of investors or consumers, any registered holding company or any subsidiary company of a registered holding company may, at any time after January 1, 1936, submit a plan to the Commission for the divestment of control, securities, or other assets, or for other action by such company or any subsidiary company thereof for the purpose of enabling such company or any subsidiary company thereof to comply with the provisions of subsection (b). If, after notice and opportunity for hearing, the Commission shall find such plan, as submitted or as modified, necessary to effectuate the provisions of subsection (b) and fair and equitable to the persons affected by such plan, the Commission shall make an order approving such plan; and the Commission, at the request of the company, may apply to a court, in accordance with the provisions of subsection (f) of section 18, to enforce and carry out the terms and provisions of such plan. If, upon any such application, the court, after notice and opportunity for hearing, shall approve such plan as fair and equitable and as appropriate to effectuate the provisions of section 11, the court as a court of equity may, to such extent as it deems necessary for the purpose of carrying out the terms and provisions of such plan, take exclusive jurisdiction and possession of the company or companies and the assets thereof, wherever located; and the court shall have jurisdiction to appoint a trustee, and the court may constitute and appoint the Commission as sole trustee, to hold or administer, under the direction of the court and in accordance with the plan therefore approved by the court and the Commission, the assets so possessed.

(b) *Registered holding company, holding-company system, and associate company.* (1) Under section 5 of the Public Utility Holding Company Act of 1935 (15 U. S. C. 79e), any holding company may register by filing with the Securities and Exchange Commission a notification of registration, in such form as the Commission may by rules and regulations prescribe as necessary or appropriate in the public interest or for the protection of investors or consumers. A holding company shall be deemed to be registered upon receipt by the Securities and Exchange Commission of such notification of registration. As used in this part, the term "registered holding company" means a holding company whose notification of registration has been so received and whose registration is still in effect under section 5 of the Public Utility Holding Company Act of 1935. Under section 2 (a) (7) of the Public Utility Holding Company Act of 1935 (15 U. S. C. 79b (a) (7)), a corporation is a holding company (unless it is declared not to be such by the Securities and Exchange Commission), if such corporation directly or indirectly owns, controls, or holds with power to vote 10 percent or more of the outstanding voting securities of a public-utility company (i. e., an electric utility company or a gas utility company as defined by such act) or of any other holding company. A corporation is also a holding company if the Securities and Exchange Commission determines, after notice and opportunity for hearing, that such corporation directly or indirectly exercises (either alone or pursuant to an arrangement or understanding with one or more other persons) such a controlling influence over the management or policies of any public-utility company (i. e., an electric utility company or a gas utility company as defined by such act) or holding company as to make it necessary or appropriate in the public interest or for the protection of investors or consumers that such corporation be subject to the obligations, duties, and liabilities imposed upon holding companies by the Public Utility Holding Company Act of 1935 (15 U. S. C. c. 2 C). An electric utility company is defined by section 2 (a) (3) of the Public Utility Holding Company Act of 1935 (15 U. S. C. 79b (a) (3)) to mean a company which owns or operates facilities used for the generation, transmission, or distribution of electrical energy for sale, other than sale to tenants or employees of the company operating such facilities for their own use and not for resale; and a gas utility company is defined by section 2 (a) (4) of such act (15 U. S. C. 79b (a) (4)), to mean a company which owns or operates facilities used for the distribution at retail (other than distribution only in enclosed portable containers, or distribution to tenants or employees of the company operating such facilities for their own use and not for resale) of natural or manufactured gas for heat, light, or power. However, under certain conditions the Securities and Exchange Commission may declare a company not to be an electric utility company or a gas utility company, as the case may be, in which event the company shall not be considered an electric utility company or a gas utility company.

(2) The term "holding company system" has the meaning assigned to it by section 2 (a) (9) of the Public Utility Holding Company Act of 1935 (15 U. S. C. 79b (a) (9)), and hence means any holding company, together with all its subsidiary companies (i. e., subsidiary companies within the meaning of section 2 (a) (8) of such act (15 U. S. C. 79b (a) (8)), which in general include all companies 10 percent of whose outstanding voting securities is owned directly or indirectly by such holding company) and all mutual service companies of which such holding company or any subsidiary company thereof is a member company. The term "mutual service company" means a company approved as a mutual service company under section 13 of the Public Utility Holding Company Act of 1935 (15 U. S. C. 79m). The term "member company" is defined by section 2 (a) (14) of such act (15 U. S. C. 79b (a) (14)), to mean a company which is a member of an association or group of companies mutually served by a mutual service company.

(3) The term "associate company" has the meaning assigned to it by section 2 (a) (10) of the Public Utility Holding Company Act of 1935 (15 U. S. C. 79b (a) (10)), and hence an associate company of a company is any company in the same holding-company system with such company.

(c) *Majority-owned subsidiary company.* The term "majority-owned subsidiary company" is defined in section 1083 (c). Direct ownership by a registered holding company of more than 50 percent of the specified stock of another corporation is not necessary to constitute such corporation a majority-owned subsidiary company. To illustrate, if the H Corporation, a registered holding company, owns 51 percent of the common stock of the A Corporation and 31 percent of the common stock of the B Corporation, and the A Corporation owns 20 percent of the common stock of the B Corporation (the common stock in each case being the only stock entitled to vote), both the A Corporation and the B Corporation are majority-owned subsidiary companies.

(d) *System group.* The term "system group" is defined in section 1083 (d) to mean one or more chains of corporations connected through stock ownership with a common parent corporation, if at least 90 percent of each class of stock (other than (1) stock which is preferred as to both dividends and assets, and (2) stock which is limited and preferred as to dividends but which is not preferred as to assets but only if the total value of such stock is less than 1 percent of the aggregate value of all classes of stock which are not preferred as to both dividends and assets) of each of the corporations (except the common parent corporation) is owned directly by one or more of the other corporations, and if the common parent corporation owns directly at least 90 percent of each class of stock (other than stock preferred as to both dividends and assets) of at least one of the other corporations; but no corporation is a member of a system group unless it is either a registered holding company or a majority-owned subsidiary company. While the type of stock which must, for the purpose of this definition, be at least 90 percent owned may be different from the voting stock which must be more than 50 percent owned for the purpose of the definition of a majority-owned subsidiary company under section 1083 (c), as a general rule both types of ownership tests must be met under section 1083 (d), since a corporation, in order to be a member of a system group, must also be a registered holding company or a majority-owned subsidiary company.

(e) *Nonexempt property.* The term "nonexempt property" is defined by section 1083 (e) to include—

(1) The amount of any consideration in the form of a cancellation or assumption of debts or other liabilities of the transferor (including a continuance of encumbrances subject to which the property was transferred). To illustrate, if in obedience to an order of the Securities and Exchange Commission the X Corporation, a registered holding company, transfers property to the Y Corporation in exchange for property (not nonexempt property) with a fair market value of $500,000, the X Corporation receives $100,000 of nonexempt property, if for example—

(i) The Y Corporation cancels $100,000 of indebtedness owed to it by the X Corporation;

(ii) The Y Corporation assumes an indebtedness of $100,000 owed by the X Corporation to another company, the A Corporation; or

(iii) The Y Corporation takes over the property conveyed to it by the X Corporation subject to a mortgage of $100,000.

(2) Short-term obligations (including notes, drafts, bills of exchange, and bankers' acceptances) having a maturity at the time of issuance of not exceeding 24 months, exclusive of days of grace.

(3) Securities issued or guaranteed as to principal or interest by a government or subdivision thereof (including those issued by a corporation which is an instrumentality of a government or subdivision thereof).

(4) Stock or securities which were acquired from a registered holding company which acquired such stock or securities after February 28, 1938, or an associate company of a registered holding company which acquired such stock or securities after February 28, 1938, unless such stock or securities were acquired in obedience to an order of the Securities and Exchange Commission (as defined in section 1083 (a)) or were acquired with the authorization or approval of the Securities and Exchange Commission under any section of the Public Utility Holding Company Act of 1935, and are not nonexempt property within the meaning of section 1083 (e) (1), (2), or (3).

(5) Money, and the right to receive money not evidenced by a security other than an obligation described as nonexempt property in section 1083 (e) (2) or (3). The term "the right to receive money" includes, among other items, accounts receivable, claims for damages, and rights to refunds of taxes.

(f) *Stock or securities.* The term "stock or securities" is defined in section 1083 (f) for the purposes of sections 1081 to 1083, inclusive. As therein defined, the term includes voting trust certificates and stock rights or warrants.

WASH SALES OF STOCKS OR SECURITIES

§ 1.1091 *Statutory provisions; losses from wash sales of stocks or securities; basis.*

SEC. 1091. *Loss from wash sales of stock or securities.*—(a) *Disallowance of loss deduction.* In the case of any loss claimed to have been sustained from any sale or other disposition of shares of stock or securities where it appears that, within a period beginning 30 days before the date of such sale or disposition and ending 30 days after such date, the taxpayer has acquired (by purchase or by an exchange on which the entire amount of gain or loss was recognized by law), or has entered into a contract or option so to acquire, substantially identical stock or securities, then no deduction for the loss shall be allowed under section 165 (c) (2); nor shall such deduction be allowed a corporation under section 165 (a) unless it is a dealer in stocks or securities, and the loss is sustained in a transaction made in the ordinary course of its business.

(b) *Stock acquired less than stock sold.* If the amount of stock or securities acquired (or covered by the contract or option to acquire) is less than the amount of stock or securities sold or otherwise disposed of, then the particular shares of stock or securities the loss from the sale or other disposition of which is not deductible shall be determined under regulations prescribed by the Secretary or his delegate.

(c) *Stock acquired not less than stock sold.* If the amount of stock or securities acquired (or covered by the contract or option to acquire) is not less than the amount of stock or securities sold or otherwise disposed of, then the particular shares of stock or securities the acquisition of which (or the contract or option to acquire which) resulted in the nondeductibility of the loss shall be determined under regulations prescribed by the Secretary or his delegate.

(d) *Unadjusted basis in case of wash sale of stock.* If the property consists of stock or securities the acquisition of which (or the contract or option to acquire which) resulted in the nondeductibility (under this section or corresponding provisions of prior internal revenue laws) of the loss from the sale or other disposition of substantially identical stock or securities, then the basis shall be the basis of the stock or securities so sold or disposed of, increased or decreased, as the case may be, by the difference, if any, between the price at which the property was acquired and the price at which such substantially identical stock or securities were sold or otherwise disposed of.

§ 1.1091–1 *Losses from wash sales of stock or securities.* (a) A taxpayer cannot deduct any loss claimed to have been sustained from the sale or other disposition of stock or securities if, within a period beginning 30 days before the date of such sale or disposition and ending 30 days after such date (referred to in this section as the 61-day period), he has acquired (by purchase or by an exchange upon which the entire amount of gain or loss was recognized by law), or has entered into a contract or option so to acquire, substantially identical stock or securities. However, this prohibition does not apply (1) in the case of a taxpayer, not a corporation, if the sale or other disposition of stock or securities is made in connection with the taxpayer's trade or business, or (2) in the case of a corporation, a dealer in stock or securities, if the sale or other disposition of stock or securities is made in the ordinary course of its business as such dealer.

(b) Where more than one loss is claimed to have been sustained within the taxable year from the sale or other disposition of stock or securities, the provisions of this section shall be applied to the losses in the order in which the stock or securities the disposition of which resulted in the respective losses were disposed of (beginning with the earliest disposition). If the order of disposition of stock or securities disposed of at a loss on the same day cannot be determined, the stock or securities will be considered to have been disposed of in the order in which they were originally acquired (beginning with the earliest acquisition).

(c) Where the amount of stock or securities acquired within the 61-day period is less than the amount of stock or securities sold or otherwise disposed of, then the particular shares of stock or securities the loss from the sale or other disposition of which is not deductible shall be those with which the stock or securities acquired are matched in accordance with the following rule: The stock or securities acquired will be matched in accordance with the order of their acquisition (beginning with the earliest acquisition) with an equal number of the shares of stock or securities sold or otherwise disposed of.

(d) Where the amount of stock or securities acquired within the 61-day period is not less than the amount of stock or securities sold or otherwise disposed of, then the particular shares of stock or securities the acquisition of which resulted in the nondeductibility of the loss shall be those with which the stock or securities disposed of are matched in accordance with the following rule: The stock or securities sold or otherwise disposed of will be matched with an equal number of the shares of stock or securities acquired in accordance with the order of acquisition (beginning with the earliest acquisition) of the stock or securities acquired.

(e) The acquisition of any share of stock or any security which results in the nondeductibility of a loss under the provisions of this section shall be disregarded in determining the deductibility of any other loss.

(f) The word "acquired" as used in this section means acquired by purchase or by an exchange upon which the entire amount of gain or loss was recognized by law, and comprehends cases where the taxpayer has entered into a contract or option within the 61-day period to acquire by purchase or by such an exchange.

(g) The following examples illustrate the application of this section:

*Example (1).* A, whose taxable year is the calendar year, on December 1, 1954, purchased 100 shares of common stock in the M Company for $10,000 and on December 15, 1954, purchased 100 additional shares for $9,000. On January 3, 1955, he sold the 100 shares purchased on December 1, 1954, for $9,000. Because of the provisions of section 1091, no loss from the sale is allowable as a deduction.

*Example (2).* A, whose taxable year is the calendar year, on September 21, 1954, purchased 100 shares of the common stock of the M Company for $5,000. On December 21, 1954, he purchased 50 shares of substantially identical stock for $2,750, and on December 27, 1954, he purchased 25 additional shares of such stock for $1,125. On January 3, 1955, he sold for $4,000 the 100 shares purchased on September 21, 1954. There is an indicated loss of $1,000 on the sale of the 100 shares. Since, within the 61-day period, A purchased 75 shares of substantially identical stock, the loss on the sale of 75 of the shares ($3,750−$3,000, or $750) is not allowable as a deduction because of the provisions of section 1091. The loss on the sale of the remaining 25 shares ($1,250−$1,000, or $250) is deductible subject to the limitations provided in sections 267 and 1211. The basis of the 50 shares purchased December 21, 1954, the acquisition of which resulted in the nondeductibility of the loss ($500) sustained on 50 of the 100 shares sold on January 3, 1955, is $2,500 (the cost of 50 of the shares sold on January 3, 1955) + $750 (the difference between the purchase price ($2,750) of the 50 shares acquired on December 21, 1954, and the selling price ($2,000) of 50 of the shares sold on January 3, 1955), or $3,250. Similarly, the basis of the 25 shares purchased on December 27, 1954, the acquisition of which resulted in the nondeductibility of the loss ($250) sustained on 25 of the shares sold on January 3, 1955, is $1,250+$125, or $1,375. See § 1.1091–2.

*Example (3).* A, whose taxable year is the calendar year, on September 15, 1954, purchased 100 shares of the stock of the M Company for $5,000. He sold these shares on February 1, 1956, for $4,000. On each of the four days from February 15, 1956, to February 18, 1956, inclusive, he purchased 50 shares of substantially identical stock for $2,000. There is an indicated loss of $1,000 from the sale of the 100 shares on February 1, 1956, but, since within the 61-day period A purchased not less than 100 shares of substantially identical stock, the loss is not deductible. The particular shares of stock the purchase of which resulted in the nondeductibility of the loss are the first 100 shares purchased within such period, that is, the 50 shares purchased on February 15, 1956, and the 50 shares purchased on February 16, 1956. In determining the period for which the 50 shares purchased on February 15, 1956, and the 50 shares purchased on February 16, 1956, were held, there is to be included the period for which the 100 shares purchased on September 15, 1954, and sold on February 1, 1956, were held.

§ 1.1091–2 *Basis of stocks or securities acquired in "wash sales".* The application of section 1091 (d) may be illustrated by the following examples:

*Example (1).* A purchased a share of common stock of the X Corporation for $100 in 1935, which he sold January 15, 1955, for $80. On February 1, 1955, he purchased a share of common stock of the same corporation for $90. No loss from the sale is recognized under section 1091. The basis of the new share is $110; that is, the basis of the old share ($100) increased by $10, the excess of the price at which the new share was acquired ($90) over the price at which the old share was sold ($80).

*Example (2).* A purchased a share of common stock of the Y Corporation for $100 in 1935, which he sold January 15, 1955, for $80. On February 1, 1955, he purchased a share of common stock of the same corporation for $70. No loss from the sale is recognized under section 1091. The basis of the new share is $90; that is, the basis of the old share ($100) decreased by $10, the excess of the price at which the old share was sold ($80) over the price at which the new share was acquired ($70).

[SEAL] RUSSELL C. HARRINGTON,
*Commissioner of Internal Revenue.*

Approved: May 28, 1956.

DAN THROOP SMITH,
*Special Assistant to the Secretary in Charge of Tax Policy.*

[F. R. Doc. 56-4308; Filed, June 1, 1956; 8:45 a. m.]



## TITLE 49—TRANSPORTATION

### Chapter I—Interstate Commerce Commission

**Subchapter B—Carriers by Motor Vehicle**

[Ex Parte No. MC–40]

PART 193—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

QUALIFICATIONS AND MAXIMUM HOURS OF SERVICE AND EMPLOYEES OF MOTOR CARRIERS AND SAFETY OF OPERATIONS AND EQUIPMENT

At a general session of the Interstate Commerce Commission held at its office in Washington, D. C., on the 21st day of May A. D. 1956.

It appearing that pursuant to our continuing study of the Motor Carrier Safety Regulations and the effectiveness thereof, we issued a notice of proposed rule making, dated November 10, 1955 (20 F. R. 8547; 21 F. R. 39), for the purpose of imposing, at the earliest practicable date, additional regulations with respect to safeguards against parts failures in motor vehicles braking systems;

It further appearing that pursuant to such notice and the invitation contained therein persons desiring to participate in the proceeding have submitted written statements containing data, views, and arguments in connection with the scope and text of a rule which the public interest requires;

And it further appearing that a full investigation of the matters and things, within the scope of our notice of November 10, 1955, having been made in accordance with section 4 of the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1003) and full consideration having been given the revisions proposed and the data, views, and arguments of interested persons with respect thereto, and the Commission on the date hereof having made and filed a supplemental report herein setting forth the general basis and purpose of the rules adopted, which report and the report and order dated April 14, 1952, are hereby referred to and made a part hereof.

*It is ordered,* That effective June 30, 1956, §§ 193.43, 193.50, and 193.51 of the Motor Carrier Safety Regulations, Revision of 1952 (49 C. F. R. 193.43, 193.50, and 193.51) be, and they are hereby, amended by substituting the following rules in lieu of those which are now in effect:

§ 193.43 *Breakaway and emergency braking.* (a) Every full trailer, semi-trailer and pole trailer required to be equipped with brakes, except motor vehicles engaged in driveaway-towaway operations, shall be equipped with brakes of such a character as to be applied automatically and promptly upon breakaway from the towing vehicle, and means shall be provided to maintain application of the brakes on the trailer in such a case for at least 15 minutes. Air brake systems installed on towed vehicles manufactured after August 31, 1956, shall be so designed, by the use of "no-bleed-back" relay-emergency valves or equivalent devices, that the supply reservoir used to provide air for brakes shall be safeguarded against backflow of air from the reservoir through the supply line. On and after January 1, 1957, every truck or truck-tractor if used to tow a trailer equipped with brakes, shall be equipped with means for providing that in case of breakaway of such trailer, the service brakes on the towing vehicle will be sufficiently operative to stop the towing vehicle. Every truck or truck-tractor equipped with air brakes, the date of manufacture of which is subsequent to August 31, 1956, and every truck or truck-tractor equipped with air brakes on and after January 1, 1957, when used to tow another vehicle equipped with full air

brakes, in operations other than driveaway or towaway, shall in addition to the above be equipped with two means of activating the emergency features of the trailer brakes. One of these means shall operate automatically in the event of reduction of the towing vehicle air supply to a fixed pressure which shall be not lower than 20 pounds per square inch nor higher than 45 pounds per square inch. The other means shall be a manually controlled device readily operable by a person seated in the driving seat, and its emergency position or method of operation shall be clearly indicated. In no instance may the manual means be so arranged as to permit its use to prevent operation of the automatic means. The automatic and manual means of application required by this section may be, but are not required to be, separate.

(b) Every truck-tractor and truck used for towing other vehicles equipped with vacuum brakes, in operations other than driveaway and towaway on and after January 1, 1957, shall have, in addition to the single controlled by § 193.49 to operate all brakes of the combination, a second control device independent of brake air, hydraulic, or other pressure and independent of other controls, which can be used to operate the brakes on the towed vehicles in emergencies. Such second control is not required by this rule to provide modulated or graduated braking.

§ 193.50 *Reservoirs required.* Every bus, truck, and truck-tractor, the date of manufacture of which is subsequent to June 30, 1953, and which is equipped with an air or vacuum brake system, shall be equipped with reserve capacity or a reservoir sufficient to insure a brake application capable of stopping the vehicle within the stopping distance requirements of § 193.52 in the event the engine stops. No such reserve capacity or reservoir shall be required on single vehicles if the braking system is so designed and installed as to provide for application of the service brakes through hydraulic or mechanical means in event of failure of the air or vacuum system or the source of supply of such systems. In addition, every truck-tractor and every truck used for towing other vehicles shall when equipped with air or vacuum reservoirs as required by this section, and regardless of date of manufacture, have such air or vacuum reservoirs so safeguarded by a check valve or equivalent device that in the event of failure or leakage in its connection to the source of compressed air or vacuum the air or vacuum supply in the reservoir shall not be depleted by the leak or failure.

§ 193.51 *Warning devices.* Every bus, truck, and truck-tractor equipped with an air brake system, and on and after January 1, 1957, every truck-tractor and every truck used for towing a vehicle required to have brakes, if the brakes are vacuum-operated, shall be provided with either an audible or visible warning signal to indicate readily to the driver any loss or lack of air or vacuum sufficient to prevent the vehicle from being stopped. A gage indicating pressure or vacuum shall not be deemed to be an adequate means of satisfying this requirement.

Notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission, Washington, D. C., and by filing a copy thereof with the Director, Division of the Federal Register.

(49 Stat. 546, as amended; 49 U. S. C. 304)

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56-4320; Filed, June 1, 1956; 8:48 a. m.]

## TITLE 43—PUBLIC LANDS: INTERIOR

### Chapter I—Bureau of Land Management, Department of the Interior

**Appendix—Public Land Orders**

[Public Land Order 1301]

[590299]

ALASKA

TRANSFERRING LAND RESERVED BY EXECUTIVE ORDER NO. 2347 OF MARCH 21, 1916, FROM ALASKA NATIVE SERVICE TO BUREAU OF LAND MANAGEMENT FOR PUBLIC RECREATIONAL PURPOSES

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public land in Alaska, which was withdrawn by Executive Order No. 2347 of March 21, 1916, from settlement, location, entry, and all forms of disposal and reserved for use of the Alaska Native Service as a fishing site, is hereby transferred from the Alaska Native Service to the Bureau of Land Management for public recreational purposes:

SEWARD MERIDIAN

T. 16 N., R. 3 W.,
Sec. 34, NE¼NE¼.

The area described contains 40 acres.

WESLEY A. D'EWART, *Assistant Secretary of the Interior.*

MAY 28, 1956.

[F. R. Doc. 56-4315; Filed, June 1, 1956; 8:47 a. m.]

[Public Land Order 1302]

[69921]

ALASKA

EXCLUDING CERTAIN TRACTS FROM CHUGACH NATIONAL FOREST AND RESTORING THEM FOR PURCHASE AS HOMESITES

By virtue of the authority vested in the President by section 1 of the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The following-described tracts of public land in Alaska, occupied as homesites and identified by surveys of which plats and field notes are on file in the Bureau of Land Management, are hereby excluded from the Chugach National Forest, Alaska, as hereinafter indicated, and restored, subject to valid existing rights, for purchase as homesites under section 10 of the act of May 14, 1898, as amended by the act of May 26, 1934 (48 Stat. 809; 48 U. S. C. 461):

U. S. Survey No. 2757, lot 6, 2.25 acres; latitude 60°55'26" N., longitude 149°39'20" W. (Homesite No. 78, Porcupine Group).

U. S. Survey No. 2533, lot G, 3.84 acres; latitude 60°21'28" N., longitude 149°21'20" W. (Homesite No. 85, Lakeview Group).

U. S. Survey No. 2520, lot D, 4.37 acres; latitude 60°24'26" N., longitude 149°22' W. (Homesite No. 149, Fall Creek Group).

WESLEY A. D'EWART, *Assistant Secretary of the Interior.*

MAY 28, 1956.

[F. R. Doc. 56-4316; Filed, June 1, 1956; 8:47 a. m.]

[Public Land Order 1303]

[1023169]

IDAHO

REVOKING EXECUTIVE ORDER NO. 3684 OF MAY 25, 1922, WHICH WITHDREW LANDS FOR USE BY STATE OF IDAHO NATIONAL GUARD AS RIFLE RANGE

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Executive Order No. 3684 of May 25, 1922, temporarily withdrawing the unsurveyed islands belonging to the United States situated in section 7, T. 3 S., R. 35 E., Boise Meridian, for use by the State of Idaho National Guard as a rifle range, is hereby revoked.

The released lands lie approximately west of the Town of Blackfoot, Idaho, at an elevation of about 4,475 feet. Generally, the lands are typical river-bottom type with modest surface undulation due to some cutting during high-water periods. Vegetative cover is primarily of cottonwood trees, willows, briars, and some sagebrush with understory of grass. The land, which is within Idaho Grazing District No. 3, is valuable for the grazing of livestock.

No application for the restored lands may be allowed under the homestead, desert-land, small tract, or any other non-mineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any existing valid rights and the requirements of applicable law, the lands are hereby opened to filing of such applications, selections, and locations as are permitted on unsurveyed lands in accordance with the following:

a. Applications and selections which are permitted on unsurveyed lands under the non-mineral public-land laws and applications and offers under the mineral-leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having preference rights conferred by existing laws or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284 as amended), presented prior to 10:00 a. m. on July 3, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications after that hour and before 10:00 a. m. on October 2, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public-land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral-leasing laws, presented prior to 10:00 a. m. on October 2, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral-leasing laws, and to location for metalliferous minerals. They will be open to location for non-metalliferous minerals under the United States mining laws beginning at 10:00 a. m. on October 2, 1956.

Persons claiming veterans preference rights under paragraph (2) above must enclose with their application proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon statutory preference or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Boise, Idaho.

WESLEY A. D'EWART, *Assistant Secretary of the Interior.*

MAY 28, 1956.

[F. R. Doc. 56-4317; Filed, June 1, 1956; 8:47 a. m.]



# PROPOSED RULE MAKING

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[ 50 CFR Part 6 ]

MIGRATORY BIRDS AND CERTAIN GAME MAMMALS

NOTICE OF PROPOSED RULE MAKING

Pursuant to section 4 (a) of the Adminstrative Procedure Act, approved June 11, 1946 (60 Stat. 237), notice is hereby given that the Director, Fish and Wildlife Service, proposes to recommend the adoption by the Secretary of the Interior, under authority contained in section 3 of the Migratory Bird Treaty Act of July 3, 1918, as amended (40 Stat. 755; 16 U. S. C. 704), of amendments to Part 6, Title 50, Code of Federal Regulations, which will specify open seasons, certain closed seasons, means of hunting, shooting hours, and bag limits for migratory game birds.

The proposed amendments specifying open seasons and bag limits for migratory game birds, except waterfowl and coots (but including scoter, eider and old-squaw ducks in open coastal waters beyond outer harbor lines in certain North Atlantic Coast States and waterfowl and coots in Alaska), and those relating to other matters will be proposed for final adoption not later than August 1, 1956 to become effective September 1, 1956. Proposed amendments specifying open seasons, bag limits, and shooting hours for other waterfowl and coots will be proposed for adoption not later than September 1, 1956 to become effective not later than October 1, 1956.

The public is hereby invited to participate in the preparation of the amended regulations to be adopted as set forth above by submitting their views, data or arguments in writing to the Director, Fish and Wildlife Service, Department of the Interior, Washington 25, D. C., within the period of thirty (30) days from the date of publication of this notice in the FEDERAL REGISTER.

Dated: May 28, 1956.

JOHN L. FARLEY, *Director.*

[F. R. Doc. 56-4326; Filed, June 1, 1956; 8:49 a. m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[ 7 CFR Part 51 ]

SHELLED RUNNER TYPE PEANUTS, SHELLED SPANISH TYPE PEANUTS, AND SHELLED VIRGINIA TYPE PEANUTS

ADDITIONAL TIME FOR FILING DATA, VIEWS, OR ARGUMENTS RELATIVE TO STANDARDS

Proposed United States Standards for Shelled Runner Type Peanuts, United States Standards for Shelled Spanish Type Peanuts and United States Standards for Shelled Virginia Type Peanuts were set forth in the notices which were published in the FEDERAL REGISTER of April 18, 1956 (21 F. R. 2529, 21 F. R. 2530, and 21 F. R. 2531, respectively).

In consideration of comments and suggestions received indicating the need for further study of the proposals, notice is hereby given of an additional period of time until June 15, 1956, within which written data, views, or arguments may be received from interested parties for consideration in connection with the aforesaid proposed United States Standards for Shelled Runner Type Peanuts, United States Standards for Shelled Spanish Type Peanuts, and United States Standards for Shelled Virginia Type Peanuts.

Dated: May 28, 1956.

[SEAL] F. R. BURKE, *Acting Deputy Administrator, Marketing Services.*

[F. R. Doc. 56-4314; Filed, June 1, 1956; 8:47 a. m.]

[ 7 CFR Parts 927, 990 ]

[Docket Nos. AO-71-A-32, AO-284]

HANDLING OF MILK IN NEW YORK METROPOLITAN MARKETING AREA AND IN NORTHERN NEW JERSEY

SUPPLEMENTAL NOTICE OF HEARING

Notice was issued on May 18, 1956, and published in the FEDERAL REGISTER on May 25, 1956 (21 F. R. 3537), of a public hearing beginning on June 18, 1956, at Newark, New Jersey, on proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area, and on a proposed marketing agreement and order regulating the handling of milk in the Northern New Jersey milk marketing area.

Notice is hereby given, pursuant to provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and orders (7 CFR Part 900), that, in addition to the proposed expansion of the present New York metropolitan milk marketing area as set forth in the said notice of May 18,

1956, evidence also will be received regarding the proposed expansion of the said marketing area to include all or a portion of the following additional counties in the State of New York, Chenango, Columbia, Cortland, Delaware, Essex, Greene, Hamilton, Otsego, Schoharie, Schuyler, Steuben, Warren, Washington, Yates, and the towns of Lewis, Leyden and West Turin in Lewis County. All or a portion of this additional territory has been proposed by one or more handlers engaged in distribution within the proposed territory set forth in the notice of May 18, 1956. Also, in addition to the proposals set forth in the said notice of May 18, 1956, evidence will be received with respect to the proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area. The additional proposals contained in this supplemental notice have not received the approval of the Secretary of Agriculture.

Additional proposals are as follows:

Proposed by Kingston Milk Dealers Association:

Base-Rating Plan: The establishment of a base-rating plan to provide an incentive to produce milk for expanded summer market needs.

Location Differentials: The elimination of location differentials and revision of transportation differentials along the lines recommended by the Case Committee.

Proposed by Prospect Dairy, Inc., of Stamford, New York:

Base-Rating Plan: Establish a base-rating plan for summer milk to provide equal incentive to produce milk according to market needs.

Location Differentials: Amend § 927.60 (f) by adding to the list of New York counties the counties of Ulster, Delaware, and Greene, and exclude the list of plant locations. As an alternative, eliminate location differentials and revise transportation differentials as recommended by the Case Committee.

Proposed by Albany Dairy Council, Inc.:

Producer-Dealers: That the order apply to all dealers who have a pasteurizing plant or delivery system, including producer-dealers.

Proposed by Richardson and Fellows on behalf of producer-dealers in the Syracuse area:

Producer-Dealers: Provide for complete or partial exemption of producers-dealers from provisions of the order.

Proposed by the Borden Company, Northeast District, Troy, New York:

Producer-Dealers: That all producer-dealers be included under the order without any exceptions.

Proposed by Adler's Creamery:

Classification: Amend § 927.37 (e) (4) by eliminating the words "during the months of March through July" and the words "outside the marketing area."

Copies of this supplemental notice of hearing may be procured from the Market Administrator, 205 East 42d Street, New York 17, New York, or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: May 29, 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator.*

[F. R. Doc. 56-4351; Filed, June 1, 1956; 8:55 a. m.]



## [ 7 CFR Part 964 ]

[Docket No. AO 258-A 1]

### HANDLING OF DRIED FIGS PRODUCED IN CALIFORNIA

NOTICE OF HEARING WITH RESPECT TO PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the tenth floor auditorium, Pacific Gas and Electric Building, 1401 Fulton Street, Fresno, California, beginning at 10:00 a. m. P. d. s. t., June 11, 1956, with respect to proposed amendments to the marketing agreement and order (20 F. R. 1685), regulating the handling of dried figs produced in California. These proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing will be held for the purpose of receiving evidence with respect to the proposed amendments which are hereinafter set forth, or appropriate modifications thereof.

The following amendments have been proposed by Mr. Charles C. Taylor of California Fig Growers and Packers, Fresno, California, and Mr. M. P. Davison of Bonner Packing Company, Fresno, California, handlers of dried figs:

1. Amend the provisions of § 964.90 (c) (2) by deleting the last sentence thereof and substituting therefor the following: "The committee shall, for each season or portion thereof, determine and advise handlers of the varieties or blends of varieties of dried figs for which head count tests are required to assure compliance with the provisions of this subdivision."

This proposal raises the issue as to whether it would be better to delete the last sentence of § 964.90 (c) (2) and not substitute any provision therefor. It also raises the question as to whether it would be desirable to insert the word "or" between "sliced dried figs" and "for manufacture" in the first sentence of § 964.90 (c) (2).

2. Amend the provisions of § 964.21 (a) to read as follows:

§ 964.21 *Selection of members of the committee*—(a) *Terms of office of members.* The 10 members and their respective alternates shall be selected annually by the Secretary for a term of one year beginning June 1 and shall serve until their respective successors shall be selected and shall qualify; and in the event the committee shall nominate an eleventh member he may be selected by the Secretary to serve for one year beginning July 1.

* * * * *

This proposal raises the question as to whether it would be desirable to delete the provisions of § 964.21 (b) and (c) and substitute therefor the following:

(b) *Selection of members.* Selection of the 10 members of the committee, and their respective alternates, shall be made by the Secretary, for the producer and handler groups from the nominations submitted for that purpose by those groups, or from among other qualified persons, in the discretion of the Secretary, but such selections shall be made upon the basis of the representation provided for in §§ 964.22, 964.23, and 964.25.)

3. Amend the provisions of § 964.24 (a) to read as follows:

§ 964.24 *Nomination of producer members of the committee*—(a) *Nomination meetings.* Nominations for producer members and alternate producer members of the committee shall be made at a meeting or meetings of producers held in each of the foregoing districts. Such meetings shall be called by the committee at such times and at such places within such districts as the committee shall designate, prior to May 1 of each year. The producers at each of such meetings shall select a chairman and secretary therefor. After nominations have been made, the committee shall transmit forthwith to the Secretary its certificate showing the name of each person for whom votes have been cast, whether as a member or as alternate for a member, and the number of votes received by each such person.

4. Amend the provisions of § 964.26 to read as follows:

§ 964.26 *Nomination of handler members.* The committee shall cause to be held each year prior to May 1, a meeting or meetings of handlers affected by this part for the purpose of obtaining nominations of persons to serve as handler members and alternate members of the committee.

5. Amend the provisions of § 964.34 (c), *Voting requirements,* by adding at the end thereof a new provision as follows: "The committee may vote by mail or telegraph, but any proposition to be so voted upon first shall be explained accurately, fully and identically by mail or telegraph to all members. A unanimous vote of all members or alternates acting in the place and stead of members shall be required to reach a decision on a mail or telegraphic vote. No action to establish volume regulation under § 964.55 of this subpart can be taken on the basis of a mail or telegraphic vote."

This proposal raises the question as to whether it would be desirable to insert the words "for an assembled meeting" between the words "quorum" and "of" in the one sentence of § 964.34 (b). It also raises the question as to whether it would be desirable to insert the words "at an assembled meeting" between the words "committee" and "including" in the first sentence of § 964.34 (c).



The following amendment is proposed by the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture:

6. Make such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing may be obtained from the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., W. Allmendinger, Oakland Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, 1515 Clay Street, 6th Floor, Oakland 12, California, or O. C. Fuqua, Fresno Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, 3529 E. Tulare Street, Fresno 2, California.

Dated: May 28, 1956.

[SEAL] F. R. BURKE,
*Acting Deputy Administrator, Marketing Services.*

[F. R. Doc. 56-4313; Filed, June 1, 1956; 8:47 a. m.]

## Agricultural Research Service

## [ 9 CFR Parts 4, 16, 17, 18, 24, 27 ]

### MEAT INSPECTION REGULATIONS

NOTICE OF PROPOSED AMENDMENTS

Notice is hereby given in accordance with the provisions of section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)) that the Department of Agriculture, pursuant to the authority conferred by the Meat Inspection Act, as amended (21 U. S. C. 71-91) and section 306 of the Tariff Act of 1930 (19 U. S. C. 1306) is considering amending the Meat Inspection Regulations appearing in 9 CFR Chapter I, Subchapter A, as amended, as follows:

1. Section 4.3 would be amended by the addition of a new paragraph (d) as follows:

(d) A certificate of exemption will be issued only in one name at one location. A certificate will not be issued if any business is transacted at the location in the name of anyone other than the applicant for the certificate of exemption, for example, in the name of a parent company, subsidiary, or tenant of the applicant.

2. Section 16.13 (b) would be amended to read as follows:

(b) Meat food products in casings, other than sausage, which possess the characteristics of or resemble sausage, shall bear on each link or piece the word "imitation" prominently displayed: *Provided,* That such products in casings as coppa, capocollo, lachschinken, bacon, pork loins, pork shoulder butts, and similar cuts of meat which are prepared without added substances other than curing materials or condiments, and meat rolls, bockwurst, and similar products in casings which do not contain cereal or vegetables, and headcheese, souse, sulze, scrapple, blood pudding, and liver pudding in casings need not be so marked; other products in casings such as loaves, chili con carne, and meat and cheese products when prepared with sufficient cheese to give definite characteristics to the finished products, may bear on each link or piece the true name of the product in lieu of the word "imitation"; and imitation sausage packed in properly labeled containers having a capacity of 1 pound or less and of a kind usually sold at retail intact, need not bear the word "imitation" on each link or piece if no other marking or labeling is applied to the product.

3. Section 16.13 (c) would be amended by deleting the references to "dried skim milk" wherever they appear and substituting therefor references to "non-fat dry milk solids".

4. Section 16.13 (e), (f), and (g) would be redesignated as § 16.13 (f), (g), and (h), the reference in redesignated paragraph (g) to paragraph (e) would be changed to refer to paragraph (f), and a new paragraph (e) would be added to read:

(e) When approved antioxidant type preservatives are added to unsmoked dry sausage in casings, the product shall be legibly and conspicuously marked in an approved manner to show the presence and the percentage amount of such ingredients.

5. Redesignated § 16.13 (f) would be amended by changing the portion thereof preceding the proviso to read: "A cloth bag, artificial casing, or similar container of sausage or other product of a size larger than that customarily sold at retail intact shall be printed with the mark of inspection and any other marks required under paragraphs (b) through (e) of this section, near each end of the product, so as to be clearly visible to the consumer:"

6. Section 16.15 (a) would be amended by changing the portion of the second sentence preceding the illustration of the domestic meat label to read: "The domestic meat label shall be 2¾ by 4 inches in size and shall be in form and substance as illustrated below, except that the name and address of the establishment, or the name only, may be printed on the label, at the bottom thereof:"

Section 16.15 (a) would be further amended by adding after said illustration the following sentence: "The domestic meat label shall be printed with black ink on white paper of good quality, except that in the case of fiberboard shipping containers it may be printed directly on such containers in black ink on any color background, except green, which offers sufficient contrast so that it is prominently and informatively displayed."

7. In § 17.2 the following would be inserted in paragraph (b) as a new proviso preceding what is now the first proviso: *"Provided,* That in lieu of showing the inspection legend and the establishment number in such form, in the case of large size fiberboard immediate containers a domestic meat label may be printed directly on such containers in size, form and substance as provided in § 16.15 (a) of this subchapter for use on fiberboard shipping containers."

Section 17.2 would be further amended by the addition of a new paragraph (f):

(f) Meat and meat food products packaged in consumer size impervious film containers which are usually displayed in self-service refrigerated counters shall have a statement such as "Keep Refrigerated" prominently displayed on the principal display panel of the label.

8. Section 17.8 (c) (9) would be amended to read as follows:

(9) Product (other than canned product) labeled with the term "loaf" as its name or part of its name shall be prepared in loaf form.

9. Section 17.8 (c) (16), (27), (32), (39), and (48) would be amended by deleting the references to "dried skim milk" wherever they appear and substituting therefor references to "non-fat dry milk solids."

10. Section 17.8 (c) (55) would be amended to read as follows:

(55) Product labeled "Chopped Ham," "Pressed Ham," "Chopped Ham With Natural Juices," and "Pressed Ham With Natural Juices," may contain finely chopped ham shank meat to the extent of 25 percent over that normally present in the boneless ham. The weight of the cured chopped ham prior to processing shall not exceed the weight of the fresh uncured ham, exclusive of the bones and fat removed in the boning operations, plus the weight of the curing ingredients and 3 percent moisture.

11. Section 17.8 (c) would be amended by the addition of a new subparagraph (56) as follows:

(56) When approved proteolytic enzymes are used on steaks or other meat cuts which are frozen or cooked within the official establishment where they are produced, there shall appear on the labels of the frozen or cooked cuts, contiguous to the name of the products, a prominent descriptive statement such as "Dipped in a Solution of Papain," to indicate the use of such enzymes.

12. Section 18.6 (a) (5) would be amended to read as follows:

(5) Casings for products shall be carefully inspected by Branch employees. Only those casings which have been carefully washed and thoroughly flushed with clean water immediately before stuffing, are suitable for containers, are clean, and are passed on such inspection shall be used, except that preflushed animal casings packed in salt or salt and glycerine solution or other approved medium may be used without additional flushing provided they are found to be clean and otherwise acceptable and are thoroughly rinsed before use.

13. Section 18.7 (b) would be amended to read as follows:

(b) There may be added to product, with appropriate declaration as required under Parts 16 and 17 of this subchapter,

common salt, approved sugars (sucrose (cane or beet sugar), maple sugar, dextrose, invert sugar, honey, corn syrup solids, corn syrup and glucose), wood smoke, vinegar, flavorings, spices, sodium nitrate, sodium nitrite, potassium nitrate (saltpeter) and potassium nitrite.

14. Section 18.7 (g) would be amended by deleting the reference to "dried skim milk" and substituting therefor a reference to "non-fat dry milk solids."

15. Section 18.7 would be amended by the addition of new paragraphs (q), (r), (s), and (t).

(q) Corn syrup solids, corn syrup, or glucose shall not be used individually or collectively in an amount exceeding 2 percent of all of the ingredients used in preparing such meat food products as sausage, hamburger, meat loaf, luncheon meat, chopped ham, or pressed ham.

(r) Disodium phosphate, sodium hexametaphosphate, sodium tripolyphosphate, sodium pyrophosphate, and sodium acid pyrophosphate, may be added to the pumping pickle for cured hams, pork shoulder picnics and similar products, and may be used in the preparation of canned chopped ham, provided such use shall not result in more than ½ of 1 percent of added phosphate in the finished product and provided that the maximum amount of such phosphate which may be so used is as follows:

(1) Pumping pickle shall not contain more than 5 percent of such phosphate. When dissolved in pumping pickle, a small quantity of a crystalline precipitate material may be formed. Such pickle shall be filtered or the precipitate allowed to settle so that only the clear solution is injected into product.

(2) With appropriate declaration as required under Parts 16 and 17 of this subchapter, such phosphate may be used in the preparation of canned chopped ham in an amount not to exceed 8 ounces for each 100 pounds of the fresh uncured comminuted ham.

(s) Ascorbic acid or sodium ascorbate may be used in the preparation of cured pork and beef products and comminuted meat food products as follows:

(1) Pickle used for pumping, curing, or packing pork and beef products shall not contain more than 7½ ounces of ascorbic acid or sodium ascorbate to each 100 gallons of pickle.

(2) With appropriate declaration as required under Parts 16 and 17 of this subchapter, ascorbic acid or sodium ascorbate may be used in the preparation of cooked, cured, comminuted meat food products in amounts not to exceed ¾ ounce of ascorbic acid or ⅞ ounce of sodium ascorbate for each 100 pounds fresh meat or meat food product. A solution containing not more than 5 percent ascorbic acid or sodium ascorbate in water or brine may be applied to the outer surface of sliced or unsliced cured pork and beef products and comminuted meat food products prior to packaging. The use of such solution shall not result in the addition of a significant amount of moisture to the product.

(t) With appropriate declaration as required under Parts 16 and 17 of this subchapter, not more than 3/1000 of 1 percent of butylated hydroxyanisole and 1/1000 of 1 percent of citric acid may be used in unsmoked dry sausage which is held during preparation in a drying room for purposes of trichinae treatment for the periods prescribed in this subchapter.

16. Section 18.10 (a) and (b) would be amended to read as follows:

(a) All forms of fresh pork, including fresh unsmoked sausage containing pork muscle tissue, and pork such as bacon and jowls, other than those covered by paragraph (b) of this section, are classed as products that are customarily well cooked in the home or elsewhere before being served to the consumer. Therefore, the treatment of such products for the destruction of trichinae is not required.

(b) Products named in this paragraph, and products of the character thereof, containing pork muscle tissue (including hearts, pork stomachs and pork livers), or the pork muscle tissue which forms an ingredient of such products, shall be effectively heated, refrigerated, or cured at a federally inspected establishment to destroy any possible live trichinae: Bologna; frankfurts; viennas; smoked sausage; knoblauch sausage; mortadella; all forms of summer or dried sausage, including mettwurst; cooked loaves; roasted, baked, boiled, or cooked hams, pork shoulders, or pork shoulder picnics; Italian-style hams; Westphalia-style hams; smoked boneless pork shoulder butts; cured meat rolls; capocollo (capicola, capacola); coppa; fresh or cured boneless pork shoulder butts, hams, loins, shoulders, picnics, and similar pork cuts, in casings or other containers in which ready-to-eat delicatessen articles are customarily enclosed (excepting Scotch-style hams); frozen breaded pork products over ½ inch in thickness; cured boneless pork loins; boneless back bacon; smoked pork cuts such as hams, shoulders, loins and picnics (excepting smoked hams and smoked pork shoulder picnics which are specially prepared for distribution in tropical climates or smoked hams delivered to the Armed Services). Cured boneless pork loins shall be subjected to prescribed treatment for destruction of trichinae prior to being shipped from the establishment where cured.

17. In § 18.10 (c) (2), the fifth and sixth undesignated paragraphs would be amended to read as follows:

During the period of refrigeration the product shall be kept separate from other products and in the custody of the Branch. Rooms or compartments equipped for being made secure with Branch lock or seal shall be provided. The rooms or compartments containing product undergoing freezing shall be equipped with accurate thermometers placed at or above the highest level at which the product undergoing treatment is stored and away from refrigerating coils. After completion of the prescribed freezing of pork to be used in the preparation of product covered by paragraph (b) of this section, the pork shall be kept under close supervision of an inspector until it is prepared in finished form as one of the products enumerated in paragraph (b) of this section, or until it is transferred under Branch control to another establishment for preparation in such finished form.

Pork which has been refrigerated as specified in this subparagraph may be transferred in sealed railroad cars, sealed motortrucks, sealed trailers, or sealed closed containers to another official establishment at the same or another station, for use in the preparation of product covered by paragraph (b) of this section. The sealing of closed containers, such as boxes and slack barrels, shall be effected by cording and affixing thereto Branch seals, and such containers as tierces and kegs shall be held in Branch custody by sealing with wax impressed with a Branch metal brand. Railroad cars, motortrucks, and trailers shall when necessary, be sealed with Branch car seals. Properly sealed and marked closed containers may be shipped with other meat in unsealed railroad cars, motortrucks, and trailers. Containers such as boxes, barrels and tierces shall be plainly and conspicuously marked with a label or stencil furnished by the establishment, as follows: "Pork product -- degrees F. -- days' refrigeration," indicating the temperature at which the product was refrigerated and the length of time so treated. For each consignment there shall be promptly issued and forwarded to the inspector in charge at destination a report on the form entitled "Notice of Unmarked Meats Shipped In Sealed Cars," appropriately modified to show the character of the containers, and that the contents are "Pork product -- degrees F. -- days' refrigeration." A duplicate copy shall be retained in the station file.

18. Section 24.4 (b) would be amended to read as follows:

(b) *France.* Pork livers which have not been refrigerated at a temperature of 15° below 0° C. for twenty (20) days are eligible for importation into France only when destined to pate de foie factories.

19. Section 24.5 (b) would be amended to read as follows:

(b) Form MI 415–5 shall be issued in duplicate for animal casings destined to Australia, Austria, Canada, Poland and the Union of South Africa. Upon the request of the exporter, Form MI 415–5 may be issued to cover animal casings destined to any foreign country if the factual knowledge available justifies such certification.

20. In § 24.5, paragraph (i) would be deleted and paragraphs (d), (e), (f), (g), and (h) would be redesignated respectively as (e), (f), (g), (i), and (j) and new paragraphs (d) and (h) would be added as follows:

5 (d) *Belgium.* Containers of animal casings destined to Belgium shall be marked with the blue export animal casing stamp (MI 415–7). Each exportation shall be covered by a "Sanitary Certificate in French" (MI 412–8) with the words "Animal Casings" substituted for the word "Products". The certificate shall bear the serial number of the export animal casings stamps used. Nodular casings shall be described on the certificate as "Nodular (not clear)".

* * * * * *

(h) *Ireland.* Containers of animal casings consigned to Ireland shall be marked with the regular export stamp (MI 412–10). Each exportation shall be covered by a certificate in the form of MI 415–5.

21. Part 27 would be amended by the addition of a new section reading as follows:

§ 27.21 *Specimens for laboratory examination and similar purposes.* The provisions in this part do not apply to specimens of product for laboratory examination, research or similar purposes when authorized importation by the Chief of the Branch under conditions specified by him, but the Chief of the Branch may not authorize the importation of fresh, chilled or frozen or other product ineligible for importation into the United States from countries in which the contagious and communicable disease of rinderpest or foot-and-mouth disease exist.

Any person who wishes to submit written data, views or arguments concerning the proposed amendments may do so by filing them with the Chief, Meat Inspection Branch, Agricultural Research Service, United States Department of Agriculture, Washington 25, D. C., within 30 days after the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 28th day of May 1956.

[SEAL] M. R. CLARKSON,
*Acting Administrator,*
*Agricultural Research Service.*

[F. R. Doc. 56-4353; Filed, June 1, 1956; 8:55 a. m.]



# NOTICES

## DEPARTMENT OF THE TREASURY

### Bureau of Customs

[424.21]

PROVISION FOR FLAT LEATHER GOODS TO INCLUDE SHEATHS FOR MAP MEASURES

TARIFF CLASSIFICATION

MAY 28, 1956.

The Bureau by a letter addressed to the collector of customs at New York, New York, has ruled that sheaths made of leather other than reptile leather, designed for use in holding map measures, are classifiable under the provision for "similar flat leather goods" in paragraph 1531, Tariff Act of 1930, as modified, with duty at the rate of 20 percent ad valorem, rather than under the provision for "other" manufactures in chief value of leather other than reptile leather in that same paragraph with duty at the rate of 12½ percent ad valorem.

As this decision results in the assessment of duty at a rate of duty higher than that which has heretofore been assessed under a uniform practice, it shall be applied only to such or similar merchandise entered, or withdrawn from warehouse, for consumption after 90 days after the date of publication of this decision in the weekly Treasury Decisions.

[SEAL] RALPH KELLY,
*Commissioner of Customs.*

[F. R. Doc. 56-4339; Filed, June 1, 1956; 8:51 a. m.]

### Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1956, Supp. 138]

FULTON INSURANCE CO.

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

MAY 28, 1956.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the act of Congress approved July 30, 1947, 6 U. S. C. secs. 6–13, as an acceptable surety on Federal bonds. An underwriting limitation of $428,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D. C.

Name of company, location of principal executive office and State in which incorporated: New York; The Fulton Insurance Company, New York.

[SEAL] W. RANDOLPH BURGESS,
*Acting Secretary of the Treasury.*

[F. R. Doc. 56-4340; Filed, June 1, 1956; 8:52 a. m.]

## DEPARTMENT OF COMMERCE

### Office of the Secretary

[Dept. Order 159 (Amended)]

OFFICE OF INTERNATIONAL TRADE FAIRS

ESTABLISHMENT, AUTHORITY, FUNCTIONS, AND DUTIES

The material appearing in 20 F. R. 905–906 of 2/11/55 is superseded by the following:

SECTION 1. *Purpose.* The purpose of this order is to redefine the organization and functions of the Office of International Trade Fairs.

SEC. 2. *Establishment and organization.* .01 The Office of International Trade Fairs was established on January 27, 1955 by the Secretary of Commerce under the authority of Reorganization Plan No. 5 of 1950. It is a constituent unit of the Office of the Secretary and is headed by a Director who reports to the Assistant Secretary of Commerce for International Affairs.

.02 The Office of International Trade Fairs consists of the following organization units:

1. The Office of the Director; Deputy Director; Assistant Directors.
2. Executive Officer.
3. Public Information Staff.
4. Procurement and Distribution Division.
5. Design Division.
6. Research and Program Division.

SEC. 3. *Delegation of authority.* .01 Subject to such policies and limitations as the Secretary of Commerce may prescribe, the Director of the Office of International Trade Fairs shall perform the functions and exercise the power and authorities relating to the promotion of United States international trade, through the medium of international trade fairs, vested in the Secretary of Commerce by the act of February 14, 1903 (32 Stat. 826), as amended.

.02 The Director of the Office of International Trade Fairs may redelegate any power or authority conferred on him by this order to any officer of the Office of International Trade Fairs to be exercised in accordance with such conditions and limitations as he may prescribe.

SEC. 4. *Objective and general functions.* The objective of the Office of International Trade Fairs is to foster and promote the foreign commerce of the United States through the medium of international trade fairs. To this end, the Office shall:

1. Cooperate with United States business and industry to stimulate a wider use of the international trade fair abroad as a medium for the promotion of commerce and for the maintenance of the prestige of United States industry in foreign markets, by stimulating and facilitating display of American products by individual companies at such international trade fairs; and

2. Coordinate, plan, design, establish, and maintain industry-government exhibits at selected international trade fairs abroad for the purpose of displaying official interest in such fairs and of strengthening total United States participation in specific events.

SEC. 5. *Duties and responsibilities.* .01 The Director shall be responsible for developing and coordinating the programs, and directing all operations and administrative activities of the Office of International Trade Fairs.

1. The Deputy Director shall be the chief operating aide to the Director and shall assist in the direction of the operations of the Office of International Trade Fairs and perform such other duties as the Director may assign.

2. The Assistant Directors shall be the personal representatives of the Director in assigned areas of operations for the International Trade Fairs Program. They shall be responsible for coordinating all trade fair operations within the geographic area involved and supervise the activities of the trade fair managers to insure the maximum effectiveness of U. S. participation at each trade fair. There shall be an Assistant Director for European fair operations and an Assistant Director for Near East and Far East fair operations. The Assistant Directors are also responsible for arranging the storage and warehousing of all U. S. exhibit material whether government-owned or on loan from private sources.

.02 The Executive Officer shall assist the Director in fulfilling his responsibilities for administrative efficiency and economy in the Office of International Trade Fairs; secure all necessary administrative services for the Office through the appropriate offices reporting to the Assistant Secretary of Commerce for Administration; and review and coordinate all outgoing foreign communications of the Office for policy, content and construction.

.03 The Public Information Staff prepares news releases and maintains liaison with the daily and trade press and other media of public communications; promotes U. S. industry participation in the International Trade Fairs Program through contact with industrial and trade association groups; and makes available to the public current information on the operations of the Trade Fairs Program.

.04 The Procurement and Distribution Division shall be responsible for securing exhibits and displays appropriate to the theme of individual trade fairs; and for the assembly of all such materials for dispatch from U. S. Ports; procuring through direct contact with industrial and business concerns specific items of equipment necessary for use in any aspect of the U. S. exhibit and arranging for the proper safeguarding of all equipment and related materials to the point of shipment; directing the movements abroad of all exhibit materials and equipment; and maintaining necessary inventory control records of all such items until final disposition.

.05 The Design Division is responsible for advance planning for trade fair designs, recommends to the Director for his consideration exterior and interior building designs, supervises the preparation of specifications and preliminary drawings, ascertains for the Director that design and construction contracts are let well in advance of opening dates of fairs and that work is completed on time and in accordance with specifications.

.06 The Research and Program Division shall be responsible for assembling and analyzing all pertinent information necessary for the selection of proper themes and contents for all fairs. To this end the Division shall solicit the advice of country and area specialists in the Commerce, State, Agriculture and other U. S. Government departments, Embassies, USIA Staff and comments and suggestions from businessmen, designers and organizations such as the Advertising Council. Through the device of an Interagency Committee the Division will determine the nature of participation at selected fairs and prepare recommendations on these subjects for consideration by the Director. The Research and Program Division will also be responsible for controlling the distribution of budgets to fair managers and the Procurement and Distribution Division. It will maintain records for the control of all fair expenditures to assure maximum effectiveness within budget limitations.

Effective date: May 16, 1956.

SINCLAIR WEEKS,
*Secretary of Commerce.*

[F. R. Doc. 56-4310; Filed, June 1, 1956; 8:45 a. m.]

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[Dept. Order 163]

NATIONAL DEFENSE EXECUTIVE RESERVE

ESTABLISHMENT AND ADMINISTRATION

SECTION 1. *Purpose.* The purpose of this order is to provide for the establishment and administration of the National Executive Reserve in the Department of Commerce.

SEC. 2. *Legal basis*—.01 *Statute.* Section 710 (e) of the Defense Production Act of 1950, as amended August 9, 1955 (69 Stat. 583; 50 U. S. C. App. 2160 (e)), authorizes the President to provide for the establishment and training of a nucleus executive reserve for employment in executive positions in Government during periods of emergency.

.02 *Executive order.* Executive Order No. 10660, of February 15, 1956, established the National Defense Executive Reserve; authorized the Director of the Office of Defense Mobilization to institute and administer the Executive Reserve Program and to coordinate the activities of other agencies in establishing units of the Reserve; and authorized the heads of departments and agencies designated by the Director of the Office of Defense Mobilization to establish units of the Executive Reserve and to select and designate persons to serve as members of the units.

.03 *Defense Mobilization Order.* Defense Mobilization Order No. I-21 (File: I-Gen-DMO-21), dated February 23, 1956, provides among other things that departments and agencies of the Executive Branch having major mobilization responsibilities are authorized to establish units of the Executive Reserve, select and designate members of such units, and institute programs for their training.

.04 *Letter from Director, Office of Defense Mobilization.* A letter from the Director, Office of Defense Mobilization, dated February 24, 1956, designates the Department of Commerce as an agency authorized to establish a unit of the Reserve.

SEC. 3. *Definitions.* .01 The Executive Reserve is an organization composed of persons selected from various segments of the civilian economy and from Government who are to be trained for assignment to executive positions in the Federal Government during periods of emergency.

.02 An Executive Reservist is a member of the National Defense Executive Reserve.

.03 The Department of Commerce Unit of the National Defense Executive Reserve shall consist of all units of the National Defense Executive Reserve established in the several primary organization units of the Department.

SEC. 4. *Policy and delegation of authority.* .01 It is the policy of the Department of Commerce to establish and maintain, where appropriate, an Executive Reserve unit as part of the manpower mobilization base for national security in each primary organization unit having major mobilization responsibilities. The head of each such primary organization unit is hereby delegated authority to establish an Executive Reserve unit. In the Office of the Secretary this authority will be exercised by the Assistant Secretary for Administration.

.02 Each primary organization unit establishing a Reserve unit in the Department of Commerce shall establish a training program which shall include but not be limited to orientation sessions, continuous and up-to-date information on the government organization and program planned in the event of mobilization, and information to keep the Reservist fully abreast of developments in his field which affect the capacity of the United States to mobilize its resources in an emergency. The training programs will be carried out at Washington and regional levels as appropriate and will include actual participation in the testing of mobilization plans at relocation sites to the extent feasible.

.03 Activities of persons by reason of designation to the Executive Reserve shall not include acting or advising on any matter pending before any department or agency of the Government but shall be limited to receiving training for mobilization assignments under the Executive Reserve Program.

.04 The number of Executive Reservists will be limited to those for which there is a demonstrable need in the essential mobilization functions for which the primary organization unit is responsible.

.05 Members of these Reserve units shall be representative of all of the major segments of the economy concerned with the major mobilization responsibilities of the primary unit. They may include persons now serving in Government on a full- or part-time basis.

.06 Specific qualification standards must be established by each primary organization unit for selection of Executive Reservists. Candidates for the Executive Reserve will be selected on the basis of each individual's (a) qualifications to perform the duties and responsibilities of a contemplated mobilization assignment and (b) likelihood of being available in the event of full mobilization.

.07 Reservists will be chosen to serve in major functional and industry areas, e. g., priorities and directives, copper, lumber, metalworking equipment, etc., and will not as a rule be selected for specific positions. Exceptions to this principle would include cases where it is deemed desirable to have predesignated executive talent in depth to man top level administrative posts.



SEC. 5. *Administration.* .01 The Executive Reserve Program of the Department of Commerce shall be under the supervision of the Assistant Secretary of Commerce for Administration, who will be responsible for the conduct of the program.

.02 In order to carry out his responsibilities under this program, the Assistant Secretary for Administration will utilize the services of such other personnel of the Department as may be necessary or desirable and will issue such regulations and instructions as he may deem appropriate for this purpose.

.03 The Assistant Secretary of Commerce for Administration and the Administrator, Business and Defense Services Administration, have been named to serve as members of the Interagency Executive Reserve Committee of the Office of Defense Mobilization. The Assistant Secretary for Administration shall coordinate all liaison with the Office of Defense Mobilization relating to the Reserve Program.

.04 Each primary organization unit is authorized and directed to prescribe, after clearance with the appropriate Under Secretary or Assistant Secretary and with the Assistant Secretary for Administration, such operating procedures and instructions not inconsistent with this order as may be necessary or desirable to execute the general purposes of this order in the light of their individual operating requirements.

.05 In the interest of practical operation as well as in the interest of economy, the program shall be set up in such a way that it functions automatically to the maximum extent possible, using existing material and information channels and existing staff. The administrative procedures involved in the program shall be integrated with the existing administrative procedures for current operations.

.06 Each primary organization unit establishing a unit in the Executive Reserve is responsible for avoiding the issuance of invitations to persons already in the Reserve and avoiding excessive Government demands on a single employer. To assist agencies in carrying out this objective, a central register of Reserve members will be maintained by the Civil Service Commission for reference. Each primary organization unit designating a person as a member of the Reserve must notify the Commission of such designation. Each primary organization unit contemplating recruitment of a person into the Reserve shall first check with the Civil Service Commission to see whether the person has already been designated a member of the Reserve.

.07 Insofar as practicable, in order to maintain sound relationships with employers, the consent of a proposed Reservist's employer will be obtained prior to negotiations with the proposed Reservist himself, except for former employees of the National Production Authority or of the Business and Defense Services Administration.

.08 Prior to designation as a member of the Reserve, each proposed designee must submit a statement of understanding as to availability, with the formal concurrence of his employer.

.09 When the proposed Reservist has held a security clearance from this Department within the preceding year, the formal invitation to become a member and the designation as a member of the Reserve may be issued, if otherwise in order. When the proposed Reservist has not held a security clearance from this Department within the preceding year, no designation nor any commitment as to designation shall be made pending the receipt of such clearance.

.10 Designations as members of the Reserve will be made by the Secretary, on recommendation of the head of the primary organization unit concerned and the Assistant Secretary for Administration.

.11 Under existing law Reservists are not, by reason of designation as such, subject to any requirement relating to filing or publication of statements of financial interests.

.12 With respect to training activities under the Reserve program, as limited by Executive Order No. 10660 and stated in section 4 of this order, Reservists who are not full-time Government employees shall be exempt from the operation of sections 281, 283, 284, 434, and 1914 of Title 18, United States Code, and section 190 of the Revised Statutes (5 U. S. C. 99).

.13 Each Reservist will file an appropriate waiver of compensation in connection with or as a part of his statement of understanding.

.14 Members of the Executive Reserve who are not full-time Government employees may be authorized transportation and not to exceed $15 per diem in lieu of subsistence while away from their homes or regular places of business for the purpose of participating in the Executive Reserve training program.

.15 Records and reports, the forms and procedures relating to designation of Reservists, and conducting liaison with the Civil Service Commission will be prescribed in instructions to be issued by or with the approval of the Assistant Secretary for Administration.

SEC. 6. *Report.* Heads of the primary organization units will be responsible for the preparation of such reporting material as required by the Assistant Secretary for Administration for inclusion in the annual report from the Secretary to the Director, Office of Defense Mobilization, regarding the organization, training, and state of readiness of the Department of Commerce Unit of the Executive Reserve, indicating its size, composition, and representation, together with recommendations thereon.

Effective date: May 16, 1956.

SINCLAIR WEEKS,
*Secretary of Commerce.*

[F. R. Doc. 56-4311; Filed, June 1, 1956; 8:46 a. m.]

## DEPARTMENT OF THE INTERIOR

### National Park Service

[Order 22]

SUPERINTENDENT, GRAND TETON NATIONAL PARK

DELEGATION OF AUTHORITY TO ENTER INTO CONTRACTS

MAY 28, 1956.

The Superintendent, Grand Teton National Park, is authorized to enter into, on behalf of the United States, contracts not in excess of $200,000 each, for the purchase of lands, or interests in lands, within Grand Teton National Park, upon prior approval by the Director of a maximum price to be paid for the lands, or interests in lands.

(Secretary's Order No. 2640, as amended; 5 U. S. C., 1952 ed., sec. 22)

[SEAL] CONRAD L. WIRTH,
*Director.*

[F. R. Doc. 56-4318; Filed, June 1, 1956; 8:48 a. m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 7626]

INTRA-MAR SHIPPING CORP., ET AL.; ENFORCEMENT CASE

NOTICE OF POSTPONEMENT OF HEARING

In the matter of Intra-Mar Shipping Corp., Intra-Mar Agency, Inc., Intra-Mar Transport Corp., Intra-Mar Shipping (Columbia) Ltda., Ernest R. Binder, Ernest Seiler, and Southern Air Transport, Inc., enforcement proceeding.

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that the hearing in the above-entitled matter now assigned for June 12, has been postponed to June 25, 1956, 10:00 a. m., e. d. s. t., Room 1512, Temporary Building No. 4, Seventeenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Leslie G. Donahue.

Dated at Washington, D. C., May 29, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56-4359; Filed, June 1, 1956; 8:57 a. m.]

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[Docket No. 7751]

SOUTHEAST AIRLINES AGENCY, INC.

NOTICE OF POSTPONEMENT OF HEARING

In the matter of Southeast Airlines Agency, Inc., a Florida corporation; South East Airlines Agency Corporation, a New York corporation; Southeast Airlines Agency, Inc., a Michigan corporation; Detroit Southeast Agency, Inc., a Michigan Corporation; Atlantic Aircoach Agency, Inc., a Florida corporation; Atlantic Aircoach Agency of Illinois, Inc., an Illinois corporation, enforcement proceeding.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of

1938, as amended, that the hearing in the above-entitled proceeding now assigned to be held on June 4, 1956, is postponed to June 25, 1956, 10:00 a. m., e. d. s. t., in Room 5855, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before Examiner John A. Cannon.

Dated at Washington, D. C., May 29, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56-4358; Filed, June 1, 1956; 8:57 a. m.]

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[Docket No. 7902]

CAPITAL GAINS PROCEEDING

NOTICE OF POSTPONEMENT OF PREHEARING CONFERENCE

Notice is hereby given that the prehearing conference in the above-entitled investigation now assigned for June 4, is postponed to June 6, 1956, 10:00 a. m., e. d. s. t., Room 1512, Temporary Building No. 4, Seventeenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Paul N. Pfeiffer.

Dated at Washington, D. C., May 28, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56-4357; Filed, June 1, 1956; 8:57 a. m.]

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[Docket No. 7913]

TRANSPORTES AEREOS NACIONALES, S. A.

NOTICE OF PREHEARING CONFERENCE

In the matter of the complaint and petition of Transportes Aereos Nacionales, S. A. against certain excursion fares between points in the U. S. A. and points in Peru, Bolvia, Rio de Janeiro, Brazil and points south thereof as published in the tariff of R. C. Lounsbury, Agent, C. A. B. No. 258 effective April 23, 1956.

Notice is hereby given pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that a prehearing conference in the above-entitled matter is assigned to be held on June 15, 1956, at 10:00 a. m., e. d. s. t., in Room 1512, Temporary Building No. 4, Seventeenth Street and Constitution Avenue NW., Washington, D. C., before Examiner John A. Cannon.

Dated at Washnigton, D. C., May 29, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56-4360; Filed, June 1, 1956; 8:57 a. m.]

## INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 29, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32142: *Sugar—Western points to Illinois, Iowa, and Missouri.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on sugar, beet or cane, carloads from specified points in Colorado, Idaho, Montana, Oregon, Utah, Washington, and Wyoming to specified points in Iowa, Illinois, and Missouri.

Grounds for relief: Market competition, grouping and circuitous routes.

Tariffs: Supplement 11 to Agent Prueter's I. C. C. A-4099; supplement 14 to Agent Prueter's I. C. C. 1574.

FSA No. 32143: *Fertilizer solutions, between Illinois and official territories.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on nitrogen and phosphatic fertilizer solutions, tank-car loads between points in Illinois territory (southern portion), as described, on one hand, and points in central trunk-line and New England territories, on the other.

Grounds for relief: Short-line distance formula, and circuity.

Tariff: Supplement 37 to Agent Hinsch's I. C. C. 4662.

FSA No. 32144: *Substituted service—Motor-rail-motor, Pennsylvania Railroad.* Filed by Central States Motor Freight Bureau, Inc., Agent, for interested motor carriers and the Pennsylvania Railroad Company. Rates on various articles of freight loaded in or on motor-truck trailers and transported on railroad flat cars, between Indianapolis, Ind., on one hand, and Pittsburgh, Pa., on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 1 to Central States Motor Freight Bureau, tariff I. C. C. No. 25.

FSA No. 32145: *Substituted service—Motor-rail-motor, Pennsylvania Railroad.* Filed by Central States Motor Freight Bureau, Inc., for interested motor carriers and the Pennsylvania Railroad Company. Rates on various articles of freight loaded in motor-truck trailers and transported on railroad flat cars, between Chicago, Ill., on one hand, and Pittsburgh, Pa., on the other.

Grounds for relief: Motor truck competition.

Tariff: Supplement 1 to Central States Motor Freight Bureau, tariff I. C. C. No. 25.

FSA No. 32146: *Steel or wrought iron pipe from Fairless, Pa., to Louisiana.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on steel or wrought iron pipe, and related articles, carloads from Fairless, Pa., to specified points in Louisiana.

Grounds for relief: Circuitous routes.

Tariff: Supplement 77 to Agent Kratzmeir's I. C. C. 4116.

FSA No. 32147: *Wooden barrels—Arkansas and Missouri to Kentucky, Illinois, and Tennessee.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on barrels, new wooden, light, carloads, from Little Rock, Ark., and Lebanon, Mo., to specified points in Kentucky, Illinois, and Tennessee.

Grounds for relief: Carrier competition and circuity.

FSA No. 32148: *Cottonseed products—Pacific Coast to Chattanooga, Tenn.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on cotton linters and motes, and cottonseed hull fibre or shavings, carloads, from points on and in the Pacific coast area to Chattanooga, Tenn.

Grounds for relief: Circuitous routes.

Tariff: Supplement 15 to Agent Prueter's I. C. C. 1574.

FSA No. 32149: *Vegetable oils—Memphis, Tenn., to Cincinnati, Ohio.* Filed by J. G. Kerr, Agent, for interested rail carriers. Rates on vegetable oils, carloads, from Memphis, Tenn., to Cincinnati, Ohio.

Grounds for relief: Circuitous routes.

Tariff: Supplement 54 to Agent Spaninger's I. C. C. 1411.

FSA No. 32150: *Grain and products to Colorado.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on grain, grain products, and related articles, including seeds, carloads, from Council Bluffs, Iowa, St. Joseph and Kansas City, Mo., and specified points in Kansas and Nebraska to specified points in Colorado.

Grounds for relief: Grouping and circuity.

Tariffs: Supplement 64 to CB&Q RR I. C. C. No. 20259 and three other tariffs.

By the Commission.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F. R. Doc. 56-4319; Filed, June 1, 1956; 8:48 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File Nos. 24D-1273, 24D-2069]

CHEROKEE URANIUM MINING CORP.

ORDER TEMPORARILY SUSPENDING AND DENYING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

MAY 28, 1956.

I. Cherokee Uranium Mining Corporation (hereinafter referred to as the "issuer"), 608-610 Equitable Building, Denver, Colorado, for the purposes of obtaining exemptions from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder, filed with the Commission on May 27, 1954, a Notification on Form 1-A and an offering circular, and subsequently filed amendments thereto, relating to a proposed offering of 2,000,000 shares of its 1 cent par value common stock at 15 cents per share (said filing hereinafter being referred to as File No. 24D-1273) and issuer filed with the Commission on April 5, 1956, a further notification on Form 1-A and an offering circular relating to a proposed offering of $180,000 principal amount of 6 percent convertible debentures (said filing being hereinafter referred to as File No. 24D-2069).



II. The Commission has reasonable grounds to believe that the terms and conditions of Regulation A have not been complied with in that item 3 of the notification in both File No. 24D-1273 and File No. 24D-2069 is false and incomplete as to unregistered securities of the issuer and affiliates sold within one year of the respective dates of filing.

III. The Commission has reasonable grounds to believe that the offering of 6 percent debentures, convertible into shares of common stock at the rate of 400 shares per $100 of debentures as proposed by the issuer in File No. 24D-2069, would operate under the circumstances as a device, scheme and artifice to defraud because it appears, among other things, that the issuer is insolvent and that the common stock is without value.

IV. The Commission has reasonable grounds to believe that the notification and offering circular in File No. 24D-2069 contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made in light of the circumstances under which they were made not misleading, particularly in that:

1. The issuer failed to disclose that since most of the proceeds from the proposed offering of securities are to be used to pay off mortgages and other indebtedness including bank loans, there may not be sufficient funds available for a profitable operation of its business and, therefore, that the issuer may not be in a position to satisfy the interest requirements on the debentures to be issued or provide for their ultimate redemption; and

2. The stated expectations of profitable operations are not justified by existing data.

V. *It is ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended as to File No. 24D-1273 and temporarily denied as to File No. 24D-2069.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension and denial should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

*It is further ordered*, That this Order and Notice shall be served upon Cherokee Uranium Mining Corporation, personally or by registered mail or by confirmed telegraphic notice and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 56-4342; Filed, June 1, 1956; 8:52 a. m.]

[File No. 811-697]

BOSTON SECURITIES CO.

NOTICE OF FILING OF APPLICATION FOR ORDER DECLARING COMPANY HAS CEASED TO BE AN INVESTMENT COMPANY

MAY 28, 1956.

In the matter of Boston Securities Company (formerly Nu-Petro Corporation) (File No. 811-697).

Notice is hereby given that Boston Securities Company, formerly named Nu-Petro Corporation, a registered closed-end, non-diversified company, has filed an amended application pursuant to section 8 (f) of the Investment Company Act of 1940 for an order declaring that applicant has ceased to be an investment company.

The following representations are made:

Applicant has only five shareholders. Applicant is not making and does not presently propose to make a public offering of its securities. An application to withdraw its registration statement under the Securities Act of 1933 was filed with the Commission on January 24, 1956.

Applicant has amended its certificate of incorporation to have as an additional corporate purpose, among other things, the carrying on of a general brokerage and financial business.

Applicant has succeeded to the business of Boston Securities Company, a sole proprietorship, registered as a broker and dealer under section 15 (d) of the Securities Exchange Act of 1934. Applicant proposes to file with the Commission a successor broker-dealer application pursuant to Rule N-15B-4 of the rules and regulations under that act and is filing an application as a broker and dealer under section 15 (b) of the Securities Exchange Act of 1934, and proposes to engage primarily in the business of underwriting and distributing securities and acting as a broker.

On the basis of the foregoing, applicant declares that it is not an investment company (1) by reason of the exception provided in section 3 (c) (1) of the act since its outstanding securities are owned by not more than 100 persons, and it is not making and does not presently propose to make a public offering of its securities and (2) by reason of the exception provided by section 3 (c) (2) of the act it will be engaged primarily in the business of underwriting and distributing securities issued by other persons and acting as broker.

Section 8 (f) of the act provides, in part, that whenever the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than June 15, 1956, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 56-4344; Filed, June 1, 1956; 8:53 a. m.]

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[File No. 70-3475]

MILWAUKEE GAS LIGHT CO. AND AMERICAN NATURAL GAS CO.

ORDER GRANTING APPLICATION AND PERMITTING EFFECTIVENESS TO DECLARATION REGARDING PROPOSED ISSUANCE AND SALE BY SUBSIDIARY COMPANY OF REGISTERED HOLDING COMPANY OF FIRST MORTGAGE BONDS AT COMPETITIVE BIDDING; INCREASE OF AUTHORIZED NUMBER OF SHARES OF COMMON STOCK; AND ISSUANCE AND SALE BY SUBSIDIARY COMPANY AND ACQUISITION BY PARENT COMPANY OF ADDITIONAL SHARES OF COMMON STOCK

MAY 28, 1956.

Milwaukee Gas Light Company ("Milwaukee"), a public-utility company, and its parent, American Natural Gas Company ("American Natural"), a registered holding company, having filed with this Commission a joint application-declaration and amendments thereto under the Public Utility Holding Company Act of 1935 ("act"), pursuant to sections 6 (a), 6 (b), 7, 9, and 10 and Rule U-50 promulgated thereunder, regarding the following proposed transactions:

Milwaukee proposes to issue and sell, subject to the competitive bidding requirements of Rule U-50, $13,000,000 principal amount of its First Mortgage Bonds, -- Percent Series due June 1, 1981. The interest rate (which shall be a multiple of ⅛ of 1 percent and the price, exclusive of accrued interest, to be paid to Milwaukee for the bonds (which shall be not less than 100 percent nor more than 102¾ percent of the principal amount) will be determined by competitive bidding. The bonds will be issued under and secured by the company's outstanding Mortgage and Deed of trust, dated November 1, 1950, as heretofore supplemented and as to be further supplemented by a Second Supplemental Indenture to be dated June 1, 1956. The bonds will be issued against the deposit of $13,000,000 of cash with the Trustee. Approximately $8,500,000 of such proceeds will be withdrawn promptly by the certification of unbonded net property additions, and the remainder of approximately $4,500,000 will be similarly withdrawn from time to time as additional unbonded net property additions become available in the course of the large scale expansion program upon which Milwaukee is engaged.

Pursuant to an amendment of its Articles of Incorporation, effective April 24, 1956, Milwaukee proposes to increase the number of shares of its authorized $12 par value common stock from 2,000,000 to 2,500,000. Milwaukee also proposes to issue and sell to American Natural, and American Natural proposes to acquire, 416,667 additional shares of Milwaukee's authorized but unissued $12 par value common stock for a cash consideration of $5,000,004.

Milwaukee, pursuant to authorization heretofore given (Holding Company Act Release No. 12954, July 29, 1955), has borrowed, under the Credit Agreement approved, $10,500,000 evidenced by 3 percent notes maturing August 1, 1956. Further borrowings under the Credit Agreement are not expected to be made. All borrowings thereunder are to be repaid concurrently with the issue and sale of the bonds, and the Credit Agreement is to be terminated.

The proposed issue and sale of the securities by Milwaukee have been expressly authorized by the Public Service Commission of Wisconsin, the State commission of the State in which Milwaukee is organized and doing business.

The following estimated fees and expenses are to be incurred in connection with the proposed transactions:

| | Bonds | Common stock |
|---|---|---|
| Federal original issue tax | $14,300 | $5,500 |
| Securities and Exchange Commission registration fee | 1,365 | ---------- |
| Public Service Commission of Wisconsin fee | 13,000 | 5,000 |
| Counsel fees: | | |
| Sidley, Austin, Burgess & Smith | 10,000 | 500 |
| Fairchild, Foley and Sammond | 3,500 | 500 |
| Accounting fee: Arthur Andersen & Co | 8,500 | ---------- |
| Trustee's fees and expenses | 7,000 | ---------- |
| Gas consultants' fees: | | |
| Ralph E. Davis | 5,000 | ---------- |
| E. P. Ogier | 2,500 | ---------- |
| Printing | 25,000 | ---------- |
| Mortgage recording and title expense | 650 | ---------- |
| American Natural Gas Service Co.—at cost | 750 | ---------- |
| Miscellaneous | 6,750 | ---------- |
| Total | 98,315 | 11,500 |

The fee of independent counsel for the underwriters, Brown, Wood, Fuller, Caldwell & Ivey, is estimated at $7,500 and is to be paid by the purchasers of the bonds.

Notice of the filing of the application-declaration having been duly given in the manner prescribed by Rule U-23 promulgated under the act, and no hearing having been requested of or ordered by the Commission; and

It appearing that the fees and expenses to be incurred in connection with the proposed transactions are not unreasonable if they do not exceed the estimates set forth above; and the Commission observing no basis for adverse findings, or for the imposition of terms and conditions, and finding that the applicable provisions of the act and of the rules thereunder are satisfied, and deeming it appropriate in the public interest and the interest of investors and consumers that the application-declaration, as amended, should be granted and permitted to become effective forthwith;

*It is ordered*, Pursuant to Rule U-23 and the applicable provisions of the act, that the application-declaration, as amended, be, and it hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions contained in Rules U-50 and U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-4343; Filed, June 1, 1956; 8:53 a. m.]

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[File No. 811-219]

PACIFIC-AMERICAN INVESTORS, INC.

NOTICE OF FILING OF APPLICATION FOR ORDER DECLARING THAT COMPANY HAS CEASED TO BE AN INVESTMENT COMPANY

MAY 28, 1956.

Notice is hereby given that Pacific-American Investors, Inc. ("Applicant"), a closed-end, diversified investment company registered as such under the Investment Company Act of 1940, has filed an application and an amendment thereto pursuant to section 8 (f) of the act for an order declaring that Applicant has ceased to be an investment company under the act.

The application contains the following allegations:

Applicant was organized under the laws of the State of Delaware on July 17, 1928. Its notification of registration under the act was filed on November 1, 1940.

On January 4, 1956, stockholders of Applicant voted in favor of an Agreement of Merger dated November 23, 1955, providing for the merger of Applicant with and into American Mutual Fund, Inc. ("American Mutual"), also a Delaware Corporation. Subsequently, at a meeting of shareholders of American Mutual held on January 11, 1956, the Agreement of Merger was duly adopted by the shareholders of American Mutual. The Agreement of Merger was filed in the office of the Secretary of State of Delaware and recorded as required by the laws of that State and became effective on February 1, 1956.

Under the terms of the Agreement of Merger and in accordance with the provisions of the General Corporation Law of the State of Delaware, the separate existence of Applicant ceased on February 1, 1956, upon the filing and recording of the Agreement of Merger, except to the extent necessary to wind up its affairs and complete the merger.

Under the terms of the Agreement of Merger, holders of Preferred Stock of Applicant were given the option of tendering their stock for purchase at $26.25 per share in cash or of having their Preferred Stock converted into whole shares of American Mutual capital stock having a net asset value on January 31, 1956, of $26.25 for each share of Preferred.

Holders of Common Stock of Applicant were entitled to receive whole shares of American Mutual which had a net asset value equivalent to the aggregate net asset value of Applicant's Common Stock, both determined on January 31, 1956. On said date the net asset value of Applicant's Common Stock was $9.98015 per share and the net asset value of shares of American Mutual was $8.31058 per share. No fractional shares of American Mutual were to be issued, but in lieu thereof, cash was to be paid in an amount equal to the net asset value of the fractional shares.

Holders of 89,696 shares of said Preferred Stock elected to receive cash, and as required, deposited certificates representing their shares with Bank of America N. T. & S. A., Los Angeles, California. Applicant has caused to be deposited, in trust, with said Bank of America N. T. & S. A., sufficient funds to enable the Bank to make full payment of the purchase price of all shares so tendered.

Under the provisions of section 251 of the General Corporation Law of the State of Delaware, and paragraph Eight of the Agreement of Merger, the remaining 156,893¾ shares of Preferred Stock and all of the 1,588,949.6 shares of common stock of Applicant were converted into shares of capital stock of American Mutual on February 1, 1956. Dividends on the Preferred Stock of Applicant, whether tendered for purchase or converted into shares of American Mutual were paid in cash prorated up to the effective date of merger (February 1, 1956).

No stockholder of Applicant is entitled to "appraisal rights" as a dissenting stockholder under the provisions of section 262 of the General Corporation Law of the State of Delaware in connection with the merger, inasmuch as no stockholder of Applicant filed any written objection with Applicant before the vote on the Agreement of Merger at the meeting of stockholders held on January 4, 1956.

All of the former holders of Applicant were duly notified by written notice dated February 2, 1956 that the merger of Applicant with and into American Mutual had become effective on February 1, 1956.

American Mutual, through the agency of the Security-First National Bank of Los Angeles, as its transfer agent, will continue to stand ready, for such period of time as may be required by applicable law, to issue, to the persons entitled thereto, certificates representing shares of capital stock of American Mutual, upon surrender of certificates representing shares of Preferred and/or Common Stock of Applicant, and to make all required cash payments, in lieu of the issuance of fractional shares, in accordance with the provisions of the Agreement of Merger and applicable law.

Section 8 (f) of the act provides, in part, that whenever the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and that upon the taking effect of such order the registration of such company shall cease to be in effect.

Notice is further given that any interested person may, not later than June 15, 1956, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed:

Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application, as amended, may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-4345; Filed, June 1, 1956; 8:53 a. m.]

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[File No. 811-546]

EMERSON MUTUAL FUND, INC.

NOTICE OF APPLICATION FOR ORDER DECLARING THAT COMPANY HAS CEASED TO BE AN INVESTMENT COMPANY

MAY 28, 1956.

Notice is hereby given that Emerson Mutual Fund, Inc., formerly the John H. Lewis Fund, Inc. ("Applicant"), an open-end, diversified investment company registered as such under the Investment Company Act of 1940 ("act"), has filed an application pursuant to section 8 (f) of the act for an order declaring that Applicant has ceased to be an investment company under the act, by virtue of the provisions of section 3 (c) (1) of the act.

The application makes the following representations:

The only outstanding securities of Applicant consist of 10,670 shares of Capital Stock. At February 29, 1956, the 10,670 shares of stock were beneficially owned by 61 persons. Because of redemptions, at April 19, 1956, the number of shares outstanding had been reduced to 750 shares, which were held by only 6 stockholders.

The Applicant states that on April 30, 1955, it ceased to offer its shares of capital stock to the public and is not now making and does not propose to make a public offering of its securities. No "company", as defined in the act, holds of record as much as 10 percent of the outstanding voting securities of the Applicant, and, to the knowledge of the Applicant, no "company" owns, beneficially as much as 10 percent of said shares of capital stock of Applicant. The Applicant therefore requests the issuance of an order under section 8 (f) of the act declaring that it has ceased to be an investment company by virtue of the provisions of section 3 (c) (1) of the act.

Section 3 (c) (1) of the act exempts from the definition of an "investment company" any issuer whose outstanding securities (other than short-term paper) are beneficially owned by not more than one hundred persons and which is not making and does not presently propose to make a public offering of its securities. Section 8 (f) of the act provides, in part, that whenever the Commission, upon application, finds that a registered investment company has ceased to be an investment company, it shall so declare by order and upon the taking effect of such order the registration of such company shall cease to be in effect. Section 8 (f) further provides that an order thereunder may be made upon conditions necessary for the protection of investors.

Notice is further given that any interested person may, not later than June 15, 1956, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

It is ordered, That Emerson Mutual Fund, Inc., shall give notice of this application to all of its stockholders (insofar as the identity of such stockholders is known or available) by mailing to each of said persons a copy of this Notice of Filing to his last known address on or before June 1, 1956.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-4346; Filed, June 1, 1956; 8:53 a. m.]

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[File No. 70-3472]

METROPOLITAN EDISON CO. AND GENERAL PUBLIC UTILITIES CORP.

ORDER REGARDING ISSUE AND SALE OF ADDITIONAL COMMON STOCK BY SUBSIDIARY TO PARENT; INCREASE IN AUTHORIZED SHARES OF COMMON AND PREFERRED STOCK AND SOLICITATION OF VOTE OF STOCKHOLDERS

MAY 28, 1956.

Metropolitan Edison Company ("Meted"), a subsidiary electric utility company of General Public Utilities Corporation ("GPU"), a registered holding company, and said GPU having filed with this Commission an application-declaration, and amendments thereto, pursuant to sections 6 (a) (2), 6 (b), 7, 9 (a), 10 and 12 (e) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-62 and U-65 promulgated thereunder regarding certain proposed transactions, which are summarized as follows:

Meted proposes to issue and sell to GPU and GPU proposes to purchase from Meted an aggregate of 45,000 additional shares of common stock at a price per share of $100, or an aggregate sale price of $4,500,000. Such shares are to be issued and sold by Meted from time to time during 1956, but not later than the issue and sale by Meted of additional first mortgage bonds. Of the proceeds realized by Meted from the sale of such shares, $1,900,000 will be applied by it to the cost of construction of property additions subsequent to December 31, 1955, or to repay bank loans the proceeds of which have been applied to such purpose, and $2,600,000 will be applied by it to reimburse its treasury for expenditures for such purpose prior to January 1, 1956.

Meted proposes to increase its authorized common stock by 150,000 shares, that is to say, from 500,000 shares without par value to 650,000 shares without par value and its preferred stock by 105,000 shares, that is to say, from 295,000 shares of the par value of $100 per share to 400,000 shares of the par value of $100 per share. Of Meted's presently authorized common stock 484,500 shares are now outstanding and of its presently authorized preferred stock 255,000 shares are now outstanding.

Meted proposes to solicit the holders of its outstanding preferred stock to seek their consent to the increase in its authorized preferred stock and their consent to the increase in its authorized common stock, to be obtaind at a special meeting of stockholders to be held on June 27, 1956. It is stated that Meted's charter provides, in effect, that Meted will not, without the consent of the holders of a majority of the total number of all shares of its preferred stock of all series then outstanding, increase the total authorized amount of its preferred stock. It is further stated that the Constitution of the Commonwealth of Pennsylvania provides that the stock of a corporation shall not be increased without the consent of the persons holding the larger amount in value of its stock. Accordingly, Meted has filed herein copies of solicitation material pursuant to section 12 (e) and Rule U-62.

The issuance of additional shares of Meted's common stock has been expressly authorized by the Pennsylvania Public Utility Commission, the State commission of the State of which applicant is organized and doing business. The application-declaration states that no State or Federal commission, other than the Pennsylvania Commission and this Commission, has jurisdiction over the proposed transactions.

It is estimated that GPU's expenses in connection with the above transactions will not exceed $100. Meted's expenses are estimated as follows:

| | |
|---|---|
| Filing fees—Pennsylvania Public Utility: Commission and Office of the Secretary of the Commonwealth of Pennsylvania | $15 |
| Legal fees | 2,750 |
| Commonwealth of Pennsylvania: | |
| Excise tax on 15,500 shares of previously authorized but unissued Common Stock | 3,100 |
| Excise tax on increase of authorized Common Stock from 500,000 shares to 650,000 shares | 30,000 |
| Excise tax on increase of authorized Preferred Stock from 295,000 shares to 400,000 shares | 21,000 |
| Federal original issue tax | 4,950 |
| Preparation, assembly and mailing of proxies, proxy statements, notice of meeting and President's letter | 1,500 |
| Miscellaneous | 285 |
| Total | 63,600 |

Notice of filing of said application-declaration having been duly given in the manner prescribed by Rule U-23 and no hearing having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and of the rules thereunder are satisfied, that the expenses set forth above are not unreasonable, and that the application-declaration, as amended, should be granted and permitted to become effective forthwith:

*It is ordered*, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration, as amended, be and the same hereby is granted and permitted to become effective forthwith, subject to the terms and conditions set forth in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 56-4347; Filed, June 1, 1956; 8:54 a. m.]

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[File No. 31-634]

## PENNSYLVANIA POWER & LIGHT CO.

### NOTICE OF FILING OF APPLICATION FOR EXEMPTION

MAY 28, 1956.

Notice is hereby given that Pennsylvania Power & Light company ("Penn Power"), a public-utility company, has filed with this Commission an application pursuant to section 3 (a) (2) of the Public Utility Holding Company Act of 1935 ("act") for an exemption for it and its public-utility subsidiary, Safe Harbor Water Power Corporation ("Safe Harbor"), from the provisions of the act on the basis that it is predominantly a public-utility company whose operations as such do not extend beyond the Commonwealth of Pennsylvania, the State in which it is organized.

The application which is on file in the offices of the Commission may be summarized as follows:

Applicant is an electric utility company organized in 1920 under the laws of the Commonwealth of Pennsylvania and has its principal executive offices at Allentown, Pennsylvania. All of the properties of Applicant are located in that State.

Penn Power's principal business is the sale in Pennsylvania of electricity for residential, commercial and industrial uses; additionally, it supplies steam heating service in the Cities of Harrisburg and Scranton, Pennsylvania. Applicant states that it has five other subsidiaries in addition to Safe Harbor; that none of these five other subsidiaries is a public-utility company; and that the total assets of these five other subsidiaries aggregate less than ⅓ of 1 percent of Applicant's assets and their gross and net income are immaterial.

As at January 31, 1956, Penn Power's capitalization and surplus aggregated $487,608,035 and consisted of long-term debt representing 53.6 percent; preferred stock, 17.7 percent; and common stock and surplus, 28.7 percent.

## NOTICES

Safe Harbor was organized under the laws of the Commonwealth of Pennsylvania and all of its properties are located in Pennsylvania. Safe Harbor's business is the generation and sale of its entire output of electricity at wholesale to Penn Power, which purchases one-third of said output, and to Baltimore Gas and Electric Company ("Baltimore Company"), an exempt holding company pursuant to section 3 (a) (2) of the act, which purchases two-thirds of said output. Penn Power and Baltimore Company each own 50 percent of the voting Class B common stock of Safe Harbor; Baltimore Company also owns all of the non-voting Class A stock of Safe Harbor, which latter class of stock constitutes one-third of all the capital stock of Safe Harbor. Thus, Penn Power owns one-third of all the capital stock of Safe Harbor with the remaining two-thirds being owned by Baltimore Company, which relative investments correspond with the respective proportions of electric energy purchased by these two companies from Safe Harbor.

As at January 31, 1956, Safe Harbor's capitalization and surplus aggregated $25,933,474, consisting of first mortgage bonds, all publicly held, representing 54.0 percent thereof, and common stock and surplus, 46.0 percent thereof.

The following table sets forth certain statistics concerning the size and business of Penn Power's public utility activities and the public utility activities of Safe Harbor. The figures used are as at or for the twelve months ended January 31, 1956.

TABLE I

| | Penn Power [1] | Safe Harbor | Percent—Safe Harbor to Penn Power |
|---|---|---|---|
| Gross utility operating revenues (after intercompany eliminations) | $119, 218, 000 | [2] $2, 475, 055 | 2. 08 |
| Net utility operating revenues (before income taxes) | $47, 679, 686 | $2, 239, 111 | 4. 70 |
| Sale of electricity (000's omitted) (after intercompany eliminations) | 5, 670, 623 | [2] 566, 412 | 9. 99 |
| Gross utility plant (including acquisition adjustments) | $330, 635, 100 | $31, 205, 803 | 5. 90 |
| Gross utility plant (at original cost) | $323, 864, 458 | $31, 205, 803 | 5. 97 |
| Net utility plant (including acquisition adjustments) | $445, 363, 247 | $24, 709, 450 | 5. 55 |
| Net utility plant (at original cost) | $138, 592, 604 | $24, 709, 450 | 5. 63 |
| Number of electric customers | 681, 937 | 2 | |

[1] Amounts shown for Penn Power include figures for its former subsidiary, The Scranton Electric Company, which was merged into Penn Power on Jan. 31, 1956.
[2] Amount remaining after eliminating one-third of total.

In its pending application, Penn Power states that its public utility operations do not extend beyond the Commonwealth of Pennsylvania the State in which it is organized, and alleges that it is "predominantly" a public-utility company whose operations and those of its subsidiary, Safe Harbor, do not extend beyond the Commonwealth of Pennsylvania and States contiguous thereto. The application represents that Penn Power is subject to the jurisdiction of the Pennsylvania Public Utility Commission and is regulated in respect of rates, issuance of securities, service, and other matters by that commission. Additionally, Penn Power states that it is subject to the jurisdiction of the Federal Power Commission as to certain rates, as to certain other matters, and as a licensee by reason of its ownership and operation of hydroelectric plants, and that it keeps its accounts in conformity with the Uniform System of Accounts prescribed by both commissions.

It is represented that Safe Harbor is subject to the jurisdiction of the Federal Power Commission as to rates and other matters and as a licensee by reason of its ownership and operation of a hydroelectric plant. Additionally, the application states that the Pennsylvania Public Utility Commission has jurisdiction over the issuance of securities by Safe Harbor and certain other matters, and concurrent jurisdiction with the Federal Power Commission over its accounting.

Notice is further given that any interested person may, not later than June 15, 1956, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said application may be granted or the Commission may take such other action as it may deem appropriate under the circumstances.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 56-4349; Filed, June 1, 1956; 8:54 a. m.]

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[File No. 70-3389]

## AMERICAN NATURAL GAS CO. AND AMERICAN LOUISIANA PIPE LINE CO.

### SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER CERTAIN COUNSEL FEES

MAY 28, 1956.

By its order issued July 29, 1955 (Holding Company Act Release No. 12953), the Commission, among other things, granted an application and permitted to become effective a declaration of American Louisiana Pipe Line Company ("American Louisiana"), an interstate natural gas pipe line subsidiary of American Natural Gas Company, a registered holding company, regarding a proposal



by American Louisiana to issue and sell an aggregate of $97,500,000 principal amount of its first mortgage pipe line bonds, of which $47,000,000 principal amount was issued and sold up to February 21, 1956. The Commission reserved jurisdiction over the fees and expenses incurred in connection with the proposed issue and sale of bonds because the record in respect thereof was incomplete.

Subsequently, by order dated January 25, 1956 (Holding Company Act Release No. 13092), the Commission released jurisdiction in respect of certain fees and expenses in connection with such proposed issue and sale of bonds, in respect of which the record was complete, but continued the reservation of jurisdiction over all other fees and expenses, including counsel fees (except those of Wheat, May and Shannon), in connection with the issue and sale of bonds, as to which the record was still incomplete.

American Louisiana has requested that jurisdiction be released in respect of the following counsel fees, incurred in connection with the issue and sale of bonds through February 29, 1956, in respect of which the record has now been completed:

| | |
|---|---|
| Company counsel: | |
| Sidley, Austin, Burgess & Smith, general counsel | $56, 000 |
| Barnes, Hickam, Pantzer & Boyd, Indiana counsel | 7, 425 |
| Shotwell & Brown, Louisiana counsel | 7, 500 |
| Byron, Sandidge and Holbrook, Kentucky counsel | 5, 000 |
| Canada, Russell, Turner & Alexander, Tennessee counsel | 5, 000 |
| Porter, Stanley, Treffinger & Platt, Ohio counsel | 4, 500 |
| Wynn, Hafter, Lake & Tindall, Mississippi counsel | 4, 400 |
| Clare J. Hall, Michigan counsel | 3, 000 |
| Ohmer C. Burnside, Arkansas counsel | 2, 800 |
| Bond purchasers counsel: Sullivan & Cromwell | 30, 000 |
| Total | 125, 625 |

It appearing that the above fees and expenses are not unreasonable and the Commission deeming it appropriate to release the jurisdiction heretofore reserved in respect such counsel fees incurred through February 29, 1956:

*It is ordered*, That the jurisdiction heretofore reserved in respect of counsel fees in connection with the issue and sale by American Louisiana of its first mortgage bonds be, and it hereby is, released, as to the above stated counsel fees incurred through February 29, 1956; and that the jurisdiction heretofore reserved and not heretofore and by this order released be and it hereby is continued.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 56-4348; Filed, June 1, 1956; 8:54 a. m.]

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[File No. 70-3476]

## DELAWARE POWER & LIGHT CO.

### ORDER AUTHORIZING UNDERWRITTEN COMMON STOCK OFFERING TO STOCKHOLDERS, AND OFFERING OF UNSUBSCRIBED SHARES TO EMPLOYEES

MAY 28, 1956.

Delaware Power & Light Company ("Company"), a registered holding company and a public utility company, has filed a declaration and amendments thereto pursuant to sections 7 and 12 (c) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-42 and U-50 thereunder regarding the following proposed transactions:

The Company proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, 232,520 shares of its unissued Common Stock, par value $13.50 per share, and in addition to sell such shares as may be purchased for the purpose of stabilizing the price of the Common Stock.

The 232,520 shares of Common Stock will be offered to stockholders in accordance with their preemptive rights under the Company's Certificate of Incorporation, on the basis of one share for each eight shares of Common Stock of the Company held of record on June 6, 1956. Transferable warrants evidencing the rights will be issued to Common Stockholders of record as of the close of business on said date. Subject to the rights of the stockholders, the stock will also be offered to employees of the Company and its two subsidiaries in an amount not exceeding 150 shares per employee. The balance, if any, of the stock not subscribed for by holders of warrants and employees will be sold to underwriters.

The Board of Directors of the Company will, not later than 12:00 o'clock noon on June 4, 1956, determine the offering price of the stock to stockholders and employees, which price will be specified in the bids to be submitted by underwriters as the price to be paid to the Company for any unsubscribed stock. Such price will be not more than the last reported sale price on the New York Stock Exchange prior to the fixing thereof and not less than such last reported sale price less 10%. Immediately following determination by the Board of Directors of such offering price, notice of the price will be given to prospective bidders and will be publicly announced by the Company. Bids for the unsubscribed stock will specify the compensation to be paid to the underwriters.

The Company proposes that, for the purpose of stabilizing the price of its Common Stock, it may purchase up to 23,252 shares of the presently outstanding shares on the New York Stock Exchange, the Philadelphia-Baltimore Stock Exchange, in the over-the-counter market, or otherwise. Such stabilization, if commenced, will be terminated not later than the time fixed for the acceptance of a bid for the purchase of the unsubscribed stock. Shares acquired by the Company as a result of such stabilization will be included as part of the unsubscribed stock which will be sold to the underwriters.

Net proceeds from the sale of the Common Stock will be applied toward the cost of the construction program of the Company and its subsidiaries and the retirement of bank loans incurred prior to such sale.

The Company estimates that, aside from the compensation to the underwriters (which will be determined by competitive bidding), the fees and expenses to be incurred in connection herewith will be as follows:

| | |
|---|---|
| Filing and listing fees and issuance taxes | $7, 173 |
| Professional services: | |
| Legal (Berl, Potter & Anderson) | 5, 000 |
| Accounting (Lybrand, Ross Bros. & Montgomery) | 2, 750 |
| Financial adviser (Drexel & Co.) | 3, 000 |
| Transfer and warrant agents | 18, 000 |
| Printing | 24, 042 |
| Miscellaneous | 5, 035 |
| Total | 65, 000 |

Counsel to the underwriters (Townsend, Elliott & Munson) estimate their fee at $5,000 and their expenses at not over $150, to be paid by the successful bidders.

The proposed transactions have been approved by the Public Service Commission of Delaware, in which State the Company is organized and doing business.

Due notice having been given of the filing of said declaration, and a hearing not having been requested of or ordered by the Commission, and the Commission finding with respect to the proposed transactions that the applicable provisions of the Act and the Rules thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that the declaration as amended be permitted to become effective forthwith:

*It is ordered*, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration as amended be, and it hereby is, permitted to become effective forthwith, subject to the conditions prescribed in Rules U-50 and U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 56-4350; Filed, June 1, 1956; 8:54 a. m.]

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## SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 103]

### PENNSYLVANIA

### DECLARATION OF DISASTER AREA

Whereas it has been reported that on or about May 13, 1956, because of the disastrous effects of floods and high winds, damage resulted to residences and business property located in certain areas in the State of Pennsylvania;

Whereas the Small Business Administration has investigated and has received

other reports of investigations of conditions in the areas affected; and

Whereas after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended:

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Office below indicated from persons or firms whose property situated in the following counties (including any areas adjacent to the counties below named) suffered damage or other destruction as a result of the catastrophe above referred to:

Counties of: Allegheny and Beaver.

Small Business Administration Regional Office, Jefferson Building, Room 1118, 1015 Chestnut Street, Philadelphia 7, Pennsylvania.

Small Business Administration Branch Office, Fulton Building, Rooms 801–802, 107 Sixth Street, Pittsburgh 22, Pennsylvania.

2. No special field office will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to November 30, 1956.

Dated: May 21, 1956.

WENDELL B. BARNES,
*Administrator.*

[F. R. Doc. 56-4338; Filed, June 1, 1956; 8:51 a. m.]

## VETERANS ADMINISTRATION

### STATEMENT OF ORGANIZATION

Veterans Administration organization material is amended in its entirety to read as follows:

Sec.
1. General.
2. Central office.
3. Field stations.
4. Addresses of installations and jurisdictional areas of district offices and Insurance Center, D. C.

SECTION 1. *General*—(a) *Authority and functions.* (1) The Veterans Administration administers laws authorizing benefits for former members of the Armed Forces and for the dependents and other beneficiaries of deceased former members of such forces. The Veterans Administration benefits available under various acts of Congress include: compensation for service-connected disability or death; pension for non-service-connected disability or death; emergency officers' retirement pay; vocational rehabilitation for service-connected disability; education and training; guaranty or insurance of home, farm, and business loans, and, under certain conditions, direct home loans; readjustment allowances for unemployment or self employment; United States Government and National Service Life Insurance; insurance indemnity; hospitalization; domiciliary care; outpatient medical and dental care for service-connected disability; prosthetic and other appliances; special housing for certain seriously disabled veterans; automobiles or other conveyances for certain disabled veterans; World War I adjusted service certificates; a guardianship program for the protection of estates derived from Veterans Administration benefits paid to incompetent or minor beneficiaries; burial allowances; and burial flags. In addition, the Veterans Administration administers the insurance section of the Soldiers' and Sailors' Civil Relief Act for persons in the active military service.

(2) The Veterans Administration was established as an independent agency under the President by Executive Order 5398, July 21, 1930, in accordance with the act of July 3, 1930 (46 Stat. 1016; U. S. C. 11). This act authorized the President to consolidate and coordinate Federal agencies especially created for or concerned in the administration of laws providing benefits for veterans.

(b) *General description of organization.* (1) The Veterans Administration is under the charge of the Administrator of Veterans' Affairs who is responsible for the administration of all laws governing the Veterans Administration.

(2) The Veterans Administration is organizationally divided as follows: Central Office, District Offices, Insurance Center—District of Columbia, Regional Offices, Veterans Benefits Office—District of Columbia, Hospitals, Centers, Domiciliaries, VA Offices, Supply Depots, Forms Depot, and Publications Depot.

SEC. 2. *Central office*—(a) *The Administrator.* The Administrator is responsible to the President for the administration of veterans' affairs and the laws which govern them. In him is vested the authority to operate Veterans Administration. He is directly responsible for the establishment of the basic policies governing agency operation; the development and maintenance of its basic organization structure; the interpretation of laws pertaining to veterans' affairs, and the establishment of supplementary regulations; the stimulation and approval of long-range plans; and the development and maintenance of favorable relations with important organizations, groups, and individuals interested in veterans' affairs. As head of an independent agency of the executive branch of the Government, the Administrator is the adviser to the President on veterans' affairs.

(b) *The Deputy Administrator.* The Deputy Administrator is the principal assistant to the Administrator. He is responsible for the planning, direction, and control of the internal operations of the agency. He approves for the Administrator policies and programs to provide maximum service to veterans at the lowest possible cost. He coordinates the activities of all top staff officers and all operating department heads to assure that all operations are moving toward common objectives approved by the Administrator. He is responsible to the Administrator for the planning, evaluation and coordination of programs and program changes, for organizational planning, the guidance of the overall management improvement program, and for securing policy adherence in the implementation of approved programs. The Deputy Administrator serves as Acting Administrator in the absence of the Administrator in all Veterans Administration matters in accordance with authority delegated to him. At all times, he relieves the Administrator of matters of the internal operations of the agency. He, however, keeps the Administrator informed at all times of contemplated major changes or developments.

(c) *Central office organization.* The central office of the Veterans Administration consists of the following staff offices and departments, the heads of which are directly responsible to the Administrator of Veterans' Affairs for the proper performance of all the functions assigned to them:

STAFF OFFICES

Office of the Chairman, Board of Veterans' Appeals.
Office of the General Counsel.
Office of the Controller.
Office of the Director, Information Service.
Office of the Assistant Administrator for Administration.
Office of the Assistant Administrator for Appraisal and Security.
Office of the Assistant Administrator for Construction.
Office of the Assistant Administrator for Personnel.

DEPARTMENTS

Department of Medicine and Surgery.
Department of Veterans Benefits.
Department of Insurance.

(d) *Staff Offices*—(1) *Office of the Chairman, Board of Veterans' Appeals.* (i) The Chairman, pursuant to statute, has jurisdiction over and is responsible to the Administrator for the proper conduct of the activities of the Board of Veterans Appeals, within the framework of established policies, in the consideration and determination of appeals to the Administrator, for benefits under all laws administered by the Veterans Administration. In connection with the subject matter coming before the Board of Veterans Appeals, identifies for the information of the Administrator matters of policy and practice which in his opinion deserve study and/or corrective action.

(ii) The Vice Chairman participates with the Chairman; Board of Veterans Appeals, in policy and planning and is responsible to the Chairman for the professional and operational activities of the Board of Veterans Appeals, in the consideration and determination of appeals to the Administrator for benefits under laws administered by the Veterans Administration. At all times has jurisdiction over and is responsible to the Chairman for all activities of the Board, as follows: Associate Members; Consultant Service; Central Office Appeals Operations; and Field Appeals Operations.

(2) *Office of the General Counsel.* (i) The General Counsel serves as chief officer of the Veterans Administration in all matters of law and legislation.

(ii) As the chief law officer of the Veterans Administration, is responsible to the Administrator for the interpretation of all laws administered by or pertaining to the Veterans Administration, and for establishing precedents thereon through Administrator's decisions, binding upon all officers and employees of the Veterans Administration and upon all claimants and other persons concerned.

(iii) Renders legal advice (formal and informal) and other legal services upon request to all department heads and top staff officers. Is the attorney for the Administrator in all civil actions in State courts and in independent actions in the Fedral courts, and represents the Administrator in all such actions in the Federal courts, and represents the Ad- Department of Justice and keeps all interested Veterans Administration officials informed. Makes final disposition of tort claims within the limitations of the Federal Tort Claims Act, and renders cooperative assistance to the Department of Justice on all actions arising therefrom involving the Veterans Administration or any official thereof.

(iv) Cooperates informally with all department heads and top staff officers in the formulation of governing regulations and amendments thereto and reviews for legal correctness all such regulations or directives.

(v) Serves as the point of contact with all governmental offices on legal and legislative matters, including, in addition to the Department of Justice, the Office of the Comptroller General and the Judge Advocate General of the Armed Forces. Reports to the Department of Justice all matters arising in the Veterans Administration involving probable violation of Federal penal statutes and cooperates with the Department of Justice as requested in the disposition thereof.

(vi) Is legal officer in security proceedings.

(vii) Supervises and coordinates all matters pertaining to proposed legislation, Executive orders, and proclamations affecting the Veterans Administration, including the preparation of proposed legislation, Executive orders, and proclamations, and the preparation of all reports concerning such matters to committee of Congress, the President, the Bureau of the Budget, and other executive agencies.

(viii) Develops and coordinates Veterans Administration policy pertaining to proposed legislation, Executive orders, and proclamations; and records such policy upon approval by the Administrator.

(ix) Serves as a member of the Administrator's Policy Committee.

(x) Represents the Administrator in congressional committee and other hearings and in interdepartmental conferences on legislative matters.

(xi) Receives and as directed by the Administrator disposes of all requests from congressional committees and subcommittees (other than appropriations) or their staffs, except oral requests for purely routine administrative data, and clears all letters and other communications to such committees initiated in the Veterans Administration.

(xii) Collaborates and coordinates with the Controller legislative language in drafts of appropriation bills, amendments thereto, and related communications.

(xiii) Receives and as directed by the Administrator disposes of all requests on the Veterans Administration for preparation of drafts of bills or comment, formally or informally, on proposed legislation or to furnish information concerning pending legislation.

(xiv) Arranges for attendance of Veterans Administration personnel as witnesses or observers at meetings of congressional committees (other than appropriations). Receives and disposes of all requests for detail or assignment of personnel to work with congressional committees or their staffs.

(xv) Prepares compilations of Federal laws pertaining to veterans, annotated, indexed, and cross-referenced, in accordance with Public Resolution 117, 74th Congress, June 20, 1936 (49 Stat. 1569), or as otherwise authorized; and pamphlets, resumes, releases, and documents pertaining to veterans legislation, as required.

(xvi) Maintains liaison with the Senate and House Committees and contact activities in both Houses of Congress.

(xvii) Maintains legislative historical records and service therefrom.

NOTE: By agreement with the Chief Benefits Director and in the interests of economy, the services of Chief Attorney will be utilized by the General Counsel in connection with litigation, claims under the Federal Tort Claims Act, legal questions or services concerning Veterans Administration components other than the Department of Veterans Benefits, and other legal matters within the jurisdiction of the General Counsel. In connection with these matters direct communication between the General Counsel and the respective Chief Attorney is authorized.

(xviii) The Deputy General Counsel acts as full assistant to the General Counsel in the discharge of his responsibilities and acts for the General Counsel in the latter's absence.

(3) *Office of the Controller.* (i) Formulates and recommends to the Administrator general policies and plans of VA-wide application pertaining to the following activities:

(*a*) Fiscal, accounting, and work measurement systems, budgetary, and audit activities.

(*b*) Basic report structure for top management use.

(ii) Advises and assists the heads of the program departments and other top officials in connection with these activities, and appraises for the Administrator the effectiveness and economy of these activities.

(iii) Interprets, for the Administrator and staff and operating officials, laws, regulations, decisions, and directives of other governmental bodies concerned with budgetary and financial matters.

(iv) Reviews and analyzes estimates and prepares consolidated budgets of the Veterans Administration, maintains the general financial books of the Veterans Administration and agency level controls over the expenditure and collection of funds.

(v) Serves as the principal representative of the Veterans Administration with the Bureau of Budget, the Congress, the Treasury Department, the General Accounting Office, and other Government agencies on budget, appropriation, accounting, and all other fiscal matters, and provides for Veterans Administration participation with other Government agencies, international groups, and nongovernmental activities in controller matters in which the Veterans Administration has an interest, collaborating with the heads of operating departments as necessary.

(vi) Controls all reports subject to the Federal Reports Act of 1942.

(vii) Consolidates financial and statistical reports of the program departments to the extent required by the Administrator or required by other agencies.

(viii) Conducts special studies of fiscal, accounting, and budgetary matters, including costs and financial results of operations.

(4) *Office of the Director, Information Service.* (i) Formulates and recommends to the Administrator basic policies governing Veterans Administration public information programs.

(ii) Counsels and advises the Administrator and other levels of management where public interest is involved in the determination of Veterans Administration policy.

(iii) Reviews and coordinates programs for informing the public of Veterans Administration's activities in areas of special interest to operating departments.

(iv) Keeps informed of and appraises for the Administrator the results of public information programs.

(v) Develops and maintains relationships with national information outlets and contacts.

(vi) Obtains, assemblies, prepares, and coordinates information for release through press, radio, and other media to advise veterans and dependents on benefits administered by the Veterans Administration and to provide information concerning the offices where applications for benefits may be made.

(vii) Obtains, assembles, prepares, and coordinates information for release through press, radio, and other media concerning operations of the Veterans Administration.

(viii) Reviews for possible policy conflicts and renders technical advice on the preparation of speeches, articles, pamphlets, posters, transcriptions, films, and other material for public distribution.

(5) *Office of the Assistant Administrator for Administration.* (i) The Assistant Administrator for Administration formulates and recommends to the Administrator general policies and plans of VA-wide application pertaining to the following activities:

(*a*) Purchasing and supply.

(*b*) Office operations and administration.

(ii) Advises and assists the heads of the departments and other top officials in connection with these activities, and appraises for the Administrator the effectiveness and economy of these activities.

(iii) Responsible for housekeeping functions incident to the maintenance of Central Office.

(iv) Is responsible for the management of the Veterans Administration Supply Fund.

(v) Interprets for the Administrator, heads of departments, and other top officials purchasing regulations, decisions,

and directives of the General Services Administration, Bureau of the Budget, and other Government agencies.

(vi) Directs special studies and research in programs, practices, and techniques in areas for which responsible to evaluate their possible application to the Veterans Administration.

(vii) Serves as principal representative of the Veterans Administration with the General Services Administration, and other agencies, public and private, on matters pertaining to purchasing and supply. Provides for Veterans Administration participation with other Government agencies, and nongovernment activities in such matters in which the Veterans Administration has an interest, collaborating with the heads of departments as necessary.

(viii) Plans and directs a safety and fire protection program in buildings, except hospitals, occupied by the Veterans Administration in the metropolitan Washington area; serves as Disaster Relief Director for the Veterans Administration Central Office, Veterans Benefits Office, and Insurance Center, Washington, D. C., involving responsibility for coordinated planning and direction of participation by these offices in civil defense exercises; conducts surveys and inspections to insure continuous effectiveness of these programs.

(6) *Office of the Assistant Administrator for Appraisal and Security.* (i) The Assistant Administrator for Appraisal and Security directs the conduct of investigations, surveys, inspections, and special studies authorized by the Administrator or Deputy Administrator of Veterans Affairs.

(ii) Directs the conduct of internal audits of all activities and elements of Veterans Administration as a basis for protective and constructive service to management.

(iii) Directs the security program of the Veterans Administration.

(iv) Advises and assists the Administrator on all matters involving:

(*a*) The appraisal of all activities of Veterans Administration through internal audit or investigations.

(*b*) The operation of the security program VA-wide.

(v) Submits appraisals for the use of the Administrator or Deputy Administrator of Veterans Affairs; disseminates information from these reports to the heads of the departments and other top officials; and maintains controls to assure that corrective action is accomplished by the responsible officials in accordance with instructions of the Administrator.

(vi) Maintains liaison and acts in cooperation with the officials of other departments and agencies of the Government on these matters.

(vii) Serves as Employment Policy Officer.

(7) *Office of the Assistant Administrator for Construction.* (i) As chief engineer of the Veterans Administration, the Assistant Administrator for Construction formulates and recommends to the Administrator general policies and plans of VA-wide application pertaining to the following activities:

(*a*) Design, construction, maintenance, and operation of buildings, structures, and utilities.

(*b*) Real property management, including acquisition, economical utilization protection, and disposal of real property and interests therein.

(*c*) Accident and fire prevention, fire protection, and disaster relief planning.

(ii) Advises and assists the staff and the heads of the departments in connection with these activities, and appraises for the Administrator the effectiveness and economy of these activities.

(iii) Interprets administratively, for the Administrator and staff and the Chief Medical Director, the Chief Insurance Director, and the Chief Benefits Director, regulations, decisions, and directives of other governmental bodies concerned with these activities.

(iv) Upon consultation with heads of operating departments concerned, develops and takes action to obtain necessary approvals of fiscal year construction programs to provide, convert, and preserve facilities (except operational maintenance and repair), meeting requirements of the operating departments, and consistent with current legislative and executive policy and Veterans Administration responsibility for preservation of real property assets.

(v) Formulates, for inclusion in the consolidated Veterans Administration budget, annual estimates for Veterans Administration construction programs, and participates, with the Controller and department heads concerned, in presentation of the budget for construction programs before the Bureau of the Budget and the Congress.

(vi) Directs and controls design and construction of hospital, domiciliary, and other facilities, major alterations, improvements, and repairs (exclusive of operational maintenance and repair), in conformation with professional standards and operating requirements as defined in collaboration with the operating departments concerned, and within established program and appropriation limitations.

NOTE: In the interest of economy, station services will be made available to the Assistant Administrator for Construction in furtherance of construction operations under his direction. In accordance with approved policy and upon request by the Assistant Administrator, the Chief Medical Director or the Chief Benefits Director or the Chief Insurance Director may direct a station Manager to provide administrative and/or supervisory services, as specified, and as authorized by the Assistant Administrator, in connection with construction projects to be accomplished, by contract or by purchase and hire, at or in the vicinity of the station. Such services will be provided under technical guidance of the Assistant Administrator for Construction, including required project reports to him or his designee, and project costs will be charged to indicated allotments or accounts under his control.

(vii) Takes action for the Veterans Administration to acquire real property and property interests in fee, in accordance with approved program requirements, and to dispose of such real property and interests where excess to the needs of the Veterans Administration (not including transactions within the veterans' loan guaranty program).

(viii) Acts as duly authorized representative of the Administrator under provisions of contracts related to assigned activities.

(ix) The Executive Assistant serves as full assistant to the Assistant Administrator in the discharge of his responsibilities and in the administering of all his functions and acts for the Assistant Administrator in the latter's absence; functions as engineering assistant and consultant on all phases of planning and construction; acts as coordinator of matters involving separate elements of the organization; and represents the Assistant Administrator in consultations with technical organizations, other government agencies, committees, etc.

(8) *Office of the Assistant Administrator for Personnel.* (i) The Assistant Administrator for Personnel advises and assists the Administrator on all matters involving personnel administration in the Veterans Administration.

(ii) Plans and formulates agency-wide personnel policies, programs and methods for application throughout the Veterans Administration.

(iii) Furnishes advice and technical guidance to key agency and department officials concerning policies and regulations governing personnel matters in the Veterans Administration.

(iv) Appraises for the Administrator the effectiveness and economy of the Veterans Administration personnel program.

(v) Directs the internal administrative management affairs of the Office of Personnel.

(vi) Represents the Veterans Administration in outside contacts on all matters relating to personnel administration.

(e) *Departments*—(1) *Department of Medicine and Surgery.* The Chief Medical Director has jurisdiction over and is responsible to the Administrator for the proper conduct of the activities of the Department of Medicine and Surgery, insures complete medical and hospital service for the medical care and treatment of veterans, as prescribed by the Administrator of Veterans Affairs pursuant to Public Law 293, 79th Congress, and other statutory authority and regulations.

The Deputy Chief Medical Director serves as principal assistant to the Chief Medical Director in the discharge of his responsibilities, and acts for the Chief Medical Director in the latter's absence.

(i) *Office of the Assistant Chief Medical Director for Planning.* (*a*) In close collaboration with other Assistant Chief Medical Directors and Controller, Department of Medicine and Surgery, formulates and recommends to the Chief Medical Director policies and plans of departmentwide application within the limitations of VA-wide policies and plans, pertaining to the activities of the following specialties: medical, surgical, psychiatry and neurology, tuberculosis, pathology and allied sciences, physical medicine and rehabilitation, radiology, dietetics, nursing, prosthetic and sensory aids, special services, pharmacy, social work, and chaplains.



(*b*) Develops professional standards governing kinds and quality of staff, facilities, equipment, and supplies needed by the approved program in the various specialties.

(*c*) Plans and forecasts all essential requirements for an integrated program of medical and domiciliary care.

(*d*) Advises and assists the Assistant Chief Medical Director for Operations in connection with the technical and professional aspects of these activities, and appraises for the Chief Medical Director the effectiveness and economy of these activities.

(ii) *Office of the Controller; Department of Medicine and Surgery.* (*a*) Formulates, upon consultation where appropriate with the Assistant Chief Medical Directors, and recommends to the Chief Medical Director policies, plans, and procedures within the limitation of VA-wide policies and plans pertaining to the following activities of the Department of Medicine and Surgery:

(*1*) The budgetary program.

(2) Financial and cost accounting systems.

(*3*) Statistical reporting system.

(*4*) Auditing systems.

(*5*) Manpower utilization programs.

(*6*) Cost improvement.

(*7*) Finance management.

(*b*) Advises and assists the Assistant Chief Medical Director for Operations in connection with these activities, and appraises for the Chief Medical Director the effectiveness of these activities.

(*c*) Maintains departmental financial, budgetary, and cost accounting records.

(*d*) Audits the financial and property records of the Department of Medicine and Surgery to determine legality and propriety of transactions.

(*e*) Assists the Chief Medical Director in the presentation of the Department of Medicine and Surgery budget before the Bureau of the Budget and the Congress.

(*f*) Performs liaison with the Veterans Administration Controller on budget, accounting, auditing, statistical, and related controller functions.

(iii) *Office of the Assistant Chief Medical Director for Dentistry.* (*a*) Formulates, in close collaboration with other Assistant Chief Medical Directors and Controller, Department of Medicine and Surgery, and recommends to the Chief Medical Director policies and plans of departmentwide application within the limitations of VA-wide policies and plans pertaining to an integrated program of dental care.

(*b*) Has direct responsibility and final authority for all dental matters, subject to approval of the Chief Medical Director.

(*c*) Develops professional standards governing kinds and quality of staff, facilities, equipment, and supplies required by the dental program.

(*d*) Advises and assists the Chief Medical Director in connection with these activities, and appraises for the Chief Medical Director the effectiveness and economy of these activities.

(iv) *Office of the Assistant Chief Medical Director for Research and Education.* (*a*) Formulates, in close collaboration with other Assistant Chief Medical Directors and Controller, Department of Medicine and Surgery, and recommends to the Chief Medical Director objectives, policies, and plans of departmentwide application within the limitations of VA-wide policies and plans pertaining to a program of research and education in the Department of Medicine and Surgery.

(*b*) Develops and administers a coordinated research program.

(*c*) Develops a coordinated program of graduate and postgraduate education and in-service training.

(*d*) Advises and assists the Assistant Chief Medical Director for Operations in connection with the technical and professional aspects of these activities, and appraises for the Chief Medical Director the effectiveness and economy of these activities.

(v) *Office of the Assistant Chief Medical Director for Operations.* (*a*) In close collaboration with other Assistant Chief Medical Directors and Controller, Department of Medicine and Surgery:

(*1*) Develops and formulates general operating policies and standards for hospitals, clinics, homes, supply depots, and canteens.

(2) Participates in consideration and solution of all management problems involving basic policies governing operations of the Department of Medicine and Surgery.

(*3*) Directs the operations activities of hospitals, clinics, homes, supply depots, and canteens to assure conformance with approved objectives and policies.

(*4*) Provides the Department of Medicine and Surgery, Central Office, activities with mail and messenger service, central filing service, tabulating service, stenographic pool service, forms and form letters control service, and conducts the work measurement and incentive awards programs.

(vi) *Area Medical Office.* (*a*) Conducts supervisory activities in all field stations under the jurisdiction of the Department of Medicine and Surgery, and takes corrective action within the limits of existing Central Office policy, regulations, and operational directives.

(*b*) Performs additional operating duties as specifically assigned by the Chief Medical Director.

(*c*) Area medical offices are located in the following cities: Atlanta, Ga.; Boston, Mass.; Columbus, Ohio; San Francisco, Calif.; St. Louis, Mo.; St. Paul, Minn.; and Trenton, N. J.

(2) *Department of Veterans Benefits.* The Chief Benefits Director has jurisdiction over, directs, and is responsible to the Administrator for, the conduct of the activities of the Department of Veterans Benefits. Insures the effective execution of an integrated program of veterans benefits consisting of compensation and pension, vocational rehabilitation and education, loan guaranty, guardianship and contact activities of the Veterans Administration.

The Deputy Chief Benefits Director serves as the full assistant to the Chief Benefits Director in the discharge of his responsibilities, acts for him in his absence, and participates fully in the direction of all activities of the Department of Veterans Benefits.

(i) *Office of the Director, Compensation and Pension Service.* (*a*) Formulates and recommends to the Chief Benefits Director plans, regulations, procedures, and standards of department-wide application within the limitations of VA-wide policies and plans pertaining to the following activities:

(*1*) Disability compensation and pension claims.

(2) Claims for automobiles or other conveyances.

(3) Special housing claims.

(*4*) Emergency officers' retirement claims and Reserve officers' retirement pay under Public Law 262, 77th Congress.

(*5*) Eligibility determinations for other services or Government agencies.

(*6*) Death compensation and pension claims.

(*7*) Claims for reimbursement for burial, funeral and transportation expenses of deceased veterans.

(*8*) Claims for accrued compensation, pension, retirement pay, subsistence and training allowances, and readjustment allowances.

(*9*) Waivers of overpayments (other than loan guaranty).

(*10*) Forfeiture of rights and benefits.

(*11*) Claims for Government insurance by beneficiaries of deceased veterans.

(*12*) Claims for servicemen's indemnity.

(*13*) Claims for adjusted compensation in death cases.

(*b*) Appraises for the Chief Benefits Director the effectiveness, efficiency and economy of policies, regulations, procedures and standards in implementing Public Laws and attaining program objectives and the significant effect of the claims program nationally.

(*c*) Reviews proposed legislation and Executive orders to determine the specific effect upon the program and comments and recommends with respect thereto.

(*d*) Maintains liaison with agencies and organizations interested in compensation and pension.

(ii) *Office of the Director, Vocational Rehabilitation and Education Service.* (*a*) Formulates and recommends to the Chief Benefits Director policies, plans, procedures, and standards of departmentwide application within the limitations of VA-wide policies and plans pertaining to the following programs whereby the Veterans Administration effectuates the provisions of Public Law 16, 78th Congress, Public Law 894, 81st Congress, Public Law 346, 78th Congress, Public Law 550, 82d Congress, amendments to such laws, and other related directives relating to the vocational rehabilitation, education and training of disabled and nondisabled veterans.

(*1*) A program for (a) the determination of eligibility for and extent of entitlement to education or training benefits and basic eligibility for vocational rehabilitation, (b) the authorization of benefit payments to veterans under those laws, and (c) the application of the statutory provisions and limitations

which govern the pursuit of courses or programs of education and training.

(2) A program for (a) securing from the appropriate agency of each State a list of approved education and training institutions, (b) conducting business relationships with institutions to establish bases for payment of tuition fees and other allowable charges for the training of veterans, (c) reimbursing States and local agencies for services rendered in connection with the inspection, approval, and supervision of establishments and institutions, maintaining cooperative relationships with such agencies, (d) maintaining liaison between the various agencies of the Federal Government the services of which are used in connection with the education and training of veterans under Public Law 550, 82d Congress.

(3) A program for providing counseling services to veterans including (a) determining need for vocational rehabilitation to restore employability lost by reason of service-connected disability; determining feasibility of training or employment; and providing counseling services to assist disabled veterans in selecting suitable employment objectives; (b) providing counseling services for eligible veterans who desire such services in connection with education and training and for those for whom counseling is required by Veterans Administration regulations; (c) the operation of Veterans Administration guidance centers in educational institutions or other establishments.

(4) A program for prescribing and providing for disabled veterans courses of vocational rehabilitation to restore employability lost by reason of service-connected disabilities; preparing individual training programs to provide such courses including special courses to overcome the handicaps of severe disabilities; locating and negotiating agreements with suitable training facilities to furnish the training indicated by the individual training program; supervising disabled veterans throughout training; declaring disabled veterans rehabilitated when employability has been restored, referring the veteran to the appropriate State and/or Federal employment agency for assistance in obtaining employment and assisting in the placement of seriously disabled veterans in employment.

(5) A program to assure that the conditions under which veterans pursued education or training are in accord with the provisions of the appropriate law.

(6) Program analysis to evaluate the results of the vocational rehabilitation and education program in terms of its objectives and the actual benefits accruing to veterans as a result of the training provided.

(b) In accordance with specific delegation of authority, acts with respect to the following matters: approval of educational institutions and training establishments under Public Law 16 and Public Law 346 and programs of education and training under Public Law 550 where approval by the Administrator is required under the law, including courses and programs given by educational institutions in foreign countries and courses of training given by agencies of the Federal Government; conflict of interest waivers under section 264 of Public Law 550; final administrative determination on requests for review of decisions of Regional Office Committees on Educational Allowances; litigation actions before the Veterans Education Appeals Board; and negotiation and execution of contracts or agreements with State agencies to reimburse such agencies for reasonable and necessary expenses of salaries and travel incurred by employees of such agencies in rendering necessary services in ascertaining the qualifications of educational institutions and training establishments for furnishing courses of education and training to eligible veterans.

(c) Reviews proposed legislation and Executive orders pertaining to the vocational rehabilitation and education programs and recommends to the Chief Benefits Director thereon.

(d) Formulates and recommends to the Chief Benefits Director for publication historical and program analysis data pertaining to the vocational rehabilitation and education program.

(e) Maintains cooperative working relations with national agencies, organizations and associations which deal with or have a bearing on vocational rehabilitation and education of veterans.

(f) Appraises for the Chief Benefits Director the effectiveness, efficiency and economy of policies, regulations, procedures and standards in implementing Public Laws and attaining program objectives and the significant effect of the vocational rehabilitation and education program nationally.

(iii) *Office of the Director, Loan Guaranty Service.* (a) Formulates and recommends to the Chief Benefits Director, policies, plans, procedures and standards of departmentwide application within the limitations of VA-wide policies and plans, pertaining to programs whereby Veterans Administration effectuates the provisions of Title III of the Servicemen's Readjustment Act of 1944, as amended, and other statutes and implementing Executive orders and comparable directives relating to direct and indirect Government financial assistance for the purchase or construction of homes, and the acquisition, management, and operation of business and farming enterprises by veterans, and related activities consequent upon the default, sale, or other disposition of the veterans' contractual obligations and properties.

(b) Advises the Chief Benefits Director as to approved precedent interpretations of laws and regulations and the application of policies and procedures on loan guaranty programs, and prepares decisions in relation thereto for release through appropriate channels to industry groups, trade associations, and program participants as well as for Members of Congress and field officials of Veterans Administration.

(c) Directs a program of financial research to evaluate the effect of Government and private housing, lending, fiscal and underwriting policies and programs on loan guaranty activities, the adequacy of the interest rate on veterans' loans, the levels and capacity of the housing market, and the significance of proposed related legislation.

(d) Directs the continuous analysis and evaluation of economic data and trends affecting residential, business and farm financing, including availability of mortgage funds, residential construction, money market, interest rates, and factors bearing on the default and foreclosure rate on mortgage loans.

(e) Subject to established precedents (opinions of the Solicitor, General Counsel, etc.) furnishes legal advice to all elements of the department pertaining to activities incident to or consequent upon the guaranty, insurance and making of loans.

(f) Directs action on all appeals received from lenders and builders suspended from the program; arranges and schedules hearings; reviews the transcripts thereof and the recommendations of hearing boards; and formulates appropriate action and recommends disposition.

(g) Reviews proposed legislation and Executive orders pertaining to loan guaranty programs and recommends thereon. Recommends proposals for consideration of changes in existing laws relating to loan guaranty programs.

(h) Maintains top level liaison with other components of Federal Government and other organizations and associations interested in the loan guaranty program.

(i) Appraises for the Chief Benefits Director the effectiveness, efficiency, and economy of policies, regulations, procedures and standards in implementing Public Laws and attaining program objectives.

(iv) *Office of the Director, Guardianship Service.* (a) Formulates and recommends to the Chief Benefits Director, policies, plans, procedures and standards of departmentwide application within the limitations of VA-wide policies and plans pertaining to the following activities: the Veterans Administration guardianship program under section 21 of the World War Veterans' Act, as amended, an act to safeguard the estates of minors and incompetents entitled to benefits under acts administered by the Veterans Administration (38 U. S. C. 450), including courts in which the Administrator of Veterans Affairs is represented by his duly authorized attorney; and the field examination program, including field examinations in guardianship cases; compensation, pension, retirement, insurance, and indemnity cases; vocational rehabilitation and education cases, loan guaranty cases, and other matters.

(b) Furnishes legal advice and assistance to the Chief Benefits Director with respect to the application of the Federal and State laws, and Veterans Administration regulations and instructions pertaining to guardianship and field examination activities.

(c) Advises the Chief Benefits Director on matters involving State legislation affecting the guardianship program and commitment of mentally ill veterans.

(d) Maintains liaison with agencies and organizations interested in these activities.



(e) Appraises for the Chief Benefits Director the effectiveness, efficiency and economy of policies, plans, procedures and standards in implementing Public Laws and attaining program objectives, and the significant effect thereof on the guardianship activities nationally.

(f) Formulates and recommends to the Chief Benefits Director work-rate and quality performance standards and related work measurement reporting system for all activities of the Office of the Chief Attorney; conducts studies to assure continued validity of the standards and reliability of the work measurement system.

(v) *Office of the Director, Administration Service.* (a) Formulates and recommends to the Chief Benefits Director policies, plans, procedures and standards of departmentwide application within the limitations of VA-wide policies and plans pertaining to:

(1) Departmentwide management improvement and work simplification programs.

(2) Departmentwide paperwork management program.

(3) Departmentwide establishment and maintenance of quality and work-rate standards and work measurement reporting systems.

(4) Office administration activities (machine records and accounting activities, records management and general office operations).

(5) Supply management, supply fund management, procurement, real property management and engineering.

(b) As directed by the Chief Benefits Director or the Deputy Chief Benefits Director initiates, coordinates and conducts organizational and procedural studies of operating methods and other special studies; develops and recommends any improvement in the administrative and operational practices as evidenced by such studies.

(c) Maintains liaison with Veterans Administration officials, other agencies and organizationas on matters of mutual interest.

(d) Advises and assists the Chief Benefits Director in connection with the foregoing activities and appraises for him the effectiveness and economy of the policy and plans for these programs.

(vi) *Office of the Controller, Department of Veterans Benefits.* (a) Formulates, upon consultation where appropriate with staff officials, and recommends to the Chief Benefits Director policies, plans and procedures within the limitations of VA-wide policies and plans pertaining to the following activities of the Department of Veterans Benefits: the budgetary programs; the accounting, budgetary and fiscal systems; and an integrated system of financial and statistical reporting.

(b) Appraises for the Chief Benefits Director the effectiveness, efficiency and economy of policies, regulations, procedures and standards in implementing Public Laws and attaining program objectives.

(c) Recommends to the Chief Benefits Director with respect to allotments to be made from funds under control of department and allots funds within overall approved budgetary programs of the department.

(d) Maintains departmentwide accounting and budgetary control records.

(e) Is responsible for the development of cost consciousness on the part of all executives of the department and promotion of better management through a program of improved accounting.

(f) Formulates and recommends to the Chief Benefits Director work-rate and quality performance standards and related work-measurement reporting systems for finance activities; conducts periodic studies to assure continued validity of the standards and reliability of the work-measurement system.

(g) Serves as the principal point of contact with Office of the Controller (Veterans Administration) and in conjunction with the latter, with the General Accounting Office, Bureau of the Budget and other Government agencies on these activities.

(vii) *Office of the Director, Personnel Service.* (a) Serves as technical advisor on personnel matters in the Department of Veterans Benefits and formulates and recommends to the Chief Benefits Director policies, plans, procedures, and standards of departmentwide application within the limitations of VA-wide policies and plans pertaining to personnel management, including administration of the incentive awards program.

(b) Appraises for the Chief Benefits Director the effectiveness, efficiency and economy of policies, plans, procedures and standards in implementing Public Laws and attaining program objectives.

(c) Exercises technical personnel authorities within limitations imposed by current delegations and restrictions.

(d) Formulates and recommends to the Chief Benefits Director work-rate and quality performance standards and related work-measurement reporting systems for personnel functions; conducts periodic studies to assure continued validity of the standards and reliability of the work-measurement system.

(viii) *Office of the Director, Field Service.* (a) Administers for the Chief Benefits Director the program of continuous supervision of all work performed in all field stations of the department in order to:

(1) Assure conformance with the laws, regulations, policies, procedures and standards.

(2) Ascertain whether all activities are conducted efficiently and economically, directing or recommending appropriate action.

(3) Appraise for the Chief Benefits Director the performance of all field activities of the department as to end products.

(4) Evaluate for the Chief Benefits Director field station management.

(5) Evaluate for the Chief Benefits Director the utilization of manpower, material and funds.

(6) Furnish assistance to field stations in the solution of management and operational problems.

(7) Identify major management problems, areas or opportunities for improvement and recommend appropriate action.

(8) Identify for departmentwide purposes, organizational units or individual employees who have made outstanding contributions to the effectiveness or economy of operations.

(9) Identify improvements in practices, techniques and procedures in one or more stations and recommend action to disseminate such information to the field stations as appropriate.

(b) Directs the activities of the area supervision offices.

(c) Formulates and recommends to the Chief Benefits Director plans, procedures and standards for the supervision and evaluation of all work performed in all field stations of the department and for the inspection functions of the department.

(d) Develops instructions and technical aids to provide for the most effective implementation of approved policies pertaining to the supervision and inspection functions of the department.

(e) Conducts a continuing program of in-service training for field supervision personnel.

(f) Furnishes analyses and evaluation of field activities as reflected in supervision reports and related correspondence, recurring statistical reports and other sources.

(g) Reviews supervisory reports on a postaudit basis.

(h) Furnishes necessary assistance to field stations through special visits by area offices or Department of Veterans Benefits personnel to aid management in the solution of problems.

(i) Formulates and recommends to the Chief Benefits Director policies, plans, procedures, and standards of departmentwide application within the limitation of VA-wide policies and plans pertaining to contact and liaison activities in the Veterans Administration departments which furnish information, advice, and assistance to veterans, their dependents and beneficiaries, and the general public on veterans benefits provided by laws administered by the Veterans Administration; and foreign affairs activities.

(ix) *Area Supervision Office.* (a) Under the direction of the Director, Field Service, supervises all work performed in all field stations of the department within an assigned geographical area, performing the following: conducts the program of continuous supervision of all work performed in all field stations of the department in order to assure conformance with the laws, regulations, policies, procedures and standards; ascertain whether all activities are conducted efficiently and economically, directing or recommending appropriate action; appraise for the Director Field Service, the performance of all field activities of the department as to end products; evaluate for the Director, Field Service, field station management; evaluate for the Director, Field Service, the utilization of manpower, material and funds; furnish assistance to field stations in the solution of management and operational problems; identify major management problems, areas or opportunities for improvement, including changes in organization structure and changes in field station pattern, and recommend appropriate ac-

tion; identify for departmentwide purposes, organizational units or individual employees who have made outstanding contributions to the effectiveness or economy of operations; and identify improvements in practices, techniques and procedures in one or more stations and recommend action to disseminate such information to the field stations as appropriate.

(b) Conducts inspection functions of the department within the assigned area; directs regularly scheduled surveys of each assigned field station by field supervisors who will report on conditions found, assist in, initiate or direct corrective action as warranted; area representatives will act on the reports including the Manager's comments forwarding to the Director, Field Service, matters that cannot be resolved or are not covered by existing regulations, policies and procedures; advises the Director, Field Service, of the current effectiveness of field stations and makes recommendations with respect thereto; arranges supervisory itineraries and coordinates visits to field stations with other governmental agencies; determines need for special supervision in particular field stations where unusual problems require immediate attention, makes such visits and provides such help as is necessary; identifies program area requiring in-service training and staff development; stimulates, assists in arranging for, and participates in regional office in-service training; performs liaison functions between central office, field stations, other agencies and organizations as directed; and conducts special studies, inquiries, and other assignments as directed.

(c) Area supervision offices are located in the following cities: Atlanta, Ga.; Chicago, Ill.; Dallas, Tex.; Hartford, Conn.; and San Francisco, Calif.

(3) *Department of Insurance.* The Chief Insurance Director has jurisdiction over and is responsible to the Administrator for the proper conduct of the activities of the Department of Insurance, insures the effective execution of an integrated program of insurance.

The Deputy Chief Insurance Director serves as the full assistant to the Chief Insurance Director and acts for that official during periods of his unavailability; participates fully in the direction of all activities of the Department of Insurance, specifically: assures that operations conducted in the Insurance Centers conform to all applicable laws or regulations and established policies, standards, or procedures; is responsible for the personnel management, organization, training, office operation and administration, purchasing and supply work measurement, management improvement, work simplification, records management, and incentive awards activities; and assures that all operations are conducted economically and efficiently.

(i) *Office of the Chief Actuary.* (a) Formulates and recommends to the Chief Insurance Director general policies and plans of departmentwide application within the limitation of VA-wide policies and plans pertaining to insurance actuarial activities.

(b) Advises and assists the Deputy Chief Insurance Director in connection with the actuarial activities and appraises for the Chief Insurance Director the effectiveness and economy of these activities.

(c) Acts as a member of the policy board, Department of Insurance.

(d) Conducts mortality and disability studies and analyses of experience, establishes and calculates policy rates and values, and determines surplus and apportionment of dividends.

(e) Determines the status of the United States Government Life Insurance Fund, the National Service Life Insurance Fund, the revolving funds established under Public Law 23, 82d Congress.

(f) Performs special studies relating to actuarial matters.

(ii) *Office of the Director, Underwriting Service.* (a) Formulates and recommends to the Chief Insurance Director policies and plans of departmentwide application within the limitation of VA wide policies and plans pertaining to insurance underwriting.

(b) Advises and assists the Deputy Chief Insurance Director in connection with the underwriting activity, and appraises for the Chief Insurance Director the effectiveness and economy of that activity.

(c) Acts as a member of the policy board, Department of Insurance.

(d) Reviews evidence, determines the facts, and prepares and recommends decisions on protest, no record, and unusually complicated underwriting cases.

(iii) *Office of the Director, Insurance Accounts Service.* (a) Formulates and recommends to the Chief Insurance Director policies and plans of departmentwide application within the limitation of VA-wide policies and plans pertaining to insurance accounting.

(b) Advises and assists the Deputy Chief Insurance Director in connection with insurance accounting, and appraises for the Chief Insurance Director the effectiveness and economy of that activity.

(c) Acts as a member of the policy board, Department of Insurance.

(d) Reviews evidence, determines the facts, and prepares and recommends decisions on protest and unusually complicated cases involving insurance accounting matters.

(iv) *Office of the Director, Insurance Claims Service.* (a) Formulates and recommends to the Chief Insurance Director policies and plans of departmentwide application within the limitation of VA-wide policies and plans pertaining to insurance claims.

(b) Advises and assists the Deputy Chief Insurance Director in connection with insurance claims, and appraises for the Chief Insurance Director the effectiveness and economy of that activity.

(c) Acts as a member of the policy board, Department of Insurance.

(d) Reviews, develops evidence, makes determinations of fact, and prepares and recommends decisions, involving questions of legal and medical nature on protest, litigated and highly complicated disability insurance claims cases.

(v) *Office of the Controller, Department of Insurance.* (a) Formulates and recommends to the Chief Insurance Director policies and plans of departmentwide application within the limitation of VA-wide policies and plans pertaining to the following functions:

(1) Preparation of statements and other accounting reports relating to appropriated, trust, and revolving funds.

(2) Maintenance of trust funds and revolving fund accounts.

(3) Maintenance of employee and payee accounts and related activities of the Insurance Centers.

(b) Advises and assists the Deputy Chief Insurance Director in connection with these activities and appraises for the Chief Insurance Director the effectiveness and economy of these activities.

(c) Maintains accounting control over the distribution and use of appropriated funds.

(d) Reviews and consolidates the annual and quarterly insurance budgets.

(e) Performs spot or sample audits of collection, premium accounting, loan, lien, dividend, and associated records in all Insurance Centers to determine accuracy of transactions and effectiveness of accounting controls, and conducts periodic audit of all financial records.

(f) Participates in the justification of budget estimates of the Department of Insurance before Bureau of the Budget representatives and congressional committees.

SEC. 3. *Field Stations.* This term applies to Veterans Administration installations located in the field, and includes the following:

(a) *District office.* A Veterans Administration district office is a major field organizational element established to render, within an assigned geographical area, services provided by law and under properly constituted authority, to veterans, their dependents and beneficiaries in connection with National Service Life insurance and certain types of death claims (effective June 11, 1956, jurisdiction over all new death claims will be assigned to the appropriate regional offices in the continental United States). The office implements established plans, policies and procedures for the National Service Life insurance and death claims programs of the Veterans Administration, and conducts the auxiliary services essential to the operation of the district office including finance, personnel, administrative and supply activities. (See section 4 (b) for respective jurisdictions.)

(b) *Insurance Center, District of Columbia.* The Insurance Center, District of Columbia, is a major field organizational element established to render services provided by law and under properly constituted authority to all policyholders of United States Government Life insurance and policyholders of National Service Life insurance paying premiums by allotment from service department pay, and those residing in foreign countries. The office implements established plans, policies and procedures for the Government life insurance programs and assures that all auxiliary services of personnel, finance, administrative and supply essential to the operation of the center are conducted effectively and economically.

(c) *Regional office.* A Veterans Administration regional office is a field station which under properly constituted authority grants benefits and services provided by law for veterans, their dependents, and beneficiaries within an assigned territory; furnishes information as to all Veterans Administration benefits and services; procures data regarding applications and claims; rates and adjudicates claims and makes awards for disability compensation and pension; conducts physical and mental examinations for claims purposes; establishes eligibility and need for hospitalization in other Government and private institutions and State-home care; renders outpatient treatment and social service; handles guardianship and fiduciary matters and authorized legal proceedings; aids, guides and prescribes vocational rehabilitation training and administers educational benefits; guarantees loans for purchase or construction of homes, farms, or business property and, under certain conditions, makes direct home loans; after June 10, 1956, processes all new death claims in those regional offices located within the continental United States; aids and otherwise assists the veteran in exercising his rights to benefits and services; conducts administrative, finance, supply, files, and records activities; and supervises Veterans Administration offices under its jurisdiction.

(d) *Veterans Benefits Office, District of Columbia.* The Veterans Benefits Office, District of Columbia, is a field station which grants benefits and services provided by law for veterans, their dependents and beneficiaries. This office performs the functions of a regional office for an assigned territory and in addition adjudicates claims for death compensation and pension, all types of Government insurance and indemnity benefits filed by beneficiaries of deceased veterans, and reimbursement for burial, funeral, and transportation expenses of deceased veterans not assigned to the Veterans Administration district offices.

(e) *Hospital.* A Veterans Administration hospital is an organizational element established to provide all eligible beneficiaries with the best diagnostic and therapeutic services in accordance with the highest current professional standards. Hospitals are generally classified as GM&S (General Medical and Surgical), NP (Neuropsychiatric), and TB (Tuberculosis) indicating the major type of treatment. Usually, however, hospitals are equipped to render more than one type of treatment and some hospitals have facilities for highly specialized services such as those for tumors, chest surgery, neurosurgery, paraplegia, etc.

(f) *Center.* A Veterans Administration center is an organizational element consisting of a combination of activities of two or more of the following Veterans Administration field stations under jurisdiction of one Manager: District office, regional office, hospital, or domiciliary.



(g) *Domiciliary.* A Veterans Administration domiciliary is a field station having only domiciliary activities. By domiciliary activities is meant the providing of a home and the furnishing of domiciliary care and medical treatment when needed to those veterans who are unable because of their disabilities to care for themselves but who are not in need of nursing service, constant medical supervision, or definitive medical treatment. Domiciliary service is not to be considered as a convalescent home or an adjunct to the hospital for treatment of chronic diseases or as custodial care of incompetent veterans.

(h) *VA Office.* A VA office is an organizational element under either a Manager or an officer-in-charge established to provide contact service and such other service as cannot be conveniently provided to veterans, their dependents and beneficiaries, and others in a given locality by the parent regional office or center.

(i) *Other field installations.* In addition to the installations referred to in paragraph (a) through (h) of this section, there are a limited number of supply depots, a forms depot, a publications depot, and a separate outpatient clinic.

SEC. 4. *Addresses of installations and jurisdictional areas of district offices and Insurance Center, D. C.*—(a) *Addresses of Veterans Administration installations.* This is a guide to the location of Veterans Administration field stations in each State (also Alaska, Canal Zone, Hawaii, and Philippines), where information may be obtained by personal contact or correspondence concerning benefits to veterans and their dependents and beneficiaries. The parent regional offices and centers having regional office activities are listed, with the VA Offices (formerly subregional and contact offices) indented thereunder. VA Offices having medical activities are preceded by an asterisk.

| *Type of activity and location* | *Address* |
|---|---|
| **ALABAMA** | |
| Regional Office, Montgomery 4 | 400 Lee Street. |
| VA Office, Birmingham 3 | 1724 Third Avenue North. |
| VA Office, Decatur | 201 Gordon Drive. |
| VA Office, Gadsden | King Building, 524 Chestnut Street. |
| VA Office, Mobile 10 | U. S. Court House and Custom House. |
| Hospital, Birmingham 3 | Veterans Administration Hospital. |
| Hospital, Montgomery 10 | Perry Hill Road. |
| Hospital, Tuscaloosa | Veterans Administration Hospital. |
| Hospital, Tuskegee | Veterans Administration Hospital. |
| **ALASKA** | |
| Regional Office, Juneau | Goldstein Building. |
| VA Office, Anchorage | P. O. Box 1399, Federal Building. |
| VA Office, Fairbanks | P. O. Box 869, Federal Building. |
| VA Office, Ketchikan | P. O. Box 2621, Federal Building. |
| **ARIZONA** | |
| Regional Office, Phoenix | Ellis Building, 137 North Second Avenue. |
| VA Office, Tucson | Greenway Station. |
| VA Office, Yuma | First National Bank Building, 198 Main Street. |
| Hospital, Phoenix | Seventh Street and Indian School Road. |
| Hospital, Tucson | Veterans Administration Hospital. |
| Center (Hospital and Domiciliary), Whipple. | Veterans Administration Center. |
| **ARKANSAS** | |
| Regional Office, Little Rock | 555 Building, 211 Broadway. |
| VA Office, Batesville | Post Office Building. |
| VA Office, El Dorado | Federal Building. |
| VA Office, Forrest City | Post Office Building. |
| VA Office, Fort Smith | Post Office Building. |
| VA Office, Harrison | Seville Hotel. |
| VA Office, Jonesboro | Jonesboro Clinic Building. |
| VA Office, Pine Bluff | 203½ West Fifth Street. |
| VA Office, Texarkana | Post Office Building, Fifth and State Line. |
| Hospital, Fayetteville | Veterans Administration Hospital. |
| Hospital, Little Rock | 300 East Roosevelt Road. |
| Hospital, North Little Rock | Veterans Administration Hospital. |
| **CALIFORNIA** | |
| Regional Office, Los Angeles 25 | Mgr. Office: 1031 South Broadway. Mail: 1380 South Sepulveda Boulevard. |
| VA Office, Bakersfield | 1100 Golden State Highway. |
| VA Office, Las Vegas, Nev | 120 South Third Street. |
| VA Office, Long Beach | Post Office Building, Third and American Avenue. |
| VA Office, Pasadena | 137 North Marengo Avenue. |
| VA Office, San Bernardino | 1120 North "E" Street. |
| VA Office, San Diego 1 | 325 "B" Street. |
| VA Office, San Luis Obispo | 864 Santa Rosa Street (P. O. Box 207). |
| Regional Office, San Francisco 3 | 49 Fourth Street. |
| VA Office, Fresno 21 | Room 8, Post Office Building. |
| VA Office, *Oakland 12 | 1305 Franklin Street. |
| VA Office, Sacramento 14 | 921 Tenth Street. |
| VA Office, San Jose 10 | 192 St. Augustine Street. |
| VA Office, Stockton 2 | 142 North California Street. |

CALIFORNIA—continued

| Type of activity and location | Address |
|---|---|
| Hospital, Fresno | 2615 Clinton Avenue. |
| Hospital, Livermore | Veterans Administration Hospital. |
| Hospital, Long Beach | 5901 Seventh Street. |
| Center (Hospital and Domiciliary), Los Angeles 25. | Sawtelle and Wilshire Boulevards. |
| Hospital, Oakland 12 | 13th and Harrison Street. |
| Hospital, Palo Alto | Veterans Administration Hospital. |
| Hospital, San Fernando | Veterans Administration Hospital. |
| Hospital, San Francisco 21 | 42d Avenue and Clement Street. |
| Hospital, Sepulveda | Veterans Administration Hospital. |

CANAL ZONE

| | |
|---|---|
| Veterans Administration Office, Balboa. | Balboa Clubhouse. Mail: P. O. Box 3672. |

COLORADO

| | |
|---|---|
| Center (Regional Office and District Office), Denver 2. | Denver Federal Center. |
| VA Office, Boulder | 1245 Pearl Street. |
| VA Office, Colorado Springs | 121 East Pikes Peak Avenue. |
| VA Office, Pueblo | Federal Building. |
| Hospital, Denver 20 | 1055 Clermont Street. |
| Hospital, Fort Lyon | Veterans Administration Hospital. |
| Hospital, Grand Junction | Veterans Administration Hospital. |

CONNECTICUT

| | |
|---|---|
| Regional Office, Hartford 4 | 95 Pearl Street. |
| VA Office, *Bridgeport 3 | 355 Fairfield Avenue. |
| VA Office, New Haven 11 | 294 Cedar Street. |
| VA Office, Waterbury | 111 Grand Street. |
| Hospital, West Haven 16 | Veterans Administration Hospital. |
| Newington Hospital Division | Mail: West Spring Street, West Haven 16. |
| West Haven Hospital Division | Mail: West Spring Street, West Haven 16. |

DELAWARE

| | |
|---|---|
| Regional Office, Wilmington (No VA office.) | Dravo Building. |
| Hospital, Wilmington | Veterans Administration Hospital. |

DISTRICT OF COLUMBIA

| | |
|---|---|
| Hospital, Washington 7 | 2650 Wisconsin Avenue NW. |
| Insurance Center, Washington 25 | Munitions Building. |
| Veterans Benefits Office, Washington 25. | Munitions Building. |

FLORIDA

| | |
|---|---|
| Regional Office, Pass-A-Grille Beach | P. O. Box 1437, St. Petersburg, Fla. |
| VA Office, Fort Lauderdale | Radio Center Building, 100 East Las Olas Boulevard. |
| VA Office, Fort Pierce | 118 Arcade Building. |
| VA Office, Gainesville | 105 Seagle Building. |
| VA Office, *Jacksonville 1 | Haverty Building, 317 Main Street. |
| VA Office, Key West | Post Office Building. |
| VA Office, Lakeland | Broderick Building. |
| VA Office, Marianna | Corner Estes and Lafayette Streets. |
| VA Office, **Miami 10 | 3300 Northeast Second Avenue. |
| VA Office, Orlando | Federal Office Building. |
| VA Office, Pensacola | 25 East Wright Street. |
| VA Office, Tallahassee | 115 South Adams Street. |
| VA Office, Tampa 2 | 311 East Harrison Street. |
| VA Office, West Palm Beach | 712 Comeau Building. |
| Center (Hospital and Domiciliary), Bay Pines. | Veterans Administration Center. |
| Hospital, Coral Gables | Veterans Administration Hospital. |
| Hospital, Lake City | Veterans Administration Hospital. |

GEORGIA

| Type of activity and location | Address |
|---|---|
| Regional Office, Atlanta 3 | 105 Pryor Street NE. |
| VA Office, Albany | 221½ Broad Avenue. |
| VA Office, Athens | Room 306, New Post Office Building. |
| VA Office, Augusta | 29 Eighth Street. |
| VA Office, Brunswick | 302½ Gloucester Street. |
| VA Office, Columbus | Room 203, First National Bank Building. |
| VA Office, *Macon | 407 Broadway. |
| VA Office, Rome | Room 205, West Building. |
| VA Office, *Savannah | 35 Bull Street. |
| VA Office, Valdosta | 133 North Patterson Street. |
| Hospital, Atlanta | 5998 Peachtree Road NE. |
| Hospital, Augusta | Veterans Administration Hospital. |
| Hospital, Dublin | Veterans Administration Hospital. |
| Domiciliary, Thomasville | Veterans Administration Domiciliary. |

HAWAII

| | |
|---|---|
| Regional Office, Honolulu 1 | P. O. Box 3198. |
| VA Office, Hilo, Hawaii | P. O. Box 1779 (Post Office Building). |

IDAHO

| | |
|---|---|
| Center (Hospital and Regional Office) Boise. | 914 Jefferson Street. |
| VA Office, Coeur d'Alene | 214 North Third Street. |
| VA Office, Idaho Falls | Post Office Building. |
| VA Office, Moscow | 125 West Third Street. |
| VA Office, Pocatello | 424 West Center Street. |
| VA Office, Twin Falls | 249 Main Avenue East. |

ILLINOIS

| | |
|---|---|
| Regional Office, Chicago 12 | 2030 West Taylor Street. |
| VA Office, Champaign | 821 South Neil Street. |
| VA Office, East St. Louis | 435 Missouri Avenue. |
| VA Office, *Gary, Ind | Gerometta Building, 301 East Fifth Avenue. |
| VA Office, Moline | 1630 Fifth Avenue. |
| VA Office, Peoria | Central National Bank Building, Main and Adams. |
| VA Office, Rockford | 312 South Main Street. |
| VA Office, Springfield | U. S. Post Office Building. |
| Hospital, Chicago 11 | 333 East Huron Street (Veterans Administration Research Hospital). |
| Hospital, Chicago 12 | 820 South Damen Avenue. |
| Hospital, Danville | Veterans Administration Hospital. |
| Hospital, Downey | Veterans Administration Hospital. |
| Hospital, Dwight | Veterans Administration Hospital. |
| Hospital, Hines | Veterans Administration Hospital (Edward Hines, Jr., Hospital). |
| Hospital, Marion | Veterans Administration Hospital. |

INDIANA

| | |
|---|---|
| Regional Office, Indianapolis 9 | 36 South Pennsylvania Street. |
| VA Office, Bloomington | 102½ West Sixth Street. |
| VA Office, Evansville | 206 Main Street. |
| VA Office, Fort Wayne 2 | Post Office Building. |
| VA Office, *Gary | (See Regional Office, Chicago.) |
| VA Office, Lafayette | Hook Building, 603 Main Street. |
| VA Office, Muncie | 105 West Main Street. |
| VA Office, New Albany | 304½ Pearl Street. |
| VA Office, South Bend 2 | 224 West Jefferson Boulevard. |
| VA Office, Terre Haute | Post Office Building. |
| Hospital, Fort Wayne 3 | 1600 Randalia Drive. |
| Hospital, Indianapolis 7 | 1481 West Tenth Street. |
| Tenth Street Hospital Division | Mail: 1481 West Tenth Street, Indianapolis 7. |
| Cold Spring Road Hospital Division. | Mail: 1481 West Tenth Street, Indianapolis 7. |
| Hospital, Marion | Veterans Administration Hospital. |



IOWA

| Type of activity and location | Address |
|---|---|
| Center (Regional Office and Hospital), Des Moines 9. | Veterans Administration Center. |
| VA Office, Cedar Rapids | Room 309, Federal Building. |
| VA Office, Davenport | Room 233, Post Office Building. |
| VA Office, Dubuque | Room 306, Post Office Building. |
| VA Office, Fort Dodge | Room 218, Snell Building, 803 Central Avenue. |
| VA Office, Mason City | Room 311, Post Office Building. |
| VA Office, Ottumwa | Room 232, Post Office Building. |
| VA Office, Sioux City 1 | Room 228, Federal Building. |
| VA Office, Waterloo | Room 322, Post Office Building. |
| Hospital, Iowa City | Veterans Administration Hospital. |
| Hospital, Knoxville | Veterans Administration Hospital. |
| Domiciliary, Clinton | Veterans Administration Domiciliary. |

KANSAS

| | |
|---|---|
| Center (Regional Office and Hospital), Wichita 8. | 5500 East Kellogg. |
| VA Office, Hutchinson | Post Office Building. |
| VA Office, Pittsburg | City Auditorium Fifth and Pine Streets. |
| VA Office, *Topeka | 3701–9 West 21st Street. |
| Center (Hospital and Domiciliary), Wadsworth (within the Kansas City, Mo., Regional Office territory). | Veterans Administration Center. |
| Hospital, Topeka | Veterans Administration Hospital. |

KENTUCKY

| | |
|---|---|
| Regional Office, Louisville 3 | 1405 West Broadway. |
| VA Office, Ashland | 1617 Greenup Avenue. |
| VA Office, Bowling Green | Room 8, Post Office Building. |
| VA Office, Covington | Old Post Office Building, Third Street and Court Avenue. |
| VA Office, Harlan | Post Office Building. |
| VA Office, Hazard | Chamber of Commerce Building. |
| VA Office, Lexington | Room 7, Federal Building, Barr and Limestone Streets. |
| Hospital, Fort Thomas | Veterans Administration Hospital. |
| Hospital, Lexington | Veterans Administration Hospital. |
| Hospital, Louisville 2 | Mellwood and Zorn Avenue. |
| Hospital, Outwood | Veterans Administration Hospital. |

LOUISIANA

| | |
|---|---|
| Regional Office, New Orleans 13 | 2026 St. Charles Avenue. |
| VA Office, Baton Rouge 2 | Reymond Building, 263 North Third Street. |
| VA Office, Hammond | City Hall. |
| VA Office, Houma | Terrebonne Parish Courthouse. |
| VA Office, Lafayette | 515 South Buchanan Street. |
| VA Office, Lake Charles | 921½ Ryan Street. |
| Center (Regional Office and Hospital) Shreveport 12. | 510 East Stoner Avenue. |
| VA Office, Monroe | 136 South Grand Street. |
| Hospital, Alexandria | Veterans Administration Hospital. |
| Hospital, New Orleans 12 | 1601 Perdido Street. |

MAINE

| | |
|---|---|
| Center (Regional Office and Hospital), Togus. | Veterans Administration Center. |
| VA Office, Bangor | 96 Harlow Street. |
| VA Office, *Portland | 171 Middle Street. |

MARYLAND

| Type of activity and location | Address |
|---|---|
| Regional Office, Baltimore 2 | St. Paul and Fayette Streets. |
| VA Office, Cumberland | Post Office Building, Pershing Street. |
| VA Office, Hagerstown | City Hall, North Potomac and Franklin Streets. |
| Hospital, Baltimore 18 | 3900 Loch Raven Boulevard. |
| Hospital, Fort Howard | Veterans Administration Hospital. |
| Hospital, Perry Point | Veterans Administration Hospital. |

MASSACHUSETTS

| | |
|---|---|
| Regional Office, Boston 8 | 1 Beacon Street. |
| VA Office, Brockton | Post Office Building. |
| VA Office, Cambridge | 57 Inman Street. |
| VA Office, Chelsea | Room 102, City Hall. |
| VA Office, Fall River | (See Providence, R. I., Regional Office.) |
| VA Office, Fitchburg | 280 Main Street. |
| VA Office, Greenfield | Post Office Building. |
| VA Office, Holyoke | Room 208, Post Office Building. |
| VA Office, Lawrence | 477 Essex Street. |
| VA Office, *Lowell | Old Post Office. |
| VA Office, Lynn | Room 205, Daily Item Building, 38 Exchange Street. |
| VA Office, Malden | Room 4, City Hall Annex, Ferry Street. |
| VA Office, New Bedford | (See Providence, R. I., Regional Office.) |
| VA Office, North Adams | 85 Main Street. |
| VA Office, Pittsfield | 246 North Street. |
| VA Office, Quincy | Chamber of Commerce Building, 18 Washington Street. |
| VA Office, Salem | 126 Washington Street. |
| VA Office Somerville | Post Office Building, Union Square. |
| VA Office, *Springfield | 1200 Main Street. |
| VA Office, *Worcester 8 | 7 Chatham Street. |
| Hospital, Bedford | Veterans Administration Hospital. |
| Hospital, Boston 30 | 150 South Huntington Avenue. |
| Hospital, Brockton | Veterans Administration Hospital. |
| Hospital, Northampton | Veterans Administration Hospital. |
| Hospital, Rutland Heights | Veterans Administration Hospital. |
| Hospital, West Roxbury 32 | Veterans of Foreign Wars Parkway. |
| Outpatient Clinic, Boston 8 | 17 Court Street. |

MICHIGAN

| | |
|---|---|
| Regional Office, Detroit 31 | 310 East Jefferson Avenue. |
| VA Office, Flint 3 | 432 North Saginaw Street, Metropolitan Building. |
| VA Office, Grand Rapids 2 | Goodspeed Building, 190 Monroe Avenue NW. |
| VA Office, Lansing 2 | Veterans Affairs Building, 411 West Michigan Avenue. |
| Hospital, Ann Arbor | 2215 Fuller Road. |
| Hospital, Battle Creek | Veterans Administration Hospital. |
| Hospital, Dearborn | Veterans Administration Hospital. |
| Hospital, Iron Mountain | Veterans Administration Hospital. |
| Hospital, Saginaw | 1500 Weiss Street. |

MINNESOTA

| | |
|---|---|
| Regional Office, St. Paul 11 | Fort Snelling. |
| VA Office, Duluth 2 | Post Office Building. |
| District Office, St. Paul 11 | Fort Snelling. |
| Hospital, Minneapolis 17 | 54th Street and 48th Avenue South. |
| Hospital, St. Cloud | Veterans Administration Hospital. |

MISSISSIPPI

| | |
|---|---|
| Center (Regional Office and Hospital), Jackson. | Veterans Administration Center. |
| VA Office, Gulfport | American Legion Building, 13th Street and 26th Avenue. |
| VA Office, *Meridian | 814–818 22d Avenue. |

MISSISSIPPI—continued

| Type of activity and location | Address |
|---|---|
| Center (Hospital and Domiciliary), Biloxi. | Veterans Administration Center. |
| Biloxi Hospital and Domiciliary Division. | Mail: Biloxi. |
| Gulfport Hospital Division | Mail: Biloxi. |

MISSOURI

| | |
|---|---|
| Regional Office, Kansas City 8 | 1828 Walnut Street. |
| VA Office, Joplin | McKinley Building, 505 Joplin Avenue. |
| VA Office, St. Joseph | Post Office Building, Eighth and Edmond Streets. |
| VA Office, Sedalia | 208 South Lamine Street. |
| VA Office, *Springfield | Wilhoit Building, Pershing and Jefferson Streets. |
| Regional Office, St. Louis 2 (No VA Office.) | 415 Pine Street. |
| Hospital, Excelsior Springs | Veterans Administration Hospital. |
| Hospital, Jefferson Barracks 23 | Veterans Administration Hospital. |
| Hospital, Kansas City 28 | 4801 Linwood Boulevard. |
| Hospital, Poplar Bluff | Veterans Administration Hospital. |
| Hospital, St. Louis 6 | 915 North Grand Boulevard. |

MONTANA

| | |
|---|---|
| Center (Regional Office and Hospital), Fort Harrison. | Veterans Administration Center. |
| VA Office, Billings | Room 220, Stapleton Building, First Avenue North and Broadway. |
| VA Office, Butte | Owsley Building, Park and Main Streets. |
| VA Office, Great Falls | Room 304, Federal Building, First Avenue North and Third Street North. Mail: P. O. Box 1788. |
| VA Office, Missoula | Federal Building, East Broadway and Pattie. |
| Hospital, Miles City | Veterans Administration Hospital. |

NEBRASKA

| | |
|---|---|
| Regional Office, Lincoln 1 | Veterans Building, 12th and O Streets. |
| VA Office, Omaha 2 | 1612 Harney Street. |
| Hospital, Grand Island | Veterans Administration Hospital. |
| Hospital, Lincoln 1 | Veterans Administration Hospital. |
| Hospital, Omaha 5 | 4101 Woolworth Avenue. |

NEVADA

| | |
|---|---|
| Center (Regional Office and Hospital), Reno | Veterans Administration Center. |
| VA Office, Las Vegas | (See Los Angeles, Calif., Regional Office.) |

NEW HAMPSHIRE

| | |
|---|---|
| Regional Office, Manchester | 497 Silver Street. |
| VA Office, Berlin | Coos County Courthouse. |
| VA Office, Dover | 90 Washington Street. |
| VA Office, Laconia | Room 208, Forrestry Building, 719 Main Street. |
| VA Office, Portsmouth | Post Office and Customs House. |
| Hospital, Manchester | Smyth Road. |

NEW JERSEY

| | |
|---|---|
| Regional Office, Newark 2 | 20 Washington Place. |
| VA Office, Atlantic City | Old Post Office Building, Pacific and Pennsylvania Avenue. |
| VA Office, *Camden | Broadway Stevens Building, 300 Broadway. |
| VA Office, Jersey City | 880 Bergen Avenue. |
| VA Office, New Brunswick | 47 Patterson Street. |
| VA Office, Paterson | Room 201, Post Office Building. |
| VA Office, Red Bank | 12 Broad Street. |
| VA Office, Trenton | 200 East State Street. |
| Hospital, East Orange | Veterans Administration Hospital. |
| Hospital, Lyons | Veterans Administration Hospital. |

NEW MEXICO

| | |
|---|---|
| Regional Office, Albuquerque | 11th Street and Tijeras Avenue. |
| VA Office, Carlsbad | County Courthouse. |
| VA Office, Clovis | City Hall, P. O. Box 28. |
| VA Office, Gallup | Post Office Building, P. O. Box 791. |
| VA Office, Las Cruces | Dona Ana County Courthouse. |
| VA Office, Las Vegas | Post Office Building, P. O. Box 638. |
| VA Office, Santa Fe | U. S. Courthouse. |
| Hospital, Albuquerque | Veterans Administration Hospital. |
| Hospital, Fort Bayard | Veterans Administration Hospital. |

NEW YORK

| | |
|---|---|
| Regional Office, Albany 1 | Watervliet Arsenal. |
| VA Office, Glens Falls | 45 Ridge Street. |
| VA Office, Kingston | 288 Fair Street. |
| VA Office, Plattsburg | City Hall Building. |
| VA Office, Poughkeepsie | 15 Washington Street. |
| VA Office, Schenectady | Lorraine Building, 501–505 State Street. |
| Regional Office, Brooklyn 1 (No VA Office.) | 250 Livingston Street. |
| Regional Office, Buffalo 3 | 1021 Main Street. |
| VA Office, Niagara Falls | 42 Falls Street. |
| VA Office, *Rochester | 39 State Street. |
| Regional Office, New York City 1 | 252 Seventh Avenue. |
| VA Office, Jamaica, Long Island | 89–09 Sutphin Boulevard. |
| VA Office, Middleton | City Hall, 16 James Street. |
| VA Office, Mineola, Long Island | 320 Old Country Road. |
| VA Office, Newburgh | Post Office Building. |
| VA Office, White Plains | County Office Building. |
| Regional Office, Syracuse 2 | Chimes Building, 500 South Salina Street. |
| VA Office, Binghamton | 64 Henry Street. |
| VA Office, Utica 2 | 110 Genesee Street. |
| VA Office, Watertown | Post Office, 163 Arsenal Street. |
| Hospital, Albany | Veterans Administration Hospital. |
| Hospital, Batavia | Veterans Administration Hospital. |
| Center (Hospital and Domiciliary), Bath. | Veterans Administration Center. |
| Hospital, Bronx 68 | 130 West Kingsbridge Road. |
| Hospital, Brooklyn 9 | Veterans Administration Hospital. |
| Hospital, Buffalo 15 | 3495 Bailey Avenue. |
| Hospital, Canandaigua | Veterans Administration Hospital. |
| Hospital, Castle Point | Veterans Administration Hospital. |
| Hospital, Montrose | Veterans Administration Hospital (Franklin Delano Roosevelt Hospital). |
| Hospital, New York 10 | 408 First Avenue. |
| Hospital, Northport, Long Island | Veterans Administration Hospital. |
| Hospital, Sunmount | Veterans Administration Hospital. |
| Hospital, Syracuse 10 | Irving Avenue and University Place. |

NORTH CAROLINA

| | |
|---|---|
| Regional Office, Winston-Salem | 310 West Fourth Street. |
| VA Office, Asheville | Room 421, City Building. |
| VA Office, *Charlotte 2 | 127 West Seventh Street. |
| VA Office, Durham | 302 Morris Street. |
| VA Office, Gastonia | Post Office Building. |
| VA Office, Goldsboro | Room 607, Borden Building. |
| VA Office, New Bern | Post Office Building, P. O. Box 352. |
| VA Office, Raleigh | 1212–13 Capital Club Building. |
| VA Office, Wilmington | Room 200, Custom House. |
| Hospital, Durham | Fulton Street and Erwin Road. |
| Hospital, Fayetteville | Veterans Administration Hospital. |
| Hospital, Oteen (includes Division at Swannanoa). | Veterans Administration Hospital. |
| Hospital, Salisbury | Veterans Administration Hospital. |



NORTH DAKOTA

| Type of activity and location | Address |
|---|---|
| Center (Regional Office and Hospital), Fargo. | Veterans Administration Center. |
| VA Office, Bismarck | Federal Building. |
| VA Office, Grand Forks | 102 North Fourth Street. |
| Hospital, Minot | Veterans Administration Hospital (John Moses Veterans Memorial Hospital). |

OHIO

| | |
|---|---|
| Regional Office, Cincinnati 2 | 209 East Sixth Street. |
| VA Office, Cambridge | 118½ North Ninth Street. |
| VA Office, *Columbus 8 | 48 Starling Street. |
| VA Office, Dayton 2 | 15 East Fourth Street (2d floor). |
| VA Office, Hamilton | 152 High Street. |
| VA Office, Ironton | 411 Center Street. |
| VA Office, Marietta | 218½ Putnam Street. |
| VA Office, Portsmouth | Post Office Building, 610 Gay Street. |
| VA Office, Springfield | McAdams Building, 31 East High Street. |
| VA Office, Zanesville | 406 Market Street. |
| Regional Office, Cleveland 14 | Cuyahoga Building. |
| VA Office, *Akron | 72–76 South High Street. |
| VA Office, Canton 2 | 117 Walnut Avenue NE. |
| VA Office, Lorain | Broadway Building, 305 Broadway Avenue. |
| VA Office, New Philadelphia | 152 North Broadway. |
| VA Office, Steubenville | 333 North Fourth Street. |
| VA Office, *Toledo 4 | 604 Jackson Street. |
| VA Office, Warren | Post Office Building. |
| VA Office, Youngstown 3 | Union National Bank Building, 6 West Federal Street. |
| Hospital, Brecksville | Veterans Administration Hospital. |
| Hospital, Chillicothe | Veterans Administration Hospital. |
| Hospital, Cincinnati 20 | 3200 Vine Street. |
| Hospital, Cleveland 30 | 7300 York Road. |
| Center (Hospital and Domiciliary), Dayton. | Veterans Administration Center. |

OKLAHOMA

| | |
|---|---|
| Regional Office, Muskogee | Second and Court Streets. |
| VA Office, Ardmore | Federal Building. |
| VA Office, Bartlesville | Rooms 220–222, Post Office Building. |
| VA Office, Clinton | Calmez Hotel. |
| VA Office, Enid | Federal Building, 105 West Broadway. |
| VA Office, Hugo | Room 6, Post Office Building. |
| VA Office, Lawton | Federal Building, P. O. Box 1185. |
| VA Office, McAlester | Rooms 205–207, Post Office Building. |
| VA Office, Ponca City | 213 Federal Building. |
| VA Office, Shawnee | 107 North Broadway. |
| VA Office, Oklahoma City | 1101 North Broadway. |
| VA Office, Tulsa | Room 602, Petroleum Building, 420 South Boulder Street. |
| Hospital, Muskogee | Memorial Station, Honor Heights Drive. |
| Hospital, Oklahoma City 4 | 921 Northeast 13th Street. |

OREGON

| | |
|---|---|
| Regional Office, Portland 4 | 208 Southwest Fifth Avenue. |
| VA Office, Eugene | 610 Willamette Street. |
| VA Office, Medford | 33 North Riverside Avenue. |
| Domiciliary, Camp White | Veterans Administration Domiciliary. |
| Hospital, Portland 7 | Sam Jackson Park. |
| Portland Hospital Division | Mail: Sam Jackson Park, Portland 7. |
| Vancouver (Wash.) Hospital Division. | Mail: Sam Jackson Park, Portland 7, Oreg. |
| Hospital, Roseburg | Veterans Administration Hospital. |

PENNSYLVANIA

| Type of activity and location | Address |
|---|---|
| Regional Office, Philadelphia 2 | 128 North Broad Street. |
| VA Office, Allentown | 1122 Hamilton Street. |
| VA Office, Reading | U. S. Post Office Building. |
| Regional Office, Pittsburgh 22 | 107 Sixth Street. |
| VA Office, Altoona | Crist Building, 1114 12th Street. |
| VA Office, Erie | U. S. Court Building, State Street and South Park Row. |
| VA Office, *Johnstown | Old Post Office Building, Market and Locust Streets. |
| VA Office, New Castle | 223 East Washington Street. |
| VA Office, Uniontown | Union Trust Building, 37 Main Street. |
| VA Office, *Wheeling, W. Va | 11th and Chapline Streets. |
| Regional Office, Wilkes-Barre | 19–27 North Main Street. |
| VA Office, *Harrisburg | 100 North Cameron Street. |
| VA Office, Lancaster | 250 West Orange Street. |
| VA Office, Pottsville | Thompson Building, 23–27 North Centre Street. |
| VA Office, *Scranton 3 | Select Building, 116–18 North Washington Avenue. |
| VA Office, Shamokin | 24 South Market Street. |
| VA Office, Williamsport | 153 West Fourth Street. |
| VA Office, York | 80 South Beaver Street. |
| District Office, Philadelphia 1 | 5000 Wissahickon Avenue. Mail: P. O. Box 8079. Remittances: P. O. Box 7787. |
| Hospital, Altoona | Veterans Administration Hospital. |
| Hospital, Butler | Veterans Administration Hospital. |
| Hospital, Coatesville | Veterans Administration Hospital. |
| Hospital, Erie 5 | 135 East 38th Street Boulevard. |
| Hospital, Lebanon | Veterans Administration Hospital. |
| Hospital, Philadelphia 4 | University and Woodland Avenues. |
| Hospital, Pittsburgh 6 | Leech Farm Road. |
| Hospital, Pittsburgh 40 | University Drive. |
| Aspinwall Hospital Division | Mail: University Drive, Pittsburgh 40. |
| Pittsburgh Hospital Division | Mail: University Drive, Pittsburgh 40. |
| Hospital, Wilkes-Barre | East End Boulevard. |

PHILIPPINES

| | |
|---|---|
| Regional Office, Manila | APO 928, San Francisco, Calif. |
| VA Office, Cebu City, Philippines | City Hall. |

PUERTO RICO

(Including the Virgin Islands)

| | |
|---|---|
| Center (Regional Office and Hospital), San Juan. | Post Office Box 4424. |
| VA Office, Arecibo | #28 De Diego Street. |
| VA Office, Caguas | 45 Celis Aguilera Street. |
| VA Office, Cayey | 62 Baldorioty Street. |
| VA Office, Humacao | Munoz Marin Avenue and Ulises Martinez Street. |
| VA Office, Ponce | Post Office Building, Atocha Street. |
| VA Office, Mayaguez | Post Office Building. |

RHODE ISLAND

| | |
|---|---|
| Regional Office, Providence 3 | 100 Fountain Street. |
| VA Office, Fall River, Mass | 144 North Main Street. |
| VA Office, *New Bedford, Mass | 757 Pleasant Street. |
| Hospital, Providence 8 | Davis Park. |

SOUTH CAROLINA

| | |
|---|---|
| Regional Office, Columbia | 1801 Assembly Street. |
| VA Office, Charleston 10 | The Old Citadel Building. |
| VA Office, Greenville | Federal Courthouse and Post Office Building. |
| VA Office, Orangeburg | 370 St. Paul Street NE. |
| VA Office, Spartanburg | Montgomery Building. |
| Hospital, Columbia | Veterans Administration Hospital. |

| Type of activity and location | Address |
|---|---|
| **UTAH** | |
| Center (Regional Office and Hospital), Salt Lake City 4 | 1750 South Redwood Road. |
| Regional Office, Salt Lake City | Post Office Building, 24th Street and Grant Avenue. |
| VA Office, Ogden | 414 Seventh Street. |
| Hospital, Salt Lake City 1 | Fort Douglas Station. |
| Fort Douglas Hospital Division | Mail: Fort Douglas Station, Salt Lake City 1. |
| Twelfth Avenue Hospital Division | Mail: Fort Douglas Station, Salt Lake City 1. |
| **VERMONT** | |
| Center (Regional Office and Hospital), White River Junction | Veterans Administration Center. |
| VA Office, Burlington | 86 St. Paul Street. |
| **VIRGINIA** | |
| Regional Office, Roanoke 11 | 211 West Campbell Avenue. |
| VA Office, Danville | Room 306, Post Office Building. |
| VA Office, Lynchburg | Room 810, Post Office Building. |
| VA Office, Newport News | Professional Building, 103 28th Street. |
| VA Office, Norfolk | 217 Post Office Building. |
| VA Office, Richmond 20 | 900 North Lombardy Street. |
| Center (Hospital and Domiciliary), Recoughtan | Veterans Administration Center. |
| Hospital, Richmond 19 | Broad Rock Road and Belt Boulevard. |
| Hospital, Roanoke 17 | Veterans Administration Hospital. |
| **WASHINGTON** | |
| Regional Office, Seattle 1 | Tower Building, Seventh Avenue and Olive Way. |
| VA Office, Bellingham | Clover Building, 203 West Holly Avenue. |
| VA Office, Everett | Room 407 Colby Building, Hewitt and Colby Avenues. |
| VA Office, Richland | 1329 George Washington Way. |
| VA Office, *Spokane 8 | 220 Hutton Building, Sprague and Washington Streets. |
| VA Office, Tacoma | Room 232, Security Building, 915½ Pacific Avenue. |
| VA Office, Vancouver | 405 West 10th Street. |
| VA Office, Wenatchee | Chelan County Courthouse. |
| VA Office, Yakima | Liberty Building, Room 424. |
| Hospital, American Lake | Veterans Administration Hospital. |
| Hospital, Seattle 8 | 4435 Beacon Avenue. |
| Hospital, Spokane 12 | North 4815 Assembly Street. |
| Hospital, Vancouver | (See Hospital, Portland 7, Oregon.) |
| Hospital, Walla Walla | Veterans Administration Hospital. |
| **WEST VIRGINIA** | |
| Regional Office, Huntington 1 | 804 Fifth Avenue. |
| VA Office, Beckley | 104 McCreery Street. |
| VA Office, Bluefield | 318 Federal Street. |
| VA Office, Charleston 1 | U. S. Courthouse. |
| VA Office, Clarksburg | 227 West Pike Street. |
| VA Office, Martinsburg | Boyd Building, 202 South Queen Street. |
| VA Office, Morgantown | 223 Fayette Street. |
| VA Office, Parkersburg | 221 Fourth Street. |
| VA Office, Wheeling | (See Regional Office, Pittsburgh 22, Pa.) |
| Hospital, Beckley | Veterans Administration Hospital. |
| Hospital, Clarksburg | Veterans Administration Hospital. |
| Hospital, Huntington 1 | 1540 Spring Valley Drive. |
| Center (Hospital and Domiciliary), Martinsburg | Veterans Administration Center. |
| **WISCONSIN** | |
| Regional Office, Milwaukee 2 | 342 North Water Street. |
| VA Office, Ashland | 209 Vaughn Avenue. |
| VA Office, Eau Claire | 113 East Grand Avenue. |
| VA Office, Green Bay | 311 South Adams Street. |
| VA Office, La Crosse | Sixth and Vine Streets. |
| VA Office, Madison | 237 West Gilman Street. |
| **WISCONSIN—continued** | |
| Regional Office, Milwaukee 2—Con. | |
| VA Office, Racine | Arcade Building, 423 North Main Street. |
| VA Office, Superior | Post Office Building. |
| VA Office, Wausau | Courthouse Annex, Fourth and Scott Streets. |
| Hospital, Madison | Veterans Administration Hospital. |
| Hospital, Tomah | Veterans Administration Hospital. |
| Hospital, Waukesha | Veterans Administration Hospital. |
| Center (Hospital and Domiciliary), Wood | Veterans Administration Center. |
| **WYOMING** | |
| Center (Regional Office and Hospital), Cheyenne | Veterans Administration Center. |
| VA Office, Casper | 140–150 East Midwest Avenue. |
| Hospital, Sheridan | Veterans Administration Hospital. |

(b) Jurisdictional areas of district offices and Insurance Center, D. C. (see sec. 3 (a) for district office and sec. 3 (b) for Insurance Center, D. C. functions):

LOCATION AND AREA

Denver, Colo.: (District Office)—Arizona, Arkansas, California, Colorado, Kansas, Louisiana, Mississippi, Missouri, Nevada, New Mexico, Oklahoma, Territory of Hawaii, Texas, Utah, Wyoming.

Philadelphia, Pa.: (District Office)—Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Puerto Rico (including Virgin Islands), Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia.

St. Paul, Minn.: (District Office)—Alaska, Idaho, Illinois, Indiana, Iowa, Minnesota, Montana, Nebraska, North Dakota, Oregon, South Dakota, Washington, Wisconsin.

Washington, D. C. (Insurance Center)—United States Government Life Insurance (World War I), National Service Life Insurance accounts paid by allotment, and accounts of persons residing in foreign countries, including the Republic of the Philippines.

[SEAL] JOHN S. PATTERSON,
*Deputy Administrator.*

[F. R. Doc. 56–4321; Filed, June 1, 1956; 8:48 a. m.]

## DEPARTMENT OF JUSTICE

### Office of Alien Property

[Vesting Order SA–47]

NATIONAL BANK OF HUNGARY

In re: Debt owing to National Bank of Hungary, also known as Ungarische Nationalbank Bankabteilung, and as Magyar Nemzeti Bank; F–34–11.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of the Bankers Trust Company, 16 Wall Street, New York 15, N. Y., arising out of an account entitled, "Ungarische National Bank, Budapest, Hungary," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by National Bank of Hungary, also known as Ungarische Nationalbank Bankabteilung, and as Magyar Nemzeti Bank as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to Section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on May 28, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

[F. R. Doc. 56–4327; Filed, June 1, 1956; 8:49 a. m.]

[Vesting Order SA–48]

NATIONAL BANK OF HUNGARY

In re: Debt owing to National Bank of Hungary, also known as Ungarische Nationalbank Bankabteilung, and as Magyar Nemzeti Bank; F–34–11.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of The Chase Manhattan Bank, 18 Pine Street, New York 15, N. Y., arising out of an account entitled, "National Bank of Hungary, Banking Department, Budapest, Hungary, Blocked Account," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by the National Bank of Hungary, also known as Ungarische Nationalbank Bankabteilung, and as Magyar Nemzeti Bank, Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on May 28, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

[F. R. Doc. 56-4328; Filed, June 1, 1956; 8:49 a. m.]

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[Vesting Order SA-49]

NATIONAL BANK OF HUNGARY

In re: Debts owing to National Bank of Hungary, also known as Ungarische Nationalbank Bankabteilung and as Magyar Nemzeti Bank; F-34-11.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: a. That certain debt or other obligation of Federal Reserve Bank of New York, 33 Liberty Street, New York 45, N. Y., arising out of a dollar deposit account entitled "Magyar Nemzeti Bank," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same;

b. That certain debt or other obligation of Federal Reserve Bank of New York, 33 Liberty Street, New York 45, N. Y., in the sum of $105.52, being a portion of an account entitled, "Bank for International Settlements Special Blocked Account Sub-Account No. 1," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by the National Bank of Hungary, also known as the Ungarische Nationalbank Bankabteilung and as Magyar Nemzeti Bank, Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to Section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on May 28, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

[F. R. Doc. 56-4329; Filed, June 1, 1956; 8:50 a. m.]

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[Vesting Order SA-50]

NATIONAL BANK OF HUNGARY

In re: Debt owing to National Bank of Hungary, also known as Ungarische Nationalbank Bankabteilung and as Magyar Nemzeti Bank; F-34-11.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of the Guaranty Trust Company of New York, 140 Broadway, New York 15, N. Y., arising out of an account entitled, "National Bank of Hungary Board of Exchange," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947 was, owned directly or indirectly by the National Bank of Hungary, also known as Ungarische Nationalbank Bankabteilung and as Magyar Nemzeti Bank, Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to Section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on May 28, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

[F. R. Doc. 56-4330; Filed, June 1, 1956; 8:50 a. m.]

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[Vesting Order SA-51]

NATIONAL BANK OF HUNGARY

In re: Debt owing to National Bank of Hungary, also known as Ungarische Nationalbank Bankabteilung and as Magyar Nemzeti Bank; F-34-11.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of The Irving Trust Company, One Wall Street, New York 15, N. Y., arising out of an account entitled, "National Bank of Hungary, Budapest, Hungary," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by the National Bank of Hungary, also known as Ungarische Nationalbank Bankabteilung and as Magyar Nemzeti Bank, Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on May 28, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

[F. R. Doc. 56-4331; Filed, June 1, 1956; 8:50 a. m.]

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[Vesting Order SA-52]

NATIONAL BANK OF HUNGARY

In re: Debt owing to National Bank of Hungary, also known as Ungarische Nationalbank Bankabteilung and as Magyar Nemzeti Bank; F-34-11.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of the Superintendent of Banks of the State of New York, Albany, N. Y., as Liquidator of the Business and Property in New York of Banca Commerciale Italiana, arising out of a blocked account entitled, "National Bank of Hungary, Budapest, Hungary," representing a 100% liquidating dividend on an account payable to the National Bank of Hungary as a creditor of Banca Commerciale Italiana, New York Agency, maintained by the aforesaid Superintendent of Banks, together with any and all rights to demand, enforce and collect the same, is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is and as of September 15, 1947, was, owned directly or indirectly by the National Bank of Hungary, also known as Ungarische Nationalbank Bankabteilung and as Magyar Nemzeti Bank, Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on May 28, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

[F. R. Doc. 56-4332; Filed, June 1, 1956; 8:50 a. m.]

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[Vesting Order SA-53]

BANQUE DE CREDIT ROUMAIN S. A.

In re: Debt owing to Banque de Credit Roumain S. A., also known as Banca Credit Roman and as Rumanische Kreditbank; F-57-99.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of The First National Bank of Boston, Boston 6, Mass., arising out of an account entitled, "Banque de Credit Roumain, S. A., Bucharest, Rumania," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by the Banque de Credit Roumain S. A., also known as Banca Credit Roman and as Rumanische Kreditbank, Bucharest, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on May 28, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

[F. R. Doc. 56-4333; Filed, June 1, 1956; 8:50 a. m.]

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[Vesting Order SA-54]

BANQUE DE CREDIT ROUMAIN S. A.

In re: Debt owing to Banque de Credit Roumain S. A., also known as Banca Credit Roman and as Rumanische Kreditbank; F-57-99.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of The First National City Bank of New York, 55 Wall Street, New York 15, N. Y., arising out of an account entitled, "Banque de Credit Roumain," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by the Banque de Credit Roumain S. A., also known as Banca Credit Roman and as Rumanische Kreditbank, Bucharest, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

> Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on May 28, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

[F. R. Doc. 56–4334; Filed, June 1, 1956; 8:51 a. m.]

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[Vesting Order SA–55]

BANQUE DE CREDIT ROUMAIN S. A.

In re: Debts owing to Banque de Credit Roumain S. A., also known as Banca Credit Roman and as Rumanische Kreditbank; F–57–99.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: a. That certain debt or other obligation of The Chase Manhattan Bank, 18 Pine Street, New York 15, N. Y., arising out of an account entitled, "Banque de Credit Roumain S. A., Bucarest, Roumania, Blocked Account," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same;

b. That certain debt or other obligation of The Chase Manhattan Bank, 18 Pine Street, New York 15, N. Y., arising out of an account entitled, "Banque de Credit Roumain S. A., Bucarest, Roumania, Old Account," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same;

c. That certain debt or other obligation of The Chase Manhattan Bank, 18 Pine Street, New York 15, N. Y., arising out of an account entitled, "Banque de Credit Roumain S. A., Bucarest, Roumania, Unclaimed Deposit Account," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same;

d. That certain debt or other obligation of The Chase Manhattan Bank, 18 Pine Street, New York 15, N. Y., arising out of an account entitled, "Banque de Credit Roumain S. A., Bucarest, Roumania, Old Items Outstanding—Reimbursements and Disposals," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by the Banque de Credit Roumain S. A., also known as Banca Credit Roman and as Rumanische Kreditbank, Bucharest, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

> Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on May 28, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

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# FEDERAL REGISTER

OF THE UNITED STATES 1934

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*Washington, Tuesday, June 5, 1956*

## TITLE 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

**Subchapter B—Trade Practice Conference Rules**

PART 25—COMMON BRICK INDUSTRY

PART 32—FACE BRICK INDUSTRY

PART 47—STRUCTURAL CLAY TILE INDUSTRY

REPLACEMENT OF PARTS

CROSS REFERENCE: For replacement of Parts 25, 32, and 47, in their entirety, see Part 27 of this chapter, *infra*.

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[File No. 21–468]

PART 27—BRICK AND STRUCTURAL CLAY TILE AND ALLIED PRODUCTS INDUSTRY

PROMULGATION OF TRADE PRACTICE RULES

Due proceedings having been held under the trade practice conference procedure in pursuance of the act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission:

*It is now ordered*, That the Group I trade practice rules as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of June 5, 1956.

Statement by the Commission: Trade practice rules for the brick and structural clay tile and allied products industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure. The rules constitute a revision, extension, and consolidation of the rules for the common brick, face brick, and structural clay tile industries as promulgated by the Commission in 1931.

The industry for which these rules are established is composed of those engaged in the manufacture, sale, or distribution of any kind or type of building units or materials which are, or are represented directly or indirectly as being, brick or structural tile.

The rules are directed to the elimination and prevention of unfair trade practices to the end that the industry, the trade, and the public may be protected from the harmful effects of unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses. They are to be applied to such end and to the exclusion of any unlawful acts or practices which suppress competition or otherwise unreasonably restrain trade.

Proceedings under which the rules have been established were instituted upon application from members of the industry. A general industry conference was held under Commission auspices in Washington, D. C., at which proposals for rules were submitted for consideration of the Commission. Thereafter, proposed rules were published by the Commission and made available to all industry members and other interested or affected parties upon public notice whereby they were afforded opportunity to present their views, including such pertinent information, suggestions, or amendments as they desired to offer, and to be heard in the premises. Pursuant to such notice, a public hearing was held in Washington on July 14, 1955, and all matters there presented, or otherwise received in the proceeding, were duly considered by the Commission.

Thereafter, and upon full consideration of the entire matter, final action was taken by the Commission whereby it approved the rules as hereinafter set forth.

Such rules become operative thirty (30) days from the date of promulgation.

The rules: These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which fixes or controls prices through combination or agreement, or which unreasonably restrains trade or suppresses competition, or otherwise unlawfully injures, destroys, or prevents competition, that the rules are to be applied.

The deceptive practices proscribed by the rules herein are subject to the Commission's jurisdiction when in commerce as commerce is defined in section 4 of the Federal Trade Commission Act, which definition reads as follows:

> "Commerce" means commerce among the several States or with foreign nations, or in

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# FEDERAL REGISTER

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**(As of January 1, 1956)**

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**Title 14: Parts 1–399 ($2.50)**
**Titles 28–29 ($1.25)**
**Title 32: Parts 400–699 ($0.65)**
**Title 33 ($1.50)**
**Title 43 ($0.50)**
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*Previously announced:* Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 7: Parts 1–209 ($1.25); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. I, and Title 27 ($1.00); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Titles 35–37 ($1.00); Titles 40–42 ($0.65); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

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[1] As here used, the term "structural tile" does not include the veneer types of tile used for floor or wall surfacing.

any Territory of the United States or in the District of Columbia, or between any such Territory and another, or between any such Territory and any State or foreign nation, or between the District of Columbia and any State or Territory or foreign nation.

Sec.
27.0 The industry and its products defined.
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27.20 Consignment distribution.

AUTHORITY: §§ 27.0 to 27.20, issued under sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45.

§ 27.0 *The industry and its products defined.* (a) Products of the industry respecting which these rules are promulgated consist of any kind or type of building units or materials which are, or are represented directly or indirectly as being, brick or structural tile.[1]

(b) Members of the industry are persons, firms, corporations, and organizations engaged in the manufacture, sale, offering for sale, or distribution of any such products.



GROUP I

*General statement.* The unfair trade practices embraced in the rules herein are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

§ 27.1 *Prohibited discrimination*[2]—(a) *Prohibited discriminatory prices, or rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce, and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however,*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and are not purchased by schools, colleges, universities, public libraries, churches, hospitals, or charitable institutions not operated for profit, as supplies for their own use.

(2) That nothing contained in this paragraph shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered.

(3) That nothing contained in this section shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade.

(4) That nothing contained in this paragraph shall prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned.

(5) That nothing contained in this section shall prevent the meeting in good faith of an equally low price of a competitor, or the services or facilities furnished by a competitor. (See paragraphs (c) and (d) of this section.)

(b) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

(e) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this section.

(f) *Purchases by U. S. Government; applicability of Robinson-Patman Anti-discrimination Act to same.* In an opinion submitted to the Secretary of War under date of December 28, 1936, the U. S. Attorney General advised that the Robinson - Patman Antidiscrimination Act "is not applicable to Government contracts for supplies." (38 Opinions, Attorney General 539.) [Rule 1]

§ 27.2 *Misrepresentation and deception (general).* It is an unfair trade practice to make or publish, or cause to be made or published, by way of advertising, labeling, stamping, or otherwise, any statement or representation which, directly or indirectly, or by reason of concealment of material fact, has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers concerning the grade, quality, quantity, use, size, material, finish, character, nature, strength, thickness, composition, durability, design, origin, preparation, manufacture, or distribution of any industry product, or in any other material respect. [Rule 2]

§ 27.3 *Misrepresentation as to character of business.* It is an unfair trade practice for any member of the industry to represent, directly or indirectly, through the use of any word or term in his corporate or trade name, in his advertising, or otherwise, that he is a producer or manufacturer of, wholesaler or jobber of, contractor or dealer in, industry products, or that he owns or controls a factory making such products, when such is not the fact, or in any other manner to misrepresent the character, extent, volume, or type of his business. (See also note to § 27.8.) [Rule 3]

§ 27.4 *Deceptive representations as to products conforming to a standard or specification.* In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice:

(a) To falsely represent or imply that any of such products conform to the requirements of any standard or specification, whether established or recognized by a department or unit of a city or state government, or of the Federal Government, by trade practice, or otherwise.

(b) To represent or imply that any of such products conform to the requirements of any standard or specification without clearly disclosing the identity of the standard or specification to which reference is made. Such disclosure shall be by reference to the standard or specification on all labels, invoices, sales literature, and other advertising containing such representation or implication.

(c) For any member of the industry to claim or imply that any product conforms to any standard or specification which is inapplicable or which has been rescinded, revised, superseded, or amended, and thereby mislead or deceive purchasers or prospective purchasers. [Rule 4]

§ 27.5 *Deception as to composition.* (a) It is an unfair trade practice to sell, offer for sale, or distribute any product of this industry under any designation or representation which has the capacity and tendency or effect of deceiving purchasers or prospective purchasers as to the composition of said product.

(b) Under this section no products of the industry shall be designated as "brick," "tile," or "structural tile," unless:

[2] As used in this section, the word "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

(1) The composition thereof is primarily of clay or shale or mixtures thereof; and

(2) The ingredients thereof have been fused together as a result of the application of heat:

*Provided, however,* That such designations may be used for products not meeting the requirements in this section when so qualified as to denote the basic composition thereof (as, for example, "concrete brick," "coral brick," "plaster brick," "sand-lime brick," "concrete structural tile," etc.), or when, in immediate conjunction with the designations, disclosure is made of the fact that the products are not ceramic products. (See also note to § 27.8) [Rule 5]

§ 27.6 *Guarantees, warranties, etc.* (a) It is an unfair trade practice to use any guarantee respecting industry products, whether in respect to quality, construction, serviceability, method of manufacture, or in any other respect, which does not make reasonable disclosure of the terms, conditions, and limitations of such guarantee, or which contains statements, representations, or assertions which have the capacity and tendency or effect of misleading or deceiving in any material respect, or which are of such form, text, or character as to represent or imply that the guarantee is broader than is in fact true.

(b) It is an unfair trade practice for the guarantor to fail to observe scrupulously his obligation under the guarantee by him used or caused to be used.

(c) This section shall be applicable also to warranties or any writing purporting to be a guarantee or warranty.

(d) It is also an unfair trade practice to represent any industry product as being "guaranteed" unless the nature and extent of the undertaking, and the identity of the guarantor, are conjunctively disclosed. [Rule 6]

§ 27.7 *Substitution of products.* It is an unfair trade practice for a member of the industry to make an unauthorized substitution of products, where such a substitution has the capacity and tendency or effect of misleading or deceiving the purchaser, by:

(a) Shipping or delivering industry products which do not conform to samples submitted, to specifications upon which the sale is consummated, or to representations made prior to securing the order, without advising the purchaser of the substitution and obtaining his consent thereto prior to making shipment or delivery; or

(b) Falsely representing the reason for making a substitution. [Rule 7]

§ 27.8 *Deceptive use of trade or corporate names, trade-marks, etc.* The use of any trade name, corporate name, trade-mark, or other trade designation, which has the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public as to the name, nature, or origin of any product of the industry, or of any material used therein, or which is false or misleading in any other material respect, is an unfair trade practice.

NOTE: Nothing in this section is to be construed as prohibiting:

(a) The use of the word "brick" as a part of the name of a corporation or business concern which manufactures or distributes brick of any type or composition, or

(b) The use of the word "tile" or the words "structural tile" as a part of the name of a corporation or business concern which manufactures or distributes structural tile of any type or composition;

*Provided, however,* That descriptions or references to any non-ceramic industry products contained in advertising, sales promotional literature or invoices of said corporations or concerns are in accord with the requirements of § 27.5.

[Rule 8]

§ 27.9 *Imitation or simulation of trade-marks, trade names, etc.* The imitation or simulation of the trade-marks, trade names, brands, or labels of competitors, or of the exclusively owned designs of competitors which have not been directly or by operation of law dedicated to the public, with the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers, is an unfair trade practice. [Rule 9]

§ 27.10 *False invoicing.* Withholding from or inserting in invoices or sales tickets any statements or information by reason of which omission or insertion a false record is made, wholly or in part, of the transactions represented on the face of such invoices or sales tickets, with the capacity and tendency or effect of thereby misleading or deceiving purchasers, prospective purchasers, or the purchasing public, is an unfair trade practice. [Rule 10]

§ 27.11 *Defamation of competitors or false disparagement of their products.* The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of the grade, quality, or manufacture of the products of competitors, or of their business methods, selling prices, values, credit terms, policies, or services, or in any other respect, is an unfair trade practice. [Rule 11]

§ 27.12 *Inducing breach of contract.* (a) Knowingly inducing or attempting to induce the breach of existing lawful contracts between competitors and their customers or their suppliers, or interfering with or obstructing the performance of any such contractural duties or services, under any circumstance having the capacity and tendency or effect or substantially injuring or lessening competition, is an unfair trade practice.

(b) Nothing in this section is intended to imply that it is improper for an industry member to solicit the business of a customer of a competing industry member; nor is the section to be construed as in anywise authorizing any agreement or understanding by two or more industry members not to solicit business from the customers of either of them, or from customers of any other industry member. [Rule 12]

§ 27.13 *Enticing away employees of competitors.* Knowingly enticing away employees or sales representatives of competitors under any circumstance having the capacity and tendency or effect of substantially injuring or lessening competition is an unfair trade practice: *Provided,* That nothing in this section shall be construed as prohibiting employees from seeking more favorable employment, or as prohibiting employers from hiring or offering employment to employees of competitors in good faith and not for the purpose of injuring, destroying, or preventing competition. [Rule 13]

§ 27.14 *Commercial bribery.* It is an unfair trade practice for a member of the industry, directly or indirectly, to give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase products manufactured or sold by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors. [Rule 14]

§ 27.15 *Procurement of competitors' confidential information.* It is an unfair trade practice for any member of the industry to obtain information concerning the business of a competitor by bribery of an employee or agent of such competitor, by false or misleading statements or representations, by the impersonation of one in authority, or by any other unfair means, and to use the information so obtained so as substantially to injure competition or unreasonably restrain trade. [Rule 15]

§ 27.16 *Tie-in sales; coercing purchase of one product as a prerequisite to the purchase of other products.* The practice of coercing the purchase of one or more products of the industry as a prerequisite to the purchase of one or more other products, where the effect may be substantially to lessen competition or tend to create a monopoly or unreasonably to restrain trade, is an unfair trade practice. [Rule 16]

§ 27.17 *Arrangements to exclude sales of competitors' products.* It is an unfair trade practice for any member of the industry to sell or contract for the sale of any industry products for use or resale, or to fix a price charged therefor, or discount from, or rebate upon, such price, on the condition, agreement, or understanding that the purchaser thereof shall not use or deal in new or used products of a competitor or competitors of such industry member, where the effect of such sale or contract for sale, or such condition, agreement, or understanding, may be to substantially lessen competition or tend to create a monopoly in any line of commerce. [Rule 17]



§ 27.18 *Prohibited forms of trade restraints (unlawful price fixing, etc.).*[1] It is an unfair trade practice for any member of the industry, either directly or indirectly, to engage in any planned common course of action, or to enter into or take part in any understanding, agreement, combination, or conspiracy, with one or more members of the industry, or with any other person or persons, to fix or maintain the price of any goods or otherwise unlawfully to restrain trade; or to use any form of threat, intimidation, or coercion to induce any member of the industry or other person or persons to engage in any such planned common course of action, or to become a party to any such understanding, agreement, combination, or conspiracy. [Rule 18]

§ 27.19 *Unlawful interference with competitors' purchases or sales.* It is an unfair trade practice for any industry member, by means of any monopolistic practice or through combination, conspiracy, coercion, boycott, threats, or any other unlawful means, directly or indirectly, to interfere with a competitor's right to purchase his raw materials and supplies from whomsoever he chooses, or to sell his product to whomsoever he chooses. [Rule 19]

§ 27.20 *Consignment distribution.* (a) It is an unfair trade practice for any member of the industry to employ the practice of shipping industry products on consignment without the express request or prior consent of the purchasers.

(b) It is an unfair trade practice for any member of the industry to employ the practice of shipping industry products on consignment or pretended consignment for the purpose and with the effect of artificially clogging or closing trade outlets and unduly restricting competitors' use of said trade outlets in getting their products to purchasers through regular channels of distribution, thereby injuring, destroying, or preventing competition or tending to create a monopoly or unreasonably to restrain trade.

(c) Nothing in this section shall be construed to authorize any understanding or agreement, combination or conspiracy, or planned common course of action, by and between industry members, mutually to conform or restrict their practice of shipping goods on consignment with the intent or effect of lessening competition. [Rule 20]

Promulgated by the Federal Trade Commission June 5, 1956.

Issued: May 29, 1956.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-4323; Filed, June 4, 1956; 8:45 a. m.]

[1] The inhibitions of this section are subject to Public Law 542, approved July 14, 1952, 66 Stat. 632 (the McGuire Act).

[File 21-460]

## PART 227—WHOLESALE PLUMBING AND HEATING INDUSTRY

### PROMULGATION OF INDUSTRY COMMITTEE PROVISION

In the matter of amendment to trade practice rules for Wholesale Plumbing and Heating Industry (16 CFR Part 227) by addition of standard industry committee provision.

Due proceedings having been held by the Federal Trade Commission pursuant to an application filed on behalf of the wholesale plumbing and heating industry for inclusion in the rules for the industry as promulgated April 14, 1955, of the standard industry committee provision heretofore approved and promulgated by the Commission (20 F. R. 7249).

*It is now ordered,* That the said committee provision, as so approved by the Commission and as hereinafter appearing, be promulgated as an additional provision to the rules for the abovementioned industry. Such provision becomes operative as of this date.

COMMITTEE ON TRADE PRACTICES

§ 227.201 *Industry Committee.* The industry may, at its option, form a trade practice committee, which shall be fairly representative of the industry, to cooperate with the Federal Trade Commission in the following respects:

(a) To assist in keeping the rules of the industry active by periodically bringing to the attention of industry members the provisions thereof;

(b) To publicize and disseminate among all members of the industry Commission stipulations, orders and opinions or administrative interpretations relating to practices covered by the rules;

(c) To meet periodically with Commission personnel for the purpose of discussing the rules, the need for their revision, and the administration thereof, the committee's function in connection with such meetings being informative only, with decisions as to any action to be taken being left solely in the hands of government officials. All such meetings shall be:

(1) Called and chairmanned by a full time Commission official; and

(2) Limited to a discussion of matters outlined in an agenda prepared by a full time Commission official.

Full and complete minutes of each such meeting shall be prepared and filed with the Commission.

(d) It is not the function of the committee to:

(1) Interpret the rules;

(2) Attempt to correct alleged rule violations;

(3) Make determinations or express opinions as to whether practices are violative of the rules;

(4) Receive or screen complaints of violations of the rules; or

(5) Perform any other act or acts within the authority of the Federal Trade Commission or any other governmental Agency or Department.

(e) All complaints of industry members and other parties respecting rule violations should be made directly to the Commission. In the event any complaint is received by the committee, or any information is brought to its attention indicating a probable violation of a rule all relevant information with respect thereto shall be promptly transmitted by the committee to the Commission without the committee contacting the party or parties alleged to have violated the rule.

(f) Immediately after its formation the committee shall inform the Commission of the identity of the members thereof, the names and addresses of the companies or concerns represented by such members, and shall supply the Commission with information showing that the membership of the committee is fairly representative of the industry. Changes in composition of the committee shall be reported to the Commission as soon as they may occur.

(g) Full and complete minutes of all meetings of the committee, identifying the members in attendance and informative of the matters discussed and actions taken, shall be kept. The minutes of the meetings falling under section (c) shall be filed with the Commission, and the minutes of all other meetings shall be kept by the committee and be made available to the Commission on request.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46)

By direction of the Commission.

Issued: May 31, 1956.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-4378; Filed, June 4, 1956; 8:48 a. m.]

# TITLE 5—ADMINISTRATIVE PERSONNEL

## Chapter III—Foreign and Territorial Compensation

[Departmental Reg. 108.289]

## PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

### DESIGNATION OF DIFFERENTIAL POSTS

Section 325.11 *Designation of differential posts,* is amended as follows, effective on the dates indicated:

1. Effective as of the beginning of the first pay period following May 5, 1956, paragraph (a) is amended by the addition of the following posts:

Coclé Province, Panama.

2. Effective as of the beginning of the first pay period following June 2, 1956, paragraph (a) is amended by the addition of the following posts:

Antarctic Region, all posts or areas south of the 60° south latitude.

Arctic Circle, all posts or areas north of the Arctic Circle.

3. Effective as of the beginning of the first pay period following February 11, 1956, paragraph (c) is amended by the addition of the following post:

San Pedro de Macoris, Dominican Republic.

(Sec. 102, Part I, E. O. 10000, 13 F. R. 5453; 3 CFR, 1948 Supp.)

Dated: May 25, 1956.

For the Secretary of State.

I. W. CARPENTER, Jr.,
*Assistant Secretary-Controller.*

[F. R. Doc. 56-4309; Filed, June 4, 1956; 8:45 a. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter VII—Department of the Air Force

#### Subchapter A—Aid of Civil Authorities and Public Relations

#### PART 805—SAFEGUARDING MILITARY INFORMATION

1. In Part 805, §§ 805.31 to 805.40 (Investigation and Clearance of Private Contractor Facilities) and §§ 805.51 to 805.61 (Investigation and Clearance of Private Contractor Employees) are revoked.

2. In Part 805, §§ 805.1 to 805.22 are rescinded and the following substituted therefore:

GENERAL

Sec.
805.1 Purpose.
805.2 Definitions.
805.3 Responsibility.
805.4 Preparation, reproduction and photographing.
805.5 Dissemination.
805.6 Removal of classified matter.
805.7 Return or transfer of classified matter.
805.8 Loss or other subjection to compromise.
805.9 Marking classified matter.
805.10 Atomic Energy Restricted Data.
805.11 Disclosure of classified information outside the Department of Defense.
805.12 Visitors.
805.13 Restricted areas and air space reservation.

AUTHORITY: §§ 805.1 to 805.13 issued under R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a. Interpret or apply sec. 10, 44 Stat. 787; 10 U. S. C. 310.

DERIVATION: AFR 205-1, 3 January 1956.

GENERAL

§ 805.1 *Purpose.* Sections 805.1 to 805.13 establish policies for safeguarding classified information and explain how to identify, classify and protect such official material.

§ 805.2 *Definitions*—(a) *Atomic energy restricted data.* As defined by Public Law 703, 83d Congress, Atomic Energy Act of 1954, act of August 30, 1954 (68 Stat. 924), "restricted data" means all data concerning (1) the design, manufacture, or utilization of atomic weapons; (2) the production of special nuclear material; or (3) the use of special nuclear material in the production of energy, but shall not include data declassified or removed from the category of restricted data which the Atomic Energy Commission from time to time determines may be published without undue risk to the common defense and security.

(b) *Classified defense information.* Official information the safeguarding of which is necessary in the interests of national defense, and which is classified for such purpose by appropriate classifying authority.

(c) *Communications security.* The protection resulting from all measures designed to deny to unauthorized persons information of value which might be derived from the possession and study of electrical communications. Communications security includes transmission security, cryptographic security, and physical security.

(d) *Confidential matter.* The use of the classification Confidential shall be authorized, by appropriate authority, only for defense information or material the unauthorized disclosure of which could be prejudicial to the defense interests of the Nation.

(e) *Document.* Any recorded information regardless of its physical form or characteristics. Includes, but is not limited to, the following: All written material, whether handwritten, printed, or typed; all painted, drawn, or engraved material; all sound or voice recordings; all printed photographs and exposed or printed film, still, or motion picture; and all reproductions of the foregoing, by whatever process reproduced.

(f) *Foreign nationals.* All persons not citizens of, or immigrant aliens to, the United States. All citizens of the United States and immigrant aliens when acting as representatives, officials, or employees of a foreign government, firm, corporation, or individual shall be considered as foreign nationals. (Immigrant aliens are persons in the United States for permanent residence under immigration visas.)

(g) *Primary interest.* Primary interest in any military information is in the headquarters or agency which originated or originally classified it, or which within any chain of command is charged with control or jurisdiction over the information or current types of information similar thereto.

(h) *Material.* Any document, product, or substance on or in which information may be recorded or embodied.

(i) *Materiel.* Any article, product, substance, or apparatus from which information may be obtained. It comprises military arms, armament, and equipment, both complete and in process of research, development, experimentation, and construction, and includes elements, components, accessories, models, fixtures, mockups, jigs, and dies associated therewith.

(j) *Munitions of war.* Any and all items required for war, including food and all other supplies and equipment, but excluding manpower.

(k) *Research and development.* Applies, as far as a particular project is concerned, to an item in the process of being created for use by the Department of the Air Force. Research and development ceases with the creation of an item that has passed service tests, is adaptable to production, and is adopted by the Department of the Air Force in accordance with applicable directives.

(l) *Secret matter.* The use of the classification Secret shall be authorized, by appropriate authority, only for defense information or material the unauthorized disclosure of which could result in serious damage to the Nation, such as by jeopardizing the international relations of the United States, endangering the effectiveness of a program or policy of vital importance to the national defense, or compromising important military or defense plans, scientific or technological developments important to national defense, or information revealing important intelligence operations.

(m) *Security.* The protected conditions of classified matter which prevents unauthorized persons from obtaining information of direct or indirect military value. It is a condition resulting from the establishment and maintenance of protective measures which insure a state of inviolability from hostile acts or influences.

(n) *Short title.* A designation applied to a classified document, project, materiel, or device for purposes of security and brevity. It consists of figures, letters, words, or combinations thereof, without giving any information relative to classification or content of the document, project, materiel, or device. It may include, for example, the first letter of each word of the subject of a document.

(o) *Technical information.* That which applies to data concerning munitions and equipment, engineering performance, instructions on maintenance and operation, and any descriptive matter or components thereof. This includes means of operation, manufacture, use, techniques, and processes. Information pertaining to the various sciences which may be employed directly or indirectly in warfare is also so classed. Data of a strategic or tactical nature are specifically excluded from the meaning of this term.

(p) *Theater of operations.* A term used to designate that portion of a theater of war necessary for military operations, either offensive or defensive, pursuant to an assigned mission, and for the administration incident to such military operations.

(q) *Top secret matter.* Executive Order 10501 defines the "top secret" category as follows: The use of the classification "top secret" shall be authorized, by appropriate authority, only for defense information or material which requires the highest degree of protection. The top secret classification shall be applied only to that information or material the defense aspect of which is paramount, and the unauthorized disclosure of which could result in exceptionally grave damage to the Nation such as leading to a definite break in diplomatic relations affecting the defense of the United States, an armed attack against the United States or its allies, a war, or the compromise of military or defense plans, or intelligence operations, or scientific or technological developments vital to the national defense.

(r) *United States.* In a geographical sense, includes the Canal Zone and all territory and waters, continental or insular, subject to the jurisdiction of the United States. When used in §§ 805.1 to 805.13, the term "continental United States" means the 48 States and the District of Columbia.



§ 805.3 *Responsibility.* (a) Each individual is responsible for protecting and accounting for any classified information which he possesses or knows, no matter how that information was obtained.

(b) All military and civilian personnel will familiarize themselves with and adhere to the provisions of §§ 805.1 to 805.13 and other security regulations which apply to them in the performance of their duties.

§ 805.4 *Preparation, reproduction and photographing*—(a) *Preparation and reproduction.* Classified documents may be prepared and reproduced only when necessary to satisfy actual military or other official government requirements.

(b) *Photographs.* Photographs or similar reproductions of classified matter are prohibited, except by persons specifically directed or authorized by proper authority.

(c) *Secret and top secret information of any agency other than the Air Force.* Secret or top secret documents originated in a department or agency of the Executive Branch of the Federal Government other than the Air Force will not be reproduced without the consent of the originating department or agency.

(d) *Effect of limitations imposed by originators.* A document will not be copied, photographed, or otherwise reproduced in whole or in part without approval of the originator or higher authority in the same chain of command, providing the originator requires such approval.

(e) *Commercial facilities.* Classified matter other than top secret may be printed, developed, or otherwise processed or reproduced in properly cleared commercial facilities if adequate Government facilities are not available.

§ 805.5 *Dissemination*—(a) *General*—(1) *Basic principle.* Only persons who are known to be trustworthy and whose official duties require knowledge or possession of classified defense information in the interest of promoting national defense will be permitted to have access to it. (It is emphasized that no person is entitled to knowledge of or access to classified defense information solely by virtue of his office or position.)

(2) *Determination of requirement for access.* Responsibility for determining whether a person's official duties require that he possess or have access to any classified information and whether he is authorized to receive it rests upon the individual who has possession, knowledge, or command control of the information involved and not upon the prospective recipient. However, the individual who has this possession, knowledge, or command control will not disclose or permit access to the information unless he is authorized to do so by §§ 805.1 to 805.13.

(3) *Determination of trustworthiness of persons.* A person may be deemed trustworthy if he has been granted personnel security clearance for access to the category of information involved. Also, a previous clearance or investigation may be considered in determining an individual's trustworthiness. In addition, persons may be deemed trustworthy if the officer or official authorized to release or disclose classified information to them personally certifies that they are (except when prior investigative action and/or clearance is specifically required by regulation or instructions of higher authority.)

(4) *Discussion and access.* Classified information will not be discussed in the presence or hearing of unauthorized persons.

(5) *Physical security factor.* Possession or use of classified defense information or material will be limited to locations where prescribed facilities for secure storage or protection of it are available.

(6) *Information of an agency other than Department of Defense.* Classified information originating in an agency outside the Department of Defense will not be disseminated outside the Department of Defense without the consent of the originating agency, except as otherwise provided by the National Security Act of July 26, 1947, (sec. 102, 61 Stat. 498, as amended, 50 U. S. C. 403). (Information originated by a contractor to a department or agency is considered as originated by that department or agency.)

(7) *Automatic distribution and dissemination.* Regulations and other directives which authorize automatic distribution of documents or dissemination of information will not apply to classified information unless the proposed dissemination is necessary and is authorized by §§ 805.1 to 805.13. Normally, automatic distribution of classified information outside the Department of Defense will not be authorized.

(b) *To Department of Defense and interdepartmental activities*—(1) *Authority.* Subject to paragraph (a) of this section originating headquarters or unit, or higher authority in the same chain of command, may disseminate classified information to other agencies, activities, or personnel in the Department of Defense by the same channels established for military correspondence. Under the same conditions, dissemination to officially constituted interdepartmental committees with Air Force membership is also authorized.

(2) *Requests.* An individual will not make a request for classified material unless he has a clear, official requirement for knowledge or possession of such material. No request will be honored by any commander or other person, regardless of the grade or position of the requester, unless the validity of the request has been fully established on the basis of policy prescribed in §§ 805.1 to 805.13.

(3) *Restriction against release for personal use.* Classified information may not be released to anyone for private use (personal, commercial, or as background information). In this connection, military personnel on active duty, military personnel in retired status, members of the Reserve Forces, and civilian personnel who request classified information for such use will be considered as "private individuals"; and their requests will not be approved, even though they may have been partly or solely responsible for production of the information.

(4) *Limitation on disclosure to Reserve Forces personnel.* Certain members of the Air Force Reserve and the Air National Guard of the United States not on extended active duty, including persons undergoing inactive duty training, may have access to classified information under the conditions specified in subdivisions (i) and (ii) of this subparagraph.

(i) Top secret information will not be used in Reserve Forces training programs. However, an individual on a short or special tour of active duty may be permitted access to such information if it is essential for the performance of his officially assigned duties.

(ii) Individuals participating in active or inactive duty training, as defined in §§ 861.1 to 861.14 of this chapter, may be permitted access to specific information classified secret or confidential only if they need it to perform their officially assigned duties.

(c) *Identification and protection*—(1) *Identification.* Before an individual discusses or permits access to classified information, he must make sure that the intended recipients are indisputably identified and determined trustworthy (by personal recognition, identifying documents, or verification of identity by telephone, telegraph, radio, or mail communication). If prior personnel security clearance is prescribed as a prerequisite for access to a specific item of information, the intended recipients' clearance will be verified.

(2) *Protection.* When classified information is discussed with persons who are subject to military law or are employed in the Executive Branch of the Federal Government they will be informed of its classification. When classified information is discussed with persons other than those subject to military law or employed in the Executive Branch, they will be informed that it affects the national defense of the United States within the meaning of the Espionage Laws and that its revelation to an unauthorized person is prohibited by law.

(d) *Telephone conversations.* Classified information will not be discussed or revealed over the telephone. However, it is permissible to refer to classified material, provided that such references do not reveal the classified portions. For example, reference may be made to the file number, date, and subject (provided that the subject itself is not classified). Each individual must make sure that questions or their answers to not reveal classified information.

(e) *Commercial publications*—(1) *Individual activities.* Military or civilian personnel will not include classified information in any personal or commercial article, thesis, book, or other product written for publication or distribution.

(2) *Compilations of information.* A compilation of individually unclassified items may be published in commercial or service publications only after coordination with the office(s) having primary interest in the material to insure that such compilation does not require classification.

(f) *Additional precautions necessary to limit dissemination*—(1) *Conferences.* Individuals who make arrangements for, or attend, meetings at which classified information is or will be revealed will comply with §§ 805.1 to 805.13 to prevent the unauthorized dissemination of classified information.

(2) *Care of documents in use.* Classified documents in actual use will be kept under the constant surveillance of the person responsible for them. They will be covered, turned face down, placed in storage, or otherwise protected when visitors are present.

(3) *Personal correspondence.* Classified information will not be included in personal correspondence or messages.

(4) *Addressing official mail.* If official correspondence contains classified information and is intended for delivery to an individual in another headquarters or office, address it to the commander or head of office, marked for the attention of the individual.

(5) *Legal instruments.* During wartime, if an individual overseas executes or acknowledges a legal instrument, he must not indicate the place of execution or acknowledgment unless proper authority determines that the information would be of no value to the enemy if it should reach him.

(6) *Rescission.* Classified documents which have been rescinded or superseded will be protected according to their category until destroyed.

§ 805.6 *Removal of classified matter*—(a) *Restriction.* No person will remove classified material from the headquarters or unit having custodial responsibility for it without the express permission of the commander or the individual designated in writing to act for him. This restriction applies under all circumstances without exception.

(b) *Recording removal.* Whenever an individual removes classified material from a headquarters or unit for purposes other than transmission, a record will be made and kept on file.

§ 805.7 *Return or transfer of classified matter*—(a) *General.* Neither a military person nor a civilian may retain classified matter for personal or commercial purposes, even though such person may have been solely or partly responsible for production of the material.

(b) *Action by individuals.* Before an individual retires, separates from the service or civilian employment, changes duty assignment, or reverts to inactive status, he will return to his commander or supervisor (or otherwise properly transfer or account for) all classified documents in his possession.

(c) *Action by commanders.* As a minimum action, commanders will require each such individual to sign a statement indicating that he has turned over to proper authority all classified matter which he might have had in his possession, and that no classified material is being retained under his custody or control.

§ 805.8 *Loss or other subjection to compromise*—(a) *Reporting.* If a person knows of the loss, unauthorized disclosure, or other possible subjection to compromise of classified information, he will promptly report it to his immediate superior or commander.

(b) *Use of the terms "compromise" and "subjection to compromise."* "Compromise" means to disclose, expose, or divulge classified information, by an act of omission or commission, in any manner that does result in loss by the Government of security protection of the information. "Subjection to compromise" means:

(1) To disclose, divulge or expose classified information, by an act of omission or commission, in any manner contrary to the provisions of §§ 805.1 to 805.13 that could result in loss by the Government of security protection of the information; or

(2) To lose classified material; or to leave it or permit it to be left unguarded or improperly stored, unless the facts developed by inquiry show definitely that compromise could not have resulted or that its possibility is remote.

§ 805.9 *Marking classified matter*—(a) *Documents.* Documents containing classified information which are furnished to authorized persons outside of the Executive Branch, will bear in addition to being marked top secret, secret, and confidential the following additional notation:

This material contains information affecting the national defense of the United States within the meaning of the Espionage Laws, Title 18, U. S. C., secs. 793 and 794, the transmission or revelation of which in any manner to an unauthorized person is prohibited by law.

(b) *Materiel and other material.* When classified items of materiel or other material which do not lend themselves to marking are furnished to such persons. They will be notified in writing of the notation in paragraph (a) of this section.

§ 805.10 *Atomic energy restricted data*—(a) *Markings and notations required*—(1) *Material containing restricted data.* (i) In addition to other required classification markings and notations, all documents or other material containing Restricted Data and all inner covers in which Restricted Data is transmitted will be conspicuously marked at least once, with capital letters not less than one-quarter inch in height, as follows:

RESTRICTED DATA

ATOMIC ENERGY ACT 1954

(ii) When material is extracted from a document, or pages, sections, chapters, or other parts are so separated, each extract or part will be marked as prescribed in subdivision (i) of this subparagraph if it contains restricted data.

(b) *Dissemination*—(1) *Within Department of Defense and to contractors.* Restricted data originated or received in the Air Force may be disseminated or disclosed only to persons within the Department of Defense and to contractors of the military departments and their employees who have been granted appropriate personnel security clearance for access to the classification category which the information bears. Foreign nationals will not be permitted to have access to restricted data, regardless of grade, position, employment, or nationality (except for releases of certain data to foreign governments that are made in strict compliance with the Atomic Energy Act of 1954 after specific approval of the Chief of Staff, USAF (Director of Intelligence)).

(2) *To Atomic Energy Commission.* Restricted data may be disseminated, disclosed, or released to the Atomic Energy Commission only in accordance with § 805.10.

(3) *To other activities and individuals.* Except as provided in this section, the dissemination, disclosure, or release of restricted data to any individual may be made only by the Atomic Energy Commission or as approved by the Atomic Energy Commission. This restriction applies to restricted data originated in the Air Force, or by an Air Force contractor, as well as that which is furnished to the Air Force.

(4) *Oral discussions.* Persons with whom restricted data is discussed will be informed that the information is restricted data within the meaning of the Atomic Energy Act of 1954.

§ 805.11 *Disclosure of classified information outside the Department of Defense*—(a) *Policy*—(1) *General limitations.* Classified information will not be released or disclosed to private individuals, organizations, corporations, or State or Federal agencies, unless they must have it to perform an official governmental function in the interest of promoting national defense. Further, no release or disclosure of classified information will be made to persons or agencies outside the Department of Defense except with specific approval of designated officials.

(2) *Assuring security.* Classified information will not be released or disclosed outside the Executive branch of the Government until the recipient assures the Air Force that the information or material will be handled as safely as §§ 805.1 to 805.13 requires.

(3) *Proprietary interests.* Information will not be released if any commitment made by the Air Force in obtaining it would be violated. Individual or corporate rights in the information, whether patented or not, will be respected. Privately owned information will not be released without the consent of the owner.

(b) *Congress and its members.* All requests by the Congress or its committees or members for classified information will be referred to the Director, Office of Legislative Liaison, Office of the Secretary of the Air Force.

(c) *Committees of the Government*—(1) *Requests for testimony.* When a person under the jurisdiction of the Air Force appears before a committee of the Congress or an Executive commission, board, or similar group in either executive or public session, he will not divulge classified information unless he has been authorized by the Secretary of the Air Force to do so. If he is called upon to give testimony which includes classified information that he has not been authorized to disclose, he will respectively inform the group of this fact and offer to obtain the authority.



(2) *Protect against compromise.* When a person has been authorized by the Secretary of the Air Force to give classified information in his testimony, he will request that the testimony be given in executive session only and not appear in the record of hearings, the Congressional Record, or other document open to public inspection.

(3) *Other requests.* Except for testimony, requests by congressional committees and Executive commissions, boards, or groups for classified information will be referred to the Secretary of the Air Force or the Chief of Staff, USAF.

(d) *General Accounting Office representatives.* Normally, General Accounting Office personnel will not require access to classified information during audits, surveys, examinations, and investigations conducted pursuant to statutory authority. However, if the commander concerned determines that such is essential to fulfill statutory requirements of General Accounting Office and that the personnel have been properly cleared, he may grant the access. However, he must not release documents or disclose the following categories and types of information without specific approval of the Secretary of the Air Force or other authority, as designated:

(1) Top secret information and other sensitive areas of classified information such as plans or policies which are the basis for determining requirements concerning the number and disposition of units, armaments of units, numbers of personnel, etc.

(2) Atomic energy restricted data.

(3) Information originated by an agency other than the Air Force or its contractors, unless prior authorization for disclosure has been granted by the agency concerned.

(4) Unclassified and classified reports rendered by The Inspector General, USAF, inspectors general, or their assistants. (This is privileged information. It will not be released or disclosed without the personal approval of the Secretary of the Air Force.)

(5) Unclassified or classified reports of investigation conducted by the Office of Special Investigations (unless the release or disclosure is approved by the Director of Special Investigations, Headquarters USAF).

(e) *Contractors and prospective contractors*—(1) *Responsibility for dissemination.* The commander, major air command, who has jurisdiction over a contractor, or who will procure materiel, supplies, or services from a prospective contractor, is responsible for releasing or disclosing classified information to them if they must have it. However, he may release or disclose only the classified information required by such contractors or prospective contractors in performing specific contracts or preparing specific bids or quotations. Such a commander may authorize a subordinate commander to release or disclose classified information to a contractor or prospective contractor, if such subordinate is authorized to procure materiel, supplies, or services. The authorization will only be given in writing. Also, it must be specific as to the conditions under which the subordinate may make disclosures or releases.

(2) *Requirements for assuring security.* Before a commander can release or disclose classified information to a contractor or prospective contractor, the following is required: A security agreement, signed by the individual or by a responsible officer on behalf of the firm or corporation concerned; a facility security clearance, properly granted; and a security survey of the facility, as appropriate.

(f) *To other civilian activities.* Generally, all requests for classified information from persons or agencies outside the Department of Defense, and all proposals originating in the Air Force to release classified information to such persons or agencies will be forwarded for necessary action to the Chief of Staff, USAF.

(g) *Foreign nationals.* Classified defense information will not be furnished or disclosed to any foreign national except as provided in this paragraph.

(1) *Foreign governments and their official representatives*—(i) *Policy.* The Director of Intelligence, Headquarters USAF, is responsible for developing and implementing Air Force policy relating to disclosure of classified defense information to foreign governments.

(ii) *Requests.* If foreign governments or their official representatives (including international organizations) request classified information (or access to such information), the request will be sent through channels to the Chief of Staff, USAF (Attention: Director of Intelligence). The same applies to proposals originating within the Air Force to disclose such information to them.

(iii) *Attachment and official visits.* Only the Chief of Staff, USAF (Director of Intelligence), is authorized to commit Air Force installations and activities to receive foreign nationals as official visitors or as observers or students. In making such commitments, the Chief of Staff will issue the necessary written orders or other instructions to the commander or chief of office concerned, attaching the foreign nationals to specific courses or units, or authorizing the official visits. Persons thus attached to one installation may visit another one whenever necessary for training or to perform an assigned duty, but they must have the prior approval of the commander of the installation to be visited.

(iv) *Disclosure of information by commanders and chiefs of offices.* Orders or written instructions which attach foreign nationals to installations or permit them to visit these installations will also include necessary authority to disclose military information. These instructions will specifically identify the classification category and subject matter of any classified information that may be disclosed. Commanders and chiefs of offices must restrict access to military information by foreign nationals to that specifically authorized.

(2) *Employees residing outside the United States.* Foreign nationals employees residing outside the United States may perform only limited duties involving access to classified information.

(3) *Other foreign nationals.* Normally, commanders will deny all requests from foreign nationals for classified information (other than foreign nationals referred to in subparagraph (2) of this paragraph).

§ 805.12 *Visitors*—(a) *Definition*—(1) *Visits at Air Force activities.* For the purpose of this section, a visitor is any person admitted to any Air Force installation except those who are directly and officially concerned with its activities (on duty, employed, or traveling under official orders requiring performance of duty at the installation).

(2) *Access to classified defense information.* A person has access to classified information when he is permitted to gain knowledge of the information, or to be in a place where he would be expected to gain such knowledge. A person does not have access to classified information merely by being in a place where classified material is kept, provided security measures prevent him from gaining knowledge of the information.

(b) *Requests for permission to visit.* Individual requests to visit an installation should be referred to the installation commander for approval or disapproval. All requests for permission to visit Air Force installations or activities which will involve access to classified information will:

(1) Be in writing, and be made early enough to permit appropriate action by the commander.

(2) Be forwarded to the office or headquarters having the authority to approve the disclosure of the classified information involved.

(3) Include the following information, as applicable.

(i) Name in full, grade, title, position.

(ii) Nationality of visitor (immigrant aliens will furnish alien registration number), date, and place of birth.

(iii) Current residence or military assignment.

(iv) Employer or sponsor.

(v) Name and location of installation or activity to be visited.

(vi) Date, time, and duration of visit.

(vii) Purpose of visit, in detail.

(viii) Security clearance status of visitor and name of clearing agency (if clearance previously granted).

(c) *Visits to Air Force installations*—(1) *Visits involving access to classified defense information*—(i) *Approval.* Individuals may be permitted to visit Air Force installations or activities to receive or to have access to classified information only if its disclosure or dissemination is properly approved.

(ii) *Written authority for admission.* Approval for visitors to Air Force installations to have access to classified information must be given in writing.

(iii) *Concurrences and notices.* Whenever practical, the official who approves a request to visit another Air Force installation should coordinate with the commander of that installation for concurrence or recommendation before finally approving the visit. In all cases, the official who approves such a visit will promptly notify the commander concerned. He will also specify any lim-

itations or restrictions to be placed upon the visitor.

(2) Visits not involving access to classified information.

(i) *United States citizens and certain aliens.* United States citizens and immigrant aliens (including casual visitors, accredited reporters, photographers, and other representatives of publicity agencies) may be admitted to Air Force installations on the authority of the commander concerned.

§ 805.13 *Restricted areas and air space reservations*—(a) *Restricted areas*—(1) *Designation.* The commander of an Air Force installation will designate as a "restricted area" such areas under his jurisdiction as he considers necessary to promulgate regulations pursuant to section 21 of the Internal Security Act of 1950.

(2) *Violation of regulations.* Persons not subject to military law who violate the regulations issued by the commander will be delivered to the appropriate civil authority, subject to the following provisions:

(i) The commander of an Air Force installation will cause any such person to be detained, warned of his rights, and interrogated as soon as possible by proper authority. If there is no evidence of intent to violate the regulations, the person may be warned against repetition and released. Otherwise, the commander will promptly notify the nearest office of the Office of Special Investigations by the fastest means available. That office will immediately request the nearest office of the Federal Bureau of Investigation to take custody of the individual at the installation. The commander will furnish the representative of the Federal Bureau of Investigation with a written statement of the facts, the names and addresses of the witnesses, and any pertinent exhibits that may be available.

(ii) When an investigation reveals that such a person has entered a restricted area or building, and was not apprehended, the commander will promptly notify the nearest district office of the Office of Special Investigations of all the facts, including the names and addresses of the witnesses. The district office will immediately notify the nearest office of the Federal Bureau of Investigation.

(b) *Air space reservations*—(1) *Definition and establishment.* An air space reservation is the air space above an area on the land or water, designated and set apart by Executive Order of the President of the United States, or by a State, Commonwealth, or Territory, over which the flight of aircraft is prohibited or restricted for the purpose of national defense or for other governmental purposes.

(2) *Responsibility of commanders.* The commander of an installation over which an air space reservation has been established is responsible for its surveillance; he must make prompt report of any illegal flights in the air space to the Chief of Staff, USAF, through channels.

[SEAL] E. E. TORO,
*Colonel, U. S. Air Force,*
*Air Adjutant General.*

[F. R. Doc. 56-4361; Filed, June 4, 1956; 8:45 a. m.]

## Chapter XVI—Selective Service System

[Amdt. 70]

PART 1621—PREPARATION FOR CLASSIFICATION

LISTS OF REGISTRANTS

Paragraphs (a) and (c) of § 1621.5 of the Selective Service Regulations are amended to read as follows:

§ 1621.5 *Preparation of List of Registrants (SSS Form No. 3).* (a) A List of Registrants (SSS Form No. 3) shall be prepared in duplicate. A Separate List of Registrants (SSS Form No. 3) shall be prepared by the local board for each group of registrants who were born in any one year. On each List of Registrants (SSS Form No. 3) shall be entered the names of the registrants, their dates of birth, their places of residence, and their selective service numbers. Registrants shall be listed on the List of Registrants (SSS Form No. 3) in the order of their dates of birth commencing with the oldest registrant except that the names of late registrants and of registrants whose Registration Cards (SSS Form No. 1) are received late shall be placed at the bottom of the list for registrants of their year of birth.

* * * * *

(c) The local board shall forward the original of each List of Registrants (SSS Form No. 3) to the State Director of Selective Service who shall retain it as a permanent roster of all registrants of the local board, and the copy shall be retained and filed by the local board.

(Sec. 10, 62 Stat. 618, as amended; 50 U. S. C. App. 460; E. O. 9979, July 20, 1948, 13 F. R. 4177; 3 CFR, 1948 Supp.)

The foregoing amendment to the Selective Service Regulations shall be effective immediately upon the filing hereof with the Division of the Federal Register.

[SEAL] LEWIS B. HERSHEY,
*Director of Selective Service.*

May 31, 1956.

[F. R. Doc. 56-4381; Filed, June 4, 1956; 8:49 a. m.]

# TITLE 32A—NATIONAL DEFENSE, APPENDIX

## Chapter I—Office of Defense Mobilization

[Defense Mobilization Order I-23]

DMO I-23—CREATING AN INTERAGENCY HEALTH ADVISORY BOARD

By virtue of the authority vested in me pursuant to the National Security Act of 1947, as amended; Reorganization Plan No. 3, effective June 12, 1953; the Defense Production Act of 1950, as amended; and Executive Order 10480 of August 14, 1953, it is hereby ordered:

1. There is established in the Office of Defense Mobilization an Interagency Health Advisory Board which shall consist of the Chairman of the Health Resources Advisory Committee or his alternate as Chairman, and a representative from each of the following departments and agencies:

Department of Defense.
Department of the Army.
Department of the Navy.
Department of the Air Force.
Department of Health, Education, and Welfare.
Federal Civil Defense Administration.
Veterans Administration.

and such other agencies as the Director of the Office of Defense Mobilization may from time to time designate.

2. The Interagency Health Advisory Board shall furnish advice and assistance to the Director of the Office of Defense Mobilization:

(a) On interagency problems in planning for defense mobilization purposes for the utilization and control of health resources including professional and auxiliary health manpower, health supplies and equipment, and health facilities;

(b) On related health studies and program recommendations; and

(c) On such other related health mobilization matters as may be requested.

3. This order shall take effect on May 31, 1956.

OFFICE OF DEFENSE MOBILIZATION,
ARTHUR S. FLEMMING,
*Director.*

[F. R. Doc. 56-4379; Filed, June 4, 1956; 8:49 a. m.]

## Chapter XII—Defense Minerals Exploration Administration, Department of the Interior

[DMEA Order 1, Amended, Amdt. 3]

DMEA 1—GOVERNMENT AID IN DEFENSE EXPLORATION PROJECTS

SELENIUM

In the formulation of this amendment there has been no consultation with industry representatives or trade association representatives because special circumstances have rendered such consultation impracticable.

Paragraph (b) of section 7 of DMEA Order 1, Amended, (19 F. R. 1563), is amended to include selenium. The introductory portion of the section and paragraph (b), as amended, read as follows:

SEC. 7. *Ratio of contributions.* The Government, upon the terms specified in the contract, will contribute a percentage of the total allowable costs of a project, depending upon the mineral or minerals which are the subject of exploration, as follows:

* * * * *

(b) In the case of antimony, asbestos (chrysotile only), beryl, cobalt, columbium, corundum, diamonds (industrial), kyanite (strategic), manganese, mercury, mica (strategic), monazite and rare earths, nickel, platinum-group metals, quartz crystals (piezo-electric), rutile-bookite, selenium, talc (block-steatite), tantalum, thorium, tin, tungsten, and uranium—75 percent.



(Sec. 704, 64 Stat. 816, as amended; 50 U. S. C., App. 2154. Interprets or applies sec. 303, 64 Stat. 801, as amended; 50 U. S. C. App. 2093)

Dated: May 29, 1956.

C. O. MITTENDORF,
*Administrator, Defense Minerals Exploration Administration.*

[F. R. Doc. 56-4362; Filed, June 4, 1956; 8:45 a. m.]

# TITLE 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

[Rules Amdt. 13-6]

PART 13—COMMERCIAL RADIO OPERATORS

AIRCRAFT RADIOTELEPHONE OPERATOR AUTHORIZATION

In the matter of amendment of Part 13 of the Commission's rules to make an editorial change.

The Commission having under consideration § 13.61 (i) of its rules, adopted April 26, 1956, to become effective August 1, 1956, and having under consideration the desirability of making a change therein to correct the language; and

It appearing that the amendment herein is editorial in nature and therefore prior publication of notice of proposed rulemaking under the provisions of section 4 of the Administrative Procedure Act is unnecessary; and

It further appearing that the amendment herein is issued pursuant to authority contained in sections 4 (i), 5 (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and section 0.341 of the Commission's Statement of Organization, Delegations of Authority, and other information;

*It is ordered,* This 29th day of May 1956, that effective August 1, 1956, § 13.61 (i) is amended to include the editorial change set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; sec. 5, 66 Stat. 713; 47 U. S. C. 303, 155)

Released: May 29, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

The parenthetical explanation at the end of § 13.61 (i) is amended by replacing the comma after "1958" with a period, and by substituting the words "power limitation" for "Order" in the second sentence thereof. As amended the entire § 13.61 (i) reads as follows:

(i) *Aircraft radiotelephone operator authorization.* Aircraft stations at which the installation is used solely for telephony: *Provided,* That the holder of this class of license may not operate in international service or on any frequency the use of which is shared with a foreign station, any aircraft station at which the authorized power in the antenna of the unmodulated carrier wave exceeds 50 watts: *Provided,* That, with respect to any station which the holder of this class of license may operate, (1) such operator is prohibited from making any adjustments that may result in improper transmitter operation and (2) the equipment is so designed that the stability of the frequencies of the transmitter is maintained by the transmitter itself within the limits of tolerance specified by the station license, and none of the operations necessary to be performed during the course of normal rendition of the service of the station may cause off-frequency operation or result in any unauthorized radiation, and (3) any needed adjustments of the transmitter that may affect the proper operation of the station are regularly made by or under the immediate supervision and responsibility of a person holding a first- or second-class commercial radio operator license, either radiotelephone or radiotelegraph, who shall be responsible for the proper functioning of the station equipment. (The 50-watt limit is applicable to all aircraft radiotelephone operator authorizations in force beginning with August 1, 1958. Aircraft radiotelephone authorizations held by persons affected by this power limitation, expiring within the two-year period immediately prior to that date, may be extended to encompass the remainder of the two-year period upon proper request made to any engineering Field Office of the Commission. "International Service" is defined as a telecommunication service between any combination of offices or fixed, land or mobile stations which are in different countries or are subject to different countries.)

[F. R. Doc. 56-4382; Filed, June 4, 1956; 8:49 a. m.]

# TITLE 49—TRANSPORTATION

## Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicles

PART 206—FREIGHT COMMODITY STATISTICS

EXEMPT CARRIERS

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 21st day of May A. D. 1956.

It appearing that the matter of freight commodity statistics to be compiled and reported by class I common and contract motor carriers of property subject to Part II of the Interstate Commerce Act, 49 U. S. C., sections 301-327, being under consideration for the purpose of exempting certain motor carriers from the reporting requirements of the order of the Commission dated December 9, 1955;

It further appearing that rule making procedure under section 4 (a) of the Administrative Procedure Act, 5 U. S. C. 1003 (a), would be impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than 30 days notice pursuant to section 4 (c) of the Administrative Procedure Act, 5 U. S. C. 1003 (c):

*It is ordered,* That the order of December 9, 1955, in the above-entitled matter and that 49 CFR 206.2 be, and they are hereby, amended as follows:

Section 206.2 *Exempt carriers,* be amended by changing the reference "(a)-(d)" therein to "(a)-(f)", and by adding to the list therein the following:

(e) Household goods; and

(f) Carriers of specific commodities not grouped in classes 1 to 16, inclusive, Schedule 20 of Motor Carrier Annual Report Form A;

*It is further ordered,* That a copy of this order shall be served on each class I common or contract motor carrier of property subject to Part II of the act and on every trustee, receiver, executor, administrator, or assignee of any such motor carrier; and that notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register;

*And it is further ordered,* That this order shall be effective on the date of this order.

NOTE: The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

(49 Stat. 546, as amended; 49 U. S. C. 304. Interprets or applies 49 Stat. 563, as amended; 49 U. S. C. 320)

By the Commission.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F. R. Doc. 56-4373; Filed, June 4, 1956; 8:47 a. m.]

# NOTICES

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[Classification No. 111]

ALASKA

SMALL TRACT CLASSIFICATION

MAY 28, 1956.

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473), as amended, I hereby classify the following described public lands, totalling approximately 38.3 acres in the Anchorage Land District, Alaska, as suitable for lease and sale for recreational purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U. S. C. 682a) as amended:

HAINES AREA

CHILKOOT LAKE—TRACT 1

*For Lease and Sale*

*For Recreational Sites*

Commencing at latitude 59°20'05" North, longitude 135°33'45" West, located on the

south shore of Chilkoot Lake called meander Corner No. 1, proceed S. 0° 30' E. for 8.75 chains to Corner No. 2, thence S. 88° E. for 28.75 chains to Corner No. 2, thence N. 71° W. for 10 chains to Corner No. 4, thence S. 8° 30' E. for 3.75 chains to Corner No. 5, thence S. 35° E. for 12.5 chains to Corner No. 6, thence S. 5° E. for 5.6 chains to Corner No. 7, thence S. 40° W. for 12.5 chains to Corner No. 8, thence N. 38° W. for 5.6 chains to meander Corner No. 9 located on the shores of Chilkoot Lake, then meander in a northerly then easterly direction along the south and east shore of Chilkoot Lake a distance of approximately 104.5 chains to meander Corner No. 1, the point of beginning, embracing approximately 38.3 acres.

2. Classification of the above-described lands by this order segregates them from all appropriations including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid with preference right to veterans of World War II and of the Korean conflict and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279–284), as amended.

4. All valid applications filed prior to the date of the signing of this order will be granted, as soon as possible, the preference right provided for by 43 CFR 257.5 (a).

L. T. MAIN,
*Acting Operations Supervisor.*

[F. R. Doc. 56–4363; Filed, June 4, 1956; 8:45 a. m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

STRATTON SALES BARN

DEPOSTING OF STOCKYARD

It has been ascertained that the Stratton Sales Barn, Stratton, Colorado, originally posted on August 30, 1950, as being subject to the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), no longer comes within the definition of a stockyard under that act for the reason that it no longer meets the area requirements. Accordingly, notice is given to the owner thereof and to the public that such livestock market is no longer subject to the provisions of the act.

Notice of public rule making has not preceded promulgation of the foregoing rule since it is found that the giving of such notice would prevent the due and timely administration of the Packers and Stockyards Act and would, therefore, be impractical. There is no legal warrant or justification for not deposting promptly a livestock market which no longer meets the area requirements of the act and is, therefore, no longer a stockyard within the definition contained in the act.

The foregoing is in the nature of a rule granting an exemption or relieving a restriction and, therefore, may be made effective in less than 30 days after its publication in the FEDERAL REGISTER. This notice shall become effective upon publication in the FEDERAL REGISTER.

(42 Stat. 159, as amended and supplemented; 7 U. S. C. 181 et seq.)

Done at Washington, D. C., this 29th day of May 1956.

[SEAL] H. E. REED,
*Director, Livestock Division Agricultural Marketing Service.*

[F. R. Doc. 56–4390; Filed, June 4, 1956; 8:51 a. m.]

## DEPARTMENT OF COMMERCE

### Federal Maritime Board

[Docket No. S–64]

ISBRANDTSEN CO., INC.

NOTICE OF HEARING ON APPLICATION FOR AN OPERATING-DIFFERENTIAL SUBSIDY AGREEMENT ON CERTAIN SERVICES

Notice is hereby given that a public hearing will be held under sections 605 (c) and 805 (a) of the Merchant Marine Act, 1936, as amended, upon an application of Isbrandtsen Company, Inc., for an operating-differential subsidy agreement on the following described services:

Service A: During the Great Lakes navigation season, two sailings per month with dry-cargo vessels—

Between: United States Great Lakes and St. Lawrence River ports (Chicago, including Calumet Harbor area, Milwaukee, Detroit and Cleveland as regular ports of call)—with occasional calls, as conditions warrant, at Green Bay, Wisconsin, Toledo, Ohio, Buffalo, New York, Muskegon, Michigan, Ashtabula, Ohio, and other United States ports on Lakes Michigan, Huron, Erie, Ontario and the St. Lawrence River.

And: London and Hamburg, with the privilege of calling at Liverpool and Bremen as conditions warrant.

Service B: During the Great Lakes navigation season, two sailings per month between regular and occasional ports on the Great Lakes and St. Lawrence River, as in Service "A" above—

And: Antwerp and Rotterdam with the privilege of calling at Le Havre, Dunkirk, Bordeaux, Amsterdam, as conditions warrant. Permission is also applied for as to the vessels in Service "A" and Service "B" to "top-off", i. e., load to the vessel's remaining capacity, outbound at Montreal and/or other outside ports and to discharge cargo at these ports on the inbound voyage; and for written permission to engage in (1) the intercoastal service, eastbound only, from a port or ports on the Pacific coast of the United States to a port or ports on the Atlantic coast, via the Panama Canal, in connection with said company's owned vessels operating in the eastbound round-the-world service, (2) the full-cargo trade in the transportation of lumber and/or wood pulp in chartered or owned American-flag vessels from Pacific Coast ports in Washington and Oregon to North Atlantic ports, (3) the domestic coastwise bulk cargo trades with irregular frequency (principally from ports in Texas, and on the Gulf Coast of Florida to North Atlantic ports, principally Baltimore, and "cross-Gulf" between Gulf ports in Florida and Texas) using owned and/or chartered American-flag vessels, and (4) the transportation of cargo from Pacific Coast United States ports to Puerto Rican ports and, on the same voyage, from Puerto Rican ports to United States North Atlantic ports, with owned vessels, in connection with its fortnightly round-the-world service; services (2) and (3) above to be in connection with non-subsidized voyages.

It is proposed, upon completion of the St. Lawrence Seaway, and application is hereby made, to operate suitable dry-cargo vessels in the closed season from North Atlantic ports to the same foreign ports set out in Service "A" and Service "B" above and at the same sailing frequency.

The purpose of the hearing under section 605 (c) is to receive evidence relevant to the following: (1) Whether the application with respect to operations from United States Great Lakes and St. Lawrence River ports during the season of open navigation and with respect to operations from U. S. North Atlantic ports during the season of closed navigation on the Great Lakes and St. Lawrence River is one with respect to a vessel or vessels to be operated on a service, route, or line served by citizens of the United States which would be in addition to the existing service or services, and, if so, whether the service already provided by vessels of United States registry in such service, route, or line is inadequate, and in the accomplishment of the purposes and policy of the act additional vessels should be operated thereon; (2) whether the application covering the aforesaid operations from United States Great Lakes and St. Lawrence River ports and from U. S. North Atlantic ports is one with respect to a vessel operated or to be operated in a service, route, or line served by two or more citizens of the United States with vessels of United States registry, and, if so, whether the effect of the subsidy contract would be to give undue advantage or be unduly prejudicial, as between citizens of the United States, in the operation of vessels in competitive services, routes, or lines; and (3) whether it is necessary to enter into a contract covering the aforesaid operations from United States Great Lakes and St. Lawrence ports and from U. S. North Atlantic ports in order to provide adequate service by vessels of the United States registry.

The purpose of the hearing under section 805 (a) is to receive evidence relevant to whether granting such application (a) will result in unfair competition to any person, firm or corporation operating exclusively in the coastwise or intercoastal service, or (b) would be prejudicial to the objects and policy of the said act.

The hearing will be conducted before an Examiner at a time and place to be announced, in accordance with the Board's rules of practice and procedure, and a recommended decision will be issued.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) desiring to intervene in this proceeding are requested to notify the Secretary of the Board within fifteen (15) days from publication hereof, and should promptly file petitions for leave to intervene in accordance with said rules of practice and procedure.

Dated: May 31, 1956.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
*Assistant Secretary.*

[F. R. Doc. 56–4392; Filed, June 4, 1956; 8:51 a. m.]



## CIVIL AERONAUTICS BOARD

[Public Notice PN 10]

STATEMENT OF ORGANIZATION

Recent changes in the organization of the Civil Aeronautics Board require that:

1. Public Notice PN 9, be revoked;

2. The following statement of the Board's central and field organization to be promulgated as Public Notice PN 10:

GENERAL STATEMENT

Sec.
1.1 Creation and authority.
1.2 Purpose and mission.
1.3 Functions.
1.4 Offices.

OFFICES OF MEMBERS

2.1 Functions of the Board.
2.2 Functions of the Chairman.
2.3 Functions of the Executive Director.

BUREAU OF HEARING EXAMINERS

3.1 Chief Examiner.
3.2 Economic Proceedings Division.
3.3 Safety Enforcement Proceedings Division.
3.4 Docket Section.

BUREAU OF AIR OPERATIONS

4.1 Director.
4.2 Foreign Air Division.
4.3 Routes and Carrier Relations Division.
4.4 Rates Division.
4.5 Alaska Liaison Office.
4.6 Bureau Counsel.

BUREAU OF SAFETY REGULATION

5.1 Director.
5.2 Air Carrier Division.
5.3 Airworthiness Division.
5.4 General Rules Division.
5.5 Activities common to all divisions.

BUREAU OF SAFETY INVESTIGATION

6.1 Director.
6.2 Investigation Division.
6.21 Investigation Field Service.
6.3 Hearing and Reports Division.
6.4 Technical Division.
6.5 Analysis Division.

OFFICE OF CARRIER ACCOUNTS AND STATISTICS

7.1 Chief.
7.2 Regulations and Reports Division.
7.3 Field Audits Division.
7.4 Research and Statistics Division.

OFFICE OF THE GENERAL COUNSEL

8.1 General Counsel.
8.2 International and Rules Division.
8.3 Litigation and Research Division.
8.4 Opinion-Writing Division.

OFFICE OF COMPLIANCE

9.1 Office of Compliance.

OFFICE OF CONGRESSIONAL LIAISON AND PUBLIC INFORMATION

10.1 Office of Congressional Liaison and Public Information.

OFFICE OF ADMINISTRATION

11.1 Organization.
11.2 Documentation.
11.3 Administrative functions.

FIELD ORGANIZATION

12.1 Bureau of Air Operations.
12.2 Bureau of Safety Investigation.
12.3 Office of Carrier Accounts and Statistics.

GENERAL STATEMENT

SECTION 1.1 *Creation and authority.* The Civil Aeronautics Board, as distinguished from the Civil Aeronautics Administration, is an independent agency headed by a Board composed of five Members who are appointed by the President with the advice and consent of the Senate for six year terms. The President annually designates one of the Members as Chairman and another as Vice-Chairman. The Board, established effective June 30, 1940, pursuant to Reorganization Plans III and IV, exercises the functions of rule making (including the prescription of rules, regulations, and standards), adjudication, and investigation as prescribed in the Civil Aeronautics Act of 1938, as amended.

SEC. 1.2 *Purpose and mission.* The Civil Aeronautics Act of 1938 sets forth the basic principles which guide the Board and prescribes the authority pursuant to which it discharges its responsibilities. The mission of the Board is to foster and encourage the development of an air transportation system which will be adequate for the present and future needs of the foreign and domestic commerce of the United States, the postal service and the national defense; to preserve the inherent advantages of air transportation, and to regard as in the public interest competition to the extent necessary to assure the sound development of an air transportation system adjusted to the national needs; and to regulate air commerce in such manner as to best promote its development and safety.

SEC. 1.3 *Functions.* In general, the Board performs four chief functions: (1) Regulation of the economic aspects of United States air carrier operation, both domestic and international; (2) promulgation of safety standards in the form of Civil Air Regulations; (3) investigation and analysis of aircraft accidents; (4) co-operation and assistance in the establishment and development of international and domestic air transportation. These functions are briefly described in the following paragraphs:

(a) *Economic regulation.* The Board grants or denies "certificates of public convenience and necessity" to American flag carriers for both domestic and international operation and "permits" to foreign carriers; prescribes or approves rates and rate practices of air carriers and determines mail rates; fosters the safe and expeditious transportation of mail and seeks to ensure that reasonable and adequate service to the public is rendered by air carriers, without unjust discriminations, undue preferences or advantages, or unfair or destructive competitive practices; approves or disapproves business relationships between air carriers, including contracts, agreements, interlocking relationships, consolidations, mergers, and acquisitions of control and issues appropriate regulations for the purpose of carrying out these functions. The Board investigates upon complaint or upon its own initiative anything done or omitted to be done by any person or group in contravention of the provisions of the Civil Aeronautics Act; and takes appropriate action to enforce the act.

(b) *Safety regulation.* The Board prescribes safety rules and regulations, including standards for the issuance of airman certificates, aircraft type, production and airworthiness certificates and air carrier operating certificates; and suspends or revokes such certificates.

(c) *Accident investigation and analysis.* The Board prescribes rules of notification and reporting of accidents involving civil aircraft; reviews reports of accidents and determines, after investigation to the extent required, the probable cause of accidents. Formal reports by the Board are made public when deemed to be in the public interest. The Board conducts special studies and research, establishing basic causative and statistical factors and prepares air safety bulletins for the purpose of reducing the number of aircraft accidents and preventing their recurrence.

(d) *Development of international civil aviation.* The Board consults with and assists the State Department in the negotiation of agreements with foreign governments for the establishment or development of air transportation, air navigation, air routes and services; keeps informed with respect to operations of foreign air lines and foreign aviation policies. The Board provides information for and co-ordinates with the International Civil Aviation Organization in the development of all international safety and operational standards. The Board contributes to the expense and personnel requirements of the Air Coordinating Committee; provides information and advice in the Committee's examination of aviation problems and in its recommendations establishing the United States viewpoint on international and domestic aviation matters.

SEC. 1.4 *Offices.* The central office of the Board is located in the Department of Commerce Building, Fourteenth Street between Constitution Avenue and E Street NW., Washington 25, D. C. All meetings of the Board, unless otherwise directed by the Board, are held at the above address. The Board's field offices are located in Alaska and principal cities of the country. The location of these offices is set forth in sections 12.1, 12.2 and 12.3.

OFFICES OF MEMBERS

SEC. 2.1 *Functions of the Board.* The Board Members are charged with carrying out the duties and responsibilities devolving upon the Board under the act. Action initiated pursuant to the Board's own initiative or by any document au-

thorized or required to be filed with the Board originates in or is referred to the appropriate organizational unit for study and recommendation to the Board in accordance with the description of functions outlined hereinafter. In cases other than those in which action is taken pursuant to a final delegation of authority, or in which the responsibility is that of the Chairman (see section 2.2 below), final action is taken by the Board. (See Public Notice PN 8 for statements of final delegations of authority.) The staff of the Board is organized into the following major organizational components:

(a) Bureau of Hearing Examiners.
(b) Bureau of Air Operations.
(c) Bureau of Safety Regulation.
(d) Bureau of Safety Investigation.
(e) Office of Carrier Accounts and Statistics.
(f) Office of the General Counsel.
(g) Office of Compliance.
(h) Office of Congressional Liaison and Public Information.
(i) Office of Administration.

SEC. 2.2 *Functions of the Chairman.* (a) In addition to his duties as a Member of the Board, the Chairman serves as presiding officer at meetings of the Board, determines the order in which day-to-day matters will receive attention of the Board, and by virtue of his role as Chairman, acts as spokesman for the Board before committees of Congress. In the absence or disability of the Chairman, the foregoing duties are exercised by the Vice-Chairman.

(b) Pursuant to Reorganization Plan 13 of 1950, the Chairman is responsible for the executive and administrative functions of the Board, including functions with respect to the appointment and supervision of personnel, the distribution of business among such personnel and among major organizational components of the Board, and the use and expenditure of funds.

(c) Under the terms of Reorganization Plan 13, the Chairman, in exercising the functions enumerated above, is limited by (1) the general policies of the Board and by such regulatory decisions, findings and determinations as the Board, pursuant to law may make; (2) the requirement that the appointment by the Chairman of the heads of major organizational components under the Board shall be subject to the approval of the Board, provided that personnel employed regularly and full time in the immediate offices of Members of the Board other than the Chairman shall not be affected by the provisions of Reorganization Plan 13; (3) and the reservation to the Board of its functions with respect to revising budget estimates and with respect to determining the distribution of appropriated funds according to major program purposes.

SEC. 2.3 *Functions of the Executive Director.* The Executive Director, acting for, and under general delegation of authority from, the Chairman and the Board, serves as General Manager of the Board with responsibility for planning, supervising and co-ordinating the activities of the staff.

### BUREAU OF HEARING EXAMINERS

SEC. 3.1 *Chief Examiner.* The Chief Examiner supervises the Bureau of Hearing Examiners, which is responsible for the conduct and disposition of all formal proceedings before the Board arising under Titles IV, VI, and X, and section 1002 of the act. The Bureau of Hearing Examiners consists of the following organizational components:

(a) Economic Proceedings Division.
(b) Safety Enforcement Proceedings Division.
(c) Docket Section.

SEC. 3.2 *Economic Proceedings Division.* The Economic Proceedings Division conducts all formal proceedings before the Board arising under Title IV of the act; schedules the time and place of such hearings; supervises prehearing conferences; and prepares recommendations (except in those economic proceedings for the determination of passenger, cargo, and mail rates) to the Chief Examiner or the Board respecting the disposition of such matters as require action by the Chief Examiner or the Board.

SEC. 3.3 *Safety Enforcement Proceedings Division.* The Safety Enforcement Proceedings Division conducts and disposes of all formal proceedings under sections 602 through 609 of the act, regarding the issuance, amendment, suspension, and revocation of the various types of airman certificates, airworthiness certificates, air carrier operating certificates, production certificates, air navigation certificates and air agency certificates; and prepares recommendations to the Chief Examiner or the Board respecting the disposition of such matters as require action by the Chief Examiner or the Board.

SEC. 3.4 *Docket Section.* The Docket Section receives, dockets, and maintains all documents in formal proceedings before the Board; makes official service of notices, orders, rules, reports, and decisions upon parties to the proceeding; examines all filings for compliance with the Procedural Regulations; advises and assists the public in preparing documents in accordance with the Procedural Regulations; issues periodic statements and reports respecting the status of all formal proceedings; and maintains for public reference copies of applications, petitions, complaints, carrier operational and financial reports, the official docket in formal proceedings and comments on proposed economic regulations.

### BUREAU OF AIR OPERATIONS

SEC. 4.1 *Director.* The Director supervises the Bureau of Air Operations, which is responsible for interpretation of economic data and advice involving policy, procedure to be followed in the economic regulation of domestic, overseas, and international air transportation. The Bureau of Air Operations consists of the following organizational components:

(a) Foreign Air Division.
(b) Routes and Carrier Relations Division.
(c) Rates Division.
(d) Alaska Liaison Office.

SEC. 4.2 *Foreign Air Division.* The Foreign Air Division advises on the formulation of positions to be taken by the United States on international civil aviation matters involving economic foreign policy; serves as liaison between the Board and the Department of State; provides representation, when so designated, in connection with international conferences and bilateral or multilateral relations with foreign countries. In the discharge of these duties the Foreign Air Division analyzes economic data bearing on the problems to be dealt with.

SEC. 4.3 *Routes and Carrier Relations Division.* The Routes and Carrier Relations Division is concerned with the legal and economic aspects of matters arising under sections 401, 402, 404, 405 (e), 416 and 1002 of the Civil Aeronautics Act of 1938, as amended, and section 6 (b) of the Air Commerce Act, as amended, relating to the authorizations of routes and other services required to meet the objectives of the act, whether by issuance of certificate of public convenience and necessity, foreign air permit or exemption order, and relating to the route patterns and services required to provide such services, and relating to all carrier relationships matters arising under sections 401 (i), 402 (h), 407 (a), 407 (b), 407 (c), 408, 409, 411, 412, 1002 (i), and 1102 of the act. The Routes and Carrier Relations Division develops for consideration by the Board statements of policy and program objectives, and recommends or takes action, where authority has been delegated, with respect to specific matters pending before the Board.

SEC. 4.4 *Rates Division.* The Rates Division is concerned with the economic and legal aspects of matters relating to determination of mail rates pursuant to section 406 of the act, determination of commercial rates pursuant to sections 403, 404, and 1002 of the act and the commercial rate aspects of International Air Transport Association resolutions. With respect to these matters, the Rates Division prepares for consideration of, and adoption by, the Board statements of policy and of program objectives and recommends or takes action where authority has been delegated with respect to specific cases pending before the Board.

SEC. 4.5 *Alaska Liaison Office.* The Alaska Liaison Office is concerned with the administration of the act and the Economic Regulations as they relate to matters affecting pilot-owners and to tariff and service matters affecting Alaskan air carriers; advising the Board and the Bureau Director on Alaskan air transportation problems; and conferring with the Alaskan air carriers, government and civic bodies and with users of air transportation in Alaska.

SEC. 4.6 *Bureau Counsel.* An attorney from the Bureau of Air Operations is designated as Bureau Counsel to present the Bureau's position in formal proceedings before the Board arising under the Civil Aeronautics Act, as amended.

### BUREAU OF SAFETY REGULATION

SEC. 5.1 *Director.* The Director supervises the Bureau of Safety Regulation, which is responsible for developing and recommending to the Board the adoption of new or revised Civil Air Regulations; making appropriate recommendations to the Board regarding international activities as reflected by the operation of the International Civil Aviation Organization; and making appropriate recommendations to the Board in regard to those matters considered by the Air Coordinating Committee and requiring Board action. The Bureau of Safety Regulation consists of the following organizational components:

(a) Air Carrier Division.
(b) Airworthiness Division.
(c) General Rules Division.

SEC. 5.2 *Air Carrier Division.* The Air Carrier Division analyzes the need for and develops technical findings and recommendations governing the preparation of new regulations and amendments to existing regulations prescribing the minimum safety standards with respect to air carrier operations involving the certification of air carrier airmen, aircraft operational procedures, inspection and overhaul of aircraft, engines, propellers, and appliances, and air traffic rules; conducts technical research of transport-type aircraft, equipment, and operations, and studies current technological developments and aviation practices as a basis for formulating safety standards; and advises and assists the Board and other organizational units of the Board on any matter involving safety regulation of air carrier operations.

SEC. 5.3 *Airworthiness Division.* The Airworthiness Division analyzes the need for and develops technical findings and recommendations governing the preparation of new regulations and amendments to existing regulations prescribing the minimum design and performance safety standards for airworthiness certification of aircraft, engines, propellers, and appliances; conducts technical research of the airworthiness aspects of aircraft, equipment, and operations, and studies current technological developments and aviation practices as a basis for formulating stafety standards; and advises and assists the Board and its organizational components on problems of an engineering nature.

SEC. 5.4 *General Rules Division.* The General Rules Division analyzes the need for and develops technical findings and recommendations governing the preparation of new regulations or amendments to existing regulations prescribing minimum safety standards which have general application to all phases of civil aviation such as: The certification of pilots (student, private, and commercial), mechanics, control tower operators, and parachute riggers, aircraft operational procedures, inspection and overhaul of aircraft engines, propellers, and appliances, air traffic rules, airmen schools and repair stations, and the transportation of explosives and other dangerous articles; conducts technical research of nontransport-type aircraft, equipment and operations, and studies current technological developments and aviation practices as a basis for formulating safety standards; and advises and assists the Board and its organizational components on matters relating to the general safety problems of operations, utilization of equipment, certification of airmen and air agencies.

SEC. 5.5 *Activities common to all divisions.* Each division, within its own area of specialization, participates in the development of related international standards as prescribed by the International Civil Aviation Organization and modifies United States standards and practices as may be necessary to conform to the international standards; represents the United States at meetings of the Technical Divisions of the International Civil Aviation Organization, Air Navigation Commission and at other meetings concerned with matters falling within the field of interest of the Board and within the technical competence of the Bureau of Safety Regulation and analyzes the results of these meetings and co-ordinates standards and recommended practices adopted by the International Civil Aviation Organization with the Civil Air Regulations; prepares the United States position on matters with which the Air Coordinating Committee is concerned and in which the Board has a primary interest and assists other divisions of the Air Coordinating Committee in preparation of the United States position on matters in which the Board has a secondary or indirect interest; and continually examines manuals and other related materials implementing the Civil Air Regulations to ensure their proper interpretation and application.

### BUREAU OF SAFETY INVESTIGATION

SEC. 6.1 *Director.* The Director supervises the Bureau of Safety Investigation, which is responsible for investigation and analysis of aircraft accidents. The Bureau of Safety Investigation consists of the following organizational components:

(a) Investigation Division.
(b) Hearing and Reports Division.
(c) Technical Division.
(d) Analysis Division.

SEC. 6.2 *Investigation Division.* The Investigation Division directs and assists in the investigation of aircraft accidents to determine their probable cause, and develops current techniques for such investigations. It makes recommendations as to the need for, and participates in, public and special inquiries; makes recommendations to prevent recurring accidents; develops educational material in various specialized phases of air safety; and conducts research and special studies relating to hazards potentially capable of resulting in serious accidents.

SEC. 6.21 *Investigation Field Service.* The field service of the Investigation Division investigates accidents and hazardous conditions involving civil aircraft of United States registry, and accidents to foreign civil aircraft occurring within the United States; reports facts and derives conclusions with respect to probable causes of such accidents; coordinates research with other interested governmental agencies and industry representatives regarding such accidents; and participates in the conferences thereon and as members of the Board of Inquiry at subsequent public inquiries.

SEC. 6.3 *Hearing and Reports Division.* The Hearing and Reports Division arranges for and conducts public accident inquiries in order to ascertain the facts, conditions, circumstances, and probable cause of accidents involving aircraft; prepares all evidence, takes depositions, administers oaths and issues subpenas for witnesses and documents incident to such inquiries; prepares and presents to the Board for adoption preliminary statements of fact and formal accident investigation reports; and arranges for the reproduction of exhibits and factual documents of accident investigation for parties of interest.

SEC. 6.4 *Technical Division.* The Technical Division directs the investigation of the technical aspects of aircraft accidents, including necessary testing of failed parts, involving the engineering problems of aerodynamics, aircraft structure, applicable meteorological factors, powerplants, propellers, electrical, radio and electronic instruments, and related equipment; assists in conduct of public inquiries and in the preparation of the technical portion of reports of accidents; assembles technical data relating to aircraft accidents and aeronautical hazards and prepares technical analysis of aircraft accidents; makes recommendations on technical problems to eliminate aeronautical hazards; and represents the Board at conferences held to obtain action on technical aviation matters.

SEC. 6.5 *Analysis Division.* The Analysis Division classifies and analyzes all reports of accidents involving aircraft in order to establish their basic casual and statistical factors; makes statistical analysis of civil aircraft accidents to isolate elements requiring corrective action and to determine accident trends; compiles statistical and analytical reports for the information of the Board and the public, and issues safety bulletins and accident reports.

### OFFICE OF CARRIER ACCOUNTS AND STATISTICS

SEC. 7.1 *Chief.* The Chief supervises the Office of Carrier Accounts and Statistics, which is responsible for recommending economic regulations related to the general accounting and statistical reporting programs and participating with the General Counsel in the formulation of such regulations; approves all accounting and statistical data prepared for release as an official publication; represents the Board at interdepartmental, industry and international conferences at the direction of the Board; insures effective co-ordination with other Offices and Bureaus; and exercises administrative and technical direction of the functions of the Office. The Office of Carrier Accounts and Statistics consists of the following organizational components:

(a) Regulations and Reports Division.
(b) Field Audits Division.
(c) Research and Statistics Division.

SEC. 7.2 *Regulations and Reports Division.* The Regulations and Reports Division recommends uniform systems of accounts and a uniform system of periodic financial, operational and accounting reports, and necessary revisions thereof for all air carriers; drafts instructions and letters of interpretations; recommends modifications or waiver of uniform requirements; provides expert advice and assistance on accounting matters; and maintains liaison with accounting personnel in private, public and government practice.

SEC. 7.3 *Field Audits Division.* The Field Audits Division conducts field examinations of carrier accounts and records to insure adherence to the accounting and reporting requirements; collects data requested by other organizational units of the Board requiring access to carrier records; maintains close liaison with the Office of Compliance, reporting all significant violations of the accounting and reporting requirements to that Office for direct enforcement action; refers to other appropriate components for information and action, data indicating possible violations of the act or of the Economic Regulations and any other data of interest or value; provides expert advice and assistance on auditing matters; and maintains liaison with auditing persons in industry and other Federal agencies.

SEC. 7.4 *Research and Statistics Division.* The Research and Statistics Division conducts comprehensive economic surveys and studies related to the development and regulation of civil air transport; develops instructions for the conduct of periodic traffic surveys and other research projects and supervises the technical performance of such projects; prepares recurrent reports of operational and financial data; prepares special reports to meet stipulated requirements; prepares statistical indices and develops techniques for forecasting economic trends; comments on prospectuses relating to the issuance of securities by air carriers when so requested; provides expert advice and assistance on accounting and statistical matters; provides cartographic and mechanical drafting services; and maintains liaison with industry and government accounting and statistical officers.

OFFICE OF THE GENERAL COUNSEL

SEC. 8.1 *General Counsel.* The General Counsel supervises the Office of the General Counsel which is responsible for providing the Board and the staff with advice in connection with the legal aspects of economic and safety regulatory activities; personally represents the Board in litigation, negotiations, and conferences (including international) which involve legal considerations and where the proceedings present complex, novel or significant matters; and serves on governmental (e. g., Air Coordinating Committee) and international (e. g., International Civil Aviation Organization) committees. The Office of the General Counsel consists of the following organizational components:

(a) International and Rules Division.
(b) Litigation and Research Division.
(c) Opinion-Writing Division.

SEC. 8.2 *International and Rules Division.* The International and Rules Division participates in the drafting, negotiation, modification and interpretation of international agreements relating to civil aviation and renders legal advisory service in connection therewith; maintains liaison with other units of the Board, other Federal agencies and state aviation authorities on legal aspects of the Board's program; provides representation on various committees, such as ICAO Legal Committee and the Legal Division of the Air Coordinating Committee; drafts testimony and statements for use by the Board Members or staff members for hearings before Congressional committees; presents testimony at hearings upon proposed legislation; examines legislative proposals of interest to the Board and prepares legislative reports thereon; drafts proposed legislation and reports on the status of legislative activity; prepares, reviews and interprets economic, safety and procedural regulations and amendments thereto, and insures that the proper procedural steps are followed in the promulgation thereof; and provides legal advice and assistance on matters relating to defense mobilization and internal administration.

SEC. 8.3 *Litigation and Research Division.* The Litigation and Research Division represents the Board, in collaboration with the Department of Justice, in court actions to which the Board is a party, or is interested, in order to sustain action previously taken by the Board, including preparation of the record, drafting of all necessary briefs, motions and other documents and argument of the case before the court; and performs legal research for and renders legal opinions based thereon on matters of general interest or applicability.

SEC. 8.4 *Opinion-Writing Division.* The Opinion-Writing Division in accordance with instructions of the Board drafts opinions, orders, certificates and permits in cases where the issues, substantive or procedural, warrant formal expression by the Board; and recommends to the Board appropriate action on petitions for reconsideration of previously prepared orders and with respect to other motions or petitions filed at any time after the Examiner's report is issued.

OFFICE OF COMPLIANCE

SEC. 9 *Office of Compliance.* The Office of Compliance is responsible for the development and execution of a program designed to obtain observance of the economic provisions of the Civil Aeronautics Act of 1938, as amended, and of all economic orders, regulations and other requirements promulgated by the Board. The Office of Compliance initiates and conducts investigations of alleged violations; seeks to obtain voluntary compliance by informal action; negotiates, where appropriate, formal stipulations and other consent agreements to cease and desist from illegal practices or recommends the issuance of an appropriate Board order; seeks adjustment of informal complaints; presents evidence and argument in formal economic enforcement proceedings; institutes and prosecutes civil and criminal actions; and maintains liaison with other government agencies in connection with enforcement activities.

OFFICE OF CONGRESSIONAL LIAISON AND PUBLIC INFORMATION

SEC. 10.1 *Office of Congressional Liaison and Public Information.* The Office of Congressional Liaison and Public Information is responsible for maintaining an effective exchange of information between the Board and Congress, for keeping the aviation industry, the press and the general public advised of the major actions of the Board and for co-ordinating the formulation of the Board's legislative program.

OFFICE OF ADMINISTRATION

SEC. 11.1 *Organization.* The Secretary of the Board also serves as Director of the Office of Administration, which consists of the following organizational components:

(a) Minutes Section.
(b) Budget and Fiscal Section.
(c) Management Section.
(d) Personnel Section.
(e) General Services Section.
(f) Publications Section.
(g) Library.

SEC. 11.2 *Documentation.* The Secretary is responsible for recording all formal actions of the Board; the processing, including review as to accuracy, form and content, of all documents evidencing such action; and for authenticating Board records for any official purpose. Pursuant to the Civil Aeronautics Act of 1938, as amended, the Secretary has legal custody of records and documents as specified therein.

SEC. 11.3 *Administrative functions.* As Director, Office of Administration, the Secretary is responsible for providing budget, fiscal, management, personnel and other administrative services to the Board and the staff which include: (a) Developing the Board's annual budget estimates for "Salaries and Expenses" as well as estimates of appropriations for "Payments to Air Carriers" and the justification of these estimates before the Bureau of the Budget and the Appropriations Committees of Congress; (b) developing the Board's annual fiscal plan for utilizing its appropriation for "Salaries and Expenses" and maintaining a system for administrative control of expenditures to conform with such plan and the requirements of law and of regulations; (c) disbursement of, and accounting for, subsidy payments to air carriers in accordance with the provisions of Reorganization Plan 10 of 1953, which involves, among other things, review and processing of the carriers' monthly billings; (d) appraisal of and recommendations concerning the organization of the Board, distribution of functions, operating procedures and management techniques and maintenance of a Manual setting forth current organization, methods and administrative practices; (e) recommending and administering personnel policies and programs and insuring that the same comply with the law and regulations; (f) provision for space, equipment, supplies, communications, reproduction and other resources and facilities.



FIELD ORGANIZATION

SEC. 12.1 *Bureau of Air Operations.* The Alaska Liaison Office of the Bureau is located at Loussac-Sogn Building, Anchorage, Alaska (P. O. Box 2219).

SEC. 12.2 *Bureau of Safety Investigation.* Field offices of the Bureau are located at the following addresses:

*Field Office Address and Territory*

Federal Building, New York International Airport, Jamaica, N. Y.; Maine, New Hampshire, Massachusetts, Rhode Island, Connecticut, Vermont, New York, Pennsylvania, New Jersey, Delaware, Maryland, West Virginia, and Virginia.

P. O. Box 931, Miami International Airport Branch, Miami 48, Fla.; North Carolina, South Carolina, Georgia, Florida, Tennessee, Alabama, Mississippi, and Louisiana east of the 91st meridian.

6200 South Cicero Avenue, Chicago 38, Ill.; Ohio, Kentucky, Indiana, Michigan, Wisconsin, Illinois, Minnesota, North Dakota.

Federal Office Building, 911 Walnut Street, Kansas City, Mo.; Missouri, Iowa, South Dakota, Nebraska, Kansas, Wyoming, Colorado, Texas, Oklahoma, Arkansas and Louisiana, except that portion east of the 91st meridian.

506 Santa Monica Boulevard, Santa Monica, Calif.; New Mexico, Arizona and that portion of California and Nevada south of the following boundary: intersection of the coastline and the 36th parallel eastward to longitude 118°36', thence northerly along the ridge of the Sierra Nevada Mountains to longitude 119°30' and parallel 38° to the Utah State line.

P. O. Box 86, Oakland Airport Station, Oakland 14, Calif.; Utah and the northern portion of Nevada and California north of the Santa Monica office boundary.

Room 202, Administration Building, King County Airport, Seattle 8, Wash.; Washington, Oregon, Idaho, and Montana.

P. O. Box 2219, Anchorage, Alaska; Alaska.

SEC. 12.3 *Office of Carrier Accounts and Statistics.* Field offices of the Office of Carrier Accounts and Statistics are located at 2 Park Avenue, New York 16, New York, the Old Mint Building, Fifth and Mission Streets, San Francisco, California and the Pacific Building, 327 N.E. First Avenue, Miami 32, Florida.

Effective: January 1, 1956.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 56-4391; Filed, June 4, 1956; 8:51 a. m.]

## FEDERAL POWER COMMISSION

[Docket Nos. G-8970, G-9173]

BLACKWELL OIL & GAS CO. ET AL.

ORDER POSTPONING DATE OF HEARING

In the matters of Blackwell Oil & Gas Company, Docket No. G-8970; T. L. James and Company, et al., Docket No. G-9173.

By order issued March 30, 1956, the Commission consolidated these proceedings for the purpose of hearing, and directed that hearing in these matters be commenced on May 21, 1956. By notice of continuance of hearing the Secretary of the Commission postponed the hearing from May 21, 1956, to June 4, 1956. On May 16, 1956, T. L. James Company filed a motion for reconsideration of the postponement, alleging that it cannot be prepared to present its case before July 5, 1956.

The Commission finds: Good cause has been shown for postponing the hearing herein as ordered.

The Commission orders: The hearing in these matters, now fixed to commence on June 4, 1956, be and it is hereby postponed to July 9, 1956.

Issued: May 29, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-4364; Filed, June 4, 1956; 8:46 a. m.]

[Docket No. G-10160]

DELTA NATURAL GAS CO.

NOTICE OF APPLICATION

MAY 28, 1956.

Take notice that Delta Natural Gas Company (applicant), a Kentucky corporation, with its principal place of business at Winchester, Kentucky, filed an application on March 27, 1956, for an order pursuant to section 7 (a) of the Natural Gas Act, directing Tennessee Gas Transmission Company to establish physical connection of its transportation facilities with the proposed facilities of applicant and to sell and deliver natural gas to applicant for resale and distribution in the Cities of Nicholasville and Wilmore, Jessamine County, Kentucky as hereinafter described, all as more fully represented in the application, which is now on file with the Commission and open to public inspection.

Applicant states that no other gas service is available in the proposed service area. It proposes to construct and operate a 4-inch transmission line extending from Tennessee's main line in Garrard County, Kentucky to the Nicholasville City gate, a distance of approximately 11.4 miles and thence to the Wilmore City gate an additional 3.8 miles. Also proposed is the construction and operation of a natural gas distribution system in each of these areas. The estimated cost for the total construction by Applicant is $360,000, which Applicant states it will finance with the proceeds from the sale of $400,000 First Mortgage Bonds at 5 percent.

Applicant states that the City of Nicholasville, Kentucky has 1,141 potential customers within the city limits and 48 along the proposed transmission line. The City of Wilmore, Kentucky has 461 potential customers within its service area making a total for the system of 1,650 potential customers. The estimated gas requirements for both towns are as follows for the years 1956 through 1960:

| | 1956 | 1957 | 1958 | 1959 | 1960 |
|---|---|---|---|---|---|
| Maximum day (Mcf). | 1,600 | 2,320 | 2,400 | 2,550 | 2,660 |
| | 43,200 | 183,110 | 228,800 | 241,580 | 252,300 |

Protests or petitions to intervene may be filed with the Commission in accordance with §§ 1.8 and 1.10 of its rules of practice and procedure (18 CFR 1.8 and 1.10) on or before June 14, 1956.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-4365; Filed, June 4, 1956; 8:46 a. m.]

[Docket No. E-6684]

VIRGINIA ELECTRIC AND POWER CO. ET AL.

ORDER INSTITUTING AN INVESTIGATION

In the matter of Virginia Electric and Power Company, Dan River Mills, Inc., Spray Cotton Mills, and Spray Water and Land Company, City of Martinsville, Virginia.

The Roanoke Rapids Project No. 2009 of the Virginia Electric and Power Company is located at river mile 137 on the Roanoke River. The John H. Kerr project constructed by the United States is located at river mile 179 on the Roanoke River. The Riverside and Schoolfield projects of the Dan River Mills, Inc., are located at river miles 63 and 66, respectively, on the Dan River. The Spray project of the Spray Cotton Mills and the Spray Water and Land Company is located at river mile 3 on the Smith River. The Martinsville project of the City of Martinsville is located at river mile 25 on the Smith River. The Philpott project constructed by the United States is located at river mile 44 on the Smith River.

Pursuant to the provisions of section 10 (f) of the Federal Power Act, we are required to determine and assess headwater improvement benefit charges against the owner of any project directly benefited by upstream improvements constructed by the United States. The Smith River is a tributary of the Dan River and the latter river discharges into the Roanoke River near Clarksville, Virginia. The Martinsville project, the Spray project, the Schoolfield project, and the Riverside project may be directly benefited by reason of the construction and operation by the United States of its upstream Philpott project. The Roanoke Rapids project may be directly benefited by reason of the construction and operation by the United States of its upstream Philpott and John H. Kerr projects.

The Commission finds: It is appropriate and in the public interest that an investigation be instituted by the Commission as hereinafter provided.

The Commission orders: An investigation is hereby instituted pursuant to the provisions of the Federal Power Act, particularly section 10 (f) thereof, for the purpose of enabling the Commission to determine whether any of the above designated projects located on the Smith, Dan, or Roanoke Rivers downstream

from the above designated headwater improvements constructed by the United States is directly benefited by the construction and operation of such upstream improvements of the United States and, if it so finds, to determine the equitable proportion of the annual charges to be paid by the owner of any project so benefited for interest, maintenance and depreciation on such upstream improvements constructed by the United States.

Issued: May 28, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-4366; Filed, June 4, 1956; 8:46 a. m.]

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[Docket Nos. G-8695, G-8919]

PHILLIPS PETROLEUM CO. AND GULF OIL CORP.

ORDER SEVERING PROCEEDINGS

By order issued May 19, 1955 the above-designated matters were consolidated with Docket No. G-8697, in the matter of Stanolind Oil and Gas Company (Operator), et al. and Docket No. G-8696, in the matter of Continental Oil Company, for the purpose of hearing.

By notice of severence of proceedings and of hearing, issued on June 10, 1955, Docket Nos. G-8697 and G-8696 were severed from Docket Nos. G-8695 and G-8919.

The Commission finds: Docket No. G-8695, in the matter of Phillips Petroleum Company, should be severed from Docket No. G-8919, in order that the proceedings in Docket No. G-8695 may be consolidated with other proceedings involving the Phillips Petroleum Company now scheduled for hearing on June 26, 1956.

The Commission orders: Docket No. G-8695, in the matter of Phillips Petroleum Company, be and it hereby is severed from Docket No. G-8919, in the matter of Gulf Oil Corporation.

Issued: May 28, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-4367; Filed, June 4, 1956; 8:46 a. m.]

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[Docket No. G-1148, etc.]

PHILLIPS PETROLEUM CO.

ORDER CONSOLIDATING PROCEEDINGS AND FIXING DATE OF HEARING

In the matter of Phillips Petroleum Company, Docket Nos. G-1148, G-3175, G-4333, G-6621, G-7773, G-8623, G-8695, G-8883, and G-10359.

By order issued October 29, 1948, in Docket No. G-1148, the Commission instituted an investigation of Phillips Petroleum Company (Phillips) to determine (1) whether it is a natural-gas company within the meaning of the Natural Gas Act, and (2) whether, in connection with any transportation or sale of natural gas by such company, subject to the jurisdiction of the Commission, any rates, charges, or classifications demanded, observed, charged or collected, or any rules, regulations, practices or contracts affecting such rates, charges or classifications are unjust, unreasonable, unduly discriminatory, or preferential.

In its opinion issued August 22, 1951,[1] the Commission found, inter alia, that Phillips was not a natural-gas company within the meaning of sections 1 (b) or 2 (6) of the Natural Gas Act, and by order accompanying that opinion the Commission terminated the investigation proceeding instituted by its order of October 29, 1948. Thereafter, the United States Court of Appeals for the District of Columbia Circuit handed down its opinion [2] reversing the Commission and determined that Phillips is a natural-gas company and that the "Commission should fix the rates" for the Phillips sales of natural gas for resale in interstate commerce. On June 7, 1954, the United States Supreme Court affirmed the opinion of the Court of Appeals.[3]

In compliance with the mandate of the Court of Appeals, the Commission, on November 22, 1954, issued its Order vacating termination of proceedings and continuing investigation in Docket No. G-1148.

In each of the eight other dockets hereinabove designated,[4] the Commission has heretofore issued its order suspending proposed increases in rates and charges for sales of natural gas for resale in interstate commerce by Phillips. Such proposed increases approximate $2,300,000 per year in the aggregate. The sales and deliveries of gas involved in the eight designated suspension dockets are made by Phillips to Michigan-Wisconsin Pipe Line Company, Northern Natural Gas Company, Cities Service Gas Company, Arkansas-Louisiana Gas Company, El Paso Natural Gas Company, Consolidated Gas Utilities Corporation, Transcontinental Gas Pipe Corporation and Mississippi River Fuel Corporation. Such sales and deliveries of gas by Phillips involve questions of law and fact interrelated with those inherent in the matters involved and the issues presented in Docket No. G-1148.

The Commission finds: It is appropriate and in the public interest in carrying out the provisions of the Natural Gas Act and good cause exists to consolidate the above-entitled proceedings for the purpose of hearing.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, including particularly sections 4, 5, 14, 15, and 16 thereof, and the Commission's general rules and regulations (18 CFR Chapter I), the proceedings in the above-designated Docket Nos. G-1148, G-3175, G-4333, G-6621, G-7773, G-8623, G-8695, G-8883 and G-10359 be and the same hereby are consolidated for the purpose of hearing.

(B) A hearing be held commencing on June 26, 1956, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented in the consolidated proceedings designated in paragraph (A) above.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: May 28, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-4368; Filed, June 4, 1956; 8:46 a. m.]

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[Docket Nos. G-9277, G-9280]

CHICAGO CORP. AND GULF PLAINS CORP.

ORDER AMENDING ORDER INSTITUTING INVESTIGATIONS

By order issued in these proceedings on January 27, 1956, the Commission instituted investigations of respondent, The Chicago Corporation (Docket No. G-9277) and respondents, The Chicago Corporation and Gulf Plains Corporation (Docket No. G-9280). The said investigations were instituted to enable the Commission to determine whether, with respect to any transportation or sale of natural gas, subject to the jurisdiction of the Commission, made or proposed to be made by such respondents, any of the rates, charges or classifications demanded, observed, charged or collected, or any rules, regulations, practices or contracts affecting such rates, charges or classifications are unjust, unreasonable, unduly discriminatory or preferential.

In the pleading designated "Defendants' Motions to Dismiss and Answer" filed herein by respondents, The Chicago Corporation and Gulf Plains Corporation on October 17, 1955, in response to the complaint filed by Tennessee Public Service Commission, et al. on August 31, 1955, the said respondents aver, inter alia, that:

Gulf Plains Corporation prior to its dissolution on December 31, 1953, as hereinafter alleged, was a Texas corporation and at the time of and prior to its dissolution was a wholly owned subsidiary of The Chicago Corporation. Pursuant to a plan of complete liquidation and dissolution duly adopted and consented to by The Chicago Corporation as the owner and holder of all of its stock, all of its assets were transferred, conveyed, and assigned to The Chicago Corporation in complete cancellation and liquidation of all of its outstanding capital stock, and The Chicago Corporation assumed all of the valid legal obligations of Gulf Plains Corporation including those set forth in the aforementioned contract with Tennessee Gas Transmission Company (TGT). A certificate of dissolution was duly filed with the Secretary of State of the State of Texas and said corporation was thereby dissolved on December 31, 1953. Said corporation has not subsequent to said date existed or functioned as a corporation, and at the time of the filing of this Complaint has no existence as a corporation and consequently is not and has never been a party to The Chicago Corporation FPC Gas Rate Schedule No. 5.

In consideration of the facts above-recited, it appears that Gulf Plains Corporation has not existed, functioned, nor retained any vestige of corporate status since its dissolution on December 31, 1953.

The Commission finds: It is appropriate in the administration of the Natural Gas Act to amend the order instituting investigations issued in these proceedings on January 27, 1956, by deleting therefrom Gulf Plains Corporation as a respondent and by terminating the investigation instituted by such order insofar as it pertains to the said corporation.

The Commission orders:

The Order Instituting Investigations, issued in these proceedings on January 27, 1956, be and the same is hereby amended as follows:

(A) By the deletion therefrom of Gulf Plains Corporation as a respondent in Docket No. G-9280.

(B) By termination of the investigation instituted therein of Gulf Plains Corporation.

Issued: May 28, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-4369; Filed, June 4, 1956; 8:46 a. m.]

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[Docket No. G-10494]

H. F. SEARS

ORDER SUSPENDING PROPOSED CHANGES IN RATES

H. F. Sears (applicant), on May 11, 1956 tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

*Description; Purchaser; Rate Schedule Designation; and Effective Date* [1]

Notice of change, undated; Phillips Petroleum Company; Supplement No. 7 to Applicant's FPC Gas Rate Schedule No. 5; June 11, 1956.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR, Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges, and, pending such hearing and decision thereon, the above-designated supplement be and the same hereby is suspended and the use thereof deferred until November 11, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Issued: May 29, 1956.

By the Commission.[1]

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-4370; Filed, June 4, 1956; 8:47 a. m.]

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[Docket No. G-7872 etc.]

GAS GATHERING CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

Take notice that each of the applicants listed below has filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing such applicant to continue to sell natural gas subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open for public inspection. These matters should be consolidated and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on the date and at the place hereinafter stated, concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) not less than ten days before the date of hearing. Failure of any party to appear at and participate in the hearing shall be construed as Waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request for waiver is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

The dockets, applicants and material averments in applications to which reference is made above are as follows:

*Docket No.; Name and Address; Filing Date; Gas Field; and Purchaser*

G-7872; Gas Gathering Company, Corpus Christi, Tex.; 12-3-54; East Mathis, San Patricio County, Tex.; Texas Illinois Natural Gas Pipeline Company.

G-8419; Crawford Investment Corporation, Shreveport, La.; 1-31-55; East Haynesville, Claiborne Parish, La.; Arkansas-Louisiana Gas Company.

G-8422; American States Oil Company, Oklahoma City, Okla.; 1-31-55; Oklahoma N. E., Glenwood, Beaver County, Okla.; Northern Natural Gas Company.

G-8423; P. H. Pewitt, Longview, Tex.; 1-31-55; Rodessa, Marion County, Tex.; Texas Eastern Transmission Corp.

G-8424; P. H. Pewitt, Longview, Tex.; 1-31-55; Rodessa, Marion County, Tex.; Arkansas-Louisiana Gas Company.

G-8441; Clegg & Hunt, Houston, Tex.; 2-4-55; South Hillebrandt, Bayou, Jefferson County, Tex.; United Gas Pipe Line Company.

G-8448; Gulf Refining Company, Pittsburgh, Pa.; 2-7-55; Athens, Claiborne Parish, La.; Arkansas-Louisiana Gas Company.

G-8449; Kenneth A. Ellison and Edwin C. Nash, Oklahoma City, Okla.; 2-7-55; Hugoton-Guymon, Texas County, Okla.; Northern Natural Gas Company.

G-8451; The Sumner Oil & Gas Company, Marietta, Ohio; 2-7-55; Sutton Township, Meigs County, Ohio; Ohio Fuel Gas Company.

G-8452; Walter E. Stewart, Tyler, Tex.; 2-7-55; South Hallsville, Harrison County, Tex.; Arkansas-Louisiana Gas Company.

G-8457; D. Thomason, Shreveport, La.; 2-7-55; Rodessa, Caddo Parish, La.; Arkansas-Louisiana Gas Company.

G-8464; J. R. Sharp, Tulsa, Okla.; 12-3-54; Keystone, Winkler County, Tex.; Sid Richardson Gasoline Company.

G-8465; J. R. Sharp, Tulsa, Okla.; 12-3-54; Keystone, Winkler County, Tex.; Sid Richardson Gasoline Company.

G-8466; Ada Oil Company, Houston, Tex.; 2-10-55; South Crowley, Acadia Parish, La.; Tennessee Gas Transmission Company and La-Tex Petroleum Products.

G-8649; J. N. Stephan et al., Marietta, Ohio; 2-22-55; DeKalb District, Gilmer County, W. Va.; Hope Natural Gas Company.

G-8656; West Virginia Coal & Coke Company, Sutton, W. Va.; 3-22-55; Braxton County, W. Va.; Equitable Gas Company.

G-8669; Frank Parkes, Hooker, Okla.; 3-25-55; Guymon-Hugoton, Texas County, Okla.; Cities Service Gas Company.

G-8670; Zogg & Zogg Inc., Charleston, W. Va.; 3-25-55; Union District, Clay County, W. Va.; Hope Natural Gas Company.

G-8671; Ernest Campbell, Creston, W. Va.; 3-25-55; Lee District, Calhoun County, W. Va.; Hope Natural Gas Company.

A public hearing will be held on the 28th day of June 1956, beginning at 9:30 a. m., e. d. s. t., in the hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concern-

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[1] In the Matter of Phillips Petroleum Company, Docket No. G-1148, Opinion No. 217 and accompanying order, 10 F. P. C. 246, 283.

[2] State of Wisconsin v. Federal Power Commission, 92 U. S. App. D. C. 284, 205 F. 2d 706.

[3] Phillips Petroleum Company v. Wisconsin, et al., 347 U. S. 672.

[4] Docket Nos. G-3175, G-4333, G-6621, G-7773, G-8623, G-8695, G-8883, and G-10359.

[1] The stated effective date is the first day after expiration of the required thirty days' notice, or the effective date proposed by applicant if later.

[1] Commissioner Digby dissenting in opinion.

ing the matters involved in and the issues presented by the above applications.

[SEAL] LEON M. FUQUAY,
*Secretary.*

MAY 29, 1956.

[F. R. Doc. 56-4371; Filed, June 4, 1956; 8:47 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11632, 11633; FCC 56M-526]

PACIFIC TELEVISION, INC. AND KOOS, INC.

ORDER CONTINUING HEARING

In re applications of Pacific Television, Inc., Coos Bay, Oregon, Docket No. 11632, File No. BPCT-2046; KOOS, Inc., Coos Bay, Oregon, Docket No. 11633, File No. BPCT-2052; for construction permits for new television broadcast stations.

The Hearing Examiner having under consideration a motion for continuance filed by Pacific Television, Inc., on May 23, 1956;

It appearing that the date for commencement of hearing was previously continued to May 31, 1956, in order to await Commission action upon a request by one of the parties herein for rule-making which would involve the assignment of another UHF channel to Coos Bay; and

It further appearing that this request has not yet been acted upon but the parties do not wish to incur the needless expense in time and money which would be involved in proceeding with the hearing in this case and which may be avoided if the new channel is assigned; and

It further appearing that KOOS, Inc., and the Broadcast Bureau have consented to a grant of the continuance to July 23, 1956;

*It is ordered*, This 28th day of May 1956, that the motion of Pacific Television, Inc., for continuance is granted and that the date for commencement of hearing is continued from May 31 to July 23, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4383; Filed, June 4, 1956; 8:50 a. m.]

[Docket No. 11652; FCC 56M-530]

B. L. GOLDEN

ORDER CONTROLLING THE CONDUCT OF HEARING

MAY 28, 1956.

In re application of B. L. Golden, Fresno, California, Docket No. 11652, File No. BP-10085; for construction permit.

*Appearances.* Sylvia Kessler, on behalf of B. L. Golden; Thomas H. Wall and Thomas J. Dougherty, on behalf of Stanislaus County Broadcasters, Inc. (KBOX); A. L. Stein, on behalf of Marmat Broadcasting Company (KBIS); and Earl C. Walck, on behalf of the Chief, Broadcast Bureau, Federal Communications Commission.

1. A pre-hearing conference, pursuant to notice, was held Friday, May 18, 1956.

2. The issues as specified in the Commission's order of March 14, 1956, are as follows:

1. To determine the areas and populations which would receive primary service from the proposed operation, and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation would cause objectionable interference to Station KBOX, Modesto, California, and Station KECC, Pittsburg, California, or any other existing standard broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby and the availability of other primary service to such areas and populations.

3. To determine whether the proposed antenna system would constitute a hazard to air navigation.

4. To determine whether in the light of the evidence adduced under the foregoing issues, a grant of the subject application would serve the public interest.

3. Marmat Broadcasting Company (KBIS) was not a party to the proceeding at the time of the hearing conference but inasmuch as engineering exhibits indicated that the station proposed herein would cause interference to Station KBIS, counsel for that station participated in the hearing conference with the consent of all parties. Marmat Broadcasting Company has now become a party to this proceeding.

4. As shown by the transcript of the hearing conference, the attorney of record for KECC, Incorporated, Pittsburg, California, did not appear at the hearing conference.

5. By a communication dated April 3, 1956, the Air Space Subcommittee of the Air Coordinating Committee has given its approval to the construction of the antenna tower proposed by the applicant herein subject to the tower being market and lighted in accordance with the Commission's rules. Such being the case, Issue 3 is declared by the Examiner to be moot.

6. At the hearing conference on May 18, 1956, it was disclosed that measurements were being taken which were designed to show with greater exactness the possible areas of interference to and from existing and proposed stations and that the engineering exhibits based on such measurements would be made available to the parties on or before Tuesday, May 29, 1956. It was the desire of all parties present that the hearing originally scheduled to begin on Monday, June 4, 1956, begin on June 6, 1956, subject to the right of the parties, other than the applicant, to come forward with rebuttal engineering exhibits if the necessity therefor became apparent.

7. At the hearing conference on May 18, 1956, the following time schedule was agreed to:

a. All exhibits to be offered by the applicant deemed necessary to establish his affirmative showing in response to each and every one of the engineering issues, other than Issue 3 which has become moot, shall be exchanged with the other parties on or before Tuesday, May 29, 1956.

b. The evidentiary hearing originally scheduled to begin on June 4, 1956, will begin on June 6, 1956, at which time the applicant may offer in evidence all of the engineering exhibits exchanged with the parties as provided in a. above.

c. At the evidentiary hearing on June 6, 1956, each party, other than the applicant, will announce whether he desires to introduce in evidence any exhibit which would tend to show engineering facts inconsistent with or at variance with the engineering exhibits exchanged by the applicant as provided in a. above. In the event any party intends to prepare and offer in evidence such exhibits, the Hearing Examiner will specify the time for the exchange of such exhibits and the date for further hearing.

*It is so ordered*, This the 28th day of May 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4384; Filed, June 4, 1956; 8:50 a. m.]

[Docket No. 11670; FCC 56M-529]

NEWS ON THE AIR, INC.

ORDER CONTROLLING THE CONDUCT OF HEARING

MAY 28, 1956.

In re application of News on the Air, Inc., Port Clinton, Ohio, Docket No. 11670, File No. BP-9977; for construction permit.

*Appearances.* Truman A. Morris and Robert W. Reider, on behalf of News on the Air, Inc.; John F. Clagett, on behalf of Court House Broadcasting Company; Leonidas P. B. Emerson, on behalf of WXYZ, Inc.; and David I. Kraushaar, on behalf of the Chief, Broadcast Bureau, Federal Communications Commission.

1. A pre-hearing conference called pursuant to the provisions of section 1.813 of the Commission's rules was held Monday, May 14, 1956. Participants were those shown in the appearances above.

2. The issues are presently specified in this proceeding are as follows:

1. To determine the areas and populations which would be served by the proposed operation, and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation would cause objectionable interference to Stations WCHO, Washington Court House, Ohio, and WXYZ, Detroit, Michigan, or any other existing broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether, because of the interference received, the proposal of News on the Air, Inc., would comply with § 3.28 (c) of the Commission's rules; and if compliance with § 3.28 (c) is not achieved, whether circumstances exist which would warrant a waiver of said section of the rules.

4. To determine, in the light of the evidence adduced with respect to the foregoing issues, whether a grant of the subject application would serve the public interest, convenience or necessity.



3. At the hearing conference on May 14, 1956, it was stated that Court House Broadcasting Company was presently engaged in taking measurements on radio between Station WCHO and the site of the proposed Port Clinton, Ohio, station and that such measurements and exhibits reflecting the same would be available to the parties on or before June 11, 1956. In view of this fact, all parties agreed that the date for the start of the evidentiary hearing should be postponed beyond June 11, 1956, the date presently specified.

4. At the hearing conference on May 14, 1956, the following timetable was agreed to:

a. All exhibits to be offered by the applicant deemed necessary to establish its affirmative showing in response to each and every one of the engineering issues shall be exchanged with other parties on or before Monday, June 11, 1956.

b. All exhibits to be introduced on behalf of Court House Broadcasting Company (Station WCHO) or on behalf of WXYZ, Inc. (WXYZ), designed to establish an affirmative showing by said parties with respect to each and every one of the engineering issues in hearing shall be exchanged with other parties on or before Monday, June 11, 1956.

c. Further hearing conference will be held on Tuesday, June 21, 1956.

d. If after the exchange of the engineering exhibits on June 11, 1956, the parties agree that a further hearing conference is not necessary and the parties are able to agree upon a date for the offer and receipt in evidence of the exhibits which have been exchanged, the Hearing Examiner will entertain a request that he specify an early date for the start of the evidentiary hearing.

e. The evidentiary hearing will not begin on June 11, 1956, the date originally specified, but on a date to be specified by the Hearing Examiner at the hearing conference on June 21, 1956, or in response to a request for a specified date as provided for in d. hereof.

*It is so ordered*, This the 28th day of May 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4385; Filed, June 4, 1956; 8:50 a. m.]

[Docket No. 11682; FCC 56M-525]

GENERAL-TIMES TELEVISION CORP. AND COLUMBIA BROADCASTING SYSTEM, INC.

ORDER CONTINUING HEARING CONFERENCE

In re application of General-Times Television Corporation (Assignor), and Columbia Broadcasting System, Inc. (Assignee), Docket No. 11682, File No. BAPCT-159; for consent to the assignment of the construction permit for WGTH-TV Hartford, Connecticut.

*It is ordered*, This 25th day of May 1956, on the Hearing Examiners' own motion and with the consent of all parties to the proceeding, that hearing conference in the matter, presently scheduled for May 29, 1956, is continued to June 12, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4386; Filed, June 4, 1956; 8:50 a. m.]

[Docket No. 11683; FCC 56M-528]

WCHS-TV, INC.

NOTICE OF PRE-HEARING CONFERENCE

In re application of WCHS-TV, Inc., Charleston, West Virginia, (WCHS-TV), Docket No. 11683, File No. BMPCT-3392; for modification of construction permit (Channel 8).

A pre-hearing conference in the above-entitled proceeding will be held on Thursday, May 31, 1956, beginning at 10:00 a. m. in the offices of the Commission, Washington, D. C. This conference is called pursuant to the provisions of § 1.813 of the Commission's rules and the matters to be considered are those specified in that section of the Rules.

*It is so ordered*, This the 28th day of May 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4387; Filed, June 4, 1956; 8:50 a. m.]

[Docket Nos. 11697, 11698; FCC 56M-532]

VOICE OF BERRIEN COUNTY AND LAKE BROADCASTERS

NOTICE OF PRE-HEARING CONFERENCE

In re applications of E. Harold Munn, Jr., and E. Harold Munn, Sr., d/b as Voice of Berrien County, Niles, Michigan, Docket No. 11697, File No. BP-9617; Maurice Humphrey, Carl L. Benson, Richard W. Lee and Ralph W. Newland, d/b as Lake Broadcasters, St. Joseph, Michigan, Docket No. 11698, File No. BP-9967; for construction permits.

Notice is hereby given that a pre-hearing conference will be held in the above-entitled proceeding at 10:00 o'clock a. m., on Wednesday, June 13, 1956, in the offices of this Commission, Washington, D. C.

Dated this 29th day of May 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4388; Filed, June 4, 1956; 8:50 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

GEORGE D. CLARKE, LTD.

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

MAY 28, 1956.

In the matter of George D. Clarke, Ltd., 50 Broad Street, New York 4, New York.

I. The Commission's public official files disclose that George D. Clarke, Ltd., a New York Corporation, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934, and is a member of the National Association of Securities Dealers, Inc., a national securities association, registered pursuant to section 15A of said act.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar year 1955, as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant;

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant; and

(e) Whether, pursuant to section 15A (*l*) (2) of the Securities Exchange Act of 1934, it is necessary or appropriate in the public interest or for the protection of investors or to carry out the purposes of said section, to suspend for a period not to exceed twelve (12) months or to expel registrant from membership in the National Association of Securities Dealers, Inc.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof at 10 a. m. on the 27th day of June 1956, at the main office of the Securities and Ex-

[1] Filed as part of the original document.

change Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. At such time the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before June 13, 1956. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

*It is further ordered*, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to June 27, 1956.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-4374; Filed, June 4, 1956; 8:47 a. m.]

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F. M. VAN ECK

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 28th day of May 1956.

In the matter of Fred M. van Eck, dba F. M. van Eck, 12 East 88th Street, New York 28, New York.

I. The Commission's public official files disclose that Fred M. van Eck, a sole proprietor, dba F. M. van Eck, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1952 and 1955, as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof at 10 a. m. on the 27th day of June 1956, at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. At such time the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before June 13, 1956. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

*It is further ordered*, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to June 27, 1956.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-4375; Filed, June 4, 1956; 8:48 a. m.]

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JOSEPH J. BECKER

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 28th day of May 1956.

In the matter of Joseph J. Becker, 24 Commerce Street, Newark, New Jersey.

I. The Commission's public official files disclose that Joseph J. Becker, a sole proprietor, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar year 1955 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof at 10 a. m. on the 27th day of June 1956, at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. At such time the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before June 13, 1956. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

*It is further ordered*, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to June 27, 1956.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-4376; Filed, June 4, 1956; 8:48 a. m.]

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WILLIAM P. STONE

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 28th day of May 1956.

In the matter of William P. Stone, 347 Madison Avenue, New York 17, New York.

I. The Commission's public official files disclose that William P. Stone, a sole proprietor, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar year 1955, as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

[1] Filed as part of the original document.



III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof at 10 a. m. on the 27th day of June 1956, at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. At such time the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before June 13, 1956. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

*It is further ordered*, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to June 27, 1956.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-4377; Filed, June 4, 1956; 8:48 a. m.]

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## INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 31, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32151: *Acrylonitrile—New Orleans, La., to Chicago, Ill.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on acrylonitrile, tank-car loads, from New Orleans, La., to Chicago, Ill.

Grounds for relief: Circuitous routes in part west of the Mississippi River.

FSA No. 32152: *All freight—St. Louis, Mo., group to North Birmingham, Ala.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on merchandise, mixed carloads from St. Louis, Mo., and East St. Louis, Ill., to North Birmingham, Ala.

Grounds for relief: Circuitous routes in part west of the Mississippi River.

FSA No. 32153: *Scrap iron and steel from and to points in official territory.* Filed by the Baltimore and Ohio Railroad Company for itself and interested rail carriers. Rates on scrap iron and steel, and related articles, taking same rates, carloads, from specified points on the Baltimore and Ohio Railroad in New York, Ohio, Pennsylvania and West Virginia to specified points in trunk-line territory.

Grounds for relief: Circuitous routes.

Tariff: Supplement 1 to Baltimore and Ohio Railroad tariff I. C. C. 24322.

FSA No. 32154: *Concrete mixture—Southwest to South.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on concrete mixture, dry, straight or mixed carloads, as described in the application from specified points in Arkansas, Kansas, Missouri, Oklahoma, and Texas to specified points in southern territory.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 9 to Agent Kratzmeir's I. C. C. 4185.

FSA No. 32155: *Silica sand to Loving, N. M.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on silica sand, carloads from specified points in Arkansas, Missouri, Oklahoma, and Texas, also from Ottawa, Ill., to Loving, N. M.

Grounds for relief: Carrier competition.

Tariff: Supplement 59 to Agent Kratzmeir's I. C. C. 4135.

FSA No. 32156: *Chimney parts—Buda, Ill., to New Jersey and New York.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on chimney parts, carloads, as described in the application from Buda, Ill., to Clark, N. J., Bellport, Riverhead and Thompkinsville, N. Y.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 174 to Agent Hinsch's I. C. C. 4542.

FSA No. 32157: *Urea—Ohio and West Virginia to Norfolk, Va.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on urea, in bags, barrels or boxes, carloads from Lima and South Point, Ohio and Belle, W. Va., to Norfolk, Va.

Grounds for relief: Market competition and circuity.

Tariff: Supplement 174 to Agent Hinsch's I. C. C. 4542.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56-4372; Filed, June 4, 1956; 8:47 a. m.]

## DEPARTMENT OF JUSTICE

### Office of Alien Property

[Vesting Order SA-56]

BALIAN & CO., S. A.

In re: Debt owing to Balian & Co., S. A.; F-57-86, D-63-270.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of The First National City Bank of New York, 55 Wall Street, New York 15, New York, in the amount of $27,300.10 as of May 7, 1956, being a portion of an account entitled, "Superintendence Company, Inc., Special Account, New York, New York", maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Balian & Co., S. A., Constantza, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on May 29, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-4380; Filed, June 4, 1956; 8:49 a. m.]

FEDERAL REGISTER

VOLUME 21 NUMBER 109

Washington, Wednesday, June 6, 1956

UNIVERSITY OF MICHIGAN
JUN 1 1956
MAIN READING ROOM

## TITLE 3—THE PRESIDENT

### PROCLAMATION 3137

FLAG DAY, 1956

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS it has become the custom of the people of the United States to set aside June 14 of each year for the commemoration of the adoption of the Stars and Stripes as our national flag by the Continental Congress on June 14, 1777; and

WHEREAS it is highly appropriate that on that day we should contemplate the meaning of this flag which we honor and cherish and under which we serve; and

WHEREAS this glorious emblem symbolizes the high resolution of our forebears that they would leave to posterity a Nation founded upon the principles of freedom and justice; and

WHEREAS, in order to fulfill the responsibilities and to enjoy the privileges inherent in our priceless heritage, it is fitting that we should rededicate ourselves on that commemorative day to the perpetuation of those lofty principles; and

WHEREAS the Congress, by a joint resolution approved August 3, 1949 (63 Stat. 492), has formally designated June 14 as Flag Day and has requested the President to issue annually a proclamation calling for the observance of that day:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby direct that the flag of the United States be displayed on all Government buildings on Flag Day, Thursday, June 14, 1956, and I call upon the people to observe that day with special ceremonies designed to give expression to our love for our country's flag and our reverence for the ideals for which it stands.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this first day of June in the year of our Lord nineteen hundred and [SEAL] fifty-six, and of the Independence of the United States of America the one hundred and eightieth.

DWIGHT D. EISENHOWER

By the President:

HERBERT HOOVER Jr., *Acting Secretary of State.*

[F. R. Doc. 56-4507; Filed, June 5, 1956; 12:01 p. m.]

## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

PART 4—PROHIBITED PRACTICES

RAILROAD RETIREMENT BOARD

Paragraph (i) is added to § 4.203, to read as follows:

§ 4.203 *Federal positions the incumbents of which are permitted to hold State and local offices.* • • •

(i) *Railroad Retirement Board.* State or local employees may serve in the position of graphotype operator for part-time employment not to exceed ninety days.

(R. S. 1753; sec. 2, 22 Stat. 403, as amended; 5 U. S. C. 631, 633, E. O. 10530, 19 F. R. 2709, 3 CFR, 1954 Supp)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL, *Executive Assistant.*

[F. R. Doc. 56-4422; Filed, June 5, 1956; 8:52 a. m.]

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

EXPORT-IMPORT BANK OF WASHINGTON

Effective upon publication in the FEDERAL REGISTER, paragraphs (a) and (b) of § 6.340 are amended as set out below.

§ 6.340 *Export-Import Bank of Washington.* (a) One Executive Vice President.

(Continued on p. 3855)

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FEDERAL REGISTER

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**CFR SUPPLEMENTS**

**(As of January 1, 1956)**

The following Supplements are now available:

**Title 14: Parts 1–399 ($2.50)**
**Titles 28–29 ($1.25)**
**Title 32: Parts 400–699 ($0.65)**
**Title 33 ($1.50)**
**Title 43 ($0.50)**
**Title 46: Parts 1–145 ($0.60)**

*Previously announced:* Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 7: Parts 1–209 ($1.25); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. I, and Title 27 ($1.00); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Titles 35–37 ($1.00); Titles 40–42 ($0.65); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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(b) One Senior Vice President.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
*Executive Assistant.*

[F. R. Doc. 56-4423; Filed, June 5, 1956; 8:52 a. m.]

# TITLE 6—AGRICULTURAL CREDIT

## Chapter III—Farmers Home Administration, Department of Agriculture

### Subchapter B—Farm Ownership Loans

[FHA Instruction 424.2]

### PART 324—CONSTRUCTION AND REPAIR (FARM OWNERSHIP AND OTHER PROGRAMS)

### PLANNING FARM DEVELOPMENT FOR FARM OWNERSHIP AND INDIVIDUAL SOIL AND WATER CONSERVATION LOANS

Subpart B in Part 324 of Title 6, Code of Federal Regulations (19 F. R. 4173), is hereby revised to delete reference to the Farm Housing program, to add reference to individual Soil and Water Conservation loans, and to read as follows:

SUBPART B—PLANNING FARM DEVELOPMENT (FARM OWNERSHIP AND INDIVIDUAL SOIL AND WATER CONSERVATION LOANS)

Sec.
324.21 Definitions.
324.22 Policies.
324.23 Responsibilities.
324.24 Salvage or disposition of surplus structures, and use or sale of timber, sand, gravel, and stone.

AUTHORITY: §§ 324.21 to 324.24 issued under sec. 41 (i) 60 Stat. 1066, sec. 6 (3), 50 Stat. 870, sec. 10 (a) (7), 68 Stat. 735; 7 U. S. C. 1015 (i), 16 U. S. C. 590w (3), 16 U. S. C. 590x–3. Interpret or apply sec. 2 (3), 50 Stat. 869, sec. 1, 60 Stat. 1072, sec. 44 (b), 60 Stat. 1069, secs. 9, 10, 68 Stat. 735; 7 U. S. C. 1001, 1018 (b), 16 U. S. C. 590s (3), 590x–2, 590x–3.

§ 324.21 *Definitions.* In connection with Farm Ownership and individual Soil and Water Conservation loans, the following terms are defined:

(a) "Farm Development" means construction and land development.

(b) "Construction" means such work as erecting, improving, remodeling, repairing, relocating, adding to, or salvaging any building or structure, and the installation or repair of, or addition to, heating and electric systems, farmstead wells and water systems, sewage disposal systems, walks, steps, and landscaping.

(c) "Land Development" means items such as terracing, clearing, leveling, fencing, drainage and irrigation systems, ponds, forestation, permanent pasture, perennial hay crops, and basic soil amendments.

§ 324.22 *Policies.* The following policies will be observed in planning farm development:

(a) *Methods of performing farm development.* Planned farm development will be performed by the contract method, the borrower method, or a combination of both the contract and the borrower methods.

(1) *Contract method.* Items of farm development requiring considerable skill or special equipment, such as new dwellings, barns, plumbing, heating and electrical work, land leveling, well drilling, irrigation and drainage installations, should be performed by the contract method whenever possible. All contract work should be performed by a person, firm, or company qualified to provide the services required under the terms of the contract.

(2) *Borrower method.* Items of farm development may be performed by or under the direction of the borrower only when he possesses the necessary skill, desire, technical knowledge, and managerial ability to complete the work satisfactorily, and when such work will not interfere seriously with his farming operations.

(b) *Minimum standards.* All planned construction will be consistent with the minimum construction standards as set forth in Farmers Home Administration regulations governing this subject. All planned land development will be consistent with the recommendations of the State Agricultural Extension Service and the Soil Conservation Service.

(c) *Extent of farm development.* When planning farm development in connection with a Tenant Purchase, Farm Enlargement, or Farm Development loan, it will be the policy to provide for construction and land development necessary to put the farm in livable and operable condition at the outset, consistent with the planned farm and home operations. For a Building Improvement loan, the total building facilities must provide for the successful operation of the farm. For a Soil and Water Conservation loan, improvements will be planned to the extent agreed upon between the applicant and the County Supervisor.

(d) *Excessive buildings.* Dwellings or other farm buildings which are considered to be in excess of the needs of the farm, or would be significantly more expensive than similar buildings in the area, will not be improved or constructed with loan funds.

(e) *Repair of existing buildings on farms being considered for Farm Ownership loans.* Dilapidated buildings which are not worth repairing should be razed and any usable materials salvaged. On the other hand, buildings of value and potential usefulness should be repaired.

(f) *Completion of farm development.* All farm development will be scheduled for completion as quickly as practicable and no later than 15 months from the date of loan closing, except that an item of land development, or a portion thereof, may be scheduled for completion at a date later than the 15-month maximum limit, only when completion of the planned land development within 15 months is contrary to proven practices recommended by the State Agricultural Extension Service or the Soil Conservation Service.

(g) *Providing funds.* The total cash cost of all planned farm development will be shown on Form FHA–643, "Farm Development Plan." Funds will be provided in the loan, from cash on hand, Agricultural Conservation Program payments to be received, or from the sale of property in accordance with § 324.24. Income to be earned will not be considered for financing items of farm development planned on Form FHA–643.

(1) *Deferred advances (direct Tenant Purchase, Farm Enlargement, or Farm Development loans).* In justifiable cases, a deferred advance may be provided for an item of land development, or a portion thereof, which is planned for completion at a date later than the 15-month maximum limit in accordance with paragraph (f) of this section.

(2) *Multiple advances (Soil and Water Conservation loans).* Provisions may be made for more than one advance of Soil and Water Conservation loan funds in accordance with applicable Farmers Home Administration regulations governing multiple advances.

§ 324.23 *Responsibilities.* Planning construction and land development, and obtaining technical services are the responsibility of the applicant, with such assistance from the County Supervisor as may be necessary to insure that the farm development is properly planned.

(a) *Responsibilities of the applicant.* (1) When technical services are required, the applicant will arrange for obtaining

these services from qualified technicians and tradesmen. He will be responsible for furnishing the County Supervisor with sufficient information to describe fully the planned improvements and the manner in which they will be accomplished.

(2) When construction is to be performed, the technical information will include such items as building plans, construction details, specifications, material lists, cost estimates, and other required data.

(3) When land development is to be performed, the technical information will include estimated costs and quantities, construction details, specifications, plans, and material and equipment lists.

(i) When land development consists of, or includes, the conservation and use of water for irrigation or domestic purposes, the information submitted to the County Supervisor will include a statement as to the source of the water supply, right to the use of the water, and the adequacy and quality of the supply. In States which do not have laws governing the use of water for domestic or irrigation purposes (Riparian Doctrine States), the applicant will be required to furnish evidence to meet the requirements of Farmers Home Administration regulations covering Soil and Water Conservation loan policies regarding Compliance with Special Laws and Regulations.

(ii) When the loan includes funds for land leveling, irrigation, or drainage, a map of that portion of the farm to be improved will be prepared, showing the existing conditions with respect to topography, elevations, soil types, and natural drainage, together with the proposed land development. When land leveling is to be performed, information regarding the depth of top soil, depth to hardpan, rock or gravel, and soil conditions requiring special treatment will be shown on the map or on an overlay map. When an irrigation system is to be installed, the location of the water supply, permanent ditches and pipelines, and the areas to be irrigated will be shown on the map. When drainage is involved, drainage installations will be shown on the map, together with fields or areas to be drained.

(4) Whenever possible, the applicant will pay with personal funds any charges made for technical services in connection with his proposed farm development. If this cannot be done, the cost of such services may be included in the loan.

§ 324.24 *Salvage or disposition of surplus structures, and use or sale of timber, sand, gravel, and stone.* (a) In planning farm development, the applicant and the County Supervisor, to the extent practicable, should use salvage from old buildings, and timber, sand, gravel, and stone from the farm.

(b) When the farm has surplus buildings, timber, sand, gravel, or stone for immediate sale that is not to be used in performing farm development and that can be sold, the applicant may sell it and use the net proceeds in paying the costs of performing planned farm development. Except in the case of a Soil and Water Conservation loan secured only by chattels, the following will apply:

(1) When it is agreed that the applicant will dispose of materials, such agreement will be recorded in the narrative of Form FHA–643, which as a minimum will:

(i) Identify the property to be sold; specify the approximate date of the sale, method of marketing, and minimum acceptable price; and indicate the estimated net proceeds.

(ii) Provide that the borrower will deposit the net proceeds in the supervised bank account, use them for planned farm development, and apply any excess net proceeds as an extra payment on the loan.

(iii) Obligate the Government to release the identified property from the mortgage without additional consideration.

(2) The agreement will be considered by the Government as modifying the mortgage contract to the extent of authorizing and requiring the Government to release the identified property subject to the conditions stated in the agreement without payment of other considerations at the time of release, regardless of whether or not the mortgage specifically refers to Form FHA–643, or the agreement to release.

(3) Net proceeds derived from the sale of property so released will be used to accomplish only such items of farm development as properly can be accomplished with loan funds.

(4) In case the loan will be secured by a junior lien, before the loan is approved, any prior mortgagee must give written consent to the proposed sale and the use of the net proceeds.

Dated: May 31, 1956.

[SEAL] H. C. SMITH,
*Acting Administrator,*
*Farmers Home Administration.*

[F. R. Doc. 56–4409; Filed, June 5, 1956; 8:49 a. m.]

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**Subchapter E—Account Servicing**

[FHA Instruction 451.2]

PART 362—COLLECTIONS

AUTHORITY TO CERTAIN FARMERS HOME ADMINISTRATION EMPLOYEES

Section 362.2, Title 6, Code of Federal Regulations (20 F. R. 6989), in authorizing employees in bonded positions to receive, receipt for, exchange for money orders or bank drafts, and transmit collections, is amended so as to read as follows:

§ 362.2 *Authority.* Farmers Home Administration employees in bonded positions are hereby authorized to receive, receipt for, exchange for money orders or bank drafts, and transmit collections.

(R. S. 161, sec. 6 (3), 50 Stat. 870, sec. 41 (1), 60 Stat. 1066, sec. 510 (g), 63 Stat. 438, sec. 4 (c), 64 Stat. 100; 5 U. S. C. 22, 16 U. S. C. 590w (3), 7 U. S. C. 1015 (l), 42 U. S. C. 1480 (g), 40 U. S. C. 442 (c))

Dated: May 31, 1956.

[SEAL] H. C. SMITH,
*Acting Administrator.*
*Farmers Home Administration.*

[F. R. Doc. 56–4410; Filed, June 5, 1956; 8:49 a. m.]

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## Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

**Subchapter B—Loans, Purchases, and Other Operations**

[1956 C. C. C. Cotton Bulletin 1]

PART 427—COTTON

SUBPART—1956 COTTON LOAN PROGRAM

1956 COTTON BULLETIN

This bulletin contains the regulations specifying the instructions and requirements with respect to the 1956 Cotton Loan Program of Commodity Credit Corporation (hereinafter referred to as CCC) formulated by CCC and the Commodity Stabilization Service (hereinafter referred to as CSS). Loans will be made available on upland and extra long staple cotton produced in 1956, in accordance with this bulletin.

Sec.
427.701 Administration.
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427.706 Eligible cotton.
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427.723 Loans on cotton to be reconcentrated.
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427.725 Loans on upland cotton prior to August 1, 1956.
427.726 Tender of notes by lending agencies.
427.727 Loss or damage to pledged cotton.
427.728 Transfer of producer's interest.
427.729 Repayments.
427.730 Cotton cooperative marketing association loans.
427.731 Custodial offices.
427.732 Schedule of premiums and discounts for upland cotton (basis 1-inch Middling), and loan rates for extra long staple cotton.

AUTHORITY: §§ 427.701 to 427.732 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421.

§ 427.701 *Administration.* Under the general direction and supervision of the Executive Vice President, CCC, the Cotton Division and other appropriate Divisions of CSS will carry out the provisions of this subpart. In the field, the program will be administered through the New Orleans CSS Commodity Office, 120 Marais Street, New Orleans 16, Louisiana (referred to in this subpart as the "New Orleans office"), and Agricultural Stabilization and Conservation (referred to in this subpart as "ASC") State and county committees (referred to in this subpart as State committees and county committees, respectively). Forms will be distributed by the New Orleans office and will be available at county ASC offices (referred to in this subpart as county offices) and at approved lending agencies, approved warehouses, and others designated to participate in the loan program. State and county committees and the New Orleans office do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements hereto.

§ 427.702 *Availability of loans.*—(a) *Loans.* Loans will be available to eligible producers on eligible cotton and will be made available through warehouse, farm-stored, and bill of lading loans.

(b) *Area.* Loans on cotton covered by bills of lading will be available in areas specified by the New Orleans office. Warehouse and farm-stored loans will be available on:

(1) Upland cotton wherever produced in the continental United States.

(2) Extra long staple cotton produced in areas designated in this subparagraph.

(i) American-Egyptian cotton produced in Cochise, Graham, Greenlee, Maricopa, Mohave, Pima, Pinal, Santa Cruz, and Yuma Counties, Arizona; Imperial and Riverside Counties, California; Dona Ana, Eddy, Luna, Otero, and Sierra Counties, New Mexico; and Brewster, Culberson, El Paso, Hudspeth, Jeff Davis, Loving, Pecos, Presidio, Reeves, Terrell, and Ward Counties, Texas, at the rates shown in § 427.732.

(ii) Sea Island and Sealand cotton produced in Atkinson, Berrien, Cook, and Lanier Counties, Georgia; and Alachua, Bradford, Columbia, Hamilton, Jefferson, Lake, Madison, Marion, Orange, Putnam, Seminole, Sumter, Suwannee, Union, and Volusia Counties, Florida; and Sea Island cotton produced from seed planted in 1956 in Puerto Rico at the rates shown in § 427.732.

(c) *Time.* Loans shall be available from the date rates are announced through April 30, 1957. Notes and chattel mortgages covering farm-stored cotton must be signed by the producer and delivered to the county office on or before April 30, 1957. Note and Loan Agreements covering warehouse-stored cotton must be signed by the producer and delivered to the lending agency on or before such date or postmarked not later than April 30, 1957, if tendered for direct loans to the New Orleans office by mail.

(d) *Source.* Loans will be available from approved lending agencies or from the New Orleans office. Disbursements on loans will be made to producers by approved lending agencies under agreements with CCC, or by the New Orleans office. Disbursement of loans by approved lending agencies will be made not later than April 30, 1957, except where specifically approved by the New Orleans office in each instance. The producer shall not present the loan documents for disbursement unless the cotton is in existence and in good condition. If the cotton is not in existence and in good condition at the time of disbursement, the producer shall promptly refund the proceeds.

§ 427.703 *Approved lending agency.* An approved lending agency shall be any bank, corporation, partnership, association, individual, or other legal entity which has entered into a Lending Agency Agreement-Cotton (CCC Cotton Form D) with CCC. Banks and other agencies desiring to enter into Lending Agency Agreements should make application to the New Orleans Office, which will enter into such agreements on behalf of CCC.

§ 427.704 *Producer.* A producer shall be any individual, partnership, corporation, association, trust, estate, or other legal entity, or a State or political subdivision thereof, or an agency of such State or political subdivision, producing eligible upland or extra long staple cotton in the capacity of landowner, landlord, tenant or sharecropper.

§ 427.705 *Eligible producer.* A producer will be entitled to a loan on eligible upland or extra long staple cotton produced by or for him in 1956 on a farm (as defined for purposes of cotton marketing quotas) for which a 1956 acreage allotment for such kind of cotton has been determined under Title III of the Agricultural Adjustment Act of 1938, as amended and supplemented, if all of the following requirements are met:

(a) The 1956 planted acreage (as determined for purposes of cotton marketing quotas) of such kind of cotton on the farm does not exceed the 1956 cotton acreage allotment for the farm for such kind of cotton. For the purpose of determining eligibility for a loan, the upland or extra long staple cotton acreage on the farm will not be deemed to be in excess of the acreage allotment for such cotton unless such acreage allotment for such kind of cotton is knowingly exceeded. If the producer operating the farm is notified that such acreage allotment has been exceeded and the planted acreage is not adjusted to such acreage allotment within the period allowed under the notice, such acreage allotment shall be deemed to have been knowingly exceeded by the producers having an interest in the cotton.

(b) Where eligible cotton is produced by a landlord and his share tenant or sharecropper, a loan may be obtained only as follows:

(1) If the cotton is divided among the producers entitled to share in such cotton, each landlord, tenant, or sharecropper may obtain a loan on his separate share.

(2) If the cotton is not divided, (i) the landlord and one or more of the share tenants or sharecroppers may obtain a joint loan on their shares of such cotton, or (ii) the landlord may obtain a loan on cotton in which both he and one or more share tenants or sharecroppers have an interest if he has the legal right to do so, and in such cases the share tenants or sharecroppers must be paid their pro rata share of the loan proceeds and their pro rata share of any additional proceeds received from the cotton. In no case shall a share tenant or sharecropper obtain a loan individually on cotton in which a landlord has an interest.

§ 427.706 *Eligible cotton.* Eligible cotton shall be upland cotton produced in the United States in 1956 or extra long staple cotton planted in 1956 and produced in areas designated under § 427.702, which meets the following requirements:

(a) Such cotton must be of a grade and staple length specified in § 427.732.

(b) Such cotton must not be false packed, waterpacked, mixed-packed, reginned, or repacked; upland cotton must not have been reduced in grade or staple for any reason, except that any such cotton which is reduced not more than two grades because of preparation will be eligible; extra long staple cotton must have been ginned on a roller gin, shall be of normal character, and must not have been reduced in grade or staple for any reason.

(c) Such cotton must not be compressed to high density.

(d) Such cotton must have been produced by the person tendering it for a loan and such person must have the legal right to pledge or mortgage it as a security for a loan.

(e) If the person tendering such cotton is a landlord or landowner, the cotton must not have been acquired by such landlord or landowner directly or indirectly from a share tenant or sharecropper and must not have been received in payment of fixed or standing rent; and if it was produced by him in the capacity of landlord, share tenant or sharecropper, it must be his separate share of the crop, unless he is a landlord and is tendering cotton in which both he and one or more share tenants or sharecroppers have an interest.

(f) The person or association tendering such cotton must not have previously sold and repurchased such cotton.

(g) Each bale of cotton must weigh not less than 350 nor more than 650 pounds, gross weight, and must be adequately packaged in new material manufactured for cotton bale covering, except used jute and sugar bagging will be acceptable if such bagging is clean and in sound condition. Heads of bales must be completely covered. New bagging used in the Cotton Experimental Bale Cover Program sponsored by the National Cotton Council, Memphis, Tennessee (hereinafter referred to as "Experimental Bale Cover Program") will be acceptable provided there is attached to each bale covered with such bagging a tag which identifies such bale with the program, the type of cover used on such bale and which shows the actual tare weight and the number of pounds to be added to the gross weight of the bale for the purpose of adjusting the bale to the normal gross weight under such program.

§ 427.707 *Forms.* The following documents must be delivered by producers in

connection with every loan except loans made pursuant to §§ 427.724 and 427.730.

(a) *Warehouse-stored loans.* (1) Cotton Producer's Note and Loan Agreement (CCC Cotton Form A, referred to in this subpart as "Form A").

(2) Warehouse receipts complying with the provisions of § 427.719.

(3) Producer's Letter of Transmittal (CCC Cotton Form B, referred to in this subpart as "Form B") if the loan is obtained direct from the New Orleans office.

(b) *Farm-stored loans.* (1) Cotton Producer's Note (CCC Cotton Form E, referred to in this subpart as "Form E").

(2) Cotton Chattel Mortgage (CCC Cotton Form F, referred to in this subpart as "Form F") and Cotton Mortgage Supplement (CCC Cotton Form FF, referred to in this subpart as "Form FF") covering the cotton tendered as security for a loan.

(3) Form B if the loan is obtained direct from the New Orleans office.

(c) *Cotton represented by order bills of lading.* (1) Form A executed within the area and during the period such loans are available.

(2) Order bill of lading in a form acceptable to CCC and representing the cotton tendered as security for the loan.

(3) If the Receiving Agency is not a warehouseman, Weight and Condition Certificates complying with the provisions of § 427.722 and a Receiving Agent's Certificate.

(4) Form B if the loan is obtained direct from the New Orleans office.

(d) *Loan documents executed by an administrator, executor or trustee.* Loan documents executed by an administrator, executor or trustee will be acceptable only where valid in law and must be accompanied by documentary evidence of the authority of the person executing the form or by a repurchase agreement of the lending agency. Copies of this agreement may be obtained from the New Orleans office. State documentary revenue stamps shall be affixed to loan documents where required by law. A producer who desires to appoint an attorney-in-fact to act in his place and stead in obtaining loans shall use Power of Attorney (CCC Cotton Form 18) which must be filed with the New Orleans office.

§ 427.708 *Approved storage.* Loans will be made only on cotton in approved storage.

(a) *Warehouses.* Cotton will be accepted as security for loans only if stored by warehouses approved by CCC. Warehousemen desiring approval of their facilities should communicate with the New Orleans office. The names of approved warehouses may be obtained from the New Orleans office or State or county offices.

(b) *Farm storage.* Cotton in farm storage will be accepted as security for loans only if stored in a structure approved by the county committee for the county in which the cotton is stored. Such structures may be on or off the farm and must afford safe storage and protection against weather damage, poultry and livestock, and reasonable protection against fire and theft. If the producer does not own the premises where the cotton is stored and his lease on such premises expires prior to September 30, 1957, the owner of such premises must execute the Consent for Storage on the Cotton Mortgage Supplement. Any other tenant who has a right or interest in the premises must also execute the Consent for Storage.

§ 427.709 *Weight and rate.* (a) loans will be made on the gross weight of upland cotton and on the net weight of extra long staple cotton. Notes covering cotton pledged on reweights will not be accepted if it is evident that such reweights reflect an increase in weight due to the absorption of additional moisture. In making loans on upland cotton covered with cotton bagging made of cotton material manufactured specifically for covering cotton bales an allowance of 7 pounds per bale will be added to the gross weight of the bale. In order to encourage improved wrapping methods and compensate for resulting reduced tare weight, in making loans on upland cotton wrapped with material under the Experimental Bale Cover Program there will be added to the gross weight of the bale an allowance equal to the number of pounds shown by the program bale tag to be necessary "to adjust to normal gross weight" under such program. No allowances other than those provided for in this subsection will be made.

(b) The base loan rate for upland cotton applicable at each approved warehouse will be shown in the Schedule of Base Loan Rates for Warehouse-Stored Upland Cotton.[1] The base loan rate under the farm-stored program for upland cotton for each county will be shown in the Schedule of Base Loan Rates by Counties for Farm-Stored Upland Cotton.[1] These schedules will be available at county offices. The premium or discount applicable to each eligible grade and staple length of upland cotton is shown in § 427.732. Loan rates for extra long staple cotton are also shown in § 427.732. After a loan is made, CCC will not be obligated to make adjustments in the amount of the loan as a result of any subsequent redetermination of the weight or quality of the cotton.

§ 427.710 *Preparation of documents.* All applicable blanks on the loan forms must be filled in with ink, indelible pencil, or typewriter in the manner indicated therein, and documents containing additions, alterations, or erasures may be rejected by CCC. (Forms A having a date prior to June 3, 1955, shall not be used.) Both copies should be clearly legible. The spaces provided on Forms A and E for the producer to request and direct payment of the proceeds must be completed in every instance. All disbursements made from the proceeds of a note, including clerk's fee when deducted, must be shown and the total must agree with the amount of the note. In the case of warehouse-stored cotton, care should be exercised by the lending agency to determine that the warehouse receipts are genuine. No deduction may be made from the loan proceeds by the lending agency as a charge for handling the loan documents, except the authorized clerk's fee in case an employee of the lending agency has executed the Clerk's Certificate on Form A. Before the clerk prepares loan documents for a producer, he must determine that the producer is eligible for a loan. The county committee, in preparation of the producer's marketing card, will indicate on the reverse side of the card the producer's eligibility. If the box following the word "Eligible" contains an "X" the clerk will use this as evidence that the producer is eligible for a loan and shall assist the producer in the preparation of his loan documents. If the box following the words "Ineligible Unless Loan Agreement Approved by County Committee" contains an "X" the clerk shall inform the producer that in order for him to obtain a loan he must have his loan documents prepared in the county office. If the box following the word "Ineligible" contains an "X", the producer cannot obtain a loan on such kind of cotton produced on that farm under any condition and should be so informed by the clerk. In the event that the marketing card indicates that the producer is eligible but shows evidence of any alteration or erasure, the clerk should not prepare loan documents and should inform the producer that the documents will have to be prepared in the county office. Lending agencies which are also eligible producers must obtain direct loans on cotton producer by them from the New Orleans office or obtain loans from another approved lending agency.

(a) *Warehouse-stored cotton.* A producer desiring to obtain a loan on warehouse-stored cotton may obtain the necessary forms from county offices, approved lending agencies, approved warehouses, and approved clerks (persons approved by the county committees to assist producers in preparing and executing the loan forms). The Clerk's Certificate on each Form A tendered for a loan must be executed by an approved clerk, who will assist the producer in the preparation and execution of the Form A. The original of Form A must be signed by the producer and the copy marked producer's copy is to be retained by the producer. Loan forms must not be signed in blank. All applicable entries must be completed prior to the time the form is signed by the producer or the loan clerk. All of the cotton pledged as security for any loan must be of the same grade and staple length and must be stored in the same warehouse. Before preparing his loan documents, the producer should give careful consideration to the manner in which he may wish to withdraw the cotton from the loan. Cotton of the same grade and staple length will ordinarily be placed on the same note. However, it may be placed on separate notes if the producer believes it will facilitate the redemption of the cotton from the loan or the sale of his equity in such cotton.

(b) *Farm-stored cotton.* A producer desiring to obtain a loan on farm-stored cotton should communicate with the county office in the county in which the cotton is to be stored. It will be the responsibility of the county committee to arrange for the inspection of the storage structure and to approve it if it determines that it is of such construction as to afford adequate storage for the cotton. The county office will furnish and prepare the necessary documents for a farm-stored loan.

[1] Schedule to be issued about August 15, 1956.



§ 427.711 *Service charges and deposits.* No service charges will be collected in connection with warehouse loans. A service charge of $1.00 per bale with a minimum of $3.00 per loan will be collected by the county office from the producer to cover services rendered in connection with farm-stored loans. State committees are authorized to require prepayment of $3.00 of the service charge. No refund of service charges will be made. A deposit of $1.00 per bale will also be collected from the producer to guarantee delivery of farm-stored cotton if the loan is not repaid by the producer. Such deposit will be returned if the loan is repaid or the cotton is delivered in accordance with delivery instruction issued by the county office. If the producer does not deliver the cotton upon demand by CCC, the county office will arrange delivery and retain the deposit. If delivery costs exceed the deposit, the producer will be liable for the difference.

§ 427.712 *Fees.* The clerk or county office employee assisting the producer in the preparation of the loan documents may collect a fee from the producer not to exceed the fees shown in the following schedules:

| Number of bales on note: | *Maximum fee allowed* |
|---|---|
| 1 | 25 cents. |
| 2–6 | 25 cents plus 15 cents for each bale over 1. |
| 7–18 | $1 plus 10 cents for each bale over 6. |
| 19 and over | $2.20 plus 5 cents for each bale over 18. |

§ 427.713 *Liens.* Eligible cotton must be free and clear of all liens except the warehouseman's lien for charges permitted under § 427.721 on warehouse-stored cotton. The signatures of the holders of all existing liens on cotton tendered as security for a loan, such as landlords, laborers, or mortgagees (but not the warehouseman, if the cotton is stored in a warehouse) must be obtained on the Lienholder's Waiver on each Form A and Form FF. If the producer tendering the cotton for loan is not the owner of the land on which the cotton was produced, all landowners and landlords must sign the Lienholder's Waiver whether or not they claim liens, unless they sign the note jointly with the producer. A fraudulent representation, as to prior liens or otherwise, will render the producer personally liable under the terms of the Loan Agreement and subject him to criminal prosecution under the provisions of the Commodity Credit Corporation Charter Act. The Lienholder's Waiver must be signed personally by all lienholders, by their agents (in which case duly executed Powers of Attorney (CCC Cotton Form 18) must be filed with the New Orleans office), or, if a corporation, by the designated officer thereof customarily authorized to execute such instruments (in which case no authority need be attached).

§ 427.714 *Set-offs.* If the producer is indebted to CCC on any accrued obligation, or if any installment or installments on any loan made available by CCC on farm-storage facilities or mobile drying equipment are past due or are payable or prepayable under the provisions of the note evidencing such loan, out of the proceeds of the price support loan, he must designate CCC or the lending agency holding such note as the payee of the proceeds of the loan to the extent of such indebtedness or installments, but not to exceed that portion of the proceeds remaining after deduction of service charges, clerks' fees, and amounts due prior lienholders. If the producer is indebted to any other agency of the United States and such indebtedness is listed on the county debt register, he must designate such agency as the payee of the proceeds as provided above. Indebtedness owing to CCC or to a lending agency as provided above shall be given first consideration after claims of prior lienholders. In any such case, the producer must go to the county office in the county in which he is listed on the debt register and have his loan documents completed by a clerk in the county office. A clerk in the county office will assist the producer in the preparation of such loan documents and will show in the space provided in the notes the agency to which the checks should be issued and the amount to be collected from the note. Compliance with the provisions of this section shall not constitute a waiver of any right of the producer to contest the justness of the indebtedness involved either by administrative appeal or by legal action.

§ 427.715 *Classification of cotton.* (a) All cotton tendered for loan must be classed by a Board of Cotton Examiners of the United States Department of Agriculture (hereinafter referred to as the "Board") and tendered on the basis of such classification. A Cotton Classification Memorandum Form 1 of the United States Department of Agriculture will be accepted, provided the sample is a representative sample drawn in accordance with instructions to organized cotton improvement groups for sampling cotton under the 1956 Smith-Doxey Program. If the producer's cotton has not been sampled for a Form 1 classification, the warehouseman (for warehouse-stored cotton), receiving agency (for cotton covered by bills of lading), or county office (for farm-stored cotton), shall sample such cotton and forward the samples to the Board serving the district in which the cotton is located. A Cotton Classification Memorandum Form A3 must be inserted in each such sample. A Tag List and Record Sheet (CCC Cotton Form L, referred to in this subpart as "Form L"), must be prepared by the warehouseman, receiving agency or county office, listing each sample included in a shipment to the Board. A copy of such Form L shall be included with the samples and two copies must be mailed separately to the Board. The Board will enter the classification of each bale on the Form L and return a copy of such form to the warehouse, receiving agency or county office. The Cotton Classification Memorandum Form A3 will be returned to the producer by the Board. If a sample has been drawn and submitted for a Form 1 or Form A3 classification, another sample may not be drawn and forwarded to a Board except for a review classification or a reclassification in lieu of review. If a Form 1 or Form A3 review classification or reclassification in lieu of review is obtained, the loan value of the cotton represented thereby will be based on such review classification or reclassification.

(b) A charge of 25 cents per bale shall be collected from the producer by the warehouseman, receiving agency, or county office for all cotton for which samples are submitted to a Board for a Form A3 classification. The Boards will submit billings for classing charges to the warehousemen, receiving agencies, and county offices at the end of each month. Checks or money orders covering these charges shall be made payable to "Commodity Credit Corporation" and shall be sent to the New Orleans office.

§ 427.716 *Interest rate.* Loans and charges on the cotton covered by the loans shall bear interest at the rate of 3½ percent per annum from the date of disbursement to the date of repayment, except that in the case of default in satisfaction of loans on farm-stored cotton, loans will bear interest at the rate of 6 percent per annum from the date of default to the date of repayment.

§ 427.717 *Maturity.* (a) loans mature July 31, 1957, or upon such earlier date as CCC may make demand for payment. If a producer does not repay his loan by maturity, CCC has the right to sell, purchase, or pool the cotton securing the loan in accordance with the provisions of the loan agreement. If the cotton is pooled, the producer will no longer have a right to redeem the cotton but will share ratably in any overplus remaining upon liquidation of the pool. CCC shall have the right to treat any pooled cotton as a reserve supply to be marketed under such sales policies as CCC determines will promote orderly marketing, protect the interests of producers and consumers, and not unduly impair the market for the current crop of cotton, even though part or all of such pooled cotton is disposed of under such policies at less than the current domestic price for such cotton.

(b) Any sum due the producer as a result of the sale or purchase of the cotton or collections of insurance proceeds therefrom, or his ratable share from a pool, shall be payable only to the producer or his personal representative without right of assignment to or substitution of any other person.

(c) If the producer does not repay his loan on farm-stored cotton on or before maturity, he is required to deliver the cotton in accordance with the provisions of Form FF, and if the cotton is not delivered by the producer, the holder of the note may enter on the premises where the cotton is stored and remove the cotton. Upon such delivery or removal, the

holder may dispose of the cotton in accordance with the provisions of this section.

§ 427.718 *Safeguarding farm-stored cotton.* The producer obtaining a loan on farm-stored cotton is obligated to maintain the farm-storage structure in good repair and to keep the cotton in good condition. The producer will be responsible for any loss or damage occurring through the fault or negligence of the producer or as a result of any cause other than fire, flood, lightning, explosion, windstorm, cyclone, or tornado, except that he will not be responsible for loss in weight of not to exceed an average of 10 pounds per bale which is due to natural shrinkage. The maximum amount of cotton stored in any structure shall be limited to 200 bales, unless the State committee determines that a larger maximum is required to make the program more effective in the State. The conversion or unlawful disposition by the producer of any bale of the cotton will render him personally liable for the payment of the mortgage indebtedness.

§ 427.719 *Warehouse receipts and insurance.* Only negotiable warehouse receipts isued by an approved warehouse, properly assigned by an endorsement in blank so as to vest title in the holder or issued to bearer will be acceptable. The warehouse receipts must show that the cotton is covered by fire insurance and must be dated on or prior to the date of the producer's notes. Each receipt must set out in its written or printed terms a description by tag number and weight of the bale represented thereby and all other facts and statements required to be stated in the written or printed terms of a warehouse receipt under the provisions of section 2 of the Uniform Warehouse Receipts Act. Warehouse receipts issued prior to August 1, 1956, which by their terms will expire prior to August 1, 1957, must bear an endorsement of the warehouseman extending the terms of the warehouse receipts for a period of one year from August 1, 1956. Block warehouse receipts will not be accepted except on cotton to be reconcentrated pursuant to § 427.723.

§ 427.720 *Insurance on farm-stored cotton.* CCC will not require the producer to insure cotton under farm-stored loan; however, if the producer does insure the cotton, and if an indemnity is paid thereon, such indemnity shall inure to the benefit of CCC to the extent of its interest after first satisfying the producer's equity in the cotton involved in the loss.

§ 427.721 *Warehouse charges.* (a) The Agreement of Warehouseman on each Form A must be executed by the warehouseman storing the cotton covered by the Form A not more than 15 days preceding the date of the Producer's Note on the Form A and must not be executed subsequent to the date of the note. In the case of loans made to a cotton cooperative marketing association as provided in § 427.730, the Warehouseman's Certificate and Agreement on the Certificate of Association and Agreement of Warehouseman (CCC Cotton Form G–1, referred to in this subpart as "Form G–1") must be executed by the warehouseman storing the cotton covered by such form. By executing the Agreement of Warehouseman on the Form A or the Warehouseman's Certificate and Agreement on the Form G–1, the warehouseman agrees that such cotton will be stored and handled in accordance with the Warehouseman's Certificate and Agreement on the reverse side of the Form A or on the Form G–1 and makes the representations contained therein, and the warehouseman further agrees to store such cotton under conditions and at rates determined as follows:

(1) The cotton shall be insured against loss or damage by fire under a policy or policies providing coverage equivalent to that afforded under the standard fire policy of the State in which the cotton is stored for the full market value (if the cotton is compressed, its market value shall be the market value of flat cotton plus compression charges, or if the cotton is uncompressed and the warehouseman desires to collect his delivery charge for flat cotton in lieu of compression if it is destroyed by fire, such charge must be covered by insurance) at the time and place of loss and shall be kept so insured so long as the warehouse receipts therefor are outstanding, unless the cotton comes under a storage agreement between the warehouseman and CCC allowing the warehouseman to cancel his insurance on the cotton. Such insurance shall cover damage to the cotton by water from the warehouseman's sprinkler system when such damage results from fire in the same warehouse in which the cotton is stored. From the dates of the warehouse receipts representing the cotton or from the date through which the producer has paid storage charges, whichever is later, through July 31, 1957, all charges on the cotton for storage and insurance (as required in § 427.719) shall be at the rate of 43 cents per bale per month or fraction thereof for flat or compressed cotton stored in warehouses operating compress facilities or compressed cotton stored in warehouses not operating compress facilities, and at the rate of 48 cents per bale per month or fraction thereof for flat cotton stored in warehouses not operating compress facilities, or the warehouseman's established tariff on cotton other than CCC loan cotton, whichever is less. Such charges, accrued through July 31 of any year in which these rates are in effect, shall be paid by CCC, as soon as possible after such date, on all of the cotton represented by warehouse receipts held by CCC at the time of payment: *Provided,* That on any cotton for which CCC makes payment of accrued charges through July 31 of any year, payment for the fractional part of a month prior to such date shall be at the proportionate part of the monthly rate. The warehouseman may make a charge for outhandling, including picking out by tag numbers and loading according to custom into cars or trucks, of not to exceed 15 cents per bale if such charges are included in the warehouseman's tariff: *And provided further,* That no such outhandling charge may be made where collection for the service has been included in any other charge or otherwise collected. Charges for compression of cotton by the warehouseman, including compression charges on cotton compressed to standard density by the warehouseman at his gin, will be at the rates provided in the warehouseman's established tariff in effect at the time the service is ordered performed. Compression charges on cotton compressed to standard density for the warehouseman at a gin under contract with the warehouseman will be paid at the rate which the warehouseman pays the ginner. In no event shall compression charges on gin-compressed cotton exceed the rate paid to the ginner by his customers on all other cotton. Charges on gin-compressed cotton will be paid by CCC only when the charges have not been paid to the ginner or the warehouseman by the producer. All other charges on cotton, including flat delivery charges on cotton moved from a warehouse operating compress facilities without payment of compression charges, will be at the rates provided in the warehouseman's established tariff in effect at the time the service is ordered performed: *Provided,* That no charge may be made with respect to the cotton that is not applicable to cotton other than CCC loan cotton stored by the warehouseman, except that the warehouseman may make a charge of not to exceed 20 cents per bale for transmitting samples to the designated classing office, postage, verifying and guaranteeing the correctness of the information for which the warehouse is responsible in the Schedule of Pledged Cotton on the Form A or Form G–1, and executing the Agreement of Warehouseman on the Form A or the Warehouseman's Certificate and Agreement on the Form G–1, if such charges are included in the warehouseman's tariff: *And provided further,* That in no event shall such charge, a service charge or charges for receiving, tagging, weighing, sampling on arrival, or storage of samples, be collected from CCC or a purchaser of the cotton. No charge for compression or for delivery or outhandling, except for an outhandling charge of not to exceed 15 cents and charges for the compression to standard density at gins as provided in this section, will be paid with respect to cotton received by the warehouseman which has been compressed to standard density either by a gin (gin compress bale) or by another warehouseman. No charge of any kind whatsoever will be paid with respect to any of the cotton compressed to high density without the written authority of CCC. The warehouseman shall execute and submit to CCC with each voucher for amounts payable by CCC under this agreement the following certificate: "I hereby certify that I have removed from the cotton covered by this voucher only that amount of cotton necessary to secure representative samples, to properly trim the sample holes; or to otherwise maintain the cotton in the interest of good housekeeping and fire prevention incidental to the handling, storage or compressing said cotton except for reconditioning of damaged cotton; that I have not reconditioned, picked or cleaned by blowing or brushing any of the cotton included in this voucher except as noted on report attached hereto; and that I have not purchased or otherwise obtained any Producers' Equity Transfers on cotton stored in my warehouse which have not been presented to Commodity Credit Corporation within 15 days from the dates such transfers were executed by the producers." The warehouseman shall store the cotton so that the tags will be visible and readily accessible so as to permit an accurate check of stocks at any time. In the event that the cotton is purchased or pooled by CCC or the loan on such cotton is extended or carried in past-due status by CCC after July 31, 1957, the rates quoted herein will remain in effect until terminated by CCC or the warehouseman at the end of any month by giving the other at least 30 days' notice, or until the cotton comes under another storage agreement between the warehouseman and CCC, whichever is earlier. If the cotton is redeemed from the loan or the cotton is sold by CCC, the charges provided in this section shall be applicable for services rendered up to and including the date of such redemption or sale, and the warehouseman shall not charge the holders of the warehouse receipts representing such cotton for such services an amount in excess of that computed in accordance with this agreement. The terms and provisions of this section shall prevail over the written or printed terms of the warehouse receipts representing the cotton covered by the Form A.

(2) By executing the Agreement of Warehouseman on Forms A dated 6–3–55, the warehouseman certifies, in addition to the certifications contained in the Agreement of Warehouseman, that the heads of each bale of the cotton are completely covered with bagging.

§ 427.722 *Loans on order bills of lading.* (a) Loans on cotton represented by order bills of lading will be available only in areas specified by the New Orleans office where there is a shortage of storage space and where the necessary arrangements for handling the cotton may be made.

(b) Cotton represented by order bills of lading will be eligible for a loan only when it is shipped by an approved receiving agency as agent for the producer. Warehousmen, ginners, and other responsible parties in areas where such loans are available may be approved to act as receiving agencies by the New Orleans office. Receiving agencies will enter into Receiving Agency Agreements with CCC. When receiving agencies are approved, notifications will be given by letter or published lists.

(c) A producer who is unable to find storage space in his local area and who wishes to obtain such a loan should deliver his cotton to a receiving agency with the request that it ship the cotton as agent for the producer to a warehouse where storage space is available. The receiving agency will complete the Schedule of Pledged Cotton on a Form A and, if it is a warehouseman, will execute the Agreement of Warehouseman thereon. If the receiving agency is not a warehouseman, it will have the cotton weighed by a public or licensed weigher and will secure a Weight and Condition Certificate in the form prescribed by CCC and execute the Receiving Agent's Certificate. The receiving agency will ship the cotton, secure order bills of lading in a form acceptable to CCC, and deliver to the producer the bills of lading, together with the Form A and Weight and Condition Certificates (if any). If the receiving agency is a warehouseman, it will be permitted to collect fees in accordance with § 427.721 and a fee of not to exceed 10 cents per bale to cover the costs of preparation of shipping documents. If the receiving agency is not a warehouseman, it will, for the purpose of payment of gin compression only be considered as a warehouseman and will be permitted to collect from CCC charges for gin compression as provided in § 427.721 and will be permitted to collect from producers a fee not in excess of the fee set forth in the Receiving Agency Agreement executed by the receiving agency, and shall post, in a conspicuous place, a notice showing the fee to be charged producers. Loans will be made at the full loan rate at the point where the receiving agency receives the cotton. CCC will pay warehouse storage charges on cotton tendered by the producer for a loan under this section, if the receiving agency is a warehouseman.

§ 427.723 *Loans on cotton to be reconcentrated.* Loans on cotton to be reconcentrated will be available only on cotton stored at warehouses approved by the New Orleans office in areas where there is congestion and lack of storage space. The warehousemen will enter into Reconcentration Agreements (CCC Cotton Form 29, referred to in this subpart as "Reconcentration Agreements") with CCC. Warehouse receipts covering cotton to be reconcentrated under a Reconcentration Agreement must be in a form acceptable to CCC and must provide for delivery of the cotton to the order of CCC. Block warehouse receipts covering cotton to be reconcentrated under a Reconcentration Agreement will be accepted. A producer who desires to obtain a loan in this manner should request the warehouseman to issue a warehouse receipt to him in the form specified above and must furnish written authorization to the warehouseman for the reconcentration of his cotton after which the warehouseman will ship the cotton. The Forms A and warehouse receipts covering cotton to be reconcentrated under a Reconcentration Agreement must show the reconcentration order number under which the cotton will be shipped. The producer will obtain a loan on these documents in the usual manner, and after receipt of the loan documents, CCC will surrender the warehouse receipts to the warehouseman.

§ 427.724 *Advance loans.* (a) If a producer desires to obtain a loan under this part on cotton stored or to be stored in a warehouse, prior to the receipt of the classification of such cotton by a Board of Cotton Examiners or prior to the issuance of a warehouse receipt representing the cotton, and if the producer desires to obtain interim financing from a lending agency until such time as a CCC loan may be obtained, the lending agency may make the producer a private loan (called "the advance loan" in this subpart) on such cotton on forms and in amounts agreed upon between the lending agency and the producer and may obtain from the producer a duly executed Producer's Power of Attorney (CCC Cotton Form J, referred to in this subpart as "Form J") in triplicate authorizing and directing the lending agency to prepare or cause to be prepared and execute on behalf of and in the name of the producer Forms A covering all such cotton which is eligible for a loan under this part. The duplicate copy shall be delivered to the producer. On or before the date the advance loan is made, samples must have been drawn from the cotton and submitted to a Board of Cotton Examiners for classification or, if the cotton has not arrived at the warehouse, the warehouseman must have been instructed to sample the cotton and forward the samples for classification upon receipt of the cotton at the warehouse. On or before September 1, 1956, or within 15 days after the dates of the classification certificates, or within 15 days after the dates of the warehouse receipts, whichever is later, the lending agency shall (as provided in the Producer's Power of Attorney), unless the cotton is redeemed by the producer, prepare or cause to be prepared and execute on behalf of the producer Forms A covering all such cotton which is eligible for a loan and make a CCC loan or loans to the producer under this part. The lending agency shall promptly remit to the producer any difference between the amount due on the advance loan and the proceeds of the CCC loan, less any applicable charges under this part paid by the lending agency on behalf of the producer. The producer's copies of Forms A and the canceled note evidencing the advance loan shall be forwarded to the producer. The original of the Producer's Power of Attorney shall be transmitted with the notes when they are tendered to CCC.

(b) It shall be the joint responsibility of the lending agency named in the Form J to obtain the official classification from the producer or the warehouseman and of the producer to deliver the official classification to such lending agency, within 15 days from the date of the classification certificate so that the Form A loans can be made within the specified time.

(c) It shall be the responsibility of the lending agency named in the Form J to obtain the execution of the Agreement of Warehouseman and the Clerk's Certificate on the Form A. Only bona fide employees of lending agencies making the advance loans who are approved as clerks by the county committee or approved clerks in the county office, will be permitted to execute the Clerk's Certificate on Forms A covering cotton on which advance loans have been made.

§ 427.725. *Loans on upland cotton prior to August 1, 1956.* Loans on upland cotton will be made available to producers in the area where such cotton is

harvested prior to August 1, 1956. Base loan rates for warehouse locations in the early harvesting area will be announced by the New Orleans office prior to harvest. The premium or discount applicable to each eligible grade and staple length is shown in § 427.732. Other provisions for loans prior to August 1, 1956, will be the same as provided for loans after that date, except that in the event that the base loan rate based on the August 1, 1956, parity price for upland cotton is in excess of the base loan rate announced prior to such date, the difference will be paid to the producer upon his application to the New Orleans office.

§ 427.726 *Tender of notes by lending agencies.* Notes (Forms A and Forms E) evidencing loans made by a lending agency which has entered into a Lending Agency Agreement-Cotton (CCC Cotton Form D) prior to the making of the loans will be eligible for purchase or pooling by CCC. Under this agreement, lending agencies which are parties thereto are required to tender to CCC, on Lending Agency's Letter of Transmittal (CCC Cotton Form C, referred to in this subpart as "Form C"), all notes on Form A and Form E, with warehouse receipts, bills of lading (and weight and condition certificates, if required), or cotton chattal mortgages attached, representing loans made by the lending agency within 15 days after the date of disbursement of the loans. All notes transmitted on a Form C must cover cotton stored in warehouses in the same custodial district. Separate Forms C shall be used for upland and extra long staple cotton. Notes secured by warehouse receipts, by bills of lading, or by chattel mortgages, and notes executed by attorneys-in-fact, must be transmitted on separate Forms C. Each Form C shall state whether the lending agency desires CCC to purchase the notes or to place them in a pool. Upon receipt of the loan papers by the New Orleans office, they will be examined and, if found correct, will be approved and transmitted to the custodial office serving the district in which the cotton is stored, and will be purchased or placed in a pool as directed by the lending agency. Lending agencies which have previously been approved by CCC as eligible to draw drafts on CCC may, subject to such instructions and requirements as CCC may hereafter from time to time prescribe, obtain immediate payment for notes they desire to sell to CCC, by drawing sight drafts with enclosed letters of transmittal on CCC through a Federal Reserve Bank or Branch Bank approved by CCC. Notes covered by such drafts must be immediately submitted to the New Orleans office. In the event that the notes are pooled, a Certificate of Interest representing the interest in the pool acquired as the result of the deposit therein of the notes shown on the Form C will be issued to any approved lending agency designated on the Form C.

§ 427.727 *Loss or damage to pledged cotton.* In any case where there is loss or damage to cotton which occurs while such cotton is pledged to CCC or a lending agency, CCC shall have the right to determine and file claims against any liable third parties for the resulting loss. Upon determination of the quantity of the lost or damaged cotton, CCC will give credit for the loan value (including charges and interest) of such cotton. If the proceeds of the claim exceed the loan value of such cotton, the excess proceeds shall be remitted to the producer or, if the loan has been repaid, to the party repaying the loan.

§ 427.728 *Transfer of producer's interest.* If the producer desires to sell his equity in the cotton covered by a note, he must complete the Producer's Equity Transfer Agreement in the Producer's Equity Transfer on the reverse side of the Producer's Loan Statement–A, which will be mailed to the producer by the New Orleans office at the time the notes are processed by that office. The producer must sign the Producer's Equity Transfer Agreement in the presence of a witness approved for such purpose by a county committee and the Certificate of Witness in the Producer's Equity Transfer must be dated and signed by the witness. (Notwithstanding the wording of the Certificate of Witness in the Producer's Equity Transfer, a notary public can witness the producer's signature on the Producer's Equity Transfer only when the notary public has been approved as a witness for such purpose by a county committee.) A producer who desires to appoint an attorney-in-fact to act in his place and stead in selling his equity in the cotton shall use Power of Attorney (CCC Cotton Form 19) and file it with the applicable custodial office. The equity purchaser must complete the Certificate of Purchaser in the Producer's Equity Transfer and send it within 15 days to CCC, in care of the custodial office serving the district in which the cotton was stored at the time the loan was obtained. Upon receipt of the Producer's Equity Transfer, the custodial office will forward the note and warehouse receipts to a bank designated by the person requesting their release with directions to the bank to release the note and warehouse receipts to the holder of the equity transfer upon payment of the amount due on the loan. In all such cases, the bank will be instructed to return the note and warehouse receipts to the custodial office if payment is not effected within 5 business days. All charges assessed by the bank to which the note and warehouse receipts are sent must be paid by the person requesting the release of the cotton. No partial release of the cotton securing one note will be permitted, except that CCC may allow partial releases in cases where loss or damage to part of the cotton occurs. In the event the Producer's Loan Statement–A is destroyed or lost, the producer may obtain a duplicate of such form from the custodial office serving the district in which the cotton is stored.

§ 427.729 *Repayments*—(a) *Warehouse-stored cotton.* No partial release of the cotton represented by warehouse receipts and securing a note will be permitted, except that CCC may allow partial releases in cases where loss or damage to part of the cotton occurs. If a producer desires to obtain the return of his note and the release of the cotton securing the note, he must execute the Producer's Redemption Request on the Producer's Loan Statement—A which will be mailed to the producer by the New Orleans office at the time the notes are processed by that office. The producer must send or deliver the Producer's Loan Statement—A to CCC, in care of the custodial office serving the district in which the cotton was stored when the loan was obtained, as shown in § 427.731. Upon receipt of the Producer's Redemption Request, the custodial office will forward the note and warehouse receipts to a bank designated by the producer with directions to the bank to release such note and warehouse receipts only to the producer or his authorized agent upon payment of the amount due on the loan. The bank will be instructed to return the note and warehouse receipts to the custodial office if payment is not effected within 15 days. All charges assessed by the bank must be paid by the producer. A producer who desires to appoint an Attorney-in-Fact to act in his place and stead in repaying loans shall use Power of Attorney (CCC Cotton Form 19) and file it with the applicable custodial office.

(b) *Farm-stored cotton.* If the producer desires to repay his loan and obtain the release of the cotton securing the note, he may obtain complete instruction from the county office of the county in which the cotton is stored. Partial releases will be allowed.

§ 427.730 *Cotton cooperative marketing association loans.* A special form of loan agreement will be made available to cotton cooperative marketing associations whereby members of such associations may act collectively in obtaining loans. The loan rates under this agreement will be the same as the loan rates to individual producers, and eligibility requirements with respect to the cotton and the producers tendering the cotton to the association and other loan provisions will be substantially the same as for loans to individual producers. Members desiring to obtain loans from their associations should contact their associations.

§ 427.731 *Custodial offices.* The custodial offices referred to in this subpart and the district served by each are shown below:

(a) *Warehouse-stored cotton.*

CUSTODIAL OFFICE AND DISTRICT SERVED

Federal Reserve Bank, Atlanta, Ga.: Georgia, Alabama, Florida, Virginia, North Carolina, South Carolina.

Federal Reserve Bank, Dallas, Tex.: New Mexico, Texas.

Federal Reserve Bank, Los Angeles, Calif.: California, Arizona, Nevada.

Federal Reserve Bank, Memphis, Tenn.: Illinois, Kentucky, Arkansas, Missouri, Tennessee, and the following counties in Mississippi: Alcorn, Attala, Benton, Bolivar, Calhoun, Carroll, Chickasaw, Choctaw, Clay, Coahoma, De Soto, Grenada, Holmes, Humphreys, Itawamba, Lafayette, Lee, Leflore, Lowndes, Marshall, Monroe, Montgomery, Noxubee, Oktibbeha, Panola, Pontotoc, Prentiss, Quitman, Sunflower, Tallahatchie, Tate, Tippah, Tishomingo, Tunica, Union, Washington, Webster, Winston, Yalobusha.

New Orleans CSS Commodity Office: Louisiana and counties in Mississippi not assigned to Memphis.

Federal Reserve Bank, Oklahoma City, Okla.: Oklahoma, Kansas.

(b) *Farm-stored cotton.*

CUSTODIAL OFFICE AND DISTRICT SERVED

New Orleans CSS Commodity Office: All States.

§ 427.732 *Schedule of premiums and discounts for upland cotton (basis 1-inch Middling), and loan rates for extra long staple cotton—(a) Premiums and discounts for eligible qualities of 1956-crop American upland cotton (basis 1-inch Middling).*

| Grade | Staple length (inches) | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 1 3/16 | 7/8 | 29/32 | 15/16 | 31/32 | 1 | 1 1/32 | 1 1/16 | 1 3/32 | 1 1/8 | 1 5/32 | 1 3/16 | 1 7/32 | 1 1/4 and longer |
| WHITE | | | | | | | | | | | | | | |
| | Points | Points | Points | Points | Points | Points | Points | Points | Points | Points | Points | Points | Points | Points |
| Good Middling | −395 | −295 | −215 | −65 | −10 | 80 | 160 | 220 | 275 | 370 | 460 | 635 | 775 | 980 |
| Strict Middling | −405 | −310 | −230 | −80 | −25 | 65 | 145 | 205 | 235 | 345 | 440 | 610 | 755 | 960 |
| Middling | −435 | −340 | −255 | −115 | −70 | Base | 70 | 125 | 180 | 260 | 350 | 510 | 655 | 845 |
| Strict Low Middling | −615 | −525 | −445 | −330 | −285 | −220 | −170 | −135 | −90 | −50 | −5 | 70 | 170 | 240 |
| Low Middling | −765 | −705 | −635 | −565 | −525 | −480 | −445 | −420 | −395 | −380 | −360 | −360 | −360 | −360 |
| Strict Good Ordinary | −960 | −890 | −830 | −755 | −710 | −670 | −645 | −635 | −635 | −635 | −635 | −635 | −635 | −635 |
| Good Ordinary | −1,115 | −1,055 | −1,000 | −925 | −880 | −840 | −825 | −815 | −810 | −810 | −810 | −805 | −805 | −805 |
| SPOTTED | | | | | | | | | | | | | | |
| Good Middling | −605 | −515 | −430 | −330 | −280 | −225 | −170 | −140 | −100 | −70 | −40 | −20 | 5 | 40 |
| Strict Middling | −625 | −535 | −455 | −350 | −300 | −245 | −195 | −160 | −125 | −105 | −75 | −50 | −25 | 5 |
| Middling | −800 | −715 | −640 | −555 | −495 | −440 | −395 | −375 | −340 | −325 | −310 | −295 | −265 | −245 |
| Strict Low Middling | −950 | −890 | −820 | −750 | −700 | −650 | −625 | −615 | −615 | −615 | −615 | −615 | −615 | −615 |
| Low Middling | −1,130 | −1,080 | −1,025 | −950 | −910 | −870 | −845 | −840 | −835 | −835 | −835 | −835 | −835 | −835 |
| TINGED | | | | | | | | | | | | | | |
| Good Middling | −915 | −850 | −790 | −695 | −655 | −610 | −575 | −565 | −550 | −535 | −510 | −495 | −475 | −455 |
| Strict Middling | −940 | −875 | −815 | −715 | −675 | −635 | −595 | −590 | −570 | −560 | −535 | −520 | −505 | −480 |
| Middling | −1,090 | −1,030 | −960 | −880 | −845 | −795 | −765 | −760 | −755 | −755 | −755 | −755 | −755 | −755 |
| Strict Low Middling | −1,255 | −1,190 | −1,135 | −1,060 | −1,025 | −990 | −970 | −965 | −965 | −965 | −965 | −965 | −965 | −965 |
| Low Middling | −1,470 | −1,405 | −1,350 | −1,255 | −1,220 | −1,185 | −1,165 | −1,160 | −1,160 | −1,160 | −1,160 | −1,160 | −1,160 | −1,160 |
| YELLOW STAINED | | | | | | | | | | | | | | |
| Good Middling | −1,175 | −1,115 | −1,060 | −995 | −955 | −915 | −905 | −900 | −900 | −900 | −900 | −900 | −900 | −900 |
| Strict Middling | −1,195 | −1,140 | −1,085 | −1,025 | −985 | −950 | −935 | −935 | −930 | −930 | −930 | −930 | −930 | −930 |
| Middling | −1,380 | −1,320 | −1,265 | −1,175 | −1,145 | −1,110 | −1,100 | −1,095 | −1,095 | −1,095 | −1,095 | −1,095 | −1,095 | −1,095 |
| GRAY | | | | | | | | | | | | | | |
| Good Middling | −550 | −475 | −405 | −305 | −255 | −210 | −165 | −140 | −110 | −80 | −45 | 5 | 40 | 95 |
| Strict Middling | −585 | −505 | −435 | −340 | −290 | −245 | −200 | −175 | −145 | −120 | −95 | −60 | −35 | Even |
| Middling | −765 | −695 | −625 | −540 | −485 | −430 | −390 | −365 | −340 | −310 | −285 | −265 | −245 | −225 |
| Strict Low Middling | −975 | −905 | −845 | −765 | −705 | −640 | −590 | −570 | −570 | −570 | −570 | −570 | −570 | −570 |

(b) *Schedule of minimum loan rates (in cents per pound net weight) for eligible qualities of 1956-crop extra long staple cotton.*[1]

(1) American-Egyptian cotton.

| Grade | Staple length (inches) | | | | | |
|---|---|---|---|---|---|---|
| | 1 3/4 | | 1 31/32 | | 1 1/2 and longer | |
| | Arizona and California | New Mexico and Texas | Arizona and California | New Mexico and Texas | Arizona and California | New Mexico and Texas |
| 1 | 56.00 | 56.40 | 59.05 | 59.45 | 60.40 | 60.80 |
| 2 | 55.00 | 55.40 | 58.15 | 58.55 | 59.55 | 59.95 |
| 3 | 53.45 | 53.85 | 56.50 | 56.90 | 58.40 | 58.80 |
| 4 | 49.45 | 49.85 | 52.90 | 53.30 | 54.85 | 55.25 |
| 5 | 43.95 | 44.35 | 47.35 | 47.75 | 49.15 | 49.55 |
| 6 | 38.10 | 38.50 | 41.10 | 41.50 | 43.45 | 43.85 |
| 7 | 34.30 | 34.70 | 37.00 | 37.40 | 39.35 | 39.75 |
| 8 | 30.25 | 30.65 | 32.90 | 33.30 | 34.95 | 35.35 |
| 9 | 26.25 | 26.65 | 28.85 | 29.25 | 30.90 | 31.30 |

(2) Sea Island and Sealand cotton.

| Grade | (Staple length (inches)) | | |
|---|---|---|---|
| | 1 3/4 | 1 31/32 | 1 1/2 and longer |
| 1 | 53.20 | 56.05 | 57.35 |
| 1 1/2 | 52.25 | 55.20 | 56.55 |
| 2 | 50.80 | 53.65 | 55.45 |
| 2 1/2 | 46.95 | 50.25 | 52.10 |
| 3 | 41.75 | 45.00 | 46.70 |
| 3 1/2 | 36.25 | 39.10 | 41.30 |
| 4 | 32.65 | 35.20 | 37.45 |
| 4 1/2 | 28.85 | 31.30 | 33.25 |
| 5 | 25.00 | 27.50 | 29.45 |

[1] The loan rates shown in these schedules are based on rates announced pursuant to section 406 of the Agricultural Act of 1949. If higher loan rates are required based on the parity price of extra long staple cotton as of the beginning of the marketing year, new schedules will be issued.

Issued this 1st day of June 1956.

[SEAL] WALTER C. BERGER,
*Acting Executive Vice President,*
*Commodity Credit Corporation.*

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## PART 464—TOBACCO

### SUBPART—1956 TOBACCO LOAN PROGRAM

Statement with respect to the tobacco price support loan program for the 1956–57 marketing year—1956 crop—formulated by the Commodity Credit Corporation and Commodity Stabilization Service (hereinafter referred to, respectively, as "CCC" and "CSS").

Sec.
464.801 Administration.
464.802 Level of loans.
464.803 Availability of price support.
464.804 Deduction from loans.
464.805 Interest rate and general provisions.
464.806 Adjustment of interest and disposition of overplus.
464.807 Maturity date.
464.808 Eligible producer.
464.809 Eligible tobacco.

AUTHORITY: §§ 464.801 to 464.809 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, as amended, 1054, sec. 2, 59 Stat. 506; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421, 1312 note.

§ 464.801 *Administration.* (a) This program will be administered by the Tobacco Division, CSS, under the general direction and supervision of the Executive Vice President, CCC. The program will be carried out in the field by producer associations or other responsible organizations (hereinafter referred to as "associations") under contract with CCC, acting for groups of producers. The names of such associations may be obtained from the Tobacco Division, CSS, United States Department of Agriculture, Washington 25, D. C.

(b) CCC will make loans to associations which in turn will make advances to eligible producers either directly or through auction warehouses. Loans made to associations will include not only the initial loan value of the tobacco, but also advances for services performed in receiving, packing, storing, and marketing of tobacco pledged for loan. Associations will be authorized to enter into

contracts for these services through the usual trade channels.

§ 464.802 *Level of loans.* (a) As required by statute, the level of price support to eligible producers will be 90 percent of the respective parity prices on those types of tobacco for which marketing quotas are in effect, except that fire-cured and dark air-cured (including Virginia sun-cured) tobacco will be supported at 75 percent and 66⅔ percent, respectively, of the level for Burley tobacco. There is shown below the percentage of the parity price and the cents-per-pound loan level for each type or kind of tobacco (except Puerto Rican) based on the parity price as of March 31, 1956, which were announced on April 18, 1956, as the minimum loan levels for the 1956 crop. The cents-per-pound loan levels will be computed again as of the beginning of the marketing year, which is July 1, 1956, for flue-cured, and October 1, 1956, for the other kinds of tobacco. Price support will be made available to eligible producers on the 1956 crop of each type or kind of tobacco at the higher of (1) the cents-per-pound level shown below, or (2) the level computed as of the beginning of the marketing year. Schedules of loan rates by grades for each type or kind of tobacco will be announced as supplements to this statement after the parity price as of the beginning of the marketing year is known.

(b) The loan level for Puerto Rican tobacco, type 46, will be determined as of October 1, 1956, the beginning of the marketing year. Price support will not be available on Pennsylvania Seedleaf tobacco, type 41, because marketing quotas have been disapproved by producers.

| | 1956 percent of parity level | 1956 minimum loan level |
|---|---|---|
| Flue-cured, types 11–14 | 90 | 48.2 |
| Burley, type 31 | 90 | 47.2 |
| Fire-cured, types 21–23 | 75 percent of burley rate. | 35.4 |
| Dark air-cured, types 35–36 | 66⅔ percent of burley rate. | 31.5 |
| Virginia sun-cured, type 37 | 66⅔ percent of burley rate. | 31.5 |
| Maryland, type 32 | 90 | 46.2 |
| Puerto Rican, type 46 | (1) | (1) |
| Cigar filler and binder | 90 | (36.9) |
| Ohio filler, types 42–44 | | 23.0 |
| Connecticut Broadleaf, type 51. | | 51.0 |
| Connecticut Havana Seed, type 52. | | 48.3 |
| New York and Pennsylvania Havana Seed, type 53. | | 23.3 |
| Southern Wisconsin, type 54. | | 22.0 |
| Northern Wisconsin, type 55. | | 29.0 |

[1] The percent of parity and the cents-per-pound loan level for the 1956 crop of Puerto Rican tobacco, type 46, will be announced based on the supply and the parity price as of October 1, 1956.

§ 464.803 *Availability of price support.* Price support to eligible producers will be made available in the following manner:

(a) *Auction market area.* The producer will deliver the tobacco to an auction warehouse in the usual manner. The producer generally will receive the advances from the warehouseman for any tobacco placed under loan by the association at the time the warehouseman settles with the producer for the entire quantity of the producer's tobacco that has been displayed for inspection and offered for sale on any one day's auction market. The warehouseman, in turn, will be reimbursed by the association with funds borrowed from CCC.

(b) *Non-auction market area.* Producers in non-auction market areas will deliver tobacco to central receiving points designated by the appropriate association. The producer will receive the advance directly from the association for any tobacco pledged for loans after the tobacco has been graded by U. S. D. A. inspectors.

(c) *Period of loans.* No advances will be made to producers on tobacco tendered for loan prior to or after the dates set forth below:

| | Earliest date | Latest date |
|---|---|---|
| Flue cured | July 1, 1956 | Feb. 28, 1957 |
| Burley | Nov. 1, 1956 | Apr. 30, 1957 |
| Fire-cured | do | Do. |
| Dark air-cured | do | Do. |
| Virginia sun-cured | do | Do. |
| Maryland | Apr. 1, 1957 | Nov. 15, 1957 |
| Puerto Rican | Feb. 1, 1957 | Sept. 30, 1957 |
| Cigar filler and binder | Sept. 1, 1956 | July 31, 1957 |

§ 464.804 *Deduction from loans.* The associations will be required to bear a portion of the overhead costs in connection with the loan operation. For this purpose, the associations in the auction marketing areas will be authorized to charge the producer a fee of 12 cents per hundred pounds and such other deductions as may be authorized or approved by CCC. Such charges may be collected by a deduction from the advance made to the producer on his tobacco or by arrangements with the auction warehouseman under which he will collect such charges and remit to the association. In the nonauction market areas, the fee will be established at a rate commensurate with the relative cost of the services performed by the association.

§ 464.805 *Interest rate and general provisions.* The loans made to the associations will bear interest at the rate of 3½ percent per annum and be nonrecourse both as to principal and interest except in the case of misrepresentation, fraud, or failure to carry out the terms of the loan contract. Tobacco loses its identity as to original ownership through commingling in the packing process, and individual producers may not redeem their tobacco once it has been pledged for loan. All proceeds of sales of the loan collateral will be applied to the loan account until the loan is repaid in full.

§ 464.806 *Adjustment of interest and disposition of overplus.* The contractual arrangement between CCC and any association may include provisions under which CCC will adjust the interest rate as outlined in paragraph (c) of this section and the association will apply, as directed by CCC, one-half of the "overplus" from any crop year loan to the indebtedness on other crop year loans. This arrangement will be available only to those associations which include under the arrangement all CCC loans outstanding at the time the 1956 crop loan is included.

(a) *Definition of overplus.* "Overplus" is the balance remaining from the sales proceeds of the loan tobacco, after deducting the amount of the loan plus all handling charges, operating costs, and interest.

(b) *Disposition of overplus.* For those associations which agree to apply one-half of the overplus to other crop year loans, the remaining one-half of the overplus shall constitute "net gains," and for those associations which do not agree to apply one-half of the overplus to other crop year loans, the entire overplus shall constitute "net gains," which shall be distributed by the association to the producers who placed the tobacco under loan unless other disposition is approved by CCC.

(c) *Adjustment of interest rate.* In consideration of any association's agreement to apply one-half of the 1956 crop overplus to the CCC loan indebtedness of other crop years, the 1956 crop interest rate shall be adjusted annually, beginning as of July 1, 1957, for flue-cured loans and as of October 1, 1957, for loans on other kinds of tobacco, to the rate established by CCC as applicable to price support loans on the current crops, minus one percent per annum: *Provided*, That if such adjusted interest rate is determined by CCC to be less than the average rate of interest applicable to CCC's borrowings from the Treasury, the amount of interest accrued at such adjusted interest rate shall be increased at the end of the marketing year to the amount which would have accrued at the average interest rate applicable to CCC's borrowings from the Treasury.

§ 464.807 *Maturity date.* Loans made under the program will mature on demand.

§ 464.808 *Eligible producer.* (a) An eligible producer is one for whom a "Within Quota" Marketing Card has been issued under the applicable regulations issued by the Secretary of Agriculture with respect to tobacco marketing quotas for the 1956–57 marketing year. (In general, the regulations in this subpart provide for the issuance of a "Within Quota" Marketing Card where the tobacco acreage harvested for each kind of tobacco produced on the farm is not in excess of the applicable acreage allotment established under the marketing quota program for such farm, except that a "Within Quota" Marketing Card is not issued where the planted acreage of any kind of tobacco exceeds the farm acreage allotment established therefor unless a request for disposition of the excess acreage is filed promptly.)

(b) As Puerto Rican tobacco is not under U. S. marketing quotas, all producers of this type of tobacco are considered eligible producers for the purpose of this program.

§ 464.809 *Eligible tobacco.* Eligible tobacco shall be U. S. and Puerto Rican tobacco (as defined in the Agricultural Adjustment Act of 1938, as amended) of the 1956 crop which (a) has been properly identified in accordance with applicable tobacco Marketing Quota Regulations on a valid memorandum of sale issued from a "Within Quota" Marketing Card, where marketing quotas are in effect; (b) has been delivered to the association by the producer prior to sale to any other person; (c) is in sound and merchantable condition; (d) is of a type for which a loan level is provided in § 464.802; and (e) is free and clear of any and all liens and encumbrances.

Issued this 1st day of June 1956.

[SEAL] WALTER C. BERGER,
*Acting Executive Vice President, Commodity Credit Corporation.*

[F. R. Doc. 56-4428; Filed, June 5, 1956; 8:53 a. m.]



## TITLE 7—AGRICULTURE

### Chapter III—Agricultural Research Service, Department of Agriculture

PART 354—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

REVISED ADMINISTRATIVE INSTRUCTIONS PRESCRIBING COMMUTED TRAVEL TIME ALLOWANCES

Pursuant to the authority conferred upon the Chief of the Plant Quarantine Branch by § 354.1 of the regulations concerning overtime services relating to imports and exports, effective July 15, 1955 (7 CFR Supp 354.1; 20 F. R. 5054), administrative instructions (7 CFR 1954 Supp. 354.2) effective March 14, 1953, as amended effective August 2, 1955 (7 CFR Supp 354.2; 20 F. R. 5482), prescribing the commuted travel time that shall be included in each period of overtime duty are hereby revised to read as follows:

§ 354.2 *Administrative instructions prescribing commuted travel time.* Each period of overtime duty, as prescribed in § 354.1 shall, in addition, include a commuted travel time period for the respective ports, stations, and areas in which employees are located, if such travel is performed solely on account of overtime or holiday service, as follows:

ONE HOUR

Aguadilla, P. R. (served from Ramey Air Force Base).
Baton Rouge, La.
Blaine, Wash.
Brownsville, Tex.
Buffalo, N. Y.
Calexico, Calif.
Charlotte Amalie, American Virgin Islands.
Christiansted, American Virgin Islands.
Del Rio, Tex.
Douglas, Ariz.
Eagle Pass, Tex.
El Paso, Tex.
Frederiksted, American Virgin Islands (served from Christiansted).
Galveston, Tex.
Hidalgo, Tex.
Hilo, T. H.
Kahalui, Maui, T. H.
Key West, Fla.
Laredo, Tex.
Los Angeles Harbor, San Pedro, Calif.
Memphis, Tenn.
Nogales, Ariz.
Omaha, Nebr.
Pensacola, Fla.
Port Arthur, Tex.
Port Everglades, Fla.
Presidio, Tex.
Progreso, Tex.
Ramey Air Force Base, P. R.
Roma, Tex.
St. Albans, Vt.
St. Paul, Minn.
San Antonio, Tex.
San Juan, P. R.
San Ysidro, Calif.
Texas City, Tex. (served from Galveston, Tex.).
West Palm Beach, Fla.

TWO HOURS

Arlington, Va.
Atlanta, Ga.
Beaumont, Tex. (served from Port Arthur).
Bellingham, Wash. (served from Blaine, Wash.).
Charleston, S. C.
Corpus Christi, Tex.
Dallas, Tex.
Harlingen Air Force Base, Tex. (served from Brownsville, Tex.).
Honolulu, T. H.
Houston, Tex.
Jacksonville, Fla.
La Feria, Tex. (served from Hidalgo, Tex.).
Lantana Airport, Lantana, Fla. (served from West Palm Beach, Fla.).
Lihue, Kauai, T. H.
Long Beach Harbor and Airport (served from San Pedro, Calif.).
Miami, Fla.
Mobile, Ala.
Moore Air Field (served from Hidalgo, Tex.).
Niagara Falls, N. Y. (served from Buffalo, N. Y.).
Norfolk-Newport News, Va.
Offutt Air Base (served from Omaha, Nebr.).
Orange, Tex. (served from Port Arthur, Tex.).
Port Isabel, Tex. (served from Brownsville, Tex.).
Portland, Oreg.
St. Helens, Oreg.
St. Louis, Mo.
San Francisco, Calif.
Savannah, Ga.
Seattle, Wash., and Sea-Tac Airport.
Sumas, Wash. (served from Blaine, Wash.).
Tampa, Fla.
Vancouver, Wash.

THREE HOURS

Anacortes, Wash. (served from Blaine, Wash.).
Astoria, Oreg. (served from Portland, Oreg.).
Baltimore, Md.
Baytown, Tex. (served from Houston, Tex.).
Beaufort, S. C. (served from Charleston, S. C.).
Boston, Mass.
Brunswick, Ga. (served from Savannah, Ga.).
Carswell Field (Fort Worth), Tex. (served from Dallas, Tex.).
Cherry Point, S. C. (served from Charleston, S. C.).
Chicago, Ill.
Coos Bay, Oreg. (served from Portland, Oreg.).
Detroit, Mich.
Everett, Wash. (served from Seattle, Wash.).
Freeport, Tex. (served from Houston, Tex.).
Friday Harbor, Wash. (served from Seattle, Wash.).
Georgetown, S. C. (served from Charleston, S. C.).
Glynnce Naval Air Station, Ga. (served from Savannah, Ga.).
Grays Harbor, Wash. (served from Seattle, Wash.).
Gulfport, Miss. (served from Mobile, Ala.).
Hopewell, Va. (served from Norfolk-Newport News, Va.).
Lake Charles, La. (served from Port Arthur, Tex.).
Longview, Wash. (served from Portland, Oreg.).
Marfa Air Force Base (served from Presidio, Tex.).
Mayaguez, P. R. (served from Ramey Air Force Base).
McChord Air Force Base, Wash. (served from Seattle, Wash.).
New Orleans, La.
New York, N. Y. (metropolitan area).
Olympia, Wash. (served from Seattle, Wash.).
Panama City, Fla. (served from Pensacola, Fla.).
Patuxent, Md. (served from Arlington, Va.).
Philadelphia, Pa.
Pittsburgh, Pa.
Port Angeles, Wash. (served from Seattle, Wash.).
Port Lavaca, Tex.
Port Townsend, Wash. (served from Seattle, Wash.).
Rainier, Oreg. (served from Portland, Oreg.).
Richmond, Va. (served from Norfolk-Newport News, Va.).
Roosevelt Roads, P. R. (served from San Juan, P. R.).
St. Albans, Vt. (ports served from, but not including St. Albans).
Tacoma, Wash. (served from Seattle, Wash.).
Tucson, Ariz. (served from Nogales, Ariz.).
Walker Air Force Base (served from El Paso, Tex.).
Willapa Bay, Wash. (served from Seattle, Wash.).
Wilmington and other North Carolina ports served from Charleston, S. C.

The purposes of this revision are to delete certain ports and stations where employees are no longer stationed, to add several newly established ports and stations, and to readjust the commuted time allowances at certain other points.

These commuted travel time periods have been established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such overtime duty when such travel is performed solely on account of such overtime duty. Such establishment depends upon facts within the knowledge of the Plant Quarantine Branch. It is to the benefit of the public that these instructions be made effective at the earliest practicable date. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and public procedure on these instructions are impracticable, unnecessary, and contrary to the public interest, and good cause is found for making these instructions effective less than thirty days after publication in the FEDERAL REGISTER.

These revised administrative instructions shall be effective on and after June 6, 1956, on which date they shall supersede 7 CFR 1954 Supp. 354.2, effective March 14, 1953, as amended effective August 2, 1955 (20 F. R. 5482).

(64 Stat. 561, 5 U. S. C. 576)

Done at Washington, D. C., this 1st day of June 1956.

[SEAL] H. S. DEAN,
*Acting Chief, Plant Quarantine Branch.*

[F. R. Doc. 56-4425; Filed, June 5, 1956; 8:52 a. m.]

### Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 723—CIGAR-FILLER TOBACCO AND CIGAR-FILLER AND BINDER TOBACCO

PROCLAMATION OF THE RESULTS OF MARKETING QUOTA REFERENDUM

This document is issued to establish a procedure whereby the Secretary of Agri-

culture may be petitioned prior to November 10, 1956, or prior to November 10, 1957, to proclaim national marketing quotas for cigar-filler (type 41) tobacco for the next three succeeding marketing years pursuant to section 312 of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. A. 1312). The amendment made by this document will redesignate the present § 723.705 as paragraph (a) of that section, and add a new paragraph (b) to that section.

Section 723.705 of Part 723, Title 7, Code of Federal Regulations, is amended to read as follows:

§ 723.705 *Proclamation of the results of the cigar-filler tobacco marketing quota referendum for the three-year period beginning October 1, 1956.* (a) In a referendum of farmers engaged in the production of the 1955 crop of cigar-filler tobacco held on December 29, 1955, 1,887 farmers voted. Of those voting, 213 or 11.3 percent, favored quotas for a period of three years beginning October 1, 1956; 1,674 or 88.7 percent were opposed to quotas. Since more than one-third of the farmers opposed quotas, the national marketing quota for cigar-filler tobacco for the marketing year beginning October 1, 1956, proclaimed on November 30, 1955 (20 F. R. 8844) becomes ineffective. Therefore, marketing quotas will not be in effect on cigar-filler tobacco for the marketing year beginning October 1, 1956, nor for the marketing years beginning October 1, 1957, and October 1, 1958, respectively, unless pursuant to section 312 (a) of the Agricultural Adjustment Act of 1938, as amended, the Secretary of Agriculture is petitioned prior to November 10, 1956, or prior to November 10, 1957, by one-fourth or more eligible farmers to proclaim national marketing quotas for the next three succeeding marketing years and unless the quotas so proclaimed are approved by two-thirds or more of the farmers voting in a referendum.

(b) An original written petition (or petitions) to the Secretary of Agriculture as provided for in paragraph (a) of this section, shall be submitted to the Secretary, or if mailed shall be postmarked, prior to November 10, 1956, in the case of a petition for marketing quotas for the marketing years 1957–58, 1958–59, and 1959–60, or prior to November 10, 1957, in the case of a petition for marketing quotas for the marketing years 1958–59, 1959–60 and 1960–61. Any such petition (or petitions) shall include the address of each person signatory thereto; shall state that such persons favor the proclamation of national marketing quotas for cigar-filler (Type 41) tobacco for the years stated in the petition, and the holding of a referendum; and shall show that such persons are one-fourth or more of the farmers engaged in the production of the crop of cigar-filler (Type 41) tobacco harvested in the calendar year in which the petition is submitted.

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply sec. 312, 52 Stat. 46, as amended 7 U. S. C. 1312)

Done at Washington, D. C., this 31st day of May 1956. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 56-4408; Filed, June 5, 1956; 8:48 a. m.]

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[Amdt. 2]

## PART 728—WHEAT

### SUBPART—WHEAT MARKETING QUOTAS FOR 1956 CROP

### MISCELLANEOUS AMENDMENTS

The amendments herein are issued under the wheat marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, for the purpose of providing the rate of penalty in dollars and cents and amending other provisions relating to measurement, storage of excess wheat, eligible agencies to receive excess wheat delivered to the Secretary, and examination of records of buyers of wheat. Since wheat producers in some sections of the United States will soon harvest and market this 1956 crop wheat, it is imperative that ASC State and county committees, as well as wheat farmers and buyers, be informed as soon as possible of the rate of penalty and other changes in the regulations. Therefore, it is hereby found that compliance with the notice, procedure, and 30-day effective date provisions of the Administrative Procedure Act is impracticable, unnecessary and contrary to the public interest. The amendments herein shall become effective upon filing of this document with the Director, Division of the Federal Register.

1. Subparagraph (4) of § 728.651 (u) is amended by inserting the words "in the case of wheat other than volunteer (self-seeded) wheat" immediately following the word "unless."

2. Paragraph (d) of § 728.655 is amended by revising the first sentence to read as follows: "Measurement may be made by identification of fields or parts of fields by use of a map, aerial photograph, or by means of a steel or metallic tape or chain, or rod and chain, or by use of a measuring wheel, or walking A, when authorized by the Deputy Administrator of Production Adjustment, Commodity Stabilization Service, or by a combination of one or more of the foregoing methods."

3. Subparagraph (2) of § 728.655 (e) is amended by changing the period at the end of the first sentence to a comma and adding the following: "except that a revisit shall not be made to any farm on which the first inspection showed a total acreage of wheat not in excess of 15 acres unless a producer on such farm requests measurement and pays the cost thereof by the date specified on Notice of 1956 Acreage of Wheat (Form CSS–597), which date shall coincide with the latest date on which the adjustment may be made as provided in § 728.651 (u)."

4. Section 728.676 is amended to read as follows:

§ 728.676 *Rate of penalty.* The rate of penalty applicable to the 1956 crop wheat shall be $1.07 per bushel, which is 45 percentum of the parity price per bushel of wheat as of May 1, 1956, which is determined to be $2.39.

5. Paragraph (b) of § 728.683 is amended to read as follows:

(b) *Storage of wheat.* Stored excess wheat shall be kept in a place adapted to the storage of wheat, shall be of the current crop, and of a representative quality of all the wheat produced on the farm. The storage of wheat under paragraphs (d) and (e) of this section shall be effective only if the producer submits a written statement showing the exact location of the stored wheat by quarter section (or other comparable descriptive location in areas where description is not by quarter sections); and the wheat so stored is kept separate from and not commingled with or replaced by wheat produced on any other farm or any other crop of wheat produced on the same farm: *Provided*, That wheat of the same crop produced on two or more farms in which the producer has an interest may be stored at the same location and commingled. The penalty on any stored wheat removed from such location without prior written authorization from the county committee shall be due on such removal. Wheat so stored shall be subject to the further condition that it may be inspected at all times by officers or employees of the Department, or members, officers or employees of the State or county committee.

6. Paragraph (c) of § 728.683 is amended by changing the first sentence to read as follows: "The storage of wheat in an elevator or warehouse in order to postpone the payment of the penalty or with a view to avoiding such penalty shall be effective only when the wheat is stored in an elevator or warehouse licensed by State or Federal Government and a warehouse receipt covering the amount of wheat so stored is deposited with the treasurer of the county committee to be held in escrow."

7. Paragraph (b) of § 728.684 is amended by changing that part of the last sentence following the colon to read as follows: "Any Federal relief organization, the American Red Cross, State or municipal relief organization, Federal or State wildlife refuge project, or any voluntary relief organization registered with the Advisory Committee on Voluntary Foreign Aid of the International Cooperation Administration for the shipment for relief overseas."

8. Subparagraph (1) of § 728.687 (b) is amended by changing the second and third sentences to read as follows: "The record so made and all business records of such person required to keep such records shall be kept available for examination by the county office manager or any authorized representative of the State Administrative Officer or investigators and accountants (special agents) or other authorized representatives of the Director, Compliance and Investigation Division, Commodity Stabilization Service, United States Department of Agriculture, for two calendar years beyond the calendar year in which the marketing year ends. Such records shall include relevant books, papers, records, accounts, correspondence, contracts, documents, and memoranda, but shall be examined only for the purpose of ascertaining the correctness of any report made or record kept pursuant to the regulations in this subpart, or of obtaining the information required to be furnished in any report pursuant to the regulations in this subpart but not so furnished."

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 331–339, 362–368, 372–376, 52 Stat. 38, as amended; 55 Stat. 203, as amended; 7 U. S. C. 1301, 1331–1340, 1362–1368, 1372–1376)

Done at Washington, D. C., this 31st day of May 1956.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 56-4407; Filed, June 5, 1956; 8:48 a. m.]

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[1026 (Peanuts-56)-1]

## PART 729—PEANUTS

### MARKETING QUOTA REGULATIONS FOR 1956 CROP

### GENERAL


Sec.
729.740 Basis and purpose.
729.741 Definitions.
729.742 Instructions and forms.
729.743 Extent of calculations and rule of fractions.

IDENTIFICATION AND MEASUREMENT OF FARMS

729.744 Identification of farms.
729.745 Measurement of farms.

FARM MARKETING QUOTAS AND MARKETING CARDS

729.746 Amount of farm marketing quota.
729.747 Marketing quotas not transferable.
729.748 Issuance of marketing cards.
729.749 Person authorized to issue cards.
729.750 Successors in interest.
729.751 Invalid marketing card.
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MARKETING OR OTHER DISPOSITION OF PEANUTS AND PENALTIES

729.753 Extent to which marketings from a farm are subject to penalty.
729.754 Identification of marketings.
729.755 Rate of penalty.
729.756 Persons to pay penalty.
729.757 Marketing subject to penalty.
729.758 Payment of penalty.
729.759 Use of agreement to permit marketings from overplanted farms.
729.760 Request for refund of penalty.

RECORDS AND REPORTS

729.761 Producer's records and reports.
729.762 Records and reports of buyers and others.
729.763 Record and report of peanuts shelled for producers.
729.764 Separate records and reports from persons engaged in more than one business.
729.765 Failure to keep records or make reports.
729.766 Examination of records and reports.
729.767 Length of time records and reports to be kept.

MISCELLANEOUS

729.768 Information confidential.
729.769 Redelegation of authority.


AUTHORITY: §§ 729.740 to 729.769 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 358, 359, 361–368, 372, 373, 374, 376, 388, 52 Stat. 38, 62, 63, 64, 65, 66, 68, as amended; 55 Stat. 88, as amended, 66 Stat. 27; 7 U. S. C. 1301, 1358, 1359, 1361–1368, 1372, 1373, 1374, 1376, 1388.

### GENERAL

§ 729.740 *Basis and purpose.* The regulations contained in §§ 729.740 to 729.769 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the determination of farm peanut acreages, the issuance of marketing cards, the identification of peanuts, the collection and refund of penalties, and the records and reports incident thereto, on the marketing of peanuts of the 1956 crop, regardless of whether such peanuts are marketed before, during, or after the 1956–57 marketing year. Prior to preparing the regulations in §§ 729.740 to 729.769, public notice of their formulation was published in the FEDERAL REGISTER (21 F. R. 995) in accordance with the Administrative Procedure Act (5 U. S. C. 1003). Views and recommendations received in response to such notice have been duly considered within the limits prescribed by the Agricultural Adjustment Act of 1938.

§ 729.741 *Definitions.* As used in §§ 729.740 to 729.769 and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) "Act" means the Agricultural Adjustment Act of 1938, as amended, and supplemented.

(b) "Areas" means:

(1) The Southeastern Area consisting of the States of Alabama, Georgia, Mississippi, Florida, and that part of South Carolina south and west of the Santee-Congaree-Broad Rivers.

(2) The Southwestern Area consisting of the States of Arizona, Arkansas, California, Louisiana, New Mexico, Oklahoma, and Texas.

(3) The Virginia-Carolina Area consisting of the States of Missouri, North Carolina, Tennessee, Virginia, and that part of South Carolina north and east of the Santee-Congaree-Broad Rivers.

(c) "Buyer" means a person who:

(1) Buys or otherwise acquires peanuts from a producer;

(2) Buys or otherwise acquires farmers' stock peanuts from any person; or

(3) Markets, as a commission merchant, broker, or cooperative any peanuts for the account of a producer and who is responsible to the producer for the amount received for the peanuts.

(d) Committees: (1) "Community committee" means the persons elected within a community as the community committee pursuant to the regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees.

(2) "County committee" means the persons elected within a county as the county committee, pursuant to the regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees.

(3) "State committee" means the persons designated in a State by the Secretary as the Agricultural Stabilization and Conservation committee.

(e) "County office manager" means the person employed by the county committee to execute the policies of the county committee and be responsible for the day-to-day operation of the county ASC office, or the person acting in such capacity.

(f) "Deputy Administrator" means the Deputy Administrator, Production Adjustment or the Acting Deputy Administrator, Production Adjustment, Commodity Stabilization Service, United States Department of Agriculture.

(g) "Director" means the Director or the Acting Director of the Oils and Peanut Division, Commodity Stabilization Service, United States Department of Agriculture.

(h) "Excess acreage" means the acreage by which the farm peanut acreage exceeds the farm allotment but there will be no excess acreage if the farm peanut acreage is one acre or less. Furthermore, the excess acreage for the farm shall be zero in any case where (1) through error on the part of the county or State office, the operator was officially notified in writing on MQ–24–Peanuts (1956) of an allotment larger than the finally approved farm allotment; (2) the county office manager finds that the operator, acting solely on the basis of the information contained in the erroneous notice, picked and threshed peanuts from acreage in excess of the finally approved farm allotment but not in excess of the allotment stated in the erroneous notice; (3) the extent of error in the erroneous notice was such that the operator would not reasonably be expected to question the allotment of which he was erroneously notified; and (4) the State administrative officer concurs in the county office manager's finding. Where the operator received his corrected notice of allotment after the peanuts were planted but before they were picked or threshed, the excess acreage shall be zero if the acreage picked and threshed does not exceed the allotment stated in the erroneous notice, provided the county office manager and State administrative officer determines that the acreage planted for picking or threshing was in excess of the allotment only because the operator was given an erroneous notice of allotment.

(i) "Excess peanuts" means peanuts in excess of the farm marketing quota determined pursuant to § 729.746.

(j) "Farm" means all adjacent or nearby farmland under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farmland which the county committee determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other lands; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county in which the major portion of the farm is located.

(k) "Farm allotment" means the farm peanut acreage allotment for the 1956 crop of peanuts established pursuant to §§ 729.710 to 729.730 of the marketing quota regulations for the 1956 crop of peanuts (20 F. R. 6033).

(l) "Farm peanut acreage" means the farm peanut acreage for the farm as determined under § 729.711 (i) of the marketing quota regulations for the 1956 crop of peanuts (20 F. R. 6033).

(m) "Farmers stock peanuts" means picked or threshed peanuts produced in the continental United States during the calendar year 1956 which have not been shelled, crushed, cleaned (except for removal of foreign material) or otherwise changed from the state in which picked or threshed peanuts are customarily marketed by producers.

(n) "Market" means to dispose of peanuts, including farmers stock peanuts, shelled peanuts, cleaned peanuts, or peanuts in processed form by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos. The terms "marketed", "marketing", and "for market" shall have corresponding meanings to the term "market" in the connection in which they are used. The terms "barter" and "exchange" shall include the payment by the producer of any quantity of peanuts for the harvesting, picking, threshing, cleaning, crushing, or shelling of peanuts, or for any other service rendered to him by anyone.

(o) "Marketing card": (1) "Excess penalty card" means MQ–77—Peanuts (1956) or MQ–77–VC—Peanuts (1956), 1956 Peanut Excess Penalty Marketing Card. MQ–77 will be issued for farms in the Southeastern area and in the Southwestern area. MQ–77–VC will be issued for farms in the Virginia-Carolina area. These cards will be issued for farms for which it is determined that the farm peanut acreage is in excess of the larger of the farm allotment or one acre. A portion of each lot of peanuts identified by an excess penalty card is subject to the marketing penalty prescribed in § 729.755 at the time the peanuts are marketed.

(2) "Within quota card" means MQ–76—Peanuts (1956) or MQ–76–VC—Peanuts (1956), 1956 Peanut Within Quota Marketing Card. MQ–76 will be issued for farms in the Southeastern area and in the Southwestern area. MQ–76–VC will be issued for farms in the Virginia-Carolina area. These cards will be issued for farms for which it is determined that the farm peanut acreage is not in excess of the larger of the farm allotment or one acre. A within quota card authorizes the marketing of all peanuts produced on the farm without payment at the time of marketing of the penalty prescribed in § 729.755.

(p) "Marketing year" means the 1956 marketing year beginnig August 1, 1956, and ending July 31, 1957.

(q) "Offices": (1) "County ASC Office" means the office of the Agricultural Stabilization and Conservation county committee.

(2) "State ASC Office" means the office of the Agricultural Stabilization and Conservation State committee.

(r) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(s) "Peanuts" means all peanuts produced, excluding any peanuts which were not picked or threshed either before or after marketing from the farm.

(t) "Person" means an individual, partnership, association, corporation, firm, joint-stock company, estate or trust, or other business enterprise or other legal entity, and whenever applicable, a State, a political subdivision of a State, or any agency thereof.

(u) "Pound" means that quantity of farmers stock peanuts equal to one pound standard weight. If peanuts have been graded at the time of marketing, the poundage shall be the weight thereof excluding foreign material and excess moisture (excess moisture means moisture in excess of seven percent in the Southeastern and Southwestern areas and eight percent in the Virginia-Carolina area). If shelled peanuts are marketed, the poundage therefor shall be converted to the weight of farmers stock peanuts by multiplying the number of pounds of shelled peanuts by 1.5 and the result shall be the number of pounds of peanuts considered as marketed under this part.

(v) "Producer" means a person who, as landlord, tenant, or sharecropper is entitled to share in the peanuts produced on the farm or in the proceeds thereof.

(w) "Quota peanuts" means peanuts which are within the amount of the farm marketing quota determined pursuant to § 729.746.

(x) "Sales memorandum" means:

(1) Form MQ–93—Peanuts (1952), which may be used (i) by buyers to record and report data with respect to purchases of peanuts identified by both within quota and excess penalty cards, (ii) to record and report data with respect to purchases of peanuts that are not identified by a marketing card, and (iii) by shellers to record and report data with respect to peanuts shelled for producers in instances where all of the shelled peanuts are returned to the producer.

(2) Form MQ–94—Peanuts (1956), which may be used by buyers in the Southeastern and Southwestern areas to record and report data with respect to purchases of peanuts identified by either a within quota or an excess penalty card if the peanuts have been inspected by the Federal-State Inspection Service.

(3) Form MQ–76–A–VC—Peanuts (1956), ten copies of which are attached to each Form MQ–76–VC. This form may be used by buyers to record and report data with respect to purchases of peanuts identified by Form MQ–76–VC.

(4) Form MQ–77–A–VC—Peanuts (1956), ten copies of which are attached to each Form MQ–77–VC. This form may be used by buyers to record and report data with respect to purchases of peanuts identified by Form MQ–77–VC.

(5) Any other form furnished by the buyer for recording and reporting purchases of peanuts, provided (i) the State committee determines that the use of forms other than those enumerated in subparagraphs (1) through (4) of this paragraph will not operate to reduce effective administration of the program in the State and (ii) the form proposed for use by the buyer is approved by the State Administrative Officer of each State in which the buyer will purchase 1956 crop peanuts as being consecutively numbered and containing the necessary language and spaces for recording and reporting the same information as that required by Form MQ–93—Peanuts (1952) for purchases of farmers stock peanuts.

(y) "Secretary" means the Secretary or the Acting Secretary of the United States Department of Agriculture.

(z) "State Administrative Officer" means the person employed by the State committee to execute the policies of the State committee and be responsible for the day-to-day operations of the State ASC office, or the person acting in such capacity.

(aa) "Yields": (1) "Normal yield" means the normal yield per acre for the farm as determined under § 729.721 or 729.723, whichever is applicable of the marketing quota regulations for the 1956 crop of peanuts (20 F. R. 6033).

(2) "Actual yield" means the actual yield per acre for the farm obtained by dividing the farm peanut acreage into the total production of peanuts for the farm.

§ 729.742 *Instructions and forms.* The Director shall cause to be prepared and issued such forms as are necessary and shall cause to be prepared such instructions with respect to internal management as are necessary for carrying out the regulations in this part. The forms and instructions shall be approved by, and the instructions shall be issued by, the Deputy Administrator.

§ 729.743 *Extent of calculations and rule of fractions.* (a) The farm peanut acreage shall be expressed in tenths of an acre and fractions of less than one-tenth of an acre shall be dropped.

(b) The percentage of excess peanuts for a farm, hereinafter referred to as the "percent excess," shall be expressed in tenths of a percent and fractions of less than one-tenth of a percent shall be dropped, except that the minimum percent excess for a farm having any excess acreage shall be one-tenth of one percent.

(c) The converted penalty rate shall be expressed in tenths of a cent and fractions of less than a tenth of a cent shall be dropped, except that the minimum converted penalty rate for a farm having any excess acreage shall be one-tenth of a cent.

(d) The amount of penalty with respect to any lot of peanuts, or the amount of damages due Commodity Credit Corporation under an agreement made pursuant to § 729.759, shall be expressed as dollars and in whole cents. Fractions of less than a cent shall be dropped.

(e) The quantity of peanuts marketed, the farm marketing quota, and the normal and actual yield per acre, shall be expressed in whole pounds. Fractions of less than a pound shall be dropped.

### IDENTIFICATION AND MEASUREMENT OF FARMS

§ 729.744 *Identification of farms.* Each farm as operated for the 1956 crop of peanuts shall be identified by a farm serial number and all records pertaining to marketing quotas for the 1956 crop of peanuts shall be identified by the farm serial number.

§ 729.745 *Measurement of farms.* The peanut acreage on farms shall be measured to determine compliance with farm allotments in accordance with instructions issued by the Deputy Administrator. If, after the picking or threshing of peanuts on a farm is completed, it is discovered that the picked and threshed acreage for 1956 exceeds the 1956 farm allotment (or one acre if the farm allotment is less than one acre) because the farm operator received an erroneous notice in writing regarding (a) the number of acres planted to peanuts on the farm or (b) the farm peanut acreage, a statement of all the facts and circumstances causing the error and the county office manager's recommendation shall be referred to the State administrative officer. Upon recommendation of the county office manager and approval by the State administrative officer, the 1956 farm peanut acreage shall be considered to be an acreage equal to the larger of one acre or the 1956 farm allotment, if all of the following conditions are met:

(1) The incorrect notice was the result of an error made by the performance reporter or by an employee of the county office in reporting, computing, or recording peanut acreages for the farm;

(2) Neither the farm operator nor any producer on the farm was in any way responsible for the error; and

(3) The extent of error in the erroneous notice was such that the farm operator would not reasonably be expected to question the acreage of which he was erroneously notified.

### FARM MARKETING QUOTAS AND MARKETING CARDS

§ 729.746 *Amount of farm marketing quota.* (a) The farm marketing quota for a farm having no excess acreage shall be the actual production of peanuts on the farm peanut acreage.

(b) The farm marketing quota for a farm having excess acreage shall be a quantity of peanuts equal to the actual yield multiplied by the farm allotment.

§ 729.747 *Marketing quotas not transferable.* Farm marketing quotas are not transferable in whole or in part from one farm to another farm and peanuts produced on one farm shall not be marketed on a marketing card issued with respect to another farm. If any amount of peanuts produced on one farm is falsely identified by a representation that such peanuts were produced on another farm the allotment next established for each such farm shall be reduced as provided in § 729.724 of the marketing quota regulations for the 1956 crop of peanuts (20 F. R. 6033).

§ 729.748 *Issuance of marketing cards.* (a) A marketing card shall be issued to the operator of each farm having 1956 crop peanuts for use by any producer for marketing his share of the peanuts produced on the farm. If the county office manager finds that it will serve a useful purpose, additional marketing cards may be issued in the name of the operator and delivered to other producers on the farm or the marketing card may be issued in the name of the operator and one or more producers on the farm.

(b) If the county committee determines that such action is necessary to enforce the provisions of §§ 729.740 to 729.769, the issuance of a marketing card may be withheld for any farm until the committee provides for an estimate to be made of the peanut production on such farm. The estimated production on each such farm will be used in determining, after all peanuts produced on such farms have been marketed or otherwise disposed of, whether the marketing card issued for each farm was properly used.

(c) Upon return to the county ASC office, of any marketing card where all spaces for recording sales have been used and before the marketing of peanuts from the farm has been completed, a new marketing card of the same kind, bearing the same name, information, and identification as the used card shall be issued. A new marketing card of the same kind shall also be issued to replace a card which has been determined by the county office manager to have been lost, stolen, mutilated, or destroyed.

(d) Within quota card: A farm is eligible for a within quota card under any one of the following conditions:

(1) The farm has no excess acreage.

(2) The acreage planted to peanuts on the farm is in excess of the farm allotment but an agreement on Form MQ–92—Peanuts (1956) is executed and approved in accordance with § 729.759.

(3) The farm has excess acreage which consists of peanuts grown only for experimental purposes on land owned or leased by a publicly owned agricultural experiment station and produced at public expense by employees of the experiment station, or peanuts produced by farmers pursuant to an agreement with a publicly owned experiment station.

(4) The Director of the publicly owned agricultural experiment station shall furnish the State administrative officer a list by counties showing the following information for farms in the State on which peanuts are grown for experimental purposes only:

(i) Name and address of the publicly owned experiment station;

(ii) Name of the owner, and name of the operator if different from the owner of each farm in the State on which peanuts are grown for experimental purposes only;

(iii) The acreage of peanuts grown on each farm for experimental purposes only; and

(iv) A certification signed by the Director of the publicly owned agricultural experiment station stating that:

(*a*) Such acreage of peanuts was grown on each farm for experimental purposes only and was necessary for carrying out the experiment; and

(*b*) The peanuts were produced under the direction of representatives of the publicly owned agricultural experiment station.

§ 729.749 *Person authorized to issue cards.* The county office manager shall sign marketing cards for farms in the county as issuing officer. The issuing officer may designate not more than three persons to sign his name in issuing marketing cards: *Provided*, That each person so designated shall place his initials immediately beneath the name of the issuing officer as written by him or stamped on the card.

§ 729.750 *Successors-in-interest.* Any person who succeeds in whole or in part to the share of a producer in the peanuts to be marketed from a farm shall, to the extent of such succession, have the same rights as the producer to the use of any marketing card issued for the farm.

§ 729.751 *Invalid marketing cards.* (a) A marketing card shall be invalid if:

(1) It is not issued or delivered in the form and manner prescribed;

(2) Entries are omitted, incorrect, contradictory, or illegible;

(3) It is lost, destroyed, or stolen;

(4) Any erasure or alteration has been made and not properly initialed; or

(5) The converted penalty rate on an excess penalty card has been altered.

(b) If any marketing card becomes invalid (other than by loss, destruction, or theft) the operator, or the person having the card in his possession, shall return it to the county ASC office from which it was issued. If any marketing card is lost, destroyed, or stolen, the producer to whom the card was issued shall give written notice of such fact to the county ASC office from which the card was issued.

(c) If a marketing card becomes invalid because an entry is not made as required either through omission or incorrect entry, and the proper entry is later made and initialed by the issuing officer or a person designated by the issuing officer to sign his name in issuing marketing cards as provided in § 729.749, then such card shall become valid; or if the invalid card is not made valid in this manner, it shall be cancelled and a new card issued in its place.

§ 729.752 *Report of misuse of marketing card.* Any information which causes a member of a State, county, or community committee, or an employee of a State or county ASC office, or any person engaged in buying or handling peanuts, to believe that any peanuts have or are being marketed on a marketing card issued for another farm or to another producer shall be reported immediately

by such committeeman, employee, or person to the county ASC office or to the State ASC office.

MARKETING OR OTHER DISPOSITION OF PEANUTS AND PENALTIES

§ 729.753 *Extent to which marketings from a farm are subject to penalty.* The penalty for a farm having excess acreage shall be determined as follows:

(a) If the peanuts produced on the farm are properly marketed with an excess penalty card issued for the farm, the penalty shall be paid on each lot of peanuts marketed from the farm in an amount determined by multiplying the converted penalty rate for the farm by the number of pounds in the lot.

(b) If the peanuts produced on the farm are not properly marketed with an excess penalty card issued for the farm but the disposition of the peanuts produced on the farm is accounted for to the satisfaction of the State committee, the total amount of penalty for the farm shall be determined by multiplying the total quantity of peanuts marketed from the farm by the converted penalty rate for the farm.

(c) If the disposition of peanuts produced on the farm is not accounted for to the satisfaction of the State committee or if any amount of peanuts produced on one farm is falsely identified by a representation that such peanuts were produced on another farm, a penalty for the farm shall be determined by multiplying the normal yield by the excess acreage by the basic penalty rate.

(d) If the representative of the county committee is prevented by the operator or other producer or person from determining the farm peanut acreage, the farm will be deemed to have excess acreage and the penalty for the farm shall be determined by multiplying the quantity of peanuts marketed from the farm by the basic penalty rate. If, however, the operator furnishes a complete and correct report containing the information specified in § 729.761 (b), the penalty for the farm shall be determined in accordance with paragraph (b) of this section. The procedure outlined in this section shall not be deemed to affect the right of the Secretary to obtain measurement as provided for in the act.

(e) Notwithstanding the foregoing provisions of this section, the penalty will not be applicable to the shriveled, damaged, split, and broken peanut kernels which are obtained in the process of shelling farmers stock peanuts of the 1956 crop for use by the producer as seed in 1957 if the quantity of peanuts shelled by or for the producer is in line with the seed requirements for his farm in 1956 as determined by the county office manager.

§ 729.754 *Identification of marketings.* (a) Each marketing of peanuts from a farm shall be recorded by the buyer or his representative on a marketing card issued for the farm on which the peanuts were produced, if such marketing card is presented to the buyer by the producer at the time the peanuts are marketed. Each marketing of peanuts without a marketing card shall be subject to the penalty at the rate prescribed in § 729.755 (a) unless the marketing consists of shriveled, damaged, split, and broken peanut kernels which were produced in shelling not in excess of that quantity of farmers stock peanuts for a producer which the county office manager detrmines is reasonable for seed purposes on the producer's farm for the 1957 crop. The marketing of such shriveled, damaged, split, and broken kernels that are not identified by a marketing card will be identified by Form MQ–93—Peanuts (1952) partially executed by the county office manager to show the quantity of peanuts that is reasonable for seed purposes on the producer's farm for the 1957 crop. Buyers will record and report purchases of shelled peanuts from producers that are not identified by within quota cards on Form MQ–91—Peanuts: *Provided, however,* That a person who is not engaged in the business of buying peanuts for movement into the regular channels of trade shall not be required to make a record and report of purchases of peanuts from producers if the county office manager has determined that it would be administratively impracticable to require such buyer to execute forms, keep the records and make the buyer's reports as required in §§ 729.740 to 729.769, in which case the producer marketing the peanuts shall be responsible for reporting each marketing to the county ASC office.

(b) A buyer who resells any farmers stock peanuts of the 1956 crop shall keep, as part of or in addition to the records maintained by him in the conduct of his business, such records as he determines are necessary to enable him to certify, in connection with any such resale of farmers stock peanuts, that such peanuts were identified to him by valid marketing cards when purchased from farmers or other records of resale and that any penalty due was collected and remitted. The records maintained by the buyer with respect to such peanuts shall be available for examination in accordance with § 729.766.

§ 729.755 *Rate of penalty.* (a) The basic penalty rate shall be equal to 75 percent of the support price for peanuts for the marketing year.

NOTE: The exact amount of the penalty rate for peanuts of the 1956 crop will be issued as an amendment to this section as soon as the basic rate of the loan or support price for 1956 is announced.

(b) The converted penalty rate for a farm shall be determined as follows:

(1) Compute the percent excess for a farm by dividing the farm peanut acreage into the excess acreage.

(2) Multiply the percent excess for the farm by the basic penalty rate.

§ 729.756 *Persons to pay penalty.* (a) The penalty due on peanuts purchased directly from a producer shall be paid by the buyer who may deduct an amount equivalent to the penalty from the price paid to the producer, except that the penalty due on marketings by a producer directly to any person outside the United States shall be paid by the producer. The buyer shall not be relieved of any liability with respect to the amount of penalty because of any error which may occur in executing a sales memorandum. If the buyer fails to collect or to pay the penalty due on any marketing of peanuts from a farm, he and all producers on the farm shall be jointly and severally liable for the amount of the penalty.

(b) Notwithstanding any other provisions of §§ 729.740 to 729.769, if the county office manager finds that peanuts produced on a farm on which there is excess acreage have been or probably will be sold to persons who are not engaged in the business of buying peanuts for movement into the regular channels of trade and determines that it would be administratively impracticable to effect the collection of the marketing penalty from such persons, the county office manager may, on the basis of county office records or other available information, estimate the actual yield and the production for the farm and determine the amount of penalty due on the quantity of peanuts marketed to such persons. The amount of penalty shall be determined by multiplying the converted penalty rate by the estimated total production for the farm. The amount of penalty may be collected from the operator or producer before the marketing card is issued if he agrees to payment of the penalty in this manner. If the county office manager determines that satisfactory information is not available for estimating the 1956 yield, a normal yield for the farm shall be determined and it shall be considered to be the estimated actual yield for the purpose of determining the amount of penalty. An excess penalty card shall be issued for the farm. If the penalty is paid before the excess penalty card is issued, the penalty rate on the card shall be shown as "zero". If the county committee determines, after marketing of the 1956 crop for the farm has been completed that the actual production for the farm was less than the estimated production, any penalty paid in excess of the amount actually due shall be refunded upon presentation of a request therefor as provided in § 729.760. If the county committee determines, after marketing of the 1956 crop for the farm has been completed that the actual production for the farm was more than the estimated production, the county committee shall immediately redetermine the amount of penalty due and shall make demand upon the producer for the amount of unpaid penalties.

§ 729.757 *Marketings subject to penalty.* In addition to marketings subject to penalty that are identified by excess penalty cards, the marketing of peanuts under any of the following conditions shall be deemed to be a marketing subject to penalty at the rate prescribed in § 729.755.

(a) *Producer marketings.* (1) Any marketing of peanuts by a producer which is not identified by a valid marketing card shall be deemed to be a marketing subject to penalty at the rate prescribed in § 729.755 (a) unless the peanuts marketed consist of shriveled, damaged, split, and broken peanut kernels as described in § 729.754 (a) or unless the marketing is within the terms of the proviso contained in § 729.754 (a).



The penalty due under the provisions of this paragraph shall be determined by multiplying the pounds marketed by the basic penalty rate, and such amount of penalty shall be paid by the buyer who may deduct an amount equivalent to the penalty from the amount due the producer.

(2) Notwithstanding the provisions of § 729.753, if any producer falsely identifies or fails to account for the disposition of any peanuts produced on a farm, an amount of peanuts equal to the normal yield of the excess acreage for the farm shall be deemed to have been a marketing subject to penalty from such farm. A penalty for the farm shall be determined by multiplying the normal yield by the excess acreage by the basic penalty rate, and such amount of penalty shall be paid by the producer.

(b) *Buyer's marketings.* The part or all of any marketing of peanuts by a buyer which such buyer represents to be a resale, but which when added to prior sales by such buyer is in excess of the total amount of his prior purchases shall be deemed to be a marketing subject to penalty unless and until such buyer furnishes proof acceptable to the State committee showing that such marketing is not a marketing subject to penalty. Any penalty due under this paragraph shall be paid by the buyer making the resale.

(c) *Marketings not reported.* Any marketing of peanuts, which, under the regulation in §§ 729.740 to 729.769, a buyer is required to report, but which is not so reported within the time and in the manner therein required, shall be deemed to be a marketing subject to penalty unless and until such buyer furnishes a report of such marketing which is acceptable to the State committee. The penalty shall be determined by multiplying the pounds marketed by the basic penalty rate, and such amount of penalty shall be paid by the buyer who fails to make the report as required.

§ 729.758 *Payment of penalty.* Penalties shall become due at the time the peanuts are marketed and shall be paid by remitting the amount thereof to the State ASC office not later than the end of two calendar weeks following the week in which the peanuts became subject to penalty. Penalties due under § 729.753 (c) shall become due on demand. The person liable for payment or collection of the penalty shall be liable also for interest thereon at the rate of 6 per cent per annum from the date the penalty becomes due until the date of payment of such penalty. A draft, money order, or check drawn payable to the Treasurer of the United States may be used to pay any penalty, but any such draft or check shall be received subject to collection and payment at par.

§ 729.759 *Use of agreement to permit marketings from overplanted farms—*(a) *Within quota card issued on basis of agreement.* If the State committee determines that the agreement provided for in this section will serve a useful purpose, it may authorize its use in the State. Where the use of the agreement is authorized, the county office manager may, upon request of the operator of any farm on which the acreage planted to peanuts exceeds the farm allotment, issue a within quota card with respect to the farm in the manner prescribed in § 729.748 if the operator executes an agreement form in which he represents that the farm peanut acreage will not exceed the larger of the farm allotment or one acre and such form is approved by the county committee.

(b) *Form of agreement.* The agreement referred to in this section shall be on Form MQ–92—Peanuts (1956) executed in accordance with instructions issued by the Deputy Administrator. If the county committee determines that a within quota card issued pursuant to this section would be used as a device to evade the payment of penalty or the terms and conditions of the 1956 crop price support program, the agreement shall not be approved by the county committee and a marketing card shall not be issued for the farm until the farm peanut acreage has been determined.

(c) *Payment of penalty.* If any penalty becomes due for a farm for which an agreement has been executed and approved, the amount of the penalty shall be determined in accordance with § 729.753. At the request of the county office manager, the operator shall surrender the marketing card issued for the farm showing thereon the required record of all peanuts marketed. After collecting the amount of any penalty due, an excess penalty card shall be issued for the farm if marketings from the farm have not been completed.

§ 729.760 *Request for refund of penalty.* After the marketing of peanuts from the farm has been completed and the disposition of any other peanuts produced on the farm can be shown, the producer or any other person who bore the burden of the payment of any penalty may request the return of the amount of such penalty which is in excess of the amount required under §§ 729.740 to 729.769 to be paid. Such request shall be filed with the county ASC office within two years after the payment of the penalty. No refund shall be made because of peanuts kept on the farm for seed or for home consumption. In each instance where an excess penalty card was issued for a farm showing the minimum converted penalty rate and in each instance of violation of agreement where the minimum converted penalty rate is used to compute the amount of penalty, because of the rule of fractions, the county office manager shall recompute the amount of penalty for the farm by multiplying the total pounds of peanuts marketed from the farm by the percent excess by the basic penalty rate. If the penalty for the farm has already been collected and such amount exceeds the revised amount of penalty computed for the farm by more than $3.00, a refund shall be made to the producer in accordance with this paragraph.

RECORDS AND REPORTS

§ 729.761 *Producer's records and reports—*(a) *Report on marketing card.* Each marketing card issued with respect to a farm on which peanuts are produced in 1956 shall be returned to the county ASC office whenever marketings from the farm are completed or at such earlier time as the county office manager may request. Failure to return the marketing card shall constitute failure to account for disposition of peanuts marketed from the farm in the event that a satisfactory account of such disposition is not furnished otherwise, and the allotment next established for such farm shall be reduced as provided in § 729.724 of the marketing quota regulations for the 1956 crop (20 F. R. 6033).

(b) *Additional reports by producers.* (1) In addition to any other reports which may be required under §§ 729.740 to 729.769, the operator of each farm or any other producer on the farm (even though the farm has no excess acreage) shall, upon written request from the State administrative officer sent by certified mail to such person at his last known address, furnish the Secretary a written report of the disposition made of all peanuts produced on the farm by sending the name to the State ASC office within 15 days after the request for such report was deposited in the United States mails. Such written report shall show for the farm:

(i) The farm peanut acreage;

(ii) The total production of peanuts on the farm peanut acreage;

(iii) The name and address of the buyer to or through whom each lot of peanuts was marketed, the number of pounds marketed in each lot, and the date marketed;

(iv) The quantity of peanuts not marketed; and

(v) In the case of a farm for which an agreement was approved under § 729.759, the gross value received for each lot of peanuts.

(2) Failure to file the report as requested or the filing of a report which is found by the State committee to be false shall constitute failure of the producer to account for disposition of peanuts produced on the farm and the allotment next established for such farm shall be reduced as provided in § 729.724 of the marketing quota regulations for peanuts of the 1956 crop (20 F. R. 6033).

§ 729.762 *Records and reports of buyers and others.* The following paragraphs shall apply to all marketings except marketings within the terms of the proviso contained in § 729.754 (a):

(a) *Record of marketings.* (1) Each buyer shall keep such records as will enable him to furnish the State ASC office the following information with respect to each lot of peanuts marketed to or through him by a producer:

(i) Serial number of the marketing card presented by the producer to identify each marketing.

(ii) Name of producer and either the name of the operator of the farm or the farm serial number.

(iii) Date of marketing.

(iv) Number of pounds marketed.

(v) Amount of any penalty due and the amount of any deduction for penalty from the amount paid the producer.

(2) This record may be kept by the buyer maintaining a file on his copies of sales memoranda.

(3) Records of all resales of farmers stock peanuts by the buyer shall be

maintained and the name of each person to whom such resale was made shall be shown on the buyer's record in accordance with § 729.754 (b).

(b) *Sales memorandum.* Buyers will record and report each purchase of farmers stock peanuts on a sales memorandum. The CSS copies of sales memoranda, with remittances covering the penalties due on purchases of excess peanuts, shall be forwarded to the State ASC office by means of MQ–79—Peanuts (1956), Buyers Weekly Report and Transmittal to State ASC office, not later than the end of the two calendar weeks following the week in which the peanuts were marketed.

(c) *Sheller's report of shelled peanuts purchased or acquired from producers.* Persons who shell peanuts for producers and purchase or retain a quantity of the shelled peanuts shall record and report such purchases or acquisitions of shelled peanuts from producers on Form MQ–91—Peanuts, Sheller's Report of Peanuts Shelled for Producers, unless the peanuts are identified to the seed sheller by within quota marketing cards. The CSS copy of Form MQ–91—Peanuts, with remittances covering the penalty due on the purchase of excess peanuts subject to penalty shall be forwarded to the State ASC office not later than the end of two calendar weeks after the buyer has ceased purchasing shelled peanuts of the 1956 crop. If the peanuts to be shelled for the producer are identified to the sheller by a valid within quota marketing card and the sheller retains a quantity of the shelled peanuts, he shall keep such records as will enable him to show the following information regarding each such transaction:

(1) Serial number of the within quota marketing card presented by the producer.

(2) Name and address of the producer.

(3) Date of shelling.

(4) Pounds of farmers stock peanuts shelled.

(5) Pounds of shelled peanuts returned to the producer.

(6) Pounds of shelled peanuts retained by sheller.

The records maintained by the sheller with respect to such peanuts shall be available for examination in accordance with § 729.766.

(d) *Additional records and reports.* Each buyer, warehouseman, processor, or common carrier of peanuts, any broker or dealer in peanuts, any agent marketing peanuts for a producer or acquiring peanuts for a buyer or dealer, any peanut growers cooperative association, any person engaged in the business of cleaning, shelling, crushing, or salting peanuts or manufacturing peanut products, or any person owning or operating a peanut picking or peanut threshing machine shall keep such records and furnish such reports to the State ASC office in addition to the foregoing, as the State committee may find necessary to insure the proper identification of the marketings of peanuts and the collection of penalties due thereon as provided in §§ 729.740 to 729.769.

§ 729.763 *Record and report of peanuts shelled for producers.* Any person who shells peanuts for a producer and does not retain any of the shelled peanuts shall keep such records as will enable him to show the following information regarding each such transaction:

(a) Name and address of the producer.

(b) Date of shelling.

(c) Pounds of farmers stock peanuts shelled.

(d) Pounds of shelled peanuts returned to the producer.

The records maintained by the sheller in accordance with this section shall be available for examination in accordance with § 729.766.

§ 729.764 *Separate records and reports from persons engaged in more than one business.* Any person who is required to keep any record or make any report as a buyer, processor, or other person engaged in the business of shelling or crushing peanuts, and who is engaged in more than one such business shall keep such records as will enable him to make separate reports for each such business in which he is engaged to the same extent for each such business as if he were engaged in no other business.

§ 729.765 *Failure to keep records or make reports.* Any buyer, warehouseman, processor, or common carrier of peanuts, any broker or dealer in peanuts, any agent marketing peanuts for a producer or acquiring peanuts for a buyer or dealer, any peanut growers cooperative association, any person engaged in the business of cleaning, shelling, crushing, or salting peanuts, or manufacturing peanut products, or any person owning or operating a peanut picking or peanut threshing machine, who fails to make any report or keep any record as required in accordance with §§ 729.740 to 729.769, or who makes any false report or record, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $500.00.

§ 729.766 *Examination of records and reports.* Any buyer, warehouseman, processor, or common carrier of peanuts, any broker or dealer in peanuts, any agent marketing peanuts for a producer or acquiring peanuts for a buyer or dealer, any peanut growers cooperative association, any person engaged in the business of cleaning, shelling, crushing, or salting peanuts or manufacturing peanut products, or any person owning or operating a peanut picking or threshing machine, shall make available for examination upon written request by the State administrative officer or the Director, such books, papers, records, accounts, correspondence, contracts, documents, and memoranda as the State administrative officer or the Director has reason to believe are relevant to any matter under investigation in connection with enforcement of the program and which are within the control of such person.

§ 729.767 *Length of time records and reports to be kept.* Records required to be kept and copies of reports required to be made by any person in accordance with §§ 729.740 to 729.769 for the 1956–57 marketing year shall be kept by him until July 31, 1959. Records shall be kept for such longer period of time as may be requested in writing by the Director.

MISCELLANEOUS

§ 729.768 *Information confidential.* All data reported to or as required by the Secretary pursuant to the provisions of §§ 729.740 to 729.769 shall be kept confidential by all officers and employees of the United States Department of Agriculture and by all members and employees of State or county committees, and only such data so reported or acquired as the Deputy Administrator deems relevant shall be disclosed by them and then only in a suit or administrative hearing, under Title III of the act.

§ 729.769 *Redelegation of authority.* Any authority delegated to the State committee by the regulations in §§ 729.740 to 729.769 may be redelegated by the State committee.

NOTE: The record-keeping and reporting requirements of these regulations have been approved by, and subsequent reporting requirements will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1952.

Done at Washington, D. C., this 31st day of May 1956. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 56–4406; Filed, June 5, 1956; 8:48 a. m.]

## Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lime Order 1, Amdt. 5]

PART 1001—LIMES GROWN IN FLORIDA

QUALITY AND SIZE REGULATION

*Findings.* (1) Pursuant to the marketing agreement and Order No. 101 (7 CFR Part 1001; 20 F. R. 4179) regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations of the Florida Lime Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 7, 1956. Shipments of designated varieties of Florida limes are currently subject to quality regulation pursuant to Lime Order 1, as amended (§ 1001.301; 20 F. R. 4711; 4897; 6676; 21 F. R. 1819; 2650), and, unless sooner modified or terminated, will continue to be so regulated until May 1, 1957; determinations as to the need for, and extent of, continued regulation of Florida lime shipments must await the development of the crop and the availability of information on the demand for such fruit; the recommendation and supporting information for regulation of lime shipments subsequent to June 7, 1956, and in the manner herein provided, were promptly submitted to the Department after a telephone meeting of the Florida Lime Administrative Committee on May 31; such meeting was held to consider recommendations for regulation, the provisions of this amendment are identical with the aforesaid recommendation of the committee, and information concerning such provisions has been disseminated among handlers of Florida limes; it is necessary, in order to effectuate the declared policy of the act, to make this amendment effective during the period hereinafter set forth; and compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) It is, therefore, ordered that the provisions in paragraph (b) of § 1001.301 (Lime Order 1, as amended; 20 F. R. 4711; 4897; 6676; 21 F. R. 1819; 2650) are hereby amended to read as follows:

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., June 7, 1956, and ending at 12:01 a. m., e. s. t., May 1, 1957, no handler shall handle:

(i) Any limes, including the group known as true limes (also known as Mexican, West Indian, and Key limes and by other synonyms) and the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties), grown in the State of Florida, except the area West of the Suwannee River, unless such limes grade at least U. S. No. 2: *Provided,* That (*a*) a tolerance of 15 percent (including the tolerances provided in such grade) shall be allowed for limes not meeting such grade; and (*b*) the requirement of such grade that the limes shall have good green color shall be applicable only to limes known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties).

(ii) Any limes, grown in the State of Florida, except the area west of the Suwannee River, of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which are more than slightly shriveled: *Provided,* That any portion of the tolerance specified in subdivision (i) (*a*) of this subparagraph may be used for limes failing to meet this requirement; or

(iii) Any container of limes, grown in the State of Florida, except the area west of the Suwannee River, of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which contains more than five percent, by count, of limes smaller than 1¾ inches in diameter ("diameter" to be measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit), unless the limes in such container have an average juice content of not less than 46 percent, by volume.

(2) As used in this section "handler" and "handle" shall have the same meaning as when used in said marketing agreement and order; the term "U. S. No. 2" and "good green color" shall have the same meaning as when used in the United States Standards for Persian (Tahiti) Limes, as recodified (§ 51.1001 of this title; 18 F. R. 7107); and the term "slightly shriveled" shall mean that the skin of the lime is slightly wrinkled or wilted from loss of moisture.

(c) *Effective time.* The provisions of this regulation shall become effective at 12:01 a. m., e. s. t., June 7, 1956.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 5, 1956.

[SEAL] G. R. GRANGE,
*Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56–4501; Filed, June 5, 1956; 11:39 a. m.]



# TITLE 14—CIVIL AVIATION

## Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 167]

PART 608—RESTRICTED AREAS

ALTERATIONS

The restricted area alteration appearing hereinafter has been coordinated with the civil operators involved, the Army, the Navy, and the Air Force, through the Air Coordinating Committee, Airspace Panel and is adopted to become effective when indicated in order to promote safety of the flying public. Since a military function of the United States is involved, compliance with the notice, procedure and effective date provisions of section 4 of the Administrative Procedure Act is not required.

Part 608 is amended as follows:

1. In § 608.18, the Pensacola, Florida, area (D–153), amended on November 6, 1954, in 19 F. R. 7225, is further amended by changing the "Description by Geographical Coordinates" column to read: "Beginning at latitude 30°13'30" N., longitude 88°01'30" W.; thence easterly along the shoreline to latitude 30°16'25" N., longitude 87°34'20" W.; thence clockwise along the arc of a circle with a 1.7 nautical mile radius centered at latitude 30°16'48" N., longitude 87°32'10" W., to the shoreline at latitude 30°16'55" N., longitude 87°30'20" W.; thence to latitude 30°17'15" N., longitude 87°29'15" W.; thence clockwise along the arc of a circle with a 1.7 nautical mile radius centered at latitude 30°17'47" N., longitude 87°27'28" W., to the shoreline at latitude 30°17'50" N., longitude 87°25'30" W.; thence to latitude 30°18'20" N., longitude 87°23'20" W.; thence counter clockwise along the arc of a circle with a 4.3 nautical mile radius centered at latitude 30°20'53" N., longiture 87°19'04" W.; to the shoreline at latitude 30°19'10" N., longitude 87°14'45" W.; thence to latitude 30°19'15" N., longitude 87°13'50" W.; thence to latitude 30°16'30" N., longitude 87°13'00" W.; thence westerly three nautical miles from and parallel to the shoreline to latitude 30°10'20" N., longitude 87°01'30" W.; thence to point of beginning."

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This amendment shall become effective on July 1, 1956.

[SEAL] JAMES T. PYLE,
*Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 56–4393; Filed, June 5, 1956; 8:45 a. m.]

# TITLE 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket 6297]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

JACQUES DE GORTER ET AL. TRADING AS PELTA FURS

Subpart—*Advertising falsely or misleadingly:* § 13.30 *Composition of goods:* Fur Products Labeling Act; § 13.73 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.90 *History of product or offering;* § 13.155 *Prices:* Exaggerated as regular and customary; fictitious marking; forced or sacrifice sales; § 13.175 *Quality of product or service;* § 13.235 *Source or origin:* History. Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1280 *Price;* § 13.1325 *Source or origin:* Place: *Foreign, in general.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1880 *Old, used, reclaimed, or reused as unused or new:* Fur Products Labeling Act; § 13.1900 *Source or origin:* Fur Products Labeling Act: *Maker or seller, etc.; Place.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Jacques De Gorter et al. t. a. Pelta Furs, Los Angeles, Calif., Docket 6297, May 11, 1956]

*In the Matter of Jacques De Gorter and Suze C. De Gorter, as Individuals and as Copartners Trading as Pelta Furs*

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging a great variety of violations of the Fur Products Labeling Act in advertisements in newspapers and otherwise and on labels attached to garments and on invoices, as specifically noted in the order below set forth—followed by respondents' denial of the principal charges, and hearings at which the issues were resolved by stipulation, with certain exceptions. The latter were determined by the hearing examiner in an initial decision and order to cease and desist.

From this, both counsel appealed. The Commission, after consideration of the entire record, granting the appeal of counsel supporting the complaint and denying that of respondents, vacating and setting aside the initial decision, made its findings as to the facts,[1] conclusions,[1] and order to cease and desist, which issued under date of May 11, 1956.

Commissioner Kern set forth an accompanying opinion [1] of the Commission, and Chairman Gwynne and Commissioner Mason joined in the dissenting opinion.[1]

Said order is as follows:

*It is ordered*, That respondents, Jacques De Gorter and Suze C. De Gorter, individually and as copartners trading as Pelta Furs or under any other trade name, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction, or the sale, advertising or offering for sale, or the transportation or distribution of any fur product in commerce, or in connection with the sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which had been shipped and received in commerce, as "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Falsely or deceptively labeling or otherwise identifying any such product as to the name or names of the animal or animals that produced the fur from which such product was manufactured;

2. Failing to affix labels to fur products showing:

a. The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

b. That the fur product contains or is composed of used fur when such is a fact;

c. That the fur product contains or is composed of bleached, dyed, or artificially colored fur when such is a fact;

d. That the fur product is composed in whole or in substantial part of paws, tails, bellies or waste fur when such is a fact;

e. The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

f. The name of the country of origin of any imported furs used in the fur product.

3. Setting forth, on labels attached to fur products, the name or names of any animal or animals other than the name or names provided for in paragraph A (2) (a) above.

4. Setting forth on labels attached to fur products:

a. Non-required information mingled with required information;

b. Required information in handwriting;

c. Required information in a sequence different from that required by Rule 30 (a) of the rules and regulations.

5. Failing to show, on labels attached to fur products, all of the required information on one side of such labels.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

a. The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

b. That the fur product contains or is composed of used fur when such is a fact;

c. That the fur product contains or is composed of bleached, dyed, or artificially colored fur when such is a fact;

d. That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur when such is a fact;

e. The name and address of the person issuing such invoices;

f. The name of the country of origin of any imported furs contained in the fur product.

2. Using on invoices the name or names of any animal or animals other than the name or names provided for in paragraph B (1) (a) above, or setting forth thereon any form or misrepresentation or deception, directly or by implication, with respect to such fur products.

3. Setting forth required information in abbreviated form.

4. Failing to show the item number or mark of fur products on the invoices pertaining to such products, as required by Rule 40 of the rules and regulations.

C. Falsely or deceptively advertising fur products, through the use of any advertisement, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Fails to disclose:

a. The name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

b. That the fur products contain or are composed of bleached, dyed, or otherwise artificially colored fur when such is a fact;

c. The name of the country of origin of imported furs contained in fur products.

2. Represents directly or by implication:

a. That the regular or usual price of any fur product is any amount which is in excess of the price at which respondents have usually and customarily sold such products in the recent regular course of their business;

b. That a sale price enables purchasers of fur products to effectuate any savings in excess of the difference between the said price and the price at which comparable products were sold during the time specified or, if no time is specified, in excess of the difference between said price and the current price at which comparable products are sold;

c. That an amount set forth on price tags, or otherwise relating or referring to fur products, represents the value or the usual price at which said fur products had been customarily sold by respondents in the recent regular course of their business, contrary to fact;

d. That any such product is of a higher grade, quality, or value than is the fact, by means of illustrations or depictions of higher priced or more valuable products than those actually available for sale at the advertised selling price, or by any other means.

e. That any of such products are:

1. From the stock of a business in a state of liquidation, contrary to fact;

2. From the stock of a business recently consolidated with another, contrary to fact.

3. Makes pricing claims or representations of the type referred to in paragraph C (2) (a), (b), and (c) above, unless there is maintained by respondents full and adequate records disclosing the facts upon which such claims or representations are based.

*It is further ordered*, That respondents, Jacques De Gorter and Suze C. De Gorter, individually and as copartners trading as Pelta Furs or under any other trade name, and respondents' representatives, agents, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, and distribution of fur products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do further cease and desist from making, directly or by implication, any of the representations prohibited by paragraph C (2) of this order.

*It is further ordered*, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

By the Commission.

Issued: May 11, 1956.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-4400; Filed, June 5, 1956; 8:47 a. m.]

[1] Filed as part of the original document.



# TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

## Chapter I—Veterans Administration

PART 6—UNITED STATES GOVERNMENT LIFE INSURANCE

PART 8—NATIONAL SERVICE LIFE INSURANCE

POLICY LOANS

1. In Part 6, §§ 6.100 and 6.101 are amended to read as follows:

§ 6.100 *Policy loan; other than 5-year convertible term policy.* At any time after the expiration of the first policy year and before default in payment of any subsequent premium, and upon the execution of a loan agreement satisfactory to the Administrator, the United States will lend to the insured on the sole security of his United States Government life insurance policy, any amount which shall not exceed 94 percent of the cash value, and any indebtedness shall be deducted from the amount advanced on such loan. The loan shall bear interest at a rate not to exceed 6 percent per annum, payable annually, and, at any time before default in the payment of the premium, the loan may be repaid in full or in amounts of $5 or more. Failure to pay either the amount of the loan or the interest thereon shall not void the policy unless the total indebtedness shall equal or exceed the cash value thereof. When the amount of the indebtedness equals or exceeds the cash value the policy shall cease and become void.

§ 6.101 *Policy loan; 5-year convertible term policy.* At any time after the expiration of the sixth policy year and before default in payment of any subsequent premium and upon execution of a loan agreement satisfactory to the Administrator, the United States will lend to the insured on the sole security of his United States Government life insurance policy on the 5-year convertible term plan any amount which shall not exceed 94 percent of the cash value, and any indebtedness shall be deducted from the amount advanced on such loan. The loan shall bear interest at a rate not to exceed 6 percent per annum, payable annually, and at any time before default in payment of premium, the loan may be repaid in full or in amounts of $5 or more. Failure to pay either the amount of the loan or the interest thereon shall not avoid the policy unless the total indebtedness shall equal or exceed the cash value thereof. When the amount of the indebtedness equals or exceeds the cash value, the policy shall cease and become void.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 6, 65 Stat. 35; 38 U. S. C. 11a, 426, 707, 855. Interpret or apply secs. 300, 301, 43 Stat. 624, as amended; 38 U. S. C. 511, 512)

2. In Part 8, paragraph (a) of § 8.28 is amended to read as follows:

§ 8.28 *Policy loan; other than 5-year level premium term policy.* (a) At any time after the expiration of the first policy year and before default in payment of any subsequent premium, and upon the execution of a loan agreement satisfactory to the Administrator, the United States will lend to the insured on the security of his National Service life insurance policy, on any plan other than 5-year level premium term, any amount which will not exceed 94 percent of the reserve, and any indebtedness on the policy shall be deducted from the amount advanced on such loan. Except as prescribed in paragraph (b) of this section, the loan shall bear interest at the rate of 5 per centum per annum, payable annually; and at any time before default in the payment of the premium, the loan may be repaid in full or in amounts of $5 or more. Failure to pay either the amount of the loan or the interest thereon shall not void the policy unless the total indebtedness shall equal or exceed the cash value thereof. When the amount of the indebtedness equals or exceeds the cash value, the policy shall cease and become void.

* * * * * *

(Sec. 608, 54 Stat. 1012, as amended, sec. 6, 65 Stat. 35; 38 U. S. C. 808, 855. Interpret or apply sec. 602, 54 Stat. 1009, as amended; 38 U. S. C. 802)

This regulation is effective June 6, 1956.

[SEAL] JOHN S. PATTERSON, *Deputy Administrator.*

[F. R. Doc. 56-4403; Filed, June 5, 1956; 8:47 a. m.]

PART 12—DISPOSITION OF VETERAN'S PERSONAL FUNDS AND EFFECTS

OPERATION OF LOST AND FOUND SERVICE

1. A new centerhead immediately following § 12.23 is added as follows: "Operation of Lost and Found Service."

2. A new § 12.24 is added as follows:

§ 12.24 *Operation of lost and found service.* Unless maintained by the Public Buildings Service, the lost and found service will be maintained by an employee designated by the Manager to be known as the lost and found custodian. VA Form 3771, Record of Lost or Found Article, will be used for recording articles of any personal property lost or found. Every effort will be made to determine rightful ownership of found articles and to recover items which have been reported lost. Currency, including readily negotiable instruments, found and delivered to the lost and found custodian will not be retained beyond the official closing hour. The currency or negotiable instruments will be delivered to the agent cashier before the close of business. Individuals claiming found articles will furnish complete identification and satisfy the station authority of rightful ownership. Where more than one individual claims ownership the matter will be referred to the Manager for decision.

All articles of personal property remaining unclaimed for 90 days or more will be disposed of in accordance with § 12.8.

(Sec. 10, 52 Stat. 1192, 55 Stat. 871; 38 U. S. C. 16i, 17j)

This regulation is effective June 6, 1956.

[SEAL] JOHN S. PATTERSON, *Deputy Administrator.*

[F. R. Doc 56-4404; Filed, June 5, 1956; 8:48 a. m.]

# TITLE 44—PUBLIC PROPERTY AND WORKS

## Chapter I—General Services Administration

PART 100—PUBLIC BUILDINGS AND GROUNDS

SUBPART B—SUPPLEMENTAL REGULATIONS

USE OF DEPARTMENTAL AUDITORIUM AND ADJACENT CONFERENCE ROOMS

Section 100.35 is revised to read as follows:

§ 100.35 *Use of Departmental Auditorium and adjacent conference rooms.* This section governs the use of the Departmental Auditorium and adjacent conference rooms, Constitution Avenue between Twelfth and Fourteenth Streets, NW., Washington, D. C.

(a) The Departmental Auditorium, and Conference Rooms A, B, and C adjacent thereto, are available only upon assignment. Assignments to any agency of the Federal Government, or of the Government of the District of Columbia, will be made from time to time upon application by such agency for the following uses:

(1) For meetings to carry out the assigned functions of the applying agency;

(2) For meetings of recognized employee groups (with a limited number of invited guests);

(3) For meetings (including meetings of civic or veterans organizations and professional, scientific, educational, and other similar societies or organizations) that are sponsored by, and closely related to the activities of, the applying agency and are conducted by or actively participated in by employees of the agency, at the direction of the head thereof or his duly authorized representative or are attended by such employees for the purpose of assisting them in better performing their official duties; and

(4) For the presentation to the public of lectures, concerts, or similar performances by the applying agency or at which its employees participate in an official capacity, or for the presentation of such a performance by a recognized employee group.

Such meetings or performances shall not in any event include those sponsored by profit-making organizations, those promoting commercial enterprises or commodities, or those having a political, sectarian, or similar nature or purpose.

(b) Each application for use of the auditorium or conference rooms will be submitted in writing by the head of the requesting agency, or his duly authorized representative, at least one week in advance of the use for which the assignment is requested. Each application for use should be addressed and delivered to the Manager, Triangle Area, General Services Administration Region 3, Wash-

ington 25, D. C., and shall include the following information:

(1) The name of the governmental agency requesting the assignment;

(2) The date on which assignment is requested, and the hours of contemplated use;

(3) The name and a brief description of the organization (whether government or private) proposing to conduct the scheduled meeting or performance;

(4) A brief description of the program of the scheduled meeting or performance;

(5) The approximate number of persons expected to attend the meeting or performance;

(6) In the case of a meeting of a group not composed predominantly of government employees, a statement that the meeting is to be conducted by government employees acting in an official capacity, or a list of the names and titles of the principal employees of the applying agency who, it is contemplated, will attend the meeting at the direction of that agency;

(7) A statement as to whether it is the intention to exhibit at the meeting or performance motion pictures or lantern slides and, if so, the size of the film (35 mm. or 16 mm.) or of the lantern slides; and

(8) Samples of any literature, folders, or posters to be distributed or exhibited at the meeting or performance.

(c) No program will be permitted to continue beyond midnight.

(d) Assignments will not be made, unless specifically justified, for Saturdays, Sundays, holidays, or other days during which the building is normally closed.

(e) No admission fee will be charged, no indirect assessment will be made for admission, and no collection will be taken. Commercial advertising or the sale of articles of any character will not be permitted.

(f) The serving or consumption of food or beverages within the auditorium or conference rooms will be prohibited.

(g) Smoking will be prohibited within the auditorium.

(h) If the projection of motion pictures or lantern slides is a part of the program, competent operators will be furnished by the General Services Administration on a reimbursable basis.

(i) Music racks, ushers, and attendants for checking wraps, if needed, will be furnished and paid for by the applying agency.

(j) Posting of any material about the premises will be subject to the approval of the General Services Administration building superintendent.

(k) All persons attending meetings or performances will be required to go directly to the auditorium or conference rooms and to leave by the most direct exit. They will be provided with tickets or other identification, except when the general public is invited. No one will be admitted to other parts of the building unless he possesses a properly signed pass.

(l) All persons attending meetings or performances will be subject to the "Rules and Regulations Governing Public Buildings and Grounds" issued by the Administrator of General Services.

(Sec. 2, 62 Stat. 281, as amended; 40 U. S. C. 318a)

Dated: June 1, 1956.

FRANKLIN G. FLOETE,
*Administrator.*

[F. R. Doc. 56-4504; Filed, June 5, 1956; 11:57 a. m.]

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PART 100—PUBLIC BUILDINGS AND GROUNDS

SUBPART B—SUPPLEMENTAL REGULATIONS

USE OF THE AUDITORIUM IN THE GENERAL SERVICES BUILDING

Sections 100.36 to 100.40 are revised and consolidated to read as follows:

§ 100.36 *Use of the Auditorium in the General Services Building.* This section governs the use of the auditorium in the General Services Building at Eighteenth and F Streets NW, Washington, D. C.

(a) The auditorium in the General Services Building is available only upon assignment. Assignments to any agency of the Federal Government, or of the Government of the District of Columbia, will be made when the auditorium is not required for the use of the General Services Administration, from time to time upon application by such agency for the following uses:

(1) For meetings to carry out the assigned functions of the applying agency;

(2) For meetings of recognized employee groups (with a limited number of invited guests);

(3) For meetings (including meetings of civic or veterans organizations and professional, scientific, educational, and other similar societies or organizations) that are sponsored by, and closely related to the activities of, the applying agency and are conducted by or actively participated in by employees of the agency, at the direction of the head thereof or his duly authorized representative or are attended by such employees for the purpose of assisting them in better performing their official duties; and

(4) For the presentation to the public of lectures, concerts, or similar performances by the applying agency or at which its employees participate in an official capacity, or for the presentation of such performance by a recognized employee group.

Such meetings or performances shall not in any event include those sponsored by profit-making organizations, those promoting commercial enterprises or commodities, or those having a political, sectarian, or similar nature or purpose.

(b) Each application for the use of the auditorium will be submitted in writing by the head of the requesting agency, or his duly authorized representative, at least one week in advance of the use for which the assignment is requested. Each application for use should be addressed and delivered to the Director, Administrative Facilities Division, Room 7334, General Services Building, Washington 25, D. C. (telephone Executive 3-4900, Government Dial Code 156, Extension 4595), and shall include the following information:

(1) The name of the governmental agency requesting the assignment;

(2) The date on which assignment is requested, and the hours of contemplated use;

(3) The name and a brief description of the organization (whether government or private) proposing to conduct the scheduled meeting or performance;

(4) A brief description of the program of the scheduled meeting or performance;

(5) The approximate number of persons expected to attend the meeting or performance;

(6) In the case of a meeting of a group not composed predominantly of government employees, a statement that the meeting is to be conducted by government employees acting in an official capacity, or a list of the names and titles of the principal employees of the applying agency who, it is contemplated, will attend the meeting at the direction of that agency;

(7) A statement as to whether it is the intention to exhibit at the meeting or performance motion pictures or lantern slides and, if so, the size of the film (35 mm. or 16 mm.) or of the lantern slides; and

(8) Samples of any literature, folders, or posters to be distributed or exhibited at the meeting or performance.

(c) No program will be permitted to continue beyond midnight.

(d) Assignments will not be made, unless specifically justified, for Saturdays, Sundays, Holidays, or other days during which the building is normally closed.

(e) No admission fee will be charged, no indirect assessment will be made for admission, and no collection will be taken. Commercial advertising or the sale of articles of any character will not be permitted.

(f) The serving or consumption of food or beverages within the auditorium will be prohibited.

(g) Smoking will be prohibited within the auditorium.

(h) If the projection of motion pictures or lantern slides is a part of the program, competent operators will be furnished by the General Services Administration on a reimbursable basis.

(i) Music racks, ushers, and attendants for checking wraps, if needed, will be furnished and paid for by the applying agency.

(j) Posting of any material about the premises will be subject to the approval of the General Services Administration building superintendent.

(k) All persons attending meetings or performances will be required to go directly to the auditorium, which has entrances on the first floor of the building and to leave by the most direct exit. They will be provided with tickets or other identification, except when the general public is invited. No one will be admitted to other parts of the building unless he possesses a properly signed pass.

(l) All persons attending meetings or performances will be subject to the "Rules and Regulations Governing Public Buildings and Grounds" issued by the Administrator of General Services.

(Sec. 2, 62 Stat. 281, as amended; 40 U. S. C. 318a)

Dated: June 1, 1956.

FRANKLIN G. FLOETE,
*Administrator.*

[F. R. Doc. 56-4505; Filed, June 5, 1956; 11:57 a. m.]

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PART 100—PUBLIC BUILDINGS AND GROUNDS

SUBPART B—SUPPLEMENTAL REGULATIONS

USE OF THE THEATRE IN THE NATIONAL ARCHIVES BUILDING

A new § 100.37 is added to read as follows:

§ 100.37 *Use of the Theatre in the National Archives Building.* This section governs the use of the theatre in the National Archives Building at Eighth and Pennsylvania Avenue NW., Washington, D. C.

(a) The theatre in the National Archives Building was designed to be used for the furnishing of reference services on the motion picture holdings of the National Archives, and its facilities are utilized primarily for that purpose. Assignments to any other agencies of the Federal Government, to agencies of the Government of the District of Columbia, or to private organizations may be made, but only when the theatre is not required for the furnishing of reference services on those motion picture films or for other official use of the National Archives and Records Service. No application for the use of the theatre by either a Federal or District of Columbia agency or a private organization will be approved unless the purpose for which use is requested is related to the work of the National Archives and Records Service. Meetings in the theatre shall not in any event be sponsored by profit-making organizations, promote commercial enterprises or commodities, or have a political, sectarian, or similar nature or purpose.

(b) Each application for the use of the theatre will be submitted in writing by the head of the requesting agency or organization, or his duly authorized representative, at least one week in advance of the use for which the assignment is requested. Each application for use should be addressed and delivered to the Chief Archivist, Audio-Visual Records Branch, Room 607, National Archives Building, Washington 25, D. C. (telephone Republic 7-7500, Government Dial Code 151, Extension 6331), and shall include the following information:

(1) The name of the governmental agency or private organization requesting the assignment;

(2) The date on which assignment is requested, and the hours of contemplated use;





unless he possesses a properly signed pass.

(l) All persons attending meetings or performances will be subject to the "Rules and Regulations Governing Public Buildings and Grounds" issued by the Administrator of General Services.

(Sec. 2, 62 Stat. 281, as amended; 40 U. S. C. 318a)

Dated: June 1, 1956.

FRANKLIN G. FLOETE,
*Administrator.*

[F. R. Doc. 56-4505; Filed, June 5, 1956; 11:57 a. m.]

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(1) The name of the governmental agency or private organization requesting the assignment;

(2) The date on which assignment is requested, and the hours of contemplated use;

(3) A brief description of the program of the scheduled meeting or performance;

(4) The approximate number of persons expected to attend the meeting or performance (the capacity of the National Archives theatre is 216 persons);

(5) A statement as to whether it is the intention to exhibit at the meeting or performance motion pictures or lantern slides and, if so, the size of the film (35 mm. or 16 mm.) or of the lantern slides; and whether the film to be shown, if any, is on nitrate or safety base; and

(6) Samples of any literature, folders, or posters to be distributed or exhibited at the meeting or performance.

(c) No program will be permitted to continue beyond 10:00 p. m.

(d) Assignments will not be made, unless specifically justified, for Saturdays, Sundays, Holidays, or other days or at hours during which the building is normally closed.

(e) No admission fee will be charged, no indirect assessment will be made for admission, and no collection will be taken. Commercial advertising or the sale of articles of any character will not be permitted.

(f) The serving or consumption of food or beverages within the theatre will be prohibited.

(g) Smoking will be prohibited within the theatre.

(h) If the projection of motion pictures or lantern slides is a part of the program, competent operators will be furnished by the National Archives and Records Service on a reimbursable basis.

(i) Posting of any material about the premises will be subject to the approval of the General Services Administration building superintendent.

(j) All persons attending meetings or performances will be required to go directly to the theatre which is on the fifth floor of the building. No one will be admitted to other parts of the building closed to the general public.

(k) All persons attending meetings or performances will be subject to the "Rules and Regulations Governing Public Buildings and Grounds" issued by the Administrator of General Services.

(Sec. 2, 62 Stat. 281, as amended; 40 U. S. C. 318a)

Dated: June 1, 1956.

FRANKLIN G. FLOETE,
*Administrator.*

[F. R. Doc. 56-4506; Filed, June 5, 1956; 11:57 a. m.]

# TITLE 49—TRANSPORTATION

## Chapter I—Interstate Commerce Commission

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

STEAM RAILWAYS, SUPPLEMENT TO ANNUAL REPORT FORM A—CONSOLIDATED STATISTICAL STATEMENTS

At a general session of the Interstate Commerce Commission held at its office in Washington, D. C., on the 25th day of May A. D. 1956.

The matter of Annual Reports from Steam Railway Companies of Class I being under consideration, and, inasmuch as carriers affected by this order are thereby relieved of a regulation, rule-making procedure under section 4(a) of Administrative Procedure Act being deemed unnecessary:

*It is ordered,* That the order dated February 28, 1950, in the matter of Annual Reports from Steam Railway Companies be, and it is hereby, vacated and set aside, insofar as it may require the filing of consolidated statistical statements for the year 1955 and subsequent years;

*It is further ordered,* That § 120.11a *Consolidated statistical statements supplemental to annual report prescribed for large and medium steam railways* be, and the same is hereby, cancelled and deleted in its entirety;

*It is further ordered,* That this order shall not affect the requirement that consolidated statistical statements be filed for the year 1954 and for previous years; and

*It is further ordered,* That a copy of this order shall be served upon every Class I steam railroad (except switching and terminal companies) subject to Part I of the Interstate Commerce Act, and upon every receiver, trustee, executor, administrator, or assignee of any such steam railroad; and that notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director of the Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended, sec. 201, 54 Stat. 933; 49 U. S. C. 12, 904. Interprets or applies sec. 20, 24 Stat. 386, as amended, 54 Stat. 944; 49 U. S. C. 20, 913)

By the Commission.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F. R. Doc. 56-4411; Filed, June 5, 1956; 8:49 a. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[ 7 CFR Part 52 ]

FROZEN SPINACH

EXTENSION OF TIME

Proposed revised United States Standards for Grades of Frozen Spinach were set forth in the notice which was published in the FEDERAL REGISTER on April 24, 1956 (21 F. R. 2624).

In consideration of comments and suggestions received indicating the need for further study of the proposed changes, notice is hereby given of an extension until December 31, 1956, of the period of time within which written data, views, and arguments may be submitted by in-

terested parties for consideration in connection with the aforesaid proposed revised United States Standards for Grades of Frozen Spinach.

Dated: June 1, 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator,*
*Marketing Services.*

[F. R. Doc. 56-4424; Filed, June 5, 1956; 8:52 a. m.]

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### [ 26 CFR (1954) Part 1 ]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953; ESTATES, TRUSTS, BENEFICIARIES, AND DECEDENTS

NOTICE OF EXTENSION OF TIME

The proposed regulations under sections 641 through 663 and section 683 of the Internal Revenue Code of 1954 were published with a notice of proposed rule making in the FEDERAL REGISTER for Wednesday, May 2, 1956. This notice provided that consideration would be given to any data, views, or arguments pertaining thereto which were submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T: P, Washington 25, D. C., within the period of 30 days from the date of publication in the FEDERAL REGISTER.

Notice is hereby given that the 30-day period previously allowed is extended, and consideration will be given to any data, views, or arguments pertaining to these proposed regulations that are submitted by Monday, June 25, 1956.

[SEAL] RUSSELL C. HARRINGTON,
*Commissioner of Internal Revenue.*

JUNE 4, 1956.

[F. R. Doc. 56-4454; Filed June 5, 1956; 8:55 a.m.]

## CIVIL AERONAUTICS BOARD

### [ 14 CFR Part 241 ]

[Economic Regs. Draft Releases 81A, 82A]

REVISED UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

CERTAIN IMPORTANT PROVISIONS TO BE MADE IMMEDIATELY EFFECTIVE; PRESCRIPTION OF DEPRECIATION ACCOUNTING PRACTICES

In the notice of proposed rule-making on these matters, published in the FEDERAL REGISTER on May 15, 1956 (21 F. R. 3188, 3192), it was stated that the Board would consider all relevant matter in communications received on or before the 30th day following the date of such publication. The ATA, acting on behalf of itself and its members, has requested the Board to extend the date by which comments must be filed for an additional period of 45 days. This request was predicated upon the alleged need for additional time in order to permit the formulation of a single set of comments embodying the concerted views of all interested air carriers.

Draft Release 81 proposed that several significant features of the New Manual of Accounts (which becomes effective January 1, 1957) be made effective immediately. Draft Release 82, which prescribes the use of the straight-line method of depreciation and uniform depreciation rates for specified classes of equipment, has also been integrated with the present manual so that it would be made effective prior to January 1, 1957. Plainly then, time is of the essence of the proposals contained in these two draft releases. Moreover, Draft Release 81 does not contain any new matter and the industry has already presented extensive legal argument concerning the subject matter of Draft Release 82. Finally, these two notices were circulated to the industry two weeks in advance of the date of their publication in the FEDERAL REGISTER.

In view of these circumstances, there appears to be little justification for extending time for filing comments to July 30, 1956. However, a meeting of the Air Line Finance and Accounting Conference is scheduled to be held on June 6, 7 and 8, 1956. Therefore, the Board has decided to afford the industry an additional three weeks time following the close of such meetings for submission of comments.

Accordingly, the third sentence of the last paragraph of each of the aforementioned notices is amended to read as follows: "All communications received on or before June 30, 1956 will be considered by the Board before taking action upon the proposed rule."

Dated: May 31, 1956.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
*Secretary.*

[F. R. Doc. 56-4431; Filed, June 5, 1956; 8:53 a. m.]

# NOTICES

## DEPARTMENT OF COMMERCE

### Bureau of Foreign Commerce

[Case No. 210]

JERRY WILLIAMS & CO. ET AL.

ORDER REVOKING EXPORT LICENSES AND DENYING EXPORT PRIVILEGES AS TO SOME RESPONDENTS AND CENSURING ANOTHER RESPONDENT

In the matter of Jerry Williams & Co., Hong Kong, Lau Yiu Chuen, 326 Prince's Building, Hong Kong, Pan-Mar Corporation, 1270 Broadway, New York 1, New York, respondents; Case No. 210.

The respondents, Jerry Williams & Co. and Lau Yiu Chuen, both of Hong Kong; and Pan-Mar Corporation, of the City and State of New York, were charged by the Director, Investigation Staff, Bureau of Foreign Commerce, with having violated the Export Control Act of 1949, as amended, in that, as alleged, (a) Williams, without authorization from the Bureau of Foreign Commerce, transshipped to Communist China, fifty multimeters exported from the United States to Hong Kong under a validated license; (b) Chuen made false representations to the Bureau of Foreign Commerce as to the intended disposition and end use of these multimeters or failed to disclose to his supplier, Pan-Mar, a change of facts or intentions with respect to the transaction for which the Bureau of Foreign Commerce had granted the license; and (c) that Pan-Mar filed a second application for an export license for the fifty multimeters after it had filed a previous application for a license to export two hundred multimeters, including said fifty multimeters and also failed to endorse or have endorsed "ultimate destination-antidiversion" warnings on the invoices and air waybills relating to its exportation of said fifty multimeters. The charging letter was served on all respondents. Williams defaulted in appearance and answer. Chuen answered, denying the charges and asserting he had sold the multimeters to Williams, an allegedly registered trader in Hong Kong. Pan-Mar answered, denying that the second application involved multimeters included in the first application and claiming it was for a new order; and, while admitting that the "ultimate destination-antidiversion" warnings had been omitted from the invoices and air waybills, claimed that, as to the invoices it was an excusable oversight and, as to the air waybills, the omission was that of its freight forwarder whom it had hired in good faith and paid a fee to procure the documentation.

The Compliance Commissioner, to whom the charges were referred pursuant to § 382.4 of the export control regulations, has filed a report finding that violations have been committed and has recommended that remedial action be taken against the respondents.

Now, after reviewing the entire record and considering the report of the Compliance Commissioner, I hereby make the following findings of fact:

1. At all times hereinafter mentioned Jerry Williams & Co. and Lau Yiu Chuen were engaged in the import and export business in Hong Kong, and Pan-Mar Corporation was engaged in the export business in the City of New York, New York.

2. On or about the 28th day of December 1953, Pan-Mar, having received an order for two hundred multimeters from Chuen, filed an application for a license to export them to him in Hong Kong.

3. Thereafter, on or about the 2nd day of February 1954, Chuen sent Pan-Mar an ultimate consignee statement in which he stated and represented, with the intention that it be submitted to the Bureau of Foreign Commerce in support of an export license application, that fifty multimeters were being purchased by him for resale to "radio-electric service-men and Government approved radio and electrical dealers in Hongkong" for use in "Radio and Electric shops Servicing & Testing Purposes" in Hong Kong. At the same time, he notified Pan-Mar that these fifty multimeters were part of the order for two hundred multimeters and that he hoped to complete this order. In the said ultimate consignee statement he represented to the Bureau of Foreign Commerce that he would promptly send to Pan-Mar a supplemental statement disclosing any change of facts or intentions set forth therein and would notify Pan-Mar and secure the United States Government's approval through Pan-Mar prior to the disposal of the multimeters contrary to the representations made therein.

4. Thereafter, on the 10th day of February 1954, Pan Mar filed a new application for a license to export fifty multimeters to Chuen, annexing thereto the ultimate consignee statement signed by Chuen and did not disclose that the prior application had been filed or that these fifty multimeters were included in the two hundred multimeters therein mentioned.

5. The Bureau of Foreign Commerce thereafter issued an export license authorizing the exportation to Chuen in Hong Kong of the fifty multimeters for the purposes set forth in the ultimate consignee statement.

6. On March 23, 1954 and April 1, 1954, Pan-Mar exported, in two shipments, the total fifty multimeters to Chuen in Hong Kong but, contrary to the requirements of the export control regulations, failed and omitted to endorse or have endorsed on the air waybills or its commercial invoices to Chuen the prescribed notice warning all persons that the commodities had been licensed for exportation to Hong Kong as the place of ultimate destination and that diversion contrary to United States law was prohibited.

7. Prior to arranging for shipment by Pan-Mar by air freight, Chuen sold these fifty multimeters to Williams, who is not and was not a radio or electrical dealer, service enterprise or shop but, on the contrary, was an export trader, and Chuen failed and omitted to notify Pan-Mar or the Bureau of Foreign Commerce of this fact, which was a change of facts from those set forth in the ultimate consignee statement.

8. Williams thereafter, with knowledge that the multimeters had been exported from the United States and that diversion thereof, from Hong Kong to Communist China was prohibited, transshipped them to Shanghai.

And from the foregoing, the following are my conclusions:

A. Chuen, contrary to representations made by him to the Bureau of Foreign Commerce and contrary to the terms of an export license issued on the basis of such representations, knowingly sold and delivered the commodities involved to a person and for a purpose other than the persons and purposes set forth by him in his representations, in violation of § 381.6 of the export control regulations.

B. Chuen either knowingly made false representations as to the end use of the commodities involved or, with knowledge that the end use had been changed, failed to notify the Bureau of Foreign Commerce, through his supplier, thereof, in violation of § 381.5 of the export control regulations.

C. Williams knowingly diverted and transshipped the commodities involved from Hong Kong to Communist China in violation of §§ 381.6 and 384.5 of the export control regulations.

D. Pan-Mar, in violation of § 372.5 of the export control regulations, submitted a second application covering the same proposed exportation pending action on a first application and further, in violation of § 379.10 (c) of the said regulations, prepared commercial invoices and procured air waybills relating to the exportations involved herein without having endorsed thereon the required Destination Control Notices.

In his report, the Compliance Commissioner, after noting the mitigating factors claimed by Pan-Mar, as already set forth above and in addition, its prior excellent reputation and co-operation with the Bureau of Foreign Commerce, said:

> Pan-Mar, except for one operating individual, • • • is a corporate device for handling miscellaneous small exportations. [This individual] handled all phases of the acts involved and he was duly authorized so to do by Pan-Mar which entrusted the entire operation to him. It is responsible for his acts. • • • Pan-Mar is responsible also for the failure of its forwarder to endorse on the bills of lading the destination control notice. The duty imposed on the exporter cannot be delegated and effective enforcement of the act could not be attained if an exporter were to be absolved of responsibility merely because he made a contractual arrangement with another to perform the acts the responsibility for which was placed on him by law.

However, after careful consideration of the entire case, taking cognizance of all the mitigating factors already mentioned, it is my recommendation that the remedial action to be taken against Pan-Mar be limited to a censure. Chuen made a deliberately false representation or, by failing to disclose his contract to sell to Williams, made a deliberate concealment. His correspondence, as already noted, is in the pattern of informed transshippers. He should be denied export privileges so long as export controls are in effect. Williams, as a direct transshipper to Communist China, also should be denied export privileges so long as export controls are in effect. His direct transshipment to Communist China, coupled with his failure to answer interrogatories duly propounded, makes it imperative to take the maximum remedial action against him.

Having concluded that the recommendation of the Compliance Commissioner is fair and just, and being of the opinion that the action hereinafter provided is necessary to achieve effective enforcement of the law; *It is hereby ordered:*

I. Pan-Mar Corporation be, and it hereby is censured for failing and omitting to comply with and to observe the requirements of the export control regulations in that (a) it submitted a second application for a validated export license while a prior application was pending for a validated license to export the same commodities, (b) did not endorse the "ultimate destination-antidiversion" warning on invoices relating to exportations from the United States and (c) did not have its forwarder endorse such warning on the air waybills under which the exportations were made.

II. All outstanding validated export licenses in which Jerry Williams & Co. or Lau Yiu Chuen appears or participates as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation.

III. Henceforth, and so long as export controls shall be in effect, the respondents Williams and Chuen are hereby suspended from and denied all privileges of participating, directly or indirectly in any manner or capacity, in an exportation of any commodity or technical data from the United States to any foreign destination, including Canada, whether such exportation has heretofore or hereafter been completed. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation by either of said respondents, directly or indirectly in any manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the obtaining or using of any validated or general export license or other export control documents, (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (d) in storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

IV. Such denial of export privileges shall extend not only to each of the said respondents, Williams and Chuen, but also to any person, firm, corporation, or business organization with which either of them may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade in which may be involved exports from the United States or services connected therewith.

V. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, during any time when either respondent, Williams or Chuen, is prohibited under the terms hereof from engaging in any activity within the scope of Part III hereof, shall, without prior disclosure to, and specific authorization from the Bureau of Foreign Commerce, directly or indirectly in any manner or capacity (a) apply for, obtain, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity, (b) order, receive, buy, use, dispose of, finance, transport or forward, any commodity on behalf of or in any association with such respondent, or (c) do any of the foregoing acts with respect

to any commodity or exportation in which such respondent may have an interest of any kind or nature, direct or indirect.

Dated: June 1, 1956.

JOHN C. BORTON,
*Director,*
*Office of Export Supply.*

[F. R. Doc. 56-4414; Filed, June 5, 1956; 8:50 a. m.]

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[Case No. 212]

EXPORT ELEKTROTECHNISCHER ERZEUGNISSE AND ELECTROEXPORT

ORDER REVOKING EXPORT LICENSES AND DENYING EXPORT PRIVILEGES

In the matter of Export Elektrotechnischer Erzeugnisse and Albert Obermayr trading as Electroexport, Rotenturmstrasse 25, Vienna 1, Austria, Respondents; Case No. 212.

Export Elektrotechnischer Erzeugnisse and Albert Obermayr, doing business under the firm name and style of Electroexport, in Vienna, Austria, hereinafter referred to as the respondents, were charged by the Director, Investigation Staff, Bureau of Foreign Commerce of the Department of Commerce, with having violated the Export Control Act of 1949, as amended, in that, as alleged, (a) they made false representations and concealed material facts as to the consignee and the place of ultimate destination of paraffin wax obtained from the United States and (b) they transshipped such paraffin wax from Hamburg, Germany, to Gdynia, Poland, for Taku Bar, China, without prior authorization by or disclosure to the Bureau of Foreign Commerce, after designating a firm in Vienna, Austria, the purchaser and ultimate consignee. They duly answered the charges, admitted the transshipment, denied that their representations had been false in the inception, and interposed numerous defenses, alleging, (a) that they did not know American regulations were being violated; (b) that the wax was of no strategic value and they believed it could be reexported; and (c) that the Austrian regulations had not been violated.

In accordance with the practice, this case was referred to the Compliance Commissioner. After the evidence was submitted, the Compliance Commissioner in due course made his report and recommendation, which, upon the facts as hereinafter found, appears to be fair and just and is therefore adopted.

Now, after considering the entire record consisting of the charges, the answer of the respondents, the evidence submitted in support of the charges and the report and recommendation of the Compliance Commissioner, I hereby make the following findings of fact:

1. At all times hereinafter mentioned Export Elektrotechnischer Erzeugnisse and Albert Obermayr, hereinafter referred to as respondents, were engaged in the import and export business in Vienna, Austria, under the firm name and style of Electroexport.

2. Prior to the 27th day of June 1955, respondents had made arrangements for the sale or handling by them of a sale of 15 metric tons of paraffin wax intended for shipment to Taku Bar, China.

3. On the 27th day of June 1955, respondents ordered said 15 tons of paraffin wax from a supplier in the United States.

4. Thereafter the American supplier informed respondents that, for the purpose of complying with the regulations, respondents would have to furnish an end-use statement confirming that the wax would be used in Austria or Western Europe and naming the ultimate destination of the wax and the use to which it was to be put. The American supplier at the same time stated that without this information "the factory would not be permitted to ship."

5. In response to this demand and, despite the fact that respondents had already sold this wax to or were acting for a buyer in Taku Bar, China, they certified to the American supplier that they had sold it to a shoe polish manufacturer in Vienna who intended to use it in the manufacture of his products.

6. The shoe polish manufacturer had never agreed to purchase any wax from the respondents.

7. Thereafter, on or about September 29, 1955, in reliance on respondents' statements of end-use and destination, the American supplier exported 15 tons (350 cartons) of wax to the respondents, at Hamburg, and, for the purpose of supporting such exportation, presented to and had authenticated by the United States Customs, an export declaration in which the respondents were named as purchaser and Vienna, Austria, was named as the place and country of ultimate destination.

8. The respondents thereafter instructed their agent in Hamburg to remark the packages and transship them to their representative or associate in Gdynia, Poland. Acting upon these instructions and, having received from the respondents the bill of lading relating to the shipment from the United States, respondents' agent in Hamburg then altered the marks on the packages and loaded them aboard a vessel which sailed to Gdynia, Poland.

And, from the foregoing, the following are my conclusions:

A. Respondents, in violation of § 381.5 of the export control regulations, knowingly made false statements concerning the ultimate consignee and ultimate destination of paraffin wax purchased by them for exportation from the United States and concealed from their supplier and, through him, from the Bureau of Foreign Commerce the fact that the wax was intended to be shipped to Taku Bar, China;

B. Respondents, in violation of § 381.6 of the export control regulations, knowingly transshipped or caused to be transshipped, the said wax to a Communist controlled destination, such destination not having been authorized by the Bureau of Foreign Commerce and being a destination other than that to which the wax had been consigned lawfully and in accordance with respondents' prior representations to their supplier in the United States.

The Compliance Commissioner has recommended the remedial action hereinafter provided. Having concluded that the recommended action is fair, just, and necessary to achieve effective enforcement of the law: *It is hereby ordered:*

I. All outstanding validated export licenses in which Export Elektrotechnischer Erzeugnisse or Albert Obermayr or the firm Electroexport appears or participates as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation.

II. Henceforth, and for the duration of export controls, the said respondents be, and they hereby are suspended from and denied all privileges of participating, directly or indirectly, in any manner or capacity, in an exportation of any commodity or technical data from the United States to any foreign destination, including Canada, whether such exportation has heretofore or hereafter been completed. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation by a respondent, directly or indirectly, in any manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the obtaining or using of any validated or general export license or other export control documents, (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (d) in storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

III. Such denial of export privileges shall extend not only to the respondents, but also to any person, firm, corporation, or business organization with which they may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade in which may be involved exports from the United States or services connected therewith.

IV. Upon condition that the respondents comply in all respects with this order, and with all other requirements of the Export Control Act of 1949, as amended, and all regulations promulgated thereunder, commencing two years following the date hereof, they may engage in and enjoy all export privileges permitted by United States laws and regulations.

V. The privileges conditionally restored to any respondent under Part IV hereof, may be revoked summarily and without notice upon a finding by the Director of the Office of Export Supply, or such other official as may at that time be exercising the duties now exercised by him, that such respondent has, at any time following the date hereof, knowingly failed to comply with any of the conditions or provisions upon which or whereby, by Part IV hereof, he has been permitted to engage in any phase of the export business otherwise denied to him under Part II hereof, without prejudice to any other action which may be taken by reason of any such new or additional violation. In the event that it be so determined that a respondent has breached the conditions of Part IV hereof, the suspension and denial of his export privileges shall be deemed to commence on the day of such determination and shall continue thereafter for the duration of export controls.

VI. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, during any time when any respondent is prohibited under the terms hereof from engaging in any activity within the scope of Part II hereof, shall, without prior disclosure to, and specific authorization from the Bureau of Foreign Commerce, directly or indirectly, in any manner or capacity, (a) apply for, obtain, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity, (b) order, receive, buy, use, dispose of, finance, transport or forward, any commodity on behalf of or in any association with such respondent, or (c) do any of the foregoing acts with respect to any commodity or exportation in which such respondent may have any interest of any kind or nature, direct or indirect.

Dated: June 1, 1956.

JOHN C. BORTON,
*Director,*
*Office of Export Supply.*

[F. R. Doc. 56-4415; Filed, June 5, 1956; 8:50 a. m.]

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## Federal Maritime Board

[Docket Nos. S-57, S-60]

STATES MARINE CORP. AND ISBRANDTSEN CO., INC.

NOTICE OF ORAL ARGUMENT

There is currently pending before the Board appeals from rulings of the presiding officers in the above entitled proceedings concerning (1) demands for certain traffic data, (2) the question of whether information relating to applicants' foreign flag operations and affiliations is pertinent to and should be produced in proceedings before the Board under section 605 (c) of the Merchant Marine Act, 1956, and (3) demands for certain miscellaneous data.

The Board will hear oral argument on these matters at 10:00 a. m., e. d. s. t., on June 20, 1956, at Room 4519 New General Acounting Office Building, Fifth and G Streets NW., Washington, D. C.

Interested parties (including parties of record in the dockets cited above) desiring to be heard should communicate with the Secretary, Federal Maritime Board, before June 18, 1956, requesting time.

Dated: May 31, 1956.

By order of the Board.

[SEAL] GEO. A. VIEHMANN,
*Assistant Secretary.*

[F. R. Doc. 56-4432; Filed, June 5, 1956; 8:54 a. m.]



## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[68928]

MONTANA

PARTIALLY REVOKING DEPARTMENTAL ORDER OF JUNE 22, 1912, CREATING POWER SITE RESERVE NO. 275

MAY 31, 1956.

By virtue of the authority vested in the Secretary of the Interior by section 13 of the act of June 25, 1910, c. 431 (36 Stat. 858; 43 U. S. C. 148), and pursuant to Departmental Order No. 2583, section 2.22 (a) of August 16, 1950, it is ordered as follows:

The departmental order of June 22, 1912, creating Power Site Reserve No. 275, is hereby revoked so far as it affects the following-described lands:

MONTANA—PRINCIPAL MERIDIAN

T. 36 N., R. 14 W.,
Sec. 5, lots 2, 3, 4, SW¼NE¼, S½NW¼, and SW¼;
Sec. 6, lots 1 and 2, and E½SE¼;
Sec. 7, lot 4, E½E½, SE¼SW¼, and SW¼SE¼;
Sec. 8, NW¼ and W½SW¼;
Sec. 18, lot 1, N½NE¼, and NE¼NW¼.
T. 37 N., R. 14 W.,
Sec. 30, SW¼SW¼;
Sec. 31, SW¼NE¼, NW¼, NE¼SW¼, and SE¼;
Sec. 32, NW¼SW¼ and S½S½;
Sec. 33, NE¼SW¼, S½SW¼, and SE¼.
T. 36 N., R. 15 W.,
Sec. 12, SE¼SW¼ and S½SE¼;
Sec. 13, N½, SW¼, and NW¼SE¼;
Sec. 14, SE¼NE¼ and SE¼;
Sec. 22, lots 3, 4, and NE¼SE¼;
Sec. 23, NE¼, NE¼NW¼, S½NW¼, and N½SW¼, SW¼SW¼, and NW¼SE¼;
Sec. 24, NW¼NW¼.
T. 37 N., R. 15 W.,
Sec. 25, SW¼, W½SE¼, and SE¼SE¼;
Sec. 26, NE¼SW¼, S½SW¼, and SE¼;
Sec. 27, S½SE¼;
Sec. 33, NE¼SE¼ and S½SE¼;
Sec. 34, NE¼, NE¼NW¼, S½NW¼, SW¼, and NW¼SE¼;
Sec. 35, N½NW¼ and SW¼NW¼;
Sec. 36, N½NE¼.

The areas described aggregate 5,068 acres.

The relased lands are within the boundaries of the Blackfeet Indian Reservation.

This order shall be known as Power Site Restoration No. 520.

DEPUE FALCK,
*Acting Director.*

[F. R. Doc. 56-4394; Filed, June 5, 1956; 8:45 a. m.]

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## Bureau of Reclamation

OPAL PROJECT, WYOMING

ORDER OF REVOCATION

APRIL 25, 1956.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954 (19 F. R. 5004), I hereby revoke Departmental Order of July 8, 1941; insofar as said orders affect the following described lands; *Provided, however,* That such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the lands hereinafter described.

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 22 N., R. 116 W.,
Sec. 7, Lots 2, 3, and 4;
Sec. 21, Lot 6 and SW¼SE¼;
Sec. 22, Lot 3;
Sec. 27, SE¼SW¼.
T. 22 N., R. 117 W.,
Sec. 1, Lots 5 and 6;
Sec. 2, Lots 5 and 6, S½NE¼ and N½SE¼.
T. 23 N., R. 117 W.,
Sec. 3, SE¼SW¼;
Sec. 35, S½NE¼, SE¼NW¼ and SE¼;
Sec. 36, Lots 5, 6, and 7.

The above areas aggregate 794.91 acres.

E. G. NIELSEN,
*Assistant Commissioner.*

[71774]

MAY 29, 1956.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The released lands have been patented.

EDWARD WOOZLEY,
*Director,*
*Bureau of Land Management.*

[F. R. Doc. 56-4395; Filed, June 5, 1956; 8:45 a. m.]

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COLORADO RIVER STORAGE PROJECT, UTAH

ORDER OF REVOCATION

APRIL 27, 1956.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954 (19 F. R. 5004), I hereby revoke Departmental Order of July 28, 1916, insofar as said order affects the following described lands; *Provided, however,* That such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the lands hereinafter described:

UINTAH SPECIAL MERIDIAN, UTAH

T. 5 S., R. 3 E.,
Sec. 5, Lots 1, 2, 3 and 5;
Sec. 6, Lots 3 to 10, incl., SE¼NW¼, NE¼SW¼;
Sec. 7, Lots 1, 2, 3, 4, 6, 7, 8, 12, 13;
Sec. 8, Lot. 1.

The above areas aggregate 839.95 acres.

E. G. NIELSEN,
*Assistant Commissioner.*

[71819]

MAY 31, 1956.

I concur. The released lands have been patented without a reservation of minerals to the United States.

DEPUE FALCK,
*Acting Director,*
*Bureau of Land Management.*

[F. R. Doc. 56-4396; Filed, June 5, 1956; 8:46 a. m.]

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WEBER BASIN PROJECT, UTAH

FIRST FORM RECLAMATION WITHDRAWAL

MAY 19, 1955.

Pursuant to the authority delegated by Departmental Order No. 2765 of July

30, 1954, I hereby withdraw the following described lands from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

SALT LAKE BASE AND MERIDIAN, UTAH

T. 7 N., R. 2 W.,
Sec. 5: E½SW¼ and SE¼ (unsurveyed);
Sec. 8: NE¼, E½W½ and SE¼ (excluding lots 1, 2 and 3, and SE¼SE¼) (unsurveyed).

The above areas contain approximately 567 acres.

E. G. NIELSEN,
*Acting Commissioner.*

[Utah 015377]

MAY 31, 1956.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The lands shall be administered by the Bureau of Land Management until such time as they are needed for reclamation purposes.

DEPUE FALCK,
*Acting Director,*
*Bureau of Land Management.*

*Notice for Filing Objections to Order Withdrawing Public Lands for the Weber Basin Project, Utah*

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of Utah for use in connection with the proposed Weber Basin Project may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

E. G. NIELSEN,
*Acting Commissioner.*

[F. R. Doc. 56-4397; Filed, June 5, 1956; 8:46 a. m.]

## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

KANSAS

DISASTER ASSISTANCE; DELINEATION OF DROUGHT AREA

Pursuant to Public Law 875, 81st Congress, the President determined on August 26, 1954, that a major disaster occasioned by drought existed in the State of Kansas.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148, 5364; 20 F. R. 4664), and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, Morton County, Kansas, was determined on May 25, 1956, to be affected by the above-mentioned major disaster.

Done at Washington, D. C., this 1st day of June 1956.

[SEAL] TRUE D. MORSE,
*Acting Secretary.*

[F. R. Doc. 56-4429; Filed, June 5, 1956; 8:53 a. m.]

NEW MEXICO

DISASTER ASSISTANCE; DELINEATION OF DROUGHT AREAS

Pursuant to Public Law 875, 81st Congress, the President determined on February 27, 1956, that a major disaster occasioned by drought existed in the State of New Mexico.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148, 5364; 20 F. R. 4664), and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, the following counties and parts of counties in the State of New Mexico were determined on May 23, 1956, to be affected by the above-mentioned major disaster.

NEW MEXICO

Catron, Chaves, Colfax, Dona Ana, Eddy, Grant, Hidalgo, Lea, Lincoln, Luna, Otero, Sandoval, Sierra, Socorro.

Bernalillo County except that area therein known as the Rio Grande Conservancy District.

That portion of Union County lying west of the range line between ranges 32 and 33, except that area known as the Rio Grande Conservancy District.

All that part of McKinley and Valencia Counties lying east of the Continental Divide.

Done at Washington, D. C., this 1st day of June 1956.

[SEAL] TRUE D. MORSE,
*Acting Secretary.*

[F. R. Doc. 56-4430; Filed, June 5, 1956; 8:53 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. E-6685]

PACIFIC POWER & LIGHT CO.

NOTICE OF APPLICATION SEEKING AUTHORITY TO ISSUE STOCK

MAY 31, 1956.

Take notice that on May 25, 1956, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Pacific Power & Light Company ("Applicant"), a corporation organized under the laws of the State of Maine and doing business in the States of Oregon, Washington, Wyoming, Montana and Idaho, with its principal business office at Portland, Oregon, seeking an order authorizing the issuance of 341,550 shares of its Common Stock of the par value of $6.50 per share. Applicant proposes to offer to the holders of its presently outstanding Common Stock of record at the close of business on July 11, 1956, the right to subscribe, at a price to be fixed by Applicant shortly before the date of offering, for an aggregate of 341,550 shares of its presently authorized but unissued Common Stock at the rate of one share of additional Common Stock for each ten shares of Applicant's Common Stock held of record. Such right to subscribe will be evidenced by transferable subscription warrants which will be expressed in terms of rights, and ten rights plus the full subscription price will be required to subscribe for each share of additional Common Stock. Applicant proposes publicly to invite competitive bids for the purchase from it, at the same price at which shares of the additional Common Stock are to be offered to stockholders, such of the additional Common Stock as shall not be subscribed for by Warrant holders.

A person desiring to be heard or to make any protest with reference to said application should on or before the 21st day of June 1956, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file and available for public inspection.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-4416; Filed, June 5, 1956; 8:51 a. m.]

[Docket No. E-6686]

SOUTHERN NEVADA POWER CO.

NOTICE OF APPLICATION SEEKING AUTHORITY TO ISSUE STOCK

MAY 31, 1956.

Take notice that on May 28, 1956, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by Southern Nevada Power Co. ("Applicant"), a corporation organized under the laws of the State of Nevada and doing business in said State, with its principal office at Las Vegas, Nevada, seeking an order authorizing the issuance and sale of 175,000 shares of its Common Stock, par value $1.00 per share, and to exempt such issuance and sale from the Commission's competitive bidding requirements. Applicant proposes to issue said stock on or about July 3, 1956, and to sell said stock to a group of underwriters represented by William R. Staats & Co. of Los Angeles, California.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 21st day of June 1956, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file and available for public inspection.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-4417; Filed, June 5, 1956; 8:51 a. m.]



[Docket No. G-9225, etc.]

ARKANSAS FUEL OIL CORP. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

MAY 29, 1956.

In the matter of Arkansas Fuel Oil Corporation, Docket No. G-9225 and G-9789; Austin E. Stewart, Docket No. G-4119 and G-9845; Arkansas Fuel Oil Corporation and Stanolind Oil and Gas Company, Docket No. G-5714 and G-9846.

On January 3, 1956, Arkansas Fuel Oil Corporation (Arkansas Fuel) filed an application at Docket No. G-9846 pursuant to section 7 (b) of the Natural Gas Act to abandon service to Arkansas Louisiana Gas Company (Arkansas Louisiana) from three gas units located in the Willow Springs Field, Gregg County, Texas. The application at Docket No. G-9846 was amended on April 9, 1956. The three units involved were covered by previous filings of Arkansas Fuel as follows:

*Docket No.; Gas Unit; and Status*

G-2712, P. D. Harrison C-1 (one of several sales); Certificate issued 12-31-54.
G-6872, J. C. McKinley, et al., Unit E; Certificate issued 6-27-55.
G-9225, Taylor W. Lee "B"; Temporary certificate issued 9-12-55. No permanent certificate.

In the amendment of April 9, 1956, at Docket No. G-9846, Arkansas Fuel included Stanolind Oil and Gas Company's request to abandon service from the above three units to Arkansas Louisiana. Said amendment includes a letter from Stanolind authorizing Arkansas Fuel to file for the abandonment of Stanolind's sales previously applied for by Stanolind at Docket No. G-5714.

On January 3, 1956, Austin E. Stewart (Stewart) filed an application at Docket No. G-9845 to abandon service to Arkansas Louisiana with respect to his share of the gas produced from the aforementioned P. D. Harrison C-1 unit pursuant to section 7 (b) of the act. The service proposed to be abandoned by Stewart was previously applied for at Docket No. G-4119.

On December 19, 1955, Arkansas Fuel, as Operator, filed an application for a certificate of public convenience and necessity at Docket No. G-9789 to sell natural gas to Texas Eastern Transmission Corporation from the F. K. Lathrop Gas Unit, Willow Springs Field, Gregg County, Texas, pursuant to a contract dated December 9, 1955.

On April 9, 1956, Arkansas Fuel amended its application at Docket No. G-9789 to bring within the scope of said application the three units proposed to be abandoned at Docket No. G-9846. By an amendatory agreement dated March 29, 1956, Arkansas Fuel rededicates the said three units to the December 9, 1955, contract with Texas Eastern.

Arkansas Fuel in its original abandonment application at Docket No. G-9746 states that the present purchaser, Arkansas Louisiana, apparently does not need the gas from the three units involved. Arkansas Fuel cites that Arkansas Louisiana is selling gas to Texas Eastern in nearby North Lansing Field, Harrison County, Texas, in addition to selling gas to other purchasers in the north Louisiana area. In this connection, Arkansas Louisiana has applied at Docket No. G-9820 to sell so-called "excess gas" to Texas Eastern in the North Lansing Field in the amount of 15,000 Mcf per day on a firm basis for a period of 15 years. Also, in Docket No. G-9739, Arkansas Louisiana applied to sell so-called "excess gas" to Tennessee Gas Transmission Company in the amount of 20,000 Mcf per day on a firm basis and up to 30,000 Mcf per day additional on an interruptible basis for a period of three years in the Carthage Field, Texas. Furthermore, Arkansas Louisiana is taking less than the allowables as established by the Railroad Commission of Texas from the three units while other pipeline purchasers are taking their allowables from the same reservoir, causing economic loss to Arkansas Fuel, its lessors and royalty owners. Texas Eastern has agreed to take up to the established allowables, thus increasing the daily supply of gas to the general public to an amount greater than that which is presently being made available from the subject three gas units. In the amendment filed April 9, 1956, at Docket No. G-9746, Arkansas Fuel states that since the filing of the original abandonment application, Arkansas Louisiana, during February 1956, drastically reduced its daily purchase of gas from each producing horizon in the three subject gas units to such an extent that the daily gas production was considerably below the established allowables.

By letter filed April 27, 1956, Arkansas Louisiana stated it will not oppose the abandonment of service from the three subject units.

These matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 29, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 14, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-4399; Filed, June 5, 1956; 8:46 a. m.]

[Project No. 2201]

PACIFIC NORTHERN TIMBER CO.

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

MAY 31, 1956.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U. S. C. 791a–825r) by Pacific Northern Timber Company of Wrangell, Alaska, for preliminary permit for proposed water power Project No. 2201 to be located on Virginia Lake and Mill Creek, a tributary to Eastern Passage, in the general region of the City of Wrangell, about 6 miles east of the City on the Alaskan mainland in the First Judicial Division, Territory of Alaska, affecting lands of the United States within the Tongass National Forest. The proposed project would consist of a rock fill dam 50 feet high with crest length of 570 feet at elevation 130 feet at the outlet of Virginia Lake, providing 35,000 acre-feet of power storage; 2,210 feet of open flume; 1,500 feet of pipe conduit; a powerhouse at tidewater with installed capacity of approximately 4,600 horsepower. The energy generated would be utilized by the applicant in connection with the operation of a sawmill. The preliminary permit, if issued, shall be for the sole purpose of maintaining priority of application for a license under the terms of the Federal Power Act for the proposed project.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is July 23, 1956. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-4418; Filed, June 5, 1956; 8:51 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 70-2973]

ELECTRIC ENERGY, INC., ET AL.

SECOND SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER ADDITIONAL FEES AND EXPENSES

MAY 28, 1956.

In the matter of Electric Energy, Inc., Middle South Utilities, Inc., Union Elec-

tric Company of Missouri, Illinois Power Company, Kentucky Utilities Company; File No. 70–2973.

The Commission having by its Memorandum Opinion and Order dated January 30, 1953 (Holding Company Act Release No. 11689), granted and permitted to become effective an application-declaration regarding, among other things, the issue and sale by Electric Energy, Inc., of $65,000,000 principal amount of 3¾ percent First Mortgage Sinking Fund Bonds, subject to reservation of jurisdiction over fees and expenses incurred or to be incurred in connection with the proposed transactions; and

The Commission having by its order of February 10, 1954 (Holding Company Act Release No. 12353), released jurisdiction over fees and expenses incurred up to and including the initial closing on said bonds, but having reserved jurisdiction as to fees and expenses in connection with secondary closings on said bonds; and

Electric Energy, Inc., having now filed an amendment regarding fees and expenses incurred with respect to said secondary closings on said bonds, said fees and expenses being estimated as follows:

| | Fees and charges | Disbursements |
|---|---|---|
| Cahill, Gordon, Reindel & Ohl, general counsel to Electric Energy, Inc. | $4,500.00 | $589.31 |
| Willkie Owen Farr Gallagher & Walton, counsel to bond purchasers | 6,350.00 | 168.97 |
| Mayer, Friedlich, Spiess, Tierney, Brown & Platt, Illinois counsel to Electric Energy, Inc. | 1,000.00 | 8.32 |
| Ogden, Galphin & Abell, Kentucky counsel to Electric Energy, Inc. | 1,500.00 | 100.00 |
| St. Louis Union Trust Co., trustee under mortgage | 16,750.00 | 427.25 |
| Total | 30,100.00 | 1,293.85 |

It appearing to the Commission that said fees and expenses are not unreasonable and that the jurisdiction heretofore reserved with respect thereto should be released:

*It is ordered*, That the jurisdiction heretofore reserved over the fees and expenses incurred in connection with the secondary closings on said bonds be and the same hereby is released, this order to be effective forthwith upon the issuance thereof and to be subject to the terms and conditions set forth in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56–4402; Filed, June 5, 1956; 8:47 a. m.]

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AXE-HOUGHTON FUND A, INC., ET AL.

NOTICE OF FILING OF APPLICATION FOR ORDER EXEMPTING TRANSACTIONS BETWEEN AFFILIATES

MAY 31, 1956.

In the matter of Axe-Houghton Fund A, Inc., Axe-Houghton Fund B, Inc., and Ultrasonic Corporation, File No. 812–1010.

Notice is hereby given that Axe-Houghton Fund A, Inc. ("Fund A") and Axe-Houghton Fund B, Inc. ("Fund B"), both registered as open-end diversified investment companies under the Investment Company Act of 1940 ("act"), and Ultrasonic Corporation ("Ultrasonic"), a corporation engaged principally in engineering and manufacturing in the electronics field have filed a joint application for an order pursuant to section 17 (b) of the act exempting certain purchase and sale transactions hereinafter described from the prohibitions of section 17 (a) of the act.

Fund A and Fund B each have directors and officers in common with the other and each is managed by E. W. Axe & Co. pursuant to an investment advisory and management contract with that firm. Fund A owns 115,000 shares, or approximately 7.2 percent of the 1,601,451 total outstanding shares, of common stock of Ultrasonic, and Fund B owns 150,000 shares, or approximately 9.4 percent of the total outstanding shares, of common stock of Ultrasonic. By reason of these stockholdings, Ultrasonic is an affiliated person of Fund A and Fund B under the act.

Section 17 (a) of the act prohibits an affiliated person of a registered investment company from selling to or purchasing from such registered investment company any securities or property, subject to certain exceptions not pertinent here. The Commission upon application pursuant to section 17 (b) may grant an exemption from the provisions of section 17 (a) if it finds that the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the act, and is consistent with the general purposes of the act.

In addition to their common stockholdings in Ultrasonic, Fund A owns $250,000 of 6 percent Income Convertible Bonds due 1963 of Ultrasonic, secured by a second mortgage on real estate ("second mortgage bonds"), and Fund B owns $50,000 of said second mortgage bonds. Prior to the transactions described below, Ultrasonic also had outstanding an additional $200,000 of second mortgage bonds which were owned by Value Line Fund, Inc. ("Value Line"), also a registered open-end investment company, and $102,500 of 6 percent Income Convertible Debentures due 1963 ("old debentures"). In addition, Ultrasonic has outstanding $375,000 of first mortgage notes due serially until 1958.

Ultrasonic has been experiencing financial stringency which made it necessary for it to obtain additional funds in order to preserve its organization and operations. Pursuant to a contract dated May 11, 1956, between Ultrasonic, Fund A, Fund B, Value Line and Bear, Stearns & Co. ("Bear Stearns"), Ultrasonic has agreed to issue and sell up to an aggregate of $1,578,000 principal amount of new 6 percent Debentures dated as of May 1, 1956, and due May 1, 1961 ("new debentures"), and warrants to purchase up to an aggregate of 789,000 shares of its common stock. The warrants are to be issued in the ratio of sufficient warrants to purchase 500 shares of common stock for each $1,000 principal amount of new debentures, and shall be exercisable for a period of five years at a price of $2 per share for the first two years, $2.50 per share in the third year, and $3 per share in the last two years. Of the debentures and warrants to be sold, Bear Stearns has agreed to purchase (both for its own account or for the accounts of others) $1,000,000 principal amount of debentures and warrants to purchase 500,000 shares of common stock for a cash consideration of $1,000,000, plus accrued interest from May 1, 1956, to the date of payment and delivery. Value Line has agreed to exchange its holdings of $200,000 of second mortgage bonds, together with its claim to unpaid interest thereon of $31,000 for $231,000 of new debentures and warrants to purchase 115,500 shares of common stock. If the order of exemption requested by applicants herein is issued, Fund A will exchange its $250,000 of second mortgage bonds, with rights to unpaid interest of approximately $39,000, for $289,000 of new debentures and warrants to purchase 144,500 shares of common stock, and Fund B will exchange its $50,000 of second mortgage bonds, with rights to unpaid interest of approximately $8,000 for $58,000 of new debentures and warrants to purchase 29,000 shares of common stock. The contract also provides that Ultrasonic will immediately call for redemption at a price of approximately $115,000, all of its outstanding old debentures, the terms of which would not permit the issuance of the new debentures.

In addition to the above, Bear Stearns is to purchase from Ultrasonic for $2,500 cash, additional warrants for 50,000 shares of common stock. For its services in arranging the above transaction, Bear Stearns is to receive from Ultrasonic a cash commission of $35,000.

In general, it is the policy of both Fund A and Fund B to offer investors a complete or balanced investment program by investing in bonds, preferred stock and common stocks in such proportions as are deemed best adapted to economic conditions. Fund A and Fund B purchased their holdings of second mortgage bonds as part of a private placement in May 1953, at a time when Ultrasonic was showing operating profits and when in the opinion of the Funds' managers, the second mortgage bonds were reasonably well secured and also offered a possibility of appreciation through their conversion privilege. Fund A and Fund B acquired their holdings of Ultrasonic common stock in October 1955 as part of a purchase from the company of 680,000 shares at $1 per share made by Fund A, and Fund B and certain other persons, practically all of whom were affiliates, or affiliates of affiliates, of Funds A and B. The application states that this purchase saved Ultrasonic from imminent bankruptcy, and that since October 1955 Ultrasonic has been under new management and steps have been taken to improve its financial position. However, monthly operating losses with a consequent drain on cash resources have continued. Applicants state that the money obtained from the instant financing, amounting to about $850,000 after payment of commission to Bear Stearns and redemption of the old debentures, will permit Ultrasonic to pay up its trade vendors and all, or most, other pressing claims to a current basis and leave it with a substantial cash reserve which will carry it through an interim period during which Ultrasonic believes it can develop profitable business.

The application states that neither Bear Stearns nor Value Line is an affiliated persons of any of the applicants herein or of any affiliated person of any of said applicants, and that the terms of the above-mentioned contract were developed by arm's-length bargaining between the applicants, on the one hand, and Bear Stearns and Value Line, on the other. One of the considerations reflected in the bargaining was the unwillingness of Bear Stearns to purchase the new debentures if Ultrasonic would have outstanding any debt claims senior to the new debentures other than the outstanding first mortgage bonds and bank loans. Accordingly, Value Line agreed to accept new debentures and warrants in exchange for its holdings of second mortgage bonds, and Fund A and Fund B have also agreed to accept new debentures and warrants for their holdings of second mortgage bonds, on the same basis as Value Line, if the order requested herein is granted.

Applicants state that the prompt effectuation of the foregoing financing program was vital to the preservation of Ultrasonic's business in a healthy condition, and that accordingly it is planned to go forward with all parts of said program except for the Fund A and Fund B exchanges. Applicants also state that granting of the exemption order is important to the preservation of the best interests of all parties to the program and that the proposed transactions are consistent with the investment policies of the two Funds and consistent with the purposes of the Act.

Notice is further given that any interested person may, not later than June 15, 1956, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56–4401; Filed, June 5, 1956; 8:47 a. m.]





## INTERSTATE COMMERCE COMMISSION

[Notice 115]

MOTOR CARRIER APPLICATIONS

JUNE 1, 1956.

Protests consisting of an original and two copies to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (39 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters, and things relied upon; but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in forms of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, pre-hearing conference, taking of depositions, or other proceeding shall notify the Commission by letter or telegram within 30 days of publication of this notice in the FEDERAL REGISTER. Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operations of Motor Carrier properties sought to be acquired in an application under section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS FOR MOTOR CARRIERS OF PROPERTY

No. MC 964 Sub 7, filed May 22, 1956, ORVILLE GRAGG, doing business as GRAGG TRUCK LINE, Valley Falls, Kans. Applicant's attorney: J. Wm. Townsend, 204–206 Central Building, Topeka, Kans. For authority to operate as a *common carrier*, over irregular routes, transporting: *Farm wagons, trailer beds and component parts thereof*, in truck load lots, between Valley Falls, Kans., on the one hand, and, on the other, points in Missouri, Iowa, Ohio, Nebraska, Kentucky, Illinois, Indiana, Wisconsin, Michigan, Minnesota, North Dakota, South Dakota, Montana, Arkansas, Oklahoma, Texas, and Colorado.

No. MC 3057 Sub 3, filed May 22, 1956, WALTON HAULING & WAREHOUSE CORP., 609–611 West 46th Street, New York 36, N. Y. Applicant's representative: William D. Traub, 60 East 42d Street, New York 17, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Theatrical equipment and effects*, including electrical equipment and effects, props, scenery, musical instruments, trunks, and wardrobes, for use in stage, radio, television or motion picture productions, between points in New York, New Jersey, and Connecticut within 75 miles of New York, N. Y., including New York, N. Y., on the one hand, and, on the other, points in Connecticut, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia within 250 miles of Columbus Circle, New York, N. Y.

NOTE: Applicant is authorized under Certificate No. MC 3057 to transport the above-described commodities between points in New York, New Jersey, and Connecticut within 75 miles of New York, N. Y., including New York, N. Y.

No. MC 3261 Sub 20, filed May 22, 1956, KRAMER BROS. FREIGHT LINES, INC., 4195 Central Avenue, Detroit 10, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, transporting: *General commodities*, including those in bulk, but excluding those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, and those requiring special equipment, serving the Chrysler Corporation Plant located on Ohio Highway 82 (near Macedonia, Ohio), in Twinsburg Township, Summit County, Ohio, as an off-route point in connection with applicant's regular route operations between Cleveland and Salem over Ohio Highway 14. Applicant is authorized to conduct operations in Illinois, Ohio, Michigan, Pennsylvania, New York, Maryland, New Jersey, and the District of Columbia.

No. MC 3535 Sub 3, filed May 21, 1956, ATLAS GREENFIELD, doing business as LIBERTY TRANSFER AND STORAGE CO., 910 East Maxwell Avenue, Evansville, Ind. Applicant's attorney: Fred I. King, 1008–1009 Odd Fellow Building, Indianapolis, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wood Creosoted telephone poles*, from Louisville, Ky., to points in Indiana on and south of U. S. Highway 40.

No. MC 28536 Sub 7, filed May 21, 1956, FOX & GINN, INC., 12 Howard Lane, Bangor, Maine. Applicant's attorney: Mary E. Kelley, 84 State Street, Boston 9, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: *New furniture* (uncrated) between points in Maine, on the one hand, and, on the other, points in New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey and Pennsylvania. Applicant is authorized to conduct operations in Massachusetts, Maine, and New Hampshire.

No. MC 29780 Sub 5, filed May 24, 1956, JOE A. HARRIS, doing business as HARRIS TRUCK LINE, 805 South Second Street, Raton, N. Mex. Applicant's attorney: Harold O. Waggoner, Simms Building, P. O. Box 1035, Albuquerque, N. Mex. For authority to operate as

a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, commodities in bulk, and commodities requiring special equipment, serving the site of the Glenn L. Martin Company plant located north of Colorado Highway 75, opposite the community of Kassler (Waterton), Colo., in connection with applicant's regular-route operations between (1) Denver, Colo., and Clayton, N. Mex., and (2) between Trinidad, Colo., and Tucumcari, N. Mex. Applicant is authorized to conduct operations in Colorado and New Mexico.

No. MC 29988 Sub 58, filed May 25, 1956, DENVER-CHICAGO TRUCKING COMPANY, INC., 2501 Blake Street, Denver, Colo. Applicant's attorney: Jack Goodman, 39 South LaSalle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, and except Class A and B explosives, household goods, as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving the site of the Glenn L. Martin Company plant located north of Colorado Highway 75, opposite the community of Kassler (Waterton), Colo., as an off-route point in connection with applicant's regular-route operations between Denver, Colo., and Colorado Springs, Colo., over U. S. Highway 85. Applicant is authorized to conduct operations in Colorado, Washington, Wyoming, Utah, Oregon, Missouri, Illinois, and Kansas.

No. MC 30451 Sub 14, filed May 25, 1956, THE LUPER TRANSPORTATION COMPANY, 404 East Twenty-first, Wichita 2, Kans. Applicant's attorney: James F. Miller, 500 Board of Trade, 10th and Wyandotte, Kansas City 6, Mo. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Meats, Meat products*, and *Meat By-Products*, as defined by the Commission, (1) from Arkansas City, Kans., to points in Oklahoma, Texas, and New Mexico, (2) from Wichita, Kans., to points in New Mexico bounded by a line beginning at Alamogordo, N. Mex., thence in a southerly direction along U. S. Highway 54 to the Texas-New Mexico State line, thence in a westerly direction along the Texas-New Mexico State line to the junction of U. S. Highway 80, thence in a northerly direction along U. S. Highway 80 to the junction of U. S. Highway 70, thence in a northeasterly direction along U. S. Highway 70 to Alamogordo, N. Mex., including points on the indicated portions of the highways specified, and *empty containers or other incidental facilities* used in transporting the commodities specified on return. Applicant is authorized to conduct operations in Kansas, New Mexico, Texas, and Oklahoma.

No. MC 33641 Sub 25, filed May 23, 1956, INTERSTATE MOTOR LINES, INC., 235 West Third South, Salt Lake City 1, Utah. Applicant's attorney: Bertram S. Silver, 100 Bush Street, San Francisco 4, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities, including Class A and B explosives*, but excluding those of unusual value, household goods as defined by the Commission, and commodities in bulk, between Denver, Colo., and the site of the Glenn L. Martin Company plant located north of Colorado Highway 75, opposite the community of Kassler (Waterton), Colo. Applicant is authorized to conduct operations in Colorado, Utah, and Nebraska.

No. MC 35396 Sub 16, filed May 21, 1956, ARNOLD LIGON, doing business as ARNOLD LIGON TRUCK LINE, Box 429, Madisonville, Ky. Applicant's attorney: Ernest A. Brooks II, 1310 Ambassador Building, St. Louis 1, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Commodities*, the transportation of which because of size or weight requires use of special equipment or handling, *related machinery parts* and *related contractors' materials and supplies* when their transportation is incidental to the transportation of commodities which by reason of size or weight require special equipment or handling, except prefabricated buildings, and except oilfield commodities as described by the Commission, between points in Kentucky on and west of U. S. Highway 51E beginning at Louisville, Ky., and extending in a southerly direction through Bardstown, Hodgenville, Glasgow and Scottsville to the Kentucky-Tennessee State Line, on the one hand, and, on the other, points in Louisiana. Applicant is authorized to conduct operations in Kentucky, Indiana, Ohio, Pennsylvania, West Virginia, Tennessee, New York, and New Jersey.

No. MC 42487 Sub 312, filed, May 7, 1956, CONSOLIDATED FREIGHTWAYS, INC., 2029 Northwest Quimby Street, Portland, Oreg. Applicant's attorney: Donald A. Schafer, Public Service Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except liquid petroleum products, in bulk, in tank vehicles, serving the Pelton Damsite (located on the Deschutes River approximately three miles off U. S. Highway 26 (formerly Oregon Highway 50), between Madras and Warm Springs, Oreg.) and points within five miles thereof, as off-route points in connection with carrier's regular route operations between Portland, Oreg., and Klamath Falls, Oreg., over U. S. Highways 26 (formerly Oregon Highway 50), and 97. Applicant is authorized to conduct operations in California, Idaho, Minnesota, Montana, Nevada, North Dakota, Oregon, and Washington.

No. MC 52657 Sub 487, filed May 24, 1956, ARCO AUTO CARRIERS, INC., 91st Street and Perry Avenue, Chicago 20, Ill. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Communication shelters*, equipped or unequipped, from Hanover, Pa., and Pikesville, Md., to points in the United States.

No. MC 52657 Sub 488, filed May 24, 1956, ARCO AUTO CARRIERS, INC., 91st Street and Perry Avenue, Chicago 20, Ill. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, other than those designed to be drawn by passenger automobiles, in initial truckaway and driveaway service, (1) from Camp Hill, and Hanover, Pa., to points in the United States, (2) *Tractors*, in secondary driveaway service, only when drawing trailers moving in initial driveaway service, as described above, from Camp Hill, and Hanover, Pa., to points in Alabama, Arizona, Arkansas, California, Colorado, Georgia, Idaho, Kansas, Louisiana, Maine, Mississippi, Montana, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, South Carolina, Tennessee, Texas, Utah, Vermont, Washington, Wyoming, and the District of Columbia, and (3) bodies, from Hanover, Pa., to points in the United States. Applicant is authorized to conduct operations throughout the United States.

No. MC 55848 Sub 32, filed May 22, 1956, HUCKABEE TRANSPORT CORP., P. O. Box 479, Columbia, S. C. Applicant's attorney: A. Alvis Layne, Jr., Pennsylvania Building, Washington 4, D. C. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, used by the Atomic Energy Commission, including Class A and B explosives and those of unusual value, but excluding household goods as defined by the Commission, commodities in bulk, and those requiring special equipment due to size or weight, between the Savannah River Plant of the Atomic Energy Commission, at Dunbarton, S. C., and the site of the Atomic Energy Plant at Oak Ridge, Tenn., from the Savannah River Plant over South Carolina Highway 125 to junction U. S. Highway 25, thence over U. S. Highway 25 to junction South Carolina Highway 19 (also from said plant over South Carolina Highway 19), thence over U. S. Highway 25 to junction U. S. Highway 25W west of Newport, Tenn., thence over U. S. Highway 25W through Knoxville, Tenn., to Clinton, Tenn., thence over Tennessee Highway 61 to Dossett, Tenn., and thence over an unnumbered highway to Oak Ridge (also over an unnumbered highway from Knoxville via Byington, Tenn., to Oak Ridge), and return over the same route serving no intermediate points. Applicant is authorized to conduct operations in South Carolina, North Carolina Georgia and Tennessee.

NOTE: Applicant is authorized in MC 55848 Sub 30 to transport compressed inflammable gases, in bulk, in Government-owned tube trailers, and empty tube trailers, and classified and secret materials between the same two points mentioned above.

No. MC 58948 Sub 76, filed May 18, 1956, UNION TRANSFER COMPANY, doing business as UNION FREIGHTWAYS, a corporation, 720 Leavenworth Street, Omaha, Nebr. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except bank bills, coin, currency, deeds, drafts, notes, postage stamps, precious metals or articles manufactured therefrom, precious stones,



revenue stamps, valuable and negotiable papers, articles or papers of extraordinary value, tank truck shipments, wild animals, dead animals, Class A and B explosives, coal, sand and gravel, and automobiles, serving the site of the Glenn L. Martin Company Plant, located north of Colorado Highway 75, opposite the community of Kassler (Waterton), Colo., as an off-route point in connection with applicant's regular-route operations to and from Denver. Applicant is authorized to conduct operations in Nebraska, Illinois, Iowa, Minnesota, Colorado, and Indiana.

No. MC 64932 Sub 211, filed May 21, 1956, ROGERS CARTAGE CO., a corporation, 1934 South Wentworth Avenue, Chicago, Ill. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids* and *chemicals*, in bulk, in tank vehicles, from points in Will County, Ill., to points in Michigan, Indiana, Ohio, Kentucky, Tennessee, Missouri, Iowa, Minnesota, Wisconsin, and Illinois. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, West Virginia, and Wisconsin.

No. MC 70451 Sub 179, filed May 18, 1956, WATSON BROS. TRANSPORTATION CO., INC., 802 South 14th Street, Omaha, Nebr. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment because of size or weight, serving the site of the Western Electric Company plant, located approximately five miles of Ralston, Nebr., and on the northeast edge of Millard, Nebr., as an off-route point in connection with applicant's regular-route operations between Lincoln, Nebr., and Omaha, Nebr. Applicant is authorized to conduct operations in Minnesota, Iowa, Missouri, Kansas, Nebraska, Illinois, Colorado, Wisconsin, South Dakota, and Wyoming.

No. MC 70451 Sub 180, filed May 18, 1956, WATSON BROS. TRANSPORTATION CO., INC., 802 South 14th Street, Omaha, Nebr. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, fresh fish, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the United States Air Force Academy located on the west side of U. S. Highway 87–85, near Husted, Colo., which lies about 60 miles south of Denver, Colo., and ten miles north of Colorado Springs, Colo., as an off-route point in connection with applicant's authorized regular-route operation between Denver, Colo., and Durango, Colo. Applicant is authorized to conduct operations in Minnesota, Iowa, Missouri, Nebraska, Kansas, Colorado, New Mexico, California, Wyoming, and Utah.

No. MC 70451 Sub 181, filed May 18, 1956, WATSON BROS. TRANSPORTATION CO., INC., 802 South 14th Street, Omaha, Nebr. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, fresh fish, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Glenn L. Martin Company plant, located north of Colorado Highway 75, opposite the Community Kassler (Waterton), Colo., as an off-route point in connection with applicant's authorized operations between Denver, Colo., and Durango, Colo. Applicant is authorized to conduct operations in Minnesota, Iowa, Missouri, Nebraska, Kansas, Colorado, New Mexico, California, Wyoming, and Utah.

No. MC 76564 Sub 55, filed May 22, 1956, HILL LINES, INC., 1300 Grant Street, Amarillo, Tex. Applicant's attorneys: Morris G. Cobb, P. O. Box 1750, Amarillo, Tex., and Donovan N. Hoover, P. O. Box 897, Santa Fe, N. Mex. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including Class A and B explosives*, and *commodities in bulk*, but excepting those of unusual value, household goods as defined by the Commission, and commodities requiring special equipment, (1) between Springer, N. Mex. and Clovis, N. Mex., from Springer over New Mexico Highway 58 to junction with New Mexico Highway 39, thence over New Mexico Highway 39 to junction New Mexico Highway 18 at or near Grady, N. Mex., and thence over New Mexico Highway 18 to Clovis, and return over the same routes, serving all intermediate points; (2) between Tucumcari, N. Mex., and Clovis, N. Mex., from Tucumcari, over New Mexico Highway 18 to Clovis, serving all intermediate points; (3) between Tucumcari, N. Mex., and Logan, N. Mex., from Tucumcari over U. S. Highway 54 to Logan serving all intermediate points; (4) between Tucumcari, N. Mex., and San Jon, N. Mex., from Tucumcari over U. S. Highway 66 to San Jon, serving all intermediate points. Applicant is authorized to conduct operations in Texas and New Mexico.

No. MC 82735 Sub 1, filed May 24, 1956, HUDSON-BERGEN TRUCKING CO., a corporation, 937 38th Street, North Bergen, N. J. Applicant's attorney: Bernard F. Flynn, Jr., 1060 Broad Street, Newark 2, N. J. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Groceries*, from North Bergen, N. J., to points in Nassau, Suffolk, and Westchester Counties, N. Y. Applicant is authorized to conduct operations in New Jersey and New York.

No. MC 87857 Sub 28, filed May 22, 1956, BRINK'S INCORPORATED, 234 East 24th Street, Chicago 16, Ill. Applicant's attorney: Francis D. Partlan, same address as applicant. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Currency* and *coin*, between Los Angeles, Victorville, and Barstow, Calif., and Las Vegas, Nev. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Missouri, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Virginia, West Virginia, Wisconsin, and the District of Columbia.

No. MC 92983 Sub 168, filed May 21, 1956, ELDON MILLER, INC., 330 East Washington Street, Box 232, Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids and chemicals*, and *coal tar products*, in bulk, in tank vehicles or other special equipment, between points in Marshall County, Ky., on the one hand, and, on the other, points in Alabama, Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Ohio, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, Tennessee, Texas, and Wisconsin. Applicant is authorized to conduct operations in Kansas, Missouri, Nebraska, Iowa, Minnesota, Illinois, Wisconsin, Kentucky, Louisiana, Oklahoma, Texas, West Virginia, Ohio, Arkansas, Colorado, North Dakota, South Dakota, Tennessee, Alabama, Georgia, and Mississippi.

No. MC 94265 Sub 53, filed May 24, 1956, BONNEY MOTOR EXPRESS, INC., P. O. Box 4057, Broad Creek Station, Norfolk, Va. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meat, meat products*, and *meat by-products*, as defined by the Commission, from Postville, Iowa, to points in Virginia. Applicant is authorized to conduct operations in Iowa, Illinois, Minnesota, Nebraska, and Virginia.

No. MC 95920 Sub 9 (Amended), filed May 3, 1956, published page 3444, issue of May 23, 1956, D. D. SANTRY, doing business as SANTRY TRUCKING CO., 1525 Southwest Alder Street, Portland, Oreg. Applicant's attorney: John M. Hickson, Yeon Building, Portland, Oreg. For authority to operate as a *contract carrier*, over regular routes, transporting: *Malt beverages*, from Olympia, Wash., to Portland, Oreg., over U. S. Highway 99, and *empty malt beverage containers* and *spoiled shipments* of the above-named commodity on return. Applicant is authorized to conduct operations in Oregon and Washington.

No. MC 98748 Sub 2, filed May 10, 1956, GEORGE A. DUNMYRE, GEORGE A. DUNMYRE, JR., JAMES E. DUNMYRE, KENNETH R. DUNMYRE AND ROBERT L. DUNMYRE, doing business as DUNMYRE MOTOR EXPRESS, Chicora, Pa. Applicant's attorney: Edward M. Larkin, 2003 Law and Finance Building, Pittsburgh, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Chemicals, chemical products* and *petroleum products*, except liquid commodities in bulk, between points in Butler County, Pa., on the one hand, and, on the other, points in Pennsylvania, New Jersey, Maryland, and Delaware, and (2)

*Supplies and equipment, except liquid commodities in bulk, used or useful in the manufacture or processing or distribution of chemicals, chemical products, and petroleum products,* from points in Pennsylvania, New Jersey, Maryland, and Delaware, on the one hand, and, on the other, points in Butler County, Pa.

No. MC 101126 Sub 52, filed May 21, 1956, STILLPASS TRANSIT COMPANY, INC., 4967 Spring Grove Avenue, Cincinnati 32, Ohio. For authority to operate as a *contract carrier,* over irregular routes, transporting: *Asphalt additive,* in bulk, in tank vehicles, from Reading, Ohio, to Morehead City, N. C., and Jacksonville, Fla., and *Empty containers or other such incidental facilities* used in transporting the commodity specified, on return.

No. MC 103378 Sub 67, filed May 22, 1956, PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlanta National Bank Building, Jacksonville, Fla. For authority to operate as a *common carrier,* over irregular routes, transporting: *Rosin,* in bulk, in tank trucks, from Brunswick, Ga., to Hattiesburg, Miss. Applicant is authorized to conduct operations in Florida and Georgia.

No. MC 105217 Sub 38, filed May 21, 1956, RICE TRUCK LINES, 712 Central Avenue, West, Great Falls, Mont. Applicant's attorney: Randall Swanberg, 527–529 Ford Building, Great Falls, Mont. For authority to operate as a *common carrier,* over irregular routes, transporting: *Petroleum and petroleum products,* in bulk, in tank vehicles, from Cody, Lovell, Thermopolis, Newcastle, Sinclair, Casper, and Cheyenne, Wyo., and points in Wyoming within ten (10) miles of each, to points in Montana. Applicant is authorized to conduct operations in Montana, Idaho, Washington, and North Dakota.

No. MC 105556 Sub 26, filed May 14, 1956, HOUCK TRANSPORT COMPANY, 7 North 22d Street, Billings, Mont. Applicant's attorney: Franklin S. Longan, Suite 319, Securities Building, Billings, Mont. For authority to operate as a *common carrier,* over irregular routes, transporting: *Petroleum and petroleum products,* in bulk, in tank vehicles, from Glendive, Mont., and points within ten (10) miles of Glendive to points in South Dakota on and north of U. S. Highway 16 and on and west of U. S. Highway 83, and south of U. S. Highway 212. Applicant is authorized to conduct operations in Montana, North Dakota, South Dakota, and Wyoming.

No. MC 106373 Sub 21, filed May 24, 1956, THE SERVICE TRANSPORT CO., 11910 Harvard Avenue, Cleveland, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. For authority to operate as a *common carrier,* transporting: *General commodities,* except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Ford Motor Company (Lincoln Division) plant near Wixom, on Wixom Road, Lyons Township, Oakland County, Mich., as an off-route point in connection with applicant's regular route operations to and from Detroit, Mich. Applicant is authorized to conduct operations in Ohio, Michigan, New York, and Pennsylvania.

No. MC 106398 Sub 67, filed May 24, 1956, NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road (P. O. Box 896 Dawson Station), Tulsa, Okla. Applicant's attorney: John E. Lesow, 632 Illinois Building, 17 West Market Street, Indianapolis 4, Ind. For authority to operate as a *common carrier,* over irregular routes, transporting: *Trailers,* designed to be drawn by passenger automobiles, by the truckaway method, in initial movements, from Tulare and Santa Clara, Calif., to all points in the United States. Applicant is authorized to conduct operations throughout the United States.

No. MC 106398 Sub 68, filed May 24, 1956, NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road (P. O. Box 896 Dawson Station), Tulsa, Okla. Applicant's attorney: John E. Lesow, Illinois Building, 17 West Market Street, Indianapolis 4, Ind. For authority to operate as a *common carrier,* over irregular routes, transporting: *Trailers,* designed to be drawn by passenger automobiles, by the truckaway method, in initial movements, from Momence, Ill., to all points in the United States. Applicant is authorized to conduct operations throughout the United States.

No. MC 106603 Sub 44, filed May 21, 1956, DIRECT TRANSIT LINES, INC., 200 Colrain Street, SW., Grand Rapids 8, Mich. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. For authority to operate as a *common carrier,* over irregular routes, transporting: *Salt,* from Manistee, Mich., to points in Wisconsin, Iowa and Missouri. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, Missouri, Ohio, and Wisconsin.

No. MC 106965 Sub 88, filed May 18, 1956, M. I. O'BOYLE & SON, INC., doing business as O'BOYLE TANK LINES, 817 Michigan Avenue NE., Washington, D. C. Applicant's attorney: Dale C. Dillon, Washington Building, Suite 944, Washington 5, D. C. For authority to operate as a *common carrier,* over irregular routes, transporting: *Liquid agricultural insecticides,* in bulk, in tank vehicles, from Baltimore, Md., to points in Ohio, Indiana, and Illinois. Applicant is authorized to conduct operations in Maryland, West Virginia, Virginia, Pennsylvania, New Jersey, North Carolina, and the District of Columbia.

No. MC 107002 Sub 95, (correction), filed May 3, 1956, published in the May 16, 1956, issue on page 3241, WALTER M. CHAMBERS, doing business as W. M. CHAMBERS TRUCK LINE, 105 Giuffrias Avenue, P. O. Box 687, New Orleans, La. For authority to operate as a *common carrier,* over irregular routes, transporting: *Petroleum* and *petroleum products,* in bulk, in tank vehicles, from Memphis, Tenn., to Benton and Bauxite, Ark. Applicant is authorized to conduct operations in Alabama, Arkansas, Georgia, Illinois, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Texas, West Virginia, Wisconsin, and the District of Columbia.

No. MC 107295 Sub 54, filed May 24, 1956, PRE-FAB TRANSIT CO., a corporation, Farmer City, Ill. Applicant's attorney: Mack Stephenson, 208 East Adams Street, Springfield, Ill. For authority to operate as a *common carrier,* over irregular routes, transporting: *Brick,* from points in Cook County, Ill., to points in Indiana, except those in Lake, La Porte, Porter, and St. Joseph Counties, Ind., and points in Michigan, except those in Berrien, Cass, St. Joseph, Branch, Hillsdale, Calhoun, Kalamazoo, Van Buren, and Allegan Counties, Mich., and *returned shipments* of the above named commodity on return. Applicant is authorized to conduct operations in Illinois, Indiana and Michigan.

No. MC 108380 Sub 41, filed May 21, 1956, JOHNSTON'S FUEL LINERS, INC., P. O. Box 328, Newcastle, Wyo. Applicant's attorney: Stockton, Linville and Lewis, The 1650 Grant Street Building, Denver 3, Colo. For authority to operate as a *common carrier,* over irregular routes, transporting: *Petroleum* and *petroleum products,* in bulk, in tank vehicles, from Newcastle, Wyo., to points in that part of Nebraska on and west of U. S. Highway 183. Applicant is authorized to conduct operations in Colorado, Utah, North Dakota, Nebraska, South Dakota, and Wyoming.

No. MC 108843 Sub 4, filed May 21, 1956, GLABERN CORPORATION, 5220 Montour Street, Philadelphia, Pa. Applicant's representative: G. A. Bruestle, Motor Carriers Service Bureau, Inc., southeast corner Broad and Spring Garden Streets, Philadelphia 23, Pa. For authority to operate as a *contract carrier,* over irregular routes, transporting: *Trailers,* other than those designed to be drawn by passenger automobiles, from Philadelphia, Pa., to points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming. *Used and display trailers* other than those designed to be drawn by passenger automobiles, from the above-specified destination points to Philadelphia, Pa. *Trailer parts* and *articles used in the manufacture of trailers,* crated or uncrated, between Philadelphia, Pa., on the one hand, and, on the other, points in Arizona, Arkansas, California, Colorado, Idaho, Iowa, Montana, Nebraska, Nevada, New Mexico, North Dakota, Oklahoma, Oregon, South Dakota, Utah, Washington, and Wyoming. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

No. MC 110252 Sub 40, filed May 25, 1956, JAMES J. WILLIAMS, INC., North 1108 Pearl Srteet, Spokane, Wash. Applicant's attorney: Williams B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier,* over irregular routes, transporting: *Fertilizers,* liquid or dry, and *materials used in manufacturing fertilizers,* in tank or hopper type vehicles, or in containers of not less than 10,000 pounds capacity each, between points in Washington on and east of U. S. Highway 97, on the one hand, and, on the other, points in Montana on and west of U. S. Highway 91. Applicant is authorized to conduct operations in Idaho and Washington.

No. MC 110486 Sub 8, filed May 22, 1956, WALTER PITTS, 301 South Fifth Street, P. O. Box 807, West Memphis, Ark. Applicant's attorney: Ernest A. Brooks II, 1310 Ambassador Building, St. Louis 1, Mo. For authority to operate as a *common carrier,* over irregular routes, transporting: *Commodities* (except pipe, pipeline material, machinery, equipment and supplies incidental to and used in connection with the construction, dismantling and repairing of pipelines), the transportation of which because of size or weight require the use of special handling, between points in Missouri and Illinois within a radius of forty miles of Sikeston, Mo. Applicant is authorized to conduct operations in Tennessee, Arkansas, and Illinois.

No. MC 111238 Sub 5, filed May 18, 1956, DOLLISON TRUCK LINES, INC., 1000 Pennsylvania Avenue, Charleston, W. Va. Applicant's attorney: John C. White, 400 Union Building, Charleston 1, W. Va. For authority to operate as a *common carrier,* over irregular routes, transporting: *Motion picture films,* in containers, *materials,* used in advertising the exhibition of motion pictures, and *machinery, materials,* and *supplies,* used in the maintenance and operation of sound systems and theatre projection rooms, between Cincinnati, Ohio, and points in Lincoln, Logan, and Mingo Counties, West Virginia. Applicant is authorized to conduct operations in Ohio and West Virginia.

No. MC 112520 Sub 9, filed May 24, 1956, SOUTH STATE OIL CO., New Quincy Road, P. O. Box 161, Tallahassee, Fla. Applicant's attorney: Dan R. Schwartz, Suite 713, Professional Building, Jacksonville, 2, Fla. For authority to operate as a *common carrier,* over irregular routes, transporting: *Liquid naval stores, naval stores products* and *products* and *by-products* derived or manufactured therefrom, including but not limited to: *rosin, molten; printing ink* or otherwise; *resin* and *resinous compounds,* synthetic or otherwise; *ester gum solution; gum turpentine; pinene; resinous oils; tall oil* and *tall oil products,* in bulk, in tank vehicles, (a) from Baxley, Ga., to points in Florida, Louisiana, North Carolina, Tennessee, and Virginia, and (b) from Pensacola, Fla., and points within 25 miles thereof, to points in Arkansas, Georgia, Illinois, Louisiana, Missouri, Ohio, and Tennessee. Applicant is authorized to conduct operations in Alabama, Florida, and Mississippi.

No. MC 112520 Sub 10, filed May 24, 1956, SOUTH STATE OIL CO., New Quincy Road, P. O. Box 161, Tallahassee, Fla. Applicant's attorney: Dan R. Schwartz, 713 Professional Building, Jacksonville 2, Fla. For authority to operate as a *common carrier,* over irregular routes, transporting: (1) *Sulphuric acid* (oil of vitriol), in bulk, in tank vehicles, from Mobile, Ala., to points in Florida, (2) *liquid naval stores, naval stores products* and *products* and *by-products* derived or manufactured therefrom, including but not limited to *rosin* and *resinous compounds,* synthetic or otherwise; *ester gum solution; gum turpentine; pinene; resinous oils, tall oil* and *tall oil products,* in bulk, in tank vehicles, from Panama City, Fla., to Mobile, Ala. Applicant is authorized to conduct operations in Alabama, Florida, and Mississippi.

No. MC 113398 Sub 6, filed May 11, 1956, A. L. EMERY, doing business as CINEMA SERVICE, 231 North Loomis, Fort Collins, Colo. Applicant's attorney: Marion F. Jones, 527 Denham Building, Denver 2, Colo. For authority to operate as a *common carrier,* over regular routes, transporting: *Motion picture films* and *advertising material incidental thereto,* and *newspapers,* (1) between Denver, Colo., and McCook, Nebr., from Denver over U. S. Highway 6 to junction U. S. Highway 34 and thence over U. S. Highway 34 to McCook, Nebr., and return over the same routes, serving all intermediate points; (2) between McCook, Nebr., and Grant, Nebr., from McCook over U. S. Highway 83 to North Platte, Nebr., thence over U. S. Highway 30 to Ogallala, Nebr., and thence over Nebraska Highway 61 to Grant, and return over the same routes, serving all intermediate points, and the off-route point of Curtis, Nebr.; (3) between Grainton, Nebr., and junction Nebraska Highway 23 and U. S. Highway 83 over Nebraska Highway 23, serving all intermediate points; (4) between Denver, Colo., and Chappell, Nebr., from Denver over U. S. Highway 6 to junction U. S. Highway 138 near Sterling, Colo., thence over U. S. Highway 138 via Julesburg, Colo., to junction U. S. Highway 30, thence over U. S. Highway 30 to Ogallala, Nebr., thence over U. S. Highway 26 to Scottsbluff, Nebr., thence over Nebraska Highway 29 to Kimball, Nebr., and thence over U. S. Highway 30 to Chappell (also, from Denver as above described to the junction Colorado Highway 59 and U. S. Highway 138 at Sedgwick, Colo., thence over Colorado Highway 59 to the Nebraska-Colorado State line, and thence over unnumbered highway to Chappell), and return over the same routes, serving all intermediate points; (5) between Denver, Colo., and Palisade, Nebr., from Denver over U. S. Highway 85 to the junction of U. S. Highway 34 at Greeley, Colo., thence over U. S. Highway 34 to junction U. S. Highway 6 and thence over U. S. Highway 6 to Palisade, Nebr., and return over the same routes, serving all intermediate points; (6) between the junction of U. S. Highway 138 northeast of Sterling and Colorado Highway 113 and the junction of U. S. Highway 30 and Nebraska Highway 19 at Sidney, Nebr., from the junction of U. S. Highway 138 and Colorado Highway 113 over Colorado Highway 113 to the Colorado-Nebraska State line, and thence over Nebraska Highway 19 to the junction of

U. S. Highway 30, and return over the same routes serving all intermediate points; (7) from Scottsbluff, Nebr., and Kimball, Nebr., to Denver, Colo., (a) from Scottsbluff over U. S. Highway 26 to Torrington, Wyo., thence over U. S. Highway 85 to Cheyenne, Wyo., and thence over U. S. Highway 87 to Denver, serving no intermediate points; (b) from Kimball, Nebr., over U. S. Highway 30 to Cheyenne, Wyo., and thence over U. S. Highway 87 to Denver, serving no intermediate points.

NOTE: Applicant presently holds authority to transport motion picture films and advertising material incidental thereto between the points set forth in paragraphs No. 2, 3, and 4 and those in paragraph No. 1 excepting points west of Akron in Colorado, and so far as this portion of the application is concerned, the application is filed to obtain authority to transport newspapers in the same vehicles with the motion picture film and advertising material over routes authorized. Applicant will request revocation of all authority it now holds if and when consolidated certificate as requested herein is granted.

No. MC 113437 Sub 3, filed May 18, 1956, BELLINGER TRANSPORTATION, INC., 407 South Perry Street, Johnstown, N. Y. Applicant's representatives: Morton E. Kiel, and Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Malt beverages*, in containers, from Natick, Mass., to Gloversville, N. Y., *Empty malt beverage containers*, from Gloversville, N. Y., to Natick, Mass. Applicant is authorized to conduct operations in New York and Pennsylvania.

No. MC 113437 Sub 4, filed May 18, 1956, BELLINGER TRANSPORTATION, INC., 407 South Perry Street, Johnstown, N. Y. Applicant's representatives: Morton E. Kiel and Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Malt beverages*, in containers, from Baltimore, Md., to Catskill, Albany, Syracuse, Gloversville, Glens Falls, and Watertown, N. Y., *Empty malt beverage containers*, from Catskill, Albany, Syracuse, Gloversville, Glens Falls and Watertown, N. Y., to Baltimore, Md. Applicant is authorized to conduct operations in Pennsylvania and New York.

No. MC 115002 Sub 2, filed May 14, 1956, R. RUFUS COOK, doing business as COOK TRUCK LINES, 2007 Palmetto Road, Albany, Ga. Applicant's attorney: Robert T. Thompson, Rhodes-Haverty Building, Atlanta 3, Ga. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Peanut combines, peanut shakers, mowing machines*, and *parts therefor*, from Albany, Ga., to Des Moines, Iowa, Sioux Falls, S. Dak., Mankato, Minn., Springfield, Mass., New Kensington, Pa., Yakima, Wash., Mobile, Ala., San Fernando, Calif., and the port of entry on the international boundary between the United States and Canada at Niagara Falls, N. Y. Applicant is authorized to conduct operations in Georgia, Texas, Indiana, Illinois, Pennsylvania, New York, and Maryland.

No. MC 115050 Sub 2, filed May 10, 1956, DARRELL V. THOMPSON, doing business as THOMPSON TRANSPORT COMPANY, P. O. Box 30, McPherson, Kans. Applicant's attorney: W. A. Sawtell, Jr., Farnam Building, Omaha, Nebr. For authority to operate as a *common carrier*, over irregular routes, transporting: *Asphalt* and *heavy oil*, from Phillipsburg, Kans., to points in Garden, Deuel, Arthur, Keith, Perkins, Chase, Dundy, Hayes, Hitchcock, Lincoln, McPherson, Logan, Frontier, Red Willow, Furnas, Gosper, Dawson, Custer, Phelps, Harlan, Franklin, Kearney, Buffalo, Sherman, Valley, Greeley, Howard, Hall, Adams, Webster, Nuckolls, Clay, Hamilton, Merrick, Nance, Boone, Platte, Butler, Seward, York, Saline, Fillmore, Jefferson, Thayer, Polk, Lancaster, Gage, Grant, Hooker, Thomas, Blaine, Loup, Garfield, and Wheeler, Nebr. *Refused shipments* of the above-specified commodities and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application on return.

No. MC 115458 Sub 1, filed May 15, 1956 ROBERT G. VESPER AND OTIS A. VESPER, doing business as VESPER COMPANY, 6133 North Cherry Avenue, Long Beach 5, Calif. Applicant's attorney: Virgil L. Livingstone, 1507 M St. NW., P. O. Box 4636, Washington 20, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, by towaway and truckaway methods, from points in Los Angeles, Orange, and San Bernardino Counties, Calif., to points in the United States, and *damaged shipments* of the above-specified commodities, on return.

No. MC 115874, filed March 19, 1956, CAPUS BURKE, 105 Plum Avenue, Millen, Ga. Applicant's representative: G. B. Sasser, 140 Gray Street, Millen, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cotton*, in bales, *lumber*, *boll weevil poison*, and *farm machinery and equipment* of all types, between points in Georgia, Florida, South Carolina, North Carolina, and Tennessee.

No. MC 115974, filed May 7, 1956, JAMES T. ESTES, Noxapater, Miss. Applicant's attorney: J. Hoy Hathorn, Masonic Building, Louisville, Miss. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Cotton ties*, from Fairfield and Birmingham, Ala., and *bagging*, jute, from Gulfport, Miss., to points in Mississippi, (2) *General commodities, including those in bulk*, but excluding those of unusual value, Class A and B explosives, household goods as defined by the Commission, and those requiring special equipment, from points in Mississippi to Birmingham and Fairfield, Ala.

No. MC 115980, filed May 8, 1956, LLOYD SOWERS, doing business as LARAMIE FEED & TRUCKING SERVICE, P. O. Box 501, Laramie, Wyo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Treated poles, piling*, and *bridge timber*, (1) from Laramie, Wyo., to points in Colorado, Utah, Montana, Nebraska, Idaho, North Dakota, and South Dakota, and (2) from Denver, Colo., to points in Wyoming.

No. MC 115981, filed May 9, 1956, UNION TRANSPORTATION CO., INC., P. O. Box 2347, Sacramento, Calif. Applicant's attorney: Frank Loughran, 155 Sansome Street, San Francisco 4, Calif. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Clay sewer pipe*, and *Sewer pipe jointing materials* included in mixed shipments with clay sewer pipe but not exceeding 10 percent of the total weight of the entire shipment, from Lincoln, Calif., to all points in Nevada.

No. MC 116000, filed May 17, 1956, J. H. BROWN, BRUCE W. BROWN AND RAY BRAUDRICK, A Partnership, doing business as EMPACADORAS de MEXICO, 11th and South El Paso Streets, El Paso, Tex. Applicant's attorney: William J. Torrington, 1219 Simms Building, Albuquerque, N. Mex. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Fresh boneless meat* and *frozen boneless meat*, from the Port of Entry on the International Boundary between Mexico and the United States at or near El Paso, Tex., including El Paso, to Chicago, Ill., Philadelphia, Pa., Baltimore, Md., Kansas City, Mo., Kansas City, Kans., and Los Angeles, San Francisco, Oakland, and Sacramento, Calif.

No. MC 116007, filed May 22, 1956, MICHAEL T. CHIAMPI AND DOMINICK CHIAMPI, doing business as CHIAMPI BROS., 254 Sullivan Street, Exeter, Pa. Applicant's attorney: Daniel H. Jenkins, Mears Building, Scranton, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Malt beverages* from Newark, N. J., Baltimore, Md., New York, N. Y., and Cleveland, Ohio, to points in Luzerne County, Pa.; *nonalcoholic beverages* from Newark, N. J. to points in Luzerne County, Pa.; *empty containers or other such incidental facilities* used in transporting the above-named commodities on return.

No. MC 116008, filed May 23, 1956, ARCHIE'S MOTOR FREIGHT, INCORPORATED, 316 East Sixth Street, Richmond, Va. Applicant's attorney: Henry E. Ketner, State Planters Bank Building, Richmond 19, Va. For authority to operate as a *common carrier*, over irregular routes, transporting: *Paper* and *paper products*, between Roanoke Rapids, N. C., on the one hand, and, on the other, Middletown, Ohio.

No. MC 116010, filed May 24, 1956, D'OLIER TRUCKING CORP. 8020 Colonial Road, Brooklyn, N. Y. Applicant's attorney: August W. Heckman, 880 Bergen Avenue, Jersey City 6, N. J. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Glass*, between New York, N. Y., and points in Pennsylvania, Ohio, Massachusetts, Connecticut, Michigan, New York, and New Jersey.

No. MC 116011, filed May 24, 1956, HELMER CARLSON, doing business as CARLSON TRUCK SERVICE, P. O. Box 601, Follansbee, W. Va. Applicant's attorney: Noel F. George, 44 East Broad Street, Columbus 15, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Iron and steel products*, and *children's toys*, and *materials, supplies, and equipment* used in the manufacture and sale of children's toys, (1) between Weirton, W. Va., on the one hand, and, on the other, points in Ohio, New York, Pennsylvania, and West Virginia, and (2) between Glen Dale and McMechen, W. Va., on the one hand, and, on the other, points in Ohio, New York, Pennsylvania, and West Virginia.

NOTE: Applicant has contract carrier, irregular route operations in MC 33914, dated November 4, 1954. Applicant states that the purpose of this application is to convert his operation from that of a contract carrier to a common carrier, and that the permit in MC 33914 is to be revoked concurrently with the granting of the instant application.

No. MC 116013, filed May 24, 1956, TOM ALEXANDER, INC., P. O. Box 748, U. S. Highway 190 West Opelousas, La. Applicant's attorney: Henry O'Connor, 318 Hibernia Building, New Orleans, La. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Canned sweet potatoes* (yams), from points in the Parishes of West Feliciana, Saint Martin, Lafayette, Saint Landry, and Iberia, La., to points in the Counties of San Diego, San Luis Obispo, Sacramento, Fresno, Alameda, Los Angeles, San Francisco, and Stanislaus, Calif.

APPLICATIONS FOR BROKERAGE LICENSES

No. MC 12266 Sub 2, filed May 23, 1956, BEKINS VAN & STORAGE COMPANY, a corporation, 706 West Main Street, Oklahoma City, Okla. For a license (BMC 4) authorizing operations as a broker in arranging for the transportation at Tulsa, Okla., of *Household Goods*, as defined by the Commission, in interstate or foreign commerce, between all points in the United States. Applicant is authorized to perform the same operation from an office in Oklahoma City, Okla.

No. MC 12647, filed May 10, 1956, N. DALE LIGHTNER, 215 Popular Street, Hanover, Pa. Applicant's attorney: Norman T. Petow, 43 North Duke Street, York, Pa. For a license (BMC 5) authorizing operations as a broker at Hanover, Pa. in arranging for transportation of *passengers and their baggage* in the same vehicle with passengers, in round-trip special or charter all-expense tours beginning and ending at Hanover, Pa. and points within fifty (50) miles of Hanover, and extending to points in the United States. In Certificates No. MC 105704, and MC 105704 Sub 2, N. Dale Lightner, doing business as Lincoln Bus Lines, is authorized to transport passengers and their baggage between York, Pa., and Frederick, Md., in charter service beginning and ending at points in York County, Pa., and extending to points in the United States, and in special operations consisting of round-trip sightseeing, or pleasure tours beginning and ending at points in York County, Pa., and extending to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida, and the District of Columbia, and New Orleans, La.



APPLICATIONS FOR MOTOR CARRIERS OF PASSENGERS

No. MC 3700 Sub 35, filed May 21, 1956, MANHATTAN TRANSIT COMPANY, a corporation, U. S. Highway 46, East Paterson, N. J. Applicant's attorney: Robert E. Goldstein, 24 West 40th Street, New York 18, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in one-way or round-trip charter operations, (1) from points in Nassau and Suffolk Counties, Long Island, N. Y., to points in the United States, and (2) beginning and ending at points in Nassau and Suffolk Counties, Long Island, N. Y., and extending to points in the United States. Applicant is authorized to conduct operations in Connecticut, Maryland, New Jersey, New York, Pennsylvania, and the District of Columbia.

No. MC 22589 Sub 7, filed May 8, 1956, CAMPUS TRAVEL, INC., doing business as CAMPUS COACH LINES, 545 Fifth Avenue, New York, N. Y. Applicant's attorney: Robert E. Goldstein, 24 West 40th Street, New York, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers in charter service, beginning and ending at points in Nassau and Suffolk Counties, N. Y., within 50 miles of the Borough of Manhattan, N. Y., and points in Maine, New Hampshire, Vermont, Alabama, Florida, Georgia, North Carolina, South Carolina, Illinois, Indiana, Iowa, Kentucky, Michigan, Ohio, Wisconsin, Arkansas, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, Texas, Minnesota, Montana, North Dakota, South Dakota, Colorado, Kansas, Nebraska, Wyoming, Arizona, California, Nevada, New Mexico, Utah, Idaho, Oregon, and Washington, and from points in Suffolk County, N. Y., beyond 50 miles of the Borough of Manhattan, N. Y., and extending to points in the United States. Applicant is authorized to conduct operations in New York, New Jersey, Pennsylvania, Massachusetts, Connecticut, Rhode Island, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia.

No. MC 29957 Sub 63, filed May 24, 1956, CONTINENTAL SOUTHERN LINES, INC., 425 Bolton Avenue, P. O. Box 4407, Alexandria, La. Applicant's attorney: Grove Stafford, P. O. Box 1711, Alexandria, La. For authority to operate as a common carrier, over a regular route, transporting: *Passengers and their baggage, express, mail* and *newspapers*, in the same vehicle with passengers, between Junction Louisiana Highways 4 and 9 and Junction Louisiana Highways 155 and 4, from junction Louisiana Highways 4 and 9, over Louisiana Highway 9 to Saline, La., thence over Louisiana Highway 155 to junction Louisiana Highways 155 and 4, and return over the same route, serving all intermediate points, including Saline, La. Applicant is authorized to conduct operations in Texas, Louisiana, Arkansas, Alabama, Mississippi, Tennessee, Missouri, Illinois, and Kentucky.

No. MC 115976, filed May 7, 1956, ROCHESTER, OSWEGO AND WATERTOWN BUS LINES, INC., 78 East Second Street, Oswego, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round-trip charter operations, restricted to traffic originating and terminating in the territory indicated, beginning and ending at points in Jefferson, Oswego, Cayuga, Wayne, and Monroe Counties, N. Y., and extending to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, Pennsylvania, New Jersey, Delaware, Maryland, Ohio, Indiana, Illinois, Michigan, and the District of Columbia, and to ports of entry on the International Boundary line between the United States and Canada, located at or near Niagara Falls, N. Y., Peace Bridge, Buffalo, N. Y., Ambassador Bridge, Detroit, Mich., Thousand Island Bridge, Collins Landing, N. Y., and Roosevelt Bridge, Rooseveltown, N. Y.

APPLICATIONS UNDER SECTION 5 (a) AND 210 (a) (b) CORRECTION

No. MC-F 6273, published in the May 23, 1956, issue of the FEDERAL REGISTER on page 3448. The irregular route authority being transferred should read, in part, as follows: "* * * between certain points in Minnesota."

No. MC-F 6276. Authority sought for control and merger by CONSOLIDATED FREIGHTWAYS, INC., 2029 NW. Quimby Street, Portland, Oreg., of the operating rights and property of MOTOR CARGO, INC., 700 Carroll Street, Akron, Ohio. Applicant's attorney: John R. Turney, 2001 Massachusetts Avenue NW., Washington 6, D. C. Operating rights sought to be controlled and merged: *General commodities*, with exceptions including household goods, as a *common carrier* over regular routes between Akron, Ohio, and New Castle, Pa., Massillon, Ohio, and Anoka, Minn., between Youngstown, Ohio, and Minneapolis, Minn., between Sharon, Pa., and Norwalk, Ohio, between Chicago, Ill., and Green Bay, Wis., Chicago Heights, Ill., and Galesburg, Ill., between Milwaukee, Wis., and Madison, Wis., between Rockford, Ill., and Waterloo, Iowa, between Cleveland, Ohio, and Indianapolis, Ind., between Davenport, Iowa, and Minneapolis, Minn., between Youngstown, Ohio, and New York, N. Y., between Canton, Ohio, and Newark, N. J., between Pittsburgh, Pa., and Cleveland, Ohio, between Baltimore, Md., and Washington, D. C., and between St. Louis, Mo., and Onarga, Ill., serving certain intermediate and off-route points; numerous alternate routes for operating convenience only; *general commodities*, except those of unusual value, or of a bulk or size requiring special equipment, from Baltimore, Md., to Easton and Reading, Pa., and from Harrisburg and Reading, Pa., to Baltimore, Md., serving certain intermediate and off-route points; *nickel and chrome-coated metal sheets and strips*, from Walnutport, Pa., to Allentown, Pa., serving no intermediate points; *general commodities*, with

certain exceptions including household goods, over irregular routes, between Allentown and Bethlehem, Pa., on the one hand, and, on the other, certain points in Pennsylvania, between Allentown, Pa., on the one hand, and, on the other, certain points in New Jersey and Pennsylvania, and between St. Louis, Mo., on the one hand, and, on the other, certain points in Missouri and Illinois, and between points in Lake and Porter Counties, Ind., and those in Illinois within 75 miles of Chicago, including Chicago, but not including those in Illinois on U. S. Highway 41 and Illinois Highways 120 and 42. CONSOLIDATED FREIGHTWAYS, INC., is authorized to operate in Oregon, Washington, Idaho, Nevada, Minnesota, North Dakota, Montana, Utah, California, Wisconsin, Illinois, and Iowa. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6278. Authority sought for control and merger by CONSOLIDATED FREIGHTWAYS, INC., 2029 Northwest Quimby Street, Portland, Oreg., of the operating rights and property of LIBERTY MOTOR FREIGHT LINES, INCORPORATED, 1535 Paterson Plank Road, Secaucus, N. J. Applicant's attorney: John R. Turney, 2001 Massachusetts Avenue NW., Washington 6, D. C. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions including household goods, as a *common carrier* over regular routes including routes between Boston, Mass., and Chicago, Ill., between Albany, N. Y., and Batavia and Buffalo, N. Y., between Oswego, N. Y., and Newburgh and New York, N. Y., between Boston, Mass., and St. Louis, Mo., between Philadelphia, Pa., and St. Louis, Mo., between Philadelphia, Pa., and Chicago, Ill., between Baltimore, Md., and Binghamton, N. Y., between Youngstown, Ohio, and Chicago, Ill., between New Haven, Conn., and Springfield, Mass., and between Toledo, Ohio, and Detroit, Mich., serving certain intermediate and offroute points; several alternate routes for operating convenience only: *general commodities*, with certain exceptions including household goods, over irregular routes, between points in Rhode Island; *new furniture, uncrated, steel, steel moulding, steel frames, steel shelving, steel doors, steel bars*, and *steel and wood construction materials*, from points in Chautauqua and Cattaraugus Counties, N. Y., to points in New York and Pennsylvania; *packing-house products and supplies*, and *dairy products*, from Chicago, Ill., to Erie, Pa., and Buffalo and Niagara Falls, N. Y.; *fresh and frozen fish*, from Erie, Pa., to Chicago, Ill. CONSOLIDATED FREIGHTWAYS, INC., is authorized to operate in Oregon, Washington, Idaho, Nevada, Minnesota, North Dakota, Montana, Utah, California, Wisconsin, Illinois, and Iowa. Application has not been filed for temporary authority under section 210 a (b).

No. MC–F 6285. Authority sought for control by CHIPPEWA MOTOR FREIGHT, INC., 2645 Harlem Street, Eau Claire, Wis., of the operating rights and property of WILLIAM F. METZA, doing business as BERT H. JONES TRANSFER, 1419 Duncan Road, Bloomer, Wis., and for acquisition by FRANK BABBITT, also of Bloomer, of control of such rights and property through the transaction. Applicant's attorney: Donald A. Morken, 1100 First National-Soo Line Building, Minneapolis 2, Minn. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods, as a *common carrier* over irregular routes, between Eau Claire, Wis., on the one hand, and, on the other, points in Wisconsin within 75 miles of Eau Claire; *household goods*, as defined by the Commission, between Eau Claire, Wis., and points within 75 miles of Eau Claire, on the one hand, and, on the other, points in Minnesota, Michigan, Illinois, Iowa, North Dakota, South Dakota, Indiana, Kentucky, and Ohio, CHIPPEWA MOTOR FREIGHT, INC., is authorized to operate in Minnesota, Illinois, and Wisconsin. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6286. Authority sought for control by ARTHUR R. FORSYTH, JR., 612 South 22d Street, Birmingham, Ala., of the operating rights and property of ALABAMA HIGHWAY EXPRESS, INC., 3300 South Fifth Avenue, Birmingham, Ala. Applicant's attorney: D. H. Markstein, Jr., 818 Massey Building, Birmingham, Ala. Operating rights sought to be controlled: *General commodities*, with certain exceptions including household goods, as a *common carrier* over irregular routes from, to and between certain points in Alabama, Mississippi, Tennessee, Kentucky, Indiana, Florida, Georgia, Illinois, and Ohio; *household goods*, as defined by the Commission, between Birmingham, Ala., on the one hand, and, on the other, points in Mississippi, Tennessee, Florida, Georgia, Louisiana, and Virginia; *tires, tubes, tire fabric, empty spools, winding cores, core disc, core protectors, rubber products, canned goods, glass containers, fruit juices, jams, jellies, preserves, vinegar*, and *apple products*, from, to and between certain points and areas, varying with the commodity transported, in Maryland, Alabama, Georgia, Kentucky, Mississippi, Indiana, Tennessee, Illinois, Ohio, and Virginia. Applicant holds no authority from this Commission but is affiliated with HARRIS WAREHOUSE COMPANY, which is authorized to operate in Alabama. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6287. Authority sought for purchase by NEWTON TRANSPORTATION COMPANY, INC., Box 802, Lenoir, N. C., of the operating rights and property of J. C. TOWNSEND, doing business as BERRY & DECKER TRANSFER, Hildebran, N. C., and for acquisition by ED W. NEWTON, also of Lenoir, or control of such rights and property through the purchase. Applicants' attorney: James E. Wilson, Continental Building, Washington, D. C. Operating rights sought to be transferred: *New furniture*, as a *common carrier*, over irregular routes, from Morganton, N. C., to St. Louis, Mo., New York, N. Y., and points in New Jersey, Pennsylvania, Ohio, Indiana, Virginia, West Virginia, Maryland, Illinois, South Carolina, and the District of Columbia; *damaged or rejected shipments* and *unfinished and display furniture*, from the above-specified destination points to Morganton; *materials* used or useful in the manufacture of new furniture, from the above-specified destination points to Morganton and points in North Carolina within 100 miles of Morganton. Vendee is authorized to operate in North Carolina, Maryland, Virginia, New York, New Jersey, Pennsylvania, Kentucky, Ohio, and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6288. Authority sought for purchase by W. H. WOOTEN and J. H. PARKER, doing business as W. H. WOOTEN TRANSPORTS, 153 Gaston Avenue, Memphis, Tenn., of a portion of the operating rights of L. L. MAJURE and MRS. JO M. MAJURE, doing business as L. L. MAJURE, 1600 B Street, P. O. Box 1028, Meridian, Miss. Applicants' attorney: Louis I. Dailey, 2111 Sterick Building, Memphis 3, Tenn. Operating rights sought to be transferred: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, as described in appendix to the report in *Descriptions in Motor Carrier Certificates*, 61 M. C. C. 209, as a *common carrier* over irregular routes from the site of the pipeline terminal of the Oklahoma-Mississippi River Products Line, Inc., at or near West Memphis, Ark., to points in Mississippi within 150 miles of West Memphis. Vendee is authorized to operate as a *common carrier* in Arkansas and Tennessee. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6290. Authority sought for purchase by DEATON TRUCK LINE, INC., 3409 North 10th Avenue, Birmingham, Ala., of a portion of the operating rights of ANNISTON MOTOR EXPRESS, INC., P. O. Box 1339, Anniston, Ala., and for acquisition by P. Y. WHITMAN, M. E. WHITMAN and H. C. WEBB, all of Birmingham, of control of such rights through the purchase. Applicants' attorney: D. H. Markstein, Jr., 818 Massey Building, Birmingham, Ala. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods, as a *common carrier* over a regular route between Talladega, Ala., and Atlanta, Ga., serving all intermediate points in Alabama; alternate route for operating convenience only between Atlanta, Ga., and Oxford, Ala. Vendee is authorized to operate as a *common carrier* in Alabama, Georgia, Florida, South Carolina, North Carolina, Kentucky, Tennessee, Mississippi, Louisiana, Texas, Arkansas, Oklahoma, and Missouri. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6291. Authority sought for purchase by WESTERN EXPRESS, 2300 Ninth Avenue, North Great Falls, Mont., of the operating rights of RUSS BAGLEY and WILLIAM HATCH, doing business as BUTTE–HELENA MOTOR FREIGHT, 1133 Oregon Avenue, Butte, Mont., and for acquisition by JOHN S. RICE, also of Great Falls, of control of such operating rights through the purchase. Applicants' attorney: Randall Swanberg, 529 Ford Building, Great Falls, Mont. Operating rights sought to be purchased: *General commodities*, with certain exceptions including household goods, as a *common carrier* over a regular route between Butte, Mont., and Helena, Mont., serving all intermediate and certain off-route points. Vendee is authorized to operate as a *common carrier* in Montana. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6292. Authority sought for purchase by FLOYD & BEASLEY TRANSFER COMPANY, INC., Sycamore, Ala., of a portion of the operating rights of ANNISTON MOTOR EXPRESS, INC., P. O. Box 1339, Anniston, Ala., and for acquisition by C. R. FLOYD and J. D. BEASLEY, both of Sycamore, of control of such rights through the purchase. Applicants' attorney: D. H. Marksetin, Jr., 818 Massey Building, Birmingham 3, Ala. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods, as a *common carrier* over a regular route between Anniston, Ala., and Birmingham, Ala., serving all intermediate points and the off-route point of Cropwell, Ala. Vendee is authorized to operate as a *common carrier* in Alabama, South Carolina, Tennessee, and Georgia. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6295. Authority sought for lease by TENNESSEE CAROLINA TRANSPORTATION, INC., 905 Mile End Avenue, Nashville 7, Tenn., of a portion of the operating rights of HOOVER MOTOR EXPRESS COMPANY, INC., Polk Avenue, Nashville, Tenn., and for acquisition by HOWARD YOUREE, MRS. ARREE YOUREE, CHARLES YOUREE, and HOWARD YOUREE, JR., all of Nashville, of control of such rights through the transaction. Applicants' attorney: Edgar Watkins, Munsey Building, Washington 4, D. C. Operating rights sought to be leased: *General commodities*, with certain exceptions including household goods, as a *common carrier*, over a regular route between Livingston, Tenn., and Crossville, Tenn., serving all intermediate points. Lessee is authorized to operate as a *common carrier* in North Carolina, Tennessee, South Carolina, and Virginia. Application has been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56–4413; Filed, June 5, 1956; 8:50 a. m.]

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FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 1, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32158: *Veneer—North Carolina to southwestern and western trunk-line territories.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on veneer, unfigured, carloads, as more fully described in the application, from Conway and Plymouth, N. C., to specified points in southwestern and western trunk-line territories.

Grounds for relief: Carrier competition, grouping and circuity.

Tariffs: Supplement 72 to Agent Spaninger's I. C. C. 1269; Supplement 144 to Agent Spaninger's I. C. C. 1101.

FSA No. 32159: *All freight—Illinois, Iowa, and Wisconsin to Syracuse, N. Y., and Reading, Pa.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on freight, all kinds, mixed carloads from origins in Illinois, Iowa and Wisconsin, named in Agent Prueter's tariff listed below to Syracuse, N. Y., also from Joliet, Ill., to Reading, Pa.

Grounds for relief: Motor-truck competition and circuity.

Tariff: Agent Prueter's tariff I. C. C. A–4158.

FSA No. 32160: *Barite—Arkansas and Missouri to Torrington, Wyo.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on barite (barytes), ground, carloads, from Butterfield, Malvern, National, Ark., Fountain Farm and Mineral Point, Mo., to South Torrington, Wyo.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 51 to Agent Kratzmeir's I. C. C. 4092.

FSA No. 32161: *Aluminum billets—Badin, N. C., to eastern and northern points.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on aluminum billets, ingots, pigs, or slabs, carloads, from Badin, N. C., to Cincinnati, Ohio and specified points in Connecticut, Delaware, Illinois, Indiana, Maryland, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, and West Virginia.

Grounds for relief: Motor-truck competition and circuity.

Tariffs: Supplement 13 to Agent Spaninger's I. C. C. 1509; Supplement 27 to Agent Spaninger's I. C. C. 1473.

FSA No. 32162: *Cement—Giant, S. C., to Reading, Pa., and group.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on cement, hydraulic, natural or portland, straight or mixed carloads from Giant, S. C., to Reading, Pa., and points grouped therewith as taking Reading rates.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 43 to Agent Spaninger's I. C. C. 1173.

FSA No. 32163: *All freight—Cleveland, Ohio, to Charlotte N. C.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on freight, all kinds, mixed carloads from Cleveland, Ohio, to Charlotte, N. C.

Grounds for relief: Motor-truck competition and circuity.

Tariff: Supplement 4 to Agent Hinsch's I. C. C. 4685.

FSA No. 32164: *Rail-water, water-rail, and rail-water-rail rates between southern and eastern points.* Filed by R. E. Boyle, Jr., Agent, for interested rail and water carriers. Rates on various commodities moving on rail-water or water-rail commodity rates, and on rail-water-rail commodity rates through Baltimore, Md., (1) between specified points in southern territory, on the one hand, and Baltimore, Md., on the other, via rail-water or water-rail routes, and (2) between specified points in southern territory, on the one hand, and specified points in eastern territory, on the other, via rail-water-rail routes through Baltimore, Md.

Grounds for relief: Competition with all-rail carriers.

FSA No. 32165: *Water-rail, rail-water, and rail-water-rail rates, from and to eastern points.* Filed by R. E. Boyle, Jr., Agent, for interested rail and water carriers. Rates on various commodities moving on water-rail, rail-water, and rail-water-rail commodity rates, as the case may be, from and to the points hereinafter described (a) from or to Baltimore, Md., on the one hand, and to and from specified points in southern territory, on the other, and, (b) from Greensboro, N. C., to Buffalo, N. Y., and Pittsburgh, Pa., via Baltimore, Md.

Grounds for relief: Competition with all-rail carriers.

FSA No. 32166: *Prefabricated houses—Lafayette, Ind., to Montana.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on portable or prefabricated houses or buildings, carloads from Lafayette, Ind., to specified points in Montana.

Grounds for relief: Circuitous routes.

Tariff: Supplement 14 to Agent Prueter's I. C. C. 1575.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56–4412; Filed, June 5, 1956; 8:49 a. m.]

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## DEPARTMENT OF LABOR

### Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under

special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended March 1, 1956, 21 F. R. 1349).

The following learner certificates were issued authorizing the employment of not more than 10 percent of the total number of factory production workers as learners for normal labor turnover purposes:

William Barry, Inc., 250 Canal Street, Lawrence, Mass.; effective 5–18–56 to 5–17–57 (sportswear).

Bedge Brassiere Manufacturing Inc., 32 Union Street, New London, Conn.; effective 5–16–56 to 5–15–57 (brassieres).

Tiny Women, Fuhrman-Levitt, Inc., Broadway at Jefferson, Camden, N. J.; effective 5–17–56 to 5–16–57 (children's dresses).

Hartley Garment Co., Inc., 1811 Church Street, Nashville, Tenn.; effective 5–16–56 to 5–15–57 (ladies' uniform dresses).

Indiana Rayon Corp., Greenfield, Ind.; effective 5–22–56 to 5–21–57 (children's outerwear).

Mode O'Day Corp., Plant No. 2, 146 South West Temple Street, Salt Lake City, Utah; effective 5–22–56 to 5–21–57 (dresses).

Movie Star of Mississippi, Inc., Purvis, Miss.; effective 5–21–56 to 5–20–57 (ladies' slips, gowns, etc.).

Oberman Manufacturing Co., Valdosta, Ga.; effective 5–27–56 to 5–26–57 (dungarees).

Phillips-Jones Factory, Minorsville, Pa.; effective 5–20–56 to 5–19–57 (sport shirts).

W. Shanhouse Sons, Inc., Magnolia, Ark.; effective 5–17–56 to 5–16–57 (sport jackets).

Levi Strauss & Co., 501 Travis Street, Wichita Falls, Tex., effective 5–20–56 to 5–19–57 (overalls).

Sweet-Orr & Co., Inc., 68 First Street Southwest, Pulaski, Va., effective 6–1–56 to 5–31–57 (single pants).

The following learner certificates were issued for normal labor turnover purposes, except as otherwise indicated:

Bee Em Manufacturing Co., 1011 West Diamond Street, Philadelphia, Pa.; effective 5–17–56 to 5–16–57; 7 learners (boys' clothing).

Beverly Blouse Co., 27 West Oak Street, Pittston, Pa.; effective 5–20–56 to 5–19–57; 5 learners (ladies' blouses).

Carbon Hill Manufacturing Co., Inc., Carbon Hill, Ala.; effective 5–15–56 to 11–14–56; 25 learners for plant expansion purposes (boys' slacks).

Carol-Ann Apparel Corp., Cherry Tree, Pa.; effective 5–16–56 to 5–15–57; 5 learners (dresses).

County Dress Co., Inc., 52 Orawaupum Street, White Plains, N. Y.; effective 5–15–56 to 5–14–57; 5 learners (dresses).

Granville Manufacturing Co., Hillsboro Street Extended, Oxford, N. C.; effective 5–19–56 to 5–18–57; 5 learners (ladies' dresses).

Irene Garment Co., Inc., Main Street, Nicholson, Pa.; effective 5–18–56 to 5–17–57; 6 learners (ladies' blouses).

The KYM Co., Harkness Street, Jackson, Ga.; effective 5–16–56 to 5–15–57; 10 learners (single pants).

Lemont Pants Co., 310 Illinois Street, Lemont, Ill.; effective 5–21–56 to 5–20–57; 4 learners (single pants).

Meyers & Son Manufacturing Co., Corner First and Jefferson Streets, Madison, Ind.; effective 5–8–56 to 11–7–56; 30 learners for plant expansion purposes (men's coveralls) (replacement certificate).

The More Manufacturing Co., Marissa, Ill.; effective 5–21–56 to 5–20–57; 5 learners (ladies' apparel).

J. E. Piekenbrock, d/b/a Piekenbrock Co., Dubuque, Iowa; effective 5–21–56 to 5–20–57; 5 learners (ladies' wash uniforms, hospital garments, etc.).

Southern Athletic Co., Inc., 111 17th Street, Knoxville, Tenn.; effective 5–17–56 to 11–16–56; 100 learners for plant expansion purposes (men's apparel).

Glove Industry Learner Regulations (29 CFR 522.60 to 522.65, as amended March 1, 1956, 21 F. R. 581).

Indianapolis Glove Co., Inc., Mount Ida, Ark.; effective 5–21–56 to 11–20–56; 25 learners for plant expansion purposes (work gloves).

Scotsmoor Co., Inc., 29–35 North Market Street., Johnstown, N. Y.; effective 5–16–56 to 5–15–57; 10 learners for normal labor turnover purposes (knitted gloves and mittens).

Leon F. Swears, Inc., 111–113 North Perry Street, Johnstown, N. Y.; effective 5–18–56 to 5–17–57; 10 percent of factory production workers engaged in the authorized learner occupations (dress gloves).

Wells Lamont Corp., 299A Beacon Street, Philadelphia, Miss.; effective 5–20–56 to 5–19–57; 10 percent of factory production workers engaged in the authorized learner occupations (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.43, as amended March 1, 1956, 21 F. R. 629).

Interwoven Stocking Co., Prospect and Church Streets, Hagerstown, Md.; effective 5–16–56 to 5–15–57; 5 percent of factory production workers for normal labor turnover purposes (seamless).

Independent Telephone Industry Learner Regulations (29 CFR 522.70 to 522.74, as amended March 1, 1956, 21 F. R. 581).

Hawkinsville Telephone Co., Hawkinsville, Ga.; effective 5–18–56 to 5–17–57.

Northern Ohio Telephone Co., McComb, Ohio; effective 5–21–56 to 9–30–56.

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended March 1, 1956, 21 F. R. 581).

Athens Lingerie Corp., Athens, Ala.; effective 5–21–56 to 11–20–56; 50 learners for plant expansion purposes (knit underwear and sleepwear).

East Tennessee Undergarment Co., Inc., 707 East Elk Avenue, Elizabethton, Tenn.; effective 5–18–56 to 5–17–57; 5 percent of factory production workers for normal labor turnover purposes. (Ladies' knit underwear.) (Authorizing additional occupation of final inspector for a maximum learning period of 160 hours.)

East Tennessee Undergarment Co., Inc., 707 East Elk Avenue, Elizabethton, Tenn.; effective 5–18–56 to 11–17–56; 20 learners for plant expansion purposes. (Ladies' knit underwear.) (Authorizing additional occupation of final inspector for a maximum learning period of 160 hours.)

Johnstown Knitting Mill Co., Johnstown, N. Y.; effective 5–17–56 to 5–16–57; 5 percent of factory production workers for normal labor turnover purposes (knitted outerwear).

Millheim Manufacturing Co., Inc., Center and Water Streets, Millheim, Pa.; effective 5–21–56 to 5–20–57; 5 learners for normal labor turnover purposes (swimsuits).

Norwich Mills, Inc., Norwich, N. Y.; effective 5–17–56 to 5–16–57; 5 percent of factory production workers for normal labor turnover purposes (knitted outerwear).

Regulations applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645).

The following learner certificates were issued for normal labor turnover purposes, except as otherwise indicated, to the companies listed below manufacturing miscellaneous products. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as follows:

Artcraft Products, Cleveland, N. C.; effective 5–17–56 to 11–16–56; not less than 85 cents per hour for a maximum of 240 hours, for the occupations of hand weavers and sewing machine operators; authorizing the employment of 5 learners (ladies' nylon handbags).

Carver Manufacturing Co., Inc., North Jackson Street, Athens, Tenn.; effective 5–17–56 to 10–29–56; not less than 80 cents per hour for the first 320 hours and 85 cents per hour for the remaining 160 hours of the 480-hour learning period, for the occupation of upholsterer; authorizing the employment of 10 learners (upholstered furniture). (Replacement certificate.)

DeRuyter Textile Co., DeRuyter, N. Y.; effective 5–18–56 to 11–17–56; not less than 90 cents per hour for a maximum of 160 hours, for the occupation of sewing machine operator; authorizing the employment of 2 learners (silverwear and cutlery containers).

Double Envelope Corp., 532 West Luck Avenue, Roanoke, Va.; effective 5–17–56 to 11–16–56; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupations of printing press operator and folding machine operator; authorizing the employment of ten percent of factory production workers (envelopes).

Jacob I. Hubbart-Pennwin Clothes Corp., 26th and Reed Streets, Philadelphia, Pa.; effective 5–17–56 to 11–16–56; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupations of sewing machine operators, hand sewer, and finishing operations involving hand sewing; authorizing the employment of five percent of factory production workers (men's suits).

Oxford-Hopkins Co., Inc., 210 Broad Street, Lynn, Mass.; effective 5–18–56 to 11–17–56; not less than 87 cents per hour for the first 240 hours and 93 cents for the remaining 240 hours of the 480-hour learning period, for the occupations of scarfing, sticking, studding, stapling, measuring and spooling, and stitching; authorizing the employment of ten percent of factory production workers (footwear cut stock and findings).

Schultz Co., 2028 Washington, St. Louis, Mo.; effective 5–16–56 to 11–17–56; not less than 87 cents per hour for the first 240 hours and 93 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of dyer and finisher, and shoe repairer; authorizing the employment of 30 learners for plant expansion purposes (shoe repair, refinishing).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 22d day of May 1956.

MILTON BROOKE,
*Authorized Representative of the Administrator.*

[F. R. Doc. 56–4398; Filed, June 5, 1956; 8:46 a. m.]



## DEPARTMENT OF JUSTICE

### Office of Alien Property

[Vesting Order SA–57]

CONCORDIA, S. A.

In re: Debt or other obligation owing to Concordia, S. A., otherwise known as Concordia Soc. Anon Roumaine; F–57–229.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of the National Supply Company, New York, N. Y., arising out of an overpayment on an account receivable to its former wholly-owned subsidiary, National Supply Export Corporation, maintained at said company, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Concordia, S. A., otherwise known as Concordia Soc. Anon Roumaine, Bucharest, Rumania, a national of Rumania as defined in said executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to Section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on May 31, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
*Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56–4419; Filed, June 5, 1956; 8:51 a. m.]

[Vesting Order SA–58]

CUSMO, S. A.

In re: Debt owing to Cusmo, S. A., F–57–225.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of Libby, McNeill & Libby, Chicago 9, Illinois, arising out of an account payable entitled "Special Deposit—Bucarest (Cusmo, S. A.)", maintained by the aforesaid company, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Cusmo, S. A., Bucharest, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to Section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on May 31, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
*Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56–4420; Filed, June 5, 1956; 8:51 a. m.]

[Vesting Order SA–59]

"FUTURA" TRADING CO., LTD.

In re: Debt owing to "Futura" Trading Co. Ltd. of Hungarian Cooperative Unions, also known as "Moszk" Landeszentrale Ungarischer Genossenschaften; F–34–158, D–63–270.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106–55. November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of The First National City Bank of New York, 55 Wall Street, New York 15, New York, arising out of an account entitled, "Superintendence Company, Inc., Special Account, New York, New York", maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is and as of September 15, 1947, was, owned directly or indirectly by "Futura" Trading Co. Ltd. of Hungarian Cooperative Unions, also known as "M o s z k" Landeszentrale Ungarischer Genossenschaften, Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the

International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on May 31, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

[F. R. Doc. 56-4421; Filed, June 5, 1956; 8:51 a. m.]

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# FEDERAL REGISTER

VOLUME 21 NUMBER 110

*Washington, Thursday, June 7, 1956*

## TITLE 7—AGRICULTURE

### Chapter III—Agricultural Research Service, Department of Agriculture

[P. P. C. 612, Second Rev., Supp. 5]

PART 301—DOMESTIC QUARANTINE NOTICES

ADMINISTRATIVE INSTRUCTIONS DESIGNATING PREMISES AS REGULATED AREAS UNDER REGULATIONS SUPPLEMENTAL TO KHAPRA BEETLE QUARANTINE

Pursuant to § 301.76–2 of the regulations supplemental to the Khapra Beetle Quarantine (7 CFR Supp. 301.76–2, 20 F. R. 1012) under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), revised administrative instructions issued as 7 CFR Supp. 301.76–2a (20 F. R. 9899), effective December 23, 1955, as amended effective January 26, 1956, March 14, 1956, April 17, 1956, and May 9, 1956 (21 F. R. 573, 1575, 2463, 3073), are hereby amended in the following respects:

(a) The designation as regulated areas of the following premises, included in the list contained in such instructions, is hereby revoked, and the reference to such premises in the list is hereby deleted, it having been determined by the Chief of the Plant Pest Control Branch that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra beetle in and upon such premises:

ARIZONA

Long's Dairy (barn), Buckeye.

Shaffer's Refinishing Shop, 3555 East Washington, Phoenix.

CALIFORNIA

Thomas Blackman Property (Bag fumigation), southwest corner of intersection of Sixth Street and Emerson, Calexico.

Brown Livestock Company, 1761 Atlas Peak Road, Napa.

Olaf Dahlquist Ranch, intersection of Road 28 and West N, Route 2, Box K, Imperial.

Archie Frick Ranch, SE¼ of sec. 7, T. 32 S., R. 29 E., near Arvin. Mail address 325 Third Avenue, Arvin.

Fred Frick Ranch, the south 100 acres of the NW¼ of sec. 7, T. 32 S., R. 29 E., near Arvin. Mail address 325 Third Avenue, Arvin.

Kern Valley Farms, on Wheeler Ridge Road, 1 mile south of Herring Road, Box 164, Arvin.

N. K. Larsen Ranch, located at intersection West G and Road 33, Route 2, Box 138, Imperial.

Kelly McCollum Ranch, intersection of Road 28 and West E, Route 1, Box G, Imperial.

Milham Farms, Camp No. 1, located Sec. 7, T. 28 S., R. 23 E. Mail address Lerdo Road, Buttonwillow.

Milham Farms, Camp No. 2, located Sec. 1, T. 28 S., R. 22 E. Mail address Lerdo Road, Buttonwillow.

Newhall Land & Farming Company, Route 3, Box 77, Saugus.

Oro Farm and Cattle Co. (Benjamin Kosdon, owner), located one and one-half miles northeast of Buttonwillow on west side of Wasco Way, one-half mile north of Highway 178, Box 274, Buttonwillow.

E. J. Reinecke Chicken Ranch, 36058 N. 82d Street East, Littlerock.

F. O. Rosenbaum Ranch, Route 2, Box 29, Imperial.

Rudinick Trust Feed Lot, 1½ miles west of Oak Street, on Panama Lane, Bakersfield.

Studer Bros. Ranch, County Road 6, two miles east of Mt. Signal School, Wisteria Lot 4, Route 1, Box 74A, Calexico.

E. W. Thornton Ranch, Route 2, Box 2, Imperial.

NEW MEXICO

Slone Grain Co., 223 North Avenue B, Portales.

(b) The following premises are added to the list, contained in such instructions, of warehouses, mills, and other premises in which infestations of the khapra beetle have been determined to exist. Such premises are thereby designated as regulated areas within the meaning of said quarantine and regulations:

ARIZONA

Annie Black Chicken Yard, 225 West Pastime Road, Tucson.

Ronald Bruce town residence, P. O. Box 43, Parker.

J. H. Munsey town residence, P. O. Box 192, Parker.

J. A. Tabor town residence, P. O. Box 1965, Parker.

R. H. Thompson residence property, P. O. Box 1836, Parker.

Wilmer Trussel Farm, General Delivery, Wellton.

CALIFORNIA

Anderson Cattle Co., located at north side of Highway 98, three-quarter mile west of Highway 99. Mail address P. O. Box 1105, Calexico.

Topper Feed Mills, 808 G Street, Fresno.

NEW MEXICO

Elgin E. Fowler Farm, Route 1, Floyd.

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FEDERAL REGISTER

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**CFR SUPPLEMENTS**

**(As of January 1, 1956)**

**The following Supplements are now available:**

**Title 7: Parts 900–959 (Rev., 1955) ($6.00)**

**Title 46: Part 146 to end ($1.25)**

***Previously announced:*** **Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 7: Parts 1–209 ($1.25); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Parts 1–399 ($2.50), Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. I, and Title 27 ($1.00); Titles 28 and 29 ($1.25); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 400–699 ($0.65), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Title 33 ($1.50); Titles 35–37 ($1.00); Titles 40–42 ($0.65); Title 43 ($0.50); Title 46: Parts 1–145 ($0.60); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)**

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This amendment shall become effective June 7, 1956.

Subsequent to the fourth supplement of these instructions, effective May 9, 1956, an infestation of the khapra beetle was discovered on the California Sun Dry Boulgour Company property, located at 630 South 12th Street (Cedar Street), Fresno, California. Movement of regulated articles from this property was immediately stopped. Within a few days such infested premises had been fumigated and declared free of khapra beetle infestation. Accordingly, this property is not being included in this supplement.

This amendment revokes the designation as regulated areas of certain premises, it having been determined by the Chief of the Plant Pest Control Branch that adequate sanitation measures have been practiced for a sufficient length of time to eradicate the khapra beetle in and upon such premises. It also adds additional premises to the list of premises in which khapra beetle infestations have been determined to exist, and designates such premises as regulated areas under the khapra beetle quarantine and regulations.

This amendment in part imposes restrictions supplementing khapra beetle quarantine regulations already effective. It also relieves restrictions insofar as it revokes the designation of presently regulated areas. It must be made effective promptly in order to carry out the purposes of the regulations and to permit unrestricted movement of regulated products from the premises being removed from designation as regulated areas. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the foregoing amendment are impracticable and contrary to the public interest, and good cause is found for making the effective date thereof less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 4th day of June 1956.

[SEAL] E. D. BURGESS,
*Chief,*
*Plant Pest Control Branch.*

[F. R. Doc. 56-4486; Filed, June 6, 1956; 8:56 a. m.]

## Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

### PART 962—FRESH PEACHES GROWN IN GEORGIA

DETERMINATION RELATIVE TO EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR 1956–57 FISCAL PERIOD

Notice was published in the May 15, 1956, daily issue of FEDERAL REGISTER (21 F. R. 3188) that consideration was being given to the proposals regarding the expenses and the fixing of the rate of assessment for the 1956–57 fiscal period under the marketing agreement, as amended, and Order No. 62, as amended (7 CFR Part 962; 20 F. R. 1635), regulating the handling of fresh peaches grown in the State of Georgia, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Industry Committee (established pursuant to said amended marketing agreement and order), it is hereby found and determined that:

§ 962.209 *Expenses and rate of assessment for the 1956–57 fiscal period*—(a) *Expenses.* The expenses necessary to be incurred by the Industry Committee, established pursuant to the provisions of the aforesaid amended marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the fiscal period beginning March 1, 1956, will amount to $12,538.80.

(b) *Rate of assessment.* The rate of assessment, which each handler who first handles peaches shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said amended marketing agreement and order is hereby fixed at one and eight-tenth cents ($0.018) per bushel basket of peaches (net weight 50 pounds), or its equivalent of peaches in other containers or in bulk.

It is hereby further found that it is impracticable and contrary to the public interest to postpone the effective time hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) shipments of peaches from Georgia are now being made; (2) the rate of assessment is applicable to all fresh peaches shipped during the 1956–57 fiscal period; (3) a large volume of the Georgia peach crop is handled by itinerant truckers and cash buyers who operate in the area only part of the season; and (4) in order for the regulatory assessment to be collected, especially from those handlers who do not have definite or established places of business in the production area, it is essential that the specification of the assessment rate be issued immediately so as to enable the said Industry Committee to perform its duties and functions under said amended marketing agreement and order.

As used herein, the terms "handler," "handles," "shipped," "peaches," "production area," and "fiscal period," shall have the same meaning as is given to each such term in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 4, 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator.*

[F. R. Doc. 56-4483; Filed, June 6, 1956; 8:55 a. m.]

# TITLE 12—BANKS AND BANKING

## Chapter III—Federal Deposit Insurance Corporation

### PART 327—ASSESSMENTS

ASSESSMENT DECISIONS

In F. R. Document 56-4084, appearing in the issue for Thursday, May 24, 1956, at page 3452, § 327.178 should read as follows:

§ 327.178 *Assessment Decision No. 78; escrow funds.* Funds held in escrow must be included in the assessment base unless they are held solely as security for a liability to the bank as provided in § 327.121 Assessment Decision No. 21, Cash Funds Received and Held as Security to Indebtedness to the Bank. Such funds are held for a special purpose and are in the nature of trust funds.

This includes all types of escrow funds.

# TITLE 14—CIVIL AVIATION

## Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 9]

### PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

*Correction*

In F. R. Doc. 56-4143, appearing at page 3621 of the issue for Saturday, May 26, 1956, the following change should be made:

In the next to last line of item 7, "(O-488)" should read "(C-488)".

# TITLE 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket 6200]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

R. D. ANDERSON ET AL.

Subpart—*Misrepresenting oneself and goods:* Business status, advantages or connections: § 13.1395 *Connections and arrangements with others;* [*Misrepresenting oneself and goods*]—Goods: § 13.1620 *Exclusive rights to or monopoly in;* § 13.1655 *Identity;* § 13.1663 *Individual's special selection or situation;* § 13.1760 *Terms and conditions;* [*Misrepresenting oneself and goods*]—Promotional sales plans: § 13.1830 *Promotional sales plans.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 13.1985 *Individual's special selection or situation.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interprets or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, R. D. Anderson d. b. a. Guaranteed Silverware Distributors, etc., Mayfield, Ky., Docket 6200, May 17, 1956]

*In the Matter of R. D. Anderson, an Individual Doing Business as Guaranteed Silverware Distributors, and American Silverware Bureau*

This proceeding was heard by a hearing examiner on the complaint of the Commission, charging an individual with falsely representing that he was connected with the International Silver Co., that his own redeemable coupon sales plan was its method of advertising its well-known "Rogers Bros. 1847" silverware, and that the silverware he furnished to holders would be that brand; that he would furnish to purchasers of the coupons, etc., a set of 52 matched pieces of such silverware in a tarnish-proof chest for display purposes, after which it would be the property of the purchaser; that dealers approached by his salesmen had been specially selected by him to distribute such certificates in a specific trade area, and that the silverware redemption plan would be made available to only one purchaser in that area.

Following respondent's denial and hearings at which he offered no testimony or evidence in opposition to the allegations of the complaint, he filed "Admission Answer" withdrawing his denial answer, admitting all the material allegations of fact, waiving further hearings and all intervening procedure, and agreeing that the hearing examiner proceed to an initial decision and order to cease and desist.

On this basis, the hearing examiner made his initial decision, including findings and order to cease and desist, which, on May 17, 1956, became the decision of the Commission.

The order to cease and desist is as follows:

*It is ordered,* That the respondent, R. D. Anderson, doing business as Guaranteed Silverware Distributors, or American Silverware Bureau, or under any other name, and respondent's agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of certificates, cards, coupons, or silverware, or any other merchandise, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing in any manner that he is agent for, or representative of, or is in any other manner connected with, the International Silver Company or any other manufacturer of silverware.

2. Representing that the said certificates, cards, or coupons are a part of, or connected in any way with, any sales plan or method of advertising adopted by any manufacturer of silverware or by anyone other than the respondent.

3. Representing that the silverware which will be furnished to purchasers of the said certificates, cards, or coupons or to the holders thereof, is any different brand, or is any different in style or quantity, or in any other way, from that which is actually furnished or that the chests furnished to said purchasers are tarnish proof.

4. Representing that the retail dealers to whom said certificates, coupons, or cards are offered are especially selected or that respondent's silverware redemption plan will be made available to only one purchaser in any given trade area.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is ordered,* That the respondent herein shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with the order to cease and desist.

Issued: May 17, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-4450; Filed, June 6, 1956; 8:48 a. m.]

# TITLE 19—CUSTOMS DUTIES

## Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54100]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

WAIVER OF COASTWISE TOWING LAWS

JUNE 1, 1956.

Waiver of 46 U. S. C. 316 to permit Canadian tugs "Harbor Master" and "Newfie Queen" to tow a carfloat from Cornwall Canal to Ogdensburg.

Upon the written recommendation of the Secretary of the Army, acting under the delegation of August 18, 1955 (20 F. R. 6361), of certain powers of the Secretary of Defense with respect to matters concerning the St. Lawrence Seaway Power Project or the St. Lawrence Seaway Navigation Project, and by virtue of the authority vested in me by the act of December 27, 1950 (64 Stat. 1120), and Revised Treasury Department Order No. 165, as amended (T. Ds. 53654 and 53966), I hereby waive compliance with section 316, title 46, United States Code, to the extent necessary to permit the Canadian tug "Harbor Master" to tow a 38 by 150 foot carfloat from the foot of the Cornwall Canal to Dickinson Landing and the Canadian tug "Harbor Master" and the Canadian tug "Newfie Queen" to tow that carfloat from Dickinson Landing to Ogdensburg, the towing operation to commence following notification of the issuance of this waiver to Merritt-Chapman & Scott Corporation, Contractor of the New York State Power Authority.

(R. S. 161, 251, secs. 2, 3, 23 Stat. 118, as amended, 119, as amended, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 1624, 46 U. S. C. 2, 3)

[SEAL] D. B. STRUBINGER, *Acting Commissioner of Customs.*

[F. R. Doc. 56-4453; Filed, June 6, 1956; 8:49 a. m.]

# TITLE 39—POSTAL SERVICE

## Chapter I—Post Office Department

PART 115—INCOMING PARCEL POST

STORAGE CHARGES

In § 115.3 *Charges,* (20 F. R. 7837), amend the first sentence of paragraph (b) to read:

(b) *Storage charges.* If you allow a parcel addressed to you to remain in the post office, you must pay a storage charge of 10 cents per day beginning with the 11th day from the first attempt at delivery or the issuance of the first notice that the parcel is read for delivery. * * *

This amendment shall be effective July 1, 1956.

(R. S. 161, 396, as amended, 398, as amended; 5 U. S. C. 22, 369, 372)

[SEAL] ABE MCGREGOR GOFF, *The Solicitor.*

[F. R. Doc. 56-4463; Filed, June 6, 1956; 8:51 a. m.]

# TITLE 43—PUBLIC LANDS: INTERIOR

## Chapter I—Bureau of Land Management, Department of the Interior

### Appendix—Public Land Orders

[Public Land Order 1304]

[71156]

CERTAIN FEDERAL LANDS SITUATED WITHIN PROCLAIMED BOUNDARIES OF NATIONAL FORESTS

NATIONAL FOREST STATUS

By virtue of the authority vested in the President by section 24 of the act of March 3, 1891 (26 Stat. 1103, 16 U. S. C. 471), the act of June 4, 1897 (30 Stat. 34, 36; 16 U. S. C. 473), the Emergency Relief Appropriation Act of April 8, 1935 (49 Stat. 115), and pursuant to Executive Order No. 10355 of May 26, 1952, and upon recommendation of the Assistant Secretary of Agriculture, it is ordered as follows:



Except as to the lands in the States of Arizona, California, Colorado, Idaho, Montana, New Mexico, Oregon, Washington, and Wyoming, all lands of the United States (1) acquired pursuant to an allotment of $13,827,500 made to the United States Department of Agriculture, by letter of the President of the United States to the Secretary of the Treasury dated June 19, 1935 under authority vested in the President by the said act approved April 8, 1935 (49 Stat. 115), (2) transferred to the Department of Agriculture pursuant to authority of the act of August 27, 1935 (49 Stat. 885), and the Federal Property and Administrative Services Act of June 30, 1949, as amended, (49 U. S. C. 471-514), now under the administrative jurisdiction of the Forest Service, Department of Agriculture, situated within the exterior boundaries of national forests, and not hitherto given national forest status are hereby made parts of the national forests in which they are situated, and hereafter shall be subject to all laws and regulations applicable to said national forests.

WESLEY A. D'EWART, *Assistant Secretary of the Interior.*

JUNE 1, 1956.

[F. R. Doc. 56-4434; Filed, June 6, 1956; 8:45 a. m.]

# TITLE 47—TELECOMMUNICATION

## Chapter I—Federal Communications Commission

[Rules Amdt. 3-13]

PART 3—RADIO BROADCAST SERVICES

MISCELLANEOUS AMENDMENTS

In the Matter of amendment of Part 3 of the Commission's rules and regulations to effect certain editorial changes therein.

The Commission has under consideration the desirability of making certain editorial changes in Part 3 of its rules and regulations.

The amendments adopted herein are editorial in nature, and, therefore, prior publication of notice of proposed rule making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately.

The amendments adopted herein are issued pursuant to authority contained in sections 4 (i), 5 (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and section 0.341 (a) of the Commission's rules and regulations.

*It is ordered,* That, effective June 11, 1956, Part 3 of the Commission's rules and regulations is revised as set forth below:

1. Section 3.93 is amended by deleting paragraph (a) and substituting the following:

(a) One or more radio operators holding a valid radiotelephone first-class operator license, except as provided in paragraph (b) of this section, shall be in actual charge of the transmitting apparatus and shall be on duty either at the transmitter location or remote control point.

2. Section 3.94 is amended to read as follows:

§ 3.94 *Period of construction.* Each construction permit for a radio station in the standard broadcast service will specify a maximum of 60 days from the date of granting thereof as the time within which construction of the station shall begin, and a maximum of six months thereafter as the time within which construction shall be completed and the station ready for operation, unless otherwise determined by the Commission upon proper showing in any particular case.

3. The following undesignated center heading should be added prior to § 3.250: "Equipment".

4. Section 3.265 is amended by deleting paragraph (a) and substituting the following:

(a) One or more radio operators holding a valid radiotelephone first-class operator license, except as provided in paragraph (b) of this section, shall be in actual charge of the transmitting apparatus and shall be on duty either at the transmitter location or remote control point.

5. Section 3.501 is amended to change the channel number for frequency 89.1 to 206.

6. Section 3.520 is amended by adding paragraph (b) as follows:

(b) Whenever the Commission regards an application for a renewal of an FM broadcast station license as essential to the proper conduct of a hearing or investigation, and specifically directs that it be filed by a date certain, such application shall be filed within the time thus specified. If the licensee fails to file such application within the prescribed time, the hearing or investigation shall proceed as if such renewal application had been received.

7. Section 3.565 is amended by deleting paragraph (a) and substituting the following:

(a) One or more radio operators holding a valid radiotelephone first-class operator license, except as provided in paragraph (b) of this section, shall be in actual charge of the transmitting apparatus and shall be on duty either at the transmitter location or remote control point.

8. Section 3.683 is amended by deleting the text of paragraph (b) (3) and substituting the following: "[Reserved]".

9. Section 3.693 is amended by deleting paragraph (a) (1) and substituting the following:

(1) The monitors shall have an accuracy of better than 500 cycles for 30 days of VHF operation, or for 10 days of UHF operation, and under ordinary conditions (ambient temperature from 10° centigrade to 40° centigrade above zero, humidity from 10 percent to 95 percent relative humidity, power supply variations from 90 percent to 110 percent, and other conditions which may affect its accuracy) encountered in television broadcast stations throughout the United States.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; sec. 5, 66 Stat. 713; 47 U. S. C. 303, 155)

Adopted: June 1, 1956.

Released: June 4, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 56-4464; Filed, June 6, 1956; 8:51 a. m.]

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[FCC 56-517]

[Rules Amdts. 11-18, 16-7, and 19-1]

PART 11—INDUSTRIAL RADIO SERVICES

PART 16—LAND TRANSPORTATION RADIO SERVICES

PART 19—CITIZENS RADIO SERVICE

CONSTRUCTION, MARKING AND LIGHTING OF ANTENNA STRUCTURES

In the matter of amendment of Parts 11, 16 and 19 of the rules and regulations of the Commission to conform with Part 17, Construction, Marking, and Lighting of Antenna Structures.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of May 1956;

The Commission having under consideration the provisions of Parts 11, 16 and 19 of its rules governing the Industrial, Land Transportation and Citizens Radio Services, respectively, with respect to the form to be used to describe proposed antenna structures; and

It appearing that certain sections of existing rules relating to the various land mobile radio services vary somewhat from the provisions of Part 17 and should be revised to conform therewith; and

It further appearing that the substance of the amendments herein ordered has already been the subject of formal rule making procedures (Docket 11306) resulting in amendment of Part 17; and

It further appearing that general notice of proposed rule making is not required in this matter under section 4 of the Administrative Procedure Act because this amendment is solely for the purpose of conforming Parts 11, 16 and 19 with Part 17, and that for the same reason the amendment may become effective immediately;

*It is ordered,* Pursuant to the authority contained in section (4) (i) and 303 (f), (q) and (r) of the Communications Act of 1934, as amended; that effective June 11, 1956 the rules and regulations of the Commission are amended as set forth below:

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: June 4, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

1. Amend § 11.3 (u) to read as follows:

(u) *Antenna structures.* The term antenna structures includes the radiating system, its supporting structures and any surmounting appurtenances.

2. Amend subparagraphs (1) and (2) of § 11.58 (d), to read as follows:

(1) The antenna structures proposed to be erected will exceed an over-all height of 170 feet above ground level, except that where the antenna is mounted on top of an existing man-made structure, other than an antenna structure, and does not increase the over-all height of such man-made structure by more than 20 feet, no Form 401–A need be filed; or

(2) The antenna structures proposed to be erected will exceed an over-all height of one foot above the established airport (landing area) elevation for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area, except that where the antenna does not exceed 20 feet above the ground or if the antenna is mounted on top of an existing man-made structure, other than an antenna structure, or natural formation and does not increase the over-all height of such man-made structure or natural formation by more than 20 feet, no Form 401–A need be filed.

3. Amend paragraph (w) of § 16.6 to read as follows:

(w) *Antenna structures.* The term antenna structures includes the radiating system, its supporting structures and any surmounting appurtenances.

4. Amend paragraph (d) of § 16.58 to read as follows:

(d) Description of the antenna system, on FCC Form 401-A in triplicate, in all cases when:

(1) The antenna structure proposed to be erected will exceed an over-all height of 170 feet above ground level, except that where the antenna is mounted on top of an existing man-made structure, other than an antenna structure, and does not increase the over-all height of such man-made structure by more than 20 feet, no Form 401–A need be filed; or

(2) The antenna structures proposed to be erected will exceed an over-all height of one foot above the established airport (landing area) elevation for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area, except that where the antenna does not exceed 20 feet above the ground or if the antenna is mounted on top of an existing man-made structure, other than an antenna structure, or natural formation and does not increase the over-all height of such man-made structure or natural formation by more than 20 feet, no Form 401–A need be filed.

5. Amend paragraph (h) of § 19.2 to read as follows:

(h) *Antenna structures.* The term antenna structures includes the radiating system, its supporting structures and any surmounting appurtenances.

6. Amend subparagraphs (1) and (2) of § 19.13 (b), to read as follows:

(1) The antenna structures proposed to be erected will exceed an over-all height of 170 feet above ground level, except that where the antenna is mounted on top of an existing man-made structure, other than an antenna structure, and does not increase the over-all height of such man-made structure by more than 20 feet, no Form 401–A need be filed; or

(2) The antenna structures proposed to be erected will exceed an over-all height of one foot above the established airport (landing area) elevation for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area, except that where the antenna does not exceed 20 feet above the ground or if the antenna is mounted on top of an existing man-made structure, other than an antenna structure, or natural formation and does not increase the over-all height of such man-made structure or natural formation by more than 20 feet, no Form 401–A need be filed.

7. Amend § 19.57 (a) to read as follows:

§ 19.57 *Limitation on antenna structures.* (a) No new antenna or antenna structures shall be erected for use by any station licensed or proposed to be licensed in this service, and no change shall be made in any existing antenna or antenna structures for use or intended to be used by any station licensed or proposed to be licensed in this service so as to increase its over-all height above ground level, without prior approval from the Commission in any case when either:

(1) The antenna structures proposed to be erected will exceed an over-all height of 170 feet above ground level, except where the antenna is mounted on top of an existing man-made structure, other than an antenna structure, and does not increase the over-all height of such man-made structure by more than 20 feet; or

(2) The antenna structures proposed to be erected will exceed an over-all height of one foot above the established airport (landing area) elevation for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area, except where the antenna does not exceed 20 feet above the ground or if the antenna is mounted on top of an existing man-made structure, other than an antenna structure, or natural formation and does not increase the over-all height of such man-made structure or natural formation by more than 20 feet. Application for Commission approval, if required, shall be submitted on FCC Form 401–A.

[F. R. Doc. 56-4465; Filed, June 6, 1956; 8:51 a. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### [ 7 CFR Part 971 ]

[Docket No. AO 175–A14]

MILK IN DAYTON-SPRINGFIELD, OHIO, MARKETING AREA

PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED, REGULATING HANDLING

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in Miami Hotel, Second and Ludlow Streets, Dayton, Ohio, June 19, 1956, at 10:00 a. m. for the purpose of receiving evidence with respect to marketing conditions and proposed amendments hereinafter set forth, or appropriate modifications thereof, to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Dayton-Springfield, Ohio, marketing area. These proposed amendments have not received the approval of the Secretary of Agriculture.

Proposed by Miami Valley Milk Producers Association:

1. Amend § 971.5 to read as follows:

§ 971.5 *Producer.* (a) "Producer" means any person who produces, under a dairy farm inspection permit or other equivalent certification issued by the appropriate health authority in the marketing area, milk which is (1) received at a plant from which Class I milk is disposed of in the marketing area, or (2) caused by a cooperative association to be delivered in case of emergency, as determined by the market administrator, or if, the antenna is mounted on top of an existing man-made structure, other than an antenna structure, or natural formation and does not increase the over-all height of such man-made structure or natural formation by more than 20 feet, no Form 401–A need be filed.

7. Amend § 19.57 (a) to read as follows:

§ 19.57 *Limitation on antenna structures.* (a) No new antenna or antenna structures shall be erected for use by any station licensed or proposed to be licensed in this service, and no change shall be made in any existing antenna or antenna structures for use or intended to be used by any station licensed or proposed to be licensed in this service so as to increase its over-all height above ground level, without prior approval from the Commission in any case when either:

(1) The antenna structures proposed to be erected will exceed an over-all height of 170 feet above ground level, except where the antenna is mounted on top of an existing man-made structure, other than an antenna structure, and does not increase the over-all height of such man-made structure by more than 20 feet; or

(2) The antenna structures proposed to be erected will exceed an over-all height of one foot above the established airport (landing area) elevation for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area, except where the antenna does not exceed 20 feet above the ground or if the antenna is mounted on top of an existing man-made structure, other than an antenna structure, or natural formation and does not increase the over-all height of such man-made structure or natural formation by more than 20 feet. Application for Commission approval, if required, shall be submitted on FCC Form 401–A.

[F. R. Doc. 56-4465; Filed, June 6, 1956; 8:51 a. m.]



(b) Producer's milk shall not be considered as received at a handler's plant until such producer's milk, either in a farm tank pickup truck or in cans, is physically withdrawn at a handler's plant.

2. Amend § 971.6 to read as follows:

§ 971.6 *Handler.* "Handler" means (a) any person, except a person who receives other source milk only, with respect to milk (including any milk from his own farm production) received by him at a plant from which Class I milk is disposed of in the marketing area, or (b) any cooperative association with respect to any milk produced under a dairy farm inspection permit or other equivalent certification issued by the appropriate health authority in the marketing area which such cooperative association causes to be delivered, in case of an emergency as determined by the market administrator, to a plant from which Class I milk is not disposed of in the marketing area. Milk caused to be delivered by a cooperative association in accordance with paragraph (b) of this section shall be considered as having been received by such cooperative association. With respect to milk caused by a handler to be delivered directly from the producer's farm to another handler, the handler to be considered as receiving such milk shall be determined by written agreement between the two handlers filed with the market administrator on or before the 5th day after the end of the first month during which it becomes effective, or in the absence of such an agreement, shall be determined by the market administrator.

3. Amend § 971.7 to read as follows:

§ 971.7 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month in the form of fluid milk products except (1) fluid milk products received from pool plants, or (2) producer milk; and

(b) Products other than fluid milk products from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

4. Add new definitions as follows:

*Producer milk.* Producer milk means only that skim milk or butterfat contained in milk (a) received at a pool plant directly from producers, or (b) diverted from a pool plant to a pool plant of another handler in accordance with § 971.6.

*Pool plant.* (a) Pool plant means a plant or other facilities used in the preparation or processing of milk, all or a portion of which, is disposed of on a route(s) in the marketing area; and (b) a plant operated by a cooperative association which receives milk produced under a permit or equivalent certification issued by the appropriate health authority from which such cooperative association causes milk to be delivered to a plant defined in paragraph (a) of this section.

*Nonpool plant.* Nonpool plant means any milk manufacturing, processing or bottling plant other than a pool plant.

*Fluid milk product.* Fluid milk product means milk, including reconstituted milk, skim milk, buttermilk, milk drinks (plain or flavored), concentrated milk, cream, or any mixture in fluid form of skim milk and cream (except storage cream, aerated cream products, eggnog, ice cream mix, evaporated or condensed milk and sterilized products packaged in hermetically sealed containers).

*Producer - handler.* "Producer - handler" means any person who is both a dairy farmer and a handler, but who receives no milk from other dairy farmers.

5. Clarify the application of allocation provisions with respect to the application of the pricing of butterfat in producer milk used in the manufacture of butter.

6. In view of the proposed new definitions and to clarify order language, consider changes in §§ 971.30, 971.41 and 971.44 to conform with these proposals and specifically provide for the classification, allocation and pricing of milk in inventories of fluid milk products.

7a. Amend § 971.41 (a) to include in Class I all products now included in Class II, as follows:

(a) Class I milk shall be all milk and butterfat (1) disposed of in fluid form (except that which was dumped or disposed of for livestock feeding) as milk, including reconstituted milk, skim milk, buttermilk, flavored milk, or flavored milk drinks, sweet or sour cream, and as any mixture of cream and milk (or skim milk); (2) used to produce concentrated milk (excluding those products commonly known as evaporated milk and condensed milk) for fluid consumption; and (3) not specifically accounted for as Class II milk.

b. Delete § 971.41 (b).

c. In § 971.41 (c), line 1, change "Class III" to read "Class II", and in line 8 delete "and Class II".

d. Revise all other provisions of Federal Milk Order No. 71 so as to conform with these class definitions.

8. Amend § 971.43 (a) (3) to read as follows:

(3) As Class I milk if transferred by a handler to a person other than a handler who distributes milk in fluid form and/or manufactures milk products, unless the market administrator is permitted to audit the records of receipts and utilization at the plant of the buyer, in which case the classification of all skim milk and butterfat received at the plant of the buyer shall be determined and the skim milk and butterfat transferred by a handler shall be allocated to the highest use remaining after subtracting in series beginning with Class I milk, receipts of skim milk and butterfat at the plant of the buyer directly from Grade "A" dairy farmers who the market administrator determines constitute the regular source of supply of Grade "A" milk for fluid usage of the plant.

9. Amend the introductory paragraph of § 971.51 (a) to read as follows:

(a) Add to the basic formula price $1.30 during each month of the year, and add or subtract a "supply-demand adjustment" computed as follows:

* * * * *

10. Amend § 971.51 (a) (2) as follows:

(2) Compute a net deviation percentage by subtracting from the current supply-demand percentage computed pursuant to subparagraph (1) of this paragraph, the base period ratio shown in the following schedule:

| Month for which price is being computed | Months used to compute ratio | Base period ratio (percent) |
|---|---|---|
| January | October and November | 81 |
| February | November and December | 81 |
| March | December and January | 78 |
| April | January and February | 76 |
| May | February and March | 74 |
| June | March and April | 72 |
| July | April and May | 66 |
| August | May and June | 63 |
| September | June and July | 67 |
| October | July and August | 74 |
| November | August and September | 81 |
| December | September and October | 82 |

Amend § 971.51 (a) (3) as follows:

(3) Determine the amount of the supply-demand adjustment from the following schedule:

| If net deviation percentage is— | Supply-demand adjustment is— |
|---|---|
| +12 or over | +38 |
| +9 or +10 | +28 |
| +6 or +7 | +20 |
| Between +4 and −4 | 0 |
| +6 or −7 | −20 |
| −9 or −10 | −28 |
| −12 or under | −38 |

When the difference from the base period Class I and Class II utilization percentage does not fall within the tabulated brackets, the adjustment shall be determined by the adjacent bracket which is the same as or nearest to the bracket used in the previous month.

11. Amend § 971.62 (c) to read as follows:

(c) Adding for the month of September 20 percent of the obligated balance in the producer-settlement fund pursuant to § 971.73 (c) on August 31, immediately preceding, adding for each of the months of October and November, 30 percent of the fund and adding for the month of December the remaining 20 percent of the fund.

(It is proposed that this change not be made effective until September 1, 1957, so that producers could be given sufficient notice of change.)

12. Amend all provisions of Federal Milk Order No. 71 necessary to compute Class I prices paid by handlers for producer milk on a per hundredweight basis for milk of 3.5 percent butterfat content, adjusted to other tests by a butterfat differential.

*By the Dairy Division.* 13. Make such changes as may be required to make the entire order conform with any amendments thereto which may result from this hearing and consider suggestions on changes in order language which may clarify any provision or be appropriate in redrafting and reissuance of the entire order.

Copies of this notice of hearing and the order now in effect, may be procured from the market administrator, 434 Third National Bank Building, Dayton, Ohio or from the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., or may be there inspected.

Dated: June 4, 1956.

[SEAL] ROY W. LENNARTSON, *Deputy Administrator.*

[F. R. Doc. 56-4485; Filed, June 6, 1956; 8:55 a. m.]

### [ 7 CFR Part 989 ]

[Docket No. AO 198–A3]

RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

NOTICE OF HEARING WITH RESPECT TO PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended

(7 U. S. C. 601 et. seq.), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the tenth floor auditorium, Pacific Gas and Electric Building, 1401 Fulton Street, Fresno, California, beginning at 10:00 a. m., P. d. s. t., June 18, 1956, with respect to proposed amendments to Marketing Agreement No. 109, as amended, and Marketing Order No. 89, as amended (20 F. R. 6435), regulating the handling of raisins produced from raisin variety grapes grown in California. These proposed amendments have not received the approval of the Secretary of Agriculture.

The public hearing will be held for the purpose of receiving evidence with respect to the proposed amendments which are hereinafter set forth, or appropriate modifications thereof.

The following amendments have been proposed by the Raisin Administrative Committee, the administrative agency for conducting operations under the aforementioned marketing agreement and order, as amended:

1. Amend the provisions of § 989.52 (a) by deleting the last sentence thereof and substituting therefor the following: "A unanimous vote of members (or in the event of the unavailability of a member, his alternate) shall be required to reach a decision on a mail or telegraphic vote."

2. Amend the provisions of § 989.58 (e) by deleting the last two sentences thereof and substituting therefor the following: "Any off-grade raisins (including stemmer waste and raisin offal) accumulated by a handler in reconditioning raisins shall, after such reconditioning has been completed, be disposed of by the handler, without further inspection, for distillation, animal feed, or uses other than for human consumption. Off-grade raisins received by a handler for reconditioning shall be kept by him separate and apart from all other raisins until the quality of the raisins is established by inspection and certification after the raisins have been reconditioned. The committee shall establish, with the approval of the Secretary, such rules and procedures as may be necessary to insure adequate control over the reconditioning of off-grade raisins and the use of the residual matter from such reconditioning operations."

3. Amend the provisions of § 989.59 (a) by changing the period at the end thereof to a colon and adding the following: *"Provided,* That nothing contained in this paragraph shall prohibit the shipment or disposition of packed raisins for which no United States grades have been established or for which no minimum grade standards have been established pursuant to a recommendation of the committee."

(This proposal raises the question as to whether it would be desirable to amend the provisions of § 989.97 (*Exhibit B. minimum grade and condition standards for natural condition raisins*) to include therein the changes of a relatively permanent nature which have been made in such standards during the 1955–56 crop year or to otherwise modify such standards in light of operations during such crop year).

4. Amend the provisions of § 989.59 (e) by deleting the second sentence thereof and substituting therefor the following: "The transferring handler shall submit promptly to the committee a report of such transfer, except that transfers between plants owned by the same handler need not be reported."

5. Amend the provisions of § 989.59 (f) by inserting between the first and second sentences the following: "This shall not prohibit a handler from recovering raisins from: (1) Residual raisins obtained from his processing of standard raisins; and (2) any raisins acquired as standard raisins by him which failed to meet the applicable outgoing grade standards for shipment or final disposition of raisins."

6. Amend the provisions of § 989.63 (a) by deleting the last sentence thereof and substituting therefor the following: "The recommendations of the committee for the fixing of the initial free, reserve, and surplus percentages for any crop year shall be made not later than October 5 of such year."

7. Amend the provisions of § 989.66 (e) (4) by deleting the first sentence thereof and substituting therefor the following: "Each handler's share of the initial offer of surplus tonnage raisins for sale in export shall be determined as the same proportion of the quantity offered that the free tonnage raisins acquired by him is of the free tonnage acquired by all handlers. Likewise, each handler's share of the second and each subsequent offer shall be determined by first computing his share of the total quantity (the then current offer plus all prior offers) offered as of that date, and substracting therefrom the total of his share of all prior offers."

8. Amend the provisions of § 989.67 (b) by deleting all of such provisions and substituting therefor the following:

(b) Reserve tonnage of any varietal type shall not be sold at a price below that which the committee concludes reflects the average price received by producers for free tonnage of the same varietal type purchased by handlers during the current crop year up to the time of any offer for sale of reserve tonnage by the committee, to which shall be added the costs incurred by the committee on account of the receiving, inspecting, storing, insuring, and holding of said raisins: *Provided,* That where the outlook for the next crop year or other factors have caused a downward trend in the price received by producers for free tonnage or in the prevailing price received by handlers for packed raisins, reserve tonnage may be sold to handlers at the current or computed field price as determined by the committee. The committee shall file with the Secretary five days (exclusive of Saturdays, Sundays, and holidays) prior to making any offer to sell reserve tonnage raisins, information relating to the quantity of raisins to be offered and the price or prices at which the raisins are to be offered. The Secretary shall have the right to disapprove the making of such an offer or any price at which any reserve tonnage raisins may be offered for sale. At any time prior to the expiration of the five day period, the offer may be made to handlers upon receiving from the Secretary notice that he does not disapprove the making of such offer.

9. Amend the provisions of § 989.68 (d) by deleting the last sentence thereof and substituting therefor the following: "Unless otherwise authorized by the Secretary, no offer to sell surplus raisins to handlers shall be made by the committee until five days (exclusive of Saturdays, Sundays, and holidays) have elapsed from the time it files with the Secretary information as to the quantity and varietal types of raisins to be offered and the prices at which they are to be offered, and no such offer shall be made if the Secretary disapproves the offer."

(This proposal raises the question as to whether it would be desirable to amend the provisions of § 989.68 (e) for the same purpose.)

The following amendment has been proposed by Alex MacDonald, Thomas Uridge, and Lloyd Cox, raisin producers:

10. Amend the provisions of § 989.48 by adding thereto the following: "Whenever specifically authorized or approved by the committee, an alternate member shall be reimbursed for reasonable expenses incurred by him in attending committee and board meetings, notwithstanding that the committee or board member for whom he serves as alternate also attends such meetings."

The following amendment is proposed by the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture:

11. Make such other changes in the marketing agreement and order as may be necessary to make the entire marketing agreement and order conform with any amendments thereto which may result from this hearing.

Copies of this notice of hearing may be obtained from the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., or W. Allmendinger, Oakland Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, 1515 Clay Street, 6th Floor, Oakland 12, California, or O. C. Fuqua, Fresno Marketing Field Office, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, 3529 East Tulare Street, Fresno 2, California, or Raisin Administrative Committee, corner Tuolumne and Fulton Streets, Fresno, California.

Dated: June 4, 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator,*
*Marketing Services.*

[F. R. Doc. 56–4484; Filed, June 6, 1956; 8:55 a. m.]



## CIVIL AERONAUTICS BOARD

### [ 14 CFR Part 18 ]

[Draft Release No. 56–15]

MAINTENANCE, REPAIR, AND ALTERATION OF AIRCRAFT

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board the adoption of amendments to Part 18 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by August 15, 1956. Copies of such communications will be available after August 20, 1956, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

Presently effective Part 18 of the Civil Air Regulations contains rules for the performance of maintenance, repair, and alteration of aircraft which are made applicable by § 18.0 thereof to aircraft "for which airworthiness certificates have been issued by the Administrator, or any component thereof." This language suggests that only certificated airmen are authorized to perform maintenance, repairs, and alterations on an aircraft if it has ever been issued an airworthiness certificate, regardless of whether or not such aircraft is ever intended again to be used in air commerce in the United States. Such was not the intent when Part 18 was promulgated and is, in fact, more restrictive than the Civil Aeronautics Act of 1938, as amended, which requires maintenance to be performed by certificated airmen only when the aircraft is used in air commerce.

On the other hand, § 18.10 of Part 18 requires certificated airmen for the performance of maintenance on a civil aircraft when such aircraft is of current United States registry. As a result, uncertificated persons have performed maintenance on civil aircraft during the time such aircraft was not registered.

In order to bring Part 18 into accord with the Civil Aeronautics Act of 1938, as amended, and with the Board's intent when Part 18 was promulgated, it is proposed to amend the applicability provisions in § 18.0 to make the rules established by Part 18 for the performance of maintenance, repair, or alteration of aircraft applicable only to aircraft, or any component thereof, for which an airworthiness certificate issued by the Administrator has not been surrendered, suspended, or revoked. In addition, it is proposed to delete the present language in § 18.10 which appears to permit an uncertificated person to perform maintenance on civil aircraft when it is not currently registered.

In view of the foregoing, notice is hereby given that it is proposed to amend Part 18 of the Civil Air Regulations:

1. By amending § 18.0 to read as follows:

§ 18.0 *Applicability of this part.* This part establishes rules for the performance of maintenance, repair, and alteration of civil aircraft, or any component thereof, for which an airworthiness certificate issued by the Administrator has not been surrendered, revoked, or suspended.[1]

2. By amending the first sentence of § 18.10 to read as follows:

§ 18.10 *Persons authorized to perform maintenance, preventive maintenance, repairs, and alterations.*[3] No person shall perform maintenance, preventive maintenance, repairs, or alterations on civil aircraft, or components thereof, except as provided as follows:

* * * * *

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601–610, 52 Stat. 1007–1012, as amended; 49 U. S. C. 551–560)

Dated at Washington, D. C., June 4, 1956.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
*Director.*

[F. R. Doc. 56–4477; Filed, June 6, 1956; 8:54 a. m.]

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### [ 14 CFR Part 60 ]

[Draft Release No. 56–14]

HIGH ALTITUDE QUADRANTAL RULE SYSTEM

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board the adoption of amendments to Part 60 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by August 10, 1956. Copies of such communications will be available after August 14, 1956, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

Section 60.32 of Part 60 of the Civil Air Regulations currently establishes cruising altitudes appropriate to the direction of flight. These altitude rules must be observed when flight is being conducted under visual flight rules (VFR) on civil airways and in the "elsewhere" area when visibility is less than 3 miles. Section 60.44 contains similar rules which are applicable to flights being conducted under instrument flight rules (IFR) in controlled airspace and in the "elsewhere" area. The purpose of these altitude rules is to provide aircraft with at least 1,000 feet vertical separation when operating on reciprocal courses and at least 500 feet separation when operating on crossing courses.

However, it has now been well established that altimeter system errors increase significantly with increases in altitude and air speed. For example, experience has shown that aircraft which take off from a common point with the same altimeter settings may have altimeter readings which differ as much as 1,000 feet upon reaching a common altitude at or above 29,000 feet. In fact, considerably greater differences have been found to be theoretically possible at these altitudes. As a consequence of this increase in altimeter error with increase in altitude, the safety inherent in the current quadrantal altitude rules actually diminishes as altitude is increased, thereby decreasing the margin of safety at the higher altitudes. Although a considerable amount of research and development is presently being done concerning an improved instrument for measuring altitude, it undoubtedly will be some time before the development, manufacture, procurement, and installation of such an instrument is accomplished.

In order to increase this margin of safety, it is proposed to establish a high altitude quadrantal rule system which would apply to all flights conducted in the airspace at 29,000 feet and above, except IFR flights at assigned altitudes on airways. This proposed system would provide aircraft operating VFR on reciprocal courses with minimum vertical separation of at least 2,000 feet and aircraft operating on crossing courses with at least 1,000 feet.

At 29,000 feet and above the following altitude-direction relationship would apply:

(1) 0° to 89° inclusive—29,000; 33,000; etc.
(2) 90° to 179° inclusive—30,000; 34,000; etc.
(3) 180° to 269° inclusive—31,000; 35,000; etc.
(4) 270° to 359° inclusive—32,000; 36,000; etc.

The 29,000-foot altitude was selected because of the magnitude of altimeter errors and the increase in the number of high speed aircraft at this altitude and above. This altitude appears appropriate also because of special procedures currently in effect whereby 2,000 feet of vertical separation is provided by air traffic control to all IFR traffic operating above 29,000 feet.

It is recognized, of course, that this proposed quadrantal system would have some adverse effect on the climb-cruise procedure common to jet operations and would reduce the number of flight levels

which would be available. However, the Bureau believes that this proposed high altitude quadrantal system is justified since it will substantially minimize the collision hazard at high altitude created by the inaccuracies of the present day altimeter.

A modification of this proposed rule has been suggested to the Bureau which would increase the above proposed flight altitudes by 500 feet; i. e., 29,500, 33,500, etc. This suggestion was intended to provide some separation between an IFR aircraft at an assigned altitude and a VFR aircraft operated in accordance with this quadrantal rule. Although a theoretical separation may be provided by this procedure, it is possible that such a distinction between IFR and VFR flight levels might create confusion and complicate operations generally. Furthermore, since current plans include the possibility of applying a uniform system of air traffic separation to all aircraft at high altitudes, it would be inadvisable to introduce this additional feature unless it were clear that substantial benefits would result. However, interested persons are requested to comment also on this suggested variation of the Bureau's proposal.

In view of the foregoing, notice is hereby given that it is proposed to amend Part 60 of the Civil Air Regulations:

1. By amending § 60.32 to read as follows:

§ 60.32 *Cruising altitudes.* When an aircraft is operated in level cruising flight at 3,000 feet or more above the surface, it shall be operated in accordance with the following cruising altitudes:

(a) *Within control zones and control areas below 29,000 feet.* At an odd or even thousand-foot altitude appropriate to the direction of flight as specified by the Administrator.

(b) *Elsewhere below 29,000 feet.* When the flight visibility is less than 3 miles, at an altitude appropriate to the magnetic course being flown as follows:

(1) 0° to 89° inclusive, at odd thousands (3,000; 5,000; etc.).

(2) 90° to 179° inclusive, at odd thousands plus 500 (3,500; 5,500; etc.).

(3) 180° to 269° inclusive, at even thousands (4,000; 6,000; etc.).

(4) 270° to 359° inclusive, at even thousands plus 500 (4,500; 6,500; etc.).

(c) *Everywhere at or above 29,000 feet.* At an altitude appropriate to the magnetic course being flown as follows:

(1) 0° to 89° inclusive, at 4,000-foot intervals beginning at 29,000 (29,000; 33,000; etc.).

(2) 90° to 179° inclusive, at 4,000-foot intervals beginning at 30,000 (30,000; 34,000; etc.).

(3) 180° to 269° inclusive, at 4,000-foot intervals beginning at 31,000 (31,000; 35,000; etc.).

(4) 270° to 359° inclusive, at 4,000-foot intervals beginning at 32,000 (32,000; 36,000; etc.).

NOTE: "Odd and even" thousand-foot altitudes specified by the Administrator for civil airways will be published in the CAA Flight Information Manual, for sale by the Superintendent of Documents, U. S. Government Printing Office, Washington 25, D. C.

2. By amending § 60.44 to read as follows:

§ 60.44 *Cruising altitudes.* When an aircraft is operated in level cruising flight, it shall be operated in accordance with the following cruising altitudes:

(a) *Within control areas and control zones.* At an altitude assigned by air traffic control;

(b) *Elsewhere below 29,000 feet.* At an altitude appropriate to the magnetic course being flown as follows:

(1) 0° to 89° inclusive, at odd thousands (1,000; 3,000; etc.).

(2) 90° to 179° inclusive, at odd thousands plus 500 (1,500; 3,500; etc.).

(3) 180° to 269° inclusive, at even thousands (2,000; 4,000; etc.).

(4) 270° to 359° inclusive, at even thousands plus 500 (2,500; 4,500; etc.).

(c) *Elsewhere at or above 29,000 feet.* At an altitude appropriate to the magnetic course being flown as follows:

(1) 0° to 89° inclusive, at 4,000-foot intervals beginning at 29,000 (29,000; 33,000; etc.).

(2) 90° to 179° inclusive, at 4,000-foot intervals beginning at 30,000 (30,000; 34,000; etc.).

(3) 180° to 269° inclusive, at 4,000-foot intervals beginning at 31,000 (31,000; 35,000; etc.).

(4) 270° to 359° inclusive, at 4,000-foot intervals beginning at 32,000 (32,000; 36,000; etc.).

NOTE: The above cruising altitudes are not in conflict with those required for flight under VFR rules.

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. These proposals may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply secs. 601–610, 52 Stat. 1007–1012, as amended, 49 U. S. C. 551–560)

Dated at Washington, D. C., June 4, 1956.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN, *Director.*

[F. R. Doc. 56-4476; Filed, June 6, 1956; 8:54 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

### [ 47 CFR Parts 7, 8 ]

[Docket No. 11725; FCC 56-516]

STATIONS ON LAND AND ON SHIPBOARD IN MARITIME SERVICES

ESTABLISHMENT OF CLASS I PUBLIC COAST STATIONS IN GULF OF MEXICO SEABOARD AREA

In the matter of amendments of Parts 7 and 8 of the Commission's rules to provide for the establishment of Class I public coast stations to be located in the Gulf of Mexico seaboard area by making available therefor certain frequencies between 5,000 kc and 25,000 kc.

1. The Commission has under consideration changes in Parts 7 and 8 of its rules which would make at least one pair of frequencies between 5,000 kc and 25,000 kc available for assignment to such Class I–B public coast stations as hereafter may be established and located in the vicinity of the seaboard area contiguous to the Gulf of Mexico, and to ship stations with which such coast stations would communicate. At present, there are only two public Class I–B coast stations serving the continental United States, one located in the vicinity of New York, New York and the other in the vicinity of San Francisco, California. These Class I–B coast stations utilize relatively high power transmitting equipment and frequencies appropriate to provide long-distance ship-shore communication service to ships at sea, including such service over distances up to several thousand miles.

2. The impetus for this proposed rule making comes from two sources. On December 22, 1955, the Commission received a petition from Mobile Marine Radio, licensee of Class I–A and Class II–B public coast station WLO at Mobile, Alabama, requesting, among other things, that the frequency 8205.5 kc (currently available for assignment during certain daily hours for use by public ship stations on the Mississippi River and connecting inland waters only, except the Great Lakes, and for use by Class II–B public coast stations serving those ship stations) be made available for assignment to a public coast station located in the vicinity of Mobile, Alabama, for communicating primarily with vessels operating in the Gulf of Mexico. In addition to this petition, the Commission received also an application from the American Telephone and Telegraph Company requesting station authority to transmit on a frequency in the 8 Mc band to augment the facilities of its present public class II–B coast station located in the vicinity of Miami, Florida, now utilizing the coast frequency 4427.6 kc in providing maritime mobile radiotelephone service primarily of a regional character. An 8 Mc frequency would provide a longer distance radiotelephone service through this station near Miami for those vessels that travel beyond the range of its present 4 Mc frequency.

3. In view of the interest shown in establishing a longer distance public radiotelephone service directly between coast stations located in the vicinity of the seaboard area of the Gulf of Mexico and vessels plying waters beyond the service range of the existing coast stations' present frequency assignments which are below 5000 kc and above 156 Mc, the Commission accordingly issues this Notice of Proposed Rule Making and invites all interested persons to submit comments. Particular attention is invited to the following specific matters upon which comments are desired:

(a) The possible need for at least one public class I–B coast station to be located in the Gulf of Mexico seaboard area, despite the fact that there are two existing public class I–B coast stations located in the vicinity of San Francisco, California, and New York, New York, utilizing the entire complement of maritime radiotelephone frequencies between 5000 kc and 25000 kc regularly available under international agreement to United States stations for service to vessels wherever located, other than for stations in the Great Lakes region.



(b) The deficiencies, if any, of the present service offered by the San Francisco and New York stations insofar as the existing facilities of those stations may not entirely meet the communications needs of vessels that operate in waters beyond the service range of coast stations now authorized for public radiotelephony in the Gulf of Mexico seaboard area.

4. Before considering the respective merits of individual applications for station authorizations, it is important that the Commission be fully informed with respect to the matters set forth herein in order to determine whether or not its rules should be amended to make appropriate frequencies between 5,000 kc and 25,000 kc available for assignment to such public Class I–B coast station or stations that may be established in the vicinity of the Gulf of Mexico seaboard area and to ship stations with which such coast stations would communicate.

5. This proposal is issued under the authority contained in section 303 (c), (d), (f), and (r) of the Communications Act of 1934, as amended.

6. Any interested person who is of the opinion that the proposed amendments should not be adopted may file with the Commission on or before July 2, 1956, written data, views or briefs setting forth his comments. Comments in support of the proposed amendments may also be filed on or before the same date. Comments in reply to the original comments may be filed within ten days from the last day for filing said original data, views or briefs. The Commission will consider all such comments prior to taking final action in this matter.

7. In accordance with the provisions of § 1.764 of the Commission's rules, an original and fourteen copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: May 29, 1956.

Released: June 4, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 56-4466; Filed, June 6, 1956; 8:52 a. m.]

# NOTICES

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[Docket Nos. DA-124, 138]

WASHINGTON

RESTORATION ORDER UNDER FEDERAL POWER ACT

MAY 31, 1956.

Pursuant to determinations DA-124 and 138, Washington, made by the Federal Power Commission, and in accordance with section 2.5, Part 2 of the Redelegation Order No. 541 approved April 21, 1954, by the Director, Bureau of Land Management, 19 F. R. 2473, it is ordered as follows:

The lands herein described, so far as they are withdrawn and reserved for power purposes, are hereby restored to disposition under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended.

WILLAMETTE MERIDIAN, WASHINGTON

T. 39 N., R. 25 E.,
Sec. 1, Lot 2;
Sec. 2, Lots 7, 8, 9, 10, 11 and 12;
Sec. 12, Lot 3.
T. 39 N., R. 26 E.,
Sec. 7, Lot 5;
Sec. 18, Lots 4, 7, and 8.
T. 30 N., R. 22 E.,
Sec. 13, Lot 2, NW¼NE¼.

The areas described aggregate 415.85 acres.

The subject lands are located in Power Site Classifications Nos. 212 and 407, and in Power Site Reserve No. 197. The lands described in T. 39 N., Ranges 25 and 26 E. are located near or adjacent to Palmer Lake, a tributary of the Similkameen River, and about five miles south of the village of Nighthawk, Washington. The lands described in T. 30 N., R. 22 E. are located adjacent to and north of the right bank of the Methow River, and about two miles south of Methow, Washington. The lands are classified as suitable for disposal under the public sale laws, and to the State of Washington as lieu lands, and possible development of those bordering Palmer Lake for small tract recreational homesites. The lands are composed of rough, rocky terrain and unsuitable for agricultural purposes. While any applications that are filed will be considered on their merits, it is unlikely that any of the restored lands will be classified for any purpose other than that shown above.

The land described above shall be subject to application by the State of Washington for a period of 90 days from the date of publication of this order in the FEDERAL REGISTER for right-of-way for public highways or as a source of material for construction and maintenance of such highways, subject to section 24 of the Federal Power Act, as amended. This order shall not otherwise affect the status of the lands until 10 a. m. on the 91st day after the date of publication of this order in the FEDERAL REGISTER. At that time, the land shall become subject to application, petition, location and selection subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 90-day preference filing period for veterans and others entitled under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. sec. 279–284), as amended.

Information showing the periods during which and the conditions under which veterans and others may file applications for these lands may be obtained on request from the Manager, Land Office, Bureau of Land Management, Spokane, Washington.

FRED J. WEILER, *State Supervisor.*

[F. R. Doc. 56-4435; Filed, June 6, 1956; 8:45 a. m.]

[Docket Nos. DA-129; 131]

WASHINGTON

RESTORATION ORDER UNDER FEDERAL POWER ACT

MAY 31, 1956.

Pursuant to determinations DA-129 and 131, Washington, made by the Federal Power Commission, and in accordance with section 2.5, Part 2 of the Redelegation Order No. 541, approved April 21, 1954, by the Director, Bureau of Land Management, 19 F. R. 2473, it is ordered as follows:

The lands herein described, so far as they are withdrawn and reserved for power purposes, are hereby restored to disposition under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818) as amended.

WILLAMETTE MERIDIAN, WASHINGTON

T. 31 N., R. 6 E.,
Sec. 27, NE¼NW¼.
T. 7 N., R. 2 E.,
Sec. 32, SW¼NW¼, N½SW¼.

The area described aggregates 160 acres.

The subject lands are located in either Power Site Classification No. 165, or in Power Site Reserve No. 506, and are situated near or on the Kalama River and Arnold Creek near their confluence about one and one-half miles east of Pigeon Springs, Washington, and near the South Fork of the Stillaguamish River in the vicinity of Jorden, Washington. The lands are classified as being suitable for disposal to the State of Washington, Department of Public Lands as lieu lands, being composed of rough, rocky terrain, unsuitable for agricultural use, and valuable principally for timber production and recreational purposes. The lands are not needed in any Federal program. While any applications that are filed will be considered on their merits, it is unlikely that any of the restored lands will be classified for any purpose other than that shown above.

The land described above shall be subject to application by the State of Washington for a period of 90 days from the date of publication of this order in the FEDERAL REGISTER for right-of-way for public highways or as a source of material for construction and maintenance of such highways, subject to section 24 of the Federal Power Act, as amended. This order shall not otherwise affect the status of the lands until 10 a. m. on the

91st day after the date of publication of this order in the FEDERAL REGISTER. At that time, the land shall become subject to application, petition, location and selection subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 90-day preference filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. sec. 279–284), as amended.

Information showing the periods during which and the conditions under which veterans and others may file applications for these lands may be obtained on request from the Manager, Land Office, Bureau of Land Management, Spokane, Washington.

FRED J. WEILER,
*State Supervisor.*

[F. R. Doc. 56-4436; Filed, June 6, 1956; 8:45 a. m.]

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[Docket No. DA-125]

WASHINGTON

RESTORATION ORDER UNDER FEDERAL POWER ACT

MAY 31, 1956.

Pursuant to determination DA-125, Washington, made by the Federal Power Commission, and in accordance with section 2.5, Part 2 of the Redelegation Order No. 541 approved April 21, 1954, by the Director, Bureau of Land Management, 19 F. R. 2473, it is ordered as follows:

The lands hereinafter described, so far as they are withdrawn and reserved for power purposes and use in connection with a proposed water-power Project No. 2144 for which a permit has been issued by the Federal Power Commission, are hereby restored to location and entry for mining purposes only, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. sec. 818), as amended and subject to the stipulation that if and when the lands are restored they will be used for location and mining purposes only, and that if and when said lands are required for power development by the United States or its permittees or licensees, any structures or improvements placed thereon by the locator or his successors, which are found to interfere with such development, shall be removed or relocated at no cost or liability to the United States, its permittees or licensees, and subject to further condition that the said land shall be used and occupied exclusively for mineral exploration and development and no facility or activity shall be erected or constructed thereon for other purposes until such time as compliance with the requirements of the United States mining laws has been made and patent issued.

WILLAMETTE MERIDIAN, WASHINGTON

T. 39 N., R. 43 E.,
Sec. 21, Lot 7;
Sec. 28, Lot 2.

The area described aggregates 56.55 acres.

The subject lands are located in Power Site Reserve No. 72, approved November 27, 1909.

The land described shall be subject to application by the State of Washington for a period of 90 days from the date of publication of this order in the FEDERAL REGISTER for right-of-way for public highways or as a source of materials for the construction and maintenance of such highways, subject to section 24 of the Federal Power Act, as amended. This order shall not otherwise affect the status of the land until 10:00 a. m. on the 91st day of publication of this order in the FEDERAL REGISTER at which time the land will become available to location and entry under the mining laws only, subject to valid existing rights, the provisions of existing withdrawals, the requirements of the applicable laws, and the reservations, stipulations and conditions herein provided.

FRED J. WEILER,
*State Supervisor.*

[F. R. Doc. 56-4437; Filed, June 6, 1956; 8:45 a. m.]

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[W-02413]

WASHINGTON

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

MAY 31, 1956.

The order of the Acting Director, Geological Survey, of January 23, 1956, entitled Power Site Cancellation No. 109 (21 F. R. 23) having cancelled in part Power Site Classification No. 177 approved April 27, 1927, and in accordance with section 2.5, Part 2 of the Redelegation Order No. 541 of April 21, 1954, by the Director, Bureau of Land Management, 19 F. R. 2473, it is hereby ordered that the following-described lands be restored to disposition under the applicable public land laws as hereinafter indicated:

WILLAMETTE MERIDIAN, WASHINGTON

T. 27 N., R. 2 W. W. M.,
Sec. 26, NW¼NW¼.

The area described aggregates 40 acres.

The subject lands are located near the Big Quilcene River, and approximately two miles south and west of the town of Quilcene, Washington. The lands are of a rough, rocky terrain, and are not suitable for agriculture or recreational purposes nor small tract development and are not needed in any Federal program.

No application for the restored lands will be allowed under the homestead, desert-land, small-tract or any other non-mineral public land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application. Any application filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

This order shall not otherwise become effective to change the status of the lands released by the cancellation in part of Power Site Classification No. 177, until 10 a. m. on the 35th day after date of this order. At that time the said lands shall become subject to application, petition, location and selection under the applicable public land laws, subject to valid existing rights, the provisions of existing withdrawals, the requirements of the applicable laws, and the 91-day preference right filing period for veterans and others entitled to veterans' preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Veterans' preference right applications under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended, may be filed on or before 10 a. m. on the 35th day after the date of this order, and those covering the same land shall be treated as though simultaneously filed at that time. Applications filed under the act after that time and during the succeeding 91 days shall be considered in the order in which filed. Applications by non-veterans under the public-land laws filed on or before 10 a. m. on the 126th day after the date of this order shall be treated as though simultaneously filed at that time, where the applications are for the same lands; otherwise, priority of filing will govern.

Inquiries regarding these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Room 209, Federal Building, Spokane, Washington.

FRED J. WEILER,
*State Supervisor.*

[F. R. Doc. 56-4438; Filed, June 6, 1956; 8:46 a. m.]

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[Washington 02320]

WASHINGTON

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

MAY 31, 1956.

The order of the Acting Director, Geological Survey, of January 23, 1956, entitled Power Site Cancellation No. 108 (21 F. R. 15), having cancelled in part Power Site Classification No. 349 approved June 22, 1944, and in accordance with section 2.5, Part 2 of the Redelegation Order No. 541 of April 21, 1954, by the Director, Bureau of Land Management, 19 F. R. 2473, it is hereby ordered that the following described lands be restored to disposition under the applicable public land laws as hereinafter indicated.

WILLAMETTE MERIDIAN, WASHINGTON

T. 24 N., R. 20 E. W. M.,
Sec. 34, SE¼NE¼, E½SE¼.

The area described aggregates 120 acres.

The subject lands are located near the Columbia River, and adjacent to Zena Creek. The lands are classified as suitable for disposal under the public sale law, being composed of rough, rocky terrain, and are not suitable for farming, recreational use or small tract development and are not needed in any Federal program.

While any application which is filed will be considered on its merits, it is unlikely that any part of the restored lands will be classified for any use or disposal other than shown above. No application for the lands may be allowed under the homestead, small tract, desert land, or any other non-mineral public land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

This order shall not otherwise become effective to change the status of the lands released by the cancellation in part of Power Site Classification No. 349 until 10 a. m. on the 35th day after date of this order. At that time the said lands shall become subject to application, petition, location and selection under the applicable public land laws, subject to valid existing rights, the provisions of existing withdrawals, the requirements of the applicable laws, and the 91-day preference right filing period for veterans and others entitled to veterans' preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended.

Veterans' preference right applications under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284), as amended, may be filed on or before 10 a. m. on the 35th day after the date of this order, and those covering the same land shall be treated as though simultaneously filed at that time. Applications filed under the act after that time and during the succeeding 91 days shall be considered in the order in which filed. Applications by nonveterans under the public land laws filed on or before 10 a. m. on the 126th day after the date of this order shall be treated as though simultaneously filed at that time, where the applications are for the same lands; otherwise, priority of filing will govern.

Inquiries regarding these lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Room 209, Federal Building, Spokane, Washington.

FRED J. WEILER,
*State Supervisor.*

[F. R. Doc. 56-4439; Filed, June 6, 1956; 8:46 a. m.]

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## Bureau of Reclamation

MINIDOKA PROJECT, IDAHO

ORDER OF REVOCATION

APRIL 3, 1956.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby revoke Departmental Order of March 18, 1908, in so far as said order affects the following-described land: *Provided, however,* That such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described:

BOISE MERIDIAN, IDAHO

T. 8 S., R. 21 E.,
Sec. 25, S½S½S½.



T. 8 S., R. 22 E.,
Sec. 30, Tract A;
Sec. 31, Lots 1 and 2.

The above areas aggregate 188.05 acres.

E. G. NIELSEN,
*Assistant Commissioner.*

[71620]

JUNE 1, 1956.

I concur. This revocation is made in furtherance of an exchange under section 8 of the act of June 28, 1934, as amended by section 3 of the act of June 26, 1936 (48 Stat. 1272; 49 Stat. 1976; 43 U. S. C. 315g) by which the offered lands will benefit a Federal land program. This restoration is, therefore, not subject to the provisions contained in the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, granting preference rights to veterans of World War II, the Korean Conflict, and others.

DEPUE FALCK,
*Acting Director,*
*Bureau of Land Management.*

[F. R. Doc. 56-4461; Filed, June 6, 1956; 8:50 a. m.]

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MINIDOKA PROJECT, IDAHO

FIRST FORM RECLAMATION WITHDRAWAL

APRIL 3, 1956.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby withdraw the following-described lands from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

BOISE MERIDIAN, IDAHO

T. 10 S., R. 21 E.,
Sec. 11, SE¼NW¼, N½SW¼.

The above areas aggregate 120 acres.

E. G. NIELSEN,
*Assistant Commissioner.*

[71620]

JUNE 1, 1956.

I concur. The records of the Bureau of Land Management will be noted accordingly.

DEPUE FALCK,
*Acting Director,*
*Bureau of Land Management.*

*Notice for Filing Objections to Order Withdrawing Public Lands for the Minidoka Project, Idaho*

APRIL 3, 1956.

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of Idaho, for use in connection with the Minidoka Project, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

E. G. NIELSEN,
*Assistant Commissioner.*

[F. R. Doc. 56-4462; Filed, June 6, 1956; 8:51 a. m.]

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[Public Notice 9, Amdt.]

YUMA MESA DIVISION, GILA PROJECT, ARIZONA

AVAILABILITY OF WATER FOR PUBLIC, STATE, AND PRIVATE LANDS AND OPENING OF PUBLIC LANDS TO ENTRY

MAY 29, 1956.

Pursuant to the act of June 17, 1902 (32 Stat. 388), as amended or supplemented, the following amendments are hereby made to section 20 (c), Public Notice No. 9, entitled "Public Notice Announcing Availability of Water for Public, State and Private Lands and Opening of Public Lands to Entry", issued January 21, 1952:

For Farm Unit "A", Section 33, Township 9 South, Range 23 West, the amount of rough leveled acreage is corrected to read 118.8 instead of 157.4 and the total amount to be included in Contract and Mortgage Covering Predevelopment Charges is corrected to read $7,950.31 instead of $9,680.20.

For Farm Unit "C", Section 3, Township 10 South, Range 23 West, the amount of rough leveled acreage is corrected to read 87.3 instead of 124.0 and the total amount to be included in Contract and Mortgage Covering Predevelopment Charges is corrected to read $6,465.27 instead of $8,109.06.

E. G. NIELSEN,
*Assistant Commissioner,*
*Bureau of Reclamation.*

[F. R. Doc. 56-4440; Filed, June 6, 1956; 8:46 a. m.]

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# DEPARTMENT OF AGRICULTURE

## Commodity Stabilization Service and Commodity Credit Corporation

GRAIN, SEED AND OTHER COMMODITIES SIMILARLY HANDLED

COMPENSATION UNDER CCC FORM 322 (4–22–54), LENDING AGENCY AGREEMENT FOR COMMODITY LOANS

In order to encourage private lending agencies to continue their participation and investment of their funds in Commodity Credit Corporation loan programs, CCC hereby offers to pay to lending agencies who are party signatories to and operating under the CCC Form 322 (4–22–54), Lending Agency Agreement (for commodity loans on grain, seed and other commodities similarly handled)

notwithstanding the rates specified in said agreement, compensation for loans made pursuant to CCC commodity loan programs for 1956 crops as follows:

1. If the Agency invests its funds in notes evidencing loans made by agency under said agreement or made by another lending agency under a Lending Agency Agreement with CCC, the agency shall receive compensation for interest on the funds invested and for the servicing of such loans as follows:

(a) On loan repayments received by the agency, compensation shall be at the rate of 3¼ percent per annum of the principal amount repaid: *Provided*, That with respect to each repayment either partial or in full on each such loan, the agency shall be entitled to a minimum return of $5.00 or the full amount of interest collected on the repayment, whichever is smaller.

(b) On notes purchased by CCC which are tendered at the option of the Agency, compensation shall be at the rate of 3¼ percent per annum on the outstanding principal balance.

(c) On notes purchased by CCC which are tendered (1) upon demand by CCC, (2) upon maturity of the notes except where CCC otherwise directs, or (3) upon receipt of knowledge of any defect or irregularity in the note or loan agreement or ineligibility of the commodity as security for loans, or knowledge of damage, destruction, or other impairment of the commodity, compensation shall be at the rate of 3¼ percent per annum on the outstanding principal balance: *Provided*, That on each note purchased the Agency shall be entitled to a minimum return of $5.00 or the full amount of the interest accrued on the note, whichever is smaller.

2. The compensation provided herein shall be computed from the respective dates of the loan disbursements by the agency.

This offer may be amended or terminated upon the giving of notice thereof published in the FEDERAL REGISTER but any reduction in interest will not be made retroactive.

Issued this 1st day of June 1956.

[SEAL] WALTER C. BERGER,
*Acting Executive Vice President,*
*Commodity Credit Corporation.*

[F. R. Doc. 56-4427; Filed, June 5, 1956; 2:28 p. m.]

## DEPARTMENT OF COMMERCE

### Federal Maritime Board

[Docket No. M-69]

MARINE TRANSPORT LINES, INC., AND MARINE NAVIGATION CO., INC.

NOTICE OF HEARING ON APPLICATION TO BAREBOAT CHARTER DRY-CARGO VESSELS

Notice is hereby given that a public hearing will be held pursuant to section 5 (e) of the Merchant Ship Sales Act, 1946, as amended (Public Law 591, 81st Cong.) (50 U. S. C. App. 1738), on June 14, 1956, at 10:00 a. m., e. d. t., in Room 4519, New General Accounting Office Building, Fifth and G Streets NW., Washington, D. C., upon the application of Marine Transport Lines, Inc., and Marine Navigation Company, Inc., to bareboat charter dry-cargo vessels for approximately one (1) year for the carriage of International Cooperation Administration and other Government-sponsored cargoes and such other cargoes as may be approved by the Maritime Administrator, and upon such other applications as may be filed with the Secretary, Maritime Administration, by 4:30 p. m., e. d. t., June 13, 1956, to charter similar vessels for similar use.

The purpose of the hearing is to receive evidence with respect to whether the service for which such vessels are proposed to be chartered is required in the public interest and is not adequately served, and with respect to the availability of privately-owned American-flag vessels for charter on reasonable conditions and at reasonable rates for use in such service. Evidence will be received with respect to any restrictions or conditions that may be necessary or appropriate to protect the public interest in respect of such charters as may be granted and to protect privately-owned vessels against competition from vessels chartered as a result of this proceeding.

All persons having an interest in the application will be given an opportunity to be heard if present.

The parties may have oral argument on conclusion of receipt of evidence.

Dated: June 4, 1956.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
*Assistant Secretary.*

[F. R. Doc. 56-4459; Filed, June 6, 1956; 8:50 a. m.]

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AMERICAN EXPORT LINES ET AL.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to Section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8086, between American Export Lines, Inc., American President Lines, Ltd., Farrell Lines Incorporated, et al., covers an arrangement whereby the parties may consult with each other regarding cargo transportation costs, space availability, sailing schedules, and related matters, for the purpose of furnishing accurate data and information with respect thereto to the Military Sea Transportation Service and related "Shipper Services" (Army, Navy, Air Force and other military services), in connection with the transportation of cargo for such services to and from United States Atlantic and Gulf of Mexico ports, to and from ports in territories and possessions of the United States, and also between foreign ports.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: June 4, 1956.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
*Assistant Secretary.*

[F. R. Doc. 56-4460; Filed, June 6, 1956; 8:50 a. m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 3051 et al.]

NEW YORK-FLORIDA PROCEEDING

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that the oral argument in the above-entitled proceeding now assigned to be held on June 26, is postponed to July 10, 1956, 10:00 a. m., e. d. s. t., Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., June 4, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56-4478; Filed, June 6, 1956; 8:54 a. m.]

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[Docket No. 7002 et al.]

NEW YORK-NASSAU CASE

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that the oral argument in the above-entitled proceeding now assigned to be held on July 5, 1956, is postponed to July 19, 1956, 10:00 a. m., e. d. s. t., Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Street NW., Washington, D. C., before the Board.

Dated at Washington, D. C., June 4, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56-4479; Filed, June 6, 1956; 8:54 a. m.]

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[Docket No. 7280]

TRANS WORLD AIRLINES, INC.; INDIA-BANGKOK-MANILA EXTENSION

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that the oral argument in the above-entitled proceeding now assigned to be held on June 20 is postponed to July 17, 1956, 10:00 a. m., e. d. s. t., Room 5042, Commerce Building,



Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., June 4, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56-4480; Filed, June 6, 1956; 8:54 a. m.]

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[Docket No. 5564]

TUCSON AIRPORT AUTHORITY

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that the oral argument in the above-entitled proceeding now assigned to be held on June 13 is postponed to June 14, 1956, 10:00 a. m., e. d. s. t., Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., June 4, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56-4481; Filed, June 6, 1956; 8:54 a. m.]

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[Docket No. 7773]

AIR DISPATCH, INC.

NOTICE OF HEARING

In the matter of the application of Air Dispatch, Inc., for approval of certain interlocking relationships and for approval, if necessary, of acquisition of control under sections 408 and 409 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding is assigned to be held on June 28, 1956, at 10:00 a. m., e. d. s. t., in Room 1512, Temporary Building No. 4, Seventeenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Dated at Washington, D. C., June 4, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56-4482; Filed, June 6, 1956; 8:55 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11180; 11718; FCC 56-505]

BILL MATHIS AND KEY CITY BROADCASTERS

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Bill Mathis, Abilene, Texas, Docket No. 11180, File No. BP-8917; Howard Barrett and Robert H. Nash d/b as Key City Broadcasters, Abilene, Texas, Docket No. 11718, File No. BP-10278; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of May 1956:

The Commission having under consideration the above-captioned applications of Bill Mathis, and Howard Barrett and Robert H. Nash d/b as Key City Broadcasters, each for a construction permit for a new standard broadcast station to operate on 1280 kilocycles with a power of 500 watts, daytime only, at Abilene, Texas;

It appearing that Bill Mathis is legally, technically and otherwise qualified and the Key City Broadcasters are legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate the proposed stations, but that the operation of both stations as proposed would result in mutually destructive interference; that the proposed operation of the Key City Broadcasters would be involved in objectionable interference with Station KTRN, Wichita Falls, Texas (1290 kc, 1 kw, 5 kw-LS, DA-N, U); and that insufficient current information is on file from which to determine that Bill Mathis is financially qualified to construct and operate his proposed station; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letters dated January 16 and March 6, 1956, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of either of the applications would be in the public interest; and

It further appearing that a timely reply was filed by each of the subject applicants; and

It further appearing that Station KTRN, by letter dated March 24, 1956, expressed an intention of appearing at a hearing; and

It further appearing that the Commission, after consideration of the replies, is of the opinion that a hearing is necessary;

*It is ordered*, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposed operations, and the availability of other primary service to such areas and populations.

2. To determine whether Bill Mathis is financially qualified to construct and operate his proposed station.

3. To determine whether the proposed operation of the Key City Broadcasters would involve objectionable interference with Station KTRN, Wichita Falls, Texas, or any other existing standard broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine which of the operations proposed in the above-captioned applications would better serve the public interest in the light of the evidence adduced under the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each of the above-named applicants to own and operate its proposed station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programming service proposed in each of the above-mentioned applications.

*It is further ordered*, That the Texoma Broadcasting Company of Wichita Falls, Texas, licensee of Station KTRN, is made a party to the proceeding.

Released: June 4, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4467; Filed, June 6, 1956; 8:52 a. m.]

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[Docket Nos. 11492, 11719; FCC 56-506]

CITIZENS BROADCASTING CO. AND SALEM BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATING HEARING ON STATED ISSUES

In re applications of Archie S. Mobley, Pauline A. Mobley, Paul D. Ford and Eleanor J. Ford d/b as Citizens Broadcasting Company, Terre Haute, Indiana, Docket No. 11492, File No. BP-9195; Thomas S. Land and Bryan Davidson d/b as Salem Broadcasting Company, Salem, Illinois, Docket No. 11719, File No. BP-10199; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of May 1956;

The Commission having under consideration the above-captioned applications of Archie S. Mobley, Pauline A. Mobley, Paul D. Ford and Eleanor J. Ford, d/b as Citizens Broadcasting Company and Thomas S. Land and Bryan Davidson d/b as Salem Broadcasting Company each for a construction permit for a new standard broadcast station to operate on 1350 kilocycles with a power of 500 watts, daytime only, at Terre Haute, Indiana, and Salem, Illinois, respectively;

It appearing that each of the applicants is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate its proposed station, but that operation of both stations as proposed would result in mutually destructive interference and that the proposed operation of the Salem Broadcasting Company would be involved in objectionable interference with Stations KCHR, Charleston, Missouri (1350 kc, 1 kw, Day) and WEEK, Peoria, Illinois (1350 kc, 1 kw, DA-2, U); and

It further appearing that pursuant to section 309 (b) of the Communications

Act of 1934, as amended, the subject applicants were advised by letter dated March 8, 1956, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of either application would serve the public interest; and

It further appearing that in a letter dated December 13, 1955, counsel on behalf of Station WEEK requested that the application of the Salem Broadcasting Company be designated for hearing and that the licensee of WEEK be made a party to the proceeding; thereafter, counsel for WEEK withdrew said request; and

It further appearing that timely reply was received from each subject applicant expressing an intention of appearing at a hearing; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

*It is ordered*, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposed operations, and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation of the Salem Broadcasting Company would involve objectionable interference with Stations KCHR, Charleston, Missouri, and WEEK, Peoria, Illinois, or any other existing standard broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-captioned applications would better provide a fair, efficient and equitable distribution of radio service.

4. To determine in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

*It is further ordered*, That the South Missouri Broadcasting Company, Inc., licensee of Station KCHR, is made a party to the proceeding.

Released: June 4, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4468; Filed, June 6, 1956; 8:52 a. m.]

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[Docket No. 11519; FCC 56M-544]

GREENVILLE BROADCASTING CORP.

ORDER CONTINUING HEARING

In re application of The Greenville Broadcasting Corporation, Greenville, Ohio, Docket No. 11519, File No. BP-9522; for construction permit.

The Hearing Examiner having under consideration the petition filed on May 31, 1956, by the applicant, The Greenville Broadcasting Corporation, requesting a sixty-day continuance of the hearing in the above-styled proceeding presently scheduled for June 5, 1956; and

It appearing that the applicant is having further engineering studies made to determine the possibility of redesigning the directional array to reduce the interference to one or more of the respondents in this proceeding and a continuance will enable the studies to be completed and, if changes in the array are bound to be feasible, the continuance will also enable the applicant to petition to amend the application accordingly; and

It further appearing that counsel for all other parties, including the Broadcast Bureau, waive the provisions of § 1.745 of the Commission's rules and also interpose no objection to a grant of the petition and that good cause has been shown for the grant thereof; and

It further appearing that the requested period of continuance would schedule the hearing in August, during which month the Commission as a matter of policy does not schedule hearings, and that the present September docket of the Hearing Examiner precludes scheduling the hearing before the last part of such month;

*It is therefore ordered*, This June 1, 1956, that the hearing in the above-entitled proceeding be and it is hereby continued to September 24, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4469; Filed, June 6, 1956; 8:52 a. m.]

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[Docket No. 11625; FCC 56M-538]

BERNARD AND JOBBINS BROADCASTING CO.

ORDER CONTINUING HEARING

In re application of Charles W. Jobbins and James D. Bernard d/b as Bernard and Jobbins Broadcasting Company, Gilroy, California, Docket No. 11625, File No. BP-9993; for construction permit.

The Hearing Examiner having under consideration a motion for continuance filed by Golden Empire Broadcasting Co. (KHSL) on May 28, 1956;

It appearing that the hearing is currently scheduled to commence on June 13, 1956, but that circumstances would make it inconvenient to proceed on that date; and

It further appearing that the short delay requested will not materially affect the date for the conclusion of these proceedings and that all parties have consented to the requested postponement and to a waiver of § 1.745 of the rules;

*It is ordered*, This 31st day of May 1956, that the motion of Golden Empire Broadcasting Co. for continuance is granted; and that the date for commencement of hearing is continued from June 13 to June 27, 1956, in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4470; Filed, June 6, 1956; 8:53 a. m.]

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[Docket No. 11638; FCC 56M-537]

CAPITAL BROADCASTING CO. (KFNF)

ORDER CONTINUING HEARING

In re application of Capital Broadcasting Company (KFNF), Shenandoah, Iowa, Docket No. 11638, File No. BP-10222; for construction permit to change antenna-transmitter location and increase antenna height.

Pursuant to the request of counsel for the applicant, Capital Broadcasting Company (KFNF), and with the concurrence of all parties, *it is ordered*, This 31st day of May 1956, that the hearing now scheduled to be held in the above-entitled proceeding on June 6, 1956, be, and the same is hereby continued to September 4, 1956, at 10:00 a. m. in the offices of the Commission, in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4471; Filed, June 6, 1956 8:53 a. m.]

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[Docket No. 11641; FCC 56M-540]

BURWELL B. KING AND FRANCIS B. KING

ORDER SCHEDULING HEARING

In the matter of Burwell B. King and Francis B. King, Aransas Pass, Texas, Docket No. 11641; order to show cause why the license of Radiotelephone Station WF-2500 should not be revoked.

On the oral request of counsel for the Safety and Special Radio Services Bureau, *it is ordered*, This 31st day of May 1956, that the hearing, now under indefinite continuance, is scheduled for Tuesday, June 12, 1956, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4472; Filed, June 6, 1956; 8:53 a. m.]

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[Docket No. 11687, etc.; FCC 56M-542]

ROBERT A. MENSEL ET AL.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of Robert A. Mensel, Willimantic, Connecticut, Docket No. 11687, File No. BP-10074; Conant Broadcasting Company, Inc. (WHIL), Medford, Massachusetts, Docket No. 11688, File No. BP-10147; The Windham Broadcasting Company, Willimantic, Connecticut, Docket No. 11689, File No. BP-10194; for construction permits.

*It is ordered*, This 1st day of June 1956, that a prehearing conference in the above-entitled proceeding will be held in the offices of the Commission, Washington, D. C., commencing at 10:00 a. m., Monday, June 11, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4473; Filed, June 6, 1956; 8:53 a. m.]

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[Docket No. 11720 etc.; FCC 56-507]

MIDDLESEX BROADCASTING CORP. (WTAO) ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Middlesex Broadcasting Corporation (WTAO), Cambridge, Massachusetts, Docket No. 11720, File No. BP-8027; Princess Anne Broadcasting Corporation, Virginia Beach, Virginia, Docket No. 11721, File No. BP-9317; Huntington-Montauk Broadcasting Company, Inc. (WGSM), Deer Park, Long Island, New York, Docket No. 11722, File No. BP-9436; Winslow Turner Porter, Bath, Maine, Docket No. 11723, File No. BP-9730; Television & Radio Broadcasting Corporation, Hyannis, Massachusetts, Docket No. 11724, File No. BP-9936; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 29th day of May 1956;

The Commission having under consideration the above-captioned applications for construction permits of Middlesex Broadcasting Corporation to increase the power of Station WTAO, Cambridge, Massachusetts, from 250 watts to one kilowatt, on 740 kilocycles, daytime only; of the Princess Anne Broadcasting Corporation for a new standard broadcast station to operate on 740 kilocycles with a power of one kilowatt, directional antenna, daytime only, at Virginia Beach, Virginia; of the Huntington-Montauk Broadcasting Company, Inc., to change the location of Station WGSM from Huntington, Long Island, New York, to Deer Park, Long Island, New York, and to operate on its presently assigned frequency of 740 kilocycles with a power of one kilowatt, daytime only; of Winslow Turner Porter for a new standard broadcast station to operate on 730 kilocycles with a power of 500 watts, daytime only, at Bath, Maine; and of the Television & Radio Broadcasting Corporation for a new standard broadcast station to operate on 730 kilocycles with a power of 250 watts, daytime only, at Hyannis, Massauchsetts;

It appearing that each of the applicants is legally, technically and otherwise qualified, except as may appear from the issues specified below, and Middlesex Broadcasting Corporation, Huntington-Montauk Broadcasting Company, Inc. and Winslow Turner Porter are financially qualified, to construct and operate its proposed station, but that the proposed operations are progressively interlinked with mutual interference problems; that the proposed operation of the Middlesex Broadcasting Corporation (WTAO) would involve mutual interference with the proposed operations of the Television & Radio Broadcasting Corporation, Winslow Turner Porter and Huntington-Montauk Broadcasting Corporation, Inc. (WGSM) and with Station WHEB, Portsmouth, New Hampshire (750 kc, 1 kw, L-WSB) and would deliver over 5 microvolts per meter groundwave across the Canadian Border; that the proposed operation of the Princess Anne Broadcasting Corporation would be involved in interference with the existing operation of Station WGSM and with Station WMBL, Morehead City, North Carolina (740 kc, 1 kw, Day), would cause interference to the proposed operation of Station WGSM and to Station WVCH, Chester, Pennsylvania (740 kc, 1 kw, Day), would deliver over 5 microvolts per meter groundwave across the Canadian Border, its proposed antenna system would constitute a hazard to air navigation, and insufficient information has been submitted to establish its financial qualifications; that the proposed operation of Station WGSM (Huntington-Montauk Broadcasting Company, Inc.) would cause interference to Stations WVCH and WMBL and would receive interference from the proposed operations of the Princess Anne Broadcasting Corporation and Station WTAO and from Station WVCH to the extent that the loss in population would be excessive under the provisions of § 3.28 (c) of the Commission's rules; that the proposed operation of Winslow Turner Porter is mutually exclusive with the proposed operation of the Television & Radio Broadcasting Corporation, would be involved in mutual interference with the existing and proposed operation of Station WTAO, would be involved in mutual interference with WHEB, would receive interference from WACE, Chicopee, Massachusetts; and that the proposed operation of the Television & Radio Broadcasting Corporation would also be involved in mutual interference with the existing and proposed operation of Station WTAO, would receive interference from WACE, its proposed antenna structure would constitute a hazard to air navigation and insufficient information has been submitted to establish its financial qualifications; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were notified by letters dated December 9, 1955, and February 27, 1956, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of any of the applications would be in the public interest; and

It further appearing, that timely replies were received from all the subject applicants, each expressing an intention of appearing at a hearing; and

It further appearing that in letters dated January 3 and March 2, 1956, the Huntington-Montauk Broadcasting Company, Inc. (WGSM), requested that its application be designated for hearing in a separate consolidated proceeding with the application of the Princess Anne Broadcasting Corporation only on the ground that its proposed operation of WGSM would not receive interference from the proposed operation of WTAO to interlink WGSM with the interference problems of the other above applicants, but in view of our finding that interference between the proposed operations of WGSM and WTAO does obtain and that interlinking interference problems with the other applications would result, it appears necessary to designate all the above-captioned applications for hearing in a consolidated proceeding; and that the Huntington-Montauk Broadcasting Company, Inc., has requested a waiver of § 3.28 (c) of the Commission's rules on the ground that the proposed operation of WGSM would provide more service to Long Island, New York, but we are unable to make a determination in this matter on the basis of the information before us; and

It further appearing that, in a letter dated June 8, 1955, Station WMBL requested that the applications of the Princess Anne Broadcasting Corporation and the Television & Radio Broadcasting Corporation be designated for hearing; that Station WHEB requested by letter dated January 4, 1956, that the application of Middlesex Broadcasting Corporation be designated for hearing; and that Station WVCH, in letters dated January 6 and March 26, 1956, requested that the applications of the Princess Anne Broadcasting Corporation and Television & Radio Broadcasting Corporation be designated for hearing; and

It further appearing that because the proposed operations of the Middlesex Broadcasting Corporation and the Princess Anne Broadcasting Corporation would deliver 5 microvolts per meter groundwave across the Canadian border, no final action can be taken on said applications until ratification and entry into force of the new North American Regional Broadcast Agreement, and in the event that either application receives favorable action in the hearing provided for below, it will be returned to the pending file until the new Agreement becomes effective; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

*It is ordered*, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operations of the Princess Anne Broadcasting Corporation, Winslow Turner Porter, and the Television & Radio Broadcasting Corporation, and the availability of other primary service to such areas and populations.

2. To determine the areas and populations that would gain or lose primary service from the proposed operations of

Stations WTAO and WGSM, and the availability of other primary service to such areas and populations.

3. To determine whether the proposed operations of Station WTAO and Winslow Turner Porter would cause interference to Station WHEB, Portsmouth, New Hampshire, or any other existing stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the operations proposed by the Princess Anne Broadcasting Corporation and Station WGSM would cause interference to Stations WMBL, Morehead City, North Carolina, and WVCH, Chester, Pennsylvania, or any other existing stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether the proposed operation of the Princess Anne Broadcasting Corporation would cause interference to the present operation of Station WGSM, Huntington, Long Island, New York, or any other existing standard broadcast station and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

6. To determine whether, because of the interference received, the proposal of Station WGSM would comply with § 3.28 (c) of the Commission's rules; and if compliance with § 3.28 (c) is not achieved, whether circumstances exist which would warrant a waiver of said section of the rules.

7. To determine whether the operations proposed by Winslow Turner Porter and the Television & Radio Broadcasting Corporation would cause interference to the existing operation of Station WTAO, Cambridge, Massachusetts, or any other existing standard broadcast station and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

8. To determine whether the sites proposed by the Princess Anne Broadcasting Company and the Television & Radio Broadcasting Corporation would be in compliance with § 3.188 of the Commission's rules.

9. To determine whether the Princess Anne Broadcasting Corporation is financially qualified to construct and operate its proposed station.

10. To determine whether the Television & Radio Broadcasting Corporation is financially qualified to construct and operate its proposed station.

11. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-captioned applications would best provide a fair, efficient and equitable distribution of radio service.

12. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications should be granted.

*It is further ordered,* That WHEB, Inc., the Carteret Broadcasting Company and James M. Tisdale, licensees of Stations WHEB, WMBL and WVCH, respectively, are made parties to the proceeding.

*It is further ordered,* That, in the event of favorable action on the application of either the Princess Anne Broadcasting Corporation or the Middlesex Broadcasting Corporation in the hearing provided for herein, the application will be returned to the pending file until ratification and entry into force of the new North American Regional Broadcast Agreement.

Released: June 4, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4474; Filed, June 6, 1956; 8:53 a. m.]

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[FCC 56-510; 32158]

## VOLUNTARY CONELRAD PLAN FOR ALL CLASSES OF RADIO STATIONS IN TERRITORY OF HAWAII

### ALERTING AND OPERATING PROCEDURE DURING PERIODS OF IMMINENT AIR ATTACK

I. *General information.* The Federal Communications Commission is charged with the development of Plans for the Control of Electromagnetic Radiation (CONELRAD) to be put into effect during periods of imminent air attack. In order that our radio stations will not give material navigational aid to an enemy, it is essential that plans be developed to minimize the navigation aspects of the problem while still providing for transmission of certain types of traffic by radio stations.

It is contemplated that all radio stations licensed by the FCC will operate under controlled conditions[1] during periods of probable air attack.

Until formal plans are developed and made effective, it is requested that all radio stations, to which this memorandum is addressed, voluntarily comply with this plan for alerting and operation.

II. *Scope and application.* This plan applies to all radio stations operating below 890 megacycles, licensed by[2] the Federal Communications Commission and located within the Territory of Hawaii.

III. *Purpose.* The purpose of this plan is to provide a system whereby, in the event of hostile action, or imminent threats thereof, all stations to which this notice is addressed may be notified of CONELRAD Radio Alerts and CONELRAD Radio All Clears, and to provide a means whereby certain classes of stations may continue their operation under controlled conditions, when such operation is essential to the public welfare.

IV. *Definitions. Air defense.* Air defense embraces all measures designed to nullify or reduce the effectiveness of the attack of hostile aircraft or guided missiles.

*Air defense warning conditions.* Terms used for actual emergencies.

*Air defense emergency.* A prepratory, or make ready condition, during which the air defense organization is made operational. This condition is set whenever indications show that air attack is sufficiently probable as to require the implementation of any portion of approved plans and agreements for the air defense of Hawaii and the situation is not yet urgent enough to require the setting of higher condition. The Commander, Hawaiian Defense Command and/or the Air Defense Commander may direct the implementation of CONELRAD upon the setting of this condition without reference and prior to declaration of a higher air defense warning condition.

*Warning Yellow.* Air attack probable. Unidentified aircraft are near the Hawaiian area and the situation is regarded as "air attack likely." This corresponds to Civil Defense Public Action Signal "The Alert". The warning term implies and orders CONELRAD Radio Alert. Sirens are sounded only if civil defense public action "The Alert" is to be implemented.

*Warning Red.* Air or guided missile attack imminent, enemy aircraft are in the Hawaiian area or guided missiles have been detected. This corresponds to the Civil Defense Public Action Signal "Take Cover". The warning term implies and orders CONELRAD Radio Alert. Sirens will sound the "Take Cover" signal.

*Warning White.* All Clear. No unidentified or hostile aircraft are near the Hawaiian area and no guided missiles have been detected. The warning term does not imply nor authorize a condition of CONELRAD Radio All Clear which must be separately directed. Sirens will not be sounded.

*CONELRAD Radio Alert.* The CONELRAD Radio Alert is the Department of Defense order to operate stations in accordance with CONELRAD requirements. When the CONELRAD Radio Alert is issued, all radio stations must adhere to the prescribed controlled operation as determined to be applicable in sections V and IX of this plan and as defined herein. The concept envisions that all agencies, civilian and government, utilizing electromagnetic radiations will exercise controls to the extent that enemy forces will be denied the greatest number of electronic navigational aids practicable and will limit operations to those electronic facilities that are essential to the mission control of U. S. forces and for civil defense.

*CONELRAD Radio All Clear* is the Department of Defense order to discontinue CONELRAD requirements as imposed by an outstanding CONELRAD Radio Alert. This message must be received as such and cannot be implied from Air Defense Warning Condition White or the Civil Defense "All Clear".

*Implied CONELRAD Radio Alert.* Implied CONELRAD Radio Alert is a CONELRAD Radio Alert derived from unofficial reports or the existence of conditions indicating that a CONELRAD Radio Alert condition should be set. Operators of civilian radio facilities should, upon observing actual hostilities, Air Defense Warnings, the cessation of normal broadcasting station operations, civil defense activities, or similar events, take the same action as required by a CONELRAD Radio Alert Message.

*Controlled operation.* As used herein, the term "controlled operation" includes all operations carried out by radio facilities during CONELRAD Radio Alerts and in a manner definitely prescribed by this plan, or other CONELRAD directives issued by the Federal Communications Commission. This includes the cessation of operations, producing radio silence.

*Key station.* A station that receives the CONELRAD Radio Alert directly from a designated military installation or other designated source; and relays the CONELRAD Radio Alert.

*Emergency message.* Radio traffic of an urgent nature and involving the safety of the nation or the safety of people and property.

*Licensed by FCC.* As used herein, includes every form of authority issued by the Federal Communications Commission pursuant to which a station may be operated, including construction permits, station licenses, temporary authorizations, etc.

*Authorized by FCC.* In reference to controlled operations, the term "Authorized by FCC" refers to certain authoritative directives issued by the FCC. These are: This plan, National Defense Emergency Authorizations, and other rules, regulations or specific instruments of authority issued by the FCC for the purpose of authorizing, prescribing or limiting operations during a CONELRAD Radio Alert.

*Normal operation.* Operation in accordance with the stations normally issued license or instrument of authorization.

*Reduced operation.* Transmissions are reduced to only emergency messages and the carrier is removed from the air at other times.

*Limited operation.* The term Limited Operation refers to transmissions authorized by the FCC and the Air Defense Commander for specific periods during a CONELRAD Radio Alert. Such transmissions shall be limited to those essential to the public welfare and as requested by military or civil defense authorities.

V. *The Alerting Plan.* For the purpose of this plan, Air Defense Warnings, CONELRAD Radio Alerts and CONELRAD Radio All Clears are originated by the Air Defense Commander or higher military authority. Refer to paragraph (IV) (Definitions) to determine the relationship between Air Defense Warnings and CONELRAD conditions.

The following listed groups are the primary disseminators of CONELRAD Radio Alerts and CONELRAD Radio All Clears:

Key stations.
Military agencies.
Territorial civil defense agency.
Civil Aeronautics Administration.

Certain standard, FM and TV broadcast stations will be designated as Key Stations by the FCC and will disseminate the CONELRAD Radio Alert by telephone and radio broadcast to implement the CONELRAD plan for the broadcast services.

Each standard, FM and TV broadcast station that is in operation (whether or not it is a Key Station) will, upon the receipt of the CONELRAD Radio Alert, proceed as follows:

(a) Discontinue normal operation.

(b) Cut the transmitter carrier for approximately 5 seconds.

(c) Return the carrier to the air for approximately 5 seconds.

(d) Cut transmitter carrier for approximately 5 seconds.

(e) Return carrier to the air.

(f) Broadcast 1,000 cycle (approx.) steady state tone for 15 seconds.

(g) Broadcast the CONELRAD Radio Alert Message.

CONELRAD Radio Alert Message:

We interrupt our normal program to cooperate in Security and Civil Defense measures as requested by the United States Government.

This is a CONELRAD Radio Alert.

Normal broadcasting will now be discontinued for an indefinite period. Civil Defense information will be broadcast from time to time on 640 kc on your regular radio receiver.

I repeat:

This is a CONELRAD Radio Alert.

Normal broadcasting will now be discontinued for an indefinite period. Civil Defense information will be broadcast from time to time on 640 kc on your regular radio receiver.

(h) Each standard, FM and TV broadcast station will then leave the air.

NOTE: (a) through (f) above, is for the purpose of attracting the listener's attention, or, if desired, to operate an automatic alert receiver or warning device. (Caution: (a) through (f) is a warning that a CONELRAD Radio Alert may follow; the action CONELRAD Radio Alert signal is the spoken word in the form of the CONELRAD Radio Alert Message.)

The CONELRAD Radio Alert Message is worded in a manner suitable for reception by the public; however, it is the Radio Alert Warning, and action should be initiated by all licensees concerned to comply with the CONELRAD operating procedure when the CONELRAD Radio Alert Message is broadcast.

VI. *How the CONELRAD Radio Alert can be received.* (A) Standard, FM and TV broadcast stations will receive individual and specific information relative to how they may receive the CONELRAD Radio Alert.

(B) Licensees of radio stations to which this notice is addressed (except standard, FM and TV broadcast stations) can receive the CONELRAD Radio Alert by monitoring (either manually, or by automatic means) any standard, FM or TV broadcast station in the Territory of Hawaii that is in operation.

(C) Certain radio stations are on Air Defense Warning Networks, or extensions thereof. Such stations can receive the Alert Warning by this means.

(D) Certain Government radio stations will transmit the CONELRAD Radio Alert on 500 kc A2 emission in the following form:

XXX XXX XXX CONELRAD Radio Alert Ordered. ----------
(Limit of affected area designated)
Maintain Radio Silence.

Licensees can receive the Alert by this method if applicable.

(E) Designated Government radio stations will transmit the CONELRAD Radio Alert on 2182 kc A3 emission in the following form:

Urgent Broadcast Urgent Broadcast Urgent Broadcast
CONELRAD Radio Alert Ordered ----------
(Limit of affected area designated)
Maintain Radio Silence.

Licensees can receive the Alert by this means if applicable.

(F) Radio stations to which this notice is addressed, except standard, FM and TV broadcast stations, can receive the CONELRAD Radio Alert by any means of communication from any point that has received the CONELRAD Radio Alert by means of either (B), (C), (D), or (E), above; Provided, specific arrangements are made with the parties concerned for forwarding the CONELRAD Radio Alert.

NOTE: Reception of an Alert by public warning methods such as sirens is not deemed as satisfactory for warning radio stations; however, reception of an Alert by such means is a criterion that an Alert exists and radio stations should at that time be following the CONELRAD operating procedure.

VII. *Responsibility for receiving the CONELRAD Radio Alert.* It is the responsibility of the station licensee to make arrangements for receiving the CONELRAD Radio Alert.

The licensee will be free to choose the method for receiving the Alert listed in VI above in a way most applicable to his situation.

VIII. *CONELRAD Radio All Clear procedure.* The CONELRAD Radio All Clear can be received by one or more of the methods listed below:

(A) Specific instructions shall be furnished standard, FM and TV broadcast stations relative to receiving the CONELRAD Radio All Clear.

(B) By reception of the CONELRAD Radio All Clear from any standard, FM or TV broadcast station. At the conclusion of a CONELRAD Radio Alert and when the CONELRAD Radio All Clear is issued, each standard, FM and TV broadcast station will broadcast on its normally assigned frequency an All Clear Message as follows:

CONELRAD Radio All Clear
Resume Normal Operation

(C) By reception of the CONELRAD Radio All Clear from a government radio station operating on 500 kc A2 emission and transmitting the following message:

CQ CQ CQ DE (Call Letters)
CONELRAD Radio All Clear
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(Limit of affected area)

[1] To operate under controlled conditions includes both operation in a definitely prescribed manner and cessation of operation producing radio silence.

[2] As used herein, the term "licensed by" includes every form of authority issued by the Federal Communications Commission pursuant to which a station may be operated, including construction permits, station licenses, temporary authorizations, etc.

(D) By reception of the CONELRAD Radio All Clear from a government radio station operating on 2182 kc A3 emission and transmitting the following message:

To All Ships—To All Ships
This is (Call Letters)
CONELRAD Radio All Clear

(Limit of affected area)

(E) By telephone from authorized sources.

When any of the above messages are received, radio stations to which this notice is addressed may resume normal operation, unless otherwise restricted by order of the Federal Communications Commission.

IX. *CONELRAD operating procedure:*

(A) General: The CONELRAD operating procedure as set forth in this notice is designed to minimize the navigational information that might be obtained from our radio stations while at the same time providing for essential transmissions.

Radio stations continuing to operate during a CONELRAD Radio Alert should, to the extent practicable, comply with the following:

(1) No transmissions shall be made unless they are of extreme emergency affecting the national safety, or the safety of people and property.

(2) Transmissions shall be as short as possible. The station carrier shall be removed from the air during periods of no message transmission.

(3) No station identification shall be given either by announcement of FCC assigned call signal, or by announcement of location.

(B) Detailed operating procedures during a CONELRAD Radio Alert. The following procedures are for stations in the Radio Service indicated:

| *Radio service* | *Operating procedures during a CONELRAD Radio Alert* |
|---|---|
| Standard, FM and TV Broadcast Stations (Part 3 of FCC Rules). | Maintain radio silence, except standard broadcast stations may carry on a limited operation on 640 kc in accordance with a NDEA issued by the FCC. |
| International and Non-Commercial Educational FM Broadcast Services (Part 3 of the FCC Rules). | Maintain radio silence. NOTE: International Broadcast Stations may continue transmissions of urgent government traffic. |
| Experimental and Auxiliary Broadcast Service (Part 4 of the FCC Rules). | Maintain radio silence. |
| Experimental Radio Services (Part 5 of the FCC Rules). | Maintain radio silence, except where this service is used as an integral part of another existing service in which case it may operate in accordance with CONELRAD Operating Procedure IX (A) above. |
| Public Radio Communications Services (Part 6 of the FCC Rules). | Stations operating above 30 Mc may operate in accordance with IX (A), others will maintain radio silence except for transmissions of government traffic in accordance with the requirements of IX (A). |
| Stations on Land in the Maritime Service (Part 7 of the FCC Rules). | Maintain radio silence, except for urgent traffic involving the national safety or the safety of ships. |
| Stations on Shipboard in the Maritime Mobile Service (Part 8 of the FCC Rules). | Maintain radio silence, except for urgent transmission involving the national safety or the safety of the ship. |
| Aviation Radio Services (Part 9 of the FCC Rules). | It is mandatory for radio stations in these services to follow FCC rules 9.1201 through 9.1205. |
| Public Safety Radio Services (Part 10 of the FCC Rules). | Radio stations in this service may operate in accordance with CONELRAD operating procedure IX (A) above. |
| Industrial Radio Services (Part 11 of the FCC Rules). | Radio stations in this service may operate in accordance with CONELRAD operating procedure IX (A) above. |
| Amateur Radio Service (Part 12 of the FCC Rules). | Maintain radio silence. Stations operating in the Radio Amateur Civil Emergency Service may operate in accordance with IX (A) above. |
| Land Transportation Radio Services (Part 16 of the FCC Rules). | Radio stations in this service may operate in accordance with CONELRAD operating procedure IX (A) above. |
| Citizens Radio Service (Part 19 of the FCC Rules). | Maintain radio silence except those stations licensed for Civil Defense purposes may operate in accordance with IX (A) above. |
| Disaster Communication Radio Services (Part 20 of the FCC Rules). | Radio stations in this service may operate in accordance with CONELRAD operating procedure IX (A) above. |

X. *Future CONELRAD plans.* As future CONELRAD plans and regulations are approved and made mandatory, the radio service concerned shall discontinue operation under this voluntary plan and proceed in accordance with the approved plans and regulations.

XI. *Tests.* Tests of the alerting system involving broadcast station reception will be conducted from time to time.

This plan will be fully implemented only in the event of an actual CONELRAD Radio Alert and only until such time as approved mandatory plans and regulations are complete and officially put in operation.

It is not contemplated that tests of the 500 kc or 2182 kc alerting arrangement will be conducted under this voluntary plan.

Tests of the CONELRAD operating procedure (i. e. discontinuing transmissions or operating in a prescribed manner as in IX above) will not be required except on a voluntary basis under this plan.

XII. *General information.* It should be noted that this CONELRAD plan is voluntary and should be carried out to the extent practicable and that the "cut off" frequency is 890 Mc.

Many problems relating to CONELRAD alerting and operation remain unsolved in this Voluntary Plan; for instance, the terms "urgent traffic", "transmissions affecting the national safety or the safety of people and property", "safety of ships" etc., are not specifically defined or interpreted. Interpretations and decisions on these points must be made by station licensees as far as this Voluntary Plan is concerned.

It is contemplated that the CONELRAD alerting system using standard, FM and TV broadcast stations will continue to be a basic method of alerting and that equipment purchased for receiving the CONELRAD Radio Alert will be appropriate for final mandatory CONELRAD plans.

During a CONELRAD Radio Alert stations permitted to operate as in IX above must not identify themselves by FCC assigned call signal or location.

If identification is necessary to carry on the service, the use of tactical calls will be authorized.

Normal station identification is, of course, required in accordance with the rules and regulations for that service at all times except during a CONELRAD Radio Alert.

Adopted: May 29, 1956.

Released: June 4, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4475; Filed, June 6, 1956; 8:53 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. G-4331 etc.]

UNION OIL COMPANY OF CALIFORNIA ET AL.

ORDER FIXING DATE FOR ORAL ARGUMENT

In the matters of Union Oil Company of California, Docket No. G-4331; Union Oil Company of California and Louisiana Land and Exploration Company, Docket No. G-4332; Morris Ranch et al., Docket No. G-4334; Bel Oil Corporation, Docket No. G-4505.

On May 2, 1956, the Presiding Examiner issued a Decision in the above-designated matters. Exceptions thereto were filed on May 22, 1956 jointly by Union Oil Company of California and Louisiana Land and Exploration Company (Union and Louisiana Land), Transcontinental Gas Pipe Line Corporation, and Commission Staff. Bel Oil Corporation (Bel Oil) filed its exceptions to the Decision on May 25, 1956, as did Morris Ranch et al. Union and Louisiana Land also filed a joint motion for opportunity to present oral argument before the Commission in support of their exceptions. Bel Oil also requested opportunity for such oral argument.

The Commission finds: It is appropriate in carrying out the provisions of the Natural Gas Act that oral argument be had before the Commission in these matters as hereinafter ordered and provided.

The Commission orders:

(A) Oral argument shall be had before the Commission on June 28, 1956, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by the above-mentioned exceptions to the Presiding Examiner's Decision herein.

(B) Those parties to this proceeding who intend to participate in the oral argument shall notify the Secretary of the Commission on or before June 18, 1956, of such intention and of the time required for presentation of their argument.

Issued: June 1, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-4449; Filed, June 6, 1956; 8:48 a. m.]



[Docket No. G-6976 etc.]

PAN AMERICAN PRODUCTION CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

Take notice that each of the Applicants listed below has filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing such Applicant to continue to sell natural gas subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open for public inspection. These matters should be consolidated and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on the date and at the place hereinafter stated, concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) not less than ten days before the date of hearing. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request for waiver is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

The dockets, Applicants and material averments in applications to which reference is made above are as follows:

*Docket No.; Name and Address; Filing Date; Gas Field; and Purchaser*

G-6976; Pan American Production Company, Houston, Tex.; 11-30-54; North Luther, Howard County, Tex.; Reef Field Gasoline Corporation.

G-6977; Pan American Production Company, Houston, Tex.; 11-30-54; North Luther, Howard County, Tex.; Reef Field Gasoline Corporation.

G-6978; Pan American Production Company, Houston, Tex.; 11-30-54; North Luther, Howard County, Tex.; Reef Field Gasoline Corporation.

G-6979; Pan American Production Company, Houston, Tex.; 11-30-54; Oceanic, Borden and Howard Counties, Tex.; Reef Field Gasoline Corporation.

G-6980; Pan American Production Company, Houston, Tex.; 11-30-54; Reinecke, Borden County, Tex.; Reef Field Gasoline Corporation.

G-6989; Dunlap Oil Corporation, San Antonio, Tex.; 11-30-54; Seeligson, Jim Wells County, Tex.; Tennessee Gas Transmission Company.

G-6991; Katherine Ryan, San Antonio, Tex.; 11-30-54; West Snyder, Scurry County, Tex.; Standard Oil Company of Texas.

G-6993; Lloyd H. Smith, Inc., Houston, Tex.; 11-30-54; Hog Bayou, Cameron Parrish, La.; Tennessee Gas Transmission Company.

G-6995; TideWater Associated Oil Company, Houston, Tex.; 11-30-54; Hico Knowles, Lincoln Parish, La.; Texas Eastern Transmission Corporation.

G-6996; Harry Hurt, Giorgio Uzielli, Jesse B. Spiller, Barbara R. Michel, Harley J. Earl, Robert L. Stott, Muriel R. Pershing, Clifford W. Michel, G. Peter Fleck, Kathryn B. Miller, Abraham L. Bienstock and Edgar Ainsworth Eyre, all of New York, N. Y., except Harry Hurt of Houston, Tex., and Harley J. Earl of Detroit, Mich.; 11-30-54; Carthage, Panola County, Tex.; United Gas Pipeline Company.

G-6997; E. E. Park, Thomas W. Poore, V. M. Rutherford, Dean W. and Stella Lemaster and Clarence W. Burr, Oklahoma City, Okla.; 11-30-54; Appelton, Jefferson County, Okla.; Lone Star Gas Company.

G-7000; F. Julius Fohs, Amanda Amsler, V. T. Reynolds, William F. Callahan, Cora B. Fohs, Ruth M. Horrigan, Benjamin Clayton, William Clayton, Lovett Abercrombie, Second National Bank, Trustee of J. R. Horrigan, Estate, and Coast Properties Company, Trustee, Houston, Tex.; 11-30-54; South Runge, Karney County, Tex.; Wilcox Trend Gathering System.

G-7001; Westpan Hydrocarbon Company, Amarillo, Tex.; 11-30-54; Blanco, San Juan and Rio Arriba Counties, N. Mex.; El Paso Natural Gas Company.

G-7002; Herman Brown, Houston, Tex.; 11-30-54; Bear Creek and Driscoll, Bienville Parish, La.; Arkansas-Louisiana Gas Company.

G-7031; Gasoline Production Corporation and Rose Hill Oil Company, San Antonio, Tex.; 11-30-54; Hilzmark, Bee County, Tex.; Wilcox Trend Gathering System.

G-7032; Gasoline Production Corporation, Vivian H. McMurry, Henderson Coquat, Simmons Oil Company, and Dirks Brothers, a partnership, San Antonio, Tex.; 11-30-54; Mineral, Bee County, Tex.; Transcontinental Gas Pipeline Corporation.

G-7033; Gasoline Production Corporation, Gladys Brauer and Rodney De Lange, San Antonio, Tex.; 11-30-54; South Mineral, Bee County, Tex.; Transcontinental Gas Pipeline Corporation.

G-7034; Gasoline Production Corporation and Francita Gas Company, San Antonio, Tex.; 11-30-54; South Mineral, Bee County, Tex.; Transcontinental Gas Pipeline Company.

A public hearing will be held on the 2d day of July 1956, beginning at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the above application.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

JUNE 1, 1956.

[F. R. Doc. 56-4441; Filed, June 6, 1956; 8:46 a. m.]

[Docket Nos. G-9146, G-9498]

SHAMROCK OIL AND GAS CORP.

ORDER GRANTING REQUEST FOR RECONSIDERATION AND POSTPONING HEARING

The Shamrock Oil and Gas Corporation (Shamrock) filed on May 15, 1956, a request for postponement of the hearing herein now scheduled for June 11, 1956. The Secretary on May 16, 1956, issued a notice denying said request for postponement.

Shamrock filed thereafter, on May 22, 1956, a request for reconsideration of the notice denying its request for postponement of hearing.

The Commission finds: Good cause has been shown for postponing the aforementioned hearing from June 11, 1956, to July 25, 1956.

The Commission orders: The hearing herein now scheduled for June 11, 1956, is hereby postponed to July 25, 1956, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

Issued: June 1, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-4444; Filed, June 6, 1956; 8:47 a. m.]

[Docket Nos. G-9331, G-9448]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF SEVERANCE OF PROCEEDING, CONSOLIDATION AND DATE OF HEARING

JUNE 1, 1956.

Tennessee Gas Transmission Company (Tennessee), by its application filed on September 16, 1955, as supplemented on November 16, December 16 and 22, 1955, in Docket No. G-9331, proposed to deliver additional peak day volumes to certain of its existing customers for the 1955-1956 winter season ending April 30, 1956.

Tennessee, by its application filed on October 10, 1955, in Docket No. G-9448, proposes, inter alia, to deliver additional peak day volumes to certain of its existing customers for the 1956-1957 winter season ending April 30, 1957.

Tennessee's application in Docket No. G-9448 was consolidated for the purpose of hearing by the Commission's order

issued February 17, 1956, In the Matters of Midwestern Gas Transmission Company, Docket Nos. G–9451, G–9452, and G–9453; Tennessee Gas Transmission Company, Docket Nos. G–1922, G–9448, G–9449, G–9450, and G–9454; Iron Ranges Natural Gas Company, Docket No. G–9648; and Central Wisconsin Gas Company, Docket No. G–9813, which hearing was commenced on February 14, 1956, and is now in recess until further notice.

Tennessee's application in Docket No. G–9331 was set for hearing on May 8, 1956, by notice of application and date of hearing, dated April 9, 1956, and subsequently postponed until May 24, 1956, by notice of postponement of hearing, dated May 1, 1956. The hearing was convened and recessed on motion of Staff Counsel until further notice.

It appears that Tennessee's applications in Docket Nos. G–9331 and G–9448 involve common questions of law and fact with respect to the proposal to deliver additional peak day volumes to certain of its customers for the 1955–1956 and 1956–1957 winter seasons and should be consolidated for the purpose of hearing, and to that end:

Take notice that the proceeding in Docket No. G–9448 is severed from the proceedings consolidated by the Commission's order issued February 17, 1956, and referred to above.

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 19, 1956, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington 25, D. C., concerning the matters involved in and the issues presented by the applications for certificates of public convenience and necessity filed by Tennessee Gas Transmission Company in Docket Nos. G–9331 and G–9448.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56–4446; Filed, June 6, 1956; 8:47 a. m.]

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[Docket No. G–10090]

WASHINGTON GAS LIGHT CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 1, 1956.

Take notice that Washington Gas Light Company, Applicant, a corporation organized and existing under the laws of the United States of America and a domestic corporation of the Commonwealth of Virginia, having its principal place of business in Washington, D. C., filed on March 12, 1956, an application and on April 17, 1956, a supplement thereto for a certificate of public convenience and necessity under section 7 of the Natural Gas Act, authorizing it to construct and operate certain proposed facilities for the transmission of natural gas, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

The proposed facilities consist of: Approximately 26.1 miles of 24-inch gas transmission line extending south from the metering station of Atlantic Seaboard Corporation, located near Dranesville, Virginia, to a point near the town of Fairfax, thence south and east to a point near Springfield, and thence easterly to a point near the Hybla Valley Airport, all in Virginia. From this point, approximately 2.7 miles of 20-inch gas transmission line will be built extending northward to Franconia Road near Norton Street, where it will connect to the existing 16-inch gas pipeline of Applicant connecting with the District of Columbia facilities.

It is estimated that the capacity of the existing 16-inch main transmission line in Virginia has a capacity to transport 3,500 Mcf per hour from the connection with Atlantic Seaboard to the main market areas in Arlington. The maximum hourly demands in Virginia are expected to reach 4,890 Mcf during the winter of 1956–57 increasing to 6,800 Mcf in the 1960–61 winter. Because of increasing loads in the Maryland area, the Maryland transmission lines of Applicant cannot assist the Virginia line in meeting the estimated Virginia loads.

Applicant's estimated total system peak day requirements are as follows:

| | Maximum day (Mcf) | |
|---|---|---|
| | Average, °F. | Estimated |
| 1956–57 | 5° | 340,000 |
| 1957–58 | 5° | 365,000 |
| 1958–59 | 5° | 387,700 |

It is alleged that the facilities proposed herein will provide needed additional supply of gas to the rapidly expanding Virginia area, will enable the Applicant to dispatch gas from Virginia to the District of Columbia and Maryland areas via Key Bridge during high demands or emergency situations, and will thus enable Applicant to meet estimated future requirements of its entire system with maximum flexibility of operations.

The estimated cost of construction of the proposed facilities is $3,380,000. It is planned to finance these facilities with funds available from operations, proceeds of the sale of common stock and temporary bank borrowings.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Monday, July 2, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 20, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56–4447; Filed, June 6, 1956; 8:48 a. m.]

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[Docket No. G–10130]

NEW YORK STATE NATURAL GAS CORP. AND TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 1, 1956.

New York State Natural Gas Corporation and Texas Eastern Transmission Corporation (Applicants), New York and Delaware corporations, respectively, having their principal places of business located at Pittsburgh, Pennsylvania, and Shreveport, Louisiana, respectively, filed a joint application on March 21, 1956, for authority to construct, operate and acquire additional facilities in the Oakford storage field in Westmoreland County, Pennsylvania, all as more fully hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the joint application which is on file with the Commission and open for public inspection.

Applicants state that the Oakford storage field is jointly owned by them and is operated by New York State Natural Gas Corporation.

Applicants also state that the Oakford storage project consists of two storage reservoirs, namely the Murrysville Sand which occurs at 1,900 feet depth and is about 100 feet in thickness, and the Fifth Sand which occurs at 2,400 feet depth and is about 60 feet in thickness, and the requested facilities and their estimated costs, which will be financed by funds on hand, are as follows:

| | |
|---|---|
| 1. Additional 6,000 compressor horsepower at existing Jeannette compressor station, Murrysville Pool, Westmoreland County, Pennsylvania [1] | $1,668,000 |
| 2. Remove from Jeannette compressor station one 350 compressor horsepower and install the same at the proposed South Oakford station [1] | 15,000 |

[1] After proposed removal and addition of compressors, total horsepower at Jeannette will be 9,630, 350 at S. Oakford, which together with 30,000 horsepower at Oakford gives total storage horsepower of 39,980.



| | |
|---|---|
| 3. One mile of 20-inch pipeline extending from Jeannette compressor station to a proposed measuring station on the 30-inch lateral line of Texas Eastern [2] | $86,000 |
| 4. 5.7 miles of 6⅝-inch O. D. and 0.57 miles of 8⅝-inch O. D. well lines to connect three wells authorized in Docket No. G–1391, to Oakford storage project piping system | 228,000 |
| 5. To install as part of the same project, 43 measuring stations | 111,000 |
| Total | 2,108,000 |

[2] Includes $17,000 cost of measuring station.

A major portion of the facilities described in items (4) and (5) above will be installed in 1956 and the remainder in 1957. Of the total facilities proposed the major part will be in connection with storage operation in the Murrysville Sand and the remainder in connection with the Fifth Sand storage.

Applicants further state that the development of the Oakford storage project began in 1951 and increasing amounts of gas were injected or withdrawn each year as facilities were completed. During 1954, the injection of the full 45 billion cubic feet of base gas was completed, and in 1955, the top storage gas balance reached a figure of 45 billion cubic feet. Thus by the end of the input season in October 1955, the total inventory of gas in the Oakford storage area reached 90 billion cubic feet in both the 5th and Murrysville sands.

Applicants allege that withdrawals have been continuous throughout the winter of 1955–56. On December 20, 1955, the total withdrawals from both sands amounted to 426.4 million cubic feet of gas in 24 hours. There were also eight other days in the present withdrawal season to the end of January 1956, on which total daily withdrawals of gas exceeded 400 million cubic feet. By February 20, 1956, the total inventory was about 61 billion cubic feet after withdrawals of about 29 billion cubic feet during the winter of 1955–56. It is expected that the total top gas withdrawal will reach 45 billion cubic feet by the end of March 1956.

Applicants also allege that the plan of development authorized by the Commission in Docket No. G–1391 calls for a still larger inventory in 1956 and Applicants expect to make even heavier withdrawals during the winter of 1956–57, that is, an inventory of 105 billion cubic feet and a total withdrawal of 60 billion cubic feet of top gas at the rate of 400,000 Mcf per day for 150 days. Of this total inventory 84 billion cubic feet will be in the Murrysville sand and approximately 50 billion cubic feet will be withdrawn annually therefrom.

Applicants further allege that when the Oakford Field was first proposed for storage purposes, it was believed that the Murrysville sand was divided into two parts by a saddle located at approximately a mid-way position between north and south. Continued operation of the storage has shown the lack of an effective barrier by increases in the well pressures in the so-called South Oakford area. It was intended to utilize only the North Oakford area at maximum pressure and deliverability. With gas migrating southward, this cannot be obtained and now two alternatives are open to Applicants, which are:

(1) To reduce during the withdrawal season the pressure and volume of migrated gas in the saddle area between the north and south portions of the Murrysville sand area. This will, if successful, effectively minimize migration of gas to the south, and at the same time retain injected gas within a minimum injection area to the north at maximum pressure and deliverability. The net result of this type of operation will be a downward gradation of pressures from north and south over a range from 478–49 psig at well head, at the beginning of the withdrawal season, and a similar gradation at the end of such season over a range of 117–51 psig.

(2) To utilize both the north and south areas as a unit. With a given volume in storage, the pressures would be reduced requiring an increased number of wells to obtain necessary deliverability and increased compression facilities for delivering the gas into the pipe lines. Increased well lines will also be required.

Applicants have chosen the method first described above. Should it not be successful, the facilities would still be required, plus additional ones, to make the necessary storage volumes available.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 3, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such joint application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will not be necessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 19, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56–4442; Filed, June 6, 1956; 8:47 a. m.]

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[Docket No. G–10216]

ARKANSAS LOUISIANA GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 1, 1956.

Take notice that Arkansas Louisiana Gas Company (Applicant), a Delaware corporation with principal place of business at Slattery Building, Shreveport 94, Louisiana, filed on April 9, 1956, as supplemented May 4, 1956, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to construct and operate, as an integral part of its existing natural gas system, certain natural gas facilities as hereinafter described which are necessary to the transportation and delivery in interstate commerce of natural gas to be sold and distributed directly by Applicant to residential and commercial consumers along the proposed "Maud Pipeline" and within the Town of Maud, Texas, via a distribution system proposed to be constructed and operated by Applicant within said town.

The facilities proposed to be constructed and operated by Applicant consist of a line tap with incidental metering and regulating facilities to be located on Applicant's Line CM–14 at Station 251+00 in Texas and, running in a southwesterly direction from a point of interconnection therewith to the proposed distribution system in the Town of Maud, Texas, approximately 14.27 miles of 4½-inch O. D. pipeline to be known as the "Maud Pipeline".

The estimated cost of construction of the line tap and incidental facilities is stated to be $3,400 and that of the Maud Pipeline is stated to be $135,100, making a total of $138,500 for the facilities for which certification is sought. The estimated cost of construction of the proposed Maud Distribution Sytem is stated to be $83,500.

The estimated gas requirements in Mcf for the proposed project are as follows:

| Year of operation | Peak day | Annual |
|---|---|---|
| 1 | 504 | 53,000 |
| 2 | 579 | 60,500 |
| 3 | 623 | 64,750 |
| 4 | 654 | 68,200 |
| 5 | 670 | 70,550 |

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Monday, June 25, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commis-

sion, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 20, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-4443; Filed, June 6, 1956; 8:47 a. m.]

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[Docket No. G-10236]

OHIO FUEL GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 1, 1956.

Take notice that The Ohio Fuel Gas Company, Applicant, an Ohio corporation and a subsidiary of The Columbia Gas System, Inc., having its principal place of business at 99 North Front Street, Columbus, Ohio, filed on April 10, 1956, an application for a certificate of public convenience and necessity under section 7 of the Natural Gas Act, authorizing it to construct and operate certain proposed natural gas transmission facilities and for authority to abandon certain existing facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

The proposed new facilities consist of the following:

*Project No. 1.* Approximately 8.6 miles of 8⅝-inch O. D. and 2.0 miles of 6½-inch O. D. natural gas transmission pipeline in Guernsey and Tuscarawas Counties, Ohio, for service to Newcomerstown and Gnadenhutten, Ohio.

*Project No. 2.* Approximately 7.3 miles of 8⅝-inch O. D. natural gas transmission pipeline in Guernsey County, Ohio, replacing a portion of existing Line O-880 supplying the Barnesville-St. Clairsville, Ohio, market area.

Applicant also requests authorization to abandon approximately 7.3 miles of 6⅝-inch O. D. and 7-inch O. D. pipe to be replaced by facilities described under Project No. 2. Such abandonments will not result in discontinuance of service to any customers.

In connection with Project No. 1, Applicant requests authorization to operate as transmission facilities, subject to the jurisdiction of the Commission, approximately 13.9 miles of existing field gathering Lines FO-415 and FO-1460, and also requests the Commission to authorize the abandonment of approximately 34.6 miles of existing transmission Lines O-55, O-301, O-383, and O-327. Applicant proposes to utilize said transmission lines as field gathering lines.

Under Project 1, Applicant, by connecting existing sections of gathering lines with the segments of proposed line plans to construct and operate approximately 24.5 miles of 8-, 6-, and 5-inch transmission line extending from the Guernsey Compressor Station and storage field northeasterly to its Newcomerstown and Gnadenhutten market, terminating at the latter point. Upon completion, this line will take over the service now being supplied by the undersized and deteriorated transmission lines O-55, O-301, O-383, and O-327.

Under Project 2, Ohio Fuel proposes to continue an existing program of increasing capacity of its system serving the Barnesville-St. Clairsville market areas by replacing 7.3 miles of its existing transmission line O-880.

The purpose of the application is to enable Applicant to serve increased market requirements of the Newcomerstown and Gnadenhutten and Barnesville-St. Clairsville retail market areas in Tuscarawas, Guernsey and Belmont Counties, Ohio, including the Larson Clay Pipe Company at Gnadenhutten and the Goshen Brick and Clay Company at Newcomerstown.

The estimated capital cost of construction of the facilities under Project 1 is $220,000 and for the facilities under Project 2 is $174,000. Total additions to plant in service are estimated at $394,000 less a credit on retirement of the abandoned facilities of $35,945. Applicant alleges that The Columbia Gas System, Inc. will provide the necessary financing of the proposed facilities.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Thursday, July 5, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (c) (2) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 21, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made. Under the procedure herein provided for unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-4448; Filed, June 6, 1956; 8:48 a. m.]

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[Project No. 2173]

PACIFIC NORTHWEST POWER CO.

ORDER POSTPONING HEARING

On May 25, 1956, National Hells Canyon Association, Inc., Intervener, filed motion for postponement of commencement of hearing in the above-entitled matter fixed by Commission order issued May 9, 1956. Pacific Northwest Power Company, Applicant, filed an answer to the motion on May 29, 1956.

The Commission finds: Good and sufficient cause has been shown for postponement of the hearing, as hereinafter provided.

The Commission orders: The times fixed by Commission order issued May 9, 1956 for hearing in the above-entitled matter are hereby postponed to June 25, 1956, at 10:00 a. m. P. s. t., in Vert Auditorium, Pendleton Junior High School Building, at Pendleton, Oregon; to June 28, 1956, at 10:00 a. m., P. s. t., in Lewis Clark Hotel at Lewiston, Idaho; and to July 24, 1956 at 10:00 a. m., e. d. s. t. in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

Issued: June 1, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-4445; Filed, June 6, 1956; 8:47 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION

[File No. 24D-1484]

MAYDAY URANIUM CO.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JUNE 1, 1956.

I. Mayday Uranium Company, a Utah corporation, Suite 103 Harver Building, Salt Lake City, Utah, having filed with the Commission on October 29, 1954, a notification on Form 1-A relating to an offering of 15,000,000 shares of ½¢ par value common stock at 1¢ per share for an aggregate of $150,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having reasonable cause to believe that the terms and conditions of Regulation A have not been complied with in that:

1. Sales material has been used which was not filed with the Commission pursuant to the requirements of Rule 221 under Regulation A;

2. The notification and offering circular contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, in the following respects among others: The offering circular states that the company has applied to the Atomic Energy Commission for certification for the bonus for initial production, whereas no such application appears to have been made. The offering circular states that assay results concerning a portion of its properties have not been made available to the company, whereas such results appear to have been made available to the company. The offering circular states that Max Smolik is President of the company and that William H. Hull is Treasurer of the company, whereas Smolik has resigned and Hull is President of the company. The offering circular fails to state that Harold Tucker was made a director of the company. The offering circular fails to state that the time for payment of the purchase price of all of its property has expired and that the appropriate payment has not been made. The offering circular fails to reflect arrangements and agreements concerning the acquisition of properties not mentioned in the offering circular.

III. *It is ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

*It is further ordered,* That this order and notice shall be served upon Mayday Uranium Company, 103 Harver Building, Salt Lake City, Utah, and Utah Uranium Brokers, 2680 South 20th East, Salt Lake City, Utah, personally, or by registered mail or by confirmed telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-4451; Filed, June 6, 1956; 8:48 a. m.]





[File No. 70-3480]

SOUTHERN CO. ET AL.

NOTICE OF FILING REGARDING ISSUE AND SALE OF COMMON STOCK BY SUBSIDIARIES AND ACQUISITION THEREOF BY PARENT; ISSUE AND SALE OF COMMON STOCK BY NEW GENERATING COMPANY AND ACQUISITION THEREOF BY ASSOCIATE UTILITY COMPANIES; AND PAYMENT OF DEBT OF SUBSIDIARY OWING TO PARENT

JUNE 1, 1956.

In the matter of the Southern Company, Alabama Power Company, Georgia Power Company, Southern Electric Generating Company, and Alabama Property Company; File No. 70-3480.

Notice is hereby given that The Southern Company ("Southern"), a registered holding company and four of its subsidiaries, Alabama Power Company ("Alabama"), Georgia Power Company ("Georgia"), Southern Electric Generating Company ("SEGCO") a newly organized company, and Alabama Property Company ("Property Company"), have filed a joint application-declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"). Applicants-declarants designate sections 6 (b), 9 (a), 10, 12 (f), and Rules U-43, U-45 and U-50 thereunder as applicable to proposals which constitute the initial financing in a program involving the construction by SEGCO of a steam electric generating plant on the Coosa River in the State of Alabama. The plant is expected to have 500,000 kilowatts of capacity by 1961 and upwards of 1,000,000 kilowatts by the end of 1963. The construction of the plant, estimated to cost $150,000,000, will be financed by the proceeds from common stock of SEGCO to be sold in equal parts to Alabama and Georgia and debt securities to be sold to institutions or the public. It is contemplated that Alabama and Georgia will enter into long term contracts with SEGCO for the purchase of energy on terms which will, in substance, provide for the operating expenses and carrying charges of SEGCO, including a return on the equity investment.

The specific transactions which are the subject of the joint application-declaration are summarized as follows:

Alabama and Georgia will each issue and sell 10,000 shares of their common stock, without par value, and Southern will acquire such stocks at $100 per share, or an aggregate consideration of $2,000,000. SEGCO will issue and sell 20,000 shares of its capital stock, $100 par value, and Alabama and Georgia will each acquire 10,000 shares of such stock at par, or an aggregate consideration of $2,000,000.

SEGCO will apply the proceeds of the sale of its shares, to the extent necessary, to purchase from Property Company, a direct subsidiary of Alabama, certain coal reserves and one or more sites for a steam electric generating plant located in the State of Alabama and reimburse Property Company for its expenses theretofore incurred in test drilling. The amount to be paid to Property Company will be limited to the costs incurred, which it is estimated will approximate $500,000. The balance of the proceeds will be used by SEGCO to complete the acquisition of coal reserves and plant sites and to pay for any necessary test drillings and other expenditures incident to commencement of construction of a steam electric generating plant.

Property Company proposes to apply the amount obtained from SEGCO in satisfaction of an open account advance previously made by Southern.

Alabama and SEGCO have filed petitions with the Alabama Public Service Commission for authority to issue and sell their shares of common stock, and Georgia has petitioned the Georgia Public Service Commission for authority to issue its shares of common stock. Copies of the orders to be entered by these commissions are to be supplied by amendment.

The estimated fees, commissions and expenses paid or incurred or to be paid or incurred in connection with the proposed transactions are as follows:

| | Alabama | Georgia | SEGCO |
|---|---|---|---|
| Federal original income tax | $375 | $320 | $2,200 |
| State charter fees | | | 2,000 |
| Legal expense | | | 10,000 |
| Miscellaneous | 500 | 500 | 2,500 |
| Total | 875 | 820 | 16,700 |

It is requested that the Commission issue its order herein on or as soon as practicable after the thirtieth day from the date of filing of the joint application-declaration (May 18, 1956).

Notice is further given that any interested person may, not later than June 18, 1956 at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application-declaration which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said application-declaration, as filed or as amended, may be granted and permitted to become effective, in whole or in part, as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-4452; Filed, June 6, 1956; 8:49 a. m.]

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## DEPARTMENT OF JUSTICE

### Office of Alien Property

ERICH LOUIS HIRSCHFELD

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention

to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Erich Louis Hirschfeld, Sponholzstr 31, Berlin-Friedenau, Germany, $400.00 in the Treasury of the United States. Claim No. 60657, Vesting Order No. 17742.

Executed at Washington, D. C., on May 28, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 56-4455; Filed, June 6, 1956; 8:49 a. m.]

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MEHDI BENKIRAN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Mehdi Benkiran, Casablanca, Morocco, $2,999.65 in the Treasury of the United States. Claim No. 5629, Vesting Order No. 6390.

Executed at Washington, D. C., on May 31, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 56-4456; Filed, June 6, 1956; 8:49 a. m.]

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HUGUES FEIBELMANN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Hugues Feibelmann, Sannois (Seine-et-Oise), France, $203.83 in the Treasury of the United States. Claim No. 41160, Vesting Order No. 3078.

Executed at Washington, D. C., on May 31, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 56-4458; Filed, June 6, 1956; 8:49 a. m.]

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LOUISE CLEMENCE NOAR

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Louise Clemence Noar, nee Leprince, Le Cannet (Alpes Maritimes), France, $2,073.28 in the Treasury of the United States. Claim No. 61324, Vesting Order No. 17807.

Executed at Washington, D. C., on May 31, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 56-4457; Filed, June 6, 1956; 8:49 a. m.]

UNIVERSITY OF MICHIGAN
JUN 14 1956
MAIN READING ROOM

THE NATIONAL ARCHIVES

# FEDERAL REGISTER

OF THE UNITED STATES

VOLUME 21 NUMBER 111

Washington, Friday, June 8, 1956

## TITLE 9—ANIMALS AND ANIMAL PRODUCTS

### Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Rev., Amdt. 79]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—VESICULAR EXANTHEMA

CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111–113, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 76.27, as amended, Subpart B, Part 76, Title 9, Code of Federal Regulations (21 F. R. 3, 417, 786, 1165, 1461, 1743, 2230, 2611, 3005), which contains a notice with respect to the States in which swine are affected with vesicular exanthema, a contagious, infectious, and communicable disease, and which quarantines certain areas in such States because of said disease, is hereby further amended in the following respects:

1. A new subdivision (viii) is added to subparagraph (1) of paragraph (d), relating to Atlantic County in New Jersey, to read:

(viii) Lots 1 through 20, Plot 463, in Buena Vista Township, owned and operated by Russell B. Cunningham, Jr.

2. A new subdivision (xv) is added to subparagraph (2) of paragraph (d), relating to Burlington County in New Jersey, to read:

(xv) Lots 15 and 15A, Block 11, Plot 2, in Evesham Township, owned and operated by Soboleski Brothers.

3. New subdivisions (xi) and (xii) are added to subparagraph (6) of paragraph (d), relating to Hudson County in New Jersey, to read:

(xi) Lot 5, Block 9, in Secaucus Township, owned by Edward Walka and operated by John Rozansky; and

(xii) Lot 4, Block 41, in Secaucus Township, owned by Joseph Supel & Sons and operated under the name of Supel's Stock Farm.

4. New subdivisions (x) and (xi) are added to subparagraph (8) of paragraph (d), relating to Middlesex County in New Jersey, to read:

(x) That part of Monroe Township bounded on the north by Hoffman Station Road, on the west by Gravel Hill Road, and on the east by Gravel Hill-Hoffman Station Road; and

(xi) Lot 48A, Block 95, in South Brunswick Township, owned and operated by S. J. Kapolski.

5. A new subdivision (xxii) is added to subparagraph (9) of paragraph (d), relating to Monmouth County in New Jersey, to read:

(xxii) That part of Manalapan Township bounded on the northeast by the Englishtown-Millhurst Road, on the northwest by the Manalapan-Englishtown Road, on the southwest by the McCaffery Road, and on the southeast by the Gordens Corner-Tennent Road.

6. Subparagraph (10) of paragraph (d), is amended to read:

(10) All of Morris County except the following:

(i) That part of Parsippany-Troy Hills Township lying north of U. S. Route No. 46, east of Baldwin Road, south of Vail Road, and west of North Beverwyck Road;

(ii) That part of Jefferson Township lying west of New Russia-Stockholm Road, north of New Russia-Sparta Road, and southeast of the Morris County line; and

(iii) That part of Rockaway Township lying east of Green Pond Road, south and west of Upper Hibernia Road, and north and east of Meridon Road.

*Effective date.* The foregoing amendment shall become effective upon issuance.

The amendment excludes certain areas in New Jersey from the areas heretofore quarantined because of vesicular exanthema. Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR, 1955 Supp., Part 76, Subpart B, as amended, will not apply to such areas. However, the restrictions pertaining to such movement from non-quarantined areas, contained in said Subpart B, as amended, will apply thereto.

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# FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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## CFR SUPPLEMENTS

**(As of January 1, 1956)**

The following Supplements are now available:

**Title 7: Parts 900–959 (Rev., 1955) ($6.00)**

**Title 46: Part 146 to end ($1.25)**

Previously announced: Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 7: Parts 1–209 ($1.25); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Parts 1–399 ($2.50), Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. I, and Title 27 ($1.00); Titles 28 and 29 ($1.25); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 400–699 ($0.65), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Title 33 ($1.50); Titles 35–37 ($1.00); Titles 40–42 ($0.65); Title 43 ($0.50); Title 46: Parts 1–145 ($0.60); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.




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The amendment relieves certain restrictions presently imposed, and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 7, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791–792, as amended, secs. 1, 3, 33 Stat. 1264, as amended, 1265, as amended; 21 U. S. C. 111–113, 117, 120, 123, 125)

Done at Washington, D. C., this 1st day of June 1956.

[SEAL] B. T. SHAW,
*Administrator,*
*Agricultural Research Service.*

[F. R. Doc. 56–4502; Filed, June 7, 1956; 8:49 a. m.]

## TITLE 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket 6311]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

NATIONAL CASUALTY CO.

Subpart—*Advertising falsely or misleadingly:* § 13.260 *Terms and conditions:* Insurance coverage. Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 13.2080 *Terms and conditions:* Insurance coverage.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, National Casualty Company, Detroit, Mich., Docket 6311, May 21, 1956]

This proceeding was heard by a hearing examiner on the complaint of the Commission, charging a Detroit insurance company, engaged in selling accident and health insurance policies through some 350 to 400 independent insurance agencies throughout the nation, with misrepresenting the duration, extent of coverage and benefits of its policies, and the physical requirements for policyholders, in printed brochures and advertising matter sent to such agents for use in their solicitation of prospects.

Following hearings in due course, during which a number of motions to dismiss were denied, the hearing examiner made his initial decision, including findings, conclusions, and order to cease and desist. From this, both counsel appealed. Having heard the matter on briefs and oral argument, the Commission rendered its decision granting the appeal of counsel in support of the complaint and denying that of respondent.

The Commission directed modification of the initial decision in conformity with an opinion rendered by Commissioner Secrest, and on May 21, 1956, adopted the initial decision as so modified as the decision of the Commission, Commissioners Gwynne and Mason dissenting.

The order to cease and desist, including order requiring report of compliance therewith, is as follows:

*It is ordered,* That respondent, National Casualty Company, a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of any accident, health, hospital or surgical insurance policy, do forthwith cease and desist from representing, directly or by implication:

1. That any such policy may be continued in effect by the insured upon payment of stipulated premiums, indefinitely or for any stated time, unless full disclosure of any other provision or condition of termination contained in the policy is made conspicuously, prominently, and in sufficiently close conjunction with the representation as will fully relieve it of all capacity to deceive.

2. That no medical examination is required, unless the respondent actually insures the policyholder without regard to his physical condition before or after issuance of the policy; or otherwise representing that the condition of the insured's health at the time of issuance of the policy will not be considered by the respondent in determining its liability thereunder, or that the respondent will not, as a claims practice, require proof of good health of the insured at the time of issuance of the policy.



3. That any policy provides for payment in full or in any specified amount or for payment up to any specified amount for any medical, surgical or hospital service, unless the policy provides that the actual cost to the insured for that service will be paid in all cases up to the amount represented, or unless full disclosure of the schedule of payments for which the policy provides is made conspicuously, prominently, and in sufficiently close conjunction with said representation as will fully relieve it of all capacity to deceive.

4. The extent or duration of either coverage or benefits payable under the terms of any policy, unless a statement of all the conditions, exceptions, restrictions and limitations affecting the indemnification actually provided is set forth conspicuously, prominently, and in sufficiently close conjunction with the representation as will fully relieve it of all capacity to deceive.

*It is further ordered,* That respondent, National Casualty Company, shall, within sixty (60) days after service upon it of this order file with the Commission a report in writing setting forth in detail the manner and form in which it has complied therewith.

*It is further ordered,* That the initial decision of the hearing examiner, as modified herein, is hereby adopted as the decision of the Commission.

By the Commission.[1]

Issued: May 21, 1956.

[SEAL] ROBERT M. PARRISH,
*Secretary.*

[F. R. Doc. 56–4491; Filed, June 7, 1956; 8:46 a. m.]

## TITLE 19—CUSTOMS DUTIES

### Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54101]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

PART 21—CARTAGE AND LIGHTERAGE

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

MISCELLANEOUS AMENDMENTS

To provide for the acceptance of a declaration of intended business or trade in lieu of the execution of the prescribed form after use for all articles withdrawn for use as vessel's supplies on the same basis and to correct an error in a cross reference in § 10.60 (g), the Customs regulations are amended as follows:

1. Section 10.60 (g) is amended by substituting "§ 10.59 (e)" for "§ 10.59 (d)".

2. Section 10.64 (b) is amended by substituting "$100" for "$50, or $100 in the case of fuel oil or lubricating oil".

(R. S. 161, 251, secs. 624, 46 Stat. 759; 56 U. S. C. 22, 19 U. S. C. 66, 1624)

As the result of an employee's suggestion, the Bureau has given further consideration to a proposal that licenses be issued to cartmen or lightermen for indefinite periods and remain effective until terminated. Under this plan, the collector would periodically be required to ascertain the sufficiency of the supporting bonds. The Bureau is of the opinion that the adoption of the plan would serve a good purpose.

The Bureau is also of the opinion that a determination may be made locally as to the frequency and times that a current list showing the names and addresses of the managing officers and members of the cartage organization and of the employees thereof who will receive or transport imported merchandise which has not been released from customs shall be required to be furnished.

The Bureau is of the further opinion that the Customs regulations should include a provision authorizing collectors, in their discretion, to require customs licensed cartmen and lightermen to make and keep such written records relating to cartage or lighterage of imported merchandise which has not been released from customs as may be needed for purposes of local customs administration.

Accordingly, the Customs regulations are hereby amended as follows:

1. Section 21.1 (a) is amended by deleting "for a term of 1 year" at the end of the second sentence; by amending the fifth sentence to read: "The license shall remain in force and effect as long as the required bond is considered sufficient or until the license is suspended or terminated."

and by deleting the last sentence and substituting the following matter therefor: "The collector may require the applicant for a license to furnish a list showing the names and addresses of the managing officers and members of the organization or of the persons who will receive or transport imported merchandise which has not been released from customs, or a list of all such persons and their addresses. An applicant shall be required in each case to undertake to surrender promptly to the collector the identification cards of persons no longer employed by the applicant or give reasons satisfactory to the collector why such cards cannot be surrendered. The collector may also require an applicant to undertake to furnish, at such times and intervals as the collector deems necessary, a current list showing the names and addresses of the managing officers and members of the organization or of the persons who will receive or transport imported merchandise which has not been released from customs, or a list of all such persons and their addresses. A license shall be subject to suspension for failure to comply with the requirements of the two preceding sentences, or it may be revoked for sufficiently good cause."

2. Section 21.2 is amended by deleting ", revocation or lapse" in the next to the last sentence and substituting therefor "or termination".

3. Section 21.6 is amended by adding the following sentence: "Such customs order or rule may include a requirement by the collector that customs licensed cartmen and lightermen shall make,

[1] Commissioners Gwynne and Mason dissenting.

keep, and promptly submit for customs inspection and examination upon request therefor such current written records relating to cartage and lighterage as may be needed for purposes of local customs administration."

(Secs. 565, 624, 46 Stat. 747, 759; 19 U. S. C. 1565, 1624)

To delete a provision which will be inapplicable when cartage and lighterage licenses are issued for an indefinite period, § 24.12 (a) (1) of the Customs regulations is amended by deleting the last sentence.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

The above amendments to §§ 21.1 (a), 21.2, and 24.12 (a) (1) of the Customs regulations shall be effective as soon as customs Form 3857 "License for Cartmen and/or Lightermen" has been revised and is available for use. Thereafter, as applications are made for new licenses or for extensions of licenses to cart or lighter, licenses shall be granted for indefinite periods in accordance with the regulations as hereby amended. The other amendments above shall be effective on the date of publication in the FEDERAL REGISTER.

When customs Form 3855, Bond of Customs Cartman or Lighterman, is reprinted the word "termination" will be substituted for "expiration or revocation" in the first line of condition (4).

[SEAL] RALPH KELLY,
*Commissioner of Customs.*

Approved: June 4, 1956.

DAVID W. KENDALL,
*Acting Secretary of the Treasury.*

[F. R. Doc. 56-4508; Filed, June 7, 1956; 8:50 a. m.]

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[T. D. 54102]

PART 22—DRAWBACK

APPLICATIONS FOR ISSUANCE OF CERTIFICATES OF IMPORTATION

Applications to collectors of customs for the issuance of certificates of importation for drawback purposes under § 22.14 (a) of the Customs regulations are now required to be made in writing but no particular form has been provided for use in making such applications. Frequently such applications do not contain sufficient information to enable the collector to issue the certificate, and this fact usually requires correspondence with the applicant to obtain the additional information necessary to issue the certificate. In order to eliminate the necessity for such correspondence, a new form, designated as customs Form No. 5263, entitled "Application for Issuance of Certificate(s) of Importation for Drawback Purposes," has been devised for use in making such applications.

To provide for the use of this new form, § 22.14 (a) of the Customs regulations is hereby amended to read as follows:

(a) If the merchandise identified in the drawback entry or certificate of manufacture was not imported at a port within the customs collection district where the entry or certificate of manufacture is filed, the collector of customs of the district where the merchandise was imported shall, upon application by the importer or the party to whom the delivery of such merchandise has been certified, issue to the collector at the port named a certificate of importation on customs Form 5265 bearing a notation showing the date on which the application for the issuance of the certificate was filed. Such application shall be made on customs Form 5263 or in a substantially similar form.

(Secs. 313, 624, 46 Stat. 693, as amended, 759; 19 U. S. C. 1313, 1624)

New customs Form 5263 "Application for Issuance of Certificate(s) of Importation for Drawback Purposes," will not be salable. It is anticipated that this form will be printed and available for distribution and use within 90 days. Supplies may be obtained by submitting requisitions therefor on customs Form 3039 to the Section of Forms, Customs Information Exchange, 201 Varick Street, New York 14, New York.

This amendment shall become effective as to applications filed on and after October 1, 1956.

[SEAL] RALPH KELLY,
*Commissioner of Customs.*

Approved: June 4, 1956.

DAVID W. KENDALL,
*Acting Secretary of the Treasury.*

[F. R. Doc. 56-4509; Filed, June 7, 1956; 8:50 a. m.]

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# TITLE 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

### Subchapter B—Food and Food Products

PART 19—CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS; AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

EFFECTIVE DATE OF ORDER AMENDING DEFINITIONS AND STANDARDS OF IDENTITY FOR CERTAIN CHEESES AND CHEESE FOODS

In the matter of amending the definition and standard of identity for cheddar cheese, cheese; cheddar cheese for manufacturing; washed curd cheese; soaked curd cheese; washed curd cheese for manufacturing; colby cheese; colby cheese for manufacturing; granular cheese, stirred curd cheese; granular cheese for manufacturing; swiss cheese, emmentaler cheese; swiss cheese for manufacturing; gruyere cheese; brick cheese; brick cheese for manufacturing; muenster cheese, munster cheese; monterey cheese, monterey jack cheese; high-moisture jack cheese; provolone cheese, pasta filata cheese; caciocavallo siciliano cheese; asiago fresh cheese, asiago soft cheese; asiago medium cheese; asiago old cheese; semisoft cheeses; semisoft part-skin cheeses; pasteurized process cheese; pasteurized blended cheese; pasteurized process cheese with fruits, vegetables, or meats; pasteurized process pimento cheese; pasteurized blended cheese with fruits, vegetables, or meats; pasteurized process cheese food; pasteurized process cheese food with fruits, vegetables, or meats; pasteurized process cheese spread; cold-pack cheese, club cheese, comminuted cheese; cold-pack cheese food; cold-pack cheese food with fruits, vegetables, or meats, to provide for the inclusion of sorbic acid and sodium and calcium propionate as optional ingredients in the foods named:

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 401, 52 Stat. 1046, 68 Stat. 54; 21 U. S. C. 341) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (20 F. R. 1996), notice is hereby given that the objections filed to the order of the Commissioner published in the FEDERAL REGISTER of January 24, 1956 (21 F. R. 541) have been withdrawn or not allowed, and the amendments promulgated by that order will become effective on July 24, 1956, as originally ordered.

(Sec. 401, 52 Stat. 1046, as amended; 21 U. S. C. 341)

Dated: June 4, 1956.

[SEAL] GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F. R. Doc. 56-4503; Filed, June 7, 1956; 8:49 a. m.]

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# TITLE 26—INTERNAL REVENUE, 1954

## Chapter I—Internal Revenue Service, Department of the Treasury

### Subchapter E—Alcohol, Tobacco, and Other Excise Taxes

[T. D. 6180]

PART 182—INDUSTRIAL ALCOHOL

PART 225—WAREHOUSING OF DISTILLED SPIRITS

PART 240—WINE

PART 245—BEER

SUPPLIES ON VESSELS EMPLOYED IN THE FISHERIES, TO CONFORM WITH CUSTOMS REGULATIONS

MISCELLANEOUS AMENDMENTS

On July 28, 1955, a notice of proposed rulemaking with respect to amendments of regulations in 26 CFR (1954) Parts 182, 225, 240, and 245 was published in the FEDERAL REGISTER (20 F. R. 5398).

The purpose of the amendments is to conform 26 CFR (1954) Parts 182, 225, 240, and 245 with the Bureau of Customs regulations, which have been amended by Treasury Decision 53935 (20 F. R. 8329), to clearly define the type of vessels employed in the fisheries which are entitled to withdraw distilled spirits, wines, or beer for use as supplies on such vessels. No data, views, or arguments pertaining to these amendments having been received within the period of 30 days from the date of publication, 26 CFR (1954) Parts 182, 225, 240, and 245 are amended, as follows:

PARAGRAPH 1. 26 CFR (1954) Part 182, is amended as follows:



(A) Section 182.630a is amended as follows:

(1) By striking the word "Alcohol" from the first sentence and inserting in lieu thereof the words: "Subject to the applicable provisions of this part, alcohol".

(2) By striking from the statutory citations at the end of the section, references to "53 Stat. 360", and "3114", and inserting in lieu thereof "68A Stat. 655" and "5304", respectively.

(B) By inserting, immediately following § 182.630a, the following new section:

§ 182.630a-1 *Vessels employed in the fisheries.* Alcohol may be withdrawn free of tax under the provisions of paragraphs (b) and (e) of § 182.630a relating to vessels employed in the fisheries, only for use on vessels of the United States documented to engage in the fisheries and foreign fishing vessels of 5 net tons or over if the collector of customs is satisfied by reason of the quantity requested in the light of (a) whether the vessel is employed in substantially continuous fishing activities, and (b) the vessel's complement, that none of of the withdrawn alcohol is intended to be removed from the vessel in, or otherwise returned to, the United States. Such shipment and lading shall be conditioned upon compliance with the applicable provisions of this part. Lading of such alcohol for use on such vessels shall be subject to approval by the collector of cutoms of a special written application, in duplicate, on customs Form 5125, of the exporter and designation by the applicant, in part 1 of the Form 1659 submitted to the assistant regional commissioner for execution of the permit for removal and transportation of the alcohol, that the alcohol is to be laden for use as supplies on a vessel employed in the fisheries. The original application on customs Form 5125, after approval, shall be stamped with the withdrawal number (permit number on Form 1659) and date thereof and shall be returned by the collector of customs to the exporter for use as prescribed below. Approval of each such application shall be subject to the condition that the original shall be presented thereafter by the exporter or the vessel's master to the collector of customs within 24 hours (excluding any period during which the customhouse is not open for general customs business) after each subsequent arrival of the vessel at a customs port or station and that an accounting shall be made at the time of such presentation of the disposition of the alcohol until the collector of customs is satisfied that it has been consumed on board, or landed under customs supervision, and takes up the authorization. The approval of customs Form 5125 shall be subject to the further condition that any such withdrawn alcohol remaining on board while the vessel is in port shall be safeguarded in the manner and to such extent as the collector for the port or place of arrival shall deem necessary. When such alcohol has been accounted for to the satisfaction of the collector of customs, he shall so certify on the completed customs Form 5125 taken up from the exporter or the vessel's master and forward the form to the assistant regional commissioner for the region in which the premises from which the alcohol was withdrawn is located. In the event of a failure on the part of the exporter or the master of the vessel to comply with the conditions of the withdrawal or upon receipt of evidence that the alcohol was not lawfully used as supplies on the vessel, the collector of customs will advise the assistant regional commissioner for the region in which the premises from which the alcohol was withdrawn is located of all the facts in the case for determination of any liability incurred. Assessment of tax liability found to have been incurred will be made against the principal on the bond.

(46 Stat. 690, as amended; 19 U. S. C. 1309)

(C) Section 182.630d is amended by inserting in the third sentence of paragraph (a), which begins "Alcohol withdrawn for", immediately following the words "as required by", the following: "the applicable provisions of § 182.630a-1,".

(D) Section 182.630j is amended as follows:

(1) By inserting, immediately following the first sentence, the following new sentence: "In the case of supplies on vessels employed in the fisheries, compliance with the provisions of § 182.630a-1 is required."

(2) By striking "§ 182.603" from the last sentence and inserting in lieu thereof the following: "§§ 182.603 and 182.630a-1".

(E) Section 182.630l is amended to read as follows:

§ 182.630l *Evidence of use on vessels and aircraft.* The principal on the bond shall also submit to the assistant regional commissioner, within six months (or such additional time as may be granted by the assistant regional commissioner) a statement of the master or other officer of the vessel or aircraft on which the alcohol was laden, having knowledge of the facts, showing that the alcohol has been used on board the vessel or aircraft, and that no portion thereof has been unladen in the United States or any of its territories or possessions: *Provided,* That such statement will not be required, in case of any shipment, when the alcohol is laden on vessels of war, or, in cases other than supplies on vessels employed in the fisheries, where the amount of tax on the alcohol does not exceed $100. Such statement shall be signed by the master or other officer having knowledge of the facts and immediately above the signature there will appear the following statement: "I declare under the penalties of perjury that this statement has been examined by me and to the best of my knowledge and belief is true and correct:" *And provided further,* That, in the case of vessels employed in the fisheries, in lieu of such statement, compliance with the provisions of § 182.630a-1 is required.

(46 Stat. 690, as amended; 19 U. S. C. 1309)

(F) Section 182.630m is amended by striking out the final period of the section and adding: ", except that, in the case of withdrawals for supplies on vessels employed in the fisheries, crediting of the bond will be subject to compliance with the provisions of § 182.630a-1."

PAR. 2 26 CFR (1954) Part 225 is amended as follows:

(A) Section 225.860 is amended by striking the word "Distilled" from the first sentence and inserting in lieu thereof the words: "Subject to the applicable provisions of this part, distilled".

(B) By inserting, immediately following § 225.860, the following new section:

§ 225.860a *Vessels employed in the fisheries.* Distilled spirits may be withdrawn free of tax under the provisions of paragraphs (b) and (e) of § 225.860, relating to vessels employed in the fisheries, only for use on vessels of the United States documented to engage in the fisheries and foreign fishing vessels of 5 net tons or over if the collector of customs is satisfied by reason of the quantity requested in the light of (a) whether the vessel is employed in substantially continous fishing activities, and (b) the vessel's complement, that none of the withdrawn distilled spirits is intended to be removed from the vessel in, or otherwise returned, to the United States. Such shipment and lading shall be conditioned upon compliance with the applicable provisions of this part. Lading of such distilled spirits for use on such vessels shall be subject to approval by the collector of customs of a special written application, in duplicate, on customs Form 5125, of the exporter and designation by the applicant, in part 1 of the Form 206 submitted to the assistant regional commissioner for execution of the permit for removal and transportation of the spirits, that the spirits are to be laden as supplies on a vessel employed in the fisheries. The original application on customs Form 5125, after approval, shall be stamped with the withdrawal number (serial number of Form 206) and date thereof and shall be returned by the collector of customs to the exporter for use as prescribed below. Approval of each such application shall be subject to the condition that the original shall be presented thereafter by the exporter or the vessel's master to the collector of customs within 24 hours (excluding any period during which the customhouse is not open for general customs business) after each subsequent arrival of the vessel at a customs port or station and that an accounting shall be made at the time of such presentation of the disposition of the spirits until the collector of customs is satisfied that all of them have been consumed on board, or landed under customs supervision, and takes up the authorization. The approval of customs Form 5125 shall be subject to the further condition that any such withdrawn spirits remaining on board while the vessel is in port shall be safeguarded in the manner and to such extent as the collector for the port or place of arrival shall deem necessary. When such spirits have been accounted for to the satisfaction of the collector of customs, he shall so certify on the completed customs Form 5125 taken up from the exporter or the vessel's master and forward the form to the assistant regional commissioner for the region in which the warehouse from

which the spirits were withdrawn is located. In the event of a failure on the part of the exporter or the master of the vessel to comply with the conditions of the withdrawal or upon receipt of evidence that the spirits were not lawfully used as supplies on the vessel, the collector of customs will advise the assistant regional commissioner for the region in which the warehouse from which the spirits were withdrawn is located of all the facts in the case for determination of any liability incurred. Assessment of tax liability found to have been incurred will be made against the principal of the bond.

(46 Stat. 690, as amended; 19 U. S. C. 1309)

(C) Section 225.864 is amended by inserting in the list of sectional references in the second sentence, in its proper numerical sequence, a reference to section "225.860a".

(D) Section 225.865 is amended as follows:

(1) By inserting, in the proviso of the first sentence, immediately following the words "vessels of war, or", the following: ", in cases other than supplies for vessels employed in the fisheries,".

(2) By inserting at the end of the section the following new sentence: "In the case of supplies for vessels employed in the fisheries compliance with the provisions of § 225.860a is required."

(E) Section 225.866 is amended by striking the period at the end of the fourth sentence, which begins "In the case of", and adding: ", except that credit will not be given in the case of withdrawals for supplies on vessels employed in the fisheries until the spirits are accounted for in conformity with the requirements of § 225.860a."

PAR. 3. 26 CFR (1954) Part 240 is amended as follows:

(A) Section 240.690 is amended by striking "§ 240.691" from the first sentence, and inserting in lieu thereof: "§§ 240.690a and 240.691".

(B) By inserting, immediately following § 240.690, the following new section:

§ 240.690a *Vessels employed in the fisheries.* Wine may be withdrawn free of tax under the provisions of paragraphs (b) and (e) of § 240.690 relating to vessels employed in the fisheries, only for use on vessels of the United States documented to engage in the fisheries and foreign fishing vessels of 5 net tons or over if the collector of customs is satisfied by reason of the quantity requested in the light of (a) whether the vessel is employed in substantially continuous fishing activities, and (b) the vessel's complement, that none of the withdrawn wine is intended to be removed from the vessel in, or otherwise returned to, the United States. Such shipment and lading shall be conditioned upon compliance with the applicable provisions of this part. Lading of such wine for use on such vessels shall be subject to approval by the collector of customs of a special written application, in duplicate, on customs Form 5125, of the exporter and designation by the applicant in part 1 of the Form 711–B submitted to the assistant regional commissioner for approval of the removal of the wine, that the wine is to be laden for use as supplies on a vessel employed in the fisheries. The original application on customs Form 5125, after approval, shall be stamped with the withdrawal number (exporter's serial number on Form 711–B) and date thereof and shall be returned by the collector of customs to the exporter for use as prescribed below. Approval of each such application shall be subject to the condition that the original shall be presented thereafter by the exporter or the vessel's master to the collector of customs within 24 hours (excluding any period during which the customhouse is not open for general customs business) after each subsequent arrival of the vessel at a customs port or station and that an accounting shall be made at the time of such presentation of the disposition of the wine until the collector of customs is satisfied that it has been consumed on board, or landed under customs supervision, and takes up the authorization. The approval of customs Form 5125 shall be subject to the further condition that any such withdrawn wine remaining on board while the vessel is in port shall be safeguarded in the manner and to such extent as the collector for the port or place of arrival shall deem necessary. When such wine has been accounted for to the satisfaction of the collector of customs, he shall so certify on the completed customs Form 5125 taken up from the exporter or the vessel's master and forward the form to the assistant regional commissioner for the region in which the bonded wine cellar from which the wine was withdrawn is located. In the event of a failure on the part of the exporter or the master of the vessel to comply with the conditions of the withdrawal or upon receipt of evidence that the wine was not lawfully used as supplies on the vessel, the collector of customs will advise the assistant regional commissioner for the region in which the bonded wine cellar from which the wine was withdrawn is located of all the facts in the case for determination of any liability incurred. Assessment of tax liability found to have been incurred will be made against the principal on the bond.

(68A Stat. 665; 26 U. S. C. 5362)

(C) By inserting, immediately following § 240.701, the following new section:

§ 240.702 *Evidence of use on vessels employed in the fisheries.* In the case of wine laden for use on vessels employed in the fisheries, compliance with the provisions of § 240.690a is required.

(68A Stat. 665; 26 U. S. C. 5362)

PAR. 4. 26 CFR (1954) Part 245 is amended as follows:

(A) Section 245.290 is amended by striking the word "Beer" from the first sentence, and inserting in lieu thereof the words: "Subject to the applicable provisions of this subpart, beer".

(B) By inserting, immediately following § 245.290, the following new section:

§ 245.290a *Vessels employed in the fisheries.* Beer may be withdrawn free of tax under the provision of paragraphs (b) and (e) of § 245.290 relating to vessels employed in the fisheries, only for use on vessels of the United States documented to engage in the fisheries and foreign fishing vessels of 5 net tons or over if the collector of customs is satisfied by reason of the quantity requested in the light of (a) whether the vessel is employed in substantially continuous fishing activities, and (b) the vessel's complement, that none of the withdrawn beer is intended to be removed from the vessel in, or otherwise returned to, the United States. Such shipment and lading shall be conditioned upon compliance with the applicable provisions of this subpart. Lading of such beer for use on such vessels shall be subject to approval by the collector of customs of a special written application, in duplicate, on customs Form 5125, of the exporter and designation by the applicant in part 1 of the notice, Form 1689, that the beer is to be laden for use as supplies on a vessel employed in the fisheries. The original application on customs Form 5125, after approval, shall be stamped with the withdrawal number (brewer's serial number on Form 1689) and date thereof and shall be returned by the collector of customs to the exporter for use as prescribed below. Approval of each such application shall be subject to the condition that the original shall be presented thereafter by the exporter or the vessel's master to the collector of customs within 24 hours (excluding any period during which the customhouse is not open for general customs business) after each subsequent arrival of the vessel at a customs port or station and that an accounting shall be made at the time of such presentation of the disposition of the beer until the collector of customs is satisfied that it has been consumed on board, or landed under customs supervision, and takes up the authorization. The approval of customs Form 5125 shall be subject to the further condition that any such withdrawn beer remaining on board while the vessel is in port shall be safeguarded in the manner and to such extent as the collector for the port or place of arrival shall deem necessary. When such beer has been accounted for to the satisfaction of the collector of customs, he shall so certify on the completed customs Form 5125 taken up from the exporter or the vessel's master and forward the form to the assistant regional commissioner for the region in which the brewery from which the beer was withdrawn is located. In the event of a failure on the part of the exporter or the master of the vessel to comply with the conditions of the withdrawal, or on receipt of evidence that the beer was not lawfully used as supplies on the vessel, the collector of customs will advise the assistant regional commissioner for the region in which the brewery from which the beer was withdrawn is located of all the facts in the case for determination of any liability incurred. Assessment of tax liability found to have been incurred will be made against the brewer.

(68A Stat. 612; 26 U. S. C. 5053)

(C) Section 245.294 is amended to read as follows:

§ 245.294 *Evidence of lading for use.* When beer has been laden on board a vessel or aircraft for use as ship's supplies or supplies for aircraft, there must be submitted promptly to the assistant regional commissioner a statement of the master or other officer of the vessel or aircraft on which the beer was laden, having knowledge of the facts, showing that the beer has been laden and will be used on board the vessel or aircraft, and that no portion thereof has been or will be unladen in the United States or any of its territories or possessions: *Provided,* That such statement will not be required, in the case of any shipment, where the beer has been laden on vessels of war, or, in cases other than supplies on vessels employed in the fisheries, where the amount of tax on the beer does not exceed $200. Such statement shall be signed by the master or other officer having knowledge of the facts and immediately above the signature there will appear the following statement: "I declare under the penalties of perjury that this statement has been examined by me and to the best of my knowledge and belief is true and correct." In the case of beer for use as supplies on vessels employed in the fisheries, compliance with the provisions of § 245.290a is required. On receipt of a satisfactory statement (if required) and the original of customs Form 5125, bearing final certification by the collector of customs as to proper accounting of the beer (if required), the assistant regional commissioner will enter proper credit in the export account. In the case of beer laden on vessels of war, or in cases other than supplies on vessels employed in the fisheries, where the amount of the tax on the beer does not exceed $200, credit will be given at the time of receipt of the certificate of inspection and lading executed by the inspector of customs, as provided in § 245.276.

(68A Stat. 612; 26 U. S. C. 5053)

The purpose of this Treasury decision is to conform the applicable Internal Revenue Service regulations with Treasury Decision 53935 which amended Customs regulations to define the type of vessels engaged in the fisheries which are entitled to withdraw distilled spirits, wines, and beer for use as supplies. It is necessary that the regulations in 26 CFR parts 182, 225, 240, and 245 conform with the amended Customs regulations as early as possible. Inasmuch as Treasury Decision 53935 became effective November 5, 1955, it is hereby found that it is impracticable and contrary to the public interest to issue this Treasury decision subject to the effective date limitation of section 4 (c) of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003 (c)). Accordingly, this Treasury decision shall be effective on the date of its publication in the FEDERAL REGISTER.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805.)

[SEAL] RUSSELL C. HARRINGTON,
*Commissioner of Internal Revenue.*

Approved: May 31, 1956.

DAN THROOP SMITH,
*Special Assistant to the Secretary in Charge of Tax Policy.*

[F. R. Doc. 56-4488; Filed, June 7, 1956; 8:45 a. m.]



[T. D. 6181]

## PART 252—DRAWBACK ON LIQUORS EXPORTED

### SUPPLIES ON VESSELS EMPLOYED IN THE FISHERIES TO CONFORM WITH CUSTOMS REGULATIONS AND EXPORTATION OF TAX-PAID BEER

On July 28, 1955, a notice of proposed rule making with respect to the amendment of the above-entitled regulations was published in the FEDERAL REGISTER (20 F. R. 5400) to conform such regulations with the Bureau of Customs regulations as amended by Treasury Decision 53935 (20 F. R. 8329) to define the types of vessels employed in the fisheries which are entitled to withdraw distilled spirits, wines, and beer for use as supplies on such vessels, pursuant to section 309 (a) of the Tariff Act of 1930 (19 U. S. C. 1309 (a)).

No data, views, or arguments were received within the period of 30 days from the date of such publication.

The amendments of 26 CFR Part 252 as set forth below are hereby adopted:

PARAGRAPH 1. Section 252.3 is amended by inserting, immediately following the word "fisheries" in paragraphs (b) and (e), the phrase: "as provided in § 252.3a".

PAR. 2. Immediately following § 252.3, the following new section is added:

§ 252.3a *Vessels employed in the fisheries.* Distilled spirits, wines, and beer may be shipped and laden with benefit of drawback on fishing vessels under the provisions of paragraphs (b) and (e) of § 252.3 only for use on vessels of the United States documented to engage in the fisheries and foreign fishing vessels of 5 net tons or over if the collector of customs is satisfied by reason of the quantity requested, in the light of (a) whether the vessel is employed in substantially continuous fishing activities, and (b) the vessel's complement, that none of the withdrawn articles is intended to be removed from the vessel in, or otherwise returned to, the United States. Such shipment and lading shall be conditioned upon compliance with the applicable provisions of this part. Lading of such articles for use on such vessels shall be subject to approval by the collector of customs of a special written application, in duplicate, on customs Forms 5125, of the exporter and designation by the applicant in Part 1 of the notice Form 1582, 1582–A or 1582–B, as the case may be, that the articles are to be laden for use as supplies on a vessel employed in the fisheries. The original application on customs Form 5125, after approval, shall be stamped with the withdrawn number (entry number on Form 1582, 1582–A or 1582–B) and date thereof and shall be returned by the collector of customs to the exporter for use as prescribed below. Approval of each such application shall be subject to the condition that the original shall be presented thereafter by the exporter or the vessel's master to the collector of customs within 24 hours (excluding any period during which the customhouse is not open for general customs business) after each subsequent arrival of the vessel at a customs port or station and that an accounting shall be made at the time of such presentation of the disposition of the articles until the collector of customs is satisfied that all of them have been consumed on board, or landed under customs supervision, and takes up the authorization. The approval of Customs Form 5125 shall be subject to the further condition that any such withdrawn articles remaining on board while the vessel is in port shall be safeguarded in the manner and to such extent as the collector for the port or place of arrival shall deem necessary. When such articles have been accounted for to the satisfaction of the collector of customs, he shall so certify on the completed customs Form 5125 taken up from the exporter or the vessel's master and forward the form to the assistant regional commissioner for the region in which the claim for drawback is required to be filed. In the event of a failure on the part of the exporter or the master of the vessel to comply with the conditions of the application or upon receipt of evidence that the articles were not lawfully used as supplies on the vessel, the collector of customs will advise the assistant regional commissioner for the region in which the claim for drawback is required to be filed of all the facts in the case for determination as to whether to make demand upon the principal and the surety on the bond in accordance with the provisions of § 252.125, or to disallow the claim as the case may be.

PAR. 3. Section 252.41 is amended to read as follows:

§ 252.41 *General.* Whenever, as to any shipment, a certificate of foreign landing as provided by § 252.114, is required by the assistant regional commissioner or an affidavit as to lading and intended use is required under the provisions of § 252.115, or an accounting of the spirits or wines is required as provided in § 252.3a, and the exporter desires drawback on the shipment of distilled spirits or wines under the provisions of this subpart prior to submission of such certificate or affidavit to the assistant regional commissioner, or accounting for the distilled spirits or wines as provided in § 252.3a, he shall file bond in accordance with the provisions of this subpart.

PAR. 4. Section 252.43 is amended by striking the period at the end thereof and adding the following: "or, in the case of withdrawals for supplies on vessels employed in the fisheries, until the original of Customs Form 5125, bearing final certification by the collector of customs as to proper accounting of the spirits or wines is submitted as required in § 252.3a."

PAR. 5. The second sentence of § 252.45, which begins "The liability under", is amended by striking the comma at the end of the phrase "lading for use on vessels," and inserting the following: "(or, in the case of spirits or wines laden for use on vessels employed in the fisheries, the original of Customs Form 5125 bearing final certification by the collector of customs as to proper accounting for such articles),".

PAR. 6. The second sentence of § 252.48, which begins "Credit will be given", is amended by striking the comma at the end of the phrase "supplies on vessels," and inserting the following: "(or, in the case of spirits or wines laden for use on vessels employed in the fisheries, original of Customs Form 5125 bearing final certification by the collector of customs as to proper accounting for such articles),".

PAR. 7. Section 252.115 is amended to read as follows:

§ 252.115 *Evidence of use as supplies on vessels.* If the spirits or wines were laden on board a vessel for use as ship's supplies, there must be submitted promptly to the assistant regional commissioner with whom the claim is filed, a statement of the master or other officer of the vessel on which the articles were laden, having knowledge of the facts, showing that the spirits or wines have been laden and will be used on board the vessel, and that no portion thereof has been or will be landed in the United States or any of its possessions: *Provided*, That such statement will not be required, in case of any shipment, when the distilled spirits or wines are laden on vessels of war or, in cases other than supplies on vessels employed in the fisheries, where the amount of tax on the distilled spirits or wines does not exceed $100. Such statement shall be signed by the master or other officer having knowledge of the facts and immediately above the signature there will appear the following statement: "I declare under the penalties of perjury that this statement has been examined by me and to the best of my knowledge and belief is true and correct." In the case of vessels employed in the fisheries, compliance with the provisions of § 252.3a is required.

PAR. 8. Section 252.119 is amended as follows:

(A) By inserting, immediately following "for use on vessels,", the following: "compliance with § 252.3a,"; and

(B) By striking the period at the end of the section and adding: ", and, where required under the provisions of § 252.3a, acounting for such spirits or wines shall be accomplished within such time as the collector of customs shall consider reasonable."

PAR. 9. The first sentence in § 252.121 is amended as follows:

(A) By inserting, immediately following "vessels or aircraft," the following: "or an accounting of the spirits or wines,"; and

(B) By inserting, immediately following "provisions of this subpart," the following: "or § 252.3a,".

PAR. 10. Section 252.122 is amended as follows:

(A) By inserting in the first sentence, immediately following "supplies on vessels,", the following: "or to account for the distilled spirits or wines where required by § 252.3a,"; and

(B) By inserting in the third sentence, which begins "The application shall", immediately following "for use as supplies", the following: "(or accounting for the spirits or wines)".

PAR. 11. Section 252.124 is amended to read as follows:

§ 252.124 *Approval of relief application.* If the assistant regional commissioner is satisfied from the evidence presented that the spirits or wines were duly exported from the United States and were landed at the designated foreign port or, for a good and sufficient reason, at some other port outside the jurisdiction of the United States, or were laden as supplies on vessels or were, in the case of spirits or wines laden as supplies on vessels employed in the fisheries, consumed or lost at sea and not relanded in the United States, its territories or possessions, and that the failure of the applicant to furnish the prescribed evidence of landing, or lading for use as supplies on vessels, or to account for the spirits or wines when required by § 252.3a, was not occasioned by any lack of diligence on his part or that of his agents, and, in the case of supplies on vessels employed in the fisheries, the master of the vessel, and that the applicant is unable to produce any other or better evidence than that submitted with the application, he will indorse his approval on the application, and enter proper credit in the account kept with the drawback bond or allow the claim, as the case may be.

PAR. 12. The first sentence of § 252.125 is amended as follows:

(A) By inserting, immediately following "for use as supplies,", the following: "or the spirits or wines are not accounted for,"; and

(B) By striking the comma at the end of the phrase "as required in this subpart," and inserting: "or § 252.3a,".

PAR. 13. Section 252.151 is amended to read as follows:

§ 252.151 *Authorized withdrawals.* Taxpaid beer, brewed or produced in the United States, may be withdrawn by the owner of the beer from a brewery or any other place of storage for exportation or for use as supplies on vessels or aircraft. Claim for drawback of taxes found to have been paid may be filed only by the producing brewer or his duly authorized agent.

PAR. 14. Section 252.152 is amended as follows:

(A) By striking, in the first sentence, the words: "Entry No. ---," and, "and the port of exporation"; and

(B) By striking the second sentence which begins: "The entry number assigned".

PAR. 15. The undesignated center heading preceding § 252.153 and § 252.153 are amended to read as follows:

CLAIM REQUIRED

§ 252.153 *Beer exported, deposited in foreign-trade zones, or used as supplies on vessels or aircraft.* Claim for allowance of drawback of internal revenue taxes on beer brewed or produced in the United States shall be prepared on Form 1582–B as required in this subpart.

PAR. 16. The undesignated center heading preceding § 252.154 and § 252.154 are amended to read as follows:

EXECUTION OF CLAIM

§ 252.154 *Withdrawals of beer by brewer from brewery.* When taxpaid beer is removed from a brewery for exportation, for lading as supplies on vessels or aircraft, or for deposit in a foreign-trade zone, the brewer will execute part 1 and part 3 of Form 1582–B, in triplicate. Each Form 1582–B shall be given a serial number beginning with "1" for the first day of January of each year and running consecutively thereafter to December 31, inclusive. Upon removal of the beer for shipment the brewer will immediately file one copy of Form 1582–B with the assistant regional commissioner of the region in which the producing brewery is located, and:

(a) Immediately forward the original and one copy of Form 1582–B to the collector of customs at the port of export; or,

(b) In the case of shipments to the Armed Services of the United States for export, immediately forward the original and one copy of Form 1582–B to the commanding or supply officer to whom the shipment is consigned: or,

(c) In the case of shipments to a foreign-trade zone, immediately forward the original and one copy of Form 1582–B to the customs officer in charge of the foreign-trade zone.

Where the brewer operates more than one brewery in different regions, the brewer will file the copy of Form 1582–B on which the claim for drawback is executed with the assistant regional commissioner of the region in which the principal office of the brewery is located.

PAR. 17. Immediately following § 252.154, a new § 252.154a is added, which reads as follows:

§ 252.154a *Removals of beer by agent on behalf of brewer.* Where proper power of attorney authorizing an agent to execute a claim on behalf of the brewer has been filed on Form 1534 with the assistant regional commissioner, such agent may remove taxpaid beer from the brewery where produced or from its place of storage elsewhere, and execute part 1 and part 3 of Form 1582–B on behalf of the brewer. Each Form 1582–B shall be given a serial number beginning with "1" for the first day of January of each year and running consecutively thereafter to December 31, inclusive. Such agent will prepare and dispose of Form 1582–B in accordance with the applicable procedure set forth in § 252.154.

PAR. 18. Section 252.155 is amended to read as follows:

§ 252.155 *Removals of beer by persons other than the brewer or his agent.* Where there is a removal of taxpaid beer by a person other than the brewer or the agent of the brewer for export, or for supplies on vessels or aircraft, or for deposit in a foreign-trade zone, such person shall execute part 1 of Form 1582–B, in triplicate. Where the exportation consists of the products of more than one brewer, a separate Form 1582–B must be prepared for the products of each brewer. Each Form 1582–B shall be given a serial number beginning with "1" for the first day of January of each year and running consecutively thereafter to December 31, inclusive. Information called for shall be furnished in accordance with the instructions on the form or issued in respect thereto. Upon removal of the beer for shipment such person will immediately forward one copy of Form 1582–B to the producing brewer, and:

(a) Immediately forward the original and one copy of Form 1582–B to the collector of customs at the port of export; or,

(b) In the case of shipments to the Armed Services of the United States for export, immediately forward the original and one copy of Form 1582–B to the commanding or supply officer to whom the shipment is consigned; or,

(c) In the case of shipments to a foreign-trade zone, immediately forward the original and one copy of Form 1582–B to the customs officer in charge of the foreign-trade zone.

Upon receipt of the copy of Form 1582–B from the exporter, the brewer will, if he wishes to claim drawback on the beer covered thereby, execute the claim for drawback on part 3 of the form and file the claim with the assistant regional commissioner of his region. Where the claim is not filed with the assistant regional commissioner within six months after the date shown in the certificate of removal in part 1 of the form, the applicable provisions of §§ 252.166 to 252.169, relating to evidence of exportation or lading for use on vessels and aircraft shall apply.

PAR. 19. Section 252.157 is amended to read as follows:

§ 252.157 *Direct delivery for customs inspection; bill of lading.* If the premises from which the shipment is made are located at the port of exportation, the beer shall be delivered directly for customs inspection and supervision of lading, and a copy of the export bill of lading shall be promptly forwarded to the assistant regional commissioner of the region in which the claim for drawback is filed: *Provided*, That an export bill of lading will not be required, (a) in the case of shipments to the Armed Services, where the shipment will be delivered to the commanding officer or supply officer to whom consigned, or (b) in the case of shipment for lading for use as supplies on vessels or aircraft.

PAR. 20. Section 252.158 is amended to read as follows:

§ 252.158 *Exportation by vessel.* If the premises from which the shipment is made are located elsewhere than at the port of exportation, the beer shall be delivered either directly for customs inspection and supervision of lading, or to a carrier for transportation to the port of exportation and a copy of the export bill of lading shall be promptly forwarded to the assistant regional commissioner of the region in which the claim for drawback is filed.

PAR. 21. Section 252.159 is amended by striking from the third sentence the words "brewer or his agent" and inserting in lieu thereof the word "exporter".

PAR. 22. Section 252.162 is amended by striking from the third sentence the word "one" and inserting in lieu thereof the words "the original".

PAR. 23. Section 252.165 is amended to read as follows:

§ 252.165 *Evidence of lading for use on vessels or aircraft.* When beer has been laden on board a vessel or aircraft for use as ship's supplies or supplies for aircraft, there must be submitted promptly to the assistant regional commissioner a statement of the master or other officer of the vessel or aircraft on which the articles were laden, having knowledge of the facts, showing that the beer has been laden and will be used as supplies on board the vessel or aircraft, and that no portion thereof has been or will be unladen in the United States or any of its territories or possessions: *Provided*, That such statement will not be required, in the case of any shipment, when the beer has been laden on vessels of war, or, in cases other than supplies on vessels employed in the fisheries, where the amount of tax on the beer does not exceed $200 and in such case certification by the customs officer of inspection and lading for use will be considered evidence of lading or use. Such statement shall be signed by the master or other officer having knowledge of the facts and immediately above the signature there will appear the following statement: "I declare under the penalties of perjury that this statement has been examined by me and to the best of my knowledge and belief is true and correct." In the case of vessels employed in the fisheries, compliance with the provisions of § 252.3a is required.

Paragraphs 13 to 22, inclusive, of this Treasury decision (identical to the amendments published in the FEDERAL REGISTER for March 27, 1956 (21 F. R. 1858)) are effective May 1, 1956. The purpose of paragraphs 1 to 12, inclusive, and paragraphs 23 of this Treasury decision is to conform the applicable provisions of 26 CFR Part 252 with Treasury Decision 53935, which amended Customs regulations to define the type of vessels engaged in the fisheries which are entitled to withdraw distilled spirits, wines, and beer for use as supplies. It is necessary that the regulations in 26 CFR Part 252 conform with the amended Customs regulations as early as possible. Inasmuch as Treasury Decision 53935 became effective November 5, 1955, it is hereby found that it is impracticable and contrary to the public interest to issue paragraphs 1 to 12, inclusive, and paragraph 23 of this Treasury decision subject to the effective date limitation of section 4 (c) of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003 (c)). Accordingly, paragraphs 1 to 12, inclusive, and paragraph 23 of this Treasury decision shall be effective on the date of publication in the FEDERAL REGISTER of this Treasury decision.

This Treasury decision is issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] O. GORDON DELK,
*Acting Commissioner of Internal Revenue.*
RALPH KELLY,
*Commissioner of Customs.*

Approved: June 4, 1956.

DAVID W. KENDALL,
*Acting Secretary of the Treasury.*

[F. R. Doc. 56–4489; Filed, June 7, 1956; 8:45 a. m.]





## TITLE 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

[Docket No. 11611]

PART 4—EXPERIMENTAL AND AUXILIARY BROADCAST SERVICES

OPERATION OF TV TRANSLATOR STATIONS IN CONJUNCTION WITH PRIMARY TRANSMITTER

In the matter of amendment of Commission's rules and regulations to permit the operation of TV translator stations in conjunction with the primary transmitter.

1. A Report and Order (FCC 56–488) in the above proceeding released on May 24, 1956 contains an incorrect reference in § 4.781 (a) (3).

2. Section 4.781 (a) (3) as corrected reads as follows:

(3) Time of periodic observation required by § 4.734 (a) (2), and operating conditions signed by the operator making the observation.

Released: June 5, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56–4510; Filed, June 7, 1956; 8:50 a. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### [ 26 CFR (1954) Part 1 ]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

INVOLUNTARY CONVERSIONS

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, considerations, will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T: P, Washington 25, D. C., within the period of 30 days from the

date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] O. GORDON DELK,
*Acting Commissioner of Internal Revenue.*

The following regulations for taxable years beginning after December 31, 1953, and ending after August 16, 1954, are hereby prescribed uuder section 1033 of the Internal Revenue Code of 1954:

Sec.


1.1033 (a) Statutory provisions; common nontaxable exchanges; involuntary conversions; general rule.
1.1033 (a)-1 Involuntary conversions; nonrecognition of gain.
1.1033 (a)-2 Involuntary conversion where disposition of the converted property occurred after December 31, 1950.
1.1033 (a)-3 Involuntary conversion where disposition of the converted property occurred before January 1, 1951.
1.1033 (a)-4 Replacement funds where disposition of the converted property occurred before January 1, 1951.
1.1033 (b) Statutory provisions; involuntary conversions; residence of taxpayer.
1.1033 (b)-1 Involuntary conversion of principal residence.
1.1033 (c) Statutory provisions; involuntary conversions; basis of property acquired through involuntary conversion.
1.1033 (c)-1 Basis of property acquired as a result of an involuntary conversion.
1.1033 (d) Statutory provisions; involuntary conversions; property sold pursuant to reclamation laws.
1.1033 (d)-1 Disposition of excess property within irrigation project deemed to be involuntary conversion.
1.1033 (e) Statutory provisions; involuntary conversions; livestock destroyed by disease.
1.1033 (e)-1 Destruction or disposition of livestock because of disease.
1.1033 (f) Statutory provisions; involuntary conversions; cross references.
1.1033 (f)-1 Effective date.


§ 1.1033 (a) *Statutory provisions; common nontaxable exchanges; involuntary conversions; general rule.*

SEC. 1033. *Involuntary conversions*—(a) *General rule.* If property (as a result of its destruction in whole or in part, theft, seizure, or requisition or condemnation or threat or imminence thereof) is compulsorily or involuntarily converted—

(1) *Conversion into similar property.* Into property similar or related in service or use to the property so converted, no gain shall be recognized.

(2) *Conversion into money where disposition occurred prior to 1951.* Into money, and the disposition of the converted property occurred before January 1, 1951, no gain shall be recognized if such money is forthwith in good faith, under regulations prescribed by the Secretary or his delegate, expended in the acquisition of other property similar or related in service or use to the property so converted, or in the acquisition of control of a corporation owning such other property, or in the establishment of a replacement fund. If any part of the money is not so expended, the gain shall be recognized to the extent of the money which is not so expended (regardless of whether such money is received in one or more taxable years and regardless of whether or not the money which is not so expended constitutes gain). For purposes of this paragraph and paragraph (3), the term "disposition of the converted property" means the destruction, theft, seizure, requisition, or condemnation of the converted property, or the sale or exchange of such property under threat or imminence of requisition or condemnation.

(3) *Conversion into money where disposition occurred after 1950.* Into money or into property not similar or related in service or use to the converted property, and the disposition of the converted property (as defined in paragraph (2)) occurred after December 31, 1950, the gain (if any) shall be recognized except to the extent hereinafter provided in this paragraph:

(A) *Nonrecognition of gain.* If the taxpayer during the period specified in subparagraph (B), for the purpose of replacing the property so converted, purchases other property similar or related in service or use to the property so converted, or purchases stock in the acquisition of control of a corporation owning such other property, at the election of the taxpayer the gain shall be recognized only to the extent that the amount realized upon such conversion (regardless of whether such amount is received in one or more taxable years) exceeds the cost of such other property or such stock. Such election shall be made at such time and in such manner as the Secretary or his delegate may by regulations prescribe. For purposes of this paragraph—

(i) No property or stock acquired before the disposition of the converted property shall be considered to have been acquired for the purpose of replacing such converted property unless held by the taxpayer on the date of such disposition; and

(ii) The taxpayer shall be considered to have purchased property or stock only if, but for the provisions of subsection (c) of this section, the unadjusted basis of such property or stock would be its cost within the meaning of section 1012.

(B) *Period within which property must be replaced.* The period referred to in subparagraph (A) shall be the period beginning with the date of the disposition of the converted property, or the earliest date of the threat or imminence of requisition or condemnation of the converted property, whichever is the earlier, and ending—

(i) One year after the close of the first taxable year in which any part of the gain upon the conversion is realized, or

(ii) Subject to such terms and conditions as may be specified by the Secretary or his delegate, at the close of such later date as the Secretary or his delegate may designate on application by the taxpayer. Such application shall be made at such time and in such manner as the Secretary or his delegate may by regulations prescribe.

(C) *Time for assessment of deficiency attributable to gain upon conversion.* If a taxpayer has made the election provided in subparagraph (A), then—

(i) The statutory period for the assessment of any deficiency, for any taxable year in which any part of the gain on such conversion is realized, attributable to such gain shall not expire prior to the expiration of 3 years from the date the Secretary or his delegate is notified by the taxpayer (in such manner as the Secretary or his delegate may by regulations prescribe) of the replacement of the converted property or of an intention not to replace, and

(ii) Such deficiency may be assessed before the expiration of such 3-year period notwithstanding the provisions of section 6212 (c) or the provisions of any other law or rule of law which would otherwise prevent such assessment.

(D) *Time for assessment of other deficiencies attributable to election.* If the election provided in subparagraph (A) is made by the taxpayer and such other property or such stock was purchased before the beginning of the last taxable year in which any part of the gain upon such conversion is realized, any deficiency, to the extent resulting from such election, for any taxable year ending before such last taxable year may be assessed (notwithstanding the provisions of section 6212 (c) or 6501 or the provisions of any other law or rule of law which would otherwise prevent such assessment) at any time before the expiration of the period within which a deficiency for such last taxable year may be assessed.

§ 1.1033 (a)-1 *Involuntary conversions; nonrecognition of gain*—(a) *In general.* Section 1033 applies to cases where property is compulsorily or involuntarily converted. An "involuntary conversion" may be the result of the destruction of property in whole or in part, the theft of property, the seizure of property, the requisition or condemnation of property, or the threat or imminence of requisition or condemnation of property. An "involuntary conversion" may be a conversion into similar property or into money or into dissimilar property. Section 1033 provides that, under certain specified circumstances, any gain which is realized from an involuntary conversion shall not be recognized. In cases where property is converted into other property similar or related in service or use to the converted property, no gain shall be recognized regardless of when the disposition of the converted property occurred and regardless of whether or not the taxpayer elects to have the gain not recognized. In other types of involuntary conversion cases, however, the proceeds arising from the disposition of the converted property must (within the time limits specified) be reinvested in similar property in order to avoid recognition of any gain realized. Different rules for reinvestment apply, depending upon whether the disposition of the converted property occurred after 1950 or before 1951 (see §§ 1.1033 (a)-2, 1.1033 (a)-3, and 1.1033 (a)-4). Section 1033 applies only with respect to gains; losses from involuntary conversions are recognized or not recognized without regard to this section.

(b) *Special rules.* For rules relating to basis of property acquired through involuntary conversion, see § 1.1033 (c)-1. Special rules apply to involuntary conversions of residence property, property sold pursuant to reclamation laws, and livestock destroyed by disease (see §§ 1.1033 (b)-1, 1.1033 (d)-1, and 1.1033 (e)-1, respectively). For determination of the period for which the taxpayer has held property acquired as a result of certain involuntary conversions, see section 1223 and regulations issued thereunder. For treatment of gains from involuntary conversions as capital gains in certain cases, see section 1231 (a) and regulations issued thereunder. For portion of war loss recoveries treated as gain on involuntary conversion, see section 1332 (b) (3) and regulations issued thereunder.



§ 1.1033 (a)-2 *Involuntary conversion where disposition of the converted property occurred after December 31, 1950*—(a) *In general.* This section applies only with respect to involuntary conversions where the disposition of the converted property occurred after December 31, 1950, and where the proceeds are received in a taxable year to which the Internal Revenue Code of 1954 applies. The term "disposition of the converted property" means the destruction, theft, seizure, requisition, or condemnation of the converted property, or the sale or exchange of such property under threat or imminence of requisition or condemnation.

(b) *Conversion into similar property.* If property (as a result of its destruction in whole or in part, theft, seizure, or requisition or condemnation or threat or imminence thereof) is compulsorily or involuntarily converted only into property similar or related in service or use to the property so converted, no gain shall be recognized. Such nonrecognition of gain is mandatory.

(c) *Conversion into money or into dissimilar property.* (1) If property (as a result of its destruction in whole or in part, theft, seizure, or requisition or condemnation or threat or imminence thereof) is compulsorily or involuntarily converted into money or into property not similar or related in service or use to the converted property, the gain, if any, shall be recognized, at the election of the taxpayer, only to the extent that the amount realized upon such conversion exceeds the cost of other property purchased by the taxpayer which is similar or related in service or use to the property so converted, or the cost of stock of a corporation owning such other property which is purchased by the taxpayer in the acquisition of control of such corporation, if the taxpayer purchased such other property, or such stock, for the purpose of replacing the property so converted and during the period specified in subparagraph (3) of this paragraph.

(2) All of the details in connection with an involuntary conversion of property at a gain (including those relating to the replacement of the converted property, or a decision not to replace, or the expiration of the period for replacement) shall be reported in the return for the taxable year or years in which any of such gain is realized. An election to have such gain recognized only to the extent provided in subparagraph (1) of this paragraph shall be made by including such gain in gross income for such year or years only to such extent. If, at the time of filing such a return, the period within which the converted property must be replaced has expired, or if such an election is not desired, the gain should be included in gross income for such year or years in the regular manner. A failure to so include such gain in gross income in the regular manner shall be deemed to be an election by the taxpayer to have such gain recognized only to the extent provided in subparagraph (1) of this paragraph even though the details in connection with the conversion are not reported in such return. If, after having made an election under section 1033 (a) (3), the converted property is not replaced within the required period of time, or replacement is made at a cost lower than was anticipated at the time of the election, or a decision is made not to replace, the tax liability for the year or years for which the election was made shall be recomputed. Such recomputation should be in the form of an "amended return". If a decision is made to make an election under section 1033 (a) (3) after the filing of the return and the payment of the tax for the year or years in which any of the gain on an involuntary conversion is realized and before the expiration of the period within which the converted property must be replaced, a claim for credit or refund for such year or years should be filed. If the replacement of the converted property occurs in a year or years in which none of the gain on the conversion is realized, all of the details in connection with such replacement shall be reported in the return for such year or years.

(3) The period referred to in subparagraphs (1) and (2) of this paragraph is the period of time commencing with the date of the disposition of the converted property, or the date of the beginning of the threat or imminence of requisition or condemnation of the converted property, whichever is earlier, and ending one year after the close of the first taxable year in which any part of the gain upon the conversion is realized, or at the close of such later date as may be designated pursuant to an application of the taxpayer. Such application shall be made prior to the expiration of the one year after the close of the first taxable year in which any part of the gain from the conversion is realized, and shall contain all of the details in connection with the involuntary conversion. Such application shall be made to the district director for the internal revenue district in which the return is filed for the first taxable year in which any of the gain from the involuntary conversion is realized. No extension of time shall be granted pursuant to such application unless the taxpayer can show reasonable cause for not being able to replace the converted property within the required period of time.

(4) Property or stock purchased before the disposition of the converted property shall be considered to have been purchased for the purpose of replacing the converted property only if such property or stock is held by the taxpayer on the date of the disposition of the converted property. Property or stock shall be considered to have been purchased only if, but for the provisions of section 1033 (c), the unadjusted basis of such property or stock would be its cost to the taxpayer within the meaning of section 1012. If the taxpayer's unadjusted basis of the replacement property would be determined, in the absence of section 1033 (c), under any of the exceptions referred to in section 1012, the unadjusted basis of the property would not be its cost within the meaning of section 1012. For example, if property similar or related in service or use to the converted property is acquired by gift and its basis is determined under section 1015, such property will not qualify as a replacement for the converted property.

(5) If a taxpayer makes an election under section 1033 (a) (3), any deficiency, for any taxable year in which any part of the gain upon the conversion is realized, which it attributable to such gain may be assessed at any time before the expiration of three years from the date the district director with whom the return for such year has been filed is notified by the taxpayer of the replacement of the converted property or of an intention not to replace, or of a failure to replace, within the required period, notwithstanding the provisions of section 6212 (c) or the provisions of any other law or rule of law which would otherwise prevent such assessment. If replacement has been made, such notification shall contain all of the details in connection with such replacement. Such notification should be made in the return for the taxable year or years in which the replacement occurs, or the intention not to replace is formed, or the period for replacement expires, if this return is filed with such district director. If this return is not filed with such district director, then such notification shall be made to such district director at the time of filing this return. If the taxpayer so desires, he may, in either event, also notify such district director before the filing of such return.

(6) If a taxpayer makes an election under section 1033 (a) (3) and the replacement property or stock was purchased before the beginning of the last taxable year in which any part of the gain upon the conversion is realized, any deficiency, for any taxable year ending before such last taxable year, which is attributable to such election may be assessed at any time before the expiration of the period within which a deficiency for such last taxable year may be assessed, notwithstanding the provisions of section 6212 (c) or 6501 or the provisions of any law or rule of law which would otherwise prevent such assessment.

(7) If the taxpayer makes an election under section 1033 (a) (3), the gain upon the conversion shall be recognized to the extent that the amount realized upon such conversion exceeds the cost of the replacement property or stock, regardless of whether such amount is realized in one or more taxable years.

(8) The proceeds of a use and occupancy insurance contract, which by its terms insured against actual loss sustained of net profits in the business, are not proceeds of an involuntary conversion but are income in the same manner that the profits for which they are substituted would have been.

(9) There is no investment in property similar in character and devoted to a similar use if—

(i) The proceeds of unimproved real estate, taken upon condemnation proceedings, are invested in improved real estate.

(ii) The proceeds of conversion of real property are applied in reduction of indebtedness previously incurred in the purchase of a leasehold.

(iii) The owner of a requisitioned tug uses the proceeds to buy barges.

(10) If, in a condemnation proceeding, the Government retains out of the award sufficient funds to satisfy special assessments levied against the remaining portion of the plot or parcel of real estate affected for benefits accruing in connection with the condemnation, the amount so retained shall be deducted from the gross award in determining the amount of the net award.

(11) If, in a condemnation proceeding, the Government retains out of the award sufficient funds to satisfy liens (other than liens due to special assessments levied against the remaining portion of the plot or parcel of real estate affected for benefits accruing in connection with the condemnation) and mortgages against the property, and itself pays the same, the amount so retained shall not be deducted from the gross award in determining the amount of the net award. If, in a condemnation proceeding, the Government makes an award to a mortgagee to satisfy a mortgage on the condemned property, the amount of such award shall be considered as a part of the "amount realized" upon the conversion regardless of whether or not the taxpayer was personally liable for the mortgage debt.

(12) An amount expended for replacement of an asset, in excess of the recovery for loss, represents a capital expenditure and is not a deductible loss for income tax purposes.

§ 1.1033 (a)–3 *Involuntary conversion where disposition of the converted property occurred before January 1, 1951.* (a) This section applies only with respect to involuntary conversions where the disposition of the converted property occurred before January 1, 1951, and where the proceeds are received in a taxable year to which the Internal Revenue Code of 1954 applies. The term "disposition of the converted property" means the destruction, theft, seizure, requisition, or condemnation of the converted property, or the sale or exchange of such property under threat or imminence of requisition or condemnation.

(b) (1) Upon the involuntary conversion of property described in section 1033, no gain is recognized if the provisions of that section are complied with. If any part of the money received as a result of such an involuntary conversion is not expended in the manner provided in section 1033 (a) (2), the gain, if any, is recognized to the extent of the money which is not so expended. For example, a vessel purchased by A in 1949 for $100,000 is destroyed by a typhoon in 1950, and A receives in 1954 insurance in the amount of $100,000. This money is not expended in the manner provided in section 1033 (a) (2), but there is no gain since the insurance does not exceed the basis (disregarding, for the purposes of this example, the adjustment for depreciation). In 1955, A receives insurance from a second policy of $200,000 on account of the destruction of the vessel. He expends this amount in the manner provided in section 1033 (a) (2). The gain in 1955 upon the receipt of the $200,000 is recognized to the extent of $100,000, the amount of the money received in 1954 which was not expended in the manner provided in section 1033 (a) (2).

(2) Losses from involuntary conversions are recognized or not recognized without regard to section 1033. The expenditure in the manner provided in section 1033 (a) (2) of money received upon an involuntary conversion is not necessary for the transaction to be considered completed for the purpose of determining such loss.

(c) In order to avail himself of the benefits of section 1033 (a) (2) it is not sufficient for the taxpayer to show that subsequent to the receipt of money from a condemnation award he purchased other property similar or related in use. The taxpayer must trace the proceeds of the award into the payments for the property so purchased. It is not necessary that the proceeds be earmarked, but the taxpayer must be able to prove that the same were actually reinvested in such other property similar or related in use to the property converted. The benefits of section 1033 (a) (2) cannot be extended to a taxpayer who does not purchase other property similar or related in service or use, notwithstanding the fact that there was no other such property available for purchase.

(d) If, in a condemnation proceeding, the Government retains out of the award sufficient funds to satisfy liens (other than liens due to special assessments levied against the remaining portion of the plot or parcel of real estate affected for benefits accruing in connection with the condemnation) and mortgages against the property and itself pays the same, the amount so retained shall not be deducted from the gross award in determining the amount of the net award. If, in a condemnation proceeding, the Government makes an award to a mortgagee to satisfy a mortgage on the condemned property, the amount of such award shall be considered as a part of the "amount realized" upon the conversion regardless of whether or not the taxpayer was personally liable for the mortgage debt. An amount expended for replacement of an asset, in excess of the recovery for loss, represents a capital expenditure and is not a deductible loss for income tax purposes.

(e) The provisions of section 1033 (a) (2) are applicable to property used for residential or farming purposes.

(f) The proceeds of a use and occupancy insurance contract, which by its terms insured against actual loss sustained of net profits in the business, are not proceeds of an involuntary conversion but are income in the same manner that the profits for which they are substituted would have been.

(g) There is no investment in property similar in character and devoted to a similar use if—

(1) The proceeds of unimproved real estate, taken upon condemnation proceedings, are invested in improved real estate.

(2) The proceeds of conversion of real property are applied in reduction of indebtedness previously incurred in the purchase of a leasehold.

(3) The owner of a requisitioned tug uses the proceeds to buy barges.

(h) It is incumbent upon a taxpayer "forthwith" to apply for and receive permission to establish a replacement fund in every case where it is not possible to replace immediately. If an expenditure in actual replacement would be too late, a request for the establishment of a replacement fund would likewise be too late.

NOTE: This section is substantially the same as § 29.112 (f)–1 (Regulations 111).

§ 1.1033 (a)–4 *Replacement funds where disposition of the converted property occurred before January 1, 1951.* (a) This section applies only with respect to involuntary conversions where the disposition of the converted property (as defined in § 1.1033 (a)–3) occurred before January 1, 1951, and where the proceeds are received in a taxable year to which the Internal Revenue Code of 1954 applies.

(b) In any case where the taxpayer elects to replace or restore the converted property but it is not practicable to do so immediately (for example, because of a shortage of materials or an industry-wide strike), he may obtain permission to establish a replacement fund in his accounts in which part or all of the compensation so received shall be held, without deduction for the payment of any mortgage. In such a case the taxpayer should make application on Form 1114 to the district director for the district in which his return is required to be filed for permission to establish such a replacement fund, and in his application should recite all the facts relating to the transaction and declare that he will proceed as expeditiously as possible to replace or restore such property. The taxpayer will be required to furnish a bond with such surety as the district director may require in an amount not in excess of double the estimated additional income taxes which would be payable if no replacement fund were established. See 6 U. S. C. 15 (Appendix to the Income Tax Regulations), providing that where a bond is required by law or regulations, in lieu of surety or sureties there may be deposited bonds or notes of the United States. The estimated additional taxes, for the amount of which the applicant is required to furnish security, should be computed at the rates at which the applicant would have been obliged to pay, taking into consideration the remainder of his taxable (or net) income and resolving against him all matters in dispute affecting the amount of the tax. Only surety companies holding certificates of authority from the Secretary of the Treasury as acceptable sureties on Federal bonds will be approved as sureties. The application should be executed in triplicate, so that the district director, the applicant, and the surety or depositary may each have a copy.

NOTE: This section is substantially the same as § 29.112 (f)–2 (Regulations 111).



§ 1.1033 (b) *Statutory provisions; involuntary conversions; residence of taxpayer.*

SEC. 1033. *Involuntary conversions.* • • •

(b) *Residence of taxpayer.* Subsection (a) shall not apply, in the case of property used by the taxpayer as his principal residence, if the destruction, theft, seizure, requisition, or condemnation of the residence, or the sale or exchange of such residence under threat or imminence thereof, occurred after December 31, 1950, and before January 1, 1954.

§ 1.1033 (b)–1 *Involuntary conversion of principal residence.* Section 1033 shall apply in the case of property used by the taxpayer as his principal residence if the destruction, theft, seizure, requisition, or condemnation of such residence, or the sale or exchange of such residence under threat or imminence thereof, occurs before January 1, 1951, or after December 31, 1953. Section 1033 shall not apply in the case of an involuntary conversion of property used by the taxpayer as his principal residence if the destruction, theft, seizure, requisition or condemnation of such residence, or the sale or exchange of such residence under threat or imminence thereof, occurred after December 31, 1950, and before January 1, 1954. In the case of property disposed of after December 31, 1950, and before January 1, 1954, which is used by the taxpayer partially as a principal residence and partially for other purposes, proper allocation shall be made and § 1.1033 (a)–2 and § 1.1033 (c)–1 shall apply only with respect to the involuntary conversion of the portion used for such other purposes.

§ 1.1033 (c) *Statutory provisions; involuntary conversions; basis of property acquired through involuntary conversion.*

SEC. 1033. *Involuntary conversions.* • • •

(c) *Basis of property acquired through involuntary conversion.* If the property was acquired, after February 28, 1913, as the result of a compulsory or involuntary conversion described in subsection (a) (1) or (2), the basis shall be the same as in the case of the property so converted, decreased in the amount of any money received by the taxpayer which was not expended in accordance with the provisions of law (applicable to the year in which such conversion was made) determining the taxable status of the gain or loss upon such conversion, and increased in the amount of gain or decreased in the amount of loss to the taxpayer recognized upon such conversion under the law applicable to the year in which such conversion was made. This subsection shall not apply in respect of property acquired as a result of a compulsory or involuntary conversion of property used by the taxpayer as his principal residence if the destruction, theft, seizure, requisition, or condemnation of such residence, or the sale or exchange of such residence under threat or imminence thereof, occurred after December 31, 1950, and before January 1, 1954. In the case of property purchased by the taxpayer in a transaction described in subsection (a) (3) which resulted in the nonrecognition of any part of the gain realized as the result of a compulsory or involuntary conversion, the basis shall be the cost of such property decreased in the amount of the gain not so recognized; and if the property purchased consists of more than one piece of property, the basis determined under this sentence shall be allocated to the purchased properties in proportion to their respective costs.

§ 1.1033 (c)–1 *Basis of property acquired as a result of an involuntary conversion.* (a) The provisions of the first sentence of section 1033 (c) may be illustrated by the following example:

*Example.* A's vessel which has an adjusted basis of $100,000 is destroyed in 1950 and A receives in 1951 insurance in the amount of $200,000. If A invests $150,000 in a new vessel, taxable gain to the extent of $50,000 would be recognized. The basis of the new vessel is $100,000; that is, the adjusted basis of the old vessel ($100,000) minus the money received by the taxpayer which was not expended in the acquisition of the new vessel ($50,000) plus the amount of gain recognized upon the conversion ($50,000). If any amount in excess of the proceeds of the conversion is expended in the acquisition of the new property, such amount may be added to the basis otherwise determined.

(b) The provisions of the last sentence of section 1033 (c) may be illustrated by the following example:

*Example.* A taxpayer realizes $22,000 from the involuntary conversion of his barn in 1955; the adjusted basis of the barn to him was $10,000, and he spent in the same year $20,000 for a new barn which resulted in the nonrecognition of $10,000 of the $12,000 gain on the conversion. The basis of the new barn to the taxpayer would be $10,000—the cost of the new barn ($20,000) less the amount of the gain not recognized on the conversion ($10,000). The basis of the new barn would not be a substituted basis in the hands of the taxpayer within the meaning of section 1016 (b) (2). If the replacement of the converted barn had been made by the purchase of two smaller barns which, together, were similar or related in service or use to the converted barn and which cost $8,000 and $12,000, respectively, then the basis of the two barns would be $4,000 and $6,000, respectively, the total basis of the purchased property ($10,000) allocated in proportion to their respective costs (8,000/20,000 of $10,000 or $4,000; and 12,000/20,000 of $10,000, or $6,000).

§ 1.1033 (d) *Statutory provisions; involuntary conversions; property sold pursuant to reclamation laws.*

SEC. 1033. *Involuntary conversions.* • • •

(d) *Property sold pursuant to reclamation laws.* For purposes of this subtitle, if property lying within an irrigation project is sold or otherwise disposed of in order to conform to the acreage limitation provisions of Federal reclamation laws, such sale or disposition shall be treated as an involuntary conversion to which this section applies.

§ 1.1033 (d)–1 *Disposition of excess property within irrigation project deemed to be involuntary conversion.* (a) The sale, exchange, or other disposition occurring in a taxable year to which the Internal Revenue Code of 1954 applies, of excess lands lying within an irrigation project or division in order to conform to acreage limitations of the Federal reclamation laws effective with respect to such project or division shall be treated as an involuntary conversion to which the provisions of section 1033 and the regulations thereunder shall be applicable. The term "excess lands" means irrigable lands within an irrigation project or division held by one owner in excess of the amount of irrigable land held by such owner entitled to receive water under the Federal reclamation laws applicable to such owner in such project or division. Such excess lands may be either (1) lands receiving no water from the project or division, or (2) lands receiving water only because the owner thereof has executed a valid recordable contract agreeing to sell such lands under terms and conditions satisfactory to the Secretary of the Interior.

(b) A disposition of excess lands under a plan whereby the owner thereof also disposes of any or all his nonexcess lands within the irrigation project or division shall not be treated as a disposition "in order to conform to the acreage limitation provisions of Federal reclamation laws." A disposition of nonexcess lands at the same time as the disposition of excess lands, or within one year thereof, shall be presumptive of such a plan.

(c) The provisions of § 1.1033 (a)–2 shall be applicable in the case of dispositions treated as involuntary conversions under this section. The details in connection with such a disposition required to be reported under § 1.1033 (a)–2 (c) (2) shall include the authority whereby the lands disposed of are considered "excess lands", as defined in this section, and a statement that such disposition is not part of a plan contemplating the disposition of all or any nonexcess land within the irrigation project or division.

(d) The term "involuntary conversion", where it appears in subtitle A or the regulations thereunder, includes dispositions of excess property within irrigation projects described in this section. (See, e. g., section 1231 and the regulations thereunder.)

§ 1.1033 (e) *Statutory provisions; involuntary conversions; livestock destroyed by disease.*

SEC. 1033. *Involuntary conversions.* • • •

(e) *Livestock destroyed by disease.* For purposes of this subtitle, if livestock are destroyed by or on account of disease, or are sold or exchanged because of disease, such destruction or such sale or exchange shall be treated as an involuntary conversion to which this section applies.

§ 1.1033 (e)–1 *Destruction or disposition of livestock because of disease.* (a) The destruction occurring in a taxable year to which the Internal Revenue Code of 1954 applies, of livestock by, or on account of, disease, or the sale or exchange, in such a year, of livestock because of disease, shall be treated as an involuntary conversion to which the provisions of section 1033 and the regulations thereunder shall be applicable. Livestock which are killed either because they are diseased or because of exposure to disease shall be considered destroyed on account of disease. Livestock which are sold or exchanged because they are diseased or have been exposed to disease, and would not otherwise have been sold or exchanged at that particular time shall be considered sold or exchanged because of disease.

(b) For purposes of this section, the term "livestock" includes all animals which at the time of their destruction or sale or exchange are (1) used in the taxpayer's trade or business, or (2) properly includible in the inventory of

the taxpayer if on hand at the close of the taxable year, or (3) held by the taxpayer primarily for sale to customers in the ordinary course of trade or business.

(c) The provisions of § 1.1033 (a)–2 shall be applicable in the case of a disposition treated as an involuntary conversion under this section. The details in connection with such a disposition required to be reported under § 1.1033 (a)–2 (c) (2) shall include a recital of the evidence that the livestock were destroyed by or on account of disease, or sold or exchanged because of disease.

(d) The term "involuntary conversion," where it appears in subtitle A or the regulations thereunder, includes disposition of livestock described in this section. (See, e. g., section 1231 and the regulations thereunder.)

§ 1.1033 (f) *Statutory provisions; involuntary convertions; cross references.*

SEC. 1033. *Involuntary conversions.* • • •

(f) *Cross references.* (1) For determination of the period for which the taxpayer has held property involuntarily converted, see section 1223.

(2) For treatment of gains from involuntary conversions as capital gains in certain cases, see section 1231 (a).

§ 1.1033 (f)–1 *Effective date.* The provisions of section 1033 and the regulations thereunder are effective for taxable years beginning after December 31, 1953, and ending after August 16, 1954, the date of enactment of the Internal Revenue Code of 1954. See section 7851 (a) (1) (A).

[F. R. Doc. 56–4490; Filed, June 7, 1956; 8:46 a. m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### [ 7 CFR Part 924 ]

[Docket No. AO–225–A7]

HANDLING OF MILK IN DETROIT, MICHIGAN, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed order, amending the order, as amended, regulating the handling of milk in the Detroit, Michigan, marketing area. Interested parties may file written exception to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 20th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

*Preliminary statement.* The hearing, on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, as amended, were formulated, was conducted at Detroit, Michigan, on February 28 through March 7, 1956, pursuant to notice thereof which was issued February 7, 1956 (21 F. R. 953).

The material issues considered on the record of the hearing related to the following:

1. Extension of the marketing area;
2. Modification of the performance standards for determining the status of pool plants;
3. Division of the present Class II into two separate classes, with separate price provisions for each Class;
4. Revision of the classification of milk transferred from pool to nonpool plants;
5. An increase in the stated Class I differentials in the six months of seasonally lowest production and revision of the supply-demand adjustment;
6. Revision of the butterfat differentials to handlers and to producers;
7. Revision of the rates of location adjustment to handlers and producers;
8. Elimination of location adjustments in the price of excess milk under the base rating plan;
9. Provision for producer pooling, on a seniority basis;
10. Revision of base rules;
11. Allowance of additional time for handlers to make payments to producers; and
12. Revision of those provisions of the order relating to milk priced under other Federal orders.

*Findings and conclusions.* The following findings and conclusions on the material issues are based upon evidence in the record.

1. *Marketing area.* The Detroit marketing area should be expanded to include nine townships in the vicinity of the city of Ann Arbor. The townships are Webster, Northfield, Salem, Scio, Lodi, Pittsfield, Saline, York, and Augusta.

These townships are part of a 24-township territory which a group of handlers doing business in the Ann Arbor area proposed be added to the market. The distribution data available at the hearing consisted of the 1950 census population of the townships and estimates by the Ann Arbor handlers of the numbers of delivery routes serving each township. The 1950 population data are known to be considerably smaller than the present population of these rapidly growing communities. However, it is apparent from these data that the nine townships to be included in the marketing area include those with the largest populations and the ones in which the Ann Arbor handlers have the greatest per capita distribution of milk. There was no evidence of sales in these nine townships by any handlers whose primary markets are outside of the Detroit market. On the other hand, there is always the obvious possibility that handlers from such unregulated markets as Jackson or Lansing could develop sales in these townships.

The eight westernmost townships in Washtenaw County should not be included in the Detroit marketing area. They are less densely populated than the nine townships previously mentioned, are served by Jackson handlers to an extent which would bring some of these handlers under the Detroit order, and are less extensively served by the Ann Arbor dairies than the nine townships.

The four townships of Brighton, Milford, Green Oak, and Lyon also should not be included in the Detroit marketing area. Lansing handlers have routes extending into all four of these townships and do a greater proportion of business in Milford township than the Detroit handlers. Similarly, the three southernmost townships in the proposed additional area should not be included in the Detroit market. It appears that the Ann Arbor dairies serve only a small proportion of the total population in these townships, the remaining distribution being made by handlers not subject to the Detroit order.

One of the Detroit handlers proposed that twelve townships lying north and east of the city of Pontiac be added to the Detroit marketing area. He testified that these townships were served by a considerable number of Detroit dealers. There are also some local handlers serving these townships and two dairies from Flint have routes extending into those townships which are closest to that city. However, no data were presented to show the comparative volumes of distribution and there was no evidence of any competitive problems in the twelve townships of such nature as to threaten the orderly marketing of milk in the Detroit market. It is concluded that the present record shows no basis for the inclusion of these twelve townships.

2. *Status of pool plants.* There are two general types of milk handling plants associated with the market. One is the distributing plant, in which the raw milk is pasteurized and bottled for distribution to homes and stores. These are commonly, though not always, located within the marketing area, and are often referred to as city plants. The other type of plant is one at which milk is received from farmers, cooled, and readied for shipment in bulk to the distributing plants. These differences in function require separate standards for determining pool status.

(a) *Distributing plants.* Among the amendments of November 1, 1955, was one which would modify the standards under which a distributing, "city" plant would qualify as a pool plant. In order to qualify as a pool plant, route distribution inside the marketing area would have to amount to an average of 600 or more pounds per day, and in addition, half of the total receipts at such a plant would have to be disposed of on routes either inside or outside of the marketing area. In other words, a distributing pool plant would have to be primarily in the business of distributing fluid milk rather than in the business of making manufactured dairy products. In view of the seasonality of receipts, "half" was defined as 55 percent during the months of August through January and 45 percent during the months of February through July. This provision was not scheduled to become effective until August 1, 1956, in order to allow any distributing plants which might have a lower percentage of route sales ample time to adjust their operations.

A handler proposed that the required proportion of fluid sales be substantially lowered. He based this request mainly upon a contention that the standards for distributing plants should be comparable with those for country supply plants. He pointed out that during the four months the call percentage provisions had been in effect, the country supply plants had been obligated to ship an average of 40 percent of their total receipts to city plants. Moreover, the call percentage is computed by including a 15 percent operating reserve over the city plant's Class I sales. He maintained that allowing a similar adjustment would bring the city plant's ratio of Class I sales to total receipts down to 34 percent for the four months.

One of the primary reasons for adopting a minimum percentage of route sales was to make the pool plant standards for city distributing plants comparable to the amended country pool plant standards. Without such a corresponding change in the city plant standards, a country plant might qualify as a distributing pool plant by making a small volume of sales in the marketing area instead of meeting the call percentage shipping requirements. Also, a city plant might accept several times as much milk from country plants as it needed for Class I purposes merely to qualify the country plants.

In determining whether or not the city plant standards are comparable to those which apply to country plants, it must be borne in mind that all country plants were, in fact, obligated to ship 48 percent of their total supplies to the city plants in January 1956. Also, they must so arrange their opefations as to be prepared to ship as much as 75 percent in any month when such quantity might be needed. It is the maximum called for rather than a four- or six-month average which determines their method of operation. A second point is that a city plant operator knows within comparatively small limits what his Class I requirements will be and can make adjustments in his number of shippers and the quantity he may purchase from other plants. On the other hand, the demands on a country plant are much less predictable since in many cases they furnish supplemental supplies to city plants rather than a full supply. Finally, the 15-percent operating reserve used in computing city plant needs for country plant milk is not applicable in the manner suggested by the proponent. The country plants were required to ship the full 48 percent of their available receipts (total receipts less actual route sales) during January. Furthermore, if a larger operating reserve were allowed, the apparent requirements of the city plants would have been increased, the call percentage would have been correspondingly raised, and the country plants would have had to find customers for the larger quantities which would have needed to be shipped.

It is concluded that the requirement that a city distributing plant have half of its total sales on routes in order to qualify as a pool plant is quite conservative in comparison with the amended pool plant standards which apply to country supply plants.

(b) *Supply plants.* The standards under which a country supply plant could qualify as a pool plant were amended November 1, 1955. In place of the nominal standards which had previously been in effect, the amendment required that a supply plant ship at least 25 percent of its supply of producer milk to city plants during the four months of October through January and that it ship whatever larger percentage is specified in the market administrator's "call percentage". This call percentage is based upon the administrator's advance estimate of the quantities which city plants might need from country plant sources to meet their Class I sales, plus an operating reserve, the announced call being reduced by one-fourth from the estimates. A call percentage can be announced by the market administrator in any month except the flush months of April through July. This technique of establishing a comparatively low minimum shipping percentage and of relying principally upon the call percentages to determine whether a supply plant is sufficiently associated with the market to be considered a pool plant was adopted as being more responsive to changes in marketing conditions than a system of fixed shipping percentages. It also reflected a conclusion that each of the supply plants which are primarily identified with the Detroit market should ship an equal share of the market's requirements for milk for Class I purposes.

Two handlers proposed that the call percentage device be modified to require only that a country plant make a formal offer of the required quantity of milk to city plants instead of being required to make physical shipment of the specified percentage. One of these handlers favored retention of the 25 percent shipping requirement in the four months of October through January, but the other one testified that only the call percentage and offer technique should be used to determine pool plant status.

Under the proposed offer system, the operator of a country supply plant would submit a formal statement of offer to the market administrator, specifying the terms and conditions under which the milk would be available to city plants. These offers would be assembled by the market administrator and made available to each of the city plants.

There appear to be two major sources of difficulty in the application of the offer technique to conditions in the Detroit market. Any offer system which would be relied upon as an effective milk marketing device would present formidable problems of administration. Perhaps the most difficult of these is to specify the price at which the milk is to be offered. If no limit is set on the price specified in the offer, a supply plant could escape its obligation to ship milk by quoting an unrealistically high price. If a maximum price is set, it will apply to milk for which the handler has performed services beyond those involved in the delivery of milk to a milk plant by a producer. The additional services would include dumping, weighing, testing, washing of cans, cooling, redelivery into cans or tanks, and perhaps transportation to one or several city plants. It would be difficult to establish appropriate returns for the various combinations of these services which might be involved, and it would appear preferable to confine pricing to the delivery of milk by farmers to the handlers' plants unless this cannot be effectively accomplished without establishing charges for the subsequent handling functions. The proposed offer system would also require a set of rules to determine whether offers and acceptances were bona fide as to such factors as the quantities involved, length of advance notice of offer and acceptance, responsibility for transporting the milk, responsibility for quality, and the like.

The second major shortcoming of the offer proposal is that it would not leave country supply plants with any direct incentive to develop Class I outlets among the city plants. The present supply plants could maintain pool status by making only such shipments as were called for, and new plants could participate in the pool without developing any city plant customers for their milk.

The handlers who proposed meeting the call percentages by offers instead of by physical shipments testified that they had had considerable difficulty in finding city plant customers for the quantities of milk required by the call percentages. It appears, however, that such difficulties as had been experienced were principally attributable to the fact that these handlers had primary fluid milk operations in other markets rather than that there was any defect in the value of the call percentages as a measure of a supply plant's identification with the Detroit market. Another source of difficulty was that these handlers had to find entirely new or greatly expanded city plant outlets for their milk. Despite an understandable reluctance to change existing supply relationships, sufficient outlets were obtained, and additional time to develop outlets will be available during the months of April through July 1956 when no call percentages are applicable.

Some supply plant operators also proposed that the computation of the quantity of milk "available" for shipment to city distributing plants be modified. At present, availability is computed by subtracting local Class I sales from their total receipts of milk from producers. They proposed that the local Class I sales be increased by 15 percent as is done in computing city plant's requirements. However, the situations are not comparable. City plants must physically receive more milk than they will bottle because they cannot know bottling requirements in advance. The supply

plants, on the other hand have physical control of the milk at its source, and can ship all the milk not used for bottling.

It is concluded that the standards for defining the pool plant status of a supply plant should not be changed at this time.

3. *Class II price.* The cooperative association which represents the majority of producers in the Detroit market proposed substantial increases in the prices of milk used for other than Class I purposes. This cooperative, the Michigan Milk Producers Association, includes in its membership over 80 percent of the total number of producers on the Detroit market. It is responsible for marketing these producers' milk. It also operates receiving stations at which more than 25 percent of the total market supply is received, and it either operates manufacturing facilities or markets the daily and seasonal surpluses which have resulted from the operation of these receiving stations. The association proposed that a new Class III be established which would include most of the manufactured products such as butter, nonfat dry milk solids, hard cheese, and evaporated milk. They proposed that milk used to produce these manufactured products be priced at the higher of the local plant price or a butter-powder formula based on 93-score butter, spray-process powder, and an 84-cent "make" allowance. They further proposed that Class II be revised to include fluid cream and the manufactured products other than those in Class III, including mainly cottage cheese, ice cream, ice cream mix, and condensed whole or skim milk. They proposed that the Class II price be set at 40 cents over their proposed Class III price.

Since the inception of the order, fluid cream and all manufactured products have been combined into a single Class II. Also, since November 1, 1952, the Class II price has been an average of prices paid for manufactured milk at designated Michigan plants.

There is considerable evidence that this local plant pay price has not always reflected the full value of milk used for manufacturing purposes. The prices paid at the local plants averaged lower than those paid at the midwestern condenseries by 14 cents in 1953 and 1954 and by 5 cents in 1955, and the discounts at the local plants were greater than average during the flush months when the quantities of Class II milk were greatest. These Midwest condenseries are the ones commonly used in the Federal orders, including Detroit, as a measure of prices paid by manufacturers of evaporated milk.

The Detroit Class II price was even further below the prices paid for manufacturing grade milk by plants specializing in the manufacture of butter and creamery by-products in Michigan and Wisconsin, if the prices paid at these plants are converted to a 3.5 percent butterfat basis by the producer butterfat differentials established under the Detroit order. On this basis, Michigan creameries overpaid the Detroit Class II price by 20 cents in 1953 and 4 cents in 1954, and paid 3 cents less in 1955. Wisconsin creameries overpaid the Class II price by 22 cents in 1953, 17 cents in 1954, and 5 cents in 1955. In each of the three years, the creamery prices in each of these states were highest in relation to Detroit Class II prices during the flush months, when volumes of Class II milk are greatest.

During these years the Detroit Class II prices were also low in comparison with those in most other midwestern Federal order markets. The Chicago market is probably the most nearly comparable to Detroit. The volume of milk manufactured under that order is much larger, but the market is similar to the extent that operations are conducted mainly at country plants, and there are large volumes of manufacturing grade milk processed in each of the milksheds. Class III (a) under the Chicago order includes evaporated milk and bulk condensed. It is priced at the midwest condensery average price which was compared with the Detroit Class II price above. Class IV includes hard cheese and butter-powder operations. The Class IV price is a butter-powder price which averaged 25 cents over the Detroit Class II price in 1953, 14 cents over in 1954, and 1 cent under in 1955. During the flush months of April, May, and June of each of these three years the Chicago prices exceeded the Detroit prices by 34, 15, and 13 cents, respectively.

Cleveland is the next most closely comparable market with respect to size and regional location, though country plant manufacturing operations are not so well developed as in Detroit. During the years 1953, 1954, and through June 1955 manufacturing prices were set by a butter-powder formula except during April, May, and June of each year, when local plant prices were in effect. Throughout the two and one-half year period, butterfat for churning was subject to a 5-cent discount, equal to 17.5 cents per hundredweight of 3.5 percent milk. In 1953, the Cleveland price for milk used to make butter averaged only 3 cents above the Detroit Class II price and was substantially lower in the flush months. Cleveland prices on other manufactured products averaged 20 cents above the Detroit Class II price but only 3 cents higher in the flush months. Virtually the same comparative levels prevailed in 1954 and through June 1955. However, effective July 1, 1955, the Cleveland order was amended to provide that all manufacturing milk be priced at the higher of the midwest condensery price or the butter-powder formula price used to establish basic formula prices in both the Cleveland and Detroit orders. Official notice is taken that this price has continued into the flush season of 1956.

Other nearby markets include Toledo, Dayton-Springfield, and Fort Wayne. The quantities of surplus milk are so small as to limit the value of price comparisons. Toledo uses a local plant series which averages close to the Detroit series, Fort Wayne uses a butter-powder formula which averaged substantially above the Detroit prices during 1953 through 1955, and Dayton-Springfield uses a butter-powder formula with seasonal variation and a discount on butterfat used to produce butter. Some comparisons were also made with the New York Class II price which averages substantially lower than those cited above. However, marketing conditions in that market were not described in sufficient detail to establish the extent of any comparability which may exist.

The comparatively low Class II prices which have prevailed during the past three years in the Detroit market are reflected in operating results in two ways. One is that all of the plants which have qualified as pool plants subsequent to the inception of the order have been plants which either contained manufacturing facilities, were located adjacent to plants with such facilities, or served as collecting stations for manufacturing plants.

Changes in the number of producers at various types of plants were also presented at the hearing. In the order, distributing plants are separately defined for the purpose of meeting pool plant qualifications. Similarly, the country supply plants constitute a separately defined group of pool plants. Furthermore, for the purpose of computing the call percentage, the supply plants are further segregated into two groups. One of these is composed of the receiving stations which regularly send their entire available supply to distributing plants during all except the flush months. The remaining country plants are those which have manufacturing facilities available to care for the weekend and seasonal surpluses. Using these standards, the market administrator compiled a tabulation showing the number of producers shipping milk to each category of plants. In November 1951 there were 12,132 shippers in the market, 24 percent of whom delivered their milk directly to the distributing plants, 65 percent to receiving stations, and 11 percent to manufacturing plants. In December 1955, out of 12,679 shippers, 25 percent shipped to distributing plants, only 53 percent to the receiving stations, and 22 percent to manufacturing plants. If the Michigan Milk Producers' plant at Elsie were reclassified from a receiving station to a manufacturing plant, the gain in the proportion of shippers at the manufacturing plants and the reduction at receiving stations would be even more marked.

Producers would be as much attracted to receiving stations as to manufacturing plants, since they would receive the marketwide blend price in either event. However, operators of plants manufacturing dairy products from most of the milk received from producers must depend primarily upon the margin between the Class II price and the prices of the dairy products. The pronounced increase in the proportion of Detroit producers at plants having manufacturing facilities available could hardly have occurred unless these margins were attractive.

A second operating result which indicates the effect of the low Class II prices is the profitability of the handling of the Class II milk. The manager of one cooperative association which handles a large volume of Class II milk in plants which also process large volumes of manufacturing grade milk testified that the patronage dividend was



15 cents on 1955 operations, upwards of 30 cents on 1954 operations, and that his operating margin set a record in 1953. These results are in line with the price comparisons previously cited. These showed that the Detroit Class II price averaged lowest in comparison with other values in 1953, and improved in 1954 and 1955. A proprietary handler indicated that his cost accounting records disclosed an unsatisfactory operation for 1955 and a satisfactory result for 1954. The Michigan Milk Producers' Association indicated that its operating results in recent years were such that it could absorb the proposed increases without incurring losses.

The unduly low Class II prices which have prevailed under the order should be rectified by adopting a butter-powder price formula as an alternative to the local plant prices, and by adding 20 cents to the higher of these two prices during the shortest supply months of October through January.

The surplus utilization should not be subdivided into two classes as was proposed by the producers. It is apparent from the testimony that Detroit is essentially an open market for fluid cream, cottage cheese, and ice cream ingredients and that there is considerable distribution of all these products throughout the market by non-handler firms. Also, many of the handlers purchase these products from non-handler sources or make them from other source ingredients. It is also evident that most of the handlers who now choose to utilize producer milk in the production of all or a portion of these products whenever it is available could rearrange their operations so as to avoid utilizing producer milk. This would leave only a few handlers who would be obligated to pay the proposed higher Class II price for milk utilized in these products. In these circumstances, it appears that a separate Class II for these products at a premium price would be highly inequitable as between handlers, and would not achieve any substantially higher returns for producers.

The butter-powder alternative price should be approximately equal to the one proposed by producers, but, for the sake of conformity, should use the same price quotations as the basic butter-powder formula already included in the Detroit order. Instead of the proposed use of 93-score butter, spray-process nonfat dry milk solids, and a "make" allowance of 84 cents, it should use the basic formula factors of 92-score butter, an average of the prices for spray and roller process solids, and a "make" allowance of 76 cents. This result can be most directly stated as a deduction of 18.3 cents from the basic butter-powder formula price.

For the calendar year 1954 this formula, 18.3 cents below the basic butter-powder price, would have averaged 1.1 cents below the one proposed by producers and in 1955 exactly the same.

The 76 cents appears to be a fully adequate "make" allowance in the butter-powder formula. The formula prices would have been 11 cents below prices paid at Michigan creameries and 13 cents below those of Wisconsin creameries in 1953, 1 cent above the Michigan and 12 cents below Wisconsin in 1954, and 9 cents below Michigan and 17 cents below Wisconsin in 1955. They are also somewhat lower than the butter-powder formula prices used in other midwestern Federal order markets. For example, they would have been below the Chicago Class IV formula by 16 cents in 1953, 9 cents in 1954, and 11 cents in 1955. They are 18.3 cents below the currently effective Cleveland butter-powder formula. Although this formula is somewhat lower than those used in some other Federal orders, it is applied here as one of two alternative prices, and is subject to the 20-cent seasonal premium previously mentioned.

As explained earlier, marketing conditions in the Detroit area are such that the separation of fluid cream, cottage cheese, and ice cream uses into a separate class at a 40-cent premium does not seem likely to attain the objectives sought by proponents in an equitable fashion. However, a 20-cent premium in the four months of normally lowest supply, October through January, would tend to achieve the same purposes, and be equitable as among handlers.

October through January are the same months in which the country supply plants are obligated to ship the fixed minimum of 25 percent of their available supplies to the city plants. Commonly, they ship much larger percentages during these months, and the quantities of reserve milk which must be manufactured are at a minimum. Also, in these months a larger proportion of the Class II milk can be used for fluid cream, cottage cheese, and ice cream ingredients rather than being manufactured into such end-use products as butter and nonfat dry milk solids, hard cheese, or evaporated milk.

The 20-cent premium will apply to all handlers of Class II milk, regardless of the type of products in which they use the milk. It will, therefore, minimize the shifting of operations and the uneven effects which would have been invited by the proposed 40-cent premium on selected items. At the same time, the 20-cent premium will tend to encourage handlers to add to their operations only such supplies of milk as are required for operating reserve purposes rather than adding quantities for purely manufacturing purposes.

4. *Transfers to nonpool plants.* One of the same handlers who proposed revising the call percentage requirements as described above also proposed amending the classification of milk transferred to nonpool plants. The original order provided that milk so transferred would be classified at the lowest utilization in the nonpool plant. Effective November 1, 1955, this provision was amended to allocate the transferred milk to the highest available use in the nonpool plant. The handler proposed that transferred milk be allocated to the highest use remaining after assignment of any receipts of milk from those dairy farmers who regularly supply fluid approved milk at the nonpool plant.

Data presented at the hearing demonstrate that the problem which the November 1 amendment was designed to correct continued right up to the time of such amendment and remains as a potential problem. Total transfers to non-handler plants in 1955 were substantially lower than in 1954, but as would be expected, the two months of greatest movement to such plants were May and June when production was at its seasonal peak. However, total transfers to nonpool plants having Class I utilization were smaller in these months than in any of the subsequent months of July through October, and the bulk of such transfers were classified as Class II. In November and December all of the milk transferred to nonpool plants having Class I utilization was classified as Class I, indicating that bottling operations at such plants were sufficient to account for all of the milk transferred without any of it being assigned to Class II. Also, as in 1954, the great majority (nearly 75 percent) of the 1955 transfers to non-handler plants went to plants which had no Class I utilization.

The proposal to give local dairy farmer milk the priority over Detroit-transferred milk at the nonpool plant would leave the nonpool plant operator with an incentive to buy short locally in order to maximize his local blend price. He could do this by drawing on the Detroit pool for his daily and seasonal reserves. He would also be encouraged to draw on Detroit for his Class II needs, since he would have to pay only a Class II price for the Detroit milk instead of the blend price he would have to meet in an unregulated market. Moreover, the proposed amendment would be exceptionally difficult to administer in the Detroit market. It would require a virtually complete audit of utilization and receipts at the nonpool plants. Detroit is the third largest Federal order market in the United States and the transfers to nonpool plants having Class I utilization are particularly numerous. They include plants purchasing supplemental milk to care for the resort period demand and plants in smaller markets throughout the State and in the neighboring portions of Ohio and Indiana which may require supplemental milk from time to time.

Another handler proposed that transfers of Detroit milk to nonpool plants be assigned to Class I to the extent that approved local farmer milk failed to meet the nonpool plant's Class I needs, plus a reasonable reserve. This reasonable reserve would be measured by multiplying the nonpool plants operators' Class I utilization by the percentages set forth in the supply-demand adjustment in the Detroit order. However, it must be recognized that this modification would not alleviate the administrative problems previously mentioned and would not affect those nonpool plant operators who found it expedient to carry Class II milk in the Detroit marketwide pool rather than in their own markets.

It is concluded that no change should be made at this time in the classification of milk transferred to nonpool plants.

5. *Class I price.* No change should be made in the annual average level of the Class I price differential. However, a seasonal change of 40 cents per hun-

dredweight should be introduced in the stated Class I differential. The new differentials would be $1.63 for the months of August through January and $1.23 for the months of February through July instead of the present differential of $1.43 in all months.

Producers proposed two major changes in the method for determining the Class I differential. Each of these would make a substantial increase in the differential. One proposal was that the stated Class I differential be increased during August through January to $1.85 per hundredweight. This would be an increase of 42 cents for the six months and the annual average increase would approximate 21 cents. Their second major proposal was to raise the schedule of standard utilization percentages to 127.5 percent for November, with proportionate increases for the other months. Since the supply-demand adjustment averages 3 cents per point, this part of that proposal would amount to 22.5 cents. The combined effect of these two proposals would increase Class I differential by an annual average of 43.5 cents.

It does not appear that any general increase in the Class I differential is required at this time in order to reflect economic conditions which affect market supply and demand, and insure a sufficient quantity of pure and wholesome milk for the market. At the hearing there was considerable range of views as to the quantity of milk which represented an adequate supply. Part of the divergence in views may be partly accounted for by the function performed by various parties in the market; producers', supply plant operators, or processors and distributors of Class I milk all have different opinions on the subject. However, even the same party is likely to have a different view of adequacy of supply depending upon whether he is considering the handling of excess milk, the level of the supply-demand standard for determining Class I prices, or defining the standards to be met by pool plants. One recent complication to determining the proper level of supply is the fact that most of the handlers in the market have adopted six-day operation of their plants within the past year. This severely limits the value of previous experience in the market.

It appears, however, that the most practical test of adequacy of supply is to determine the point at which handlers find it necessary to supplement their supplies of producer milk by purchases of bulk supplemental milk from other sources. This did not occur to any significant extent in the fall of 1955 despite the fact that producer receipts were equal to only 123.9 percent of gross Class I sales for the month of November. The Michigan Milk Producers Association presented evidence that the six-day operation of bottling plants resulted in greatly reduced calls upon the supply plants on Sunday and very large demands on Monday through Friday. It is apparent that the distributing handlers were not yet fully equipped to hold and rotate the weekend receipts of milk; at the time of the hearing, the Association was performing this additional service without making any extra charge.

In view of the fact that the market was able to operate last November on a supply equal to 123.9 percent of sales and with the likelihood that additional holding facilities will be installed, it is concluded that receipts equal to 120 percent of gross Class I sales should continue to represent a normal supply in the short month. Producers should not be asked to carry any larger quantities of reserve milk than are needed for efficient operation nor should consumers be required to pay any higher Class I prices than are needed to encourage farmers to produce the minimum necessary reserve for Class I operations.

Producers contended that milk production could not long be maintained at the order prices which have prevailed in recent years. They cited data to the effect that farm wage rates and other production costs were particularly high in the Detroit region. However, it must be recognized that large quantities of manufacturing grade milk are still produced in Michigan at the same general level of prices as prevails elsewhere in the United States for milk of similar grade. In fact, several of the Detroit receiving stations are operated in close proximity to or in conjunction with such plants. Moreover, the Class I differentials under the Detroit order have been fully adequate to increase supplies sufficiently to care for the growth in Class I sales. The supply-demand adjustment can provide considerable additional increase in price if supplies begin to fall behind. Finally, Detroit order prices are fully as high as those in the most directly competitive Federal order markets. In 1955, for example, the Detroit Class I price for milk delivered to city plants averaged $4.40 as compared with a Toledo price of $4.30. There is direct competition between distributors at these prices and there is also some competition with Detroit handlers having a sixteen-cent location differential. Competition between the Detroit and Cleveland markets is in the procurement of milk from farms rather than in sales of the bottled product. The Cleveland blend price at Coldwater, Michigan, averaged $3.71 during 1955 as compared with a Detroit blend at nearby location (Hillsdale and Litchfield, Michigan) of $3.86.

A moderate seasonal change in the Class I differential should be adopted. The Detroit market has previously relied exclusively on the base-rating plan as a means of encouraging level production. Under this plan farmers have maximized their production during the fall in order to establish as high a base as possible for the following year. By having a lower Class I differential in the spring than in the fall months, the difference between the base and excess prices will be narrowed, and the effect of the base plan will be somewhat lessened. However, the seasonal differential will provide additional money to farmers during the fall months when costs are highest. The net effect on farmer's seasonal plans may not be greatly affected, although it is difficult to predict the amount of price change which may be necessary to offset the change in the base plan incentive.

A basic reason for adopting a seasonal change in the Class I differentials is to have the Detroit Class I price conform more closely to out-of-area prices. Sales competition with the Toledo market and other Federal order areas where the Class I prices vary seasonally are described in more detail in connection with issue number 12. In markets not under Federal orders, it is common for prices to be lower in the flush production season and higher in the season of lowest production.

The supply-demand adjustment should not be changed. The principal proposals for its modification were directed to raising the standard utilization percentage for November, the month of usually lowest production. The reasons for retaining the present standard of 120 percent were cited above. Other proposed modifications would have provided a 3-cent price change for each percentage indication of oversupply or undersupply in the market instead of a 15-cent change for each 5 percentage points and a revision of the seasonal variation in the standard utilization percentages. The adjustment has always been made in 15-cent intervals in this market, and producers are strongly in favor of retaining this feature. The present seasonal standards have been in effect only since November 1955 and appear to be as well adapted to recent and prospective market experience as any which could now be devised.

6. *Butterfat differentials.* Since November 1, 1952, the butterfat differentials charged to handlers for milk used in each of the two classes and the differential used in paying producers have been the same. They have moved by half-cent amounts, set at one-half cent over the top limit of half-cent ranges in the price of 92-score butter at Chicago. In 1955, for example, the butter price averaged 57.45 cents per pound. Throughout the year the butter price was in the 55-to-59.99-cent range and resulted in a differential of 6.5 cents per one-tenth of one percent variation from 3.5 in butterfat content.

Producers proposed that the butterfat differentials be increased to 0.12 times the price of 93-score butter at Chicago. At 1955 prices the present order provided a differential equal to 0.113 times the price of 92-score butter. They further proposed that the handler differentials change in amounts of one-tenth of a cent, but that producer differentials continue to change only by half-cent amounts. No difference in rate as between various classes of milk was proposed.

The principal evidence in support of the higher rates of differential was a statement that cream was currently selling at the rate of 83 cents per pound of butterfat content, if no allowance is made for the value of the nonfat portion. However, no historical data were presented to show the range of cream values on the market over a period of time. In the absence of further data, it is concluded that no change should be made in the rate of the butterfat differentials.

However, the differentials should move in amounts of one-tenth cent. This is the common interval used in other Federal orders and will keep butterfat values more closely related to the butter market. Under the current system a differential of 6.5 cents results from butter prices ranging from 55 to 59.99 cents, or from 0.118 to 0.108 times the butter value. The rate to be used should be the midpoint of the range, or 0.113 times the price of 92-score butter at Chicago.

7. *Location adjustments.* A cooperative association which operates three supply plants proposed a drastic reduction in the rate of the location adjustments which are allowed to handlers for the transportation of milk used for Class I purposes and which are deducted from the prices payable to producers who deliver milk to plants outside the city zone. The proposed rates were 8 cents per hundredweight in the 34–50 mile zone, 9 cents at 50 to 60 miles, plus 1 cent for each additional 20 miles. These compare with present rates of 13 and 14 cents in the first two zones and 1 cent for each additional 10 miles. These rates in turn, represent a reduction from those specified in the original order of 14 cents in the first zone and 1 cent per 8 miles thereafter.

A rather wide variation in cost experience was shown to exist, even among those handlers who haul large volumes of milk. The proponent had some very low costs on hauls which appeared more favorable than average as to length of haul, regularity of shipment, and freedom from heavy traffic. Those large-scale proprietary handlers who haul large quantities of milk cited cost data showing that the present location adjustments were no more than adequate to cover hauls to city plants. The Michigan Milk Producers Association, which hauls a far larger volume than any other organization in the market testified that its experience showed about a 2½-cent lower cost than the rates presently provided by the order. Cost data were also presented by the Association on shipments from 3 of its supply plants at which movements were sufficiently steady to have a tanker regularly assigned. Under such comparatively favorable circumstances costs ranged from 3.4 to 8.1 cents below the location adjustment rates.

It is concluded that a general reduction should be made to reflect the experience of the most efficient full-scale hauler, but not to levels attainable only under the most favorable circumstances. It appears that savings are greater on the longer hauls. Accordingly, the rate in the first zone should be reduced only to 12 cents and the rate for additional mileage should be halved, to 1 cent per 20 miles or fraction thereof.

8. *Excess milk price.* It was proposed that the price paid to producers for excess milk be equal to the manufacturing class price, regardless of location. Since the inception of the order, the excess price at city zone plants have been 17 cents over the Class II price, subject to the producer location adjustment at country plants.

It was contended that excess milk is utilized for manufacturing purposes and should be valued as such. However, it must also be recognized that the quantity of excess milk is not, except by extreme chance, exactly equal to the quantity of Class II milk. Also, the more distant producers are pooled throughout the year, even though their milk may physically be used for Class I purposes only during the fall months. In the absence of a base rating plan, the producer location adjustment is usually deducted from the uniform price on all milk delivered by the producers to pool plants, in recognition of the fact that transportation costs are involved whenever the milk is utilized at city plants.

In large measure, this is a problem of dividing the pooled proceeds among producers. The cooperative association representing the great majority of the producers supplying the market favored the present order provisions for computing the excess price for the reasons developed in the preceding paragraph. It is concluded that location adjustments should continue to be applied to the excess milk price.

9. *Seniority of producers.* A handler proposed that only such number of producers be qualified to participate in the marketwide pool as were needed to meet the Class I requirements of the market. At the outset of such program and during any subsequent period when supplies exceeded Class I requirements, producers would have pool status in reverse order of their seniority of association with the market.

The fundamental defect in this proposal is that it removes from the Class I price its essential role of balancing supply and demand. The act clearly provides that, in the case of milk, the prices shall be established in relation to economic factors affecting supply and demand. Accordingly, the proposal should not be adopted.

10. *Base rules.* The order presently provides that a producer who suffers the complete loss of his barn as a result of fire or windstorm may retain his base for a six-month period. This is designed to give the producer opportunity to rebuild his barn and re-establish the herd.

It was testified that the six-month period has not always proved long enough to accomplish the rebuilding of the barn and re-establish the full-scale production. Since the other effects of such a catastrophe are so severe, the producer should not also lose his base. It is concluded that the rebuilding period should be extended to a full year.

11. *Date of payments to producers.* A handler proposed that the order be amended to allow payments to producers to be made as late as the twentieth day of the month following the delivery of the milk. The order now specifies that such payments be made not later than the fifteenth, unless holiday interruptions occur.

Milk producers are not paid until after the month's deliveries have been completed. It is, therefore, highly desirable to make the payment at the earliest practicable date. The schedule provided by the order for reports to the market administrator, his computation of the pool, and settlement through the equalization fund have been established so as to distribute as fairly as possible among all parties the burden of making payment by the fifteenth. In the absence of any more widespread indication of difficulty in meeting the schedule it is concluded that the payment date should not be changed.

12. *Milk priced under other Federal orders.* Toledo is the closest market regulated under another Federal order, although competitive problems also exist or may arise with several other order markets. In the case of Toledo there is direct distribution by Detroit handlers in that market, and vice versa, as well as extensive competition between the two groups of handlers in the unregulated sales territory outside of the two defined areas. The problem is intensified by the difference in seasonal price plans in these two markets; Toledo prices are usually below Detroit prices in the spring and above them in the fall.

There were two major proposals for handling sales between order markets. One would assess a handler the higher of the two order prices on any sales made in another marketing area. Under this proposal, for example, a Detroit handler selling milk within the Toledo marketing area would pay the Detroit Class I price whenever it exceeded the Toledo price and would pay the Toledo Class I price in those months when it exceeded the Detroit price. All payments would be made to the order under which the handler was regulated.

This is not an equitable technique. Since, in the example cited, a Detroit handler would always be paying the higher of two order prices, he would be at a disadvantage in his sales in the Toledo area as compared with Toledo handlers paying only the Toledo Class I price. Even if a similar provision existed in both orders, interorder distributors would be at a competitive disadvantage.

The second proposal was that sales in another Federal order area take the Class I price for that area at all times. The fundamental objection to this proposal is that the price provisions of each order are designed to achieve an adequate supply of milk under conditions prevailing in that area. In the Detroit-Toledo example the Detroit plan for level production is a base-rating program whereas in Toledo it is seasonal pricing. For a Detroit handler to return to the Detroit pool the Toledo Class I prices on milk sold in that area would, to that extent, distort returns to the Detroit producers. While the quantities of Detroit milk sold in Toledo might not significantly affect so large an operation as the Detroit pool, the reverse situation might be quite significant, especially since the Toledo market uses individual-handler pooling.

It should be noted that neither proposal would affect intermarket competition in the unregulated sales areas between defined order markets. Also, the annual average Class I prices in the Detroit and Toledo areas remained competitive through 1955. The Toledo price averaged $4.31 for the year, as compared with a Detroit city zone price of $4.40 and a price of $4.25 at the Toledo zone.

The introduction of seasonal variation in the Detroit Class I differentials, previously described, will contribute to more complete solution of the intermarket

competition than the special pricing proposals. The manager of the Northwestern Cooperative Sales Association, which represents the great majority of the producers supplying the Toledo market, testified that his association has seriously considered requesting a similar degree of price seasonality in that market. To the extent seasonal alignment, as well as annual average alignment, is achieved, handlers would be fully competitive in the sales territory between marketing areas as well as within the defined order markets.

It is concluded that no special price provisions should be adopted, either with respect to milk from other Federal markets sold within the Detroit order or to Detroit milk sold within other Federal market areas. The proposed special price provisions are unsatisfactory for the reasons stated, and the seasonal variation in the Class I price differential will provide a broader solution to the principal competitive problems, those between the Detroit and Toledo markets, than special pricing within the defined areas.

Review of the specific language of that portion of § 924.101 which relates to milk from other Federal markets reveals a possible question of interpretations. The language refers primarily to handlers engaged in distribution on routes within the Detroit area. If such handlers are already subject to another order and have greater distribution in such area, they are exempt from the pricing and payment provisions of the Detroit order.

Obviously, there is another category of receipts from other Federal order markets. This consists of supplemental milk which may be purchased by a Detroit handler, either in bulk or bottled form, from a handler regulated under another Federal order. If the originating plant is fully regulated under such other order and the milk is, therefore, subject to pricing, it should be as freely transferable between markets as are route sales from distributing plants.

This can be accomplished by providing a separate step in the allocation provisions for milk from sources regulated under another order and by specifically exempting any of such milk as may be classified as Class I under the Detroit order from compensatory payments.

*General findings.* (a) The proposed marketing agreement and the order and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the prices of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

*Rulings on proposed findings and conclusions.* Briefs were filed on behalf of producers and handlers. The briefs contained proposed findings of fact, conclusions and argument with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that such suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein the request to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions in this decision.

*Recommended marketing agreement and order, as amended.* The following amendments to the order, as amended, are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The proposed marketing agreement is not included because the regulatory provisions thereof would be the same as those contained in the order, as amended, and as proposed to be further amended:

1. Revise § 924.5 to read as follows:

§ 924.5 *Detroit, Michigan, marketing area.* "Detroit, Michigan, marketing area," hereinafter referred to as the "marketing area," means all territory, including incorporated municipalities, within the outer boundaries of the townships of Burtchville, Grant, Greenwood, Kenockee, Wales, Clyde, Fort Gratiot, Kimball, Port Huron, St. Clair, China, East China, Ira, Cottrellville and Clay in St. Clair County, the townships of Chesterfield, Sterling, Clinton, Harrison, Warren, Erin, and Lake in Macomb County, the townships of White Lake, Waterford, Pontiac, Avon, Commerce, West Bloomfield, Bloomfield, Troy, Novi, Farmington, Southfield, and Royal Oak in Oakland County, the townships of Salem, Northfield, Webster, Scio, Ann Arbor, Superior, Ypsilanti, Pittsfield, Lodi, Saline, York, and Augusta in Washtenaw County, the townships of Ash and Berlin in Monroe County and all of Wayne County, all in the State of Michigan.

2. In § 924.16 (b) delete from the proviso the phrase, "during each of the months of November 1955 through January 1956 and, in subsequent years,".

3. Delete § 924.46 (b) and substitute therefor the following:

(b) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest priced utilization, the pounds of butterfat in other source milk other than that to be subtracted pursuant to paragraph (c) of this section;

(c) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest priced utilization, the pounds of butterfat in other source milk received from a plant at which the handling of milk is fully subject to the pricing and payment provisions of another marketing agreement or order issued pursuant to the act;

4. In § 924.46 change the designation of paragraphs (c), (d), and (e), to (d), (e), and (f), respectively.

5. Revise § 924.51 (a) to read as follows:

§ 924.51 *Class I milk prices.* (a) Except as provided in paragraph (b) of this section, the minimum price per hundredweight to be paid by each handler, f. o. b. his plant, for milk of 3.5 percent butterfat content received from producers or from cooperative associations, during the month, which is classified as Class I utilization shall be the basic formula price plus $1.23 during the months of February through July and plus $1.63 in all other months.

6. Revise § 924.52 to read as follows:

§ 924.52 *Class II milk price.* The minimum price per hundredweight to be paid by each handler, f. o. b. his plant, for milk of 3.5 percent butterfat content received from producers or from a cooperative association during the month which is classified as Class II utilization shall be as follows:

(a) In the months of February through September the higher of: (1) The price per hundredweight as described in § 924.50 (c), or (2) the price per hundredweight described in § 924.50 (b), less 18.3 cents.

(b) In the months of October, November, December, and January add 20 cents per hundredweight to the price determined in paragraph (a) of this section.

7. In § 924.60 (b) change the phrase, "other source milk is allocated to Class I pursuant to §§ 924.46 and 924.47" to read, "other source milk is allocated to Class I pursuant to § 924.46 (b) and the corresponding step of § 924.47."

8. In § 924.60 (c), change the tabulation of road distances and rates per hundredweight to read as follows:

| Shortest road distance from Detroit City Hall: | *Rate per hundredweight* |
|---|---|
| More than 34 miles but not more than 50 miles | $0.12 |
| More than 50 miles but not more than 70 miles | .13 |
| Add 1 cent for each 20 miles or fraction thereof over 70 miles. | |

9. At the end of § 924.71 (c) change the phrase "may retain his base without loss for six months." to read "may retain his base without loss for twelve months."

10. Change § 924.82 to read as follows:

§ 924.82 *Producer butterfat differential.* In making payments pursuant to § 924.80, the base price and excess price or the uniform price shall be increased or decreased for each one-tenth of one percent of butterfat content in the milk received from each producer or a cooperative association above or below 3.5 percent, as the case may be, by an amount equal to the average daily wholesale price per pound of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the U. S. D. A. during the month multiplied by 0.113.

Filed at Washington, D. C., this 5th day of June 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator.*

[F. R. Doc. 56-4519; Filed, June 7, 1956; 8:52 a. m.]



# NOTICES

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

OREGON

RESTORATION ORDER UNDER FEDERAL POWER ACT

MAY 24, 1956.

1. Pursuant to Determination No. DA-423 Oregon, of the Federal Power Commission and in accordance with Order No. 541, section 2.5, of the Director, Bureau of Land Management, approved April 21, 1954 (19 F. R. 2473), as amended, it is ordered as follows:

The land hereinafter described, so far as it is withdrawn and reserved in Power Site Reserve No. 537, approved August 2, 1916, is hereby restored to disposition under the public land laws subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended, and subject to the condition that in the event the said tract is required for power purposes, any improvements or structures placed thereon which shall be found to interfere with such development shall be removed or relocated as may be necessary to eliminate interference with power development at no cost to the United States, its permittees or licensees.

WILLAMETTE MERIDIAN, OREGON

T. 2 S., R. 7 E.,
Sec. 33: NW¼SW¼.
40 acres.

The lands released from withdrawal by this order shall not become subject to the initiation of any rights or to any disposition under the public-land laws until it is so provided by an order of classification to be issued by an authorized officer opening the lands to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, with a ninety-one day preference right period for filing such applications by veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279-284) as amended.

RUSSELL E. GETTY,
*Acting State Supervisor.*

[F. R. Doc. 56-4487; Filed, June 7, 1956; 8:45 a. m.]

## DEPARTMENT OF COMMERCE

### Office of the Secretary

LEONARD G. LEA

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

*Report of Appointment*

1. Name of appointee: Leonard G. Lea.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: April 20, 1956.
4. Title of position: Consultant.
5. Name of private employer: Kieckhefer Container Company.

[SEAL] CARLTON HAYWARD,
*Director of Personnel.*

*Statement of Financial Interests*

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Kieckhefer Container Company.
Elgin Paper Company.
Standard Oil Company.
Great Northern Railway.
Eddy Paper Corporation.
Dresser Industries.
Douglas Aircraft.
The Lea Company.
Bank deposit.

Dated: May 11, 1956.

LEONARD G. LEA.

[F. R. Doc. 56-4514; Filed, June 7, 1956; 8:51 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11287, 11288; FCC 56M-546]

EL MUNDO, INC., AND PONCE DE LEON BROADCASTING CO., INC.

ORDER SCHEDULING HEARING

In re applications of El Mundo, Inc., Mayaguez, Puerto Rico, Docket No. 11287, File No. BPCT-1892; Ponce De Leon Broadcasting Co. Inc., of P. R. Mayaguez, Puerto Rico, Docket No. 11288, File No. BPCT-1906; for construction permits for new television broadcast stations.

The Hearing Examiner having under consideration the record of the prehearing conference in the above-entitled proceeding, held on May 28, 1956, in the offices of this Commission, Washington, D. C., which was attended by counsel for all of the parties to the said proceeding; and

It appearing that at the said prehearing conference the first formal prehearing conference in the said proceeding, pursuant to §§ 1.813 and 1.841 (c) of the Commission's rules, as amended, was scheduled by the Hearing Examiner, with the consent and agreement of all parties, to be held at 2:00 o'clock p. m., on Tuesday, June 5, 1956, in the offices of this Commission, Washington, D. C., at which will be considered the matters set forth in the Notice of Pre-hearing Conference issued by the Hearing Examiner on March 2, 1955; and

It further appearing that, at the same pre-hearing conference, the Hearing Examiner scheduled, with the consent and agreement of all of the parties, the date of July 9, 1956, at 10:00 o'clock a. m., in the offices of this Commission, Washington, D. C., for the commencement of the hearing in the said proceeding; and

It further appearing that the Hearing Examiner ruled, with the consent and agreement of all of the parties, that no dates would be set, until after the prehearing conference to be held on June 5, 1956, for the exchange of exhibits and for the final pre-hearing conference, as required by § 1.841 of the Commission's rules, as amended;

*It is ordered,* This 1st day of June 1956, that the dates fixed by the above rulings of the Hearing Examiner for the initial pre-hearing conference, pursuant to §§ 1.813 and 1.841 (c), supra, and for the commencement of the hearing in the above-entitled proceeding, be, and they are hereby, affirmed.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4511; Filed, June 7, 1956; 8:50 a. m.]

[Docket No. 11695]

SOUTHWESTERN BELL TELEPHONE CO.

ORDER ASSIGNING MATTER FOR PUBLIC HEARING

In the matter of the application of Southwestern Bell Telephone Company, for a certificate under section 221 (a) of the Communications Act of 1934, as amended, to acquire certain telephone properties, plant and facilities, of The Southwestern States Telephone Company, located in the States of Oklahoma and Texas; Docket No. 11695, (File No. P-C-3760).

The Commission having under consideration an application filed by Southwestern Bell Telephone Company for a certificate under section 221 (a) of the Communications Act of 1934, as amended, that the proposed acquisition by Southwestern Bell Telephone Company of certain telephone plant and properties of The Southwestern States Telephone Company furnishing telephone service at the following exchanges:

| Town or city | County | State |
|---|---|---|
| Allen | Pontotoc | Oklahoma. |
| Binger | Caddo | Do. |
| Calvin | Hughes | Do. |
| Cement | Caddo | Do. |
| Collinsville | Tulsa | Do. |
| Erick | Beckham | Do. |
| Fort Cobb | Caddo | Do. |
| Harrah | Oklahoma | Do. |
| Jenks | Tulsa | Do. |
| Lone Wolf | Kiowa | Do. |
| Moore | Cleveland | Do. |
| Mountain Park | Kiowa | Do. |
| Rocky | Washita | Do. |
| Sklatook | Tulsa | Do. |
| Texola | Beckham | Do. |
| Wetumka | Hughes | Do. |
| Chillicothe | Hardeman | Texas. |
| McLean | Gray | Do. |

and certain toll lines, plant and equipment connected to such exchanges will be of advantage to the persons to whom service is to be rendered and in the public interest;

*It is ordered*, This 1st day of June 1956, that pursuant to the provisions of section 221 (a) of the Communications Act of 1934, as amended, the above application is assigned for public hearing for the purpose of determining whether the proposed acquisition will be of advantage to the persons to whom service is to be rendered and in the public interest;

*It is further ordered*, That the hearing upon said application be held at the offices of the Commission in Washington, D. C. beginning at 10:00 a. m., on the 29th day of June 1956, and that a copy of this order shall be served upon the Governors of the States of Oklahoma and Texas, The Corporation Commission of the State of Oklahoma, Southwestern Bell Telephone Company, The Southwestern States Telephone Company and the Postmasters of Allen, Binger, Calvin, Cement, Collinsville, Erick, Fort Cobb, Harrah, Jenks, Lone Wolf, Moore, Mountain Park, Rocky, Skiatook, Texola and Wetumka, all of which are in the State of Oklahoma and Chillicothe and McLean, both of which are in the State of Texas;

*It is further ordered*, That within fifteen days after the receipt from the Commission of a copy of this order, the applicant herein shall cause a copy hereof to be published in a newspaper or newspapers having general circulation in the above-mentioned towns, cities and counties in which the properties are located and shall furnish proof of such publication at the hearing herein.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4512; Filed, June 7, 1956; 8:50 a. m.]

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[Docket No. 11268, etc.; FCC 56M-549]

WISCONSIN TELEPHONE CO. ET AL.

ORDER SCHEDULING HEARING

In re applications of Wisconsin Telephone Company, Docket No. 11268, File No. 5300-F1-P-H; Ohio Bell Telephone Company, Docket No. 11269, File No. 5301-F1-P-H; Ohio Bell Telephone Company, Docket No. 11270, File No. 5745-F1-P-H; for construction permits for new VHF Public Class III-B coast stations at Milwaukee, Wisconsin, Cleveland, Ohio, and Toledo, Ohio, respectively; and Michigan Bell Telephone Company, Docket No. 11375, File No. 5832-F1-P-H; Michigan Bell Telephone Company, Docket No. 11376, File No. 5833-F1-P-H; Michigan Bell Telephone Company, Docket No. 11377, File No. 5834-F1-P-H; Michigan Bell Telephone Company, Docket No. 11378, File No. 5835-F1-P-H; Michigan Bell Telephone Company, Docket No. 11379, File No. 5836-F1-P-H; for construction permits for new VHF Public Class III-B coast stations at Hancock, Escanaba, East Tawas, Port Huron and Marquette, Michigan, respectively; and Wisconsin Telephone Company, Docket No. 11380, File No. 5299-F1-P-H; for construction permit for new VHF Public Class III-B coast station at Green Bay (Glenmore), Wisconsin.

*Appearances.* Francis J. Hart, on behalf of Wisconsin Telephone Company; A. M. Van Duzer, E. N. Strand and R. K. Huston, on behalf of Ohio Bell Telephone Company; Jack H. Shuler and Donald E. Brown, on behalf of Michigan Bell Telephone Company; Kelley E. Griffith and Richard R. Murphey, Jr., on behalf of Lorain County Radio Corporation; Robert R. Wertz and R. T. Keenen, on behalf of Central Radio Telegraph Company; and Arthur A. Gladstone, William M. Lesher, Byron E. Harrison and Irving Brownstein, on behalf of the Chief, Common Carrier Bureau and Chief, Safety and Special Radio Services Bureau of the Federal Communications Commission.

*Order controlling the conduct of hearing (June 1, 1956).* 1. Pre-hearing conferences in the above-entitled proceeding were held on May 20, 1955 and May 23, 1956. The parties participating at the May 23, 1956 hearing conference were those shown in the apperances above.

2. The issues to be resolved in this proceeding are the following:

1. To determine the facts with respect to the proposed facilities, personnel, rates, regulations, practices and services of each applicant.

2. To determine the nature and amount of traffic to be handled by each of the proposed stations, and from what sources such traffic will be derived.

3. To determine the amount of revenues to be received by each of the proposed stations; the costs to each applicant for constructing and operating each proposed station, and the net operating revenues, if any, therefrom.

4. To determine the full scope and extent of the "coordinated move" by the Bell companies on the Great Lakes; namely, to determine Bell's complete plans with respect to applications for other and additional stations on the Great Lakes, and the reasons therefor.

5. To determine whether the existing public radio maritime service on the Great Lakes is adequate to serve the present and reasonably foreseeable future public need therefor.

6. To determine the full effect of the proposed service on the MF-HF-VHF service furnished by existing stations on the Great Lakes and upon the companies furnishing such service.

7. To determine whether the rates, charges, classifications, practices and regulations proposed to be made effective by the applicants for the instant service will result in the establishment of rates and charges which are compensatory to such applicants for such service.

8. If the answer to issue 7 is in the negative, to determine whether the establishment by the applicants of noncompensatory rates and charges for such service will result in unfair competition to Lorain County Radio Corporation or Central Radio Telegraph Company.

9. To determine whether the provisions of section 314 of the Communications Act of 1934, as amended, are applicable to the instant mobile service.

10. If the answer to issue 9 is in the affirmative, to determine whether a grant of the instant applications will have the purpose or effect which may be to substantially lessen competition or to restrain commerce between any place in any state, territory, or possession of the United States, or in the District of Columbia, and any place in any foreign country, or unlawfully to create monopoly in any line of commerce.

11. To determine whether the establishment of the proposed facilities will result in public benefit or advantage, and if so, the nature and extent of such benefit or advantage.

12. To determine the areas to be served by the stations proposed in the above-entitled applications, the areas served by Stations KSA740, KQA761, KQB668, and KQB666 respectively, and the extent to which duplication of service may result from the establishment of the proposed stations.

13. To determine the need for such duplication of service, if any, as may be shown under Issue 12.

14. To determine, in the light of the provisions of § 7.308 (c) of the Commission's rules, whether the extent of the mutual interference which might occur from the use of the frequency 161.9 Mc by the proposed stations, as well as by Stations KSA740, KQA761, KQB668, and KQB666, respectively, would be such as to justify the assignment of the frequency 162.0 Mc, respectively to the proposed stations.

15. To determine, in the light of the evidence adduced on all the foregoing issues, whether the public interest, convenience or necessity will be served by a grant of any or all of the above-entitled applications.

3. As of the present time, the Commission has not established technical standards which can be used to determine the coverage of either the base stations or the mobile stations in the Great Lakes or standards by means of which the adequacy of the communication service can be gauged. The parties have not been able to agree at informal engineering conferences on acceptable standards. At the hearing conference, counsel for the Chief, Common Carrier Bureau, stated that the Common Carrier Bureau would prepare an exhibit setting forth certain criteria which could be used as standards in this proceeding for the purpose of defining the service area of the several base stations and the area within which satisfactory communication service can probably be established. This exhibit will be prepared and exchanged on or about July 31, 1956, or as soon thereafter as is possible. Any other party desiring to propose criteria to establish standards to be used in this proceeding shall exchange such data in exhibit form on or before July 31, 1956, or as soon thereafter as possible.

4. The parties who have prepared and exchanged affidavits, statistical studies and proposed exhibits pursuant to agreements reached at the pre-hearing conference on May 20, 1955, may bring such material up to date and to that extent revise the material which has been exchanged.

5. In order to establish a common basis for traffic studies, it is agreed that such studies may include all of the traffic handled in the Great Lakes area by any of the parties hereto through December 31, 1955, but that no traffic data or studies shall refer to traffic originating in the calendar year of 1956 or any part thereof.

6. Each exhibit to be offered in evidence will identify the person or persons primarily charged with the responsibility therefor. Exhibits properly verified by the person responsible therefor may be offered in evidence without such person being present at the time of said offer and the exhibit, if responsive to an issue, will be received in evidence in the absence of an objection and a request to cross-examine the person responsible for the exhibit.

7. All exhibits which any party intends to introduce in evidence in support of the affirmative showing of any or all of the several issues concerning which that party has the burden of proof shall be exchanged on or before Tuesday, July 31, 1956.

8. At the time the exhibits are exchanged, the proponent thereof will notify other parties to the proceeding of the identity of each witness who will be called to testify and through whom the party intends to introduce the exhibits in evidence.

9. On or before August 17, 1956, each party will notify the other of the name of each and every witness desired for cross-examination or the subject matter or the exhibit or exhibits which he intends to explore by the cross-examination of adverse witnesses.

10. Nothing in this order is to be construed to prohibit or limit any agreement or stipulations which may be entered into by the parties concerning any matter which may be pertinent to the resolution of any or all of the several issues involved.

11. The evidentiary hearing will begin September 10, 1956. The order in which the parties will proceed will be as follows:

a. The Chief, Common Carrier Bureau, FCC, for the purpose of introducing the criteria to be used to determine the service area of the base stations and the areas within which satisfactory communication service can be established and maintained.

b. The Bell System companies in support of the several issues concerning which they have the burden of proof.

c. The protestants in support of the several issues concerning which they have the burden of proof.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4513; Filed, June 7, 1956; 8:51 a. m.]

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## GENERAL SERVICES ADMINISTRATION

THE ATTORNEY GENERAL

DELEGATION OF AUTHORITY TO NEGOTIATE A CONTRACT FOR PROCUREMENT OF ARCHITECTURAL AND ENGINEERING SERVICES

1. Pursuant to the authority vested in me by the provisions of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, authority is hereby delegated to the Attorney General of the United States to negotiate a contract with an architectural and engineering firm to draw up plans and specifications for the contemplated additional air conditioning and construction of an elevator at the FBI Academy Building in Quantico, Virginia, without advertising pursuant to section 302 (c) (4) and (9) of said act.

2. This delegation of authority shall be subject to all provisions of Title III of the said act with respect to negotiated contracts, and to all other provisions of law.

3. The authority delegated herein may be redelegated to any officer or employee of the Department of Justice.

4. This delegation shall be effective as of the date hereof.

FRANKLIN G. FLOETE,
*Administrator.*

JUNE 6, 1956.

[F. R. Doc. 56-4600; Filed June 7, 1956; 9:34 a. m.]

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## OFFICE OF DEFENSE MOBILIZATION

ALBERT J. PHILLIPS

CHANGES IN APPOINTEE'S STATEMENT OF BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

There have been no changes in my Statement of Business Interests dated December 12, 1955, and published in the FEDERAL REGISTER dated December 31, 1955.

This amends statement previously published in the FEDERAL REGISTER December 31, 1955 (20 F. R. 10180).

Dated: February 1, 1956.

ALBERT J. PHILLIPS.

[F. R. Doc. 56-4517; Filed, June 7, 1956; 8:52 a. m.]

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PHILIP N. POWERS

CHANGES IN APPOINTEE'S STATEMENT OF BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No changes since last submission of Form ODM-163.

This amends statement previously published in the FEDERAL REGISTER December 31, 1956 (20 F. R. 10178).

Dated: February 1, 1956.

PHILIP N. POWERS.

[F. R. Doc. 56-4518; Filed, June 7, 1956; 8:52 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION

RALPH L. LA QUEY

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 1st day of June 1956.

In the matter of Ralph L. La Quey, General P. O. Box 797, New York, New York.

I. The Commission's public official files disclose that Ralph L. La Quey, a sole proprietor, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar year 1955, as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof at 10 a. m. on the 10th day of July 1956, at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. At such time the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before June 26, 1956. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

*It is further ordered*, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and

[1] Filed as part of the original document.

thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to July 10, 1956.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-4495; Filed, June 7, 1956; 8:47 a. m.]

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SIMON KAMINSKY

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 1st day of June 1956.

In the matter of Simon Kaminsky, 38 Park Row, New York 38, New York.

I. The Commission's public official files disclose that Simon Kaminsky, a sole proprietor, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1953 and 1955, as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof at 10 a. m. on the 10th day of July 1956, at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. At such time the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before June 26, 1956. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

*It is further ordered*, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to July 10, 1956.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-4496; Filed, June 7, 1956; 8:48 a. m.]

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W. R. DICKSON AGENCY

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 1st day of June 1956.

In the matter of William Ross Dickson dba W. R. Dickson Agency, 119 Bank Court, Rock Springs, Wyoming.

I. The Commission's public official files disclose that William Ross Dickson, a sole proprietor, dba W. R. Dickson Agency, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar year 1955 as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof at 10 a. m. on the 10th day of July 1956 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. At such time the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before July 3, 1956. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

*It is further ordered*, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the

[1] Filed as part of the original document.



FEDERAL REGISTER not later than fifteen (15) days prior to July 10, 1956.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-4497; Filed, June 7, 1956; 8:48 a. m.]

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H. H. COPPLE

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

JUNE 1, 1956.

In the matter of Horace Howard Copple dba H. H. Copple, 308 Howard Bldg., 424 South Cheyenne, Tulsa, Oklahoma.

I. The Commission's public official files disclose that Horace Howard Copple, a solo proprietor, dba H. H. Copple, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934, and is a member of the National Association of Securities Dealers, Inc., a national securities association, registered pursuant to section 15A of said act.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1953 and 1955, as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant;

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant; and

(e) Whether, pursuant to section 15A (*l*) (2) of the Securities Exchange Act of 1934, it is necessary or appropriate in the public interest or for the protection of investors or to carry out the purposes of said section, to suspend for a period not to exceed twelve (12) months or to expel registrant from membership in the National Association of Securities Dealers, Inc.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof at 10 a. m. on the 10th day of July 1956 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. At such time the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before July 3, 1956. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

*It is further ordered*, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to July 10, 1956.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-4498; Filed, June 7, 1956; 8:48 a. m.]

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TECWYN OWEN WILLIAMS

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 1st day of June 1956.

In the matter of Tecwyn Owen Williams, 136 Main Street, Oneonta, New York.

I. The Commission's public official files disclose that Tecwyn Owen Williams, a sole proprietor, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar year 1955, as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof at 10 a. m., on the 10th day of July 1956 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. At such time the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before June 26, 1956. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX

[1] Filed as part of the original document.

of the rules of practice unless such decision is waived.

*It is further ordered*, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to July 10, 1956.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-4499; Filed, June 7, 1956; 8:49 a. m.]

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### LINN A. BOYD

#### ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 1st day of June 1956.

In the matter of Linn A. Boyd, 2608 Jacksboro Highway, Wichita Falls, Texas (P. O. Box 2528).

I. The Commission's public official files disclose that Linn A. Boyd, a sole proprietor, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1949, 1950, 1953 and 1955, as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

[1] Filed as part of the original document.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof at 10 a. m. on the 10th day of July 1956 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. At such time the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before July 3, 1956. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

*It is further ordered*, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to July 10, 1956.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-4500; Filed, June 7, 1956; 8:49 a. m.]

## DEPARTMENT OF JUSTICE

### Office of Alien Property

[Vesting Order 14773, Amdt.]

#### NORDSTERM ALLGEMEINE VERSICHERUNGS A. G.

In re: Bonds owned by Nordsterm Allgemeine Versicherungs A. G., also known as Nordstern Lebensversicherungs-Aktiengesellschaft; F-28-8183.

Vesting Order 14773, dated June 20, 1950, is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Nordsterm Allgemeine Versicherungs A. G. also known as Nordstern Lebensversicherungs-Aktiengesellschaft, the last known address of which is 2 Fehrbelliner Platz, Berlin-Wilmersdorf, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Berlin, Germany, and is a national of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations, matured or unmatured, evidenced by seventeen (17) 4% Corporate Stock of The City of New York Coupon Bonds, each of $1,000.00 face value, due May 1, 1959, issued in bearer form and numbered as follows, and evidenced by coupons attached to or detached from said bonds and due on or after November 1, 1940:

| | |
|---|---|
| Series V-10—9205 | Series V-II—682 |
| 14966 | 3077 |
| 17071 | 3078 |
| 19196 | 7640 |
| 24420 | 7641 |
| 29083 | 7642 |
| 29084 | 7643 |
| Series V-11—680 | 7644 |
| 681 | |

together with any and all accruals to the aforesaid debts or other obligations and any and all rights to demand, enforce and collect the same, and any and all rights in, to and under the aforesaid bonds and coupons,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Nordsterm Allgemeine Versicherungs A. G. also known as Nordstern Lebensversicherungs-Aktiengesellschaft, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 4, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-4515; Filed, June 7, 1956; 8:51 a. m.]

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[Vesting Order 17320, Amdt.]

#### HANS AND ALICE LOUISE HOFFMANN-WALBECK

In re: Bonds owned by Hans Hoffmann-Walbeck and Alice Louise Hoffmann-Walbeck; F-28-31115.

Vesting Order 17320, dated February 6, 1951, is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans Hoffmann-Walbeck and Alice Louise Hoffmann-Walbeck, whose last known address is 2 Bergstrasse, Aumuehle near Hamburg, Germany, are residents of Germany and nationals of a designated enemy country (Germany);

2. That the property described as follows:

a. Those certain debts or other obligations, matured or unmatured, evidenced by six (6) Cities Service Company 5% Gold Debenture Bonds, each of $1,000.00 face value, bearing the numbers M 5454, M 7885, M 7786, M 9941, M 17317 and M 46869, and evidenced by coupons attached to or detached from said bonds due on or after April 1, 1940, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and all rights in, to and under the aforesaid bonds and coupons,

b. Those certain debts or other obligations, matured or unmatured, evidenced by three (3) The Central Pacific Railway Company 4% First Refunding Mortgage Gold Bonds, due 1949, of $2,000.00 aggregate face value, bearing the numbers 1967, 7637 and 8064, and evidenced by coupons attached to or detached from said bonds due on or after August 1, 1940, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, and all rights in, to and under the aforesaid bonds and coupons,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Hans Hoffmann-Walbeck and Alice Louise Hoffmann-Walbeck, the aforesaid nationals of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 5, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-4516; Filed, June 7, 1956; 8:52 a. m.]

## INTERSTATE COMMERCE COMMISSION

### FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 5, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

#### LONG-AND-SHORT HAUL

FSA No. 32167: *Soda ash—Lake Charles, La., to St. Louis, Mo., group.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on soda ash (other than modified) in bulk, carloads from Lake Charles, La., to St. Louis, Mo., and East St. Louis, Ill.

Grounds for relief: Circuitous routes.

Tariff: Supplement 147 to Agent Kratzmeir's I. C. C. 4087.

FSA No. 32169: *Substituted service—Motor-rail-motor—N. & W. Ry. and Penn. R. R.* Filed by Middle Atlantic Conference, Agent, for interested motor and rail carriers. Rates on various articles of freight loaded in motor truck trailers and transported on railroad flat cars between Pittsburgh, Pa., on one hand, and Kearny, N. J., on the other, and between Kearny, N. J., or Philadelphia, Pa., on the one hand, and Bristol, Va.-Tenn., or Roanoke, Va., on the other.

Grounds for relief: Motor truck competition.

FSA No. 32170: *Trailer-on-flat car service—Wabash Railroad Company.* Filed by The Wabash Railroad Company, for itself and on behalf of the Erie Railroad Company. Rates on various articles of freight, moving on class and commodity rates, loaded in or on trailers transported on railroad flat cars from St. Louis, Mo., and points in the St. Louis area to Akron, Ashland, Barberton, and Cleveland, Ohio, and other points in Ohio described in the application.

Grounds for relief: Motor truck competition and circuitous routes.

Tariff: Wabash Railroad Company tariff I. C. C. No. 7793.

FSA No. 32171: *Caustic soda—Evans City, Ala., to Jeffersonville, Ind.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on sodium (soda), caustic (sodium hydroxide), liquid, tank-car loads, from Evans City, Ala., to Jeffersonville, Ind.

Grounds for relief: Market competition with Huntsville and Redstone Arsenal, Ala.

Tariff: Supplement 212 to Agent C. A. Spaninger's I. C. C. 1351.

FSA No. 32172: *Phosphate rock—Florida to Gulfport, Miss.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on ground phosphate rock and soft phosphate, carloads, as described, from Bartow, Fla., and other Florida points taking same rates to Gulfport, Miss.

Grounds for relief: Circuitous routes.

FSA No. 32173: *Commodities—Central Territory to South.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on fresh meats, carloads, nitric acid, tankcar loads, paper making machinery, and parts, carloads, and carbon furnace and electrolytic bath electrodes, mixed carloads from specified points in Ohio to specified points in southern territory.

Grounds for relief: Carrier competition and circuity.

FSA No. 32174: *Commodities—Kansas to southern points.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on residue, petroleum carbon, in bulk, in open-top cars, carloads and sodium phosphate, in bags, carloads from Augusta, Kansas to Jarratt, Va., as to rates on the residue as described, and from Lawrence, Kans., to specified points in Florida, Georgia, Mississippi, North Carolina, South Carolina and Tennessee, as to rates on sodium phosphate.

Grounds for relief: Carrier competition and circuity.

Tariff: Supplement 108 to Agent Prueter's I. C. C. A-3973.

FSA No. 32175: *Anhydrous ammonia—Boutte and Luling, La., to Memphis, Tenn.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on anhydrous ammonia, tankcar loads from Luling and Boutte, La., to Memphis, Tenn.

Grounds for relief: Barge competition, and circuity.

Tariff: Supplement 145 to Agent Kratzmeir's I. C. C. 4112.

FSA No. 32177: *Crude rubber—Texas to Gadsden and Tuscaloosa, Ala.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on crude rubber, artificial, synthetic or neoprene, straight or mixed carloads from Baytown, Borger, Houston, and Port Neches, Tex., to Gadsden and Tuscaloosa, Ala.

Grounds for relief: Barge truck competition, market competition and circuitous routes.

Tariff: Supplement 194 to Agent Kratzmeir's I. C. C. 4139.

FSA No. 32178: *Woodpulp—South to Wisconsin points.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on woodpulp, not powdered, noibn, carloads from specified points in southern territory to Merrimac (Badger Ordnance Works), Wis., and Merrimac (Sauk City-Prairie du Sac-Badger Ordnance Works), Wis.

Grounds for relief: Circuitous routes.

Tariff: Supplement 119 to Agent Spaninger's I. C. C. 1260.

FSA No. 32179: *Sulphuric acid—New Orleans, La., to South.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on sulphuric acid, tank-car loads from New Orleans, La., to specified points in Alabama, Florida, Mississippi and Tennessee.

Grounds for relief: Circuitous routes.

Tariff: Supplement 119 to Agent Spaninger's I. C. C. 1357.

FSA No. 32180: *Acrylonitrile—Texas City, Tex., to Chicago, Ill.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on acrylonitrile, tank-car loads from Texas City, Tex., to Chicago, Ill.

Grounds for relief: Market competition with New Orleans, La., potential water competition, and circuitous routes.

Tariff: Supplement 196 to Agent Kratzmeir's I. C. C. 4139.

AGGREGATE-OF-INTERMEDIATES

FSA No. 32168: *Soda ash—Lake Charles, La., to St. Louis, Mo., group.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on soda ash (other than modified), in bulk, carloads, from Lake Charles, La., to St. Louis, Mo., and East St. Louis, Ill.,

Grounds for relief: Maintenance of depressed rates not applicable in constructing combination rates from or to more distant points.

Tariff: Supplement 147 to Agent Kratzmeir's I. C. C. 4087.

FSA No. 32176: *Anhydrous ammonia—Boutte and Luling, La., to Memphis, Tenn.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on anhydrous ammonia, tank-car loads from Luling and Boutte, La., to Memphis, Tenn.

Grounds for relief: Maintenance of depressed rates without observing same in constructing combination rates from or to more distant points.

Tariff: Supplement 145 to Agent Kratzmeir's I. C. C. 4112.

By the Commission.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F. R. Doc. 56-4492; Filed, June 7, 1956; 8:47 a. m.]



[Rev. S. O. 562, Taylor's I. C. C. Order 70]

MISSOURI-KANSAS-TEXAS RAILROAD CO.

DIVERSION OR REROUTING OF TRAFFIC

In the opinion of Charles W. Taylor, Agent, the Missouri-Kansas-Texas Railroad Company, due to washout between Altus and Victory, Oklahoma, is unable to transport traffic routed over its line between these points.

*It is ordered,* That:

(a) Rerouting traffic: The Missouri-Kansas-Texas Railroad Company and its connections are hereby authorized to reroute and divert traffic moving over its line between Altus and Victory, Oklahoma, due to washout, over any available route to expedite the movement.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer wtih the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to such traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 11:00 a. m., May 31, 1956.

(g) Expiration date: This order shall expire at 11:59 p. m., June 15, 1956, unless otherwise modified, changed, suspended or annulled.

*It is further ordered,* That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., May 31, 1956.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
*Agent.*

[F. R. Doc. 56-4493; Filed, June 7, 1956; 8:47 a. m.]

[Rev. S. O. 562, Taylor's I. C. C. Order 71]

ST. LOUIS-SAN FRANCISCO RAILWAY CO.

DIVERSION OR REROUTING OF TRAFFIC

In the opinion of Charles W. Taylor, Agent, the St. Louis-San Francisco Railway Company, due to washout between Vernon, Texas, and Snyder, Oklahoma, is unable to transport traffic routed over its line between these points.

*It is ordered,* That:

(a) Rerouting traffic: The St. Louis-San Francisco Railway Company and its connections are hereby authorized to reroute or divert traffic moving over its line between Vernon, Texas, and Snyder, Oklahoma, due to washout, over any available route to expedite the movement.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: Each carrier rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipment on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the rates of transportation applicable to such traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 9:00 a. m., June 1, 1956.

(g) Expiration date: This order shall expire at 11:59 p. m., June 10, 1956, unless otherwise modified, changed, suspended or annulled.

*It is further ordered,* That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., June 1, 1956.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
*Agent.*

[F. R. Doc. 56-4494; Filed, June 7, 1956; 8:47 a. m.]

UNIVERSITY OF MICHIGAN
JUN 14 1956
MAIN READING ROOM

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# FEDERAL REGISTER

OF THE UNITED STATES

VOLUME 21 NUMBER 112

*Washington, Saturday, June 9, 1956*

## TITLE 32—NATIONAL DEFENSE

### Chapter I—Office of the Secretary of Defense

Subchapter G—Defense Contract Financing

PART 82—DEFENSE CONTRACT FINANCING REGULATIONS

ADVANCE PAYMENTS

Appendix 2, Defense Contract Financing Policy—Advance Payments, November 7, 1951, and its attachment, Deputy Secretary of Defense memorandum, same subject, April 6, 1951, have been amended. Appendix 2, as revised, reads as follows:

DEFENSE CONTRACT FINANCING POLICY—ADVANCE PAYMENTS

1. The purpose of this Appendix 2 is to (1) eliminate the requirement for interest charge on advance payments on contracts for the management and operation of Government-owned plants, (2) increase the interest rate on new interest-bearing advance payment provisions to 5 percent, and (3) conform the records clause requirement for advance payments under Title II of the First War Powers Act to the general records clause requirement under that act.

2. This Appendix 2 supplements Appendix 1. It applies to all advance payments hereafter authorized, whether pursuant to the Armed Services Procurement Act of 1947, as amended, the First War Powers Act, 1941, as amended, or to any other legislation, except section 602 of the Defense Appropriation Act, 1956 (P. L. 157, 83d Congress, 69 Stat. 314).

3. A. Advance payments should be used sparingly and care should be taken to see that advances outstanding are sufficient for but do not exceed the actual reasonable requirements for the contracts. The amount of the advance payment in any case should be based upon an analysis of the cash flow required under the contract, and, as a general rule, should not exceed the interim cash needs arising during the reimbursement cycle. Generally, except for (1) nonprofit contracts with nonprofit educational or research institutions for experimental, research and development work, and (2) contracts solely for the management and operation of Government-owned plants, advance payments should not be authorized unless no other means of adequate financing is available to the contractor and the amount of the authorization is predicated upon use of the contractor's own working capital to the extent possible.

B. The advance payment agreement should provide for deposit of all payments into special bank accounts and should include suitable covenants to protect the Government's interest. Advance payments under such authorizations should be limited to the contractor's financial needs, and withdrawals from the special bank accounts provided therefor should be closely supervised. The terms governing advance payments should include as security, in addition to or in lieu of the requirements for an advance payment bond or other security, provision for a lien in favor of the Government, paramount to all other liens, upon the supplies contracted for, upon the credit balance in any special account in which such payments may be deposited, and upon the material and other property acquired for performance of the contract.

C. Interest will be charged on all advance payments hereafter authorized at the rate of 5 percent per annum on the unliquidated balance; provided, however, advance payments may be approved without interest when in connection with nonprofit contracts with nonprofit educational research institutions for experimental, research and development work, or on contracts solely for the management and operation of Government-owned plants, or, in unusual cases, when specifically authorized by the Under or Assistant Secretary responsible for the comptroller function. In this connection, contracts for acquisition of facilities at cost, for Government ownership, in combination with or in contemplation of supply contracts or subcontracts, will be treated as ordinary profit contracts requiring interest on advance payments. Contracts with interest-free advance payments hereafter authorized should provide that the contractor will charge interest at the rate of 5 percent per annum on sub-advances or down payments to subcontractors, and that interest charged on such sub-advances or down payments will be credited to the account of the Government. However, interest need not be charged on sub-advances on nonprofit subcontracts with nonprofit educational or research institutions for experimental, research or development work.

D. Except as provided in 4. below, the responsibility and authority for making determinations and findings with respect to advance payments, and in each case for approval of contract provisions for advance payments or for approval of the terms and conditions thereof, shall be in the Under or Assistant Secretary responsible for the comptroller function in each military department. The Government may not be committed in any manner, directly or indirectly, to make an advance payment without the approval of the Under or Assistant Secretary responsible for the comptroller function (or, in appropriate cases, of the persons to whom advance payment approval authority has been delegated in accordance with 4.), and no pro-

(Continued on p. 3953)

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# FEDERAL REGISTER

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**CFR SUPPLEMENTS**

**(As of January 1, 1956)**

The following Supplements are now available:

**Title 7: Parts 900–959 (Rev., 1955) ($6.00)**

**Title 7: Part 960 to end (Rev., 1955) with Supplement ($5.85)**

**Title 46: Part 146 to end ($1.25)**

Previously announced: Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 7: Parts 1–209 ($1.25); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Parts 1–399 ($2.50), Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. I, and Title 27 ($1.00); Titles 28 and 29 ($1.25); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 400–699 ($0.65), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Title 33 ($1.50); Titles 35–37 ($1.00); Titles 40–42 ($0.65); Title 43 ($0.50); Title 46: Parts 1–145 ($0.60); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.




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curement involving advance payments may become final until such approval is obtained.

E. If a disagreement arises between the contract financing office and the interested procurement activity in any department as to whether, to what extent, or in what form, financing should be furnished, the matter will be referred immediately to, and resolved in, the higher echelons of authority responsible respectively for financing and procurement functions, subject to any issue being resolved ultimately by the Secretary of the department concerned.

F. Each department shall submit reports of financing activities at such times and in such form as may be prescribed by the Assistant Secretary of Defense (Comptroller).

4. Pursuant to the First War Powers Act, 1941, as amended, and Executive Order No. 10210 of February 2, 1951, the Department of the Army, the Department of the Navy, and the Department of the Air Force are authorized to make advance payments under contracts heretofore or hereafter made without regard to other provisions of law relating to contracts, including advance payments under contracts awarded on competitive bids after formal advertising, and to amend such contracts to provide for advance payments. All contracts and amendments to contracts providing for advance payments made under the authority of the above-cited Act and Executive Order shall (1) make reference to the act and the Executive Order, (2) include a finding that the national defense is facilitated thereby, and (3) include the clause for "Examination of Records" required under that act or the clause set forth in ASPR 7–104.15. Complete data shall be maintained by each department as to all contracts and amendments to contracts relating to advance payments made pursuant to the above-cited act and Executive order. Pursuant to the above-cited act and Executive order, the authority in each case to approve contract provisions for advance payments, or to authorize the terms and conditions thereof, may be delegated within each department to the Under or Assistant Secretary responsible for the comptroller function, with power of redelegation under such Under or Assistant Secretary no further than to the Comptroller of the Army (and an alternate within his office) in the Department of the Army, to the Assistant Comptroller, Accounting and Finance (and an alternate within his office) in the Department of the Navy, and to the Deputy for Contract Financing to the Assistant Secretary (Financial Management) of the Air Force (and an alternate responsible to such Deputy for Contract Financing).

(Sec. 5, 40 Stat. 415, as amended, sec. 704, 64 Stat. 816, as amended; 50 U. S. C. App. 5, 2154)

C. E. WILSON,
*Secretary of Defense.*

[F. R. Doc. 56–4520; Filed, June 8, 1956; 8:45 a. m.]

## Chapter XI—National Guard and State Guard, Department of the Army

### PART 1101—NATIONAL GUARD REGULATIONS

QUALIFICATIONS FOR ENLISTMENT OR REENLISTMENT

In § 1101.14, paragraphs (h) (1) and (i) (5) and (13) are amended to read as follows:

§ 1101.14 *Qualifications for enlistment or reenlistment.* • • •

(h) *Physical qualification*—(1) *General.* (i) All applicants for enlistment and reenlistment, when National Guard service in the same State has not been continuous, will appear before an authorized medical examiner for physical examination in accordance with NGR 27 (National Guard Regulations governing physical examinations). Final determinations of physical eligibility of these applicants will be subject to review by the Chief, National Guard Bureau.

(ii) All applicants for reenlistment whose National Guard service in the same State has been continuous, if otherwise qualified, may be reenlisted without physical examination provided final type physical examination has been accomplished within the last four years and provided the member signs the certificate below and exceptions are noted.

CERTIFICATE

I now consider myself sound and well and physically qualified for active duty. I was physically qualified for general service (or general service with waiver) at the time of my last physical examination on or about ---------- (Date) To the best of my knowledge and belief, I have no physical defects or conditions which would not meet general service (or general service with waiver) requirements with the exception of the following: ----------

---------- (Signature)

Certificate will be executed in sufficient copies for attachment to each copy of DD Form 4 (Enlistment Record). These individuals will be subject to periodic physical examinations as specified in NGR 27. Individuals who list exceptions in the above certificate or whose physical condition is questioned by unit commanders will be physically reexamined.

• • • • • •

(i) *Classes ineligible, waivers not authorized.* • • •

(5) Persons who do not speak, read and write the English language except where the language used is predominantly other than English and persons who have had no prior service or who have not satisfactorily completed the third year of high school and who fail to attain a percentile score of 10 or higher on the Armed Forces Qualification Test, AFQT–1, or AFQT–2.

• • • • • •

(13) Persons who are bona fide members of the Navy ROTC, Advanced Air Force ROTC, or the Advanced Course, Senior Division, Army ROTC.

• • • • • •

[C2, NGR 25–1, April 24, 1956] (Sec. 118, 39 Stat. 213; 32 U. S. C. 17)

[SEAL] JOHN A. KLEIN,
*Major General, U. S. Army,*
*The Adjutant General.*

[F. R. Doc. 56–4522; Filed, June 8, 1956; 8:45 a. m.]

## TITLE 14—CIVIL AVIATION

## Chapter I—Civil Aeronautics Board

[Civil Air Regs., Amdt. 6–8]

### PART 6—ROTORCRAFT AIRWORTHINESS; NORMAL CATEGORY

SIMPLIFICATION OF AIRWORTHINESS REQUIREMENTS FOR SMALL AIRCRAFT

In F. R. Doc. 56–4355, appearing in the issue for Saturday, June 2, 1956, on page 3740, the following changes should be made:

1. Page 3742, item No. 40, line 9, the word "insolation" should be "isolation".

2. Page 3743, item No. 44, line 5, "(o)" should be "(c)".

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
*Secretary.*

[F. R. Doc. 56–4639; Filed, June 8, 1956; 9:00 a. m.]

## Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 199]

### PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

### PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, GCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is canceled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and latitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport, authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

| City and State; airport name, elevation; facility; class and identification; procedure No.; effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance, facility to airport | Ceiling and visibility minimums: Condition | 2 engines or less: 65 knots or less | 2 engines or less: More than 65 knots | More than 2 engines (more than 65 knots) | If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| ALICE, TEX.<br>Municipal, 178'.<br>SBRAZ-DTV-ALI.<br>Procedure No. 1.<br>Amendment No. 5.<br>Effective date: July 7, 1956.<br>Supersedes Amendment 4, dated February 12, 1955.<br>Major changes: Delete night authority. | San Diego FM MHW (final) | 073—8.6 | 1,000 | S side of W course:<br>253° outbound.<br>073° inbound.<br>1,500' within 10 miles. | 1,000 | 073—3.1 | T-d<br>C-d<br>A-d | 300-1<br>500-1<br>800-2 | 300-1<br>500-1<br>800-2 | 200-½<br>500-1½<br>800-2 | Within 3.1 miles turn left climb to 1,600' on N (334) course within 20 miles.<br>CAUTION: 450' radio tower 3.7 miles NW 880' radio tower 5.7 miles NW. |
| CINCINNATI, OHIO.<br>Lunken, 488'.<br>SBRAZ-DTV-CIN.<br>Procedure No. 1.<br>Amendment No. 2.<br>Effective date: June 7, 1956.<br>Supersedes Amendment 1, dated May 26, 1956.<br>Major changes: Revises procedure turn and limits missed approach distance. | Loveland FM (final) | 224—7.7 | 1,600 | E side of NE course:<br>044° outbound.<br>224° inbound.<br>2,100' within 10 miles. | 1,600 | 227—4.3 | T-d<br>T-n<br>C-d<br>C-n<br>S-24 d<br>S-24 n<br>A-dn | 400-1<br>600-1<br>800-1<br>800-1½<br>800-1<br>800-1½<br>NA | 400-1<br>600-1<br>900-1½<br>900-1½<br>800-1<br>800-1½<br>NA | 400-1<br>600-1<br>900-1½<br>900-1½<br>800-1<br>800-1½<br>NA | Within 4.3 miles after passing the Cincinnati LFR or if landing not accomplished, make a left climbing turn, climb to 2,300' on the SE course (116) within 10 miles.<br>NOTE: No weather reporting service available.<br>AIR CARRIER NOTE: Not authorized for air carrier operations. |
| | Mt. Orab FM | 296—22 | 2,100 | | | | | | | | |





LFR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| City and State; airport name, elevation; facility; class and identification; procedure No.; effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance, facility to airport | Ceiling and visibility minimums: Condition | 2 engines or less: 65 knots or less | 2 engines or less: More than 65 knots | More than 2 engines; (more than 65 knots) | If visual contact not established at authorized minimums after passing facility within distance specified or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| LA CROSSE, WIS.<br>Municipal, 653'.<br>SBRAZ-DTV-LSE.<br>Procedure No. 1.<br>Amendment No. 5.<br>Effective date: July 7, 1956.<br>Supersedes Amendment 4, dated July 1, 1954.<br>Major changes: (1) Procedure revised to nautical miles; (2) column 4 revised to coincide with column 5 altitude; (3) column 5 distance revised; (4) column 11 revised; (5) takeoff minimums lowered on certain runways. | La Crosse VOR | 321—8.7 | 2,600 | W side of NW course:<br>301° outbound.<br>121° inbound.<br>2,600' within 10 miles. | 1,800 | 142—4.3 | T-d<br>T-n<br>C-d<br>C-n<br>S-d 13<br>S-n 13<br>A-dn | *400-1<br>*400-1½<br>600-1<br>600-2<br>400-1½<br>400-2<br>800-2 | *400-1<br>*400-1½<br>600-1<br>600-2<br>400-1½<br>400-2<br>800-2 | #400-1<br>#400-1½<br>600-1½<br>600-2<br>400-1½<br>400-2<br>800-2 | Within 4.3 miles make immediate right climbing turn, climb to 2,600' and return to LSE-LFR and hold on NW course within 10 miles.<br>CAUTION: 930' mean sea level tower 2 miles SE of airport; 1,227' mean sea level bluffs and 1,440' tower atop bluffs 3 and 4 miles SE respectively of airport; 1,273' mean sea level tower 4 WSW of airport and 1,440' mean sea level tower atop bluffs W of airport.<br>NOTE: *300-1 takeoff authorized on runways 31, 35, and 17.<br>#200-½ takeoff authorized on runways 31, 35, and 17. |
| OGDEN, UTAH.<br>Municipal, 4,455'.<br>SBRAZ-DTV-OGD.<br>Procedure No. 2.<br>Amendment No. 4.<br>Effective date: February 12, 1955. | PROCEDURE CANCELED—EFFECTIVE JUNE 7, 1956. | | | | | | | | | | |
| SAN DIEGO, CALIF.<br>Lindbergh Field, 13'.<br>SBRAZ-DTV-SAN.<br>Procedure No. 1.<br>Amendment No. 10.<br>Effective date: June 7, 1956.<br>Supersedes Amendment 9, dated February 24, 1956.<br>Major changes: Standardize circling minimums; add transition from Lemon Grove. | Jamul Radiobeacon | 263—18.0 | 3,600 | W side of N course:<br>325° outbound.<br>145° inbound.<br>2,500' within 10 miles.* | *1,200 | 143—2.2 | T-dn<br>C-dn<br>A-dn | 300-1<br>800-2<br>800-2 | 300-1<br>800-2<br>800-2 | #200-½<br>800-2<br>800-2 | Within 2.2 miles, climb to 3,000' on SE course within 13 miles of San LFR (Mexican Border).<br>*After procedure turn maintain 2,500' until past La Jolla FM inbound. If FM not received, request clearance to descend to 1,500' at completion of procedure turn to cross LFR at a minimum of 1,500'.<br>#300-1 required for takeoff on all runways except No. 27. |
| | Coronado FM Radiobeacon | 319—9.0 | 1,500 | | | | | | | | |
| | La Jolla FM (final) | 145—5.0 | 1,200 | | | | | | | | |
| | Lemon Grove Intersection | 263—10.0 | 2,500 | | | | | | | | |
| SPRINGFIELD, MO.<br>Springfield, 1,267'.<br>SBRAZ-VDT-SGF.<br>Procedure No. 1.<br>Amendment No. 8.<br>Effective date: July 7, 1956.<br>Supersedes Amendment 7, dated June 30, 1954.<br>Major changes: (1) Change statute miles to nautical; (2) columns 5 and 12 distance revised; (3) new format on minimums. | SGF VOR | 229—6.1 | 2,300 | W side of course:<br>314° outbound.<br>134° inbound.<br>2,300' within 10 miles. | 1,900 | 134—3.6 | T-dn<br>C-dn<br>S-dn 13<br>A-dn | 300-1<br>500-1<br>400-1<br>800-2 | 300-1<br>500-1<br>400-1<br>800-2 | 200-½<br>500-1½<br>400-1<br>800-2 | Within 3.6 miles, climb to 3,000' on SE course of SGF-LFR within 20 miles. |

2. The automatic direction finding procedures prescribed in § 609.8 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and latitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

| City and State; airport name, elevation; facility: class and identification; procedure No.; effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance, facility to airport | Ceiling and visibility minimums | | | | If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Condition | 2 engines or less | | More than 2 engines (more than 65 knots) | |
| | | | | | | | | 65 knots or less | More than 65 knots | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| UTICA, N. Y.<br>Oneida County, 742'.<br>Utica MHW-UCA.<br>Utica LMM-CA.<br>~~Procedure No. 4.~~<br>Amendment Original.<br>Effective date: June 7, 1956. | Utica LFR to UCA MHW | 168—10.1 | 3,000 | E side of course:<br>149° outbound.<br>329° inbound.<br>3,000' within 10 miles of UCA MHW. | 3,000 | 329—7.3 | T-dn<br>@C-dn<br>@S-dn 33<br>A-dn | 300-1<br>600-1<br>600-1<br>800-2 | 300-1<br>600-1<br>600-1<br>800-2 | 200-½<br>600-1½<br>600-1<br>800-2 | 7.3 miles, after passing Utica MHW, make a left climbing turn, return to facility at 3,000'.#<br>@Minimums for this procedure are premised on use of both Utica MHW and LMM. If LMM is not used, following minimums are applicable for all aircraft:<br>S-d 600-1<br>S-n 600-2<br>C-d 600-1½<br>C-n 600-2<br>#Alternate missed approach procedure (when directed by ATC) proceed to the Utica LFR climbing to 3,000'. |
| | Intersection E course Syracuse LFR and 329° bearing to Utica MHW, to UCA MHW. | 329—6.7 | 3,000 | | | | | | | | |
| | Intersection Syracuse VOR radial 113° and 329° bearing to MHW, to UCA MHW. | 329—3.9 | 3,000 | | | | | | | | |
| | Sherrill Intersection to UCA MHW. | 097—16.1 | 3,000 | | | | | | | | |

3. The very high frequency omnirange (VOR) procedures prescribed in § 609.9 are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses, and radials are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

| City and State; airport name, elevation; facility: class and identification; procedure No.; effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance, facility to airport | Ceiling and visibility minimums | | | | If visual contact not established at authorized minimums after passing facility within distance specified or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Condition | 2 engines or less | | More than 2 engines; more than 65 knots | |
| | | | | | | | | 65 knots or less | More than 65 knots | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| DODGE CITY, KANS.<br>Dodge City, 2,594'.<br>BVOR-DDC.<br>Procedure No. 1.<br>Amendment No. 6.<br>Effective date: July 7, 1956.<br>Supersedes Amendment 5, dated March 22, 1954.<br>Major changes: (1) Deletes BMH transition; (2) column 5 revised; (3) new format on minimums and change to nautical miles; (4) column 12 revised; (5) air carrier note deleted. | ---------- | ---------- | ---------- | W side of course:<br>330° outbound.<br>150° inbound.<br>3,600' within 10 miles. | 3,100 | 150—5.3 | T-dn<br>C-d<br>C-n<br>S-d 14<br>S-n 14<br>A-dn | 300-1<br>500-1<br>500-2<br>500-1<br>500-2<br>800-2 | 300-1<br>500-1<br>500-2<br>500-1<br>500-2<br>800-2 | 300-1<br>500-1½<br>500-2<br>500-1<br>500-2<br>800-2 | Within 5.3 miles, climb to 3,900' on 150R within 20 miles of DDC-VOR.<br>CAUTION: 2,731' tower 2.6 miles NW of airport and 1.4 miles W of final approach course; 2,894' tower 2.8 miles W of airport. |



VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| City and State; airport name, elevation; facility: class and identification; procedure No.; effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance, facility to airport | Ceiling and visibility minimums | | | | If visual contact not established at authorized minimums after passing facility within distance specified or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Condition | 2 engines or less | | More than 2 engines; more than 65 knots | |
| | | | | | | | | 65 knots or less | More than 65 knots | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| LA CROSSE, WIS.<br>Municipal, 653'.<br>BVOR-LSE.<br>Procedure No. 1.<br>Amendment No. 2.<br>Effective date: July 7, 1956.<br>Supersedes Amendment 1, dated July 1, 1954.<br>Major changes: (1) Procedure revised to show nautical miles; (2) minimums raised due to 1,227' and 1,100' mean sea level bluffs located between airport and VOR; (3) column 11 revised; (4) takeoff minimums lowered on certain runways. | La Crosse LFR | 140—8.7 | 2,400 | E side of course:<br>143° outbound.<br>323° inbound.<br>2,400' within 10 miles. | 1,900 | 323—3.4 | T-d<br>T-n<br>C-d<br>C-n<br>S-d 31<br>S-n 31<br>A-dn | *400-1<br>*400-1½<br>900-1½<br>900-2<br>900-1½<br>900-2<br>900-2 | *400-1<br>*400-1½<br>900-1½<br>900-2<br>900-1½<br>900-2<br>900-2 | #400-1<br>#400-1½<br>900-1½<br>900-2<br>900-1½<br>900-2<br>900-2 | Within 3.4 miles, climb to 2,600' on R322 of LaCrosse VOR within 20 miles.<br>CAUTION: 950' mean sea level tower 2 miles SE of airport; 1,227' bluffs and 1,440' tower atop bluffs 3 and 4 miles SE respectively of airport; 1,273' mean sea level tower 4.0 WSW of airport and 1,440' mean sea level tower atop bluffs W of airport.<br>NOTE: *300-1 takeoff authorized on runways 31, 35, and 17.<br>#200-½ takeoff authorized on runways 31, 35, and 17. |
| LA CROSSE, WIS.<br>Municipal, 653'.<br>BVOR-LSE.<br>Procedure No. 2.<br>Amendment No. 1.<br>Effective date: July 7, 1956.<br>Supersedes Amendment Original, dated August 27, 1955.<br>Major changes: (1) Transition added from LFR; (2) procedure revised to nautical miles; (3) column 11 revised; (4) takeoffs lowered on certain runways. | La Crosse LFR | 140—8.7 | 2,400 | W side of course:<br>321° outbound.<br>141° inbound.<br>2,400' within 10 miles of LSE LFR. | LSE LFR<br>1,900 final | 141—4.3<br>from LSE LFR | T-d<br>T-n<br>C-d<br>C-n<br>S-d 13<br>S-n 13<br>A-dn | *400-1<br>*400-1½<br>600-1<br>600-2<br>400-1½<br>400-2<br>800-2 | *400-1<br>*400-1½<br>600-1<br>600-2<br>400-1½<br>400-2<br>800-2 | #400-1<br>#400-1½<br>600-1½<br>600-2<br>400-1½<br>400-2<br>800-2 | Within 4.3 miles of LSE LFR make climbing right turn, climbing outbound on R-321 to 2,500' before returning to LSE-VOR; or, if directed by ATC, hold at LFR and a point 2 minutes NW on 321R LSE-VOR.<br>CAUTION: 930' mean sea level tower 2 miles SE of airport; 1,227' bluffs and 1,440' tower atop bluffs 3 and 4 miles SE respectively of airport; 1,273' mean sea level tower 4.0 WSW of airport and 1,440' mean sea level tower atop bluffs W of airport.<br>NOTE: *300-1 takeoff authorized on runways 31, 35 and 17.<br>#200-½ takeoff authorized on runways 31, 35, and 17. |
| SAN DIEGO, CALIF.<br>Lindbergh Field, 15'.<br>BVOR-DTY-SDA.<br>Procedure No. 1.<br>Amendment No. 1.<br>Effective date: June 7, 1956.<br>Supersedes Amendment original, dated January 14, 1956.<br>Major changes: Convert to nautical miles; add transition from Lemon Grove. | Jamul Radiobeacon | 263—18.3 | 3,600 | W side of course:<br>325° outbound.<br>145° inbound.<br>2,500' within 10 miles.* | *1,200 | 134—2.3 | T-dn<br>C-dn<br>A-dn | 300-1<br>800-2<br>800-2 | 300-1<br>800-2<br>800-2 | #200-½<br>800-2<br>800-2 | Within 2.3 miles, climb to 3,000' on radial 138° within 13 miles of SDA VOR (Mexican Border).<br>*After procedure turn maintain 2,500' until past La Jolla FM inbound. If FM not received, request clearance to descend to 1,500' at completion of procedure turn to cross SDA VOR at a minimum of 1,500'.<br>#300-1 required for takeoff on all runways except No. 27. |
| | Coronado FM/Radiobeacon | 318—9.4 | 1,500 | | | | | | | | |
| | La Jolla FM (final) | 146—4.7 | 1,200 | | | | | | | | |
| | Lemon Grove Intersection | 263—10.4 | 2,500 | | | | | | | | |
| SPRINGFIELD, MO.<br>Springfield, 1,267'.<br>BVOR-SGF.<br>Procedure No. 1.<br>Amendment No. 4.<br>Effective date: July 7, 1956.<br>Supersedes Amendment 3, dated July 15, 1954.<br>Major changes: (1) Change statute miles to nautical; (2) columns 5 and 12 distance revised; (3) new format on minimums. | SGF-LFR | 049—6.1 | 2,300 | W side of course:<br>013° outbound.<br>193° inbound.<br>2,300' within 10 miles. | 1,800 | 193—6.8 | T-dn<br>C-dn<br>S-dn<br>A-dn | 300-1<br>500-2<br>500-2<br>800-2 | 300-1<br>500-2<br>500-2<br>800-2 | 200-½<br>500-2<br>500-2<br>800-2 | Within 6.8 miles, climb to 2,700' on 193R within 20 miles. |

VOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| City and State; airport name, elevation; facility: class and identification; procedure No.; effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance, facility to airport | Ceiling and visibility minimums | | | | If visual contact not established at authorized minimums after passing facility within distance specified or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Condition | 2 engines or less | | More than 2 engines; more than 65 knots | |
| | | | | | | | | 65 knots or less | More than 65 knots | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| WATERTOWN, S. DAK. Watertown, 1,747'. BVOR-DTV-ATY. Procedure No. 1. Amendment No. 2. Effective date: July 7, 1956. Supersedes Amendment 1, dated July 10, 1954. Major changes: (1) Delete ATY LFR; (2) column 5 revised (criteria); (3) new format on minimums and conversion to nautical miles. | | | | W side of course: 357° outbound, 177° inbound. 3,000' within 10 miles. | 2,400 | 177—3.6 | T-dn<br>C-dn<br>S-dn 17<br>A-dn | 300–1<br>500–1<br>400–1<br>800–2 | 300–1<br>500–1<br>400–1<br>800–2 | 200–½<br>500–1½<br>400–1<br>800–2 | Within 3.6 miles, climb to 3,000' on 177R within 20 miles of VOR. |

4. The terminal very high frequency omnirange (TVOR) procedures prescribed in § 609.9 are amended to read in part:

TVOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses, and radials are magnetic. NOTE: Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a TVOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for an en route operation in the particular area or as set forth below.

| City and State; airport name, elevation; facility: class and identification; procedure No. (TVOR); effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance from int. runway center line extended and final course to approach end of runway | Ceiling and visibility minimums | | | | If visual contact not established at TVOR, or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Condition | 2 engines or less | | More than 2 engines; more than 65 knots | |
| | | | | | | | | 65 knots or less | More than 65 knots | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| SAN DIEGO, CALIF. Lindbergh Field, 15'. TVOR-SAN. TVOR-9. Amendment Original. Effective date: June 7, 1956. | SAN LFR | 154—2.0 | 1,500 | S side of course: 280° outbound, 100° inbound. 1,500' within 8 miles. Beyond 8 miles not authorized. (Warning area.) | **600 | 091—1.0 | T-dn<br>C-dn<br>S-dn<br>Runway 9<br>A-dn | 300–1<br>800–2<br>600–1<br>800–2 | 300–1<br>800–2<br>600–1<br>800–2 | #200–½<br>800–2<br>600–1<br>800–2 | Climb to 3,000' on SAN TVOR radial 137° or on SE course SAN LFR within 11 miles (Mexican border). |
| | SDA VOR | 142—2.3 | 1,500 | | | | | | | | *On La Jolla transition recommended that aircraft cross TVOR final approach radial on 190° heading, then execute approximately 270° clockwise turn to inbound course of 109°. |
| | La Jolla FM* to TVOR final approach radial 280° at 5 miles from TVOR. | 190—5.0 | 1,500 | | | | | | | | **Descent below 700' mean sea level not authorized until over LOMA portal "H". |
| | Coronado Radiobeacon/FM | 317—7.2 | 1,500 | | | | | | | | #300–1 required for takeoff on all runways except No. 27. |
| | Jamul Radiobeacon | 256—20.0 | 3,600 | | | | | | | | |
| | Lemon Grove Intersection | 251—9.5 | 2,500 | | | | | | | | |







5. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

| City and State; airport name, elevation; facility; class and identification; procedure No.; effective date | Transition to ILS | | | | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude at glide slope interception inbound (ft.) | Altitude of glide slope and distance to approach end of runway at— | | Ceiling and visibility minimums | | | | If visual contact not established upon descent to authorized landing minimums or if landing not accomplished— |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | From— | To— | Course and distance | Minimum altitudes (ft.) | | | Outer marker | Middle marker | Condition | 2 engines or less | | More than 2 engines (more than 65 knots) | |
| | | | | | | | | | | 65 knots or less | More than 65 knots | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| SALT LAKE CITY, UTAH. Salt Lake City No. 1, 4,222'. ILS-SLC. Procedure No. 1. Amendment No. 12. Effective date: July 7, 1956. Supersedes Amendment 11, dated April 28, 1956. Major changes: Lower straight-in minimums—high intensity approach lights commissioned. | Salt Lake City LFR | LOM | 163—8.7 | 6,100 | E or W side of S course: 158° outbound, 338° inbound. 6,100' within 5 miles of LOM. Beyond 5 miles not authorized. 80° reversal recommended for procedure turn. | 6,100 | 6,028—5.5 | 4,457—0.6 | #T-dn<br>C-dn<br>S-dn<br>Runway 34L<br>A-dn | 300–1<br>500–1<br>200–½<br>600–2 | 300–1<br>600–1<br>200–½<br>600–2 | 200–½<br>600–1½<br>200–½<br>600–2 | Climb to cross W course SLC LFR not above 6,500', then climb to 8,000' on W course SLC LFR to Stansbury Intersection, then to 9,000' on course of 336° to Promontory Point Radiobeacon. |
| | Salt Lake City VOR | LOM | 158—10.0 | 6,100 | | | Riverton FM 9,340—15 | | | | | | Alternate missed approach: When directed by ATC cross W course SLC LFR or SLC VOR not above 6,500' then climb to 11,000' on W course SLC LFR or SLC VOR radial 248°. |
| | Utah Lake VOR | ILS S course | 008—2.0 | *11,000 | | | | | | | | | *Start descent at glide slope interception. Glide slope must be operative for this transition. #500–2 required for takeoff runway 7. |
| | | | | | | | | | | | | | CAUTION: Terrain 11,253' mean sea level approximately 8 miles E of localizer course at Riverton FM. |
| UTICA, N. Y. Oneida County, 742'. ILS-UCA. LMM-CA. "UCA". Using Utica MHW. Procedure No. 1. Amendment Original. Effective date: June 7, 1956. | Utica LFR | Utica MHW | 168—10.1 | 3,000 | E side of SE course: 149° outbound. 329° inbound. 3,000' within 10 miles of Utica MHW. | 3,000 | 1,940—3.8 | 940—0.6 | T-dn<br>C-dn<br>#S-dn<br>%33<br>A-dn | 300–1<br>400–1<br>300–¾<br>600–2 | 300–1<br>500–1<br>300–¾<br>600–2 | 200–½<br>500–1½<br>300–¾<br>600–2 | Make left climbing turn, returning to Utica MHW at 3,000'.* Approaches may be conducted with Utica MHW inoperative provided OM is identified prior to executing procedure turn and glide slope is utilized. |
| | Intersection E course Syracuse LFR and SE course ILS (final). | Utica MHW | 329—6.7 | 3,000 | | | Utica MHW 3,000—7.3 | | | | | | #Approach lights not commissioned. |
| | Intersection Syracuse radial 113° and SE course ILS (final). | Utica MHW | 329—3.9 | 3,000 | | | | | | | | | *Alternate missed approach procedure (when directed by ATC) proceed to Utica LFR climbing to 3,000'. |
| | Sherrill VOR intersection. | Utica MHW | 106—15.0 | 3,000 | | | | | | | | | %400–¾ with glide slope inoperative. Minimum altitude over OM with glide slope inoperative 1,340' mean sea level. |
| | Utica LFR | Utica LMM | 199—4.4 | 3,000 | | | | | | | | | |

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

JAMES T. PYLE,
*Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 56-4433; Filed, June 8, 1956; 8:45 a. m.]

# TITLE 7—AGRICULTURE

## Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

SUBPART—UNITED STATES STANDARDS FOR SPINACH FOR PROCESSING [1]

On April 19, 1956, a notice of proposed rule making was published in the FEDERAL REGISTER (21 F. R. 2569) regarding a proposed revision of United States Standards for Spinach for Processing.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Spinach for Processing are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

GRADES

Sec.
51.2696 U. S. No. 1.
51.2697 U. S. No. 2.

UNCLASSIFIED

51.2698 Unclassified.

DEFINITIONS

51.2699 Fairly fresh.
51.2700 Damage.
51.2701 Small weeds.

AUTHORITY: §§ 51.2696 to 51.2701 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

GRADES

§ 51.2696 *U. S. No. 1.* "U. S. No. 1" consists of spinach which is fairly fresh and free from decay, mildew, grass, weeds, wood, muck chips or other foreign material, roots, and worms, and which is free from damage caused by discoloration, seedstems, seedbuds, coarse stalks and stems, other disease, other insects, spray residue, adhering dirt, or mechanical or other means.

(a) Not more than 25 percent, by weight, of the spinach in any lot may consist of leaf stems.

(b) In order to allow for variations incident to proper handling, the following tolerances shall be permitted in a 100 ounce sample:

(1) For decay, mildew, grass, small weeds, and leaves which are damaged by discoloration, not more than a total of 20 pieces: *Provided*, That not more than three-fourths of this amount, or 15 pieces, shall be permitted for decay, grass and small weeds;

(2) For wood, muck chips, or other foreign material over one-half inch in length, not more than 2 pieces; and

(3) For other defects, including foreign material not over one-half inch in length, not more than 5 ounces.

None of the foregoing tolerances shall apply to worms.

§ 51.2697 *U. S. No. 2.* "U. S. No. 2" consists of spinach which meets all the requirements of U. S. No. 1 grade except for the increased tolerances specified in this section.

(a) In order to allow for variations incident to proper handling, the following tolerances shall be permitted in a 100 ounce sample:

(1) For decay, mildew, grass, small weeds, and leaves which are damaged by discoloration, not more than a total of 40 pieces;

(2) For wood, muck chips, or other foreign material over one-half inch in length, not more than 3 pieces; and,

(3) For other defects, including foreign material not over one-half inch in length, not more than 10 ounces.

None of the foregoing tolerances shall apply to worms.

UNCLASSIFIED

§ 51.2698 *Unclassified.* "Unclassified" consists of spinach which has not been classified in accordance with either of the foregoing grades. The term "Unclassified" is not a grade within the meaning of these standards, but is provided as a designation to show that no grade has been applied to the lot.

DEFINITIONS

§ 51.2699 *Fairly fresh.* "Fairly fresh" means that the spinach is not badly wilted.

§ 51.2700 *Damage.* "Damage" means any defect which materially affects the appearance, or the processing or edible quality of the spinach. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Discoloration of leaf blades when the appearance or processing quality is materially affected by brown or yellow discoloration, except that heart leaves shall not be considered as damaged when showing a normal yellowish cast;

(b) Discoloration of stalks and stems when the appearance or processing quality is materially affected by brownish or blackish discoloration or when the stalk or stem shows more than a tinge of pink or red color;

(c) Seedstems when seedbuds have formed and are plainly visible;

(d) Loose seedbuds when more than one-half inch in length;

(e) Coarse stalks and stems when the leafstems or central stalks are tough, or fibrous; and,

(f) Dirt or spray residue when it cannot be removed in the normal commercial washing process.

§ 51.2701 *Small weeds.* "Small weeds" means weeds which are not over 4 inches in length.

The United States Standards for Spinach for Processing contained in this subpart shall become effective 30 days after publication hereof in the FEDERAL REGISTER, and will thereupon supersede the United States Standards for Spinach for Canning which have been in effect since April 10, 1931.

Dated: June 6, 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator,*
*Marketing Services.*

[F. R. Doc. 56-4556; Filed, June 8, 1956; 8:50 a. m.]

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

## Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

PART 717—HOLDING OF REFERENDA ON MARKETING QUOTAS

SUBPART—REGULATIONS GOVERNING THE HOLDING OF REFERENDA ON MARKETING QUOTAS

*Basis and purpose.* The regulations contained in §§ 717.1 to 717.14, each inclusive, are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the holding of referenda on marketing quotas.

The purpose of these revised regulations is to incorporate amendments approved and published since the last general revision was approved on May 27, 1954, and published in the FEDERAL REGISTER of June 2, 1954 (19 F. R. 3211), to define the terms "engaged in production" and "State administrative officer," to revise and clarify eligibility requirements and procedures for voting, including voting by mail, to revise the procedure for giving notice of referenda, and to revise procedure for certifying the results of a referendum on forms MQ–7 and MQ–8.

Prior to preparing these regulations public notice (21 F. R. 1604) of the Secretary's intention to formulate and issue the regulations was given in accordance with the Administrative Procedure Act (60 Stat. 237). The data, views, and recommendations submitted by persons interested in the regulations pursuant to such notice have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended. Sections 717.1 to 717.14 each inclusive are revised as follows:

Sec.
717.1 Definitions.
717.2 Agencies through which a referendum shall be conducted.
717.3 Voting eligibility.
717.4 Place for balloting.
717.5 Time of voting.
717.6 Notice of referendum.
717.7 Manner of voting.
717.8 Local arrangements for holding the referendum.
717.9 Issuing ballots to voters.
717.10 Community referendum committee's canvass of ballots and record of results of the referendum.
717.11 County committee's canvass of ballots and record of results of the referendum.
717.12 State committee's record of the result of the referendum.
717.13 Results of referendum.
717.14 Applicability of regulations to Puerto Rico.

AUTHORITY: §§ 717.1 to 717.14 issued under sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375.



§ 717.1 *Definitions.* As used in the regulations in this part and in all forms and documents in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings:

(a) *Act.* The Agricultural Adjustment Act of 1938 and any amendments or supplements thereto.

(b) *Deputy Administrator.* The Deputy or Acting Deputy Administrator for Production Adjustment, Commodity Stabilization Service, United States Department of Agriculture.

(c) *Secretary.* The Secretary of Agriculture of the United States or any officer or employee of the Department to whom authority has been delegated, or to whom authority may hereinafter be delegated, to act in his stead.

(d) *State committee.* The group of persons designated within any State to act as the Agricultural Stabilization and Conservation State Committee.

(e) *County committee.* The group of persons elected within a county as the county committee pursuant to the regulations governing the selection and functions of the Agricultural Stabilization and Conservation county and community committees.

(f) *Person.* An individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and wherever applicable, a State, political subdivision of a State, the Federal Government, or any agency thereof.

(g) *County Office Manager.* The person employed by the county committee to execute the policies of the county committee and be responsible for the day-to-day operations of the Agricultural Stabilization and Conservation county office, or the person acting in such capacity.

(h) *Engaged in production.* The term "engaged in production" shall include planting a crop even though the crop is not harvested, if such failure to harvest is not caused by the neglect of the farmer.

(i) *State Administrative Officer.* The person employed by the State committee to execute the policies of the State committee and be responsible for the day-to-day operations of the Agricultural Stabilization and Conservation State office, or the person acting in such capacity.

§ 717.2 *Agencies through which a referendum shall be conducted—*(a) *Utilization of existing agencies.* The Deputy Administrator shall be in charge of and responsible for conducting each referendum on marketing quotas for any commodity required by the act. Each State committee shall be in charge of and responsible for conducting such referendum in its State. Each county committee shall be responsible for the proper holding of such referendum in its county. It shall be the duty of the Deputy Administrator and of each committee to conduct each referendum by secret ballot in a fair, unbiased, and impartial manner in accordance with the regulations in this part subject however, to the provisions hereof with respect to challenged ballots and ballots cast by mail.

(b) *Community referendum committees where one referendum is to be conducted.* In each county with 100 or more farms on which there are producers who are eligible to vote in the referendum, the county committee shall designate a community referendum committee for each community or neighborhood in the county in which there are producers who are eligible to vote in the referendum. Each referendum committee shall consist of three members and one alternate chosen from among the farmers who reside in the community or neighborhood and who are eligible to vote in the referendum. The county committee shall name one member of the community referendum committee as chairman and another member thereof as vice chairman. The vice chairman shall act as the chairman in the event of the absence or incapacity of the chairman and the alternate shall serve on the committee in the place of any regular member who cannot serve. The community referendum committee shall be responsible for the proper holding of the referendum in its community or neighborhood in a fair, unbiased, and impartial manner in accordance with the regulations in this part. In counties with less than 100 farms on which there are producers who are eligible to vote in the referendum, the county shall be considered as one community for the purpose of the referendum and the county committee shall perform, in addition to its other duties, the duties of the community referendum committee unless, for any such county, the county committee and the State committee determine that one or more community referendum committees are necessary to the county for the proper holding of the referendum.

(c) *Community referendum committees where two or more referendums are to be conducted.* Where two or more referendums are to be held in the county on the same day, the provisions of paragraph (b) of this section shall be applicable except that (1) the total number of farms on which there are producers eligible to vote in any one or more of such referendums shall be used to determine whether there are 100 or more farms on which there are producers who are eligible to vote in the referendums, and (2) each community referendum committee shall consist of three members and one alternate chosen from among the farmers who reside in the community or neighborhood and who are eligible to vote in any of such referendums.

§ 717.3 *Voting eligibility—*(a) *Special eligibility requirements with respect to particular commodities—*(1) *Upland cotton.* Farmers eligible to vote in a referendum with respect to upland cotton shall be those farmers who were engaged in the production of upland cotton in the calendar year in which the referendum is held, as owner-operator, cash tenant, standing rent or fixed rent tenant, landlord of a share tenant, share tenant, or sharecropper. A landlord of a standing rent, cash rent, or fixed rent tenant shall not be eligible. Any farmer whose only cotton production in such year consisted of extra long staple cotton shall not be eligible to vote in the upland cotton referendum, but, if otherwise eligible, may vote in the extra long staple cotton referendum.

(2) *Extra long staple cotton.* Farmers eligible to vote in a referendum with respect to extra long staple cotton shall be those farmers who were engaged in the production of extra long staple cotton in the calendar year in which the referendum is held, as owner-operator, cash tenant, standing rent or fixed rent tenant, landlord of a share tenant, share tenant, or sharecropper. A landlord of a standing rent, cash rent, or fixed rent tenant shall not be eligible. Any farmer whose only cotton production in such year consisted of upland cotton shall not be eligible to vote in an extra long staple cotton referendum, but, if otherwise eligible, may vote in the upland cotton referendum.

(3) *Tobacco.* Farmers eligible to vote in a referendum with respect to a particular kind of tobacco will be those farmers who were engaged in the production of the crop of the kind of tobacco with respect to which the referendum is held which is harvested immediately prior to the referendum, as owner-operator, cash tenant, standing rent or fixed rent tenant, landlord of a share tenant, share tenant, or sharecropper. A landlord of a standing rent, cash rent, or fixed rent tenant shall not be eligible.

(4) *Wheat.* Farmers who will be engaged in the production of wheat for harvest in the calendar year in which the marketing year with respect to which the referendum is held begins on a farm located in an area not designated at the time of the referendum as being outside the commercial wheat-producing area for the marketing year with respect to which the referendum is held and who intends to harvest in any manner in excess of fifteen acres of wheat for grain on the farm and who is entitled to share in the proceeds of such wheat crop as owner-operator, cash tenant, standing rent or fixed rent tenant, landlord of a share tenant, share tenant, or sharecropper, shall be eligible to vote in a referendum with respect to wheat. A landlord of a standing rent, cash rent, or fixed rent tenant shall not be eligible.

(5) *Rice.* Farmers eligible to vote in a referendum with respect to rice will be those farmers who, in the continental United States and with respect to the crop of rice harvested immediately preceding the date of the referendum, engaged in the production of irrigated rice or in the production of nonirrigated rice on a farm on which more than three acres of nonirrigated rice were planted, as owner-operator, cash tenant, standing rent or fixed rent tenant, landlord of a share tenant, share tenant (including an irrigation company furnishing water for a share of the crop), or sharecropper. A landlord of a standing rent, cash rent, or fixed rent tenant shall not be eligible.

(6) *Peanuts.* Farmers eligible to vote in a referendum with respect to peanuts will be those farmers who engaged in

the production of peanuts in the calendar year in which the referendum is held, as owner-operator, cash tenant, standing rent or fixed rent tenant, landlord of a share tenant, share tenant, or sharecropper, on a farm on which the picked and threshed acreage of peanuts (i. e. peanuts harvested for nuts) in such year is more than one acre. A landlord of a standing rent, cash rent, or fixed rent tenant shall not be eligible.

(b) *General eligibility requirements which apply to referenda on any commodity.* (1) A person as defined in § 717.1 (f) may qualify as an eligible voter by meeting the eligibility requirements, but no such person shall be entitled to more than one vote regardless of the number of farms in which the person is interested or the number of communities, counties, or States in which are located farms in which the person is interested: *Provided, however,* That the individual members of a qualified partnership shall each have one vote but the partnership as such shall not have a vote and an individual who qualifies as an eligible voter by reason of his separate farming operations will be entitled to one vote even though he is interested in an organization such as (but not limited to) a corporation which is also eligible as a voter and entitled to one vote.

(2) Where a group of several persons, such as husband, wife, and children, have participated or will participate in the production of a commodity under the same lease or cropping agreement only the person or persons who signed or entered into the lease or cropping agreement shall be eligible to vote. In the event two or more persons have produced or will produce a commodity as joint tenants, tenants in common, or owners of community property, each such person shall be entitled to one vote if otherwise qualified.

(3) Subject to the provisions of § 717.7 (c) no farmer shall be eligible to vote in any community other than the community in which he resides at the time of the referendum, except that any farmer who will not vote in such community may vote at the polling place in the community in which he was engaged, or will be engaged, in the production of the commodity which will qualify him as a voter.

(c) *Register of eligible voters.* The county committee shall cause to be prepared on form MQ–4 a register of eligible voters for each community or neighborhood in the county. The register shall contain, insofar as can be ascertained prior to the holding of the referendum, the names and addresses of all persons shown on the records of the county committee or known to it as persons eligible to vote in the referendum in the community or neighborhood. Each register of eligible voters shall be furnished by the county office manager to the chairman (or, in his absence, the vice chairman) of the appropriate community referendum committee prior to the time the polls in the county are opened for the acceptance of ballots. Any person who, on the basis of the eligibility requirements set out in paragraph (b) of this section, believes he is eligible to vote in a referendum should notify the county committee of the county in which he intends to vote and is eligible to vote, and request that his name be entered on the register of eligible voters, however, a person on the register may be challenged by the community referendum committee as provided in § 717.7 (d) (3), and a ballot may be issued to a person not on the register as provided in § 717.9.

§ 717.4 *Place for balloting.* The county committee shall designate at least one place for balloting in each community or neighborhood for which a community referendum committee is designated. The polling place shall be one well known to and readily accessible to the persons in the community or neighborhood and shall be equipped and arranged so that each voter can mark and cast his ballot in secret and without coercion, duress, or interference of any sort whatsoever.

§ 717.5 *Time of voting.* There shall be no voting except on the day fixed for the holding of the referendum (except as provided in § 717.7 (c) in the case of voting by mail) and the day fixed for the holding of the referendum shall be the same in all neighborhoods, communities, counties, and States. The date for holding the referendum shall be that determined by the Secretary in accordance with the provisions of law applicable thereto and stated in the notice of the referendum prescribed by him. The polls shall be opened at 8 o'clock a. m. local time, on the date fixed for holding the referendum. The polls shall be closed at 7 o'clock p. m., local time, or such later hour as is fixed by the State committee in order to afford a full and fair opportunity to producers to vote, on the date for holding the referendum.

§ 717.6 *Notice of referendum*—(a) *Posting a notice.* The county committee shall give public notice in each community or neighborhood of the time and place for balloting in the referendum by having posted a notice, on the form prescribed by the Secretary for use in the referendum, at one or more places open to the public within each community or neighborhood at least 5 days in advance of the date of the referendum. The notice shall contain information concerning the commodity and marketing year or years or crops for which the referendum is to be held, a summary of the rules governing the eligibility to vote, the location of the polling places in the community or neighborhood, the date of the referendum, and the hours when the polls will be opened and closed.

(b) *Use of agencies of public information.* The county committee and community referendum committees will utilize to the extent practicable (without advertising expense) all available agencies of public information, including newspapers, radio, and other means, to give persons in the county full and accurate public notice of the day and hours of voting, the location of polling places, and the rules governing eligibility to vote. Such notice should be given as soon as practicable after the arrangements for holding the referendum in the county have been made.

§ 717.7 *Manner of voting*—(a) *Secret ballot.* The voting in the referendum shall be by secret ballot. Each voter shall, at the time he is handed the form on which to cast his ballot, be instructed to mark his ballot form so as to indicate clearly how he votes and in such manner that no one else shall see how he votes and then to fold his ballot and place it in the ballot box without allowing anyone else to see how he voted. A suitable place where each voter may mark and cast his ballot in secret and without coercion, duress, or interference of any sort whatever shall be provided in each polling place. Every unchallenged ballot shall be placed in the ballot box by the person who voted it. The fact that a voter fails to fold a ballot placed in the ballot box shall not invalidate it. It shall be the duty of each community referendum committee to see that no device of any sort whatever is used whereby any voter's ballot may be identified except as provided in the regulations in this part in the case of a challenged ballot or a ballot cast by mail.

(b) *Voting by proxy prohibited.* There shall be no voting by proxy or agent, or in any manner except by the eligible voter personally depositing in the ballot box his ballot as marked by him (except as provided herein in the case of a ballot cast by mail), but a duly authorzied officer of a corporation, association, or other legal entity, may cast its vote.

(c) *Voting by mail.* Any person who will not be present on the day of the referendum in the county in which he is eligible to vote may obtain in person as early as 5 days prior to the date of the referendum, or earlier if ballots are available, one ballot from an ASC State or county office conveniently situated for him or from the appropriate CSS Commodity Division, Department of Agriculture, Washington, D. C., and cast his ballot by mail. The office so issuing the ballot form shall endorse on the reverse side thereof a statement in substantially the following form identifying the place in which it was issued and the county to which it will be mailed, initialed and dated by the person issuing such form:

Issued in ---------- County, ----------, State, or by ---------- ASC State office or by ---------- Division, CSS, Washington, D. C., for use in ---------- County, ----------, State.

The issuing office shall keep a register in duplicate showing for each ballot form so issued by it to be voted by mail the name and address to whom issued, the date of issuance, and the county and State to which the ballot is to be mailed, and the name and title of the person who issued the ballot. The person to whom the ballot is issued shall mark the ballot so as to indicate clearly how he votes, sign his name and enter his address thereon, and mail it in a sealed envelope, postage paid, marked "Absentee Ballot," to the county committee for the county in which he is eligible to vote. All ballots voted by mail must, in order to be accepted, reach the county office for the county in which the voter is eligible to vote by not later than the hour for closing the polls in the county on the day of the referendum. Any person whose religious belief forbids him from voting on the day of the referendum may secure one ballot form and cast his vote at the office of the county committee for the county in which he is eligible to vote at any time within 5 days prior to the date of the referendum. Each ballot so cast shall be placed in a sealed envelope and designated and handled as an absentee ballot. For the purpose of these regulations such manner of voting shall be considered to be voting by mail.

(d) *Challenged ballots.* The community referendum committee or any member thereof shall challenge the eligibility of any person to vote in the referendum where (1) the name of the person does not appear on the register of eligible voters and the community referendum committee or any member thereof is unable to determine that the person is eligible to vote in the referendum in its community or neighborhood, (2) the community referendum committee or any member thereof is unable to determine that he has not previously voted in the referendum in another community or neighborhood in the same or another county, in person or by mail, or (3) the community referendum committee or any member thereof is not certain that the person is eligible to vote. In every case where the eligibility of the voter is challenged, his ballot form, after being marked by the challenged person so as to show how he votes but in such manner that no one else sees how he votes, shall be folded and placed by him (or by a member of the committee, if he refuses) in an envelope, which shall then be sealed and identified with his name and address, the word "Challenged," and a statement of the reason for the challenge, and shall then be placed in the ballot box. The county committee shall make an investigation in each case of controversy or dispute regarding the eligibility of a voter to vote in the referendum. In each case of a challenged ballot the eligibility of the person to vote in the referendum shall be determined by the county committee as soon as may be possible after the polls are closed and before the time for forwarding to the State committee the county summary of ballots on form MQ–7. If it is determined that the person whose vote was challenged is eligible to vote, the sealed envelope containing the ballot shall be placed with the challenged ballot of every other person found to be eligible to vote until all challenged ballots have been passed upon by the county committee. If it is not determined that the person whose vote was challenged is eligible, the sealed envelope shall be marked "Not eligible" and signed by a member of the county committee and shall not be opened. When all of the challenged ballots have been passed upon by the county committee, the challenged ballots which were cast by eligible voters shall be opened and tabulated on the county summary of ballots, but no disclosure shall be made as to how any particular person voted.

(e) *Ballot box.* Each polling place shall be furnished with a suitable ballot box. Any container of sufficient size so arranged that no ballot can be seen or removed without breaking seals on the container will be suitable. When strip adhesive paper or corresponding seals are used on the ballot box, such seals shall be signed or initialed by the chairman or a member of the community referendum committee so that breaking or replacing the seal will so destroy or affect the identifying marks as to show that the seal has been tampered with.



§ 717.8 *Local arrangements for holding the referendum.* The county committee shall see to it that all arrangements for the proper holding of the referendum in accordance with the regulations in this part have been completed prior to the date of the referendum. The county committee shall instruct each community referendum committee concerning its duties and see to it that each member of the committee understands his duties and the duties of the committee in all respects, with particular emphasis as to (a) issuing ballot forms, (b) challenged ballots, (c) recording votes, (d) tabulating ballots, and (e) certifying results of the referendum in the community or neighborhood. The county office manager shall allot to each community referendum committee an adequate supply of ballot forms, and prior to the time the polls in the county are opened for the acceptance of ballots deliver the ballot forms and forms MQ–6, the community summary of ballots, to each chairman of the several community referendum committees.

§ 717.9 *Issuing ballots to voters.* The community referendum committee, or at least one member thereof in case there are two or more polling places in the community, shall open the polling place for the issuance of ballot forms and the casting of ballots at the time designated by the county committee and shall thereafter, until the time when the polls are required to be closed and the casting of ballots discontinued, issue a ballot to each person who is eligible to vote and applies for a ballot and to each person who claims to be eligible to vote and insists upon voting even though his eligibility to vote is challenged by a member of the committee. The name and address of each person to whom a ballot is issued shall, if he is not already listed on the register of eligible voters, be recorded on such register prior to the time the ballot form is issued to him. The community referendum committeeman who issued the ballot form shall at the same time enter in the column headed "Ballot Cast" of the register of eligible voters opposite the name and address of the voter a record of the issuance of the ballot. When the eligibility of the voter is not challenged, the record shall be made by entering in the column headed "Ballot Cast" the letter "X" and the initials of the community referendum committeeman. When the eligibility of the voter is challenged, the record shall be made by entering in the column headed "Ballot Cast" the letter "C" and the initials of the community referendum committeeman. Ballot forms shall be issued and ballots placed in the ballot box while at least one member serving on the community referendum committee is physically present in the polling place and in position to see each ballot form as it is issued and each ballot as it is placed in the ballot box.

§ 717.10 *Community referendum committee's canvass of ballots and records of results of the referendum*—(a) *Canvass of ballots.* Immediately after the polls are closed, the community referendum committee shall open the ballot box and canvass the ballots cast. The canvass of the ballots shall be kept open to the public. A ballot shall be considered as a spoiled ballot if it is mutilated or marked in such a way that it is not possible to determine with certainty how the ballot was intended to be counted on a particular question. The envelopes containing the challenged ballots shall not be opened. The total number of ballots issued as shown on the register of eligible voters shall be determined and the total number of ballots cast, including the spoiled and challenged ballots, shall be determined. The number of ballots cast in favor of and the number of ballots cast in opposition to the marketing quotas for which the referendum was held shall be determined. The spoiled ballots and challenged ballots shall not be considered in favor of or against the marketing quotas. If any member of the community referendum committee should happen to see or learn how any person besides himself voted, whether or not the ballot was challenged, spoiled, or otherwise, he shall not disclose such knowledge to a fellow committeeman or any other person except in an investigation conducted under the regulations in this part.

(b) *Record of results of the referendum.* The community referendum committee shall notify the county committee by telephone, telegraph, messenger, or in person of the preliminary count of the votes on each question and of the number of spoiled and challenged ballots, as soon as may be possible. All the spoiled ballots shall be placed in an envelope and sealed and marked with the initials of the chairman (or vice chairman) of the community referendum committee and the designation "Spoiled Ballots" followed by the number of spoiled ballots and the names of the community or neighborhood, the county, and the State. The community referendum committee shall execute the certification as to the accuracy of the register of ballots cast on form MQ–4. The community referendum committee shall then prepare and execute the community summary of ballots on form MQ–6 and post one copy thereof, as soon as it is executed, at a conspicuous place at the polling place, so that it will remain posted and accessible to the public for at least three calendar days after the holding of the referendum. The community referendum committee shall seal the voted ballots, including those challenged and spoiled, the register of eligible voters and ballots cast, and the community summary of ballots, in one or more envelopes appropriately identified by the names of the community or neighborhood, the county, and the State, and the nature of the referendum and the date on which it was held, and deliver them to the county committee not later than 9 o'clock a. m.,

local time, on the second calendar day next succeeding the date of the referendum, together with the unused ballot and other forms. The chairman (or vice chairman) of the community referendum committee shall be responsible for the safe delivery of such reports, ballots, and forms to the county committee.

§ 717.11 *County committee's canvass of ballots and record of results of the referendum*—(a) *Receiving and tabulating the results of the referendum.* The county committee shall open and canvass the ballots received by mail after the closing of the polls and determine the eligibility of each voter. If any person voting by mail is found to be ineligible to vote or the ballot is so mutilated or marked that it is not possible to determine with certainty how the person intended to vote, such ballot shall not be counted as for or against any particular question in the referendum and shall be tabulated on the county summary of ballots as a spoiled ballot. The county committee shall meet and pass upon the challenged ballots as soon as may be reasonably possible after the challenged ballots are received from the community referendum committees but not later than four days after the day of the referendum. The results of the referendum in each community and neighborhood shall be reviewed and summarized as soon as may be reasonably possible after the records, ballots, and forms are received from the several community referendum committees. Every meeting of the county committee for the purpose of canvassing the ballots cast and reviewing and tabulating the results of the referendum shall be open to the public. No member of the county committee who learns how any person besides himself voted, whether the ballot was received by mail, challenged, spoiled, or otherwise, shall disclose such knowledge to any fellow committeeman or other person except in an investigation conducted under the regulations in this part.

(b) *Record of the results of the referendum.* The county committee shall notify the State committee by telephone, telegraph, or messenger (who may be a member of the county committee) as to the preliminary count of the votes on each question and of the number of challenged ballots by the several community referendum committees as soon as possible. The county committee shall, as soon as may be reasonably possible, but in no event later than four calendar days after the date of the referendum, have prepared and certified by the county office manager the county summary of ballots on form MQ–7. Form MQ–7 shall be prepared and certified in quadruplicate, two copies of which shall be sent forthwith to the State committee, one copy posted for 30 calendar days in a conspicuous place accessible to the public in or near the office of the county committee, and one copy filed in the office of the county committee and kept available for public inspection. One copy of each community summary on form MQ–6 shall likewise be posted for 30 calendar days in a conspicuous place accessible to the public in or near the office of the county committee.

(c) *Disposition of ballots and records.* The county committee shall seal the voted ballots, challenged ballots found to be ineligible, spoiled ballots, register sheets, and community summaries for the county in one or more envelopes or packages, plainly marked with the identification of the referendum, the date, and the names of the county and State, and place them under lock and key in a safe place under the custody of the secretary of the county committee for a period of 60 calendar days after the date of the referendum. If no notice to the contrary is received by the end of such time, and after the ballots and other records have been examined by a representative of the State committee, the voted ballots and challenged ballots shall be destroyed but the registers and community and county summary sheets on forms MQ–4, 5, and 7 shall be filed for a period of five years in the office of the county committee.

(d) *Investigations as to the correctness of the summary of the referendum.* The county committee shall make an investigation in each case of a dispute or challenge regarding the correctness of the summary of the referendum in a community or neighborhood. No dispute or challenge shall be investigated by the county committee unless it is brought to its attention within three calendar days after the date on which the referendum was held. The county committee shall promptly decide the dispute or the challenge and report its findings to the State committee within five calendar days after the holding of the referendum and send by registered mail or deliver in person to the office of the State committee all voted ballots, register forms, and community summary sheets involved in the dispute or challenge.

§ 717.12 *State committee's record of the result of the referendum.* The State committee for each State shall notify the Deputy Administrator by telegraph or telephone as to the preliminary count of the votes in the State as soon as the preliminary results of the referendum are made known to the State committee. The county summaries of ballots on forms MQ–7 shall be summarized on the State tabulation of ballots on form MQ–8 as soon as possible but in no event later than seven calendar days next succeeding the date of the referendum, unless there is a dispute or challenge regarding the correctness of the summary for any county, in which case the State committee shall complete its investigation thereof and prepare the State tabulation accordingly within fourteen calendar days next succeeding the date of the referendum. The State summary shall be prepared in triplicate and certified to by the State administrative officer. The original and one copy of the State summary shall be forwarded via airmail special delivery to the Deputy Administrator. One copy of the State summary shall be filed for a period of five years in the office of the State committee available for public inspection.

§ 717.13 *Results of referendum*—(a) *Proclamation of results.* The final and official tabulation of the votes cast in the referendum will be made by the Deputy Administrator and reported to the Secretary and the result of the referendum will be publicly proclaimed by him. The State summaries on forms MQ–8 and related papers shall be permanently filed with such tabulation and shall remain available for public inspection in the Department of Agriculture.

(b) *Unofficial announcements of results.* Each county committee is authorized to give out unofficial reports of the total "Yes" and "No" votes in its county to the public, press and other inquirers. Each State committee is authorized to release to the press and other inquirers the unofficial results of the referendum in its State by counties as rapidly as the votes in the various counties are reported to it.

(c) *Investigations.* If the Deputy Administrator or the Secretary deems it necessary, the report of any community referendum committee, county committee, or State committee shall be reexamined and checked by such persons or agents as may be designated.

§ 717.14 *Applicability of regulations to Puerto Rico.* The Agricultural Stabilization and Conservation Caribbean Area Committee shall be in charge of and responsible for conducting in the Commonwealth of Puerto Rico each referendum on marketing quotas for any commodity required by the Act. Insofar as applicable the ASC Caribbean Area Committee shall perform all the duties and assume all the responsibilities otherwise required of State and county committees as provided in the regulations in this part, except that (a) the Director, Agricultural Stabilization and Conservation Caribbean Area Office shall nominate for appointment the members and alternates to serve on community referendum committees and shall establish the boundaries of referendum communities or neighborhoods in such a manner that polling places therein will be conveniently located for the farmers eligible to vote in the referendum, and (b) following the canvass of the ballots as provided in § 717.10 the community referendum committee shall report the results of the referendum to the ASC Caribbean Area Committee.

Issued at Washington, D. C., this 5th day of June 1956.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 56–4536; Filed, June 8, 1956; 8:47 a. m.]

## Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 61, Amdt. 1]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

*Findings.* 1. Pursuant to Order No. 22 (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective March 31, 1954, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in District 1 or in District 3.

*Order, as amended.* The provisions in paragraph (b) (1) of § 922.361 (Valencia Orange Regulation 61; 21 F. R. 2038) are hereby amended to read as follows:

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 10, 1956, and ending at 12:01 a. m., P. s. t., February 3, 1957, no handler shall handle any Valencia oranges grown in District 1 or in District 3 which are smaller than 2.31 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 5 percent, by count, of oranges smaller than such minimum diameter shall be permitted in any type of container: *Provided,* That in addition to such tolerance, each handler may, during each calendar week of the aforesaid period, handle a quantity of such oranges which are smaller than 2.31 inches in diameter but not smaller than 2.20 inches in diameter, except that a tolerance of 5 percent, by count, of oranges smaller than 2.20 inches in diameter shall be permitted in any container of oranges which are smaller than 2.31 inches in diameter, if such quantity does not exceed 5 percent of the total quantity of Valencia oranges handled by such handler during such week.

(2) As used in this section, "handle," "handler," "District 1," and "District 3" shall have the same meaning as when used in said order.

*Effective time.* The provisions of this amendment shall become effective at 12:01 a. m., P. s. t., June 10, 1956.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 6, 1956.

[SEAL] FLOYD F. HEDLUND,
*Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56–4558; Filed, June 8, 1956; 8:51 a. m.]



[Valencia Orange Reg. 65, Amdt. 1]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

*Findings.* 1. Pursuant to Order No. 22 (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective March 31, 1954, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, and this amendment relieves restriction on the handling of Valencia oranges grown in District 2.

*Order, as amended.* The provisions in paragraph (b) (1) of § 922.365 (Valencia Orange Regulation 65; 21 F. R. 2717) are hereby amended to read as follows:

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 10, 1956, and ending at 12:01 a. m., P. s. t., February 3, 1957, no handler shall handle any Valencia oranges grown in District 2 which are smaller than 2.31 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 5 percent, by count, of oranges smaller than such minimum diameter shall be permitted in any type of container: *Provided,* That in addition to such tolerance, each handler may, during each calendar week of the aforesaid period, handle a quantity of such oranges which are smaller than 2.31 inches in diameter but not smaller than 2.20 inches in diameter, except that a tolerance of 5 percent, by count, of oranges smaller than 2.20 inches in diameter shall be permitted in any container of oranges which are smaller than 2.31 inches in diameter, if such quantity does not exceed 5 percent of the total quantity of Valencia oranges handled by such handler during such week.

(2) As used in this section, "handle," "handler," and "District 2" shall have the same meaning as when used in said order.

*Effective time.* The provisions of this amendment shall become effective at 12:01 a. m., P. s. t., June 10, 1956.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 6, 1956.

[SEAL] FLOYD F. HEDLUND,
*Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56–4559; Filed, June 8, 1956; 8:51 a. m.]

[Valencia Orange Reg. 72]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.372 *Valencia Orange Regulation 72*—(a) *Findings.* (1) Pursuant to Order No. 22 (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective March 31, 1954, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on June 7, 1956, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto

which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., June 10, 1956, and ending at 12:01 a. m., P. s. t., June 17, 1956, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 877,800 cartons;

(iii) District 3: Unlimited movement.

(2) Valencia oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "handler," "District 1," "District 2," and "District 3," have the same meaning as when used in said order; and "carton" means the standard one-half orange, grapefruit or lemon box set forth as standard container number 58 in section 828.83, as amended, of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 8, 1956.

[SEAL] FLOYD F. HEDLUND,
*Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-4647; Filed, June 8, 1956; 11:27 a. m.]

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[Orange Reg. 299]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.797 *Orange Regulation 299*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of all Florida oranges, except Temple oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 11, 1956. Shipments of all oranges, except Temple oranges, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until June 11, 1956; the recommendation and supporting information for continued regulation subsequent to June 10, 1956, were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on June 4, 1956; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of all oranges, except Temple oranges, and compliance with this section will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., June 11, 1956, and ending at 12:01 a. m., e. s. t., October 1, 1956, no handler shall ship:

(i) Any oranges, except Temple oranges, grown in the State of Florida, which do not grade at least U. S. No. 2 Russet;

(ii) Any oranges, except Temple oranges, grown in the State of Florida, which are of a size smaller than a size that will pack 324 oranges, packed in accordance with the requirements of a standard pack, in a standard 1⅗ bushel nailed box;

(2) As used in this section, the terms "handler," "ship," and "Growers Administrative Committee" shall each have the same meaning as when used in said amended marketing agreement and order; and the terms "U. S. No. 2 Russet," "standard pack," and "standard 1⅗ bushel nailed box" shall have the same meaning as when used in the United States Standards for Florida Oranges and Tangelos (§§ 51.1140 to 51.1186 of this title; 20 F. R. 7205).

Shipments of Temple oranges, grown in the State of Florida, are subject to the provisions of Orange Regulation 294 (§ 933.782, 21 F. R. 2039).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 6, 1956.

[SEAL] FLOYD F. HEDLUND,
*Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-4557; Filed, June 8, 1956; 8:51 a. m.]

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[Grapefruit Reg. 246]

PART 933—ORANGES, GRAPEFRUIT, AND TANGERINES GROWN IN FLORIDA

LIMITATION OF SHIPMENTS

§ 933.798 *Grapefruit Regulation 246*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 33, as amended (7 CFR Part 933), regulating the handling of oranges, grapefruit, and tangerines grown in the State of Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the committees established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of grapefruit, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 11, 1956. Shipments of grapefruit, grown in the State of Florida, are presently subject to regulation by grades and sizes, pursuant to the amended marketing agreement and order, and will so continue until June 11, 1956; the recommendation and supporting information for continued regulation subsequent to June 10, 1956, were promptly submitted to the Department after an open meeting of the Growers Administrative Committee on June 4, 1956; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including the effective time hereof, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such grapefruit; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter set forth so as to provide for the continued regulation of the handling of grapefruit, and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., June 11, 1956, and ending at 12:01 a. m., e. s. t., September 17, 1956, no handler shall ship:



(i) Any grapefruit, grown in the State of Florida, which are not mature and do not grade at least U. S. No. 2 Russet;

(ii) Any seeded grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 80 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box; or

(iii) Any seedless grapefruit, grown in the State of Florida, which are of a size smaller than a size that will pack 112 grapefruit, packed in accordance with the requirements of a standard pack, in a standard nailed box.

(2) As used in this section, "handler," "ship," and "Growers Administrative Committee" shall have the same meaning as when used in said amended marketing agreement and order; the terms "U. S. No. 2 Russet," "standard pack," and "standard nailed box" shall have the same meaning as when used in the United States Standards for Florida Grapefruit (§§ 51.750 to 51.790 of this title); and the term "mature" shall have the same meaning as set forth in section 601.16 Florida Statutes, Chapters 26492 and 28090, known as the Florida Citrus Code of 1949, as supplemented by section 601.17 (Chapters 25149 and 28090) and also by section 601.18, as amended on June 2, 1955 (Chapter 29760).

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 6, 1956.

[SEAL] FLOYD F. HEDLUND,
*Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-4561; Filed, June 8, 1956; 8:51 a. m.]

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[Lemon Reg. 645]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.752 *Lemon Regulation 645*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 8451), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on June 6, 1956, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., June 10, 1956, and ending at 12:01 a. m., P. s. t., June 17, 1956, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 511,500 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," and "District 3" have the same meaning as when used in the said amended marketing agreement and order; and "carton" means the standard one-half orange, grapefruit or lemon box set forth as standard container number 58 in section 828.83, as amended, of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 7, 1956.

[SEAL] FLOYD F. HEDLUND,
*Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-4635; Filed, June 8, 1956; 9:00 a. m.]

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# PROPOSED RULE MAKING

## DEPARTMENT OF THE TREASURY

### Bureau of Customs

### [ 19 CFR Part 6 ]

[192-23.31]

AIR COMMERCE REGULATIONS

NOTICE OF PROPOSED DESIGNATION OF MILLER MUNICIPAL AIRPORT, MCALLEN, TEXAS, AS AN INTERNATIONAL AIRPORT

Notice is hereby given that, pursuant to authority contained in section 7 (b) of the Air Commerce Act of 1926, as amended (49 U. S. C., 177 (b)), it is proposed to designate the Miller Municipal Airport, McAllen, Texas, as an international airport (airport of entry) for civil aircraft and for merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of said act (49 U. S. C., 179 (b)); and it is further proposed to amend the list of international airports in § 6.13 of the Customs regulations (19 CFR 6.13) by adding thereto the location and name of this airport.

This notice is published pursuant to section 4 of the Administrative Procedure Act (5 U. S. C. 1003). Data, views, or arguments with respect to the proposed designation of the above-mentioned airport as an international airport may be addressed to the Commissioner of Customs, Bureau of Customs, Washington 25, D. C., in writing. To assure consideration of such communications, they must be received in the Bureau of Customs not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER.

[SEAL] RALPH KELLY,
*Commissioner of Customs.*

Approved: June 4, 1956.

DAVID W. KENDALL,
*Acting Secretary of the Treasury.*

[F. R. Doc. 56-4545; Filed, June 8, 1956; 8:49 a. m.]

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## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### [ 7 CFR Part 966 ]

[Docket No. AO 257-A1]

HANDLING OF MILK IN SHREVEPORT, LOUISIANA, MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Shreveport, Louisiana, on December 12–13, 1955, pursuant to notice thereof which was published in the FEDERAL

REGISTER (20 F. R. 8336 and 8547), upon proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Shreveport, Louisiana, marketing area.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on April 2, 1956, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision. Said decision containing notice of opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on April 5, 1956 (21 F. R. 2184).

Within the period reserved therefor, interested parties filed exceptions to certain of the findings, conclusions and actions recommended by the Deputy Administrator. In arriving at the findings, conclusions, and regulatory provisions of this decision, each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that findings, conclusions and actions decided upon herein are at variance with any of the exceptions, such exceptions are overruled.

To the extent that suggested findings and conclusions proposed by interested persons are inconsistent with the findings and conclusions contained herein, the specific or implied requests to make such findings and reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions herein set forth.

The material issues, findings and conclusions, and general findings of the recommended decision (21 F. R. 2184, Doc. 56–2515) are hereby approved and adopted as the issues, findings and conclusions, and general findings of this decision as if set forth in full herein, subject to the following modifications described with reference to Federal Register Doc. 56–2515, 21 F. R. 2184:

On page 2185, delete the last sentence in the first paragraph of column three and substitute therefor the following:

It was contended at the hearing and argued by producers and certain handlers in their exceptions that a handler whose plant is located at Monroe, Louisiana has a competitive advantage over Shreveport handlers in the procurement of milk and that the location adjustment provisions of the order were responsible for reducing the prices paid for milk by all distributors in the Monroe market.

The Monroe handler is subject to the order because of Class I sales in the Shreveport marketing area. The location adjustment of the order is applicable to all Class I milk disposed of from this plant. In November 1955, the prices paid by milk distributors located in Monroe were reduced in relation to the Shreveport price by approximately the amount of the location adjustment which is 19.25 cents per hundredweight. Proponents suggested that the order be amended to provide prices at a regulated plant located in Monroe equal to prices in Shreveport.

Any handler may pay producers more than the minimum prices established by the order. The order has no control over prices paid by unregulated plants. All plant operators in the Monroe area, therefore, are free to pay more than the minimum prices established by the Shreveport order for milk at a regulated plant located in Monroe. As a matter of fact, from the time that the order was promulgated through October 1955, the Monroe handler paid Class I prices equal to the Class I prices in Shreveport and other distributors paid similar prices.

The record evidence fails to support the deletion of location adjustments or to provide a basis for changing the rate of adjustment. This record fails to show that plants located outside of Shreveport have a competitive advantage in procuring milk for sale in the Shreveport market. The problem of location adjustments is not limited to the Monroe area but involves over-all price relationships at regulated plants wherever located.

For these reasons no changes in location adjustments should be made on the basis of this record.

*Determination of representative period.* The month of March 1956 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order amending the order, now in effect, regulating the handling of milk in the Shreveport, Louisiana marketing area, in the manner set forth below is approved or favored by producers who, during such period were engaged in the production of milk for sale in the marketing area specified in such marketing order.

*Marketing agreement and order, as amended.* Set forth below and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Shreveport, Louisiana Marketing Area," and "Order Amending the Order, Regulating the Handling of Milk in the Shreveport, Louisiana Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

*It is hereby ordered,* That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as proposed to be hereby amended.

This decision filed at Washington, D. C., this 5th day of June 1956.

[SEAL] TRUE D. MORSE,
*Acting Secretary.*

*Order[1] Amending the Order Regulating the Handling of Milk in the Shreveport, Louisiana, Marketing Area*

§ 966.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Shreveport, Louisiana marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest;

(3) The said order, as hereby amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held; and

(4) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler as his pro rata share of such expense, 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight, as the Secretary may prescribe, with respect to all receipts within the month of (i) producer milk, including such handler's own production, (ii) other source milk at a fluid milk plant which is allocated to Class I milk, and (iii) Class I milk distributed during the month on routes (including routes

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.



operated by vendors) to retail or wholesale outlets located in the marketing area from a nonfluid milk plant.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof the handling of milk in the Shreveport, Louisiana marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as hereby amended as follows:

1. In § 966.8, delete paragraph "(a)" and substitute therefor

(a) In any of the months of April through June; and

2. At the end of § 966.12 change the period to a colon and add the following proviso: *"And provided further,* That this definition shall not include any such person with respect to milk produced by him which is subject to the pricing and payment provisions of another marketing order issued pursuant to the act."

3. In § 966.27 (j) (2), delete "12th" and substitute therefor "10th".

4. At the end of § 966.41 (b) (2), substitute a comma for the semicolon and add the following: "or skim milk dumped during April, May and June which is not in excess of an amount equal to a daily average quantity of 1,500 pounds or five percent of receipts of skim milk in producer milk whichever is greater: *Provided,* That in the case of skim milk dumped, the market administrator is given at least 24 hours' notice of the handler's intention to make such disposition and the amount involved;".

5. In § 966.41 (b) (4), delete the phrase "(five percent with respect to skim milk during the months of April, May and June)".

6. At the end of § 966.51 (a), change the period to a comma and add the following: "except that plus $2.40 shall apply to the months of July, 1956 through February, 1957."

7. In § 966.90 (d), delete "13th" and "26th" and substitute, respectively therefor "11th" and "25th".

8. In § 966.94, delete the phrase "four cents per hundredweight, or such amount not exceeding four cents per hundredweight" and insert in lieu thereof the following: "five cents per hundredweight, or such amount not exceeding five cents per hundredweight".

[F. R. Doc. 56–4535; Filed, June 8, 1956; 8:47 a. m.]

## [ 7 CFR Part 977 ]

[Docket No. AO–183–A5]

MILK IN PADUCAH, KY., MARKETING AREA

NOTICE OF HEARING ON PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held at the McCracken County Court House, Paducah, Kentucky, beginning at 9:30 a. m., c. d. s. t., July 2, 1956.

The public hearing is for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth or appropriate modifications thereof, to the tentative marketing agreement as heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Paducah, Kentucky, marketing area (7 CFR Part 977.0 et seq.). The amendments proposed have not received the approval of the Secretary of Agriculture.

The proposals relating to the enlargement of the Paducah, Kentucky, marketing area raise the issue as to whether the provisions of the present order would tend to effectuate the declared policy of the act if applied to the marketing area as proposed to be extended and, if not, what modifications of the provisions of the order, as amended, should be made to effectuate the declared policy of the act.

Amendments to the order, as amended, for the Paducah, Kentucky, marketing area have been proposed as follows:

By Miller Dairy Products Corporation, Midwest Dairy Products Corporation, Sunshine Dairy, Dexter Dairy, and Paducah Graded Milk Producers Association:

1. Extend the marketing area to include the counties of Ballard, Calloway, Carlisle, Fulton, Groves, Hickman, Marshall, and McCracken located in the State of Kentucky.

By Paducah Graded Milk Producers Association:

2. Amend § 977.11 *Producer* by adding a new paragraph (b) to read as follows:

(b) Or milk diverted by a cooperative association to a nonpool plant on any day of any month.

3. Amend § 977.13 *Producer milk* by adding a new paragraph (c) to read as follows:

(c) Or diverted by a cooperative association to a nonpool plant.

4. Amend § 977.41 *Classes of utilization* by deleting subparagraph (3) of paragraph (b).

5. Amend § 977.43 *Transfers* by adding the following to (c): *"And provided further,* If the nonpool plant is disposing of Class I milk in the marketing area, milk transferred or diverted to such nonpool plant shall be classified as Class I to the extent of such Class I disposition in the marketing area by the nonpool plant."

6. Amend § 977.62 *Handlers operating nonpool plants* by adding a new paragraph (c) to read as follows:

(c) Milk classified as Class I pursuant to the second proviso of § 977.43 (c) shall not be subject to this section.

7. Amend § 977.80 *Time and method of payment for producer milk* by deleting that part of paragraph (b) following the words "pay the cooperative association" and add thereto the following: "The Class II price of the preceding month for milk received during the first fifteen days of the month and the uniform price adjusted by the butterfat and location differentials less the amount of the advance payment for the first fifteen days, less the deductions authorized by the association in writing for the milk received from producer members during the month."

8. Amend § 977.53 *Location differentials to handlers* and § 977.86 *Location differentials to producers* to conform with any changes that are made in the marketing area.

By the Dairy Division:

9. Make such other changes as are necessary to make the order uniform with any amendments thereto that may result from the hearing.

Copies of this notice of hearing and of the order as now in effect may be obtained from the Market Administrator, 602 Chouteau Building, 4030 Chouteau Avenue, St. Louis 10, Missouri, or from the Hearing Clerk, Room 112 Administration Building, Washington 25, D. C. or may be there inspected.

Issued at Washington, D. C., this 6th day of June 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator.*

[F. R. Doc. 56–4560; Filed, June 8, 1956; 8:51 a. m.]

## Commodity Stabilization Service

## [ 7 CFR Part 728 ]

WHEAT

RECORDS, 1954-55 AND 1955-56 MARKETING YEARS

Notice is hereby given under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that the Secretary of Agriculture, pursuant to authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1281 et seq.), is considering amending the wheat marketing quota regulations for the 1954–55 and 1955–56 marketing years relating to keeping of records by warehousemen, elevator operators, feeders, other processors, and buyers other than intermediate buyers as set forth below:

1. Amend paragraph (b) of § 728.486 of the regulations for the 1954–55 marketing year (20 F. R. 209) to read as follows:

(b) *Nature and availability of records.* Each warehouseman, elevator operator, feeder, or processor, and each buyer other than an intermediate buyer, shall keep, as a part of or in addition to the records maintained by him in the conduct of his business a record which shall show with respect to the wheat purchased, acquired, or received by him from the producers or the intermediate buyers thereof the following information:

(1) The name and address of the producer of the wheat, (2) the date of the transaction, (3) the amount of the wheat, (4) the serial number of the marketing card (MQ–76—Wheat (1954)), or marketing certificate (MQ–94—Wheat (1954)), or intermediate buyer's record and report (MQ–95—Wheat (1954)) by which the wheat was identified, or the report and penalty receipt (MQ–81—Wheat (1954)), and (5) the amount of

any lien for the penalty or of any penalty incurred in connection with the wheat purchased, acquired, or received by him. The record so made and all business records of such person required to keep such records shall be kept available for examination by the county office manager or any authorized representative of the State Administrative Officer or investigators and accountants (special agents) or other authorized representatives of the Director, Compliance and Investigation Division, Commodity Stabilization Service, United States Department of Agriculture, for two calendar years beyond the calendar year in which the marketing year ends. Such records shall include relevant books, papers, records, accounts, correspondence, contracts, documents, and memoranda but shall be examined only for the purpose of ascertaining the correctness of any report made or record kept pursuant to the regulations in this subpart or of obtaining the information required to be furnished in any report pursuant to the regulations in this subpart but not so furnished. The county office manager shall furnish, without cost, blank copies of MQ–97—Wheat which may be used for the purpose of keeping the record required under this section.

2. Amend paragraph (b) of § 728.546 of the regulations for the 1955–56 marketing year (20 F. R. 1630) to read as follows:

(b) *Nature and availability of records.* Each warehouseman, elevator operator, feeder, or processor, and each buyer other than an intermediate buyer, shall keep, as part of or in addition to the records maintained by him in the conduct of his business, a record which shall show with respect to the wheat purchased, acquired, or received by him from the producers or the intermediate buyers thereof the following information:

(1) The name and address of the producer of the wheat, (2) the date of the transaction, (3) the amount of the wheat, (4) the serial number of the marketing card (MQ–76—Wheat (1955)), or marketing certificate (MQ–94—Wheat) or intermediate buyer's record and report (MQ–95—Wheat (1955)) by which the wheat was identified, or the report and penalty receipt (MQ–81—Wheat (1955)), and (5) the amount of any lien for the penalty or of any penalty incurred in connection with the wheat purchased, acquired, or received by him. The record so made and all business records of such persons required to keep such records shall be kept available for examination by the county office manager or any authorized representative of the State Administrative Officer or investigators and accountants (special agents) or other authorized representatives of the Director, Compliance and Investigation Division, Commodity Stabilization Service, United States Department of Agriculture, for two calendar years beyond the calendar year in which the marketing year ends. Such records shall include relevant books, papers, records, accounts, correspondence, contracts, documents, and memoranda but shall be examined only for the purpose of ascertaining the correctness of any report made or record kept pursuant to the regulations in this subpart, or of obtaining the information required to be furnished in any report pursuant to the regulations in this subpart but not so furnished. The County office manager shall furnish, without cost, blank copies of MQ–97—Wheat which may be used for the purpose of keeping the record required under this section.

All persons who desire to submit written data, views, or arguments in connection with the proposed amendments above should file the same with the Director, Grain Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D. C., within 10 days after the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 6th day of June 1956.

[SEAL] WALTER C. BERGER,
*Acting Administrator.*

[F. R. Doc. 56–4562; Filed, June 8, 1956; 8:52 a. m.]

## DEPARTMENT OF LABOR

### Wage and Hour Division

### [ 29 CFR Part 655 ]

[Administrative Order 463]

PUERTO RICO

APPOINTMENTS TO INVESTIGATE CONDITIONS AND RECOMMEND MINIMUM WAGES FOR CERTAIN INDUSTRIES; NOTICE OF HEARING

Pursuant to authority under the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U. S. C. 201 et seq.), and Reorganization Plan No. 6 of 1950 (5 U. S. C. 611), I hereby appoint, convene, and give notice of the hearings of Industry Committee No. 22–A for the Fabric and Leather Glove Industry in Puerto Rico, Industry Committee No. 22–B for the Handkerchief, Square Scarf, and Art Linen Industry in Puerto Rico, Industry Committee No. 22–C for the Children's Dress and Related Products Industry in Puerto Rico, Industry Committee No. 22–D for the Women's and Children's Underwear Industry in Puerto Rico, and Industry Committee No. 22–E for the Needlework and Fabricated Textile Products Industry in Puerto Rico.

Industry Committee No. 22–A is composed of the following representatives:

For the public:

Paul H. Sanders, Nashville, Tennessee, Chairman.
A. Howard Myers, Newton Center, Massachusetts.
Pedro Munoz-Amato, Rio Piedras, Puerto Rico.

For the employers:

Jack Gross, White Plains, New York.
A. C. Bob Reuter, Mayaguez, Puerto Rico.
Richard J. Broadman, Santurce, Puerto Rico.

For the employees:

Charles S. Zimmerman, New York, New York.
David Sternback, San Juan, Puerto Rico.
Frank L. Fernbach, Chevy Chase, Maryland.

For the purpose of this order the Fabric and Leather Glove Industry in Puerto Rico is defined as follows:

The manufacture of dress, semi-dress, and work gloves and mittens from woven or knit fabric, leather, or fabric or leather in combination with any other material: Provided, however, that the definition shall not include the manufacture of knit or crocheted gloves and mittens, athletic gloves and mittens, or rubber gloves and mittens.

Industry Committee No. 22–B is composed of the following representatives:

For the public:

Paul H. Sanders, Nashville, Tennessee, Chairman.
A. Howard Myers, Newton Center, Massachusetts.
Pedro Munoz-Amato, Rio Piedras, Puerto Rico.

For the employers:

Jack Gross, White Plains, New York.
Maria Luisa Arcelay, Mayaguez, Puerto Rico.
Julio Garcia, Jr., Sabana Grande, Puerto Rico.

For the employees:

Charles S. Zimmerman, New York, New York.
David Sternback, San Juan, Puerto Rico.
Frank L. Fernbach, Chevy Chase, Maryland.

For the purpose of this order the Handkerchief, Square Scarf, and Art Linen Industry in Puerto Rico is defined as follows:

The manufacture of plain, scalloped, or ornamented handkerchiefs and square scarves; the manufacture of art linens, including, but not by way of limitation, table cloths, luncheon cloths, altar cloths, napkins, bridge sets, table covers, sheets, pillow cases, and towels; and the manufacture of needlepoint on canvas or other material.

Industry Committee No. 22–C is composed of the following representatives:

For the public:

Paul H. Sanders, Nashville, Tennessee, Chairman.
A. Howard Myers, Newton Center, Massachusetts.
Pedro Munoz-Amato, Rio Piedras, Puerto Rico.

For the employers:

Jack Gross, White Plains, New York.
Leonard Tuttman, Bayamon, Puerto Rico.
Rafael Igartua, Aguadilla, Puerto Rico.

For the employees:

Charles S. Zimmerman, New York, New York.
David Sternback, San Juan, Puerto Rico.
Frank L. Fernbach, Chevy Chase, Maryland.

For the purpose of this order the Children's Dress and Related Products Industry in Puerto Rico is defined as follows:

The manufacture from woven or knit fabric of the following garments: Dresses, blouses, shirts and similar garments for girls; shirts and blouses for boys, size 6X and under; dresses, rompers, creepers, sportswear and play apparel for infants three years of age or under; and clothing and accessories for dolls.



Industry Committee No. 22–D is composed of the following representatives:

For the public:

Paul H. Sanders, Nashville, Tennessee, Chairman.
A. Howard Myers, Newton Center, Massachusetts.
Pedro Munoz-Amato, Rio Piedras, Puerto Rico.

For the employers:

Jack Gross, White Plains, New York.
Alfred Dowaliby, Arecibo, Puerto Rico.
Sam Schweitzer, Mayaguez, Puerto Rico.

For the employees:

Charles S. Zimmerman, New York, New York.
David Sternback, San Juan, Puerto Rico.
Lewis G. Hines, Washington, D. C.

For the purpose of this order the Women's and Children's Underwear Industry in Puerto Rico is defined as follows:

The knitting, or manufacture from woven or knit fabric, of women's, misses', girls', boys' size 6X and under, and infants' underwear and nightwear, including, but not by way of limitation, slips, petticoats, nightgowns, negligees, panties, undershirts, briefs, shorts, pajamas, sleepers, and similar articles.

Industry Committee No. 22–E is composed of the following representatives:

For the public:

Paul H. Sanders, Nashville, Tennessee, Chairman.
A. Howard Myers, Newton Center, Massachusetts.
Pedro Nunoz-Amato, Rio Piedras, Puerto Rico.

For the employers:

Jack Gross, White Plains, New York.
Stanley Siegel, Bayamon, Puerto Rico.
Sam Schweitzer, Mayaguez, Puerto Rico.

For the employees:

Charles S. Zimmerman, New York, New York.
David Sternback, San Juan, Puerto Rico.
Lewis G. Hines, Washington, D. C.

For the purpose of this order the Needlework and Fabricated Textile Products Industry in Puerto Rico is defined as follows:

The manufacture from any material of all apparel and apparel furnishings and accessories made by the knitting, crocheting, cutting, sewing, embroidering, or other processes; the manufacture of all textile products and the manufacture of like articles in which a synthetic material in sheet form is the basic component: *Provided, however,* That the definition shall not cover products or activities included in the Children's Dress and Related Products Industry, the Fabric and Leather Glove Industry, the Handkerchief, Square Scarf, and Art Linen Industry, and the Women's and Children's Underwear Industry, as defined in this order, nor products or activities included in the following industries in Puerto Rico as defined in the wage orders for such industries: The Artificial Flower Industry, the Button, Buckle, and Jewelry Industry, the Corsets, Brassieres and Allied Garments Industry, the Handicraft Products Industry, the Hooked Rug Industry, the Hosiery Industry, the Men's and Boys' Clothing and Related Products Industry, the Shoe Manufacturing and Related Products Industry, and the Textile and Textile Products Industry.

I hereby refer to the above mentioned industry committees the question of the minimum wage rates to be fixed under section 6 (c) of the act for its industry. Each such industry committee shall investigate conditions in its industry, and the committee, or any authorized subcommittee thereof, shall hear such witnesses and receive such evidence as may be necessary or appropriate to enable the committee to perform its duties and functions under the act.

Industry Committee No. 22–A shall commence its hearing on July 16, 1956, at 2:00 p. m. in the offices of the Wage and Hour Division, United States Department of Labor, New York Department Store Building, Fortaleza and San Jose Streets, San Juan, Puerto Rico. Consecutively, at the same place, after the hearing of Industry Committee No. 22–A, Industry Committees Nos. 22–B, 22–C, 22–D, and 22–E shall hold their hearings in that order.

Each committee will meet at the same place before its hearing to make its investigation and appropriate decisions concerning its hearing. Industry Committee No. 22–A will meet at 10:00 a. m. on July 16, 1956, and Industry Committees Nos. 22–B, 22–C, 22–D, and 22–E will meet at an hour to be designated by the committee chairman.

In order to reach as rapidly as is economically feasible the objective of the minimum wage prescribed in paragraph (1) of section 6 (a) of the act, each industry committee shall recommend to the Administrator the highest minimum wage rate or rates for the industry which it determines, having due regard to economic and competitive conditions, will not substantially curtail employment in the industry and will not give any industry in Puerto Rico a competitive advantage over any industry in the United States outside of Puerto Rico. Where an industry committee finds that a higher minimum wage may be determined for employees engaged in certain activities or in the manufacture of certain products in the industry, the industry committee shall recommend such reasonable classifications within the industry as it determines to be necessary for the purpose of fixing for each classification the highest minimum wage rate that can be determined for it under the principles set out here which will not substantially curtail employment in such classification and will not give a competitive advantage to any group in the industry. No classification shall be made, however, and no minimum wage shall be fixed solely on a regional basis or on the basis of age or sex. In determining whether there should be classifications within the industry, in making such classifications, and in determining the minimum wage rates for such classifications, the committee shall consider, among other relevant factors, the following: (1) Competitive conditions as affected by transportation, living, and production costs; (2) the wages established for work of like or comparable character by collective labor agreements negotiated between employers and employees by representatives of their own choosing; and (3) the wages paid for work of like or comparable character by employers who voluntarily maintain minimum wage standards in the industry.

The Administrator shall prepare an economic report containing such data as he is able to assemble pertinent to the matters herein referred to each committee. Copies of these reports may be obtained at the National and Puerto Rican Offices of the United States Department of Labor as soon as they are completed and prior to the hearings. Each committee will take official notice of the facts stated in the economic report to the extent they are not refuted at the hearing.

The procedure of these industry committees will be governed by Title 29 of the Code of Federal Regulations, Part 511, as revised and amended on November 4, 1955 (20 F. R. 8285) and May 30, 1956 (21 F. R. 3678). Among other requirements, these regulations provide that a prehearing statement containing certain specified data, shall be filed, together with eleven copies, at the office of the Territorial Director of the Wage and Hour Division, United States Department of Labor, New York Department Store Building, Fortaleza and San Jose Streets, San Juan, Puerto Rico, and that one copy of such prehearing statement shall be filed at the office of the Administrator of the Wage and Hour Division, United States Department of Labor, Washington, D. C., not later than July 6, 1956, in the present matters, by all persons who would participate either as witnesses or parties.

Signed at Washington, D. C., this 6th day of June 1956.

JAMES P. MITCHELL,
*Secretary of Labor.*

[F. R. Doc. 56–4544; Filed, June 8, 1956; 8:48 a. m.]

## FEDERAL RESERVE SYSTEM

### [ 12 CFR Part 222 ]

BANK HOLDING COMPANIES

FORM TO BE USED IN MAKING APPLICATION FOR PRIOR APPROVAL OF ACQUISITION OF BANK SHARES

The Board of Governors of the Federal Reserve System is considering the adoption of a form (Form F. R. Y–2) [1] to be used by a bank holding company in making application to the Board for prior approval of the acquisition of bank shares pursuant to section 3 (a) (2) of the Bank Holding Company Act of 1956 (70 Stat. 133).

The proposed form is designed to provide for the submission of information regarding the factors set forth in section 3 (c) of the Bank Holding Company

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D. C., or to any Federal Reserve Bank.

Act of 1956 which are required to be considered by the Board in passing upon any such application.

This notice is published pursuant to section 4 of the Administrative Procedure Act and section 2 of the rules of procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.2).

To aid in the consideration of this matter the Board will be glad to receive from interested persons any relevant data, views, or arguments. Although such material may be sent directly to the Board it is preferable that it be sent to the Federal Reserve Bank of the district which will forward it to the Board to be considered. All such material should be submitted in writing to be received not later than July 2, 1956.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] MERRITT SHERMAN,
*Assistant Secretary.*

[F. R. Doc. 56-4546; Filed, June 8, 1956; 8:49 a. m.]

# NOTICES

## DEPARTMENT OF JUSTICE

### Office of Alien Property

BREVETS AERO-MECANIQUES, S. A.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., and Property*

Brevets Aero-Mecaniques, S. A., Geneva, Switzerland; Claims Nos. 1244 and 2333. Property described in Vesting Order No. 666 (8 F. R. 5047, April 17, 1943), relating to United States Letters Patent Nos.:

1,590,073; 1,592,715; 1,639,583; 1,647,032; 1,656,814; 1,660,291; 1,705,390; 1,716,256; 1,772,384; 1,834,893; 1,993,645; 2,040,197; 2,075,086; 2,075,087; 2,199,871; and 2,199,872.

Executed at Washington, D. C., on May 31, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 56-4537; Filed, June 8, 1956; 8:47 a. m.]

GEORGES AND PHILIPPE HOLTZSCHERER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Georges Holtzscherer, 25 Quai Zorn, Strasbourg (Bas Rhin), France; Philippe Holtzscherer, 1a, Rue Oberlin, Strasbourg, (Bas Rhin), France; $4,143.12 in the Treasury of the United States and 10 shares Hugo Stinnes Corporation $5.00 P. V. capital stock, Certificate No. 12951, registered in the name of the Attorney General, presently in the custody of the Safekeeping Department of the Federal Reserve Bank of New York; One-half to each claimant. Claim No. 61055; Vesting Order No. 9068.

Executed at Washington, D. C., on May 31, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 56-4538; Filed, June 8, 1956; 8:47 a. m.]

STATE OF NETHERLANDS FOR BENEFIT OF BENNIE COHEN ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

The State of the Netherlands for the benefit of (all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Bennie Cohen, L. S. Claim No. 195; Cities Service Company 5/58 Debenture No. 336, in the principal amount of $1,000.

Paul Frenkel, L. S. Claim No. 203; Cities Service Company 5/66 Debenture No. 2338, in the principal amount of $500.

Mrs. J. F. Zwart-Tels, L. S. Claim No. 229; Cities Service Company 5/69 Debenture No. 604, in the principal amount of $1,000.

Simon van Amerongen, L. S. Claim No. 269; Southern Pacific Railroad Company 4/55 Bond No. 82091, in the principal amount of $1,000; and Southern Railway Company 4/56 Bonds Nos. 16457, 42759, 42904 and 55646, in the principal amount of $1,000 each.

Mrs. Albertine Eveline Coers, L. S. Claim No. 325; Cities Service Company 5/58 Debenture No. 13928, in the principal amount of $1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on May 31, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 56-4539; Filed, June 8, 1956; 8:47 a. m.]

### Office of the Attorney General

[Order 118-56]

ADMINISTRATION OF DEPARTMENT OF JUSTICE FUNCTIONS PERTAINING TO CONSCIENTIOUS OBJECTORS

All functions, duties, and responsibilities of the Department of Justice arising under or pursuant to section 6 (j) of the Universal Military Training and Service Act, as amended (50 U. S. C. App. 456 (j)), are hereby assigned to the Office of Legal Counsel, Department of Justice, and shall be administered under the general supervision and direction of the Assistant Attorney General in charge of that Office.

There is hereby established in the Office of Legal Counsel a section to be known as the Conscientious Objector Section, at the head of which shall be an attorney designated, for the purposes of this order, as Chief of the Conscientious Objector Section, Department of Justice.

The Chief of the Conscientious Objector Section is hereby authorized, under the general supervision and direction of the Assistant Attorney General in charge of the Office of Legal Counsel, to perform the following-described functions:

1. Conducting and signing correspondence pertaining to conscientious-objector matters and related selective-service matters.

2. Recommending persons for appointment as Special Hearing Officers for the Department of Justice to hear conscientious-objector cases.

3. Supervising the work of the Special Hearing Officers for the Department of Justice.

4. Consulting with and advising United States Attorneys, officials of the Selective Service System, and officials of the Federal Bureau of Investigation with respect to matters pertaining to conscientious objectors.

5. Making recommendations to Selective Service Appeal Boards with respect to claims of conscientious objectors.

6. Representing the Department of Justice in all matters arising under or related to section 6 (j) of the said Universal Military Training and Service Act, as amended.

Supplement No. 53 of November 30, 1951, to Order No. 3732 is hereby revoked.

Dated: May 25, 1956.

WILLIAM P. ROGERS,
*Acting Attorney General.*

[F. R. Doc. 56-4525; Filed, June 8, 1956; 8:45 a. m.]



## CIVIL AERONAUTICS BOARD

[Docket No. 5947]

AIR FREIGHT FORWARDER; REOPENED

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautical Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on July 24, 1956, on the following limited issues only: Whether, as a matter of law, the Board can and, as a matter of policy, should permit air freight forwarders to enter into joint rate or compensation agreements with direct air carriers, providing for rates lower than those paid by other users of the direct carriers' services. This argument will be held at 10:00 a. m., e. d. s. t. in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., June 6, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56-4599; Filed, June 8, 1956; 8:58 a. m.]

[Docket No. 7902]

CAPITAL GAINS PROCEEDING

NOTICE OF POSTPONEMENT OF PREHEARING CONFERENCE

Notice is hereby given that the prehearing conference in the above-entitled investigation now assigned for June 6 is postponed to June 18, 1956, 10:00 a. m., e. d. s. t., Room 1512, Temporary Building No. 4, Seventeenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Paul N. Pfeiffer.

Dated at Washington, D. C., June 5, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56-4523; Filed, June 8, 1956; 8:45 a. m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

[Aberdeen Area Office Redelegation Order 2, Amdt. 2]

SUPERINTENDENTS AND OTHER DESIGNATED EMPLOYEES

REDELEGATION OF AUTHORITY: CHEYENNE RIVER AGENCY

Order 2 (19 F. R. 8756), as amended (20 F. R. 6304), is further amended as hereinafter indicated.

A new part is added to read as follows:

PART 3—AUTHORITY OF SPECIFICALLY DESIGNATED EMPLOYEES FUNCTIONS RELATING TO LANDS AND MINERALS

SEC. 3.132 *Approval of mortgages and deeds of trust.* The Superintendent, Cheyenne River Agency, may approve mortgages and deeds of trust pursuant to 25 CFR 241.52, given as security for loans to finance productive enterprises operated by borrowers; to provide housing facilities for borrowers; and for the purchase or construction of other improvements to be utilized by borrowers when the loans are made by the Cheyenne River Sioux Tribe.

GLENN R. LANDBLOOM,
*Acting Area Director.*

Approved: June 4, 1956.

GLENN L. EMMONS,
*Commissioner.*

[F. R. Doc. 56-4524; Filed, June 8, 1956; 8:45 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11180, 11718; FCC 56M-555]

BILL MATHIS AND KEY CITY BROADCASTERS

ORDER SCHEDULING HEARING

In re applications of Bill Mathis, Abilene, Texas, Docket No. 11180, File No. BP-8917; Howard Barrett and Robert H. Nash, d/b as Key City Broadcasters, Abilene, Texas, Docket No. 11718, File No. BP-10278; for construction permits.

*It is ordered,* This 1st day of June 1956, that Jay A. Kyle will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 31, 1956, in Washington, D. C.

Released: June 5, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4547; Filed, June 8, 1956; 8:49 a. m.]

[Docket Nos. 11417, 11418; FCC 56M-548]

TAYLOR BROADCASTING CO. AND GARDEN OF THE GODS BROADCASTING CO.

ORDER CONTINUING HEARING

In re applications of Taylor Broadcasting Company, Colorado Springs, Colorado, Docket No. 11417, File No. BP-9439; Garden of the Gods Broadcasting Company, Manitou Springs, Colorado, Docket No. 11418, File No. BP-9462; for construction permits.

The Hearing Examiner having under consideration a request for continuance filed by Garden of the Gods Broadcasting Company on June 1, 1956;

It appearing that under the present schedule exhibits were to be exchanged on June 4 and a further hearing conference to be held on June 14, 1956; and

It further appearing that the two applicants have agreed through informal conferences to take certain additional measurements by means of a test transmitter and require additional time for this purpose; and

It further appearing that Taylor Broadcasting Company joins in this request and the other parties to the proceeding consent thereto but that the dates requested by the petitioner are not compatible with the Hearing Examiner's schedule;

*It is ordered,* This 4th day of June 1956, that the petition of Garden of the Gods Broadcasting Company is granted, that the date for exchanging exhibits is continued from June 4 to June 25, 1956 and the date for further hearing conference is continued from June 14 to July 2, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4548; Filed, June 8, 1956; 8:49 a. m.]

[Docket Nos. 11492, 11719; FCC 56M-551]

CITIZENS BROADCASTING CO. AND SALEM BROADCASTING CO.

ORDER SCHEDULING HEARING

In re applications of Archie S. Mobley, Pauline A. Mobley, Paul D. Ford and Eleanor J. Ford, d/b as Citizens Broadcasting Company, Terre Haute, Indiana, Docket No. 11492, File No. BP-9195; and Thomas S. Land and Bryan Davidson, d/b as Salem Broadcasting Company, Salem, Illinois, Docket No. 11719, File No. BP-10199; for construction permits.

*It is ordered,* This 1st day of June 1956, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 31, 1956, in Washington, D. C.

Released: June 5, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4549; Filed, June 8, 1956; 8:49 a. m.]

[Docket Nos. 11511, 11710; FCC 56M-553]

BOOTH RADIO AND TELEVISION STATIONS, INC., AND KNORR BROADCASTING CORP.

ORDER SCHEDULING HEARING

In re applications of Booth Radio and Television Stations, Inc., Lansing, Michigan, Docket No. 11511, File No. BP-9787; Knorr Broadcasting Corporation, Lansing, Michigan, Docket No. 11710, File No. BP-10391; for construction permits.

*It is ordered,* This 1st day of June 1956, that J. D. Bond will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 30, 1956, in Washington, D. C.

Released: June 5, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4550; Filed, June 8, 1956; 8:49 a. m.]

[Docket Nos. 11634, 11635; FCC 56M-558]

STEPHENVILLE BROADCASTING CO. AND OSAGE BROADCASTING CO.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of Galen O. Gilbert and J. R. Kincaid d/b as Stephenville Broadcasting Company, Tahlequah, Oklahoma, Docket No. 11634, File No. BP-9978; John M. Mahoney and John Q. Adams d/b as Osage Broadcasting Company, Bartlesville, Oklahoma, Docket No. 11635, File No. BP-10096; for construction permits.

The Hearing Examiner having under consideration a "Petition for Setting of Hearing Date" filed May 28, 1956, on behalf of Stephenville Broadcasting Company; and

It appearing that by order dated April 17, 1956, this hearing was continued indefinitely upon petition by Osage Broadcasting Company so as to allow time—30 days requested—for it to amend its application, and that petitioner now seeks the fixing of dates for a prehearing conference and commencement of the hearing because Osage Broadcasting Company has not petitioned to amend its application and the conditions making the hearing necessary originally still exist; and

It further appearing that no objection to the petition has been filed on behalf of any party, and that good cause for granting the petition for a prehearing conference date has been shown, but that the date for commencing the hearing can be best determined at the prehearing conference;

*Now therefore it is ordered*, This 5th day of June 1956, that the above petition is granted in part, and pursuant to §§ 1.813 and 1.841 of the Commission's rules, *it is ordered and directed*, That the parties or their attorneys shall appear at the offices of the Commission in Washington, D. C., at 10:00 a. m., on Tuesday, June 19, 1956, for a prehearing conference to consider:

1. The necessity or desirability of simplification, clarification, amplification or limitation of the issues;

2. The possibility of stipulating with respect to facts;

3. The procedures to be followed prior to and at the hearing;

4. The limitation of the number of witnesses;

5. The procedures and schedules for the prior mutual exchange between the parties of prepared testimony and exhibits; and

6. Such other matters as may aid in the disposition of this proceeding.

*It is further ordered*, That so much of the instant petition as requests the fixing of a date for commencing the hearing is continued for consideration and appropriate action at the prehearing conference hereinabove ordered.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4551; Filed, June 8, 1956; 8:49 a. m.]

[Docket No. 11661; FCC 56M-557]

WRATHER-ALVAREZ BROADCASTING, INC.

ORDER CONTINUING HEARING

In re application of Wrather-Alvarez Broadcasting, Inc., Yuma, Arizona, Docket No. 11661, File No. BPCT-2039; for a construction permit for a new television broadcast station (Channel 13).

The Hearing Examiner having under consideration a petition of Valley Telecasting Co., filed May 28, 1956, requesting a continuance;

It appearing that this proceeding is currently scheduled to commence on June 6, 1956, in Washington, D. C., but that a petition from Wrather-Alvarez Broadcasting, Inc. (the applicant), is now pending before the Commission, seeking the deletion of an issue or, in the alternative, a shift in the burden of proof and that responsive pleadings are likewise on file from the other parties; and

It further appearing that until the question of this issue and placement of the burden of proof have been finally settled, any attempt to proceed with the hearing would be likely to result in waste; and

It further appearing that counsel for the applicant and the Broadcast Bureau have both consented to a grant of the instant petition;

*It is ordered*, This 4th day of June 1956, that the petition of Valley Telecasting Co. is granted and the date for commencement of hearing is continued from June 6 to June 25, 1956, at 10:00 a. m. in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4552; Filed, June 8, 1956; 8:50 a. m.]

[Docket Nos. 11702, 11703; FCC 56M-556]

POLLY B. HUGHES AND HOLIDAY ISLES BROADCASTING CO.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of Polly B. Hughes, Tampa, Florida, Docket No. 11702, File No. BP-9897; Edmund A. Spence tr/as Holiday Isles Broadcasting Company, St. Petersburg Beach, Florida, Docket No. 11703, File No. BP-10148; for construction permits.

*It is ordered*, This 4th day of June 1956, that a prehearing conference in the above-entitled proceeding will be held in the offices of the Commission, Washington, D. C., commencing at 10:00 a. m., Monday, June 18, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4553; Filed, June 8, 1956; 8:50 a. m.]

[Docket Nos. 11711, 11712; FCC 56M-554]

SOUTH GEORGIA BROADCASTING CO. AND BEN HILL BROADCASTING CORP. (WBHB)

ORDER SCHEDULING HEARING

In re application of Al H. Evans and Joseph Bilodeau, a partnership d/b as South Georgia Broadcasting Company, Fitzgerald, Georgia, Docket No. 11711, File No. BP-9969; Ben Hill Broadcasting Corporation (WBHB), Fitzgerald, Georgia, Docket No. 11712, File No. BP-10195; for construction permits.

*It is ordered*, This 1st day of June 1956, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 30, 1956, in Washington, D. C.

Released: June 5, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4554; Filed, June 8, 1956; 8:50 a. m.]

[Docket No. 11720, etc.; FCC 56M-552]

MIDDLESEX BROADCASTING CORP. (WTAO) ET AL.

ORDER SCHEDULING HEARING

In re applications of Middlesex Broadcasting Corporation (WTAO), Cambridge, Massachusetts, Docket No. 11720, File No. BP-8027; Princess Anne Broadcasting Corporation, Virginia Beach, Virginia, Docket No. 11721, File No. BP-9317; Huntington-Montauk Broadcasting Company, Inc. (WGSM), Deer Park, Long Island, New York, Docket No. 11722, File No. BP-9436; Winslow Turner Porter, Bath, Maine, Docket No. 11723, File No. BP-9730; Television & Radio Broadcasting Corporation, Hyannis, Massachusetts, Docket No. 11724, File No. BP-9936; for construction permits.

*It is ordered*, This 1st day of June 1956, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 31, 1956, in Washington, D. C.

Released: June 5, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4555; Filed, June 8, 1956; 8:50 a. m.]

## FEDERAL POWER COMMISSION

[Docket Nos. G-7035, etc.]

DALPORT OIL CORP. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

Take notice that each of the applicants listed below has filed an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing such Applicant to continue to sell natural gas subject to the jurisdiction of the Commission, all as more fully represented in the respective applications which are on file with the Commission and open for public inspection. These matters should be consolidated and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on the date and at the place hereinafter stated, concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) not less than ten days before the date of hearing. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request for waiver is made. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

The dockets, Applicants and material averments in applications to which reference is made above are as follows:

*Docket No.; Name and Address; Filing Date; Gas Field; and Purchaser*

G-7035; Dalport Oil Corporation, H. R. Bright, H. G. Schiff, W. D. Kennedy, John S. Mayon, W. L. Todd, and W. L. Todd, Jr., Dallas, Tex.; 11-30-54; Jalmat, Lea County, N. Mex.; El Paso Natural Gas Company.

G-7036; Dalport Oil Corporation, Edward Wright, H. G. Schiff, and H. R. Bright, Dallas, Tex.; 11-30-54; Jalmat, Lea County, N. Mex.; El Paso Natural Gas Company.

G-7037; Dalport Oil Corporation and Edward Wright, Jr., Dallas, Tex.; 11-30-54; Jalmat, Lea County, N. Mex.; El Paso Natural Gas Company.

G-7038; Dalport Oil Corporation and Edward Wright, Jr., Dallas, Tex.; 11-30-54; Langlie-Mattix, Lea County, N. Mex.; El Paso Natural Gas Company.

G-7039; Dalport Oil Corporation and Edward Wright, Jr., Dallas, Tex.; 11-30-54; Jalmat, Lea County, N. Mex.; El Paso Natural Gas Company.

G-7040; Dalport Oil Corporation and Edward Wright, Jr., Dallas, Tex.; 11-30-54; Jalmat, Lea County, N. Mex.; El Paso Natural Gas Company.

G-7041; Dalport Oil Corporation and Edward Wright, Jr., Dallas, Tex.; 11-30-54; Jalmat, Lea County, N. Mex.; El Paso Natural Gas Company.

G-7042; Dalport Oil Corporation and Edward Wright, Jr., Dallas, Tex.; 11-30-54; Jalmat, Lea County, N. Mex.; El Paso Natural Gas Company.

G-7043; Dalport Oil Corporation and Edward Wright, Jr.; Dallas, Tex.; 11-30-54; Langlie-Mattix, Lea County, N. Mex.; El Paso Natural Gas Company.

G-7044; Dalport Oil Corporation and Edward Wright, Jr., Dallas, Tex.; 11-30-54; Jalmat, Lea County, N. Mex.; El Paso Natural Gas Company.

G-7045; Dalport Oil Corporation and Edward Wright, Jr., Dallas, Tex.; 11-30-54; Langlie-Mattix, Lea County, N. Mex.; El Paso Natural Gas Company.

G-7046; Dalport Oil Corporation and Edward Wright, Jr., Paul D. Smith and Paul D. Smith, Jr., Dallas, Tex.; 11-30-54; Jalmat, Lea County, N. Mex.; El Paso Natural Gas Company.

G-7047; Dalport Oil Corporation and Edward Wright, Jr., Paul D. Smith and Paul D. Smith, Jr., Dallas, Tex.; 11-30-54; Langlie-Mattix, Lea County, N. Mex.; El Paso Natural Gas Company.

G-7048; Dalport Oil Corporation and Edward Wright, Jr., H. H. Reeder Construction Co., Inc., and Jack B. Shook, Dallas, Tex.; 11-30-54; Langlie-Mattix, Lea County, N. Mex.; El Paso Natural Gas Company.

G-7049; Dalport Oil Corporation and Edward Wright, Jr., H. H. Reeder Construction Co., Inc., and Jack B. Shook, Dallas, Tex.; 11-30-54; Jalmat, Lea County, N. Mex.; El Paso Natural Gas Company.

A public hearing will be held on the 3d of July 1956, beginning at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the above applications.

[SEAL] LEON M. FUQUAY,
*Secretary.*

JUNE 4, 1956.

[F. R. Doc. 56-4540; Filed, June 8, 1956; 8:48 a. m.]

[Docket No. G-10347]

CITIES SERVICE GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 5, 1956.

Take notice that Cities Service Gas Company (Applicant), a Delaware corporation with a principal office in Oklahoma City, Oklahoma, filed an application on May 3, 1956, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing Applicant to utilize its facilities for and make sale and delivery of volumes of natural gas to Union Gas System, Inc. (Union), under Applicant's EP Rate Schedule, at the maximum rate of 16,000 Mcf daily, and on an average of 12,000 Mcf daily, until October 22, 1956, for the purpose of providing natural gas to Union for storage in its storage field in Montgomery County, Kansas.

The application recites that the capacity of Union's storage field is 3,600,000 Mcf, and Union's capacity to deliver gas into storage is limited to 16,000 Mcf daily; and that the sale and delivery of this volume of gas to Union will not have any adverse effect on Applicant's service to any existing customer. The proposed deliveries will be made through an existing point of connection between Applicant's 20-inch southern trunk line and Union's 6-inch line in Montgomery County, Kansas.

The Commission on May 23, 1956, granted Applicant temporary authorization for the making of the proposed sale and delivery to Union.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 3, 1956 at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceeding pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 22, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-4541; Filed, June 8, 1956; 8:48 a. m.]

[Docket No. E-6668]

IDAHO POWER CO.

ORDER PERMITTING INTERVENTION AND SETTING ORAL ARGUMENT

National Hells Canyon Association, Inc., (Petitioner),[1] by petition filed April 19, 1956, as modified by an amended petition filed May 29, 1956, requested (1) that it be granted leave to intervene in the above-entitled matter wherein Idaho Power Company (Idaho), requests authorization under section 204 of the Federal Power Act to issue an aggregate of $20,000,000, principal amount of short-term Promissory Notes, to provide interim financing for its current construction program, the major portion of which is the Hells Canyon project licensed by order of the Commission issued August 4, 1955, Project Nos. 1971, 2132 and 2133, and (2) that it be afforded an opportunity to raise certain matters on oral argument before the Commission in opposition to the authorization requested by Idaho.

In support of its request for leave to intervene, Petitioner states that it is composed of various nonprofit utility organizations, farm and labor organiza-

[1] A non-profit association organized under the laws of the State of Idaho, with its principal place of business in Portland, Oregon.

tions and other representative public groups in the Pacific Northwest [2] having direct interests in the above-entitled matter which are not otherwise adequately represented. By order issued July 9, 1953, the Commission granted Petitioner leave to intervene in Project Nos. 1971, 2132 and 2133.

In opposing the application by Idaho for authorization to issue short-term Promissory Notes, Petitioner states that it cannot now be determined within the meaning of section 204 of the Federal Power Act that the proposed issuance of securities is "for some lawful object" and "compatible with the public interest", for two reasons, namely, that (1) the Commission's opinion and order licensing Project Nos. 1971, 2132 and 2133 are currently under Court review (National Hells Canyon Association, Inc., et al. v. F. P. C., C. A. D. C. Nos. 12988, 13160) and (2) that Idaho, having failed to obtain a water-use permit or license from the Oregon Hydroelectric Commission before commencing construction on the Hells Canyon project, has been declared by the Oregon State Attorney General to be in violation of Oregon State Law. Petitioner requests the Commission to hear oral argument on these two matters.

By answer filed May 2, 1956, as amended May 18, 1956, Idaho responded to Petitioner's request for leave to intervene and opportunity for oral argument wherein Idaho, among other things, (1) disputed that Petitioner is qualified or entitled to intervene in this proceeding; (2) denied Petitioner's contention that it cannot now be determined whether the proposed issuance of securities will be "for some lawful object" and "compatible with the public interest" within the meaning of section 204 of the Federal Power Act and alleged that the requested authorization to issue securities is necessary to enable it (Idaho) to fulfill its obligation under the Commission opinion and order licensing the Hells Canyon project to proceed with construction of the project, and its legal responsibilities as a public utility to its customers in Idaho, Oregon and Nevada; (3) denied Petitioner's allegation that in proceeding with the construction of the Hells Canyon project it (Idaho) is in violation of the State law of Oregon.

By stipulation dated May 29, 1956, Petitioner and Idaho agreed that if Petitioner's requests for leave to intervene and opportunity for oral argument "be granted by the Commission they do not desire to proffer any facts before the Commission in this matter, other than as set forth in Petitioner's amended petition and in the Applicant's answer as amended and in the application as amended."

The Commission finds:

(1) Without deciding whether Petitioner has any interest which may be directly affected and which is not adequately represented in this proceeding and as to which Petitioner may be bound by Commission action herein, the participation of the Petitioner as an intervener in this proceeding may be in the public interest.

(2) It is appropriate for the purposes of the Federal Power Act that the Petitioner's request for oral argument on the matters referred to above be granted as hereinafter provided.

The Commission orders:

(A) Petitioner be, and it hereby is permitted to become an intervener in this proceeding, subject to the rules and regulations of the Commission: *Provided, however,* That the participation of such intervener shall be limited to the matters specifically set forth in the amended petition of Petitioner; *And provided further,* That the admission of such intervener shall not be construed as recognition by the Commission that Petitioner may be aggrieved because of any order of the Commission entered in this proceeding.

(B) Oral argument will be heard by the Commission on June 7, 1956, at 10 a. m., e. d. s. t., in the hearing room of the Federal Power Commission, 441 G Street NW., Washington 25, D. C., as requested by the Petitioner.

(C) Petitioner and Idaho and Staff Counsel shall have 30 minutes each on the argument ordered herein.

Issued: June 5, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-4542; Filed, June 8, 1956; 8:48 a. m.]

[2] Northwest Public Power Association, Washington Public Utility District (PUD) Commissioners Association, Washington Rural Electric Association, Oregon Rural Electric Association, Montana Rural Electric Association, Oregon State Grange, Oregon Farmers Union, Washington State Grange, Oregon State Federation of Labor, Oregon State CIO Council, Washington State Federation of Labor, Washington State CIO, Montana State Federation of Labor, International Union of Operating Engineers.

## INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 6, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32181: *Canned fruits and vegetables—Texas to Illinois and Iowa.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on canned fruits and vegetables, straight or mixed carloads from Crystal City, Tex., and other specified points in the Rio Grande Valley of southwestern Texas to Chicago, Ill., Davenport, Iowa, and other points in Illinois and Iowa named in the application.

Grounds for relief: Circuitous routes.

Tariff: Supplement 31 to Agent Kratzmeir's I. C. C. 4042.

FSA No. 32182: *Acrylonitrile—New Orleans, La., to Chicago, Ill.* Filed by O. W. South, Jr., agent, for interested rail carriers. Rates on acrylonitrile, tankcar loads from New Orleans, La., to Chicago, Ill.

Grounds for relief: Circuitous route.

Tariff: Supplement 178 to Alternate Agent Marque's I. C. C. 417.

FSA No. 32183: *Styrene—New Orleans, La., to Wallingford, Conn.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on styrene, tank-car loads from New Orleans, La., to Wallingford, Conn.

Grounds for relief: Competition of carriers by water and truck, and circuitous routes.

Tariff: Supplement 17 to Agent Marque's I. C. C. 422.

FSA No. 32184: *Refractories and products from, to, and between points in official territory.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on refractories and refractory products, carloads, as described in appendix B of the application between points in official territory, including points in Illinois territory and extended zone C in Wisconsin, between points within Illinois territory, and from points in Missouri related to St. Louis, Mo., rates in Docket 10733 to points in official territory.

Grounds for relief: Modified short-line distance formula and circuity.

Tariff: Supplement 66 to Agent Hinsch's tariff I. C. C. 4418, and supplements to his, other agents' and individual lines' tariffs listed in appendix A to the application.

FSA No. 32185: *Paper and paper articles to the southwest and Lower Mississippi River crossings.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on paper and paper articles, as described in the application, less-than-carload, from Kansas City, St. Joseph, and Springfield, Mo., to Base points in Arkansas, including Helena, Louisiana, New Mexico, Oklahoma, and Texas, also to Memphis, Tenn., Natchez and Vicksburg, Miss., Baton Rouge, New Orleans, and Reserve, La., and points grouped therewith.

Grounds for relief: Motor truck competition and circuity.

FSA No. 32186: *All freight—Eastern to southern points.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on merchandise, in mixed carloads from New York, N. Y., Boston, Mass., and Philadelphia, Pa., to Brookley and Mobile, Ala., Daytona Beach and Tallahassee, Fla., and Gastonia, N. C.

Grounds for relief: Motor truck competition and circuity.

Tariff: Supplement 9 to Agent Boin's I. C. C. A-1069.

FSA No. 32187: *All freight—Eastern points to Birmingham, Ala.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on merchandise, mixed carloads from Boston and East Boston, Mass., New York, N. Y., Bridgeport, Conn., and other specified points in Connecticut to Birmingham, Ala.

Grounds for relief: Motor truck competition and circuity.

Tariff: Supplement 9 to Agent Boin's I. C. C. A-1069.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56-4534; Filed, June 8, 1956; 8:46 a. m.]



## SECURITIES AND EXCHANGE COMMISSION

[File No. 7-1798]

CHAS. PFIZER & CO., INC.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

JUNE 4, 1956.

In the matter of application by the Philadelphia-Baltimore Stock Exchange for unlisted trading privileges in Chas. Pfizer & Co., Inc., Common Stock, File No. 7-1798.

The above-named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before June 20, 1956, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-4526; Filed, June 8, 1956; 8:45 a. m.]

[24W-1647]

LABORATORY OF ELECTRONIC ENGINEERING, INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JUNE 5, 1956.

I. Laboratory of Electronic Engineering, Inc., a Maryland Corporation, with principal offices located at 413 L Street NW., Washington, D. C., having filed with the Commission on November 25, 1953, a Notification on Form 1-A and an Offering Circular, and subsequently having filed amendments thereto, relating to a proposed offering of 17,523 shares of $10 par Class A common stock at par, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having reasonable cause to believe that the terms and conditions of Regulation A have not been complied with in that the company has failed to file reports of sales on Form 2-A as required by Rule 224 of Regulation A, and has ignored requests by the Commission's staff for such reports.

III. *It is ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

*It is further ordered,* That this order and notice shall be served upon Laboratory of Electronic Engineering, Inc., and Mr. Carl Mayfield, 23 Riggs Road NE., Washington, D. C., personally or by registered mail or by confirmed telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-4528; Filed, June 8, 1956; 8:46 a. m.]

[24W-1654]

ALPHA INSTRUMENT COMPANY, INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JUNE 5, 1956.

I. Alpha Instrument Company, Inc., a Delaware corporation, with principal offices located at 1213 20th Street NW., Washington 6, D. C., having filed with the Commission on January 8, 1954, a Notification on Form 1-A and a Rule 219 (b) Statement as an exhibit thereto, and subsequently having filed an amendment thereto, relating to a proposed offering of 200 shares of no par cumulative preferred stock at $50 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having reasonable cause to believe that the terms and conditions of Regulation A have not been complied with in that the company has failed to file reports of sales on Form 2-A as required by Rule 224 of Regulation A, and has ignored requests by the Commission's staff for such reports.

III. *It is ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

*It is further ordered,* That this order and notice shall be served upon Alpha Instrument Company, Inc., and Mr. John S. Kusner, 6294 North 15th Road, Arlington 13, Virginia, personally or by registered mail or by confirmed telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-4533; Filed, June 8, 1956; 8:46 a. m.]

[File No. 70-3481]

OHIO POWER CO.

NOTICE OF FILING OF DECLARATION REGARDING ISSUANCE AND SALE OF SHORT-TERM NOTES

JUNE 5, 1956.

Notice is hereby given that Ohio Power Company ("Ohio Power"), a public utility subsidiary of American Gas and Electric Company, a registered holding company, has filed with this Commission a declaration pursuant to the Public Utility Holding Company Act of 1935 ("act") and has designated sections 6 and 7 of the act as applicable to the proposed transactions.

All interested persons are referred to the declaration on file in the office of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Pursuant to a credit agreement with the seven banks named below, Ohio Power proposes to borrow, from time to time prior to December 31, 1956, an aggregate amount not to exceed $31,000,000 as follows:

| | |
|---|---|
| Irving Trust Co., New York, N. Y. | $5,540,000 |
| Mellon National Bank & Trust Co., Pittsburgh, Pa. | 5,450,000 |
| First National City Bank of New York, New York | 5,450,000 |
| Manufacturers Trust Co., New York, N. Y. | 5,450,000 |
| Guaranty Trust Co., New York, N. Y. | 3,100,000 |
| The Hanover Bank, New York, N. Y. | 3,100,000 |
| Bankers Trust Co., New York, N. Y. | 3,000,000 |
| Total | 31,000,000 |

Of the $31,000,000 proposed to be borrowed, $2,500,000 borrowed as of May 15, 1956, and additional proposed borrowings aggregating $14,500,000 are exempt by the provisions of the first sentence of section 6 (b) of the act. Accordingly, approval is being requested for further proposed additional borrowings in amounts not to exceed an aggregate of $14,000,000.

Each proposed borrowing is to be evidenced by a note maturing 270 days after the date of the borrowing, and is to bear interest at the current prime credit rate effective on the date of the borrowing, which prime rate is presently 3¾ percent per annum. The notes are to be prepayable in whole or in part without premium. All bank loan notes outstanding at the time of the next permanent financing, presently expected to be effected prior to December 31, 1956, are to be paid from the proceeds of such financing.

The proceeds from the proposed borrowings are to be used to pay part of the costs of Ohio Power's 1956 construction program, estimated at $67,170,000.

No finders' fees or commissions are to be paid; no legal or other fees, commissions or expenses are to be paid, except the routine charges for the services of American Gas and Electric Service Corporation, the system's mutual service company and incidental expenses estimated at not to exceed $100.

It is represented that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Notice is further given that any interested person may, not later than June 20, 1956, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on this matter, stating the nature of his interest, the reason for such request, and the issues of fact or law raised by the declaration which he proposes to controvert, or he may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date the declaration, as filed or as it may be amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-4531; Filed, June 8, 1956; 8:46 a. m.]

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[24W-1675]

GEORGETOWN-ON-THE-AISLE CLUB

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JUNE 5, 1956.

I. Georgetown-On-The-Aisle Club, a Delaware corporation, with principal offices located at 3050 P Street NW., Washington 7, D. C., having filed with the Commission on May 21, 1954, a Notification on Form 1-A and a Rule 219 (b) statement as an exhibit thereto, and subsequently having filed amendments thereto, relating to a proposed offering of 200 shares of no par 6 percent non-cumulative preferred stock at $50 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having reasonable cause to believe that the terms and conditions of Regulation A have not been complied with in that the company has failed to file reports of sales on Form 2-A as required by Rule 224 of Regulation A, and has ignored requests by the Commission's staff for such reports.

III. *It is ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

*It is further ordered,* That this order and notice shall be served upon Georgetown-On-The-Aisle Club and Mr. Harold E. Gould, 3050 P Street NW., Washington 7, D. C., personally or by registered mail or by confirmed telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-4530; Filed, June 8, 1956; 8:46 a. m.]

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[24W-1706]

WASHINGTON INSTITUTE FOR EXPERIMENTAL MEDICINE, INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JUNE 5, 1956.

I. Washington Institute For Experimental Medicine, Inc., a Virginia corporation, with principal offices located at R. F. D., Herndon, Fairfax County, Virginia, having filed with the Commission on September 30, 1954, a Notification on Form 1-A and a Rule 219 (b) statement as an exhibit thereto, and subsequently having filed amendments thereto, relating to a proposed offering of 500 shares of $100 par 7 percent cumulative preferred stock at par, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having reasonable cause to believe that the terms and conditions of Regulation A have not been complied with in that the company has failed to file reports of sales on Form 2-A as required by Rule 224 of Regulation A, and has ignored requests by the Commission's staff for such reports.

III. *It is ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

*It is further ordered,* That this order and notice shall be served upon Washington Institute For Experimental Medicine, Inc., and Dr. Charles F. Morgan, 4003 Oak Lane, Falls Church, Virginia, personally or by registered mail or by confirmed telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-4527; Filed, June 8, 1956; 8:45 a. m.]

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[24W-1802]

HEMISPHERE PRODUCTIONS, LIMITED

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JUNE 5, 1956.

I. Hemisphere Productions, Limited, a Maryland corporation, with principal offices located at 407 Pennsylvania Building, Washington 4, D. C., having filed with the Commission on June 8, 1955, a Notification on Form 1-A and an Offering Circular, and subsequently having filed amendments thereto, relating to a proposed offering of 8,000 shares of $2.50 par 10 percent cumulative preferred stock at $5.00 per share, and 120,000 shares of 25-cent par common stock at 50 cents per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having reasonable cause to believe that the terms and conditions of Regulation A have not been complied with in that the company has failed to file reports of sales on Form 2-A as required by Rule 224 of Regulation A, and has ignored requests by the Commission's staff for such reports.

III. *It is ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

*It is further ordered,* That this order and notice shall be served upon Hemisphere Productions, Limited; Mr. George R. Turpin, 172 West Center, Provo, Utah; and The Matthew Corporation, 1526 Connecticut Avenue NW., Washington, D. C., personally or by registered mail or by confirmed telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-4529; Filed, June 8, 1956; 8:46 a. m.]

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[24W-1807]

A. M. ELECTRONICS, INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JUNE 5, 1956.

I. A. M. Electronics, Inc., a Delaware corporation, with principal offices located at 802 North Capitol Street, Washington, D. C., having filed with the Commission on June 17, 1955 a Notification on Form 1-A and a Rule 219 (b) statement as an exhibit thereto, relating to a proposed offering of 2,400 shares of $10 par common stock at par, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having reasonable cause to believe that the terms and conditions of Regulation A have not been complied with in that the company has failed to file reports of sales on Form 2-A as required by Rule 224 of Regulation A, and has ignored requests by the Commission's staff for such reports.

III. *It is ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

*It is further ordered,* That this order and notice shall be served upon A. M. Electronics, Inc., and Michael S. Fitch, 2952 Second Street SE., Washington, D. C., personally or by registered mail or by confirmed telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-4532; Filed, June 8, 1956; 8:46 a. m.]

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## DEPARTMENT OF AGRICULTURE

### Rural Electrification Administration

[Administrative Order 5375]

FLORIDA

LOAN ANNOUNCEMENT

MAY 1, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | *Amount* |
|---|---|
| Florida 26U Hardee | $150,000 |

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 56-4563; Filed, June 8, 1956; 8:52 a. m.]

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[Administrative Order 5376]

NORTH CAROLINA

LOAN ANNOUNCEMENT

MAY 1, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | *Amount* |
|---|---|
| North Carolina 21W Sampson | $50,000 |

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 56-4564; Filed, June 8, 1956; 8:52 a. m.]

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[Administrative Order 5377]

NORTH CAROLINA

LOAN ANNOUNCEMENT

MAY 2, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | *Amount* |
|---|---|
| North Carolina 36W Randolph | $675,500 |

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 56-4565; Filed, June 8, 1956; 8:52 a. m.]

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[Administrative Order 5378]

NEW MEXICO

LOAN ANNOUNCEMENT

MAY 3, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | *Amount* |
|---|---|
| New Mexico 18B Plains | $3,905,000 |

[SEAL] ANCHER NELSEN, *Administrator.*

[F. R. Doc. 56-4566; Filed, June 8, 1956; 8:52 a. m.]

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[Administrative Order 5379]

MISSOURI

AMENDMENT OF LOAN ANNOUNCEMENT

MAY 4, 1956.

Inasmuch as Northwest Missouri Electric Cooperative, Platte-Clay Electric Cooperative, Inc. and Nodaway Worth Electric Cooperative, Inc. have each transferred certain of their properties and assets to N. W. Electric Power Cooperative, Inc., and N. W. Electric Power Cooperative, Inc., has assumed a part of the indebtedness to United States of America, of Northwest Missouri Electric Cooperative, Platte-Clay Electric Cooperative, Inc. and Nodaway Worth Electric Cooperative, Inc., respectively, arising out of loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend:

(a) Administrative Order No. 1602, dated September 20, 1948, by changing the project designation appearing therein as "Missouri 27L Andrew" in the

amount of $950,000 to read "Missouri 27L Andrew" in the amount of $910,545.39 and "Missouri 72TP3 Gentry (Missouri 27L Andrew)" in the amount of $39,454.61;

(b) Administrative Order No. 1061, dated May 31, 1946, by changing the project designation appearing therein as "Missouri 41M Platte" in the amount of $291,000 to read "Missouri 41M Platt" in the amount of $270,663.91 and "Missouri 72TP4 Gentry (Missouri 41M Platte)" in the amount of $20,336.09; and

(c) Administrative Order No. 417, dated July 1, 1940, by changing the project designation appearing therein as "Missouri 1051A1 Nodaway" in the amount of $360,000 to read "Missouri 1051A1 Nodaway" in the amount of $345,326.73 and "Missouri 72TP5 Gentry (Missouri 1051A1 Nodaway)" in the amount of $14,673.27.

[SEAL] ANCHER NELSEN,
*Administrator.*

[F. R. Doc. 56-4567; Filed, June 8, 1956; 8:53 a. m.]

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[Administrative Order 5380]

WISCONSIN

LOAN ANNOUNCEMENT

MAY 4, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | *Amount* |
|---|---|
| Wisconsin 60S Waushara | $25,000 |

[SEAL] ANCHER NELSEN,
*Administrator.*

[F. R. Doc. 56-4568; Filed, June 8, 1956; 8:53 a. m.]

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[Administrative Order 5381]

SOUTH DAKOTA

AMENDMENT OF LOAN ANNOUNCEMENT

MAY 4, 1956.

I hereby amend: (a) Administrative Order No. 3724, dated June 27, 1952, by reducing the loan of $43,000 therein made for "South Dakota 44B Pennington" by $14,972.28 so that the reduced loan shall be $28,027.72.

[SEAL] ANCHER NELSEN,
*Administrator.*

[F. R. Doc. 56-4569; Filed, June 8, 1956; 8:53 a. m.]

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[Administrative Order 5382]

NORTH DAKOTA

LOAN ANNOUNCEMENT

MAY 4, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | *Amount* |
|---|---|
| North Dakota 20P Grand Forks | $2,786,000 |

[SEAL] ANCHER NELSEN,
*Administrator.*

[F. R. Doc. 56-4570; Filed, June 8, 1956; 8:53 a. m.]

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[Administrative Order 5383]

TEXAS

LOAN ANNOUNCEMENT

MAY 9, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | *Amount* |
|---|---|
| Texas 89W Houston | $233,000 |

[SEAL] ANCHER NELSEN,
*Administrator.*

[F. R. Doc. 56-4571; Filed, June 8, 1956; 8:53 a. m.]

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[Administrative Order 5384]

NEW MEXICO

LOAN ANNOUNCEMENT

MAY 9, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | *Amount* |
|---|---|
| New Mexico 20U Socorro | $592,000 |

[SEAL] ANCHER NELSEN,
*Administrator.*

[F. R. Doc. 56-4572; Filed, June 8, 1956; 8:53 a. m.]

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[Administrative Order 5385]

MISSOURI

LOAN ANNOUNCEMENT

MAY 9, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | *Amount* |
|---|---|
| Missouri 54P Crawford | $400,000 |

[SEAL] ANCHER NELSEN,
*Administrator.*

[F. R. Doc. 56-4573; Filed, June 8, 1956; 8:53 a. m.]

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[Administrative Order 5386]

TEXAS

LOAN ANNOUNCEMENT

MAY 10, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | *Amount* |
|---|---|
| Texas 61V Coleman | $1,185,000 |

[SEAL] ANCHER NELSEN,
*Administrator.*

[F. R. Doc. 56-4574; Filed, June 8, 1956; 8:54 a. m.]

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[Administrative Order 5387]

TEXAS

LOAN ANNOUNCEMENT

MAY 10, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | *Amount* |
|---|---|
| Texas 149E Gillespie | $398,000 |

[SEAL] ANCHER NELSEN,
*Administrator.*

[F. R. Doc. 56-4575; Filed, June 8, 1956; 8:54 a. m.]

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[Administrative Order 5388]

TEXAS

LOAN ANNOUNCEMENT

MAY 11, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | *Amount* |
|---|---|
| Texas 135K Ochiltree | $53,000 |

[SEAL] ANCHER NELSEN,
*Administrator.*

[F. R. Doc. 56-4576; Filed, June 8, 1956; 8:54 a. m.]

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[Administrative Order 5389]

MONTANA

LOAN ANNOUNCEMENT

MAY 11, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:



| Loan designation: | *Amount* |
|---|---|
| Montana 10S Madison | $840,000 |

[SEAL] ANCHER NELSEN,
*Administrator.*

[F. R. Doc. 56-4577; Filed, June 8, 1956; 8:54 a. m.]

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[Administrative Order 5390]

NORTH DAKOTA

LOAN ANNOUNCEMENT

MAY 11, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | *Amount* |
|---|---|
| North Dakota 17T McHenry | $110,000 |

[SEAL] ANCHER NELSEN,
*Administrator.*

[F. R. Doc. 56-4578; Filed, June 8, 1956; 8:54 a. m.]

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[Administrative Order 5391]

COLORADO

LOAN ANNOUNCEMENT

MAY 14, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | *Amount* |
|---|---|
| Colorado 47A Tri-State | $9,968,000 |

[SEAL] ANCHER NELSEN,
*Administrator.*

[F. R. Doc. 56-4579; Filed, June 8, 1956; 8:54 a. m.]

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[Administrative Order 5392]

FLORIDA

LOAN ANNOUNCEMENT

MAY 14, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | *Amount* |
|---|---|
| Florida 24N Monroe | $625,000 |

[SEAL] ANCHER NELSEN,
*Administrator.*

[F. R. Doc. 56-4580; Filed, June 8, 1956; 8:54 a. m.]

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[Administrative Order 5393]

TEXAS

LOAN ANNOUNCEMENT

MAY 14, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | *Amount* |
|---|---|
| Texas 121K Brazos | $7,500,000 |

[SEAL] ANCHER NELSEN,
*Administrator.*

[F. R. Doc. 56-4581; Filed, June 8, 1956; 8:55 a. m.]

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[Administrative Order 5394]

MINNESOTA

LOAN ANNOUNCEMENT

MAY 14, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | *Amount* |
|---|---|
| Minnesota 70R Hennepin | $6,702,000 |

[SEAL] ANCHER NELSEN,
*Administrator.*

[F. R. Doc. 53-4582; Filed, June 8, 1956; 8:55 a. m.]

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[Administrative Order 5395]

NEW MEXICO

LOAN ANNOUNCEMENT

MAY 14, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | *Amount* |
|---|---|
| New Mexico 12U Otero | $50,000 |

[SEAL] ANCHER NELSEN,
*Administrator.*

[F. R. Doc. 56-4583; Filed, June 8, 1956; 8:55 a. m.]

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[Administrative Order 5396]

VIRGINIA

LOAN ANNOUNCEMENT

MAY 16, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | *Amount* |
|---|---|
| Virginia 27AE Nottoway | $310,000 |

[SEAL] FRED H. STRONG,
*Acting Administrator.*

Approved: May 22, 1956.

K. L. SCOTT,
*Director of Agricultural Credit Services.*

[F. R. Doc. 56-4584; Filed, June 8, 1956; 8:55 a. m.]

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[Administrative Order 5397]

OHIO

LOAN ANNOUNCEMENT

MAY 16, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

| Loan designation: | *Amount* |
|---|---|
| Ohio 30P Marion | $254,000 |

[SEAL] FRED H. STRONG,
*Acting Administrator.*

Approved: May 22, 1956.

K. L. SCOTT,
*Director of Agricultural Credit Services.*

[F. R. Doc. 56-4585; Filed, June 8, 1956; 8:55 a. m.]

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[Administrative Order 5398]

TEXAS

LOAN ANNOUNCEMENT

MAY 22, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

| Loan designation: | *Amount* |
|---|---|
| Texas 23T McCulloch | $208,000 |

[SEAL] K. L. SCOTT,
*Director of Agricultural Credit Services.*

[F. R. Doc. 56-4586; Filed, June 8, 1956; 8:55 a. m.]

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[Administrative Order 5399]

TEXAS

LOAN ANNOUNCEMENT

MAY 22, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

| Loan designation: | *Amount* |
|---|---|
| Texas 87Y Karnes | $795,000 |

[SEAL] K. L. SCOTT,
*Director of Agricultural Credit Services.*

[F. R. Doc. 56-4587; Filed, June 8, 1956; 8:56 a. m.]

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[Administrative Order 5400]

TEXAS

LOAN ANNOUNCEMENT

MAY 22, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended,

a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

| Loan designation: | Amount |
|---|---|
| Texas 94V Gonzales | $1,145,000 |

[SEAL] K. L. SCOTT,
*Director of Agricultural Credit Services.*

[F. R. Doc. 56-4588; Filed, June 8, 1956; 8:56 a. m.]

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[Administrative Order 5401]

SOUTH CAROLINA

LOAN ANNOUNCEMENT

MAY 23, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

| Loan designation: | Amount |
|---|---|
| South Carolina 26X Darlington | $110,000 |

[SEAL] K. L. SCOTT,
*Director of Agricultural Credit Services.*

[F. R. Doc. 56-4589; Filed, June 8, 1956; 8:56 a. m.]

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[Administrative Order 5402]

MISSOURI

LOAN ANNOUNCEMENT

MAY 24, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

| Loan designation: | Amount |
|---|---|
| Missouri 46W Taney | $475,000 |

[SEAL] K. L. SCOTT,
*Director of Agricultural Credit Services.*

[F. R. Doc. 56-4590; Filed, June 8, 1956; 8:56 a. m.]

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[Administrative Order 5403]

MISSOURI

LOAN ANNOUNCEMENT

MAY 24, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

| Loan designation: | Amount |
|---|---|
| Missouri 49X Howell | $235,000 |

[SEAL] K. L. SCOTT,
*Director of Agricultural Credit Services.*

[F. R. Doc. 56-4591; Filed, June 8, 1956; 8:56 a. m.]



[Administrative Order 5404]

NEBRASKA

LOAN ANNOUNCEMENT

MAY 24, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

| Loan designation: | Amount |
|---|---|
| Nebraska 98E Furnas District Public | $550,000 |

[SEAL] K. L. SCOTT,
*Director of Agricultural Credit Services.*

[F. R. Doc. 56-4592; Filed, June 8, 1956; 8:56 a. m.]

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[Administrative Order 5405]

NEW MEXICO

AMENDMENT OF LOAN ANNOUNCEMENT

MAY 25, 1956.

I hereby amend: (a) Administrative Order No. 2972, dated October 13, 1950, by reducing the loan of $200,000 therein made for "New Mexico 28B Sandoval" by $88,000 so that the reduced loan shall be $112,000.

[SEAL] K. L. SCOTT,
*Director of Agricultural Credit Services.*

[F. R. Doc. 56-4593; Filed, June 8, 1956; 8:57 a. m.]

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[Administrative Order 5406]

NORTH DAKOTA

LOAN ANNOUNCEMENT

MAY 28, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

| Loan designation: | Amount |
|---|---|
| North Dakota 27K Emmons | $100,000 |

[SEAL] K. L. SCOTT,
*Director of Agricultural Credit Services.*

[F. R. Doc. 56-4594; Filed, June 8, 1956; 8:57 a. m.]

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[Administrative Order 5407]

ARKANSAS

LOAN ANNOUNCEMENT

MAY 29, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

| Loan designation: | Amount |
|---|---|
| Arkansas 26AB Fulton | $100,000 |

[SEAL] K. L. SCOTT,
*Director of Agricultural Credit Services.*

[F. R. Doc. 56-4595; Filed, June 8, 1956; 8:57 a. m.]

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[Administrative Order 5408]

TEXAS

LOAN ANNOUNCEMENT

MAY 31, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

| Loan designation: | Amount |
|---|---|
| Texas 30AA Upshur | $480,000 |

[SEAL] K. L. SCOTT,
*Director of Agricultural Credit Services.*

[F. R. Doc. 56-4596; Filed, June 8, 1956; 8:57 a. m.]

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[Administrative Order 5409]

PENNSYLVANIA

LOAN ANNOUNCEMENT

MAY 31, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

| Loan designation: | Amount |
|---|---|
| Pennsylvania 17V Armstrong | $525,000 |

[SEAL] K. L. SCOTT,
*Director of Agricultural Credit Services.*

[F. R. Doc. 56-4597; Filed, June 8, 1956; 8:57 a. m.]

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[Administrative Order 5410]

ARKANSAS

LOAN ANNOUNCEMENT

MAY 31, 1956.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Director of Agricultural Credit Services, United States Department of Agriculture:

| Loan designation: | Amount |
|---|---|
| Arkansas 28R Conway | $50,000 |

[SEAL] K. L. SCOTT,
*Director of Agricultural Credit Services.*

[F. R. Doc. 56-4598; Filed, June 8, 1956; 8:57 a. m.]


# FEDERAL REGISTER

VOLUME 21 NUMBER 113

*Washington, Tuesday, June 12, 1956*


JUN 20 1956

MAIN READING ROOM

## TITLE 7—AGRICULTURE

### Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

SUBPART—UNITED STATES STANDARDS FOR SOUTHERN PEAS [1]

On April 19, 1956, a notice of proposed rule making was published in the FEDERAL REGISTER (21 F. R. 2568) regarding a proposed issuance of United States Standards for Southern Peas.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Southern Peas are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

GENERAL

Sec.
51.2670 General.

GRADES

51.2671 U. S. No. 1.
51.2672 U. S. Commercial.

UNCLASSIFIED

51.2673 Unclassified.

APPLICATION OF TOLERANCES

51.2674 Application of tolerances.
51.2675 Basis of calculating percentages.

DEFINITIONS

51.2676 Similar varietal characteristics.
51.2677 Fairly well formed.
51.2678 Fairly well filled.
51.2679 Overmature.
51.2680 Excessively young.
51.2681 Damage.
51.2682 Serious damage.

AUTHORITY: §§ 51.2670 to 51.2682 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

GENERAL

§ 51.2670 *General.* The standards contained in this subpart apply only to the seed pods of plants of the species Vigna sinensis, generally known as "southern peas", "cowpeas" or "field peas". Well recognized general types are blackeyes, crowders, creams, and purple hulls, each of which includes many varieties.

GRADES

§ 51.2671 *U. S. No. 1.* "U. S. No. 1" consists of pods of southern peas of similar varietal characteristics which are fairly well formed, fairly well filled, not overmature or excessively young, and which are free from decay and worm holes, and free from damage caused by stems, leaves and trash, stings or other insect injury, scars, discoloration, wilting, dirt or other adhering foreign material, disease, mechanical or other means.

(a) Unless otherwise specified, each pod shall be not less than 5 inches in length.

(b) In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted:

(1) 5 percent for pods which are shorter than the specified minimum length;

(2) 5 percent for pods which are excessively young; and,

(3) 10 percent for other grade defects, including not more than 5 percent for pods with worm holes or affected by decay, but not more than one-fifth of this amount, or 1 percent, for pods affected by decay. (See §§ 51.2674 and 51.2675.)

§ 51.2672 *U. S. Commercial.* "U. S. Commercial" consists of pods of southern peas which meet the requirements of U. S. No. 1 grade, except that they shall be free from serious damage caused by stems, leaves and trash, and there shall be no requirement for minimum length, and except for the increased tolerances specified in this section.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances shall be permitted:

(1) 10 percent for pods which are excessively young; and,

(2) 15 percent for other grade defects, including not more than 5 percent for pods with worm holes or affected by decay, but not more than two-fifths of

(Continued on p. 3985)

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

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# FEDERAL REGISTER

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**CFR SUPPLEMENTS**

**(As of January 1, 1956)**

**The following Supplements are now available:**

**Title 7: Parts 900–959 (Rev., 1955) ($6.00)**

**Title 7: Part 960 to end (Rev., 1955) with Supplement ($5.85)**

**Title 46: Part 146 to end ($1.25)**

*Previously announced:* Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 7: Parts 1–209 ($1.25); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Parts 1–399 ($2.50), Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. I, and Title 27 ($1.00); Titles 28 and 29 ($1.25); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 400–699 ($0.65), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Title 33 ($1.50); Titles 35–37 ($1.00); Titles 40–42 ($0.65); Title 43 ($0.50); Title 46: Parts 1–145 ($0.60); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

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this amount, or 2 percent, for pods affected by decay. (See §§ 51.2674 and 51.2675.)

UNCLASSIFIED

§ 51.2673 *Unclassified.* "Unclassified" consists of pods of southern peas which have not been classified in accordance with either of the foregoing grades. The term "unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

APPLICATION OF TOLERANCES

§ 51.2674 *Application of tolerances.* (a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided,* That the averages for the entire lot are within the tolerances specified for the grade:

(1) For a tolerance of 10 percent or more, individual packages in any lot may contain not more than one and one-half times the tolerance specified; and,

(2) For a tolerance of less than 10 percent, individual packages in any lot may contain not more than double the tolerance specified.

§ 51.2675 *Basis for calculating percentages.* Percentages shall be calculated on the basis of weight or on an equivalent basis.

DEFINITIONS

§ 51.2676 *Similar varietal characteristics.* "Similar varietal characteristics" means that the pods in any container shall be of the same general type. For example, varieties of the blackeye type shall not be mixed with varieties of the purple hull type or varieties of the crowder type; also small seeded varieties shall not be mixed with large seeded varieties.

§ 51.2677 *Fairly well formed.* "Fairly well formed" means that the pod is not curved or crooked to the extent that it forms approximately a semi-circle or right angle.

§ 51.2678 *Fairly well filled.* "Fairly well filled" means that at least two-thirds of the length of the pod is filled with peas which are at least fairly well developed for the variety, exclusive of the normal spaces between peas and vacant space for one pea at each end of the pod.

§ 51.2679 *Overmature.* "Overmature" means that the pod has developed beyond the stage at which it is desirable as a fresh product. Pods shall be considered overmature when they show definite drying or shriveling, or when green podded varieties show yellow or a conspicuous yellowish cast affecting one-half or more of the surface, or when purple hull varieties show excessively dark purplish color over the entire surface.

§ 51.2680 *Excessively young.* "Excessively young" means that the pod has not developed any peas of a size suitable for shelling for the variety. Such pods with only slightly developed peas are commonly called "snaps."

§ 51.2681 *Damage.* "Damage" means any defect which materially affects the appearance, or the edible or shipping quality of the individual pod, or the general appearance of the pods in the container. The pods in a container shall be considered damaged when stems, leaves or trash are present in sufficient quantities to materially affect the general appearance. Any one of the following defects, or any combination of defects the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Stings when any pea is discolored, or when the appearance of the pod is materially affected by numerous, discolored stings;

(b) Scars when the pod is so extensively blemished or distorted in shape as to materially affect its appearance;

(c) Discoloration such as that caused by rust, blight or insects when so extensive or in such contrast to the color of the pod as to materially affect its appearance;

(d) Wilting when the pod is badly wilted or very flabby; and,

(e) Dirt or other adhering foreign material when materially affecting the appearance of the individual pod or the general appearance of the pods in the container.

§ 51.2682 *Serious damage.* "Serious damage" means that stems, leaves and trash are present in sufficient quantities to seriously affect the appearance of the pods in the container.

The United States Standards for Southern Peas contained in this subpart shall become effective 30 days after publication hereof in the FEDERAL REGISTER.

Dated: June 7, 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator,*
*Marketing Services.*

[F. R. Doc. 56-4634; Filed, June 11, 1956; 8:53 a. m.]

# TITLE 26—INTERNAL REVENUE, 1954

## Chapter I—Internal Revenue Service, Department of the Treasury

### Subchapter A—Income Tax

[T. D. 6182]

### PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

On November 11, 1955, a notice of proposed rule making with respect to section 167 of the Internal Revenue Code of 1954 (Pub. Law 591, 83d Congress, approved August 16, 1954) was published in the FEDERAL REGISTER (20 F. R. 8454). After consideration of all relevant matter presented by interested parties regarding the rules proposed, the regulations set forth below, which supersedes paragraph (3) of Treasury Decision 6118 (19 F. R. 9896), approved December 30, 1954, are hereby adopted. (In addition, paragraphs (8) and (10) of Treasury Decision 6118 were superseded by Treasury Decision 6134 (20 F. R. 4122), approved June 8, 1955; paragraphs (2) and (18) of Treasury Decision 6118 were superseded by Treasury Decision 6158 (21 F. R. 131), approved January 3, 1956; and paragraph (19) of Treasury Decision 6118 was superseded by Treasury Decision 6162 (21 F. R. 890), approved February 3, 1956.)


Sec.
- 1.167 (a) Statutory provisions; depreciation; general rule.
- 1.167 (a)-1 Depreciation in general.
- 1.167 (a)-2 Tangible property.
- 1.167 (a)-3 Intangibles.
- 1.167 (a)-4 Leased property.
- 1.167 (a)-5 Apportionment of basis.
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- 1.167 (c)-1 Limitations on methods of computing depreciation under section 167 (b) (2), (3), and (4).
- 1.167 (d) Statutory provisions; depreciation; agreement as to useful life on which depreciation is based.
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- 1.167 (g) Statutory provisions; depreciation; life tenants and beneficiaries of trusts and estates.
- 1.167 (g)-1 Life tenants and beneficiaries of trusts and estates.
- 1.167 (h) Statutory provisions; depreciation; depreciation of improvements in the case of mines, etc.
- 1.167 (h)-1 Depreciation of improvements in the case of mines, etc.


AUTHORITY: §§ 1.167 (a) to 1.167 (h)-1 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805. Interpret or apply sec. 167, 68A Stat. 51; 26 U. S. C. 167.

§ 1.167 (a) *Statutory provisions; depreciation; general rule.*

SEC. 167. *Depreciation*—(a) *General rule.* There shall be allowed as a depreciation deduction a reasonable allowance for the exhaustion, wear and tear (including a reasonable allowance for obsolescence)—

(1) Of property used in the trade or business, or

(2) Of property held for the production of income.

§ 1.167 (a)–1 *Depreciation in general*—(a) *Reasonable allowance.* Section 167 (a) provides that a reasonable allowance for the exhaustion, wear and tear, and obsolescence of property used in the trade or business or of property held by the taxpayer for the production of income shall be allowed as a depreciation deduction. The allowance is that amount which should be set aside for the taxable year in accordance with a reasonably consistent plan (not necessarily at a uniform rate), so that the aggregate of the amounts set aside, plus the salvage value, will, at the end of the estimated useful life of the depreciable property, equal the cost or other basis of the property as provided in section 167 (f) and § 1.167 (f)–1. An asset shall not be depreciated below a reasonable salvage value under any method of computing depreciation. See paragraph (c) of this section for definition of salvage. The allowance shall not reflect amounts representing a mere reduction in market value.

(b) *Useful life.* For the purpose of section 167 the estimated useful life of an asset is not necessarily the useful life inherent in the asset but is the period over which the asset may reasonably be expected to be useful to the taxpayer in his trade or business or in the production of his income. This period shall be determined by reference to his experience with similar property taking into account present conditions and probable future developments. Some of the factors to be considered in determining this period are (1) wear and tear and decay or decline from natural causes, (2) the normal progress of the art, economic changes, inventions, and current developments within the industry and the taxpayer's trade or business, (3) the climatic and other local conditions peculiar to the taxpayer's trade or business, and (4) the taxpayer's policy as to repairs, renewals, and replacements. Salvage value is not a factor for the purpose of determining useful life. If the taxpayer's experience is inadequate, the general experience in the industry may be used until such time as the taxpayer's own experience forms an adequate basis for making the determination. The estimated remaining useful life may be subject to modification by reason of conditions known to exist at the end of the taxable year and shall be redetermined when necessary regardless of the method of computing depreciation. However, estimated remaining useful life shall be redetermined only when the change in the useful life is significant and there is a clear and convincing basis for the redetermination. For rules covering agreements with respect to useful life, see section 167 (d) and § 1.167 (d)–1.

(c) *Salvage.* Salvage value is the amount (determined at the time of acquisition) which is estimated will be realizable upon sale or other disposition of an asset when it is no longer useful in the taxpayer's trade or business or in the production of his income and is to be retired from service by the taxpayer. Salvage value shall not be changed at any time after the determination made at the time of acquisition merely because of changes in price levels. However, if there is a redetermination of useful life under the rules of paragraph (b) of this section, salvage value may be redetermined based upon facts known at the time of such redetermination of useful life. Salvage, when reduced by the cost of removal, is referred to as net salvage. The time at which an asset is retired from service may vary according to the policy of the taxpayer. If the taxpayer's policy is to dispose of assets which are still in good operating condition, the salvage value may represent a relatively large proportion of the original basis of the asset. However, if the taxpayer customarily uses an asset until its inherent useful life has been substantially exhausted, salvage value may represent no more than junk value. Salvage value must be taken into account in determining the depreciation deduction either by a reduction of the amount subject to depreciation or by a reduction in the rate of depreciation, but in no event shall an asset (or an account) be depreciated below a reasonable salvage value. See, however, § 1.167 (b)–2 (a) for the treatment of salvage under the declining balance method. The taxpayer may use either salvage or net salvage in determining depreciation allowances but such practice must be consistently followed and the treatment of the costs of removal must be consistent with the practice adopted. For specific treatment of salvage value see §§ 1.167 (b)–1, 1.167 (b)–2, and 1.167 (b)–3. When an asset is retired or disposed of, appropriate adjustments shall be made in the asset and depreciation reserve accounts. For example, the amount of the salvage adjusted for the costs of removal may be credited to the depreciation reserve.

§ 1.167 (a)–2 *Tangible property.* The depreciation allowance in the case of tangible property applies only to that part of the property which is subject to wear and tear, to decay or decline from natural causes, to exhaustion, and to obsolescence. The allowance does not apply to inventories or stock in trade, or to land apart from the improvements or physical development added to it. The allowance does not apply to natural resources which are subject to the allowance for depletion provided in section 611. No deduction for depreciation shall be allowed on automobiles or other vehicles used solely for pleasure, on a building used by the taxpayer solely as his residence, or on furniture or furnishings therein, personal effects, or clothing; but properties and costumes used exclusively in a business, such as a theatrical business, may be depreciated.

§ 1.167 (a)–3 *Intangibles.* If an intangible asset is known from experience or other factors to be of use in the business or in the production of income for only a limited period, the length of which can be estimated with reasonable accuracy, such an intangible asset may be the subject of a depreciation allowance. Examples are patents and copyrights. An intangible asset, the useful life of which is not limited, is not subject to the allowance for depreciation. No allowance will be permitted merely because, in the unsupported opinion of the taxpayer, the intangible asset has a limited useful life. No deduction for depreciation is allowable with respect to goodwill. For rules with respect to organizational expenditures, see section 248 and the regulations thereunder.

§ 1.167 (a)–4 *Leased property.* Capital expenditures made by a lessee for the erection of buildings or the construction of other permanent improvements on leased property are recoverable through allowances for depreciation or amortization. If the useful life of such improvements in the hands of the taxpayer is equal to or shorter than the remaining period of the lease, the allowances shall take the form of depreciation under section 167. See §§ 1.167 (b)–0, 1.167 (b)–1, 1.167 (b)–2, 1.167 (b)–3, and 1.167 (b)–4 for methods of computing such depreciation allowances. If, on the other hand, the estimated useful life of such property in the hands of the taxpayer, determined without regard to the terms of the lease, would be longer than the remaining period of such lease, the allowances shall take the form of annual deductions from gross income in an amount equal to the unrecovered cost of such capital expenditures divided by the number of years remaining of the term of the lease. Such deductions shall be in lieu of allowances for depreciation. See section 162 and the regulations thereunder. Capital expenditures made by a lessor for the erection of buildings or other improvements shall, if subject to depreciation allowances, be recovered by him over the estimated life of the improvements without regard to the period of the lease.

§ 1.167 (a)–5 *Apportionment of basis.* In the case of the acquisition on or after March 1, 1913, of a combination of depreciable and nondepreciable property for a lump sum, as for example, buildings and land, the basis for depreciation cannot exceed an amount which bears the same proportion to the lump sum as the value of the depreciable property at the time of acquisition bears to the value of the entire property at that time. In the case of property which is subject to both the allowance for depreciation and amortization, depreciation is allowable only with respect to the portion of the depreciable property which is not subject to the allowance for amortization and may be taken concurrently with the allowance for amortization. After the close of the amortization period or after amortization deductions have been discontinued with respect to any such property, the unrecovered cost or other basis of the depreciable portion of such property will be subject to depreciation. For adjustments to basis, see section 1016 and other applicable provisions of law.

§ 1.167 (a)–6 *Depreciation in special cases*—(a) *Depreciation of patents or copyrights.* The cost or other basis of a patent or copyright shall be depreciated over its remaining useful life. Its cost to the patentee includes the various



Government fees, cost of drawings, models, attorneys' fees, and similar expenditures. For rules applicable to research and experimental expenditures, see sections 174 and 1016 and the regulations thereunder. If a patent or copyright becomes valueless in any year before its expiration the unrecovered cost or other basis may be deducted in that year.

(b) *Depreciation in case of farmers.* A reasonable allowance for depreciation may be claimed on farm buildings (except a dwelling occupied by the owner), farm machinery, and other physical property but not including land. Livestock acquired for work, breeding, or dairy purposes may be depreciated unless included in an inventory used to determine profits in accordance with section 61 and the regulations thereunder. Such depreciation should be determined with reference to the cost or other basis, salvage value, and the estimated useful life of the livestock. See also section 162 and the regulations thereunder relating to trade or business expenses, section 165 and the regulations thereunder relating to losses of farmers, and section 175 and the regulations thereunder relating to soil or water conservation expenditures.

§ 1.167 (a)–7 *Accounting for depreciable property.* (a) Depreciable property may be accounted for by treating each individual item as an account, or by combining two or more assets in a single account. Assets may be grouped in an account in a variety of ways. For example, assets similar in kind with approximately the same useful lives may be grouped together. Such an account is commonly known as a group account. Another appropriate grouping might consist of assets segregated according to use without regard to useful life, for example, machinery and equipment, furniture and fixtures, or transportation equipment. Such an account is commonly known as a classified account. A broader grouping, where assets are included in the same account regardless of their character or useful lives, is commonly referred to as a composite account. For example, all the assets used in a business may be included in a single account. Group, classified, or composite accounts may be further broken down on the basis of location, dates of acquisition, cost, character, use, etc.

(b) When group, classified, or composite accounts are used with average useful lives and a normal retirement occurs, the full cost or other basis of the asset retired, unadjusted for depreciation or salvage, shall be removed from the asset account and shall be charged to the depreciation reserve. Amounts representing salvage ordinarily are credited to the depreciation reserve. Where an asset is disposed of for reasons other than normal retirement, the full cost or other basis of the asset shall be removed from the asset account, and the depreciation reserve shall be charged with the depreciation applicable to the retired asset. For rules with respect to losses on normal retirements, see § 1.167 (a)–8.

(c) A taxpayer may establish as many accounts for depreciable property as he desires. Depreciation allowances shall be computed separately for each account. Such depreciation preferably should be recorded in a depreciation reserve account; however, in appropriate cases it may be recorded directly in the asset account. Where depreciation reserves are maintained, a separate reserve account shall be maintained for each asset account. The regular books of account or permanent auxiliary records shall show for each account the basis of the property, including adjustments necessary to conform to the requirements of section 1016 and other provisions of law relating to adjustments to basis, and the depreciation allowances for tax purposes. In the event that reserves for book purposes do not correspond with reserves maintained for tax purposes, permanent auxiliary records shall be maintained with the regular books of accounts reconciling the differences in depreciation for tax and book purposes because of different methods of depreciation, bases, rates, salvage, or other factors. Depreciation schedules filed with the income tax return shall show the accumulated reserves computed in accordance with the allowances for income tax purposes.

(d) In classified or composite accounts, the average useful life and rate shall be redetermined whenever additions, retirements, or replacements substantially alter the relative proportion of types of assets in the accounts. See example (2) in § 1.167 (b)–1 (b) for method of determining the depreciation rate for a classified or composite account.

§ 1.167 (a)–8 *Retirements*—(a) *Gains and losses on retirements.* For the purposes of this section the term "retirement" means the permanent withdrawal of depreciable property from use in the trade or business or in the production of income. The withdrawal may be made in one of several ways. For example, the withdrawal may be made by selling or exchanging the asset, or by actual abandonment. In addition, the asset may be withdrawn from such productive use without disposition as, for example, by being placed in a supplies or scrap account. The tax consequences of a retirement depend upon the form of the transaction, the reason therefor, the timing of the retirement, the estimated useful life used in computing depreciation, and whether the asset is accounted for in a separate or multiple asset account. Upon the retirement of assets, the rules in this section apply in determining whether gain or loss will be recognized, the amount of such gain or loss, and the basis for determining gain or loss:

(1) Where an asset is retired by sale at arm's length, recognition of gain or loss will be subject to the provisions of sections 1002, 1231, and other applicable provisions of law.

(2) Where an asset is retired by exchange, the recognition of gain or loss will be subject to the provisions of sections 1002, 1031, 1231, and other applicable provisions of law.

(3) Where an asset is permanently retired from use in the trade or business or in the production of income but is not disposed of by the taxpayer or physically abandoned (as, for example, when the asset is transferred to a supplies or scrap account), gain will not be recognized. In such a case loss will be recognized measured by the excess of the adjusted basis of the asset at the time of retirement over the estimated salvage value or over the fair market value at the time of such retirement if greater, but only if—

(i) The retirement is an abnormal retirement, or

(ii) The retirement is a normal retirement from a single asset account (but see paragraph (d) of this section for special rule for item accounts), or

(iii) The retirement is a normal retirement from a multiple asset account in which the depreciation rate was based on the maximum expected life of the longest lived asset contained in the account.

(4) Where an asset is retired by actual physical abandonment (as, for example, in the case of a building condemned as unfit for further occupancy or other use), loss will be recognized measured by the amount of the adjusted basis of the asset abandoned at the time of such abandonment. In order to qualify for the recognition of loss from physical abandonment, the intent of the taxpayer must be irrevocably to discard the asset so that it will neither be used again by him nor retrieved by him for sale, exchange, or other disposition.

Experience with assets which have attained an exceptional or unusual age shall, with respect to similar assets, be disregarded in determining the maximum expected useful life of the longest lived asset in a multiple asset account. For example, if a manufacturer establishes a proper multiple asset account for 50 assets which are expected to have an average life of 30 years but which will remain useful to him for varying periods between 20 and 40 years, the maximum expected useful life will be 40 years, even though an occasional asset of this kind may last 60 years.

(b) *Definition of normal and abnormal retirements.* For the purpose of this section the determination of whether a retirement is normal or abnormal shall be made in the light of all the facts and circumstances. In general, a retirement shall be considered a normal retirement unless the taxpayer can show that the withdrawal of the asset was due to a cause not contemplated in setting the applicable depreciation rate. For example, a retirement is considered normal if made within the range of years taken into consideration in fixing the depreciation rate and if the asset has reached a condition at which, in the normal course of events, the taxpayer customarily retires similar assets from use in his business. On the other hand, a retirement may be abnormal if the asset is withdrawn at an earlier time or under other circumstances, as, for example, when the asset has been damaged by casualty or has lost its usefulness suddenly as the result of extraordinary obsolescence.

(c) *Basis of assets retired.* The basis of an asset at the time of retirement for computing gain or loss shall be its adjusted basis for determining gain or loss

upon a sale or other disposition as determined in accordance with the provisions of section 1011 and the following rules:

(1) In the case of a normal retirement of an asset from a multiple asset account where the depreciation rate is based on average expected useful life, the term "adjusted basis" means the salvage value estimated in determinng the depreciation deduction in accordance with the provisions of § 1.167 (a)–1 (c),

(2) In the case of a normal retirement of an asset from a multiple asset account in which the depreciation rate was based on the maximum expected life of the longest lived asset in the account, the adjustment for depreciation allowed or allowable shall be made at the rate which would have been proper if the asset had been depreciated in a single asset account (under the method of depreciation used for the multiple asset account) using a rate based upon the maximum expected useful life of that asset, and

(3) In the case of an abnormal retirement from a multiple asset account the adjustment for depreciation allowed or allowable shall be made at the rate which would have been proper had the asset been depreciated in a single asset account (under the method of depreciation used for the multiple asset account) and using a rate based upon either the average expected useful life or the maximum expected useful life of the asset, depending upon the method of determining the rate of depreciation used in connection with the multiple asset account.

(d) *Special rule for item accounts.* (1) As indicated in paragraphs (a) (3) (ii) and (iii) of this section, a loss is recognized upon the normal retirement of an asset from a single asset account but a loss on the normal retirement of an asset in a multiple asset account is not allowable where the depreciation rate is based upon the average useful life of the assets in the account. Where a taxpayer with more than one depreciable asset chooses to set up a separate account for each such asset and the depreciation rate is based on the average useful life of such assets (so that he uses the same life for each account), the question arises whether his depreciation deductions in substance are the equivalent of those which would result from the use of multiple asset accounts and, therefore, he should be subject to the rules governing losses on retirements of assets from multiple asset accounts. Where a taxpayer has only a few depreciable assets which he chooses to account for in single asset accounts, particularly where such assets cover a relatively narrow range of lives, it cannot be said in the usual case that the allowance of losses on retirements from such accounts clearly will distort income. This results from the fact that where a taxpayer has only a few depreciable assets it is usually not possible clearly to determine that the depreciation rate is based upon the average useful life of such assets. Accordingly, it cannot be said that the taxpayer is in effect clearly operating with a multiple asset account using an average life rate so that losses should not be allowed on normal retirements. Therefore, losses normally will be allowed upon retirement of assets from single asset accounts where the taxpayer has only a few depreciable assets. On the other hand, when a taxpayer who has only a few depreciable assets chooses to account for them in single asset accounts, using for each account a depreciation rate based on the average useful life of such assets, and the assets cover a wide range of lives, the likelihood that income will be distorted is greater than where the group of assets covers a relatively narrow range of lives. In those cases where the allowance of losses would distort income, the rules with respect to the allowance of losses on normal retirement shall be applied to such assets in the same manner as though the assets had been accounted for in multiple asset accounts using a rate based upon average expected useful life.

(2) Where a taxpayer has a large number of depreciable assets and depreciation is based on the average useful life of such assets, then, whether such assets are similar or dissimilar and regardless of whether they are accounted for in individual asset accounts or multiple asset accounts the allowance of losses on the normal retirement of such assets would distort income. Such distortion would result from the fact that the use of average useful life (and, accordingly, average rate) assumes that while some assets normally will be retired before the expiration of the average life, others normally will be retired after expiration of the average life. Accordingly, if instead of accounting for a large number of similar or dissimilar depreciable assets in multiple asset accounts, the taxpayer chooses to account separately for such assets, using a rate based upon the average life of such assets, the rules with respect to the allowances of losses on normal retirements will be applied to such assets in the same manner as though the assets were accounted for in multiple asset accounts using a rate based upon average expected useful life.

(3) Where a taxpayer who does not have a large number of depreciable assets (and who therefore is not subject to subparagraph (2) of this paragraph) chooses to set up a separate account for each such asset, and has sought to comput an average life for such assets on which to base his depreciation deductions (so that he uses the same life for each account), the allowance of losses on normal retirements from such accounts may in some situations substantially distort income. Such distortion would result from the fact that the use of average useful life (and, accordingly, average rate) assumes that while some assets normally will be retired before expiration of the average life, others normally will be retired after expiration of the average life. Accordingly, where a taxpayer chooses to account separately for such assets instead of accounting for them in multiple asset accounts, and the result is to substantially distort his income, the rules with respect to the allowance of losses on normal retirements shall be applied to such assets in the same manner as though the assets had been accounted for in multiple asset accounts using a rate based upon average expected useful life.

(4) Whenever a taxpayer is treated under this paragraph as though his assets were accounted for in a multiple asset account using an average life rate, and, therefore, he is denied a loss on retirements, the unrecovered cost less salvage of each asset which was accounted for separately may be amortized in accordance with the rule stated in paragraph (e) (1) (ii) of this section.

(e) *Accounting treatment of asset retirements.* (1) In the case of a normal retirement where under the foregoing rules no loss is recognized and where the asset is retired without disposition or abandonment, (i) if the asset was contained in a multiple asset account, the full cost of such asset, reduced by estimated salvage, shall be charged to the depreciation reserve, or (ii) if the asset was accounted for separately, the unrecovered cost or other basis, less salvage, of the asset may be amortized through annual deductions from gross income in amounts equal to the unrecovered cost or other basis of such asset, divided by the average expected useful life (not the remaining useful life) applicable to the asset at the time of retirement. For example, if an asset is retired after six years of use and at the time of retirement depreciation was being claimed on the basis of an average expected useful life of ten years, the unrecovered cost or other basis less salvage would be amortized through equal annual deductions over a period of ten years from the time of retirement.

(2) Where multiple asset accounts are used and acquisitions and retirements are numerous, if a taxpayer, in order to avoid unnecessarily detailed accounting for individual retirements, consistently follows the practice of charging the reserve with the full cost or other basis of assets retired and of crediting it with all receipts from salvage, the practice may be continued so long as, in the opinion of the Commissioner, it clearly reflects income. Conversely, where the taxpayer customarily follows a practice of reporting all receipts from salvage as ordinary taxable income such practice may be continued so long as, in the opinion of the Commissioner, it clearly reflects income.

(f) *Cross reference.* For special rules in connection with the retirement of the last assets of a given year's acquisitions under the declining balance method, see example (2) in § 1.167 (b)–2 (b).

§ 1.167 (a)–9 *Obsolescence.* The depreciation allowance includes an allowance for normal obsolescence which should be taken into account to the extent that the expected useful life of property will be shortened by reason thereof. Obsolescence may render an asset economically useless to the taxpayer regardless of its physical condition. Obsolescence is attributable to many causes, including technological improvements and reasonably foreseeable economic changes. Among these causes are normal progress of the arts and sciences, supercession or inadequacy brought about by developments in the industry, products, methods, markets, sources of supply, and other like changes, and legislative or regulatory action. In any case in which the taxpayer shows that the estimated useful life previously used should be shortened by reason of obsolescence greater than had been assumed in computing such estimated useful life, a change to a new and shorter estimated useful life computed in accordance with such showing will be permitted. No such change will be permitted merely because in the unsupported opinion of the taxpayer the property may become obsolete. For rules governing the allowance of a loss when the usefulness of an asset is suddenly terminated, see section 165 and the regulations thereunder. If the estimated useful life and the depreciation rates have been the subject of a previous agreement, see section 167 (d) and § 1.167 (d)–1.



§ 1.167 (a)–10 *When depreciation deduction is allowable.* (a) A taxpayer should deduct the proper depreciation allowance each year and may not increase his depreciation allowances in later years by reason of his failure to deduct any depreciation allowance or of his action in deducting an allowance plainly inadequate under the known facts in prior years. The inadequacy of the depreciation allowance for property in prior years shall be determined on the basis of the allowable method of depreciation used by the taxpayer for such property or under the straight line method if no allowance has ever been claimed for such property. The preceding sentence shall not be construed as precluding application of any method provided in section 167 (b) if taxpayer's failure to claim any allowance for depreciation was due solely to erroneously treating as a deductible expense an item properly chargeable to capital account. For rules relating to adjustments to basis, see section 1016 and the regulations thereunder.

(b) The period for depreciation of an asset shall begin when the asset is placed in service and shall end when the asset is retired from service. A proportionate part of one year's depreciation is allowable for that part of the first and last year during which the asset was in service. However, in the case of a multiple asset account, the amount of depreciation may be determined by using what is commonly described as an "averaging convention", that is, by using an assumed timing of additions and retirements. For example, it might be assumed that all additions and retirements to the asset account occur uniformly throughout the taxable year, in which case depreciation is computed on the average of the beginning and ending balances of the asset account for the taxable year. See example (3) under § 1.167 (b)–1 (b). Among still other averaging conventions which may be usd is the one under which it is assumed that all additions and retirements during the first half of a given year were made on the first day of that year and that all additions and retirements during the second half of the year were made on the first day of the following year. Thus, a full year's depreciation would be taken on additions in the first half of the year and no depreciation would be taken on additions in the second half. Moreover, under this convention, no depreciation would be taken on retirements in the first half of the year and a full year's depreciation would be taken on the retirements in the second half. An averaging convention, if used, must be consistently followed as to the account or accounts for which it is adopted, and must be applid to both additions and retirements. In any year in which an averaging convention substantially distorts the depreciation allowance for the taxable year, it may not be used.

§ 1.167 (b) *Statutory provisions; depreciation; use of certain methods and rates.*

SEC. 167. *Depreciation.* • • •

(b) *Use of certain methods and rates.* For taxable years ending after December 31, 1953, the term "reasonable allowance" as used in subsection (a) shall include (but shall not be limited to) an allowance computed in accordance with regulations prescribed by the Secretary or his delegate, under any of the following methods:

(1) The straight line method,

(2) The declining balance method, using a rate not exceeding twice the rate which would have been used had the annual allowance been computed under the method described in paragraph (1),

(3) The sum of the years-digits method, and

(4) Any other consistent method productive of an annual allowance which, when added to all allowances for the period commencing with the taxpayer's use of the property and including the taxable year, does not, during the first two-thirds of the useful life of the property, exceed the total of such allowances which would have been used had such allowances been computed under the method described in paragraph (2).

Nothing in this subsection shall be construed to limit or reduce an allowance otherwise allowable under subsection (a).

§ 1.167 (b)–(0) *Methods of computing depreciation*—(a) *In general.* Any reasonable and consistently applied method of computing depreciation may be used or continued in use under section 167. Regardless of the method used in computing depreciation, deductions for depreciation shall not exceed such amounts as may be necessary to recover the unrecovered cost or other basis less salvage during the remaining useful life of the property. The reasonableness of any claim for depreciation shall be determined upon the basis of conditions known to exist at the end of the period for which the return is made. It is the responsibility of the taxpayer to establish the reasonableness of the deduction for depreciation claimed. Generally, depreciation deductions so claimed will be changed only where there is a clear and convincing basis for a change.

(b) *Certain methods.* Methods previously found adequate to produce a reasonable allowance under the Internal Revenue Code of 1939 or prior revenue laws will, if used consistently by the taxpayer, continue to be acceptable under section 167 (a). Examples of such methods which continue to be acceptable are the straight line method, the declining balance method with the rate limited to 150 percent of the applicable straight line rate, and under appropriate circumstances, the unit of production method. The methods described in section 167 (b) and §§ 1.167 (b)–1, 1.167 (b)–2, 1.167 (b)–3, and 4 shall be deemed to produce a reasonable allowance for depreciation except as limited under section 167 (c) and § 1.167 (c)–1. See also § 1.167 (e)–1 for rules relating to change in method of computing depreciation.

(c) *Application of methods.* In the case of item accounts, any method which results in a reasonable allowance for depreciation may be selected for each item of property, but such method must thereafter be applied consistently to that particular item. In the case of group, classified, or composite accounts, any method may be selected for each account. Such method must be applied to that particular account consistently thereafter but need not necessarily be applied to acquisitions of similar property in the same or subsequent years, provided such acquisitions are set up in separate accounts. See, however, § 1.167 (e)–1 and section 446 and the regulations thereunder, for rules relating to changes in the method of computing depreciation, and § 1.167 (c)–1 for restriction on the use of certain methods. See also § 1.167 (a)–7 for definition of account.

§ 1.167 (b)–1 *Straight line method*—(a) *Application of method.* Under the straight line method the cost or other basis of the property less its estimated salvage value is deductible in equal annual amounts over the period of the estimated useful life of the property. The allowance for depreciation for the taxable year is determined by dividing the adjusted basis of the property at the beginning of the taxable year, less salvage value, by the remaining useful life of the property at such time. For convenience, the allowance so determined may be reduced to a percentage or fraction. The straight line method may be used in determining a reasonable allowance for depreciation for any property which is subject to depreciation under section 167 and it shall be used in all cases where the taxpayer has not adopted a different acceptable method with respect to such property.

(b) *Illustrations.* The straight line method is illustrated by the following examples:

*Example (1).* Under the straight line method items may be depreciated separately:

| Year | Item | Cost or other basis less salvage | Useful life | Depreciation allowable | | |
|---|---|---|---|---|---|---|
| | | | | 1954 | 1955 | 1956 |
| | | | *Years* | | | |
| 1954 | Asset A | $1,600 | 4 | [1] $200 | $400 | $400 |
| | Asset B | 12,000 | 40 | [1] 150 | 300 | 300 |

[1] In this example it is assumed that the assets were placed in service on July 1, 1954.

*Example (2).* In group, classified, or composite accounting, a number of assets with the same or different useful lives may be combined into one account, and a single rate of depreciation, i. e., the group, classified, or composite rate used for the entire account. In the case of group accounts, i. e., accounts containing assets which are similar in kind and which have approximately the same esti-

allowed or allowable, and for all other adjustments provided by section 1016 and other applicable provisions of law. The declining balance rate may be determined without resort to formula. Such rate determined under section 167 (b) (2) shall not exceed twice the appropriate straight line rate computed without adjustment for salvage. While salvage is not taken into account in determining the annual allowances under this method, in no event shall an asset (or an account) be depreciated below a reasonable salvage value. See section 167 (c) and § 1.167 (c)-1 for restrictions on the use of the declining balance method.

(b) *Illustrations.* The declining balance method is illustrated by the following examples:

*Example (1).* A new asset having an estimated useful life of 20 years is purchased on January 1, 1954, for $1,000. The normal straight line rate (without adjustment for salvage) is 5 percent, and the declining balance rate is twice the normal straight line rate is 10 percent. The annual depreciation allowances for 1954, 1955, and 1956 are as follows:

| Year | Basis | Declining balance rate (percent) | Depreciation allowance |
|---|---|---|---|
| 1954 | $1,000 | 10 | $100 |
| 1955 | 900 | 10 | 90 |
| 1956 | 810 | 10 | 81 |

*Example (2).* A taxpayer filing his returns on a calendar year basis maintains a group account to which a 5 year life and a 40 percent declining balance rate are applicable. Original investment, additions, retirements, and salvage recoveries are the same as those set forth in example (3) of § 1.167 (b)-1 (b). Although salvage value is not taken into account in computing a declining balance rate, it must be recognized and accounted for when assets are retired.

DEPRECIABLE ASSET ACCOUNT AND DEPRECIATION COMPUTATION USING AVERAGE ASSET AND RESERVE BALANCES

| Year | Asset balance Jan. 1 | Current additions | Current retirements | Asset balance Dec. 31 | Average balance | Average reserve before depreciation | Net depreciable balance | Rate (percent) | Allowable depreciation |
|---|---|---|---|---|---|---|---|---|---|
| 1954 | $12,000 | $12,000 | ---------- | $12,000 | $6,000 | ---------- | $6,000 | 40 | $2,400 |
| 1955 | 12,000 | ---------- | ---------- | 12,000 | 12,000 | $2,400 | 9,600 | 40 | 3,840 |
| 1956 | 12,000 | ---------- | ---------- | 12,000 | 12,000 | 6,240 | 5,760 | 40 | 2,304 |
| 1957 | 12,000 | ---------- | $2,000 | 10,000 | 11,000 | 7,644 | 3,356 | 40 | 1,342 |
| 1958 | 10,000 | ---------- | 2,000 | 8,000 | 9,000 | 7,186 | 1,814 | 40 | 725 |
| 1959 | 8,000 | ---------- | 4,000 | 4,000 | 6,000 | 5,212 | 788 | 40 | 315 |
| 1960 | 4,000 | ---------- | 2,000 | 2,000 | 3,000 | 2,727 | 273 | 40 | 109 |
| 1961 | 2,000 | ---------- | 2,000 | ---------- | 1,000 | 836 | 164 | ---------- | [1] 164 |

[1] Balance allowable as depreciation in the year of retirement of the last survivor of the 1954 acquisitions.

DEPRECIATION RESERVE

| Year | Reserve Jan. 1 | Current retirements | Salvage realized | Reserve Dec. 31, before depreciation | Average reserve before depreciation | Allowable depreciation | Reserve Dec. 31, after depreciation |
|---|---|---|---|---|---|---|---|
| 1954 | ---------- | ---------- | ---------- | $2,400 | $1,200 | $2,400 | $2,400 |
| 1955 | $2,400 | ---------- | ---------- | 6,240 | 5,040 | 3,840 | 6,240 |
| 1956 | 6,240 | ---------- | ---------- | 8,544 | 7,644 | 2,304 | 8,544 |
| 1957 | 8,544 | $2,000 | $200 | 6,744 | 7,644 | 1,342 | 8,086 |
| 1958 | 8,086 | 2,000 | 200 | 6,286 | 7,186 | 726 | 7,012 |
| 1959 | 7,012 | 4,000 | 400 | 3,412 | 5,212 | 315 | 3,727 |
| 1960 | 3,727 | 2,000 | ---------- | 1,727 | 2,727 | 109 | 1,836 |
| 1961 | 1,836 | 2,000 | ---------- | (164) | 836 | 164 | ---------- |

Where separate depreciation accounts are maintained by year of acquisition and there is an unrecovered balance at the time of the last retirement, such unrecovered balance may be deducted as part of the depreciation allowance for the year of such retirement. Thus, if the taxpayer had kept separate depreciation accounts by year of acquisition and all the retirements shown in the example above were from 1954 acquisitions, depreciation would be computed on the 1954 and 1959 acquisitions as follows:

1954 ACQUISITIONS

| Year | Asset balance Jan. 1 | Acquisitions | Current retirements | Asset balance Dec. 31 | Average balance | Average reserve before depreciation | Net depreciable balance | Rate (percent) | Allowable depreciation |
|---|---|---|---|---|---|---|---|---|---|
| 1954 | ---------- | $12,000 | ---------- | $12,000 | $6,000 | ---------- | $6,000 | 40 | $2,400 |
| 1955 | $12,000 | ---------- | ---------- | 12,000 | 12,000 | $2,400 | 9,600 | 40 | 3,840 |
| 1956 | 12,000 | ---------- | ---------- | 12,000 | 12,000 | 6,240 | 5,760 | 40 | 2,304 |
| 1957 | 12,000 | ---------- | $2,000 | 10,000 | 11,000 | 7,644 | 3,356 | 40 | 1,342 |
| 1958 | 10,000 | ---------- | 2,000 | 8,000 | 9,000 | 7,186 | 1,814 | 40 | 725 |
| 1959 | 8,000 | ---------- | 4,000 | 4,000 | 6,000 | 5,212 | 788 | 40 | 315 |
| 1960 | 4,000 | ---------- | 2,000 | 2,000 | 3,000 | 2,727 | 273 | 40 | 109 |
| 1961 | 2,000 | ---------- | 2,000 | ---------- | 1,000 | 836 | 164 | ---------- | [1] 164 |

[1] Balance allowable as depreciation in the year of retirement of the last survivor of the 1954 acquisitions.

DEPRECIATION RESERVE FOR 1954 ACQUISITIONS

| Year | Reserve Jan. 1 | Current retirements | Salvage realized | Reserve Dec. 31, before depreciation | Average reserve before depreciation | Allowable depreciation | Reserve Dec. 31, after depreciation |
|---|---|---|---|---|---|---|---|
| 1954 | ---------- | ---------- | ---------- | ---------- | ---------- | $2,400 | $2,400 |
| 1955 | $2,400 | ---------- | ---------- | $2,400 | $2,400 | 3,840 | 6,240 |
| 1956 | 6,240 | ---------- | ---------- | 6,240 | 6,240 | 2,304 | 8,544 |
| 1957 | 8,544 | $2,000 | $200 | 6,744 | 7,644 | 1,342 | 8,086 |
| 1958 | 8,086 | 2,000 | 200 | 6,286 | 7,186 | 726 | 7,012 |
| 1959 | 7,012 | 4,000 | 400 | 3,412 | 5,212 | 315 | 3,727 |
| 1960 | 3,727 | 2,000 | ---------- | 1,727 | 2,727 | 109 | 1,836 |
| 1961 | 1,836 | 2,000 | ---------- | (164) | 836 | 164 | ---------- |

1959 ACQUISITIONS

| Year | Asset balance Jan. 1 | Acquisition | Asset balance Dec. 31 | Average balance | Reserve Dec. 31, before depreciation | Net depreciable balance | Rate (percent) | Allowable depreciation | Reserve Dec. 31, after depreciation |
|---|---|---|---|---|---|---|---|---|---|
| 1959 | ---------- | $10,000 | $10,000 | $5,000 | None | $5,000 | 40 | $2,000 | $2,000 |
| 1960 | $10,000 | ---------- | 10,000 | 10,000 | $2,000 | 8,000 | 40 | 3,200 | 5,200 |
| 1961 | 10,000 | ---------- | 10,000 | 10,000 | 5,200 | 4,800 | 40 | 1,920 | 7,120 |

In the above example, the allowable depreciation on the 1954 acquisitions totals $11,200. This amount when increased by salvage realized in the amount of $800, equals the entire cost or other basis of the 1954 acquisitions ($12,000).

(c) *Change in estimated useful life.* In the declining balance method when a change is justified in the useful life estimated for an account, subsequent computations shall be made as though the revised useful life had been originally estimated. For example, assume that an account has an estimated useful life of ten years and that a declining balance rate of 20 percent is applicable. If, at the end of the sixth year, it is determined that the remaining useful life of the account is six years, computations shall be made as though the estimated useful life was originally determined as twelve years. Accordingly, the applicable depreciation rate will be 16⅔ percent. This rate is thereafter applied to the unrecovered cost or other basis.

§ 1.167 (b)-3 *Sum of the years-digits method*—(a) *Applied to a single asset*—(1) *General rule.* Under the sum of the years-digits method annual allowances for depreciation are computed by applying changing fractions to the cost or other basis of the property reduced by estimated salvage. The numerator of the fraction changes each year to a number which corresponds to the remaining useful life of the asset (including the year for which the allowance is being computed), and the denominator which remains constant is the sum of all the years digits corresponding to the estimated useful life of the asset. See section 167 (c) and § 1.167 (c)-1 for restrictions on the use of the sum of the years-digits method.

(i) *Illustrations.* Computation of depreciation allowances on a single asset under the sum of the years-digits method is illustrated by the following examples:

*Example (1).* A new asset having an estimated useful life of five years was acquired on January 1, 1954, for $1,750. The estimated salvage is $250. For a taxpayer filing his returns on a calendar year basis, the annual depreciation allowances are as follows:

| Year | Cost or other basis less salvage | Fraction [1] | Allowable depreciation | Depreciation reserve |
|---|---|---|---|---|
| 1954 | $1,500 | 5/15 | $500 | $500 |
| 1955 | 1,500 | 4/15 | 400 | 900 |
| 1956 | 1,500 | 3/15 | 300 | 1,200 |
| 1957 | 1,500 | 2/15 | 200 | 1,400 |
| 1958 | 1,500 | 1/15 | 100 | 1,500 |
| Unrecovered value (salvage) | | | | $250 |

[1] The denominator of the fraction is the sum of the digits representing the years of useful life, i. e., 5, 4, 3, 2, and 1, or 15.

*Example (2).* Assume in connection with an asset acquired in 1954 that three-fourths of a year's depreciation is allowable in that year. The following illustrates a reasonable method of allocating depreciation:

| | Depreciation for 12 months | Allowable depreciation | | |
|---|---|---|---|---|
| | | 1954 | 1955 | 1956 |
| 1st year | $500 | (¼) $375 | (¾) $125 | |
| 2d year | 400 | ---------- | (¾) 300 | (¼) $100 |
| 3d year | 300 | ---------- | ---------- | (¾) 225 |
| | | 375 | 425 | 325 |

(ii) *Change in useful life.* Where in the case of a single asset, a change is justified in the useful life, subsequent computations shall be made as though the remaining useful life at the beginning of the taxable year of change were the useful life of a new asset acquired at such time and with a basis equal to the unrecovered cost or other basis of the asset at that time. For example, assume that a new asset with an estimated useful life of ten years is purchased in 1954. At the time of making out his return for 1959, the taxpayer finds that the asset has a remaining useful life of seven years from January 1, 1959. Depreciation for 1959 should then be computed as though 1959 were the first year of the life of an asset estimated to have a useful life of seven years, and the allowance for 1959 would be 7/28 of the unrecovered cost or other basis of the asset after adjustment for salvage.

(2) *Remaining life*—(i) *Application.* Under the sum of the years-digits method, annual allowances for depreciation may also be computed by applying changing fractions to the unrecovered cost or other basis of the asset reduced by estimated salvage. The numerator of the fraction changes each year to a number which corresponds to the remaining useful life of the asset (including the year for which the allowance is being computed), and the denominator changes each year to a number which represents the sum of the digits corresponding to the years of estimated remaining useful life of the asset. For decimal equivalents of such fractions see Table I below. For example, a new asset with an estimated useful life of 10 years is purchased January 1, 1954, for $6,000. Assuming a salvage value of $500, the depreciation allowance for 1954 is $1,000 ($5,500×0.1818, the applicable rate from Table I). For 1955, the unrecovered balance is $4,500, and the remaining life is 9 years. The depreciation allowance for 1955 would then be $900 ($4,500×0.2000, the applicable rate from Table I).

(ii) *Table I.* This table shows decimal equivalents of sum of the years-digits fractions corresponding to remaining lives from 1 to 100 years.

TABLE I—DECIMAL EQUIVALENTS FOR USE OF SUM OF THE YEARS-DIGITS METHOD, BASED ON REMAINING LIFE

| *Remaining life (years)* | *Decimal equivalent* | *Remaining life (years)* | *Decimal equivalent* |
|---|---|---|---|
| 100.0 | 0.0198 | 97.9 | 0.0202 |
| 99.9 | .0198 | 97.8 | .0202 |
| 99.8 | .0198 | 97.7 | .0203 |
| 99.7 | .0199 | 97.6 | .0203 |
| 99.6 | .0199 | 97.5 | .0203 |
| 99.5 | .0199 | 97.4 | .0203 |
| 99.4 | .0199 | 97.3 | .0203 |
| 99.3 | .0199 | 97.2 | .0204 |
| 99.2 | .0200 | 97.1 | .0204 |
| 99.1 | .0200 | 97.0 | .0204 |
| 99.0 | .0200 | 96.9 | .0204 |
| 98.9 | .0200 | 96.8 | .0204 |
| 98.8 | .0200 | 96.7 | .0205 |
| 98.7 | .0201 | 96.6 | .0205 |
| 98.6 | .0201 | 96.5 | .0205 |
| 98.5 | .0201 | 96.4 | .0205 |
| 98.4 | .0201 | 96.3 | .0206 |
| 98.3 | .0201 | 96.2 | .0206 |
| 98.2 | .0202 | 96.1 | .0206 |
| 98.1 | .0202 | 96.0 | .0206 |
| 98.0 | .0202 | 95.9 | .0206 |

TABLE I—DECIMAL EQUIVALENTS FOR USE OF SUM OF THE YEARS-DIGITS METHOD, BASED ON REMAINING LIFE—Continued

| Remaining life (years) | Decimal equivalent | Remaining life (years) | Decimal equivalent |
|---|---|---|---|
| 95.8 | 0.0207 | 87.3 | 0.0226 |
| 95.7 | .0207 | 87.2 | .0227 |
| 95.6 | .0207 | 87.1 | .0227 |
| 95.5 | .0207 | 87.0 | .0227 |
| 95.4 | .0207 | 86.9 | .0228 |
| 95.3 | .0208 | 86.8 | .0228 |
| 95.2 | .0208 | 86.7 | .0228 |
| 95.1 | .0208 | 86.6 | .0228 |
| 95.0 | .0208 | 86.5 | .0229 |
| 94.9 | .0209 | 86.4 | .0229 |
| 94.8 | .0209 | 86.3 | .0229 |
| 94.7 | .0209 | 86.2 | .0229 |
| 94.6 | .0209 | 86.1 | .0230 |
| 94.5 | .0209 | 86.0 | .0230 |
| 94.4 | .0210 | 85.9 | .0230 |
| 94.3 | .0210 | 85.8 | .0230 |
| 94.2 | .0210 | 85.7 | .0231 |
| 94.1 | .0210 | 85.6 | .0231 |
| 94.0 | .0211 | 85.5 | .0231 |
| 93.9 | .0211 | 85.4 | .0231 |
| 93.8 | .0211 | 85.3 | .0232 |
| 93.7 | .0211 | 85.2 | .0232 |
| 93.6 | .0211 | 85.1 | .0232 |
| 93.5 | .0212 | 85.0 | .0233 |
| 93.4 | .0212 | 84.9 | .0233 |
| 93.3 | .0212 | 84.8 | .0233 |
| 93.2 | .0212 | 84.7 | .0233 |
| 93.1 | .0213 | 84.6 | .0234 |
| 93.0 | .0213 | 84.5 | .0234 |
| 92.9 | .0213 | 84.4 | .0234 |
| 92.8 | .0213 | 84.3 | .0234 |
| 92.7 | .0213 | 84.2 | .0235 |
| 92.6 | .0214 | 84.1 | .0235 |
| 92.5 | .0214 | 84.0 | .0235 |
| 92.4 | .0214 | 83.9 | .0236 |
| 92.3 | .0214 | 83.8 | .0236 |
| 92.2 | .0215 | 83.7 | .0236 |
| 92.1 | .0215 | 83.6 | .0236 |
| 92.0 | .0215 | 83.5 | .0237 |
| 91.9 | .0215 | 83.4 | .0237 |
| 91.8 | .0216 | 83.3 | .0237 |
| 91.7 | .0216 | 83.2 | .0238 |
| 91.6 | .0216 | 83.1 | .0238 |
| 91.5 | .0216 | 83.0 | .0238 |
| 91.4 | .0216 | 82.9 | .0238 |
| 91.3 | .0217 | 82.8 | .0239 |
| 91.2 | .0217 | 82.7 | .0239 |
| 91.1 | .0217 | 82.6 | .0239 |
| 91.0 | .0217 | 82.5 | .0240 |
| 90.9 | .0218 | 82.4 | .0240 |
| 90.8 | .0218 | 82.3 | .0240 |
| 90.7 | .0218 | 82.2 | .0240 |
| 90.6 | .0218 | 82.1 | .0241 |
| 90.5 | .0219 | 82.0 | .0241 |
| 90.4 | .0219 | 81.9 | .0241 |
| 90.3 | .0219 | 81.8 | .0242 |
| 90.2 | .0219 | 81.7 | .0242 |
| 90.1 | .0220 | 81.6 | .0242 |
| 90.0 | .0220 | 81.5 | .0242 |
| 89.9 | .0220 | 81.4 | .0243 |
| 89.8 | .0220 | 81.3 | .0243 |
| 89.7 | .0221 | 81.2 | .0243 |
| 89.6 | .0221 | 81.1 | .0244 |
| 89.5 | .0221 | 81.0 | .0244 |
| 89.4 | .0221 | 80.9 | .0244 |
| 89.3 | .0221 | 80.8 | .0244 |
| 89.2 | .0222 | 80.7 | .0245 |
| 89.1 | .0222 | 80.6 | .0245 |
| 89.0 | .0222 | 80.5 | .0245 |
| 88.9 | .0222 | 80.4 | .0246 |
| 88.8 | .0223 | 80.3 | .0246 |
| 88.7 | .0223 | 80.2 | .0246 |
| 88.6 | .0223 | 80.1 | .0247 |
| 88.5 | .0223 | 80.0 | .0247 |
| 88.4 | .0224 | 79.9 | .0247 |
| 88.3 | .0224 | 79.8 | .0248 |
| 88.2 | .0224 | 79.7 | .0248 |
| 88.1 | .0224 | 79.6 | .0248 |
| 88.0 | .0225 | 79.5 | .0248 |
| 87.9 | .0225 | 79.4 | .0249 |
| 87.8 | .0225 | 79.3 | .0249 |
| 87.7 | .0225 | 79.2 | .0249 |
| 87.6 | .0226 | 79.1 | .0250 |
| 87.5 | .0226 | 79.0 | .0250 |
| 87.4 | .0226 | 78.9 | .0250 |
| 78.8 | 0.0251 | 70.3 | 0.0280 |
| 78.7 | .0251 | 70.2 | .0281 |
| 78.6 | .0251 | 70.1 | .0281 |
| 78.5 | .0252 | 70.0 | .0282 |
| 78.4 | .0252 | 69.9 | .0282 |
| 78.3 | .0252 | 69.8 | .0282 |
| 78.2 | .0253 | 69.7 | .0283 |
| 78.1 | .0253 | 69.6 | .0283 |
| 78.0 | .0253 | 69.5 | .0284 |
| 77.9 | .0253 | 69.4 | .0284 |
| 77.8 | .0254 | 69.3 | .0284 |
| 77.7 | .0254 | 69.2 | .0285 |
| 77.6 | .0254 | 69.1 | .0285 |
| 77.5 | .0255 | 69.0 | .0286 |
| 77.4 | .0255 | 68.9 | .0286 |
| 77.3 | .0255 | 68.8 | .0287 |
| 77.2 | .0256 | 68.7 | .0287 |
| 77.1 | .0255 | 68.6 | .0287 |
| 77.0 | .0256 | 68.5 | .0288 |
| 76.9 | .0257 | 68.4 | .0288 |
| 76.8 | .0257 | 68.3 | .0289 |
| 76.7 | .0257 | 68.2 | .0289 |
| 76.6 | .0258 | 68.1 | .0289 |
| 76.5 | .0258 | 68.0 | .0290 |
| 76.4 | .0258 | 67.9 | .0290 |
| 76.3 | .0259 | 67.8 | .0291 |
| 76.2 | .0259 | 67.7 | .0291 |
| 76.1 | .0259 | 67.6 | .0292 |
| 76.0 | .0260 | 67.5 | .0292 |
| 75.9 | .0260 | 67.4 | .0292 |
| 75.8 | .0260 | 67.3 | .0293 |
| 75.7 | .0261 | 67.2 | .0293 |
| 75.6 | .0261 | 67.1 | .0294 |
| 75.5 | .0261 | 67.0 | .0294 |
| 75.4 | .0262 | 66.9 | .0295 |
| 75.3 | .0262 | 66.8 | .0295 |
| 75.2 | .0262 | 66.7 | .0295 |
| 75.1 | .0263 | 66.6 | .0296 |
| 75.0 | .0263 | 66.5 | .0296 |
| 74.9 | .0264 | 66.4 | .0297 |
| 74.8 | .0264 | 66.3 | .0297 |
| 74.7 | .0264 | 66.2 | .0298 |
| 74.6 | .0265 | 66.1 | .0298 |
| 74.5 | .0265 | 66.0 | .0299 |
| 74.4 | .0265 | 65.9 | .0299 |
| 74.3 | .0266 | 65.8 | .0299 |
| 74.2 | .0266 | 65.7 | .0300 |
| 74.1 | .0266 | 65.6 | .0300 |
| 74.0 | .0267 | 65.5 | .0301 |
| 73.9 | .0267 | 65.4 | .0301 |
| 73.8 | .0267 | 65.3 | .0302 |
| 73.7 | .0268 | 65.2 | .0302 |
| 73.6 | .0268 | 65.1 | .0303 |
| 73.5 | .0268 | 65.0 | .0303 |
| 73.4 | .0269 | 64.9 | .0303 |
| 73.3 | .0269 | 64.8 | .0304 |
| 73.2 | .0270 | 64.7 | .0304 |
| 73.1 | .0270 | 64.6 | .0305 |
| 73.0 | .0270 | 64.5 | .0305 |
| 72.9 | .0271 | 64.4 | .0306 |
| 72.8 | .0271 | 64.3 | .0306 |
| 72.7 | .0271 | 64.2 | .0307 |
| 72.6 | .0272 | 64.1 | .0307 |
| 72.5 | .0272 | 64.0 | .0308 |
| 72.4 | .0272 | 63.9 | .0308 |
| 72.3 | .0273 | 63.8 | .0309 |
| 72.2 | .0273 | 63.7 | .0309 |
| 72.1 | .0274 | 63.6 | .0310 |
| 72.0 | .0274 | 63.5 | .0310 |
| 71.9 | .0274 | 63.4 | .0311 |
| 71.8 | .0275 | 63.3 | .0311 |
| 71.7 | .0275 | 63.2 | .0312 |
| 71.6 | .0275 | 63.1 | .0312 |
| 71.5 | .0276 | 63.0 | .0313 |
| 71.4 | .0276 | 62.9 | .0313 |
| 71.3 | .0277 | 62.8 | .0313 |
| 71.2 | .0277 | 62.7 | .0314 |
| 71.1 | .0277 | 62.6 | .0314 |
| 71.0 | .0278 | 62.5 | .0315 |
| 70.9 | .0278 | 62.4 | .0315 |
| 70.8 | .0279 | 62.3 | .0316 |
| 70.7 | .0279 | 62.2 | .0316 |
| 70.6 | .0279 | 62.1 | .0317 |
| 70.5 | .0280 | 62.0 | .0317 |
| 70.4 | .0280 | 61.9 | .0318 |
| 61.8 | 0.0318 | 53.3 | 0.0368 |
| 61.7 | .0319 | 53.2 | .0369 |
| 61.6 | .0319 | 53.1 | .0370 |
| 61.5 | .0320 | 53.0 | .0370 |
| 61.4 | .0320 | 52.9 | .0371 |
| 61.3 | .0321 | 52.8 | .0372 |
| 61.2 | .0322 | 52.7 | .0372 |
| 61.1 | .0322 | 52.6 | .0373 |
| 61.0 | .0323 | 52.5 | .0374 |
| 60.9 | .0323 | 52.4 | .0374 |
| 60.8 | .0324 | 52.3 | .0375 |
| 60.7 | .0324 | 52.2 | .0376 |
| 60.6 | .0325 | 52.1 | .0377 |
| 60.5 | .0325 | 52.0 | .0377 |
| 60.4 | .0326 | 51.9 | .0378 |
| 60.3 | .0326 | 51.8 | .0379 |
| 60.2 | .0327 | 51.7 | .0379 |
| 60.1 | .0327 | 51.6 | .0380 |
| 60.0 | .0328 | 51.5 | .0381 |
| 59.9 | .0328 | 51.4 | .0382 |
| 59.8 | .0329 | 51.3 | .0382 |
| 59.7 | .0329 | 51.2 | .0383 |
| 59.6 | .0330 | 51.1 | .0384 |
| 59.5 | .0331 | 51.0 | .0385 |
| 59.4 | .0331 | 50.9 | .0385 |
| 59.3 | .0332 | 50.8 | .0386 |
| 59.2 | .0332 | 50.7 | .0387 |
| 59.1 | .0333 | 50.6 | .0388 |
| 59.0 | .0333 | 50.5 | .0388 |
| 58.9 | .0334 | 50.4 | .0389 |
| 58.8 | .0334 | 50.3 | .0390 |
| 58.7 | .0335 | 50.2 | .0391 |
| 58.6 | .0336 | 50.1 | .0391 |
| 58.5 | .0336 | 50.0 | .0392 |
| 58.4 | .0337 | 49.9 | .0393 |
| 58.3 | .0337 | 49.8 | .0394 |
| 58.2 | .0338 | 49.7 | .0394 |
| 58.1 | .0338 | 49.6 | .0395 |
| 58.0 | .0339 | 49.5 | .0396 |
| 57.9 | .0340 | 49.4 | .0397 |
| 57.8 | .0340 | 49.3 | .0398 |
| 57.7 | .0341 | 49.2 | .0398 |
| 57.6 | .0341 | 49.1 | .0399 |
| 57.5 | .0342 | 49.0 | .0400 |
| 57.4 | .0342 | 48.9 | .0401 |
| 57.3 | .0343 | 48.8 | .0402 |
| 57.2 | .0344 | 48.7 | .0402 |
| 57.1 | .0344 | 48.6 | .0403 |
| 57.0 | .0345 | 48.5 | .0404 |
| 56.9 | .0345 | 48.4 | .0405 |
| 56.8 | .0346 | 48.3 | .0406 |
| 56.7 | .0347 | 48.2 | .0406 |
| 56.6 | .0347 | 48.1 | .0407 |
| 56.5 | .0348 | 48.0 | .0408 |
| 56.4 | .0348 | 47.9 | .0409 |
| 56.3 | .0349 | 47.8 | .0410 |
| 56.2 | .0350 | 47.7 | .0411 |
| 56.1 | .0350 | 47.6 | .0411 |
| 56.0 | .0351 | 47.5 | .0413 |
| 55.9 | .0351 | 47.4 | .0413 |
| 55.8 | .0352 | 47.3 | .0414 |
| 55.7 | .0353 | 47.2 | .0415 |
| 55.6 | .0353 | 47.1 | .0416 |
| 55.5 | .0354 | 47.0 | .0417 |
| 55.4 | .0355 | 46.9 | .0418 |
| 55.3 | .0355 | 46.8 | .0418 |
| 55.2 | .0356 | 46.7 | .0419 |
| 55.1 | .0356 | 46.6 | .0420 |
| 55.0 | .0357 | 46.5 | .0421 |
| 54.9 | .0358 | 46.4 | .0422 |
| 54.8 | .0358 | 46.3 | .0423 |
| 54.7 | .0359 | 46.2 | .0424 |
| 54.6 | .0360 | 46.1 | .0425 |
| 54.5 | .0360 | 46.0 | .0426 |
| 54.4 | .0361 | 45.9 | .0426 |
| 54.3 | .0362 | 45.8 | .0427 |
| 54.2 | .0362 | 45.7 | .0428 |
| 54.1 | .0363 | 45.6 | .0429 |
| 54.0 | .0364 | 45.5 | .0430 |
| 53.9 | .0364 | 45.4 | .0431 |
| 53.8 | .0365 | 45.3 | .0432 |
| 53.7 | .0366 | 45.2 | .0433 |
| 53.6 | .0366 | 45.1 | .0434 |
| 53.5 | .0367 | 45.0 | .0435 |
| 53.4 | .0368 | 44.9 | .0436 |
| 44.8 | 0.0437 | 36.3 | 0.0536 |
| 44.7 | .0438 | 36.2 | .0538 |
| 44.6 | .0439 | 36.1 | .0539 |
| 44.5 | .0440 | 36.0 | .0541 |
| 44.4 | .0440 | 35.9 | .0542 |
| 44.3 | .0441 | 35.8 | .0543 |
| 44.2 | .0442 | 35.7 | .0545 |
| 44.1 | .0443 | 35.6 | .0546 |
| 44.0 | .0444 | 35.5 | .0548 |
| 43.9 | .0445 | 35.4 | .0549 |
| 43.8 | .0446 | 35.3 | .0551 |
| 43.7 | .0447 | 35.2 | .0552 |
| 43.6 | .0448 | 35.1 | .0554 |
| 43.5 | .0449 | 35.0 | .0556 |
| 43.4 | .0450 | 34.9 | .0557 |
| 43.3 | .0451 | 34.8 | .0559 |
| 43.2 | .0452 | 34.7 | .0560 |
| 43.1 | .0453 | 34.6 | .0562 |
| 43.0 | .0455 | 34.5 | .0563 |
| 42.9 | .0456 | 34.4 | .0565 |
| 42.8 | .0457 | 34.3 | .0566 |
| 42.7 | .0458 | 34.2 | .0568 |
| 42.6 | .0459 | 34.1 | .0570 |
| 42.5 | .0460 | 34.0 | .0571 |
| 42.4 | .0461 | 33.9 | .0573 |
| 42.3 | .0462 | 33.8 | .0575 |
| 42.2 | .0463 | 33.7 | .0576 |
| 42.1 | .0464 | 33.6 | .0578 |
| 42.0 | .0465 | 33.5 | .0580 |
| 41.9 | .0466 | 33.4 | .0581 |
| 41.8 | .0467 | 33.3 | .0583 |
| 41.7 | .0468 | 33.2 | .0585 |
| 41.6 | .0469 | 33.1 | .0586 |
| 41.5 | .0471 | 33.0 | .0588 |
| 41.4 | .0472 | 32.9 | .0590 |
| 41.3 | .0473 | 32.8 | .0592 |
| 41.2 | .0474 | 32.7 | .0593 |
| 41.1 | .0475 | 32.6 | .0595 |
| 41.0 | .0476 | 32.5 | .0597 |
| 40.9 | .0477 | 32.4 | .0599 |
| 40.8 | .0478 | 32.3 | .0600 |
| 40.7 | .0480 | 32.2 | .0602 |
| 40.6 | .0481 | 32.1 | .0604 |
| 40.5 | .0482 | 32.0 | .0606 |
| 40.4 | .0483 | 31.9 | .0608 |
| 40.3 | .0484 | 31.8 | .0610 |
| 40.2 | .0485 | 31.7 | .0611 |
| 40.1 | .0487 | 31.6 | .0613 |
| 40.0 | .0488 | 31.5 | .0615 |
| 39.9 | .0489 | 31.4 | .0617 |
| 39.8 | .0490 | 31.3 | .0619 |
| 39.7 | .0491 | 31.2 | .0621 |
| 39.6 | .0493 | 31.1 | .0623 |
| 39.5 | .0494 | 31.0 | .0625 |
| 39.4 | .0495 | 30.9 | .0627 |
| 39.3 | .0496 | 30.8 | .0629 |
| 39.2 | .0497 | 30.7 | .0631 |
| 39.1 | .0499 | 30.6 | .0633 |
| 39.0 | .0500 | 30.5 | .0635 |
| 38.9 | .0501 | 30.4 | .0637 |
| 38.8 | .0502 | 30.3 | .0639 |
| 38.7 | .0504 | 30.2 | .0641 |
| 38.6 | .0505 | 30.1 | .0643 |
| 38.5 | .0506 | 30.0 | .0645 |
| 38.4 | .0508 | 29.9 | .0647 |
| 38.3 | .0509 | 29.8 | .0649 |
| 38.2 | .0510 | 29.7 | .0651 |
| 38.1 | .0511 | 29.6 | .0653 |
| 38.0 | .0513 | 29.5 | .0656 |
| 37.9 | .0514 | 29.4 | .0658 |
| 37.8 | .0515 | 29.3 | .0660 |
| 37.7 | .0517 | 29.2 | .0662 |
| 37.6 | .0518 | 29.1 | .0664 |
| 37.5 | .0519 | 29.0 | .0667 |
| 37.4 | .0521 | 28.9 | .0669 |
| 37.3 | .0522 | 28.8 | .0671 |
| 37.2 | .0524 | 28.7 | .0673 |
| 37.1 | .0525 | 28.6 | .0675 |
| 37.0 | .0526 | 28.5 | .0678 |
| 36.9 | .0528 | 28.4 | .0680 |
| 36.8 | .0529 | 28.3 | .0682 |
| 36.7 | .0530 | 28.2 | .0685 |
| 36.6 | .0532 | 28.1 | .0687 |
| 36.5 | .0533 | 28.0 | .0690 |
| 36.4 | .0535 | 27.9 | .0692 |
| 27.8 | 0.0694 | 19.3 | 0.0985 |
| 27.7 | .0697 | 19.2 | .0990 |
| 27.6 | .0699 | 19.1 | .0995 |
| 27.5 | .0702 | 19.0 | .1000 |
| 27.4 | .0704 | 18.9 | .1005 |
| 27.3 | .0707 | 18.8 | .1010 |
| 27.2 | .0709 | 18.7 | .1015 |
| 27.1 | .0712 | 18.6 | .1020 |
| 27.0 | .0714 | 18.5 | .1025 |
| 26.9 | .0717 | 18.4 | .1030 |
| 26.8 | .0719 | 18.3 | .1036 |
| 26.7 | .0722 | 18.2 | .1041 |
| 26.6 | .0724 | 18.1 | .1047 |
| 26.5 | .0727 | 18.0 | .1053 |
| 26.4 | .0730 | 17.9 | .1058 |
| 26.3 | .0732 | 17.8 | .1063 |
| 26.2 | .0735 | 17.7 | .1069 |
| 26.1 | .0738 | 17.6 | .1074 |
| 26.0 | .0741 | 17.5 | .1080 |
| 25.9 | .0743 | 17.4 | .1086 |
| 25.8 | .0746 | 17.3 | .1092 |
| 25.7 | .0749 | 17.2 | .1098 |
| 25.6 | .0752 | 17.1 | .1105 |
| 25.5 | .0754 | 17.0 | .1111 |
| 25.4 | .0757 | 16.9 | .1117 |
| 25.3 | .0760 | 16.8 | .1123 |
| 25.2 | .0763 | 16.7 | .1129 |
| 25.1 | .0766 | 16.6 | .1135 |
| 25.0 | .0769 | 16.5 | .1142 |
| 24.9 | .0772 | 16.4 | .1148 |
| 24.8 | .0775 | 16.3 | .1155 |
| 24.7 | .0778 | 16.2 | .1162 |
| 24.6 | .0781 | 16.1 | .1169 |
| 24.5 | .0784 | 16.0 | .1176 |
| 24.4 | .0787 | 15.9 | .1183 |
| 24.3 | .0790 | 15.8 | .1190 |
| 24.2 | .0793 | 15.7 | .1197 |
| 24.1 | .0797 | 15.6 | .1204 |
| 24.0 | .0800 | 15.5 | .1211 |
| 23.9 | .0803 | 15.4 | .1218 |
| 23.8 | .0806 | 15.3 | .1226 |
| 23.7 | .0809 | 15.2 | .1234 |
| 23.6 | .0813 | 15.1 | .1242 |
| 23.5 | .0816 | 15.0 | .1250 |
| 23.4 | .0819 | 14.9 | .1257 |
| 23.3 | .0823 | 14.8 | .1265 |
| 23.2 | .0826 | 14.7 | .1273 |
| 23.1 | .0830 | 14.6 | .1281 |
| 23.0 | .0833 | 14.5 | .1289 |
| 22.9 | .0837 | 14.4 | .1297 |
| 22.8 | .0840 | 14.3 | .1306 |
| 22.7 | .0844 | 14.2 | .1315 |
| 22.6 | .0847 | 14.1 | .1324 |
| 22.5 | .0851 | 14.0 | .1333 |
| 22.4 | .0854 | 13.9 | .1342 |
| 22.3 | .0858 | 13.8 | .1350 |
| 22.2 | .0862 | 13.7 | .1359 |
| 22.1 | .0866 | 13.6 | .1368 |
| 22.0 | .0870 | 13.5 | .1378 |
| 21.9 | .0873 | 13.4 | .1387 |
| 21.8 | .0877 | 13.3 | .1397 |
| 21.7 | .0881 | 13.2 | .1407 |
| 21.6 | .0885 | 13.1 | .1418 |
| 21.5 | .0888 | 13.0 | .1429 |
| 21.4 | .0892 | 12.9 | .1438 |
| 21.3 | .0896 | 12.8 | .1448 |
| 21.2 | .0901 | 12.7 | .1458 |
| 21.1 | .0905 | 12.6 | .1469 |
| 21.0 | .0909 | 12.5 | .1479 |
| 20.9 | .0913 | 12.4 | .1490 |
| 20.8 | .0917 | 12.3 | .1502 |
| 20.7 | .0921 | 12.2 | .1514 |
| 20.6 | .0925 | 12.1 | .1526 |
| 20.5 | .0930 | 12.0 | .1538 |
| 20.4 | .0934 | 11.9 | .1549 |
| 20.3 | .0939 | 11.8 | .1561 |
| 20.2 | .0943 | 11.7 | .1573 |
| 20.1 | .0948 | 11.6 | .1585 |
| 20.0 | .0952 | 11.5 | .1597 |
| 19.9 | .0957 | 11.4 | .1610 |
| 19.8 | .0961 | 11.3 | .1624 |
| 19.7 | .0966 | 11.2 | .1637 |
| 19.6 | .0970 | 11.1 | .1652 |
| 19.5 | .0975 | 11.0 | .1667 |
| 19.4 | .0980 | 10.9 | .1680 |
| 10.8 | .1693 | 5.8 | .2929 |
| 10.7 | .1707 | 5.7 | .2969 |
| 10.6 | .1721 | 5.6 | .3011 |
| 10.5 | .1736 | 5.5 | .3056 |
| 10.4 | .1751 | 5.4 | .3103 |
| 10.3 | .1767 | 5.3 | .3155 |
| 10.2 | .1783 | 5.2 | .3210 |
| 10.1 | .1800 | 5.1 | .3269 |
| 10.0 | .1818 | 5.0 | .3333 |
| 9.9 | .1833 | 4.9 | .3379 |
| 9.8 | .1849 | 4.8 | .3429 |
| 9.7 | .1865 | 4.7 | .3481 |
| 9.6 | .1882 | 4.6 | .3538 |
| 9.5 | .1900 | 4.5 | .3600 |
| 9.4 | .1918 | 4.4 | .3667 |
| 9.3 | .1938 | 4.3 | .3739 |
| 9.2 | .1957 | 4.2 | .3818 |
| 9.1 | .1978 | 4.1 | .3905 |
| 9.0 | .2000 | 4.0 | .4000 |
| 8.9 | .2018 | 3.9 | .4063 |
| 8.8 | .2037 | 3.8 | .4130 |
| 8.7 | .2057 | 3.7 | .4205 |
| 8.6 | .2077 | 3.6 | .4286 |
| 8.5 | .2099 | 3.5 | .4375 |
| 8.4 | .2121 | 3.4 | .4474 |
| 8.3 | .2145 | 3.3 | .4583 |
| 8.2 | .2169 | 3.2 | .4706 |
| 8.1 | .2195 | 3.1 | .4844 |
| 8.0 | .2222 | 3.0 | .5000 |
| 7.9 | .2244 | 2.9 | .5088 |
| 7.8 | .2267 | 2.8 | .5185 |
| 7.7 | .2292 | 2.7 | .5294 |
| 7.6 | .2317 | 2.6 | .5417 |
| 7.5 | .2344 | 2.5 | .5556 |
| 7.4 | .2372 | 2.4 | .5714 |
| 7.3 | .2401 | 2.3 | .5897 |
| 7.2 | .2432 | 2.2 | .6111 |
| 7.1 | .2465 | 2.1 | .6364 |
| 7.0 | .2500 | 2.0 | .6667 |
| 6.9 | .2527 | 1.9 | .6786 |
| 6.8 | .2556 | 1.8 | .6923 |
| 6.7 | .2587 | 1.7 | .7083 |
| 6.6 | .2619 | 1.6 | .7273 |
| 6.5 | .2653 | 1.5 | .7500 |
| 6.4 | .2689 | 1.4 | .7778 |
| 6.3 | .2727 | 1.3 | .8125 |
| 6.2 | .2768 | 1.2 | .8571 |
| 6.1 | .2811 | 1.1 | .9167 |
| 6.0 | .2857 | 1.0 | 1.0000 |

NOTE: For determination of decimal equivalents of remaining lives falling between those shown in the above table, the taxpayer may use the next longest life shown in the table, interpolate from the table, or use the following formula from which the table was derived.

$$D=\frac{2R}{(W+2F)(W+1)}$$

where:

$D$ = Decimal equivalent.
$R$ = Remaining life.
$W$ = Whole number of years in remaining life.
$F$ = Fractional part of year in remaining life.

If the taxpayer desires to carry his calculations of decimal equivalents to a greater number of decimal places than is provided in the table, he may use the formula. The procedure adopted must be consistently followed thereafter.

(b) *Applied to group, classified, or composite accounts*—(1) *General rule.* The sum of the years-digits method may be applied to group, classified, or composite accounts in accordance with the plan described in subparagraph (2) of this paragraph or in accordance with other plans as explained in subparagraph (3) of this paragraph.

(2) *Remaining life plan.* The remaining life plan as applied to a single asset is described in § 1.167 (b)–3 (a) (2). This plan may also be applied to group, classified, or composite accounts. Under this plan the allowance for depreciation is computed by applying changing fractions to the unrecovered cost or other basis of the account reduced by estimated salvage. The numerator of the fraction changes each year to a number which corresponds to the remaining useful life of the account (including the year for which the allowance is being computed), and the denominator changes each year to a number which represents the sum of the years digits corresponding to the years of estimated remaining useful life of the account. Decimal equivalents of such fractions can be obtained by use of Table I under § 1.167 (b)–3 (a) (2) (ii). The proper application of this method requires that the estimated remaining useful life of the account be determined each year. This determination, of course, may be made each year by analysis, i. e., by determining the remaining lives for each of the components in the account, and averaging them. The estimated remaining life of any account, however, may also be determined arithmetically. For example, it may be computed by dividing the unrecovered cost or other basis of the account, as computed by straight line depreciation, by the gross cost or other basis of the account, and multiplying the result by the average life of the assets in the account. Salvage value is not a factor for the purpose of determining remaining life. Thus, if a group account with an average life of ten years had at January 1, 1958, a gross asset balance of $12,600 and a depreciation reserve computed on the straight line method of $9,450, the remaining life of the account at January 1, 1958, would be computed as follows:

$$\frac{\$12,600-\$9,450}{\$12,600}\text{ times 10 years equals 2.50 years.}$$

*Example.* The use of the sum of the years-digits method with group, classified, or composite accounts under the remaining life plan is illustrated by the following example: A calendar year taxpayer maintains a group account to which a five-year life is applicable. Original investment, additions, retirements, and salvage recoveries are the same as those set forth in example (3) of § 1.167 (b)–1 (b).

DEPRECIATION COMPUTATIONS ON A GROUP ACCOUNT UNDER REMAINING LIFE PLAN

| Year | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | Straight line amount | Straight line reserve | Remaining life | Asset balance reduced by salvage | Current additions reduced by salvage | Salvage realized | Sum of the years digits depreciation | | | |
| | Asset balance Jan. 1 | Current additions | Current retirements | Average asset balance | Col. (4)÷ life | Col. (5)− Col. (3) accumulated Jan. 1 | [Col. (1)− Col. (6)÷ Col. (1)]× average service life | Col. (1)× (100%− 6.67%) | Col. (2)× (100%− 6.67%) | | Accumulated reserve Jan. 1 Prior reserve+ Col. (14)+ Col. (10)− Col. (3) | Unrecovered Jan. 1 Col. (8)− Col. (11) | Rate based on Col. (7) from Table I | Allowable depreciation Col. (12)× Col. (13)+ ½ Col. (9) ×F[2] |
| 1954 | | $12,000 | | $6,000 | [1] $1,200 | | 5.00 | | $11,200 | | | | 0.3333 | $1,866 |
| 1955 | $12,000 | | | 12,000 | 2,400 | $1,200 | 4.50 | $11,200 | | | $1,866 | $9,334 | .3000 | 3,360 |
| 1956 | 12,000 | | | 12,000 | 2,400 | 3,600 | 3.50 | 11,200 | | | 5,226 | 5,974 | .4375 | 2,614 |
| 1957 | 12,000 | | $2,000 | 11,000 | 2,200 | 6,000 | 2.50 | 11,200 | | $200 | 7,840 | 3,360 | .5556 | 1,867 |
| 1958 | 10,000 | | 2,000 | 9,000 | 1,800 | 6,200 | 1.90 | 9,333 | | 200 | 7,907 | 1,426 | .6786 | 968 |
| 1959 | 8,000 | 10,000 | 4,000 | 11,000 | 2,200 | 6,000 | 1.25 | 7,466 | 9,333 | 400 | 7,075 | 391 | .8125 | 1,874 |
| 1960 | 14,000 | | 2,000 | 13,000 | 2,600 | 4,200 | 3.50 | 13,066 | | | 5,349 | 7,717 | .4375 | 3,376 |
| 1961 | 12,000 | | 2,600 | 11,000 | 2,200 | 4,800 | 3.00 | 11,200 | | | 6,725 | 4,475 | .5000 | 2,238 |
| 1962 | | | | | | 5,000 | | | | | 6,963 | | | |

[1] ½ year's amount.
[2] F = Rate based on average service life (0.3333 in this example).

(3) *Other plans for application of the sum of the years-digits method.* Taxpayers who wish to use the sum of the years-digits method in computing depreciation for group, classified, or composite accounts in accordance with a sum of the years digits plan other than the remaining life plan described herein may do so only with the consent of the Commissioner. Request for permission to use plans other than that described shall be addressed to the Commissioner of Internal Revenue, Washington 25, D. C.

§ 1.167 (b)–4 *Other methods.* (a) Under section 167 (b) (4) a taxpayer may use any consistent method of computing depreciation, such as the sinking fund method, provided depreciation allowances computed in accordance with such method do not result in accumulated allowances at the end of any taxable year greater than the total of the accumulated allowances which could have resulted from the use of the declining balance method described in section 167 (b) (2). This limitation applies only during the first two-thirds of the useful life of the property. For example, an asset costing $1,000 having a useful life of six years may be depreciated under the declining balance method in accordance with § 1.167 (b)–2, at a rate of 33⅓ percent. During the first four years or ⅔ of its useful life, maximum depreciation allowances under the declining balance method would be as follows:

| | Current depreciation | Accumulated depreciation | Balance |
|---|---|---|---|
| Cost of asset | | | $1,000 |
| First year | $333 | $333 | 667 |
| Second year | 222 | 555 | 445 |
| Third year | 148 | 703 | 297 |
| Fourth year | 99 | 802 | 198 |

An annual allowance computed by any other method under section 167 (b) (4) could not exceed $333 for the first year, and at the end of the second year the total allowances for the two years could not exceed $555. Likewise, the total allowances for the three years could not exceed $703 and for the four years could not exceed $802. This limitation would not apply in the fifth and sixth years. See section 167 (c) and § 1.167 (c)–1 for restrictions on the use of certain methods.

(b) It shall be the responsibility of the taxpayer to establish to the satisfaction of the Commissioner that a method of depreciation under section 167 (b) (4) is both a reasonable and consistent method and that it does not produce depreciation allowances in excess of the amount permitted under the limitations provided in such section.

§ 1.167 (c) *Statutory provisions; depreciation; limitations on use of certain methods and rates.*

SEC. 167. *Depreciation.* • • •

(c) *Limitations on use of certain methods and rates.* Paragraphs (2), (3), and (4) of subsection (b) shall apply only in the case of property (other than intangible property) described in subsection (a) with a useful life of 3 years or more—

(1) The construction, reconstruction, or erection of which is completed after December 31, 1953, and then only to that portion of the basis which is properly attributable to such construction, reconstruction, or erection after December 31, 1953, or

(2) Acquired after December 31, 1953, if the original use of such property commences with the taxpayer and commences after such date.

§ 1.167 (c)–1 *Limitations on methods of computing depreciation under section 167 (b) (2), (3), and (4)—(a) In general.* (1) Section 167 (c) provides limitations on the use of the declining balance method described in section 167 (b) (2), the sum of the years-digits method described in section 167 (b) (3), and certain other methods authorized by section 167 (b) (4). These methods are applicable only to tangible property having a useful life of three years or more. If construction, reconstruction, or erection by the taxpayer began before January 1, 1954, and was completed after December 31, 1953, these methods apply only to that portion of the basis of the property which is properly attributable to such construction, reconstruction, or erection after December 31, 1953. Property is considered as constructed, reconstructed, or erected by the taxpayer if the work is done for him in accordance with his specifications. The portion of the basis of such property attributable to construction, reconstruction, or erection after December 31, 1953, consists of all costs of the property allocable to the period after December 31, 1953, including the cost or other basis of materials entering into such work. It is not necessary that such materials be acquired after December 31, 1953, or that they be new in use. If construction or erection by the taxpayer began after December 31, 1953, the entire cost or other basis of such construction or erection qualifies for these methods of depreciation. In the case of reconstruction of property, these methods do not apply to any part of the adjusted basis of such property on December 31, 1953. For purposes of this section, construction, reconstruction, or erection by the taxpayer begins when physical work is started on such construction, reconstruction, or erection.

(2) If the property was not constructed, reconstructed, or erected by the taxpayer, these methods apply only if it was acquired after December 31, 1953, and if the original use of the property commences with the taxpayer and commences after December 31, 1953. For the purpose of the preceding sentence, property shall be deemed to be acquired when reduced to physical possession, or control. The term "original use" means the first use to which the property is put, whether or not such use corresponds to the use of such property by the taxpayer. For example, a reconditioned or rebuilt machine acquired after December 31, 1953, will not be treated as being put to original use by the taxpayer even though it is put to a different use, nor will a horse acquired for breeding purposes be treated as being put to original use by the taxpayer if prior to the purchase the horse was used for racing purposes. See §§ 1.167 (b)–2, 1.167 (b)–3, and 1.167 (b)–4 for application of the various methods.

(3) Assets having an estimated average useful life of less than three years shall not be included in a group, classified, or composite account to which the methods described in §§ 1.167 (b)–2, 1.167 (b)–3, and 1.167 (b)–4 are applicable. However, an incidental retirement of an asset from such an account prior to the expiration of a useful life of three years will not prevent the application of these methods to such an account.

(4) See section 381 (c) (6) and the regulations thereunder for rules covering the use of depreciation methods by acquiring corporations in the case of certain corporate acquisitions.

(5) See section 1502 and § 1.1502–46 for the rule covering depreciation of property received by a member of an affiliated group from another member of the group during a consolidated return period.

(6) Except in the cases described in subparagraphs (4) and (5) of this paragraph, the methods of depreciation described in §§ 1.167 (b)–2, 1.167 (b)–3, and 1.167 (b)–4 are not applicable to property in the hands of a distributee, vendee, transferee, donee, or grantee unless the original use of the property begins with such person and the conditions required by section 167 (c) and this section are otherwise met. For example, these methods of depreciation may not be used by a corporation with respect to property which it acquires from an individual or partnership in exchange for its stock. Similarly, if an individual or partnership receives property in a distribution upon dissolution of a corporation, these methods of depreciation may not be used with respect to property so acquired by such individual or partnership. As a further example, these methods of depreciation may not be used by a partnership with respect to contributed property, nor by a partner with respect to partnership property distributed to him. Moreover, where a partnership is entitled to use these depreciation methods, and the optional adjustment to basis of partnership property provided by section 743 is applicable, (i) in the case of an increase in the adjusted basis of the partnership property under such section, the transferee partner with respect to whom such adjustment is applicable shall not be entitled to use such methods with respect to such increase, and (ii) in the case of a decrease in the adjusted basis of the partnership property under such section, the transferee partner with respect to whom such adjustment is applicable shall include in his income an amount equal to the portion of the depreciation deducted by the partnership which is attributable to such decrease.

(b) *Illustrations.* (1) The application of these methods to property constructed, reconstructed, or erected by the taxpayer after December 31, 1953, may be illustrated by the following examples:

*Example (1).* If a building with a total cost of $100,000 is completed after December 31, 1953, and the portion attributable to construction after December 31, 1953, is determined by engineering estimates or by cost accounting records to be $30,000, the methods referred to in paragraph (a) (1) above, are applicable only to the $30,000 portion of the total.

*Example (2).* In 1954, a taxpayer has an old machine with an unrecovered cost of $1,000. If he contracts to have it reconditioned, or reconditions it himself, at a cost of an additional $5,000, only the $5,000 may be depreciated under the methods referred to in paragraph (a) (1) above, whether or not the materials used for reconditioning are new in use.

*Example (3).* A taxpayer who acquired a building in 1940 makes major maintenance or repair expenditures in 1954 of a type which must be capitalized. For these expenditures the taxpayer may use a method of depreciation different from that used on the building (for example, the methods referred to in paragraph (a) (1) above) only if he accounts for such expenditures separately from the account which contained the original building. In such case, the unadjusted basis on any parts replaced shall be removed from the asset account and shall be charged to the appropriate depreciation reserve account. In the alternative he may capitalize such expenditures by charging them to the depreciation reserve account for the building.

(2) The application of these methods to property which was not constructed, reconstructed, or erected by the taxpayer but which was acquired after December 31, 1953, may be illustrated by the following examples:

*Example (1).* A taxpayer contracted in 1953 to purchase a new machine which he acquired in 1954 and put into first use in that year. He may use the methods referred to in paragraph (a) (1) above, in recovering the cost of the new machine.

*Example (2).* A taxpayer instead of reconditioning his old machine buys a "factory reconditioned" machine in 1954 to replace it. He cannot apply the methods referred to in paragraph (a) (1) above, to any part of the cost of the reconditioned machine since he is not the first user of the machine.

*Example (3).* In 1954, a taxpayer buys a house for $20,000 which had been used as a personal residence and thus had not been subject to depreciation allowances. He makes a capital addition of $5,000 and rents the property to another. The taxpayer may use the methods referred to in paragraph (a) (1) above, only with respect to the $5,000 cost of the addition.

(c) *Election to use methods.* Subject to the limitations set forth in paragraph (a) of this section, the methods of computing the allowance for depreciation specified in section 167 (b) (2), (3), and (4) may be adopted without permission and no formal election is required. In order for a taxpayer to elect to use these methods for any property described in paragraph (a) of this section, he need only compute depreciation thereon under any of these methods for any taxable year ending after December 31, 1953, in which the property may first be depreciated by him. The election with respect to any property shall not be binding with respect to acquisitions of similar property in the same year or subsequent year which are set up in separate accounts. If a taxpayer has filed his return for a taxable year ending after December 31, 1953, for which the return is required to be filed on or before September 15, 1956, an election to compute the depreciation allowance under any of the methods specified in section 167 (b) or a change in such an election may be made in an amended return or claim for refund filed on or before September 15, 1956.

§ 1.167 (d) *Statutory provisions; depreciation; agreement as to useful life on which depreciation rate is based.*

SEC. 167. *Depreciation.* • • •

(d) *Agreement as to useful life on which depreciation rate is based.* Where, under regulations prescribed by the Secretary or his delegate, the taxpayer and the Secretary or his delegate have, after the date of enactment of this title, entered into an agreement in writing specifically dealing with the useful life and rate of depreciation of any property, the rate so agreed upon shall be binding on both the taxpayer and the Secretary in the absence of facts or circumstances not taken into consideration in the adoption of such agreement. The responsibility of establishing the existence of such facts and circumstances shall rest with the party initiating the modification. Any change in the agreed rate and useful life specified in the agreement shall not be effective for taxable years before the taxable year in which notice in writing by registered mail is served by the party to the agreement initiating such change.

§ 1.167 (d)–1 *Agreement as to useful life and rates of depreciation.* After August 16, 1954, a taxpayer may, for taxable years ending after December 31, 1953, enter into an agreement with respect to the estimated useful life, method, and rate of depreciation and treatment of salvage of any property which is subject to the allowance for depreciation. An application for such agreement may be made to the district director of internal revenue for the district in which the taxpayer's return is required to be filed. Such application shall be filed in quadruplicate and shall contain in such detail as may be practical the following information:

(a) The character and location of the property.

(b) The original cost or other basis and date of acquisition.

(c) Proper adjustments to the basis including depreciation accumulated to the first taxable year to be covered by the agreement.

(d) Estimated useful life and estimated salvage value.

(e) Method and rate of depreciation.

(f) Any other facts and circumstances pertinent to making a reasonable estimate of the useful life of the property and its salvage value.

The agreement must be in writing and must be signed by the taxpayer and by the district director. The agreement must be signed in quadruplicate, and two of the signed copies will be returned to the taxpayer. The agreement shall set forth its effective date, the estimated remaining useful life, the estimated salvage value, and rate and method of depreciation of the property and the facts and circumstances taken into consideration in adoption of the agreement, and shall relate only to depreciation allowances for such property on and after the effective date of the agreement. Such an agreement shall be binding on both parties until such time as facts and circumstances which were not taken into account in making the agreement are shown to exist. The party wishing to modify or change the agreement shall have the responsibility of establishing the existence of such facts and circumstances. Any change in the useful life or rate specified in such agreement shall be effective only prospectively, that is, it shall be effective beginning with the taxable year in which notice of the intention to change, including facts and circumstances warranting the adjustment of useful life and rate, is sent by registered mail by the party proposing the change to the other party. A copy of the agreement (and any modification thereof) shall be filed with the taxpayer's return for the first taxable year which is affected by the agreement (or any modification thereof). A signed copy should be retained with the permanent records of the taxpayer. For rules relating to changes in method of depreciation, see § 1.167 (e)–1 and section 446 and the regulations thereunder.

§ 1.167 (e) *Statutory provisions; depreciation; change in method.*

SEC. 167. *Depreciation.* • • •

(e) *Change in method.* In the absence of an agreement under subsection (d) containing a provision to the contrary, a taxpayer may at any time elect in accordance with regulations prescribed by the Secretary or his delegate to change from the method of depreciation described in subsection (b) (2) to the method described in subsection (b) (1).

§ 1.167 (e)–1 *Change in method*—(a) *In general.* Any change in the method of computing the depreciation allowances with respect to a particular account is a change in method of accounting, and such a change will be permitted only with the consent of the Commissioner, except that the change from the declining balance method to the straight line method as provided in section 167 (e) shall be permitted without consent. See paragraph (b) of this section. A change in method of computing depreciation will be permitted only with respect to all the assets contained in a particular account as defined in § 1.167 (a)–7. Any change in the percentage of the current straight line rate under the declining balance method, as for example, from 200 percent of the straight line rate to any other percent of the straight line rate, or any change in the interest factor used in connection with a compound interest or sinking fund method will constitute a change in method of depreciation and will require the consent of the Commissioner. Any request for a change in method of depreciation shall be made in accordance with section 446 and the regulations thereunder and shall state the character and location of the property, method of depreciation being used and the method proposed, the date of acquisition, the cost or other basis and adjustments thereto, amounts recovered through depreciation and other allowances, the estimated salvage value, the estimated remaining life of the property, and such other information as may be required. For rules covering the use of depreciation methods by acquiring corporations in the case of certain corporate acquisitions, see section 381 (c) (6) and the regulations thereunder.

(b) *Declining balance to straight line.* In the case of an account to which the method described in section 167 (b) (2) is applicable, a taxpayer may change without the consent of the Commissioner, from the declining balance method of depreciation to the straight line method at any time during the useful life of the property under the following conditions. Such a change may not be made if a provision prohibiting such a change is contained in an agreement under section 167 (d). When the change is made, the unrecovered cost or other basis (less a reasonable estimate for salvage) shall be recovered through annual allowances over the estimated remaining useful life determined in accordance with the circumstances existing at that time. With respect to any account, this change will be permitted only if applied to all the assets in the account as defined in § 1.167 (a)–7. The taxpayer shall furnish a statement, with respect to the property which is the subject of the change, showing the date of acquisition, cost or other basis, amounts recovered through depreciation and other allowances, the estimated salvage value, the character of the property, the remaining useful life of the property, and such other information as may be required. The statement shall be attached to the taxpayer's return for the taxable year in which the change is made. A change to the straight line method must be adhered to for the entire taxable year of the change and for all subsequent taxable years unless, with the consent of the Commissioner, a change to another method is permitted.

§ 1.167 (f) *Statutory provisions; depreciation; basis for depreciation.*

SEC. 167. *Depreciation.* • • •

(f) *Basis for depreciation.* The basis on which exhaustion, wear and tear, and obsolescence are to be allowed in respect of any property shall be the adjusted basis provided in section 1011 for the purpose of determining the gain on the sale or other disposition of such property.

§ 1.167 (f)–1 *Basis for depreciation.* The basis upon which the allowance for depreciation is to be computed with respect to any property shall be the adjusted basis provided in section 1011 for the purpose of determining gain on the sale or other disposition of such property. In the case of property which has not been used in the trade or business or held for the production of income and which is thereafter converted to such use, the fair market value on the date of such conversion, if less than the adjusted basis of the property at that time, is the basis for computing depreciation.

§ 1.167 (g) *Statutory provisions; depreciation; life tenants and beneficiaries of trusts and estates.*

SEC. 167. *Depreciation.* • • •

(g) *Life tenants and beneficiaries of trusts and estates.* In the case of property held by one person for life with remainder to another person, the deduction shall be computed as if the life tenant were the absolute owner of the property and shall be allowed to the life tenant. In the case of property held in trust, the allowable deduction shall be apportioned between the income beneficiaries and the trustee in accordance with the pertinent provisions of the instrument creating the trust, or, in the absence of such provisions, on the basis of the trust income allocable to each. In the case of an estate, the allowable deduction shall be apportioned between the estate and the heirs, legatees, and devisees on the basis of the income of the estate allocable to each.

§ 1.167 (g)–1 *Life tenants and beneficiaries of trusts and estates*—(a) *Life tenants.* In the case of property held by one person for life with remainder to another person, the deduction for depreciation shall be computed as if the life tenant were the absolute owner of the property so that he will be entitled to the deduction during his life, and thereafter the deduction, if any, shall be allowed to the remainderman.

(b) *Trusts.* If property is held in trust, the allowable deduction is to be apportioned between the income beneficiaries and the trustee on the basis of the trust income allocable to each, unless the governing instrument (or local law) requires or permits the trustee to maintain a reserve for depreciation in any amount. In the latter case, the deduction is first allocated to the trustee to the extent that income is set aside for a depreciation reserve, and any part of the deduction in excess of the income set aside for the reserve shall be apportioned between the income beneficiaries and the trustee on the basis of the trust income (in excess of the income set aside for the reserve) allocable to each. For example:

(1) If under the trust instrument or local law the income of a trust computed without regard to depreciation is to be distributed to a named beneficiary, the beneficiary is entitled to the deduction to the exclusion of the trustee.

(2) If under the trust instrument or local law the income of a trust is to be distributed to a named beneficiary, but the trustee is directed to maintain a reserve for depreciation in any amount, the deduction is allowed to the trustee (except to the extent that income set aside for the reserve is less than the allowable deduction). The same result would follow if the trustee sets aside income for a depreciation reserve pursuant to discretionary authority to do so in the governing instrument.

No effect shall be given to any allocation of the depreciation deduction which gives any beneficiary or the trustee a share of such deduction greater than his pro rata share of the trust income, irrespective of any provisions in the trust instrument, except as otherwise provided in this paragraph when the trust instrument or local law requires or permits the trustee to maintain a reserve for depreciation.

(c) *Estates.* In the case of an estate, the allowable deduction shall be apportioned between the estate and the heirs, legatees, and devisees on the basis of income of the estate which is allocable to each.

§ 1.167 (h) *Statutory provisions; depreciation; depreciation of improvements in the case of mines, etc.*

SEC. 167. *Depreciation.* • • •

(h) *Depreciation of improvements in the case of mines, etc.* For additional rule applicable to depreciation of improvements in the case of mines, oil and gas wells, other natural deposits, and timber, see section 611.

§ 1.167 (h)–1 *Depreciation of improvements in the case of mines, etc.* Property used in the trade or business or held for the production of income which is subject to the allowance for depreciation provided in section 611 shall be treated for all purposes of the Internal Revenue Code of 1954 as if it were property subject to the allowance for depreciation under section 167. The preceding sentence shall not limit the allowance for depreciation otherwise allowable under section 611.

[SEAL] RUSSELL C. HARRINGTON,
*Commissioner of Internal Revenue.*

Approved: June 7, 1956.

DAN THROOP SMITH,
*Special Assistant to the Secretary in Charge of Tax Policy.*

[F. R. Doc. 56–4626; Filed, June 11, 1956; 8:51 a. m.]



# TITLE 6—AGRICULTURAL CREDIT

## Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

### Subchapter B—Loans, Purchases and Other Operations

[1956 C. C. C. Grain Price Support Bulletin 1]

### PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—GENERAL PROVISIONS 1956-CROP PRICE SUPPORT PROGRAMS

This bulletin (hereinafter called subpart) contains regulations of a general nature which will be applicable with respect to 1956 price support programs for certain grains and other commodities for which the Secretary of Agriculture makes price support available through the Commodity Credit Corporation and the Commodity Stabilization Service (referred to in this subpart and supplements hereto as CCC and CSS respectively).

A separate supplement to this subpart (hereinafter referred to as "commodity supplement"), containing additional specific requirements, will be issued for each commodity to which the provisions of this subpart are to be applicable.

Sec.
421.1601 Administration.
421.1602 Commodities covered by this subpart.
421.1603 Methods of price support.
421.1604 Disbursement of loans.
421.1605 Approved lending agencies.
421.1606 Approved storage.
421.1607 Applicable forms and requirements.
421.1608 Liens.
421.1609 Service charges.
421.1610 Set-offs.
421.1611 Interest rate.
421.1612 Transfer of producer's interest.
421.1613 Safeguarding the commodity.
421.1614 Insurance on farm-storage loans.
421.1615 Loss or damage to the commodity.
421.1616 Personal liability of the producer.
421.1617 Release of the commodity under loan.
421.1618 Liquidation of loans.
421.1619 Purchase agreement inspection, delivery and settlement.
421.1620 Foreclosure.
421.1621 Purchase of notes.
421.1622 CSS commodity offices.

AUTHORITY: §§ 421.1601 to 421.1622 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 301, 401, 63 Stat. 1051, 66 Stat. 758, 15 U. S. C. 714c; 7 U. S. C. 1441, 1447, 1421.

§ 421.1601 *Administration.* The programs to which this subpart applies will be administered by CSS, under the general direction and supervision of the Executive Vice President, CCC, and, in the field, will be carried out by Agricultural Stabilization and Conservation State Committees and Agricultural Stabilization and Conservation County Committees (hereinafter called State and county committees) and CSS commodity offices. Producers interested in participating in any program should contact their county office through which the price support documents will be distributed. All documents will be approved by the county office manager, or other employee of the county office designated by him to act in his behalf. Such designations shall be on file in the county office. Copies of all price support documents shall be retained in the county office. County office managers, State and county committees, and CSS commodity offices do not have authority to modify or waive any of the provisions of this subpart or any amendments or supplements to this subpart.

§ 421.1602 *Commodities covered by this subpart.* The provisions of this subpart shall apply to 1956 price support programs for barley, corn, dry edible beans, grain sorghums, flaxseed (except direct purchases), oats, rice, rye, soybeans, wheat, and any other 1956 price support program for which a commodity supplement to this subpart is issued.

§ 421.1603 *Methods of price support.* This subpart applies to farm-storage loans, warehouses-storage loans, and purchase agreements. The particular methods to be used for each commodity will be specified in the applicable commodity supplement to this subpart.

§ 421.1604 *Disbursement of loans.* Disbursement of loans will be made to producers by approved lending agencies under an agreement with CCC, or by ASC county offices by means of sight drafts drawn on CCC. No disbursements shall be made later than 15 days after the final date of availability of loans set forth in the applicable commodity supplement to this subpart, unless authorized by the Executive Vice President, CCC. Payment in cash, credit to the producer's account, or the drawing of a check or draft shall constitute disbursement. The producer shall not present the loan documents for disbursement unless the commodity is in existence and in good condition. If the commodity was not in existence or in good condition at the time of disbursement, the total amount disbursed under the loan shall be promptly refunded by the producer. In the event the amount disbursed exceeds the amount authorized under the applicable commodity supplement to this subpart, the producer shall be personally liable for repayment of the amount of such excess.

§ 421.1605 *Approved lending agencies.* An approved lending agency shall be any bank, cooperative marketing association, corporation, partnership, individual, or other legal entity, with which CCC has entered into a lending agency agreement.

§ 421.1606 *Approved storage.* Loans will be made only on commodities in approved storage. Purchase agreements may be executed without regard to whether the commodity is in approved storage. However, warehouse receipts representing commodities tendered to CCC under purchase agreements will be accepted in lieu of physical delivery only if the commodity is in approved warehouse storage, is in existence, and is in good condition at the time the warehouse receipt is tendered.

(a) *Farm-storage.* Approved farm storage shall consist of storage structures located on or off the farm (excluding public warehouses), which are deter-

mined by the county committee to be so located and of such substantial and permanent construction as to afford safe storage of the commodity.

(b) *Warehouse storage.* Approved warehouse storage shall consist of (1) Public warehouses for which a CCC uniform storage agreement for the commodity is in effect and which are approved by CCC for price support purposes, or (2) warehouses operated by Eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect. The names of approved warehouses may be obtained from CSS commodity offices or State and county committees.

§ 421.1607 *Applicable forms and requirements*—(a) *Farm-storage loans.* Applicable forms shall consist of Producer's Note and Supplemental Loan Agreement (Commodity Loan Form A), secured by Commodity Chattel Mortgage (Commodity Loan Form AA), Commodity Delivery Notice (Commodity Loan Form 15), Loan Settlement (Commodity Loan Form 7), and such other forms and documents as may be required by CCC.

(b) *Warehouse-storage loans.* Applicable forms shall consist of the Producer's Note and Loan Agreement (Commodity Loan Form B; CCC Rice Form B, in the case of rice; or CCC Dry Bean Form B, in the case of dry edible beans), and such other forms and documents as may be required by CCC.

(c) *Purchase agreements.* Applicable forms shall consist of the Purchase Agreement (Commodity Purchase Form 1) and Purchase Agreement Settlement (Commodity Purchase Form 4) signed by the producer and approved by the county office manager, the Delivery Instructions (Commodity Purchase Form 3) issued by the county committee, and such other forms and documents as may be required by CCC.

(d) *Warehouse receipts.* The form in which warehouse receipts shall be submitted will be stated in the commodity supplement to this subpart.

(e) *Other requirements.* Producer's Note and Supplemental Loan Agreements, Commodity Chattel Mortgages, and Producer's Note and Loan Agreements, must have State and documentary revenue stamps affixed thereto where required by law. Loan and purchase agreement documents executed by an administrator, executor, or trustee, will be acceptable only where legally valid. All of the commodity pledged as security for a loan evidenced by a single Producer's Note and Loan Agreement must be stored in the same warehouse. Farm-storage loans shall be made on the entire quantity of the commodity stored in the bin or crib except where the county committee has determined a loan on part of the commodity stored therein is necessary to enable an otherwise eligible producer to obtain a price support loan. Approval of a loan on part of the commodity stored in a bin or crib shall not be granted in the event the State committee has determined on a State-wide basis that such partial loans shall not be made.

§ 421.1608 *Liens.* If there are any liens or encumbrances on the commodity, waivers acceptable to the county committee must be obtained, even though the liens or encumbrances are satisfied from the loan or purchase proceeds.

§ 421.1609 *Service charges.* (a) Producers shall pay the following service charges on the quantity of the commodity placed under loan or specified in the purchase agreement. In the case of loans, the service charges shall be collected from the proceeds of the loan at the time the loan is disbursed except for prepayment of such minimum service charges as may be required under paragraph (b) of this section. In the case of purchase agreements, the service charges shall be collected at the time the Purchase Agreement (Commodity Purchase Form 1) is completed. Such service charges shall be computed at the rates shown in column (2) of the following table for commodities the quantity of which is determined on the basis of bushels, and at the rates shown in column (3) for commodities the quantity of which is determined on the basis of pounds or 100 pounds. An additional service charge shall be paid on any additional quantity delivered to and accepted by CCC under a farm-storage loan or not redeemed in the case of an identity-preserved warehouse-storage loan.

| Method of price support | Service charges: Per bushel | Per 100 pounds | Minimum charges |
|---|---|---|---|
| (1) | (2) | (3) | (4) |
| | *Cents* | *Cents* | |
| Farm-storage loans | 1 | 2 | [1] $3.00 |
| Warehouse-storage loans | ½ | [2] 1 | [2] 1.50 |
| Purchase agreements | ½ | 1 | 1.50 |

[1] Except rice for which State committees are authorized to require payment of $5 for each lot sampled.
[2] Except rice for which the service charge for warehouse storage loans shall be 2 cents per 100 pounds with a minimum charge of $3.

(b) In the case of farm-storage loans and identity-preserved warehouse-storage loans, State committees are authorized to require prepayment of the minimum service charges (shown in paragraph (a) of this section) at the time the producer applies for a loan.

(c) No refund of service charges will be made.

§ 421.1610 *Set-offs.* If the producer is indebted to CCC on any accrued obligation, or if any installment or installments on any loan made available by CCC on farm-storage facilities or mobile drying equipment are delinquent, or are payable under the provisions of the note evidencing such loan out of the proceeds of the price support loan or purchase, he must designate CCC or the lending agency holding such note as the payee of the proceeds of the price support loan or purchase to the extent of such indebtedness or installments, but not to exceed that portion of the proceeds remaining after deduction of loan service charges and amounts due prior lienholders. If the producer is indebted to any other agency of the United States and such indebtedness is listed on the county debt register, he must designate such agency as the payee of the proceeds as provided in this section. Indebtedness owing to CCC or to a lending agency as provided in this section shall be given first consideration after claims of prior lienholders. Where the producer has an outstanding loan(s), made under the Farm Storage Facility Loan Program or the Mobile Drying Equipment Loan Program, any storage payment due the producer for storage of the commodity in farm-storage structures shall be applied (1) to any delinquent amount(s), (2) to the borrower's storage facility loan installment or mobile drying equipment loan installment which is due and payable when the storage payment is due, and (3) to any extended installment(s), each including interest. Any amount of such storage payment not so applied, together with all other payments for services due the producer, shall be subject to set-off in the same manner as provided in this section for loan or purchase proceeds. Compliance with the provisions of this section shall not constitute a waiver of any right of the producer to contest the justness of the indebtedness involved either by administrative appeal or by legal action.

§ 421.1611 *Interest rate.* Loans shall bear interest at the rate of 3½ percent per annum from the date of disbursement of the loan, except that (1) where there is a default in satisfaction of, a farm-storage loan, identity-preserved or modified commingled warehouse-storage loan, the deficiency shall bear interest at the rate of 6 percent per annum from the date of default and (2) where there has been a fraudulent representation by the producer in the loan documents or in obtaining the loan, the loan shall bear interest at the rate of 6 percent per annum from the date of disbursement of the loan.

§ 421.1612 *Transfer of producer's interest*—(a) *Warehouse-storage loans.* The producer shall not transfer either his remaining interest in or his right to redeem a commodity pledged as security for a warehouse-storage loan, nor shall anyone acquire such interest or right. Warehouse receipts will be released only to the producer or his authorized agent as provided in § 421.1617.

(b) *Farm-storage loans.* The producer shall not transfer either his remaining interest in or his right to redeem a commodity mortgaged as security for a farm-storage loan nor shall anyone acquire such interest or right. A producer who wishes to liquidate all or part of his loan by contracting for the sale of the commodity must obtain written prior approval of the county committee on Commodity Loan Form 12 to remove the commodity from storage when the proceeds of the sale are needed to repay all or any part of the loan. Any such approval shall be subject to the terms and conditions set out in Commodity Loan Form 12, copies of which may be obtained by producers or prospective purchasers at the office of the county committee. Partial redemption of loans will not be approved by the county committee in the event the State committee has determined on a State-wide basis that partial redemption of loans will not be permited.



(c) *Purchase agreements.* The producer may not assign his interest in a purchase agreement.

§ 421.1613 *Safeguarding the commodity.* The producer obtaining a farm-storage loan is obligated to maintain the storage structure in good repair and to keep all the mortgaged commodity in storage and in good condition until the loan is liquidated.

§ 421.1614 *Insurance on farm-storage loans.* CCC will not require the producer to insure the commodity placed under a farm-storage loan; however, if the producer insures such commodity and an indemnity is paid thereon, such indemnity shall inure to the benefit of CCC to the extent of its interest, after first satisfying the producer's equity in the commodity involved in the loss.

§ 421.1615 *Loss or damage to the commodity.* The producer is responsible for any loss in quantity or quality of the commodity placed under farm-storage loan. Notwithstanding the foregoing, and subject to the provisions of § 421.1614, physical loss or damage occurring after disbursement of the loan funds will be assumed by CCC to the extent of the settlement value at the time of destruction of the quantity of the commodity destroyed, or in an amount equivalent to the extent of the damage as determined by CCC, if the producer establishes to the satisfaction of CCC each of the following conditions: (1) The physical loss or damage occurred without fault, negligence, or conversion on the part of the producer, or any other person having control of the storage structure; (2) The physical loss or damage resulted solely from an external cause (other than insect infestation, rodents, or vermin), such as theft, fire, lightning, inherent explosion, windstorm, cyclone, tornado, flood or other acts of God; (3) The producer has given the county committee immediate notice confirmed in writing of such loss or damage; (4) The producer has made no fraudulent representation in the loan documents or in obtaining the loan. No physical loss or damage occurring prior to disbursement of the loan funds to the producer will be assumed by CCC. Where disbursement of funds is made by sight draft or check, the date of the draft or check shall constitute the date of disbursement of the funds.

§ 421.1616 *Personal liability of the producer.* The making of any fraudulent representation by the producer in the loan documents, or in obtaining the loan or the conversion or unlawful disposition of any portion of the commodity by him may render the producer subject to criminal prosecution under the Federal Law and shall render him personally liable for the amount of the loan (including interest as provided in § 421.1611 hereof) and for any resulting expense incurred by any holder of the note.

§ 421.1617 *Release of the commodity under loan.* A producer may at any time obtain release of the commodity remaining under loan by paying to the holder of the note and supplemental loan agreement or note and loan agreement the principal amount thereof, plus charges and accrued interest. All charges in connection with the collection of the note shall be paid by the producer. Upon presentation of the paid note, the county office manager shall, in the case of farm-storage loans, arrange for the release of the chattel mortgage. The producer may arrange with the county committee for partial release of the commodity prior to maturity after making payment to the holder of the note for the quantity of the commodity released, plus charges and accrued interest; however, in the event the quantity of the commodity contained in the bin or crib and covered by the chattel mortgage is greater than the quantity with respect to which the amount of the loan was computed, all or part of such excess may be removed without payment on the loan but only upon prior approval by the county committee. Partial redemption of farm-storage loans and release of the commodity will not be approved by the county committee in the event the State committee has determined on a State-wide basis that partial redemption of loans and release of the commodity will not be permitted. In the case of warehouse-storage loans, such partial release must cover all of the commodity represented by one warehouse receipt. Warehouse receipts redeemed by repayment shall be released only to the producer-borrower or to another whom the producer has authorized in writing to receive the warehouse receipts as his agent. Such written authorization must be made within 30 days prior to redemption of warehouse receipts by repayment.

§ 421.1618 *Liquidation of loans*—(a) *Farm-storage loans.* (1) The producer is required to pay off his loan on or before maturity or to deliver the commodity in accordance with instructions issued by the county committee. If the producer desires to deliver the commodity, he should, prior to maturity, give the county committee notice in writing of his intention to do so. The producer may, however, pay off his loan and redeem his commodity at any time prior to the delivery of the commodity to CCC or removal of the commodity by CCC. If, either before or after maturity, the commodity is going out of condition or is in danger of going out of condition, the producer shall so notify the county committee, and confirm such notice in writing. If the county committee determines that the commodity is going out of condition or is in danger of going out of condition and that the commodity cannot be satisfactorily conditioned by the producer, and delivery cannot be accepted within a reasonable length of time, the county committee shall arrange for an inspection and grade and quality determination. When delivery is completed, settlement shall be made on the basis of such grade and quality determination or on the basis of the grade and quality determination made at the time of delivery, whichever is higher. In the event the farm is sold, there is a change of tenancy or the producer dies, the commodity may be delivered before the maturity date of the loan, upon prior approval by the county committee, or may be delivered before the maturity date of the loan for other reasons upon authorization of the Executive Vice President, CCC. Settlement will be made at the applicable support rate, subject to the provisions of the Producer's Note and Supplemental Loan Agreement and applicable commodity supplement according to grade and quality. Delivery of commodities in bulk will be accepted only from the bin(s) in which the commodity under loan is stored. The maximum quantity eligible for delivery in cases where a loan has been made on part of the commodity in the bin shall be the quantity on which the loan was made plus any normal overrun established by the State committee. In the case of commodities stored in bags, only the quantity contained in the bags included in the lot placed under loan may be delivered. Settlement will be made on the quantity delivered by the producer as determined by the county committee in accordance with the applicable commodity supplement.

(2) If the settlement value of the commodity delivered exceeds the amount due on the loan (excluding interest), such excess amount will be paid to the producer. Deliveries of commodities to CCC under farm-storage loans will be handled by the county committee which initially approved the loan. Any payment due to the producer will be made by sight draft drawn on CCC by the county office.

(3) If the settlement value of the commodity is less than the amount due on the loan (excluding interest), the amount of the deficiency plus interest thereon, shall be paid to CCC and may be set off against any payment which would otherwise be due to the producer under any agricultural program administered by the Secretary of Agriculture or any other payments which are due or may become due the producer from CCC or any other agency of the United States.

(b) *Warehouse-storage loans.* If the producer does not repay his loan by maturity, CCC shall have the right to sell or pool the commodity in satisfaction of the loan in accordance with the provisions of the note and loan agreement and § 421.1620. Any payment due the producer because of an overplus realized from the sale or pooling of the commodity or any refunds of unearned or prepaid storage on loans called prior to maturity will be made by the appropriate CSS commodity office.

(c) *Payments and collections; amounts not exceeding $3.00.* To avoid administrative costs of making small payments and handling small accounts, amounts due the producer of $3.00 or less will be paid only upon his request and a deficiency of $3.00 or less, including interest, may be disregarded by a producer unless demand for payment is made by CCC.

(d) *Support rate for settlement of loans applicable to barley, flaxseed, grain sorghums, rye and wheat.* (1) In the case of commodities stored in an approved warehouse, settlement shall be made at the applicable support rate for the county in which the warehouse is located, except as otherwise provided in

subparagraphs (3) and (4) of this paragraph.

(2) In the case of commodities delivered from other than approved warehouse storage, settlement shall be made at the applicable support rate for the county in which the producer's customary shipping point (as determined by the county committee) is located, except as otherwise provided in subparagraphs (3) and (4) of this paragraph.

(3) If two or more approved warehouses are located at the same or adjoining towns, villages, or cities having the same domestic interstate freight rate, such towns, villages, or cities shall be deemed to constitute one shipping point, and the same settlement rate shall apply even though such warehouses are not all located in the same county. Such settlement rate shall be the highest support rate of the counties involved.

(4) In the case of wheat stored in an approved warehouse or delivered to CCC under loan from other than approved warehouse storage, if the wheat is produced in the commercial wheat-producing area and stored or delivered outside the commercial wheat producing area, or if the wheat is produced in the non-commercial wheat-producing area and stored or delivered in the commercial wheat-producing area, settlement shall be made at the support rate for the county or terminal where the wheat is stored or delivered adjusted to the percentage level for the area where the wheat was produced as shown in the wheat supplement to this subpart.

(e) *Support rate for settlement of loans applicable to corn, oats, and soybeans.* In the case of corn, oats, and soybeans, whether stored in an approved warehouse or delivered from other than approved warehouse storage, settlement shall be made at the applicable support rate for the county in which the commodity was produced.

(f) *Compensation for hauling.* In the case of all commodities listed in paragraphs (d) and (e) of this section, if the producer is directed by the county committee to deliver his commodity to a point other than his customary shipping point, the producer shall be allowed compensation (as determined by CCC, at not to exceed the common carrier truck rate or the rate available from local truckers) for the additional cost of hauling the commodity any distance greater than the distance from the point where the grain is stored by the producer to the customary shipping point: *Provided,* That in the case of barley, flaxseed, grain sorghums, rye, and wheat if the producer is directed to deliver his commodity to a terminal market for which a support rate is established, settlement shall be based on the support rate for such terminal market and no compensation shall be allowed for hauling.

§ 421.1619 *Purchase agreement inspection, delivery, and settlement.* Provisions for the inspection, delivery and settlement on commodities under purchase agreement will be contained in the commodity supplements to this subpart.

§ 421.1620 *Foreclosure.* If the loan is not satisfied upon maturity, the holder of the note is authorized to remove the commodity from storage; and also to sell, assign, transfer, and deliver the commodity or documents evidencing title thereto at such time, in such manner, and upon such terms as the holder may determine, at public or private sale, either by separate contract or after pooling it with other lots of a commodity similarly held. Any such disposition may similarly be effected without removing the commodity from storage. The commodity may be processed before sale and the holder of the note may become the purchaser of the whole or any part of the commodity. If the commodity is pooled, the producer has no right of redemption after the date the pool is established, but shall share ratably in any overplus remaining upon liquidation of the pool. CCC shall have the right to treat the pooled commodity as a reserve supply to be marketed under such sales policies as CCC determines will promote orderly marketing, protect the interests of producers and consumers, and not unduly impair the market for the current crop of the commodity even though part or all of such pooled commodity is disposed of under such policies at prices less than the current domestic price for such commodity. Any sum due the producer as a result of the sale of the commodity or of insurance proceeds thereon, or any ratable share resulting from the liquidation of a pool, after deducting the amount of the note, interest, and charges, shall be payable only to the producer without right of assignment by him. If a farm-stored commodity removed by CCC from storage is sold at less than the amount due on the loan (excluding interest) and the quantity, grade, or quality of the commodity as removed is lower than that on which the loan was computed, the producer shall pay to CCC the difference between the amount due on the loan and the higher of the sales proceeds or the settlement value of the commodity removed by CCC, plus interest. The settlement value shall be determined in accordance with the provisions of the applicable commodity supplement and Producer's Note and Supplemental Loan Agreement concerning settlement of commodities delivered by the producer to CCC. The amount of the deficiency may be set off against any payment which would otherwise be due to the producer under any agricultural program administered by the Secretary of Agriculture, or any other payments which are due or may become due the producer from CCC, or any other agency of the United States.

§ 421.1621 *Purchase of notes.* Notes evidencing loans will be purchased by CCC from approved lending agencies in accordance with the terms of the lending agency agreement. The purchase price to be paid by CCC will be the principal sums remianing due on such notes plus an amount computed according to the lending agency agreement to cover interest. At maturity, or earlier upon request, lending agencies shall submit notes and reports to the ASC county office where the loan documents were approved.

§ 421.1622 *CSS commodity offices.* The CSS commodity offices and the areas served by them are shown below:

Chicago 5, Illinois, 623 South Wabash Avenue: Connecticut, Delaware, Illinois (except for rice), Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia.

Dallas 1, Texas, 500 South Ervay Street: Alabama, Arkansas, Florida, Georgia, Illinois (for rice only), Louisiana, Mississippi, Missouri (for rice only), New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas.

Kansas City 6, Missouri, 911 Walnut Street: Colorado, Kansas, Missouri (except for rice), Nebraska, Wyoming.

Minneapolis 8, Minnesota, 1006 West Lake Street: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

Portland 5, Oregon, 1218 Southwest Washington Street: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

Issued this 6th day of June 1956.

[SEAL] EARL M. HUGHES,
*Executive Vice President,*
*Commodity Credit Corporation.*

[F. R. Doc. 56-4622; Filed, June 11, 1956; 8:50 a. m.]

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[1956 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Wheat]

## PART 421—GRAINS AND RELATED COMMODITIES

### SUBPART—1956-CROP WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program has been announced for the 1956 crop of wheat. The 1956 C. C. C. Grain Price Support Bulletin 1 (*supra*), issued by the Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1956 is supplemented as follows:

Sec.
421.1636 Purpose.
421.1637 Availability of price support.
421.1638 Eligible wheat.
421.1639 Warehouse receipts.
421.1640 Determination of quantity.
421.1641 Determination of quality.
421.1642 Maturity of loans.
421.1643 Determination of support rates.
421.1644 Warehouse charges.
421.1645 Settlement.

AUTHORITY: §§ 421.1636 to 421.1645 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421.

§ 421.1636 *Purpose.* Sections 421.1636 to 421.1645 state additional specific requirements which, together with the general regulations contained in the 1956 C. C. C. Grain Price Support Bulletin 1 (§§ 421.1601 to 421.1622) apply to loans and purchase agreements under the 1956-crop Wheat Price Support Program.

§ 421.1637 *Availability of price support.*—(a) *Method of support.* Price support will be made available through farm-storage and warehouse-storage loans and through purchase agreements.



(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available wherever wheat is grown in the continental United States, except that farm-storage loans will not be available in areas where the State committee determines that wheat cannot be safely stored on the farm.

(c) *Where to apply.* Application for price support should be made at the office of the county committee which keeps the farm-program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through January 31, 1957, and the applicable documents must be signed by the producer and delivered to the county committee not later than such date. Applicable documents include the Producer's Note and Loan Agreement for warehouse-storage loans, the Producer's Note and Supplemental Loan Agreement and the Commodity Chattel Mortgage for farm-storage loans, and the Purchase Agreement for purchase agreements.

(e) *Eligible producer.* An eligible producer shall be an individual, partnership, association, corporation, estate, trust, or other business enterprise, or legal entity, and wherever applicable, a State, political subdivision of a State, or any agency thereof, producing wheat in 1956 as landowner, landlord, tenant, or sharecropper: *Provided,* That a producer shall not be an eligible producer unless he is in compliance with the regulations pertaining to farm acreage allotments for the 1956 crop as determined in accordance with 1956 CCC Wheat Bulletin A, and any amendments thereto. Two or more eligible producers may obtain a joint loan on eligible wheat harvested by them if stored in the same farm-storage facility. In the case of joint loans, each person signing the note shall be held jointly and severally responsible for the loan. Where the county office has experienced difficulties in settling farm-storage loans with a producer, the county committee shall determine that he is not eligible for a farm-storage loan. He shall be eligible, however, to obtain a warehouse-storage loan or sign a purchase agreement.

§ 421.1638 *Eligible wheat.* Wheat to be eligible for price support, must meet all the applicable requirements set forth in this section.

(a) The wheat must have been produced in the continental United States in 1956 by an eligible producer.

(b) At the time the wheat is placed under loan or delivered under a purchase agreement:

(1) The beneficial interest in the wheat must be in the eligible producer tendering the wheat for loan or for delivery under a purchase agreement, and must always have been in him, or must have been in him and a former producer whom he succeeded before the wheat was harvested.

(2) To meet the requirements of succession to a former producer, the rights, responsibilities, and interest of the former producer with respect to the farming unit on which the wheat was produced shall have been substantially assumed by the person claiming succession. Mere purchase of the crop prior to harvest, without acquisition of any additional interest in the farming unit, shall not constitute succession. The county committee shall determine whether the requirements with respect to succession have been met.

(c) Wheat, at the time it is placed under loan, and wheat under purchase agreement which is in approved warehouse storage prior to notification by the producer of his intention to sell to CCC, must meet the following requirements:

(1) The wheat must be (i) of any class grading No. 3 or better, (ii) wheat of any class grading No. 4 or 5 on the factor of "test weight" and/or because of containing "Durum" and/or "Red Durum" but otherwise grading No. 3 or better; (iii) wheat of the class Mixed wheat, consisting of mixtures of grades of eligible wheat as stated in subdivision (i) or (ii) of this subparagraph provided such mixtures are the natural products of the field; and (iv) must meet the sanitation requirements set forth in paragraph (d) of this section.

(2) Wheat grading Tough, Weevily, Ergoty or Treated shall not be eligible, except that wheat represented by warehouse receipts grading "Tough" will be eligible if the warehouseman certifies on the supplemental certificate or on a statement attached to the warehouse receipt that "Wheat grading Tough has been processed at the request of the eligible producer, and delivery will be made of the same country-run quality, quantity, grade and protein (if any), not tough, and no lien for processing will be claimed by the warehouseman from Commodity Credit Corporation or any subsequent holder of said warehouse receipt."

(3) Except as provided in subparagraph (2) of this paragraph with respect to wheat grading "Tough," wheat of the class hard red spring, durum, or red durum, shall not contain more than 14½ percent moisture, and wheat of any other class shall not contain more than 14 percent moisture.

(4) If offered as security for a farm-storage loan, the wheat must have been stored in the granary at least 30 days prior to its inspection for measurement, sampling, and sealing, unless otherwise approved by the State committee.

(d) *Sanitation requirements.* The wheat when placed under loan or when delivered under loan or purchase agreement (1) must not contain one or more rodent pellets, or comparable amounts of other filth, per pint of wheat (liquid measure), nor 1 percent or more by weight of kernels visibly damaged by weevils or other insects, and (2) must not contain mercurial compounds or other substances poisonous to man or animals.

(e) Wheat under purchase agreement stored in other than approved warehouse storage must, in order to be eligible for sale to CCC, meet the requirements of paragraphs (c) (1) (2) (3) and (d) of this section on the basis of a pre-delivery inspection performed by a representative of the county committee in accordance with regulations to be subsequently issued. Wheat which does not meet the requirements of paragraphs (c) (1) (2) (3) and (d) on the basis of the pre-delivery inspection referred to above shall also be eligible for sale to CCC only if the producer complies with the conditions to be specified in § 421.1645 and the wheat on the basis of the inspection made at the time of delivery meets the requirements set forth in paragraphs (c) (1) (2) (3) and (d) of this section.

§ 421.1639 *Warehouse receipts.* Warehouse receipts, representing wheat in approved warehouse storage to be placed under loan or delivered under a purchase agreement, must meet the following requirements of this section:

(a) Warehouse receipts must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder, and must be receipts issued by a warehouse approved by CCC under the Uniform Grain Storage Agreement which indicate that the wheat is insured, or must be receipts issued on warehouses operated by Eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect.

(b) (1) Each warehouse receipt or the warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse receipt must show: (i) Gross weight or bushels, (ii) class and subclass, (iii) grade (including special grades), (iv) test weight, (v) dockage, (vi) protein content (where determined by protein analysis or station average—station average shall not be used if protein analysis has been made; actual analysis shall be used), (vii) any other grading factor(s) when such factor(s), and not test weight, determine the grade, and (viii) whether the wheat arrived by rail, truck, or barge. In the case of wheat delivered by rail or barge, the grading factors, classes and subclasses, protein content (where determined by protein analysis) on the warehouse receipt must agree with the inbound inspection and protein certificates for the car or barge if such certificates are issued.

(2) If the warehouseman has processed the wheat as provided in § 421.1638 (c) (2), the supplemental certificate must show the numerical grade and the grading factors resulting from the wheat being processed. Where the grade and grading factors shown on the supplemental certificate do not agree with the warehouse receipt, the factors shown on the supplemental certificate shall take precedence.

(c) In the case of wheat delivered by rail or barge, the protein content, as determined by a recognized protein testing laboratory, must be shown on each warehouse receipt (or supplemental certificate accompanying the warehouse receipt) representing wheat of the classes of hard red spring and hard red winter and the varieties of Baart and Bluestem of the subclass hard white wheat, except that protein content need not be shown for the subclasses hard winter and yellow hard winter produced in States or areas tributary to markets where a showing of protein content is not customarily required.

(d) A separate warehouse receipt must be submitted for each grade and subclass of wheat.

(e) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 421.1644.

(f) Warehouse receipts representing wheat which has been shipped by rail or water from a country shipping point to a designated terminal point, or shipped by rail or water from a country shipping point to a storage point and stored in transit to a designated terminal point, must be accompanied by registered freight bills, or by a certificate containing similar information in a form prescribed by the CSS commodity office which shall be signed by the warehouseman and which may be part of the supplemental certificate.

§ 421.1640 *Determination of quantity.* (a) The quantity of wheat placed under farm-storage loan may be determined either by weight or by measurement. The quantity of wheat placed under a warehouse-storage loan or delivered under a farm-storage loan or under a purchase agreement shall be determined by weight.

(b) When the quantity is determined by weight, a bushel shall be 60 pounds of wheat free of dockage. In determining the quantity of sacked wheat by weight, a deduction of ¾ of a pound for each sack shall be made.

(c) When the quantity of wheat is determined by measurement, a bushel shall be 1.25 cubic feet of wheat testing 60 pounds per bushel. The quantity determined shall be the following percentages of the quantity determined for 60-pound wheat:

| For wheat testing: | Percent |
|---|---|
| 65 pounds or over | 108 |
| 64 pounds or over, but less than 65 pounds | 107 |
| 63 pounds or over, but less than 64 pounds | 105 |
| 62 pounds or over, but less than 63 pounds | 103 |
| 61 pounds or over, but less than 62 pounds | 102 |
| 60 pounds or over, but less than 61 pounds | 100 |
| 59 pounds or over, but less than 60 pounds | 98 |
| 58 pounds or over, but less than 59 pounds | 97 |
| 57 pounds or over, but less than 58 pounds | 95 |
| 56 pounds or over, but less than 57 pounds | 93 |
| 55 pounds or over, but less than 56 pounds | 92 |
| 54 pounds or over, but less than 55 pounds | 90 |
| 53 pounds or over, but less than 54 pounds | 88 |
| 52 pounds or over, but less than 53 pounds | 87 |
| 51 pounds or over, but less than 52 pounds | 85 |
| 50 pounds or over, but less than 51 pounds | 83 |

(d) The percentage of dockage shall be determined and the weight of such dockage shall be deducted from the gross weight of the wheat in determining the net quantity available for loan or purchase. A quantity deduction for smut shall also be made in the manner provided in § 421.1641 (b).

§ 421.1641 *Determination of quality.* (a) The class, subclass, grade, grading factors, and all other quality factors shall be determined in accordance with the methods set forth in the Official Grain Standards of the United States for Wheat, whether or not such determinations are made on the basis of an official inspection: *Provided,* That determinations with respect to sanitation requirements specified in § 421.1638 (d) shall be made in accordance with instructions issued by CCC.

(b) In the States of California, Idaho, New Mexico, Nevada, Oregon, Utah, Washington, and the counties in Montana where it is a normal practice to determine smut on a percentage basis, the quantity of smut shall be stated in terms of half percent when smut dockage is present in a quantity equal to less than one percent, and in terms of whole percent when present in a quantity equal to one percent or more, and the quantity of smut so determined in pounds shall be deducted from the weight of the wheat after deduction of dockage. Elsewhere the smut condition of the wheat shall be determined on a degree basis. Where applicable, the words "Light Smutty" or "Smutty shall be added to, and made a part of, the grade determination.

(c) The garlicky condition of the wheat shall be made a part of the grade designation by addition of the words "Light Garlicky" or the word "Garlicky."

§ 421.1642 *Maturity of loans.* Loans mature on demand but not later than February 28, 1957, in the States of Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia, and not later than March 31, 1957, in all other States. The maturity date for a loan shall be the maturity date for the State where the wheat is stored.

§ 421.1643 *Determination of support rates.* Basic support rates for wheat will be set forth in 1956 C. C. C. Grain Price Support Bulletin 1, Supplement 2, Wheat. Support rates will be established for wheat stored in approved warehouse storage at designated terminal markets, and for wheat stored in approved country warehouses and in approved farm storage. The support rate for the quality of wheat placed under a loan or delivered under a purchase agreement shall be the applicable basic support rate adjusted in accordance with the provisions of this section and 1956 C. C. C. Grain Price Support Bulletin 1, Supplement 2, Wheat.

(a) *Support rates at designated terminal markets.* (1) (i) Wheat eligible for loan or purchase at the support rate established for designated terminal markets must have been shipped on a domestic interstate freight rate basis. On any wheat shipped at other than the domestic interstate freight rate, the support rate at the designated terminal market shall be reduced by the difference between the rate of the freight paid (plus tax) and the domestic interstate freight rate (plus tax).

(ii) The support rates established for designated terminal markets apply to wheat which has been shipped by rail or water from a country shipping point to one of the designated terminal markets as evidenced by paid freight bills duly registered for transit privileges: *Provided,* That in the event the amount of paid-in freight is insufficient to guarantee the minimum proportional domestic interstate freight rate from the terminal market, there shall be deducted from the applicable terminal support rate the difference between the amount of freight actually paid in and the amount required to be paid in to guarantee outbound movement at the minimum proportional domestic interstate freight rate.

(2) (i) When shipped by rail or water and stored at any designated terminal market, except the terminal markets listed in subparagraph (3) of this paragraph, wheat for which neither registered freight bills nor registered freight certificates are presented to guarantee outbound movement at the minimum proportional domestic interstate freight rate, shall have a support rate equal to the terminal rate minus 8 cents per bushel.

(ii) For wheat received by truck and stored at any designated terminal market, except the terminal markets listed in subparagraph (3) of this paragraph, the support rate shall be determined by making a deduction from the terminal rate as follows:

| Terminal located in: | Amount of deduction (cents per bushel) |
|---|---|
| Area I: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington | 12½ |
| Area II: Minnesota, Montana, North Dakota, South Dakota (also Superior, Wisconsin) | 12½ |
| Area III: Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, Wyoming, Wisconsin (except Superior) | 13 |
| Area IV: Arkansas, Connecticut, Delaware, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Texas, Vermont, Virginia, West Virginia | 14 |
| Area V: Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee | 14 |

(3) (i) Wheat shipped by rail or water and stored at any of the following terminal markets and for which neither registered freight bills nor registered freight certificates are presented to guarantee outbound movement at the minimum proportional domestic interstate freight rate, shall have a support rate equal to the applicable terminal rate:

Los Angeles, San Francisco, Stockton, and Oakland, Calif.
New Orleans, La.
Baltimore, Md.
Duluth, Minn.
Portland and Astoria, Oreg.
Albany and New York, N. Y.
Philadelphia, Pa.
Galveston, Houston, and Corpus Christi, Tex.
Norfolk, Va.
Seattle, Longview, Tacoma and Vancouver, Wash.
Superior, Wis.



(ii) For wheat received by truck and stored at any of the terminal markets listed in subdivision (i) of this subparagraph, the support rate shall be determined by making a deduction from the terminal rate as follows:

| Terminal: | Amount of deduction (cents per bushel) |
|---|---|
| Los Angeles, San Francisco, Stockton, and Oakland, California; Duluth, Minnesota; Portland and Astoria, Oregon; Seattle, Longview, Tacoma, and Vancouver, Washington; Superior, Wisconsin | 4½ |
| New Orleans, Louisiana; Baltimore, Maryland; Philadelphia, Pennsylvania; Galveston, Houston, and Corpus Christi, Texas; Norfolk, Virginia; Albany and New York, N. Y. | 6 |

(b) *Support rates for wheat in approved warehouse storage at other than designated terminal markets.* (1) Except for the States designated in subparagraph (2) of this paragraph, the support rate for wheat stored in approved warehouses (other than those situated in the designated terminal markets) which is shipped by rail or water shall be determined by deducting from the appropriate designated terminal market rate an amount equal to the transit balance, if any (plus tax) of the through-freight rate from point of origin for such wheat to such terminal market: *Provided,* That on any wheat shipped at other than the domestic interstate freight rate, the support rate shall be further reduced by the difference between the rate of the freight paid (plus tax) and the domestic interstate freight rate (plus tax) from the point of origin of such wheat to the point of storage: *And provided further,* That in the case of wheat stored at any railroad transit point, taking a penalty by reason of out-of-line movement, or for any other reason, to the appropriate designated market, there shall be added to such transit balance an amount equal to any out-of-line costs or other costs incurred in storing wheat in such position.

(2) In the States of Delaware, Kentucky, Maryland, New Jersey, North Carolina, Tennessee, Virginia, and West Virginia, the CSS commodity office shall, upon request of the county committee, determine the support rate for wheat stored in approved warehouses (except those situated at designated terminal markets) which was shipped by rail in the movement of natural market direction as approved by CCC, by adding to the county rate for the county from which the wheat was shipped an amount per bushel equal to the receiving and loading-out charges computed in accordance with the applicable rates of the Uniform Grain Storage Agreement for the 1956 crop and an amount equal to the transit value of the freight paid (plus tax) from points of origin to markets designated by CCC. The warehouse receipts must be accompanied by the original paid freight bills or a certificate signed by the warehouseman as set forth in § 421.1639 (f). If the wheat is stored in approved warehouses located at transit points, taking a penalty by reason of backhaul, or out-of-line of normal market movements, such penalty or other costs by reason of such movement, as determined by CCC shall be deducted from the support rates as determined in this paragraph.

(c) *Discounts and premiums.* The basic support rates shall be adjusted by all applicable premiums and discounts listed in 1956 CCC Grain Price Support Bulletin 1, Supplement 2, Wheat. Included in the discount schedule will be the following undesirable varieties, listed by classes and applicable States, which will be subject to a special discount of 20 cents per bushel:

HARD RED WINTER

Purkof—Indiana, Michigan.
Red Chief—Illinois, Iowa, Missouri, South Dakota, Nebraska, Kansas, Oklahoma, Texas, Montana, Wyoming, Colorado, New Mexico.
Red Jacket—Illinois, Nebraska, Kansas, Oklahoma, Texas, Colorado, New Mexico.
Kanking—Missouri, Kansas, Oklahoma, Texas, Nebraska.
Kanqueen—Missouri, Colorado.
Chiefkan—Nebraska, Kansas, Oklahoma, Texas, Montana, Colorado, New Mexico.
Stafford—Nebraska, Kansas.
Early Pawnee (Sel. 33)—Kansas.
Early Blackhull—Kansas, Oklahoma, Texas, Montana, Colorado.
New Chief—Kansas, Oklahoma, Texas, Colorado, New Mexico.
Yogo—Kansas, Oklahoma, Texas.
Blue Jacket—Arkansas, Colorado, Idaho, Iowa, Kansas, Michigan, Missouri, Nebraska, New Mexico, Oklahoma, South Dakota, Texas, and Wyoming.

SOFT RED WINTER

Kawvale—Indiana, Illinois, Missouri, Kansas, Nebraska.

HARD RED SPRING

Henry—Michigan (Upper Peninsula), Minnesota, North Dakota, South Dakota, Montana.
Sturgeon—Wisconsin.
Progress—Wisconsin.
Spinkcota—Minnesota, North Dakota, South Dakota.
Premier—Montana, North Dakota.

WHITE

Rex—Idaho, Washington, Oregon.
Sonora—California.
Galgalos—Nebraska.

DURUM

Golden Ball—Minnesota, North Dakota, South Dakota, Montana.
Preliss—North Dakota, Montana.
Pentad—North Dakota.

§ 421.1644 *Warehouse charges.* (a) Warehouse receipts and the wheat represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges not to exceed the Uniform Grain Storage Agreement rates from the date the grain is deposited in the warehouse for storage. Where the date of deposit (the date of the warehouse receipt if the date of deposit is not shown) on warehouse receipts representing wheat stored in warehouses operating under the Uniform Grain Storage Agreement is on or before Februray 28 or March 31, 1957, the applicable date to be determined in accordance with § 421.1642, there shall be deducted in computing the amount of the loan or purchase price the storage charges per bushel as shown in the following table unless written evidence has been submitted with the warehouse receipt that all warehouse charges, except receiving and loading out charges, have been prepaid through February 28 or March 31, 1957, the applicable date to be determined in accordance with § 421.1642:

| Amount of deduction (cents per bushel) | Area I [1] Date of deposit (all dates inclusive) | Area II [2] and Area III [3] Date of deposit (all dates inclusive) | Area IV [4] For States having maturity dates not later than Mar. 31, 1957; date of deposit (all dates inclusive) | Area IV [4] For States having maturity dates not later than Feb. 28, 1957; date of deposit (all dates inclusive) | Area V Date of deposit (all dates inclusive) |
|---|---|---|---|---|---|
| 15 | Prior to May 2, 1956 | Prior to May 17, 1956 | Prior to May 31, 1956 | Prior to Apr. 30, 1956 | Prior to May 14, 1956. |
| 14 | May 2–May 24, 1956 | May 17–June 7, 1956 | May 31–June 20, 1956 | Apr. 30–May 20, 1956 | May 14–June 2, 1956. |
| 13 | May 25–June 16, 1956 | June 8–June 29, 1956 | June 21–July 11, 1956 | May 21–June 10, 1956 | June 3–June 22, 1956. |
| 12 | June 17–July 9, 1956 | June 30–July 21, 1956 | July 12–Aug. 1, 1956 | June 11–July 1, 1956 | June 23–July 12, 1956. |
| 11 | July 10–Aug. 1, 1956 | July 22–Aug. 12, 1956 | Aug. 2–Aug. 22, 1956 | July 2–July 22, 1956 | July 13–Aug. 1, 1956. |
| 10 | Aug. 2–Aug. 24, 1956 | Aug. 13–Sept. 3, 1956 | Aug. 23–Sept. 12, 1956 | July 23–Aug. 12, 1956 | Aug. 2–Aug. 21, 1956. |
| 9 | Aug. 25–Sept. 10, 1956 | Sept. 4–Sept. 25, 1956 | Sept. 13–Oct. 3, 1956 | Aug. 13–Sept. 2, 1956 | Aug. 22–Sept. 10, 1956. |
| 8 | Sept. 17–Oct. 9, 1956 | Sept. 26–Oct. 17, 1956 | Oct. 4–Oct. 24, 1956 | Sept. 3–Sept. 23, 1956 | Sept. 11–Sept. 30, 1956. |
| 7 | Oct. 10–Nov. 1, 1956 | Oct. 18–Nov. 8, 1956 | Oct. 25–Nov. 14, 1956 | Sept. 24–Oct. 14, 1956 | Oct. 1–Oct. 20, 1956. |
| 6 | Nov. 2–Nov. 24, 1956 | Nov. 9–Nov. 30, 1956 | Nov. 15–Dec. 5, 1956 | Oct. 15–Nov. 4, 1956 | Oct. 21–Nov. 9, 1956. |
| 5 | Nov. 25–Dec. 17, 1956 | Dec. 1–Dec. 22, 1956 | Dec. 6–Dec. 26, 1956 | Nov. 5–Nov. 25, 1956 | Nov. 10–Nov. 29, 1956. |
| 4 | Dec. 18, 1956–Jan. 9, 1957 | Dec. 23, 1956–Jan. 13, 1957 | Dec. 27, 1956–Jan. 16, 1957 | Nov. 26–Dec. 16, 1956 | Nov. 30–Dec. 19, 1956. |
| 3 | Jan. 10–Feb. 1, 1957 | Jan. 14–Feb. 4, 1957 | Jan. 17–Feb. 6, 1957 | Dec. 17, 1956–Jan. 6, 1957 | Dec. 20, 1956–Jan. 8, 1957. |
| 2 | Feb. 2–Feb. 24, 1957 | Feb. 5–Feb. 26, 1957 | Feb. 7–Feb. 27, 1957 | Jan. 7–Jan. 27, 1957 | Jan. 9–Jan. 28, 1957. |
| 1 | Feb. 25–Mar. 31, 1957 | Feb. 27–Mar. 31, 1957 | Feb. 28–Mar. 31, 1957 | Jan. 28–Feb. 28, 1957 | Jan. 29–Feb. 28, 1957. |

[1] Area I includes: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.
[2] Area II includes: Minnesota, Montana, North Dakota, South Dakota (also Superior, Wisconsin).
[3] Area III includes: Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, Wyoming, Wisconsin (except Superior).
[4] Area IV includes: Arkansas, Connecticut, Delaware, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Texas, Vermont, Virginia, West Virginia.
[5] Area V includes: Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee.

(b) Warehouse receipts and the wheat represented thereby stored in approved warehouses operated by Eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission. There shall be deducted in computing the amount of the loan or purchase price the amount of the approved tariff rates for storage (not including elevation), which will accumulate from the date of deposit through February 28, or March 31, 1957, whichever date is applicable to the point of storage as determined in accordance with § 421.1642, unless written evidence has been submitted with the warehouse receipt that the storage charge has been prepaid. The county committee shall request the CSS commodity office to determine the amount of such charges. Where the producer presents evidence showing that elevation charges have been prepaid, the amount of the storage charges to be deducted shall be reduced by the amount of the elevation charges prepaid by the producer.

§ 421.1645 *Settlement*—(a) *Settlement value.* (1) In the case of eligible wheat delivered to CCC from farm storage under the loan program, settlement shall be made at the applicable support rate determined in accordance with § 421.1618 (d). The support rate shall be for the grade and quality of the total quantity of wheat eligible for delivery. If, upon delivery, the wheat under farm-storage loan is of a grade or quality for which no support rate has been established, the settlement value shall be computed at the support rate established for the grade and quality of the wheat placed under loan, less the difference, if any, at the time of delivery, between the market price for the grade and quality placed under loan and the market price of the wheat delivered, as determined by CCC: *Provided, however,* That if such wheat is sold by CCC in order to determine its market price, the settlement value shall not be less than such sales price and: *Provided further,* That if upon delivery the wheat is of a quality which does not meet sanitation requirements of § 421.1638 (d) (1), the wheat shall be sold for feed, or for industrial uses other than food and beverages, and in the event it does not meet the requirements of § 421.1638 (d) (2), shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals, and in each instance covered by this proviso, the settlement value shall be the same as the sales price: *Provided further,* That if CCC is unable to sell such commodity for the use specified above, the settlement value shall be the market value, if any, as determined by CCC, as of the date of delivery.

(2) Provisions applicable to the predelivery inspection of wheat under purchase agreement and the basis for settlement with the producer on wheat delivered to CCC under purchase agreement will be issued as an amendment to this subpart.

(b) *Storage deduction for early delivery.* No deduction for storage shall be made for farm-stored wheat under loan or purchase agreement authorized to be delivered to CCC prior to the loan maturity date for the State, except where it is necessary to call the loan through fault or negligence on the part of the producer or where the producer requests early delivery and the county committee approves the early delivery and determines such early delivery is solely for the convenience of the producer. The deduction for storage shall be made in accordance with the schedule of deductions for warehouse charges in § 421.1644.

(c) *Refund of prepaid handling charges.* In case a warehouseman charges the producer for the receiving or the receiving and loading out charges on wheat under loan or purchase agreement stored in a warehouse under the Uniform Grain Storage Agreement, the producer shall, upon delivery of the wheat to CCC, be reimbursed or given credit by the county office for such prepaid charges in an amount not to exceed the charges authorized under the Uniform Grain Storage Agreement, provided the producer furnishes to the county committee written evidence signed by the warehouseman that such charges have been paid.

(d) *Storage payment where CCC is unable to take delivery of wheat stored in other than an approved warehouse under loan or purchase agreement.* The producer may be required to retain wheat stored in other than an approved warehouse under loan or purchase agreement for a period of 60 days after the applicable maturity date without any cost to CCC. However, if CCC is unable to take delivery of such wheat within the 60-day period after maturity, the producer shall be paid a storage payment upon delivery of the wheat to CCC: *Provided, however,* That a storage payment shall be paid a producer whose wheat is stored in other than an approved warehouse under purchase agreement only if he has properly given notice of his intention to sell the wheat to CCC and delivery cannot be accepted within the 60-day period after maturity. The period for earning such storage payment shall begin the day following the expiration of the 60-day period after the applicable maturity date and extend through the final date of delivery, or the final date for delivery as specified in the delivery instructions issued to the producer by the county office, whichever is earlier. The storage payment shall be computed at the rate of $0.00043 per bushel per day in Area I; $0.00045 per bushel per day in Area II; $0.00046 per bushel per day in Area III; $0.00047 per bushel per day in Area IV; and $0.00049 per bushel per day in Area V for the wheat accepted for delivery or sale to CCC.

(e) *Track loading payment.* A track-loading payment of 3 cents per bushel shall be made to the producer on wheat delivered to CCC on track at a country point.

Issued this 7th day of June 1956.

[SEAL] WALTER C. BERGER,
*Acting Executive Vice President,*
*Commodity Credit Corporation.*

[F. R. Doc. 56-4623; Filed, June 11, 1956; 8:50 a. m.]

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[1956 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Barley]

## PART 421—GRAINS AND RELATED COMMODITIES

### SUBPART—1956-CROP BARLEY LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program has been announced for the 1956 crop of barley. The 1956 C. C. C. Grain Price Support Bulletin 1 (*supra*), issued by the Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1956 is supplemented as follows:

Sec.
421.1676 Purpose.
421.1677 Availability of price support.
421.1678 Eligible barley.
421.1679 Warehouse receipts.
421.1680 Determination of quantity.
421.1681 Determination of quality.
421.1682 Maturity of loans.
421.1683 Determination of support rates.
421.1684 Warehouse charges.
421.1685 Settlement.

AUTHORITY: §§ 421.1676 to 421.1685 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053; 15 U. S. C. 714, 7 U. S. C. 1447, 1421.

§ 421.1676 *Purpose.* Sections 421.1676 to 421.1685 state additional specific regulations which, together with the general regulations contained in the 1956 C. C. C. Grain Price Support Bulletin 1 (§§ 421.1601 to 421.1622), apply to loans and purchase agreements under the 1956-Crop Barley Price Support Program.

§ 421.1677 *Availability of price support*—(a) *Method of support.* Price support will be available through farm-storage and warehouse-storage loans and through purchase agreements.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available wherever barley is grown in the continental United States, except that farm-storage loans will not be available in areas where the State Committee determines that barley cannot be safely stored on the farm.

(c) *Where to apply.* Application for price support should be made at the office of the county committee which keeps the farm-program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through January 31, 1957, and the applicable documents must be signed by the producer and delivered to the county committee not later than such date. Applicable documents include the Producer's Note and Loan Agreement for warehouse-storage loans, the Producer's Note and Supplemental Loan Agreement and the Commodity Chattel Mortgage for farm-storage loans, and the Purchase Agreement for purchase agreements.

(e) *Eligible producer.* An eligible producer shall be an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and whenever applicable, a State, political subdivision of a State, or any agency thereof, producing barley in 1956, as landowner, landlord, tenant, or sharecropper. Two or more eligible producers may obtain a joint loan on eligible barley harvested by them if stored in the same farm-storage facility. In the case of joint loans, each person signing the note shall be held jointly and severally responsible for the loan. Where the county office has experienced difficulties in settling farm-storage loans with a producer, the county committee shall determine that he is not eligible for a farm-storage loan. He shall be eligible, however, to obtain a warehouse-storage loan or sign a purchase agreement.

§ 421.1678 *Eligible barley.* Barley, to be eligible for price support, must meet all of the applicable requirements set forth in this section.

(a) The barley must have been produced in the continental United States in 1956 by an eligible producer.

(b) At the time the barley is placed under loan or delivered under a purchase agreement:

(1) The beneficial interest in the barley must be in the eligible producer tendering the barley for loan or for delivery under a purchase agreement, and must always have been in him, or must have been in him and a former producer whom he succeeded before the barley was harvested.

(2) To meet the requirements of succession to a former producer, the rights, responsibilities and interest of the former producer with respect to the farming unit on which the barley was produced shall have been substantially assumed by the person claiming succession. Mere purchase of the crop prior to harvest, without acquisition of any additional interest in the farming unit, shall not constitute succession. The county committee shall determine whether the requirements with respect to succession have been met.

(c) Barley, at the time it is placed under loan, and barley under purchase agreement which is in approved warehouse storage prior to notification by the producer of his intention to sell to CCC, must meet the following requirements:

(1) The barley must be of any class grading No. 4 or better (or No. 4 Garlicky or better), except that Western Barley shall have a test weight of not less than 40 pounds per bushel.

(2) Barley grading Tough, Weevily, Stained, Blighted, Bleached, Ergoty or Smutty, or containing mercurial compounds or other substances poisonous to man or animals, shall not be eligible, except that barley represented by warehouse receipts grading Tough will be eligible if the warehouseman certifies on the supplemental certificate or on a statement attached to the warehouse receipt that barley grading "Tough" has been processed at the request of the eligible producer, and delivery will be made of eligible barley not grading "Tough," and no lien for processing will be claimed by the warehouseman from Commodity Credit Corporation or any subsequent holder of said warehouse receipt.

(3) If offered as security for a farm-storage loan, the barley must have been stored in the granary at least 30 days prior to its inspection for measurement, sampling, and sealing, unless otherwise approved by the State Committee.

(d) Barley under purchase agreement stored in other than approved warehouse storage must, in order to be eligible for sale to CCC, meet the requirements of paragraph (c) (1) and (2) of this section on the basis of a pre-delivery inspection performed by a representative of the county committee in accordance with regulations to be subsequently issued. Barley which does not meet the requirements of paragraph (c) (1) and (2) on the basis of the pre-delivery inspection referred to above shall also be eligible for sale to CCC only if the producer complies with the conditions to be specified in § 421.1685 and the barley on the basis of the inspection made at the time of delivery meets the requirements set forth in paragraphs (c) (1) and (2) of this section.

§ 421.1679 *Warehouse receipts.* Warehouse receipts representing barley in approved warehouse-storage to be placed under a loan or delivered under a purchase agreement, must meet the following requirements:

(a) Warehouse receipts must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder and must be receipts issued on a warehouse approved by CCC under the Uniform Grain Storage Agreement which indicate that the barley is insured, or must be receipts issued on warehouses operated by Eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect.

(b) (1) Each warehouse receipt or the warehouseman's supplemental certificate (in duplicate), properly identified with the warehouse receipt must show: (i) Gross weight or bushels, (ii) class, (iii) grade (including special grades), (iv) test weight, (v) dockage, (vi) any other grading factor(s) when such factor(s) and not test weight determine the grade, and (vii) whether the barley arrived by rail, truck or barge. In the case of warehouse receipts issued for barley delivered by rail or barge, the grading factors on the warehouse receipts must agree with the inbound inspection certificate for the car or barge when such certificate is issued.

(2) If the warehouseman has processed the barley as provided in § 421.1678 (c) (2), the supplemental certificate must show the numerical grade and the grading factors resulting from the barley being processed. Where the grade and grading factors shown on the supplemental certificate do not agree with the warehouse receipt, the factors shown on the supplemental certificate shall take precedence.

(c) A separate warehouse receipt must be submitted for each grade and class of barley.

(d) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 421.1684.

(e) Warehouse receipts representing barley which has been shipped by rail or water from a country shipping point to a designated terminal point or shipped by rail or water from a country shipping point and stored in transit to a designated terminal point, must be accompanied by registered freight bills, or by a certificate containing similar information in a form prescribed by the CSS commodity office which shall be signed by the warehouseman and which may be a part of the supplemental certificate.

§ 421.1680 *Determination of quantity.* (a) The quantity of barley placed under farm-storage loan may be determined either by weight or by measurement. The quantity of barley placed under a warehouse-storage loan or delivered under a farm-storage loan or under a purchase agreement shall be determined by weight.

(b) When the quantity is determined by weight, a bushel shall be 48 pounds, of clean barley free of dockage. In determining the quantity of sacked barley by weight, a deduction of ¾ of a pound for each sack shall be made.

(c) When the quantity of barley is determined by measurement, a bushel shall be 1.25 cubic feet of barley testing 48 pounds per bushel. The quantity determined shall be the following percentages of the quantity determined for 48-pound barley:

| For barley testing: | Percent |
|---|---|
| 50 pounds or over | 104 |
| 49 pounds or over, but less than 50 pounds | 102 |
| 48 pounds or over, but less than 49 pounds | 100 |
| 47 pounds or over, but less than 48 pounds | 98 |
| 46 pounds or over, but less than 47 pounds | 96 |
| 45 pounds or over, but less than 46 pounds | 94 |
| 44 pounds or over, but less than 45 pounds | 92 |
| 43 pounds or over, but less than 44 pounds | 90 |
| 42 pounds or over, but less than 43 pounds | 88 |
| 41 pounds or over, but less than 42 pounds | 85 |
| 40 pounds or over, but less than 41 pounds | 83 |

(d) The percentage of dockage shall be determined and the weight of such dockage shall be deducted from the gross weight of the barley in determining the net quantity available for loan or purchase.

§ 421.1681 *Determination of quality.* The grade, class, grading factors, and all other quality factors shall be determined in accordance with the methods set forth in the Official Grain Standards of the United States for Barley, whether or not such determinations are made on the basis of an official inspection.

§ 421.1682 *Maturity of loans.* Loans mature on demand but not later than February 28, 1957, in the States of Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia, not later than March 11, 1957, in Arizona and California, and not later than April 30, 1957, in all other States. The maturity date for a loan shall be the maturity date for the State where the barley is stored.

§ 421.1683 *Determination of support rates.* Basic support rates for barley will be set forth in 1956 CCC Grain Price Support Bulletin 1, Supplement 2, Barley. Support rates will be established for barley stored in approved warehouse storage at designated terminal markets, and for barley stored in approved country warehouses and in approved farm storage. The support rate for the quality of barley placed under a loan or delivered under a purchase agreement shall be the applicable basic support rate adjusted in accordance with the provisions of this section and 1956 C. C. C. Grain Price Support Bulletin 1, Supplement 2, Barley.

(a) *Support rates at designated terminal markets.* (1) Barley eligible for loan or purchase at the support rates established for designated terminal markets must have been shipped on a domestic interstate freight rate basis. On any barley shipped at other than the domestic interstate freight rate, the support rate at the designated terminal market shall be reduced by the difference between the rate of the freight paid (plus tax) and the domestic interstate freight rate (plus tax).

(2) The support rates established for designated terminal markets apply to barley which has been shipped by rail or water from a country shipping point to one of the designated terminal markets, as evidenced by paid freight bills duly registered for transit privileges: *Provided*, That in the event the amount of paid-in freight is insufficient to guarantee the minimum proportional domestic interstate freight rate from the terminal market, there shall be deducted from the applicable terminal support rate the difference between the amount of freight actually paid in and the amount required to be paid in to guarantee outbound movement at the minimum proportional domestic interstate freight rate.

(3) When shipped by rail or water and stored at any designated terminal market, barley for which neither registered freight bills nor registered freight certificates are presented to guarantee outbound movement at the minimum proportional domestic interstate freight rate, shall have a support rate equal to the terminal rate minus 7 cents per bushel.

(4) When received by truck and stored at any designated terminal market, the support rate shall be the terminal rate minus 10½ cents per bushel.

(b) *Support rates for barley in approved warehouse storage at other than designated terminal markets.* (1) The support rate for barley stored in approved warehouses (other than those situated in the designated terminal markets) which is shipped by rail or water, shall be determined by deducting from the appropriate designated terminal market rate an amount equal to the transit balance, if any (plus tax) of the through freight rate from point of origin for such barley to such terminal market: *Provided*, That on any barley shipped at other than the domestic interstate freight rate, the support rate shall be further reduced by the difference between the rate of the freight paid (plus tax) and the domestic interstate freight rate (plus tax) from the point of origin of such barley to the point of storage: *And provided further*, That in the case of barley stored at any railroad transit point, taking a penalty by reason of out-of-line movement, or for any other reason, to the appropriate designated market, there shall be added to such transit balance an amount equal to any out-of-line costs or other costs incurred in storing barley in such position.

(2) The warehouse receipts must be accompanied by the original paid freight bills or certificates of the warehousemen and other required documents as set forth in § 421.1679.

(c) *Discounts.* The basic support rates shall be adjusted by all applicable discounts listed in 1956 C. C. C. Grain Price Support Bulletin 1, Supplement 2, Barley.

§ 421.1684 *Warehouse charges.* (a) Warehouse receipts and the barley represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the grain is deposited in the warehouse for storage. Where the date of deposit (the date of the warehouse receipt if the date of deposit is not shown) on warehouse receipts representing barley stored in warehouses operating under the Uniform Grain Storage Agreement is on or before February 28, 1957, March 11, 1957, or April 30, 1957, the applicable date to be determined in accordance with § 421.1682, there shall be deducted in computing the amount of the loan or purchase price the storage charges per bushel as shown in the following table unless written evidence has been submitted with the warehouse receipt that all warehouse charges, except receiving and loading out charges have been prepaid through February 28, 1957, March 11, 1957, or April 30, 1957, the applicable date to be determined in accordance with § 421.1682:

| Amount of deduction (cents per bushel) | For States having a maturity date not later than Apr. 30, 1957; date of deposit (all dates inclusive) | For States having a maturity date not later than Feb. 28, 1957; date of deposit (all dates inclusive) | For States having a maturity date not later than Mar. 11, 1957; date of deposit (all dates inclusive) |
|---|---|---|---|
| 16 | Prior to May 25, 1956 | | |
| 15 | May 25–June 15, 1956 | | |
| 14 | June 16–July 7, 1956 | Prior to May 8, 1956 | Prior to May 19, 1956. |
| 13 | July 8–July 29, 1956 | May 8–May 29, 1956 | May 19–June 9, 1956. |
| 12 | July 30–Aug. 20, 1956 | May 30–June 20, 1956 | June 10–July 1, 1956. |
| 11 | Aug. 21–Sept. 11, 1956 | June 21–July 12, 1956 | July 2–July 23, 1956. |
| 10 | Sept. 12–Oct. 3, 1956 | July 13–Aug. 3, 1956 | July 24–Aug. 14, 1956. |
| 9 | Oct. 4–Oct. 25, 1956 | Aug. 4–Aug. 25, 1956 | Aug. 15–Sept. 5, 1956. |
| 8 | Oct. 26–Nov. 16, 1956 | Aug. 26–Sept. 16, 1956 | Sept. 6–Sept. 27, 1956. |
| 7 | Nov. 17–Dec. 8, 1956 | Sept. 17–Oct. 8, 1956 | Sept. 28–Oct. 19, 1956. |
| 6 | Dec. 9–Dec. 30, 1956 | Oct. 9–Oct. 30, 1956 | Oct. 20–Nov. 10, 1956. |
| 5 | Dec. 31, 1956–Jan. 21, 1957 | Oct. 31–Nov. 21, 1956 | Nov. 11–Dec. 2, 1956. |
| 4 | Jan. 22–Feb. 12, 1957 | Nov. 22–Dec. 13, 1956 | Dec. 3–Dec. 24, 1956. |
| 3 | Feb. 13–Mar. 6, 1957 | Dec. 14, 1956–Jan. 4, 1957 | Dec. 25, 1956–Jan. 15, 1957. |
| 2 | Mar. 7–Mar. 28, 1957 | Jan. 5–Jan. 26, 1957 | Jan. 16–Feb. 6, 1957. |
| 1 | Mar. 29–April 30, 1957 | Jan. 27–Feb. 28, 1957 | Feb. 7–Mar. 11, 1957. |

(b) Warehouse receipts and the barley represented thereby stored in approved warehouses operated by Eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission. There shall be deducted in computing the loan or purchase price, the amount of the approved tariff rate for storage (not including elevation), which will accumulate from the date of deposit through February 28, 1957, or April 30, 1957, whichever date is applicable, to the point of storage as determined in accordance with § 421.1682, unless written evidence is submitted with the warehouse receipt that the storage charges have been prepaid. The county committee shall request the CSS commodity office to determine the amount of such charges. Where the producer presents evidence showing that elevation charges have been prepaid, the amount of the storage charges to be deducted shall be reduced by the amount of the elevation charges prepaid by the producer.

§ 421.1685 *Settlement*—(a) *Settlement value.* (1) In the case of eligible barley delivered to CCC from farm storage under the loan program, settlement shall be made at the applicable support rate determined in accordance with §§ 421.1683 and 421.1618 (d). The support rate shall be for the grade and quality of the total quantity of barley eligible for delivery. If, upon delivery, the barley under farm-storage loan is of a grade or quality for which no support rate has been established, the settlement value shall be computed at the support rate established for the grade and quality of the barley placed under loan, less the difference, if any, at the time of delivery, between the market price for the grade and quality placed under loan and the market price of the barley delivered, as determined by CCC: *Provided, however*, That if such barley is sold by CCC in order to determine its market price, the settlement value shall not be less than such sales price and: *Provided further*, That if, upon delivery, the barley contains mercurial compounds or other substances poisonous to man or animals, such barley shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell such commodity for the use specified above, the settlement value shall be the market value, if any, as determined by CCC, as of the date of delivery.

(2) Provisions applicable to the predelivery inspection of barley under purchase agreement and the basis for settlement with the producer on barley delivered to CCC under purchase agreement will be issued as an amendment to this subpart.

(b) *Storage deduction for early delivery.* No deduction for storage shall be made for farm-stored barley under loan or purchase agreement authorized to be delivered to CCC prior to the loan maturity date for the State, except where it is necessary to call the loan through fault or negligence on the part of the producer or where the producer requests early delivery and the county committee approves the early delivery and determines such early delivery is solely for the convenience of the producer. The deduction for storage shall be made in accordance with the schedule of deductions for warehouse charges in § 421.1684.

(c) *Refund of prepaid handling charges.* In case a warehouseman charges the producer for the receiving or the receiving and loading out charges on barley under loan or purchase agreement, stored in a warehouse under the Uniform Grain Storage Agreement, the producer shall, upon delivery of the barley to CCC, be reimbursed or given credit by the county office for such prepaid charges in an amount not to exceed the charges authorized under the Uniform Grain Storage Agreement, provided the producer furnishes to the county committee written evidence signed by the warehouseman that such charges have been paid.

(d) *Storage payment where CCC is unable to take delivery of barley stored in other than an approved warehouse under loan or purchase agreement.* The producer may be required to retain barley stored in other than an approved warehouse under loan or purchase agreement for a period of 60 days after the applicable maturity date without any cost to CCC. However, if CCC is unable to take delivery of such barley within the 60-day period after maturity, the producer shall be paid a storage payment upon delivery of the barley to CCC: *Provided, however*, That a storage payment shall be paid a producer whose barley is stored in other than an approved warehouse under purchase agreement only if he has properly given notice of his intention to sell the barley to CCC and delivery cannot be accepted within the 60-day period after maturity. The period for earning such storage payment shall begin the day following the expiration of the 60-day period after the applicable maturity date and extend through the final date of delivery, or the final date for delivery as specified in the delivery instructions issued to the producer by the county office, whichever is earlier. The storage payment shall be computed at the rate of $0.00045 per bushel a day for the barley accepted for sale or delivery to CCC.

(e) *Track-loading payment.* A track-loading payment of 3 cents per bushel shall be made to the producer on barley delivered to CCC on track at a country point.

Issued this 6th day of June 1956.

[SEAL] EARL M. HUGHES,
*Executive Vice President,*
*Commodity Credit Corporation.*

[F. R. Doc. 56-4620; Filed, June 11, 1956; 8:49 a. m.]

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[1956 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Oats]

## PART 421—GRAINS AND RELATED COMMODITIES

### SUBPART—1956-CROP OATS LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program has been announced for 1956-crop oats. The 1956 C. C. C. Grain Price Support Bulletin 1 (*supra*), issued by the Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for certain grains and other commodites produced in 1956 is supplemented as follows:

Sec.
421.1876 Purpose.
421.1877 Availability of price support.
421.1878 Eligible oats.
421.1879 Warehouse receipts.
421.1880 Determination of quantity.
421.1881 Determination of quality.
421.1882 Maturity of loans.
421.1883 Determination of support rates.
421.1884 Warehouse charges.
421.1885 Settlement.

AUTHORITY: §§ 421.1876 to 421.1885 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 62 Stat. 1053; 15 U. S. C. 714c; 7 U. S. C. 1447, 1421.

§ 421.1876 *Purpose.* Sections 421.1876 to 421.1885 state additional specific requirements which, together with the general regulations contained in the 1956 C. C. C. Grain Price Support Bulletin 1 (§§ 421.1601 to 421.1622), apply to loans and purchase agreements under the 1956 Crop Oats Price Support Program.

§ 421.1877 *Availability of price support*—(a) *Method of support.* Price support will be available through farm-storage and warehouse-storage loans and through purchase agreements.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available wherever oats are grown in the continental United States, except that farm-storage loans will not be available in areas where the State committee determines that oats cannot be safely stored on the farm.

(c) *Where to apply.* Application for price support should be made at the office of the county committee which keeps the farm-program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through January 31, 1957, and the applicable documents must be signed by the producer and delivered to the county committee not later than such date. Applicable documents include the Producer's Note and Loan Agreement for warehouse-storage loans, the Producer's Note and Supplemental Loan Agreement and the Commodity Chattel Mortgage for farm-storage loans, and the Purchase Agreement for purchase agreements.

(e) *Eligible producer.* An eligible producer shall be an individual, partnership, association, corporation, estate, trust, or other business enterprise, or legal entity, and wherever applicable, a State, political subdivision of a State, or any agency thereof producing oats in 1956 as landowner, landlord, tenant, or sharecropper. Two or more eligible producers may obtain a joint loan on eligible oats harvested by them if stored in the same farm-storage facility. In the case of joint loans, each person signing the note shall be held jointly and severally responsible for the loan. Where the county office has experienced difficulties in settling farm-storage loans with a producer, the county committee shall determine that he is not eligible for a farm-storage loan. He shall be eligible, however, to obtain a warehouse-storage loan or sign a purchase agreement.

§ 421.1878. *Eligible oats.* Oats, to be eligible for price support, must meet all of the applicable requirements set forth in this section:

(a) The oats must have been produced in the continental United States in 1956 by an eligible producer.

(b) At the time the oats are placed under loan or delivered under a purchase agreement:

(1) The beneficial interest in the oats must be in the eligible producer tendering the oats for loan or for delivery under a purchase agreement and must always have been in him, or must have been in him and a former producer whom he succeeded before the oats were harvested.

(2) To meet the requirements of succession to a former producer, the rights, responsibilities and interest of the former producer with respect to the farming unit on which the oats were produced shall have been substantially assumed by the person claiming succession. Mere purchase of the crop prior to harvest, without acquisition of any additional interest in the farming unit, shall not constitute succession. The county committee shall determine whether the requirements with respect to succession have been met.

(c) Oats, at the time they are placed under loan; and oats under purchase agreement which are in approved warehouse storage prior to notification by a producer of his intention to sell to CCC, must meet the following requirements:

(1) The oats must grade No. 3 or better. Feed oats and mixed feed oats will not be eligible.

(2) Oats grading Tough, Weevily, Smutty, Ergoty, Garlicky, Bleached, or Thin, or containing mercurial compounds or other substances poisonous to man or animals, or oats otherwise of low quality will not be eligible, except that oats represented by warehouse receipts grading "Tough" will be eligible if the warehouseman certifies on the supplemental certificate or on a statement attached to the warehouse receipt that

"Oats grading Tough have been processed at the request of the eligible producer, and delivery will be made of the same country run quality, quantity and grade, not Tough, and no lien for processing will be claimed by the warehouseman from Commodity Credit Corporation or any subsequent holder of the warehouse receipt."

(3) If offered as security for a farm-storage loan, the oats must have been stored in the granary at least 30 days prior to their inspection for measurement, sampling and sealing, unless otherwise approved by the State committee.

(d) Oats under purchase agreement stored in other than approved warehouse storage must, in order to be eligible for sale to CCC, meet the requirements of paragraph (c) (1) and (2) of this section on the basis of a pre-delivery inspection performed by a representative of the county committee in accordance with regulations to be subsequently issued. Oats which do not meet the requirements of paragraph (c) (1) and (2) on the basis of the pre-delivery inspection referred to above shall also be eligible for sale to CCC only if the producer complies with the conditions to be specified in § 421.1885 and the oats on the basis of the inspection made at the time of delivery meets the requirements set forth in paragraph (c) (1) and (2) of this section.

§ 421.1879 *Warehouse receipts.* Warehouse receipts representing oats in approved warehouse-storage to be placed under loan or delivered under a purchase agreement, must meet the following requirements:

(a) Warehouse receipts must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder, and must be receipts issued on a warehouse approved by CCC under the Uniform Grain Storage Agreement, which indicate that the oats are insured, or must be receipts issued on warehouse operated by Eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect.

(b) Each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate), properly identified with the warehouse receipts must show: (1) Gross weight or bushels, (2) class, (3) grade, (4) test weight, and (5) any other grading factor(s) when such factor(s) and not test weight determine the grade.

(c) A separate warehouse receipt must be submitted for each grade of oats.

(d) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 421.1884.

(e) If the warehouseman has processed the oats as provided in § 421.1878 (c) (2), the supplemental certificate must show the numerical grade and the grading factors resulting from the oats being processed. Where the grade and grading factors shown on the supplemental certificate do not agree with the warehouse receipt, the factors shown on the supplemental certificate shall take precedence.

§ 421.1880 *Determination of quantity.* (a) The quantity of oats placed under farm-storage loan may be determined either by weight or by measurement. The quantity of oats placed under a warehouse-storage loan or delivered under a farm-storage loan or under a purchase agreement shall be determined by weight.

(b) When the quantity is determined by weight, a bushel shall be 32 pounds of oats. In determining the quantity of sacked oats by weight, a deduction of three-fourths of a pound for each sack shall be made.

(c) (1) To determine the quantity of oats in a bin by measurement, divide the cubic feet of oats by 1.25. The quantity so determined shall be adjusted for test weight by applying the applicable percentage as shown in the following table.

| For oats testing: | Percent |
|---|---|
| 40 pounds or over | 125 |
| 39 pounds or over, but less than 40 pounds | 121 |
| 38 pounds or over, but less than 39 pounds | 118 |
| 37 pounds or over, but less than 38 pounds | 115 |
| 36 pounds or over, but less than 37 pounds | 112 |
| 35 pounds or over, but less than 36 pounds | 109 |
| 34 pounds or over, but less than 35 pounds | 106 |
| 33 pounds or over, but less than 34 pounds | 103 |
| 32 pounds or over, but less than 33 pounds | 100 |
| 31 pounds or over, but less than 32 pounds | 96 |
| 30 pounds or over, but less than 31 pounds | 93 |
| 29 pounds or over, but less than 30 pounds | 90 |
| 28 pounds or over, but less than 29 pounds | 87 |
| 27 pounds or over, but less than 28 pounds | 84 |

(2) To determine the quantity of oats in a bin eligible for loan, multiply the quantity of oats as provided above by a pack factor of 1.15 if the quantity adjusted for test weight is 4,000 bushels or less, and by a pack factor of 1.25 if the quantity adjusted for test weight exceeds 4,000 bushels.

(d) Since the percentage of dockage is not a grade factor in the case of oats, the quantity of oats will be determined without reference to dockage.

§ 421.1881 *Determination of quality.* The grade, grading factors, and all other quality factors shall be determined in accordance with the methods set forth in the Official Grain Standards of the United States for Oats, whether or not such determinations are made on the basis of an official inspection.

§ 421.1882 *Maturity of loans.* Loans mature on demand but not later than February 28, 1957, on oats stored in the States of Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia and West Virginia, and not later than April 30, 1957, on oats stored in all other States.

§ 421.1883 *Determination of support rates.* (a) Basic support rates for oats will be set forth in 1956 C. C. C. Grain Price Support Bulletin 1, Supplement 2, Oats. Both farm-storage and warehouse-storage loans will be based on the support rate established for the county in which the oats are produced.

(b) Where the State committee determines that State or district weed control laws affect the oats crop, the support rate will be 10 cents below the applicable county support rate. If upon delivery of the oats to CCC, the producer supplies a certificate indicating that the oats comply with the weed control laws, the producer will be credited with the amount of the differential in determining the settlement value.

§ 421.1884 *Warehouse charges.* (a) Warehouse receipts and oats represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the grain is deposited in the warehouse for storage. Where the date of deposit (the date of the warehouse receipt if the date of deposit is not shown) on warehouse receipts representing oats stored in warehouses operating under the Uniform Grain Storage Agreement is on or before February 28, 1957, or April 30, 1957, the applicable date to be determined in accordance with § 421.1882, there shall be deducted in computing the amount of the loan or purchase price the storage charges per bushel as shown in the following table unless written evidence has been submitted with the warehouse receipt that all warehouse charges, except receiving and loading out charges, have been prepaid through February 28, 1957, or April 30, 1957, the applicable date to be determined in accordance with § 421.1882:

| Amount of deduction (cents per bushel) | For States having a maturity date not later than Apr. 30, 1957; date of deposit (all dates inclusive) | For States having a maturity date not later than Feb. 28, 1957; date of deposit (all dates inclusive) |
|---|---|---|
| 12 | Prior to May 10, 1956 | Prior to Apr. 10, 1956. |
| 11 | May 10–June 9, 1956 | Apr. 10–May 10, 1956. |
| 10 | June 10–July 10, 1956 | May 11–June 10, 1956. |
| 9 | July 11–Aug. 10, 1956 | June 11–July 11, 1956. |
| 8 | Aug. 11–Sept. 10, 1956 | July 12–Aug. 11, 1956. |
| 7 | Sept. 11–Oct. 11, 1956 | Aug. 12–Sept. 11, 1956. |
| 6 | Oct. 12–Nov. 11, 1956 | Sept. 12–Oct. 12, 1956. |
| 5 | Nov. 12–Dec. 12, 1956 | Oct. 13–Nov. 12, 1956. |
| 4 | Dec. 13, 1956–Jan. 12, 1957 | Nov. 13–Dec. 13, 1956. |
| 3 | Jan. 13–Feb. 12, 1957 | Dec. 14, 1956–Jan. 13, 1957. |
| 2 | Feb. 13–Mar. 15, 1957 | Jan. 14–Feb. 28, 1957. |
| 1 | Mar. 16–Apr. 30, 1957 | |



(b) Warehouse receipts and the oats represented thereby stored in approved warehouses operated by Eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission. There shall be deducted in computing the loan or purchase price, the amount of the approved tariff rate for storage (not including elevation), which will accumulate from the date of deposit through February 28 or April 30, 1957, whichever date is applicable, as determined in accordance with § 421.1882, unless written evidence is submitted with the warehouse receipt that the storage charges have been prepaid. The county committee shall request the CSS commodity office to determine the amount of such charges. Where the producer presents evidence showing that elevation charges have been prepaid, the amount of the storage charges to be deducted shall be reduced by the amount of the elevation charges prepaid by the producer.

§ 421.1885 *Settlement*—(a) *Settlement value.* (1) In the case of eligible oats delivered to CCC from farm-storage under the loan program, settlement shall be made at the applicable support rate determined in accordance with §§ 421.1883 and 421.1618 (e). The support rate shall be for the grade and quality of the total quantity of oats eligible for delivery. If, upon delivery, the oats under farm-storage loan are of a grade or quality for which no support rate has been established, the settlement value shall be computed at the support rate established for the grade and quality of the oats placed under loan, less the difference, if any, at the time of delivery, between the market price for the grade and quality placed under loan and the market price of the oats delivered, as determined by CCC: *Provided, however,* That if such oats are sold by CCC in order to determine their market price the settlement value shall not be less than such sales price and: *Provided further,* That if, upon delivery, the oats contain mercurial compounds or other substances poisonous to man or animals, such oats shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell such oats for the use specified above, the settlement value shall be the market value, if any, as determined by CCC, as of the date of delivery.

(2) Provisions applicable to the pre-delivery inspection of oats under purchase agreement and the basis for settlement with the producer on oats delivered to CCC under purchase agreement will be issued as an amendment to this subpart.

(b) *Storage deduction for early delivery.* No deduction for storage shall be made for farm-stored oats under loan or purchase agreement authorized to be delivered to CCC prior to the loan maturity date for the State, except where it is necessary to call the loan through fault or negligence on the part of the producer or where the producer requests early delivery and the county committee approves the early delivery and determines such early delivery is solely for the convenience of the producer. The deduction for storage shall be made in accordance with the schedule of deductions for warehouse charges in § 421.1884.

(c) *Refund of prepaid handling charges.* In case a warehouseman charges the producer for the receiving or the receiving and loading out charges on oats under loan or purchase agreement stored in a warehouse under the Uniform Grain Storage Agreement, the producer shall, upon delivery of the oats to CCC, be reimbursed or given credit by the county office for such prepaid charges in an amount not to exceed the charges authorized under the Uniform Grain Storage Agreement provided, the producer furnishes to the county committee written evidence signed by the warehouseman that such charges have been paid.

(d) *Storage payment where CCC is unable to take delivery of oats stored in other than an approved warehouse under loan or purchase agreement.* The producer may be required to retain oats stored in other than an approved warehouse under loan or purchase agreement for a period of 60 days after the applicable maturity date without any cost to CCC. However, if CCC is unable to take delivery of such oats within the 60-day period after maturity, the producer shall be paid a storage payment upon delivery of the oats to CCC: *Provided, however,* That a storage payment shall be paid a producer whose oats are stored in other than an approved warehouse under purchase agreement only if he has properly given notice of his intention to sell the oats to CCC and delivery cannot be accepted within the 60-day period after maturity. The period for earning such storage payment shall begin the day following the expiration of the 60-day period after the applicable maturity date and extend through the final date of delivery, or the final date for delivery as specified in the delivery instructions issued to the producer by the county office, whichever is earlier. The storage payment shall be computed at the rate of $0.00032 per bushel per day for the oats accepted for delivery or sale to CCC.

(e) *Track-loading payment.* A track-loading payment of 3 cents per bushel shall be made to the producer on oats delivered to CCC on track at a country point.

Issued this 6th day of June 1956.

[SEAL] EARL M. HUGHES,
*Executive Vice President,*
*Commodity Credit Corporation.*

[F. R. Doc. 56-4621; Filed, June 11, 1956; 8:50 a. m.]

# TITLE 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

### Subchapter B—Trade Practice Conference Rules

[File No. 21-491]

### PART 28—BLUEPRINT AND DIAZOTYPE COATERS INDUSTRY

### TRADE PRACTICE RULES

Due proceedings having been held under the trade practice conference procedure in pursuance of the act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission:

*It is now ordered,* That the Group I trade practice rules as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of June 12, 1956.

*Statement by the Commission.* Trade practice rules for the blueprint and diazotype coaters industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure.

The industry is composed of persons, firms, corporations, and organizations engaged in the coating and sale of blueprint and/or diazotype light-sensitive paper, cloth, film, or other material, used for reproducing engineering and architectural drawings, designs, formulae, and office or business communications.

According to available information, the aggregate annual sales of industry products approximate $90,000,000.

Primary objectives of the rules are the maintenance of free and fair competition and the elimination and prevention of unfair methods of competition, unfair acts or practices, and other trade abuses. The rules are to be applied to such end and to the exclusion of any acts or practices which suppress competition or otherwise restrain trade.

Proceedings for the establishment of trade practice rules were instituted pursuant to an industry application. A general industry conference was held in Chicago, Illinois, on November 21, 1955, at which proposals for rules were submitted for consideration of the Commission. Thereafter, a draft of proposed rules was published by the Commission and made available to all industry members and other interested or affected parties upon public notice whereby they were afforded opportunity to present their views, including such pertinent information, suggestions, amendments, or objections as they desired to offer, and to be heard in the premises. Pursuant to such notice a public hearing was held in Washington, D. C., on May 14, 1956, and all matters there presented, or otherwise received in the proceeding, were duly considered.

Thereafter, and upon full consideration of the entire matter, final action was taken by the Commission whereby it approved the Group I rules as hereinafter set forth.

Such rules become operative thirty (30) days from the date of promulgation.

*The rules.* These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which fixes or controls prices through combination or agreement, or which unreasonably restrains trade or suppresses competition, or otherwise unlawfully injures, destroys, or prevents competition, that the rules are to be applied.

Sec.
28.0 The industry defined.
28.1 Deception (general).
28.2 False and misleading price quotations, etc.
28.3 Deceptive invoicing.
28.4 Substitution of products.
28.5 Prohibited sales below cost.
28.6 Commercial bribery.
28.7 Defamation of competitors or false disparagement of their products.
28.8 Procurement of competitors' confidential information.
28.9 Enticing away employees of competitors.
28.10 Prohibited forms of trade restraints (unlawful price fixing, etc.).
28.11 Exclusive deals.
28.12 Prohibited discrimination.

AUTHORITY: §§ 28.0 to 28.12, issued under sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45.

§ 28.0 *The industry defined.* The industry to which these trade practice rules have application consists of persons, firms, corporations, and organizations engaged in the coating and sale of blueprint and/or diazotype light-sensitive paper, cloth, film, or other material, used for reproducing engineering and architectural drawings, designs, formulae, and office or business communications.

GROUP I

*General statement.* The unfair trade practices embraced in the rules herein are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

§ 28.1 *Deception (general).* It is an unfair trade practice to sell, offer for sale, or distribute any industry product, or promote the sale or distribution thereof, under any representation or by any method or under any circumstance or condition which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers:

(a) With respect to the construction, composition, design, strength, or durability of any industry product; or

(b) With respect to a process or technique used in the preparation, fabrication, or coating of any industry product; or

(c) With respect to the materials used in the preparation, fabrication, or coating of any industry product; or

(d) Which is false, misleading, or deceptive in any other material respect.

NOTE: Illustrative of the type of misrepresentation inhibited by this section is the practice of an industry member advertising or otherwise claiming that a paper contains a certain percentage of rag, or is of a certain basis weight, when such is not the fact.

[Rule 1]

§ 28.2 *False and misleading price quotations, etc.* The publishing or circulating to purchasers or prospective purchasers by any member of the industry of false or misleading price quotations, price lists, or terms or conditions of sale, with the capacity and tendency or effect of thereby misleading or deceiving purchasers or prospective purchasers, is an unfair trade practice. [Rule 2]

§ 28.3 *Deceptive invoicing.* Withholding from or inserting in invoices any statement or information by reason of which omission or insertion a false, inaccurate, or incomplete record is made, which has the capacity and tendency or effect of deceiving purchasers, prospective purchasers, or the consuming public in any material respect, is an unfair trade practice. [Rule 3]

§ 28.4 *Substitution of products.* It is an unfair trade practice for a member of the industry to make an unauthorized substitution of products, where such substitution has the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public, by:

(a) Shipping or delivering industry products which do not conform to samples submitted, to specifications upon which the sale is consummated, or to representations made prior to securing the order, without advising the purchaser of the substitution and obtaining his consent thereto prior to making shipment or delivery; or

(b) Falsely representing the reason for making a substitution. [Rule 4]

§ 28.5 *Prohibited sales below cost.* (a) The practice of selling products of the industry at a price less than the cost thereof to the seller, with the purpose or intent, and where the effect is, or where there is a reasonable probability that the effect will be, to substantially injure, suppress, or stifle competition or tend to create a monopoly, is an unfair trade practice.

(b) This section is not to be construed as prohibiting all sales below cost, but only such selling below the seller's cost as is resorted to and pursued with the wrongful intent or purpose referred to and where the effect is, or where there is reasonable probability that the effect will be, to substantially injure, suppress, or stifle competition or to create a monopoly. Among the situations in which the requisite purpose or intent would ordinarily be lacking are cases in which such sales were: (1) of seasonal goods near the conclusion of the season; (2) of perishable goods in respect to which deterioration is imminent; (3) of obsolescent goods; (4) made under judicial process; or (5) made in bona fide discontinuance of business in the goods concerned.

(c) As used in paragraphs (a) and (b) of this section, the term "cost" means the respective seller's cost and not an average cost in the industry whether such average cost be determined by an industry cost survey or some other method. It consists of the total outlay or expenditure by the seller in the acquisition, production, and distribution of the products involved, and comprises all elements of cost such as labor, material, depreciation, taxes (except taxes on net income and such other taxes as are not properly applicable to cost), and general overhead expenses, incurred by the seller in the acquisition, manufacture, processing, preparation for marketing, sale, and delivery of the products. Not to be included are dividends or interest on borrowed or invested capital, or nonoperating losses, such as fire losses and losses from the sale or exchange of capital assets. Operating cost should not be reduced by items of nonoperating income, such as income from investments, and gain on the sale of capital assets.

(d) Nothing in this section shall be construed as relieving an industry member from compliance with any of the requirements of the Robinson-Patman Act. [Rule 5]

§ 28.6 *Commercial bribery.* It is an unfair trade practice for a member of the industry, directly or indirectly, to give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, empolyees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase products manufactured or sold by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors. [Rule 6]

§ 28.7 *Defamation of competitors or false disparagement of their products.* It is an unfair trade practice:

(a) To defame competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations; or

(b) To falsely disparage a competitor's products, business methods, selling prices, values, credit terms, policies, or services. [Rule 7]

§ 28.8 *Procurement of competitors' confidential information.* It is an unfair trade practice for any member of the industry to obtain information concerning the business of a competitor by bribery of an employee or agent of such competitor, by false or misleading statements or representations, by the impersonation of one in authority, or by any other unfair means, and to use the information so obtained in such manner as to injure said competitor in his business or to suppress competition or unreasonably restrain trade. [Rule 8]



§ 28.9 *Enticing away employees of competitors.* Knowingly enticing away employees or sales representatives of competitors under any circumstance having the capacity and tendency or effect of substantially injuring or lessening present or potential competition is an unfair trade practice: *Provided,* That nothing in this section shall be construed as prohibiting employees from seeking more favorable employment, or as prohibiting employers from hiring or offering employment to employees of competitors in good faith and not for the purpose of injuring, destroying, or preventing competition. [Rule 9]

§ 28.10 *Prohibited forms of trade restraints (unlawful price fixing, etc.)* [1] It is an unfair trade practice for any member of the industry, either directly or indirectly, to engage in any planned common course of action, or to enter into or take part in any understanding, agreement, combination, or conspiracy, with one or more members of the industry, or with any other person or persons, to fix or maintain the price of any goods or otherwise unlawfully to restrain trade; or to use any form of threat, intimidation, or coercion to induce any member of the industry or other person or persons to engage in any such planned common course of action, or to become a party to any such understanding, agreement, combination, or conspiracy. [Rule 10]

§ 28.11 *Exclusive deals.* It is an unfair trade practice for any member of the industry to contract to sell or sell any industry product, or fix a price charged therefor, or discount from, or rebate upon, such price, on the condition, agreement, or understanding that the purchaser thereof shall not use or deal in the products of a competitor or competitors of such industry member, where the effect of such sale or contract for sale, or of such condition, agreement, or understanding, may be to substantially lessen competition or tend to create a monopoly in any line of commerce.

NOTE: The following is an example of a practice violative of this section: Coater A sells blueprint or diazotype sensitized material to B with an understanding that if B purchases his requirements of such material exclusively from A, A will maintain B's blueprint or diazotype reproduction equipment, and there is a reasonable probability that the effect of such arrangement will substantially lessen competition or tend to create a monopoly in the sale of industry products. (See also Note 1 to paragraph (d) of § 28.12.)

[Rule 11]

§ 28.12 *Prohibited discrimination* [2]—(a) *Prohibited discriminatory prices, or rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce, and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however:*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and are not purchased by schools, colleges, universities, public libraries, churches, hospitals, or charitable institutions not operated for profit, as supplies for their own use;

(2) That nothing contained in this paragraph shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

(3) That nothing contained in this section shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing contained in this paragraph shall prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to obsolescence of seasonal goods, actual or imminent deterioration of perishable goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned;

(5) That nothing contained in this section shall prevent the meeting in good faith of an equally low price of a competitor, or the services or facilities furnished by a competitor (see paragraphs (c) and (d) of this section).

NOTES: (1) Cost justification under the proviso to this section depends upon net savings in cost based on all facts relevant to the transactions under the terms of subparagraph (2) of this paragraph. For example, if a seller regularly grants a discount based upon the purchase of a specified quantity by a single order for a single delivery, and this discount is justified by cost differences, it does not follow that the same discount can be cost justified if granted to a purchaser of the same quantity by multiple orders or for multiple deliveries.

(2) In complaint proceedings, justification of price differentials under subparagraphs (2), (4) and (5) of this paragraph is a matter of affirmative defense to be established by the person or concern charged with price discrimination.

(b) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

[1] The inhibitions of this section are subject to Public Law 542, approved July 14, 1952, 66 Stat. 632 (the McGuire Act) which provides that with respect to a commodity which bears, on the label or container of which bears, the trade-mark, brand, or name of the producer or distributor of such commodity and which is in free and open competition with commodities of the same general class produced or distributed by others, a seller of such a commodity may enter into a contract or agreement with a buyer thereof which establishes a minimum or stipulated price at which such commodity may be resold by such buyer when such contract or agreement is lawful as applied to intrastate transactions under the laws of the State, Territory, or territorial jurisdiction in which the resale is to be made or to which the commodity is to be transported for such resale, and when such contract or agreement is not between manufacturers, or between wholesalers, or between brokers, or between factors, or between retailers, or between persons, firms, or corporations in competition with each other.

[2] As used in this section, the word "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

NOTE 1: Illustrative of the type of discrimination inhibited by this section is the practice by an industry member, in connection with the sale of industry products, of servicing or maintaining blueprint or diazotype reproduction equipment used by a purchaser of blueprint or diazotype sensitized material bought for resale, with or without processing, when such services or maintenance are not accorded to all competing purchasers on proportionally equal terms. (See also the note to § 28.11.)

NOTE 2: Nothing in paragraph (d) of this section shall be construed as inhibiting fulfillment by an industry member, who is a manufacturer of reproduction equipment, of the obligations of expressed or implied warranties attached to the equipment of his manufacture.

(e) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this section.

(f) *Purchases by U. S. Government—Applicability of Robinson-Patman Anti-discrimination Act to Same.* In an opinion submitted to the Secretary of War under date of December 28, 1936, the U. S. Attorney General advised that the Robinson-Patman Antidiscrimination Act "is not applicable to Government contracts for supplies." (38 Opinions, Attorney General 539.) [Rule 12]

Issued: June 7, 1956.

Promulgated by the Federal Trade Commission June 12, 1956.

[SEAL] ROBERT M. PARRISH,
*Secretary.*

[F. R. Doc. 56-4614; Filed, June 11, 1956; 8:48 a. m.]

## TITLE 21—FOOD AND DRUGS

### Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

#### Subchapter B—Food and Food Products

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

MISCELLANEOUS AMENDMENTS

There was published in the FEDERAL REGISTER of April 14, 1956 (21 F. R. 2443), a notice and the text of proposed amendments to Part 120. Due consideration has been given to the comments filed with respect to the proposed order, and the changes listed below are being made.

1. In § 120.2 (a), the term "potassium polysulfide" is inserted after "lime-sulfur".

2. In § 120.3 (e), in the introduction to subparagraph (1) and in the first sentence of subparagraph (2), change the phrases "in a raw agricultural commodity" and "on a raw agricultural commodity" to read "in or on a raw agricultural commodity".

3. In § 120.7 (b), the last sentence of the undesignated paragraph is changed to read: "The petitioner shall show that he has registered or has submitted an application for the registration of an economic poison containing the pesticide chemical under the Federal Insecticide, Fungicide, and Rodenticide Act."

4. In § 120.34 (b), the first sentence is changed to read: "The petition should establish the reliability of the residue data reported in it."

5. In § 120.34 (e) (16), the item "romaine" is deleted.

Now, therefore, pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 408, 701 (a), 52 Stat. 1055, 68 Stat. 511; 21 U. S. C. 346a, 371), and under the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (20 F. R. 1996), the amendments set forth below are ordered, effective 30 days from the date of publication of this order in the FEDERAL REGISTER.

1. Amend § 120.1 *Definitions and interpretations* by adding the following new paragraph:

(g) For the purpose of computing fees as required by § 120.33, each group of crops listed in § 120.34 (e) is counted as a single raw agricultural commodity in a petition or request for tolerances or exemption from the requirement of a tolerance for a nonsystemic pesticide. As a general rule, when considering a petition or request with respect to a systemic pesticide (see § 120.34 (c)) crops shall not be grouped.

2. In § 120.2 *Pesticide chemicals considered safe*, amend paragraph (a) to read as follows:

(a) As a general rule, pesticide chemicals other than sulfur, lime, lime-sulfur, potassium polysulfide, sodium carbonate, and sodium polysulfide are not, for the purposes of section 408 (a) of the act, generally recognized as safe for use.

3. Amend § 120.3 *Tolerances for related pesticide chemicals* by adding the following new paragraph:

(e) Except as noted in subparagraphs (1) and (2) of this paragraph, where residues from two or more chemicals in the same class are present in or on a raw agricultural commodity the tolerance for the total of such residues shall be the same as that for the chemical having the lowest numerical tolerance in this class.

(1) Where residues from two or more chemicals in the same class are present in or on a raw agricultural commodity and there are available methods that permit quantitative determination of each residue, the quantity of combined residues that are within the tolerance may be determined as follows:

(i) Determine the quantity of each residue present.

(ii) Divide the quantity of each residue by the tolerance that would apply if it occurred alone, and multiply by 100 to determine the percentage of the permitted amount of residue present.

(iii) Add the percentages so obtained for all residues present.

(iv) The sum of the percentages shall not exceed 100 percent.

(2) Where residues from two or more chemicals in the same class are present in or on a raw agricultural commodity and there are available methods that permit quantitative determinations of one or more, but not all of the residues, the amounts of such residues as may be determinable shall be deducted from the total amount of residues present, and the remainder shall have the same tolerance as that for the chemical having the lowest numerical tolerance in that class. The quantity of combined residues that are within the tolerance may be determined as follows:

(i) Determine the quantity of each determinable residue present.

(ii) Deduct the amounts of such residues from the total amount of residues present and consider the remainder to have the same tolerance as that for the chemical having the lowest numerical tolerance in that class.

(iii) Divide the quantity of each determinable residue by the tolerance that would apply if it occurred alone and the quantity of the remaining residue by the tolerance for the chemical having the lowest numerical tolerance in that class and multiply by 100 to determine the percentage of the permitted amount of residue present.

(iv) Add the percentages so obtained for all residues present.

(v) The sum of the percentages shall not exceed 100 percent.

(3) The following compounds are members of the class of dithiocarbamates.

Ferbam.
Maneb.
Thiram.
Ziram.
Zineb.

(4) The following compounds are members of the class of chlorinated hydrocarbons:

Aldrin.
Benzene hexachloride.
Chlordane.
Chlorinated camphene (toxaphene).
Chlorobenzilate (ethyl 4,4'-dichlorobenzilate).
*p*-Chlorophenyl-*p*-chlorobenzenesulfonate.
DDD (TDE).
DDT.
2,4-Dichlorophenoxy acetic acid.
Dieldrin.
Heptachlor.
Lindane.
Methoxychlor.
SES (sodium 2,4-dichlorophenoxyethyl sulfate).
Sulphenone (*p*-chlorophenyl phenyl sulfone).

(5) The following compounds are members of the class of organic phosphates:

EPN.
Malathion.
Methyl parathion.
Parathion.
Systox (O,O-diethyl-(2-ethylmercaptoethyl) thiophosphate, a mixture of the thiono and thiol isomers).

(6) The following compounds are members of the class of dinitro compounds:

Dinitro-O-cyclohexylphenol.
Dicyclohexylamine salt of dinitro-O-cyclohexylphenol.

4. In § 120.7 *Petitions proposing tolerances* * * *, amend paragraph (b), Item D so that it reads as follows:

D. The results of tests on the amount of residue remaining, including a description of the analytical method used. (See § 120.34 for further information about residue tests.)

5. In § 120.7, amend paragraph (b) by deleting from the end thereof the two undesignated paragraphs beginning "The petitioner will be notified * * *" and All Petitions Should Be Submitted * * *" and substituting therefor the following:

The petition shall be submitted in duplicate. The petitioner shall show that he has registered or has submitted an application for the registration of an economic poison containing the pesticide chemical under the Federal Insecticide, Fungicide, and Rodenticide Act.

6. Amend Part 120 by adding a new section reading as follows:

§ 120.34 *Tests on the amount of residue remaining.* (a) Data in a petition on the amount of residue remaining in or on a raw agricultural commodity should establish the residue that may remain when the pesticide chemcial is applied according to directions registered under the Federal Insecticide, Fungicide, and Rodenticide Act, or according to directions contained in an application for registration. These data should establish the residues that may remain under conditions most likely to result in high residues on the commodity.

(b) The petition should establish the reliability of the residue data reported in it. Sufficient information should be submitted about the analytical method to permit competent analysts to apply it successfully.

(c) If the pesticide chemical is absorbed into a living plant or animal when applied (is systemic), residue data may be needed on each plant or animal on which a tolerance or exemption is requested.

(d) If the pesticide chemical is not absorbed into the living plant or animal when applied (is not systemic), it may be possible to make a reliable estimate of the residues to be expected on each commodity in a group of related commodities on the basis of less data than would be required for each commodity in the group, considered separately.

(e) Each of the following groups of crops lists raw agricultural commodities that are considered to be related for the purpose of paragraph (d) of this section. Commodities not listed in this paragraph are not considered as related for the purpose of paragraph (d) of this section. This grouping of crops does not affect the certification of usefulness by the Secretary of Agriculture as contemplated by section 408 (l) of the act.

(1) Apples, crabapples, pears, quinces.

(2) Avocados, papayas.

(3) Blackberries, boysenberries, dewberries, loganberries, raspberries.

(4) Blueberries, currants, gooseberries, huckleberries.

(5) Cherries, plums, prunes.

(6) Oranges, citrus citron, grapefruit, kumquats, lemons, limes, tangelos, tangerines.

(7) Mangoes, persimmons.

(8) Peaches, apricots, nectarines.

(9) Beans, peas, soybeans (each in dry form).

(10) Beans, peas, soybeans (each in succulent form).



(11) Broccoli, brussels sprouts, cauliflower, kohlrabi.

(12) Cantaloups, honeydew melons, muskmelons, pumpkins, watermelons, winter squash.

(13) Carrots, garden beets, sugar beets, horseradish, parsnips, radishes, rutabagas, salsify roots, turnips.

(14) Celery, fennel.

(15) Cucumbers, summer squash.

(16) Lettuce, endive (escarole), Chinese cabbage, salsify tops.

(17) Onions, garlic, leeks, shallots (green, or in dry bulb form).

(18) Potatoes, Jerusalem artichokes, sweetpotatoes, yams.

(19) Spinach, beet tops, collards, dandelion, kale, mustard greens, parsley, Swiss chard, turnip tops, watercress.

(20) Tomatoes, eggplants, peppers, pimentos.

(21) Pecans, almonds, Brazil nuts, bush nuts, butternuts, chestnuts, filberts, hazelnuts, hickory nuts, walnuts.

(22) Field corn, popcorn, sweet corn (each in grain form).

(23) Milo, sorghum (each in grain form).

(24) Wheat, barley, oats, rice, rye (each in grain form).

(25) Clovers, alfalfa, cowpea hay, lespedeza, lupines, peanut hay, pea-vine hay, soybean hay, vetch.

(26) Corn forage, sorghum forage.

(27) Sugarcane, cane sorghum.

7. In § 120.101 *Specific tolerances for pesticide residues in or on fresh fruits and vegetables*, amend paragraph (a) to read as follows:

(a) The tolerances established for poisonous or deleterious substances in this section apply only to residues resulting from their application prior to harvest. A tolerance in terms of parts by weight for the poisonous or deleterious substance, or poisonous or deleterious residue resulting from its addition, to 1 million parts by weight of the fruit or vegetable is set forth after the name of each of the substances.

8. In § 120.101, amend paragraph (c) by deleting subparagraphs (4) and (5).

These proposed amendments are for the purpose of clarifying the regulations now in effect. They are not intended to change the Food and Drug Administration's present interpretation or administration of those sections of the Federal Food, Drug, and Cosmetic Act interpreted or applied.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: June 5, 1956.

[SEAL] GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F. R. Doc. 56-4625; Filed, June 11, 1956; 8:51 a. m.]

#### Subchapter C—Drugs

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PENICILLIN-STREPTOMYCIN (OR DIHYDROSTREPTOMYCIN) POWDER

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, 61 Stat. 11; 21 U. S. C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), the regulations for the certification of penicillin and penicillin-containing drugs (21 CFR 146a) are amended in paragraph (a) of § 146a.93 *Penicillin-streptomycin powder* * * * by inserting the following parenthetical expression immediately after the word "penicillin": "(except if it is intended solely for veterinary use each gram contains not less than 2,200 units of penicillin)".

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendment set forth above.

*Effective date.* This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: June 5, 1956.

[SEAL] GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F. R. Doc. 56-4624; Filed, June 11, 1956; 8:50 a. m.]

## TITLE 33—NAVIGATION AND NAVIGABLE WATERS

### Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

MCNARY DAM NAVIGATION LOCK AND APPOACH CHANNELS, COLUMBIA RIVER, WASHINGTON

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 207.715 governing the use and navigation of McNary Dam Navigation Lock and approach channels and adjacent waters is hereby amended redefining the boundaries of restricted waters above the dam, changing paragraph (w) (3) to read as follows:

§ 207.715 *McNary Dam Navigation Lock and approach channels, Columbia River, Washington; use, administration, and navigation.* * * *

(w) *Restricted areas.* * * *

(3) All waters within a distance of about 3,000 feet above the dam lying south of the guardwall and a line extending about 1,600 feet from the upstream end of the guardwall to a buoy, and north of a line marked by a series of three nun buoys approximately parallel to and 800 feet from the Oregon shore.

[Regs., May 22, 1956, 800.21 (McNary Dam)—ENGWO] (Sec. 7, 40 Stat. 266; 33 U. S. C. 1)

[SEAL] JOHN A. KLEIN,
*Major General, U. S. Army,*
*The Adjutant General.*

[F. R. Doc. 56-4601; Filed, June 11, 1956; 8:45 a. m.]

## TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

### Chapter I—Veterans Administration

PART 36—SERVICEMEN'S READJUSTMENT ACT OF 1944

SUBPART A—TITLE III; LOAN GUARANTY

DISQUALIFICATION OF LENDERS

Section 36.4331 is revised to read as follows:

§ 36.4331 *Disqualification of lenders.* (a) A lender or holder may be suspended from obtaining guaranty or insurance of loans or from the right to the guaranty or insurance in respect to any loan purchased after the date of its suspension, except as provided in paragraph (h) of this section, whenever any of the employees designated in § 36.4342 (b) finds that the lender or holder (hereinafter referred to as lender) has failed to maintain adequate loan accounting records, or to demonstrate proper ability to service loans adequately, or to exercise proper credit judgment, or has wilfully or negligently engaged in practices otherwise detrimental to the interests of veterans or of the government. Suspension of a lender shall be effected only when specifically authorized by the Administrator, the Deputy Administrator, or by the Chief Benefits Director, Department of Veterans Benefits. In any case in which suspension has been so authorized and an indictment has been secured or a criminal information has been filed against the lender in connection with a transaction involving Title III of the act, an immediate suspension may be effected. In any other case in which the Manager of a regional office has obtained Central Office authorization to initiate suspension proceedings, prior written notice of intention to apply the suspension sanction shall be furnished to the lender concerned.

(b) Where notice of intention to suspend is furnished a lender, the notice shall state the charges against the lender and the specifications on which the charges are based. Such notice shall also advise the lender that no later than twenty days from the date of the receipt of the notice it may file written answer to the charges with the Manager and, if desired, may also file a written request that lender be permitted to appear before the Veterans Administration and state why suspension should not be effected. In the event the lender does not file written answer to the charges against it and does not make or request permission to make an appearance before the Veterans Administration within the time specified, suspension may be effected immediately, without further authorization, by the Manager who will advise the Chief Benefits Director of the action taken.

(c) If an appearance before the Veterans Administration is requested by the lender, the Manager will arrange for and notify the lender of the time and place thereof and will appoint a committee of three Veterans Administration employees to hear the lender's statement. The Chief Attorney or his designee will represent the Veterans Administration at such appearance. The proceedings of the committee will be informal. The lender will be informed of the charges and specifications which constitute the basis of the contemplated suspension and will be afforded an opportunity to state either orally or in writing why suspension should not be effected. Written or oral statements of the lender, or its officers, agents, or representatives other than counsel, may be required by said Chief Attorney or his designee to be made under oath if in his discretion the nature of the statement is such as to make that procedure advisable. In the event an oral statement is made under oath, a verbatim transcript of such statement will be made. Authority is hereby delegated to the Chief Attorney or his designee to administer oaths to each party making the statement under oath.

(d) If within the specified time written answer is filed with the Manager, or the lender makes an appearance, the Manager will hold the suspension in abeyance and submit a full report to the Chief Benefits Director including recommendations as to the action to be taken in the case and will await instructions of the Chief Benefits Director before proceeding further.

(e) Where suspension is effected the lender will be advised in writing of the effective date of the suspension and, unless such was previously furnished, will be given written notice of the charges against the lender, and the specifications on which such charges are based. Any lender who is suspended shall have the right to apply to the Chief Benefits Director for termination or modification of the suspension and for a formal hearing at which opportunity shall be afforded to show why suspension should be modified or terminated. The Chief Benefits Director may postpone the holding of a hearing for a reasonable period in any case in which the Department of Justice or United States Attorney advises or requests postponement pending the trial of a criminal or civil case or the institution of criminal or civil proceedings against the lender. In the absence of such request the Chief Benefits Director, as soon as he may deem it feasible to do so, shall designate such time and place as he may deem appropriate for such hearing, shall notify the lender thereof, and shall appoint not less than three persons, who shall constitute the board, to conduct the hearing. The Chief Attorney or his designee shall represent the Veterans Administration. Authority is hereby delegated to the chairman of the board designated to conduct such hearing to administer oaths to witnesses. The Manager may issue subpoenas for witnesses or records as provided in 38 U. S. C. 131–134 and § 1.1 (printed on September 24, 1949 in notices section, FEDERAL REGISTER and on February 21, 1948, 13 F. R. 801). The lender shall have the right to appear at such hearing in person or by attorney, or both, and to introduce evidence showing why such suspension should be modified or terminated. If the Veterans Administration has knowledge of a pending or contemplated civil or criminal action by the United States against the lender, arising from the facts on which the suspension of the lender was based, the Chief Attorney of the regional office concerned will inform the responsible United States Attorney of the date and place of hearing and keep him advised of all developments.

(f) As soon as is practicable after the conclusion of the hearing, the board will make findings of fact and recommendations in writing to the Chief Benefits Director. The lender will be furnished with a transcript of the hearing and with a statement of the board's findings of fact. The lender shall have the right within 14 days after receipt of such transcript and statement to file with the Chief Benefits Director a brief of either, or both, facts and law.

(g) Upon receipt of the transcript of the hearing, the findings and recommendations of the board, and the brief of the lender, if one is filed, the Chief Benefits Director shall make a determination in the case, basing his action on such record. Written notice of such determination shall be given to the lender. The lender shall have the right to appeal such decision to the Administrator by giving notice in writing to the Chief Benefits Director within 10 days after the receipt of notice of such determination. In the event of such appeal, the Administrator will decide the matter finally on the record and will notify the lender of his decision in writing. If the lender does not appeal to the Administrator within the period specified, the determination by the Chief Benefits Director shall be final.

(h) Except where acquisition is pursuant to a binding contract antedating the suspension, the purchase of a guaranteed or insured loan by a lender after the date of its suspension shall cancel the guaranty or insurance on such loan: *Provided*, The notice to the lender of the suspension expressly bars such lender from acquiring by purchase loans guaranteed or insured by the Administrator.

(i) If after determination by the Chief Benefits Director or the Administrator, as provided in paragraph (g) of this section, the suspension is terminated, all rights and interest of the lender shall be restored.

(Sec. 504, 58 Stat. 293, as amended; 38 U. S. C. 694d)

This regulation is effective June 12, 1956.

[SEAL] JOHN S. PATTERSON,
*Deputy Administrator.*

[F. R. Doc. 56-4633; Filed, June 11, 1956; 8:52 a. m.]

## TITLE 45—PUBLIC WELFARE

### Chapter V—Foreign Claims Settlement Commission of the United States

Subchapter C—Receipt, Administration and Payment of Claims Under the International Claims Settlement Act of 1949, as Amended

PART 531—FILING OF CLAIMS AND PROCEDURES THEREFOR

PROCEDURE FOR DETERMINATION OF CLAIMS

After § 531.5 (b) a new paragraph is added as follows:



(c) Such proposed decision shall be served on the claimant or his attorney of record by personal service or by registered mail. One copy of the proposed decision shall be available for public inspection at the office of the Commission. Notice of proposed decision shall be posted on the bulletin board at the offices of the Commission at least thirty days before final action is taken thereon.

(d) It shall be the policy of the Commission to post on said bulletin board other information of general interest to the claimants before the Commission.

In § 531.5 former paragraphs (c), (d), (e) and (f) are changed into paragraphs (e), (f), (g) and (h), respectively.

These additions and changes shall become effective as of the date of filing with the FEDERAL REGISTER.

(Sec. 3, 64 Stat. 13, as amended; 22 U. S. C. 1622)

WHITNEY GILLILLAND,
*Chairman, Foreign Claims Settlement Commission of the United States.*

[F. R. Doc. 56-4658; Filed, June 11, 1956; 9:42 a. m.]

## TITLE 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

[Rules Amdt. 9-3]

PART 9—AVIATION SERVICES

APPLICATION FOR GROUND STATION AUTHORIZATION

In the matter of amendment of Part 9 of the Commission's rules governing Aviation Services to conform with Part 17, Construction, Marking, and Lighting of Antenna Structures.

The Commission having under consideration amendment of Part 9, rules governing Aviation Services, to conform with changes recently effected in Part 17 (§ 17.3) of the Commission's rules:

It appearing, that the existing provisions of Part 9 with respect to the circumstances under which applications shall be accompanied by FCC Form 401–A are at variance with the requirements of Part 17; and

It further appearing that the substance of the amendment herein ordered has already been the subject of formal rule making in Docket 11306, which resulted in amendment of Part 17 by Report and Order released April 30, 1956, Mimeo 30395, 21 F. R. 2952; and

It further appearing that general notice of proposed rule making under section 4 of the Administrative Procedure Act is unnecessary because this amendment is editorial in nature and solely for the purpose of conforming Part 9 with Part 17, and that for the same reason this amendment may become effective immediately:

*It is ordered*, This 7th day of June 1956, that, pursuant to authority contained in section 0.341 (a) of the Commission's rules, Part 9 of the Commission's rules governing Aviation Services is amended, effective June 15, 1956, as set forth below.

Released: June 7, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

Amend Part 9—Aviation Services as follows:

Amend subparagraphs (1) and (2) of § 9.108 (a), as follows:

(1) The antenna structures proposed to be erected will exceed an over-all height of 170 feet above ground level, except that where the antenna is mounted on top of an existing man-made structure, other than an antenna structure, and does not increase the over-all height of such made-made structure by more than 20 feet, no Form 401–A need be filed; or

(2) The antenna structures proposed to be erected will exceed an over-all height of one foot above the established airport (landing area) elevation for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area, except that where the antenna does not exceed 20 feet above the ground or if the antenna is mounted on top of an existing man-made structure, other than an antenna structure, or natural formation and does not increase the over-all height of such man-made structure or natural formation by more than 20 feet, no Form 401–A need be filed.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

[F. R. Doc. 56-4627; Filed, June 11, 1956; 8:51 a. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[ 50 CFR Part 155 ]

NORTHWEST ATLANTIC COMMERCIAL FISHERIES

HADDOCK PROVISIONS

NOTICE OF PROPOSED RULE MAKING

Experience gained since the initial adoption of regulations effective May 31, 1953 (18 F. R. 2414), prescribing restrictions on trawling nets used in the taking of haddock in the Northwest Atlantic Ocean, has demonstrated a need for further revisions in the regulations to make the same more effective.

In accordance with section 4 (a) of the Northwest Atlantic Fisheries Act of 1950, proposed amendments to the regulations were submitted to the Advisory Committee to the United States Commissioners on the International Commission for the Northwest Atlantic Fisheries on March 26, 1956, at which time the proposed revised regulations received the approval, in principle, of the Advisory Committee.

Notice is hereby given, pursuant to section 4 (a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 237), that the Secretary of the Interior proposes to adopt the regulations set forth in tentative form below to replace Part 155—Haddock Provisions. The proposed regulations to be issued under the authority contained in section 7 (a) of the Northwest Atlantic Fisheries Act of 1950 (64 Stat. 1067; 16 U. S. C. 981), are as follows:

Sec.
155.1 Meaning of terms.
155.2 Haddock registration certificates.
155.3 Restrictions on fishing gear.
155.4 Temporary suspension of haddock registration certificates.
155.5 Certain persons and vessels exempted.

AUTHORITY: §§ 155.1 to 155.5 issued under sec. 1, 64 Stat. 1067; 16 U. S. C. 981.

§ 155.1 *Meaning of terms.* When used in the regulations in this part, unless the context otherwise requires, terms shall have the meanings ascribed hereinafter in this section.

(a) *Regulatory area.* The words "regulatory area" mean that portion of the Convention area, including all waters except territorial waters, bounded by a line beginning at the terminus of the international boundary between the United States of America and Canada in Grand Manan Channel at a point in 44°46'35.34" north latitude, 66°54'11.23" west longitude; thence due south to the parallel of 43°50' north latitude; thence due west to the Meridian of 67°40' west longitude; thence due south to the parallel of 42°20' north latitude; thence due east to a point in 66° west longitude; thence along a rhumb line in a southeasterly direction to a point in 42° north latitude 65°40' west longitude; thence due south to the parallel of 39° north latitude; thence due west to the Meridian of 71°40' west longitude; thence due north to a point three miles off the coast of the State of Rhode Island; thence along the coasts of Rhode Island, Massachusetts, New Hampshire, and Maine at a distance of three miles to the point of beginning.

(b) *Haddock.* The word "haddock" denotes any fish of the species Melanogrammus aeglefinus.

(c) *Haddock fishing.* The words "haddock fishing" mean and include (1) the catching, taking or fishing for or the attempted catching, taking or fishing for fish of the species Melanogrammus aeglefinus; and (2) the outfitting and departure of a vessel for or the return of a vessel from haddock fishing.

(d) *Fishing vessel.* The words "fishing vessel" denote every kind, type or description of watercraft or vessel subject to the jurisdiction of the United States used in or outfitted for catching or processing fish or transporting fish from fishing grounds.

(e) *Trawl net.* The words "trawl net" means any large bag net dragged in the sea by a vessel or vessels for the purpose of taking fish.

(f) *Cod end.* The words "cod end" mean the bag-like extension attached to the after end of the belly of the trawl net and used to retain the catch.

§ 155.2 *Haddock registration certificates.* (a) No person shall engage in haddock fishing within the regulatory area nor shall any person possess, transport or deliver by means of any fishing vessel haddock taken within such area except under a haddock registration certificate issued and in force in conformity with the regulations in this part.

(b) The owner or operator of a fishing vessel may obtain without charge a haddock registration certificate by furnishing, on a form[1] to be supplied by the Fish and Wildlife Service, information specifying the names and addresses of the owner and operator of the vessel, the name, official number and home port of the vessel, and the period for which the haddock registration certificate is desired. The form shall be submitted, in duplicate, to the Regional Director, Fish and Wildlife Service, Department of the Interior, Boston, Massachusetts, who shall grant the registration certificate for the duration specified by the applicant in the form but in no event to extend beyond the end of the calendar year during which the registration certificate is issued. New registration certificates shall similarly be issued to replace expired, lost or mutilated certificates.

(c) The haddock registration certificate so issued by the Fish and Wildlife Service shall be carried on board the vessel for which it is issued at all times and such certificate, the vessel, its gear and equipment shall at all times be subject to inspection by officers authorized to enforce the regulations in this part.

§ 155.3 *Restrictions on fishing gear.* (a) No person shall possess at any time on board a vessel for which a haddock registration certificate is in force, or use or attempt to use from such vessel, a trawl net or nets, parts of nets or netting having a mesh size of less than four and one-half inches as defined in this section.

(b) As used in this section, the term "mesh size of less than four and one-half inches" shall mean (1) with respect to any part of the net except the cod end, the average size of any twenty consecutive meshes in any row located at least ten meshes from the side lacings measured when wet after use; and (2) with respect to the cod end, the average size of any row of meshes running the length of the cod end located at least ten meshes from the side lacings, measured when wet after use, or, at the option of the user, a cod end which has been approved, in accordance with paragraph (d) of this section, by an authorized representative of the Director of the Fish and Wildlife Service, as having a mesh size when dry before use equivalent to not less than four and one-half inches when wet after use.

(c) All measurements of meshes when wet after use shall be made by the insertion into such meshes under pressure of not less than ten nor more than fifteen pounds of a flat wedge-shaped gauge having a taper of two inches in nine inches and a thickness of three thirty-seconds of an inch.

(d) For the purpose of approving dry cod ends before use, as contemplated by paragraph (b) of this section, the average mesh size of such cod ends shall be determined by measuring the length of any single row of meshes running the length of the cod end, parallel to the long axis of the cod end and located at least ten meshes from the side lacings, when stretched under a tension of two hundred pounds, and dividing the length by the number of meshes in such row: *Provided,* That not more than ten percent of the meshes in such row shall be more than one-half inch smaller when measured between knot centers than the average of the row. Cod ends so measured which are constructed of the twines and are of not less than the average mesh sizes specified in the table below may be approved for haddock fishing by any authorized employee of the Fish and Wildlife Service by the attachment to such cod end of an appropriate seal or seals.

| *Twine* | *Average mesh size* |
|---|---|
| 4-ply 45-yard manila, double strand. | 5.625 inches (5⅝"). |
| 4-ply 50-yard manila, double strand. | 5.625 inches (5⅝"). |
| 4-ply 75-yard manila, double strand. | 5.625 inches (5⅝"). |
| 4-ply 80-yard manila, double strand. | 5.500 inches (5½"). |
| 120-thread cotton. | 4.250 inches (4¼"). |

(e) The alteration, defacement of reuse of seals affixed to cod ends in accordance with this section is prohibited.

(f) The repair, alteration or other modification of cod ends to which seals have been affixed in accordance with this section shall invalidate such seals and such cod ends shall not thereafter be deemed to be approved for haddock fishing. Nothing contained in this section shall preclude the continued use at the option of the user, of cod ends having invalidated seals affixed thereto: *Provided,* That such cod ends after repair, alteration or other modification shall continue to have a mesh size of not less than four and one-half inches as defined in paragraph (b) of this section.

(g) The use in haddock fishing within the regulatory area of any device or method which will obstruct the meshes of the trawl net or which otherwise will have the effect of diminishing the size of said meshes is prohibited: *Provided,* That a protective covering may be attached to the underside only of the cod end alone of the net to reduce and prevent damage thereto.

§ 155.4 *Temporary suspension of haddock registration certificates.* (a) The owner or operator of any fishing vessel which is proposed to be used in haddock fishing beyond the limits of the regulatory area or is proposed to be used in fishing within such area for species of fish other than haddock, may obtain a temporary suspension of the haddock registration certificate issued for such vessel for the specified period during which such nonregulated fishing is to be conducted.

(b) Temporary suspension of haddock registration certificates shall be granted upon oral or written request, specifying the period of suspension desired, by an authorized officer of one of the following agencies: Fish and Wildlife Service, Coast Guard, Bureau of Customs, and Post Office Department. Such officer shall make appropriate endorsement on the certificate form evidencing the duration of its suspension.

§ 155.5 *Certain persons and vessels exempted.* Nothing contained in the regulations in this part shall apply to:

(a) Any person who or vessel which, in the course of taking fish other than haddock, takes and possesses a quantity of haddock not exceeding five thousand pounds, or ten percent of all fish on the vessel from which the fishing is conducted, whichever is the greater.

(b) Any person or vessel authorized by the Director of the Fish and Wildlife Service to engage in haddock fishing for scientific purposes.

(c) Any vessel documented as a common carrier by the Government of the United States and engaged exclusively in the carriage of freight and passengers.

Prior to the final adoption of the regulations set forth above, consideration will be given to any data, views or arguments relating thereto which are submitted in writing to the Director, Fish and Wildlife Service, Department of the Interior, Washington 25, D. C., within the period of thirty days from the date of publication of this notice in the FEDERAL REGISTER.

Dated: June 6, 1956.

WESLEY A. D'EWART,
*Assistant Secretary of the Interior.*

[F. R. Doc. 56-4603; Filed, June 11, 1956; 8:45 a. m.]

[1] Form filed as part of original document. Copies available upon request to Fish and Wildlife Service, Department of the Interior, Washington 25, D. C.

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### [ 7 CFR Part 940 ]

[Docket No. AO 102-A3]

HANDLING OF PEACHES GROWN IN COUNTY OF MESA, COLORADO

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO AMENDED MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to proposed amendments to the marketing agreement, as amended, and Order No. 40, as amended (7 CFR Part 940), hereinafter referred to as "marketing agreement" and "order," respectively, regulating the handling of peaches grown in the County of Mesa in the State of Colorado, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), hereinafter referred to as the "act." Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington 25, D. C., not later than the close of business of the fifth day after publication thereof in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

*Preliminary statement.* The public hearing, on the record of which the proposed amendments to the marketing agreement and order are formulated, was initiated by the Agricultural Marketing Service as a result of proposals submitted by the Administrative Committee, the administrative agency established pursuant to the marketing agreement and order. In accordance with the applicable provisions of the aforesaid rules of practice and procedure, a notice that such public hearing would be held in Palisade, Colorado, beginning on March 15, 1956, to consider the proposed amendments was published in the FEDERAL REGISTER (21 F. R. 1290) on February 28, 1956.

*Material issues.* The material issues presented on the record of the hearing were concerned with amending the marketing agreement and order to:

(1) Revise the provisions pertaining to the regulation of peach shipments to authorize the recommendation and establishment of regulations on a varietal basis; and, as an incident thereto, provide a definition for the term "varieties";

(2) Revise the provisions pertaining to the establishment and membership of the Administrative Committee and those pertaining to the nomination and selection and eligibility for membership on such committee;

(3) Revise the provisions pertaining to compensation and expenses so as to authorize the payment of mileage and other expenses as are reasonable and necessarily incurred by members and alternates of the committee in the performance of duties specifically assigned by the committee;

(4) Authorize the committee to consult, cooperate, and exchange information with committees administering other marketing agreements and orders, with other governmental agencies, and with industry groups in connection with all proper committee activities and objectives under this marketing agreement and order program;

(5) Revise the provisions pertaining to exemptions and exemption certificates so as to clarify the procedure under which the committee may issue exemption certificates and to provide additional conditions which must be met in order to become eligible for exemption; and

(6) Authorize the committee, with the approval of the Secretary, to engage in marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of peaches.

*Findings and conclusions.* The findings and conclusions on the material issues, all of which are based upon the evidence adduced at the hearing and the record thereof, are as follows:

(1) Current provisions of the marketing agreement and order pertaining to the regulation of shipments of peaches thereunder provide that, under specified conditions, the Administrative Committee may recommend, and the Secretary of Agriculture may issue regulations, which during any period or periods limit the shipment of peaches by grades or sizes, or both, or by minimum standards of quality or maturity, or both. Shortly prior to the 1955 shipping season, the Administrative Committee held a meeting to consider the then current and prospective marketing conditions with respect to peaches at which they deemed it advisable to recommend a size regulation limiting shipments of the customarily referred to standard Elberta peaches to those of a size at least 2⅛ inches in diameter (measured through the center of the peach at right angles to a line running from the stem end to the blossom end), with shipments of peaches of other varieties such as the Gleason Elberta and Early Elberta being limited to those of a size of at least 2 inches. Because of the characteristic elongated flat shape of the Gleason Elberta and Early Elberta varieties, such peaches are generally of a smaller diameter than standard Elbertas. However, the marketing agreement and order do not authorize the regulation of peaches by variety. Consequently, the committee recommended separate size regulations which limited shipments of all peaches to those measuring at least 2 inches in diameter during the early part of the shipping season when the bulk of the Gleason Elberta and Early Elberta varieties was being shipped and which limited the shipments of all peaches to those measuring at least 2⅛ inches in diameter during the remainder of the shipping season when the bulk of standard Elbertas was being shipped. This manner of providing different size regulations for different periods of the shipping season proved unworkable and very difficult to administer. The harvesting period of some of the early maturing varieties overlaps with that of the later maturing standard Elbertas. It was necessary for growers of the former varieties to apply for exemption certificates during the period when standard Elbertas were being shipped, since the former varieties would not meet the minimum size requirement of the then current regulation. Size exemption applications came in large numbers and on short notice because of the overlapping of harvesting periods and the larger size requirement and because the apparent need for size exemption is not discernible until a relatively short time before harvest. It was difficult for the committee promptly to check on the validity of the large number of exemption applications with its available staff. The foregoing circumstances may have been conducive to some shipments of small sized standard Elbertas under exemption which tended to defeat the purpose of regulation.

It was testified that a number of varieties of peaches, for example Gleason Elberta, Sullivan's Elberta, and Early Elberta, are so similar in type and in a number of characteristics such as surface and ground color, flesh color, adhesion of the flesh to the pit, approximate ripening dates and others, that for all practical purposes, it would not be administratively feasible for the committee to establish separate regulations for each individual variety of peaches. Furthermore, it does not appear that the committee would find it necessary to regulate all of the varieties differently. Therefore, the committee should have authority to group varieties of peaches for regulation purposes according to type or such other characteristics as they may establish with the approval of the Secretary.

It was testified also that although the committee's experience in the regulation of shipments of peaches has not indicated a need for variety regulations other than with respect to size, should it be necessary, authority to regulate by grades, as well as by minimum standards of quality and maturity, on a varietal basis should be provided so that appropriate regulations may be made effective in order to carry out the purposes of the act. Also, there is presently a trend in Mesa County toward planting additional varieties of peaches in order to extend the harvesting season. Consequently, the need for regulation of peaches by variety will become more pressing in the future.

In view of the foregoing circumstances, it is concluded that §§ 940.50 and 940.52 of the marketing agreement and order should be amended as hereinafter set forth. In addition, a definition of the term "varieties" should be added as a new § 940.8 *Varieties* as hereinafter set forth, in order to facilitate the issuance of regulations of peaches on a varietal basis in the manner heretofore explained. The definition should be broad enough to include all customary or trade names of peaches including those that may be recognized in the future by the State or Federal departments of agriculture, and include groupings of varieties of peaches according to type or such other characteristics as may be established by the committee with the approval of the Secretary. It is necessary for the definition to include all customary or trade names, because some of the varieties are known by more than one name.

(2) The present provisions of the marketing agreement and order establish a committee consisting of nine members, of whom five represent producers and four represent handlers. Under the nomination and selection provisions for handler members, three of the handler members selected by the Secretary represent cooperative associations and one represents all other handlers. The nominees for cooperative handler members are elected by the members of cooperative associations; and any such association shipping 50 percent or more of the total volume of peaches shipped by all handlers during the fiscal year of the election is entitled to nominate four such nominees from among whom the Secretary selects two cooperative handler members. The nominees for the handler member to represent handlers

other than cooperatives and their members are elected by handlers other than cooperatives and their members; and the respective handler's vote is weighted by the volume of peaches shipped by such handler during the fiscal year of the election. To be eligible for membership on the committee, cooperative handler members must be members or employees of a cooperative association; the handler member representing handlers other than cooperatives and their members must be a handler who is not a member or an employee of a cooperative association.

No criticism was expressed by members of the industry with the present producer representation on the Administrative Committee. Each peach producer or grower participates in the election of nominees for producer member in the district in which he produces peaches. However, there was much dissatisfaction with the handler representation on the committee; and the majority of the dissatisfaction was expressed by members of the industry, hereinafter referred to at times as "independents," "independent growers," or "independent handlers," who are not members or employees of cooperative associations. Growers who are members of cooperative associations participate in the election of nominees for the producer member in their district and also participate in the election of nominees for cooperative handler members of the committee. Independent growers, however, are authorized to participate only in the election of nominees for producer member in their district. Only independent handlers are authorized to participate in the election of nominees for the handler member representing independent handlers. Moreover, since the vote of each such handler in the election of nominees is weighted by the volume of peaches shipped by the voting handler in the fiscal year of the election, the largest of such handlers is likely to be able to elect the handler member of his choice. Independent handlers who ship only a small volume of peaches would generally, therefore, have little influence in the election of the nominees. It was testified that the present provisions of the marketing agreement and order pertaining to the election of nominees for the handler members of the committee are not the most desirable and may work inequities on one segment of the industry as compared to other segments. In recent years the largest independent handler in the Mesa County peach industry has chosen not to participate in the elections or to be represented on the Administrative Committee. Moreover, the second largest independent handler in the industry has not generally participated in the elections because of business interests elsewhere at the time elections are held. These handlers have permanent facilities in the county for the handling of peaches; and the latter independent handler has a designated agent in the production area to carry on such handler's business during his absence. Because of this lack of participation, a large number of the independent growers whose peaches are handled by the non-participating handlers were not represented in the election by independent handlers of nominees for the handler member. It appears that the provisions pertaining to membership, election of nominees, and eligibility for membership would more adequately represent the entire industry by affording independents opportunity to participate in elections and representation on the committee of an independent member representing all independent growers and handlers regardless of whether they are producer or handler or both. Because of previously mentioned reasons, the provisions relating to the election of nominees for independent member should not include the weighting of the votes by the volume of peaches shipped. It further appears that the independents would have better representation on the committee if independent handlers having permanent facilities in Mesa County for the handling of peaches and having bona fide agents or employees in that County who carry on business activities of such handlers were permitted to have such agents or employees represent them at nomination meetings and be nominated. Such handlers have substantial interest in the Mesa County peach industry and should not be prevented from participating in the nomination of the independent member merely because their business activities prevent them from personally attending the nomination meetings. However, to assure that this provision not be abused, the committee should be authorized to make rules and regulations, subject to the approval of the Secretary, defining what shall constitute permanent facilities and bona fide agents and employees who may participate in the nomination meetings.

A proposal set forth in the notice of hearing provided for revisions in the procedures for nomination and selection of committee membership. It was testified that the present provisions requiring the election of two nominees for each member position and the election of two nominees for each alternate position sometimes resulted in desirable men being eliminated as alternate member of the committee, since they had been the second choice nominee for the member position and only one of the nominees could be selected to fill the position. It is the consensus of the industry that the eliminated nominee for the member position is the second choice for member and should represent such member in his absence. Therefore, the nomination provisions should be revised to provide for the nomination of persons to be voted upon without designating such nominees as member nominees or alternate nominees. Such nominee should be ranked in order of votes cast for each, with such ranking determining the priority in which they should be considered for the vacancies to be filled. The Secretary should select the required number of members and alternates from the nominees thus elected and ranked.

A further proposal, set forth in the notice of hearing, provided for a revision in the representation of cooperative handler members on the committee. Present provisions provide that any cooperative association shipping 50 percent, or more, of the total volume of peaches shipped by all handlers during the fiscal year of the election shall be represented by two handler members and alternates. The remaining cooperative is represented by one member and alternate. In 1939 when the original order was made effective, there were two cooperative associations handling peaches in Mesa County. The larger association handled over 50 percent of the peaches handled by all handlers at that time while the other association handled about 25 percent of such peaches. Since that time, conditions in the industry have changed so that the larger cooperative now handles about 40 percent of the peach shipments and the other cooperative handles about 35 percent. Therefore, present provisions of the marketing agreement and order, with respect to cooperative handler representation on the committee, no longer are meaningful. The provisions would more equitably represent the cooperative handler segment of the industry if they were revised as follows: One member and one alternate member to represent each of the two cooperative associations presently handling peaches; and each such association to be represented either by the third member, or the third alternate member to the end that in alternate years each association shall be represented by either two members and one alternate or one member and two alternates. The larger cooperative is now represented by two members on the committee and it was testified at the hearing that, for an orderly transition to the new procedure, such representation should continue during the current fiscal year and such cooperative should be represented by one member and two alternates during the next fiscal year, with the other cooperative then being represented by two members and one alternate. The provisions should also provide that in the event that cooperative handler activities or representation in the industry change, the cooperative handler representation on the committee may be revised by the committee with the approval of the Secretary. For example, if a new cooperative association should appear in the industry, the present cooperative handler positions could be reapportioned to the end that the three cooperative handler members would each represent a cooperative association.

It is therefore concluded that §§ 940.20 through 940.23 and paragraph (c) of § 940.24 should be deleted from the marketing agreement and order and a new paragraph and sections substituted therefor as hereinafter set forth.

(3) Current provisions of the marketing agreement and order provide that members and alternates for members of the Administrative Committee shall serve without compensation, but they may be reimbursed, at a rate not to exceed $5 per meeting, for expenses incurred by them in the performance of their duties and in the exercise of their powers. The committee has found that the time and inconvenience involved in attending meetings are great, particularly during the harvest season. It is necessary for some members of the committee to travel a distance as great as 40 miles one way in order to attend such meetings. This travel involves some cash outlay on the part of some members who must travel great distances, and although the members are reimbursed at a rate not exceeding $5 per meeting, some members incur much more expense in attendance than others. The committee has also found that the effective administration of the marketing agreement and order requires from time to time that subcommittees be appointed to solve industry problems or to perform specific duties that can best be performed by a few members possessing the requisite qualifications for such assignments. Present provisions provide for no reimbursement for duties performed other than attendance at meetings. It is therefore concluded that the marketing agreement and order should be amended to provide for the payment of mileage at not to exceed 10 cents per mile and other reasonable expenses necessarily incurred by members and alternates in the performance of duties specifically assigned by the committee notwithstanding that they may be compensated for attendance at meetings at a rate not to exceed $5 per meeting.

(4) The marketing agreement and order should be amended, as hereinafter set forth, to authorize the committee to consult, cooperate, and exchange information with committees administering other marketing agreements and orders, with other governmental agencies, and with industry groups in connection with all proper committee activities and objectives under the marketing agreement and order. Peaches are produced in the United States in widely separated locations, but all such peaches, which are harvested during particular periods, compete in the large consuming markets. It is therefore important in the forming of marketing policies and in establishing regulations to have information on the marketing activities of all areas. Such information might include harvesting schedules of the various areas in order to alert marketing channels and agencies of expected peach movement. Other information that might be gained includes information on the characteristics of new peach varieties such as methods of determining maturity, harvesting dates, size of fruit, and other data which would help the committee in making recommendations for regulation of peaches by variety. It is believed that much benefit to the peach industry in Colorado will result if the committee has authority to cooperate with other similarly interested agencies in matters that will enable the committee to more effectively administer the provisions of the marketing agreement and order particularly with respect to the issuance thereunder of regulations limiting the total quantity of peaches that may be shipped by grades or sizes, or both, or by minimum standards of quality or maturity, or both.

It was advanced at the hearing that problems are encountered in the harvesting and transportation of peaches which the committee should endeavor to correct. These problems related primarily to shortage of labor in some seasons for the harvesting and packing of the crop and to freight rates which were believed inequitable. Under the provisions of the act, the committee is authorized to incur only such expenses as are reasonable and necessary to perform its functions as specifically authorized thereunder. Consequently, authority is not available for the committee to incur expenses for such activities.

(5) Provision whereby any producer may obtain exemption from regulations is included in the marketing agreement and order to avoid undue hardship on and producer because of conditions beyond his control. Any producer who furnishes proof, satisfactory to the Administrative Committee, that by reason of conditions beyond his control, he will be prevented, because of the regulation, from shipping, or having shipped, a percentage of his crop of peaches equal to the percentage of all peaches permitted to be shipped under such regulation, may obtain an exemption certificate. The exemption certificate permits such producer to ship, or have shipped, a percentage of his crop equal to the percentage of all peaches permitted to be shipped under such regulation. It was not intended that the committee be burdened with proving that conditions were or were not within the control of the producer. Conversely, it was intended that the producer furnish proof, satisfactory to the committee, that conditions, relating to his need for exemption, were beyond his control. It is recognized and the administration of the present exemption provisions has shown that not all Mesa County peach producers are in agreement as to what constitutes conditions within the control of producers and, implicitly, therefore, conditions not within the control of producers or within their reasonable expectation. It was testified, however, that all peach producers, in order to produce peaches of an acceptable quality for marketing, must use at least a certain number of accepted cultural and harvesting practices. Such practices include irrigation, pruning, thinning, fertilizing, spraying, and cultivating according to proven and accepted methods. It is the desire of the industry that only growers (producers) who use the accepted practices be permitted to obtain exemptions, because such exemptions tend to burden the industry as a whole. These accepted practices are all deemed within the control of a prudent grower. At the same time the industry recognizes that there are certain conditions not within the control of a prudent grower or within his reasonable expectation, and in such circumstances, exemptions should be provided. These conditions include frost, ditch breaks, water shortages, labor shortages during the growing season, and illness which causes inability to carry on proper management in the production of the crop. Since there has been some misunderstanding as to causes within the control of a prudent grower and causes beyond such grower's control and expectation, it is concluded that the exemption provisions should be amended so as to set forth such causes as are deemed within the control of a prudent grower and those that are beyond his control and reasonable expectation. The committee with the approval of the Secretary, should be authorized also to adopt such rules and regulations as are necessary to make refinement of definitions with respect to causes beyond the control of a prudent grower and beyond a grower's reasonable expectation.

Although it is the intent to permit the respective grower to whom an exemption certificate is issued to ship, or have shipped, a percentage of his crop equal to the percentage of all peaches permitted to be shipped under the regulation, it is not the intent to allow the grower with the exemption to ship a greater quantity than that amount. In order to add a safeguard to the exemption provisions, the committee should have authority to limit the exemption to the specific damage for which the exemption is claimed and to establish the minimum grade, quality, size, and maturity which must be met by peaches shipped under such certificate. Such minimums are necessary in order to fix the quantity which will enable the grower with an exemption certificate to ship a percentage of his crop equal to that shipped by other growers but not to exceed such percentage.

In keeping with the conclusion that the provisions pertaining to the regulation of shipments should be amended to permit the regulation of peaches on a varietal basis, it is evident, therefore, that the exemption provisions also should be amended to permit the issuance of exemptions from such regulations on a varietal basis.

It is therefore concluded that § 940.53 of the marketing agreement and order should be amended, and such new paragraphs should be added to the said section as are hereinafter set forth.

(6) The marketing agreement and order should be amended to authorize the committee to establish marketing research and development projects to assist, improve, or promote the marketing, distribution, and consumption of peaches. The Agricultural Act of 1954 amended the Agricultural Marketing Agreement Act of 1937 so as to authorize the inclusion in marketing agreements and orders for certain fruits or vegetables authority to establish marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of such commodities or the products thereof, the expense of such projects to be paid from funds collected pursuant to the particular marketing agreement and order. The authority for such activities was not available when the existing marketing agreement and order was made effective or at the time of the last amendment to the aforesaid agreement and order. It was testified that the marketing agreement and order should be amended to provide the authority made available under the 1954 amendment and the definition of act revised so as to conform with such amendment. The proponent witnesses believe that marketing research and development activities that may be undertaken provided such authority is available will benefit the entire Mesa County peach industry and will be of inestimable value to the Administrative Committee in carrying out the regulatory provisions of the marketing

agreement and order. Some of the suggested areas for marketing research and development activities, with the main reasons such projects might be beneficial, include studies designed to extend the marketing season and to facilitate the regulation of peaches by variety; the development of better standards for the measurement of maturity in peaches as an aid in determining the proper stage of maturity at which to harvest to insure better handling and to increase consumer acceptance; the development of new and improved packages and containers for peaches to reduce handling costs and damage or spoilage and also to increase consumer acceptance by adding to appeal and increasing the unit of purchase; development of improved refrigeration and cooling, transportation, and handling techniques; determine methods for better competing with other commodities in order to increase the consumption of peaches; disseminate information to marketing agencies and in marketing channels to encourage better handling and assist in the development of new markets, and distribute information on various uses of peaches to food editors and other information agencies. It is not possible at the present time to anticipate all of the projects which might be desirable and of benefit to the industry. It is expected that the nature and need for such activities will vary from time to time as problems arise and as economic conditions change. Therefore, it is desirable that activities should not be limited to those outlined at the hearing. For administrative control, the proposal, as set forth in the notice of hearing, provides that the exercise of this authority by the Administrative Committee shall be "with the approval of the Secretary." Such general approval authority is necessary in order that the Secretary may remain in a position to continue to exercise the general supervisory authority over regulatory programs of this nature which is imposed upon him by law.

In carrying out its marketing research and development projects, the committee should endeavor to coordinate its studies with those of other agencies insofar as it is practicable to do so. Also, the committee should be authorized to participate in such projects, designed to be of benefit to the industry in the marketing of its peaches, as may be conducted by other committees administering marketing agreement programs, governmental agencies, and industry groups.

It is not intended or anticipated that the proposed authorization, if adopted, will be used to operate advertising programs for peaches, either by newspaper, radio, television, or through other media customarily used for advertising purposes.

*General findings.* (1) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, and all the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, regulate the handling of peaches grown in the County of Mesa in the State of Colorado in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in, the marketing agreement upon which hearings have been held;

(3) The marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, are limited in their application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of such production area would not effectively carry out the declared policy of the act; and

(4) There are no differences in the production and marketing of peaches grown in the production area covered by the marketing agreement, as amended, and as hereby proposed to be amended, and the order, as amended, and as hereby proposed to be amended, that make necessary different terms and provisions applicable to different parts of such area.

*Rulings on proposed findings and conclusions.* March 30, 1956, was fixed as the latest date for the filing of briefs with respect to the facts presented in evidence at the hearing and the findings and conclusions which should be drawn therefrom. No such brief was filed within the prescribed time; hence, no ruling is necessary.

*Recommended amendments to the marketing agreement and order.* The following amendments to the marketing agreement and order are recommended as the detailed means by which the aforesaid conclusions may be carried out:

1. Redesignate §§ 940.8, 940.9 and 940.10 as 940.9, 940.10, and 940.11, respectively, and insert the following new section:

§ 940.8 *Varieties.* "Varieties" means and includes all classifications and subdivisions, including customary and trade names thereof, of peaches according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture or the Colorado State Department of Agriculture, or such groupings of peaches according to such characteristics or types as may be established by the Committee with the approval of the Secretary.

2. Delete §§ 940.20 through 940.23 and substitute therefor the following:

§ 940.20 *Establishment and membership.* An Administrative Committee is hereby established consisting of nine members, each of whom shall have an alternate. Five of the members, one for each district, shall represent producers; three of the members shall represent cooperative associations that are handlers; and one of the members, hereinafter referred to as "independent" member, shall represent producers and handlers other than cooperative associations and members of such associations. The members of the committee and their respective alternates shall be nominated and selected, for the terms of office subsequent to February 28, 1957, in accordance with the provisions of §§ 940.21 through 940.24.

§ 940.21 *Nomination and selection of producer members.* (a) Nomination of producer members and their respective alternates shall be made at meetings of producers for each such district, at such times (on or before February 1 of each year) and places as the Administrative Committee shall designate. At each such meeting, the producers eligible to participate therein shall select a chairman and a secretary therefor. In the election of nominees, each producer shall be entitled to vote in accordance with the provisions of paragraph (b) of this section. The chairman of each meeting shall announce at such meeting the name of each person for whom votes have been cast, and the number of votes cast for each such person; and the chairman or the secretary of the meeting shall forthwith transmit such information to the Secretary.

(b) Only producers shall participate in the nomination of producer members and their alternates, and a producer may participate only in the meeting held for the district in which he produces peaches. No producer shall participate in the nomination of producer members and their alternates for more than one district in any fiscal year. Each producer shall be entitled to cast but one vote on behalf of himself, his agents, partners, and representatives. Proxy voting shall be prohibited.

(c) At least twice as many persons shall be nominated as there are positions to be filled. Such nominees shall be ranked in the order of votes cast for each, and such ranking shall determine their standing in the order of importance of the positions to be filled. Member positions shall be considered of first importance. The Secretary shall select one member and one alternate from the nominees thus elected and ranked.

§ 940.22 *Nomination and selection of independent member.* (a) Nomination of an independent member and his alternate shall be made at a meeting of producers and handlers other than cooperative associations or members of such associations, at such time (on or before February 1 of each year) and place as the Administrative Committee shall designate. At each such meeting, the persons eligible to participate therein shall select a chairman and a secretary therefor.

(b) Only producers and handlers who are not cooperative associations nor members of such associations shall be eligible to participate in the nomination of the independent member and his alternate. Proxy voting shall be prohibited, but independent handlers having permanent facilities in Mesa County for the handling of peaches and having bona fide agents designated for carrying on business activities for such handlers may be represented at such nomination meetings by such agents and such agents may vote and be nominated; and, in a similar manner, such handlers may designate employees who may vote and be nominated. In the election of nominees for the independent member and his alternate, each person eligible to participate therein shall be entitled to cast but one vote on behalf of himself, his agents, partners, affiliates, subsidiaries, and representatives. The Administrative Committee, with the approval of the Secretary, may make rules and regulations defining permanent facilities and what shall constitute bona fide agents and employees for the purposes of this section, and in like manner may change such rules and regulations from time to time.

(c) At least twice as many persons shall be nominated as there are positions to be filled. Such nominees shall be ranked in the order of the votes cast, and such ranking shall determine their standing in the order of importance of the positions to be filled. Member positions shall be considered of first importance. The Secretary shall select a member and an alternate member from the nominees thus elected and ranked.

(d) The chairman of the meeting shall announce at such meeting the name of each person for whom votes have been cast, and the number of votes cast for each such person; and the chairman or the secretary of the meeting shall forthwith transmit such information to the Secretary.

§ 940.23 *Nomination and selection of cooperative handler members.* (a) Each of the two cooperative associations qualifying as a handler during the fiscal year beginning March 1, 1956, shall be entitled to nominate one member and one alternate member of the committee; and, in alternate years, each such association shall make an additional nomination for either a member or alternate member. The cooperative association represented by two cooperative handler members during the fiscal year beginning March 1, 1956, shall nominate one member and two alternates for the next succeeding fiscal year. The cooperative association represented by one cooperative handler member during the fiscal year beginning March 1, 1956, shall nominate two members and one alternate for the next succeeding fiscal year.

(b) Nomination of cooperative handler members and their respective alternates shall be made at a meeting or meetings of the members of such cooperative associations at such times (on or before February 1 of each year) and places as the respective associations shall designate with the concurrence of the Administrative Committee. At each such meeting, the association members eligible to participate therein shall select a chairman and secretary therefor unless such officers regularly serving the association are in attendance. In the election of nominees, each member of a cooperative association shall be entitled to cast but one vote on behalf of himself, his agents, partners, and representatives, for each member nominee to be elected. Proxy voting shall be prohibited.

(c) At least twice as many persons shall be nominated as there are positions to be filled. Such nominees shall be ranked in the order of votes cast for each, and such ranking shall determine their standing in the order of importance of the positions to be filed. Member positions shall be considered of first importance. The Secretary shall select the required number of members and alternates from the nominees thus elected and ranked.

(d) The chairman of each meeting shall announce at such meeting the name of each person for whom votes have been cast, and the number of votes cast for each such person; and the chairman or the secretary of such meeting shall forthwith transmit such information to the Secretary.

(e) The committee, with the approval of the Secretary, may provide for the reapportionment of the cooperative handler membership of the committee so as to more equitably provide representation to present and future cooperative associations engaged in handling Mesa County peaches should the need for such reapportionment of present cooperative handler positions arise. Any such reapportionment should be based, so far as practicable, upon the volume of peaches handled by the respective associations.

3. Delete paragraph (c) of § 940.24 and substitute therefor the following:

(c) The independent member of the Administrative Committee and the alternate for such member to be selected from the nominees of producers and handlers other than cooperative associations and members of such associations must be a producer or handler (including employees and bona fide agents designated for carrying on business activities for such handler) and shall not be a member or an employee of a cooperative association.

4. Delete § 940.30 and substitute therefor the following:

§ 940.30 *Compensation and expenses.* The members and alternate members of the Administrative Committee shall serve without salary but may be compensated for attendance at meetings at a rate not to exceed $5.00 per meeting plus mileage at not to exceed 10 cents per mile. Such members and alternates also may be reimbursed for reasonable expenses necessarily incurred by them in the performance of duties, specifically assigned by the committee, other than attendance at meetings.

5. Redesignate paragraphs (g), (h), (i), and (j) of § 940.32 as paragraphs (h), (i), (j), and (k), respectively, and insert the following new paragraph (g):

(g) To consult, cooperate, and exchange information with committees administering other marketing agreements and orders, with other governmental agencies, and with industry groups in connection with all proper committee activities and objectives under this part;

6. Delete §§ 940.50 and 940.52 and substitute therefor the following:

§ 940.50 *Regulation of shipments.* Whenever the Administrative Committee deems it advisable to regulate, during any period or periods, the shipment of one or more varieties of peaches by grades or sizes, or both, or by minimum standards of quality or maturity, or both, it shall so recommend to the Secretary.

§ 940.52 *Establishment of regulations*—(a) *By grades and sizes.* Whenever the Secretary finds, from any such recommendations and information or other available information, that to limit the shipment of the total quantity of any variety or varieties of peaches to particular grades or sizes, or both, thereof would tend to effectuate the declared policy of the act, he shall so limit the shipment of such variety or varieties during a specified period or periods. The Secretary shall promptly notify the committee of each such regulation; and the committee shall promptly give adequate notice thereof to handlers and producers.

(b) *By minimum standards of quality and maturity.* Whenever the Secretary finds, from any such recommendation and information or other available information, that to establish minimum standards of quality or maturity, or both, and to limit the shipment of any variety or varieties of peaches during any period or periods to those meeting such minimum standards would be in the public interest and would tend to effectuate the declared policy of the act, he shall so limit the shipment of such variety or varieties during a specified period or periods. The Secretary shall promptly notify the committee of each such regulation; and the committee shall promptly give adequate notice thereof to handlers and producers.

7. After deleting the provisions of paragraph (b) of § 940.53 and redesignating paragraphs (c) and (d) of such section as paragraphs (e) and (f), respectively, insert the following:

(b) In the event the Secretary issues a regulation pursuant to § 940.52, the committee shall determine the percentage which each variety of peaches permitted to be shipped under the regulation bears to the total production of such variety; and the committee shall forthwith announce such percentage. The committee shall thereafter issue one or more exemption certificates to any producer who furnishes evidence satisfactory to the committee that, by reason of conditions beyond the control of a prudent grower and beyond his reasonable expectations, he will be prevented because of the regulation issued from shipping or having shipped as large a proportion of a particular variety of his peaches as the average proportion of all such peaches which may be so shipped. Causes regarded as within the control of a prudent grower include, but are not necessarily limited to, failure properly and adequately to prune, irrigate, thin, fertilize, spray, and cultivate according to accepted practices. Causes regarded as beyond control of a prudent grower and beyond his reasonable expectation include, but are not necessarily limited to, exceptionally late spring and early frosts, ditch breaks, water shortages, general shortage of labor during the growing season, or illness of a kind causing inability to carry out the management of his crop in the manner of a prudent grower.

(c) The committee, with the approval of the Secretary, may include in the

rules and regulations adopted pursuant to paragraph (a) of this section such refinement of definition as is deemed necessary with respect to causes beyond the control of a prudent grower and beyond a grower's reasonable expectation.

(d) The exemption certificates issued pursuant to this section shall permit the respective grower to whom the certificate is issued to ship or have shipped a percentage of his crop of a particular variety of peaches equal to the percentage determined pursuant to paragraph (b) of this section; but such exemption may be limited to the specific damage by reason of which the exemption is claimed, and the committee may establish special requirements with respect to the minimum grade, quality, size, and maturity which must be met by peaches shipped under such certificates.

8. Add after § 940.55 the following new section, preceded by a main heading entitled "Research and Development:"

§ 940.60 *Marketing Research and Development.* The committee, with the approval of the Secretary, may provide for the establishment of marketing research and development projects designated to assist, improve, or promote the marketing, distribution, and consumption of peaches. In a similar manner any such project may be modified, suspended, or terminated.

9. Immediately preceding the closing of the parenthesis at the end of § 940.2 *Act*, insert the following: "; 68 Stat. 906, 1047."

Dated: June 7, 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator.*

[F. R. Doc. 56-4619; Filed, June 11, 1956; 8:49 a. m.]

## [ 7 CFR Part 993 ]

### HANDLING OF DRIED PRUNES PRODUCED IN CALIFORNIA

### NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO AMENDMENTS OF ADMINISTRATIVE RULES AND PROCEDURES

Notice is hereby given that the Secretary of Agriculutre is considering the approval of proposed further amendments submitted by the Prune Administrative Committee, as set forth hereinafter, of the amended administrative rules and procedures (19 F. R. 5297, 6908; 20 F. R. 1240, 9961) issued pursuant to the applicable provisions of Marketing Agreement No. 110, as further amended, and Marketing Order No. 93, as further amended (19 F. R. 1301), regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining to the amendments hereinafter set forth which are filed in triplicate with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., and received not later than the twentieth day after the date of publication of this notice in the FEDERAL REGISTER, except that, if said twentieth day after publication should fall on a legal holiday or Saturday or Sunday, such submission will be received by the Director not later than the close of business on the next following business day.

The proposed amendments of the amended administrative rules and procedures are as follows:

1. Amend the provisions of § 993.148 (b) (1) to read as follows:

§ 993.148 *Receiving of prunes by handlers.* * * *

(b) *Incoming inspection*—(1) *General.* For all prunes placed for holding by or with a handler, the handler shall, immediately upon receipt thereof, issue to the inspection agency an identification tag which will show the name and address of the producer, dehydrator, or handler holding title to the prunes, the date when placed with the handler for holding, the county of production, the number and type of containers, the approximate net weight of the prunes, the name and location of the handler's plant where the prunes are held, and any other information necessary to identify such prunes to the satisfaction of the inspector. For each tender of prunes made to a handler by a producer or dehydrator, the handler shall, immediately upon tentative acceptance thereof, issue to the producer or dehydrator a door receipt or weight certificate showing the name and address of such producer or dehydrator, the weight of the tender, and any other information necessary to identify the tender. Any prunes so tendered to a handler must, prior to their acceptance, be inspected at an inspection station, and in order to be received as standard prunes must be certified as standard prunes. The handler shall identify each tender tentatively accepted by him pending inspection with its corresponding door receipt or weight certificate until the prunes in such tender have been inspected and accepted by him or returned to the producer or dehydrator tendering the prunes. A separate inspection shall be made of each lot and an inspection certificate shall be limited to the prunes included in one lot. Certification of any lot shall be made and computed on the basis of the net weight of prunes included in such lot, and the handler shall supply such information to the inspector. At the time of inspection of any lot, the handler shall provide the inspector with any assistance necessary in drawing samples. When necessary, in order to perform proper inspection, the inspector may require the handler to dump containers to permit proper sampling. Each lot shall be inspected immediately following tentative acceptance by a handler of all of the prunes to be included in such lot, except that any lot of prunes tendered to a handler by a producer or dehydrator in "ton box" containers or tendered in lug boxes on pallets and remaining intact thereon which cannot be dumped for sampling at the time of such acceptance, because of inadequate handling equipment, may be held for later inspection: *Provided*, That each lot of prunes so held is identified by the handler to the satisfaction of the inspector until the lot is inspected. After inspection, each lot of prunes shall be promptly accepted by the handler or returned to the producer or dehydrator. When a lot of prunes is inspected at other than a handler's plant, the inspector shall forward, with such lot to the handler, the handler's copies of the certificate.

2. Amend the provisions of § 993.172 by relettering existing paragraphs (a), (b) and (c) as (b), (c) and (d), respectively, and inserting a new paragraph (a) to read as follows:

§ 993.172 *Reports of holdings, acquisitions, sales, uses, and shipments*—(a) *Holdings as of March 31.* Each handler shall, on or before the 15th day of April, file with the committee a signed report of holdings of prunes which have not been inspected and/or accepted by him as a handler as of March 31. The report shall show for such prunes the name and address of the producer or dehydrator, the date of each identification tag assigned to such prunes, the numbers and dates of door or weight receipts or any other indentifying documents assigned to such prunes, the net weight of the prunes, the total net weight of all prunes so held, and the name and address of the handler making the report.

Dated: June 7, 1956.

[SEAL] FLOYD F. HEDLUND,
*Acting Director,*
*Fruit and Vegetable Division.*

[F. R. Doc. 56-4636; Filed, June 11, 1956; 8:53 a. m.]

# NOTICES

## DEPARTMENT OF DEFENSE

### Office of the Secretary of Defense

### SINGLE MANAGER SERVICE ASSIGNMENT FOR OCEAN TRANSPORTATION

References: [1]

(a) DOD Directive 4000.8, Basic Regulations for the Military Supply System, November 17, 1952.

(b) DOD Directive 5160.12, Policies for Implementation of Single Manager Assignments, January 31, 1956.

(c) DOD Directive 5160.10, Assignment of Responsibility to the Military Sea Transportation Service for the Control, Operation and Administration of Ocean Transportation, October 14, 1955.

(d) DOD Directive 4100.15, Commercial and Industrial Type Facilities, April 27, 1955.

(e) DOD Instruction 4520.4, Ocean Transportation Rates and Port Handling Charges for Use in Evaluating Bids or Proposals, February 9, 1956.

(f) Regulations Covering the Operation of Working Capital Funds for Industrial- and Commercial-Type Establishments (Industrial Funds), July 13, 1950, as amended and revised.

[1] Not filed with Federal Register Division.



I. *Authority and purpose.* A. Pursuant to the authority vested in the Secretary of Defense by the National Security Act of 1947, as amended, and section 638 of the Defense Appropriation Act of 1953, a Single Manager Service Assignment is hereby directed within the Department of Defense with authority, functions, responsibilities and relationships as set forth below.

B. The purposes and objectives of this assignment are:

1. To provide the most effective and economical ocean transportation for the armed services.

2. To prevent duplication and overlapping of effort between and within military departments.

3. To apply to the mission of providing ocean transportation service within the Department of Defense the basic pattern for all organizations performing a multiple support mission as prescribed in Reference (b) above.

4. To revise and reissue the directive governing the purpose, composition, authority, functions and responsibilities of the Military Sea Transportation Service (MSTS).

II. *Background.* Pursuant to the National Security Act of 1947, as amended, the Military Sea Transportation Service (MSTS) was established on August 2, 1949, by the Secretary of Defense, in the interest of efficiency and economy, as a unified ocean transportation service for the Department of Defense under the direction and control of the Department of the Navy. Reference (c) cancelled and superseded the directive of August 2, 1949.

III. *Cancellation.* This Directive cancels and supersedes Reference (c).

IV. *Definitions*—A. *Single Manager.* The Secretary of the Department who is designated by the Secretary of Defense to be responsible for the organization and operation of the Single Manager assignment for ocean transportation.

B. *Executive Director for Ocean Transportation.* The individual designated by the Single Manager to manage the Single Manager operating agency for ocean transportation.

C. *Single Manager Operating Agency.* An organization which, under the direction of the Executive Director for Ocean Transportation, shall direct and control all assigned functions for ocean transportation. It shall be titled the Military Sea Transportation Service (MSTS).

D. *Administrative Committee.* A group designated to assist the Executive Director in identifying and overcoming problems concerning the operation of this assignment. The Committee shall be neither a policy board nor an executive directorate, but rather a group of specialists meeting to recommend solutions to particular problems and to promote the effectiveness and economy with which the agency meets the needs of the military departments. Its membership shall be as follows:

1. Executive Director-Chairman.

2. A representative from the Army, the Navy (or Marine Corps at the discretion of the Secretary of the Navy) and the Air Force.

3. The Assistant Secretaries of Defense (Supply and Logistics) and (Comptroller) or their representatives.

4. Such technical or professional personnel augmentation from the military departments as determined by the Single Manager to be necessary and as ocean transportation problems under consideration dictate.

E. *Administrative support.* The provision of personnel, space, facilities equipment and supplies, including the related budgeting, funding, fiscal control, training, manpower control and utilization, personnel administration, security administration, mobilization planning and other administrative provisions and services, necessary to carry out assigned missions.

V. *Policy.* In the interest of greater efficiency and economy and a greater measure of military preparedness, the Military Sea Transportation Service, chartered to operate under the Navy Industrial Fund pursuant to Reference (f), will provide under one authority the control, operation and administration of ocean transportation (by government-owned or commercial vessels) for personnel, cargo and mail for all agencies of the Department of Defense (excluding personnel and cargo transported by units of the fleet) and as authorized or directed, for other agencies or departments of the United States subject to the policies of the Secretary of Defense. The military departments may be authorized by the Secretary of Defense to conduct limited coastwise operations with small vessels as a supplement to MSTS coastwise operations when military considerations so dictate.

VI. *Composition.* The Military Sea Transportation Service shall be composed of all government-owned vessels of the Department of the Navy (except those vessels assigned to the combatant fleets of the Navy) and all other vessels acquired by MSTS for the purpose of providing trans-oceanic, intra-theater, inter-coastal and coastwise transportation of personnel, cargo and mail, together with personnel, facilities (exclusive of shoreside facilities of the military departments), and equipment necessary to support the operation.

VII. *Delegation of authorities and responsibilities.* A. The Secretary of the Navy is hereby designated as the Single Manager for ocean transportation, subject to over-all guidance, policies, and programs of the Secretary of Defense, with the responsibilities and authorities assigned under this Directive.

B. The Secretary of the Navy will be responsible for utilization of all applicable portions of Reference (b), which portions shall be considered to be policy pertinent to this assignment, except where such portions are specifically modified or amplified herein.

C. The Secretary of each Department will be responsible for full cooperation with the Single Manager in carrying out the provisions of the applicable portions of Reference (b) and the provisions of this Directive.

D. The Secretary of each Department will be responsible for providing the administrative support at all installations or activities under his jurisdiction performing functions assigned by the Single Manager pursuant to agreement between the Secretary concerned and the Single Manager. Such administrative support will be provided on a reimburseable basis.

E. The Secretary of each Department will be responsible for determining and forwarding estimates of ocean transportation requirements to the operating agency on the basis established by the Single Manager.

F. The Joint Chiefs of Staff through the Joint Military Transportation Committee will provide ocean transportation service allocations apportioning the ocean transportation capacity of MSTS in time of war, national emergency, or when ocean transportation service requirements exceed available capacity.

VIII. *Authorities and responsibilities of the Single Manager.* The Secretary of the Navy as Single Manager will:

A. *Organization and management.* 1. Establish and organize, as a major component of the United States Navy, the Single Manager operating agency for ocean transportation which shall have no functions other than those assigned to it by Department of Defense directive.

2. Designate an Executive Director for Ocean Transportation subject to approval by the Secretary of Defense. The Executive Directive shall have no other duties but to direct the operations of the Single Manager Operating Agency. The Executive Director shall be responsible to the Single Manager through channels prescribed by the Secretary of the Navy as Single Manager.

3. Organize the administrative committee in accordance with paragraph IV, D above.

4. Prepare reports and conduct studies as directed by the Secretary of Defense.

5. Establish and control such units ashore as may be necessary for the administration and operation of MSTS.

6. Develop and maintain such financial records (as required by Reference (f)) and operational statistics as will reflect the degree of efficiency and economy of the operations of MSTS and the utilization of funds, manpower, facilities and equipment as may be required by the Secretary of Defense.

B. *Requirements.* 1. Establish an adequate system for reporting requirements for transportation of passengers, cargo and mail, and for such other operational information as considered by MSTS to be necessary for the efficient employment of MSTS vessels and the chartering of additional vessels, as well as the procurement of passenger and cargo space in commercial vessels.

C. *Industrial Fund.* 1. Administer the Navy Industrial Fund—MSTS, in accordance with Reference (f), the charter authorizing operation under the Fund, and related instructions.

2. Prepare budget estimates and appropriation requests, for submission with the annual budget of the Department of the Navy, for all requirements not included under the Industrial Fund.

D. *Personnel, training and support.* 1. Staff MSTS, its area, sub-area and port offices with Navy military personnel, and civilian personnel who will be employees of the Department of the Navy.

2. Positions within MSTS will be identified as military or civilian based on criteria established by the Secretary of Defense.

3. In planning the organization and staffing required for MSTS, establish military and civilian career development patterns in accordance with existing directives of the Secretary of Defense.

E. *General functions.* 1. Control, operate and administer Government-owned vessels assigned, and all other vessels acquired for the purpose of providing ocean transportation service for the movement of personnel, cargo and mail.

2. Provide ocean transportation service, except that performed by units of the fleet, to all agencies of the Department of Defense, and as authorized for other agencies of the United States Government on a basis consonant with national policy and the need for efficient and economical operations.

3. Procure vessels outside the MSTS fleet by bare boat, time or voyage charter, or by allocation from other government agencies, and procure passenger (except individual travel which may be procured by the Military Departments) and cargo space in commercial vessels to meet the requirements of the Department of Defense and such other agencies of the United States Government as authorized by the Secretary of Defense. In the procurement of cargo space in commercial vessels, contract provisions for or relating to the working of cargo, terminal facilities, or other responsibilities of the military departments will be coordinated with the military departments concerned prior to inclusion in MSTS contracts.

4. Provide lift capability in accordance with the policies, procedures and allocations of the Joint Chiefs of Staff (Joint Military Transportation Committee).

5. Keep the Single Manager for Traffic Management within the United States informed, to the extent mutually agreed necessary, as to the availability of opportune MSTS operated coastwise and inter-coastal lift capacity.

6. In coordination with appropriate government agencies, prepare recommendations for the design, specifications and equipment of ocean-going vessels except combatant types. In collaboration with appropriate government agencies, make studies, analyses and recommendations for the improvement of ocean transportation.

7. Provide and/or arrange for the maintenance, repair and alterations of all government-owned vessels assigned to MSTS, plus the maintenance and repair of any vessels acquired through bare boat charter to MSTS.

8. Coordinate with the military departments in the booking of cargo, passengers and mail.

9. Approve stowage plans and their implementation to insure seaworthiness of the vessel, safety of the cargo and efficient use of vessel space.

a. The responsibility of MSTS for cargo begins when finally stowed on board and accepted by the Commanding Officer of the vessel and terminates when the cargo is accepted free on board at destination.

10. Exercise control of all passengers aboard MSTS vessels. Administrative control may be exercised through commanders of personnel assigned by the military departments concerned.

a. The responsibility of MSTS for passengers begins when the passenger embarks and terminates when the passenger debarks.

11. Coordinate MSTS operations with appropriate port authorities.

12. Manage, process, determine and settle claims by or against commercial carriers arising out of contracts for ocean transportation of personnel, cargo and mail.

13. Provide information on vessel operating costs to the military departments to enable them to determine the advisability of working cargo at overtime rates.

14. Provide commercial ocean transportation rates when requested by the military departments in accordance with policy established by the Secretary of Defense.

F. *Emergency planning.* 1. Prepare, revise as necessary, coordinate, and execute plans for the employment and expansion of MSTS in time of war or national emergency.

IX. *Implementation.* A. The Secretaries of the Army, Navy and Air Force will take necessary action to facilitate the efficient and economical operation of MSTS, subject to military considerations and over-all cost to the government.

B. Regulations and procedures, including plans showing the proposed organization, staffing and personnel requirements of MSTS, together with statements of any adjustments in personnel, personnel spaces, facilities and equipment required to implement this Directive will be transmitted to the Secretary of Defense for approval. The Assistant Secretary of Defense (Supply and Logistics) will coordinate the approval of such matters with other cognizant elements of the Office of the Secretary of Defense. Adjustments of funds will continue to be handled in the statutory manner through the Office of the Assistant Secretary of Defense (Comptroller).

C. The Secretary of the Navy, within thirty (30) days after the date of this Directive, will submit to the Secretary of Defense for approval, Terms of Reference and plans for implementing his responsibilities as Single Manager. Such Terms of Reference and plans will pertain to:

1. Relationships between the military departments.

2. Operations of MSTS including the maintenance and operation of the nucleus fleet.

3. The detailed organizational structure, together with personnel requirements and staffing plans.

4. The schedule of implementing actions to carry out this assignment.

X. *Effective date.* This Directive is effective immediately.

C. E. WILSON,
*Secretary of Defense.*

[F. R. Doc. 56-4521; Filed, June 11, 1956; 8:45 a. m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

ALASKA

PROPOSED WITHDRAWAL AND RESERVATION OF LAND FOR THE FOREST SERVICE; CORRECTION

Notice of the proposed withdrawal and reservation of land for the Forest Service, U. S. Department of Agriculture at Old Kasaan Native Village in accordance with the application serialized Anchorage 031674 was published in the FEDERAL REGISTER on May 10, 1956 (21 F. R. 3127).



The course described as "S. 66° 30' W. 443 chains" is in error and is hereby amended to read as follows: "S. 66° 30' W. 4.43 chains".

ROGER R. ROBINSON,
*Operations Supervisor.*

[F. R. Doc. 56-4606; Filed, June 11, 1956; 8:46 a. m.]

[Document 128]

ARIZONA

SMALL TRACT CLASSIFICATION ORDER NO. 47 MODIFIED

JUNE 4, 1956.

Pursuant to authority delegated to me by the Director, Bureau of Land Management, in Bureau of Land Management Order No. 541 dated April 21, 1954 (19 F. R. 2473), Section 2.5, Arizona Small Tract Classification Order No. 47, dated December 22, 1955, is hereby amended to delete Lots 27 and 28, Section 34, T. 14 S., R. 12 E., G&SRM. These tracts are believed to be necessary for public school purposes and will, therefore, be withheld from private disposal pending determination of the public interest involved.

E. I. ROWLAND,
*State Supervisor.*

[F. R. Doc. 56-4605; Filed, June 11, 1956; 8:46 a. m.]

UTAH

FILING OF PLAT OF SURVEY AND ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

MAY 31, 1956.

A plat of survey of the township described below will be officially filed in the Land Office, Salt Lake City, Utah, effective at 10:00 a. m., on July 6, 1956:

SALT LAKE MERIDIAN

T. 34 S., R. 14 E.,
Sections 2, 16, 32, 33, and 36.
Area surveyed: 3,197.60 acres.

Plat of survey accepted March 27, 1956.

It is presumed that the right of the State of Utah attached to Sections 2, 16, 32, 36, of the above-described townships on the date of acceptance of plat of survey, subject to valid existing rights and the provisions of existing withdrawals. Therefore, preference rights of veterans of World War II and the Korean conflict, and others, as provided for by the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended, do not attach to these sections.

The land in T. 34 S., R. 14 E., is broken and mountainous, the soil is of shallow sand and rock. There is no timber except for thinly scattered scrub juniper on top of the mesas.

No application for these lands will be allowed under the homestead, desert-land small-tract, or any other nonmineral public-land law, unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any existing valid rights and the requirements of applicable law, the in Township 34 South, Range 14 East, Section 33 of the Salt Lake Meridian, Utah, are hereby opened for filing of applications in accordance with the following:

a. Applications under the non-mineral public land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

1. Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

2. All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II of the Korean conflict, and others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284 as amended), presented prior to 10:00 a. m. on July 6, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m., on October 5, 1956, will be governed by the time of filing.

3. All valid applications under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on October 5, 1956, will be considered as simultaneously filed at that hour. Rights under such applications filed after that hour will be governed by the time of filing.

Persons claiming veteran's preference rights under paragraph (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims, must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning these lands shall be addressed to Manager, Land Office, Room 312 Federal Building, P. O. Box 777, Salt Lake City 10, Utah.

WM. N. ANDERSEN,
*State Supervisor.*

MAY 31, 1956.

[F. R. Doc. 56-4604; Filed, June 11, 1956; 8:46 a. m.]

### Bureau of Reclamation

MINIDOKA PROJECT, IDAHO

ORDER OF REVOCATION

APRIL 3, 1956.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby revoke Departmental Order of September 29, 1919, in so far as said order affects the following-described land: *Provided, however,* That such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described:

BOISE MERIDIAN, IDAHO

T. 10 S., R. 21 E.,
Sec. 9, Tracts A and B.

The above area aggregates 71.28 acres.

E. G. NIELSEN,
*Assistant Commissioner.*

[70695]

JUNE 8, 1956.

I concur. The records of the Bureau of Land Management will be noted accordingly.

This revocation is made in furtherance of an exchange under section 8 of the act of June 28, 1934, as amended by section 3 of the act of June 26, 1936 (48 Stat. 1272; 49 Stat. 1976; 43 U. S. C. 315g) by which the offered lands will benefit a Federal land program. This restoration is, therefore, not subject to the provisions contained in the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284) as amended, granting preference rights to veterans of World War II, the Korean Conflict, and others.

EDWARD WOOZLEY,
*Director,*
*Bureau of Land Management.*

[F. R. Doc. 56-4607; Filed, June 11, 1956; 8:46 a. m.]

SALT RIVER PROJECT, ARIZONA

ORDER OF REVOCATION

JANUARY 25, 1956.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby revoke Departmental Orders of July 20, 1905 and August 29, 1919, insofar as said Orders affect the following described lands: *Provided, however,* That such revocation shall not affect the withdrawal of any other lands by said Orders or affect any other Orders withdrawing or reserving the lands hereinafter described.

GILA AND SALT RIVER MERIDIAN, ARIZONA

Townships 7 to 12 North, inclusive, Ranges 5, 6, and 7 East.

A strip of land one mile wide on either side of and adjacent to the strip one mile wide on each side of the Verde River, withdrawn by Departmental Order of December 14, 1904.

Townships 2, 3, and 4 North, Ranges 7 to 12 East, inclusive.

A strip of land 3 miles from Salt River on the South side, from the mouth of Tonto Creek to the mouth of the Verde River.

The above area aggregates approximately 113,280 acres.

E. G. NIELSEN,
*Acting Commissioner.*

[70770]

JUNE 6, 1956.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The released lands are within the Prescott, Coconina, or Tonto National Forests and have been open to applications and offers under the mineral-leasing laws. They will be open to such other applications, selections, and locations, as are permitted on national forest lands effective at 10:00 a. m. on July 12, 1956.

EDWARD WOOZLEY,
*Director,*
*Bureau of Land Management.*

[F. R. Doc. 56-4608; Filed, June 11, 1956; 8:47 a. m.]

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COLORADO RIVER STORAGE PROJECT, CALIFORNIA

ORDER OF REVOCATION

NOVEMBER 4, 1955.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby revoke Departmental Order of June 4, 1930, insofar as said order affects the following described lands: *Provided, however,* That such revocation shall not affect the withdrawal of any other lands by said Order or affect any other orders withdrawing or reserving the lands hereinafter described.

SAN BERNARDINO MERIDIAN, CALIFORNIA

T. 12 S., R. 16 E.,
Sec. 30, lots 9 and 10.

The above area aggregates 72.88 acres.

FLOYD E. DOMINY,
*Acting Assistant Commissioner.*

[1380831]

JUNE 6, 1956.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The lands are included in allowed Desert Land Entry, Los Angeles 094517, and are therefore not subject to the provisions of the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284) as amended, granting preference rights to veterans of World War II, the Korean Conflict, and others.

EDWARD WOOZLEY,
*Director,*
*Bureau of Land Management.*

[F. R. Doc. 56-4609; Filed, June 11, 1956; 8:47 a. m.]

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MINIDOKA PROJECT, IDAHO

FIRST FORM RECLAMATION WITHDRAWAL

APRIL 3, 1956.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby withdraw the following-described lands from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

BOISE MERIDIAN, IDAHO

T. 10 S., R. 21 E.,
Sec. 4, Lots 1 and 2, S½NE¼.

The above area aggregates 162.9 acres.

E. G. NIELSEN,
*Assistant Commissioner.*

[70695]

JUNE 6, 1956.

I concur. The records of the Bureau of Land Management will be noted accordingly.

EDWARD WOOZLEY,
*Director,*
*Bureau of Land Management.*

*Notice for Filing Objections to Order Withdrawing Public Lands for the Minidoka Project, Idaho*

APRIL 3, 1956.

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of Idaho, for use in connection with the Minidoka Project, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

E. G. NIELSEN,
*Assistant Commissioner.*

[F. R. Doc. 56-4610; Filed, June 11, 1956; 8:47 a. m.]

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MISSOURI RIVER BASIN PROJECT, WYOMING

FIRST FORM RECLAMATION WITHDRAWAL

OCTOBER 6, 1953.

Pursuant to the authority delegated by Departmental Order No. 2515 of April 7, 1949, I hereby withdraw the following-described lands from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 30 N., R. 67 W.,
Sec. 18, SW¼NW¼.
T. 29 N., R. 68 W.,
Sec. 24, N½S½, SE¼SE¼.
T. 30 N., R. 68 W.,
Sec. 8, NE¼SW¼.

The above area aggregates 280 acres.

W. A. DEXHEIMER,
*Commissioner.*

[65598]

JUNE 6, 1956.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The lands shall be administered by the Bureau of Land Management until such time as they are needed for reclamation purposes.

EDWARD WOOZLEY,
*Director,*
*Bureau of Land Management.*

*Notice for Filing Objections to Order Withdrawing Public Lands for the Missouri River Basin Project, Wyoming*

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of Wyoming, for use in connection with the operation and maintenance of the Missouri River Basin Project, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

W. A. DEXHEIMER,
*Commissioner.*

[F. R. Doc. 56-4611; Filed, June 11, 1956; 8:47 a. m.]

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# DEPARTMENT OF AGRICULTURE

## Commodity Credit Corporation

SALES OF CERTAIN COMMODITIES

JUNE 1956 MONTHLY SALES LIST

Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F. R. 6669) and subject to the conditions stated therein, the commodities listed below are available for sale in the quantities stated and on the price basis set forth. The Commodity Credit Corporation will entertain offers from prospective buyers for the purchase of any such commodity.

The Commodity Credit Corporation reserves the right, before making any sale, to define or limit export areas. Announcements containing the contractual terms and conditions of sale for the respective commodities will be furnished upon request. For ready reference a number of these announcements are identified by code number in the following list. Commodity Credit Corporation also reserves the right to amend, from time to time, any of its announcements, which amendments shall be applicable to and be made a part of the sales contracts thereafter entered into.



JUNE 1956 MONTHLY SALES LIST—Continued

| Commodity and approximate quantity available (subject to prior sale) | Sales price or method of sale |
|---|---|
| Corn, bulk | Domestic or export: Commercial corn-producing area: Market price, basis in store,[1] but not less than the legal minimum price (1955 loan rate basis point of production plus 3 cents per bushel), including average paid-in freight: Chicago No. 3 yellow, $2.05; Minneapolis No. 3 yellow, $1.96; Kansas City No. 3 yellow, $2.04; Portland No. 3 yellow, $2.21.<br>Noncommercial corn-producing area: Market price, basis in store,[1] but not less than 133 percent of applicable 1955 loan rate, plus 26 cents per bushel.<br>Available Chicago, Dallas, Kansas City, Minneapolis, and Portland CSS Commodity Offices.<br>Corn is also available as follows: (1) Nonstorable corn at the above offices; (2) in flat storage in the Pacific Northwest on competitive bid basis for export. |
| Wheat | Domestic: Commercial wheat-producing area: Market price, basis in store,[1] but not less than the legal minimum price (1955 loan rate for class, grade, quality, and location, plus 35 cents per bushel).<br>Examples of minimum price per bushel: Chicago No. 1 RW, $2.73; Minneapolis No. 1 DNS, $2.82; Kansas City No. 2 HRW, $2.32.<br>Noncommercial wheat-producing area: Market price, basis in store,[1] but not less than 133 percent of applicable 1955 county loan rate plus 35 cents per bushel.<br>Export: Under the terms and conditions of Announcements GR-212 revised, GR-261 revised, and GR-262 revised, at prices announced daily. Export may be made either as Wheat or Flour.<br>Available Chicago, Minneapolis, Kansas City, and Portland CSS Commodity Offices for domestic or export sale. |
| Oats, bulk | Domestic: Market price, basis in store,[1] but not less than the legal minimum price (1955 loan rate basis point of production for class, grade, and quality, plus 18 cents per bushel).<br>Examples of minimum price per bushel including average paid-in freight: Chicago No. 2 white, $1.26; Minneapolis No. 2 white, $1.21; Kansas City No. 2 white, $1.30.<br>Available Minneapolis, Chicago, Kansas City, Portland, and Dallas CSS Commodity Offices.<br>Export: Price as determined by CCC. Offering also on competitive bid as announced by the Chicago, Portland, and Dallas CSS Commodity Offices.[2] |
| Barley, bulk | Domestic: Market price, basis in store,[1] but not less than the legal minimum price (1955 applicable loan rate for class, grade, quality and location plus 26 cents per bushel).<br>Example of minimum price per bushel: Minneapolis No. 2 barley, $1.40.<br>Available Minneapolis, Kansas City, Chicago, Dallas, and Portland CSS Commodity Offices.<br>Export: Price as determined by CCC. Offerings also on competitive bid as announced by the Chicago, Dallas, and Portland CSS Commodity Offices.[2] |
| Rye, bulk | Domestic: Market price, basis in store,[1] but not less than the legal minimum price (1955 applicable loan rate for class, grade, quality and location plus 28 cents per bushel).<br>Example of minimum price per bushel: Minneapolis No. 2 or better, $1.67.<br>Available Minneapolis, Kansas City, Chicago, Dallas and Portland CSS Commodity Offices.<br>Export: Price as determined by CCC. Offerings also on competitive bid as announced by the Chicago, Dallas, and Portland CSS Commodity Offices.[2] |
| Grain sorghums, bulk | Domestic: Market price, basis in store,[1] but not less than the legal minimum price (1955 applicable loan rate for class, grade, quality and location plus 40 cents per 100 pounds).<br>Example of minimum price per hundredweight: Kansas City No. 2 or better, $2.76.<br>Available Dallas and Kansas City CSS Commodity Offices. |
| Rice, rough, 1,400,000 hundredweight. | Export: Competitive bid as announced by Dallas CSS Commodity Office.<br>Domestic, unrestricted use: Market price as determined by CCC, but not less than the legal minimum price (1955 loan rate basis point of production plus 5 percent plus 61 cents per hundredweight).<br>Domestic, restricted use (for feed only): Competitive bid basis by Dallas CSS Commodity Office under the terms and conditions of DLP-240-55, Export, unrestricted use (for export): Competitive bid basis at Dallas CSS Commodity Office. Where deliveries are made at points other than ports, deductions will be made for minimum freight charges to port.<br>Export, restricted use (to be ground in the USA and used for feed and industrial purposes only): Competitive bid basis by Dallas CSS Commodity Office. Available Dallas CSS Commodity Office for domestic or export sale.[3] |

JUNE 1956 MONTHLY SALES LIST

| Commodity and approximate quantity available (subject to prior sale) | Sales price or method of sale |
|---|---|
| Dairy products | Domestic prices apply "in *store*" at location of stocks.<br>Export prices apply f. a. s. U. S. port of export, or in store at location of stocks at f. a. s. price less export freight rate to agreed port of export.<br>Available through Cincinnati and Portland CSS Commodity Offices for domestic sale, and through the Butter and Dairy Division, CSS, USDA, Washington 25, D. C. for export sale. |
| Nonfat dry milk solids (in carloads only): spray, 95,000,000 pounds; roller, as available. | Domestic, unrestricted use: Spray process, U. S. Extra Grade: In barrels and drums, 17 cents per pound; in bags (as available), 16.15 cents per pound.<br>Roller process, U. S. Extra Grade: In barrels and drums, 13.25 cents per pound; in bags, 14.40 cents per pound.<br>Domestic, restricted use (animal and poultry feed): Delivered under the terms and conditions of Announcement LD-5 and amendments. In barrels and drums, 11 cents per pound; in bags (as available) 10.65 cents per pound.<br>Export, unrestricted use: Competitive bid under the terms and conditions of Announcement LD-5 and amendments. |
| Butter (in carloads only) as available. | Domestic, unrestricted use: 63.25 cents per pound, New York, New Jersey, Pennsylvania, New England, and other States bordering the Atlantic Ocean and Gulf of Mexico. All other States 1 cent per pound less.<br>Domestic, restricted use: Competitive bid and under the terms and conditions of Announcement DA-111 and supplements for use as an extender for cocoa butter in the manufacture of chocolate.<br>Export, unrestricted use: Competitive bid under the terms and conditions of Announcement LD-7. |
| Cheddar cheese, cheddars, flats, twins, and rindless blocks (standard moisture basis in carloads only), 200,000,000 pounds. | Export, restricted use: Competitive bid (1) under the terms and conditions of Announcement DA-111 and supplements for use (a) in recombining with U.S. produced nonfat dry milk solids into liquid milk and evaporated milk, and (b) in making butter oil or ghee; and (2) under the terms and conditions of Announcement LD-19 and supplements for industrial uses.<br>Domestic: 38 cents per pound, for New York, New Jersey, Pennsylvania, New England, and other States bordering the Atlantic and Pacific Ocean and Gulf of Mexico. All other States 1 cent per pound less.<br>Export: Competitive bid under terms and conditions of Announcement LD-5 and amendments. |
| Cotton, Upland and Extra Long Staple. | Cheese prices are subject to usual adjustments for moisture content.<br>Domestic or export: Competitive bid and under the terms and conditions of Announcement NO-C-5 as amended (Upland) and NO-C-6 (Extra Long Staple), but not less than the higher of (1) 105 percent of the current support price plus actual carrying charges, or (2) the domestic market price as determined by CCC.<br>Special export, Upland Cotton: Competitive bid and under the terms and conditions of Announcements CN-EX-2 as amended, and NO-C-8 as amended. Cotton to be exported on or after Aug. 1, 1956.<br>Catalogs showing quantities, qualities and locations may be obtained for a nominal fee from the New Orleans CSS Commodity Office. |
| Cotton linters | Domestic or export: Competitive bid and under the terms and conditions of Announcement NO-CL-7 in carlot quantities on an "as is, where is" basis.<br>Catalogs showing quantities, qualities and locations may be obtained for a nominal fee from the New Orleans CSS Commodity Office. |
| Wool, shorn and pulled grease (including small quantities of scoured wool and wool tops) 114,000,000 pounds. | Domestic or export: Limited quantities (not more than 6,250,000 pounds in June) on competitive bid each Tuesday under terms and conditions as determined by the Boston CSS Commodity Office, reflecting not less than 103 percent of the 1954 schedule of loan rates per pound plus an allowance or sales commission, Boston basis, adjusted for not freight on wool stored outside the Boston storage area.<br>Domestic or export: Competitive bid, limited quantity monthly under the terms and conditions CSS Commodity Office. Available Chicago CSS Commodity Office. |
| Tung oil | Domestic, unrestricted use: Competitive bid as announced by Dallas CSS Commodity Office. Market price as determined by CCC, but not less than the legal minimum price (1955 loan rate basis point of production plus 5 percent plus 61 cents per hundredweight).<br>Domestic, restricted use (for feed only): Competitive bid basis by Dallas CSS Commodity Office under the terms and conditions of DLP-240-55, Export, unrestricted use (for export): Competitive bid basis at Dallas CSS Commodity Office. Where deliveries are made at points other than ports, deductions will be made for minimum freight charges to port.<br>Export, restricted use (to be ground in the USA and used for feed and industrial purposes only): Competitive bid basis by Dallas CSS Commodity Office. Available Dallas CSS Commodity Office for domestic or export sale.[3] |
| Peanuts | Domestic (for crushing) or export: Competitive bid on limited quantities as may be announced by any of the Peanut Cooperative Associations. Domestic sales subject to terms and conditions of CCC Peanut Form 34 (1955). Export sales subject to terms and conditions of CCC Peanut Form 59 (1955) as amended. Available Dallas CSS Commodity Office. |
| Flaxseed, bulk, 1955 crop, as available. | Domestic or export: Competitive bid, limited quantity monthly under the terms and conditions CSS Commodity Office. Sales in store, but not less than the legal minimum price (1955 loan rate basis point of production plus 44 cents per bushel).<br>Example of minimum price per bushel: Minneapolis No. 1, $3.63.<br>Available Minneapolis; Chicago and Portland CSS Commodity Offices. |
| Soybeans, bulk, 1955 crop, as available. | Domestic or export, unrestricted use: Market price basis in store, but not less than the legal minimum price (1955 loan rate basis point of production, plus 3 cents per bushel).<br>Available Minneapolis, Chicago, Dallas and Kansas City CSS Commodity Offices. |

See footnotes at end of table

JUNE 1956 MONTHLY SALES LIST—Continued

| Commodity and approximate quantity available (subject to prior sale) | Sales price or method of sale |
|---|---|
| Rice, milled, 1,000,000 hundredweight. | Domestic: For U. S. No. 2 (4 percent brokens), the market price but not less than the legal minimum price (the equivalent loan rate for rough rice by varieties plus 5 percent, adjusted for milling, plus 77 cents per hundredweight). Examples of minimum prices of milled rice per hundredweight, at mills: |

| | Head U. S. No. 2 (4 percent brokens) | U. S. No. 5 (35 percent brokens) | Second Heads, U. S. No. 3 |
|---|---|---|---|
| Bluebonnet | $11.66 | $9.49 | $6.50 |
| Zenith | 9.94 | 8.32 | 6.00 |

Export: A schedule of prices as announced by Dallas CSS Commodity Office. Examples of prices of milled rice per hundredweight, f. a. s., West Gulf ports (port at option of CCC):

| | Head U. S. No. 2 (7 percent brokens) | U. S. No. 5 (35 percent brokens) | | Second Heads, U. S. No. 3 |
|---|---|---|---|---|
| | | 1954 | 1953 | |
| Bluebonnet | $10.20 | $7.80 | ------- | $4.45 |
| Zenith | 8.70 | 6.49 | $6.00 | 4.20 |
| Pearl | 8.70 | 6.49 | ------- | 4.20 |

1953 crop rice (U. S. No. 5, 35 percent brokens) is available f. o. b., Texas-Mexican border points at same price as at West Gulf ports.
Specific prices and quantities may be obtained from Dallas CSS Commodity Office.[2]
Special export: Competitive bid under terms and conditions announced by Dallas CSS Commodity Office.[2]

Dry edible beans (bagged)

Prices for domestic sale are for U. S. No. 1, f. o. b., indicated points of production. Amount of paid-in freight to be added as applicable.
For other grades of all beans, adjust by market differentials. For other areas, adjust by the 1956 support price differentials.
Export: Competitive bid as announced by the Portland CSS Commodity Office.

Baby lima beans, 1954 crop, 170,000 hundredweight.
Pinto beans, 1954 crop, 500,000 hundredweight.

Domestic: Market price but not less than $6.99 per 100 pounds points of production, Denver rate area. Available Kansas City and Portland CSS Commodity Offices.
Export: Competitive bid as announced by the Kansas City and Portland CSS Commodity Offices.

Small red beans, 1955 crop, as available.

Domestic: Market price but not less than $7.88 per 100 pounds points of production. Available Portland CSS Commodity Office.
Export: Competitive bid as announced by Portland CSS Commodity Office.

Great Northern beans, 1955 crop, as available.

Domestic: Market price but not less than $7.79 per 100 pounds Nebraska points of production. Available Kansas City CSS Commodity Office.
Export: Competitive bid as announced by Kansas City CSS Commodity Office.

Hay and pasture seeds (bagged)

F. o. b. point of production plus any paid-in freight as applicable basis current freight rate at time of sale. Premiums and discounts may be obtained from the Commodity Offices for qualities above or below basic specification. Offers will not be accepted for less than warehouse receipt lot or minimum weight carlot as prescribed by railroad carrier's regulation at point of storage.

Tall fescue seed (common), 18,000 hundredweight.

Domestic, unrestricted use: $18 per 100 pounds. Available Portland, and Chicago CSS Commodity Offices.[4]
Domestic, restricted use (for feed only): Competitive bid basis for certain lots of low germination seed from common and certified stocks. Available Chicago and Portland CSS Commodity Offices.
Export: Competitive bid as announced by Chicago CSS Commodity Office.

Tall fescue seed (certified), 50,000 hundredweight.

Domestic: $20 per 100 pounds. Available Portland and Chicago CSS Commodity Offices.[4]
Export: Competitive bid as announced by Portland CSS Commodity Office.

Gum rosin (in galvanized metal drums averaging 517 pounds net).

Domestic or export: Offer and acceptance, "as is" in the stated quantities at the designated storage yards, subject to the prices, terms and conditions of Announcement 7B-21 and Supplements issued not more often than weekly by the American Turpentine Farmers' Association Cooperative, Valdosta, Georgia.

Gum turpentine (bulk in tanks)

Domestic or export: Offer and acceptance, "as is" in the stated quantities in the designated storage tanks, subject to the prices, terms, and conditions of Announcement 7B-21 and Supplements issued not more often than weekly by the American Turpentine Farmers' Association Cooperative, Valdosta, Ga.

[1] At the processor's plant or warehouse but with any prepaid storage and out-handling charges for the benefit of the buyer.
[2] Sales of grains made under Title I, Public Law 480, may be made on terms and conditions of GR-301 revised and GR-302. Other commodities under the announcement indicated.
[3] In those counties in which grain is stored in CCC bin sites, delivery will be made f. o. b. buyer's conveyance at bin site without additional cost; sales will also be made in store approved warehouses in such county and adjacent counties at the same price, provided the buyer makes arrangements with the warehousemen for storage documents.
[4] Prices for basic specifications will not be reduced through the period ending June 30, 1956.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U. S. C. 1427, sec. 208, 63 Stat. 901)

Issued: June 6, 1956.

[SEAL]

EARL M. HUGHES,
*Executive Vice President,*
*Commodity Credit Corporation.*

[F. R. Doc. 56-4637; Filed, June 11, 1956; 8:53 a. m.]

## DEPARTMENT OF COMMERCE

### Federal Maritime Board

[Docket No. M-69]

MARINE TRANSPORT LINES, INC., ET AL.

NOTICE OF PREHEARING CONFERENCE ON APPLICATION TO BAREBOAT CHARTER DRY-CARGO VESSELS

Notice is hereby given that a prehearing conference will be held pursuant to Rule 6 (d) of the Board's rules of practice and procedure on June 13, 1956, at 2:00 p. m., e. d. s. t., in Room 4519, New General Accounting Office Building, Fifth and G Streets NW., Washington, D. C., in this proceeding which concerns applications to bareboat charter dry-cargo vessels.

By order of the Federal Maritime Board.

Dated: June 8, 1956.

[SEAL] GEO. A. VIEHMANN,
*Assistant Secretary.*

[F. R. Doc. 56-4678; Filed, June 11, 1956; 9:13 a. m.]

### Office of the Secretary

[Dept. order 87, amended]

COAST AND GEODETIC SURVEY

ORGANIZATION AND FUNCTIONS

The material appearing in 20 F. R. 5270-71-72 and 20 F. R. 8782 is superseded by the following:

SECTION 1. *Purpose.* The purpose of this order is to describe the organization and define the functions of the Coast and Geodetic Survey.

SEC. 2. *Organization.* .01 The Coast and Geodetic Survey originally established as a survey of the coast of the United States by act of Congress of February 10, 1807 (2 Stat. 413) and redefined by the act of June 20, 1878 (20 Stat. 206, 215) and whose functions and authorities are now described in Title 33, Chapter 17, U. S. Code, is a primary organization unit within and under the jurisdiction of the Department of Commerce. The Coast and Geodetic Survey is headed by a Director appointed by the President, with the advice and consent of the Senate. The Director shall report and be immediately responsible to the Under Secretary of Commerce.

.02 The Coast and Geodetic Survey shall be constituted as follows:

1. Office of the Director, including:
   (1) The Assistant Director:
   Technical Research and Information. Staff; Liaison Staff; International. Technical Cooperation Staff.
   (2) Assistant Director for Administration.
2. Technical divisions, which include:
   (1) Chart Division.
   (2) Coastal Surveys Division.
   (3) Geodesy Division.
   (4) Geophysics Division.
   (5) Instruments Division.
   (6) Photogrammetry Division.
   (7) Technical Services Division.
   (8) Tides and Currents Division.
3. Administrative divisions, which include:
   (1) Administrative Services Division.
   (2) Budget and Fiscal Division.
   (3) Organization and Management Division.
   (4) Personnel and Safety Division.
4. A field organization composed of:
   (1) District offices.
   (2) Magnetic observatories and latitude observatories.
   (3) Field parties engaged in the following surveys:
      (a) Hydrography (ships, launches, and shore based).
      (b) Geodetic.
      (c) Magnetic.
      (d) Seismological.
      (e) Gravity.
      (f) Photogrammetric.
      (g) Tides and Currents.
      (h) Flight check.
      (i) Coast Pilot.



SEC. 3. *Delegation of authority.* .01 Pursuant to the authority vested in the Secretary of Commerce by Reorganization Plan No. 5 of 1950, and subject to such policies and directives as the Secretary of Commerce may prescribe, the Director, Coast and Geodetic Survey, is hereby delegated the authorities and powers assigned to the Secretary by Title 33, Chapter 17, U. S. Code, or by any other existing or subsequent legislation with respect to surveying, cartography, and geophysical science activities within the special competence of the Coast and Geodetic Survey.

.02 The Director may redelegate and authorize the successive redelegation of the authority granted herein to any employee of the Coast and Geodetic Survey and may prescribe such limitations, restrictions and conditions in the exercise of such authority as he deems appropriate.

SEC. 4. *General functions.* The general functions of the Coast and Geodetic Survey are to provide charts and related information for the safe nagivation of marine and air commerce, and to provide certain basic data for engineering and scientific purposes including commercial and industrial needs.

SEC. 5. *Functions of the Office of the Director.* .01 The Director establishes policies and develops programs of the Bureau and is responsible for the general direction, supervision, and coordination of the work of the Coast and Geodetic Survey.

.02 The Assistant Director serves as deputy and adviser to the Director in the program planning, coordination, direction, and evaluation of the scientific and technical work of the Bureau, and exercises general supervision over the operational functions of the technical divisions and the district offices. In the absence of the Director, the Assistant Director assumes the responsibility of the Director of the Bureau. In addition, he directs activities of the Technical Research and Information Staff; the Liaison Staff; the International Technical Cooperation Staff; and supervises the administration of the officer personnel program.

1. The Technical Research and Information Staff prepares Bureau reports, papers, technical journals and pamphlets; coordinates the dissemination of information relating to legal-technical interpretation of charts and surveys; and provides technical assistance and advice to other Federal agencies.

2. The Liaison Staff performs liaison between the Coast and Geodetic Survey and the Civil Aeronautics Administration, the Bureau of the Budget and other Federal agencies, for the purpose of coordinating plans and programs involving requirements by such agencies, or the Government generally, for charting and mapping.

3. The International Technical Cooperation Staff administers the training of foreign nationals under the international technical cooperation programs in those activities conducted by the Bureau. The Staff cooperates with ICA, Department of State, and UNESCO and represents the Department at national and international conferences pertaining to the cartographic training program.

.03 The Assistant Director for Administration serves as principal assistant and adviser to the Director on all administrative matters. He has jurisdiction over budget, finance, personnel, administrative management matters, and procurement and supply activities, coordinating and directing these functions to meet the requirements of the technical and scientific program of the Bureau. In addition, he assumes responsibility for development and maintenance of major relationships outside the Bureau on administrative and management activities and administers personal and physical security regulations.

SEC. 6. *Functions of the Technical Divisions.* .01 The fields of activity or specialized functions of the technical divisions are as follows:

1. The Chart Division compiles, produces, and distributes nautical and aeronautical charts and related publications issued by the Bureau. This division is responsible for the verification and review of hydrographic surveys and accompanying records; the selection and analysis of other source material used in chart compilation; the flight checking of aeronautical charts; and the operation of the reproduction plant. It conducts research in the construction and reproduction of charts.

2. The Coastal Surveys Division plans and supervises the execution of hydrographic and topographic surveys along the coasts of the United States and its possessions; compiles, edits, and field checks Coast Pilots; directs the construction, operation, and maintenance of the Bureau's vessels and other floating equipment; and conducts research and development in hydrographic survey methods and techniques.

3. The Geodesy Division plans and executes geodetic surveys, including triangulation, traverse, leveling, base line measurement, and astronomic and gravity determination. This division computes, adjusts, and publishes the results of geodetic field surveys as required for surveying and engineering projects. It conducts research involving the mathematics of map projections, coordinate grids, variation of latitude, figure of the earth, and improvements in methods. It also operates the latitude observatories.

4. The Geophysics Division plans and executes magnetic and seismological investigations in the United States and its possessions. It supervises magnetic and seismological field surveys, including magnetic observatories, seismological stations, and airborne magnetic operations. It locates earthquakes and analyzes destructive earthquake motions; investigates relationships between seismological or magnetic phenomena and other geophysical phenomena; standardizes magnetic instruments and maintains international magnetic standards, and operates the seismic sea wave warning system in collaboration with the Tides and Currents Division.

5. The Instruments Division designs, develops, and maintains instruments and electronic equipment of the Bureau. It provides technical guidance and service to other divisions on mechanical and electronic engineering problems.

6. The Photogrammetry Division conducts photogrammetric surveys and performs related activities, including aerial photography, field surveys, airport field surveys, and the compilation, review, drafting, and editing of topographic and planimetric maps and airport obstruction plans. It also conducts research and development in photogrammetric surveys and compilation methods and techniques.

7. The Technical Services Division provides central service to the Bureau and the public in the furnishing of cartographic source data and related information. It collects, evaluates, catalogs, and stores source material from other Government agencies, maintains the Bureau cartographic archives, and provides geographic names research for map and chart compilation. It maintains the Bureau Library and furnishes materials for technical papers and publication articles, prepares exhibits, and provides special cartographic and art services. It maintains the Bureau essential records program and acts as the publications review and control office for the Bureau.

8. The Tides and Currents Division conducts tide, current, and oceanographic investigations along the coasts and inland tidal waters of the United States and its possessions. It determines mean sea level and other basic tidal datums, and predicts tides and currents. It publishes annual tide tables covering all oceans, annual current tables, tidal current charts, and temperature and density observations of sea water. It conducts research in tides, currents, and related oceanographic work, and it operates, jointly with the Geophysics Division, the seismic sea wave warning system.

SEC. 7. *Functions of the Administrative Divisions.* .01 Administrative management functions of the Bureau, under the direction of the Assistant Director for Administration, are performed by the administrative divisions as follows:

1. The Administrative Services Division provides the Bureau with general administrative services, including the procurement, stocking, inventory, and shipment of supplies and equipment; administers the property and motor

vehicle management program; and provides transportation, mail, and messenger service.

2. The Budget and Fiscal Division develops, formulates, and executes the Bureau budget and establishes and maintains a Bureau-wide system of accounting. It prepares the Bureau estimates and justifications and other supporting data; assists in the Budget presentation; evaluates the execution of the budget and recommends apportionments and allotments of funds by program. The division maintains expenditure and obligation controls and accounts; maintains a Bureau-wide cost accounting system; administers payroll and leave functions; and performs related fiscal activities including the examination, audit, and certification of vouchers.

3. The Organization and Management Division provides advice and assistance and conducts surveys and studies relating to organization, staffing, methods and systems, work flow, and other management activities to promote efficiency and economy throughout the Bureau. It develops and coordinates special programs such as forms control, records management, motor vehicle management, and management improvement. It reviews and implements Department and other agency issuances and prepares and coordinates Bureau issuances.

4. The Personnel and Safety Division develops and directs the civilian personnel and safety programs for the Bureau, giving assistance and guidance on personnel administration and accident prevention. The division has the responsibility for personnel program functions such as position classification and Wage Board matters; recruitment; placement; orientation; executive and employee development; performance ratings; incentive awards; employee relations; and the personnel security program; and for safety program functions such as the development and application of safety measures required by the hazardous nature of Bureau activities, which includes the conduct of vehicle operator testing, licensing, and training.

SEC. 8. *Functions of the Field Organization.* .01 The field organization of the Bureau (see Appendix I) is composed of district offices, field parties, and observatories, and carries out the following functions and activities:

1. District Offices supervise and direct all fixed Bureau functions located in the district except Latitude and Magnetic Observatories and process the field records of field parties. This includes the processing of hydrographic surveys; the computation and adjustment of geodetic data; and the compilation of topographic and planimetric maps. Studies and recommendations are also made for surveys for the construction and maintenance of nautical and aeronautical charts; for obtaining geodetic control data for private and public engineering use; for obtaining magnetic and seismological data; and for obtaining airport obstruction plan data. District Offices maintain close liaison with Federal, State, and local government agencies, and private organizations and individuals for the purpose of gathering and disseminating data relative to nautical and aeronautical charts and geodetic control. They maintain a library of charts and other Bureau publications for reference purposes and supervise the establishment and inspection of agents selling Bureau charts and publications.

2. Observatories containing instrumental equipment for recording magnetic data and earthquake data are operated under the direction of the Geophysics Division. Observatories containing instrumental equipment for recording variation of the axis of the earth affecting latitude determinations are operated under the direction of the Geodesy Division.

Effective: May 1, 1956.

[SEAL] SINCLAIR WEEKS,
*Secretary of Commerce.*

APPENDIX I

*District Offices.* The location of the District Offices of the Coast and Geodetic Survey and the areas over which they have jurisdiction are as follows:

| *Name of District and Headquarters of District Officer* |
|---|
| Boston District, Boston, Mass. |
| New York District, New York, N. Y. |
| Baltimore District, Baltimore, Md. |
| Norfolk District, Norfolk, Va. |
| Tampa District, Tampa, Fla. |
| New Orleans District, New Orleans, La. |
| Fort Worth District, Fort Worth, Tex. |
| Kansas City District, Kansas City, Mo. |
| Los Angeles District, Los Angeles, Calif. |
| San Francisco District, San Francisco, Calif. |
| Portland District, Portland, Oreg. |
| Seattle District, Seattle, Wash. |
| Honolulu District, Honolulu, T. H. |

District limits are established as follows:

1. *Boston District.* All of the States of Maine, New Hampshire, Vermont, Massachusetts, and Rhode Island.

2. *New York District.* All of the States of New York, Connecticut, and New Jersey.

3. *Baltimore District.* All of the States of Delaware, Pennsylvania, Ohio, and Maryland.

4. *Norfolk District.* All of the States of West Virginia, Virginia, North Carolina, and the parts of Kentucky and Tennessee east of the Tennessee River.

5. *Tampa District.* All of the States of South Carolina, Georgia, and Florida.

6. *New Orleans District.* All of the States of Alabama, Mississippi, Louisiana, Arkansas, the parts of Kentucky and Tennessee west of the Tennessee River, and the coastal area of Texas south and east of and including the following counties: Bowie, Red River, Franklin, Wood, Smith, Cherokee, Angelina, Polk, San Jacinto, Walker, Madison, Robertson, Milam, Bell, Lampasas, San Saba, McCulloch, Menard, Kimble, Edwards, and Valverde.

7. *Fort Worth District.* All of the States of Oklahoma and New Mexico and that part of Texas north and west of the counties listed in the New Orleans District.

8. *Kansas City District.* All of the States of Michigan, Wisconsin, Indiana, Illinois, Missouri, Iowa, Minnesota, North Dakota, South Dakota, Wyoming, Nebraska, Colorado, and Kansas.

9. *Los Angeles District.* All of the State of Arizona; Clark County, Nevada; and the following counties of California: San Bernardino, Kern, Santa Barbara, Ventura, Los Angeles, Orange, Riverside, San Diego, and Imperial.

10. *San Francisco District.* All of the State of Utah, and the parts of Nevada and California not assigned to the Los Angeles District.

11. *Portland District.* All of the States of Montana, Idaho, Oregon, and the following counties of Washington adjacent to the Columbia and Snake Rivers: Wahkiakum, Cowlitz, Clark, Skamania, Klickitat, Benton, Franklin, Walla Walla, Columbia, Garfield, and Asotin.

12. *Seattle District.* Alaska and the State of Washington except for those counties assigned to the Portland District.

13. *Honolulu District.* All of the Hawaiian Islands.

[F. R. Doc. 56-4638; Filed, June 11, 1956; 8:54 a. m.]

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EDWARD ABBOTT

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of December 3, 1955, 20 F. R. 8937.

A. Deletions: No changes.
B. Additions: No changes.

This statement is made as of May 18, 1956.

Dated: May 28, 1956.

[SEAL] EDWARD ABBOTT.

[F. R. Doc. 56-4602; Filed, June 11, 1956; 8:45 a. m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 6927 et al.]

ERIE MUNICIPAL AIRPORT AUTHORITY; ERIE-DETROIT SERVICE CASE

NOTICE OF ORAL ARGUMENT

In the matter of the application of Erie Municipal Airport Authority for an investigation as to the need of air transportation between Erie, Pa., and Detroit, Mich.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on July 26, 1956, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., June 6, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56-4640; Filed, June 11, 1956; 8:54 a. m.]

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[Docket No. 8051]

MC KAY AIRWAYS

NOTICE OF HEARING

In the matter of the application of Mc Kay Airways for a foreign air carrier permit, issued pursuant to Section 402 of the Civil Aeronautics Act, to perform operations of a casual, occasional or infrequent nature, in common carriage, into the United States.



Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding is assigned to be held on June 13, 1956, at 10:00 a.m., e. d. s. t., in Room 2505, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., June 7, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56-4672; Filed, June 11, 1956; 8:55 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11004, 11691; FCC 56M-565]

OHIO VALLEY BRODCASTING CORP. ET AL.

ORDER SCHEDULING ARGUMENT

In re applications of Ohio Valley Broadcasting Corporation, Clarksburg, West Virginia, for television construction permit, Docket No. 11004, File No. BPCT-849; News Publishing Company, Wheeling, West Virginia, (Transferor), Docket No. 11691, File No. BTC-2048; and WSTV, Inc., Steubenville, Ohio (Transferee), for Commission consent to transfer of control of Ohio Valley Broadcasting Corporation.

*It is ordered,* This 6th day of June 1956, on the Chief Hearing Examiner's own motion, that oral argument on the petition of National Community Television Association, Inc., to intervene as a party in the above-entitled proceeding, will be held in the Offices of the Commission, Washington, D. C., commencing at 9:15 a. m., Thursday, June 7, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4628; Filed, June 11, 1956; 8:52 a. m.]

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[Docket Nos. 11399, 11400; FCC 56M-560]

NEW BRITAIN BROADCASTING CO. ET AL.

ORDER CONTINUING HEARING CONFERENCE

In re applications of the New Britain Broadcasting Company (WKNB-TV), New Britain, Connecticut, Docket No. 11399, File No. BMPCT-2787, for modification of construction permit (Channel 30); Julian Gross et al. (Transferors), and National Broadcasting Company, Inc. (Transferee), Docket No. 11400, File No. BTC-1896, for transfer of control of the New Britain Broadcasting Company (WKNB and WKNB-TV).

*It is ordered,* This 6th day of June 1956, upon oral request of Elm City Broadcasting Corporation, and with the concurrence of all other parties participating in the above-entitled proceeding, that hearing conference in the matter, which is scheduled for June 8, 1956, is continued to June 22, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4629; Filed, June 11, 1956; 8:52 a. m.]

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[Docket No. 11690; FCC 56-524]

CLASS B FM BROADCAST STATIONS

REVISED TENTATIVE ALLOCATION PLAN

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of June 1956;

The Commission having under consideration a proposal to amend the Revised Tentative Allocation Plan for Class B FM Broadcast Stations; and

It appearing that Notice of Proposed Allocation (FCC 56-359) setting forth the above amendment was issued by the Commission on April 30, 1956, and was duly published in the FEDERAL REGISTER (21 F. R. 2959), which notice provided that interested parties might file statements or briefs with respect to the said amendment on or before May 25, 1956; and

It further appearing that no comments were received either favoring or opposing the proposed amendment;

It further appearing that the immediate adoption of the proposed amendment would facilitate consideration of an application filed for a new Class B FM broadcast station in Toledo, Ohio (File No. BPH-2111) for operation on Channel No. 223;

It further appearing that authority for the adoption of the proposed amendment is contained in sections 4 (i), 301, 303 (c), (d), (f), and (r), and 307 (b) of the Communications Act of 1934, as amended,

*It is ordered,* That effective immediately, the Revised Tentative Allocation Plan for Class B FM Broadcast Stations is amended as follows in respect to Toledo, Ohio, and Summit Twp., Michigan:

| General area | Channels | |
|---|---|---|
| | Delete | Add |
| Toledo, Ohio | | 223 |
| Summit Township, Mich | 222 | 231 |

Released: June 7, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4630; Filed, June 11, 1956; 8:52 a. m.]

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[Docket No. 11720 etc.; FCC 56M-568]

MIDDLESEX BROADCASTING CORP. (WTAO) ET AL.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of Middlesex Broadcasting Corporation (WTAO), Cambridge, Massachusetts, Docket No. 11720, File No. BP-8027; Princess Anne Broadcasting Corporation, Virginia Beach, Virginia, Docket No. 11721, File No. BP-9317; Huntington-Montauk Broadcasting Company, Inc. (WGSM), Deer Park, Long Island, New York, Docket No. 11722, File No. BP-9436; Winslow Turner Porter, Bath, Maine, Docket No. 11723, File No. BP-9730; Television & Radio Broadcasting Corporation, Hyannis, Massachusetts, Docket No. 11724, File No. BP-9936; for construction permits.

Pursuant to §§ 1.813 and 1.841, on the Hearing Examiner's own motion: *It is ordered,* This 6th day of June 1956, that a prehearing conference is scheduled for Thursday, June 21, 1956, at 2:00 p. m., in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4631; Filed, June 11, 1956; 8:52 a. m.]

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[Docket No. 11726]

ILLINOIS BELL TELEPHONE CO.

ORDER ASSIGNING MATTER FOR PUBLIC HEARING

In the matter of the application of Illinois Bell Telephone Company, for a certificate under section 221 (a) of the Communications Act of 1934, as amended, to acquire certain telephone plant and properties of Payson Farmers Telephone Company at Payson, Illinois; Docket No. 11726, File No. P-C-3774.

The Commission having under consideration an application filed by Illinois Bell Telephone Company for a certificate under section 221 (a) of the Communications Act of 1934, as amended, that the proposed acquisition by Illinois Bell Telephone Company of certain telephone plant and properties of Payson Farmers Telephone Company furnishing telephone service in and around Payson, Illinois will be of advantage to the persons to whom service is to be rendered and in the public interest;

*It is ordered,* This 5th day of June 1956, that pursuant to the provisions of section 221 (a) of the Communications Act of 1934, as amended, the above application is assigned for public hearing for the purpose of determining whether the proposed acquisition will be of advantage to the persons to whom service is to be rendered and in the public interest;

*It is further ordered,* That the hearing upon said application be held at the offices of the Commission in Washington, D. C. beginning at 10:00 a. m. on the 3d day of July 1956, and that a copy of this order shall be served upon the Governor of the State of Illinois; Illinois Commerce Commission; Illinois Bell Telephone Company; Payson Farmers Telephone Company, and The Postmaster of Payson, Illinois;

*It is further ordered,* That within ten days after the receipt from the Commission of a copy of this order, the applicant herein shall cause a copy hereof to

be published in a newspaper or newspapers having general circulation in and around Payson, Illinois and shall furnish proof of such publication at the hearing herein.

Released: June 7, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4632; Filed, June 11, 1956; 8:52 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. 9994 etc.]

NORTHERN NATURAL GAS CO. ET AL.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JUNE 5, 1956.

In the matters of Northern Natural Gas Company, Docket No. G-9994; Baker & Taylor Drilling Co., Docket No. G-10030; The Sharples Oil Corporation, P. T. Sharples, Edith W. Sharples, Philip P. Sharples, Samuel Butler, Jr., David M. Evans, E. C. Swift, Scott W. Key, Jr., Max S. Loy, W. A. Wiegand, Docket No. G-10031; the Shamrock Oil and Gas Corporation, Docket No. G-10111; J. M. Huber Corporation, Docket No. G-10114.

Take notice that:

Baker & Taylor Drilling Co. (Baker & Taylor) a Texas corporation with principal place of business at First National Bank Building, Amarillo, Texas, filed, on March 1, 1956, in Docket No. G-10030, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Baker & Taylor to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

The Sharples Oil Corporation, a Delaware corporation with principal place of business at Suite 1001, 1700 Broadway, Denver 2, Colorado, filed on March 1, 1956, in Docket No. G-10031 for itself and on behalf of the other persons as captioned above, hereinafter collectively referred to as Sharples et al., an application for certificates of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Sharples et al. to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

The Shamrock Oil and Gas Corporation (Shamrock), a Delaware corporation with principal place of business at P. O. Box 631, Amarillo, Texas, filed, on March 16, 1956, in Docket No. G-10111, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Shamrock to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

J. M. Huber Corporation (Huber), a New Jersey corporation with principal place of business at P. O. Box 831, Borger, Texas, filed, on March 19, 1956, in Docket No. G-10114, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Huber to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicants Baker & Taylor, Sharples, et al., Shamrock, and Huber severally propose to sell natural gas in interstate commerce as described below to Northern Natural Gas Company for resale.

*Docket No.; Applicant; and Source of Gas*

G-10030; Baker & Taylor Drilling Co.; various undivided interests in certain Sections from formations shallower than Mississippi Limestone Zone, Hansford County, Tex.

G-10031; The Sharples Oil Corporation, et al.; various undivided interests in certain Sections from formations shallower than Mississippi Limestone Zone, Hansford North Field, Hansford County, Tex.

G-10111; The Shamrock Oil and Gas Corporation; undivided 25 percent interest in 640-acre Beck Gas Unit No. 1 and undivided 37.5 percent interest in 640-acre Steele No. 1, from formations shallower than Mississippi Limestone Zone, Hansford County, Tex.

G-10114; J. M. Huber Corporation; certain interests in two units, sections 82 and 78, Hansford County, Tex.

Northern Natural Gas Company (Northern), a Delaware corporation with principal office at 2223 Dodge Street, Omaha, Nebraska, filed, on February 24, 1956, in Docket No. G-9994, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Northern to construct and operate as an integral part of its existing natural gas system, certain natural gas facilities as hereinafter described, which are necessary to the transportation and sale of natural gas in interstate commerce, for the purpose of taking natural gas from Baker & Taylor, Sharples et al., Shamrock and Huber in the North Hansford Area, Hansford County, Texas.

The facilities proposed to be constructed and operated by Northern consist of approximately 12.7 miles of 10-inch supply lateral pipeline extending in a southeasterly direction from a point in Section 90, Block 4T, T. & N. O. R. R. Co. Survey, Hansford County, Texas, to a point of interconnection with Northern's existing transmission system in Section 24, Block R, B. & B. Survey, Ochiltree County, Texas.

The estimated total cost of the proposed lateral is $237,000 which will be financed from current funds.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Thursday, July 5, 1956 at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 25, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-4612; Filed, June 11, 1956; 8:48 a. m.]

[Project No. 2177]

GEORGIA POWER CO.

NOTICE OF APPLICATION FOR LICENSE

JUNE 5, 1956.

Public notice is hereby given that the Georgia Power Company, of Atlanta, Georgia, has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for license for proposed water-power Project No. 2177, to be located on the Chattahoochee River in Muscogee and Harris Counties, Georgia, and Lee and Russell Counties, Alabama, near the towns of Columbus, Georgia, and Phenix City, Alabama, and to consist of three developments: (1) the constructed Goat Rock Development consisting of a concrete gravity dam comprised of an overflow spillway section surmounted with 4-foot flashboards, a powerhouse intake section and two non-overflow sections; a reservoir about 6 miles long, extending to Bartletts Ferry dam, with an area of 1,400 feet acres at a normal pool elevation of 404 feet and about 5,000 acre-feet of usable storage; a powerhouse, integral with the dam containing six horizontal turbines (two rated at 8,000 horsepower each, two at 4,800 horsepower each, and two at 7,000 horsepower) which are connected to four 5,000-kilowatt and two 3,000-kilowatt generators; a substation; and appurtenant mechanical and electrical equipment; (2) the proposed Oliver Development consisting of a concrete gravity dam comprised of a gated spillway section, a powerhouse intake section and two non-overflow sections; a reservoir extending about 8½ miles to the Goat Rock dam, with an area of 2,400 acres at the top of the power pool, elevation 337 feet and about 7,000 acre-feet of usable storage; an outdoor powerhouse, integral with the dam containing three 25,400 horsepower turbines and one 8,500 horsepower turbine connected to three 18,000-kilowatt generators and one 6,000-kilowatt generator; a substation; and appurtenant mechanical and electrical equipment; and (3) the constructed North Highlands Development consisting of a concrete gravity dam comprised of an ungated spillway section, a non-overflow section, and an intake-abutment section; a reservoir about 1.2 miles long, extending to the Oliver dam, with an area of 200 acres at the top of the power pool at elevation 266.4 feet; a powerhouse containing six horizontal turbines (three 1,600 horsepower, two 1,350 horsepower, and one 2,260 horsepower) connected to five 1,080-kilowatt and one 1,500-kilowatt generators; a substation; and appurtenant mechanical and electrical equipment.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is July 16, 1956. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-4613; Filed, June 11, 1956; 8:48 a. m.]

[Docket No. G-10501]

SUPERIOR OIL CO.

ORDER INSTITUTING INVESTIGATION

Superior Oil Company (Respondent) is an independent producer of natural gas and a "natural-gas company" within the meaning of the Natural Gas Act, being engaged in the sale and delivery of natural gas in interstate commerce for resale for ultimate public consumption.

Respondent is one of several independent producers under contract to supply natural gas to the American Louisiana Pipe Line Company (American Louisiana). The latter's interstate natural gas pipeline project was authorized by the Commission by order issued October 1, 1954, accompanying Opinion No. 276, In the Matters of American Louisiana Pipe Line Company, et al. Certificates of public convenience and necessity covering the projected sales to American Louisiana were issued to Respondent and others by order issued May 9, 1955, in Docket Nos. G-6067 et al. Respondent's FPC Gas Rate Schedule No. 7 covers its sales to American Louisiana in question, and specifies a price of 21 cents per Mcf, with estimated annual revenues amounting to approximately $9,500,000 a year. This price is among the highest known to the Commission.

In addition to the sales of natural gas hereinbefore specifically referred to, it appears from the Commission's files that the Respondent is also engaged in making other sales of natural gas in interstate commerce, subject to the jurisdiction of the Commission.

It further appears that, upon the basis of data available to the Commission, the rates, charges, and classifications for or in connection with the sale or transportation of natural gas by Respondent herein, subject to the jurisdiction of the Commission, and the rules, regulations, practices, and contracts relating thereto may be unjust, unreasonable, unduly discriminatory, or preferential.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the natural Gas Act that an investigation be instituted by the Commission, upon its own motion, into and concerning all rates, charges or classifications demanded, observed, charged or collected by the Respondent in connection with any transportation or sale of natural gas, subject to the jurisdiction of the Commission, and any rules, regulations, practices or contracts affecting such rates, charges or classifications.

The Commission orders:

(A) An investigation of Respondent, Superior Oil Company, be and is hereby instituted under the provisions of the Natural Gas Act for the purpose of enabling the Commission to determine whether, with respect to any transportation or sale of natural gas, subject to the jurisdiction of the Commission, made or proposed to be made by Respondent, any of the rates, charges or classifications demanded, observed, charged, or collected, or any rules, regulations, practices or contracts affecting such rates, charges or classifications are unjust, unreasonable, unduly discriminatory or preferential.

(B) If the Commission, after a hearing has been had, shall find with respect to Respondent, that any of its rates, charges, classifications, rules, regulations, practices, or contracts subject to the jurisdiction of the Commission, are unjust, unreasonable, unduly discriminatory, or preferential, the Commission shall thereupon determine and fix by order or orders just and reasonable rates, charges, classifications, rules, regulations, practices or contracts to be thereafter observed and in force.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, particularly sections 5, 14, 15 and 16 thereof, and the Commission's rules of practice and procedure, a public hearing be held upon a date to be fixed by further order of the Commission concerning the matters specified in Paragraphs (A) and (B) above.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Issued: June 4, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-4543; Filed, June 8, 1956; 8:48 a. m.]



## SECURITIES AND EXCHANGE COMMISSION

[File No. 24D-1342]

BIG INDIAN URANIUM CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JUNE 6, 1956.

I. Big Indian Uranium Corporation, a Utah corporation, 169 North University Avenue, P. O. Box 111, Provo, Utah, having filed with the Commission on July 15, 1954, a notification on Form 1-A relating to an offering of 500,000 shares of 10 cents par value common stock at 25 cents per share for an aggregate of $125,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having reasonable cause to believe that the terms and conditions of Regulation A have not been complied with in that:

1. The company has failed to file on Form 2-A reports of sales as required by Rule 224 under Regulation A and has ignored requests by the Commission's staff for such reports.

2. The notification and offering circular contain an untrue statement of a material fact in stating that Weber Investment Company, 2341 Kiesel Avenue, Ogden, Utah, is the underwriter of the securities being offered and fail to state material facts necessary in order to make the statement made, in the light of the circumstances under which it is made, not misleading, in not disclosing that Weber Investment Company withdrew its registration as a broker-dealer with this Commission in November 1955, and indicated that it was in the process of liquidation.

III. *It is ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

*It is further ordered,* That this Order and Notice shall be served upon Big Indian Uranium Corporation, 169 North University Avenue, P. O. Box 111, Provo, Utah, and Box 77, Provo, Utah, personally or by registered mail or by confirmed

telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-4616; Filed, June 11, 1956; 8:48 a. m.]

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[File No. 24D-2061]

REPUBLIC GAS AND URANIUM CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

MAY 6, 1956.

I. Republic Gas and Uranium Corporation, 533 Mercantile Bank Building, Dallas, Texas, for Robert A. Howard, as selling stockholder, having filed with the Commission on April 23, 1956, a notification on Form 1-A and a Rule 219 (b) statement as an exhibit thereto relating to an offering of between 200,000 to 300,000 shares of the stock at a price between 16⅔ cents to 25 cents per share for a total price of $50,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having reasonable cause to believe that the terms and conditions of Regulation A have not been complied with in that:

A. Securities were offered for sale prior to the expiration of the 10 day waiting period provided by Rule 218;

B. The issuer failed to file for use an offering circular as required by Rule 219 (a) in that the aggregate offering price of all securities offered exceed the sum of $50,000;

C. The notification and statement filed pursuant to Rule 219 (b) contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made in the light of the circumstances under which they were made not misleading, particularly, in that: Item 3 of the notification fails to disclose that offers of unregistered securities, represented therein to be held for investment, were made by Howard at prices lower than those to be offered under the notification and that sales of 45,667 shares were made by Howard at 15 cents per share, within one year prior to the date of filing in violation of section 5;

D. Oral representations have been made by Howard in connection with said offering which contained untrue statements of material facts and omitted to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly, that the stock of Republic Gas and Uranium Corporation would within the next few weeks, either be listed on the New York Stock Exchange at 30 cents per share, or there would be a New York market for the stock at 30 cents per share; and

E. That the offering would and did operate as a fraud or deceit upon the purchasers.

III. *It is ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933 that the exemption under Regulation A, be and it hereby is, temporarily suspended.

Notice is hereby given, that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

*It is further ordered,* That this Order and Notice shall be served upon Republic Gas and Uranium Corporation, 533 Mercantile Bank Building, Dallas, Texas, and Robert A. Howard, P. O. Box 231, Scottsdale, Arizona, personally or by registered mail or confirmed telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-4617; Filed, June 11, 1956; 8:49 a. m.]

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## SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 104]

INDIANA

DECLARATION OF DISASTER AREA

Whereas it has been reported that on or about May 26, 1956, because of the disastrous effects of heavy rains and floods, damage resulted to residences and business property located in certain areas in the State of Indiana;

Whereas the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended:

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207(b)(1) of the Small Business Act of 1953, as amended, may be received and considered by the Office below indicated from persons or firms whose property situated in Marion County (including any areas adjacent to said county) suffered damage or other destruction as a result of the catastrophe above referred to:

Small Business Administration Regional Office, 226 West Jackson Boulevard, Room 1402, Chicago 6, Illinois.

Small Business Administration Branch Office, Federal Building, Room 505, Indianapolis, Indiana.

2. No special field office will be established at this time.

3. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to December 31, 1956.

Dated: June 1, 1956.

WENDELL B. BARNES, *Administrator.*

[F. R. Doc. 56-4618; Filed, June 11, 1956; 8:49 a. m.]

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## INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 7, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the General Rules of Practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32188: *Volcanic ash, scoria or slag—Colorado to Southwest.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on volcanic ash, scoria or slag, crude or crushed, carloads from Antonito, Crater and Mesita, Colo., to points in Arkansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 133 to Agent Kratzmeir's I. C. C. 4046.

FSA No. 32189: *Grains—Nebraska to Colorado and Wyoming.* Filed by The Chicago,, Burlington & Quincy Railroad Company, for itself and interested rail carriers. Rates on corn, whole, and sorghum grains, whole, broken, chopped, cracked, crushed or ground, carloads from Roseland, Holstein, Norman, South Minden, Keene, Wilcox, Ragan, Huntley, Bladen, Campbell, Upland and Hildreth, Nebr., to specified stations in Colorado on applicant's lines, and to Carpenter, Arcola, Campstool, Altvan and Cheyenne, Wyo., on the Burlington.

Grounds for relief: Short-line distance scale formula.

Tariff: Supplement 65 to Chicago, Burlington & Quincy RR I. C. C. 20259.

FSA No. 32190: *Substituted service—motor-rail-motor—Pennsylvania Railroad Company.* Filed by Central States Motor Freight Bureau, Inc., for interested motor carriers and the Pennsylvania Railroad Company. Rates on various commodities loaded in or on highway trailers and transported on railroad flat cars between Chicago and East St. Louis, Ill., and Indianapolis, Ind., on one hand, and Pittsburgh, Pa., on the other.

Grounds for relief: Motor truck competition.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 56-4615; Filed, June 11, 1956; 8:48 a. m.]

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# FEDERAL REGISTER

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## TITLE 3—THE PRESIDENT

### PROCLAMATION 3138

REVISING THE BOUNDARIES OF GREAT SAND DUNES NATIONAL MONUMENT, COLORADO

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Great Sand Dunes National Monument in the State of Colorado was established by Proclamation No. 1994 of March 17, 1932 (47 Stat. 2506), as modified by Proclamation No. 2681 of March 12, 1946, for the preservation of the great sand dunes and additional features of scenic, scientific, and educational interests; and

WHEREAS it appears that retention of certain lands within the monument is no longer necessary for such purpose; and

WHEREAS it appears that it would be in the public interest to exclude such lands from the monument; and

WHEREAS certain lands now a part of the Rio Grande National Forest are better suited for national-monument purposes than for national-forest purposes and should be excluded from such forest, and these lands and certain other land adjoining the monument are required for the proper care, management, and protection of the objects of scenic, scientific, and educational interest situated on lands within the monument; and

WHEREAS it appears that it would be in the public interest to reserve such lands as an addition to the monument:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the act of June 8, 1906, 34 Stat. 225 (16 U. S. C. 431), and the act of June 4, 1897, 30 Stat. 34, 36 (16 U. S. C. 473), do proclaim as follows:

1. The following-described lands in the State of Colorado are hereby excluded from the Great Sand Dunes National Monument:

NEW MEXICO PRINCIPAL MERIDIAN

T. 41 N., R. 12 E.,
Sec. 22, SW¼;
Sec. 26, all;
Sec. 27, all;
Sec. 34, all;
Sec. 35, all.

T. 40 N., R. 12 E.,
Sec. 2, all;
Sec. 11, NE¼;
Sec. 12, SW¼;
Sec. 13, W½;
Sec. 24, all;
Sec. 25, all.

Fractional T. 40 N., R. 13 E.,
Sec. 19, all;
Sec. 30, all;
Sec. 31, all.

SIXTH PRINCIPAL MERIDIAN

T. 27 S., R. 73 W.,
Sec. 15, SE¼SW¼, S½SE¼;
Sec. 19, all;
Sec. 20, all;
Sec. 21, all;
Sec. 22, all.

The public lands hereby excluded from the monument shall not be subject to application, location, settlement, entry, or other forms of appropriation under the public-land laws until further order of an authorized officer of the Department of the Interior.

2. Subject to valid existing rights, the following-described lands in the State of Colorado are hereby reserved as and made a part of the Great Sand Dunes National Monument, and so much thereof as is now within the Rio Grande National Forest is hereby excluded therefrom and the boundaries of the said National Forest are modified accordingly:

SIXTH PRINCIPAL MERIDIAN

T. 26 S., R. 73 W.,
Sec. 2, all.
T. 27 S., R. 73 W.,
Sec. 2, W½.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States to be affixed.

DONE at the City of Washington this seventh day of June in the year of our Lord nineteen hundred and [SEAL] fifty-six, and of the Independence of the United States of America the one hundred and eightieth.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES, *Secretary of State.*

[F. R. Doc. 56-4717; Filed, June 12, 1956; 11:23 a. m.]

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FEDERAL REGISTER

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**CFR SUPPLEMENTS**

**(As of January 1, 1956)**

The following Supplements are now available:

**Title 7: Parts 900–959 (Rev., 1955) ($6.00)**

**Title 7: Part 960 to end (Rev., 1955) with Supplement ($5.85)**

**Title 46: Part 146 to end ($1.25)**

Previously announced: Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 7: Parts 1–209 ($1.25); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Parts 1–399 ($2.50), Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. I, and Title 27 ($1.00); Titles 28 and 29 ($1.25); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 400–699 ($0.65), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Title 33 ($1.50); Titles 35–37 ($1.00); Titles 40–42 ($0.65); Title 43 ($0.50); Title 46: Parts 1–145 ($0.60); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.



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## PROCLAMATION 3139

DETERMINING PIPERIDYL METHADONE AND FIVE OTHER DRUGS TO BE OPIATES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS section 4731 (g) of the Internal Revenue Code of 1954 provides in part as follows:

*Opiate.* The word "opiate", as used in this part shall mean any drug (as defined in the Federal Food, Drug, and Cosmetic Act; 52 Stat. 1041, section 201 (g); 21 U. S. C. 321) found by the Secretary or his delegate, after due notice and opportunity for public hearing, to have an addiction-forming or addiction-sustaining liability similar to morphine or cocaine, and proclaimed by the President to have been so found by the Secretary or his delegate. • • •;

AND WHEREAS the Secretary of the Treasury, after due notice and opportunity for public hearing, has found that each of the following-named drugs has an addiction-forming or addiction-sustaining liability similar to morphine, and that in the public interest this finding should be effective immediately:



(1) 4,4-diphenyl-6-piperidino-3-heptanone (piperidyl methadone).
(2) Isopropyl 1-methyl-4-phenylpiperidine-4-carboxylate.
(3) 3-diethylamino-1,1-di(2-thienyl)-1-butene (diethylthiambutene).
(4) 1,3-dimethyl-4-phenyl-4-propionoxyhexamethyleneimine.
(5) Ethyl 2,2-diphenyl-4-morpholinobutyrate.
(6) Ethyl 1-[2-(p-aminophenyl)-ethyl]-4-phenylpiperidine-4-carboxylate.

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby proclaim that the Secretary of the Treasury has found that each of the aforementioned drugs has an addiction-forming or addiction-sustaining liability similar to morphine and that in the public interest this finding should be effective immediately.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States to be affixed.

DONE at the City of Washington this seventh day of June in the year of our Lord nineteen hundred and [SEAL] fifty-six, and of the Independence of the United States of America the one hundred and eightieth.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
*Secretary of State.*

[F. R. Doc. 56-4718; Filed, June 12, 1956; 11.23 a. m.]

# RULES AND REGULATIONS

## TITLE 6—AGRICULTURAL CREDIT

### Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

**Subchapter B—Loans, Purchases, and Other Operations**

[1954 C. C. C. Grain Price Support Bulletin 1, Supp. 4, Corn]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1954-CROP CORN EXTENDED RESEAL LOAN PROGRAM

An extended reseal loan program has been announced for 1954-crop corn. The 1954 C. C. C. Grain Price Support Bulletin 1 (19 F. R. 967, 1595, and 6901), issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1954, supplemented by Supplements 1, 2 and 3, Corn (19 F. R. 3365, 6902, 7155, 20 F. R. 411, 3815, and 7483), containing the specific requirements for the 1954-crop corn price support program, is hereby further supplemented as follows:

Sec.
421.739 Applicable sections of 1954 CCC Grain Price Support Bulletin 1, and Supplements 1, 2 and 3, Corn.
421.740 Availability.
421.741 Eligible corn.
421.742 Approved storage.
421.743 Approved forms.
421.744 Quantity eligible for extended reseal.
421.745 Service charges.
421.746 Set-offs.
421.747 Storage and track-loading payments.
421.748 Maturity and satisfaction.
421.749 Support rates.

AUTHORITY: §§ 421.739 to 421.749 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421.

§ 421.739 *Applicable sections of 1954 CCC Grain Price Support Bulletin 1, and Supplements 1, 2 and 3, Corn.* The following sections of the 1954 CCC Grain Price Support Bulletin 1, as amended, and Supplements 1, 2 and 3, Corn as amended, published in 19 F. R. 967, 1595, 3365, 6901, 6902, 7155, and 20 F. R. 411, 3815 and 7483, shall be applicable to the 1954 Corn Extended Reseal Loan Program: § 421.401 *Administration;* § 421.405 *Approved lending agencies;* § 421.408 *Liens;* § 421.411 *Interest rate;* § 421.413 *Safeguarding the commodity;* § 421.414 *Insurance on farm-storage loans;* § 421.415 *Loss or damage to the commodity;* § 421.416 *Personal liability of the Producer;* § 421.417 *Release of the commodity under loan;* § 421.419 *Foreclosure;* § 421.420 *Purchase of notes;* § 421.488 *Determination of quantity;* § 421.734 *Transfer of producer's equity.* Other sections of the 1954 C. C. C. Grain Price Support Bulletin 1, as amended, and Supplements 1, 2 and 3, Corn, as amended, shall be applicable to the extent indicated in this subpart.

§ 421.740 *Availability*—(a) *Area and scope.* The extended reseal program will be available in all counties where 1954-crop corn is under reseal loan except in angoumois moth areas designated by the State ASC committee: *Provided, however,* That the program will be available only where the ASC State committee determines that there may be a shortage of storage space and that the corn can be safely stored on the farm for the period of the extended reseal loan. This program provides, under certain circumstances, for the extension of 1954-crop corn farm-storage reseal loans. Neither warehouse-storage loans nor purchase agreements will be available to producers under this program.

(b) *Time and source.* The producer who has a reseal loan and who desires to extend such loan must make application to the office of the county committee which approved his reseal loan before the final date for delivery specified in the delivery instructions issued to him by the office of the county committee.

§ 421.741 *Eligible corn*—(a) *Requirements of eligibility.* The corn (1) must be in farm storage presently under a reseal loan; (2) must meet the requirements set forth in § 421.486 (a), (b), (c), and (f) of 1954 C. C. C. Grain Price Support Bulletin 1, Supplement 1, Corn; (3) must grade No. 3 or better, or No. 4 on the factor of test weight only, but otherwise No. 3 or better, and must contain not in excess of 15.5 percent moisture in the case of ear corn nor in excess of 13.5 percent moisture in the case of shelled corn; and (4) must, in addition, meet the sanitation requirements set forth in paragraph (b) of this section.

(b) *Sanitation requirements.* The corn (1) must be of a quality which meets the sanitation requirements, if any, of the Federal Food and Drug Administration in effect at the time the loan is made or extended, and (2) must not contain mercurial compounds or other substances poisonous to man or animals.

(c) *Inspection.* If a producer makes application to extend his reseal loan, the commodity loan inspector shall, with the producer, reinspect the corn and the farm-storage structure in which the corn is stored. If recommended by either the commodity loan inspector or the producer, a sample of the corn shall be taken and submitted for grade analysis.

(d) *Determination of quality.* Quality determinations shall be made as set forth in § 421.489: *Provided,* That determinations, if any, with respect to sanitation requirements specified in paragraph (b) of this section shall be made in accordance with instructions issued by CCC.

§ 421.742 *Approved storage.* Corn covered by any extended reseal loans must be stored in structures which meet the requirements for farm-storage loans as provided in § 421.406 (a). Consent for storage for any loans extended must be obtained by the producer for the period ending September 30, 1957, if the structure is owned or controlled by someone other than the producer, or if the lease expires prior to September 30, 1957.

§ 421.743 *Approved forms.* (a) The approved forms, which together with the provisions of this subpart govern the rights and responsibilities of the producer, shall consist of a Producer's Note and Supplemental Loan Agreement, Commodity Loan Form A, secured by a Commodity Chattel Mortgage on Commodity Loan Form AA, and such other forms and documents as may be prescribed by CCC. Notes and chattel mortgages must have State and documentary revenue stamps affixed thereto where required by law. Loan documents executed by an administrator, executor or trustee will be acceptable only where legally valid.

(b) Where required by State Law, a new producer's note and chattel mortgage shall be completed when a reseal loan is extended.

§ 421.744 *Quantity eligible for extended reseal.* The quantity of corn eligible for an extended reseal loan will be the quantity shown on the original note and chattel mortgage, less any quantity delivered or redeemed.

§ 421.745 *Service charges.* When a reseal loan is extended, the producer will

not be required to pay an additional service charge.

§ 421.746 *Set-offs.* If the producer is indebted to CCC on any accrued obligation, or if any installment or installments on any loan made available by CCC on farm-storage facilities or mobile drying equipment are delinquent, or are payable under the provisions of the note evidencing such loan out of the proceeds of the price support loan, he must designate CCC or the lending agency holding such note as the payee of the proceeds of the price support loan to the extent of such indebtedness or installments, but not to exceed that portion of the proceeds remaining after deduction of loan service charges and amounts due prior lienholders. If the producer is indebted to any other agency of the United States and such indebtedness is listed on the county debt register, he must designate such agency as the payee of the proceeds as provided in this section. Indebtedness owing to CCC or to a lending agency as provided in this section shall be given first consideration after claims of prior lienholders. Where the producer has an outstanding loan(s) made under the Farm Storage Facility Loan Program, or the Mobile Drying Equipment Loan Program, any storage payment due the producer for storage of the corn in farm-storage structures shall be applied (a) to any delinquent amount(s), (b) to the borrower's storage facility loan installment or mobile drying equipment loan installment which is due and payable when the storage payment is due and (c) to any extended installment(s), each including interest. Any amount of such storage payment not so applied, together with all other payments for services due the producer, shall be subject to set-off in the same manner as provided in this section for loan proceeds. Compliance with the provisions of this section shall not constitute a waiver of any right of the producer to contest the justness of the indebtedness involved either by administrative appeal or by legal action.

§ 421.747 *Storage and track-loading payments*—(a) *Storage payment for 1955–56 storage period.* (1) A producer who extends his farm-storage reseal loan will at the time of extension of the reseal loan receive a payment for earned storage during the reseal loan period. This payment will be computed at the rate of 15 cents per bushel on the quantity of corn held in farm storage for the full reseal period, ending July 31, 1956. The reseal storage payment will be disbursed to the producer by the office of the ASC county committee.

(2) Upon delivery of the 1954-crop corn to CCC, the actual quantity of corn held in farm storage under the extended reseal loan program will be determined by weighing. The storage payment previously made to the producer at the time the reseal loan was extended, covering the 1955–56 storage period, will then be recomputed on the basis of the actual quantity determined to have been covered by the extended reseal loan. Any amount due the producer for such storage on the quantity delivered in excess of the quantity stated in the extended reseal loan documents will be regarded as an additional credit in effecting settlement with the producer. The amount of any overpayment which is determined to have been made to the producer at the time the reseal loan was extended shall be collected from the producer.

(b) *Storage payment for 1956–57 storage period.* A storage payment for the 1956–57 extended reseal storage period will be made as follows:

(1) *Storage payment for full reseal period.* A storage payment computed at the rate of 16 cents per bushel will be made to the producer on the quantity involved if he (i) redeems corn from the loan on or after July 31, 1957, (ii) delivers corn to CCC on or after July 31, 1957, or (iii) delivers corn to CCC prior to July 31, 1957, pursuant to demand by CCC for repayment of the loan solely for the convenience of CCC, if the corn was not damaged or otherwise impaired.

(2) *Prorated storage payment.* A prorated storage payment computed at the rate of 0.00053 per bushel a day, but not to exceed 16 cents per bushel, according to the length of time the quantity of corn was in store after September 30, 1956, will be made to the producer (i) in the case of loss assumed by CCC under the provisions of the loan program, (ii) in the case of corn redeemed from the loan prior to July 31, 1957, and (iii) in the case of corn delivered to CCC prior to July 31, 1957, pursuant to CCC's demand and not solely for the convenience of CCC, or upon request of the producer and with the approval of CCC: *Provided, however,* That no storage payment will be made with respect to corn so delivered which is damaged or otherwise impaired due to negligence on the part of the producer. In the case of losses assumed by CCC, the period for computing the storage payment shall end on the date of the loss; and in the case of redemptions, on the date of repayment.

(3) In no case will any storage payment be made where the producer has made any false representation in the loan documents or in obtaining the loan, or where the commodity has been abandoned, or where there has been conversion on the part of the producer.

(c) *Track-loading payment.* A track-loading payment of 3 cents per bushel will be made to the producer on corn delivered to CCC, in accordance with instructions of the county committee, on track at a country point.

§ 421.748 *Maturity and satisfaction.* Extended reseal loans will mature on demand but not later than July 31, 1957. The producer must pay off his loan, plus interest, on or before maturity or deliver the mortgage corn in accordance with the instructions of the county committee. If the producer desires to deliver the corn he should, prior to maturity, give the county committee notice in writing of his intention to do so. The producer may, however, pay off his loan and redeem his corn at any time prior to delivery of the corn to CCC or removal of the corn by CCC. Credit will be given at the applicable settlement value according to grade and/or quality for the total quantity eligible for delivery. Delivery of corn will be accepted only from bin(s) in which the corn under extended reseal loan is stored. The provisions of § 421.418 (a), (c), and (e) (2), (3), and (4) and of § 421.493 (a) shall be applicable: *Provided,* That, if upon delivery, the corn is of a quality which does not meet sanitation requirements (§ 421.741 (b)) in effect at the time the loan was extended, the corn, in the event of failure to meet the requirements of § 421.741 (b) (1), shall be sold for feed, or for industrial uses other than food or beverages, and, in the event of failure to meet the requirements of § 421.741 (b) (2), shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals, and in each instance covered by this proviso, the settlement value shall be the same as the sales price: *Provided further,* That if CCC is unable to sell such corn for the use specified above, the settlement value shall be the market value, if any, as determined by CCC, as of the date of delivery.

§ 421.749 *Support rates.* (a) The support rate for an extended reseal loan shall remain the same as for the original loan.

(b) Any discounts or premiums established for variation in classification and quality as shown in § 421.494 (b), shall be applicable in determining the settlement value.

Issued this 7th day of June 1956.

[SEAL] WALTER C. BERGER,
*Acting Executive Vice President,*
*Commodity Credit Corporation.*

[F. R. Doc. 56-4649; Filed, June 12, 1956; 8:47 a. m.]

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[1955 C. C. C. Grain Price Support Bulletin 1, Supp. 3, Corn]

## PART 421—GRAINS AND RELATED COMMODITIES

### SUBPART—1955-CROP CORN RESEAL LOAN PROGRAM

A reseal loan program has been announced for 1955-crop corn. The 1955 C. C. C. Grain Price Support Bulletin 1 (20 F. R. 3017 and 4563) issued by the Commodity Credit Corporation and containing the general requirements with respect to price support operations for grains and related commodities produced in 1955, supplemented by supplements 1 and 2, Corn (20 F. R. 4101, 7413, and 7977) containing the specific requirements for the 1955-crop corn price support program, is hereby further supplemented as follows:

Sec.
421.1147 Applicable sections of 1955 C. C. C. Grain Price Support Bulletin 1, and Supplements 1 and 2, Corn.
421.1148 Availability.
421.1149 Eligible producer.
421.1150 Eligible corn.
421.1151 Approved storage.
421.1152 Approved forms.
421.1153 Quantity eligible for reselling.
421.1154 Additional service charges.
421.1155 Transfer of producer's equity.



Sec.
421.1156 Set-offs.
421.1157 Storage and track-loading payments.
421.1158 Maturity and satisfaction.
421.1159 Support rates.

AUTHORITY: §§ 421.1147 to 421.1159 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. 714c, 7 U. S. C. 1441, 1421.

§ 421.1147 *Applicable sections of 1955 C. C. C. Grain Price Support Bulletin 1, and Supplments 1 and 2, Corn.* The following sections of the 1955 C. C. C. Grain Price Support Bulletin 1, as amended, and Supplements 1 and 2, Corn, as amended, published in 20 F. R. 3017, 4563, 4101, 7413 and 7977, shall be applicable to the 1955 Corn Reseal Loan Program: § 421.1001 *Administration;* § 421.1005 *Approved lending agencies;* § 421.1008 *Liens;* § 421.1011 *Interest rate;* § 421.1013 *Safeguarding the commodity;* § 421.1014 *Insurance on farm-storage loans;* § 421.1015 *Loss or damage to the commodity;* § 421.1016 *Personal liability of the producer;* § 421.1017 *Release of the commodity under loan;* § 421.1019 *Foreclosure;* § 421.1020 *Purchase of Notes;* § 421.1140 *Determination of quantity.* Other sections of the 1955 C. C. C. Grain Price Support Bulletin 1, as amended, and Suplements 1 and 2, Corn, as amended, shall be applicable to the extent indicated in this subpart.

§ 421.1148 *Availability* — (a) *Area and scope.* The reseal program will be available wherever corn is grown in the continental United States except in angoumois moth areas designated by the ASC State Committee: *Provided, however,* That such program will be available only where the ASC State committee determines that there may be a shortage of storage space and that corn can be safely stored on the farm for the period of the reseal loan. This program provides, under certain circumstances, for the extension of 1955-crop farm-storage loans and the making of farm-storage loans on 1955-crop corn covered by purchase agreements. Neither warehouse-storage loans nor purchase agreements will be available to producers under this program.

(b) *Time.* (1) The producer who desires to participate in the reseal loan program must file an application for a farm-storage reseal loan at the office of the ASC county committee.

(2) In the case of a farm-storage loan, the producer will be required to apply for extension of his loan before the final date for delivery specified in the delivery instructions issued to him by the office of the ASC county committee.

(3) The producer who signed a purchase agreement on farm-stored corn is required, under the 1955 Corn Price Support Program, to notify the office of the ASC county committee not later than July 31, 1956, if he intends to sell the corn to CCC. If the producer has notified the office of the ASC county committee, on or before July 31, 1956 of his intention to sell the corn to CCC, or to participate in this program, he may obtain a farm-storage loan on the corn. The loan documents must be executed by the producer on or before the final date for delivery specified in the delivery instructions, or on or before September 30, 1956, if the producer has not requested or received delivery instructions. The loan documents must be presented for disbursement within 15 days after execution. Disbursement of loans will be made to producers by approved lending agencies under an agreement with CCC, or by ASC county offices by means of sight drafts drawn on CCC. Payment in cash, credit to the producer's account, or the drawing of a check or draft shall constitute disbursement. The producer shall not present the loan documents for disbursement unless the corn is in existence and in good condition. If the corn was not in existence and in good condition at the time of disbursement, the total amount disbursed under the loan shall be promptly refunded by the producer. In the event the amount disbursed exceeds the amount authorized under this subpart, the producer shall be personally liable for repayment of the amount of such excess.

(c) *Source.* A producer desiring to participate in the reseal loan program should make application to the office of the ASC county committee which approved his loan or purchase agreement. Disbursements of loans completed on corn covered by purchase agreements shall be made to producers by ASC county offices by means of sight drafts drawn on CCC or by approved lending agencies under agreements with CCC.

§ 421.1149 *Eligible producer.* An eligible producer shall be any individual, partnership, association, corporation, or other legal entity, a State, political subdivision of a State or any agency thereof, who produced the corn in 1955 as landowner, landlord, tenant, or sharecropper and who either completed a farm-storage loan or signed a purchase agreement on farm-storage corn of the 1955 crop.

§ 421.1150 *Eligible corn*—(a) *Requirements of eligibility.* The corn (1) must meet the requirements set forth in § 421.1138 (a), (b), (c), and (e) of 1955 C. C. C. Grain Price Support Bulletin 1, Supplement 1, Corn; (2) must grade No. 3 or better, or No. 4 on the factor of test weight only, but otherwise No. 3 or better, and must contain not in excess of 15.5 percent moisture in the case of ear corn nor in excess of 13.5 percent moisture in the case of shelled corn; (3) must be under price support loan or purchase agreement; and (4) must, in addition, meet the sanitation requirements set forth in paragraph (b) of this section.

(b) *Sanitation requirements.* The corn (1) must be of a quality which meets the sanitation requirements, if any, of the Federal Food and Drug Administration in effect at the time the loan is made or extended, and (2) must not contain mercurial compounds or other substances poisonous to man or animals.

(c) *Inspection*—(1) *Extended farm-storage loans.* If a producer makes application to extend his farm-storage loan, the commodity loan inspector shall, with the producer, reinspect the corn and structure in which the corn is stored. If recommended by either the commodity loan inspector or the producer, a sample of the corn shall be taken and submitted for grade anaysis.

(2) *Corn covered by purchase agreement.* If a producer makes application for a farm-storage loan on corn covered by a purchase agreement, the commodity loan inspector shall inspect the corn and storage structure, obtain a sample if the corn and structure appear eligible, and proceed in the regular manner for the inspection of a commodity to be placed under loan.

(d) *Determination of quality.* Quality determinations shall be made as set forth in § 421.1141: *Provided,* That determinations, if any, with respect to sanitation requirements specified in paragraph (b) of this section shall be made in accordance with instructions issued by CCC.

§ 421.1151 *Approved storage.* Corn covered by any loans extended and any new loans completed must be stored in structures which meet the requirements for farm-storage loans as provided in § 421.1006 (a). Consent for storage for any loans extended or new loans completed must be obtained by the producer for the period ending September 30, 1957, if the structure is owned or controlled by someone other than the producer, or if the lease expires prior to September 30, 1957.

§ 421.1152 *Approved forms.* (a) The approved forms, which together with the provisions of this subpart govern the rights and responsibilities of the producer, shall consist of Producer's Note and Supplemental Loan Agreement, Commodity Loan Form A, secured by a Commodity Chattel Mortgage on Commodity Loan Form AA, and such other forms and documents as may be prescribed by CCC. Notes and chattel mortgages must have State and documentary revenue stamps affixed thereto where required by law. Loan documents executed by an administrator, executor or trustee will be acceptable only where legally valid.

(b) Where required by State law, a new producer's note and chattel mortgage shall be completed when a farm-storage loan is extended.

§ 421.1153 *Quantity eligible for resealing.* (a) The quantity of corn eligible for reseal on an extended farm-storage loan, will be the quantity shown on the original note and chattel mortgage, less any quantity delivered or redeemed.

(b) A producer may obtain a loan on not in excess of the quantity of corn specified in the purchase agreement, minus any quantity of the corn under such purchase agreement (1) which has been previously placed under loan or (2) on which he exercises his option to sell to CCC.

§ 421.1154 *Additional service charges.* (a) When a farm-storage loan is extended, the producer will not be required to pay an additional service charge.

(b) At the time a farm-storage loan is made to the producer on corn covered by a purchase agreement, the producer shall

pay an additional service charge of ½ cent per bushel on the number of bushels placed under loan, or $1.50 whichever is greater. No refund of service charges will be made.

§ 421.1155 *Transfer of producer's equity.* The producer shall not transfer either his remaining interest in or his right to redeem the corn mortgaged as security for a loan under this program. A producer who wishes to liquidate all or part of his loan by contracting for the sale of the corn must obtain written prior approval of the county committee on Commodity Loan Form 12 to remove the corn from storage when the proceeds of the sale are needed to repay all or any part of the loan. Any such approval shall be subject to the terms and conditions set out in Commodity Loan Form 12, copies of which may be obtained by producers or prospective purchasers at the office of the ASC county committee.

§ 421.1156 *Set-offs.* If the producer is indebted to CCC on any accrued obligation, or if any installment or installments on any loan made available by CCC on farm-storage facilities or mobile drying equipment are delinquent, or are payable under the provisions of the note evidencing such loan out of the proceeds of the price support loan, he must designate CCC or the lending agency holding such note as the payee of the proceeds of the price support loan to the extent of such indebtedness or installments, but not to exceed that portion of the proceeds remaining after deduction of loan service charges and amounts due prior lienholders. If the producer is indebted to any other agency of the United States and such indebtedness is listed on the county debt register, he must designate such agency as the payee of the proceeds as provided in this section. Indebtedness owing to CCC or to a lending agency as provided in this section shall be given first consideration after claims of prior lienholders. Where the producer has an outstanding loan(s), made under the Farm Storage Facility Loan Program or the Mobile Drying Equipment Loan Program, any storage payment due the producer for storage of the corn in farm-storage structures shall be applied (a) to any delinquent amount(s), (b) to the borrower's storage facility loan installment or mobile drying equipment loan installment which is due and payable when the storage payment is due and (c) to any extended installment(s), each including interest. Any amount of such storage payment not so applied, together with all other payments for services due the producer, shall be subject to set-off in the same manner as provided in this section for loan proceeds. Compliance with the provisions of this section shall not constitute a waiver of any right of the producer to contest the justness of the indebtedness involved either by administrative appeal or by legal action.

§ 421.1157 *Storage and track-loading payments*—(a) *Storage payment.* A reseal storage payment will be made as follows:

(1) Storage payment for full reseal period: A storage payment computed at the rate of 16 cents per bushel will be made to the producer on the quantity involved if he (i) redeems corn from the loan on or after July 31, 1957, (ii) delivers corn to CCC on or after July 31, 1957, or (iii) delivers corn to CCC prior to July 31, 1957, pursuant to demand by CCC for repayment of the loan solely for the convenience of CCC if the corn was not damaged or otherwise impaired.

(2) Prorated storage payment: A prorated storage payment computed at the rate of 0.00053 cent per bushel a day, but not to exceed 16 cents per bushel, according to the length of time the quantity of corn involved was in store after September 30, 1956, will be made to the producer (i) in the case of loss assumed by CCC under the provisions of the loan program, (ii) in the case of corn redeemed from the loan prior to July 31, 1957, and (iii) in the case of corn delivered to CCC prior to July 31, 1957, pursuant to CCC's demand and not solely for the convenience of CCC, or upon request of the producer and with the approval of CCC: *Provided, however,* That no storage payment will be made with respect to corn so delivered to CCC which is damaged or otherwise impaired due to negligence on the part of the producer. In the case of losses assumed by CCC, the period for computing the storage payment shall end on the date of the loss; and in the case of redemption, on the date of repayment.

(3) In no case will any storage payment be made where the producer has made any false representation in the loan documents or in obtaining the loan, or where the corn has been abandoned, or where there has been conversion on the part of the producer.

(b) *Track-loading payment.* A track-loading payment of 3 cents per bushel will be made to the producer on corn delivered to CCC in accordance with instructions of the county committee, on track at a country point.

§ 421.1158 *Maturity and satisfaction.* (a) Loans will mature on demand but not later than July 31, 1957. The producer must pay off his loan, plus interest, on or before maturity or deliver the mortgaged corn in accordance with the instructions of the county committee. If the producer desires to deliver the corn he should, prior to maturity, give the county committee notice in writing of his intention to do so. The producer may, however, pay off his loan and redeem his corn at any time prior to the delivery of the corn to CCC or removal of the corn by CCC. Credit will be given at the applicable settlement value according to grade and/or quality for the total quantity eligible for delivery. Delivery of corn will be accepted only from bin(s) in which the corn under reseal loan is stored. The provisions of § 421.1018 (a), (c), (f), and (g), and of § 421.1145 (a) shall be applicable thereto: *Provided,* That, if upon delivery, the corn is of a quality which does not meet sanitation requirements (§ 421.1150 (b)) in effect at the time the loan was extended or at the time the loan was made on corn covered by a purchase agreement, the corn, in the event of failure to meet the requirements of § 421.1150 (b) (1), shall be sold for feed, or for industrial uses other than food and beverages, and, in the event of failure to meet the requirements of § 421.1150 (b) (2), shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals, and in each instance covered by this proviso, the settlement value shall be the same as the sales price: *Provided further,* That if CCC is unable to sell such corn for the use specified above, the settlement value shall be the market value, if any, as determined by CCC, as of the date of delivery.

§ 421.1159 *Support rates.* (a) The support rate for an extended farm-storage loan shall remain the same as for the original loan and the support rate for corn covered by a purchase agreement placed under a farm-storage loan shall be the same as the support rate established for the corn in § 421.1146 (a) (1) and (2).

(b) Any discounts or premiums established for variation in classification and quality as shown in § 421.1146 (b) shall be applicable in determining the settlement value.

Issued this 7th day of June 1956.

[SEAL] WALTER C. BERGER,
*Acting Executive Vice President,*
*Commodity Credit Corporation.*

[F. R. Doc. 56-4651; Filed, June 12, 1956; 8:47 a. m.]

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[1956 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Rye]

## PART 421—GRAINS AND RELATED COMMODITIES

### SUBPART—1956-CROP RYE LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program has been announced for the 1956 crop of rye. The 1956 C. C. C. Grain Price Support Bulletin 1 (21 F. R. 3997), issued by the Commodity Credit Corporation and containing regulations of a general nature with respect to price support operations for certain grains and related commodities produced in 1956 is supplemented as follows:

Sec.
421.1976 Purpose.
421.1977 Availability of price support.
421.1978 Eligible rye.
421.1979 Warehouse receipts.
421.1980 Determination of quantity.
421.1981 Determination of quality.
421.1982 Maturity of loans.
421.1983 Determination of support rates.
421.1984 Warehouse charges.
421.1985 Settlement.



AUTHORITY: §§ 421.1976 to 421.1985 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 1054, 15 U. S. C. 714c, 7 U. S. C. 1447, 1421.

§ 421.1976 *Purpose.* Sections 421.1976 to 421.1985 state additional specific regulations which, together with the general regulations contained in the 1956 C. C. C. Grain Price Support Bulletin 1 (§§ 421.1601 to 421.1622) apply to loans and purchase agreements under the 1956-Crop Rye Price Support Program.

§ 421.1977 *Availability of price support*—(a) *Method of support.* Price support will be made available through farm-storage and warehouse-storage loans and through purchase agreements.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available wherever rye is grown in the continental United States, except that farm-storage loans will not be available in areas where the State committee determines that rye cannot be safely stored on the farm.

(c) *Where to apply.* Application for price support should be made at the office of the county committee which keeps the farm-program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through January 31, 1957, and the applicable documents must be signed by the producer and delivered to the county committee not later than such date. Applicable documents include the Producer's Note and Loan Agreement for warehouse-storage loans, the Producer's Note and Supplemental Loan Agreement and the Commodity Chattel Mortgage for farm-storage loans, and the Purchase Agreement for purchase agreements.

(e) *Eligible producer.* An eligible producer shall be an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and whenever applicable a State, political subdivision of a State, or any agency thereof, producing rye in 1956 as landowner, landlord, tenant, or sharecropper. Two or more eligible producers may obtain a joint loan on eligible rye harvested by them if stored in the same farm-storage facility. In the case of joint loans, each person signing the note shall be held jointly and severally responsible for the loan. Where the county office has experienced difficulties in settling farm-storage loans with a producer, the county committee shall determine that he is not eligible for a farm-storage loan. He shall be eligible, however, to obtain a warehouse-storage loan or sign a purchase agreement.

§ 421.1978 *Eligible rye.* Rye to be eligible for price support must meet all of the applicable requirements set forth in this section.

(a) The rye must have been produced in the continental United States in 1956 by an eligible producer.

(b) At the time the rye is placed under loan or delivered under a purchase agreement:

(1) The beneficial interest in the rye must be in the eligible producer tendering the rye for loan or for delivery under a purchase agreement, and must always have been in him, or must have been in him and a former producer whom he succeeded before the rye was harvested.

(2) To meet the requirements of succession to a former producer, the rights, responsibilities and interest of the former producer with respect to the farming unit on which the rye was produced shall have been substantially assumed by the person claiming succession. Mere purchase of the crop prior to harvest, without acquisition of any additional interest in the farming unit, shall not constitute succession. The county committee shall determine whether the requirements with respect to succession have been met.

(c) Rye, at the time it is placed under loan, and rye under purchase agreement which is in approved warehouse storage prior to notification by the producer of his intention to sell to CCC, must meet the following requirements:

(1) The rye must be rye grading No. 2 or better, or rye grading No. 3 on the factor of "test weight" only, but otherwise grading No. 2 or better.

(2) Rye grading Tough, Light Smutty, Smutty, Light Garlicky, Garlicky, or Weevily, or containing in excess of 1 percent ergot, or containing mercurial compounds or other substances poisonous to man or animals, shall not be eligible, except that rye represented by warehouse receipts grading Tough will be eligible if the warehouseman certifies on the supplemental certificate or on a statement attached to the warehouse receipt "Rye grading Tough has been processed at the request of the eligible producer, and delivery will be made of the same country-run quality, quantity, and grade not Tough and no lien for processing will be claimed by the warehouseman from Commodity Credit Corporation or any subsequent holder of said warehouse receipt."

(3) If offered as security for a farm-storage loan, the rye must have been stored in the granary at least 30 days prior to its inspection for measurement, sampling, and sealing, unless otherwise approved by the State committee.

(d) Rye under purchase agreement stored in other than approved warehouse storage must in order to be eligible for sale to CCC, meet the requirements of paragraph (c) (1) and (2) of this section on the basis of a pre-delivery inspection performed by a representative of the county committee in accordance with regulations to be subsequently issued. Rye which does not meet the requirements of paragraph (c) (1) and (2) on the basis of the pre-delivery inspection referred to above shall also be eligible for sale to CCC only if the producer complies with the conditions to be specified in § 421.1985, and the rye on the basis of the inspection made at the time of delivery meets the requirements set forth in paragraph (c) (1) and (2) of this section.

§ 421.1979 *Warehouse receipts.* Warehouse receipts, representing rye in approved warehouse storage to be placed under loan or delivered under a purchase agreement, must meet the following requirements of this section:

(a) Warehouse receipts must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder and must be receipts issued on a warehouse approved by CCC under the Uniform Grain Storage Agreement which indicate that the rye is insured, or must be receipts issued on warehouses operated by Eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect.

(b) (1) Each warehouse receipt, or the warehouseman's supplemental certificate (in duplicate), properly identified with the warehouse receipt, must show: (i) Gross weight or bushels, (ii) grade (including special grades), (iii) percentage of ergot for rye containing in excess of 3/10 of 1 percent of ergot, (iv) test weight, (v) dockage, and (vi) any other grading factor(s) when such factor(s) and not test weight determine the grade and (vii) whether the rye arrived by rail, truck or barge. In the case of warehouse receipts issued for rye delivered by rail or barge, the grading factors on the warehouse receipt must agree with the inbound inspection certificate for the car or barge when such certificate is issued.

(2) If the warehouseman has processed the rye as provided in § 421.1978 (c) (2), the supplemental certificate must show the numerical grade and the grading factors resulting from the rye being processed. Where the grade and grading factors shown on the supplemental certificate do not agree with the warehouse receipt, the factors shown on the supplemental certificate shall take precedence.

(c) A separate warehouse receipt must be submitted for each grade of rye.

(d) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in §421.1984.

(e) Warehouse receipts representing rye which has been shipped by rail or water from a country shipping point to a designated terminal point or shipped by rail or water from a country shipping point to a storage point and stored in transit to a designated terminal point, must be accompanied by registered freight bills, or by a certificate containing similar information in a form prescribed by the CSS commodity office which shall be signed by the warehouseman and which may be part of the supplemental certificate.

§ 421.1980 *Determination of quantity.* (a) The quantity of rye placed under farm-storage loan may be determined either by weight or by measurement. The quantity of rye placed under a warehouse-storage loan or delivered under a farm-storage loan or under a purchase agreement shall be determined by weight.

(b) When the quantity is determined by weight, a bushel shall be 56 pounds of rye free of dockage. In determining the quantity of sacked rye by weight, a deduction of ¾ of a pound for each sack shall be made.

(c) When the quantity of rye is determined by measurement, a bushel shall be 1.25 cubic feet of rye testing 56 pounds per bushel. The quantity determined shall be the following percentages of the quantity determined for 56-pound rye:

| For rye testing: | Percent |
|---|---|
| 56 pounds or over | 100 |
| 55 pounds or over, but less than 56 pounds | 98 |
| 54 pounds or over, but less than 55 pounds | 96 |
| 53 pounds or over, but less than 54 pounds | 95 |
| 52 pounds or over, but less than 53 pounds | 92 |

(d) The percentage of dockage shall be determined and the weight of such dockage shall be deducted from the gross weight of the rye in determining the net quantity available for loan or purchase.

§ 421.1981 *Determination of quality.* (a) The grade, grading factors and all other quality factors shall be determined in accordance with the methods set forth in the Official Grain Standards of the United States for Rye, whether or not such determinations are made on the basis of an official inspection.

(b) The quantity of ergot shall be stated in terms of tenths of one percent and where applicable, the word "Ergoty" shall be added to, and made a part of, the grade designation.

§ 421.1982 *Maturity of loans.* Loans mature on demand but not later than February 28, 1957, in Alabama, Arkansas, Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, New Jersey, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia, and not later than April 30, 1957, in all other States. The maturity date for a loan shall be the maturity date for the State where the rye is stored.

§ 421.1983 *Determination of support rates.* Basic support rates for rye will be set forth in 1956 C. C. C. Grain Price Support Bulletin 1, Supplement 2, Rye. Support rates will be established for rye stored in approved warehouse storage at designated terminal markets, and for rye stored in approved country warehouses and in approved farm storage. The support rate for the quality of rye placed under a loan or delivered under a purchase agreement shall be the applicable basic support rate adjusted in accordance with the provisions of this section and 1956 C. C. C. Grain Price Support Bulletin 1, Supplement 2, Rye.

(a) *Support rates at designated terminal markets.* (1) (i) Rye eligible for loan or purchase at the support rates established at designated terminal markets must have been shipped on a domestic interstate freight rate basis. On any rye shipped at other than the domestic interstate freight rate, the support rate at the designated terminal market shall be reduced by the difference between the rate of freight paid (plus tax) and the domestic interstate freight rate (plus tax).

(ii) The support rates established for designated terminal markets will apply to rye which has been shipped by rail or water from a country shipping point to one of the designated terminal markets, as evidenced by paid freight bills duly registered for transit privileges: *Provided,* That in the event the amount of paid in freight is insufficient to guarantee the minimum proportional domestic interstate freight rate from the terminal market, there shall be deducted from the applicable terminal support rate the difference between the amount of freight actually paid in and the amount required to be paid in to guarantee outbound movement at the minimum proportional domestic interstate freight rate.

(2) (i) When shipped by rail or water and stored at any designated terminal market, rye for which neither registered freight bills nor registered freight certificates are presented to guarantee outbound movement at the minimum proportional domestic interstate freight rate shall have a support rate equal to the applicable terminal rate minus 8 cents per bushel.

(ii) For rye received by truck and stored at any designated terminal market, the support rate shall be determined by making a deduction from the applicable terminal rate as follows:

| Terminal located in: | Amount of deduction (cents per bushel) |
|---|---|
| Area I: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington | 12½ |
| Area II: Minnesota, Montana, North Dakota, South Dakota (also Superior, Wis.) | 12½ |
| Area III: Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, Wyoming, Wisconsin (except Superior) | 13 |
| Area IV: Arkansas, Connecticut, Delaware, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Texas, Vermont, Virginia, West Virginia | 14 |
| Area V: Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee | 14 |

(b) *Support rates for rye in approved warehouse storage at other than designated terminal markets.* (1) The support rate for rye stored in approved warehouses (other than those situated in the designated terminal markets) which is shipped by rail or water, shall be determined by deducting from the appropriate designated terminal market rate an amount equal to the transit balance, if any (plus tax), of the through-freight rate from point of origin for such rye to such terminal market: *Provided,* That on any rye shipped at other than the domestic interstate freight rate the support rate shall be further reduced by the difference between the rate of freight paid (plus tax) and the domestic interstate freight rate (plus tax) from the point of origin of such rye to the point of storage: *And provided further,* That in the case of rye stored at any railroad transit point, taking a penalty by reason of out-of-line movement or for any other reason, to the appropriate designated market, there shall be added to such transit balance an amount equal to any out-of-line costs or other costs incurred in storing rye in such position.

(2) The warehouse receipts must be accompanied by the original paid freight bills or certificates of the warehouseman and other required documents as set forth in § 421.1979.

(c) *Discounts.* The basic support rates shall be adjusted by all applicable discounts listed in 1956 C. C. C. Grain Price Support Bulletin 1, Supplement 2, Rye.

§ 421.1984 *Warehouse charges.* (a) Warehouse receipts and the rye represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges not to exceed the Uniform Grain Storage Agreement rates from the date the rye is deposited in the warehouse for storage. Where the date of deposit (the date of the warehouse receipt if the date of deposit is not shown) on warehouse receipts representing rye stored in warehouses operating under the Uniform Grain Storage Agreement is on or before February 28, or April 30, 1957, the applicable date to be determined in accordance with § 421.1982, there shall be deducted in computing the amount of the loan or purchase price the storage charges per bushel as shown in the following table unless written evidence is submitted with the warehouse receipt that all warehouse charges except receiving and loading out charges have been prepaid through February 28 or April 30, 1957, the applicable maturity date to be determined in accordance with § 421.1982.



| Amount of deduction (cents per bushel) | Area I [1] Date of deposit (all dates inclusive) | Area II [2] and Area III [3] Date of deposit (all dates inclusive) | Area IV [4] For States having maturity dates not later than Apr. 30, 1957; date of deposit (all dates inclusive) | Area IV [4] For States having maturity dates not later than Feb. 28, 1957; date of deposit (all dates inclusive) | Area V [5] Date of deposit (all dates inclusive) |
|---|---|---|---|---|---|
| 16 | Prior to May 9, 1956 | Prior to May 25, 1956 | Prior to June 9, 1956 | | |
| 15 | May 9–May 31, 1956 | May 25–June 15, 1956 | June 9–June 29, 1956 | Prior to Apr. 30, 1956 | Prior to May 14, 1956. |
| 14 | June 1–June 23, 1956 | June 16–July 7, 1956 | June 30–July 20, 1956 | Apr. 30–May 20, 1956 | May 14–June 2, 1956. |
| 13 | June 24–July 16, 1956 | July 8–July 29, 1956 | July 21–Aug. 10, 1956 | May 21–June 10, 1956 | June 3–June 22, 1956. |
| 12 | July 17–Aug. 8, 1956 | July 30–Aug. 20, 1956 | Aug. 11–Aug. 31, 1956 | June 11–July 1, 1956 | June 23–July 12, 1956. |
| 11 | Aug. 9–Aug. 31, 1956 | Aug. 21–Sept. 11, 1956 | Sept. 1–Sept. 21, 1956 | July 2–July 22, 1956 | July 13–Aug. 1, 1956. |
| 10 | Sept. 1–Sept. 23, 1956 | Sept. 12–Oct. 3, 1956 | Sept. 22–Oct. 12, 1956 | July 23–Aug. 12, 1956 | Aug. 2–Aug. 21, 1956. |
| 9 | Sept. 24–Oct. 16, 1956 | Oct. 4–Oct. 25, 1956 | Oct. 13–Nov. 2, 1956 | Aug. 13–Sept. 2, 1956 | Aug. 22–Sept. 10, 1956. |
| 8 | Oct. 17–Nov. 8, 1956 | Oct. 26–Nov. 16, 1956 | Nov. 3–Nov. 23, 1956 | Sept. 3–Sept. 23, 1956 | Sept. 11–Sept. 30, 1956. |
| 7 | Nov. 9–Dec. 1, 1956 | Nov. 17–Dec. 8, 1956 | Nov. 24–Dec. 14, 1956 | Sept. 24–Oct. 14, 1956 | Oct. 1–Oct. 20, 1956. |
| 6 | Dec. 2–Dec. 24, 1956 | Dec. 9–Dec. 30, 1956 | Dec. 15, 1956–Jan. 4, 1957 | Oct. 15–Nov. 4, 1956 | Oct. 21–Nov. 9, 1956. |
| 5 | Dec. 25, 1956–Jan. 16, 1957 | Dec. 31, 1956–Jan. 21, 1957 | Jan. 5–Jan. 25, 1957 | Nov. 5–Nov. 25, 1956 | Nov. 10–Nov. 29, 1956. |
| 4 | Jan. 17–Feb. 8, 1957 | Jan. 22–Feb. 12, 1957 | Jan. 26–Feb. 15, 1957 | Nov. 26–Dec. 16, 1956 | Nov. 30–Dec. 19, 1956. |
| 3 | Feb. 9–Mar. 3, 1957 | Feb. 13–Mar. 6, 1957 | Feb. 16–Mar. 8, 1957 | Dec. 17, 1956–Jan. 6, 1957 | Dec. 20, 1956–Jan. 8, 1957. |
| 2 | Mar. 4–March 26, 1957 | Mar. 7–Mar. 28, 1957 | Mar. 9–Mar. 29, 1957 | Jan. 7–Jan. 27, 1957 | Jan. 9–Jan. 28, 1957. |
| 1 | Mar. 27–Apr. 30, 1957 | Mar. 29–Apr. 30, 1957 | Mar. 30–Apr. 30, 1957 | Jan. 28–Feb. 28, 1957 | Jan. 29–Feb. 28, 1957. |

[1] Area I includes: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.
[2] Area II includes: Minnesota, Montana, North Dakota, South Dakota (also Superior, Wisconsin).
[3] Area III includes: Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, Wyoming, Wisconsin (except Superior).
[4] Area IV includes: Arkansas, Connecticut, Delaware, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Texas, Vermont, Virginia, West Virginia.
[5] Area V includes: Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee.

(b) Warehouse receipts and the rye represented thereby stored in approved warehouses operated by Eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission. There shall be deducted in computing the loan or purchase price the amount of the approved tariff rate for storage (not including elevation), which will accumulate from the date of deposit through February 28 or April 30, 1957, whichever date is applicable as determined in accordance with § 421.1982, unless written evidence is submitted with the warehouse receipt that the storage charges have been prepaid. The county committee shall request the CSS commodity office to determine the amount of such charges. Where the producer presents evidence showing that elevation charges have been prepaid, the amount of the storage charges to be deducted shall be reduced by the amount of the elevation charges prepaid by the producer.

§ 421.1985 *Settlement* — (a) *Settlement value.* (1) In the case of eligible rye delivered to CCC from farm-storage under the loan program, settlement shall be made at the applicable support rate determined in accordance with §§ 421.1983 and 421.1618 (d). The support rate shall be for the grade and quality of the total quantity of rye eligible for delivery. If, upon delivery, the rye under farm-storage loan is of a grade or quality for which no support rate has been established, the settlement value shall be computed at the support rate established for the grade and quality of the rye placed under loan, less the difference, if any, at the time of delivery, between the market price for the grade and quality placed under loan and the market price of the rye delivered, as determined by CCC: *Provided, however,* That if such rye is sold by CCC in order to determine its market price the settlement value shall not be less than such sales price: *And provided further,* That if upon delivery the rye contains mercurial compounds or other substances poisonous to man or animals, such rye shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell such rye for the use specified above, the settlement value shall be the market value, if any, as determined by CCC, as of the date of delivery.

(2) Provisions applicable to the predelivery inspection of rye under purchase agreement and the basis for settlement with the producer on rye delivered to CCC under purchase agreement will be issued as an amendment to this supplement.

(b) *Storage deduction for early delivery.* (1) No deduction for storage shall be made for farm-stored rye under loan or purchase agreement authorized to be delivered to CCC prior to the loan maturity date for the State, except where it is necessary to call the loan through fault or negligence on the part of the producer or where the producer requests early delivery and the county committee approves the early delivery and determines such early delivery is solely for the convenience of the producer.

(2) The deduction for storage shall be made in accordance with the schedule of deductions for warehouse charges in § 421.1984.

(c) *Refund of prepaid handling charges.* In case a warehouseman charges the producer for the receiving or the receiving and loading out charges on rye under loan or purchase agreement stored in a warehouse under the Uniform Grain Storage Agreement, the producer shall, upon delivery of the rye to CCC, be reimbursed or given credit by the county office for such prepaid charges in an amount not to exceed the charges authorized under the Uniform Grain Storage Agreement, provided the producer furnishes to the county committee written evidence signed by the warehouseman that such charges have been paid.

(d) *Storage payment where CCC is unable to take delivery of rye stored in other than an approved warehouse under loan or purchase agreement.* The producer may be required to retain rye stored in other than an approved warehouse under loan or purchase agreement for a period of 60 days after the applicable maturity date without any cost to CCC. However, if CCC is unable to take delivery of such rye within the 60-day period after maturity, the producer shall be paid a storage payment upon delivery of the rye to CCC: *Provided, however,* That a storage payment shall be paid a producer whose rye is stored in other than an approved warehouse under purchase agreement only if he has properly given notice of his intention to sell the rye to CCC and delivery cannot be accepted within the 60-day period after maturity. The period for earning such storage payment shall begin the day following the expiration of the 60-day period after the applicable maturity date and extend through the final date of delivery, or the final date for delivery as specified in the delivery instructions issued to the producer by the county office, whichever is earlier. The storage payment shall be computed at the rate of $0.00043 per bushel per day in Area I; $0.00045 per bushel per day in Area II; $0.00046 per bushel per day in Area III; $0.00047 per bushel per day in Area IV; and $0.00049 per bushel per day in Area V for the rye accepted for delivery or sale to CCC.

(e) *Track loading payment.* A track-loading payment of 3 cents per bushel shall be made to the producer on rye delivered to CCC on track at a country point.

Issued this 7th day of June 1956.

[SEAL] WALTER C. BERGER,
*Acting Executive Vice President,*
*Commodity Credit Corporation.*

[F. R. Doc. 56-4648; Filed, June 12, 1956; 8:46 a. m.]

[1956 C. C. C. Mobile Drier Bulletin 1]

## PART 474—FARM-STORAGE FACILITIES

### SUBPART—1956 PROGRAM TO FINANCE THE PURCHASE OF MOBILE DRYING EQUIPMENT FOR FARM COMMODITIES

This bulletin states the requirements with respect to the Program to Finance the Purchase of Drying Equipment for Farm Commodities formulated by Commodity Credit Corporation (hereinafter referred to as "CCC") and the Commodity Stabilization Service (hereinafter referred to as "CSS"). The program will be carried out by CSS under the general supervision and direction of the Executive Vice President, CCC.

Sec.


474.561 Administration.
474.562 Availability of loans.
474.563 Approved lending agencies.
474.564 Eligible borrowers.
474.565 Eligible equipment.
474.566 Terms and conditions of loan.
474.567 Disbursement of loans.
474.568 Service charges.
474.569 Sale or conveyance of security.


AUTHORITY: §§ 474.561 to 474.569 issued under sec. 4, 62 Stat. 1070, as amended, 15 U. S. C., 714b. Interpret or apply secs. 4, 5, 62 Stat. 1070, as amended, 1072; 15 U. S. C. 714b, 714c.

§ 474.561 *Administration.* The program will be administered by CSS, under the general direction and supervision of the Executive Vice President, CCC, and in the field will be carried out by State and county Agricultural Stabilization and Conservation committees (hereinafter called State and county committees). State and county committees do not have authority to modify or waive any provisions of this subpart or amendments or supplements to this subpart. Employees of County ASC Committees shall execute instruments in accordance with delegations of authority published in 21 F. R. 2957.

§ 474.562 *Availability of loans*—(a) *Area.* Loans will be available in any State of the continental United States.

(b) *Time.* Loan applications may be submitted from July 1, 1956 through June 30, 1957.

(c) *Source.* Loans may be obtained directly from CCC or through approved lending agencies. Approved forms and documents will be made available through offices of county committees. Applications for loans shall, in either case, be made to the county committee. Disbursement of loans will be made by approved lending agencies under agreements with CCC, or by drafts drawn on CCC by the county office.

§ 474.563 *Approved lending agencies.* An approved lending agency shall be any bank, partnership, individual, or other legal entity which has entered into a lending agency agreement for storage equipment loans, on the form prescribed by CCC.

§ 474.564 *Eligible borrowers.* Loans for the purchase of eligible equipment will be made to eligible borrowers. An eligible borrower shall be a person who (a) is a tenant, share landlord, or landowner-operator who produces one or more of the eligible commodities listed in § 474.565 and (b) has facilities for the storage of one or more of such eligible commodities suitable for adaptation to artificial drying and needs such eligible equipment in connection with the utilization of such facilities. The term "person" means an individual, partnership, corporation, or other legal entity. If two or more individuals join together in the purchase of eligible equipment, they must join as partners and each such individual shall be liable jointly and severally with respect to the loan.

§ 474.565 *Eligible equipment.* (a) Loans will be made only for the purchase of eligible equipment. Eligible equipment shall be mobile drying equipment (such as air-circulators, ventilators, tunnels and power-fans, or any combination thereof, and mechanical driers of a mobile type), which will be used in connection with the conditioning of corn, oats, barley, grain sorghums, wheat, rye, soybeans, flaxseed, rice, dry edible beans, dry peas, peanuts, cottonseed, hay seeds, pasture seeds, and winter cover crop seeds produced by the borrower.

(b) Loans will not be available (1) for the refinancing, repair, remodeling or maintenance of existing eligible equipment (2) for the purchase of secondhand eligible equipment, or (3) for the use in connection with the conditioning of commodities which the borrower intends to purchase, or condition, or store for others, or (4) where it appears that the equipment may be attached to, or become a part of, or made use of, in connection with any commercial operation, including but not limited to elevators, warehouses, drying or processing plants.

§ 474.566 *Terms and conditions of loan*—(a) *Term of loan.* The maximum term of the loan will be for a period of approximately three years, except that the term of an individual loan may be extended and reextended for terms of not to exceed one year each if the county committee determines in writing that the borrower is unable to meet the current payment when due because of catastrophic loss of crops or other comparable conditions beyond the control of the borrower. Loans will be payable in equal annual principal payments with interest at four percent per annum on the unpaid balance. Loans will be secured by chattel mortgages on the mobile drier and/or equipment, or by other security instrument approved by CCC. The cost of recording or filing of all documents required in connection with the loan shall be paid by the borrower. Upon approval of the application for loan, the county committee will execute a commitment for the loan. Unless the loan has been totally disbursed the loan commitment shall become null and void in four months after its date unless extended in writing by the county committee on or before its expiration date.

(b) *Amount of loan.* (1) The maximum amount loaned on any single mobile drier, or any mobile equipment shall not exceed the maximum amount authorized by the State committee and in no event shall exceed seventy-five percent of the delivered and assembled out-of-pocket cost paid by the borrower for such drier or equipment. The borrower shall be required to furnish receipted bills showing the cost of the drier or any mobile equipment, and amount of downpayment, before the loan is disbursed.

(2) County committees may approve loan applications, issue loan commitments and make disbursement of loans, without prior approval of the State committee, except as specifically provided herein, of any amount not in excess of $3,000. Applications for mobile drying equipment loans in the amount of $3,000 or over, shall be submitted through the State committee to the Deputy Administrator for Operations CSS, for review and approval prior to the issuance of a commitment.

(c) *Repayment of loan.* Payment will be due annually in equal payments beginning on the first anniversary date of the disbursement of the loan, and a like payment plus interest shall be due on each anniversary date thereafter until the principal, together with interest thereon, has been paid in full. Unless an extension is granted, in writing, failure to pay any installment by the twelfth month after such date or extension shall mature all installments then unpaid, and the entire unpaid amount of the note, without demand, notice, or other action shall become immediately due and payable and the borrower shall be personally liable for the entire amount remaining unpaid on the loan. Upon breach by the maker of the note of any covenants or agreements on his part to be performed under this subpart, or under the chattel mortgage or other security instruments securing the note, or under any other instruments executed in connection with the loan, or if the drier or eligible equipment is used in connection with any commercial operation including but not limited to elevator, warehouse, drying, or processing plants during the life of the loan, the holder, at its option, may declare the entire indebtedness immediately due and payable. Any unpaid amount on a delinquent loan or any past due amount on any annual payment may be deducted and paid out of any amounts due the borrower under any program carried out by the Department of Agriculture, excepting amounts due the borrower out of appropriated funds when the loan is held by a lending agency. Any payments for storage of commodities in farm storage structure under a price support or reseal program due from Commodity Credit Corporation to a borrower shall be applied (1) to any delinquent amount(s), and, (2) to the borrower's mobile drying equipment loan installment which is due and payable when the storage payment is due, and (3) to any extended installment(s), each including interest. The loan may be paid in part or in full by the borrower at any time before maturity. Upon payment of a loan secured by a mortgage which is held by CCC, the county committee shall be requested to release or obtain the release of such instruments of record. The chairman of each county committee is authorized to act as agent of CCC in releasing or obtaining the release of such instruments. Upon payment of loans secured by mortgages held by a lending agency, the lending agency should be requested to release such mortgage.

(d) *Insurance.* The borrower shall be required to provide insurance for the life or the loan and for the face value of the loan with coverage for fire and other hazards common to the area for such equipment as determined necessary by the county committee. The insurance policy shall contain a loss payable clause in favor of the holder of the note and CCC, as their interests may appear, and the cost shall be borne by the borrower. If any insurance is not in effect at any time during the life of the loan, or extension thereof, the loan shall be called immediately.

§ 474.567 *Disbursement of loans.* Loans will be disbursed to borrowers by lending agencies under agreement with CCC or directly by CCC. Direct loans to borrowers may be disbursed by means of sight drafts issued by county ASC offices.

§ 474.568 *Service charges.* A service charge of $5.00 or one percent of the amount of the loan, whichever is greater, shall be paid by the borrower at the time the application is made. If the loan is rejected or is not completed, the minimum fee of $5.00 shall be retained by the county committee and the balance returned to the applicant.

§ 474.569 *Sale or conveyance of security.* When a borrower desires to sell or convey the mobile drying equipment without repaying the loan in full, he shall apply to the Chairman of the county committee for approval of the sale or conveyance on behalf of CCC. If such approval is granted, the borrower and his purchaser shall execute an assumption agreement in form prescribed by CCC under which the borrower remains liable for the balance of the indebtedness and the purchaser assumes the balance of the indebtedness and agrees to comply with all the terms, conditions, covenants, and agreements set out in the security instruments. Approval of the transaction on behalf of CCC shall be shown by signature of the Chairman of the county committee in the space provided in the assumption agreement. The Chairman of each county committee is authorized to approve such transactions on behalf of CCC with respect to mobile drying equipment located within the county, by executing the consent provision in the assumption agreement. The assumption agreement form may be obtained from the county committee office.

Issued this 7th day of June, 1956.

[SEAL] WALTER C. BERGER,
*Acting Executive Vice President,*
*Commodity Credit Corporation.*

[F. R. Doc. 56-4650; Filed, June 12, 1956; 8:47 a. m.]



# TITLE 7—AGRICULTURE

## Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Plum Order 1, Amdt. 1]

## PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

### REGULATION BY GRADES AND SIZES

*Findings.* 1. Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitations of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.), because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient; and this amendment relieves restrictions on the handling of Beauty plums grown in the State of California, when packed in a container designated as a special plum box.

It is, therefore, ordered as follows:

The provisions in paragraph (b) of § 936.524 (Plum Order 1; 21 F. R. 3451) are hereby amended to read as follows:

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 13, 1956, and ending at 12:01 a. m., P. s. t., November 1, 1956, no shipper shall ship from any shipping point during any day any package or container of Beauty plums unless such plums grade at least U. S. No. 1 and, except to the extent otherwise permitted under this paragraph,

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in a special plum box, they are of a size not smaller than a size that will pack a 7-row standard pack; or

(iii) If the plums are packed in any container other than a standard basket or special plum box, ninety (90) percent, by count, of the plums measure $1^{10}/_{16}$ inches in diameter and of the remainder of the plums none measures less than $1^{7}/_{16}$ inches in diameter: *Provided,* That, no lot of plums shall be considered as failing to meet this requirement if one package of such plums contains not more than one (1) percent, by count, of plums that are smaller than $1^{7}/_{16}$ inches in diameter.

(2) During each day of the aforesaid period, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than the size prescribed in subparagraph (1) of this paragraph if said quantity does not exceed one hundred (100) percent of the number of the same type of packages or containers of plums shipped by such shipper which meet the size requirement of said subparagraph (1) of this paragraph and all such smaller plums meet the applicable one of following requirements:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 5 x 5 standard pack;

(ii) If the plums are packed in a special plum box, they are of a size not smaller than a size that will pack a $7\frac{1}{2}$ row standard pack; or

(iii) If the plums are packed in any container other than a standard basket or special plum box, ninety (90) percent, by count, of the plums measure $1^{8}/_{16}$ inches in diameter and of the remainder of the plums none measures less than $1^{5}/_{16}$ inches in diameter: *Provided,* That, no lot of plums shall be considered as failing to meet this requirement if one package of such plums contains not more than one (1) percent, by count, of plums that are smaller than $1^{5}/_{16}$ inches in diameter.

(3) If any shipper, during any day of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than the size prescribed in subparagraph (1) of this paragraph, the quantity of such undershipment may be shipped by such shipper only from such shipping point during the next two succeeding calendar days in addition to any other quantities of such plums that such shipper is authorized to ship.

(4) As used in this section, "U. S. No. 1," "fairly uniform in size," "diameter," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh) (§§ 51.1520 to 51.1530 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums and all plums in the pack are of fairly uniform size; "$7\frac{1}{2}$ row standard pack" shall mean that the top layer of the pack contains 56 plums and all plums in the pack are of fairly uniform size; and, except as otherwise specified, all other terms shall

have the same meaning as when used in the amended marketing agreement and order.

(5) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

Nothing contained herein shall be construed (1) as affecting or waiving any right, duty, obligation, or liability which has arisen or which, prior to the effective time of the provisions hereof, may arise in connection with any provision of said Plum Order 1; or (2) as releasing or extinguishing any violation of said Plum Order 1 which has occurred or which, prior to the effective time of the provisions hereof, may occur.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 8, 1956.

[SEAL] FLOYD F. HEDLUND,
*Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-4673; Filed, June 12, 1956; 8:51 a. m.]

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[Plum Order 3, Amdt. 1]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

*Findings.* 1. Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitations of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient; and this amendment relieves restrictions on the handling of Santa Rosa plums grown in the State of California when packed in a container designated as a special plum box.

It is, therefore, ordered as follows:

The provisions in paragraph (b) of § 936.526 (Plum Order 3; 21 F. R. 3486) are hereby amended to read as follows:

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 13, 1956, and ending at 12:01 a. m., P. s. t., November 1, 1956, no shipper shall ship any package or container of Santa Rosa plums unless such plums grade at least U. S. No. 1 and

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in a special plum box, they are of a size not smaller than a size that will pack a 7-row standard pack; or

(iii) If the plums are packed in any container other than a standard basket or special plum box, ninety (90) percent, by count, of the plums measure $1^{19}/_{16}$ inches in diameter and of the remainder of the plums none measures less than $1^{7}/_{16}$ inches in diameter: *Provided*, That, no lot of plums shall be considered as failing to meet this requirement if one package of such plums contains not more than one (1) percent, by count, of plums that are smaller than $1^{7}/_{16}$ inches in diameter.

(2) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(3) As used in this section, "U. S. No. 1," "fairly uniform in size," "diameter," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh) (§§ 51.1520 to 51.1530 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums and all plums in the pack are of fairly uniform size; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

Nothing contained herein shall be construed (1) as affecting or waiving any right, duty, obligation, or liability which has arisen or which, prior to the effective time of the provisions hereof, may arise in connection with any provision of said Plum Order 3; or (2) as releasing or extinguishing any violation of said Plum Order 3 which has occurred or which, prior to the effective time of the provisions hereof, may occur.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 8, 1956.

[SEAL] FLOYD F. HEDLUND,
*Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-4676; Filed, June 12, 1956; 8:52 a. m.]

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[Plum Order 4, Amdt. 1]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

*Findings.* 1. Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitations of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient; and this amendment relieves restrictions on the handling of Formosa plums grown in the State of California, when packed in a container designated as a special plum box.

It is, therefore, ordered as follows:

The provisions in paragraph (b) of § 936.527 (Plum Order 4; 21 F. R. 3487) are hereby amended to read as follows:

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 13, 1956, and ending at 12:01 a. m., P. s. t., November 1, 1956, no shipper shall ship any package or container of Formosa plums unless such plums grade at least U. S. No. 1 and

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in a special plum box, they are of a size not smaller than a size that will pack a 7-row standard pack; or

(iii) If the plums are packed in any container other than a standard basket or special plum box, ninety (90) percent, by count, of the plums measure $1^{19}/_{16}$ inches in diameter and of the remainder of the plums none measures less than $1^{7}/_{16}$ inches in diameter: *Provided*, That, no lot of plums shall be considered as failing to meet this requirement if one package of such plums contains not more than one (1) percent, by count, of plums that are smaller than $1^{7}/_{16}$ inches in diameter.

(2) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(3) As used in this section, "U. S. No. 1," "fairly uniform in size," "diameter," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh) (§§ 51.1520 to 51.1530 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums and all plums in the pack are of fairly uniform size; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

Nothing contained herein shall be construed (1) as affecting or waiving any right, duty, obligation, or liability which has arisen or which, prior to the effective time of the provisions hereof, may arise in connection with any provision of said Plum Order 4; or (2) as releasing or extinguishing any violation of said Plum Order 4 which has occurred or which, prior to the effective time of the provisions hereof, may occur.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 8, 1956.

[SEAL] FLOYD F. HEDLUND,
*Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-4675; Filed, June 12, 1956; 8:52 a. m.]

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[Plum Order 5, Amdt. 1]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

*Findings.* 1. Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta Peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient; and this amendment relieves restrictions on the handling of Climax plums grown in the State of California, when packed in a container designated as a special plum box.

It is, therefore, ordered as follows:

The provisions in paragraph (b) of § 936.528 (Plum Order 5; 21 F. R. 3487) are hereby amended to read as follows:

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 13, 1956, and ending at 12:01 a. m., P. s. t., November 1, 1956, no shipper shall ship any package or container of Climax plums unless such plums grade at least U. S. No. 1 with a total tolerance of five (5) percent for defects not considered serious damage in addition to the tolerances permitted for such grade, and

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in a special plum box, they are of a size not smaller than a size that will pack a 7-row standard pack; or

(iii) If the plus are packed in any container other than a standard basket or special plum box, ninety (90) percent, by count, of the plums measure $1^{19}/_{16}$ inches in diameter and of the remainder of the plums none measures less than $1^{7}/_{16}$ inches in diameter: *Provided*, That no lot of plums shall be considered as failing to meet this requirement if one package of such plums contains not more than one (1) percent, by count, of plums that are smaller than $1^{7}/_{16}$ inches in diameter.

(2) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(3) As used in this section, "U. S. No. 1," "serious damage," "fairly uniform in size," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh) (§§ 51.1520 to 51.1530 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums and all plums in the pack are of fairly uniform size; "diameter" means the shortest distance measured through the center of a plum at a right angle to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

Nothing contained herein shall be construed (1) as affecting or waiving any right, duty, obligation, or liability which has arisen or which, prior to the effective time of the provisions hereof, may arise in connection with any provision of said Plum Order 5; or (2) as releasing or extinguishing any violation of said Plum Order 5 which has occurred or which, prior to the effective time of the provisions hereof, may occur.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 8, 1956.

[SEAL] FLOYD F. HEDLUND,
*Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-4674; Filed, June 12, 1956; 8:51 a. m.]

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# TITLE 24—HOUSING AND HOUSING CREDIT

## Chapter III — Public Housing Administration, Housing and Home Finance Agency

PART 300—GENERAL PROCEDURAL PROVISIONS

TESTIMONY OR PRODUCTION OF RECORDS BY EMPLOYEES OF PHA

§ 300.4 *Testimony or production of records by employees of the PHA—(a) Definitions and scope.* For purposes of this section, the term:

(1) "Testify" means to testify in administrative or court proceedings with respect to information obtained by a PHA employee in the course of the performance of his official duties.

(2) "Records" means any official files, documents, or other records of the PHA.

(3) "Produce records" means to produce records in administrative or court proceedings.

The procedure set forth in this section does not relate to attachment or garnishment proceedings involving debtor-employees of the PHA (19 F. R. 1851).

(b) *Approval to testify or produce records.* No employee of the PHA shall testify or produce records, whether pursuant to subpoena or subpoena duces tecum or otherwise, without the prior approval of the appropriate official designated below:

(1) The Deputy Commissioner is authorized to grant such approval in all cases.

(2) The Regional Director is authorized to grant such approval with respect to Regional Office and project employees under his jurisdiction and with respect to records in the Regional or project offices under his jurisdiction.

(c) *Submission of affidavit.* (1) Before approval to testify or to produce records will be granted, the litigant or other party in interest or his attorney shall submit an affidavit setting forth the nature of the proceeding, the administrative body or court before which the proceeding is being conducted, the parties involved, the interest of the party seeking the information and/or records, the matters with respect to which the testimony of the officer or employee is desired and/or identification of the records sought to be produced, facts as to the service of any process compelling such testimony or requiring the production of records including the time and place of appearance designated in such process, and any other pertinent facts.

(2) In cases where the testimony of a Regional Office or project employee or the production of Regional Office or project records is desired, the affidavit shall be submitted to the appropriate Regional Attorney. In cases where the testimony of a Central Office employee or the production of Central Office records is desired, the affidavit shall be submitted to the General Counsel.

(3) Approval to testify or to produce records will, in all cases, be limited to the matters set forth in the affidavit, or to such portions thereof as the PHA approving officer may deem consistent with the public interest.

(d) *Appearances by PHA employees.* (1) Whenever a PHA employee is served with a subpoena or is otherwise directed or requested to testify or to produce records, he will notify the General Counsel or the Regional Attorney, as the case may be, and if no affidavit has been submitted, the General Counsel or the Regional Attorney will notify the litigant or other party in interest or his attorney that approval to testify or produce records cannot be granted unless an affidavit is submitted in accordance with this section.

(2) Whenever a subpoena has been served and action by the approving officer has not been taken prior to the time specified in the subpoena for appearance in response thereto (whether because no affidavit was submitted or because action by the approving official on the affidavit is pending), the employee shall, unless otherwise instructed by the approving officer, appear in response to the subpoena and respectfully decline to testify or to produce records on the grounds that such action is prohibited unless approved in accordance with this section, and that no affidavit has been submitted in accordance with this section, or that action by the approving officer on such an affidavit is still pending, as the case may be.

(3) Whenever the approving officer has declined to grant approval to testify or to produce records, as to all or part of the matters covered by a subpoena, the employee shall, unless otherwise instructed by the approving officer, appear in response to the subpoena and, with the respect to those matters for which approval has not been granted, respectfully decline to testify or to produce records on the grounds that such action is prohibited unless approved in accordance with this section and that such approval has been refused.

(Sec. 8, 50 Stat. 891; 42 U. S. C. 1408)

Approved: June 5, 1956.

[SEAL] CHARLES E. SLUSSER, *Commissioner.*

[F. R. Doc. 56-4645; Filed June 12, 1956; 8:46 a. m.]

## TITLE 31—MONEY AND FINANCE: TREASURY

### Subtitle A—Office of the Secretary of the Treasury

PART 3—CLAIMS REGULATIONS

MISCELLANEOUS AMENDMENTS

1. Subparagraphs (1) and (2) of § 3.41 (a) of Title 31 are amended to read as follows:

(1) Claims arising on or after May 27, 1941, for damage to or loss or destruction of real or personal property, or for reasonable medical, hospital, or burial expenses, actually incurred on account of personal injury or death caused by the wrongful act or omission of military personnel or civilian employees of the Coast Guard while acting within the scope of their employment, except claims arising on or after January 1, 1945, which are cognizable under the Federal Tort Claims Act.

(2) Claims arising on or after May 27, 1941, for damage to or loss of real or personal property, or for reasonable medical, hospital, or burial expenses, actually incurred on account of personal injury or death although not shown to have been caused by any particular act or omission of military personnel or civilian employees of the Coast Guard while acting within the scope of their employment if otherwise incident to non-combat activities of the Coast Guard.

2. Paragraph (a) of § 3.42 of Title 31 is amended by deleting subparagraphs (1), (2), (3), (4), and (5) and by substituting therefor the following:

(1) Any claim for damage, loss, destruction, injury, or death which was proximately caused, in whole or in part, by any negligence or wrongful act on the part of the claimant, his agent, or his employee.

(2) Any claim for damages on account of personal injury or death, other than for reasonable medical, hospital, and burial expenses actually incurred as a result thereof.

(3) Any claim for reimbursement for medical or hospital services furnished at the expense of the United States or, in the case of burial, for such portion of the expense thereof as may be otherwise paid by the United States.

(4) Any claim for personal injury or death of military personnel or civilian employees of the Coast Guard if such injury or death occurs incident to their service.

(5) Any claim of either military or civilian personnel of the Coast Guard for damages to, or loss, destruction, capture, or abandonment of, personal property which occurred as an incident to their service and which are administered under the so-called Coast Guard Personnel Claims Act (63 Stat. 534; 14 U. S. C. 490) and the Coast Guard Comptroller Manual.

(6) Any claim arising on or after January 1, 1945, the cause of which has been determined to be the negligent or wrongful act or omission of an employee of the Government (as defined in § 3.1 (f)) while acting within the scope of his office or employment and which is in all other respects within the cognizance of the Federal Tort Claims Act.

(7) Any foreign claim for damage, injury or death caused by the Coast Guard or personnel of the Coast Guard arising at any time while the Coast Guard shall be operating as a part of the Navy and which are administered under the act of January 2, 1942, 55 Stat. 880, as amended by the act of April 22, 1943, 57 Stat. 66 (31 U. S. C. 224d–i).

(8) Any admiralty claims for damages caused by a Coast Guard vessel arising at any time while the Coast Guard shall be operating as a part of the Navy and which are administered under the act of July 3, 1944, 58 Stat. 726 (46 U. S. C. 797) and the act of December 5, 1945, 59 Stat. 596 (34 U. S. C. 600a–b).

(9) Any claim for damages to or loss or destruction of property founded in contract, express or implied, with the exception of claims arising from the bailment of personal property to the Government and from the use and occupancy of real property as set forth in §§ 3.47 and 3.48.

(10) Any claim for the rent of real or personal property.

3. The first sentence of § 3.50 of Title 31 is amended to read as follows:

§ 3.50 *Other non-combat activities.* As provided in § 3.41 (a) (2) claims for damage to or loss or destruction of, property, or for personal injury or death, although not shown to have been caused by any particular act or omission of military personnel or civilian employees of the Coast Guard while acting within the scope of their employment, are payable under the provisions of this subpart if otherwise incident to non-combat activities of the Coast Guard. * * *

(R. S. 161, sec. 2, 42 Stat. 1066, 57 Stat. 372, as amended; 5 U. S. C. 22, 31 U. S. C. 251, 223 b–d)

[SEAL] DAVID W. KENDALL, *Acting Secretary of the Treasury.*

[F. R. Doc. 56-4656; Filed, June 12, 1956; 8:48 a. m.]



## TITLE 32—NATIONAL DEFENSE

### Chapter XIV—The Renegotiation Board

Subchapter B—Renegotiation Board Regulations Under the 1951 Act

PART 1453—MANDATORY EXEMPTIONS FROM RENEGOTIATION

CONTRACTS THAT DO NOT HAVE DIRECT AND IMMEDIATE CONNECTION WITH NATIONAL DEFENSE

Section 1453.5 (b) is amended by deleting subparagraph (16), *Bureau of Reclamation*, and inserting in lieu thereof the following:

(16) *Bureau of Reclamation.* All contracts to the extent that they obligate funds of the Bureau of Reclamation, and were entered into on or before June 30, 1950; all contracts to the extent that they obligate funds of the Bureau of Reclamation, and were entered into after June 30, 1950, and (i) obligated funds appropriated or allotted for purposes other than for one of the projects, or units of the Missouri River Basin project, on List A set forth below, or (ii) in the case of any project or unit on List A, were for work or materials required for the construction or operation of irrigation works located elsewhere than on the site of the main power facility, as determined by the Bureau of Reclamation; and all contracts to the extent that they obligate funds of the Bureau of Reclamation appropriated or allotted for one of the projects or units on List A marked with an asterisk, and were entered into after December 31, 1954. The Board has determined that contracts related to the following projects and units on List A are directly and immediately connected with defense, and therefore cannot be exempted, except to the extent indicated above, for the reason that such projects and units have as part of their purposes the increase of power facilities for defense. New projects having as part of their purpose the increase of power facilities for defense may be added to the list if authorized and approved.

LIST A

| *Project* | *Location* |
|---|---|
| *Boise Project, Anderson Ranch Dam | Idaho. |
| Boulder Canyon Project Hoover Dam and Power Plant | Arizona-Nevada. |
| Central Valley Project | California. |
| Colorado-Big Thompson Project | Colorado. |
| *Columbia Basin Project | Washington. |
| Davis Dam Project (Parker Davis Project) | Arizona-Nevada. |
| *Eklutna Project | Alaska. |
| Fort Peck Project | Montana. |
| *Hungry Horse Project | Montana. |
| *Kendrick Project | Wyoming. |
| Missouri River Basin Project: | |
| *Angostura Unit | South Dakota. |
| *Boysen Unit | Wyoming. |
| *Canyon Ferry Unit | Montana. |
| *Kortez Unit | Wyoming. |
| *Missouri Diversion Unit Transmission Division | Montana. |
| Glendo Unit | Wyoming. |
| Yellowtail Unit | Montana. |
| Palisades Project | Idaho. |
| Rio Grande Project, Power Division | New Mexico-Texas. |
| *Shoshone Project | Wyoming. |
| *Weber Basin Project | Utah. |
| *Yakima Project, Kennewick Division | Washington. |

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. Sup. 1219)

Dated: June 8, 1956.

THOMAS COGGESHALL, *Chairman.*

[F. R. Doc. 56-4654; Filed, June 12, 1956; 8:48 a. m.]

## TITLE 33—NAVIGATION AND NAVIGABLE WATERS

### Chapter I—Coast Guard, Department of the Treasury

Subchapter A—General

[CGFR 56-22]

PART 8—REGULATIONS, UNITED STATES COAST GUARD RESERVE

MISCELLANEOUS AMENDMENTS

By virtue of the authority contained in the act of July 9, 1952 (66 Stat. 481), as amended, and Title 14, U. S. Code, the following amendments are hereby prescribed and shall become effective upon publication in the FEDERAL REGISTER.

GENERAL—ADMINISTRATION AND ORGANIZATION

POLICY

1. A new sentence is hereby added to paragraph (a) of § 8.1106 as follows: "The Commandant shall designate which training units of the Coast Guard Reserve are units of the Ready Reserve."

PROCUREMENT

GENERAL REQUIREMENTS

2. A new paragraph (e) is hereby added to § 8.2102 as follows:

(e) Prior to his taking of the oath, each applicant shall have explained to him the military obligation which he will be undertaking by his appointment or enlistment and the amount and degree of participation required by law and these regulations in this part.

SPECIAL ENLISTMENT PROGRAMS

3. A new § 8.2401 is hereby added as follows:

§ 8.2401 *Two year active duty programs.* (a) Any male person who has not been ordered to report for induction into the Armed Forces under the Universal Military Training and Service Act, as amended, and who has been found to be qualified to perform active duty in the Coast Guard, and who has reached the age of 17 years but has not reached the age of 26 years may be enlisted in the Coast Guard Reserve for a period of 6 years under the provisions of section 261 of the Armed Forces Reserve Act, as amended.

(b) The Commandant may restrict enlistments under paragraph (a) of this section to any age group within the age limits prescribed therein.

(c) Each person enlisted pursuant to this section shall be initially placed in the Ready Reserve and shall be required during his 6 year enlistment to:

(1) Perform active duty in the Coast Guard for a period of not more than two years unless sooner released by the Commandant on grounds of personal hardship or as the needs of the service may require.

(2) Unless sooner transferred to the Standby Reserve under the screening regulations, participate satisfactorily in an accredited training program of the Ready Reserve while on inactive duty for a period which, when added to the period of active duty performed, totals 5 years. The remainder of his 6 year enlistment shall be as a member of the Standby Reserve unless he agrees to remain in the Ready Reserve.

(d) The Commandant shall determine the time within which the two-year period of active duty must be performed. Each applicant shall be informed thereof prior to his enlistment.

4. A new § 8.2402 is hereby added as follows:

§ 8.2402 *Three to six months training program.* (a) When authorized by law and whenever the President so provides, any of the following male persons who are physically, mentally, and otherwise qualified for service in the Coast Guard may be enlisted in units of the Ready Reserve pursuant to section 262 of the Armed Forces Reserve Act, as amended, under such regulations as may be prescribed and within such quotas as may be approved by the Secretary of Defense provided that the authorized strength of the Ready Reserve of the Coast Guard is not exceeded thereby:

(1) Applicants who are under the age of 18½ years who have not been ordered to report for induction into the Armed Forces under the Universal Military Training and Service Act, as amended.

(2) Under such regulations as the President may prescribe, applicants who do not meet the requirements of subparagraph (1) of this paragraph but who

have critical skills and are engaged in civilian occupations in any critical defense-supporting industry or in any research activity affecting national defense.

(b) Each applicant accepted under this section shall be enlisted for a period of 8 years. He shall be initially placed in the Ready Reserve and shall be required during his 8 year enlistment to:

(1) Perform an initial period of active duty for training of not less than three nor more than six months. The length of such training shall be as prescribed by the Secretary of Defense.

(2) Unless sooner transferred to the Standby Reserve under the screening regulations, participate satisfactorily in an accredited training program of the Ready Reserve while on inactive duty for a period which, when added to the initial period of active duty for training, totals eight years.

(c) The Commandant is hereby empowered to exercise and implement any authority conferred upon the Secretary of the Treasury as may be contained in the authorization, regulations, and approval referred to in paragraph (a) of this section.

5. A new subdivision (vii) is hereby added to § 8.4407 (d) (2) as follows:

(vii) Any other official chosen by the voters of an entire state, territory or possession.

6. A new sentence is hereby added to subdivision (i) of § 8.4407 (d) (8) as follows: "At such time as the Reservist ceases to qualify for consideration as an apprentice, he shall be considered for transfer to the Ready Reserve."

(Sec. 4, 62 Stat. 605, as amended, 63 Stat. 545, sec. 251, 66 Stat. 495; 50 U. S. C. App. 454, 14 U. S. C. 635, 50 U. S. C. 1002)

Approved: May 24, 1956.

[SEAL] DAVID W. KENDALL,
*Acting Secretary of the Treasury.*

Concurred in: May 31, 1956.

ALBERT PRATT,
*Acting Secretary of the Navy.*

[F R. Doc. 56-4655; Filed, June 12, 1956; 8:48 a. m.]

## TITLE 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

[Rules amdt. 3-14]

PART 3—RADIO BROADCAST SERVICES

EDITORIAL CHANGES

The Commission has under consideration the desirability of making certain editorial changes in Part 3 of its rules and regulations.

The amendments adopted herein are editorial in nature, and, therefore, prior publication of Notice of Proposed Rule Making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately.

The amendments adopted herein are issued pursuant to authority contained in sections 4 (i), 5 (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and section 0.341 (a) of the Commission's rules and regulations.

*It is ordered*, That, effective June 18, 1956, Part 3 of the Commission's rules and regulations is revised as set forth below:

1. Section 3.46 is amended by changing the word "small" in the last sentence of paragraph (c) to "shall". Section 3.46 (c) as amended reads as follows:

(c) The station equipment shall be so operated, tuned, and adjusted that emissions are not radiated outside the authorized band which cause or are capable of causing interference to the communications of other stations. Spurious emissions, including radio frequency harmonics, and audio frequency harmonics, shall be maintained at as low a level as practicable at all times in accordance with good engineering practice. In the event interference is caused to other stations by modulating frequencies in excess of 7500 cycles or spurious emissions, including radio frequency harmonics and audio frequency harmonics outside the band plus or minus 7500 cycles of the authorized carrier frequency, the licensee or permittee shall install equipment or make adjustments which limit the emissions to within this band or to such an extent above 7500 cycles as to reduce the interference to where it is no longer objectionable.

2. Section 3.606 is amended by adding Ch. 19 to Houghton, Michigan. This channel was inadvertently omitted when the January 1956 edition was printed.

3. Section 3.606 is amended by changing the spelling of "Crousville," Tennessee to "Crossville".

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended; sec. 5, 66 Stat. 713; 47 U. S. C. 303, 155)

Adopted: June 7, 1956.

Released: June 8, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4659; Filed, June 12, 1956; 8:49 a. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[7 CFR Part 52]

CANNED CLINGSTONE AND FREESTONE PEACHES

UNITED STATES STANDARDS FOR GRADES

ADDITIONAL TIME FOR FILING DATA, VIEWS, OR ARGUMENTS

On May 2, 1956, proposed revisions of the United States Standards for Grades of Canned Clingstone Peaches and Canned Freestone Peaches were published in the FEDERAL REGISTER (21 F. R. 2882, 2889).

In consideration of comments and suggestions received indicating the need for further study of the proposals, notice is hereby given of an additional period of time until December 31, 1956, within which written data, views, or arguments may be submitted by interested parties for consideration in connection with the aforesaid proposed revisions of the United States Standards for Grades of Canned Clingstone Peaches and Canned Freestone Peaches.

Dated: June 8, 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator, Marketing Services.*

[F. R. Doc. 56-4677; Filed, June 12, 1956; 8:52 a.m.]

# NOTICES

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[Classification No. 56-1]

OREGON

SMALL TRACT OPENING

MAY 31, 1956.

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473), as amended, I hereby classify the following described revested Oregon and California Railroad lands totaling 120 acres in Jackson County, Oregon, as suitable for lease for homesite purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, subject to the provisions of section 24 of the Federal Power Act, as amended.

WILLAMETTE MERIDIAN, OREGON

T. 39 S., R. 3 E.,
Sec. 11: W½NW¼, NW¼SW¼.

2. Classification of the above described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the Small Tract Act and applications under the mineral leasing laws.



Lots Nos. 1, 2, and 11 in Tract B are embraced in valid existing Special Land Use Permits issued prior to the order restoring the land from power site reserves. These lots are not by this order opened for application under the Small Tract Act.

3. The lots available for lease are located near the head of Keene Creek of the Klamath River drainage, about twenty-one miles east of Ashland, Oregon, via seven miles of dirt road going north from State Highway No. 66 at Greensprings Summit. The lots are situated on the east shore of Hyatt Reservoir. The topography is gently west sloping with steeper slopes lying east of the tracts. The elevation is about 5,025 feet above sea level. The soil is gray brown, silt loam and vegetation consists of Douglas fir and species of pine with an undercover of various brush and grasses.

Domestic water is available from existing springs for some lots and other water may be developed by wells. The area is remote from city schools, stores, and other facilities. The nearest general marketing center is Ashland. Rural schools and country stores are available within a radius of ten miles. The snowfall is heavy and generally the land is inaccessible by ordinary means of travel during the winter and early spring months. There is no evidence of metallic or nonmetallic minerals.

4. Eighteen individual lots in two tracts have been marked on the ground, varying in size from 0.47 acres to 0.88 acres. A plat showing the location of each of the tracts and the lotting of them can be secured for $1.00 from the Manager, Land Office, 1001 N. E. Lloyd Boulevard, P. O. Box 3861, Portland 8, Oregon. The annual rental of each lot is $25.00. Rights-of-way for access to the lots will be reserved on adjoining public land. The United States reserves for itself, its contractors, and permittees the right to enter on the leased areas to administer the land for sustained yield timber management purposes under the act of August 28, 1937 (50 Stat. 874; 43 U. S. C. 1181a).

5. Leases will be issued for a term of three years. To maintain their rights under their leases, lessees will be required to construct substantial improvements on their lands. Failure to do so will result in nonrenewal of the lease. Leases will be renewable at the discretion of the Bureau of Land Management and the renewal leases will be subject to such terms and conditions as are deemed necessary in the light of the circumstances existing at the time of renewal.

6. Persons who have previously acquired a tract under the Small Tract Act are not qualified to lease a lot in these tracts at the drawing unless they can make a showing satisfactory to the Bureau of Land Management that the lease of another tract is warranted in the circumstances.

7. Upon allowance of an application and before the commencement of construction, it is advisable for the permittee to confer with the District Forester concerning plans and specification of improvements. The improvements referred to in paragraph 5 above must meet the following requirements:

(a) Buildings must be placed on a permanent foundation consisting of concrete, brick, pumice blocks, or stone masonry. Pitch of the roof and the size and spacing of rafters and ceiling joists must be adequate to withstand the heavy snow pack. Chimneys must be constructed from ground level and shall consist of pumice or concrete blocks, bricks, stone masonry, or comparable fire resistant materials.

(b) All buildings must be constructed in a workmanlike manner of attractive, properly finished materials in harmony with surroundings.

(c) Each dwelling must have a floor space of not less than 500 square feet and have at least two doors as a means of access.

(d) All dwellings must be provided with sanitation facilities in accordance with or better than required by the laws of the State of Oregon. Outside conveniences must be constructed flyproof with precautions provided against pollution of domestic water and the Hyatt Reservoir. All lessees must comply with laws of the State of Oregon as to fire protection, building construction, and public health. In addition, each dwelling must be provided with a 50 gallon barrel containing water for fire protection.

(e) Without special written authorization from the District Forester, no building shall be placed closer than fifteen feet from the boundaries of the leased lot area.

(f) No green trees may be cut without approval of District Forester.

(g) No burning of debris may be done during the fire season without authority of the State Forest Patrol.

8. The lots in Tracts A and B shown on the plat now filed in the Land Office, Portland, and the Bureau of Land Management, District Forester's Office, City Hall Building, Medford, Oregon, except those named in paragraph 2 above, are now open to the filing of drawing-entry cards (Form 4-775) only by persons entitled to veteran's preference.

In brief, persons entitled to such preference are, (a) honorably discharged veterans who served in the armed forces of the United States for a period of at least ninety days after September 15, 1940, (b) surviving spouse or minor orphan children of such veterans, and (c) with the consent of the veteran, the spouse of living veterans. The 90-day requirement does not apply to veterans who were discharged on account of wounds or disability incurred in the line of duty or the surviving spouse or minor children of veterans killed in the line of duty. Drawing-entry cards (Form 4-775) are available upon request from the Manager, Land Office, or the District Forester, Medford.

Drawing-entry cards will be accepted if filled out in compliance with the instructions on the form and filed with the Manager, Land Office, prior to 10:00 a. m., July 16, 1956. A drawing will be held on that date or shortly thereafter. Any person who submits more than one card will be declared ineligible to participate in the drawing. Tracts will be assigned to entrants in the order that their names are drawn. All entrants will be notified of the results of the drawing. Successful entrants will be sent copies of the lease forms (Form 4-776) with instructions as to their execution and return and as to payment of fees and rentals.

9. Inquiries concerning these lands shall be addressed to Manager, Land Office, 1001 NE. Lloyd Boulevard, P. O. Box 3861, Portland 8, Oregon.

VIRGIL T. HEATH,
*State Supervisor.*

[F. R. Doc. 56-4641; Filed, June 12, 1956; 8:45 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Territorial Department of Lands has filed an application, Serial No. Anchorage 029775, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining laws.

The applicant desires the land for public service sites for public recreational and camp ground purposes.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

1. Lot 3 (22.8 acres) Sec. 16, T. 18 N., R. 1 E., S. M.
2. E½NE¼NE¼NW¼ (5 acres) Sec. 15, T. 18 N., R. 1 E., S. M.
3. Lot 1 (49.57 acres) Sec. 13, T. 17 N., R. 1 E., S. M.
4. What will be when surveyed, the land portion of the N½SE¼, Sec. 12, T. 17 N., R. 4 W., S. M. (approximately 40 acres).

ROGER R. ROBINSON,
*Operations Supervisor.*

[F R. Doc. 56-4242; Filed, June 12, 1956; 8:45 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Territorial Department of Lands has filed an application, Serial No. Fairbanks 013100, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining and mineral leasing laws and the Materials Act.

The applicant desires the land for public service sites for public recreational and camp ground purposes.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

PAXSON LAKE AREA

TRACT 1 (SEVEN MILE LAKE)

A tract of unsurveyed land located on the south shore of an un-named lake commonly known as "Seven Mile" Lake at approximate latitude 63°5'40" north and longitude 145°37'00" west, described as follows: Starting at Point No. 1 located on a point on the south shore of the lake; thence in a westerly direction along the shore of the lake a distance of 7½ chains to Point No. 2; thence in a southerly direction a distance of 7½ chains to Point No. 3; thence in an easterly direction a distance of 7½ chains to Point No. 4; thence in a northerly direction a distance of approximately 7½ chains to point of beginning on the shore of the lake, containing approximately 5 acres.

BIG DELTA AREA

TRACT B (QUARTZ AND LOST LAKES)

Fairbanks Meridian:
Township 8 South, Range 10 East,
Section 19: (unsurveyed), that portion SW¼SE¼ and E½SE¼SW¼ above mean high water.

Containing approximately 45 acres.

ROGER R. ROBINSON,
*Operations Supervisor.*

[F. R. Doc. 56-4643; Filed, June 12, 1956; 8:45 a. m.]

## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

ARIZONA

DISASTER ASSISTANCE; DELINEATION OF DROUGHT AREA

Pursuant to Public Law 875, 81st Congress, the President determined on May 24, 1956, that a major disaster occasioned by drought existed in the State of Arizona.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148, 5364; 20 F. R. 4664), and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, the following areas in the State of Arizona were determined on May 24, 1956, to be affected by the above-mentioned major disaster.

Arizona: Cochise, Graham, Mohave, Yavapai.

That part of Coconino County lying North and West of the Colorado River.

Done at Washington, D. C., this 7th day of June 1956.

[SEAL] TRUE D. MORSE,
*Acting Secretary.*

[F. R. Doc. 56-4652; Filed, June 12, 1956; 8:47 a. m.]

MICHIGAN

DESIGNATION OF AREAS FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), as amended, it has been determined that in the following counties in the State of Michigan a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Michigan: Clinton, Genesee, Gratiot, Saginaw, Shiawassee.

Pursuant to the authority set forth above, production emergency loans will not be made in such counties after December 31, 1956, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 7th day of June 1956.

[SEAL] TRUE D. MORSE,
*Acting Secretary.*

[F. R. Doc. 56-4653; Filed, June 12, 1956; 8:48 a. m.]

## DEPARTMENT OF COMMERCE

### Federal Maritime Board

REDERIAKTIEBOLAGET RAGNE ET AL.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8036-1, between Rederiaktiebolaget Ragne and And. Smith Rederiaktiebolag modifies approved Swedish Chicago Line joint service agreement (No. 8036) by substituting the name of And. Smith Rederiaktiebolag for Rederiaktiebolaget Ferlef as a party to the joint service. Agreement No. 8036 covers the trade between Newfoundland ports, United States and Canadian ports on the Great Lakes, St. Lawrence River and adjacent waters (but not including transportation within the purview of the coastwise laws of the United States), and Swedish, Norwegian, Danish, Finnish, Russian and other Baltic ports; and ports in England, Scotland, Wales and Ireland.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: June 8, 1956.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
*Assistant Secretary.*

[F. R. Doc. 56-4679; Filed, June 12, 1956; 8:53 a. m.]

ELLERMAN & BUCKNALL STEAMSHIP ASSOCIATED LINES AND BULL INSULAR LINE, INC.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8088, between the carriers comprising the Ellerman & Bucknall Steamship Associated Lines joint service (American and Indian Line), and Bull Insular Line, Inc., covers the transportation of gunny sacks, hessian cloth and jute under through bills of lading from India and Pakistan to Puerto Rico, with transhipment at New York, Baltimore or Philadelphia. Agreement No. 8088, upon approval, will supersede and cancel approved transhipment agreement No. 8014.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: June 8, 1956.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
*Assistant Secretary.*

[F. R. Doc. 56-4680; Filed, June 12, 1956; 8:53 a. m.]

SWEDISH CHICAGO LINE ET AL.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8077, between the carriers comprising the Swedish Chicago Line joint service, the carriers comprising the Fjell Line joint service, and Oranje Lijn (Maatschappij Zeetransport) N. V., pertains to the trade between ports of the Great Lakes of the United States and Canada, the St. Lawrence River and Seaway, Newfoundland and the Canadian Maritimes, and ports in Ireland, the United Kingdom and Continental Europe. The agreement provides that Swedish Chicago Line shall not directly or indirectly operate as a common or private carrier of cargo to or from the ports of London or Glasgow, except westbound from London as a common carrier of automobiles and tractors only; that neither Fjell Line nor Oranje Line shall directly or indirectly operate as a common or private carrier of cargo to or from the ports of Liverpool, Manchester, the Bristol Channel or Ireland; and that the parties will consult and cooperate so as to avoid conflicting sailings westbound from Copenhagen.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: June 8, 1956.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
*Assistant Secretary.*

[F. R. Doc. 56-4681; Filed, June 12, 1956; 8:53 a. m.]

OZEAN-LINIE G. M. B. H. AND HUGO STINNES O. H.

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8089 between Ozean-Linie G. m. b. H. and Hugo Stinnes O. H., provides for the establishment and maintenance of a joint cargo service with limited passenger accommodations under the trade name "Ozean/Stinnes-Lines", in the trades between ports of the United States and Europe (not including transportation within the purview of the coastwise laws of the United States). This agreement, upon approval, will supersede and cancel present joint service agreement No. 7839, between Ozean Linie G. m. b. H. and Hugo Stinnes O. H./"Brenntag", Brennstoff-, Chemikalien und Transport G. m. b. H., in the same trades.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: June 8, 1956.

By order of the Federal Maritime Board.

[SEAL] GEO. A. VIEHMANN,
*Assistant Secretary.*

[F. R. Doc. 56-4682; Filed, June 12, 1956; 8:53 a. m.]



## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11227; FCC 56M-569]

MUNICIPAL BROADCASTING SYSTEM (WNYC) AND MIDWEST RADIO-TELEVISION, INC. (WCCO)

ORDER SCHEDULING HEARING

In re application of City of New York Municipal Broadcasting System (WNYC), New York, New York, Docket No. 11227, File No. BSSA-266; for special service authorization to operate additional hours from 6:00 a. m. (e. s. t.) to sunrise New York City and from sunset Minneapolis, Minnesota, to 10:00 p. m. (e. s. t.)

In re petition of Midwest Radio-Television, Inc. (WCCO), Minneapolis, Minnesota, to cancel SSA and deny or withhold action on application for extension of SSA without hearing; and, in any event, to hold any hearing on limited, noncomparative issues.

Pursuant to oral request of counsel for City of New York Municipal Broadcasting System (WNYC) and for Midwest Radio-Television, Inc. (WCCO):

*It is ordered,* This 6th day of June 1956, that the further hearing in the above-entitled matter will commence at 2 p. m., on June 26, 1956, in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4660; Filed, June 12, 1956; 8:49 a. m.]

[Docket No. 11256 etc.; FCC 56-523]

GREAT SOUTH BAY BROADCASTING CO., INC., ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Great South Bay Broadcasting Company, Inc., Islip, New York, Docket No. 11256, File No. BP-9200; S. Richard Stern and Jimmey S. Stern, d/b as Stern Broadcasting Company, Ridgewood, New Jersey, Docket No. 11731, File No. BP-9713; G. Russell Chambers, tr/as The Eastern Shore Broadcasting Company (WDVM), Pocomoke City, Maryland; Docket No. 11738, File No. BP-10114; American Family Broadcasting Company, Ridgewood, New Jersey, Docket No. 11733, File No. BP-10214; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of June 1956;

The Commission having under consideration the above-captioned applications for construction permits for new standard broadcast stations to operate on 540 kilocycles, daytime only, by Great South Bay Broadcasting Company, Inc., at Islip, New York, with a power of 250 watts; by S. Richard Stern and Jimmey S. Stern, d/b as Stern Broadcasting Company, at Ridgewood, New Jersey with a power of 1 kilowatt, directional antenna; and by the American Family Broadcasting Company at Ridgewood, New Jersey with a power of 500 watts, directional antenna; and for a construction permit by G. Russell Chambers, tr/as The Eastern Shore Broadcasting Company, to increase the power of Station WDVM, Pocomoke City, Maryland, from 500 watts to 1 kilowatt, daytime only, on 540 kilocycles; and

It appearing that each of the applicants is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to construct and operate its proposed station, but that the proposals are interlinked with mutual interference problems; that the proposals of The American Family Broadcasting Company, Stern Broadcasting Company and Great South Bay Broadcasting Company, Inc., would result in mutually destructive interference; that the Stern proposal would receive interference from the existing operation of Station WDVM (The Eastern Shore Broadcasting Company); that the proposal of the American Family Broadcasting Company would involve mutual interference with the proposal of The Eastern Shore Broadcasting Company; that the proposals of the Great South Bay Broadcasting Company, Inc. and The Eastern Shore Broadcasting Company would involve mutual interference in addition to that which each agreed to accept from the other when the present operation of Eastern Shore Broadcasting Company (WDVM) was authorized on January 19, 1955, for 500 watts, File No. BP-9484; and that the proposed operation of Station WDVM is not in compliance with the 1950 North American Regional Broadcast Agreement since it does not afford adequate protection to Station CBK, Watrous, Saskatchewan, Canada, the Class I-A assignment on this frequency; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were notified by letter dated January 27, 1956, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of any of these applications would be in the public interest; and

It further appearing that a timely reply was received from each of the applicants; and

It further appearing that the American Family Broadcasting Company amended its application on February 27, 1956 to reduce power from 1 kilowatt to 500 watts and to change the directional antenna pattern, and indicated that as a result slight mutual interference with the existing operation of Station WDVM would obtain; and

It further appearing that the American Family Broadcasting Company submitted, on May 15, 1956, additional financial data, from which it has been determined that the applicant is financially qualified to construct and operate its proposed station; and

It further appearing that in the event that the proposal of WDVM should receive favorable action in the hearing provided for below, it should be placed in the pending file until ratification and entry into force of the North American Regional Broadcast Agreement.

It further appearing that in view of the foregoing the Commission is of the

opinion that a hearing on these applications is necessary;

*It is ordered,* That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the operations proposed by Great South Bay Broadcasting Company, Inc.; Stern Broadcasting Company; and the American Family Broadcasting Company, and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WDVM, and the availability of other primary service to such areas and populations.

3. To determine whether the operation proposed by the American Family Broadcasting Company would cause interference to the existing operation of Station WDVM, Pocomoke City, Maryland; or any other existing standard broadcast station and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine in light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-captioned applications would best provide a fair, efficient and equitable distribution of radio service.

5. To determine which of the operations proposed by the American Family Broadcasting Company and the Stern Broadcasting Company would better serve the public interest in light of the evidence adduced under the foregoing issues and record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each applicant to own and operate its proposed station.

(b) The proposal of each applicant with respect to the management and operation of its proposed station.

(c) The programming service proposed in each application.

6. To determine, in light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications should be granted.

*It is further ordered,* That in the event the proposal of WDVM should receive favorable action in the hearing provided for above, said application will be placed in the pending file until ratification and entry into force of the 1950 North American Regional Broadcast Agreement.

Released: June 8, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4661; Filed, June 12, 1956; 8:49 a. m.]

[Docket No. 11682; FCC 56M-570]

## GENERAL-TIMES TELEVISION CORP. AND COLUMBIA BROADCASTING SYSTEM, INC.

### ORDER CONTINUING HEARING CONFERENCE

In re application of General-Times Television Corporation, (Assignor) and Columbia Broadcasting System, Inc., (Assignee), Docket No. 11682, File No. BAPCT-159; for consent to the assignment of the construction permit for WGTH-TV Hartford, Connecticut.

*It is ordered,* This 6th day of June 1956, upon oral request of Elm City Broadcasting Corporation, and with the concurrence of all other parties participating in the above-entitled proceeding, that hearing conference in the matter, which is scheduled for June 12, 1956, is continued indefinitely.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4662; Filed, June 12, 1956; 8:49 a. m.]

[Docket No. 11730; FCC 56-522]

## JOE TOM EASLEY

### ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Joe Tom Easley, Eagle Pass, Texas, Docket No. 11730, File No. BFP-262; for permit to transmit programs to a foreign radio station.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 6th day of June 1956;

The Commission having under consideration the above-captioned application of Joe Tom Easley for a permit to transmit radio programs from Eagle Pass, Texas to Station XEMU, Piedras Negras, Coahuilla, Mexico, File No. BFP-262; and

It appearing that the applicant is technically, financially and otherwise qualified, except as may appear from the issues specified below, to transmit programs as proposed, but since it appears that he is a representative of an alien, a grant of his application is precluded by the provisions of section 310 of the Communications Act of 1934, as amended which provides that an alien or the representative of an alien may not be a licensee of this Commission; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter, dated March 23, 1956, of the aforementioned deficiency and that the Commission was unable to grant the application; and

It further appearing that the applicant filed a reply on April 25, 1956, in which he stated that "I am not a representative of an alien or a foreign government"; that "I am the representative of Radio Station XEMU"; and

It further appearing that section 310 (a) (1) of the act provides that station licenses "required hereby" shall not be granted to or held by any alien or the representative of any alien; that section 310 of the act is construed as applicable to authorizations under section 325 of the act, pursuant to which the subject application was filed; that the applicant is a representative of Station XEMU, which is licensed to Alfonso L. Bres; that franchises to operate broadcast stations in Mexico may be granted only to Mexican nationals by birth or to Mexican corporations; and it would therefore appear that the subject applicant is a representative of an alien; and

It further appearing that in view of the foregoing we are of the opinion that a hearing is necessary;

*It is ordered,* That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, that the subject application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether the applicant is the representative of an alien.

2. To determine whether, in the light of evidence adduced in response to the foregoing issue, a grant of the application would serve the public interest.

Released: June 8, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4663; Filed, June 12, 1956; 8:49 a. m.]

[Docket No. 11734; FCC 56-525]

## 1360 BROADCASTING CO., INC. (WEBB)

### MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of 1360 Broadcasting Company, Inc. (WEBB), Dundalk, Maryland, Docket No. 11734, File No. BP-10275; for construction permit.

1. The Commission has before it for consideration a "Petition For Reconsideration and Protest" filed on May 10, 1956, pursuant to sections 309 (c) and 405 of the Communications Act of 1934, as amended, by the Southern Maryland Broadcasters Incorporated, licensee of Station WKIK, Leonardtown, Maryland (1370 kc, 1 kw, D) and directed to the Commission's action of April 11, 1956, in granting without a hearing the above-captioned application of the 1360 Broadcasting Company for a construction permit to increase the daytime power of Station WEBB, Baltimore, Maryland from 1 to 5 kilowatts; and an "Opposition To Petition For Reconsideration And Protest" filed on May 21, 1956, by 1360 Broadcasting Company, Inc. (hereinafter referred to as WEBB).

2. The above-captioned application was granted after a determination had been made by the Commission that the proposed operation of Station WEBB would not cause objectionable interference to any existing or proposed station.

3. In the subject petition and supporting engineering affidavit, the Southern Maryland Broadcasters Incorporated (hereinafter referred to as WKIK) alleges that the distance between the WKIK and WEBB transmitter sites is 68.6 miles; that the path between the transmitter sites lies mostly over land; that each station provides substantial coverage to the "eastern shore" of the Chesapeake Bay area over propagation paths of high conductivity; that the total land area within the WKIK 0.5 mv/m contour is 1,954 square miles, with a total population of 103,097; that the present operation of WEBB causes interference within the normally protected service area of WKIK, which interference area consists of 91 square miles of land and has a population of 6,519 representing 6.3 percent of the population within WKIK's normally protected contour (0.5 mv/m); and that the proposed operation of Station WEBB would increase the land area interference to 279 square miles having a total population of 19,164 and representing 18.6 percent of the population within WKIK's normally protected contour (0.5 mv/m). In these circumstances, WKIK requests that the Commission reconsider its action in granting the subject WEBB application; that said application be designated for hearing; and that WKIK be made a party to the proceeding.

4. WKIK has specified the following issues on which it desires an opportunity at a hearing to present evidence:

1. To determine whether operation of Station WEBB as proposed would result in objectionable interference to Station WKIK and the availability of other broadcast services to such areas;

2. To determine whether WKIK renders program services especially designed to meet the needs of the area which would be subjected to interference by Station WEBB and the availability of such service from other sources;

3. To determine whether in light of the facts adduced above, the action of the Commission granting the application of WEBB should be set aside and the application designated for hearing.

5. In its opposition WEBB states that field intensity measurements made in September 1954, on Station WKIK and submitted with WEBB's original application for construction permit, showed that the five kilowatt operation of WEBB would not cause objectionable interference to Station WKIK; that WKIK used Figure M-3 of the Commission's rules and regulations and assumed an inverse field at one mile of 195 mv/m to establish the conductivity throughout the area in question whereas the actual measurements on file show a lower conductivity and an inverse field for WKIK of 175 mv/m; that additional measurements taken by WEBB in May, 1956, also show the inverse field of WKIK in all directions to be 175 mv/m instead of 195 mv/m as assumed in the WKIK petition; that on all land paths the conductivity is considerably less than that shown on Figure M-3 of the rules; that the measurements show that no interference will be caused to WKIK on the "western shore" of the Chesapeake Bay area where its principal 0.5 mv/m contour lies; that the WKIK signal on the "eastern shore" of the Chesapeake Bay area is carried within a "second" WKIK 0.5 mv/m contour up the Bay rather than directly across as a result of a "fanning out" phenomenon which results in a small amount of interference in a small swampland area tour; that it is the principal 0.5 mv/m contour on the "western shore" of the Chesapeake Bay area which defines the primary service area of WKIK and which is entitled to protection from objectionable interference; and that there will be no loss of service to the general public through the area in question, since, wherever service is lost by WKIK, it is gained by WEBB.

6. In view of the facts that the protestant is licensee of standard broadcast Station WKIK, Leonardtown, Maryland; that it has alleged that WKIK will receive interference within its 0.5 mv/m normally protected contour from the proposed operation of WEBB; and that WEBB has not controverted completely WKIK's allegations of interference we find the protestant to be "a party in interest" within the meaning of section 309 (c) of the Communications Act of 1934, as amended. In re Benton Broadcasting Service, 9 Pike and Fischer RR 93, 94. We further find that the facts, matters, and things relied upon by the protestant with respect to its Issues 1 and 3 have been specified with sufficient particularity to warrant designating the above-captioned application for hearing. Issues 1 and 3 as specified by the protestant have been rephrased and redesignated as Issues 2 and 4 in the hearing provided for below. In addition, we are specifying an issue, No. 1, to obtain necessary information as to the areas and populations that would gain or lose primary service from the proposed operation of Station WEBB. Since we are adopting Issues 2 and 4 below and are specifying Issue 1, the burden of proceeding with the introduction of evidence and the burden of proof as to these issues will be placed upon the applicant. With respect to the issue specified as number 2 by the protestant and included in the hearing provided for below as Issue 3, we find that the protestant has made only a bare allegation that it renders a program service specially designed to meet the needs of the interference area in question and that it has submitted no facts in support of the allegation. Accordingly, the Commission is not adopting this issue, and the burden of proceeding with the introduction of evidence and the burden of proof as to Issue 3 will be placed on the protestant.

7. In view of the foregoing, *It is ordered,* That the subject Petition for Reconsideration and Protest is granted to the extent provided for below; and that, pursuant to section 309 (c) of the Communications Act of 1934, as amended, effective immediately, the effective date of the grant of the above-captioned application is postponed pending a final determination by the Commission in the hearing described below; and that the above-captioned application is designated for hearing at the offices of the Commission in Washington, D. C., upon the following issues:

1. To determine the areas and populations that would gain or lose primary service from the proposed operation of Station WEBB and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation of Station WEBB would cause interference to Station WKIK, Leonardtown, Maryland, or any other existing standard broadcast station; and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary services to such areas and populations.

3. To determine whether WKIK renders a program service especially designed to meet the needs of the area which would be subjected to interference by Station WEBB and the availability of such service from other stations.

4. To determine whether, in the light of the evidence adduced under the foregoing issues, a grant of the subject application would serve the public interest.

*It is further ordered,* That Southern Maryland Broadcasters, Inc., licensee of Station WKIK, Leonardtown, Maryland, and the Chief, Broadcast Bureau, are made parties to the above-ordered hearing; and that:

1. The hearing shall commence at 10:00 a. m. on July 27, 1956, before an Examiner to be designated in a subsequent order.

2. The parties to the proceeding herein shall have fifteen (15) days after the issuance of the Examiner's decision to file exceptions thereto and seven (7) days thereafter to file replies to any such exceptions.

3. The parties intending to participate in the hearing shall file their appearances not later than June 18, 1956.

Adopted: June 6, 1956.

Released: June 8, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4664; Filed, June 12, 1956; 8:50 a. m.]

# FEDERAL POWER COMMISSION

[Docket Nos. G-2399, G-2458, G-2460, G-2465, G-4259, G-4260, G-4261, G-9536]

## NORTHERN NATURAL GAS CO.

### ORDER RECONVENING HEARING

On January 30, 1956, the Presiding Examiner adjourned the hearing which had commenced on January 23, 1956, in the above consolidated dockets, pursuant to Commission order issued January 12, 1956. The said order specified, among other things, the following procedure:

Northern shall present its evidence respecting all matters and issues involved in decision upon the authorizations requested and before cross examination of the various witnesses presented, the Presiding Examiner shall recess the hearing pending further order of the Commission respecting such cross examination and the presentation of such other matters as may be appropriate.

Subsequent to the adjourned hearing, motions have been filed designed to expedite the hearing by various parties, to which answers and objections have been made by other parties.

The Commission finds: The proceedings should be expedited and to that end the hearing should be reconvened for consideration of all matters and issues, including the various interests of the parties.

The Commission orders: The hearing in the above-entitled consolidated proceedings be and the same hereby is reconvened to commence on June 26, 1956, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters in the issues presented by the above entitled proceedings.

Issued: June 8, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-4667; Filed, June 12, 1956; 8:50 a. m.]

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[Docket No. 3980 etc.]

F. G. BLACKWOOD ET AL.

FINDINGS AND ORDER SEVERING PROCEEDING AND ISSUING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

In the matters of F. G. Blackwood, James E. Davis, W. J. Hilseweck, and Reed D. Voran, Trustees, Docket No. G-3980; F. G. Blackwood, Jno. W. Nichols, W. W. Whiteman, Jr., and W. J. Hilseweck, Docket No. G-3981; Cornell Oil Company, Docket No. G-4076; R. Olsen Oil Company, Docket No. G-4429; Amerada Petroleum Corporation, Docket Nos. G-4485 through G-4487, inclusive; Western Natural Gas Company, Docket Nos. G-4536 and G-4537, G-4539 through G-4542, inclusive, and G-4547 and G-4548; Benedum-Trees Oil Company, Docket No. G-4664; Johnston Oil and Gas Company, Docket No. G-4688; George J. Darneille, Docket No. G-4732; Claude R. Lambe, Docket No. G-4738; Albuquerque Associated Oil Company, Docket No. G-4843; Thomas J. Quigley et al., Docket No. G-4852; Ralph E. Davis, Docket No. G-4876; Lester F. Colby and Lester F. Colby, Trustee for Laverne W. Colby and Dorothy Colby Felty, Docket No. G-5209; Claud E. Aikman, Docket Nos. G-5381 and G-5382.

Each of the above Applicants has filed an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing Applicants to render services as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in their respective applications, which are on file with the Commission and open for public inspection.

Applicants, with the exception of Docket Nos. G-4485, G-4486, G-4487, and G-4540, produce and sell natural gas as hereinafter described, which is sold to El Paso Natural Gas Company for transportation in interstate commerce for resale.

Applicants in Docket Nos. G-4485, G-4486, G-4487, and G-4540 produce and propose to sell natural gas as hereinafter described to El Paso Natural Gas Company for transportation in interstate commerce for resale.

*Docket No. G- and Location of Field*

3980 and 3981; Dollarhide Field, Andrews County, Tex.
4076; Spraberry Trend Area, Upton, Midland, and Reagan Counties, Tex.
4429; Blinberry Pool, Lea County, N. Mex.
4485, 4486 and 4487; Eumont Field, Lea County, N. Mex.
4536, 4539, 4541, 4542 and 4548; Langlie-Mattix Field, Lea County, N. Mex.
4537; Jalmet Field, Lea County, N. Mex.
4540; Blanco Field, San Juan County, N. Mex.
4547; West Kutz Canyon, Blanco and South Blanco Pictured Cliff Fields, San Juan County, N. Mex.
4664; Spraberry Trend Area, Midland and Upton Counties, Tex.
4688; Blanco Gas Field, San Juan County, N. Mex.
4732; Sweetie Peck Field, Midland County, Tex.
4738; Blanco-Mesaverde Field in North and East San Juan County, N. Mex.
4843; Gallegos Canyon Unit Pictured Cliffs participating area in San Juan County, N. Mex.
4852; Blanco Gas Field, San Juan County, N. Mex.
4876; South Blanco Pictured Cliffs Field, San Juan County, N. Mex.
5209; Gallegos Canyon Unit, participating area, Kutz Field, San Juan County, N. Mex.
5381; Langlie-Mattix Field, Lea County, N. Mex.
5382; Eumont Field, Lea County, N. Mex.

Applicant, Albuquerque Associated Oil Company, in Docket No. G-4843, has subsequently filed in another docket to abandon the services for which authority is requested in these proceedings; it therefore appears necessary that the application above be severed from these proceedings and disposed of at a later date.

Pursuant to due notice, a public hearing was held in Washington, D. C., on June 4, 1956, respecting the matters involved in and the issues presented by the applications. No petition to intervene or protest to the granting of the applications has been received. Staff counsel made an unopposed motion that Docket No. G-4843 be severed from these proceedings and also moved orally at the hearing that the intermediate decision procedure be omitted and the Commission render a decision herein pursuant to § 1.30 (c) (1) of the Commission's rules of practice and procedure.

The Commission finds:

(1) Applicants, with the exception of Applicants in Docket Nos. G-4485, G-4486, G-4487 and G-4540, independent producers of natural gas, are engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and are, therefore, "natural-gas companies" within the meaning of the Natural Gas Act.

(2) Applicants, in Docket Nos. G-4485, G-4486, G-4487 and G-4540, are independent producers of natural gas and upon commencement of the sale authorized herein will be engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption, subject to the jurisdiction of the Commission, and will, therefore, be "natural-gas companies" within the meaning of the Natural Gas Act.

(3) The sales of natural gas hereinbefore described by Applicants, with the exception of Applicants in Docket Nos. G-4485, G-4486, G-4487 and G-4540, as more fully described in the applications, are made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by Applicants, together with the operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(4) The sales of natural gas by Applicants in Docket Nos. G-4485, G-4486, G-4487 and G-4540, as more fully described in the applications, will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sales by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, are subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(5) Applicants are able and willing properly to do the acts and to perform the services proposed and to conform to the provisions of the Natural Gas Act, and the requirements, rules and regulations of the Commission thereunder.

(6) The sales of natural gas by Applicants, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, is required by the public convenience and necessity, and certificates therefor should be issued as hereinafter ordered and conditioned.

(7) A request during the public hearing by Staff counsel for omission of the intermediate decision procedure under §1.30 (c) of the Commission's rules of practice and procedure was unopposed by any party of record and, not having been denied by the Commission, is granted pursuant to § 1.30 (c) (1) of said rules.

The Commission orders:

(A) Certificates of public convenience and necessity be and are hereby issued, upon the terms and conditions of this order, authorizing the sales by Applicants of natural gas in interstate commerce for resale, together with the operation of any facilities, subject to the jurisdiction of the Commission, used for the sale of natural gas in interstate commerce, as hereinbefore described and as more fully described in the applications and exhibits in this proceeding.

(B) The matter of Albuquerque Associated Oil Company in Docket No. G-4843 be and the same is hereby severed from these proceedings.

(C) Certificates issued herein shall be deemed accepted and of full force and effect unless refused in writing and under oath by Applicants within 30 days from issuance of this order.

(D) The certificates are not transferable and shall be effective only so long as Applicants continue the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act and the applicable rules, regulations and orders of the Commission.

(E) The grant of the certificates herein shall not be construed as a waiver of the requirements of section 4 of the Natural Gas Act, or of section 154 of the Commission's rules and Regulations thereunder requiring the filing of rate schedules for the services herein authorized, and is without prejudice to any findings or orders which have been or may hereafter be made by the Commission in any proceeding now pending or hereafter instituted by or against the Applicants. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objection relating to the operation of any price or related provision in the gas purchase contracts herein involved.

Issued: June 8, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-4668; Filed, June 12, 1956; 8:50 a.m.]

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[Docket No. G-4769]

EL PASO NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

By order issued herein on November 15, 1954, the Commission entered upon a public hearing concerning the lawfulness of rates, charges and classifications contained in El Paso Natural Gas Company's FPC Gas Tariff, Original Volume No. 1, as proposed to be changed by First Revised Sheets Nos. 11-A, 27-B and 27-E, Third Revised Sheets Nos. 34 and 36, Fourth Revised Sheet No. 8, Fifth Revised Sheets Nos. 4, 6, and 11, and Seventh Revised Sheets Nos. 10, 13, 14-A and 15 which were tendered by El Paso for filing on October 14, 1954. By the same order the Commission also suspended and deferred the use of said First Revised Sheets Nos. 11-A, 27-B, and 27-E, Third Revised Sheets Nos. 34 and 36, Fourth Revised Sheet No. 8, Fifth Revised Sheets Nos. 4, 6, and 11 and Seventh Revised Sheet No. 10, until April 15, 1955, and until such further time as they might be made effective in the manner prescribed by the Natural Gas Act.

Seventh Revised Sheets Nos. 13, 14-A and 15 providing for the sale of natural gas for resale for industrial use only were not subject to suspension under the provisions of the Natural Gas Act, as amended. On December 20, 1954, El Paso filed Eighth Revised Sheets Nos. 13, 14-A and 15 which by order of the Commission issued January 21, 1955, were permitted to take effect as of November 15, 1954.

On March 14, 25 and 28, 1955, El Paso tendered for filing certain additional revised tariff sheets and requested that they be permitted to become effective on April 15, 1955. These filings included Ninth Revised Sheets Nos. 13, 14-A and 15, Fourth Revised Sheet No. 17, Second Revised Sheet No. 18, Original Sheet No. 18-A, Fifth Revised Sheet No. 19, First Revised Sheet No. 27-C, Eighth Revised Sheet No. 10, Sixth Revised Sheet No. 11 and Second Revised Sheet No. 11-A, to El Paso's FPC Gas Tariff, Original Volume No. 1.

On March 14, 1955 El Paso filed a motion to make effective as of April 15, 1955, the revised sheets which were suspended by the order of November 15, 1954, subject to refund of any portion of the increased rates and charges found by the Commission to be not justified.

By order issued April 25, 1955, the rates, charges and classifications set forth in Fifth Revised Sheets Nos. 4, 6 and 19, Fourth Revised Sheets Nos. 8 and 17, Eighth Revised Sheet No. 10, Sixth Revised Sheet No. 11, Second Revised Sheets Nos. 11-A and 18, Ninth Revised Sheets Nos. 13, 14-A and 15, Original Sheet No. 18-A, First Revised Sheets Nos. 27-B, 27-C and 27-E, and Third Revised Sheets Nos. 34 and 36 to El Paso's FPC Gas Tariff, Original Volume No. 1 were made effective as of April 15, 1955 subject to refund of the portion of the increased rates or charges found by the Commission not justified.

Fourth Revised Sheet No. 17, Second Revised Sheet No. 18, Original Sheet No. 18-A, and Fifth Revised Sheet No. 19 contain rate schedules for the sale of natural gas for resale for irrigation pumping use only. Sales for this purpose were previously made under El Paso's "Non-residential" service schedules. In proposing the schedules of reduced rates and charges for irrigation pumping sales, El Paso stated that it would file revised sheets providing the same level of rates and charges for irrigation pumping sales as for "Non-Residential Service" under Eighth Revised Sheet No. 10, Sixth Revised Sheet No. 11, and Second Revised Sheet No. 11-A, if the Commission established lower rates for the latter service than the former, and would refund the difference between the proposed rates and charges for irrigation pumping sales and those established by the Commission for "Non-Residential Service", if the latter are lower. Accordingly, the order of April 25, 1955, provided for a refund of the difference between the rates and charges set forth for irrigation sales and the applicable rate determined for "Non-Residential Service" by the Commission in this proceeding, if such rates are lower than those for irrigation sales.

On December 19 and 29, 1955, and on January 5 and 19, 1956, El Paso tendered for filing certain additional revised tariff sheets, including First Revised Sheet No. 27-D and Second Revised Sheets Nos. 27-B, 27-C and 27-E to its FPC Gas Tariff, Original Volume No. 1. First Revised Sheet No. 27-D and Second Revised Sheets Nos. 27-B and 27-C were permitted to take effect as of January 20, 1956 and Second Revised Sheet No. 27-E as of February 10, 1956, all subject to the terms and conditions of the order of the Commission issued April 25, 1955 and to the terms and conditions of the undertaking filed by El Paso pursuant thereto.

The Commission orders:

(A) Pursuant to the authority contained in sections 4, 5 and 15 of the Natural Gas Act, a public hearing be held commencing July 11, 1956, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the lawfulness of El Paso Natural Gas Company's FPC Gas Tariff, Original Volume No. 1, as proposed to be changed by the aforesaid revised sheets tendered for filing on October 14, 1954, March 14, 25 and 28, 1955, December 19 and 29, 1955, and January 5, and 19, 1956.

(B) Interested State commissions may participate as provided by § 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: June 7, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56-4669; Filed, June 12, 1956; 8:50 a. m.]

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[Docket No. G-8636]

RUDCO OIL AND GAS CO.

ORDER VACATING ORDER SUSPENDING PROPOSED CHANGES IN RATES, REJECTING RATE FILING, AND TERMINATING PROCEEDING

Rudco Oil and Gas Company (Applicant), by letter dated May 14, 1956, requested the Commission to reject a rate filing tendered by it on February 28, 1956.

The tendered filing is designated as Supplement No. 1 to Applicant's FPC Gas Rate Schedule No. 6, consisting of a purported increase in rate of 1 cent per Mcf—from 7.5 cents to 8.5 cents per Mcf—for the sale of residue natural gas from the Edmond Gasoline Plant, West Edmond Field, Oklahoma, to Cities Service Gas Company (Cities Service), subject to the jurisdiction of the Commission. By order issued March 22, 1955, the Commission suspended and deferred the use of the above-designated supplement until May 1, 1955, and until such further time as such supplement might be made effective in the manner prescribed by the Natural Gas Act. Applicant has not filed any motion to make the proposed rate changes effective, subject to refund.

By order issued March 29, 1956, the Commission consolidated the proceeding concerning the lawfulness of the rate filing tendered by Applicant and thirteen other proceedings with the proceeding in Docket No. G-8549, In the Matter of Stanolind Oil and Gas Company, and fixed June 4, 1956, as the date for commencement of hearing in the consolidated proceedings. All of the proceedings involve sales of gas in interstate commerce to Cities Service of residue gas from gasoline plants in the Edmond Field.

In support of its May 14, 1956, request, Applicant states that its FPC Gas Rate Schedule No. 6 was intended to cover sales of gas to Cities Service from the Hunton and Trindle gasoline plants in the West Edmond Field, and that it made an improper filing in applying for a rate increase for sales of gas from the Edmond Gasoline Plant. It appears that Applicant is a signatory to the basic contract covering the sales of natural gas from the Hunton and Trindle gasoline plants, but such contract has no provi-

sion for an increase above 7.5 cents per Mcf.

Applicant's sales to Cities Service from the Edmond Gasoline Plant are made under a contract dated July 5, 1945, as amended, between Phillips Petroleum Company (Phillips) and Continental Oil Company (Continental), sellers, and Cities Service, buyer. The basic contract is on file with the Commission as Phillips' FPC Gas Rate Schedule No. 68 and Continental's FPC Gas Rate Schedule No. 91. Included in the proceedings consolidated with Docket No. G–8549 is the proceeding upon the lawfulness of the rates proposed by Continental, as reflected by Supplement No. 10 to Continental's FPC Gas Rate Schedule No. 91 (Docket No. G–8625). Applicant is not a signatory to the contract.

The Commission finds:

(1) Applicant's Supplement No. 1 to its FPC Gas Rate Schedule No. 6 is not intended to cover the sale of residue natural gas from the Edmond Gasoline Plant to Cities Service, such filing was improperly made, and should be rejected as improper.

(2) The order of the Commission issued March 22, 1955, suspending the proposed changes in rates tendered by Applicant on February 28, 1955, should be vacated, and the proceeding thereon should be terminated.

The Commission orders:

(A) Rudco Oil and Gas Company's Supplement No. 1 to its FPC Gas Rate Schedule No. 6 be and it is hereby rejected.

(B) The order of the Commission issued March 22, 1955, suspending the proposed changes in rates reflected in Rudco Oil and Gas Company's Supplement No. 1 to its FPC Gas Rate Schedule No. 6 as tendered for filing on February 28, 1955, be and it is hereby vacated.

(C) The proceeding upon the lawfulness of Rudco Oil and Gas Company's Supplement No. 1 to its FPC Gas Rate Schedule No. 6 as tendered for filing on February 28, 1955, be and it is hereby terminated.

Issued: June 7, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–4670; Filed, June 12, 1956; 8:50 a. m.]

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[Docket No. G–10450]

PERMIAN BASIN PIPELINE CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 8, 1956.

Take notice that Permian Basin Pipeline Company (Applicant), a Delaware corporation with principal office at 2223 Dodge Street, Omaha, Nebraska, filed, on April 30, 1956, in Docket No. G–1928, an application pursuant to section 7 (b) of the Natural Gas Act, redesignated by the Commission as Docket No. G–10450, authorizing Applicant to remove and relocate certain existing authorized natural gas facilities as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to remove five (5) of fourteen (14) of its existing 1,350 horsepower compressor units now located at its Spraberry Compressor Station as authorized in Docket No. G–1928 and to relocate and operate the same at its proposed gasoline plant in Andrews County, Texas, as authorized in Docket No. G–9688.

Applicant states that the volumes of casinghead gas now available in the Spraberry area are considerably below the volumes contemplated in Docket No. G–1928 and hence the five units are no longer needed at the Spraberry Station; that the relocation of these units will enable Applicant to utilize more fully its existing facilities and thereby provide more efficient and economical operation of its pipeline system; that the removal and relocation of these units will avoid an expenditure of approximately $700,000 by Applicant and that the economies and savings realized from this proposal will accrue to Applicant's customers.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Monday, July 9, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 28, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–4665; Filed, June 12, 1956; 8:50 a. m.]

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[Docket No. G–10524]

MICHIGAN WISCONSIN PIPE LINE CO.

ORDER SUSPENDING PROPOSED REVISED TARIFF SHEET AND FIXING DATE OF HEARING

Michigan Wisconsin Pipe Line Company (Michigan Wisconsin) on May 15, 1956, submitted for filing Fourth Revised Sheet No. 5 to its FPC Gas Tariff, Original Volume No. 1, proposing an increase in rates and charges of $4,074,531, or 8.4 percent per annum over and above the rates contingently effective under Docket No. G–8511. Michigan Wisconsin requests an effective date of June 15, 1956, for the proposed filing.

The proposed increase in rates and charges is predicated primarily on claimed costs associated with (a) the introduction into Michigan Wisconsin's system of large volumes of gas from its affiliate, American Louisiana Pipe Line Company; (b) construction of facilities to transport such additional supply of gas; and (c) a proposed 6¼ percent rate of return.

The Public Service Commission of Michigan, the Public Service Commission of Wisconsin, and six customer companies have filed statements opposing the proposed increase.

Michigan Wisconsin has not fully supported its proposed increase in several respects, including, but not limited to, estimated sales volumes, cost of purchased gas, rate of return, Federal income taxes, working capital requirements, pricing of gas stored underground, and amortization of claimed increased purchased gas costs for prior periods.

The increased rates and charges provided in the revised tariff sheet tendered for filing by Michigan Wisconsin on May 15, 1956, have not been shown to be justified and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing concerning the lawfulness of the proposed change in rates and charges and that the above-designated revised tariff sheet be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 4, 5, 15 and 16 of the Natural Gas Act and the Commission's general rules and regulations, including rules of practice and procedure (18 CFR Chapter 1) a public hearing hereby is set to commence on July 23, 1956 at 10:00 a. m., e. d. s. t. in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C. concerning the lawfulness of the proposed change in rates and charges.

(B) Pending such hearing and decision thereon, Michigan Wisconsin's proposed Fourth Revised Sheet No. 5 to its FPC Gas Tariff, Original Volume No. 1 hereby is suspended and the use thereof deferred until November 15, 1956, and until such further time thereafter as it may be made effective in the manner prescribed by the Natural Gas Act.

(C) Michigan Wisconsin shall serve upon each party to this proceeding copies of the testimony and exhibits it proposes to offer at the hearing provided in paragraph (A) above, including five (5) copies thereof upon Commission Staff Counsel. Such copies of the testimony and exhibits shall be served at such time as to permit delivery to all parties, including Staff Counsel, not later than July 16, 1956.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: June 7, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–4671; Filed June 12, 1956; 8:50 a. m.]

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[Project No. 2199]

PUBLIC UTILITY DISTRICT NO. 1 OF SKAMANIA COUNTY, WASHINGTON

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

JUNE 8, 1956.

Public notice is hereby given that the Public Utility District No. 1 of Skamania County, Washington, has filed application under the Federal Power Act (16 U. S. C. 791a–825r) for preliminary permit for proposed Project No. 2199 which would be located on Little White Salmon River, tributary of Columbia River, in the region of White Salmon and Stevenson, Skamania County, Washington, and would consist of an earth-fill dam and storage reservoir located in N½ sec. 26, T. 4 N., R. 9 E., Willamette Meridian, a diversion dam located in NW¼ sec. 12, T. 3 N., R. 9 E., Willamette Meridian, flume, tunnel, canal, forebay, penstocks, and a powerhouse with initial installation of two 10,000-kva generators, each connected to a 15,800-horsepower turbine with plans for an additional unit in the future.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests may be filed is July 27, 1956. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–4666; Filed, June 12, 1956; 8:50 a. m.]

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## HOUSING AND HOME FINANCE AGENCY

### Public Housing Administration

DEPUTY FIELD OFFICE DIRECTOR, FORT WORTH FIELD OFFICE

REVOKING AUTHORITY TO APPROVE OPERATING BUDGETS

Section II *Delegations of final authority,* is amended as follows:

Paragraph G12 delegating the authority to approve operating budgets and revisions thereof to the Deputy Field Office Director, Fort Worth Field Office is hereby revoked.

Date approved: June 5, 1956.

[SEAL] CHARLES E. SLUSSER, *Commissioner.*

[F. R. Doc. 56–4644; Filed, June 12, 1956; 8:45 a. m.]

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## INTERSTATE COMMERCE COMMISSION

[Notice 116]

MOTOR CARRIER APPLICATIONS

JUNE 8, 1956.

Protests consisting of an original and two copies to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in forms of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, prehearing conference, taking of depositions, or other proceeding shall notify the Commission by letter or telegram within 30 days of publication of this notice in the FEDERAL REGISTER. Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operations of Motor Carrier properties sought to be acquired in an application under section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS FOR MOTOR CARRIERS OF PROPERTY

No. MC 263 Sub 82, filed June 1, 1956, GARRETT FREIGHTLINES, INC., 2055 Pole Line Road, P. O. Box 349, Pocatello, Idaho. Applicant's attorney: Maurice H. Greene, P. O. Box 1554, Boise, Idaho. For authority to operate as a *common carrier,* over a regular route, transporting: *General commodities,* except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Denver, Colo., and the site of the Guided Missile Plant of Glenn L. Martin Company near Kassler, Colo., from Denver over U. S. Highway 85 to junction Colorado Highway 75, thence over Colorado Highway 75 to junction unnumbered highways, thence over unnumbered highways to the site of the Guided Missile Plant of Glenn L. Martin Company, near Kassler, and return over the same route, serving no intermediate points.

No. MC 730 Sub 70, filed May 29, 1956, PACIFIC INTERMOUNTAIN EXPRESS CO., a corporation, 299 Adeline Street, Oakland, Calif. For authority to operate as a *common carrier,* transporting: *General commodities,* except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment (other than those requiring refrigeration), serving the site of the Glenn L. Martin Company's plant, located approximately ten (10) miles south of Denver, Colo., near Kassler, Colo., as an off-route point in connection with applicant's regular route operations to and from Denver, Colo. Applicant is authorized to conduct operations in California, Colorado, Idaho, Illinois, Kansas, Missouri, Montana, Nevada, Oregon, Utah, Washington, and Wyoming.

No. MC 1124 Sub 130, filed May 31, 1956, HERRIN TRANSPORTATION COMPANY, a Corporation, 2301 McKinney Avenue, Houston, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. For authority to operate as a *common carrier,* over regular routes, transporting: *General commodities,* including Class A and B explosives, but excluding those of unusual value, household goods as defined by the Commission, and commodities in bulk, serving the site of the Sohio Petroleum Corporation Plant near Beggs, La., and on Louisiana Highway 10, and approximately 11 miles north of Opelousas, La., as an off-route point in connection with carrier's regular route operations between Opelousas, and Ville Platte, La., over U. S. Highway 167.

No. MC 7746 Sub 79, filed May 18, 1956, UNITED TRUCK LINES, INC., East 915 Springfield Avenue, Spokane, Wash. Applicant's attorney: George R. LaBissoniere, 835 Central Building, Seattle 4, Wash. For authority to operate as a *common carrier,* transporting: *General commodities,* including *commodities requiring special equipment,* but excluding articles of unusual value, livestock, Class A and B explosives, commodities in bulk, and household goods as defined by the Commission, serving the Noxon, Mont., dam site near Noxon, and construction sites within fifteen (15) miles thereof, as off-route points in connection with applicant's regular route operations (1) between Spokane, Wash., and Missoula, Mont., over U. S. Highway 10, and (2) between Missoula, Mont., and Coram, Mont., over U. S. Highway 93. Applicant is authorized to conduct operations in Idaho, Montana, Oregon, and Washington.

No. MC 8989 Sub 159, filed May 28, 1956, HOWARD SOBER, INC., 2400 West St. Joseph Street, P. O. Box 1228, Lan-

sing, Mich. Applicant's attorney: Albert F. Beasley, Investment Building, 15th and K Streets NW., Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles, trucks, busses, and parts thereof*, in secondary movements, in truckaway service, from Baltimore, Md., to points in Minnesota; and *damaged shipments of the commodities specified* on return movements. Applicant is authorized to conduct operations throughout the United States.

No. MC 11185 Sub 96 (CORRECTION), published page 3706, issue of May 30, 1956. The name of the corporation shown as J–T TRANSPORT, INC., was in error. The correct corporate name is *J–T TRANSPORT COMPANY*, INC.

No. MC 28961 Sub 15, filed May 23, 1956, McDUFFEE MOTOR FREIGHT, INC., High School Avenue and Woodlawn Street, Lebanon, Ky. Applicant's attorney: Robert M. Pearce, 711 McClure Building, Frankfort, Ky. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment between Louisville, Ky., and Columbia, Ky. from Louisville over U. S. Highway 31W to Elizabethtown, Ky., thence over Kentucky Highway 61 to Columbia, and return over the same route, serving no intermediate points, with service at Columbia, Ky., for purpose of joinder only, as an alternate route, for operating convenience only, in connection with carrier's regular route operations between (1) Louisville and Lebanon, Ky., (2) Lebanon and Columbia, Ky., (3) Columbia and Wolf Creek Dam, Ky., and (4) Columbia and Russell Springs, Ky. Applicant is authorized to conduct operations in Kentucky and Ohio.

No. MC 29120 Sub 52, filed May 21, 1956, WILSON STORAGE AND TRANSFER CO., a Corporation, 110 North Reid Street, Sioux Falls, S. Dak. for authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products*, and *meat by-products*, as defined by the Commission, from Spencer and Estherville, Iowa, to Chicago, Ill., and the commercial zone thereof as defined by the Commission.

No. MC 29120 Sub 53, filed May 29, 1956, WILSON STORAGE AND TRANSFER CO., 110 North Reid Street, Sioux Falls, S. Dak. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving Big Bend Dam Site located approximately forty-two (42) miles southeast of Pierre, S. Dak., as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in South Dakota, Minnesota, and Iowa.

No. MC 30311 Sub 11, filed May 28, 1956, FREIGHT, INC., 408 Wellington Street, P. O. Box 1311, Akron, Ohio. Applicant's attorney: Drew L. Carraway, Suite 618 Perpetual Building, 1111 E Street NW., Washington 4, D. C. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving the site of the Chevrolet Division of General Motors Corporation approximately six (6) miles southwest of Warren, Ohio, as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Ohio, and Nebraska.

No. MC 31600 Sub 408, filed May 25, 1956, P. B. MUTRIE MOTOR TRANSPORTATION, INC., Calvary Street, Waltham, Mass For authority to operate as a *common carrier*, over irregular routes, transporting: *Tanning extract*, in bulk, in tank vehicles, from Erie, Pa., to Bellows Falls, Vt.

No. MC 36509 Sub 8, filed May 31, 1956, LOOMIS ARMORED CAR SERVICE, INC., 114 Cherry Street, Seattle, Wash. Applicant's attorneys: George H. Hart, Central Building, Seattle 4, Wash., and Peter Platten, 1035 Land Title Building, Philadelphia 10, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Coin* and *bullion* for the Bureau of the Mint, U. S. Treasury Department, the Federal Reserve Banks and their respective branches and the U. S. Treasury Department, between Seattle, Wash., Portland, Oreg., San Francisco, Calif., Helena, Mont., and Salt Lake City, Utah. Applicant is authorized to conduct operations in Oregon and Washington.

No. MC 37578 Sub 15, filed May 31, 1956, JOSEPH W. TREHAN, INCORPORATED, 715 Mahoning Avenue, Youngstown, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving the site of the Chevrolet Division of General Motors Corporation located approximately six (6) miles southwest of Warren, Ohio, as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Ohio, Pennsylvania, and West Virginia.

No. MC 40007 Sub 45, filed May 31, 1956, RELIABLE TRANSPORTATION COMPANY, a Corporation, 4817 Shelia Street, Los Angeles 22, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid petroleum wax*, in bulk, in tank vehicles, from Richmond, Calif., to points in Arizona.

No. MC 41404 Sub 13, filed May 25, 1956, C. E. WELDON, doing business as ARGO COLLIER TRUCK LINES, Fulton Highway, Martin, Tenn. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Baking powder, bread making compounds, dessert preparations, coffee, coffee extracts*, and *tea*, from Chicago, Ill., to Paducah and Fulton, Ky., and points in Alabama, Georgia, Louisiana, Mississippi, and Tennessee.

No. MC 46280 Sub 35, filed May 4, 1956, DARLING FREIGHT, INC., 4000 Division Avenue South, Grand Rapids, Mich. Applicant's attorney: Robert A. Sullivan, 2606 Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Scrap metals*, in bulk, between Angola, Columbia City and Syracuse, Ind., and Chicago, Ill., on the one hand, and, on the other, Belding, Mich.

No. MC 50002 Sub 28, filed May 31, 1956, T. CLARENCE BRIDGE and HENRY W. BRIDGE, doing business as BRIDGE BROTHERS, Anderson and Bridge Streets, P. O. Box 588, Lamar, Colo. Applicant's attorney: C. Zimmerman, 503 Schweiter Building, Wichita 2, Kans. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from points in Adams, Logan, Morgan, Phillips, Sedgwick, Washington, Weld, and Yuma Counties, Colo., to points in Kansas on and west of U. S. Highway 183. Applicant is authorized to conduct operations in Colorado, Kansas, Nebraska, Oklahoma, and Texas.

No. MC 50069 Sub 173, filed June 4, 1956, REFINERS TRANSPORT & TERMINAL CORPORATION, 2111 Woodward Avenue, Detroit 1, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from New Goshen, Ind., and points within five miles thereof, to points in Illinois.

No. MC 52657 Sub 485 (CORRECTION), published page 3707, issue of May 30, 1956. The name of the corporation shown as ARGO AUTO CARRIERS, INC., was in error. The correct corporate name is *ARCO* AUTO CARRIERS, INC.

No. MC 52920 Sub 22, filed May 14, 1956, PACIFIC HIGHWAY TRANSPORT, INC., Sixth Avenue, South and Holgate Streets, Seattle, Wash. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over regular routes, transporting: (1) *General commodities, including household goods* as defined by the Commission, *commodities in bulk*, and *those requiring special equipment*, but excluding commodities of unusual value and Class A and B explosives, between Woodland, Wash., and the Swift Creek Dam Site near Yale, Wash., from Woodland over Washington Highway 1–S to junction unnumbered County Road, near Yale, Wash., thence over unnumbered County Road to the Swift Creek Dam Site, near Yale, and return over the same route, serving points within six miles of the Swift Creek Dam Site as intermediate and off-route points. (2) *General commodities*, except Class A and B explosives, household goods as defined by the Commission, petroleum products in tank trucks, and commodities requiring special equipment (other than such equipment for use in transporting machinery, tanks, and other commodities requiring the use of flat-bed trucks), serving the Swift Creek Dam Site, near Yale, Wash., and points within six miles thereof; as off-route points in connection with carrier's regular route operations between Portland, Oreg., and Bellingham, Wash., over U. S. Highway 99. Applicant is authorized to conduct operations in Oregon and Washington.



No. MC 54435 Sub 25, filed May 25, 1956, MICHIGAN MOTOR FREIGHT LINES, INC., 4800 Oakman Boulevard, Dearborn, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the new plant of the Chevrolet Division of General Motors Corporation, located approximately six (6) miles southwest of Warren, Ohio in Lordstown Township, Trumbull County, Ohio, as an off-route point in connection with applicant's regular route operations (1) between Warren, Ohio and Youngstown, Ohio, over U. S. Highway 422, and (2) between Akron, Ohio and Youngstown, Ohio, over Ohio Highway 18. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan and Ohio.

No. MC 56082 Sub 15, filed March 12, 1956, published in the May 16, 1956 issue, page 3240 amended, DAVIS & RANDALL, INC., Chautauqua Road, Fredonia, N. Y., P. O. Box 209, Dunkirk, N. Y. Applicant's attorney: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Malt beverages*, from Natick Township, Middlesex County, Mass., to points in New York, New Jersey, Pennsylvania, and Maryland; *empty cans* and *can lids* from Hillside, N. J., and Paterson, N. J., to Natick Township, Middlesex County, Mass.; *caps* and *crowns* from Wilmington, Del., North Bergen, N. J., Baltimore, Md., and Brooklyn, N. Y., to Natick Township, Middlesex County, Mass.; *empty containers or other such incidental facilities* used in transporting the above-named commodities on return. Applicant is authorized to conduct operations in New York, Pennsylvania, and Ohio.

No. MC 59317 Sub 5, filed June 4, 1956, E. C. BISOM, 211 West Third Street, North, Newton, Iowa. Applicant's attorney: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household appliances*, and *parts for such appliances* when moving with the appliances of which they are a part (except washing machines, household laundry driers and ironers and parts thereof), from Newton, Iowa, to points in Minnesota, Illinois, Nebraska, South Dakota, and Wisconsin.

No. MC 59583 Sub 70, filed May 25, 1956, THE MASON & DIXON LINES, INCORPORATED, Eastman Road, Kingsport, Tenn. Applicant's attorney: Clifford E. Sanders, 321 East Center Street, Kingsport, Tenn. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving Tennga, Ga., as an off-route point in connection with applicant's authorized regular route operations over U. S. Highway 41 and as an intermediate point in connection with applicant's authorized regular route operations between Knoxville, Tenn., and Cartersville, Ga., over U. S. Highway 411. Applicant is authorized to conduct operations in Tennessee, Georgia, Virginia, New Jersey, New York, Maryland, Delaware, Pennsylvania, North Carolina, South Carolina, and the District of Columbia.

No. MC 65451 Sub 13, filed May 28, 1956, ALABRAM FREIGHT LINES, 546 West Madison Street, Phoenix, Ariz. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, (1) serving the site of the Rare Metals Plant located approximately five (5) miles east of Tuba City, Ariz., as an off-route point in connection with applicant's authorized regular route operations; (2) between points in Coconino County, Ariz., North of U. S. Highway 66 over irregular routes, restricted (a) against service at points on U. S. Highway 66 except as otherwise authorized and (b) against service at points on Arizona Highway 64. Applicant is authorized to conduct operations in Arizona, Texas, and New Mexico.

No. MC 64983 Sub 55, filed June 8, 1956, READER BROTHERS, INC., Water and Tasker Streets, Philadelphia 48, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Delaware City, Del., to points in Connecticut, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia. Applicant is authorized to conduct operations in Delaware, Maryland, New York, Pennsylvania, and the District of Columbia.

No. MC 75651 Sub 42, filed May 28, 1956, R. C. MOTOR LINES, INC., 2500 Laura Street, Jacksonville, Fla. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving Rockville, Md., as an off-route point in connection with applicant's authorized regular-route operations. Applicant is authorized to conduct operations in Florida, North Carolina, South Carolina, Maryland, Georgia, Virginia, Pennsylvania, New Jersey, and New York.

No. MC 76052 Sub 9, filed May 21, 1956, JOHN B. ABLE, doing business as MONTEZUMA TRUCK LINE, P. O. Box 246, 873 East Third Street, Durango, Colo. Applicant's attorney: Marion F. Jones, Denham Building, Suite 526, Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, from Dolores, Montezuma, La Plata, San Juan, Hinsdale, Archuleta, Mineral and Rio Grande Counties, Colo., to points in Arizona (except Tucson, Mesa, Globe, and Phoenix), San Diego and Los Angeles, Calif., Albuquerque, Aztec, and Farmington, N. Mex., and El Paso, Tex. Applicant is authorized to conduct operations in Colorado, Arizona, and New Mexico.

No. MC 76266 Sub 93, filed May 28, 1956, MERCHANTS MOTOR FREIGHT, INC., 2625 Territorial Road, St. Paul, Minn. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, livestock, commodities in bulk, and those requiring special equipment, serving the site of the Glenn L. Martin Company plant, located approximately fifteen (15) miles southwest of Denver, Colo., as an off-route point in connection with applicant's regular route operations to and from Denver, Colo., over U. S. Highways 6, 85, and 87. Applicant is authorized to conduct regular route operations in Colorado, Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin, and irregular route operations in Minnesota and Ohio.

No. MC 76564 Sub 56, filed May 22, 1956, HILL LINES, INC., 1300 Grant Street, Amarillo, Tex. Applicant's attorneys: Morris G. Cobb, P. O. Box 1750, Amarillo Tex., and Donovan N. Hoover, P. O. Box 897, Santa Fe, N. Mex. For authority to operate as a *common carrier*, transporting: *General commodities, including Class A and B explosives* and *commodities in bulk*, but excepting those of unusual value, household goods as defined by the Commission, and commodities requiring special equipment, between Roswell, N. Mex., and El Paso, Tex., from Roswell over U. S. Highway 70 to junction U. S. Highway 54, and thence over U. S. Highway 54 to El Paso, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's otherwise authorized operations. Applicant is authorized to conduct operations in Texas and New Mexico.

No. MC 86687 Sub 42, filed May 29, 1956, SEABOARD AIR LINE RAILROAD COMPANY, a corporation, Seaboard Air Line Railroad Building, Norfolk 10, Va. Applicant's attorney: James S. Cremins, Seaboard Air Line Railroad Company, Norfolk 10, Va. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, including *commodities of unusual value* and *Class A and B explosives*, but excluding household goods as defined by the Commission, commodities in bulk and those requiring special equipment, (1) between Hamlet, N. C., and Andrews,

S. C., from Hamlet over U. S. Highway 74 to junction North Carolina Highway 381, thence over North Carolina Highway 381 to North Carolina-South Carolina State Line, thence over South Carolina Highway 381 to Clio, thence over South Carolina Highway 9 to Dillon, thence over South Carolina Highway 57 to junction South Carolina Highway 41 and thence over South Carolina Highway 41 to Andrews, and return over the same route, serving the intermediate and off-route points of Gibson, N. C., McColl, Clio, Little Rock, Dillon, Floydale, Mullins, Johnsonville, Hemingway, Rains, Centenary, Gresham, Poston and Nesmith, S. C., and (2) between McColl, S. C., and Laurinburg, N. C., over U. S. Highway 15, serving no intermediate points, as an alternate route in connection with applicant's authorized regular route operations between Hamlet and Wilmington, N. C., and in connection with the proposed regular route outlined above. RESTRICTION: Authority applied for herein to be limited to service which is auxiliary to, or supplemental of, applicant's rail service and applicant shall not serve any point not a station on its rail line. Shipments to be transported shall be limited to those moving on a through bill of lading or Railway Express receipt covering, in addition to a motor carrier movement by applicant, an immediately proir or immediately subsequent movement by rail. Applicant is authorized to conduct motor carrier operations in Florida, Georgia, North Carolina, South Carolina, and Virginia.

No. MC 92215 Sub 5, filed May 25, 1956, BOSTON AND ROCKLAND TRANSPORTATION CO., 44 Maverick Street, Rockland, Maine. Applicant's attorney: Kenneth B. Williams, 89 State Street, Boston 9, Mass. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including household goods as defined by the Commission and commodities requiring special equipment*, but excepting those of unusual value, Class A and B explosives, and commodities in bulk, restricted to shipments moving in international traffic, between Rockland, Maine and the International Boundary between the United States and Canada at or near Calais, Maine and Vanceboro, Maine, (1) from Rockland over U. S. Highway 1 to Calais; also from Rockland over U. S. Highway 1 to Bangor, Maine, and thence over Maine Highway 9 to Calais; also from Rockland over U. S. Highway 1 to East Machias, Maine, thence over Maine Highway 191 to Barring, Maine and thence over U. S. Highway 1 to Calais; (2) from Rockland, Maine to Calais over the above-described routes, thence over U. S. Highway 1 to Topsfield, Maine, and thence over Maine Highway 6 to Vanceboro; also from Rockland to Bangor as specified above and thence over U. S. Highway 2 to Lincoln, Maine, and thence over Maine Highway 6 to Vanceboro, and return over the same routes, serving no intermediate points. Applicant is authorized to conduct operations in Maine and Massachusetts.

No. MC 92983 Sub 166, filed May 18, 1956, ELDON MILLER, INC., 330 East Washington Street, Box 232, Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fats, greases, lards, tallows, vegetable oils and blends thereof*, and *vegetable oil products*, in bulk, in tank vehicles, between Memphis, Tenn., on the one hand, and, on the other, points in Missouri. Applicant is authorized to conduct operations in Arkansas, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Dakota, Ohio, Pennsylvania, South Dakota, Tennessee, Texas, and Wisconsin.

No. MC 95540 Sub 271, filed May 28, 1956, WATKINS MOTOR LINES, INC., Cassidy Road, P. O. Box 785, Thomasville, Ga. Applicant's attorney: Joseph H. Blackshear, Gainesville, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods*, and *salads, fruit sections*, and *fruit juices*, not frozen, in vehicles equipped with mechanical refrigeration, from points in Florida to points in Colorado. Applicant is authorized to conduct operations in Nebraska, Alabama, Florida, Georgia, North Carolina, South Carolina, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Virginia, West Virginia, Wisconsin, Louisiana, and Mississippi.

No. MC 98467 Sub 1, filed May 11, 1956, ROBERT JESKE, Glenwood City, Wis. Applicant's attorney: W. P. Knowles, New Richmond, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Livestock*, from the Towns of Glenwood, Forest, Emerald, Springfield, and Village of Glenwood City, St. Croix County, Wis., and the Towns of Stanton, Tainter and Village of Downing, Dunn County, Wis., to South St. Paul, Minn., and *general commodities*, including feed, *seed, lumber, building supplies* and *materials, machinery* and *equipment*, but excluding commodities of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, from Minneapolis, St. Paul, and South St. Paul, Minn., to the Towns of Glenwood, Forest, Emerald, Springfield, and Village of Glenwood City, St. Croix County, Wis., and the Towns of Stanton, Tainter, and Village of Downing, Dunn County, Wis.

No. MC 98749 Sub 5, filed May 7, 1956, as amended May 29, 1956, DURWARD L. BELL, doing business as BELL TRANSPORT COMPANY, 100 South Second Street, Longview, Tex. Applicant's attorney: Joe T. Lanham, Perry-Brooks Building, Austin, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, (1) between points in Texas, and (2) between points in Texas, on the one hand, and, on the other, points in Arkansas and Louisiana.

No. MC 102516 Sub 3, filed May 3, 1956, (amended), published May 16, 1956, on Page 3241, RAYMOND J. HASSE, doing business as R. J. HASSE TRUCKING CO., 714 25th Avenue, Monroe, Wis. Applicant's attorney, Adolph J. Bieberstein, 121 West Doty Street, Madison 3, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Cheese*, from Nauvoo, Ill., to Burlington, Iowa. Applicant is authorized to conduct operations in Illinois, Iowa, and Wisconsin.

No. MC 103248 Sub 21, filed May 17, 1956, PETROLEUM TRANSPORT, INC., P. O. Box 289, Madison, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Jet fuel* and *Aviation fuel*, in bulk, in tank vehicles, from Lemont and Lockport, Ill., and points in the Chicago Illinois Commercial Zone, as defined by the Commission, to the site of the K. I. Sawyer Airport near Gwinn and Marquette, Mich.

No. MC 103993 Sub 72, filed June 1, 1956, MORGAN DRIVE-AWAY, INC., 509 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 632 Illinois Building, 17 North Market Street, Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles, by the truckaway method, in initial movements, from Tulare, Calif., to all points in the United States, and (2) *special purpose trailers*, in initial movements, in truckaway service, from Santa Clara, Calif., to all points in the United States. Applicant is authorized to conduct operations throughout the United States.

No. MC 103993 Sub 73, filed June 4, 1956, MORGAN DRIVE-AWAY, INC., 509 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 632 Illinois Building, 17 North Market Street, Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, by truckaway method, in initial movements, from Momence, Ill., to all points in the United States. Applicant is authorized to conduct operations throughout the United States.

No. MC 105009 Sub 2, filed May 25, 1956, NATIONAL TRUCKING CO., INC., 72 Roanoke Avenue, Newark, N. J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Iron and steel products, building, construction, heating and insulating products* together with *materials, supplies* and *equipment* for the foregoing commodities, under Special and individual contracts with persons (as defined in section 203 (b) of the Interstate Commerce Act) who are engaged in the production and distribution of iron and steel products, building, construction, heating and insulating products, together with materials, supplies, and equipment for the transportation of the commodities indicated, between Philadelphia, Pa., and Wilmington, Del., on the one hand, and, on the other, points in New Jersey, Maryland, Delaware, District of Columbia, and points in Pennsylvania on and east of a line beginning at the New York-Pennsylvania State line and extending along U. S. Highway 11 to Lemoyne, Pa., and thence along U. S. Highway 111 to the Maryland-Pennsylvania State line; points in New York on, south and east of a line beginning at the Massachusetts-New York State line and extending westerly along U. S. Highway 20 to junction New York Highway 30 thence along New York Highway 30 to East Branch, N. Y., thence along New York Highway 17 to Hancock, N. Y., and thence south along unnumbered highway to the New York-Pennsylvania State line, and those on Long Island, N. Y.; and points in Connecticut on and west of the Connecticut River. RESTRICTION: Restricted to service to and from the plant sites of Igoe Brothers, Inc.; Taylor Davis, Inc.; and Delaware Steel Fabricating Corp.



No. MC 105572 Sub 17, filed May 31, 1956, C. J. DAVIS, doing business as ST. LOUIS FREIGHT LINES, 1000 Michigan Avenue, St. Louis, Mich. Applicant's attorney: Robert A. Sullivan, 2606 Guardian Building, Detroit 26, Mich. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Salt*, (1) between St. Clair and Port Huron, Mich., on the one hand, and, on the other, points in Kentucky, Missouri, Iowa and Wisconsin; and (2) between St. Louis, Mich., on the one hand, and, on the other, points in Kentucky (excluding Louisville), points in Missouri (excluding St. Louis), points in Iowa on and west of a line beginning at the Minnesota-Iowa State Line and extending along U. S. Highway 65 to the Missouri-Iowa State Line, and points in Wisconsin on and north of a line beginning at the Minnesota-Wisconsin State Line and extending along U. S. Highway 12 to junction Wisconsin Highway 29, thence along Wisconsin Highway 29 to Green Bay, and thence along U. S. Highway 141 to Lake Michigan at Manitowoc, Wis. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, and Ohio.

No. MC 106398 Sub 67 (amended), filed May 24, 1956, published in the June 6, 1956, issue, on page 3888, NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road (P. O. Box 896 Dawson Station), Tulsa, Okla. Applicant's attorney: John E. Lesow, 632 Illinois Building, 17 West Market Street, Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, by the truckaway method, in initial movements, from Tulare, Calif., to all points in the United States, and *special purpose trailers*, in initial movemenits, in truckaway service, from Santa Clara, Calif., to all points in the United States. Applicant is authorized to conduct operations throughout the United States.

No. MC 106965 Sub 89, filed May 31, 1956, M. I. O'BOYLE & SON, INC., doing business as O'BOYLE TANK LINES, 817 Michigan Avenue NE., Washington 17, D. C. Applicant's attorney: Dale C. Dillon, Suite 944 Washington Building, Washington 5, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Delaware City, Del., to points in Maryland, Virginia, North Carolina, and the District of Columbia, that part of West Virginia on and east of U. S. Highway 119 extending from the Pennsylvania-West Virginia State line to Philippi, W. Va., and thence on, east and north of U. S. Highway 250 to the Virginia-West Virginia State line, and to Clarksburg and Fairmont, W. Va. Applicant is authorized to conduct operations in New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, and the District of Columbia.

No. MC 107002 Sub 79 (correction), WALTER M. CHAMBERS, doing business as CHAMBERS TRUCK LINE, published page 3710, issue of May 30, 1956. The subsequent filing number Sub 79 assigned thereto was in error. The correct sub number is *SUB 97* (ninety-seven).

No. MC 107002 Sub 98, filed May 31, 1956, WALTER M. CHAMBERS, doing business as W. M. CHAMBERS TRUCK LINE, 105 Giuffrias Avenue, P. O. Box 687, New Orleans, La. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Purvis, Miss., and points within 5 miles of Purvis, to points in Alabama and Louisiana. Applicant is authorized to conduct operations in Louisiana, Mississippi, Tennessee, Arkansas, Missouri, Alabama, and Georgia.

No. MC 107151 Sub 17, filed May 18, 1956, H. F. JOHNSON, INC., P. O. Box 1403, Billings, Mont. Applicant's attorney: T. H. Burke, Billings State Bank Building, 2619 First Avenue North, Billings, Mont. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, as described by the Commission, from Billings, Mont., and points within ten (10) miles thereof, including East Billings, Mont., to points in that part of South Dakota bounded by a line beginning at the Wyoming-South Dakota State line, near Belle Fourche, S. Dak., and extending along U. S. Highway 212 to junction U. S. Highway 83, thence along U. S. Highway 83 to junction U. S. Highway 183 at Vivian, S. Dak., thence along U. S. Highway 183 to the South Dakota-Nebraska State line, thence along the South Dakota-Nebraska State line to the South Dakota-Wyoming State line, thence along the South Dakota-Wyoming State line to point of beginning, including points on the indicated portions of the highways specified. Applicant is authorized to conduct irregular route operations in Idaho, Montana, North Dakota, and Wyoming, and regular route operations in Idaho, Montana, and Wyoming.

No. MC 108228 Sub 9, filed May 11, 1956, ADAMS AND COMPANY, A Florida Corporation, U. S. Highway No. 92 at West City Limits, Lakeland, Fla. Applicant's attorney: Wm. Reece Smith, Jr., First National Bank Building, P. O. Box 3239, Tampa 1, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Food* and *beverages* requiring temperature control in transit by mechanical refrigeration (such as citrus concentrate, fruit and vegetable juices in frozen and non-frozen state, fruit and vegetable sections and salads in non-frozen state and processed frozen seafoods), from points in Florida to points in Alabama, Connecticut, Delaware, District of Columbia, Georgia, Illinois, Indiana, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Missouri, North Carolina, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, West Virginia, Wisconsin, Nebraska, Virginia and Iowa. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, West Virginia, and the District of Columbia.

No. MC 109200 Sub 3, filed May 28, 1956, R. E. YOUNG, 503 South Pecan, Arlington, Tex. Applicant's attorney: M. Ward Bailey, Continental Life Building, Fort Worth 2, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Horses*, other than ordinary, and, in the same vehicle with such horses, *stable supplies and equipment* used in the care and exhibition of such horses, *mascots*, and the *personal effects* of their attendants, trainers, and exhibitors, between points in the States of Texas, Arkansas, Louisiana, Kentucky, Illinois, Michigan, Oklahoma, Ohio, Nebraska, and Colorado.

No. MC 109397 Sub 15, filed May 21, 1956, TRI-STATE WAREHOUSING AND DISTRIBUTING CO., 315 East Seventh Street, P. O. Box 113, Joplin, Mo. Applicant's attorney: Stanley P. Clay, 514 First National Building, P. O. Box 578, Joplin, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Class A and B explosives, blasting supplies, materials, and agents* and the *component parts thereof*, between La Salle and Grundy Counties, Ill., on the one hand, and, on the other, points in Missouri, Arkansas, Nebraska, Kansas, Oklahoma, Texas, and New Mexico; *returned shipments* of the above-named commodities on return. Applicant is authorized to conduct operations in Missouri, Oklahoma, Kansas, Illinois, Texas, Nebraska, Arkansas, and New Mexico.

No. MC 109451 Sub 58, filed May 31, 1956, ECOFF TRUCKING, INC., 112 Merrill Street, Fortville, Ind. Applicant's attorney: William J. Guenther, 1511–14 Fletcher Trust Building, Indianapolis, Ind. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from Anderson, Ind., to points in Iowa, Pennsylvania, and Wisconsin. Applicant is authorized to conduct operations in Illinois, Michigan, Ohio, Missouri, Kentucky, Wisconsin, Iowa, and Indiana.

No. MC 109540 Sub 13, filed May 22, 1956, YEARY TRANSFER COMPANY, INC., P. O. Box 398, Winchester, Ky. Applicant's attorneys: Glenn F. Morgan, 1006–1008 Warner Building, Washington, D. C. and William Hayes, McEldowney Building, Winchester, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Tobacco* and *tobacco products*, manufactured or unmanufactured, including *materials, supplies* and *equipment* used or useful in the manufacture, sale, transportation,

storing, handling or processing of tobacco products, such as hampers, baskets, crates, boxes or cartons, twine, rope, platforms or pallets, machinery or machinery parts, but excluding cigars, cigarettes, chewing tobacco and smoking tobacco in retail packages, and snuff, (1) between points in Kentucky, Tennessee, West Virginia, Pennsylvania, New York, Ohio, Indiana, Michigan, Wisconsin, Illinois, Missouri, Arkansas, Mississippi, and Lousiana, (2) between points in Kentucky, Tennessee, West Virginia, Pennsylvania, New York, Ohio, Indiana, Michigan, Wisconsin, Illinois, Missouri, Arkansas, Mississippi, and Louisiana, on the one hand, and, on the other, points in Florida, Alabama, Georgia, South Carolina, North Carolina, Virginia, Maryland, Delaware, and New Jersey.

No. MC 110193 Sub 26, filed May 28, 1956, SAFEWAY TRUCK LINES, INC., 4625 West 55th Street, Chicago, Ill. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street., Chicago 2, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products and meat by-products, dairy products,* and *articles distributed by meat-packing houses*, as described by the Commission, from Kansas City and Wichita, Kans., and Kansas City, St. Joseph and South St. Joseph, Mo., to Baltimore, Md., Washington, D. C., Wilmington, Del., Philadelphia, Pa., points in that part of Pennsylvania on and south of U. S. Highway 22 from the Ohio-Pennsylvania State line to Nanty Glo and on and west of U. S. Highway 219 from Nanty Glo to the Pennsylvania-Maryland State line, and points in New York, New Jersey, Massachusetts, Rhode Island, and Connecticut. Applicant is authorized to conduct operations in Kansas, Nebraska, Missouri, Iowa, Illinois, Ohio, Pennsylvania, New York, New Jersey, Connecticut, Massachusetts, Rhode Island, Indiana, Wisconsin, Minnesota, the District of Columbia, Wilmington, Del., and Baltimore, Md.

NOTE: Applicant states purpose of proposed application is to eliminate necessity operating through Chicago, Ill., and Cleveland gateways.

No. MC 110698 Sub 72, filed May 31, 1956, MILLER MOTOR LINE OF NORTH CAROLINA INCORPORATED, J. ARCHIE CANNON, JR., Successor Trustee, P. O. Box 457, Winston Road, Greensboro, N. C. Applicant's attorney: Frank B. Hand, Jr. Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier* over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk in tank vehicles, (1) from Fayetteville, N. C., to points in South Carolina, (2) from Greer, S. C., to points in North Carolina. Applicant is authorized to conduct operations in North Carolina, Virginia, South Carolina, and Georgia.

No. MC 1160698 Sub 73, filed May 31, 1956, MILLER MOTOR LINE OF NORTH CAROLINA INCORPORATED, J. ARCHIE CANNON, JR., Successor Trustee, P. O. Box 457, Winston Road, Greensboro, N. C. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from Delaware City, Del., to points in North Carolina, South Carolina, Virginia, West Virginia, Georgia and Kentucky. Applicant is authorized to conduct operations in Virginia, North Carolina, South Carolina, and Georgia.

No. MC 110698 Sub 74, filed May 31, 1956, MILLER MOTOR LINE OF NORTH CAROLINA INCORPORATED, J. ARCHIE CANNON, JR., Successor Trustee, P. O. Box 457, Winston Road, Greensboro, N. C. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Acids* and *chemicals* and *coal tar products*, in bulk, in tank vehicles, from points in Union County, N. J. to points in Alabama, Georgia, Mississippi, North Carolina, South Carolina, Tennessee and Virginia. Applicant is authorized to conduct operations in South Carolina, Georgia, North Carolina, Virginia, West Virginia, Maryland, Tennessee, New York, New Jersey, Delaware, Pennsylvania, Florida, and Kentucky.

No. MC 110698 Sub 75, filed May 31, 1956, MILLER MOTOR LINE OF NORTH CAROLINA INCORPORATED, J. ARCHIE CANNON, JR., Successor Trustee, P. O. Box 457, Winston Road, Greensboro, N. C. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Norfolk, Hopewell, and Richmond, Va., and points within 10 miles thereof of each, to points in South Carolina. Applicant is authorized to conduct operations in North Carolina, Virginia, South Carolina, and Georgia.

No. MC 111159 Sub 28, filed May 25, 1956, MILLER PETROLEUM TRANSPORTERS, LTD., P. O. Box 1123, Jackson, Miss. Applicant's attorney: Phineas Stevens, Suite 900 Milner Building, P. O. Box 141, Jackson, Miss. For authority to operate as a *common carrier*, over irregular routes, transporting: *Turpentine* and *pine oil*, in bulk, in tank vehicles, from Columbia, Miss., to New Orleans, La.

No. MC 111470 Sub 1, filed May 18, 1956, GLOUCESTER TRUCKING, INC., 805 Cherry Street, Gloucester City, N. J. Applicant's attorney: Isadore H. Schwartz, Lehigh Building, Southwest corner Fourth and Chestnut Streets, Philadelphia, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Finished lumber, building woodwork, wallboard, building and insulting board, cabinets,* and *mantels*, uncrated, and *glass, hardware, paint,* and *tools*, used or for use with the beforementioned commodities, between Gloucester, N. J., Cressona, Lancaster, Harrisburg, and Philadelphia, Pa., on the one hand, and, on the other, points in New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and West Virginia.

No. MC 111812 Sub 28, filed May 31, 1956, MIDWEST COAST TRANSPORT, INC., P. O. Box 747, Sioux Falls, S. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods*, from points in Idaho to points in Illinois, Iowa, Kansas, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, and Wisconsin. Applicant is authorized to transport frozen fruits and vegetables in Oregon, Washington, California, Des Moines and Sioux City, Iowa, Minneapolis and Moorhead, Minn., and Sioux Falls, S. Dak.

• No. MC 113535 Sub 4, filed May 31, 1956, A & W TRUCKING CO., INC., Mosinee, Wis. Applicant's attorney: Claude J. Jasper, One West Main Street, Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products, meat by-products,* and *articles* distributed by meat-packing houses, from Madison and Mosinee, Wis., to Duluth, Minn. *Empty containers or other such incidental facilities* used in transporting the commodities specified, from Duluth, Minn., to Madison and Mosinee, Wis. Applicant is authorized to conduct operations in Minnesota and Wisconsin.

No. MC 113624 Sub 8, filed April 16, 1956 (further amended), published on Page 2905, issue of May 2, 1956, amended on Page 3711, issue of May 30, 1956, WARD TRANSPORT, INC., P. O. Box 133, Pueblo, Colo. Applicant's attorney: Marion F. Jones, Suite 526 Denham Building, Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, (1) between points in Colorado, on the one hand, and, on the other, points in Nebraska; (2) from Albuquerque, N. Mex., and points within 5 miles of Albuquerque, and Wingate, N. Mex., and points within 10 miles of Wingate, to points in that part of Colorado on and west of U. S. Highway 85 and on and south of U. S. Highway 50; and (3) from points in Colorado to points in that part of Kansas north of Kansas Highway 96 and on and west of U. S. Highway 283. Applicant is authorized to conduct operations in Colorado, New Mexico, Kansas, Oklahoma, Texas, Wyoming, and Nebraska.

No. MC 113779 Sub 42 (amended), filed May 16, 1956, published in the May 30, 1956, issue, on page 3711, YORK INTERSTATE TRUCKING, INC., 8222 Market Street Road, Houston, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Vegetable oils, animal oils, lards, cooking oils, shortenings,* and *blends thereof; tung oils, naval stores, corn syrups, molasses, glucose, flavoring syrups, fish oils,* and *fish solubles*, in bulk, in tank vehicles, between points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, Oklahoma, and Texas (except fish oils and fish solubles, in bulk, in tank vehicles, from Jefferson County, Tex., to Avondale and Shreveport, La., and Springdale, Ark., and fish oils and fish solubles, from Jefferson County, Tex., to points in Iowa, Kansas, and Oklahoma). Applicant is authorized to conduct operations in Louisiana and Arkansas.



No. MC 114045 Sub 21, filed February 27, 1956 (amended), published March 14, 1956, on page 1625, R. L. MOORE AND JAMES T. MOORE, doing business as TRANS-COLD EXPRESS, 318 Cadiz Street, Dallas, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. For authority to operate as a *common carrier*, over irregular routes, transporting: *Frozen foods* and *foods* requiring refrigeration in transit, (1) between points in Connecticut, Delaware, Kentucky, Maine, Maryland, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, West Virginia and the District of Columbia, on the one hand, and, on the other, points in Arkansas, Louisiana, Oklahoma, and Texas, (2) between points in Tennessee, on the one hand, and, on the other, points in Connecticut, Delaware, Kentucky, Maine, Maryland, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia, and (3) between points in Tennessee, except Memphis, on the one hand, and, on the other, points in Arkansas, Louisiana, Oklahoma, and Texas. Applicant is authorized to conduct operations in Arkansas, Kentucky, Louisiana, Maryland, Massachusetts, New Jersey, New York, Oklahoma, Pennsylvania, Texas, Virginia, and West Virginia.

No. MC 114360 Sub 1, filed May 18, 1956, SOUTHERN EXPRESS CO., a corporation, 3333 South Cicero Avenue, Cicero 50, Ill. Applicant's attorney: Jack Goodman, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Ford Motor Car Plant, located in Chicago Heights, Illinois Township, approximately two (2) miles east of Chicago Heights, Ill., at the intersection of Cottage Grove Avenue and U. S. Highway 30, as an off-route point in connection with applicant's regular route operations between Chicago, Ill., and Youngstown, Ohio. Applicant is authorized to conduct operations in Indiana.

NOTE: Subject application covers an extension of the operating rights in MC 105801, dated June 20, 1949, in the name of I. H. Langenderfer and M. M. Langenderfer, doing business as Southern Express, which authority is leased by applicant, pursuant to MC-FC 31512 to expire December 19, 1957. If and when the authority is granted, a certificate will be issued to the lessee and the certificate, when issued, will expire with the termination of the lease.

No. MC 114475 Sub 3, filed May 31, 1956, GENERAL TRANSPORT, INC., 631 Second Avenue South, Nashville, Tenn. Applicant's attorney: James W. Wrape, 2111 Sterick Building, Memphis 3, Tenn. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Soil pipe*, uncrated, from Chattanooga, Tenn., to points in Kentucky.

No. MC 115480 Sub 1, filed May 31, 1956, E. L. BANGERTER, 741 West Fifth North, Green River, Wyo. Applicant's attorney: Marion F. Jones, Suite 526, Denham Building, Denver 2, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cement*, in bulk, from Devils Slide, Utah, to points in Sweetwater County, Wyo.; *Cement*, in bulk and in sacks, from Devils Slide, Utah, to points in Moffat County, Colo., Uinta, Sublette, Lincoln and Teton Counties, Wyo., and Uintah, Daggett, Summit, and Duchesne Counties, Utah.

No. MC 115538 Sub 2, filed May 17, 1956, ROSE HEARSH and IRWIN L. HEARSH, doing business as HEARSH BROS., 1103 San Julian Street, Los Angeles 15, Calif. Applicant's attorney: Robert M. Bradley, Suite 200–202 Granada Professional Building, 924 East Main Street, Alhambra, Calif. For authority to operate as a common carrier, over irregular routes, transporting: *Fertilizer*, (1) from Brea, Calif., and points within 15 miles thereof, and San Diego, Calif., and points within 25 miles thereof, to Yuma, Gila Bend and Phoenix, Ariz., and points in Arizona within 50 miles of Yuma, Gila Bend and Phoenix and points in Arizona between Yuma and Phoenix within 15 miles of U. S. Highway 80; and (2) from Los Angeles and Los Angeles Harbor, Calif., to Gila Bend and Phoenix, Ariz., and points within 50 miles of each and points in Arizona between Yuma and Phoenix within 15 miles of U. S. Highway 80. Applicant is authorized to conduct operations in Arizona and California.

No. MC 115716 Sub 2, filed May 14, 1956, DENVER-LIMON-BURLINGTON TRANSFER COMPANY, 1420 18th Street, Denver, Colo. Applicant's attorney: Wayne D. Williams, Suite 610 Farmers Union Building, Denver 3, Colo. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, (1) between Denver, Colo. and the Colorado-Kansas State line, (a) from Denver over U. S. Highway 40 to junction U. S. Highway 24, and thence over U. S. Highway 24 to the Colorado-Kansas State line, and return over the same routes, serving all intermediate points east of and including Agate, Colo.; (b) from Denver over U. S. Highway 40 to the Colorado Kansas State line, and return over the same route, serving all intermediate points east of but not including Limon, Colo.; (c) from Denver over U. S. Highway 40 to junction U. S. Highway 287, thence over U. S. Highway 287 to junction Colorado Highway 96, thence over Colorado Highway 96 to the Colorado-Kansas State line, and return over the same routes, serving all intermediate points east of but not including Limon, Colo. (2) between Denver, Colo., and Sugar City, Colo., (a) from Denver over U. S. Highway 40 to junction U. S. Highway 287, thence over U. S. Highway 287 to junction Colorado Highway 96, thence over Colorado Highway 96 to Sugar City, and return over the same routes, serving all intermediate points east on south of Limon, Colo., but not including Limon; (b) traversing, as alternate or connecting routes, Colorado Highway 51 between Burlington and Sheridan Lake, Colo., Colorado Highway 59 between Seibert and Kit Carson, Colo., Colorado Highway 63 between Arriba and junction U. S. Highway 40, Colorado Highway 41 between Bovina and Hugo, Colo., Colorado Highway 109 between Genoa and junction Colorado Highways 96 and 71 between Limon and Sugar City, excluding Ordway.

No. MC 115992, filed May 14, 1956, L. M. PEPPER, doing business as PEP'S KEROSENE SERVICE, 4840 Anna Avenue, San Diego 10, Calif. Applicant's attorney: Anthony Liebig, 523 West Sixth Street, Los Angeles, Calif. For authority to operate as a *contract carrier*, over regular and irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from San Diego, Calif. and Niland, Calif. to Yuma, Ariz. and points within fifty (50) miles thereof, from San Diego to Yuma over U. S. Highway 80.

No. MC 115994, field May 16, 1956, JOHN P. FIDERAK AND STEVE J. FIDERAK, 202 Hunter Street, Tamaqua, Pa. Applicant's attorney: William J. Wilcox, Suite 619 Commonwealth Building, Allentown, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Anthracite coal*, from points in Schuylkill and Carbon Counties, Pa., to points in Bronx County, N. Y.

No. MC 115995, filed May 14, 1956, JOHN M. GARNER AND WILLIAM MARKEL, a partnership, doing business as M & G TRUCK CO., Box 2076, Parker, Ariz. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, liquid commodities in bulk, and commodities requiring special equipment, between points in Arizona within 50 miles of Parker, Ariz., including Parker, in Yuma County, Ariz., and points in California within 50 miles of Earp, Calif., including Earp, in San Bernardino and Riverside Counties, Calif.

No. MC 116003, filed May 17, 1956, ALFRED C. HERZ, West Canaan, N. H. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Concord, N. H., and Plymouth, N. H., from Concord, over U. S. Highway 3 to Meredith, N. H. (also from Concord over U. S. Highway 4 to junction U. S. Highway 3, thence over U. S. Highway 3 to Meredith), thence over New Hampshire Highway 25 to Plymouth, and return over the same route, serving all intermediate points.

NOTE: Applicant states this service will be pickup and delivery.

No. MC 116016, filed May 25, 1956, ANTRIM THOMPSON, Hurley Avenue, Lakewood, N. J. Applicant's attorney: Bernard F. Flynn, Jr., 1060 Broad Street, Newark 2, N. J. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Lime* and *limestone*,

and *fertilizing materials*, in bulk and in packages, from Cedar Hollow (Chester County) and Plymouth Meeting (Montgomery County), Pa., to points in Middlesex, Monmouth, Ocean, Union, Essex, and Somerset Counties, N. J.

No. MC 116018, filed May 31, 1956, HERBERT R. CONRAD AND OLA RUTH CONRAD, doing business as CONRAD BROTHERS, Box 11, Bluffton, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Flag stone*, in bulk, in dump trucks, from Bluffton, Ohio, to points in Wayne, Monroe, and Macomb Counties, Mich.

APPLICATIONS FOR MOTOR CARRIERS OF PASSENGERS

No. MC 8500 Sub 7, filed May 31, 1956, TENNESSEE COACH COMPANY, a corporation, 710 Sevier Avenue, Knoxville, Tenn. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers*, in the same vehicle with passengers, between Whitesburg, Tenn., and Roanoke, Va., from Whitesburg over Tennessee Highway 66A to junction Tennessee Highway 66, thence over Tennessee Highway 66 to junction U. S. Highway 11W, thence over U. S. Highway 11W to Bristol, Va.-Tenn., and thence over U. S. Highway 11 to Roanoke, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Georgia, Tennessee, Virignia, and West Virginia.

No. MC 61335 Sub 3, filed May 25, 1956, TRANS-BRIDGE LINES, INC., Broad Street, P. O. Box 146, Phillipsburg, N. J. Applicant's attorney: Christian V. Graf, 11 North Front Street, Harrisburg, Pa. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between Windgap, Pa., and the plant of Tung-Sol Electric, Inc., Washington, N. J., from Windgap, at junction Pennsylvania Highways 12 and 165, over Pennsylvania Highway 165, via Pen Argyl, Pa., to Bangor, Pa., thence over Pennsylvania Highway 166 to junction U. S. Highway 611, thence over U. S. Highway 611, over the Portland Toll Bridge, to junction U. S. Highway 46, thence over U. S. Highway 46 to junction New Jersey Highway 69, thence over New Jersey Highway 69 to the plant of Tung-Sol Electric, Inc., Washington, N. J., and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in New Jersey, New York, Pennsylvania, Virginia, and the District of Columbia.

No. MC 111978 Sub 3, filed April 4, 1956, EDWARD DAVIS, doing business as BLACK AND WHITE TRANSIT CO., P. O. Box 402, Grundy, Va. Applicant's attorney: John C. Goddin, State Planters Bank Building, Richmond 19, Va. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *express, mail* and *newspapers*, in the same vehicle with passengers, (1) between Millard, Ky., and Elkhorn City, Ky., from Millard over Kentucky Highway 195 to junction Kentucky Highway 197, thence over Kentucky Highway 197 to Elkhorn City, and return over the same route, serving all intermediate points and (2) between Norton, Va., and Grundy, Va., from Norton over Virginia Highway 70 (also designated as Alternate U. S. Highway 58), to Coeburn, Va., thence over Virginia Highway 72 to Georges Fork, Va., and thence over Virginia Highway 83 to Grundy, and return over the same route, serving all intermediate points, except those on Virginia Highway 70 (also designated as Alternate U. S. Highway 58), between Norton and Coeburn, Va. RESTRICTION: No service to be rendered between Coeburn and Norton, Va. Applicant is authorized to conduct operations in Kentucky and Virginia.

No. MC 115530 Sub 1, filed April 20, 1956, JOHN W. PATTERSON, Box 18, Hilton Head, S. C. Applicant's attorney: G. G. Dowling, Beaufort, S. C. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, in the same vehicle with passengers, between Hilton Head Island, S. C., and Savannah, Ga., from Hilton Head Island over unnumbered highways to the new James F. Byrnes Crossing, thence over South Carolina Highway 39 to Bluffton, S. C., thence over South Carolina Highway 46 to junction South Carolina Highway 170 thence over South Carolina Highway 170 to junction U. S. Highway 17, thence over U. S. Highway 17 to junction U. S. Highway 17A, thence over U. S. Highway 17A to Savannah, Ga., and return over the same route, serving all intermediate points, except those points between the junction of South Carolina Highway 46 and South Carolina Highway 170 and Savannah, Ga.

No. MC 116009 Sub 1, filed May 31, 1956, DONALD W. BARNES and JOHN R. CAMPBELL, a partnership, doing business as TRI STATE TRANSIT CO., 618 River Road, East Liverpool, Ohio. Applicant's attorney: Andrew J. Coleman, 138 West Sixth Street, East Liverpool, Ohio. For authority to operate as a *common carrier*, over a regular route, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in a seasonal operation during Spring and Fall meets of Waterford Park Racing Association, between East Liverpool, Ohio, and Waterford Park, W. Va.: from East Liverpool over city streets to the Ohio-West Virginia State Line, thence over the Newell Bridge to West Virginia Highway 66, and thence over West Virginia Highway 66 to Waterford Park, and return over the same route, serving no intermediate points.

APPLICATIONS UNDER SECTION 5(a) AND 210(a) (b)

CORRECTION

No. MC–F 6277, published in the May 30, 1956, issue of the FEDERAL REGISTER on page 3713. The name of CECIL A. ESCHBACH, a controlling stockholder in vendee corporation, was incorrectly shown as CECIL A. ESCHBACK. The general commodity authority to be transferred should read, in part, as follows: "• • • between Sunbury, Pa., and Harrisburg, Pa."

No. MC–F 6293. Authority sought for purchase by KENNETH K. ZECHMAN and HARRY E. ZECHMAN, doing business as BLUE DIAMOND COMPANY, 4401 East Fairmount Avenue, Baltimore 24, Md., of a portion of the operating rights and certain property of WILBUR H. JOHNS, 327 North Reservoir Street, Lancaster, Pa. Applicant's attorney: Bernard N. Gingerich, Quarryville, Pa. Operating rights sought to be transferred: *Glassware* and *vitrified clay* products, as a *common carrier* over irregular routes from Brockway, Pa., to Cleveland and Columbus, Ohio, Baltimore, Md., and Buffalo and New York, N. Y. Vendee is authorized to operate as a *contract carrier* in Maryland, Delaware, Virginia, Pennsylvania, New York, New Jersey, Ohio, West Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6294. Authority sought for purchase by MIDWEST MOTOR EXPRESS, INC., 1205 Front Avenue, Bismarck, N. Dak., of a portion of the operating rights and certain property of E. E. CULP and THERESA A. CULP, doing business as CULP TRUCK LINES, 637 First Avenue East, Dickinson, N. Dak., and for acquisition by J. A. ROSWICK, A. B. ROSWICK, and H. E. WALZ, all of Bismarck, W. J. GREENSTEIN and F. C. SWANSON, both of St. Paul, Minn., and N. M. ROSWICK, of Fargo, N. Dak., of control of such rights and property through the purchase. Person to whom correspondence should be addressed: J. A. Roswick, President, Midwest Motor Express, Inc., 1205 Front Ave., Bismarck, N. Dak. Operating rights sought to be transferred: *General commodities*, with certain exceptions including household goods as a *common carrier* over regular routes from Williston, N. Dak., over U. S. Highway 85 to junction North Dakota Highway 25 (now North Dakota Highway 7), thence over North Dakota Highway 25 (now North Dakota Highway 7) to Killdeer, thence over North Dakota Highway 22 to Dickinson, N. Dak., serving certain intermediate and off-route points; from Dickinson, N. Dak., over U. S. Highway 10 to Beach, N. Dak., serving certain intermediate and off-route points. Vendee is authorized to operate as a *common carrier* in Minnesota, North Dakota, South Dakota, Montana and Wisconsin. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6296. Authority sought for purchase by ALLYN TANK LINE, INC., 14011 South Central Avenue, Los Angeles 59, Calif., of a portion of the operating rights of ARIZONA-PACIFIC TANK LINES, 717 North 21st Avenue, Phoenix, Ariz. Applicants' attorney: Ivan McWhinney, 639 South Spring Street, Los Angeles 14, Calif. Operating rights sought to be transferred: *Aqua ammonia*, in bulk, in tank vehicles, as as a *common carrier*, over irregular routes, from points in California to ports of entry in California on the international boundary between the United States and Mexico. Vendee is authorized to operate as a *common carrier* in California. Application has not been filed for temporary authority under section 210a (b).



No. MC–F 6297. Authority sought for purchase by WAGNER FREIGHT LINES INCORPORATED, Transport Building, St. Joseph, Mo., of the operating rights of JOSEPH BARTUCH, c/o Bartuch Farm Equipment, Lake Street just west of York Road, Elmhurst, Ill., and for acquisition by ARTHUR F. CROUCH, GEORGE W. KEEFER and CATHERINE CROUCH, all of St. Joseph, of control of such rights through the purchase. Applicants' attorney: Todd and Dillon, Suite 944 Washington Building, Washington 5, D. C. Operating rights sought to be transferred: *General commodities* with certain exceptions including household goods, as a *common carrier* over irregular routes between points in the CHICAGO, ILL., COMMERCIAL ZONE, as defined by the Commission. Vendee is authorized to operate as a *common carrier* in Missouri, Kansas, Iowa, Illinois and Nebraska. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6298. Authority sought for control and merger by GARRETT FREIGHTLINES, INC., 2055 Polo Line Road, Pocatello, Idaho, of the operating rights and property of TRANSPORTATION SERVICE COMPANY, 1475 Alpine Street, Santa Clara, California, and for acquisition by C. A. GARRETT, also of Pocatello, and O. W. GARRETT, of Idaho Falls, Idaho, of control of the operating rights and property through the transaction. Applicant's attorney: Maurice H. Greene, 300 North Sixth Street, Boise, Idaho. Operating rights sought to be controlled and merged: *General commodities*, except household goods, as a *common carrier*, over irregular routes, between points in Santa Clara County, California on the one hand, and on the other San Francisco, Oakland and Alameda, Calif. GARRETT FREIGHTLINES, INC., is authorized to operate as a *common carrier* in Idaho, Montana, California, Utah, Oregon, Nevada, Nebraska, Washington, Colorado and New Mexico. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6299. Authority sought for control and merger by ATLANTA MOTOR LINES, INC., 1268 Caroline Street SE., Atlanta, Ga., of the operating rights and property of CHATTANOOGA MOTOR EXPRESS, INC., 620 East 23d Street, Chattanooga, Tenn., and for acquisition by JENNINGS E. WATKINS, and JAMES A. WATKINS, both of Atlanta, of control of the operating and property through the transaction. Applicant's attorney: Allan Watkins, 214 Grant Building, Atlanta 3, Ga. Operating rights sought to be controlled and merged: *General commodities*, with certain exceptions including household goods as a *common carrier* over regular routes, between Chattanooga, Tenn., and Copperhill, Tenn., and between Ducktown, Tenn., and Apalachia Dam site, Tenn., serving certain intermediate and off-route points. ATLANTA MOTOR LINES, INC., is authorized to operate as a *common carrier* in Georgia, North Carolina, and Tennessee. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6301. Authority sought for control by KLUG TRUCKING CO., 1505 Singer Avenue, Hamilton, Ohio, of the operating rights and property of THE DIRECT TRANSPORTATION COMPANY, 1172 Rosemary Boulevard, Akron, Ohio, and for acquisition by EUGENE V. KLUG, also of Hamilton, of control of the operating rights and property through the transaction. Applicants' attorney: Noel F. George, 44 East Broad Street, Columbus, Ohio. Operating rights sought to be controlled: *General commodities*, without exception, as a *common carrier* over regular routes between Akron, Ohio, and Burbank, Ohio, and between Akron, Ohio, and Cuyahoga Falls, Ohio, serving no intermediate points (railway restrictions); authority to operate under the second proviso of section 206 (a), between Columbus, Cleveland, and Akron, Ohio, on the one hand, and, on the other, points in Ohio. KLUG TRUCKING CO. is authorized to operate under the second proviso between Hamilton and Cincinnati, Ohio, on the one hand, and on the other, points in Ohio. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 56–4646; Filed, June 12, 1956; 8:46 a. m.]

## DEPARTMENT OF JUSTICE

### Office of Alien Property

[Vesting Order SA–60]

COMMERCIUM, S. A.

In re: Debt owing to Commercium, S. A. also known as Sophie Commercium, S. A.; F–11–54.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of Champion Spark Plug Company, Toledo 1, Ohio, arising out of an account payable entitled "'Sophie' (Commercium, S. A.), Sofia, Bulgaria," maintained by the aforesaid corporation, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is and as of September 15, 1947, was, owned directly or indirectly by Commercium, S. A., also known as Sophie Commercium, S. A., Sofia, Bulgaria, a national of Bulgaria as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on June 7, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56–4657; Filed, June 12, 1956; 8:49 a. m.]

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# FEDERAL REGISTER
OF THE UNITED STATES 1934

VOLUME 21 NUMBER 115

*Washington, Thursday, June 14, 1956*

## TITLE 3—THE PRESIDENT

### EXECUTIVE ORDER 10670

ESTABLISHING A FLAG FOR THE UNITED STATES ARMY

WHEREAS the Secretary of the Army has adopted, and has recommended that I approve, an official flag for the United States Army, the design of which accompanies and is hereby made a part of this order, and which is described as follows:

UNITED STATES ARMY FLAG—The flag for the United States Army is 4 feet 4 inches hoist by 5 feet 6 inches fly, of white silk or rayon, with yellow fringe, 2½ inches wide. In the center of the flag is the central design of the seal of the Department of the Army (without the Roman numerals) in ultramarine blue, above a scarlet scroll with the designation "UNITED STATES ARMY" in white, and beneath the scroll are the Arabic numerals "1775";

AND WHEREAS it appears that such flag is of suitable design and appropriate for adoption as the official flag of the United States Army:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, I hereby approve such flag as the official flag of the United States Army.

On such official flags of the United States Army as the Secretary of the Army may designate, there shall be displayed below the spearhead of the flagstaff one streamer for each of the officially recognized campaigns in which the United States Army has participated. There shall be embroidered on each streamer the name of the campaign and the year in which it occurred.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
*June 12, 1956.*




[F. R. Doc. 56-4731; Filed, June 12, 1956; 4:10 p. m.]

## RULES AND REGULATIONS

## TITLE 6—AGRICULTURAL CREDIT

### Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1956 C. C. C. Farm-Storage Facility Loan Bulletin 1]

PART 474—FARM-STORAGE FACILITIES

SUBPART—1956 FARM-STORAGE FACILITY LOAN PROGRAM

This bulletin states the requirements with respect to the Farm-Storage Facility Loan Program formulated by Commodity Credit Corporation (hereinafter referred to as "CCC") and the Commodity Stabilization Service (hereinafter referred to as "CSS"). The program will be carried out by CSS under the general supervision and direction of the Executive Vice President, CCC.

Sec.
474.521 Administration.
474.522 Availability of loans.
474.523 Approved lending agencies.
474.524 Eligible borrowers.
474.525 Eligible structures.
474.526 Terms and conditions of loans.
474.527 Disbursement of loan.
474.528 Service charge.
474.529 Sale or conveyance of security.

AUTHORITY: §§ 474.521 to 474.529 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply secs. 4, 5, 62 Stat. 1072, 15 U S. C. 714c.

§ 474.521 *Administration.* The program will be administered by CSS, under the general direction and supervision of

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FEDERAL REGISTER

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**CFR SUPPLEMENTS**

**(As of January 1, 1956)**

**The following Supplement is now available:**

**Title 39 (Rev., 1955) ($4.25)**

***Previously announced:*** **Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 7: Parts 1–209 ($1.25), Parts 900–959 (Rev., 1955) ($6.00), Part 960 to end (Rev., 1955) with Supplement ($5.85); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Parts 1–399 ($2.50), Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. I, and Title 27 ($1.00); Titles 28 and 29 ($1.25); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 400–699 ($0.65), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Title 33 ($1.50); Titles 35–37 ($1.00); Titles 40–42 ($0.65); Title 43 ($0.50); Title 46: Parts 1–145 ($0.60), Part 146 to end ($1.25); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)**

**Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.**

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the Executive Vice President, CCC, and in the field will be carried out by State and county Agricultural Stabilization and Conservation committees (hereinafter called State and county committees). State and county committees do not have authority to modify or waive any provisions of this subpart or amendments or supplements to this subpart. Employees of County ASC Committees shall execute instruments in accordance with delegations of authority published in 21 F. R. 2957.

§ 474.522 *Availability of loans*—(a) *Area.* Loans will be available in any State of the continental United States.

(b) *Time.* Loan applications may be submitted from July 1, 1956, through June 30, 1957.

(c) *Source.* Loans may be obtained directly from CCC or through approved lending agencies. Approved forms and documents will be made available through the offices of county committees. Application for loans shall, in either case, be made to the county committee. Disbursements of loans will be made by approved lending agencies under agreements with CCC, or by drafts drawn on CCC by the county office.

§ 474.523 *Approved lending agencies.* An approved lending agency shall be any bank, partnership, individual, or other legal entity which has entered into a lending agency agreement for storage loans, on the form prescribed by CCC.

§ 474.524 *Eligible borrowers.* Loans will be made only to eligible borrowers. An eligible borrower shall be any person, who as tenant, share-landlord, or landowner-operator produces one or more of the eligible commodities listed in § 474.525 (a). The term "person" means an individual, partnership, corporation or other legal entity. If two or more individuals join together in the purchase and erection or construction of an eligible storage facility they must join as partners and each such individual shall sign all documents, and shall be liable jointly and severally with respect to the loan.

§ 474.525 *Eligible structures.* (a) Loans will be made only for the purchase of eligible structures. Eligible structures shall be new farm storage facilities of movable or immovable type, and additions to existing immovable facilities which meet the requirements for eligible storage under the CCC price support loan programs and which have not been purchased or partially constructed prior to the date the application is approved, and used farm storage facilities which CCC previously acquired by foreclosure or other means under this program, provided such facilities are to be used for the storage of cottonseed, corn, wheat, rye, oats, barley, grain sorghums, soybeans, flaxseed, rice, dry edible beans, dry peas, peanuts, pasture seeds, hay seeds or winter cover crop seeds produced by the eligible borrower on that farm with respect to which application is made. Loans for the construction of immovable facilities for cottonseed, soybeans, dry edible beans, dry peas, peanuts, pasture seeds, hay seeds or winter cover crop seeds, will be approved only in areas for which the State committee determines that existing privately owned storage facilities for such commodity or commodities in the area concerned are not adequate. The term "storage facility" includes that operating equipment which the county committee determines is necessary for the proper handling and conditioning of the agricultural commodity to be stored and without which the facility cannot be operated.

(b) Loans will not be available (1) for the refinancing, repair, remodeling, or maintenance of existing facilities, (2) for the purchase of secondhand facilities (except as specifically provided in this subpart), (3) to provide storage facilities for commodities which the borrower intends to purchase or store for others, (4) to provide storage facilities which the borrower intends to lease to others, (5) for purchase and erection or construction of facilities for storage of commodities produced by anyone on land other than that with respect to which application is made, or (6) to provide a facility where it appears, because of the type of construction, design, size, equipment, location, or otherwise, that the structure may be attached to, or become part of, or made use of, in connection with any commercial operation, including but not limited to elevators, warehouses, driers and processing plants. Any facility which is located in working proximity to any commercial operation shall be deemed to be a part of such operation for the purposes of this program.

(c) No structure shall be deemed eligible unless the county committee has determined that the storage facility is needed and that the bushel capacity proposed is in keeping with the additional farm storage requirements of the producer for the storage of eligible commodities taking into consideration existing permanent storage facilities of the producer. Storage capacity to store one year's crop shall be considered sufficient for cottonseed and storage capacity to store one year's crop plus one crop year's carryover shall be considered sufficient for all other eligible commodities.

§ 474.526. *Terms and conditions of loans*—(a) *Term of loan.* The maximum term of the loan will be approximately four years from the first anniversary date of the first disbursement of the loan, except that the term of an individual loan may be extended and re-extended for terms of not to exceed one year each if the county committee determines in writing that the borrower is unable to meet the current payment when due, because of catastrophic loss of crops or other comparable condition beyond the control of the borrower. Loans will be secured by chattel mortgages on the storage facilities, real estate mortgage, deed of trust, or other security instrument approved by CCC, on the borrower's farm or other property on which the facility is to be located; or on a sufficient acreage of the farm which, in the judgment of the county committee, will make the site easily accessible for use of other farmers in the area, and constitutes a salable unit. In case of chattel mortgage loans only, a severance agreement must be executed and acknowledged by all persons having an interest in the land on which the structure will be placed, except that a severance agreement will not be required if the storage structure is movable, is not attached to a permanent foundation and is not in excess of 2500 bushels capacity, and in the case of a structure for storage of cottonseed, 60 ton capacity. The cost of recording or filing all documents required in connection with the loan shall be paid by the borrower. Upon approval of the application for loan, the county committee will execute a commitment for the loan. Unless the loan has been totally disbursed, the loan commitment shall become null and void in four months after its date unless extended in writing by the county committee on or before its expiration date. Every application for a farm storage facility loan secured by a chattel mortgage shall be accompanied by an instrument, duly acknowledged for recording purposes, under which the owner of the premises on which the facility is to be located consents that if the farm storage facility is acquired by CCC through foreclosure or other means, such facility shall, at the option of CCC, remain on the property for a period not to exceed six months at no expense to CCC.

(b) *Amount of loan.* (1) The maximum amount loaned on any new storage facility shall not exceed the maximum amount authorized by the State committee and in no event shall exceed eighty percent of the actual out-of-pocket cost paid by the borrower, whichever is less. The borrower shall be required to furnish receipted bills, furnishing information including but not limited to showing the cost of the structure, equipment if any, and amount of down-payment, before the loan is disbursed. The cost incurred shall include the expenditures of the borrower which are necessary for the purchase, delivery, and erection of the facility, and the cost of that operating equipment which the county committee determines is necessary for the proper handling and conditioning of the eligible commodity to be stored and without which the facility cannot be operated. In computing the cost incurred, the labor performed by the applicant and other labor usually employed on the farm, the cost of all equipment placed in the facility which is not necessary for its operation, and the cost of permanent foundations for movable facilities shall be excluded.

(2) The county committee may approve loan applications, issue loan commitments, and make disbursement of loans, without prior approval of the State Committee, except as specifically provided herein, on any amount not in excess of $2,500. All loans in excess of $2,500 must be approved by the State Committee or designated employee of the State Committee prior to the issuance of loan commitment. Each application for a loan on a movable storage facility in the amount of $15,000 or over, and each application for a loan on an immovable storage facility in the amount of $25,000 or over, shall be forwarded by the county committee, together with its recommendations, to the State Committee and the State Committee shall forward such applications with its recommendations to the Deputy Administrator for Operations. A loan on a movable storage facility in an amount ranging from $15,000 to $25,000 shall not be made unless it is approved by the Deputy Administrator for Operations, and no loan commitment shall be issued in connection with such a loan prior to such approval. If the application is for a loan in excess of $25,000, the application shall be submitted by the Deputy Administrator for Operations to the Board of Directors of CCC. A loan in excess of $25,000 shall not be made unless approved by the Board of Directors, and no loan commitment shall be issued in connection with an application for a loan in excess of $25,000 unless the loan has been approved by the Board of Directors.

(3) The maximum amount loaned on any farm storage facility which CCC has previously acquired by foreclosure or other means under the program shall not exceed the maximum amount authorized by the State Committee and in no event shall exceed eighty percent of the price of purchase from Commodity Credit Corporation.

(4) In computing the capacity of the storage facility two and one-half cubic feet shall be considered equivalent to one bushel of ear corn, ninety cubic feet equivalent to one ton of cottonseed, and one and one-fourth cubic feet equivalent to one bushel of all other commodities.

(c) *Repayment of loan.* The principal of the loan shall be repayable in equal annual installments with interest

at four percent per annum on the unpaid balance. The first installment including interest shall be payable during the twelve months period beginning on the first anniversary date of the first disbursement of the loan, out of amounts due the borrower under any price support loan or purchase agreement operation carried out by the Department of Agriculture, and a like installment shall be similarly payable during the twelve months following each anniversary date thereafter until the principal together with the interest thereon has been paid in full. Payment out of such amounts shall be obtained by deduction therefrom, except that such deduction shall not exceed that portion of the proceeds remaining after deduction of service charges and amounts due prior lienholders. Unless an extension is granted by Commodity Credit Corporation in writing, each installment must be paid out of price support proceeds, in cash, or otherwise not later than the end of the applicable twelve months pay period, and failure to pay any installment by the thirtieth day after the end of such period, or extension thereof, shall mature all installments then unpaid and the entire unpaid amount of the note, without demand, notice, or other action, shall become immediately due and payable and the borrower shall be personally liable for the entire amount remaining unpaid on the loan. Any delinquent loan may be deducted and paid out of any amounts due the borrower under any program carried out by the Department of Agriculture, excepting amounts due the borrower out of appropriated funds, i. e. funds other than CCC funds, when the loan is held by a lending agency. Any payments for storage of commodities in farm storage structure under a price support or resale program due from Commodity Credit Corporation to a borrower shall be applied (1) to any delinquent amount(s), and, (2) to the borrower's storage facility loan installment which is due and payable when the storage payment is due, and (3) to any extended installment(s), each including interest. Upon breach by the maker of the note of any covenants or agreements on his part to be performed under this Bulletin, or under the mortgage or other security instrument securing the note, or under any other instruments executed in connection with the loan, or if the facility is used in connection with any commercial operation including but not limited to elevators, warehouses, driers or processing plants, during the life of the loan, the holder, at its option may declare the entire indebtedness immediately due and payable. The loan may be paid in full or in part by the borrower at any time before maturity. Upon payment of farm storage facility loans secured by mortgages or deeds to secure debts which are held by CCC or secured by deeds of trust under which CCC is beneficiary, the county committees should be requested by the borrower to release or obtain the release of such instruments of record. Upon payment of loans secured by instruments held by a lending agency or under which a lending agency is beneficiary, the lending agency should be requested by the borrower to release or obtain the release of such instrument or instruments.

(d) *Insurance.* Insurance shall be required on all immovable storage facility loans, regardless of the amount of the loan and with coverage for fire and other hazards existent in the area. Insurance shall also be required on all movable facility loans on which the amount loaned was $1,000 or more, and on loans under $1,000, when required by the State committee of any State. All insurance shall be maintained during the life of the loan and for the face value of the loan, and the cost shall be borne by the borrower, and the policy shall contain a clause making any loss thereunder payable to CCC, and to any other holder of the note secured by the storage facility as their interests may appear. If any insurance is not in effect at any time during the life of the loan or extension thereof, the loan shall be called immediately.

(e) *Maintaining storage facility.* The borrower shall be required to maintain the storage facility in condition and keep it available for storage until the loan is paid in full. The borrower shall not use the facility for any purpose other than the storage of the comomdities listed in § 474.525 (a) in the production of which he has an interest without the written consent of the county committee, except that landlords may rent the facility, for the storage of any of such commodities, together with the land on which the commodity to be stored in such facility is produced.

§ 474.527 *Disbursement of loan.* In the case of movable storage facilities, disbursement will be made in full at the time of completion of the facility and after the facility has been inspected and approved by the county committee or designated employee. In the case of immovable storage facilities, disbursement will be made either in full at the time of completion and approval of the facility by the county committee or designated employee or on a partial advance plan as elected by the borrower in his application for a loan. Under the partial advance plan, the proceeds of the loan will be disbursed in the following manner: 10 percent upon the execution of the security instrument, an additional 20 percent when the construction is one-half completed, an additional 20 percent when the construction is three-fourths completed, and the remainder when the construction is fully completed. Final and complete disbursement of the loan proceeds on movable or immovable structures will not be made under any plan until the borrower furnishes satisfactory evidence of the payment of any debts on the facility in excess of the amount discharged with the loan.

§ 474.528 *Service charge.* There shall be collected from the applicant at the time the application is made, a service charge of $5.00 or one (1) percent of the loan, whichever is greater, but in no case shall the charge be less than $5.00. If the loan is rejected or is not completed, the minimum charge of $5.00 shall be retained by the county committee and the balance returned to the applicant.

§ 474.529 *Sale or conveyance of security.* When the borrower desires to sell or convey the facilities or other property securing a loan without repaying the loan in full, he shall apply to the Chairman of the county committee for approval of the sale or conveyance on behalf of CCC. If such approval is granted, the borrower and the purchaser shall execute an assumption agreement in form prescribed by CCC under which the borrower remains liable for the balance of the indebtedness and the purchaser assumes the balance of the indebtedness and agrees to comply with all the terms, conditions, covenants, and agreements set out in the security instruments. Approval of the transaction on behalf of CCC shall be shown by signature of the Chairman of the county committee in the space provided in the assumption agreement. The Chairman of each county committee is authorized to approve such transactions on behalf of CCC with respect, to facilities located within the county, by executing the consent provision in the assumption agreement. The assumption agreement form may be obtained from the county committee office.

Issued this 11th day of June 1956.

[SEAL] WALTER C. BERGER,
*Acting Executive Vice President,*
*Commodity Credit Corporation.*

[F. R. Doc. 56-4704; Filed, June 13, 1956; 8:49 a. m.]

# TITLE 7—AGRICULTURE

## Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

### PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

#### DETERMINATION RELATIVE TO EXPENSES AND FIXING OF RATE OF ASSESSMENT FOR THE 1955–56 FISCAL YEAR

Notice was published in the May 24, 1956, daily issue of FEDERAL REGISTER (21 F. R. 3460) that consideration was being giving to the proposals regarding the expenses and the fixing of the rate of assessment for the 1955–56 fiscal year under Order No. 22 (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective March 31, 1954, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposals set forth in such notice which were submitted by the Valencia Orange Administrative Committee (established pursuant to said order), it is hereby found and determined that:

§ 922.203 *Expenses and rate of assessment for the 1955–56 fiscal year*—(a) *Expenses.* The expenses necessary to be incurred by the Valencia Orange Administrative Committee, established pursuant to the provisions of the aforesaid order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the 1955–56 fiscal year (November 1, 1955, through October 31, 1956), will amount to $176,022.00.

(b) *Rate of assessment.* The rate of assessment, which each handler who first handles oranges shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said order is hereby fixed at seven and one-half mills ($0.0075) per carton of oranges handled by such handler as the first handler thereof during the 1955–56 fiscal year.

It is hereby further found that it is impracticable and contrary to the public interest to postpone the effective time hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) shipments of oranges from Arizona and designated part of California are now being made; (2) the rate of assessment is applicable to all oranges handled during the 1955–56 fiscal year; (3) the provisions hereof do not impose any obligation on a handler until such handler handles oranges; and (4) it is essential that the specification of the assessment rate be issued immediately so that the aforesaid assessments may be collected and thereby enable the Valencia Orange Administrative Committee to perform its duties and functions in accordance with said order.

As used in this section, "handle," "handler," "oranges," and "fiscal year" shall have the same meaning as is given to each such term in said order; and "carton" shall mean the standard one-half orange, grapefruit or lemon box set forth as standard container number 58 in section 828.83, as amended, of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 11, 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator.*

[F. R. Doc. 56-4699; Filed, June 13, 1956; 8:48 a. m.]

### PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

#### FINDINGS AND DETERMINATIONS RELATIVE TO EXPENSES TO BE INCURRED AND FIXING OF RATES OF ASSESSMENT FOR THE 1956–57 SEASON

On May 24, 1956, notice of proposed rule making was published in the FEDERAL REGISTER (21 F. R. 3460) regarding the expenses and the fixing of the rates of assessment for the 1956–57 season pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California. This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the proposals which were submitted by the Control Committee (established pursuant to said amended marketing agreement and order) and set forth in the aforesaid notice, it is hereby found and determined that:

§ 936.210 *Expenses and rates of assessment for the 1956–57 season*—(a) *Expenses.* The expenses likely to be incurred by the Control Committee during the 1956–57 season beginning March 1, 1956, and ending February 28, 1957, both dates inclusive, for the maintenance and functioning of such committee and the respective commodity committees, established pursuant to the provisions of the aforesaid amended marketing agreement and order, are as follows:

(1) Bartlett pears, $23,154.45;

(2) Early varieties of plums, $18,513.23;

(3) Late varieties of plums, $19,789.84; and

(4) Elberta peaches, $19,477.48.

(b) *Rates of assessment.* The following rates of assessment, which each handler shall pay in accordance with the applicable provisions of said amended marketing agreement and order, are hereby fixed as the respective handler's pro rata share of the aforesaid expenses:

(1) 8½ mills ($0.0085) per standard western pear box of Bartlett pears, or its equivalent in other containers or in bulk;

(2) 9 mills ($0.009) per standard four-basket crate of early varieties of plums, or its equivalent in other containers or in bulk;

(3) 9 mills ($0.009) per standard four-basket crate of late varieties of plums, or its equivalent in other containers or in bulk, and

(4) 4 mills ($0.004) per California peach box of Elberta peaches, or its equivalent in other containers or in bulk.

It is hereby further found that it is impracticable and contrary to the public interest to postpone the effective date hereof until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) the respective rates of assessment are applicable to all fresh Bartlett pears, early varieties of plums, late varieties of plums, and Elberta peaches shipped during the 1956–57 season; (2) shipments of plums have already commenced and shipments of Elberta peaches are expected to begin on or about June 25, 1956, with shipments of Bartlett pears following on or about July 15, 1956; (3) the provisions hereof do not impose any obligation on a handler until such handler ships plums, Elberta peaches or Bartlett pears; and (4) it is essential that the specification of the assessment rates be issued immediately so that the aforesaid assessment may be collected and thereby enable the said Control Committee and commodity committees to perform their duties and functions in accordance with said amended marketing agreement and order.

Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as is given to the respective term in said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 11, 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator.*

[F. R. Doc. 56-4700; Filed, June 13, 1956; 8:49 a. m.]



# TITLE 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket 6136]

### PART 13—DIGEST OF CEASE AND DESIST ORDERS

#### PREMIER PILLOW CORPORATION ET AL.

Subpart—*Misbranding or mislabeling:* § 13.1185 *Composition:* § 13.1200 *Content.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Premier Pillow Corp. et al., Brooklyn, N. Y., Docket 6136, May 25, 1956]

*In the Matter of Premier Pillow Corporation, a Corporation, and Louis Silverman, Samuel Shipper, and Isador Shipper, Individually*

This proceeding was heard by a hearing examiner on the complaint of the Commission, charging a corporate manufacturer of feather and down pillows and its officers, with principal office in Brooklyn, N. Y., with labeling certain of their pillows as "All New Material Consisting of" variously "Crushed Goose Feathers", "Crushed Duck Feathers", "Crushed Duck Quill", or "Crushed Goose Quill"; when analysis of the content of the pillows showed that they were not accurately labeled within the 15 percent tolerance specified in the feather industry trade practice rules.

After answer and hearings in due course, respondents filed a motion to dismiss the proceeding for lack of public interest, which was granted by the hearing examiner in an initial decision. On appeal, the initial decision was vacated and set aside, the case remanded, and a further hearing held at which respondents waived their right to presentation of evidence in their behalf.

Based on the entire record, the hearing examiner made his initial decision, including findings of fact [1], conclusions [1], and order to cease and desist, which became, on May 25, 1956, the decision of the Commission.

The order to cease and desist is as follows:

*It is ordered,* That the respondents, Premier Pillow Corporation, a corporation, and Louis Silverman, Samuel Shipper, and Isador Shipper, individually, and as officers of said corporation, and their representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of feather and down products, including pillows, do forthwith cease and desist

[1] Filed as part of original document.

from misrepresenting in any manner, or by any means, directly or by implication, the identitiy of the kind or type of filling material contained in any such products, or of the kinds or types, and proportions of each, when the filling material is a mixture of more than one kind or type.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is ordered,* That respondents Premier Pillow Corporation, a corporation, and Louis Silverman, Samuel Shipper, and Isador Shipper, individually, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

By the Commission, Commissioner Kern not participating.

Issued: May 25, 1956.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-4691; Filed, June 13, 1956; 8:48 a. m.]

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[Docket 6507]

## PART 13—DIGEST OF CEASE AND DESIST ORDERS

### TRION, INC.

Subpart—*Advertising falsely or misleadingly:* § 13.170 *Qualities or properties of product or service.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Trion, Inc., McKees Rocks, Pa., Docket 6507, May 29, 1956]

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging a corporate manufacturer with home office in McKees Rocks, Pa., with representing falsely in advertising in newspapers and periodicals, by circulars, and otherwise, through use of such statements as "Fewer Colds and Other Diseases", "Over 90 percent of air-borne bacteria and virus is removed", etc., that use of its "Trion Electric Air Cleaner" device would afford protection from colds and other respiratory infections—and an agreement containing a consent order to cease and desist disposing of all the issues without hearing.

On this basis, the hearing examiner made his initial decision and order to cease and desist which became, on May 29, 1956, the decision of the Commission.

The order to cease and desist is as follows:

*It is therefore ordered,* That the respondent Trion, Inc., a corporation, its officers, agents, representatives, and employees, directly or through any corporate or other device, in connection with the sale, offering for sale or distribution of a device designated as Trion Electronic Air Cleaner, or any other device of substantially similar character, whether sold under the same name or any other name, do forthwith cease and desist from, directly or indirectly:

1. Disseminating or causing to be disseminated by means of the United States mails, or by any other means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents directly or by implication that the use of respondent's device will afford protection from or will effectively prevent the spread of colds or similar respiratory infections;

2. Disseminating or causing to be disseminated, any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondent's device, which advertisement falls to comply with the requirements set forth in paragraph 1 hereof.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is ordered,* That the respondent herein shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with the order to cease and desist.

By the Commission.

Issued: May 29, 1956.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-4692; Filed, June 13, 1956; 8:47 a. m.]

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[Docket 6511]

## PART 13—DIGEST OF CEASE AND DESIST ORDERS

### FALLS YARN MILLS, INC., ET AL.

Subpart—*Invoicing products falsely:* § 13.1108 *invoicing products falsely:* Wool Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* Wool Products Labeling Act.[1] Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Wool Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Wool Products Labeling Act.[1]

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U. S. C. 45, 68-68 (c)) [Cease and desist order, Falls Yarn Mills, Inc., et al., Woonsocket, R. I., Docket 6511, May 24, 1956]

*In the matter of Falls Yarn Mills, Inc., a Corporation, and John Cavedon, Sr., Individually and as an Officer of Said Corporation, and John Cavedon, Jr., Individually*

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging a corporation and its officers, with place of business in Woonsocket, R. I., with labeling and invoicing cones of yarn as "65 percent 70-80 Lambs' Wool—30 percent mink 5 percent nylon" when the cones contained substantially less than 30 percent mink fur fibers—and an agreement between counsel providing for entry of a consent order.

On this basis, the hearing examiner made his initial decision and order to cease and desist, which became on May 24, 1956, the decision of the Commission.

The order to cease and desist is as follows:

*It is ordered,* That respondent, Falls Yarn Mills, Inc., a corporation, and its officers; respondent John Cavedon, Jr., individually and as an officer of said corporation, and respondent John Cavedon, Sr., individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labelling Act of 1939, of yarns or any other wool products, as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool", "reprocessed wool" or "reused wool", as those terms are defined in said act, do forthwith cease and desist from misbranding such products by

1. Falsely or deceptively stamping, tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers included therein;

2. Failing to securely affix to or place on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused wool, (4) each fiber other than wool where said percentages by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool product of any nonfibrous loading, filling, or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool product or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939:

*Provided,* That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939, and

*Provided, further,* That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

*It is further ordered,* That Falls Yarn Mills, Inc., a corporation, and its officers, and John Cavedon, Jr., individually and as an officer of said corporation, and John Cavedon, Sr., individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of yarn or any other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from: Misrepresenting the constituent fibers of which their products are composed or the percentages or amounts thereof, in sales invoices, shipping memoranda or in any other manner.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is ordered,* That respondents Falls Yarn Mills, Inc., a corporation, and John Cavedon, Sr., individually and as an officer of said corporation, and John Cavedon, Jr., individually and as an officer of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

By the Commission.

Issued: May 24, 1956.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-4693; Filed, June 13, 1956; 8:47 a. m.]

[1] New.

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# TITLE 26—INTERNAL REVENUE, 1954

## Chapter I—Internal Revenue Service, Department of the Treasury

### Subchapter A—Income Tax

[T. D. 6183]

## PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

### SPECIAL DEDUCTIONS FOR CORPORATIONS

On April 20, 1955, notice of proposed rule making regarding the regulations for taxable years beginning after December 31, 1953, and ending after August 16, 1954, except where otherwise provided therein, under sections 241 through 248 of the Internal Revenue Code of 1954, was published in the FEDERAL REGISTER (20 F. R. 2618). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the following regulations, which supersede paragraph (7) of Treasury Decision 6118, approved December 30, 1954, are hereby adopted:

Sec.
1.241 Statutory provisions; allowance of special deductions.
1.241-1 Allowance of special deductions.
1.242 Statutory provisions; partially tax-exempt interest.
1.242-1 Deduction for partially tax-exempt interest.
1.243 Statutory provisions; dividends received by corporations.
1.243-1 Deduction for dividends received by corporations.
1.243-2 Special rules for certain distributions.
1.244 Statutory provisions; dividends received on certain preferred stock.
1.244-1 Deduction for dividends received on certain preferred stock.
1.244-2 Computation of deduction.
1.245 Statutory provisions; dividends received from certain foreign corporations.
1.245-1 Deduction for dividends received from certain foreign corporations.
1.246 Statutory provisions; rules applying to deductions for dividends received.
1.246-1 Deductions not allowed for dividends from certain corporations.
1.246-2 Limitation on aggregate amount of deductions.
1.247 Statutory provisions; dividends paid on certain preferred stock of public utilities.
1.247-1 Deduction for dividends paid on preferred stock of public utilities.
1.248 Statutory provisions; organizational expenditures.
1.248-1 Election to amortize organizational expenditures.

AUTHORITY: §§ 1.241 to 1.248-1, issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805. Interpret or apply secs. 247, 248, 68A Stat. 75, 76; 26 U. S. C. 247, 248.

§ 1.241 *Statutory provisions; allowance of special deductions.*

SEC. 241. *Allowance of special deductions.* In addition to the deductions provided in part VI (sec. 161 and following), there shall be allowed as deductions in computing taxable income the items specified in this part.

§ 1.241-1 *Allowance of special deductions.* A corporation, in computing its taxable income, is allowed as deductions the items specified in part VIII of subchapter B of chapter 1 (sections 242 through 248) in addition to the deductions provided in part VI (section 161 and following).

§ 1.242 *Statutory provisions; partially tax-exempt interest.*

SEC. 242. *Partially tax-exempt interest—*(a) *Allowance of deduction.* There shall be allowed to a corporation as a deduction the amount received as interest on obligations of the United States or on obligations of corporations organized under Act of Congress which are instrumentalities of the United States, but only if—

(1) Such interest is included in gross income; and

(2) Such interest is exempt from normal tax under the Act authorizing the issuance of such obligations.

(b) *Cross reference.* For reduction of deduction under subsection (a) on account of amortizable bond premium, see section 171.

§ 1.242-1 *Deduction for partially tax-exempt interest.* A corporation is allowed a deduction under section 242 (a) in an amount equal to certain interest received on obligations of the United States, or on obligations of corporations organized under acts of Congress which are instrumentalities of the United States. The interest for which a deduction shall be allowed is interest which is included in gross income and which is exempt from normal tax under the act, as amended and supplemented, which authorized the issuance of the obligations.

§ 1.243 *Statutory provisions; dividends received by corporations.*

SEC. 243. *Dividends received by corporations—*(a) *General rule.* In the case of a corporation, there shall be allowed as a deduction an amount equal to 85 percent of the amount received as dividends (other than dividends described in paragraph (1) of section 244, relating to dividends on the preferred stock of a public utility) from a domestic corporation which is subject to taxation under this chapter.

(b) *Special rules for certain distributions.* For purposes of subsection (a)—

(1) Any amount allowed as a deduction under section 591 (relating to deduction for dividends paid by mutual savings banks, etc.) shall not be treated as a dividend.

(2) A dividend received from a regulated investment company shall be subject to the limitations prescribed in section 854.

§ 1.243-1 *Deduction for dividends received by corporations.* (a) A corporation is allowed a deduction under section 243 (a) for dividends received from a domestic corporation which is subject to taxation under chapter 1 of the Internal Revenue Code. The deduction for a taxable year, except as provided in subsection (b) of section 243 and in section 246, is an amount equal to 85 percent of such dividends received by the corporation during the taxable year. To determine the amount of the distribution to a recipient corporation and the amount of the dividend, see §§ 1.301-1 and 1.316-1.

(b) The deduction allowed by section 243 shall be determined without regard to any dividends described in paragraph (1) of section 244 (relating to dividends on the preferred stock of a public utility). That is, such deduction shall be determined without regard to any dividends received on the preferred stock of a public utility which is subject to taxation under chapter 1 of the Internal Revenue Code and with respect to which a deduction is allowed by section 247 (relating to dividends paid on certain preferred stock of public utilities). For a deduction with respect to such dividends received on the preferred stock of a public utility, see section 244. If a deduction for dividends paid is not allowable to the distributing corporation under section 247 with respect to the dividends on its preferred stock, such dividends received from a domestic public utility corporation subject to taxation under chapter 1 of the Internal Revenue Code are includible in determining the deduction allowed by section 243 (a).

(c) For limitation of dividends received deduction, see section 246 and the regulations thereunder.

§ 1.243-2 *Special rules for certain distributions—*(a) *Dividends paid by mutual savings banks, etc.* In determining the deduction provided in section 243 (a), any amount allowed as a deduction under section 591 (relating to deduction for dividends paid by mutual savings banks, cooperative banks, and domestic building and loan associations) shall not be considered as a dividend.

(b) *Dividends received from regulated investment companies.* In determining the deduction provided in section 243

(a), dividends received from a regulated investment company shall be subject to the limitations provided in section 854.

§ 1.244 *Statutory provisions; dividends received on certain preferred stock.*

SEC. 244. *Dividends received on certain preferred stock.* In the case of a corporation, there shall be allowed as a deduction an amount computed as follows:

(1) First determine the amount received as dividends on the preferred stock of a public utility which is subject to taxation under this chapter and with respect to which the deduction provided in section 247 for dividends paid is allowable.

(2) Then multiply the amount determined under paragraph (1) by the fraction—

(A) The numerator of which is 14 percent, and

(B) The denominator of which is that percentage which equals the sum of the normal tax rate and the surtax rate for the taxable year prescribed by section 11.

(3) Finally ascertain the amount which is 85 percent of the excess of—

(A) The amount determined under paragraph (1), over

(B) The amount determined under paragraph (2).

§ 1.244–1 *Deduction for dividends received on certain preferred stock.* A corporation is allowed a deduction under section 244 for dividends received on certain preferred stock of certain public utility corporations subject to taxation under chapter 1 of the Internal Revenue Code. The deduction is allowable only for dividends received on the preferred stock of a public utility with respect to which the deduction for dividends paid provided in section 247 (relating to dividends paid on certain preferred stock of public utilities) is allowable to the distributing corporation.

§ 1.244–2 *Computation of deduction.* (a) Section 244 provides a specific rule for the computation of the deduction for dividends received on the preferred stock of a public utility. The deduction computed under section 244 is subject to the limitation provided in section 246.

(b) The computation of the deduction provided in section 244 may be illustrated by the following examples:

*Example (1).* Corporation A, which files its income tax returns on the calendar year basis, received in 1954 $100,000 as dividends on the preferred stock of Corporation B, a public utility corporation which is subject to taxation under chapter 1 of the Internal Revenue Code. The deduction provided in section 247 is allowable to Corporation B, the distributing corporation, with respect to these dividends. The corporation normal tax rate and the surtax rate for the calendar year 1954 are 30 percent and 22 percent, respectively. The deduction allowable to Corporation A under section 244 for the year 1954 with respect to these dividends is $62,115.38, computed as follows:

| | |
|---|---|
| Dividends received on preferred stock of Corporation B | $100,000.00 |
| Less: The fraction specified in section 244 (2) 1½₂ × $100,000 | 26,923.08 |
| Amount subject to 85 percent deduction | 73,076.92 |
| Deduction: 85 percent of $73,076.92 | 62,115.38 |

*Example (2).* Assume the facts are the same as in example (1) except that the year involved is a taxable year for which the corporation normal tax rate and the surtax rate are 25 percent and 22 percent, respectively. The deduction allowable to Corporation A under section 244 for that taxable year is $59,680.85, computed as follows:

| | |
|---|---|
| Dividends received on preferred stock of Corporation B | $100,000.00 |
| Less: The fraction specified in section 244 (2) 1¹⁄₁₇ × $100,000 | 29,787.23 |
| Amount subject to 85 percent deduction | 70,212.77 |
| Deduction: 85 percent of $70,212.17 | 59,680.85 |

§ 1.245 *Statutory provisions; dividends received from certain foreign corporations.*

SEC. 245. *Dividends received from certain foreign corporations.* In the case of dividends received from a foreign corporation (other than a foreign personal holding company) which is subject to taxation under this chapter, if, for an uninterrupted period of not less than 36 months ending with the close of such foreign corporation's taxable year in which such dividends are paid (or, if the corporation has not been in existence for 36 months at the close of such taxable year, for the period the foreign corporation has been in existence as of the close of such taxable year) such foreign corporation has been engaged in trade or business within the United States and has derived 50 percent or more of its gross income from sources within the United States, there shall be allowed as a deduction in the case of a corporation—

(1) An amount equal to the percent (specified in section 243 for the taxable year) of the dividends received out of its earnings and profits specified in paragraph (2) of the first sentence of section 316 (a), but such amount shall not exceed an amount which bears the same ratio to such percent of such dividends received out of such earnings and profits as the gross income of such foreign corporation for the taxable year from sources within the United States bears to its gross income from all sources for such taxable year, and

(2) An amount equal to the percent (specified in section 243 for the taxable year) of the dividends received out of that part of its earnings and profits specified in paragraph (1) of the first sentence of section 316 (a) accumulated after the beginning of such uninterrupted period, but such amount shall not exceed an amount which bears the same ratio to such percent of such dividends received out of such accumulated earnings and profits as the gross income of such foreign corporation from sources within the United States for the portion of such uninterrupted period ending at the beginning of such taxable year bears to its gross income from all sources for such portion of such uninterrupted period.

§ 1.245–1 *Deduction for dividends received from certain foreign corporations.* (a) A corporation is allowed a deduction under section 245 for dividends received from a foreign corporation (other than a foreign personal holding company as defined in section 552) which is subject to taxation under chapter 1 of the Internal Revenue Code if, for an uninterrupted period of not less than 36 months ending with the close of the foreign corporation's taxable year in which the dividends are paid, such foreign corporation has been engaged in trade or business within the United States and has derived 50 percent or more of its gross income from sources within the United States. If the foreign corporation has been in existence less than 36 months as of the close of the taxable year in which the dividends are paid, then the applicable uninterrupted period to be taken into consideration in lieu of the uninterrupted period of 36 or more months is the entire period such corporation has been in existence as of the close of such taxable year. An uninterrupted period which satisfies the twofold requirement with respect to business activity and gross income may start at a date later than the date on which the foreign corporation first commenced an uninterrupted period of engaging in trade or business within the United States, but the applicable uninterrupted period is in any event the longest uninterrupted period which satisfies such twofold requirement.

(b) The deduction provided in section 245 for a taxable year, except as provided in section 246, is the sum of the amounts computed under paragraphs (1) and (2) of section 245.

(c) The determination of earnings and profits distributed in any taxable year shall be made in accordance with the principles of section 316 (a). For the determination of the source of income, see part I of subchapter N of chapter 1 (sections 861 through 864) and the regulations thereunder.

(d) The application of section 245 may be illustrated by the following examples:

*Example (1).* Corporation A (a foreign corporation filing its income tax returns on a calendar year basis) whose stock is 100 percent owned by Corporation B (a domestic corporation filing its income tax returns on a calendar year basis) for the first time engaged in trade or business within the United States on January 1, 1943, and qualifies under section 245 for the entire period beginning on that date and ending on December 31, 1954. Corporation A had accumulated earnings and profits of $50,000 immediately prior to January 1, 1943, and had earnings and profits of $10,000 for each taxable year during the uninterrupted period from January 1, 1943, through December 31, 1954. It derived for the period from January 1, 1943, through December 31, 1953, 90 percent of its gross income from sources within the United States and in 1954 derived 95 percent of its gross income from sources within the United States. During the calendar years 1943, 1944, 1945, 1946, and 1947 Corporation A distributed in each year $15,000; during the calendar years 1948, 1949, 1950, 1951, 1952, and 1953 it distributed in each year $5,000; and during the year 1954, $50,000. An analysis of the accumulated earnings and profits under the above statement of facts discloses that at December 31, 1953, the accumulation amounted to $55,000, of which $25,000 was accumulated prior to the "uninterrupted period" and $30,000 was accumulated during the uninterrupted period. (See section 316 (a) and paragraph (c) of this section.) For 1954 a deduction under section 245 of $31,025 ($8,075 on 1954 earnings of the foreign corporation, plus $22,950 from the $30,000 accumulation at December 31, 1953) for dividends received from a foreign corporation is allowable to Corporation B with respect to the $50,000 received from Corporation A, computed as follows:

(i) $8,075, which is $8,500 (85 percent—the percent specified in section 243 for the calendar year 1954—of the $10,000 of earnings and profits of the taxable year) multiplied by 95 percent (the portion of the gross income of Corporation A derived during the taxable year 1954 from sources within the United States), plus

(ii) $22,950, which is $25,500 (85 percent—the percent specified in section 243 for the calendar year 1954—of $30,000, the part of the earnings and profits accumulated after the beginning of the uninterrupted period) multiplied by 90 percent (the portion of the gross income of Corporation A derived from sources within the United States during that portion of the uninterrupted period ending at the beginning of the taxable year 1954).

*Example (2).* If in example (1), Corporation A for the taxable year 1954 had incurred a deficit of $10,000 (shown to have been incurred before December 31) the amount of the earnings and profits accumulated after the beginning of the uninterrupted period would be $20,000. If Corporation A had distributed $50,000 on December 31, 1954, the deduction under section 245 for dividends received from a foreign corporation allowable to Corporation B for 1954 would be $15,300, computed by multiplying $17,000 (85 percent—the percent specified in section 243 for the calendar year 1954—of $20,000 earnings and profits accumulated after the beginning of the uninterrupted period) by 90 percent (the portion of the gross income of Corporation A derived from United States sources during that portion of the uninterrupted period ending at the beginning of the taxable year 1954).

§ 1.246 *Statutory provisions; rules applying to deductions for dividends received.*

SEC. 246. *Rules applying to deductions for dividends received*—(a) *Deduction not allowed for dividends from certain corporations.* The deductions allowed by sections 243, 244, and 245 shall not apply to any dividend from—

(1) A corporation organized under the China Trade Act, 1922 (see sec. 941); or

(2) A corporation which, for the taxable year of the corporation in which the distribution is made, or for the next preceding taxable year of the corporation, is—

(A) A corporation exempt from tax under section 501 (relating to certain charitable, etc., organizations) or section 521 (relating to farmers' cooperative associations); or

(B) A corporation to which section 931 (relating to income from sources within possessions of the United States) applies.

(b) *Limitation on aggregate amount of deductions*—(1) *General rule.* Except as provided in paragraph (2), the aggregate amount of the deductions allowed by sections 243, 244, and 245 shall not exceed 85 percent of the taxable income computed without regard to the deductions allowed by sections 172, 243, 244, 245, and 247.

(2) *Effect of net operating loss.* Paragraph (1) shall not apply for any taxable year for which there is a net operating loss (as determined under section 172).

§ 1.246–1 *Deductions not allowed for dividends from certain corporations.* The deductions provided in sections 243 (relating to dividends received by corporations), 244 (relating to dividends received on certain preferred stock), and 245 (relating to dividends received from certain foreign corporations), are not allowable with respect to any dividend received from:

(a) A corporation organized under the China Trade Act, 1922 (15 U. S. C. ch. 4) (see section 941); or

(b) A corporation which is exempt from tax under section 501 (relating to certain charitable, etc., organizations) or section 521 (relating to farmers' cooperative associations) for the taxable year of the corporation in which the distribution is made or for its next preceding taxable year; or

(c) A corporation to which section 931 (relating to income from sources within possessions of the United States) applies for the taxable year of the corporation in which the distribution is made or for its next preceding taxable year.

§ 1.246–2 *Limitation on aggregate amount of deductions*—(a) *General rule.* The sum of the deductions allowed by sections 243 (relating to dividends received by corporations), 244 (relating to dividends received on certain preferred stock), and 245 (relating to dividends received from certain foreign corporations), except as provided in section 246 (b) (2) and in paragraph (b) of this section, is limited to 85 percent of the taxable income of the corporation. The taxable income of the corporation for this purpose is computed without regard to the net operating loss deduction allowed by section 172, the deduction for dividends paid on certain preferred stock of public utilities allowed by section 247, and the deductions provided in sections 243, 244, and 245. For definition of the term "taxable income", see section 63.

(b) *Effect of net operating loss.* If the shareholder corporation has a net operating loss (as determined under section 172) for a taxable year, the limitation provided in section 246 (b) (1) and in paragraph (a) of this section is not applicable for such taxable year. In that event, the deductions provided in sections 243, 244, and 245 shall be allowable for all tax purposes to the shareholder corporation for such taxable year without regard to such limitation. If the shareholder corporation does not have a net operating loss for the taxable year, however, the limitation will be applicable for all tax purposes for such taxable year. In determining whether the shareholder corporation has a net operating loss for a taxable year under section 172, the deductions allowed by sections 243, 244, and 245 are to be computed without regard to the limitation provided in section 246 (b) (1) and in paragraph (a) of this section.

§ 1.247 *Statutory provisions; dividends paid on certain preferred stock of public utilities.*

SEC. 247. *Dividends paid on certain preferred stock of public utilities*—(a) *Amount of deduction.* In the case of a public utility, there shall be allowed as a deduction an amount computed as follows:

(1) First determine the amount which is the lesser of—

(A) The amount of dividends paid during the taxable year on its preferred stock, or

(B) The taxable income for the taxable year (computed without the deduction allowed by this section).

(2) Then multiply the amount determined under paragraph (1) by the fraction—

(A) The numerator of which is 14 percent, and

(B) The denominator of which is that percentage which equals the sum of the normal tax rate and the surtax rate for the taxable year specified in section 11.

For purposes of the deduction provided in this section, the amount of dividends paid shall not include any amount distributed in the current taxable year with respect to dividends unpaid and accumulated in any taxable year ending before October 1, 1942. Amounts distributed in the current taxable year with respect to dividends unpaid and accumulated for a prior taxable year shall for purposes of this subsection be deemed to be distributed with respect to the earliest year or years for which there are dividends unpaid and accumulated.

(b) *Definitions.* For purposes of this section and section 244—

(1) *Public utility.* The term "public utility" means a corporation engaged in the furnishing of telephone service or in the sale of electrical energy, gas, or water, if the rates for such furnishing or sale, as the case may be, have been established or approved by a State or political subdivision thereof or by an agency or instrumentality of the United States or by a public utility or public service commission or other similar body of the District of Columbia or of any State or political subdivision thereof.

(2) *Preferred stock.* The term "preferred stock" means stock issued before October 1, 1942, which during the whole of the taxable year (or the part of the taxable year after its issue) was stock the dividends in respect of which were cumulative, limited to the same amount, and payable in preference to the payment of dividends on other stock. Stock issued on or after October 1, 1942, shall be deemed for purposes of this paragraph to have been issued before October 1, 1942, if it was issued (including issuance either by the same or another corporation in a transaction which is a reorganization (as defined in section 368 (a)), a transaction to which section 371 (relating to insolvency reorganizations) applies, or a transaction subject to part VI of subchapter O (relating to exchanges in SEC obedience orders), or the respectively corresponding provisions of the Internal Revenue Code of 1939) to refund or replace bonds or debentures issued before October 1, 1942, or to refund or replace other preferred stock (including stock which is preferred stock by reason of this sentence), but only to the extent that the par or stated value of the new stock does not exceed the par, stated, or face value of the bonds or debentures issued before October 1, 1942, or the other preferred stock, which such new stock is issued to refund or replace. The determination of whether stock was issued to refund or replace bonds or debentures issued before October 1, 1942, or to refund or replace other preferred stock, shall be made under regulations prescribed by the Secretary or his delegate.

§ 1.247–1 *Deduction for dividends paid on preferred stock of public utilities*—(a) *Amount of deduction.* (1) A deduction is provided in section 247 for dividends paid during the taxable year by certain public utility corporations (see paragraph (b) of this section) on certain preferred stock (see paragraph (c) of this section). This deduction is an amount equal to the product of a specified fraction times the lesser of (i) the amount of the dividends paid during the taxable year by a public utility on its preferred stock (as defined in paragraph (c) of this section), or (ii) the taxable income of the public utility for such taxable year (computed without regard to the deduction allowed by section 247). The specified fraction for any taxable year is the fraction the numerator of which is 14 and the denominator of which is the sum of the corporation normal tax rate and the surtax rate for such taxable year specified in section 11. Since section 11 provides that for the calendar year 1954 the corporation normal tax rate is 30 percent and the surtax

rate is 22 percent, the sum of the two tax rates is 52 percent and the specified fraction for the calendar year 1954 is 1⅓₂. If, for example, section 11 should specify that the corporation's normal tax rate is 25 percent and the surtax rate is 22 percent for the calendar year, the sum of the two tax rates will be 47 percent and the specified fraction for the calendar year will be 1⅓₇. If Corporation A, a public utility which files its income tax return on the calendar year basis, pays $100,000 dividends on its preferred stock in the calendar year 1954 and if its taxable income for such year is greater than $100,000 the deduction allowable to Corporation A under section 247 for 1954 is $100,000 times 1⅓₂, or $26,923.08. If in 1954 Corporation A's taxable income, computed without regard to the deduction provided in section 247, had been $90,000 (that is, less than the amount of the dividends which it paid on its preferred stock in that year), the deduction allowable under section 247 for 1954 would have been $90,000 times 1⅓₂, or $24,230.77.

(2) For the purpose of determining the amount of the deduction provided in section 247 (a) and in subparagraph (1) of this paragraph, the amount of dividends paid in a given taxable year shall not include any amount distributed in such year with respect to dividends unpaid and accumulated in any taxable year ending before October 1, 1942. If any distribution is made in the current taxable year with respect to dividends unpaid and accumulated for a prior taxable year, such distribution will be deemed to have been made with respect to the earliest year or years for which there are dividends unpaid and accumulated. Thus, if a public utility makes a distribution with respect to a prior taxable year, it shall be considered that such distribution was made with respect to the earliest year or years for which there are dividends unpaid and accumulated, whether or not the public utility states that the distribution was made with respect to such year or years and even though the public utility states that the distribution was made with respect to a later year. Even though it has dividends unpaid and accumulated with respect to a taxable year ending before October 1, 1942, a public utility may, however, include the dividends paid with respect to the current taxable year in computing the deduction under section 247. If there are no dividends unpaid and accumulated with respect to a taxable year ending before October 1, 1942, a public utility may include the dividends paid with respect to a prior taxable year which ended after October 1, 1942, in computing the deduction under section 247; such public utility in addition may include the dividends paid with respect to the current taxable year in computing the deduction under section 247. However, if local law or its own charter requires a public utility to pay all unpaid and accumulated dividends before any dividends can be paid with respect to the current taxable year, such public utility may not include any distribution in the current year in computing the deduction under section 247 to the extent that there are dividends unpaid and accumulated with respect to taxable years ending before October 1, 1942.

(3) If a corporation which is engaged in one or more of the four types of business activities (called utility activities in this section) enumerated in section 247 (b) (1) (the furnishing of telephone service or the sale of electrical energy, gas, or water) is also engaged in some other business that does not fall within any of the enumerated categories, the deduction under section 247 is allowable only for such portion of the amount computed under section 247 (a) as is allocable to the income from utility activities. For this purpose, the allocation may be made on the basis of the ratio which the total income from the utility activities bears to total income from all sources (total income being considered either gross income or gross receipts, whichever method results in the higher deduction). However, if such an allocation reaches an inequitable result and the books of the corporation are so kept that the taxable income attributable to the utility activities can be readily determined, particularly where the books of the corporation are required by governmental bodies to be so kept for rate making or other purposes, the allocation may be made upon the basis of taxable income. No such apportionment will be required if the income from sources other than utility activities is less than 20 percent of the total income of the corporation, irrespective of the method used in determining such total income.

(b) *Public utility.* As used in section 247 and this section, public utility means a corporation engaged in the furnishing of telephone service, or in the sale of electric energy, gas, or water if the rates charged by such corporation for such furnishing or sale, as the case may be, have been established or approved by a State or political subdivision thereof or by an agency or instrumentality of the United States or by a public utility or public service commission or other similar body of the District of Columbia or of any State or political subdivision thereof. If a schedule of rates has been filed with any of the above bodies having the power to disapprove such rates, then such rates shall be considered as established or approved rates even though such body has taken no action on the filed schedule. Rates fixed by contract between the corporation and the purchaser, except where the purchaser is the United States, a State, the District of Columbia, or an agency or political subdivision of the United States, a State, or the District of Columbia, shall not be considered as established or approved rates in those cases where they are not subject to direct control, or where no maximum rate for such contract rates has been established by the United States, a State, the District of Columbia, or by an agency or political subdivision thereof. The deduction provided in section 247 will not be denied solely because part of the gross income of the corporation consists of revenue derived from such furnishing or sale at rates which are not so regulated, provided the corporation establishes to the satisfaction of the Commissioner (1) that the revenue from regulated rates and the revenue from unregulated rates are derived from the operation of a single interconnected and coordinated system within a single area or region in one or more States, or from the operation of more than one such system and (2) that the regulation to which it is subject in part of its operating territory in one such system is effective to control rates within the unregulated territory of the same system so that the rates within the unregulated territory have been and are substantially as favorable to users and consumers as are the rates within the regulated territory.

(c) *Preferred stock.* (1) For the purposes of section 247 and this section, preferred stock means stock (i) which was issued before October 1, 1942, (ii) the dividends in respect of which (during the whole of the taxable year, or the part of the taxable year after the actual date of the issue of such stock) were cumulative, nonparticipating as to current distributions, and payable in preference to the payment of dividends on other stock, and (iii) the rate of return on which is fixed and cannot be changed by a vote of the board of directors or by some similar method. However, if there are several classes of preferred stock, all of which meet the above requirements, the deduction provided in section 247 shall not be denied in the case of a given class of preferred stock merely because there is another class of preferred stock whose dividends are to be paid before those of the given class of stock. Likewise, it is immaterial for the purposes of section 247 and this section whether the stock be voting or nonvoting stock.

(2) Preferred stock issued on or after October 1, 1942, under certain circumstances will be considered as having been issued before October 1, 1942, for purposes of the deduction provided in section 247. If the new stock is issued on or after October 1, 1942, to refund or replace bonds or debentures which were issued before October 1, 1942, or to refund or replace other stock which was preferred stock within the meaning of section 247 (b) (2) (or the corresponding provision of the Internal Revenue Code of 1939), such new stock shall be considered as having been issued before October 1, 1942. If preferred stock is issued to refund or replace stock which was preferred stock within the meaning of section 247 (b) (2) (or the corresponding provision of the Internal Revenue Code of 1939), it shall be immaterial whether the preferred stock so refunded or replaced was issued before, on, or after October 1, 1942. If stock issued on or after October 1, 1942, to refund or replace stock which was issued before October 1, 1942, and which was preferred stock within the meaning of section 247 (b) (2) (or the corresponding provision of the Internal Revenue Code of 1939), is not itself preferred stock within the meaning of section 247 (b) (2) (or the corresponding provision of the Internal Revenue Code of 1939), no stock issued to refund or replace such stock can be considered preferred stock for purposes of the deduction provided in section 247.

(3) In the case of any preferred stock issued on or after October 1, 1942, to refund or replace bonds or debentures issued before October 1, 1942, or to refund or replace other stock which was preferred stock within the meaning of section 247 (b) (2) (or the corresponding provision of the Internal Revenue Code of 1939), only that portion of the stock issued on or after October 1, 1942, will be considered as having been issued before October 1, 1942, the par or stated value of which does not exceed the par, stated, or face value of such bonds, debentures, or other preferred stock which the new stock was issued to refund or replace. In such case no shares of the new stock issued on or after October 1, 1942, shall be earmarked in determining the deduction allowable under section 247, but the appropriate allocable portion of the total amount of dividends paid on such stock will be considered as having been paid on stock which was issued before October 1, 1942.

(4) The provisions of section 247 (b) (2) may be illustrated by the following example:

*Example.* A public utility has outstanding 1,000 bonds which were issued before October 1, 1942, and each of which has a face value of $100. On or after October 1, 1942, each of such bonds is retired in exchange for 1⅒ shares of preferred stock issued on or after October 1, 1942, and having a par value of $100 per share. Only 10/11 of the dividends paid on the preferred stock thus issued in exchange for the bonds will be considered as having been paid on stock which was issued before October 1, 1942. Likewise, if preferred stock which is issued on or after October 1, 1942, has no par value but a stated value of $50 per share and such stock is issued in a ratio of three shares to one share to refund or replace preferred stock having a par value of $100 per share, only two-thirds of the dividends paid on the new shares of stock will be considered as having been paid on stock which was issued before October 1, 1942.

(5) Whether or not preferred stock issued on or after October 1, 1942, was issued to refund or replace bonds or debentures issued before October 1, 1942, or to refund or replace other preferred stock, is in each case a question of fact. Among the factors to be considered is whether such stock is new in an economic sense to the corporation or whether it was issued merely to take the place, directly or indirectly, of bonds, debentures, or other preferred stock of such corporation. It is not necessary that the new preferred stock be issued in exchange for such bonds, debentures, or other preferred stock. The mere fact that the bonds, debentures, or other preferred stock remain in existence for a short period of time after the issuance of the new stock (or were retired before the issuance of the new stock) does not necessarily mean that such new stock was not issued to refund or replace such bonds, debentures, or other preferred stock. It is necessary to consider the entire transaction, including the issuance of the new preferred stock, the date of such issuance, the retirement of the old bonds, debentures, or preferred stock, and the date of such retirement, in order to determine whether such new stock really was issued to take the place of bonds, debentures, or other preferred stock of the corporation or whether it represents something essentially new in an economic sense in the corporation's financial structure. If, for example, a public utility, which has outstanding bonds issued before October 1, 1942, issues new preferred stock on October 1, 1954, in order to secure funds with which to retire such bonds and with the money paid in for such stock retires the bonds on November 1, 1954, such stock may be considered as having been issued to refund or replace bonds issued before October 1, 1942. Whether the money used to retire the bonds can be traced back and identified as the money paid in for the stock will have evidentiary value, but will not be conclusive, in determining whether the stock was issued to refund or replace the bonds. Similarly, whether the amount of money used to retire the bonds was smaller than, equal to, or greater than that paid in for the stock, or whether the entire issue of bonds is retired, will be important, but not decisive, in making such determination.

(6) Preferred stock issued on or after October 1, 1942, by a corporation to refund or replace bonds or debentures of a second corporation which were issued before October 1, 1942, or to refund or replace other preferred stock of such second corporation, may be considered as having been issued before October 1, 1942, if such new stock was issued (i) in a transaction which is a reorganization within the meaning of section 368 (a) or the corresponding provisions of the Internal Revenue Code of 1939; or (ii) in a transaction to which section 371 (relating to insolvency reorganizations), or the corresponding provisions of the Internal Revenue Code of 1939, is applicable; or (iii) in a transaction which is subject to the provisions of Part VI of Subchapter O (relating to exchanges and distributions in obedience to orders of the Securities and Exchange Commission) or to the corresponding provisions of the Internal Revenue Code of 1939. Whether the stock actually was issued to refund or replace bonds or debentures of the second corporation issued before October 1, 1942, or to refund or replace preferred stock of such second corporation, shall be determined under the same principles as if only one corporation were involved. A corporation may issue stock to refund or replace its own bonds, debentures, or other preferred stock in a transaction which is a reorganization within the meaning of section 368 (a) or the corresponding provisions of the Internal Revenue Code of 1939, in a transaction to which section 371 or the corresponding provisions of the Internal Revenue Code of 1939 is applicable, or in a transaction which is subject to the provisions of Part VI of Subchapter O of this chapter or to the corresponding provisions of the Internal Revenue Code of 1939. The provisions of this paragraph, in addition, are applicable in case a corporation issues stock on or after October 1, 1942, to refund or replace its own bonds, debentures, or other preferred stock even though the issuance of such stock may not fall within one of the categories enumerated above.

(7) Even though stock issued on or after October 1, 1942, is considered as having been issued before October 1, 1942, by reason of having been issued to refund or replace bonds or debentures issued before October 1, 1942, or to refund or replace other preferred stock, such stock will not be deemed to be preferred stock within the meaning of section 247 (b) (2), and no deduction will be allowable in respect of dividends paid on such stock, unless the stock fulfills all the other requirements of a preferred stock set forth in section 247 (b) (2) and in this paragraph.

§ 1.248 *Statutory provisions; organizational expenditures.*

SEC. 248. *Organizational expenditures*—(a) *Election to amortize.* The organizational expenditures of a corporation may, at the election of the corporation (made in accordance with regulations prescribed by the Secretary or his delegate), be treated as deferred expenses. In computing taxable income, such deferred expenses shall be allowed as a deduction ratably over such period of not less than 60 months as may be selected by the corporation (beginning with the month in which the corporation begins business).

(b) *Organizational expenditures defined.* The term "organizational expenditures" means any expenditure which—

(1) Is incident to the creation of the corporation;

(2) Is chargeable to capital account; and

(3) Is of a character which, if expended incident to the creation of a corporation having a limited life, would be amortizable over such life.

(c) *Time for and scope of election.* The election provided by subsection (a) may be made for any taxable year beginning after December 31, 1953, but only if made not later than the time prescribed by law for filing the return for such taxable year (including extensions thereof). The period so elected shall be adhered to in computing the taxable income of the corporation for the taxable year for which the election is made and all subsequent taxable years. The election shall apply only with respect to expenditures paid or incurred on or after the date of enactment of this title.

§ 1.248–1 *Election to amortize organizational expenditures*—(a) *In general.* (1) Section 248 (a) provides that a corporation may elect for any taxable year beginning after December 31, 1953, to treat its organizational expenditures, as defined in subsection (b) of section 248 and in paragraph (b) of this section, as deferred expenses. A corporation which exercises such election must, at the time it makes the election, select a period of not less than 60 months, beginning with the month in which it began business, over which it will amortize its organizational expenditures. The period selected by the corporation may be equal to or greater, but not less, than 60 months, but in any event it must begin

with the month in which the corporation began business. The organizational expenditures of the corporation which are treated as deferred expenses under the provisions of section 248 and this section shall then be allowed as a deduction in computing taxable income ratably over the period selected by the taxpayer. The period selected by the taxpayer in making its election may not be subsequently changed but shall be adhered to in computing taxable income for the taxable year for which the election is made and all subsequent taxable years.

(2) If a corporation exercises the election provided in section 248 (a), such election shall apply to all of its expenditures which are organizational expenditures within the meaning of subsection (b) of section 248 and paragraph (b) of this section. The election shall apply, however, only with respect to expenditures incurred before the end of the taxable year in which the corporation begins business (without regard to whether the corporation files its returns on the accrual or cash method of accounting or whether the expenditures are paid in the taxable year in which they are incurred), if such expenditures are paid or incurred on or after August 16, 1954 (the date of enactment of the Internal Revenue Code of 1954).

(3) The deduction allowed under section 248 must be spread over a period beginning with the month in which the corporation begins business. The determination of the date the corporation begins business presents a question of fact which must be determined in each case in light of all the circumstances of the particular case. The words "begins business," however, do not have the same meaning as "in existence." Ordinarily, a corporation begins business when it starts the business operations for which it was organized; a corporation comes into existence on the date of its incorporation. Mere organizational activities, such as the obtaining of the corporate charter, are not alone sufficient to show the beginning of business. If the activities of the corporation have advanced to the extent necessary to establish the nature of its business operations, however, it will be deemed to have begun business. For example, the acquisition of operating assets which are necessary to the type of business contemplated may constitute the beginning of business.

(b) *Organizational expenditures defined.* (1) Section 248 (b) defines the term "organizational expenditures." Such expenditures, for purposes of section 248 and this section, are those expenditures which are directly incident to the creation of the corporation. An expenditure, in order to qualify as an organizational expenditure, must be (i) incident to the creation of the corporation, (ii) chargeable to the capital account of the corporation, and (iii) of a character which, if expended incident to the creation of a corporation having a limited life, would be amortizable over such life. An expenditure which fails to meet each of these three tests may not be considered an organizational expenditure for purposes of section 248 and this section.

(2) The following are examples of organizational expenditures within the meaning of section 248 and this section: legal services incident to the organization of the corporation, such as drafting the corporate charter, by-laws, minutes of organizational meetings, terms of original stock certificates, and the like; necessary accounting services; expenses of temporary directors and of organizational meetings of directors or stockholders; and fees paid to State of incorporation.

(3) The following expenditures are not organizational expenditures within the meaning of section 248 and this section:

(i) Expenditures connected with issuing or selling shares of stock or other securities, such as commissions, professional fees, and printing costs. This is so even where the particular issue of stock to which the expenditures relate is for a fixed term of years;

(ii) Expenditures connected with the transfer of assets to a corporation.

(4) Expenditures connected with the reorganization of a corporation, unless directly incident to the creation of a corporation, are not organizational expenditures within the meaning of section 248 and this section.

(c) *Time and manner of making election.* The election provided by section 248 (a) and paragraph (a) of this section shall be made in a statement attached to the taxpayer's return for the taxable year in which it begins business. Such taxable year must be one which begins after December 31, 1953. The return and statement must be filed not later than the date prescribed by law for filing the return (including any extensions of time) for the taxable year in which the taxpayer begins business. The statement shall set forth the description and amount of the expenditures involved, the date such expenditures were incurred, the month in which the corporation began business, and the number of months (not less than 60 and beginning with the month in which the taxpayer began business) over which such expenditures are to be deducted ratably.

[SEAL] RUSSELL C. HARRINGTON,
*Commissioner of Internal Revenue.*

Approved: June 8, 1956.

DAN THROOP SMITH,
*Special Assistant to the Secretary in Charge of Tax Policy.*

[F. R. Doc. 56-4702; Filed, June 13, 1956; 8:49 a. m.]

## TITLE 8—ALIENS AND NATIONALITY

### Chapter I—Immigration and Naturalization Service, Department of Justice

PART 235a—PREEXAMINATION OF ALIENS WITHIN THE UNITED STATES

PART 280—IMPOSITION AND COLLECTION OF FINES

PART 292—ENROLLMENT AND DISBARMENT OF ATTORNEYS AND REPRESENTATIVES

MISCELLANEOUS AMENDMENTS

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

1. The first sentence of § 235a.1 *Application* is amended by deleting the date "January 1, 1955" and inserting in lieu thereof the date "January 1, 1956".

2. Section 280.15 is amended to read as follows:

§ 280.15 *Notice of final decision to collector of customs.* At such time as the decision under this part is final, the regional administrative officer shall be furnished a copy of the decision by the district director. The regional administrative officer shall notify the collector of customs who was furnished a copy of the Notice of Intention to Fine of the final decision made in the case. Such notification need not be made if the regional administrative officer has been previously furnished with a notice of collection of the amount of the penalty by the collector of customs.

3. Paragraph (b) of § 292.61 *Procedure for suspension or disbarment; effect* is amended to read as follows:

(b) The respondent, either with or without counsel, and the regional commissioner, by the Service officer within the purview of § 6.1 (e) of this chapter, shall have the privilege of appearing before the Board for oral argument at a time specified by the Board.

(Sec. 103, 66 Stat. 173; 8 U. S. C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U. S. C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order, other than that which relieves restrictions and is clearly advantageous to persons affected thereby, relate to agency management.

Dated: June 11, 1956.

J. M. SWING,
*Commissioner of Immigration and Naturalization.*

[F. R. Doc. 56-4708; Filed, June 13, 1956; 8:51 a. m.]



# PROPOSED RULE MAKING

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### [ 26 CFR (1954) Part 1 ]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 171 and 7805 of the Internal Revenue Code of 1954 (68A Stat. 61, 917; 26 U. S. C. 171, 7805).

[SEAL] RUSSELL C. HARRINGTON,
*Commissioner of Internal Revenue.*

The following regulations are hereby prescribed under section 171 of the Internal Revenue Code of 1954, and are effective for taxable years beginning before December 31, 1953, and ending after August 16, 1954:

Sec.
1.171 Statutory provisions; itemized deductions for individuals and corporations; amortizable bond premium.
1.171-1 Amortizable bond premium.
1.171-2 Bond premium and amortizable bond premium.
1.171-3 Election with respect to taxable and partially taxable bonds.
1.171-4 Definition.

§ 1.171 *Statutory provisions; itemized deductions for individuals and corporations; amortizable bond premium.*

SEC. 171. *Amortizable bond premium*—(a) *General rule.* In the case of any bond, as defined in subsection (d), the following rules shall apply to the amortizable bond premium (determined under subsection (b)) on the bond:

(1) *Interest wholly or partially taxable.* In the case of a bond (other than a bond the interest on which is excludable from gross income), the amount of the amortizable bond premium for the taxable year shall be allowed as a deduction.

(2) *Interest wholly tax-exempt.* In the case of any bond the interest on which is excludable from gross income, no deduction shall be allowed for the amortizable bond premium for the taxable year.

(3) *Adjustment of credit or deduction for interest partially tax-exempt*—(A) *Individuals.* In the case of any bond the interest on which is allowable as a credit under section 35, the amount which would otherwise be taken into account in computing such credit shall be reduced by the amount of the amortizable bond premium for the taxable year.

(B) *Corporations.* In the case of any bond the interest on which is allowable as a deduction under section 242, such deduction shall be reduced by the amount of the amortizable bond premium for the taxable year.

(4) *Cross reference.* For adjustment to basis on account of amortizable bond premium, see section 1016 (a) (5).

(b) *Amortizable bond premium*—(1) *Amount of bond premium.* For purposes of paragraph (2), the amount of bond premium, in the case of the holder of any bond, shall be determined—

(A) With reference to the amount of the basis (for determining loss on sale or exchange) of such bond,

(B) With reference to the amount payable on maturity or on earlier call date (but in the case of bonds described in subsection (c) (1) (B) issued after January 22, 1951, and acquired after January 22, 1954, only if such earlier call date is a date more than 3 years after the date of such issue), and

(C) With adjustments proper to reflect unamortized bond premium, with respect to the bond, for the period before the date as of which subsection (a) becomes applicable with respect to the taxpayer with respect to such bond.

In no case shall the amount of bond premium on a convertible bond include any amount attributable to the conversion features of the bond.

(2) *Amount amortizable.* The amortizable bond premium of the taxable year shall be the amount of the bond premium attributable to such year. In the case of a bond described in subsection (c) (1) (B) issued after January 22, 1951, and acquired after January 22, 1954, which has a call date not more than 3 years after the date of such issue, the amount of bond premium attributable to the taxable year in which the bond is called shall include an amount equal to the excess of the amount of the adjusted basis (for determining loss on sale or exchange) of such bond as of the beginning of the taxable year over the amount received on redemption of the bond or (if greater) the amount payable on maturity.

(3) *Method of determination.* The determinations required under paragraphs (1) and (2) shall be made—

(A) In accordance with the method of amortizing bond premium regularly employed by the holder of the bond, if such method is reasonable;

(B) In all other cases, in accordance with regulations prescribing reasonable methods of amortizing bond premium prescribed by the Secretary or his delegate.

(c) *Election as to taxable and partially taxable bonds*—(1) *Eligibility to elect; bonds with respect to which election permitted.* This section shall apply with respect to the following classes of taxpayers with respect to the following classes of bonds only if the taxpayer has elected to have this section apply:

(A) *Partially tax-exempt.* In the case of a taxpayer other than a corporation, bonds with respect to the interest on which the credit provided in section 35 is allowable; and

(B) *Wholly taxable.* In the case of any taxpayer, bonds the interest on which is not excludable from gross income but with respect to which the credit provided in section 35, or the deduction provided in section 242, is not allowable.

(2) *Manner and effect of election.* The election authorized under this subsection shall be made in accordance with such regulations as the Secretary or his delegate shall prescribe. If such election is made with respect to any bond (described in paragraph (1)) of the taxpayer, it shall also apply to all such bonds held by the taxpayer at the beginning of the first taxable year to which the election applies and to all such bonds thereafter acquired by him and shall be binding for all subsequent taxable years with respect to all such bonds of the taxpayer, unless, on application by the taxpayer, the Secretary or his delegate permits him, subject to such conditions as the Secretary or his delegate deems necessary, to revoke such election. In the case of bonds held by a common trust fund, as defined in section 584 (a), or by a foreign personal holding company, as defined in section 552, the election authorized under this subsection shall be exercisable with respect to such bonds only by the common trust fund or foreign personal holding company. In case of bonds held by an estate or trust, the election authorized under this subsection shall be exercisable with respect to such bonds only by the fiduciary.

(d) *Bond defined.* For purposes of this section, the term "bond" means any bond, debenture, note, or certificate or other evidence of indebtedness, issued by any corporation and bearing interest (including any like obligation issued by a government or political subdivision thereof), but does not include any such obligation which constitutes stock in trade of the taxpayer or any such obligation of a kind which would properly be included in the inventory of the taxpayer if on hand at the close of the taxable year, or any such obligation held by the taxpayer primarily for sale to customers in the ordinary course of his trade or business.

(e) *Dealers in tax-exempt securities.* For special rules applicable, in the case of dealers in securities, with respect to premium attributable to certain wholly tax-exempt securities, see section 75.

§ 1.171-1 *Amortizable bond premium*—(a) *In general.* Under section 171, bond premium is amortizable by the owner of the bond (as defined in § 1.171-4) in accordance with subparagraph (1) or (2) of this paragraph as follows:

(1) Amortization of bond premium is mandatory with respect to—

(i) Fully tax-exempt bonds (the interest on which is excludable from gross income), whether the owner is a corporation, individual, or other taxpayer; and

(ii) Partially tax-exempt bonds owned by a corporation.

(2) Amortization of bond premium is optional, at the election of the taxpayer, with respect to—

(i) Fully taxable bonds, whether the owner is a corporation, individual, or other taxpayer; and

(ii) Partially tax-exempt bonds owned by taxpayers other than corporations.

(b) *Operation.* (1) In the case of a fully tax-exempt bond, the amortizable bond premium for the taxable year is simply an adjustment to the basis or adjusted basis of the bond. Thus, if such premium is $1, the basis or adjusted basis of the bond is reduced by $1. No deduction is allowable on account of such amortizable bond premium.

(2) In the case of a fully taxable bond to which section 171 is applicable, the amortizable bond premium is applied both as an adjustment to the basis or

adjusted basis of the bond and as a deduction in computing taxable income.

(3) In the case of a partially tax-exempt bond, the amortizable bond premium for the taxable year is used for the following purposes:

(i) As an adjustment to the basis or adjusted basis of the bond;

(ii) As a deduction in computing taxable income;

(iii) In the case of individuals, estates, or trusts, as a reduction of the amount which would otherwise be taken into account in computing the credit against the tax provided under section 35; or

(iv) In the case of corporations, as a reduction of the amount allowed under section 242 as a deduction in computing taxable income.

(4) The application of the provisions of subparagraph (3) of this paragraph relating to a partially tax-exempt bond may be illustrated by the following example:

*Example.* In the case of an individual who has elected to amortize the premium on a partially tax-exempt bond, if the interest on such bond with an adjusted basis of $1,024 is $30 for the taxable year, and the amortizable bond premium thereon is $4 for the taxable year, then the $30 is included in gross income, the $4 is allowable as a deduction, the adjusted basis of $1,024 is reduced by $4 to $1,020, and a credit amounting to $0.75 (3 percent of $30 minus $4) is allowed against the tax for such taxable year. In the case of a corporation, which is required to amortize the premium on such bond, no credit is allowed against the tax, but the deduction under section 242 on account of the interest is $26 ($30 minus $4).

(5) In the case where no specific deduction is permitted under section 171 (a) for amortization of bond premium as such, because the tax is computed for the taxpayer under section 3 by use of the optional tax tables, or because the taxpayer elects under section 144 to take the standard deduction, it shall be deemed, if the taxpayer has elected to amortize bond premium in accordance with the provisions of section 171, that the deduction for amortization of bond premium has been allowed for the purpose of determining the adjusted basis of the bond.

(c) *Bonds owned by decedents*—(1) *Decedents using cash receipts and disbursements method of accounting.* (i) Where a decedent who used the cash receipts and disbursements method of accounting owned fully taxable bonds to which section 171 applies—

(*a*) The interest accruing thereon during the period ending with his death is, by reason of section 691, included upon its receipt in the gross income of the estate or legatee, whichever acquires the right to receive such interest, and

(*b*) The amount of amortizable bond premium properly allowable for such period is a deduction for such period to the decedent and is not allowable as a deduction to the estate or legatee.

(ii) Where a decedent who used the cash receipts and disbursements method of accounting owned partially tax-exempt bonds to which section 171 applies—

(*a*) The interest accruing thereon during the period ending with his death is, by reason of section 691, included upon its receipt in the gross income of the estate or legatee, whichever acquires the right to receive such interest, and

(*b*) The amount of the amortizable bond premium properly allowable for such period is a deduction for such period to the decedent, as in the case of a fully taxable bond, and

(*c*) The amount of the amortizable bond premium shall not be applied to reduce the estate's or legatee's credit or deduction for such interest for such period.

(2) *Illustration.* The provisions of subparagraph (1) (ii) of this paragraph relating to a partially tax-exempt bond may be illustrated by the following example:

*Example.* At the time of his death in 1954, D owned a partially tax-exempt bond to which section 171 applies. For the period beginning January 1, 1954, and ending with D's death on September 30, 1954, the accrued interest on such bond is $25 and the amortizable bond premium is $2. D's estate has the right to receive such interest. D's executor, in making the income tax return for D's last taxable year (January 1 to September 30, 1954), may take into account a deduction of $2 on account of the amortizable bond premium for such year. D's estate includes the $25 interest in its gross income upon receipt and, for purposes of the income tax, receives a credit under section 35 of $.75 (3 percent of $25). In computing such credit, the $25 interest is not reduced on account of the amortizable bond premium which was a deduction allowable for the last taxable year of the decedent.

(3) *Decedent using the accrual method of accounting.* Where a decedent using the accrual method of accounting owned fully taxable bonds and partially tax-exempt bonds to which section 171 applies—

(i) In the case of fully taxable bonds, both the interest accruing thereon during the period ending with his death and the deduction on account of the amortizable bond premium for such period are taken into account in computing the taxable income of the decedent; and

(ii) In the case of partially tax-exempt bonds, the rule as to the accrued interest and the amortization deduction is the same as in subdivision (i) of this subparagraph, and the amount which would otherwise be taken into account in computing the decedent's credit against tax for such interest is required to be reduced by the amount of the amortizable bond premium for the period ending with the decedent's death.

§ 1.171–2 *Bond premium and amortizable bond premium*—(a) *In general.* (1) Except as otherwise provided in this section, bond premium on any bond to which section 171 applies is the excess of the amount of the basis (for determining loss on sale or exchange under section 1011) of the bond over the amount payable at maturity or, in the case of a callable bond, the earlier call date. For determination of applicable call date, see paragraph (b) of this section.

(2) (i) In the case of wholly taxable bonds described in section 171 (c) (1) (B) issued after January 22, 1951, and acquired after January 22, 1954, the earlier call date may be used in computing the bond premium only if such earlier call date is a date more than 3 years after the date of original issue. For determining whether such earlier call date is a date more than 3 years after the date of original issue, consideration will be given to the terms under which the bond is issued. Where the bond is subject to a call date which falls within 3 years of the date of original issue, the amount of amortizable bond premium may be computed only with respect to the amount payable at maturity, regardless of when such bond was acquired by the taxpayer. For example, assume that the taxpayer acquired at the date of issue a $100 bond for $112, callable at any time thereafter upon 30 days' notice. The bond was issued on January 1, 1955. The premium of $12 attributable to such bond may be amortized only with reference to the maturity date of the bond. Similarly, assume that in 1957 the taxpayer acquired a $100, 20-year bond for $115. The bond was issued on January 1, 1954, and was callable 2 years after the date of issuance or, if not then called, 10 years after the date of issuance. The premium of $15 attributable to such bond may be amortized only with reference to the maturity date of the bond.

(ii) In the case of a wholly taxable bond described in section 171 (c) (1) (B) issued after January 22, 1951, and acquired after January 22, 1954, which has a call date not more than 3 years after the date of such issue, the amount of the bond premium attributable to the taxable year in which the bond is called shall include an amount equal to the excess of the amount of the adjusted basis (for determining loss on sale or exchange) of such bond as of the beginning of the taxable year over the amount received on redemption of the bond or (if greater) the amount payable on maturity. For adjustments proper to reflect unamortized bond premium for the period before the date as of which section 171 becomes applicable to the bond in the hands of the taxpayer, see subparagraph (4) of this paragraph. For example, if a fully taxable bond, issued on January 1, 1954, and acquired by the taxpayer on January 1, 1955, at a price of $109, matures in 10 years from the date of issue (9 years from the date of acquisition) but is callable at $105 on 30 days' notice, section 171 (b) (1) (B) requires that the bond be amortized to maturity, that is, at the rate of $1 per year. If the bond is called on December 31, 1956, for $105, then $3, the excess of the adjusted basis of $108 ($109 less $1 deducted in 1955) over the amount received on redemption, $105, may be deducted for the year 1956.

(3) Where a taxpayer acquires fully taxable bonds having a call date occurring within a short period after the date of acquisition and where such taxpayer—

(i) Has acquired such bonds as a part of an arrangement pursuant to which he subsequently sells, exchanges, or otherwise disposes (including a charitable contribution of such bonds which qualifies for a deduction under section 170) of such bonds, and

(ii) Cannot expect to derive any economic advantage under the arrangement independent of the Federal income tax consequences arising from the deduction of the amortizable bond premium under section 171, then

for the purposes of section 171, the amount of bond premium with respect to such bonds shall be determined with reference to the maturity date of such bonds and not with reference to such call date in computing amortizable bond premium for any taxable year.

(4) If the date as of which the basis of the bond was established precedes the first taxable year with respect to which section 171 applies to the bond, proper adjustments shall be made to reflect unamortized bond premium on such bond for the period including the holding period (as determined under section 1223) before the date as of which section 171 first becomes applicable to the bond in the hands of the taxpayer. For instance, an adjustment will be required in the case of a taxpayer who has made an election under section 125 of the Internal Revenue Code of 1939, or who makes an election after August 16, 1954, with respect to bonds not with interest coupons or not in registered form which were acquired before December 31, 1953.

(5) The rule relating to adjustments set forth in subparagraph (4) of this paragraph above may be illustrated by the following examples:

*Example (1).* On January 1, 1956, T, who makes his income tax returns on the calendar year basis, owns a fully taxable $100 bond, maturing on January 1, 1966. T purchased this bond on January 1, 1946, for $120. T elects to have section 171 apply to such bond for 1957 and subsequent taxable years. In determining the amount of bond premium to be amortized over the remaining 9 years of the life of the bond, T is required, but solely for such purpose, to treat the bond as if he had amortized the bond premium thereon during the prior 11 years under this section, and to make the proper adjustment in the original bond premium. Accordingly, T would treat $11 as having been amortized during the first 11 years and would be required to amortize the remaining $9 over the following 9 years. When the bond is redeemed on January 1, 1966, for $100, only the $9 attributable to the last 9 years will actually have been amortized and the basis of the bond will have been reduced only by that amount. The $11 attributable to the first 11 years will have been treated as an adjustment to the original bond premium but will not have been amortized nor will the basis of the bond have been reduced by that amount. Consequently, T will have a capital loss in the year of redemption on account of the $11 attributable to the period January 1, 1946, to January 1, 1957.

*Example (2).* On January 1, 1956, X's father gave him a fully taxable $100 bond maturing on January 1, 1966. X's father had purchased the bond on January 1, 1946, for $120. The fair market value of the bond at the time of the gift was $127. X makes his income tax returns on the calendar year basis and elects to amortize the bond premium on the bond during the period 1956–66. Under section 1015, the cost of the bond to X's father constitutes the basis of the bond in X's hands for determining loss, since such cost is lower than the fair market value of the bond at the time of the gift, and, under section 1223, X's holding period is deemed to include the 10 years during which his father held the bond. X is required to treat the bond as if the bond premium thereon had been amortized during his father's holding period. Thus, X is required to amortize $10 over the period January 1, 1956, to January 1, 1966, and in the year of redemption will have a capital loss on account of the $10 attributable to his father's holding period.

*Example (3).* Y, who makes his income tax returns on the calendar year basis, owns a fully tax-exempt $100 bond maturing on January 1, 1961. He purchased this bond on January 1, 1941, for $120. On December 31, 1954, Y sells the bond for $108 and realizes a gain of $1, computed as follows:

| | |
|---|---|
| (i) Total bond premium ($120–$100) | $20 |
| (ii) Amount of bond premium amortizable if held to maturity (total bond premium minus unamortized bond premium attributable to 1941 (a year to which section 125 of the Internal Revenue Code of 1939 was not applicable), $20–$1) | 19 |
| (iii) Amount of bond premium amortized from Jan. 1, 1942, through Dec. 31, 1954 ($1 for each such year) | 13 |
| (iv) Adjusted basis of bond at close of 1954 ($120–$13) | 107 |
| (v) Gain $108–$107 | 1 |

(6) Amortizable bond premium on any bond to which section 171 applies is that part of the bond premium on the bond which is attributable to the taxable year.

(b) *Callable and convertible bonds.* (1) The fact that a bond is callable or convertible into stock does not, in itself, prevent the application of section 171. For purposes of such section, in the case of a callable bond the earlier call date will be considered as the maturity date, except as provided in paragraph (a) (2) and (3) of this section. The amount due on the earlier date will be considered as the amount payable on maturity unless it is determined under a different method of amortization regularly employed by the taxpayer that another amount shall be the amount payable on maturity. Hence, in the case where a bond premium is to be amortized to the earlier call date, the bond premium on such bond is required to be spread over the period from the date as of which the basis for loss of the bond is established down to the earlier call date, rather than to the maturity date. The earlier call date may be the earliest call date specified in the bond as a day certain, the earliest interest payment date if the bond is callable at such date, the earliest date at which the bond is callable at par, or such other call date, prior to maturity, specified in the bond as may be selected by the taxpayer. Where a deduction for amortizable bond premium may be determined with respect to alternative call dates, the amount of amortizable bond premium calculated with reference to a particular call date must be calculated thereafter with reference to the same call date. However, if, upon such call date originally selected, the bond has not in fact been called, the bond premium then unamortized may be amortized to a succeeding call date or to maturity. Thus, assume a $100 bond is acquired at time of issue for $125. The bond is callable in five years at $115 and in 10 years at $110. The taxpayer may amortize $10 of premium during the first five years, and, if the bond is not then called, an additional $5 of premium during the next five years. If the bond is not called at the end of ten years, the remaining $10 of premium may be amortized to maturity.

(2) A convertible bond is within the scope of section 171 if the option to convert on a date certain specified in the bond rests with the holder thereof. However, for the purpose of determining the amount of amortizable bond premium on a convertible bond for the taxable year, the amount of bond premium shall not include any amount attributable to the conversion features of the bond. For the purpose of this rule, the term "convertible bond" includes a bond issued with detachable stock-purchase warrants.

(3) The value of the conversion features of a particular bond shall be ascertained by reference to the assumed price at which such bond would be purchased on the open market if without conversion features, and by subtracting such assumed price from the cost of the bond. The assumed price of the bond without conversion features shall be ascertained by comparison to the yields on which bonds of similar character, not having conversion features, are sold on the open market and adjusting the price of the bond in question to this yield. This adjustment may be made by the use of standard bond tables. In selecting quotations for comparative purposes, bonds of the same classification and grade shall be used.

(4) The application of the principles set forth in this paragraph may be illustrated as follows:

*Example.* T purchased for $115 a $100 bond, maturing in 10 years, on which interest is payable semiannually at the rate of 3 percent a year. This bond is convertible into common stock at the option of the holder. It is found that bonds of the same character, not having conversion features, were sold on the open market on or about the time of T's purchase on a basis to yield 2.6 percent. By recourse to a standard bond table, it is found that the cost of a 3 percent, 10-year, $100 bond to yield 2.6 percent would have been $103.50. Since the taxpayer paid $115 for the convertible bond, the difference between $115 and $103.50, or $11.50, represents the value of the conversion features of the bond at the time of purchase. The balance of $3.50 represents the bond premium subject to amortization under section 171.

(5) If a convertible bond acquired on or before June 15, 1950, is held during the taxable year, the amortizable bond premium shall be computed as if the provisions for the determination of the bond premium without the inclusion of any amount attributable to the conversion features of the bond were applicable for each year for which the bond was held prior to such taxable year. Thus, if T, in the example in subparagraph (4) of this paragraph, had acquired the bond on January 1, 1949, and if T makes his income tax returns on the basis of the calendar year, the amortizable bond premium for 1955 would be $0.35, determined as follows:

| | |
|---|---|
| Bond premium not attributable to conversion feature | $3.50 |
| Amortizable bond premium for 1949 and 1950, determined by reference to bond premium not attributable to conversion feature | .70 |
| Portion of bond premium amortizable over remaining life of bond | 2.80 |

| | |
|---|---|
| Amortizable bond premium for each of the remaining 8 years, including the taxable year 1955 (one-eighth of $2.80) | $0.35 |

(c) *Capitalized expenses.* (1) In the case of a bond to which section 717 otherwise applies, on which the bond premium is attributable only to capitalized expenses (such as buying commissions), if a taxpayer—

(i) Regularly employs a reasonable method of amortization under which capitalized expenses are amortized, or

(ii) Is required by the regulations to use the method of amortization prescribed by paragraph (e) of this section, or

(iii) Regularly employs a reasonable method of amortization but does not amortize capitalized expenses,

such taxpayer is permitted, but is not required, to amortize capitalized expenses in accordance with such method.

(2) In the case of a bond to which section 171 applies and on which there is bond premium exclusive of capitalized expenses—

(i) If a taxpayer regularly employs a reasonable method of amortization under which capitalized expenses are treated as being part of the bond premium for purposes of amortization, such capitalized expenses must be treated as being a part of the bond premium for the purposes of section 171.

(ii) If a taxpayer is required by regulations to use the method of amortization prescribed by paragraph (e) of this section, he must treat capitalized expenses as being part of the bond premium for purposes of section 171.

(iii) If a taxpayer regularly employs a method of amortization under which capitalized expenses are not treated as being part of the bond premium for the purposes of amortization, he is permitted, but is not required, to treat such capitalized expenses as being part of the bond premium for the purposes of section 171.

(d) *Taxable years in which interest not received or accruable.* In the case of a taxpayer who makes his income returns on the cash receipts and disbursements method or one who makes his returns on the accrual method and who owns a bond to which section 171 applies and in respect of which no interest is received or accrued by the taxpayer during the taxable year, if the taxpayer—

(1) Regularly employs a reasonable method of amortization under which the bond premium on such bond for such taxable year is amortized, or

(2) Is required by the regulations to use the method of amortization prescribed by paragraph (e) of this section, or

(3) Regularly employs a reasonable method of amortization under which the bond premium on such bond for such taxable year is not amortized,

such taxpayer is permitted, but not required, to amortize bond premium on the bond for such taxable year in accordance with such method.

(e) *Methods of amortization.* (1) The determination of the bond premium and amortizable bond premium on any bond to which section 171 applies shall be made in accordance with:

(i) The method of amortization regularly employed by the taxpayer, if such method is reasonable; or

(ii) In all other cases, the method of amortization prescribed by this section.

A method of amortization, for example, the composite method described in § 1.1016–12, will be deemed "regularly employed" by a taxpayer if the method was consistently followed in taxable years beginning before January 1, 1954, or if for taxable years beginning on or after such date a taxpayer who has never previously taken a deduction for amortization initiates in the first taxable year for which such deduction is taken a reasonable method of amortization and consistently follows such method thereafter. A taxpayer who regularly employs a method of amortization may be one, for example, who is subject to the jurisdiction of a State or Federal regulatory agency and who, for the purposes of such agency, amortizes the bond premium on his bonds in accordance with a method prescribed or approved by such agency. However, it is not necessary that the taxpayer be subject to the jurisdiction of such an agency or that the method be prescribed or approved by such agency. It is sufficient if the taxpayer regularly employs a method of amortization and if such method is reasonable.

(2) The bond premium to be amortized shall be determined under the following method:

(i) The amortizabe bond premium on such bond attributable to the taxable year under paragraph (a) (6) of this section shall be an amount which bears the same ratio to the bond premium on the bond as the number of months in the taxable year during which the bond was held by the taxpayer bears to the number of months from the beginning of the taxable year (or, if the bond was acquired in the taxable year, from the date of acquisition) to the date of maturity or earlier call date. For the purposes of this subdivision, a fractional part of a month shall be disregarded unless it amounts to more than half of a month, in which case it shall be considered as a month.

(ii) For purposes of subdivision (i) of this subparagraph, the bond premium as of any date on any bond to which section 171 applies shall be determined in accordance with paragraph (a) of this section by ascertaining the excess of the amount of the basis of the bond, as determined under section 1011 (adjusted to date for amortizable bond premium under section 1016) over the amount payable at maturity or, in the case of a callable bond, the earlier call date (except as otherwise provided in subparagraphs (2) and (3) of paragraph (a) of this section.)

(3) The application of the provisions of this paragraph relating to method of amortization may be illustrated by the following example:

*Example.* (i) A taxpayer on June 20, 1954, acquires at a cost of $119 a $100 bond issued January 1, 1944, maturing January 1, 1964, with a 90-day call date. The amortizable bond premium as of the last day of 1954 is computed as follows:

| | |
|---|---|
| Bond premium at date of acquisition | $19 |
| Number of months in 1954 during which bond is held by the taxpayer | 6 |
| Number of months from date of acquisition to date of maturity | 114 |
| Amortizable bond premium ($\frac{6}{114}\times\$19$) equals | $1 |

(ii) The bond premium on the last day of 1954 would be computed as follows:

| | |
|---|---|
| Bond premium at date of acquisition (or first day of taxable year) | $19 |
| Amortizable bond premium for period during which bond was owned in 1954 | 1 |
| Bond premium on last day of taxable year | 18 |

(4) For the method of amortization in the case of individual mortgages purchased, acquired, or originated at a premium by mutual savings banks, building and loan associations, and cooperative banks, see section 1016 and § 1.1016–12.

§ 1.171–3 *Election with respect to taxable and partially taxable bonds.*—(a) *In general.* In the case of a corporation, the election provided in section 171 may be made only with respect to fully taxable bonds. In the case of a taxpayer other than a corporation, the election provided in such section may be made with respect to the following classes: (1) fully taxable bonds only, or (2) partially tax-exempt bonds only, or (3) both fully taxable bonds and partially tax-exempt bonds. Such election shall be made by the taxpayer by claiming a deduction for the bond premium in his return for the first taxable year to which he desires the election to be applicable. No other method of making such election will be recognized. If the election is so made, the taxpayer should attach to his return a statement showing the computation of the deduction. The election shall apply to all bonds in respect of which it was made owned by the taxpayer at the beginning of the first taxable year to which the election applies and also to all bonds of such class (or classes) thereafter acquired by him, and shall be binding for all subsequent taxable years. Upon application by the taxpayer, the Commissioner may permit him to revoke the election, subject to such conditions as the Commissioner deems necessary. In the case of bonds owned by a partnership, common trust fund, or foreign personal holding company, the election shall be exercisable by such partnership (as provided in section 703 (b)), common trust fund, or foreign personal holding company.

(b) *Election with respect to corporation mortgages, etc.* The election to deduct amortizable bond premium applies to premiums on corporation mortgages, securities, and any other evidences of indebtedness, without coupons attached and not in registered form. If a deduction for amortizable bond premium was claimed in a return filed for a taxable year beginning after December 31, 1953, and ending after August 16, 1954, and such deduction did not include amortizable bond premium for all bonds to which the election properly applied, any election attributable under section 171 to the deduction of such amortizable bond premium shall not constitute a proper election unless such election is perfected in amended returns to be filed no later than 90 days after the promulgation of regulations under section 171. Each such amended return shall contain a statement showing a recomputation of the deduction on the basis of the amortization of all bonds to which the election applies in accordance with the provisions of section 171 (c) (2) and this section.

(c) *Partially tax-exempt bonds owned by estates, trusts, partnerships, etc.* If a trust owning partially tax-exempt bonds elects to amortize the bond premium thereon under section 171, the credits of the trust and the credits and deductions of the beneficiaries on account of such interest are required to be reduced by the portion of the amortization deduction attributable to their shares of such interest. See section 642 (a) (1). A similar rule is applied in the case of partially tax-exempt bonds owned by estates, common trust funds, partnerships, and foreign personal holding companies.

§ 1.171–4 *Definition.* (a) The term "bond", as used in section 171, means any bond, debenture, note, or certificate or other evidence of indebtedness, issued by any corporation and bearing interest (including any like obligation issued by a government or political subdivision thereof), but the term does not include any such obligation which constitutes stock in trade of the taxpayer or any such obligation of a kind which would properly be included in the inventory of the taxpayer if on hand at the close of the taxable year, or any such obligation held by the taxpayer primarily for sale to customers in the ordinary course of his trade or business. This definition of a bond (without coupons or not in registered form) applies to bonds held or acquired, for years beginning after December 31, 1953, and ending after August 16, 1954.

(b) For taxable years ending on or before August 16, 1954, the term "bond", as defined in paragraph (a) of this section, applies only to a bond, debenture, note, or certificate or other evidence of indebtedness with interest coupons or in registered form.

(c) Since bonds owned by dealers in securities are excluded from the definition in this section, section 171 has no application to such dealers. See, however, § 1.75–1.

[F. R. Doc. 56–4703; Filed June 13, 1956; 8:49 a. m.]



## INTERSTATE COMMERCE COMMISSION

### [ 49 CFR Parts 145, 148, 311 ]

[Ex Parte No. 204]

PASSENGER FARES, RATES, AND CHARGES OF COMMON CARRIERS BY RAILROAD, BY WATER, AND JOINTLY BY RAIL-MOTOR, MOTOR-WATER, AND RAIL-MOTOR-WATER

CONSTRUCTION, FILING AND POSTING OF TARIFFS

JUNE 5, 1956.

These rules are proposed in accordance with the provisions of section 4 (a) of the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1003), and under authority of sections 6, 217 (a), and 306 (b) of the Interstate Commerce Act.

Interested parties may file with this Commission, on or before October 5, 1956, written statements of facts, opinions, or arguments concerning the herein proposed rules. Any written statement so filed shall conform to the specifications provided in Rule 15 of the Commission's general rules of practice (49 CFR 1.15). An original, signed, and seven copies shall be furnished for use of the Commission. No formal hearing with respect to the proposed rules is contemplated, but informal conferences with designated officials of this Commission may be had.

The proposed rules, representing revisions of all rules now contained in the Commission's Tariff Circulars Nos. 18–A and 23, are set forth below. It is intended that the proposed rules supersede the rules now contained in those two tariff circulars (49 CFR Parts 145, 148, Subparts B and D, and Part 311); and in view of the almost total revision of the rules as now published, explanations have been omitted. It is believed, however, that the nature and purpose of proposed rules will be easily understood by those conversant with the present rules.

It will be noted that the proposal is in codified form, in which form it is intended the regulations be published in the tariff circular.

Notice to the public will be given by depositing a copy of this notice in the Office of the Secretary of the Commission for inspection, and by filing a copy with the Director of the Federal Register.

By the Commission, Division 2.

[SEAL] HAROLD D. MCCOY, *Secretary.*

Regulations issued by the Interstate Commerce Commission under authority of section 6 of part I, section 217 of part II, and section 306 of part III of the Interstate Commerce Act to govern the construction, filing, and posting of passenger tariffs by common carriers by railroad and by water, and tariffs containing joint rail-motor, motor-water, or rail-motor-water fares or charges.

PART 145—PASSENGER SERVICE SCHEDULES


Sec.
145.0 General provisions; definitions.
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145.19 I. C. C. numbers of tariffs issued by a new agent or alternate agent.
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145.22 Round-trip excursion fares.
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145.26 Newly constructed lines of railroad and newly established service by water carriers.
145.27 Transportation of circus and show outfits.
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145.32 Free transportation of caretakers in connection shipments of property.
145.33 Ocean carriers' fares to or from foreign countries.
145.34 Posting of tariffs.
145.35 Applications for authority to make changes in tariffs.


PASSENGER FARE SCHEDULES

§ 145.0 *General provisions; definitions.*—(a) *Conformation to rules; reissue.* On and after ----------, all tariffs filed with the Commission publishing fares, charges, rules or regulations incident to the transportation of passengers or of commodities handled in passenger service shall conform to these regulations. The Commission may direct the reissue of any tariff, power of attorney or concurrence at any time or may reject same for failure to comply with the rules in this part.

(b) *Definitions.*—(1) *Local fare.* The term "local fare", as used herein, means a fare for service by one carrier only. A local tariff is one which contains fares or charges for service by one carrier only.

(2) *Joint fare or joint charge.* The terms "joint fare" or "joint charge" as used herein, mean a fare or charge for service by two or more carriers that is made by agreement between such carriers.

(3) *Joint tariff.* Joint tariffs are those which contain joint fares or charges.

(c) *Tariff includes amendments.* Except where the context indicates the contrary, the word "tariff" as used herein also includes supplements and other amendments to tariffs.

(d) *Reference to section designations, shortcut method.* For convenience, that portion of a section designation appearing to the right of the decimal point in this tariff circular (this part) may be used in referring to such section in correspondence with the Commission; for example, § 145.4 (f) (1) may be referred to as section 4 (f) (1).

§ 145.1 *Form, size, and printing.*—(a) *Form and size.* All tariffs must be in book, pamphlet, single-sheet or loose-leaf form, of size 8 by 11 inches, except that tariffs and supplements also in-

tended for use in collecting passenger fares and charges on trains may be in book or pamphlet form smaller in size than 8 by 11 inches.

(b) *Paper; size of type.* Tariffs must be plainly printed on paper of durable quality and in type not less than 6-point bold or full face, except as provided in § 145.8 (i) as to vacation notice, and except, further, that not less than 4-point full face type may be used for reference marks. Explanation of reference marks must be in type not less than 6-point bold or full face.

(c) *Method of printing.* Stereotype, planograph, mimeograph or other similar durable process may be used, provided the copies posted and filed are clear and legible in every respect. Reproduction by hectograph or similar process, typewritten sheets or proof sheets must not be used for posting or filing.

(d) *Alterations.* Erasures or alterations must not be made in tariffs filed with the Commission or posted at stations.

(e) *Margin.* A margin of not less than five-eighths of an inch with no printing thereon must be allowed at the binding edge of each tariff.

(f) *Tables, ruling of.* When tables of numerals are used, the page shall be vertically ruled in columns of sufficient width to accommodate the matter to be shown therein (including reference marks) without crowding.

(g) *Pages, numbering.* Except as provided in § 145.6 (e), the pages of a tariff shall be consecutively numbered. The title page shall be considered as page 1, but shall not be numbered; and the interior pages shall be numbered beginning with 2, except that in looseleaf tariffs the title page shall be designated as "Title Page" and the next page as page 1.

§ 145.2 *Indicating changes in tariff or amendment*—(a) *Reference marks.* All tariffs, supplements, and loose-leaf pages must indicate any change in existing fares, rates, charges, rules, regulations, or practices by use of uniform reference marks in connection with the change. The reference marks used shall be those specified for the purpose in § 145.4 (d).

(b) *General changes indicated at top of page.* (1) When a change of the same character is made in all or in substantially all of the fares or rates in a tariff or supplement, or a page thereof, the fact and the nature of such change may be indicated in distinctive type at the top of the title page of such issue, or at the top of each page, respectively, in substantially the following manner:

All fares in this issue are increases
or
All fares on this page are reductions, except as otherwise provided in connection with the fares.

(2) Fares which are not changed or changes not consistent with the notation shall be appropriately symbolized.

§ 145.3 *Title page arrangement.* The title page of every tariff and of every supplement shall show in the order named:

(a) *I. C. C. number and cancelations.* On the upper right-hand corner, the I. C. C. number of the tariff and immediately thereunder the I. C. C. number or numbers of tariffs or supplements canceled thereby. If the number of publications canceled is so large as to make it impracticable to enter them on the title page, the cancelation notice must be shown on page 2 and specific reference thereto shown on the title page directly under the I. C. C. number. Separate series of I. C. C. numbers must be used for freight and passenger tariffs.

(b) *Name of carrier or agent.* The name of the issuing carrier or the name of the agent issuing under power of attorney. See § 145.4 (b) (1).

(c) *Kind of tariff.* Whether tariff or supplement contains local or joint, local and joint fares, rates or charges; whether it applies for passengers, baggage, milk, or other kind of service; whether fares are one-way, round-trip, proportional, or basing; and whether it contains all-rail, rail-motor, all-water, or rail-water, motor-water, etc. fares or charges, or any combination of such types of fares or charges.

(d) *Territory.* The territory or points from and to which the tariff applies, briefly stated.

(e) *Effective date.* (1) Date of issue and effective date. Every publication which contains fares or other provisions effective upon a date different from the general effective date of such publication must show on its title page the following notation: "Effective _____, 19__ (except as otherwise provided herein)" or "(except as provided in Item ____)" or "(except as provided on page ____)."

(2) A provision in a tariff or supplement that it or any part of it will expire with a given date is not a guaranty that the tariff or supplement or such part thereof will remain effective until and including that date. Such provision, if used, will be held to mean that the tariff or supplement or specified part of it will expire with the date named, unless the date is changed on statutory notice, or under special permission. Where used, the expiration notice must read: "Expires with _____, unless sooner canceled, changed or extended."

(f) *Issuing officer or agent.* At the bottom of the title page, the name, title, and mail address of the individual actually responsible for compiling and filing the schedule. If the tariff is issued by a natural person as agent, his name must be shown with the title of "Agent." If issued by a corporation or association as agent, the name and title of the person responsible for the actual compilation and filing must be shown.

§ 145.4 *Content of tariffs.* Tariffs shall contain:

(a) *Table of contents.* A full and complete statement, alphabetically arranged, of general subject headings and the exact location where they will be found. If a tariff contains so small a volume of matter that its title page or interior arrangement clearly discloses its contents, the table of contents may be omitted.

(b) *Names of participating carriers.* (1) A list of the correct names of all carriers participating therein, subdivided according to (i) initial carriers, and (ii) intermediate and terminating carriers, each subdivision alphabetically arranged, together with the form and number of power of attorney or certificate of concurrence, except as provided in subparagraphs (2) and (3) of this paragraph. If there be not more than 10 participating carriers, their names and power of attorney and concurrence forms and numbers may be shown on the title page. Reference to the forms and numbers of powers of attorney and concurrences may be omitted, provided this information is furnished to the Commission in an acceptable form.

(2) Where a tariff of round-trip excursion fares makes reference by I. C. C. number to a tariff of one-way fares for fares on which such round-trip fares are based, as provided in paragraph (f) (7) of this section, the tariff of round-trip excursion fares may state under the caption "Participating Carriers" that the carriers parties to the tariff of round-trip excursion fares are those which are parties to the tariff of one-way fares referred to, identifying the latter tariff by issuing carrier or agent and I. C. C. number.

(3) Where all-rail fares also are applicable as joint rail-motor fares under arrangements referred to in paragraph (g) (3) of this section, it will not be necessary in the tariff providing the fares to list the names of the motor carriers which participate in the fares only by arrangements published in the joint rail-motor routing and honoring tariff, but the tariff making reference to the joint rail-motor routing and honoring tariff, under the caption "Participating Carriers," shall contain the following statement:

Motor carriers participating in this tariff are those shown as parties to (name of joint rail-motor routing and honoring tariff) No. ____, Agent _____ I. C. C. No. _____, over whose routes, as shown therein, fares in this tariff are applicable under the provisions of Rule _____. Here refer to rule in which provision authorized in § 145.4 (g) (3) is published.

(c) *Index of stations.* (1) An alphabetical index of points from which fares, rates or charges apply, and a separate alphabetical index of points to which fares, rates or charges apply, with reference to the location in the tariff of the fares, rates or charges from or to such points. When fares, rates or charges apply in both directions, the points of origin and destination may be shown in one index.

(2) If throughout the tariff points of origin or destination are shown alphabetically by states or by carriers and such states or carriers are alphabetically arranged, or if throughout the tariff points of origin or destination are shown in continuous alphabetical order, no index of such alphabetically arranged points of origin or destination will be required, but the table of contents must refer to the pages on which points are shown. If there be not more than twelve points of origin and twelve points of destination, they may be shown on the title page of the tariff, and the index omitted.

(d) *Explanation of reference marks and abbreviations.* (1) Explanation of reference marks and abbreviations used in the tariff or supplement, or a statement of where such explanations will be found, except that commonly used abbreviations of State names may be omitted, and except further that abbreviations of the names of participating carriers may be explained in the list of such carriers, provided a statement to that effect is included under the Explanation of Abbreviations. If the explanation of a reference mark does not appear on the page on which the reference mark is used, that page shall show where the explanation is given. A supplement shall contain an explanation of all reference marks appearing in the supplement, but need contain the explanation only of those abbreviations appearing in the supplement which are not explained in the original tariff (if explained in a prior supplement, the explanation must be repeated).



(2) The following reference marks shall be used, and shall be used only, for the purposes indicated:

† or r to denote reductions.
♦ or i to denote increases.
● or n to denote no change in fare or rate.
+ or X to denote intrastate application only.
□ to denote reissued matter. (See § 145.8 (d).)
b to indicate basing fare only.

(e) *Rules and regulations.* (1) Rules and other governing provisions, with the title or subject of each to be shown in distinctive type. Under this heading, all of the rules, regulations, explanatory statements, or other conditions which in any way affect the application of the fares, rates or charges shall be clearly and explicitly stated, except that a special rule affecting a particular fare, rate or charge shall be shown in connection with and on the same page with such fare, rate or charge.

(2) Except as provided in paragraph (f) (3) of this section, no rule or regulation shall be included which authorizes substituting for any fare, rate, charge or route named in the tariff, a fare, rate, charge or route provided in any other tariff.

(3) Where it is not desirable to include general governing rules and regulations in a passenger fare tariff, such rules and regulations may be separately published in a tariff filed by an individual carrier or by an agent. When rules or regulations are thus separately published, a fare tariff may be made subject thereto only by specific reference thereto by I. C. C. number.

(4) When tariffs of joint fares make reference to separate publications for governing rules and regulations, such separate publications must be concurred in by all of the carriers parties to such joint fares.

(5) A "Miscellaneous Regulations" rule may be included in a joint tariff for the purpose of applying in connection therewith specific rules of one or more participating carriers when such rules are not generally applicable to all of the carriers. The rule should read substantially as follows:

Except as otherwise specifically provided herein, the fares authorized in this tariff are subject to the rules and regulations shown in other tariffs of the issuing and participating carriers to this tariff, lawfully on file with the Interstate Commerce Commission, which in any way affect the measure of the service or charges shown in this tariff.

(6) For the purpose of providing through fares from and to all stations on the lines of the carriers within the territory covered by the application of the tariff, a tariff may contain a rule reading substantially as follows:

A fare to a destination or from a point of origin not shown in this tariff will be made by adding the fare shown in this tariff to or from an intermediate point on the route of travel to a fare of like class from or to the intermediate point shown in another tariff lawfully on file with the Interstate Commerce Commission, but if the fare so made exceeds the fare of like class to or from a point beyond on the same through line, as shown in this tariff, the latter fare will apply.

(f) *Fares, rates or charges.* (1) An explicit statement of the fares, rates or charges for transportation, in cents or in dollars and cents per passenger or other unit, all arranged in simple and systematic manner, as outlined in subparagraphs (2) to (9), inclusive, of this paragraph. Complicated plans or ambiguous terms must not be used.

(2) A tariff, in providing one-way adult fares, must show the exact fares, in one sum, from and to the points from and to which it applies or the exact fares, in one sum, between the principal points, together with explicit rules and bases from which to determine the fares from and to other points.

(3) A station located on the border of two territories covered by two joint tariffs may be included in one or the other of such tariffs and the basis for fares from or to such point stated as:

(i) A specific amount added to or from an intermediate station shown in the same tariff, but not to exceed the corresponding fare to or from a station beyond on the same through route, as published in the other tariff (see note); or

(ii) A specific amount added to the fare to or from an intermediate point, as shown in the other tariff (see note), but not to exceed the corresponding fare to or from a point beyond on the same through route, as shown in the same tariff.

NOTE: When reference is made in the published basis to a fare published in another tariff, such reference must show the I. C. C. number of the tariff in which the fare is published, together with the name of the issuing agent or carrier.

(4) Children's fares may be stated in terms specifically related to adult fares.

(5) Except as otherwise provided in this paragraph, a tariff containing other types of fares (including round-trip fares), or excess-baggage rates and charges may show the exact fare, rate or charge, or publish them by means of appropriate tables based on the one-way fares. Tariffs of fares, rates or charges, other than excess baggage rates, based upon the one-way fares must give reference to the I. C. C. number or numbers of tariffs containing the one-way fares.

(6) A tariff of commutation fares, in lieu of the above-named methods of publication, may provide fares by means of a table based upon the distance in miles between stations, and include in the tariff a table showing the distances between stations or make reference by I. C. C. number to the tariff containing such distances.

(7) Tariffs naming temporary round-trip fares, which tariff is to be effective for a period not exceeding one year, may state such fares in terms specifically related to the one-way fares. Such tariffs must refer specifically by I. C. C. number to the tariffs of one-way fares on which the round-trip fares are based.

(8) Tariffs for sleeping car accommodations must contain specific rates for at least one class of accommodation. Rates for other sleeping car accommodations may be stated in terms specifically related to such specific rates. Rates for parlor car accommodations must be published in such manner that they can be readily ascertained.

(9) All other fares, rates or charges for the transportation of passengers or property not specified in subparagraphs (2) to (8) inclusive, of this paragraph must be published in such manner that they can be readily ascertained, and the service for which they apply must be definitely stated.

(10) The publication of fares, rates or charges which duplicate or conflict with those published in the same or some other tariff for application over the same route is not permissible.

(g) *Routes.* (1) The routes over which fares or rates apply, showing the names of the carriers and junction points; except that the routes may be shown directly in connection with the fares or rates, or in lieu of publication in the tariff naming fares or rates, such routes may be published in a separate tariff or tariffs which must be specifically referred to by I. C. C. number in the tariff naming the fares or rates.

(2) A tariff providing temporary roundtrip fares, which tariff is to be effective for a period not exceeding one year, wherein such fares are provided by means of an appropriate table based on one-way fares or are stated in terms specifically related to one-way fares, may authorize the application of the temporary round-trip fares over routes, including reverse of routes, applicable in connection with the one-way fares on which based, and also over additional routes specifically provided in the tariff of temporary round-trip fares.

(3) A tariff containing all-rail fares which also are applicable as joint rail-motor fares from and to, or between, the same points, may refer to a joint agency tariff for routing and regulations governing the honoring of tickets over joint rail-motor routes by a statement amongst the rules governing the application of fares (see paragraph (e) of this section), reading substantially as follows:

Fares published in this tariff apply over routes shown in connection therewith and also are applicable as joint fares for transportation over routes composed of rail and motor carriers shown as parties to this tariff between points of origin and destination shown herein via the several junction points of such rail and motor carriers, to the extent

and under conditions provided in ----------

(Name of joint rail-motor routing and honoring tariff)

No. ---, Agent ---------- I. C. C. No. ---

§ 145.5 *Fares maintained for emergency of basing purposes*—(a) *Fares where no regular service.* When fares are published from and to points where passenger service is not regularly operated, such fares shall be symbolized to indicate that no regular service is operated but fares are maintained for emergency purposes.

(b) *Basing fares.* (1) Where desired, fares published in one tariff may be reproduced in other tariffs as basing fares only, for the construction of through fares.

(2) A tariff containing basing fares must specify clearly the extent and manner of their use. In making up a combination fare, all limitations which a tariff places upon the use of the basing, proportional or arbitrary fare must be fully observed.

§ 145.6 *Loose-leaf tariffs*—(a) *Title page.* The title page of a loose-leaf tariff shall be designated in the upper left-hand corner thereof as "Original Title Page," and shall be printed on one side of the leaf only. The pages following the title page shall be consecutively numbered as "Original Page 1," "Original Page 2," etc. Such pages may be printed on both sides but if so printed, the entire leaf must be reissued in accordance with paragraph (c) of this section whenever a change is made on either side.

(b) *Pages following title page.* Each page of a loose-leaf tariff following the title page must show at the top of the page the name of the issuing carrier, or of the issuing agent (identified as "Agent"). If the issuing agent is a corporation or association, there also shall be shown the full name of the bureau, committee or regional association, if any, under whose auspices the schedule is compiled and filed. At the top of the page also shall be shown the page number and I. C. C. number of the tariff. Each page also shall show the date of issue, the effective date, the name, title, and mail address of the individual actually responsible for compiling and filing the schedule. If the tariff is issued by an individual agent, his name must be shown with the title of "Agent". If issued by a corporation or association as agent, the name and title of the person responsible for the actual compilation and filing must be shown.

(c) *Amendments, by revised pages.* Changes in and additions to loose-leaf tariffs shall be made by reprinting the page upon which change or addition is made, and such changed page shall be designated as a revised page and shall direct the cancellation of the page which it replaces; for example, "1st Revised Page 1 cancels Original Page 1" or "4th Revised Page 3 cancels 3d Revised Page 3." If the leaf is printed on both sides, both pages must be reissued and each designated as a revised page whenever a change is made on either side. Changes shall be indicated as required by § 145.2, and if a page is reissued without change, the notation "No change on this page" shall appear at the top of the page. When a revised title page is issued, the following notation shall be shown in connection with the effective date, "Original tariff effective ----------."

(Date)

(d) *Matter brought forward without change.* (1) Matter in a loose-leaf tariff that has been in effect for thirty days or more need not be indicated as reissued matter, but may be republished as effective on thirty days' notice. Matter that has not been in effect for thirty days when brought forward must be shown as "Reissue: Effective ----------

(Date)

on Revised Page ----."

(2) When a revised page is issued which omits matter heretofore published on the page which it cancels, and such matter is published on another page, the revised page must make specific reference to the page on which the matter will be found, and the page to which reference is made must contain the following notation in connection with such matter:

For ----------

(Here insert fares, rates, rules, regulations, etc., as the case may be)

in effect prior to the effective date hereof see page ----.

Subsequently revised pages of the same number must omit this notation insofar as this particular matter is concerned.

(e) *Pages to accommodate expanded matter.* If, in a loose-leaf tariff, it becomes necessary to add an intervening page in order to accommodate expanded matter, such page shall be given the same number with a letter suffix; for example, "Original Page 4–A," "Original Page 4–B," etc. Change in matter on such revised pages may be made by issuing revised pages bearing the same number and letter suffix; for example, "1st Revised Page 4–A cancels Original Page 4–A."

(f) *Additional pages at end of tariff.* If, after a loose-leaf tariff has been filed with the Commission, it is desired to file additional pages thereto, such pages may be filed, and numbered beginning with the next successive page number. For example, if a tariff contains 150 pages, page 151 must not be designated as an additional page but as Original Page 151.

(g) *No supplement, except as indicated.* No supplement shall be issued to a loose-leaf tariff except for the purposes authorized in §§ 145.7 (a) (2), 145.8 (g), 145.8 (h), 145.8 (i), and 145.9 (a).

(h) *Check sheets.* (1) A check sheet shall be included in each loose-leaf tariff and shall be designated as "Original Check Sheet." This check sheet shall contain a numerical list of all effective pages, and must be kept current; that is, a revised check sheet listing the added or revised pages must accompany such pages when they are filed with the Commission, however, if each revised page of the tariff bears a consecutive "correction number" beginning with the number 1, the check sheet may omit the numerical list of effective pages and, instead, list correction numbers numerically so that each revised page, as received, may be checked by its "correction number."

(2) Fares, rules or other tariff matter may not appear on the reverse side of a check sheet.

(3) When all changes made by a supplement to a loose-leaf tariff have been incorporated in the tariff proper by revision of the appropriate pages, the supplement shall be canceled. Such cancelation must be made by reissue of the check sheet and by adding in the upper right-hand corner immediately following the words "cancels ---- Revised Check Sheet" the words "also cancels Supplement No. ----."

§ 145.7 *Cancelation of transfer of fares or other provisions*— (a) *Cancelation of entire tariff.* (1) When a tariff is canceled by a new tariff, the cancelation notice must not be given by supplement but by notice in the new tariff as provided in § 145.3 (a).

(2) For the purpose of canceling entirely the fares and arrangements named in a tariff (including a loose-leaf tariff) not reissued, or when a later issue failed to cancel the previous issue and such issue is canceled for the purpose of perfecting the records, the tariff must be canceled by a supplement thereto, without regard to the provisions of § 145.8 (e). Such supplement must show specific reference to the I. C. C. number of the tariff where fares or other provisions will be found thereafter or shall state that no such fares or other provisions will be in effect.

(b) *Transfer of portion of contents from one tariff to another.* If a tariff or supplement or loose-leaf page is issued which is to displace a part of another tariff which is in effect at the time, and which tariff is not thereby canceled in full, it shall specifically state the portion of such other tariff which is thereby canceled, and such other tariff shall at the same time be correspondingly amended, effective on the same date, in the regular way, and shall indicate where fares or other provisions canceled therein thereafter will be found.

(c) *Notice to specify where fares can be found.* When a tariff is canceled in whole or in part by a supplement thereto, the supplement must show where the fares or other matter thereafter will be found or what fares thereafter will apply. When a tariff is to be canceled by another tariff or by a supplement to another tariff which does not contain all of the fares shown in the tariff to be canceled, i. e., omits points of origin or destination, or fares, rates, charges, rules, regulations or routes, contained in such previous issue, the canceling (new) tariff or supplement shall explain the omission and must state where the fares not shown therein thereafter will be found, or what fares thereafter will apply, with the statement properly symbolized as required by § 145.2 (a).

(d) *Reestablish canceled matter by republication.* When a tariff, a supplement, or a loose-leaf page, or any part thereof, is canceled or expires and such cancelation or expiration has become effective, such tariff matter may not be reinstated except by republication with a new effective date.

(e) *Procedure in canceling portion of tariff.* When withdrawing an item, rule or other tariff matter, the canceled matter need not be reproduced except to the extent necessary to identify the matter that is thereby canceled. Such cancelation must be brought forward in successive supplements as reissued matter.

(f) *Transfer of fares from carrier's to agent's tariff and from agent's to carrier's tariff.* If a tariff issued by an agent is intended to displace a tariff issued by one of his (or its) principals, the tariff to be displaced may be canceled by supplement thereto, with reference to the agent's tariff for fares in the future, or the agent's tariff may cancel the principal's tariff in accordance with paragraph (a) of this section. If, however, matter in an agent's tariff is intended to displace similar matter in a principal's tariff, but not to displace such tariff completely, cancelation shall be made in the manner shown in paragraph (b) of this section, and the carrier must issue a supplement to its tariff to cancel such matter. Such supplement must refer to the agent's tariff for future fares or other provisions.

(2) A carrier must not publish in its individual tariff fares or other matter intended to displace the fares or other matter published in a tariff of a duly authorized agent, unless the tariff is accompanied by a supplement issued by the agent canceling the fares or other matter in his (or its) tariff effective on the same date, as required by paragraph (b) of this section.

(g) *Concurrence does not confer authority to cancel.* A concurrence does not confer authority upon a carrier to cancel tariffs of the concurring carrier, and tariffs issued under concurrences must not assume to do so. Such cancelations must be made by the carrier which issued the tariff that is to be canceled.

§ 145.8 *Amendment procedure*—(a) *Definitions and form.* (1) A change in, or addition to, a tariff shall be known as an amendment, and, excepting amendments to tariffs of less than three pages and amendments to tariffs in loose-leaf form, shall be published in a supplement to the tariff.

(2) Supplements to a tariff shall be numbered consecutively as issued, beginning with number 1. Each supplement shall specify on its title page the supplement or supplements, tariff or tariffs that it cancels, and shall state which supplements contain all changes. Supplements filed under authority of paragraphs (g), (h), (i) of this section, and § 145.9 (a), and blanket or special supplements that do not change fares, rates, charges, rules or regulations must be shown separately and the nature of each such supplement must be clearly indicated.

(3) The matter contained in each supplement shall be arranged in the same general manner and order as in the tariff which it amends, and when stations are given index numbers the same index number must be assigned to the same station in all supplements to the tariff.

(4) When an amendment is made in a numbered item or other unit, such item or other unit must be published in a supplement in its entirety as amended. Supplements affecting change in, or cancelation of, matter published in numbered units must specifically provide for cancelation of previously effective matter by reference to the number of the unit it cancels, and if the unit to be canceled is in a supplement, the new supplement must also give reference by number to the previous supplement. Where matter is not published in numbered units, the changed provision must be published in the supplement in its entirety, and reference must be made to the page or pages of the tariff or supplement on which the matter to be canceled is shown.

(b) *Amendment canceling fares on abandoned lines.* When amending tariffs for the purpose of canceling fares to or from points on, or fares via, abandoned lines under authority of certificates and orders issued in the Commission's finance dockets or when canceling fares to and from points on lines over which passengers service has been discontinued, such cancelation may be accomplished by a general-term statement specifically naming the points from and to which such fares are canceled without showing in detail and in its entirety as amended, each item or other provision that is affected thereby. Such amendment may be published in a special supplement without observing the provisions of paragraph (e) of this section: *Provided,* That the matter in the special supplement is brought forward into a regular supplement when it again becomes necessary to supplement the tariff for purposes other than as provided for in this paragraph.

(c) *Cancelation of fares when participating carrier eliminated.* (1) When a participating carrier is eliminated by supplement or by revised page of a loose-leaf tariff, the tariff must be amended on the same effective date to provide for the concelation of fares and other provisions in connection with that carrier. This may be done either by appropriate amendment of the individual items or other provisions, or by a notation immediately following the statement that the carrier has been eliminated, reading:

This has the effect of canceling all fares and other provisions published in connection with this carrier in this tariff.

(2) When this notation is used in a supplement, the notation must be brought forward as reissued matter, together with reference to the supplement in which the change first appeared.

(3) When the notation method is used in a loose-leaf tariff, subsequent revised pages containing the list of participating carriers must bear reference to such elimination so long as the name of the eliminated carrier appears elsewhere in the tariff, the reference to be shown in the following manner:

----------

(Show name of carrier here)

eliminated as a participating carrier in this tariff and all fares and other provisions published in connection with that carrier canceled effective ---------- See ---- Revised Page ----.

(d) *Reissued matter, how designated.* Except as provided in § 145.6, when matter that has not been in effect for thirty days is brought forward without change from a previous tariff, also when matter is brought forward without change from one supplement to another, such matter must be designated "Reissued" in distinctive type and must show the original effective date of the supplement or tariff from which reissued; or must be uniformly indicated by a rectangle, in which is shown the letter T if reissued from a previous tariff or from a supplement to a previous tariff, or a numeral representing the number of the supplement in which the matter was originally established when reissued from a prior supplement to the same tariff.

*Examples.* [T] Reissue, effective ------ (Date)

in I. C. C. No. --; or [3] Reissue, effective ------ (Date) in Supplement 3. Reissues of items or other matter which became effective in a prior tariff or supplements on dates other than the general effective date shown on the title page thereof may be indicated by showing a letter suffix or other symbol in connection with, and as a part of, the letter T or numeral in rectangles herein authorized. When the reissued matter became effective in a supplement to another tariff, the I. C. C. number of that tariff also must be given.

(e) *Amount of supplemental matter permitted.* Except as authorized in §§ 145.7 (a), paragraphs (b), (f), (g), (h), and (i) of this section, 145.9 (a), 145.10 and 145.22, the following shall govern the number of supplements and the volume of supplemental matter permitted to be effective at any one time:

| Number of pages in tariff (including title page) | Number of effective supplements | Number of pages in supplements (including title page) |
|---|---|---|
| Not more than 2 pages | None | None. |
| 3 pages and not more than 4 pages | 1 | 2. |
| 5 pages and not more than 12 pages | 1 | Not more than 4 pages. |
| 13 pages or more | 2, one of which may not exceed 4 pages. | 33⅓ percent of the number of pages in the tariff. (See Note.) |

NOTE: If the number of pages in the supplement which brings the volume of matter up to 33⅓ percent of the number of pages in the tariff is not evenly divisible by 4, it may exceed the volume authorized to the extent necessary to bring the number of pages of such supplement to the next multiple of 4.

(f) *Supplement to tariff not yet effective.* (1) If a tariff is filed on statutory notice canceling another tariff and, after such filing, a supplement to the tariff to be so canceled should be issued prior to the general effective date of the new tariff, fares in that supplement would not remain in effect for thirty days as required by law, because the cancelation of the tariff also cancels the supplements to it. In such case, and confined to changes or additions necessary to be made in both the old and the new tariff, a supplement making the same changes in or additions to both tariffs may be issued as a supplement to both tariffs, bearing both I. C. C. num-

bers. The required number of copies of this supplement must be posted and filed for each tariff as though the supplement to each tariff was a separate publication. In issuing a supplement in accordance with this paragraph the requirements of paragraph (e) of this section, as to number of supplements and volume of supplemental matter, need not be observed with respect to the tariff to be canceled.

(2) Fares or provisions which have been established in a previous tariff and reproduced or reissued without change in a new tariff may be changed upon lawful notice, after they have been in effect for thirty days, by a supplement to the new tariff, effective not earlier than the general effective date of the new tariff, by indicating in the supplement effecting the change that the matter which is to be amended was brought forward without change from I. C. C. No ____ (previous tariff), and showing the date such matter became effective therein.

(g) *Complete adoption notice.* (1) When the name of a carrier is changed, or when its operating control is transfered to another carrier, the carrier which will thereafter operate the properties shall file (see § 145.11) and post (see § 145.34) an adoption notice, numbered in its I. C. C. series, reading substantially as follows:

The _____
(Correct name of adopting carrier)
whereby adopts, ratifies and makes its own, in every respect as if the same had been originally filed and posted by it, all passenger tariffs, rules, notices, concurrences, traffic agreements, divisions, authorities, powers of attorney, or other instruments whatsoever, including supplements or amendments thereto, filed with the Interstate Commerce Commission by or heretofore adopted by the _____ prior to _____
(Correct name of old carrier)
_____
(Date)

(2) In addition to the above adoption notice, the adopting carrier shall file immediately a consecutively numbered supplement (individual or blanket) to each of the tariffs in the I. C. C. series of its predecessor, including any tariffs to which the predecessor has issued, or before the effective date of the adoption notice may issue, a supplement in accordance with this paragraph, reading as follows:

Effective _____
(Here insert date shown in the adoption notice)
this tariff, or as amended, became the tariff of the _____
(Correct name of new carrier)
as per its adoption notice I. C. C. No. _____.

Such supplements must contain no other matter, must bear reference to this section, and may be issued without observing the provisions of paragraph (e) of this section.

(3) Succeeding supplements to adopted tariffs filed by the adopting carrier must be numbered consecutively following the number of the supplement announcing adoption, and also shall show in connection with the I. C. C. number that the number is in the series of the carrier that issued the original tariff. New tariffs reissuing or succeeding such tariffs shall be numbered in the I. C. C. series of the adopting carrier, and in directing the cancelation of an adopted tariff, shall identify it by using the name or initials of the carrier in whose I. C. C. series it was issued.

(4) Tariffs issued by other carriers in which the carrier absorbed, taken over, operated by another carrier, or whose name is changed, is named as a participating carrier, shall be amended on statutory notice to eliminate the name of the old carrier and to show the name of the new carrier by the first subsequent supplement. Such supplement also shall contain the following provision:

The _____
(Correct name of adopting carrier)
by its adoption notice I. C. C. No. ____ having taken over tariffs, etc., of the _____
_____
(Correct name of adopted carrier)
the _____
(Correct name of adopting carrier)
is hereby substituted for the _____
_____
(Correct name of adopted carrier)
wherever it appears in this tariff.

(5) Similar adoption notice numbered consecutively in the I. C. C. series of the adopted carrier must be filed immediately by a receiver or trustee when he assumes possession and control of a carrier's lines, and such person's name shall be shown on the title page as a part of the carrier's correct name. When such possession and operating control is terminated the carrier taking over the properties shall file an adoption notice and also shall file supplements announcing adoption as prescribed in the foregoing subparagraph of this paragraph.

(6) Notices of adoption should be filed with the Commission immediately, and, if possible, on or before the date shown therein. Copies must be sent immediately to each agent or carrier to which power of attorney or concurrence has been given by the old carrier and to each carrier from which a concurrence has been received by the old carrier. The notice must refer to this section, and its effective date must be the date (as shown in the body of the notice) on which the change in name or operation occurs. If prior approval of such change is necessary, reference also must be made to the order of the Commission.

(7) Concurrences and powers of attorney adopted by a carrier, a receiver or a trustee must be replaced and superseded within 120 days by new concurrences and powers of attorney issued by and numbered in the series of the new carrier, except that if desired the receiver or trustee may number concurrences and powers of attorney in the old series. The cancelation reference to the former concurrence or power of attorney must include name or initials of the former issuing carrier. Concurrences and powers of attorney which will not be replaced by new issues must be regularly revoked on the notice and in the manner prescribed in § 145.21 (b).

(8) If a carrier ceases operation without having a successor, its tariffs, concurrences, and powers of attorney must be regularly canceled on statutory notice, unless otherwise specifically provided by order of the Commission; and when canceled on less than statutory notice, the cancelation notice must show that cancellation is made on account of discontinuance of operation, and must refer to the authority of the Commission permitting such discontinuance.

(h) *Partial adoption notice.* (1) When the operating control of only a part of a carrier's properties is transferred to another carrier, the carrier which will thereafter operate the properties shall file (see § 145.11) and post (see § 145.34) an adoption notice, numbered in its I. C. C. series, reading substantially as follows:

The _____
(Correct name of adopting carrier)
hereby adopts, ratifies, and makes its own, in every respect as if the same had been originally filed and posted by it, all passenger tariffs, rules, notices, concurrences, traffic agreements, divisions, authorities, powers of attorney, or other instruments whatsoever, including supplements or amendments thereto, filed with the Interstate Commerce Commission by or heretofore adopted by the _____
(Correct name of old carrier)
prior to _____
(Date)
insofar as said instruments apply from, to, at, or via the following stations _____
_____
(Naming them)

(2) If on the transferred portion, there is a junction point which will remain a station of the old carrier as well as being established as a station of the new carrier, a notation may be provided in connection with the name of such point, as shown in the adoption notice and the supplements required by subparagraph (3) of this paragraph, reading substantially as follows:

This does not have the effect of eliminating _____ as a station on _____
(Correct name of old carrier)
but has the effect of establishing said station also as a station on _____
_____
(Correct name of adopting carrier)

(See also subparagraphs (3) and (5) of this paragraph.)

(3) In addition to the above adoption notice, the old carrier shall immediately file, under proper concurrence from the adopting carrier, a supplement (individual or blanket) to each of its tariffs covered by the adoption notice containing a provision reading as follows:

Effective _____
(Here insert effective date of adoption as shown in the adoption notice)
this tariff or as amended insofar as it contains fares, rules, and/or regulations applying from, to, at, or via the following stations _____
(Naming them)
became the tariff of the _____
_____
(Correct name of adopting carrier)
as stated in its adoption notice I. C. C. No. _____.

Such supplement must contain no other matter, must bear reference to this section, and may be issued without observing the provisions of paragraph (e) of this section. When the circumstances covered by subparagraph (2) of this paragraph are present, the notation directed in that subparagraph shall be added to the above notice.



(4) Fares and other provisions published by the old carrier applying between points on the transferred portion shall as quickly as possible be published in tariffs of the adopting carrier; and, effective on the same date, the old carrier shall cancel the corresponding fares and other provisions from its tariffs, with reference to the I. C. C. number of the adopting carrier for fares and other provisions applying thereafter.

(5) Tariffs issued by other carriers or agents, in which the carrier absorbed, taken over, or operated in part by another carrier is named as a participating carrier, shall be amended on statutory notice to add the new carrier as a participating carrier by the first subsequent supplement. Such supplement also shall contain the following provision:

The _____
(Correct name of adopting carrier)
by its adoption notice I. C. C. No. ____, having taken over tariffs, etc., of the _____
_____
(Correct name of old carrier)
insofar as they contain fares, charges, rules, or regulations applying from, to, at, or via the following stations _____,
(Naming them)
the _____
(Correct name of adopting carrier)
is hereby substituted for the _____
_____
(Correct name of old carrier)
wherever the latter appears in this tariff in connection with said stations and provisions. When the circumstances covered by subparagraph (2) of this paragraph are present, the notation directed in that subparagraph shall be added to the above notice.

(6) Similar adoption notice numbered in the I. C. C. series of the carrier must be filed immediately by a receiver or trustee when he assumes possession and control of part of a carrier's lines. When the receivership or trusteeship is terminated, the carrier taking over the properties shall file an adoption notice, and, if a change is also made in the name of the carrier, supplements announcing adoption as prescribed in the foregoing subparagraphs of this paragraph.

(7) Notices of adoption should be filed with the Commission immediately, and if possible, on or before the date shown therein. Copies must be sent immediately to each agent or carrier to which power of attorney or concurrence has been given by the adopted carrier. The notice must refer to this section, and its effective date must be the date (as shown in the body of the notice) on which the change in name or operation occurs. If prior approval of such change is necessary, reference also must be made to the order of the Commission.

(i) *Suspension of tariff schedules.* (1) Upon receipt of an order suspending any tariff or portion thereof, the carrier or agent who filed such tariff shall immediately file with the Commission a supplement, not bearing any effective date, which shall contain a reproduction of the pertinent portions of the Commission's order of suspension (including the paragraph prohibiting changes in the suspended matter), followed by a statement that by reason of the Commission's order (i) the use and application of the suspended publication or portion thereof (which must be identified with certainty) is either indefinitely deferred or deferred for the period prescribed in the Commission's suspension order and (ii) the schedules which were to be changed by the suspended publication (which schedules also must be identified with certainty) will remain in effect and will not be changed so long as effectiveness of the suspended matter is deferred (if deferred only for the term of the Commission's order the date must be specified), except by order or special permission of the Commission.

(2) If the responsible carrier or publishing agent has elected to file a supplement deferring the suspended matter only for the period prescribed by the Commission's order, and if prior to the expiration of that order the Commission formally or informally requests that a further deferment be made, the carrier or publishing agent may, under the authority of this section, issue a supplement effecting such further deferment. Where suspended matter has previously been deferred under the authority of this section, the carrier or publishing agent may, when requested by the Commission and prior to the date to which the matter is postponed, issue a supplement under the authority of this section further postponing the effective date of the matter originally suspended. Supplements issued should be filed on statutory notice if practicable and otherwise on shorter notice, but the notice shall be as long as time will reasonably permit and in no event less than one day. Where the effectiveness of matter originally suspended by the Commission has been voluntarily postponed beyond the term of the Commission's order, no change may be made during the period of such voluntary postponement in the tariff matter which was originally held in force by the Commission's suspension order, except by order or special permission of the Commission.

(3) Where, following the entry of a report and order in an investigation and suspension proceeding, a further order is entered in such proceeding postponing the effective date or requirement of the original order, the carrier or publishing agent, under authority of this section, may issue a supplement effecting such further deferment of the suspended schedule, and may also issue supplements to announce postponement of effective date of canceling supplements or cancelation notices filed following the entry of a report and order in an investigation and suspension proceeding to and including a date immediately preceding the effective date fixed in the postponing order. Further, where, pursuant to the provisions of section 17(8) of the Interstate Commerce Act, the filing of an application for rehearing, reargument, or reconsideration, stays the order fixing the effective date of a requirement or other action in an investigation and suspension proceeding, as evidenced by notice of the Commission to the parties, the carrier or publishing agent, under authority of this section, may issue a supplement effecting further deferment of the schedule under suspension or under voluntary postponement, and also may issue a supplement to announce postponement of the effective date of a cancelation supplement or notice that was filed following the entry of the report and order in such investigation and suspension proceeding. (Postponement should be to, and including, the last day of the suspension period prescribed in the suspension order, except where the responsible carrier or publishing agent elects to defer the use of the suspended schedules beyond the statutory period of suspension, in which event postponement should be until the date upon which the supplement announcing such postponement is canceled.) Supplements issued should be filed on statutory notice if practicable, and otherwise on shorter notice, but the notice shall be as long as time will reasonably permit and in no event less than one day.

(4) When the Commission has suspended a supplement in whole or in part, it sometimes occurs that prior to the filing of the supplement announcing suspension, a later supplement is filed which purports to reissue the suspended matter. In such instances the suspension supplement required by subparagraph (1) of this paragraph shall also (i) specifically cancel from the later supplement such reissued matter, and (ii) amend the cancelation notice on the title page of said supplement so as to except the suspended matter from the cancellation. Tardiness in filing supplements announcing suspension may result in the rejection by the Commission of the supplement which cancels the suspended matter.

(5) When the Commission suspends an entire tariff, the previous tariff and effective supplements are continued in effect and will remain in force during the period of suspension or until lawfully canceled or reissued. Except as to loose-leaf tariffs and tariffs of less than three pages, supplements containing additions to and/or changes in fares or other provisions which were not sought to be changed by the suspended tariff may be filed to the previous tariff without regard to the volume of supplemental matter which the effective supplements in the aggregate may contain. If the volume of supplemental matter permitted by paragraph (e) of this section has been exceeded under authority of this paragraph and the Commission orders the cancelation of the suspended tariff, the volume of supplemental matter must be brought within the requirements of paragraph (e) of this section by schedule filed within ninety days, or such tariff must be reissued in accordance with the following: If consisting of less than 100 pages, by schedule filed within ninety days, and if consisting of 100 or more pages, by schedule filed within one hundred and twenty days, from date upon which the suspended tariff is canceled.

(6) When the Commission suspends an entire supplement, the supplement will not be counted in the number of supplements nor in the volume of supplemental matter permitted by paragraph (e) of this section; nor in the event of suspension of a portion of a supplement will that supplement be so counted after

all matter therein except the suspended portions has been reissued in or canceled by a subsequent supplement. Such subsequent supplement shall cancel the supplement containing the suspended matter "except portions under suspension in I. & S. Docket No. ____, viz (identifying the suspended portion by item and page number)."

(7) When a tariff (not a supplement), any portion of which is under suspension, is canceled, the new tariff may either: (i) cancel the previous tariff "except portions under suspension in I. & S. Docket No. ____, viz (identifying the suspended matter and the matter held in force by the suspension order by item and page number)," or (ii) cancel the previous tariff entirely and bring forward without change the matter held in force by the order of suspension, followed immediately by the matter under suspension. The matter held in force by the order of suspension must be identified as such and shown as expiring with the date to which the suspended matter has been postponed. The suspended matter immediately following must likewise be identified as such and shown as effective on the day following the expiration of the matter held in force by the order of suspension.

(8) When an order of suspension relates to a portion of a new tariff or a supplement thereto, intended to supersede completely a readily identifiable prior tariff item (or other unit), such matter as is continued in effect by the order of suspension may be published (see note following subparagraph (9)) in the supplement announcing suspension. When so published the following notation must be provided in connection therewith, either as a note or as the explanation of a reference mark:

The matter subject to this [note or reference mark as the case may be] is reissued from tariff I. C. C. No. ____ and is continued in effect by the terms of the order of suspension in I. & S. Docket No. ____, and, unless it is sooner canceled, changed or extended, will expire with ____. (The date to be shown will be the date to which the suspended matter has been postponed.)

(9) When an order suspends a particular fare or fares or a portion of matter in an item (or other unit) in a new tariff and the matter remaining in effect in a prior tariff thereby becomes an integral part of such item (or other unit) of the new tariff, the entire item (or other unit) of the new tariff may be republished in the supplement announcing the suspension, provided there is shown in such item (or other unit) (i) the matter continued in effect by reason of the order of suspension, (ii) the suspended matter, and (iii) all other provisions of the item (or other unit) without change and appropriately indicated as reissued from the new tariff (see note following this subparagraph). The matter held in force by the order of suspension must be identified as such and shown as expiring with the date to which the suspended matter has been postponed. The suspended matter immediately following likewise must be identified as such and shown as effective on the day following the expiration of the matter held in force by the order of suspension. When the effective date of suspended matter has been indefinitely postponed, that fact must be stated by appropriate language.

NOTE: The form of publication permitted by the immediately preceding subparagraphs (8) and (9) of this paragraph may be used only when it permits complete cancellation of the tariff containing the matter continued in effect by the order of suspension. It may not be used in loose-leaf tariffs nor where the application of matter continued in effect depends in whole or in part upon other provisions, such as station grouping, rules or regulations, which differ from those in the new tariff and which cannot be brought forward in the supplement announcing suspension.

(10) When a revised (not an original) loose-leaf page, a portion of which is under suspension, is reissued, the new revised page shall (i) include the matter continued in effect by reason of the order of suspension, (ii) cancel the page previously containing such matter, and (iii) cancel the loose-leaf page containing the suspended matter "except portions under suspension in I. & S. Docket No. ____, viz (identifying the suspended portion by item and page number)."

(11) Neither a suspended tariff provision nor a provision held in force by reason of an order of suspension may be changed or canceled except by order or permission of the Commission.

(12) When the Commission vacates an order of suspension, or when suspended matter has been voluntarily postponed beyond the term of the Commission's order, and the Commission finds the suspended matter justified, a supplement may be filed making the suspended or postponed matter effective on one day's notice unless the Commission directs otherwise.

(13) When an order which suspended a tariff in its entirety is vacated or the Commission formally finds that the suspended tariff is justified, the vacating supplement filed under authority of this section also may include as reissues, any changes or additions which in the interim have been made in the tariff which was held in force by the order of suspension. If by special permission a new tariff has been filed during the period of suspension, canceling the tariff proposed to be canceled by the suspended tariff, any changes or additions published in the new tariff which are not included in the suspended tariff likewise may be included in the vacating supplement as reissued items, but in such cases the vacating supplement also must cancel the new tariff. No other matter may be included in vacating supplements. When reissued matter is published in a vacating supplement, the vacation notice must be printed in not less than 8-point type, either on the title page or immediately preceding the particular tariff matter to which the notice applies.

(14) When a tariff has been canceled, except portions under suspension, by a new tariff, and the Commission vacates its suspension order and/or formally finds the suspended matter justified, after the new tariff has become effective, a supplement may be filed to the new tariff on not less than one day's notice (unless the Commission directs otherwise), republishing and establishing the suspended matter and canceling the matter which was effective during the period of suspension, together with the matter under suspension in the former issue. When the Commission vacates its suspension order and/or formally finds the suspended matter justified before the new tariff becomes effective, a vacating supplement as provided in this section should be filed to the old tariff, and a supplement also should be filed to the new tariff on not less than one day's notice (unless the Commission directs otherwise), establishing therein the matter which was under suspension in the old tariff. A supplement common to both tariffs as authorized by § 145.8 (f) may be issued for this purpose.

(15) When the Commission suspends matter in a tariff or supplement thereto and thereafter orders its cancelation, the cancelation shall become effective upon not less than one day's notice (unless the Commission directs otherwise), by supplement to or reissue of the tariff. When the Commission orders suspended matter canceled and the final date for compliance is subsequent to the date to which the matter has been postponed, carriers should endeavor to make the cancelation in time to prevent the fares or other provisions which have been found not justified from becoming effective. If this is not done and the suspended matter becomes temporarily effective, it is necessary, when cancelation is effected, to republish and reestablish the matter which was continued in force by reason of the order of suspension.

(16) Every suspension, vacating, and cancelation supplement issued under authority of this section must bear on its title page the following notation:

Issued under authority of § 145.8 (1) of Tariff Circular No. 24 and in compliance with decision of the Interstate Commerce Commission in I. & S. Docket No. ____ of (date)." Postponement supplements issued under authority of this section must show on the title page "Issued upon ____ days' notice under authority of paragraph (1) of this section of Tariff Circular No. 24."

(17) Supplements issued under authority of § 145.8 (i) will not be counted against number of effective supplements or the volume of supplemental matter permitted under paragraph (e) of this section, but must be listed among the effective supplements as required by paragraph (a) (2) of this section.

(18) The provisions of the foregoing subparagraphs of this paragraph relating to suspension, postponement, vacating, and cancelation supplements also will govern in connection with tariffs issued in loose-leaf form, except that such supplements must not contain any other matter. All changes made in loose-leaf tariffs must be published on revised pages (see § 145.6).

§ 145.9 *Discontinuance and restoration of service*—(a) *Statement in tariff; announcement supplements.* (1) Tariffs containing fares applying in connection with any carrier whose service is discontinued for a portion of each year must provide for discontinuance and restoration of service over such carrier or carriers from and to the affected points by



stating that the fares provided therein and in supplements thereto, or fares applying in connection with certain carriers (naming them), are valid for passage only during the period when service over those carriers is available, and (i) stating the specific dates when services will be discontinued and restored in circumstances where specific dates can be determined; or (ii) in instances where specific dates cannot be determined, by stating that supplements to the tariff announcing discontinuance and restoration of service will be issued and filed with the Interstate Commerce Commission and posted at stations not less than one day prior to the date upon which service will be restored or discontinued.

(2) Supplements announcing the restoration or discontinuance of service under this section may be filed on not less than one day's notice, with reference made thereon to this section. Only one such supplement may be in effect at one time; it may not contain any other matter, and may be issued without observing the requirements of § 145.8 (e).

(b) *Reissuing or changing fares.* (1) Fares subject to discontinuance and restoration of service may be filed and made effective initially, or reissued or changed, on lawful notice at any time, regardless of whether service is available at that time. A tariff to which supplements will be issued to announce the discontinuance and restoration of service, which contains such fares for the first time or which reissues such fares from another tariff, and is to become effective during the time service is inoperative or discontinued, must state that such fares, because of lack of service, are inoperative when the tariff first becomes effective. If the tariff is to become effective on the date service is to be restored, in lieu of issuing a supplement announcing the beginning or restoration of service, it shall state, in connection with and immediately following the statement relative to discontinuance and restoration of service, that the effective date of service is the same as that shown on the title page of the tariff, and therefore no supplement announcing the beginning or restoration of service will be issued for that year (naming the year).

(2) A tariff which becomes effective during the period service is available and which contains changes in or reissues of fares as to which service was announced in the prior tariff or a supplement thereto need not be supplemented to announce availability of service for that year.

§ 145.10 *Index of tariffs*—(a) *Tariffs to be included.* Each carrier, except as otherwise provided, shall publish under proper I. C. C. number, post and file, a complete index of all tariffs issued by it or to which it is a party as an initial carrier which are in effect on the date of issue of the index or which have been filed with the Commission to become effective at a later date.

EXCEPTION: A carrier which issues not more than five tariffs in its own I. C. C. series need not file an index if such tariffs contain only local fares, rates and charges and the rules and regulations applicable in connection therewith.

(b) *Contents.* (1) The index shall show: I. C. C. number; full or abbreviated name of issuing carrier, tariff-publishing bureau or agent; a brief description of the character of the tariff; a concise statement of the territory from and to which the tariff applies.

(2) Tariffs which remain in effect for a period less than thirty days may be omitted from the index.

(3) If the carrier so desires, lists of its intrastate tariffs, division sheets, official circulars, and the numbers of its tariffs or division sheets may be shown in the index.

(c) *Numerical list of carrier's I. C. C. numbers.* The index also shall contain a complete list of the effective tariffs of the carrier's own I. C. C. series arranged in numerical order, except that if the total number of effective tariffs is less than 20, such list may be omitted.

(d) *Joint index.* A carrier may issue for itself and its family lines under proper form of concurrence a joint index. In similar manner, an agent, acting under power of attorney for each of a group of carriers, may issue a joint or consolidated index of tariffs of such carriers. The joint or consolidated index must contain all information for each participating carrier that is required to be shown in a separate index of the carrier's issue.

(e) *Revisions and supplements.* The index shall be revised to reflect changes, either by reissue each three months, or by supplement which need not be issued oftener than every three months and reissue of the index at least every twenty-four months. Supplements must show additions, changes, and cancelations made in the index itself or in prior supplements by reference to the pages, or index number, if used, where the entry is to be added or where the changed or canceled entry appears. Supplements may be issued without regard to volume of supplemental matter permitted by § 145.8 (e), and not more than three supplements may be in effect at any time.

(f) *Notation on title page; no effective date.* The title page of an index (or a supplement thereto) must bear the notation: "This index (or as amended by this supplement) contains list of tariff publications in effect ____ (Date, the same as date ____ or which have been filed to of issue) become effective at a later date as shown within." The title page shall bear date of issue but no effective date. Section 145.11 (b) requiring thirty days filing notice does not apply to indexes or supplements thereto.

(g) *Consolidated passenger and freight index.* One index containing both passenger and freight tariffs may be filed; in which event, the information required by the regulations governing each type of index must be shown in separate sections, the index must be given an I. C. C. number in both the freight and passenger series, and four copies must be filed with the Commission. The regulations governing the issuing of supplements and reissue of the index applying to the freight tariff index will govern the supplementing and reissue of a passenger and freight tariff index.

§ 145.11 *Filing Tariffs; rejections*—(a) *Who may file.* Tariffs shall be published and filed by carriers either directly or through duly authorized tariff-publishing agents. When filed directly by a carrier, the concurrence (or power of attorney as authorized in § 145.13 (f)), and when filed by an agent, the power of attorney, of every carrier participating therein must be filed or on file with the Commission. (See §§ 145.12 to 145.15, inclusive.)

(b) *Agent shall file under own I. C. C. number.* A tariff publishing agent must file tariffs under his (or its) own single series of I. C. C. numbers and not in the series of any of his (or its) principals. If the agent is a corporation or an unincorporated association (see § 145.12 (a)), having jurisdiction over two or more tariff-publishing organizations, bureaus, or committees, the tariffs issued through each such tariff-publishing organization may bear a separate series of I. C. C. numbers.

(c) *Tariffs to bear consecutive I. C. C. numbers.* I. C. C. numbers shall be assigned to tariffs in consecutive numerical order and, insofar as possible, tariffs should be filed with the Commission in that order. If for any reason a tariff is filed with the Commission, the I. C. C. number of which is not consecutive with the last tariff filed, such tariff should be accompanied by a memorandum explaining as to the missing number or numbers.

(d) *One filing for all participating carriers.* Tariffs must be filed with the Commission by the issuing carrier or agent, and such filing will constitute filing for all of the carriers parties thereto. The agent or carrier that issues a joint tariff shall at once send copies thereof to each carrier that is named as a party thereto. (See § 145.34 relating to posting requirements.)

(e) *Conflict between tariffs, avoidance.* A carrier that grants authority to an agent or to another carrier to publish and file certain of its fares or other provisions must not in tariffs of its own issue publish fares or other provisions which conflict with or duplicate those published by such agent or carrier. (See § 145.4 (f) (10).)

(f) *Period of notice.* (1) The act requires that all changes in fares, rates or charges, or in rules that affect fares, rates or charges, shall be filed with the Commission at least thirty days before the date they are to become effective unless otherwise authorized by the Commission. Manifestly it is impossible for the Commission to check the contents of tariffs to determine whether statutory notice has been given. Therefore, except as otherwise authorized by the Commission, thirty days' notice to the public and to the Commission must be given as to every tariff publication filed with the Commission, regardless of whether or not changes are effected thereby.

(2) (i) A supplement in which all changes are made on less than statutory notice under authority of these rules, special permission or other order of the Commission, and which supplement also contains provisions reissued without change may show on its title page the

short-notice effective date so authorized for the changed matter, provided all reissued matter shows the original effective date.

(ii) The notation required by § 145.3 (e) (1) "Except as otherwise provided herein" must be shown in connection with the effective date on the title page of the supplement.

(g) *Changes, 30 days' effectiveness required; expiration dates.* (1) After notice of a change in fares, rates or other tariff provisions has been published and filed, the new fares, rates or other provisions, unless they can be changed or canceled on thirty days' notice before their purported effective date, must be allowed to go into effect, and cannot be changed or canceled for at least thirty days after the date when the fares, rates or other provisions have become effective, except as otherwise authorized by rule, decision or order of the Commission.

(2) A tariff or a part thereof may provide that it will expire with a date specified therein and which is at least thirty days subsequent to the date upon which it becomes effective, and this will be legal notice of the cancelation of such tariff or part of a tariff, except that the expiration date of a tariff or a part thereof issued under authority of §§ 142.22 and 145.25 may be less than thirty days subsequent to the date upon which it becomes effective.

(3) A tariff or a part thereof which provides that it will expire upon a specified date, and that is not issued under authority of § 145.22, may be amended in the regular way and upon lawful notice, even though such amendment will not remain in effect for thirty days prior to the date of expiration.

(h) *Liability of carrier not relieved by filing of tariffs.* The law affirmatively imposes upon each carrier the duty of filing with the Commission and posting for public inspection all of its tariffs and amendments thereto in the manner prescribed in the act or in any rule which may be promulgated by the Commission. A penalty is provided for failure to do so or for using any fare or charge which is not contained in its lawfully filed tariffs. The receipt and filing of a tariff or supplement does not relieve the carrier from liability for violation of the act or of regulations issued thereunder.

(i) *Promulgation of fares prescribed by Commission.* (1) Fares, rates, charges, rules or regulations prescribed by the Commission in its decisions and orders in formal cases shall be promulgated by the carriers against which such orders are entered, in duly published and posted tariffs, loose-leaf pages, or supplements, and notice shall be sent to the Commission that its decision (or order) in Docket No. ____, has been complied with in item ____, page ____, of _____ tariff, I. C. C. No. ____ or supplement No. ____ to ____ tariff, I. C. C. No. ____.

(2) Unless otherwise specified in the decision or order in the case, such tariff, loose-leaf page, or supplement must be made effective upon statutory notice to the Commission and to the public. Whether made effective on less than statutory notice under special permission authority granted in the decision or order in the case, or upon statutory notice, when an entire tariff or supplement is issued in compliance with a decision or order, such tariff or supplement shall bear on its title page the notation "In compliance with decision (or order) of Interstate Commerce Commission in Docket No. ____." Whenever possible, the notation should include reference to the volume and page number of the report of the Interstate Commerce Commission. If the decision or order of the Commission affects only portions of the tariff or supplements, the notation shall be shown in connection with each portion so affected.

(j) *Number of copies; address; filing hours.* (1) Two copies of each tariff shall be filed with the Commission, both copies to be filed together under one letter of transmittal. They must be addressed to the Interstate Commerce Commission, Washington 25, D. C., with the envelope marked as containing "Tariffs."

(2) No tariff will be received by the Commission unless it is delivered to it free of all charges, including claims for postage.

(3) (Here to be inserted whatever regulation, if any, is approved in Ex Parte No. 199. Office Hours for Filing Freight and Passenger Tariffs and Schedules.)

(k) *Letter of transmittal.* (1) All tariff publications filed with the Commission shall be accompanied by a letter of transmittal 8 x 10½ inches in size, in form substantially as follows:

[Correct name of carrier]

[Post Office Address]

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(Date)

Transmittal No. ----------

*To the Interstate Commerce Commission, Washington 25, D. C.*

Accompanying schedule is sent you for filing in compliance with the requirements of the Interstate Commerce Act, issued by ----------, and bearing tariff ____, I. C. C. ____; Supp. ____ to I. C. C. ____; ____ Revised Page ____ to I. C. C. ____; effective ----------, 19__; and is concurred in by all carriers named therein as participants under continuing concurrences or authorizations now on file with the Interstate Commerce Commission, except the following named carriers, whose concurrences are attached hereto:

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(Signed) ----------

(Title) ----------

(2) A separate letter may accompany each schedule, or the form may be modified to provide for filing under one letter as many schedules as can be conveniently entered. In filing blanket supplements a copy of the blanket supplement may be attached to the letter of transmittal as a part thereof in lieu of listing in the body of the letter of transmittal each supplement and tariff supplemented. When this is done, the statement "(See exhibit attached)" should be inserted in the body of the letter of transmittal where supplement numbers usually are listed. Separate letters must be used for freight and passenger schedules.

NOTE: If receipt for accompanying schedule is desired, the letter of transmittal must be sent in duplicate, and one copy showing the date of receipt by the Commission will be returned to the sender.

(l) Not used.

(m) *Rejection of tariffs or notices of revocation.* (1) Any tariff or schedule tendered for filing, which fails to give lawful notice of changes in fares, rates, charges or other provisions which it proposes to establish, or which fails to meet the requirements of these regulations, or violates any order of the Commission or of a court, is subject to rejection by the Commission. When a tariff or schedule is rejected, the Commission, acting through a designated administrative officer, will inform the carrier or the agent who tendered it for filing, in writing, of the reasons for rejection, and will return the rejected tariff or schedule to such carrier or agent.

(2) The number assigned to the tariff or schedule that has been rejected may not again be used. The rejected tariff or schedule may not be referred to in any subsequent tariff or schedule as having been canceled, amended or withdrawn, but the tariff or schedule that is published in its stead must bear the following notation: "Issued in lieu of (here identify the rejected schedule or tariff), rejected by the Commission."

(3) A notice of the revocation, complete or partial, of a concurrence or power of attorney which, if it were to become effective, would require the establishment of fares, rates or charges in violation of an order of the Commission or of a court, or of the regulations in this part, may be rejected in the same manner as a tariff or schedule, and any such notice of revocation which would require the establishment of fares, rates or charges of doubtful lawfulness may be suspended.

(n) *Tariffs filed not returned, unless rejected.* Tariff publications received for filing will not be returned unless rejected in accordance with paragraph (m) of this section.

§ 145.12 *Tariffs issued through an agent*—(a) *Agents: natural persons, corporations, or associations.* If a carrier desires to issue a tariff or tariffs through an agent, it may do so by filing with the Commission an appropriate power of attorney to the designated agent. Agents may be either natural persons, corporations, or unincorporated associations whose articles of association (or other form of agreement) have been approved by the Commission in a proceeding pursuant to the provisions of Section 5a, Part I, of the Interstate Commerce Act. An officer or employee of an incorporated tariff-publishing agent may not act as an agent in his individual capacity for the publication of tariffs.

(b) *Designation of issuing officer.* When an association or corporation has been appointed an issuing agent, the executive head thereof shall at once notify the Commission of the name of the individual who is to be responsible for the actual compilation and filing of each I. C. C. series of tariffs issued by the agent. There may be only one issuing officer for each such series of tariffs, and the same individual may not act as issuing officer for more than one series without the special permission of the Commission. When an issuing officer is replaced, the Commission shall be immediately notified in like manner of his successor.

(c) *Alternate agent.* When a natural person is authorized by power of attorney to act as a tariff-publishing agent, such instrument shall designate another natural person to act as alternate agent in the event of the death or disability of the principal agent. On or before the date of filing of the first tariff or supplement by the alternate agent under the authority granted in the instrument, such alternate agent shall notify the Commission in writing that death or disability of the principal agent has occurred and that he, the alternate agent, will thereafter act until the appointment of a new principal agent. The term "disability" as used in the instrument means resignation, permanent transfer to other duties, or other permanent absence of the principal agent. After an alternate agent has once exercised the authority granted by the instrument, the principal agent may not thereafter act under that instrument.

§ 145.13 *Powers of attorney* — (a) *Publishing agent.* (1) A power of attorney shall be used by a carrier to give to a publishing agent, but not to another carrier, authority to publish and file passenger tariffs and supplements for it, except that a carrier may give a power of attorney to another carrier in the circumstances and subject to the conditions stated in paragraph (f) of this section. Powers of attorney given to publishing agents may be either unlimited or limited, and in the case of corporations or unincorporated associations comprised of more than one bureau, committee or regional organization, the power of attorney may consist of multiple instruments, such instruments to define separately the authority to be exercised by each component bureau, committee or regional organization.

(2) A carrier may not have in effect at the same time an unlimited power of attorney and a limited power of attorney in favor of the same agent for use by the same bureau, committee, or regional organization.

(b) *Unlimited power of attorney form.* (1) An unlimited power of attorney, when given to a publishing agent, authorizes the agent to file any passenger tariff in which the carrier giving the power is a participating carrier. Form PA1 confers unlimited authority to publish local fares and charges for the carrier issuing the power and to publish joint fares and charges for such carrier and such other carriers as have issued the necessary authority.

(2) The following form of power of attorney, PA1, shall be used to give such unlimited powers:

POWER OF ATTORNEY

PA1 No. --
Cancels ____ No. --

---

(Name of Carrier)

---

(Mail Address)

---

(Date)

*Know All Men by These Presents:*

That the [full and correct name of carrier] has made, constituted, and appointed, and by these presents does make, constitute, and appoint [name of principal agent] its true and lawful attorney and agent, to file in its name, place, and stead, (1) for it alone, and (2) for it jointly with other carriers [through its (name of bureau, committee, or regional organization, if any)], passenger tariffs and supplements thereto, as required of common carriers by existing laws and regulations established thereunder. And does hereby give and grant unto its said attorney and agent full and unlimited power and authority to do and perform all and every act and thing above specified as fully, to all intents and purposes, as if the same were done and performed by the undersigned carrier itself, and does hereby assume full responsibility for the acts and failures to act of said attorney and agent.

And, further, that the undersigned carrier does hereby make and appoint [name of alternate agent] alternate attorney and agent to do and perform the same acts and exercise the same authority herein granted to the principal agent in the event and only in the event of the death or disability of the above-named principal agent.

---

(Name of Carrier)

By ----------

Its ----------

(Title)

Duplicate mailed to:

(Name of Agent)

(Address)

(c) *Limited power of attorney form.* (1) A power of attorney may be limited in any appropriate manner provided the limitations are specifically and unambiguously expressed in the instrument. For example, the agent may be authorized to publish only local fares, only joint fares, only specified rates and charges, or fares and charges in a specified territory, or only specified tariffs or types of tariffs.

(2) The following power of attorney, Form PA2, shall be used to give such limited authority:

POWER OF ATTORNEY

PA2 No. --
Cancels ____ No. --

---

(Name of Carrier)

---

(Mail Address)

---

(Date)

*Know All Men by These Presents:*

That the [full and correct name of carrier] has made, constituted, and appointed and by these presents does make, constitute and appoint [name of principal agent] its true and lawful attorney and agent, to file in its name, place, and stead, (1) for it alone, and (2) for it jointly with other carriers [through its (name of bureau, committee, or regional organization, if any)], passenger tariffs and supplements thereto and successive reissues thereof, as required of common carriers by existing laws and regulations established thereunder, but only as hereinafter specified:

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(Here specify affirmatively the precise authority given to the agent)

And does hereby give and grant unto its said attorney and agent full power and authority to do and perform all and every act and thing above specified as fully, to all intents and purposes, as if the same were done and performed by the undersigned carrier itself, and does hereby assume full responsibility for the acts and failures to act of said attorney and agent.

And, further, that the undersigned carrier does hereby make and appoint [name of alternate agent] alternate attorney and agent to do and perform the same acts and exercise the same authority herein granted to the principal agent in the event and only in the event of the death or disability of the above-named principal agent.

---

(Name of Carrier)

By ----------

Its ----------

(Title)

Duplicate mailed to:

(Name of Agent)

(Address)

(d) *Manner of execution.* (1) In the blank space for the name of the carrier in Forms PA1, PA2, and PA3, there must be shown, if the carrier is an individual, the individual name followed by the trade name, if any. If the carrier is a partnership, the correct names of all partners must be given, followed by the trade name, if any. If the carrier is a corporation, the correct corporate name must be used.

(2) If the carrier is an individual, the power of attorney must be signed by the individual. If a partnership, the power of attorney must be signed individually by each partner. If the carrier is a corporation, the power of attorney must be signed by the president, a vice president or any other authorized official of the carrier. However, before the signature of an employee other than the president or a vice president on a power of attorney will be recognized by the Commission, the carrier must file with the Commission, over the signature of the president or a vice president, a statement reciting that the individual is authorized to sign powers of attorney. The statement must include a specimen signature of the individual or individuals so designated. The authority to sign powers of attorney may be conferred, in the manner described, on more than one official of the carriers. If the carrier is being operated by trustees or receivers, the power of attorney must be signed by each trustee or receiver individually or by his or their designee. Trustees or receivers may invest others with the authority to sign in the same manner as the president or vice president of a corporation may confer the authority on subordinate officials.

(3) If the agent appointed by either PA1 or PA2 is a corporation or an unincorporated association, the last full paragraph of the form shall be omitted.

(e) *Joint agents.* If an agent does not hold the requisite authority to publish a particular tariff, the authority to do so may be obtained by pooling the authority held by him with that held by one or more other agents, and the tariff may be published jointly by both or all such agents in the I. C. C. series of each. For example, if one agent has authority to publish fares only from territory A to territory B, and another agent has authority to publish fares only from territory B to territory A, the fares may be published in a single tariff on a "between" basis and filed with the Commission as a joint tariff of both agents under the I. C. C. series of each.

(f) *Carrier acting for another carrier.* (1) A power of attorney may be given by small carriers to large carriers with which they connect, or by subsidiary to parent carriers, authorizing the large or

parent carriers to publish tariffs, to give and receive concurrences, and to give powers of attorney to agents, all in behalf of the small or subsidiary carrier. The authority granted may be unlimited, as in the form which follows (Form PA-3), or it may be limited in any appropriate manner, provided the limitations are specifically and unambiguously expressed in the instrument. When a PA3 form of power of attorney has been given, the granting carrier may not thereafter do in its own behalf anything which it has authorized the grantee carrier to do in its stead. Concurrences and powers of attorney given by the grantee carrier, however, will be deemed to be given on its own behalf only, unless the instrument expressly recites that it is given or is also given, in behalf of the carrier for which it holds power of attorney. A PA3 form of power of attorney will be construed as authorizing the grantee carrier to give a concurrence to itself in behalf of the granting carrier.

(2) The following form of power of attorney, Form PA3, shall be used by a carrier to give authority to another carrier. When the authority is to be limited in any way, the form should be altered to the extent necessary.

POWER OF ATTORNEY

PA3 No. --
Cancels ---- No. --

---
(Name of Carrier)

---
(Mail Address)

---
(Date)

*Know All Men by These Presents:*

That the [name of granting carrier] has made, constituted, and appointed, and by these presents does make, constitute, and appoint [name of grantee carrier] its true and lawful attorney and agent (1) to issue in its name, place and stead powers of attorney to tariff-publishing agents, (2) to give and receive in its name, place and stead concurrences in tariffs of other carriers, and (3) to publish and file, or cause to be published and filed, passenger tariffs and supplements thereto and successive reissues thereof, in which the undersigned carrier is a participant, all as required of common carriers by existing laws and regulations established thereunder. And the undersigned carrier does hereby give and grant unto its said attorney and agent, full, sole and exclusive power and authority to do and perform all and every act and thing above specified for and on behalf of the undersigned carrier as fully, to all intents and purposes, as if the same were done and performed by the undersigned carrier itself, and does hereby assume full responsibility for the acts and failures to act of its attorney and agent.

---
(Name of Carrier)
By ---
Its ---
(Title)

Duplicate mailed to:
(Name and Title of Officer)
(Name of Carrier)
(Address)

§ 145.14 *Concurrences.* (a) A carrier desiring to become a participant in a tariff or tariffs issued by another carrier (not by an agent) may do so by filing with the Commission a limited or unlimited concurrence (except as provided in § 145.13 (f)) in one of the four following forms. In forms PC2 and PC4 the limitations must be specifically and unambiguously expressed.

(1) Form PC1, which follows, is unlimited and covers all passenger tariffs applying on traffic moving from, to, via or at points on the line of the carrier giving the concurrence:

CONCURRENCE

PC1 No. --
Cancels ---- No. --

---
(Name of Carrier)

---
(Mail Address)

---
(Date)

*To the Interstate Commerce Commission, Washington 25, D. C.*

This is to certify that [name of carrier issuing concurrence] assents to and concurs in all passenger tariffs and supplements thereto, filed by [name of carrier to which concurrence is given] in which the undersigned carrier is shown as a participant, and the undersigned carrier hereby makes itself a party thereto and bound thereby insofar as such tariffs apply from, to, via or at points on its lines, until this authority is revoked by formal notice of revocation filed with the Interstate Commerce Commission and sent to the carrier to which this concurrence is given.

---
(Name of Carrier)
By ---
Its ---
(Title)

Duplicate mailed to:
(Name and Title of Officer)
(Name of Carrier)
(Address)

(2) Form PC2 covers passenger tariffs applying on limited but affirmatively specified traffic moving from, to, via or at points on the line of the carrier giving the concurrence. The form follows:

CONCURRENCE

PC2 No. --
Cancels ---- No. --

---
(Name of Carrier)

---
(Mail Address)

---
(Date)

*To the Interstate Commerce Commission, Washington 25, D. C.*

This is to certify that [name of carrier issuing concurrence] assents to and concurs in all passenger tariffs and supplements thereto, filed by [name of carrier to which concurrence is given] in which the undersigned carrier is shown as a participant, but only to the extent that such tariffs apply:

(Here affirmatively state the limitations, such as designating the points to and/or from and/or at which, the limited territory within which, or the specific publication(s) or series of tariffs to which, the concurrence shall be applicable.)

And the undersigned carrier hereby makes itself a party thereto and bound thereby insofar as such tariffs apply from, to, via or at points on its lines, until this authority is revoked by formal notice of revocation filed with the Interstate Commerce Commission and sent to the carrier to which this concurrence is given.

---
(Name of Carrier)
By ---
Its ---
(Title)

Duplicate mailed to:
(Name and Title of Officer)
(Name of Carrier)
(Address)

(3) Form PC3 is restricted to passenger tariffs applying on traffic moving to points on or via the line of the carrier giving the concurrence but is not otherwise limited. The form follows:

CONCURRENCE

PC3 No. --
Cancels ---- No. --

---
(Name of Carrier)

---
(Mail Address)

---
(Date)

*To the Interstate Commerce Commission, Washington 25, D. C.*

This is to certify that [name of carrier issuing concurrence] assents to and concurs in all passenger tariffs or supplements thereto filed by the [name of carrier to which concurrence is given] in which the undersigned carrier is shown as a participant, and hereby makes itself a party thereto and bound thereby, insofar as such tariffs or supplements contain rates or other provisions applying via its lines and to, but not from or at, points thereon, until this authority is revoked by formal notice of revocation filed with the Interstate Commerce Commission and sent to the carrier to which this concurrence is given.

---
(Name of Carrier)
By ---
Its ---
(Title)

Duplicate mailed to:
(Name and Title of Officer)
(Name of Carrier)
(Address)

(4) Form PC4, which follows, covers passenger tariffs applying on limited but affirmatively specified traffic moving to points on or via the line of the carrier giving the concurrence.

CONCURRENCE

PC4 No. --
Cancels ---- No. --

---
(Name of Carrier)

---
(Mail Address)

---
(Date)

*To the Interstate Commerce Commission, Washington 25, D. C.*

This is to certify that [name of carrier issuing concurrence] assents to and concurs in all passenger tariffs or supplements thereto filed by [name of carrier to which concurrence is given] in which the undersigned carrier is shown as a participant, but only to the extent that such tariffs apply:

(Here affirmatively state the limitations, such as designating the points to or the lines over which, the limited territory within which, or the specific publication(s) or series of tariffs to which, the concurrence shall be applicable)

And the undersigned carrier hereby makes itself a party to such tariffs and bound thereby insofar as such tariffs or supplements contain fares or other provisions applying via its lines and to, but not from or at, points thereon, until this authority is revoked by formal notice of revocation filed with the Interstate Commerce Commission and sent to the carrier to which this concurrence is given.

---
(Name of Carrier)
By ---
Its ---
(Title)

Duplicate mailed to:
(Name and Title of Officer)
(Name of Carrier)
(Address)

(b) Concurrences shall be personally signed by any official of the issuing carrier.

(c) If a carrier has been authorized by power of attorney to issue concurrences in behalf of one or more small or subsidiary carriers (See § 145.13 (f)), the carrier holding such authority may by a single instrument issue a concurrence in its own behalf and in behalf of any or all of such small or subsidiary carriers.

§ 145.15 *Filing of powers of attorney and concurrences.* (a) If a power of attorney or concurrence is issued subsequent to the date of the filing of the tariff with the Commission, the original instrument shall be forwarded directly to the Commission with a copy to the issuing agent or carrier, but if it is issued prior to or concurrently with the issuance of the tariff, the original instrument may either be forwarded directly to the Commission, or it may be sent to the carrier or agent issuing the tariff and be transmitted by it or him to the Commission with the tariff. (For exceptions see §§ 145.17 and 145.18 (a).)

(b) Powers of attorney, concurrences, amendments thereto and revocation notices shall be printed or typed on paper of good quality, 8 x 10½ inches, and must show the date on which they are issued. Each power of attorney and concurrence shall bear a form and serial number, the serial numbers to run consecutively for each form of instrument. Concurrences issued by a carrier jointly in its own behalf and in behalf of one or more other carriers (see § 145.13 (f)) may, if desired, be issued under a separate series of numbers. The form and serial numbers shall be shown on the upper right-hand corner, and immediately thereunder shall be shown the form and number of the power of attorney or concurrence, if any, which is canceled thereby. If the instrument to be canceled contains more authority or is broader in scope than the new instrument, such new instrument must in addition to the date of issue, bear an effective date at least 60 days after the date on which it is received by the Commission. When the new instrument is the same or broader in scope than the instrument which it cancels, it becomes effective when filed with the Commission. The instrument also shall show, in the lower left-hand corner, the name, title and address of the person to whom the duplicate is sent.

§ 145.16 *Certificate stating correct name of carrier to be filed.* When a corporate or partnership carrier files its first tariff, power of attorney or concurrence, it also shall file a certificate stating the precisely correct name of the carrier as it appears in the charter or articles of incorporation, or in the articles of co-partnership, as the case may be. If, for example, the article "The" is a part of the carrier's name, if the conjunction "and" appears therein as "&", or if the word "Company" is abbreviated to "Co.", the certificate must so indicate.

§ 145.17 *Transfer of authority from one agent to another agent.* (a) When it is desired to transfer authority from one agent to another agent superseding the former agent as to all such agent's effective tariffs, the transfer shall be accomplished by filing a new power of attorney naming the agent (and alternate when the new agent is a natural person) thereafter to serve, which shall specifically cancel the previous instrument or instruments, by including the following in the power of attorney to the new agent:

This power of attorney cancels the following power(s) of attorney:

| Power of attorney form and number | In favor of |
|---|---|
| (Insert power of attorney forms and numbers) | (Insert name of agent and alternate) |

(b) Under all other conditions the power of attorney must be revoked in accordance with § 145.21 (b).

(c) The originals of such powers of attorney shall not be sent immediately to the Commission, but shall be forwarded to the new agent, who, after all the necessary instruments shall have been secured, shall file all of the originals with the Commission at one time. The new agent may file no tariffs with the Commission until the powers of attorney from all of the carriers shown therein as participants have been so filed.

§ 145.18 *Procedure when one publishing agent succeeds another.* (a) When powers of attorney have been issued to a natural person and his alternate, and death or disability of either the principal agent or the alternate occurs, new powers of attorney shall be filed with the Commission within 180 days, canceling the previous instruments and designating the new agent (and also his alternate if the new agent is a natural person) thereafter to serve. If the filing of the new instruments is occasioned by the death or disability of the former alternate, the new instruments may, if desired, continue the former principal agent and designate a new alternate only. Likewise if death or disability of the principal agent has occurred it is permissible to continue the former alternate agent in the new instruments and designate a new principal agent only. As soon as the instruments appointing the new agent are filed the alternate agent who in the interim has acted may no longer do so. The new powers of attorney shall not be forwarded directly to the Commission, but shall be collected by the new agent and forwarded to the Commission together, as provided in § 145.17. The new agent may not file a tariff for any carrier until that carrier's power of attorney to him is on file with the Commission.

(b) In the first amendment to each tariff issued by the alternate agent after the death or disability of the principal agent, there shall be shown a statement reading substantially as follows: "On and after (show here the date on which the principal agent ceased to act) this publication shall be considered as the issue of ----------, Alternate Agent".

(c) A new agent, on or after the filing of his or its authorities, shall include in the next supplement to each of the effective tariffs previously taken over by the alternate agent a statement reading substantially as follows: "On and after (show here the date on which the new authorities are filed with this Commission), this publication shall be considered as the issue of ----------, Agent".

§ 145.19 *I. C. C. numbers of tariffs issued by a new agent or alternate agent.* Tariffs issued by a new agent may be, and those issued by an alternate agent must be, numbered in the I. C. C. series of the former agent. If it is desired to number the tariffs of a new agent in a different I. C. C. series, this may be done as to new or reissued tariffs, but amendments (supplements or revised pages) to tariffs issued by the former agent must be continued in the original series.

§ 145.20 *Powers of attorney and concurrences in special situations*—(a) *Joint concurrences.* If joint concurrences are issued in behalf of two or more carriers by the same traffic officer, all concurrences in each series must be issued on behalf of all such carriers, except as to concurrences interchanged between those carriers. If concurrences in a single series are issued separately for different carriers, separate files in that series must be maintained for each carrier, and concurrences of each carrier must be issued in consecutive numerical order as required by § 145.15(b).

(b) *When operation discontinued or taken over by another carrier.* Powers of attorney and concurrences issued in favor of a carrier which has discontinued operations should be revoked within 120 days after such discontinuance. If its operations have been taken over by another carrier, all effective powers of attorney and concurrences should be canceled within 120 days either by new issues or revocation notices.

NOTE: This rule applies, among other situations, when an incorporated carrier is placed in the hands of trustees or receivers and is thereafter reorganized. When trustees or receivers are appointed they normally assume, and the corporation discontinues, operations; and thereafter, following reorganization, operations again pass from the receivers or trustees to the reorganized corporation.

(c) *Forms for joint rail-motor tariffs.* Powers of attorney and concurrences authorizing the publication of joint rail-motor tariffs and supplements shall be issued on the standard PA and PC forms described in §§ 145.13 and 145.14. Such powers of attorney and concurrences must bear the following notation in the upper portion of the document: "Joint Rail-Motor Power of Attorney" or "Joint Rail-Motor Concurrence."

§ 145.21 *Amendment and revocation of powers of attorney and concurrences*—(a) *Amendments.* (1) A power of attorney on Forms PA2 or PA3 or a concurrence on Forms PC2 or PC4 may be amended by issuing an "Amendment to Power of Attorney," or "Amendment to Concurrence," respectively. However, only four amendments to any one power of attorney or concurrence will be permitted. The amendment must specify with particularity the exact change in the scope of the powers or the authority conferred, by appropriate reference by number to the power of attorney or concurrence affected, by identification by I. C. C. and agent's or carrier's number of the tariff or tariffs affected, and by a detailed description of the traffic or territory affected.

(2) If an amendment to a power of attorney or to a concurrence reduces the scope of the original instrument, such amendment must bear in addition to the date of issue, an "effective" date at least 60 days after the date on which it is received by the Commission. If the amendment adds to or increases the scope of the original power of attorney or concurrence, no notice is required and it becomes effective when filed with the Commission. (See paragraph (e) of this section.)

The form of an "Amendment to Power of Attorney" is as follows:

AMENDMENT TO POWER OF ATTORNEY

Amendment No. --
To PA ---- No. --

---
(Name of Carrier)

---
(Mail Address)

---
(Date)

*Know All Men by These Presents:*

Effective ----------, the undersigned
(Date)

hereby amends the above-numbered power of attorney, in the following respects:

---

---
(Name of Carrier)

By ----------
Its ----------
(Title)

Duplicate mailed to:
(Name of Agent or Carrier)
(Address)

The form of an "Amendment to Concurrence" is as follows:

Amendment No. --
To PC ---- No. --

---
(Name of Carrier)

---
(Mail Address)

---
(Date)

*To the Interstate Commerce Commission, Washington 25, D. C.*

The undersigned hereby amends PC -- No. -- in the following respects:

---

---

---
(Name of Carrier)

By ----------
Its ----------
(Title)

Duplicate mailed to:
(Name of Carrier)
(Address)

(b) *Revocations.* A power of attorney or a concurrence may be revoked upon not less than 60 days' notice by filing a Notice of Revocation with the Commission and serving at the same time a copy thereof on the agent, in the case of powers of attorney on Forms PA1 and PA2, or on the carrier in whose favor the instrument was executed, in the case of concurrences or powers of attorney on PA3. Such notice shall not bear a separate serial number, but shall specify the form and number of the power of attorney, or the form and number of the concurrence, to be revoked, shall name the agent, and alternate agent, if any, or the carrier, in whose favor the instrument was executed, and shall specify a date upon which revocation is to become effective. (See § 145.21 (e).)

(c) *Corresponding revision of tariff.* When a power of attorney or concurrence is revoked, corresponding revision of the tariff or tariffs must be made not later than the effective date stated in the notice of revocation. If the tariff or tariffs are not so amended, the fares, rates and other provisions therein remain effective and must be protected by the carrier or carriers responsible for their continued maintenance.

(d) *Forms for revocations.* Revocation notices shall be in one of the following forms, as appropriate:

REVOCATION NOTICE

(Power of Attorney)

---
(Name of Carrier)

---
(Mail Address)

---
(Date)

*Know All Men by These Presents:*

Effective ----------, power of attorney
(Date)

PA -- No. --, issued by ----------
(Name of carrier issuing power of attorney)

in favor of ----------
(Name of carrier, or grant (and alternate) if any)

is hereby canceled and revoked.

---
(Name of Carrier)

By ----------
Its ----------
(Title)

Duplicate mailed to:
(Name of Agent or Carrier)
(Address)

REVOCATION NOTICE

(Concurrence)

---
(Name of Carrier)

---
(Mail Address)

---
(Date)

*To the Interstate Commerce Commission, Washington 25, D. C.*

Effective ----------, concurrence PC --
(Date)

No. --, issued by ----------
(Name of carrier issuing concurrence)

in favor of ----------, ----------
(Name of carrier) (Name of carrier)

is hereby canceled and revoked.

---
(Name of Carrier)

By ----------
Its ----------
(Title)

Duplicate mailed to:
(Name of Carrier)
(Address)

(e) *Amendment or revocation, manner of execution.* (1) An amendment to, or a revocation of a power of attorney shall be executed in the same manner as powers of attorney, and a statement of the kind specified in § 145.13 (d) shall be filed with the Commission to designate persons authorized to sign such amendments or revocations. The statement filed in accordance with § 145.13 (d) may include in the one instrument designations and specimen signatures of persons authorized to sign powers of attorney, amendments to powers of attorney, and revocations of powers of attorney.

(2) An amendment to, or a revocation of a concurrence shall be executed in the same manner as concurrences. (See § 145.14 (b).)

§ 145.22 *Round-trip excursion fares*—(a) *10-day limit or less.* Round-trip excursion fares limited to a designated period of not more than 10 days may be established upon posting a tariff one day in advance of the effective date at the stations where tickets for such excursion will be sold and mailing two copies thereof to the Commission.

(b) *Over 10- but not over 30-day limit.* Round-trip fares for an excursion limited to a designated period of more than 10 days and not more than thirty days may be established upon posting a tariff three days in advance of the effective date at the stations where tickets for such excursion will be sold and mailing two copies to the Commission.

(c) *"Designated period" defined.* The term "designated period" used in this section means the period beginning with the first day on which the transportation can first be used and ending with, and including, the day upon which the return trip must be completed.

(d) *Supplement permitted.* Except as provided in paragraph (e) of this section, no supplement may be issued to any tariff filed under the authority of this section except for the purpose of canceling the tariff, and the title page of the tariff must so state. Every such tariff must bear the notation on its title page, "Issued under authority of this section."

(e) *Series of excursion fares in one tariff.* (1) A series of temporary round-trip excursion fares limited for designated periods as set forth in paragraphs (a) and (b) of this section, the effectiveness of which extends over a period exceeding thirty days but not more than one year, may be published in the same tariff and established as provided in paragraph (b) of this section as to certain of the fares and accompanying provisions, and on statutory notice as to the remainder. For example, tariff is filed with the Commission, March 2, to be effective March 7, 14, 21, 28, April 4, 11, 18, and 25, with final return limit of eight days in addition to date of sale. From March 7, to final return limit of ticket sold April 25, is 58 days. In connection with the sale dates of March 7, 14, 21, and 28, the tariff must indicate by appropriate symbol that insofar as it is effective on those dates it is issued under authority of this section. The tariff insofar as it is effective on the dates of April 4, 11, 18 and 25, is filed on statutory notice, and no notation to that effect is necessary.

(2) Changes in tariffs issued under authority of subparagraph (1) of this paragraph may be made by supplement bearing reference to this section provided the tariff consists of three or more pages and only one supplement is in effect at one time, or by reissue of the tariff, by filing and posting such changes not later than three days before they are to become effective, for the following purposes:

(i) Change or add dates of sale, but the effectiveness of the tariff, as amended, shall not extend over a period of one year.

(ii) Extend return limit.

(iii) Add additional selling stations or destinations, routes or privileges.

(iv) Reduce fares.

§ 145.23 *Fares in special car or train service*—(a) *Between competitive points.* In order to avoid maintenance of fares between rail-competitive points for application over routes infrequently used because of limited, or absence of, passenger train service, tariffs of one-way fares, subject to a three-day period of sales in each case and applicable only to movements of passengers by special car or special train service, may be filed and posted on one day's notice; provided that each such fare is the same as a fare on file with the Commission and in effect over another rail route; and provided further, that the fares filed under authority of this paragraph may not apply over any route which exceeds 135 percent of the short-line passenger mileage from origin to destination.

(b) *From and to local points.* From and to points on one railroad, when origin or destination is a local point, or when both origin and destination are local points, on that railroad, from and to which no regular passenger train service is operated and no fares are published, tariffs of one-way fares, subject to a three-day period of sales and which are restricted only to movements of passengers by special car or special train service, may be filed and posted on one day's notice, provided that each such fare is on the same basis as the carrier's one-way fares of the same class regularly maintained from and to other points on its line in the same territory.

(c) Publications issued under authority of this section shall bear on the title page the following notation: "Issued on one day's notice under authority of this section."

§ 145.24 *Newly inaugurated regular sleeping-car or parlor-car service.* Rates and charges, including those for additional occupancy at termini or at stations en route for newly inaugurated regular service in sleeping cars or parlor cars, to and from points to and from which no rates and charges are in effect, may be filed and posted on one day's notice, provided such rates and charges are on the same basis as those of the carrier for the same type accommodations regularly maintained from and to other points in the same territory. Provisions published under authority of this section must contain a notation in connection therewith reading as follows: "Issued on one day's notice under authority of this section."

§ 145.25 *Temporary rates for sleeping cars or parlor cars.* (a) A tariff containing temporary rates and charges for sleeping car and/or parlor car accommodations effective for a period not exceeding four months may be made effective upon posting one day in advance of the effective date at the stations where tickets for such accommodations will be sold and mailing two copies thereof to the Commission, subject to the following conditions:

(1) Rates and charges in such tariff shall apply only to transportation in (i) a through car in special service (see note) from and to points between which, or over routes over which, no through service is maintained and no through rates are in effect, or (ii) a through car in special service (see note) in which the privilege of stopover, side-trip, or additional occupancy at termini or at stations en route is permitted and the charges therefor are explicitly shown.

(2) Rates in such tariff shall be (i) the same as on file with the Commission and in effect from and to the same points over another rail route, (ii) either the lowest sum of intermediate rates from origin to destination over the route of movement or over another rail route, or (iii) on the same basis as rates of the carrier from and to other points in the same territory.

NOTE: As used in this section, "through car" means a car which moves through from origin to destination from and to which the fares and/or charges apply; and "special service" means sleeping-car or parlor-car service other than that ordinarily offered in regularly scheduled trains.

(b) Tariffs issued under authority of this section may be in a separate series of I. C. C. numbers, and each tariff must bear on its title page the notation, "Issued under authority of this section."

§ 145.26 *Newly constructed lines of railroad and newly established service by water carriers*—(a) *Notice.* Charges applicable at, and fares, rates, charges, rules and regulations applicable from and to points on newly constructed lines of railroad, including branches and extensions of existing railroads, or ports reached by water carrier when new water-carrier service has been inaugurated, may be established in the first instance on not less than one day's notice. Such fares, rates, charges, rules or regulations, when established, may be changed only in accordance with the act.

(b) *Limitation.* No fare or other provisions may be filed under authority of this rule, the effective date of which is more than sixty days after the effective date of the first fare or other provision established from, to, or at any point on the same line of newly constructed railroad or embraced in the same grant of authority for new service by water carrier, as the case may be.

(c) *Tariff notation.* Provisions published under authority of this section must contain a notation in connection therewith reading as follows:

Issued on one day's notice under authority of this section. Fares (or other provisions) established in the first instance (from, to, between, or at, as the case may be), stations on railroad (or reached by water carrier, as the case may be).

Where all of the provisions in a tariff or supplement are issued under authority of this section, the above notation may be shown on the title page.

§ 145.27 *Transportation of circus and show outfits.* Rates for specified movements of circuses and other show outfits may be established on not less than one day's notice to the Commission. Such tariffs must bear reference to this section and must publish the charges specifically, showing the number and kind of cars moved, or may consist of a proper title page reading "as per copy of contract attached," and to it may be attached a copy of the contract under which the circus is moved. Tariffs containing such rates need not be posted at stations. As far as practicable, general rules or regulations governing the fixing of such rates should be regularly published, posted, and filed upon statutory notice.

§ 145.28 *Party-fare tickets.* (a) Party fares must not be restricted in their application to use by any class or classes of persons, but their use must be open to all; and no statement such as "account High School" (or any organization) shall appear on the title page of, or elsewhere in, a tariff providing for such fares.

(b) A party-fare tariff that provides per capita fares which decrease as the minimum number in the party increases, must contain a provision that the maximum charge for any party shall not exceed the total minimum charge for a larger party.

(c) Party fares are primarily for a group traveling together; however, in connection with round-trip party fares, in lieu of one-round-trip-ticket, there may be issued one ticket for the going trip and individual tickets for the return trip, if desired.

§ 145.29 *Round-trip tickets on certificate plan.* (a) Round-trip tickets on the certificate plan may be issued at reduced fares and their use confined to the delegates to a particular convention or to the members of a particular association or society, upon the condition that a certain number of such tickets shall be presented for validation for return trip before the reduced fare for return trip will be granted to any ticket holder. The Commission suggests that the requirement be that not less than one hundred tickets shall be presented for validation for return trip before reduced fare will be granted to any ticket holder. Validation need not be required when it is obvious that the convention or meeting will be attended by a large number and there will be no question that the number using railroad service will exceed the minimum number which might be required. Tariffs of fares and regulations governing issuance and use of round-trip tickets on certificate plan must be filed and posted.

§ 145.30 *Validation of round-trip passenger tickets*—(a) *Validation for original purchaser.* A requirement that a round-trip passenger-fare ticket shall

be validated for the original purchaser by carrier's agent at a given point is a condition affecting the value of the service, and must be published in the tariff under which the ticket is sold, and when published, must be observed. The tariff may provide for validation at numerous points, and it may provide for validation at any point intermediate to the original destination named in the ticket.

(b) *Avoid conflicting conditions in ticket and tariff.* The conditions stated upon the ticket should not conflict with the tariff provisions, but, if in any case there should be conflict between the tariff provisions and the conditions stated on the ticket, the tariff provisions must govern.

(c) *When illness or death occurs.* A carrier may provide in its tariff a rule that in case of illness or death of passenger or member of his family who is traveling with him, a specified officer of the carrier may validate round-trip tickets held by such passengers at a point short of that at which the tickets otherwise would be validated.

(d) *Failure to validate ticket.* A carrier may incorporate in its tariff a rule that when a passenger is compelled to pay the regular return fare because of his failure to have his round-trip ticket validated at the designated point, the carrier will refund the extra fare upon the filing with it of an affidavit by the holder of the round-trip ticket, certifying that the ticket has been used in accordance with all of the conditions of the tariff, except as to the matter of validation.

§ 145.31 *Emergency extension of time limit of tickets and granting stop-overs.* (a) (1) Carriers may provide in their tariffs that the time limit for the use of a passenger ticket may be extended in case of illness of the passenger holding such ticket. The tariff must give the title of the person who shall have authority to give such extension, and such person shall be required by the carrier to keep a memorandum of each instance in which such extension is given, and the data upon which it is allowed. Such information shall be made available to the Commission when requested. Only such illness as makes travel dangerous to the health of the traveler will justify the extension herein provided for.

(2) The extension also may be granted to one or more members of the family of the ill passenger when they are traveling with him, and to persons who are subject to an established quarantine. Stop-over privileges for a limited time may be granted for the same causes and under the same conditions and restrictions as justify extension of time limit of tickets.

(b) A carrier also may provide in its tariffs that whenever, because of washout, wreck, or other obstruction to its tracks, public calamity, the act of God, or of the public enemy, a passenger is delayed on its lines so that the limit of such passenger's ticket has expired or has elapsed to such an extent as to curtail his stopover privileges, the conductor or other specified agent will give, by endorsement on ticket or otherwise, certificate of such detention, and that such certificate will operate to extend the limit of such ticket to the extent of detention so certified, and that such extension will be honored by succeeding conductors on its lines. It also may provide that like certificates of detention and extension given by other carriers will be honored on its lines; but no carrier may so extend any part of a ticket reading over lines other than its own, except when provision therefor is contained in a joint tariff to which it and each other carrier affected is a party.

§ 145.32 *Free transportation of caretakers in connection with shipments of property.* (a) Section 1 (7) of the act provides that free transportation may be furnished "to necessary caretakers of livestock, poultry, milk, and fruit." This provision in the statute is construed to mean necessary caretakers of livestock, poultry, milk, or fruit that is loaded and ready for movement, or the movement of which is actually contracted for or that is actually in transit, and may include free or reduced-fare transportation for the return of such necessary caretakers. This transportation may be in the form of free pass or reduced-fare transportation, but in any event it must be the same for all under like circumstances. Authority for such free or reduced transportation must be published in the tariff governing the transportation of the commodity, which also must contain such policing regulations as will prevent the misuse of this provision. Tariffs may provide that caretaker sent out to return with shipment that is arranged for or that is in transit will be required to pay fare going and that such fare will be refunded if person so sent does return as actual caretaker of shipment for which he is sent. But a tariff rule which provides that if a person goes out over the line with the intention of purchasing livestock and returns within a certain time with a certain number of cars of livestock, the carrier will refund to him the fare paid on outgoing trip is improper and unlawful.

(b) The Commission is of the opinion that the term "fruit" as used in section 1 (7) of the act includes perishable vegetables, and that bees in hives and live fish may be included in the term "livestock" when shipped under conditions that make caretakers "necessary."

(c) When an express company provides in its tariff for free transportation for caretakers in charge of livestock, poultry, milk, or fruit, and the railroad company over whose lines such express company operates provides in its tariff that such caretakers may be permitted to ride in passenger car, the tariff of the express company and that of the railroad company must give reference to each other.

§ 145.33 *Ocean carriers' fares to or from foreign countries.* Carriers subject to these regulations may not join with ocean carriers in publishing joint fares, rates or charges to or from foreign countries. As a matter of convenience to the public, however, carriers subject to these regulations may publish as information in their tariffs in connection with the fare, rate or charge to or from the port, the steamship charge to or from points in a foreign country. When this is done, such steamship charges may be changed without notice, but the fares, rates or charges of the carriers subject to these regulations to or from the port are subject to all of the provisions of the Interstate Commerce Act and the Commission's tariff-publishing rules. Tariffs containing such steamship charges must not be concurred in by the ocean carriers.

§ 145.34 (a) *Posting of tariffs defined.* The term "post" as used in this section means the maintenance of a file of tariffs in the custody of an agent of the carrier in a complete, accessible, and usable form, and keeping such file of tariffs available to the public upon request during ordinary business hours. The term "tariff" as used in this section includes tariff supplements or amendments.

(b) *Carriers required to post tariffs at stations.* (1) Each railroad, sleeping car company and each common carrier by water shall post at each station at which passengers are received for transportation and at which an agent is employed all tariffs (including those filed for it by tariff-publishing agents or by other carriers with its concurrence) which contain fares applying from that station or which contain terminal or other charges applicable at that station, together with all other tariffs needed to determine the application of such fares or charges. There shall also be posted at each such station an index of the carrier's passenger tariffs in form as provided in § 145.10.

(2) Each common carrier by motor vehicle shall post at each station or office at which passengers are received for transportation and at which an agent is employed all tariffs containing joint motor-rail, motor-water, and/or motor-rail-water fares applying from or at such station or office.

(c) *Relief from requirements.* If any tariff so posted (other than a tariff index) has not been used for a substantial length of time, the posting of that tariff, including reissues thereof, may be discontinued until such time as a request is made to the carrier's agent to have it reposted. It shall then be reposted within 20 days and thereafter kept posted.

(d) *Location of complete public files of tariffs.* (1) Each railroad and sleeping car company and each common carrier by water shall post at its principal office a complete set of all tariffs which it issues or to which it is a party, together with an index thereto, and each rail carrier with 5,000 miles or more of first main track (including branch lines but excluding yard, terminal and industrial tracks) shall also post at not less than one additional point, a complete set of tariffs which it issues or to which it is a party. In determining the number of miles of first main track operated, family lines may be considered as a unit and subsidiary carriers as a part of the controlling carrier. A small carrier which has authorized its principal connecting carrier to file tariffs on its behalf may have its tariffs included in the complete public tariff file of such connecting carrier without such small carrier maintaining a separate complete public file.

(2) Each common carrier by motor vehicle shall post at its principal office a complete set of tariffs containing joint motor-rail, motor-water, and/or motor-rail-water fares which it issues or to which it is a party.

(e) *Selection of posting places.* When posting places in addition to the principal office are required, railroads will select posting places which, in their judgment, will best serve and promote the convenience of the public in using the tariffs. The places selected shall be cities directly served by the railroad. Each railroad will advise the Commission by letter of the posting places selected and of any changes thereafter made. The Commission may, after reasonable investigation and without formal hearing, designate posting places in addition to or in substitution of those selected by the carrier.

(f) *Time of posting.* Each tariff must be posted at least 30 days before its effective date, excepting those as to which the Commission has authorized a shorter period of notice to the public. Each carrier shall require the agent at every station or office at which tariffs are posted to write or stamp on each tariff the date on which it was posted.

(g) *Tariff files to be accessible to the public.* Each file of tariffs shall be in charge of an agent of the carrier. Each carrier shall require and instruct such agent to afford inquirers an opportunity to examine any of such tariffs without asking the inquirer to assign any reason therefor, and, upon request, to lend assistance to seekers of information therefrom with all promptness possible and consistent with proper performance of other duties.

(h) *Notice required to be posted.* Each carrier shall also cause to be displayed continuously in a conspicuous public place at each station or office at which tariffs are required to be posted, a notice printed in large type reading as follows:

With only such exceptions as have been authorized by the Interstate Commerce Commission, all tariffs which contain fares and charges applying from or at this station are on file at this office, together with an index of all of this company's passenger tariffs. The tariffs and index may be inspected by any person upon application and without the assignment of any reason for such inspection. The agent on duty in this office will lend any assistance desired in securing information therefrom.

If the request is made for a tariff naming fares from this station, the posting of which has been discontinued because of nonuse, the agent will arrange to have it reposted within 20 days and thereafter keep it posted.

In addition a complete file of all of this company's tariffs, with indexes thereof, is maintained and kept available for public inspection at:

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(Here indicate the place or places where complete tariff files are maintained, including the street address and, where appropriate, the room number)

(i) *Check-up on files of tariffs.* Each carrier shall place in effect a system of supervision that will insure the continued maintenance in proper and readily accessible form of tariff files required at each station and also at each office where complete files are maintained. Such stations and offices must be furnished at least once a year with a list of all of the tariffs which should be in their files. Upon receipt of the list the agent or employee in charge will immediately check the tariffs on hand against the list and report any deficiencies. Evidence of improper maintenance of files at any station or office may incur the prescription of detailed instructions to the carrier by the Commission necessary to insure compliance with these regulations.

§ 145.35 *Applications for authority to make changes in tariffs*—(a) *Fares changed on less than statutory notice.* (1) Sections 6, 217, and 306 of the act authorize the Commission in its discretion and for good cause shown, to permit changes in fares on less than statutory notice. The Commission will exercise this authority only in cases where actual emergency and real merit are shown. Desire to meet the fares or charges of a competing carrier which has given the full statutory notice of change in fares or charges will not of itself be regarded as good cause for allowing changes in fares or charges on a notice of less than thirty days. Clerical or typographical errors in tariffs constitute good cause for the exercise of this authority, but every application based thereon must plainly specify the omissions or mistakes, together with a full statement of the circumstances attending such omission or error, and must be presented with reasonable promptness after issuance of the defective tariff.

(2) Frequently carriers file applications requesting authority to make changes on short notice when an outstanding order of the Commission in a proceeding requires publication on thirty days' notice. Such requests in effect are requests for modification of the order and should be filed as petitions in the proceeding to which the order relates, and not as applications under sections 6, 217 or 306 of the Interstate Commerce Act.

(b) *Authority necessary to make applications.* Applications for permission to make tariff changes on less than statutory notice or waiver of any provision of this part must be made by the agent or carrier that holds authority to file the proposed changes. If the application requests permission to make changes in joint tariffs, it must state that it is filed for and on behalf of all carriers parties to the schedules in which the change is proposed.

(c) *Partial use of permission prohibited.* It sometimes occurs that carriers or their agents do not use the full authority extended by special permissions. When passing upon special permission applications, the Commission gives consideration to all of the facts and circumstances set forth in the application and, if approved, the special permission is issued with the understanding that all of its terms will be complied with and all of the authority dealing with the same subject matter will be used. Therefore, if all related matter authorized by a special permission will not be published, and more limited authority is desired, a new application complying with the provisions of this section and making reference to the previous authority, must be filed.

(d) *Application in duplicate.* Applications (including amendments thereto and exhibits made a part thereof) for permission to make tariff changes on less than statutory notice or under waiver of any provision of this part, shall be made in duplicate on paper 8 by 10½ inches, and addressed to the Secretary of the Interstate Commerce Commission, Washington 25, D. C. (Motor carriers also are required to send one copy to the District Director.) Such applications shall be in substantially the following form, shall be numbered consecutively, and must bear the signature of the president, vice president, traffic manager, assistant traffic manager, general freight agent (or their equivalents, if the carrier does not designate its officials by those titles).

FORM OF APPLICATION

---
(Place and date)

*To the Interstate Commerce Commission, Washington 25, D. C.*

----------, Agent, for and on behalf of all carriers parties to his (or its) tariff bearing I. C. C. No. -- (or the ----------,
(Name of carrier)
by ----------, its ----------)
(Name of officer) (Title of officer)

does hereby make application to the Interstate Commerce Commission for permission under section 6 (other sections to be cited if involved) of the Interstate Commerce Act, to put in force the following fares (or rates, charges, rules or regulations), to become effective ---------- days after filing thereof with the Commission:

(State fully, either specifically or by reference to an accompanying exhibit, the fares and/or other tariff provisions which it is desired to put into effect, (if rates or charges, the articles or service to which they apply) and the points of origin and destination. If permission is sought to establish a rule or regulation, the exact wording must be shown.)

And to depart from the provisions of the following sections of Tariff Circular 24 when making such publication, viz: ----------

Applicant further represents that the said fares (or rates, charges, rules or regulations) will be published in (a designated tariff) and will supersede the fares (or rates, charges, rules or regulations) on like traffic from and to the points above named which are set forth in (a designated tariff provision).

(Here state specifically or by reference to an accompanying exhibit, the present fares or other provisions which it is desired to change, together with the I. C. C. numbers in which published and the effect of the proposed change.)

(State the basis on which the proposed fares, rates and/or charges are constructed, if the application seeks less than statutory notice. If it is proposed to change a rule or regulation, state fully the nature and purpose of the change.)

(State the relation existing between points of origin and destination covered by the application and any point of origin or destination not covered by the application, if the application seeks less than statutory notice.)

And your petitioner further bases such request upon the following facts, which present certain special circumstances and conditions justifying the request herein made:

(State fully all other circumstances and conditions which are relied upon as justifying

the application and which may aid the Commission in determining the question presented. If authority is sought to make publication under waiver of the provisions of Tariff Circular 24 (this part), state why it is believed that those provisions cannot or should not be fully complied with. If short notice is requested, state why the change was not published upon statutory notice.)

---
(Correct name of carrier, if filed by a carrier)

---
(Signature of agent, or of officer if filed by a carrier)

---
(Title)

Subscribed and sworn to before me this ---------- day of ----------, 19---.

[SEAL] ----------
Notary Public

(Only the original need be notarized)

[F. R. Doc. 56-4701; Filed, June 13, 1956; 8:49 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

### [ 17 CFR Part 240 ]

GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

RECORDS OF NON-RESIDENT BROKERS AND DEALERS

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt § 240.17a-7 (Rule X-17A-7) to require non-resident brokers and dealers, registered or applying for registration pursuant to section 15 of the Securities Exchange Act of 1934, to maintain copies of their books and records in the United States or to file an undertaking to make them available on request. The proposed action would be taken pursuant to the Securities Exchange Act of 1934, particularly sections 17 (a) and 23 (a) thereof.

Rule X-17A-3 requires all registered brokers and dealers to make and keep current specified books and records relating to their business, and Rule X-17A-4 provides that the books and records shall be maintained "in an easily accessible place" during specified periods. However, the Commission does not have a rule designed to make accessible to it the books and records of foreign brokers and dealers registered with the Commission.

The proposed rule would require each non-resident broker or dealer, as defined in the rule, to maintain in the United States at a place designated by him in a written "notice" filed with the Commission, complete and current copies of the books and records he is required to maintain pursuant to Rules X-17A-3 and X-17A-4 unless he files with the Commission a written "undertaking", in substantially the form provided for in the rule, to furnish to the Commission, upon demand, copies of any, all, or any part of his books and records specified in the demand. Non-resident brokers or dealers registered or applying for registration when the rule becomes effective would be required to file the "notice" or the "undertaking" within 30 days thereafter. Non-resident brokers and dealers who apply for registration after it becomes effective would have to submit the "notice" or the "undertaking" with their application for registration.

The text of the proposed rule is as follows:

§ 240.17a-7 *Records of non-resident brokers and dealers.* (a) (1) Except as provided in paragraph (b) of this section, each non-resident broker or dealer registered or applying for registration pursuant to section 15 of the Securities Exchange Act of 1934, as amended, shall keep, maintain, and preserve, at a place within the United States designated in a notice from him as provided in subparagraph (2) of this paragraph, true, correct, complete and current copies of the books and records which he is required to make, keep current, maintain and preserve pursuant to §§ 240.17a-3 and 240.17a-4 (Rules X-17A-3 and X-17A-4).

(2) Except as provided in paragraph (b) of this section, each non-resident broker or dealer subject to this section shall furnish to the Commission a written notice specifying the address of the place within the United States where the copies of the books and records required to be kept and preserved by him pursuant to subparagraph (1) are located. Each non-resident broker or dealer registered or applying for registration when this section becomes effective shall file such notice within 30 days after such section becomes effective. Each non-resident broker or dealer who files an application for registration after this section becomes effective shall file such notice with such application for registration.

(b) Notwithstanding the provisions of paragraph (a) of this section, a non-resident broker or dealer subject to this rule need not keep or preserve within the United States copies of the books and records referred to in said paragraph (a) of this section, if:

(1) Such broker or dealer files with the Commission, at the time or within the period provided by paragraph (a) (2) of this section, a written undertaking in form acceptable to the Commission and signed by a person thereunto duly authorized, to furnish to the Commission, upon demand, at its principal office in Washington, D. C., or at any Regional Office of the Commission designated in such demand, true, complete and current copies of any or all of the books and records which he is required to make, keep current or preserve pursuant to §§ 240.17a-3 and 240.17a-4 (Rule X-17A-3 and Rule X-17A-4), or any part thereof which may be specified in such demand. Such undertaking shall be in substantially the following form:

The undersigned hereby undertakes to furnish at his own expense to the Securities and Exchange Commission at its principal office in Washington, D. C. or at any Regional Office of said Commission specified in a demand for copies of books and records made by or on behalf of said Commission, true, correct, complete, and current copies of any or all, or any part, of the books and records which the undersigned is required to make, keep current or preserve pursuant to any provision of the general rules and regulations of the Securities and Exchange Commission under the Securities Exchange Act of 1934. This undertaking shall be suspended during any period when the undersigned is making, keeping current, and preserving copies of said books and records at a place within the United States in compliance with § 240.17a-7 (Rule X-17A-7) under the Securities Exchang Act of 1934. This undertaking shall be binding upon the undersigned and the heirs, successors and assigns of the undersigned, and the written irrevocable consents and powers of attorney of the undersigned, its general partners and managing agents filed with the Securities and Exchange Commission shall extend to and cover any action to enforce the same

and

(2) Such broker or dealer furnishes to the Commission at his own expense within 14 days after written demand therefor forwarded to him by registered mail at his last address of record filed with the Commission and signed by the Secretary of the Commission or such other person as the Commission may authorize to act in its behalf, true, complete and current copies of any or all books and records which such broker or dealer is required to make, keep current or preserve pursuant to §§ 240.17a-3 and 240.17a-4 (Rule X-17A-3 and Rule X-17A-4), or any part thereof which may be specified in said written demand. Such copies shall be furnished to the Commission at its principal office in Washington, D. C. or at any Regional Office of the Commission which may be specified in said written demand.

(c) For purposes of this section the following definitions shall apply:

(1) The term "broker" shall have the meaning set out in section 3 (a) (4) of the Securities Exchange Act of 1934;

(2) The term "dealer" shall have the meaning set out in section 3 (a) (5) of the Securities Exchange Act of 1934;

(3) The term "non-resident broker or dealer" shall mean (i) in the case of an individual, one who resides in or has his principal place of business in any place not subject to the jurisdiction of the United States; (ii) in the case of a corporation, one incorporated in or having its principal place of business in any place not subject to the jurisdiction of the United States; (iii) in the case of a partnership of other unincorporated organization or association, one having its principal place of business in any place not subject to the jurisdiction of the United States.

All interested persons are requested to submit views and comments on the proposed rule in writing to the Securities and Exchange Commission, Washington 25, D. C., on or before June 29, 1956. Unless the person submitting any such comments or suggestions requests in writing that they be held confidential, they will be public records available for public inspection.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

JUNE 5, 1956.

[F. R. Doc. 56-4695; Filed, June 13, 1956; 8:47 a. m.]



# NOTICES

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

NEW MEXICO

RESTORATION ORDER UNDER FEDERAL POWER ACT

JUNE 6, 1956.

Pursuant to determination DA-44-New Mexico of the Federal Power Commission and in accordance with Order No. 541, section 2.5, of the Director, Bureau of Land Management, approved April 21, 1954, 19 F. R. 2473, it is ordered as follows:

The lands hereinafter described, so far as they are withdrawn and reserved for power purposes, are hereby restored to disposition under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended.

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 29 N., R. 12 W.,
Sec. 28, SE¼SW¼, SW¼SE¼.

The lands described aggregate 80 acres.

The subject lands are located approximately 7 miles east of Farmington, New Mexico, and are included in Temporary Power Site Reserve No. 59 created November 18, 1909, and made permanent by Executive Order of July 2, 1910. The lands are located in San Juan County and lie immediately south of the San Juan River. They are bottom-lands lying approximately ten feet above the San Juan River. The soils are gravelly to medium textured and the topography varies from relatively smooth first bottom terrace lands to rough and hilly. Value for farming is doubtful. The lands will not be subject to occupancy or disposition until they have been classified.

The lands described in this order shall be subject to application by the State of New Mexico for a period of 90 days from the date of publication of this order in the FEDERAL REGISTER for right-of-way for public highways or as a source of material for construction and maintenance of such highways, in accordance with and subject to the provisions of section 24 of the Federal Power Act, as amended.

This order shall not otherwise become effective to change the status of such lands until 10:30 a. m. on the 91st day after the date of publication. At that time, the lands shall become subject to application, petition, location, and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 90-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

Information showing the periods during which and the conditions under which veterans and others may file applications for these lands may be obtained on request from the Manager, Land Office, Bureau of Land Management, P. O. Box 1251, Santa Fe, New Mexico.

ADLAI S. BAKER,
*Acting State Supervisor.*

[F. R. Doc. 56-4684; Filed, June 13, 1956; 8:45 a. m.]

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NEW MEXICO

RESTORATION ORDER UNDER FEDERAL POWER ACT

JUNE 7, 1956.

Pursuant to determination DA-45—New Mexico of the Federal Power Commission and in accordance with Order No. 541, section 2.5, of the Director, Bureau of Land Management, approved April 21, 1954, 19 F. R. 2473, it is ordered as follows:

The lands hereinafter described, so far as they are withdrawn and reserved for power purposes, are hereby restored to disposition under the public land laws, subject to the provisions of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended.

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 29 N., R. 12 W.,
Sec. 28, NW¼SW¼.

The lands described contain 40 acres.

The subject lands are located approximately 7 miles east of Farmington, New Mexico and are included in Temporary Power Site Reserve No. 59 created November 18, 1909, and made permanent by Executive Order of July 2, 1910. The San Juan River flows across the northern part of the above described land. The remainder of the land is bottom-land lying approximately ten feet above the San Juan River. The soils are gravelly to sandy loam in texture, and the topography is relatively smooth to rough. A large arroyo traverses the center of the tract from south to north emptying into the San Juan River. The land does not appear to be suitable for farming; it is primarily suitable for grazing. The land will not be subject to occupancy or disposition until it has been classified.

The lands described in this order shall be subject to application by the State of New Mexico for a period of 90 days from the date of publication of this order in the FEDERAL REGISTER for right-of-way for public highways or as a source of material for construction and maintenance of such highways, in accordance with and subject to the provisions of section 24 of the Federal Power Act, as amended.

This order shall not otherwise become effective to change the status of such lands until 10:30 a. m., on the 91st day after the date of publication. At that time, the lands shall become subject to application, petition, location, and selection, subject to valid existing rights, the provisions of existing withdrawals, the requirements of applicable laws, and the 90-day preference-right filing period for veterans and others entitled to preference under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended.

Information showing the periods during which and the conditions under which veterans and others may file applications for these lands may be obtained on request from the Manager, Land Office, Bureau of Land Management, P. O. Box 1251, Santa Fe, New Mexico.

ADLAI S. BAKER,
*Acting State Supervisor.*

[F. R. Doc. 56-4685; Filed, June 13, 1956; 8:45 a. m.]

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[Doc. 129]

ARIZONA

SMALL TRACT CLASSIFICATION NO. 47

JUNE 6, 1956.

1. Pursuant to authority delegated by Document No. 43, Arizona effective May 19, 1955 (20 F. R. 3514-15), the following described lands which were classified by Document No. 88, Arizona, Small Tract Classification No. 47, dated December 22, 1955 (20 F. R. 10114), are hereby opened to lease and sale for residence and/or business sites under the Small Tract Act:

GILA AND SALT RIVER MERIDIAN

T. 14 S., R. 12 E.,
Sec. 34: Lots 5 to 26 inclusive.
Sec. 34: Lots 29 to 69 inclusive.

The lands described comprise 318.30 acres subdivided into 63 small tracts none of which are covered by applications from persons entitled to preference under 43 CFR 257.15 (a).

2. The tracts are located approximately six miles west of Tucson, Pima County, Arizona. The Ajo-Tucson Highway (Arizona State Highway 86) is the south boundary of lots 66, 67, and 69 and the north boundary of lot 68. Elevation is approximately 2,500 feet above sea level and the topography is from flat to undulating. The climate is arid with an annual precipitation of about 12" and the temperature varies from a high of about 110° F. to a low of about 15° F. The soil is sandy and supports a coarse vegetative cover which consists principally of desert shrubs. Culinary water is not available from any known source, but probably could be developed from wells at a depth of from 150 to 300 feet. Electricity is available from a power line along the Ajo road.

3. (a) The size of the tracts are from 1.96 to 5.56 acres with the majority containing approximately 5 acres. All tracts are appraised at $250.00 per tract, except lots 66 and 67 which are appraised at $350.00 each and lot 68 which is appraised at $550.00.

(b) The advance three year rental for all tracts appraised at $250.00, if leased for a residence, is $37.50. The advance three year rental for lots 66 and 67, if leased for a residence, is $52.50. The

advance three year rental of lot 68, if leased for a residence, is $82.50.

(c) The advance three year rental for all business sites is $60.00, except lot 68 which is $82.50. However, if the gross business exceeds $2,000.00 per annum, the rental will be calculated in accordance with the schedule incorporated in the lease.

(d) The residence and the necessary outbuildings, including garage, shall be of masonry material, including adobe or of frame stucco. The residence must be suitable for year-round occupancy and contain a floor area of not less than 850 square feet. It must be of substantial construction to withstand the elements and on a full solid foundation. The residence must be built in a workmanlike manner out of attractive materials and properly finished. No building shall be placed at a distance of less than 75 feet from a boundary line fronting upon a street or road, nor of a distance less than 30 feet to any other boundary line.

(e) A trailer house will not be considered as a residence, but it may be used for a period of time, not to exceed one year, while a residence is being constructed.

(f) All sewage disposal plants and appurtenances shall be by underground septic tank, and shall conform to the standards of the Pima County Health Department, or any other law enforcing agencies having jurisdiction thereof.

(g) Rights-of-way 33 feet in width for streets, roads, and public utilities will be reserved as follows: Along the north side of lots 5 to 26 inclusive and lots 29 to 67 inclusive and lot 69; along the east side of lots 5, 7, 9, 11, 13, 15, 17, 19, 22, 24, 26, 30, 32, 34, 36, 37, 39, 41, 43, 45, 47, 49, 51, 54, 56, 58, 60, 62, 64, 66, 68, and 69; along the south side of lots 5 to 26 inclusive, lots 29 to 66 inclusive and lot 68; along the west side of lots 6, 8, 10, 12, 14, 16, 18, 20, 21, 23, 25, 29, 31, 33, 35, 38, 40, 42, 44, 46, 48, 50, 52, 53, 55, 57, 59, 61, 63, 65, and 67.

4. Leases will be issued for a term of three years and will contain an option to purchase clause in accordance with 43 CFR 257.13. Lessees who comply with general terms and conditions of their leases will be permitted to purchase their tracts at the appraised price provided that during the period of their leases they either, (a) construct improvements as specified in paragraph 3 (d) (e) (f) in accordance with the conditions set forth, or (b) file a copy of an agreement in accordance with 43 CFR 257.13 (d). Leases will not be renewable unless failure to construct the required improvement is justified under the circumstances and non-renewal would work an extreme hardship on the lessee. All mineral rights will be reserved to the United States.

5. (a) Applicants must file, in duplicate, with the Manager, Land Office, Room 251 Main Post Office Building, Phoenix, Arizona, application Form 4–776 filled out in compliance with the instructions on the form and accompanied by any showings of documents required by those instructions. Copies of the application form can be secured from the above-named official.

(b) The applications must be accompanied by a filing fee of $10.00 plus the advance rental specified in paragraph 3 (b) (c). Failure to transmit these payments with the application will render the application invalid. Advance rentals will be returned to unsuccessful applicants. All filing fees will be retained by the United States.

6. (a) All valid applications from persons entitled to veterans' preference filed prior to 10:00 a. m., July 12, 1956 will be considered as simultaneously filed at that time.

(b) All valid applications from persons entitled to veterans' preference filed after 10:00 a. m., July 12, 1956 will be considered in the order of filing.

(c) All valid applications from other persons filed prior to 10:00 a. m., October 11, 1956 will be considered as simultaneously filed at that time.

(d) All valid applications filed after 10:00 a. m., October 11, 1956 will be considered in the order of filing.

7. Inquiries concerning these lands shall be addressed to the Manager, Land Office, Room 251 Main Post Office Building, Phoenix, Arizona.

E. R. TRAGITT,
*State Lands and Minerals Staff Officer.*

[F. R. Doc. 56-4686; Filed, June 13, 1956; 8:45 a. m.]

## Bureau of Reclamation

### IRON CANYON PROJECT, CALIF.

#### ORDER OF REVOCATION

JANUARY 25, 1956.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954 (19 F. R. 5004), I hereby revoke Departmental Order of November 4, 1913, insofar as said order affects the following described land; *Provided, however,* That such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described:

MOUNT DIABLO MERIDIAN, CALIF.

T. 28 N., R. 2 W.,
Sec. 8, E½NE¼, SW¼NE¼, NW¼SE¼;
Sec. 20, SE¼NE¼, SE¼SW¼, NW¼SE¼, SE¼SE¼.
T. 29, N., R. 2 W.,
Sec. 6, Lots 6, 7, E½SW¼, SE¼;
Sec. 8, NE¼NE¼, W½E½, W½;
Sec. 18, Lots 1, 2, 3, 4, NE¼, E½W½, N½SE¼;
Sec. 30, SE¼SW¼, S½SE¼;
Sec. 32, all.
T. 27, N., R. 3 W.,
Sec. 6, SE¼NE¼.
T. 29 N., R. 3 W.,
Sec. 12, NE¼, N½NW¼;
Sec. 24, NE¼, NE¼NW¼, S½NW¼, SW¼, NW¼SE¼;
Sec. 26, NE¼NE¼, S½NE¼, NE¼SE¼.
T. 30 N., R. 3 W.,
Sec. 5, E½ of Lot 2 of NE¼ (NE¼NE¼);
Sec. 6, N½ of Lot 1 of SW¼ (NE¼SW¼);
Sec. 9, SE¼NW¼;
Sec. 12, S½SW¼, SW¼SE¼;
Sec. 24, SW¼;
Sec. 26, W½E½.

The above areas aggregate 3,931.52 acres.

E. G. NIELSEN,
*Acting Commissioner.*

[373615]

JUNE 8, 1956.

I concur. The land is located in Tehama County on both sides of the Sacramento River, relatively near to Red Bluff, California. It consists of low, rolling hills situated on the extreme northern end of the Great Valley of California. The sand and gravel soil supports a vegetative cover consisting mostly of digger pine and manzanita, with scattered annual grasses. The land is too rough for most forms of agriculture. However, olive orchards and grape vineyards are located in this general area. The land has fair values for grazing.

No application for the land may be allowed under the homestead, desert-land, small tract, or any non-mineral public-land law unless the land has already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The land will not be subject to occupancy or disposition until it has been classified.

Subject to any valid existing rights and the requirements of applicable law, the land is hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the non-mineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on July 14, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on October 13, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on October 13, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.



b. The land has been open to applications and offers under the mineral-leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a. m. on October 13, 1956.

Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the land shall be addressed to the Manager, Land Office, Bureau of Land Management, Sacramento, California.

EDWARD WOOZLEY,
*Director,*
*Bureau of Land Management.*

[F. R. Doc. 56-4687; Filed, June 13, 1956; 8:45 a. m.]

### RIO GRANDE PROJECT, TEXAS-NEW MEXICO

#### ORDER OF REVOCATION

APRIL 25, 1956.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby revoke Departmental Order of November 16, 1926, insofar as said order affects the following described land: *Provided, however,* That such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described:

DONA ANA COUNTY, NEW MEXICO

T. 24 S., R. 1 E., N. M. P. M.,
Sec. 13, N½SW¼, and Lots 9, 10 and 11.

The above aggregates approximately 130.11 acres.

E. G. NIELSEN,
*Assistant Commissioner.*

[71775]

JUNE 8, 1956.

I concur. The lands are located about three miles south of Mesilla, New Mexico and immediately south of the Mesilla diversion dam. The topography of the lands is smooth to rough and hilly. The soils are medium textured to very sandy and gravelly. Vegetation consists of some grasses and desert browse. Due to unsuitable topography and soils, the lands are not valuable for farming.

No application for the lands may be allowed under the homestead, desert-land, small tract, or any other non-mineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the non-mineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on July 14, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on October 13, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on October 13, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral-leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a. m. on October 13, 1956.

Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Bureau of Land Management, Santa Fe, New Mexico.

EDWARD WOOZLEY,
*Director,*
*Bureau of Land Management.*

[F. R. Doc. 56-4688; Filed, June 13, 1956; 8:46 a. m.]

### MINIDOKA PROJECT, IDAHO

#### FIRST FORM RECLAMATION WITHDRAWAL

MAY 16, 1956.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954, I hereby withdraw the following-described lands from public entry, under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388):

BOISE MERIDIAN, IDAHO

T. 8 S., R. 30 E.,
Sec. 12, SE¼SE¼NW¼;
Sec. 15, Lots 3 and 4;
Sec. 21, Lot 1.

The above areas aggregate 99 acres.

E. G. NIELSEN,
*Assistant Commissioner.*

[72002]

JUNE 8, 1956.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The lands shall be administered by the Bureau of Land Management until such time as they are needed for reclamation purposes.

EDWARD WOOZLEY,
*Director,*
*Bureau of Land Management.*

*Notice for Filing Objections to Order Withdrawing Public Lands for the Minidoka Project, Idaho*

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of the above order withdrawing certain public lands in the State of Idaho, for use in connection with the Minidoka Project, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent, and extent. Should any objection be filed, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

E. G. NIELSEN,
*Assistant Commissioner.*

[F. R. Doc. 56-4689; Filed, June 13, 1956; 8:46 a. m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 7927]

### BRANIFF AIRWAYS, INC.

#### NOTICE OF ORAL ARGUMENT

In the matter of an investigation to determine whether the public convenience and necessity require that the certificate of Braniff Airways, Inc. for Route

No. 26 be altered, amended or modified to authorize and require Braniff Airways, Inc. to continue to provide service to Mitchell and Yankton, South Dakota, Norfolk, Nebraska, and Worthington, Minnesota, and to provide service beyond Sioux Falls, South Dakota, to the terminal point Fargo, North Dakota, via the intermediate points Watertown and Brookings, South Dakota, until a date sixty days after the date of the Board's final decision in the Seven States Area Case with respect to this service.

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on June 26, 1956, at 10:00 a. m., e. d. s. t., in room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets, NW., Washington, D. C., before the Board.

Dated at Washington, D. C., June 8, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56-4705; Filed, June 13, 1956; 8:50 a. m.]

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[Docket No. 8040]

TRANSPORTES AEREOS NACIONALES, S. A.

NOTICE OF PREHEARING CONFERENCE

In the matter of the applications of Transportes Aereos Nacionales, S. A. for extension or renewal of its foreign air carrier permit between the co-terminal points Tegucigalpa and San Pedro Sula, Honduras; and intermediate point or points in Honduras; the intermediate point Belize, British Honduras, and the terminal point Miami, Florida, subject to certain conditions.

Notice is hereby given that a prehearing conference in the above-entitled proceeding is assigned to be held on June 19, 1956, at 10:00 a. m., e. d. s. t. in Room E-224, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Curtis C. Henderson.

Dated at Washington, D. C., June 8, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56-4706; Filed, June 13, 1956; 8:50 a. m.]

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[Docket No. 5701 et al.]

FLORIDA-TEXAS SERVICE CASE

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on July 31, 1956, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets, NW., Washington, D. C., before the Board.

Dated at Washington, D. C., June 8, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56-4707; Filed, June 13, 1956; 8:50 a. m.]

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## FEDERAL POWER COMMISSION

[Docket No. E-6687]

IOWA PUBLIC SERVICE CO.

NOTICE OF APPLICATION

JUNE 8, 1956.

Take notice that on June 5, 1956, an application was filed with the Federal Power Commission, pursuant to sections 203 and 204 of the Federal Power Act, by Iowa Public Service Company ("Applicant"), a corporation organized under the laws of the State of Iowa and doing business in the States of Iowa, South Dakota and Nebraska, with its principal business office at Sioux City, Iowa, seeking an order authorizing the acquisition of all of the facilities, more fully described below, from Sac County Electric Company ("Sac County"), an Iowa corporation, and the issuance of 26,874 shares of Common Stock of Applicant to Sac County. Applicant proposes to acquire all of the facilities and assets of Sac County, and assume the obligations and liabilities of the latter. The facilities of Sac County consist of electric generating stations and transmission lines located in and around the city of Sac City and towns of Odebolt and Schaller in the State of Iowa. Applicant proposes to acquire such facilities and to issue to Sac County 26,874 shares of Applicant's Common Stock, for which authorization is sought. The number of shares of Common Stock to be issued to Sac County is subject to certain adjustments.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 28th day of June 1956, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file and available for public inspection.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-4690; Filed, June 13, 1956; 8:46 a. m.]

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## HOUSING AND HOME FINANCE AGENCY

### Public Housing Administration

CERTAIN OFFICIALS

DELEGATIONS OF FINAL AUTHORITY

Section II, Delegations of Final Authority, is amended as follows:

Paragraph G2 is amended by deleting from the list of officials designated therein "Assistant Commissioner for Operations (for Field Office and Project Employees), Field Office Directors (for Field Office and Project Employees under their jurisdiction)," and "Field Office Attorneys (for Field Office and Project Employees within the jurisdiction of their Field Office)."

Approved: June 6, 1956.

[SEAL] CHARLES E. SLUSSER,
*Commissioner.*

[F. R. Doc. 56-4694; Filed, June 13, 1956; 8:47 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION

[File No. 24D-1155]

ROBBINS ETHOL CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JUNE 8, 1956.

I. Robbins Ethol Corporation, a Utah corporation, 28 West Second South Street, and 250 South First West Street, Salt Lake City, Utah, having filed with the Commission on July 10, 1953, a notification on Form 1-A and an offering circular and subsequently having filed amendments thereto, relating to an offering of 24,500 shares of $1 par value common stock at $1 per share for an aggregate of $24,500, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having reasonable cause to believe that the terms and conditions of Regulation A have not been complied with in that the company has failed to file on Form 2-A reports of sales as required by Rule 224 under Regulation A, and has ignored requests by the Commission's staff for such reports:

III. *It is ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

*It is further ordered*, That this Order and Notice shall be served upon Robbins Ethol Corporation, 28 West Second South Street and 250 South First West Street, Salt Lake City, Utah; H. Harold Ihrig, 1403 North Lake Avenue, Pasadena 6, California; Leonard A. Robbins, 1261 Yale Avenue, Salt Lake City, Utah; and Ilan L. Jacobs, 1175 Wilmington Avenue, Salt Lake City, Utah, personally or by registered mail or by confirmed telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 56-4697; Filed, June 13, 1956; 8:48 a. m.]

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[File No. 24W-1811]

ALLIED FINANCE CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JUNE 8, 1956.

I. Allied Finance Corporation, a Maryland corporation, with principal offices located at 8025 Georgia Avenue, Silver Spring, Maryland, having filed with the Commission on July 8, 1955, a Notification on Form 1-A and an Offering Circular and subsequently having filed an amendment thereto, relating to a proposed offering of 22,000 shares of $2 par 6 percent cumulative convertible preferred stock; 36,668 shares of 25 cents par Class A common stock; and 628 shares of $100 par 7 percent cumulative non-convertible preferred stock, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having reasonable cause to believe that the terms and conditions of Regulation A have not been complied with in that the company has failed to file reports of sales on Form 2-A as required by Rule 224 of Regulation A, and has ignored requests by the Commission's staff for such reports.

III. *It is ordered*, pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

*It is further ordered*, That this Order and Notice shall be served upon Allied Finance Corporation, and Mr. Charles L. Goldsten, 6136 32d Place NW., Washington, D. C., personally or by registered mail or by confirmed telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 56-4698; Filed, June 13, 1956; 8:48 a. m.]

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[File No. 812-1014]

NATIONAL AVIATION CORP.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION OF PURCHASE OF SECURITIES DURING EXISTENCE OF UNDERWRITING SYNDICATE

JUNE 8, 1956.

Notice is hereby given that National Aviation Corporation, a registered closed-end, non-diversified investment company, has filed an application pursuant to section 10 (f) of the Investment Company Act of 1940 ("act"), for an order of the Commission exempting from the provisions of section 10 (f) of the act, the proposed purchase by the applicant of not to exceed $500,000 principal amount of the -- percent Convertible Subordinated Debentures, due July 1, 1976, of Capital Airlines, Inc., at the public offering price.

The application states that Capital Airlines, Inc., is preparing to issue $12,000,000 principal amount of -- percent Convertible Subordinated Debentures, due July 1, 1976. Such Debentures are proposed to be issued and sold on or about June 21, 1956, through an underwriting syndicate, including Paine, Webber, Jackson & Curtis and Hornblower & Weeks.

The applicant states that it proposes to purchase the Debentures from any of the underwriters other than Paine, Webber, Jackson & Curtis and Hornblower & Weeks. The amount of Debentures proposed to be purchased by the applicant would constitute 4.2 percent of the total offering by Capital Airlines, Inc., and would represent approximately 2 percent of the total assets of the applicant.

The application recites that Stuart R. Reed, a director of the applicant, is a special partner in the firm of Paine, Webber, Jackson & Curtis, and that Charles S. Sargent, also a director of applicant, is a partner of Hornblower & Weeks.

Section 10 (f) of the act provides, among other things, that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security (except a security of which such company is the issuer) a principal underwriter of which is a person of which a director of such registered investment company is an affiliated person unless the Commission by order grants an exemption therefrom. Since Reed and Sargent are affiliated persons of investment banking firms which will be part of the underwriting group of the Debenture offering of Capital Airlines, Inc. referred to above, the purchase of such Debentures by the applicant from such underwriters is subject to the provisions of section 10 (f) of the act.

It is represented that the proposed purchase of Debentures of Capital Airlines, Inc. is consistent with the investment policies of the applicant.

Notice is further given that any interested person may, not later than June 21, 1956, at 12:00 noon, submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons of such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 56-4696; Filed, June 13, 1956; 8:48 a. m.]

# FEDERAL REGISTER

VOLUME 21 NUMBER 116

Washington, Friday, June 15, 1956



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JUN 18 1956
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## TITLE 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

[Rules Amdt. 4–5]

PART 4—EXPERIMENTAL, AUXILIARY, AND SPECIAL BROADCAST SERVICES

EDITORIAL CHANGES

In the matter of amendment of Part 4 of the Commission's rules and regulations to effect certain editorial changes therein.

The Commission has under consideration the desirability of making certain editorial changes in Part 4 of its rules and regulations to conform §§ 4.20 thru 4.23 with the action taken in Docket No. 11611 which adopted rules for television broadcast translator stations.

The amendments adopted herein are editorial in nature, and, therefore, prior publication of Notice of Proposed Rule Making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately.

The amendments adopted herein are issued pursuant to authority contained in Sections 4 (i), 5 (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and section 0.34 (a) of the Commission's rules and regulations.

*It is ordered*, That, effective July 2, 1956, Part 4 of the Commission's rules and regulations is amended as set forth below:

1. Section 4.20 (a) is amended to read as follows:

(a) Unless otherwise directed by the Commission each application for renewal of license of an auxiliary broadcast station shall be filed at least 90 days prior to the expiration date of the license sought to be renewed; and each application for renewal of license of an experimental or developmental broadcast station or a television broadcast translator station shall be filed at least 60 days prior to the expiration date of the license sought to be renewed.

2. Section 4.21 is amended to read as follows:

§ 4.21 *Temporary extension of station licenses.* Where there is pending before the Commission any application, investigation or proceeding which, after hearing, might lead to or make necessary the modification of, revocation of, or the refusal to renew an existing auxiliary or experimental broadcast station license or a television broadcast translator station license, the Commission may, in its discretion, grant a temporary extension of such license: *Provided, however,* That no such temporary extension shall be construed as a finding by the Commission that the operation of any radio station thereunder will serve public interest, convenience, and necessity beyond the express terms of such temporary extension of license: *And provided further,* That such temporary extension of license will in no wise affect or limit the action of the Commission with respect to any pending application or proceeding.

3. Section 4.22 (a) is amended to read as follows:

§ 4.22 *Repetitious applications.* (a) Where an applicant has been afforded an opportunity to be heard with respect to a particular application for a new auxiliary or experimental broadcast station or a television broadcast translator station or for change of existing service or facilities, and the Commission has, after hearing or default, denied the application or dismissed it with prejudice, the Commission will not consider another application for a station of the same class to serve in whole or in part the same area, by the same applicant or by his successor or assignee or on behalf of or for the benefit of the original parties in interest, until after the lapse of 12 months from the effective date of the Commission's order.

4. Section 4.23 (a) is amended to read as follows:

(a) *Voluntary.* Application for consent to voluntary assignment of a construction permit or license for an auxiliary or experimental broadcast station or for a television broadcast translator station, or for consent to voluntary transfer of control of a corporation holding such a construction permit or license shall be filed with the Commission on Form FCC 314 (Assignment of License), FCC Form 315 (Transfer of Control) or FCC Form 316 (Short Form) at least 60 days prior to the contemplated effective date of assignment or transfer or control.

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FEDERAL REGISTER

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**CFR SUPPLEMENTS**

**(As of January 1, 1956)**

The following Supplement is now available:

**Title 39 (Rev., 1955) ($4.25)**

*Previously announced:* Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 7: Parts 1–209 ($1.25), Parts 900–959 (Rev., 1955) ($6.00), Part 960 to end (Rev., 1955) with Supplement ($5.85); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Parts 1–399 ($2.50), Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. I, and Title 27 ($1.00); Titles 28 and 29 ($1.25); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 400–699 ($0.65), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Title 33 ($1.50); Titles 35–37 ($1.00); Titles 40–42 ($0.65); Title 43 ($0.50); Title 46: Parts 1–145 ($0.60), Part 146 to end ($1.25); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.



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FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4724; Filed, June 14, 1956; 8:49 a. m.]



# TITLE 15—COMMERCE AND FOREIGN TRADE

## Chapter III—Bureau of Foreign Commerce, Department of Commerce

**Subchapter B—Export Regulations**

[8th Gen. Rev. of Export Regs.]

REVISION OF SUBCHAPTER

*Introductory statement and explanations.* The purpose of this Eighth General Revision is to codify the regulations relating to the control of exports issued under the authority of the Export Control Law of 1949, 50 U. S. C. App. 2023. This revision supersedes the Seventh General Revision of Export Regulations issued June 19, 1954, published in 19 F. R. 3647 et seq., as amended by Amendments No. 1 through 58 and Amendments P. L. No. 1 through 29, with the exception of saving clauses, which may still be operative, contained in any such amendments and substantive changes noted hereafter. The Export Regulations are also published in the Comprehensive Export Schedule and Current Export Bulletins issued by the Bureau of Foreign Commerce. The Comprehensive Export Schedule issued March 30, 1956, contains the regulations included in this revision.

In making this revision, certain obsolete provisions of the Export Regulations have been deleted, minor revisions have been made in the text and other material of the regulations for the purpose of clarification. In addition, substantive changes not heretofore published in the FEDERAL REGISTER have been made with respect to §§ 370.2, 370.7, 371.9, 371.21, 372.6, 373.2, 373.4, 373.5, 373.49, 373.65, 373.66, 373.67, 373.70, and 379.5. The General Orders contained in §§ 384.3 to 384.10 have been deleted since their substance has been incorporated elsewhere in specific regulations.

There have also been some deletions of commodities and revision of commodity descriptions made in the Positive List of Commodities as well as amendment and addition of interpretations in § 399.2.

These amendments have been published in Current Export Bulletin Nos. 762 and 763, dated March 30 and April 26, 1956.

Copies of all forms required by the Export Regulations are filed with the Federal Register Division.

SUBCHAPTER B—EXPORT REGULATIONS

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PART 368—MUTUAL ASSISTANCE ON U. S. IMPORTS AND EXPORTS (AS APPLIED TO SELECTED U. S. IMPORTS)

§ 368.1 *Import certificate and delivery verification on selected imports into the United States*—(a) *What this part does*—(1) *General.* The United States and a number of foreign countries have undertaken to institute certain procedures to facilitate trade among themselves in strategic commodities and those in short supply by increasing the effectiveness of their respective controls over international trade in such commodities. These procedures contemplate that, where required by the exporting country with respect to specific transactions, the importer will affirmatively undertake to import into the economy of his country the commodities involved and will not divert, transship, or reexport the commodities to another destination except in accordance with export control regulations of the importing country. Representations to this effect are made by the importer to his government which in turn certifies that such representations have been made.

(2) *Representations by importer.* As a part of its responsibilities in the foreign trade field, including its export control responsibilities, the Department of Commerce has engaged to receive these representations from persons in the United States regarding the intended destination of commodities and to act as certifying agent, by issuing appropriate certificates that such representations have been filed with the Department of Commerce. The making of these representations to the Department of Commerce and the certifying thereof will serve to satisfy the requirements of the foreign country in this respect and will, in addition, substantially assist in effectuating United States export controls. It should be noted, however, that these representations, which prescribe that the commodities will be entered into the United States, do not preclude the temporary unlading of the goods in a foreign trade zone for subsequent entry into the economy of the United States.

(3) *Exports.* Comparable procedures with respect to exports from the United States are described in § 373.2 of this chapter.

NOTE: *Arms, ammunition, and implements of war; "source material" and "facilities for the production or utilization of special nuclear material."* Items enumerated in the U. S. Munitions List (22 CFR Part 75) covering arms, ammunition and implements of war are not governed by the provisions of Part 368. (Information on comparable procedures relating to these items may be obtained from the Office of Munitions Control, Department of State, Washington 25, D. C.)

Through agreement between the Department of Commerce and the U. S. Atomic Energy Commission, the procedure set forth in Part 368 will apply to commodities classified as "source material," or "facilities for the production or utilization of special nuclear material," as defined in the Atomic Energy Act of 1954, as amended, and the regulations of the Atomic Energy Commission, 10 CFR, Chapter I.

(b) *United States Import Certificate*—(1) *General.* Where a person in the United States is purchasing or intending to receive, or receiving, commodities from a foreign country and is required by such country, in connection with the granting of an export license, to furnish an Import Certificate, such person shall apply for his certification by filling out and executing Form IT– or FC–826 (see Supplement S–18 for facsimile of form), in triplicate (in quadruplicate for "source material," or "facilities for the production or utilization of special nuclear material," as defined in the Atomic Energy Act of 1954, as amended, and the regulations of the Atomic Energy Commission)

(2) *Where to file.* (i) All requests for certification and validation of Import Certificates or requests for amendments of Import Certificates may be filed with the Bureau of Foreign Commerce, Operations Division, Washington 25, D. C., or with any of the following field offices of the Department of Commerce:

| | |
|---|---|
| Boston. | Los Angeles. |
| Buffalo. | Miami. |
| Chicago. | New Orleans. |
| Cincinnati. | New York. |
| Cleveland. | Philadelphia. |
| Dallas. | Pittsburgh. |
| Detroit. | Portland. |
| El Paso. | San Francisco. |
| Houston. | Savannah. |
| Jacksonville. | Seattle. |

(Blank forms are obtainable at the same offices or any other field office).

(ii) The Import Certificate may be presented for validation either in person or by mail. The duly validated form will be returned to the United States importer and shall be dispatched by him to the foreign exporter or otherwise disposed of in accordance with the regulations of the exporting country.

(3) *Validity period.* (1) The Import Certificate will be stamped with a validity period of 90 days from the date of certification by the Department of Commerce official.[1] This document will not be acceptable to the authorities of the exporting country unless presented within 90 days from the date of certification. Importers are cautioned that this time limitation for the presentation of the Import Certificate to the exporting country in no way relieves them of their responsibility to adhere to the commitments made therein.

(ii) Where the validity period of an Import Certificate has expired before its presentation to the foreign government and an extension is desired, the United States importer should apply for a new Import Certificate.

(4) *"Cross Reference Card" (Form IT– or FC–827).* In submitting Form IT– or FC–826, the United States importer shall fill out and attach a "Cross Reference Card," Form IT– or FC–827, showing his name and address. Form IT– or FC–

[1] Import Certificates issued prior to January 28, 1954, do not bear a validity period stamp and are not affected by the 90-day validity period provision.

826 will be returned without action unless accompanied by a Cross-Reference Card.

(5) *Statements and representations.* (i) All statements and representations made in an Import Certificate and any amendment thereto shall be deemed to be continuing in nature, until such time as the transaction described in the Import Certificate is completed and the goods are delivered into the economy of the importing country. Any change of fact or intention in regard to the transaction as set forth in the Import Certificate shall be promptly disclosed to the Department of Commerce by the United States importer. Such disclosure shall be by presentation of an amended Import Certificate which sets forth all changes of facts or intention, and shall be accompanied by the original Import Certificate bearing the certification of the Department of Commerce. In those cases where the original Import Certificate has been transmitted by the United States importer to his foreign exporter, the United States importer must, wherever possible, obtain the original Import Certificate prior to applying for an amendment of such Import Certificate. Where the original Import Certificate is unobtainable because the foreign exporter has surrendered it to his government, or for any other valid reason, the United States importer must submit a written statement giving his reason or reasons for failure to submit the original Import Certificate.

(ii) All the terms, conditions, provisions, and instructions, including the certification, contained in or issued in connection with such Form IT– or FC–826 are hereby incorporated as a part of this regulation with the same force and effect as if set forth in full in this section.

(6) *Lost or destroyed import certificates.* Where an import certificate is lost or destroyed, a duplicate copy of such import certificate may be obtained by the person in the United States who executed the original import certificate by submitting to the Bureau of Foreign Commerce, Operations Division, Washington 25, D. C., or any field office of the Department of Commerce listed in subparagraph (3) of this paragraph, a new set of Forms IT– or FC–826 in accordance with the provisions of subparagraph (1) of this paragraph and accompanied by a letter certifying:

(i) That the original import certificate No. ------ (if known) dated ----------, issued to ------ (name and address of U. S. importer) ------ for importation from -------- (foreign exporter's name and address) -------- has been lost or destroyed;

(ii) The circumstances under which it was lost or destroyed; and

(iii) If the original import certificate is found, the applicant agrees to return the original or duplicate import certificate to the Department of Commerce.

(7) *Approval of shipments to destinations other than the United States.* (i) Where a United States purchaser intends to ship commodities covered by a United States Import Certificate to an ultimate destination other than the United States or Canada, approval by the Bureau of Foreign Commerce of the release of the commodities to the ultimate consignee is required before the commodities covered are delivered and before title to or possession of the commodities is transferred.[2]

(ii) In such cases, a letter requesting approval of the release of the shipment shall be submitted to the Bureau of Foreign Commerce. The letter shall show the United States Import Certificate number, the date issued, the location of the issuing office, and the names, addresses, and identity of all parties to the complete transaction, as well as the quantity the dollar value, and the description of the commodity. The letter shall be accompanied by an Import Certificate, an ultimate consignee statement, or other documentation as required by the export regulations for the country of ultimate destination, as provided for license applications in §§ 373.2, 373.65, 373.66, 373.67, 373.69, and 373.70 of this subchapter.

(iii) If approval of the transaction is granted by the Bureau of Foreign Commerce, a validated letter of approval will be sent to the United States purchaser for retention in his records. Where a Delivery Verification is required, the validated letter from the Bureau of Foreign Commerce will so indicate.

(iv) If the commodities covered by a United States Import Certificate are for shipment to Canada as the country of ultimate destination, and the foreign exporter of the commodities requests a Delivery Verification from the holder of the United States Import Certificate, the Import Certificate holder shall obtain a Canadian Delivery Verification, and submit it to the Bureau of Foreign Commerce, together with an explanatory letter showing the U. S. Import Certificate Number, the date issued, and the location of the issuing office. The Bureau of Foreign Commerce will then notify the government authorities of the exporting country that a Delivery Verification has been issued.

(c) *Reexportation or transshipment of commodities covered by a U. S. import certificate.* Commodities imported into the United States under the provisions of a United States Import Certificate, Form IT– or FC–826, may not be reexported to any destination under the provisions of General In-Transit License GIT (see § 371.9). However, all other provisions of the Export Regulations, applicable to commodities of domestic origin shall apply to the reexportation of commodities of foreign origin shipped to the United States under the provisions of a United States Import Certificate, Form IT– or FC–826.

(d) *Delivery verification on imports into the United States*—(1) *General.* (i) U. S. importers may be requested by their foreign exporters to supply them with a certified Delivery Verification, Form IT– or FC–908, covering materials imported into the United States. These requests are made by the various foreign governments for the purpose of assuring that strategic goods shipped to the United States are not diverted from their intended destination. The issuance of an export license in these instances was conditioned upon the subsequent receipt of certified Delivery Verifications from the U. S. importer.

(ii) Failure on the part of the U. S. importer to comply with his foreign exporter's request will result in the exporter's inability to fulfill this obligation to his government and may result in his being denied further export licenses. This action obviously would prevent the U. S. importer's participation in further import transactions with such foreign exporter. It also may result in the U. S. importer being cut off from any trade with the exporting country requesting the Delivery Verification. In addition, the foreign exporter may be subjected to other penalties for his failure to furnish his government a certified Delivery Verification.

(iii) The U. S. person or firm executing an import certificate is responsible for providing the foreign exporter with a Delivery Verification even in those instances where the merchandise is resold to another U. S. person or firm prior to actual importation into the United States. Where such resale occurs, the person who executed the import certificate should (*a*) obtain a commitment from the purchaser or purchasers that they will provide him with a Delivery Verification in the event one is required by the exporting country and (*b*) transmit to the purchaser or purchasers the identification number of the U. S. import certificate covering the exportation from the foreign country.

NOTE: Where the U. S. person (original import certificate holder) does not wish to disclose to his foreign supplier the name or names of his customer(s), he may send the Delivery Verification after obtaining it from the actual U. S. importer(s) to the Bureau of Foreign Commerce, Operations Division, Washington 25, D. C. The BFC will undertake to notify the foreign government that a Delivery Verification has been issued.

(2) *Completion and disposition of Delivery Verifications.* A United States importer who is required by the foreign government to obtain a Delivery Verification shall present Form IT– or FC–908, Delivery Verification, in original only, to the Collector of Customs.[1] The Collector of Customs will certify Delivery Verifications after the importation has been delivered to the importer. Delivery Verification forms will be certified by Collectors of Customs only where the importation is made by a warehouse or consumption entry. Form IT– or FC–908 shall be completed by the United States importer in all respects except as to type of customs entry (warehouse or consumption), entry number, date of entry, and certification at the bottom of the form. The commodities described on the form shall be in the same terms as those shown on the related import certificate. The duly certified form shall be despatched by the United States importer to the foreign exporter or otherwise disposed of in accordance with the instructions of the exporting country.

(3) *Lost or destroyed Delivery Verifications.* When a Delivery Verification, Form IT– or FC–908, is lost or destroyed, the U. S. importer shall prepare a duplicate copy in the same manner as set forth in subparagraph (2) of this paragraph, except that the Delivery Verification will not be presented to the Collector of Customs for Certification. The U. S. importer shall attach to the duplicate copy of Form IT– or FC–908, a letter addressed to the Bureau of Foreign Commerce, Operations Division, Washington 25, D. C., certifying:

(i) That the original Delivery Verification, a copy of which is attached, has been lost or destroyed;

(ii) The circumstances under which it was lost or destroyed; and

(iii) The type of customs entry (warehouse or consumption), entry number, and date of entry.

The Bureau of Foreign Commerce will undertake to confirm the facts with the Collector of Customs at the port of entry and also notify the exporting government.

(e) *Penalties and sanctions for violations*—(1) *Administrative.* (i) The enforcement provisions of Part 381 of this subchapter, and § 384.2 (a), of the export control regulations shall apply to transactions involving imports into the United States covered by this part. Any provision of Part 381 of this subchapter, and § 384.2 (a) of this subchapter which by their terms relate to "exportations" or "exportations from the United States" are also deemed to apply and extend to imports or importations into the United States, applications for Import Certificates, Import Certificates, and Delivery Verifications, dealt with in this part. (A Form IT– or FC–826, Import Certificate, when presented to the Department of Commerce for certification or validation, is an application for Import Certificate.)

(ii) Any person, either in the United States or abroad, who violates the Export Control Act or any regulation, order, or license issued thereunder, including the provisions of this part, is subject to administrative action which may result in disqualification from eligibility to obtain a certified Import Certificate from the Department of Commerce; in suspension, revocation, and denial of export privileges under the Export Control Act; and in exclusion from practice before the Bureau of Foreign Commerce.

NOTE: Applications for Import Certificates, and Delivery Verifications, as specified in this part, are included within the definition of export control documents set forth in § 370.1 (n) of this subchapter of the export control regulations.

Also see Part 382 of this subchapter, "Denial or Suspension of Export Privileges" and § 384.2 (a), "Activities of Persons Appearing Before the Bureau of Foreign Commerce in connection with Export Control Matters."

(2) *Criminal.* The U. S. Code, Title 18 (Crimes and Criminal Procedure), Section 1001, makes it a criminal offense to make a wilfully false statement or conceal a material fact, or knowingly use a document containing a false statement, in any matter within the jurisdiction of a U. S. department or agency. Maximum penalties under this provision are $10,000 fine or imprisonment for 5 years, or both. In addition, each violation of the Export Control Act or any regulation, order, or license issued thereunder is punishable by a fine of not more than $10,000 or by imprisonment for not more than one year, or both.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023, E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

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[2] The attention of United States purchasers is directed to the Transaction Control Regulations of the U. S. Treasury Department (31 CFR 505.01 to 505.60). These regulations prohibit persons within the United States from purchasing or selling, or arranging the purchase or sale, without a Treasury Department license, of any merchandise in any foreign country when the transaction involves a shipment from any foreign country to any Iron Curtain destination, of merchandise included in the Positive List (Part 399 of this subchapter) followed by the letter "A", or of a type prohibited by any of the several regulations referred to in § 370.4 of this subchapter.

The attention of purchasers is also directed to the Foreign Assets Control Regulations of the U. S. Treasury Department (31 CFR 500.101 to 500.808). These regulations prohibit persons subject to the jurisdiction of the United States from engaging in any unlicensed transactions with Communist China, North Korea, or nationals thereof, or in any unlicensed transactions involving property in which Communist China, North Korea, or nationals thereof have, or have had, any interest, direct or indirect, since December 17, 1950. The Foreign Assets Control Regulations also prohibit persons subject to the jurisdiction of the United States from engaging in any unlicensed transaction with respect to merchandise outside the United States if such merchandise is of Communist Chinese or North Korean origin, or is Chinese type merchandise specified in the regulations.

[1] Forms IT– or FC–826 and IT– or FC–908 may be obtained from all Department of Commerce field offices and from the Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C. In addition, Form IT– or FC–908 may be obtained from offices of Collectors of Customs.



## PART 370—SCOPE OF EXPORT CONTROL BY DEPARTMENT OF COMMERCE

Sec.

370.1 Definitions.
370.2 Prohibited exportations.
370.3 Shipments to Canada for reexportation to another foreign country.
370.4 Exportations authorized by Government agencies other than Bureau of Foreign Commerce.
370.5 Shipments to Territories, dependencies, and Possessions of the United States.
370.6 In-transit shipments without unloading.
370.7 Shipments entering foreign trade zones.
370.8 Shipments via Hong Kong.

AUTHORITY: §§ 370.1 to 370.8 issued under sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023, E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.

§ 370.1 *Definitions.* When used in the Export Regulations:

(a) *Person.* "Person" shall be construed to mean the singular or plural, an individual, corporation, partnership, association, company, or any other kind of organization whatsoever, including any government or agency thereof.

(b) *The United States.* "The United States" shall, unless otherwise specifically stated, be construed to include the District of Columbia, the Canal Zone, and all Territories, dependencies, and possessions of the United States.

(c) *Export control law and export regulations.* (1) "Export Control Law" means Export Control Act of 1949, as amended, and includes section 6 of the act of July 2, 1940, 54 Stat. 714, as amended.

(2) "Export Regulations" refers to and means the regulations set forth in Parts 368–399, inclusive, of this chapter.

(d) *Department of Commerce.* "The Department of Commerce" shall be construed to refer to and include the Bureau of Foreign Commerce of the Department of Commerce.

(e) *Schedule B numbers.* "Department of Commerce Schedule B numbers" is defined as numbers so designated in, and appearing in the Department of Commerce publication, Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States, issued January 1, 1952.

(f) *Commodity.* "Commodity" means any article, material, or supply except technical data.

(g) *Positive List of Commodities.* (1) "Positive List of Commodities" means the list of commodities incorporated in § 399.1 of this chapter.

(2) "RO commodities" means commodities included on the Positive List of Commodities and identified by the symbol "RO" in the column headed "Validated License Required."

(3) "R commodities" means commodities included on the Positive List of Commodities and identified by the symbol "R" in the column headed "Validated License Required."

(h) *License application.* "Application for license" and "license application" and words of similar import mean an application for a validated license.

(i) *Validated license.* "Validated license" means an individual or other type of export license or any other document authorizing exportation, granted or issued by or under the authority of the Department of Commerce. The term also includes the phrase "licenses granted or issued upon application" and words of similar import and, unless the context otherwise indicates, the phrase "export license."

(j) *General license.* "General license" means a license established by the Department of Commerce for which no application is required and for which no document is granted or issued, available for use by all persons, permitting exportation within the provisions thereof as prescribed in the Export Regulations.

(k) *Port of exit; Collector of Customs; Export Declaration.* "Port of exit" includes, in the case of an exportation by mail, the place of mailing; "Collector of Customs" includes Postmasters unless the context otherwise indicates; and "Shipper's Export Declaration" includes any declaration required under regulations of the Department of Commerce and other Government departments or agencies in connection with exportations.

(l) *Exporting carrier.* "Exporting carrier" includes any instrumentality of water, land, or air transportation by which an exportation is effected.

(m) *Consignee.* "Consignee includes ultimate consignee or purchaser.

(n) *Export control document.* (1) "Export control document" means a validated Export License; an Application for Export License, including any

supporting documents; an Ultimate Consignee or Purchaser Statement; an application for Import Certificate, an Import Certificate and Delivery Verification, as specified in Parts 368 and 373 of this subchapter; a Shipper's Export Declaration presented to a Collector of Customs or Postmaster in connection with the clearance of any shipment for exportation to Canada or, under validated or general license, to any other foreign destination, whether or not authenticated by a Collector or Postmaster; a Dock Receipt or Bill of Lading issued by any carrier in connection with any exportation subject to the Export Regulations; and any other document issued by a U. S. Government agency pursuant to the Export Regulations as evidence of the existence of an export license for the purpose of loading onto an exporting carrier or otherwise facilitating or effecting an exportation from the United States of any commodity or commodities requiring an export license, or the reexportation of any such commodities.

(2) "Export control document" also means the following documents: Customs Form 3139, Application for Identification Card of Authorized Forwarding Agent or Exporter; Customs Form 3141, Identification Card of Authorized Forwarding Agent or Exporter or Employee Thereof; and Customs Form 7512, Transportation Entry and Manifest of Goods Subject to Customs Inspection and Permit when used for Transportation and Exportation (T. & E.) or Immediate Exportation (I. E.).

(o) *Parties.* "Parties" in connection with any export control document and any exportation means (1) the licensee named in the export control document (identified in Shipper's Export Declaration forms as "principal or seller"), who shall be the exporter; (2) the purchaser or ultimate consignee named in the export control document, who (i) shall be the person to whom the licensee is authorized to export, whether by sale, consignment or otherwise, and (ii) shall be situated in the country of ultimate destination named in the same document; and (3) the intermediate consignee named in the export control document (also identified in Form IT- or FC-419), to whom the commodities may be consigned for the purpose of effecting delivery to the purchaser or ultimate consignee.

§ 370.2 *Prohibited exportations*—(a) *General provisions.* The exportation from the United States of all commodities and all technical data as defined in § 385.1 of this chapter, except to Canada, or for the official use of or consumption by the United States armed forces when shipped by or consigned to any branch thereof, is hereby prohibited unless and until a license authorizing such exportation shall have been established or granted by the Department of Commerce, or unless the exportation of this commodity is controlled by another Government agency (see § 370.4).

(b) *Positive List of Commodities.* The commodities set forth on the Positive List of Commodities (see § 399.1 of this chapter) may not be exported from the United States to any destination unless and until a license authorizing the exportation shall have been applied for and granted or issued by the Department of Commerce, except where exportation of such commodities is authorized by the provisions of an established general license, as set forth in Part 371 of this chapter, and except where authorized with respect to certain commodities by the provisions of a footnote on the Positive List of Commodities, and where not subject as provided in paragraph (a) of this section to the general prohibition set forth therein.

NOTE: 1. *Requirement for validated license.* RO commodities require validated licenses for export to all destinations except Canada. R commodities require validated licenses for export to destinations in Country Group R only. (See § 371.3 of this chapter for definition of Country Groups O and R.)

2. *Commodity coverage on Positive List.* Where the commodity description of a Schedule B number on the Positive List mentions only a part of the commodities covered by the Schedule B listing, only the commodity or commodities specifically mentioned are included on the Positive List. (For an example, refer to Part 399, paragraph (b) of the General Notes to Appendix A.)

(c) *Revocation of licenses.* All export licenses are subject to revision, suspension, or revocation, without notice.

§ 370.3 *Shipments to Canada for reexportation to another foreign country.* The exportation from the United States of all commodities and all technical data as defined in § 385.1 of this chapter to Canada with the knowledge or intention that they are to be reexported therefrom to another foreign destination is hereby prohibited unless there has been established or granted upon application a license authorizing the exportation thereof to the country of ultimate destination.

NOTE: When such an exportation to a foreign country is made in transit via Canada, the United States exporter shall submit an authenticated copy of the Shipper's Export Declaration to the Canadian customs authorities at the Canadian port of entry.

§ 370.4 *Exportations authorized by Government agencies other than Bureau of Foreign Commerce*—(a) *Arms, ammunition, and implements of war.*[2] Regulations promulgated by the Secretary of State under the authority of section 414 of the Mutual Security Act of 1954 (68 Stat. 848) shall govern the exportation of arms, ammunition, and implements of war.

NOTE: (1) Regulations concerning the exportation of arms, ammunition, and implements of war are published in the document "International Traffic in Arms." Copies of this publication are furnished by the Department of State upon request.

(2) An application to export any of the following articles, which are listed in the United States Munitions List (22 CFR Part 75) should be made on the license form obtainable from the Department of State.

(3) Any inquiries as to the applicability of the provisions of Parts 74 and 75 of Chapter I, 22 CFR, to certain articles or commodities, application forms and procedure, or other matters relative to arms, ammunition, and implements of war should be addressed to the Office of Munitions Control, Department of State, Washington 25, D. C.

CATEGORY I—SMALL ARMS AND MACHINE GUNS

(a) Rifles, carbines, revolvers, pistols, machine pistols and machine guns using ammunition of caliber .22 or over except weapons using only caliber .22 rim-fire ammunition.

(b) The following accessories and attachments for such arms: bayonets, slings, straps, gun mounts, belts, links and magazines. All components and parts for machine guns. Barrels and breech mechanisms for rifles, carbines, pistols and revolvers.

CATEGORY II—ARTILLERY AND PROJECTORS

(a) Guns, howitzers, cannon, mortars, tank destroyers, rocket launchers, military flame throwers, military smoke projectors and recoilless rifles.

(b) Components and parts and the following accessories and attachments: mounts and carriers.

CATEGORY III—AMMUNITION

(a) Ammunition of caliber .22 or over for the arms enumerated in Categories I and II hereof except caliber .22 rim-fire ammunition.

(b) The following components, parts, accessories and attachments: cartridge cases, powder bags, bullets, jackets, cores, shells (excluding shotgun), projectiles, boosters, percussion caps, fuses or fuzes and components thereof, primers, and other detonating devices for such ammunition.

CATEGORY IV—BOMBS, TORPEDOES, ROCKETS, AND GUIDED MISSILES

(a) Bombs, torpedoes, grenades (including smoke grenades), smoke canisters, rockets, mines, guided missiles, depth charges, fire bombs, and incendiary bombs.

(b) Apparatus and devices for the handling, control, activation, discharge, detonation, or detection of items enumerated in paragraph (a) of this category.

(c) Military fuel thickeners.

(d) Components and parts including but not limited to fuses or fuzes and components thereof; bomb racks and shackles; bomb shackle release units; bomb ejectors; torpedo tubes; torpedo and guided missile boosters; launching racks, projectors; control mechanisms and control systems; pistols (exploders); igniters; detonators; mine detectors; fuze or fuse arming devices; and the following items related thereto: intervalometers and components thereof; bomb lift trucks; bomb and torpedo handling trucks; trailers, hoists, and skids for handling bombs; guided missile launchers.

CATEGORY V—FIRE CONTROL EQUIPMENT AND RANGE FINDERS

(a) Fire control, gun tracking and infrared and other nightsighting equipment; range, position, and height finders, and spotting instruments; aiming devices (electronic, gyroscopic, optic and acoustic); bomb sights, gun sights, and periscopes for the arms, ammunition, and implements of war enumerated herein.

(b) Components, parts, accessories and attachments specifically designed for the articles enumerated in this category.

CATEGORY VI—TANKS AND ORDNANCE VEHICLES

(a) Tanks, military type armed or armored vehicles, ammunition trailers, and amphibious vehicles (land vehicles capable of limited endurance in water), military half tracks, military type tank recovery vehicles, gun carriers, and automotive vehicles or chassis embodying all-wheel drive and equipped with one or both of the following features to meet special military requirements: adaptation features for deep water fording and sealed electrical systems.

(b) Components, parts, accessories and attachments specifically designed for the tanks and ordnance vehicles enumerated in this category.

CATEGORY VII—CHEMICAL AND BIOLOGICAL AGENTS

(a) Chemical or biological agents adapted for use in war to produce death or disablement in human beings or animals or to damage crops.

(b) Equipment for the dissemination, detection, and identification of, and defense against, the items described in paragraph (a) of this category.

(c) Components, parts, attachments, and accessories specifically designed for equipment for the dissemination, detection, identification of, and defense against, the items described in paragraph (a) of this category.

CATEGORY VIII—PROPELLANTS AND EXPLOSIVES

Propellants for the articles enumerated in Categories III and IV hereof; military high explosives.

CATEGORY IX—VESSELS OF WAR AND SPECIAL NAVAL EQUIPMENT

(a) Warships, amphibious warfare vessels, landing craft, mine warfare vessels, patrol vessels, auxiliary vessels, service craft, floating drydocks, and experimental types of naval ships. Turrets and gun mounts, submarine storage batteries, catapults and other components, parts, attachments and accessories specifically designed for the following types of combatant vessels: battleships, command ships, cruisers, aircraft carriers, destroyers, and submarines.

(b) Equipment for the laying, detection, detonation, and sweeping of mines. Components, parts, attachments, and accessories specifically designed for mine laying, mine detection and detonation, and mine sweeping equipment.

(c) Submarine and torpedo nets. Components, parts, attachments and accessories specifically designed for these articles.

CATEGORY X—AIRCRAFT

(a) Aircraft and airborne equipment.

(b) All components, parts and accessories for aircraft. This does not include ground handling and maintenance equipment and bulk materials, such as dopes, paints, oils, cable, wire, tubing, hose, aluminum sheets.

CATEGORY XI—MISCELLANEOUS ARTICLES

(a) Military electronics: (1) Electronics equipment specifically designed for military use; (2) radar of all types, including guidance systems and airborne or ground equipment therefor; (3) electronic countermeasures and jamming equipment; (4) underwater sound equipment; (5) military communications-electronics equipment bearing a military designation; (6) electronic navigational aids specially designed for military use such as radio direction finding equipment; (7) radio distance measuring systems such as Shoran, and hyberbolic grid systems, such as Raydist, Loran, and Decca; (8) components, parts, accessories and attachments specially designed for use with equipment enumerated in Category XI (a).

(b) Aerial cameras and special purpose military cameras and specialized processing equipment therefor; military photointerpretation, stereoscopic plotting and photogrammetry equipment.

(c) Armor plate, armored railway trains, military steel helmets, body armor, and flak suits. Components and parts specifically designed for use in military steel helmets, body armor, and flak suits.

(d) Specialized military mobile repair shops specially designed to service military equipment.

(e) Pressurized breathing equipment and partial pressure suits for use in aircraft, anti "G" suits, military crash helmets, aircraft liquid oxygen converters, and complete parachutes utilized for personnel, cargo, or deceleration purposes. Components and parts specifically designed for pressurized breathing equipment, partial pressure suits, anti "G" suits, aircraft crash helmets, and liquid oxygen converters.

(f) Military pyrotechnics including projectors therefor.

(g) Specialized military training equipment. Components, parts, attachments and accessories for specialized military training equipment.

(h) Tear gas and equipment for dissemination thereof.

(i) Helium gas.

(j) Cryptographic devices (encoding and decoding).

(k) Landing mats.

CATEGORY XII—CLASSIFIED MATERIAL

All material not enumerated herein which is classified from the standpoint of military security.

CATEGORY XIII—TECHNICAL DATA

Technical data relating to the articles herein designated as arms, ammunition, and implements of war.

(b) *Gold.* The gold regulations (31 CFR Part 54) promulgated by the Secretary of the Treasury under the Gold Reserve Act of 1934 (48 Stat. 337) and section 5 (b) of the act of October 6, 1917, as amended by section 2 of the act of March 9, 1933 (48 Stat. 1), shall govern the exportation of gold, except that the exportation of fabricated gold (as defined in § 54.4 of said regulations) of which not more than 90 percent of the total domestic value is attributable to the gold content thereof shall also be subject to the Export Regulations of the Department of Commerce.

NOTE: 1. The exportation of "fabricated gold," as defined in the gold regulations issued by the Treasury Department (31 CFR 54.4), is controlled by the Department of Commerce under an arrangement with the Treasury Department. All "fabricated gold" commodities which are not included on the Positive List may be exported to any destination, except Hong Kong, Macao, and Subgroup A destinations, under Department of Commerce General License GRO (see § 371.8 of this chapter). For the export of "semi-processed gold," as defined in § 54.4 of said regulations, an application for a license to export must be filed with the Bureau of the Mint, Treasury Department.

2. Exporters are cautioned that "semi-processed gold" (as defined by the gold regulations) presented for export as "fabricated gold" is subject to seizure.

(c) *Narcotics.* The Export Regulations of the Department of Commerce shall not govern the exportation of narcotic drugs and marihuana subject to the Narcotics Drugs Import and Export Act (21 U. S. C. 171 et seq.) and Marihuana Tax Act of 1937 (26 U. S. C. 2590, 3230 et seq.), as amended, respectively, and regulations promulgated thereunder, administered by the Treasury Department, Bureau of Narcotics.

NOTE: Under the provisions of the Narcotics Drugs Import and Export Act, as amended, and the Federal marihuana law, the authority to control exports and imports of narcotic drugs, which are listed below, is vested in the Treasury Department, Bureau of Narcotics:

(1) Opium and its derivatives.

(2) Coca leaves and their derivatives.

(3) Marihuana or cannabis.

(4) Isonipecaine (Demerol).

(5) Amidone or Methadon (Adanon and Dolophine—trade names).

(6) Any medicine or preparation containing any quantity of the foregoing drugs or their derivatives.

(d) *Commodities subject to Atomic Energy Act.* Regulations promulgated by the Atomic Energy Commission under the authority of the Atomic Energy Act of 1954 (10 CFR Parts 40 and 50), or as the same may be amended from time to time, shall govern the exportation of "source material," "special nuclear material," and "facilities for the production or utilization of special nuclear material" (except components for such facilities, which are licensed for export by the Bureau of Foreign Commerce) as defined in said act and regulations.

NOTE: 1. *Definitions*—(a) *Source material.* The term "source material" means any material except special nuclear material, which contains: by weight one-twentieth of one percent (0.05%) or more of (1) uranium, (2) thorium, or (3) any combination thereof.

(b) *Special nuclear material.* The term "special nuclear material" means plutonium, uranium enriched in the isotope 233 or in the isotope 235, or any material artificially enriched by any of the foregoing.

(c) *Production facility.* The term "production facility" means:

(i) Any nuclear reactor designed or used primarily for the formation of plutonium or U-233, or

(ii) Any facility designed or used for the separation of the isotopes of uranium or the isotopes of plutonium, except laboratory scale facilities designed or used for experimental or analytical purposes only, or

(iii) Any facility designed or used for the chemical, physical, or metallurgical processing or fabricating or allowing of special nuclear material, except laboratory scale facilities designed or used for experimental or analytical purposes only.

(d) *Utilization facility.* The term "utilization facility" means: Any nuclear reactor other than one designed or used primarily for the formation of plutonium or U-233.

2. *Regulations, forms, and instructions.* Copies of the Atomic Energy Commission regulations, together with forms and instructions for submitting license applications, and information with respect to the issuance of a license, may be obtained from the United States Atomic Energy Commission, Washington 25, D. C.

(e) *Vessels.* The sale to a foreign purchaser and/or the transfer to foreign registry of vessels which are owned by citizens of the United States, regardless of size, type or documentation, is subject to the approval of the U. S. Maritime Administration under the authority of Sections 9 and 37 of the United States Shipping Act of 1916, as amended (46 U. S. C. 808 and 835; 46 CFR Part 221). However, for vessels of war, as defined in Presidential Proclamation 3038 (3 CFR, 1953 Supp.), and regulations issued thereunder by the Secretary of State (see paragraph (a) of this section), export authorization must be obtained from both the State Department and the Maritime Administration.

(f) *Natural gas.* The provisions of the Natural Gas Act of 1938 (52 Stat. 822; 15 U. S. C. 717b) and of Executive Order No. 8202, dated July 13, 1939 (4 F. R. 3243, 3 CFR, 1943 Cum. Supp.) and the regulations heretofore or hereafter

[2] Arms, ammunition and implements of war must be rendered useless beyond the possibility of restoration, before they can be licensed by the Bureau of Foreign Commerce for export as scrap metal. (See § 399.2 of this subchapter, Appendix B, Interpretation 13.)

promulgated by the Federal Power Commission pursuant to said act and Executive Order (18 CFR Part 153) shall govern the exportation of "natural gas" as defined in said act, and the construction, operation, maintenance, or connection of facilities for such exportation at the United States side of international boundaries.

§ 370.5 *Shipments to Territories, dependencies, and Possessions of the United States*—(a) *Territories, dependencies, possessions.* No license is required for shipments from the United States to any territory, dependency, or possession of the United States, as listed in Schedule C of the Bureau of the Census.

(b) *Trust Territory of the Pacific Islands.* For the purpose of export control, the Trust Territory of the Pacific Islands (i. e., the Caroline Islands, the Marshall Islands, and the Marianas Islands, except Guam, which is an island possession of the United States) shall be accorded the same treatment as the territories and possessions of the United States and, accordingly, an export license is not required for shipments of commodities thereto.

§ 370.6 *In-transit shipments without unloading.* Commodities shipped by vessel from one foreign country and passing through the United States in transit to another foreign country may be exported without a license from the Department of Commerce; provided that while in waters subject to the jurisdiction of the United States, they have not been unladen from the vessel on which they entered such waters, and provided further, that they are not originally manifested to the United States.

NOTE: Any commodity which is excepted from the provisions of General In-Transit License GIT (§ 371.9 (c) of this chapter) and which is manifested to the United States requires a validated license for on-forwarding to all destinations, regardless of whether unladen from a vessel in waters subject to the jurisdiction of the United States.

§ 370.7 *Shipments entering foreign trade zones*—(a) *General provisions.* Commodities identified on the Positive List of Commodities (§ 399.1 of this subchapter) by the symbol "C" in the column headed "Commodity Lists" may not be exported from a foreign trade zone without an export license from the Bureau of Foreign Commerce. Other commodities wholly of foreign origin for which no customs entry has been made with a Collector of Customs may be exported from a foreign trade zone without an export license to:

(1) Any destination other than Hong Kong, Macao, and Subgroup A, and

(2) Hong Kong, Macao, and Subgroup A destinations only if the same exportation may be made directly from the United States under the provisions of a general license.

(b) *Shipments originating in Canada.* Shipments of commodities originating in Canada and moving through the United States may be exported from a foreign trade zone without a license from the Department of Commerce provided such exportation meets the conditions set forth in § 371.9 (b) (1) of this chapter, General In-Transit License GIT; or when exported to an ultimate destination to which the same commodity could be exported under General License GO.

§ 370.8 *Shipments via Hong Kong*—(a) *General.* Notwithstanding restrictions upon shipments to Hong Kong set forth elsewhere in the Export Regulations, shipments may be made via Hong Kong subject to the provisions set forth in paragraphs (b), (c), and (d) of this section.

(b) *Shipments not unloaded at Hong Kong.* General and validated license shipments, which are manifested to any ports other than Hong Kong, Macao, and those in Subgroup A destinations, and which proceed through Hong Kong only for the purpose of exchanging Bills of Lading, but which are not to be discharged, off-loaded, or transshipped at Hong Kong, may proceed without the necessity of bonding such shipments against discharge in Hong Kong, provided the Bill of Lading calls for discharge at the port to which the shipment is manifested. Bills of Lading permitting discharge only at an unrestricted port by the use of a statement such as "Singapore via Hong Kong" may be cleared without bond. However, shipments which are either manifested to, or under Bills of Lading calling for, "Hong Kong" as port of discharge or "Hong Kong in-transit to Singapore," or any other similar designation indicating Hong Kong as port of discharge, may not be cleared without a validated export license specifically authorizing transshipment at Hong Kong.

(c) *General License GRO shipments under a through bill of lading.* (1) Shipments of all commodities under General License GRO may be transshipped at Hong Kong without the necessity of obtaining a validated license, provided (1) such transshipments are made under a through Bill of Lading to a destination outside of Hong Kong, Macao, or Subgroup A and (2) the shipment is maintained in the custody of the originating or on-forwarding carrier at all times.

(2) For purposes of this section a through Bill of Lading includes a contract of carriage with a carrier for transportation from the United States of the commodities to the country of ultimate destination named on the authenticated Shipper's Export Declaration. The actual transportation may be made by more than one carrier and may involve more than one transportation document.

(d) *Validated license shipments under a through bill of lading.* Subject to the provisions shown in paragraph (c) (1) and (2) of this section, commodities shipped under a validated license for an ultimate destination other than Hong Kong may be transshipped at Hong Kong without the necessity of obtaining specific authorization from the Bureau of Foreign Commerce on the validated license.

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## PART 371—GENERAL LICENSES

Sec.


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371.14 General License GUS; shipments to members of the U. S. Armed Forces and to representatives of the U. S.
371.15 General License GLC; exportations of commercial vehicles by private or common carriers.
371.16 General License GTF; goods imported for trade fairs.
371.17 General Licenae GCC; commodities sold at auction by Bureau of Customs.
371.18 General License GLR; return of certain commoditiea imported into the United States.
371.19 General Licenses GTDP, GTDU, and GTDS; technical data.
371.20 General License G-PUB; exportation of certain publications.
371.21 General License GIFT; shipments of gift parcels.
371.22 General License GHS; goods exported to Hong Kong as trade samples.
371.23 General License GHK; shipments of certain commodities to Hong Kong.
371.24 General License GLSA; shipments of certain commodities to specified Subgroup A destinations.


AUTHORITY: §§ 371.1 to 371.24 issued under sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023, E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.

§ 371.1 *Definition.* A "general license" is a license established by the Department of Commerce for which no application is required and for which no document is granted or issued, available for use by all persons, permitting exportation within the provisions thereof as prescribed in the Export Regulations.

§ 371.2 *General provisions*—(a) *Export declarations.* No exportation may be made pursuant to any general license established in this part unless prior to said exportation, whenever required by the Export Regulations, or by the Regulations for the Collection of Statistics of Foreign Commerce and Navigation of the United States, a Shipper's Export Declaration describing the commodity or commodities to be exported has been filed with the Collector of Customs at the port of exit or with the Postmaster at the place of mailing; or, unless at the time of said exportation, whenever the filing of a Shipper's Export Declaration is not required, an oral export declaration describing the commodity or commodities is made to a Collector of Customs at the port of exit.

(b) *Use of General License symbol.* A person exporting any commodity or technical data pursuant to any general license established in this part or Part 385 of this subchapter shall enter on the



Shipper's Export Declaration, when the Declaration is required, the designation or symbol of the general license authorizing the exportation. In the case of exportations by mail, except the exportation of publications made by a United States Government agency under General License GTDP, the designation or symbol of the general license shall be entered on the address side of the wrapper of the parcel and shall be followed by the words "Export License Not Required." The use of such designation or symbol shall constitute a certification by the exporter that the terms, provisions, and conditions of the general license involved have been met.

*Example.* If medicinals are to be sent to a member of the American Embassy in a foreign country, they may be exported under general license GUS, and the exporter will note on the Declaration the symbol GUS to indicate that the exportation is licensed.

(c) *Applicability*—(1) *Prohibited shipments.* (i) No general license set forth in this subchapter may be used to effect an exportation to a destination for which such general license has been suspended or revoked.

(2) *Choice of general license.* When two or more types of general licenses are applicable, any one of such general licenses may be used. However, exportations of commodities under any applicable general license on a vessel or aircraft of foreign registry departing from the United States for use on board such vessel or aircraft must conform to the requirements for exportation under General License SHIP STORES or General License PLANE STORES, respectively. (See § 371.13.)

(3) *Exportations to foreign vessels in foreign ports.* Except as provided in the note below, commodities may not be exported under the provisions of any general license to a foreign vessel, whether an operating vessel or one under construction, located in a foreign port unless such general license is applicable to both the country in which such port is located and to the country under whose laws such vessel is or will be registered.

NOTE: The exportation of commodities under the provisions of General Licenses SHIP STORES, § 371.13 (a), or REGISTERED CARRIER STORES, § 371.13 (d), is not affected by this provision.

§ 371.3 *General license country groups*—(a) *Grouping of countries.* Two general license country groups are hereby designated: Group R and Group O. (Since exportations to U. S. territories, dependencies, and possessions, Trust Territory of the Pacific Islands, and Canada do not require export licenses from the Department of Commerce, these destinations are not included in these country groups.)

(1) Country Group O consists of the following countries and other destinations:

NORTH AMERICA

Northern area:
- Greenland.
- Miquelon and St. Pierre Islands.

Southern area:
- Mexico (including Cozumel and Revilla Gigedo Islands).

Central America:
- Guatemala.
- British Honduras.
- El Salvador.
- Honduras (including the Bay Islands).
- Nicaragua.
- Costa Rica.
- Panama, Republic of.

Bermuda and Caribbean:
- Bermuda.
- Bahamas.
- Cuba (including Isle of Pines).
- Jamaica.
- Haiti (including Gonave and Tortuga Islands).
- Dominican Republic.
- Leeward and Windward Islands.
- Barbados.
- Trinidad and Tobago.
- Netherlands Antilles (formerly Curacao, N. W. I.).
- French West Indies.

SOUTH AMERICA

Northern area:
- Colombia.
- Venezuela.
- British Guiana.
- Surinam (Netherlands Guiana).
- French Guiana (including Inini).

Western area:
- Ecuador (including the Galapagos Islands).
- Peru.
- Bolivia.
- Chile (including the islands Sala-y-Gomez, Juan Fernandes, San Felix, San Ambrosio, and Easter Island).

Eastern area:
- Brazil (including the islands St. Paul, Fernando Noronha, and Trinidad (in South Atlantic)).
- Uruguay.
- Paraguay.
- Argentina.
- Falkland Islands.

(2) Country Group R includes and consists of all countries and other destinations not included in Country Group O, except Canada (including Newfoundland and Labrador). Within Country Group R there is established Subgroup A, which includes and consists of the following countries and other destinations: [1]

- Albania.
- Bulgaria.
- China, including Manchuria (and excluding Taiwan (Formosa)) (includes Inner Mongolia; the provinces of Tsinghai and Sikang; Sinkiang; Tibet; the former Kwantung Leased Territory, the present Port Arthur Naval Base Area and Liaoning Province).
- Communist-controlled area of Viet Nam, Communist-controlled area of Laos.
- Czechoslovakia.
- East Germany (Soviet Zone of Germany and the Soviet Sector of Berlin).
- Estonia.
- Hungary.
- Latvia.
- Lithuania.
- North Korea.
- Outer Mongolia.
- Poland and Danzig.
- Rumania.
- Union of Soviet Socialist Republics.

NOTE: Licenses issued by the Bureau of Foreign Commerce to export R commodities to Tangier (including the International Zone), French Morocco, or Spanish Morocco are valid for shipment or transshipment of such commodities to any of the following destinations: Tangier (including the International Zone), French Morocco, or Spanish Morocco. Exporters filing license applications for the export of R commodities to these three destinations may indicate "Morocco" as the country of ultimate destination.

(b) *Applicability to individual countries.* When a commodity is exportable under general license to a particular country group, it may, subject to the provisions of the Export Regulations, be exported to any country or destination in that group.

§ 371.4 *Reexportation from country of destination*—(a) *Prohibited reexportations.* No exportation may be made under any type of general license with the knowledge or intention that the commodities so exported are to be reexported from the country of destination unless the reexportation has been authorized by the Department of Commerce, except as provided in paragraph (b) of this section or in § 371.8 (b).

(b) *Permissive reexportations.* Any commodity which has been exported from the United States may be reexported from any destination to any other destination; provided that at the time of reexportation, the commodities to be reexported may be exported directly from the United States to the new country of destination either under General License GO, GRO, GHS, GHK, or GLSA or where the value of the reexportation does not exceed the GLV dollar value limit shown on the Positive List with reference to the country of destination.

NOTE 1. *Reexportation from country of destination.* This provision applies to commodities exported from the United States to the original country of destination under either a general or validated license. See § 372.12 of this chapter.

NOTE 2. *Optional ports.* When an exporter of a commodity being exported under General License GRO or GO does not know, prior to the departure of the exporting carrier, which of several countries is the country of ultimate destination, he may name optional ports of unlading on the Shipper's Export Declaration and bill of lading, even when more than one foreign country is involved, as provided by Note 1 following §379.4 of this subchapter.

NOTE 3. *Technical data.* For reexportation of technical data, see § 385.6 of this chapter.

§ 371.5 *Consignee control under general license*—(a) *Revocations and suspensions.* General licenses may be revoked or suspended as to any person in any destination.

(b) *Consignees.* Shipment under a general license may be made, subject to the provisions thereof, to any consignee in any country of destination except to any person as to whom the general license has been revoked or suspended.

§ 371.6 *Consignor control under general license.* General licenses may be revoked or suspended as to any person within or without the United States by an order issued pursuant to the provisions of Part 382 of this chapter.

§ 371.7 *General license GO; shipments to Group O destinations*—(a) *Scope of license.* A general license designated GO is hereby established, subject to the other provisions of this section, authorizing the exportation of R commodities to destinations in Country Group O as listed in § 371.3 (a).

[1] Further explanation of the areas indicated is contained in "Schedule C" appearing on pages x-xv of Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States, and amendments thereto.

(b) *Footnotes on Positive List.* If reference is made to a footnote on the Positive List of Commodities (§ 399.1 of this subchapter) which modifies or alters the general license established in this section, the provisions specified in such footnote shall govern, notwithstanding any other provision.

NOTE: To determine if a commodity may be exported to a specific destination under this general license, the exporter should consult the provisions regarding country groups in § 371.3. If the destination is included in Group O, he should then consult the Positive list (§ 399.1 of this subchapter). If the commodity is listed and identified by the symbol "R" in the column headed "Validated License Required," it is an R commodity, and the exportation may be made under General License GO. (Exporters in doubt as to the proper classification of the commodities which they handle should consult the Department of Commerce publication, Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States.)

EXAMPLE NO. 1

An exporter desiring to ship toluene to Venezuela finds that Venezuela is included in Country Group O (§ 371.3). Turning to the Positive List (§ 399.1), he finds that toluene, Schedule B No. 801100, is listed and followed by the symbol "R" in the column headed, "Validated License Required." It is, therefore, an R commodity, and the exportation may be made under this general license by use of the symbol GO on the Shipper's Export Declaration.

EXAMPLE NO. 2

An exporter desiring to ship toluene to Spain consults the country list (§ 371.3) and finds that Spain is a Country Group R destination. The shipment cannot be made under General License GO, and an application must be filed for a validated export license if the value of the shipment exceeds that specified in the column headed "GLV Dollar Value Limits."

EXAMPLE NO. 3

An exporter desiring to ship copper ore and concentrates, Schedule B No. 640100, to Venezuela finds this commodity on the Positive List, followed by the symbol "RO" in the column headed "Validated License Required." The exportation, therefore, cannot be made under General License GO.

§ 371.8 *General license GRO; shipments of non-Positive List commodities*—(a) *Scope of license.* (1) A general license designated GRO is hereby established, authorizing the exportation to all destinations of all commodities not included on the Positive List of Commodities (§ 399.1 of this subchapter), subject to the limitations set forth in this section.

(2) No exportations may be made under this general license to Hong Kong, Macao, or Subgroup A destinations.

NOTE: Gift parcels containing commodities not on the Positive List may be shipped under General License GRO. Any commodity on the Positive List requires a validated license for export, even though intended as a gift, unless exportable under one of the other general licenses such as Gift (see § 371.21), GO (see § 371.7), or GLV (see § 371.10).

(b) *Shipments to redistribution points.* (1) Exportations may be made under this general license to a free zone or other redistribution point for redistribution to a destination not identified on the export documents provided that neither the redistribution point nor the destination to which the commodities are distributed is included in paragraph (a) (2) of this section, except that commodities listed in § 371.23 may be redistributed to Hong Kong.

(2) For exportations to redistribution points, the Declaration and the Bill of Lading covering the shipment must show, as the ultimate destination, the country from which distribution will be made followed by the words "For redistribution to other countries." In addition, both documents shall show in the commodity description item, the following statement:

None of this merchandise will be shipped to Macao, a Soviet Bloc destination, or a Communist-controlled area in the Far East, and none of these commodities except commodities listed in § 371.23 will be shipped to Hong Kong.

(c) *Government surplus agricultural commodities.* See § 373.5 (b) of this subchapter for exportations of agricultural commodities acquired directly or indirectly as a result of a sale for export amounting to $100,000 or more by the Commodity Credit Corporation (CCC), either in the form acquired or in processed form.

§ 371.9 *General License GIT; intransit shipments*—(a) *General provisions*—(1) *Scope.* (i) A general license designated GIT is hereby established, authorizing, subject to the other provisions of this Section, the exportation from the United States of commodities which originate in and are destined to any foreign country; provided that such commodities are moving in transit through the United States under a Transportation and Exportation (T. & E.) customs entry or an Immediate Exportation (I. E.) customs entry made at a United States customhouse.

(ii) Commodities which originate in a foreign country include commodities which were originally grown, produced, or manufactured in the United States but which have been so altered by further processing, manufacture, or assembly in the foreign country that such commodities have either thereby been substantially enhanced in value, or have lost their original identity with respect to form.

(iii) Only those exportations of foreign origin which, if of United States origin, could be made respectively to Hong Kong, Macao, or a Subgroup A country, under the provisions of a general license, may be exported to Hong Kong, Macao, or a Subgroup A country, respectively, under General License GIT.

(2) *Exception from foreign-origin requirement.* Notwithstanding the provisions of subparagraph (1) of this paragraph, automobile manufacturers located in Canada may export, under the provisions of this General License GIT, automotive replacement parts of U. S. origin which were originally exported from the United States to Canada as stock parts for new vehicles of Canadian manufacture, and which are moving from Canada in transit through the United States to a foreign destination; provided, however, that such automotive replacement parts are for repair or replacement only for passenger cars and commercial trucks not exceeding 10,000 pounds gross vehicle weight, and not for assembly of new vehicles outside of Canada.

NOTE 1. Commodities are not considered as "moving in transit" within the meaning of General License GIT if they are covered by a warehouse entry and withdrawn from warehouse under a withdrawal-for-exportation customs entry or if their transit is broken by a warehousing or processing operation under another type of customs entry.

NOTE. 2. Regardless of origin of the intransit shipment, except those originating in Canada, General License GIT cannot be used to export any commodity if it is on the excepted commodity list as provided in paragraph (c) of this section or if the shipment was imported into the United States under a U. S. Import Certificate (Form IT– or FC–826), in accordance with the procedure described in § 368.1 (b) of this chapter.

NOTE 3. As used in paragraph (b) of this section, commodities or shipments of commodities which originate in any foreign country means commodities exported from that country whether or not grown, produced, or manufactured there.

NOTE 4. This General License GIT is not applicable to exportations of commodities licensed by agencies of the United States Government other than the Department of Commerce.

NOTE 5. See § 370.6 of this chapter, and note following that section, regarding shipments moving in transit via the United States without unloading from the carrier.

(b) *Special provisions for shipments originating in Canada.* (1) The provisions of General License GIT are applicable, as modified herein, to all shipments originating in Canada and moving in transit through the United States to any foreign destination, including Hong Kong, Macao, and Subgroup A countries. The United States Collector of Customs at the United States port of exit shall require, and the shipper shall submit to him, a copy of Canadian Customs Entry, Form B13, certified or stamped by the Canadian customs authorities, for each such shipment. Positive List commodities may be exported from the United States under this general license only as authorized in the certified or stamped Canadian Customs Entry, Form B13. Where the ultimate destination or any other pertinent detail of such shipment is not the same on the U. S. Shipper's Export Declaration as that shown on the Canadian Customs Entry, Form B13, a validated U. S. export license or a new Form B13 authorizing the shipment is required. However, non-Positive List commodities may be exported under any general license applicable to the exportation of the same commodities of domestic origin whether or not there is a change of ultimate destination while the shipment is in transit. Non-Positive List commodities authorized by the Canadian Customs Entry, Form B13, for export to Hong Kong, Macao, or a Subgroup A country may proceed in transit through the United States under General License GIT according to that authorization. Other shipments on non-Positive List commodities to Hong Kong, Macao, or a Subgroup A country, not authorized to such a destination by the accompanying Canadian Customs Entry, Form B13, require a validated U. S. export license or a new Form B13 authorizing such an exportation.

(2) Any parties to the exportation shall submit any further proof which the Collector of Customs at the United States port of entry or at the port of exit may require to enable him to determine that the shipment is properly exportable under General License GIT, including the fact that the destination of the shipment is properly authorized by the Canadian authorities. Exportations shall not be cleared for shipment by the Collector of Customs at the United States port of exit under General License GIT unless all provisions of this general license have been complied with.

(c) *Commodities excepted from the provisions of this general license.* (1) Commodities identified on the Positive List of Commodities (§ 399.1 of this subchapter) by the symbol "C" in the column headed "Commodity Lists" may not be exported to any destination under this general license, with the exception of shipments of commodities originating in Canada which are being exported from the United States in accordance with the authorization shown on the accompanying Canadian Customs Entry, Form B13.

(2) Commodities shipped to the United States under the provisions of a United States Import Certificate (Form IT– or FC–826) may not be reexported to any destination under this general license.

NOTE: 1. See § 372.6 of this chapter for export application requirements for intransit shipments where General License GIT is not applicable.

2. All shipments of merchandise for which the Shipper's Export Declaration For Intransit Goods is required (Commerce Form 7513) must be shown in terms of Schedule S as well as in terms of Schedule B. Schedule S numbers, by commodity groupings, are contained in Schedule S, Statistical Classification of Domestic and Foreign Merchandise Exported from the United States, and are obtainable without charge from the Bureau of the Census, Washington 25, D. C.

§ 371.10 *General License GLV; shipments of limited value*—(a) *Purpose and symbol.* There is hereby established a general license designated GLV authorizing the exportation from the United States of shipments within certain specific dollar-value limits.

(b) *Definitions and interpretations.* The following definitions and interpretations are applicable to this section:

(1) "Single shipment" means the shipment of all commodities which move at the same time from one exporter to one importer on the same exporting carrier, except that not more than one shipment may be made by parcel post or mail per calendar week from one exporter to one importer.

(2) "Net value" means the actual selling price less shipping charges or the current market price to the same type of purchaser in the United States, whichever is the larger.

(3) "One importer" is interpreted as follows: For exportation under the provisions of this section, not more than the amount authorized under this general license may be exported in a single shipment from a designated exporter to a designated consignee or to an intermediate consignee even though such shipment is to be forwarded to one or more ultimate consignees.

(c) *General provisions*—(1) *Positive list.* Subject to the special provisions as designated and set forth below in this section, commodities included on the Positive List of Commodities (§ 399.1) may be exported in a single shipment under this general license to all destinations, as follows:

(i) *R destinations.* RO or R commodities classified in a single entry on the Positive List may be exported to Group R destinations, provided that the net value of the shipment is within the dollar-value limit specified in the column headed "GLV Dollar Value Limits."

(ii) *O destinations.* RO commodities classified in a single entry on the Positive List may be exported to Group O destinations, provided that the net value of the shipment is within the dollar-value limit specified in the column headed "GLV Dollar Value Limits" (including those limits specified as "none"), or $500, whichever is higher, unless the commodity is identified by the symbol "G" in the column headed "Commodity Lists." Where the commodity is identified by the symbol "G," the commodity may be exported only within the dollar-value limit specified in the column headed "GLV Dollar Value Limits."

(2) *Prohibited shipments.* The following shipments may not be made under the provisions of this general license:

(i) Positive List commodities in any quantity destined for Hong Kong, Macao, and Subgroup A destinations (see § 371.3 (a)).

(ii) Commodities licensed by agencies of the U. S. Government other than the Department of Commerce.

(iii) Commodities with the word "none" in the column on the Positive List headed "GLV Dollar Value Limits" except as specified in subparagraph (1) of this paragraph.

(iv) Shipments designed as a device to evade the requirement of a validated export license. Such devices include, but are not limited to, (*a*) the splitting of orders from a single consignee into two or more shipments the total value of which exceeds the maximum GLV dollar-value limit specified for a single shipment; (*b*) the solicitation from a single consignee of a number of separate orders each of which conforms to such dollar-value limits, but which have a combined value in excess thereof.

NOTE: 1. R commodities may be exported to Group O destinations without dollar-value limit under the provisions of General License GO (§ 371.7).

2. Commodities not included on the Positive List of Commodities may be exported to any destination, except Hong Kong, Macao, and Subgroup A countries, without dollar-value limit under the provisions of General License GRO (§ 371.8).

(d) *Use of other general licenses not restricted.* The provisions of this section shall not be construed as limiting the use of any other general license specifically authorized.

(e) *Special provisions for Mexico*—(1) *Limitations on commodities under quantitative quotas.* Commodities subject to quantitative quotas which have been announced in Current Export Bulletins and which are being exported to Mexico by or on behalf of the same exporter to or for the account of the same ultimate consignee are restricted to one "single shipment" (as defined in paragraph (b) of this section) per calendar week when such exports are transported otherwise than by common carrier or by mail.

(2) *Certification required.* The Shipper's Export Declaration covering any exportation to Mexico which is authorized by General License GLV but which is restricted by the terms of subparagraph (1) of this paragraph shall contain the following additional certification.

The undersigned certifies to the Department of Commerce that the merchandise above described is the only shipment of the commodity(ies) classified under the Schedule B number(s) set forth herein to be exported under the provisions of General License GLV by the undersigned exporter to the consignee named herein during the current calendar week.

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(Signed)

(3) *Hardship or emergency cases.* In any case where the Collector of Customs determines that the limitations in subparagraph (1) of this paragraph would create an undue hardship, or that an emergency exists in a particular case, he is authorized to permit more than one such shipment in a calendar week under this general license; provided that the value of each such shipment does not exceed the value limitation provided for the commodities included in such shipment under this general license.

(4) *Collectors authorized to limit shipments.* The Collector of Customs is authorized to limit or prevent altogether the exportation of any commodity to Mexico under this general license whenever he shall have cause to suspect that such exportation is being made for the purpose or with the intent of evading the Export Regulations.

§ 371.11 *General licenses BAGGAGE and TOOLS OF TRADE*—(a) *General license BAGGAGE*—(1) *General provisions.* A general license designated BAGGAGE is hereby established, authorizing a person leaving the United States, but not including members of crews on vessels and aircraft, to export as personal baggage, accompanied and unaccompanied, the following classes of commodities:

(i) *Personal effects.* Usual and reasonable kinds and quantities of wearing apparel, articles of personal adornment, toilet articles, medicinal supplies, food, souvenirs, games, and similar personal effects, and their containers.

NOTE: As used in the regulation, usual and reasonable quantities and kinds of food should be limited, generally, to the quantities and kinds necessary and appropriate for use by a traveler or members of his immediate family during the outgoing and any immediate return voyage.

Consequently, where a traveler desires to include, under the baggage general license, food in such quantities as to be obviously used for consumption after he has finished his voyage, or to be distributed as "gifts," such food is not included within the provisions of this general license.

(ii) *Household effects.* Usual and reasonable kinds and quantities of furniture, household effects, household furnishings, and their containers.

(iii) *Vehicles.* Usual and reasonable kinds and quantities of vehicles, such as passenger cars, station wagons, trucks, trailers, motorcycles, bicycles, tricycles, perambulators, and their containers.

*Provided,* That the above-indicated personal effects, household effects, and vehicles shall include only such articles as are owned by such person or members of his immediate family; shall be in his possession at the time of or prior to his departure from the United States for a foreign country; are necessary and appropriate for the use of such person or his immediate family; are intended for his use or the use of his immediate family; and are not intended for sale.

(2) *Definition of "accompanied" and "unaccompanied."* The provisions of General License BAGGAGE are applicable to accompanied and unaccompanied personal baggage, which is defined as follows:

(i) Accompanied. All commodities exported under this general license on the same carrier on which the passenger departs.

(ii) Unaccompanied. All other shipments of commodities under this general license. Unaccompanied shipments under this category shall be clearly marked "BAGGAGE." Shipments of unaccompanied baggage may be made at the time of, or within a reasonable time prior to or after, departure of the consignee or owner from the United States.

(3) *Special provisions.* No more than 3 firearms and no more than 500 cartridges, subject to the regulations governing the international traffic in arms, ammunition, and implements of war promulgated by the Department of State (see § 370.4 (a) of this chapter), may be exported under General License BAGGAGE.

(b) *General License TOOLS OF TRADE.* A general license designated TOOLS OF TRADE is hereby established authorizing a person leaving the United States to export usual and reasonable kinds and quantities of implements, instruments, and tools of trade, occupation or employment, and their containers; provided that the above-indicated tools of trade (1) shall include only such articles as are owned by such person; (2) shall be in his possession at the time of or prior to his departure from the United States for a foreign country; (3) are necessary and appropriate and intended for the personal use of such person; and (4) are not intended for sale.

NOTE: Proposed exports of personal effects, household effects, vehicles, and tools of trade that are not authorized for export to the country of destination under General License BAGGAGE or General License TOOLS OF TRADE, or under any other general license, must be authorized by a validated license in accordance with § 372.3 of this chapter.

(c) *Requirement for filing Shipper's Export Declaration.* A Shipper's Export Declaration must be filed in accordance with § 379.1 (b) of this chapter whenever a shipment is exported under General License BAGGAGE or General License TOOLS OF TRADE when shipped under a bill of lading.

NOTE: 1. *Validated license requirement.* Section 379.1 (a) (1) of this chapter also requires the filing of a Shipper's Export Declaration for authentication whenever a shipment is exported under a validated license.

2. *Oral declaration.* A Shipper's Export Declaration need not be filed, despite the provisions of § 379.1 (a) (2) of the chapter, whenever a shipment is exported under General License BAGGAGE or General License TOOLS OF TRADE except when shipped under a bill of lading. As stated in § 371.2 (a), whenever the filing of a Shipper's Export Declaration is not required by the export regulations or by the Regulations for the Collection of Statistics of Foreign Commerce and Navigation of the United States, an oral declaration describing the commodity or commodities shall be made to a Collector of Customs at the port of exit.

3. *Shipper's Export Declaration filing with manifest.* Bureau of Customs regulations provide that whenever any commodity for which a Shipper's Export Declaration is required to be filed, is to be exported, the person in command of the exporting carrier [1] or the owner or agents thereof on his behalf, shall deliver to the Collector of Customs all authenticated Shipper's Export Declarations presented to the exporting carrier for the purpose of facilitating or effecting the exportation of such commodities.

(d) *Customs authority to limit or prohibit shipments.* Collectors of Customs shall limit or prohibit the export of any commodity or commodities under General License BAGGAGE or General License TOOLS OF TRADE whenever the kind or quantity is in excess of the limitations set forth in this section, or whenever they shall have cause to suspect that such exportation is being made for the purpose or with the intent of evading any of the regulations of the Department of Commerce.

§ 371.12 *General License GLD; dunnage.* A general license designated GLD is hereby established, authorizing the exportation of usual and reasonable kinds and quantities of dunnage necessary and appropriate to stow or secure cargo on the outgoing and any immediate return voyage of an exporting carrier, when exported solely for use as dunnage, not intended for unlading in a foreign country and not exported under a bill of lading.

NOTE: 1. *Validated license requirements.* Proposed exports of dunnage that are not authorized for export to the country of destination under General License GLD or under any other general license must be authorized by a validated license in accordance with § 372.3 of this chapter.

2. *Shipper's Export Declaration filing for authentication.* A Shipper's Export Declaration must be filed in accordance with § 379.1 (a) (1) of this chapter whenever a validated license is required for the export of dunnage. The Shipper's Export Declaration may be executed and filed by the person in command of the exporting carrier [1] or the owner or agents thereof on his behalf. A Shipper's Export Declaration need not be filed, despite the provisions of § 379.1 (a) (2) of this chapter, whenever a shipment is exported under General License GLD. (See § 371.2 (a).)

3. *Shipper's export declaration filing with manifest.* Bureau of Customs regulations provide that whenever any dunnage is to be exported for which Shipper's Export Declarations are required to be filed, the person in command of the exporting carrier,[1] or the owner or agents thereof on his behalf, shall deliver to the Collector of Customs at the port of clearance all authenticated Shipper's Export Declarations executed by or presented to such persons for the purpose of facilitating or effecting the exportation of such dunnage.

§ 371.13 *General Licenses SHIP STORES, PLANE STORES, CREW, and REGISTERED CARRIER STORES*—(a) *General License SHIP STORES*—(1) *Scope.* A general license designated SHIP STORES is hereby established authorizing exportation, subject to the conditions set forth in subparagraph (2) of this paragraph, on vessels of foreign registry departing from the United States, of usual and reasonable kinds and quantities of (i) bunker fuel, (ii) deck, engine, and steward department stores, provisions and supplies for both port and voyage requirements (iii) medicinal and surgical supplies, (iv) food stores, (v) slop chest articles, and (vi) saloon stores or supplies, for use or consumption on board during the outgoing and any immediate return voyage, and not intended for unlading in a foreign country and not exported under a bill of lading as cargo; and of usual and reasonable kinds and quantities of equipment and spare parts for permanent use on the vessel when necessary for proper operation of such vessel, and not intended for unlading in a foreign country and not exported under a bill of lading as cargo.

(2) *Restrictions on the exportation of petroleum and petroleum products.* No exportation of petroleum and other petroleum products (including those used as bunker fuel) listed in subparagraph (3) of this paragraph may be made under this general license on a foreign vessel of 500 gross registered tons or more departing from the United States for use on board such vessel if the vessel (i) has called at Macao or a Far Eastern Communist port during the 180 days immediately preceding the date on which such commodities are to be laden aboard the vessel; (ii) will call at Macao or a Far Eastern Communist port within 120 days after the date on which such commodities are laden aboard the vessel; (iii) will carry within the next 120 days commodities of any origin, known by the owner, master, or agent to be destined directly or indirectly to these ports, unless the commodities so carried are covered by an export license issued by the Bureau of Foreign Commerce or any other agency of the United States Government; or (iv) is registered in any Subgroup A country, or is controlled by, or under charter to, any Subgroup A country or a national of a Subgroup A country.

(3) *Restricted commodities.* The provisions of subparagraph (2) of this paragraph are applicable to the following commodities:

[1] "Exporting carrier" includes any instrumentality of water, land, or air transportation by which an exportation is effected.



| Schedule B No. | Commodity |
|---|---|
| 501100 | Petroleum, crude. |
| 501200 | Natural gasoline. |
| 501360 | Unfinished oils for further refining: |
| | Refined oils: |
| | Motor fuel and gasoline (report octane rating): |
| 501400 | Blending agents, of petroleum origin (specify by name). |
| | Aviation motor fuels (report jet fuels in 501800): |
| 501610 | 100 or over octane number. |
| 501620 | Under 100, not under 90 octane number. |
| 501640 | Under 90 octane number. |
| 501700 | Automotive and other motor fuels and gasoline. |
| 501800 | Jet fuels, all types. |
| 501900 | Naphtha in containers over 4 ounces; mineral spirits; solvents; and other finished light products. |
| 502700 | Kerosene, except distillate fuel oil (report jet fuel in 501800). |
| 503000 | Gas oil and distillate fuel oil (report heavy diesel fuel oil in 503100). |
| 503100 | Residual fuel oil (including heavy diesel fuel oil) (report light diesel fuel oil in 503000). |
| | Lubricating oils, except hydraulic (report hydraulic oils of petroleum origin in 505900; hydraulic oils, except of petroleum origin in 829084). |
| | Industrial, except cutting oils (report cutting oils in 504095): |
| 503300 | Red and pale oils (including all red or pale lubricating oils, except those intended for use in internal combustion engines) (see 503910 and 504030). |
| 503400 | Black oils (including all black and dark green oils, except those intended for use in steam cylinders, for which see 503510 and 503520). |
| 503510 | Cylinder, bright stock (including bright stock and industrial lubricating oils which are predominantly bright stock and have a Saybolt Universal Viscosity at 210° F. of 95 seconds or more). |
| 503520 | Cylinder, steam-refined stocks (including cylinder stock, steam cylinder oil, gear, and other lubricating oils consisting principally of such stock). |
| 503800 | Insulating or transformer oils. |
| | Industrial engine lubricating oils: |
| 503910 | Diesel engine lubricating oils (report diesel fuel oil in 503000-503100). |
| 503920 | Turbine lubricating oil. |
| 503940 | Other industrial engine lubricating oil (specify by name). |
| 503990 | Industrial lubricating oils, n. e. s. (specify by name). |
| 504005 | Aviation engine lubricating oils. |
| 504030 | Automotive engine lubricating oils. |
| 504050 | Automotive gear oils (specify by kind and grade). |
| 504090 | Lubricating oils, n. e. s., except in containers of 4 ounces or less (specify by name). |
| 504095 | Cutting oils and compounds, petroleum base. |
| 504100 | Lubricating greases, except graphite lubricants (report graphite lubricants in 548098). |
| 504400 | Microcrystalline wax. |
| 504700 | Petroleum asphalt and products. |
| 504800 | Petroleum coke, including petroleum coke flour. |
| 505900 | Petroleum products, n. e. s. (specify by name). |
| 548098 | Graphite greases and lubricants. |

(b) *General License PLANE STORES*—(1) *Scope.* A general license designated PLANE STORES is hereby established authorizing exportation, subject to the conditions set forth in subparagraph (2) of this paragraph on aircraft of foreign registry departing from the United States, of usual and reasonable kinds and quantities of (i) fuel, (ii) deck, engine, and steward department stores, provisions, and supplies, (iii) medicinal and surgical supplies, (iv) food stores, and (v) saloon stores or supplies, for use or consumption during the outgoing trip of such planes and any immediate return trip scheduled, and not intended for unlading in a foreign country and not exported under a bill of lading as cargo; and of usual and reasonable kinds and quantities of equipment and spare parts when necessary for the proper operation of such planes, and not intended for unlading in a foreign country and not exported under a bill of lading as cargo.

(2) *Restrictions on the exportation of petroleum and petroleum products for use on aircraft.* No exportation of petroleum or petroleum products (including those used as fuel) listed in paragraph (a) (3) above may be made under this general license on a foreign aircraft of 12,000 pounds or more gross load departing from the United States, for use on board such aircraft if the aircraft (i) has called at Macao or any point under Far Eastern Communist control during the 180 days immediately preceding the date on which such commodities are to be laden aboard the aircraft, (ii) will call at Macao or any point under Far Eastern Communist control within 30 days after the date such commodities are laden aboard the plane, (iii) will carry within this 30-day period commodities, of any origin, known by the owner, aircraft commander, or agent to be destined directly or indirectly to Macao or any point under Far Eastern Communist control, unless the commodities so carried are covered by an export license issued by the Bureau of Foreign Commerce or any other agency of the United States Government; or (iv) is registered or documented in any Subgroup A country or is controlled by, or under charter to, any Subgroup A country or a national of any Subgroup A country.

(c) *General License CREW.* A general license designated CREW is hereby established authorizing members of crews on exporting carriers [1] to export among their effects usual and reasonable kinds and quantities of wearing apparel, articles of personal adornment, medicinal supplies, toilet articles, food, souvenirs, games, hand tools, and similar personal effects and their containers; provided that such commodities are (1) owned by such crew member; (2) are necessary and appropriate for his use or that of his immediate family; (3) are intended for his use or that of his immediate family; (4) are not intended for sale; and (5) are not exported under a bill of lading as cargo.

(d) *General License REGISTERED CARRIER STORES.* (1) A general license designated REGISTERED CARRIER STORES is hereby established authorizing exportations of certain commodities for use by or on a vessel or plane of United States or Canadian registry located at a port outside the United States or Canada; provided that such commodities are (i) shipped as cargo under a bill of lading on an exporting carrier [1] of United States or Canadian registry; (ii) in usual and reasonable kinds and quantities; (iii) ordered by the person in command of the vessel or plane to which they are consigned, or the owner or agents thereof, and intended to be used or consumed on board such vessel or plane; (iv) not intended for unlading in a foreign country except for transshipment on another carrier of United States or Canadian registry and delivery to the vessel or plane to which they are consigned; and (v) covered by such Shipper's Export Declarations as are required to be filed by § 379.1 (a) (2) of this chapter.

(2) Only commodities described in paragraph (a) of this section may be exported to vessels of United States or Canadian registry located at a port outside the United States or Canada, and only articles described in paragraph (b) of this section may be exported to planes of United States or Canadian registry located outside the United States or Canada.

(3) In addition, commodities may be exported to vessels or planes of United States or Canadian registry located outside the United States or Canada pursuant to the provisions of any other general license applicable to the commodities proposed to be exported and to the country in which the port and ship or plane are located.

NOTE: 1. *Spare parts for vessels of war and aircraft.* The provisions of § 371.13 do not authorize the exportation of any equipment or spare parts for vessels of war or for aircraft which are licensed for export by the Department of State. (See § 370.4 (a) of this chapter.) The provisions of § 371.18 relate only to those commodities under the export control authority of the Department of Commerce.

2. *Validated license requirements.* Proposed exports of all ship and plane stores, supplies and equipment, and all commodities to be exported by a crew member among his effects that are not authorized for export to the country of destination under General License SHIP STORES, REGISTERED CARRIER STORES, PLANE STORES, or CREW, or are not authorized for export under any other general license must be authorized by a validated license in accordance with § 372.3 of this chapter. Whenever a validated license is required for the export of ship stores, supplies, and equipment, license applications shall be prepared as set forth in § 372.7 of this chapter.

3. *Shipper's Export Declaration filing for authentication.* Whenever a shipment is exported under General License SHIP STORES, PLANE STORES, or CREW, a Shipper's Export Declaration need not be filed, despite the provisions of § 379.1 (a) (2) of this chapter. (See § 371.2 (a).) Whenever a validated license is required for the export of commodities, a Shipper's Export Declaration must be filed in accordance with the provisions of § 379.1 (a) (1) of this chapter. Insofar as ship and plane stores, supplies and equipment are concerned, the Shipper's Export Declaration may be executed and filed by the master of the exporting vessel, the commander of the exporting plane, or the owner or agents of such vessel or plane.

4. *Shipper's Export Declaration filing with manifest.* Bureau of Customs regulations provide that whenever any commodities for which Shipper's Export Declarations are required to be filed are to be exported, the person in command of the exporting carrier,[1] or the owner or agents thereof on his behalf, shall deliver to the Collector of Customs at the port of clearance all authenticated Shipper's Export Declarations executed by or presented to such persons for the purpose of facilitating or effecting the exportation of such commodities.

[1] "Exporting carrier" includes any instrumentality of water, land, or air transportation by which an exportation is effected.

§ 371.14 *General License GUS; shipments to members of U. S. armed forces and to representatives of the U. S.* A general license designated GUS is hereby established authorizing exportations as follows:

(a) *To members of the United States Armed Services.* Commodities in quantities sufficient solely for the personal use of the consignees and their immediate families; articles for personal use may include household effects, food, beverages, and daily necessaries.

(b) *To representatives of the United States*—(1) *For personal use.* Exportations for the personal use of the consignee, and/or his immediate family and/or employees; articles for personal use may include household effects, food, beverages, and daily necessaries.

(2) *For office use.* Exportation of equipment and supplies for the office use of the representative or for use by the representative or his employees in the performance of their official duties. Under this general license the following classes of commodities are included: Stationery supplies, typewriters, adding machines, office furniture, and other comparable office equipment; cleaning supplies, mechanical and electrical supplies and other building maintenance supplies; uniforms, motor cars and trucks, and automobile parts; flags, foodstuffs, books, professional and scientific instruments, apparatus and supplies; medicinals, medical supplies and vaccines; photographic equipment, including unexposed film, plates, and paper.

§ 371.15 *General License GLC; exportations of commercial vehicles by private or common carriers.* A general license designated GLC is hereby established authorizing the exportation of trucks, busses, trailers, railroad rolling stock, and other commercial vehicles when operated by private or common carriers between the United States and other countries; provided that such vehicles, except those imported into the United States from a foreign country, shall not be exported for the purpose of resale.

§ 371.16 *General License GTF; goods imported for trade fairs*—(a) *Return to country from which imported.* A general license designated GTF is hereby established authorizing exportation to the country from which imported of commodities which have been entered under bond or which have been permitted temporary free importation under bond providing for their exportation, for exhibition at trade or similar fairs; provided that such commodities are being exported in accordance with the terms of such bonds.

(b) *Export to other destinations.* Commodities described in paragraph (a) of this section which are not excepted from the General License GIT provisions (§ 371.9 (c)) may be exported to destinations other than that from which imported, with the exception of Subgroup A destinations, Hong Kong, and Macao.

§ 371.17 *General License GCC; commodities sold at auction by Bureau of Customs.* A general license designated GCC is hereby established authorizing the exportation to all destinations, except Hong Kong, Macao, and Subgroup A countries, of commodities which are refused entry into the United States and are sold at auction by the Bureau of Customs for export only; provided that a certified custom bill and/or receipt (Form 5117A) is presented to the Collector of Customs at the port of exit or the Postmaster at the place of mailing as evidence of the purchase at such auction.

§ 371.18 *General License GLR; return of certain commodities imported into the United States.* A general license designated GLR is hereby established authorizing exportations described below. When exportations are made under this general license, the entry number and the port of entry covering the importation of the goods into the United States must be shown on the Shipper's Export Declaration.

(a) *Machinery, or parts of machinery.* (1) Machinery, or parts of machinery shipped to the United States for repair purposes may be returned to the country from which sent to the United States, as well as replacement or rebuilt parts which are substituted when the identical parts imported are not returned.

(2) The provisions of this paragraph do not apply to:

(i) Hong Kong, Macao, and Subgroup A destinations; and

(ii) Tools or devices incorporating diamonds, including such tools or devices when shipped as an integral part of a machine.

(b) *Commodities from Republic of Panama.* All articles and materials which have been imported into the Panama Canal Zone from the Republic of Panama for the purpose of being repaired or processed may be returned to the Republic of Panama.

(c) *Containers.* Exportation may be made of metal drums, gas cylinders, bags and other containers (whether manufactured in the United States or a foreign country) which are imported into the United States for the purpose of transporting contained commodities to or from the United States to any destination other than Hong Kong, Macao, or Subgroup A countries, whether such container is exported (1) empty, or (2) filled with any commodity which may be exported under a general license or (3) filled with any commodity for which a validated license has been issued by the Department of Commerce.

(d) *Newsprint cores.* Newsprint cores made of any kind of material, whether imported into the United States separately or as a part of the packing of imported newsprint paper, may be returned to any destination from which imported except Hong Kong, Macao, and Subgroup A countries.

(e) *Commodities failing to conform to specifications or shipped without the consent of the consignee.* A commodity which does not conform to sample or other specifications, or was shipped without the consent of the consignee and is in the same condition it was in when imported into the United States, may be returned under this general license to the country from which it was exported to the United States.

(f) *Exportation of commodities imported under bond for a temporary period.* United States Collectors of Customs are authorized, within their discretion, to clear for export under this general license commodities imported for a temporary period into the United States under bond in compliance with the provisions of the Tariff Act of 1930, as amended (§ 308 and § 201, paragraphs 1607, 1747, 1808, and 1809); provided:

(1) No commodities identified on the Positive List of Commodities (§ 399.1) by the letter "C" in the "Commodity Lists" column are included in an exportation under this general license;

(2) The exportation is not destined to Hong Kong, Macao, or a Subgroup A destination.

(3) The exportation does not include commodities excluded under subparagraph (a) (2) of this section; and

(4) The exporter submits a written statement signed in person by the exporter or his authorized agent, and such other evidence as may be required by the Collector to show that all commodities included in such exportation were imported into the United States and utilized for authorized purposes only in compliance with the terms of the bond and in accordance with the provisions of the Tariff Act of 1930.

(g) *Return of shipments refused entry.* Shipments of commodities refused entry by U. S. Customs, by the Food and Drug Administration, or by other United States Government agencies may be returned under this general license to the country of origin, including Hong Kong, Macao, and Subgroup A countries, except that this paragraph does not authorize the return of any shipment to North Korea, to the Communist-controlled area of Viet Nam, to the Communist-controlled area of Laos, or any shipment which has been refused entry by U. S. Customs because of the Foreign Assets Control Regulations of the Treasury Department unless such return is licensed or otherwise authorized by the Foreign Assets Control.

§ 371.19 *General Licenses GTDP, GTDU, and GTDS; technical data.*

See § 385.2 of this chapter for provisions relating to General Licenses GTDP, GTDU, and GTDS.

§ 371.20 *General License G-PUB; exportation of certain publications*—(a) *Authorization.* A general license designated G-PUB is hereby established authorizing the exportation to all destinations, except to destinations in North Korea, of the publications listed in paragraph (b) of this section; provided that the publications do not contain technical data as defined in § 371.19.

(b) *Publications exportable.* The following commodities are exportable under the authority of General License G-PUB:



| Schedule B No. | Commodity |
|---|---|
| 912120–912400 | Motion picture films, developed. |
| 951000 | Bound educational textbooks. |
| 951100 | Bibles and Testaments. |
| 951210 | Dictionaries and encyclopedias, including yearbooks. |
| 951230 | Literature, fictional and non-fictional. |
| 951290 | Other bound books. |
| 951400 | Unbound books in sheets. |
| 951610 | Catalogs, pamphlets and booklets. |
| 952300 | Music in books and sheets. |
| 955300 | Newspapers, current, except overissue (report noncurrent newspapers [issued prior to 6 months of the time of export] and overissue newspapers under 469803; old newspapers enhanced in value under 961000). |
| 955500 | Periodicals, current, except overissue (report noncurrent periodicals [issued prior to 6 months of the time of export] and overissue periodicals under 469809; old periodicals enhanced in value under 961000). |
| 956000 | Calendars (printed or unprinted). |

§ 371.21 *General License GIFT; shipments of gift parcels*—(a) *Scope of license.* A general license designated GIFT is hereby established authorizing the exportation of gift parcels by mail, including parcel post, and air express, addressed to individuals or to religious, charitable, or educational organizations residing in all destinations except Mainland China (including Manchuria and Tibet), Outer Mongolia, and North Korea; provided that such exportations are made in accordance with the following provisions of this section.

NOTE: 1. *Use of other general licenses.* In the export of gifts, the donor is not restricted to the use of General License GIFT. If the provisions of any other general license, such as GLV or GO, or if any other procedure of the Bureau of Foreign Commerce authorizing the export of commodities applies to the export of the gift, such other license or procedure may be used.

2. *Multiple parcels.* Multiple parcels exported in a single shipment for delivery to individuals residing in a foreign country do not fall within the provisions of this general license. Such shipments, unless authorized by one of the other general licenses set forth in Part 371, must meet validated license requirements, including the submission of a license application in accordance with all of the provisions of the Export Regulations.

(b) *Definition.* The term "gift parcel" as used in this section means a parcel containing commodities to be sent by an individual in the United States (the donor) free of cost to an individual or a religious, charitable, or educational organization in a foreign destination (the donee) for the use of the donee or the donee's immediate family in the case of an individual, and for use by the organization in the case of a religious, charitable, or educational organization.

(c) *Commodity, weight, and other limitations*—(1) *Manner of mailing.* A gift parcel sent under this general license must be mailed directly to the donee by the individual donor, or for such donor by a commercial or other gift-forwarding service or organization. Each gift parcel must show, on the outside wrapper, the name and address of the donor, regardless of whether mailed by him or by a forwarding service.

(2) *Commodity limitations.* Commodities which may be included in each gift parcel under this general license are restricted to those normally sent as gifts, such as food, clothing, toilet articles, and medicinals and pharmaceutical preparations in dosage form. The export of military wearing apparel to Hong Kong, Macao, and Subgroup A destinations under this general license is specifically prohibited, whether or not all distinctive U. S. military insignia, buttons, or other markings are removed.

(3) *Dollar-value limitations.* The combined total domestic retail value of all commodities included in a single parcel shall not exceed $50.00. If such parcel contains any medicinal or pharmaceutical preparations listed below, the total domestic retail value of these commodities shall not exceed $25.00.

(i) Any sulfonamide drugs, for example:

Sulfanilamide (Schedule B No. 813551).
Sulfathiazole and derivatives (Schedule B 813554).
Sulfadiazine and derivatives (Schedule B No. 813558).
Sulfaguanidine (Schedule B No. 813560).

(ii) Any antibiotics (other than tyrothricin, polymixin and neomycin), for example:

Penicillin (Schedule B No. 813566).
Streptomycin (Schedule B No. 813570).
Dihydrostreptomycin (Schedule B No. 813572).
Compounds or mixtures containing antibiotics or sulfonamides (Schedule B No. 813578).

NOTE: The above commodity listing serves only to identify those medicinal and pharmaceutical preparations in dosage form, the shipment of which is restricted to $25 under general license GIFT. Any medicinal or pharmaceutical preparation in dosage form not listed in the above paragraph may be included in a gift parcel up to a dollar value of $50.

(4) *Postal, size, and weight limitations.* Gift parcels sent via parcel post under this general license shall conform with applicable post office regulations as to size, weight, and permissible contents. Gift parcels sent via air cargo or air freight are not limited as to size or weight by the provisions of this general license.

(5) *Other limitations.* Not more than one gift parcel may be sent by the same donor to the same donee in any one calendar week.

(d) *General license designation.* In addition to bearing the name and address of both the donor and the donee, all gift parcels presented for shipment under this general license must have the notation "Gift—Export License Not Required" written on the addressee side of the package and the word "Gift" written on any required customs or Shipper's Export Declarations.

NOTE: 1. The sending of merchandise as gifts is also subject to the import regulations of the receiving country. Many foreign countries permit the entry, duty-free, of gift parcels which conform to regulations regarding contents and marking. To secure this advantage, the sender also should show the words "U. S. A. Gift Parcel" on the addressee side of the package and on any required customs declaration.

2. Senders of gift parcels who wish information regarding the import regulations of a foreign country should write to the nearest regional or district office of the Department of Commerce, or the Director, Office of Economic Affairs, Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C.

§ 371.22 *General License GHS; goods exported to Hong Kong as trade samples*—(a) *Scope.* A general license designated GHS is hereby established authorizing the exportation of trade samples of non-Positive List commodities to Hong Kong; provided that such exportations are made in accordance with the following provisions of this section. Exportation of commodities under this general license, however, is not to be interpreted as a commitment on the part of the Bureau of Foreign Commerce to permit shipments of similar commodities on a validated license at any subsequent date.

(1) *Commodity limitations.* Commodities which may be shipped as trade samples under this general license are restricted to those non-Positive List items normally sent as samples.

NOTE: 1. Some examples of the types of commodities which may be shipped under General License GHS are: swatches of fabric, raw cotton, and wearing apparel.

2. There are no limitations other than those specified in paragraphs (a) (2) and (3) of this section to the number of samples one exporter may send to the same importer under this general license, as long as each sample is different. Identical items of merchandise may not be considered as different samples, but the same types of merchandise with different individual characteristics are considered different samples even though they may bear the same Schedule B number. For example, with respect to shoes, each style that is materially different and is considered a different sample by the trade, would be considered a different sample for purposes of this section, even though all items come under the same Schedule B number.

(2) *Dollar-value limitations.* The value of all commodities included in a shipment of trade samples shall not exceed twenty-five dollars ($25).

(3) *Other limitations.* This general license may be used only once by the same exporter with respect to shipment of the same kind of sample to the same consignee. The ultimate consignee must be known by the exporter to be a bona fide prospective buyer.

(b) *General license designation.* Shipments under this general license must have the notation "Sample—Export License Not Required" written on the addressee side of the package, and the word "Sample" written on the required Shipper's Export Declaration.

§ 371.23 *General License GHK; shipments of certain commodities to Hong Kong*—(a) *Scope.* A general license designated GHK is hereby established authorizing the exportation to Hong Kong of commodities listed below:

| Schedule B No. | Commodity |
|---|---|
| 001000-011900 | Animals, edible. |
| 002000-004998 | Meat and meat products. |
| 005000-005600 | Animal oil and fats, edible. |
| 006000-006998 | Dairy products. |
| 007000-008990 | Fish and fish products. |
| 009200-009900 | Other edible animal products. |
| | Hides and skins, raw, except furs: |
| 023002-023004 | Sheep skins, dry and wet. |
| 023006-023098 | Lamb skins, dry and wet. |
| 025098 | Other hides and skins, raw, except cattle, calf and kip skins. |
| 030050-035900 | Leather. |
| 060000-069900 | Leather manufactures (except military footwear, 999930). |
| 071300-075900 | Furs and manufactures. |
| | Animal and fish oils and greases, inedible: |
| 084700 | Oleic acid, or red oil. |
| 085898 | Inedible animal greases and fats, n. e. c. |
| 090000-099998 | Other inedible animals and animal products, except sorted, bunched, or prepared bristles (093500). |
| 101100-109900 | Grains and preparations, except starches (103800-103900). |
| 110100-119900 | Fodders and feeds, n. e. c. |
| 120121-125998 | Vegetables and preparations, edible. |
| 130100-135098 | Fruits and preparations. |
| 137400-137995 | Nuts and preparations. |
| 142100-145000 | Vegetable oils, fats, and waxes, refined. |
| 150100-151390 | Cocoa, coffee, tea, and substitutes. |
| 154001-154998 | Spices. |
| | Sugar and related products: |
| 163000 | Glucose, liquid, except pharmaceutical. |
| 163100 | Sirup for table use, and edible molasses. |
| 163200 | Honey. |
| 163400-163500 | Candy. |
| 163510 | Chewing gum. |
| 163600-163700 | Baby foods, confections and desserts. |
| 170100-178000 | Beverages and related products. |
| | Rubber (natural, allied gums, and synthetics) and manufactures: |
| 200300 | Balata, gutta-percha, and other crude allied gums. |
| 201650 | Rubber and rubberized piece goods, fabrics, and sheeting, n. e. c., except of synthetic rubber. |
| 203300-203400 | Rubber boots and shoes, and canvas shoes with rubber soles. |
| 203900 | Rubber and rubberized gloves and mittens, except surgeons' gloves, and gloves and mittens of synthetic rubber. |
| 204100 | Druggists' rubber sundries, the following only: atomizer bulbs; bath sponges; bath sprays; breast pumps; nipple shields; nursers; nursing bottle nipples; nursing bottle teats; pacifiers; sponges; and teething rings. |
| 204300 | Clothing of rubber or rubberized cloth, the following only: aprons; bathing caps; bathing shoes; bathing slippers; bathing suits; bandeuax, ladies; brassieres; bust supporters; capes; corsets; dress shields; girdles; household aprons; infants' aprons and bibs; infants' bloomers, diapers, and pants; reducers; reducing clothing; and sanitary belts. |
| 204610 | Rubber toys, balls, and novelty balloons, except dolls, golf and tennis balls. |
| 205900 | Hard rubber goods, not specially fabricated for particular machines or equipment, except electrical hard rubber goods. |
| 206700 | Solid tires, except truck and industrial. |
| 209410 | Rubber tiling and flooring. |
| 209420 | Rubber mats and matting. |
| 209990 | Natural and synthetic rubber manufactures, n. e. c., not specially fabricated for particular machines or equipment, the following only: artgum erasers; basin plugs; bath plugs; beach bags; buffers; bumpers; caps for millinery racks; chair tips; closet tank balls; concave cushions; cord undershoes, rubber-impregnated; crutch tips; cushions; door bumpers; door weatherstrip, reclaimed rubber; doorstops; ear pads; easles (cord undershoes, rubber-impregnated); elastic bands, stationers'; erasers, including pencil plugs; eye guards; eyelets; grips; gum erasers, of vegetable oils; hand pads; hand stamps; handle grips; hat bags (for hat manufacturing); hoof pads; horseshoe pads; mallets; masks and false faces, except novelty; mat patches; mauls; mud shields; nose clips; paste rollers; pencil plugs; plungers; rubber bands; safety gripper attachments; shoulder pads; shower curtains; sink plugs; skate strap pads (rubber chief value); soap dishes; soap erasers; table tops; tank balls; top lifts for heels; typewriter erasers; weatherstrip; and window weatherstrip, reclaimed rubber. |
| | Naval stores, gums, and resins: |
| 211000-212550 | Naval stores. |
| | Drugs, herbs, leaves, and roots, crude: |
| 220100 | Cascara bark. |
| 220500 | Ginseng. |
| 220988 | Other crude drugs, herbs, leaves and roots, except cinchona bark, pyrethrum (insect flowers), and rotenone-bearing roots. |
| 221000-222098 | Oilseeds. |
| | Vegetable oils, fats, and waxes, crude: |
| 223000-224998 | Vegetable oils (except essential) and fats, crude. |
| 226800-226900 | Peppermint, spearmint and other mint oils, natural. |
| 227110-227150 | Citrus oils, natural. |
| 227098 | Cassia oil, and aniseed oil. |
| 229000 | Vegetable waxes, crude. |
| 246700-247500 | Seeds, except oilseeds, grass and field seeds. |
| 259903-259998 | Nursery and floral stock. |
| 260110-262950 | Tobacco and manufactures. |
| 293100-299998 | Miscellaneous vegetable products, inedible. |
| 300810-301320 | Cotton semimanufactures, except cotton pulp. |
| | Cotton manufactures: |
| 301510-301600 | Sewing thread, crochet, darning, and embroidery cotton. |
| | Unbleached (gray) cloth: |
| 302300-302600 | Cotton duck (canvas). |
| 303110-303910 | Carded goods, except fine carded. |
| 303950 | Combed, part combed and fine carded gray cloth, except airplane cloth, balloon fabric, and mosquito netting. |
| 304000-308950 | Other cotton fabrics, except tire fabrics. |
| 309000-312900 | Cotton wearing apparel. |
| 313200-319900 | Other cotton manufactures, n. e. c. |
| | Vegetable fibers and manufactures: |
| 320505 | Hemp, unmanufactured. |
| 320598 | Other unmanufactured vegetable fibers, except jute, manila or abaca, sisal or henequen. |
| 339935 | Handkerchiefs, linen. |
| 349998 | Vegetable fiber manufactures, n. e. c. (including straw or grass manufactures, and articles of mixed fibers, vegetable fibers chief weight), (excluded cordage, cord, twine, yarns, and other manufactures of jute, flax, and ramie). |
| 360903-360911 | Wool, unmanufactured. |
| 362210-363300 | Wool semimanufactures. |
| 364230-368998 | Wool manufactures. |
| 369070-369900 | Hair and manufactures, n. e. c. |
| 370200-379900 | Silk and manufactures, except parachute cloth (372005). |
| | Man-made (synthetic) fibers and manufactures: |
| 384027 | Glass fibers for weaving, knitting and braiding. |
| 384084-384086 | Rags and clips of rayon or other man-made (synthetic) fibers, and used civilian clothing, including hosiery. |
| 384600-384990 | Broad woven goods, wholly or chiefly of man-made (synthetic) fibers by weight, except parachute cloth. |
| 384992 | Knit fabric in the piece. |
| 384996-385890 | Ribbons and other narrow woven fabrics, except nylon webbing; fringes, trimmings and braids; wearing apparel; and house furnishings. |
| 385900 | Man-made (synthetic) fiber manufactures, n. e. c., except nylon fishing line, unfinished; nylon twine; and nylon rope. |
| | Miscellaneous textile products: |
| 390100-391100 | Linoleum, felt base coverings, and oilcloth for floor, shelf, table, and wall. |
| 391300 | Window-shade cloth (all types). |
| 391410-391420 | Book cloth. |
| 391500-391790 | Coated or impregnated fabrics, except those treated with or containing polytetrafluoroethylene (e. g., Teflon) or monochlorotrifluoroethylene (e. g., Kel-F or CF-3). |
| 391800-399900 | Textile manufactures, n. e. c. |
| 400100-403900 | Wood, unmanufactured, except Port Orford cedar (401700). |
| 405111-415920 | Sawmill products, except Port Orford cedar (405720). |
| | Wood manufactures: |
| 416000-420990 | Wood containers and shooks, cooperage and cooperage stock. |
| 421601-421606 | Veneers. |
| 421740 | Softwood plywood, interior type. |
| 422500 | Shingles. |
| 422620-423990 | Millwork. |
| 424030 | Prefabricated and ready-cut houses, including lumber or plywood components, chief value wood. |
| 424070 | Wood pipe, conduit, vats, tanks, and wood components for cooling towers. |
| 424300-424600 | Furniture and specially fabricated parts, n. e. c., chief value rattan, reed, cane, willow, grass, fiber, wood, or upholstery and wood. |
| 427000 | Shoe lasts. |
| 428500-428900 | Handles (including pulls, knobs, helves, hafts, grips, and backs). |
| 429150 | Pencil slats. |
| 429600 | Used or salvaged building and construction materials of wood, except fuel wood. |
| 429850 | Woodenware. |
| 430000-430800 | Cork and manufactures. |
| 469803-469998 | Paper base stocks, except pulp. |
| | Paper, related products and manufactures: |
| | Paper, except building paper: |
| 480100 | Newsprint (standard and superstandard). |
| 480300-480400 | Groundwood paper, printing and converting. |
| 480600-480700 | Book paper, printing and converting. |
| | Fine paper: |
| 480900 | Writing paper. |
| 481000 | Bristols. |
| 481100 | Cigarette paper on bobbins or in sheets |
| 481300 | Cover paper. |
| 481650-482200 | Coarse paper. |
| 482950-483000 | Tissue paper. |
| 483100 | Absorbent paper and products, n. e. c. |
| 483300-484750 | Paperboard and building paper. |
| 484900 | Flexible wood and vegetable fiber thermal insulation. |
| 485100-489600 | Converted paper and board products, except bags under 487150 of any size and shape made of film, foil or plastic, for use as primary containers for packaging less than 25 pounds of any commodity, or bags used as liners for other containers irrespective of capacity. |
| 489900 | Art corners, albums and paper tags only. |
| 500100-500300 | Coal and related fuels, except coke (500400) and charcoal (500500). |



| Schedule B No. | Commodity |
|---|---|
| | Stone, hydraulic cement and lime: |
| 510100-512700 | Building and monumental stone, and manufactures. |
| 516400 | Standard Portland cement. |
| 517000 | Concrete and cement manufactures. |
| 517100 | Lime. |
| | Glass and products: |
| | Flat glass: |
| 521210-521510 | Plate glass, and sheet and window glass, except colored and laminated. |
| 521800-523098 | Flat glass and products, n. e. c., except laminated glass and manufactures |
| 523150 | Glass bricks and blocks. |
| 523210-523600 | Unfilled glass containers, new and used. |
| 523710-524018 | Table and kitchen glassware. |
| 525500-526100 | Lamp chimneys, lantern globes, and globes and shades for lighting fixtures. |
| | Clay and products: |
| 530907-530912 | Clays, except fire clay. |
| | Pottery: |
| 532010-532050 | Table and kitchen articles and utensils for use in cooling, preparing, serving and storing food and drink. |
| 533210-533400 | Sanitary articles. |
| 533800 | Other pottery, except chemical and industrial. |
| 536900-537600 | Structural clay products (except pottery and refractories). |
| | Other nonmetallic minerals (precious included): |
| | Abrasives: |
| 540600 | Grindstones and pulpstones, natural. |
| 541200 | Pulpstones of manufactured abrasives |
| 546000 | Asphalt tiles. |
| 547100 | Manufactures of natural asphalt and bitumen. |
| 548350-548700 | Gypsum and manufactures. |
| 549010 | Rock wool, glass wool and other semirigid and "Fill" mineral insulating materials, n. e. c. |
| 572400 | Salt, crude and refined. |
| 573600 | Magnesium silicate. |
| 596033 | Gravel. |
| 596035-596037 | Stone, crushed, ground, or broken |
| 596098 | Other non-metallic mineral products, the following only: agate articles, except jewelry; agates; blast furnace slag; carbon clinkers; cinders; crude chalk, except precipitated; crude vermiculite; dantore plaster aggregate; feldspar; firestone; fluxing stone; glaze frits; glazing stones; ground coal (sea coal); lava, unmanufactured; meerschaum, imitation and natural, unmanufactured; obsidianite; sea coal; slag, except basic; stucco; Supercel filter powder; and volcanic ash and earth. |
| 599098 | Precious, semiprecious, synthetic, and imitation stones, except diamonds, jewel bearings, rubies (genuine and synthetic), sapphires (genuine and synthetic), and diamond bearings. |
| | Metal manufactures: |
| 611200-611890 | Cutlery and parts (other than table flatware) except machine knives and blades (611820). |
| | Table flatware and specially fabricated parts, n. e. c.: |
| 611920 | Silver-plated. |
| 611940-611950 | Metals, except precious. |
| | Hollow ware, n. e. c., solid or plated, and specially fabricated parts, n. e. c.: |
| 611990 | Metals, except precious. |
| 612010-612355 | Cooking and kitchen utensils, and specially fabricated parts, n. e. c. |
| 612358 | Kitchen appliances and tools, hand-operated, and specially fabricated parts, n. e. c. |
| 612360 | Vitreous enameled products, n. e. c., and specially fabricated parts, n. e. c. |
| 612370 | Tinware and other sheet metal ware, n. e. c. (including galvanized), and specially fabricated parts, n. e. c. |
| 612910-613010 | Metal partitions, shelving, lockers, cases, cabinets, counters, and other fixtures, n. e. c., and specially fabricated parts, n. e. c. |
| 613110-613590 | Metal office equipment. |
| 613610-613650 | Metal household furniture, and specially fabricated parts, n. e. c. |
| 614310-614340 | Domestic cooking stoves and ranges. |
| | Hardware: |
| 617010-618110 | Locks (all metals). |
| 618150 | Hinges and butts (all metals). |
| 618210 | Iron and steel wood screws. |
| 618261 | Iron and steel bolts, screws, nuts, rivets, and washers, n. e. c., not especially fabricated for particular machines or equipment. |
| 618267 | Iron and steel wire nails, staples, and spikes, except wire boat spikes. |
| 618271 | Iron and steel nails, staples, and spikes (other than wire), except boat spikes. |
| 618300 | Iron and steel builders' hardware, n. e. c., and specially fabricated parts, n. e. c. |
| 618410-618460 | Furniture hardware, and specially fabricated parts, n. e. c. |
| 618800-618840 | Hardware, n. e. c., all metals, except copper-base alloys (618830). |
| 618851-618859 | Metal plumbing fixtures and fittings and fittings, and specially fabricated parts, n. e. c. |
| | Construction materials: |
| 618983-618985 | Sash, sections, and frames, door and window. |
| 618991-618993 | Venetian blinds (including slats and strip), and specially fabricated parts, n. e. c. |
| | Wire products, n. e. c.: |
| 619061 | Picture cord only, iron and steel, except stainless steel. |
| 619065 | Picture cord only, iron and steel, except stainless steel. |
| 619069 | Other wire products, n. e. c., not specially fabricated for particular machines and equipment, the following only: fasteners for paper milk bottle caps; grating with wire center, steel; metal mesh, except reinforcing; needleboard pressboards; welded mesh, except reinforcing; wire baskets, including wire locker baskets with hanger guide attachment assembly; wire-cloth sieves; wire insulators for conveyor belting; wire inserts for upholstery webbing; wire nets, finished; wire rope clamps; and helically coiled wire inserts. |
| | Metal manufactures—Continued |
| 619861-619865 | Metal signs, except electric. |
| 695910 | Silver-plated manufactures, n. e. c. |
| | Electrical machinery and apparatus: |
| 705715 | Electric household type refrigerators. |
| 706100 | Electric free air circulating fans. |
| 706812-706820 | Electric household laundry equipment. |
| 706910-707050 | Electric household motor-driven appliances, n. e. c. except freezers, 705725, and specially fabricated parts, n. e. c. |
| 707100 | Electric flatirons. |
| 707200-707380 | Electric household cooking and heating appliances and utensils, n. e. c., and specially fabricated parts, n. e. c. |
| 707395 | Electric commercial cooking and food service equipment, n. e. c., and specially fabricated parts, n. e. c. |
| 709998 | Parts, n. e. c., specially fabricated for electric free air circulating fans. |
| | Construction, excavating, mining, and related machinery: |
| 722045 | Clay spades and water sprinkler tanks. |
| 723110 | Overhead hoists (pendant type). |
| 724950 | Elevators and moving stairways, n. e. c., and specially fabricated parts, n. e. c. |
| | Other industrial machines, and parts: |
| 760020 | Bakery machines, n. e. c., and specially fabricated parts, n. e. c. |
| 761100 | Sugar-mill machines, n. e. c., and specially fabricated parts, n. e. c. |
| 761250 | Cannery machines, n. e. c., and specially fabricated parts, n. e. c., except piping made of or lined with any corrosion-resistant materials. |
| 761310-761320 | Bottling, bottle-washing, and bottle-labeling machines, and specially fabricated parts, n. e. c. |
| 761510 | Meat and other food cutting, chopping and slicing, power-driven machines, n. e. c., and specially fabricated parts, n. e. c. |
| 762000 | Cigarette and cigar-making, and tobacco processing machines, n. e. c., and specially fabricated parts, n. e. c. |
| 762700-762810 | Paper-converting machines, and specially fabricated parts, n. e. c. |
| | Air conditioning and refrigerating equipment, n. e. c., and parts, n. e. c.: |
| 765050 | Ice-making machines, n. e. c., and specially fabricated parts and accessories, n. e. c. |
| 765610 | Self-contained commercial type refrigerators and freezers, n. e. c., except blood, bone, and tissue bank freezers, and deepfreeze storage cabinets. |
| 765910 | Commercial type refrigerators and freezers (other than self-contained), n. e. c., except refrigerating systems for trucks and railway cars. |
| 766050 | Parts, n. e. c., specially fabricated for replacement only in air-conditioning and refrigeration equipment specified on this list under Schedule B Nos. 765050, 765610, and 765910. |
| | Pumping equipment, n. e. c.: |
| 770960 | Hand pumps, n. e. c., and windmill pumps. |
| 770970 | Self-contained household water systems (with or without tanks). |
| 770975 | Service station pumps only. |
| 773810-773850 | Commercial laundry and dry cleaning equipment (including power-driven machines) and parts. Scales and balances, except industrial and commercial, and specially fabricated parts, except lead scale weights. |
| 774340-774370 | Office machines, and parts: |
| 776400-776700 | Cash registers, and specially fabricated parts. |
| 777000-777420 | Typewriters, standard and portable, new, used and rebuilt. |
| 777500 | Parts and accessories, n. e. c., specially fabricated for typewriters. |
| 777710 | Staplers, for office use. |
| 777925 | Check-handling machines, and specially fabricated parts, n. e. c. |
| 777990 | Office machines, n. e. c., and specially fabricated parts, n. e. c. |
| | Other vehicles and parts: |
| 797100-797105 | Bicycles, and specially fabricated parts and accessories, n. e. c. |
| 797130 | Farm wagons, drays, and trailers. |
| 799996 | Vehicles, n. e. c., and specially fabricated parts, n. e. c., except logging wagons, motor scooters, sno-cats, and sno-cat trailers. |
| | Coal-tar products: |
| 805909 | Coal-tar dyes and stains, n. e. c., the following only, in small packages of 2 ounces or less: dye tablets; easter egg colors; except of vegetable origin; food coloring, except of vegetable origin; hair tints and dyes; and household tints and dyes. |
| | Medicinal and pharmaceutical preparations: |
| 811100 | Castor oil, medicinal grade, in 10 oz. containers or less. |
| 813520 | Menthol, bulk. |
| 814800 | Mouth washes, gargles, and personal antiseptics. |
| 814900 | Corn and foot remedies. |
| 815000 | Plasters. |
| 815100 | Liniments. |
| 816100 | Laxatives, purgatives, and cathartics. |
| 816200 | Milk of magnesia. |
| 816500 | Antacids and digestive preparations. |
| | Chemical specialties: |
| 820600 | Household and industrial insecticides, fungicides, exterminators, and repellents, liquid, paste, powder or solid form, except aerosol bombs; bug bombs; moth balls; and naphthalene balls and flakes in packages exceeding 5 pounds. |
| 820900 | Household and industrial disinfectants, deodorants, germicides and similar preparations, n. e. c. |
| 823000 | Baking powder. |
| 823850 | Textile specialty compounds, the following only: textile oil; and yarn conditioning liquids. |
| 827000 | Regenerated cellulose, including printed (except rayon), in rolls, and sheets. |
| 827400 | Cementing preparations for repairing, sealing, and adhesive use, the following only: automobile top sealer; concrete floor patch; floor cement; linoleum cement, except rubber; linoleum paste, except rubber; roofing cement; and running board cement. |

| Schedule B No. | Commodity |
|---|---|
| | Chemical specialties—Continued |
| 828870 | Deterrents, all types. |
| 828950 | Specialty cleaning and washing compounds, n. e. c., except rifle cleaning compounds. |
| | Polishes: |
| 829000 | Metal and stove polishes. |
| 829100 | Shoe polishes and shoe cleaners. |
| 829200 | Leather dressings, the following only: auto top dressing; belt dressing; and shoe dressing. |
| 829300 | Floor wax, wood and furniture polishes. |
| 829400 | Automobile polishes. |
| 829510 | Synthetic essential oils. |
| 829530 | Aromatic chemicals of synthetic origin. |
| 829540 | Aromatic compounds containing natural and/or synthetic essential oils and/or aromatic chemicals of natural and synthetic origin for perfumery use. |
| 829555–829595 | Flavors and flavoring extracts, natural and synthetic. |
| 829600 | Pectin and preparations. |
| 829650 | Licorice extract and mass. |
| 829990 | Chemical specialty compounds, n. e. c., the following only: brewers' finings; chemical compounds for manufacturing ice cream; chill proofing compound; clarifier for beer or ale; clarifying powder, for wines; denatured alcohol, solidified; hat finishing powder; ink eradicators; laundry sour; lipstick bases; lipstick waxes; marble polish; meat curing compound; platinum plating solutions; rosin size; shaving cream base, concentrated; silk-stocking savers, in tablet form; silver and platinum liquids for decorating china and glass; and yeast food (dough conditioner). |
| 831510 | Industrial chemicals (exclusive of medicinal chemicals, U. S. P. and N. F.): |
| | Ethyl alcohol. |
| 835000 | Cream of tartar (synthetic included). |
| 836700 | Sodium bicarbonate or baking soda. |
| 839730 | Hydrogen peroxide or dioxide, 5 percent solution or less. |
| | Pigments, paints and varnishes: |
| 840100 | Iron oxide pigments, dry, synthetic and natural (mineral earth pigments). |
| 840500 | Extender pigments, dry, the following only: barytes, ground; calcium sulfate; and gypsum, ground. |
| 843000 | Bituminous coatings, liquid and plastic. |
| 843110 | Artists' colors. |
| 843190 | Paste and semipaste paint colors in oil, putty and paste wood fillers, n. e. c., except antifouling types (including all those containing cuprous oxide), and those containing polytetrafluoroethylene (e. g., Teflon), polytrifluorochloroethylene (e. g., Kel-F) and silicones. |
| 843210–843250 | Water thinned paints (all types). |
| 843310 | Lacquers, aluminum, silver, gold, and pearl. |
| 843800 | Ready-mixed paints, stains, and enamels, except fluorescent ready-mixed paints, stains, and enamels; and except antifouling types (including all those containing cuprous oxide), and those containing polytetrafluoroethylene (e. g., Teflon), polytrifluorochloroethylene and silicones. |
| 844210 | Varnishes (oil or spirit), natural or synthetic, n. e. c., except antifouling types (including all those containing cuprous oxide), and those containing polytetrafluoroethylene (e. g., Teflon), polytrifluorochloroethylene, and silicones. |
| 857000–857500 | Soil improvement materials. |
| 871100–877000 | Soap and toilet preparations. |
| | Photographic and projection goods: |
| 900150 | Cameras, motion picture, substandard gauge, 8 mm. |
| 900860 | Projectors, motion picture, silent, substandard gauge, 8 mm. |
| | Motion-picture films, exposed or developed: |
| | Negative: |
| 912170 | Newsreels. |
| 912180 | Trailers, inserts, and replacements. |
| 912190 | Negative 8 mm film. |
| 912200 | Sound track. |
| 912320–912400 | Positive. |
| 912700 | Dry plates. |
| 914000 | Photographic and projection goods, n. e. c., and specially fabricated parts, n. e. c., the following only: albums; analyzers; backgrounds, photographic; cable releases; carrying cases, for cameras and similar outfits; Cesco trays; Craig Fotofade sets; cutting boards; developing, printing, fixing, or washing tanks, trays, and machines; developing tongs; dies and punches; dry mounting presses; embossers and embossing equipment; flash synchronizers; flashing powder; hangers; Illustravox Salesmaker parts; lamp holders; lantern slides; luxometers; magic lantern parts; Mutoscope parts; photobaths, glass; photo blotters; photo scales (enlarger part); photographic mounts; print rollers; printing frames and masks; screens; shading machines; slide film prints (silent films only); squeegees; sun shades; timers; and top sheet film craftint. |
| | Scientific and professional instruments, apparatus and supplies, n. e. c.: |
| 914200–914380 | Sun glasses, sun goggles, ophthalmic spectacles, ophthalmic lenses, and specially fabricated parts, n. e. c. |
| 914998 | Optical goods, n. e. c., and specially fabricated parts, n. e. c., the following only: binocular cases; binocular loupes; cases for opera glasses; folding magnifiers; linen testers, optical; magnifying glasses; monoculars; reading glasses; spectacle cases of all materials; stereoscopes; and View-Masters. |
| 915200 | Teeth, dentures, and bridges. |
| 915550 | Dental office and laboratory equipment, n. e. c., and specially fabricated parts, n. e. c., the following only: bench equipment; bracket tables; cabinets; casting machines; chairs; compound heaters; control panels; cuspidors, and cuspidor bowls; denture trimmers; grinders; investment mixers; investment scales; laboratory spatulas; lights and light adapters; mats; presses; processing equipment; sand blasters; surveyors; syringes; tampers; tongs; units; vibrators; waste receivers; water heaters. |

| Schedule B No. | Commodity |
|---|---|
| 921100–929700 | Musical instruments, parts, and accessories, except electric and electronic organs (923100), and phonographs and parts (923500–923900). |
| 930310–939900 | Miscellaneous office supplies, except fountain and ball-type pen parts containing iridium or ruthenium. |
| 940000–944900 | Toys, athletic and sporting goods. |
| 951000–956900 | Books, maps, pictures and other printed matter, n.e.c., except photographs and blueprints (955000) and technical data. |
| | Miscellaneous commodities, n. e. c.: |
| 957100 | 1-day alarm clocks. |
| 958000–958950 | Watches, watch movements, and specially fabricated parts, n. e. c. |
| 961000 | Paintings, etchings, engravings, statuary (except religious) and antiques. |
| 962100–962900 | Jewelry and other personal ornaments, all materials, except solid gold, platinum and platinum allied metals. |
| 963500 | Jewelry findings, and specially fabricated parts, n. e. c. |
| 968005–968009 | Bottle and container closures (including secondary closures, and crown caps), accessories, and specially fabricated parts, n. e. c. |
| 971100–971300 | Buttons and parts. |
| 979200–979900 | Lamps and illuminating devices, and parts, except incandescent mantles and electric lamps. |
| 980000 | Matches. |
| 981510 | Plastic kitchen and tableware. |
| 981580 | Manufactured plastic products, n. e. c., not specially fabricated for particular machines or equipment, except all manufactures of polytetrafluoroethylene (e. g., Teflon) and polytrifluorochloroethylene, the following only: cigar ribbons; containers for household use (soap dishes, etc.); display equipment (forms, boxes, stands, frames); draperies and curtains (not firm, woven); garment bags (not requiring cutting or further manufacture for use); hand-mirrors; manicure sets; mats; table cloths (cut to size); trimmings for handbags; venetian blinds, including slats and tapes; baby pants, aprons, bibs, or other indoor type wearing apparel (excluding raincoats). |
| 982110 | Synthetic sponges. |
| 982120 | Natural sponges, animal. |
| 982200–982691 | Brushes. |
| 982695 | Brooms. |
| 982700 | Combs, except wholly of rubber. |
| 982800–982900 | Smokers' articles, n. e. c., and specially fabricated parts, n. e. c. |
| 983100–983150 | Umbrellas and parasols, and specially fabricated parts, n. e. c. |
| 983300 | Candles, except pyrotechnic. |
| 983500 | Religious articles, n. e. c., and specially fabricated parts, n. e. c. |
| 984005 | Beads and bead articles, n. e. c. |
| 984008 | Snap fasteners. |
| 984015 | Zippers (including slide fasteners), and specially fabricated parts, n. e. c. |
| 984098 | Notions, novelties, specialties, and specially fabricated parts, n. e. c. |
| 984200 | Ice refrigerators, household and commercial types. |
| 984600 | Soda fountain and bar equipment, and specially fabricated parts, n. e. c. |
| 984700 | Barber and beauty shop equipment, n. e. c., and specially fabricated parts, n. e. c. |
| 985300 | Shoe findings, n. e. c. |
| 987100–987200 | Coin-operated machines, n. e. c. |
| 999810–999890 | Commodities exported for relief or charity by individuals and private agencies: only those commodities which can be exported commercially under their own individual Schedule B numbers within the provisions of General License GHK. |
| 999910 | General merchandise valued at less than $25: only those commodities which are exportable in quantities valued at $25 or over under their own individual Schedule B numbers within the provisions of General License GHK. |

(b) *Government surplus agricultural commodities.* See § 373.5 (b) of this subchapter for exportation of agricultural commodities acquired directly or indirectly as a result of a sale for export amounting to $100,000 or more by the Commodity Credit Corporation (CCC), either in the form acquired or in processed form.

§ 371.24 *General license GLSA; Shipments of certain commodities to specified Subgroup A destinations.* A general license designated GLSA is hereby established authorizing the exportation of the commodities listed below to the following destinations: Albania, Bulgaria, Czechoslovakia, East Germany (Soviet Zone of Germany and the Soviet Sector of Berlin), Estonia, Hungary, Latvia, Lithuania, Outer Mongolia, Poland and Danzig, Rumania, and the Union of Soviet Socialist Republics except the maritime province of the Union of Soviet Socialist Republics.[2]

[2] Shipments under General License GLSA are not permitted to move in transit via any Subgroup A destination other than those listed in this section.





| Schedule B No. | Commodity |
|---|---|
| 001000–001990 | Animals, edible. |
| 002000–004998 | Meat and meat products. |
| 005000–005600 | Animal oil and fats, edible. |
| 007000–008990 | Fish and fish products. |
| 009200–009900 | Other edible animal products. |
| | Hides and skins, raw, except furs: |
| 023002–023004 | Sheep skins, dry and wet. |
| 023006–023008 | Lamb skins, dry and wet. |
| 025098 | Other hides and skins, raw, except cattle, calf and kip skins. |
| 030050–035900 | Leather. |
| 060000–069900 | Leather manufactures, except military footwear (99930). |
| 071300–075900 | Furs and manufactures. |
| | Animal and fish oils and greases, inedible: |
| 084700 | Oleic acid, or red oil. |
| 085898 | Inedible animal greases and fats, n. e. c. |
| 090000–099950 | Other inedible animals and animal products, except sorted, bunched, or prepared bristles (093500). |
| 137400–137995 | Nuts and preparations, except peanuts shelled and not shelled (137510–137550). |
| 150100–151390 | Cocoa, coffee, tea, and substitutes. |
| 154901–154998 | Spices. |
| | Sugar and related products: |
| 163000 | Glucose, liquid, except pharmaceutical. |
| 163100 | Sirup for table use, and edible molasses. |
| 163400–163500 | Candy. |
| 163510 | Chewing gum. |
| 163600–163700 | Baby foods, confections and desserts. |
| 170100–178000 | Beverages and related products. |
| | Rubber (natural, allied gums, and synthetics) and manufactures: |
| 201650 | Rubber and rubberized piece goods, fabrics and sheeting, n. e. c., except made of or employing synthetic rubber. |
| 203300–203400 | Rubber boots and shoes, and canvas shoes with rubber soles. |
| 204100 | Druggists' rubber sundries, the following only: atomizer bulbs; bath sponges; bath sprays; breast pumps; nipple shields; nursers; nursing bottle nipples; nursing bottle teats; pacifiers; sponges and teething rings. |
| 204300 | Clothing of rubber or rubberized cloth, the following only: aprons; bathing caps; bathing shoes; bathing slippers; bathing suits; bandeaux, ladies; brassieres; bust supporters; capes; corsets; dress shields; girdles; household aprons; infants' aprons, and bibs; infants' bloomers, diapers, and pants; reducers; reducing clothing; and sanitary belts. |
| 204610 | Rubber toys, balls, and novelty balloons, except dolls, golf and tennis balls (report dolls in 940000; golf balls in 943300, and tennis balls in 943400). |
| 205900 | Hard rubber goods, not specially fabricated for particular machines or equipment, except electrical hard rubber goods. |
| 206700 | Solid tires, except truck and industrial. |
| 209410 | Rubber tiling and flooring. |
| 209420 | Rubber mats and matting. |
| 209990 | Natural and synthetic rubber manufactures, n. e. c., not specially fabricated for particular machines or equipment, the following only: artgum erasers; basin plugs; bath plugs; beach bags; buffers; bumpers; caps for millinery racks; chair tips; closet tank balls; concave cushions; cord undershoes, rubber-impregnated; crutch tips; cushions; door bumpers; door weatherstrip; door-stops; ear pads; easles (cord undershoes, rubber-impregnated); elastic bands, stationers'; erasers, including pencil plugs; eye guards; eyelets; grips; gum erasers, of vegetable oils; hand pads; hand stamps; handle grips; hat bags (for hat manufacturing); hoof pads; horseshoe pads; mallets; masks and false faces, except novelty; mat patches; mauls; mud shields; nose clips; paste rollers; pencil plugs; plungers; rubber bands; safety gripper attachments; shoulder pads; shower curtains; sink plugs; skate strap pads (rubber chief value); soap dishes; soap erasers; table tops; tank balls; top lifts for heels; typewriter erasers; weatherstrip; and window weatherstrip. |
| | Drugs, herbs, leaves, and roots, crude: |
| 220100 | Cascara bark. |
| 220988 | Other crude drugs, herbs, leaves and roots, except cinchona bark, pyrethrum (insect flowers), and rotenone-bearing roots. |
| | Vegetable oils, fats, and waxes, crude: |
| 226800–226900 | Peppermint, spearmint and other mint oils, natural. |
| 227110–227150 | Citrus oils, natural. |
| 227998 | Cassia oil, and aniseed oil. |
| 229000 | Vegetable waxes, crude. |
| 259903–259998 | Nursery and floral stock. |
| | Vegetable fibers and manufactures: |
| 320505 | Hemp, unmanufactured. |
| 320598 | Other unmanufactured vegetable fibers, except jute, manila or abaca, sisal or henequen. |
| 339935 | Handkerchiefs, linen. |
| 349998 | Vegetable fiber manufactures, n. e. c. (including straw or grass manufactures, and articles of mixed fibers, vegetable fibers chief weight) (excludes cordage, cord twine, yarns, and other manufactures of jute, flax, and ramie). |
| 369070–369900 | Hair and manufactures, n. e. c. |
| 370200–379900 | Silk and manufactures, except parachute cloth (372005). |
| | Man-made (synthetic) fibers and manufactures: |
| 384084–384086 | Rags and clips of rayon or other man-made (synthetic) fibers, and used civilian clothing, including hosiery. |
| 384600–384990 | Broad woven goods, wholly or chiefly of man-made (synthetic) fibers by weight, except parachute cloth. |
| 384992 | Knit fabric in the piece. |

| Schedule B No. | Commodity |
|---|---|
| | Man-made (synthetic) fibers and manufactures—Continued |
| 384996–385890 | Ribbons and other narrow woven fabrics, except nylon webbing; fringes, trimmings and braids; wearing apparel; and house furnishings. |
| 385900 | Man-made (synthetic) fiber manufactures, n. e. c., except nylon fishing line, unfinished; nylon twine; and nylon rope. |
| | Miscellaneous textile products: |
| 390100–391100 | Linoleum, felt base covering, and oilcloth for floor, shelf, table, and wall. |
| 391300 | Window-shade cloth (all types). |
| 391410–391420 | Book cloth. |
| 391500–391790 | Coated or impregnated fabrics, except those treated with or containing polytetrafluoroethylene (e. g., Teflon) or monochlorotrifluoroethylene. |
| 391800–399900 | Textile manufactures, n. e. c. |
| 400100–403900 | Wood, unmanufactured, except Port Orford cedar (401700). |
| 405111–415920 | Sawmill products, except Port Orford cedar (405720). |
| | Wood manufactures: |
| 416000–420990 | Wood containers and shooks, cooperage and cooperage stock. |
| 421601–421609 | Veneers. |
| 421740 | Softwood plywood, interior type. |
| 422500 | Shingles. |
| 422620–423990 | Millwork. |
| 424070 | Wood pipe, conduit, vats, tanks, and wood components for cooling towers. |
| 424300–424600 | Furniture and specially fabricated parts, n. e. c., chief value rattan, reed, cane, willow, grass, fiber, wood, or upholstery and wood. |
| 427000 | Shoe lasts. |
| 428500–429000 | Handles (including pulls, knobs, helves, hafts, grips and backs). |
| 429150 | Pencil slats. |
| 429600 | Used or salvaged building and construction materials of wood, except fuel wood. |
| 429850 | Woodenware. |
| 430000–430800 | Cork and manufactures. |
| 469803–469998 | Paper base stocks, except pulp. |
| | Paper, related products and manufactures: |
| | Paper, except building paper: |
| 480300–480400 | Groundwood paper, printing and converting. |
| 480600–480700 | Book paper, printing and converting. |
| | Fine paper: |
| 480900 | Writing paper. |
| 481000 | Bristols. |
| 481100 | Cigarette paper on bobbins or in sheets. |
| 481300 | Cover paper. |
| 481650–482200 | Coarse paper. |
| 482950–483000 | Tissue paper. |
| 483100 | Absorbent paper and products, n. e. c. |
| 483300–484750 | Paperboard and building paper. |
| 484900 | Flexible wood and vegetable fiber thermal insulation. |
| 489900 | Art corners, albums and paper tags only. |
| 500100–500300 | Coal and related fuels, except coke (500400) and charcoal (500500). |
| | Stone, hydraulic cement and lime: |
| 510100–512700 | Building and monumental stone, and manufactures. |
| 516400 | Standard Portland cement. |
| 517000 | Concrete and cement manufactures. |
| 517100 | Lime. |
| | Glass and products: |
| | Flat glass: |
| 521210–521510 | Plate glass, and sheet and window glass, except colored and laminated. |
| 521800–523098 | Flat glass and products, n. e. c., except laminated glass and manufactures. |
| 523150 | Glass bricks and blocks. |
| 523210–523600 | Unfilled glass containers, new and used. |
| 523710–524018 | Table and kitchen glassware. |
| 525500–526100 | Lamp chimneys, lantern globes, and globes and shades for lighting fixtures. |
| | Clay and products: |
| 530907–530912 | Clays, except fire clay. |
| | Pottery: |
| 532010–532050 | Table and kitchen articles and utensils for use in cooking, preparing, serving and storing food and drink. |
| 533210–533400 | Sanitary articles. |
| 533800 | Other pottery, except chemical and industrial. |
| 536900–537600 | Structural clay products (except pottery and refractories). |
| | Other nonmetallic minerals (precious included): |
| | Abrasives: |
| 540600 | Grindstones and pulpstones, natural. |
| 541220 | Pulpstones of manufactured abrasives. |
| 546000 | Asphalt tiles. |
| 547100 | Manufactures of natural asphalt and bitumen. |
| 548350–548700 | Gypsum and manufactures. |
| 549010 | Rock wool and other semi-rigid and "Fill" mineral insulating materials, n. e. c., except glass fiber and glass fiber products. |
| 572400 | Salt, crude and refined. |
| 596033 | Gravel. |
| 596035–596037 | Stone, crushed, ground, or broken. |

| Schedule B No. | Commodity |
|---|---|
| | Coal-tar products: |
| 505000 | Coal-tar dyes and stains, n. e. c., the following only, in packages of 2 ounces or less: dye tablets; Easter egg colors, except of vegetable origin; food coloring except of vegetable origin; hair tints and dyes; and household tints and dyes. |
| | Medicinal and pharmaceutical preparations: |
| 811100 | Medicinal preparations, ethical grade, in 16 ounces containers or less. |
| 814800 | Mouth washes, gargles and sun personal antiseptics. |
| 814900 | Corn and foot remedies. |
| 815000 | Plasters. |
| 815100 | Liniments. |
| 815200 | Laxatives, purgatives and cathartics. |
| 815300 | Milk of magnesia. |
| 815500 | Antacids and digestive preparations. |
| | Chemical specialties: |
| 823000 | Baking powder. |
| 823850 | Textile specialty compounds, the following only: textile oil; and yarn conditioning liquids. |
| 827000 | Regenerated cellulose, including printed (except rayon), in rolls, and sheets. |
| 827400 | Cementing preparations for repairing, sealing, and adhesive use, the following only: automobile or motorcycle tire repair materials; concrete floor patch; floor cement; linoleum cement, except rubber; linoleum paste, except rubber; roofing cement; and running board cement. |
| 820000 | Metal and stove polishes. |
| 822100 | Shoe polishes and shoe cleaners. |
| 822300 | Leather dressings, the following only: auto top dressing; belt dressing; and shoe dressing. |
| 823940 | Floorwax, wood and furniture polishes. |
| 829310 | Anti-corrosive solutions. |
| 829530 | Synthetic essential oils. |
| 829540 | Aromatic chemicals of synthetic origin. |
| | Aromatic compounds containing natural and/or synthetic essential oils and/or aromatic chemicals of natural and synthetic origin for perfumery use. |
| 829555–829595 | Flavors and flavoring extracts, natural and synthetic. |
| 829600 | Perfumes and toilet waters. |
| 829650 | Licorice and its preparations. |
| 829990 | Chemical specialty compounds, n. e. c., the following only: brewers' finings; chemical compounds, for manufacturing ice cream; chill proofing compounds; clarifier for beverages; clarifying powder, for wines; denatured alcohol, solidified; hat finishing powder; ink eradicating fluid; leather dressing; lipstick bases; lipstick waxes; marble polish; meat curing compound; platinum plating solution; resin size; shaving cream base, concentrated; silk stocking savers, in tablet form; silver polish; soldering fluxes for decorating china and glass; and yeast food (dough conditioner). |
| | Industrial chemicals (except medicinal chemicals, USP and NF): |
| 835900 | Cream of tartar (synthetic included). |
| 836700 | Sodium bicarbonate or baking soda. |
| 839730 | Hydrogen peroxide or dioxide, 5 percent solution or less. |
| | Pigments, paints and varnishes: |
| 840100 | Iron oxide pigments, dry, synthetic and natural (mineral earth pigments). |
| 840800 | Extender pigments, dry, the following only: barytes, ground; calcium sulfate; and gypsum, ground. |
| 843000 | Bituminous coatings, liquid and plastic. |
| 843110 | Artists' colors. |
| 843190 | Paste and semipaste paint colors in oil, putty and paste wood fillers, n. e. c., except antifouling types (including all those containing cuprous oxide), and those containing polytetrafluoroethylene (e. g., Teflon); polytrifluorochloroethylene and silicones. |
| 843210–843280 | Water thinned paints, n. e. c. |
| 843310 | Lacquers, aluminum, silver, gold and pearl. |
| 843800 | Ready-mixed paints, stains, and enamels, except fluorescent ready-mixed paints, stains and enamels; and except antifouling types (including all those containing cuprous oxide), and those containing polytetrafluoroethylene (e. g., Teflon) polytrifluorochloroethylene and silicones. |
| 844210 | Varnishes (oil or spirit), natural or synthetic n. e. c., except antifouling types (including all those fluorochloroethylene oxide), and those containing polytetrafluoroethylene (e. g., Teflon), polytrifluorochloroethylene and silicones. |
| 857000–857900 | Soil improvement materials. |
| 871100–877000 | Soap and toilet preparations. |
| | Photographic and projection goods: |
| 900150 | Cameras, motion picture, substandard gauge, 8 mm. |
| 900860 | Projectors, motion picture, silent, substandard gauge, 8 mm. |
| 912700 | Drop forgings. |
| 914000 | Photographic and projection goods, n. e. c. and specially fabricated parts n. e. c., the following only: albums; analyzers; backgrounds, photographic; blueprinting apparatus; cameras and similar outfits; Ceseo trays; Craig Foolade sets; cutting boards; developing tanks; printing, fixing, or washing tanks, trays, and machines; developing tongs; dies and punches; drying racks; presses; embossers and embossing equipment; flash synchronizers; flashing powder; hangers; Mutoscope and Mutascope parts; lamp holders; lantern slides; luxometers; magic lantern parts; mounting boards; negative albums; paper trimmers; printing machines; screens; shading machines; slide film prints and mounts; print rollers; printing frames; projectors; sensitometers; and sun prints. |
| | Scientific and professional instruments, apparatus and supplies, n. e. c.: |
| 914200–914380 | Sun glasses, sun goggles, ophthalmic specialties, spectacles ophthalmic, ophthalmic lenses, and specially fabricated parts, n. e. c. |
| 914998 | Optical goods, n. e. c. and specially fabricated parts, n. e. c., the following only: binocular cases; binocular loupes; field glasses; opera glasses; folding magnifiers; linen testers, optical; magnifying glasses; monoculars; reading glasses; spectacle cases of all materials; stereoscopes; and View-Masters. |
| 915200 | Teeth, dentures, and bridges. |
| 915550 | Dental office and laboratory equipment, n. e. c., and specially fabricated parts, n. e. c., the following only: bench equipment; bracket tables; cabinets; casting machines; chairs; compound heaters; control panels; cuspidors, and cuspidor bowls; denture trimmers; grinders; investment mixers; investment scales; laboratory spatulas; lights and light adapters; mats; presses; processing equipment; sand blasters; surveyors; syringes; tampers; tongs; units; vibrators; waste receivers; water heaters. |
| 921100–929700 | Musical instruments, parts, and accessories, except electric and electronic organs (923100), and phonographs and parts (923500–923900). |
| 930310–930990 | Miscellaneous office supplies, except fountain pen parts containing iridium or ruthenium and balls for ball-type pens. |
| 940000–944900 | Toys, athletic and sporting goods. |
| | Miscellaneous commodities, n. e. c.: |
| 957100 | 1-day alarm clocks. |
| 958000–958950 | Watches, watch movements, and specially fabricated parts, n. e. c. |
| 961000 | Paintings, etchings, engravings, statuary and antiques (Report religious under 963500). |
| 962100–962900 | Jewelry and other personal ornaments, all materials, except solid gold, platinum and platinum allied metals. |
| 963500 | Jewelry findings, and specially fabricated parts, n. e. c. |
| 968005–968099 | Bottle and container closures (including secondary closures, and crown caps), accessories, and specially fabricated parts, n. e. c. |
| 971100–971300 | Buttons and parts. |
| 979300–979900 | Lamps and illuminating devices, and parts, except incandescent mantles and electric lamps. |
| 980000 | Matches. |
| 981810 | Plastic kitchen and tableware. |
| 981590 | Manufactured plastic products, n. e. c., not specially fabricated for particular machines or equipment, except all manufactures of polytetrafluorethylene (e. g., Teflon) and polytrifluorochloroethylene, the following only: cigar ribbons; containers for household use (soap dishes, etc.); display equipment (forms, boxes, stands, frames); draperies and curtains (not firm, woven); garment bags (not requiring cutting or further manufacture for use); hand-mirrors; manicure sets; mats; table cloths (cut to size); trimmings for handbags; venetian blinds, including slats and tapes; baby pants, aprons, bibs, or other indoor type wearing apparel (excluding raincoats). |
| 982110 | Synthetic sponges |
| 982120 | Natural sponges, animal. |
| 982200–982691 | Brushes. |
| 982695 | Brooms. |
| 982700 | Combs, except wholly of rubber. |
| 982800–982900 | Smokers' articles, n. e. c., and specially fabricated parts, n. e. c. |
| 983100–983150 | Umbrellas and parasols, and specially fabricated parts, n. e. c. |
| 983200 | Candles, except pyrotechnic. |
| 983500 | Religious articles, n. e. c., and specially fabricated parts, n. e. c. |
| 984005 | Beads and bead articles, n. e. c. |
| 984008 | Snap fasteners. |
| 984015 | Zippers (including slide fasteners), and specially fabricated parts, n. e. c. |
| 984098 | Notions, novelties, specialties, and specially fabricated parts, n. e. c. |
| 984200 | Ice refrigerators, household and commercial types. |
| 984600 | Soda fountain and bar equipment, and specially fabricated parts, n. e. c. |
| 984700 | Barber and beauty shop equipment, n. e. c., and specially fabricated parts, n. e. c. |
| 985300 | Shoe findings, n. e. c. |
| 987100–987200 | Coin operated machines, n. e. c. |
| 999910 | General merchandise valued at less than $25; only those commodities which are exportable in quantities valued at $25 or over under their own individual Schedule B numbers within the provisions of this General License. |
| 776400–776700 | Cash registers, and specially fabricated parts. |
| 777000–777420 | Typewriters, portable and standard, new, used and rebuilt. |
| 777500 | Parts and accessories, n. e. c., specially fabricated for typewriters. |
| 777710 | Staplers, for office use. |
| 777925 | Check-handling machines, and specially fabricated parts, n. e. c. |
| 777960 | Office machines, n. e. c., and specially fabricated parts, n. e. c. |
| | Other vehicles and parts: |
| 797100–797103 | Trailers, and specially fabricated parts and accessories, n. e. c. |
| 797130 | Parts and accessories, for trailers except logging wagons. |
| 799996 | Vehicles, n. e. c., and specially fabricated parts, n. e. c., except logging wagons, motor scooters, snow-cats, and sno-cat trailers. |



PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

Sec.
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§ 372.1 *Applicability of provisions.* The provisions of this part and (insofar as consistent with the provisions of this part), all of the other provisions of the Export Regulations shall apply to applications for and individual licenses issued by the Bureau of Foreign Commerce. These provisions also shall apply equally to other types of validated licenses and applications therefor, insofar as consistent with the provisions of Parts 374 to 399, inclusive, of this subchapter relating to such other types of validated licenses.

NOTE: Special provisions for certain commodities and destinations are set forth in Part 373 of this subchapter.

§ 372.2 *Definitions of validated licenses*—(a) *Validated license.* The term "validated license" means a document authorizing exportation, issued by or under the authority of the Bureau of Foreign Commerce. Wherever reference is made in this part to an application for a license or to a license issued upon application, the reference is to a validated license, as distinguished from the general licenses established in Part 371 of this subchapter for which no application is required and for which no document is issued.

(b) *Individual license.* An "individual license" is any validated license other than those named in paragraphs (c) through (g) of this section authorizing the exportation of a specified quantity of commodities by a designated licensee to a designated consignee.

(c) *Project license.* A "Project license" is a validated license authorizing the exportation of all commodities required for a specific officially recognized project or program for a specific period. Two types of project licenses, "Special Project" (SP) and "Dollar Limit" (DL) are used for this purpose. (See Part 374 of this subchapter.)

(d) *Blanket license.* A "Blanket (BLT) license" is a validated license authorizing the exportation of specified quantities of a specific commodity to two or more consignees in the same country of destination. (See Part 375 of this subchapter.)

(e) *Periodic requirements license.* A "Periodic Requirements (PRL) license" is a validated license authorizing the exportation during a specified period of one or more of the commodities identified on the Positive List of Commodities (§ 399.1 of this subchapter) by the letter "E" in the column headed "Commodity Lists" to one or more named ultimate consignees in a named ultimate destination. (See Part 376 of this subchapter.)

(f) *Time limit license.* A "Time Limit (TL) license" is a validated license authorizing the exportation of an unlimited quantity of commodities, other than those commodities identified on the Positive List by the letter "B", to an ultimate consignee located in a Group O country. (See Part 377 of this subchapter.)

(g) *Foreign distribution license.* A "Foreign Distribution (FD) license" is a validated license authorizing the exportation of commodities, identified by the letter "F" in the column headed "Commodity Lists" on the Postive List, to a distributor located in a foreign country (other than Hong Kong, Macao, and Subgroup A countries) for resale, distribution, or use in the distributor's country, or for reexportation to other countries, as approved. (See Part 378 of this subchapter.)

(h) *Technical Data License.* A "Technical Data License" is a validated license authorizing the exportation of specified technical data to a specified ultimate consignee(s). (See Part 385 of this subchapter.)

§ 372.3 *Exportations requiring validated licenses.* No commodity subject to the Export Regulations of the Bureau of Foreign Commerce may be exported to any destination without a validated license issued by the Bureau of Foreign Commerce, except where the exportation is authorized by a general license or other authorization granted, issued, or established by the Bureau of Foreign Commerce.

NOTE: Certain commodities are subject to export regulations of other agencies of the Government. The Bureau of Foreign Commerce does not issue export licenses for those commodities. (See § 370.4 of this subchapter).

§ 372.4 *Applications for validated licenses*—(a) *Who may apply*—(1) *General.* (i) A license application may be made by any person subject to the jurisdiction of the United States who is in fact the exporter or by his duly authorized agent. In either instance, the exporter must be shown as the applicant.

(ii) The applicant for a license should be that person who, as the principal party in interest in the transaction of exportation, has the power and responsibility to determine and control the

sending of the goods out of the country and is thus in reality the exporter. For this purpose, it is the identity of the applicant, and his role in the transaction, and not the terms of sale, with which the Bureau of Foreign Commerce is primarily concerned. If, in a given transaction, he has the responsibility for effecting exportation, such person is a proper applicant; if, on the other hand, he does not assume such responsibility, he is not a proper applicant.

(iii) If the seller intends to leave the responsibility for effecting exportation in the hands of the foreign importer or the latter's forwarding or purchasing agent in the United States, he should not apply for the license or appear as exporter; but, in such case, the forwarding or purchasing agent should appear as applicant and exporter unless the foreign importer himself is subject to the jurisdiction of the United States at the time of exportation, in which case the latter should apply for the license in his own name. If any forwarding or purchasing agent applies for the license, he must disclose the fact of his agency and the name of his principal.

(iv) No application by any person not subject to the jurisdiction of the United States will be considered unless such application is made on his behalf by an authorized agent in the United States. The agent authorized to file the application then becomes the applicant. Ordinarily, a seller who delivers commodities in this country to a foreign buyer or to the latter's forwarder or other agent would not be in a position to assume responsibility for the exportation and so would not be a proper applicant. This would normally be the situation where the sale is made f. o. b. factory, although it is recognized that such terms of sale may relate only to price and are not necessarily inconsistent with the assumption by the seller of full responsibility for effecting the exportation.

(2) *Order party.* (i) Where the applicant did not receive the order directly from the foreign purchaser or ultimate consignee named in the application, the application must also be signed by the person in the United States who originally received the order (the order party), as well as by the applicant. The "order party" is that person in the United States who conducted the direct negotiations or correspondence with the foreign purchaser or ultimate consignee and who, as a result of these negotiations, received the order from the foreign purchaser or ultimate consignee. The signature of the order party, followed in parentheses by the designation "(order party)," shall be entered on the application form above the signature of the applicant. The signature of the order party on the application is not required on an application filed by a person acting for the account of a foreign principal where the foreign principal is in fact the exporter, as defined in subparagraph (1) of this paragraph.

(ii) The order party should not be shown as an applicant in the space provided for the applicant on the application form. The license, when issued, will show as licensee only the party shown as applicant on the application form.

(b) *Responsibility of the licensee.* Any applicant to whom an export license is issued becomes the licensee, and will be held strictly accountable for use of the license, whether as a principal exporting for his own account, or as an agent acting for the account of a foreign principal who is not subject to the jurisdiction of the United States. He thereby assumes responsibility for actually effecting the exportation, for proper use of the license, and for due performance of all its terms and conditions.

(c) *Requirement to disclose parties in interest*—(1) *Disclosure requirement.* (i) The policies of export control require the fullest disclosure by the applicant of all parties in interest in order that decisions on applications may be made with the fullest knowledge of all revelant facts and in order that the identity and whereabouts of the persons who know most about the transactions may be easily ascertained in the event of inquiry.

(ii) The applicant must disclose fully on the application for license the names of all parties who are concerned with or interested in the proposed exportation, participating on their own account including: the applicant as exporter, the ultimate consignee, the intermediate consignee, and the purchaser, all as defined in this section. If the application is filed for an account other than that of the applicant, the agent, as applicant, must disclose the name of his foreign principal for whose account the exportation is to be made. The true parties in interest as known to the applicant must be disclosed.

(iii) It is realized that there may be cases in which more than one person in a transaction may fairly be described as being a principal. In such cases, the application should be accompanied by a statement giving the names and addresses of such other persons and their roles in the transaction in question. Where there is any doubt as to which of several persons should be named as the party to the license, the applicant should disclose the names of all and the functions to be performed by each. For this purpose a separate statement attached to the application will be acceptable.

(2) *Definitions of parties in interest*—(i) *Applicant.* The applicant for a license should be that person who, as the principal party in interest in the transaction of exportation, has the power and responsibility to determine and control the sending of the goods out of the country and is thus in reality the exporter. (See paragraph (a) of this section.)

(ii) *Ultimate consignee.* The person located abroad who is the true party in interest in actually receiving the exportation for the designated end use must be named as the ultimate consignee. In all cases, the address of the ultimate consignee must be in the country of destination specified for the proposed exportation. A bank, freight forwarder, forwarding agent, or other party, when acting as an intermediary is not acceptable as the ultimate consignee.

(iii) *Intermediate consignee.* (a) The bank, forwarding agent, or other intermediary (if any) who acts in a foreign country as an agent for the exporter, the purchaser, or the ultimate consignee, for the purpose of effecting delivery of the exportation to the ultimate consignee must be named on the application, if known. If no intermediary is to be used, or if the intermediate consignee is unknown at the time of the application, this fact must be stated on the application.

(b) Optional intermediate consignees may be indicated on the application for export license by an exporter who is unable to determine, at the time of filing his license application, at which port the commodities will be unloaded from the exporting carrier.

(c) In all cases, before a shipment will be cleared for export, the name and address of any intermediate consignee to be used must be ascertained and set forth on the shipper's export declaration, whether or not named on the license application or validated license. (See § 379.4 (b) (3) of this subchapter.) However, the name and address of the intermediate consignee need not be shown on the commercial invoice.

(*d*) Amendment of the export license is required if the intermediate consignee to be used in the export transaction is not named on the export license, unless such new or different intermediate consignee is located in the country of ultimate destination as shown on the export license. See § 380.2 (d) of this subchapter.

(iv) *Purchaser.* The person abroad who has entered into the export transaction with the applicant to purchase the commodities for delivery to the ultimate consignee must be named as the purchaser. If such person is the same as the ultimate consignee, applicant should state "Same." A bank, freight forwarder, forwarding agent, or other intermediary is generally not acceptable as the purchaser.

(d) *Legal liability for violations.* Insofar as legal liability for any violation of the export-control law and regulations is concerned, every person who in any capacity participates in fact in an exportation knowing it to be unauthorized may be held to account, whether or not he appears as the party on the application for the export license. (See Part 381 of this subchapter.)

(e) *Information regarding commodities.* The applicant must state on the application for a validated license submitted on Form IT– or FC–419, in accordance with the instructions set forth on such forms, (See Note 2 following § 372.5 (a)) for each commodity item listed therein:

(1) The quantity to be shipped;

(2) A description in sufficient detail to permit accurate identification, including its Schedule B number;

(3) The total selling price of the item and its price per unit; and

(4) The proposed end-use.

(f) *Substantiation of representations made in license application*—(1) *Orders and substantiation of other material facts.* No application for an export license shall be made unless and until the applicant has, supported by documentary evidence in his possession, or in the possession of the order party (as defined in paragraph (a) (2) of this section) who signs the application in accordance with the requirements of paragraph (a) (2) of this section:



(i) An order for export for the commodities covered by the application. If the applicant for the export license is not the person who conducted the direct negotiations or correspondence relative to the order with the ultimate consignee or foreign purchaser, as designated in the application for export license, and did not receive the order from the ultimate consignee or foreign purchaser, the application must be completed in accordance with paragraph (a) (2) of this section.

(ii) Substantiation of the following facts relating to the purchase transaction which the applicant must disclose on the application, Form IT– or FC–419 (see § 372.5):

Country of ultimate destination;

Names and addresses of the ultimate consignee, intermediate consignee (if any), purchaser (if other than ultimate consignee), and any other party to the purchase transaction, whether principal or agent, including but not limited to brokers, representatives or other agents through whom the order was received;

Quantity and description of the commodities to be exported;

End use of the exportation;

International Cooperation Administration (formerly FOA) authorization if known and applicable.

(2) *Definitions*—(i) *Order.* The term "order" as used in this section means an order for export placed with an exporter in the United States, or through an order holder as defined in paragraph (a) (2) of this section, by an importer in a foreign country which, if accepted by the exporter or the order holder, will result in a binding contract between the exporter or the order holder and the foreign importer. Conversely, however, an exporter's or order holder's offer alone is not a basis for an application. While the terms of the order may be conditioned, such terms must be ascertainable and certain; for example (*a*) the terms of payment may provide a price dependent upon the market price at the time of delivery; (*b*) the time or place of delivery may be dependent upon an event in the future, etc. An "order" is more than a mere business inquiry relating to the possible purchase of merchandise, although it need not be an agreement which can be presently executed. Furthermore, while orders may be conditioned upon the issuance to the exporter of an export license by the Bureau of Foreign Commerce or the issuance to the importer of an Import Permit or exchange permit by his government, or such other government document as may be required, such orders for export would still be considered as orders within the meaning of these provisions.

(ii) *Evidence of an order.* Evidence of an order as used in this section means any document or documents emanating from the foreign purchaser which set forth the terms and conditions of his offer to buy the materials or articles for which the export license is requested. Such evidence may take the form of a contract signed by both parties, or of letters, telegrams, cables, confirmations, or other documents which set forth in definite terms the offer of the foreign purchaser to buy or the acceptance by the foreign purchaser of the exporter's offer to sell.

(iii) *Evidence of facts relating to the purchase transaction.* Evidence of the facts relating to the purchase transaction means any documents emanating from the purchaser or ultimate consignee which substantiate the material statements in the application enumerated in subparagraph (1) of this paragraph. Such evidence may be contained in the document or documents constituting evidence of the order, or in additional documents emanating from the purchaser or ultimate consignee. The printed name, address, or nature of business of the ultimate consignee or purchaser appearing on his letterhead or order form shall not constitute evidence of either his identity, the country of ultimate destination, or end use of the commodities described in the application.

(3) *Shipments involving other than normal purchase and sale contracts.* Where the transaction between the applicant and purchaser or ultimate consignee does not involve a normal purchase and sale contract in the customary form or where for other stated reasons the term "order" as used in this section does not apply, the applicant shall attach to his application a full description of the nature of the transaction.

NOTE: Where an exporter ships supplies or equipment to his foreign subsidiary or to distributors for use or resale, but it is not the practice for the subsidiary or distributor to submit or for the exporter to accept orders, documentary evidence of an order is not required. The applicant must, however, submit a full statement of the nature of the transaction or arrangement, explaining the end usea of the commodities involved. When commodities are to be exported under any other arrangement, a full statement of the nature of the transaction must likewise be submitted.

(4) *Retention of documents.* The documents constituting evidence of an order and of the facts relating to the purchase transaction, as defined in subparagraph (2) of this paragraph, or other transaction referred to in subparagraph (3) of this paragraph, must be kept available for inspection, upon demand, by the Bureau of Foreign Commerce for three years from the date of receipt of the application, as shown on the Acknowledgment Card, Form IT- or FC-116.

NOTE: 1. *Copies of documents.* The Bureau of Foreign Commerce may request either the originals of the documents constituting the evidence, or photostatic or other copies thereof. The time and manner of submission will be made known to the applicant at the time the request for submission is made. In accordance with § 372.9 (a), all documents submitted in connection with a license application must be identified clearly as a part of that application. Unless supporting documents are so identified, they will not be accepted by the Bureau of Foreign Commerce.

2. *Coded terms; foreign languages.* The provisions of § 372.9 (d), requiring an explanation of terms and abbreviations and an English translation of documents in a foreign language, must be observed.

(5) *Changes in orders or facts relating to the purchase or other transaction.* Answers to all questions in the application shall be deemed to be continuing representations of the existing facts or circumstances. Any material or substantive change in the terms of the order or in the facts relating to the purchase transaction or other transaction, shall be promptly reported to the Bureau of Foreign Commerce, whether a license has been granted or the application is still under consideration. If a license has been granted, such change shall be reported immediately to the Bureau of Foreign Commerce, in accordance with the provisions of Part 380 of this subchapter, even though shipments against the license may be partially or wholly completed.

NOTE: 1. *Change in intermediate consignee.* Change in intermediate consignee must be reported on the Shipper's Export Declaration, and in certain cases an amendment to the export license is required. (See paragraph (c) (2) (iii) of this paragraph and § 380.2 (d) (3).)

2. *International Cooperation Administration authorization.* Changes in facts relating to International Cooperation Administration authorization should be reported if such authorization was indicated in the application; otherwise such disclosure should be made in the fourth copy of the Shipper's Export Declaration, if required by terms of the license. (See § 379.3 (c) (3) of this subchapter.)

(g) *Export licenses related to complete applications.* Although the export licenses issued by the Bureau of Foreign Commerce may not set forth all the facts relating to the export transaction that are contained in the license application and supporting documents, any validated export license issued is valid for use only with respect to the specific export transaction described in the license application and supporting documents, unless otherwise provided by the export license or the Export Regulations.

§ 372.5 *How to file an application for a validated license*—(a) *Form and manner of filing*—(1) An application for a validated license must be submitted on Form IT– or FC–419, Application for Export License, accompanied by Form IT– or FC–116, Acknowledgment Card.[1] An application is incomplete and will be returned to the applicant unless accompanied by an acknowledgment card with both portions completely and correctly filled out.

(2) All terms, conditions, provisions, and instructions, including the applicant's certificate, contained in such form or forms are hereby incorporated as a part of the Export Regulations.

NOTE: 1. *Facsimiles of Form IT– or FC–419.* Exporters may print facsimiles of Form IT– or FC–419 with printed answers to many of the questions, provided the facsimiles are identical with the official form in size, ink color, and typographic arrangement.

2. *Preparation of Form IT– or FC–419.* The following instructions apply to the preparation of applications submitted on Form IT– or FC–419, Application for Export License, for all types of validated export licenses issued by the Bureau of Foreign Commerce, except as modified by special

[1] Form IT– or FC–419 and Form IT–116 or FC–116 may be obtained at all Department of Commerce Field Offices and from the Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C.

licensing procedures and provisions contained in the Export Regulations.

*Item 1.* The date of the application must be shown.

*Item 2.* The applicant's reference number may be used for applicant's convenience.

*Item 3.* The country of final (ultimate) destination is to be entered, not a country through which the exportation may travel in transit to its final destination. A statement of ultimate destination and prohibition against diversion must be placed on Shipper's Export Declarations, bills of lading, and commercial invoices for various export shipments as provided by § 379.10 (c) of this subchapter. Transshipment or diversion of commodities from country of final (ultimate) destination is a violation subject to the denial of export privileges and to criminal penalties, unless specifically authorized by the Bureau of Foreign Commerce.

*Item 4.* If a previous application covering this same transaction has been submitted, the Bureau of Foreign Commerce Case Number shall be entered in this space. (To be answered only when the application covers the same transaction for which a previous application was returned without action, or rejected, by Bureau of Foreign Commerce. Exporters must not submit a duplicate application to cover any transaction for which an application for export license is still pending before the Bureau of Foreign Commerce.)

*Item 5.* Enter the import permit number and/or International Cooperation Administration procurement authorization number, if required by specific regulations. If application is related to the International Cooperation Administration program, the identification number and symbol of the procurement authorization or loan authorization under which the foreign customer is entitled to import should be inserted, if known; if unknown or not yet assigned, so indicate.

*Item 6.* The name and address of the applicant must be entered in the provided space.

*Item 7.* The person named as ultimate consignee should be the person abroad who is actually to receive the material for the designated end use. A bank, freight forwarder, forwarding agent, or other intermediary is not acceptable as an ultimate consignee, but should be disclosed as the intermediate consignee.

*Item 8.* The intermediate consignee may be a bank, forwarding agent, or other intermediary in a foreign country who participates as an agent for the exporter or for the purchaser or ultimate consignee for the purpose of effecting delivery of the exportation to the purchaser or ultimate consignee. If no intermediary is to be used, state "None"; if unknown at time of application, state "Unknown." In all cases the actual intermediate consignee (name and address) must be ascertained and disclosed on the Shipper's Export Declaration filed before exportation. In certain cases, amendment of the license also is required.

*Item 9.* The name and address of the person, other than applicant, authorized by the applicant to receive the license, if issued, should be entered in this space.

*Item 10.* The person who should be named as purchaser is the person abroad who has entered into the export transaction with the applicant. If the foreign purchaser is other than the ultimate consignee shown on the export license application, the name and address of the purchaser must be shown. If the foreign purchaser is the same as the ultimate consignee, this fact should also be shown on the application; in this case the applicant should enter the word "Same" in the foreign purchaser item of the form. In any instance in which an applicant fails to make any entry in the foreign purchaser item of the form, he represents thereby that there is no foreign purchaser other than the ultimate consignee.

*Item 11 (a).* Give the quantity to be shipped using units specified in Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States [2] (unless otherwise specified in the Export Regulations) and also in trade units, where different.

*Item 11 (b).* Commodities must be described in terms which correspond with the commodity descriptions in Schedule B. Additional details must be furnished to the extent necessary for identification of the specific items so classified. (Include basic ingredients, composition, type, size, gauge, grade, horsepower, etc., where applicable. Show brand or trade names, catalog numbers, or other trade characteristics which will aid in exact identification of commodities.)

*Item 11 (c).* The Schedule B number, processing code, and related commodity group number, if any, shall be shown in the provided space. (Unless the processing code is followed by a related commodity group number, a separate application must be filed for each entry on the Positive List of Commodities.)

*Item 11 (d).* Unit price should be shown except where a large variety of products within a single Schedule B classification makes such a breakdown extremely difficult. In such cases only total price need be shown. The applicant must show total price in the customary form of quotation such as f. o. b. (factory), f. a. s. (named port), c. i. f., or other form. The particular form of price quotation must be specified.

*Item 12.* If the applicant is exporting for other than his own account, the name and address of the foreign principal must be shown and an explanation of the transaction given in full.

*Item 13. Availability of Material to be Exported.* All applicable parts of Item 13 must be answered, showing the exact status of the applicant's procurement of the commodities to be exported. In the case of a producer, the approximate delivery date is the date on which the commodities will be available for export. If more than one delivery date is required for the commodities covered by the application, each date should be given, using a supplementary sheet, if necessary.

Applications for licenses to export certain commodities will be considered only when answers to Item 13 indicate that the commodities will be available to the applicant within the normal validity period of licenses for such commodities.

*Item 14.* End use of commodities covered by this application will be an important factor in determining issuance of license. Statement by ultimate consignee (and purchaser, if not same) as to ultimate destination and end use must be submitted for certain exportations as required by the Export Regulations. (Applicant's reference to such statement does not relieve him of responsibility to fully disclose any additional or different information he may know.) Applicant should indicate clearly the end use for which material is to be exported, e. g.:

For purchaser's own personal use;

For resale in country of ultimate destination and consumption in that country;

For a service to be rendered, indicating how the item(s) described herein will be used in this service;

For new construction or expansion;

For maintenance, repair, or operation of existing facilities;

To enable the purchaser to produce the following needed materials or products for export to ----------;

(Name of country)

To be reexported and, if so, to what country;

To fill a specific need endorsed as of high priority by the government of the receiving country, stating the need and the nature of the endorsement;

However, end-use statements consisting of brief outlines (such as above) are not considered sufficient in themselves. A complete and detailed description of end use is required.

*Item 15.* The application must be signed by applicant, or by an officer or duly authorized agent of the applicant. (If signed by agent of the applicant, title and firm name of agent must be shown.) The name of the applicant and the name and title of person who signs the application must also be typed or printed legibly in the space provided. Sign the original copy.

The applicant's signature on the application constitutes a certification by the applicant with respect to the license application, as set forth in Item 15: A certification that any copies of documents submitted in lieu of originals in support of the application are true and correct copies of the originals; and a certification that the information contained in all documents submitted at any time in support of the application is true and correct to the best of his knowledge and belief.

3. *Preparation of Form IT– or FC–116.* An Acknowledgment Card, Form IT– or FC–116, with both portions completely and correctly filled out, must accompany each license application.

This card must be made out in the name of the applicant, as shown in item 5 of Form IT– or FC–419. Upon receipt of the application, the Bureau of Foreign Commerce will enter on the card the case number assigned to the application, and the date of receipt, detaching and returning to the applicant the return portion (applicant's copy).

If the application is submitted by an agent, or if the applicant wishes an agent to receive an Acknowledgment Card, the upper portion only (applicant's copy) of an additional acknowledgment card may be filled out in the name of the agent and submitted with the application.

The date of application, applicant's reference number (if any), country of destination, Schedule B number, and processing code (and related commodity group number, if any) must be the same as the corresponding entries on Form IT– or FC–419. Only a brief commodity description is required to be shown on Form IT– or FC–116.

(b) *Assembly and submission of applications.* (1) All documents or correspondence accompanying the license application, bearing the applicant's reference number, if any, should be firmly stapled together in the upper left-hand corner.

(2) Form IT– or FC–116, typed side up, should be attached with a paper clip (not stapled) to the upper left-hand corner of Form IT– or FC–419. The two portions of Form IT– or FC–116 should not be separated.

(3) Applications should be submitted (preferably by mail) to the Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C.

(4) Applications which omit essential information will be returned without action.

(c) *Time of submission of license applications.* Specific filing dates are established for certain Positive List commodities. Applications for licenses to export such commodities shall be submitted at such times or during such periods as are indicated in § 373.71 of this subchapter. Applications for licenses to export commodities for which no specific filing dates are announced may be submitted at any time.

(d) *Separate applications for each Positive List entry.* A separate and complete application must be submitted for each Positive List entry to each consignee in each country of destination except as otherwise specifically provided in the Export Regulations.

(e) *Commodities exported for relief or charity.* Applications by individuals or private agencies for validated licenses to export commodities for relief or charity shall show the appropriate relief category Schedule B number (999810–999890). In addition, where the commodities proposed for export are listed in the Positive List of Commodities (§ 399.1 of this subchapter), the specific Schedule B number established for the commodity when shipped commercially shall also be shown.

(f) *Inclusion of related commodities on a single applicaton*—(1) *Description of related commodities.* For each entry on the Positive List of Commodities (§ 399.1 of this subchapter) there appears in the column headed "Processing Code and Related Commodity Group" a four-letter symbol (ELME, GIEQ, etc.), which is the processing code for that entry. In many instances this code is followed by a number, which is the related commodity group number for that entry. All entries on the Positive List which have both the same processing code and the same related commodity group number are designated related commodities and may be included on a single license application. Entries which have processing codes not followed by a number are not included in any related commodity group, and a separate application must, therefore, be filed for each such entry. Entries which have different processing codes (e. g., ELME, GIEQ, RUBR) may not be included on the same application.

NOTE: The following examples illustrate proper use of a single application for related commodities:

*Example 1.* All entries on the Positive List having the processing code ELME followed by the related commodity group number 1 (ELME 1) may be entered on a single application.

*Example 2.* All entries on the Positive List having the processing code ELME followed by the related commodity group number 2 (ELME 2) may be entered on a single application.

*Example 3.* An entry on the Positive List having the processing code and related commody group number ELME 1 may not be entered on the same application with an entry having the processing code and related commodity group number ELME 2.

*Example 4.* An entry on the Positive List having the processing code ELME not followed by a related commodity group number may not be combined on an application with any other entry, including entries having the same processing code.

*Example 5.* Entries on the Positive List having different processing codes (e. g., GIEQ, ELME, RUBR), regardless of whether followed by a related commodity group number, may not be included on the same application.

(2) *Partial approval.* An application may be approved in whole or in part. Upon specific request, stated on the application form, the application will be considered as a whole and either approved or rejected in its entirety.

(3) *Attachments.* Additional sheets listing related commodities must be attached securely to the application form.

(g) *Applications to cover partial or periodic shipments.* Where partial or periodic shipments of an identical commodity are to be made by the applicant to the same consignee in a foreign country, an application may be filed covering the entire quantity of commodities to be so exported.

(h) *Applications for licenses to cover shipments by mail.* (1) Only one shipment by mail may be made against a validated license, except as specified in § 379.1 (b) (1) of this subchapter.

(2) Where an exporter, at the time of applying for an export license, expects to make several shipments by parcel post against one order, he may submit one application to obtain separate licenses for each anticipated partial shipment by mail against such an order. The applicant shall indicate, in the commodity description column of the application, the quantity of each partial shipment, and note across the bottom of the column: "Anticipated Partial Shipments by Mail Against One Order."

(i) *Second applications.* A second application covering the same proposed exportation shall not be submitted pending action on the first application.

NOTE: 1. *Submission of new applications.* When an application has been returned without action to the applicant and is being resubmitted, a new application should ordinarily not be filled out. However, a new application should be submitted where the necessary alterations on the old application would be too difficult to make or would be illegible, or where the old application is on a form other than Form IT– or FC–419. In those instances where a new application is submitted, the previous Bureau of Foreign Commerce Case Number should be typed or written in ink in the appropriate item on the new application Form IT– or FC–419. When a new application is submitted, the original application must be attached to the new application.

2. *Resubmission of previous application.* When an export license application has been returned without action with instructions that it is not to be resubmitted until a later date, the resubmission of the application must be in accordance with the requirements existing at the later date for the submission of a new application.

(j) *Emergency clearance.* In case of emergency, the Bureau of Foreign Commerce will, upon approving an application for export license, authorize clearance by telephone, telegraph, or other special communication to the appropriate Collector of Customs. In such cases, the license is not sent to the licensee, but to the Collector of Customs with whom the clearance has been authorized by the Bureau of Foreign Commerce.

(k) *Inquiries and correspondence.* (1) Every effort is made to examine applications and advise applicants of action in the shortest time. Applicants should allow a period of one week after receipt of returned Acknowledgment Card (Form IT– or FC–116) or, in case of commodities with established filing dates, 3 weeks after close of such filing period, before inquiring as to progress of an application. Certain types of applications require more time for necessary examination and consideration.

(2) Requests for information concerning the application of Export Regulations to specific fact situations, the status of delayed cases, or any other inquiry concerning export license applications should be addressed to the Exporters' Service Section, Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C. Such communications should not be attached to an application for license but should be mailed in a separate envelope. Memoranda attached to license applications should be limited to informational data relating to those applications and should not include inquiries requiring individual reply.

(3) Inquiries concerning the status of applications may be made only by an applicant or his authorized agent. The Bureau of Foreign Commerce will not furnish status information to other persons. When these inquiries are made, they should be submitted to Exporters' Service Section, Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C., on Form IT– or FC–743–A,[3] in duplicate, in accordance with the instructions contained thereon. After receipt of the form and a determination of the status of an application, the Bureau of Foreign Commerce will return the form, indicating thereon a statement of the desired information. A separate form must be submitted for each application. For convenience of mailing, the form is designed for use in a standard window envelope.

(4) Information as to the probable action of the Bureau of Foreign Commerce respecting a proposed shipment or a hypothetical license application will not be given. It will be necessary in all cases to submit an application together with pertinent information in order to obtain a decision.

(5) A supporting letter should give additional information only for the application to which it is attached.

(6) When an exporter requests telegraphic reply to an inquiry, the complete address of such person or company, including name, street, city, postal zone number, and state, must be given; or if desired, the Western Union "WUX" designation may be substituted for the address. This will expedite the servicing of these requests by the telegraph companies. Telegraphic replies will be made at the expense of the inquirer.

§ 372.6 *License applications for intransit shipments*—(a) *Information required on application.* (1) License applications for commodities moving in transit through the United States which may not be exported under General License GIT, shall include in the commodity description column of the Application for Export License, Form IT– or FC–419, the following:

[2] For sale by Superintendent of Documents, United States Government Printing Office, Washington 25, D. C., and field offices of the Department of Commerce.

[3] Form IT– or FC–743–A may be obtained at all Department of Commerce field offices and from the Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C.

(i) The name and address of the foreign consignor who shipped the goods to the United States;

(ii) A statement that the shipment is wholly of foreign origin; and

(iii) The notation "In-Transit Shipment."

(2) In addition, the applicant should submit any evidence available showing the approval or acquiescence of the exporting country (or the country of which the exporter is a resident) with respect to the proposed ultimate destination of the shipment. Such evidence may be submitted in the form of a transit authorization certificate or other document.

(b) *Applicability of special provisions.* In addition, except for shipments originating in Canada, the applicant must comply, where applicable, with the provisions of § 373.2 of this subchapter with respect to confirmation of country of ultimate destination and verification of actual delivery (IC/DV); § 373.65 of this subchapter with respect to required ultimate consignee and purchaser statements; § 373.66 of this subchapter with respect to Austrian import identification number § 373.67 of this subchapter with respect to Swiss Blue Import Certificate; § 373.69 of this subchapter with respect to Hong Kong ultimate consignee and purchaser statement or import certificate; and § 373.70 of this subchapter with respect to Yugoslavia end use certificate.

(c) *Nature of exportations covered by provisions of this section.* Licenses issued under this section will be valid only for the export of in-transit shipments wholly of foreign origin and for which a Transportation and Exportation (T. & E.) customs entry or an Immediate Exportation (I. E.) customs entry is outstanding covering the shipments.

NOTE: 1. *Inapplicable requirements.* The provisions of the Export Regulations relating to quota limitations or other short supply considerations affecting the licensing of the commodity are not applicable to license applications for in-transit shipments. For example, the following requirements are inapplicable: Adherence to time-table licensing § 373.71 of this subchapter; and priority ratings Part 398 of this subchapter.

2. *Other applicable provisions.* For in-transit shipments under general license, see § 371.9 of this subchapter; and for special clearance procedures applicable to in-transit shipments, see § 379.4 (d) of this subchapter).

3. *Submission of T. & E. or I. E. entry.* In clearing an in-transit shipment under a validated license, the Collector of Customs may, at his discretion, require the licensee to submit a copy of the Transportation and Exportation (T. & E.) customs entry or an Immediate Exportation (I. E.) customs entry covering such shipment.

4. *Destination control statement.* Exportations made under a validated export license for shipments of foreign origin moving in transit through the United States must comply with the destination control provisions (§ 379.10 of this subchapter). Under these provisions all copies of the in-transit Shipper's Export Declaration presented to the Collector at the port of exit must contain the destination control statement. In addition, the destination control statement must be shown on all bills of lading and commercial invoices in the possession of, or sent to the ultimate consignee or purchaser by, the shipper, exporter, carrier, and agent in the United States.

§ 372.7 *License applications for ship stores, plane stores, supplies and equipment*—(a) *Exportations requiring validated license.* The provisions of § 371.13 of this subchapter establish general licenses for the exportation of ship stores, plane stores, supplies and equipment under prescribed conditions. Where any commodities to be used on operating vessels and aircraft are not authorized to be exported under the provisions of § 371.13 of this subchapter or where commodities are being exported for vessels under construction and are not authorized to be exported under any general license, the exportation must be authorized by a validated license.

NOTE: See § 371.13 (d) of this subchapter on exports to vessels located at foreign ports.

(b) *Preparation of license applications*—(1) *Vessels under construction.* Applications for licenses to export commodities, including ship stores, supplies and equipment, to vessels under construction shall be prepared on Form IT– or FC–419 in accordance with the instructions contained in § 372.5 with the following modifications:

(i) *Country of ultimate destination.* Show country in which vessel is being constructed.

(ii) *Ultimate consignee in foreign country.* Show name and address of shipyard where vessel is being constructed.

(iii) *Commodity description.* For vessels under 40 feet in length, include a statement as to the length of the vessel. For vessels 40 feet in length, or over, show the following information in this item or on an attachment to the application:

(*a*) Hull number and name of vessel (if known).
(*b*) Type of vessel.
(*c*) Name and business address of prospective owner, and his nationality.
(*d*) Country of registry, or intended country of registry.

(iv) *End use of commodities covered by this application.* If the vessel is a tanker, the application or an attachment thereto shall include the following statement signed by the prospective owner of the vessel or his duly authorized agent:

The vessel ----------
(Hull number and name of vessel, if known)

for which these commodities are required (will be used) (will not be used)[1] to transport petroleum or petroleum products directly or indirectly to any Subgroup A destination.

[1] Strike out inapplicable phrase.

(v) *Identification of parties to transaction.* In all cases, all parties to the transaction, including the U. S. or foreign purchaser, must be identified with a clear statement of the capacity or function of each, as provided in § 372.4 (c).

(2) *Operating vessels and aircraft.* Applications for licenses to export commodities, including ship or plane stores, supplies and equipment, to operating vessels and aircraft, whether in operation or being repaired, shall be prepared on Form IT– or FC–419 in accordance with the instructions contained in § 372.5, with the following modifications:

(i) *Country of ultimate destination.* (*a*) Show country where the vessel or aircraft will take on the commodities.

(*b*) If the country where the vessel or aircraft will take on the commodities is uncertain at the time of filing the license application, and the commodities will not be shipped to Hong Kong, Macao, or a Subgroup A country, enter the statement: "Uncertain; however, shipment(s) will not be made to Hong Kong, Macao, or a Subgroup A destination." An export license issued under these circumstances will bear the following destination restriction: "Shipment(s) may be made to the named vessel at any port in any country except Hong Kong, Macao, or a Subgroup A destination."

(ii) *Ultimate consignee in foreign country.* (*a*) Show name of owner and port or place where commodities will be taken aboard. Also, if a vessel, show name of vessel.

(*b*) If the port or place where the commodities will be taken aboard is uncertain at the time of filing the license application, and the commodities will not be shipped to Hong Kong, Macao, or a Subgroup A country, enter the statement: "Port or place where the commodities will be taken aboard the vessel is uncertain; however, the commodity(ies) will not be loaded on the named vessel at a port or place located in Hong Kong, Macao, or a Subgroup A destination." An export license issued under these circumstances will bear the destination restriction indicated in subdivision (i) of this subparagraph.

(iii) *Commodity description.* For vessels under 40 feet in length, include a statement as to the length of the vessel. For vessels 40 feet in length, or over, show the following information in this item or on an attachement to the application:

(*a*) Type of vessel.
(*b*) Business address of owner and his nationality.
(*c*) Country of registry.
(*d*) Name of charterer and the terms and type of charter, if under charter.

(iv) *End use of commodities covered by this application.* If the vessel is a tanker, the application or an attachment thereto shall include the following statement signed by a responsible person in a position to furnish this information; that is, the owner or his duly authorized agent, or the owner and charterer (or their duly authorized agents) when the vessel is chartered:

The vessel ----------
(Name of vessel)

for which these commodities are required (will be used) (will not be used)[1] to transport petroleum or petroleum products directly or indirectly to any Subgroup A destination.

[1] Strike out inapplicable phrase.

(v) *Identification of parties to transaction.* In all cases, all parties to the transaction, including the U. S. or foreign purchaser, must be identified with a clear statement of the capacity or function of each, as provided in § 372.4 (c).



(3) *Subsequent applications.* After the additional information required by the instructions set forth in subparagraphs (1) and (2) of this paragraph has been supplied to the Bureau of Foreign Commerce, a subsequent application for an additional license to export commodities to the same vessel or hull number under construction or the same operating vessel may incorporate the required additional information by reference to the previous application containing that information. Such subsequent applications shall include a certification that the information previously submitted to the Bureau of Foreign Commerce has not changed, giving the appropriate BFC Case Number of the previously submitted application or, if the BFC Case Number is unknown, the applicant's reference number, date of submission, and Schedule B Nos. shown on that application. (Whenever possible, the BFC Case Number should be indicated on the application since failure to supply the BFC case Number may result in delay in processing the licensing application.)

(4) *Additional information.* The Bureau of Foreign Commerce may require, where necessary, that the exporter submit a letter of confirmation or amplification of the information specified in this paragraph.

(c) *Exportations of petroleum and petroleum products, including bunker fuel for use on vessels and fuel for planes departing from the U. S.* Applications for licenses to export petroleum or petroleum products, including bunker fuel for vessels or fuel for planes, may be included on a single Form IT– or FC–419. Such application shall indicate, at the top of the Form IT– or FC–419, the word "Bunker" in the case of exportations for the use of vessels, or "Plane Fuel" in the case of exportations for the use of aircraft. The application shall be prepared otherwise in the manner described in paragraph (b) of this section, with the following modifications:

(1) In the commodity description column (or in an attachment thereto), state the reasons why a general license is inapplicable to the proposed exportation. In addition, supply the following information:

(i) The carrier's points of call with dates of each call within 120 days prior to date of application (or 30 days in the case of aircraft).

(ii) The carrier's itinerary for the next 120 days in the case of vessels (or 30 days in the case of aircraft) from the anticipated date of departure from the last port in the United States.[4]

(iii) If the points of call submitted in accordance with subdivision (i) of this subparagraph include Macao or any point under Far Eastern Communists control, submit for each such point of call a copy of the manifest of cargo loaded or discharged. Also give the destination and anticipated dates of discharge of any cargo still on board the carrier which was loaded at such point. The contents of the manifest submitted will be treated as confidential and will not be disclosed to others than parties in interest.

(iv) If the itinerary submitted in accordance with subdivision (ii) of this subparagraph includes Macao, any point under Far Eastern Communist control, or any point in a Subgroup A country, or if the carrier is registered in, or under charter to, a Subgroup A country, or if the carrier is under charter to a national of a Subgroup A country, state whether any commodities included on the Positive List of Commodities (§ 399.1 of this subchapter), the United States Munitions List (§ 370.4 (a) of this subchapter), or the United States Atomic Energy List (§ 370.4 (d) of this subchapter), are carried on board the vessel or aircraft and which are destined directly or indirectly to any of these destinations. If the answer is in the affirmative, indicate where such commodities will be discharged, unless this information has already been supplied in accordance with subdivision (iii) of this subparagraph.

(2) In the case of vessels, state (in the space provided for "end use") the gross registered tonnage (GRT), type of main engines and rated horsepower, with daily fuel consumption rate, total fuel capacity, and fuel supply on board (indicating specifically the number of days' running supply from the port where additional supplies are requested). In the case of planes, state make and model of plane.

§ 372.8 *Disclosure of prior action on the shipment*—(a) *Prior detention of commodities by customs.* Any exporter or his agent making application to the Bureau of Foreign Commerce for an export license, who shall know or have reasonable cause to believe that a Collector of Customs has detained commodities which would be exportable under such license, if granted, shall disclose to the Bureau of Foreign Commerce at the time of applying for such license the fact that the Collector of Customs has detained the commodities. Any license obtained without full disclosure of that fact shall be deemed to have been obtained without disclosure of all facts material to the granting of the license, and any license so obtained shall be void.

(b) *Prior exportation without a license.* No export license application shall be submitted to the Bureau of Foreign Commerce covering a shipment that is already laden aboard the exporting carrier or exported. In cases where such export should not have been made without first securing a validated license authorizing the shipment, the exporter should send a letter or telegram to the Investigation Staff, Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C., Att'n: FC–1205, explaining why a validated license was not obtained and disclosing all the facts concerning the shipment that would normally have been disclosed on the license application. The Bureau of Foreign Commerce will inform the exporter of its action and instructions to him in the matter by letter. Any license covering such shipments obtained without such disclosure shall be deemed to have been obtained without disclosure of all facts material to the granting of the license, and any license so obtained shall be void.

NOTE: See §§ 380.2 (d) and 380.4 (c) of this subchapter with respect to amendments to licenses and extensions of validity periods of licenses to authorize shipments described in this section.

§ 372.9 *Documents accompanying license applications*—(a) *Copies may be submitted.* (1) Documents submitted in support of an application for an individual or other validated license will not be returned to the applicant or his agent, except when the application is returned without action. Accordingly, applicants need not submit original documents which they may subsequently require, unless such original documents are specifically required by the provisions of another section, but in lieu thereof, photostatic or other copies of an original document may be submitted. Individual certification of copies of original documents is not required by the Bureau of Foreign Commerce. By signing Form IT– or FC–419 the applicant certifies and represents that any copies of documents submitted with the application, or submitted in support of the application at any time before or after filing the application, are true copies of the original documents, and that the information contained in such documents is true, correct, and complete to the best of his knowledge and belief.

(2) Any document submitted in connection with a license application which is submitted separately from an application must be identified clearly as part of that application. Such document must be identified by a statement, signed by the applicant, that "this document is to be considered as a part of application number (give Bureau of Foreign Commerce Case No.)." Unless documents filed separately from the license application are identified with the application in this manner, they will not be accepted by the Bureau of Foreign Commerce.

(b) *Originals must be available.* The Bureau of Foreign Commerce may demand the originals of any copies of documents submitted in support of applications. Such originals must be kept available for inspection, upon request of the Bureau of Foreign Commerce, for 3 years from the date of receipt of the license application by the Bureau of Foreign Commerce, as shown on the Acknowledgment Card (Form IT– or FC–116).

(c) *Documents submitted with applications.* Documents which are submitted with an application and which will ultimately become a part of the license, such as proposed lists of consignees, must be submitted in duplicate, affixed to the application. Such documents will become a part of the license, if issued, and must remain affixed thereto. Other documents submitted in support of an application which will not

[4] If the carrier's itinerary for all of the next 120 days in the case of vessels (or 30 days in the case of aircraft) is not known and cannot be ascertained, the itinerary shall be stated so far as it may be known or ascertainable. In addition, all other available information as to the future destinations and areas of operation shall be submitted.

become a part of the license, such as evidence of accepted orders or evidence of availability of the commodity, need be submitted in one copy only and should be attached to the application.

(d) *Coded terms, foreign languages.* In the case of originals and copies of documents, all abbreviations, coded terms, or other expressions having special significance in the trade or to the parties to the transaction must be explained. Documents in a foreign language must be accompanied by an accurate English translation. Such translation need not be made by a translating service, but, if not, must be certified by the applicant to be a correct translation.

§ 372.10 *Additional information.* (a) Every person applying for an individual or other type of validated license shall, in addition to the information called for in the Export Regulations in connection with such type of license or in the form on which the application is made, furnish such information with respect to such application as may be required by the Bureau of Foreign Commerce.[6]

(b) Any additional information submitted by an applicant in connection with a license application must be clearly identified as part of such application as provided in § 372.9 (a).

§ 372.11 *Issuance and use of validated licenses*—(a) *Issuance of license document.* When an application for an export license is duly approved by the Bureau of Foreign Commerce, an export license is issued on a separate document (Form IT– or FC–628) authorizing, subject to the provisions of the Export Regulations and to the terms and provisions of such license, the exportation of the quantity of those commodities described therein. (See §§ 372.5, 372.12, and 379.10 of this subchapter.)

NOTE: 1. *Case number.* Each license application,, Form IT– or FC–419, when received by the Bureau of Foreign Commerce is given a number (the Bureau of Foreign Commerce Case Number) for identification purposes. The number does not indicate whether the application has been rejected or has been validated as a license. The Bureau of Foreign Commerce Case Number appears in the upper right corner.

2. *Validation of Form IT– or FC–628.* When an application for export license is approved the license will be issued in the following manner:

(a) Form IT– or FC–628 will be prepared, validated, and issued by the Bureau of Foreign Commerce upon approval of a license application for the exportation of commodities to any destination. The license will be validated and identified by a license number in the upper right corner of the document. The license number is composed of a letter and a series of numerals following the validating symbol; for example, A5–2–8–04051, or B51031–33031. The digits immediately following the letter indicate the year, month and day of validation; the last half of the number is the validating sequence. (A5–2–8 signifies a validating action in the year 1955 (5), in the month of February (2), on the eighth day of the month (8). B51031 signifies a validating action in the year 1955 (5), in the month of October (10), on the last day of the month (31).)

[6] Subject to approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(b) License continuation sheets and other attachments to licenses will be validated by imprinting a facsimile of the Bureau of Foreign Commerce seal followed by a five digit number representing the date of validation.

3. *Use of license number.* Exporters are cautioned to use the complete license number (letter, digits indicating date of validation, and digits indicating validating sequence) when preparing Shipper's Export Declarations and other export documents, and when communicating with or requesting services from the Department of Commerce.

(b) *Units of quantity.* Where no unit of quantity is shown in the column on the Positive List headed "Unit" (§ 399.1 of this subchapter), the quantity of such commodities authorized for export is licensed by the Bureau of Foreign Commerce in terms of the total dollar value shown on the licenses. For purposes of consideration of license applications, the Bureau of Foreign Commerce requires that the unit of quantity commonly used in the trade must be shown on the license application for export of such commodities; and although the units of quantity commonly used in the trade may be shown on the export license issued, the quantity of commodities authorized for export by the license is limited entirely by the total dollar value shown on the license.

(c) *Partial shipments.* Partial shipments may be made against a validated license; however, when the exportation is by mail, only one shipment may be made, unless shipment is made in accordance with the provisions of § 379.1 (b) (1) of this subchapter.

(d) *Validity of licenses.* (1) Outstanding licenses may be revised, suspended, or revoked, or the validity periods thereof may be extended or reduced, by appropriate orders or regulations.

(2) Unless otherwise stated on the face of the license, export licenses will be issued for a validity period ending on the last day of the sixth month following the month during which the license is validated, e. g., a license issued on January 12 would expire on July 31. If the validity period expires on a day when the office of the Collector of Customs is not open for business, the validity period shall automatically be extended to midnight of the first day of business following the expiration date.

NOTE: Refer to Part 373 of this subchapter to determine if the special provisions for a commodity include any particular terms regarding the validity period of the individual export license.

§ 372.12 *Reexportation from country of destination*—(a) *General provisions.* (1) No exportation may be made under any validated license with the knowledge or intention that the commodities so exported are to be reexported from the country stated on the license application as the country of ultimate destination, unless the reexportation has been specifically authorized by the Bureau of Foreign Commerce, except as provided in paragraphs (b) and (c) of this section.

(2) If it is stated on an export license application that the commodity or commodities to be exported are intended for distribution or resale in a country or countries other than the named country of ultimate destination, the validated license will specifically name the country or countries to which distribution or resale is authorized. The only exceptions to this rule are Time Limit (TL) licenses (see Part 377 of this subchapter) and the Foreign Distribution (FD) licenses (see Part 378 of this subchapter), where reexport authority may be granted on a document other than the license itself. Authorization will be granted or withheld by an appropriate statement on the face of the validated license, as follows:

(i) "Distribution or resale of the commodities listed above is permitted in the country of ultimate destination only"; or

(ii) "Distribution or resale of the commodities listed above is permitted in (name of country of ultimate destination) and (names of other approved countries)."

NOTE 1: *Destination control statement.* Where the license application does not include a request for distribution or resale; or where the export license authorizes distribution or resale only in the country of ultimate destination, the destination control statement shown on the Shipper's Export Declaration, Bill of Lading and Commercial Invoice shall state:

"These commodities licensed by U. S. for ultimate destination (name of country of ultimate destination shown on export license). Diversion contrary to U. S. law prohibited."

Where the export license authorizes distribution or resale in a country or countries other than the country of ultimate destination, the destination control statement shown on the Shipper's Export Declaration, Bill of Lading and Commercial Invoice shall state:

"These commodities licensed by U. S. for ultimate destination (name of country) and for distribution or resale in (name of other approved countries as shown on validated license). Diversion contrary to U. S. law prohibited."

NOTE 2: *Notice to consignee of distribution and resale authority.* In those cases where the Bureau of Foreign Commerce has disapproved an authorization request for distribution or resale, in whole or part, it is suggested that the U. S. exporter may wish to advise his foreign consignee of the Bureau of Foreign Commerce decision in advance of the required notification, in the form of the Destination Control Statement on the Bill of Lading and Commercial Invoice.

(3) Where additional distribution or resale authority is required subsequent to the submission of a license application to the Bureau of Foreign Commerce, such request for authority shall be made as follows:

(i) If the license application is still pending with the Bureau of Foreign Commerce; or, if the export license has been issued and the proposed shipment has not been cleared for export by the U. S. Collector of Customs, Form IT– or FC–763 shall be submitted to the Bureau of Foreign Commerce, Washington 25, D. C., in accordance with the procedure described in § 380.2 (g) of this subchapter.

(ii) If the shipment has been cleared for export by the U. S. Collector of Customs, a letter request, in duplicate, shall be submitted to the Bureau of Foreign Commerce, Washington 25, D. C. The letter request shall identify the export license number (if known) and include the commodity description and quantity proposed for distribution or resale in each country of distribution or resale.



(b) *Tangier to Morocco.* Validated licenses covering R commodities which permit exportation to Tangier (including the International Zone), French Morocco, or Spanish Morocco are valid for shipment or transshipment of such commodities to Tangier (including the International Zone), French Morocco, or Spanish Morocco.

(c) *Reexportations.* Any commodity which has been exported from the United States may be reexported from any destination to any other destination; provided that at the time of reexportation, the commodities to be reexported may be exported directly from the United States to the new country of destination either under General License GO, GRO, GHS, GHK, or GLSA or where the value of the reexportation does not exceed the GLV dollar-value limit shown on the Positive List with reference to the country of destination.

NOTE: For reexportation of technical data, see § 385.6 of this subchapter.

§ 372.13 *Duplicate licenses.* Where a license is lost or destroyed, a duplicate of such license may be obtained by the licensee by submitting to the Bureau of Foreign Commerce a letter certifying:

(a) That the original license assigned Case No. ------ and License No. ------ (if known) issued to ------ (Name and address of licensee) ---------- has been lost or destroyed;

(b) The circumstances under which it was lost or destroyed;

(c) The quantity of commodities, if any, that have been shipped under the original license and at what port the license was filed;

(d) If the original license is found, the licensee agrees to return the original or duplicate license to the Bureau of Foreign Commerce.

NOTE: Where partial shipments have been made, the duplicate license issued by the Bureau of Foreign Commerce will be mailed directly to the Collector's office at the port where the license had been filed.

§ 372.14 *Return of revoked, expired, or unused licenses.* If a license is revoked or expires or if shipment is not to be made, the license shall be returned immediately to the Bureau of Foreign Commerce, with a covering letter explaining the reason for such return. If the license is not in his possession, the licensee shall so notify the Bureau of Foreign Commerce.

§ 372.15 *Reports.* Any person to whom a validated license has been issued shall file with the Bureau of Foreign Commerce such reports as the Bureau of Foreign Commerce shall, from time to time, require.[6]

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## PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

### Subpart A—How To Use Part 373

Sec.
373.01 Organization of sections.
373.02 How to determine whether any special provision is applicable.

[6] Subject to approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

### Subpart B—Multiple Commodity Group Provisions

Sec.
373.1 Export licensing general policy.
373.2 Confirmation of country of ultimate destination and verification of actual delivery.
373.3 [Reserved]
373.4 Statement of past participation.
373.5 Agricultural commodities owned or previously owned by the Commodity Credit Corporation (CCC).
373.6 Return of unused quota.
373.7–373.10 [Reserved]

### Subpart C—Individual Commodity Group Provisions

COMMODITY GROUP 00
373.11–373.12 [Reserved]
COMMODITY GROUP 0
373.13–373.16 [Reserved]
COMMODITY GROUP 1
373.17–373.19 [Reserved]
COMMODITY GROUP 2
373.20 Applicability of multiple commodity group provisions to Commodity Group 2 commodities.
373.21–373.23 [Reserved]
COMMODITY GROUP 3
373.24–373.27 [Reserved]
COMMODITY GROUP 4
373.28 Applicability of multiple commodity group provisions to Commodity Group 4 commodities.
373.29–373.30 [Reserved]
COMMODITY GROUP 5
373.31 Applicability of multiple commodity group provisions to Commodity Group 5 commodities.
373.32 Petroleum products.
373.33 Diamonds.
373.34–373.38 [Reserved]
COMMODITY GROUP 6
373.39 Applicability of multiple commodity group provisions to Commodity Group 6 commodities.
373.40 Iron and steel.
373.41 Nonferrous commodities, including ores, concentrates, or unrefined products.
373.42 Tools incorporating industrial diamonds.
373.43–373.47 [Reserved]
COMMODITY GROUP 7
373.48 Applicability of multiple commodity group provisions to Commodity Group 7 commodities.
373.49 Machinery and parts.
373.50 Commodity Group 7 commodities with processing code STEE.
373.51 Radio, electronic and cathode ray tubes.
373.52–373.53 [Reserved]
COMMODITY GROUP 8
373.54 Applicability of multiple commodity group provisions to Commodity Group 8 commodities.
373.55 Chemicals and medicinals.
373.56 Selenium containing chemical compounds, including pigments.
373.57–373.58 [Reserved]
COMMODITY GROUP 9
373.59 Applicability of multiple commodity group provisions to Commodity Group 9 commodities.
373.60 [Reserved]
373.61 Tools incorporating diamonds.
373.62–373.64 [Reserved]

### Subpart D—Destination Provisions

373.65 Ultimate consignee and purchaser statements.
373.66 Austria.
373.67 Switzerland.
373.68 Cambodia, Laos, and Viet-Nam (the area formerly known as Indo-China).
373.69 Hong Kong.
373.70 Yugoslavia.

### Subpart E—Time Schedules for Submission of Applications for Licenses

373.71 Supplement 1.

AUTHORITY: §§ 373.01 to 373.71 issued under sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023, E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.

### SUBPART A—HOW TO USE PART 373

§ 373.01 *Organization of sections*—(a) *General organization.* (1) The sections of this part, while numbered consecutively in the usual manner, are arranged into three separate divisions under the following main headings:

Multiple Commodity Group Provisions (§§ 373.1–373.10).
Individual Commodity Group Provisions (§§ 373.11–373.64).
Destination Provisions (§§ 373.65–373.70).

(2) The basis for the organization of the first two divisions is the "commodity group." Commodity groups are the major classifications of commodities exported from the United States as set forth on page xxxi of Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported From the United States and also on the Positive List (§ 399.1 of this chapter). There are 11 such groups, numbered 00 to 9, inclusive. The commodity group number of any commodity is the same as the first digit of the Schedule B number, except in the case of Group 00, where the first two digits of the Schedule B number indicate the commodity group.

(b) *Commodity provisions.* Under the heading "Multiple Commodity Group Provisions" are those sections (§§ 373.1–373.10) which apply to commodities in several or all commodity groups and cannot therefore be identified with a single commodity or commodity group. Under the heading "Individual Commodity Group Provisions" are the sections (§§ 373.11–373.64) containing the provisions for each commodity group, 00 to 9, inclusive, each such group being identified by the appropriate subheading "Commodity Group 1," "Commodity Group 2," etc.

(c) *Destination provisions.* Under the heading "Destination Provisions" are all provisions relating solely to exportations to particular destinations without regard to the commodity involved; i. e., all commodities requiring a validated license for export are subject to these provisions when exported to one of these destinations.

NOTE: The special provisions for particular commodity groups (§§ 373.11–373.64), "Individual Commodity Group Provisions," relate in some cases both to particular commodities and particular destinations. These provisions are considered "commodity" provisions in that they apply only to particular commodities when exported to these destinations, rather than to all commodities.

§ 373.02 *How to determine whether any special provision is applicable*—(a) *Commodity provisions.* To determine

whether there are special provisions applicable to a particular commodity, an applicant for export license need only take the first figure in his Schedule B number and then refer to the special provisions for that commodity group number. For example, wire rods, nickel-bearing stainless steel, Schedule B No. 601910, is in Commodity Group 6, as indicated by the first digit of the Schedule B number. All special provisions for this commodity, as well as any other commodity having a Schedule B number beginning with the number 6, will be found in the sections under the subheading "Commodity Group 6" (§§ 373.39–373.47). If a commodity is subject to a multiple commodity group provision (§§ 373.1–373.10), a provision to this effect appears in the first section under the appropriate commodity group heading. Multiple commodity group provisions are not repeated in the individual commodity group provisions but are referred to whenever applicable. For example, diamond powder, Schedule B No. 540910, is subject to the provisions of § 373.2 since this commodity is identified on the Positive List of Commodities by the letter "A". Section 373.31, the first section under the heading "Commodity Group 5," contains a provision to that effect. An applicant need not therefore, refer to any of the multiple commodity group provisions in §§ 373.1–373.10 unless specifically directed to do so by the provisions appearing in the first section under his individual commodity group heading. After having made this determination, an applicant should refer to the other sections under the same commodity group heading to determine whether any of them apply to his commodity.

(b) *Destination provisions.* To determine whether there are special provisions applicable to a particular destination, an applicant need only consult the provisions under the heading "Destination Provisions," §§ 373.65–373.70. The section titles indicate the destinations covered; e. g., § 373.67, "Switzerland."

## SUBPART B—MULTIPLE COMMODITY GROUP PROVISIONS [1]

§ 373.1 *Export licensing general policy.* The following general, but not exclusive, policy for export licensing and related procedures are hereby established.

(a) *End use.* Where commodities are licensed for export on the basis of the specific end use to which the material will be applied abroad, applications will be considered for approval only if they conform to appropriate end uses.

(b) *Foreign government recommendations.* The Department of Commerce reserves the right in all respects to determine to what extent any recommendations made by foreign governments should be followed. However, the Department of Commerce will not seek or undertake to give consideration to recommendations from foreign governments as to the United States exporters whose license applications should be approved.

(c) *U. S. and foreign government procurement*—(1) *U. S. Government.* For such purchases as may be made by agencies of the United States Government, licenses, where required, will be issued to the United States purchasing agency or its designee making the export shipment, but such exports will be authorized only where it is evident that the use of private trade channels is inappropriate.

(2) *Foreign governments.* Procurement by foreign governments will be subject to continuous review in line with the announced policy of the United States to maximize the restoration of private trade, and in every instance the foreign government will be requested, before it buys any commodity, to establish the competitive nature of its procurement.

(d) *Commodity advisory panels and committees.* Commodity advisory panels and committees will be consulted regarding problems arising in the administration of the provisions of this section.

§ 373.2 *Confirmation of country of ultimate destination and verification of actual delivery*—(a) *Scope*—(1) *General.*[2] The provisions of this section shall apply to shipments for which a validated license is required covering the following commodities proposed for export or exported to the following countries:

(i) *Commodities.* The commodities subject to the provisions of paragraph (c) of this section, Submission of Import Certificate, are those commodities on the Positive List of Commodities (§ 399.1 of this subchapter) that are identified by the letter "A" in the column headed "Commodity Lists." All commodities on the Positive List of Commodities (§ 399.1 of this subchapter) are subject to the provisions of paragraph (e) of this section, Submission of Delivery Verification.

(ii) *Countries.* Austria,[3] Belgium, Belgian Congo, Denmark, France, Federal Republic of Germany, Western Sectors of Berlin, Italy, Japan, Luxembourg, Netherlands, Norway, Portugal, Turkey, and United Kingdom. (Hong Kong is also a participant in the procedure set forth in this section, but because of certain distinguishing features of the procedure established for Hong Kong, the provisions applicable to Hong Kong are set forth in a separate section, § 373.69.)

(2) *Exemptions.* The provisions of paragraph (c) of this section shall not apply to: (i) a shipment or application for export license covering a shipment under a project license; (ii) an application for license to export commodities classified in a single entry on the Positive List the total value of which, as shown on the export order, is less than $500, except where a multiple-transaction Import Certificate is filed in accordance with paragraph (c) (2) of this section; (iii) an application for license to export a commodity to a foreign government or government agency when such government or government agency actually placed the order with the applicant and will take delivery of the exportation when it is received in the importing country; or (iv) a shipment made by a relief agency registered with the Advisory Committee on Voluntary Foreign Aid, International Cooperation Administration (formerly FOA) to a member agency in the foreign country.

(b) *Definitions.* As used in this section, the terms, "Import Certificate" and "Delivery Verification" (IC/DV) refer to the documents issued by governments of countries listed in paragraph (a) (1) of this section to importers in such countries and are the equivalent documents to the Import Certificate (Form IT– or FC–826), and Delivery Verification (Form IT– or FC–908), issued to United States importers (see § 368.1 of this chapter).

(c) *Submission of Import Certificate*—(1) *Single-transaction Import Certificates.* (i) The applicant shall attach to his license application, covering a proposed exportation described in paragraph (a) of this section, the original Import Certificate, bearing the official authentication of the governmental authorities in the importing country, to the named importer or his agent and covering the commodity or commodities described in the export license application.

(ii) Where the single-transaction Import Certificate covers commodities for which more than one export license application is submitted, the original Import Certificate shall be attached to the first such application. Each subsequent application shall include the following certification:

I (we) certify that I (we) have not submitted applications including the present application against the ----------
(Name of country)
Import Certificate Number ------ in excess of the total quantity authorized thereon. This Import Certificate was submitted in support of Application No. ----------
----------
(BFC Case No. or if Case No. is unknown, the Applicant's Reference No., date of submission of the application to which the Import Certificate was attached, and Schedule B Nos. shown on that application)

NOTE: Whenever possible the BFC Case Number should be indicated on the certification set forth above since failure to supply the BFC Case Number may result in delay in processing the license application.

(2) *Multiple-transaction Import Certificates.* Exporters may submit to the Bureau of Foreign Commerce an original Import Certificate, if issued by a foreign government, covering all proposed exportations of a commodity or commodities, regardless of value (including commodities based on export orders amounting to less than $500), for a specific period or if no specific period is shown, for a specific quantity or value. The exporter shall submit the original certificate, bearing the official authentication of the governmental authorities in the importing country, together with one additional copy for each Bureau of Foreign Commerce processing code to which the certificate applies and a listing of such processing codes. Each subsequent application for export license submitted against the multiple-transaction Import Certificate shall bear on the face of the application one of the following certifications (depending on whether a quantity is shown on the Import Certificate) signed by the applicant:

I (we) certify that I (we) have not submitted applications including the present application against the ----------
(Name of country)
Import Certificate Number ------ in excess of the total quantity authorized thereon.

or (if no quantity is shown on the certificate),

This application is supported by the ---------- multiple-transaction Import Certificate Number ------.
(Name of country)

NOTE: 1. *Translation requirements.* All abbreviations, coded terms, or other expressions having special significance in the trade or to the parties to the transaction must be explained. Documents in a foreign language must be accompanied by an accurate English translation. Such translation need not be made by a translating service, but, if not, must be certified by the applicant to be a correct translation. (See § 372.9 of this chapter.)

2. *Purchase order.* The Import Certificate may cover more than one purchase order and may be concerned with several commodities; however, the Import Certificate shall relate only to purchase orders placed by a single importer located in a single foreign country, with a single United States exporter.

3. *Applicant's responsibility for full disclosure.* In submitting an Import Certificate the applicant is not relieved of responsibility for full disclosure of any other information concerning the ultimate destination and end use of which he has knowledge or belief, whether or not inconsistent with the representations set forth in the Import Certificate. In accordance with the provisions of § 368.1 of this chapter, the applicant also shall, by means of supplementary statements from the importer or any other party to the transaction, notify the Bureau of Foreign Commerce of any change that is brought to his notice subsequent to the date the Import Certificate is issued or certified by the government of the country of ultimate destination.

4. *Import Certificate as a factor in licensing.* The Department of Commerce reserves the right in all respects to determine to what extent any license shall be issued covering commodities for which a foreign government has issued an Import Certificate. The Department of Commerce will not seek or undertake to give consideration to recommendations from a foreign government as to the United States exporter whose license application should be approved. An Import Certificate will be used by the Bureau of Foreign Commerce as only one of the considerations upon which licensing action will be based, since quotas, end uses, etc., must remain important factors in export licensing.

5. *Return of Import Certificate.* The U. S. exporter may be requested by his foreign importer to return an unused or partially used Import Certificate. In such case, the United States exporter shall forward the Import Certificate to his importer as soon as he determines that the Import Certificate will not be used with a new or resubmitted application, or an appeal.

Failure on the part of the U. S. exporter to comply with his foreign importer's request will result in the importer's inability to fulfill his obligations to his government and may result in the foreign importer being denied further Import Certificates. This action obviously would prevent the U. S. exporter's participation in further export transactions with such foreign importer. In addition, the foreign importer may be subjected to other penalties for his failure to return the Import Certificate.

The Bureau of Foreign Commerce will not return an Import Certificate to the U. S. exporter where the total quantity shown on the Import Certificate has been shipped or is covered by an outstanding export license(s). In order to comply with a foreign importer's request for the return of an unused or partially used Import Certificate, an Import Certificate on file in the Bureau of Foreign Commerce will be returned to the exporter in accordance with the procedures described below.

(a) Where an Import Certificate covers a quantity in excess of the export license applications submitted against it, or does not specify the quantity covered, the Bureau of Foreign Commerce will retain the Import Certificate until such time as the exporter requests the return thereof. When requesting the return of the Import Certificate, the exporter should submit his request in writing, showing the name and address of the named importer, applicable Bureau of Foreign Commerce Case Numbers to which the Import Certificate applies, Import Certificate number, and a statement that such Import Certificate will not be used in connection with a new or resubmitted application for export. Appropriate notation will be made on the Import Certificate by the Bureau of Foreign Commerce.

(b) The Bureau of Foreign Commerce will automatically return the applicable Import Certificate to the U. S. exporter (applicant) whenever an application for export covers the same type and amount of the commodity as that shown on the Import Certificate, but such application is rejected or approved in a reduced quantity. Appropriate notation will be made on the Import Certificate by the Bureau of Foreign Commerce. In some cases, the Import Certificate covering an application rejected by the Bureau of Foreign Commerce for other than quota reasons will be returned directly to the government which issued the certificate. In such cases the applicant will be notified of this action. In any event, the government issuing the Import Certificate will be notified if the export application which it covers is rejected.

(c) In instances where the U. S. exporter does not intend to ship the total quantity of commodities for which a license has been issued and desires the return of the Import Certificate, he should submit his request in writing for return of the Import Certificate together with request for cancellation or amendment of the unexpired license to show the quantity which he intends to ship. (See § 380.2 of this chapter.) In such cases exporters shall submit the amendment form, Form IT– or FC–763 (in addition to the letter request), as provided by the regular amendment procedure. Appropriate notation will be made on the Import Certificate by the Bureau of Foreign Commerce.

(d) *Requests for amendments.*[4] A new or appropriately amended Import Certificate shall accompany a request for an amendment of an export license which proposes a change in any party to the transaction named in the export license or any increase in the quantity set forth in the export license if the proposed amendment is not in accordance with the Import Certificate previously submitted to the Bureau of Foreign Commerce. If a proposed quantitative amendment is in accordance with the previously submitted Import Certificate the amendment request shall include the following certification:

I (we) certify that this request for amendment of export license number ------, if granted, will not exceed the total quantity authorized under the----------
(Name of country)
Import Certificate Number------.

(e) *Submission of delivery verification*—(1) *Notification of requirement.* (i) The licensee may be requested by the Bureau of Foreign Commerce to submit a Delivery Verification with respect to any commodities exported under a validated license to a country listed in paragraph (a) of this section, including commodities not subject to paragraph (c) of this section and exceptions and exemptions granted under the provisions of paragraphs (a) (2) and (h) of this section. Where such Delivery Verification is required, the face of the export license will bear the stamped words "Delivery Verification Required, see attached Form IT– or FC–863." In addition, Form IT– or FC–863, Notification of Delivery Verification Requirement, will be attached to the license. Where a Form IT– or FC–863 is attached to a license forwarded by the Bureau of Foreign Commerce to an agent or freight forwarder of the licensee, it shall be the responsibility of such agent to notify the licensee that a Delivery Verification is required.

(ii) The requirement that a Delivery Verification be submitted for a particular export transaction is cancelled automatically if subsequent to the issuance of a license, the commodity is deleted from the Positive List, or the letter "A" in the Commodity Lists column is removed from the commodity listing on the Positive List.

(2) *Submission to the Bureau of Foreign Commerce.* When notified to do so by the Bureau of Foreign Commerce, any person issued licenses covering shipments within the scope of this section shall, within a reasonable time after clearance of the last exportation made under the license: (i) Obtain from the named importer a Delivery Verification which has been issued to the importer by his government covering the commodities described on the particular export license, or so much thereof (when complete shipment against the license will not be made) as the licensee will have shipped; and (ii) send the original copy of the Delivery Verification to the Bureau of Foreign Commerce. If a Delivery Verification is required with respect to commodities covered by a license and the licensee makes partial shipments against the license, the licensee shall obtain a Delivery Verification for each partial shipment and retain it in its files until all Delivery Verifications respecting shipments against the license have been received by him, and then send the original copies of all such Delivery Verifications to the Bureau of Foreign Commerce in one parcel.

NOTE 1. *Delivery verifications.* It will be the policy of the Bureau of Foreign Commerce to require Delivery Verifications on a selective basis where Import Certificates are required. Also, Delivery Verifications may be required relative to export licenses issued for exportation to any of the foreign countries

[1] Applicants should first consult the special provisions for the particular commodity groups in which commodities are classified before referring to the provisions in §§ 373.1–373.10. (See § 373.01 and § 373.02.)

[2] In certain exceptional instances, an Import Certificate may be required for transactions not involving an exportation from the United States under a validated license. (See § 368.1 (b) (8) of this subchapter.)

[3] Also see § 373.66 for requirements of Austrian Import Identification Number.

[4] Section 380.2 of this chapter contains other provisions applicable to amendments of applications covered by an Import Certificate.

participating in the Import Certificate/Delivery Verification procedure, even though the licensed commodities are not subject to paragraph (c) of this section, or are commodities for which exemptions and exceptions have been granted under the IC/DV procedure.

2. *Translation requirements.* See Note 1 following paragraph (c) of this section.

(f) *Effective dates.* Whenever the scope of this section is extended by adding additional commodities or countries to those described in paragraph (a) of this section, such changes shall become effective 45 days from the time such new commodities or countries are added.

(g) *Relationship to ultimate consignee statements.* The requirement for submission of consignee statements specified in § 373.65 shall not be applicable wherever Import Certificates are submitted pursuant to the requirements of this section.

(h) *Request for exception.* (1) Any applicant affected by the provisions of paragraph (c) of this section may file a request for exception upon the grounds that the foreign importer has been unable to obtain the required document. Such requests will not be considered where the granting of an exception would be contrary to the objectives of the United States export control program. The Bureau of Foreign Commerce will consider exceptions where it is shown that this procedure is inapplicable to the transaction (e. g., the shipment will not be imported for consumption into the named country of destination) or that the refusal to issue the certificate constitutes discrimination against the United States exporter, or for any other valid reason of similar importance. Each such request shall be by letter, in duplicate, accompanying the license application to which it applies, addressed to the Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C. The letter request should include, among other things, the nature and duration of the business relationship between the applicant and the importer shown on the license application; a statement as to the country or countries in which the commodities will be used; the reason or reasons for the foreign importer's inability to obtain the Import Certificate from his government; a statement as to whether the exporter has previously submitted to the Bureau of Foreign Commerce any Import Certificates issued in the name of the importer; a listing of such Bureau of Foreign Commerce Case Numbers, where applicable; and any other facts which would justify the granting of an exception. The applicant should also attach to his letter request, or have on file in the Bureau of Foreign Commerce, a statement from the consignee and purchaser in accordance with § 373.65. No request for exception will be considered or granted unless such statement is submitted or is on file in the Bureau of Foreign Commerce.

(2) Where the letter request relates to more than one license application, whether submitted at the same time or at a later date, and the same importer, destination and circumstances are involved, the letter request shall be attached to the first such application. Each subsequent application shall contain a reference to the Bureau of Foreign Commerce Case Number and the date of the Bureau of Foreign Commerce letter granting the exception, if known, or if such information is unavailable, the applicant's reference number or other information which will identify these documents. In addition, each subsequent application shall include the following certification:

I (we) certify that the circumstances shown in the original request for exception, for which identifying information is furnished herewith, also exist with respect to this application.

(3) In granting an exception, the Bureau of Foreign Commerce reserves the right, as a prerequisite to such exception, to require special reports or other information as required to insure that there is no risk of transshipment to destinations to which the delivery of commodities exported under the exception procedure would represent a contravention of the objectives of the United States export control program.

NOTE: Applicants are advised that delay may be entailed in the review of a license application under this exception clause in view of the necessary added consideration, although the Bureau of Foreign Commerce will process the application as quickly as possible. The Bureau of Foreign Commerce can give no assurance that an export license will be issued for any exportation where an exception to this Section is requested.

EXPLANATORY STATEMENTS AND INTERPRETATIONS. 1. Q. Why does the Bureau of Foreign Commerce require a Delivery Verification on the same transaction for which it requires an Import Certificate?

A. One of the primary purposes of the Import Certificate requirement is to obtain from the foreign importer certain material representations which he makes to his own government and for which he is subject to punitive action by his government in the event that his representations were false when made, or if he fails to live up to such representations. In order to determine whether an importer has fulfilled his obligations under an Import Certificate, it is necessary to note, after the fact, that he has imported the shipment into the jurisdiction and control of the customs of his country. This is the purpose that is served by the Delivery Verification. The Delivery Verification procedure places the responsibility for the discovery of violations on the exporting country which is where the governments of the participating countries believe the responsibility should lie.

2. Q. What is the exporter's responsibility for obtaining a Delivery Verification?

A. When an export license is issued with a requirement that a Delivery Verification be obtained, the Delivery Verification requirement is a condition of the use of the license. Thus, an exporter properly uses the export license only if he fulfills this condition, or uses every reasonable means to do so. An exporter who fails to request the required Delivery Verification from his importer has not fulfilled the conditions of his export license, and is subject to enforcement action. Of course, all export licenses, whether containing a requirement for a Delivery Verification or not, contain a condition of delivery to the named country of ultimate destination as provided on the face of the license.

3. Q. What is the exporter's responsibility if a Delivery Verification is not forthcoming?

A. If an exporter is unable to obtain the required Delivery Verification from his importer, despite all reasonable efforts to do so, it is his responsibility to report promptly to the Bureau of Foreign Commerce his inability to obtain a Delivery Verification, and to make available to the Bureau of Foreign Commerce a full and complete record of his correspondence with the importer, and any other information which he may have, relating to the export transaction. Unless requested by the Bureau of Foreign Commerce to take further steps, the exporter's responsibility in the transaction will then usually have been completed. The Bureau of Foreign Commerce through its regular procedures will investigate with the importing country to ascertain whether the goods were, in fact, delivered into the commerce of the country, and at the same time will determine what course of action should be taken with respect to the importer abroad.

4. Q. Does the Bureau of Foreign Commerce have a procedure for multiple-transaction Import Certificates comparable to the multiple-transaction ultimate consignee statements (Form IT– or FC–843)?

A. Subparagraph (c) (2) of § 373.2 contains a procedure for multiple-transaction Import Certificates similar to that for multiple-transaction ultimate consignee statements. The procedure provides that when an exporter avails himself of use of the multiple-transaction Import Certificate, he shall submit to the Bureau of Foreign Commerce the original Import Certificate, a copy of the Import Certificate for each processing code covered by the Import Certificate, and a listing of the processing codes to which the certificate applies. Applications submitted against the multiple-transaction Import Certificate shall bear on the face of the export license application one of the applicable certifications provided for in subparagraph (c) (2).

5. Q. If an exporter participates in a transaction or series of transactions in which the commodities will not be entered into the commerce of the importer's country, and if for this reason or otherwise the importer is precluded from obtaining an Import Certificate from his government, how can the United States exporter obtain an export license?

A. In such instances, the exporter will file a letter requesting an exception under § 373.2 (h), setting forth the information required by that section.

In addition, an Ultimate Consignee and Purchaser Statement (Form IT– or FC–842) or a Multiple-Transaction Statement (Form IT– or FC–843), where applicable, completed by the importer shall also be submitted in accordance with § 373.65 of the Export Regulations.

If upon analysis of this request for exception, the facts contained therein are verified, and if the granting of an exception in such case is not contrary to the objectives of the United States export control program, the Bureau of Foreign Commerce will issue a letter to the exporter granting his request for exception and his applications for export licenses filed in connection with these transactions will be processed in the usual manner on the basis of the ultimate consignee and purchaser statement submitted in lieu of the Import Certificate.

In some cases, an importer in Hong Kong may obtain an Import License from his government when the commodities to be exported from the United States to Hong Kong are destined to be reexported to another country. The Import License covering such a transaction will be endorsed:

For re-export to _____

_____

(Approved destination)

diversion en route prohibited. To be delivered by shipping or airline company concerned to govt-designated godown. Overside delivery not permitted. Release from godown subject to approval of export license.



6. Q. How can the exporter mentioned in Question 5 obtain subsequent licenses?

A. In the event that an exporter finds it necessary to file subsequent applications for export licenses to cover the same transaction or additional transactions of the same kind for which an exception to the Import Certificate procedure has been granted him by the Bureau of Foreign Commerce, it will be necessary for him to state on the face of each such application that he has been granted an exception from the Import Certificate procedure and identify, by date, the letter of exception which he previously received from the Bureau of Foreign Commerce, and the case number to which his original request for exception was attached. In addition, it will be necessary for him to submit with each such application an ultimate consignee and purchaser statement (Form IT– or FC–842) or refer on the face of the application to the multiple transaction ultimate consignee and purchaser statement (Form IT– or FC–843) on file with the Bureau of Foreign Commerce.

7. Q. Will there be any delay in processing applications submitted with a request for exception? What considerations in these kinds of transactions delay the processing and would not be relevant if an Import Certificate were available?

A. When an Import Certificate is available, it carries with it certain assurances and safeguards which materially reduce the amount of independent checking which the Bureau of Foreign Commerce must do in order to assure itself that the export transaction will be carried through in the best interests of our national security. Consequently, when an Import Certificate is not available, it becomes necessary in some cases to establish adequate checks, and action on the application may thus be delayed.

8. Q. Does the $500 exemption under the IC/DV procedure mean that, to be eligible for such exemption, a complete order must be under the $500 limit, or does it mean that part of an order relating to a single entry on the Positive List must be under the $500 limit?

A. The $500 exemption is to be applied to that part of an order relating to a single entry on the Positive List. Where an order from the foreign customer includes commodities relating to several entries on the Positive List and the value of each is less than $500, but the aggregate total value of all commodities included in the order is more than $500, the exemption still applies.

9. Q. When is an Import Certificate not required?

A. (a) Project licenses.

(b) Applications for commodities to be imported by a foreign government or government agency when such government or government agency actually placed the order with the applicant and will take delivery of the exportation when it is received in the importing country.

(c) Applications submitted by relief agencies registered with the Advisory Committee on Voluntary Foreign Aid, International Cooperation Administration (formerly FOA), when such shipments are being made to a member agency in the foreign country.

(d) Commodities exported under a general license.

(e) Single entries on the Positive List, the total value of which is less than $500 as shown on the export order.

(f) In any case where a specific exception is granted by the Bureau of Foreign Commerce.

10. Q. Does the IC/DV procedure apply in the case of exports to overseas territories of countries participating in the IC/DV system?

A. The procedure is at present inapplicable unless the overseas territory is specifically named in § 373.2 (a) (1) (ii). If the physical movement of the shipment is direct from the United States to an overseas territory not listed in § 373.2 (a) (1) (ii), the Import Certificate procedure is inapplicable, and a statement of end use and destination is required from the purchaser and ultimate consignee in Country Group R destinations, in accordance with § 373.65.

11. Q. When only part of an order includes a commodity subject to the IC/DV procedure, may the Import Certificate be secured and utilized to cover the entire order (including commodities not subject to the procedure) to avoid the necessity for securing an ultimate consignee statement of end-use and destination for the commodities not subject to the IC/DV procedure?

A. Yes, if the Import Certificate covers all of the commodities listed on the application. However, an Import Certificate is expected to be issued only for those commodities identified on the Positive List by the letter "A", except that an Import Certificate in the form of a duplicate copy of the Import License will be required for all Positive List commodities to be shipped to Hong Kong. U. S. exporters generally should not request an Import Certificate from the importer for other commodities, but instead should require a consignee/purchaser statement to cover these items.

12. Q. May a certified copy of an Import Certificate be submitted in lieu of an original?

A. No. In the case of all participating countries except Hong Kong, the original of the Import Certificate must be submitted with the export license application. In the case of proposed exports to Hong Kong, the Import Certificate in the form of a duplicate copy of the Import License, endorsed "Duplicate Copy for Presentation to Appropriate Authority in Exporting Country" and signed by the Hong Kong Government official, must be submitted with the export license application. It has been agreed upon internationally (except in the case of Hong Kong) that only an original Import Certificate will be accepted by the exporting government authorities in connection with an application for export license. In every case where more than one application (Form IT– or FC–419) is submitted in connection with a single transaction Import Certificate, the procedure described and set forth in § 373.2 (c) (1) may be followed.

13. Q. What is the significance of the validity period or expiration date on an Import Certificate?

A. As long as the Import Certificate is received in the Bureau of Foreign Commerce prior to its expiration date, neither extension nor a new Import Certificate is required. In the event that an Import Certificate is submitted to the Bureau of Foreign Commerce after its expiration date, it will be returned to the applicant for amendment or submission of a new Import Certificate. The expiration date of the Import Certificate in no way affects the validity period for which the export license is granted.

14. Q. Will an Import Certificate be accepted if the value shown thereon is less than that shown on the export license application?

A. If the commodity is licensed by the Bureau of Foreign Commerce on the basis of total dollar value, a license will not be issued in excess of the total dollar value shown on the Import Certificate. If the commodity is licensed by the Bureau of Foreign Commerce on the basis of units of measure, the license will not be issued in excess of the total units of quantity shown on the Import Certificate. If, in the latter case, the total dollar value shown on the Import Certificate is less than that shown in the application (Form IT– or FC–419), a new or amended Import Certificate will not be required unless the difference in value is significant.

15. Q. Will the Bureau of Foreign Commerce require Delivery Verifications on export licenses where the values are less than $500 and which do not, therefore, require Import Certificates as a prerequisite to the submission of the application?

A. Occasionally the Bureau of Foreign Commerce will request a Delivery Verification on such a transaction even though an Import Certificate was not required with the submission of the license application.

16. Q. From whom is the Import Certificate required where the purchaser and the ultimate consignee are different parties and located in the same country?

A. An Import Certificate will be accepted by the Bureau of Foreign Commerce from either party to the transaction. Participating governments generally issue Import Certificates to that party to the transaction taking the responsibility for entering the shipment into the commerce of the country.

17. Q. From whom is the Import Certificate required where the purchaser and ultimate consignee are different parties, located in different countries, and both countries are participants in the IC/DV system?

A. An Import Certificate will be required from that country to which the goods are shipped directly from the United States.

18. Q. From whom is the Import Certificate required where the purchaser and ultimate consignee are different parties, located in different countries, one country being a participating country and the other a nonparticipating country?

A. If the physical movement of the shipment is from the United States to a participating country, an Import Certificate will be required from the importer in the participating country regardless of whether the importer is the purchaser or ultimate consignee. On the other hand, if the physical movement of the shipment is direct from the United States to a non-participating country, the Import Certificate procedure is inapplicable and a consignee/purchaser statement is required from the purchaser and ultimate consignee in accordance with § 373.65 of the Export Regulations.

19. Q. Is an Import Certificate acceptable if the United States exporter is not named in the document?

A. An Import Certificate will not be acceptable if the United States exporter named in the Import Certificate does not appear as the applicant or the U. S. supplier on the United States export license application. It would be impossible to assure that the Import Certificate and the export license application represent the same transaction unless the applicant or the United States supplier named on the export license application also was named in the Import Certificate.

20. Q. For purposes of exemption from the Import Certificate requirement, what is a government agency?

A. The term "government agency" is construed to mean only those governmental departments operated by government paid personnel performing governmental administrative functions and not operated for profit. It does not include quasi-government agencies established or controlled by the government which perform commercial functions (e. g., resale or redistribution of goods of U. S. origin for commercial purposes).

21. Q. Should Form IT– or FC–863, Notification of Delivery Verification Requirement, be forwarded to the foreign importer in order to obtain a Delivery Verification?

A. No. Form IT– or FC–863 is a notification to the licensee that he is required to obtain a Delivery Verification from the foreign importer, and it should not be forwarded to the importer.

22. Q. Is a Delivery Verification ever required for a transaction for which an Import Certificate was not required either by exemption or exception or because the commodity is not subject to the IC/DV procedure?

A. Yes. A Delivery Verification may be required relative to any export license issued for exportation to any of the foreign

countries participating in the IC/DV procedure, including commodities not requiring an Import Certificate as well as commodities for which exemptions and exceptions have been granted under the procedure.

§ 373.3 [Reserved]

§ 373.4 *Statement of past participation*—(a) *Statement of past participation*—(1) *General.* (i) The use of the Statement of Past Participation in Exports aids in accomplishing one of the underlying considerations in licensing, namely, the maintenance of a normal pattern of export trade during periods of short supply. Under this method of license issuance, the bulk of export quotas is reserved for those firms who have participated in exports during a representative base period. However, licensing on the historical basis does not preclude participation by exporters who do not have a record of past participation in exports during the base period since a certain portion of the quota is also reserved for those exporters within this category. Where necessary, a portion of the quota will also be set aside for especially urgent needs, such as military or defense-supported requirements.

(ii) This section sets forth the general provisions for submission by exporters of a Statement of Past Participation in Exports when required by the export regulations.

(2) *Requirement to file.* Applicants for licenses to export any commodities subject to the provisions of this section are required to submit to the Bureau of Foreign Commerce a Statement of Past Participation in Exports of that commodity on Form IT– or FC–821, excluding exports specified in subparagraph (5) of this paragraph. Such commodities are set forth specifically in the special provisions applicable to each particular commodity group in which these commodities are classified. This information shall be filed only once by an applicant, unless there is a change in the name of the reporting firm or in its relation with other firms. At the time of such change, a new Form IT– or FC–821 shall be submitted which refers to the original form and contains the new information. In order to be considered in relation to a specific quota, the completed Form IT– or FC–821 must be received in the Bureau of Foreign Commerce prior to the termination date for filing applications under that quota. The submission of this information does not guarantee that the applicant will receive a license for the full amount or any portion of the commodities covered by his license application.

NOTE: Contrary to the instructions of Form IT– or FC–821, this form need be submitted in original only.

(3) *Restrictive quota participation* A single firm shall be entitled to only one participation in each quota established for each category of commodities subject to the provisions of this section. The filing of dual applications or the claiming of an additional participation through any device whatsoever, including the transfer or assignment of an export order, may result in the denial of export licensing privlleges to all persons concerned. In no instance may an additional participation in an export quota be claimed by the device of transferring an export order to another person or firm for the purpose of filing a license application covering a commodity subject to the provisions of this section.

(4) *Form IT– or FC–821.* The following information, in addition to other information specified on the form, shall be submitted on Form IT– or FC–821:

(i) On separate Forms IT– or FC–821 for each category of commodities, the total quantity of exports, excluding shipments covered by subparagraph (5) of this paragraph, from the United States to all foreign countries other than Canada shipped in the exporter's name, i. e., for his own account, during the base period specified for each such category of commodities, as set forth in the special provisions for the commodity groups in which such commodities are classified (§§ 373.11 to 373.64).

(ii) The names of each exporter, dealer, manufacturer, or other business organization (whether an individual, partnership, association, corporation, or other type of business organization) engaged in the export of the particular commodity being reported which is directly or indirectly owned or controlled by the applicant or which directly or indirectly owns or controls the applicant's operations. The date (month and year) when each such firm or organization was established and its relationship to the applicant's operation shall also be included.

(5) *Exports excluded from report.* Unless specifically requested, exportation of any commodity subject to the provisions of this section under conditions indicated subdivisions (i) to (v) of this subparagraph shall not be included in this report.

(i) Shipments to territories, dependencies and other possessions of the United States and Trust Territory of the Pacific Islands, i. e., the Caroline Islands, the Marshall Islands, and the Marianas Islands.

(ii) Toll shipments.

(iii) In-transit shipments.

(iv) Shipments under project licenses.

(v) Shipments to Canada.

(6) *Successors in interest.* A successor firm which has acquired the business interest of a predecessor may include its predecessor's record of past participation in exports for the purpose of establishing the successor firm's position as an historical exporter, provided that the predecessor is not entitled to claim the same past participation in exports. Such successor firm may submit Form IT– or FC–821 for consideration by the Bureau of Foreign Commerce and set forth thereon, or on an attached statement, a full explanation of the association between the entities concerned and including the following signed statement:

The terms of acquisition of the business interests of (name of predecessor firm) by (name of successor firm) precludes the predecessor firm from claiming past participation in exports for the purpose of obtaining export licenses under the historical pattern of export licensing.

NOTE: In the absence of a report on Form IT– or FC–821, BFC will assume that the applicant's total exports for each commodity were less in each of the specified calendar years than the established minimum amount (as shown in the special provisions for the commodities subject to this section) for submission of Form IT– or FC–821, and his application for an export license will be considered under a portion of the export quota reserved for exporters in this category.

(b) *Commodities requiring statement of past participation.* The commodities subject to the provisions of this section are specifically set forth in the special provisions applicable to the particular commodity groups in which these commodities are classified. The special provisions for each such commodity group also set forth any modification of the provisions of this section with respect to the commodities within that group.

§ 373.5 *Agricultural commodities owned or previously owned by the Commodity Credit Corporation (CCC)*—(a) *Licensing policy.* It is the general policy of the Bureau of Foreign Commerce to deny applications for validated licenses to export to any Subgroup A destination agricultural commodities acquired directly or indirectly from United States Government stocks. Sales for foreign currencies pursuant to Title I of Public Law 480, 83d Congress, to Subgroup A countries or United States Government barter of CCC agricultural commodities with such countries are not permitted by that act. Application (except for export to Communist China) may be considered for approval if the commodities are acquired in the open market and have not been previously owned by the Commodity Credit Corporation as surplus agricultural stock.

(b) *Shipper's Export Declaration and Bill of Lading.* (1) The provisions of this paragraph shall apply to shipments to all destinations except Canada of any agricultural commodities acquired directly or indirectly from stocks of the Commodity Credit Corporation, either in the form acquired or in processed form, whether or not the commodity is listed on the Positive List of Commodities (§ 399.1 of this subchapter), and whether export shipment is made under a validated license or a general license.

(2) For each exportation, regardless of value, consisting wholly or in part of a commodity originating from a Commodity Credit Corporation export sales transaction amounting to $100,000 or more, the exporter shall file an additional copy of the Shipper's Export Declaration with the Collector of Customs and send one copy of the On-Board Ocean Bill of Lading (for exportations by rail, one copy of the Railroad Bill of Lading) to the Bureau of Foreign Commerce, Washington 25, D. C., Attention: FC–1210.

NOTE: Where the original purchaser from the Commodity Credit Corporation sells the commodity or commodities or product processed therefrom to another party, the original purchaser is obliged to inform the exporter of the requirement for submitting the additional copy of the Shipper's Export Declaration and the Bill of Lading.

§ 373.6 *Return of unused quota.* As soon as a licensee decides that he does not intend to export the entire licensed amount of a commodity subject to a quantitative quota he shall promptly request reduction of the quantity covered by the license to the amount he actually intends to export. The request for reduction shall be made by submitting to the Bureau of Foreign Commerce a Form IT– or FC–763, in accordance with the procedure set forth in § 380.2 of this subchapter. If none of the commodities covered by the license is to be exported, the license shall be returned to the BFC for cancellation in accordance with § 372.14 of this subchapter.

§ 373.7–373.10 [Reserved]

## SUBPART C—INDIVIDUAL COMMODITY GROUP PROVISIONS

### COMMODITY GROUP 00

§§ 373.11–373.12 [Reserved]

### COMMODITY GROUP 0

§§ 373.13–373.16 [Reserved]

### COMMODITY GROUP 1

§§ 373.17–373.19 [Reserved]

### COMMODITY GROUP 2

§ 373.20 *Applicability of multiple commodity group provisions to Commodity Group 2 commodities.* All commodities within Commodity Group 2 which are identified on the Positive List of Commodities by the letter "A" in the "Commodity Lists" column are subject to the provisions of § 373.2.

§§ 373.29–373.30 [Reserved]

### COMMODITY GROUP 5

§§ 373.24–373.27 [Reserved]

### COMMODITY GROUP 4

§ 373.28 *Applicability of multiple commodity group provisions to Commodity Group 4 commodities.* All commodities within Commodity Group 4 which are identified on the Positive List of Commodities by the letter "A" in the "Commodity Lists" column are subject to the Import Certificate/Delivery Verification requirements set forth in § 373.2.

§§ 373.29–373.30 [Reserved]

### COMMODITY GROUP 5

§ 373.31 *Applicability of multiple commodity group provisions to Commodity Group 5 commodities.* All commodities within Commodity Group 5 which are identified on the Positive List of Commodities by the letter "A" in the "Commodity Lists" column are subject to the provisions of § 373.2.

§ 373.32 *Petroleum products*—(a) *Application requirements.* (1) Applications to export lubricating oils. Schedule B Nos. 503300, 503400, 503510, 503520, 503910, 503920, 503940, 504005, 504030, and 504050, must, in the commodity description item of Form IT– or FC–419, set forth a complete description of the lubricating oils, including the Saybolt viscosity at 130° F. or 210° F.; pour point; flash point; and any other descriptive information which will enable the Bureau of Foreign Commerce to make an exact identification of the commodity for which an export license is requested. The quality (high, medium, or low) of the lubricating oil must be stated.

(2) Applications to export lubricating greases, Schedule B No. 504100, must, in the commodity description item of Form IT– or FC–419 set forth the quality (high, medium, or low) of the greases.

(3) Applications to export lubricating oils and greases described above must set forth detailed information regarding the proposed end use. The applicant should identify the end use by the particular industry or government activity (e. g., railroads, marine, motor transportation, and other public utility, agricultural machinery, mining, etc.) and, where possible, by specific function (e. g., aviation motors, motor cars, trucks and tractors, Diesel engines, transformers, compressors, open bearings, etc.).

(4) Applications to export petroleum products, Schedule B Nos. 501400 through 505900, to Burma, Cambodia, Ceylon, Hong Kong, India, Macao, British Malaya, Pakistan, Republic of the Philippines, Singapore, Taiwan (Formosa), Thailand, or Viet Nam shall be accompanied by a statement attached to the application, setting forth the following information:

(i) The quantity of stock the ultimate consignee has on hand (in units of quantity as shown on the Positive List) as of the time the order was placed for each commodity covered by the application;

(ii) The date such order was placed;

(iii) Quantity of such commodities the ultimate consignee expects to receive from all sources other than the license applicant within 90 days after such order was placed; and

(iv) The monthly rate of consumption, including resale, by the ultimate consignee of the commodities covered by the application.

(b) *Return of incomplete applications.* Applications which do not contain sufficient detailed information for an exact identification of the commodities involved and complete information regarding the end use will not be considered but will be returned to the applicant without action.

§ 373.33 *Diamonds*—(a) *Definitions.* The commodities covered by this section are loose diamonds (except cut gem diamonds). "Loose diamonds (except cut gem diamonds)" are any diamonds not set in any other material and are either:

(1) "Industrial diamonds," Schedule B Nos. 540910 and 599005, unmounted industrial-purpose diamonds, in any form, including ballas, carbonados, crushing bort, and diamond fragments, as well as diamond powder, dust, and compounds, or

(2) "Cuttable diamonds," Schedule B No. 599010, diamonds suitable for cutting into gems and not reserved for industrial use.

(b) *Application requirements.* Separate license applications (Form IT– or FC–419) must be submitted for each Schedule B classification of loose diamonds. Each application must include a detailed statement regarding the end use of the commodity and must contain a complete description of each named commodity or commodities. Give total carat weight, total price, and average price per carat. In the case of dust and powder, give mesh sizes. For compounds, give total carat content and mesh sizes.

(c) *Export clearance of loose diamonds.* (1) Every shipment of loose diamonds in any form must be inspected by the United States Appraiser of Merchandise at New York, regardless of the means of exportation or the port of exit.

(2) The Appraiser will compare the contents of the shipment with the description on the Shipper's Export Declaration authenticated by the collector of customs. If the contents and description on the authenticated Shipper's Export Declaration agree, the Appraiser shall place his seal on the package or parcel.

(3) If the contents of the shipment do not agree with the description set forth on the authenticated Shipper's Export Declaration, the Appraiser will submit the authenticated Shipper's Export Declaration, together with a statement of his findings, to the Bureau of Foreign Commerce via the Collector of Customs.

(4) Post offices will not accept packages or parcels containing such commodities for mailing to a foreign destination unless they have been inspected by the United States Appraiser of Merchandise at New York, and the unbroken seal of that official appears on each package or parcel.

(d) *Return of loose industrial diamonds and diamond dust, or powder without license.* Notwithstanding the foregoing provisions of this section (which relate only to diamond exports which require a license), the provisions of § 371.9 (c) of this chapter (which relate to exceptions from the general license GIT for intransit shipments), and the provisions of § 370.7 of this chapter (which permit certain exports from foreign trade zones without a license), any person in the United States to whom diamond dust or powder, Schedule B No. 540910, or loose industrial diamonds, Schedule B No. 599005, are consigned by a foreign supplier, with the privilege of selection and purchase or return, may return to such foreign supplier such of those diamonds or such dust or powder as are not selected for purchase, without securing an export license therefor: *Provided*, The following procedure and conditions are observed:

(1) *Deposit in New York Foreign Trade Zone.* The entire consignment to such person from his foreign supplier, upon arrival in the United States and prior to opening or inspection, must be taken directly from Customs custody into the New York Foreign Trade Zone and must be continuously kept there while inspection and selection are made and, with respect to those diamonds or such dust or powder not selected for purchase and to be returned to the foreign supplier, until released for immediate exportation to the foreign supplier.

(2) *Examination by Federal Supply Service.* The Federal Supply Service, General Services Administration, must be given an opportunity to examine and purchase the diamonds or dust or powder proposed to be returned and, after having purchased any which it desires to purchase, must furnish to the New York Foreign Trade Zone Operators,

Inc., its certificate, in duplicate, to the effect that it has been afforded such opportunity and that, with respect to those diamonds or such dust or powder remaining for return to the foreign supplier (which must be sufficiently identified by lot number, quantity, weight, description, etc.), it has elected not to purchase them.

(3) *Certificate required for release from Zone.* The New York Foreign Trade Zone Operators, Inc., shall not release the diamonds or dust or powder from the Foreign Trade Zone unless and until the above-mentioned certificate has been furnished, and, at the time of such release, there shall be attached to the original thereof a duly executed Certificate of Constructive Transfer, Zone Form C, revised (i. e., the official document by which commodities are released from the Foreign Trade Zone). Both certificates will be delivered to the proposed exporter.

(4) *Export clearance.* No Collector of Customs shall authenticate any Shipper's Export Declaration for the export of loose industrial diamonds or diamond dust or powder pursuant to this procedure unless the certificate of the Federal Supply Service and the attached Certificate of Constructive Transfer, Zone Form C, revised, provided for above, shall accompany the Declaration filed with the Collector.

NOTE: The use of the procedure set forth in § 373.33 (d) will be expedited if diamond dealers desiring to use the facilities of the New York Foreign Trade Zone will make such arrrangements as soon as they know when a consignment of diamonds or diamond dust or powder is due to arrive. Persons using the procedure are also responsible for notifying the Federal Supply Service, General Services Administration, when a proposed shipment is ready for inspection.

(e) *Tools incorporating industrial diamonds.* Applications for licenses to export tools, tool parts, or devices containing diamonds must be submitted in accordance with the provisions of § 373.49 (c).

§§ 373.34–373.38 [Reserved]

COMMODITY GROUP 6

§ 373.39 *Applicability of multiple commodity group provisions to Commodity Group 6 commodities.* All commodities within Commodity Group 6 which are identified on the Positive List of Commodities by the letter "A" in the "Commodity Lists" column are subject to the provisions of § 373.2.

§ 373.40 *Iron and steel*—(a) *Iron and steel products with processing code STEE*—(1) *Applicability.* The provisions of this paragraph are applicable to all iron and steel products on the Positive List with the processing code STEE. (See also § 373.50 for Group 7 commodities with processing code STEE.)

(2) *Export price.* The export price may be shown on the application form in terms of either the total price, including price per unit, or the supplier's price plus a specified mark-up. This latter method may be used only where the supplier has filed, or files, with the Bureau of Foreign Commerce his price schedule maintained for the sale of iron and steel items for which export licenses are or may be requested and a statement that the supplier will inform the Bureau of Foreign Commerce promptly (within 10 days) of any changes which may occur in his price schedule. In case the unit price varies according to size or specifications, the applicant must show unit price for each separate size or specification.

(b) *Silicon steel materials.* In addition to the general provisions contained in paragraph (a) of this section, all license applications to export silicon steel sheets (commonly called electrical sheets) and strip, Schedule B No. 603595, and transformer and choke laminations and core assemblies, Schedule B No. 709920, shall set forth in the commodity description column of Form IT– or FC–419, a complete description of the materials to be exported. The description on the license application shall include either (1) the thickness of sheet or strip in decimal parts of an inch or (2) the core loss, which shall be indicated in watts per pound at a flux density of 11,000 gausses and at 50 cycles per second. If the core loss appears on the customer's order in metric units or at a flux density, or at cycles other than those shown in the Positive List entries for these items, it should be converted to conform to the Positive List identifications.

(c) *Alloy, tool, and stainless steel.* All applications for licenses to export alloy, tool, or stainless steel products (bars, rods, sheets, plates, etc.) having the processing code STEE must contain, in the commodity description column of Form IT– or FC–419, the following information (in addition to the general description and the Schedule B number, e. g., Alloy Tool Steel Bars, 602650):

(1) Where such steel product is a "standard" grade, the AISI, SAE, or NE number, or any other recognized designation, as may be appropriate; or

(2) Where such steel product cannot be described by a recognized designation, a detailed statement of the percentages of alloying elements present.

(d) *Iron and steel scrap*—(1) *General.* License applications to export iron and steel scrap, Schedule B Nos. 601010, 601040, 601050, 601070, and 601090, except where the ultimate destination of the exportation is Mexico or where "offshore" scrap (scrap located in American possessions outside the continental United States) is to be exported, will be considered by the Bureau of Foreign Commerce in accordance with the procedures described below. For purposes of this paragraph, a maximum cargo lot is defined as the maximum tonnage of iron and steel scrap which can be transported in a specific export carrier.

(2) *Evidence of availability required.* In addition to the requirements set forth in subparagraphs (3) and (4) of this paragraph, the following certification shall appear on each application:

I (we) certify that the iron and steel scrap commodities in the quantities described on this license application are in (my) (our) possession or will be in (my) (our) possession not later than ----------
(Date)
for export.

(3) *Persons not holding outstanding licenses.* Any person who does not hold an export license for iron and steel scrap may submit a license application to export these materials in a quantity not to exceed a maximum cargo lot.

(4) *Persons holding outstanding licenses.* Any person who holds an export license for iron and steel scrap may apply for an export license for a maximum cargo lot for each cargo lot exported under an onboard bill of lading issued on or after February 21, 1955. Each license application shall be accompanied by a copy of the onboard bill of lading and shall show the license number under which shipment was made.

(5) *Issuance of licenses.* Licenses issued under the provisions of subparagraphs (3) and (4) of this paragraph will bear the following statement: "This license is valid for a single shipment of materials on a single carrier only."

(6) *Validity period.* A license to export iron and steel scrap, except where the ultimate destination of the exportation is in Mexico or where "offshore" scrap is to be exported, will be issued for a maximum validity period ending on the last day of the third month following the month during which the license is validated, e. g., a license issued on March 27, 1955, would expire on June 30, 1955. All licenses for iron and steel scrap destined for Mexico and all licenses for "offshore" scrap to be exported to any destination shall bear the usual six-month validity period.

(7) *Documentation.* Exporters are advised that in accordance with the provisions of § 372.10 of this subchapter, it may be necessary in some instances to require additional documentation in support of license applications. Where this occurs, the applicant will be advised after review of the application by the Bureau of Foreign Commerce.

§ 373.41 *Nonferrous commodities, including ores, concentrates, or unrefined products*—(a) *Nonferrous metal alloys, including alloy scrap.* Applications for licenses to export the nonferrous metal alloys, or alloy scrap, listed below, shall contain in the commodity description column of Form IT– or FC–419, a complete commodity description, including the percentage of each alloying element present or the recognized standard commercial brand or trade name of the commodity, such as published in "Engineering Alloys" by the American Society for Metals, or as published in "Standard Specification" by the American Society for Testing Materials:

| Commodity | Schedule B No. |
|---|---|
| Copper-base alloy ingots | 644100 |
| Nickel alloy scrap, including nickel-bearing stainless steel scrap | 654502 |
| Nickel-bearing cobalt scrap | 664526 |

(b) *Nickel alloy and nickel-bearing cobalt scrap*—(1) *Nickel alloy scrap, including nickel-bearing stainless steel scrap, Schedule B No. 654502.* Evidence of commercial unsalability in the domestic market, as provided in subparagraph (3) of this paragraph shall be submitted in support of applications to export (i) clean nickel alloy scrap, containing less than 50 percent nickel, (ii) contaminated nickel alloy scrap, and (iii) contaminated nickel-chromium-iron alloy scrap (nickel-bearing stainless steel scrap) containing up to 36 percent nickel with a minimum chromium content of 10 percent.

(2) *Nickel-bearing cobalt scrap, Schedule B No. 664526.* Applications for licenses to export clean cobalt scrap containing less than 50 percent nickel, and contaminated cobalt scrap shall be supported by evidence of commercial unsalability in the domestic market as provided in subparagraph (3) of this paragraph.

NOTE: For purposes of this section, material is considered to be contaminated when the contaminant cannot be readily sorted from the balance of the material.

(3) *Evidence of commercial unsalability.* As required in subparagraphs (1) and (2) of this paragraph, the exporter must submit evidence of commercial unsalability in the domestic market. This evidence may be in the form of a letter or other statement from the applicant, supplier, or persons to whom the scrap was offered for sale. Such evidence must be adequate to demonstrate that the scrap has been offered for sale without success in the normal domestic market at reasonable and competitive prices. It shall include, as a minimum, the names and addresses of the potential users to whom the scrap has been offered, the terms at which it has been offered, the reason(s) for rejection of offers to sell.

(4) *Commodities not licensed.* Pure nickel scrap, clean nickel alloy scrap containing 50 percent or more nickel, clean nickel-chromium-iron alloy scrap (nickel-bearing stainless steel) containing up to 36 percent nickel with a minimum chromium content of 10 percent, clean cobalt containing 50 percent or more nickel, and nickel-copper alloy scrap (including monel) will not be considered for licensing.

(c) *Copper ores, concentrates, unrefined copper, refined copper, copper scrap, copper-base alloy scrap, and copper-base alloy ingots and other crude forms including remelt ingots*—(1) *General.* License applications to export copper ores, concentrates, matte, and other unrefined copper, Schedule B No. 640100; refined copper in cathodes, billets, ingots, wire bars, and anodes and other crude forms, except copperweld rods, Schedule B No. 641200 (hereinafter referred to as refined copper); copper scrap (new and old), Schedule B No. 641300; copper-base alloy scrap (new and old), Schedule B No. 644000; and copper-base alloy ingots and other crude forms including remelt ingots, Schedule B No. 644100, will be considered for approval in accordance with the procedures described below.

(2) *Refined copper, Schedule B No. 641200.* License applications to export refined copper in cathodes, billets, ingots, wire bars and other crude forms (including anodes) made from domestic origin materials, or Canadian-origin copper scrap, copper-base alloy scrap, or copper-base alloy ingots and other crude forms including remelt ingots, will generally be denied. License applications covering the exportations of these refined copper materials made from foreign or commingled domestic and foreign origin materials, other than Canadian-origin copper scrap, copper-base alloy scrap, or copper-base alloy ingots and other crude forms including remelt ingots, shall include the following:

(i) *Certification of foreign origin or commingled origin.* (*a*) Applications from non-producers of refined copper—Applications from non-producers covering refined copper made from materials, other than Canadian-origin copper scrap, copper-base alloy scrap, or copper-base alloy ingots and other crude forms including remelt ingots, of foreign or commingled domestic and foreign origin materials shall be accompanied by a letter, addressed to the Bureau of Foreign Commerce, from the producer of the refined copper to the effect that (*1*) the refined copper proposed for export is refined from foreign origin copper other than Canadian-origin copper scrap, copper-base alloy scrap, or copper-base alloy ingots and other crude forms including remelt ingots; or (*2*) that an equivalent amount of foreign origin materials, other than Canadian-origin copper scrap, copper-base alloy scrap, or copper-base alloy ingots and other crude forms including remelt ingots, has been smelted and refined to replace in the domestic market the amount of domestic copper contained in the commingled copper proposed for export.

(*b*) Applications from producers of refined copper—Applications from producers of refined copper made of foreign or commingled (foreign and domestic origin) materials, other than Canadian-origin copper scrap, copper-base alloy scrap, or copper-base alloy ingots and other crude forms including remelt ingots, shall include the following certification:

I (we) certify that I am (we are) the producer(s) of the refined copper covered by this license application and (1) that this refined copper was produced from foreign origin materials other than Canadian-origin copper scrap, copper-base alloy scrap, or copper-base alloy ingots and other crude forms including remelt ingots, or (2) that an equivalent amount of foreign materials, other than Canadian-origin copper scrap, copper-base alloy scrap, or copper-base alloy ingots and other crude forms including remelt ingots, has been smelted and refined to replace in the domestic market the amount of domestic copper contained in the commingled copper proposed for export.

(ii) *Availability for export.* Applications for licenses to export these copper commodities shall contain one of the certifications listed below. Applications will be considered only where the date of availability of the commodities for export is shown to be within 90 days from the date the application is filed with the Bureau of Foreign Commerce.

(*a*) Where materials are in possession of applicant, the applicant shall execute and submit to the Bureau of Foreign Commerce the following certification:

I (we) certify that the copper materials described in this license application are in my (our) possession and will be available for export not later than ----------
(Date)
or

(*b*) Where materials are not in possession of applicant, the applicant shall submit to the Bureau of Foreign Commerce the following certification executed by the producer of the materials:

I (we) certify that not later than ---------- I (we) shall supply to
(Date)
----------
(Name of applicant)
---------- short tons of
(Quantity in short tons)
---------- in accordance
(Type of copper material)
with the terms of contract sale number ----------
---------- dated ----------
(Contract number) (Date of contract)

All documents evidencing commitment of sale must be kept available for inspection, upon demand, by the Bureau of Foreign Commerce for three years from the date of receipt of the application, as shown on the Acknowledgment Card, Form IT– or FC–116. Applications not accompanied by the evidence of availability required by the provisions of this subparagraph, will not be approved and should not be submitted.

(iii) *Disclosure of foreign consumer.* The foreign consumer shall be identified on the license application by the use of one of the following applicable statements:

The foreign consumer of the commodities covered by this application is the same as that shown in item 7 on this license application;

or if the foreign consumer is not the same as that shown in item 7:

The name and address of the foreign consumer is ----------

(iv) *Toll or conversion agreements.* Applications covering the exportation of refined copper produced in the United States under toll or conversion agreements from materials received from foreign sources are not subject to any of the above provisions of this paragraph. Where the license application covers refined copper produced from toll or conversion agreements, the applicant shall include the following certification on the license application:

I (we) certify that the refined copper described in this license application was produced in the United States under toll or conversion contracts from materials received from foreign sources.

(3) *Copper ores, concentrates, matte, and other unrefined copper, Schedule B No. 640100.* License applications to export copper ores, concentrates, matte, and other unrefined copper shall be supported by the informatin set forth in subparagraph (2) (ii) and (iii) of this paragraph. A foreign smelter, refiner, or processor may be identified as the consumer of the copper materials included in this paragraph.

(4) *Copper scrap, copper-base alloy scrap, and copper-base alloy ingots and other crude forms including remelt ingots.* (i) In order that the Bureau of Foreign Commerce may provide an equitable basis for distributing available export quotas for copper scrap (new and old) containing 40 percent or more copper, Schedule B No. 641300; copper-base alloy scrap (new and old) containing 40

percent or more copper, excluding copper-nickel alloy scrap containing 40 percent or more copper and 5 percent or more nickel, Schedule B No. 644000, and copper-base alloy ingots and other crude forms including remelt ingots, Schedule B No. 644100, applicants are required to submit to the Bureau of Foreign Commerce a Statement of Past Participation in Exports of these commodities on Form IT– or FC–821 in accordance with procedure set forth in § 373.4 of this subchapter. A separate report on Form IT– or FC–821 shall be filed for each Schedule B number, broken down by countries of destination, and shall cover the quantity in Schedule B units of exports from the United States made during the fourth calendar quarter of 1953 and the calendar year 1954, where the total for such exports to all countries for each Schedule B number was $5,000 or over for the five quarters. In preparing Form IT– or FC–821, the heading above items (c) and (d) shall be changed to read "4th quarter 1953" and the heading above items (e) and (f) shall read "calendar year 1954."

(ii) License applications covering copper scrap (new and old) containing less than 40 percent copper, Schedule B No. 641300, or copper-base alloy scrap (new and old) containing any percentage of copper, Schedule B No. 644000, shall include information as to the copper and nickel content of the material.

(iii) License applications to export copper-nickel alloy scrap, containing 40 percent or more copper and 5 percent or more nickel will not be considered for licensing.

(5) *Validity period.* Licenses to export all materials covered by this paragraph will be issued for a validity period ending on the last day of the third month following the month during which the license is validated, e. g., a license issued on November 25, 1955, would expire February 29, 1956.

(6) *Amendments to export licenses.* Except for export licenses issued under toll or conversion agreements, no amendments requesting an extension of the validity period of the license will be granted for export licenses issued under this procedure.

(7) *Time for submission of applications.* Applications for licenses to export copper scrap (new and old) containing 40 percent or more copper, Schedule B No. 641300, copper-base alloy scrap (new and old) containing 40 percent or more copper, excluding copper-nickel alloy scrap containing 40 percent or more copper and 5 percent or more nickel, Schedule B No. 644000, and copper-base alloy ingots and other crude forms including remelt ingots, Schedule B No. 644100, shall be submitted in accordance with the time schedules set forth in § 373.71.

(d) *Aluminum scrap (new and old), aluminum remelt ingots, and aluminum metal and alloys in crude form*—(1) *General.* License applications to export aluminum scrap (new and old), Schedule B No. 630050, and aluminum remelt ingots, and aluminum metal and alloys in crude form, primary and secondary, including ingots, pigs, blooms, and slabs, Schedule B No. 630070, will be considered by the Bureau of Foreign Commerce for approval in accordance with the procedure described herein.

(2) *Aluminum scrap (new and old), and aluminum remelt ingots*—(i) *Statement of Past Participation in Exports, Form IT– or FC–821.* Applicants are required to submit to the Bureau of Foreign Commerce a Statement of Past Participation in Exports on Form IT– or FC–821, in accordance with the procedure set forth in § 373.4, covering past exportations of aluminum scrap (new and old), Schedule B No. 630050, and aluminum remelt ingots, Schedule B No. 630070. A separate report on Form IT– or FC–821 shall be filed for each Schedule B number, broken down by countries of destination, and shall cover the quantity in Schedule B units of exports from the United States made during the second, third and fourth calendar quarters of 1954 and the first calendar quarter of 1955, where the total for such exports to all countries for each Schedule B number was $2,000 or over for the four quarters. In preparing Form IT– or FC–821, the heading above items (c) and (d) shall be changed to read "2nd, 3rd, 4th quarters, 1954", and the heading above items (e) and (f) shall read "1st quarter, 1955."

(ii) *Unsalable leaded aluminum foil.* Applications for licenses to export leaded aluminum foil scrap for which there is no market in the United States are not subject to the provisions of subdivision (i) of this subparagraph but shall be supported by evidence of commercial unsalability in the domestic market. This evidence may be in the form of a letter or other statement from the applicant, supplier, or persons to whom the scrap was offered for sale. The evidence must be adequate to demonstrate that the scrap has been offered for sale without success in the normal domestic market at reasonable and competitive prices. It shall include, as a minmum, the names and addresses of the potential users to whom the scrap has been offered, the terms at which it has been offered, and the reason(s) for rejection of offers to sell.

(iii) *Aluminum scrap containing 70 percent or less aluminum (including drosses, skimmings, slags, ashes, insulated wire and cable, paper-backed and cloth-backed aluminum foil).* Applications for licenses to export aluminum scrap containing 70 percent or less aluminum shall specify the weight of the aluminum alloy metal content of the scrap material to be exported.

(iv) *Time for submission of applications.* Applications for licenses to export aluminum scrap (new and old), Schedule B No. 630050, and aluminum remelt ingots, Schedule B No. 630070, shall be submitted in accordance with the time schedules set forth in § 373.71.

(v) *Validity period.* Licenses to export the aluminum materials covered by this subparagraph will be issued for a validity period ending on the last day of the month following the quarter during which the application for the license was filed with the Bureau of Foreign Commerce. For example, a license issued pursuant to an application filed in April 1956, would expire on July 31, 1956.

(vi) *Utilization of export quota.* (*a*) A licensee who determines that the full amount of the quantity of the aluminum materials shown on the validated license will not be exported during the validity period of that license should promptly submit a request for amendment on Form IT– or FC–763 to reduce the quantity of the aluminum materials licensed to the amount actually intended for export. The amendment procedure set forth in § 380.2 (g) of this subchapter shall be followed in requesting quantity reductions on outstanding licenses.

(*b*) Any quantities recovered as a result of this procedure will be considered for licensing in the same quarter in which they were recovered. The return of any unused quantities by an exporter will in no way affect the exporter's entitlement under the historical licensing procedure in future quarters.

(3) *Aluminum metal and alloys in crude form.* Aluminum metal and alloys in crude form, primary and secondary, including ingots (except remelt ingots), pigs, blooms, and slabs.

(i) *Availability for export.* Applications for licenses to export aluminum metal and alloys in crude form, primary and secondary, including ingots (except remelt ingots), pigs, blooms, and slabs, Schedule B No. 630070, shall contain one of the applicable certifications listed below. Applications will be considered only where the date of availability of the commodities for export is shown to be within 90 days from the date the application is filed with the BFC.

(*a*) Where materials are in possession of applicant, the applicant shall execute and submit to the Bureau of Foreign Commerce the following certification:

> I (we) certify that the aluminum materials described in this license application are in my (our) possession and will be available for export not later than ---------- (Date)

or

(*b*) Where materials are not in possession of applicant, the applicant shall submit to the Bureau of Foreign Commerce the following certification executed by the supplier of the materials:

> I (we) certify that not later than ---------- (Date) I (we) shall supply to ----------, (Name of applicant) ---------- short tons of (Quantity in short tons) ---------- in accordance (Type of aluminum material) with the terms of contract sale number ---------- dated ---------- (Contract number) (Date of contract)

(ii) *Records.* All documents evidencing commitment of sale must be kept available for inspection, upon demand, by the Bureau of Foreign Commerce for three years from the date of receipt of the application, as shown on the Acknowledgment Card (Form IT– or FC–116).



(iii) *Validity period.* License applications to export the aluminum materials covered by this subparagraph will be issued for a validity period ending on the last day of the third month following the month during which the license is validated, e. g., a license issued on May 10, 1956, would expire on August 31, 1956.

(4) *Amendments to export licenses.* No amendments requesting an extension of the validity period of the license will be granted for export licenses issued under this procedure. Where an amendment request involves an action other than an extension of the validity period, it shall be submitted directly to the Bureau of Foreign Commerce.

(e) *Selenium metal powder, ferroselenium and selenium metal*—(1) *General.* License applications to export selenium metal powder, Schedule B No. 619159, ferroselenium, Schedule B No. 622098, and selenium metal, Schedule B No. 664998, will be considered for approval in accordance with the licensing policy described below.

(2) *Licensing policy.* (i) License applications adequately identifying the end use of the above materials as a military end use will receive first consideration in the distribution of the export quota. The remaining portion of the export quota will be available for exportation to those countries which normally depend upon the United States to meet a substantial portion of their selenium requirements.

(ii) Except where a military end use is involved, license applications to export these selenium materials to any country which normally relies on indigenous production or which normally imports substantial quantities of selenium from countries other than the United States will generally be denied. Countries falling within this category are: Belgium, Japan, Germany (Federal Republic), Sweden and the United Kingdom.

(3) *Toll or conversion agreements.* License applications covering the exportation of selenium metal powder, ferroselenium, and selenium metal produced in the United States from materials received from foreign sources under toll or conversion agreements which provide for the reexportation of the resultant products to friendly foreign countries, are not subject to the quota limitations or any of the provisions of this paragraph. Where the license application covers these selenium materials produced from toll or conversion agreements, the applicant shall include the following certification on the license application:

> I (we) certify that the selenium materials described in this license application were produced in the United States from materials received from foreign sources under toll or conversion agreements which provide for reexportation of the resultant products to friendly foreign countries.

(4) *Time for submission of applications.* Applications for licenses to export selenium metal powder, Schedule B No. 619159, ferroselenium, Schedule B No. 622098, and selenium metal, Schedule B No. 664998, shall be submitted in accordance with the time schedule set forth in § 373.71.

(f) *Selenium-bearing scrap materials*—(1) *General.* License applications to export selenium-bearing scrap materials, Schedule B No. 664998, will be considered for approval only where it is shown that (i) the materials are unsalable in the domestic market; or (ii) the export is to be made under toll or conversion agreement which provides for the return of the selenium or selenium products to the United States. These applications shall be accompanied by the information described in subparagraph (2) or (3) of this paragraph.

(2) *Evidence of unsalability in the domestic market.* The evidence of unsalability in the domestic market may be submitted in the form of a letter or other statement from the applicant, supplier, or persons to whom the materials were offered for sale showing that the materials have been offered for sale without success in the normal domestic market at reasonable and competitive prices. It shall include, as a minimum, the names and addresses of the potential users to whom the scrap materials had been offered, and the reason(s) for rejections of offers to sell.

(3) *Toll or conversion agreement.* The following certification shall be placed on applications covering the exportations of these materials under agreements which provide for the return of the resultant selenium or selenium products to the United States under toll or conversion agreement:

> I (we) certify that the selenium materials described in this license application are to be exported under toll or conversion agreement which provides for the return of the resultant selenium or selenium products to the United States.

§ 373.42 *Tools incorporating industrial diamonds.* Applications for licenses to export tools, tool parts, or devices containing diamonds must be submitted in accordance with the provisions of § 373.49 (c).

§§ 373.43–373.47 [Reserved]

COMMODITY GROUP 7 [4]

§ 373.48 *Applicability of multiple commodity group provisions to Commodity Group 7 commodities.* All commodities within Commodity Group 7 which are identified on the Positive List of Commodities by the letter "A" in the "Commodity Lists" column are subject to the provisions of § 373.2.

§ 373.49 *Machinery and equipment* [4]—(a) *Machinery and equipment.* Applications for licenses to export machinery and equipment with the processing codes CONS, ELME, GIEQ, MINE, TOOL, AND TRAN must include the following identifying information in addition to the requirements of § 372.4 (e) of this chapter:

(1) A copy of a manufacturer's current catalog or bulletin, or pertinent pages therefrom describing the commodity, unless previously furnished.

(2) For commodities having a rated capacity, show maximum rating.

(3) For power-generating or other heavy machinery and equipment, a statement should be furnished explaining the circumstances, if production and exportation cannot be completed within six months. Where warranted, licenses may be issued for a validity period of one year, and the Bureau of Foreign Commerce will also give as favorable consideration as conditions permit to requests for extension of these licenses giving precedence to such requests over new applications for export licenses.

(b) *Automotive replacement parts*—(1) *Additional application requirements.* (i) An exporter who receives an order, or an inquiry relating to an order, for automotive replacement parts listed in subparagraph (2) of this paragraph to be exported to a destination listed in subparagraph (3) of this paragraph from a consignee with whom he has not previously done business and who has not been approved as an ultimate consignee on an export license issued to him, is required to observe the special provision described below when filing an application for a validated export license to make the proposed-shipment.

(ii) Prior to filing a license application, the exporter shall request the ultimate consignee to communicate with the nearest United States Embassy or Consulate in his area and provide information for a World Trade Directory report, if he has not already done so within the last 12 months, and the ultimate consignee shall have complied with this request, where required. When applying for an export license, such an exporter, in addition to supplying the information required by paragraph (a) of this section, shall include in the commodity description item of the license application, or on an attachment thereto, the address of the United States Embassy or Consulate where the ultimate consignee provided the information for a World Trade Directory report and the date on which the information was given.

(iii) The filing of World Trade Directory report information with a United States Embassy or Consulate is essential in order to facilitate final action on the application for a validated license. Licenses will be issued in such cases only where this information is on file in the Bureau of Foreign Commerce. Therefore, filing of these applications before the ultimate consignee has made the necessary information available, will result in the application being returned without action.

(2) *Commodities.* The provisions of this paragraph are applicable to applications for licenses to export the following commodities to the destinations set forth in subparagraph (3) of this paragraph:

[4] Parts and accessories which are to be scrapped are properly classified as iron and steel scrap (Schedule B Nos. 601010, 601040, 601050, 601070, 601090, 601150, 601170, 641300, and 644000). (See § 399.2, Int. 10.)

| Schedule B No. | Commodity |
|---|---|
| 706305 | Sealed beam head lamps suitable for mounting on automotive vehicles. |
| 769100 | Ball bearings, and specially fabricated parts except balls (automotive only). |
| 769200 | Roller bearings, and specially fabricated parts except rollers (automotive only). |
| 769310 | Balls for bearings (automotive only). |
| 769315 | Rollers for bearings (automotive only). |
| | Parts for commercial automotibles, trucks, and busses: |
| | Engines for replacement (motor truck, bus, and passenger car): |
| 791240 | Diesel and semi-Diesel. |
| 791250 | Gasoline. |
| 791280 | Leaf springs, and spring leaves, for replacement. |
| 792620 | Parts, n. e. c., specially fabricated, for spares, replacement, or manufacture into larger components, except: air cleaners; brake extension handles; bumpers; door locks; gas tank caps; horns; hub caps; hydraulic truck dumping hoists; oil filter clamps; oil filters; oil purifiers; oil rectifiers; parking lights; radiator caps; radiator ornaments; reflex signs, road traffic; stop lights; thermostats; third axle assemblies; windshield wipers; and specially fabricated parts for the excepted items. |

(3) *Destinations.* The provisions of this subparagraph are applicable to applications for licenses to export the commodities set forth in subparagraph (2) of this paragraph to any of the following destinations:

British Malaya (including the Colony of Singapore, the Federation of Malaya, the Colony of North Borneo (including Labuan), the Colony of Sarawak, and the Sultanate of Brunei).
Burma.
Ceylon.
Indonesia.
Republic of the Philippines.
Thailand (Siam).
Viet Nam, Laos, and Cambodia (the area formerly known as "Indochina")

(c) *Tools incorporating diamonds*—(1) *Commodities included.* Any tool incorporating diamonds requires a validated license for export to all R and O country destinations, whether or not the tool is shipped with the machine with which it is to be used.

(2) *Definition.* As used in this section, the term "Tools incorporating diamonds" means any tools, tool parts or devices, including metal slugs, which contain diamonds. Such "tools" do not include the machines which may make use of the tools incorporating diamonds.

(3) *Application requirements.* (i) A license to export a tool incorporating diamonds as a spare or replacement part shall be applied for under the Schedule B number applicable to such tool. When a diamond tool is to be shipped with a machine with which it is to be used, whether or not such machine is on the Positive List, the diamond tool shall be entered on the license application under the Schedule B number of the machine.

(ii) If a validated license is required for the machine, a single license application shall be submitted and the description shall specify that a tool containing diamonds is to be shipped with the machine.

(iii) In addition to the information required by paragraph (a) of this section, applications for licenses to export tools incorporating diamonds must comply with the following requirements:

(*a*) Tools, tool parts, or devices (including metal slugs) must be listed separately on license applications, or by groups of identical tools, giving the name and type of tool;

(*b*) License applications to export diamond grinding wheels, sticks, hones, and laps, Schedule B No. 540905, must state the quantity and the approximate carat weight of the diamond content of each commodity; and

(c) Diamond dies must be listed on the license applications as unmounted or encased, and the quantity must be given.

(4) *Preparation of Shipper's Export Declaration.* (i) A tool incorporating diamonds exported under a validated license as a part of a machine exported under a general license shall be reported on the same Shipper's Export Declaration as a unit. The value stated in column (15) shall reflect the combined value of the machine and the diamond tool.

(ii) Separate data for the diamond tool shall be shown only in column (10). The description of the machine shall specify that it includes a tool containing diamonds, together with the same information required on a license application for the diamond tool, as set forth in paragraph (c) (3) of this section.

§ 373.50 *Commodity Group 7 commodities with processing code STEE.* All commodities within Commodity Group 7 with the processing code STEE are subject to the provisions of § 373.40 relating to iron and steel products.

§ 373.51 *Radio, electronic and cathode ray tubes.* All license applications to export radio, electronic and cathode ray tubes, Schedule B Nos. 707803, 707812, 707820 and 707830, must show, in the commodity description column of Form IT– or FC–419, the type numbers of the tubes and quantity of each type of tube, and the total quantity and price for each Schedule B number. Where the commodity description column of the Form IT– or FC–419 is inadequate, this information may be listed on an attachment, in duplicate, to Form IT– or FC–419.

§§ 373.52–373.53 [Reserved]

COMMODITY GROUP 8

§ 373.54 *Applicability of multiple commodity group provisions to Commodity Group 8 commodities.* All commodities within Commodity Group 8 which are identified on the Positive List of Commodities by the letter "A" in the "Commodity Lists" column are subject to the provisions of § 373.2.

§ 373.55 *Chemicals and medicinals*—(a) *General.* All applications for licenses to export chemicals, medicinals, and pharmaceuticals shall state such facts relating to grade, form, concentration, mixtures, or ingredients as may be necessary to identify the commodity accurately.

(b) *Isotopes.* License applications to export those isotopes for which procurement authorization is required from the Atomic Energy Commission shall specify the AEC Procurement Authorization number and expiration date in the commodity description column of Form IT– or FC–419.

(c) *Poliomyelitis vaccine*—(1) *Licensing policy.* License applications to export poliomyelitis vaccine, Schedule B No. 812200, will be considered for approval where the vaccine is to be used for one of the following purposes:

(a) Product registration;

(b) Biologics control;

(c) Laboratory experimentation or research;

(d) Inoculation of United States nationals abroad (excluding members of the United States Armed Services and United States Government employees stationed abroad for whom provisions have been made to receive vaccine inoculations through United States Government facilities); or

(e) Other uses which merit consideration because of unusual or special considerations not falling specifically within one of the above categories.

(2) *Submission of license applications.* License applications to export poliomyelitis vaccine shall be supported by the following additional information:

(i) If the vaccine is to be used for purposes of laboratory experimentation or research, the license application shall be accompanied by a statement signed by the ultimate consignee which sets forth the following information:

(*a*) Purpose for which the vaccine will be used, i. e., laboratory experimentation or research;

(*b*) Type and purpose of research or experimentation which will be conducted;

(*c*) Any other information as to end use; and

(*d*) Name and address of the foreign firm or organization which will conduct the research or experimentation.

(ii) (*a*) If the vaccine is to be used for the inoculation of United States nationals abroad (excluding members of the United States Armed Services and United States Government employees stationed abroad for whom provisions have been made to receive vaccine inoculations through United States Government facilities), the license application shall be accompanied by a statement from the ultimate consignee which shows the number of United States nationals by age to be inoculated.

(*b*) Consideration of license application for the export of poliomyelitis vaccine to United States nationals abroad will be given by the Bureau of Foreign Commerce for the vaccination of persons included in the priority groups prevailing in the United States, as established by the Department of Health, Education and Welfare.

(3) *Exception to application requirements.* In those instances where it is shown that the requirement for submission of a signed statement from the ultimate consignee, as provided in subparagraph (2) of this paragraph, would impose an undue hardship on the United States exporter, the Bureau of Foreign Commerce will consider the granting of an exception based on the individual merits of the case. Where a request for exception is made, a supporting document setting forth the reason for requesting the exception shall accompany the license application.



§ 373.56 *Selenium containing chemical compounds, including pigments.*—(a) *General.* License applications to export selenium containing chemical compounds, including pigments, Schedule B Nos. 829810, 839750, 839900 and 842900 will be considered for approval in accordance with the licensing policy described in this section.

(b) *Licensing policy.* (1) License applications adequately identifying the end use of the above materials as a military end use will receive first consideration in the distribution of the export quota. The remaining portion of the export quota will be available for exportation to those countries which normally depend upon the United States to meet a substantial portion of their selenium requirements.

(2) Except where a military end use is involved, license applications to export these selenium materials to any country which normally relies on indigenous production or which normally imports substantial quantities of selenium from countries other than the United States will generally be denied. Countries falling within this category are: Belgium, Japan, Germany (Federal Republic), Sweden and the United Kingdom.

(c) *Toll or conversion agreements.* License applications covering the exportation of selenium containng chemical compounds, including pigments, produced in the United States from materials received from foreign sources under toll or conversion agreements which provide for the reexportation of the resultant products to friendly foreign countries, are not subject to the quota limitations or any of the provisions of this section. Where the license application covers these selenium materials produced from toll or conversion agreements, the applicant shall include the following certification on the license application:

I (we) certify that the selenium materials described in this license application were produced in the United States from materials received from foreign sources under toll or conversion agreements which provide for reexportation of the resultant products to friendly foreign countries.

(d) *Time for submission of applications.* Applications for licenses to export selenium containing chemical compounds, including pigments, Schedule B Nos. 829810, 839750, 839900 and 842900, shall be submitted in accordance with the schedule set forth in § 373.71.

§§ 373.57–373.58 [Reserved]

COMMODITY GROUP 9 [5]

§ 373.59 *Applicability of multiple commodity group provisions to Commodity Group 9 commodities.* All commodities within Commodity Group 9 which are identified on the Positive List of Commodities by the letter "A" in the "Commodity Lists" column are subject to the provisions of § 373.2.

§ 373.60 [Reserved]

§ 373.61 *Tools incorporating diamonds.* Applications for licenses to export tools, tool parts, or devices (including dental instruments, Schedule B No. 915000) containing diamonds must be submitted in accordance with the provisions of § 373.49 (c).

§§ 373.62–373.64 [Reserved]

SUBPART D—DESTINATION PROVISIONS

§ 373.65 *Ultimate consignee and purchaser. statements*—(a) *Scope*—(1) *General.* The provisions of this section apply to all proposed shipments of commodities for which validated export licenses are required where the country of ultimate destination is a country in Group R, and to any proposed shipments under the Time Limit (TL) licensing procedure (see Part 377 of this subchapter) to a country in Group O.

(2) *Exemptions.* The provisions of this section do not apply if the license application covering the proposed shipment shows that one or more of the following conditions are present:

(i) The application for license to export a proposed shipment is covered by an Import Certificate, submitted in accordance with § 373.2 (or as applicable, by a Swiss Blue Import Certificate as provided in § 373.67, a Hong Kong Import License as provided in § 373.69, or a Yugoslav End-Use Certificate as provided in § 373.70).

(ii) The total value, as shown on the export order covering the application, of the commodity(ies) classified in a single entry on the Positive List is less than $500 and the shipment is not supported by a multiple transactions statement submitted in accordance with paragraph (c) (3) of this section. For exportation of non-Positive List commodities to Hong Kong or Macao, the total value of the commodity(ies) classified under a single Schedule B number, as shown on the export order covering the application, is less than $500 and the shipment is not supported by a multiple transactions statement.

(iii) Shipment will be made under a Project License issued or to be issued as set forth in Part 374 of this subchapter.

(iv) (*a*) The ultimate consignee named in the license application is a foreign government or foreign government agency, and the foreign purchaser is also a foreign government or foreign government agency. However, if one of the parties to the transaction, either purchaser or ultimate consignee, is a party other than the foreign government or government agency, then a statement from that purchaser or ultimate consignee is required.

(*b*) The term "government agency" is construed to mean only those governmental departments operated by government paid personnel performing governmental administrative functions and not operated for profit. It does not include quasi-government agencies established or controlled by the government which perform commercial functions (e. g., resale or redistribution of goods of United States origin for commercial purposes).

(v) Shipment will be made by a relief agency registered with the Advisory Committee on Voluntary Foreign Aid, International Cooperation Administration (formerly FOA), to a member agency in the foreign country.

(vi) The license applicant is the same person as the ultimate consignee in the country of ultimate destination, provided that the applicant furnishes all the applicable information on the license application which is required in the consignee statement. This exemption does not apply where the applicant and the consignee are separate entities such as parent and subsidiary, or affiliated or associated firms.

(b) *Statements required from ultimate consignee and purchaser*—(1) *General.* The applicant shall furnish an original or copy of a statement from the ultimate consignee named in the application, certifying to certain facts relating to the proposed transaction. This statement is required by the Bureau of Foreign Commerce to make certain that foreign consignees are fully aware of their responsibility not only for the representations made to the Bureau of Foreign Commerce, but also for the proper disposition of the licensed commodities only in those foreign countries where the Bureau of Foreign Commerce has authorized disposition. In addition, the requirement curtails the time-consuming supplementary inquiries by the Bureau of Foreign Commerce which otherwise often may be necessary.

(2) *Signatures.* This statement must be manually signed by the ultimate consignee or by a responsible official of the ultimate consignee who has personal knowledge of the information included in the statement, who has authority to bind the ultimate consignee, and who has the power and authority to control the use and disposition of the licensed commodities in the country of ultimate destination. The authority to sign this document may not be delegated to any person (agent, employee, or other) whose authority to sign is not inherent in his official position with the ultimate consignee. The official signing the statement may be located in the United States or in a foreign country; his official title shall be included with his signature.

(3) *Purchasers.* If the purchaser named in the export license application is a different person from the named ultimate consignee, the purchaser must either sign the statement executed by the ultimate consignee, or the applicant must also attach to the application an additional statement executed by the purchaser. This statement from the purchaser shall meet the same requirements of signature, etc., as are stated in subparagraph (2) of this paragraph for the ultimate consignee, and it must cover the same subject matter as required from the ultimate consignee in subsequent paragraphs of this section. The purchaser's statement may be a single transaction statement or a multiple transactions statement and shall be completed in accordance with the procedure described in paragraph (c) of this section.

[5] Parts, accessories, and equipment which are to be scrapped are classified as scrap (e. g., Schedule B Nos. 601010–601170, 630050, 641300, and 644000). See § 399.2, Int. 10.

(4) *Alterations.* No corrections, additions, or alterations to a consignee or purchaser statement may be made by the applicant for an export license after the statement has been signed by the consignee or purchaser. If the signed statement is incomplete or incorrect in any respect, the applicant shall obtain a corrected statement from the consignee and/or purchaser.

(5) *Applications filed without statements.* An application not supported by a statement (where required) from the ultimate consignee or purchaser will be returned without action to the applicant. However, an applicant who can show to the satisfaction of the Bureau of Foreign Commerce that he has made diligent efforts to obtain such statement and has been unable to get it, may so advise the Bureau of Foreign Commerce in a letter attached to his application, giving the stated reasons of the ultimate consignee or purchaser for failing or refusing to give the applicant such statement and the application will receive consideration for approval.

(6) *30-day grace period for Positive List additions.* When a commodity becomes subject to the requirements of this Section by reason of having been added to the Positive List, export license applications for such commodity to Group R countries or for Group O countries under the TL licensing procedure need not conform to these requirements for a period of 30 days from the time such commodities are added to the Positive List. In lieu of the end-use and ultimate consignee statements during such 30-day period, applications shall be accompanied by any evidence available to the exporter which will support the applicant's representations concerning the ultimate consignee, ultimate destination, and the end-use. Such evidence may consist of copies of the letter of credit, the order for the commodities, correspondence between the exporter and consignee, or other documents received from the consignee.

(c) *Information required in consignee statements*—(1) *General.* (i) Where an application to export a commodity involves a single transaction, a statement shall be submitted on Form FC–842 "Single Transaction Statement by Consignee and Purchaser," or in the event of an emergency, in the form of a wire or cable provided it contains the same information as required on the form.* Exporters who have a continuing and regular relationship with an ultimate consignee (including but not limited to applicants having foreign branches or subsidiaries or distributors under franchise with the applicant) involving recurring orders for the same commodities to the same destinations and for the same end uses, and applicants for Time Limit (TL) licenses (see Part 377 of this subchapter) or Foreign Distribution (FDL) licenses (see Part 378 of this subchapter) may submit to the Bureau of Foreign Commerce a multiple transactions statement executed on Form FC–843 "Multiple Transactions, Statement by Consignee and Purchaser."* Statements submitted under the multiple transactions procedure will not be accepted on any form other than Form FC–843. The exporter shall attach to Form FC–843 a list in original only of the Bureau of Foreign Commerce product divisions responsible for licensing those commodities listed on the statement, and shall submit the original plus one additional copy of the multiple transactions statement for each Bureau of Foreign Commerce product division responsible for licensing these commodities. (A list of Bureau of Foreign Commerce product divisions and the commodity processing codes for which each product division has licensing authority, is set forth in § 399.4, appendix D, of this subchapter.) Since there are but four product divisions in the Bureau of Foreign Commerce, a maximum of an original plus four additional copies will be required. If the commodities to which the statement applies are assigned processing codes under a single product division, the original plus only one additional copy of the statement will be required.

(ii) This multiple transactions statement shall cover all proposed exportations of such commodities regardless of value (including those based on export orders amounting to less than $500) for which applications for export licenses will be submitted to the Bureau of Foreign Commerce during all or any part of the period ending on June 30 of the year following the year during which the statement is executed (unless an earlier termination date is desired and is specified on the Multiple Transactions Statement). For example, a statement executed on July 3, 1956, may cover proposed exportations for which license applications are filed on or before June 30, 1957.

(iii) All of the items of information specified in this paragraph or on Form FC–842 or Form FC–843, shall be furnished if applicable to the transaction. If such information is unknown, that fact should also be disclosed. Special provisions applicable to the single transaction statement are set forth in subparagraph (2) of this paragraph; special provisions applicable to the multiple transactions statement are set forth in subparagraph (3) of this paragraph; and the information required on both the single and multiple transactions statement is set forth below:

(*a*) Name and address of the ultimate consignee;

(*b*) Name of the United States exporter or person with whom the order has been placed;

(*c*) Description of the commodity or commodities to which the statement applies. The commodities shall be described in terms which will enable the Bureau of Foreign Commerce to determine that the commodities described on the statement are the same as those described on the related application for export license.

(*d*) The nature of the consignee's usual business, including whether he is the user, seller, etc., of the commodities to which the statement applies;

(*e*) The ultimate destination of the commodity or commodities to which the statement applies, showing whether the commodities will be reexported from the country indicated in the ultimate consignee item of the statement, and if the commodities are for reexport, the name of the country or countries to which reexportation is proposed (in the item entitled "Disposition of Commodities"). (See § 373.68 with respect to the filing of consignee statements which make reference to Viet-Nam, Laos, and Cambodia or the area formerly known as "Indochina.") It is emphasized that nothing shown on Form FC–842 or Form FC–843 shall be construed as an authorization by the United States Department of Commerce to reexport the commodities to which the statement applies without approval of specific countries from the Department of Commerce. Such authorization to reexport is not granted on the basis of information on these forms, but as a result of a specific request by the United States exporter on the license application (Form IT– or FC–419) or upon request of the consignee through the United States exporter after the license is issued. (See also § 372.12 of this subchapter.)

(*f*) A specific and detailed description of the end use to which the commodity or commodities will be put by the ultimate consignee in the country of ultimate destination (in the item entitled "Specific Use"). If the ultimate consignee will use the commodity or commodities to produce other end products show the names of the end products, the country or countries where the production or manufacture will take place and the country or countries in which the end product will be distributed, if these facts are known. The end-use information shall be set forth in as much detail as is known to the person(s) signing the statement.

(*g*) Any additional facts relating to the transaction which the consignee or purchaser believes will be of value to the Bureau of Foreign Commerce in the consideration of license applications submitted in his behalf by the United States exporter (in the item entitled "Additional Information").

(*h*) The name of any person, other than the employees of the ultimate consignee or purchaser, who assisted in the preparation of the statement; and

(*i*) A certification by the consignee and/or purchaser that the facts contained in the statement are true and correct to the best of their knowledge and belief; a certification by the consignee and/or purchaser that they will promptly send a supplemental statement to the United States exporter (or the foreign distributor in the case of a Foreign Distribution license) of any change of facts or intentions set forth in their statement which occurs after the statement has been prepared and forwarded; and that with respect to any shipment which they propose to dispose of contrary to the representations made in the statement, or contrary to the limitations on countries of distribution which may be received on the bill of lading, commercial invoice or other comparable documents, they will notify the United States exporter and secure approval of the Bureau of Foreign Commerce through the United States exporter prior to such disposition.

(2) *Special provisions applicable to the single transaction statement.* In addition to the general information set forth in subparagraph (1) of this paragraph, the following special provisions apply to the single transaction statement (Form FC–842):

(i) The single transaction statement shall be submitted to the Bureau of Foreign Commerce within 90 days from the date of signing by the consignee or purchaser, whichever date is later.

(ii) The quantity and (if known) the value of commodities ordered by the consignee or purchaser from the United States exporter shall be shown on the statement in the quantity and value columns of Form FC–842. If the actual value is not known, an estimated value should be shown and the entry should be labeled "estimate". If it is impossible to determine an estimated value, the word "unknown" should be entered therein together with an explanation of the reason why an actual or estimated value cannot be provided.

NOTE 1: *Commodities licensed in terms of dollar value.* If the commodity is licensed in terms of dollar value, an application for an export license will not be approved for a quantity significantly in excess of the actual or estimated value shown on the Form FC–842. Where the Form FC–842 indicates that the value is unknown, the Bureau of Foreign Commerce will consider the approval of one application against the related Form FC–842 provided that the applicant states on the license application that the transaction described on the license application is the same as that described on the Form FC–842.

NOTE 2: *Commodities not licensed in terms of dollar value.* If the commodity is not licensed in terms of dollar value, the Bureau of Foreign Commerce uses the value information shown on Form FC–842 primarily as an aid to identifying the commodity. Applications covering this type of commodity will not be approved for a quantity significantly in excess of the quantity shown on the related Form FC–842.

(iii) In addition, the end use of the commodities by the ultimate consignee shall be shown in the item entitled "Specific End Use" including if known, the end use of the commodities by the customers of the ultimate consignee. If the end use by the customers is unknown, enter the word "Unknown."

(3) *Special provisions applicable to the multiple transactions statement.* In addition to the general information set forth in subparagraph (1) of this paragraph, the following special provisions apply to the multiple transactions statement (Form FC–843):

(i) A representation that the statement shall be considered a part of every application for license filed by the named United States exporter or person with whom the order is placed, for export to the consignee of the commodity or commodities to which the statement applies, during the period stipulated (in the item entitled "Request");

(ii) The nature of the consignee's business relationship with the United States exporter named on the Form FC–843, or with the distributor in the case of a Foreign Distribution (FD) license, and how long the relationship has existed (in the item provided to show business relationship).

NOTE: *Proper number of copies of statement.* United States exporters may wish to advise their foreign importers (ultimate consignees and purchasers) to submit these statements in as many copies as the exporter requires for submission to the Bureau of Foreign Commerce for all license applications to be submitted in connection with the importer's order(s).

(4) *Method of extension of validity period of multiple transactions statements.* (i) In lieu of submitting a new multiple transactions statement, the coverage period of a currently valid multiple transactions statement submitted on Form FC–843 on file in the Bureau of Foreign Commerce, may be extended by the submission to the Bureau of Foreign Commerce of (*a*) a certification completed by the ultimate consignee and purchaser and (*b*) a copy of the United States exporter's letter to his ultimate consignee and purchaser requesting the completion of such certification. Such certification and letter shall meet, as a minimum, the requirements described below and shall be submitted in the same number of copies as are required for multiple transactions statements under subparagraph (1) of this paragraph.

(ii) The following certification shall be signed by the ultimate consignee and purchaser (if applicable):

I (we) certify that:

(1) I (we) have reread our multiple transactions statement, Form FC–843–Revised, dated _____;

(2) The facts contained in this multiple transactions statement which will expire on _____ have not changed to date;

(3) The facts contained in that multiple transactions statement accurately and completely reflect our past and present relationship with _____
(Name of U. S. exporter)
and our intended use and disposition of commodities received during the period ending _____;
(June 30 of next year, unless an earlier termination date is desired)

(4) I (we) shall promptly send a supplemental statement to the named United States exporter disclosing any change of facts or intentions which occurs after the signing of this certification;

(5) With respect to any shipment which I (we) propose to dispose of contrary to the representations made in the above described Form FC–843, or contrary to limitations on countries of distribution which I (we) receive on my (our) bill of lading, commercial invoice or comparable documents, I (we) will notify the named U. S. exporter, and will secure the United States Government approval through this exporter prior to such disposition.

_____
(Date of signing)

(Print or type)

_____
(Name of consignee/purchaser)

_____
(Address of consignee/purchaser)

_____
(Signature of official of firm named)

_____
(Name and title of person signing statement)

(iii) The United States exporter's letter to his consignee requesting the above certification shall, among other things, include the following instructions: (*a*) The original multiple transaction statement shall be reexamined to make sure that the facts and intentions have not changed; (*b*) the commodities shall be used in the authorized countries only; (*c*) the commodities shall not be diverted or transshipped from authorized destinations to other destinations without prior United States approval; and (*d*) the exporter must be informed of any future change of facts or intentions from those stated in the certification.

(iv) The certification completed by the ultimate consignee and purchaser and the copy of the United States exporter's letter to his ultimate consignee and purchaser requesting the completion of such certification, must be received in the Bureau of Foreign Commerce before the expiration date of the consignee statement or any previous extensions thereof.

(d) *Applications supported by consignee statements*—(1) *Applications supported by a multiple transactions statement.* An application for an export license, supported by a multiple transactions statement or by a certification extending the coverage period of a multiple transactions statement, shall contain the following statement:

This application is supported by the multiple transactions statement dated _____ from the named consignee to this applicant.

(2) *Applications supported by a single transaction statement.* Where a single transaction statement covers a purchase order for several commodities that require more than one license application, each license application supported by the single transaction statement shall contain the following certification:

I (we) certify that I (we) have not submitted application, including the present application, in excess of the described commodities and quantities shown on the Single Transaction Statement dated _____. This Single Transaction Statement was submitted in support of Application No. _____ (BFC Case No., or if BFC Case No. is unknown, the applicant's reference No. and date of submission of the application.)

NOTE 1: *Purchase order.* The statement from the ultimate consignee and purchaser shall relate only to purchase orders placed by one ultimate consignee and one purchaser with one United States exporter. A purchase order covered by any consignee statement may involve several commodities. The Single Transaction Statement by Consignee and Purchaser (Form FC–842) shall relate to only one purchase order. The Multiple Transactions Statement by Consignee and Purchaser (Form FC–843) may cover more than one purchase order.

NOTE 2: *Coded terms and translation requirements.* The provisions of § 372.9 (d) of this subchapter, requiring an explanation of terms and abbreviations and an English translation of documents in a foreign language, must be observed. Exporters may provide their foreign customers with Form

* Forms FC–842 and FC–843 may be obtained at all Department of Commerce field offices and from the Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C. Foreign importers may obtain copies of Forms FC–842 and FC–843 from their United States exporter or from United States diplomatic and Consular offices.

FC–842 and Form FC–843 translated into the foreign language of the customers. Copies of Form FC–842 and Form FC–843 in foreign languages will not be provided by the Bureau of Foreign Commerce.

NOTE 3: *Applicability of statements on ultimate consignee/purchaser statement to license applications and export licenses.* Information supplied by a consignee or purchaser on a consignee statement cannot be construed as extending or expanding the specific information on a license application or an export license resulting therefrom. With regard to disclosure of facts pertaining to an individual export transaction, the export license application covering the transaction must be self-contained. The authorizations contained in the resulting export license are not extended by the general information contained in the consignee statement with regard to reexportation from the country of destination or with regard to any other facts relative to the transaction as reported on the application.

NOTE 4: *Liability of ultimate consignee or purchaser.* Misrepresentations, either through failure to disclose facts, concealing a material fact, or furnishing false information in the required statement, will subject the ultimate consignee and/or purchaser to administrative action by the Bureau of Foreign Commerce, including suspension, revocation, or denial of licensing privileges and denial of other participation in exports from the United States.

NOTE 5: *Applicant's responsibility for full disclosure.* In submitting statements from the ultimate consignee and foreign purchaser, the applicant is not relieved of responsibility for full disclosure of any other information concerning the ultimate destination and end use of which he has knowledge or belief, whether or not inconsistent with the representations of the ultimate consignee or foreign purchaser. In accordance with the provisions of § 381.5 of this subchapter, the applicant shall also promptly bring to the attention of the Bureau of Foreign Commerce any change in the facts which were set forth in the first or any supplementary statement from the ultimate consignee or purchaser and which change was brought to his notice by the ultimate consignee or purchaser or any other person subsequent to the date the statement was made.

NOTE 6: *Applicant is not named on consignee statement.* If the license applicant is not named on the consignee statement, the provisions of § 372.4 (a) (2) of this subchapter must be observed.

(e) *Letterheads and order forms.* The printed name, address, or nature of business of the ultimate consignee or purchaser appearing on his letterhead or order form shall not constitute evidence of either his identity, the country of ultimate destination, or end use of the commodities described in the application.

(f) *Requests for Amendments.*[7] (1) A new consignee and purchaser statement (Form FC–842 or FC–843) shall accompany a request for an amendment of an export license which proposes a change in the consignee or purchaser in the transaction named in the export license, if the proposed amendment is not in accordance with the consignee and purchaser statement previously submitted to the Bureau of Foreign Commerce.

(2) (i) A new Single Transaction Statement by Consignee and Purchaser (Form FC–842) or a letter, wire or cable from the ultimate consignee and purchaser (if applicable) confirming the change, shall accompany a request for an amendment of an export license which proposes any increase in the quantity set forth in the export license if the proposed amendment is not in accordance with the Single Transaction Statement by Consignee and Purchaser previously submitted to the Bureau of Foreign Commerce.[7] If a proposed quantitative amendment is in accordance with the previously submitted Single Transaction Statement by Consignee and Purchaser, the amendment request shall include the following certification:

I (we) certify that this request for amendment of export license number _____, if granted, will not exceed the total covered by the Single Transaction Statement by Consignee and Purchaser against which this export license was issued.

(ii) Where the export license is based on a Multiple Transactions Statement, an additional Statement is not required from the consignee or purchaser to support a proposed license amendment for increase in quantity. In lieu thereof, the following certification shall be placed on the request for amendment:

I (we) certify that the license(s) listed above is supported by a Multiple Transactions Statement.

§ 373.66 *Austria.*[1] (a) *Austrian Import Identification number.* Each applicant for a license to export commodities to Austria shall show in the import permit number item on the Application for Export License (Form IT– or FC–419), the Austrian import identification number on which the application is based. These numbers run in series from 1,000 to 339,999 inclusive, and in all instances will be preceded by the letters "IKN".

(b) *Exportations to the Austrian Government.* Applications for licenses to export commodities to Austrian Government agencies are exempt from the requirement to furnish the Austrian Import Identification Number where the Austrian Government agency actually placed the order with the applicant and will accept delivery of the exportation when it is received in Austria.

NOTE: For definition of "government agency", see § 373.65 (a) (2) (iv).

(c) *Exceptions.* (1) The Bureau of Foreign Commerce will consider the granting of an exception to this requirement where the ultimate consignee is unable to furnish the U. S. exporter with the Austrian Import Identification Number and the granting of an exception will not be contrary to the objectives of the United States export control program. The Bureau of Foreign Commerce may waive the requirement where it is shown that the inability of the foreign importer to provide the required information was due to discrimination against the U. S. exporter by the foreign government or for any other valid reason of similar importance.

(2) Each request for exception shall be by letter, in duplicate, accompanying the license application to which it applies, addressed to the Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C. The letter request should include, among other things, (i) the nature and duration of the business relationship between the applicant and the importer shown on the license application; (ii) the reason or reasons for the foreign importer's inability to obtain the Austrian Import Identification number from his government; (iii) a statement as to whether the exporter has previously submitted to the Bureau of Foreign Commerce any Austrian Import Identification numbers issued in the name of the importer and a listing of Bureau of Foreign Commerce Case Numbers to which such certificates applied; and (iv) any other facts which would justify the granting of an exception. The applicant should also attach to his letter request, or have on file in the Bureau of Foreign Commerce, a statement from the consignee and purchaser in accordance with § 373.65. No request will be considered or granted unless such statement is submitted or is on file in the Bureau of Foreign Commerce.

(3) Where the letter request relates to more than one license application, whether submitted at the same time or at a later date, the original letter request shall be attached to one application and a copy of the letter request shall be attached to each additional application to which it is equally applicable. Any application to which a copy of the letter request is attached shall contain a reference (Bureau of Foreign Commerce Case Number, if known, or applicant's reference number) to the application to which the original letter request was attached.

§ 373.67 *Switzerland*—(a) *Import Certificate requirement.* License applications for export of commodities to Switzerland must be accompanied by the original Blue Import Certificate issued to the Swiss importer by the Swiss Federal Department of Public Economy, Division of Commerce, Import and Export Control, covering the proposed exportation from the United States. Where the Import Certificate covers commodities for which more than one export license application is submitted, the original of the Import Certificate shall be attached to the first such application. Each subsequent application shall contain a reference (Bureau of Foreign Commerce Case Number, if known, applicant's reference number, or other identifying information) to the application to which the original Import Certificate was attached and shall include the following certification:

I (we) certify that I (we) have not submitted applications, including the present application, against the Swiss Blue Import Certificate No. _____ in excess of the total quantity authorized thereon.

(b) *Exemptions*—(1) *45-day grace period for Positive List additions.* When a commodity becomes subject to the requirements of this section by reason of having been added to the Positive List, export license applications for such commodities need not conform to these requirements for a period of 45 days from the time such commodities are added to the Positive List.

(2) *Shipments to the Swiss Government.* (1) Applications for licenses to export commodities to Swiss Government agencies are exempted from the requirement to submit a Swiss Blue Import Certificate where the Swiss Government agency actually placed the order with the applicant and will accept delivery of the exportation when it is received in Switzerland.

NOTE: For definition of "government agency" see § 373.65 (a) (2) (iv).

(c) *Return of Blue Import Certificate.* The Swiss Blue Import Certificate provides that the Swiss importer has pledged himself directly to import the commodities into the Swiss customs territory and that any reexportation of these goods is prohibited. If the Swiss importer is unable to obtain the commodities covered by a Swiss Blue Import Certificate, he is required by the Swiss Government to produce evidence of such inability. Therefore, United States exporters may be requested by their foreign importers to return unused or partially used Import Certificates. In such cases the U. S. exporter should forward the Import Certificate to his importer as soon as he determines that the Import Certificate will not be used with a new or resubmitted license application, or an appeal. In order to meet these requests, Import Certificates on file in the Bureau of Foreign Commerce will be returned to exporters in accordance with the procedures indicated below:

(1) *Import Certificate quantity greater than license application.* Where an Import Certificate covers a quantity in excess of the export license applications submitted against it, the Bureau of Foreign Commerce will retain the Import Certificate until such time as the exporter requests the return thereof. When requesting the return of the Import Certificate, the exporter should submit his request in writing, showing the name and address of the named importer, applicable Bureau of Foreign Commerce Case Numbers to which the Import Certificate applies, Import Certificate number, and a statement that such Import Certificate will not be used in connection with a new or resubmitted application for export. Appropriate notation will be made on the Import Certificate by the Bureau of Foreign Commerce.

(2) *Import Certificate and license application in same quantities.* The Bureau of Foreign Commerce will automatically return the applicable Import Certificate to the United States exporter (applicant) whenever an application for export covers the same type and amount of the commodity as that shown on the Import Certificate, but such application is rejected or approved in a reduced quantity. Appropriate notation will be made on the Import Certificate by the Bureau of Foreign Commerce.

(3) *Unshipped quantities.* In instances where the U. S. exporter does not intend to ship the total quantity or any portion of commodities for which a license has been issued and desires the return of the Import Certificate, he should submit his request in writing for return of the Import Certificate, together with a request for cancellation or amendment of the license to show the quantity, if any, which he intends to ship. Where the amendment refers to an unexpired license, the exporter shall submit the amendment form (Form IT– or FC–763) (in addition to the letter request), as provided by the regular amendment procedure. (See § 380.2 of this chapter.) Appropriate notation will be made on the Import Certificate by the Bureau of Foreign Commerce.

NOTE: 1. *Shipments to Switzerland.* Shipments to Switzerland are subject to § 379.10 requiring a statement on the Shipper's Export Declaration, bill of lading, and commercial invoice, to the effect that the commodities are licensed by the United States for ultimate destination Switzerland and that diversion contrary to U. S. law is prohibited.

2. *Reexportation to Switzerland.* Where an Import Certificate has been submitted to the Bureau of Foreign Commerce covering an exportation for the account of an importer pursuant to the provisions of § 373.2 and the exportation is subsequently to be reexported to Switzerland, the applicant for export license is not required to submit a Swiss Blue Import Certificate to the Bureau of Foreign Commerce. However, the exporter is required to secure permission from the Bureau of Foreign Commerce prior to reexportation, in compliance with § 372.12 (a) of this chapter.

(d) *Exceptions.* (1) The Bureau of Foreign Commerce will consider the granting of an exception to the requirement for submission of the Swiss Blue Import Certificate where the ultimate consignee has been unable to obtain the required document and the granting of an exception will not be contrary to the objectives of the United States export control program. The Bureau of Foreign Commerce may waive the requirement of the submission of the Swiss Blue Import Certificate where the refusal by the foreign government to issue the Import Certificate constitutes discrimination against the United States exporter, or for any other valid reason of similar importance. Each such request or exception shall be by letter, in duplicate, accompanying the license application to which it applies, addressed to the Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C. The letter request should include, among other things, (i) the nature and duration of the business relationship between the applicant and the importer shown on the license application; (ii) the reason or reasons for the foreign importer's inability to obtain the Blue Import Certificate from his government; (iii) a statement as to whether the exporter has previously submitted to the Bureau of Foreign Commerce any Swiss Blue Import Certificates issued in the name of the importer and a listing of the Bureau of Foreign Commerce Case Numbers to which these certificates applied; and (iv) any other facts which would justify the granting of an exception. The applicant should also attach to his letter request, or have on file in the Bureau of Foreign Commerce, a statement from the consignee and purchaser in accordance with § 373.65. No request will be considered or granted unless such statement is submitted or is on file in the Bureau of Foreign Commerce.

(2) Where the letter request relates to more than one license application, whether submitted at the same time or at a later date, the original letter request shall be attached to one application and a copy of the letter request shall be attached to each additional application to which it is equally applicable. Any application to which a copy of the letter request is attached shall contain a reference (Bureau of Foreign Commerce Case Number, if known, or applicant's reference number) to the application to which the original letter request was attached.

(e) *Amendment requests for increased quantities.*[10] A request for amendment to increase the quantity of an export license which is covered by a Swiss Blue Import Certificate shall include the following certification on Form IT– or FC–763 or on a signed attachment thereto:

I (we) certify that this request for amendment of export license No. _____, if granted, will not exceed the total quantity authorized under Swiss Blue Import Certificate No. _____.

§ 373.68 *Cambodia, Laos, and Viet-Nam (the area formerly known as Indo-China).* All license applications (Form IT– or FC–419), Ultimate Consignee and Purchaser Statements (Form IT– or FC–842 or 843, see § 373.65), and destination control statements (see § 379.10 (c) of this subchapter) which make reference to Indo-China shall also specify which of the following areas are referred to:

(a) Communist controlled areas of Viet-Nam and Laos.

(b) Cambodia and the non-Communist controlled areas of Viet-Nam and Laos.

§ 373.69 *Hong Kong*—(a) *Scope.* The provisions of this section shall apply to shipments to Hong Kong of all commodities on the Positive List of Commodities (§ 399.1 of this subchapter) for which a validated export license is required, unless the shipment (or application for export license) is of the type exempted by the provisions of § 373.2 (a) (2).

NOTE: The ultimate consignee and purchaser statement procedure set forth in § 373.65 shall be applicable to proposed exports to Hong Kong of commodities not on the Positive List of Commodities for which a validated export license is required. However, an Import License will be acceptable in lieu of a Consignee and Purchaser Statement for proposed exports of non-Positive List commodities.

(b) *Documents.* For export control purposes, an endorsed Import License (Form 3) issued by the Hong Kong Government to importers in Hong Kong is the equivalent document to the Import Certificate (Form IT– or FC–826) issued to U. S. importers. C & I Form 229, Delivery Verification, and C & I Form 42, Landing Certificate, as issued by the Government of Hong Kong to importers in Hong Kong, are the equivalent documents.

[7] Section 380.2 contains other provisions applicable to amendments of licenses covered by a consignee and purchaser statement.

[1] Also see § 373.2 for requirement for submission of import certificate.

[10] Section 380.2 of this chapter contains other provisions applicable to amendments of applications covered by a Swiss Blue Import Certificate.

ments of the Delivery Verification (Form IT– or FC–908) issued to U. S. importers (see § 368.1 of this subchapter).

(c) *Submission of import license*—(1) *Single transaction import license.* (i) The applicant shall attach to his license application, covering a proposed exportation described in paragraph (a) of this section, the duplicate copy of the Import License, bearing the official authentication of the governmental authorities in Hong Kong, issued to the named importer or his agent and covering the commodity or commodities described in the export license application. The copy of the Hong Kong Import License attached to the application for a validated license shall include thereon one of the following stamped endorsements which shall bear the signature of an official of the Hong Kong Government:

(a) For consumption in Hong Kong. Diversion en route prohibited. Re-export not permitted except under special license and subject in addition to general or specific concurrence of government of supplying country concerned.

(b) For re-export to ----------

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(Approved destination)

Diversion en route prohibited. To be delivered by shipping or airline company concerned to Govt. designated godown. Overside delivery not permitted. Release from godown subject to approval of export license.

(c) For local consumption in Hong Kong.

(ii) Where the Hong Kong Import License covers commodities for which more than one export license application is submitted, the Import License shall be attached to the first such application. Each subsequent application shall include the following certification:

I (we) certify that I (we) have not submitted applications, including the present application, against the Hong Kong Import License No. -------- in excess of the total quantity authorized thereon. This Import License was submitted in support of Application No. ----------

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(BFC Case No. or if Case No. is unknown, the Applicant's Reference No., date of submission of the application to which the Import License was attached, and Schedule B Nos. shown on that application)

NOTE: BFC Case No. Inclusion. Whenever possible, the BFC Case Number should be indicated on the certification set forth above since failure to supply the BFC Case Number may result in delay in processing the application.

(2) *Multiple transaction import license.* Exporters may submit to the Bureau of Foreign Commerce the duplicate copy of the Hong Kong Import License issued by the Government of Hong Kong, appropriately endorsed as provided in subparagraph (1) (i) of this paragraph, covering all proposed exportations of a commodity or commodities, regardless of value, including commodities based on export orders amounting to less than $500. However, to be acceptable, the multiple transaction Import License must indicate either a specific validity period or a specific quantity or value. The exporter shall submit the Import License bearing the official authentication of the Hong Kong governmental authorities, together with one additional copy for each Bureau of Foreign Commerce processing code to which the Import License applies and a listing of such processing codes. Each subsequent application for export license submitted against a multiple transaction Import License shall bear on the face of the application one of the following certifications (depending on whether a quantity is shown on the Import License) signed by the applicant:

I (we) certify that I (we) have not submitted applications including the present application against the Hong Kong Import License No. -------- in excess of the total quantity authorized thereon.

or (if no quantity is shown on the Import License):

This application is supported by the Hong Kong multiple transaction Import License No. --------.

(d) *Submission of verification of delivery.* (1) The Bureau of Foreign Commerce may require verification of delivery in the form of a Hong Kong Delivery Verification or Landing Certificate, for any exportation to Hong Kong for which a validated license is granted, including commodities not listed on the Positive List. Where a verification of delivery is required, the face of the export license will bear the stamped words "Delivery Verification Required, see attached Form IT– or FC–863." Where a Form IT– or FC–863 is attached to a license forwarded by the Bureau of Foreign Commerce to an agent or freight forwarder of the licensee, it shall be the responsibility of the agent to notify the licensee that a verification of delivery is required.

(2) Where verification of delivery is required on a shipment, the United States exporter shall submit the Hong Kong Delivery Verification (C & I Form 229) to the Bureau of Foreign Commerce. In instances where the Bureau of Foreign Commerce requires verification of delivery and the Hong Kong Government does not issue their Delivery Verification form, the United States exporter shall obtain a Landing Certificate (C & I Form 42) from the Hong Kong importer and submit this certificate to the Bureau of Foreign Commerce in lieu of the Delivery Verification form.

(3) The requirement that a verification of delivery be submitted for a particular commodity is canceled automatically if, subsequent to the issuance of a license, the commodity is authorized by the Bureau of Foreign Commerce to be shipped to Hong Kong under General License GHK.

(e) *Applicability of IC/DV provisions in* § 373.2. The provisions of § 373.2 (a) (2), the note following § 373.2 (c), (d), (e), (f), (g), and (h), and the note and explanatory statements and interpretations following § 373.2 (h), shall be equally applicable to license applications and validated export licenses to Hong Kong.

§ 373.70 *Yugoslavia*—(a) *End-Use Certificate requirement.* License applications for the export of commodities to Yugoslavia shall be accompanied by the original End-Use Certificate covering the proposed exportation from the United States issued to the Yugoslav importer by the Federal Chamber for Foreign Trade in Belgrade (Beograd). Where the End-Use Certificate covers commodities for which more than one export license application is submitted, the original of the End-Use Certificate shall be attached to the first such application. Each subsequent application shall include the following certification:

I (we) certify that I (we) have not submitted applications, including the present application, against the Yugoslav End-Use Certificate No. ------ in excess of the total quantity authorized thereon. This End-Use Certificate was submitted in support of Application No. ----------

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(BFC Case No. or if Case No. is unknown, the Applicant's Reference No., date of submission of the application to which the End-Use Certificate was attached, and Schedule B Nos. shown on that application.)

NOTE: 1. *Translation requirements.* All abbreviations, coded terms, or other expressions having special significance in the trade or to the parties to the transaction must be explained. Documents in a foreign language must be accompanied by an accurate English translation. Such translation need not be made by a translating service, but, if not, must be certified by the applicant to be a correct translation. (See § 372.9 of this subchapter.)

2. *Purchase order.* The Yugoslav End-Use Certificate may cover more than one purchase order and may be concerned with several commodities; however, the End-Use Certificate shall relate only to purchase orders placed by a single importer with a single United States exporter.

3. *Applicant's responsibility for full disclosure.* In submitting a Yugoslav End-Use Certificate, the applicant is not relieved of responsibility for full disclosure of any other information concerning the ultimate destination and end use of which he has knowledge or belief, whether or not inconsistent with the representations set forth in the End-Use Certificate. The applicant also shall, by means of supplementary statements from the importer or any other party to the transaction, notify the Bureau of Foreign Commerce of any change that is brought to his notice subsequent to the date the End-Use Certificate is issued.

4. *Yugoslav End-Use Certificate as a factor in licensing.* The Department of Commerce reserves the right in all respects to determine to what extent any license shall be issued covering commodities for which the Yugoslav Government has issued an End-Use Certificate. The Department of Commerce will not seek or undertake to give consideration to recommendations from the Yugoslav Government as to the United States exporter whose license application should be approved. A Yugoslav End-Use Certificate will be used by the Bureau of Foreign Commerce as only one of the considerations upon which licensing action will be based, since quotas, end uses, etc., must remain important factors in export licensing.

(b) *Exemptions*—(1) *45-day grace period for Positive List additions.* When a commodity becomes subject to the requirements of this section by reason of having been added to the Positive List, export license applications for such commodities need not conform to these requirements for a period of 45 days from the time such commodities are added to the Positive List.

(2) *Shipments to the Yugoslav Government.* Applications for licenses to export commodities to Yugoslav Government agencies are exempted from the requirement to furnish the Yugoslav End-Use Certificate where the Yugoslav Government agency actually placed the order with the applicant and will accept delivery of the exportation when it is received in Yugoslavia.

NOTE: For definition of "government agency", see § 373.65 (a) (2) (iv).

(c) *Return of End-Use Certificate.* The Yugoslav End-Use Certificate provides a certification by the Yugoslav importer to his Government that he will import the commodities through the Yugoslav customs frontier and that he will not reexport the goods without obtaining permission from his Government. If the Yugoslav importer is unable to obtain the commodities covered by the End-Use Certificate, he is required by the Government of Yugoslavia to produce evidence of such inability. Therefore, where United States exporters are requested by their foreign importers to return unused or partially used End-Use Certificates, U. S. exporters shall return such Certificates in the same manner established for the return of a Swiss Blue Import Certificate (see § 373.67 (c) (1), (2), and (3)).

(d) *Exceptions.* The Bureau of Foreign Commerce will consider the granting of an exception to the requirement for submission of the Yugoslav End-Use Certificate where the ultimate consignee has been unable to obtain the required document and the granting of an exception will not be contrary to the objectives of the United States export control program. Requests for exception shall be submitted in the same manner prescribed for exceptions for the submission of a Swiss Blue Import Certificate (see § 373.67 (d)).

NOTE: Applicants are advised that delay may be entailed in the review of a license application under this exception clause in view of the necessary added consideration, although the Bureau of Foreign Commerce will process the application as quickly as possible. The BFC can give no assurance that an export license will be issued for any exportation where an exception to this section is requested.

(e) *Amendment request for increased quantities.*[1] A request for amendment to increase the quantity of an export license which is covered by a Yugoslav End-Use Certificate shall include the following certification on Form IT– or FC–763 or on a signed attachment thereto:

I (we) certify that this request for amendment of export license No. -------, if granted, will not exceed the total quantity authorized under Yugoslav End-Use Certificate No. -----.



## SUBPART E—TIME SCHEDULES FOR SUBMISSION OF APPLICATIONS FOR LICENSES

§ 373.71 *Supplement 1.*

TIME SCHEDULES FOR SUBMISSION OF APPLICATIONS FOR LICENSES TO EXPORT CERTAIN POSITIVE LIST COMMODITIES

(Second and third quarters of 1956)

| Dept. of Commerce Schedule B No. | Commodity | Submission dates | |
|---|---|---|---|
| | | Second quarter, 1956 | Third quarter, 1956 |
| 630050 | Aluminum scrap (new and old) | Before June 16, 1956 | |
| 630070 | Aluminum remelt ingots | | |
| 641300 | Copper scrap (new and old) containing 40 percent or more copper. | | |
| 644000 | Copper-base alloy scrap (new and old) containing 40 percent or more copper, excluding copper-nickel alloy scrap containing 40 percent or more copper and 5 percent or more nickel. | | |
| 644100 | Copper-base alloy ingots and other crude forms | | |
| 619159 | Selenium powder | Mar. 1-15, 1956 | June 1-15, 1956 |
| 622098 | Ferroselenium | | |
| 664998 | Selenium metal, except selenium-bearing scrap materials. | | |
| 829810 | Selenium-containing rubber compounding agents not of coal tar origin: accelerators. | | |
| 839750 | Selenium salts of organic compounds | | |
| 839900 | Selenium salts and compounds, including selenium dioxide. | | |
| 842900 | Selenium-containing pigments | | |

NOTES

1. *Return of unused quotas.* As soon as a licensee determines that he will not export the entire licensed amount of a commodity subject to a quantitative quota he shall promptly submit to the Bureau of Foreign Commerce a request for an amendment reducing the quantity covered by the license to the amount he actually intends to export (see § 373.6). If none of the commodities covered by the license is to be exported, the license shall be returned to the Bureau of Foreign Commerce for cancellation.

2. *Where no filing dates are announced.* Applications for licenses to export commodities for which no specified filing dates are announced may be submitted at any time (see § 372.5 (c) of this subchapter).

3. *Intransit shipment.* Export applications for commodities requiring a validated license when moving in transit through the United States may be submitted at any time and are not subject to specified filing dates (see Note following § 372.6 (d) of this subchapter).

[1] Section 380.2 of this subchapter contains other provisions applicable to amendments of applications covered by a Yugoslav End-Use Certificate.

## PART 374—PROJECT LICENSES

Sec.
374.1 Project licenses.
374.2 Application procedure.
374.3 Amendments to licenses.
374.4 Export clearance.
374.5 Other applicable provisions.

AUTHORITY: §§ 374.1 to 374.5 issued under sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023, E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.

§ 374.1 *Project licenses.* Under the provisions of this part, there is established a procedure for the exportation of commodities required for a specific project or program. Pursuant to this procedure, application may be made for a project license which, if issued, can be used to effect export clearance of commodities requiring a validated license.

(a) *Definitions.* (1) A "project" is a new foreign operation, or the expansion of an existing foreign operation, for which commodities are required; in other words, a capital expenditure.

(2) A "program" is the maintenance, repair or operation, and production requirements of commodities for a foreign operation.

(b) *Types of project licenses.* (1) Two types of project licenses have been established: the Dollar Limit (DL) license, and the Special Project (SP) license. The form of the project license will be a validated Export License, Form IT– or FC–628, with supplemental validated documents as required. The validated Form IT– or FC–628 constitutes the general approval and authorization of the project; however, export clearance of the specific Positive List commodities for such project may be effected only under the appropriate supplemental validated documents. The validated Form IT– or FC–628 may cover a project or program for a validity period of one year which may be renewable for a similar period on the request of the licensee in accordance with § 374.3. Supplemental documents will be valid for the period indicated thereon.

(2) In order to be considered under this procedure, a foreign project or program must have annual requirements for materials sufficient in quantity or variety to justify the use of the DL or SP procedure. Save for exceptional circumstances, applications for project licenses will be granted only for commodities not intended for resale.

(c) *Application for other validated licenses.* An exporter holding a project license (SP or DL) shall not apply for, nor will the Bureau of Foreign Commerce issue to him, an individual or any other type of validated license for a transaction involving a project whose requirements are covered by his outstanding SP or DL Project License, except where the shipment is to be made by mail under the provisions of § 374.4.

NOTE: 1. *Project license identification.* If a project license is issued, it will be given a license number with either the prefix "SP" (if approved as a Special Project license) or with the prefix "DL" (if approved as a Dollar Limit license). The "SP" or "DL" prefix will be followed with the license number and an additional symbol to indicate the code of the product division in the Bureau of Foreign Commerce which is responsible for issuing the license and for handling any other matters with respect to that license. The symbol "P" indicates the Producers Equipment Division, "F" the Finished Products Division, "M" the Materials Division, and "A" the Agricultural and Chemical Products Division. As an example, License Number "DL–113–P" indicates that a Dollar

Limit (DL) type of project license has been issued, that number "113" is the numerical sequence of license issuance and that the Producers Equipment Division (P) of the Bureau of Foreign Commerce is responsible for handling all matters with respect to that license.

2. *Consultation with the Bureau of Foreign Commerce.* Prospective applicants for new project licenses should consult with the Bureau of Foreign Commerce so that a determination may be made as to whether the use of the project licensing procedure is justified. Where the prospective applicant is unable to determine which product division in Bureau of Foreign Commerce is responsible for licensing the bulk of the commodities required for a project or program, this information may be obtained from the Exporters Service Section, Operations Division, Bureau of Foreign Commerce.

3. *Holders of SP Project Licenses.* Holders of outstanding SP Project Licenses, as well as other applicants, may apply for Dollar Limit licenses. If requirements for a project or program now authorized for export by an outstanding SP Project License are approved for export under a Dollar Limit License, the SP Project License will be canceled.

§ 374.2 *Application procedure*—(a) *Basis for consideration of applications*—(1) *Dollar limit (DL) license.* Applications for DL licenses must meet one or more of the following conditions:

(i) The project or program will contribute significantly to supporting, maintaining, or increasing the production of materials strategic to, or in short supply in, the United States, and will benefit supply conditions of these materials in the United States or in areas in which the United States has a significant interest.

(ii) It will implement the Mutual Security Act or will implement loans granted foreign countries by the Export-Import Bank or the International Bank for Reconstruction and Development.

(iii) In the opinion of an appropriate agency of the United States Government (including the Bureau of Foreign Commerce), it merits licensing under the DL procedure.

(2) *Special project (SP) license.* Project license applications will be considered for SP licenses where the above criteria for DL licenses are not fully met or when, for other reasons, the project does not justify the approval of a DL license. Annual requirements for materials must be sufficient in quantity and variety to justify the use of the SP procedure rather than the individual license procedure.

(b) *Application for project licenses*—(1) *Preparation of application form.* Applications shall be on Form IT– or FC–419, in duplicate, accompanied by an Acknowledgment Card, Form IT– or FC–116, a letter of explanation (in duplicate), and a statement of estimated requirements (in duplicate). In preparing the application, Form IT– or FC–419, with respect to the particular items specified below, the applicant shall enter:

(i) In the commodity description item, the following legend:

Articles and materials set forth on the attached statement of estimated requirements constitute the total known requirements for (insert name of project) or requirements for one year for (insert name of program) of commodities requiring validated export license beginning (insert date, beginning with a calendar quarter). We hereby certify that if a license is granted in response to this application, no such commodities will be exported under the license unless specifically required for the project or program, and after exportation the commodities will not be disposed of or used for any purpose other than that stated in this application.

(ii) In the value item, the total or aggregate dollar value of the commodities to be exported.

(iii) In the signature item, the signature of the person who has authority to bind the applicant organization to its commitments in the license application. In the case of an individual, the application shall be signed by that individual applicant; in the case of a partnership, it shall be signed by a partner; in the case of a corporation, it shall be signed by an officer; in the case of other applicants, it shall be signed by a comparable official.

(2) *Preparation of acknowledgement card.* Form IT– or FC–116, Acknowledgement Card, shall be prepared in accordance with § 372.5 (a) with the following exceptions:

(i) In the Schedule B Number item, the applicant should enter "Project License."

(ii) The processing code item shall not be completed.

(iii) In the commodity description item, the name of the project shall be entered.

In returning the Acknowledgement Card to the applicant, the Bureau of Foreign Commerce will insert a code symbol in the processing code item to indicate the name of the product division to which the application has been assigned for processing. Any contacts with the Bureau of Foreign Commerce with regard to the application should be made with the indicated division. The code symbols used are as follows:

P—Producers Equipment Division.
F—Finished Products Division.
M—Materials Division.
A—Agricultural and Chemical Products Division.

(3) *Letter of explanation.* The letter of explanation shall give full details as to urgency of need of the commodities and the nature of the project or program for which the commodities are required. The degree of adequacy of the information submitted in justification of the project or program has a direct bearing upon the period of time required for processing the application and the action taken. Additional information, if needed, will be requested by the Bureau of Foreign Commerce.

(4) *Statement of estimated requirements.* The statement of estimated requirements shall specify the estimated commodity requirements necessitating validated export license for the project or, in the case of a program, for one year, or less if the program is of shorter duration. Such statement shall be made in terms of broad descriptive categories corresponding with the unnumbered commodity subgroup headings which appear on the Positive List under the main numbered commodity group headings. In addition, the total dollar value of the requirements for each category of commodities, whether or not an individual Form IT– or FC–375 is required (see paragraph (c) (1) and (2) of this section), shall be included in connection with all project license applications except a DL project license application for a Group O country. Examples are indicated below:

Under Commodity Group 2, "Rubber (Natural Allied Gums, and Synthetics) and Manufactures"—$7,000.
Under Commodity Group 5, "Petroleum and Products"—$120,000.
Under Commodity Group 6, "Metal Manufactures"—$150,000.
Under Commodity Group 7, "Electrical Machinery and Apparatus"—$200,000.

(i) *DL license.* If the project application is approved for a DL license, one copy of the statement of estimated requirements will be validated and attached to the Export License, Form IT– or FC–628, and will serve as a supplemental document to be presented to the Collector of Customs at the port of exit upon demand to clear other than restricted commodities. (Restricted commodities are identified on the Positive List by the letter "B" in the column headed "Commodity Lists".) Non-restricted commodities may be shipped in unlimited quantities to a project or program in a Group O country; provided that the commodities fall under commodity subgroup headings listed on the validated statement of estimated requirements. Shipments of non-restricted commodities to a project in a Group R country are limited to the total dollar value of the applicable commodity subgroup heading(s) shown on the validated statement of estimated requirements. Restricted commodities may be shipped to a project in a Group R or Group O country only in accordance with the procedure described in paragraph (c) (1) of this section.

(ii) *SP license.* If the project application is approved for an SP license, the procedure detailed in paragraph (c) (2) of this section must be complied with prior to the export of any commodity on the Positive List for which a validated export license is required.

(c) *Submission of Form IT– or FC–375*—(1) *Dollar limit (DL) project licenses*—(i) *Restricted commodities.* For the initial quarter, and thereafter for each successive calendar quarter, Form IT– or FC–375 (Materials Requirements List) must be submitted in duplicate for each commodity which is identified on the Positive List of Commodities by the letter "B" in the column headed "Commodity Lists." Related commodities on the Positive List having the same processing code and related commodity group number may be included on one set of Form IT– or FC–375. The commodity or related commodities must be described in terms of the Schedule B number, commodity description, and quantity in the unit of quantity shown for that commodity on the Positive List, as well as in terms of total dollar value. Commodities which do not have the same processing code and related commodity group number must be submitted on separate Forms IT– or FC–375. Each Form IT– or FC–375 shall indicate the full license number, including the symbol prefix (SP or DL) and division code symbol, of the project license to which it refers.

(ii) *Time of submission.* When specific time schedules are established for submission of applications covering particular commodities, the schedules must be observed in the submission of Form IT– or FC–375. In all other cases Form IT– or FC–375 must be submitted not later than 30 days prior to the calendar quarter in which the commodity will be exported. However, where a commodity is placed under restricted commodity control invalidating the license with respect to that commodity less than 30 days prior to a calendar quarter, Form IT– or FC–375 may be submitted immediately.

NOTE: 1. *Statement of essentiality.* A statement of the essentiality of the particular commodity in relation to the project will be helpful in expediting action on the application.

2. *Time schedules.* The commodities for which Form IT– or FC–375 must be submitted during particular periods are set forth in § 373.71 of this chapter, Time Schedules for Submission of Applications for Licenses To Export Certain Positive List Commodities.

(2) *Special project (SP) licenses*—(i) *Manner of submission.* For the initial quarter, and thereafter for each successive calendar quarter, a Form IT– or FC–375 must be submitted, in duplicate, for each commodity for which a validated license is required. Related commodities on the Positive List, that is, those having the same processing code and related commodity group number, may be included on one set of Form IT– or FC–375. Each Form IT– or FC–375 shall indicate the full license number, including the symbol prefix (SP or DL) and division code symbol, of the project license to which it refers. The commodity or related commodities must be described in terms of the Schedule B number, commodity description, and unit of quantity shown for that commodity on the Positive List, as well as in terms of total dollar value. Commodities which do not have the same processing code and related commodity group number must be submitted on separate Forms IT– or FC–375.

(ii) *Time of submission of firm requirements.* When specific time schedules are established for submission of applications covering particular commodities, such schedules must be observed in the submission of Form IT– or FC–375 covering quarterly firm requirements when so provided. In all other cases Form IT– or FC–375 must be submitted not later than 30 days prior to the calendar quarter in which the commodity will be exported.

NOTE: The commodities for which Form IT– or FC–375 must be submitted during particular periods are set forth in § 373.71 of this chapter, Time Schedules for Submission of Applications for Licenses To Export Certain Positive List Commodities.

(3) *Special provisions.* The requirements of the special provisions set forth in Part 373 of this subchapter with respect to particular commodities must be fulfilled as a part of making application for the export of such commodities under a project license.





§ 374.3 *Amendments to licenses*—(a) *Extension of validity period*—(1) *Submission of requests.* (i) Requests for extension of an SP or DL Project License must be submitted by letter, in duplicate, at least 30 days prior to the current expiration date of the license. The letter should contain the full license number, including the symbol prefix (SP or DL) and division code symbol, of the project license to which it refers, the reasons for requesting an extension, the approximate percentage of completion of the project or program and the approximate date of completion, as well as a statement as to whether the scope of the project or program has changed materially. If there is a change in the scope of the project or program and/or the level of requirements, the procedure as outlined in paragraph (b) of this section should be complied with.

(ii) In requesting the extension of a DL license, whether or not there is a change in the level of requirements, the applicant must submit with his letter of request a statement of estimated requirements, in duplicate, as set forth in § 374.2 (b) (4).

(2) *Notification.* If the extension request is granted, a notification letter will be sent to the licensee for attachment to the license and all Collectors of Customs will be notified. In case of a DL license, one copy of the statement of estimated requirements, validated by the Bureau of Foreign Commerce, will be returned to the licensee with the letter of notification. This will constitute authority for the licensee to clear other than restricted commodities through the Collector of Customs at the port of exit.

(b) *All other amendments.* Requests for amendments to project licenses which materially change the scope of the project or program or materially change the level of requirements from the United States, as well as amendments covering such other changes as addition of an intermediate consignee, change in name of the licensee, addition of another ultimate consignee, etc., shall indicate the full license number, including the symbol prefix (SP or DL) and division code symbol of the project license to which it relates and shall be submitted as follows:

(1) Requests for amendment of a DL (Dollar Limit) license shall be submitted in letter form, in duplicate, and shall include, if applicable, a supplementary statement, in duplicate, showing the estimated new or additional requirements for the project or program, as set forth in § 374.2 (b) (4). If the required additional commodity or commodities fall within the restricted commodities described in § 374.2 (c) (1), Form IT– or FC–375, in duplicate, must be submitted in accordance with the provisions of § 374.2 (c) (1).

(2) Except as indicated in subparagraph (3) of this paragraph, requests for amendment of an SP (Special Project) license shall be submitted in letter form, in duplicate, and shall include, if applicable, a supplementary statement of estimated requirements, in duplicate, showing the required additional commodities by broad descriptive categories and accompanied, where required, by Form IT– or FC–375, SP (Special) License Application Materials Requirements List, indicating the firm requirements for the initial calendar quarter, as provided in § 374.2 (c) (2).

(3) Requests for amendment of an SP license which covers a large petroleum construction project which was originally submitted under Order M–46A, shall be submitted as follows:

(i) If the amendment involves a significant change in the character of the project as approved, the request shall be submitted in accordance with subparagraph (2) of this paragraph.

(ii) If the licensee requires only export clearance for additional materials for the project as approved, the request shall be submitted on Form IT– or FC–375, in duplicate.

§ 374.4 *Export clearance*—(a) *Presentation of license.* (1) When clearing shipments for export under any project license, the licensee must present, upon demand of the Collector of Customs at the port of exit, either the original or a photostatic copy of the license, and the appropriate supplementary validated documents.

(2) No commodity which is identified on the Positive List by the letter "B" in the column headed "Commodity Lists" may be exported under a DL license (Form IT– or FC–628) unless such commodity is covered by a validated Form IT– or FC–375.

(3) Shipment under any project license cannot be made by mail unless the shipper has applied for and obtained an individual export license covering the particular commodities to be exported by mail. Application should be made on Form IT– or FC–375 in the usual way, except that the license holder should indicate on the face of the form that shipment of the commodities listed is to be made by mail. An individual license will be issued on the safety paper license form (Form IT– or FC–628). Clearance against such individual license must be effected in accordance with the procedures for shipments by mail outlined in § 379.1 (b) of this chapter.

(b) *Shipper's Export Declaration.* (1) When clearing shipments under a project license, licensees shall file with the Collector of Customs an additional (fourth) copy of the Shipper's Export Declaration (Commerce Form 7525–V). The licensee shall enter on the Declaration the full license number, including the symbol prefix (SP or DL) and division code symbol of the project license to which it relates. Where exportation is made under an SP license, or where a restricted commodity is being exported under a DL license, the amendment number as stated on the particular IT– or FC–375, as appropriate, shall be shown. The date of validation of the Form IT– or FC–375 also shall be stated.

(2) Commodities exported under a DL or an SP license shall be described on the Shipper's Export Declaration as they are described on the Positive List, including the processing code and related commodity group number. It is not sufficient to describe such commodities in terms of broad Schedule B commodity categories. As provided for in § 379.3 (a)

of this chapter in those cases where a Schedule B basket classification is involved, the detailed descriptions of only 5 of the items which represent the greatest proportion of the total dollar value need be shown on the Shipper's Export Declaration.

§ 374.5 *Other applicable provisions.* Insofar as consistent with the provisions of this part, all of the provisions of the Export Regulations shall apply equally to applications for the licenses issued under this part.

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PART 375—BLT (BLANKET) LICENSE

Sec.
375.1 BLT (Blanket) license.
375.2 Application requirements.
375.3 Export clearance.
375.4 Validity period.
375.5 Effect of other provisions.

AUTHORITY: §§ 375.1 to 375.5 issued under sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023, E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.

§ 375.1 *BLT (Blanket) license.* Under the provisions of this part, there is established an alternative procedure for the exportation of commodities requiring a validated license. Pursuant to this procedure, application may be made for a BLT (Blanket) license, which, if issued, authorizes exportation of the same commodity to two or more consignees in the same country of destination.

§ 375.2 *Application requirements—*(a) *Application form and consignee list.* An application for a BLT (Blanket) license shall be submitted on Form IT– or FC–419 with Acknowledgment Card (Form IT– or FC–116) attached, and must be accompanied by a list, in duplicate, of the proposed consignees, their addresses, and the quantity requested for each consignee. This list shall be attached to and will become a part of the license, if issued. In preparing such list, applicants shall leave ample space between listings in order to provide Collectors of Customs with sufficient space for entering quantities shipped to each named consignee.

(b) *Preparation of application.* In preparing a license application the applicant shall write the words "BLT License" in the commodity description item, and enter:

(1) In the item normally used to list ultimate consignees, "See attached list of consignees";

(2) In the quantity item, the total quantity of material to be exported; and

(3) In the value item, the unit price and the aggregate value of the material to be exported. Any variation in price for different consignees must be explained.

(c) *Submission of applications.* A BLT (Blanket) license application may be submitted at any time; provided that if the commodities covered by the BLT license application are commodities for which individual license applications must be submitted during specified periods of each calendar quarter (see § 373.71 of this chapter), the BLT license application must be submitted within the period specified.

(d) *Processing of applications.* (1) The Bureau of Foreign Commerce will leave intact, as nearly as possible, the list of proposed consignees submitted with each BLT application. This will enable the applicant to select the specific consignee to whom he prefers to ship in the event the entire quantity approved is less than that applied for, although no one consignee may receive more out of the total quantity approved than the amount specified for him on the list attached to the BLT application.

(2) If the Bureau of Foreign Commerce finds that it will require an extended period of time to process a BLT application because of the necessity for prolonged consideration of one or more proposed ultimate consignees, a blanket license will be issued excluding such consignee or consignees. By this method, undue delay will be avoided in processing the application. The Bureau of Foreign Commerce in such instances will notify the applicant that an individual license application may be submitted to cover each excluded consignee.

§ 375.3 *Export clearance—*(a) *Presentation of license to Customs.* When clearing shipments for export under any BLT (Blanket) license, the licensee must present the license to the Collector of Customs at the port of exit. The total amount shipped against such license shall not exceed the total quantity approved for export, and the total quantity shipped to a single consignee must not exceed the quantity specified for the respective consignee.[1]

(b) *Shipper's Export Declaration.* A person exporting any commodity pursuant to a BLT (Blanket) license shall enter the symbol "BLT" and the validated license number on each Shipper's Export Declaration filed with the Collector of Customs at the port of exit at the time of each exportation under each license.

§ 375.4 *Validity period.* BLT (Blanket) licenses will generally be issued for the same validity period as an individual license for the same commodity, unless otherwise stated on the face of the license.

§ 375.5 *Effect of other provisions.* Insofar as consistent with the provisions of this part, all of the provisions of the Export Regulations shall apply equally to applications for and licenses issued under this part.

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PART 376—PERIODIC REQUIREMENTS LICENSE

Sec.
376.1 Periodic Requirements license.
376.2 Certificate of qualification.
376.3 Application requirements.
376.4 Issuance of license.
376.5 Amendment of license.

AUTHORITY: §§ 376.1 to 376.5 issued under sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023, E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.

§ 376.1 *Periodic Requirements license—*(a) *General.* A procedure for a Periodic Requirements license (PRL) is hereby established. Under this procedure, a single application may be made to export commodities identified on the Positive List by the letter "E" in the column headed "Commodity Lists" to one or more named ultimate consignees at a named ultimate destination. The application may cover as much as six-months' estimated requirements of the named consignees for the commodities included in the application.

(b) *Applicability of PRL procedure.* Applications under this procedure will not be considered for the exportation of commodities to Hong Kong, Macao, and Subgroup A countries.

(c) *Established trade relationships.* A PRL license is issued to cover only United States export transactions between an United States exporter and one or more ultimate consignees who, with respect to that commodity, have an established trade experience with each other of at least two years' duration prior to the issuance of a Periodic Requirements license.

(d) *Waiver of order requirements.* In view of the limitations on the issuance of a Periodic Requirements license, the Bureau of Foreign Commerce will permit application by an exporter for such a license in anticipation of future orders. The provisions of § 372.4 (f) and (g) of this chapter relating to export orders are, therefore, waived with respect to applications for Periodic Requirements (PRL) licenses.

(e) *Historical trade pattern between exporters not a criterion.* The limitation on issuance of PRL licenses is not intended to restrict trade to any historic pattern with respect to the volume of trade or distribution between exporters. The Bureau of Foreign Commerce will continue to issue individual licenses, and other licenses where applicable, for the export of commodities subject to the PRL procedure. Therefore, any exporter ineligible for a Periodic Requirements license by reason of paragraph (c) of this section may become eligible thereunder by experience developed through transactions in these commodities covered by other types of licenses.

(f) *Application for other validated license.* An exporter holding a Periodic Requirements license shall not apply for, nor will the Bureau of Foreign Commerce issue, any other type of validated license, except a Time Limit or Foreign Distribution license, for any transaction involving a commodity and consignee covered by such PRL license, unless a parcel post shipment is to be made in accordance with § 372.5 (h) of this chapter. (For other methods of clearing parcel post shipments, see § 379.1 (b) of this chapter.)

NOTE: Exporters are advised not to apply for a PRL license to export commodities valued at less than $1,000 per calendar quarter. Generally such applications will be rejected with a recommendation that another form of license application be used.

§ 376.2 *Certificate of qualification for Periodic Requirements license—*(a) *Certificate of qualification required.* No application for a Periodic Requirements (PRL) license will be considered until a validated "Certificate of Qualification for Periodic Requirements (PRL) license", Form IT– or FC–888, shall have been issued. Consequently, Form IT– or FC–419 should not be submitted with the documents specified in paragraph (b) of this section when application for a certificate of qualification is made. Applications on Form IT– or FC–419 for individual or other types of export licenses may be submitted while an application for Certificate of Qualification is pending, but such applications must bear the notation "Certificate of qualification pending" in the commodity description item.

(b) *How to apply for Certificate of Qualification.* Each application for Certificate of Qualification shall comprise the following documents:

(1) Form IT– or FC–888 (in three copies).

(2) Form IT– or FC–821, Data of Past Participation in Exports Questionnaire (in two copies). Both original forms shall be assembled together and both duplicate forms shall be assembled together. When approved or rejected, the triplicate Form IT– or FC–888 will be returned to the applicant with an indication of official action by the Bureau of Foreign Commerce.

(c) *Preparation of documents.* The documents submitted by an applicant in connection with an application for a Certificate of Qualification shall be prepared in accordance with the following instructions:

(1) *Form IT– or FC–888.* This form shall indicate:

(i) The name and address of applicant;

(ii) The person to whom advice of the Bureau of Foreign Commerce action is to be mailed;

(iii) Schedule B Number and processing code and related commodity group number if the application covers a single entry on the Positive List. If application is made for a group of related commodities in accordance with § 372.2 (c) of this chapter, enter the processing code and related commodity group number, and a general description of the commodity; for example, "TRAN 6—Automotive Replacement Parts."

(2) *Form IT– or FC–821.* This form may include one or more countries and one or more commodities, and should be prepared as follows:

(i) The names and addresses of the consignees included must be shown in the country of destination item. If more than one country is included, the consignees must be listed by country of ultimate destination, showing the country as a heading followed by the names and addresses of the consignees located in that country.

(ii) (*a*) If Form IT– or FC–821 covers all of the commodities which are included under a single related commodity processing code and identified by an "E" on the Positive List, then such processing code designation should be indicated in Items 2 and 4 of Form IT– or FC–821. If the Form IT– or FC–821 covers one or more Schedule B numbers but not an entire processing code designation, the Schedule B number(s) should be listed in Item 2.

(*b*) The total quantity or value of the commodity shipped to each consignee during the two-year base period selected by the applicant (see § 376.1 (c)) must be shown in Item 4. If the application covers more than one commodity, show for each consignee the combined total quantity or value of all the commodities included. The quantity or value of the commodities shipped during the two-year base period shall not include toll shipments, in-transit shipments or shipments under a project license.

(*c*) The total of the quantity or value information shown for the individual consignees within a single country should be entered opposite the country heading. In reporting exportations of petroleum products, the total may be supplied by country only.

(iii) If the application covers more than one Schedule B number, or covers an entire related commodity group, the following statement must be typed or written in ink at the end of the last consignee entry: "Each ultimate consignee named herein participated during each year covered by this form in the importation from the undersigned of some of the commodities classified under each Schedule B number included under the list designated in Items 2 and 4 of this Form," except as indicated below:

"(Name of Firm) did not participate in the importation of (Schedule B Numbers)."

(d) *Notice of action.* (1) *Approval.* (i) When the application for Certificate of Qualification is approved by the Bureau of Foreign Commerce, a Form IT– or FC–888 will be validated, and the Bureau of Foreign Commerce reference number in the upper right-hand corner of the form will become the official Certificate of Qualification (CQ) number. An application for a PRL license(s) to export the commodities to consignee(s) listed in the Form or Forms IT– or FC–821 may then be considered by the Bureau of Foreign Commerce.

(ii) When an application is approved subject to modifications by the Bureau of Foreign Commerce, such stipulations will be indicated on the reverse side of Form IT– or FC–888.

(iii) The approval of an application does not imply continued approval. The Bureau of Foreign Commerce may withdraw an approval previously granted at any time it may consider it desirable to do so. Similarly, the granting of an approval for a stated period does not imply that future applications will be approved.

(2) *Return without action.* When an application is returned without action by the Bureau of Foreign Commerce, the reason(s) will be stated on the reverse side of Form IT– or FC–888.

(3) *Rejection.* When an application is rejected by the Bureau of Foreign Commerce, the reason for such action will be shown on the reverse side of Form IT– or FC–888. The applicant may apply for individual validated licenses for transactions covered by the rejected CQ application.

§ 376.3 *Application requirements—*(a) *Submission date.* The Bureau of Foreign Commerce will endeavor to take action on all applications for Periodic Requirements (PRL) license within 15 days after receipt of the application. However, to insure that the license, if approved, will be available for use when needed, applications should be filed about 30 days (but not more than 45 days) preceding the period for which the license is to be used.

(b) *Identification of PRL application.* When filing Form IT– or FC–419 for a PRL license, the applicant should identify it as such by inserting the CQ number in the commodity description item in the following manner: "Certificate of Qualification No. CQ ____"

(c) *How to prepare a PRL license application—*(1) *General.* An application for PRL license may include only one country of ultimate destination. More than one commodity may be included on a single application, provided the commodities are related commodities in accordance with § 372.5 (b) of this chapter and are covered by a certificate of qualification. Exportations to more than one consignee within the same country of destination may be included in a single application, provided all of the consignees are covered by a certificate of qualification. If more than one consignee is covered, the applicant shall attach a list, in duplicate, of the names and addresses of the proposed consignees, and state in the ultimate consignee item, "See attached list of consignees."

(2) *Quantity and value.* (*i*) The quantity applied for should not exceed the estimated six-months' requirements of the named consignees for the commodities included in the application.

(*ii*) When making application for a PRL license for petroleum products, the total quantity and value for each commodity must be shown on the Form IT– or FC–419, and the quantity and value of each commodity to be exported to each designated ultimate consignee must be shown on the attached list of consignees.

(*iii*) For all other commodities, the total quantity and value for each commodity must be shown, but a breakdown of quantity and value among consignees is not required. If no unit of quantity is indicated in the Positive List for the particular Schedule B number(s), then only value need be given on the application.

(d) *Other application requirements.* Issuance of a Certificate of Qualification does not assure approval of any PRL license for which application is made. PRL applications are subject to individual consideration by the Bureau of Foreign Commerce, and must meet all the criteria of validated individual and blanket license applications with the exceptions noted in § 376.1 (d).

§ 376.4 *Issuance of license.* Periodic Requirements (PRL) licenses will be issued on Form IT– or FC–628 (Export License), and will bear the identifying words "Periodic Requirements License" below the validation stamp.

(a) *Validity period.* The validity period of a PRL license will be for a period of one year from issuance of the license,

[1] See Note following § 379.2 (b) of this chapter for application of tolerance provisions.

and the effective dates of validity will be indicated on Form IT– or FC–628.

(b) *Presentation of licenses to Customs.* The PRL license shall be deposited with the Collector of Customs at the port of exit through which the greater portion of shipments thereunder will move. Upon request of the licensee, Collectors may authorize movement of a portion of the shipment from another port in accordance with the procedures established in § 379.2 (e) of this chapter.

(c) *Effect of other provisions.* Except as modified by this part, all of the provisions of the Export Regulations are applicable to any application for a PRL license and any license issued pursuant thereto.

§ 376.5 *Amendment of license*—(a) *Amendment of quantity.* If the amount licensed under a Periodic Requirements (PRL) license proves insufficient to meet an exporter's requirements for any country, he may request an increase in the quantity authorized for export under such license. This should be done by requesting amendments of the appropriate PRL license on Form IT– or FC–763, Request for and Notice of Amendment Action, in accordance with the provisions of § 380.2 of this chapter.

(b) *Extension of validity period.* Generally, extension of the validity period of a PRL license will not be granted where such license is valid for one year. Consideration will be given, however, to requests for extension of outstanding PRL licenses which were issued for validity periods of six months.

## PART 377—TIME LIMIT (TL) LICENSE

Sec.
377.1 Time Limit (TL) license.
377.2 Commodities subject to TL license.
377.3 Consideration of applications.
377.4 Reexportation.
377.5 Application requirements.
377.6 Issuance of licenses.
377.7 Export clearance.
377.8 Use of other licensing procedures.
377.9 Amendment of license.
377.10 Effect of other provisions.

AUTHORITY: §§ 377.1 to 377.10 issued under sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023, E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.

§ 377.1 *Time Limit (TL) license.* Under the provisions of this part, there is hereby established an alternative procedure for the exportation of certain specified commodities to Country Group O destinations (listed in § 371.3 of this chapter). Pursuant to this procedure, application may be made for a Time Limit (TL) license which, if issued, authorizes exportations in unlimited quantities of the licensed commodity or commodities to a consignee in a Country Group O destination for a period of one year from issuance of the license. Reexportation by the foreign consignee to importers in Group O countries may also be effected in accordance with the provisions of § 377.4.

§ 377.2 *Commodities subject to TL license.* The commodities which may be exported under this procedure are all RO commodities on the Positive List of Commodities (§ 399.1 of this chapter) except those identified by the letter "B" in the "Commodity Lists" column.

§ 377.3 *Consideration of applications*—(a) *End use.* Applications for Time Limit (TL) licenses will be considered for approval when the commodities proposed to be exported are intended for consumption or resale within the particular country of ultimate destination or for reexportation by the foreign consignee to another Group O country. However, reexportation may not be effected until such time as approval is received from the Bureau of Foreign Commerce in accordance with § 377.4.

(b) *Applicant-consignee relationship.* An applicant for a Time Limit (TL) license must have an established business relationship with the ultimate consignee named on the application for a period of two years immediately preceding the date of filing the application, and must have exported the commodities covered by the application to the ultimate consignee in an amount totaling at least $2,000 during these two years, part of which was exported during each of the two years. For example, if the application if filed on September 10, 1953, this relationship must have existed during the years September 10, 1952, through September 9, 1953, and September 10, 1951, through September 9, 1952. In addition, an applicant for a Time Limit (TL) license shall have in his possession, at the time the application is filed, documentary evidence of the existence of the prescribed relationship with each ultimate consignee. The documents or records shall be retained by the applicant for three years from the date of receipt of the application, as shown on the Acknowledgment Card (Form IT– or FC–116), and shall be kept available for inspection, upon demand, by the Bureau of Foreign Commerce.

(c) *Waiver of order requirements.* An applicant for a Time Limit (TL) license is not required to hold an export order from the foreign consignee or purchaser for the commodities subject to this procedure. The provisions of § 372.4 (f) of this chapter relating to export orders are, therefore, waived with respect to applications for Time Limit (TL) licenses.

§ 377.4 *Reexportation.* (a) Reexportation may be made between ultimate consignees named on outstanding Time Limit (TL) licenses, issued to the same licensee, without the necessity of obtaining specific approval from the Bureau of Foreign Commerce. Approval for reexportation to other importers in Country Group O may be obtained in accordance with the procedure described below.

(b) Requests for reexportation approval may be made either with the license application or subsequent to the issuance of the license. In order to obtain such approval, Form IT– or FC–917, Request for and Notice of Approval for Reexportation, shall be submitted in triplicate to the Bureau of Foreign Commerce.[1] Items 1 through 9 of the form may be completed by the U. S. exporter who shall then transmit the Forms IT– or FC–917 to his foreign consignee for completion of item 10 and for any other information on the form not completed by the U. S. exporter. The Bureau of Foreign Commerce will approve or deny the request by completing the bottom portion of one copy of the form and returning it to the U. S. exporter. Reexportation requests, if approved, will be continuing until rescinded by the Bureau of Foreign Commerce.

§ 377.5 *Application requirements*—(a) *Application form.* An application for a Time Limit (TL) license shall be submitted on Form IT– or FC–419, with Acknowledgment Card (Form IT– or FC–116) attached. In preparing an application (Form IT– or FC–419) the applicant shall (1) enter the words "Time Limit License" across the top of Form IT– or FC–419, immediately above the printed words "United States of America," and (2) leave blank the items entitled "Quantity to be Shipped," "Unit Price," "Total Price," and the information with respect to the supplier and availability of the commodities for export. Related commodities may be grouped on a single application in accordance with the provisions of § 372.5 (f) of this chapter.

(b) *Certification of applicant-consignee relationship.* Each application for a Time Limit (TL) license shall include the following certification signed by the applicant:

> This is to certify that I (we) have had a business relationship with (name of ultimate consignee) extending over a period of two years preceding the date of submission of this application and have exported to the named consignee the commodities applied for under this application in an amount totaling at least $2,000 during these two years, part of which was exported during each of the two years.

(c) *Multiple transactions statement.* Each application for a Time Limit (TL) license shall be supported by a Multiple Transaction Statement (Form IT– or FC–843),[2] completed by the foreign consignee in accordance with the provisions of § 373.65 (c) of this chapter, except that quantities to be ordered need not be shown on the form.

§ 377.6 *Issuance of licenses*—(a) *Form of issuance.* Time Limit (TL) licenses will be issued on Form IT– or FC–628 (Export License), and will bear the identifying words "Time Limit License" below the validation stamp.

(b) *Validity period.* The validity period of a Time Limit (TL) license will be a period of one year from issuance of the license, and the expiration date will be indicated on the license form. Where the commodity covered by the license is subsequently removed from this procedure by the addition of the symbol "B" to the listing of the commodity on the Positive List (§ 399.1), the validity period of the license covering such commodity shall automatically terminate on the effective date of such addition of this symbol. Ordinarily the addition of the symbol "B" to a commodity listing shall become effective 30 days after such announcement.

§ 377.7 *Export clearance*—(a) *Presentation of license to Customs.* (1) The Time Limit (TL) license shall be deposited with the Collector of Customs at the port of exit through which the greater portion of shipments thereunder will move.

(2) Upon request of the licensee, Collectors may authorize movement of the commodity from another port in accordance with the procedure established in § 379.2 (e) of this chapter. As an alternative, the applicant may obtain an additional license for deposit with the Collector of Customs at each additional port of exit through which substantial shipments will move. Under the alternative procedure, the applicant shall indicate on the license application the ports of exit through which substantial shipments will move. If, subsequent to issuance of the license, additional licenses are required under the alternative procedure, the licensee may make such request by letter to the Bureau of Foreign Commerce indicating the Bureau of Foreign Commerce case number, name of ultimate consignee, and ports through which substantial shipments will move.

(b) *Shipments by mail.* Shipments may be made by mail, without the necessity of obtaining additional licenses to effect such shipments, in accordance with the procedure described in § 379.1 (b) of this chapter.

§ 377.8 *Use of other licensing procedures.* The filing of an application for a Time Limit (TL) license, or the granting of such license, shall not limit the applicant's filing for or use of an individual, Blanket (BLT), or Periodic Requirements (PRL) license. Neither shall the filing for or use of an individual, Blanket (BLT), or Periodic Requirements (PRL) license limit the applicant as to the filing for, or use of, a license under the Time Limit (TL) procedure. Where more than one licensing procedure is used covering the same consignee and the same commodity the reason(s) for such duplication shall be entered on the application.

§ 377.9 *Amendment of license.* Amendments of the Time Limit (TL) license involving extension of the validity period will not be granted. In order to assure the continuity of an outstanding license, exporters may submit an additional application for a Time Limit (TL) license, covering the same consignee and commodity(ies), 30 days prior to the expiration date of the outstanding license. Where special circumstances exist (for example, lead time in long-cycle production commodities), an additional license application may be submitted 90 days prior to the expiration date of the outstanding license, provided that the reason(s) for such early submission are included with the application.

§ 377.10 *Effect of other provisions.* Insofar as consistent with the provisions of this part, all of the provisions of the Export Regulations shall apply equally to applications for and licenses issued under this part.

[1] Form IT– or FC–917 may be obtained from all Department of Commerce field offices, from the Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C., and from U. S. consulates, embassies and other posts in Group O countries.

[2] Forms IT– or FC–843 may be obtained from Department of Commerce field offices or from the Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C.



## PART 378—FOREIGN DISTRIBUTION (FD) LICENSE

Sec.
378.1 Foreign Distribution (FD) license.
378.2 Definition.
378.3 Reexportation.
378.4 Application requirements.
378.5 Issuance of licenses.
378.6 Export clearance.
378.7 Amendment of license.
378.8 Other applicable provisions.

AUTHORITY: §§ 378.1 to 378.8 issued under sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023, E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.

§ 378.1 *Foreign Distribution (FD) license.* (a) Under the provisions of this part, there is established a procedure for the exportation and, where applicable, the reexportation of certain specified commodities requiring a validated license. Pursuant to this procedure, application may be made for a Foreign Distribution (FD) license covering commodities on the Positive List of Commodities (§ 399.1 of this chapter) identified by the symbol "F" in the column headed "Commodity Lists," which, if issued, authorizes exportation to a distributor located in a foreign country for resale, use, or distribution both in the distributor's country and in any other approved country or countries to which the distributor will reexport.

(b) Generally, commodities requiring manufacturing abroad are not eligible for licensing under this procedure. However, commodities which require a minimum of processing abroad are eligible under this procedure; e. g., repackaging, rebottling, assembling, refining, or blending of a nature which has not changed materially the ingredient content of the commodity.[1]

(c) Due to the existence of country quotas for some commodities and other factors, it may at times be necessary for the Bureau of Foreign Commerce to limit or restrict the quantity of these commodities authorized for reexport to a specific country or countries. Where country limitations or restrictions are required, the license document will include a statement to this effect. If the license document does not include such statement, the commodities may be resold in the distributor's country or reexported to an approved importer in any other country in accordance with the procedure described in § 378.3.

§ 378.2 *Definition.* For the purpose of this part, a distributor is defined as an importer located in a foreign country, other than Hong Kong, Macao or a Subgroup A country, who receives shipments direct from the United States exporter for resale, use, or distribution in his own country, and for reexportation to another country or countries in accordance with the provisions of § 378.3. Such distributor includes, but is not limited to, an agent or a subsidiary or branch of the applicant.

§ 378.3 *Reexportation*—(a) *General.* (1) Reexportation may be made only to those importers approved by the Bureau of Foreign Commerce in accordance with the procedure set forth below in this section.

(2) Form IT– or FC–917[2] "Request for and Notice of Approval for Reexportation," in triplicate, shall be used in submitting reexportation requests; items 1 through 9 of the form may be completed by the United States exporter who shall then transmit the form to his foreign consignee for completion of the item entitled "Request by Foreign Consignee" and any other incompleted items. Such reexportation request, where required, may be submitted to the Bureau of Foreign Commerce either with the export license application or subsequent to the issuance of the export license. The Bureau of Foreign Commerce will approve or deny the request for reexportation by completing the bottom portion of one copy of Form IT– or FC–917 and returning it to the U. S. exporter.

(b) *Shipments covered by Import Certificate.* Where the original exportation from the United States is covered by an Import Certificate pursuant to § 373.2 (c) of this chapter, reexportation may be made without further authorization from the Bureau of Foreign Commerce to any countries other than those countries listed in paragraph (d) of this section.

(c) *Shipments not covered by Import Certificate.* Where the original exportation from the United States is not covered by an Import Certificate, reexportation may be made to any countries, other than those countries listed in paragraph (d) of this section, under the following conditions:

(1) R commodities may be reexported to destinations in Country Group O[3] without further authorization.

(2) RO commodities may be reexported to destinations in Country Group O upon submission to and receipt of approval from the Bureau of Foreign Commerce of Form IT– or FC–917, in triplicate, and to destinations in Country Group R upon submission to and receipt of approval from the Bureau of Foreign Commerce of Form IT– or FC–917, supported by a Multiple Transactions Statement, Form IT– or FC–843 executed by each proposed importer to whom the distributor proposes to reexport the commodity(ies). In completing Form IT– or FC–843 (see § 373.65 (a) (3) of this chapter), the proposed importer shall change Item 4 of the form to read:

> We request that this statement be considered as applicable to every reexportation made by (name of distributor) to us under the provisions of United States Foreign Distribution licenses for the type of commodities described in this statement, during the

[1] It is recommended that exporters consult with the appropriate division of the Bureau of Foreign Commerce where there is a question as to whether the degree of processing abroad meets the requirements of minimum processing.

[2] Form IT– or FC–917 may be obtained from Department of Commerce field offices and from the Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C.

[3] See § 371.3 for countries included in Country Groups O and R, and Subgroup A.

period ending June 30 of the next year. Show earlier termination date if desired

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(d) *Reexportation to excepted countries.* Reexportation may be made to the countries listed below only after each proposed reexportation transaction has been approved by the Bureau of Foreign Commerce:

| | |
|---|---|
| Austria. | Subgroup A countries. |
| British Malaya. | Switzerland. |
| Burma. | Taiwan (Formosa). |
| Ceylon. | Thailand. |
| Finland | Timor. |
| Honk Kong. | Viet-Nam, Laos, and Cambodia (the area formerly known as Indochina). |
| Indonesia. | |
| Macao. | |
| Republic of the Philippines. | Yugoslavia. |

Such approval may be obtained by submitting Form IT– or FC–917, in triplicate, indicating the amount of each proposed reexportation, supported by an Ultimate Consignee Statement, Form IT– or FC–842, completed by the importer to whom the distributor proposes to reexport the commodity(ies). In completing Form IT– or FC–842 (see § 373.65 (a) (2)), the proposed importer shall change item 5 of the form to read:

We have placed an order with ----------

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(Name of distributor)

for the following commodities in the quantity and value indicated below:

§ 378.4 *Application requirements*—(a) *Application form.* Applications for Foreign Distribution (FD) license shall be submitted on Form IT– or FC–419, accompanied by Acknowledgment Card, Form IT– or FC–116.

(1) Separate applications shall be submitted in accordance with the provisions of § 372.5 (f) of this chapter.

(2) The distributor shall be shown as the ultimate consignee, and the country of ultimate destination shall be shown as the country in which the distributor is located.

(3) The applicant shall enter the words "FD License" across the top of Form IT– or FC–419, immediately above the printed words "United States of America."

(b) *Additional information.* (1) Where the distributor is located in a Group R country,[4] the application for export license shall be supported by a Multiple Transactions Statement, Form IT– or FC–843, completed by the distributor in accordance with § 373.65 (c) of this chapter. This requirement will be waived in those instances in which an import certificate, as specified in § 373.2 (c) of this chapter, covering the transaction described in the license application, is submitted to the Bureau of Foreign Commerce.

(2) A list of the specific country or countries in which each commodity is to be distributed or resold, showing the approximate amount of such distribution or resale in each country, shall be attached to the application.

(3) The application shall be supported by a written agreement, signed by the distributor, to retain for inspection, upon demand by the Bureau of Foreign Commerce or a United States Foreign Service officer, all consummated orders relating to reexportation under the provisions of this Part for a period of three years from date of reexportation. Such written agreement need accompany only the first application filed for a Foreign Distribution (FD) license involving the same distributor.

(4) Where feasible, information required under the reexportation provisions, § 378.3, shall be attached to the application.

(c) *Subsequent applications.* (1) In addition to the requirements of paragraphs (a) and (b) of this section, each subsequent application for a Foreign Distribution (FD) license involving the same distributor shall include the following certification signed by the applicant:

The undersigned hereby certifies that to the best of his knowledge and belief ----------

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(Name of ultimate consignee shown on application)

as distributor, has complied with the reexportation provisions of the Foreign Distribution license.

(2) In order to assure the continuity of licenses issued under this part, the Bureau of Foreign Commerce will consider a subsequent application for license filed 30 days prior to the expiration of the validity period of an outstanding license.

(3) An exporter holding a Foreign Distribution (FD) license shall not apply for, nor will the Bureau of Foreign Commerce issue, a Blanket license or an individual license, except an individual license for partial shipment by parcel post under the provisions of § 372.5 (h) of this chapter, for any transaction involving a commodity and consignee covered by such Foreign Distribution (FD) license. The provisions of this subparagraph shall not preclude application for, or issuance of, an individual license covering a transaction between the United States exporter and an importer who may be receiving reexported commodities of the same type from a distributor.

§ 378.5 *Issuance of licenses.* (a) Export licenses issued under the provisions of this part will authorize shipment to the ultimate consignee, as distributor, and distribution or resale in the country of ultimate destination, without further authorization from the Bureau of Foreign Commerce. Such licenses will be valid for exportation to the distributor during a period of six months from the date of issuance. Reexportation by the distributor is not restricted to any time limitation.

(b) Where required, the license will indicate the maximum amount of permissible reexportation to each country. Under these circumstances, the Bureau of Foreign Commerce will leave intact, as nearly as possible, the proposed country distribution submitted by the exporter with the application. If the license does not indicate the maximum amount of reexportation to each country, the total commodities may be reexported to any importer meeting the qualifications prescribed by § 378.3.

§ 378.6 *Export clearance*—(a) *Presentation of license to Customs.* When clearing shipments for export under a Foreign Distribution (FD) license, the licensee shall present the license to the Collector of Customs at the port of exit. The total amount shipped against such license shall not exceed the total quantity approved for export, except as otherwise provided for under the weight and volume tolerance provisions set forth in § 379.2 (h) of this chapter.

(b) *Shipper's Export Declaration.* A person exporting any commodity pursuant to a Foreign Distribution (FD) license shall enter the number of the license on each Shipper's Export Declaration filed with the Collector of Customs at the port of exit at the time of each exportation under each license.

§ 378.7 *Amendment of license.* If the amount licensed under a Foreign Distribution (FD) license proves insufficient to meet an exporter's requirements, he may request an increase in the quantity authorized for export under such license. This shall be done by requesting an amendment on Form IT– or FC–763, Request for and Notice of Amendment Action, in accordance with the provisions of § 380.2 of this chapter. Extension of the validity period of Foreign Distribution (FD) licenses will not be granted.

§ 378.8 *Other applicable provisions.* Insofar as consistent with the provisions of this part, all of the provisions of the Export Regulations shall apply equally to applications for and licenses issued under this part.

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## PART 379—EXPORT CLEARANCE AND DESTINATION CONTROL

Sec.


379.1 General export clearance requirements.
379.2 Presentation and use of validated license.
379.3 Presentation of shipper's export declaration.
379.4 Authentication of declarations.
379.5 Use of authenticated declaration.
379.6 Use of license symbols or numbers on Declaration or parcel.
379.7 General authority of Collectors of Customs and Postmasters in clearing shipments.
379.8 Types of actions which may be taken by Collectors.
379.9 Port of exit: Shipments leaving United States before final exportation from United States port.
379.10 Destination control.
379.11 Return or unloading of cargo at direction of Department of Commerce.
379.12 Other applicable laws and regulations.


AUTHORITY: §§ 379.1 to 379.12 issued under sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023, E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.

§ 379.1 *General export clearance requirements*—(a) *Exportations by Water or Air Carrier.*[1] No person shall place on a pier or dock or other place of loading for the purpose of exporting by water or air, load or carry onto an exporting carrier, or present to the Collector of Customs for inspection and clearance for exportation, any commodity or technical data until:

(1) *Shipments requiring a validated license.* A validated license therefor has been presented to the Collector, and a related duly executed Shipper's Export Declaration, covering such commodity or technical data, has been presented to, and authenticated by, the Collector.

(2) *Shipments under a general license.* A duly executed Declaration, consistent with the provisions of an applicable general license, has been presented to, and authenticated by, the Collector. Where the filing of a Declaration is not required, an oral declaration describing the commodity or technical data about to be exported and the applicable general license shall be made to the Collector at the port of exit.

(b) *Exportations by mail*—(1) *Shipments requiring a validated license*—(i) *General requirements.* No person shall export any commodity or any technical data by means of mail, including surface and air parcel post, until (*a*) a validated license therefor has been presented to the Postmaster at the place of mailing, together with a related duly executed Declaration covering the commodity [2] to be so mailed, whether or not required by the regulations of the Bureau of the Census, and until (*b*) the sender (exporter) has entered the complete validated license number on the address side of the wrapper on the package.

(ii) *Partial shipments.* (*a*) Where more than one shipment is to be made against a validated license, the sender (exporter) shall file the license with a Collector (instead of surrendering the license to the Postmaster) and present to such Collector for authentication a copy of the Declaration covering each shipment. The authenticated Declaration, in addition to the Declaration required under subdivision (i) of this subparagraph, shall be surrendered to the Postmaster at the time of mailing.

(*b*) A shipment by mail against a license on file with a Collector may be exported on or before the license expiration date indicated by the Collector on the authenticated Declaration. Where the mail shipment is not made within this period and the validity period of the export license has been extended by amendment in accordance with the provisions of § 380.2 of this subchapter the exporter shall prepare and present to the Collector for authentication a new copy of the Declaration, clearly marked "Amended", together with the previously authenticated Declaration. The previously authenticated Declaration will be retained by the Collector and the amended Declaration, if authenticated, will be returned to the exporter for presentation to the Postmaster.

(2) *Shipments under a general license*—(i) *General requirements.* Where no validated license is required, the sender (exporter) shall present to the Postmaster at the place of mailing a duly executed Declaration, when required by subdivision (ii) of this subparagraph, containing the designation or symbol of the general license under which the commodity or technical data may be exported. In addition, except where publications are exported by a United States Government agency under the provisions of General License GTDP, the sender (exporter) shall place the general license designation or symbol on the address side of the wrapper, followed by the words "Export License Not Required". The general license symbol and the legend will constitute a certification by the sender to the Postmaster and to the Bureau of Foreign Commerce that a validated license is not required for the shipment.

(ii) *Commercial mail shipments.* A Declaration shall be presented for commercial mail shipments other than shipments of technical data being made under a general license from one business concern to another business concern, if the value of the shipment is $25 or more.[3]

NOTE 1. *Post Office Regulations.* All exportations via mail should also conform to the applicable Post Office Department regulations as to size, weight, permissible contents, etc. Such exportations are subject to inspection by the Post Office Department and the Bureau of Customs.

2. *Gift parcels.* If the sender is shipping a gift parcel under the provisions of the general license for gift parcels, he must place the word "Gift" on the customs declaration tag as well as the words "Gift—Export License Not Required" on the address side of the wrapper. In this instance, the word "Gift" is the general license symbol. (See § 371.21 of this subchapter.)

3. *Weekly shipments.* Only one shipment per calendar week of a commodity classified in a single entry on the Positive List may be made by parcel post or mail under General License *GLV* by one exporter to one importer. (See § 371.10 (b) (1) of this subchapter.)

4. *Partial shipments.* The procedures for obtaining separate or additional licenses when making partial shipments by mail are set forth in § 372.5 (h) of this subchapter.

(c) *When exporting by means other than by water, air, or mail.* No person shall export any commodity or technical data by means other than by water, air, or mail, until (1) a validated license, where required by the provisions of the Export Regulations, has been presented to the Collector at the port of exit from the United States and until (2) a duly executed Declaration covering the commodity or technical data except as provided for in § 385.5 of this subchapter has been presented prior to inspection together with the related license to, and authenticated by, the Collector. Where no validated license is required, a duly executed Declaration consistent with the provisions of an applicable general license shall be presented for authentication, prior to inspection, to the Collector at the port of exit. Where the filing of a Shipper's Export Declaration is not required, an oral declaration, including a description of the commodity or technical data to be exported and the applicable general license, shall be made to the Collector at the port of exit.

§ 379.2 *Presentation and use of validated license*—(a) *Licenses valid for shipment from any port.* A license may be used for exportation from the United States from any port of exit subject to the jurisdiction of the United States, unless the Bureau of Foreign Commerce shall otherwise provide.

(b) *Signature on licenses.* The export license document, Form IT– or FC–628, presented to the Collector or Postmaster, must bear on the reverse side thereof the following signatures:

(1) *Licensee.* At the top left, on the line reading "Signature of licensee", the signature of the licensee, by himself, or for him by a duly authorized officer, employee, or agent.

(2) *Person presenting license.* At the top right, on the line reading "Signature of person presenting license", the signature of the licensee or of an officer or employee of either the licensee or the forwarding agent who is authorized to sign and swear to the Declaration accompanying such license. This signature may be affixed either in the presence of the Collector or outside the customhouse.

(c) *Filing of license at time of first shipment.* All validated licenses (except Project Licenses and Project Technical Data Licenses) must be presented to and filed with the Collector before any commodity or technical data is loaded, presented for loading, deposited on a dock or other place of loading, or carried onto an exporting carrier; except that in the case of shipments to be made by mail, the validated license shall be presented to the Postmaster or to the Collector when the Declaration covering the first shipment is presented for exportation under that license.

(d) *Subsequent shipments from port where license filed.* If only a partial shipment is made thereunder, the validated export license will be appropriately endorsed and held by the Collector until complete shipment is made or until the license expires. On any subsequent shipments under that license from the same port, duly executed Declarations shall be presented for authentication, as provided in this part.

(e) *Simultaneous or subsequent shipments from other ports*—(1) *Transmittal of approval.* If part of the licensed shipment is to be made from another port, the licensee shall request the Collector holding the license to transmit to the Collector at the intended port of exit approval for the intended shipment. Upon granting the approval, the Collector holding the license will endorse the license to record the facts as to the intended shipment. On any shipment made pursuant to such approval, duly executed Declarations shall be presented to the Collector at the port from which the shipment is to be made, as provided in this part. In case full or partial shipment is not made from the intended port (in accordance with the approval), the licensee or his agent may initiate action for the modification or deletion of the Collector's endorsement of the

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[4] See § 371.3 of this chapter for countries included in Country Groups O and R, and Subgroup A.

[1] Except as provided by § 379.2 (e).

[2] Section 385.5 excludes technical data from the requirement for a Declaration

[3] This rule is also contained in the regulations issued by the Bureau of the Census.

[4] Provisions relating to the export clearance of technical data under a validated license are set forth in § 385.4 (f) of this subchapter.

intended shipment. Such action may be initiated in the following manner:

(i) *License in possession of Collector.* If the license is still in the possession of the Collector (whether or not the license would have been completed by the intended shipment), the licensee or his agent shall request the Collector to whom the approval was sent to notify the Collector holding the license to make an amendment of his previous endorsement of the intended shipment.

(ii) *License returned by Collector to the Bureau of Foreign Commerce.* If the license has been returned by the Collector to the Bureau of Foreign Commerce, an application for a new license may be submitted to the Bureau of Foreign Commerce covering the quantity not shipped, together with a letter explaining the facts and identifying the Collector to whom the approval was sent.

(2) *Transmittal of license.* As an alternative to the notification procedure set forth above, the Collector holding the license is authorized to transmit the license by mail to the Collector at another intended port of exit, upon written request by the licensee stating that the license will no longer be used at the port at which the license is deposited.

(3) *Exceptions.* The procedure set forth above in this paragraph shall not be applicable to licenses which specify that shipment is authorized for clearance at a particular port of exit.

(f) *Shipments against expiring license—(1) Commodities or technical data ready for loading or laden.* Commodities or technical data which are (i) laden aboard the exporting carrier or (ii) ready for lading and located on a pier for the purpose of lading prior to midnight of the expiration date of a license, and not for the purpose of storage, may depart with the vessel even though the vessel does not clear until after the expiration date of the license. Furthermore, where the vessel is expected to be available at the pier for loading in advance of the expiration of the license, but exceptional and unforeseen circumstances delay it, the commodities or technical data may be exported without an extension of the validity period of the license, if in the judgment of the Collector undue hardship would otherwise result.

(2) *Commodities or technical data in transit to port of exit.* Commodities or technical data in transit to the port of exit prior to midnight of the date of expiration of the validated license covering the shipment may be cleared for export, at the discretion of the Collector, within 5 days following the expiration date of the license if the shipment qualifies under subparagraph (1) of this paragraph. The Collector may require the exporter to submit a Bill of Lading or other evidence that the shipment was in transit to the port of exit prior to the expiration date of the license and was delayed in transit.

(3) *Other shipments.* Licensed shipments not coming within one of the foregoing provisions may not be exported except by extension of the validity period of the license by the Bureau of Foreign Commerce.

(g) *Reexportation under license previously granted—(1) Shipments returned to the United States.* Shipments which are returned to the United States because of failure or inability of the exporting carrier to deliver the shipment at its intended destination may be reexported to the consignee and destination to which the shipment was originally made without the procurement of a new license: *Provided,* That satisfactory evidence of the validity of the original exportation is submitted to a Collector.

(2) *Evidence required.* Such evidence may consist of a copy of the original Declaration or the exporting carrier's outward manifest, or such other evidence as the Collector may require. If the commodities or technical data are reexported to other than the original consignee, they must be treated as new exportations and are subject to current regulations of the Bureau of Foreign Commerce regarding the specific commodity or technical data.

(h) *Weight and volume tolerance—(1) 10 percent tolerance.* For all commodities requiring an export license, unless otherwise specified in such license, a 10 percent tolerance by weight or volume over the amount specified in the license is allowed, except as listed below in this section:

| *Commodities* | *Tolerance* |
|---|---|
| Raw cotton except linters (Schedule B Nos. 300005 through 300312) (pounds or bales). | 2 percent. |
| Sulfur, crude (containing 85 percent or more sulfur), crushed, ground, refined, sublimed, and flowers (Schedule B Nos. 571410 and 571500). | 1 percent. |
| Medicinal and pharmaceutical preparations with processing codes DRUG and ACID, other than radium salts and compounds, Schedule B No. 829940 (Schedule B Nos. 811100 through 818000). | 1 percent. |

(2) *Unit of quantity covered.* (i) This tolerance is allowed only when the unit of quantity called for on the license is in the following weight or volume terms:

| | |
|---|---|
| Avoirdupois ounce. | M (1,000) board feet. |
| Bale. | Milligram. |
| Barrel. | Oxford Unit. |
| Bushel. | Pound. |
| Content pound. | Proof gallon. |
| Cubic foot. | Short ton (2,000 pounds). |
| Gallon. | Square foot. |
| Gram. | Square yard. |
| Hundredweight (100 pounds). | Troy ounce. |
| Linear foot. | U. S. P. unit. |
| Linear yard. | |
| Long ton (2,240 pounds). | |

(ii) The weight and tolerance provisions of this section shall not apply to the following units of quantity:

| | |
|---|---|
| Carat. | Pencil gross. |
| Cell. | Piece. |
| Dozen. | Ream. |
| Gross. | Roll. |
| Number. | Round. |
| Pack. | Set. |
| Pair. | Square. |

(3) *Maximum tolerance allowed.* (i) In all cases, the tolerance shall be allowed on the basis of the actual quantity stated in the license; and in no case shall the tolerance exceed 10 percent of such quantity.

(ii) For example:

(*a*) If the quantity shown on the license is "100,000 pounds," not more than 110,000 pounds may be exported.

(*b*) If the quantity shown on the license is "100,000 pounds 10 percent more or less," not more than 110,000 pounds may be exported.

(*c*) If the quantity shown on the license is "approximately 100,000 pounds," not more than 110,000 pounds may be exported.

(iii) Where an amount equivalent to the quantity stated on the license has been shipped, no further shipment may be made under the license.

(4) *Commodities licensed in both container and weight or volume units.* (i) Where commodities are licensed in terms of both standard-size container units and weight or volume units, the tolerance is allowed on the total weight or volume licensed; provided that the number of standard-size container units shall not be increased over the number thereof stated in the license.

(ii) For example: If the license authorized the shipment of 10,000 pounds of a commodity in twenty 500-pound drums, that license may be used to clear an exportation of not more than 11,000 pounds in not more than twenty such drums.

(5) *Partial shipments.* Whenever one or more partial shipments of the licensed commodity have been made, the 10 percent tolerance is allowed only on the unshipped balance, except that in the case of shipments of iron and steel products (processing code STEE), and tinplate (processing code TNPL), the tolerance of 10 percent, and in the case of raw cotton, except linters, the tolerance of 2 percent, is allowed on the basis of the actual quantity stated in the license. Where an amount equivalent to the quantity stated on the license has been shipped, no further shipment may be made under the license.

NOTE 1. *Tolerance.* When there is a discrepancy in weight or volume within the tolerance allowance between the amount shown on the license and the amount actually shipped, the amount actually shipped shall be noted on the license by the Collector of Customs at the final port of exit before the license is returned to the Bureau of Foreign Commerce.

2. *BLT shipments.* When shipments are cleared against a BLT license, the applicable tolerance may be applied to the quantity approved for export to each single consignee; provided, however, that the total amount shipped against the license does not exceed the total amount approved for export plus 10 percent. In other words, the tolerance provisions may be applied on the amount approved for each consignee in the same manner and to the same extent as if he were the only consignee named in an individual license.

§ 379.3 *Presentation of shipper's export declaration*—(a) *Definition of shipper's export declaration.* "Shipper's Export Declaration" means Shipper's Export Declaration, Commerce Form 7525–V or Shipper's Export Declaration for In-transit Goods, Commerce Form 7513. The Declaration for in-transit goods should be used for all commodities:



(1) Shipped in transit through the United States.

(2) Transshipped in ports of the United States for foreign countries.

(3) Exported from General Order Warehouse.

(4) Exported from foreign trade zones (unless the Collector of Customs specifically permits the use of Commerce Form 7525–V).

(b) *When required.* Declarations shall be presented to the Collector at the port of exit, or to the Postmaster at the post office from which the shipment is mailed, in the number of copies specified in paragraph (c) of this section.

(c) *Number of copies to be presented—(1) Where exporting by means other than mail.* Three copies of the Declaration shall be required by the Collector at the port of exit, except in cases of shipments to Canada and shipments between the United States and its territories and possessions[5] for which only two copies are required, except as provided in subparagraph (3) of this paragraph.

(2) *When mailing—(i) General.* In the case of shipment by mail, one copy of the Declaration shall be presented to the Postmaster at the place of mailing[6] when: (*a*) The shipment is under a validated license, or (*b*) the shipment is of a commercial nature and its value is $25 and over.

(ii) *Partial shipment against a validated license on file.* In addition, as provided in § 379.1 (b) (1) (ii), when making a partial mail shipment against a license on file with a Collector, the sender (exporter) must present to the Postmaster a copy of the Declaration authenticated by the Collector with whom the license is filed.

(3) *Additional copies of Declaration.* The Bureau of Foreign Commerce, the Collector, or the Postmaster may require, for the purpose of export control, the presentation of additional copies of the Declaration. In all cases where a Declaration is required by the Export Regulations or the Regulations for the Collection of Statistics of Foreign Commerce and Navigation of the United States, an additional copy of the Declaration shall be presented for exportations of iron and steel scrap, Schedule B Numbers 601010–601090.[5] The additional copy shall bear the following notation in the upper right corner: "COMM–8".

NOTE: For exports from the United States to foreign countries made in transit via Canada, the exporter shall present for authentication an additional copy of the Declaration in such cases.

(4) *Government surplus agricultural commodities.* See § 373.5 (b) of this subchapter for exportations of agricultural commodities acquired directly or indirectly as a result of a sale for export amounting to $100,000 or more by the Commodity Credit Corporation (CCC), either in the form acquired or in processed form.

(d) *Separate declarations required where shipment is partly under general license and partly under validated license—(1) General.* Commodities or technical data to be exported under the authority of a general license shall not be combined on the same Declaration with commodities or technical data to be exported under a validated license. Separate Declarations must be presented: one to cover the commodities or technical data under general license, the other to cover commodities or technical data under validated license.

(2) *Exceptions.* In the case of a shipment consisting of commodities and the containers therefor, where either of the commodities only or the containers only require a validated license, both the commodities and the containers shall be entered on the same Declaration.

(e) *Special requirements—(1) Special requirements stated on the license.* Where a particular validated license bears on the face thereof a requirement that specified documents or information (additional to that furnished at the time of application) be furnished, the licensee shall, at the time of or prior to presenting the Declaration to the Collector, write on or attach to all copies of the Declaration such specified information or documents, unless otherwise indicated on the license.

(2) *Manner of submission of additional information and documents; additional copy of Declaration.* (i) The information required by subparagraph (1) of this paragraph shall be set out in columns (9) to (15) on all copies of the Declaration—one copy in addition to, and conforming to, the number of copies otherwise required—to be filed with the Collector for authentication. Unless otherwise specified on the face of the license, the documents required shall be attached to the additional copy of the Declaration and need be submitted in one copy only. The documents may be either original or certified copies.

(ii) All statements and documents submitted in accordance with the requirements of a license will be deemed to constitute representations of material facts within the purview of the regulations prohibiting the making of false representations to the Bureau of Foreign Commerce in any export control matter (§ 381.5 (b) of this subchapter).

(iii) The Collector will refuse to authenticate a Declaration in any case where the exporter fails to comply with the special requirements of a validated export license or does not possess the information or documents requested, unless, prior to presentation of the Declaration, the exporter has informed the Bureau of Foreign Commerce of the specific reason for his inability to comply and, for good cause shown, the Bureau of Foreign Commerce has in writing waived the requirement. The licensee will attach to and file with the license any letter of waiver in order to effect clearance of the shipment through Customs.

§ 379.4 *Authentication of declarations*—(a) *Authentication requirement.* All copies of Declarations which are required to be presented to Collectors must be authenticated by the Collector at the port of exit (see § 379.3 (b)). No Collector shall authenticate a Declaration unless he is satisfied, after comparing it with the applicable validated export license or general license, as the case may be, and with such other relevant information as he may have, that (1) exportation of the commodity or commodities described in such Declaration is authorized under such license; (2) that the statements in such Declaration are identical in all respects with the contents of the validated export license, or the terms, provisions, and conditions of the general license; (3) that the statements in such Declaration are set forth in such manner as to permit all Collectors or other authorized officials or persons to whom the Declaration may thereafter be exhibited or delivered in connection with the exportation to determine whether the said exportation complies with the contents of the validated export license, or the terms, provisions, and conditions of the general license; and (4) that the shipment is or will be available for inspection and has not been loaded on an exporting carrier.

(b) *Information required for authentication.* No Declaration shall be authenticated by a Collector unless there are set forth in such Declaration, and in all copies thereof required to be presented to the Collector:

(1) The name and address of the exporter, who shall be the licensee named in a validated export license or entitled to export under a general license. On a Declaration covering exportations under a validated license, the answer to Item 3 shall correspond to the corporation, partnership, or individual named as the applicant-licensee (exporter) on Form IT– or FC–419.

(2) The name and address of the forwarding agent, if any, duly authorized by the exporter.

(3) The name and address of any intermediate consignee, whether or not named on the license application or on the validated license.

(4) All of the other data required to be shown on the Declaration form.

NOTE: 1. *Optional ports of unlading.* In a case where, prior to the departure of the exporting carrier, an exporter does not know which of several countries is the country of ultimate destination of a commodity being exported under General License GRO or GO, the exporter may name on the Declaration and Bill of Lading as ultimate destination optional ports of unlading, even when more than one foreign country is involved. As soon as the exporter ascertains the actual country of ultimate destination, Correction Form FT–7403 should be filed with the Collector at the port of exit where the original Shipper's was filed, specifying the actual port of unlading, the actual country of ultimate destination, and the name and address of the buyer to whom delivery is made. If the exportation is consigned to more than one country of ultimate destination, Correction Form FT–7403 should indicate the amount (quantity and value) consigned to each country of ultimate destination.

When an exportation under any general license is shipped in transit through a country other than the country of ultimate destination, the exporter may designate optional

[5] Shipments between the United States and Alaska or Hawaii do not require Declarations.

[6] This regulation includes shipments under a validated license, under a general license, and shipments to Canada.

ports of unlading in one or more countries, together with the name and address of the intermediate consignee in each of the countries designated. Optional ports of unlading, in all cases, must be located in a country to which the commodity may be shipped directly from the United States under the same or another applicable general license.

In the case of exportations made under a validated license, optional ports of unlading in the country of ultimate destination only may be designated on the Declaration and Bill of Lading, unless the export license designates intermediate consignees in one or more countries other than the country of ultimate destination. In the latter case, the optional ports of unlading must be designated as optional in-transit points on the Declaration and Bill of Lading in accordance with the validated license. Amendment of the validated license is required if an intermediate consignee in any of the designated countries is not named on the export license, as provided in § 380.2 (c) of this subchapter.

On any exportation, as soon as the exporter ascertains at which port the commodities are to be unloaded, whether located in the country of ultimate destination or in a country of transit, Correction Form FT-7403 should be filed with the Collector at the port of exit where the original Declaration was filed, specifying the actual port of unlading and the name and address of the intermediate consignee, if any, to whom delivery is made. An intermediate consignee must be specified if the port of unlading is located in a country other than the country of ultimate destination. If the exportation is unloaded at more than one port, Correction Form FT-7403 should indicate the amount (quantity and value) unloaded at each port, and the name and address of each intermediate consignee employed in the transaction.

In all of the above instances, the Bureau of Customs, in accordance with Customs clearance regulations (19 CFR 4.60 (a) of Customs Regulations of 1943), requires that the carrier must have other cargo on board to be discharged at one of the optional ports named in each country and such carrier must be cleared accordingly.

In no event does the aforementioned procedure apply to any shipment destined directly or indirectly to Hong Kong, Macao, or Subgroup A destinations. (For shipments to other destinations via Hong Kong, see § 370.8 of this subchapter).

2. *Shipments to redistribution points under General License GRO.* Where a shipment is made to a free zone or other redistribution point pursuant to the provisions of General License GRO, the redistribution point and the specific certification provided in § 371.8 (b) of this subchapter shall be shown on the Declaration and related Bill of Lading.

3. *Applicant-licensee (exporter).* On a Declaration (Commerce Form 7525-V) covering exportations under a validated license, the answer to item 3 shall correspond to the corporation, partnership, or individual named as the applicant-licensee (exporter) on Form IT- or FC-419. However, the answer to item 3 of Form 7525-V may correspond to the name of the foreign principal shown on Form IT- or FC-419 if the corporation, partnership, or individual that is in fact the exporter is not subject to the jurisdiction of the United States. In the absence of such identity, the export license does not cover the proposed exportation.

(c) *Commodity descriptions*—(1) *Basket commodity descriptions.* (i) As used in this paragraph, "basket classification" means those Schedule B commodity classifications in the 1952 edition of Schedule B, as amended, which call for the shipper to "specify by name," "specify by type," etc., the items included in the shipment under those commodity numbers. A detailed description shall be set forth on the applicable Declaration for commodities falling within the Department of Commerce Schedule B commodity basket classifications, in addition to all other data required to be shown on such Declaration.

(ii) In those cases where there are a substantial number of items included in a single export shipment under one basket classification, exporters may set forth the detailed descriptions of only five of the items which represent the greatest proportion of the total dollar value under this single Schedule B basket classification. Separate dollar value, net quantity, and shipping weight information for individual items reported under one Schedule B basket classification are not required on the Declaration.

(2) *Distinguishing characteristics or specifications.* When shipment of a commodity is being made under a general license as a non-Positive List commodity and there is an entry on the Positive List for the same type of commodity and under the same Schedule B number, but with different specifications, capacities or other characteristics, the description of the commodity on the Declaration shall contain the distinguishing specification, capacity, or other characteristic, such as: rated horsepower, pressure, kilowatts, operating voltage, kilovolt amperes, etc. Such description shall be complete in all respects, including the exact specifications and/or composition of the commodity; for example: one resistance welder, single phase type, Schedule B No. 701032. If it is impractical to give the exact specifications and/or composition of the commodity, Collectors, at their discretion, may authorize exporters, in lieu thereof, to place the following certification on the Declaration:

> This commodity does not come within the restricted specifications, characteristics and/or composition shown for this Schedule B number on page ____ dated _____ of the Positive List.

(d) *Additional information required for in-transit goods.* The following additional information shall be set forth on the Shipper's Export Declaration for In-transit Goods (Commerce Form 7513):

(1) The name and address of the intermediate consignee in a foreign destination, if any, must be shown below the description of the commodities across columns 1–6;

(2) Underneath the name and address of the intermediate consignee, also within columns 1–6, one of the following statements must be made, whichever is appropriate:

(i) For in-transit shipments of foreign merchandise (for definition of "foreign origin," see § 371.9 (a) of this subchapter):

> The merchandise described herein is of foreign origin.

(ii) For in-transit shipments of domestic (United States) merchandise:

> The merchandise described herein is of the growth, production, or manufacture of the United States.

(iii) For in-transit shipments of commodities of United States origin excepted under § 371.9 (a) (2) of this subchapter:

> The merchandise described herein is of the growth, production, or manufacture of the United States, but comes within the exception granted by § 371.9 (a) (2) of this subchapter.

(3) The commodities to be exported shall be described in terms of Schedule B, including the appropriate Schedule B number, as well as in terms of Schedule S. The Schedule B number shall be entered in column 4 immediately underneath the Schedule S number.

NOTE: All shipments of merchandise for which the Shipper's Export Declaration for In-transit Goods is required (Commerce Form 7513) must be shown in terms of Schedule S as well as in terms of Schedule B. Schedule S numbers, by commodity groupings, are contained in Schedule S, Statistical Classification of Domestic and Foreign Merchandise Exported from the United States, obtainable without charge from the Bureau of the Census, Department of Commerce, Washington 25, D. C.

(e) *Statement regarding ultimate destination.* No Declaration shall be authenticated by a Collector unless the statement regarding ultimate destination, whenever required, has been entered on all copies of the Declaration as provided in § 379.10 (c).

(f) *Forwarding agent*—(1) *Definition of "forwarding agent."* (i) For the purpose of this part, a "forwarding agent" shall be a person authorized by a named exporter to perform for the exporter actual services which facilitate exportation of the commodities described in the Declaration, such as preparing the Declaration, attending to clearance of the shipment by submission of documents to the Collector or export control officers, securing cargo space, or delivering the commodities to the exporting carrier, obtaining Bills of Lading in connection with the exportation, and attending to the formalities of consular invoices, certificates of origin, and other like documents; but such "forwarding agent" need not be a person regularly engaged in the freight forwarding business.

(ii) In the event that conditions beyond the control of a carrier, named as exporting carrier on a duly executed Shipper's Export Declaration, prevents the lading of the total cargo covered by the Declaration, such carrier is authorized to prepare and present additional Declarations covering the remainder of the cargo when shipped. The original Declaration shall be amended by the carrier, in accordance with § 379.5 (b), to show the descriptions, quantity and value of the commodities actually carried. Subsequent Declarations by the carrier shall be completed in all details and shall contain the following statement:

> These commodities were included, but not shipped, under authenticated Shipper's Export Declaration, No. ------ at ---------
> (Port)
> on ----------
> (Date)

(2) *Forwarding agent as true agent.* Unless the exporter shall otherwise state in writing in the power of attorney set forth in the Declaration, or in a general power of attorney, or other written form, subscribed and sworn to by a duly authorized officer or employee, filed with the Collector, the forwarding agent named by the exporter in said power of attorney or other written form shall be deemed to be the true agent of the exporter for export control and customs purposes.

(g) *Signature on Declaration.* (1) The signature of the person making the declaration set forth on the Declaration form and taking the oath shown on said form (where oath is required) shall be that of the exporter or the forwarding agent named in the Declaration, or a duly authorized officer or employee of either. The signature of such person, whether or not under oath and whether or not that of the exporter or his duly authorized officer or employee, shall constitute a representation by the exporter that all statements made and all information set forth in such Declaration are true and correct. In addition, if the signature is that of the forwarding agent, or his duly authorized officer or employee, such signature shall constitute a like representation by the forwarding agent.

(2) Additional copies of the Declaration or copies of the continuation sheet form for such Declaration may be used where more space is required to prepare fully a Declaration. In all such cases, the Declaration need be signed and the oath taken (where required) on only one Declaration form. The additional copies or sheets must be numbered in sequence and securely attached to the executed Declaration form; and the following legend must be inserted between columns (9) and (15) of the executed Declaration form:

> This Declaration consists of this sheet and ____ continuation sheets.

No portion of any form attached as a continuation sheet shall be torn off or removed.

(h) *Statements on declaration.* In all cases where a Declaration is presented to a Collector or Postmaster, the exporter shall be deemed thereby to represent (1) that all statements made and information set forth in the Declaration have been furnished by him or on his behalf for the purpose of effecting an exportation under the Export Regulations; (2) that the exportation of the commodity or commodities described in such Declaration is authorized under the general or validated export license therein identified; (3) that the statements contained in such Declaration are identical in all respects with the contents of the validated export license or the terms, provisions and conditions of the applicable general license; and (4) that all of the other terms, provisions, and conditions of the Export Regulations applicable to the exportation have been met.

(i) *Who may submit Declaration for authentication.* No person shall submit to the Collector for authentication any Declaration unless such person is the licensee or his carrier, the duly authorized forwarding agent of the licensee, or a duly authorized officer or employee of either.

(j) *Rejection of Declarations.* Collectors shall reject all Declarations which do not comply with the foregoing provisions of this part.

(k) *Procedures for presentation of declaration for authentication.* (1) Any Collector may, with the prior approval of the Bureau of Foreign Commerce, institute and maintain any procedure for the presentation for authentication of Declarations, which shall provide in each case for the proper identification, and recording of the identity of the individuals who sign such Declaration and who appear before the Collector for such purpose.

(2) Collectors are specifically authorized to institute and maintain the following procedure for identification of persons submitting or presenting Declarations to the Collector:

(i) *Identification cards.* An exporter (licensee) effecting exportations without the services of a forwarding agent shall make application for and obtain from the appropriate Collector an Identification Card, as described in this section, for each of his officers or employees who submit or present Declarations or licenses. Where a forwarding agent is employed by an exporter, the forwarding agent shall similarly apply for and obtain an Identification Card for each of his officers or employees who submit or present Declarations or licenses on behalf of an exporter. In addition, carriers, not otherwise acting as forwarding agents, who may, as provided in paragraph (i) of this section, deliver executed Declarations without specific authorization therefor, shall similarly apply for and obtain such Identification Cards. Applicants for Identification Cards shall be responsible for all Declarations executed and submitted in their names to Collectors through use of the Identification Card. Such Identification Card may be used only in the Customs district for which issued, by the person to whom issued, and is not transferable. Application must be made on Customs Form 3139, "Application for Identification Card of Authorized Forwarding Agent or Exporter", and the Identification Card to be issued shall be Customs Form 3141, "Identification Card of Authorized Forwarding Agent or Exporter or Employee Thereof."

(ii) *Waiver of identification card requirement.* In the case of exporters not regularly engaged in making exportations, Collectors may waive the Identification Card requirement where they are otherwise satisfied that the person submitting or presenting the Declaration is in fact the exporter (licensee) or is acting for and on behalf of such exporter.

(iii) *Identification cards and power-of-attorney forms.* Wherever the Identification Card procedure is instituted and maintained, it shall supersede any existing requirement of the Collector for filing a form of power-of-attorney executed by an exporter or forwarding agent, as the case may be, authorizing his officers or employees to sign, swear to, or submit Declarations.

(l) *Changes, alterations, and amendments of Declaration prior to authentication.* Collectors shall not, except in case of hardship or emergency, authenticate any Declaration showing evidence of change, alteration, or amendment, but shall require a clean copy. Where demonstrated cases of hardship or emergency exist in which Collectors find it desirable to make an exception, Collectors may approve on the face of the Declaration specific changes, alterations, or amendments. The duly authorized forwarding agent or carrier for an exporter may insert or correct in Declarations presented by him required items of information peculiarly within his own knowledge, such as the designation of the actual exporting carrier, the actual date of exportation, or the actual Schedule B number to which the commodity described in the Declaration unambiguously refers; but nothing herein shall relieve such forwarding agent or carrier from liability for any misrepresentation of facts so inserted or corrected. The forwarding agent or carrier making such insertion or correction must specifically identify the same in writing on the face of the Declaration.

NOTE: For changes, alterations, amendments of Declaration after authentication, see § 379.5 (b).

§ 379.5 *Use of authenticated declaration*—(a) *Authenticated Declaration as export control document.* When duly authenticated by the Collector at the port of exit, a Declaration shall be deemed to be a document, issued pursuant to the Export Regulations, evidencing the existence of a validated export license or permission for an exportation under an applicable general license. Such document may be used only by the exporter or his duly authorized forwarding agent for the purpose of clearing for exportation or otherwise facilitating or effecting the exportation of a commodity or commodities requiring a validated or general export license under the Export Regulations issued pursuant to the Export Control Law.

(b) *Changes, alterations, amendments of authenticated declarations.* No Declaration, used or intended to be used in connection with the exporation of any commodity or commodities requiring a validated or general export license, which shall have been authenticated by any Collector shall, at any time after such authentication, be changed, altered, or amended in any respect by any person without prior written authorization therefor set forth on such authenticated Declaration by the said Collector. However, where for any reason an exporting carrier designated in an authenticated Declaration cannot receive the shipment on board, the name and date of departure of another exporting carrier may be substituted by the steamship company, steamship agent, airline, railroad, motor vehicle company, or other person issuing Bills of Lading or similar documents of carriage for the carrier originally named, if due and timely notice of such change is given to the Collector prior to loading of the shipment onto the substitute carrier and such change is specifically identified in writing on the face of the Declaration by said steamship company, steamship agent, airline, railroad, motor vehicle company, or other person. No change,

alteration or amendment may be authorized in any authenticated Declaration which would have the effect of authorizing shipment after the validity period of the applicable validated or general export license has expired or which would otherwise vary the terms, provisions, and conditions of such license.

NOTE: For changes of Declaration prior to authentication, see § 379.4 (l).

(c) *Declarations showing unauthorized changes.* No person to whom any authenticated Declaration showing evidence of change, alteration, or amendment shall be exhibited for the purpose of facilitating any exportation, without the production of written authorization therefor by the Collector, shall take any action toward such facilitation, but shall promptly report the facts to the nearest Collector and shall, where such authenticated Declaration is in his or its possession, surrender same to such Collector.

(d) *Correction of authenticated Declarations.* Any item of information contained on an authenticated Declaration filed with the Collector shall be corrected in accordance with the facts of the exportation either by use of Form FT–7403, Correction Form, or directly on the authenticated Declaration in accordance with the procedure described below. The acceptance by the Collector of such corrections does not imply approval of any act involved in the shipment.

(1) Corrections shall be made directly on the authenticated Declaration where:

(i) The shipment does not require submission of four copies of the Declaration, and

(ii) The Bureau of the Census copy of the Declaration is still in the possession of the Collector.

(2) In all other instances corrections shall be made by use of Correction Form, Form FT–7403. Form FT–7403 shall be submitted in triplicate where the shipment is made under a validated license requiring the submission of four copies of the Declaration; or in duplicate where the shipment does not require the submission of four copies of the Declaration. The Correction Form, Form FT–7403, shall be executed by the exporter or his duly authorized agent and submitted to the Collector with whom the authenticated Declaration was filed.

(e) *Return of unused copies of authenticated Declaration.* All copies of authenticated Declarations not used by an exporter for the purposes for which they are authenticated shall be returned to the Collector making the authentication.

(f) *Limitation of effective period of Declaration.* No Declaration shall be authenticated, and no authenticated Declaration shall be used, for the purpose of clearing for exportation, or otherwise facilitating or effecting, the exportation of a commodity or commodities requiring a validated or general export license after the expiration of the validity period of the applicable validated license or after the termination of the effective period of the applicable general license, except as provided in § 372.11 (d) of this subchapter and § 379.2 (f).

NOTE. The validity period of an export license includes any extension provided by any saving clause or regulation.

EXPLANATORY STATEMENT

1. *Responsibility of licensee and agent.* Under the Export Regulations, the exporter to whom a license is issued or who undertakes to export under a general license is legally responsible for the proper use of that license and for the due performance of all its terms and provisions. This responsibility continues even when he acts through a freight forwarder or other forwarding agent. Experience in the administration of export controls indicates, however, that it is often difficult to establish that relationship as a matter of record and fix responsibility when violations occur. The provisions of this part and the Bureau of Foreign Commerce form, "Power of Attorney—Designation of Forwarding Agent", are designed to remedy that situation.

2. *Power-of-attorney forms; purpose and use; alternatives.* The form which is prepared for this purpose is not mandatory but only suggested. Power-of-attorney terminology is used to accord with common business practice in establishing agency relationships, and by way of interpretation considerable flexibility is permitted. Nevertheless, there are situations where firms have found compliance with some of the required formalities in the execution of a general power of attorney, such as corporate seal, special resolutions of the board of directors, etc., to be unduly onerous.

Accordingly, the Export Regulations, as set forth above, permit, alternatively to the power-of-attorney form, the use of any written form of designation, provided it is subscribed and sworn to before a notary public or other person authorized to administer oaths, by a duly authorized officer or employee of the licensed exporter. Such designation must, of course, clearly indicate that the firm or person named is authorized to represent the licensed exporter for export control and customs purposes. The extent of the authority in this designation, as in the power-of-attorney, may be restricted, however, with respect to time, country, commodity, specific license, or other matter. It is also intended to permit the use of such documents to designate one or more employees, or other persons, such as an export manager or agent, to, in turn, appoint as many freight forwarders or other forwarding agents as may be required.

3. *Carriers.* In addition, specific reference to carriers has been made in those parts of the Export Regulations dealing with the submission of the Declaration in order to make clear the carriers, not otherwise acting as forwarding agents, may deliver executed Declarations without specific authorization therefor. The privilege of making certain specified insertions or corrections in the Declaration prior to authentication is also extended to such carriers.

4. *Summary of Interpretations*—(a) *Applicability of Part 379:*

1. Q. Do the provisions of the Export Regulations with respect to presentation of additional copies of Declarations, and with respect to the procedure for authentication of Declarations, filing of powers-of-attorney or other forms of designations of forwarding agent, and use of authenticated Declarations, apply to Canada?

A. No, unless the particular exportation from the United States is destined for a third country, for which a validated license is required, and the shipment is via Canada.

2. Q. Do the foregoing provisions of the Export Regulations apply to general license shipments?

A. Yes. General license shipments have always been subject to Customs scrutiny and are covered by the Export Regulations, along with shipments under validated license, in order to curb possible abuse of the general license privileges.

3. Q. Are the Export Regulations contained in this part applicable to exportations regulated by United States governmental agencies other than the Bureau of Foreign Commerce, such as the Atomic Energy Commission and the Department of State?

A. No.

4. Q. What is the effect of making the Declaration an "export control document?"

A. A Declaration has always been an official document of the United States Government so that, for example, the penalties relating to making false statements on Government documents were always applicable to the use of that document. The only effect of the additional Export Regulations in this respect has been to bring Declarations under the export control laws as well as under the laws of the United States relating to Government documents generally, and Declarations in particular.

(b) *Powers-of-attorney or other forms of designation of forwarding agent:*

5. Q. Is the use of a power-of-attorney form mandatory?

A. As now provided in § 379.4 (f) (2), it is only an optional form.

6. Q. May the exporter designate more than one forwarding agent?

A. Yes. It is not intended that the power-of-attorney or other authorization designating a forwarding agent should constitute such agent the sole and exclusive forwarding agent of the exporter for all exportations. Exporters may execute powers-of-attorney or other authorization for any and all of the forwarding agents whom they employ.

7. Q. Where a forwarding agent is suggested by the foreign buyer in a transaction (rather than by the seller in the United States), must the seller designate such forwarding agent as his agent for export control and customs purposes?

A. Exporters have in some such cases expressed reluctance in designating such forwarders as their agents, because they do not regularly deal with them, or because they may not wish thereby to disturb contractual relations with their own forwarders. It is assumed that the underlying problem here is the exporter's unwillingness to give any general authorization to such agent. It is therefore suggested that the form of designation on the Declaration be used which would limit the authority granted to the particular transaction involved. It should also be noted that in some such cases the solution to the problem may lie in having the agent for the foreign buyer apply for the license. (See § 372.4 (a) of this subchapter.)

8. Q. Must an exporter use the Bureau of Foreign Commerce form of power-of-attorney designating a forwarding agent, or may he give such authority by other and more limited powers-of-attorney?

A. The language of the Bureau of Foreign Commerce form of power-of-attorney is not mandatory. It is specifically provided that it may be made more restrictive by the exporter; likewise, an exporter may restrict the power-of-attorney set forth in the Declaration. Of course, no limitation may be made which would relieve the exporter from responsibility for carrying out the exportation authorized by the license which he holds.

9. Q. May the exporter vary the language of the acknowledgment set forth in the Bureau of Foreign Commerce forms of power-of-attorney?

A. Yes. The forms were drafted to permit use by exporters who are individuals, partnerships, corporations, associations, or quasi-governmental bodies. The acknowledgement forms may be modified to fit the legal status of the exporter.

10. Q. May exporters authorize forwarding agents to sign and swear to Declarations and to present them to Collectors for authentication by executing the designation appearing on the face of the Declarations?



A. Yes. The exporter may execute the designation appearing on the Declaration, which is applicable only to the transaction referred to in the Declaration. The power-of-attorney or other written authorization may be used where the same forwarding agent handles numerous shipments and it is impracticable to execute a specific designation on the Declaration for each transaction.

(c) *Who should execute:*

11. Q. Who is deemed to be "duly authorized officer or employee" for the purpose of signing and swearing to Declarations?

A. There is and can be no fixed rule in this respect. In general, such corporate officers as the president, vice president, treasurer, and secretary of a corporation, any partner of a partnership, and any responsible head of any other form of private or quasi-governmental organization will be deemed to have the requisite authority. Assistant officers will in general, be accorded a like assumption. Such employees as export managers who, by their official titles, are apparently vested with power to deal with exportations will also be deemed to have authority to execute the designation appearing on the face of a Declaration and to sign and swear to such Declarations.

(d) *Proof of authority:*

12. Q. Under what circumstances must Customs be furnished with supporting evidence of authority of persons executing powers-of-attorney or other authorizations?

A. Customs may in any case require proof of the authority of any such person signing a power-of-attorney or other authorization. In general, however, Customs will require such proof only when there is some reason to doubt the authority of the person involved.

(e) *Miscellaneous:*

13. Q. Must a forwarding agent have an office at the port of exportation or otherwise be known to the Collector at such port?

A. No. A forwarding agent need not have an office at every port of exportation. If a forwarding agent signs and swears to a Declaration which is intended for clearance of an exportation through a port where he has no office, he should furnish to the Collector at such port his power-of-attorney or other authorization from the exporter. He should also furnish to the person who will arrange physically to present the Declaration to the Collector, an authorization in writing for that purpose.

14. Q. May a forwarding agent who does not have an office at the port of exportation redelegate to another forwarding agent his authority to sign and swear to Declarations and to present Declarations for authentication at such port?

A. Yes; provided that the power-of-attorney or other authorization from the exporter permits such redelegation or there is presented to the Collector written evidence of consent of the exporter to such redelegation.

15. Q. If a forwarding agent has a power-of-attorney or other authorization filed with a Collector in one port, must he file additional original documents with Collectors in other ports through which he may effect exportations?

A. No. It is only necessary to file the original documents in one port. Photostatic copies thereof, certified by the Collector of such port, may be transmitted by the forwarding agent to other ports where needed unless the authorization is otherwise specifically limited by the exporter.

16. Q. How should forwarding agents and exporters handle such matters as changes of weights, measurements, quantities, etc., which must frequently be made on Declarations after authentication?

A. In general, the Export Regulations permit certain types of amendments and insertions to be made in Declarations before and after authentication, as set forth in §§ 379.4 and 379.5. A forwarding agent, however, designated on the Declaration or by separate document, may make such changes, unless specifically precluded from doing so by the exporter in his designation. Collectors are empowered to permit such amendments upon written authorization therefor by the Collectors set forth on such authenticated Declaration. Collectors will exercise discretion to allow amendments of this character. Where the amendments have the effect of converting a Declaration into one for a substantially different shipment, however, a new Declaration will have to be prepared. Unless otherwise limited by the exporter, the power-of-attorney or other authorization given to a forwarding agent is deemed also to authorize him to prepare substitute Declarations reflecting such changes.

§ 379.6 *Use of license symbols or numbers on Declaration or parcel*—(a) *Certification by the Exporter.* The use by any exporter of a general license symbol, a validated license number, or other designation, on a Declaration or parcel when such marking is required by the provisions of the Export Regulations, for the purpose of clearing an exportation under any general license or validated license, shall constitute a certification by the exporter that the terms, provisions, and conditions of the license have been met.

(b) *Use of validated license number.* The Collector will not authenticate a Declaration for a licensed exportation where an incomplete export license number is shown thereon; exporters must therefore use the complete validated license number when entering the required information in column (10) of the Declaration (Form 7525–V).

NOTE: 1. *License number.* When the number of an export license, Form IT– or FC–628, is correctly entered on the Declaration in column (10), the one entry of the complete number satisfies the requirements for inserting the "export license number" and the "issuance date" of the license. As explained in § 372.11 of this subchapter, the digits immediately following the initial letter, although an inseparable part of the license number, conjointly indicate the issuance (or validation) date of the license, while the last five digits signify the validating sequence. (Examples of complete numbers for Form IT– or FC–628, Export License: A5–2–1–02341; B5–181–33031; C5–212–64451.)

2. *Project licenses.* The license number of a Project License (see Part 374 of this subchapter) issued on Form IT– or FC–419 is the number appearing in the upper right corner of the document. The date of issuance appears in the lower right corner, in the space marked "For Official Use Only".

3. *Expiration date.* A separate entry is necessary to show the expiration date of the license on the Declaration form.

§ 379.7 *General authority of Collectors of Customs and Postmasters in clearing shipments*—(a) *Definitions.* "Collectors" means Collectors of Customs and other customs officials. "Postmasters" means Postmasters and other post office officials.

(b) *Scope of authority of Collectors and Postmasters.* Collectors and Postmasters are authorized and directed to take appropriate action to assure observance of the provisions of the Export Regulations, and of general and validated licenses issued thereunder, including but not limited to inspection of commodities and technical data being or about to be exported.

(c) *Waiver of presentation of license.* A Collector of Customs or Postmaster, upon specific authorization by the Bureau of Foreign Commerce, may waive the presentation of a license.

§ 379.8 *Types of actions which may be taken by Collectors.* The following types of actions, among others, are authorized to be taken by Collectors:

(a) *Examination of commodities*—(1) *Purpose of examination.* All commodities and technical data declared for export are subject to examination by customs officials for the purpose of verifying the commodity or technical data specified in the Declaration, and the value and quantity thereof, as well as to assure observance of the other provisions of the Export Regulations. The examination may be made in connection with commodities or technical data exported under a general license as well as a validated export license. It also may be made in connection with exportations to Canada. This examination is not limited to, but may take the form of, commodity identification, technical appraisal (analysis), or both.

(2) *Place of examination.* Examination of exportations shall be made at the place of lading or where the customs officials are stationed for that purpose.

(3) *Technical identification.* In those cases where, in the judgment of the Collector, the commodity or technical data cannot be properly identified, a sample may be taken for more detailed examination by customs appraisers or for chemical or other laboratory analysis. The shipment will not be delayed after sampling for completion of the analysis.

(4) *Sampling for technical identification*—(i) *Obtaining samples.* When sampling is required, the sample will be obtained by the customs official in accordance with the provisions for sampling imported merchandise. The size of the sample taken shall be the minimum representative amount necessary for identification or analysis and will depend on such factors as the physical condition of the material (whether solid, liquid, or gas), and the size and shape of the container.

(ii) *Notification of sampling to exporter and consignee.* The exporter (or his agent) and ultimate consignee shall be notified in each case where a sample is extracted for purposes of identification or analysis. Notification will be on Form IT– or FC–915, Notice of Retained Samples. This form shall be prepared by the customs official, showing the name of the port of exit, the date of sampling, Declaration number, license number (if any), mark and case numbers, amount of sample taken, manufacturer's number, and a description of the commodity. The form shall be prepared in triplicate. The original shall be placed in the opened package, box, crate, or other container; the duplicate shall be sent to the exporter or his agent; and the triplicate shall be retained by the Collector.

(iii) *Disposal of samples.* Samples withdrawn for analysis will be disposed of in accordance with the procedure followed by Collectors for disposing of samples of imported commodities.

(b) *Inspection of documents.* The Collector is authorized to require the owners and operators of exporting carriers or their agents, as well as the exporters or their agents, to produce for inspection or copying, invoices, orders, letters of credit, inspection requests, packing lists, shipping documents and instructions, correspondence, as well as any other relevant documents, and furnish other information bearing upon a particular exportation or commodity or technical data intended for export or removal from the United States and the identity and relationships of all participants therein.

(c) *Prohibiting lading.* The Collector is authorized to prevent the lading of commodities or technical data about to be laden on an exporting carrier whenever he has reasonable cause to believe such commodities or technical data are being exported or removed from the United States contrary to the provisions of the Export Regulations.

(d) *Inspection of exporting carrier.* The Collector is authorized to inspect and search any exporting carrier which is about to clear for a foreign destination at any time to determine whether commodities or technical data are intended to be, or are being, exported or removed from the United States contrary to the provisions of the Export Regulations.

(e) *Seizure.* The Collector is authorized, under Title 22 of the U. S. Code, section 401, et seq., to seize and detain any commodities or technical data whenever an attempt is made to export said commodities or technical data in violation of the Export Regulations or whenever he knows or has probable cause to believe that commodities or technical data are intended to be, or are being, or have been exported in violation of the Export Regulations. Seized commodities or technical data are subject to forfeiture.

(f) *Preventing departure of carrier.* The Collector is authorized, under Title 22 of the U. S. Code, section 401, et seq., to seize and detain, either before or after clearance, any vessel or vehicle or air carrier about to depart from a port or place in the United States for a foreign port or place either directly or via another port in the United States which has been or is being used in exporting or attempting to export any commodity or technical data intended to be, or being, or having been previously exported in violation of the provisions of the Export Regulations.

(g) *Ordering the unlading.* The Collector is authorized to unlade or cause to be unladen from any exporting carrier that is about to depart for a foreign destination commodities or technical data that have been laden thereon, whenever the Collector has reasonable cause to believe such commodities or technical data are intended to be, or are being, exported or removed from the United States contrary to the provisions of the Export Regulations.

(h) *Questioning of individuals.* The Collector is authorized to question the owners and operators of exporting carriers and their agents, as well as the exporters and their agents, concerning particular shipments of commodities or technical data exported or intended to be exported.

(i) *Ordering the return of commodities.* The Collector is authorized to order the owners and operators of exporting carriers and their agents to return commodities or technical data exported on such exporting carriers and make them available for inspection by the Collector when no adequate opportunity is afforded the Collectors to examine the commodities prior to lading and when departure of the carrier takes place prior to authentication of the Declaration.

§ 379.9 *Port of exit: Shipments leaving United States before final exportation from United States port*—(a) *Shipments leaving United States before final exportation from United States port.* Commodities which leave the United States at one port, cross adjacent foreign territory, and reenter the United States at another port before final exportation to a foreign country will be treated as an export at the last port of exit from the United States.

(b) *Licenses valid for shipment from any port.* A license may be used for exportation from any port of exit from the United States subject to the jurisdiction of the United States unless the Bureau of Foreign Commerce shall otherwise provide.

(c) *Simultaneous shipments from different ports.* Simultaneous shipments from different ports of exit may be cleared for export under a single license by the Collector having possession of the license, through arrangements with the Collector at the other port or ports of exit, as provided by the Bureau of Foreign Commerce.

§ 379.10 *Destination control* — (a) *Scope and definitions.* (1) The provisions of this section apply to all shipments of cargo made under validated licenses and all shipments of Positive List commodities made under either validated or general licenses.

(2) The provisions of this section shall not apply with respect to shipments of cargo effected under General License GO to ports of ultimate destination in Country Group O, except where such shipments are to be forwarded, transshipped, or reexported through or via an R country (see § 371.3 of this subchapter).

(3) As used in this section, "Bill of Lading" means the contract of carriage and receipt for commodities issued by the carrier.

(b) *Country of ultimate destination.* (1) No carrier by water, land, or air, nor any other person on behalf of any carrier, shall issue a bill of lading which provides for delivery of cargo subject to the provisions of this section at any foreign port except a port located in the country of (i) the ultimate consignee, or (ii) the intermediate consignee, named in the authenticated Declaration.

(2) No carrier shall deliver such cargo at any other country at the request or option of either the shipper, consignor, exporter, purchaser, or ultimate consignee, or their agents, or any other person having custody or control of the shipment, without prior written authorization from the Bureau of Foreign Commerce to the carrier or its agent.

(3) No shipper, consignor, exporter, purchaser or ultimate consignee, or their agents, or any other person, shall, without prior written authorization from the Bureau of Foreign Commerce to the carrier or its agent: (i) divert any cargo to any country of ultimate destination other than that named in the authenticated Declaration or in the Bill of Lading described in paragraph (c) of this section; (ii) request or demand that any carrier or its agent divert such cargo from the country of ultimate destination named in any of such documents. In addition, no agent of any carrier shall instruct or authorize the master of the vessel to divert any such cargo to any other country of ultimate destination without such prior written authorization from the Bureau of Foreign Commerce.

(4) No carrier of such cargo shall issue a Bill of Lading providing for delivery to the ultimate consignee named in the authenticated Declaration at optional ports where one of such optional ports is in a country not named as the ultimate country of destination in the license or Declaration, unless written authorization has been granted by the Bureau of Foreign Commerce. However, where the authenticated Declaration provides for delivery of cargo consisting of commodities subject to this section to optional intermediate consignees located in ports in different countries, the carrier may issue a Bill of Lading providing for delivery at such optional ports.

(c) *Statement regarding ultimate destination on Declaration, Bill of Lading, and Commercial Invoice.* (1) (i) No shipment of cargo subject to the provisions of this section may be made unless the licensee or his forwarding agent shall place the following statement (filling in the blank space with the name of the country of ultimate destination set forth in the Declaration) on all copies of the Declaration presented to the Collector at the port of exit for authentication:

These commodities licensed by U. S. for ultimate destination (name of country). Diversion contrary to U. S. law prohibited.[1]

(ii) If the validated export license authorizes distribution or resale of the named commodities in a country or countries other than the named country of ultimate destination, the following statement (in lieu of the preceding statement) shall be set forth on all copies of the Declaration:

These commodities licensed by U. S. for ultimate destination (name of country) and for distribution or resale in (name of other approved countries as shown on validated license). Diversion contrary to U. S. law prohibited.[1]

(2) No carrier by water, land, or air shall issue, and no licensee, shipper, consignor, exporter or consignee, or their agents, or any other person, shall prepare or procure a Bill of Lading covering an exportation of a commodity with respect to which a Declaration has been authenticated by a Collector containing the applicable statement set forth in subparagraph (1) of this paragraph, unless all copies of such Bill of Lading, including all non-negotiable and office copies, shall contain the same statement.

[1] For shipments to Cambodia, Laos or Viet-Nam, the country area designations shown in § 373.68 of this subchapter shall be used.

(3) No licensee, shipper, or consignor, exporter, or agent thereof, or any other person, shall prepare or issue any commercial invoice with respect to any shipment of commodities subject to the provisions of this section, unless such invoice or invoices, and all copies thereof, shall contain on the face thereof the applicable statement set forth in subparagraph (1) of this paragraph.

(4) No carrier shall release custody of a shipment of commodities covered by the provisions of this section to any party (including agents, on-carriers, foreign customs officials, or any other person) without surrender by that party to the carrier, of a copy of the Bill of Lading bearing on its face the applicable destination control statement set forth in subparagraph (1) of this paragraph; unless simultaneously with release of the commodities the carrier delivers to such party a written copy of the destination control statement covering the shipment as contained on the copy of the Bill of Lading in the carrier's possession. The written statement shall identify the shipment by Bill of Lading number, name of carrier, voyage number, date and port of arrival. The carrier shall secure and retain either a signed receipted copy of such written statement or other equivalent written evidence of such statement.

(d) *Notice and prohibition against diversion.* (1) Whenever a commercial invoice shall be issued containing the destination control statement prescribed in paragraph (c) (1) of this section, the shipper or other person issuing such invoice shall promptly send copies thereof to (i) the ultimate consignee and the purchaser named in the authenticated Declaration; (ii) the intermediate consignee; and (iii) any other persons named in the invoice who are located in a foreign country. Nothing herein contained shall be construed to limit the persons or classes of persons to whom such invoices and Bills of Lading are usually and customarily sent in the course of export trade. The shipper or other person issuing the commercial invoice may either omit all reference to price or sales commission from the copy of the invoice sent to any of the above-named persons, provided such invoice otherwise adequately identifies the shipment; or, in lieu of a copy of the commercial invoice, may send a copy of the Bill of Lading containing the destination control statement prescribed in paragraph (c) (1) of this section.

(2) No person, including the ultimate consignee or intermediate consignee and any on-forwarding carrier, shall, after notification of the prohibition against diversion prescribed in paragraph (c) (1) of this section whether by such invoice or Bill of Lading or by any other means, divert or cause to be diverted any of the commodities described in such Bill of Lading to any country of ultimate destination other than that named in such notification.

(e) *Proof of notice.* In any administrative compliance proceeding brought by the Bureau of Foreign Commerce, evidence of the sending of such invoice or Bill of Lading, or other form of notification of the prohibition against diversion to any person, shall constitute prima facie proof of his receipt thereof and of notification that the commodities have been licensed for a particular country of ultimate destination and may not be lawfully diverted to any other country. In addition, proof of the sending of such notice to the intermediate consignee shall be deemed notification of such prohibition to the ultimate consignee and purchaser.

(f) *Unloading of cargo at a port in other than intermediate or ultimate country of destination.* Nothing contained in the Export Regulations shall be deemed to prohibit a carrier from unloading cargo at a port in other than the intermediate or ultimate country of destination shown on the authenticated Declaration where, by reason of an act of God, perils of the sea, damage to the carrier, strikes, war, political disturbances, insurrection, or other causes beyond the control of the carrier set forth as standard provisions of the carrier's Bill of Lading, it is not feasible to deliver the cargo at the licensed port of destination. Whenever, because of the existence of any of the said causes, cargo is unloaded at a port in any other country:

(1) The carrier shall promptly, and within 10 days from the date of unloading such cargo, report the facts with respect thereto to the nearest American consul and to the agent of the carrier located in the United States. Within 10 days after the receipt of such notice by the agent of the carrier in the United States, such agent shall transmit a copy of the report to the Bureau of Foreign Commerce. This report shall consist of a copy of the manifest of such diverted cargo, together with a statement of the place of unloading and the name and address of the person in whose custody the commodities were delivered.

(2) The exporter of such commodities shall, upon notice from the Bureau of Foreign Commerce of such diversion, promptly, and within 10 days, notify the Bureau of Foreign Commerce of the proposed disposition of the commodities.

(3) No person, including the exporter, the licensee, any consignee, or the carrier and any agent or person acting on its behalf, shall take any steps to effect delivery or entry of the commodities into the commerce of the country where unloaded without prior approval of the Bureau of Foreign Commerce. The carrier shall take steps to assure that such commodities are placed in custody under bond or other guaranty not to enter the commerce of such country or any country other than the countries of the ultimate and intermediate consignees shown on the authenticated Declaration without such prior approval.

(g) *Indication of Shipper's Export Declaration number on ship's manifest.* The carrier or its agent shall, on all copies of that manifest which is filed with the United States Collector of Customs, indicate, thereon, with respect to each shipment, the applicable Shipper's Export Declaration number assigned to each such shipment by the Collector.

INTERPRETATIONS

1. Q. Who other than the shipper is authorized to insert the ultimate destination control statement on the Shipper's Export Declaration, the Bill of Lading and the commercial invoice, as provided by § 379.10 (c) (1)?

A. The forwarding agent is deemed to have authority to insert the ultimate destination control statement required by § 379.10 (c) (1) on the Bill of Lading, Declaration, and commercial invoices, unless the forwarding agent's authorization prohibits him from so doing. If the carrier prepares the Bill of Lading, the carrier must insert the statement on that document based upon information communicated to the carrier by the exporter or his authorized forwarding agent, i. e., an authenticated Declaration or a validated license, or a properly executed Declaration given to the carrier for submission to Collectors for authentication containing the statement.

2. Q. If shippers or their agents located in inland cities forward to carriers at ports of exit Declarations, Bills of Lading, and commercial invoices without having inserted the ultimate destination control statement, is it necessary for the carrier to return the documents to the shipper or his agent?

A. If a Declaration presented to the carrier does not contain the ultimate destination control statement, the carrier cannot add such statement to the Declaration unless specifically authorized by the exporter, nor can the carrier issue a Bill of Lading containing the statement until the exporter or his authorized forwarding agent has placed the statement on the Declaration and the Declaration has been authenticated by the Collector. The carrier may not insert the statement on any Declaration or commercial invoice accompanying the shipment, unless authorized by designation as provided in the case of forwarding agents.

3. Q. Is the Collector responsible for checking as to the ultimate destination control statement on the Bill of Lading and on invoices, as well as on the Declaration?

A. Collectors have the responsibility for checking as to the ultimate destination control statement on all Declarations submitted for authentication, and should ascertain that the inscription has been placed on any Bills of Lading or invoices which they receive in the regular course of business or which otherwise come to their attention. In other cases, Collectors may, whenever they deem it appropriate to assure compliance with the Export Regulations, check the Bill of Lading or commercial invoices as to the ultimate destination control statement or other matters.

4. Q. Do the destination control provisions apply to Positive List commodities exported under such General Licenses as GLV, Baggage and Tools of Trade?

A. The provisions of § 379.10 apply to GLV shipments and in general to all other shipments of Positive List commodities under any general license for which a Declaration is required. General Licenses Baggage and Tools of Trade do not require Declarations, except when moving under a Bill of Lading. Shipments under General License GO require an ultimate destination control statement only in cases where the shipment is to be forwarded, transferred, or reexported through or via a Group R country.

5. Q. Does this regulation apply to in-transit shipments?

A. The ultimate destination control statement is not required for shipments made under General License GIT, but is required for in-transit shipments of commodities excepted from GIT (§ 371.9 (c) of this subchapter), and for commodities moving in

transit to Hong Kong, Macao and Subgroup A destinations.

6. Q. Does § 379.10 (g) apply only to a ship's manifest?

A. Section 379.10 (g) applies only to customs outward foreign manifest.

(h) *Conformity of export control documents.* (1) As used in this paragraph, "licensed exporter" means the person named as "exporter," and "licensed ultimate consignee" means the person named as ultimate consignee, in an authenticated Shipper's Export Declaration covering a validated license shipment or a general license shipment of Positive List commodities.

(2) The following rule of conformity of export control documents shall apply to all shipments which are subject to the provisions of this section:

(i) In the case of shipments under a validated license or a general license, the validated export license (if any), the authenticated Declaration, and outbound Bill of Lading covering the same export shipment must be consistent with one another.

(ii) The Bill of Lading is not consistent if it contains words or a statement indicating that the shipment is in transit to a different country of ultimate destination from the country of ultimate destination named in the authenticated Declaration, such as consigning the shipment to the ultimate destination with a qualifying phrase indicating the shipment is "in transit" at that destination, or consigning the shipment to a free zone or free port when it is known or there is reasonable cause to believe that the shipment is not for consumption in the country in which the ultimate consignee is located.

(iii) The Bill of Lading is not consistent if it names as shipper any person other than the licensed exporter or his duly authorized forwarding agent. Where shipments from more than one exporter are consolidated on a single Bill of Lading, the shipper named on the Bill of Lading must also appear as the authorized forwarding agent for each licensed exporter on each Declaration.

(iv) In the case of negotiable Bills of Lading (i. e., "order" Bills of Lading) the Bill of Lading is deemed consistent only if:

(*a*) The name and address of the licensed ultimate consignee are shown in the body of the Bill of Lading under the caption "licensed ultimate consignee and notify party" or in the case of the air waybill under the caption "also notify." Where shipments to more than one licensed ultimate consignee are consolidated on one Bill of Lading and the names of all licensed ultimate consignees are not shown in the body of the Bill of Lading, the name of the intermediate consignee (customs broker or consolidator's agent in the foreign country) who will receive and distribute the goods to the licensed ultimate consignees must appear on the Bill of Lading, the export license, and the Declaration. Where the name of the intermediate consignee in such a consolidated shipment differs from that shown on the validated license, or does not appear on the license, an amendment of the license is necessary even though the intermediate consignee is in the same country as the ultimate consignees;

(*b*) The consignee or order party named in the Bill of Lading is named in the authenticated Declaration; and

(*c*) The Bill of Lading provides for delivery of the shipment (cargo) at a port located in the country of either the ultimate consignee or intermediate consignee named in the authenticated Declaration.

NOTE: As indicated in subparagraph (2) (iv) of this paragraph, the Bill of Lading may consign the commodities covered thereby to the order of the shipper, to the order of an intermediate consignee (whether bank, foreign freight forwarder or other intermediary), or to the order of purchaser (if not the same as the licensed ultimate consignee).

An "order" Bill of Lading issued in the above form constitutes a representation on the part of such shipper that the commodities covered by the validated or general license, authenticated Declaration, and Bill of Lading are ultimately destined to such ultimate consignee, that the document has not been used for the purpose of evading the terms and conditions of the validated or general license, and that pursuant to the contract of carriage, the commodities will be delivered at a port located in the country of the ultimate consignee or of the intermediate consignee named in the authenticated Declaration.

(v) On Bills of Lading the commodities may be described in terms of the freight tariff classification or other type of classification, but may not be inconsistent with the description shown in the authenticated Declaration and validated export license (if any).

(vi) No carrier shall issue, and no licensee, shipper, consignor, exporter or consignee, or their agents, or any other person, shall prepare or procure, a Bill of Lading which is contrary to the provisions of this paragraph, and Collectors are authorized to require any document or to use any other appropriate methods to insure compliance with these provisions.

(vii) If the carrier's outward foreign manifest which is filed with the U. S. Collector contains names of shippers or consignees, these names must not be inconsistent with the names shown on the Bill of Lading (or authenticated Declarations).

§ 379.11 *Return or unloading of cargo at direction of Department of Commerce*—(a) *Exporting carriers.* (1) As used in this section, the term "exporting carrier" includes connecting or onforwarding carriers, as well as the owner, charterer, agent, master, and any other person in charge of the vessel, aircraft, or other kind of carrier, whether such persons are located in the United States or in a foreign country.

(2) The Bureau of Foreign Commerce or any United States Collector of Customs, where there are reasonable grounds for believing that a violation of the Export Regulations has occurred or will occur with respect to a particular exportation from the United States, may order any exporting carrier carrying such shipment, or which is otherwise in possession or control thereof, to return or unload the shipment. Such exporting carrier shall as ordered either (i) return such shipment to the United States or cause it to be so returned, or (ii) unload such shipment at a port of call and take steps to assure that such shipment is placed in custody under bond or other guaranty not to enter the commerce of any foreign country without prior approval of the Bureau of Foreign Commerce. For the purpose of this section, the furnishing of a copy of the order to any person included within the definition of exporting carrier shall be sufficient notice of the order to the exporting carrier.

(3) The provisions of § 379.10 (f), relating to reporting, notification to the Bureau of Foreign Commerce, and the prohibition against unauthorized delivery or entry of the commodity into a foreign country, shall apply also to commodities directed to be unloaded at a port of call, as provided in this section.

(b) *Notification.* Upon discovery by an owner, agent, or other person included within the term "exporting carrier," as defined in paragraph (a) of this section, that a violation of the Export Regulations has occurred or will occur with respect to a shipment on board, or otherwise in the possession or control of the carrier, such person shall immediately notify the Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C., and the person in actual possession or control of the shipment.

NOTE: 1. *Customs regulations.* This section in no wise relieves exporting carriers of their responsibilities under regulations of the Bureau of Customs (particularly under U. S. Code, title 46, sections 91 and 92).

2. *Commodities returned to United States.* Commodities returned to the United States pursuant to this section are required by customs regulations to be removed from the dock or pier where deposited within 48 hours, or the commodities will be placed in storage with charges leviable against the commodities.

§ 379.12 *Other applicable laws and regulations.* Nothing contained in this part shall relieve any person from complying with the applicable provisions of any other law of the United States or rules and regulations issued thereunder, including those governing Declarations and manifests.

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## PART 380—AMENDMENTS, EXTENSIONS, TRANSFERS

Sec.


380.1 Transfer of licenses.
380.2 Amendments or alterations of licenses.
380.3 Price amendments on pending license applications.
380.4 Extension of licenses.
380.5 Amendments to licenses issued for the exportation of refined copper, copper scrap, copper-base alloy scrap and copper-base alloy ingots and other crude forms.


AUTHORITY: §§ 380.1 to 384.5 issued under sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023, E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.

§ 380.1 *Transfer of licenses*—(a) *Authorization.* Export licenses shall not be transferred except by prior written authorization of the Bureau of Foreign Commerce. Transfer of export licenses may be effected only by amendment of the original license, except as otherwise provided in this section, and only upon request of the original licensee.

(b) *When transfer may be granted.* (1) A transfer of a validated license may be granted in any case to a transferee subject to the jurisdiction of the United States who is a principal party in interest and who will assume all powers and responsibilities under the license for the control of the shipment of the goods out of the United States.

(2) Only one transfer of the same license will be approved under this section.

(c) *Information from transferor and form of request*—(1) *Transfer of less than 15 licenses.* (i) In requesting transfer of less than 15 outstanding licenses (except project licenses) (for amendments of project licenses, see § 374.3 of this chapter), the licensee must submit:

(*a*) A completed Form IT– or FC–763, "Request for and Notice of Amendment Action," in triplicate, for each license(s).

(*b*) The original license(s) if held by the licensee.

(*c*) A signed letter from the person or firm to whom the license(s) is to be transferred as required by paragraph (d) of this section.

(*d*) The following certification:

**The undersigned hereby certifies that, if license number(s) -------- is (are) transferred in accordance with my (our) request, any and all documents evidencing the order covered by this (these) license(s) will be retained by me (us) for three years from the date of this certification and will be made available upon demand. The undersigned will promptly report to the Bureau of Foreign Commerce any material or substantive changes in the terms of the order and any other facts of the export transaction known or reported to the undersigned at any future time by any party to the export transaction.**

---
(Signature of transferor)

By ---
---
(Title)

---
(Date)

(ii) When setting forth reasons for the requested transfer in the item entitled "Facts Necessitating Amendment" of Form IT– or FC–763, the licensee shall also state whether or not any consideration has been or will be paid for the transfer. The name and address of the proposed transferee shall be shown in the item entitled "Amend License to Read as Follows" of Form IT– or FC–763.

(iii) If the original license(s) is being held by a Collector of Customs at the time the licensee submits the request for transfer, he must show in the item entitled "License Has Been Deposited With" of Form IT– or FC–763, the address of the Collector of Customs with whom the original license(s) has been deposited. Also, in such cases, the licensee must submit an additional triplicate (yellow) copy of Form IT– or FC–763, "Notice to Applicant," showing in the item entitled "Return Copy of Amendment Notice To," of one copy the name and address of the original licensee and on the additional copy the name and address of the person to whom the license is to be transferred. This additional triplicate (yellow) copy of Form IT– or FC–763 will be used for notifying the transferee of the action taken.

(2) *Transfer of 15 or more licenses.* Where the licensee requests a transfer of 15 or more outstanding licenses, the request must be made in the form of a letter to the Bureau of Foreign Commerce setting forth the following:

(i) Either a list of the Bureau of Foreign Commerce case numbers and outstanding license numbers or a statement that all outstanding licenses in the name of the licensee are to be transferred and indicating the total number of such outstanding licenses.

(ii) A listing showing the Bureau of Foreign Commerce case numbers of applications for export licenses pending in the Bureau of Foreign Commerce which are to be transferred.

(iii) The name and address of the proposed transferee.

(iv) Facts necessitating transfer.

(v) A statement of whether or not any consideration has been or will be paid for the transfer.

(vi) The certification set forth in subparagraph (1) (i) (*d*) of this paragraph.

(3) *Additional proof.* In addition to the information required under subparagraphs (1) and (2) of this paragraph, the original licensee must identify by name the legal document (certificate, agreement, etc.) or other authority by which the new firm name is legally established, the new corporation or firm created, or the assets transferred, showing the effective date of such document, and the state where filed or recorded.

(d) *Information from transferee.* The request for transfer from the original licensee must be accompanied by a signed letter from the person to whom transfer is to be made as follows:

(1) In those cases where the transfer is requested because the license is desired for use by a subsidiary or parent corporation of the licensee, or where the entire or a substantial portion of the assets or business of the licensee has been sold or transferred to the new exporter, the transferee must certify that the legal document or authority under which the change of exporter is effected, authorizes and imposes the responsibility on the transferee of accepting and fulfilling the legal obligations of the transferor under the transactions covered by the license to be transferred.

(2) The transferee is a principal party in interest in the transaction covered by the license or is acting as agent for a principal party in interest.

(3) The transferee is subject to the jurisdiction of the United States.

(4) The transferee assumes all powers and responsibilities under the license for the control of the shipment of the goods out of the United States.

(5) Whether any consideration has been or will be paid for the transfer.

(6) If the transferee will make the exportation as agent on behalf of a foreign principal, the name and address of that foreign principal must be stated.

(e) *Notification*—(1) *Notification of amendment action.* On an approved request for the transfer of less than 15 licenses, the Bureau of Foreign Commerce will validate all copies of Form IT– or FC–763 by imprinting in the space headed "Validation" a facsimile of the Department of Commerce seal followed by a five-digit number representing the date of validation. The duplicate will be forwarded as the official notice of amendment to the Collector of Customs designated in the item entitled "License Has Been Deposited With"; the triplicate will be forwarded to the individual named in the item entitled "Return Copy of Amendment Notice To" of Form IT– or FC–763. If the request is rejected, the reason(s) therefore will be indicated in the upper right-hand corner, and the triplicate copy returned to the applicant.

(2) *Notification of blanket authority.* Upon approval of a request by the licensee to transfer 15 or more outstanding licenses, the Bureau of Foreign Commerce will issue a blanket authorization and notification to Collectors of Customs that shipments may be cleared for export against such licenses when presented by the transferee. The transferor and transferee will be notified by letter of the blanket authorization.

§ 380.2 *Amendments or alterations of licenses*—(a) *Persons authorized to amend licenses.* No amendments or alterations of outstanding export licenses may be made except by the Department of Commerce or by Collectors of Customs or Postmasters acting under specified instructions from the Department of Commerce.

(b) *General provisions.* The Bureau of Foreign Commerce will consider for approval a request for amendment of an outstanding export license submitted for the purpose of conforming such license to changes which have taken place in the original transaction covered by that license. However, an amendment will not be approved to effect a change of such significance as to constitute a new transaction. Such transactions must be covered by a new license application.

(c) *Changes requiring a new license application.* In general, changes of the following types will be deemed to be of such substance as to constitute an essentially new transaction and therefore require a new application for an export license:

(1) Country of ultimate destination.

(2) Ultimate consignee (except as indicated in paragraph (d) (2) of this section).

(3) Commodity to be exported.

(d) *Changes by amendment.* The changes which may be made by amendment to an outstanding export license include, but are not limited to, the following items:

(1) Purchaser (provided the change in purchaser does not also effect a change in ultimate consignee).

(2) Ultimate consignee, if the change is made (i) to identify correctly the same ultimate consignee named in the license, or (ii) to add one or more new consignees to an outstanding Periodic Requirements (PRL) license or a Blanket (BLT) license, or (iii) to designate a new consignee when the purchaser instructs that shipment be made direct to the ultimate user, provided that all documents required from the ultimate user, such

as consignee statement, are submitted to the Bureau of Foreign Commerce either with the original application or with the amendment request.

(3) Intermediate consignee, (i) if the new intermediate consignee is located in any country other than the country of ultimate destination shown on the export license, and (ii) if the new intermediate consignee is located in the country of ultimate destination and an amendment request is submitted in accordance with the provisions of § 379.5 (h) (2) (iv) (*a*).

(4) Increase in quantity or price (see paragraph (i) of this section.

(5) Extension of the validity period of the license (see § 380.4).

(6) Correction of a clerical error on the part of the Bureau of Foreign Commerce.

(7) Correction of a clerical error on the part of the applicant for an export license of a type not covered by paragraph (e) of this section.

(8) Change of licensee (in accordance with the provisions relative to the transfer of licenses set forth in § 380.1).

(9) Decrease in quantity of commodity included in § 373.71 of this subchapter.

(e) *Changes which require neither amendment nor new license.* The following changes do not require a new license or an approved amendment, or any other notification to the Bureau of Foreign Commerce:

(1) Change in applicant's reference number.

(2) Decrease in unit price or total value.

(3) Other changes in price (see paragraph (i) (3) of this section).

(4) Change in intermediate consignee if the new intermediate consignee is located in the country of ultimate destination as shown on the export license, except a change in or addition of an intermediate consignee involving a consolidated shipment (see § 379.10 (h) (2) (iv) (*a*).

(5) Change in address of purchaser or ultimate consignee; provided that the new address is located within the same country shown on the export license.

(6) Change in Schedule B number, unit of quantity, or wording of the commodity description where necessary only for the purpose of conforming to an official revision of Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States made by the Bureau of the Census after the license is issued but before shipment is made. This provision does not permit any change to be made which effects an actual change in the commodity or the quantity licensed.

(f) *Where to file*—(1) *General.* All requests for amendments to licenses may be filed with the Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C. However, certain types of amendments described in subparagraph (2) of this paragraph may be requested from those field offices of the Department of Commerce listed below:

| | |
|---|---|
| Boston. | Houston. |
| Chicago. | Jacksonville. |
| Cleveland. | Los Angeles. |
| Detroit. | Miami. |
| El Paso. | New Orleans. |
| New York. | San Francisco. |
| Philadelphia. | Savannah. |
| Portland, Oreg. | Seattle. |

(2) *Amendment requests on which field offices may take action.* With the exceptions set forth in subparagraphs (3) and (4) of this paragraph, the Department of Commerce field offices listed in the subparagraph (1) of this paragraph are authorized to take action on requests for amendment of licenses of the following types only:

(i) Extension of validity period.

(ii) Correction of certain types of obvious errors due to mistakes in typing licenses, such as misspelled words, errors in price extension or computation, and errors in unit of quantity (provided the correction does not change the total quantity).

(iii) Change of quantity or dollar value required as a result of factors beyond the control of the licensee, such as unforeseen overruns of the mill. Field offices of the Department of Commerce are limited in their approvals of such amendment requests, however, to specified small percentage increases in the licensed quantity or dollar value.

(iv) Change of the licensee's address.

(v) Change in intermediate consignee or addition of intermediate consignee (see § 379.10 (h) (2) (iv) and § 380.2 (d) (3) of this subchapter).

(3) *Amendment requests on which field offices may not take action.* The Department of Commerce field offices are not authorized to take action on requests for amendments to licenses under the following conditions. All such requests shall be filed with the Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C.

(i) Requests for amendment of licenses covering exportations to Macao or Subgroup A countries, unless the amendment involves no more than a correction of obvious errors in the license, such as mistakes in typing.

(ii) Requests for amendment of licenses where the intended port of exit is not known to the licensee.

(iii) Requests for amendment action on shipments which have already been laden aboard the exporting carrier or exported. (See paragraph (h) (2) of this section.)

(iv) Requests for amendments or extensions of licenses for refined copper in cathodes, billets, ingots, wire bars and other crude forms (including anodes) (Schedule B No. 641200), copper scrap (new and old) (Schedule B No. 641300), copper-base alloy scrap (new and old) (Schedule B No. 644000), and copper-base alloy ingots and other crude forms (Schedule B No. 644100).

(v) Requests for amendments or extension of licenses for iron and steel scrap, Schedule B Nos. 601010, 601040, 601050, 601070 and 601090, except shipments of iron and steel scrap to Mexico or where "offshore" scrap is to be exported.

(vi) Requests for amendments or extensions of licenses for aluminum scrap, Schedule B No. 630050, and aluminum remelt ingots, Schedule B No. 630070.

(vii) Decrease in quantity of commodity included in § 373.71 of this subchapter.

(4) *Duplicate requests covering same license.* Requests for amendment shall not be submitted to or acted upon by any field office of the Department of Commerce if an amendment request covering the same license is currently pending action or has been previously denied by the Washington office of the Bureau of Foreign Commerce, or by any other field office.

(g) *Procedure for submitting requests for amendments*— (1) *Number of copies.* Requests for amendments shall be submitted on Form IT– or FC–763, Request for and Notice of Amendment Action, in triplicate. However, when such requests are filed with one of the above-named field offices, a fourth copy must be submitted; this fourth copy may be made on plain, thin, white paper.

(2) *Information required.* All numbered items shown on IT– or FC–763 must be completely filled in on all copies.

(i) The reasons for the requested amendment must be clearly stated in the item entitled "Facts Necessitating Amendment" of the form. In requesting an amendment for change in the purchaser or ultimate consignee, the licensee must comply, where applicable, with the provisions of § 373.65 of this chapter regarding a statement from the new ultimate consignee or purchaser if the shipment is destined to an R country or with the provisions of § 373.2 (c) of this chapter regarding the submission of an import certificate.

(ii) The licensee must not in any case retain the license when submitting a request for amendment. Where shipments are to be made through customs, the address of the Collector of Customs with whom the license has been deposited must be entered in the item entitled "License Has Been Deposited With" of Form IT– or FC–763. If the exporter does not know the intended port of exit, he shall return his license to the Bureau of Foreign Commerce with his request for amendment on Form IT– or FC–763; in which case, the applicant shall enter the word "Unknown" in answer to this item on the form. A Postmaster or post office address, from which a shipment will be made by mail, is not an acceptable entry for this item. When shipment is to be made by mail, the license must accompany the request for amendment.

(iii) In completing the item entitled "Amend License to Read as Follows," the applicant must identify that portion of the license upon which amendment is requested and insert the proposed change.

(3) *Signature.* The signature of the licensee, or an officer or duly authorized agent of the licensee, shall be placed on the original [1] of Form IT– or FC–763, in the space provided. When such request is submitted by an officer or an agent authorized by the licensee, who may be a freight forwarder, atttorney, or any other individual so authorized, he must sign the request by entering the licensee's name and underneath his own signature prefixed by the word "By" and followed by his own title.

For example: Joseph Aloysius Jones
By: Hamilton Newbold,
*Agent.*

(4) *Telegraphic requests.* Under emergency conditions, a request for amendment may be made by telegram, and the licensee may include therein a request that the amendment, if approved, be forwarded to the Collector of Customs by special communication. In such instances, the telegram must include the same information required to complete Form IT– or FC–763, and, in addition, full information as to the necessity for such types of service, including deadline dates. If the request is submitted by mail on Form IT– or FC–763, but emergency clearance is requested, a letter setting forth full details as to the necessity for such service, including deadline dates, must accompany the request for amendment.

(5) *Telephone requests.* Under emergency conditions, a request for amendment may be made by telephone and the licensee may include therein a request that the amendment, if approved, be transmitted to the Collector of Customs by telegraph or other special communication. In such instances, the applicant must supply the Bureau of Foreign Commerce with sufficient justification for the request and detailed information necessary for the completion of a Form IT– or FC–763. If the amendment is approved, the Bureau of Foreign Commerce will so advise the applicant and the Collector. However, before the Collector of Customs will release the shipment under the amended license, the applicant must file a completed and signed IT– or FC–763 with the Collector.

NOTE: Requests for amendments by letter will not be accepted.

1. *Licenses held by Collectors.*

*Amendment action by the Bureau of Foreign Commerce, Washington, D. C.:* On an approved request, the Bureau of Foreign Commerce will validate all copies of Form IT– or FC–763 by imprinting in the space headed "Validation" a facsimile of the Department of Commerce seal followed by a five-digit number representing the date of validation; the duplicate copy will be forwarded as the official notice of amendment to the Collector of Customs designated in the item of the form entitled "License Has Been Deposited With"; the triplicate copy will be forwarded to the individual named in the item of Form IT– or FC–763 entitled "Return Copy—". If the request is rejected, or returned without action, the reason(s) therefore will be indicated in the upper right-hand corner, and the triplicate copy returned to the applicant. Upon request, and where warranted, advice of an amendment action will be dispatched by collect wire to the applicant and (in the case of approved requests) by special communication to the Collector of Customs; copies of Form IT– or FC–763 then will be mailed in the usual manner and serve as confirmation of wire advices.

*Amendment Action by Field Offices.* Amendments approved by Department of Commerce field offices will be validated in a different manner than those approved by the Washington office of the Bureau of Foreign Commerce. The facsimile of the Department of Commerce seal and the name of the field office will be inserted in the space marked "Validation" by means of a validating machine and plate. To complete the validation process, the amending officer will sign and date Form IT– or FC–763. The Collector's copy of the approved form will be sent to the appropriate Collector of Customs by official transmittal as the official notice of amendment. A confirmation copy will be sent to the individual named in the item of Form IT– or FC–763 entitled "Return Copy—". In case of rejection or return without action, the amending officer will, in the spaces provided, indicate rejection or return without action, sign, date, identify the field office, and give reasons for such action; a confirmation copy will be sent to the individual named in the item of Form IT– or FC–763 entitled "Return Copy—".

When an amendment request involves shipment by mail, the field office shall return to the applicant (a) the validated duplicate (Collector's) Copy of Form IT– or FC–763; (b) the triplicate (applicant's copy); and (c) the Export License (Form IT– or FC–628). It will be the responsibility of the licensee or his authorized agent to present the license and the validated Form IT– or FC–763 to the Postmaster at the time of mailing.

2. *Licenses sent to the Bureau of Foreign Commerce.* In those cases where the intended port of exit is unknown and the license accompanies Form IT– or FC–763, the Bureau of Foreign Commerce, on an approved request, will prepare a new license and forward it to the individual named in the item of Form IT– or FC–763 entitled "Return Copy—". However, if the amendment requested is for an extension of the validity period, such amendment will be made by typing a new expiration date on the face of the original license.

3. *Where to Obtain Form IT– or FC–763.* Form IT– or FC–763 is set up in pads of quadruplicates so as to provide a copy for the applicant's file. Sets of the forms may be obtained by writing to any field office of the Department of Commerce.

(h) *Disclosure on amendment requests of prior action on the shipment*—(1) *Prior detention of commodities by customs.* Any exporter or his agent making application to the Bureau of Foreign Commerce for an amendment of an export license, who shall know or have reasonable cause to believe that a Collector of Customs has detained commodities which would be exportable under such license, as amended, shall disclose to the Bureau of Foreign Commerce at the time of applying for such amendment the fact that the Collector of Customs has detained the commodities. Any amendment obtained without full disclosure of that fact shall be deemed to have been obtained without disclosure of all facts material to the granting of the amendment, and the license and any amendment so obtained shall be void.

(2) *Prior exportation without a license.* No request for amendment to an export license shall be submitted to the Bureau of Foreign Commerce covering a shipment that is already laden aboard the exporting carrier or exported. In such cases where the shipment should have been authorized by a validated license, or amendment thereto, the exporter should send a letter or wire to the Export Control Investigation Staff, Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C., Att'n: FC–1205, explaining why a validated license (or amendment thereto) was not obtained and disclosing all the facts concerning the shipment that would normally have been disclosed on the amendment request (Form IT– or FC–763). The Bureau of Foreign Commerce will inform the exporter of its action and instructions to him in the matter by letter. Any amendment covering such shipments obtained without such disclosure shall be deemed to have been obtained without disclosure of all facts material to the granting of the amendment, and the license and any amendment so obtained shall be void.

NOTE: See § 372.8 of this chapter and § 380.4 (c) with respect to license applications and extensions of validity periods of licenses to authorize shipments described in paragraph (h) of this section.

(i) *Price amendments*—(1) *Time for submission.* Request for amendment of a license to effect a change in price may be submitted at any time during the validity period of the license.

(2) *Necessary amendments to show price changes.* Except under the conditions described in subdivisions (i), (ii), and (iii) of this subparagraph, an export license shall be amended for: Any upward change in unit price or total value shown on the license, if the commodity is licensed by dollar value (those commodities on the Positive List of Commodities (§ 399.1 of this chapter) which do not show a specific unit of quantity are licensed by dollar value); or, an upward change in unit price or total value in excess of 25 percent beyond that shown on the license, if the commodity is licensed in units other than dollars:

(i) Where the licensee avails himself of permissible weight and volume tolerances (see § 379.2 (h) of this chapter). In such cases, the total value for the commodity shown on the Shipper's Export Declaration may exceed the total value shown on the license. However, the unit value shown on the license may not be increased, except in accordance with this subparagraph.

(ii) Where price increases can be justified before the Collector of Customs on the basis of changes in point of delivery, port of exit, or as a result of transportation costs, drayage, port charges, warehousing, etc.

(iii) Where unit or total price is not shown on the license but is based upon the market price at a specified date plus an exporter's mark-up, or like basis. In such cases, the unit or total price need only conform with the price statement on the license.

(3) *Additional price changes for which amendments are not required.* Export licenses need not be amended to show changes in unit or total value where the change involves a reduction in prices; provided that when commodities are licensed in quantities determined only by dollar value indicated on the license, the value shown on the Shipper's Export Declaration shall not exceed the total value shown on the license. Shipments against such licenses will be charged in terms of dollars as shown on the Shipper's Export Declarations.

NOTE: 1. Where the Positive List does not indicate a unit of quantity for a specific commodity, the commodity shall be deemed to be licensed in quantities determined by dollar value only, even though a unit of quantity is shown on the license. In such instances, any increase in total dollar value

[1] Notwithstanding instruction No. 5 on the reverse side of Form IT– or FC–763, the duplicate copy need not be signed.

must be made by amendment as provided for under subparagraph (2) of this paragraph. Shipments against such licenses will be charged in terms of dollars as shown on the Shipper's Export Declaration and the value shown on the Shipper's Export Declaration shall not exceed the total value shown on the license.

2. When commodities are licensed in quantities determined only by the dollar value indicated on the license, price increases, transportation and warehousing charges, etc., occurring between the date of validation of the license and the date of the Shipper's Export Declaration may have the effect of reducing the physical quantity which may be exported.

(j) *Licenses covered by an import certificate, a Swiss Blue Import Certificate, a Hong Kong import license, or a Yugoslav End-Use Certificate.* A request for an amendment of an export license covering a commodity subject to the import certificate procedure (§ 373.2 of this subchapter), the Swiss Blue Import Certificate procedure (§ 373.67 of this subchapter), the Hong Kong import license procedure (§ 373.69 of this subchapter), or the Yugoslav End-Use Certificate procedure (§ 373.70 of this subchapter), which proposes a change in any party to the transaction named on the license or any increase in the net quantity set forth on the license, must be accompanied by a new or appropriately amended certificate if the proposed amendment is not in accordance with the certificate previously submitted to the Bureau of Foreign Commerce. If a proposed quantitative amendment is in accordance with the previously submitted certificate, the amendment request shall include the following certification:

I (we) certify that this request for amendment of export license No. _____, if granted, will not exceed the total quantity authorized under the _____ Import Certificate or End-Use Certificate No. _____.
(Name of country)
(Strike out inapplicable title of form)

(k) *Licenses covered by consignee statements.* A new consignee and purchaser statement (Form FC–842 or FC–843) shall accompany a request for an amendment of an export license which proposes a change in the consignee or purchaser in the transaction named in the export license, if the proposed amendment is not in accordance with the consignee and purchaser statement previously submitted to the Bureau of Foreign Commerce. A new Single Transaction Statement by Consignee and Purchaser (Form FC–842) or a letter, wire or cable from the ultimate consignee and purchaser (if applicable) confirming the change, shall accompany a request for an amendment of an export license which proposes any increase in the quantity set forth in the export license if the proposed amendment is not in accordance with the Single Transaction Statement by Consignee and Purchaser previously submitted to the Bureau of Foreign Commerce. If a proposed quantitative amendment is in accordance with the previously submitted Single Transaction Statement by Consignee and Purchaser, the amendment request shall include the following certification:

I (We) certify that this request for amendment of export license number _____, if granted, will not exceed the total covered by the Single Transaction Statement by Consignee and Purchaser against which this export license was issued.

Where the export license is based on a Multiple Transactions Statement, an additional Statement is not required from the consignee or purchaser to support a proposed license amendment for increase in quantity. In lieu thereof, the following certification shall be placed on the request for amendment:

I (We) certify that the license(s) described in item 2 (a) is supported by a Multiple Transaction Statement.

§ 380.3 *Price amendments on pending license applications.* Requests for amendment of a pending license application to effect a change in price may be submitted at any time, except that if a time schedule for submission of the license application has been established (see § 373.71 of this chapter), the request may be submitted only during such period. The amendment procedure set forth in § 380.2 shall be followed with respect to these requests. Letters or telegrams requesting amendment of prices shall also state the applicant's reference number, date of application, commodity, country of destination, the Bureau of Foreign Commerce application number (if known) for the purpose of identifying the application, the revised price, and reasons for the price change.

§ 380.4 *Extension of licenses*—(a) *Time for submission of requests.* Licensees may submit requests for extension of the validity periods of licenses which expire before shipment has been made. It is essential that the request for extension be submitted sufficiently in advance of the expiration date to allow the Bureau of Foreign Commerce to send an advice of amendment by regular mail to the licensee and the Collector of Customs holding the license before the license expires. However, where unusual circumstances have made it impossible for the licensee to submit his request for extension before the expiration date, requests for extension will be considered if received within one month after the expiration date shown on the license.

(b) *Procedure and justification for requesting extension.* (1) Requests for extension of the validity period of licenses must be submitted in the same manner as amendments or alterations of licenses, as provided in § 380.2 (g), and shall be accompanied by the expiring license unless it has been filed with a Collector of Customs. Where the license has been deposited with a Collector of Customs, notification of the filing of such request shall be given to the Collector with whom the license has been deposited. Where the expiring license does not accompany the request for extension, the applicant shall also include the following information on the face of Form IT– or FC–763:

(i) In the item of Form IT– or FC–763 entitled "Facts Necessitating Amendments", state why shipment was not or will not be made before expiration date of license, stating facts to assure that shipment can be effected during the extended validity period requested. If partial shipment has been made, indicate quantity and value.

(ii) In the item entitled "Amend License to Read as Follows", state whether the license has been previously extended. If so, give date(s) and duration of such extension(s), and office by which extension was issued.

(2) The foregoing information must also be included when request for extension is submitted by telegram in cases of extreme emergency as provided under § 380.2 (g) (4).

NOTE: If granted, the extension will be made in the same manner as other amendments. (See note following § 380.2 (g).)

When a Collector of Customs who is holding an expiring license is notified that a request for extension of the license has been filed in accordance with the foregoing provisions, the Collector will hold the license for an additional 30 days after the original expiring date. If the approved extension has not been received within 30 days, he will return the license to the Bureau of Foreign Commerce.

(c) *Disclosure of prior action on the shipment.* The provisions of § 380.2 (h) with respect to disclosure of prior action on the shipment in the case of requests for amendments to licenses shall apply equally to requests for extension of validity periods of licenses.

§ 380.5 *Amendments to licenses issued for the exportation of refined copper, copper scrap, copper-base alloy scrap and copper-base alloy ingots and other crude forms.* Except for export licenses issued under toll or conversion agreements, export licenses issued under the provisions of § 373.41 (c) of this subchapter may not be amended to grant an extension of the validity period of the license.

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PART 381—ENFORCEMENT PROVISIONS

Sec.
381.1 Sanctions.
381.2 Causing, aiding, and abetting a violation.
381.3 Conspiracy, attempt, and solicitation to violate.
381.4 Acting with knowledge of a violation.
381.5 Misrepresentation and concealment of facts.
381.6 Diversion, reexportation, transshipment.
381.7 Licensee accountable for use of license.
381.8 Unauthorized use and alterations of export control documents.
381.9 Trafficking and advertising export control documents.
381.10 Applicability of export denial orders to parties other than those named therein.

AUTHORITY: §§ 381.1 to 381.10 issued under sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023, E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.

§ 381.1 *Sanctions.* (a) Any person who violates the Export Control Law or any order, regulation, or license issued thereunder is punishable for each violation by a fine of not more than $10,000 or by imprisonment for not more than one year, or both. A violator is subject also to administrative action which may result in suspension, revocation, and denial of export privileges under the Export Control Law, and to exclusion from practice before the Bureau of Foreign Commerce.

(b) The submission of false or misleading statements and the concealment of material facts are punishable also under other laws. In addition, commodities attempted to be, or being, or intended to be, or which have been, exported or shipped from or taken out of the United States in violation of the Export Control Law or of any proclamation, order, rule, regulation, or license issued thereunder are subject to seizure and forfeiture, as are the vessels, vehicles, and aircraft carrying such commodities.

NOTE: See Part 382 of this chapter, "Denial or Suspension of Export Privileges," and § 384.2 (a) of this chapter, "Activities of Persons Appearing Before the Bureau of Foreign Commerce in Connection with Export Control Matters."

§ 381.2 *Causing, aiding, and abetting a violation.* It is unlawful for any person knowingly to cause, or aid, abet, counsel, command, induce, procure, or permit the doing of any act prohibited by, or the omission of any act required by, the Export Control Law or any proclamation, order, rule, regulation, or license issued thereunder.

§ 381.3 *Conspiracy, attempt, and solicitation to violate.* It is unlawful for any person knowingly to conspire or to act in concert with one or more persons in any manner or for any purpose to bring about, or to do any act which solicits the commission of or which constitutes an attempt to bring about, a violation of the Export Control Law or any proclamation, order, rule, regulation or license issued thereunder; and any such act or conspiracy shall constitute a violation.

§ 381.4 *Acting with knowledge of a violation.* It is unlawful for any person, whether as principal or agent or otherwise, to buy, receive, conceal, store, sell, dispose of, transport, finance, forward, or otherwise service, in whole or in part, any exportation from the United States, knowing that with respect to the whole or any part of such exportation, a violation of the Export Control Law or any proclamation, order, rule, regulation or license has occurred, is about to, or is intended to occur.

§ 381.5 *Misrepresentation and concealment of facts*—(a) *General.* All representations, statements, and certifications made, and material facts concealed, by any person, in connection with the preparation, submission, issuance or use of any export control document or document relating thereto, or for the purpose of or in connection with effecting an exportation of any commodity from the United States, or the reexportation, transshipment or diversion of any commodity so exported, or in the course of an investigation or other action instituted under the authority provided in the Export Control Act of 1949, as amended, shall be deemed to constitute representations, statements and certifications made to, and material facts concealed from, the Bureau of Foreign Commerce and the Bureau of Customs with respect to matters within the jurisdiction of these agencies under the statutes, proclamations, Executive orders, and regulations relating to export control and orders or licenses issued or established thereunder.

(b) *Persons liable.* It is unlawful under the Export Regulations and the Export Control Law, in addition to the provisions of any other law, for any person, whether or not situated in the United States, knowingly to make any false or misleading representation, statement, or certification, or to falsify or conceal any material fact, whether directly to the Bureau of Foreign Commerce, any Collector of Customs, or an official of any other United States agency, or indirectly through any other person or foreign government agency or official:

(1) In the course of an investigation or other action instituted under the authority of the Export Control Act of 1949, as amended;

(2) In connection with the preparation, submission, issuance or use of any export control document or document relating thereto; or

(3) For the purpose of or in connection with effecting an exportation from the United States, or the reexportation, transshipment or diversion of any such exportation, or the issuance, or maintenance in effect, of any document relating to export control.

(c) *Types of misrepresentation and concealment.* Without limitation of the foregoing or of any other provisions of the law or the Export Regulations, no person shall, with respect to:

(1) *Country of destination.* Falsely state or conceal the country of ultimate or intermediate destination intended;

(2) *Consignee, purchaser, commodity.* Falsely describe or conceal the true commodity, or the true ultimate or intermediate consignee, purchaser, or any other party in interest to the transaction;

(3) *Orders.* Solicit or submit any order for the purchase or importation from the United States of any commodity, or state in writing any commitment to purchase or import the same, for the sole purpose of obtaining an export license with the intention not to abide by such order or commitment, or not to perform the terms thereof, whether or not the applicant or licensee is aware of such intention;

(4) *End use.* Falsely state or conceal the end use;

(5) *Ultimate consignee or purchaser statement.* Submit an ultimate consignee or purchaser statement which is false in any respect or which conceals any material fact; or

(6) *Import Certificate, Delivery Verification.* Make any false statement or conceal any material fact in connection with an Import Certificate or Delivery Verification.

(d) *Representations to be continuing in effect; notification.* All representations, statements, and certifications made by any person are deemed to be continuing in effect. It is unlawful for any person who has made such representation, statement or certification to fail to notify in writing the Bureau of Foreign Commerce of any change of any material fact or intention from that previously represented, stated, or certified. Such notification shall be made immediately upon receipt of any information which would lead a reasonably prudent person to believe that a change of material fact or intention has occurred or may occur in the future.

§ 381.6 *Diversion, reexportation, transshipment.* Except as specifically authorized by the Bureau of Foreign Commerce, it is unlawful for any person knowingly to dispose of, divert, transship or reexport commodities to any person or destination or for any use in violation of or contrary to the terms, provisions, or conditions of any export control document, any prior representation, any form of notification of prohibition against such action, or any other provision of the Export Control Law or any proclamation, order, rule, regulation or license issued thereunder.

§ 381.7 *Licensee accountable for use of license.* The applicant to whom the license is issued becomes the licensee and will be held strictly accountable for use of the license. It is unlawful, without prior written approval of the Bureau of Foreign Commerce, for the licensee to permit any other person to facilitate or effect the exportation of any commodity described in the license, except under the direction and responsibility of or as the true agent in fact for the licensee, regardless of the terms of sale or exportation or other agreement between the licensee or the order holder and the purchaser or ultimate consignee of such commodity.

§ 381.8 *Unauthorized use and alterations of export control documents.* Except as otherwise specifically authorized in the Export Regulations or in writing by the Bureau of Foreign Commerce, it is unlawful for any person, whether or not the licensee, to obtain, use, or alter, or to assist in or permit the use or alteration of, any export control document, for the purpose of or in connection with facilitating or effecting any exportation or reexportation other than that set forth in such document or except in accordance with all the terms, provisions and conditions thereof.

§ 381.9 *Trafficking and advertising export control documents*—(a) *Unlawful practices.* Without limitation of any provision of law or of the Export Regulations it is unlawful for any person, without prior written approval of the Bureau of Foreign Commerce to do any of the following with respect to any exportation or reexportation under any export control document:

(1) *Transfers or changes of authority.* To effect any transfer of, or other change of the authority granted in, such document, whether by sale, grant, gift, loan or otherwise, to any person, or to permit any person to use the same otherwise than for the true account of and as true agent in fact for the licensee; or for any person not the licensee to receive or accept a transfer or other change of the authority granted in, or otherwise to use, an export control document, except for

the true account of and as true agent in fact for the licensee.

(2) *Change in named parties.* To effect any change of, substitution for, or addition to, the parties named in an export control document; or to transfer, obtain, purchase, or create any interest or participation in the transaction described in any export control document.

(3) *Unlawful advertising or soliciting.* To offer or solicit by advertisement, circular, or other communication any transfer or change of an export control document or any interest therein hereinabove declared unlawful. Such communication shall be deemed unlawful:

(i) Even though coupled with a condition requiring approval by the Bureau of Foreign Commerce of a new consignor or consignee or other change in the export license, by way of transfer, amendment or otherwise;

(ii) Where, in offering or soliciting the sale for exportation of any commodities, the communication indicates that the proposed seller of such commodities holds or will furnish a license or other export control document for the exportation of such commodities;

(iii) Where, in offering or soliciting the purchase for exportation of any commodities, such communication is addressed by the proposed buyer directly or indirectly to any person on the condition that such person as a seller then holds or will furnish a license or other export control document for the exportation of such commodities.

INTERPRETATIVE STATEMENT: Sections 381.7, 381.8 and 381.9, among other things, make it unlawful for a licensee or other person holding an export control document to sell or to offer to sell, or for any person to purchase or to offer to purchase, the commodities described in such document with the understanding that the document may be used by or for the benefit of the purchaser to effect exportation of the said commodities; for any person to effect exportation thereof for the benefit of or "for the account" of any person other than the licensee, regardless of the device, means or fiction employed; for the licensee fictitiously to act as principal or agent of another person who actually is effecting the exportation, or for such other person fictitiously to act as the licensee's principal or agent for the same purpose; or for the named consignee to act "for the account" of a new unlicensed consignee. Where a licensed transaction has failed of accomplishment for any reason, the license may not, without special authorization of the Bureau of Foreign Commerce, be used for any other transaction. Changes of consignors and consignees will be permitted only under the strict provisions of the Export Regulations.

(b) *Transfer of dock receipts, bills of lading, or liens.* (1) Paragraph (a) of this section is not to be construed to affect the transfer and other use of dock receipts, bills of lading, or other commercial documents necessary to complete a transaction authorized by the export license, or impair the validity of liens or other security titles or interests created in good faith with respect to commodities or documents in the course of financing, warehousing, forwarding, or transporting commodities.

(2) However, where the person entitled to the foreclosure of any lien or other security title or interest, or where the exercise of any rights by the holder of the lien or other security title or interest, contemplates an exportation under the license by someone other than the licensee, or to someone other than the purchaser or ultimate consignee designated in the license, such person must apply for a new license or for an amendment in accordance with the provisions of Part 380 of this subchapter.

§ 381.10 *Applicability of export denial orders to parties other than those named therein.* Without prior disclosure of the facts to, and specific authorization of the Bureau of Foreign Commerce, it is unlawful for any person, with knowledge that another person is then subject to an order suspending, revoking, or denying his export privileges or is then excluded from practice before the Bureau of Foreign Commerce, directly or indirectly in any manner or capacity, (a) to apply for, obtain or use any license, Shipper's Export Declaration, bill of lading or other export control document relating to an exportation or reexportation of commodities by, to, or for such suspended person; or (b) to order, receive, use, forward, transport, finance, or otherwise service or participate in, any exportation from the United States or a reexportation of any commodity exported from the United States, so that such suspended person will directly or indirectly obtain any benefit therefrom. For the purpose of this section, the term "suspended person" is defined to include (1) any person, firm, corporation, or other business organization whose export privileges are suspended, revoked, or denied by any order of the Bureau of Foreign Commerce or who is excluded by such order from practice before the Bureau of Foreign Commerce; and (2) any other person, firm, corporation, or other business organization also suspended or excluded from practice because of his or its relationship to such suspended person through ownership, control, position of responsibility or other like connection in the conduct of trade involving exports from the United States or services connected therewith during the period of such order, and whether or not named in such order.

NOTE: Orders of the Bureau of Foreign Commerce which suspend, revoke or deny the export privileges of any person or which exclude any person from practice before the Bureau of Foreign Commerce provide that the terms and prohibitions of such orders apply not only to the persons expressly named therein but also, for the purpose of preventing evasion, to any other person, firm, corporation, or other business organization with which such person may be then or thereafter (during the term of the order) related by ownership, control, position of responsibility or other such connection in the conduct of trade involving exports from the United States or services connected therewith. See §§ 382.1 and 384.2, and 382.51 of this chapter, "Table of Compliance Orders Currently in Effect Denying Export Privileges". This table contains a list of persons whose export privileges are currently revoked, suspended or denied or who are currently excluded from practice before the Bureau of Foreign Commerce. This list contains the names and addresses of such persons, the effective and expiration dates of the orders, a brief summary of the export privileges affected, and the citations to the volumes and pages of the FEDERAL REGISTER where complete texts of the orders are published. The publication of such orders in the FEDERAL REGISTER constitutes legal notice of the terms thereof to all persons.

## PART 382—DENIAL OR SUSPENSION OF EXPORT PRIVILEGES

Sec.


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AUTHORITY: §§ 382.1 to 382.51 issued under sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023, E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.

§ 382.1 *Authority to deny export privileges.* Any person who violates any law or regulation relating to export control may be denied the privilege of exporting, receiving, or otherwise participating in any exportation of any commodity, or of technical data, from the United States to any foreign destination, including Canada; and of financing, transporting, or other servicing of such exports. Such denial of export privileges shall take the form of an order issued in the name and under the authority of the Director, Office of Export Supply, Bureau of Foreign Commerce, and shall be effective for such period of time and on such terms and conditions as may be deemed appropriate and prescribed therein. Such order may be made applicable not only to persons named therein as having committed a violation but also, to the extent necessary to prevent evasion, to other persons with whom said named persons may be related by ownership, control or other connection in the conduct of export trade. Any statute, proclamation, executive order, regulation, or order applicable to any conduct involved in obtaining or using an export license or other export control document shall be deemed to be a "law or regulation relating to export control."

NOTE: This procedure in no way restricts the present practice of referring appropriate cases to the Department of Justice for criminal prosecution. Violations of Export Regulations not only may result in denial of export privileges but also are punishable by a fine of not more than $10,000, or by imprisonment for not more than 1 year, or both. Any submission of false information, whether in connection with license applications, Shipper's Export Declarations, investigations, compliance proceedings, appeals, or otherwise, is punishable by a fine of not more than $10,000, or by imprisonment for not more than 5 years, or both.

§ 382.2 *Compliance Commissioners.* The Director of the Bureau of Foreign Commerce will designate one or more persons to act as Compliance Commissioners, who shall have the powers and duties provided herein. Persons attached to the Export Supply Divisions or Investigation Staff of the Bureau of Foreign Commerce shall not be qualified to act as Compliance Commissioners.



§ 382.3 *Institution of proceedings.* The Export Control Investigation Staff, Bureau of Foreign Commerce, may, with the approval of the Office of the General Counsel, initiate proceedings for the denial of export privileges of any person who it has reason to believe has violated any law or regulation relating to export control. Such proceedings shall be initiated by sending a notification (to be known as a charging letter), either by telegraph or by registered mail, to each person against whom proceedings are brought (to be known as a respondent) at his last known address. The charging letter shall set forth the specific violations charged, including reference to the particular regulatory or other provisions alleged to have been violated, and shall give notice that, if the respondent is found to have committed the alleged violations, his export privileges may be denied. The charging letter shall inform the respondent that he may submit his answer in writing or, if he so requests, may be accorded an oral hearing at a time and place to be subsequently fixed, but that, unless either his written answer or his written request for an oral hearing is received by the Export Control Investigation Staff, within 10 days after receipt of the charging letter by respondent, he will be held in default and an order denying his export privileges may be entered forthwith. Charges may be amended from time to time upon reasonable notice.

§ 382.4 *Default.* If the respondent does not answer the charges or request an oral hearing within the time prescribed in § 382.3, he shall be held in default. In such case, the evidence of violation shall be informally presented to the Compliance Commissioner, but the proceedings shall otherwise be the same as in contested cases. Failure of a respondent to receive a charging letter addressed and transmitted to him as provided in § 382.3 shall not prevent or invalidate such default, but a respondent who has not received the charging letter may at any time move to vacate or modify any order issued pursuant to such charging letter. Proceedings on such a motion, including a hearing if requested, shall be conducted as provided in § 382.11 (c) with respect to motions to vacate or modify a temporary suspension order.

§ 382.5 *Answer.* The respondent may answer the charges or request an oral hearing within the time prescribed in § 382.3 by submitting his written answer or request in duplicate to the Export Control Investigation Staff, Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C. If the respondent so desires, he may waive the oral hearing and have the case considered by the Compliance Commissioner on the basis of his written answer, in which event final disposition of the case shall be made without formal hearing. In lieu of such a hearing, the evidence of violation shall be informally presented to the Compliance Commissioner, who shall consider it, together with the answer, but the proceedings shall otherwise be the same as in other cases. If the respondent desires to present his answer at an oral hearing, he shall be accorded an opportunity to do so at a time and place to be fixed by the Compliance Commissioner, on at least 10 days' notice, provided the respondent has requested such hearing within the time prescribed in § 382.3. The date of hearing may be advanced upon request, and hearings may be postponed or continued from time to time upon reasonable notice.

§ 382.6 *Subpoenas.* The Compliance Commissioner may issue subpoenas, returnable before him, at the request of any party to a proceeding before him, requiring the attendance of witnesses and the production of books, records, or other documentary or physical evidence determined by the Compliance Commissioner to be relevant and material to the proceedings, reasonable in scope, and properly obtainable by subpoena.

§ 382.7 *Hearings.* Hearings shall be conducted by the Compliance Commissioner in a fair and impartial manner. The exclusionary rules of evidence prevailing in courts of law shall not apply, but all evidence relevant and material to the inquiry shall be received and given appropriate weight. The Compliance Commissioner may administer oaths and affirmations. Respondent may be represented by counsel but need not be. The proceedings shall be taken by a reporter, transcribed, and filed with the Compliance Commissioner. Respondent shall have an opportunity of examining the transcript and of obtaining a copy upon payment of proper costs. Any party to the proceedings may file a bill of exceptions to the transcript with the Compliance Commissioner within 5 days after a copy of the transcript is made available to him, or within such other time as the Compliance Commissioner may prescribe. The Compliance Commissioner shall rule upon such exceptions in making the report for which provision is made in § 382.8. Any bill of exceptions so filed shall henceforth accompany the transcript.

§ 382.8 *Report of Compliance Commissioner.* The Compliance Commissioner shall consider the record, including any bill of exceptions filed thereto, and shall prepare a written report which shall include findings of fact, including a finding whether or not a violation has occurred, and recommendations. The report, transcript, exhibits, and bills of exceptions, if any, shall be transmitted to the Director, Office of Export Supply, Bureau of Foreign Commerce.

§ 382.9 *Disposition.* The Director, Office of Export Supply, shall review the record, consider the report of the Compliance Commissioner, and determine the disposition of the case. If the Compliance Commissioner has found that a violation has been committed, his recommendations shall be advisory only, and the Director, Office of Export Supply, may issue such order as he deems appropriate. If the Compliance Commissioner has found that no violation has been committed, the Director, Office of Export Supply, shall enter an order dismissing the charges. A certified copy of the order, together with a copy of the Compliance Commissioner's report, shall be sent to the respondent by registered mail.

§ 382.10 *Consent orders.* The Export Control Investigation Staff, and the respondent may, after transmission of a charging letter, by agreement submit to the Compliance Commissioner a proposal for the issuance of a consent order. The Compliance Commissioner shall review the facts of the case and the proposal and for this purpose may conduct informal conferences with the parties and may require the informal presentation before him of the evidence in the case. If he does not approve the proposal, he shall so notify the respondent and the Export Control Investigation Staff, and the case shall proceed to hearing. If he approves the proposal, he shall report the facts of the case with his recommendations to the Director, Office of Export Supply. The Director, Office of Export Supply, may reject the proposal, in which event the case will proceed to hearing, or he may accept the proposal and issue an appropriate order.

§ 382.11 *Temporary suspensions*—(a) *Suspension by charging letter.* A charging letter may by its terms suspend, from and after the date of its issuance, the respondent's privilege to obtain or use validated export licenses. The charging letter may also revoke and require the return for cancellation of outstanding validated licenses but shall not otherwise suspend the respondent's export privileges. Such latter privileges, however, may be suspended as provided in paragraph (b) of this section.

(b) *Temporary suspension orders.* (1) The export privileges of any person who is under investigation, or against whom administrative or judicial proceedings are pending, for violation of any law or regulation relating to export control, may be suspended summarily, without prior notice or opportunity for hearing, where and to the extent such suspension is found reasonably necessary to protect the public interest pending final disposition of the investigation or proceedings. Such a temporary suspension order shall be issued only for such limited time, ordinarily not exceeding 30 days, as may be required to complete the investigation or the proceedings, but may, on a showing of need for additional time, be extended in the same manner as originally issued.

(2) An application for such a temporary suspension order shall be made by the Export Control Investigation Staff, to the Compliance Commissioner and shall include a brief recital of the facts of the case and a statement of the grounds for the application and the nature of the order sought. The Compliance Commissioner shall review the application and for this purpose may require informal presentation of evidence before him. If he does not approve the application, he shall so notify the Export

Control Investigation Staff, by memorandum, and no further action shall be taken upon it; but if he approves it, he shall send his recommendation, together with the application and accompanying documents, to the Director, Office of Export Supply, who may issue such temporary suspension order as he shall deem appropriate. A certified copy of the order shall be sent to the respondent by registered mail.

(c) *Motions to vacate or modify.* The respondent may at any time move to vacate or modify any temporary suspension contained in any charging letter or order. Any such motion shall be filed with the Compliance Commissioner and an oral hearing thereon, if requested, shall be held before the Compliance Commissioner at the earliest possible date. The Compliance Commissioner shall consider the evidence presented and shall submit his report and recommendations thereon to the Director, Office of Export Supply. The latter may issue such order disposing of the motion as he shall deem appropriate, and a certified copy thereof shall be promptly communicated to the respondent.

(d) *Deferment of action on license applications otherwise prohibited.* Except for the particular application or license which is itself the basis of any investigation or proceeding, and except pursuant to paragraph (a) of this section, no export license application filed by any person shall be returned without action, held without action, or rejected, by reason of the fact that such person is under investigation, or that proceedings against him are pending, otherwise than in accordance with the terms of a temporary suspension order issued under paragraph (b) of this section.

§ 382.12 *Rehearings.* The Compliance Commissioner may, upon written request, grant a rehearing or reopen a proceeding at any time for the purpose of hearing any relevant and material evidence which was not known or which was unobtainable at the time of the original hearing. The request for rehearing or reopening shall contain a summary of such evidence, the reasons why it is deemed relevant and material, and the reasons why it could not have been presented at the original hearing. The Compliance Commissioner shall give prompt notice of the time and place of any further hearing, if one is held, and shall conduct such hearing and submit his report and recommendations thereon to the Director, Office of Export Supply, for final action in the same manner as provided for the original proceedings.

§ 382.13 *Appeals*—(a) *Grounds of appeal.* The respondent may appeal from a suspension or denial of export privileges upon the ground (1) that the findings of violation are not supported by any substantial evidence, (2) that prejudicial error of law was committed, or (3) that the provisions of the order are arbitrary, capricious, or an abuse of discretion. The appeal must specify upon which of these grounds the appeal is based and must indicate from which provisions of the order the appeal is taken.



(b) *Filing of appeals.* An appeal must be in writing and must be filed with the Appeals Board, Department of Commerce, Washington 25, D. C. An appeal from a temporary suspension by charging letter or order may not be filed unless the respondent has unsuccessfully moved to vacate or modify such temporary suspension as provided in § 382.11 (b) and, in addition, unless such temporary suspension has remained in effect for at least 60 days. An appeal from a final order denying export privileges must be filed within 10 days after receipt of a copy of the order. The provisions of Part 383 of the Export Regulations shall govern the procedure and disposition of appeals except as otherwise provided in this section.

(c) *Matters considered on appeal.* A hearing before the Appeals Board shall not constitute a trial de novo, but the appeal shall be considered upon the basis of the record, consisting of the charging letter, the transcript of the hearing before the Compliance Commissioner, including any bills of exceptions thereto, the report of the Compliance Commissioner, the order of the Director, Office of Export Supply, Bureau of Foreign Commerce, and any other relevant documents involved in the proceedings before the Compliance Commissioner. If the respondent has requested and been denied a rehearing or reopening on the basis of new evidence, the Appeals Board may direct that such rehearing or reopening be granted if it finds that such new evidence is relevant and material to the issues and was not known or was not available to the respondent at the time of the original hearing. The Appeals Board shall not consider facts or arguments affecting the merits of the policy embodied in rules or regulations alleged to have been violated.

(d) *Effect of appeal.* The taking of an appeal shall not stay the operation of any order. The decision of the Appeals Board shall be final and shall be promptly transmitted to the respondent.

§ 382.14 *Proceedings confidential.* Compliance proceedings shall be confidential, excepting any orders issued therein. Reports of the Compliance Commissioner and copies of transcripts of hearings shall be available only to parties to the proceedings and, to the extent of their own testimony as contained in transcripts, to witnesses therein. Any such matters may, however, be made available to any Government agency having a proper interest therein.

§ 382.15 *Indefinite suspensions.* (a) Whenever it is impracticable for the Bureau of Foreign Commerce to subpoena a person in the course of an investigation or other action, interrogatories may be sent to that person. If any person fails or refuses to answer or furnish written information or documents in response to these interrogatories the Bureau of Foreign Commerce may without prior notice issue an order, as provided in § 382.1, denying export privileges to such person. This order shall remain in effect until such person shall respond to the interrogatories or shall give adequate reasons to the Bureau of Foreign Commerce for his failure or refusal to respond.

(b) The procedure regarding applications for indefinite suspension orders and motions to vacate or modify such orders shall conform substantially to that provided for temporary suspension orders by § 382.11 (b) (2) and (c).

§ 382.16 *Publication of orders.* All orders denying export privileges and all decisions of the Appeals Board in appeals under § 382.13 shall be published in the FEDERAL REGISTER as soon as practicable after issuance.

§ 382.51 *Supplement 1; Table of compliance orders currently in effect denying export privileges*—(a) *Contents.* (1) This table contains orders issued by the Bureau of Foreign Commerce which currently revoke, suspend, or deny export privileges. In some cases, orders provide a specified period of suspension, a certain portion of which is to be an actual suspension, and the balance a period in which effective suspension is held in abeyance, conditioned on the respondent's compliance with the Export Control Law and regulations. In such cases, the period of abeyance may be automatically reinstated as a further period of actual suspension in the event that the Bureau of Foreign Commerce finds that the respondent has committed a further violation. In the column of this table headed "Expiration Date of Order," the termination date of the period of actual suspension will appear, and in the event the order contains a further abeyance period, the expiration date of that period will be shown in the same column, set off by parentheses. Proceedings in compliance cases are confidential except any orders issued in connection with the proceedings.

(2) The Table of Compliance Orders will be amended to list additional compliance orders which may be issued and to delete listed orders whenever they expire.

(3) This table contains the names and addresses of all United States and foreign persons, corporations, and firms denied export privileges by compliance orders based on findings of violations of the laws and regulations relating to export control, effective date of order, expiration date of order, export privileges affected, and the volume and page of the FEDERAL REGISTER in which the complete text containing the factual and legal basis for each cited order can be found.

(4) Orders denying export privileges are issued not only for violations involving unauthorized transshipments of strategic commodities but also for other types of violations relating to the Export Regulations. Therefore, to ascertain the grounds for any order, reference should be made to the cited issue of the FEDERAL REGISTER for the text of the order.

NOTE: License denial orders usually contain a provision making them applicable not only to persons named therein as having committed a violation but also, to the extent necessary to prevent evasion, to other persons with whom said named persons may be related by ownership, control, position of responsibility or other like connection in the conduct of trade involving exports from the United States or services connected therewith. Accordingly, reference should be made to the text of the order in any particular case for any suspended person; or to order, receive, use, forward, transport, finance, or otherwise service or participate in, any exportation from the United States or a reexportation of any commodity exported from the United States, so that any suspended person will directly or indirectly obtain any benefit therefrom.

(b) *Table of compliance orders.*

| Name and address | Effective date of order | Expiration date of order | Export privileges affected | Federal Register citation |
|---|---|---|---|---|
| Brandes, Ralph Harry, Boersenstrasse 16, Zurich, Switzerland. | 9-24-51 | Duration | General and validated licenses, all commodities, any destination, also exports to Canada. | 16 F. R. 10088, 10-3-51. |
| Brian Materiel Corp., 38 Rook Terrace, Flushing, N. Y. | 9-12-52 | 12-15-53 (12-15-56)* | do | 17 F. R. 8398, 9-18-52. |
| British Mercantile Co., Ltd., 640 Riverside Dr., New York, N. Y. | 9-12-52 | 12-15-53 (12-15-56)* | do | 17 F. R. 8398, 9-18-52. |
| Burel-Tobler, K. & Co., Burel, Karl, a/k/a Burel-Tobler, Karl, Burel-Tobler, Anna, Schweizerhofstrasse 6b, Zurich, Switzerland. | 2-21-53 | Until further notice. | do | 20 F. R. 1188, 2-25-55. |
| Burke & Wilson Ltd., Prince's Bldg., Hong Kong. | 12-8-50 | Duration | General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Bernard Liebermann, which see.) | 15 F. R. 8808, 12-14-50. |
| California Trading Co., 8845 Olympic Blvd., Los Angeles, Calif. | 10-7-54 | 10-7-55 (4-7-56)* | General and validated licenses, all commodities, any destination, also exports to Canada. | 19 F. R. 6533, 10-9-54. |
| Centralimpex, S. A., 205 rue Americaine, Ixelles, Brussels, Belgium. | 8-3-49 | Duration | General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Bernard Liebermann, which see.) | 14 F. R. 4913, 8-9-49. |
| C. H. Pharmacy, 147/75 Chakrapetch Rd., Bangkok, Thailand. | 5-19-54 | do | General and validated licenses, all commodities, any destination, also exports to Canada. | 19 F. R. 3009, 6-25-54. |
| Chanvit Kunothai a/k/a Chan Vit Kunothai, Chanvitya Kunothai, 147/75 Chakrapetch Rd., Bangkok, Thailand. | 5-19-54 | do | do | 19 F. R. 3009, 6-25-54. |
| Chemische Industrie, "Den Haag," N. V., Le van der Kunstraat 45-57, The Hague, Netherlands. | 10-27-55 | 10-27-57 (Duration)* | do | 20 F. R. 8202, 11-1-55. |
| Cheung Kam Kee Trading Co., Cheung Yuk Leung, 10 Wing Kut St., Hong Kong. | 12-12-53 | Duration | do | 20 F. R. 9431, 12-15-55. |
| Ching Sen Lee (sometimes known as Le Ching Sen), 111 Hsue Kung Rd., Taichung, Taiwan, Republic of China, and 2 Hamburg, Germany. | 3-3-54 | 3-3-59 | do | 19 F. R. 1328, 3-9-54. |
| Chunichi Seiyaku K. K., No. 14 Tsuda-cho, Nishi, Higashiku, Nagoya, Japan. | 4-11-56<br>1-31-56 | Until further notice.<br>Duration | do | [20 F. R. 2498, 4-15-55.<br>[21 F. R. 777-4-5-56. |
| Cohn, Ernst, 384 Herengracht, Amsterdam, C, Netherlands. | 12-28-53 | 12-28-58 | do | 19 F. R. 37, 1-1-54. |
| Cohn, Julia, 1186 Broadway, New York, N. Y. | 8-3-49 | Duration | do | 14 F. R. 4913, 8-9-49. |
| Continmex Merchants Ltd., 24 St. Mary Axe, London, E. C. 3, England. | 10-28-53 | 10-28-55 (Duration)* | General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Continental Import and Export Co., N. V. and N. V. Noord-Hollandsche Handelsassociatie, which see.) | 20 F. R. 8221, 11-2-55. |
| Continental Import & Export Co., N. V., Stadhouderskade 51, Amsterdam, Netherlands. | 10-28-55 | 10-28-56 (Duration)* | General and validated licenses, all commodities, any destination, also exports to Canada. | 20 F. R. 8221, 11-2-55. |
| Continental Pharmex, Ltd., 477 Sherbrooke St. W., Montreal 25, Canada, and 405 Lexington Ave., New York, N. Y. | 6-20-52 | 6-20-57)* | do | 17 F. R. 5738, 6-26-52. |
| Continental Pharma, 35 Avenue Rogier, Brussels 3, Belgium. | 6-20-52 | 6-20-57)* | do | 17 F. R. 5738, 6-26-52. |
| Corsalini, Mario, Via Cassia Nuova Km. 9, Florence, Italy, and 24 Viale Montegrappa, Prato, Italy. | 12-28-53 | 12-28-58 | General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Nuova Mastechappil voor Industrie en Handel—Hydrocarbon, which see.) | 19 F. R. 37, 1-1-54. |
| Corti, Dante, Corti & Cia. s. r. l., Dante, Via Ospedi 8/27, Genoa, Italy, and 24 Viale Montegrappa, Prato, Italy. | 4-14-52 | Duration | General and validated licenses, all commodities, any destination, also exports to Canada. | 17 F. R. 3301, 4-15-52. |

| Name and address | Effective date of order | Expiration date of order | Export privileges affected | Federal Register citation |
|---|---|---|---|---|
| Allmable, S. A., 205 rue Americaine, Ixelles, Brussels, Belgium. | 8-3-49 | Duration* | General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Bernard Liebermann, which see.) | 14 F. R. 4913, 8-9-49. |
| American Hellenic Corp., 17 Battery Pl., New York, N. Y. | 10-11-48 | do | General and validated licenses, all commodities, any destination, also exports to Canada. | 13 F. R. 6126, 10-20-48. |
| American Industrial Products Co., 11 Broadway, New York 6, N. Y. | 3-3-54 | 3-3-59 | General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Ching Sen Lee, which see.) | 19 F. R. 1328, 3-9-54. |
| American Industrial Products Co., Inc., 111 Broadway, New York 6, N. Y., and 2 Rue de Lausanne, Brussels, Belgium. | 3-3-54 | 3-3-59 | do | 19 F. R. 1328, 3-9-54. |
| American Industrial Products Co., Ltd., 115 Old Broad St., London EC-2, England. | 3-3-54 | 3-3-59 | do | 19 F. R. 1328, 3-9-54. |
| American Industrial Products Co., G. m. b. H. a/k/a Amitie, Kattrepel 2, Hamburg, Germany. | 3-3-54 | 3-3-59 | do | 19 F. R. 1328, 3-9-54. |
| Amsterdamsche Maatschappij voor Industrie en Handel, "Hydrocarbon," N. V., 384 Herengracht, Amsterdam, C, Netherlands. | 12-28-53 | 12-28-58 | General and validated licenses, all commodities, any destination, also exports to Canada. | 19 F. R. 37, 1-1-54. |
| Andre, Gonzales, Andre Trading Co., Andre, Inc., M. G., 640 Riverside Dr., New York, N. Y. | 9-12-52 | 12-15-53 (12-15-56)* | do | 17 F. R. 8398, 9-18-52. |
| Bellmex Corp., 1186 Broadway, New York, N. Y. | 8-3-49 | Duration | General and validated licenses, all commodities, any destination. | 14 F. R. 4913, 8-9-49. |
| Benedict, Nicholas R., 602 Broderick St., San Francisco, Calif. | 3-31-49 | do | General and validated licenses, all commodities, any destination, also exports to Canada. | 14 F. R. 1689, 4-8-49. |
| Berk, Milton, 1457 Le Jeune Rd., Coral Gables, Miami, Fla. | 5-25-49 | do | do | 14 F. R. 2982, 5-31-49. |
| Berwin Trading Co., Inc., 15 Park Row, New York, N. Y. | 4-29-53 | do | do | 18 F. R. 2481, 4-29-53. |
| Bezuidenhout, Jhan M., 85-86 London House, Loveday St., POB 5102, Johannesburg, Union of South Africa. | 4-24-51 | do | do | 16 F. R. 3671, 4-28-51. |
| Bierma, Sipke N., Keizersgracht 119-2, Amsterdam, C, Netherlands. | 10-28-55 | 10-28-56 (Duration)* | do | 20 F. R. 8224, 11-2-55. |
| Bilz, Amsterdam, International Trade Mart, 124 Camp St., New Orleans, La. | 2-18-52 | Until further notice. | General and validated licenses, no participation all commodities, as carrier, forwarder, exporter, or otherwise. | 17 F. R. 1633, 2-18-52. |
| Boehaarts, T., Prins Hendrikkade 124, Amsterdam C, Netherlands. | 12-12-55 | 12-12-58 | General and validated licenses, all commodities, any destination, also exports to Canada. | 20 F. R. 9431, 12-15-55. |
| Boorsier, Melville R., Officer of Boosters Iron & Metal Corp., 2104 E. 15th St., Los Angeles 21, Calif. | 10-18-54 | 4-18-56 (10-18-56)* | do | 19 F. R. 6814, 10-22-54. |
| Boosters Iron & Metal Corp., 2104 E. 15th St., Los Angeles 21, Calif. | 10-18-54 | 4-18-55 (10-18-56)* | do | 19 F. R. 6814, 10-22-54. |
| Boston Trading Co., 640 Riverside Dr., New York, N. Y. | 9-12-52 | 12-15-53 (12-15-56)* | do | 17 F. R. 8399, 9-18-52. |

*This is the expiration date of a period of suspension held in abeyance. See explanation in paragraph (a) (1) of this section.

| Name and address | Effective date of order | Expiration date of order | Export privileges affected | Federal Register citation |
|---|---|---|---|---|
| Davern Sales Corp., 1472 Broadway, New York, N. Y. | 9-12-52 | 12-15-53 (12-15-56)* | General and validated licenses, all commodities, any destination, also exports to Canada. | 17 F. R. 8398, 9-18-52. |
| David, Eugene, 805 McEachran Ave., Montreal, Quebec, Canada. | 3-6-53 | 3-6-58 | do | 18 F. R. 1406, 3-11-53. |
| David (Davis), Israel, 511 State St., Long Beach, N. Y. | 3-6-53 | Duration | do | 18 F. R. 1406, 3-11-53. |
| De Fiori, Enrico L., De Fiori, Victor E., 1564 Broadway, New York, N. Y. | 3-10-50 | do | do | 15 F. R. 1494, 3-16-50. |
| de Pesters, Jhr. C. A., Adjunct Managing Director, Chemische Industrie, "Deo Haag," N. V., Levan der Kunstraat 55-57, The Hague, Netherlands. | 10-27-55 | 10-27-57 (Duration)* | do | 20 F. R. 8202, 11-1-55. |
| Driscoll, John J., Officer of Merchant Partners (Home & Overseas) Ltd., 2 Castle Court, Burchin Lane, London E. C. 3 England. | 10-28-54 | Duration | do | 19 F. R. 7197, 11-5-54. |
| Dualca Steamship Co., International Trade Mart, 124 Camp St., New Orleans, La. | 2-13-52 | Until further notice. | General and validated licenses, no participation, all commodities, as carrier, forwarder, exporter, or otherwise. | 17 F. R. 1633, 2-18-52. |
| Duhme, Adolf, 31 Schleifmuehle, Bremen, Germany. | 2-21-55 | do | General and validated licenses, all commodities, any destination, also exports to Canada. | 20 F. R. 1188, 2-25-55. |
| Dunlap, Archibald S., 342 W. 71st St., New York, N. Y. | 4-7-52 | Duration | do | 17 F. R. 3241, 4-12-52. |
| Electra Commodity & Barter Corp., 3 E. 48th St., New York, N. Y. | 5-28-51 | do | do | 16 F. R. 5295, 6-5-51. |
| Electrical Agencies (London), Limited, 15 Percy St., London, W. 1, England. | 5-1-53 | Until further notice. | do | 18 F. R. 2659, 5-7-53. |
| Electroexport, Rotenturmstrasse 25, Vienna 1, Austria. | 12-13-55<br>1-6-56<br>2-8-56 | 1-12-56<br>2-11-56<br>Until further notice. | General and validated licenses, all commodities, any destination. | (20 F. R. 9468, 12-16-55.<br>21 F. R. 223, 1-11-56.<br>21 F. R. 996, 2-11-56. |
| Etablissment Henri Elaerts, 38 Rue du Beguinage, Brussels, Belgium. | 7-28-55 | Until further notice. | General and validated, all commodities, any destination. | 20 F. R. 5510, 8-2-55. |
| Etna-Union, N. V. 21 Kloveniersburgwal, Amsterdam, Netherlands. | 10-28-55 | 10-28-56 (Duration)* | General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Continental Import and Export Company, N. V. and N. V. Noord-Hollandsche Handelsassociaties, which see). | 20 F. R. 8224, 11-2-55. |
| Export Elektrotechnischer Erzeugnisse, trading as Electroexport, Rotenturmstrasse 25, Vienna 1, Austria. | 12-13-55<br>1-6-56<br>2-8-56 | 1-12-56<br>2-11-56<br>Until further notice. | General and validated licenses, all commodities, any destination. | (20 F. R. 9468, 12-16-55.<br>21 F. R. 223, 1-11-56.<br>21 F. R. 996, 2-11-56. |
| Fisher, P., 46-47 Chancery Lane, London W. C. 2, England. | 9-1-53<br>9-29-55 | 9-1-55<br>Until further notice. | General and validated licenses, all commodities, any destination, also exports to Canada. | (18 F. R. 5372, 9-4-53.<br>20 F. R. 7383, 10-4-55. |
| Fox, J. George, Officer of Boosters Iron & Metal Corp., 2104 E. 15th St., Los Angeles 21, Calif. | 10-18-54 | 4-18-56 (10-18-56)* | do | 19 F. R. 6814, 10-22-54. |
| Fujisawa Shoko K. K., No. 14 Hirano-Machi 3-Chome, Higashi-Ku, Osaka, Japan. | 4-11-55<br>1-31-56 | Until further notice.<br>Duration | do | (20 F. R. 2498, 4-15-55.<br>21 F. R. 775-777, 2-3-56. |
| G & L Electrical Supply Co., Limited, 15 Percy St., London, W. 1, England. | 5-1-53 | Until further notice. | do | 18 F. R. 2659, 5-7-53. |
| Gambaro, A. G., Gambaro Corp., Construction Co., Gambaro, Hans Gambaro, Johann Lucerne, Switzerland. | 4-20-51 | Duration | do | 16 F. R. 3670, 4-28-51. |

*This is the expiration date of a period of suspension held in abeyance. See explanation in paragraph (a) (1) of this section.

| Name and address | Effective date of order | Expiration date of order | Export privileges affected | Federal Register citation |
|---|---|---|---|---|
| Garber, Allen A., Garber Export Corp., 37 Wall St., New York, N. Y. | 12-12-55 | 2-12-56 (6-12-56)* | General and validated licenses, all commodities, any destination, also exports to Canada. | 20 F. R. 9431, 12-15-55. |
| Gevirtzman, F., 15 Percy St., London, W. 1, England. | 5-1-53 | Until further notice. | do | 18 F. R. 2659, 5-7-53. |
| Gilbert, Arthur, c/o Pine Plains Lumber Co., Pine Plains, Columbia City, Route 3, N. Y., and 67-23 182d St., Flushing, N. Y. | 3-6-53 | 3-6-58 | do | 18 F. R. 1406, 3-11-53. |
| Gintz, Franz, 46-47 Chancery Lane, London W. C. 2, England. | 9-1-53<br>9-29-55 | 9-1-55<br>Until further notice. | do | (18 F. R. 5372, 9-4-53.<br>20 F. R. 7383, 10-4-55. |
| Goetze-Werke, Via Fabio Filzi 15, Trieste, Italy. | 1-31-55 | 1-30-57 | General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Antonio Sabbadini, which see.) | 20 F. R. 775, 2-4-55. |
| Gold Oil Co., 41 Eendrachtsweg, Rotterdam, Netherlands. | 11-6-53 | Duration | General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Klaasen, et al., which see.) | 18 F. R. 7179, 11-11-53. |
| Gonzales, M. (Mary), 640 Riverside Dr., New York, N. Y. | 9-12-52 | 12-15-53 (12-15-56)* | General and validated licenses, all commodities, any destination, also exports to Canada. | 17 F. R. 8398, 9-18-52. |
| Govaerts, Robert (Alias Bernard Liebermann), 1186 Broadway, New York, N. Y., and 60 rue Ravenstein, Brussels, Belgium. | 8-3-49 | Duration | do | 14 F. R. 4913, 8-9-49. |
| Grote, Rolf G., 1482 York Ave., New York, N. Y. | 7-3-50 | do | do | 15 F. R. 4328, 7-7-50. |
| Handelmaatschappij J. Smits Import-Export, N. V., Moistraat 1, Rotterdam, Holland. | 10-28-54 | do | do | 19 F. R. 7197, 11-5-54. |
| Handelsonderneming, Erik Jansen, Prins Hendrikkade 125, Amsterdam C, Netherlands. | 12-12-55 | 12-12-56 | do | 20 F. R. 9431, 12-15-55. |
| Hanke, Annellese, Hegelgasse 5, Vienna 1, Austria. | 4-21-54 | Duration | do | 19 F. R. 2432, 4-24-54. |
| Hanke, A. & Company, (Handel mit Pharmazeutika) Hegelgasse 5, Vienna 1, Austria, or Annelese Hanke & Co. (Handel mit Pharmazeutika), Hegelgasse 5, Vienna 1, Austria. | 4-21-54 | do | General and validated licenses, all commodities, any destination, also exports to Canada. (Related to Hanke Chemie, et al., which see.) | 19 F. R. 2432, 4-24-54. |
| Hanke-Chemie, Hochstrasse 19, Frankfurt, Germany, and/or Postplatz 26, Vaduz, Liechtenstein. | 4-21-54 | do | General and validated licenses, all commodities, any destination, also exports to Canada. | 19 F. R. 2432, 4-24-54. |
| Hanke, Franz a/k/a, Hanke, Gunther, Hegelgasse 5, Vienna 1, Austria. | 4-21-54 | do | do | 19 F. R. 2432, 4-24-54. |
| Hanke, Franz Guenther (Chemikalien—Grosshandel), Hegelgasse 5, Vienna 1, Austria. | 4-21-54 | do | General and validated licenses, all commodities, any destination, also exports to Canada. (Related to Hanke Chemie, et al., which see.) | 19 F. R. 2432, 4-24-54. |
| Hanke-Holz, Kreutzstrasse 8, Salzburg, Austria. | 4-21-54 | do | do | 19 F. R. 2432, 4-24-54. |
| Hanke-Ziegler, A. G., Hettlingen, Winterthur, Switzerland. | 4-21-54 | do | General and validated licenses, all commodities, any destination, also exports to Canada. | 19 F. R. 2432, 4-24-54. |
| Hannoco, S. P. R. L., c/o Gaston Triest, 192, Avenue Franklin Roosevelt, Brussels, Belgium, and/or Hottlingerstrasse 4, Zurich, Switzerland. | 4-21-54 | do | do | 19 F. R. 2432, 4-24-54. |
| Harlow & Jones Ltd., 18 Buckingham Gate, London, S. W. 1, England. | 12-8-50 | do | General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Gerald Stanley and John Braithwaite Panchaud, which see.) | 15 F. R. 8868, 12-14-50. |
| Hanptfeld, Dr. Georg, Stein Bei Hennef (Selg), Germany. | 4-21-54<br>5-31-55 | 5-31-55<br>(Duration)* | General and validated licenses, all commodities, any destination, also exports to Canada. | (19 F. R. 2432, 4-24-54.<br>20 F. R. 3921, 6-4-55. |
| Hecht, Eugene, 1477 Sherbrooke St. W., Montreal 25, Canada, and 405 Lexington Ave., New York, N. Y. | 6-20-52 | 6-20-54 (6-20-57)* | General and validated licenses, all commodities, any destination, also exports to Canada. | 17 F. R. 5738, 6-26-52. |
| Hollander, Bertram, Esq., 401 Broadway, New York 13, N. Y. | 3-6-53 | 3-6-58 | do | 18 F. R. 1406, 3-11-53. |
| Huiles et Produits Chimiques Pour L'Agriculture et L'Industrie, 27 Rue des Petites Ecuries, Paris 10, France. | 12-13-55 | 6-13-56 (12-13-56)* | General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Union Europeenne des Produits Chimiques, and Jean Richard, which see.) | 20 F. R. 9469, 12-16-55. |
| Hutmacher, Dr. Georg, Boersenstrasse 16, Zurich Switzerland. | 9-24-51 | Duration | General and validated licenses, all commodities, any destination, also exports to Canada. | 16 F. R. 10088, 10-3-51. |
| "Hydrocarbon," N. V., Amsterdamsche Maatschappij voor Industrie en Handel, 384 Herengracht, Amsterdam, C., Netherlands. | 12-28-53 | 12-28-58 | do | 19 F. R. 37, 1-1-54. |
| Industrial Specialty Co. Ltd., 18 Buckingham Gate, London, S. W. 1, England. | 12-8-50 | Duration | do | 15 F. R. 8868, 12-14-50. |
| Industriale Commerciale Cotoni Affini, Societa (S. I. C. C. A.), 24 Viale Montegrappa, and Via Fra Bartolemmeo, Prato, Italy, and Via Strozzi, Florence, Italy. | 4-14-52 | do | General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Dante Corti, which see.) | 17 F. R. 3361, 4-15-52. |
| Industrie Chemie Etablissement, Postplatz 26, Vaduz, Liechtenstein. | 4-21-54 | do | General and validated licenses, all commodities, any destination, also exports to Canada. (Related to Hanke Chemie, et al., which see.) | 19 F. R. 2432, 4-24-54. |
| Industriele Handelsonderneming, v/h Rotterdamsche Producten, 23 Maarten Dijkschoornlaan, Rotterdam, Netherlands. | 11-6-53 | do | General and validated licenses, all commodities, any destination, also exports to Canada. | 18 F. R. 7179, 11-11-53. |
| Intercontinental Import-Export S. A., 70 rue de Lombard, Brussels, Belgium. | 8-3-49 | do | General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Bernard Liebermann, which see.) | 14 F. R. 4913, 8-9-49. |
| International Meat Co., 41 Eendrachtsweg., Rotterdam, Netherlands. | 11-6-53 | do | General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Klaasen, et al., which see.) | 18 F. R. 7179, 11-11-53. |
| Interzack Holzgrosshandels Import & Export, G. m. b. H., Hochstrasse 19, Frankfurt Germany. | 4-21-54 | do | General and validated licenses, all commodities, any destination, also exports to Canada. (Related to Hanke-Chemie, et al., which see.) | 19 F. R. 2432, 4-24-54. |
| Italiana Gestione Immobiliari, Societa (S. I. G. I.), 24 Viale Montegrappa, Prato, Italy. | 4-14-52 | do | General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Dante Corti, which see.) | 17 F. R. 3361, 4-15-52. |
| Jackson, George, 18 Buckingham Gate, London, S. W. 1, England. | 12-8-50 | do | General and validated licenses, all commodities, any destination, also exports to Canada. | 15 F. R. 8868, 12-14-50. |
| Jansen Handelsonderneming, Erik, Prins Hendrikkade 125, Amsterdam C, Netherlands. | 12-12-55 | 12-12-56 | do | 20 F. R. 9431, 12-15-55. |
| Kato, Motohisa, Kato, Toshio, officials of. | 4-11-55 | Until further notice. | do | (20 F. R. 2498, 4-15-55. |
| Chunichi Seiyaku K. K., No. 14 Daikancho, Tate, Higashiku, Nagoyashi, Japan. | 1-31-56 | Duration | do | 21 F. R. 775-777, 2-3-56. |
| Karantzis, Theodore E., 17 Battery Pl., New York, N. Y. | 10-15-48 | Duration | do | 13 F. R. 6126, 10-20-48. |
| Kedros, Cleon, 11 Via Trento, Trieste, Italy. | 12-5-50 | do | do | 15 F. R. 8866, 12-14-50. |
| Kedros, Theodore E., 204 Franklin St., New York, N. Y. | 7-28-50 | do | do | 15 F. R. 4979, 8-3-50. |
| KESCO, G.m.b.H., Mainlust Strasse No. 8, Frankfurt, Germany. | 3-29-55 | Until further notice. | do | 20 F. R. 2093, 4-2-55. |

*This is the expiration date of a period of suspension held in abeyance. See explanation in paragraph (a) (1) of this section.

| Name and address | Effective date of order | Expiration date of order | Export privileges affected | Federal Register citation |
|---|---|---|---|---|
| Kessler, Hans Sr., Kessler, Hans Jr., Mainlust Strasse No. 8, Frankfurt, Germany. | 3-29-55 | Until further notice. | General and validated licenses, all commodities, any destination, also exports to Canada. | 20 F. R. 2093, 4-2-55. |
| Klaasen, A. A., Klaasen, J. M. A., 41 Eendrachtsweg, Rotterdam, Netherlands. | 11-6-53 | Duration | do | 18 F. R. 7179, 11-11-53. |
| Klein, Aaron, 224 E. 86th St., New York, N. Y., and 138-17 225th St., Laurelton, N. Y. | 8-26-49 | do | do | 14 F. R. 5400, 8-31-49. |
| Koopman, Jack, Koopman & Co., Inc., Jack, 15 Park Row, New York 38, N. Y. | 4-23-53 | do | do | 18 F. R. 2481, 4-28-53. |
| Kow Ting Heng a/k/a, Koh Ting Heng, proprietor, C. H. Pharmacy, 147-75 Chakrapetch Rd., Bangkok, Thailand. | 5-19-54 | do | do | 19 F. R. 3009, 5-25-54. |
| Krueger, Herbert, Krueger, Luise (Johannsen), Hanau-Wilhelmsbad, Hohe Tanne 101, Germany. | 4-21-54 | do | General and validated, all commodities, any destination. (Related to Hanke Chemie, et al., which see.) | 19 F. R. 2432, 4-24-54. |
| Krugel, Joachim Wilhelm, 201 Southerland Ave., London W. 9, England. | 9-10-53 | 6-30-56 | General and validated licenses, all commodities, any destination, also exports to Canada. | 18 F. R. 5521, 9-15-53. |
| Lai, I. K., Lai, S. K., owners of Levee and Co., 50 Queen's Road Central, Hong Kong, and Room 604, Fukoku Bldg., Uchisaiwai-Cho, 2-Chome, Chiyoda-Ku, Tokyo, Japan. | 4-11-55<br>1-31-56 | Until further notice.<br>Duration | do | (20 F. R. 2498, 4-15-55.<br>21 F. R. 775-777, 2-3-56. |
| La Rapida Shipping & Trading Co., 1564 Broadway, New York, N. Y. | 3-10-50 | Duration | do | 15 F. R. 1494, 3-16-50. |
| Leschitz, William Rudolph, 1875 Harnan St., Brooklyn 37, N. Y. | 1-28-54 | 7-28-56 | do | 19 F. R. 565, 2-2-54. |
| Les Grandes Editions Publicitaires Internationales, 27 Rue des Petites Ecuries, Paris 10, France. | 12-13-55 | 6-13-56 (12-13-56)* | General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Union Europeenne des Produits Chimiques, and Jean Richard, which see.) | 20 F. R. 9469, 12-15-55. |
| Levee and Co., 50 Queen's Rd., Central, Hong Kong, and Room 604 Fukoku Bldg., Uchisaiwai-Cho, 2 Chome, Chiyoda-Ku, Tokyo, Japan. | 4-11-55<br>1-31-56 | Until further notice.<br>Duration | General and validated licenses, all commodities, any destination, also exports to Canada. | (20 F. R. 2498, 4-15-55.<br>21 F. R. 775-777, 2-3-56. |
| Liebermann, Bernard (Alias Robert Govaerts), 1186 Broadway, New York, N. Y., and 60 rue Ravenstein, Brussels, Belgium. | 8-3-49 | Duration | do | 14 F. R. 4913, 8-9-49. |
| Lindemann, E. & Co., 41 Eendrachtsweg, Rotterdam, Netherlands. | 11-6-53 | do | General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Klaasen, et al., which see.) | 18 F. R. 7179, 11-11-53. |
| Lijnzaad, D., N. V., Transport en Handelmaatschappij, 58 Coolsingel, Boursgebouw, Rotterdam, Netherlands. | (10-27-55) | (Duration)* | General and validated licenses, all commodities, any destination, also exports to Canada. (No actual period of suspension. On probation from 10-27-55 for duration of export controls.) | 20 F. R. 8226, 11-2-55. |
| Lijnzaad, Dirk, 7 Duinweg, Wassenaar, Netherlands. | (10-27-55) | do | do | 20 F. R. 8226, 11-2-55. |
| Lubar, Andre, Lubar, Mary, Lubar, M. G., Lubar, Mary Gonzales, Lubar, Mrs. Melvin C., Lubar, Melvin C., 640 Riverside Dr., New York, N. Y. | 9-12-52 | 12-15-53 (12-15-56)* | General and validated licenses, all commodities, any destination, also exports to Canada. | 17 F. R. 8398, 9-18-52. |
| Lu Lieh Ming, proprietor Well Lu Trading Co., P. O. Box 697, 201, Rama I Rd., Pratumwarn, Bangkok, Thailand. | 5-19-54 | Duration | do | 19 F. R. 3009, 5-25-54. |
| Lynch, Thomas P., 280 Klemath St., Brisbane, California, and 21 Bridge St., New York, N. Y. | 8-15-49 | do | do | 14 F. R. 5207, 8-19-49. |
| Macher, Manfred, Hochstrasse 19, or Im Sachsenlager 6, Frankfort, Germany. | 4-21-54 | do | General and validated licenses, all commodities, any destination, also exports to Canada. (Related to Hanke Chemie, et al., which see.) | 19 F. R. 2432, 4-24-54. |
| Mandataire Treuhand, A. G., Vaduz, Liechtenstein. | 4-21-54 | do | do | 19 F. R. 2432, 4-24-54. |

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|---|---|---|---|---|
| Manufacture Nouvelle de Textiles (MANOTEX), 3 rue Olivier de Serres, Paris 15, France. | 8-3-49 | Duration | General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Bernard Lieberman, which see.) | 14 F. R. 4913, 8-9-49. |
| Maru, Tadaml, official of Tokyo Stoko K. K. No. 9 Kyobashi 2-Chome, Chuo Ku, Tokyo, Japan. | 4-11-55<br>1-31-56 | Until further notice.<br>Duration | General and validated licenses, all commodities, any destination, also exports to Canada. | 20 F. R. 2498, 4-15-55.<br>21 F. R. 775-777, 2-3-56. |
| Materials Inspection Co., 880 W. 180th St., New York, N. Y. | 9-12-52 | 12-15-53<br>(12-15-56)* | do | 17 F. R. 8398, 9-18-52. |
| Meghen, Peter (Home & Overseas) Ltd., 2 Castle Court, Burchin Lane, London E. C. 3 England. | 10-28-54 | Duration | do | 19 F. R. 7197, 11-5-54. |
| Meyns, Peter & Co., Meyns, Peter, Bogelleerstrasse 16, P. O. Box 80, Haarlem (Haarlem), Netherlands. | 4-27-55 | Until further notice. | do | 20 F. R. 3518, 5-19-55. |
| Pisko, Alexander W., Freistrasse 87, Zurich, Switzerland. | 4-21-54 | Duration | do | 19 F. R. 2432, 4-24-54. |
| Prodalco, S.a.r.l., 15 rue de la Cite, Geneva, Switzerland. | 6-9-55 | do | General and validated licenses, all commodities, any destination, also exports to Les Fils de Basile Obegi, et al., which see.) | 20 F. R. 4190, 6-15-55. |
| Pulpimper Co., 805 McEachran Ave., Montreal, Quebec, Canada. | 3-6-53 | 3-6-58 | General and validated licenses, all commodities, any destination, also exports to Canada. | 18 F. R. 1406, 3-11-53. |
| Reutzenperis, John, 108 W. 23d St., New York, N. Y. | 3-24-50 | Duration | do | 15 F. R. 1821, 3-30-50. |
| Rex Continental Corp., c/o Berman, Esq., 401 Hollander, Broadway, New York 13, N. Y. | 3-6-53 | 3-6-58 | do | 18 F. R. 1406, 8-11-53. |
| Rex Rayon Corp., 40 E. 19th St., New York 3, N. Y., and c/o Arthur Gilbert, 67-23 182d St., Flushing, N. Y. | 3-6-53 | 3-6-58 | do | 18 F. R. 1406, 3-11-53. |
| Richard, Jean, 27 rue des Petites-Ecuries, Paris, France. | 12-13-55 | 6-13-56<br>(12-13-56)* | do | 20 F. R. 9469, 12-16-55. |
| Ripley, A. & Co., 201 Southerland Ave., London W. 9, England. | 9-10-53 | 6-30-56 | do | 18 F. R. 5521, 9-15-53. |
| Rohlmport Trust, Vaduz, Liechtenstein. | 4-21-54 | Duration | General and validated licenses, all commodities, any destination. (Related to Hanke Chemie, et al, which see.) | 19 F. R. 2432, 4-24-54. |
| Royal Industrial Co., 150 Broadway, Room 914, New York, N. Y. | 4-23-53 | do | General and validated licenses, all commodities, any destination, also exports to Canada. | 18 F. R. 2481, 4-28-53. |
| "Rynhaven" N. V., Stuwadoors, Opslag Comrade en, Expeditie-Kantoren, Vasteland 15, Rotterdam, Netherlands. | 9-24-51 | do | General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Leopold Leo Kolsch, which see.) | 16 F. R. 10088, 10-3-51. |
| Sabbadini, Antonio, Via Ferdinando di Savoia 2, Milan, Italy. | 1-31-55 | 1-30-57 | do | 20 F. R. 775, 16 F. R. 10088, 10-3-51. |
| Satis, A. G., Boersenstrasse 16, Zurich, Switzerland. | 9-24-51 | Duration | do | 16 F. R. 10088, 10-3-51. |
| Satis, S.A., Mcfilde, Switzerland. | 9-24-51 | do | do | 16 F. R. 1605, 14 F. R. 1605. |
| Semadis & Co., Semadis, Peter K., 641 8th Ave., New York, N. Y. | 3-24-49 | do | do | 19 F. R. 2432, 4-24-54. |
| Siegwart and Hanke, Hegelgasse 15, Vienna 1, Austria. | 4-21-54 | do | do | 19 F. R. 8398, 9-18-52. |
| Silver Penna I, Austria. | 9-12-52 | 12-15-53<br>(12-15-56)* | do | 17 F. R. 7197, 11-5-54. |
| Smits, J., Officer of N. V. Handelmaatschappij J. Smits Import-Export, Molstraat 1, Rotterdam, Holland. | 10-28-54 | Duration | do | |
| Smits, J. K., 41 Fendrachtsweg, Rotterdam, Netherlands. | 11-6-53 | do | General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Satis, A. G. which see.) | 18 F. R. 7179, 11-11-53. |
| Societe d'Etudes et de Recherches, Technique et Industrielles, 4, rue de la Cite, Geneva, Switzerland. | 6-9-55 | do | General and validated licenses, all commodities, any destination, also exports to Canada. (Related to Les Fils de Basile Obegi, et al., which see.) | 20 F. R. 4190, 6-15-55. |

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|---|---|---|---|---|
| Societe Generale de Produits, Chimiques et Biologiques, 27 Rue des Petites Ecuries, Paris 10, France. | 12-13-55 | 6-13-56<br>(12-13-56)* | General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Union Europeenne des Produits Chimiques, and Jean Richards, which see.) | 20 F. R. 9469, 12-16-55. |
| Stemmler, Carl Herman, Ferdinand, manager and director, Stemmler-Imex, N. V., Leidseplein-Hirschgebouw, Post Box 649, Amsterdam, Netherlands. | 10-27-55 | (10-27-57)<br>(Duration)* | General and validated licenses, all commodities, any destination, also exports to Canada. | 20 F. R. 8202, 11-1-55. |
| Stevens, Paul, S. A. Comptoir N. V. Paul, Stevens & Co., 21 Kipdorf, Antwerp, Belgium. | 9-17-51 | Duration | do | 16 F. R. 9667, 9-21-51. |
| Stonehill, G. C., 18 Buckingham Gate, London, S. W. 1, England. | 12-8-50 | do | do | 15 F. R. 8868, 12-14-50. |
| Takeno, Yonesaburo, official of Tokyo Shoko K. K., No. 14 Hirano-Machi 3-Chome, Higashi-Ku, Osaka, Japan. | 4-11-55<br>1-31-56 | Until further notice.<br>Duration | do | 20 F. R. 2498, 4-15-55.<br>21 F. R. 775-777, 2-3-56. |
| Tokyo Shoko K. K., No. 9 Kyobashi 2-Chome, Chuo-Ku, Tokyo, Japan. | 4-11-55<br>1-31-56 | Until further notice.<br>Duration | do | 20 F. R. 2498, 4-15-55.<br>21 F. R. 775-777, 2-3-56. |
| Thiel, Reynold, 15 rue de la Cite, Geneva, Switzerland. | 6-9-55 | do | General and validated licenses, all commodities, any destination, also exports to Canada. (Related to Les Fils de Basile Obegi, et al., which see.) | 20 F. R. 4190, 6-15-55. |
| Tower Warehousing Co. (London) Ltd., Brown Bear Alley, London, E. 1, England. | 12-8-50 | do | General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Gerald Stanley and John Braithwaite Panchaud, which see.) | 15 F. R. 8868, 12-14-50. |
| Trakakis, Emanuele, 11 Via Trento, Trieste, Italy. | 12-5-50 | do | General and validated licenses, all commodities, any destination, also exports to Canada. | 15 F. R. 8866, 12-14-50. |
| Trans Chemie, 702 Keizersgracht, Amsterdam, Netherlands. | 10-28-55 | 10-28-56<br>(Duration)* | General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Continental Import and Export Company, N. V. and N. V. Noord-Hollandsche Handelsassociatie, which see.) | 20 F. R. 8224, 11-2-55. |
| Traverse, N. V., 51 Stadhouderskade, Amsterdam, Netherlands. | 10-28-55 | 10-28-56<br>(Duration)* | do | 20 F. R. 8224, 11-2-55. |
| Tscharner, Albert Edward von Rothkreuz, Switzerland. | 9-24-51 | Duration | General and validated licenses, all commodities, any destination, also exports to Canada. (Company related to Satis, A. G. which see.) | 16 F. R. 10088, 10-3-51. |
| Union Europeenne de Produits Chimiques, 27 rue des Petites-Ecuries, Paris, France. | 12-13-55 | 6-13-56<br>(12-13-56)* | General and validated licenses, all commodities, any destination, also exports to Canada. | 20 F. R. 9469, 12-16-55. |
| van de Looveren, N. V., A. M. M., van de Looveren, Anthonius M. M., Willemsparkweg 80, Amsterdam C, Netherlands. | 12-12-55 | Duration | do | 20 F. R. 9431, 12-15-55. |
| Van Uden's Transport-Bureau, N. V., Willemskade 17, Rotterdam, Netherlands. | 9-24-51<br>3-31-55 | do<br>(3-31-56)* | do | 16 F. R. 10088, 10-3-51.<br>20 F. R. 4596, 6-29-55. |
| Van Woerkom, J. C. A. M., Industriele Handelsonderneming, v/h Rotterdamsche Producten, 23 Maarten Dijkschoornlaan, Rotterdam, Netherlands. | 11-6-53 | Duration | do | 18 F. R. 7179, 11-11-53. |
| Victor Trading Corp., 8845 Olympic Blvd., Los Angeles, Calif. | 10-7-54 | 10-7-55<br>(4-7-56)* | do | 19 F. R. 6533, 10-9-54. |
| Volmer, Arthur, American Industrial Products Co., G. m. b. H., a/k/a, Amminprocom, Kattrepel 2, Hamburg, Germany. | 3-3-54 | 3-3-59 | General and validated licenses, all commodities, any destination, also exports to Canada. (Party related to Ching Sen Lee, which see.) | 19 F. R. 1328, 3-9-54. |
| Well Lu Trading Co., P. O. Box 697, 201, Rama 1 Rd., Pratumwarn Bangkok, Thailand. | 5-19-54 | Duration | General and validated licenses, all commodities, any destination, also exports to Canada. | 19 F. R. 3009, 5-25-54. |
| Wolfson, Irving N., 15 Park Row, New York 38, N. Y. | 4-23-53 | do | do | 18 F. R. 2481, 4-28-53. |
| Wormser, Paul, Wormser & Co., Paul, Nuschelerstrasse 10, Zurich, Switzerland. | 5-19-50 | do | do | 15 F. R. 3194, 5-25-50. |
| Wormser & Co., Paul, 52 Haymarket, London S. W. 1, England. | 5-19-50 | do | General and validated licenses, all commodities, any destination, also exports to Canada. (Related to Paul Wormser, which see.) | 15 F. R. 3194, 5-25-50. |
| Zetland Corp., David, Zetland, David, Zetlan, David or Davis Zetlin, David or Davis, 46 Cedar St., New York, N. Y. | 5-28-51 | do | General and validated licenses, all commodities, any destination, also exports to Canada. | 16 F. R. 5295, 6-5-51. |
| Zemanek & Co., Ltd., 46-47 Chancery Lane, London W. C. 2, England. | 9-1-53<br>9-29-55 | 9-1-55<br>Until further notice. | do | 18 F. R. 5372, 9-4-53.<br>20 F. R. 7383, 10-4-55. |

*This is the expiration date of a period of suspension held in abeyance. See explanation in paragraph (a) (1) of this section.



## PART 383—APPEALS

§ 383.1 *General procedure for appeals*—(a) *Purpose.* This section provides the general procedure for appeals except as otherwise noted below.

(b) *Appealability of regulations and administrative actions.* Any person may appeal, upon the grounds set forth in paragraph (e) of this section, from:

(1) Any regulation issued by the Department of Commerce under the Export Control Law or delegated authority relating thereto.

(2) Any administrative action of the Department of Commerce or duly authorized employees thereof, taken under the aforementioned authority, including appeals from compliance actions as set forth in § 382.13 of this chapter.

*Provided,* That problems of an overall nature, affecting exporters as a group, will not be considered within this appeals procedure, but may be referred to Commodity Advisory Panels and Commodity Advisory Committees as provided in § 384.1 of this chapter.

(c) *Definitions.* For purposes of this section:

(1) "Regulation" means any provision of a regulation or order published in the FEDERAL REGISTER or announcement thereof in a Current Export Bulletin which is applicable generally to all persons or to a class of persons.

(2) "Administrative action" means any action taken by the Department of Commerce or duly authorized employees thereof under a regulation with respect to a particular person, and covers all actions taken on license applications, including return without action.

(3) "Appeal" means a request for relief as provided in this section from the provision of a regulation or of an administrative action, and includes an initial review.

(4) "Person" shall be construed to mean the singular or plural, an individual, corporation, partnership, association, company, or any other kind of organization whatsoever, including any government or agency thereof.

(5) "Appellant" means a person filing an appeal.

(d) *Establishment of Appeals Board.* The Appeals Board of the Department of Commerce has been established as an impartial body to consider appeals. The Board consists of a Chairman and two other members designated by the Assistant Secretary of Commerce for Administration, and approved by the Secretary of Commerce.

(e) *Who may file and upon what grounds.* Any person affected by a regulation or administrative action of the kind described in paragraph (b) of this section may file an appeal on the ground that:

(1) The regulation or administrative action works an exceptional and unreasonable hardship upon him; or

(2) The regulation or administrative action improperly discriminates against him.

(f) *Preparation of appeals*—(1) *Appeals must be in writing.* All appeals and accompanying material shall be filed in triplicate, unless otherwise indicated below. If the submission of three copies of all accompanying documents or exhibits would place an undue burden on the appellant, waiver of this rule may be requested at the time the appeal is filed. Appeals must be clearly marked "Ref: Appeals," followed by a reference to the regulation (or administrative action thereunder) appealed from, and shall be in letter form.

(2) *Information to be contained in appeal.* All appeals must clearly state (i) the provisions of the regulation or the administrative action appealed from, (ii) the grounds for the appeal, and (iii) the relief requested by the appellant. The various grounds for the appeal should be separately stated and numbered, with a clear and concise statement of all facts alleged in support of each ground.

(3) *Request for oral presentation.* A request for an oral presentation before the Appeals Board, as provided in paragraph (h) (2) of this section, must be in writing and should be filed with the appeal.

(4) *Return without action of appeals improperly prepared or filed.* An appeal not prepared or filed substantially as provided in this section may be returned to the appellant without action.

(5) *Additional requirements for specified appeals.* In addition to the above-described appeals letter, the following papers must be included with appeals of the kind described in subdivisions (i) to (v) of this subparagraph:

(i) Appeals from rejection of license applications must include (*a*) the Notification of Rejection (Form IT– or FC–204A), (*b*) a new original copy of the license application (Form IT– or FC–419) on which should be entered the Bureau of Foreign Commerce old case number in the space provided, and (*c*) an acknowledgment card (Form IT– or FC–116) showing the old case number.

(ii) Appeals from license applications returned without action must include (*a*) the returned-without action license application (Form IT– or FC–419), and (*b*) an acknowledgment card (Form IT- or FC-116) showing the old case number.

(iii) Appeals from multiple commodities or multiple consignee applications disallowed in part must include (*a*) a certified or photostatic copy of the original application (Form IT– or FC–419), (*b*) a complete new application covering only the rejected items, and (*c*) the appropriate Acknowledgment Card (Form IT– or FC–116).

(iv) Appeals from rejection of request for extension of licenses must include the license unless it has been previously surrendered to the Department of Commerce or a Collector of Customs.

(v) Appeals from denial of request to transfer export licenses must include (*a*) letters of request for transfer in triplicate from the transferor and transferee, and (*b*) the original license unless the license is on file with the Bureau of Foreign Commerce.

(g) *When and where to file appeals other than appeals from suspension orders.* Appeals may be filed not later than 20 days after the publication date of a regulation, or the date of transmittal of written notification of administrative action, or of a determination upon the initial review.[1] All appeals shall be filed with and addressed to the Department of Commerce, Washington 25, D. C.

NOTE: The procedure for filing appeals from suspension orders and denials of license privileges is set forth in § 382.13 of this chapter.

(h) *Consideration of appeals.* (1) *Submission of appeals.* All appeals, except appeals from denial of the privilege of obtaining or using export licenses, will be considered and reviewed initially by appropriate officials of the Bureau of Foreign Commerce prior to submission of the appeals to the Appeals Board. The Appeals Board will consider only those appeals in which the appellant expressly requests in writing that his appeal be considered by the Appeals Board. An appellant may request consideration of his appeal by the Appeals Board at the time of original submission or after determination upon the initial review of his appeal by appropriate officials of the Bureau of Foreign Commerce as set forth in this paragraph.

NOTE: The basis for consideration of appeals from suspension orders and denials of licensing privileges is set forth in § 382.13 of this chapter.

(2) *Oral presentations.* In exceptional cases, where the Appeals Board believes it to be necessary to a proper determination, the appellant may be granted an opportunity to present orally further facts and argument. A date will be set and notice of the time and place (in Washington, D. C.) will be given the appellant by the Appeals Board at least 10 days before the date set for the oral presentation. Such presentation will be heard informally; generally no oaths will be administered to witnesses; and the Appeals Board will not necessarily abide by the rules of evidence. Appellants need not be represented by counsel unless they so wish.

(3) *Records.* Records concerning each appeal will be maintained by the Bureau of Foreign Commerce and may be made available for inspection and copying by persons properly concerned upon written application. Such application must be addressed to the Appeals Board, Department of Commerce, Washington 25, D. C., and shall set forth the applicant's interest, a description of the material or information contained in the record to be inspected or copied, and the purpose for which it is sought.

(i) *Decisions.* All appeals will be considered and decided within a reasonable time after they are filed. An appeal may be granted or denied, in whole or in part. Determinations by the Appeals Board shall be final. The determination of an appeal will be communicated to the appellant in writing.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023, E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

[1] A rejection of an export license application on the ground that the proposed exportation is contrary to the national interest may be appealed. Such an appeal is appropriate, for instance, if appellant believes he has not furnished sufficient information as to the nature, characteristics, and possible end-use of the commodity in question, and that an appeal may lead to favorable reconsideration. In such cases, upon request and the showing of sufficient justification, the Appeals Board may waive the time limitation.

## PART 384—GENERAL ORDERS

Sec.

384.1 Commodity advisory panels and committees.

384.2 Conduct of business and practice before the Bureau of Foreign Commerce.

AUTHORITY: §§ 384.1 to 384.10 issued under sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023, E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.

§ 384.1 *Commodity advisory panels and committees*—(a) *Purpose.* (1) The purpose of this section is to establish a procedure whereby the Bureau of Foreign Commerce of the Department of Commerce may consult with the export trade and obtain advice and recommendations concerning export licensing policies and procedures under the Export Control Law.

(2) The provisions of this section are not to be construed as prohibiting individuals or groups of individuals from seeking discussions with employees of the Bureau of Foreign Commerce.

(b) *Organization of the panels and committees* — (1) *Representation by commodities.* It is intended, for convenient operation and size, to provide representation of the export trade by commodities. Wherever practicable, segments of the trade handling different commodities (or groups of commodities) will be represented by separate panels or committees. Where panels are formed, the membership may be called upon to meet as a whole, or committees may be organized from among the members to consider specific problems as they arise. The panels and committees will be selected by the Bureau of Foreign Commerce.

(2) *Standards of selection.* As the purpose of the panels and committees is to give advice and make recommendations to the Bureau of Foreign Commerce affecting the trade as a whole, or segments thereof, the members of the panels and committees will be selected in an effort to obtain advice and recommendations which will represent the viewpoint of all parts of the trade involved. The panels and committees will be formed of the minimum number of persons necessary to represent a fair cross-section of the trade in the commodity (or groups of commodities) from the standpoints of (i) large, medium, and small-sized companies, (ii) geographical distribution, (iii) segments of the export trade involved—e. g., by types of exporters (such as manufacturers, manufacturers' representatives, merchant exporters, combination export managers, etc.), (iv) by types of commodities, and (v) trade association membership and non-membership.



(3) *Special conferences.* If export trade advice is sought on a special problem, and there is no foreseeable need to seek the continuing advice of the trade, a special conference may be called. Except for omission of formal establishment of a panel or committee, the procedure for calling and conducting a special conference shall be the same as set forth under the provisions of this section.

(4) *Representation of small business.* In forming commodity advisory panels and committees, the Bureau of Foreign Commerce will be governed by the principles of Senate Concurrent Resolution 14 (80th Congress) and the President's memorandum to heads of Executive Departments and Agencies of December 12, 1947, with respect to the representation of small business on Government committees.

(5) *No compensation allowed.* Members of the panels and committees pay their own expenses and are entitled to no compensation for their services.

(c) *Functions of the panels and committees*—(1) *Authorized activities.* The functions of commodity advisory panels and committees formed by the Bureau of Foreign Commerce under this section are to give advice and make recommendations through one or more commodity advisory committees to the Bureau of Foreign Commerce, at committee meetings, on export licensing policies and procedures affecting those parts of the export trade represented by the committee. Where deemed appropriate, in view of the nature of a specific licensing policy or procedure, the Bureau of Foreign Commerce will authorize the holding of full panel meetings.

(2) *Unauthorized activities.* (i) No other activities by these commodity advisory panels and committees or by their members are sponsored or authorized by the Department of Commerce or the Bureau of Foreign Commerce. No meetings of these commodity advisory panels and committees, or any part thereof, are sponsored or authorized by the Department of Commerce or the Bureau of Foreign Commerce unless such meetings are called and conducted by appropriate officials of the Bureau of Foreign Commerce in accordance with the provisions of this section.

(ii) The panels and committees are not authorized to determine policies for the export trade nor are they authorized to compel or coerce any person to comply with any request, order, or regulation made by the Department of Commerce or the Bureau of Foreign Commerce.

(d) *Meetings of the panels and committees*—(1) *Calling of meetings.* (i) Commodity advisory panel meetings and commodity advisory committee meetings will be called by the Bureau of Foreign Commerce in connection with the promulgation of export licensing policies or procedures affecting the parts of the export trade represented by the panel or committee, as the case may be, except where the necessary timing or other public exigency does not permit such prior consultation.

(ii) A meeting of a trade advisory panel or committee may be proposed by any three of its members. Such proposal should be addressed to the Government presiding officer and state the reasons for proposing the meeting. The Government presiding officer is responsible for determining whether a meeting should be called.

(2) *Agenda and presiding officer.* (i) The agenda of the meeting will be prepared by the Bureau of Foreign Commerce. A representative of the Bureau of Foreign Commerce will preside at every panel meeting and every committee meeting.

(ii) Prior to a meeting, members of a panel or committee may propose subjects for the agenda to the Government presiding officer, but during a meeting may not introduce any subject not included on the agenda.

(3) *Attendance at meetings.* (i) Attendance at meetings shall be limited to duly appointed members and invited Government representatives. The attendance of other persons at meetings, such as industry or trade observers or alternates for accredited members, is not authorized. If it is essential for the purpose of a particular meeting to invite a non-member expert or technician who can provide advice concerning a specialized subject, a special written invitation from the Bureau of Foreign Commerce will be required requesting the attendance of such person at the meeting.

(ii) A meeting of a segment or segments of an advisory panel or committee may be called to discuss subjects of interest only to that part of the trade, provided that the segment of the trade is representative, or that additional representatives are appointed in order—to make it representative.

(4) *Conduct during meetings.* During a meeting, members are restricted to expressions of advice and recommendations and may not make resolutions nor shall they submit or request submission of a vote regarding a recommendation under discussion.

(5) *Minutes.* The Bureau of Foreign Commerce will keep minutes of each meeting and, where practicable, will make summaries available to members of the commodity advisory panel, the committee, the export trade, and the press.

§ 384.2 *Conduct of business and practice before the Bureau of Foreign Commerce*—(a) *Activities of persons appearing before the Bureau of Foreign Commerce in connection with export control matters*—(1) *Who may be excluded.* Any person, whether acting on his own behalf or on behalf of another, who shall be found guilty of engaging in any unethical activity or who shall be demonstrated not to possess the required integrity and ethical standards may be excluded from (denied) export privileges on his own behalf or may be excluded from practice before the Bureau of Foreign Commerce on behalf of another, in connection with any export control matter, or both, as provided in § 382.1 of this chapter.

(2) *Grounds for exclusion.* Among the grounds for exclusion are the following:

(i) Inducing or attempting to induce by gifts, promises, bribes, or otherwise any officer or employee of the Bureau of Foreign Commerce or any customs or post office official to take any action with respect to the issuance of licenses or any other aspects of the administration of the Export Control Law, whether or not in violation of any regulation;

(ii) Offering or making gifts or promises thereof to any such official or employee for any other reason;

(iii) Soliciting by advertisement or otherwise the handling of business before the Bureau of Foreign Commerce on the representation, express or implied, that such person, through personal acquaintance or otherwise, possesses special influence over any officer or employee of the Bureau of Foreign Commerce.

(iv) Charging or proposing to charge for any service performed in connection with the issuance of any license any fee wholly contingent upon the granting of such license and the amount or value thereof. This provision will not be construed to prohibit the charge of any fee agreed to by the parties; provided that the out-of-pocket expenditures and the reasonable value of the services performed, whether or not the license is issued and regardless of the amount thereof, are fairly compensated; and

(v) Knowingly violating or participating in the violation of, or an attempt to violate, any regulation with respect to the exportation of commodities, including the making of or inducing another to make any false representations to facilitate any exportation in violation of the Export Control Law or any order or regulation issued thereunder.

(3) *Definition.* As used in this section, the terms "practice before the Bureau of Foreign Commerce" and "appear before the Bureau of Foreign Commerce" include (i) the submission on behalf of another of applications for export licenses or other documents required to be filed with the Bureau of Foreign Commerce, or the execution of the same; (ii) conferences or other communications on behalf of another with officers or employees of the Bureau of Foreign Commerce for the purpose of soliciting or expediting approval by the Bureau of Foreign Commerce of applications for exports licenses or other documents, or with respect to quotas, allocations, requirements or other export control actions, pertaining to matters within the jurisdiction of the Bureau of Foreign Commerce; (iii) participation on behalf of another in any proceeding pending before the Bureau of Foreign Commerce; (iv) the submission to a customs official on behalf of another of a license or Shipper's Export Declaration or other export control documents.

(4) *Proceedings.* All proceedings under this section shall be conducted in the same manner as provided in Part 382 of this chapter.

(b) *Former employees.* (1) No person shall appear or be permitted to appear before the Bureau of Foreign Commerce, Department of Commerce, as the agent, attorney, or representative of any individual, corporation, partnership,

or any group or body of persons, other than the United States or agency thereof, or public international organizations, as designated by Executive order (including the United Nations and its specialized agencies), if such person:

(i) Is, or at any time within one year prior thereto was, a full-time or part-time, compensated or uncompensated officer or employee of the Bureau of Foreign Commerce or any of its predecessor or constituent agencies and such relationship or employment was terminated subsequent to May 24, 1951; or

(ii) Has at any time been officially associated with the specific transaction or matter to which such appearance relates, as a full-time or part-time, compensated or uncompensated officer or employee of the Bureau of Foreign Commerce or any of its predecessor or constituent agencies.

(2) Notwithstanding the prohibition contained in this paragraph, the Bureau of Foreign Commerce may, in exceptional cases and upon receipt of a sworn written application setting forth the facts, grant to a former officer or employee disqualified under this section, written permission to appear before the Bureau of Foreign Commerce on behalf of another person for a specific or limited purpose, where in its opinion such permission is necessary to prevent injustice or unnecessary hardship.

(3) As used in this paragraph, the term "appear before the Bureau of Foreign Commerce" shall have the same meaning as the definition in paragraph (a) (3) of this section.

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PART 385—EXPORTATIONS OF TECHNICAL DATA

Sec.
385.1 Definitions.
385.2 General Licenses GTDP, GTDU, and GTDS.
385.3 Security provisions for certain types of technical data.
385.4 Exportations to Subgroup A destinations.
385.5 Presentation of Shipper's Export Declaration.
385.6 Reexportations.

AUTHORITY: §§ 385.1 to 385.6 issued under sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023, E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.

§ 385.1 *Definitions*—(a) *Technical data.* "Technical data" means any professional, scientific or technical information, including any model, design, photograph, photographic negative, document or other article or material, containing a plan, specification, or descriptive or technical information of any kind which can be used or adapted for use in connection with any process, synthesis, or operation in the production, manufacture, utilization, or reconstruction of articles or materials. As used in this part, technical data do not include "classified" technical data, i. e., technical data which have been officially assigned a security classification, i. e.: "top secret," "secret," or "confidential," by an officer or agency of the United States Government.

(b) *Exportation of technical data.*[1][2] "Exportation of technical data" is defined as any release of unclassified technical data for use outside the United States (except Canada[3]) and includes the actual shipment out of the United States as well as the furnishing of data in the United States to persons with the knowledge or intention that the persons to whom it is furnished will take such data out of the United States.

§ 385.2 *General Licenses GTDP, GTDU, and GTDS*[4]—(a) *General License GTDP; unclassified technical data generally available in published form.* A general license designated GTDP is hereby established authorizing the exportation to all destinations of unclassified technical data generally available in published form, provided such technical data are (1) sold at newsstands or bookstores; or (2) available by subscription or purchase without restrictions to any person or available without cost to any person; or (3) granted second class mailing privileges by the U. S. Government; or (4) freely available at public libraries.

(b) *General License GTDU; unclassified technical data either unpublished or not generally available in published form.* A general license designated GTDU is hereby established authorizing the exportation of unclassified technical data, either unpublished or not generally available in published form, to any destination, except a Subgroup A destination.[5]

(c) *General License GTDS; unclassified scientific and educational technical data.* A general license designated GTDS is hereby established authorizing the exportation to all destinations of unclassified scientific and educational technical data involving:

(1) Dissemination of information not directly and significantly related to design, production and utilization in industrial processes, including such dissemination by correspondence and attendance at, or participation in, meetings; or

(2) Instruction in academic institutions and academic laboratories.

NOTE: "Instruction" is interpreted not to include research under contract where the research relates directly and significantly to design, production and utilization in industrial processes.

§ 385.3 *Security provisions for certain types of technical data*—(a) *General.* This section establishes a procedure whereby persons or firms may obtain, through the Bureau of Foreign Commerce, official United States Government opinions as to the desirability of exporting or releasing for use in foreign friendly countries certain types of unpublished technical data which have significance to the common security and defense of the United States.

(b) *Scope.* The scope of this section is concerned with technical data in connection with:

(1) Advanced developments, technology, and production "know-how";

(2) Prototypes; and

(3) Special installations.

NOTE: Official opinions are not necessary in order to export advertising catalogs or pamphlets; sales technical data supporting a proposal or quotation for installation of United States origin equipment; maintenance, repair and operating data for existing installations of United States origin equipment; technical data for the assembly, erection and installation of United States origin equipment licensed for export.

(c) *Substance.* (1) Before completing arrangements to export or release for use in foreign friendly countries any unpublished technical data included in the scope of the security provisions, exporters should request an official opinion from the U. S. Government, through the Bureau of Foreign Commerce, as to the desirability of exporting or releasing the technical data. Requests for official opinion from the U. S. Government shall be submitted by letter, in duplicate, to the Department of Commerce, Bureau of Foreign Commerce, Reference FC–1220, Washington 25, D. C. Information included in these requests will be treated in confidence in order not to disturb competitive relationships.

(2) The letter shall set forth all the necessary facts as may be required to present to the Bureau of Foreign Commerce a complete disclosure of the relationships existing between the applicant and the consignee and to describe adequately the type of technical data to be exported. The letter of explanation should present a composite picture of the kind and types of technical data, the uses for which and by whom such data will be employed, identification of all parties to the transaction, and specification of the conditions or agreements relative thereto.

(3) As a minimum, the letter should include the following information:

(i) A detailed itemization of the technical data to be exported, including a detailed description of the nature of the specific technical data, processes involved, if any, and whether new installations, developments or projects are concerned.

(ii) A list of names and addresses of the firms in foreign countries who will use or see the technical data.

(iii) Whether the technical data will be used abroad in the production of any material or product that is to be exported from the country of ultimate destination, and if so, name the country (ies) to which the material or product is to be exported, and if possible, the estimated quantities of each material or product.

(iv) Whether the technical information is required for the national defense, public health or safety of the country of destination. If the technical data are to be used in a project sponsored by the United States Government, it should be so indicated.

(v) The manner or means by which the information will be furnished to the foreign consignee (i. e., blue prints, specifications, technical aid contracts, manufacturing agreements, patent licensing arrangements, instructional or training material, training in the United States of foreign personnel, personal delivery by United States personnel sent abroad, etc.).

§ 385.4 *Exportations to Subgroup A destinations*[5]—(a) *Scope.* (1) Under the provisions of this section, there is established a procedure for the exportation to Subgroup A destinations of technical data not exportable under General Licenses GTDP or GTDS (See § 385.2).

(2) Pursuant to this procedure, application may be made for a validated license which, if issued, authorizes the exportation of specified technical data to a designated foreign consignee or consignees, within a validity period of six months.

(b) *Application form and acknowledgment card.* An application for a technical data license shall be submitted on Form IT– or FC–419, in duplicate, accompanied by an Acknowledgment Card, Form IT– or FC–116, as described in paragraph (c) of this section, and the letter of explanation described in paragraph (d) of this section.

(c) *Completion of application form and acknowledgment card.* (1) Form IT– or FC–419 shall be completed as provided in § 372.5 of this subchapter except that items 11 (a), (c), (d), 13, and 14 shall be left blank. Item 11 (b) shall contain a general statement which specifies the form(s) of the technical data (blueprints, manuals, etc.). In addition, the words "TD License" shall be entered across the top of Form IT– or FC–419 immediately above the printed words "United States of America".

(2) The Acknowledgment Card, Form IT– or FC–116, shall also be completed as provided in § 372.5 of this subchapter except that the Schedule B Number, processing code, related commodity group number, and commodity description shall be omitted and the symbol "TD" shall be entered in the space provided for the processing code.

(d) *Letter of explanation.* Each application shall be supported by a comprehensive letter of explanation in duplicate, setting forth all the necessary facts as may be required to present to the Bureau of Foreign Commerce a complete disclosure of the relationships existing between the applicant and the consignee and to describe adequately the type of technical data to be exported. The letter of explanation should present a composite picture of the kind and types of technical data, the uses for which such data will be employed, identification of all parties to the transaction, and specification of the conditions or agreements relative thereto.

(e) *Issuance and use of validated licenses.* (1) When an application for a license to export technical data is approved by the Bureau of Foreign Commerce, an export license will be issued on Form IT– or FC–628, authorizing, subject to the provisions of the Export Regulations and to the terms and provisions of such license, the exportation of the types of technical data described therein.

(f) *Export clearance.* The Technical Data license shall be deposited with the Collector of Customs at the port of exit or the Postmaster, as appropriate, before exportation or deposit of the data with the Postmaster for mailing.

(g) *Amendments.* Requests for amendments shall be made in accordance with the provisions of § 380.2 of this subchapter.

(h) *Other applicable provisions.* Insofar as consistent with the provisions of this Section, all of the provisions of the Export Regulations shall apply equally to applications for licenses issued under this section.

§ 385.5 *Presentation of Shipper's Export Declaration.* A Shipper's Export Declaration, in the number of copies set forth in § 379.3 (c) of this subchapter, shall be presented to the Collector of Customs prior to the exportation or release for foreign use of technical data other than by mail, including surface or air parcel post, or by telegram, wireless, cable, or telephone. Except where a shipment is made by mail in accordance with the provisions of § 379.1 (b) (1) (ii) of this subchapter, a Declaration is not required to be presented to the Postmaster.

§ 385.6 *Reexportations*—(a) *Prohibited reexportations.* (1) No exportation may be made under any type of general license with the knowledge or intention that the technical data so exported are to be reexported from the country of destination unless the reexportation has been specifically authorized by the Department of Commerce or is permitted under the provisions of paragraph (b) of this section.

(2) No exportation may be made under any validated license with the knowledge or intention that the technical data so exported are to be reexported from the country stated on the license application, unless the reexportation has been specifically authorized by the Bureau of Foreign Commerce or is permitted under the provisions of paragraph (b) of this section.

(b) *Permissive reexportations.* Any technical data which have been exported from the United States may be reexported from any destination to any other destination provided that, at the time of reexportation, the technical data to be reexported may be exported directly from the United States to the new country of destination under General License GTDP, GTDU or GTDS.

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PART 398—PRIORITY RATINGS

Sec.
398.1 DO (priority) ratings and allotment symbols (DMS) for MRO supplies for foreign civil air carrier aircraft.
398.2 Defense supporting priority assistance.
398.51 Supplement 1; Countries for which the Civil Aeronautics Administration handles DO ratings or allotment symbols for foreign civil air carrier aircraft.
398.52 Supplement 2; Controlled Materials (Schedule I to DMS Regulation No 1).

AUTHORITY: §§ 398.1 to 398.52 issued under sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023, E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.

§ 398.1 *DO (priority) ratings and allotment symbols (DMS) for MRO supplies for foreign civil air carrier aircraft*—(a) *Delegation of authority.* (1) The Civil Aeronautics Administration has delegated to the Bureau of Foreign Commerce, Department of Commerce, the right to assign DO ratings on purchase orders for maintenance, repair, and operating supplies (MRO) and supporting navigational aids for commercial transport aircraft of civil air carriers registered in foreign countries other than those listed in § 398.51. This rating authority will be exercised in accordance with a program established by the Business and Defense Services Administration (formerly National Production Authority), and limited in total dollar value for each calendar quarter.

(2) The Bureau of Foreign Commerce is further authorized to assign allotment symbols for the procurement of controlled materials (see § 398.52) for commercial transport aircraft of civil air carriers registered in foreign countries other than those listed in § 398.51.

(b) *Programs.* (1) The Bureau of Foreign Commerce will consider requests under the Civil Air Carrier Program for Foreign Aircraft for the assignment of:

(i) Allotment symbols for the procurement of controlled materials, and

(ii) DO ratings for commodities other than controlled materials.

(2) When such requests are approved, the Bureau of Foreign Commerce will assign the appropriate allotment symbol or rating, using the following Department of Defense program identification symbols:

A–1 Aircraft Program.
A–7 Electronics and Communications Equipment Program.
B–9 Production Equipment Program.
C–9 Miscellaneous Program.

(c) *Ratings not assigned by Bureau of Foreign Commerce.* Requests for DO

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[1] License applications or questions as to the exportation of unclassified technical data relating to commodities which are licensed by government agencies other than the Bureau of Foreign Commerce shall be referred to the appropriate government agency for consideration (see § 370.4 of this subchapter). License applications or questions as to the exportation of classified technical data shall be referred to the Office of Munitions Control, Department of State, Washington 25, D. C.

[2] In addition to the regulations issued by the U. S. Patent Office, technical data contained in or related to inventions made in foreign countries or in the United States, are subject to the Bureau of Foreign Commerce regulations covering the exportation of technical data, in the same manner as the exportation of other types of technical data. Patent attorneys and others are advised to consult with the U. S. Patent Office, Department of Commerce, Washington 25, D. C., relative to the U. S. Patent Office regulations concerning the filing of patent applications or amendments in foreign countries.

[3] Exportation or release of technical data for use in Canada is permitted without authorization or license from the Bureau of Foreign Commerce.

[4] A "general license" is a license established by the Department of Commerce for which no application is required and for which no document is granted or issued, available for use by all persons, permitting exportation within the provisions thereof as prescribed in the Export Regulations.

[5] See § 371.3 (a) (2) of this subchapter for listing of destinations in Subgroup A.

ratings or allotment symbols on purchase orders for delivery of maintenance, repair and operating supplies and supporting navigational aids to foreign civil air carriers registered in any of the countries listed in § 398.51 shall be submitted to The Defense Requirements Branch W 195, Civil Aeronautics Administration, Temporary Building T–5, Washington 25, D. C.

(d) *Submission of request for assignment of DO ratings or allotment symbols.* (1) Requests to the Bureau of Foreign Commerce to assign DO ratings or allotment symbols to purchase orders shall be by letter, addressed to the Producers' Equipment Division, Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C. The following information and documents must be attached to the letter:

(i) Duplicate copies of the purchase order or bill of materials containing the following information:

(*a*) The name of the foreign airline for which materials are required;

(*b*) The supplier's name;

(*c*) Purchase order number of the air carrier;

(*d*) Total dollar value; and

(*e*) End delivery date.

(ii) A statement that the supplier will not deliver the material without a DO rating or allotment symbol and that the air carrier cannot obtain the material from any other source.

(iii) In the case of commodities other than controlled materials, a statement as to whether any of the material covered by the order requires a validated export license from either the Bureau of Foreign Commerce or the Department of State (see § 370.4 (a) of this chapter). If a license is required from the Bureau of Foreign Commerce, submit either a Form IT– or FC–419, Application for Export License, or the Bureau of Foreign Commerce Case Number or export license number; if from the Department of State, furnish the license application number or the export license number.

(iv) In the case of controlled materials, the request for allotment symbol must be submitted simultaneously with the Form IT– or FC–419 when a license is required under the Export Regulations.

(2) In cases when an exporter desires to make shipment of a controlled material not requiring an individual export license (i. e., General Licenses GLV, GO or GRO), the request for the allotment symbol shall specify the net weight, type of controlled material, and Schedule B number.

(3) Suppliers may also request DO ratings or allotment symbols on behalf of the air carrier or its representative by submitting the above information. In such case, the supplier must notify the air carrier or its representative, in writing, that a request for DO rating or allotment symbol has been made and send a copy of such notification to the Producers' Equipment Division, Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C.

§ 398.2 *Defense supporting priority assistance.* Requests for, or information as to, export priority assistance for approved defense supporting programs should be directed to the Procurement Production Division, Office of Military Assistance Programs, Assistant Secretary of Defense (International Security Affairs), Washington 25, D. C.

§ 398.51 *Supplement 1; Countries for which the Civil Aeronautics Administration handles DO ratings or allotment symbols for foreign civil air carrier aircraft.*

EUROPEAN COUNTRIES

Austria.
Belgium-Luxembourg Economic Union.
Denmark, including Faroe Islands.
France, including the Saar.
Germany (Federal Republic).
Greece, including the Aegean Islands.
Iceland.
Ireland.
Italy.
Netherlands.
Norway, including Spitzbergen.
Portugal, including the Azores.
Sweden.
Switzerland, including Liechtenstein.
Trieste, Free Territory of.
Turkey.
United Kingdom, including the Channel Islands.
Yugoslavia.

OVERSEAS TERRITORIES

Belgian Overseas Territories:
  Belgian Congo.
  Ruanda-Urundi.
British Overseas Territories:
  Gibraltar.
  Malta and Gozo.
  Cyprus.
  British West Africa:
    Nigeria, including British Cameroons.
    Gold Coast, including British Togoland and Ashanti.
    Sierra Leone.
    Gambia.
  Northern Rhodesia.
  Southern Rhodesia.
  Nyasaland.
  British East Africa:
    Kenya.
    Uganda.
    Tanganyika.
    Zanzibar and Pemba.
  Somaliland Protectorate.
  Basutoland, Bechuanaland Protectorate, Swaziland.
  St. Helena, Ascension Island.
  Mauritius and Dependencies.
  Seychelles.
  Aden (Colony and Protectorate).
  Bahrein Island, Kuwait, Qatar and Trucial Oman.
  British Malaya, including Singapore.
  British Borneo (North Borneo, Sarawak and Brunei).
  Hong Kong.
  British Oceania:
    Fiji Islands.
    British Solomon Islands.
    Other British Islands of the Pacific.
  Bermuda.
  British West Indies:
    Bahamas.
    Jamaica and Dependencies.
    Windward Islands, including Dominica.
    Leeward Islands.
    Barbados.
    Trinidad and Tobago.
  British Honduras.
  British Guiana.
  Falkland Islands and Dependencies.
French Overseas Departments, Protectorates and Territories:
  Overseas Departments:
    Algeria.
    French Guiana.
    Guadeloupe.
    Martinique.
    Reunion Island.
  Protectorates:
    French Zone of Morocco.
    Tunisia.
  Overseas Territories:
    Somaliland.
    French West Africa, including French Togo.
    French Equatorial Africa, including French Cameroons.
    Madagascar and Comoro Islands.
    Saint Pierre and Miquelon.
    French Pacific Islands, including New Caledonia and Dependencies.
    French East Indian Possessions.
New Hebrides—Anglo-French Condominium.
Danish Overseas Territory:
  Greenland.
Netherlands Overseas Territories:
  Surinam.
  Netherlands Antilles, including Curacao.
Portuguese Overseas Territories:
  Angola (Portuguese West Africa), including Cabinda.
  Mozambique (Portuguese East Africa).
  Cape Verde Islands and Portuguese Guinea.
  Madeira.
  Sao Thome and Principe.
  Timor.
  Macao.
  Portuguese East India.

FAR EASTERN COUNTRIES

Cambodia, Laos, and Viet-Nam (the area formerly known as Indochina).
Taiwan (Formosa).
Thailand.
Philippines.
Korea, Republic of.

§ 398.52 *Supplement 2; controlled materials*[14] *(Schedule I to DMS Regulation No. 1).*

Carbon steel (including wrought iron):[1]
  (a) Bar, bar shapes.
    Includes:
      Bar, hot-rolled, stock for projectile and shell bodies.[2]
      Bar, hot-rolled, other (including light shapes).
      Bar, reinforcing (straight lengths—as rolled).
      Bar, cold-finished.
  (b) Sheet, strip (uncoated and coated).
    Includes:
      Sheet, hot-rolled.
      Sheet, cold-rolled.
      Sheet, galvanized.
      Sheet, all other coated.
      Sheet, enameling.
      Roofing, galvanized, corrugated, V-crimped channel drains.
      Ridge roll, valley, and flashing.
      Siding, corrugated and brick.
      Strip, hot-rolled.
      Strip, cold-rolled.
      Strip, galvanized.
      Electrical sheet and strip.
      Tin mill black plate.
      Tin plate, hot-dipped.
      Ternes, special coated manufacturing.
      Tin plate, electrolytic.

[14] "Controlled materials" means domestic and imported steel, copper, and aluminum, in the forms and shapes indicated above, whether new, remelted, rerolled or redrawn.

[1] For the purpose of this schedule "carbon steel (including wrought iron)" means any steel customarily so classified and also includes: (1) Ingot iron; (2) all grades of electrical sheet and strip; (3) low-alloy, high-strength steels; and (4) clad and coated carbon steels not included with alloy steels; e. g., galvanized, tin, terne, copper (excluding copper wire mill products) or aluminum clad and/or coated carbon steels). "Low-alloy, high-strength steels" means only the proprietary grades promoted and sold for this purpose.

[2] Includes projectile body stock, sizes under 2⅞ inches and component parts, all sizes.



  (c) Plate.[3]
  (d) Structural shapes,[4] piling.
  (e) Pipe, tubing.[5]
    Includes:
      Standard pipe (including type or couplings furnished by mill).[6]
      Oil country goods (casings, tubular goods, type of couplings furnished by mill).
      Line pipe (including type of couplings furnished by mill).
      Pressure tubing, seamless and welded.
      Mechanical tubing, seamless and welded.
  (f) Wire, wire products.
    Includes:
      Wire, drawn.
      Nails, bright steel wire, steel cut, galvanized, cement-coated, and painted.
      Spikes and brads, steel wire, galvanized, and cement-coated.
      Staples, bright and galvanized (farm and poultry).
      Wire rope and strand.
      Welded wire mesh and woven wire netting.
      Barbed and twisted wire.
      Wire fence, woven and welded (farm and poultry).
      Bale ties.
      Coiled automatic baler wire.
  (g) Tool steel (including die blocks and tool steel forgings).
  (h) Other mill forms and products (not including forgings except for wheels).
    Includes:
      Ingots.
      Billets, shell quality for body stock only.[7]
      Billets, shell quality for component parts and rockets.
      Blooms, slabs, other billets, tube rounds, sheet bars.
      Skelp.
      Wire rod.
      Rails.
      Joint bars (track).
      Tie plates (track).
      Track spikes.
      Wheels, rolled or forged (railroad).
      Axles (railroad).
  (i) Castings (not including cast iron).

Alloy steel[8] (except stainless steel[9]):
  (a) Bar, bar shapes.
    Includes:
      Bar, hot-rolled projectile and shell quality.
      Bar, hot-rolled, other (including light shapes).
      Bar, cold-finished.
  (b) Sheet, strip.
    Includes:
      Sheet, hot-rolled.
      Sheet, cold-rolled.
      Sheet, galvanized.
      Strip, hot-rolled.
      Strip, cold-rolled.
  (c) Plates.[10]
    Includes:
      Rolled armor.
      Other.
  (d) Structural shapes.
  (e) Pipe, tubing.[5]
    Includes:
      Oil-country goods.
      Pressure tubing, seamless and welded.
      Mechanical tubing, seamless and welded.
  (f) Wire.
  (g) Tool steel (including die blocks and tool steel forgings).
  (h) Other mill forms and products (not including forgings except for wheels).
    Includes:
      Ingots.
      Billets, projectile and shell quality.
      Blooms, slabs, other billets, tube rounds, sheet bars.
      Wire rods.
      Rails.
      Wheels, rolled or forged (railroad).
      Axles (railroad).
  (i) Castings.

Nickel-bearing stainless steel:[11]
  (a) Seamless tubing.[5]
  (b) Other mill forms and products (not including forgings).
    Includes:
      Bar, bar shapes (including light shapes).
        Includes:
          Bar, hot-rolled (including light shapes).
          Bar, cold-finished.
      Sheet, strip.
        Includes:
          Sheet, hot-rolled.
          Sheet, cold-rolled.
          Strip, hot-rolled.
          Strip, cold-rolled.
      Plate.[12]
      Structural shapes.[4]
      Tubing (except seamless).[5]
      Wire, wire products.
        Includes:
          Wire, drawn.
          Wire rope and strand.
          Welded wire mesh and woven wire netting.
      Ingots, blooms, billets, tube rounds, sheet bars, wire rods.
  (c) Castings.[13]

Copper and copper-base alloy brass mill products:[14]
  Copper (unalloyed)
    (a) Bar, rod, shapes, wire (except electrical wire).
    (b) Sheet, strip, plate, rolls.
    (c) Pipe, tubing (seamless).
  Copper-base alloy[15]
    (d) Bar, rod, wire, shapes.
    (e) Sheet, strip, plate, rolls, military ammunition cups and discs.
    (f) Pipe, tubing (seamless).

Copper wire mill products:
  All copper wire and cable for electrical conduction, including but not limited to
    Bare and tinned.
    Weatherproofed.
    Magnet wire.
    Insulated building wire.
    Paper and lead power cable.
    Paper and lead telephone cable.
    Asbestos cable.
    Portable and flexible cord and cable.
    Communication wire and cable.
    Shipboard cable.
    Automotive and aircraft wire and cable.
    Insulated power cable.
    Signal and control cable.
    Coaxial cable.
  Copper-clad steel wire containing over 20 percent copper by weight regardless of end use.

[3] Carbon plates not only include the following minimum size specifications, but also floor plates of any thickness:
  0.160 inch or thicker, over 48 inches wide.
  0.230 inch or thicker, over 6 inches wide.
  7.53 pounds per square foot or heavier over 48 inches wide.
  9.62 pounds per square foot or heavier over 6 inches wide.

[4] "Structural shapes" means rolled flanged sections having at least one dimension or their cross section 3 inches or greater, commonly referred to as angles, channels, beams, and wide flange sections.

[5] Steel pipe or tubing exceeding 36 inches O. D. is not a controlled material, but is a Class A product.

[6] Standard pipe includes the following:
  Ammonia pipe.
  Bedstead tubing.
  Driven well pipe.
  Drive pipe.
  Dry kiln pipe.
  Dry pipe for locomotives.
  English gas and steam pipe.
  Furniture pipe.
  Ice machine pipe.
  Mechanical service pipe.
  Nipple pipe.
  Pipe for piling.
  Pipe for plating and enameling.
  Pump pipe.
  Signal pipe.
  Standard pipe coupling.
  Structural pipe.
  Turbine pump pipe.
  Water main pipe.
  Water well casing.
  Water well reamed and drifted pipe.

[7] Includes only projectile body stock, sizes 2⅞ inches and larger, rounds, and round-cornered squares.

[8] For purposes of this schedule "alloy steel" means steel containing 50 percent or more of iron or steel and any one or more of the following elements in the following amounts: Manganese, maximum of range in excess of 1.65 percent; silicon, maximum of range in excess of 0.60 percent (excepting electrical sheet and strip); copper, maximum of range in excess of 0.60 percent; aluminum, boron, chromium, cobalt, columbium, molybdenum, nickel, tantalum, titanium, tungsten, vanadium, zirconium, or any other alloying elements in any amount specified or known to have been added to obtain a desired alloying effect. Clad steels which have an alloy steel base or carbon steel for which nickel and/or chromium is contained in the coating or cladding material (e. g., inconel, monel, or stainless) are alloy steels.

[9] "Stainless steel" means heat- and corrosion-resisting steel containing 50 percent or more of iron or steel and 10 percent or more of chromium whether with or without nickel, molybdenum, or other elements. However, stainless steel containing less than 1 percent nickel is not a controlled material, nor is it a Class A or a Class B product.

[10] Alloy steel plates include the following size specifications:
  0.180 inch or thicker, over 48 inches wide.
  0.230 inch or thicker, over 12 inches wide.
  7.53 pounds per square foot or heavier, over 48 inches wide.
  9.62 pounds per square foot or heavier, over 12 inches wide.

[11] "Nickel-bearing stainless steel" means a stainless steel containing 1 percent or more of nickel.

[12] Nickel-bearing stainless steel plates include the following size specifications: 3/16 inch (0.1875) or thicker, over 10 inches wide.

[13] "Nickel-bearing stainless steel castings" means any steel casting which is heat-, corrosion-, or abrasion-resistant, containing 50 percent or more of iron and 8 percent or more of chromium with 1 percent or more of nickel, with or without molybdenum or other alloying elements.

[14] Includes anodes — rolled, forged, or sheared from cathodes.

[15] "Copper-base alloy" means any alloy in the composition of which the percentage of copper metal equals or exceeds 40 percent by weight of the metallic content of the alloy. It does not include alloyed gold produced in accordance with U. S. Commercial Standard CS 67–38.

## PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

Sec.


399.1 Appendix A—Positive List of Commodities.
399.2 Appendix B—Commodity Interpretations.
399.3 Appendix C—Commodity Processing Codes.
399.4 Appendix D—Groups of Commodity Processing Codes.


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### § 399.1 *Appendix A—Positive List of Commodities.*

GENERAL NOTES TO APPENDIX A

(a) *Schedule B number.* Commodities are listed in numerical order by Schedule B numbers, which appear in the first column of the Positive List of Commodities. These numbers correspond with those shown in the Department of Commerce publication, Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States, and must be shown on all export license applications.

(b) *Commodity description—(1) Partial coverage of Schedule B number.* Where the commodity description of a Schedule B number on the Positive List of Commodities mentions only a part of the commodities covered by the Schedule B number, only the commodity or commodities specifically mentioned are included on the Positive List.

*Example:* The commodity description in Schedule B under No. 384985 reads "Broad woven fabrics wholly or chiefly of man-made (synthetic) fibers, n. e. c." On the Positive List, nylon cloth specially manufactured for the production of parachutes, is the only commodity shown under this Schedule B number. Therefore, other fabrics classified under this number in Schedule B are not on the Positive List.

(2) *Unnumbered captions.* The unnumbered captions set forth in the "Commodity" column serve only to identify the broad categories of commodities within which the numbered commodities are to be found in Schedule B. .

Only commodities listed opposite Schedule B numbers are on the Positive List.

*Example:* The following unnumbered caption and commodity listing appear on the Positive List:

Abrasive products:
541210 Grinding wheels containing silicon carbide or aluminum oxide.

This means that grinding wheels of the types described above are the only types of abrasive products on the Positive List under this Schedule B number.

(c) *Quantity classifications.* The quantity classification given for each commodity in the "Unit" column must be shown on export license applications. If there is no entry in the unit column, the application should show the unit of quantity commonly used in the trade.

(d) *GLV Dollar Value Limits.* The "GLV Dollar Value Limits" column has reference to the dollar value limits under General License GLV, established by § 371.10 of this chapter.

(e) *Commodity processing Codes.* The commodity processing codes, referred to in the "Processing Code and Related Commodity Group" column, are used to facilitate the routing and processing of export license applications within the Bureau of Foreign Commerce. Related commodities are commodities which have the same processing code symbol and the same number following such symbol.

For each entry there is a four-letter code (e. g., GIEQ, STEE, TRAN), known as the processing code, which must be shown on the application for export license. In many cases this code is followed by a number, which is known as the related commodity group number. This number, which also must be shown on the application, indicates that all entries having the same processing code and number may be entered on a single application for export license. (For complete information on the inclusion of related commodities on a single application, see § 372.5 (f) of this chapter.)

Commodity processing codes, arranged in four groups corresponding to the four product divisions in the Bureau of Foreign Commerce that license the commodities, are shown in § 399.4.

(f) *Validated license required.* The "Validated License Required" column is used to indicate whether a commodity is identified as an RO or R commodity. A validated license is required for the exportation of RO commodities to destinations in both Country Groups R and O. A validated license is required for exportations of R commodities to Country Group R destinations only. However, a validated license is not required if the exportation can be made under one of the general licenses, as set forth in Part 371 of this chapter, or under other provisions permitting the exportation without a license.

The Positive List of Commodities includes all commodities which require a validated export license from the Department of Commerce for shipment to any destination, whether to Country Group R and A destinations or to Country Group R destinations only. (All commodities, whether or not on the Positive List, require validated licenses for export to Hong Kong, Macao, and Subgroup A destinations, unless exportable under a particular general license. See Parts 371 and 385 of this chapter.) (Commodities licensed by other agencies of the government are described in § 370.4 of this chapter.)

(g) *Definitions—(1) Abbreviation "n. e. c."* The abbreviation "n. e. c." appearing in various entries on the Positive List of Commodities means "not elsewhere classified."

(h) *References on the Positive List to special provisions.* Under each commodity group heading on the Positive List, Commodity Group 0 to Commodity Group 9, inclusive, there are references to all Sections containing special provisions for any commodity in that commodity group; i. e., any commodity having a Schedule B number the first digit of which is the same as the commodity group number. The sections referred to are arranged in Part 373 of this chapter, Licensing Policies and Related, Special Provisions, under commodity group headings which correspond with those on the Positive List.

Individual entries subject to some of these special provisions, as well as commodities subject to special types of licenses, are identified by a code letter in the "Commodity Lists" column on the Positive List as follows:

| Code letter | Explanation of code letter | Section |
|---|---|---|
| A | Subject to Import Certificate Delivery Verification procedure. | 373.2 |
| B | (1) Requires prior approval from BFC for shipments under DL project license.<br>(2) Time limit licensing procedure is not applicable. | 374.2<br>Part 377 |
| C | Excepted from the provisions of General License GIT. | 371.9 |
| E | Periodic Requirements licensing procedure is applicable. | Part 376 |
| F | Foreign Distribution licensing procedure is applicable. | Part 378 |
| G | Limits GLV value for O destinations to amounts shown in "GLV dollar-value" column. | 371.10 |

| Dept. of Commerce Schedule B No. | Commodity | Unit | Processing code and related commodity group | GLV dollar-value limits | Validated license required | Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra) |
|---|---|---|---|---|---|---|
| | GROUP 2—VEGETABLE PRODUCTS, INEDIBLE, EXCEPT FIBERS AND WOOD | | | | | |
| | (See special provisions for Commodity Group 2, §§ 373.20–373.23; special destination provisions, §§ 373.65–373.75) | | | | | |
| | *Rubber (natural, allied gums, and synthetics) and manufactures* | | | | | |
| | Crude (natural) rubber and allied gums (report compounded or semiprocessed in 209800): | | | | | |
| 200100 | Crude rubber (report natural liquid latex in terms of total dry latex solids [TDLS].) | Lb. | RUBR 2 | 250 | RO | F |
| | Synthetic rubbers (report synthetic liquid latex in terms of total dry latex solids [TDLS]) (report compounded or semi-processed in 209800): | | | | | |
| 200901 | S-type (copolymers of butadiene and styrene) | Lb. | RUBR 14 | 100 | RO | F |
| 200903 | Butyl (copolymers of isobutylene and isoprene, or other diolefins) | Lb. | RUBR 2 | 100 | RO | A F |
| 200998 | Polytrifluorochlorethylene elastomer | Lb. | RUBR 2 | None | RO | A F G |
| 200998 | Thiokol (organic polysulfides) | Lb. | RUBR 2 | 25 | RO | F |
| 200998 | Silicone | Lb. | RUBR 2 | 500 | RO | A F |
| | Tires, tire casings and inner tubes, new and used (report scrap tires, solid and pneumatic, scrap tire casings and scrap inner tubes, cut or uncut, under 201200): [1] | | | | | |
| 206000 | Pneumatic tires and tire casings: (a) all sizes, combat or run-flat construction; (b) all sizes 650 x 19, 650 x 20, and 700 x 16 of 6-ply rating and over; (c) all sizes 700 x 20, 750 x 20, 900 x 16, 900 x 20 of 8-ply rating and over; (d) size 34 x 7 of 10-ply rating and over; and (e) all sizes 1200 x 20 and 1400 x 20 of 12-ply rating and over (specify type of tire tread design, tire size and ply). | No. | RUBR 10 | 100 | RQ | A F |

[1] Aircraft tires and tire casings, Schedule B No. 206410, and aircraft inner tubes, Schedule B No. 206560, require export authorization from the Department of State. See § 370.4 (a).



| Dept. of Commerce Schedule B No. | Commodity | Unit | Processing code and related commodity group | GLV dollar-value limits | Validated license required | Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra) |
|---|---|---|---|---|---|---|
| | GROUP 4—WOOD AND PAPER—Continued | | | | | |
| | *Paper, related products, and manufactures*—Continued | | | | | |
| 489900 | Paper, paperboard, and products, n. e. c.: Processed paper and uncoated paper which has been creped or otherwise processed (describe fully, stating thickness and whether coated or uncoated) (report uncoated dielectric paper not cut to size or otherwise processed in 418500 and 482700). | Lb. | PULP 1 | 15 | RO | A G |
| | GROUP 5—NONMETALLIC MINERALS | | | | | |
| | (See special provisions for Commodity Group 5, §§ 373.31–373.38; special destination provisions, §§ 373.65–373.75) | | | | | |
| | *Petroleum and products* [1] | | | | | |
| 501200 | Natural gasoline (barrels of 42 gallons) | Bbl. | PETR 1 | [2] 25 | RO | A E F |
| | Refined oils: | | | | | |
| 501400 | Motor fuel and gasoline (report octane rating): Blending agents, of petroleum origin (specify by name) (report antiknock compounds in 829910) | Gal. | PETR 1 | 100 | RO | A F |
| | Aviation motor fuels (report jet fuels in 501800): | | | | | |
| 501610 | 100 or over octane number (barrels of 42 gallons) | Bbl. | PETR 2 | [2] 25 | RO | A C F |
| 501620 | Under 100, not under 90 octane number (barrels of 42 gallons) | Bbl. | PETR 2 | [2] 25 | RO | A C F |
| 501640 | Under 90 octane number (barrels of 42 gallons) | Bbl. | PETR 2 | [2] 25 | RO | A C F |
| 501700 | Automotive, and other motor fuels and gasoline (barrels of 42 gallons) | Bbl. | PETR 1 | [2] 25 | RO | A E F |
| 501800 | Jet fuels, all types (barrels of 42 gallons) | Bbl. | PETR 1 | [2] 25 | RO | A F |
| 502700 | Kerosene, except distillate fuel oil (barrels of 42 gallons) (report distillate fuel oils in 503000; and jet fuel in 501800) | Bbl. | PETR 1 | [2] 25 | RO | A E F |
| | Lubricating oils, except petroleum (report petroleum lubricating oils in 503090; hydraulic oils, except of petroleum origin in 829984): | | | | | |
| | Industrial, except cutting oils (report cutting oils in 504095): | | | | | |
| 503300 | Red and pale oils (including all red or pale lubricating oils, other than those intended for sale, chiefly for use in internal combustion engines), except white mineral oil, medicinal grade (report oils intended for use in internal combustion engines in 503910 and 504030) (see 503910 and 504030) (barrels of 42 gallons) | Bbl. | PETR 3 | 25 | RO | A E F |
| 503400 | Black oils, except paraffin base and dark brown oils, except those intended for use in steam cylinders, for which see 503510 and 503520) (barrels of 42 gallons) | Bbl. | PETR 3 | 25 | RO | A E F |
| 503510 | Cylinder, bright stock (including bright stock and industrial lubricating oils which are predominantly paraffin base, having a Saybolt Universal viscosity at 210° F. of 95 seconds or more) (barrels of 42 gallons) | Bbl. | PETR 3 | 25 | RO | A E F |

[1] Natural gas, Schedule B No. 505300, requires export authorization from the Federal Power Commission. See § 370.4 (a).
[2] The GLV dollar-value limit for shipments to Mexico is $1,000.

| Dept. of Commerce Schedule B No. | Commodity | Unit | Processing code and related commodity group | GLV dollar-value limits | Validated license required | Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra) |
|---|---|---|---|---|---|---|
| | GROUP 5—NONMETALLIC MINERALS—con. | | | | | |
| | *Petroleum and products*[1]—Continued | | | | | |
| | Refined oils—Continued | | | | | |
| | Lubricating oils, except hydraulic (report hydraulic oils of petroleum origin in 505900; hydraulic oils, except of petroleum origin in 829984)—Continued | | | | | |
| | Industrial, except cutting oils (report cutting oils in 504095)—Continued | | | | | |
| 503520 | Cylinder, steam-refined stocks (including cylinder stock, steam cylinder oil, gear, and other lubricating oils consisting principally of such stock) (barrel of 42 gallons). | Bbl. | PETR 3 | 25 | RO | A E F |
| 503500 | Insulating or transformer oils | Gal. | PETR 3 | 25 | RO | A E F |
| | Industrial engine lubricating oils: | | | | | |
| 503910 | Diesel engine lubricating oils (report diesel fuel oil in 503000–503100) (barrel of 42 gallons). | Bbl. | PETR 3 | 25 | RO | A E F |
| 503920 | Turbine lubricating oil (barrel of 42 gallons). | Bbl. | PETR 3 | 25 | RO | A E F |
| 503940 | Other industrial engine lubricating oil (barrel of 42 gallons) (specify by name). | Bbl. | PETR 3 | 25 | RO | A E F |
| 503990 | Industrial lubricating oils, n. e. c. (barrel of 42 gallons) (specify by name). | Bbl. | PETR 3 | 25 | RO | A E F |
| 504005 | Aviation engine lubricating oils (barrel of 42 gallons). | Bbl. | PETR 3 | 25 | RO | A C E F |
| 504030 | Automotive engine lubricating oils (barrel of 42 gallons). | Bbl. | PETR 3 | 25 | RO | A E F |
| 504050 | Automotive gear oils (barrel of 42 gallons) (specify by kind and grade). | Bbl. | PETR 3 | 25 | RO | A E F |
| 504090 | Lubricating oils, n. e. c., except in containers of 4 ounces or less (specify by name). | Gal. | PETR 3 | 25 | RO | A E F |
| 504095 | Cutting oils and compounds, petroleum base (report cutting oils and compounds, except petroleum base, in 825000) (specify by name). | Gal. | PETR 3 | 25 | RO | A E F |
| 504100 | Lubricating greases, except graphite lubricants (report graphite lubricants in 548098). | Lb. | PETR 3 | 25 | RO | A E F |
| 505900 | Automatic transmission fluids (all types) | Gal. | PETR | 25 | RO | A E F |
| 505900 | Reference fuels, referee fuels, and calibrating fuels (all types). | Gal. | PETR 1 | 25 | RO | A E F |
| 505900 | Hydraulic fluids or oils (petroleum base) (report other hydraulic fluids or oils in 829984). | Gal. | PETR 1 | 25 | RO | A E F |
| | *Glass and products* | | | | | |
| 523110 | Optical instrument glass blocks, plates (slabs), pressings and moulds (other than rough-moulded lenses and prisms), tinted or untinted, with a unit weight of 1 kg. or more. | No. & Lb. | SATE | 25 | RO | A F |
| 523110 | Optical instrument glass rough-moulded lenses and prisms, tinted or untinted, with a unit weight of 0.5 kg. or more. | No. & Lb. | SATE | 25 | RO | A F |
| 523110 | Synthetic monocrystals of lithium fluoride or calcium fluoride. | Lb. | SATE | None | RO | A C |
| | *Clay and products* | | | | | |
| | Refractories, except graphite (brick and shapes reported in thousands, 9-inch equivalent): | | | | | |
| 536200 | Magnesite brick and shapes composed of 97 percent or more by weight of magnesium oxide. | M | BLDG 31 | None | RO | A B C |
| 536810 | Firebrick and shapes, except plastic, n. e. c., composed of 97 percent or more by weight of beryllium oxide or zirconium oxide, or composed of zirconium oxide stabilized with lime and/or magnesium oxide. | M | BLDG 31 | None | RO | A B C |
| 536830 | High-temperature refractory cements or bonding mortars composed of 97 percent or more by weight of beryllium oxide, magnesium oxide, or zirconium oxide, or composed of zirconium oxide stabilized with lime and/or magnesium oxide (report magnesia cement in 572250). | Lb. | LDG 31 | None | RO | A B C |
| 536850 | Plastic refractories (including fire-brick, shapes, and ramming mixtures) composed of 97 percent or more by weight of beryllium oxide, magnesium oxide, or zirconium oxide, or composed of zirconium oxide stabilized with lime and/or magnesium oxide. | Lb. | BLDG 31 | None | RO | A B C |
| 536890 | Refractories, n. e. c., composed of 97 percent or more by weight of beryllium oxide, magnesium oxide, or zirconium oxide, or composed of zirconium oxide stabilized with lime and/or magnesium oxide (specify by name). | ---------- | BLDG 31 | None | RO | A B C |
| | *Other nonmetallic minerals (precious included)* | | | | | |
| | Abrasives (report abrasive refuse in 596098): | | | | | |
| 540905 | Diamond grinding wheels, sticks, hones, and laps (specify carat weight of contained diamonds) (report loose industrial diamonds in 599005; diamond powder or dust, including compounds, in 540910). | Carat | TOOL 1 | 50 | RO | A |
| 540910 | Diamond powder | Carat | CDGS 2 | None | RO | A B C G |
| 541110 | Fused alumina (aluminum oxide), crude and in grains. | Lb. | MINL 1 | 100 | R | E |
| 541120 | Fused silicon carbide, crude and in grains | Lb. | MINL 1 | 100 | R | E |
| 541140 | Boron carbide | Lb. | MINL 1 | 100 | RO | E |
| | Abrasive products (report abrasive refuse in 596098; and diamond compounds in 540910): | | | | | |
| 541150 | Abrasive pastes, compounds, and cake, incorporating grains of silicon carbide, boron carbide or fused aluminum oxide. | Lb. | CDGS | 100 | R | E |
| 541210 | Grinding wheels containing silicon carbide or aluminum oxide. | Lb. | TOOL | 500 | R | E |
| 541400 | Honing abrasive stones for use on power-driven metalworking machines, and made of, or incorporating, grains of silicon carbide, boron carbide or fused aluminum oxide. | Lb. | TOOL 2 | 500 | R | E |
| 541400 | Other whetstones, sticks, files, and blocks of manufactured abrasives made of, or incorporating, grains of silicon carbide, boron carbide or fused aluminum oxide. | Lb. | CDGS | 100 | R | E |
| 541820 | Abrasive paper, cloth, or combinations thereof, coated with silicon carbide or aluminum oxide, when the largest dimension exceeds 12 inches (reduce different sizes of sheets, pads, rolls, disks, or belts to reams of 480 standard sheets, 9 x 11 inches). | Ream | TOOL | 500 | R | E |
| | Carbon or graphite products (natural and artificial): | | | | | |
| 547300 | Electrodes for furnaces or electrolytic work, artificial graphite, smallest dimension 2 inches or over (specify size and boron content in parts per million). | Lb. | MINL | 100 | RO | A B C E |

[1] Natural gas, Schedule B No. 505200, requires export authorization from the Federal Power Commission. See § 370.4 (f).



| Dept. of Commerce Schedule B No. | Commodity | Unit | Processing code and related commodity group | GLV dollar-value limits | Validated license required | Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra) |
|---|---|---|---|---|---|---|
| | GROUP 5—NONMETALLIC MINERALS—con. | | | | | |
| | *Other nonmetallic minerals (precious included)*—Continued | | | | | |
| | Carbon or graphite products (natural and artificial)—Continued | | | | | |
| 547400 | Brush stock, artificial graphite, smallest dimension 2 inches or over (specify by name, size and boron content in parts per million). | ---------- | ELME 1 | 50 | RO | A B C F |
| 547800 | Lighting carbons, artificial graphite, smallest dimension 2 inches or over (specify size and boron content in parts per million). | No. | FILM | 25 | RO | A B C F |
| 548098 | Spectroscopic carbons | Lb. | SATE | 25 | RO | A B C F |
| 548098 | Graphite greases and lubricants, petroleum base. | Lb. | PETR | 25 | RO | A F |
| 548098 | Artificial graphite products, n. e. c., in block or rod form, smallest dimension 2 inches or over (specify by name, size and boron content in parts per million). | Lb. | MINL | 100 | RO | A B C E |
| 571410 | Sulfur, crude (containing 85 percent or more sulfur) (report sulfur ores or crude sulfur of less than 85 percent sulfur content in 596098). | L. ton | SALT 36 | 25 | R | E F |
| 571500 | Sulfur, crushed, ground, refined, sublimed and flowers. | Lb. | SALT 36 | 25 | R | E F |
| 572270 | Magnesia cement composed of 97 percent or more by weight of magnesium oxide. | Lb. | BLDG 31 | None | RO | A B C F |
| 572270 | Magnesium oxide, purity 97 percent or higher, except precipitated (report precipitated in 829900). | Lb. | MINL | 50 | RO | A B C |
| 595050 | Quartz crystal, raw | ---------- | RARA 50 | 50 | RO | A C |
| 595090 | Quartz crystal plates (see § 399.2, Interpretation 6). | ---------- | RARA 50 | 100 | RO | A |
| 596098 | Lithium-containing minerals (e. g., amblygonite, spodumene). | ---------- | MINL | 10 | RO | A B C |
| 599005 | Diamonds suitable only for industrial use, n. e. c. | Carat | CDGS | None | RO | A B C G |
| 599010 | Diamonds, rough or uncut, suitable for cutting into gem stones. | Carat | CDGS | None | RO | A C |
| 599098 | Diamond bearings | Carat | CDGS | None | RO | A C |
| 599098 | Synthetic monocrystals of lithium fluoride or calcium fluoride. | Lb. | CDGS | None | RO | A C |
| | GROUP 6—METALS AND MANUFACTURES, EXCEPT MACHINERY AND VEHICLES | | | | | |
| | (See special provisions for Commodity Group 6, §§ 373.39–373.47; special destination provisions, §§ 373.65–373.75) | | | | | |
| | *Iron and steel scrap* | | | | | |
| | Scrap, except tin plated and terne plated scrap (report scrap containing 1 percent or more tungsten in 664581, and 5 percent or more cobalt in 664520) (see § 399.2, Interpretations 10 and 12). | | | | | |
| 601010 | Melting steel scrap (No. 1 heavy and No. 2) | S. ton | STEE 19 | 100 | RO | A |
| 601040 | Baled sheet melting scrap (including detinned, semidetinned, or rusted tin-plated scrap). | S. ton | STEE 19 | 100 | RO | A |
| 601050 | Borings, shovelings, and turnings (steel melting scrap). | S. ton | STEE 19 | 100 | RO | A |
| 601070 | Iron scrap | S. ton | STEE 19 | 100 | RO | A |
| 601090 | Other scrap (including detinned, semidetinned, or rusted tin-plated scrap) (specify type). | S. ton | STEE 19 | 100 | RO | A |
| 601170 | Rerolling material (report relaying rails in 605300). | S. ton | STEE | 100 | RO | A G |
| | *Steel mill products—semifinished* | | | | | |
| | Steel ingots, blooms, billets, slabs, sheet bars, and tinplate bars: | | | | | |
| | Alloy steel including stainless: | | | | | |
| 601702 | Ingots, alloy steel, including stainless, special types only.[4] | S. ton | STEE | 100 | RO | A |
| 601702 | Ingots, other stainless steel containing 1 percent or more nickel. | S. ton | STEE | 100 | RO | |
| 601704 | Billets, projectile and shell steel containing 1 percent or more nickel. | S. ton | STEE | 100 | RO | |
| 601708 | Billets, blooms, slabs, sheet bars, and tinplate bars, alloy steel, including stainless, special types only.[4] | S. ton | STEE | 100 | RO | A |
| 601708 | Billets, blooms, slabs, sheet bars, and tinplate bars, other stainless steel containing 1 percent or more nickel (report projectile and shell steel billets in 601704). | S. ton | STEE | 100 | RO | |
| 601810 | Semifinished material for seamless pipe and tubing, alloy steel, including stainless, special types only.[4] | S. ton | STEE | 100 | RO | A |
| 601810 | Semifinished material for seamless pipe and tubing, other stainless steel containing 1 percent or more nickel. | S. ton | STEE | 100 | RO | |
| 601910 | Wire rods, alloy steel, including stainless, special types only.[4] | Lb. | STEE | 100 | RO | A |
| 601910 | Wire rods, other stainless steel containing 1 percent or more nickel. | Lb. | STEE | 100 | RO | |
| 601950 | Skelp, alloy steel, including stainless, special types only.[4] | Lb. | STEE | 100 | RO | A |
| 601950 | Skelp, other stainless steel containing 1 percent or more nickel. | Lb. | STEE | 100 | RO | |
| | *Steel mill products, rolled and finished* | | | | | |
| | (Include Armco iron, ingot iron, and other iron made in a steel-making furnace) | | | | | |
| | Steel bars, including bar size shapes: | | | | | |
| | Bars, cold finished (all cold drawn or cold rolled flats and rounds in coils or cut to lengths, and special sections): | | | | | |
| 602050 | Stainless steel, special types only.[4] | Lb. | STEE 10 | 100 | RO | A |
| 602050 | Other stainless steel containing 1 percent or more nickel. | Lb. | STEE | 100 | RO | |
| 602090 | Alloy steel, except stainless, special types only.[4] | Lb. | STEE 10 | 100 | RO | A |
| | Bars, hot-rolled, except tool and hollow drill steel bars (all regular bars, including bars in coils and special sections and bar shapes under 3 inches) (report tool steel bars in 602650; hollow drill steel bars in 602670; and special sections and bar shapes, 3 inches and over in 604510–604580): | | | | | |
| 602500 | Stainless steel, special types only.[4] | Lb. | STEE 11 | 100 | RO | A |
| 602500 | Other stainless steel containing 1 percent or more nickel. | Lb. | STEE | 100 | RO | |
| 602630 | Alloy steel, except stainless, special types only (report projectile and shell steel in 602630).[4] | Lb. | STEE 11 | 100 | RO | A |
| 602650 | Tool steel bars, alloy steel, special types only.[4] | Lb. | STEE | 100 | RO | A |
| 602670 | Hollow drill steel bars, alloy steel, special types only.[4] | Lb. | STEE | 100 | RO | A |

[4] For export control purposes, "special types" of alloy steel (including stainless) include the following: (1) AISI types 301, 302, 302B, 303, 303Se, 304, 304L, 305, 308, 309, 309S, 310, 310S, 314, 316, 316L, 317, 321, 347, and 348; (2) molybdenum high-speed tool steel; (3) 19-9 WMo electrode steel; and (4) any alloy steel containing 6 percent or more molybdenum (but 3 percent or more molybdenum in any alloys containing more than 14 percent chromium); or 6 percent or more cobalt; or 0.25 percent or more columbium or tantalum; or nickel-bearing steels, n. e. c., having a nickel content of 6 percent or more and containing a combined nickel chromium content of 22 percent or more.

| Dept. of Commerce Schedule B No. | Commodity | Unit | Processing code and related commodity group | GLV dollar-value limits | Validated license required | Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra) |
|---|---|---|---|---|---|---|
| | GROUP 6—METALS AND MANUFACTURES, EXCEPT MACHINERY AND VEHICLES—continued | | | | | |
| | *Steel mill products, rolled and finished*—Con. | | | | | |
| | Steel plates, including boiler plate (hot or cold-rolled), not fabricated: [4] | | | | | |
| 603135 | Stainless steel (including stainless-clad plates), special types only.[4] | Lb. | STEE 9 | 100 | RO | A |
| 603155 | Other stainless steel containing 1 percent or more nickel. | Lb. | STEE | 100 | RO | |
| 603145 | Alloy steel, except stainless, special types only.[4] | Lb. | STEE 9 | 100 | RO | A |
| | Steel sheets, black, ungalvanized (including painted): | | | | | |
| | Stainless steel: | | | | | |
| 603540 | Hot-rolled, special types only.[4] | Lb. | STEE 3 | 100 | RO | A |
| 603540 | Hot-rolled, other stainless steel containing 1 percent or more nickel. | Lb. | STEE 5 | 100 | RO | |
| 603560 | Cold-rolled, special types only.[4] | Lb. | STEE 3 | 100 | RO | A |
| 603560 | Cold-rolled, other stainless steel containing 1 percent or more nickel. | Lb. | STEE 5 | 100 | RO | |
| | Alloy steel, except stainless: | | | | | |
| 603570 | Hot-rolled, special types only.[4] | Lb. | STEE 3 | 100 | RO | A |
| 603580 | Cold-rolled, special types only.[4] | Lb. | STEE 3 | 100 | RO | A |
| 603595 | Electrical (steel) sheets, and strip with a core loss of 0.5 watt per pound at 13,000 gausses and 60 cycles per second or less, or with a thickness of 0.003 inch and less (report punchings in 709920). | Lb. | STEE 2 | 100 | RO | A |
| | Steel strip, coated or uncoated, except electrical (report electrical steel strip in 603595): | | | | | |
| 603710 | Cold-rolled carbon steel, gilding metal clad | Lb. | STEE 6 | 100 | RO | A |
| 603750 | Cold-rolled stainless steel, special types only | Lb. | STEE 8 | 100 | RO | A |
| 603750 | Other cold-rolled stainless steel containing 1 percent or more nickel. | Lb. | STEE 7 | 100 | RO | |
| 603790 | Cold-rolled alloy steel, except stainless, special types only.[4] | Lb. | STEE 8 | 100 | RO | A |
| 603810 | Hot-rolled carbon steel, gilding, metal clad | Lb. | STEE 6 | 100 | RO | A |
| 603850 | Hot-rolled stainless steel, special types only.[4] | Lb. | STEE 8 | 100 | RO | A |
| 603850 | Other hot-rolled stainless steel containing 1 percent or more nickel. | Lb. | STEE 7 | 100 | RO | |
| 603890 | Hot-rolled alloy steel, except stainless, special types only.[4] | Lb. | STEE 8 | 100 | RO | A |
| 604530 | Stainless steel, special types only.[4] | S. ton | STEE 14 | 1,000 | RO | A |
| | Structural shapes and piling: | | | | | |
| | Structural shapes, not fabricated: | | | | | |
| 604530 | Other stainless steel containing 1 percent or more nickel. | S. ton | STEE | 1,000 | RO | |
| 604580 | Alloy steel, except stainless, special types only.[4] | S. ton | STEE 14 | 1,000 | RO | A |
| | Pipe, tubes, and tubing, n. e. c., new and used (except scrap) (report pipe assemblies specially fabricated for particular machines or equipment as parts of such machines or equipment): | | | | | |
| | Pressure tubes and tubing (including boiler tubes and tubing): | | | | | |
| 606110 | Seamless, alloy steel, except stainless, special types only.[4] | Lb. | STEE 12 | 100 | RO | A E |
| 606130 | Welded, alloy steel, except stainless, special types only.[4] | Lb. | STEE 12 | 100 | RO | A E |
| | Oil country pipe (including drill pipe, casing and tubing) (see § 399.2, Interpretation 1): | | | | | |
| 606210 | Seamless casing and tubing, carbon steel | Lb. | STEE 16 | 100 | RO | A E |
| 606210 | Seamless drill pipe, carbon steel | Lb. | STEE 15 | 100 | RO | A E |
| 606230 | Seamless drill pipe, alloy steel, except stainless. | Lb. | STEE 15 | 100 | RO | A E |
| 606230 | Seamless casing and tubing, alloy steel, except stainless. | Lb. | STEE 16 | 100 | RO | A E |
| 606240 | Welded drill pipe, carbon steel | Lb. | STEE 15 | 100 | RO | A E |
| 606240 | Welded casing and tubing, carbon steel | Lb. | STEE 16 | 100 | RO | A E |
| 606260 | Welded drill pipe, alloy steel, except stainless | Lb. | STEE 15 | 100 | RO | A E |
| 606260 | Welded casing and tubing, alloy steel, except stainless. | Lb. | STEE 16 | 100 | RO | A E |
| | Line pipe, carbon and alloy steel, except stainless (if alloy, specify and give analysis) (see § 399.2, Interpretation 1): | | | | | |
| 606270 | Seamless, over 24 inches O. D | Lb. | STEE 17 | 100 | RO | A E |
| 606280 | Welded, over 24 inches O. D | Lb. | STEE 17 | 100 | RO | A E |
| 607430 | Mechanical tubing, alloy steel, except stainless, special types only.[4] | Lb. | STEE | 100 | RO | A E |
| 607500 | Pipe and tubing, stainless steel, special types only.[4] | Lb. | STEE | 100 | RO | A E |
| 607500 | Pipe and tubing, other stainless steel containing 1 percent or more nickel. | Lb. | STEE | 100 | RO | E |
| 607710 | Pipe and tubing, alloy steel, except stainless, special types only.[4] | Lb. | STEE | 100 | RO | A E |
| | Steel wire, n. e. c. (all round, shaped, and flat wire regardless of use) (report electrical insulated wire and cable in 709810–709885): | | | | | |
| 608130 | Uncoated wire, alloy steel, except stainless, special types only.[4] | Lb. | STEE 18 | 100 | RO | A E |
| 608150 | Uncoated wire, stainless steel, special types only.[4] | Lb. | STEE 18 | 100 | RO | A E |
| 608150 | Uncoated wire, other stainless steel containing 1 percent or more nickel. | Lb. | STEE 20 | 100 | RO | E |
| 608210 | Coated wire, except galvanized, alloy steel, including stainless, special types only.[4] | Lb. | STEE 18 | 100 | RO | A E |
| 608210 | Coated wire, except galvanized, other stainless steel containing 1 percent or more nickel. | Lb. | STEE 20 | 100 | RO | E |
| | *Castings and forgings* [6] | | | | | |
| | Castings, iron and steel, rough and semifinished: | | | | | |
| 610491 | Castings, alloy steel, except stainless, special types only.[4] | Lb. | STEE | 100 | RO | A |
| 610492 | Grinding balls, stainless steel, special types only.[4] | Lb. | STEE | 100 | RO | A |
| 610492 | Other castings, stainless steel, special types only.[4] | Lb. | STEE | 100 | RO | A |
| 610492 | Castings, other stainless steel containing 1 percent or more nickel. | Lb. | STEE | 100 | RO | |
| | Forgings, rough and semifinished: | | | | | |
| 610495 | Grinding balls, alloy steel, including stainless, special types only.[4] | Lb. | STEE 1 | 100 | RO | A |
| 610495 | Other forgings, alloy steel, including stainless, special types only.[4] | Lb. | STEE 1 | 100 | RO | A |
| 610495 | Forgings, other stainless steel containing 1 percent or more nickel. | Lb. | STEE | 100 | RO | |

[4] For export control purposes, "special types" of alloy steel (including stainless) include the following: (1) AISI types 301, 302, 302B, 303, 303Se, 304, 304L, 305, 308, 309, 309S, 310, 310S, 314, 316, 316L, 317, 321, 347, and 348; (2) molybdenum high-speed tool steel; (3) 19–9 W Mo electrode steel; and (4) any alloy steel containing 6 percent or more molybdenum (but 3 percent or more molybdenum in any alloys containing more than 14 percent chromium); or 6 percent or more cobalt; or 0.25 percent or more columbium or tantalum; or nickel-bearing steels, n. e. c., having a nickel content of 6 percent or more and containing a combined nickel chromium content of 22 percent or more.

[5] Armor plate, Schedule B No. 603165, requires export authorization from the Department of State. See § 370.4 (a).

[6] Castings and forgings of any articles enumerated in § 370.4 (a) require export authorization from the Department of State.



| Dept. of Commerce Schedule B No. | Commodity | Unit | Processing code and related commodity group | GLV dollar-value limits | Validated license required | Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra) |
|---|---|---|---|---|---|---|
| | GROUP 6—METALS AND MANUFACTURES, EXCEPT MACHINERY AND VEHICLES—continued | | | | | |
| | *Metal manufactures* | | | | | |
| 617901 | Tools incorporating industrial diamonds, n. e. c. (including slugs containing diamonds). (Use this Schedule B number for tools shipped as spare or replacement parts only. When tools are shipped with a machine, report under the Schedule B number of the machine whether or not the machine is on the Positive List (see § 373.49 (c)). | No. | TOOL | 50 | RO | A |
| 618964 | Fabricated steel products: | | | | | |
| 618964 | Perforated sheets, alloy steel, including stainless, special types only.[4] | Lb. | STEE | 100 | RO | A |
| | Perforated sheets, other stainless steel containing 1 percent or more nickel. | Lb. | STEE | 100 | RO | |
| | Welding rods and wires, including brazing rods: | | | | | |
| 619040 | Nickel and nickel alloy (specify by name and metal content). | Lb. | NONF | 100 | RO | A G |
| | Wire products, n. e. c. (report wire nails, staples, and spikes in 618267–618273): | | | | | |
| | Wire cloth: | | | | | |
| 619057 | Woven wire mesh composed of wire containing 95 percent or more nickel with 60 or more wires per linear centimeter (report welded wire mesh in 619069). | Sq. ft. | CDGS | None | RO | A B C |
| | Wire rope, cord, and cable, except guard rail and insulated (report guard rail in 619065; and insulated rope and strand in 709810–709885): | | | | | |
| 619061 | Wire rope and cord made of stainless steel [7] | Lb. | STEE 21 | 100 | RO | A |
| 619063 | Wire rope and cord made of phosphor bronze.[7] | Lb. | NONF | 100 | RO | A |
| | Wire strand, including guard rail cable (report strand wire in 608200): | | | | | |
| 619065 | Wire strand made of stainless steel [7] | Lb. | STEE 21 | 100 | RO | A |
| 619066 | Wire strand made of phosphor bronze [7] | Lb. | NONF | 100 | RO | A |
| | Wire products, n. e. c., not specially fabricated for particular machines or equipment: [8] | | | | | |
| 619069 | Welded wire mesh composed of wire containing 95 percent or more nickel with 60 or more wires per linear centimeter (report woven wire mesh in 619057). | Sq. ft. | CDGS | None | RO | A B C |
| | Metal powders: | | | | | |
| 619110 | Carbonyl iron powder (for all purposes) | Lb. | STEE | 10 | RO | A |
| 619130 | Aluminum and aluminum alloy powders (aluminum content). | Content | NONF | 100 | RO | A E |
| 619151 | Beryllium | Lb. | MINL | 500 | RO | A B C |
| 619151 | Beryllium alloys (except beryllium copper), containing more than 50 percent beryllium by weight. | Lb. | MINL | 500 | RO | A B C |
| 619153 | Molybdenum | Lb. | MINL | 100 | RO | A |
| 619155 | Tantalum | Lb. | MINL | 25 | RO | A |
| 619159 | Boron | Lb. | MINL | 100 | RO | |
| 619159 | Cobalt | Lb. | NONF | 25 | RO | A |
| 619159 | Columbium | Lb. | NONF | 25 | RO | A |
| 619159 | Nickel-chrome-boron powder | Lb. | NONF | 100 | RO | A G |
| 619159 | Nickel flakes | Lb. | NONF | 100 | RO | G |
| 619159 | Nickel powder | Lb. | NONF | 25 | RO | A B C G |

[4] For export control purposes, "special types" of alloy steel (including stainless) include the following: (1) AISI types 301, 302, 302B, 303, 303Se, 304, 304L, 305, 308, 309, 309S, 310, 310S, 314, 316, 316L, 317, 321, 347, and 348; (2) molybdenum high-speed tool steel; (3) 19–9 W Mo electrode steel; and (4) any alloy steel containing 6 percent or more molybdenum (but 3 percent or more molybdenum in any alloys containing more than 14 percent chromium); or 6 percent or more cobalt; or 0.25 percent or more columbium or tantalum; or nickel-bearing steels, n. e. c., having a nickel content of 6 percent or more and containing a combined nickel chromium content of 22 percent or more.

[7] Electric conducting cable suitable for sweeping magnetic mines or for harbor defense requires export authorization from the Department of State. See § 370.4 (a).

[8] Torpedo nets require export authorization from the Department of State. See § 370.4 (a).

| Dept. of Commerce Schedule B No. | Commodity | Unit | Processing code and related commodity group | GLV dollar-value limits | Validated license required | Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra) |
|---|---|---|---|---|---|---|
| | GROUP 6—METALS AND MANUFACTURES, EXCEPT MACHINERY AND VEHICLES—continued | | | | | |
| | *Metal manufactures*—Continued | | | | | |
| | Metal powders—Continued | | | | | |
| 619159 | Selenium (specify selenium content and grade) | Lb. | MINL | 25 | RO | B G |
| 619159 | Titanium (specify titanium content) | Lb. | MINL | 100 | RO | A |
| 619159 | Zirconium (specify hafnium content) | Lb. | NONF | 25 | RO | A B C |
| 619159 | Zirconium alloys, containing more than 50 percent zirconium by weight (specify hafnium content). | Lb. | NONF | 25 | RO | A B C |
| | Foil and leaf (less than 0.006 inch in thickness) (report paper-backed foil in 486100): | | | | | |
| 619250 | Beryllium foil | Lb. | MINL | 500 | RO | A B C |
| 619250 | Columbium | Lb. | NONF | 100 | RO | A |
| 619250 | Tantalum | Lb. | NONF | 100 | RO | A |
| 619250 | Titanium | Lb. | NONF | 100 | RO | A |
| | Metal manufactures, n. e. c., and parts, n. e. c.:[9] | | | | | |
| | Iron and steel (specify by name): | | | | | |
| 619910 | Packing, nickel-bearing stainless steel | Lb. | STEE | 100 | RO | A |
| | Other metals, except precious (specify by name and type of metal): | | | | | |
| 619950 | Aluminum plates and sheets, perforated, in which (1) the average copper content is 1 percent or more irrespective of other elements; (2) the average copper content is less than 1 percent and the zinc content is 4 percent or more, or the silicon content is 3.5 percent or more, or the magnesium content is 9.5 percent or more. | Lb. | NONF | 100 | RO | A C E |
| 619950 | Copper and copper-base alloy perforated plates and perforated sheets. | Lb. | NONF 15 | 100 | RO | A C E |
| 619950 | Monel metal manufactures | Lb. | CDGS | 25 | RO | F |
| 619950 | Nickel catalysts | Lb. | NONF | 100 | RO | G |
| 619950 | Other nickel manufactures, n. e. c. | Lb. | CDGS | 100 | RO | F |
| 619950 | Permanent magnets | No. | CDGS | 25 | RO | A C F |
| 619950 | Zirconium manufactures, wholly of zirconium (specify hafnium content). | Lb. | CDGS | None | RO | A B C |
| 619950 | Zirconium alloy manufactures, wholly of zirconium alloys containing more than 50 percent zirconium (specify hafnium content). | Lb. | CDGS | None | RO | A B C |
| | *Ferroalloys* | | | | | |
| 622050 | Ferrochrome, low carbon, containing a maximum of 0.03 percent carbon (specify chrome content). | Lb. | MINL | 100 | R | |
| 622085 | Ferromolybdenum (specify molybdenum content). | Lb. | MINL | 100 | RO | A |
| | Other ferroalloys: [10] | | | | | |
| 622098 | Ferrocolumbium (specify columbium content). | Lb. | MINL | 100 | RO | A |
| 622098 | Ferrocolumbium-tantalum (specify alloy content). | Lb. | MINL | 100 | RO | A |
| 622098 | Ferroselenium (specify selenium content) | Lb. | MINL | 25 | RO | B G |
| 622098 | Ferrozirconium, containing more than 50 percent zirconium (specify hafnium content). | Lb. | MINL | 100 | RO | A B C |
| 622098 | Ferrotantalum | Lb. | MINL | 100 | RO | A |
| | *Aluminum ores, concentrates, scrap, and semifabricated forms* | | | | | |
| 630050 | Aluminum scrap (new and old) | Lb. | NONF | 500 | RO | A B C |
| 630070 | Aluminum metal and alloys in crude form (including ingots, pigs, blooms, and slabs). | Lb. | NONF | 500 | RO | A B C E |

[9] Body armor, Schedule B No. 619910, requires export authorization from the Department of State. See § 370.4 (a).

[10] Ferrothorium and ferrouranium, Schedule B No. 622098, require export authorization from the Atomic Energy Commission. See § 370.4 (d).

| Dept. of Commerce Schedule B No. | Commodity | Unit | Processing code and related commodity group | GLV dollar value limits | Validated license required | Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra) |
|---|---|---|---|---|---|---|
| | GROUP 6—METALS AND MANUFACTURES, EXCEPT MACHINERY AND VEHICLES—continued | | | | | |
| | *Aluminum ores, concentrates, scrap, and semifabricated forms*—Continued | | | | | |
| | Aluminum alloy semifabricated forms in which: (1) The average copper content is 1 percent or more irrespective of other elements; (2) the average copper content is less than 1 percent and the zinc content is 4 percent or more, or the silicon content is 3.5 percent or more, or the magnesium content is 0.5 percent or more: | | | | | |
| 630301 | Aluminum plates and sheets, flat and coiled (including corrugated) (0.006 inch and over in thickness) (report perforated sheets in 619950). | Lb. | NONF | 100 | RO | A C E |
| 630310 | Aluminum bars and rods, rolled or drawn (¾ inch and over) (report extruded bars and rods in 630320; aluminum bus bars in 709495). | Lb. | NONF 12 | 100 | RO | A C E |
| 630320 | Aluminum extruded and drawn shapes and tubes, except drawn bars, rods, and wire. | Lb. | NONF 12 | 100 | RO | A C E |
| 630340 | Aluminum castings and forgings, rough and semifinished. | Lb. | NONF | 100 | RO | A C |
| 630610 | Aluminum wire (under ¾ inch) and cable, bare, except aluminum cable, steel reinforced (ACSR) (specify by name) (report welding rods and wire in 619040). | Lb. | NONF | 100 | RO | A C E |
| 630650 | Aluminum semifabricated forms, n. e. c. (specify by name). | Lb. | NONF | 100 | RO | A C |
| | *Copper ores, concentrates, scrap, and semifabricated forms* | | | | | |
| 640100 | Copper ores, concentrates, matte, and other unrefined copper (copper content). | Content Lb. | NONF | 500 | RO | A C |
| 641200 | Copperweld rods for drawing | Lb. | NONF 15 | 100 | RO | A C E |
| 641200 | Refined copper in cathodes, billets, ingots, wire bars and other crude forms (report copper bars except wire bars in 642400). | Lb. | NONF | None | RO | A B C E |
| 641300 | Copper scrap (new and old, including slag) | Lb. | NONF 13 | 500 | RO | A B C |
| 642200 | Copper pipes and tubes (report flexible tubing, except electrical, in 619950; flexible electrical conduit in 709420). | Lb. | NONF 15 | 100 | RO | A C E |
| 642300 | Copper plates, sheets, and strips, including nickel-plated. | Lb. | NONF 15 | 100 | RO | A C E |
| 642400 | Copper rods and bars, n. e. c. (report copper wire bars and copperweld rods for drawing into wire in 641200; copper or copperweld ground rods and copper bus bars in 709495). | Lb. | NONF 15 | 100 | RO | A C E |
| 642510 | Copper wire and cable, bare (report welding rods and wires in 619040).[7] | Lb. | NONF 15 | 100 | RO | C |
| 642900 | Copper castings and forgings, rough and semifinished. | Lb. | NONF | 200 | RO | A C E |
| | *Copper-base alloys (including brass and bronze) scrap, and semifabricated forms* | | | | | |
| 644000 | Copper-base alloy scrap (new and old) (see § 399.2, Interpretations 10 and 12). | Lb. | NONF 13 | 500 | RO | A B C |
| 644100 | Copper-base alloy ingots | Lb. | NONF | 500 | RO | A B C E |
| 644100 | Other copper-base alloy crude forms | Lb. | NONF 15 | 100 | RO | A B C E |
| 644900 | Copper-base alloy bars, rods, and other shapes, extruded, rolled and drawn. | Lb. | NONF 15 | 100 | RO | A C E |
| 645000 | Copper-base alloy plates, sheets, and strips | Lb. | NONF 15 | 100 | RO | A C E |
| 645300 | Copper-base alloy pipes and tubes (including pipe coils) (report flexible tubing, except electrical, in 619950; and flexible electrical conduit in 709420). | Lb. | NONF 15 | 100 | RO | A C E |
| 645710 | Phosphor bronze cable, bare[7] | Lb. | NONF | 100 | RO | A |
| 645710 | Other copper-base alloy wire and cable, bare (report welding rods and wires in 619040).[7] | Lb. | NONF 15 | 100 | RO | C |
| 647913 | Copper-base alloy castings and forgings, rough and semifinished (specify copper content). | Lb. | NONF | 200 | RO | A C E |
| | *Nickel ores, concentrates, scrap, and semifabricated forms* | | | | | |
| 654501 | Nickel ore, concentrates, and matte | Lb. | NONF | 100 | RO | A |
| 654502 | Nickel metal in ingots, bars, rods, and other crude forms, and scrap except spent nickel catalyst. | Lb. | NONF | None | RO | A B C G |
| 654502 | Nickel alloy metals in ingots, bars, rods, and other crude forms and scrap (report nickel silver in 644000–645000). | Lb. | NONF | None | RO | A B C G |
| 654504 | Nickel metal sheets, plates, and strips | Lb. | NONF | 100 | RO | A G |
| 654504 | Nickel alloy metal sheets, plates, and strips (report nickel-silver in 644000-645000). | Lb. | NONF | 100 | RO | A G |
| 654508 | Nickel-chrome electric resistance wire, except insulated (report insulated wire in 709885). | Lb. | NONF | 100 | RO | A G |
| 654519 | Nickel and nickel alloy semifabricated forms, n. e. c. (specify by name and nickel content) (report cupro-nickel wire in 645710). | Lb. | NONF | 100 | RO | A B C G |
| | *Other nonferrous ores, concentrates, scrap and semifabricated forms (except precious)* | | | | | |
| | Beryllium: | | | | | |
| 664505 | Ores and concentrates | Lb. | MINL | 500 | RO | A B C |
| 664506 | Beryllium metal in crude form and scrap | Lb. | MINL | 500 | RO | A B C |
| 664506 | Beryllium alloys in crude form and scrap, containing more than 50 percent beryllium (report beryllium copper in 644000–647950). | Lb. | MINL | 500 | RO | A B C |
| 664509 | Beryllium metal semifabricated forms, n. e. c. (specify by name). | Lb. | MINL | 500 | RO | A B C |
| 664509 | Beryllium alloy semifabricated forms, n. e. c., containing more than 50 percent beryllium (specify by name) (report beryllium copper semifabricated forms in 644000–647950). | Lb. | MINL | 500 | RO | A B C |
| | Bismuth: | | | | | |
| 664510 | Matte, slimes, residues, and base bullion | Lb. | MINL | 100 | RO | C |
| 664512 | Metals and alloys | Lb. | MINL | 100 | RO | C |
| | Cobalt: | | | | | |
| 664526 | Cobalt dental alloys | Lb. | MINL | 100 | RO | A G |
| 664526 | Ores, concentrates, metal, and other alloys in crude form. | Lb. | MINL | 100 | RO | A |
| 664526 | Cobalt-bearing scrap metal (includes cobalt scrap containing 5 percent or more cobalt by weight). | Lb. | MINL | None | RO | A B G |
| 664529 | Semifabricated forms, n. e. c. (specify by name). | Lb. | MINL | 100 | RO | A |
| | Columbium or niobium: | | | | | |
| 664530 | Ores and concentrates (report slag in 664998) | Lb. | MINL | 100 | RO | A |
| 664533 | Metals and alloys in crude form | Lb. | MINL | 100 | RO | A |
| 664535 | Semifabricated forms, n. e. c. (specify by name). | Lb. | MINL | 100 | RO | A |

[7] Electric conducting cable suitable for sweeping magnetic mines or for harbor defense requires export authorization from the Department of State. See § 370.4 (a).



| Dept. of Commerce Schedule B No. | Commodity | Unit | Processing code and related commodity group | GLV dollar-value limits | Validated license required | Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra) |
|---|---|---|---|---|---|---|
| | GROUP 6—METALS AND MANUFACTURES, EXCEPT MACHINERY AND VEHICLES—continued | | | | | |
| | *Other nonferrous ores, concentrates, scrap and semifabricated forms (except precious)*—Con. | | | | | |
| | Magnesium: | | | | | |
| | Magnesium base alloys, containing 0.4 percent or more zirconium, or 1 percent or more of rare earth metals (cerium misch metal), as follows: | | | | | |
| 664547 | Alloys in crude form | Lb. | MINL | 100 | RO | A C E |
| 664549 | Semifabricated forms, n. e. c. (specify by name). | Lb. | MINL | 100 | RO | A C E |
| | Molybdenum: | | | | | |
| 664550 | Ores and concentrates (molybdenum content) | Content Lb. | MINL | 500 | RO | A E |
| 664551 | Metal and alloys in crude form, and scrap | Lb. | MINL | 100 | RO | A |
| 664553 | Molybdenum wire | Lb. | MINL | 100 | RO | A |
| 664554 | Semifabricated forms, n. e. c. (specify by name). | Lb. | MINL | 100 | RO | A |
| 664557 | Radium metal (radium content) | Content mgm. | MINL | None | RO | B C |
| | Tantalum: | | | | | |
| 664560 | Ores and concentrates (report slag in 664998) | Lb. | MINL | 100 | RO | A |
| 664562 | Metal and alloys in crude form, and scrap (report slag in 664998). | Lb. | MINL | 100 | RO | A C |
| 664563 | Semifabricated forms, n. e. c., including rings and wire (specify by name). | Lb. | MINL | 100 | RO | A C E |
| 664565 | Quicksilver or mercury | Lb. | NONF | None | RO | A B C G |
| | Titanium: | | | | | |
| 664572 | Sponge (including iodide titanium) and scrap (specify Brinell hardness of sponge). | Lb. | MINL | 100 | RO | A |
| 664574 | Intermediate mill shapes | Lb. | MINL | 100 | RO | A |
| 664576 | Mill products, n. e. c. | Lb. | MINL | 100 | RO | A |
| | Tungsten: | | | | | |
| 664583 | Tungsten wire, coated or uncoated | Lb. | MINL | 100 | RO | A C E |
| | Zirconium: | | | | | |
| 664596 | Metal in crude form and scrap (specify hafnium content). | Lb. | MINL | 100 | RO | A B C |
| 664596 | Alloys in crude form and scrap containing more than 50 percent zirconium (specify hafnium content). | Lb. | MINL | 100 | RO | A B C |
| 664597 | Metal semifabricated forms, n. e. c. (specify by name and hafnium content). | Lb. | MINL | 100 | RO | A B C |
| 664597 | Alloy semifabricated forms, n. e. c., containing more than 50 percent zirconium (specify by name and hafnium content). | Lb. | MINL | 100 | RO | A B C |
| | Nonferrous metallic ores and concentrates, n. e. c. (specify by name) (report radium ore concentrates in 829040):[11] | | | | | |
| 664598 | Lithium ores (e. g., lepidolite), and lithium ore concentrates. | Lb. | MINL | 10 | RO | A B C |
| | Nonferrous metals and alloys in crude form, scrap, and semifabricated forms, n. e. c. (specify by name):[12] | | | | | |
| 664998 | Boron metal (including grains), and other metals containing 10 percent or more boron. | Lb. | MINL | 100 | RO | |
| 664998 | Crystalline silicon (silicon metal) containing 99 percent silicon or over. | Lb. | MINL | None | RO | A |
| 664998 | Gallium metal | Lb. | MINL 3 | None | RO | B C |
| 664998 | Germanium metal | Lb. | MINL 3 | None | RO | A |
| 664998 | Hafnium metal | Lb. | MINL 3 | None | RO | B C |
| 664998 | Lithium metals and alloys | Lb. | MINL | None | RO | A B C |
| 664998 | Polonium metal | Lb. | MINL 3 | None | RO | B C |
| 664998 | Selenium metal (specify selenium content and grade) (report powder in 619159). | Lb. | MINL | 25 | RO | B G |
| 664998 | Thermo bimetal, thermometal, and thermostatic metal. | Lb. | MINL | 100 | RO | A G |
| 664998 | Columbium-niobium-bearing slag | Lb. | MINL | 100 | RO | A |
| 664998 | Tantalum bearing slag | Lb. | MINL | 100 | RO | A |
| | GROUP 7—MACHINERY AND VEHICLES | | | | | |
| | (See special provisions for Commodity Group 7, §§ 373.48–373.53; special destination provisions, §§ 373.65–373.75) | | | | | |
| ---------- | Tools or devices incorporating diamonds, not included elsewhere on the Positive List (see § 373.49 (c)). | No. and Carat | TOOL | 50 | RO | A C |
| | *Electrical machinery and apparatus* | | | | | |
| | Generators, n. e. c., and parts, n. e. c. (report aircraft, automobile, bus, truck, tractor, and industrial engine generators in 709210–709220; generators for electric propulsion motors in 704330): | | | | | |
| 700000 | Direct current generators, n. e. c., 5,000 kilowatts and over (specify by rating). | No. | ELME 1 | None | RO | A F |
| 700100 | Alternating current generators, n. e. c., 5,000 kilowatts and over (specify by rating). | No. | ELME 1 | None | RO | A F |
| 700150 | Parts and accessories, n. e. c., specially fabricated for generators, 5,000 kilowatts and over (specify by name and rating). | ---------- | ELME 1 | 100 | RO | A F |
| | Steam turbine generator sets (turbogenerators): | | | | | |
| 700805 | 5,000 kilowatts up to and including 7,500 kilowatts (specify by rating). | No. | ELME 1 | None | RO | A F |
| 700807 | Over 7,500 kilowatts (specify by rating) | No. | ELME 1 | None | RO | A F |
| | Welding sets: | | | | | |
| 701032 | Resistance welders, 3-phase type only | No. | ELME 4 | None | R | A F |
| 701105 | Electric generating sets powered by diesel engines, 5,000 kilowatts and over (specify by rating) (report switchgear equipment not designed as an integral component, whether or not shipped simultaneously with the generator set, in 703110–703300). | No. | ELME 1 | None | RO | A F |
| | Transforming or converting apparatus, n. e. c., and parts, n. e. c.: | | | | | |
| 702725 | Motor generator sets having motors of 500 up to but not including 5,000 horsepower. | No. | ELME 1 | None | R | F |
| 702725 | Motor generator sets having motors of 5,000 horsepower and over. | No. | ELME 1 | None | RO | A F |
| 702725 | Synchronous condensers, 5,000 kilowatts and over (specify by rating). | No. | ELME 1 | None | RO | A F |
| | Electrical quantity and characteristic measuring and testing instruments, and parts (report automotive-type electrical testing instruments in 793185): | | | | | |
| 703620 | Electrometers, except student type | No. | ELME 3 | None | RO | A C |
| 703620 | Instruments capable of measuring currents of less than 1 micromicroampere.[13] | No. | ELME 3 | None | RO | A C |
| 703620 | Other electrical quantity indicating instruments, nonrecording, n. e. c., except battery testers, battery testing voltmeters, and cell testers (specify by name). | No. | ELME 3 | 25 | RO | A F |

[11] Monazite sand and other ores containing thorium, and carnotite, pitchblende, and other ores containing uranium, require export authorization from the Atomic Energy Commission. See § 370.4 (d).

[12] Plutonium, uranium, and thorium metals and alloys, require export authorization from the Atomic Energy Commission. See § 370.4 (d).

[13] All outstanding licenses issued by the Atomic Energy Commission prior to Sept. 26, 1955, remain valid until they expire or are revoked, and any requests for amendments to such licenses shall be made to the AEC.

| Dept. of Commerce Schedule B No. | Commodity | Unit | Processing code and related commodity group | GLV dollar-value limits | Validated license required | Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra) |
|---|---|---|---|---|---|---|
| | GROUP 7—MACHINERY AND VEHICLES—continued | | | | | |
| | *Electrical machinery and apparatus*—Continued | | | | | |
| | Electrical quantity and characteristic measuring and testing instruments, and parts (report automotive-type electrical testing instruments in 793185)—Continued | | | | | |
| 703825 | Electrical testing instruments, n. e. c. (specify by name). | No. | ELME 3 | 25 | RO | A F |
| 703850 | Parts and accessories, n. e. c., specially fabricated for electrometers, except student type. | ---------- | ELME 3 | 25 | RO | A C |
| 703850 | Parts and accessories, n. e. c., specially fabricated for instruments capable of measuring currents of less than 1 microamicroampere.[13] | ---------- | ELME 3 | 25 | RO | A C |
| 703850 | Other parts and accessories, n. e. c., specially fabricated for electrical quantity indicating and recording instruments, and electrical testing instruments (specify by name). | ---------- | ELME 3 | 25 | RO | A F |
| | Motors and controls, n. e. c., and parts (report autosyns, selsyns, and other synchronous transmission systems in 709998): | | | | | |
| | Motors, except electric propulsion motors for land transportation vehicles: | | | | | |
| 704300 | Reversible type, liquid-cooled and totally enclosed, 1,000 horsepower and over (specify by rating). | No. | ELME 2 | None | RO | A F |
| 704300 | Other motors, 500 up to but not including 5,000 horsepower (specify by rating). | No. | ELME 2 | None | R | F |
| 704300 | Other motors, 5,000 horsepower and over (specify by rating). | No. | ELME 2 | None | RO | A F |
| | Industrial motor controls (consisting of starting, speed regulating, stopping, and protecting devices), and parts: | | | | | |
| 704810 | Steel mill and other materials handling equipment controls, and specially fabricated parts and accessories, n. e. c., for motors 500 up to but not including 5,000 horsepower (specify by name and rating). | ---------- | ELME 2 | 100 | R | F |
| 704810 | Steel mill and other materials handling equipment controls, and specially fabricated parts and accessories, n. e. c., for motors 5,000 horsepower and over (specify by name and rating). | ---------- | ELME 2 | 100 | RO | A F |
| 704820 | Special-purpose controls, n. e. c., and specially fabricated parts and accessories, n. e. c., for motors 500 up to but not including 5,000 horsepower (specify by name and rating). | ---------- | ELME 2 | 100 | R | F |
| 704820 | Special-purpose controls, n. e. c., and specially fabricated parts and accessories, n. e. c., for motors 5,000 horsepower and over (specify by name and rating). | ---------- | ELME 2 | 100 | RO | A F |
| 704850 | Industrial motor controls, n. e. c., and specially fabricated parts and accessories, n. e. c., for motors 500 up to but not including 5,000 horsepower (specify by name and rating). | ---------- | ELME 2 | 100 | R | F |
| 704850 | Industrial motor controls, n. e. c., and specially fabricated parts and accessories, n. e. c., for motors 5,000 horsepower and over (specify by name and rating). | ---------- | ELME 2 | 100 | RO | A F |
| 705500 | Parts and accessories, n. e. c., specially fabricated for motors 500 up to but not including 5,000 horsepower (specify by name and rating). | ---------- | ELME 2 | 100 | R | F |
| 705500 | Parts and accessories, n. e. c., specially fabricated for motors 5,000 horsepower and over (specify by name and rating). | ---------- | ELME 2 | 100 | RO | A F |
| 706305 | Sealed beam headlamps suitable for mounting on automotive vehicles. | No. | TRAN 6 | 250 | R | E |
| 706590 | Molybdenum filaments | ---------- | CDGS | 100 | RO | A |
| 706590 | Tungsten filaments, coated and uncoated | ---------- | CDGS | 100 | RO | A E |
| 707415 | Electric industrial melting and refining furnaces (specify by name). | No. | ELME 7 | None | RO | A B C |
| 707425 | Electric industrial heat-treating furnaces (specify by name). | No. | ELME 7 | 100 | RO | A B C |
| 707435 | Parts, n. e. c., specially fabricated for electric industrial melting and refining furnaces. | ---------- | ELME 7 | 100 | RO | A B C |
| 707435 | Parts, n. e. c., specially fabricated for electric industrial heat-treating furnaces. | ---------- | ELME 7 | 100 | RO | A B C |
| | X-ray apparatus, and parts, n. e. c.: | | | | | |
| 707507 | X-ray tubes designed or intended for use in X-ray diffraction analysis. | No. | SATE 1 | None | RO | A F |
| 707509 | Parts, n. e. c., specially fabricated for X-ray diffraction tubes and valves (specify by name) (report glass tube blanks in 529450). | ---------- | SATE 1 | None | RO | A E F |
| 707550 | X-ray diffraction units | No. | SATE 1 | None | RO | A F |
| 707550 | Parts, n. e. c., specially fabricated for X-ray diffraction units. | ---------- | SATE 1 | None | RO | A F |
| 707550 | Dosimeters and dosimeter charger readers (report dosimeter charger readers not adaptable to X-ray in 919080).[13] | No. | SATE | None | RO | A B C |
| 707550 | Parts, n. e. c., specially fabricated for dosimeters and dosimeter charger readers (report parts for dosimeter charger readers not adaptable to X-ray in 919080).[13] | ---------- | SATE | 25 | RO | A B C |
| 707590 | Short wave diathermy units | No. | SATE 1 | None | RO | A F |
| 707590 | Parts, n. e. c., specially fabricated for short wave diathermy units. | ---------- | SATE 1 | 25 | RO | A F |
| | Radio and television apparatus (report tubes, capacitors (condensers), inductors (transformers and coils) in 707805-707915; radar equipment in 708410; antenna towers in 618961; and television picture projectors in 900700-900900):[14] | | | | | |
| 707608 | Radio and television broadcast transmitting equipment, designed for operation at frequencies above 216 mc; and specially fabricated parts. | ---------- | RARA 50 | 100 | RO | A F |
| 707608 | Microwave relay and transmitter link equipment. | ---------- | RARA 50 | 100 | RO | A F |
| | Radio communication equipment, n. e. c. (report radar equipment in 708410; broadcast equipment in 707608; automobile and home-type radio receivers in 707635-707719): | | | | | |
| 707613 | Shipborne transmitters and transceivers (transmitter-receivers) designed to operate at frequencies of 30 mc and over, and specially fabricated parts. | ---------- | RARA 50 | 100 | RO | A F |
| 707617 | Land-type radio communication transmitters and transceivers (transmitter-receivers) designed to operate at frequencies of 30 mc and over, and specially fabricated parts. | ---------- | RARA 50 | 100 | RO | A F |
| 707625 | Radio beacon (beam) transmitters, and specially fabricated parts and accessories, n. e. c. | ---------- | RARA 50 | 100 | RO | A F |

[13] All outstanding licenses issued by the Atomic Energy Commission prior to Sept. 26, 1955, remain valid until they expire or are revoked, and any requests for amendments to such licenses shall be made to the AEC.

[14] See § 370.4 (a) for commodities under this heading which require export authorization from the Department of State.







| Dept. of Commerce Schedule B No. | Commodity | Unit | Processing code and related commodity group | GLV dollar-value limits | Validated license required | Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra) |
|---|---|---|---|---|---|---|
| | GROUP 7—MACHINERY AND VEHICLES—continued | | | | | |
| | *Electrical machinery and apparatus*—Continued | | | | | |
| | Electronic-type components:[14] | | | | | |
| | Electron tubes (report X-ray tubes in 707505 and 707507): | | | | | |
| 707303 | Receiving-type tubes, except nonmilitary versions of the types listed in § 399.2, interpretation 13 (specify by type number) (report television picture tubes in 707815). | No. | RARA 51 | 50 | RO | A F |
| 707812 | Television camera tubes (cathode ray) (specify by type number). | No. | RARA 51 | None | RO | A F |
| 707820 | Cathode-ray tubes, n. e. c. (specify by type number) (report television cathode-ray tubes in 707812 and 707815). | No. | RARA 51 | 50 | RO | A F |
| 707830 | Electrometer tubes designed to operate with grid currents of less than 1 micromicroampere.[13] | No. | RARA 51 | 50 | RO | A B C |
| 707830 | Geiger-Mueller counter tubes[13] | No. | RARA 51 | 50 | RO | A B C |
| 707830 | Photomultiplier tubes having photocathode sensitivity of 10 or more microamperes per lumen and an average amplification greater than 10.[13][15] | No. | RARA 51 | 50 | RO | A B C |
| 707830 | Electron tubes, n. e. c. (specify by type number).[13] | No. | RARA 51 | 50 | RO | A F |
| 707840 | Tantalum rings, for radio transmitter and radio receiver tubes. | ---------- | MINL | 100 | RO | A |
| 707840 | Other parts, n. e. c., specially fabricated for radio and television receiving tubes (specify by name). | ---------- | RARA 51 | 100 | RO | |
| 707840 | Other parts, n. e. c., specially fabricated for electron tubes (specify by name) (report glass electron tube blanks in 529450). | ---------- | RARA 51 | 100 | RO | A |
| 707850 | Crystal diodes and transistors (semiconductors, n. e. c.). | No. | RARA 51 | 50 | R | A F |
| 707905 | Precision capacitors, fixed or variable, with a rated accuracy better than plus or minus 1 percent. | No. | RARA 52 | 100 | RO | A F |
| 707910 | Resistors of value of 1,000 megohms or over[13] | No. | RARA 52 | 50 | RO | A B C |
| 707910 | Resistors, temperature sensitive | No. | RARA 52 | 100 | RO | A F |
| 707910 | Precision resistors, fixed or variable, with a rated accuracy better than plus or minus 1 percent.[13] | No. | RARA 52 | 100 | RO | A F |
| 707915 | Pulse transformers | No. | RARA 52 | 100 | RO | A F |
| 707915 | Precision inductors, with a rated accuracy better than plus or minus 1 percent. | No. | RARA 52 | 100 | RO | A F |
| | Components, n. e. c., for electronic apparatus and specially fabricated parts, n. e. c.: | | | | | |
| 708010 | Parts, n. e. c., specially fabricated for transistors. | ---------- | RARA 52 | 25 | RO | A F |
| 708010 | Waveguides | ---------- | RARA 52 | 100 | RO | A F |
| 708010 | Transformer and choke cores | ---------- | RARA 52 | 100 | R | F |
| | Electronic detection and navigational apparatus, and specially fabricated parts, n. e. c. (report spare and replacement tubes in 707803-707830): | | | | | |
| 708410 | Electronic detection and navigational apparatus, n. e. c., designed for use at frequencies of 600 mc and over.[16] | ---------- | RARA 52 | 100 | RO | A F |
| 708460 | Carrier current line-communications terminal and intermediate repeater or amplifier equipment, designed to transmit, carry, or receive frequencies higher than 10 kilocycles; and specially fabricated parts, n. e. c.[14] | ---------- | RARA 50 | 100 | RO | A |
| | Telegraph apparatus (wire), n. e. c., and specially fabricated parts, n. e. c.:[14] | | | | | |
| 708500 | Telegraph apparatus suitable for use at speeds greater than 200 words per minute or 150 bauds; and specially fabricated parts therefor. | ---------- | RARA 51 | 100 | RO | A F |
| 708500 | Other multichannel telegraph terminal transmitting and receiving kilocycles; and specially fabricated parts, n. e. c.[14] | ---------- | RARA 51 | 100 | RO | A |
| 708700 | Telephone terminal and intermediate repeater or amplifier equipment designed to transmit, carry, or receive frequencies higher than 10 kilocycles; and specially fabricated parts, n. e. c.[14] | ---------- | RARA 50 | 100 | RO | A |
| 708820 | Amplifiers designed for use in nuclear measurements, including linear amplifiers, preamplifiers, and distributed chain amplifiers.[13] | No. | ELME 2 | None | RO | A B C |
| 708820 | Parts, n. e. c., specially fabricated for amplifiers designed for use in nuclear measurements.[13] | ---------- | ELME 2 | 25 | RO | A B C |
| 708820 | Other amplifiers, n. e. c., and specially fabricated parts, n. e. c. (report audio-amplifying in 708800). | ---------- | RARA 52 | 200 | RO | A F |
| 708850 | Magnetic recorders and accessories, the following: (a) Tape recorders having a transport speed exceeding 15 inches per second; (b) multichannel tape recorders and recording heads; (c) drum-type recorders; (d) magnetic tape designed for use with multi-channel recorders. | ---------- | RARA 50 | 100 | RO | A F |
| | Pole line, transmission, and distribution hardware, n. e. c., and specially fabricated parts, n. e. c.: | | | | | |
| 709495 | Aluminum bus bars | Lb. | NONF | 100 | RO | A |
| 709495 | Copper bus bars | Lb. | NONF 15 | 100 | RO | A |
| | Insulated wire and cable: | | | | | |
| 709810 | Building wire and cable, copper or copper-base alloy. | Lb. | NONF 17 | 100 | RO | C |
| 709830 | Weatherproof and slow-burning wire, copper or copper-base alloy. | Lb. | NONF 17 | 100 | RO | C |
| 709855 | Coaxial cable (single or multitube) having any of the following characteristics: (1) An attenuation of 10 decibels or less per 100 feet and a standing wave ratio of 2 or less at 3,000 megacycles; (2) air-spaced types; or (3) having polytetrafluoroethylene (e. g., Teflon) or polytrifluorochloroethylene dielectric (specify dielectric material and type number). | Lb. | NONF | 100 | RO | A |
| 709855 | Communications submarine cable | Lb. | NONF | 100 | RO | A C |
| 709855 | Communications cable containing more than one pair of conductors and containing any conductor (single or stranded) exceeding 0.9 mm in diameter. | Lb. | NONF | 100 | RO | A C |
| 709855 | Other communication and signal wire and cable, copper or copper-base alloy (specify by name). | Lb. | NONF 17 | 100 | RO | C |
| 709860 | Portable cord, wire, and cable, copper or copper-base alloy, rubber and/or synthetic rubber-sheathed (specify by name). | Lb. | NONF 17 | 100 | RO | C |
| 709865 | Automotive ignition wire, copper or copper-base alloy, in coils, reels or spools, in lengths of 100 feet or less. | Lb. | TRAN 6 | 500 | RO | E F |

[13] All outstanding licenses issued by the Atomic Energy Commission prior to Sept. 26, 1955, remain valid until they expire or are revoked, and any requests for amendments to such licenses shall be made to the AEC.

[14] See § 370.4 (a) for commodities under this heading which require export authorization from the Department of State.

[15] All outstanding licenses for exportation of underwater sound equipment, and specially fabricated parts therefor (Schedule B No. 708410), issued by the Bureau of Foreign Commerce prior to date of transfer of export authorization for these commodities to the Department of State, June 23, 1955 (see CEB 752), remain valid until they expire or are revoked. See § 370.4 (a) for detection and navigational apparatus requiring export authorization from the Department of State.

[16] Outstanding licenses covering these commodities which were issued by the Atomic Energy Commission prior to Feb. 18, 1956, remain valid until they expire or are revoked, and requests for amendments to such licenses shall be made to the AEC.

| Dept. of Commerce Schedule B No. | Commodity | Unit | Processing code and related commodity group | GLV dollar-value limits | Validated license required | Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra) |
|---|---|---|---|---|---|---|
| | GROUP 7—MACHINERY AND VEHICLES—continued | | | | | |
| | *Electrical machinery and apparatus*—Continued | | | | | |
| | Insulated wire and cable—Continued | | | | | |
| 709865 | Other copper or copper-base alloy wire and cable, rubber and/or synthetic rubber-insulated, with plain, braided, leaded, or armored finishes (specify by name) (report building wire and cable in 709810). | Lb. | NONF 17 | 100 | RO | O |
| 709870 | Copper or copper-base alloy wire and cable, varnished-cambric insulated, with braided, leaded, or armored finishes (specify by name). | Lb. | NONF 17 | 100 | RO | O |
| 709875 | Copper or copper-base alloy power cable, paper-insulated, with leaded or armored finishes (specify by name). | Lb. | NONF 17 | 100 | RO | O |
| 709885 | Copper or copper-base alloy wire and cable, insulated, n. e. c. (specify by name). | Lb. | NONF 17 | 100 | RO | C |
| 709885 | Nickel and nickel alloy wire, insulated | Lb. | NONF | 100 | RO | A G |
| 709920 | Electrical steel punchings, with a core loss of 0.5 watt per pound at 13,000 gausses and 60 cycles per second or less, or with a thickness of 0.003 inches and less. | Lb. | STEE 2 | 100 | RO | A |
| | Electrical apparatus, n. e. c., and parts, n. e. c. (specify by name): | | | | | |
| 709998 | Belt-type electrostatic generators (Van de Graaff machines), positive ion types.[15] | No. | ELME 1 | None | RO | A B C |
| 709998 | Parts, n. e. c., specially fabricated for belt-type electrostatic generators (Van de Graaff machines), positive ion types.[15] | ---------- | ELME 1 | 25 | RO | A B O |
| 709998 | Coefficient resistors | No. | RARA 52 | 100 | RO | A F |
| 709998 | Parts specially fabricated for 3-phase type resistance welding sets. | ---------- | ELME 4 | 100 | R | A F |
| 709998 | Parts specially fabricated for synchronous condensers, 5,000 kilowatts and over (specify by name and rating). | ---------- | ELME 1 | 100 | RO | A F |
| 709998 | Parts specially fabricated for motor generator sets having motors of 500 up to but not including 5,000 horsepower (specify by name and rating). | ---------- | ELME 1 | 100 | R | F |
| 709998 | Parts specially fabricated for motor generator sets having motors of 5,000 horsepower and over (specify by name and rating). | ---------- | ELME 1 | 100 | RO | F |
| 709998 | Gyros, rate and integrating types [15] | ---------- | ELME 10 | None | RO | F |
| 709998 | Servo control units, and specially fabricated parts.[15] | ---------- | ELME 10 | None | RO | F |
| 709998 | Synchros, all types including resolvers [15] | ---------- | ELME 10 | None | RO | F |
| 709998 | Thermistors | No. | RARA 52 | 100 | RO | A F |
| | *Engines, turbines, and parts, n. e. c.* | | | | | |
| | Steam engines and turbines, n. e. c., and parts, n. e. c.:[14] | | | | | |
| 711310 | Steam turbines, 2,000 horsepower and over (excludes those incorporated in generator sets). | No. | GIEQ 9 | None | RO | A |
| 711410 | Water wheels and water turbines, 2,000 horsepower and over (specify horsepower). | No. | ELME 1 | 500 | RO | A F |
| 711510 | Air turbines, 2,000 horsepower and over (specify horsepower). | No. | GIEQ 9 | None | RO | A |
| 711510 | Gas turbines, except aircraft (report aircraft turbines in 794631). | No. | GIEQ 9 | None | RO | A |
| 711900 | Parts, n. e. c., specially fabricated for water wheels, and water turbines, 2,000 horsepower and over (specify by name and rating). | ---------- | ELME 1 | 100 | RO | A F |
| 711900 | Parts, n. e. c., specially fabricated for steam or air turbines, 2,000 horsepower and over (specify by name and horsepower). | ---------- | GIEQ 9 | 100 | RO | A |
| 711900 | Parts, n. e. c., specially fabricated for gas turbines, except aircraft (specify horsepower) (report parts for aircraft turbines in 794631). | ---------- | GIEQ 9 | 100 | RO | A |
| | Power boilers (steam generators), and parts:[14] | | | | | |
| 713300 | Water tube, marine type, designed to operate at 450 p. s. i. g., or more (specify generating capacity in pounds of steam per square foot of tubular heating surface). | ---------- | GIEQ 23 | None | RO | A |
| 713300 | Water tube, stationary, having a capacity to generate 15,000 pounds of steam per hour or more at pressures more than 250 p. s. i. g. | ---------- | GIEQ 23 | None | R | A |
| 713920 | Parts, n. e. c., specially fabricated for power boilers included on the Positive List under Schedule B No. 713300 (report boiler tubes shipped as spares or replacements under tubular products according to material). | ---------- | GIEQ 23 | 250 | RO | A F |
| | Internal-combustion engines, n. e. c., and parts, n. e. c.:[14] | | | | | |
| | Diesel and semidiesel (specify brake horsepower at normal speed, and r. p. m.): | | | | | |
| 714500 | Marine, 50 up to and including 200 brake horsepower, when the nonmagnetic content exceeds 50 percent of total weight. | No. | TRAN 7 | None | RO | A |
| 714500 | Other marine, 50 up to and including 200 brake horsepower. | No. | TRAN 7 | None | R | |
| 714620 | Marine, over 200, up to and including 500 brake horsepower, when the nonmagnetic content exceeds 50 percent of total weight. | No. | TRAN 7 | None | RO | A |
| 714620 | Other marine, over 200, up to and including 500 brake horsepower. | No. | TRAN 7 | None | R | |
| 714640 | Marine, over 500, up to and including 1,000 brake horsepower when the nonmagnetic content exceeds 50 percent of total weight. | No. | TRAN 7 | None | RO | A |
| 714640 | Other marine, over 500, up to and including 1,000 brake horsepower. | No. | TRAN 7 | None | R | |
| 714660 | Marine, over 1,000 brake horsepower when the nonmagnetic content exceeds 50 percent of total weight. | No. | TRAN 7 | None | RO | A |
| 714660 | Other marine, over 1,000 up to but not including 1,500 brake horsepower. | No. | TRAN 7 | None | R | |
| 714660 | Other marine, 1,500 brake horsepower and over. | No. | TRAN 7 | None | RO | A |
| | Other, including tractor engines (specify brake horsepower at normal speed and r. p. m.): | | | | | |
| 714710 | 50 up to and including 200 brake horsepower. | No. | TRAN 7 | None | R | |
| 714720 | Over 200, up to and including 500 brake horsepower. | No. | TRAN 7 | None | R | |
| 714740 | Over 500, up to and including 1,000 brake horsepower. | No. | TRAN 7 | None | R | |
| 714760 | Over 1,000 up to but not including 1,500 brake horsepower. | No. | TRAN 7 | None | R | |
| 714760 | 1,500 brake horsepower and over | No. | TRAN 7 | None | RO | A |
| 715000 | Parts and accessories, n. e. c., specially fabricated for diesel engines included on the Positive List under Schedule B Nos. 714500 through 714760 (for which validated license is required to R country destinations only (specify type of engine, brake horsepower, and r. p. m.). | ---------- | TRAN 7 | 500 | R | E |

[14] See § 370.4 (a) for commodities under this heading which require export authorization from the Department of State.

[15] Outstanding licenses covering these commodities which were issued by the Atomic Energy Commission prior to Feb. 18, 1956, remain valid until they expire or are revoked, and requests for amendments to such licenses shall be made to the AEC.



| Dept. of Commerce Schedule B No. | Commodity | Unit | Processing code and related commodity group | GLV dollar-value limits | Validated license required | Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra) |
|---|---|---|---|---|---|---|
| | GROUP 7—MACHINERY AND VEHICLES—continued | | | | | |
| | *Engines, turbines, and parts, n. e. c.*—Continued | | | | | |
| 715000 | Internal-combustion engines, n. e. c., and parts, n. e. c.[14]—Continued<br>Parts and accessories, n. e. c., specially fabricated for diesel engines included on the Positive List under Schedule B Nos. 714500 through 714760 for which validated license is required to both R and O country destinations (specify type of engine, brake horsepower, and r. p. m.). | ---------- | TRAN 7 | 500 | RO | A E |
| | *Construction, excavating, mining, and related machinery* | | | | | |
| | Power excavators and dredging machines, and parts: | | | | | |
| | Excavator-type power cranes and shovels, new (report used in 720160): | | | | | |
| 720117 | Crawler or walker mounted, full revolving, convertible, over 5 cubic yards dipper capacity, or over 100 tons crane lifting capacity, new. | No. | CONS 1 | None | R | E |
| 720122 | Rubber-tired mounted, including truck of wagon mounted, full revolving, convertible, designed for airborne transport, new. | No. | CONS | None | RO | A |
| 720122 | Other rubber-tired mounted, including truck or wagon mounted, full revolving, convertible, over ½ cubic yard dipper capacity, or over 10 tons crane lifting capacity, new. | No. | CONS 1 | None | R | E F |
| 720127 | Full revolving, unmounted, over 5 cubic yards dipper capacity, or over 100 tons crane lifting capacity, new. | No. | CONS 1 | None | R | E |
| 720147 | Dredging machines, new (specify by name) (report used in 720160; dredges fully equipped as vessels in 795130). | No. | MINE | None | R | A |
| | Power excavators and dredging machines, used and rebuilt (report new in 720112-720147): | | | | | |
| 720160 | Power cranes and shovels, rubber-tired mounted, including truck or wagon mounted, full revolving, designed for airborne transport, used and rebuilt. | No. | CONS | None | RO | A |
| 720160 | Other rubber-tired mounted power cranes and shovels, including truck or wagon mounted, full revolving, over ½ cubic yard dipper capacity, or over 10 tons crane lifting capacity, used and rebuilt. | No. | CONS 1 | None | R | E F |
| 720160 | Power cranes and shovels, full revolving, mounted and unmounted, over 5 cubic yards dipper capacity, or over 100 tons crane lifting capacity, used and rebuilt. | No. | CONS 1 | None | R | E |
| 720160 | Dredging machines, used and rebuilt | No. | MINE | 100 | R | A |
| 720210 | Parts, accessories, and attachments, n. e. c., specially fabricated for power cranes and shovels designed for airborne transport. | ---------- | CONS | None | RO | A |
| 720210 | Parts, accessories, and attachments, n. e. c., specially fabricated for rubber-tired power cranes and shovels, including truck or wagon mounted, full revolving, over ½ cubic yard dipper capacity, or over 10 tons crane lifting capacity, except airborne. | ---------- | CONS 1 | 1,000 | R | E F |
| 720210 | Parts, accessories, and attachments, n. e. c., specially fabricated for power cranes and shovels, crawler and walker mounted, full revolving, over 5 cubic yeards dipper capacity, or over 100 tons crane lifting capacity. | ---------- | CONS 1 | 1,000 | R | E F |
| 730210 | Parts, accessories, and attachments, n. e. c., specially fabricated for dredging machines (specify by name). | ---------- | MINE | 1,000 | R | A E |
| 722020 | Soil compactors with pneumatic-tired wheels, vibrating type, of 30,000 pounds or 15 tons net vehicle weight, or over. | No. | CONS 1 | None | RO | A E |
| | Contractors' off-the-road wheel type tractors: | | | | | |
| 722024 | 4-wheel drive, 100 brake horsepower and over | No. | CONS 1 | None | RO | A E F |
| 722024 | 4-wheel drive, 70 to 100 brake horsepower | No. | CONS 1 | None | R | E F |
| 722024 | 2-wheel drive, 70 brake horsepower and over | No. | CONS 1 | None | R | E F |
| | Off-the-road haulage vehicles (report tractors separately under appropriate Schedule B number): | | | | | |
| 722027 | Off-the-road haulage trucks having a maximum rated axle carrying capacity (with pay load) of 47,500 pounds or over. | No. | CONS 1 | None | R | E |
| 722027 | Chassis of off-the-road haulage trucks having a maximum rated axle carrying capacity (with pay load) of 47,500 pounds or over. | No. | CONS 1 | None | R | E |
| 722027 | Off-the-road wagons or trailers having a maximum rated axle carrying capacity (with pay load) or 30,000 pounds or over. | No. | CONS 1 | None | R | E |
| 722027 | Chassis of off-the-road wagons or trailers having a maximum rated axle carrying capacity (with pay load) of 30,000 pounds or over. | No. | CONS 1 | None | R | E |
| | Construction and maintenance equipment, n. e. c., and specially fabricated parts, n. e. c.: | | | | | |
| 722045 | Specially fabricated parts for off-the-road haulage vehicles (trucks, wagons, and trailers) included on the Positive List under Schedule B No. 722027. | ---------- | CONS 1 | 500 | R | E F |
| 722045 | Parts, accessories, and attachments, n. e. c., specially fabricated for pneumatic-tired soil compactors, vibrating-type, 15 tons net vehicle weight and over. | ---------- | CONS 1 | None | RO | A E F |
| 722045 | Parts and accessories, n. e. c., specially fabricated for contractors' off-the-road wheel-type tractors, 4-wheel drive, 100 brake horsepower and over. | ---------- | CONS 1 | 500 | RO | A E F |
| 722045 | Parts and accessories, n. e. c., specially fabricated for contractors' off-the-road wheel-type tractors, 4-wheel drive, 70 to 100 brake horsepower. | ---------- | CONS 1 | 500 | R | E F |
| 722045 | Parts and accessories, n. e. c., specially fabricated for contractors' off-the-road wheel-type tractors, 2-wheel drive, 70 brake horsepower and over. | ---------- | CONS 1 | 500 | R | E F |
| | Earth and rock drilling machines, n. e. c., and parts, n. e. c.: | | | | | |
| | Rock drill bits, core drill bits, and reamers (including well drilling machine bits and reamers): | | | | | |
| 730870 | Rotary rock drill bits, core drill bits, and reamers containing tungsten carbide. | No. | MINE 3 | 100 | RO | A |
| 730875 | Bits and reamers containing diamonds | No. | MINE 3 | 100 | RO | A |
| 730880 | Other rotary rock drill bits, core drill bits, and reamers | No. | MINE 3 | 100 | RO | A |
| 730890 | Parts and accessories, n. e. c., specially fabricated for rotary rock drill bits, core drill bits, and reamers (report tool bit blanks and inserts in 617905 and 618903). | ---------- | MINE 3 | 100 | RO | A E |
| | Well drilling machines, and parts (report oil-country tubular products in 606210-606260): | | | | | |
| 730900 | Rotary drill rigs (including truck or trailer-mounted). | No. | MINE 4 | None | RO | A |
| 732000 | Parts and accessories, n. e. c., specially fabricated for rotary well drilling machines. | ---------- | MINE 4 | 500 | RO | A E F |

[14] See § 370.4 (a) for commodities under this heading which require export authorization from the Department of State.

| Dept. of Commerce Schedule B No. | Commodity | Unit | Processing code and related commodity group | GLV dollar-value limits | Validated license required | Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra) |
|---|---|---|---|---|---|---|
| | GROUP 7—MACHINERY AND VEHICLES—continued | | | | | |
| | *Construction, excavation, mining, and related machinery*—Continued | | | | | |
| 733950 | Petroleum field production equipment, n. e. c., and specially fabricated parts, n. e. c. (specify by name) (report oil-country tubular products in 606210–606260). | ---------- | MINE 4 | 500 | RO | A E F |
| | *Machine tools* | | | | | |
| | Power-driven metalworking machine tools (nonportable), and parts: | | | | | |
| 740005 | Engine and center lathes, over 18 inches center height and over 18 feet between centers. | No. | TOOL | 500 | RO | A |
| 740212 | Horizontal turret lathes, bar capacity of 4 inches and over or swing-over-bed of 24 inches or more. | No. | TOOL | 500 | RO | A |
| | Automatic chucking lathes and between center lathes: | | | | | |
| 740305 | Automatic profiling and duplicating lathes (report non-automatic profiling and duplicating lathes in 740390). | No. | TOOL | 500 | RO | A |
| 740305 | Other automatic lathes, multispindle | No. | TOOL | 500 | RO | A |
| | Artillery and ammunition lathes (specify by name): | | | | | |
| 740308 | Cartridge-case lathes | No. | TOOL | None | RO | A |
| 740308 | Gun barrel trepanning lathes | No. | TOOL | None | RO | A |
| 740308 | Gun-boring lathes | No. | TOOL | None | RO | A |
| 740308 | Gun jump screw lathes | No. | TOOL | None | RO | A |
| 740308 | Shell lathes | No. | TOOL | None | RO | A |
| 740308 | Bomb spinning lathes | No. | TOOL | None | RO | A |
| | Automatic screw (bar) machines: | | | | | |
| 740315 | Automatic multispindle bar machines | No. | TOOL | 500 | RO | A |
| | Lathes, n. e. c. (specify by name): | | | | | |
| 740390 | Combination tube boring and turning lathes | No. | TOOL | 500 | RO | A |
| 740390 | Combination lathe, drilling and milling machines, specially designed for mobile military workshops or for naval craft. | No. | TOOL | 500 | RO | A |
| 740390 | Flotum lathes | No. | TOOL | 500 | RO | A |
| 740390 | Jet engine compressor case boring lathes | No. | TOOL | 500 | RO | A |
| 740390 | Jet engine compressor and turbine disc turning lathes. | No. | TOOL | 500 | RO | A |
| 740390 | Profiling or duplicating lathes, n. e. c. (report automatic chucking lathes and between center lathes in 740305). | No. | TOOL | 500 | RO | A |
| 740390 | Right angle (T) lathes (in which the bed is at right angles to the spindle). | No. | TOOL | 500 | RO | A |
| 740390 | Other spinning lathes, n. e. c., except those with spindle drive motor of 10 horsepower or less. | No. | TOOL | 500 | RO | A |
| 740405 | Automatic vertical boring and turning mills, including vertical turret lathes. | No. | TOOL | 500 | RO | A |
| 740405 | Nonautomatic vertical boring and turning mills, with table diameter 72 inches and over, including vertical turret lathes. | No. | TOOL | 500 | RO | A |
| | Boring machines, n. e. o. (specify by name): | | | | | |
| 740409 | Jig boring machines | No. | TOOL | 500 | RO | A |
| 740409 | Bomb nose and tail boring machines | No. | TOOL | 500 | RO | A |
| 740409 | Boring machines, production types, capable of an accuracy of 0.001 inch or better. | No. | TOOL | 500 | RO | A |
| 740604 | Shell tappers | No. | TOOL | 500 | RO | A |
| | Milling machines, n. e. c. (specify by name): | | | | | |
| 740800 | Aircraft skin milling machines | No. | TOOL | 500 | RO | A |
| 740800 | Planer milling machines and combination planer and planer-milling machines, with capacity for work pieces 48 inches wide and over or 15 feet long and over. | No. | TOOL | 500 | RO | A |
| 740800 | Die-sinking machines | No. | TOOL | 500 | RO | A |
| | GROUP 7—MACHINERY AND VEHICLES—continued | | | | | |
| | *Machine tools*—Continued | | | | | |
| | Power-driven metalworking machine tools (nonportable), and parts—Continued | | | | | |
| | Milling machines, n. e. o. (specify by name)—Continued | | | | | |
| 740800 | Profiling machines for marine and aircraft propeller blades. | No. | TOOL | 500 | RO | A |
| 740800 | Other profiling and duplicating milling machines | No. | TOOL | 500 | RO | A |
| 740800 | Horizontal spindle bed type automatic milling machines with tables 20 inches wide and over and/or 48 inches long and over. | No. | TOOL | 500 | RO | A |
| 740800 | Spar millers | No. | TOOL | 500 | RO | A |
| 740800 | Thread milling machines, 6-inch work diameter and over at the thread. | No. | TOOL | 500 | RO | A |
| 741110 | Gear-hobbing machines, over 48 inches maximum work diameter. | No. | TOOL | 500 | RO | A |
| 741120 | Gear-cutting machines, n. e. c. | No. | TOOL | 500 | RO | A |
| 741200 | Gear-tooth grinding and gear-tooth finishing machines, n. e. c., except non-generating type gear grinding machines. | No. | TOOL | 500 | RO | A |
| 742300 | Hollow drill deep-hole drilling machines (report hollow deep-hole drills in 744381). | No. | TOOL | 500 | RO | A |
| | Planers, except gear planers (report gear planers in 741120): | | | | | |
| 742600 | Armor plate planers | No. | TOOL | 500 | RO | A |
| 742600 | Planers, profiling, for aircraft or marine propeller blades. | No. | TOOL | 500 | RO | A |
| 742600 | Other planing machines with capacity for work pieces of 48 inches wide and over or 15 feet long and over. | No. | TOOL | 500 | RO | A |
| 743500 | Surface grinding machines as follows: (a) Multispindle, rotary table or work holder; (b) horizontal spindle, reciprocating table over 24 inches wide; (c) multispindle disk. | No. | TOOL | 500 | RO | A |
| | External cylindrical grinding machines: | | | | | |
| 743910 | External cylindrical grinding machines, equipped to grind jet engine rotors. | No. | TOOL | 500 | RO | A |
| 743910 | Roll grinding machines, fitted with or capable of being fitted with cambering device. | No. | TOOL | 500 | RO | A |
| 743910 | Crankshaft, crankpin, and camshaft grinders, with capacity for shafts 48 inches long or over, having either of the following characteristics: (a) Total weight of machine over 5 tons, or (b) designed for, or equipped with, wheel head motor exceeding 12 horsepower. | No. | TOOL | 500 | R | |
| 744100 | Internal grinding machines incorporating high frequency (over 60 cycles) spindles. | No. | TOOL | 500 | RO | A |
| 744100 | Internal cylindrical grinding machines as follows: Centerless; automatic feed; automatic sizing; or with any other automatic features. | No. | TOOL | 500 | R | |
| 744205 | Grinding machines for broaching tools, automatic cycle, automatic sizing. | No. | TOOL | 500 | RO | A |
| 744305 | Honing machines and combination honing and lapping machines (except gear) with multiple work stations (report gear honing and lapping machines in 741200). | No. | TOOL 2 | 500 | RO | A |
| | Grinding machines for cutting metal, p. e. c. (specify by name): | | | | | |
| 744311 | Automatic oscillating race radial grinders | No. | TOOL | 500 | RO | A |
| 744311 | Contour profile grinders | No. | TOOL | 500 | RO | A |
| 744311 | Jig grinders | No. | TOOL | 500 | RO | A |
| 744311 | Profiling grinders for marine and aircraft propeller blades. | No. | TOOL | 500 | RO | A |
| 744311 | Thread grinding machines | No. | TOOL | 500 | RO | A |



| Dept. of Commerce Schedule B No. | Commodity | Unit | Processing code and related commodity group | GLV dollar-value limits | Validated license required | Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra) |
|---|---|---|---|---|---|---|
| | GROUP 7—MACHINERY AND VEHICLES—continued | | | | | |
| | *Machine tools*—Continued | | | | | |
| | Power-driven metalworking machine tools (nonportable), and parts—Continued | | | | | |
| 744313 | Horizontal boring-drilling-milling machines (combination units). | No. | TOOL | 500 | RO | A |
| 744315 | External surface broaching machines | No. | TOOL | 500 | RO | A |
| 744316 | Rifling and rifle-working machines | No. | TOOL | 500 | RO | A |
| | Power-driven metalworking machine tools, n. e. c. (specify by name): | | | | | |
| 744319 | Contour band sawing and band filing machines designed to permit operator to select rate of cutting speed and to vary such speed while in operation, and to maintain at all times the desired rate of speed with a variation of less than 2 percent. | No. | TOOL | 500 | R | |
| 744319 | Machines specially designed for making or measuring gas turbine blades (report conventional machines used for this work under appropriate Schedule B number). | No. | TOOL | 500 | RO | A |
| 744319 | Multistation machine tools in which the work piece is indexed or transferred successively from station to station. | No. | TOOL | 500 | R | |
| 744340 | Parts, n. e. c., specially fabricated for metalworking machine tools included on the Positive List under Schedule B Nos. 740005 through 744319 for which validated license is required to both R and O country destinations (specify type and model of machine tool for which parts are fabricated). | ---------- | TOOL 1 | 250 | RO | A E |
| 744340 | Parts, n. e. c., specially fabricated for metalworking machine tools included on the Positive List under Schedule B Nos. 743910, 744100, and 744319 for which validated license is required to R country destinations only (specify type and model of machine tool for which parts are fabricated). | ---------- | TOOL 1 | 250 | R | E |
| | *Metalworking machines, n. e. c., parts and accessories (including accessories and attachments for machine tools)* | | | | | |
| | Accessories and attachments, n. e. c., for power-driven nonportable machine tools, n. e. c.: | | | | | |
| | Metal-cutting tools and specially fabricated parts, n. e. c., for machine operation (not incorporating industrial diamonds) (specify by name) (report metal-cutting dies incorporating industrial diamonds in 745503): | | | | | |
| 744381 | Hollow deep-hole drills | ---------- | TOOL 1 | 250 | RO | A |
| 744381 | Surface broaching tools | ---------- | TOOL 1 | 250 | RO | A |
| | Accessories and attachments, n. e. c., for machine tools, and specially fabricated parts, n. e. c.: | | | | | |
| 744383 | Attachments for center and capstan lathes, milling machines and vertical boring machines which make them capable of profiling and duplication. | ---------- | TOOL 1 | 250 | RO | A |
| 744383 | High frequency grinding wheel spindles and spindle assemblies for internal grinding machines (report internal grinding machines in 744100). | ---------- | TOOL | None | RO | A |
| 744383 | Jigs and fixtures, military type, and specially fabricated parts therefor (report assembling jigs, and fixtures and accessories therefor in 775708). | ---------- | TOOL 1 | 100 | RO | A |
| | GROUP 7—MACHINERY AND VEHICLES—continued | | | | | |
| | *Metalworking machines, n. e. c., parts and accessories (including accessories and attachments for machine tools)*—Continued | | | | | |
| | Accessories and attachments, n. e. c., for power-driven nonportable machine tools, n. e. c.—Continued | | | | | |
| | Accessories and attachments, n. e. c., for machine tools, and specially fabricated parts, n. e. c.—Continued | | | | | |
| 744383 | Other accessories and attachments for use exclusively on types of machine tools included on the Positive List under Schedule B Nos. 740005 through 744319 (specify type and model of machine tool with which accessories and attachments are to be used). | ---------- | TOOL 1 | 500 | RO | A |
| 744415 | Bending and forming machines equipped for the working and forming of aircraft sheet, plate or extrusions. | No. | TOOL | 500 | RO | A |
| | Hydraulic and pneumatic presses, all types, including forging presses: | No. | TOOL | 500 | RO | A |
| 744420 | Hydraulic and pneumatic presses equipped for the working or forming of aircraft sheet, plate or extrusions. | | | | | |
| 744420 | Hydraulic and pneumatic presses, equipped to manufacture arms, munitions, and implements of war. | No. | TOOL | 500 | RO | A |
| 744420 | Other hydraulic presses with rated capacity of over 1,000 tons. | No. | TOOL | 500 | RO | A |
| 744420 | Other hydraulic presses with rated capacity of 1,000 tons or less. | No. | TOOL | 500 | R | |
| | Mechanical presses, power driven, all types: | | | | | |
| 744425 | Mechanical presses equipped for the working or forming of aircraft sheet, plate or extrusions. | No. | TOOL | 500 | RO | A |
| 744425 | Mechanical presses, equipped to manufacture arms, munitions, and implements of war. | No. | TOOL | 500 | RO | A |
| 744425 | Other mechanical presses with rated capacity of over 1,000 tons. | No. | TOOL | 500 | RO | A |
| 744425 | Other mechanical presses with rated capacity of 1,000 tons or less. | No. | TOOL | 500 | R | |
| 744430 | Punching and shearing machines equipped for the working or forming of aircraft sheet, plate or extrusions. | No. | TOOL | 500 | RO | A |
| 744490 | Parts and accessories, n. e. c., specially fabricated for metalworking machines included on the Positive List under Schedule B Nos. 744415, 744420, 744425, and 744430, for which validated license is required to both R and O country destinations. | ---------- | TOOL | 500 | RO | A |
| 744490 | Parts and accessories, n. e. c., specially fabricated for metalworking machines included on the Positive List under Schedule B Nos. 744420 and 744425, for which validated license is required to R country destinations only. | ---------- | TOOL | 500 | R | |
| | Forging machines and hammers, except hydraulic forging presses: | | | | | |
| 744710 | Bomb nose and tail forging machines | No. | TOOL | 100 | RO | A |
| 744710 | Forging hammers as follows: (a) Having falling weight exceeding 3 tons; (b) steam, air, or mechanical hammers of rated size exceeding 2.5 tons. | No. | TOOL | 500 | RO | A |
| 744710 | Forging rolls | No. | TOOL | 500 | RO | A |
| 744710 | Forging machines capable of operating on bar stock of a diameter exceeding 3.5 inches or equivalent cross section. | No. | TOOL | 500 | RO | A |

| Dept. of Commerce Schedule B No. | Commodity | Unit | Processing code and related commodity group | GLV dollar-value limits | Valdated license required | Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra) |
|---|---|---|---|---|---|---|
| | GROUP 7—MACHINERY AND VEHICLES—continued | | | | | |
| | *Metalworking machines, n. e. c. parts and accessories (including accessories and attachments for machine tools)*—Continued | | | | | |
| | Parts and accessories, n. e. c., specially fabricated for machines, except hydraulic forging presses and hammers, and except parts and accessories, n. e. c. | | | | | |
| 744730 | Parts and accessories, n. e. c., specially fabricated for bomb nose and tail forging machines. | ..... | TOOL | 100 | RO | A |
| 744750 | Parts and accessories, n. e. c., specially fabricated for forging hammers having a designed capacity of 50 cubic inches or more per blow | ..... | TOOL | 500 | RO | A |
| | Mechanical hammers of rated size exceeding 2.5 tons; forging rolls; and forging machines capable of operating on bar stock of a diameter exceeding 3.5 inches or equivalent cross section. | | | | | |
| 744750 | Machinery for drawing and/or tempering: (a) Wire 0.016 inches in diameter or less; or (b) tubing 0.020 inches in diameter or less; and specially fabricated parts, n. e. c. | ..... | TOOL | 500 | RO | A |
| 744800 | Rolling mill machines, and specially fabricated parts, n. e. c. | ..... | TOOL | 500 | RO | A |
| | Foundry equipment and parts: | | | | | |
| 745000 | Molding machines, artillery casting | No. | TOOL | 500 | RO | A |
| 745050 | Artillery die-casting machines, and specially fabricated parts, n. e. c. | ..... | TOOL | 500 | RO | A |
| 745090 | Artillery centrifugal-casting machines, and specially fabricated parts, n. e. c. | ..... | TOOL | 500 | RO | A |
| 745298 | Parts and accessories for molding machines, artillery casting. | ..... | TOOL | 500 | RO | A |
| 745503 | Diamond wire drawing dies | No. | TOOL | 100 | RO | A |
| 745815 | Machines for flame hardening | ..... | TOOL | 500 | RO | A |
| 746010 | Equipment designed for removing surplus stock from work pieces as follows: (a) By electrical discharge (spark) machining; (b) by ultrasonic vibrations; or (c) by electrolytic means in combination with abrasive action. | ..... | TOOL | 100 | RO | A |
| | *Other industrial machines and parts* | | | | | |
| | Air-conditioning and refrigerating equipment, n. e. c., and parts, n. e. c. (electric, gas, gasoline, and kerosene operated): | | | | | |
| 764670 | Reciprocating compressor units, over 10 horsepower and under 25 horsepower, having a designed capacity of 60 c. f. m. or over, and all flow-contact surfaces made of aluminum, nickel, or alloy containing 60 percent or more nickel (specify c. f. m. capacity and kind of metal, and if nickel alloy, state percentage of nickel content). | No. | GIEQ | 500 | RO | A |
| 764680 | Reciprocating compressor units, over 25 horsepower, having a designed capacity of 60 c. f. m. or over, and all flow-contact surfaces made of aluminum, nickel, or alloy containing 60 percent or more nickel (specify c. f. m. capacity and kind of metal, and if nickel alloy, state percentage of nickel content), and (a) having a drive unit rated at 900 horsepower or more, or (b) requiring a drive unit rated at 300 horsepower or more when designed for a delivery pressure exceeding 450 p. s. i. (specify delivery pressure and horsepower). | No. | GIEQ | None | RO | A |
| 764680 | Reciprocating compressor units, over 25 horsepower having a designed capacity of 60 cfm or over, and all flow-contact surfaces made of aluminum, nickel, or alloy containing 60 percent or more nickel (specify c. f. m. capacity and kind of metal, and if nickel alloy, state percentage of nickel content), | No. | GIEQ | 500 | RO | A |

| Dept. of Commerce Schedule B No. | Commodity | Unit | Processing code and related commodity group | GLV dollar-value limits | Valdated license required | Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra) |
|---|---|---|---|---|---|---|
| | GROUP 7—MACHINERY AND VEHICLES—continued | | | | | |
| | *Other industrial machines and parts*—Continued | | | | | |
| | Air compressors: | | | | | |
| 770500 | Stationary, capacity over 25 cubic feet: Compressors: (a) Requiring a drive unit rated at 900 horsepower or more, or (b) requiring a drive unit rated at 300 horsepower or more when designed for a delivery pressure exceeding 450 p. s. i. (specify delivery pressure and horsepower). | No. | CONS 2 | None | RO | A |
| 770500 | Compressors having a designed capacity of 60 c. f. m. or over, and all flow-contact surfaces made of aluminum, nickel, or alloy containing 60 percent or more nickel (specify c. f. m. capacity and kind of metal, and if nickel alloy, state percentage of nickel content). | No. | CONS 2 | 500 | RO | A |
| 770515 | Portable, capacity 60 cubic feet and over: Compressors having all flow-contact surfaces made of aluminum, nickel, or alloy containing 60 percent or more nickel (specify c. f. m. capacity and kind of metal, and if nickel alloy, state percentage of nickel content). | No. | CONS 2 | 500 | RO | A |
| 770525 | Gas compressors: (a) Requiring a drive unit rated at 900 horsepower or more, or (b) requiring a drive unit rated at 300 horsepower or more when designed for a delivery pressure exceeding 450 p. s. i. (specify delivery pressure and horsepower). | No. | CONS 2 | None | RO | A |
| 770525 | Gas compressors having a designed capacity of 60 c. f. m. or over, and all flow-contact surfaces made of aluminum, nickel, or alloy containing 60 percent or more nickel (specify c. f. m. capacity and kind of metal, and if nickel alloy, state percentage of nickel content). | No. | CONS 2 | 500 | RO | A |
| 770530 | Parts, n. e. c., specially fabricated for air and gas compressors, except those specified elsewhere under Schedule B Nos. 770500, 770515, and 770525. (Complete knockdown compressors should be reported in the proper compressor classifications, whether the integral components are shipped simultaneously or in a series of separate shipments.) | ..... | CONS 2 | 500 | RO | A |
| 770700 | Blowers, n. e. c., turboblowers, and parts: Centrifugal blowers (except turboblowers), designed to compress air or gas: (a) Requiring a drive unit rated at 900 horsepower or more, or (b) requiring a drive unit rated at 300 horsepower or more when designed for a delivery pressure exceeding 450 p. s. i. (specify delivery pressure and horsepower). | No. | CONS 2 | None | RO | A |
| 770700 | Centrifugal blowers (except turboblowers), having a designed capacity of 60 c. f. m. or over, and all flow-contact surfaces made of aluminum, nickel, or alloy containing 60 percent or more nickel (specify c. f. m. capacity and kind of metal, and if nickel alloy, state percentage of nickel content). | No. | CONS 2 | 500 | RO | A |



| Dept. of Commerce Schedule B No. | Commodity | Unit | Processing code and related commodity group | GLV dollar-value limits | Valdated license required | Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra) |
|---|---|---|---|---|---|---|
| | GROUP 7—MACHINERY AND VEHICLES—continued | | | | | |
| | *Other industrial machines and parts*—Continued | | | | | |
| | Physical properties testing and inspecting machines, n. e. c., and specially fabricated parts and accessories, n. e. c. (report mass spectrometer type leak detectors in 919060): | | | | | |
| 766990 | Gear testing machines and specially fabricated parts, n. e. c. (specify type). | ..... | TOOL | 250 | RO | A |
| 766990 | Testing and inspecting machines incorporating transonic, supersonic or ultrasonic generators designed for operation at 17,000 cycles per second or over, and specially fabricated parts, n. e. c. | ..... | GIEQ | None | RO | A |
| | Size measuring machines and instruments, n. e. c., and specially fabricated parts, n. e. c.: | | | | | |
| 766993 | Instruments or devices capable of controlling the dimensions of a rolling product during its manufacture, and specially fabricated parts, n. e. c. | ..... | TOOL | 250 | RO | A |
| | Geophysical and mineral prospecting equipment, n. e. c., and specially fabricated parts, n. e. c. (specify by name): [14] | | | | | |
| 766995 | Electronic or flaregate magnetometers, and specially fabricated parts, n. e. c. | ..... | MINE | None | RO | A |
| 766995 | Geiger-Mueller counters (all types), and specially fabricated parts, n. e. c. (report Geiger-Mueller counter tubes in 707580). [14] | ..... | MINE | 100 | RO | A B C |
| 766995 | Other radiation detection instruments, field exploration type (including field exploration scintillation counters), and specially fabricated parts, n. e. c. (report all other types of radiation detection instruments in 919080). [14] | ..... | MINE | None | RO | A B C |
| 766995 | Gravity meters, and specially fabricated parts, n. e. c. | ..... | MINE | 100 | R | A B C |
| 766995 | Seismic or seismograph equipment, (excluding observatory type) and specially fabricated parts, n. e. c. | ..... | MINE | 100 | R | |
| 766995 | Well-logging instruments and equipment, and specially fabricated parts, n. e. c. (report isotopes in 925940) | ..... | MINE | 100 | RO | A |
| 769100 | Ball bearings, including all components, and specially fabricated parts except separate balls [15] (report separate balls in 769310) (see § 399.2, Interpretation 2) | ..... | GIEQ 3 | 100 | RO | A E |
| 769200 | Roller bearings including all components, and specially fabricated parts except separate rollers [15] (report separate rollers in 769315) (see § 399.2, Interpretation 2) | ..... | GIEQ 3 | 100 | RO | A E |
| 769310 | Balls for bearings (see § 399.2 Interpretation 2) | ..... | GIEQ 3 | 100 | RO | A E |
| 769315 | Rollers for bearings (see § 399.2, Interpretation 2) | ..... | GIEQ 3 | 100 | RO | A E |
| 769320 | Plain bearings, n. e. c. (specify by name): [15] Water-lubricated bearings, wear bearing surfaces, and specially fabricated parts. | ..... | RUBR | 250 | RO | A F |

[14] See § 370.4 (a) for commodities under this heading which require export authorization from the Department of State.

[15] Outstanding licenses covering these commodities which were issued by the Atomic Energy Commission prior to Feb. 18, 1956, remain valid until they expire or are revoked, and requests for amendments to such licenses shall be made to the AEC.

[1] Bearings and parts for aircraft (except separate balls and rollers), Schedule B Nos. 769100, 769200, and 769320, require export authorization from the Department of State. See § 370.4 (a).

| Dept. of Commerce Schedule B No. | Commodity | Unit | Processing code and related commodity group | GLV dollar-value limits | Validated license required | Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra) |
|---|---|---|---|---|---|---|
| | GROUP 7—MACHINERY AND VEHICLES—continued | | | | | |
| | *Other industrial machines and parts*—Continued | | | | | |
| | Blowers, n. e. c., turboblowers, and parts—Con. | | | | | |
| 770710 | Axial blowers (except turboblowers), designed to compress air or gas: (a) Requiring a drive unit rated at 900 horsepower or more, or (b) requiring a drive unit rated at 300 horsepower or more when designed for a delivery pressure exceeding 450 p. s. i. (specify delivery pressure and horsepower). | No. | CONS 2 | None | RO | A |
| 770710 | Axial blowers (except turboblowers), having [illegible] | No. | CONS 2 | 500 | RO | A |
| 770720 | all flow-contact surfaces made of aluminum, nickel, or alloy containing 60 percent or more nickel (specify c. f. m. capacity and kind of metal, and if nickel alloy, state percentage of nickel content). Turboblowers designed to compress air or gas: (a) Requiring a drive unit rated at 900 horsepower or more, or (b) requiring a drive unit rated at 300 horsepower or more when designed for a delivery pressure exceeding 450 p. s. i. (specify delivery pressure and horsepower). | No. | CONS 2 | None | RO | A |
| 770720 | Turboblowers having a designed capacity of 60 c. f. m. or over, and all flow-contact surfaces made of aluminum, nickel, or alloy containing 60 percent or more nickel (specify c. f. m. capacity and kind of metal, and if nickel alloy, state percentage of nickel content). | No. | CONS 2 | 500 | RO | A |
| 770775 | Blowers, n. e. c., designed to compress air or gas: (a) Requiring a drive unit rated at 900 horsepower or more, or (b) requiring a drive unit rated at 300 horsepower or more when designed for a delivery pressure exceeding 450 p. s. i. (specify delivery pressure and horsepower). | No. | CONS 2 | None | RO | A |
| 770775 | Blowers, n. e. c., having a designed capacity of 60 c. f. m. or over, and all flow-contact surfaces made of aluminum, nickel, or alloy containing 60 percent or more nickel (specify c. f. m. capacity and kind of metal, and if nickel alloy, state percentage of nickel content). | No. | CONS 2 | 500 | RO | A |
| 770775 | Parts, n. e. c., specially fabricated for blowers included on the Positive List under Schedule B Nos. 770700 through 770775. (Complete knockdown blowers should be reported in the proper blower classification, whether the integral components are shipped simultaneously or in a series of partial shipments.) | ---------- | CONS 2 | 500 | RO | A |
| 770820 | Mechanical vacuum pumps capable of producing a vacuum of 0.01 mm. or less mercury pressure absolute, except pumps having a capacity of less than 60 liters of free air per minute. | No. | GIEQ 1 | None | RO | A E F |
| 770820 | Other mechanical vacuum pumps capable of producing a vacuum of 0.1 mm. or less mercury pressure absolute. | No. | GIEQ 1 | None | R | E F |
| 770850 | Diffusion vacuum pumps, less than 5 inches in diameter (diameter measured inside the barrel at the inlet jet). | No. | GIEQ 1 | None | RO | A |
| 770870 | Diffusion vacuum pumps, 5 inches in diameter and larger (diameter measured inside the barrel at the inlet jet).[18] | No. | GIEQ 1 | None | RO | A C G |
| | GROUP 7—MACHINERY AND VEHICLES—continued | | | | | |
| | *Other industrial machines and parts*—Continued | | | | | |
| 770900 | Pumping equipment, n. e. c. (specify type of pump by generic name according to following classifications): Centrifugal pumps designed to produce pressures of 450 p. s. i. or more and with a delivery capacity exceeding 200 g. p. m. (specify pressure and delivery capacity). | No. | CONS 3 | None | RO | A |
| 770900 | Centrifugal pumps having all flow-contact surfaces made of any of the following materials, either separately or combined: (a) 10 percent or more chromium, nickel, or silicon; (b) 50 percent or more cobalt or molybdenum; (c) 90 percent or more tantalum, titanium, or zirconium; (d) polytetrafluoroethylene (e. g., Teflon), or polytrifluorochloroethylene (specify metal content in percent). | No. | CONS 3 | None | RO | A |
| 770910 | Turbine pumps designed to produce pressures of 450 p. s. i. or more and with a delivery capacity exceeding 200 g. p. m. (specify pressure and delivery capacity). | No. | CONS 3 | None | RO | A |
| 770910 | Turbine pumps having all flow-contact surfaces made of any of the following materials, either separately or combined: (a) 10 percent or more chromium, nickel, or silicon; (b) 50 percent or more cobalt or molybdenum; (c) 90 percent or more tantalum, titanium, or zirconium; (d) polytetrafluoroethylene (e. g., Teflon), or polytrifluorochloroethylene (specify metal content in percent). | No. | CONS 3 | None | RO | A |
| 770920 | Rotary pumps designed to produce pressures of 450 p. s. i. or more and with a delivery capacity exceeding 200 g. p. m. (specify pressure and delivery capacity). | No. | CONS 3 | None | RO | A |
| 770920 | Rotary pumps having all flow-contact surfaces made of any of the following materials, either separately or combined: (a) 10 percent or more chromium, nickel, or silicon; (b) 50 percent or more cobalt or molybdenum; (c) 90 percent or more tantalum, titanium or zirconium; (d) polytetrafluoroethylene (e. g., Teflon), or polytrifluorochloroethylene (specify metal content in percent). | No. | CONS 3 | None | RO | A |
| 770930 | Diaphragm pumps having all flow-contact surfaces made of any of the following materials, either separately or combined: (a) 10 percent or more chromium, nickel, or silicon; (b) 50 percent or more cobalt or molybdenum; (c) 90 percent or more tantalum, titanium, or zirconium; (d) polytetrafluoroethylene (e. g., Teflon), or polytrifluorochloroethylene (specify metal content in percent). | No. | CONS 3 | None | RO | A |
| 770940 | Reciprocating steam pumps designed to produce pressures of 450 p. s. i. or more and with a delivery capacity exceeding 200 g. p. m. (specify pressure and delivery capacity). | No. | CONS 3 | None | RO | A |

[18] All outstanding licenses issued by the Atomic Energy Commission prior to Sept. 26, 1955, remain valid until they expire or are revoked, and any requests for amendments to such licenses shall be made to the AEC.



| Dept. of Commerce Schedule B No. | Commodity | Unit | Processing code and related commodity group | GLV dollar-value limits | Validated license required | Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra) |
|---|---|---|---|---|---|---|
| | GROUP 7—MACHINERY AND VEHICLES—continued | | | | | |
| | *Other industrial machines and parts*—Continued | | | | | |
| | Pumping equipment, n. e. c. (specify type of pump by generic name according to following classifications)—Continued | | | | | |
| 770940 | Reciprocating steam pumps having all flow-contact surfaces made of any of the following materials, either separately or combined: (a) 10 percent or more chromium, nickel, or silicon; (b) 50 percent or more cobalt or molybdenum; (c) 90 percent or more tantalum, titanium, or zirconium; (d) polytetrafluoroethylene (e. g., Teflon), or polytrifluorochloroethylene (specify metal content in percent). | No. | CONS 3 | None | RO | A |
| 770950 | Other reciprocating pumps designed to produce pressures of 450 p. s. i. or more and with a delivery capacity of 200 g. p. m. (specify pressure and delivery capacity). | No. | CONS 3 | None | RO | A |
| 770950 | Other reciprocating pumps having all flow-contact surfaces made of any of the following materials, either separately or combined: (a) 10 percent or more chromium, nickel, or silicon; (b) 50 percent or more cobalt or molybdenum; (c) 90 percent or more tantalum, titanium, or zirconium; (d) polytetrafluoroethylene (e. g., Teflon), or polytrifluorochloroethylene (specify metal content in percent). | No. | CONS 3 | None | RO | A |
| 770980 | Ion vacuum pumps | No. | GIEQ 1 | None | RO | A C G |
| 770980 | Pumps, n. e. c., designed to move molten metals by electromagnetic forces (specify that pumps are so designed). | No. | CONS 3 | None | RO | A |
| 770980 | Pumps, n. e. c., designed to produce pressures of 450 p. s. i. or more and with a delivery capacity exceeding 200 g. p. m. (specify pressure and delivery capacity). | No. | CONS 3 | None | RO | A |
| 770980 | Pumps, n. e. c., having all flow-contact surfaces made of any of the following materials, either separately or combined: (a) 10 percent or more chromium, nickel, or silicon; (b) 50 percent or more cobalt or molybdenum; (c) 90 percent or more tantalum, titanium, or zirconium; (d) polytetrafluoroethylene (e. g., Teflon), or polytrifluorochloroethylene (specify metal content in percent). | No. | CONS 3 | None | RO | A |
| 770995 | Parts, n. e. c., specially fabricated for pumps included on the Positive List under Schedule B Nos. 770900 through 770980. (Complete knockdown pumps should be reported in the proper pump classifications, whether the integral components are shipped simultaneously or in a series of partial shipments.) | ---------- | CONS 3 | 500 | RO | A E F |
| 770995 | Parts, n. e. c., specially fabricated for vacuum pumps included on the Positive List under Schedule B Nos. 770820 through 770870. (Complete knockdown pumps should be reported in the proper pump classifications, whether the integral components are shipped simultaneously or in a series of partial shipments.) | ---------- | GIEQ 1 | None | RO | A |
| 771120 | Jet ejectors, and specially fabricated parts, n. e. c. (specify type). | ---------- | GIEQ | None | RO | A E F |
| 771140 | Condensers, tubular (heat exchanger type), designed to operate at pressures of 300 p. s. i. and above and with all flow-contact surfaces made of any of the following materials: aluminum, nickel, titanium, zirconium, or alloys containing 60 percent or more nickel, and specially fabricated parts therefor (report tubing shipped as spares or replacements under tubular products according to material). | ---------- | GIEQ | 100 | RO | A |
| | Heat exchangers (except refrigeration type), and steam specialty heaters, and specially fabricated parts, n. e. c. (specify by name): | | | | | |
| 771200 | Boiler superheaters, feedwater heaters, and economizers, for boilers designed to operate at 450 p. s. i. g. or more, and specially fabricated parts, n. e. c. | ---------- | GIEQ 23 | 250 | RO | A |
| 771200 | Boiler superheaters, feedwater heaters, and economizers, for stationary boilers designed to operate at pressures more than 250 p. s. i. g., and less than 450 p. s. i. g., and specially fabricated parts, n. e. c. | ---------- | GIEQ 23 | 250 | R | A |
| 771200 | Tubular heat exchangers designed to operate at pressures of 300 p. s. i. and above and with all flow-contact surfaces made of any of the following materials: aluminum, nickel, titanium, zirconium, or alloys containing 60 percent or more nickel, and specially fabricated parts therefor (report tubing shipped as spares or replacements under tubular products according to material). | ---------- | GIEQ | 100 | RO | A |
| | Pipe valves, except automatic control or regulating: | | | | | |
| | Iron or steel: | | | | | |
| 774450 | Valves and cocks fitted with bellows seal, and wholly made of or lined with aluminum, nickel, or alloy containing 60 percent or more nickel. | No. | GIEQ 5 | 50 | RO | A B C |
| 774450 | Other valves and cocks having all flow-contact surfaces made of any of the following materials: (a) 90 percent or more tantalum, titanium or zirconium either separately or combined; (b) 50 percent or more cobalt or molybdenum, either separately or combined; (c) 10 percent or more silicon (as metal alloy), chromium or nickel, either separately or combined: (d) polytetrafluoroethylene (e. g., Teflon); polytrifluorochloroethylene (give full specifications). | No. | GIEQ 5 | 50 | RO | A E |
| | Brass, bronze, or other nonferrous metals: | | | | | |
| 774465 | Valves and cocks fitted with bellows seal, and wholly made of or lined with aluminum, nickel, or alloy containing 60 percent or more nickel. | No. | GIEQ 5 | 50 | RO | A B C |
| 774465 | Other valves and cocks having all flow-contact surfaces made of any of the following materials: (a) 90 percent or more tantalum, titanium or zirconium, either separately or combined; (b) 50 percent or more cobalt or molybdenum, either separately or combined; (c) 10 percent or more silicon (as metal alloy), chromium or nickel, either separately or combined; (d) polytetrafluoroethylene (e. g., Teflon) polytrifluorochloroethylene (give full specifications). | No. | GIEQ 5 | 50 | RO | A E |

| Dept. of Commerce Schedule B No. | Commodity | Unit | Processing code and related commodity group | GLV dollar-value limits | Validated license required | Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra) |
|---|---|---|---|---|---|---|
| | GROUP 7—MACHINERY AND VEHICLES—continued | | | | | |
| | *Other industrial machines and parts*—Continued | | | | | |
| 775035 | Electronic, fluorescent, and incandescent bulb and tube (lamp) manufacturing and assembling machines, n. e. c.; specially fabricated parts and accessories, n. e. c.; and specially designed equipment, n. e. c., for the production of bulb or tube components, parts, subassemblies, and assemblies; (2) automatic bulb and tube glass component-making machines in 775030.) | ..... | GIEQ 17 | 100 | RO | A |
| 775043 | Bubble towers and distillation columns | No. | MINE | 100 | RO | A |
| 775049 | Plastic materials, specially fabricated for petroleum refining equipment | Lb. | MINE | 500 | RO | A |
| 775049 | Petroleum refining equipment, n. e. c., and specially fabricated parts, n. e. c. (specify by name). | ..... | MINE | 500 | RO | A |
| | Chemical and pharmaceutical processing and manufacturing machines, n. e. c., and specially fabricated parts, n. e. c. (report spinning pumps in 770960; report furnaces under appropriate Schedule B No. according to type of furnace, e. g., electric melting and refining furnaces for the production of chemicals, 774710). | | | | | |
| 775053 | Acid concentrating equipment | ..... | GIEQ 1 | 250 | RO | A |
| 775055 | Cast iron shafts for pyrites roasters | ..... | MINE 5 | None | R | A |
| 775055 | Dehydration presses, double opposed hydraulic ram type. | ..... | GIEQ 2 | 250 | RO | A B C |
| 775055 | Electrolytic cells for production of elemental chlorine (gaseous or liquid). | ..... | GIEQ 1 | 250 | RO | A |
| 775055 | Equipment specially designed for the production of chlorine (gaseous or liquid), sodium, and magnesium. | ..... | GIEQ 1 | 250 | RO | A |
| 775055 | Equipment for the production or concentration of deuterium oxide. | ..... | GIEQ 1 | None | RO | A B C G |
| 775055 | Equipment for the production or refining of hydrocarbons other than petroleum by processes involving alkylation, thermal and catalytic cracking and reforming units, isomerization, aromatization, dehydrogenation, hydrogenation, and polymerization. | ..... | GIEQ 1 | None | RO | A |
| 775055 | Equipment for the production of chlorine | ..... | GIEQ 1 | 250 | RO | A |
| 775055 | Extrusion presses, hydraulic ram and closure type. | ..... | GIEQ 2 | 250 | RO | A |
| 775055 | Gas- (including air) liquefying equipment and specially fabricated equipment for handling liquefied gases. | ..... | GIEQ 1 | 250 | RO | A |
| 775055 | Hydrogenation equipment designed to operate under pressure under pressure of 300 p. s. i. or over. | ..... | GIEQ 1 | 250 | RO | A |
| 775055 | Nitrators | ..... | GIEQ 2 | 250 | RO | A |
| 775055 | Oxygen-production equipment, atmospheric process. | ..... | GIEQ 1 | 500 | RO | A |
| 775058 | Power-cutting machines, with feed rolls geared to rotating cutter blades. | ..... | GIEQ 2 | 250 | RO | A |
| 775055 | Sweetie barrels, revolving type, 5 feet or more in maximum diameter. | ..... | GIEQ 2 | 250 | RO | A |
| 775055 | Vessels, towers and columns having any of the following characteristics: (a) Any reaction vessel, tower, or column; (b) towers or columns utilizing fractionating trays and bubble caps; (c) vessels or towers containing alloy steel of one percent or more chrome and one-half percent or more molybdenum and/or nickel; and (d) vessels or towers designed to operate at pressures of 300 p. s. i. or over. | ..... | GIEQ 1 | 250 | RO | A |
| 775060 | Optical curve generators (grinders, surfacers, and testers) for producing conic sections (sphering, toric, cylinder, spherical) on glass or other material without the use of mating surfaces or laps (report parts containing diamonds as instructed in § 373.49 (c). | ..... | GIEQ | 100 | RO | A |

| Dept. of Commerce Schedule B No. | Commodity | Unit | Processing code and related commodity group | GLV dollar-value limits | Validated license required | Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra) |
|---|---|---|---|---|---|---|
| 774480 | Pipe valves, except automatic control or regulating: Control valves: Nonmetal valves: Valves and cocks having all flow-contact surfaces made of polytetrafluoroethylene (e. g., Teflon) or polytrifluorochlorethylene. | No. | GIEQ 5 | 50 | RO | A B C |
| | Automatic control or regulating valves, n. e. c. (any pipe valve having a mechanism partially integral, i. e., directly attached by adaptors and bolts, or a body, internal, or external) | | | | | |
| 774490 | automatic control valves, specially fabricated for petroleum refining equipment. | No. | GIEQ 5 | 50 | RO | A B C |
| 774490 | Automatic control valves, throttling types, capable of being adjusted at more than one control position between "full open" and "full closed". | No. | GIEQ 5 | 50 | RO | A |
| 774490 | Automatic control valves having all flow-contact surfaces made of any of the following materials: (a) 90 percent or more tantalum, titanium or zirconium, either separately or combined; (b) 40 percent or more cobalt combined with 40 percent or more nickel (as in metal alloy); (c) 10 percent or more silicon (as metal alloy), chromium or nickel, either separately or combined; (d) polytetrafluoroethylene (e. g., Teflon); polytrifluorochloroethylene, except the following types of valves: (1) Valves and cocks designed for working pressures of less than 450 p. s. i. (30 kg. per sq. cm.); (2) valves and cocks specially designed for milking machines and for electric household refrigerators and freezers; and (3) check valves. | No. | GIEQ 5 | 50 | RO | A E |
| 774498 | Parts, n. e. c., specially fabricated for: metal valves and cocks fitted with bellows seal and wholly made of or lined with aluminum, nickel, or alloy containing 60 percent or more nickel, and nonmetal valves and cocks having all flow-contact surfaces made of polytetrafluoroethylene (e. g., Teflon) or polytrifluorochloroethylene (specify Schedule B number of valve for which parts are intended, valve size, type, and working pressure). | ..... | GIEQ 5 | 50 | RO | A B C |
| 774498 | Parts, n. e. c., specially fabricated for other than valves and cocks listed in the Positive List under Schedule B No. 774450-774490 (specify Schedule B number of valve for which parts are intended, valve size, type, and working pressure). | ..... | GIEQ 5 | 50 | RO | A E |
| 775000 | Glassmaking, glass-forming and glass finishing machines, n. e. c., and specially fabricated parts, n. e. c., specially designed for, or capable of producing glass components for electronic, fluorescent and incandescent bulbs and tubes. | ..... | GIEQ 17 | 100 | RO | A |
| 775000 | Optical curve generators (grinders, surfacers, and testers) for producing conic sections (sphering, toric, cylinder, spherical on glass or other material without the use of mating surfaces or laps (report parts containing diamonds as instructed in § 373.49 (c). | ..... | GIEQ | 100 | RO | A |

[1] All working pressures are based on tests with water at a temperature not exceeding 125° F.



| Dept. of Commerce Schedule B No. | Commodity | Unit | Processing code and related commodity group | GLV dollar-value limits | Validated license required | Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra) |
|---|---|---|---|---|---|---|
| | GROUP 7—MACHINERY AND VEHICLES—continued | | | | | |
| | *Other industrial machines and parts*—Continued | | | | | |
| 775060 | Separators and collectors, industrial process type, n. e. c., and specially fabricated accessories and parts, n. e. c. (specify by name) (report ore and coal separating machines in 730750; electrostatic precipitators, precipitron type, in 770750; and drum filters for petroleum refining equipment in 774710). | ..... | GIEQ 1 | 250 | RO | A B C |
| 775060 | Centrifugal power blowers, fully inside or lined with aluminum, nickel, or alloy containing 60 percent or more nickel. | ..... | GIEQ 1 | 250 | RO | A |
| 775060 | Cyclone separators, and specially fabricated parts, n. e. c. | ..... | GIEQ 1 | 250 | RO | A |
| 775090 | Drum filters, and specially fabricated parts, n. e. c. | ..... | GIEQ 1 | 250 | RO | A |
| 775090 | Oil and gas separators, and specially fabricated parts, n. e. c. | ..... | GIEQ 1 | 250 | RO | A |
| 775098 | Industrial manufacturing and service-industries machines, n. e. c., and specially fabricated parts, n. e. c. (report electric furnaces, kilns and ovens in 767415-767492); Assembling, inserting, and attaching machines for military equipment (report jigs and fixtures for machine tools under 743883). | ..... | GIEQ 2 | None | RO | A |
| 775098 | Machines for applying insulating separators or insulating coverings to metal conductors of electric cables, and specially fabricated parts, n. e. c. | ..... | TOOL | 500 | RO | A |
| 775098 | Machines for applying metal strip or sheet to form the outer conductor of coaxial electric cable; and specially fabricated parts, n. e. c. | ..... | TOOL | 500 | RO | A |
| 775098 | Machines for applying insulating material to conductors, with or without conductors, and specially fabricated parts, n. e. c. | ..... | TOOL | 500 | RO | A |
| 775098 | Machines for applying insulating material to conductors of multipair electric telecommunication cables; and specially fabricated parts, n. e. c. | ..... | TOOL | 500 | RO | A |
| 775098 | Machines for laying together conductors for multipair telecommunication cables and/or applying insulating, separating, binding, or identifying material thereto; and specially fabricated parts, n. e. c. | ..... | TOOL | 500 | RO | A |
| 775098 | Machines for laying together conductors (pairs, quads, etc.) to form complete cable core or a part thereof; and specially fabricated parts, n. e. c. | ..... | TOOL | 500 | RO | A |
| 775098 | Equipment, n. e. c., for the production of multipair telecommunication cables; and specially fabricated parts therefor (report chemical processing equipment for the production of explosives in 775055; and processing vessels in 775330). | ..... | GIEQ 1 | 250 | RO | A |
| 775098 | Shell loading or filling machines | ..... | GIEQ 2 | 500 | RO | A |
| | *Tractors, parts and accessories* | | | | | |
| 785560 | Tractors (except contractors' wheel type, and industrial type) (report horsepower rating according to Nebraska Maximum Test or manufacturer's rating; report contractors' wheel type in 722920; industrial type in 725020): Tractlaying tractors, new: 110 drawbar horsepower and over | No. | CONS 1 | None | R | F F |
| 785597 | Tractlaying tractors, used and rebuilt: 110 drawbar horsepower and over | No. | CONS 1 | None | R | F F |

| Dept. of Commerce Schedule B No. | Commodity | Unit | Processing code and related commodity group | GLV dollar-value limits | Validated license required | Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra) |
|---|---|---|---|---|---|---|
| | GROUP 7—MACHINERY AND VEHICLES—continued | | | | | |
| | *Other industrial machines and parts*—Continued | | | | | |
| 775053 | Chemical and pharmaceutical processing and manufacturing machines, n. e. c., and specially fabricated parts, n. e. c. (report spinning pumps in 770960; report furnaces under appropriate Schedule B No. according to type of furnace, e. g., electric melting and refining furnaces for the production of chemicals, 774710). | ..... | GIEQ 1 | 250 | RO | A |
| | Specially fabricated parts, n. e. c., for the chemical and pharmaceutical processing and manufacturing machines listed above for which validated license is required to both R and O country destinations. | | | | | |
| 775080 | Desalting plants for demineralizing and treatment of water. | ..... | MINE | 1,000 | R | |
| 775100 | Nonelectric industrial furnaces, kilns, lehrs, and ovens, and parts (report electric furnaces, kilns and ovens in 767415-767492): Smelting and refining furnaces, designed to operate under controlled atmosphere of inert gas at temperatures higher than 1,100° C. | No. | MINE 5 | None | RO | A C |
| 775115 | Metal melting furnaces designed to operate under a controlled atmosphere of inert gas at temperatures higher than 1,100° C. | No. | MINE 5 | None | RO | A C |
| 775140 | Carburizing furnaces, controlled atmosphere types (intermittent or continuous). | No. | MINE 5 | None | RO | A C |
| 775140 | Nonelectric industrial furnaces, n. e. c., designed to operate under a controlled atmosphere of inert gas at temperatures higher than 1,100° C. | No. | MINE 5 | None | RO | A C |
| 775150 | Specially fabricated parts, n. e. c., for the furnaces included on the Positive List under Schedule B Nos. 775100, 775115, and 775140. (Specify Schedule B number, type, and operating temperature of furnace for which parts are intended.) | ..... | MINE 5 | 1,000 | RO | A |
| 775330 | Processing vessels, non-mixing, n. e. c., and specially fabricated accessories and parts, n. e. c. (specify by name): Vessels, towers, and columns having any of the following characteristics, and specially fabricated parts therefor: (a) Any reaction vessel lining or catalyst; (b) towers or columns utilizing fractionating trays and bubble caps; (c) vessels or towers containing alloy steel of one percent or more chrome and one-half percent or more molybdenum and/or nickel; and (d) vessels or towers designed to operate at pressures of 300 p. s. i. or over. | ..... | GIEQ 1 | 250 | RO | A |
| | Separators and collectors, industrial process type, n. e. c., and specially fabricated accessories and parts, n. e. c. (specify by name) (report ore and coal separating machines in 730750; electrostatic precipitators, precipitron type, in 770750; and drum filters for petroleum refining equipment in 774710). | | | | | |
| 775353 | Specially fabricated parts, n. e. c., for the chemical and pharmaceutical processing and manufacturing machines listed above for which validated license is required to both R and O country destinations. | ..... | GIEQ 1 | 250 | RO | A |
| 775080 | Desalting plants for demineralizing and treatment of water. | ..... | MINE | 1,000 | R | |
| 775100 | Nonelectric industrial furnaces, kilns, lehrs, and ovens, and parts (report electric furnaces, kilns and ovens in 767415-767492): Smelting and refining furnaces, designed to operate under controlled atmosphere of inert gas at temperatures higher than 1,100° C. | No. | MINE 5 | None | RO | A C |
| 775115 | Metal melting furnaces designed to operate under a controlled atmosphere of inert gas at temperatures higher than 1,100° C. | No. | MINE 5 | None | RO | A C |
| 775140 | Carburizing furnaces, controlled atmosphere types (intermittent or continuous). | No. | MINE 5 | None | RO | A C |
| 775140 | Nonelectric industrial furnaces, n. e. c., designed to operate under a controlled atmosphere of inert gas at temperatures higher than 1,100° C. | No. | MINE 5 | None | RO | A C |
| 775150 | Specially fabricated parts, n. e. c., for the furnaces included on the Positive List under Schedule B Nos. 775100, 775115, and 775140. (Specify Schedule B number, type, and operating temperature of furnace for which parts are intended.) | ..... | MINE 5 | 1,000 | RO | A |
| 775330 | Processing vessels, non-mixing, n. e. c., and specially fabricated accessories and parts, n. e. c. (specify by name): Vessels, towers, and columns having any of the following characteristics, and specially fabricated parts therefor: (a) Any reaction vessel lining or catalyst; (b) towers or columns utilizing fractionating trays and bubble caps; (c) vessels or towers containing alloy steel of one percent or more chrome and one-half percent or more molybdenum and/or nickel; and (d) vessels or towers designed to operate at pressures of 300 p. s. i. or over. | ..... | GIEQ 1 | 250 | RO | A |
| | Separators and collectors, industrial process type, n. e. c., and specially fabricated accessories and parts, n. e. c. (specify by name) (report ore and coal separating machines in 730750; electrostatic precipitators, precipitron type, in 770750; and drum filters for petroleum refining equipment in 774710). | | | | | |
| 775353 | Centrifugal counter-current solvent extractors, all types, and specially fabricated parts, n. e. c. | ..... | GIEQ 1 | 100 | RO | A |
| 775360 | Centrifugal power blowers, n. e. c., power-driven, bowl type, with product contact surfaces of aluminum, nickel, or alloy containing 60 percent or more nickel (report tube or flask types in 915080). | ..... | GIEQ 1 | 250 | RO | A B C |

| Dept. of Commerce Schedule B No. | Commodity | Unit | Processing code and related commodity group | GLV dollar-value limits | Validated license required | Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra) |
|---|---|---|---|---|---|---|
| | GROUP 7—MACHINERY AND VEHICLES—continued | | | | | |
| | *Tractors, parts and accessories*—Continued | | | | | |
| | Tractors (except contractors' wheel type, and industrial type) (report horsepower rating according to Nebraska Maximum Test or manufacturer's equivalent) (report contractors' wheel type in 722024; industrial type in 725020)—Continued | | | | | |
| 788901 | Parts and accessories, n. e. c., specially fabricated for tracklaying tractors of 110 drawbar horsepower and over (report attachments in 723031). | ..... | CONS 1 | 500 | R | E F |
| | *Automobiles, trucks, busses and trailers, parts, accessories, and service equipment* | | | | | |
| | Motortrucks and truck chassis, including truck tractors (new), n. e. c. (G. V. W. or gross vehicle weight is the greatest weight of vehicle in load which the manufacturer authorizes and guarantees the vehicle to accommodate with safety under normal conditions of operation) (specify type of body, if mounted): [18] | | | | | |
| | Gasoline (new): | | | | | |
| | 5,000 pounds G. V. W. and under: | | | | | |
| 790013 | Commercial, front and rear axle drive, or multiple rear axle drive. | No. | TRAN 2 | None | RO | A E |
| 790017 | Military, front and rear axle drive, or multiple rear axle drive. | No. | TRAN 5 | None | RO | A |
| | 5,001 to 10,000 pounds G. V. W.: | | | | | |
| 790023 | Commercial, front and rear axle drive, or multiple rear axle drive. | No. | TRAN 2 | None | RO | A E |
| 790027 | Military, front and rear axle drive, or multiple rear axle drive. | No. | TRAN 5 | None | RO | A |
| | 10,001 to 14,000 pounds G. V. W.: | | | | | |
| 790033 | Commercial, front and rear axle drive, or multiple rear axle drive. | No. | TRAN 2 | None | RO | A E |
| 790037 | Military, front and rear axle drive, or multiple rear axle drive. | No. | TRAN 5 | None | RO | A |
| | 14,001 to 16,000 pounds G. V. W.: | | | | | |
| 790043 | Commercial, front and rear axle drive, or multiple rear axle drive. | No. | TRAN 2 | None | RO | A E |
| 790047 | Military, front and rear axle drive, or multiple rear axle drive. | No. | TRAN 5 | None | RO | A |
| | 16,001 to 19,500 pounds G. V. W.: | | | | | |
| 790053 | Commercial, front and rear axle drive, or multiple rear axle drive. | No. | TRAN 2 | None | RO | A E |
| 790057 | Military, front and rear axle drive, or multiple rear axle drive. | No. | TRAN 5 | None | RO | A |
| | 19,501 pounds G. V. W. and over: | | | | | |
| 790063 | Commercial, front and rear axle drive, or multiple rear axle drive. | No. | TRAN 2 | None | RO | A E |
| 790067 | Military, front and rear axle drive, or multiple rear axle drive. | No. | TRAN 5 | None | RO | A |
| | Diesel and semidiesel (new): | | | | | |
| | 19,500 pounds G. V. W., and under: | | | | | |
| 790083 | Commercial, front and rear axle drive, or multiple rear axle drive. | No. | TRAN 4 | None | RO | A E |
| 790087 | Military, front and rear axle drive, or multiple rear axle drive. | No. | TRAN 5 | None | RO | A |
| | 19,501 pounds G. V. W., and over: | | | | | |
| 790093 | Commercial, front and rear axle drive, or multiple rear axle drive. | No. | TRAN 4 | None | RO | A E |
| 790097 | Military, front and rear axle drive, or multiple rear axle drive. | No. | TRAN 5 | None | RO | A |
| 790553 | Gasoline): Commercial, front and rear axle drive, or multiple rear axle drive. | No. | TRAN 2 | None | RO | A E |
| 790557 | Military, front and rear axle drive, or multiple rear axle drive. | No. | TRAN 5 | None | RO | A |
| | Diesel and semidiesel (new): | | | | | |
| 790563 | Commercial, front and rear axle drive, or multiple rear axle drive. | No. | TRAN 4 | None | RO | A E |
| 790567 | Military, front and rear axle drive, or multiple rear axle drive. | No. | TRAN 5 | None | RO | A |
| | Motor trucks, busses, and chassis, including truck tractors (used): [20] | | | | | |
| 790603 | Commercial, all diesel and all gasoline powered, with front and rear axle drive, or multiple rear axle drive. | No. | TRAN 2 | None | RO | A E |
| 790607 | Military, front and rear axle drive, or multiple rear axle drive. | No. | TRAN 5 | None | RO | A |
| | Passenger cars and chassis (new): [20] | | | | | |
| 790763 | Nonmilitary, front and rear axle drive only | No. | TRAN 2 | None | RO | A E |
| 790767 | Military, front and rear axle drive only | No. | TRAN 5 | None | RO | A |
| | Passenger cars and chassis (used): [20] | | | | | |
| 790773 | Nonmilitary, front and rear axle drive only | No. | TRAN 2 | None | RO | A E |
| 790777 | Military, front and rear axle drive only | No. | TRAN 5 | None | RO | A |
| | Special-purpose vehicles, n. e. c.: [20] | | | | | |
| | Maintenance and repair trucks (new): | | | | | |
| 791103 | Commercial, front and rear axle drive, or multiple rear axle drive. | No. | TRAN 2 | None | RO | A |
| 791107 | Military, front and rear axle drive, or multiple rear axle drive. | No. | TRAN 5 | None | RO | A |
| 791113 | Amphibian vehicles or carriers, new, n. e. c., front and rear axle drive or multiple rear axle drive (report parts in 947980). | No. | TRAN | None | RO | A |
| 791137 | Special-purpose commercial vehicles, new, n. e. c., front and rear axle drive or multiple rear axle drive, including standard-type automobiles, trucks, and busses, which are so altered in design that they do not meet standard competitive specifications. | No. | TRAN 2 | None | RO | A |
| 791140 | Special-purpose military vehicles, new, n. e. c., front and rear axle drive or multiple rear axle drive, including standard-type automobiles, trucks, and busses, which are so altered in design that they do not meet standard competitive specifications. [20] | No. | TRAN 5 | None | RO | A |
| 791153 | Used commercial special-purpose vehicles, n. e. c., front and rear axle drive or multiple rear axle drive, including standard-type automobiles, trucks, and busses, which are so altered in design that they do not meet standard competitive specifications. | No. | TRAN 2 | None | RO | A |
| 791167 | Used military special-purpose vehicles, n. e. c., front and rear axle drive or multiple rear axle drive, including standard-type automobiles, trucks, and busses, which are so altered in design that they do not meet standard competitive specifications. [20] | No. | TRAN 5 | None | RO | A |

[18] See § 370.4 (a), Category VI, for vehicles requiring export authorization from the Department of State.

[20] See § 370.4 (a), for vehicles requiring export authorization from the Department of State.



| Dept. of Commerce Schedule B No. | Commodity | Unit | Processing code and related commodity group | GLV dollar-value limits | Validated license required | Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra) |
|---|---|---|---|---|---|---|
| | GROUP 7—MACHINERY AND VEHICLES—continued | | | | | |
| | *Automobiles, trucks, busses and trailers, parts, accessories, and service equipment*—Continued | | | | | |
| 791205 | Parts and accessories specifically ordered and invoiced as original equipment for passenger, commercial, and military vehicles previously shipped (include only normal and usual parts and accessories for which no additional charge is being made—such items having been either in short supply or inadvertently omitted at the time of the original shipment of the vehicles). [21] | ..... | TRAN 6 | 500 | R | E F |
| | Parts for commercial automobiles, trucks and busses: [21] | | | | | |
| | Engines for assembly: | | | | | |
| | Motor truck and bus engines: | | | | | |
| 791210 | Diesel and semidiesel | No. | TRAN 6 | None | R | E F |
| 791220 | Gasoline | No. | TRAN 6 | None | R | E F |
| 791230 | Passenger car engines | No. | TRAN 6 | None | R | E F |
| | Engines for replacement (motor truck, bus, and passenger car engines): | | | | | |
| 791240 | Diesel and semidiesel | No. | TRAN 6 | None | R | E F |
| 791250 | Gasoline | No. | TRAN 6 | None | R | E F |
| 791280 | Leaf springs, and spring leaves, for replacement. | Lb. | TRAN 6 | 500 | R | E F |
| 792610 | Parts and accessories, n. e. c., specially fabricated, for assembly, except: air cleaners; ammeters; brake extension handles; bumpers; clearance lights; dashboard plugs; door locks; fog lights; gas tank caps; heaters; horns; hub caps; hydraulic truck dumping hoists; lighters; oil filter clamps; oil filters; oil pressure switches; oil purifiers; oil rectifiers; parking lights; power takeoffs for trucks; radiator caps; radiator ornaments; reflex signals, road traffic; shock absorbers; speedometers; spotlights; stop lights; taxicab meters; thermostats; third axle assemblies; tire locks; windshield wipers; and specially fabricated parts for the excepted items (excludes accessories and complete knockdown vehicles; complete knockdown vehicles should be reported in the proper car, truck, or bus classification, whether the integral components are shipped simultaneously or in a series of partial shipments). | ..... | TRAN 6 | 500 | R | E F |
| 792620 | Parts, n. e. c., specially fabricated, for spares, replacement, or manufacture into larger components (including automobile bodies and knee-action springs, except: air cleaners; brake extension handles; bumpers; door locks; gas tank caps; horns; hub caps; hydraulic truck dumping hoists; oil filter clamps; oil filters; oil purifiers; oil rectifiers; parking lights; radiator cans; radiator ornaments; reflex signals, road traffic stop lights; thermostats; third axle assemblies; windshield wipers: and specially fabricated parts for the excepted items. | ..... | TRAN 6 | 500 | R | E F |
| 792730 | Parts and accessories, n. e. c., for military automobiles, trucks, busses, and trailers. [21] | ..... | TRAN | 100 | R | |
| | *Aircrafts, parts, and accessories* | | | | | |
| | Aircraft training equipment, n. e. c., and ground handling and maintenance equipment, and specially fabricated parts, n. e. c. (specify by name): | | | | | |
| 794960 | Test kits for aircraft instruments | ..... | ELME 3 | 100 | R | F |
| 794960 | Test sets for ignition harnesses | ..... | ELME 3 | 100 | R | F |
| 794960 | Other aircraft training, ground handling and maintenance equipment. [23] | ..... | TRAN | 100 | R | |
| | *Watercraft* [24] | | | | | |
| 795155 | Parts, n. e. c., specially fabricated for watercraft 40 feet and over in length. | ..... | TRAN 9 | 100 | R | A |
| 795170 | Propeller shafts for watercraft 40 feet and over in length (specify metal). | Lb. | TRAN 9 | 250 | R | A |
| | *Railway transportation equipment* | | | | | |
| | Locomotives, except electrical mining and industrial (report electrical mining and industrial locomotives in 705560): | | | | | |
| 796109 | Locomotives, new, turbine type, general service (line), of a gage greater than 4 feet 8 inches (1.42 m.) or with an individual axle load greater than 12 metric tons. | No. | TRAN 11 | None | RO | A |
| 796111 | Locomotives, new, turbine type, switching type of a gage greater than 4 feet 8 inches (1.42 m.) or with an individual axle load greater than 12 metric tons. | No. | TRAN 11 | None | RO | A |
| 796112 | Locomotives, new, turbine type, industrial, of a gage greater than 4 feet 8 inches (1.42 m.) or with an individual axle load greater than 12 metric tons. | No. | TRAN 11 | None | RO | A |
| 796117 | Locomotives, used and rebuilt, turbine type, general service (line), switching, or industrial type, of a gage greater than 4 feet 8 inches (1.42 m.) or with an individual axle load greater than 12 metric tons. | No. | TRAN 11 | None | RO | A |
| 796136 | Well cars, new, with a load capacity 80 tons and over. | No. | TRAN 12 | None | R | A |
| 796148 | Well cars, used and rebuilt, with a load capacity over 80 tons. | No. | TRAN 12 | None | R | A |
| | Parts, for locomotives and railway cars (report electric propulsion motors, generators and controls in 704330; wheels and axles in 610515–610538): | | | | | |
| 796152 | Parts and accessories, n. e. c., specially fabricated for well cars with a load capacity over 80 tons. | ..... | TRAN 12 | 1,000 | R | A E |
| | Railway signals, and specially fabricated attachments and parts, n. e. c.: | | | | | |
| 796156 | Centralized traffic control (CTC) systems of railway signalling, and specially fabricated parts, n. e. c. | ..... | TRAN | 100 | RO | A |

[21] Parts and accessories specifically designed for types of vehicles licensed by the Department of State also require export authorization from the Department of State. See § 370.4 (a).

[23] Landing mats, link-type trainers and tow targets and parts require export authorization from the Department of State. See § 370.4 (a) for other aircraft training, ground handling and maintenance equipment requiring export authorization from the Department of State.

[24] See § 370.4 (a) and (e) for types of watercraft and components, parts, etc., for military watercraft requiring export authorization from Department of State and Maritime Administration.

| Dept. of Commerce Schedule B No. | Commodity | Unit | Processing code and related commodity group | GLV dollar-value limits | Validated license required | Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra) |
|---|---|---|---|---|---|---|
| | GROUP 8—CHEMICALS AND RELATED PRODUCTS | | | | | |
| | (See special provisions for Commodity Group 8, §§ 373.54–373.58; special destination provisions, §§ 373.65–373.75) | | | | | |
| | *Coal-tar products (including similar cyclic products derived from petroleum, natural or other sources)* | | | | | |
| 801100 | Toluene or toluol (all grades) | Lb. | COTA | 100 | R | A F |
| 802570 | Coal-tar intermediates, except coal-tar acids: Diphenylamine | Lb. | COTA 61 | 100 | RO | A F |
| | Other coal-tar intermediates (specify by name): [16] | | | | | |
| 802590 | Dinitrotoluene solids and oils | Lb. | COTA 61 | 100 | RO | A F |
| 802590 | Ethyl benzene | Lb. | COTA 61 | 100 | RO | A F |
| 802590 | N-methylaniline (monomethylaniline) | Lb. | ORGN | 100 | RO | A F |
| 802590 | Picric acid | Lb. | COTA 61 | 100 | RO | A F |
| | Finished coal-tar products, n. e. c., exclusive of medicinals (specify by name): | | | | | |
| 806998 | Ethyl centralite | Lb. | COTA | None | RO | A F |
| 806998 | Methyl centralite | Lb. | COTA | None | RO | A F |
| 806998 | 2-nitrodiphenylamine | Lb. | COTA | None | RO | A F |
| 806998 | Stabilizers for explosives, n. e. c. | Lb. | COTA | None | RO | A F |
| | *Medicinal and pharmaceutical preparations* | | | | | |
| | Biological products (all forms): | | | | | |
| 812200 | Poliomyelitis vaccine | ---------- | DRUG | None | RO | B G |
| | Medicinal chemicals, including U. S. P. and N. F., bulk: [15] | | | | | |
| 813593 | Inorganic medicinal chemicals, n. e. c., bulk, for which export controls on other grades are indicated elsewhere on the Positive List (specify by name) (report dosage forms in 813591 and 814800–818000). | ---------- | DRUG | Export controls and commodity list designations applicable to each chemical under this classification are the same as for other grades of the same chemical indicated elsewhere on the Positive List.[23] | | |
| 813595 | Organic medicinal chemicals, n. e. c., bulk (including coal-tar origin), for which export controls on other grades are indicated elsewhere on the Positive List (specify by name) (report dosage forms in 813591 and 814800–818000). | ---------- | DRUG | Export controls and commodity list designations applicable to each chemical under this classification are the same as for other grades of the same chemical indicated elsewhere on the Positive List.[23] | | |
| | *Chemical specialties* | | | | | |
| 820587 | Weed killers consisting primarily of boron compounds (e. g., borates, borax). | Lb. | SALT | 100 | RO | E F |
| | Agricultural sulfur, n. e. c. (report ground sulfur, unconditioned, for use on plants or soil in 571500): | | | | | |
| 820589 | Agricultural sulfur dusts and spray concentrates containing 85 percent or more sulfur, such as, but not limited to, conditioned dusting sulfur and wettable sulfur (specify by name). | Lb. | AGCH 2 | 100 | R | |
| 824000 | Water softeners or purifiers, chief component ion exchange resins. | Lb. | RESN 66 | 100 | RO | C F |
| 825422 | Polyvinyl butyral, uncompounded | Lb. | RESN 66 | 100 | R | E F |
| 825424 | Polyvinyl butyral, compounded | Lb. | RESN 66 | 100 | R | E F |
| 825427 | Polyvinyl butyral, in semifinished forms (specify form). | Lb. | RESN 66 | 100 | R | E F |
| | Synthetic resins, n. e. c., in all unfinished forms and semifinished, including scrap, except laminated and except film sheeting: | | | | | |
| 825920 | Polytetrafluoroethylene (e. g., Teflon) | Lb. | RESN | 25 | RO | A B C F G |
| 825920 | Polytrifluorochloroethylene | Lb. | RESN | 25 | RO | A B C F G |
| 825920 | Ion exchange resins | Lb. | RESN 66 | 100 | RO | C F |
| 825920 | Polyethylene (specify whether virgin or scrap). | Lb. | RESN 68 | 100 | RO | E F |
| 825920 | Siloxanes | Lb. | RESN | 100 | R | F |
| | Plastic film and sheeting, including printed, embossed, planished, or otherwise treated surface: | | | | | |
| 825980 | Polytetrafluoroethylene (e. g., Teflon) | Lb. | RESN | 25 | RO | A B C F G |
| 825980 | Polytrifluorochloroethylene | Lb. | RESN | 25 | RO | A B C F G |
| 825980 | Polyethylene (specify whether virgin or scrap). | Lb. | RESN 68 | 100 | RO | E F |
| 825980 | Polyvinyl butyral | Lb. | RESN 66 | 100 | R | E F |
| 825980 | Methyl methacrylate, clear | Lb. | RESN 66 | 100 | RO | A F |
| 825980 | Synthetic film for dielectric use, 0.0015 inch (0.038 mm.) or less in thickness. | Lb. | RESN 66 | 15 | RO | A F |
| | Laminated and molded laminated plastics made with synthetic resins and varnishes as a binder, including all shapes solely made therefrom: | | | | | |
| 826050 | Polytetrafluoroethylene (e. g., Teflon) | Lb. | RESN | 25 | RO | A B C F G |
| 826050 | Polytrifluorochloroethylene | Lb. | RESN | 25 | RO | A B C F G |
| 826050 | Polyethylene (specify whether virgin or scrap). | Lb. | RESN 68 | 100 | RO | E F |
| 826050 | Methyl methacrylate, clear | Lb. | RESN 66 | 100 | RO | A F |
| 826550 | Cellulose plastic materials (report manufactured plastic products in 981510 and 981590): Cellulose acetate, 0.0015 inch (0.038 mm.) or less in thickness. | Lb. | RESN | 15 | RO | A E F |
| | Organic rubber compounding agents not of coal-tar origin (report rubber compounding agents of coal-tar origin in 802810–802890): | | | | | |
| 829810 | Accelerators containing selenium | Lb. | SALT | 25 | RO | B F G |
| 829910 | Antiknock compounds | Lb. | PETR | 25 | RO | A E F |
| 829915 | Additives for lubricating and fuel oils (including diesel oil cetane improvers and other agents added to motor oils, diesel and fuel oils, engine oils and greases to increase their effectiveness) (report combustion catalysts containing cobalt in 829990). | Lb. or Gal. | PETR | 25 | RO | A E F |

[14] See § 370.4 (a) for commodities under this heading which require export authorization from the Department of State.
[15] A single shipment hereunder may include two or more chemicals, each up to its GLV limit.
[23] Narcotics require export authorization from the Treasury Department. See § 370.4 (c).



| Dept. of Commerce Schedule B No. | Commodity | Unit | Processing code and related commodity group | GLV dollar-value limits | Validated license required | Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra) |
|---|---|---|---|---|---|---|
| | GROUP 8—CHEMICALS AND RELATED PRODUCTS—continued | | | | | |
| | *Chemical specialties*—Continued | | | | | |
| 829940 | Radium emanation (Radon), radium salts and compounds, all forms (including radium needles and radium ore concentrate), and radioisotopes, compounds and preparations thereof, except radioisotopes having an atomic number 3 through 83, and compounds and preparations thereof. (State radium content.) (Report paints containing radium in 843800.)[26] | ---------- | DRUG | None | RO | F G |
| 829970 | Reagent chemicals for laboratory use (C. P., U. S. P., N. F., A. C. S., or other recognized reagent grades only) for which export controls on other grades are indicated elsewhere on the Positive List (specify by name).[21] | ---------- | ORGN | Export controls and commodity list designations applicable to each chemical under this classification are the same as for other grades of the same chemical indicated elsewhere on the Positive List.[23] | | |
| 829980 | Silicone diffusion pump oils | Gal. | COTA | 25 | RO | A C F |
| 829980 | Other diffusion pump oils (oils enabling the attainment of vacuum of $10^{-4}$ millimeters of mercury pressure absolute in a single stage diffusion pump). | Gal. | COTA | 25 | RO | C F |
| 829984 | Hydraulic fluids, synthetic (excludes hydraulic fluids of castor oil base) (report hydraulic fluids of petroleum origin in 505900). | Gal. | SALT | 100 | RO | A E F |
| | Chemical specialty compounds, n. e. c.: [17] [24] [25] | | | | | |
| 829990 | Combustion catalysts containing cobalt | Lb. | SALT | 100 | RO | A |
| 829990 | Molybdenum lubricants (report molybdenum disulfide powder not for lubrication use in 839900). | Lb. | SALT | 100 | RO | A F |
| 829990 | Polytrifluorochloroethylene grease, oil, or wax | ---------- | ORGN | 25 | RO | A B C F G |
| 829990 | Silicone grease compounds (compounds of organo-silicone material) of the following types only: Silicone high-vacuum greases; and stopcock greases, both high-vacuum and regular. | ---------- | ORGN | 25 | R | F |
| 829990 | Chemical specialty compounds, n. e. c., containing 80 percent or more by quantity of any item or combination of items specified elsewhere on the Positive List. | ---------- | ORGN | RO where any component thereof is subject to RO control; otherwise subject to R control; commodity list designations are the same as those applicable to the controlling component. | | |
| | *Industrial chemicals (exclusive of medicinal chemicals, U. S. P. and N. F.)* | | | | | |
| | Alcohols (report jet fuels in 501800): | | | | | |
| 831100 | Ethylene glycol | Lb. | ORGN | 100 | RO | A F |
| | Alcohols, n. e. c. (glycols, except ethylene glycol, included): | | | | | |
| 831590 | Furfuryl alcohol (furyl carbinol) | Lb. | ORGN | 100 | RO | A F |
| 831590 | Pentaerythrite (pentaerythritol) | Lb. | ORGN | 100 | RO | A F |
| 831590 | Propylene glycol | Lb. | ORGN | 100 | RO | A F |
| 831590 | Tetrahydrofurfuryl alcohol | Lb. | ORGN | 100 | RO | A F |
| 831590 | Thiodiglycol | Lb. | ORGN | 100 | R | A F |
| | *Industrial chemicals (exclusive of medicinal chemicals, U. S. P. and N. F.)*—Continued | | | | | |
| | Organo-fluorine compounds (specify by name): | | | | | |
| 832985 | Monochlorotrifluoro methane (e. g., Freon 13); dichloromonofluoro methane (e. g., Freon 21); monochlorodifluoro methane (e.g., Freon 22); trichlorotrifluoro ethane (e. g., Freon 113; Genetron 226); dichlorotetrafluoroethane (e. g., Freon 114); trichlorodifluoro ethane (e. g., Freon 122); difluoroethane (e. g., Freon 152; Genetron 100); monochlorodifluoro ethane (e. g., Freon 142; Genetron 101). | Lb. | SALT 1 | 100 | RO | A C F |
| 832985 | Dichlorodifluoro methane (e. g., Freon 12; Genetron 12); trichloromonofluoro methane (e. g., Freon 11; Genetron 11); monobromotrifluoro methane (e. g., Freon 1311); dibromodifluoro methane (e. g., Freon 12B2). | Lb. | SALT 1 | 100 | R | F |
| 832985 | Trifluoromonochloroethylene | Lb. | SALT 1 | 25 | RO | A C F G |
| | Organic chemicals not of coal-tar origin, n. e. c. (specify by name): | | | | | |
| 832990 | Furfural | Lb. | ORGN 67 | 100 | R | F |
| 832990 | Hexamethylenetetramine | Lb. | ORGN | 100 | RO | A F |
| 832990 | Isopropyl ether | Lb. | ORGN | 100 | RO | A F |
| 832990 | Nonyl sebacates | Lb. | ORGN | 100 | RO | A F |
| 832990 | Octyl sebacates | Lb. | ORGN | 100 | RO | A F |
| 832990 | Tetrafluoroethylene | Lb. | SALT 1 | 25 | RO | A B C F G |
| | Potassium compounds, except fertilizers (report fertilizers and fertilizer materials in 850500–855100): [14] | | | | | |
| 835900 | Potassium tetroxide | Lb. | SALT | 25 | R | F |
| 836220 | Boric acid and borates, crude, refined, and compounds, except sodium perborate (including but not limited to boron trifluoride, boron oxide, boron hydrides, and fluoroborates). | Lb. | SALT | 100 | RO | E F |
| 837990 | Sodium azide | Lb. | SALT | None | RO | A F |
| | Ammonium compounds, except fertilizers (report fertilizers and fertilizer materials in 850500–855100): [14] | | | | | |
| 838500 | Ammonium molybdate | Lb. | SALT | 100 | RO | A F |
| 838500 | Guanidine nitrate | Lb. | SALT | 100 | RO | A F |
| 838500 | Hydrazine, hydrazine hydrate, and hydrazine salts. | Lb. | SALT | None | RO | A F |
| 838500 | Nitroguanidine | Lb. | SALT | None | RO | A F |
| | Gases, compressed, liquefied and solidified, except liquefied petroleum gases: [14] | | | | | |
| 839590 | Bromine trifluoride | ---------- | SALT | 100 | RO | A B C F |
| 839590 | Chlorine trifluoride | ---------- | SALT | 100 | RO | A B C F |
| 839730 | Hydrogen peroxide or dioxide, 50 to 85 percent strength inclusive.[20] | Lb. | SALT 64 | None | RO | A F |
| | Metal salts of organic compounds, except paint and varnish driers (specify by name) (report paint and varnish driers in 843900): [14] [22] | | | | | |
| 839750 | Cobalt salts of organic compounds | Lb. | SALT | 100 | RO | A F |
| 839750 | Lead styphnate (lead trinitroresorcinate) | Lb. | SALT 64 | 25 | RO | A F |
| 839750 | Lithium salts of organic compounds | Lb. | SALT | None | RO | |
| 839750 | Naphthenates of all metals, and mixtures containing such naphthenates (report cobalt, lead or zinc naphthenates in 843600). | Lb. | SALT | None | R | F |

[17] A single shipment hereunder may include two or more chemicals, each up to its GLV limit.
[20] Radioisotopes produced in a nuclear reactor and having atomic numbers 3 through 83, and compounds and preparations thereof, are under the jurisdiction of the Atomic Energy Commission. See § 370.4 (d).
[21] Chemicals containing thorium or uranium require export authorization from the Atomic Energy Commission See § 370.4 (d).
[24] Napalm and military fuel thickeners require export authorization from the Department of State. See § 370.4 (a).
[25] Gold-containing chemicals, in which the gold content is 90 percent of value, require export authorization from the Treasury Department. See § 370.4 (b).
[14] See § 370.4 (a) for commodities under this heading which require export authorization from the Department of State.
[20] Hydrogen peroxide or dioxide in excess of 85 percent concentration, Schedule B No. 839730, requires export authorization from the Department of State. See § 370.4 (a).

| Dept. of Commerce Schedule B No. | Commodity | Unit | Processing code and related commodity group | GLV dollar-value limits | Validated license required | Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra) |
|---|---|---|---|---|---|---|
| | GROUP 8—CHEMICALS AND RELATED PRODUCTS—Continued | | | | | |
| | *Industrial chemicals (exclusive of medicinal chemicals, U. S. P. and N. F.)*—Continued | | | | | |
| | Metal salts of organic compounds, except paint and varnish driers (specify by name) (report paint and varnish driers in 843600)[14 17]—Con. | | | | | |
| 839750 | Nickel salts of organic compounds | Lb. | SALT 65 | 100 | RO | A F |
| 839750 | Selenium salts of organic compounds (specify selenium content). | Lb. | SALT | 25 | RO | B F G |
| | Other industrial chemicals: [17] | | | | | |
| 839900 | Actinium-bearing salts and compounds | | SALT | None | RO | B C F |
| 839900 | Barium nitrate | | SALT 64 | 100 | RO | A F |
| 839900 | Beryllium salts and compounds (including, but not limited to, beryllium oxide, beryllium nitrate, beryllium sulfate, beryllium carbonate, zinc beryllium silicate). | | SALT | 500 | RO | A C F |
| 839900 | Cobalt compounds (report cobalt salts of organic compounds in 839750; cobalt-containing pigments in 842900; and cobalt-containing paint and varnish driers in 843600). | | SALT | 100 | RO | A F |
| 839900 | Deuterium and deuterium compounds, including heavy water and heavy paraffin. | | SALT | None | RO | A B C F G |
| 839900 | Gallium salts and compounds | | SALT | None | RO | B C F G |
| 839900 | Germanium compounds | | SALT | None | RO | A F |
| 839900 | Lead azide | Lb. | SALT 64 | 25 | RO | A F |
| 839900 | Lead thiocyanate | | SALT 64 | 25 | RO | A F |
| 839900 | Lithium salts and compounds (including, but not limited to, lithium amide, lithium carbonate, lithium chloride, lithia crystals, lithium fluorophosphate, lithium fluoride, lithium hydride, lithium hydroxide, lithium hydroxide monohydrate, and lithium sulfate). | Lb. | SALT | 10 | RO | B C F G |
| 839900 | Magnesium oxide, precipitated, purity 97 percent or higher (report magnesium oxide other than precipitated in 572270). | | SALT | 50 | RO | A B C |
| 839900 | Molybdenum salts and compounds, n. e. c. (including refined grades of calcium molybdate, molybdenum oxide, molybdenum trioxide and molybicacid other than laboratory reagents; report molybdic oxide ore concentrate in 664350; and laboratory reagents in 829970). | Lb. | SALT 64 | 100 | RO | A F |
| 839900 | Nickel salts and compounds | | SALT 65 | 100 | RO | A F |
| 839900 | Polonium-bearing salts and compounds | | SALT | None | RO | B C F |
| 839900 | Selenium salts and compounds, including selenium dioxide (specify selenium content). | Lb. | SALT | 25 | RO | B F G |
| 839900 | Tantalum compounds | | SALT 65 | 25 | RO | A F |
| 839900 | Titanium carbide | Lb. | MINL | 100 | RO | A |
| 839900 | Zirconium compounds, including oxides and silicates (state hafnium content). | Lb. | SALT 64 | 1 | RO | A C F |
| | *Pigments, paints, and varnishes* | | | | | |
| | Chemical pigments: | | | | | |
| 842310 | Carbon black, contact (including channel) | Lb. | PLAT 72 | 100 | R | E F |
| 842350 | Carbon black, furnace | Lb. | PLAT 72 | 100 | R | E F |
| 842900 | Cobalt oxide pigments | Lb. | SALT | 100 | R | A F |
| 842900 | Selenium containing pigments (specify selenium content). | Lb. | SALT | 25 | RO | B F G |
| 843800 | Polytetrafluoroethylene (e. g., Teflon) finishes and enamels. | Gal. | PLAT | 25 | RO | A B C F G |
| 843800 | Polytrifluorochloroethylene dispersion | Gal. | PLAT | 25 | RO | A B C F G |

[14] See § 370.4 (a) for commodities under this heading which require export authorization from the Department of State.

[17] Chemicals containing thorium or uranium require export authorization from the Atomic Energy Commission. See § 370.4 (d).

| Dept. of Commerce Schedule B No. | Commodity | Unit | Processing code and related commodity group | GLV dollar-value limits | Validated license required | Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra) |
|---|---|---|---|---|---|---|
| | GROUP 8—CHEMICALS AND RELATED PRODUCTS—Continued | | | | | |
| | *Explosives, fuses, and blasting caps* | | | | | |
| | Explosives: | | | | | |
| 860400 | Dynamite | Lb. | ORGN | 100 | R | F |
| 860700 | Jet perforators | Lb. | MINE 4 | 250 | RO | A F |
| 860700 | Mercury (mercuric) fulminate | Lb. | SALT 64 | 25 | RO | A F |
| 860700 | Nitroglycerin explosives, except dynamite (report dynamite in 860400). | Lb. | ORGN | 100 | R | F |
| 860700 | Oil well bullets | Lb. | MINE 4 | 250 | RO | A F |
| 860700 | Priming compositions | Lb. | ORGN | 25 | RO | A F |
| 860700 | Other explosives, n. e. c. (including blasting agents) (specify by name).[21] | Lb. | ORGN | None | R | F |
| 862500 | Safety fuses, except non-detonating blasting fuses containing only a black powder core. | Lin. ft. | ORGN 1 | 10 | R | F |
| | Blasting caps: | | | | | |
| 862700 | Electric, except electric squibs which contain only a deflagrating agent. | No. | ORGN 1 | 10 | R | F |
| 862800 | Non-electric | No. | ORGN 1 | 10 | R | F |
| | GROUP 9—MISCELLANEOUS | | | | | |
| | (See special provisions for Commodity Group 9, §§ 373.59–373.64; special destination provisions, §§ 373.65–373.75) | | | | | |
| | *Photographic and projection goods* [13] | | | | | |
| 900238 | High speed cameras, capable of recording at rates in excess of 250 frames per second. | No. | FILM | None | RO | A F |
| 900238 | Photomicrographic and oscillograph cameras | No. | FILM | None | RO | A F |
| 900238 | X-ray powder cameras | No. | FILM | None | RO | A F |
| 900600 | Parts, n. e. c., specially fabricated for high speed cameras capable of recording at rates in excess of 250 frames per second. | | FILM | 25 | RO | A F |
| 900600 | Parts, n. e. c., specially fabricated for photomicrographic and oscillograph cameras. | | FILM | 100 | RO | A F |
| 900600 | Micro-flash equipment capable of giving a flash 1/100,000 second or shorter duration or with a frequency of 200 flashes or more per second. | | FILM | 25 | RO | A F |
| 900600 | Parts, n. e. c., specially fabricated for X-ray powder cameras. | | FILM | 25 | RO | A F |
| 902300 | Lenses for photomicrographic, oscillograph, and high speed cameras capable of recording at rates in excess of 250 frames per second. | No. | FILM | None | RO | A F |
| 914750 | Calcium or lithium fluoride (artificial) lenses and prisms. | No. | SATE | None | RO | A C |
| | *Scientific and professional instruments, apparatus, and supplies, n. e. c.* | | | | | |
| | Microscopes, and specially fabricated accessories and parts, n. e. c.: | | | | | |
| 914950 | Electron microscopes, and the following parts therefor: (a) Electron guns; (b) electron objective projection and condenser lenses (magnetic or electrostatic). | No. | SATE | None | RO | A B C F |
| | Dental instruments, equipment, supplies, and parts: | | | | | |
| 915000 | Diamond disk points and other dental instruments containing diamonds (see § 373.49 (c)). | | CDGS | None | RO | A C F |
| 916029 | Photo-theodolites, and specially fabricated parts, n. e. c. | | SATE | 25 | RO | |

[21] Many of the explosives under Schedule B No. 860700 require export authorization from the Department of State. See § 370.4 (a).

[13] See § 370.4 (a) for photographic goods which require export authorization from the Department of State.



| Dept. of Commerce Schedule B No. | Commodity | Unit | Processing code and related commodity group | GLV dollar-value limits | Validated license required | Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra) |
|---|---|---|---|---|---|---|
| | GROUP 9—MISCELLANEOUS—continued | | | | | |
| | *Scientific and professional instruments, apparatus, and supplies, n. e. c.*—Continued | | | | | |
| 916030 | Compasses and gyroscopic equipment as follows: Gyro-compasses; transmitting magnetic compasses; gyro-magnetic compasses; repeaters for these compasses; gyroscopic stabilizers; and gyroscopic steering controls.[12] | No. | SATE | None | RO | A F |
| 916030 | Parts, n. e. c., specially fabricated for: Gyro-compasses; transmitting magnetic compasses; gyro-magnetic compasses; repeaters for these compasses; gyroscopic stabilizers; and gyroscopic steering controls.[12] | | SATE | 25 | RO | A F |
| 919010 | Balloons, 1,100 grams or more envelope weight deflated, capable of free flight but nonpersonnel carrying. | | RUBR | None | RO | A |
| 919010 | Radiosondes | No. | SATE | None | R | C F |
| 919010 | Parts, n. e. c., specially fabricated for radiosondes. | | SATE | 25 | R | C F |
| 919060 | Mass spectrometers; and leak detectors, mass spectrometer type.[16] | No. | SATE | None | RO | A B C |
| 919060 | Parts, n. e. c., specially fabricated for mass spectrometers and mass spectrometer type leak detectors.[16] | | SATE | 25 | RO | A B C |
| 919060 | Spectrophotometers [16] | No. | SATE | None | RO | A B C F |
| 919060 | Parts, n. e. c., specially fabricated for spectrophotometers, except glossmeters and reflectometers.[16] | | SATE | 25 | RO | A B C F |
| | Optical measuring instruments, n. e. c., and specially fabricated parts, n. e. c. (specify by name): | | | | | |
| 919066 | Fluorophotometers (fluorimeters) employing ultraviolet light as the exciting source and photo-multiplier tubes or photo-cells as detecting and amplifying devices. | No. | SATE | None | RO | A B C |
| 919066 | Parts, n. e. c., specially fabricated for fluorophotometers (fluorimeters) employing ultraviolet light as the exciting source and photo-multiplier tubes or photo-cells as detecting and amplifying devices. | | SATE | 25 | RO | A B C |
| 919066 | Microphotometers | No. | SATE | None | RO | A F |
| 919066 | Parts, n. e. c., specially fabricated for microphotometers. | | SATE | 25 | RO | A F |
| 919066 | Mass spectrographs [12] | No. | SATE | None | RO | A B C |
| 919066 | Parts, n. e. c., specially fabricated for mass spectrographs.[12] | | SATE | 25 | RO | A B C |
| 919066 | Other spectrographs | No. | SATE | None | RO | A F |
| 919066 | Parts, n. e. c., specially fabricated or other spectrographs. | | SATE | 25 | RO | A F |
| 919068 | Balances, electronic, capable of detecting differences in weight smaller than 10 micrograms. | No. | SATE | None | RO | A B C F |
| 919068 | Balances, n. e. c., of a sensitivity capable of detecting differences in weight of 0.1 microgram or less. | No. | SATE | None | RO | A B C F |
| | Research laboratory apparatus and equipment, n. e. c., and specially fabricated parts, n. e. c. (report counter current solvent extractors and bowl-type centrifuges in 775360): | | | | | |
| 919080 | Parts for electronic balances capable of detecting differences in weight smaller than 10 micrograms. | | SATE | 25 | RO | A B C F |

[12] All outstanding licenses issued by the Atomic Energy Commission prior to Sept. 26, 1955, remain valid until they expire or are revoked, and any requests for amendments to such licenses shall be made to the AEC.

[16] Outstanding licenses covering these commodities which were issued by the Atomic Energy Commission prior to Feb. 18, 1956, remain valid until they expire or are revoked, and requests for amendments to such licenses shall be made to the AEC.

[12] Aircraft gyroscopic compasses and repeaters, and parts therefor, require export authorization from the Department of State. See § 370.4 (a).

| Dept. of Commerce Schedule B No. | Commodity | Unit | Processing code and related commodity group | GLV dollar-value limits | Validated license required | Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra) |
|---|---|---|---|---|---|---|
| | GROUP 9—MISCELLANEOUS—continued | | | | | |
| | *Scientific and professional instruments, apparatus, and supplies, n. e. c.*—Continued | | | | | |
| | Research laboratory apparatus and equipment, n. e. c., and specially fabricated parts, n. e. c. (report counter current solvent extractors and bowl-type centrifuges in 775360)—Con. | | | | | |
| 919080 | Parts, n. e. c., specially fabricated for balances of a sensitivity capable of detecting differences in weight of 0.1 microgram or less. | | SATE | None | RO | A B C F |
| 919080 | Betatrons | No. | SATE | None | RO | A B C |
| 919080 | Synchrotrons | No. | SATE | None | RO | A B C |
| 919080 | Parts, n. e. c., specially fabricated for betatrons and synchrotrons. | | SATE | None | RO | A B C |
| 919080 | Cyclotrons [16] | No. | SATE | None | RO | A B C |
| 919080 | Parts, n. e. c., specially fabricated for cyclotrons.[16] | | SATE | 25 | RO | A B C |
| 919080 | Synchrocyclotrons [16] | No. | SATE | None | RO | A B C |
| 919080 | Parts, n. e. c., specially fabricated for synchrocyclotrons.[16] | | SATE | 25 | RO | A B C |
| 919080 | Linear accelerators [16] | No. | SATE | None | RO | A B C |
| 919080 | Parts, n. e. c., specially fabricated for linear accelerators.[16] | | SATE | 25 | RO | A B C |
| 919080 | Other electronuclear machines capable of imparting energies in excess of 1,000,000 electron volts to a nuclear particle or an ion.[16] | No. | SATE | None | RO | A B C |
| 919080 | Magnets, and specially fabricated parts, n. e. c., specially designed for electronuclear machines capable of imparting energies in excess of 1,000,000 electron volts to a nuclear particle or an ion.[16] | | SATE | 25 | RO | A B C |
| 919080 | Coincidence units adaptable to radiation measurement.[16] | No. | SATE | None | RO | A B C |
| 919080 | Parts, n. e. c., specially fabricated for coincidence units adaptable to radiation measurement.[16] | | SATE | 25 | RO | A B C |
| 919080 | Dosimeter charger readers (report dosimeter charger readers adaptable to X-ray in 707550; and all dosimeters in 707550).[16] | No. | SATE | None | RO | A B C |
| 919080 | Parts, n. e. c., specially fabricated for dosimeter charger readers.[16] | | SATE | 25 | RO | A B C |
| 919080 | Electroscopes, except student types and metal leaf type.[16] | No. | SATE | None | RO | A B C |
| 919080 | Parts, n. e. c., specially fabricated for electroscopes, except student types and metal leaf type.[16] | | SATE | 25 | RO | A B C |
| 919080 | Equipment, n. e. c., for health monitoring against radiation hazards.[16] | No. | SATE | None | RO | A B C |
| 919080 | Parts, n. e. c., specially fabricated for equipment for health monitoring against radiation hazards.[16] | | SATE | 25 | RO | A B C |
| 919080 | Proportional counters [12] | No. | SATE | None | RO | A B C |
| 919080 | Parts, n. e. c., specially fabricated for proportional counters.[12] | | SATE | 25 | RO | A B C |
| 919080 | Ionization chambers [12] | No. | SATE | None | RO | A B C |
| 919080 | Parts, n. e. c., specially fabricated for ionization chambers.[12] | | SATE | 25 | RO | A B C |
| 919080 | Neutron counters [12] | No. | SATE | None | RO | A B C |
| 919080 | Parts, n. e. c., specially fabricated for neutron counters.[12] | | SATE | 25 | RO | A B C |

[16] See § 370.4 (a) for commodities under this heading which require export authorization from the Department of State.

| Dept. of Commerce Schedule B No. | Commodity | Unit | Processing code and related commodity group | GLV dollar-value limits | Validated license required | Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra) |
|---|---|---|---|---|---|---|
| | GROUP 9—MISCELLANEOUS—continued | | | | | |
| | *Scientific and professional instruments, apparatus, and supplies, n. e. c.*—Continued | | | | | |
| | Research laboratory apparatus and equipment, n. e. c., and specially fabricated parts, n. e. c. (report counter current solvent extractors and bowl-type centrifuges in 775360)—Con. | | | | | |
| 919080 | Positive ion sources, n. e. c., suitable for use in cyclotrons and other electronuclear machines.[13] | No. | SATE | None | RO | A B C |
| 919080 | Parts, n. e. c, specially fabricated for positive ion sources suitable for use in electronuclear machines.[13] | ..... | SATE | 25 | RO | A B C |
| 919080 | Standard cells, and parts, n. e. c., specially fabricated for spectrophotometers. | ..... | SATE | None | RO | A F |
| 919080 | Scalers and rate-meters adaptable to radiation measurement.[13] | No. | SATE | None | RO | A B C |
| 919080 | Parts, n. e. c., specially fabricated for scalers and rate-meters adaptable to radiation measurement.[13] | ..... | SATE | 25 | RO | A B C |
| 919080 | Scintillation counters (report field exploration types of radiation detection instruments in 766995).[13] | No. | SATE | None | RO | A B C |
| 919080 | Scintillation counter crystals | ..... | SATE | None | RO | A B C F |
| 919080 | Parts, n. e. c., specially fabricated for scintillation counters.[13] | ..... | SATE | 25 | RO | A B C |
| 919080 | Scintillation collimators and other radiation detection equipment, n. e. c. (report all Geiger-Mueller counters and field exploration types of radiation detection instruments in 766995).[13] | No. | SATE | None | RO | A B C |
| 919080 | Parts, n. e. c., specially fabricated for scintillation collimators and other radiation detection equipment (report parts for field exploration types of radiation detection equipment in 766995).[13] | ..... | SATE | 25 | RO | A B C |
| 919080 | Densitometers | No. | SATE | None | RO | A F |
| 919080 | Parts, n. e. c., specially fabricated for densitometers. | ..... | SATE | 25 | RO | A F |
| 919080 | Electronic computers | No. | SATE | None | RO | A F |
| 919080 | Parts, n. e. c., specially fabricated for electronic computers. | ..... | SATE | 25 | RO | A F |
| 919080 | Glass electrodes, for noncontinuous pH meters, including titrimeters and aquameters. | No. | SATE | 100 | RO | A |
| 919080 | Helium cryostat equipment | No. | SATE | None | RO | A |
| 919080 | Parts, n. e. c., specially fabricated for helium cryostat equipment. | ..... | SATE | 25 | RO | A |
| 919080 | Supersonic and ultrasonic generators for operation at 17,000 cycles per second or over. | No. | SATE | None | RO | A F |
| 919080 | Parts, n. e. c., specially fabricated for supersonic and ultrasonic generators for operation at 17,000 cycles per second or over. | ..... | SATE | 25 | RO | A F |
| 919080 | Time interval or recording instruments capable of (1) measuring time intervals of one second or less with an error not exceeding 2 percent or 20 microseconds, whichever is the greater, or (2) counting at over 50,000 counts per second. | No. | SATE | None | RO | A F |
| | GROUP 9—MISCELLANEOUS—continued | | | | | |
| | *Scientific and professional instruments, apparatus, and supplies, n. e. c.*—Continued | | | | | |
| | Research laboratory apparatus and equipment, n. e. c., and specially fabricated parts, n. e. c. (report counter current solvent extractors and bowl-type centrifuges in 775360)—Con. | | | | | |
| 919080 | Parts and accessories, n. e. c., specially fabricated for time interval or recording instruments capable of (1) measuring time intervals of 1 second or less with an error not exceeding 2 percent or 20 microseconds, whichever is the greater, or (2) counting at over 50,000 counts per second. | ..... | SATE | 25 | RO | A F |
| | *Ordnance and pyrotechnics*[14] | | | | | |
| 947450 | Parts and accessories, n. e. c., specially fabricated for small arms: Gun part fabrications, brass and bronze | ..... | NONF | 100 | RO | A |
| 947980 | Parts and accessories, n. e. c., specially fabricated for artillery and naval guns, mortars, rocket and missile launchers, except self-propelled: Gun part fabrications, brass and bronze | ..... | NONF | 100 | RO | A |
| | Parts, n. e. c., for nonarmored amphibian vehicles or carriers included on the Positive List under Schedule B No. 791113.[15] | ..... | TRAN | 100 | R | |
| 948169 | Components and parts, n. e. c., manufactured of brass or bronze, for small arms ammunition except empty shotgun shells; primers for shotgun shells; and percussion caps for muzzle loading shotguns. | ..... | NONF | 100 | RO | A |
| 948250 | Components and parts, n. e. c., specially fabricated for artillery, naval gun, and mortar ammunition: Components and parts, n. e. c., manufactured of brass or bronze, for artillery, naval gun, and mortar ammunition. | ..... | NONF | 100 | RO | A |
| 948250 | Copper rotating bands for shells, and other copper munitions components. | ..... | NONF | None | RO | A |
| 948250 | Gas checks, copper | ..... | NONF | 100 | RO | A |
| | *Miscellaneous commodities, n. e. c.*[14] [16] | | | | | |
| 980600 | Self-contained diving and underwater swimming apparatus, and specially fabricated accessories and parts, n. e. c. (report self-contained diving and underwater swimming apparatus manufactured to military specifications, and specially fabricated parts therefor, in 999960). | ..... | SATE | 50 | RO | A G |
| | Manufactured plastic products, n. e. c., not specially fabricated for particular machines or equipment (report plastics and resin materials in unfinished forms in 825100–826920): | | | | | |
| 981590 | Manufactures of polytetrafluoroethylene (e. g., Teflon). | ..... | COTA | 25 | RO | A B C F G |
| 981590 | Manufactures of polytrifluorochloroethylene | ..... | COTA | 25 | RO | A B C F G |

[13] All outstanding licenses issued by the Atomic Energy Commission prior to Sept. 26, 1955, remain valid until they expire or are revoked, and any requests for amendments to such licenses shall be made to the AEC.

[14] Outstanding licenses covering these commodities which were issued by the Atomic Energy Commission prior to Feb. 18, 1956, remain valid until they expire or are revoked, and requests for amendments to such licenses shall be made to the AEC.

[14] See § 370.4 (a) for commodities under this heading which require export authorization from the Department of State.

[15] Parts and accessories specifically designed for types of vehicles licensed by the Department of State also require export authorization from the Department of State. See § 370.4 (a).

[16] Gas incandescent mantles, Schedule B No. 979100, require export authorization from the Atomic Energy Commission. See § 370.4 (d).



| Dept. of Commerce Schedule B No. | Commodity | Unit | Processing code and related commodity group | GLV dollar-value limits | Validated license required | Commodity lists (for explanation of symbols in this column, see General Notes to Appendix A in this section, supra) |
|---|---|---|---|---|---|---|
| | GROUP 9—MISCELLANEOUS—continued | | | | | |
| | *Miscellaneous commodities, n. e. c.*[14] [16]—Con. | | | | | |
| | Commodities exported for relief or charity by individuals and private agencies. (The following classifications are not used for exports for relief or charity by governmental agencies (United States, foreign, and international) except for exports of used clothing by such agencies, which are reported under 999820. All other exports (including new clothing) by governmental agencies are reported under their specific Schedule B numbers): | | | | | |
| 999810 | Food | | | | | |
| 999820 | Clothing | | | | | |
| 999830 | Blankets and bedding | | | | | |
| 999840 | Drugs and biological supplies | | Export controls applicable to each commodity under these classifications are those which apply to the commodity when exported commercially under its individual Schedule B number. | | | |
| 999850 | Surgical, sanitary, and hospital supplies, equipment and parts. | | | | | |
| 999860 | Ambulances and other motor equipment, and parts (specify by name). | | | | | |
| 999890 | Commodities exported for relief or charity by individuals and private agencies, n. e. c. (specify by name). | | | | | |
| 999910 | General merchandise valued at less than $25. This commodity number is applied to: (a) All single items of Schedule B commodities valued at less than $25. (b) All totals of Schedule B commodities, single items of which are valued at less than $25, including shipments to postmasters or other agents for distribution at destination. | | Export controls applicable to each commodity under these classifications are those which apply to the commodity when exported under its individual Schedule B number. | | | |
| 999960 | Self-contained diving and under-water swimming apparatus manufactured to military specifications, and specially fabricated parts therefor (report other self-contained diving and under-water swimming apparatus and specially fabricated parts in 980800). | ..... | SATE | 50 | RO | |

[14] See § 370.4 (a) for commodities under this heading which require export authorization from the Department of State.

[16] Gas incandescent mantles, Schedule B No. 979100, require export authorization from the Atomic Energy Commission. See § 370.4 (d).

§ 399.2 *Appendix B—Commodity interpretations.* The commodity interpretations set forth in this section are for use in determining (1) the appropriate Schedule B number under which certain commodities are classified, or (2) the validated license requirements for these commodities. They are intended to clarify the question of control where it has been demonstrated that such clarification may prove helpful to the export community, and where such control is not apparent from the Positive List and the Export Regulations.

INTERPRETATION 1: PIPE: OIL COUNTRY OR LINE FOR PUMP INSTALLATION PURPOSES

A maximum of 250 feet of oil country pipe or line pipe, classified in Schedule B Nos. 608210–606280, may be exported under general license, except to Hong Kong, Macao, and Subgroup A destinations (see Parts 371 and 384), provided such pipe accompanies the pump requiring its use for installation purposes, and also provided such pipe is of appropriate size and type for use with that pump. A validated license is required for any quantity in excess of 250 feet. If, however, the pipe is being shipped separately from the pump, a validated license is required for the full amount of the shipment if it exceeds the GLV value of the commodity.

INTERPRETATION 2: BALL AND ROLLER BEARINGS AND SPECIALLY FABRICATED PARTS

(1) A ball or roller bearing physically incorporated in a segment of a machine or in a complete machine prior to shipment loses its identity as a bearing and the machine or segment of machinery containing the bearing is the item subject to export license requirements.

(2) A ball or roller bearing not incorporated in a segment of a machine prior to shipment but shipped as a component of a complete unassembled (knocked-down) machine is considered a component of the machine, and the complete machine is the item subject to export license requirements.

(3) Ball and roller bearings shipped as spares or replacements are classified in Schedule B Nos. 769100–769315 (ball and roller bearings and specially fabricated parts). This applies to separate shipments of ball and roller bearings and ball and roller bearings shipped with machinery or equipment for which they are intended to be used as spares or replacement parts.

INTERPRETATION 3: PORTABLE AND SEMI-PORTABLE IRRIGATION SYSTEMS, FARM TYPE

| Commodity | Schedule B No. |
|---|---|
| Portable and semiportable irrigation systems, farm type, including specially fabricated pipe [1] (not to exceed 8 inches in diameter), and specially fabricated fittings. | 787005. |
| Pipes, spares or replacements: | |
| Specially fabricated [1] | 787005. |
| Not specially fabricated | Report in tubular products according to material (e. g., aluminum, 630320). |
| Fittings as spares or replacements: | 787005. |
| Specially fabricated for irrigation systems | |
| Not specially fabricated for irrigation systems: | |
| If identifiable as pipe fittings | Report as "pipe fittings," according to type and material (e. g., aluminum, 619959). |
| If not identifiable as pipe fittings | Report as "manufactures," according to material (e. g., aluminum, 619950). |
| Pumps, whether or not shipped with the irrigation system | Report in appropriate pump classification (770900–770980). |

[1] At least one of the following descriptions shall be applicable in describing portable and semiportable irrigation pipe in order to consider it "specially fabricated": (a) Permanently attached handles for easy handling. (b) Attached quick-action couplings. (c) Punched, drilled, beaded and/or cupped pipe ends for special adapters. (d) 10 percent or more of pipe area perforated.

INTERPRETATION 4: CLASSIFICATION OF "PARTS" OF MACHINERY, EQUIPMENT, OR OTHER ITEMS

(1) *Where an assembled machine or unit of equipment is being exported.* Where one or more assembled machines or units of equipment are being exported, the individual component parts which are physically incorporated into the machine or equipment do not require a separate validated export license. The validated license or the general license under which the complete machine or unit of equipment is exported will also cover its component parts: *Provided* That no special provisions or interpretations obtain (for example, as in the case of certain tools containing diamonds); that the parts are normal and usual components of the machine or equipment being exported; or that the physical incorporation is not used as a device to evade the requirement for a validated export license.

(2) *Where parts are exported as spares, replacements, for resale, or for stock.* Where parts are exported as spares, replacements, for resale, or for stock, a validated export license is required if the particular part is on the Positive List to the intended destination.

(3) *Classification instructions.* Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States, issued by the Bureau of the Census, sets forth detailed instructions for the classification of "parts" for machinery, equipment, or other items. These instructions may be found on pages xxiv and xxv in the "Introduction to Schedule B," paragraphs 11 through 22, under the following sub-headings: "Definition of parts," "Rules for the classification of parts," "Exception to the rules for the classification of parts," and "Definition of the terms specially fabricated and general-purpose."

(4) *Mixed shipments.* It has been determined that mixed shipments of replacement parts classifiable under a Schedule B number for "specially fabricated parts" for a machine often erroneously include replacement parts for which individual classifications are provided in Schedule B. The method for determining when this practice is permissible is set forth in the aforementioned instructions,

paragraph c.20, under the heading "Exception to the rules for the classification of parts."

INTERPRETATION 5: PARACHUTES, PARTS, AND FITTINGS

Parachutes, parts, and fittings are considered implements of war, and exportations thereof are controlled by the Department of State and not the Department of Commerce (see § 370.4 (a) of this chapter). These include complete parachutes, canopies (parachutes with the shroud lines removed), shroud lines, pilot chutes, containers, harnesses, or parts and fittings therefor. Export licenses issued by the Department of State are required for such exportations, including those sent as gifts.

INTERPRETATION 6: QUARTZ CRYSTAL PLATE

Quartz crystal plate is a piece of quartz crystal cut in such a way as to be active piezo-electrically. It may or may not be mounted with metal electrodes applied to its surfaces.

All quartz crystal plates, mounted or unmounted, are classified under Schedule B No. 595090, and are subject to the Export Regulations applicable thereto.

INTERPRETATION 7: STEEL SPRINGS

| Commodity | Schedule B No. |
|---|---|
| Steel springs, specially fabricated:[1] | |
| Spare or replacement parts for a machine | Report in Schedule B class provided for "parts" for the specific machine. |
| Spare or replacement parts for an article other than a machine. | Report in Schedule B class provided for "parts" of the specific commodity. If no such class is provided, report in 813830. |

[1] A "specially fabricated" spring is one which has been so constructed as to be usable with only one machine or type of machine for which a single classification is provided in Schedule B, or for a well-defined group of the same type of machines, involving more than one Schedule B classification.

INTERPRETATION 8: RECORDING TAPE AND RECORDING WIRE

| Commodity | Schedule B No. |
|---|---|
| Recording tape, used or unused: | |
| For motion-picture sound recording | 901000 |
| Except for motion-picture sound recording: | |
| Perforated type that cannot be erased | 999990 |
| Other types, capable of being erased and reused | 708850 |
| Recording wire, used or unused | 708850 |

INTERPRETATION 9: AERIALS, ANTENNAS, AERIAL LEAD-INS, AND WIRE THEREFOR

| Commodity | Schedule B No. |
|---|---|
| Aerial lead-ins, strip-clip and other prefabricated types | 708100 |
| Aerial and antenna kits, complete with insulators, lead-in strips, and with or without lightning arresters and ground clamps | 708100 |
| Aerials and antennas, built-in cabinet type | 708100 |
| Television antennas, including those with lead-ins permanently affixed | 708100 |
| Wire, for aerials and antennas, and lead-in wire for aerial and antenna installations: | |
| Report according to type | 608200, 608210, 642510, 645710, 709865, 709870, 709875, 709885. |

INTERPRETATION 10: PARTS, ACCESSORIES, AND EQUIPMENT EXPORTED AS SCRAP

Parts, accessories, or equipment, which are being shipped as scrap should be declared as scrap, rather than parts, accessories, and equipment, and described on the Shipper's Export Declaration in sufficient detail to be identified under the proper Schedule B classification for the particular type of scrap being shipped. Each such shipment is subject to all regulations concerning that type of scrap.

When commodities declared as parts, accessories, or equipment are shipped in bulk, or are otherwise not packaged, packed, or sorted in accordance with normal trade practices, the Collector of Customs may require evidence that the shipment is not scrap. Such evidence may include, but is not limited to bills of sale, orders, and correspondence indicating that the commodities are being exported for use as parts, accessories, or equipment and not as scrap.

Exporters should consult the Bureau of Foreign Commerce, Washington 25, D. C., Attn: Exporters Service Section, or the Bureau of the Census, Foreign Trade Division, Washington 25, D. C., when in doubt as to the proper classification as parts and accessories, or scrap.

INTERPRETATION 11: VARIABLE SPEED TRANSMISSIONS

Variable speed transmissions, Schedule B No. 775400, are intended to include two types of power transmissions: mechanical and hydraulic, except vehicular.

Mechanical transmissions are those that transmit power by mechanical connection between the driving and driven elements. The changes of speed are variable at will, being limited only by the design range, while the unit is in operation. This is accomplished by changing the pitch ratio between the driving and driven pulleys or by shifting the drive belt position on two cones which are mounted in reversed positions on their respective shafts.

Hydraulic transmissions are those that transmit power by circulating fluid of variable pressure and/or volume between the driving and driven elements. The driving fluid may be used to produce linear or rotary motion and the volume may be varied to produce any speed range within the design limitations of the unit.

Specially fabricated parts and components, n.e.c., are also included under Schedule B No. 775400. Included in this category of parts and components are the pumps specially fabricated for hydraulic power transmission. They do not deliver liquids but operate on a closed recirculating system in which the liquid is used as the medium for transmitting power but is not itself transported beyond the limits of its own circulation system.

Pumps which may be adapted to hydraulic power transmission but can be used in other applications as well, are not intended to be included in Schedule B No. 775400. Pumps of this type must be reported elsewhere, depending on the specifications (see Schedule B Nos. 770900–770980).

INTERPRETATION 12: ARMS, AMMUNITION, AND IMPLEMENTS OF WAR

Arms, ammunition, and implements of war which are not listed on the Positive List of Commodities (§ 399.1) and which have been rejected by the armed services and sold as scrap or which are declared surplus or have been junked are, for purposes of export control, under the jurisdiction of the Bureau of Foreign Commerce only if they are rendered useless beyond the possibility of restoration to their original form. The export control of such commodities which are not rendered useless beyond the possibility of restoration to their original form is under the jurisdiction of the Department of State.

Arms, ammunition, and implements of war are defined in the United States Munitions List (22 CFR Part 75) (see § 370.4 (a) of this subchapter). This list includes components, parts, attachments, and accessories, such as propellers, rudders, etc. (except common-use hardware items such as nuts, bolts, and piping), specifically designed for the following types of combatant vessels (whether or not usable on non-combatant or commercial vessels): battleships, command ships, cruisers, aircraft carriers, destroyers, and submarines.

Commodities such as machine guns, rifles, etc., are not necessarily rendered useless beyond the possibility of restoration to their original form merely by removal of component parts such as triggers, mounts, stocks, hammers, etc.

Exporters should consult the Office of Munitions Control, Department of State, Washington 25, D. C., when in doubt as to whether a commodity covered by the Munitions List has been rendered useless, before applying to the Bureau of Foreign Commerce for a license to export the item as metal scrap.

INTERPRETATION 13: RECEIVING TYPE TUBES (SCHEDULE B NO. 707803)

The non-military versions (glass or metal) of types of receiving tubes listed below are excepted from the entry presently on the Positive List under Schedule B No. 707803. Military versions of tubes are identified by the use of the letter "W" following any standard tube designation indicated below. For example, 6J5 and 6J5GT are not on the Positive List; however, 6J5WGT is on the Positive List since the letter "W" indicates that it is a military version.

| | | |
|---|---|---|
| 01–A | 1LH4 | 3Q4 |
| 0Z4 | 1LN5 | 3Q5 |
| 1A4–P | 1N5 | 3S4 |
| 1A5 | 1N6 | 3V4 |
| 1A6 | 1P5 | 4BQ7 |
| 1A7 | 1Q5 | 4BZ7 |
| 1AX2 | 1R5 | 5AN8 |
| 1B3 | 1S4 | 5AN8 |
| 1B4–P | 1S5 | 5AQ5 |
| 1B5 | 1T4 | 5AT8 |
| 1B7 | 1T5 | 5AU4 |
| 1C5 | 1U4 | 5AV8 |
| 1C8 | 1U5 | 5AW4 |
| 1C7 | 1–v | 5AX4 |
| 1D5 | 1V2 | 5AZ4 |
| 1D5–GP | 1W4 | 5T4 |
| 1D7 | 1X2 | 5T8 |
| 1D8 | 2A3 | 5U4 |
| 1E5–GP | 2A5 | 5U8 |
| 1E7 | 2A6 | 5V4 |
| 1F4 | 2A7 | 5V6 |
| 1F5 | 2B7 | 5W4 |
| 1F6 | 2E5 | 5X3 |
| 1F7 | 2V2 | 5X4 |
| 1G4 | 2X2 | 5X8 |
| 1G5 | 3A2 | 5Y3 |
| 1G6 | 3A3 | 5Y4 |
| 1H4 | 3A4 | 5Z3 |
| 1H5 | 3A8 | 5Z4 |
| 1H6 | 3AL5 | 6A3 |
| 1J5 | 3AU6 | 6A5 |
| 1J6 | 3AV6 | 6A6 |
| 1L4 | 3B7/1291 | 6A7 |
| 1L6 | 3BA6 | 6A8 |
| 1LA4 | 3BC6 | 6AB4 |
| 1LA6 | 3BE6 | 6AB5 |
| 1LB4 | 3C6/XXB | 6AB7 |
| 1LC5 | 3CB6 | 6AC5 |
| 1LC6 | 3CS6 | 6AC7 |
| 1LD5 | 3D6 | 6AD6 |
| 1LE3 | 3E6 | 6AD7 |
| 1LG5 | 3LF4 | 6AE5 |
| 6AE6 | 6SF5 | 12K7 |
| 6AE7 | 6SF7 | 12K8 |
| 6AF6 | 6SG7 | 12L6 |
| 6AG7 | 6SH7 | 12Q7 |
| 6AH4 | 6SJ7 | 12S8 |
| 6AH6 | 6SK7 | 12SA7 |
| 6AH7 | 6SL7 | 12SC7 |
| 6AK6 | 6SN7 | 12SF5 |
| 6AL5 | 6SQ7 | 12SF7 |
| 6AL7 | 6SR7 | 12SQ7 |
| 6AM8 | 6SS7 | 12SH7 |
| 6AN5 | 6ST7 | 12SJ7 |
| 6AN8 | 6SV7 | 12SK7 |
| 6AQ5 | 6SZ7 | 12SL7 |
| 6AQ6 | 6T7 | 12SN7 |
| 6AQ7 | 6T8 | 12SQ7 |
| 6AR5 | 6U4 | 12SR7 |
| 6AR8 | 6U5 | 12V6 |
| 6AS5 | 6U6 | 12W6 |
| 6AS6 | 6U7 | 12X4 |
| 6AS7 | 6U8 | 12Z3 |
| 6AT6 | 6V3 | 14A4 |
| 6AT8 | 6V6 | 14A5 |
| 6AU4 | 6V7 | 14A7 |
| 6AU5 | 6W4 | 14AF7 |
| 6AU6 | 6W6 | 14B6 |
| 6AU7 | 6W7 | 14B8 |
| 6AU8 | 6X4 | 14C5 |
| 6AV5 | 6X5 | 14C7 |
| 6AV6 | 6X8 | 14E8 |
| 6AW8 | 6Y5 | 14E7 |
| 6AX4 | 6Y6 | 14F7 |
| 6AX5 | 6Y7 | 14F8 |
| 6AX6 | 6Z5 | 14H7 |
| 6B4 | 6Z7 | 14J7 |
| 6B5 | 6ZY5 | 14N7 |
| 6B6 | 7A4 | 14Q7 |
| 6B7 | 7A5 | 14R7 |
| 6B8 | 7A6 | 14S7 |
| 6BA6 | 7A7 | 14W7 |
| 6BA7 | 7A8 | 14X7 |
| 6BC5 | 7AD7 | 14Y4 |
| 6BC7 | 7AF7 | 15 |
| 6BD4 | 7AG7 | 19 |
| 6BD6 | 7AH7 | 19BG6 |
| 6BE6 | 7AJ7 | 19C8 |
| 6BF5 | 7AK7 | 19T8 |
| 6BF6 | 7AU7 | 19X8 |
| 6BG6 | 7B4 | 20 |
| 6BH6 | 7B5 | 22 |
| 6BJ6 | 7B6 | 24 |
| 6BJ7 | 7B7 | 25A6 |
| 6BK5 | 7B8 | 25A7 |
| 6BK7 | 7C5 | 25AC5 |
| 6BL4 | 7C6 | 25AV5 |
| 6BL7 | 7C7 | 25AX4 |
| 6BQ6 | 7E6 | 25B5 |
| 6BQ7 | 7E7 | 25B6 |
| 6BX7 | 7F7 | 25B8 |
| 6BY5 | 7F8 | 25BK5 |
| 6BY6 | 7G7 | 25BQ6 |
| 6BZ7 | 7H7 | 25C5 |
| 6C4 | 7J7 | 25C6 |
| 6C5 | 7K7 | 25CD6 |
| 6C6 | 7L7 | 25CU6 |
| 6C7 | 7N7 | 25L6 |
| 6C8 | 7Q7 | 25N6 |
| 6CA5 | 7R7 | 25W4 |
| 6CB5 | 7S7 | 25W6 |
| 6CB6 | 7V7 | 25Y5 |
| 6CD6 | 7W7 | 25Z5 |
| 6CF6 | 7X6 | 25Z6 |
| 6CL6 | 7X7 | 26 |
| 6CS6 | 7Y4 | 26A7 |
| 6CU6 | 7Z4 | 27 |
| 6D6 | 10 | 28D7 |
| 6D7 | 11 | 30 |
| 6D8 | 12 | 31 |
| 6DE6 | 12A4 | 32 |
| 6E5 | 12A5 | 32L7 |
| 6E6 | 12A6 | 33 |
| 6E7 | 12A7 | 34 |
| 6F5 | 12A8 | 35 |
| 6F6 | 12AH7 | 35/51 |
| 6F7 | 12AL5 | 35A5 |
| 6F8 | 12AQ5 | 35B5 |
| 6G6 | 12AS5 | 35C5 |
| 6H6 | 12AT6 | 35L6 |
| 6J3 | 12AT7 | 35W4 |
| 6J5 | 12AU6 | 35Y4 |
| 6J7 | 12AU7 | 35Z3 |
| 6J8 | 12AV5 | 35Z4 |
| 6K5 | 12AV6 | 35Z5 |
| 6K6 | 12AV7 | 36 |
| 6K7 | 12AX4 | 37 |
| 6K8 | 12AX7 | 38 |
| 6L5 | 12AZ7 | 39/44 |
| 6L6 | 12B4 | 40 |
| 6L7 | 12B8 | 41 |
| 6N6 | 12BA6 | 42 |
| 6N7 | 12BA7 | 43 |
| 6P5 | 12BD6 | 45 |
| 6P7 | 12BE6 | 45Z3 |
| 6Q7 | 12BF6 | 45Z5 |
| 6R4 | 12BH7 | 46 |
| 6R7 | 12BK5 | 47 |
| 6S4 | 12BR7 | 48 |
| 6S7 | 12BZ7 | 49 |
| 6S8 | 12C8 | 50 |
| 6SA7 | 12CA5 | 50A5 |
| 6SB7 | 12CU6 | 50AX6 |
| 6SC6 | 12F5 | 50B5 |
| 6SC7 | 12H6 | 50C5 |
| 6SD7 | 12J5 | 50C6 |
| 6SE7 | 12J7 | 50CD6 |
| 50L6 | 71 | 85 |
| 50X6 | 75 | 89 |
| 50Y6 | 76 | V99 |
| 50Y7 | 77 | X99 |
| 50Z7 | 78 | 112–A |
| 53 | 79 | 117L7/M7 |
| 55 | 80 | 117N7 |
| 56 | 81 | 117P7 |
| 57 | 82 | 117Z3 |
| 58 | 83 | 117Z4 |
| 59 | 83–V | 117Z6 |
| 70L7 | 84/6Z4 | |





INTERPRETATION 14: ROTARY WELL DRILLING RIGS

(1) *Definition.* For export control purposes, a rotary well drilling rig (Schedule B No. 730900) consists of a derrick or mast, sub-structure and platform, drawworks, rotary-table, kelly, swivel, crown and travelling blocks, wire rope, power-drive units, electric power-generating units, blow-out preventers, mud (slush) pumps, hose, rock drill bits and other accessories necessary to enable the rig to be operated as a drilling unit. Drill pipe, casing, oil, grease, drilling mud and explosives are not included in this definition.

(2) *Parts.* A validated export license for a drilling rig (as defined above) also covers spare parts in a value not exceeding five percent of the value of the rig. The exportation of the rig and spare parts, under authority of the validated license, shall be classified under Schedule B No. 730900, whether the rig and parts are shipped in a single shipment or in a series of partial shipments.

If the spare parts are not shipped together with the rig, either in a single shipment or series of partial shipments, or if they are in excess of five percent of the value of the rig with which they are being shipped, the spare parts shall be classified as follows:

General purpose items for which a separate classification is provided shall be classified under their appropriate Schedule B numbers. Specially fabricated parts, n. e. c., shall be classified under Schedule B No. 732000.

§ 399.3 *Appendix C—Commodity processing codes.* The following commodity processing code symbols shall be used by applicants in preparing applications for export licenses:

| Schedule B No. | Commodity group | Processing code |
|---|---|---|
| | *Animals, edible* | |
| 001000–001600 | | MEAT |
| 001910–001990 | | DAPF |
| | *Meat and meat products* | |
| 002000–003800 | | MEAT |
| 003901 | | DAPF |
| 003905–003909 | | MEAT |
| 004010–004050 | | DAPF |
| 004500–004998 | | MEAT |
| | *Animal oil and fats, edible* | |
| 005000–005600 | | FATS |
| | *Dairy products* | |
| 006000–006998 | | DAPF |
| | *Fish and fish products* | |
| 007000–008990 | | DAPF |
| | *Other edible animal products* | |
| 009200–009390 | | DAPF |
| 009400–009900 | | MEAT |
| | *Hides and skins raw, except furs* | |
| 020105–025098 | | LEAT |
| | *Leather* | |
| 030050–035900 | | LEAT |
| | *Leather manufactures* | |
| 060000–069900 | | LEAT |
| | *Furs and manufactures* | |
| 071300–075900 | | TEXT |
| | *Animal and fish oils and greases, inedible* | |
| 080300–085898 | | FATS |
| | *Other inedible animals and animal products* | |
| 090000–090990 | | MEAT |
| 092300–093500 | | TEXT |
| 094205–094296 | | CDGS |
| 099905–099950 | | DAPF |
| 099998 | | MEAT |
| | *Grains and preparations* | |
| 101100 (barley for seed) | | SEED |
| 101160 (barley, except for seed) | | CERL |
| 101200–101300 | | CERL |
| 102100 (buckwheat for seed) | | SEED |
| 102100 (buckwheat, except for seed) | | CERL |
| 103150 | | CERL |
| 103170 | | SEED |
| 103210–103990 | | CERL |
| 104100 (oats for seed) | | SEED |
| 104100 (oats, except for seed) | | CERL |
| 104300–104400 | | CERL |
| 105500 (paddy or rough rice for seed) | | SEED |
| 105500 (paddy or rough rice, except for seed) | | CERL |
| 105710–105750 | | CERL |
| 106100 (rye for seed) | | SEED |
| 106100 (rye, except for seed) | | CERL |
| 107100 (wheat for seed) | | SEED |
| 107100 (wheat, except for seed) | | CERL |
| 107300–109900 | | CERL |
| | *Fodders and feeds, n. e. c.* | |
| 110100–119900 | | CERL |
| | *Vegetables and preparations, edible* | |
| 120121–120149 | | VEGT |
| 120150 | | SEED |
| 120213 (cowpeas for seed) | | SEED |
| 120213 (cowpeas, except for seed) | | VEGT |
| 120215 (chickpeas for seed) | | SEED |
| 120215 (chickpeas, except for seed) | | VEGT |
| 120220–120230 | | VEGT |
| 120250 | | SEED |
| 120710–121000 | | VEGT |
| 121100 (potatoes, white, for seed) | | SEED |
| 121100 (potatoes, white, except for seed) | | VEGT |
| 121300–122460 | | VEGT |
| 122470 (sweetpotatoes, for seed) | | SEED |
| 122470 (sweetpotatoes, except for seed) | | VEGT |
| 122490–125000 | | VEGT |
| 125011–125915 | | CERL |
| 125920–125998 | | VEGT |
| | *Fruits and preparations* | |
| 130100–135098 | | VEGT |
| | *Nuts and preparations* | |
| 137400 | | SUBT |
| 137510 (peanuts, shelled, for seed) | | SEED |
| 137510 (peanuts, shelled, except for seed) | | SUBT |
| 137550 (peanuts, not shelled, for seed) | | VEGT |
| 137550 (peanuts, not shelled, except for seed) | | SUBT |
| 137610–137995 | | SUBT |
| | *Vegetable oils, fats, and waxes, refined* | |
| 142100–145000 | | FATS |
| | *Cocoa, coffee, tea, and substitutes* | |
| 150100–151390 | | SUBT |
| | *Spices* | |
| 154001–154998 | | SUBT |
| | *Sugar and related products* | |
| 161905–163700 | | SUBT |
| | *Beverages and related products* | |
| 170100–178000 | | SUBT |
| | *Rubber (natural, allied gums, and synthetics) and manufactures* | |
| 20100–206210 | | RUBR |
| 206410 (licensed by State Department). | | |
| 206430–206530 | | RUBR |
| 206560 (licensed by State Department). | | |
| 206570–209990 | | RUBR |
| | *Naval stores, gums, and resins* | |
| 211000–212550 | | AGCH |
| 218000 | | SUBT |
| 218600–218998 | | AGCH |
| | *Drugs, herbs, leaves, and roots, crude* | |
| 220100–220904 | | DRUG |
| 220930 | | AGCH |
| 220988 (crude opium; coca leaves and their derivatives; and crude cannabis (marihuana): licensed by Treasury Department). | | |
| 220988 (other crude drugs, herbs, leaves and roots) | | DRUG |
| | *Oilseeds* | |
| 221000–222098 | | FATS |

| Schedule B No. | Commodity group | Processing code |
|---|---|---|
| | *Vegetable oils, fats, and waxes, crude* | |
| 223000–224998 | | FATS |
| 226800–227998 | | DRUG |
| 229000 | | FATS |
| | *Vegetable dyeing and tanning extracts* | |
| 233100–233998 | | LEAT |
| | *Seeds, except oilseeds* | |
| 240100–247500 | | SEED |
| | *Nursery and floral stock* | |
| 259003–259998 | | SEED |
| | *Tobacco and manufactures* | |
| 260110–262950 | | TOBO |
| | *Miscellaneous vegetable products, inedible* | |
| 293100 | | TEXT |
| 295100 | | SUBT |
| 299998 | | VEGT |
| | *Cotton, unmanufactured* | |
| 300005–300406 | | TEXT |
| | *Cotton semimanufactures* | |
| 300600–301320 | | TEXT |
| | *Cotton manufactures* | |
| 301510–319000 | | TEXT |
| | *Vegetable fibers and manufactures* | |
| 320505–349998 | | TEXT |
| | *Wool, unmanufactured* | |
| 360903–360911 | | TEXT |
| | *Wool, semimanufactures* | |
| 362210–363300 | | TEXT |
| | *Wool manufactures* | |
| 364230–368998 | | TEXT |
| | *Hair and manufactures, n. e. c.* | |
| 369070–369900 | | TEXT |
| | *Silk and manufactures* | |
| 370200–379900 | | TEXT |
| | *Man-made (synthetic) fibers and manufactures* | |
| 384020–384981 | | TEXT |
| 384985 | (broad woven plastic fabrics based on vinyl or vinylidene chloride resins and copolymers thereof) | RESN |
| 384985 | (other broad woven synthetic fabrics) | TEXT |
| 384990–385900 | | TEXT |
| | *Miscellaneous textile products* | |
| 390100–395900 | | TEXT |
| 396300 | | CDGS |
| 397000–399900 | | TEXT |
| | *Wood, unmanufactured* | |
| 400100–403900 | | LUMB |
| | *Sawmill products* | |
| 405111–415920 | | LUMB |
| | *Wood manufactures* | |
| 416000–418000 | | LUMB |
| 419104–420590 | | CONT |
| 421001–422900 | | CDGS |
| 423990–424070 | | BLDG |
| 424300–429900 | | CDGS |
| | *Cork and manufactures* | |
| 430000–430800 | | CORK |
| | *Paper base stocks, except rags* | |
| 460000–462900 | | PULP |
| 463803–469998 | | PULP |
| | *Paper, related products, and manufactures* | |
| 480100–486400 | | PULP |
| 487110–487500 | | CONT |
| 487800–489000 | | PULP |
| | *Coal and related fuels* | |
| 500100–500400 | | COAL |
| 500500 | | CDGS |
| | *Petroleum and products* | |
| 501100–504700 | | PETR |
| 504800 | | COAL |
| 505300 | (export authorization required from Federal Power Commission). | |
| 505900 | | PETR |
| | *Stone, hydraulic cement and lime* | |
| 510100–517000 | | BLDG |
| 517100 | | AUCH |

| Schedule B No. | Commodity group | Processing code |
|---|---|---|
| | *Glass and products* | |
| 521210–522010 | | BLDG |
| 522098 | | CDGS |
| 522110–522130 | | SATE |
| 523150 | | BLDG |
| 523210–523600 | | CONT |
| 523710–529100 | | CDGS |
| 529200 | | ELME |
| 529300–529900 | | CDGS |
| | *Clay and products* | |
| 530300–530912 | | MINL |
| 532010–532050 | | CDGS |
| 533210–533400 | | BLDG |
| 533510–533610 | | ELME |
| 533700–533800 | | CDGS |
| 536100–557600 | | BLDG |
| 537800 | | CDGS |
| | *Other nonmetallic minerals (precious included)* | |
| 540020–540905 | | TOOL |
| 540910 | | CDGS |
| 540930–540940 | | MINL |
| 540950 | | CDGS |
| 540990–541140 | | MINL |
| 541150 | | CDGS |
| 541210–541220 | | TOOL |
| 541400 | (honing abrasive stones for use on power-driven metal working machines) | TOOL |
| 541400 | (other whetstones, sticks, files, and blocks of manufactured abrasives) | CDGS |
| 541810 | | CDGS |
| 541820 | | TOOL |
| 542000 | | CDGS |
| 542050 | (iron and steel shot, chilled) | STEE |
| 542050 | (other metal abrasives) | CDGS |
| 545110–545150 | | MINL |
| 545400–545850 | | BLDG |
| 545900–545940 | | TRAN |
| 545960–546500 | | BLDG |
| 547000 | | MINL |
| 547100 | | BLDG |
| 547210–547300 | | MINL |
| 547400 | | ELME |
| 547890 | | FILM |
| 548050 | | MINL |
| 548098 | (graphite greases and lubricants) | PETR |
| 548098 | (spectroscopic carbons) | SATE |
| 548098 | (other carbon and graphite products) | MINL |
| 548350–549010 | | BLDG |
| 551000–551300 | | MINL |
| 571410–571500 | | SALT |
| 572260 | | MINL |
| 572270 | (magnesia cement) | BLDG |
| 572270 | (other magnesite, magnesia and manufactures) | MINL |
| 572400 | | SUBT |
| 573000–573700 | | MINL |
| 595050–595090 | | RARA |
| 596012–596020 | | MINL |
| 596025 | | COAL |
| 596031–596095 | | MINL |
| 596098 | (iron pyrites; cuprous pyrites; crude sulfur of less than 85 percent sulfur content; and sulfur ore) | SALT |
| 596098 | (other nonmetallic mineral products) | MINL |
| 599005–599098 | | CDGS |
| | *Iron ore and concentrates* | |
| 600100 | | STEE |
| | *Pig iron* | |
| 600700 | | STEE |
| | *Iron and steel scrap* | |
| 601010–601150 | | STEE |
| 601160 | | TNPL |
| 601170 | | STEE |
| | *Iron bars, skelp and pipe* | |
| 601201–601211 | | STEE |
| 601213 | | BLDG |
| | *Steel mill products, semifinished* | |
| 601602–601950 | | STEE |
| | *Steel mill products, rolled and finished* | |
| 602010–603145 | | STEE |
| 603165 | (licensed by State Department). | |
| 603525–603910 | | STEE |
| 604010–604170 | | TNPL |
| 604180–609195 | | STEE |
| | *Castings and forgings* | |
| 610000–610495 | (castings and forgings of any articles enumerated in § 370.4 (a): licensed by State Department). | |
| 610000–610495 | (other castings and forgings) | STEE |
| | *Railway car and locomotive wheels, tires, and axles (rolled and forged)* | |
| 610510–610538 | | STEE |

| Schedule B No. | Commodity group | Processing code |
|---|---|---|
| | *Metal manufactures* | |
| 611200–612370 | | CDGS |
| 612380 | | TNPL |
| 612910–613710 | | CDGS |
| 613810–613830 | | STEE |
| 614310–615298 | | BLDG |
| 615310–615350 | | CDGS |
| 615450 | | TOOL |
| 615517–617898 | | CDGS |
| 617901 | | TOOL |
| 617903 | (tungsten carbide inserts for rock drill bits) | MINE |
| 617903 | (tungsten carbide tool bit and die blanks, and inserts for tools) | TOOL |
| 617905 | (molybdenum tool bit blanks) | TOOL |
| 617905 | (other tool bit blanks) | STEE |
| 617910–618150 | | BLDG |
| 618210 | | STEE |
| 618230–618250 | | BLDG |
| 618263 | | STEE |
| 618263–618265 | | BLDG |
| 618267 | | STEE |
| 618269 | | BLDG |
| 618271 | | STEE |
| 618273–618855 | | BLDG |
| 618858–618859 | | CDGS |
| 618910 | | STEE |
| 618920 | | BLDG |
| 618930–618951 | | STEE |
| 618957 | | NONF |
| 618959 | (aluminum, copper, lead, and zinc) | NONF |
| 618959 | (other metal) | CDGS |
| 618963–618973 | | STEE |
| 618974 | | BLDG |
| 618975–618976 | | STEE |
| 618977 | | BLDG |
| 618979 | | STEE |
| 618981–618983 | | BLDG |
| 618984–618985 | | NONF |
| 618986 | | BLDG |
| 618987 | | NONF |
| 618988–618991 | | CDGS |
| 618992–618993 | | NONF |
| 618994 | | GIEQ |
| 618995–618996 | | CDGS |
| 619013 | | STEE |
| 619014 | (milk cans) | CONT |
| 619014 | (other filled metal shipping containers) | STEE |
| 619021 | | STEE |
| 619022 | (milk cans) | CONT |
| 619022 | (steel shipping containers, unfilled, except milk) | STEE |
| 619022 | (other shipping containers, unfilled) | NONF |
| 619031–619033 | | STEE |
| 619084 | | NONF |
| 619040 | (cobalt; molybdenum; tungsten, including tungsten carbide) | MINL |
| 619040 | (other metals) | NONF |
| 619043–619045 | | NONF |
| 619047 | | STEE |
| 619051 | | BLDG |
| 619052–619053 | | NONF |
| 619054–619055 | | BLDG |
| 619056 | | GIEQ |
| 619057 | | CDGS |
| 619058 | | STEE |
| 619059 | | CDGS |
| 619061 | (electric conducting cable suitable for sweeping magnetic mines or for harbor defense: licensed by State Department). | |
| 619061 | (other iron and steel wire rope and cable) | STEE |
| 619063 | (electric conducting cable suitable for sweeping magnetic mines or for harbor defense: licensed by State Department). | |
| 619063 | (phosphor bronze wire rope and cord) | NONF |
| 619063 | (other wire rope and cord, except insulated) | CDGS |
| 619065 | (electric conducting cable suitable for sweeping magnetic mines or for harbor defense: licensed by State Department). | |
| 619065 | (other wire strand) | STEE |
| 619066 | (electric conducting cable suitable for sweeping magnetic mines or for harbor defense: licensed by State Department). | |
| 619066 | (phosphor bronze strand) | NONF |
| 619066 | (other wire strand) | CDGS |
| 619067 | | STEE |
| 619069 | (submarine and torpedo nets: licensed by State Department). | |
| 619069 | (woven wire mesh composed of wire containing 95 percent or more nickel with 60 or more wires per linear centimeter) | CDGS |
| 619069 | (other wire products, n. e. c.) | STEE |
| 619110–619120 | | STEE |
| 619130–619140 | | NONF |
| 619151–619157 | | MINL |
| 619158 | | NONF |
| 619159 | (selenium; and titanium) | MINL |
| 619159 | (other metal) | NONF |
| 619230 | | NONF |
| 619250 | (beryllium foil) | MINL |
| 619250 | (other foil and leaf) | NONF |
| 619850 | | PRIN |
| 619861 | | BLDG |
| 619863–619865 | | CDGS |



| Schedule B No. | Commodity group | Processing code |
|---|---|---|
| | *Metal manufactures*—Continued | |
| 619910 | (punchings, iron and steel, except electrical steel; steel shot; flexible tubing, except electrical; stainless steel packing; and tubular steel scaffolding equipment | STEE |
| 619910 | (body armor: licensed by State Department). | |
| 619910 | (other iron and steel manufactures) | CDGS |
| 619950 | (brass or bronze bushings) | GIEQ |
| 619950 | (aluminum, copper and copper base alloy perforated plates and sheets; burning bars; lead collapsible tubes; nickel catalysts; tenaplate; tin shot, and tin collapsible tubes) | NONF |
| 619950 | (other metal manufactures, except precious metals) | CDGS |
| | *Ferroalloys* | |
| 621303–622090 | | MINL |
| 622098 | (ferrothorium and ferrouranium: licensed by Atomic Energy Commission). | |
| 622098 | (other ferroalloys) | MINL |
| | *Aluminum ores, concentrates, scrap, and semifabricated forms* | |
| 630010–630650 | | NONF |
| | *Copper ores, concentrates, scrap, and semifabricated forms* | |
| 640100–642000 | | NONF |
| | *Copper-base alloys (including brass and bronze), scrap, and semifabricated forms* | |
| 644000–645300 | | NONF |
| 645710 | (electric conducting cable suitable for sweeping magnetic mines or for harbor defense: licensed by State Department). | |
| 645710 | (other copper-base alloy wire, bare) | NONF |
| 647913–647950 | | NONF |
| | *Lead ores, concentrates, scrap and semifabricated forms* | |
| 650406–651519 | | NONF |
| | *Nickel ores, concentrates, scrap, and semifabricated forms* | |
| 654501–654519 | | NONF |
| | *Tin ores, concentrates, scrap and semifabricated forms* | |
| 656501–656519 | | NONF |
| | *Zinc ores, concentrates, scrap and semifabricated forms* | |
| 657010–658905 | | NONF |
| | *Other nonferrous ores, concentrates, scrap and semifabricated forms (except precious)* | |
| 664501–664512 | | MINL |
| 664514 | | NONF |
| 664517–664540 | | MINL |
| 664541 | (manganese copper) | NONF |
| 664541 | (other manganese metal and alloys) | MINL |
| 664543–664563 | | MINL |
| 664565 | | NONF |
| 664570–664597 | | MINL |
| 664598 | (monazite sand and other ores containing thorium; and carnotite, pitchblende, and other ores containing uranium: licensed by Atomic Energy Commission). | |
| 664598 | (other nonferrous ores and concentrates) | MINL |
| 664998 | (plutonium, uranium, and thorium metals and alloys: licensed by Atomic Energy Commission). | |
| 664998 | (other nonferrous metals and alloys) | MINL |
| | *Precious metals and plated ware, n. e. c.* | |
| 681000–681930 | (licensed by Treasury Department). | |
| 681950–692990 | | MINL |
| 695610–695910 | | CDGS |
| 699710 | (items of which 90 percent of the total value is attributable to the gold content: licensed by Treasury Department). | |
| 699710 | (other gold manufactures) | CDGS |
| | *Electrical machinery and apparatus* | |
| 700000–701250 | | ELME |
| 701300 | | TRAN |
| 701400 | (submarine batteries: licensed by State Department). | |
| 701400 | (other storage batteries, n. e. c.) | ELME |
| 701600–701800 | | ELME |
| 701910–702300 | | ELME |
| 702310 | | CDGS |
| 702320–702725 | | ELME |
| 702810 | (selenium rectifiers for radio and television apparatus) | RARA |
| 702810 | (other nonrotating rectifiers) | ELME |
| 703110–704300 | | ELME |
| 704330 | | TRAN |
| 704810–705500 | | ELME |
| 705560 | (electric mining and industrial locomotives, underground type) | MINE |
| 705560 | (electric mining and industrial locomotives, surface type) | TRAN |

| Schedule B No. | Commodity group | Processing code |
|---|---|---|
| | *Electrical machinery and apparatus*—Continued | |
| 705607–705705 | | ELME |
| 705715–706100 | | CDGS |
| 706305 | (sealed beam headlamps suitable for mounting on automotive vehicles) | TRAN |
| 706305 | (other small filament bulbs) | CDGS |
| 706455–706590 | | CDGS |
| 706600 | | ELME |
| 706812–707380 | | CDGS |
| 707395–707492 | | ELME |
| 707505–707590 | | SATE |
| 707608–707630 | (see § 370.4 (a) for electronic equipment and parts licensed by State Department). | |
| 707608–707630 | (other electrical equipment and parts) | RARA |
| 707635–707731 | | RARA |
| 707803 | (see § 370.4 (a) for electron tubes licensed by State Department). | |
| 707803 | (other electron tubes) | RARA |
| 707812–707830 | | RARA |
| 707840 | (tantalum rings) | MINL |
| 707840 | (other parts, n. e. c., specially fabricated for electron tubes) | RARA |
| 707850–708100 | | RARA |
| 708410 | (see § 370.4 (a) for electronic detection and navigational apparatus licensed by State Department). | |
| 708410 | (other electronic detection and navigational apparatus) | RARA |
| 708400–708700 | (see § 370.4 (a) for electronic equipment and parts licensed by State Department). | |
| 708400–708700 | (other electronic equipment and parts) | RARA |
| 708800 | | ELME |
| 708820 | (amplifiers designed for use in nuclear measurements, and specially fabricated parts) | ELME |
| 708820 | (other amplifiers, n. e. c., and specially fabricated parts) | RARA |
| 708850 | | RARA |
| 708900 | | ELME |
| 709020 | (licensed by State Department). | |
| 709030 | | TRAN |
| 709210 | (licensed by State Department). | |
| 709220 | | TRAN |
| 709410–709490 | | BLDG |
| 709495 | (aluminum and copper bus bars; and copper-base alloy solder lugs) | NONF |
| 709495 | (other pole line, transmission and distribution hardware) | ELME |
| 709500–709605 | | BLDG |
| 709620 | | BLDG |
| 709630 | | CDGS |
| 709640 | | ELME |
| 709690 | | CDGS |
| 709810–709860 | | NONF |
| 709865 | (automotive ignition wire in lengths of 100 feet or less) | TRAN |
| 709865 | (other rubber and/or synthetic rubber-insulated wire and cable) | NONF |
| 709870–709885 | | NONF |
| 709920 | | STEE |
| 709998 | (see § 370.4 (a) for electrical apparatus licensed by State Department). | |
| 709998 | (coefficient resistors and thermistors) | RARA |
| 709998 | (other electrical apparatus) | ELME |
| | *Engines, turbines and parts, n. e. c.* | |
| 71110–711310 | (see § 370.4 (a) for steam engines and steam turbines licensed by State Department). | |
| 71110–711310 | (other steam engines and steam turbines) | GIEQ |
| 711410 | | ELME |
| 711510 | (see § 370.4 (a) for gas turbines licensed by State Department). | |
| 711510 | (other turbines, n. e. c.) | GIEQ |
| 711900 | (parts for water wheels and water turbines) | ELME |
| 711900 | (parts for steam engines and turbines, n. e. c.) | GIEQ |
| 713200 | | GIEQ |
| 713300–713920 | (see § 370.4 (a) for marine steam boilers and parts licensed by State Department). | |
| 713300–713920 | (other power boilers and parts) | GIEQ |
| 714220 | | TRAN |
| 714260 | (see § 370.4 (a) for watercraft engines licensed by State Department). | |
| 714260 | (other watercraft engines) | TRAN |
| 714320–714360 | | TRAN |
| 714500–714660 | (see § 370.4 (a) for marine diesel and semi-diesel engines licensed by State Department). | |
| 714500–714660 | (other marine diesel and semi-diesel engines) | TRAN |
| 714710–714760 | | TRAN |
| 714910 | (see § 370.4 (a) for internal combustion engines, n. e. c., licensed by State Department). | |
| 714910 | (other internal combustion engines, n. e. c.) | TRAN |
| 715900 | | TRAN |
| 716000 | | GIEQ |

| Schedule B No. | Commodity group | Processing code |
|---|---|---|
| | *Construction, excavating, mining and related machinery* | |
| 720112–720142 | | CONS |
| 720147 | | MINE |
| 720160 | (power excavators, used and rebuilt) | CONS |
| 720160 | (dredging machines used and rebuilt) | MINE |
| 720210 | (parts, accessories and attachments for power excavators) | CONS |
| 720210 | (parts, accessories and attachments for dredging machines) | MINE |
| 720240 | | CONS |
| 720315 | (crushers, construction and mining types) | MINE |
| 720315 | (other crushers) | GIEQ |
| 720355 | (grinders, pulverizers, and granulators, construction and mining types) | MINE |
| 720355 | (other grinders, pulverizers and granulators) | GIEQ |
| 720395 | (screening machines, construction and mining types) | MINE |
| 720395 | (other screening machines) | GIEQ |
| 720410 | | MINE |
| 720495 | (parts, attachments, and accessories, n. e. c., specially fabricated for construction and mining types of crushers, pulverizers, grinders, granulators, screening machines, and crushing-screening outfits) | MINE |
| 720495 | (specially fabricated parts, n. e. c., for other crushers, pulverizers, grinders, granulators, screening machines, and crushing-screening outfits) | GIEQ |
| 721510–722027 | | CONS |
| 722030 | (attachments for agricultural wheel-type tractors) | AGMT |
| 722030 | (attachments for trucks and track-laying tractors) | CONS |
| 722040 | | CONS |
| 722045 | (logging arches, sulkies and parts for use with agricultural wheel-type tractors; and parts and accessories for attachments for agricultural wheel-type tractors) | AGMT |
| 722045 | (other construction and maintenance equipment) | CONS |
| 723010–723080 | | CONS |
| 723090–724965 | | MINE |
| 725003–725020 | | CONS |
| 725035 | | MINE |
| 725050 | | CONS |
| 730500–730780 | | MINE |
| 730810 | (jacks) | CONS |
| 730810 | (other specialized mining machines and equipment) | MINE |
| 730830–733950 | | MINE |
| | *Machine tools and parts* | |
| 740005–744340 | | TOOL |
| | *Metalworking machines n. e. c., parts and accessories (including accessories and attachments for machine tools)* | |
| 744371–746010 | | TOOL |
| | *Textiles, sewing, and shoe machinery* | |
| 750050–754900 | | GIEQ |
| 755105–755107 | | CDGS |
| 755205–757500 | | GIEQ |
| | *Other industrial machines and parts* | |
| 760010 | (steel milk vats, unlined) | STEE |
| 760010 | (other commercial dairy equipment and specially fabricated parts, n. e. c.) | GIEQ |
| 760020–763900 | | GIEQ |
| 764005 | | CDGS |
| 764015–766970 | | GIEQ |
| 766990 | (gear testers, and specially fabricated parts) | TOOL |
| 766990 | (sound level meters, and specially fabricated parts and accessories, n. e. c.) | ELME |
| 766990 | (viscosimeters, noncontinuous, and specially fabricated parts, n. e. c.) | SATE |
| 766990 | (other physical properties testing and inspecting machines, n. e. c., and specially fabricated parts and accessories, n. e. c.) | GIEQ |
| 766993 | | TOOL |
| 766995 | | MINE |
| 767100 | | GIEQ |
| 769100–769200 | (ball and roller bearings and parts, for aircraft: licensed by State Department). | |
| 769100–769200 | (other ball and roller bearings and parts) | GIEQ |
| 769310–769315 | | GIEQ |
| 769320 | (plain bearings and parts, for aircraft: licensed by State Department). | |
| 769320 | (water-lubricated bearings, rubber) | RUBR |
| 769320 | (other plain bearings and parts) | GIEQ |
| 770400–770775 | | CONS |
| 770790–770870 | | GIEQ |
| 770900–770970 | | CONS |
| 770975 | | TRAN |
| 770980 | | CONS |
| 770995 | (parts for mechanical vacuum pumps and diffusion vacuum pumps) | GIEQ |
| 770995 | (parts for measuring and dispensing pumps) | TRAN |

| Schedule B No. | Commodity group | Processing code |
|---|---|---|
| | *Other industrial machines and parts*—Continued | |
| 770995 | (parts for other pumps) | CONS |
| 771120–774200 | | GIEQ |
| 774300–774370 | | CDGS |
| 774450–775040 | | GIEQ |
| 775043–775049 | | MINE |
| 775052 | | GIEQ |
| 775055 | (cast iron shafts for pyrites burners) | MINE |
| 775055 | (other chemical and pharmaceutical processing and manufacturing machines, n. e. c., and specially fabricated parts, n. e. c.) | GIEQ |
| 775060–775075 | | GIEQ |
| 775080 | | MINE |
| 775090 | | GIEQ |
| 775100–775150 | | MINE |
| 775210–775400 | | GIEQ |
| 775998 | (coaxial and multipair cable making machines) | TOOL |
| 775998 | (jacks) | CONS |
| 775998 | (other industrial manufacturing and service-industries machines) | GIEQ |
| | *Office machines and parts* | |
| 776010–777090 | | CDGS |
| | *Printing and bookbinding machinery* | |
| 779000–779510 | | PRIN |
| | *Agricultural machines, implements and parts* | |
| 780130–787190 | | AGMT |
| | *Tractors, parts and accessories* | |
| 787310–787597 | | CONS |
| 787610–787980 | | AGMT |
| 788901 | | CONS |
| 788905 | | AGMT |
| | *Automobiles, trucks, buses and trailers, parts, accessories and service equipment* | |
| 790013–791113 | (see § 370.4(a) for vehicles licensed by State Department). | |
| 790013–791113 | (other vehicles) | TRAN |
| 791123 | (licensed by State Department). | |
| 791137 | | TRAN |
| 791140–791167 | (see § 370.4(a) for vehicles licensed by State Department). | |
| 791140–791167 | (other vehicles) | TRAN |
| 791175–791193 | | TRAN |
| 791197 | (military amphibious trailers and ammunition trailers: licensed by State Department). | |
| 791197 | (other military trailers) | TRAN |
| 791205–792730 | (parts and accessories specifically designed for vehicles enumerated in § 370.4 (a): licensed by State Department). | |
| 791205–792730 | (other parts and accessories for commercial and military vehicles) | TRAN |
| 793185 | (jacks for garage use) | CONS |
| 793185 | (reboring machines) | TOOL |
| 793185 | (other automobile, truck, bus, and truck-tractor service appliances and parts) | TRAN |
| | *Aircraft parts and accessories* | |
| 793210–794890 | (licensed by State Department). | |
| 794950 | (complete parachutes licensed by State Department). | |
| 794950 | (specially fabricated parts and fittings) | TEXT |
| 794960 | (see § 370.4 (a) for aircraft trainers, ground handling and maintenance equipment licensed by State Department). | |
| 794960 | (test kits for aircraft instruments; and test sets for ignition harnesses) | ELME |
| 794960 | (other aircraft training, ground handling and maintenance equipment) | TRAN |
| | *Watercraft* | |
| 795100–795150 | (see § 370.4 for export authorization required by Maritime Administration). | |
| 795155 | | TRAN |
| 795160 | (licensed by State Department). | |
| 795165 | (components, parts, attachments, and accessories, n. e. c., specifically designed for the following types of combatant vessels: battleships, command ships, cruisers, aircraft carriers, destroyers, and submarines: licensed by State Department). | |
| 795165 | (other parts and accessories, n. e. c., for military watercraft) | TRAN |
| 795170 | | TRAN |
| | *Railway transportation equipment* | |
| 796102–796112 | | TRAN |
| 796114 | | MINE |
| 796117 | (used and rebuilt locomotives, underground type) | MINE |
| 796117 | (used and rebuilt locomotives, surface type) | TRAN |
| 796122–796133 | | TRAN |
| 796134–796136 | (armored railway cars: licensed by State Department). | |
| 796134–796136 | (other railway cars) | TRAN |
| 796142–796144 | | TRAN |
| 796148 | (armored railway cars, used; licensed by State Department). | |
| 796148 | (other used railway cars) | TRAN |
| 796152–796168 | | TRAN |
| 796172 | (parts and accessories for underground mine locomotives) | MINE |
| 796172 | (parts and accessories for surface type locomotives) | TRAN |
| 796182–796198 | | TRAN |
| | *Other vehicle and parts* | |
| 797100–797105 | | CDGS |
| 797110–797130 | | TRAN |
| 799100–799996 | | CDGS |
| | *Coal-tar products* | |
| 800500–800600 | | COTA |
| 800700 | | COAL |
| 801000–802585 | | COTA |
| 802590 | (military propellants and explosives: licensed by State Department). | |
| 802590 | (n-methlaniline (monomethylaniline)) | ORGN |
| 802590 | (other coal-tar products) | COTA |
| 802810–806998 | | COTA |
| | *Medicinal and pharmaceutical preparations* | |
| 811100 | | DRUG |
| 811300 | | PETR |
| 811910–813585 | | DRUG |
| 813586 | (licensed by Treasury Department). | |
| 813587–818000 | | DRUG |
| | *Chemical specialties* | |
| 820010–820583 | | AGCH |
| 820587 | (weed killers consisting primarily of boron compounds) | AGCH |
| 820587 | (other weed killers) | SALT |
| 820588–820590 | | SALT |
| 820600 | | COTA |
| 820900 | | AGCH |
| 823000 | | CERL |
| 823300 | | SALT |
| 823850 | (sulfonated castor oil) | FATS |
| 823850 | (other textile specialty compounds) | SALT |
| 823900 | (sulfonated castor oil) | FATS |
| 823900 | (other tanning compounds) | SALT |
| 824000 | (ion exchange resins as water softeners or purifiers) | RESN |
| 824000 | (other water softeners, water purifiers, boiler and feed-water compounds) | SALT |
| 825000 | | SALT |
| 825100–827210 | | RESN |
| 827300–829000 | | PLAT |
| 829100 | | CDGS |
| 829200 | | FATS |
| 829300–829400 | | PLAT |
| 829510–829530 | | ORGN |
| 829540 | | DRUG |
| 829555–829600 | | SUBT |
| 829700 | | SALT |
| 829810 | (accelerators containing selenium) | SALT |
| 829810 | (other accelerators) | COTA |
| 829850–829890 | | COTA |
| 829910–829915 | | PETR |
| 829930 | | ORGN |
| 829940 | | DRUG |
| 829950 | | SUBT |
| 829970 | (thorium or uranium reagents: licensed by Atomic Energy Commission). | |
| 829970 | (sodium bismuthate) | DRUG |
| 829970 | (other reagent chemicals) | ORGN |
| 829980 | | COTA |
| 829984 | | SALT |
| 829990 | (chemical specialties containing thorium or uranium: licensed by Atomic Energy Commission). | |
| 829990 | (gold-containing chemicals, gold content over 90 percent of value: licensed by Treasury Department). | |
| 829990 | (napalm, military fuel thickeners: licensed by State Department). | |
| 829990 | (combustion catalysts containing cobalt; molybdenum lubricants; platinum liquids, for decorating china and glass; platinum plating solutions) | SALT |
| 829990 | (other chemical specialty compounds, n. e. c.) | ORGN |
| | *Industrial chemicals (exclusive of medicinal chemicals, U. S. P. and N. F.)* | |
| 830010–830300 | | ORGN |
| 830700 | | ACID |
| 830910 | | SALT |
| 830930–830960 | | ACID |
| 830980 | (hydrogen cyanide: licensed by State Department). | |
| 830980 | (other inorganic acids and anhydrides, n. e. c.) | ACID |
| 831000–832500 | | ORGN |
| 832700–832890 | | RESN |
| 832910–832970 | | ORGN |
| 832980–832985 | | SALT |
| 832990 | (tetrafluoroethylene) | SALT |
| 832990 | (other organic chemicals not of coal-tar origin) | ORGN |
| 833000–835800 | | SALT |
| 835900 | (military propellants and explosives: licensed by State Department). | |
| 835900 | (other potassium compounds, except fertilizers, n. e. c.) | SALT |
| 836220–837950 | | SALT |
| 837960 | (sodium nitrate) | FERT |
| 837990 | (other sodium compounds, n. e. c.) | SALT |
| 838100 | | SALT |
| 838400 | | FERT |
| 838500 | (military propellants and explosives: licensed by State Department). | |
| 838500 | (ammonium phosphate; ammonium sulfate; and urea) | FERT |
| 838500 | (other ammonium compounds, except fertilizers, n. e. c.) | SALT |
| 839000–839200 | | SALT |
| 839520 | (see § 370.4 (a) for military gases licensed by State Department). | |
| 839520 | (other military gases) | SALT |
| 839590 | (helium gas: licensed by State Department). | |
| 839590 | (other gases) | SALT |
| 839610–839722 | | SALT |
| 839730 | (hydrogen peroxide or dioxide in excess of 85 percent concentration: licensed by State Department). | |
| 839730 | (other hydrogen peroxide or dioxide) | SALT |
| 839750 | (compounds containing thorium or uranium: licensed by Atomic Energy Commission). | |
| 839750 | (military fuel thickeners: licensed by State Department). | |
| 839750 | (other metal salts of organic compounds) | SALT |
| 839900 | (salts and compounds containing thorium or uranium: licensed by Atomic Energy Commission). | |
| 839900 | (gold-containing chemicals, gold content over 90 percent of valuc: licensed by Treasury Department). | |
| 839900 | (other industrial chemicals) | SALT |
| | *Pigments, paints and varnishes* | |
| 840100–840500 | | PLAT |
| 841100–841400 | | SALT |
| 841900–842350 | | PLAT |
| 842400–842900 | | SALT |
| 843000–844500 | | PLAT |
| | *Fertilizers and fertilizer materials* | |
| 850500–855100 | | FERT |
| | *Soil improvement materials* | |
| 857000–857500 | | FERT |
| | *Explosives, fuses, and blasting caps* | |
| 860100–860200 | (licensed by State Department). | |
| 860400 | | ORGN |
| 860700 | (jet perforators; and oil well bullets) | MINE |
| 860700 | (mercury fulminate) | SALT |
| 860700 | (military propellants and high explosives: licensed by State Department). | |
| 860700 | (other explosives) | ORGN |
| 862500 | (detonating fuses for use with military explosives: licensed by State Department). | |
| 862540 | (other safety fuses) | ORGN |
| 862700–862800 | | ORGN |
| | *Soap and toilet preparations* | |
| 871100–872900 | | FATS |
| 873400–877000 | | DRUG |
| | *Photographic and projection goods* | |
| 900050 | | FILM |
| 900131 | (licensed by State Department). | |
| 900139–900150 | | FILM |
| 900232 | (licensed by State Department). | |
| 900238–914000 | (see § 370.4 (a) for photographic and projection goods licensed by State Department). | |
| 900238–914000 | (other photographic and projection goods) | FILM |
| | *Scientific and professional instruments, apparatus and supplies, n. e. c.* | |
| 914200–914998 | | SATE |
| 915000 | | CDGS |
| 915200–915590 | | SATE |
| 915610–916010 | | SATE |
| 916025 | (military photointerpretation, stereoscopic plotting and photogrammetry equipment: licensed by State Department). | |
| 916025 | (other drawing and drafting equipment) | SATE |
| 916029 | | SATE |
| 916050 | (aircraft gyroscopic compasses and repeaters: licensed by State Department). | |
| 916050 | (other navigational instruments and specially fabricated parts) | SATE |
| 919010 | (meteorological sounding balloons) | RUBR |
| 919010 | (other meteorological instruments, and parts) | SATE |
| 919066–919080 | | SATE |



| Schedule B No. | Commodity group | Processing code |
|---|---|---|
| | *Musical instruments, parts and accessories* | |
| 921100–929700 | | CDGS |
| | *Miscellaneous office supplies* | |
| 930310–939900 | | CDGS |
| | *Toys, athletic and sporting goods* | |
| 940000–944900 | | CDGS |
| | *Ordnance and pyrotechnics* | |
| 947000–947230 | (licensed by State Department). | |
| 947300 | | CDGS |
| 947400 | (licensed by State Department). | |
| 947450 | (gun part fabrications, brass and bronze) | NONF |
| 947450 | (other parts and accessories for small arms: licensed by State Department). | |
| 947500 | (licensed by State Department). | |
| 947550 | (gun part fabrications, brass and bronze) | NONF |
| 947550 | (other parts and accessories for artillery and naval guns, mortars, rocket and missile launchers: licensed by State Department). | |
| 947930–947960 | (licensed by State Department). | |
| 947980 | (parts for nonarmored amphibian vehicles or carriers) | TRAN |
| 947980 | (components and parts for tanks, self-propelled weapons, and combat and armored utility vehicles: licensed by State Department). | |
| 948162 | | CDGS |
| 948164 | (licensed by State Department). | |
| 948169 | (brass and bronze manufactures for munitions components) | NONF |
| 948169 | (other components and parts for small arms ammunition: licensed by State Department). | |
| 948290 | (licensed by State Department). | |
| 948250 | (brass, bronze and copper munitions components) | NONF |
| 948250 | (other components and parts, n. e. c. for artillery, naval gun, and mortar ammunition: licensed by State Department). | |
| 948310–949610 | (licensed by State Department). | |
| 949700 | (see § 370.4 (a) for fireworks, pyrotechnics, and specially fabricated parts licensed by State Department). | |
| 949700 | (other fireworks, pyrotechnics, and specially fabricated parts) | CDGS |
| | *Books, maps, pictures and other printed matter, n. e. c.* | |
| 951000–956900 | | PRIN |
| | *Miscellaneous commodities, n. e. c.* | |
| 957000–961000 | | CDGS |
| 962000 | (see § 370.4 (b) for gold jewelry licensed by Treasury Department). | |
| 962000 | (other gold, platinum and allied metal jewelry) | CDGS |
| 962100–962900 | | CDGS |
| 963500 | (see § 370.4 (b) for gold jewelry findings licensed by Treasury Department). | |
| 963500 | (other jewelry findings and parts) | CDGS |
| 968005–968099 | | CONT |
| 968501–971300 | | CDGS |
| 979100 | (gas incandescent mantles: licensed by Atomic Energy Commission). | |
| 979100 | (other incandescent mantles) | CDGS |
| 979200–980000 | | CDGS |
| 980700–980800 | | SATE |
| 981510 | | CDGS |
| 981990 | | COTA |
| 982110–982900 | | CDGS |
| 983000 | | PRIN |
| 983100–987200 | | CDGS |
| 999810–999830 | | GFTS |
| 999840 | | DRUG |
| 999850 | | SATE |
| 999860 | | TRAN |
| 999890 | | GFTS |
| 999910 | | CDGS |
| 999930 | (see § 370.4 (a) for military apparel licensed by State Department). | |
| 999930 | (other military apparel) | TEXT |
| 999960 | (self-contained diving and underwater swimming apparatus) | SATE |
| 999960 | (other miscellaneous military and naval equipment, n. e. c.: licensed by State Department). | |
| 999990 | | CDGS |

§ 399.4 *Appendix D—Groups of commodity processing codes.* For purposes of submission of multiple transactions consignee and purchaser statements (§ 373.65 of this chapter) by applicants for export licenses, the Commodity Processing Code symbols, as shown on the Positive List (§ 399.1) have been arranged in four groups, corresponding to the four Bureau of Foreign Commerce product divisions that license the commodities:

*Agricultural and Chemical Products Division*

| | |
|---|---|
| ACID | LUMB |
| AGCH | MEAT |
| AGMT | ORGN |
| CERL | PLAT |
| CONT | PULP |
| COTA | RESN |
| DAPP | SALT |
| DRUG | SEED |
| FATS | SUBT |
| FERT | TEXT |
| GFTS | TOBC |
| LEAT | VEGT |

*Finished Products Division*

| | |
|---|---|
| BLDG | PRIN |
| CDGS | RARA |
| CORK | RUBR |
| ELME | SATE |
| FILM | |

*Materials Division*

| | |
|---|---|
| COAL | PETR |
| MINL | STEE |
| NONF | TNPL |

*Producers Equipment Division*

| | |
|---|---|
| CONS | TOOL |
| GIEQ | TRAN |
| MINE | |

LORING K. MACY,
*Director,*
*Bureau of Foreign Commerce.*

[F. R. Doc. 56-4720; Filed, June 14, 1956; 8:47 a. m.]

# TITLE 5—ADMINISTRATIVE PERSONNEL

## Chapter I—Civil Service Commission

### PART 20—RETENTION PREFERENCE REGULATIONS FOR USE IN REDUCTIONS IN FORCE

#### MISCELLANEOUS AMENDMENTS

Paragraphs (i), (j) and (k) of § 20.2 are renumbered (k), (l) and (m) and new paragraphs (i) and (j) are inserted after paragraph (h), and § 20.4 (d) (1) and (e) are amended as set out below.

§ 20.2 *Definitions.* For the purposes of the regulations in this part definitions are given for words, terms, and phrases as follows:

* * * * * * *

(i) "Service computation date" is either the date that an employee with no previous creditable service enters on duty, or an artificial entrance on duty date obtained by subtracting the employee's total creditable prior service from the date of his entrance on duty.

(j) "Adjusted service computation date" is the date obtained by subtracting from the year of the service computation date the retention credits granted for performance ratings higher than "Satisfactory."

* * * * * * *

§ 20.4 *Order of selection* * * *

(d) *Retention register*—(1) *Compilation.* When two or more competing employees are in a competitive level which is to be affected by a reduction in force, the retention records of such employees shall be brought up to date and a retention register shall be compiled. All employees in positions in the particular competitive level, whether in duty, leave, or furlough status, excluding only those absent on active military duty with reemployment rights, shall be entered on the register in the order of tenure groups and subgroups, and according to either retention credits or adjusted service computation date in any subgroup when there are two or more. One (1) retention credit shall be given for each full year of Federal Government service, and four (4) retention credits shall be given for an "outstanding" performance rating. Two (2) retention credits shall be given for a rating representing a level of performance between "Satisfactory" and "Outstanding" where the agency's performance rating plan provides for a fourth performance rating level. If any employees serving under temporary appointments specifically limited to one (1) year or less are assigned to positions in the competitive level, their names and the expiration dates of their appointments shall be entered below the space provided for employees in tenure groups on the register. Likewise, if there are any employees serving in positions in the competitive level under any kind of appointments, with current official performance ratings of "Unsatisfactory," their names shall be entered on the register below the names of temporary employees.

* * * * * * *

(e) *Sequence of selection.* With respect to each competitive level, action must be taken to remove all employees with official "Unsatisfactory" performance ratings, and all employees serving under temporary appointments specifically limited to one (1) year or less from positions affected by a reduction in force before any competing employee, in any tenure group, is reached for action. Thereafter, selections for action must be made in order beginning with the lowest ranking employee on the register. Half years of service will be used in breaking ties in retention standing, but any ties still remaining will be decided administratively.

(Secs. 11, 19, 58 Stat. 390, 391; 5 U. S. C. 860, 868)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
*Executive Assistant.*

[F. R. Doc. 56-4729; Filed, June 14, 1956; 8:49 a. m.]

# TITLE 7—AGRICULTURE

## Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Elberta Peach Order 1]

### PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

#### REGULATION OF SHIPMENTS

§ 936.529 *Elberta Peach Order 1*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part

936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations of the Elberta Peach Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of Elberta peaches, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 18, 1956. A reasonable determination as to the supply of, and the demand for, such peaches must await the development of the crop and adequate information thereon was not available to the Elberta Peach Commodity Committee until May 17, 1956; recommendation as to the need for, and the extent of, regulation of shipments of such peaches was made at the meeting of said committee on May 17, 1956, after consideration of all available information relative to the supply and demand conditions for such peaches, at which time the recommendation and supporting information was submitted to the Department; necessary supplemental data for consideration in connection with the specification of the provisions of this section were not available until June 7, 1956; shipments of the current crop of such peaches are expected to begin on or about June 22, 1956, and this section should be applicable to all shipments of such peaches in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 18, 1956, and ending at 12:01 a. m., P. s. t., November 1, 1956, no shipper shall ship:

(i) Any package or container of Elberta peaches unless such peaches meet the requirements of the U. S. No. 1 Grade: *Provided,* That (*a*) with respect to ripe Elberta peaches, the requirements of the U. S. No. 1 Grade regarding freedom from damage, other than serious damage, caused by bruises need not be met; and (*b*) with respect to peaches which are of a size not smaller than the size known commercially as size 55 (as size 55 is defined more specifically in subparagraph (4) of this paragraph), a tolerance of 5 percent for defects not causing serious damage is allowed in addition to the tolerances provided for such U. S. No. 1 Grade;

(ii) Any package or container of Elberta peaches unless at least 85 percent, by count, of such peaches are well matured (as such term is defined in subparagraph (2) of this paragraph);

(iii) Any package or container of Elberta peaches containing more than one peach which is immature: *Provided,* That no lot of packages or containers of Elberta peaches may be shipped if more than one-half of one percent, by count, of the peaches in the lot are immature; or

(iv) Any package or container of Elberta peaches containing peaches which are of a size smaller than a size that will pack 72 peaches of the size known commercially as size 70 (as size 70 is defined more specifically in subparagraph (3) of this paragraph) in a No. 12B California peach box in accordance with the requirements prescribed for a standard pack: *Provided,* That, for the purpose of determining whether ripe Elberta peaches meet the said minimum size, such peaches may be fairly tightly packed rather than tightly packed, as prescribed for such standard pack.

(2) Peaches which are "well matured" means peaches which, at the time of picking; (i) are not hard; (ii) have shoulders and sutures well filled out; (iii) when ring cut, have flesh that separates from the pit readily and cleanly, and is red colored next to the pit; and (iv) have skin and flesh yellowish green to yellow in color. "Peaches which are not hard" yield to moderate pressure at least slightly at the suture and tip and at least very slightly elsewhere.

(3) As used in this section, the size of Elberta peaches known commercially as size 70 is defined more specifically as being the size that will pack the aforesaid California peach box in accordance with the aforesaid standard pack specifications with two tiers having six rows of six peaches each with not more than 10 percent, by count, of such peaches small enough to pass through, without using pressure, a rigid ring of inside diameter of 2⅜ inches.

(4) As used in this section, the size of Elberta peaches known commercially as size 55 is defined more specifically as being the size that will pack the aforesaid California peach box in accordance with the aforesaid standard pack specifications with two tiers, one tier having two rows of five peaches each and three rows of six peaches each and the other tier having two rows of six peaches each and three rows of five peaches each with not more than 10 percent, by count, of such peaches small enough to pass through, without using pressure, a rigid ring of inside diameter of 2¾ inches.

(5) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of Elberta peaches. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(6) Terms used in the amended marketing agreement and order shall, when used herein, have the same meaning as given to the respective term in said amended marketing agreement and order; the terms "U. S. No. 1 Grade," "bruises," "defects," "damage," "serious damage," "standard pack," "tightly packed," "fairly tightly packed" shall have the same meaning as when used in the United States Standards for peaches (§§ 51.1210 to 51.1223 of this title); the term "No. 12B California peach box" shall have the same meaning as set forth in section 828.25 of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 12, 1956.

[SEAL] FLOYD F. HEDLUND,
*Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-4740; Filed, June 14, 1956; 8:51 a. m.]

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[Lemon Reg. 645, Amdt. 1]

## PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

### LIMITATION OF SHIPMENTS

*Findings.* 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 19 F. R. 7175; 20 F. R. 2913), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in the State of California or in the State of Arizona.

*Order, as amended.* The provisions in paragraph (b) (1) (ii) of § 953.752 (Lemon Regulation 645; 21 F. R. 3967) are hereby amended to read as follows:

(ii) District 2: 558,000 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 12, 1956.

[SEAL] FLOYD F. HEDLUND,
*Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-4739; Filed, June 14, 1956; 8:51 a. m.]



# TITLE 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

### Subchapter A—Procedures, Rules of Practice, and Orders

[Docket 6503]

## PART 13—DIGEST OF CEASE AND DESIST ORDERS

### LE ANN FINE FURS, INC., ET AL.

Subpart—*Advertising falsely or misleading:* § 13.30 *Composition of goods:* Fur Products Labeling Act; § 13.73 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.135 *Nature:* Product or service; § 13.155 *Prices:* Comparative; savings and discounts subsidized; § 13.235 *Source or origin:* Place: *Foreign, in general.* Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Fur Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1260 *Nature.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1870 *Nature:* Fur Products Labeling Act; § 13.1880 *Old, used, reclaimed, or reused as unused or new;* § 13.1900 *Source or origin:* Fur Products Labeling Act: *Place.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, LeAnn Fine Furs, Inc., et al., East St. Louis, Ill., Docket 6503, May 24, 1956]

*In the Matter of LeAnn Fine Furs, Inc., a Corporation, and David Sandow and Sylvia Sandow, Individually and as Officers of Said Corporation*

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging a corporation and its officers, with office in East St. Louis, Ill., with violating the Fur Products Labeling Act, and the Federal Trade Commission Act, through false advertising, misbranding, and false invoicing of fur products, through failing to disclose in newspaper advertisements, on attached labels, and on invoices, the information required by the Act; and in advertisements naming animals other than those specified in the Fur Products Name Guide, and misrepresenting the amount of savings possible to purchasers—and an agreement containing a consent order to cease and desist disposing of all the issues without hearing.

On this basis, the hearing examiner made his initial decision and order to cease and desist, which became, on May 24, 1956, the decision of the Commission.

The order to cease and desist is as follows:

*It is ordered,* That respondent LeAnn Fine Furs, Inc., a corporation, and its officers, and respondent David Sandow and respondent Sylvia Sandow, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur products" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Fails to disclose:

a. The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide, and as prescribed under the rules and regulations;

b. That the fur products contain or are composed of secondhand or used fur when such is a fact;

c. That the fur products contain or are composed of bleached, dyed, or otherwise artificially colored fur when such is a fact;

d. That prices utilized in advertising as comparative prices were not based on current market values, or without giving the name and the compared price;

e. The name of the country of origin of imported furs contained in the fur products.

2. Contains the name or names of an animal or animals other than those producing the fur contained in the fur product.

B. Misbranding fur products by:

1. Falsely or deceptively labeling or otherwise identifying any such product as to the name or names of the animal or animals that produced the fur from which such product was manufactured;

2. Failing to affix labels to fur products showing:

a. The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

b. That the fur product contains or is composed of used fur when such is a fact;

c. That the fur product contains or is composed of bleached, dyed, or artificially colored fur when such is a fact;

d. That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur when such is a fact;

e. The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

f. That name of the country of origin of any imported furs used in the fur product.

C. Making comparative pricing claims or representations unless there is maintained full and adequate records disclosing the facts upon which such claims or representations are based.

D. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices showing:

a. The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

b. That the fur product contains or is composed of used fur when such is a fact;

c. That the fur product contains or is composed of bleached, dyed, or artificially colored fur when such is a fact;

d. That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur when such is a fact;

e. The name and address of the person issuing such invoices;

f. The name of the country of origin of any imported furs contained in the fur product.

By "Decision of the Commission," etc., report of compliance was required as follows:

*It is ordered,* That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 24, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
*Secretary.*

[F. R. Doc. 56-4737; Filed, June 14, 1956; 8:51 a. m.]

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[Docket 6513]

## PART 13—DIGEST OF CEASE AND DESIST ORDERS

### MAWSON DE MANY FORBES ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.73 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.155 *Prices:* Comparative; § 13.285 *Value.* Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely:* Fur Products Labeling

Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1870 *Nature:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Mawson DeMany, Forbes et al., Philadelphia, Pa., Docket 6513, May 26, 1956]

*In the Matter of Mawson DeMany Forbes, a Corporation; David DeMany, Individually and as President and Treasurer of Said Corporation; and Morris B. Marks, Individually and as Vice President and Secretary of Said Corporation*

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging a corporation and its officers, with office in Philadelphia, with violating the Fur Products Labeling Act and the Federal Trade Commission Act, through false invoicing of certain fur products which set forth the required information in abbreviated form and failed to disclose that the products were composed in substantial part of sides and flanks; and false advertising in newspapers which failed to disclose the names of animals producing the fur, and misrepresented the prices and value of the products—and an agreement for consent order to cease and desist.

On this basis, the hearing examiner made his initial decision and order to cease and desist which, by order of May 25, 1956, became, on May 26, the decision of the Commission.

The order to cease and desist is as follows:

*It is ordered*, That respondents, Mawson DeMany Forbes, a corporation, and its officers; and David DeMany, individually and as President and Treasurer of said corporation; and Morris B. Marks, individually and as Vice President and Secretary of said corporation; and their representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of any fur product, or in connection with the sale, advertising, offering for sale, transportation, or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

a. The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

b. That the fur product contains or is composed of used fur when such is a fact;

c. That the fur product contains or is composed of bleached, dyed, or artificially colored fur when such is a fact;

d. That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur when such is a fact;

e. The name and address of the person issuing such invoices;

f. The name of the country of origin of any imported furs contained in the fur product.

2. Setting forth the required information in abbreviated form.

3. Failing to disclose as part of the required information that fur products were composed in whole or in substantial part of sides and flanks, when such was the fact.

B. Falsely or deceptively advertising fur products, through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Fails to disclose the name or names of the animals or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations.

2. Represents directly or by implication:

a. That the regular or usual price of any fur product is any amount which is in excess of the price at which the respondent has usually and customarily sold such products in the recent regular course of its business;

b. The value of fur products, when such claims and representations are not true in fact.

3. Makes use of comparative prices or percentage savings claims unless such compared prices or claims are based upon the current market value of the fur product or upon a bona fide compared price at a designated time.

4. Makes price claims and representations of the type referred to in subparagraphs a and b and paragraph 3 above, unless there is maintained by respondents full and adequate records disclosing the facts upon which such claims or representations are based.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is ordered*, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 25, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-4738; Filed, June 14, 1956; 8:51 a. m.]

## Subchapter B—Trade Practice Conference Rules

[File No. 21-504]

## PART 29—ACCIDENT AND HEALTH INSURANCE INDUSTRY

### PROMULGATION OF TRADE PRACTICE RULES

Due proceedings having been held under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission:

*It is now ordered*, That the Group I trade practice rules as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of June 15, 1956.

*Statement by the Commission.* Trade practice rules for the accident and health insurance industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure.

Insurers for which trade practice rules are hereby established are comprised of individuals, corporations, associations, partnerships, reciprocal exchanges, inter-insurers, Lloyds, fraternal benefit societies, and any other legal entities engaged in the advertisement of policies of accident and health insurance. The rules also apply to agents and brokers to the extent that they are responsible for the advertisement of any policy.

The rules are directed to the elimination and prevention of harmful acts and practices in connection with the sale and offering for sale of accident and health insurance. They are to be applied to such end and to the exclusion of any acts or practices which suppress competition or otherwise restrain trade.

Proceedings under which rules have been established were instituted by the Commission on its own motion. A general industry conference was held in Washington, D. C., at which the National Association of Insurance Commissioners submitted proposals for Commission consideration. Thereafter, proposed rules were published by the Commission and made available to all industry members and other interested or affected parties upon public notice whereby they were afforded opportunity to present their views, including such pertinent information, suggestions, or amendments as they desired to offer, and to be heard in the premises. Pursuant to such notice, a public hearing was held in Washington, D. C., on April 30, 1956, and all matters there presented, or otherwise received in the proceeding, were duly considered by the Commission.

Thereafter, and upon full consideration of the entire matter, final action was taken by the Commission whereby it approved the rules as hereinafter set forth.

The rules as approved become operative thirty (30) days after the date of promulgation.

Sec.
29.0 Definitions.
29.1 Deception in general.
29.2 Advertisements of benefits, losses covered, or premiums payable.
29.3 Disclosure as to exceptions, reductions, and limitations.
29.4 Disclosure of policy provisions relating to renewability, cancellability, or termination.
29.5 Method of disclosure of required information.
29.6 Testimonials.
29.7 Deceptive use of statistics.
29.8 Availability of policy or refund of premiums.
29.9 Identification of plan or number of policies.
29.10 Disparagement.
29.11 Deceptive use of trade names, service marks, etc.
29.12 Deception as to "group" or "quasi-group" policies.
29.13 Deception as to introductory, initial, or special offers.
29.14 Misrepresentation as to approval or endorsement of advertisements or policies.
29.15 Misrepresentation as to payment of claims.
29.16 Misrepresentation concerning the insurer.

AUTHORITY: §§ 29.0 to 29.16 issued under sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45.

§ 29.0 *Definitions.* (a) "Advertisement," for the purpose of this part, shall mean any of the following material when used in connection with solicitation of the original purchase of a policy, or renewal or reinstatement thereof:

(1) Any printed and published material and descriptive literature, statements, or depictions of an insurer used in newspapers, magazines, radio and TV scripts or presentations, billboards, and similar displays; and

(2) Descriptive literature and sales aids of all kinds issued by an insurer for presentation to members of the public, including, but not limited to, circulars, leaflets, booklets, depictions, illustrations, and form letters; and

(3) Prepared sales talks, presentations, and material of all kinds for use by agents and brokers, and representations made by agents and brokers in accordance therewith.

(b) "Policy," for the purpose of this part, shall include any policy, plan, certificate, contract, agreement, statement of coverage, rider or endorsement, which provides accident or sickness benefits, or medical, surgical, or hospital expense benefits, whether on a cash indemnity, reimbursement, or service basis, except when issued in connection with another kind of insurance other than life, and except disability and double indemnity benefits included in life insurance and annuity contracts.

(c) "Insurer," for the purpose of this part, shall include any individual, corporation, association, partnership, reciprocal exchange, inter-insurer, Lloyds, fraternal benefit society, and any other legal entity, engaged in the advertisement of a policy as herein defined.

(d) *Agents and brokers:* This part shall also apply to agents and brokers to the extent that they are responsible for the advertisement of any policy.

### GROUP I

*General statement.* The unfair trade practices embraced in the Group I rules herein are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization, of such practices when subject to its jurisdiction.

§ 29.1 *Deception in general.* It is an unfair trade practice for an insurer to use, or cause to be used, any advertisement which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers.

NOTE: Words or phrases, the meaning of which is clear only by implication or by familiarity with insurance terminology, are subject to this section.

[Rule 1]

§ 29.2 *Advertisements of benefits, losses covered, or premiums payable.* It is an unfair trade practice for an insurer to use, or cause to be used, in any advertisement, words, phrases, or illustrations which mislead or have the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers with respect to any policy benefit or benefits, loss or losses covered, or premium or premiums payable.

(a) It is an unfair trade practice for an insurer to use, or cause to be used, in any advertisement, words or phrases such as "all," "full," "complete," "comprehensive," "unlimited," "This policy will pay your hospital and surgical bills," "This policy will replace your income," or words or phrases of similar import in connection with losses covered or benefits which are subject to exceptions, reductions, or limitations, unless such exceptions, reductions, or limitations are disclosed in accordance with the requirements of §§ 29.3 and 29.5.

(b) It is an unfair trade practice for an insurer to use, or cause to be used, in any advertisement, such words or phrases as "up to," "as high as," etc., in connection with dollar amounts payable for medical, hospital, surgical, or other expenses, or for loss of income, unless full indemnification is provided in all cases up to such amounts for expenses actually incurred, or income actually lost, by the policyholder, or there is full disclosure, in accordance with § 29.5, of the schedule of payments for specified expenses or loss of income for which the policy provides, and there is also a disclosure, in accordance with § 29.5, of such other exceptions, reductions, or limitations as may be required by § 29.3.

(c) It is an unfair trade practice for an insurer to use, or cause to be used, any advertisement in which a policy covering only one disease or a list of specified diseases is described in such a manner as to imply coverage beyond the terms of the policy, or in which synonymous words or terms are used to refer to any disease or physical condition so as to imply broader coverage than is the fact.

(d) It is an unfair trade practice for an insurer to use, or cause to be used, any advertisement in which representation is made as to the benefits of a policy which pays varying amounts for the same loss occurring under different conditions or which pays benefits only when a loss occurs under certain conditions without disclosing the limited conditions in accordance with the requirements of § 29.5.

(e) It is an unfair trade practice for an insurer to use, or cause to be used, in any advertisement, phrases such as "This policy pays $1,800 for hospital room and board expenses" without disclosure of the maximum daily benefit and the maximum time limit for such hospital room and board expenses and without disclosure of any other exceptions, reductions, or limitations in accordance with the requirements of §§ 29.3 and 29.5.

(f) It is an unfair trade practice for an insurer to use, or cause to be used, any advertisement which represents, directly or indirectly, that a policy provides for the payment of certain benefits in addition to other benefits when such is not the fact. [Rule 2]

§ 29.3 *Disclosure as to exceptions, reductions, and limitations.* (a) It is an unfair trade practice for an insurer to use, or cause to be used, any advertisement which refers to any dollar amount, period of time for which any benefit is payable, cost of policy, or specific policy benefit or benefits or the loss or losses for which such benefit or benefits are payable, without disclosing, in accordance with the requirements of § 29.5, the exceptions, reductions, and limitations relating thereto without which the advertisement would have the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers.'

NOTE 1: The term "exception" shall mean any provision in a policy whereby coverage for a specified hazard is entirely eliminated. It is a statement of a risk not assumed under the policy.

NOTE 2: The term "reduction" shall mean any provision which reduces the amount of the benefit; a risk of loss is assumed but payment upon the occurrence of such loss is limited to some amount or period less than would be otherwise payable had such reduction clause not been used.

NOTE 3: The term "limitation" shall mean any provision which restricts the duration or extent of coverage, losses covered, or benefits payable under the policy other than an exception or a reduction.

(b) It is an unfair trade practice for an insurer to use, or cause to be used, any advertisement covered by this section when, by the terms of the policy advertised, there is a time period between the effective date of the policy and the effective date of coverage under the policy, or a time period between the date a loss occurs and the date benefits begin to accrue for such loss, without disclosing the same in accordance with the requirements of § 29.5.

(c) It is an unfair trade practice for an insurer to use, or cause to be used, any advertisement covered by paragraph (a) of this section without disclosing, in accordance with the requirements of § 29.5, the extent to which any loss is not covered if the cause of such loss is traceable to a condition existing prior to the effective date of the policy.

(d) It is an unfair trade practice for an insurer to use, or cause to be used, any advertisement representing or implying—

(1) That the condition of the insured's health at the time of issuance of the policy will not be considered by the insurer in determining its liability thereunder; or

(2) That the insurer will not, as a claims practice, require proof of good health of the insured at the time of the issuance of the policy;

when such is not the fact. [Rule 3]

§ 29.4 *Disclosure of policy provisions relating to renewability, cancellability, or termination.* It is an unfair trade practice for an insurer to use, or cause to be used, any advertisement which refers, directly or by implication, to renewability, cancellability, or termination of a policy, or which contains a statement or illustration of time or age in connection with benefit or benefits payable, loss or losses, eligibility of applicants, or continuation of a policy, unless there is disclosure in accordance with § 29.5 of the provisions relating to renewability, cancellability, and termination, and to modification of benefits, losses covered, or premiums because of age, or for other reasons. [Rule 4]

§ 29.5 *Method of disclosure of required information.* It is an unfair trade practice for an insurer to fail to disclose in any advertisement the information required by the rules in this part conspicuously and prominently, and in sufficiently close conjunction with the statement or representation to which such required information relates as will relieve the representation of deception or the capacity to deceive. [Rule 5]

§ 29.6 *Testimonials.* It is an unfair trade practice for an insurer to use, or cause to be used, any advertisement containing a testimonial unless such testimonial is genuine, accurately describes the facts, represents the current opinion of the author, is applicable to the policy advertised, and is accurately reproduced.

NOTE: The insurer, in using a testimonial in an advertisement, makes as its own all of the statements contained therein, and the advertisements including such statements are subject to all of the provisions of the rules in this part.

[Rule 6]

§ 29.7 *Deceptive use of statistics.* It is an unfair trade practice for an insurer to use, or cause to be used, any advertisement in which representations are made as to dollar amounts of claims paid, the number of persons insured, or other statistical information relating to any insurer or policy unless it accurately reflects all of the relevant facts and does not imply that such statistics are derived from the policy advertised unless such is the fact. [Rule 7]

§ 29.8 *Availability of policy or refund of premiums.* It is an unfair trade practice for an insurer to use, or cause to be used, any advertisement which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers even though the policy advertised is made available to the insured prior to the consummation of the sale or an offer is made of a premium refund. [Rule 8]

§ 29.9 *Identification of plan or number of policies.* (a) It is an unfair trade practice for an insurer to use, or cause to be used, any advertisement in which a choice of the amount of benefits is offered without disclosing that the amount of benefits provided depends upon the plan selected and that the premium will vary with the amount of the benefits.

(b) It is an unfair trade practice for an insurer to use, or cause to be used, any advertisement which refers to various benefits which may be contained in two or more policies, other than group master policies, without disclosing that such benefits are provided only through a combination of such policies. [Rule 9]

§ 29.10 *Disparagement.* It is an unfair trade practice for an insurer to use, or cause to be used, any advertisement which, directly or indirectly, falsely disparages competitors, their policies, services, or business methods. [Rule 10]

§ 29.11 *Deceptive use of trade names, service marks, etc.* It is an unfair trade practice for an insurer to use, or cause to be used, in any advertisement, a trade name, service mark, slogan, symbol, or other device which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers as to the true identity of the insurer or its relation with public or other private institutions. [Rule 11]

§ 29.12 *Deception as to "group" or "quasi-group" policies.* It is an unfair trade practice for an insurer to use, or cause to be used, any advertisement in which a representation is made, directly or by implication, that prospective policy holders become group or quasi-group members and as such enjoy special rates or privileges ordinarily associated with group insurance as recognized in the industry, unless such is the fact. [Rule 12]

§ 29.13 *Deception as to introductory, initial, or special offers.* It is an unfair trade practice for an insurer to use, or cause to be used, any advertisement in which representation is made, directly or by implication, that a particular policy or combination of policies is an introductory, initial, or special offer and that applicants will receive advantages not available at a later date, unless such is the fact. [Rule 13]

§ 29.14 *Misrepresentation as to approval or endorsement of advertisements or policies.* It is an unfair trade practice for an insurer to use, or cause to be used, any advertisement in which a representation is made, directly or by implication:

(a) That an insurer, or any policy or advertisement thereof, has been approved by any governmental agency or department, unless such is the fact;

(b) That an insurer, or a policy or advertisement thereof, has been approved or endorsed by any individual, group of individuals, society, association, or other organization, unless such is the fact. [Rule 14]

§ 29.15 *Misrepresentation as to payment of claims.* It is an unfair trade practice for an insurer to use, or cause to be used, any advertisement in which a representation is made, directly or by implication, which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers with respect to:

(a) The time limit within which claims are paid;

(b) The dollar amounts of claims paid or the number of claims paid under a particular policy;

(c) The liberality and generosity beyond the terms of the policy in settlement of claims. [Rule 15]

§ 29.16 *Misrepresentation concerning the insurer.* It is an unfair trade practice for an insurer to use, or cause to be used, any advertisement which, directly or by implication, has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers with respect to the insurer's assets, corporate structure, financial standing, age, or relative position in the insurance business. [Rule 16]

Promulgated by the Federal Trade Commission June 15, 1956.

Issued: June 12, 1956.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-4719; Filed, June 14, 1956; 8:46 a. m.]

# TITLE 24—HOUSING AND HOUSING CREDIT

## Chapter II—Federal Housing Administration, Housing and Home Finance Agency

### Subchapter C—Mutual Mortgage Insurance and Servicemen's Mortgage Insurance

PART 221—MUTUAL MORTGAGE INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE COVERING ONE- TO FOUR-FAMILY DWELLINGS

ELIGIBILITY OF MISCELLANEOUS TYPE MORTGAGES

Section 221.42 is amended by adding at the end thereof a new paragraph (j) as follows:

§ 221.42 *Eligibility of miscellaneous type mortgages.* * * *

(j) Notwithstanding the provisions of § 221.11 (a), in connection with mortgages of the character described in subparagraph (4) of paragraph (b) of this section, applications for commitments must be accompanied by the mortgagee's check for the sum of $10 to cover the cost of processing by the Commissioner. If an application is refused as a result of preliminary examination by the Commissioner, or in such other instances as the Commissioner may determine, the entire fee will be returned to the applicant.

(Sec. 211, 52 Stat. 23; 12 U. S. C. 1715b)

Issued at Washington, D. C., June 11, 1956.

NORMAN P. MASON, *Federal Housing Commissioner.*

[F. R. Doc. 56-4711; Filed, June 14, 1956; 8:45 a. m.]



### Subchapter M—Military and Armed Services Housing Mortgage Insurance

PART 292a—ARMED SERVICES HOUSING INSURANCE; ELIGIBILITY REQUIREMENTS OF MORTGAGE

PART 293a—ARMED SERVICES HOUSING INSURANCE; RIGHTS AND OBLIGATIONS OF THE MORTGAGEE UNDER THE INSURANCE CONTRACT

MILITARY PERSONNEL; CIVILIAN EMPLOYEES

1. In Part 292a, §§ 292a.1 to 292a.40 are designated as Subpart A—Military Personnel. The references therein to "this part" shall be deemed to mean "this subpart." A new Subpart B is added as follows:

SUBPART B—CIVILIAN EMPLOYEES

Sec.
292a.50 Incorporation by reference.
292a.51 Certificate of need.
292a.52 Employment status certificate.
292a.53 Maximum mortgage amount; dollar limitation.
292a.54 Maximum mortgage amount; loan-to-value limitation.
292a.55 Mortgage obligation in multiples.
292a.56 Mortgagor's minimum investment.
292a.57 Eligible mortgagors.
292a.58 Requirements as to risk and economic soundness.
292a.59 Guarantee of fund from loss.
292a.60 Effective date.

AUTHORITY: §§ 292a.50 to 292a.60 issued under sec. 807, 69 Stat. 651; 12 U. S. C. 1748f. Interpret or apply sec. 809, Pub. Law 574, 84th Cong.

§ 292a.50 *Incorporation by reference.* (a) All of the provisions of Part 221 of this chapter concerning eligibility requirements of mortgages under section 203 of the National Housing Act apply with equal force and effect to mortgages insured pursuant to section 809, except the following provisions:

§ 221.17 Maximum mortgage amount and mortgagor's minimum investment.
§ 221.27 Economic soundness of project.
§ 221.41 Rental properties.
§ 221.42 Eligibility of miscellaneous type mortgages.
§ 221.44 Effective date.

(b) For the purposes of this part all references in Part 221 of this chapter to section 203 of the National Housing Act shall be deemed to refer to section 809 of the National Housing Act.

§ 292a.51 *Certificate of need.* No mortgage shall be insured unless the Secretary of Defense, or his designee, shall have certified to the Commissioner that the housing is necessary to provide adequate housing for civilians employed in connection with a research or development installation of one of the military departments of the United States or a contractor thereof, and that there is no present intention to substantially curtail the number of such civilian personnel assigned or to be assigned to such installation. Such certification shall be conclusive evidence to the Commissioner of the need for such housing.

§ 292a.52 *Employment status certificate.* No mortgage shall be insured unless the Secretary of Defense, or his designee, has issued a certificate indicating that the mortgagor: (a) Requires housing; (b) is, on the date of the certificate, a civilian employee at a research or development installation of one of the military departments of the United States, or contractor thereof, at a research or development installation; and (c) is considered by the military department to be an essential, nontemporary, employee at such date. Such certificate shall be conclusive evidence to the Commissioner of the employment status of the mortgagor and of the mortgagor's need for housing.

§ 292a.53 *Maximum mortgage amount; dollar limitation.* The mortgage shall involve a principal obligation in a dollar amount not in excess of:

(a) $20,000 in the case of dwellings designed principally for one- or two-family residences; or

(b) $27,500 in the case of a three-family residence; or

(c) $35,000 in the case of a four-family residence.

In addition to the dollar limitation prescribed in this section the mortgage amount is subject to a loan-to-value limitation as provided in § 292a.54.

§ 292a.54 *Maximum mortgage amount; loan-to-value limitation.* In addition to meeting the dollar limitation as set forth in § 292a.53, the mortgage shall be in an amount not in excess of:

(a) 95 percent of $9,000 of the Commissioner's estimate of the appraised value of the property, as of the date the mortgage is accepted for insurance if the dwelling is approved for mortgage insurance prior to the beginning of construction and 75 percent of the Commissioner's estimate of the appraised value in excess of $9,000; or

(b) 90 percent of $9,000 of the appraised value as of the date the mortgage is accepted for insurance if the mortgaged property was not approved for mortgage insurance prior to the beginning of construction and 75 percent of the appraised value in excess of $9,000.

§ 292a.55 *Mortgage obligation in multiples.* The mortgage shall involve a principal obligation computed in multiples of $100 except that a mortgage having a principal obligation of less than $10,000 may be in multiples of $50.

§ 292a.56 *Mortgagor's minimum investment.* At the time the mortgage is insured the mortgagor shall have paid on account of the property at least five percent of the Commissioner's estimate of the cost of acquisition, or such larger amount as the Commissioner may determine, in cash or its equivalent.

§ 292a.57 *Eligible mortgagors.* No mortgage shall be insured unless executed by a mortgagor who meets the employment status requirements as set forth in § 292a.52 and who at the time of insurance is the owner of the property and either occupies the property or certifies that his failure to do so is the result of a change of his employment.

§ 292a.58 *Requirements as to risk and economic soundness.* A mortgage may be accepted for insurance by the Commissioner without regard to any requirement that the property or project be economically sound or an acceptable risk.

§ 292a.59 *Guarantee of fund from loss.* If the Commissioner determines that insurance of mortgages on housing as certified by the Secretary of Defense pursuant to § 292a.51 is not an acceptable risk, he may require the Secretary to guarantee the Armed Services Housing Insurance Fund from loss with respect to mortgages insured under this subpart.

§ 292a.60 *Effective date.* The provisions of this subpart are effective as to all mortgages on which a commitment to insure is issued on or after June 13, 1956.

2. In Part 293a, §§ 293a.1 to 293a.14 are designated as Subpart A—Military Personnel and a new Subpart B is added as follows:

SUBPART B—CIVILIAN EMPLOYEES

Sec.
293a.25 Incorporation by reference.
293a.26 Insurance endorsement.
293a.27 Effective date.

AUTHORITY: §§ 293a.25 to 293a.27 issued under sec. 807, 69 Stat. 651, 12 U. S. C. 1748f. Interpret or apply sec. 809, Pub. Law 574, 84th Cong.

§ 293a.25 *Incorporation by reference.* (a) All of the provisions of Part 222 of this chapter covering mortgages insured under section 203 of the National Housing Act, apply with full force and effect to mortgages insured under section 809 of the National Housing Act except the following provisions:

§ 222.5 Form of endorsement.
§ 222.7 Mutual Mortgage Insurance Fund.
§ 222.8 Distribution of participation shares.
§ 222.9 Rights to participation shares.
§ 222.18 Effective date.

(b) For the purposes of this subpart all references in Part 222 of this chapter to section 203 of the National Housing Act shall be deemed to refer to section 809 of the National Housing Act and all references to the Mutual Mortgage Insurance Fund or the Fund shall be construed to refer to the Armed Services Housing Mortgage Insurance Fund.

§ 293a.26 *Insurance endorsement.* Upon compliance, satisfactory to the Commissioner, with the terms of a commitment to insure, the Commissioner will:

(a) Endorse the original credit instrument as follows:

No. ------

Insured under section 809 of the National Housing Act and Regulations of the Federal Housing Commissioner thereunder dated June 13, 1956, as amended.

FEDERAL HOUSING COMMISSIONER,
By ----------
(Authorized agent)

Date: ----------

(b) Evidence insurance of an open-end advance by delivering to the mortgagee a certificate in form as follows:

No. ------

Insured as an additional advance in the principal amount of $---------- under section 809 of the National Housing Act and the

Regulations of the Federal Housing Commissioner thereunder, dated June 13, 1956, as amended.

FEDERAL HOUSING COMMISSIONER,
By ----------
(Authorized agent)

Date: ----------

§ 293a.27 *Effective date.* The provisions of this subpart are effective as to all mortgages on which a commitment to insure is issued on or after June 13, 1956.

Issued at Washington, D. C., June 13, 1956.

NORMAN P. MASON,
*Federal Housing Commissioner.*

[F. R. Doc. 56-4753; Filed, June 13, 1956; 4:30 p. m.]

## TITLE 49—TRANSPORTATION

### Chapter I—Interstate Commerce Commission

**Subchapter B—Carriers by Motor Vehicles**

[Ex Parte MC-40]

PART 193—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

QUALIFICATIONS AND MAXIMUM HOURS OF SERVICE AND EMPLOYEES OF MOTOR CARRIERS AND SAFETY OF OPERATIONS AND EQUIPMENT

JUNE 6, 1956.

The Commission's report and order of May 21, 1956, in the above entitled case was served on May 29, 1956. A typographical error occurred in the reproduction of § 193.43 (b) of the order.

In its correct form § 193.43 (b) reads as follows:

(b) Every truck-tractor and truck used for towing other vehicles equipped with vacuum brakes, in operations other than driveaway and towaway, on and after January 1, 1957, shall have, in addition to the single control required by § 193.49 to operate all brakes of the combination, a second control device independent of brake air, hydraulic, or other pressure and independent of other controls, which can be used to operate the brakes on the towed vehicles in emergencies. Such second control is not required by this section to provide modulated or graduated braking.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F. R. Doc. 56-4713; Filed, June 14, 1956; 8:46 a. m.]

## PROPOSED RULE MAKING

### FEDERAL COMMUNICATIONS COMMISSION

[ 47 CFR Part 18 ]

[Docket No. 11467]

RADIO FREQUENCY STABILIZED ARC WELDERS

NOTICE OF PROPOSED RULE MAKING

In the matter of amendment of Part 18 of the Commission's rules and regulations with respect to those portions governing radio frequency stabilized arc welders.

The Commission having under consideration a petition filed June 4, 1956 on behalf of the Joint Industry Committee on High Frequency Stabilized Arc Welders requesting an extension of time in which to submit comments directed to the Commission's Notice of Proposed Rule Making in the above-captioned matter issued on May 17, 1956:

It appearing that the above mentioned Committee is widely dispersed throughout the eastern part of the United States and the earliest time that a meeting could be scheduled for was June 14, 1956; and

It further appearing, that the Committee expects to make further technical investigations and a further meeting may be required to develop the comments to the Commission's proposal; and

It further appearing that the request is a reasonable one and the public interest would be served by extending the time for reception of comments in this Docket in the manner requested:

*It is ordered,* This 11th day of June 1956, that, pursuant to authority contained in section 0.332 (b) of the Commission's rules, the subject petition is granted and the time for filing comments in the above-captioned matter is hereby extended from June 18, 1956 to August 20, 1956.

Released: June 11, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4725; Filed, June 14, 1956; 8:48 a. m.]

## NOTICES

### DEPARTMENT OF THE TREASURY

**Foreign Assets Control**

IMPORTATION OF TEXTILE NOVELTIES DIRECTLY FROM HONG KONG

AVAILABLE CERTIFICATIONS BY GOVERNMENT OF HONG KONG

Notice is hereby given that certificates of origin issued by the Department of Commerce and Industry of the Government of Hong Kong under procedures agreed upon between that government and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from Hong Kong of the following commodity:

Novelties, textile.

[SEAL] ELTING ARNOLD,
*Acting Director,*
*Foreign Assets Control.*

[F. R. Doc. 56-4736; Filed, June 14, 1956; 8:50 a. m.]

### DEPARTMENT OF DEFENSE

**Department of the Army**

EDWARD F. McCROSSIN

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) of the Defense Production Act of 1950, as amended, and Executive Order No. 10647 of November 28, 1955, the following changes have taken place as of February 1, 1956 in my financial interests as reported in the FEDERAL REGISTER of 20 F. R. 10174, December 31, 1955.

A. Deletions: No change.

B. Additions: Stockholder: Alabama Power Company, American Metals, Ltd., American Tel. & Tel Co., American Equitable Assurance Co., American Zinc, Lead & Smelting Co., Crown Cotton Mills of Dalton, Ga., Cherokee Royalty Co., Beaumont, Tex., Fire Association of Philadelphia, Pa., General Electric Company, Home Insurance Company, Irving Trust Co. of N. Y. C., Inland Steel Company, International Mining Corp., Kennecott Copper Company, Mississippi River Fuel Corp., Mountain Fuel Supply Co., National Steel Corp., Pacific Gas & Electric Co., Raymond Concrete Pile Co., Seaboard Fire & Marine Ins. Co., Socony Mobile Oil Co., Standard Oil of California, Standard Oil of Indiana, Standard Oil of New Jersey, Union Carbide & Carbon Corp., West Virginia Pulp & Paper Co., F. W. Woolworth Co., Yorktown Products Corp., Yuba Consolidated Goldfields.

Dated: May 29, 1956.

EDWARD F. McCROSSIN.

[F. R. Doc. 56-4732; Filed, June 14, 1956; 8:50 a. m.]

ALBERT W. GILMER

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) of the Defense Production Act of 1950, as amended, and Executive Order No. 10647 of November 28, 1955, the following changes have taken place as of February 1, 1956, in my financial interests as reported in the FEDERAL REGISTER of 20 F. R. 10173, December 31, 1955.

A. Deletions: No change.

B. Additions: No change.

Dated: April 4, 1956.

ALBERT W. GILMER.

[F. R. Doc. 56-4733; Filed, June 14, 1956; 8:50 a. m.]

CHARLES F. MOSHER

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) of the Defense Production Act of 1950, as amended, and Executive Order No. 10647 of November 28, 1955, the following changes have taken place as of February 1, 1956, in my financial interests as reported in the FEDERAL REGISTER of 20 F. R. 10174, December 31, 1955.

A. Deletions: No change.

B. Additions: No change.

Dated: June 1, 1956.

CHARLES F. MOSHER.

[F. R. Doc. 56-4734; Filed, June 14, 1956; 8:50 a. m.]

BENJAMIN B. MATHIS

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) of the Defense Production Act of 1950, as amended, and Executive Order No. 10647 of November 28, 1955, the following changes have taken place as of February 1, 1956, in my financial interests as reported in the FEDERAL REGISTER of 20 F. R. 10177,

A. Deletions: Stockholder: Moore Drop Forge, Ludlow Manufacturing.

B. Additions: Stockholder: Holyoke Water Power, Bates Manufacturing.

Dated: May 29, 1956.

BENJAMIN B. MATHIS.

[F. R. Doc. 56-4735; Filed, June 14, 1956; 8:50 a. m.]

### DEPARTMENT OF THE INTERIOR

**Bureau of Land Management**

[Classification No. 56-2]

OREGON

SMALL TRACT OPENING

JUNE 8, 1956.

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473) as amended, I hereby classify the following described public land totaling 40 acres in Clackamas County, Oregon, as suitable for lease and sale for homesite purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, subject to the provisions of section 24 of the Federal Power Act, as amended; and subject to the conditions that in the event the said tract is required for power purposes, any improvements or structures placed thereon which shall be found to interfere with such development shall be removed or relocated as may be necessary to eliminate interference with power development with no cost to the United States, its permittees or licensees:

WILLAMETTE MERIDIAN, OREGON

T. 2 S., R. 7 E.,
Sec. 33: NW¼SW¼.

2. Classification of the above described land by this order segregates it from all appropriation, including locations under the mining laws except as to applications under the Small Tract Act and applications under the mineral leasing laws.

3. The land is located about ¼ mile north of Welches School on the Mt. Hood Loop Highway No. 50. Sandy River intersects the 40 acre subdivision. That portion of the land situated north of the river may be reached by way of the E. Truman Road which passes through the subdivision. Schools, stores, and other facilities are situated within reasonable distances.

The land is at an elevation of about 1400 feet above sea level. The topography is generally level and the soil is rocky. Vegetative cover consists of Douglas fir, associated species and native shrubs. The snowfall is heavy, but the main highway is open through most of the winter. There is no evidence of metallic or nonmetallic minerals.

4. A plat showing the tract numbers, situation, acreage, and value has been filed in the Land Office, and in the District Forester's Office, 215 N. Front Street, Salem, Oregon. A copy of the plat may be secured for $1.00 from the Manager of the Land Office, 1001 N. E. Lloyd Blvd., P. O. Box 3861, Portland 8, Oregon.

The individual tracts designated on the plat, contain 0.625 acres or 1.25 acres, depending on their situation. The appraised value varies from $131.00 to $176.00 per tract as shown on the plat. Annual rental of each tract is $10.00. Rights of way, 33 feet in width for street and road purposes or for public utilities, will be reserved as shown below and on the plat. All minerals in the land will be reserved to the United States.

Tract Numbers 8 and 9, are reserved for public parking and for access by the general public to the Sandy River and are not by this order opened to small tract applications. A passageway will also be reserved along the shores of the river for the purpose of fishing in all tracts abutting or including the river.

| No. | Tract description | Acres | Advance rentals, 3 years | Sandy River and Road right-of-way, width, and location | Appraised value |
|---|---|---|---|---|---|
| 1 | E½NE¼NE¼NW¼SW¼ | 1.25 | $24.00 | 16½' S. boundary, E. Truman Road crosses. | $156.00 |
| 2 | W½NE¼NE¼NW¼SW¼ | 1.25 | 24.00 | E. Truman Road, NE. corner, 33' N. boundary, 16½' S. boundary. | 156.00 |
| 3 | E½NW¼NE¼NW¼SW¼ | 1.25 | 24.00 | 33' N. boundary, 16½' S. boundary | 156.00 |
| 4 | W½NW¼NE¼NW¼SW¼ | 1.25 | 24.00 | 33' N. boundary, 16½' S. boundary | 156.00 |
| 5 | E½NE¼NW¼NW¼SW¼ | 1.25 | 24.00 | 33' N. boundary | 156.00 |
| 6 | W½NE¼NW¼NW¼SW¼ | 1.25 | 30.00 | 33' N. boundary, river S. boundary | 176.00 |
| 7 | E½NW¼NW¼NW¼SW¼ | 1.25 | 30.00 | 33' N. boundary, river intersects, 16½' SW. corner boundary. | 176.00 |
| 8 | NW¼NW¼NW¼NW¼SW¼ | 0.625 | 22.50 | River S. boundary | 131.00 |
| 9 | SW¼NW¼NW¼NW¼SW¼ | 0.625 | 22.50 | River N. boundary, 16½' S. boundary | 131.00 |
| 10 | W½SW¼NW¼NW¼SW¼ | 1.25 | 24.00 | 16½' N. boundary, 16½' E. boundary | 156.00 |
| 11 | E½SW¼NW¼NW¼SW¼ | 1.25 | 30.00 | 16½' W. boundary, 16½' S. boundary, river NE. corner. | 176.00 |
| 12 | W½SE¼NW¼NW¼SW¼ | 1.25 | 30.00 | River N. boundary, 16½' S. boundary | 176.00 |
| 13 | E½SE¼NW¼NW¼SW¼ | 1.25 | 30.00 | River intersects, 16½' S. boundary | 176.00 |
| 14 | NW¼SW¼NE¼NW¼SW¼ | 0.625 | 22.50 | River S. boundary, 16½' N. boundary | 131.00 |
| 15 | SW¼SW¼NE¼NW¼SW¼ | 0.625 | 22.50 | River N. boundary, 16½' SW corner boundary. | 131.00 |
| 16 | E½SW¼NE¼NW¼SW¼ | 1.25 | 30.00 | River intersects, 16½' N. boundary | 176.00 |
| 17 | W½SE¼NE¼NW¼SW¼ | 1.25 | 24.00 | 16½' N. boundary | 156.00 |
| 18 | E½SE¼NE¼NW¼SW¼ | 1.25 | 24.00 | 16½' N. boundary, 16½' E. boundary | 156.00 |
| 19 | N½NE¼SE¼NW¼SW¼ | 1.25 | 30.00 | 16½' E. boundary, river SW. corner boundary. | 176.00 |
| 20 | N½NW¼SE¼NW¼SW¼ | 1.25 | 30.00 | River intersects, 16½' W. boundary | 176.00 |
| 21 | E½NE¼SW¼NW¼SW¼ | 1.25 | 24.00 | 16½' N. boundary, 16½' E. boundary | 156.00 |
| 22 | W½NE¼SW¼NW¼SW¼ | 1.25 | 24.00 | 16½' N. boundary | 156.00 |
| 23 | E½NW¼SW¼NW¼SW¼ | 1.25 | 24.00 | 16½' N. boundary | 156.00 |
| 24 | W½NW¼SW¼NW¼SW¼ | 1.25 | 24.00 | 16½' NE corner boundary | 156.00 |
| 25 | W½SW¼SW¼NW¼SW¼ | 1.25 | 24.00 | | 156.00 |
| 26 | E½SW¼SW¼NW¼SW¼ | 1.25 | 24.00 | 33' S. boundary | 156.00 |
| 27 | W½SE¼SW¼NW¼SW¼ | 1.25 | 24.00 | 33' S. boundary | 156.00 |
| 28 | E½SE¼SW¼NW¼SW¼ | 1.25 | 24.00 | 16½' E. boundary, 33' S. boundary | 156.00 |
| 29 | S½NW¼SE¼NW¼SW¼ | 1.25 | 30.00 | 16½' W. boundary, river E. boundary | 176.00 |
| 30 | S½NE¼SE¼NW¼SW¼ | 1.25 | 30.00 | 16½' E. boundary, river intersects | 176.00 |
| 31 | N½SE¼SE¼NW¼SW¼ | 1.25 | 30.00 | 16½' E. boundary, river intersects | 176.00 |
| 32 | N½SW¼SE¼NW¼SW¼ | 1.25 | 24.00 | 16½' W. boundary | 156.00 |
| 33 | S½SW¼SE¼NW¼SW¼ | 1.25 | 24.00 | 16½' W. boundary, 33' S. boundary, 8¼' E. boundary. | 156.00 |
| 34 | SW¼SE¼SE¼NW¼SW¼ | 0.625 | 22.50 | 8¼' W. boundary, river E. boundary | 131.00 |
| 35 | SE¼SE¼SE¼NW¼SW¼ | 0.625 | 22.50 | River W. boundary | 131.00 |

5. Leases will be issued for a term of 3 years, and will contain an option to purchase in accordance with 43 CFR 257.13. Lessees who comply with the general terms of their leases will be permitted to purchase their tracts at the price listed below provided that during the period of their lease, they either (a) construct the improvements specified in paragraph 7, or (b) file a copy of an agreement in accordance with 43 CFR 257.13 (d). Leases will be renewable at the discretion of the Bureau of Land Management and the renewal lease will be subject to such terms and conditions as are deemed necessary in the light of the circumstances and the regulations existing at the time of renewal; however, a lease will not be renewable unless failure to construct the required improvements is justified under the circumstances and renewal would work an extreme hardship on the lessee.

6. Persons who have previously acquired a tract under the Small Tract Act are not qualified to secure a tract unless they can make a showing satisfactory to the Bureau of Land Management that the acquisition of another tract is warranted in the circumstances.

7. The improvements referred to in paragraph 5 above, must conform with health, sanitation and construction requirements of local ordnances and must, in addition, meet the following standards: (a) The dwelling must be suitable for year around use; on a permanent foundation, preferably concrete, brick, pumice block or stone masonry; with a minimum of 500 square feet of floor space, and have at least two doors as a means of access; (b) the dwelling must be constructed in a workmanlike

manner of attractive, properly finished materials in harmony with the surroundings; (c) adequate disposal and sanitary facilities, equal or better than those required by State law, must be installed. All lessees must comply with laws of the State of Oregon, as to fire protection and no burning of debris may be done during the fire season without authority of the State Forest Patrol.

8. Applicants must file in duplicate with the Manager of the Land Office, on application Form No. 4–776, filled out in compliance with the instructions on the Form and accompanied by any showing or documents required by those instructions. Copies of the application Form can be secured from the above-named official whose address is given in paragraph 10.

The applications must be accompanied by a filing fee of $10.00 plus the advance rental for three years specified above. Failure to transmit these payments with the application will render the application invalid.

Advance rentals will be returned to unsuccessful applicants. All filing fees will be retained by the United States.

9. The lands are now subject to application under the Small Tract Act. All valid applications from persons entitled to veteran's preference, filed after June 8, 1956, and prior to 10:00 a. m. July 14, 1956, will be considered as simultaneously filed at that time. All valid applications from persons entitled to veterans preference, filed after that time will be considered in the order of filing. All valid applications for other persons, filed after June 8, 1956, and prior to 10:00 a. m. October 13, 1956, will be considered as simultaneously filed at that time. All valid applications filed after that time will be considered in the order of filing.

10. Inquiries concerning these lands shall be addressed to the Manager, Land Office, 1001 NE. Lloyd Boulevard, P. O Box 3861, Portland 8, Oregon.

ELTON M. HATTAN,
*Acting State Supervisor.*

JUNE 8, 1956.

[F. R. Doc. 56–4709; Filed, June 14, 1956; 8:45 a. m.]

## National Park Service

[Region 2, Order 3, Amdt. 2]

SUPERINTENDENTS, REGION 2

DELEGATION OF AUTHORITY WITH RESPECT TO CONSTRUCTION PLANS

MAY 16, 1956.

A new subsection (f) is hereby added to section 1; a new subsection (g) is hereby added to section 2; and a new subsection (m) is hereby added to section 3 of Order No. 3, issued February 17, 1956 (21 F. R. 1494). Each new subsection reads as follows:

*Construction plans.* Approval of preliminary plans for concessioners' projects, plans which establish the architectural theme of newly developed areas or a departure from previously established theme in established areas, and plans for LP-gas installations which have not been recommended by the Safety Engineer of the Eastern or Western Office, Division of Design and Construction.

(National Park Service Order No. 14; 39 Stat. 535; 16 U. S. C., 1952 ed., sec. 2)

HOWARD W. BAKER,
*Regional Director, Region Two.*

[F. R. Doc. 56–4710; Filed, June 14, 1956; 8:45 a. m.]

## DEPARTMENT OF COMMERCE

### Office of the Secretary

[Appeals Board Docket No. FC–33]

CONFIDENTIAL OVERSEAS FORWARDING, INC.

APPEALS BOARD DECISION

In the matter of Confidential Overseas Forwarding, Inc., Guy Sorrentino, 15 Whitehall Street, New York, New York; Appeals Board Docket No. FC–33, B. F. C. Case No. 209.

This appeal is from an Order of the Director of the Office of Export Supply, Bureau of Foreign Commerce, Revoking Export Licenses and Denying Export Privileges of the appellant dated May 14, 1956.

The Appeals Board has held a hearing on this appeal, has considered the record and, giving the weight felt appropriate to the entire record, finds that the appellant did violate export control regulations.

While the Board does not believe that the suspension imposed by the Order against this appellant was improper, the Board is of the opinion that in view of information contained in the appeal record, and clarified at the hearing, a reduction in the effective suspension period is warranted due to the circumstances peculiar to this case. It is noted that this case does not involve, in any way, transshipment or diversion of exported goods contrary to the national interest.

*Therefore, it is ordered,* That the Order Revoking Export Licenses and Denying Export Privileges dated May 14, 1956, be and hereby is modified so that the period of suspension shall be from May 30, 1956 through June 15, 1956, the balance of the suspension period imposed by the Order appealed from being held in abeyance subject to the appellant's complying with the regulations during the period covered by the Order of May 14, 1956. Should there be a further violation of Export Control regulations prior to July 30, 1956, the Bureau of Foreign Commerce is authorized to immediately reimpose the suspension for a period of not more than 45 days, corresponding to the aforesaid abeyance period. This decision is without prejudice to other and further suspensions by reason of any further violation.

FREDERIC W. OLMSTEAD,
*Chairman, Appeals Board.*

JUNE 11, 1956.

[F. R. Doc. 56–4730; Filed, June 14, 1956; 8:49 a. m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 7913]

TRANSPORTES AEREOS NACIONALES, S. A.

NOTICE OF POSTPONEMENT OF PREHEARING CONFERENCE

In the matter of the complaint and petition of Transportes Aereos Nacionales, S. A. against certain excursion fares between points in the U. S. A. and points in Peru, Bolivia, Rio de Janeiro, Brazil and points south thereof as published in the tariff of R. C. Lounsbury, Agent, C. A. B. No. 258 effective April 23, 1956.

Notice is hereby given that the prehearing conference in the above-entitled matter now assigned for June 15 is postponed to June 18, 1956, 10:00 a. m., e. d. s. t., Room E–210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., June 11, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56–4741; Filed, June 14, 1956; 8:52 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 6584, 6585; FCC 56M–581]

ALBUQUERQUE BROADCASTING CO. (KOB)

ORDER SCHEDULING CONFERENCE AND HEARING

In re applications of Albuquerque Broadcasting Company (KOB) Albuquerque, New Mexico, Docket No. 6584, File No. BMP–1738; for modification of construction permit; Albuquerque Broadcasting Company (KOB), Albuquerque, New Mexico, Docket No. 6585, File No. BL–1799, BZ–1583; for license to cover construction permit as modified and authority to determine operating power by direct measurement.

The Hearing Examiner having under consideration the record of the hearing conference in the above-entitled proceeding, which was held in the offices of this Commission, Washington, D. C., on May 24, 1956, and attended by counsel for all of the parties thereto; and

It appearing that the question arose therein as to whether the evidence to be presented at the hearing in the said proceeding under Issues Nos. 20, 21 and 22, promulgated by the Commission in its Memorandum Opinion and Order adopted March 21, 1956, and released on March 23, 1956, should be prepared on the basis of the directional operation of Station WBZ, as specified in the said issues, from its present transmitter site at Hull, Massachusetts, or from the so-called "representative" site (which the Hearing Examiner had previously ruled would serve as the basis for the preparation of evidence under Issues Nos. 9, 10, 11 and 12, in the same proceeding); and that the Hearing Examiner was requested to make a ruling in this matter, but directed counsel for Westinghouse Broadcasting Company, Inc., (WBZ), American Broadcasting Company (WABC), and the Commission's Broadcast Bureau to file memoranda in support of their respective positions on this question in order to give the matter further study before ruling thereon; and that such memoranda were subsequently filed by these parties on June 6, 1956; and

It further appearing from a review of the oral arguments on this question presented on behalf of Westinghouse Broadcasting Company, Inc. (WBZ), and the American Broadcasting Company, (WABC), the memoranda submitted by these parties and the Commission's Broadcast Bureau, the "Case II" and "Case III" proposals set forth in various petitions and other pleadings previously filed in this proceeding by the American Broadcasting Company (WABC), and the Commission's Memorandum Opinion and Order issued on March 23, 1956, in which Issues Nos. 20, 21 and 22 were promulgated in the light of the said proposals by WABC, that it was clearly the intent of the Commission that such issues should be resolved on the basis of the directional operation of Station WBZ at its present site at Hull, Massachusetts;

*It is ordered,* This 11th day of June 1956, that the evidence required to be presented under Issues Nos. 20, 21 and 22 in this proceeding shall be prepared on the basis of the directional operation of Station WBZ at its present site at Hull, Massachusetts, but that none of the parties to the said proceeding shall be precluded from presenting, if they so desire, competent evidence to show the effects of the operation by Station WBZ, using a directional pattern radiating about 50 kilowatts toward Albuquerque, as contemplated by these issues, from the so-called "representative" site.

*It is further ordered,* That the rulings of the Hearing Examiner at the said conference scheduling the next hearing conference in the above-entitled proceeding to be held in the offices of this Commission, at 2:00 o'clock p. m., on June 22, 1956, and retaining the date of July 16, 1956, for the commencement of the hearing therein, are hereby affirmed.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56–4726; Filed, June 14, 1956; 8:49 a. m.]

[Docket Nos. 11364, 11663; FCC 56M–574]

RCA COMMUNICATIONS, INC., & WESTERN UNION TELEGRAPH CO.

ORDER SCHEDULING HEARING

In the matter of RCA Communications, Inc. v. The Western Union Telegraph Company, Docket No. 11364; complaint with respect to Area "C" Pacific traffic under the international formula.

In the matter of RCA Communications, Inc., Docket No. 11663; request for appropriate Commission action with respect to alleged illegal practices of The Western Union Telegraph Company in handling traffic destined to various Far Eastern points.

The Hearing Examiner having under consideration the above-entitled proceeding;

*It is ordered,* This 8th day of June 1956, that the hearing heretofore scheduled for May 15, 1956 and continued indefinitely by order of April 20, 1956, is now scheduled to commence on September 11, 1956, at 10 o'clock a. m. at the Commission's offices in Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56–4727; Filed, June 14, 1956; 8:49 a. m.]

[Docket Nos. 11727–11729]

SOUTHWESTERN BELL TELEPHONE CO.

ORDER ASSIGNING MATTERS FOR CONSOLIDATED PUBLIC HEARING

In the matter of the application of Southwestern Bell Telephone Company, Docket No. 11727 (File No. P–C–3775), for a certificate under section 221 (a) of the Communications Act of 1934, as amended, to acquire certain telephone plant and properties being operated by Pearl Maus, as Receiver for the Auburn-Vidette Mutual Telephone Company, a corporation, at Auburn, Kansas.

In the matter of the application of Southwestern Bell Telephone Company, Docket No. 11728 (File No. P–C–3776); for a certificate under section 221 (a) of the Communications Act of 1934, as amended, to acquire certain telephone plant and properties of Derrell Buckner, d/b as McNeil Telephone Company at McNeil, Arkansas.

In the matter of the application of Southwestern Bell Telephone Company, Docket No. 11729 (File No. P–C–3784); for a certificate under section 221 (a) of the Communications Act of 1934, as amended, to acquire certain telephone plant and properties of C. M. Dowd, d/b as Winona Telephone Company at Winona, Texas.

The Commission having under consideration applications filed by Southwestern Bell Telephone Company for certificates under section 221 (a) of the Communications Act of 1934, as amended, that the proposed acquisition by Southwestern Bell Telephone Company of certain telephone plant and properties being operated by Pearl Maus, as Receiver for the Auburn-Vidette Mutual Telephone Company, a corporation, and plant and properties of Derrell Buckner, d/b as McNeil Telephone Company and C. M. Dowd, d/b as Winona Telephone Company, respectively, furnishing telephone service in and around Auburn, Kansas; McNeil, Arkansas; and Winona, Texas, respectively will be of advantage to the persons to whom service is to be rendered and in the public interest;

*It is ordered,* This 11th day of June 1956, that pursuant to the provisions of section 221 (a) of the Communications Act of 1934, as amended, the above applications are assigned for public hearing in a consolidated proceeding for the purpose of determining whether the proposed acquisitions will be of advantage to the persons to whom service is to be rendered and in the public interest;

*It is further ordered,* That the hearing upon said applications be held at the offices of the Commission in Washington, D. C. beginning at 10:00 a. m. on the 6th day of July 1956, and that a copy of this Order shall be served upon the Governors of the States of Kansas, Arkansas and Texas; State Corporation Commission of the State of Kansas; Arkansas Public Service Commission; Southwestern Bell Telephone Company; Pearl Maus, as Receiver for the Auburn-Vidette Telephone Company; Derrell Buckner, d/b as McNeil Telephone Company; C. M. Dowd, d/b as Winona Telephone Company; and the Postmasters of Auburn, Kansas, McNeil, Arkansas, and Winona, Texas;

*It is further ordered,* That within fifteen days after the receipt from the Commission of a copy of this Order, the applicant herein shall cause a copy hereof to be published in a newspaper or newspapers having general circulation in and around Auburn, Kansas; McNeil, Arkansas; and Winona, Texas, and shall furnish proof of such publication at the hearing herein.

Released: June 11, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56–4728; Filed, June 14, 1956; 8:49 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 7–1799]

KAISER ALUMINUM & CHEMICAL CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

JUNE 8, 1956.

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in Kaiser Aluminum & Chemical Corporation, common stock, File No. 7–1799.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X–12F–1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the San Francisco, Los Angeles, Midwest and New York Stock Exchanges.

Upon receipt of a request, on or before June 26, 1956, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission,

Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-4715; Filed, June 14, 1956; 8:46 a. m.]

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[File No. 7-1800]

SCHERING CORP.

NOTICE OF APPLICATION FOR UNLISTED TRADING PRIVILEGES, AND OF OPPORTUNITY FOR HEARING

JUNE 8, 1956.

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in Schering Corporation, common stock, File No. 7-1800.

The above named stock exchange, pursuant to section 12 (f) (2) of the Securities Exchange Act of 1934 and Rule X-12F-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before June 26, 1956, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-4716; Filed, June 14, 1956; 8:46 a. m.]

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## DEPARTMENT OF JUSTICE

### Office of Alien Property

RACHELE CINTI BUGLIOSI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Rachele Cinti Bugliosi, a/k/a Rachele Bulliosi, No. 33 Cites du Tunnel, Auboue (M & M), France, Claim No. 64038; Vesting Order No. 5268. $2,315.57 in the Treasury of the United States;

13 shares of common capital stock (par value—$6.25 per share) of Bank of America National Trust & Savings Association, California, evidenced by Certificate No. T452716, registered in the name of the Attorney General of the United States, and presently in the custody of the Safekeeping Department of the Federal Reserve Bank of New York;

106 shares of capital stock (par value—$2.00 per share) of Transamerica Corporation, Delaware, evidenced by Certificate No. NY/E 154970 for 100 shares and Certificate No. NY/C 122591 for 6 shares, both registered in the name of the Attorney General of the United States, and presently in the custody of the Safekeeping Department of the Federal Reserve Bank of New York;

An undivided one-half interest in Certificate of Assignment No. 828 for 1 unit of Eliasville Pool Syndicate No. 1, of Breckenridge, Texas, par value $100.00, said certificate registered in the name of V. Cinti and assigned by the Bank of America National Trust & Savings Association, as Executor under the last Will and Testament of Ventura Cinti, to Herbert Brownell, Jr., Attorney General of the United States as successor of the Alien Property Custodian, said certificate presently in the custody of the Office of Alien Property, Washington, D. C.; and

An undivided one-fourth interest in and to that certain real property situated in El Cerrito, Contra Costa County, California, particularly described as:

The South 25 feet (front and rear measurements) of the North 50 feet (front and rear measurements) of Lot 2, as designated on the map entitled "Subdivision of Portion of Lot No. 26, San Pablo Ranch, El Cerrito Land Co., Contra Costa Co., Cal.", which map was filed in the office of the Recorder of the County of Contra Costa, State of California, on June 20, 1904 in Volume B of Maps, at page 30.

Executed at Washington, D. C., on June 6, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-4722; Filed, June 14, 1956; 8:48 a. m.]

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## INTERSTATE COMMERCE COMMISSION

[MC-C-1978]

RATES ON QUANTITY SHIPMENTS—MIDDLE ATLANTIC TERRITORY

NOTICE OF INVESTIGATION

At a session of the Interstate Commerce Commission, Board of Suspension, held at its office in Washington, D. C., on the 8th day of June A. D. 1956.

There being under consideration the matter of rates and charges, and the rules, regulations and practices affecting such rates and charges, applicable on interstate or foreign commerce of quantity shipments, as set forth in Rules 55 of tariffs MF-I. C. C. No. 23 of Metropolitan Motor Carriers Conference, Inc., Agent, and MF-I. C. C. No. 6 of Hudson Transportation Company, or as same may be amended or reissued;

It appearing that upon consideration of the tariff schedules and protests thereto, there is reason to institute an investigation to determine whether they result in rates and charges, rules or regulations and practices that are unjust and unreasonable in violation of the Interstate Commerce Act; and good cause appearing therefore:

*It is ordered*, That an investigation be, and it is hereby, instituted, upon the Commission's own motion, into and concerning the lawfulness of the rates, charges, rules, regulations and practices contained in said schedules, with a view to making such findings and orders in the premises as the facts and circumstances shall warrant.

*It is further ordered*, That the investigation in this proceeding shall not be confined to the matters and issues hereinbefore stated as the reason for instituting this investigation, but shall include all matters and issues with respect to the lawfulness of the said rates, charges, rules, regulations and practices under the Interstate Commerce Act.

*It is further ordered*, That carriers parties to said schedules be, and they are hereby, made respondents to this proceeding; that a copy of this order be forthwith served upon the said respondents; and that notice of this proceeding be given the public by posting a copy of this order in the Office of the Secretary of the Commission, and by filing a copy with the Director, Division of the Federal Register.

*And it is further ordered*, That this matter be assigned for hearing at a time and place to be hereafter fixed.

By the Commission, Board of Suspension.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 56-4714; Filed, June 14, 1956; 8:46 a. m.]

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## SMALL BUSINESS ADMINISTRATION

[S. B. A. Pool Request 17]

THOS. O'NEILL MACHINE SHOP, INC.

ADDITIONAL COMPANY ACCEPTING REQUEST TO PARTICIPATE IN OPERATIONS OF HUNTINGTON PRODUCTION POOL

Pursuant to section 217 of the Small Business Act of 1953, as amended, the name of the following company, which has accepted the request to participate in the operations of the Huntington Production Pool, is hereby published. The original list of companies accepting such request was published on March 16, 1956, in 21 F. R. 1687:

Thos. O'Neill Machine Shop, Inc., 947-49 Second Avenue, Huntington 1, West Virginia.

(Sec. 217 of Pub. Law 163, 83d Cong.; E. O. 10493, Oct. 16, 1953; 18 F. R. 6583)

Dated: June 11, 1956.

WENDELL B. BARNES, *Administrator.*

[F. R. Doc. 56-4721; Filed, June 14, 1956; 8:47 a. m.]

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THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — OF THE UNITED STATES 1934

# FEDERAL REGISTER

UNIVERSITY OF MICHIGAN

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*Washington, Saturday, June 16, 1956*

## TITLE 3—THE PRESIDENT

### PROCLAMATION 3140

CARRYING OUT THE SIXTH PROTOCOL OF SUPPLEMENTARY CONCESSIONS TO THE GENERAL AGREEMENT ON TARIFFS AND TRADE AND FOR OTHER PURPOSES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

1. WHEREAS, pursuant to the authority vested in the President by the Constitution and the statutes, including section 350 of the Tariff Act of 1930, as amended (48 Stat. (pt. 1) 943, ch. 474, 57 Stat. (pt. 1) 125, ch. 118, 59 Stat. (pt. 1) 410, ch. 269), on October 30, 1947, he entered into a trade agreement with certain foreign countries, which trade agreement consists of the General Agreement on Tariffs and Trade (hereinafter referred to as "the General Agreement"), including a schedule of United States concessions (hereinafter referred to as "Schedule XX (Geneva—1947)", and the Protocol of Provisional Application of the General Agreement on Tariffs and Trade, together with a Final Act (61 Stat. (pts. 5 and 6) A7, A11, and A2050);

2. WHEREAS the trade agreement specified in the first recital of this proclamation has been supplemented by several subsequent agreements, including:

(a) The Protocol Modifying Part I and Article XXIX of the General Agreement on Tariffs and Trade, of September 14, 1948, (3 UST (pt. 4) 5355),

(b) The Annecy Protocol of Terms of Accession to the General Agreement on Tariffs and Trade, of October 10, 1949, (64 Stat. (pt. 3) B139), including a supplemental schedule of United States concessions (hereinafter referred to as "Schedule XX (Annecy—1949)"),

(c) The Torquay Protocol to the General Agreement on Tariffs and Trade, of April 21, 1951, (3 UST (pts. 1 and 2) 615 and 1841), including a supplemental schedule of United States concessions (hereinafter referred to as "Schedule XX (Torquay—1951)"),

(d) The Declaration on the Continued Application of Schedules to the General Agreement on Tariffs and Trade, of March 10, 1955, (TIAS 3437), and

(e) The Protocol of Terms of Accession of Japan to the General Agreement on Tariffs and Trade, of June 7, 1955, (TIAS 3438), including a supplemental schedule of United States concessions;

3. WHEREAS by the following proclamations the President has proclaimed such modifications of existing duties and other import restrictions of the United States, or such continuance of existing customs or excise treatment of articles imported into the United States as were found to be required or appropriate to carry out the trade agreement specified in the first recital of this proclamation or agreements supplemental thereto, or has terminated in whole or in part proclamations specified in this recital:

Proclamation 2761A, of December 16, 1947, (61 Stat. (pt. 2) 1103), Proclamation 2769, of January 30, 1948, (62 Stat. (pt. 2) 1479), Proclamation 2782, of April 22, 1948, (62 Stat. (pt. 2) 1500), Proclamation 2784, of May 4, 1948, (62 Stat. (pt. 2) 1505), Proclamation 2790, of June 11, 1948, (62 Stat. (pt. 2) 1515), Proclamation 2791, of June 12, 1948, (62 Stat. (pt. 2) 1519), Proclamation 2792, of June 25, 1948, (62 Stat. (pt. 2) 1520), Proclamation 2798, of July 15, 1948, (62 Stat. (pt. 2) 1528), Proclamation 2809, of September 7, 1948, (62 Stat. (pt. 2) 1553), Proclamation 2829, of March 8, 1949, (63 Stat. (pt. 1) 1261), Proclamation 2865, of November 30, 1949, (64 Stat. (pt. 2) A376), Proclamation 2867, of December 22, 1949, (64 Stat. (pt. 2) A380), Proclamation 2874, of March 1, 1950, (64 Stat. (pt. 2) A390), Proclamation 2884, of April 27, 1950, (64 Stat. (pt. 2) A399), Proclamation 2888, of May 13, 1950, (64 Stat. (pt. 2) A405), Proclamation 2895, of June 17, 1950, (64 Stat. (pt. 2) A416), Proclamation 2901, of September 6, 1950, (64 Stat. (pt. 2) A427), Proclamation 2908, of October 12, 1950, (64 Stat. (pt. 2) A443), Proclamation 2912, of October 30, 1950, (64 Stat. (pt. 2) A450), Proclamation

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FEDERAL REGISTER

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**CFR SUPPLEMENTS**

**(As of January 1, 1956)**

**The following Supplement is now available:**

**Title 39 (Rev., 1955) ($4.25)**

*Previously announced:* Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 7: Parts 1–209 ($1.25), Parts 900–959 (Rev., 1955) ($6.00), Part 960 to end (Rev., 1955) with Supplement ($5.85); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Parts 1–399 ($2.50), Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. I, and Title 27 ($1.00); Titles 28 and 29 ($1.25); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 400–699 ($0.65), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Title 33 ($1.50); Titles 35–37 ($1.00); Titles 40–42 ($0.65); Title 43 ($0.50); Title 46: Parts 1–145 ($0.60), Part 146 to end ($1.25); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

**Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.**



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Republic of Finland, the French Republic, the Federal Republic of Germany, the Republic of Haiti, the Republic of Italy, Japan, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Kingdom of Norway, Peru, the Kingdom of Sweden, the Republic of Turkey, and the United Kingdom of Great Britain and Northern Ireland, all being contracting parties to the General Agreement, are unduly burdening and restricting the foreign trade of the United States of America and that the purposes declared in section 350 of the Tariff Act of 1930, as amended, will be promoted by a trade agreement between the Government of the United States of America and the Governments of some or all of the other countries referred to in this recital;

5. WHEREAS, pursuant to section 3 (a) of the Trade Agreements Extension Act of 1951 (65 Stat. 72, ch. 141), I transmitted to the United States Tariff Commission for investigation and report lists of all articles imported into the United States of America to be considered for possible modification of duties and other import restrictions, imposition of additional import restrictions, or continuance of existing customs or excise treatment in the trade agreement negotiations with the governments of the foreign countries referred to in the fourth recital of this proclamation, and the Tariff Commission made an investigation in accordance with section 3 of the said Trade Agreements Extension Act and thereafter reported to me its determinations made pursuant to the said section within the time period specified in the said section 3;

6. WHEREAS reasonable public notice of the intention to conduct trade agreement negotiations was given, the views presented by persons interested in such negotiations were received and considered, and information and advice with respect to such negotiations were sought and obtained from the Departments of State, Agriculture, Commerce, and Defense, and from other sources;

7. WHEREAS, the period for the exercise of the authority of the President to enter into foreign trade agreements under section 350 of the Tariff Act of 1930, as amended, having been extended by section 2 of the Trade Agreements Extension Act of 1955 (69 Stat. 162, ch. 169) from June 12, 1955, until the close of June 30, 1958, on May 23, 1956, as a result of the finding specified in the fourth recital of this proclamation, I entered, through my duly empowered plenipotentiary, into a trade agreement providing for the application of the relevant provisions of the General Agreement to additional schedules of tariff concessions relating to the countries named in the said fourth recital of this proclamation, which trade agreement consists of the Sixth Protocol of Supplementary Concessions to the General Agreement on Tariffs and Trade, dated May 23, 1956, including the Annex thereto containing a supplemental schedule of United States concessions (hereinafter referred to as "Schedule XX (Geneva—1956)"), and which trade agreement is authentic in the English and French languages as indicated therein, and a copy of which in the English language is annexed to this proclamation;[1]

8. WHEREAS, the Protocol of Supplementary Concessions specified in the seventh recital of this proclamation having been signed on behalf of the Government of the United States of America on May 23, 1956, and the notification of the intention to apply the concessions provided for in Schedule XX (Geneva—1956) having been given on May 31, 1956, to the Executive Secretary to the Contracting Parties to the General Agreement pursuant to paragraph 2 of the said Protocol of Supplementary Concessions, the said Schedule XX (Geneva—1956) will become a schedule to the said General Agreement relating to the United States of America on June 30, 1956, and the concessions provided for in the said Schedule XX (Geneva—1956) shall then enter into force as specified therein;

9. WHEREAS, under the authority of subsection (a) (3) (D) of section 350 of the Tariff Act of 1930, as amended, and of subsection (b) (2) thereof by reference to that subsection, I have determined, in the case of those modifications of existing duties proclaimed in Parts I (a) and II (a) of this proclamation which reflect decreases in duties exceeding the limitations specified in subsection (a) (2) (D) or (a) (3) (B) of the said section 350, or in subsection (b) (2) thereof by reference to those subsections, that such decreases will simplify the computation of the amount of duty imposed with respect to the articles concerned;

10. WHEREAS I have made the determinations regarding the ad valorem equivalent of specific rates of duty (and combinations of rates including a specific rate) and regarding representative periods, under the authority of subsection (a) (2) (D) (ii) of section 350 of the Tariff Act of 1930, as amended, and of subsections (a) (3) (D) and (b) (2) thereof by reference, directly or indirectly, to the said subsection (a) (2) (D) (ii), in the case of each modification of existing duties proclaimed in this proclamation for which such a determination was relevant, using, to the maximum extent practicable, the standards of valuation contained in section 402 of the said Tariff Act of 1930;

11. WHEREAS I find that each modification of existing duties and other import restrictions of the United States of America and each continuance of existing customs or excise treatment of articles imported into the United States of America which is proclaimed in Part I (a) of this proclamation will be required or appropriate, on and after the date specified in the said Part, to carry out the trade agreement specified in the seventh recital of this proclamation;

12. WHEREAS, pursuant to the authority vested in the President by the Constitution and the statutes, including section 350 of the Tariff Act of 1930, as amended in the manner referred to in the first recital of this proclamation, on October 30, 1947, he entered into an exclusive trade agreement with the Government of the Republic of Cuba (61 Stat. (pt. 4) 3699), which exclusive trade agreement includes certain portions of other documents made a part thereof and provides for the treatment in respect of ordinary customs duties of products of the Republic of Cuba imported into the United States of America;

13. WHEREAS by the following proclamations the President has proclaimed, in respect of products of the Republic of Cuba, such modifications of existing duties and other import restrictions of the United States, or such additional import restrictions of the United States, or such continuance of existing customs or excise treatment of articles imported into the United States as were found to be required or appropriate to carry out the exclusive trade agreement specified in the twelfth recital of this proclamation, or has terminated in whole or in part proclamations specified in this recital:

Proclamation 2764, of January 1, 1948, (62 Stat. (pt. 2) 1465), Proclamation 2946, of October 4, 1951, (65 Stat. C39), Proclamation 3099, of June 25, 1955, (69 Stat. C36), and the proclamations of January 30, 1948, April 22, 1948, May 4, 1948, June 11, 1948, June 25, 1948, July 15, 1948, March 8, 1949, November 30, 1949, December 22, 1949, March 1, 1950, April 27, 1950, May 13, 1950, September 6, 1950, October 12, 1950, June 2, 1951, December 24, 1953, and July 22, 1955, specified in the third recital of this proclamation;

14. WHEREAS Part II of Schedule XX (Geneva—1947), which was made a part of the exclusive trade agreement specified in the twelfth recital of this proclamation, is supplemented by Part II of the Schedule XX (Geneva—1956), and I determine that it is required or appropriate, on and after the date specified in Part II (a) of this proclamation, to carry out the said exclusive trade agreement that Part II of the said Schedule XX (Geneva—1947) be applied as supplemented by the said Part II of Schedule XX (Geneva—1956);

15. WHEREAS I determine that, in view of the finding set forth in the eleventh recital of this proclamation, it will not be required or appropriate to carry out the exclusive trade agreement specified in the twelfth recital of this proclamation on and after June 30, 1956, to include the items identified below in this recital in the list set forth in the sixteenth recital of the proclamation of July 22, 1955, specified in the third recital of this proclamation:

[1] Not printed in the FEDERAL REGISTER. The text of the protocol is being published at Geneva, Switzerland, by the Contracting Parties to the General Agreement on Tariffs and Trade, in separate volumes in English and French. The title of the English volume is "General Agreement on Tariffs and Trade: Sixth Protocol of Supplementary Concessions". The English text of Schedule XX (United States of America) is being reproduced in Treasury Decisions (Customs). The text in languages in which authentic, together with an English translation of those portions authentic in French only, will be published in Treaties and Other International Acts Series and in the bound volumes of United States Treaties and Other International Agreements.

17. WHEREAS, agreement for such withdrawal and modifications having been reached pursuant to Article XXVIII of the General Agreement, and pursuant to the procedures provided for in paragraph 1 (b) of the Declaration on the Continued Application of the Schedules to the said General Agreement specified in the second recital of this proclamation, I determine that it is required or appropriate to carry out the trade agreement specified in the first recital of this proclamation that Part I of Schedule XX (Annecy—1949) be applied as though item 502 [first] were withdrawn therefrom, and that the value-bracket subclassifications preceding the subclassification for articles valued at more than $30 per dozen in item 1526 (a) in Part I of Schedule XX (Geneva—1947), item 502 [first] in Part II of the said Schedule XX (Geneva—1947), and item 502 in Part I of Schedule XX (Torquay—1951) be applied as though the said subclassifications and items read as follows:

PART I OF SCHEDULE XX (GENEVA—1947)

| Tariff Act of 1930, paragraph | Description of Products | Rates of Duty |
|---|---|---|
| 1526 (a) | Valued at not more than $9 per dozen | 55% ad val., but not less than $1.25 per doz. |
| | Valued at more than $9 and not more than $12 per dozen: | |
| | If for men or boys | 55% ad val. |
| | Other | 85% ad val. |
| | Valued at more than $12 and not more than $18 per dozen: | |
| | If for men or boys | 47½% ad val. |
| | Other | 85% ad val. |
| | Valued at more than $18 and not more than $24 per dozen: | |
| | If for men or boys | 40% ad val. |
| | Other | 85% ad val. |
| | Valued at more than $24 and not more than $30 per dozen | 40% ad val. |

PART II OF SCHEDULE XX (GENEVA—1947)

| | | |
|---|---|---|
| 502 | Molasses and sugar sirups, not specially provided for and not containing soluble non-sugar solids (excluding any foreign substance that may have been added or developed in the product) equal to more than 6% of the total soluble solids | 0.53 cents per pound of total sugars. |

PART I OF SCHEDULE XX (TORQUAY—1951)

| | | |
|---|---|---|
| 502 | Molasses and sugar sirups, not specially provided for and not containing soluble non-sugar solids (excluding any foreign substance that may have been added or developed in the product) equal to more than 6% of the total soluble solids | 0.6625 cents per pound of total sugars. |
| | NOTE: This item shall be effective only during such time as Title II of the Sugar Act of 1948 or substantially equivalent legislation is in effect in the United States, whether or not the quotas, or any of them, authorized by such legislation, are being applied or are suspended. | |

18. WHEREAS I determine that, upon the effectiveness of the modification of the concession provided for in item 1526 (a) in Part I of Schedule XX (Geneva—1947) set forth in the seventeenth recital of this proclamation, the termination of the proclamation of December 16, 1947 specified in the third recital of this proclamation insofar as it related to a part of the said item 1526 (a), by the proclamation of October 30, 1950, specified in the said third recital of this proclamation, will no longer be in the public interest;

19. AND WHEREAS the following item was inadvertently omitted from the list set forth in the sixteenth recital of the proclamation of July 22, 1955, specified in the third recital of this proclamation, and I determine that the addition of the said item to the said list in its correct numerical order is required or appropriate to carry out the exclusive trade agreement specified in the twelfth recital of this proclamation on and after September 10, 1955:

| Tariff Act of 1930, paragraph | Description of Products | Rate of Duty |
|---|---|---|
| 397 | Articles or wares not specially provided for, if composed wholly or in chief value of gold, or if plated with gold, or colored with gold lacquer, whether partly or wholly manufactured | 52% ad val. |

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and the statutes, including section 350 of the Tariff Act of 1930, as amended, do proclaim as follows:

*Part I*

To the end that the trade agreement specified in the seventh recital of this proclamation may be carried out:

(a) Subject to the provisions of subdivision (b) of this Part, such modifications of existing duties and other import restrictions of the United States of America and such continuance of existing customs or excise treatment of articles imported into the United States as are specified or provided for in paragraphs 1 to 6, inclusive, of the Protocol of Supplementary Concessions specified in the said seventh recital of this proclamation and in Part I of Schedule XX (Geneva—1956) contained in the Annex thereto shall be effective as follows:

(1) The rates of duty and import tax specified in column A at the right of the respective descriptions of products in Part I of the said Schedule XX (Geneva—1956), on and after June 30, 1956;

(2) The rates of duty and import tax specified in columns B and C, respectively, at the right of the respective descriptions of products in Part I of said Schedule XX (Geneva—1956), on and after the appropriate dates determined in accordance with the provisions of paragraph 2 of the "General Notes" at the end of the said Schedule XX (Geneva—1956):

*Provided*, That in the case of a product which is described in both Part I and Part II of the said Schedule XX (Geneva—1956), the rate in Part I, when lower, shall be applied to the product of the Republic of Cuba.

(b) The application of the provisions of subdivision (a) of this Part and of subdivision (a) of Part II of this proclamation shall be subject to the right of withdrawal of concessions and to the other applicable terms, conditions, and qualifications set forth in paragraphs 1 to 6, inclusive, of the said Protocol of Supplementary Concessions, in Schedule XX (Geneva—1956), including the General Notes, contained in the Annex thereto, in Parts I, II, and III of the General Agreement, including any applicable amendments and rectifications thereof, and in the Protocol of Provisional Application specified in the first recital of this proclamation, and the application of the provisions of subdivision (a) of this Part and of subdivision (a) of Part II of this proclamation shall also be subject to the exception that no rate of duty or import tax shall be applied to a particular article by virtue of this proclamation if, when the article is entered, or withdrawn from warehouse, for consumption more favorable customs treatment is prescribed for the article by any of the following then in effect:

(1) A proclamation pursuant to section 350 of the Tariff Act of 1930, as amended, but the application of such more favorable treatment shall be subject to the qualifications set forth in the third paragraph of the general notes in Schedule XX (Geneva—1956);

(2) any other proclamation, a statute, or an executive order, which proclamation, statute, or order either provides for an exemption from duty or import tax or became effective subsequent to May 23, 1956.

*Part II*

To the end that the exclusive trade agreement specified in the twelfth recital of this proclamation may be carried out:

(a) Subject to the qualifications and exceptions provided for in subdivision (b) of Part I of this proclamation and to the qualifications set forth in the exclusive trade agreement with the Republic of Cuba specified in the twelfth recital of this proclamation, such modifications of existing duties and other import restrictions of the United States of America in respect of products of the Republic of Cuba and such continuance of existing customs or excise treatment of products of the Republic of Cuba imported into the United States as are specified or provided for in paragraphs 1 to 6, inclusive, of the Protocol of Supplementary Concessions specified in the seventh recital of this proclamation and in Part II of Schedule XX (Geneva—1956) contained in the Annex thereto shall be effective as follows:

(1) The rates of duty and import tax specified in column A at the right of the respective descriptions of products in Part II of the said Schedule XX (Geneva—1956), on and after June 30, 1956;

(2) The rates of duty and import tax specified in columns B and C, respectively, at the right of the respective descriptions of products in Part II of said Schedule XX (Geneva—1956), on and after the appropriate dates determined in accordance with the provisions of paragraph 2 of the "General Notes" at the end of the said Schedule XX (Geneva—1956):

*Provided*, That in the case of a product which is described in both Part I and Part II of the said Schedule XX (Geneva—1956), the rate in Part I, when lower, shall be applied to the product of the Republic of Cuba.

(b) The list set forth in the sixteenth recital of the proclamation of July 22, 1955, specified in the third recital of this proclamation shall be amended (i) as provided in the fifteenth recital of this proclamation, effective June 30, 1956, and (ii) as provided in the nineteenth recital of this proclamation, effective September 10, 1955.

*Part III*

To the end that the trade agreement specified in the first recital of this proclamation may be carried out, effective June 30, 1956:

(a) The references to Article I of the General Agreement in the sixth and seventh recitals of the proclamation of January 30, 1948, specified in the third recital of this proclamation, and the list set forth in the seventh recital of the said proclamation of January 30, 1948, shall be amended as provided in the sixteenth recital of this proclamation.

(b) The value-bracket subclassifications preceding the subclassification for articles valued at more than $30 per dozen in item 1526 (a) in Part I of Schedule XX (Geneva—1947) shall be applied as though the said subclassifications read as set forth in the said seventeenth recital of this proclamation.

(c) Item 502 [first] in Part II of Schedule XX (Geneva—1947) shall be applied as though the said item read as set forth in the seventeenth recital of this proclamation: *Provided*, That pending further proclamation by the President, the rate of duty for products described in this item testing less than 74.6 per centum total sugars shall be 0.15 cents per gallon plus 0.165 cents additional for each 1 per centum of total sugars over 48 per centum and fractions of 1 per centum in proportion.

(d) Item 502 in Part I of Schedule XX (Torquay—1951) shall be applied as though the said item read as set forth in the seventeenth recital of this proclamation: *Provided*, That pending further proclamation by the President, the rate of duty for products described in this item testing less than 56.8 per centum total sugars shall be 0.375 cents per gallon plus 0.4125 cents additional for each 1 per centum of total sugars over 48 per centum and fractions of 1 per centum in proportion.

*Part IV*

So much of the proclamations of December 22, 1949, and May 13, 1950, specified in the third recital of this proclamation, and of any other proclamations specified therein, which give effect to the concession provided for in item 502 [first] in Part I of Schedule XX (Annecy—1949) specified in the seventeenth recital of this proclamation, and the proclamation of October 30, 1950 specified in the third and eighteenth recitals of this proclamation are terminated, effective at the close of business June 29, 1956.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 13th day of June in the year of our Lord nineteen hundred and fifty-six,
[SEAL] and of the Independence of the United States of America the one hundred and eightieth.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
*Secretary of State.*

[F. R. Doc. 56-4830: Filed, June 15, 1956; 11:29 a. m.]

*Items in the 16th recital of the Proclamation of July 22, 1955 to be deleted effective June 30, 1956*

| | |
|---|---|
| 411 | |
| 717 (c) | |
| 772 | |
| 778 | |
| 802 | |
| 1530 (e) | |
| 1541 (a): | |

16. WHEREAS, in view of the amendment of Article I of the General Agreement by section A (iii) of paragraph 1 of the Protocol Modifying Part I and Article XXIX of the said General Agreement specified in the second recital of this proclamation, of the inclusion of certain products in Part I of Schedule XX (Torquay—1951) and in Part I of Schedule XX (Geneva—1956), and of the inclusion of item 774 in Part II of Schedule XX (Geneva—1956), it is required or appropriate that, effective June 30, 1956, the references to Article I of the said General Agreement in the sixth and seventh recitals of the proclamation of January 30, 1948, specified in the third recital of this proclamation be amended to refer to the fourth instead of the third paragraph of the said Article I, and that the list set forth in the seventh recital of the said proclamation of January 30, 1948, as amended, be further amended to read as follows:

| Tariff Act of 1930, paragraph | Description of Products | Rate of Duty |
|---|---|---|
| 408 | Boxes, barrels, and other articles containing oranges, lemons, limes, grapefruit, shaddocks or pomelos | 12½% ad val. |
| 743 | Grapefruit: | |
| | When entered during the period from August 1 to September 30, inclusive, in any year | 1½¢ per lb. |
| | When entered during the month of October in any year | 9/10¢ per lb. |
| 743 | Limes, in their natural state, or in brine | 1¢ per lb. |
| 747 | Pineapples, not in crates and not in bulk | 27¢ per crate of 2.45 cu. ft. |
| 752 | Watermelons, in their natural state, not specially provided for | 20% ad val. |
| 765 | Beans, not specially provided for: | |
| | Lima beans: | |
| | When entered during the period from December 1 in any year to the following May 31, inclusive | 2½¢ per lb. |
| | When entered during the month of November in any year | 2½¢ per lb. |
| 772 | Tomatoes in their natural state: | |
| | When entered during the period from March 1 to July 14, inclusive, or during the period from September 1 to November 14, inclusive, in any year | 2.1¢ per lb. |
| | When entered during the period from November 15, in any year, to the last day of the following February, inclusive | 1½¢ per lb. |
| 774 | Vegetables in their natural state: | |
| | Cauliflower, when entered during the period from December 1, in any year, to the last day of the following February, inclusive | 2½¢ per lb. |
| | Squash | 1½¢ per lb. |
| 774 | Eggplant in their natural state, when entered during the period from December 1 in any year to the following March 31, inclusive: | |
| | When the rate applied to the product of Cuba is 0.57 cent per pound | 1.17¢ per lb. |
| | When the rate applied to the product of Cuba is 0.5 cent per pound | 1.14¢ per lb. |
| | When the rate applied to the product of Cuba is 0.5 cent per pound | 1.1¢ per lb. |
| 775 | Plimientos, packed in brine or in oil, or prepared or preserved in any manner | 4½¢ per lb. |
| 802 | Ethyl alcohol for beverage purposes | $2.25 per proof gal. |
| 1005(a) (1) | Cordage, including cables, tarred or untarred, composed of three or more strands, each strand composed of two or more yarns: | |
| | Wholly or in chief value of henequen: | |
| | Smaller than ¾ inch in diameter | 1¢ per lb. and 71.5% ad val. |
| | Other | 1¢ per lb. |
| 1406 | Labels, flaps, and cigar bands, composed wholly or in chief value of paper lithographically printed in whole or in part from stone, gelatin, metal, or other material, but not printed in whole or in part by means of a process of which the essential feature is the electrodeposition of metal, and not exceeding 10 square inches in dimensions, if embossed or die-cut): | |
| | Printed in less than eight colors (bronze printing to be counted as two colors): | |
| | Labels and flaps | 2½¢ per lb. |
| | Cigar bands | 3½¢ per lb. |
| | Printed in eight or more colors (bronze printing to be counted as two colors): | |
| | Labels and flaps | 2¢ per lb. |
| | Cigar bands | 3½¢ per lb. |
| 1538 | Banana flour and plantain flour | 14½% ad val. |

# RULES AND REGULATIONS

## TITLE 15—COMMERCE AND FOREIGN TRADE

### Subtitle A—Office of the Secretary of Commerce

PART 5—OPERATION OF VENDING STANDS

Insofar as the Administrative Procedure Act may be applicable: Because of the nature of this notice, I find, for good cause shown, that it would be impracticable and unncessary, and no good reason would be served to give preliminary notice, engage in public rule-making procedure or postpone the effective date thereof.

The effective date of these regulations is May 7, 1956.

Sec.
5.1 Purpose.
5.2 Policy.
5.3 Assignment of functions and authorities.
5.4 Permits.
5.5 Vending machines.
5.6 Approval of regulations.

AUTHORITY: §§ 5.1 to 5.6 issued under sec. 4, 68 Stat. 663; 20 U. S. C. 107.

§ 5.1 *Purpose.* This part prescribes regulations to assure the granting of preference to blind persons licensed under the provisions of the Randolph-Sheppard Vending Stand Act (49 Stat. 1559, as amended by an act of August 3, 1954, 68 Stat. 663) for the operation of vending stands (which term as used in this part includes vending machines).

§ 5.2 *Policy.* (a) The Department adopts the Federal policy announced in the Randolph-Sheppard Vending Stand Act, as amended, to provide blind persons with remunerative employment, to enlarge the economic opportunities of the blind and to stimulate the blind to greater efforts in striving to make themselves self-supporting.

(b) It shall be the policy of the Department to authorize blind persons licensed under the provisions of the Randolph-Sheppard Vending Stand Act, as amended, to operate vending stands without any charge for space or necessary utilities on properties owned and occupied by the Department or on which the Department controls maintenance, operation, and protection.

(c) The Department will cooperate with the Department of Health, Education, and Welfare and State licensing agencies in making surveys to determine whether and where vending stands may be properly and profitably operated by licensed blind persons.

(d) The application of a State licensing agency for a permit may be denied or revoked if it is determined that the interests of the United States would be adversely affected or the Department would be unduly inconvenienced by the issuance of a permit or its continuance.

§ 5.3 *Assignment of functions and authorities.* (a) The Director, Office of Administrative Operations, shall carry out the Department's responsibility to provide, in accordance with applicable law and regulation, the maximum opportunity for qualified blind persons to operate vending stands.

(b) Subject to instructions issued by the Director, Office of Administrative Operations, the head of each primary organization unit shall be responsible for implementing this program within his area.

(c) The Director, Office of Administrative Operations for the primary organization units located in the main Commerce building and the head of each other primary organization unit will make the final determination with respect to the terms of permits including the location and operation of vending stands and machines in their respective areas.

(d) Unresolved differences and significant violations of the terms of permits shall be reported to the State licensing agency. Where no corrective action is forthcoming, the matter shall be referred to the Office of Vocational Rehabilitation, Department of Health, Education, and Welfare for consideration prior to final decision.

§ 5.4 *Permits.* (a) No permit, lease, or other arrangement for the operation of a vending stand on property under control of the Department shall be entered into or renewed without first consulting the State licensing agency or equivalent authority.

(b) The permit shall be conditioned upon the vending stand meeting specified standards, including standards relating to appearance, safety, sanitation, maintenance, and efficiency of operation. Due regard shall be given to laws and regulations for the public welfare which are applicable, or would be applicable, if the property involved was not owned or controlled by the Federal Government.

(c) The permit shall specify the types of articles specified in section 2 (a) (4) of the act as amended (newspapers, periodicals, confections, tobacco products, articles dispensed automatically or in containers or wrappings in which they are placed before delivery to the vending stand). Such other related articles as the State licensing agency asks to be included shall be permitted to be sold, unless such factors as inadequacy of available facilities, safety, health, public welfare, or legal requirements demand otherwise.

(d) The permit shall contain a provision that alterations made by other than the United States shall be approved by and conducted under the supervision of an appropriate official of the Department or the primary organization unit concerned.

(e) The permit may contain other reasonable conditions necessary for the protection of the Government and prospective patrons of the stand.

(f) The permit shall describe the location of the stand proper and the location of any vending machines which are operated in conjunction with it.

§ 5.5 *Vending machines.* (a) The income from any vending machines which are located within reasonable proximity to and are in direct competition with a vending stand for which a permit has been issued under this part shall be assigned to the operator of such stand.

(b) If a vending machine vends articles of a type authorized by the permit and is so located that it attracts customers who would otherwise patronize the vending stand, such machine shall be deemed to be in reasonable proximity to and direct competition with the stand.

§ 5.6 *Approval of regulations.* The provisions of this part have been approved by the Director, Bureau of the Budget pursuant to Executive Order No. 10604, signed on April 22, 1955.

[SEAL] W. M. MARTIN,
*Director,*
*Office of Administrative Operations.*

Approved:

GEO. T. MOORE,
*Assistant Secretary for Administration.*

[F. R. Doc. 56-4808; Filed, June 15, 1956; 9:04 a. m.]

## TITLE 14—CIVIL AVIATION

### Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 200]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, GCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is canceled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.



1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

| City and State; airport name, elevation; facility; class and identification; procedure No.; effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course; outbound and inbound altitudes; limiting distances | If visual contact not established at authorized minimums after passing facility within distance specified or if landing not accomplished |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |
| DETROIT, MICH. Detroit City, 628'. SBRAZ-T-QG. Procedure No. 5. Amendment No. 4. Effective date: July 14, 1956. Supersedes Amendment dated March 22, 1955. Major changes: (1) Transition added QG-VOR, deleted all other transitions as airways go over facility; (2) revise columns 1 and 6; (3) viability revised column 10; (4) column 12 revised; (5) revise to new form. | Windsor VOR | 061—3.0 | 2,000 | E side of course: 142° outbound. 322° inbound. 2,000' within 10 miles. | Within 7.8 miles, climb to 2,300' on NW course Windsor LFR to Warren Intersection. •300-1 takeoff authorized on runway 33 only. AIR CARRIER NOTE: Sliding scale not applicable. Detroit Radiobeacon 2.3 miles SE Detroit City Airport. |
| DETROIT, MICH. Detroit City, 628', SBRAZ-T-QG. Procedure No. 2. Amendment No. 3. Effective date: July 14, 1956. Supersedes Amendment 2, dated Mar. 22, 1955. Major changes: (1) Revise to new form; (2) add transition from QG-VOR; (3) procedure turn revised to E; (4) column 10 visibility revised; (5) column 12 revised. | Salem VOR to #Warren Intersection. | 089—23.0 | 2,700 | E side of course: 329° outbound. 149° inbound. 2,300' within 10 miles. All turns will be made on E side of course. High obstructions W side of course. | Within 4.5 miles, climb to 2,300', proceed to QG-LFR or when directed by ATC. Climb in holding pattern to 2,300'. Proceed back to #Warren Intersection. •300-1 takeoff authorized on runway 33 only. AIR CARRIER NOTE: Sliding scale not applicable. #Warren Intersection: Intersection NW course Windsor LFR and 092R Salem. |
| | Pontiac Intersection to #Warren Intersection. | 149—9.5 | Final 1,800 | | |
| | Windsor VOR to #Warren Intersection. | 343—13.5 | 2,300 | | |
| LOS ANGELES, CALIF. International 125'. SBRAZ-DTXY-LAX. Procedure No. 1. Amendment No. 9. Effective date: July 14, 1956. Supersedes Amendment dated March 29, 1956. Major changes: Nautical miles; change circling ceiling for 2-engine or less aircraft (less than 4 engines) to 900' because of obstruction. | Hollywood Hills FM | 143—11.5 | 3,000 | S side of E course: 079° outbound. 259° inbound. 2,000' within 9 miles. (E of Downey Radiobeacon not authorized.) Procedure turn S for better terrain. | Within 3.4 miles, climb to 2,000' on W. course within 25 miles. •Maintain 1,500' until over LAX LOM inbound. |
| | Downey FM/Radiobeacon (final). | 238—9.5 | 1,500 | | |
| | Los Angeles LOM (final) | 238—1.7 | 1,000 | | |
| | San Pedro Intersection | 340—21.0 | 3,000 | | |
| | Radar vectoring to final approach course authorized. | | | | |

2. The high frequency visual aural range (VAR) procedures prescribed in § 609.7 are amended to read in part:

VAR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a VAR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

| City and State; airport name, elevation; facility: class and identification; procedure No.; effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance, facility to airport | Ceiling and visibility minimums | | | | If visual contact not established at authorized minimums after passing facility within distance specified, or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Condition | 2 engines or less | | More than 2 engines; more than 65 knots | |
| | | | | | | | | 65 knots or less | More than 65 knots | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| HICKORY, N. C. Municipal, 1,180'. HKY-VAR. Procedure No. 1. Amendment No. 4. Effective date: February 2, 1953. | PROCEDURE CANCELED MAY 16, 1956. FACILITY UNUSABLE. | | | | | | | | | | |

3. The automatic direction finding procedures prescribed in § 609.8 are amended to read in part:

ADF STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and latitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an ADF instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

| City and State; airport name, elevation; facility: class and identification; procedure No.; effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance, facility to airport | Ceiling and visibility minimums | | | | If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Condition | 2 engines or less | | More than 2 engines (more than 65 knots) | |
| | | | | | | | | 65 knots or less | More than 65 knots | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| DETROIT, MICH. Detroit City, 626'. MH-DET. Procedure No. 1. Amendment No. 5. Effective date: July 14, 1956. Supersedes Amendment 4, dated March 22, 1955. Major changes: (1) Transition added from QG VOR (new facility); (2) deleted transition SVM VOR and Warren Intersection; (3) revised altitude and distance (criteria) column 5; (4) revised altitude (criteria) column 6; (5) visibility minimums lowered to 1 mile, column 10; (6) column 12 revised. | RML LFR | 068—21.0 | 2,000 | E side of course: 149° outbound. 329° inbound. 2,000' within 10 miles. | 1,500 | 329—2.3 | T–dn | *500–1 | *500–1 | *500–1 | Within 2.3 miles, climb to 2,300' on track of 329° to Warren Intersection. *300–1 takeoff authorized runway 33 only. AIR CARRIER NOTE: Sliding scale not authorized. |
| | | | | | | | C–dn | 700–1 | 700–1 | 700–1½ | |
| | | | | | | | A–dn | 800–2 | 800–2 | 800–2 | |
| | Windsor LFR | 328—5.5 | Final 1,500 | | | | | | | | |
| | QG VOR | 357—6.0 | 2,300 | | | | | | | | |



4. The very high frequency omnirange (VOR) procedures prescribed in § 609.9 are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses, and radials are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

| City and State; airport name, elevation; facility: class and identification; procedure No.; effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance, facility to airport | Ceiling and visibility minimums | | | | If visual contact not established at authorized minimums after passing facility within distance specified or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Condition | 2 engines or less | | More than 2 engines; more than 65 knots | |
| | | | | | | | | 65 knots or less | More than 65 knots | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| LA GRANGE, GA. Callaway, 700'. BVOR-LGC. Procedure No. 1. Amendment No. 2. Effective date: April 22, 1954. | CANCELED JUNE 14, 1956. PROCEDURE SUPERSEDED BY COMBINED BVOR/DME. PROCEDURE AMENDMENT NO. ORIGINAL. EFFECTIVE MAY 12, 1956. | | | | | | | | | | |
| LOS ANGELES, CALIF. International, 125'. BVOR-LAX. Procedure No. 1. Amendment No. 1. Effective date: July 14, 1956. Supersedes Amendment Original, dated December 10, 1955. Major changes: Nautical miles; add radar vectoring note to transitions. | Los Angeles LFR | 246—6.1 | 1,500 | S side of course: 250° outbound. 070° inbound. 1,500' within 10 miles. | 600 | 070—1.2 | T–dn | 300–1 | 300–1 | 200–½ | Within 1.2 miles, climb to 2,000' on E course LAX LFR or LAX radial 074°, no farther E than Downey FM/Radiobeacon. |
| | | | | | | | C–dn | 800–1 | 600–1 | 600–1½ | |
| | Hollywood Hills FM | 173—11.3 | 3,000 | | | | S–dn | | | | |
| | | | | | | | Runway 7R | 400–1 | 400–1 | 400–1 | |
| | 6 nautical miles from LAX VOR on radial 250° as reported by LAX radar or by DME fix (final). | 070—6.0 | 600 | | | | A–dn | 800–2 | 800–2 | 800–2 | |
| | Radar vectoring to final approach course authorized. | | | | | | | | | | |

5. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

| City and State; airport name, elevation; facility; class and identification; procedure No.; effective date | Transition to ILS: From— | To— | Course and distance | Minimum altitudes (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude at glide slope interception inbound (ft.) | Altitude of glide slope and distance to approach end of runway at— Outer marker | Middle marker | Ceiling and visibility minimums: Condition | 2 engines or less: 65 knots or less | 2 engines or less: More than 65 knots | More than 2 engines (more than 65 knots) | If visual contact not established upon descent to authorized landing minimums or if landing not accomplished— |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| LOS ANGELES, CALIF. International, 125'. ILS-LAX-LOM-LA. Combination ILS/ADF. Procedure No. 1. Amendment No. 14. Effective date: July 14, 1956. Supersedes amendment 13, dated March 28, 1956. Major changes: Nautical miles; change circling ceiling for less than 2-engine (65 knots or less) to 500' because of obstructions. | LAX LFR | LOM | 074—1.7 | 2,000 | S side of E course: 068° outbound. | ILS 1,700 | 1,700—5.2 | 310—0.5 | T-dn | 300–1 | 300–1 | 200–½ | Within 5.2 miles, after passing LOM, climb to 2,000' on W course LAX LFR within 20 miles. *Aircraft must descend from 3,000' immediately after passing Downy, inbound. #ADF approach, cross LAX LFR inbound at minimum of 1,000' mean sea level. |
| | | | | | | | | | C-dn | 500–1 | 600–1 | 600–1½ | |
| | Downy FM/Radiobeacon (final). | LOM | 253—7.8 | *1,700 | 248° inbound. 2,000' within 10 miles. (E of Downy Radiobeacon not authorized.) | ADF 1,700# over LOM | | | S-dn Runway 25 L ILS | 200–½ | 200–½ | 200–½ | |
| | LGB LFR | Downy FM-Radiobeacon. | 338—11.0 | 3,000 | | | | | ADF | 400–1 | 400–1 | 400–1 | |
| | LGB VOR | Downy FM/Radiobeacon. | 328—10.9 | 3,000 | | | | | A-dn ILS | 600–2 | 600–2 | 600–2 | |
| | LGB LFR | LOM | 304—13.9 | 1,700 | | | | | ADF | 800–2 | 800–2 | 800–2 | |
| | LGB VOR | LOM | 297—14.8 | 1,700 | | | | | | | | | |
| | Hollywood Hills FM | LOM | 135—12.2 | 3,000 | | | | | | | | | |
| | LAX VOR | LOM | 068—7.8 | 2,000 | | | | | | | | | |
| | Radar vectoring to final approach course authorized. | | | | | | | | | | | | |
| LOS ANGELES, CALIF. International, 125'. ILS-LAX. LAX radar (ASR). Procedure No. 2. Amendment No. 4. Effective March 28, 1956. | CANCELED, EFFECTIVE JUNE 14, 1956. | | | | | | | | | | | | |
| MADISON, WIS. Truax Field, 859'. ILS-LOM. Procedure No. 1. Combination ILS-ADF. Amendment No. 4. Effective date: July 14, 1956. Supersedes Amendment 3, dated April 20, 1954. Major changes: (1) Transitions revised; (2) column 6 revised to 10 miles; (3) new form; (4) column 14 revised. | MSN-LFR | LOM | 218—3.5 | 2,400 | E side of course: 179° outbound. 359° inbound. 2,400' within 10 miles. | ILS 2,000 / ADF 1,900 | 1.918—3.9 | 1,058—0.6 | T-dn | 300–1 | 300–1 | 200–½ | Within 3.9 miles after passing LOM (ADF), climb to 2,500' on N course ILS or 359 course from LOM within 20 miles. CAUTION: 1,211' tower 1.3 miles to left of course after passing LOM on final and 1,023' mean sea level pole 0.8 mile to left of course and 0.8 mile SW of runway 36. *Procedure turn not required when using as final approach. |
| | | | | | | | | | C-dn | 600–1 | 600–1 | 600–1½ | |
| | Intersection 336R JVL-VOR and ILS S course. | LOM | 359—2.4 | Final ILS 2,000 | | | | | S-dn ILS | 200–½ | 200–½ | 200–½ | |
| | Mendota VHF Intersection. | LOM | 149—7.6 | 2,700 | | | | | ADF | 600–1 | 600–1 | 600–1 | |
| | Intersection 312R JVL-VOR and ILS S course. | LOM | 359—18.8 | *Final ILS 2,000 | | | | | A-dn ILS | 600–2 | 600–2 | 600–2 | |
| | | | | | | | | | ADF | 800–2 | 800–2 | 800–2 | |
| | Truax radiobeacon | LOM | 177—6.2 | 2,400 | | | | | | | | | |



6. The ground controlled approach procedures prescribed in § 609.13 are amended to read in part:

GCA STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. NOTE: Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a GCA instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below. Positive identification must be established with the radar controller. From initial contact with GCA to final authorized landing minimums, the instructions of the radar controller are mandatory except when (A) visual contact is established on final approach at or before descent to the authorized landing minimums, or (B) at pilot's discretion if it appears desirable to discontinue the approach. Except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when (A) communication on final approach is lost for more than 5 seconds during a PAR approach, or for more than 30 seconds during an ASR approach; (B) directed by radar controller; (C) visual contact is not established upon descent to authorized landing minimums; or (D) if landing is not accomplished.

| City and State; airport name; airport elevation; effective date | Radar terminal area; maneuvering altitudes by sectors and limiting distances | Runway No. | Condition | Ceiling and visibility minimums: Precision approach (PAR): 2 engines or less: 65 knots or less | Precision approach (PAR): 2 engines or less: Over 65 knots | Precision approach (PAR): More than 2 engines: Over 65 knots | Surveillance approach (ASR): 2 engines or less: 65 knots or less | Surveillance approach (ASR): 2 engines or less: Over 65 knots | Surveillance approach (ASR): More than 2 engines: Over 65 knots | Missed approach procedure |
|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| LOS ANGELES, CALIF. International, 125'. Procedure No. 1. Amendment No. 9. Effective date: July 14, 1956. Supersedes Amendment 8, dated March 28, 1956. Major changes: Change 2-engine or less aircraft (65 knots or less) circling ceiling to 500' because of obstructions. | All bearings are to the radar with sector azimuths progressing clockwise. | PAR 25L | T-dn | 300–1 | 300–1 | 200–½ | 300–1 | 300–1 | 200–½ | Climb to 2,000' on W course of Los Angeles LFR within 25 miles of LAX LFR. |
| | | | C-dn | 400–1 | 600–1 | 600–1½ | 500–1 | 600–1 | 600–1½ | |
| | Within 5 miles: 165°–194°—1,700'. 195°–164°—1,500'. | ASR 25L, 25R, 7L, 7R | S-dn | 200–½ | 200–½ | 200–½ | 400–1 | 600–1 | 600–1½ | |
| | Within 10 miles: 165°–194°—2,000'. 195°–220°—1,800'. 221°–330°—1,500'. 331°–360°—2,000'. 001°–090°—1,500'. 091°–164°—2,500'. | | A-dn | 600–2 | 600–2 | 600–2 | 800–2 | 800–2 | 800–2 | |
| | Within 15 miles: 091°–135°—3,500'. 136°–194°—3,000'. 195°–240°—2,000'. 241°–314°—1,500'. 315°–360°—2,500'. 001°–090°—1,500'. | | | | | | | | | |
| | Within 20 miles: 091°–220°—5,000'. 221°–090°—3,000'. | | | | | | | | | |
| | Within 25 miles: 091°–164°—5,000'. 165°–220°—7,500'. 221°–264°—3,500'. 265°–314°—3,000'. 315°–360°—4,000'. 001°–090°—4,000'. | | | | | | | | | |
| OKLAHOMA CITY, OKLA. Will Rogers Field, 1,283'. Procedure No. 1. Amendment—Original. Effective date: July 14, 1956. | Sectors are from airport: 0°–90° 3,800', 90°–180° 2,700', 180°–270° 2,800', 270°–360° 2,800' within 20 miles. | All | T-dn | | | | 300–1 | 300–1 | *200–½ | Runway 17: Climb to 2,500' on 170° course from Tulakes Radiobeacon or S course ILS within 20 miles. Runway 35: Climb to 3,100' on course of 350° from LOM or N course ILS within 20 miles, or when directed by ATC. Runway 17, 35: Proceed to VOR, climbing to 2,500' or climb to 2,700' on E course LFR within 20 miles. *300–1 required on runways 8–26. |
| | | All | C-dn | | | | 400–1 | 500–1 | 500–1½ | |
| | | 17, 35 | S-dn | | | | 400–1 | 400–1 | 400–1 | |
| | | All | A-dn | | | | 800–2 | 800–2 | 800–2 | |

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

JAMES T. PYLE,
*Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 56-4683; Filed, June 15, 1956; 11:06 a. m.]

# TITLE 6—AGRICULTURAL CREDIT

## Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

### Subchapter B—Loans, Purchases, and Other Operations

[1956 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Grain Sorghums]

### PART 421—GRAINS AND RELATED COMMODITIES

### SUBPART—1956 CROP GRAIN SORGHUMS LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program has been announced for the 1956 crop of grain sorghums. The 1956 C. C. C. Grain Price Support Bulletin 1 (21 F. R. 3997), issued by the Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for grains and certain other commodities produced in 1956 is supplemented as follows:

Sec.
421.1826 Purpose.
421.1827 Availability of price support.
421.1828 Eligible grain sorghums.
421.1829 Warehouse receipts.
421.1830 Determination of quantity.
421.1831 Determination of quality.
421.1832 Maturity of loans.
421.1833 Determination of support rates.
421.1834 Warehouse charges.
421.1835 Settlement.

AUTHORITY: §§ 421.1826 to 421.1835 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1053; 15 U. S. C. 714; 7 U. S. C. 1447, 1421.

§ 421.1826 *Purpose.* Sections 421.1826 to 421.1835 state additional specific regulations which, together with the general regulations contained in the 1956 C. C. C. Grain Price Support Bulletin 1 (§§ 421.1601 to 421.1622), apply to loans and purchase agreements under the 1956-Crop Grain Sorghums Price Support Program.

§ 421.1827 *Availability of price support*—(a) *Method of support.* Price support will be made available through farm-storage and warehouse-storage loans and through purchase agreements.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available wherever grain sorghums are grown in the continental United States, except that farm-storage loans will not be available in areas where the State committee determines that grain sorghums cannot be safely stored on the farm.

(c) *Where to apply.* Application for price support should be made at the office of the county committee which keeps the farm-program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through January 31, 1957, and the applicable documents must be signed by the producer and delivered to the county committee not later than such date. Applicable documents include the Producer's Note and Loan Agreement for warehouse-storage loans, the Producer's Note and Supplemental Loan Agreement and the Commodity Chattel Mortgage for farm-storage loans, and the Purchase Agreement for purchase agreements.

(e) *Eligible producer.* An eligible producer shall be an individual, partnership, association, corporation, estate, trust, or other business enterprise, or legal entity, and wherever applicable, a State, political subdivision of a State, or any agency thereof producing grain sorghums in 1956 as landowner, landlord, tenant, or sharecropper. Two or more eligible producers may obtain a joint loan on eligible grain sorghums harvested by them if stored in the same farm-storage facility. In the case of joint loans, each person signing the note shall be held jointly and severally responsible for the loan. Where the county office has experienced difficulties in settling farm-storage loans with a producer, the county committee shall determine that he is not eligible for a farm-storage loan. He shall be eligible, however, to obtain a warehouse-storage loan or sign a purchase agreement.

§ 421.1828 *Eligible grain sorghums.* Grain sorghums, to be eligible for price support, must meet all of the applicable requirements set forth in this section.

(a) The grain sorghums must have been produced in the continental United States in 1956 by an eligible producer.

(b) At the time the grain sorghums are placed under loan or delivered under a purchase agreement:

(1) The beneficial interest in the grain sorghums must be in the person tendering the grain sorghums for loan or for delivery under a purchase agreement, and must always have been in him, or must have been in him and a former producer whom he succeeded before the grain sorghums were harvested.

(2) To meet the requirements of succession to a former producer, the rights, responsibilities and interest of the former producer with respect to the farming unit on which the grain sorghums were produced shall have been substantially assumed by the person claiming succession. Mere purchase of the crop prior to harvest, without acquisition of any additional interest in the farming unit, shall not constitute succession. The county committee shall determine whether the requirements with respect to succession have been met.

(c) Grain sorghums, at the time they are placed under loan, and grain sorghums under purchase agreement which are in approved warehouse storage prior to notification by the producer of his intention to sell to CCC, must meet the following requirements:

(1) The grain sorghums must be of any class grading No. 4 or better, No. 4 "Smutty" or better, or No. 4 "Discolored" or better, and contain not in excess of 13 percent moisture.

(2) Grain sorghums grading "Weevily," or containing mercurial compounds or other substances poisonous to man or animals, or containing in excess of 13 percent moisture, shall not be eligible, except that grain sorghums represented by warehouse receipts which indicate that the grain sorghums are ineligible because of moisture content only, will be eligible if the warehouseman certifies on the supplemental certificate or on a statement attached to the warehouse receipt that "the grain sorghums have been processed at the request of the eligible producer, and delivery will be made of eligible grain sorghums containing not in excess of 13-percent moisture content and no lien for processing will be claimed by the warehouseman from Commodity Credit Corporation or any subsequent holder of said warehouse receipt."

(3) If offered as security for a farm-storage loan, the grain sorghums must have been stored in the granary at least 30 days prior to inspection for measurement, sampling, and sealing, unless otherwise approved by the State Committee.

(d) Grain sorghums under purchase agreement stored in other than approved warehouse storage must, in order to be eligible for sale to CCC, meet the requirements of paragraph (c) (1) and (2) of this section on the basis of a pre-delivery inspection performed by a representative of the county committee in accordance with regulations to be subsequently issued. Grain sorghums which do not meet the requirements of paragraph (c) (1) and (2) on the basis of the pre-delivery inspection referred to above shall also be eligible for sale to CCC only if the producer complies with the conditions to be specified in § 421.1835 and the grain sorghums on the basis of the inspection made at the time of delivery meet the requirements set forth in paragraph (c) (1) and (2) of this section.

§ 421.1829 *Warehouse receipts.* Warehouse receipts, representing grain sorghums in approved warehouse storage to be placed under loan or delivered under a purchase agreement, must meet the following requirements:

(a) Warehouse receipts must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder and must be receipts issued on a warehouse approved by CCC under the Uniform Grain Storage Agreement which indicate that the grain sorghums are insured, or must be receipts issued on warehouses operated by Eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect.

(b) (1) Each warehouse receipt or the warehouseman's supplemental certificate (in duplicate) properly identified with the warehouse receipt must show (i) gross weight, (ii) class, (iii) grade (including special grades), (iv) test weight, (v) moisture, (vi) dockage, (vii) any other grading factor(s) when such factor(s) and not test weight, determine the grade and (viii) whether the grain sorghums arrived by rail, truck or barge. In the case of warehouse receipts issued for grain sorghums delivered by rail or barge, the grading factors on the warehouse receipt must agree with the inbound inspection certificate for the car or barge when such certificate is issued.

(2) If the warehouseman has processed the grain sorghums as provided in § 421.1828 (c) (2), the supplemental certificate must show the numerical grade and grading factors resulting from the grain sorghums being processed. When the grade and grading factors shown on the supplemental certificate do not agree with the warehouse receipt, the factors shown on the supplemental certificate shall take precedence.

(c) A separate warehouse receipt must be submitted for each grade and class of grain sorghums.

(d) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 421.1834.

(e) Warehouse receipts representing grain sorghums which have been shipped by rail or water from a country shipping point to a designated terminal point, or shipped by rail or water from a country shipping point and stored in transit to a designated terminal point must be accompanied by registered freight bills, or by a certificate containing similar information in a form prescribed by the CSS commodity office which shall be signed by the warehouseman and which may be a part of the supplemental certificate.

§ 421.1830 *Determination of quantity.* (a) The quantity of grain sorghums placed under farm-storage loan may be determined either by weight or by measurement. The quantity of grain sorghums placed under a warehouse storage loan or delivered under a farm-storage loan or under a purchase agreement shall be determined by weight.

(b) When a quantity is determined by weight, a unit of 100 pounds shall be determined to be 100 pounds of grain sorghums free of dockage. In determining the quantity of sacked grain sorghums by weight, a deduction of three-fourths of a pound for each sack shall be made.

(c) When the quantity of grain sorghums is determined by measurement, 100 pounds shall be 2.25 cubic feet of grain sorghums testing 56 pounds per bushel. The quantity determined by measurement of grain sorghums having a test weight of less than 56 pounds per bushel shall be adjusted by applying the applicable percentage as shown in the following table:

| For grain sorghums testing: | Percent |
|---|---|
| 56 pounds or over | 100 |
| 55 pounds or over, but less than 56 pounds | 98 |
| 54 pounds or over, but less than 55 pounds | 96 |
| 53 pounds or over, but less than 54 pounds | 95 |
| 52 pounds or over, but less than 53 pounds | 93 |
| 51 pounds or over, but less than 52 pounds | 91 |
| 50 pound or over, but less than 51 pounds | 89 |
| 49 pounds or over, but less than 50 pounds | 87 |

(d) The percentage of dockage shall be determined and the weight of such dockage shall be deducted from the gross weight of the grain sorghums in determining the net quantity available for loan or purchase.

§ 421.1831 *Determination of quality.* The class, subclass, grade, grading factors, and all other quality factors shall be determined in accordance with the methods set forth in the Official Grain Standards of the United States for Grain Sorghums, whether or not such determinations are made on the basis of an official inspection.



§ 421.1832 *Maturity of loans.* Loans mature on demand but not later than March 31, 1957.

§ 421.1833 *Determination of support rates.* Basic support rates for grain sorghums will be set forth in 1956 C. C. C. Grain Price Support Bulletin 1, Supplement 2, Grain Sorghums. Support rates will be established for grain sorghums stored in approved warehouse storage at designated terminal markets, and for grain sorghums stored in approved country warehouses and in approved farm storage. The support rate for the quality of grain sorghums placed under loan or delivered under a purchase agreement shall be the applicable basic support rate adjusted in accordance with the provisions of this section and 1956 C. C. C. Grain Price Support Bulletin 1, Supplement 2, Grain Sorghums.

(a) *Support rates at designated terminal markets.* (1) Grain sorghums eligible for loan or purchase at the support rates established for designated terminal markets must have been shipped on a domestic interstate freight rate basis. On any grain sorghums shipped at other than the domestic interstate freight rate, the support rate at the designated terminal market shall be reduced by the difference between the rate of the freight paid (plus tax) and the domestic interstate freight rate (plus tax).

(2) The support rates established for designated terminal markets apply to grain sorghums which have been shipped by rail or water from a country shipping point to one of the designated terminal markets, as evidenced by paid freight bills duly registered for transit privileges: *Provided,* That in the event the amount of paid-in freight is insufficient to guarantee the minimum proportional domestic interstate freight rate from the terminal market, there shall be deducted from the applicable terminal support rate the difference between the amount of freight actually paid in and the amount required to be paid in to guarantee outbound movement at the minimum proportional domestic interstate freight rate.

(3) When shipped by rail or water and stored at any designated terminal market grain sorghums for which neither registered freight bills nor registered freight certificates are presented to guarantee outbound movement at the minimum proportional domestic interstate freight rate, shall have a support rate equal to the terminal rate minus 14 cents per 100 pounds.

(4) For grain sorghums received by truck and stored at any designated terminal market, the support rate shall be determined by making a deduction from the terminal rate as follows:

| Terminal market: | Amount of deduction (cents per 100 pounds) |
|---|---|
| Los Angeles, Calif., San Francisco, Calif. | 22 |
| Omaha, Nebr., Sioux City, Iowa, Kansas City, Mo., St. Louis, Mo., Saint Joseph, Mo. | 23 |
| Corpus Christi, Tex., Galveston, Tex., Houston, Tex., Port Arthur, Tex., New Orleans, La., Memphis, Tenn | 25 |

(b) *Support rates for grain sorghums in approved warehouse storage at other than designated terminal markets.* (1) Except for grain sorghums stored in New Mexico, the support rates for grain sorghums stored in approved warehouses (other than those situated in the designated terminal markets) which are shipped by rail or water, shall be determined by deducting from the appropriate designated terminal market rate an amount equal to the transit balance, if any (plus tax) of the through-freight rate from point of origin for such grain sorghums to such terminal market: *Provided,* That on any grain sorghums shipped at other than the domestic interstate freight rate, the support rate shall be further reduced by the difference between the rate of freight paid (plus tax) and the domestic interstate freight rate (plus tax) from the point of origin of such grain sorghums to the point of storage: *And provided further,* That in the case of grain sorghums stored at any railroad transit point taking a penalty by reason of out-of-line movement, or for any other reason to the appropriate designated market, there shall be added to such transit balance an amount equal to any out-of-line costs or other costs incurred in storing grain sorghums in such position.

(2) In the State of New Mexico, the CSS commodity office shall upon request of the county committee, determine the support rate for grain sorghums stored in approved warehouses (except those situated at designated terminal markets) which were shipped by rail in the movement of natural market direction as approved by CCC, by adding to the county rate for the county from which the grain sorghums were shipped an amount per 100 pounds equal to the receiving and loading-out charges computed in accordance with the applicable rates of the Uniform Grain Storage Agreement for the 1956 crop and an amount equal to the transit value of the freight paid (plus tax) from points of origin to markets designated by CCC. The warehouse receipts must be accompanied by the original paid freight bills or a certificate signed by the warehouseman as set forth in § 421.1829 (e). If the grain sorghums are stored in approved warehouses located at transit points, taking a penalty by reason of backhaul, or out-of-line of normal market movements, such penalty or other costs by reason of such movement, as determined by CCC shall be deducted from the support rates as determined in this paragraph.

(c) *Discounts.* The basic support rates shall be adjusted by all applicable discounts listed in 1956 CCC Grain Price Support Bulletin 1, Supplement 2, Grain Sorghums.

§ 421.1834 *Warehouse charges.* (a) Warehouse receipts and the grain sorghums represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the grain is deposited in the warehouse for storage.

Where the date of deposit (the date of the warehouse receipt if the date of deposit is not shown) on warehouse receipts representing grain sorghums stored in warehouses operating under the Uniform Grain Storage Agreement is on or before March 31, 1957, there shall be deducted in computing the amount of the loan or purchase price the storage charges per hundredweight as shown in the following table unless written evidence is submitted with the warehouse receipt that all warehouse charges, except receiving and loading out charges have been prepaid through March 31, 1957:

| Amount of deduction (cents per hundredweight) | Date of deposit (all dates inclusive) | | |
|---|---|---|---|
| | Area I [1] | Areas II,[2] III,[3] and IV [4] | Area V [5] |
| 28 | | | Prior to May 19, 1956. |
| 27 | | Prior to May 18, 1956 | May 19–May 30, 1956. |
| 26 | Prior to May 4, 1956 | May 18–May 29, 1956 | May 31–June 11, 1956. |
| 25 | May 4–May 16, 1956 | May 30–June 10, 1956 | June 12–June 23, 1956. |
| 24 | May 17–May 29, 1956 | June 11–June 22, 1956 | June 24–July 5, 1956. |
| 23 | May 30–June 11, 1956 | June 23–July 4, 1956 | July 6–July 17, 1956. |
| 22 | June 12–June 24, 1956 | July 5–July 16, 1956 | July 18–July 29, 1956. |
| 21 | June 25–July 7, 1956 | July 17–July 28, 1956 | July 30–Aug. 10, 1956. |
| 20 | July 8–July 20, 1956 | July 29–Aug. 9, 1956 | Aug. 11–Aug. 22, 1956. |
| 19 | July 21–Aug. 2, 1956 | Aug. 10–Aug. 21, 1956 | Aug. 23–Sept. 3, 1956. |
| 18 | Aug. 3–Aug. 15, 1956 | Aug. 22–Sept. 2, 1956 | Sept. 4–Sept. 15, 1956. |
| 17 | Aug. 16–Aug. 28, 1956 | Sept. 3–Sept. 14, 1956 | Sept. 16–Sept. 27, 1956. |
| 16 | Aug. 29.–Sept. 10, 1956 | Sept. 15–Sept. 26, 1956 | Sept. 28–Oct. 9, 1956. |
| 15 | Sept. 11–Sept. 23, 1956 | Sept. 27–Oct. 8, 1956 | Oct. 10–Oct. 21, 1956. |
| 14 | Sept. 24–Oct. 6, 1956 | Oct. 9–Oct. 20, 1956 | Oct. 22–Nov. 1, 1956. |
| 13 | Oct. 7–Oct. 19, 1956 | Oct. 21–Nov. 1, 1956 | Nov. 2–Nov. 12, 1956. |
| 12 | Oct. 20–Nov. 1, 1956 | Nov. 2–Nov. 13, 1956 | Nov. 13–Nov. 23, 1956. |
| 11 | Nov. 2–Nov. 14, 1956 | Nov. 14–Nov. 25, 1956 | Nov. 24–Dec. 4, 1956. |
| 10 | Nov. 15–Nov. 27, 1956 | Nov. 26–Dec. 7, 1956 | Dec. 5–Dec. 15, 1956. |
| 9 | Nov. 28–Dec. 10, 1956 | Dec. 8–Dec. 19, 1956 | Dec. 16–Dec. 26, 1956. |
| 8 | Dec. 11–Dec. 23, 1956 | Dec. 20–Dec. 31, 1956 | Dec. 27, 1956–Jan. 6, 1957. |
| 7 | Dec. 24, 1956–Jan. 5, 1957 | Jan. 1, 1957–Jan. 12, 1957 | Jan. 7–Jan. 17, 1957. |
| 6 | Jan. 6–Jan. 18, 1957 | Jan. 13–Jan. 24, 1957 | Jan. 18–Jan. 28, 1957. |
| 5 | Jan. 19–Jan. 31, 1957 | Jan. 25–Feb. 5, 1957 | Jan. 29–Feb. 8, 1957. |
| 4 | Feb. 1–Feb. 13, 1957 | Feb. 6–Feb. 17, 1957 | Feb. 9–Feb. 19, 1957. |
| 3 | Feb. 14–Feb. 26, 1957 | Feb. 18–Mar. 1, 1957 | Feb. 20–Mar. 2, 1957. |
| 2 | Feb. 27–Mar. 11, 1957 | Mar. 2–Mar. 13, 1957 | Mar. 3–Mar. 13, 1957. |
| 1 | Mar. 12–Mar. 31, 1957 | Mar. 14–Mar. 31, 1957 | Mar. 14–Mar. 31, 1957. |

[1] Area I includes: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.
[2] Area II includes: Minnesota, Montana, North Dakota, South Dakota (also Superior, Wisconsin).
[3] Area III includes: Colorado, Illinois, Iowa, Kansas, Missouri, Nebraska, Wyoming, Wisconsin (except Superior).
[4] Area IV includes: Arkansas, Connecticut, Delaware, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Texas, Vermont, Virginia, West Virginia.
[5] Area V includes: Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina, Tennessee.

(b) Warehouse receipts and the grain sorghums represented thereby stored in approved warehouses operated by Eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission. There shall be deducted in computing the loan or purchase price, the amount of the approved tariff rate for storage (not including elevation), which will accumulate from the date of deposit through March 31, 1957 unless written evidence is submitted with the warehouse receipt that the storage charges have been prepaid. The county committee shall request the CSS commodity office to determine the amount of such charges. Where the producer presents evidence showing that elevation charges have been prepaid, the amount of the storage charges to be deducted shall be reduced by the amount of the elevation charges prepaid by the producer.

§ 421.1835 *Settlement*—(a) *Settlement value.* (1) (i) In the case of eligible grain sorghums delivered to CCC from farm-storage under the loan program, settlement shall be made at the applicable support rate determined in accordance with §§ 421.1618 (d) and 421.1833. The support rate shall be for the grade and quality of the total quantity of grain sorghums eligible for delivery.

(ii) If, upon delivery, the grain sorghums under farm-storage loans are of a grade or quality for which no support rate has been established, the settlement value shall be computed at the support rate established for the grade and quality of the grain sorghums placed under loan, less the difference, if any, at the time of delivery, between the market price for the grade and quality placed under loan and the market price of the grain sorghums delivered, as determined by CCC: *Provided, however,* That if such grain sorghums are sold by CCC in order to determine their market price the settlement value shall not be less than such sales price and: *Provided further,* That if upon delivery the grain sorghums contain mercurial compounds or other substances poisonous to man or animals, such grain sorghums shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell such commodity for the use specified above, the settlement value shall be the market value, if any, as determined by CCC, as of the date of delivery.

(2) Provisions applicable to the predelivery inspection of grain sorghums under purchase agreement and the basis for settlement with the producer on grain sorghums delivered to CCC under purchase agreement will be issued as an amendment to this subpart.

(b) *Storage deduction for early delivery.* No deduction for storage shall be made for farm-stored grain sorghums under loan or purchase agreement authorized to be delivered to CCC prior to the loan maturity date, except where it is necessary to call the loan through fault or negligence on the part of the producer or where the producer requests early delivery and the county committee approves the early delivery and determines such early delivery is solely for the convenience of the producer. The deduction for storage shall be made in accordance with the schedule of deductions for warehouse charges in § 421.1834.

(c) *Refund of prepaid handling charges.* In case a warehouseman charges the producer for the receiving or the receiving and loading out charges on grain sorghums under loan or purchase agreement stored in a warehouse under the Uniform Grain Storage Agreement, the producer shall, upon delivery of the grain sorghums to CCC, be reimbursed or given credit by the county office for such prepaid charges in an amount not to exceed the charges authorized under the Uniform Grain Storage Agreement, provided the producer furnishes to the county committee written evidence signed by the warehouseman that such charges have been paid.

(d) *Storage payment where CCC is unable to take delivery of grain sorghums stored in other than an approved warehouse under loan or purchase agreement.* The producer may be required to retain grain sorghums stored in other than an approved warehouse under loan or purchase agreement for a period of 60 days after the maturity date without any cost to CCC. However, if CCC is unable to take delivery of such grain sorghums within the 60-day period after maturity, the producer shall be paid a storage payment upon delivery of the grain sorghums to CCC: *Provided, however,* That a storage payment shall be paid a producer whose grain sorghums are stored in other than an approved warehouse under purchase agreement only if he has properly given notice of his intention to sell the grain sorghums to CCC and delivery cannot be accepted within the 60-day period after maturity. The period for earning such storage payment shall begin the day following the expiration of the 60-day period after the maturity date and extend through the final date of delivery, or the final date for delivery as specified in the delivery instructions issued to the producer by the county office, whichever is earlier. The storage payment shall be computed at the rate of $0.00077 per 100 pounds per day in Area I; $0.00080 per 100 pounds per day in Area II; $0.00082 per 100 pounds per day in Area III; $0.00084 per 100 pounds per day in Area IV; and $0.00087 per 100 pounds per day in Area V for the grain sorghums accepted for delivery or sale to CCC.

(e) *Track-loading payment.* A track-loading payment of 6 cents per 100 pounds shall be made to the producer on grain sorghums delivered to CCC on track at a country point.

Issued this 12th day of June 1956.

[SEAL] WALTER C. BERGER,
*Acting Executive Vice President,*
*Commodity Credit Corporation.*

[F. R. Doc. 56-4758; Filed, June 15, 1956; 8:48 a. m.]



## TITLE 7—AGRICULTURE

### Chapter III—Agricultural Research Service, Department of Agriculture

[P. P. C. 616, Rev.]

PART 301—DOMESTIC QUARANTINE NOTICES

SUBPART—MEDITERRANEAN FRUIT FLY

REVISED ADMINISTRATIVE INSTRUCTIONS EXEMPTING CERTAIN ARTICLES FROM SPECIFIC REQUIREMENTS, INTERPRETATION RE CERTAIN PRODUCTS

Pursuant to the authority conferred on him by the fourth sentence of the Mediterranean fruit fly quarantine (Notice of Quarantine No. 78, 7 CFR 301.78, 21 F. R. 3213), under sections 8 and 9 of the Plant Quarantine Act of 1912, as amended (7 U. S. C. 161, 162), and pursuant to other delegations of authority (19 F. R. 515, as amended) the Chief of the Plant Pest Control Branch hereby issues revised administrative instructions exempting certain regulated articles from the requirements of §§ 301.78–3 (b), 301.78–4 and 301.78–5 of the regulations supplemental to the said notice of quarantine (7 CFR 301.78–3 (b), 301.78–4, 301.78–5; 21 F. R. 3214, 3215), and an interpretation re certain other products, to appear as § 301.78a in Title 7, Code of Federal Regulations, as follows:

§ 301.78a *Administrative instructions exempting certain articles from specified requirements; interpretation re nursery stock, cut flowers, bulbs, etc.* It has been found that facts exist as to the pest risk involved in the movement of the following regulated articles under the regulations in this subpart which make it safe to make less stringent the requirements of the regulations with respect to the movement of such articles from any regulated area, as hereinafter provided. The following articles are hereby exempted from the requirements of §§ 301.78–3 (b), 301.78–4 and 301.78–5:

(a) *Fruits.* (1) Coconuts.
(2) Lemons, when picked green and commercially packed.
(3) Sour limes, when picked green and commercially packed.
(4) Strawberries, blackberries, and dewberries.
(b) *Vegetables.* (1) Beans.
(2) Broccoli.
(3) Brussels sprouts.
(4) Cabbage.
(5) Carrots.
(6) Cauliflower.
(7) Celery, when free of soil.
(8) Corn.
(9) Gourds.
(10) Kohlrabi.
(11) Lettuce, endive (escarole), chicory and other leafy (salad) vegetables.
(12) Onions.
(13) Peas, field, English or garden.
(14) Peppers, chili and cayenne (not including bell peppers).
(15) Potatoes (Irish).
(16) Pumpkins.
(17) Radishes.
(18) Spinach, collards, mustard and other leafy greens.
(19) Squash.
(20) Sweet potatoes.
(21) Tomatoes, green, when commercially packed.
(22) Turnips.
(23) Watermelons.

Nursery stock, without fruit or berries and free of soil; bulbs, corms, tubers, and rhizomes, other than vegetables, when free of soil; and cut flowers; are not considered as being regulated articles within the meaning of the regulations in this subpart.

These revised instructions shall be effective on June 16, 1956, and on that day shall supersede P. P. C. 616, which was effective May 16, 1956 (7 CFR 301.78a, 21 F. R. 3216).

The chief purpose of this revision is to add to the kinds of vegetables that are exempt from the requirements of the Mediterranean fruit fly quarantine and regulations. It has been determined that movement of such vegetables will not result in the spread of the Mediterranean fruit fly and that the restrictions provided by the quarantine and regulations upon such movement are unnecessary. In order to be of maximum benefit to affected shippers, the revised instructions relieving such restrictions should be made effective as soon as possible. Therefore, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and other public rule making procedure with respect to the revised instructions are impracticable and unnecessary.

Since the instructions relieve restrictions, they are within the exception in section 4 (c) of the Administrative Procedure Act and may properly be made effective less than 30 days after their publication in the FEDERAL REGISTER.

(Sec. 9, 37 Stat. 318; 7 U. S. C. 162. Interprets or applies sec. 8, 37 Stat. 318, as amended; 7 U. S. C. 161)

Done at Washington, D. C., this 13th day of June 1956.

[SEAL] E. D. BURGESS,
*Chief,*
*Plant Pest Control Branch.*

[F. R. Doc. 56-4757; Filed, June 15, 1956; 8:48 a. m.]

### Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

PART 801—RULES OF PRACTICE AND PROCEDURE GOVERNING PROCEEDINGS TO ALLOT SUGAR QUOTAS, AND TO DETERMINE PROCESSES AND QUALITIES DISTINGUISHING RAW SUGAR AND DIRECT-CONSUMPTION SUGAR

REVISION OF PART

*Basis and purpose.* The regulations in §§ 801.1 through 801.20 issued pursuant to the Sugar Act of 1948, as amended, hereinafter referred to as the "act," prescribe the rules of practice and procedure governing proceedings, including the holding of public hearings, for the allotment of sugar quotas or prorations thereof pursuant to section 205 of the act, and for the issuance of determinations or regulations regarding processes and qualities of sugar pursuant to paragraph (n) of section 101 of the act, which paragraph has been added by section 4 of Public Law 545, 84th Congress, 2d Session.

This amendment of Part 801 extends its provisions to govern the proceedings authorized under section 101 (n) of the act so that the same rules of practice and procedure will apply thereto as apply to proceedings for allotment of quotas under section 205 of the act. This amendment also adds a new subparagraph (1) to § 801.4 (b) so that in accordance with the provisions of that section allotments may be adjusted to reflect changes in quotas that may arise under section 202 (a) (2) of the act through changes in total sugar requirements as determined by the Secretary. Subparagraphs in § 801.4 (b) formerly numbered (1) and (2) are renumbered (2) and (3), respectively. For clarity and convenient reference, the entire part is republished, as revised.

The provisions of section 205 of the Sugar Act of 1948, as amended, indicate that the Secretary's decision establishing allotments of a quota be made upon the record of the hearing involved. In such cases, the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1001 et seq.) requires that certain procedures, as set forth therein, be followed with respect to the conduct of the hearing and the issuance of a decision. The rules of practice and procedure set forth in §§ 801.1 to 801.20 are designed to give effect to such required procedures in connection with a proceeding to allot a quota under section 205 of the Sugar Act. No provision is made in paragraph (n) of section 101 of the Sugar Act of 1948, as amended, which requires that the determinations or regulations of the Secretary authorized therein, be made on the record of the hearing involved. However, the rules of practice and procedure set forth in §§ 801.1 to 801.20 at this time seem suitable for making available all pertinent information necessary to assist the Secretary in promulgating the determinations or regulations authorized under paragraph (n) of section 101 of the Sugar Act of 1948, as amended.

Under the provisions of paragraph (n) of section 101 of the act, the Secretary of Agriculture, after notice and hearing, is authorized to make certain determinations which, to be effective, require that regulations setting forth such determinations be promulgated as soon as possible. The proceedings, including notice and hearing, preliminary to the issuance of such regulations cannot be undertaken, however, until rules of practice and procedure governing such proceedings have been established. Accordingly, it is found that the timely exercise of the authority vested in the Secretary by section 4 of Public Law 545, 84th Congress, 2d Session, requires that the rules of practice and procedure contained in §§ 801.1 to 801.20, inclusive, become effective 10 days after publication in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922; 65 Stat. 318; Public Law 545, 84th Congress, 2d Session, 7 U. S. C. 1100 et seq.) and in accordance with the Administrative Procedure Act (60 Stat. 237, 5 U. S. C. 1001 et seq.), Part 801 is hereby amended to read as follows:

Sec.


801.1 Definitions.
801.2 Proceedings which are subject to this part.
801.3 Petitions for institution of proceedings.
801.4 Institution of proceedings.
801.5 Notice of hearing.
801.6 Docket number.
801.7 Presiding officer.
801.8 Motions and requests.
801.9 Conduct of the hearing.
801.10 Arguments and proposed findings and conclusions.
801.11 Certification of the transcript.
801.12 Copies of the transcript.
801.13 Administrator's recommended decision.
801.14 Submission to Secretary.
801.15 Decision by Secretary.
801.16 Hearing before Secretary.
801.17 Final determination or regulation.
801.18 Filing; extension of time; effective date of filing; and computation of time.
801.19 Discussion of issues, etc., of proceedings prohibited.
801.20 Revision or amendment of existing allotments.


AUTHORITY: §§ 801.1 to 801.20 issued under sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interpret or apply sec. 205, 61 Stat. 926, sec. 4, Pub. Law 545, 84th Cong.; 7 U. S. C. 1115.

§ 801.1 *Definitions.* As used in the regulations in this part:

(a) The term "act" means the Sugar Act of 1948, as amended (61 Stat. 922; 65 Stat. 318; Public Law 545, 84th Congress, 2d Session; 7 U. S. C. 1100 et seq.).

(b) The term "Department" means the United States Department of Agriculture.

(c) The term "Secretary" means the Secretary of Agriculture or any officer or employee of the Department to whom the Secretary has heretofore lawfully delegated, or to whom the Secretary may hereafter lawfully delegate, the authority to act in his stead.

(d) The term "Administrator" means the Administrator of the Commodity Stabilization Service of the Department.

(e) The term "Examiner" means any examiner in the Office of Hearing Examiners, United States Department of Agriculture.

(f) The term "proceeding" means a proceeding before the Secretary, arising under paragraph (n) of section 101, or section 205 of the act.

(g) The term "hearing" means that part of the proceeding which involves the submission of evidence.

(h) The term "presiding officer" means the examiner conducting a proceeding under the act.

(i) The term "Hearing Clerk" means the Hearing Clerk, United States Department of Agriculture, Washington, D. C.

(j) The term "FEDERAL REGISTER" means the publication provided for by the act of July 26, 1935 (49 Stat. 500), and acts supplementary thereto and amendatory thereof.

§ 801.2 *Proceedings which are subject to this part.* The provisions of this part set forth the rules of practice and procedure applicable to proceedings for the issuance by the Secretary of determinations and regulations, including amendments or revisions thereto, establishing:

(a) The allotment of any sugar quota or proration thereof as provided in section 205 of the act;

(b) The specific processes to which sugars are subjected which are sufficient to meet the requirements of paragraph (n) of section 101 of the act; or

(c) The sugars of specific qualities which are raw sugar within the meaning of paragraph (d), or direct-consumption sugar within the meaning of paragraph (e), of section 101 of the act.

§ 801.3 *Petitions for institution of proceedings.* Any interested person may petition the Secretary in writing for the issuance, amendment, or repeal of a determination made upon a proceeding which is subject to the provisions of this part. Such petition shall be filed with the Administrator and shall be accompanied by a written statement, in quadruplicate, setting forth the facts and reasons in support thereof. Upon receipt of such petition, the Administrator shall cause such investigation to be made and such consideration thereof to be given as, in his opinion, are warranted. If, after such investigation and consideration, the Administrator concludes that such petition should be denied, he shall give prompt notice of such denial, which shall be accompanied by a brief, simple statement of the reasons for such denial. If, after such investigation and consideration, the Administrator concludes that some action should be taken, he shall recommend that the Secretary institute proceedings.

§ 801.4 *Institution of proceedings.* (a) Whenever, pursuant to a petition filed under § 801.3, or on his own initiative, the Secretary (1) finds that the allotment of any quota or proration thereof is necessary to assure an orderly and adequate flow of sugar or liquid sugar in the channels of interstate or foreign commerce, or to prevent disorderly marketing or importation of sugar or liquid sugar, or to afford all interested persons an equitable opportunity to market sugar or liquid sugar; or (2) decides that it is necessary to determine whether specific processes to which sugars are subjected are sufficient to meet the requirements of paragraph (n) of section 101 of the act, or whether sugars of specific qualities are raw sugar within the meaning of paragraph (d), or direct-consumption sugar within the meaning of paragraph (e) of section 101 of the act, he shall institute a proceeding by issuing a notice of hearing.

(b) In any proceeding instituted pursuant to paragraph (a) of this section, for the allotment of a quota or proration thereof, the notice of hearing issued and the hearing held with respect thereto shall, where the notice of hearing so states, constitute the notice of hearing and the hearing upon which the Secretary may revise or amend the allotment of the quota or proration thereof for the purposes of (1) giving effect to any changes in quota made by the Secretary pursuant to the provisions of section 202 (a) (2) of the act, (2) allotting any additional quota resulting from proration of area deficits, or allotting any deficit in the allotment for any allottee, and (3) substituting revised estimates of data or final actual data for estimates of such data wherever estimates are used in the formulation of an allotment of a quota.

§ 801.5 *Notice of hearing*—(a) *Filing and giving notice.* (1) Upon the issuance of a notice of hearing by the Secretary, it shall be filed with the Hearing Clerk, who shall promptly mail a true copy thereof to each of the persons known to be interested in the proceeding. The Hearing Clerk shall give or cause to be given further notice of the hearing in the following manner:

(i) By publication of such notice in the FEDERAL REGISTER; and

(ii) By issuing a press release containing the complete text or a summary of the contents of such notice.

(2) Legal notice of the hearing shall be deemed to be given if notice is given in the manner provided in subparagraph (1) (i) of this paragraph; and failure to give notice in the manner otherwise provided in subparagraph (1) of this paragraph shall not affect the legality of the notice.

(b) *Proof of mailing or of giving notice.* Proof of the mailing of the notice of hearing or of other means of giving notice shall be by affidavit or certificate of the person mailing or giving the same. Such affidavit or certificate shall be filed with the Hearing Clerk and the filing thereof shall be noted on the docket of the proceeding.

(c) *Contents.* The notice of the hearing shall contain a reference to the authority under which the proceeding is proposed; shall define the scope of the hearing as specifically as may be practicable; shall contain either the terms or substance of the proposed determination or regulation, or a description of the subjects and issues involved; and shall state the time and place of such hearing and the place where copies of any proposal may be obtained or examined. The time of the hearing shall not be less than ten days after the date of publication of the notice in the FEDERAL REGISTER, unless the Secretary shall determine that an emergency exists which requires a shorter period of notice, in which case the period of notice shall be that which the Secretary may determine to be reasonable in the circumstances.

§ 801.6 *Docket Number.* Each proceeding, immediately following its institution, shall be assigned a docket number by the Hearing Clerk, and thereafter the proceeding shall be referred to by such number.

§ 801.7 *Presiding officer*—(a) *Assignment.* No presiding officer who has any pecuniary interest in the outcome of a proceeding shall serve as a presiding officer in such proceeding.

(b) *Powers.* Subject to review by the Secretary, as provided elsewhere in this part, the presiding officer shall have power to:

(1) Rule upon motions and requests;



(2) Change the time and place of hearing, and adjourn the hearing from time to time or from place to place;

(3) Administer oaths and affirmations and take affidavits;

(4) Examine and cross-examine witnesses and receive evidence;

(5) Admit or exclude evidence;

(6) Hear oral argument on facts or law;

(7) Hold conferences for the simplification of the issues by consent of the parties;

(8) Do all acts and take all measures necessary for the maintenance of order and the efficient conduct of the proceeding.

(c) *Who may act in absence of presiding officer.* In case of the absence of the presiding officer or his inability to act, the powers and duties to be performed by him under this part may be assigned to any other presiding officer without abatement of the proceeding unless otherwise ordered by the Secretary.

(d) *Disqualification of presiding officer.* The presiding officer may, at any time, withdraw as presiding officer in a proceeding if he deems himself to be disqualified. Upon the filing by an interested person in good faith of a timely and sufficient affidavit of personal bias or disqualification of a presiding officer, the Secretary shall determine the matter as a part of the record and decision in the proceeding, after making such investigation or holding such hearings, or both, as he may deem appropriate in the circumstances.

§ 801.8 *Motions and requests*—(a) *General.* All motions and requests shall be filed with the Hearing Clerk, except that those made during the course of the hearing may be filed with the presiding officer or may be stated orally and made a part of the transcript. Except as provided in § 801.18, such motions and requests shall be addressed to, and ruled on by, the presiding officer if made prior to his certification of the transcript pursuant to § 801.11 or by the Secretary if made thereafter.

(b) *Certification to Secretary.* The presiding officer may, in his discretion, submit or certify to the Secretary for decision any motion, request, objection, or other question addressed to the presiding officer.

§ 801.9 *Conduct of the hearing*—(a) *Time and place.* The hearing shall be held at the time and place fixed in the notice of hearing, unless the presiding officer shall have changed the time or place, in which event the presiding officer shall file with the Hearing Clerk a notice of such change, which notice shall be mailed and published in the same manner as hereinbefore provided in § 801.5 (a) (relating to the mailing and the publication of the notice of hearing): *Provided,* That, if the change in time or place of hearing is made less than 5 days prior to the date previously fixed for the hearing, the presiding officer, either in addition to or in lieu of causing the notice of the change to be given as aforesaid, shall announce, or cause to be announced, the change at the time and place previously fixed for the hearing.

(b) *Appearances*—(1) *Representation*—(i) *Department.* The Department shall be represented at the hearing by the Director of the Sugar Division, Commodity Stabilization Service, or such employee of that Division as the Director may designate, who shall be heard with respect to matters relevant and material to the proceeding.

(ii) *Interested persons.* At the hearing, any interested person shall be given an opportunity to appear, either in person or through his authorized counsel or representative, and to be heard with respect to matters relevant and material to the proceeding. If such person desires to be heard through his counsel or representative, such person or such counsel or representative shall, before proceeding to testify or otherwise to participate in the hearing, state for the record the authority to act as such counsel or representative, and the names and addresses and occupations of such person and such counsel or representative. Any such person or such counsel or representative shall give such other information respecting his appearance as the presiding officer may request.

(2) *Debarment of counsel or representative.* (i) Whenever, while a proceeding is pending before him, the presiding officer finds that a person, acting as counsel or representative for any interested person participating in the proceeding, is guilty of unethical or unprofessional conduct, the presiding officer may order that such person be precluded from further acting as counsel or representative in such proceeding. An appeal to the Secretary may be taken from any such order, but the proceeding shall not be delayed or suspended pending disposition of the appeal: *Provided,* That, the presiding officer may suspend the proceeding for a reasonable time for the purpose of enabling the client to obtain other counsel or other representative.

(ii) In case the presiding officer has ordered that a person be precluded from further acting as counsel or representative in the proceeding, the presiding officer, within a reasonable time thereafter, shall submit to the Secretary a report of the facts and circumstances surrounding such order and shall recommend what action the Secretary should take respecting the appearance of such person as counsel or representative in other proceedings before the Secretary. Thereafter the Secretary may, after notice and an opportunity for hearing, issue such order, respecting the appearance of such person as counsel or representative in proceedings before the Secretary, as the Secretary finds to be appropriate.

(3) *Failure to appear.* If any interested person, after being duly notified, fails to appear at the hearing, he shall be deemed to have waived the right to be heard in the proceeding. Failure to appear at a hearing shall not be deemed to be a waiver of the right of any interested person otherwise to participate in the proceeding.

(c) *Order of procedure.* (1) At the beginning of the hearing, the presiding officer shall have noted on the record his designation as presiding officer and the notice of the hearing as filed with the Division of the Federal Register. This shall be done by filing as an exhibit for the record a copy of the FEDERAL REGISTER containing such designation and such notice. If the designation has not been published in the FEDERAL REGISTER, the presiding officer shall file as an exhibit a copy of the order of the Secretary designating him to preside.

(2) Evidence shall then be received with respect to the matters specified in the notice of hearing. Unless the presiding officer determines otherwise, the representative of the Department shall proceed first at the hearing. Such representative shall submit for the record such data and other information available to the Department which he deems relevant and material to the subjects and issues involved in the proceeding. The representative of the Department shall, unless he states for the record that he deems such action impractical, unnecessary, or contrary to the public interest, also present a proposed determination of specific processes or qualities of sugar, or a method or methods of allotment, together with a statement of the facts and reasons in support thereof.

(d) *Evidence*—(1) *In general.* The hearing shall be publicly conducted and the testimony given at the hearing shall be reported verbatim. Every witness shall, before proceeding to testify, be sworn or make affirmation. Interested persons shall be permitted to present oral and documentary evidence, to submit rebuttal evidence, and to conduct such cross-examination as may be required for a full and true disclosure of the facts. When necessary, in order to prevent undue prolongation of the hearing, the presiding officer may limit the number of times any witness may testify to the same matter, or the amount of corroborative or accumulative evidence. The presiding officer shall, insofar as practicable, exclude evidence which is immaterial, irrelevant, or unduly repetitious or which is not of the sort upon which responsible persons are accustomed to rely.

(2) *Objections.* (i) If a person objects to the admission or rejection of any evidence or to the limitation or the scope of any examination or cross-examination, he shall state briefly the grounds of such objection, whereupon an automative exception will follow if the objection is over-ruled by the presiding officer. The transcript shall not include argument or debate thereon except as ordered by the presiding officer. The ruling of the presiding officer on any objection shall be a part of the transcript.

(ii) Only objections made before the presiding officer may subsequently be relied upon in the proceeding.

(3) *Proof and authentication of official records or documents.* An official record or document, when admissible for any purpose, shall be admissible as evidence without the production of the person who made or prepared the same. Such record or document shall, in the discretion of the presiding officer, be evidenced by an official publication thereof or by a copy attested by the person having the legal custody thereof and accompanied by a certification that such person has the custody.

(4) *Exhibits.* All written statements, charts, tabulations, or similar data offered in evidence at the hearing shall, after identification by the proponent and upon satisfactory showing of the authenticity, relevancy, and materiality of the contents thereof, be numbered as exhibits and received in evidence and made a part of the record. Such exhibits shall be submitted in quadruplicate and in documentary form. In case the required number of copies is not made available, the presiding officer shall exercise his discretion as to whether said exhibits shall, when practicable, be read in evidence or whether additional copies shall be required to be submitted within a time to be specified by the presiding officer. Where the testimony of a witness refers to a statute, or to a report or document, the presiding officer, after inquiry relating to the identification of such statute, report or document, shall determine whether the same shall be produced at the hearing and physically be made a part of the evidence as an exhibit, or whether it shall be incorporated into the evidence by reference. Where relevant and material matter offered in evidence is embraced in a report or document containing immaterial or irrelevant matter, such immaterial or irrelevant matter shall be excluded and shall be segregated insofar as practicable, subject to the direction of the presiding officer.

(5) *Official notice.* Official notice may be taken of such matters as are judicially noticed by the courts of the United States and of any other matter of technical, scientific, or commercial fact of established character: *Provided,* That the interested persons shall be given adequate notice, at the hearing or subsequent thereto, of matters so noticed and shall be given adequate opportunity to show that such facts are inaccurate or are erroneously noticed.

(6) *Offer of proof.* Whenever evidence is excluded from the record, the person offering such evidence may make an offer of proof, which shall be included in the transcript. The offer of proof shall consist of a brief statement describing the evidence to be offered. If the evidence consists of a brief oral statement or of an exhibit, it shall be inserted into the transcript in toto. In such event, it shall be considered a part of the transcript if the Secretary decides that the presiding officer's ruling in excluding the evidence was erroneous. The presiding officer shall not allow the insertion of such evidence in toto if the taking of such evidence will consume a considerable length of time at the hearing. In the latter event, if the Secretary decides that the presiding officer erred in excluding the evidence and that such error was substantial, the hearing shall be reopened to permit the taking of such evidence.

§ 801.10 *Arguments and proposed findings and conclusions—*(a) *Oral argument before presiding officer.* Oral argument before the presiding officer shall be in the discretion of the presiding officer. Such argument when permitted may be limited by the presiding officer to an extent that he finds necessary for the expeditious disposition of the proceeding and shall be reduced to writing and made a part of the transcript.

(b) *Briefs, proposed findings, and conclusions.* The presiding officer shall announce at the hearing a reasonable period of time within which interested persons may file with the Hearing Clerk written arguments or briefs, and proposed findings and conclusions, based upon the evidence received at the hearing, citing, where practicable, page or pages of the transcript of the testimony where such evidence appears. Factual material other than that adduced at the hearing or subject to official notice shall not be alluded to therein, and in any case shall not be considered in the formulation of the determination or regulation made pursuant to a proceeding under this part. If the person filing a brief desires the Secretary to consider any objection made by such person to a ruling of the presiding officer, as hereinbefore provided in § 801.9 (d), he shall include in the brief a concise statement concerning each such objection, referring, where practicable, to the pertinent pages of the transcript.

§ 801.11 *Certification of the transcript.* The presiding officer shall notify the Hearing Clerk of the close of the hearing as soon as possible thereafter and of the time for filing written arguments, briefs, proposed findings and proposed conclusions, and shall furnish the Hearing Clerk with such other information as may be necessary. As soon as possible after the hearing, the presiding officer shall transmit to the Hearing Clerk an original and three copies of the transcript of the testimony and the original and all copies of the exhibits not already on file in the office of the Hearing Clerk. He shall attach to the original transcript of testimony his certificate stating that, to the best of his knowledge and belief, the transcript is a true transcript of the testimony given at the hearing except in such particulars as he shall specify; and that the exhibits transmitted are all of the exhibits as introduced at the hearing with such exceptions as he shall specify. A copy of such certificate shall be attached to each of the copies of the transcript of testimony. In accordance with such certificate, the Hearing Clerk shall note upon each copy of the transcript each correction detailed therein by adding or crossing out (but without obscuring the text as originally transcribed) at the appropriate place any words necessary to make the same conform to the correct meaning, as certified by the presiding officer.

§ 801.12 *Copies of the transcript.* A copy of the transcript shall be kept on file in the office of the Hearing Clerk where it shall be available for examination during official hours of business, but such copy shall remain the property of the Department and may not be removed from said office. If a personal copy of the transcript is desired, such copy may be obtained upon written application filed with the reporter and upon payment of fees at the rate (if any) provided in the contract between the reporter and the Secretary.

§ 801.13 *Administrator's recommended decision—*(a) *Preparation.* As soon as practicable following the termination of the period allowed for the filing of written arguments or briefs and proposed findings and conclusions, the Administrator shall file with the Hearing Clerk a recommended decision.

(b) *Contents.* The Administrator's recommended decision shall include (1) a preliminary statement containing a description of the history of the proceedings, a brief explanation of the material issues of fact, law or discretion presented on the record, and proposed findings and conclusions with respect to such issues as well as the reasons or basis therefor; (2) a ruling upon each proposed finding or conclusion submitted by interested persons; and (3) an appropriate proposed determination or regulation.

(c) *Exceptions to recommended decision.* Immediately following the filing of his recommended decision, the Administrator shall give notice thereof, and opportunity to file exceptions thereto, to all interested persons in the same manner as hereinbefore provided in § 801.5 (a) (relating to the giving of notice of the hearing). Within a period of time specified in such notice (to be fixed by the Administrator but not to exceed ten days) after the filing of the recommended decision with the Hearing Clerk, any interested person may then file with the Hearing Clerk exceptions to the Administrator's recommended decision and supporting reasons for such exceptions. Such exceptions shall be in writing, shall refer, where practicable, to the related pages of the transcript, and may suggest appropriate changes in the proposed determination or regulation.

(d) *Omission of recommended decision.* The procedure provided in this section may be omitted only if the Secretary finds on the basis of the record that due and timely execution of his functions imperatively and unavoidably requires such omission.

§ 801.14 *Submission to Secretary.* Upon the expiration of the period allowed for filing exceptions to the recommended decision, or upon request of the Secretary, the Hearing Clerk shall transmit to the Secretary the Record of the proceeding. Such record shall include (a) all motions and requests filed with the Hearing Clerk and rulings thereon; (b) the certified transcript; (c) any proposed findings or conclusions or written arguments or briefs that may have been filed; and (d) the Administrator's recommended decision, if any, and such exceptions thereto as may have been filed.

§ 801.15 *Decision by Secretary.* After due consideration of the entire record of the proceeding, the Secretary shall render a decision. Such decision shall be based upon and made in accordance with reliable, probative, and substantial evidence adduced at the hearing, and shall include (a) a statement of his findings and conclusions, as well as the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record; (b) a ruling upon each proposed finding and proposed conclusion not previously ruled upon in the record; (c) a ruling upon each exception filed by interested persons; and (d) a final determination or regulation.

§ 801.16 *Hearing before Secretary.* The Secretary may act in the place and stead of a presiding officer in any proceeding. When he so acts the Hearing Clerk shall transmit the record to the Secretary at the expiration of the period provided for the filing of written arguments or briefs and proposed findings and conclusions, and the Secretary shall thereupon, after due consideration of the entire record, issue his final decision in the proceeding: *Provided,* That he may issue a tentative decision, in which event the parties shall be afforded an opportunity to file exceptions and supporting reasons therefor before the issuance of the final decision.

§ 801.17 *Final determination or regulation—*(a) *Effective date.* No final determination or regulation shall become effective less than 30 days after its publication in the FEDERAL REGISTER, unless the Secretary, upon good cause found and published with such determination or regulation, fixes an earlier effective date therefor.

(b) *Notice of issuance.* After issuance of a determination or regulation, the same shall be filed with the Hearing Clerk and notice thereof, together with notice of the effective date, shall be given in the same manner as hereinbefore provided in § 801.5 (a) (relating to the giving of notice of hearing).

§ 801.18 *Filing; extension of time; effective date of filing; and computation of time—*(a) *Filing; number of copies.* Except as provided otherwise herein, all documents or papers required or authorized by the foregoing provisions of this part to be filed with the Hearing Clerk shall be filed in quadruplicate. Any document or paper, so required or authorized to be filed with the Hearing Clerk, shall, during the course of an oral hearing, be filed with the presiding officer.

(b) *Extension of time.* The time for the filing of any document or paper required or authorized by the foregoing provisions of this part to be filed may be extended by the presiding officer (before the record is certified by the presiding officer) or by the Administrator (after the record is so certified by the presiding officer but before it is transmitted to the Secretry), or by the Secretary (after the record is transmitted to the Secretary), upon request filed, and if, in the judgment of the presiding officer, Administrator, or the Secretary, as the case may be, there is good reason for the extension. All rulings made pursuant to this paragraph shall be filed with the Hearing Clerk.

(c) *Effective date of filing.* Any document or paper required or authorized by the foregoing provisions of this part to be filed shall be deemed to be filed when it is postmarked or when it is received by the Hearing Clerk.

(d) *Computation of time.* Sundays and Federal holidays shall be included in computing the time allowed for the filing of any document or paper: *Provided,* That when such time expires on a Sunday or legal holiday, such period shall be extended to include the next following business day.

§ 801.19 *Discussion of issues, etc., of proceeding prohibited.* Except as may be provided otherwise in this part, no officer or employee of the Department shall, following the close of the hearing in a proceeding and prior to the issuance of the final determination or regulation therein, discuss the issues, merits, or evidence involved in the proceeding with any person interested in the result of the proceeding or with any representative of such persons: *Provided,* That the provisions of this section shall not preclude an officer or employee who has been duly assigned to, or who has supervision over, a proceeding from discussing with interested persons or their representatives matters of procedure in connection with such proceeding. Insofar as the provisions of this section are inconsistent with the provisions of section 448 of the publication entitled "Regulations of the U. S. Department of Agriculture," the provisions of this section shall prevail.

§ 801.20 *Revision or amendment of existing allotments.* The provisions of this part shall be applicable to a proceeding for the purpose of revising or amending any existing allotment determination.

Done at Washington, D. C., this 13th day of June 1956. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
*Acting Secretary.*

[F. R. Doc. 56-4761; Filed, June 15, 1956; 9:02 a. m.]



## Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 73]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.373 *Valencia Orange Regulation 73—*(a) *Findings.* (1) Pursuant to Order No. 22 (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective March 31, 1954, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on June 14, 1956, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., June 17, 1956, and ending at 12:01 a. m., P. s. t., June 24, 1956, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 831,600 cartons;

(iii) District 3: Unlimited movement.

(2) Valencia oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "handler," "District 1," "District 2," and "District 3," have the same meaning as when used in said order; and "carton" means the standard one-half orange, grapefruit or lemon box set forth as standard container number 58 in section 828.83, as amended, of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 15, 1956.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-4826; Filed, June 15, 1956; 11:35 a. m.]

[Lemon Reg. 646]

## PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

### LIMITATION OF SHIPMENTS

§ 953.753 *Lemon Regulation 646*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 8451), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on June 13, 1956, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., June 17, 1956, and ending at 12:01 a. m., P. s. t., June 24, 1956, is hereby fixed as follows:

(i) District 1: Unlimited movement;
(ii) District 2: 511,500 cartons;
(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," and "District 3" have the same meaning as when used in the said amended marketing agreement and order; and "carton" means the standard one-half orange, grapefruit or lemon box set forth as standard container number 58 in section 828.83, as amended, of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 14, 1956.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-4802; Filed, June 15, 1956; 8:49 a. m.]

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[Lime Order 1, Amdt. 6]

## PART 1001—LIMES GROWN IN FLORIDA

### QUALITY AND SIZE REGULATION

*Findings.* Pursuant to the marketing agreement and Order No. 101 (7 CFR Part 1001; 20 F. R. 4179) regulating the handling of limes grown in Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations of the Florida Lime Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of limes, as hereinafter provided, will tend to effectuate the declared policy of the act.

It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 17, 1956. Shipments of designated varieties of Florida limes are currently subject to quality regulation pursuant to Lime Order 1, as amended (§ 1001.301; 20 F. R. 4711, 4897, 6676; 21 F. R. 1819, 2650, 3872), and, unless sooner modified or terminated, will continue to be so regulated until May 1, 1957; determinations as to the need for, and extent of, continued regulation of Florida lime shipments must await the development of the crop and the availability of information on the demand for such fruit; the recommendation and supporting information for regulation of lime shipments subsequent to June 16, 1956, and in the manner herein provided, were promptly submitted to the Department after an open meeting of the Florida Lime Administrative Committee on June 12; such meeting was held to consider recommendations for regulation, after giving due notice of such meeting, and interested persons were given an opportunity to submit their views at this meeting; the provisions of this amendment are identical with the aforesaid recommendation of the committee, and information concerning such provisions has been disseminated among handlers of Florida limes; it is necessary, in order to effectuate the declared policy of the act, to make this amendment effective during the period hereinafter set forth; and compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

It is, therefore, ordered that the provisions in paragraph (b) of § 1001.301 (Lime Order 1, as amended; 20 F. R. 4711, 4897, 6676; 21 F. R. 1819, 2650, 3872) are hereby amended to read as follows:

(b) *Order.* (1) During the period beginning at 12:01 a. m., e. s. t., June 17, 1956, and ending at 12:01 a. m., e. s. t., May 1, 1957, no handler shall handle:

(i) Any limes, including the group known as true limes (also known as Mexican, West Indian, and Key limes and by other synonyms) and the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties), grown in the State of Florida, except the area west of the Suwannee River, unless such limes grade at least U. S. No. 2: *Provided,* That the requirement of such grade that the limes shall have good green color shall be applicable only to limes known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties).

(ii) Any limes, grown in the State of Florida, except the area west of the Suwannee River, of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which are more than slightly shriveled: *Provided,* That any portion of the tolerance specified in the U. S. No. 2 grade may be used for limes failing to meet this requirement; or

(iii) Any container of limes, grown in the State of Florida, except the area west of the Suwannee River, of the group known as large fruited or Persian limes (including Tahiti, Bearss, and similar varieties) which contains more than five percent, by count, of limes smaller than 1¾ inches in diameter ("diameter" to be measured midway at a right angle to a straight line running from the stem to the blossom end of the fruit), unless the limes in such container have an average juice content of not less than 46 percent, by volume.

(2) As used in this section "handler" and "handle" shall have the same meaning as when used in said marketing agreement and order; the term "U. S. No. 2" and "good green color" shall have the same meaning as when used in the United States Standards for Persian (Tahiti) Limes, as recodified (§ 51.1001 of this title; 18 F. R. 7107); and the term "slightly shriveled" shall mean that the skin of the lime is slightly wrinkled or wilted from loss of moisture.

*Effective time.* The provisions of this amendment shall become effective at 12:01 a. m., e. s. t., June 17, 1956.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 14, 1956.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-4803; Filed, June 15, 1956; 8:49 a. m.]

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## PART 1067—AVOCADOS

### IMPORTATION

§ 1067.3 *Avocado Regulation No. 3.* (a) On and after the effective time of this section, the importation into the United States of any avocados is prohibited unless:

(1) During the period beginning at 12:01 a. m., e. s. t., June 20, 1956, and ending at 12:01 a. m., e. s. t., July 16, 1956, (i) such avocados grade at least No. 2 grade, as defined in § 969.130 (c) [1] of the supplementing rules and regulations, as amended (21 F. R. 2409), effective under the marketing agreement and Order No. 69 (7 CFR Part 969; 20 F. R. 4177) regulating the handling of avocados grown in South Florida, and (ii) the individual fruit in each lot of such avocados weighs at least 12 ounces: *Provided,* That not to exceed 10 percent, by count, of the individual fruit in each lot may weigh less than 12 ounces but not less than 10 ounces, and not to exceed double such tolerance percentage shall be permitted for an individual container in a lot if the entire lot is within the tolerance;

(2) On and after 12:01 a. m., e. s. t., July 16, 1956, (i) such avocados grade at least No. 2 grade, as set forth in subdivision (i) of subparagraph (1) of this paragraph, and (ii) the individual fruit in each lot of such avocados weighs at least 10 ounces: *Provided,* That not to exceed 10 percent, by count, of the individual fruit in each lot may weigh less than 10 ounces but not less than 8 ounces and not to exceed double such tolerance percentage shall be permitted for an individual container in a lot if the entire lot is within the tolerance.

(3) Each such importation is made in conformance with the general regulations (7 CFR Part 1060; 19 F. R. 7707, 8012) applicable to the importation of listed commodities and the requirements of this section; and

(4) Notwithstanding the provisions of subparagraphs (1) (ii) and (2) (ii) of this paragraph that all avocados imported must meet the specified weight requirements, any person may import any lot of avocados if (i) the exterior seed coat of the individual fruit is of a brown color characteristic of a mature avocado, or (ii) such avocados, when mature, normally change color to any shade of red or purple and any portion of the skin of the individual fruit has changed to the color normal for that fruit when mature.

(b) Inspection by the Federal or Federal-State Inspection Service, or such other governmental inspection service as may be designated or approved by the Administrator, with appropriate evidence thereof in the form of an official inspection certificate, issued by the respective service, applicable to the particular shipment of avocados, is required on all imports of avocados pursuant to § 1060.3 *Eligible imports* of this chapter.

(c) Inspection certificates shall cover only the quantity of avocados that is being imported at a particular port of entry by a particular importer.

(d) The inspection performed, and certificates issued, by the Federal or Federal-State Inspection Service shall be in accordance with the rules and regulations of the Department governing the inspection and certification of fresh fruits, vegetables, and other products (7 CFR Part 51). The cost of any inspection and certification shall be borne by the applicant therefor.

(e) Each inspection certificate issued with respect to any avocados to be imported into the United States shall set forth, among other things:

(1) The date and place of inspection;
(2) The name of the shipper, or applicant;
(3) The name of the importer (consignee);
(4) The commodity inspected;
(5) The quantity of the commodity covered by the certificate;
(6) The principal identifying marks on the containers;
(7) The railroad car initials and number, the truck and trailer license number, the name of the vessel, or other identification of the shipment; and
(8) The following statement, if the facts warrant: Meets U. S. import requirements under section 8e of the Agricultural Marketing Agreement Act of 1937.

(f) Notwithstanding any other provision of this section, any importation of avocados which, in the aggregate, does not exceed 55 pounds may be imported without regard to the restrictions specified herein.

(g) It is hereby determined, on the basis of the information currently available, that the requirements set forth in this section are comparable to the maturity and quality regulations (Avocado Order 12, 21 F. R. 3307; and Avocado Order 13, 21 F. R. 3488) now in effect for avocados grown in South Florida.

(h) The provisions of Avocado Regulation No. 1, as amended (§ 1067.1; 20 F. R. 3793, 4898), and the provisions of Avocado Regulation No. 2, as amended (§ 1067.2; 20 F. R. 4149, 4461, 4898), are hereby terminated as of the effective date of this section.

(Sec. 401, 68 Stat. 907, as amended; 7 U. S. C. 608e-1)

It is hereby found that it is impracticable and contrary to the public interest to postpone the effective time of this regulation beyond that hereinafter specified (5 U. S. C. 1001 et seq.) because (a) Maturity and quality restrictions governing the shipment of avocados produced in South Florida are now in effect and the requirements of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), makes such import regulation mandatory; (b) such domestic and import restrictions should become effective at as near the same time as is reasonably practicable; (c) notice that regulation of the imports of avocados was being considered was published in the FEDERAL REGISTER (21 F. R. 3328; 3579) and no written data, views, or arguments in connection therewith were received within the prescribed time; (d) compliance with this import regulation will not require any special preparation which cannot be completed by the effective time; (e) notice hereof in excess of three days, the minimum that is prescribed by said section 8e, is given with respect to this import regulation; and (f) such notice is hereby determined, under the circumstances, to be reasonable.

Done at Washington, D. C., this 15th day of June 1956, to become effective at 12:01 a. m., e. s. t., June 20, 1956.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-4827; Filed, June 15, 1956; 11:35 a. m.]

[1] Copies of said § 969.130, as amended, may be obtained by writing Mr. William B. Cantrell, c/o Agricultural Attache, American Embassy, Havana, Cuba, or the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C.

# PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### [ 7 CFR Part 29 ]

TOBACCO INSPECTION

ANNOUNCEMENT OF REFERENDA IN CONNECTION WITH PROPOSED DESIGNATIONS UNDER TOBACCO INSPECTION ACT OF TOBACCO AUCTION MARKETS OF SWAINSBORO, GEORGIA, THOMASVILLE, GEORGIA, AND MADISON, FLORIDA

Pursuant to the provisions of The Tobacco Inspection Act (7 U. S. C. 511 et seq.) and in accordance with the applicable regulations (7 CFR 29.74) issued thereunder by the Secretary, notice is given that referenda of tobacco growers will be conducted from June 21 through June 23, 1956, to determine whether growers favor the designations of the Swainsboro, Georgia, Thomasville, Georgia, and Madison, Florida, tobacco auction markets for free and mandatory inspection of tobacco sold on these markets.

Growers who sold tobacco on the aforesaid markets during the 1955 marketing season shall be eligible to vote in the referendum relevant to the market on which their sales were accomplished. Ballots for use in said referenda will be mailed to all eligible voters insofar as their names and addresses are known. Eligible voters who do not receive ballots by mail may obtain them from the county agent or the office of the county ASC committee at the above points.

All completed ballots shall be mailed to the Tobacco Division, Agricultural Marketing Service, United States Department of Agriculture, P. O. Box 549, Raleigh, North Carolina, and, in order to be counted in said referendum, must be postmarked not later than midnight, June 23, 1956.

Done at Washington, D. C., this 13th day of June 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator.*

[F. R. Doc. 56-4747; Filed, June 15, 1956; 8:46 a. m.]

### [ 7 CFR Part 984 ]

WALNUTS GROWN IN CALIFORNIA, OREGON, AND WASHINGTON

SIZE GRADE SPECIFICATIONS

Notice is hereby given that the Department is considering the issuance of an amendment to the Administrative rules and regulations, as amended (7 CFR 984.401 et seq.; 20 F. R. 6675), heretofore issued pursuant to the provisions of Marketing Agreement No. 105 and Order No. 84, as amended (7 CFR Part 984; 20 F. R. 5387), regulating the handling of walnuts grown in California, Oregon, and Washington. Said marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

All interested persons who desire to submit written data, views, or arguments for consideration in connection with the proposals should file the same with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 12 days after publication of this notice in the FEDERAL REGISTER.

The Walnut Control Board, the administrative agency operating the aforesaid agreement and order, at its April 17, 1956, meeting in San Francisco, California, unanimously passed a resolution recommending modifications of the size grade specifications for mechantable unshelled walnuts that are set forth in § 984.402 (a) and § 984.403 (a) of the aforesaid Administrative rules and regulations. Such specifications are effective pursuant to § 984.43.

The Board recommended that the minimum diameter requirements for walnuts of certain size classifications be reduced. The Board's recommendation is based on evidence that there has been a shift in the production of walnut varieties so that the more oval types, particularly the Franquette variety, now comprise a larger percentage of the crop than formerly. A Franquette, or a walnut of similar type, has a greater volume than a shorter walnut of the same diameter. The Board believes that the increase in proportion of Franquette walnuts in the crop justifies the recommended changes. Data covering about 80 to 85 percent of the merchantable walnut production of each of the crops of 1951 through 1955 show that for the Franquette variety about 45 percent graded Large size as compared with 67 percent for all other varieties. These data indicate that about 35 percent of the 1955 production of merchantable walnuts was Franquette variety. The claim that the proportion of the Franquette variety is increasing and that the Placentia, a rounder type variety, is decreasing is substantiated by reports of the California Crop and Livestock Reporting Service which show that the bearing acreage of the Franquette variety increased from 16 percent of the total walnut bearing acreage in 1945 to 26 percent in 1954, and during the same period Placentia bearing acreage decreased from 36 percent of the total bearing acreage to 18 percent. In two of the last three marketing years the percentage of Large size in the merchantable production has approximated 52 percent, compared with the average for 1936–45 of 63 percent. The Board's view is that a reduction in the minimum diameter specification of Large size would result in a higher percentage of Large size walnuts more in line with the historical size-out of the crop.

The proposed reduction in the respective minimum diameter for Medium and Jumbo size walnuts as well as in the maximum diameters for Medium and Baby size walnuts are designed to effect appropriate conforming changes in the various size grade classifications. Estimates presented at the Board meeting indicated that if the proposed size modifications had been in effect 1955–56 approximately 7 percent more of the merchantable production would have classified as Large size.

Therefore, it is proposed that § 984.402 (a) and § 984.403 (a) of the Administrative rules and regulations, as amended (7 CFR 984.401 et seq.; 20 F. R. 6675), be amended to read respectively, as follows:

§ 984.402 *Pack specifications for merchantable (unshelled) walnuts, including minimum standards of size, quality and maturity; (part I) for walnuts produced in California*—(a) *Size grade specifications.* To be certified as merchantable, any lot of walnuts must meet the specifications of one of the following size classifications: *Provided,* That any lot of walnuts which the Walnut Control Board finds will be used solely for shelling, and which is subsequently used solely for that purpose, may be certified with respect to size, at the option of the particular handler, without reference to such size classifications, if not over 3 percent, by count, pass through a round opening $^{66}/_{64}$ inch in diameter.

(1) *Mammoth Size.* Walnuts of which not over 12 percent, by count, pass through a round opening $^{96}/_{64}$ inches in diameter.

(2) *Jumbo Size.* Walnuts of which not over 12 percent, by count, pass through a round opening $^{86}/_{64}$ inches in diameter.

(3) *Large Size.* Walnuts of which not over 12 percent, by count, pass through a round opening $^{77}/_{64}$ inches in diameter, except that, for walnuts of the Eureka variety and type, such limiting dimension as to diameter shall be $^{76}/_{64}$ inches.

(4) *Medium Size.* Walnuts of which at least 88 percent, by count, pass through a round opening $^{77}/_{64}$ inches in diameter and of which not over 12 percent, by count, pass through a round opening $^{73}/_{64}$ inches in diameter.

(5) *Standard Size.* Walnuts of which not over 12 percent, by count, pass through a round opening $^{73}/_{64}$ inches in diameter. This size is customarily obtained when lots of walnuts are graded for removal of Baby Size.

(6) *Baby Size.* Walnuts of which at least 88 percent, by count, pass through a round opening $^{73}/_{64}$ inches in diameter and of which not over 10 percent, by count, pass through a round opening $^{66}/_{64}$ inch in diameter.

§ 984.403 *Pack specifications for merchantable (unshelled) walnuts, including minimum standards of size, quality and maturity; (part II) for walnuts produced in Oregon and Washington*—(a) *Size grade specifications.* To be certified as merchantable, any lot of walnuts must meet the specifications of one of the following size classifications: *Provided,* That any lot of walnuts which the Walnut Control Board finds will be used solely for shelling, and which is subsequently used solely for that purpose, may be certified with respect to size, at the option of the particular handler, without reference to such size classifications, if not over 3 percent, by count, pass through a round opening $^{66}/_{64}$ inch in diameter.

(1) *Mammoth Size.* Walnuts of which not over 12 percent, by count, pass through a round opening $^{96}/_{64}$ inches in diameter.

(2) *Jumbo Size.* Walnuts of which not over 12 percent, by count, pass through a round opening $^{86}/_{64}$ inches in diameter.

(3) *Large Size.* Walnuts of which not over 12 percent, by count, pass through a round opening $^{77}/_{64}$ inches in diameter.

(4) *Medium Size.* Walnuts of which at least 88 percent, by count, pass through a round opening $^{77}/_{64}$ inches in diameter and of which not over 12 percent, by count, pass through a round opening $^{73}/_{64}$ inches in diameter.

(5) *Standard Size.* Walnuts of which not over 12 percent, by count, pass through a round opening $^{73}/_{64}$ inches in diameter. This size is customarily obtained when lots of walnuts are graded for removal of Baby Size.

(6) *Baby Size.* Walnuts of which at least 88 percent, by count, pass through a round opening $^{73}/_{64}$ inches in diameter and of which not over 10 percent, by count, pass through a round opening $^{66}/_{64}$ inch in diameter.

Done at Washington, D. C., this 13th day of June 1956.

[SEAL] FLOYD F. HEDLUND,
*Acting Director,*
*Fruit and Vegetable Division.*

[F. R. Doc. 56-4756; Filed, June 15, 1956; 8:48 a. m.]



### Agricultural Research Service

### [ 9 CFR Parts 114, 118, 119 ]

VIRUSES, SERUMS, TOXINS, AND ANALOGOUS PRODUCTS, AND CERTAIN ORGANISMS AND VECTORS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, in accordance with section 4 (a) of the Administrative Procedure Act (5 U. S. C. 1003 (a)), that pursuant to the provisions of the Virus-Serum Toxin Act of March 4, 1913 (21 U. S. C. 151 et seq.), it is proposed to amend §§ 114.2, 118.3 and 119.25 of the regulations relating to viruses, serums, toxins, and analogous products, and to certain organisms and vectors (9 CFR 114.2, 118.3, 119.25, as amended) in the following respects:

1. After the first sentence in § 114.2 (b) a new sentence would be added to read as follows: "An outline with respect to the preparation of hog-cholera virus for inoculating purposes shall also be submitted to the Branch in accordance with § 118.3."

2. Section 118.3 would be amended to read:

§ 118.3 *Virus for inoculating purposes.* (a) Pigs for the production of inoculating virus at a licensed establishment shall weigh not less than 40 pounds nor more than 125 pounds each and shall be inoculated only with highly virulent hog-cholera virus. Except as provided in paragraph (b) of this section, no hog-cholera virus shall be used for inoculating pigs for the production of inoculating virus, hyperimmunizing virus, or simultaneous virus, or for inoculating pigs in serum or vaccine tests, unless it has been produced, processed, tested and held in the frozen state by a licensee in accordance with an outline acceptable to the Chief. Virus for such use shall be held under Branch lock or seal and shall be released by the inspector as needed for such use.

(b) Hog-cholera virus obtained from the Animal Disease and Parasite Research Branch of the Department, simultaneous virus produced by a licensee and purchased on the open market, and hog-cholera virus from outbreaks on farms which is admitted to a licensed establishment and passed through pigs as provided in § 121.3 of this subchapter, may be prepared thereafter in accordance with an acceptable outline as provided in paragraph (a) of this section and may then be used for the purposes specified in paragraph (a) of this section. The virus produced in the course of passage through pigs inoculated with the virus from such sources, except that needed for further passage to meet the requirements of an outline under paragraph (a) of this section may be used as hyperimmunizing virus, if the pigs so inoculated reacted as prescribed in § 118.4.

(c) Frozen virus for inoculating purposes under paragraph (a) of this section must be held in containers acceptable to the Chief. When glass containers are used, they shall be of borosilicate type of high resistance and low alkalinity, shall meet the tests developed by the Branch for determining these qualities, shall be properly marked for identification, and shall be guaranteed by the manufacturer to be acceptable to the Branch.

3. The heading of § 119.25 would be amended to read: § 119.25 *Preservatives.*

4. Paragraph (c) of § 119.25 would be amended to read:

(c) Phenolization of anti-hog-cholera serum must be accomplished with accuracy, and in a manner which will prevent occurrence of undesirable changes in the product.

5. A new paragraph (d) would be added to § 119.25 to read:

(d) Merthiolate may also be added to anti-hog-cholera serum in a solution in such proportions that the merthiolate will equal a 1–10,000 concentration of the serum recovered gross. Such addition must be compensated for by using a higher concentration of phenol solution as prescribed in this section. The quantity of product obtained by the addition of phenol solution plus the merthiolate shall not exceed the maximum amount permissible by the use of seven and one-half percent phenol solution alone or 83 percent of the defibrinated blood, whichever is less.

6. A new paragraph (e) would be added to § 119.25 to read:

(e) In every case the concentration and quantity of each solution used in preserving the serum shall be recorded by the licensee.

The purposes of the proposed amendments are to improve the procedures in producing, processing, testing, and storing hog-cholera virus used for inoculating purposes in the production of anti-hog-cholera serum and hog-cholera virus and vaccine and to permit the addition of merthiolate to anti-hog-cholera serum as an aid in maintaining the purity of the product.

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them with the Chief of the Animal Inspection and Quarantine Branch, Agricultural Research Service, U. S. Department of Agriculture, Washington 25, D. C., within thirty days after the date of publication of this notice in the FEDERAL REGISTER.

Done at Washington, D. C., this 12th day of June 1956.

[SEAL] M. R. CLARKSON,
*Acting Administrator,*
*Agricultural Research Service.*

[F. R. Doc. 56-4748; Filed, June 15, 1956; 8:46 a. m.]

## DEPARTMENT OF COMMERCE

### Civil Aeronautics Administration

### [ 14 CFR Part 21 ]

AIRLINE TRANSPORT PILOT RATING

AERONAUTICAL EXPERIENCE

Notice is hereby given that the Administrator contemplates the adoption of the following rules. These rules specify those persons considered to hold the equivalent of a United States Commercial Pilot Rating Certificate.

All interested persons who desire to submit comments and suggestions for consideration in connection with these proposed rules shall send them to the Director, Office of Aviation Safety, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER.

Section 21.16–1 is revised to read as follows:

§ 21.16–1 *Aeronautical experience (CAA rules which apply to § 21.16).* (a) The following shall be considered to hold the equivalent of a United States Commercial Pilot Rating Certificate:

(1) Pilots of the U. S. armed services whose military experience qualifies them for commercial certificates under § 20.55 (b) of this subchapter.

(2) Holders of foreign airline transport pilot or commercial pilot licenses without limitations issued by member states of ICAO.

(b) The holding of the equivalent of a commercial pilot rating shall permit the holder thereof to meet the requirements of § 21.17 (a) (1) through (7) and § 21.18 (b) of this part.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or appply secs. 601, 602, 52 Stat. 1007, 1008, as amended; 49 U. S. C. 551, 552)

[SEAL] JAMES T. PYLE,
*Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 56-4749; Filed, June 15, 1956; 8:46 a. m.]

## DEPARTMENT OF LABOR

### Wage and Hour Division

### [ 29 CFR Part 689 ]

SUGAR MANUFACTURING INDUSTRY IN PUERTO RICO

AMENDED PROCEDURE FOR INDUSTRY COMMITTEE NO. 21

Administrative Order No. 462 dated May 15, 1956 (21 F. R. 3328) appointing Industry Committee No. 21 to investigate conditions and recommend the minimum rate or rates of wages for the sugar manufacturing industry in Puerto Rico directs that the procedure be governed by 29 CFR Part 511, "as revised and published in the November 4, 1955, issue of the FEDERAL REGISTER (20 F. R. 8285)". The purpose of the quoted words was to call attention to the fact that substantial amendments to the regulations had been effected on November 4, 1955. These regulations were further amended effective May 30, 1956 (21 F. R. 3678) to require, among other things, that persons wishing to appear as witnesses or parties, file certain documents within 10 days prior to the hearing.

Accordingly, pursuant to authority under the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Reorganization Plan No. 6 of 1950 (5 U. S. C. 611), notice is hereby given that the amendments to 29 CFR Part 511 effective May 30, 1956 (21 F. R. 3678) will have application to the procedure of Industry Committee No. 21.

Signed at Washington, D. C., this 12th day of June 1956.

JAMES P. MITCHELL,
*Secretary of Labor.*

[F. R. Doc. 56-4754; Filed, June 15, 1956; 8:47 a. m.]

# NOTICES

## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

DELEGATION OF AUTHORITY AND ASSIGNMENT OF FUNCTIONS

MISCELLANEOUS AMENDMENTS

Pursuant to the authority contained in R. S. 161 (5 U. S. C. 22) and Reorganization Plan No. 2 of 1953, the Secretary's Order, dated December 24, 1953 (19 F. R. 74), as amended, is further amended as follows:

1. The following paragraph b is added to section 600, Assignment of Functions, Agricultural Conservation Program Service:

b. The conservation practices phase of the conservation reserve program authorized by Title I of the Agricultural Act of 1956, with assistance from Soil Conservation Service, Forest Service, and Commodity Stabilization Service, as otherwise assigned.

2. The following paragraph *1* is added to section 1100, Assignment of Functions, Commodity Stabilization Service:

*1.* Soil bank program authorized by Title I of the Agricultural Act of 1956, except the responsibility for the conservation practices phase of the conservation reserve program, but including assistance to Agricultural Conservation Program Service in connection with the conservation reserve program.

3. The following paragraph *1* is added to section 300, Assignment of Functions, Forest Service:

*1.* Assistance to Agricultural Conservation Program Service in connection with the conservation reserve program under Title I of the Agricultural Act of 1956.

4. The following paragraph f is added to section 400, Assignment of Functions, Soil Conservation Service:

f. Assistance to Agricultural Conservation Program Service in connection with the conservation reserve program under Title I of the Agricultural Act of 1956.

Done at Washington, D. C., this 13th day of June 1956.

[SEAL] TRUE D. MORSE,
*Acting Secretary.*

[F. R. Doc. 56-4759; Filed, June 15, 1956; 8:48 a. m.]

## DEPARTMENT OF COMMERCE

### Federal Maritime Board

AMERICAN PRESIDENT LINES, LTD., ET AL.

NOTICE OF AGREEMENT FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8091, between American President Lines, Ltd., The Oceanic Steamship Company, Matson Navigation Company, and Railway Express Agency, Incorporated, covers an arrangement whereby the ocean carriers agree to transport express shipments for the Railway Express Agency in the trade between Los Angeles and San Francisco, California, and the Hawaiian Islands at rates specified in the agreement. Agreement No. 8091, upon approval, will supersede and cancel the present agreement (No. 7955) between the parties.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: June 13, 1956.

A. J. WILLIAMS,
*Secretary.*

[F. R. Doc. 56-4750; Filed, June 15, 1956; 8:46 a. m.]

WARD LINE ET AL.

NOTICE OF AGREEMENTS FILED WITH THE BOARD FOR APPROVAL

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

(1) Agreement No. 8092, between Ward Line, A Division of Ward Industries Corporation and Bull Insular Line, Inc., covers the transportation of general cargo under through bills of lading from Mexico to Puerto Rico, with transhipment at New York, Baltimore or Philadelphia. Agreement No. 8092, upon approval, will supersede and cancel approved transhipment agreement No. 7772.

(2) Agreement No. 8093, between Ward Line, a Division of Ward Industries Corporation and Alcoa Steamship Company, Inc., covers the transportation of general cargo under through bills of lading from Mexico to Puerto Rico, with transhipment at New York or Baltimore. Agreement No. 8093, upon approval, will supersede and cancel approved transhipment agreement No. 7983.

(3) Agreement No. 8094, between Ward Line, A Division of Ward Industries Corporation and Bull Insular Line, Inc., covers the transportation of cargo under through bills of lading from Puerto Rico to Mexico, with transhipment at New York, Baltimore or Philadelphia. Agreement No. 8094, upon approval, will supersede and cancel approved transhipment agreement No. 7984.

Interested parties may inspect these agreements and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.



By order of the Federal Maritime Board.

Dated: June 13, 1956.

A. J. WILLIAMS,
*Secretary.*

[F. R. Doc. 56-4751; Filed, June 15, 1956; 8:47 a. m.]

## FEDERAL POWER COMMISSION

[Docket Nos. G-10345, G-9444]

TRANS-PENN TRANSIT CORP. AND MANUFACTURERS LIGHT AND HEAT CO.

APPLICATION, CONSOLIDATION OF PROCEEDINGS, AND DATE OF HEARING

JUNE 12, 1956.

Take notice that Trans-Penn Transit Corporation (Trans-Penn), a Pennsylvania corporation, having its principal place of business at 125 Main Street, Bradford, Pennsylvania, filed on May 3, 1956, an application for a certificate of public convenience and necessity under section 7 of the Natural Gas Act, authorizing it to continue to operate certain natural gas transmission facilities, all as more fully represented in the application in Docket No. G-10345, which is on file with the Commission and open for public inspection.

The facilities, which Trans-Penn alleges it operates under lease, but does not presently own, and for which it seeks authority to continue to operate, are described in the application as follows:

Approximately 54.6 miles of 6-inch pipeline, including 4.1 miles of loop line, extending from a point in the Village of Hyner, Clinton County, Pennsylvania, in a northwesterly direction to a point in the town of Colegrove, McKean County, Pennsylvania, and approximately 54.3 miles of 8-inch pipeline extending from the Wykoff Meter Station in Hammersley Fort, Clinton County, Pennsylvania, in a northwesterly direction to the Lewis Run Meter Station at Lewis Run, McKean County, Pennsylvania. Applicant owns and operates approximately 4.7 miles of 8-inch and 10-inch pipeline extending from a point near Renovo, Pennsylvania, in a northwesterly direction to an interconnection with the aforesaid 6-inch pipeline. Applicant leases the aforesaid 6-inch and 8-inch pipeline facilities and a Compressor Station located in Emporium, Cameron County, Pennsylvania, from the Trustees of The Sixty Trust.

No new facilities are proposed to be constructed in connection with this application.

Trans-Penn's facilities are capable of transporting 22,450 Mcf per day. They are expected to transport a maximum of 21,300 Mcf per day during the winter of 1956-57.

On October 7, 1955, The Manufacturer's Light and Heat Company filed an application and on January 18, 1956, a supplement thereto, Docket No. G-9444, for a certificate of public convenience and necessity under section 7 of the Natural Gas Act for authority to operate its existing Clinton County transmission facilities and to install and operate certain additional facilities to be attached thereto.

Trans-Penn receives gas from Manufacturers' Clinton County line and transports it about 55 miles to Manufacturers' system in McKean County, Pennsylvania, from which point a portion of the gas is transported by Manufacturers to Home Gas Company for resale in the State of New York.

The application of Manufacturers Light and Heat Company, Docket No. G-9444 was set for hearing on March 15, 1956, after due notice was published in the FEDERAL REGISTER but was recessed on that date subject to further order of the Commission.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 17, 1956, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented by such applications.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 5, 1956.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-4755; Filed, June 15, 1956; 8:47 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 54-218]

CENTRAL OHIO LIGHT & POWER CO. ET AL.

SUPPLEMENTAL ORDER RELEASING JURISDICTION OVER FEES AND EXPENSES IN CONNECTION WITH PLAN

JUNE 11, 1956.

In the matter of Central Ohio Light & Power Company, Ohio Power Company, American Gas and Electric Company.

The Commission by order issued herein on December 14, 1954 (Holding Company Act Release No. 12730), having approved a plan filed by American Gas and Electric Company, a registered holding company, and two of its public-utility subsidiary companies, Central Ohio Light & Power Company ("Central Ohio") and Ohio Power Company ("Ohio Power"), pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act"), which plan provided, among other things, for the merger of Central Ohio and Ohio Power and that Ohio Power would pay all fees and expenses in connection with the plan; and

The Commission in said order having reserved jurisdiction over, among other things, the fees and expenses in connection with the plan; the plan having been approved and enforced by order of the United States District Court for the Northern District of Ohio, Western Division, entered January 21, 1955 (Civil No. 7308); the plan having been consummated; and

Ohio Power having requested approval of the payment of and release of jurisdiction over the following fees and expenses incurred in connection with the plan:

| | Fees | Expenses | Total |
|---|---|---|---|
| Simpson, Thacher & Bartlett, counsel for Applicants | $21,500.00 | $1,005.38 | $22,505.38 |
| Pomerene, Burns & Milligan, Ohio, counsel for Applicants | 2,400.00 | 487.26 | 2,887.26 |
| Jones, Day, Cockley & Reavis, counsel for Ohio Power, indenture trustee | 730.00 | 4.51 | 734.51 |
| Costs of printing merger agreement, plan, supplemental indenture, notices, etc | 4,815.25 | | 4,815.25 |
| Total | 29,445.25 | 1,497.15 | 30,942.40 |

It appearing that the above claims are on account of services and expenditures necessary in effectuating a section 11 (e) plan, and that the requested fees and expenses are reasonable in amount;

*It is ordered*, That said fees and expenses be, and they are hereby, approved, and that the jurisdiction heretofore reserved in respect of said fees and expenses be, and it is hereby, released.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 56-4742; Filed, June 15, 1956; 8:45 a. m.]

[File No. 70-3483]

MICHIGAN WISCONSIN PIPE LINE CO.

NOTICE OF FILING OF APPLICATION REGARDING THE ISSUANCE OF SHORT TERM NOTES TO BANKS

JUNE 11, 1956.

Notice is hereby given that Michigan Wisconsin Pipe Line Company ("Michigan Wisconsin"), a non-utility subsidiary of American Natural Gas Company ("American"), a registered holding company, has filed an application with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act"") and has designated the third sentence of section 6 (b) of the act as applicable to the proposed transactions.

All interested persons are referred to the application on file in the offices of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Michigan Wisconsin proposes to enter into a Credit Agreement providing for the borrowing from banks at one or more times subsequent to June 30, 1956, of up to $25,000,000 on notes maturing January 1, 1957. The names of the banks and their respective commitments are as follows:

| Name of bank | Amount of commitment |
|---|---|
| The First National City Bank of New York | $7,000,000 |
| The Hanover Bank, New York | 7,000,000 |
| Mellon National Bank & Trust Co., Pittsburgh, Pa. | 7,000,000 |
| National Bank of Detroit | 4,000,000 |
| Total | 25,000,000 |

The Credit Agreement will commit the banks to lend to the company from time to time, on and after July 1, 1956, sums aggregating a maximum of $25,000,000 and will provide that the company shall pay a stand-by charge calculated at the rate of one-fourth of one percent per annum on the average daily unused balance of the commitment from July 1, 1956, until the entire $25,000,000 shall have been taken down or the Agreement terminates, whichever is earlier. The company may reduce the amount of the commitment at any time without penalty.

The notes issued pursuant to the Credit Agreement will mature January 1, 1957 and will bear interest at the prime rate prevailing at the First National City Bank of New York for commercial loans on the date of each borrowing. The company will have the right to prepay at any time without penalty, in amounts of $1,000,000 or multiples thereof, notes so issued, except that a prepayment penalty of one-fourth of one percent per annum for the unexpired terms of the notes will apply in case of prepayment from the proceeds of borrowings from banks other than those participating in the Credit Agreement.

Michigan Wisconsin will covenant in the Credit Agreement, among other things, that it will not without prior consent of the banks pay dividends on its common stock in excess of the amount permitted by the company's Mortgage and Deed of Trust; incur other borrowings unless subordinated to the notes issued under the Credit Agreement except first mortgage bonds issued under said mortgage or any mortgage indenture supplementing or replacing the same; or merge or consolidate with or into any other company.

At March 31, 1956, Michigan Wisconsin had outstanding $14,000,000 of notes to banks due July 1, 1956, issued pursuant to a Credit Agreement dated June 17, 1955. The first borrowing under the proposed Credit Agreement will be on July 1, 1956, and the company will apply the proceeds therefrom, to the extent required, to the retirement of notes issued and then outstanding under the 1955 Credit Agreement.

The proposed borrowings will provide Michigan Wisconsin with funds for the construction of additional facilities, the cost of which, together with normal construction, is estimated to be approximately $12,500,000. Thus, a total of about $26,500,000 is required to finance construction this year and retire the presently outstanding bank loans.

The company states that it will file shortly an application regarding the issue and sale, pursuant to the competitive bidding requirements of Rule U-50, of $25,000,000 principal amount of First Mortgage Bonds, __ percent Series due 1976. To provide sufficient time to carry out the bond financing and obtain adequate protection against unforeseeable contingencies, the company desires, in its present application, to have authorization to execute the proposed Credit Agreement for a period of six months, with the right of the company at its option and with the approval of the Commission, to renew the notes for a period of six months beyond January 1, 1957. The notes issued under the proposed Credit Agreement will be retired with proceeds from the sale of the new bonds.

The declaration states that no State commission and no Federal commission other than this Commission has jurisdiction over the proposed transactions.

Notice is further given that any person may, not later than June 27, 1956, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application as filed or as it may hereafter be amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-4743; Filed, June 15, 1956; 8:45 a. m.]

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[File No. 70-3484]

CENTRAL PUBLIC UTILITY CORP.

NOTICE OF FILING REGARDING RENEWAL OF GUARANTY BY PARENT OF SHORT-TERM NOTE OF SUBSIDIARY

JUNE 12, 1956.

Notice is hereby given that Central Public Utility Corporation ("Central"), a registered holding company under the Public Utility Holding Company Act of 1935 ("act"), as to which an application for exemption is pending pursuant to section 3 (a) (5) of the act (File No. 31-626), has filed a declaration designating sections 6 (a) and 7 of the act and Rule U-45 of the general rules and regulations promulgated under the act as applicable thereto, with respect to the following proposed transactions:

By order issued on December 16, 1955 (Holding Company Act Release No. 13066), the Commission authorized Central to lend its credit as guarantor of a short-term promissory note to be issued by its wholly owned subsidiary The Islands Gas and Electric Company ("Islands"), an exempt intermediate holding company; pursuant to which authorization, Islands on December 28, 1955, issued its 90-day promissory note to The Hanover Bank in the principal amount of $2,000,000, bearing interest at the rate of 3½ percent per annum and secured by Central's pledge to said bank of a 90-day Time Deposit Open Account in the amount of $2,000,000 bearing interest at the rate of 2 percent per annum, and by order issued on March 26, 1956, the Commission authorized Central to continue this arrangement for a further 90-day period until June 25, 1956.

Central states that Islands has not yet received the funds with which it had expected to pay the note and that Islands intends to renew such note for an additional period of ninety days from June 25, 1956, in identical amount and on identical terms, the renewal note to be payable by Islands at its election at any time after sixty days without penalty or prepayment charge. Central proposes to guaranty the renewal note and pledge as security the aforesaid Open Account. Central further states Islands expects to pay the renewed note prior to its maturity date.

Declarant represents that no other regulatory commission has jurisdiction over the proposed transactions, and estimates that its expenses in connection therewith will not exceed $300 including attorney's fees not exceeding $250.

Notice is further given that any interested person may, not later than June 22, 1956, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said declaration which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-4744; Filed, June 15, 1956; 8:45 a. m.]

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## UNITED STATES TARIFF COMMISSION

[Investigation 54]

CERTAIN COTTON CLOTH

INVESTIGATION INSTITUTED AND PUBLIC HEARING ORDERED

*Investigation instituted.* Upon application from the Association of Cotton Textile Merchants of New York received June 5, 1956, the United States Tariff Commission instituted an investigation on June 12, 1956, under the authority of section 7 of the Trade Agreements Extension Act of 1951, as amended, and section 332 of the Tariff Act of 1930, to determine whether cotton cloth, printed, dyed, or colored, containing yarns the average number of which exceeds 20 but does not exceed 50, woven with 2 or more colors or kinds of filling, provided for in paragraph 904 (c) and (d) of the Tariff Act of 1930 is, as a result in whole or in part of the duty or other customs treatment reflecting concessions granted thereon under the General Agreement on Tariffs and Trade, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products.

*Hearing ordered.* A public hearing in this investigation was ordered by the Tariff Commission to begin at 10 a. m., e. s. t., on October 23, 1956, in the Hearing Room of the Tariff Commission, Eighth and E Streets, NW., Washington, D. C., at which hearing all interested parties will be given opportunity to be present, to produce evidence, and to be heard.

*Requests to appear and testify.* Interested parties desiring to appear and give testimony at the hearing should notify the Secretary of the Commission, in writing, at least three days in advance of the date of the hearing.

*Inspection of application.* The application filed in this case is available for public inspection at the office of the Secretary, United States Tariff Commission, Eighth and E Streets NW., Washington, D. C., and in the New York City office of the Tariff Commission, located in Room 437 of the Custom House, where it may be read and copied by persons interested.

Issued: June 13, 1956.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 56-4752; Filed, June 15, 1956; 8:47 a. m.]

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## DEPARTMENT OF JUSTICE

### Office of Alien Property

WILLIAM AND ISABELLA COHN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

William and Isabella Cohn, Oxford, England, Claim No. 62169, Vesting Order No. 18007; $504.21 in the Treasury of the United States.

Executed at Washington, D. C., on June 6, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-4723; Filed, June 14, 1956; 8:48 a. m.]



## INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 13, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32202: *Petroleum coke—Lockport, Ill., to Sault Ste. Marie, Mich.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on petroleum coke, carloads, from Lockport, Ill., to Sault Ste. Marie, Mich.

Grounds for relief: Circuitous routes.

Tariff: Supplement 47 to Agent Raasch's I. C. C. 767.

FSA No. 32203: *Substituted service—Motor-rail-motor, Pennsylvania R. R.* Filed by Motor Carriers Tariff Bureau, Inc., Agent, for interested motor carriers and the Pennsylvania Railroad Company. Rates on various commodities, moving on class and commodity rates loaded in or on highway trailers and transported on railroad flat cars between Chicago, Ill., on the one hand, and Pittsburgh, Pa., on the other.

Grounds for relief: Competition with all-motor truck carriers.

FSA No. 32204: *Import and export rates from and to North Atlantic and Canadian Ports.* Filed jointly by C. W. Boin and O. E. Swenson, Agents, for interested rail carriers. Rates on various commodities, moving on import and export class and commodity rates from New York, N. Y., and other specified North Atlantic and Canadian ports as to import traffic and to such ports as to export traffic to points in official territory as destinations on import traffic and as origins as to export traffic to the ports.

Grounds for relief: Port equalization and circuity.

Tariffs: Tariff schedules of individual lines and agents listed in exhibit 2 of the application.

FSA No. 32205: *Old whiskey barrels—Kentucky to Official Territory.* Filed by R. E. Boyle, Jr., Agent, for interested rail carriers. Rates on barrels, old whiskey, carloads, from specified points in Kentucky to base points in official (including Illinois), territory, and points grouped therewith, as taking same rates.

Grounds for relief: Short-line distance formula and circuity.

Tariffs: Supplement 2 to Agent C. W. Boin's I. C. C. A-1099; Supplement 3 to Agent R. G. Raasch's I. C. C. 861.

FSA No. 32206: *Caustic soda—Evans City, Ala., to Official Territory.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on liquid caustic soda, tank-car loads from Evans City, Ala., to specified points in Indiana, New Jersey, New York, Ohio, and Pennsylvania.

Grounds for relief: Short-line distance formula, market competition, and circuitous routes.

Tariffs: Supplement 213 to Agent Spaninger's I. C. C. 1351; Supplement 184 to Agent Spaninger's I. C. C. 1324.

FSA No. 32207: *Furniture and parts—Atlanta, Ga., to Gulf Ports.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on furniture and furniture parts, carloads, from Atlanta, Ga., to New Orleans, La., Gulfport, Miss., Mobile, Ala., and Pensacola, Fla., for export.

Grounds for relief: Circuitous routes.

Tariff: Supplement 90 to Agent Spaninger's I. C. C. 1418.

FSA No. 32208: *Petroleum and products—Iowa to Illinois.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on petroleum and petroleum products, tank-car loads, from Coralville, Des Moines, Iowa City and Julien, Iowa to specified points in Illinois.

Grounds for relief: Motor truck competition and circuity.

Tariffs: Agent Prueter's tariff I. C. C. A-4157; Supplement 1 to Agent Prueter's A-4157.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 56-4746; Filed, June 15, 1956; 8:46 a. m.]

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FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 12, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32192: *Lumber—Pacific Coast to Lake Charles, La.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on lumber and related articles, carloads, from Pacific coast points to Lake Charles, La.

Grounds for relief: Circuitous routes.

Tariff: Supplement 64 to Agent Prueter's I. C. C. 1556.

FSA No. 32193: *Grain and products—St. Louis, Mo., group to Omaha, Nebr.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on grain and grain products and related articles, also seeds, carloads from St. Louis, Mo., and East St. Louis, Ill., to Omaha, Nebr.

Grounds for relief: Circuitous routes.

Tariff: Supplement 95 to Agent Prueter's I. C. C. A-3866.

FSA No. 32194: *Gravel—Dickason Pit, Ind., to Mocassin, Ill.* Filed by R. G. Raasch, Agent, for the Chicago & Eastern Illinois Railroad Company. Rates on Gravel, carloads from Dickason Pit, Ind., to Mocassin, Ill.

Grounds for relief: Motor-truck competition from wayside pit.

Tariff: Chicago & Eastern Illinois Railroad tariff I. C. C. No. 144.

FSA No. 32195: *Petroleum and products—Montana to North Dakota.* Filed by the Northern Pacific Railway Company, for itself. Rates on petroleum and petroleum products, carloads, as described in exhibit 1 of the application, from Billings, East Billings, and Laurel,

Mont., to Bolack, Kelly and Mekinock, N. D.

Grounds for relief: Grouping and carrier competition.

Tariff: Supplement 5 to Northern Pacific tariff I. C. C. 9906.

FSA No. 32196: *Sulphuric acid—Delaware and Pennsylvania to Hopewell, Va.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on sulphuric acid, tank-car loads from North Claymont, Del., and Chester-Marcus Hook, Pa., to Hopewell, Va.

Grounds for relief: Barge competition and circuitous routes.

Tariffs: Supplement 27 to Pennsylvania Railroad I. C. C. 3441; Supplement 211 to Reading Company's I. C. C. 2323.

FSA No. 32197: *Petroleum cresylic acid—Oklahoma and Texas to Missouri and Illinois.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on petroleum cresylic acid, tank-car loads from Tulsa, Okla., Atreco, Big Spring, Chaison, Colorado City, Houston, and Texas City, Tex., to St. Louis, Mo., East St. Louis and Chicago, Ill.

Grounds for relief: Short-line distance formula, market competition, and circuity.

Tariffs: Supplement 140 to Agent Kratzmeir's I. C. C. 4109; Supplement 199 to Agent Kratzmeir's I. C. C. 4139.

FSA No. 32198: *Carbon dioxide—Luling and Boutte, La., to Memphis, Tenn.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on carbon dioxide, solidified, carloads, from Luling and Boutte, La., to Memphis, Tenn.

Grounds for relief: Circuitous routes.

Tariff: Supplement 148 to Agent Kratzmeir's I. C. C. 4087.

FSA No. 32199: *Iron and steel articles—Chicago, Ill., to Michigan City, Ind.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on manufactured iron and steel articles, carloads from Chicago, Ill., to Michigan City, Ind.

Grounds for relief: Circuitous routes.

Tariff: Supplement 221 to Agent Hinsch's I. C. C. 3388.

FSA No. 32200: *Malt liquors—New Orleans, La., to New Mexico and Texas.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on malt liquors, viz., ale, beer, beer tonic, porter or stout, carloads from New Orleans, La., to La Cruces, Santa Rose and Tucumcari, N. Mex., and El Paso, Tex.

Grounds for relief: Modified short-line distance formula and circuity.

Tariff: Supplement 174 to Agent Kratzmeir's I. C. C. 4090.

FSA No. 32201: *Beet pulp—Sidney, Mont., to South Dakota and Minnesota.* Filed by The Northern Pacific Railway Company, for itself. Rates on beet pulp, carloads, from Sidney, Mont., to specified stations in South Dakota and Minnesota.

Grounds for relief: Circuitous routes and cross-country competition to certain destinations.

Tariff: Supplement 33 to Northern Pacific Railway Tariff I. C. C. 9753.

AGGREGATE-OF-INTERMEDIATES

FSA No. 32191: *Petroleum products—Superior, Wis., to Minnesota.* Filed by The Duluth, Missabe and Iron Range Railway Company for itself and interested rail carriers. Rates on blended gasolines, petroleum distillate, fuel oil, gasoline, except natural gasoline, naphtha and illuminating or burning refined oil, carloads from Superior, Wis., to specified points in Minnesota.

Grounds for relief: Maintenance of depressed rates from and to above described points without observing such rates as factors in constructing combination rates from beyond.

Tariff: Duluth, Missabe and Iron Range Railway Tariff I. C. C. A-133.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56-4712; Filed, June 14, 1956; 8:45 a. m.]

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# FEDERAL REGISTER

VOLUME 21 NUMBER 118

*Washington, Tuesday, June 19, 1956*

## TITLE 6—AGRICULTURAL CREDIT

### Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter E—Account Servicing

[FHA Instruction 456.1]

PART 364—SETTLEMENT

SETTLEMENT WITHOUT APPLICATION

Section 364.8 (e) (7), Title 6, Code of Federal Regulations (16 F. R. 11803) is revised to provide for settlement of debts in certain cases in which applications cannot be obtained and to read as follows:

§ 364.8 *State Office handling.* • • •

(e) • • •

(7) It is impossible or impracticable for legal or other reasons to obtain the application of the obligor (or of all obligors if more than one) and all other applicable requirements of this part have been met; except when the applicable requirements of § 364.6 (c) (1), (2) or (3) have been met with respect to any obligor from whom an application is not received.

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (i))

Dated: June 13, 1956.

[SEAL] R. B. McLEAISH, *Administrator, Farmers Home Administration.*

[F. R. Doc. 56-4805; Filed, June 18, 1956; 8:54 a. m.]

### Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1956 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Flaxseed]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1956-CROP FLAXSEED LOAN AND PURCHASE AGREEMENT PROGRAM

A price support program has been announced for the 1956 crop of flaxseed. The 1956 C. C. C. Grain Price Support Bulletin 1 (21 F. R. 3997), issued by the Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1956 is supplemented as follows:

Sec.
421.2076 Purpose.
421.2077 Availability of price support.
421.2078 Eligible flaxseed.
421.2079 Warehouse receipts.
421.2080 Determination of quantity.
421.2081 Determination of quality.
421.2082 Maturity of loans.
421.2083 Support rates.
421.2084 Warehouse charges.
421.2085 Settlement.

AUTHORITY: §§ 421.2076 to 421.2085 issued under sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1054; 15 U. S. C. 714c, 7 U. S. C. 1447, 1421.

§ 421.2076 *Purpose.* Sections 421.2076 to 421.2085 state additional specific regulations which, together with the general regulations contained in the 1956 C. C. C. Grain Price Support Bulletin 1 (§§ 421.1601 to 421.1622), apply to loans and purchase agreements under the 1956-Crop Flaxseed Price Support Program.

§ 421.2077 *Availability of price support*—(a) *Method of support.* Price support will be made available through farm-storage and warehouse-storage loans and through purchase agreements.

(b) *Area.* Farm-storage and warehouse-storage loans and purchase agreements will be available wherever flaxseed is grown in the continental United States, except in Texas counties designated under the 1956-Texas Flaxseed Purchase Program (§§ 421.2126 to 421.2139). Farm-storage loans will not be available in areas where the State committee determines that flaxseed cannot be safely stored on the farm.

(c) *Where to apply.* Application for price support should be made at the office of the county committee which keeps the farm-program records for the farm.

(d) *When to apply.* Loans and purchase agreements will be available from the time of harvest through October 31, 1956, in Arizona and California, and from the time of harvest through January 31, 1957, in all other States. The applica-

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# FEDERAL REGISTER

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**CFR SUPPLEMENTS**

**(As of January 1, 1956)**

The following Supplement is now available:

**Title 39 (Rev., 1955) ($4.25)**

Previously announced: Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 7: Parts 1–209 ($1.25), Parts 900–959 (Rev., 1955) ($6.00), Part 960 to end (Rev., 1955) with Supplement ($5.85); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Parts 1–399 ($2.50), Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. I, and Title 27 ($1.00); Titles 28 and 29 ($1.25); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 400–699 ($0.65), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Title 33 ($1.50); Titles 35–37 ($1.00); Titles 40–42 ($0.65); Title 43 ($0.50); Title 46: Parts 1–145 ($0.60), Part 146 to end ($1.25); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.




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ble documents must be signed by the producer and delivered to the county committee not later than such final dates. Applicable documents include the Producer's Note and Loan Agreement for warehouse-storage loans, the Producer's Note and Supplemental Loan Agreement and the Commodity Chattel Mortgage for farm-storage loans, and the Purchase Agreement for purchase agreements.

(e) *Eligible producer.* An eligible producer shall be an individual, partnership, association, corporation, estate, trust, or other business enterprise, or legal entity, and wherever applicable, a State, political subdivision of a State, or any agency thereof producing flaxseed in 1956 as landowner, landlord, tenant, or sharecropper. Two or more eligible producers may obtain a joint loan on eligible flaxseed harvested by them if stored in the same farm-storage facility. In the case of joint loans, each person signing the note shall be held jointly and severally responsible for the loan. Where the county office has experienced difficulties in settling farm-storage loans with a producer, the county committee shall determine that he is not eligible for a farm-storage loan. He shall be eligible, however, to obtain a warehouse-storage loan or sign a purchase agreement.

§ 421.2078 *Eligible flaxseed.* Flaxseed, to be eligible for price support, must meet all of the applicable requirements set forth in this section.

(a) The flaxseed must have been produced in the continental United States (excluding the Texas counties designated under the 1956-Texas Flaxseed Purchase Program) in 1956 by an eligible producer.

(b) At the time the flaxseed is placed under loan or delivered under a purchase agreement:

(1) The beneficial interest in the flaxseed must be in the eligible producer tendering the flaxseed for loan or for delivery under a purchase agreement and must always have been in him, or must have been in him and a former producer whom he succeeded before the flaxseed was harvested.

(2) To meet the requirements of succession to a former producer, the rights, responsibilities and interest of the former producer with respect to the farming unit on which the flaxseed was produced shall have been substantially assumed by the person claiming succession. Mere purchase of the crop prior to harvest, without acquisition of any additional interest in the farming unit, shall not constitute succession. The county committee shall determine whether the requirements with respect to succession have been met.

(c) Flaxseed, at the time it is placed under loan, and flaxseed under purchase agreement which is in approved warehouse storage prior to notification by a producer of his intention to sell to CCC, must meet the following requirements:

(1) The flaxseed must grade No. 1 or No. 2.

(2) The flaxseed must not contain mercurial compounds or other substances poisonous to man or animals.

(3) If offered as security for a farm-storage loan, the flaxsed must have been stored in the granary at least 30 days prior to its inspection for measurement, sampling and sealing, unless otherwise approved by the State committee.

(d) Flaxseed under purchase agreement stored in other than approved warehouse storage must, in order to be eligible for sale to CCC, meet the requirements of paragraph (c) (1) and (2) of this section on the basis of a pre-delivery inspection performed by a representative of the county committee in accordance with regulations to be subsequently issued. Flaxseed which does not meet the requirements of paragraph (c) (1) and (2) on the basis of the pre-delivery inspection referred to above shall also be eligible for sale to CCC only if the producer complies with the conditions to be specified in § 421.2085 and the flaxseed on the basis of the inspection made at the time of delivery meets the requiremenst set forth in paragraph (c) (1) and (2) of this section.

§ 421.2079 *Warehouse receipts.* Warehouse receipts, representing flaxseed in approved warehouse storage to be placed under loan or delivered under a purchase agreement, must meet the requirements below:

(a) Warehouse receipts must be issued in the name of the producer, must be properly endorsed in blank so as to vest title in the holder, and must be receipts issued on a warehouse approved by CCC under the Uniform Grain Storage Agreement which indicate that the flaxseed is insured, or must be issued on warehouses operated by Eastern common carriers under tariffs approved by the Interstate Commerce Commission for which custodian agreements are in effect.

(b) Each warehouse receipt or the warehouseman's supplemental certificate (in duplicate), properly identified with the warehouse receipt, must show: (1) Gross weight or bushels, (2) grade, (3) test weight, (4) dockage, (5) percentage of damage when such factor, and not test weight, determines the grade and (6) whether the flaxseed arrived by rail, truck or barge. In the case of flaxseed delivered by rail or barge, the grading factors on the warehouse receipt or warehouseman's supplemental certificate must agree with the inbound inspection certificate for the car or barge if such certificate is issued.

(c) A separate warehouse receipt must be submitted for each grade of flaxseed.

(d) The warehouse receipt may be subject to liens for warehouse charges only to the extent indicated in § 421.2084.

(e) Warehouse receipts representing flaxseed which has been shipped by rail or water from a country shipping point to a designated terminal point, or shipped by rail or water from a country shipping point and stored in transit to a designated terminal point, must be accompanied by registered freight bills, or by a certificate containing similar information in a form prescribed by the CSS commodity office which shall be signed by the warehouseman and which may be part of the supplemental certificate.

§ 421.2080 *Determination of quantity.* (a) The quantity of flaxseed placed under farm-storage loan may be determined either by weight or by measurement. The quantity of flaxseed placed under warehouse-storage loan or delivered under a farm-storage loan or under a purchase agreement shall be determined by weight.

(b) When the quantity is determined by weight, a bushel shall be 56 pounds of flaxseed free of dockage. In determining the quantity of sacked flaxseed by weight, a deduction of ¾ of a pound for each sack shall be made.

(c) When the quantity of flaxseed is determined by measurement, a bushel shall be 1.25 cubic feet of flaxseed testing 56 pounds per bushel. The quantity determined shall be adjusted by the following percentages of the quantity determined for 56-pound flaxseed:

| For flaxseed testing: | *Percentage* |
|---|---|
| 56 pounds or over | 100 |
| 55 pounds or over, but less than 56 pounds | 98 |
| 54 pounds or over, but less than 55 pounds | 96 |
| 53 pounds or over, but less than 54 pounds | 94 |
| 52 pounds or over, but less than 53 pounds | 92 |
| 51 pounds or over, but less than 52 pounds | 90 |
| 50 pounds or over, but less than 51 pounds | 88 |
| 49 pounds or over, but less than 50 pounds | 86 |
| 48 pounds or over, but less than 49 pounds | 83 |
| 47 pounds or over, but less than 48 pounds | 81 |

(d) The percentage of dockage shall be determined and the weight of such dockage shall be deducted from the gross weight of the flaxseed in determining the net quantity available for loan or purchase.

§ 421.2081 *Determination of quality.* The grade, grading factors, and all other quality factors shall be determined in accordance with the method set forth in the Official Grain Standards of the United States for Flaxseed, whether or not such determinations are made on the basis of an official inspection.

§ 421.2082 *Maturity of loans.* Loans mature on demand but not later than January 31, 1957, on flaxseed stored in Arizona and California, and not later than April 30, 1957, on flaxseed stored in all other States.

§ 421.2083 *Support rates.* Basic support rates for flaxseed placed under loan or delivered under a purchase agreement will be set forth in this section.

(a) *Basic support rates at designated terminal markets.* (1) Basic support rates per bushel for No. 1 flaxseed stored in approved warehouses at terminal markets listed below are as follows:

| Terminal market: | *Rate per bushel for No. 1* |
|---|---|
| Los Angeles, Calif. | $3.64 |
| San Francisco, Calif. | 3.58 |
| Chicago, Ill. | 3.39 |
| Duluth, Minn., and St. Paul, Minn. | 3.39 |
| Superior, Wis. | 3.39 |
| Corpus Christi and Houston, Tex. | 3.14 |

(2) Flaxseed eligible for loan or purchase at the support rates shown in the above schedule must have been shipped on a domestic interstate freight rate basis. On any flaxseed shipped at other than the domestic interstate freight rate, the support rate at the designated terminal market shall be reduced by the difference between the rate of the freight paid (plus tax) and the domestic interstate freight rate (plus tax).

(3) The support rates established for the designated terminal markets apply to flaxseed which has been shipped by rail or water from a country shipping point to one of the designated terminal markets, as evidenced by paid freight bills duly registered for transit privileges: *Provided,* That in the event the amount of paid-in freight is insufficient to guarantee the minimum proportional domestic interstate freight rate from the terminal market, there shall be deducted from the applicable terminal support rate the difference between the amount of freight actually paid in and the amount required to be paid in to guarantee outbound movement at the minimum proportional domestic interstate freight rate.

(4) When shipped by rail or water and stored at any designated terminal market, flaxseed for which neither registered freight bills nor registered freight certificates are presented to guarantee outbound movement at the minimum proportional domestic interstate freight rate, shall have a support rate equal to the terminal rate minus 8 cents per bushel.

(5) For flaxseed received by truck and stored at any designated terminal market, the support rate shall be the terminal rate minus 12½ cents per bushel.

(b) *Support rates for flaxseed in approved warehouse-storage at other than designated terminal markets.* (1) The support rate for flaxseed stored in approved warehouses (other than those situated in the designated terminal markets) which is shipped by rail or water, shall be determined by deducting from the appropriate designated terminal market rate an amount equal to the transit balance, if any (plus tax), of the through-freight rate from point of orgin for such flaxseed to such terminal market: *Provided,* That on any flaxseed shipped at other than the domestic interstate freight rate, the support rate shall be further reduced by the difference between the rate of the freight paid (plus tax) and the domestic interstate freight rate (plus tax) from the point of origin of such flaxseed to the point of storage: *And provided further,* That in the case of flaxseed stored at any railroad transit point taking a penalty by reason of out-of-line movement to the appropriate designated market, or for any other reason, there shall be added to such transit balance an amount equal to any out-of-line costs or other costs incurred in storing flaxseed in such position.

(2) The warehouse receipts must be accompanied by the original paid freight bills or certificates of the warehouseman and other required documents as set forth in § 421.2079.

(c) *County support rates.* (1) The basic county support rates for No. 1 flaxseed are as follows: (Farm-storage loans and county warehouse-storage loans, except as otherwise provided in paragraph (b) of this section, will be based on the support rate established for the county in which the flaxseed is stored. If two or more approved warehouses are located in the same or adjoining towns, villages, or cities having the same interstate freight rate, such towns, villages, or cities shall be deemed to constitute one shipping point and the same support rate shall apply even though such warehouses are not all located in the same county. Such support rate shall be the highest support rate of the counties involved.)

ARIZONA

| *County* | *Rate per bushel* | *County* | *Rate per bushel* |
|---|---|---|---|
| Cochise | $3.25 | Pinal | $3.40 |
| Graham | 3.04 | Yavapai | 3.08 |
| Maricopa | 3.40 | Yuma | 3.43 |
| Pima | 3.36 | | |

CALIFORNIA

| | | | |
|---|---|---|---|
| Alameda | $3.44 | Napa | $3.44 |
| Colusa | 3.38 | Riverside | 3.43 |
| Fresno | 3.42 | Sacramento | 3.42 |
| Imperial | 3.42 | San Benito | 3.41 |
| Kern | 3.44 | San Joaquin | 3.42 |
| Kings | 3.44 | San Mateo | 3.44 |
| Los Angeles | 3.50 | Santa Clara | 3.44 |
| Madera | 3.40 | Santa Cruz | 3.42 |
| Merced | 3.41 | Sutter | 3.39 |
| Modoc | 3.15 | Yolo | 3.41 |

GEORGIA

All counties $2.57

IDAHO

All counties $2.63

IOWA

| *County* | *Rate per bushel* | *County* | *Rate per bushel* |
|---|---|---|---|
| Adair | $3.05 | Jefferson | $3.10 |
| Adams | 3.05 | Johnson | 3.13 |
| Allamakee | 3.13 | Jones | 3.13 |
| Appanoose | 3.08 | Keokuk | 3.09 |
| Audubon | 3.08 | Kossuth | 3.14 |
| Benton | 3.12 | Lee | 3.13 |
| Black Hawk | 3.12 | Linn | 3.12 |
| Boone | 3.10 | Louisa | 3.13 |
| Bremer | 3.13 | Lucas | 3.07 |
| Buchanan | 3.12 | Lyon | 3.11 |
| Buena Vista | 3.12 | Madison | 3.08 |
| Butler | 3.13 | Mahaska | 3.09 |
| Calhoun | 3.12 | Marion | 3.08 |
| Carroll | 3.10 | Marshall | 3.12 |
| Cass | 3.06 | Mills | 3.07 |
| Cedar | 3.13 | Mitchell | 3.15 |
| Cerro Gordo | 3.14 | Monona | 3.10 |
| Cherokee | 3.11 | Monroe | 3.08 |
| Chickasaw | 3.13 | Montgomery | 3.06 |
| Clarke | 3.06 | Muscatine | 3.13 |
| Clay | 3.13 | O'Brien | 3.12 |
| Clayton | 3.12 | Osceola | 3.13 |
| Clinton | 3.14 | Page | 3.06 |
| Crawford | 3.09 | Palo Alto | 3.13 |
| Dallas | 3.10 | Plymouth | 3.10 |
| Davis | 3.09 | Pocahontas | 3.12 |
| Decatur | 3.05 | Polk | 3.10 |
| Delaware | 3.12 | Pottawattamie | 3.07 |
| Des Moines | 3.13 | Poweshiek | 3.10 |
| Dickinson | 3.13 | Ringgold | 3.04 |
| Dubuque | 3.13 | Sac | 3.11 |
| Emmet | 3.15 | Scott | 3.14 |
| Fayette | 3.13 | Shelby | 3.08 |
| Floyd | 3.14 | Sioux | 3.11 |
| Franklin | 3.13 | Story | 3.11 |
| Fremont | 3.07 | Tama | 3.12 |
| Greene | 3.10 | Taylor | 3.04 |
| Grundy | 3.12 | Union | 3.05 |
| Guthrie | 3.10 | Van Buren | 3.10 |
| Hamilton | 3.12 | Wapello | 3.09 |
| Hancock | 3.14 | Warren | 3.07 |
| Hardin | 3.12 | Washington | 3.12 |
| Harrison | 3.09 | Wayne | 3.08 |
| Henry | 3.12 | Webster | 3.12 |
| Howard | 3.15 | Winnebago | 3.15 |
| Humboldt | 3.13 | Winneshiek | 3.13 |
| Ida | 3.10 | Woodbury | 3.10 |
| Iowa | 3.10 | Worth | 3.15 |
| Jackson | 3.14 | Wright | 3.13 |
| Jasper | 3.10 | | |

KANSAS

All counties $2.91



MICHIGAN

| *County* | *Rate per bushel* | *County* | *Rate per bushel* |
|---|---|---|---|
| Alpena | $2.98 | Mackinac | $2.99 |
| Benzie | 3.03 | Menominee | 3.08 |
| Cass | 3.14 | Midland | 3.04 |
| Cheboygan | 2.99 | Monroe | 3.05 |
| Chippewa | 2.99 | Ontonagon | 3.05 |
| Crawford | 3.01 | Saint Clair | 3.03 |
| Iosco | 3.02 | Sanilac | 3.03 |
| Luce | 2.99 | Wayne | 3.04 |

MINNESOTA

| | | | |
|---|---|---|---|
| Aitkin | $3.19 | Martin | $3.15 |
| Anoka | 3.22 | Meeker | 3.20 |
| Becker | 3.13 | Mille Lacs | 3.20 |
| Beltrami | 3.13 | Morrison | 3.17 |
| Benton | 3.18 | Mower | 3.16 |
| Big Stone | 3.14 | Murray | 3.14 |
| Blue Earth | 3.18 | Nicollet | 3.19 |
| Brown | 3.17 | Nobles | 3.13 |
| Carlton | 3.20 | Norman | 3.11 |
| Carver | 3.22 | Olmsted | 3.17 |
| Cass | 3.16 | Otter Tail | 3.15 |
| Chippewa | 3.16 | Pennington | 3.10 |
| Chisago | 3.20 | Pine | 3.18 |
| Clay | 3.12 | Pipestone | 3.13 |
| Clearwater | 3.13 | Polk | 3.11 |
| Cottonwood | 3.16 | Pope | 3.16 |
| Crow Wing | 3.17 | Ramsey | 3.22 |
| Dakota | 3.22 | Red Lake | 3.11 |
| Dodge | 3.17 | Redwood | 3.16 |
| Douglas | 3.16 | Renville | 3.17 |
| Faribault | 3.15 | Rice | 3.19 |
| Fillmore | 3.14 | Rock | 3.12 |
| Freeborn | 3.17 | Roseau | 3.09 |
| Goodhue | 3.18 | St. Louis | 3.18 |
| Grant | 3.15 | Scott | 3.22 |
| Hennepin | 3.23 | Sherburne | 3.21 |
| Houston | 3.14 | Sibley | 3.19 |
| Hubbard | 3.14 | Stearns | 3.18 |
| Isanti | 3.19 | Steele | 3.17 |
| Itasca | 3.17 | Stevens | 3.16 |
| Jackson | 3.14 | Swift | 3.16 |
| Kanabec | 3.18 | Todd | 3.16 |
| Kandiyohi | 3.19 | Traverse | 3.13 |
| Kittson | 3.08 | Wabasha | 3.18 |
| Koochiching | 3.09 | Wadena | 3.16 |
| Lac qui Parle | 3.14 | Waseca | 3.18 |
| Lake of the Woods | 3.10 | Washington | 3.22 |
| Le Sueur | 3.19 | Watonwan | 3.16 |
| Lincoln | 3.14 | Wilkin | 3.13 |
| Lyon | 3.15 | Winona | 3.17 |
| McLeod | 3.19 | Wright | 3.21 |
| Mahnomen | 3.11 | Yellow Medicine | 3.16 |
| Marshall | 3.10 | | |

MONTANA

| | | | |
|---|---|---|---|
| Beaverhead | $2.66 | Liberty | $2.82 |
| Big Horn | 2.75 | McCone | 2.92 |
| Blaine | 2.85 | Musselshell | 2.85 |
| Broadwater | 2.82 | Park | 2.82 |
| Carbon | 2.82 | Petroleum | 2.82 |
| Carter | 2.95 | Phillips | 2.87 |
| Cascade | 2.82 | Pondera | 2.82 |
| Chouteau | 2.82 | Powder River | 2.91 |
| Custer | 2.93 | Prairie | 2.93 |
| Daniels | 2.90 | Richland | 2.94 |
| Dawson | 2.94 | Roosevelt | 2.94 |
| Deer Lodge | 2.78 | Rosebud | 2.88 |
| Fallon | 2.94 | Sheridan | 2.93 |
| Fergus | 2.82 | Stillwater | 2.82 |
| Gallatin | 2.82 | Sweet Grass | 2.82 |
| Garfield | 2.91 | Teton | 2.82 |
| Glacier | 2.82 | Toole | 2.82 |
| Golden Valley | 2.82 | Treasure | 2.87 |
| Hill | 2.82 | Valley | 2.90 |
| Judith Basin | 2.82 | Wheatland | 2.82 |
| Lewis and Clark | 2.80 | Wibaux | 2.95 |
| | | Yellowstone | 2.82 |

NORTH DAKOTA

| | | | |
|---|---|---|---|
| Adams | $3.00 | Cass | $3.11 |
| Barnes | 3.09 | Cavalier | 3.05 |
| Benson | 3.05 | Dickey | 3.09 |
| Billings | 2.99 | Divide | 2.98 |
| Bottineau | 3.01 | Dunn | 2.99 |
| Bowman | 2.99 | Eddy | 3.07 |
| Burke | 3.00 | Emmons | 3.04 |
| Burleigh | 3.05 | Foster | 3.08 |

NORTH DAKOTA—Continued

| *County* | *Rate per bushel* | *County* | *Rate per bushel* |
|---|---|---|---|
| Golden Valley | $2.96 | Ramsey | $3.06 |
| Grand Forks | 3.09 | Ransom | 3.10 |
| Grant | 3.01 | Renville | 3.01 |
| Griggs | 3.09 | Richland | 3.12 |
| Hettinger | 3.01 | Rolette | 3.04 |
| Kidder | 3.06 | Sargent | 3.11 |
| La Moure | 3.08 | Sheridan | 3.05 |
| Logan | 3.06 | Sioux | 3.02 |
| McHenry | 3.03 | Slope | 2.97 |
| McIntosh | 3.05 | Stark | 3.01 |
| McKenzie | 2.96 | Steele | 3.10 |
| McLean | 3.03 | Stutsman | 3.08 |
| Mercer | 3.01 | Towner | 3.05 |
| Morton | 3.02 | Traill | 3.10 |
| Mountrail | 3.01 | Walsh | 3.07 |
| Nelson | 3.07 | Ward | 3.01 |
| Oliver | 3.03 | Wells | 3.06 |
| Pembina | 3.07 | Williams | 2.99 |
| Pierce | 3.04 | | |

OKLAHOMA

All counties $2.66

OREGON

All counties $2.64

SOUTH DAKOTA

| *County* | *Rate per bushel* | *County* | *Rate per bushel* |
|---|---|---|---|
| Aurora | $3.05 | Jackson | $2.99 |
| Beadle | 3.10 | Jerauld | 3.09 |
| Bennett | 2.95 | Jones | 2.99 |
| Bon Homme | 3.07 | Kingsbury | 3.12 |
| Brookings | 3.13 | Lake | 3.12 |
| Brown | 3.10 | Lawrence | 2.95 |
| Brule | 3.03 | Lincoln | 3.11 |
| Buffalo | 3.07 | Lyman | 3.01 |
| Butte | 2.95 | McCook | 3.11 |
| Campbell | 3.05 | McPherson | 3.07 |
| Charles Mix | 3.05 | Marshall | 3.10 |
| Clark | 3.12 | Meade | 2.97 |
| Clay | 3.10 | Mellette | 2.97 |
| Codington | 3.12 | Miner | 3.11 |
| Corson | 3.02 | Minnehaha | 3.12 |
| Custer | 2.95 | Moody | 3.12 |
| Davison | 3.09 | Pennington | 2.98 |
| Day | 3.11 | Perkins | 3.00 |
| Deuel | 3.13 | Potter | 3.06 |
| Dewey | 3.02 | Roberts | 3.12 |
| Douglas | 3.05 | Sanborn | 3.09 |
| Edmunds | 3.08 | Shannon | 2.94 |
| Fall River | 2.88 | Spink | 3.10 |
| Faulk | 3.08 | Stanley | 3.05 |
| Grant | 3.13 | Sully | 3.05 |
| Gregory | 3.01 | Todd | 2.98 |
| Haakon | 3.00 | Tripp | 2.99 |
| Hamlin | 3.12 | Turner | 3.11 |
| Hand | 3.09 | Union | 3.10 |
| Hanson | 3.10 | Walworth | 3.06 |
| Harding | 2.99 | Washabaugh | 2.99 |
| Hughes | 3.06 | Yankton | 3.09 |
| Hutchinson | 3.07 | Ziebach | 2.99 |
| Hyde | 3.07 | | |

TEXAS

| | | | |
|---|---|---|---|
| Carson | $2.71 | Glasscock | $2.71 |
| Culberson | 2.64 | Hockley | 2.71 |
| Deaf Smith | 2.71 | Moore | 2.69 |
| Floyd | 2.71 | Pecos | 2.65 |

WISCONSIN

| | | | |
|---|---|---|---|
| Adams | $3.12 | Florence | $3.07 |
| Ashland | 3.16 | Fond du Lac | 3.15 |
| Barron | 3.16 | Forest | 3.11 |
| Bayfield | 3.16 | Grant | 3.12 |
| Brown | 3.12 | Green | 3.15 |
| Buffalo | 3.17 | Green Lake | 3.13 |
| Burnett | 3.19 | Iowa | 3.12 |
| Calumet | 3.13 | Iron | 3.13 |
| Chippewa | 3.15 | Jackson | 3.15 |
| Clark | 3.13 | Jefferson | 3.16 |
| Columbia | 3.13 | Juneau | 3.12 |
| Crawford | 3.12 | Kenosha | 3.21 |
| Dane | 3.15 | Kewaunee | 3.10 |
| Dodge | 3.15 | LaCrosse | 3.13 |
| Door | 3.09 | Lafayette | 3.13 |
| Douglas | 3.21 | Langlade | 3.09 |
| Dunn | 3.17 | Lincoln | 3.08 |
| Eau Claire | 3.17 | Manitowoc | 3.13 |

WISCONSIN—Continued

| *County* | *Rate per bushel* | *County* | *Rate per bushel* |
|---|---|---|---|
| Marathon | $3.12 | St. Croix | $3.20 |
| Marinette | 3.08 | Sauk | 3.13 |
| Marquette | 3.12 | Sawyer | 3.16 |
| Milwaukee | 3.21 | Shawano | 3.11 |
| Monroe | 3.13 | Sheboygan | 3.15 |
| Oconto | 3.10 | Taylor | 3.13 |
| Oneida | 3.08 | Trempealeau | 3.15 |
| Outagamie | 3.13 | Vernon | 3.13 |
| Ozaukee | 3.16 | Vilas | 3.08 |
| Pepin | 3.18 | Walworth | 3.17 |
| Pierce | 3.20 | Washburn | 3.17 |
| Polk | 3.20 | Washington | 3.16 |
| Portage | 3.11 | Waukesha | 3.16 |
| Price | 3.13 | Waupaca | 3.12 |
| Racine | 3.21 | Waushara | 3.12 |
| Richland | 3.12 | Winnebago | 3.13 |
| Rock | 3.16 | Wood | 3.12 |
| Rusk | 3.16 | | |

WYOMING

All counties $2.78

(2) Where the State committee determines that State or district weed control laws affect the flaxseed crop, the support rate will be 15 cents below the applicable county support rate set forth in the schedule under subparagraph (1) of this paragraph. If, upon delivery of the flaxseed to CCC, the producer supplies a certificate indicating that the flaxseed complies with the weed control laws, the producer will be credited with the amount of the differential in determining the settlement value.

(d) *Discount.* The support rate for No. 2 flaxseed shall be 6 cents per bushel less than the support rate for No. 1 flaxseed.

§ 421.2084 *Warehouse charges.* (a) Warehouse receipts and the flaxseed represented thereby stored in approved warehouses operating under the Uniform Grain Storage Agreement may be subject to liens for warehouse handling and storage charges at not to exceed the Uniform Grain Storage Agreement rates from the date the flaxseed is deposited in the warehouse for storage.

(1) In Arizona and California, where the date of deposit (the date of the warehouse receipt if the date of deposit is not shown) on warehouse receipts representing flaxseed stored in warehouses operating under the Uniform Grain Storage Agreement is on or before January 31, 1957, there shall be deducted in computing the loan rate or purchase price the storage charges per bushel as shown in the following table, unless written evidence has been submitted with the warehouse receipt that all warehouse charges except receiving and loading out charges have been prepaid through the maturity date, January 31, 1957.

| Date of deposit (all dates inclusive): | *Amount of deduction (cents per bushel)* |
|---|---|
| Prior to Apr. 17, 1956 | 15 |
| Apr. 17, 1956–May 6, 1956 | 14 |
| May 7, 1956–May 26, 1956 | 13 |
| May 27, 1956–June 15, 1956 | 12 |
| June 16, 1956–July 5, 1956 | 11 |
| July 6, 1956–July 25, 1956 | 10 |
| July 26, 1956–Aug. 14, 1956 | 9 |
| Aug. 15, 1956–Sept. 3, 1956 | 8 |
| Sept. 4, 1956–Sept. 23, 1956 | 7 |
| Sept. 24, 1956–Oct. 13, 1956 | 6 |
| Oct. 14, 1956–Nov. 2, 1956 | 5 |
| Nov. 3, 1956–Nov. 22, 1956 | 4 |
| Nov. 23, 1956–Dec. 12, 1956 | 3 |
| Dec. 13, 1956–Jan. 1, 1957 | 2 |
| Jan. 2, 1957–Jan. 31, 1957 | 1 |

(2) In all other States, where the date of deposit (the date of the warehouse receipt if the date of deposit is not shown) on warehouse receipts representing flaxseed stored in warehouses operating under the Uniform Grain Storage Agreement is on or before April 30, 1957, there shall be deducted in computing the loan or purchase price the storage charges per bushel as shown in the following table, unless written evidence has been submitted with the warehouse receipt that all warehouse charges except receiving and loading out charges have been prepaid through the maturity date, April 30, 1957.

| Date of deposit (all dates inclusive): | Amount of deduction (cents per bushel) |
|---|---|
| Prior to May 16, 1956 | 18 |
| May 16, 1956–June 4, 1956 | 17 |
| June 5, 1956–June 24, 1956 | 16 |
| June 25, 1956–July 14, 1956 | 15 |
| July 15, 1956–Aug. 3, 1956 | 14 |
| Aug. 4, 1956–Aug. 23, 1956 | 13 |
| Aug. 24, 1956–Sept. 12, 1956 | 12 |
| Sept. 13, 1956–Oct. 2, 1956 | 11 |
| Oct. 3, 1956–Oct. 22, 1956 | 10 |
| Oct. 23, 1956–Nov. 11, 1956 | 9 |
| Nov. 12, 1956–Dec. 1, 1956 | 8 |
| Dec. 2, 1956–Dec. 21, 1956 | 7 |
| Dec. 22, 1956–Jan. 10, 1957 | 6 |
| Jan. 11, 1957–Jan. 30, 1957 | 5 |
| Jan. 31, 1957–Feb. 19, 1957 | 4 |
| Feb. 20, 1957–Mar. 11, 1957 | 3 |
| Mar. 12, 1957–Mar. 31, 1957 | 2 |
| Apr. 1, 1957–Apr. 30, 1957 | 1 |

(b) Warehouse receipts and the flaxseed represented thereby stored in approved warehouses operated by Eastern common carriers may be subject to liens for warehouse elevation (receiving and delivering) and storage charges from the date of deposit at rates approved by the Interstate Commerce Commission. There shall be deducted in computing the loan rate or in computing the purchase price the amount of the approved tariff rate for storage (not including elevation), which will accumulate from the date of deposit through the program maturity date, unless written evidence has been submitted with the warehouse receipt that the storage charges have been prepaid. The county committee shall request the CSS commodity office to determine the amount of such charges. Where the producer presents evidence showing that elevation charges have been prepaid, the amount of the storage charges to be deducted shall be reduced by the amount of the elevation charges prepaid by the producer.

§ 421.2085 *Settlement*—(a) *Settlement value.* (1) In the case of eligible flaxseed delivered to CCC from farm storage under the loan program, settlement shall be made at the applicable support rate determined in accordance with §§ 421.2083 and 421.1618 (d). The support rate shall be for the grade and quality of the total quantity of flaxseed eligible for delivery.

(2) If, upon delivery, the flaxseed under farm-storage loan is of a grade or quality for which no support rate has been established, the settlement value shall be computed at the support rate established for the grade and quality placed under loan, les the difference, if any, at the time of delivery, between the market price for the grade and quality placed under loan and the market price of the flaxseed delivered, as determined by CCC: *Provided, however,* That if such flaxseed is sold by CCC in order to determine its market price, the settlement value shall not be less than such sales price: *And provided further,* That if upon delivery the flaxseed contains mercurial compounds or other substances poisonous to man or animals, such flaxseed shall be sold for seed (in accordance with applicable State seed laws and regulations), fuel, or industrial uses where the end product will not be consumed by man or animals, and the settlement value shall be the same as the sales price, except that if CCC is unable to sell such commodity for the use specified above, the settlement value shall be the market value, if any, as determined by CCC, as of the date of delivery.

(2) Provisions applicable to the predelivery inspection of flaxseed under purchase agreement and the basis for settlement with the producer on flaxseed delivered to CCC under purchase agreement will be issued as an amendment to this supplement.

(b) *Storage deduction for early delivery.* No deduction for storage shall be made for farm-stored flaxseed under loan or purchase agreement authorized to be delivered to CCC prior to the loan maturity date, except where it is necessary to call the loan through fault or negligence on the part of the producer or where the producer requests early delivery and the county committee approves the early delivery and determines such early delivery is solely for the convenience of the producer. The deduction for storage shall be made in accordance with the schedule of deductions for warehouse charges in § 421.2084.

(c) *Refund of prepaid handling charges.* In case a warehouseman charges the producer for the receiving or the receiving and loading out charges on flaxseed under loan or purchase agreement stored in a warehouse under the Uniform Grain Storage Agreement, the producer shall, upon delivery of the flaxseed to CCC, be reimbursed or given credit by the county office for such prepaid charges in an amount not to exceed the charges authorized under the Uniform Grain Storage Agreement, provided the producer furnishes to the county committee written evidence signed by the warehouseman that such charges have been paid.

(d) *Storage payment where CCC is unable to take delivery of flaxseed stored in other than an approved warehouse under loan or purchase agreement.* The producer may be required to retain flaxseed stored in other than an approved warehouse under loan or purchase agreement for a period of 60 days after the maturity date without any cost to CCC. However, if CCC is unable to take delivery of such flaxseed within the 60-day period after maturity, the producer shall be paid a storage payment upon delivery of the flaxseed to CCC: *Provided, however,* That a storage payment shall be paid a producer whose flaxseed is stored in other than an approved warehouse under purchase agreement only if he has properly given notice of his intention to sell the flaxseed to CCC and delivery cannot be accepted within the 60-day period after maturity. The period for earning such storage payment shall begin the day following the expiration of the 60-day period after the maturity date and extent through the final date of delivery, or the final date for delivery as specified in the delivery instructions issued to the producer by the county office, whichever is earlier. The storage payment shall be computed at the rate of $0.00049 per bushel per day for the flaxseed accepted for delivery or sale to CCC.

(e) *Track-loading payment.* A track-loading payment of 3 cents per bushel will be made to the producer on flaxseed delivered to CCC on track at a country point.

Issued this 13th day of June 1956.

[SEAL] EARL M. HUGHES,
*Executive Vice President,*
*Commodity Credit Corporation.*

[F. R. Doc. 56-4760; Filed, June 18, 1956; 8:45 a. m.]

## TITLE 7—AGRICULTURE

### Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 645, Amdt. 2]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

*Findings.* 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 19 F. R. 7175; 20 F. R. 2913), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in the State of California or in the State of Arizona.

*Order, as amended.* The provisions in paragraph (b) (1) (ii) of § 953.752 (Lemon Regulation 645; 21 F. R. 3967) are hereby amended to read as follows:

(ii) District 2: 604,500 cartons.

(Sec. 5, 49 Stat. 753; as amended; 7 U. S. C. 608c)

Dated: June 14, 1956.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-4801; Filed, June 18, 1956; 8:53 a. m.]

## TITLE 10—ATOMIC ENERGY

### Chapter I—Atomic Energy Commission

PART 7—ADVISORY BOARDS

PURPOSE

Notice is hereby given that § 7.1 of the regulations contained in Part 7 of Title 10 of the Code of Federal Regulations, entitled "Advisory Boards" is amended to read as follows:

§ 7.1 *Purpose.* The regulations in this part set forth the scope, procedure and limitations of the authority of advisory boards established by the Atomic Energy Commission pursuant to section 161 a. of the Atomic Energy Act of 1954 (68 Stat. 919), except the Patent Compensation Board, the Advisory Board on Contract Appeals, the Personnel Security Review Board, and the Personnel Security Boards.

(Sec. 161, 68 Stat. 948; 42 U. S. C. 2201)

Dated at Washington, D. C., this 12th day of June 1956.

K. E. FIELDS,
*General Manager.*

[F. R. Doc. 56-4765; Filed, June 18, 1956; 8:45 a. m.]

## TITLE 14—CIVIL AVIATION

### Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 10]

PART 600—DESIGNATION OF CIVIL AIRWAYS

ALTERATIONS

The civil airway alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 600 is amended as follows:

1. Section 600.107 *Amber civil airway No. 7 (Key West, Fla., to United States-Canadian Border)* is amended between Key West, Fla., and Miami, Fla., radio range stations to read: "From the Key West, Fla., radio range station via the Marathon, Fla., nondirectional radio beacon; Homestead, Fla., AFB nondirectional radio beacon; Miami, Fla., radio range station;".

2. Section 600.648 is added to read:

§ 600.648 *Blue civil airway No. 48 (Marathon, Fla., to Miami, Fla.).* From the Marathon, Fla., nondirectional radio beacon via the intersection of the northeast course of the Key West, Fla., radio range and the Southeast course of the Miami, Fla., radio range to the Miami, Fla., radio range station.

3. Section 600.6054 *VOR civil airway No. 54 (Texarkana, Ark., to Charlotte, N. C.)* is amended by deleting the portion which reads: "to the Muscle Shoals, Ala., omnirange station. From the Chattanooga, Tenn., omnirange station via the Spartanburg, S. C., omnirange station; to the Charlotte, N. C., omnirange station." and by adding the following portion in lieu thereof: "Muscle Shoals, Ala., omnirange station; Huntsville, Ala., omnirange station; Chattanooga, Tenn., omnirange station; Spartanburg, S. C., omnirange station; to the Charlotte, N. C., omnirange station."

(Sec. 205, 52 Stat. 984, amended; 49 U. S. C. 425. Interpret or apply sec. 302, 52 Stat. 985, as amended; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t. July 2, 1956.

[SEAL] JAMES T. PYLE,
*Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 56-4766; Filed, June 18, 1956; 8:45 a. m.]

[Amdt. 10]

PART 601—DESIGNATION OF CONTROL AREAS, CONTROL ZONES, AND REPORTING POINTS

ALTERATIONS

The control area, control zone and reporting point alterations appearing hereinafter have been coordinated with the civil operators involved, the Army, the Navy and the Air Force, through the Air Coordinating Committee, Airspace Panel, and are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to public interest and therefore is not required.

Part 601 is amended as follows:

1. Section 601.648 is added to read:

§ 601.648 *Blue civil airway No. 48 control areas (Marathon, Fla., to Miami, Fla.).* All of Blue civil airway No. 48.

2. Section 601.1234 is amended to read:

§ 601.1234 *Control area extension (Marathon, Fla.).* Within 5 miles either side of a line bearing 219° True extending from the Marathon, Fla., nondirectional radio beacon to the northern boundary of the Havana, Cuba, Control Area excluding the portion below 2,000 ft. between Amber civil airway No. 7 and the Havana Control Area boundary, and within 5 miles either side of a direct line extending from the Marathon, Fla., nondirectional radio beacon to the Tamiami, Fla., nondirectional radio beacon.

3. Section 301.1408 is added to read:

§ 601.1408 *Control area extension (Miami, Fla.).* That airspace south of Miami bounded on the east by Miami control area extension (§ 601.1232), on the south by Blue civil airway No. 48 and Amber civil airway No. 7, and on the northwest by Blue civil airway No. 19; that airspace southwest of Miami bounded on the north by Blue civil airway No. 3, on the southeast by Blue civil airway No. 19 and on the west by the Marathon control area extension (§ 601.1234).

4. Section 601.1409 is added to read:

§ 601.1409 *Control area extension (Huntsville, Ala.).* Within 5 miles either side of the 341° True and 161° True radials of the Huntsville omnirange extending from the omnirange station to points 15 miles northwest and southeast excluding the portion which overlaps the Redstone Arsenal restricted area (R–112).

5. Section 601.2381 is added to read:

§ 601.2381 *Homestead, Fla., control zone.* Within a 5-mile radius of the Homestead Air Force Base and within 2 miles either side of the centerline of the northeast-southwest runway extending from the runway end to a point 10 miles southwest of the Homestead AFB nondirectional radio beacon.

6. Section 601.2382 is added to read:

§ 601.2382 *Huntsville, Ala., control zone.* Within a 6-mile radius of the Huntsville Municipal Airport excluding the portion which overlaps the Redstone Arsenal restricted area (R–112).

7. Section 601.4107 *Amber civil airway No. 7 (Key West, Fla., to United States-Canadian Border)* is amended by changing all before Miami, Fla., radio range station to read: "Key West, Fla., radio range station; Marathon, Fla., nondirectional radio beacon; Homestead, Fla., AFB nondirectional radio beacon; Miami, Fla., radio range station;".

8. Section 601.4648 is added to read:

§ 601.4648 *Blue civil airway No. 48 (Marathon, Fla., to Miami, Fla.).* The intersection of the southeast course of the Miami, Fla., radio range and the northeast course of the Key West, Fla., radio range.

9. Section 601.5001 *Other reporting points* is amended by adding the following reporting point:

Sable intersection: The intersection of the southwest course of the Perrine, Fla., radio range and the centerline of the Marathon control area extension (§ 601.1234).

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551).

This amendment shall become effective 0001 e. s. t. July 2, 1956.

[SEAL] JAMES T. PYLE,
*Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 56-4767; Filed, June 18, 1956; 8:46 a. m.]

# TITLE 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket 6236]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

MITCHELL S. MOHR ET AL.

Subpart—*Furnishing means and instrumentalities of misrepresentation or deception:* § 13.1055 *Furnishing means and instrumentalities of misrepresentation or deception.* Subpart—*Misrepresenting oneself and goods*—Business status, advantages or connections: § 13.1425 *Government connection;* § 13.1450 *Individual or private business as educational, religious or research institution;* § 13.1490 *Nature, in general.* Subpart—*Securing information deceptively:* § 13.2168 *Securing information deceptively.* Subpart—*Using misleading name*—vendor: § 13.2380 *Government connection;* § 13.2410 *Individual or private business being educational, religious or research institution or organization;* § 13.2425 *Nature, in general.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Mitchell S. Mohr dba National Research Company (Washington, D. C.) et al., Docket 6236, June 1, 1956]

*In the Matter of Mitchell S. Mohr, an Individual Trading and Doing Business as National Research Company, and Sydney Floersheim, an Individual Trading and Doing Business as S. Floersheim Sales Company*

This proceeding was heard by a hearing examiner on the complaint of the Commission, charging two individuals with operating schemes for obtaining information concerning delinquent debtors by subterfuge under which they sold printed mailing forms to collection agencies and merchants, certain of which, mailed from Washington, D. C., purported to emanate from an agency of the United States Government, others of which represented that certain amounts of money were due the addressee, and others of which represented that research projects were being carried forward to ascertain the brand of cigarettes or gasoline used by the addressee.

Following hearings in due course, the hearing examiner made his initial decision, including findings, conclusions, and order to cease and desist, which the Commission, in an opinion by the Chairman denying an appeal therefrom, adopted on June 1, 1956, as the decision of the Commission.

The order to cease and desist is as follows:

*It is ordered,* That respondents Mitchell S. Mohr, individually and trading as National Research Company, and Sydney Floersheim, individually and trading as S. Floersheim Sales Company, or trading under any other name or trade designation, jointly or severally, their representatives, agents and employees, directly or through any corporate or other device, in connection with the business of obtaining information concerning delinquent debtors, or the offering for sale, sale or distribution of forms, or other material, for use in obtaining information concerning delinquent debtors, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using or placing in the hands of others for use, any form, questionnaire, or other material, printed or written, which represents, directly or by implication, that the purpose for which the information is requested is other than that of obtaining information concerning delinquent debtors;

2. Representing, or placing in the hands of others any means of representing, directly or by implication, that money is being held for or is due, persons concerning whom information is sought, or is collectible by such persons, unless money is in fact due and collectible by such persons and the amount of such money is accurately stated;

3. Using the terms "Claims Office," "Reverification Office," or "United States Credit Control Bureau," or the picturization of an eagle, or any other word or phrase, or picturization of similar import to designate, describe or refer to respondents' business; or otherwise representing, directly or by implication, that requests for information concerning delinquent debtors are from the United States Government or any agency or branch thereof, or that their business is in any way connected with the United States Government;

4. Using the name "New Employment Status Questionnaire," or any other name of similar import to designate, describe or refer to Respondents' business; or otherwise representing directly or by implication that Respondents' business is that of gathering and furnishing information relative to employment;

5. Using the name "Disbursements Office," or any other name of similar import to designate, describe or refer to Respondents' business; or otherwise representing, directly or by implication, that money has been deposited with them for persons from whom information is requested, unless or until the money has in fact been so deposited, and then only when the amount so deposited is clearly and expressly stated;

6. Using the name "Cigarette and Tobacco Research Bureau," or "National Gasoline Research Bureau," or any other name of similar import to designate, describe or refer to Respondents' business; or otherwise representing, directly or by implication, that Respondents are a research bureau, or are engaged in research.

By "Final Order," report of compliance was required as follows:

*It is ordered* That the respondents, Mitchell S. Mohr and Sydney Floersheim, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order contained in the aforesaid initial decision.

Issued: June 1, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-4779; Filed, June 18, 1956; 8:48 a. m.]

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[Docket 6505]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

FUR & WOOL MILLS, INC., ET AL.

Subpart—*Misrepresenting oneself and goods*—Goods: § 13.1590 *Composition;* § 13.1685 *Nature.* Subpart—*Using misleading name*—Goods: § 13.2280 *Composition;* § 13.2315 *Nature.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Fur & Wool Mills, Inc., et al., Danbury, Conn., Docket 6505, May 31, 1956]

*In the Matter of Fur & Wool Mills, Inc., a Corporation, Platt Wool Corporation, a Corporation, Richard Becker and William Mond, Individually and as Officers of Said Corporations, S. Rosenfelder & Son, Inc., a Corporation, and William Mond, Individually and as an Officer of Said Corporation*

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging three corporations and their officers, occupying the same premises in Danbury, Conn., and closely related by stock ownership, common officers, and business relationships, with violating the Federal Trade Commission Act, through falsely invoicing fur fibers to mills and other purchasers as "Natural Guanaco," "Guanaco Fur Blend," "Mink Fur Blend," and "Beaver Fur Blend," when the predominant fiber in the product so described was not guanaco, mink, or beaver, respectively—and an agreement between the parties containing consent order to cease and desist.

On this basis, the hearing examiner made his initial decision and order to cease and desist, which became, on May 31, 1956, the decision of the Commission.

The order to cease and desist is as follows:

*It is ordered,* That respondent Fur & Wool Mills, Inc., a corporation, and its officers; respondent Platt Wool Corporation, a corporation, and its officers; respondent S. Rosenfelder & Son, Inc., a corporation, and its officers; and respondents Richard Becker and William Mond, individually and as officers of Fur & Wool Mills, Inc., and Platt Wool Corporation; and William Mond, individually and as an officer of S. Rosenfelder & Son, Inc., and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of fur fiber products, or any other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from: Misrepresenting the constituent fibers of which their products are composed, or the percentages or amounts thereof, in sales invoices or in any other manner.

By "Decision of the Commission," etc., report of compliance was required as follows:

*It is ordered,* That respondents Fur & Wool Mills, Inc., a corporation, Platt Wool Corporation, a corporation, Richard Becker and William Mond, individually and as officers of said corporations, S. Rosenfelder & Son, Inc., a corporation, and William Mond, individually and as an officer of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 31, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-4780; Filed, June 18, 1956; 8:48 a. m.]

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[Docket 6514]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

BUCKSPAN'S AND H. M. BUCKSPAN

Subpart—*Advertising falsely or misleadingly:* § 13.73 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.155 *Prices:* Comparative; § 13.285 *Value.* Subpart—*Invoicing products falsely:* § 13.1108 *Invoicing products falsely: Fur Products Labeling Act.* Subpart—*Misbranding or mislabeling:* § 13.1212 *Formal regulatory and statutory requirements:* Fur Products Labeling Act. Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Fur Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act; § 13.1870 *Nature:* Fur Products Labeling Act; § 13.1900 *Source or origin:* Fur Products Labeling Act: *Place.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U. S. C. 45, 69f) [Cease and desist order, Buckspan's et al., Dallas, Tex., Docket 6514, May 30, 1956]

*In the Matter of Buckspan's, a Corporation, and H. M. Buckspan, Individually and as an Officer of Said Corporation*

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging a corporation and its officers, with place of business in Dallas, Tex., with violating the Fur Products Labeling Act and the Federal Trade Commission Act, through false labeling and false invoicing which failed to disclose that certain fur products were composed of flanks, and failed to set forth information as required; and with false advertising in newspapers which failed to disclose the names of animals producing the fur, the country of origin, the fact that fur contained in the products was artificially colored, consisted of paws, tails, bellies or waste fur, or of flanks; which abbreviated required information; and which misrepresented prices and value—and an agreement consenting to issuance of an order to cease and desist.

On this basis, the hearing examiner made his initial decision and order to cease and desist which, by order of May 29, 1956, became, on May 30, the decision of the Commission.

The order to cease and desist is as follows:

*It is ordered,* That respondents, Buckspan's, a corporation, and its officers, and H. M. Buckspan, individually and as an officer of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce, of fur products, or in connection with the sale, advertising, offering for sale, transportation, or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur", and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing:

a. The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

b. That the fur product contains or is composed of used fur when such is a fact;

c. That the fur product contains or is composed of bleached, dyed, or artificially colored fur when such is a fact;

d. That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur when such is a fact;

e. The name, or other identification issued and registered by the Commission, of one or more persons who manufactured such fur product for introduction into commerce, introduced it into commerce, sold it in commerce, advertised or offered it for sale in commerce, or transported or distributed it in commerce;

f. The name of the country of origin of any imported furs used in the fur product;

2. Setting forth on labels attached to fur products:

a. Nonrequired information mingled with required information;

b. Required information in handwriting;

3. Failing to show on labels attached to fur products that the fur products are composed in whole or substantial parts of flanks when such is the fact;

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish invoices to purchasers of fur products showing:

a. The name or names of the animal or animals producing the fur or furs contained in the fur product, as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

b. That the fur product contains or is composed of used fur, when such is a fact;

c. That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is a fact;

d. That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is a fact;

e. The name and address of the person issuing such invoice;

f. The name of the country of origin of any imported fur contained in a fur product;

2. Setting forth required information in abbreviated form;

3. Failing to set forth on invoices pertaining to fur products that the fur products are composed in whole or in substantial part of flanks, when such is the fact;

C. Falsely or deceptively advertising fur products, through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale or offering for sale of fur products, and which:

1. Fails to disclose:

a. The name or names of the animal or animals producing the fur or furs contained in the fur product as set forth in the Fur Products Name Guide, and as prescribed under the rules and regulations;

b. That the fur products contain or are composed of bleached, dyed, or otherwise artificially colored fur when such is a fact;

c. That the fur products are composed in whole or in substantial part of paws, tails, bellies, or waste fur when such is the fact;

d. The country of origin of imported furs as required by the Fur Products Labeling Act or in the manner and form permitted by Rule 38 (b) of the rules and regulations promulgated thereunder (§ 301.38 (b) of this chapter);

e. Setting forth required information in abbreviated form;

f. That fur products are composed in whole or substantial part of flanks, when such is the fact;

2. Represents, directly or by implication, that the regular or usual price of any fur product is any amount which is in excess of the price at which the respondents have usually and customarily sold such products in the recent regular course of their business;

3. Makes use of comparative prices or percentage savings claims unless such compared prices or claims are based upon current market value of the fur product or upon a bona fide compared price at a designated time;

4. Makes pricing claims or representations of the type referred to in paragraphs C 2 and C 3 above, unless there is maintained by respondents an ade-

quate record disclosing the facts upon which such claims or representations are based.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is ordered*, That respondents Buckspan's, a corporation, and H. M. Buckspan, individually and as an officer of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 29, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-4781; Filed, June 18, 1956; 8:49 a. m.]

## TITLE 17—COMMODITY AND SECURITIES EXCHANGES

### Chapter II—Securities and Exchange Commission

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

SUBPART H—FORMS FOR REPORTS AS TO STABILIZATION

The following form has been amended: § 249.717 *Form X-17A-1,*[1] *for reports of stabilizing activities.*

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

APRIL 17, 1956.

[F. R. Doc. 56-4782; Filed, June 18, 1956; 8:49 a. m.]

## TITLE 19—CUSTOMS DUTIES

### Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54107]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

WAIVER OF COASTWISE TOWING LAWS

JUNE 14, 1956.

Upon written recommendation in the interest of national defense by the Secretary of the Army, acting under the delegation of August 18, 1955 (20 F. R. 6361), of certain powers of the Secretary of Defense with respect to matters concerning the St. Lawrence Seaway Power Project or the St. Lawrence Seaway Navigation Project, and by virtue of the authority vested in me by the act of December 27, 1950 (64 Stat. 1120), and Revised Treasury Department Order No. 165, as amended (T. D.'s 53654 and 53966), I hereby waive compliance with section 316, title 46, United States Code, to the extent necessary to permit the Canadian tugs "Harbor Master," "Radel," and "Newfie Queen" to tow the barges "Walsh Construction Company No. 51," "Walsh Construction Company No. 52," and "Walsh Construction Company No. 55" from Hawkins Point (near Massena), New York, to Cornwall, Ontario, and to permit the Canadian tug "Salvage Prince" to tow the barges from Cornwall, Ontario, to Alexandria Bay, New York, on one voyage, including a layover in Cornwall, the towing operation to commence on or about the date notification of the issuance of this waiver is received by the Tecon Corporation or its attorney.

(R. S. 161, 251, secs. 2, 3, 23 Stat. 118, as amended, 119 as amended, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624, 46 U. S. C. 2, 3)

[SEAL] C. A. EMERICK, *Acting Commissioner of Customs.*

[F. R. Doc. 56-4796; Filed, June 18, 1956; 8:52 a. m.]

[1] Filed as part of the original document.

## TITLE 32—NATIONAL DEFENSE

### Chapter V—Department of the Army

Subchapter G—Procurement

PART 590—GENERAL PROVISIONS

PART 591—PROCUREMENT BY FORMAL ADVERTISING

PART 592—PROCUREMENT BY NEGOTIATION

PART 594—INTERDEPARTMENTAL PROCUREMENT

PART 596—CONTRACT CLAUSES

PART 598—PATENTS AND COPYRIGHTS

PART 602—GOVERNMENT PROPERTY

PART 603—INSPECTION AND ACCEPTANCE

PART 605—PROCUREMENT FORMS

PART 606—SUPPLEMENTAL PROVISIONS

MISCELLANEOUS AMENDMENTS

1. Revoke §§ 590.251 and 590.252, revise § 590.253-1 and in § 590.253-2, revise portions under heading "Chemical Corps", "Quartermaster Corps", and "Transportation Corps", as follows:

§ 590.251 *Appropriated funds.* [Revoked.]

§ 590.252 *Change orders and supplemental agreements.* [Revoked.]

§ 590.253-1 *Purchasing office.* The term "purchasing office" when used in this procedure means any installation or activity, or any division, office, branch, section, unit, or other organizational element of an installation or activity within the Army Establishment (including post, camp, and station), charged with the functions of buying, purchasing, or contracting for supplies or services.

§ 590.253-2 *Principal purchasing offices.* • • •

CHEMICAL CORPS

Fort Detrick, Frederick, Maryland.

BW Laboratories, Army Chemical Center Procurement Agency, Army Chemical Center, Maryland.

Chicago Chemical Procurement District, Chicago, Illinois.

New York Chemical Procurement District, New York, New York.

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QUARTERMASTER CORPS

Philadelphia QM Depot, Philadelphia, Pennsylvania.

Headquarters, QM Market Center System, Chicago, Illinois.

Columbus General Depot, United States Army, Columbus, Ohio.

• • • • •

TRANSPORTATION CORPS

Transportation Supply and Maintenance Command, St. Louis, Missouri.

2. Section 590.456 is revoked and § 590.457 is redesignated as § 590.456.

3. In § 591.403, revise paragraphs (f) and (i); and revise §§ 591.405-3 and 591.405-50 as follows:

§ 591.403 *Rejection of bids.* • • •

(f) *Unreasonable bids.* Bids may be rejected if the Contracting Officer determines that such bids are not reasonable. The Contracting Officer may make partial award to low bidders whose prices are considered reasonable and reject all other bids as unreasonable.

• • • • •

(i) *Not responsible bidders.* (1) The lowest bid as to price may be rejected by the Contracting Officer if the bidder is determined to be not responsible. For the elements to be considered in determining responsibility see § 590.307 of this subchapter.

(2) Prior to rejecting the lowest bid when it has been received from a firm believed not to be a source of supply, as defined in § 1.201-9 of this title and § 590.201-9 of this subchapter, a request will be submitted to the Head of the Procuring Activity concerned for (i) a review of the facts and (ii) authority to reject the bid on the basis that the bidder does not qualify as a "source of supply." In forwarding such requests, Contracting Officers will be careful to verify all statements contained therein which are given as the basis for rejection, in order that there may be no just cause for complaint.

• • • • •

§ 591.405-3 *Disclosure of mistakes after award.* (a) In cases where alleged mistakes in bid are disclosed after award has been made, the case will be forwarded through normal channels to the Head of the Procuring Activity concerned, and will include the data listed in § 2.405-2 (e) (1) through (4) of this title. The following additional data will also be included:

(1) A copy of the contract and any supplemental agreements thereto.

(2) A signed statement by the contracting officer (i) describing the supplies or services involved (ii) specifying how and when the mistake was alleged (iii) summarizing the evidence submitted by the contractor (iv) disclosing the status of performance and payments under the contract (v) submitting any additional evidence considered pertinent (vi) setting forth his opinion as to whether a bona fide mistake was made (vii) recommending either approval or denial of the contractor's request.

(b) Heads of Procuring Activities are authorized to rescind or reform contracts provided that:

(1) The original contract price is under $500 or a resultant increase in price does not exceed $500 and the resultant price does not exceed that of the next higher bid or proposal, if such a higher bid or proposal was submitted; and

(2) There is a determination and findings made by the Head of the Procuring Activity concerned, upon advice of legal counsel, that the evidence is clear and convincing that a mistake in bid or proposal was made by the Contractor and that the resulting contract price should be increased in the amount determined by the Head of the Procuring Activity or that the contract should be rescinded.

(c) The Contracting Officer will attach a copy of such determination and findings to all copies of the contract modification and distribute such determination and findings as required by §§ 591.405-50 (b) and 591.406-5 (a); and

(d) The Contracting Officer will fully document the contract file for such review of the action as may be required by the Comptroller General of the United States in his audit of accounts.

(e) Where the request for rescission or reformation, if granted, would exceed the limitations set forth in paragraph (b) of this section, or where the request is not granted by the Head of the Procuring Activity concerned, the case will be forwarded to the Deputy Chief of Staff for Logistics, Department of the Army, ATTN: Chief, Purchases Branch. In such cases, the file will contain a statement of the Head of the Procuring Activity, setting forth his recommendation in the matter.

(f) Notice of significant change in contract status affecting a mistake in bid case being considered at a higher echelon will be forwarded promptly through normal channels to the office which will render the decision in the case.

§ 591.405-50 *Reports—(a) Determinations pursuant to delegated authority.* (1) The Chief of Engineers, the Chief of Ordnance, and The Quartermaster General will furnish to the Chief, Purchases Branch, Office of the Deputy Chief of Staff for Logistics, by the 10th of each month the following information relative to each administrative determination made during the preceding calendar month under the delegation of authority referred to in § 591.405-2 (a): (i) Copy of the Contracting Officer's statement described in § 2.405-2 (e) (5) of this title; (ii) copy of the determination referred to in § 2.405-2 (a) of this title; and (iii) such additional data as are material to the determination.

(2) Heads of Procuring Activities will furnish to the Chief, Purchases Branch, Office of the Deputy Chief of Staff for Logistics, by the 10th of each month the following information relative to each administrative determination made during the preceding calendar month under the delegation of authority referred to in § 591.405-3 (b): (i) Copy of the Contracting Officer's statement described in § 591.405-3 (a) (2); (ii) copy of the determination referred to in § 591.405-3 (b) (2); and (iii) such additional data as are material to the determination.

(b) *To Disbursing Officer.* The Contracting Officer will furnish a copy of the administrative determination, or a copy of the decision of the Comptroller General, if any, respecting a mistake in bid, to the Disbursing Officer to support any payment made or to be made by him.

4. Subparts B, C, and F of Part 592 are revised as follows:

SUBPART B—CIRCUMSTANCES PERMITTING NEGOTIATION

| Sec. | |
|---|---|
| 592.200 | Scope of subpart. |
| 592.200-50 | Limitation. |
| 592.201 | National emergency. |
| 592.201-1 | Authorization. |
| 592.201-50 | Limitation. |
| 592.202 | Public exigency. |
| 592.202-2 | Application. |
| 592.202-3 | Limitation. |
| 592.203 | Purchases not in excess of $1,000. |
| 592.203-2 | Application. |
| 592.204 | Personal or professional services. |
| 592.204-50 | Approval of award. |
| 592.205 | Services of educational institutions. |
| 592.205-2 | Application. |
| 592.207 | Medicines or medical supplies. |
| 592.207-2 | Application. |
| 592.208 | Supplies purchased for authorized resale. |
| 592.208-2 | Application. |
| 592.209 | Perishable subsistence supplies. |
| 592.209-2 | Application. |
| 592.210 | Supplies or services for which it is impracticable to secure competition by formal advertising. |
| 592.210-2 | Application. |
| 592.211 | Experimental, developmental, or research work. |
| 592.211-2 | Application. |
| 592.211-3 | Limitation. |
| 592.211-4 | Records and reports. |
| 592.212 | Classified purchases. |
| 592.212-2 | Application. |
| 592.213 | Technical equipment requiring standardization and interchangeability of parts. |
| 592.213-2 | Application. |
| 592.213-3 | Limitation. |
| 592.214 | Technical or specialized supplies requiring substantial initial investment or extended period of preparation for manufacture. |
| 592.214-2 | Application. |
| 592.214-3 | Limitation. |
| 592.215 | Negotiation after advertising. |
| 592.215-2 | Limitation. |
| 592.216 | Purchases in the interest of national defense or industrial mobilization. |
| 592.216-2 | Application. |
| 592.216-3 | Limitation. |
| 592.216-4 | Records and reports. |
| 592.217 | Otherwise authorized by law. |
| 592.217-2 | Application. |
| 592.218 | Construction work. |

AUTHORITY: §§ 592.200 to 592.218 issued under 62 Stat. 21; 41 U. S. C. 151-162.

§ 592.200 *Scope of subpart.* Subpart B, Part 3 of this title and this subpart are not applicable to purchases by negotiation specifically authorized by the Secretary under the authority of Title II, First War Powers Act, 1941, as amended by Public Law 921, 81st Congress. Negotiations under this authority will be governed by the procedures set forth in Subpart D, Part 606 of this subchapter.

§ 592.200-50 *Limitation.* (a) In those cases where negotiation is contemplated and a Determination and Findings by the Secretary is required, the request for proposals or request for quotations will not be issued until the Determination and Findings has been signed by the Assistant Secretary of the Army (Logistics), with the exception set forth in § 592.211-3 (a).

(b) When a separate facilities contract will be necessary to support a contract for supplies or services, and when the contract for supplies or services will require a determination by the Secretary, one Determination and Findings will be prepared to cover both contracts. The same section of the Armed Services Procurement Act of 1947 will be cited as the authority to negotiate both the supply or service contract and the supporting facilities contract.

(c) A determination by the Secretary is not required for the negotiation of any contract modification resulting from changes under the Changes Article of the basic contract, or for the modification of a cost type contract to provide additional funds only, without change in the scope of the contract.

§ 592.201 *National emergency.*

§ 592.201-1 *Authorization.* (a) A national emergency having been declared by the President on December 16, 1950, the Secretary has made the determination set forth below:

DEPARTMENT OF THE ARMY

DETERMINATION

*Authority to Negotiate during Period of National Emergency*

18 DEC. 1950.

1. A National Emergency having been declared by the President of the United States on 16 December 1950, I hereby determine in accordance with section 2 (c) (1) of the Armed Services Procurement Act of 1947, that it is necessary in the public interest that, to the extent provided in paragraph 2 hereof, purchases and contracts under said act be negotiated without formal advertising during the period of said National Emergency.

2. Accordingly, I hereby authorize the negotiation of purchases and contracts for supplies and services by the Department of the Army under section 2 (c) (1) of the Armed Services Procurement Act of 1947 during the period of said National Emergency.

(Signed) ARCHIBALD S. ALEXANDER, *Under Secretary of the Army.*

§ 592.201-50 *Limitation.* (a) See § 592.211-3 (a) and (b).

(b) This authority will be used only to the extent authorized in § 3.201-2 of this title.

(c) Section 2 (c) (1) of the Armed Services Procurement Act of 1947 will be cited as specific authority to negotiate a contract and each amendment thereof, for experimental, developmental, or research work, or for the manufacture or furnishing of supplies for experimentation, development, research, or test, when the estimated cost of either is $100,000 or less (§ 3.201-2 (b) of this title), except that this authority will not be used to negotiate a contract or an amendment thereof, regardless of amount, for experimental, developmental, or research work, or for the manufacture or furnishing of supplies for experimentation, development, research, or test, where the contract is entered into with an educational institution (§§ 592.205-2 (a) and 592.211-2).

§ 592.202 *Public exigency.*

§ 592.202–2 *Application.* (a) Section 2 (c) (2) of the Armed Services Procurement Act of 1947 may be used as authority for negotiating a contract if the compelling and urgent need for the supplies or services to be purchased is within the limitations of § 3.202 of this title and this section. In using this authority, Contracting Officers will assure themselves that the need for negotiating is sufficiently compelling and of unusual urgency, and that the emergency situation requires an immediate purchase for which delivery cannot be effected within the time required by means of formal advertising.

(b) When negotiating under this authority, competition to the maximum extent practicable within the time allowed will be obtained.

(c) A procurement of material to effect necessary and emergency repairs to a broken water main would be appropriate under § 3.202 of this title and this section, provided that the emergency conditions require immediate replacement of defective materials. This authority could also properly be cited for the emergency procurement of packing material required to effect an emergency air or rail shipment. The facts bearing on the emergency situation, must clearly be shown in the justification in sufficient detail to explain clearly the necessity for purchasing without formal advertising. The Contracting Officer's justification must be supported by the existence of specific emergency circumstances which in themselves relate to the particular purchase being effected.

(d) A short delivery or performance requirement in itself is not a sole justification for the use of section 2 (c) (2) of the Armed Services Procurement Act of 1947. The reasons for effecting delivery or performance by a certain date must be of such a nature that they will fully support the Contracting Officer's action in the event he finds it necessary to use this authority. When delivery requirements are of the utmost importance, officials supervising the issuance of procurement directives to Contracting Officers will be responsible for clearly indicating in the directives the exigent importance for having the supplies delivered by certain dates, including pertinent data as to the reasons therefor. In this connection, Contracting Officers should not be expected or required to negotiate contracts under this authority unless facts sufficient to support their actions can be presented to them in writing by responsible persons in positions of higher authority.

(e) Section 2 (c) (2), Armed Services Procurement Act of 1947, and § 3.202 of this title will not be used as authority to negotiate supplemental agreements to basic contracts supported by a Determination and Findings signed by the Secretary, except (1) when all the requirements of § 3.202 of this title and this section have been satisfied, and (2) when the supplemental agreement is for the purpose of expediting delivery or performance, such as through the use of overtime or extra-pay shifts.

§ 592.202–3 *Limitation.* A copy of the Contracting Officer's signed statement justifying the use of this authority required by § 3.202–3 of this title will be attached to the request for approval of award, if such approval is required by § 606.204 of this subchapter.

§ 592.203 *Purchases not in excess of $1,000.*

§ 592.203–2 *Application.* Purchases of contracts aggregating $1,000 or less shall be made in accordance with Subpart F, Part 3 of this title and Subpart F of this Part and section 2 (c) (3) of the Armed Services Procurement Act of 1947 shall be cited as the authority for negotiation (§ 592.602 (a)).

§ 592.204 *Personal or professional services.*

§ 592.204–50 *Approval of award.* (a) The requirements for approval of higher authority of contracts involving personal and professional services are set forth in § 606.204–1 (a) of this subchapter.

(b) The requirements for approval of higher authority of contracts containing provisions closely related to personal services contracts are set forth in § 606.204–1 (b) of this subchapter.

§ 592.205 *Services of educational institutions.*

§ 592.205–2 *Application.* (a) Section 2 (c) (5) of the Armed Services Procurement Act of 1947 will be cited as specific authority to negotiate all contracts and amendments thereof, regardless of amounts, including contracts for experimental, developmental, or research work, or for the manufacture or furnishing of supplies for experimentation, development, research, or test, and for supplies or services classified CONFIDENTIAL or higher, including Confidential Modified Handling Authorized, where the contract is entered into with an educational institution.

(b) For use as general guide, the phrase "other educational institution," as used in § 3.205 of this title and this section, is defined as follows: Any legal entity in the field of education organized and operated for the purpose of advancement of knowledge through study, training, or investigation, and which is not operated for a profit or no part of the earnings of which inure to the benefit of any individual directly or indirectly, may be considered as an educational institution.

(c) In negotiating a contract under this authority with a prospective Contractor who may qualify under the "other educational institution" provision, a statement, supported by conclusive evidence of his contention, will be obtained from the prospective Contractor as to whether he can qualify as an educational institution. The following are illustrative of supporting evidence which may be furnished:

(1) Acceptance by the Bureau of Internal Revenue as an educational institution.

(2) State recognition as an educational institution.

(3) Charter of the institution.

(4) Other evidence of the nonprofit character of the institution.

§ 592.207 *Medicines or medical supplies.*

§ 592.207–2 *Application—(a) Competition.* When supplies identified by brand or trade names are required (no specification being applicable thereto), and when such supplies cannot be purchased direct from the sole manufacturer, the solicitation for proposals should extend to as many known wholesale sources of supply handling the particular brand required as practicable.

(b) *Advance publicity.* In those purchases exceeding $10,000 negotiated under this authority, the form and extent of suitable advance publicity (which will be given for a period of at least 15 days whenever practicable) will be determined in accordance with instructions prescribed by each respective Procuring Activity.

§ 592.208 *Supplies purchased for authorized resale.*

§ 592.208–2 *Application—(a) Competition.* In negotiating under this authority, the Contracting Officer shall insure that full and free competition is solicited.

(b) *Advance publicity.* In those purchases exceeding $10,000 negotiated under this authority, the form and extent of suitable advance publicity (which will be given for a period of at least 15 days whenever practicable) will be determined in accordance with instructions prescribed by each respective Procuring Activity.

§ 592.209 *Perishable subsistence supplies.*

§ 592.209–2 *Application.* In negotiating under this authority, "perishable subsistence" shall be construed to mean those items of food determined to be of a perishable nature (as distinguished from nonperishable subsistence) by The Quartermaster General (see § 3.201–2 (b) (3) of this title) for nonperishable subsistence procurement.

§ 592.210 *Supplies or services for which it is impracticable to secure competition by formal advertising.*

§ 592.210–2 *Application.* (a) Section 2 (c) (10) of the Armed Services Procurement Act of 1947 may be used as an authority for negotiating a contract if the circumstances involved in the particular procurement are similar to those set forth in § 3.210 of this title. Care and sound judgment, however, will be exercised to prevent abusive use of this authority.

(b) The signed statement of justification required by § 3.210–3 of this title need not be in the form of a formal Determination and Findings. A simple narrative statement or certificate signed by the Contracting Officer will fulfill the requirement. A copy of such statement or certificate will be attached to requests for approval of awards, if such approval is required by § 606.204 of this subchapter.

§ 592.211 *Experimental, developmental, research work.*

§ 592.211–2 *Application.* Section 2 (c) (11) of the Armed Services Procurement Act of 1947 shall be cited as specific authority to negotiate a contract or an amendment thereof for new procurement for experimental, developmental, or research work, or for the manufacture or furnishing of supplies for experimentation, development, research, or test, when the estimated cost of either is over $100,000, except that this authority shall not be used to negotiate a contract or an amendment thereof, regardless of amount, for experimental, developmental, or research work, or for the manufacture or furnishing of supplies for experimentation, development, research or test, where the contract is entered into with an educational institution. (§§ 592.201–2 (a) and 592.205–2 (a)).

§ 592.211–3 *Limitation.* (a) If the negotiation of a contract or an amendment thereof for new procurement pursuant to the authority contained in § 3.201–2 (b) (4) of this title contemplates the obligation of $100,000 or less, but, after negotiations are completed, the contract or amendment for new procurement to be entered into will obligate more than $100,000 such contract or amendment for new procurement must be supported by a Determination and Findings signed by the Secretary as required by § 3.302 of this title.

(b) Subsequent to the time a research and development project is initially established and approved by the appropriate Technical Committee, the Secretary, pursuant to section 7 (a) of the Armed Services Procurement Act of 1947, will consider for approval and signature those Class Determinations and Findings submitted under this authority which pertain to such approved projects and which involve multiple purchases. At the time of requesting such a determination, the estimated total cost and number of all the negotiated contracts proposed to be executed under the authority of the class determination will be specified. Such determinations will cover a specified period of time and be prepared and submitted in the manner and form prescribed by § 592.305 (a).

(c) All requests for authority to negotiate contracts for experimental, developmental, or research work submitted for approval and signature of the Secretary will be supplemented by the following information:

(1) If the authority to negotiate pertains to an extension of a contract, the date of original contract, together with total funds obligated under previous contracts, shall be stated.

(2) A summary shall be furnished of what has been completed to date under previous contracts and what is anticipated under the proposed contract.

(3) An estimate of the time necessary to complete the work.

(4) Department of the Army project number.

(5) In those cases where the work covered by the proposed contract is in a field for which primary cognizance has been assigned to another technical service, a statement will be required that the cognizant service concurs in the proposed contract.

(6) If additional extensions are anticipated, a statement will be furnished as to the amount of the estimated additional expenditure. If extensions are not anticipated, it will be so stated.

§ 592.211–4 *Records and reports.* Reports required by § 3.211–4 of this title shall be made in the form and manner prescribed by Subpart C, Part 606 of this subchapter.

§ 592.212 *Classified purchases.*

§ 592.212–2 *Application* (a) As a matter of general procurement policy, Contracting Officers shall negotiate, rather than procure by formal advertising, when the proposed contract or purchase order or the supplies or services being procured are classified CONFIDENTIAL or higher, including Confidential Modified Handling Authorized except that, this authority shall not be used to negotiate a contract or an amendment thereof, regardless of dollar amount for experimental, development, or research work, or for the manufacture or furnishing of supplies for experimentation, development, research, or test, where the contract is entered into with an educational institution. §§ 592.205–2 and 592.211–2).

(b) In addition to the requirements of § 605.1608–5 of this subchapter, DD Form 254 (Security Requirements Check List) will be used in precontract negotiations when it is necessary for proposed contractors and subcontractors to have access to classified matter.

§ 592.213 *Technical equipment requiring standardization and interchangeability of parts.*

§ 592.213–2 *Application.* (a) The term "standardization," as used in connection with this authority, is that uniformity considered necessary to accomplish maximum interchangeability of parts, as distinguished from the general definition of standardization established in SR 715–50–20 (Special regulations concerning Department of Defense military specifications).

(b) Negotiation under this authority will be limited to purchases of items of technical equipment which must be taken into the field with troops and will not be applied to items of commercial equipment used exclusively in installations in the United States.

(c) Determinations and Findings supporting procurement by negotiation under this authority will be for a stated period of time, which period, in general, will be in ratio to the life of the item being procured.

§ 592.213–3 *Limitation.* Procurements will not be negotiated under this authority unless the supplies to be purchased have been approved for standardization by the Secretary. Requests for standardization shall be submitted to the Advisory Committee On Procurement Without Advertising of Technical Equipment and Components, which committee will act in an advisory capacity to the Secretary. Additional procedures with respect to the standardization of technical equipment may be issued by the committee. In the case of formal advertising contemplating subsequent negotiation of procurements of the same equipment from the successful bidder in the interest of standardization of equipment and interchangeability of parts, see § 591.201 (i) of this subchapter.

§ 592.214 *Technical or specialized supplies requiring substantial initial investment or extended period of preparation for manufacture.*

§ 592.214–2 *Application.* The propriety of a proposed negotiation under this authority cannot be adequately judged unless the accompanying justification indicates the relative size of the previous dollar investment compared to the total of the proposed purchase, what the previous dollar investment or previous preparation consists of (with respect to such factors as facilities, tooling, equipment, training and the like), and what the already accomplished period of preparation is (in years and months). The investment and period of preparation necessary should exclude those costs and preparations such as research and development costs and production preparation, which have already been accomplished as a result of previous Department of Defense or commercial contracts provided those results can be made available to other suppliers. In giving weight to the term "substantial initial investment," justification of "substantial" in this respect must be more than the mere fact that a manufacturer accomplished the initial tooling in a particular instance.

§ 592.214–3 *Limitation.* In submitting a request for approval and signature of the Determinations and Findings required by § 3.302 of this title, a justification for the use of this authority will be presented. The following are illustrative of facts to be considered and information to be included in such a justification:

(a) The advantage which will accrue to the Government by avoiding the duplication should be emphasized.

(b) The requirement "may require duplication of investment" should be invoked only when the preceding requirement of "substantial investment" has been substantiated.

(c) The requirement "may require duplication of preparation already made" should be invoked only when the preceding requirement of "requiring an extended period of preparation for manufacture" has been substantiated.

(d) The requirement "will unduly delay procurement" should be substantiated by statements that the supplier being considered can deliver by a certain date, other suppliers cannot deliver before a specified later date, delivery by a designated earlier date is necessary for military or logistical reasons, and therefore, the proposed supplier is the only supplier who can meet the required delivery terms of the proposed contract.

(e) The name of the supplier or suppliers with whom negotiations are to be conducted will be furnished.

§ 592.215 *Negotiation after advertising.*

§ 592.215–2 *Limitation.* (a) In the event that the Contracting Officer believes that the bid prices after advertis-

ing therefor are not reasonable he shall submit to the Deputy Chief of Staff for Logistics (Chief, Purchases Branch), before negotiation a request for determination together with the following information:

(1) A list of all bidders and their bid price or prices (Abstract of Bids);

(2) A statement as to the price or prices the Contracting Officer considers to be reasonable, and

(3) A statement by the Contracting Officer why the procurement cannot or should not be readvertised.

(b) In the event the Contracting Officer believes that the bid prices have not been independently arrived at in the open competition he will, in addition to the requirements in paragraph (a) of this section, submit the information required in § 591.406–4 of this subchapter.

§ 592.216 *Purchases in the interest of national defense or industrial mobilization.*

§ 592.216–2 *Application.* (a) Section 2 (c) (16) of the Armed Services Procurement Act of 1947 will be cited as specific authority to negotiate all contracts for Phase II and Phase III Industrial Preparedness Measures in connection with the Industrial Mobilization Programs.

(b) Industrial preparedness measures are measures accomplished by private or Government facilities to provide munitions more rapidly and economically during an emergency by reducing conversion or reactivation time, production time, production equipment, critical materials, manpower, and costs. These measures are divided into the three following groups. The scope indicated for each of the three types of measures is not all inclusive but is intended as a guide for the degree of preparedness to be obtained.

(1) *Phase I; exploratory measures.* (i) Studies to determine areas where major obstacles to required buildup exist, and to recommend action to reduce them.

(ii) Studies to determine the production capacity of a facility.

(2) *Phase II; engineering measures.* (i) Redesign of an item for mass production.

(ii) Redesign of an item or other means to reduce or eliminate critical materials.

(iii) Improvement of manufacturing processes by development of new methods, techniques, or production equipment.

(iv) Steps preparatory to production in a specified plant, including plant layout, list of production equipment, flow charts, routing sheets, bills of materials, names of suppliers, and other necessary elements.

(v) Establishment of pilot production lines.

(3) *Phase III; production measures.* (i) Pilot production to test manufacturing processes.

(ii) Educational orders, the primary purpose of which is to expand the mobilization base.

(c) Section 2 (c) (16) of the Armed Services Procurement Act provides for three alternative determinations by the Secretary, any one or more of which may be used to authorize negotiation, subject to the limitation in § 592.216–3 (b). Under these alternative determinations the Secretary is required to determine that:

(1) It is in the interest of the national defense that any plant, mine, or facility or any producer, manufacturer, or other supplier be made or kept available for furnishing supplies or services in the event of a national emergency, or

(2) The interest of industrial mobilization in case of such an emergency is subserved, or

(3) The interest of national defense in maintaining active engineering, research and development is subserved.

(d) The first alternate determination (paragraph (c) (1) of this section) must be based on particular named suppliers which are to be made or kept available. This alternate may be used when:

(1) Mobilization planned base suppliers have been established, and competition is to be restricted to such suppliers, and the contract or contracts are to be placed with one or more of them, or

(2) Mobilization planned base suppliers have not been established, and the proposed procurement is to be used to establish such a base, and competition is to be restricted to those suppliers known to meet mobilization base qualifications.

(e) The second alternate determination (paragraph (c) (2) of this section) may be used when:

(1) It is desired to consider improvement in an established mobilization base through the acceptance of proposals from suppliers not in the planned base, or

(2) Mobilization planned base suppliers have not been established and the proposed procurement is to be used to establish such a base among suppliers all of whom are not presently known to meet mobilization base qualifications, and

(3) The interest of industrial mobilization in the event of a national emergency is thereby subserved.

(f) The third alternate determination (paragraph (c) (3) of this section), may be used either with or without relation to an established mobilization base, when the maintenance of active engineering, research, and development is essential in the interest of national defense.

(g) Supporting data transmitted with a Determination and Findings under section 2 (c) (16) of the act, for the procurement of supplies, must clearly demonstrate that the supplies to be procured are of such a nature that procurement must be effected by negotiation in order to meet the objectives stated in the applicable determinations. This data should include, as a minimum, the following information entered in subparagraph (2) of the transmittal form prescribed in § 592.306 (a).

(1) Statement that the supplies appear in the DOD "Preferential Planning List of End Items," or "Department of the Army Planning List" (or statement of pending action to enter).

(2) Initial and reorder lead times for the supplies.

(3) Minimum quantity required for economical production of the supplies.

(4) Number of planned mobilization suppliers.

(5) Number of current producers of the supplies.

(6) Government investment in facilities and tooling in plants of planned mobilization suppliers.

§ 592.216–3 *Limitation.* (a) When a Determination and Findings is prepared to include the first alternate determination in § 592.216–2 (c) (1), the suppliers must be named with whom negotiations will be conducted, and the planned number of suppliers to be awarded contracts must be shown. This information will be included in the Determination and Findings as a continuation of paragraph 1 (a) of the form illustrated in § 592.305, and may be entered in the following manner:

---------- proposes to procure ---------- through negotiation with the following suppliers and award a contract or contracts to (insert number) of these suppliers: (list names of all suppliers). It is usually unnecessary to name suppliers in the Determination and Findings when the second or third alternate determinations in § 592.216–2 (c) (2) and (3) alone, are included therein.

(b) When the proposed procurement of mobilization base items is substantially larger than the quantity which must be awarded in order to meet the objectives stated in the applicable determinations under section 2 (c) (16) of the act, that portion not required to meet such objectives shall ordinarily be obtained through formal advertising, or by negotiation under another appropriate section of the act.

§ 592.216–4 *Records and reports.* Reports required by § 3.216–4 of this title shall be made in the form and manner prescribed by Subpart C, Part 606 of this subchapter.

§ 592.217 *Otherwise authorized by law.*

§ 592.217–2 *Application.* Section 2 (c) (17) of the Armed Services Procurement Act of 1947 preserves the authority to negotiate contracts specifically conferred by statute other than the Armed Services Procurement Act of 1947 and not repealed therein. Contracts will not be negotiated under this authority without the prior approval of the Chief, Purchases Branch, Office of the Deputy Chief of Staff for Logistics. Requests for such approvals, with respect to either individual or classes of contracts, will contain a statement of pertinent facts and reasons therefor, including the citation of the applicable statute, and will be submitted through the Head of the Procuring Activity concerned to the Chief, Purchases Branch, Office of the Deputy Chief of Staff for Logistics.

§ 592,218 *Construction work.* Since the authority contained in § 3.218 of this title is not completely self-sufficient and can be used only in conjunction with other statutory exceptions to formal advertising, § 3.218 of this title and this section will not be cited as authority for negotiating the procurement of construction work. Only sections 2 (c) (1), (2), (3), (6), (10), (11), (12), or (15) of the Armed Services Procurement Act of 1947 will be used as authority to negotiate construction work.



### SUBPART C—DETERMINATIONS AND FINDINGS

Sec.
592.301 Nature of determination and findings.
592.302 Determinations and findings by the Secretary.
592.303 Determinations and findings by the Head of a Procuring Activity Signing as "a chief officer responsible for procurement".
592.305 Forms of determinations and findings.
592.306 Procedure with respect to determinations and findings.
592.307 Distribution of copies of determinations and findings.
592.308 Retention of copies of determinations and findings and of other records.

AUTHORITY: §§ 592.301 to 592.308, issued under 62 Stat. 21; 41 U. S. C. 151–162.

§ 592.301 *Nature of determinations and Findings—(a) Individual determination and findings.* Each proposed form of an individual Determinations and Findings will be prepared in accordance with §§ 592.200–50 and 592.305.

(b) *Class determinations and findings.* (1) Determinations and Findings, referred to throughout Part 3 of this title, and this part, may be made with respect to classes of purchases or contracts only by the Secretary. In each such case the proposed form of a Determination and Findings will provide that such class of purchases or contracts may be negotiated during a special period only. Each proposed form of a class Determination and Findings will be prepared in accordance with § 592.305. The policy of the Department of the Army is to make determinations with respect to the negotiation of classes of purchases or contracts when justified by special circumstances.

(2) Class Determinations and findings are generally appropriate only when multiple purchases are to be made within the designated class for a specified period of time. The data supporting the designation of a class should include all facts which establish the relationship of the supplies, services, or contracts within the class. The following circumstances are listed as a guide in determining whether a Class Determination and Findings is appropriate:

(i) The supplies or services are so related as to constitute a logical and distinctive class within the general category described by the applicable section of the Armed Services Procurement Act of 1947.

(ii) The circumstances justifying negotiation of all purchases under the class are of a continuing nature.

(iii) Numerous purchase actions under each class are expected for the time period covered by the Determination and Findings. For further guidance relating to identity of research and development classes, see § 592.211–3 (b).

§ 592.302 *Determinations and findings by the Secretary.* In addition to the Determinations and Findings required by § 3.302 of this title, Determination and Findings with respect to procurement actions effected pursuant to Title II, First War Powers Act, 1941, as amended, except as otherwise specifically authorized in Subpart D, Part 606 of this subchapter, shall be made only by the Secretary. Action taken by the Army Contract Adjustment Board in this regard is deemed to be the action of the Secretary.

§ 592.303 *Determinations and findings by the Head of a Procuring Activity signing as "a chief officer responsible for procurement."* (a) In addition to the determinations, and written findings in support thereof, authorized to be made by the Head of a Procuring Activity by § 3.303 of this title, the Head of a Procuring Activity, signing as "a chief officer responsible for procurement" may make determination required by § 592.407 (b) with respect to the use of a Time and Materials Contract.

(b) The Head of a Procuring Activity may delegate authority to make the determinations and written findings required by §§ 3.403–4, 3.404–1 and 3.404–3 of this title to the Deputy Head, Assistant Head, or Chief of Staff of the Procuring Activity, and to chiefs of principal purchasing offices. He also may personally select one alternate for each such delegate, provided, however, that such alternate will be empowered to make the required determination only during periods of official absence of the delegate for whom he has been selected as alternate. Neither delegates nor alternates may redelegate this authority.

(c) Determinations and Findings which may be made by the Head of a Procuring Activity in connection with procurement actions effected under the authority of Title II of the First War Powers Act, 1941, as amended, are set forth in § 606.403–4 of this subchapter. Such authority may not be delegated below the level of the Head of a Procuring Activity unless specifically authorized by the Assistant Secretary of the Army (Logistics).

§ 592.305 *Forms of determinations and findings—(a) Authority to negotiate an individual contract—(1) Form.* Individual Determinations and Findings with respect to the negotiation of contracts under the authority of §§ 3.211 to 3.216, inclusive, of this title and as otherwise required by this subchapter shall be prepared for the signature of the Assistant Secretary of the Army (Logistics) (or where authorized by § 3.211 of this title for the signature of the Head of the Procuring Activity signing as "a chief officer responsible for procurement") substantially in the form set forth below and in the manner prescribed in § 592.306 (signed certificate required only on the original copy when approval of the Secretary is required).

DEPARTMENT OF THE ARMY

DETERMINATION AND FINDINGS

*Authority to Negotiate an Individual Contract*

1. I hereby find that:

a. The (insert name of Procuring Activity) proposes to procure (describe briefly, the scope of the work, or the nature of the supplies or services called for).

b. The estimated cost of the proposed procurement is $----------, chargeable to fiscal year ------ funds.

c. The procurement of the above described supplies (services) by formal advertising is not feasible because (summarize such pertinent facts as are available and relevant to support the determination to be made in paragraph 2).

2. Upon the basis of the findings set forth above, I hereby determine that (insert statement of required determination under applicable paragraph of Subpart B, Part 3 of this title or Subpart B, Part 592).

3. Providing that the above supplies (or services) have otherwise been authorized for procurement, they may, therefore, be procured by negotiation pursuant to Section 2 (c) (insert applicable subparagraph) of the Armed Services Procurement Act of 1947 (Public Law 413, 80th Congress), and paragraph (insert applicable ASPR authority) of the Armed Services Procurement Regulation.

I certify that the statements made herein (and in the attachments hereto) are correct to the best of my knowledge and belief.

Signature is recommended.

----------
(Signature)
(Title: Head of procuring activity, his deputy or chief of staff)

(2) *Scope of determinations and findings.* In general, each Determination and Findings will be confined to a single page, setting forth the necessary findings as briefly as possible. Facts will be limited to those which are necessary and relevant to support the determinations to be made. With respect to the determination, it is important to set forth only that one which is most responsive to the various findings, and necessarily to confine it to the requirements and the particular language set forth under the applicable exception in the act; further in this connection, it is important to guard against a determination in the alternative (except possibly for the one relating to "experimental, developmental, or research work"). If certain requirements are optional, however, it is desired that the Determination and Findings list only those requirements of the exception which are essential and can be strongly supported. All other pertinent information should be included in the request for approval and signature of the Determination and Findings by the Secretary.

(b) *Authority to negotiate a class of purchase or contracts.* Determinations and Findings with respect to the negotiation of classes of purchases or contracts, as referred to in § 3.301 of this title and § 592.301, shall be prepared as set forth in paragraph (a) of this section, with appropriate modifications to make it applicable to a class of purchases or contracts. All such class Determinations and Findings will be prepared for the signature of the Assistant Secretary of the Army (Logistics).

(c) *Advance payments.* Determinations and Findings with respect to advance payments is set forth in Subpart E, Part 3 of this title and Subpart E of this Part.

(d) *Method of contracting.* Determinations and Findings with respect to the use of a cost, cost-plus-a-fixed-fee, or incentive type contract, as set forth in Subpart D, Part 3 of this title and Sub-

part D of this part, will be prepared for the signature of the Head of the Procuring Activity, or the officer or individual to whom authority to sign such a determination and findings has been delegated pursuant to § 592.303 (b), substantially in the following form. (Heads of Procuring Activities and Contracting Officer may use the form set forth below as a guide in making the determination required by § 592.407. If such use is made of the form, change the citation "section 4 (b)" to "section 4 (a)" in paragraph 2):

DEPARTMENT OF THE ARMY

DETERMINATION AND FINDINGS

*Method of Contracting*

1. I hereby find that:

a. The (insert name of Procuring Activity) proposes to procure (describe briefly the scope of the work, or the nature of the supplies or services called for).

b. The estimated cost of the proposed procurement is $------ (including, when applicable, a statement as to the percentage of proposed fixed fee), chargeable to fiscal year ------ funds.

c. The use of a (insert type of a contract to be used) contract is the most practicable and likely to be the least costly method of contracting because (summarize such pertinent facts as are available and relevant to support the determination to be made in paragraph 2).

2. Upon the basis of the findings set forth above, I hereby determine that pursuant to Section 4 (b) of the Armed Services Procurement Act of 1947 (Public Law 413, 80th Congress), and paragraph (insert applicable ASPR authority of the Armed Services Procurement Regulation, that the use of a (insert type of contract) contract (a) is likely to be less costly than other methods of contracting, or (b) that it is impracticable to secure supplies (or services) of the kind or quality required without the use of a (insert type of contract) contract.

---
(Signature)

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(Title)

§ 592.306 *Procedure with respect to determinations and findings.* (a) Requests for approval of Determinations and Findings, referred to throughout Part 3 of this title and this part, and requiring the signature of the Secretary, will contain a complete statement of facts and recommendations and be accompanied by the Determination and Findings prepared for the appropriate signature, as well as such supporting data as are necessary to demonstrate the applicability of the cited section of the Armed Services Procurement Act of 1947.

(b) Request for approval of Determinations and Findings of authority to negotiate submitted for the signature of the Assistant Secretary of the Army (Logistics) will be signed by or for the Head of the Procuring Activity and will include the following information in support of the requested determination:

(1) Complete statement of facts on the proposed procurement(s). The statement of facts should contain sufficient descriptive information to enable the Assistant Secretary of the Army (Logistics) to make determination required by the cited section of the act. The following minimum data should be contained in this statement of facts, except that additional data required by § 592.211 (c) (1) through (6) will be included when the determination is under § 3.211 of this title and § 592.211:

(i) Brief description of the supplies or services to be procured.

(ii) Description of any production or industrial mobilization characteristics of the supplies or services, the procurement of which requires limited competition.

(iii) Expected starting and completion dates of the contract(s), and the estimated dollar amount of the purchase(s), for individual Determinations and Findings. For Class Determinations and Findings, the estimated total number of purchases with the estimated total dollar amount, for the time period to be covered by the determination.

(iv) Date of the original contract, name of the Contractor, and total funds obligated to date, when the purchase action submitted for a Determination and Findings is a contract modification.

(v) Type of contract which it is anticipated will be utilized, e. g., fixed-price, incentive, cost-plus-a-fixed-fee, etc. (unnecessary for Class Determinations and Findings).

(vi) Name and location of firm, when solicitation is limited to a single source, with brief explanation therefor.

(2) Data indicating applicability of the cited section of the Armed Service Procurement Act of 1947. This data should demonstrate that the supplies, work, and circumstances are of the nature described by the pertinent section of the act. Department of the Army approved programs and projects should be cited if they serve to identify the procurement as research and development, interests of industrial mobilization, etc. Previous contracts, status of government tooling and facilities, and mobilization planning status are examples of other data which serve to identify the procurement with the cited section of the act.

(3) Data supporting designation of any classes for Class Determinations and Findings.

(4) Recommendation for signature of the Determination and Findings.

(c) The Determination and Findings, request for approval and signature, and all supporting documents will be submitted in an original and five copies (if Military Interdepartmental Purchase Requests or similar documents relating to the transfer of funds are being submitted, duplicate copies of such documents will be sufficient) to the Deputy Chief of Staff for Logistics, Department of the Army.

(d) Requests for approval and signature by the Secretary in connection with Determinations and Findings authorizing procurement by negotiation may be accompanied by a request for approval of award in those cases requiring such award approval pursuant to § 606.204 of this subchapter.

(e) Determinations and Findings in connection with procurement actions effected under authority of Title II, First War Powers Act, 1941, as amended, will be requested as prescribed in Subpart D, Part 606 of this subchapter.

§ 592.307 *Distribution of copies of determinations and findings*—(a) *Individual determinations.* One authenticated copy of each Determination and Findings required by Subpart C, Part 3 of this title will be sent to the United States General Accounting Office, citing the original assigned contract number of each contract negotiated and executed thereunder. The original signed copy of each Determination and Findings will be filed with the signed copy of the contract retained in the official files of the purchasing office or Procuring Activity concerned. Additional copies may be distributed in accordance with instructions issued by the Head of the Procuring Activity concerned. When one Determination and Findings covers both a supply or service contract and a supporting facilities contract (§ 592.200–50 (b)), the original signed copy will be filed with the supply or services contract, and an authenticated copy will be filed with the facilities contract.

(b) *Class determinations.* One authenticated copy of each Determination and Findings made with respect to classes of purchases or contracts will be sent to the United States General Accounting Office citing the original assigned number of the first contract negotiated thereunder. Each subsequent contract negotiated thereunder shall refer on its face to the particular class Determination and Findings on file with the General Accounting Office, citing the number of the original contract. The original signed copy of each class Determination and Findings will be filed with the signed copy of the first contract negotiated thereunder retained in the files of the purchasing office or Procurement Activity concerned. Additional copies may be distributed in accordance with instructions issued by the Head of the Procuring Activity concerned.

§ 592.308 *Retention of copies of determinations and findings and of other records*—(a) *Preaward transaction file.* (1) Each purchasing office or installation which initiates or effects procurement by negotiation will maintain a master file for each procurement initiated. This file will contain the original or a certified copy of each paper related to the procurement, beginning with the procurement directive or other paper initiating the procurement. The purpose of the file is to provide a complete resume of the transaction prior to and including the award. This master file will be preserved in the office or installation which initiated the procurement for a period of 6 years following final payment on the contract or contracts entered into under the directive. As a minimum in negotiated procurement, a memorandum for record, signed by the Contracting Officer briefly setting forth facts, conclusions, and actions taken regarding the transaction will be included in the contract file in cases where such facts, conclusions, and actions taken are not otherwise reflected in the summary of negotiations and contract award data where such summary is required. Memorandum for record and summary of negotiations as mentioned above are not a mandatory requirement for negotiated purchases under $1,000. Exceptions to the requirement of this subparagraph to maintain a master file for each procurement initiated are permitted only if responsibility for the file is transferred to another office, or, if early retirement or destruction is authorized under the provisions of AR 345–280 (Army Regulations pertaining to maintenance and disposition of supply administration files).

(2) In the event the resulting contract or contracts are transferred to other offices or installations for administration, only those records that are necessary for the administration of the contract are required to be forwarded to the administering office or installations. The cover sheet for the contract administration file maintained by the office or installation administering the contract (§ 592.308 (b)) will identify the master file and give the name of the installation where the contract was initiated and where all records not transferred are maintained. Original or authenticated copies of correspondence pertinent to the contract and all required determinations and findings with supporting data, such as are involved in mistakes in proposals, preaward surveys, etc., pertaining to a particular contract will accompany such contract at all times.

(3) The file containing the records and documents of negotiations referred to in subparagraph (1) of this paragraph shall be identified by a cover sheet designated as "Summary of Negotiation and Contract Award Data." The Head of each Procuring Activity is authorized to publish an appropriate form of such designation and to delegate authority for local reproduction. The form so published shall include as a minimum a check list and certification substantially as detailed below. Additional items and/or reductions of monetary limits separating Parts I and II of the form, determined by the Head of a Procuring Activity to be necessary or appropriate to its contract procedure or records thereof, may be included in the form promulgated by the Procuring Activity.

SUMMARY OF NEGOTIATION AND CONTRACT AWARD DATA

The purpose of this summary, pursuant to § 592.308, is to present a brief statement of basic data as to which complete detail in narrative or documentary form are contained in the assembled file underlying this cover sheet. Each pertinent item on this form is to be completed either by filling in blanks or by the insertion of data appropriate to the purpose of the item and as to which supporting papers are contained in the file.

Contract date _____ Contract No. _____
Name of Contractor _____

Part I. Items 1 to 8 below will be completed for all negotiated contracts, except those covering small purchase.

1. (Copy of procurement order, requisition, or document upon which procurement is based, or reference thereto.)
2. (Complete justification for negotiation.)
3. (Copy of request for proposals, including drawings and specifications or reference thereto.)
4. Number of requests for proposals distributed _____
   Date of distribution _____
   Number of proposals received _____
   Date of awards _____
5. (Statement relative to contingent fees, signed by the Contractor.)
6. (Special contract provisions, or reference thereto.)
7. Small business _____ (Yes or No)
8. Regular dealer _____ or manufacturer _____ (Yes or No)

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Part II. Items 9 to 14 below will be completed for negotiated contracts which are expected to exceed $25,000 (except the Head of each Procuring Activity may reduce the dollar value if desired.)

9. Labor area classification _____
10. Amount of work to be subcontracted $_____ percent.
11. (Explanation of any Government financial assistance required by the Contractor.)
12. (Detail of survey or other determination of Contractor's ability to consumate the contract.)
13. (Justification for this award, and determination if required.)
14. (Summary of proposal received, with comparative information on all factors entering into total costs.)

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I certify that I have this date reviewed this contract file and that it contains papers in support of the above data and is otherwise considered to provide a clear and complete record of the negotiation and award of this contract.

Signature _____
(Contracting officer, or contracting officer's representative)

(Date) _____

(b) *Contract administration file.* Each purchasing office or installation administering contracts awarded by negotiation will maintain files which will provide a complete résumé of the administration of each contract. Unless these files are set up on an individual contract basis they must be so organized that they will provide an accurate and complete identification and cross-reference to related files. Upon final payment, all papers pertaining to the administration of a particular contract will be consolidated into a single file. This file will be preserved in such office or installation for a period of 6 years following the final payment on the contract unless retired under AR 345–280.





SUBPART F—SMALL PURCHASES


Sec.
592.601 Purpose.
592.602 Policy.
592.604 Imprest Fund (petty cash) method.
592.605 Order-invoice-voucher method (Standard Form 44).
592.605–50 Instructions for use.
592.605–51 Preparation.
592.605–52 When Standard Form 1034 (Public Voucher for Purchases and Services Other Than Personal) is used in conjunction with Standard Form 44.
592.650 Order and voucher for purchase of supplies or services (DD Form 738 and 738–1).
592.650–1 General.
592.650–2 Use as a purchase order or delivery order.
592.650–3 Use in conjunction with monthly charge accounts.
592.650–4 Use for consolidation of deliveries into one order.
592.650–5 Use as a receiving and inspection report.
592.650–6 Use as a vendor's invoice.
592.650–7 Use as a voucher.
592.650–8 Limitations.
592.650–9 General instructions.
592.650–10 Termination for default.
592.650–11 Use in postal channels—APO shipments.
592.650–12 Use for shipment to Army attachés.
592.650–13 Use of reproducible masters.
592.650–14 Additional instructions.


AUTHORITY: §§ 592.601 to 592.650–14 issued under 62 Stat. 21; 41 U. S. C. 151–162.

§ 592.601 *Purpose.* (a) The Department of the Army has established four procedures authorized by the Department of Defense, to simplify small purchases, namely, the use of Imprest Funds, Standard Form 44 (Purchase Order—Invoice—Voucher), DD Form 738 (Order and Voucher for Purchase of Supplies or Services), and Charge Accounts. These forms and procedures are designed so that proper utilization thereof will simplify the small purchase procedure and reduce administrative costs and workload. In addition to these four procedures, negotiated procurements may be made, where deemed necessary by the Contracting Officer, by the use of other approved purchase forms not specifically designed for small purchases. It is incumbent upon the Contracting Officer to choose that method which best fits the requirements of any particular purchase and to make use of the form or method which will involve the least paper work and expense to the Government.

(b) This subpart is to be considered as a general guide in the making of small purchases except where specific action is directed. It is anticipated that procedures at individual installations or commands will vary slightly according to local conditions and to meet specific situations. In this connection audits, inspections, requests for copies of purchase documents, completeness of contract files, and normal procurement safeguards in general must be considered with respect to the objectives to be attained.

(c) When an additional voucher copy of Standard Form 44 or DD Form 738 is required for the Finance and Accounting Officer to support the "Transactions for Others" the Contracting or Ordering Officers will use a blank manifold sheet of paper interleaved with carbon for this purpose.

(d) Only the minimum adequate protection should be established in the small purchase area. Any additions tend to increase the administrative costs and workload. The extent of such protection to the Government is a command decision at each successive echelon.

§ 592.602 *Policy.* (a) Small purchases as defined in § 3.600 of this title shall be made by negotiation and section 2 (c) (3), Armed Services Procurement Act of 1947, will be cited as the authority for such purchases (§ 592.203).

(b) Sections 590.307 and 592.150 and § 606.204–11 of this subchapter are not applicable to small purchases.

(c) Quotations by vendors incident to small purchases will be solicited in accordance with § 3.603 of this title. See also § 606.201 (b) of this subchapter.

§ 592.604 *Imprest Fund (petty cash) method.* (a) The Imprest Fund is the method preferred for accomplishing small purchases when cash payment is

contemplated. In addition to the instruction in § 3.604 of this title the details of its operation are contained in AR 35–350 (Army Regulations pertaining to imprest funds for small purchases). It is the only authorized cash small purchase procedure, except for cash payments by Accountable Disbursing Officers.

(b) The Imprest Fund may be used to pay for items ordered from open-end contracts including the Federal Supply Schedules if the vendor concurs.

(c) On Standard Form 1165 (Receipt for Cash-Subvoucher) there is space to list only four items. If more space is necessary in a purchase transaction using the Imprest Fund, a plain sheet of paper may be used as a continuation sheet. The total amount of the transaction must appear on the Standard Form 1165.

(d) For transactions utilizing the Imprest Fund, an individual other than the Contracting Officer may be appointed as an Ordering Officer in the same manner and under the same conditions as prescribed in § 592.605–50 (a).

§ 592.605 *Order-invoice-voucher method (Standard Form 44).* (a) Standard Form 44 (U. S. Government Purchase Order—Invoice—Voucher) is printed as a carbon interleaved form (five sheets per set) and provides in one document a purchase (or delivery) order, a receiving report, a property voucher, and a payment voucher.

(b) The requisition of Standard Form 44 will be made by one office at each installation for control purposes. Blank forms will be issued only to authorized Ordering Officers.

(c) Requisitions will be submitted to the appropriate adjutant general publications depot for the necessary forms.

§ 592.605–50 *Instructions for use.* (a) Purchases with this form will be accomplished by an Ordering Officer. The Ordering Officer may be a Contracting Officer or any other person designated by the commanding officer of the installation. For example, representatives of the post repair shop, post supply offices, organizational units, and other offices may be appointed as ordering officers to facilitate the accomplishment of such purchases for the user. The appointment of such Ordering Officers should define the scope and limitations of their authority, such as the supplies or services that may be purchased.

(b) The Ordering Officer will be responsible for assuring that funds have been made available in the estimated amount of the purchase contemplated, and for entering in the appropriate space, on Standard Form 44, the proper accounting classification to be charged. The signature of the Ordering Officer on Standard Form 44 will constitute the certification that funds are available under the appropriation and allotment cited. Where purchases occur frequently, the Ordering Officer may obtain a lump-sum certification of funds from the Fiscal Officer under each applicable allotment account for a specified period of time. The Ordering Officer will advise the Fiscal Officer before the close of each accounting month of the amount of all purchases made on Standard Form 44 which have not been submitted to him for recording the obligation (§ 592.605–51 (l)).

(c) The citation of Section 2 (c) (3), PL 413, 80th Congress on Standard Form 44 is not necessary.

(d) Standard Form 44 may be used for the purchase of supplies or services under the following conditions:

(1) As a purchase order when no special contract form or clauses are necessary.

(2) To order items from the Federal Supply Schedules, or from General Services Administration Stores Depots.

(3) To place delivery orders against open end or call type contracts.

§ 592.605–51 *Preparation.* Ordering Officers will execute Standard Form 44 at the time of purchase. All copies of the form must be legible. Entries will be printed with indelible pencil or ballpoint pen or typed in the spaces, as outlined below:

(a) Enter purchase order number and date of order.

(b) Enter business or trade name and address of the seller.

(c) Enter the name and address of the organization that is to receive the supplies or services.

(d) The columns headed "Quantity" and "Item" will be filled in by the Ordering Officer. The columns headed "Unit Price" and "Totals" and the block designated "Discount Terms" are to be filled in either by the seller or by the Ordering Officer prior to the form being signed by the Ordering Officer.

(e) In the block headed "Agency" enter "Department of the Army", and the name and address of the issuing office or organization:

Example:
Department of the Army
Ordnance Maintenance Shop
Fort Hood, Texas

(f) In the block headed "Appropriation, Limitation, Project or Other Accounting Classification" enter the complete accounting classification against which the purchase is to be charged.

(g) The block headed "Order by" will be signed by and include the title of the Ordering Officer.

(h) The block headed "Purpose" may be left blank.

(i) The signature of the seller must be obtained in the space for certification of the bill or in lieu thereof certified vendor's invoice attached to the original Standard Form 44 (Copy No. 1).

(j) Receipt of the items will be accomplished by the individual authorized to accept the supplies by signing in the block "Received By" on the face of Copy No. 3 and executing a similar receipt on the reverse side of Copies No. 1 and 4.

(k) Receipt of non-personal services will be accomplished by the individual authorized to accept the services by signing in the block "Received By" on the face of Copy No. 3 and executing a certificate of satisfactory performance on the reverse side of Copy No. 1.

(l) For the obligation of funds appropriate vouchers will be transmitted through the Fiscal Officer to the Disbursing Officer, as indicated by flow chart (figure 1).

(m) After the supplies or services have been received, the receiving section executed, and all other entries made, the authorized Certifying Officer will sign the approximate block on the face of Copy No. 1.

(n) The Disbursing Officer will place the order number(s) of Standard Form 44 on the check so that the vendor may identify the transaction.

§ 592.605–52 *When Standard Form 1034 (Public Voucher for Purchases and Services Other Than Personal) is used in conjunction with Standard Form 44.* (a) Standard Form 1034 should be prepared as a voucher by the Fiscal Office or the Fiscal and Accounting Office with Standard Form 44 attached as a subvoucher when:

(1) The name and address of the vendor on Standard Form 44 are not clearly legible.

(2) The amount to be paid the vendor is less than the invoiced amount, apart from the discount deduction. The purchase (or delivery) order number will be indicated thereon so that information with respect to the differences may be forwarded to the vendor with the check.

(3) More than one seller's invoice from the same seller are ready for payment. All such invoices should be consolidated and vouchered on a single Standard Form 1034, indicating thereon the purchase (or delivery) order number of each of the seller's invoices, and paid by a single check.

(b) The signature of the authorized Certifying Officer on Standard Form 1034 will be sufficient in lieu of such signature on each Standard Form 44 that is attached as a subvoucher.

(c) When Standard Form 1034 is used as a voucher, distribution of copies of Standard Form 1034 and 44 will be made as indicated by flow chart (figure 2).

(d) When Ordering Officers anticipate making more than one purchase from the same vendor during a month, the accomplished copies of Standard Form 44 (Copies Nos. 1, 3, and 5) may be held until the end of the month for consolidating the invoices and preparing one voucher, Standard Form 1034, for payment to the vendor. However, action should be taken by the Ordering Officer to see that such a practice is satisfactory to the vendor in order to avoid complaints on delayed payments. When "time payment" discounts are stated on Standard Form 44, appropriate copies will be processed for payment without delay in order to take advantage of the discount.

§ 592.650 *Order and voucher for purchase of supplies or services (DD Form 738 and 738–1).*

§ 592.650–1 *General.* (a) DD Form 738 and 738–1, are printed as carbon interleaved forms (eight sheets per set) and provides in one document a purchase (or delivery) order, a receiving and inspection report, a property voucher, and when supported by a vendor's invoice, a payment voucher.



§ 592.650–2 *Use as a purchase order or delivery order.* (a) DD Form 738 and 738–1, may be used for:

(1) Small purchases in an amount not exceeding $1,000 (§ 3.203 of this title and § 592.203).

(2) Purchases in an amount not exceeding $5,000 in those cases where authority otherwise exists to make procurement by negotiation (§§ 3.201 (for nonperishable subsistence); 3.202 and 3.204 through 3.217 of this title).

(b) DD Form 738 is designed for use where only one payment is contemplated. Although it may be used where not to exceed five payments are ultimately involved in a single transaction, it is not an entirely satisfactory form under such circumstances. Likewise where more than one destination is involved it is necessary to provide additional documents for each additional delivery.

(c) In view of the limitations of DD Form 738 where multiple destinations or payments are known or believed to be probable, DD Form 702 (Order for Purchase of Supplies or Services) used in conjunction with DD Form 250 (Material Inspection and Receiving Report (Domestic)), and Standard Form 1034 (Public Voucher for Purchases and Services Other Than Personal) should be utilized.

§ 592.650–3 *Use in conjunction with monthly charge accounts*—(a) *Definition.* A monthly charge account is a simplified procurement procedure similar to the charge account afforded by a business concern to its customers. It permits the obtaining of supplies and services from vendors without the necessity of preparing individual purchase orders or contracts each time they are ordered. The submission of invoices and processing of payments for supplies and services acquired under a charge account are accomplished periodically as agreed to by the Contracting Officer and the vendor. This charge account procedure differs from the Blanket Purchase Order Method set forth in § 3.606 of this title in the following respects:

(1) A purchase order is not required to be prepared each month to reestablish the charge account. A charge account may be established for any period of time agreed to by the Contracting Officer and the vendor. Normally the billing period does not exceed a one month period.

(2) A purchase order is prepared at the end of a billing period only when purchases have been made against the charge account during the billing period. All items received during the billing period are listed on the purchase order.

(3) The amount to be charged may be $5,000 for any one billing period.

(b) *Establishment.* Contracting Officers may establish monthly charge accounts, provided the vendor consents to the establishment of the account.

(c) *Limitations.* Total orders (dollar value) to be placed against a charge account during an agreed billing period will be limited to $5,000 or less. Individual orders to be placed against charge accounts will be limited to $1,000 or less except for perishable subsistence. This is not meant to limit the use of other authorized purchase order forms if the amount charged in any month exceeds $5,000.

(d) *Commitment of funds.* In order to avoid obligation of funds without the knowledge of the Fiscal Officer, the Contracting Officer will coordinate with the Fiscal Officer to effect, in advance of each billing period, a commitment of funds for the estimated purchases to be made during the billing period.

(e) *Orders placed against charge accounts.* The following procedures will govern:

(1) Individual orders will not be placed against charge accounts until appropriate negotiations have been conducted except, where the order is for $100 or less and the price is known to be reasonably competitive.

(2) Each order placed against a charge account will be identified by a purchase order number. The purchase order number assigned to the initial order may be used on subsequent orders during the same billing period.

(3) Each delivery of supplies and services will be supported by a sales slip (delivery ticket) prepared in triplicate on which acknowledgment of acceptance by the Army is indicated. The following information will be shown on the sales slip:

(i) Name of Contractor.

(ii) Purchase order number.

(iii) Description of supplies or services including stock number, part number, etc., necessary for proper identification.

(iv) Quantity and price of supplies or services.

(4) In the event that the vendor does not furnish a sales slip (delivery ticket) the individual who receives the supplies will prepare DD Form 227 (Receiving Report).

(5) The quantity listed on the sales slip will be verified, exceptions noted, and all copies will be dated and signed by the individual authorized to accept the items. Copies will be distributed as follows:

(i) The original to the Accountable Property Officer. The Accountable Property Officer will voucher and post pertinent information from this copy to the stock record account.

(ii) One copy to the Contracting Officer. The Contracting Officer will retain this copy for use in accomplishing DD Form 738 at the end of the billing period.

(iii) One copy to the vendor.

(f) *Preparation of purchase order (DD Form 738).* At the end of each agreed billing period or when the total amount approaches $5,000, the Contracting Officer will prepare one purchase order (DD Form 738) for the supplies or services furnished during the billing period. The signed copies of the sales slips or receiving reports will be the basis for preparing one purchase order. The receiving report (i. e., inspection and acceptance certification on the reverse of the form) is executed by the Contracting Officer on the basis of the delivery tickets furnished by the Accountable Property Officer. This certificate may be accomplished on Copy No. 1 or Copy No. 8, when the original receiving report is to be forwarded to the General Accounting Office. The Finance and Accounting Officer will sign the administrative certificate on the face of the form. The vendor will be instructed to submit one invoice (3 copies) for the period concerned.

§ 592.650–4 *Use for consolidation of deliveries into one order.* DD Form 738 may be used in a manner similar to that set forth in § 592.650–3 to consolidate deliveries under open-end and call type contracts at the end of a month or more often to effect payment to the vendor. The use of such procedure is subject to the following conditions:

(a) Such action is more practical and economical than processing separate orders, and

(b) The procedure is acceptable to the vendor.

§ 592.650–5 *Use as a receiving and inspection report.* (a) When inspection and/or acceptance is to be other than at destination, the place of such inspection and/or acceptance will be shown in the "Supplies or Services" column on the form. (See clause 1 on reverse of DD Form 738.)

(b) Upon receipt of the items provided for in the order, the Accountable Property Officer or his authorized representative will complete the following:

(1) Quantity accepted (face of form).

(2) Date received (reverse of form).

(3) Delivery by (reverse of form).

(4) Stock record account voucher number (reverse of form).

(5) Signature, grade and designation (reverse of form).

(6) Account serial number (reverse of form), and

(7) Date signed (reverse of form).

(c) The Accountable Property Officer will request disposition instructions from the Contracting Officer for nonacceptable items and overages. Errors such as nomenclature stock number, etc., may be corrected manually.

(d) If inspection is made other than at destination, appropriate copies of Form 738 will be furnished to the inspection office. Accomplished inspection reports will be transmitted to the consignee unless otherwise indicated in each specific case by the Contracting Officer.

(e) Receiving reports will be accomplished within the time specified in SR 715–55–6 (Special Regulations concerning processing of receiving reports).

§ 592.650–6 *Use as a vendor's invoice.* (a) Special care will be exercised to have each vendor follow the instructions on DD Form 738 regarding preparation of vendor's invoice.

(b) When it is desired to utilize DD Form 738 as vendor's invoice, the following certificate will be typed or stamped in the "Supplies or Services" column on the original copy for the General Accounting Office, the copy for the Disbursing Officer, and the copy for the Fiscal Officer: "I certify that the above bill is correct and just and that payment has not been received." Only the original will be signed by the vendor.

§ 592.650–7 *Use as a voucher*—(a) *One payment.* DD Form 738 will be completed and processed as any other

payment voucher. See chart (figure 3) for illustration of the flow of documents.

(b) *More than one payment.* (1) Where more than one payment becomes necessary, original DD Form 738 will be completed for those supplies or services accepted and will be processed for payment in the normal manner.

(2) Subsequent payments not to exceed four may be made, using one of the following methods:

(i) Prepare additional DD Forms 738 citing same order number as the original and indicating in the "Order No." block of the DD Form 738 the number of the partial payment (i. e., 1st partial, 2nd partial, and 3rd and final). Prior to or at the time of processing original DD Form 738 (mentioned in subparagraph (1) of this paragraph) for payment, an additional DD Form 738 will be prepared, setting forth the balance of the undelivered supplies and distributed in the normal manner, except that no copy will be distributed to the vendor. The above procedure will be repeated until final delivery is received. A citation to the name of the Disbursing Officer, period of account, and Disbursing Officer's voucher number will be made on the original and subsequent vouchers. For example, first subsequent voucher will cite original voucher, second subsequent voucher will cite original voucher and first subsequent voucher, etc. Each voucher will be a complete transaction within itself and the cross reference will allow the General Accounting Office to reconcile the entire purchase.

(ii) Prepare Standard Form 1034 (Public Voucher for Purchases and Services other Than Personal) with copies of Receiving Report (DD Form 227), covering partial deliveries, attached thereto. The Standard Form 1034 will cite the same order number as the DD Form 738 and the number of the partial payment (i. e. 1st partial, 2nd partial, and 3rd, and final). The above procedure will be repeated until final delivery is received. A citation to the name of the Disbursing Officer, period of account, and Disbursing Officer's voucher number will be made on the original and subsequent vouchers. For example, first subsequent voucher will cite original voucher, second subsequent voucher will cite original voucher and first subsequent voucher, etc. Each voucher will be a complete transaction within itself and the cross reference will allow the General Accounting Office to reconcile the entire purchase.

(3) See chart (figure 4) for the illustration of the flow of documents.

§ 592.650–8 *Limitations.* (a) DD Form 738 will not be given a contract number under any circumstances. The "order number" space provided is for the purchase order number (i. e., local identification).

(b) Where additional contract clauses or deviations are required for specific purposes, prior approval for their use will be obtained from the Chief, Purchases Branch, Office of the Deputy Chief of Staff for Logistics, Department of the Army. Authority is granted to attach the clauses required by § 12.403–2 of this title to DD Form 738 for use in connection with negotiated contracts for construction where the amount involved does not exceed $1,000. The attaching of vendor's invoices which are required for payment, specifications, drawings, packaging, and marking instructions, and other similar data which are considered an adjunct or a part of the description of the supplies listed on the face of DD Form 738 is authorized.

(c) DD Form 738 will not be utilized for the acceptance of bids after formal advertising.

(d) DD Form 738 will not be used in making purchases when shipment of supplies are to be consigned to a water or aerial port of embarkation for transshipment to an overseas destination. In such instances, purchases will be accomplished by use of other appropriate purchase forms in conjunction with the Materiel Inspection and Receiving Report (Oversea) (DD Form 250–4).

§ 592.650–9 *General Instructions.* The following general instructions are applicable whether the form is issued as a purchase order or as a delivery order:

(a) Supplemental operating procedures as may be necessary in connection with routing of copies of DD Form 738 by a purchasing office may be issued by that purchasing office if deemed essential.

(b) Supplemental agreements and change orders, other than notice of termination for default, may be issued in connection with a purchase made on DD Form 738.

(c) If the purchase is made under § 592.203 and is based on a written quotation, the original quotation may be retained in the contract file (31 Comp. Gen. 124) (§606.201 (b) of this subchapter).

(d) Overages and shortages in the quantities called for on an order may be accepted provided the aggregate amount of the order (including any accepted overages and shortages) does not exceed $5,000. When any such overages or shortages are accepted, an adjustment of the total dollar amount for payment will be made in the "Differences" section of DD Forms 738 and 738–1 after the "Quantity Accepted" column has been completed.

(e) The Contracting Officer is responsible for obtaining from the Fiscal Officer a citation of the proper funds to be charged and for assuring that funds have been made available in the estimated amount of the purchase contemplated. The signature of the Contracting Officer on Copy No. 1 of DD Form 738 (Order and Voucher for Purchase of Supplies or Services) will constitute the certification that funds are available under the appropriation and allotment cited in the accounting classification.

(f) The Certifying Officer will accomplish the administrative certificate on Copy No. 1.

§ 592.650–10 *Termination for default.* (a) If all of the supplies or services ordered on DD Form 738 are terminated for default, notice of termination for default to the vendor will be by letter and a copy of the letter will be filed with the original (white) copy in the Contracting Officer's file and a copy will be furnished each addressee on the original distribution list.

(b) If any or a part of the supplies or services ordered by use of DD Form 738 are terminated for default, notice of termination for default will be by letter, and a copy will be furnished to each addressee on the original distribution list.

(c) When the second attempt is made to procure the supplies, one of the following procedures will apply:

(1) If the price paid is not in excess of the price which was to have been paid under the contract which was terminated, the DD Form 738 covering the second procurement will be processed in the normal manner, and it is not necessary to refer to the terminated procurement document.

(2) If the price exceeds that which would have been paid under the defaulted contract, the Contracting Officer will comply with the provisions of § 596.103–11 of this subchapter.

§ 596.650–11 *Use in postal channels—APO shipments.* (a) DD Form 738 (Order and Voucher for Purchase of Supplies and Services) is authorized for use for parcel post or mail shipments to an APO number as a method of accomplishing small purchases where a purchase order is required.

(b) When making such shipments, external distribution of copies of DD Form 738 is required as follows:

(1) One advance copy mailed to the appropriate oversea supply agency.

(2) Three copies inside the package (none on the outside).

(c) The advance copy forwarded to the oversea supply agency will be annotated with the date of shipment and the quantity shipped as follows:

(1) The date of shipment will be entered in the "Memorandum" block.

(2) Where the quantities shipped represent the total quantities ordered, a statement to that effect will be included in the "Memorandum" block.

(3) Where there is a difference between the quantity ordered and the quantity shipped, the quantity shipped will be entered under the quantity ordered, in the column headed "Quantity (No. of Units)," and an appropriate statement to that effect will be included in the "Memorandum" block.

(d) The Contracting Officer is responsible for assuring that the advance copy is properly annotated and promptly forwarded to the oversea supply agency. The advance copy may be furnished to the oversea supply agency by the Contractor or by the Contracting Officer.

(e) The Contracting Officer will furnish instructions to the Contractor regarding the annotation and distribution required on DD Form 738.

(f) Inspection will be performed at origin only when the dollar value, quantity, nature, or geographical location of the item warrants such action. When origin inspection is not practicable, or is waived by the Contracting Officer, the order will provide for delivery of the shipment to a United States Post Office, postage prepaid and properly addressed to the specified consignee. Acceptance will be accomplished by the Contracting Officer on the basis indicated below:

(1) The Contracting Officer may, at his discretion, require the Contractor to submit a certificate of mailing (Forms 3817 or 3877A obtainable at United States Post Offices) as evidence of dispatch. To assure that prompt payment may be made of the invoice, the purchase order number must be inserted by the Contractor on the certificate of mailing.

(2) Where the Contractor fails to furnish a certificate of mailing, or where the Contracting Officer deems it uneconomical to require the use of the certificate of mailing, acceptance may be accomplished by the Contracting Officer on the basis of a certificate of shipment executed by the vendor as follows:

I certify that the articles in the quantities listed herein have been shipped as indicated.

§ 592.650–12 *Use for shipment to Army attachés.* (a) Certain small purchases made for Army attachés may be shipped direct from Contractors to the Assistant Chief of Staff, Intelligence, for transmittal by surface pouch to the Army attaché concerned.

(b) This method of shipment is subject to the following limitations:

(1) Maximum weight of individual parcels: 41 pounds.

(2) Maximum dimensions:

(i) Boxes—12 by 16 by 18 inches.

(ii) Flat packages—4 by 18 by 18 inches.

(iii) Cylindrical packages—5 inches in diameter, 24 inches long.

(3) Parcels cannot contain:

(i) Perishable, fragile, liquid, explosive, or inflammable articles.

(ii) Firearms.

(iii) Glass containers.

(c) Shipments will be addressed as follows:

U. S. Army Attaché.
City—Country.
c/o Assistant Chief of Staff, Intelligence
Department of the Army
Washington 25, D. C.

Shipments will be further identified by requisition and purchase order number if available.

(d) Copies No. 7 and 8 will be mailed by the Contracting Officer at the time the order is placed to:

Assistant Chief of Staff, Intelligence
Attn: Property Officer
Department of the Army
Washington 25, D. C.

(1) The addressees to which the copies will be returned will be clearly indicated thereon and distributed in accordance with the flow charts figures 3 and 4).

(2) Payment will be made on the basis of the signed acceptance certificate of the Assistant Chief of Staff, Intelligence, Property Officer (Copy No. 8).

§ 592.650–13 *Use of reproducible masters.* Subject to the provisions of § 605.1506–3 of this subchapter, Heads of Procuring Activities may authorize use of reproducible masters.

§ 592.650–14 *Additional instructions.* See § 16.303 of this title and § 605.008 of this subchapter.

§ 592.651 *Applicability to oversea commands.* Since these small purchase procedures were designed primarily to meet conditions existing within the continental United States, they may have limited application in oversea commands. In view of this, major oversea commanders are authorized to make such deviations in these procedures as may be deemed necessary to accomplish their procurement missions provided that such deviations do not result in violation of existing laws, Executive Order, decisions of the Comptroller General, or such other rules or regulations which would render the contract illegal.

5. Section 594.000 is revised, and §§ 594.204 and 594.204–1 are revoked, as follows:

§ 594.000 *Scope of part.* This part sets forth the policy with respect to (a) procurement under Federal Supply Schedule Contracts, and (b) procurement of printing and related supplies.

§ 594.204 *Procurement from Federal supply service stores and depots.* [Revoked.]

§ 594.204–1 *Common administrative supplies.* [Revoked.]

FLOW CHART, STANDARD FORM 44
(WHEN STANDARD FORM 1034 IS NOT USED AS A VOUCHER)

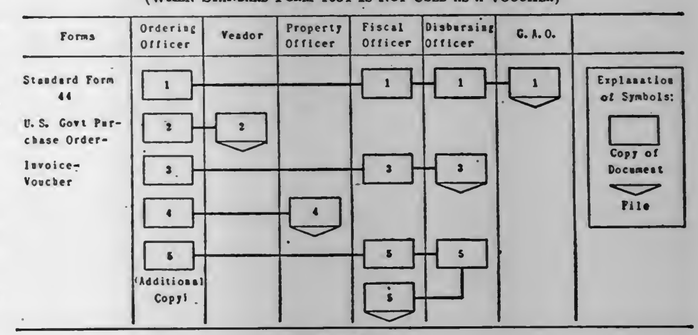



FIGURE 1.

FLOW CHART, STANDARD FORM 44
(WHEN STANDARD FORM 1034 IS USED AS A VOUCHER)
(WITH STANDARD FORM 44 ATTACHED AS A SUBVOUCHER)

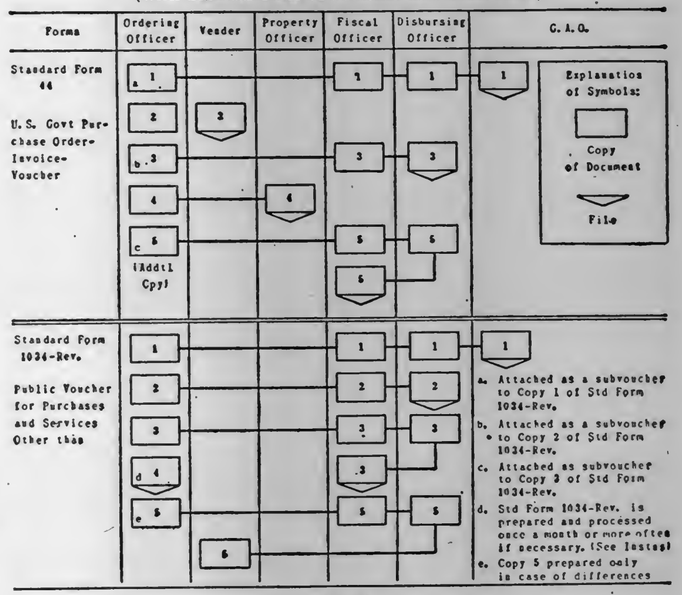
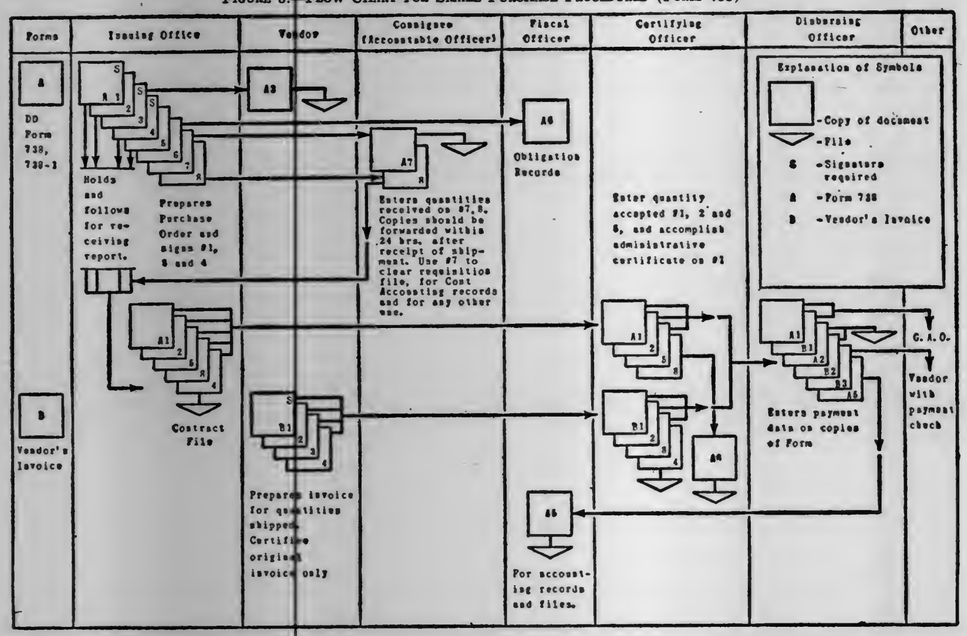


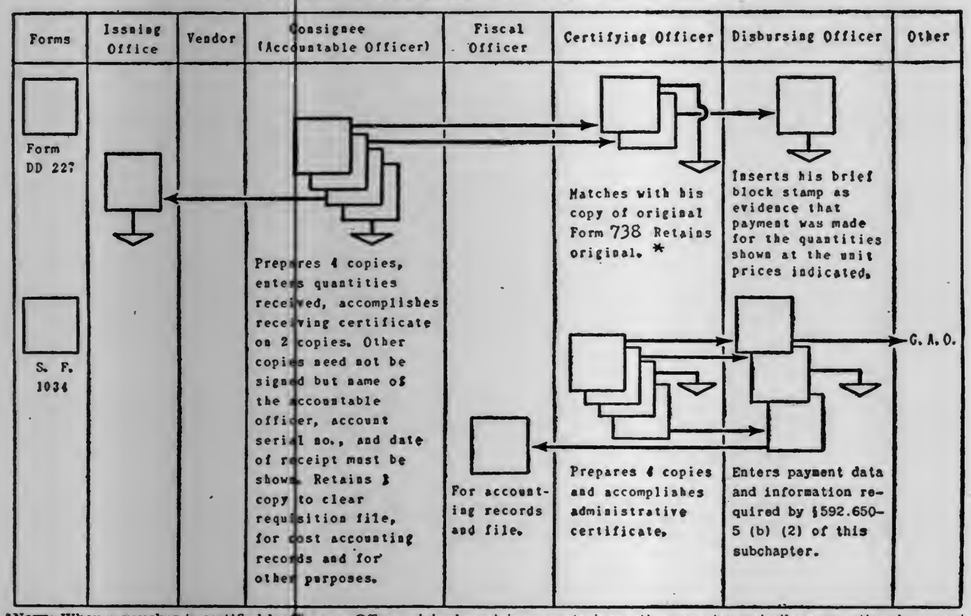

FIGURE 2.

FIGURE 3.—FLOW CHART FOR SMALL PURCHASE PROCEDURES (FORM 738)




NOTE: Where vouchers are certified in the Finance Office, copy #8 will be attached to original Form and forwarded to General Accounting Office.

FIGURE 4.—FLOW CHART FOR PARTIAL DELIVERIES AND PARTIAL PAYMENTS




*NOTE: When a voucher is certified by Finance Office, original receiving reports, inspection reports, or similar supporting documents will be attached to the original voucher.



6. Section 596.051 is added, and § 598.102–1 is revised, as follows:

§ 596.051 *Change orders and supplemental agreements.* Change orders and supplemental agreements are types of contract modifications. A change order is the proper medium for effecting changes under the Changes Clause in § 7.103–2 of this title. If the contract authorizes such changes to be made (including, under certain circumstances, an equitable adjustment in price), change orders may be issued without the consent of the Contractor. A supplemental agreement is the proper medium for effecting all other changes to a contract (i. e., changes not covered by the Changes Clause or other clause of the contract) and which accordingly cannot be made without the consent of the Contractor. A supplemental agreement is in effect a new contract with the same Contractor and is added as a supplement to an existing contract. Regardless of the form of contract employed, the distinction as to whether a supplemental agreement or a change order is required rests upon whether the Contractor is bound by existing contract to perform the proposed change or whether such change cannot be required of him without his consent and acceptance. In connection with change orders and supplemental agreements, it is a requirement that contracts can be modified only in the interests of the Government.

§ 598.102–1 *Authorization and consent in contracts for supplies.* Authorization and Consent for Supplies. The clause set forth in § 9.102–1 of this title shall be included in all contracts for supplies (including construction work) except as otherwise authorized by § 9.102–2 of this title as limited by § 598.102–2.

7. In § 598.105–51, revise paragraph (b), and in § 602.450, revise paragraph (f), as follows:

§ 598.105–51 *Authority.* • • •

(b) *Claims under Mutual Security Acts.* The chiefs of the technical services and others have been delegated authority to enter into agreements in settlement of claims asserted under section 517 of the Mutual Security Act of 1951, and section 506 of the Mutual Security Act of 1954.

§ 602.450 *Contractor operated motor vehicles.* • • •

(f) Whenever license plates are required for Government-owned Contractor-operated vehicles, arrangements will be made through channels to procure United States Government license plates. The requests will be directed to the Commanding General, Transportation Supply and Maintenance Command, St. Louis, Missouri. Information to be forwarded with the request will include the name of the technical service administering the contract, name and location of project, and/or name and address of the Contractor, proper nomenclature of vehicle(s), and U. S. A. registration number(s) if previously assigned and known.

• • • • •

8. Part 603 is revised to read as follows:

**Subpart A—Inspection**

Sec.
603.101 General.
603.102 Responsibility for inspection.
603.102–1 Inspection interchange agreements.
603.103 Inspection requirements.
603.103–2 Inspection at source.
603.150 Marking and shipping.
603.151 Joint procedures.

**Subpart B—Acceptance**

603.200 General.
603.204 Supplies or services not conforming with contract requirements.
603.250 Rejections.

AUTHORITY: §§ 603.000 to 603.250 issued under 62 Stat. 21; 41 U. S. C. 151–162.

§ 603.000 *Scope of part.* This part deals with requirements for the inspection and acceptance of supplies and services procured by the Army Establishment.

**SUBPART A—INSPECTION**

§ 603.101 *General.* All supplies and services procured by the Army Establishment (including those manufactured in the plants owned and operated by it) shall be inspected by or under the supervision of an inspector representing the Government unless otherwise expressly provided in the contract. All military procurement inspection at a plant shall be conducted by a single military inspection activity except as authorized in AR 715–20 (Army Regulations Governing Procurement Inspection).

§ 603.102 *Responsibility for inspection.* (a) Procuring Activities are responsible for determining that Contractors have complied with requirements of the contract or order. Government inspectors determine the degree of compliance with the requirements of specifications and other contract requirements in accordance with procedures primarily established in specifications and contracts. Inspectors are assigned by the inspecting activity to perform inspection services under a given contract. The inspector will be guided by provisions of the contract and instructions issued by the procuring activity.

(b) Inspectors in Government-owned or operated manufacturing installations will not be assigned the dual functions of process inspection for the purpose of controlling production and final inspection for the purpose of accepting the product for military use.

(c) In instances where inspection is to be performed at destination, arrangements normally will be made to have the receiving activity perform the necessary inspection.

(d) Ports of embarkation will not be required to perform procurement inspection of a technical nature for other activities on supplies received in transit for oversea shipment.

(e) Perishable subsistence destined for oversea shipment will be inspected for condition and quantity at ports of embarkation. The Transportation Corps will call on the Quartermaster Corps to make such arrangements as may be necessary to provide the technical inspection required. Branch name items purchased for authorized resale normally will be inspected and accepted at destination.

(f) Inspection at Army terminals of supplies destined for oversea shipment will be accomplished by Contracting Officers or their designated representatives on the basis of tally sheets evidencing receipt of shipment signed by port transportation officers or other designated officials at transshipment points.

§ 603.102–1 *Inspection interchange agreements.* The originating activity will state the requirements for necessary Government inspection equipment and will provide sufficient equipment and service as requested by the inspecting activity. The inspecting activity shall be responsible for such gages or inspection equipment for the duration of the contract. Accountability will remain with the originating activity. The originating activity is responsible normally for maintenance of gages so provided. Upon completion of the contract, the gages or inspection equipment will be returned to the originating activity.

§ 603.103 *Inspection requirements.* (a) Inspection shall be conducted in accordance with (1) provisions of the contract, (2) Subchapter A, Chapter I of this title, (3) this subchapter, (4) AR 715–20 (Army Regulations Governing Procurement Inspection) and (5) instructions issued by the Procuring Activity. The requirements for inspection (including testing) contained in the aforementioned documents are not waived because the item is included on a Qualified Products List.

(b) The amount of inspection will depend upon the importance of items, the importance of individual characteristics, and the past quality performance of Contracts.

(c) Sampling procedures will be used to the maximum extent consistent with required protection of the interests of the Government.

§ 603.103–2 *Inspection at source.* When the contract provides for inspection at source and it is subsequently determined to be in the best interest of the Government to ship prior to inspection, such shipment may be made if the Contractor agrees to bear the costs which may be incurred as a result of a rejection upon completion of the required inspection.

§ 603.150 *Marking and shipping.* Each Procuring Activity will prepare and distribute to their inspection organizations detailed instructions covering proper handling of shipments at Government expense, Government bills-of-lading, parcel post shipments, shipment by Government-owned transportation, emergency shipments, guarding of shipments containing classified supplies and services, shipments at Contractor's expense, and all other necessary instructions. Marking to indicate inspection status shall be accomplished with Department of Defense inspection stamps in accordance with procedures established in AR 715–20.

§ 603.151 *Joint procedures.* All inspection of supplies and services by Army

Procuring Activities will be consistent with Federal and Military Standards.

SUBPART B—ACCEPTANCE

§ 603.200 *General.* Acceptance will be made as promptly as practicable after delivery; however, interests of the Government shall be given primarily consideration, in this connection. All supplies and services procured by the Army Establishment (including those manufactured in the plants owned and operated by it) shall be accepted in accordance with the procedures set forth in Subpart B, Part 14 of this title and this part.

§ 603.204 *Supplies or services not conforming with contract requirements.* Each Procuring Activity will clearly define the extent to which its subdivisions are authorized to approve deviations from contract requirements. Such approval should be made at levels which will provide the utmost rapidity of decision consistent with the best interests of the Government. Where desirable, for reasons of urgency, practicality, or economy, supplies or services which fail to meet all contract requirements may be accepted under special circumstances, subject to equitable adjustments price-wise or otherwise provided for by the contract and which are in the best interests of the Government.

§ 603.250 *Rejections.* (a) Notification of rejections will be given the Contractor and will include the reasons for rejection, and if deemed advisable, any suggestions that might help him in correcting the cause of rejection.

(b) Suitable methods of properly identifying rejected material will be established by the Procuring Activity and will be employed by inspectors in order to eliminate any possibility of the Contractor's resubmitting rejected supplies on which the deficiencies have not been corrected. Such methods also will include provisions for tagging, marking, or isolating provisionally rejected supplies until accepted or finally rejected.

(c) Each Procuring Activity will clearly define the extent to which its subdivisions are authorized to order Contractors to suspend work on contracts involving the use of Government-furnished property when it is evident that considerable spoilage will result. In each case, the Contractor shall be notified in writing to stop the faulty operation responsible for the defect until it has been corrected.

9. In § 605.1506–3, revoke paragraph (e) (2); revise paragraph (b) of § 606.201; and revise paragraph (a) of § 606.202, as follows:

§ 605.1506–3 *Reproducible masters.*

* * *

(e) *Approval of requests.* * * *

(2) [Revoked.]

* * * * *

§ 606.201 *Documentary evidence of purchases.* * * *

(b) Negotiated purchases not in excess of $1,000 which are based on an oral quotation or a written quotation not solicited by formal advertising will be effected by a purchase order signed by the Contracting Officer. If the purchase is made under the authority of § 592.203 of this subchapter the original of any written quotation supporting the transaction need not be forwarded to the General Accounting Office, but if not it will be retained in the contract file (31 Comp. Gen. 124). This exemption does not apply to purchases under the imprest fund procedure. Imprest fund transactions will be accomplished under § 592.604 of this subchapter.

§ 606.202 *Execution of contracts; requirements*—(a) *Availability of funds.* Contracting Officers will, prior to the incurrence of an obligation, obtain from the Fiscal Officer a certificate which will contain a citation of the proper funds to be charged and a statement that sufficient funds are available for payment of the contractual obligation to be incurred. The certificate shall be retained in the contract file. The Fiscal Officer who is accounting for the funds will be responsible for determining the proper funds to be charged and the sufficiency thereof and for reserving in the fiscal accounts an amount sufficient to pay the obligation to be incurred. The appropriation and allotment chargeable will be cited on all contracts, purchase orders, and delivery orders. The signature of a Contracting Officer on a contract, purchase order, or delivery order constitutes a certification of the availability and sufficiency of the funds cited. The Contracting Officer will be responsible for assuring that final delivery, acceptance and payment, under the terms of the contract, are completed prior to expiration of the period in which the funds cited in the contract are authorized for expenditure.

* * * * *

[C19, APP, March 20, 1956] (62 Stat. 21; 41 U. S. C. 151–162)

[SEAL] JOHN A. KLEIN,
*Major General, U. S. Army,*
*The Adjutant General.*

[F. R. Doc. 56–4763; Filed, June 18, 1956; 8:45 a. m.]

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PART 609—GRATUITY CLAUSE BOARD

ESTABLISHMENT OF GRATUITIES CLAUSE BOARD

A new Part 609 is added to Subchapter G, to read as follows:

Sec.
609.1 Establishment and authority.
609.2 Composition.
609.3 Procedure.
609.4 Representation before the Board.
609.5 Action required.
609.6 Implementation.

AUTHORITY: §§ 609.1 to 609.6 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 21; 41 U. S. C. 151–162.

SOURCE: AR 15–75, June 11, 1956.

§ 609.1 *Establishment and authority.* There is hereby established in the Department of the Army under the administration of the Deputy Chief of Staff for Logistics, the Department of the Army Gratuities Clause Board for the purpose of giving notice of hearings, conducting hearings, and making findings of fact and recommendations provided for in § 30.4 of this title. The Board has all the authority conferred on the Secretary of the Army by applicable statute and by the contract clause on Gratuities (see § 7.104–16 of this title), subject, however, to the provisions of § 30.4 of this title and this part.

§ 609.2 *Composition* The Board consists of the following:

(a) Voting member, who shall be the presiding officer. This member who shall be trained in the law and have power to administer oaths for Board purposes, shall be furnished by The Judge Advocate General.

(b) Voting member, who shall be furnished by the Deputy Chief of Staff for Logistics.

(c) Voting member, who shall be furnished by the Head of the Procuring Activity having jurisdiction of the contract involved.

(d) Clerk of the Board, without vote, who should be furnished on a permanent basis by the Chief, Purchases Branch, Procurement Division, Office of the Deputy Chief of Staff for Logistics, and who shall maintain and preserve the official files and records of the Board; furnish a copy of the Secretary's decision to the contractor or the public and furnish copies of transcripts to contractors concerned upon payment of reasonable costs as determined by the Department of the Army; and whose office will, in general, serve as the office of record for the Board.

(e) Reporter, without vote, who shall be furnished by the Head of the Procuring Activity concerned on a case-by-case basis, and who shall make a verbatim record of the proceedings and have such record transcribed in the number of copies required. The reporter shall turn over to the Clerk of the Board all transcripts when completed and certified to by the reporter as to their accuracy and completeness. Any additional secretarial or notarial assistance required by the Board shall be furnished by the Head of the Procuring Activity concerned.

§ 609.3 *Procedure.* If for any reason a member becomes incapacitated so as to preclude his further participation in a hearing, the Office of the Deputy Chief of Staff for Logistics shall be promptly advised, and will cause a new member to be furnished from the appropriate source. Before the proceedings resume, following incapacitation of a member, the hearing shall be suspended until the substitute member shall have had an opportunity to read and study the transcript of the evidence presented up to date the hearings were suspended, unless the contractor agrees otherwise. All voting members shall be disinterested parties and in a position to make a fair, unbiased assessment of the evidence. Any member who discovers that he is disqualified for any reason recognized in law as precluding a fair assessment of the evidence shall make known his disqualifications to the Deputy Chief of Staff for Logistics, who will cause a new member to be furnished from the appropriate source. Hearings shall not be conducted by less than three members, unless otherwise agreed to by the contractor. A dissenting member may submit his opinion together with that of the Board majority for consideration by the Secretary. The Board may reduce to writing and file with the Clerk of the Board for approval of the Deputy Chief of Staff for Logistics such internal rules for the conduct of hearings, not inconsistent with § 30.4 of this title and this part as may be necessary for the expeditious and orderly disposition of cases, and such approved rules shall be available to the contractor upon request.

§ 609.4 *Representation before the Board.* Each party may be represented before the Board by counsel, who shall be representative of record for the party concerned. The Government representative of record shall be furnished by The Judge Advocate General.

§ 609.5 *Action required.* Any information received by military or civilian personnel of the Department of the Army which indicates that action under the Gratuities clause may be appropriate shall be reported for evaluation and appropriate action through proper channels to the military commander having jurisdiction over the contract. If evaluation indicates that a hearing under the Gratuities clause may be appropriate, the military commander shall report the facts promptly and directly to the Head of the Procuring Activity concerned, who, in turn, shall report the information to the Deputy Chief of Staff for Logistics, Attn: Chief, Purchases Branch. A complete report of investigation, if required, shall be submitted as soon thereafter as practicable. Information initially reported to the Head of the Procuring Activity shall include:

(a) Name and address of the Contractor together with full information as to form of organization, including names and addresses of principals;

(b) Complete contract data including number, date, estimated date of completion of performance, general description of supplies or services procured, amount, status of performance, and urgency of requirements and availability from other sources;

(c) Summary of the facts concerning the suspected fraud, complete with names and addresses, dates and references to documentary evidence available; and

(d) Status of the investigation, if any, with an estimated date on which it will be submitted. In connection with the investigation, care will be taken to preserve the admissibility of documentary evidence and exhibits, bearing in mind that action adverse to a contractor under the Gratuities clause is subject to review by a competent court. Copies or descriptions will be utilized in the report where necessary or desirable to preserve the chain of custody. The Deputy Chief of Staff for Logistics shall determine whether the matter will be referred for a hearing. Pending this determination the Head of the Procuring Activity shall submit to the Deputy Chief of Staff for Logistics for approval any termination, set-off or withholding action proposed to be taken.

§ 609.6 *Implementation.* When the Deputy Chief of Staff for Logistics determines that a matter should be referred to the Board for hearing, information will be given to the Clerk of the Board, who will notify The Judge Advocate General (Attn: Chief, Procurement Law Division), and the Head of the Procuring Activity concerned, identifying the matter in question. The Judge Advocate General, and the Head of the Procuring Activity, respectively, shall promptly advise the Clerk of the names and office addresses of members, counsel, reporter and secretary which they are furnishing, and the Clerk shall inform all concerned. Every effort consistent with a fair hearing will be taken to expedite the disposition of cases. The presiding officer of the Board is responsible that notices are promptly given and that the case is disposed of in an orderly and expeditious fashion. He will report to the Deputy Chief of Staff for Logistics, through the Clerk of the Board, within 20 days after reference of the case for hearing, the estimated date of completion of the proceedings, and thereafter report as the Deputy Chief of Staff for Logistics may require. Advice concerning the action of the Secretary taken pursuant to paragraph 14, § 30.4 of this title, shall be forwarded by the Deputy Chief of Staff for Logistics to the Head of the Procuring Activity, who shall, without delay, notify the contracting officer thereof and instruct him as required. The Clerk of the Board shall promptly furnish the contractor with a copy of the Secretary's decision, and on request shall make available to the public all final, unclassified decisions of the Secretary. With approval of the Deputy Chief of Staff for Logistics the Clerk may make available to persons properly and directly concerned matters of official record pertaining to the Board.

[SEAL] JOHN A. KLEIN,
*Major General, U. S. Army,*
*The Adjutant General.*

[F. R. Doc. 56–4764; Filed, June 18, 1956; 8:45 a. m.]

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## Chapter VII—Department of the Air Force

Subchapter A—Aid of Civil Authorities and Public Relations

PART 804—RELATIONS WITH AGENCIES OF PUBLIC CONTRACT

RELEASING INFORMATION FOR LITIGATION

In Part 804, new §§ 804.401 to 804.410 are added as follows:

Sec.
804.401 Purpose.
804.402 Policy.
804.403 Responsibility.
804.404 Limitations.
804.405 Requests for interviews or statements.
804.406 Authentication of documents.
804.407 Release to Government contractors.
804.408 Compliance with subpoena.
804.409 Witnesses in private litigation.
804.410 Depositions.

AUTHORITY: §§ 804.401 to 804.410 issued under R. S. 161, sec. 202, 61 Stat. 500, as amended; 5 U. S. C. 22, 171a.

DERIVATION: AFR 110–5, April 6, 1956.

§ 804.401 *Purpose.* Sections 804.401 to 804.410 set forth Department of the Air Force policy concerning what types of official information may be released from Air Force files for use in prospective or pending lawsuits, controversies, hearings, investigations or other civil administrative proceedings in civilian courts, commissions, boards, or other tribunals, hereinafter referred to as "litigation." Sections 804.401 to 804.410 also establish policies and procedures for guidance of military personnel and civilian employees of the Air Force who are requested to appear as witnesses and testify in such matters. The term "official information" includes all documents, files, records or papers within the possession of the Department of the Air Force, its officers, agents or employees, and all matters within the knowledge of such officers, agents or employees obtained by them as a result of or in connection with the performance of their official duties.

§ 804.402 *Policy.* It is the policy of the Department of the Air Force to make official information available for use in litigation and to permit military and civilian personnel to testify concerning such information in its files if material and relevant to the litigation, unless the information in classified defense information, is privileged by law or regulation, or other valid reason for its non-release, exists.

§ 804.403 *Responsibility.* (a) The Judge Advocate General, USAF, is responsible for authorizing the release of Air Force information for use in prospective or pending litigation; he is responsible for prescribing the type of information which is releaseable, and the circumstances under which it may be released by custodians of the information or by persons appearing as witnesses before civilian courts or tribunals.

(b) Each person in the Air Force who has custody of written information desired for use in litigation, or who is requested to appear as a witness and testify, is primarily responsible for compliance with §§ 804.401 to 804.410.

(c) The provisions of §§ 804.401 to 804.410 are not applicable where no Air Force documents or records are involved, and/or the desired testimony of the Air Force witness has no connection with his Air Force duties and the subject matter does not concern Air Force matters. In those cases the witness is governed by the usual rules of law applicable to witnesses in the jurisdiction concerned. Section 804.409 sets forth the circumstances under which these persons can testify.

§ 804.404 *Limitations.* (a) Where the United States is a party to the litigation in question, no information will be released without the concurrence of The Judge Advocate General, USAF, the Attorney General of the United States, or one of their representatives, i. e., a staff judge advocate or a United States Attorney.

(b) Where disclosure of the requested information would aid in the prosecution of a claim against the United States, custodians of records and prospective witnesses are encouraged to seek advice

from their staff judge advocate to obviate any question that the release of the requested information is made "in the proper discharge of his official duties," and, therefore, not in violation of the Federal criminal statute (18 U. S. C. 283).

(c) Where litigation is not pending, custodians of Air Force records should satisfy themselves that the request for information is not frivolous or unreasonable, that litigation is actually contemplated, and that the person requesting the information has a need and the right to know it. If these three tests are not met the custodian should decline to divulge the information, pending institution of the litigation.

(d) Information of a personal nature in Air Force files is treated "confidentially" and will not be released unless a subpoena duces tecum is issued by a court or other body having such powers in whose jurisdiction the custodian is located and the subpoena is properly served on the custodian, or the release of the information is authorized by the staff judge advocate of the command exercising general court-martial jurisdiction or The Judge Advocate General, USAF.

(e) Release of medical information from Air Force files is governed by current pertinent regulations, and will not otherwise be released unless a subpoena duces tecum is issued by a court or other body in whose jurisdiction the custodian is located and the subpoena is properly served on the custodian, or the release of the information is authorized by the staff judge advocate of the command exercising general court-martial jurisdiction, or The Judge Advocate General, USAF.

(f) Classified defense information cannot be released to unauthorized persons or courts under any circumstances, unless the classification is removed. If classified information is properly subpoenaed and it cannot be declassified, the documents, records or files in question will be forwarded to The Judge Advocate General, USAF, for review of the decision as to its declassification and releaseability by Headquarters USAF. Pending this decision, the custodian on whom the subpoena duces tecum has been served will answer the subpoena, tell the court what action he has taken, and inform the court of the contents of §§ 804.401 to 804.410.

§ 804.405 *Requests for interviews or statements.* Requests by parties to private controversies, preliminary to actual litigation, for permission to interview or to obtain statements from Air Force personnel concerning matters related to their official duties or concerning information obtained in their official capacity, may be granted by commanders at appropriate times and places, and under such circumstances as will insure that the provisions of §§ 804.401 to 804.410 are not violated. Identical rules are applicable for the taking of depositions of Air Force personnel.

§ 804.406 *Authentication of documents.* Most State courts and other tribunals will admit into evidence properly authenticated copies of Air Force records, papers, or documents without further identification by the custodian or other witness. In appropriate cases, custodians of records, files or documents are encouraged to release the requested information with a proper certificate; in many instances, this will be satisfactory to the person requesting the information and avoid the necessary court appearance by the custodian. The law provides that in Federal courts copies of Government records, papers or documents are admissible in evidence, if properly authenticated. See 28 U. S. C. 1733. The method of authentication is set out in Rule 44 of the Federal Rules of Civil Procedure (28 U. S. C. 2072).

§ 804.407 *Release to Government contractors.* Contracting officers receiving requests for information from Government contractors for use in contractor litigation should comply with those requests, provided that the provisions of §§ 804.401 to 804.410 are not violated.

§ 804.408 *Compliance with subpoena.* (a) Any person who receives a subpoena requiring him to appear and testify concerning information obtained by him as a result of or in connection with official activities as a member or civilian employee of the Air Force, or produce any Air Force record, file, or documents, will report to his staff judge advocate for advice and instructions. Subpoenas properly served on the prospective witness by a representative of the court or tribunal which has jurisdiction over the witness and the requested record, file, or document, will be complied with, if not otherwise prohibited by §§ 804.401 to 804.410. If §§ 804.401 to 804.410 prevent the witness from testifying or producing the subpoenaed documents, the witness will appear at the time and place stated in the subpoena, and respectfully advise the court or tribunal that Air Force regulations prevent him from testifying on the subject matter in question and/or producing the documents in question; if this does not satisfy the court or tribunal, the witness will furnish them a copy of §§ 804.401 to 804.410 and respectfully request leave of the court for time to submit the problem to The Judge Advocate General, USAF, for decision.

(b) If a subpoena has not been properly issued and served by a court or tribunal having the requisite jurisdiction over the prospective witness, it will be treated as a request for release of information and processed under the provisions of §§ 804.401 to 804.410.

(c) Where §§ 804.401 to 804.410 prohibit release of documents or other information properly subpoenaed, the appropriate custodian or staff judge advocate should consider the appropriateness of informally contacting legal counsel who caused the subpoena to issue. All aspects of the matter should be fully explained to him and releaseable information offered to him, in authenticated form if appropriate.

§ 804.409 *Witnesses in private litigation.* Air Force personnel who are requested to appear and testify in any litigation in which the Federal Government has no interest may be authorized to do so: *Provided,* That §§ 804.401 to 804.410 do not prohibit the release of the information desired and no expense to the Government is involved. If there is any travel, subsistence or other expense involved, it should be paid and arranged for in advance between the prospective witness and the person requesting him to testify.

§ 804.410 *Depositions.* All provisions of §§ 804.401 to 804.410 also apply to testimony given by military and civilian personnel in deposition form.

[SEAL] E. E. TORO,
*Colonel, U. S. Air Force,*
*Air Adjutant General.*

[F. R. Doc. 56-4795; Filed, June 18, 1956; 8:51 a. m.]

## TITLE 36—PARKS, FORESTS, AND MEMORIALS

### Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

ROCKY MOUNTAIN NATIONAL PARK; EATING AND DRINKING ESTABLISHMENTS ON PRIVATELY OWNED LANDS

MAY 21, 1956.

By notice of proposed rule making published in the FEDERAL REGISTER on April 18 (21 F. R. 2527), the public was invited to submit written data, views, or arguments in connection with regulations proposed to be adopted by the Superintendent of Rocky Mountain National Park governing eating and drinking establishments on privately-owned lands within the Park. Such written views were required to be filed with the Superintendent of Rocky Mountain National Park, National Park Service, Department of the Interior, Post Office Box 1086, Estes Park, Colorado, within thirty days from the publication of the notice in the FEDERAL REGISTER.

No data, views, or arguments having been received in response to the said notice, the following regulations, to become effective thirty days after publication in the FEDERAL REGISTER, are adopted.

Section 20.7 is amended by adding a new paragraph (i), reading as follows:

(i) *Regulations governing eating and drinking establishments on privately-owned lands*—(1) *Definitions.* The following definitions shall apply in the interpretation and enforcement of this part:

(i) *Restaurant.* The term "restaurant" shall mean restaurant, coffee shop, cafeteria, short order cafe, luncheonette, tavern, sandwich stand, soda fountain, and all other eating or drinking establishments, as well as kitchens or other places in which food or drink is prepared for sale elsewhere.

(ii) *Employee.* The term "employee" shall mean any person who handles food or drink during preparation or serving, or who comes in contact with any eating or cooking utensils, or who is employed in a room in which food or drink is prepared or served.

(iii) *Utensils.* "Utensils" shall include any kitchenware, tableware, glassware, cutlery, utensils, containers, or other equipment with which food or drink comes in contact during storage, preparation, or serving.

(iv) *Superintendent.* The term "Superintendent" shall mean the Superintendent of Rocky Mountain National Park or his authorized representative.

(v) *Person.* The word "person" shall mean person, firm, corporation, or association.

(2) *Examination and condemnation of unwholesome or adulterated food or drink.* Samples of food, drink, and other substances may be taken and examined by the Superintendent as often as may be necessary for the detection of unwholesomeness or adulteration. The Superintendent may condemn and forbid the sale of, or cause to be removed or destroyed, any food or drink which is unwholesome or adulterated.

(3) *Sanitation requirements for restaurants.* All restaurants shall comply with all of the following items of sanitation:

(i) *Floors.* The floors of all rooms in which food or drink is stored, prepared, or served, or in which utensils are washed, shall be of such construction as to be easily cleaned, shall be smooth, and shall be kept clean and in good repair.

(ii) *Walls and ceilings.* Walls and ceilings of all rooms shall be kept clean and in good repair. All walls and ceilings of rooms in which food or drink is stored or prepared shall be finished in light color. The walls of all rooms in which food or drink is prepared or utensils are washed shall have a smooth, washable surface up to the level reached by splash or spray.

(iii) *Doors and windows.* When flies are prevalent, all openings into the outer air shall be effectively screened and doors shall be self-closing, unless other effective means are provided to prevent the entrance of flies.

(iv) *Lighting.* All rooms in which food or drink is stored or prepared or in which utensils are washed shall be well lighted.

(v) *Ventilation.* All rooms in which food or drink is stored, prepared, or served, or in which utensils are washed, shall be well ventilated.

(vi) *Toilet facilities.* Every restaurant shall be provided with adequate and conveniently located sanitary toilet facilities for its employees, conforming to the requirements of the Superintendent. The doors of all toilet rooms shall be self-closing. Toilet rooms shall be kept in a clean condition, in good repair, and well lighted and ventilated. Hand-washing signs shall be posted in each toilet room used by employees. In case privies or earth closets are permitted and used, they shall be of a sanitary type, separate from the restaurant building, and shall be fly and rodent proof.

(vii) *Water supply.* Running water under pressure shall be easily accessible to all rooms in which food is prepared or utensils are washed, and the water supply shall be adequate, and of a safe, sanitary quality.

(viii) *Lavatory facilities.* Adequate and convenient hand-washing facilities shall be provided, including hot and cold running water, soap, and approved sanitary towels. The use of a common towel is prohibited. No employee shall resume work after using the toilet room without first washing his hands.

(ix) *Construction of utensils and equipment.* All multi-use utensils and all show and display cases or windows, counters, shelves, tables, refrigerating equipment, sinks, and other equipment or utensils used in connection with the operation of a restaurant shall be so constructed as to be easily cleaned and shall be kept in good repair. Utensils containing or plated with cadmium or lead shall not be used: *Provided,* That solder containing lead may be used for jointing.

(x) *Cleaning and bactericidal treatment of utensils and equipment.* (*a*) All equipment, including display cases or windows, counters, shelves, tables, refrigerators, stoves, hoods, and sinks, shall be kept clean and free from dust, dirt, insects, and other contaminating material. All cloths used by waiters, chefs, and other employees shall be clean. Single-service containers shall be used only once.

(*b*) All multi-use eating and drinking utensils shall be thoroughly cleaned and effectively subjected to an approved bactericidal process after each usage. All multi-use utensils used in the preparation or serving of food and drink shall be thoroughly cleaned and effectively subjected to an approved bactericidal process immediately following the day's operation. Drying cloths, if used, shall be clean and shall be used for no other purpose.

(*c*) No article, polish, or other substance containing any cyanide preparation or other poisonous material shall be used for the cleansing or polishing of utensils.

(xi) *Storage and handling of utensils and equipment.* After bactericidal treatment, utensils shall be stored in a clean, dry place protected from flies, dust, and other contamination, and shall be handled in such a manner as to prevent contamination as far as practicable. Single-service utensils shall be purchased only in sanitary containers, shall be stored therein in a clean, dry place until used, and shall be handled in a sanitary manner.

(xii) *Disposal of wastes.* All wastes shall be properly disposed of, and all garbage and trash shall be kept in suitable receptacles, in such manner as not to become a nuisance.

(xiii) *Refrigeration.* All readily perishable food and drink shall be kept at or below 50° F. except when being prepared or served. Waste water from refrigeration equipment shall be properly disposed of.

(xiv) *Wholesomeness of food and drink.* All food and drink shall be clean, wholesome, free from spoilage, and so prepared as to be safe for human consumption. All milk, fluid milk products, ice cream, and other frozen desserts served shall be from approved sources. Milk and fluid milk products shall be served in the individual original containers in which they were received from the distributor or from a bulk container equipped with an approved dispensing device: *Provided,* That this requirement shall not apply to cream, which may be served from the original bottle or from a dispenser approved for such service. All oysters, clams, and mussels shall be from approved sources, and if shucked shall be kept until used in the containers in which they were placed at the shucking plant.

(xv) *Storage, display, and serving of food and drink.* All food and drink shall be so stored, displayed, and served as to be protected from dust, flies, vermin, depredation and pollution by rodents, unnecessary handling, droplet infection, overhead leakage, and other contamination. No animals or fowls shall be kept or allowed in any room in which food or drink is prepared or stored. All means necessary for the elimination of flies, roaches, and rodents shall be used.

(xvi) *Cleanliness of employees.* All employees shall wear clean outer garments and shall keep their hands clean at all times while engaged in handling food, drink, utensils, or equipment. Employees shall not expectorate or use tobacco in any form in rooms in which food is prepared.

(xvii) *Miscellaneous.* The premises of all restaurants shall be kept clean and free of litter or rubbish. None of the operations connected with a restaurant shall be conducted in any room used as living or sleeping quarters. Adequate lockers or dressing rooms shall be provided for employees' clothing and shall be kept clean. Soiled linens, coats, and aprons shall be kept in containers provided for this purpose.

(4) *Disease control.* No person who is affected with any disease in a communicable form or is a carrier of such disease shall work in any restaurant, and no restaurant shall employ any such person or any person suspected of being affected with any disease in a communicable form or of being a carrier of such disease. If the restaurant manager suspects that any employee has contracted any disease in a communicable form or has become a carrier of such disease he shall notify the Superintendent immediately. A placard containing this section shall be posted in all toilet rooms.

(5) *Procedure when infection suspected.* When suspicion arises as to the possibility of transmission of infection from any restaurant employee the Superintendent may require any or all of the following measures:

(i) The immediate exclusion of the employee from all restaurants.

(ii) The immediate closing of the restaurant concerned until no further danger of disease outbreak exists, in the opinion of the Superintendent.

(iii) Adequate medical examinations of the employee and of his associates, with such laboratory examinations as may be indicated.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued at Rocky Mountain National Park, Colorado, this 21st day of May 1956.

JAMES V. LLOYD,
*Superintendent.*

[F. R. Doc. 56-4776; Filed, June 18, 1956; 8:47 a. m.]

## TITLE 43—PUBLIC LANDS: INTERIOR

### Chapter I—Bureau of Land Management, Department of the Interior

PART 161—THE FEDERAL RANGE CODE FOR GRAZING DISTRICTS

SPECIAL RULE TO ESTABLISH PRIORITY PERIOD FOR DETERMINING DEPENDENCY BY USE OF BASE PROPERTIES UTILIZING CERTAIN FEDERAL RANGE IN MALTA GRAZING DISTRICT (MONTANA NO. 1)

JUNE 12, 1956.

Pursuant to the delegation of authority from the Secretary of the Interior conveyed by Departmental Order No. 2583, of August 16, 1950, and in accordance with the provision of 43 CFR 161.16, notice is hereby given as follows:

Upon recommendation of the advisory board of the Malta Grazing District (Montana No. 1), and a factual showing of its necessity having been made by the State Supervisor, concurred in by the Area Administrator, a special rule is hereby prescribed for the purpose of classifying and determining the dependency by use of base properties utilizing certain Federal range in Montana Grazing District No. 1. These Federal range lands were formerly administered by Montana Cooperative State Grazing Districts under an agreement with the Bureau of Land Management, and are now being administered directly by the Bureau.

As applied to the lands described below, the provisions of § 161.2 (k) of the Federal Range Code (43 CFR 161.2 (k)), are modified to read as follows:

§ 161.2 *Definitions.* • • •

(k) (1) (i) "Land dependent by use" means forage land other than Federal range of such character that the conduct of an economic livestock operation requires the use of some part of the Federal range described below in connection with it and which in the "priority period" was used as a part of an established, permanent, and continuing livestock operation during each year of such priority period in connection with such Federal range.

(ii) The priority period shall be the five-year period immediately preceding January 1, 1953.

(2) (i) Base lands shall be considered as "dependent by use" (class 1) only where and to the extent that during each year of such priority period licenses for use of the Federal range in connection therewith were issued under the rules and regulations of the Montana Cooperative State Grazing Districts.

(ii) No lands shall be considered as "dependent by use" unless offered as base property in an application to the Bureau of Land Management for a grazing license or permit within one year from the effective date of this notice.

(3) The extent to which grazing licenses or permits will be granted on the basis of dependency by use of land shall be governed by the following:

(i) It shall not exceed the average annual amount of forage customarily and properly utilized by the livestock operation, computed on the basis of the full five years of the priority period, on that part of the public land which at the time of the issuance of the license or permit is Federal range.

(ii) It shall not exceed the amount of forage needed for the proper support of the number of livestock creating such dependency by use which is available on the base property during the minimum period established under § 161.4.

The grazing privileges which may be granted hereunder shall not exceed the amounts determined under subdivision (i) or (ii) of this subparagraph, whichever is the lesser. Where the base property provides forage in excess of that necessary for the proper support of the number of livestock used in creating the dependency by use (class 1) the base property, to the extent of such excess forage capacity, may be treated as dependent by location (class 2) if so qualified.

(iii) Whenever the dependency by use of two or more base properties was created by the use of all or part of the same Federal range, during the same or at different seasons of the year, by two or more livestock operations, the relative dependency by use of each of the base properties shall be proportionate to the average annual use actually and properly made of the Federal range during the priority period by each of the livestock operations.

NOTE: The provisions of this special rule shall apply to the Federal range located within the following-described areas:

Tps. 24, 25, 26 N., R. 40 E., that part north and west of Fort Peck Lake;
T. 27 N., R. 40 E., all;
Tps. 23, 24, 25, N., R. 39 E., that part north and west of Fort Peck Lake;
Tps. 26, 27 N., R. 39 E., all;
Tps. 28, 29 N., R. 39 E., that part south and west of Milk River;
T. 23 N., R. 38 E., that part north and west of Fort Peck Lake;
Tps. 24 to 28 N., incl., R. 38 E., all;
T. 29 N., R. 38 E., that part south and west of Milk River;
Tps. 22, 23 N., R. 37 E., that part north and west of Fork Peck Lake;
Tps. 24 to 29 N., incl., R. 37 E., all;
T. 30 N., R. 37 E., that part south and west of Milk River;
Tps. 26, 27 N., R. 36½ E., all;
T. 22 N., R. 36 E., that part north of Fort Peck Lake;
Tps. 23 to 29 N., incl., R. 36 E., all;
T. 30 N., R. 36 E., that part south and west of Milk River;
T. 22 N., R. 35 E., that part north of Fort Peck Lake;
Tps. 23 to 30 N., incl., R. 35 E., all;
Tps. 31, 32 N., R. 35 E., that part south and west of Milk River;
T. 22 N., R. 34 E., that part north of Fort Peck Lake;
Tps. 23 to 29 N., incl., R. 34 E., all;
T. 30 N., R. 34 E., all of secs. 1, 12, 13, 24, 25 and 36;
T. 31 N., R. 34 E., all of secs. 1, 2, 3, 10 to 15, incl., 22 to 27, incl., 34 and 35.
T. 22., R. 33 E., that part north of Fort Peck Lake;
T. 23 N., R. 33 E., all;
T. 24 N., R. 33 E., secs. 25 to 36, incl.;
T. 22 N., R. 32 E., that part north of Fort Peck Lake;
T. 23 N., R. 32 E., all;
T. 24 N., R. 32 E., S½ sec. 21, S½ sec. 22, S½ sec. 29; S½ sec. 30, and all of secs. 25, 26, 27, 28, 31, 32, 33, 34, 35 and 36;
Tps. 21, 22 N., R. 31 E., all north of Fort Peck Lake;
T. 23 N., R. 31 E., all;
T. 24 N., R. 31 E., all of sec. 31;
Tps. 20, 21 N., R. 30 E., that part north of Fort Peck Lake;
Tps. 22, 23 N., R. 30 E., all;
T. 24 N., R. 30 E., secs. 28 to 36, incl.;
T. 21 N., R. 29 E., that part north of Fort Peck Lake;
T. 22 N., R. 29 E., all;
T. 23 N., R. 29 E., all of secs. 1, 3 to 35, incl.;
T. 24 N., R. 29 E., all of secs. 31 to 34, incl.;
T. 21 N., R. 28 E., that part north of Missouri River;
Tps. 22, 23 N., R. 28 E., all;
T. 24 N., R. 28 E., all of secs. 6, 7, 8, 10, 11, 13, 17, 18, 19, 20, 27 to 35, incl.;
T. 21 N., R. 27 E., that part north of Missouri River;
Tps. 22, 23, 24 N., R. 27 E., all;
T. 24 N., R. 26½ E., all;
T. 25 N., R. 27 E., secs. 7, 8, 17, 20, 21, 25 to 36, incl.;
T. 26 N., R. 27 E., secs. 7, 15, 17, 18, 19, 20, 21, 28, 29, 30;
T. 21 N., R. 26 E., that part north of Missouri River;
Tps. 22, 23, 24 N., R. 26 E., all;
Tps. 25, 26 N., R. 26 E., that part east of Fort Belknap Indian Reservation;
T. 21 N., R. 25 E., that part north of Missouri River;
Tps. 22, 23, 24 N., R. 25 E., all;
T. 25 N., R. 25 E., that part south of Fort Belknap Indian Reservation;
Tps. 21, 22 N., R. 24 E., that part north of Missouri River;
Tps. 23, 24 N., R. 24 E., all;
T. 25 N., R. 24 E., that part south of Fort Belknap Indian Reservation;
T. 22 N., R. 23 E., that part north of Missouri River;
Tps. 23, 24 N., R. 23 E., all;
T. 25 N., R. 23 E., that part south of Fort Belknap Indian Reservation;
T. 23 N., R. 22 E., that part north of Missouri River;
T. 24 N., R. 22 E., all;
Tps. 25, 26 N., R. 22 E., that part south and west of Fort Belknap Indian Reservation;
Tps. 23, 24 N., R. 21 E., that part north of Missouri River;
Tps. 25, 26 N., R. 21 E., all;
T. 23 N., R. 20 E., that part north of Missouri River;
Tps. 24, 25, 26 N., R. 20 E., all;
T. 23 N., R. 19 E., all north of Missouri River;
Tps. 24, 25, 26 N., R. 19 E., all;
T. 23 N., R. 18 E., that part north of Missouri River;
Tps. 24, 25, 26 N., R. 18 E., all;
T. 23 N., R. 17 E., all of secs. 1, 2, 3, 10, 11, 12, 13, 14, 15 and 24; that part of secs. 22, 23, 25 north of Missouri River;
T. 24 N., R. 17 E., all of secs. 7 to 27, incl.; and secs. 34, 35, 36;
T. 25 N., R. 17 E., all of secs. 1, 2, 3, 7 to 36, incl.;
T. 26 N., R. 17 E., all of secs. 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35, 36;
T. 25 N., R. 16 E., all of secs. 11, 12, 13, 14, 23, 24, 25, 26, 35, 36.

(Sec. 2, 48 Stat. 1270; 43 U. S. C. 315a)

EDWARD WOOZLEY,
*Director.*

[F. R. Doc. 56-4771; Filed, June 18, 1956; 8:46 a. m.]

## TITLE 49—TRANSPORTATION

### Chapter I—Interstate Commerce Commission

[S. O. 910]

PART 95—CAR SERVICE

RAILROAD OPERATING REGULATIONS FOR MOVEMENT OF LOADED FREIGHT CARS

JUNE 13, 1956.

Pursuant to notice of April 13, 1956, that in view of the temporary restraining order issued by the United States District Court for the District of Oregon, Civil Action No. 8541, dated April 7, 1956, no action would be taken to enforce Service Order No. 910 (21 F. R. 1798) until further order of the Commission, and said temporary restraining order having been dissolved.

It is ordered hereby that on and after this date the provisions of said Service Order No. 910 (21 F. R. 1798) will be enforced by the Commission.

Notice hereof will be given to the general public by depositing a copy of this notice in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F. R. Doc. 56-4787; Filed, June 18, 1956; 8:50 a. m.]



# PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### [ 7 CFR Part 28 ]

COTTON STANDARDS

PROPOSED REVISION OF OFFICIAL STAPLE STANDARDS FOR UNITED STATES COTTON LINTERS

Notice is hereby given that the United States Department of Agriculture is considering a revision of the official staple standards for United States cotton linters (7 CFR 28.209, as amended), pursuant to authority contained in the United States Cotton Standards Act, as amended (42 Stat. 1517; 7 U. S. C. 51 et seq.).

Under the official staple standards for linters, effective July 1, 1956, the staple normal for each grade as illustrated in the official standards for linters grades 1 through 7 is designated as staples 1, 2, 3, 4, 5, 6, and 7 respectively. The Department will make available for the 1956–57 season official staple guides for staples 1 through 7. These official staple guides were approved by the cotton linters industry at a linters standards meeting held by the Department in Washington on June 4, 1956, and will be used in the practical determination of staple classification of cotton linters in the 1956–57 season. Effective July 1, 1956, in linters classification the grade and staple shall be determined and designated separately.

The Department proposes to establish, effective July 1, 1957, official staple standards for staples 1 through 7 based on the representative portions of linters approved by the Department and the cotton linters industry for the official staple guides. The United States Cotton Standards Act requires one year's notice before the effective date of new standards.

The proposed amendment of the regulations governing cotton linters standards to be effective July 1, 1957, would be as follows:

1. Change the undesignated center head immediately preceding § 28.201 (as amended 20 F. R. 4615) to read "Official Cotton Linters Standards Of The United States For Grade."

2. Delete § 28.209 (as amended 20 F. R. 4617) and substitute the following:

OFFICIAL COTTON LINTERS STANDARDS OF THE UNITED STATES FOR STAPLE

§ 28.215 *Staple 1.* Staple 1 shall be United States cotton linters which in staple is within the range represented by a quantity of cotton linters in the custody of the United States Department of Agriculture marked "Original Official Cotton Linters Standard of the United States, Staple 1, effective July 1, 1957."

3. Add new §§ 28.216 through 28.221, and define in each section in ascending numerical order staples 2 through 7, respectively, in identical language to that contained in § 28.215 except for the substitution of the appropriate staple designation.

4. Add new § 28.222 to read as follows:

§ 28.222 *Below 7 staple.* Cotton Linters which in staple is below Staple 7 shall be designated as "Below 7" staple.

Any interested person who wishes to submit written data, views, or arguments concerning the proposed revision may do so by filing them with the Director, Cotton Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 7 days after publication of this notice in the FEDERAL REGISTER.

Dated: June 15, 1956.

[SEAL] FRANK E. BLOOD,
*Acting Deputy Administrator, Agricultural Marketing Service.*

[F. R. Doc. 56-4847; Filed, June 18, 1956; 8:55 a. m.]

### Agricultural Research Service

### [ 9 CFR Part 131 ]

HANDLING OF ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

APPROVAL OF BUDGET AND FIXING OF RATE OF ASSESSMENT FOR CALENDAR YEAR 1956

Consideration is being given to the approval of a budget of expenses of the Control Agency established under the marketing agreement and the marketing order (9 CFR 131.1 et seq.), regulating the handling of anti-hog-cholera serum and hog-cholera virus, and the fixing of the rate of assessment to be paid by handlers, for the calendar year 1956, as follows:

§ 131.156 *Budget of expenses and rates of assessment for the calendar year 1956*—(a) *Budget of expenses.* The expenses which will necessarily be incurred by the Control Agency, established pursuant to the provisions of the marketing agreement and of the marketing order, for the maintenance and functioning of said Agency during the calendar year 1956, will amount to $40,090.00 under the recommendation of the Control Agency.

(b) *Rates of assessment.* Of the amount of $40,090.00 to be collected during the calendar year 1956, the sum of $30,789.12 shall be assessed against handlers who are manufacturers, and $9,300.88 shall be assessed against handlers who are wholesalers. The pro rata share of the expenses of the Control Agency to be paid for the calendar year 1956 by each handler who is a manufacturer shall be $18.84 for each ten thousand dollars or fraction thereof of serum and virus sold by such handler during the calendar year 1955 and the pro rata share of such expenses to be paid for the calendar year 1956 by each handler who is a wholesaler shall be $25.00 for the first ten thousand dollars or fraction thereof and $7.95 for each additional ten thousand dollars or fraction thereof of serum and virus sold by such handler. Such assessments shall be paid by each respective handler in accordance with the applicable provisions of the marketing agreement and order.

(c) *Terms.* As used in this section, the terms "handler", "manufacturer", "wholesaler", "virus", and "serum" shall have the same meaning as is given to each such term in said marketing agreement and marketing order.

Interested parties may obtain copies of the budget mentioned herein from the Executive Secretary of the Control Agency, 512 Veterans of Foreign Wars Building, Kansas City 11, Missouri.

All persons who desire to submit written data, views, or arguments in connection with the aforesaid consideration shall file the same with the Hearing Clerk, Room 112, Building A, United State Department of Agriculture, Washington 25, D. C., not later than the close of business on the twentieth (20th) day after the publication of this notice in the FEDERAL REGISTER. All documents shall be filed in quadruplicate.

(49 Stat. 781; 7 U. S. C. 851 et seq.).

Issued this 13th day of June 1956.

[SEAL] M. R. CLARKSON,
*Acting Administrator, Agricultural Research Service.*

[F. R. Doc. 56-4804; Filed, June 18, 1956; 8:53 a. m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

### [ 21 CFR Part 120 ]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR ESTABLISHMENT OF TOLERANCES FOR RESIDUES OF 3-(*p*-CHLOROPHENYL)-1,1-DIMETHYLUREA

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by E. I. du Pont de Nemours and Company, Wilmington, Delaware, proposing the establishment of tolerances of 1 part per million for residues of 3-(*p*-chlorophenyl)-1,1-dimethylurea in or on the following raw agricultural commodities: Citrus citron, grapefruit, kumquats, lemons, limes, oranges, tangelos, tangerines.

The analytical method proposed in the petition for determining residues of the pesticide chemical is the method described in the notice of filing of the petition for establishing tolerances for residues of 3-(*p*-chlorophenyl)-1,1-dimethylurea in or on several raw agricultural commodities in the FEDERAL REGISTER of July 8, 1955 (20 F. R. 4872).

Dated: June 13, 1956.

[SEAL] GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F. R. Doc. 56-4769; Filed, June 18, 1956; 8:46 a. m.]

## CIVIL AERONAUTICS BOARD

### [ 14 CFR Parts 40, 41, 42 ]

[Draft Release No. 56-16]

TRAINING PROGRAMS AND PROFICIENCY CHECKS (USE OF AIRCRAFT SIMULATORS)

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority vested in the Civil Aeronautics Board, notice is hereby given that the Board proposes to amend Parts 40, 41, and 42 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rule, communications must be received by August 17, 1956. Copies of such communications will be available after August 21, 1956, for examination by interested persons in the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

Parts 40, 41, and 42 of the Civil Air Regulations currently require certain pilot proficiency checks to be accomplished twice a year by each pilot serving as pilot in command in air carrier service. The objective of these checks is to insure that the pilot maintains a high standard of proficiency in the piloting and navigation of the airplane types to be flown by him. The proficiency checks must be given by an authorized representative of the Administrator of Civil Aeronautics or a check pilot of the carrier concerned. In addition to the normal airplane maneuvers, these checks include certain critical maneuvers which are encountered from time to time in air carrier service such as take-offs and landings with inoperative engines, missed approaches, instrument letdowns, and various emergency procedures.

The Administrator, with the approval of the Board, has for several years approved many maneuvers required in the proficiency checks to be accomplished in synthetic trainers which accurately simulate the flight characteristics and the performance of the aircraft, to which a pilot is assigned, through all ranges of normal and emergency operations. This approval has been based in part upon an air carrier's using the approved synthetic trainer in its pilot training program, and the pilot's demonstrating satisfactorily in actual flight his ability to perform at least 4 basic maneuvers, as follows: Flight at minimum speeds, approach to lowest approved minimums, landing under circling approach conditions, and simulated engine failure(s) during take-off.

It must be remembered that these checks are not an end in themselves; they are a measure of the sufficiency of the training program, which an air carrier is required by the Civil Air Regulations to establish, to insure that each pilot is adequately trained to perform the duties to which he is assigned, and that the individual pilot maintains a satisfactory level of proficiency. In other words, they serve as the essential link between the carrier's training program and its goal: safe and efficient flight operations.

The air carrier training programs consist of ground and flight training, conducted by qualified instructors, utilizing adequate ground and flight facilities. These programs are costly to operate, and the carriers are constantly seeking means to improve them and to reduce cost. The Board encourages this objective. One of the means to achieve this end has been the use of the synthetic trainer, simple models of which, restricted almost exclusively to instruction in navigational and instrument approach procedure problems, have been in use for many years. During and after World War II, however, more useful and, correspondingly, more complex trainers were developed and produced, the first one actually being utilized by a large scheduled international air carrier early in 1949. The introduction into service of synthetic trainers, which accurately simulate the flight characteristics and cockpit layouts of particular aircraft types, has paralleled the introduction of costlier, larger, faster, and more expensive to operate transport aircraft. In fact, the intensive developmental work with such aircraft simulators has been due principally to these factors.

The increasing complexity of aircraft, with concomitant need for devices to simulate the flight characteristics of these aircraft, will be further accentuated as turbo-prop and turbo-jet aircraft are procured. More intensive training of pilots and crews will be necessary to insure that they are proficient in the operation of these larger and faster aircraft with their corresponding new operating problems, and this training can only be accomplished at considerably increased costs. In anticipation of this problem, certain carriers are preparing to acquire aircraft simulators before the parent aircraft is put into service. This action is predicated on the assumption that essential training can be conducted in part in aircraft simulators more effectively, safely, and economically than in an aircraft, and with considerable saving in time.

The fundamental characteristics of these aircraft simulators in use and under consideration should be made clear in order that interested persons will clearly understand the nature of the device the Board is discussing in this proposed rule making. The Board has in mind that the aircraft simulator shall be approved by the Administrator as a full scale mock-up of the cockpit interior of a particular type aircraft with normal crew stations, plus accommodations for necessary additional persons such as check airmen, instructors, or observers. It shall also include suitable course and altitude recorders. It shall be capable of accurately reproducing the engine and flight performance, control loading, instrument indication, and control movements of the specific model aircraft during the execution of all normal and anticipated emergency maneuvers. Of great importance is the requirement that the device shall be designed to permit presentation of malfunction of aircraft, aircraft engines, propellers, appliances, systems, and other components, and appropriate procedures to cope with such emergencies. Capabilities, as outlined above, will permit intensive training and checking in normal and abnormal flight conditions, various flight procedures, navigational problems, and essential crew coordination.

It is apparent, therefore, that pilots and crews can obtain training in aircraft simulators which will contribute substantially to a complete familiarity with the aircraft equipment and associated flight procedures in which they are required to be proficient.

The fact that the aircraft simulator is immobile has a distinct psychological training advantage. Training is unhurried and free from the pressures and distractions which are present when training is conducted in actual flight. Greater concentration upon flight and equipment problems is possible. Great economies in time are gained with the result that a great deal more training can be accomplished in a given period of time than is possible in an aircraft. When it is desirable for a particular maneuver or procedure to be repeated, it can be repeated several times, or interrupted if necessary for discussion with the instructor or check airman, or special emphasis may be given some particular point. This can be accomplished with economy of time since it will not be necessary to re-orient the airplane to repeat the problem. Accordingly, in a given time, the aircraft simulator could be, hour for hour, more efficient than the airplane itself in training and checking certain phases of pilot proficiency.

Furthermore, the quality and effectiveness of flight crew training depends very largely upon the opportunities afforded flight personnel to experience realistically the critical situations that they may possibly experience in an airplane, and as members of an integrated and coordinated cockpit team, to take such immediate action as each situation requires. Properly designed and operated simulators afford such opportunities. Additionally, a simulator is available for training practically all of the time. The training is not subject to being cancelled or delayed because of weather or traffic conditions, or because of mechanical irregularities which frequently hold training airplanes on the ground. Over a period of 22 months, the one domestic carrier using aircraft simulators extensively lost less than one percent of the total scheduled training time on account of service and maintenance difficulties. A simulator can be made available for training 24 hours a day, for, unlike an airplane, a simulator is rarely unavailable for training in its entirety. Some particular part or unit of the simulator may be inoperative while being serviced, and at the same time all other features of the machine are available for training.

In addition to the obvious merits of aircraft simulators as training devices, the Board believes that the following reasons for special regulatory treatment of aircraft simulators are compelling. First, it is the Board's opinion that proper use of simulators will enhance the safety of training and proficiency flights. Training may be accomplished in simulators without hazard to the participating crews, other aircraft, or persons or property on the ground. With training devices, it is possible to re-enact emergency situations too hazardous to simulate exactly in an actual airplane in flight, or those which it is impossible to perform in an airplane. For example, simulated engine failures must presently be accomplished in flight at the authorized maximum take-off weight and power, or with a suitable combination of lower weights and power; air carriers, pilots, and CAA have objected to this requirements as being unnecessarily hazardous and burdensome. (The Board is considering deletion of this requirement in a separate rule-making procedure.) Also, such emergency situations as fuel dumping, icing, fire in flight, loss of control, accidental reversing of propellers in flight, and others which cannot reasonably be accomplished in flight, can be simulated realistically, and crewmen can become proficient in taking appropriate corrective action through all degrees of the emergency situation including the "crash" condition.

Second, the chances of mid-air collisions will be reduced. One of the most acute problems facing aviation today is that of collision avoidance. Industry and government alike are devoting considerable effort to its solution. Any procedure that will serve to reduce the probability of collision must be carefully considered. One effective means to do this is to reduce traffic in already congested areas. A type of traffic which can be reduced by utilizing the simulator under proper supervisory control is that traffic created by training operations. Air carrier flight training for the most part must be conducted in the vicinity of large air terminals since these are the areas in which crews normally reside; however, they are also the centers of the most critical traffic congestion. Training flights, which in most cases are partially hooded, require a far greater degree of concentration within the cockpit. By reducing the number of these training flights, the collision hazard would be materially reduced. In addition, the participants in training "flights" conducted in aircraft simulators on the ground are relieved of the anxiety of collision avoidance, and thus a climate conducive to undisturbed instruction is created.

Third, any compromise in the safety of flight which may follow from conducting training with partially hooded cockpits, feathered propellers, and other abnormal aircraft configurations and maneuvers, creates a potential hazard to persons and property on the ground. Since much training flight activity is necessarily conducted at relatively low altitudes in the vicinity of major airports, any reduction in the level of performance of the aircraft must involve some compromise in the safety of the operation. These training operations have not been considered to introduce an intolerable level of safety; however, when training in aircraft simulators can be used to replace training in actual flight in densely populated areas, such a possibility must be explored fully.

Fourth, an important associated aspect of reduced training flights in the congested areas is the resulting reduction in the noise of aircraft activity, which can be annoying to airport neighbors. In fact, noises emanating from training flights can be greater than from normal flight operations due to the necessary sudden surges of power at low altitudes associated with engine inoperative conditions, pullouts, and missed approaches.

Finally, justification for increased use of simulators can also be based on economic considerations. From information available, it appears that the average hourly cost of operating current aircraft simultors is approximately one-third that of operating the parent aircraft. In addition, the use of aircraft simulators reduces the necessity for withdrawal of aircraft from scheduled service—one of the most expensive aspects of pilot training—and reduces the physical abuse to which line aircraft (especially engines) are necessarily subjected during training flights.

The Board has recently received a petition from a large scheduled domestic carrier for relief from certain sections of the Civil Air Regulations which, in the carrier's opinion, prevent full and complete use of aircraft simulators. This petition requested, in part, permission to utilize "electronic-mechanical flight simulators, representative of specific types of aircraft, in lieu of the actual aircraft for the proficiency checks given to pilots serving the air carrier as pilots in command." In justification of its request, the air carrier submitted comprehensive documentation which included, among other data, reference to the facts, conditions, and circumstances outlined in the foregoing explanatory paragraphs. In addition, it submitted two very significant items of information peculiar to its own operations. Over a period of nearly four years, this carrier has accomplished nearly 17,000 hours of training in aircraft simulators, as a supplement to flight training as presently required by the Civil Air Regulations. The petitioner and the pilots of this air carrier both endorse the use of aircraft simulators and recommend that they replace the semiannual proficiency check as presently required. This joint endorsement has been advanced as a strong reason for considering the potentialities of the simulator. It is particularly persuasive since it is based on many thousands of hours of experience and the expenditure of several millions of dollars.

During the same period that the aforementioned air carrier has been using flight simulators, other air carriers and the Administrator have also been studying methods of integrating aircraft simulators into the training programs of air carriers, particularly with reference to the recurrent training and proficiency checks required of pilots in command. In conjunction with this, they have under consideration criteria for the approval of the design of simulators. The Board has been especially impressed by the careful planning evident in the carriers' approach to the use of aircraft simulators and their recognition that they do not provide a magic short cut to flight training or to mastery of a new type aircraft. It is generally agreed that the aircraft simulators are invaluable supplementary training aids which give promise of improving the quality of pilot proficiency in normal and emergency operations, while making possible a substantial reduction in the number of check flights requiring the accomplishment of potentially hazardous maneuvers and complicated emergency procedures. It was significant to the Board that the pilots who had had considerable experience in the trainers endorsed their use. The Board is of the opinion that the advantages of the trainers are so apparent that their controlled introduction into air carrier training procedures on a wider basis is in the public interest and should be encouraged.

In summary, the Board has found, as follows:

Aircraft simulators have been proven as valuable aids in improving the effectiveness of pilot training for instrument and equipment proficiency. The promise of further improvement in training is, in fact, so great that it appears desirable to reduce the number of proficiency checks that pilots are required to take. Simulators are especially adapted to instruction in and practice of numerous emergency procedures which cannot

satisfactorily be accomplished in flight, and permit special emphasis on the coordination of crew duties; they offer a laboratory for experimentation in techniques and procedures which might be time-consuming or hazardous in flight; they will permit training to be conducted with more safety as a result of the reduction of frequency of aircraft operations under simulated emergency conditions; their use will result in the reduction of traffic congestion and noise in large terminal areas; and they will reduce substantially the total cost of pilot training programs.

In determining the most appropriate method to realize the full possibilities of aircraft simulators, the Board cannot lose cognizance of its responsibility to assure the highest degree of safety in air transportation even while taking this opportunity to encourage sound technical and economic development of air carrier operations. It is the Board's opinion, therefore, that use of aircraft simulators in air carrier training programs should be broadened in accordance with these basic principles:

A. The use of simulators will be permissive with the air carriers.

B. Aircraft simulators must simulate the flight characteristics and performance of the corresponding aircraft through virtually all ranges of normal and emergency operations and the Administrator of Civil Aeronautics must so find.

C. In lieu of one of the two proficiency checks required of pilots in command each 12 months, an air carrier may establish within its training programs an aircraft simulator curriculum approved by the Administrator. It is anticipated that the simulator curriculum will consist of at least several hours of training time covering all items currently contained in the flight proficiency checks. This training will be in addition to any other training the carrier chooses to make available to its pilots.

D. Supervisory personnel used in that portion of the training program established in lieu of a proficiency check will be qualified in accordance with requirements approved by the Administrator.

E. The Board will review the experience gained under these regulations to determine the effectiveness of the procedures permitted thereby.

The Civil Aeronautics Administration is in accord with the objectives and the means of attaining them as proposed herein. In addition, however, the Board has received a recommendation from the Administrator of Civil Aeronautics that the Civil Air Regulations include certain specific standards for aircraft simulator equipment which will be used as a basis for approval by the Administrator. In consideration of the significance of this specific proposal, the Administrator's recommendations are included in this notice of proposed rule making as Appendix A for separate industry comment.

In view of the foregoing, notice is hereby given that it is proposed to promulgate amendments to Parts 40, 41, and 42 of the Civil Air Regulations substantially as follows:

1. By amending § 40.302 (b) (1) by adding at the end of the second sentence: "*Provided*, That where an aircraft simulator curriculum approved by the Administrator is included in the air carrier recurrent training program, each such pilot need accomplish only one proficiency check each 12 months: *And provided further*, That when such aircraft simulator curriculum has been approved, the other proficiency check shall be accomplished as otherwise prescribed in this paragraph."

2. By amending § 41.53 by adding at the end of the second sentence: "*Provided*, That where an aircraft simulator curriculum approved by the Administrator is included in the air carrier recurrent training program, each such pilot need accomplish only one proficiency check each 12 months: *And provided further*, That when such aircraft simulator curriculum has been approved, the other proficiency check shall be accomplished as otherwise prescribed in this section."

3. By amending § 42.44 (a) by adding a new subparagraph (4) to read as follows:

(4) Where an aircraft simulator curriculum approved by the Administrator is included in the air carrier recurrent training program, each pilot in command need accomplish in a 12-month period, only one of the equipment checks and only one of the instrument checks required by subparagraphs (2) and (3), respectively, of this paragraph: *Provided*, That when such aircraft simulator curriculum has been approved, the remaining checks shall be accomplished as otherwise prescribed in this paragraph.

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposal may be changed in light of comments received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601–610, 52 Stat. 1007–1012, as amended; 49 U. S. C. 551–560)

Dated at Washington, D. C., June 13, 1956.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
*Secretary.*

APPENDIX A

The following standards are recommended by the Administrator to be included in the amendments to the Civil Air Regulations pertinent to aircraft flight simulators:

The flight simulator shall be acceptable to the Administrator and shall accurately simulate the flight characteristics, performance, cockpit arrangements and instrument reactions of the applicable aircraft through all ranges of normal and emergency operations. The basic requirements for such devices are as follows:

(1) The simulator shall be a full scale mock-up of the cockpit interior with the normal crew stations plus provisions for three additional persons, such as observers, instructors and/or check airmen.

(2) The engine, flight and radio performance of this equipment shall be simulated on the ground and in flight as hereinafter specified. The effect of changes on the basic forces and moments shall be introduced for all combinations of drag and thrust, normally encountered in flight. The effect of gross weight and center of gravity shall be included. It shall also include suitable course and altitude records.

(3) The simulated engine and flight performance and control loading of this equipment shall conform to those characteristics that are peculiar to the specific airplane under similar conditions of aircraft attitude, power, drag, altitude, temperature, gross weight, center of gravity location and configuration.

(4) Through the medium of instrument indication, it shall be possible to use this equipment in the training and checking of personnel in the operational use of controls and instruments on the model specified during the execution of ground operation, take-off, landing, normal flight, various maneuvers, radio problems and instrument approach procedures, all of which shall be simulated. The simulator shall be designed to permit presentation of malfunction of aircraft engines, propellers, systems, and other components operable by the crew and appropriate emergency duties and procedures to cope with such emergencies.

(5) In response to control movement by any crew member, all instrument indications involved in the simulation of the specific airplane shall be entirely automatic in character unless otherwise specified. The rate of change of simulator instrument readings and of control pressures shall correspond to the rate of change which would occur on the airplane under actual flight conditions, for any given change in the applied load on the controls, in the applied power or in aircraft configuration. Control forces and degree of actuating control travel shall correspond to that which would occur in the airplane under actual flight conditions.

(6) From the normal cockpit interior, the system or condition being simulated, and the degree of simulation, shall be as follows:

| | |
|---|---|
| Noise | All normal cockpit noises with adjustable volume permissible. |
| Surface controls | Full simulation. |
| Gust locks | Full simulation. |
| Trim tabs | Full simulation. |
| Auto pilot | Mock-up. |
| Landing gear operation | Full simulation. |
| Brakes | Full simulation. |
| Steering | Full simulation. |
| Wing flaps | Full simulation. |
| Power plants | Full simulation. |
| Propellers | Full simulation. |
| Fuel and oil system | Full simulation (constant rate of depletion acceptable). |
| Electrical | Full simulation of cockpit and circuit breaker station. |
| Hydraulic system | Full simulation. |
| Lights exterior | Cockpit controls and indication only. |
| Cockpit lights interior | Full simulation. |
| Fire detection and extinguishing | Full simulation. |
| Heating and cooling | Mock-up. |
| Pressurization | Mock-up (for airplanes intended for normal operation below 25,000 feet—instruments and indication above 25,000 feet). |
| Flight instruments | Full simulation. |
| Oxygen system | Partial simulation (masks and cockpit area supply). |
| Outside air temperature vs. altitude. | Full simulation. |
| Static systems | Full simulation. |
| Radio | Full simulation including wind effect in navigation problems. |

[F. R. Doc. 56-4799; Filed, June 18, 1956; 8:53 a. m.]



# NOTICES

## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

KANSAS

DISASTER ASSISTANCE; DELINEATION OF DROUGHT AREA

Pursuant to Public Law 875, 81st Congress, the President determined on August 26, 1954, that a major disaster occasioned by drought existed in the State of Kansas.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148, 5364; 20 F. R. 4664), and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, Hodgeman County, Kansas, was determined on June 7, 1956, to be affected by the above-mentioned major disaster.

Done at Washington, D. C., this 13th day of June 1956.

[SEAL] TRUE D. MORSE,
*Acting Secretary.*

[F. R. Doc. 56-4762; Filed, June 18, 1956; 8:45 a. m.]

## DEPARTMENT OF THE TREASURY

### Foreign Assets Control

NATURAL (UNDYED) HOG BRISTLE OF JAPANESE ORIGIN

AVAILABILITY OF LICENSES FOR IMPORTATION

Notice is hereby given that the Treasury Department is now prepared to consider applications for licenses under the Foreign Assets Control Regulations, 31 CFR 500.101–500.808, for the purchase and importation from Japan of Japanese natural (undyed) non-black, hog bristle. Licenses issued pursuant to such applications will authorize the importation of Japanese natural bristle for entry into warehouse. The release from warehouse of bristle imported pursuant to such licenses will be authorized only after the Foreign Assets Control is satisfied by physical inspection of the merchandise, and such other measures as may be appropriate, that the merchandise consists solely of Japanese natural hog bristle.

Applicants are advised that the fact that a licensee has paid for bristle under a license will not be considered a factor warranting release of the bristle from warehouse unless the bristle is found by Foreign Assets Control to consist entirely of natural (undyed) Japanese bristle.

[SEAL] ELTING ARNOLD,
*Acting Director, Foreign Assets Control.*

[F. R. Doc. 56-4797; Filed, June 18, 1956; 8:52 a. m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

COLORADO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JUNE 12, 1956.

The United States Forest Service of the Department of Agriculture has filed an application, Serial No. Colorado 014053, for withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the general mining laws but not the mineral leasing laws, subject to existing valid claims.

The applicant desires the land for use as an integral part of the Manitou Experimental Forest in connection with studies concerning the integration of cattle grazing on reseeded and native pasture lands, Pike National Forest.

For a period of thirty (30) days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 357 New Custom House, P. O. Box 1018, Denver 1, Colorado.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, COLORADO

T. 11 S., R. 69 W.,
Sec. 23: NE¼NE¼.

Total area, 40 acres.

J. ELLIOTT HALL,
*Acting State Supervisor.*

[F. R. Doc. 56-4770; Filed, June 18, 1956; 8:46 a. m.]

[Order 615]

ASSISTANT DIRECTOR IN CHARGE OF OPERATIONS ET AL.

DELEGATION OF AUTHORITY TO ENTER INTO CONTRACTS AND LEASES

JUNE 12, 1956.

SECTION 1. *Authority of certain offices to enter into contracts and leases.* (a) Pursuant to the authority contained in sections 50 and 52 of Order No. 2509, and Amendment 21, November 9, 1954, of the Secretary of the Interior, the following classes of employees are authorized to enter into contracts for construction, supplies (including the rental of equipment) or services, irrespective of amount,[1] and leases of space in real estate as provided in those sections.

Assistant Director in Charge of Operations.
Area Administrators.
Chief, Branch of Administrative Services.

(b) The Managers of the local offices of the Bureau located at Russellville, Arkansas and New Orleans, Louisiana are authorized to enter into such contracts when the amount in any such contract does not exceed $2,000.

(c) The Area Administrators may, in writing, redelegate to any qualified employees of their Area the authority granted in this section. Each redelegation shall be published in the FEDERAL REGISTER.

(d) Contracts and leases entered into under this authority must conform with applicable regulations and statutory requirements and are subject to the availability of appropriations.

SEC. 2. *Negotiation of contracts with educational institutions.* (a) Pursuant to the authority contained in Order No. 2713, of January 13, 1953, the Area Administrators are authorized to negotiate, without advertising, pursuant to section 302 (c) (5) of the Federal Property and Administrative Services Act of 1949, as amended (41 U. S. C., 1946 ed., supp. V, sec. 252), contracts for services to be rendered by any university, college, or other educational institution, in connection with programs and activities of the area.

(b) This authority shall be exercised in accordance with the applicable limitations in the Federal Property and Administrative Services Act of 1949, as amended and in accordance with applicable policies, procedures and controls

[1] Where the amount involved is in excess of $10,000, five working days advance notice to the Office of the Secretary is required in accordance with the Secretary's memorandum of March 2, 1954 and October 17, 1955.

prescribed by the General Services Administration.

SEC. 3. *Revocation.* Bureau Order No. 498 and Amendment 1 thereof are revoked.

EDWARD WOOZLEY,
*Director.*

[F. R. Doc. 56-4772; Filed, June 18, 1956; 8:47 a. m.]

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[Order 614]

ASSISTANT DIRECTOR IN CHARGE OF OPERATIONS ET AL.

DELEGATION OF AUTHORITY TO TRANSFER, DONATE, OR DISPOSE OF EXCESS OR SURPLUS REAL PROPERTY

JUNE 12, 1956.

SECTION 1. *Authority of certain officers to dispose of excess real property.* Pursuant to the authority contained in section 4 (b) of Order No. 2696 of July 17, 1952, and Amendment 2, January 19, 1954, of the Secretary of the Interior, the following classes of employees are authorized to transfer, donate or dispose of real property and related personal property excess to the needs of the Bureau of Land Management, as provided in that order and in accordance with the Federal Property and Administrative Services Act of 1949 (63 Stat. 377; 40 U. S. C. secs. 471–475) as amended and the regulations issued thereunder contained in 44 CFR 1951 Supp., Part 101:

Assistant Director in Charge of Operations.
Area Administrators.
Chief, Branch of Administrative Services.

(b) The Area Administrators may, in writing, redelegate to any qualified employees of their Area the authority granted in this section. Each redelegation shall be published in the FEDERAL REGISTER.

SEC. 2. *Revocation.* This order revokes Order No. 488, dated October 20, 1952.

EDWARD WOOZLEY,
*Director.*

[F. R. Doc. 56-4773; Filed, June 18, 1956; 8:47 a. m.]

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## Bureau of Reclamation

POWELL TOWNSITE, WYOMING

SALE OF LOT

1. *Statutory authority.* One additional lot of the townsite of Powell, Wyoming, will be disposed of in accordance with the Acts of April 16 and June 27, 1906 (34 Stat. 116, 519, 43 U. S. C. 561, 568).

2. *Area and price.*

T. 55 N., R. 99 W., 6th P. M., Powell Townsite, Wyoming; Lot 24 of Block 54; $2,500.00.

3. *Public sale.* On July 9, 1956, at 10 a. m., at the office of the Bureau of Reclamation, Powell, Wyoming, said lot will be sold at public auction to the highest bidder at not less than the appraised value. Purchasers must be citizens of the United States. Robert M. Fagerberg, Chief, Shoshone Field Division, Yellowstone-Bighorn Projects, Bureau of Reclamation, has been designated as superintendent of the sale, and Buford A. Riley, Administrative Services Branch, Shoshone Field Division, Yellowstone-Bighorn Projects, Bureau of Reclamation, as auctioneer.

4. *Terms of sale.* Full payment for the lot must be made in cash on the date of the sale.

5. *Authority of the superintendent.* The superintendent conducting the sale is authorized to refuse any and all bids for the lot and to suspend, adjourn, or postpone the sale of the lot to such time and place as he may deem proper. After the lot has been offered, the superintendent will close the sale. Should the lot remain unsold, it will be subject to private sale by the Manager, Land Office, Cheyenne, Wyoming.

6. *Warning.* All persons are warned against forming any combination or agreement which will prevent any lot or tract from selling advantageously or which will in any way hinder or embarrass the sale. Any persons so offending will be prosecuted under 18 U. S. C. 1860.

Approved: June 5, 1956.

F. M. CLINTON,
*Regional Director.*

[F. R. Doc. 56-4777; Filed, June 18, 1956; 8:48 a. m.]

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## National Park Service

[Rocky Mountain National Park Order 3]

SUPPLY OFFICER

DELEGATION OF AUTHORITY TO EXECUTE AND APPROVE CERTAIN CONTRACTS

MAY 14, 1956.

SECTION 1. *Contracts.* The Supply Officer may enter into contracts not in excess of $10,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations. This authority may be exercised by the Supply Officer in behalf of any office or area under the supervision of the Superintendent of Rocky Mountain National Park.

(National Park Service Order No. 14 (21 F. R. 1467); 39 Stat. 535; 16 U. S. C., 1952 ed., sec. 2; Region Two, Order No. 3 (21 F. R. 1494))

JAMES V. LLOYD,
*Superintendent, Rocky Mountain National Park and Shadow Mountain National Recreation Area.*

[F. R. Doc. 56-4774; Filed, June 18, 1956; 8:47 a. m.]

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[Zion and Bryce Canyon National Parks Order 1]

ASSISTANT SUPERINTENDENT AND ADMINISTRATIVE OFFICER

DELEGATION OF AUTHORITY TO EXECUTE AND APPROVE CONTRACTS

SECTION 1. *Assistant Superintendent.* The Assistant Superintendent may execute and approve contracts not in excess of $50,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations. This authority may be exercised on behalf of any coordinated area.

SEC. 2. *Administrative Officer.* The Administrative Officer may execute and approve contracts not in excess of $25,000 for supplies, equipment, or services in conformity with applicable regulations and statutory authority and subject to availability of appropriations. This authority may be exercised on behalf of any coordinated areas.

(National Park Service Order No. 14; 39 Stat. 535, 16 U. S. C., 1952 ed., sec. 2; Region Three, Order No. 3 (21 F. R. 1494))

Issued this 11th day of May 1956.

PAUL R. FRANKE,
*Superintendent, Zion and Bryce Canyon National Parks.*

[F. R. Doc. 56-4775; Filed, June 18, 1956; 8:47 a. m.]

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# DEPARTMENT OF COMMERCE

## Office of the Secretary

LEWIS T. GIBBS

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of December 9, 1955, 20 F. R. 9165.

A. Deletions: None.
B. Additions: None.

Dated: May 28, 1956.

LEWIS T. GIBBS.

[F. R. Doc. 56-4806; Filed, June 18, 1956; 8:45 a. m.]

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JOHN V. BURLEY

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of December 9, 1955, 20 F. R. 9164.

A. Deletions: No change.
B. Additions: No Change.

Dated: May 31, 1956.

JOHN V. BURLEY.

[F. R. Doc. 56-4807; Filed, June 18, 1956; 8:54 a. m.]

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# DEPARTMENT OF LABOR

## Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.



Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended March 1, 1956, 21 F. R. 1349).

The following learner certificates were issued for normal labor turnover purposes. The number of learners authorized is indicated:

Apparel Manufacturing Corp., Mebane, N. C.; effective 5–25–56 to 5–24–57; 7 learners (children's dresses).

Better Maid Apparel Co., 707 River Street, Peckville, Pa.; effective 5–28–56 to 5–27–57; 5 learners (dresses).

Cameron & Co., Inc., 2321 Oak Street, Napa, Calif.; effective 5–28–56 to 5–27–57; 10 learners (corduroy pants).

Eileen Dress Co., 117 Main Street, Dalton, Pa.; effective 5–25–56 to 5–24–57; 4 learners (dresses).

Excelsior Frocks, Inc., 396 Academy Street, Archbald, Pa.; effective 5–30–56 to 5–29–57; 10 percent of factory production workers (dresses).

Fuhrman-Levitt, Inc., 39 Woodland Avenue, Pitman, N. J.; effective 5–24–56 to 5–23–57; 5 learners (children's dresses).

Green Bay Specialty Co., 129 South Washington Street, Green Bay, Wis.; effective 5–26–56 to 5–25–57; 5 learners (women's outerwear).

H–F Manufacturing Co., 217 South Fifth Street, Perkasie, Pa.; effective 5–24–56 to 5–23–57; 5 learners (girl's outerwear).

Herron's of Colorado, 20 Court Street, Colorado Springs, Colo.; effective 5–28–56 to 5–27–57; 2 learners (capes, suede leather garments).

Highland Manufacturers, Inc., 215 Coxe Avenue, Asheville, N. C.; effective 5–28–56 to 5–27–57; 10 learners (dresses).

Joy Togs, Inc., 950 Highland Avenue, Greensburg, Pa.; effective 6–6–56 to 6–5–57; 10 percent of factory production workers (children's snowsuits).

Lehigh Dress Co., 1401 Broadway, Bethlehem, Pa.; effective 5–29–56 to 5–28–57; 10 percent of factory production workers (dresses).

Loomcraft Frocks, Inc., Third and Penn Streets, Pottstown, Pa.; effective 5–25–56 to 5–24–57; 10 percent of factory production workers (girls' dresses).

Paulsboro Dress Co., Inc., Delaware and Lodge Streets, Paulsboro, N. J.; effective 5–28–56 to 5–27–57; 10 percent of factory production workers (dresses).

Phillips-Jones Factory, Patton, Pa.; effective 6–2–56 to 6–1–57; 10 percent of factory production workers (dress shirts).

Phillips-Jones Corp., York Terrace Plant, Eighteenth and Mount Hope Avenue, Pottsville, Pa.; effective 6–9–56 to 6–8–57; 10 percent of factory production workers (sport shirts).

The Puritan Sportswear Corp., 813 Twenty-fifth Street, Altoona, Pa.; effective 5–26–56 to 5–25–57; 10 percent of factory production workers engaged in the production of sportswear (men's sportswear).

Rita Manufacturing Co., 114 South Second Street, Allentown, Pa.; effective 5–25–56 to 5–24–57; 3 learners (polo shirts).

Saxon Trouser Manufacturing Co., Aberdeen, Miss.; effective 6–5–56 to 6–5–57; ten percent of factory production workers (single pants).

Jules L. Simon & Co., 600 Kyger Street, Frankfort, Ind.; effective 5–28–56 to 5–27–57; 10 percent of factory production workers (men's outerwear).

Standard Shirt Co., McClure, Pa.; effective 5–28–56 to 5–27–57; 10 percent of factory production workers (pajamas).

Sylvania Manufacturing Co., Bank Avenue, Jersey Shore, Pa.; effective 5–26–56 to 5–25–57; 10 learners (ladies' blouses, outerwear).

Violet Dress Co., 77 South Main Street, Pittston, Pa.; effective 5–21–56 to 5–20–57; 10 learners (dresses).

Zero King Sportswear, Lake City, Minn.; effective 5–26–56 to 5–25–57; 5 learners (stormcoats and jackets).

The following learner certificates were issued for plant expansion purposes. The number of learners authorized is indicated:

Bellcraft Manufacturing Co., Mount Olivet Road, Hartwell, Ga.; effective 5–28–56 to 11–27–56; 25 learners (sport shirts).

Carbon Hill Manufacturing Co., Inc., Carbon Hill, Ala.; effective 5–23–56 to 11–14–56; 35 learners (boys' slacks) (supplemental certificate).

Detroit Slacks, Inc., Detroit, Ala.; effective 5–29–56 to 11–28–56; 25 learners (men's slacks).

Sport-Kraft Manufacturing Co., Inc., 419 West Third Street, Lewes, Del.; effective 5–24–56 to 11–23–56; 20 learners (ladies' blouses).

Stitchcraft, Inc., 393 Oconee Street, Athens, Ga.; effective 5–28–56 to 11–27–56; 20 learners (children's dresses).

Glove Industry Learner Regulations (29 CFR 522.60 to 522.65, as amended March 1, 1956, 21 F. R. 581).

Nation-Wide Glove Co., Inc., 601 East Prairie Street, Pontiac, Ill.; effective 5–25–56 to 5–24–57; 5 learners for normal labor turnover purposes (work gloves).

Wells Lamont Corp., Plant No. 2, Philadelphia, Miss.; effective 5–23–56 to 11–22–56; 25 learners for plant expansion purposes (work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.43, as amended March 1, 1956, 21 F. R. 629).

Bland Hosiery Mills, Inc., Bland, Va.; effective 5–24–56 to 5–23–57; 5 learners for normal labor turnover purposes (full-fashioned).

Greensboro Hosiery Mills, Inc., Greensboro, N. C.; effective 5–21–56 to 2–28–57; five percent of factory production workers for normal labor turnover purposes (full-fashioned) (replacement certificate).

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended March 1, 1956, 21 F. R. 581).

The following learner certificates were issued for normal labor turnover purposes:

Carlisle Co., Jefferson, S. C.; effective 5–23–56 to 5–22–57; 5 learners (knitted cotton cloth).

Ohio Knitting Mills, Inc., 7500 Stanton Avenue, Cleveland, Ohio; effective 5–28–56 to 2–28–57; five percent of factory production workers (sweaters) (Replacement certificate).

The Puritan Sportswear Corp., 813 Twenty-fifth Street, Altoona, Pa.; effective 5–26–56 to 5–25–57; five percent of factory production workers engaged in the production of knitted outerwear (men's knitted outerwear).

Val Mode Lingerie, Inc., 100 Eighth Street, Passaic, N. J.; effective 5–28–56 to 5–27–57; five percent of factory production workers (nylon tricot slips).

Shoe Industry Learner Regulations (29 CFR 522.50 to 522.55, as amended March 1, 1956, 21 F. R. 1195).

Heavenly Shoes, 30 Courtright Avenue, Wilkes-Barre, Pa.; effective 5–23–56 to 11–22–56; 30 learners for plant expansion purposes.

Tex Tan of Yoakum, Hickey Street, Yoakum, Tex., effective 5–24–56 to 11–23–56; 10 percent of factory production workers engaged in the manufacture of moccasins for normal labor turnover purposes (moccasins).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645).

The following learner certificates were issued for normal labor turnover purposes to the companies listed below manufacturing miscellaneous products. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as follows:

Clarolite, Inc., 1626 Cedar Avenue, Scranton, Pa.; effective 5–25–56 to 11–24–56; not less than 80 cents per hour for the first 160 hours and 85 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupation of sewing machine operator; not less than 80 cents per hour for a maximum of 160 hours, for the occupations of lampshade assembler and electric scaling machine operator; authorizing the employment of 10 percent of factory production workers (bed lights, lampshades, etc.).

Duro Apparel Corp., Pottsville Street, Wisconisco, Pa.; effective 5–26–56 to 11–25–56; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupation of sewing machine operator; authorizing the employment of 5 learners (belts, shoulder pads).

William B. Kessler, Inc., Pleasant and Tilton Streets, Hammonton, N. J.; effective 5–25–56 to 11–24–56; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 430–hour learning period, for the occupations of sewing machine operator, hand sewers, finishing operations involving hand sewing, and final pressing; authorizing the employment of 5 percent of factpry production workers (men's suits, sportcoats, slacks).

Kohout Cap Co., Le Mars, Iowa; effective 5–25–56 to 11–24–56; not less than 85 cents per hour for a maximum of 240 hours, for the occupation of sewing machine operator; authorizing the employment of 5 learners (shop and summer caps).

Layton Creations, 012 SW. Montgomery Street, Portland, Oreg.; effective 5–23–56 to 11–22–56; not less than 85 cents per hour for a maximum of 320 hours, for the occupation of sewing machine operator; authorizing the employment of 5 learners (decorative pillows, slipcovers).

Charles Navasky & Co., Inc., Osceola Mills, Pa.; effective 5–21–56 to 11–20–56; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupations of sewing machine operator and final pressing; authorizing the employment of five percent of factory production workers (trousers).

Charles Navasky & Co., Inc., Philipsburg, Pa.; effective 5–21–56 to 11–20–56; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remain-

ing 200 hours of the 480-hour learning period, for the occupations of sewing machine operating and final pressing (men's coats, sportcoats).

Pyramid Electric Co., 101 North Yates Street, Gastonia, N. C.; effective 5–28–56 to 11–27–56; not less than 87 cents per hour for a maximum of 320 hours, for the occupations of basic hand and machine production operations; authorizing the employment of ten percent of factory production workers (paper capacitors, etc.)

Scales Furniture Co., Inc., Claremont, N. C.; effective 5–25–56 to 11–24–56; not less than 80 cents per hour for the first 320 hours and 85 cents per hour for the remaining 160 hours of the 480-hour learning period, for the occupation of sewing machine operator; authorizing the employment of ten percent of factory production workers (upholstered furniture).

Tex Tan of Yoakum, Hickey Street, Yoakum, Tex.; effective 5–24–56 to 11–23–56; not less than 85 cent per hour for the first 160 hours and 90 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupations of stitching machine operator, hand cutter, assembler, and finisher; not less than 85 cents per hour for a maximum of 160 hours, for the occupation of die and clicker machine operator; authorizing the employment of ten percent of factory production workers engaged in the manufacture of belts and personal leather goods (leather belts, billfolds, etc.).

H. Treiber Clothing Co., 5 First Avenue, Raritan, N. J.; effective 5–24–56 to 11–23–56; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480–hour learning period, for the occupations of sewing machine operator, final pressing, hand sewing, and finishing operations involving hand sewing; authorizing the employment of 5 learners (men's sportcoats and outerwear).

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed are as indicated:

Consolidated Cigar Corp. of Puerto Rico, Villa Turabo, Caguas, P. R.; effective 5–10–56 to 5–9–57; not less than 40 cents per hour for a maximum of 320 hours, for the occupations of cigar making and packing; not less than 40 cents per hour for a maximum of 160 hours, for the occupation of machine stripping; authorizing the employment of 16 learners for normal labor turnover purposes (cigars).

Youthful Corp., 161 Ponce de Leon Avenue, Hato Rey, P. R.; effective 5–15–56 to 11–14–56; not less than 55 cents per hour for the first 320 hours and 62½ cents per hour for the remaining 160 hours of the 480-hour learning period, for the occupation of sewing machine operator; authorizing the employment of 16 learners for plant expansion purposes (girdles).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 5th day of June 1956.

MILTON BROOKE,
*Authorized Representative of the Administrator.*

[F. R. Doc. 56–4778; Filed, June 18, 1956; 8:48 a. m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 7375 et al.]

SERVICE TO PUERTO RICO CASE

NOTICE OF HEARING

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled proceeding is assigned to be held on July 18, 1956, at 10:00 a. m., (local time), in the Caribe Hilton Hotel, San Juan, Puerto Rico, before Chief Examiner Francis W. Brown.

Dated at Washington, D. C., June 14, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56–4800; Filed, June 18, 1956; 8:53 a. m.]

## GENERAL SERVICES ADMINISTRATION

[Project 3–DC–01]

FEDERAL OFFICE BUILDINGS

PROSPECTUS FOR PROPOSED BUILDINGS IN SOUTHWEST REDEVELOPMENT AREA OF DISTRICT OF COLUMBIA

EDITORIAL NOTE: This prospectus of proposed Project Number 3–DC–01 is published pursuant to section 412 (f) of the Public Buildings Purchase Contract Act of 1954 as amended by Public Law 150, 84th Congress, which requires publication in the FEDERAL REGISTER, for a period of ten consecutive days from date of submission to the Committees on Public Works of the Senate and House of Representatives.

Project Number 3–DC–01 (Revised)

MARCH 14, 1956.

FORMAL PROSPECTUS FOR PROPOSED BUILDING UNDER TITLE I PUBLIC LAW 519, 83D CONGRESS, 2D SESSION

FEDERAL OFFICE BUILDING, WASHINGTON, D. C.

1. *Brief description of proposed building.* The project contemplates the erection of a group of three Federal Office Buildings on a site to be acquired by the Government facing on the proposed Tenth Street Mall in the southwest redevelopment area of Washington, D. C. Each building will be multi-storied. An aggregate of approximately 643,000 square feet of net assignable space will be provided.

2. *Estimated maximum cost and financing.*
a. Maximum cost of site and buildings, $25,250,000.

b. Proposed contract term, 30 years.

c. Maximum rate of interest on purchase contract, 4 percent.

3. *Certificates of need.* As the project is intended to provide relocation of numerous Federal agencies now in temporary buildings, no specific allocation of space can be made at this time. Upon completion of the facility, assignment and reassignment will be made in accordance with existing law. Therefore, requirement for Certificate of Need otherwise required by section 411 (e) of the Public Buildings Purchase Contract Act of 1954 was waived in Public Law 150, 84th Congress. Certification is hereby made as to the need for service and garage space.

4. *Non-availability of existing space.* Suitable space owned by the Government is not available; and suitable rental space is not available at a price commensurate with that to be afforded through the contract proposed.

5. *Estimated annual managerial, custodial, heat, and utility costs.* (Services to be supplied by Government), $675,000.

6. *Estimated annual tax liability, upkeep and maintenance.* a. Taxes, post construction (contract period), $321,625.

b. Upkeep and maintenance (to be provided by Government), $96,000.

7. *Current annual housing costs.* Rents and other housing costs currently paid by the Government for agencies to be housed in the building to be erected, $509,000 p. a.

*Determination of need.* It has been determined that (1) the needs for space for the permanent activities of the Federal Government in this particular area cannot be satisfied by utilization of any existing suitable property now owned by the Government, and (2) the best interests of the United States will be served by taking action hereunder.

Submitted at Washington, D. C., on June 1, 1956.

Approved:

FRANKLIN G. FLOETE,
*Administrator of General Services.*

8. *Statement of Director, Bureau of the Budget.* Reflected in letter (copy attached).

EXECUTIVE OFFICE OF THE PRESIDENT

BUREAU OF THE BUDGET

WASHINGTON 25, D. C.

JUNE 13, 1956.

Project 3–DC–01 (Revised 3–14–56).
3 Multi-storied Federal Office Buildings.
Southwest Redevelopment Area, Washington, D. C.

MY DEAR MR. FLOETE: Pursuant to section 411 (e) (8) of the Public Buildings Purchase Contract Act of 1954 (Public Law 519), the (Revised March 14, 1956) proposal for a group of three Federal Office Buildings, transmitted with your letter of June 1, 1956, has been examined and in my opinion "is necessary and in conformity with the policy of the President." This approval is given with the following understanding:

1. Revision reflects the application of more definite plans for integration of the facility with the proposed Tenth Street Mall developed subsequent to approval of the project last July. Effective integration requires construction of three building units in lieu of one, as originally proposed. Garage space of 134,250 square feet not contemplated in original project is provided. Number of employees, utilization of space and cost factors are relatively the same.

2. That the stated project cost of $25,250,000 (including $2,500,000 for a site to be acquired) is a maximum figure.

3. That the reported annual operating cost of existing Tempos 4, 5, and T; i. e., $1.00 per square foot, represents minimum maintenance in anticipation of demolition, and that temporary Government buildings actually cost more to maintain than the proposed new buildings.

4. That the proposed buildings will house approximately 10% of Federal employees presently housed in temporary buildings, and that the specific allocation of agencies in the proposed buildings is to be determined later by General Services Administration.

5. That every effort will be made to design and construct space conducive to maximum efficient utilization of both site and buildings and to take advantage of any revision of cost downward which may be found possible as the plans develop and negotiations are advanced.

6. That this approval supersedes Mr. Hughes' letter of July 22, 1955.

You appreciate, of course, that this project will receive a more detailed review as to cost and space utilization prior to the approval of the lease-purchase agreement.

Sincerely yours,
(Signed) PERCIVAL BRUNDAGE,
*Director.*

Hon. FRANKLIN G. FLOETE,
*Administrator,*
*General Services Administration,*
*Washington 25, D. C.*

[F. R. Doc. 56–4860; Filed, June 18, 1956; 11:38 a. m.]



## SECURITIES AND EXCHANGE COMMISSION

[File No. 24A–1027]

CALUMET HILLS MINING CO.

ORDER TEMPORARILY DENYING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JUNE 13, 1956.

I. Calumet Hills Mining Company, 1 South 55th Place, Birmingham, Alabama (hereinafter referred to as the "issuer"), having filed with the Commission on May 10, 1956, a notification on Form 1–A and an offering circular relating to a proposed public offering of 5,750,000 shares of common stock, par value 5¢, at a price of 5¢ per share, for an aggregate offering of $287,500, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) of said act and Regulation A promulgated thereunder; and

II A. Paul Rowland Jones, a promoter of the issuer, was convicted on March 19, 1956 in the Circuit Court of Jefferson County, Birmingham, Alabama, of an offense of attempting to sell unregistered securities in violation of the laws of the State of Alabama. By virtue of Rule 216 (b) (5), no exemption under Regulation A is available for said securities; and

B. The Commission having reasonable cause to believe:

1. That the terms and conditions of the Regulation have not been complied with in that:

(a) The issuer failed to disclose in Item 5 of Form 1–A and the offering circular that Jones was a promoter of the issuer, and failed to disclose in Item 6 the conviction mentioned in paragraph A, above.

2. That the offering circular filed as a part of the notification contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made in the light of the circumstances under which they were made not misleading, particularly, with respect to:

(a) The failure to disclose that the "Hennessee" properties in Yancy County, North Carolina, which are the subject of an option to purchase by the issuer for $75,000, from Tasha, Inc. were acquired by Jones at a cost to him of $35,000 and were conveyed by Jones to Tasha, Inc., a North Carolina corporation in which Jones is the principal stockholder, and that Jones and Tasha would realize a profit of $40,000 upon the purchase of such properties by the issuer;

(b) The statement that the administratrix of the estate of Ella Clapp Thompson had orally committed the "Thompson" property in Mitchell County, North Carolina, proposed to be purchased by the issuer, to Jones and considered herself bound and would not have entered into a lease agreement with anyone else without Jones' consent, whereas, it appears the administratrix had made no such oral commitment and did not consider herself bound until the purported lease between her and the issuer was signed;

(c) The statement that the issuer has leased and been granted an exclusive option to purchase 714 acres from the administratrix of the estate of Ella Clapp Thompson, whereas, it appears that said administratrix does not have the power under the will to execute a lease and option on said land and that the issuer could not obtain specific performance of the purported lease and option;

(d) The failure to disclose the source and nature of alleged oral assurances of a market for the ore proposed to be produced by the issuer.

3. That the use of the offering circular in connection with the offering of shares to which the notification relates would operate as a fraud and deceit upon the purchasers thereof.

III. *It is ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily denied.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of denial should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

*It is further ordered,* That this order and notice shall be served upon Calumet Hills Mining Company, 1 South 55th Place, Birmingham, Alabama, personally or by registered mail or by confirmed telegraphic notice and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 56–4783; Filed, June 18, 1956; 8:49 a. m.]

[File No. 24A–837]

MI-AME CANNED BEVERAGE CO.

ORDER TEMPORARILY SUSPENDING EXEMPTIONS, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JUNE 13, 1956.

I. Mi-Ame Canned Beverage Co., a Florida corporation with its principal office located at 2051 West 9th Avenue, Hialeah, Florida, having filed with the Commission on October 28, 1954, a notification on Form 1–A and an offering circular, and subsequently having filed amendments thereto relating to an offering of 200,000 shares of $1.00 par value common stock, at $1.00 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having reasonable cause to believe that the terms and conditions of Regulation A have not been complied with in that the company has failed to file on Form 2–A reports of sales as required by Rule 224 of Regulation A, and has ignored requests by the Commission's staff for such reports.

III. *It is ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given, that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

*It is further ordered,* That this order and notice shall be served upon Mi-Ame Canned Beverage Co., 2051 West Ninth Avenue, Hialeah, Florida, and upon George C. Hoover, President, 6150 Johnson Drive, Miami, Florida, personally or by registered mail or confirmed telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 56–4784; Filed, June 18, 1956; 8:49 a. m.]

## OFFICE OF DEFENSE MOBILIZATION

A. J. CAREY

CHANGES IN APPOINTEE'S STATEMENT OF BUSINESS INTERESTS

The following statement lists the names of concerns required by subsec-

tion 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last report.

This amends statement previously published in the FEDERAL REGISTER December 31, 1955 (20 F. R. 10189).

Dated: February 1, 1956.

A. J. CAREY.

[F. R. Doc. 56-4790; Filed, June 18, 1956; 8:51 a. m.]

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C. W. POTTER

CHANGES IN APPOINTEE'S STATEMENT OF BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

There has been no change in the Statement of Business Interests Form ODM-163 filed December 12, 1955.

This amends statement previously published in the FEDERAL REGISTER December 31, 1955 (20 F. R. 10183).

Dated: February 1, 1956.

C. W. POTTER.

[F. R. Doc. 56-4791; Filed, June 18, 1956; 8:51 a. m.]

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JAMES E. NOE

CHANGES IN APPOINTEE'S STATEMENT OF BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change to date.

This amends statement previously published in the FEDERAL REGISTER December 31, 1955 (20 F. R. 10177).

Dated: February 1, 1956.

JAMES E. NOE.

[F. R. Doc. 56-4792; Filed, June 18, 1956; 8:51 a. m.]

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JAMES A. WILLIAMS

CHANGES IN APPOINTEE'S STATEMENT OF BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change from previous statement.

This amends statement previously published in the FEDERAL REGISTER December 31, 1955 (20 F. R. 10180).

Dated: February 1, 1956.

JAMES A. WILLIAMS.

[F. R. Doc. 56-4793; Filed, June 18, 1956; 8:51 a. m.]



E. D. REEVES

CHANGES IN APPOINTEE'S STATEMENT OF BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

No change since last submission of Form ODM-163.

This amends statement previously published in the FEDERAL REGISTER December 31, 1956 (20 F. R. 10178).

Dated: February 1, 1956.

E. D. REEVES.

[F. R. Doc. 56-4794; Filed, June 18, 1956; 8:51 a. m.]

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L. GORDON WALKER

CHANGES IN APPOINTEE'S STATEMENT OF BUSINESS INTERESTS

JUNE 4, 1956.

This refers to your letter of May 11th, concerning forms ODM-163 which you enclosed in your letter.

There has been no change in the information regarding my financial interests which I previously furnished you, so there is no need for me to duplicate these forms.

This amends statement previously published in the FEDERAL REGISTER December 31, 1955 (20 F. R. 10181).

L. GORDON WALKER.

[F. R. Doc. 56-4788; Filed, June 18, 1956; 8:50 a. m.]

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JOHN N. LIND

CHANGES IN APPOINTEE'S STATEMENT OF BUSINESS INTERESTS

MAY 29, 1956.

Reference is made to your letter of April 27, to which was attached Form ODM-163, revised March 13, 1956, covering Appointee's Statement of Business Interests.

I wish to advise that there are no changes in my statements as filed previously on Form ODM-163 of August 1955.

This amends statement previously published in the FEDERAL REGISTER December 31, 1955 (20 F. R. 10186).

JOHN N. LIND.

[F. R. Doc. 56-4789; Filed, June 18, 1956; 8:50 a. m.]

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## UNITED STATES TARIFF COMMISSION

PARA-AMINOSALICYLIC ACID AND SALTS THEREOF

ESCAPE-CLAUSE INVESTIGATION

JUNE 14, 1956.

The Tariff Commission today submitted a report to the President with respect to its "escape-clause" investigation regarding imports of para-aminosalicylic acid and salts thereof in bulk (not in dosage) form. The Tariff Act of 1930 originally provided for a duty of 7 cents per pound plus 45 percent ad valorem on imports of these products. The rate of duty, however, has been reduced through trade-agreement action and since June 6, 1951, has been 3½ cents per pound plus 25 percent ad valorem.

The investigation to which the present report relates was instituted on September 16, 1955, upon application of the Sumner Chemical Company, New York, N. Y. The purpose of the investigation was to determine whether para-aminosalicylic acid and salts thereof in bulk (not in dosage) form are, as a result in whole or in part of the duty or other customs treatment reflecting the concession granted thereon under the General Agreement on Tariffs and Trade, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products.

The six members of the Tariff Commission divided three to three in their findings in the investigation.

Commissioners Brossard, Schreiber, and Sutton find that para-aminosalicylic acid and salts thereof in bulk (not in dosage) form are being imported in such increased quantities as to cause serious injury to the domestic industry. They recommend that the trade-agreement concession relating to the reduced duty be modified. If the President takes the recommended action, the duty on imports of such products will be increased to 5 cents per pound plus 35 percent ad valorem.

Commissioners Talbot, Jones, and Dowling find that the domestic industry is not being seriously injured or threatened with serious injury, and, therefore, make no recommendation for modification or withdrawal of the trade-agreement concession involved.

The report sets forth the aforementioned findings and analyses of the facts bearing thereon.

Copies of the Commission's report are available upon request as long as the limited supply lasts. Requests for copies should be addressed to the United States Tariff Commission, Eighth and E Streets NW., Washington 25, D. C.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 56-4809; Filed, June 18, 1956; 8:54 a. m.]

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## INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 14, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days



from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32209: *Fertilizer solutions—Chicago, Ill., to South.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on fertilizer ammoniating solutions and nitrogen fertilizer solutions, tank-car loads from Chicago, Ill., to specified points in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee.

Grounds for relief: Short-line distance formula and circuity.

Tariffs: Supplement 6 to Agent Raasch's I. C. C. 855; Supplement 76 to Agent Raasch's I. C. C. 776.

FSA No. 32210: *Chimney parts—Buda, Ill., to Georgia.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on chimney parts, carloads from Buda, Ill., to Brunswick and Valdosta, Ga.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 6 to Agent Raasch's I. C. C. 855.

FSA No. 32211: *Sand—Illinois and Wisconsin to Cleveland, Tenn.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on sand, ground or pulverized, carloads, from Ottawa, Wedron, Sheridan, Millington, Oregon and Utica, Ill., and Browntown and Klevenville, Wis., to Cleveland, Tenn.

Grounds for relief: Short-line distance formula and circuity.

Tariff: Supplement 6 to Agent Raasch's I. C. C. 855.

FSA No. 32212: *Sand—Illinois and Wisconsin to North Carolina and Mississippi.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on sand, ground or pulverized, carloads from Ottawa, Wedron, Sheridan, Millington, Oregon and Utica, Ill., and Browntown and Klevenville, Wis., to Canton, N. C., and Ocean Springs, Miss.

Grounds for relief: Short-line distance formula and circuity.

Tariffs: Supplement 6 to Agent Raasch's I. C. C. 855; Supplement 76 to Agent Raasch's I. C. C. 776.

FSA No. 32213: *Fertilizer compounds—Missouri to South.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on fertilizer compounds and solutions, carloads from Cosgrove and Louisiana, Mo., to points in Alabama, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, and Tennessee.

Grounds for relief: Circuitous routes.

Tariffs: Supplement 6 to Agent Raasch's I. C. C. 855; Supplement 76 to Agent Raasch's I. C. C. 776.

FSA No. 32214: *Coffee—Louisiana to Beaumont, Tex.* Filed by J. F. Brown, Agent, for interested rail carriers. Rates on green coffee, carloads, from Baton Rouge and New Orleans, La., to Beaumont, Tex.

Grounds for relief: Circuitous routes.

Tariff: Supplement 18 to Agent Brown's I. C. C. 843.

FSA No. 32215: *Bituminous fine coal—Indiana to Argo, Ill.* Filed by The Chicago, Milwaukee, St. Paul and Pacific Railroad Company, for itself and interested rail carriers. Rates on bituminous fine coal, carloads, from specified mines in Indiana on the Milwaukee to Argo, Ill.

Grounds for relief: Maintenance of destination rate relations to points on the Milwaukee, intermediate to Argo.

Tariff: Supplement 64 to Chicago, Milwaukee, St. Paul and Pacific Railroad Company's I. C. C. B-7717.

FSA No. 32216: *Coke, coke breeze, etc.—East St. Louis, Ill., to Keokuk, Iowa.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on coke, coke breeze, coke dust, and coke screenings (the direct products of coal), straight or mixed carloads from East St. Louis, Ill., to Keokuk, Iowa.

Grounds for relief: Circuitous route.

Tariff: Supplement 47 to Agent Raasch's I. C. C. 767.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56-4785; Filed, June 18, 1956; 8:50 a. m.]

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ORGANIZATION AND ASSIGNMENT OF WORK HOURS

JUNE 13, 1956.

The Interstate Commerce Commission's order of September 9, 1946 (11 F. R. 10305), setting forth its organization as required by section 3 (a) of the Administrative Procedure Act (5 U. S. C. 1002) in section 0.1 (c) stated the hours of the business day of the Commission. The provisions of that section have been amended to read as follows:

(c) *Hours.* Offices in Washington, D. C., are open on each business day from 8:30 a. m. to 5:00 p. m., U. S. Standard Time. When the Board of Commissioners of the District of Columbia advances the time applicable to the District one hour, the offices of the Commission in Washington, D. C., will open and close one hour earlier by U. S. Standard Time.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56-4786; Filed, June 18, 1956; 8:50 a. m.]

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## DEPARTMENT OF JUSTICE

### Office of Alien Property

[Vesting Order 15592, Amdt.]

GOTHAER LEBENSVERSICHERUNG A. G.

In re: Bonds owned by Gothaer Lebensversicherung A. G., F-28-31025.

Vesting Order 15592, dated November 9, 1950, is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Excutive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Gothaer Lebensversicherung A. G., the last known address of which is Gottingen, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has, or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Gottingen, Germany, and is a national of a designated enemy country (Germany):

2. That the property described as follows:

a. Those certain debts or other obligations, matured or unmatured, evidenced by six (6) The Chesapeake and Ohio Railway Company 4½ percent general bonds, due 1992, of $1,000 face value each, bearing the numbers 3199, 3724, 6541, 13195, 18776 and 33380 and evidenced by coupons attached to or detached from said bonds and due on or after September 1, 1940, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with all rights in, to and under the said bonds and coupons,

b. Those certain debts or other obligations, matured or unmatured, evidenced by three (3) Liggett and Myers Tobacco Company, Inc. 5 percent debenture gold bonds, due August 1, 1951, of $1,000 face value each, bearing the numbers 950, 3721 and 7774 and evidenced by coupons attached to or detached from said bonds and due on or after August 1, 1946, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with all rights in, to and under the said bonds and coupons,

c. Those certain debts or other obligations, matured or unmatured, evidenced by seven (7) Consolidated Edison Company of New York, Inc. 3½ percent Debenture Bonds, due April 1, 1956, of $1,000 face value each, bearing the numbers M3448, M7561, M7562, M7563, M9477, M9478, and M9479 and evidenced by coupons attached to or detached from said bonds and due on or after October 1, 1940, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with all rights in, to and under the said bonds and coupons, and

d. Those certain debts or other obligations, matured or unmatured, evidenced by seven (7) The Detroit Edison Company, 4½ percent General and Refunding Mortgage Series "D" Gold Bonds, due 1961, of $1,000 face value each, bearing the numbers DM1737, 9912, 9913, 38909, 38910, 46446 and 46447 and evidenced by coupons attached to or detached from said bonds and due on or after August 1, 1940, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with all rights in, to and under the said bonds and coupons,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not

within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" was used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 14, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 56-4798; Filed, June 18, 1956; 8:52 a. m.]

FEDERAL REGISTER
VOLUME 21 NUMBER 119
Washington, Wednesday, June 20, 1956

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934
OF THE UNITED STATES
UNIVERSITY OF MICHIGAN
JUN 22 1956
MAIN READING ROOM

## TITLE 3—THE PRESIDENT

### PROCLAMATION 3141

CITIZENSHIP DAY, 1956

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS, by joint resolution approved February 29, 1952 (66 Stat. 9), the Congress of the United States has designated the 17th day of September of each year as Citizenship Day in commemoration of the signing of the Constitution of the United States on September 17, 1787, and in recognition of all our citizens who have come of age and all who have been naturalized during the year; and

WHEREAS with the passing of the years the basic soundness and the durability of the principles embodied in our Constitution become increasingly evident; and

WHEREAS the test of time has served to strengthen our pride and belief in the greatness of our country and has inspired us to an ever firmer determination that the carrying out of the responsibilities of citizenship, as well as the exercise of its rights and privileges, shall play an important role in our daily lives; and

WHEREAS the aforesaid resolution authorizes the President to issue annually a proclamation calling for the observance of Citizenship Day with appropriate ceremonies:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do call upon the appropriate officials of the Government to display the flag of the United States on all Government buildings on Monday, September 17, 1956, and urge the people of the Nation to display the flag on that day at their homes and other suitable places.

I also urge Federal, State, and local officials, as well as religious, civic, patriotic, educational, and other organizations, to arrange for appropriate ceremonies on Citizenship Day through which all our people may gain a deeper appreciation of the great heritage secured to us by the Constitution and come to have a better understanding of our rights and responsibilities as citizens of the United States.

And I also call upon all our citizens to renew and reaffirm their fealty on that day to the principles embodied in the Constitution—the foundation of our free and independent Republic.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 18th day of June in the year of our Lord nineteen hundred and fifty-six,

[SEAL] and of the Independence of the United States of America the one hundred and eightieth.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
*Secretary of State.*

[F. R. Doc. 56-4908; Filed, June 19, 1956; 11:34 a. m.]

## TITLE 14—CIVIL AVIATION

### Chapter I—Civil Aeronautics Board

#### Subchapter A—Civil Air Regulations

PART 13—AIRCRAFT ENGINE AIRWORTHINESS

REVISION OF PART

Because of the number of outstanding amendments to Part 13 there follows a revision of Part 13 incorporating all amendments thereto which were in effect on June 15, 1956.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
*Secretary.*

#### Subpart A—General

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FEDERAL REGISTER

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**CFR SUPPLEMENTS**

**(As of January 1, 1956)**

The following Supplements are now available:

**Title 6 ($1.75)**

**Title 7: Parts 210–899 (Rev., 1955) with Supplement ($4.50)**

**Title 26 (1954) Parts 1–220 (Rev., 1955) ($2.00)**

**Titles 47 and 48 ($2.25)**

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AUTHORITY: §§ 13.0 to 13.257 issued under sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601, 603, 52 Stat. 1007, as amended, 1009, as amended; 49 U. S. C. 551, 553.

### SUBPART A—GENERAL

APPLICABILITY AND DEFINITIONS

§ 13.0 *Applicability of this part.* This part establishes standards with which compliance shall be demonstrated for the issuance of and changes to type certificates for engines used on aircraft. This part, until superseded or rescinded, shall apply to all engines for which applications for type certification are made after the effective date of this part (August 20, 1938).

§ 13.1 *Definitions.* As used in this part terms are defined as follows:

(a) *Administration*—(1) *Administrator.* The Administrator is the Administrator of Civil Aeronautics.

(2) *Applicant.* An applicant is a person or persons applying for approval of an engine or any part thereof.

(3) *Approved.* Approved, when used alone or as modifying terms such as means, devices, specifications, etc., shall mean approved by the Administrator. (See § 13.18.)

(b) *General design*—(1) *Standard atmosphere.* The standard atmosphere is an atmosphere defined as follows:

(i) The air is a dry, perfect gas,

(ii) The temperature at sea level is 59° F.,

(iii) The pressure at sea level is 29.92 inches Hg,

(iv) The temperature gradient from sea level to the altitude at which the temperature equals −67° F. is −0.003566° F./ft. and zero thereabove.

(v) The density $\rho_0$ at sea level under the above conditions is 0.002378 lbs. sec.$^2$/ft.$^4$

(2) *Brake horsepower.* Brake horsepower is the power delivered at the propeller shaft of the engine.

(3) *Take-off power.* Take-off power is the brake horsepower developed under standard sea level conditions, under the maximum conditions of crankshaft rotational speed and engine manifold pressure approved for use in the normal take-off, and limited in use to a maximum continuous period as indicated in the approved engine specification.

(4) *Maximum continuous power.* Maximum continuous power is the brake horsepower developed in standard atmosphere at a specified altitude under the maximum conditions of crankshaft rotational speed and engine manifold pressure approved for use during periods of unrestricted duration.

(5) *Manifold pressure.* Manifold pressure is the absolute pressure measured at the appropriate point in the induction system, usually in inches of mercury.

(6) *Critical altitude.*[1] The critical altitude is the maximum altitude at which in standard atmosphere it is possible to maintain without ram, at a specified rotational speed, a specified power or a specified manifold pressure. Unless otherwise stated, the critical altitude is the maximum altitude at which it is possible to maintain, at the maximum continuous rotational speed, one of the following:

(i) The maximum continuous power, in the case of engines for which this power rating is the same at sea level and at the rated altitude,

(ii) The maximum continuous rated manifold pressure, in the case of engines the maximum continuous power of which is governed by a constant manifold pressure.

CERTIFICATION

§ 13.10 *Eligibility for type certificates.* An engine shall be eligible for type certification under the provisions of this part if it complies with the airworthiness provisions hereinafter established or if the Administrator finds that the provision or provisions not complied with are compensated for by factors which provide an equivalent level of safety: *Provided,* That the Administrator finds no feature or characteristic of the engine which renders it unsafe for use on aircraft.

§ 13.11 *Designation of applicable regulations.* The provisions of this section shall apply to all engine types certificated under this part irrespective of the date of application for type certificate.

(a) Unless otherwise established by the Board, the engine shall comply with the provisions of this part together with all amendments thereto effective on the date of application for type certificate, except that compliance with later effective amendments may be elected or required pursuant to paragraphs (c), (d), and (e) of this section.

(b) If the interval between the date of application for type certificate and the issuance of the corresponding type certificate exceeds three years, a new application for type certificate shall be required, except that for applications pending on May 1, 1954, such three-year period shall commence on that date. At the option of the applicant, a new application may be filed prior to the expiration of the three-year period. In either instance the applicable regulations shall be those effective on the date of the new application in accordance with paragraph (a) of this section.

(c) During the interval between filing the application and the issuance of a type certificate, the applicant may elect to show compliance with any amendment of this part which becomes effective during that interval, in which case all other amendments found by the Administrator to be directly related shall be complied with.

(d) Except as otherwise provided by the Board, or by the Administrator, pursuant to § 1.24 of this subchapter, a change to the type certificate (see § 13.13 (b)) may be accomplished, at the option of the holder of the type certificate, either in accordance with the regulations incorporated by reference in the type certificate pursuant to § 13.13 (c), or in accordance with subsequent amendments

[1] These definitions may not apply in the case of less conventional engines such as compound, variable discharge turbine, etc.

to such regulations in effect on the date of application for approval of the change, subject to the following provisions:

(1) When the applicant elects to show compliance with an amendment to the regulations in effect on the date of application for approval of a change, he shall show compliance with all amendments which the Administrator finds are directly related to the particular amendment selected by the applicant.

(2) When the change consists of a new design or a substantially complete redesign of a major component of the engine, and the Administrator finds that the regulations incorporated by reference in the type certificate pursuant to § 13.13 (c) do not provide complete standards with respect to such change, he shall require compliance with such provisions of the regulations in effect on the date of application for approval of the change as he finds will provide a level of safety equal to that established by the regulations incorporated by reference at the time of issuance of the type certificate.

(e) If changes listed in subparagraphs (1) and (2) of this paragraph are made, the engine shall be considered as a new type, in which case a new application for type certificate shall be required and the regulations together with all amendments thereto effective on the date of the new application shall be made applicable in accordance with paragraphs (a), (b), (c), and (d) of this section.

(1) A change in the principle of operation;

(2) A change in design, configuration, power limitations, or speed limitations, which the Administrator finds is so extensive as to require a substantially complete investigation of compliance with the regulations.

§ 13.12 *Recording of applicable regulations.* The Administrator, upon the issuance of a type certificate, shall record the applicable regulations with which compliance was demonstrated. Thereafter, the Administrator shall record the applicable regulations for each change in the type certificate which is accomplished in accordance with regulations other than those recorded at the time of issuance of the type certificate. (See § 13.11.)

§ 13.13 *Type certificate.* (a) An applicant shall be issued a type certificate when he demonstrates the eligibility of the engine by complying with the requirements of this part in addition to the applicable requirements in Part 1 of this subchapter.[2]

(b) The type certificate shall be deemed to include the type design (see § 13.14 (b)), the operating limitations for the engine (see § 13.16), and any other conditions or limitations prescribed by the regulations in this subchapter.

[2] Prior to approval for use of a type certificated engine on a certificated aircraft, the engine will be required to comply with pertinent provisions of the applicable aircraft airworthiness parts of the regulations in this subchapter.

(c) The applicable provisions of this part recorded by the Administrator in accordance with § 13.12 shall be considered as incorporated in the type certificate as though set forth in full.

§ 13.14 *Data required.* (a) The applicant for a type certificate shall submit to the Administrator such descriptive data, test reports, and computations as are necessary to demonstrate that the engine complies with the requirements of this part.

(b) The descriptive data required in paragraph (a) of this section shall be known as the type design and shall consist of such drawings and specifications as are necessary to disclose the configuration of the engine and all the design features covered in the requirements of this part, such information on dimensions, materials, and processes as is necessary to define the structural strength of the engine, and such other data as are necessary to permit by comparison the determination of the airworthiness of subsequent engines of the same type.

§ 13.15 *Inspections and tests.* Inspections and tests shall include all those found necessary by the Administrator to insure that the engine complies with the applicable airworthiness requirements and conforms to the following:

(a) All materials and products are in accordance with the specifications in the type design,

(b) All parts of the engine are constructed in accordance with the drawings in the type design,

(c) All manufacturing processes, construction, and assembly are as specified in the type design.

§ 13.16 *Required tests.* The block tests prescribed in this part shall be conducted to establish the engine operating limitations, as chosen by the applicant, and the reliability of the engine to operate within those limitations. The provisions of paragraphs (a) through (d) of this section shall be applicable.

(a) The applicant shall furnish all testing facilities, including equipment and competent personnel, to conduct the prescribed block tests.

(b) An authorized representative of the Administrator shall witness such of the block tests as are necessary to verify the test report.

(c) The Administrator shall establish engine operating limitations determined on the basis of the engine operating conditions demonstrated during the block tests. Such operating limitations shall include those items relating to power, speeds, temperatures, pressures, fuels, and oils which he finds necessary for safe operation of the engine.

(d) It shall be permissible to use separate engines of identical design and construction in the vibration, calibration, detonation (if applicable), endurance, and operation tests prescribed in subparts B and C of this part, except that if a separate engine is used for the endurance test it shall be subjected to a calibration check before starting the endurance test.

§ 13.17 *Production certificates.* (For requirements with regard to production certificates see Part 1 of this subchapter.)

§ 13.18 *Approval of materials, parts, processes, and appliances.* (a) Materials, parts, processes, and appliances shall be approved upon a basis and in a manner found necessary by the Administrator to implement the pertinent provisions of the regulations in this subchapter. The Administrator may adopt and publish such specifications as he finds necessary to administer this regulation, and shall incorporate therein such portions of the aviation industry, Federal, and military specifications respecting such materials, parts, processes, and appliances as he finds appropriate.

NOTE: The provisions of this paragraph are intended to allow approval of materials, parts, processes, and appliances under the system of Technical Standard Orders, or in conjunction with type certification procedures for an engine, or by any other form of approval by the Administrator.

(b) Any material, part, process, or appliance shall be deemed to have met the requirements for approval when it meets the pertinent specifications adopted by the Administrator and the manufacturer so certifies in a manner prescribed by the Administrator.

§ 13.19 *Changes in type design.* (For requirements with regard to changes in type design and the designation of applicable regulations therefor, see § 13.11 (d) and (e), and Part 1 of this subchapter.)

IDENTIFICATION AND INSTRUCTION MANUAL

§ 13.20 *Identification plate.* A fireproof identification plate shall be securely attached to the engine in a location which will be readily accessible when the engine is installed on an aircraft. The identification plate shall contain the identification data required by § 1.50 of this chapter.

§ 13.21 *Instruction manual.* The applicant shall prepare and make available an approved manual containing instructions for the installation, operation, servicing, maintenance, repair, and overhaul of the engine.

NOTE: It is not intended to limit the form of the manual to a single document.

## SUBPART B—RECIPROCATING ENGINES

### DESIGN AND CONSTRUCTION

§ 13.100 *Scope.* The provisions of this subpart shall apply to reciprocating engines.

(a) The engine shall not incorporate design features or details which experience has shown to be hazardous or unreliable. The suitability of all questionable design details or parts shall be established by tests.

(b) The design and construction provisions of this subpart shall be applicable to the engine when it is installed, operated, and maintained in accordance with the instruction manual prescribed in § 13.21 and when fitted with an appropriate propeller.

§ 13.101 *Materials.* The suitability and durability of all materials used in the engine shall be established on a basis of experience or tests. All materials used in the engine shall conform to approved specifications which will insure their having the strength and other properties assumed in the design data.



§ 13.102 *Fire prevention.* The design and construction of the engine and the materials used shall be such as to minimize the possibility of occurrence and spread of fire because of structural failure, overheating, or other causes.

§ 13.103 *Vibration.* The engine shall be designed and constructed to function throughout its normal operating range of crankshaft rotational speeds and engine powers without inducing excessive stress in any of the engine parts because of vibration and without imparting excessive vibration forces to the aircraft structure.

§ 13.104 *Durability.* All parts of the engine shall be designed and constructed to minimize the development of an unsafe condition of the engine between overhaul periods.

§ 13.110 *Fuel and induction system.* (a) The fuel system of the engine shall be designed and constructed to supply an appropriate mixture of fuel to the cylinders throughout the complete operating range of the engine under all flight and atmospheric conditions.

(b) The intake passages of the engine through which air or fuel in combination with air passes for combustion purposes shall be designed and constructed to minimize the danger of ice accretion in such passages. The engine shall be designed and constructed to permit the use of a means for ice prevention.

§ 13.111 *Ignition system.* All spark ignition engines shall be equipped with either a dual ignition system having at least two spark plugs per cylinder and two separate electrical circuits with separate sources of electrical energy, or with an ignition system which will function with equal reliability in flight.

§ 13.112 *Lubrication system.* (a) The lubrication system of the engine shall be designed and constructed so that it will function properly in all flight attitudes and atmospheric conditions in which the airplane is expected to operate.

(b) In wet sump engines the provision of paragraph (a) of this section shall be complied with when only one-half of the maximum lubricant supply is in the engine.

(c) The lubrication system of the engine shall be designed and constructed to permit the installation of a means for cooling of the lubricant.

§ 13.113 *Engine cooling.* The engine shall be designed and constructed to provide the necessary cooling under conditions in which the airplane is expected to operate.

§ 13.114 *Engine mounting attachments.* The mounting attachments and structure of the engine shall have sufficient strength, when the engine is mounted on an aircraft, to withstand the loads arising from the loading conditions prescribed in the airworthiness parts of the regulations in this subchapter applicable to the aircraft involved.

§ 13.115 *Accessory attachments.* Accessory drives and mounting attachments shall be designed and constructed so that the engine will operate properly with the accessories attached. The design of the engine shall incorporate provisions for the examination, adjustment, or removal of all essential engine accessories.

BLOCK TESTS

§ 13.150 *General.* The engine, including all essential accessories, shall be subjected to the block tests and inspections prescribed in §§ 13.151 through 13.157.

§ 13.151 *Vibration test.* A vibration survey shall be conducted to investigate crankshaft torsional and bending vibration characteristics over the operational range of crankshaft rotational speed and engine power normally used in flight (including low-power operation), from idling speed to either 110 percent of the desired maximum continuous speed rating, or 103 percent of the desired take-off speed rating, whichever is higher. The survey shall be conducted with a representative propeller. If a critical speed or speeds are found to be present in the operating range of the engine, changes in design of the engine shall be made for their elimination prior to the conduct of the endurance test specified in § 13.154, or the endurance test shall include operation under the most adverse vibration condition for a period sufficient to establish the ability of the engine to operate without fatigue failure.

§ 13.152 *Calibration tests.* The engine shall be subjected to such calibration tests as are necessary to establish its power characteristics and the conditions for the endurance test specified in § 13.154. The results of the power characteristics calibration tests shall constitute the basis for establishing the characteristics of the engine over its entire operating range of crankshaft rotational speeds, manifold pressures, fuel/air mixture settings, and altitudes. Power ratings shall be based upon standard atmospheric conditions. (See also § 13.16 (d).)

§ 13.153 *Detonation test.* A test shall be conducted to establish that the engine can function without detonation throughout its range of intended conditions of operation.

§ 13.154 *Endurance test.* The endurance test of an engine with a representative propeller shall include a total of 150 hours of operation and, depending upon the type and contemplated use of the engine, shall consist of one of the series of runs specified in paragraphs (a) through (c) of this section, whichever series is applicable. The runs shall be performed in such periods and order as are found appropriate by the Administrator for the specific engine. During the endurance test the engine power and the crankshaft rotational speed shall be controlled within ±3 percent of the specified values.

(a) *Single-speed engines.* For engines not incorporating a supercharger and for those incorporating a single-speed supercharger, the following series of runs shall apply:

(1) A 30-hour run shall be conducted consisting of alternate periods of 5 minutes at take-off power and speed, and 5 minutes at maximum best economy cruising power or at maximum recommended cruising power.

(2) A 20-hour run shall be conducted consisting of alternate periods of 1½ hours at maximum continuous power and speed, and ½ hour at 75 percent maximum continuous power and 91 percent maximum continuous speed.

(3) A 20-hour run shall be conducted consisting of alternate periods of 1½ hours at maximum continuous power and speed, and ½ hour at 70 percent maximum continuous power and 89 percent maximum continuous speed.

(4) A 20-hour run shall be conducted consisting of alternate periods of 1½ hours at maximum continuous power and speed, and ½ hour at 65 percent maximum continuous power and 87 percent maximum continuous speed.

(5) A 20-hour run shall be conducted consisting of alternate periods of 1½ hours at maximum continuous power and speed, and ½ hour at 60 percent maximum continuous power and 84.5 percent maximum continuous speed.

(6) A 20-hour run shall be conducted consisting of alternate periods of 1½ hours at maximum continuous power and speed, and ½ hour at 50 percent maximum continuous power and 79.5 percent maximum continuous speed.

(7) A 20-hour run shall be conducted consisting of alternate periods of 2½ hours at maximum continuous power and speed, and 2½ hours at maximum best economy cruising power or at maximum recommended cruising power.

(b) *Two-speed engines.* For engines incorporating a two-speed supercharger, the following series of runs shall apply:

(1) A 30-hour run shall be conducted consisting of alternate periods in the lower gear ratio of 5 minutes at take-off power and speed, and 5 minutes at maximum best economy cruising power or at maximum recommended cruising power. If a take-off rating is desired in the higher gear ratio, 15 hours of the 30-hour run shall be conducted in the higher gear ratio in alternate periods of 5 minutes at the observed horsepower obtainable with the take-off critical altitude manifold pressure and take-off speed, and 5 minutes at 70 percent high ratio maximum continuous power and 89 percent high ratio maximum continuous speed.

(2) A 15-hour run shall be conducted consisting of alternate periods in the lower gear ratio of 1 hour at maximum continuous power and speed, and ½ hour at 75 percent maximum continuous power and 91 percent maximum continuous speed.

(3) A 15-hour run shall be conducted consisting of alternate periods in the lower gear ratio of 1 hour at maximum continuous power and speed, and ½ hour at 70 percent maximum continuous power and 89 percent maximum continuous speed.

(4) A 30-hour run shall be conducted in the higher gear ratio at maximum continuous power and speed.

(5) A 5-hour run shall be conducted consisting of alternate periods of 5 minutes in each of the supercharger gear ratios. The first 5 minutes of the test shall be conducted at normal rated speed in the higher gear ratio and the observed horsepower obtainable with 90 percent of the normal rated manifold pressure in the higher gear ratio under sea level conditions. The condition for operation for the alternate 5 minutes in the lower gear ratio shall be that obtained by shifting to the lower gear ratio at constant speed.

(6) A 10-hour run shall be conducted consisting of alternate periods in the lower gear ratio of 1 hour at maximum continuous power and speed, and 1 hour at 65 percent maximum continuous power and 87 percent maximum continuous speed.

(7) A 10-hour run shall be conducted consisting of alternate periods in the lower gear ratio of 1 hour at maximum continuous power and speed, and 1 hour at 60 percent maximum continuous power and 84.5 percent maximum continuous speed.

(8) A 10-hour run shall be conducted consisting of alternate periods in the lower gear ratio of 1 hour at maximum continuous power and speed, and 1 hour at 50 percent maximum continuous power and 79.5 percent maximum continuous speed.

(9) A 20-hour run shall be conducted consisting of alternate periods in the lower gear ratio of 2 hours at maximum continuous power and speed, and 2 hours at maximum best economy cruising power and speed or at maximum recommended cruising power.

(10) A 5-hour run shall be conducted in the lower gear ratio at maximum best economy cruising power and speed or at maximum recommended cruising power and speed.

NOTE: Where simulated altitude test equipment is not available and when operating in the higher gear ratio, the runs may be conducted at the observed horsepower obtained with the critical altitude manifold pressure or specified percentages thereof, and the fuel-air mixtures may be adjusted rich enough to suppress detonation.

(c) *Helicopter engines.* For engines to be eligible for use on helicopters, the following series of runs shall apply:

(1) A 35-hour run shall be conducted consisting of alternate periods of 30 minutes each at take-off power and speed, and at maximum continuous power and speed.

(2) A 25-hour run shall be conducted consisting of alternate periods of 2½ hours each at maximum continuous power and speed, and at 70 percent maximum continuous power at maximum continuous speed.

(3) A 25-hour run shall be conducted consisting of alternate periods of 2½ hours each at maximum continuous power and speed, and at 70 percent maximum continuous power at 80 to 90 percent maximum continuous speed.

(4) A 25-hour run shall be conducted consisting of alternate periods of 2½ hours each at 80 percent maximum continuous power at take-off speed, and at 80 percent maximum continuous power at 80 to 90 percent maximum continuous speed.

(5) A 25-hour run shall be conducted consisting of alternate periods of 2½ hours each at 80 percent maximum continuous power at take-off speed, and at either maximum continuous power at 110 percent maximum continuous speed or at take-off power at 103 percent take-off speed, whichever condition results in the greater speed.

(6) A 15-hour run shall be conducted at 105 percent maximum continuous power and 105 percent maximum continuous speed or at full throttle and corresponding speed at standard sea level carburetor entrance pressure, provided that 105 percent of the maximum continuous power is not exceeded.

§ 13.155 *Operation test.* The operation test shall include all testing found by the Administrator to be necessary to demonstrate backfire characteristics, starting, idling, acceleration, overspeeding, functioning of propeller and ignition, and any other operational characteristic of the engine.

§ 13.156 *Teardown inspection.* After completion of the endurance test the engine shall be completely disassembled and a detailed inspection shall be made of the engine parts to check for fatigue and wear.

§ 13.157 *Engine adjustments and parts replacements.* During the block tests servicing and minor repairs of the engine shall be permissible. If major repairs or replacement of parts are found necessary during the tests or in the teardown inspection, the parts in question shall be subjected to such additional tests as are found by the Administrator to be necessary.

## SUBPART C—TURBINE ENGINES

### DESIGN AND CONSTRUCTION

§ 13.200 *Scope.* The provisions of this subpart shall apply to turbine engines.

(a) The engine shall not incorporate design features or details which experience has shown to be hazardous or unreliable. The suitability of all questionable design details or parts shall be established by tests.

(b) The design and construction provisions of this subpart shall be applicable to the engine when it is installed, operated, and maintained in accordance with the instruction manual prescribed in § 13.21 and when fitted with an appropriate propeller (if used).

§ 13.201 *Materials.* The suitability and durability of all materials used in the engine shall be established on a basis of experience or tests. All materials used in the engine shall conform to approved specifications which will insure their having the strength and other properties assumed in the design data.

§ 13.202 *Fire prevention.* The design and construction of the engine and the materials used shall be such as to minimize the possibility of occurrence and spread of fire because of structural failure, overheating, or other causes.

§ 13.203 *Vibration.* The engine shall be designed and constructed to function throughout its normal operating range of rotational speeds and engine powers without inducing excessive stress in any of the engine parts because of vibration and without imparting excessive vibration forces to the aircraft structure.

§ 13.204 *Durability.* All parts of the engine shall be designed and constructed to minimize the development of an unsafe condition of the engine between overhaul periods.

§ 13.205 *Surge characteristics.* The engine shall be free of detrimental surge throughout its operating range in the minimum ambient air temperature in which it is to be operated.

§ 13.210 *Fuel and induction system.* (a) The fuel system of the engine shall be designed and constructed to supply an appropriate mixture of fuel to the combustion chamber(s) throughout the complete operating range of the engine under all flight and atmospheric conditions.

(b) The intake passages of the engine through which air or fuel in combination with air passes for combustion purposes shall be designed and constructed to minimize the danger of ice accretion in such passages. The engine shall be designed and constructed to permit the use of a means for ice prevention.

§ 13.211 *Ignition system.* All engines shall be equipped with an ignition system for starting the engine on the ground and in flight.

§ 13.212 *Lubrication system.* The lubrication system of the engine shall be designed and constructed so that it will function properly in all flight attitudes and atmospheric conditions in which the airplane is expected to operate.

§ 13.213 *Engine cooling.* The engine shall be designed and constructed to provide the necessary cooling under conditions in which the airplane is expected to operate.

§ 13.214 *Engine mounting attachments.* The mounting attachments and structure of the engine shall have sufficient strength, when the engine is mounted on an aircraft, to withstand the loads arising from the loading conditions prescribed in the airworthiness parts of the regulations in this subchapter applicable to the aircraft involved.

§ 13.215 *Accessory attachments.* Accessory drives and mounting attachments shall be designed and constructed so that the engine will operate properly with the accessories attached. The design of the engine shall incorporate provisions for the examination, adjustment, or removal of all essential engine accessories.

### BLOCK TESTS

§ 13.250 *General.* The engine, including all essential accessories, shall be subjected to the block tests and inspections prescribed in §§ 13.251 through 13.257. In addition, throughout the tests, unless otherwise chosen by the applicant, the controlled air extraction shall be zero.



§ 13.251 *Vibration test.* A vibration survey shall be conducted to investigate the vibration characteristics of the engine over the operational range of rotational speed and engine power. If critical vibration is found to be present in the operating range of the engine, changes in design of the engine shall be made for its elimination prior to the conduct of the endurance test specified in § 13.254, or the endurance test shall include operation under the most adverse vibration condition for a period sufficient to establish the ability of the engine to operate without fatigue failure.

NOTE: The vibration survey usually need consist of external measurements only, unless the Administrator finds that internal measurements are necessary in a particular case.

§ 13.252 *Calibration tests.* (a) The engine shall be subjected to such calibration tests as are necessary to establish its power characteristics and the conditions for the endurance test specified in § 13.254. The results of the power characteristics calibration tests shall constitute the basis for establishing the characteristics of the engine over its entire operating range of speeds, pressures, temperatures, and altitudes. Power ratings shall be based upon standard atmospheric conditions. (See also § 13.16 (d).)

(b) Prior to the endurance test the power control(s) shall be adjusted to produce the maximum allowable gas temperatures and rotor speeds at take-off operating conditions. Such adjustment shall not be changed during the relevant calibration tests and the relevant runs of the endurance test.

§ 13.254 *Endurance test.* The endurance test of an engine with a representative propeller (if applicable) shall include a total of 150 hours of operation, consisting of 30 periods of 5 hours each as specified in this section. It shall be permissible to conduct each run of the endurance test, except the runs prescribed in paragraphs (a) and (f) of this section, with one predetermined engine variable (i. e., speed or gas temperature) held constant and with the position of the power lever(s) recorded. The runs shall be performed in such order as is found appropriate by the Administrator for the specific engine. Each period of the 150-hour endurance test shall be conducted as follows:

(a) *Take-off and idling.* One hour of alternate 5-minute periods shall be conducted at maximum take-off power and/or thrust and at idling power and/or thrust. In changing the power setting after each period, the power-control lever shall be moved in the manner prescribed in paragraph (f) of this section. The developed powers and/or thrusts at take-off and idling conditions and their corresponding rotor speed and gas temperature conditions shall be as established by the power control(s) in accordance with the schedule established by the manufacturer. It shall be permissible to control manually during any one period the speed and power and/or thrust while taking data to check performance.

(b) *91 percent take-off power and/or thrust.* Thirty minutes shall be conducted at the power lever position corresponding with either 91 percent take-off power and/or thrust or maximum continuous power and/or thrust, whichever is the greater.

(c) *Maximum continuous power and/or thrust.* One hour and 30 minutes shall be conducted at the power lever position corresponding with maximum continuous power and/or thrust.

(d) *90 percent maximum continuous power and/or thrust.* One hour shall be conducted at the power lever position corresponding with 90 percent maximum continuous power and/or thrust.

(e) *75 percent maximum continuous power and/or thrust.* Thirty minutes shall be conducted at the power lever position corresponding with 75 percent maximum continuous power and/or thrust.

(f) *Acceleration and deceleration runs.* Thirty minutes shall be conducted of accelerations and decelerations consisting of five cycles from idling power and/or thrust to take-off power and/or thrust and maintained at the take-off power and/or thrust for approximately 30 seconds and at the idling power and/or thrust for approximately 5 minutes. In complying with the provisions of this paragraph the power-control lever shall be moved from one extreme position to the other in not more than 1 second, except where different regimes of control operations are incorporated necessitating scheduling of the power-control lever motion in going from one extreme position to the other, a longer period of time shall be acceptable but in no case shall this time exceed 2 seconds.

(g) *Starts.* Seventy-five starts shall be made of which 30 starts shall be preceded by a 2-hour shutdown. It shall be acceptable to make the remaining starts after the completion of the 150 hours of endurance testing.

§ 13.255 *Operation test.* The operation test shall include all testing found by the Administrator to be necessary to demonstrate starting, idling, acceleration, overspeeding, functioning of propeller (if applicable) and ignition, and any other operational characteristic of the engine.

§ 13.256 *Teardown inspection.* After completion of the endurance test the engine shall be completely disassembled and a detailed inspection shall be made of the engine parts to check for fatigue and wear.

§ 13.257 *Engine adjustments and parts replacements.* During the block tests servicing and minor repairs of the engine shall be permissible. If major repairs or replacement of parts are found necessary during the tests or in the teardown inspection, the parts in question shall be subjected to such additional tests as are found by the Administrator to be necessary.

[F. R. Doc. 56-4854; Filed, June 19, 1956; 8:55 a. m.]

[Supp. 23]

## PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

### MISCELLANEOUS AMENDMENTS

The following amendments to Part 40 of this subchapter are adopted (1) to make an editorial correction to the title of § 40.170–2 made necessary by an amendment to the regulation; (2) to permit an operator to meet the requirements of § 40.170 (b) with respect to the Airplane Flight Manual by the insertion therein of a table for converting statute miles per hour to knots and the placing of cautionary notes on pages or charts on which statute-miles-per-hour airspeeds are shown (§ 40.170–3); and (3) to standardize, in the interest of safety, the color of warning lights used to indicate propeller reversal (§ 40.172–1).

1. The title of § 40.170–2 is revised to read *"Determination of operable condition of radio equipment (CAA interpretations which apply to § 40.170 (c))."*

2. Section 40.170–3 is added to read as follows:

§ 40.170–3 *Airspeed limitations and related information contained in the Airplane Flight Manual (CAA policies which apply to § 40.170 (b)).* The airspeeds shown in the Performance Information Section only, of an Airplane Flight Manual approved prior to April 1, 1956, may continue to be expressed in statute miles per hour: *Provided,* That a table converting statute miles to knots is incorporated therein, and a cautionary note is placed on each page and chart where airspeeds are denoted indicating that the statute miles shown must be converted to knots when determining performance information. A similar note should be placed in the Operations Limitations Section, indicating that airspeeds shown in the Performance Information Section are in statute miles and must be converted to knots when determining performance information.

3. Section 40.172–1 is added to read as follows:

§ 40.172–1 *Warning lights for reversible propellers (CAA policies which apply to § 40.172 (1)).* In the interest of cockpit uniformity, when warning lights are used to indicate to the pilot that a reversible propeller is in reverse pitch, such warning lights should be amber in color.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554)

This supplement shall become effective July 1, 1956.

[SEAL] JAMES T. PYLE,
*Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 56-4811; Filed, June 19, 1956; 8:45 a. m.]

[Supp. 26]

PART 41—CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE THE CONTINENTAL LIMITS OF THE UNITED STATES

MISCELLANEOUS AMENDMENTS

The following amendments to Part 41 of this subchapter are adopted (1) to standardize, in the interest of safety, the color of warning lights used to indicate propeller reversal (§ 41.25–1); and (2) to permit an operator to meet the requirements of § 41.45 (d) with respect to the Airplane Flight Manual by the insertion therein of a table for converting statute miles per hour to knots and the placing of cautionary notes on pages or charts on which statute-miles-per-hour airspeeds are shown (§ 41.45–1).

1. Section 41.25–1 is added to read as follows:

§ 41.25–1 *Warning lights for reversible propellers (CAA policies which apply to § 41.25 (s)).* In the interest of cockpit uniformity, when warning lights are used to indicate to the pilot that a reversible propeller is in reverse pitch, such warning lights should be amber in color.

2. Section 41.45–1 is added to read as follows:

§ 41.45–1 *Airspeed limitations and related information contained in the Airplane Flight Manual (CAA policies which apply to § 41.45 (d)).* The airspeeds shown in the Performance Information Section only, of an Airplane Flight Manual approved prior to April 1, 1956, may continue to be expressed in statute miles per hour: *Provided,* That a table converting statute miles to knots is incorporated therein, and a cautionary note is placed on each page and chart where airspeeds are denoted indicating that the statute miles shown must be converted to knots when determining performance information. A similar note should be placed in the Operations Limitations Section, indicating that airspeeds shown in the Performance Information Section are in statute miles and must be converted to knots when determining performance information.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554)

This supplement shall become effective July 1, 1956.

[SEAL] JAMES T. PYLE,
*Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 56–4812; Filed, June 19, 1956; 8:45 a. m.]

[Supp. 39]

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

MISCELLANEOUS AMENDMENTS

The following amendments to Part 42 of this subchapter are adopted (1) to standardize, in the interest of safety, the color of warning lights used to indicate propeller reversal (§ 42.21–4); (2) to permit an operator to meet the requirements of § 42.22a with respect to the Airplane Flight Manual by the insertion therein of a table for converting statute miles per hour to knots and the placing of cautionary notes on pages or charts on which statute-miles-per-hour airspeeds are shown (§ 42.22a–1); (3) to allow operators conducting scheduled type operations more flexibility in the scheduling of flight crews (§ 42.48–2); and (4) to eliminate § 42.58–1 (b) which is contrary to present procedures for authorizing off-airways instrument operations within the United States.

1. Section 42.21–4 is added to read as follows:

§ 42.21–4 *Warning lights for reversible propellers (CAA policies which apply to § 42.21 (a) (15)).* In the interest of cockpit uniformity, when warning lights are used to indicate to the pilot that a reversible propeller is in reverse pitch, such warning lights should be amber in color.

2. Section 42.22a–1 is added to read as follows:

§ 42.22a–1 *Airspeed limitations and related information contained in the Airplane Flight Manual (CAA policies which apply to § 42.22a (d)).* The airspeeds shown in the Performance Information Section only, of an Airplane Flight Manual approved prior to April 1, 1956, may continue to be expressed in statute miles per hour: *Provided,* That a taxable converting statute miles to knots is incorporated therein, and a cautionary note is placed on each page and chart where airspeeds are denoted indicating that the statute miles shown must be converted to knots when determining performance information. A similar note should be placed in the Operations Limitations Section, indicating that airspeeds shown in the Performance Information Section are in statute miles and must be converted to knots when determining performance information.

3. Section 42.48–2 is added to read as follows:

§ 42.48–2 *Scheduled type operations (CAA policies which apply to § 42.48).* An operator conducting a scheduled type operation (e. g., scheduled cargo-only service, regular flights between points pursuant to a military contract, etc.) may establish flight operations schedules for a particular route or route segment in order to determine compliance with the scheduling provisions of the flight time limitations.

4. Section 42.58–1 (b) is deleted.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply secs. 601, 604, 52 Stat. 1007, 1010, as amended; 49 U. S. C. 551, 554)

This supplement shall become effective July 1, 1956.

[SEAL] JAMES T. PYLE,
*Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 56–4813; Filed, June 19, 1956; 8:46 a. m.]

## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

HOUSING AND HOME FINANCE AGENCY

Effective upon publication in the FEDERAL REGISTER, paragraph (b) (12) of § 6.342 is added as set out below.

§ 6.342 *Housing and Home Finance Agency.* • • •

(b) *Federal Housing Administration.* • • •

(12) One Administrative Assistant to the Assistant to the Commissioner.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
*Executive Assistant.*

[F. R. Doc. 56–4825; Filed, June 19, 1956; 8:49 a. m.]

## TITLE 6—AGRICULTURAL CREDIT

### Chapter III—Farmers Home Administration, Department of Agriculture

Subchapter B—Farm Ownership Loans

[FHA Instruction 443.2]

PART 332—PROCESSING INITIAL LOANS

APPROVAL OF LOANS

Section 332.2, Title 6, Code of Federal Regulations (20 F. R. 3667) is revised to provide for certain changes in designating loan approval officials and to read as follows:

§ 332.2 *Loan approval authority.* The State Director is authorized to approve or disapprove Farm Ownership loans in accordance with Farmers Home Administration procedures. He may redelegate this authority in writing to one or more of the following State Office employees: Chief, Farm Loan Operations; Chief, Program Operations; Program Loan Officer; Farm Loan Officer.

(Sec. 41 (1), 60 Stat. 1066; 7 U. S. C. 1015 (l))

Dated: June 14, 1956.

[SEAL] H. C. SMITH,
*Acting Administrator, Farmers Home Administration.*

[F. R. Doc. 56–4851; Filed, June 19, 1956; 8:54 a. m.]

Subchapter D—Soil and Water Conservation Loans

[FHA Instruction 442.2]

PART 352—PROCESSING LOANS TO INDIVIDUALS

FORMS REQUIREMENTS

Section 352.1 (c) (1), Title 6, Code of Federal Regulations (20 F. R. 1967) is revised to change the requirement with respect to the plans for farm development and to read as follows:



§ 352.1 *Loan forms and routines.* • • •

(c) *Special items in preparation of docket—(1) Planning farm development.* Farm development work will be planned in accordance with §§ 324.21 to 324.24 of this chapter. Form FHA–643, "Farm Development Plan" will be used with each Soil and Water Conservation loan. Any required plans, specifications, and cost estimates will be attached to Form FHA–643.

(Sec. 6 (3), 50 Stat. 870; 16 U. S. C. 590w (3))

Dated: June 14, 1956.

[SEAL] H. C. SMITH,
*Acting Administrator, Farmers Home Administration.*

[F. R. Doc. 56–4850; Filed, June 19, 1956; 8:54 a. m.]

### Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1956 C. C. C. Flaxseed Bulletin 1, Amdt 1]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1956 TEXAS FLAXSEED PURCHASE PROGRAM

BASIC PURCHASE PRICES

The regulations issued by the Commodity Credit Corporation and the Commodity Stabilization Service published in 21 F. R. 2137, and containing the specific requirements for the 1956-Crop Texas Flaxseed Purchase Program are amended as follows:

1. Section 421.2129 (a) is amended to set forth the Texas counties authorized under the program and the basic purchase rates so that the amended paragraph reads as follows:

§ 421.2129 *Basic purchase prices.* (a) The basic purchase price per bushel of flaxseed, grading No. 1, delivered under this program for the account of CCC will be at the rate established for the county where the flaxseed is delivered. Texas counties authorized under this program and basic purchase rates are as follows:

TEXAS

| County | No. 1 flaxseed | County | No. 1 flaxseed |
|---|---|---|---|
| Aransas | $2.94 | Forio | $2.82 |
| Atascosa | 2.87 | Galveston | 2.94 |
| Bastrop | 2.84 | Goliad | 2.90 |
| Bee | 2.93 | Gonzales | 2.85 |
| Bell | 2.82 | Guadalupe | 2.84 |
| Bexar | 2.85 | Hamilton | 2.76 |
| Blanco | 2.82 | Hays | 2.84 |
| Bowie | 2.74 | Hidalgo | 2.81 |
| Brooks | 2.86 | Jackson | 2.84 |
| Brown | 2.78 | Jim Hogg | 2.85 |
| Burnet | 2.78 | Jim Wells | 2.93 |
| Caldwell | 2.84 | Karnes | 2.89 |
| Calhoun | 2.84 | Kimble | 2.77 |
| Cameron | 2.81 | Kleberg | 2.92 |
| Coleman | 2.76 | La Salle | 2.79 |
| Collin | 2.78 | Lavaca | 2.84 |
| Colorado | 2.90 | Lee | 2.87 |
| Comal | 2.84 | Live Oak | 2.91 |
| Concho | 2.76 | McCulloch | 2.78 |
| De Witt | 2.85 | McMullen | 2.89 |
| Dimmit | 2.77 | Mason | 2.78 |
| Duval | 2.89 | Matagorda | 2.87 |

TEXAS—Continued

| County | No. 1 flaxseed | County | No. 1 flaxseed |
|---|---|---|---|
| Haverick | $2.73 | Travis | $2.84 |
| Medina | 2.83 | Uvalde | 2.78 |
| Milam | 2.84 | Victoria | 2.84 |
| Nueces | 2.95 | Webb | 2.81 |
| Real | 2.78 | Wharton | 2.92 |
| Red River | 2.74 | Willacy | 2.83 |
| Refugio | 2.89 | Williamson | 2.84 |
| Runnels | 2.74 | Wilson | 2.87 |
| San Patricio | 3.96 | Zapata | 2.77 |
| San Saba | 2.78 | Zavala | 2.75 |
| Taylor | 2.73 | | |

2. Section 421.2129 (b) (1) is amended to set forth the basic purchase price for flaxseed delivered to authorized dealers at the Corpus Christi and Houston terminal markets so that the amended subparagraph reads as follows:

§ 421.2129 *Basic purchase prices.* • • •

(b) (1) The basic purchase price shall be $3.14 per bushel for No. 1 flaxseed delivered to authorized dealers at the Corpus Christi and Houston terminal markets in carload lots which have been shipped by rail on a domestic interstate freight rate basis from a country shipping point to the said terminal markets as evidenced by paid freight bills duly registered for transit privileges and other documents as required in this subpart: *Provided,* That, in the event the amount of paid-in freight is insufficient to guarantee the minimum proportional freight rate from the aforesaid terminal markets, there shall be deducted from the applicable terminal purchase price the difference between the amount of freight actually paid in and the amount required to be paid in to guarantee outbound movement at the minimum proportional freight rate. The terminal warehouse receipt must be accompanied by a registered freight bill, or by a supplemental certificate signed by the warehousemen, containing data like that on such freight bills, in the form prescribed by the CSS Commodity Office, Dallas, Texas.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072 secs. 301, 401, 63 Stat. 1053, 1054, as amended; 15 U. S. C. 714c, 7 U. S. C. 1447, 1421)

Issued this 14th day of June 1956.

[SEAL] WALTER C. BERGER,
*Acting Executive Vice President, Commodity Credit Corporation.*

[F. R. Doc. 56–4829; Filed, June 19, 1956; 8:49 a. m.]

Subchapter C—International Wheat Agreement

PART 481—COMMODITY CREDIT CORPORATION WHEAT AND WHEAT-FLOUR EXPORT PAYMENT PROGRAM (IWA)

SUBPART—TERMS AND CONDITIONS OF 1955–56 PROGRAM

PROGRAM PERIOD

The Terms and Conditions of 1955–56 Commodity Credit Corporation Wheat and Wheat-Flour Export Payment Program (IWA) (20 F. R. 4564) are amended as follows:

Section 481.631 is amended by changing the final date for sales from June 30, 1956, to July 31, 1956, and by eliminating the reference, no longer applicable, to 1954–55 Wheat Agreement year quotas, so that the amended section reads as follows:

§ 481.631 *Program period.* Sales entered into after the effective date of this offer and not later than July 31, 1956, for recording against the 1955–56 Wheat Agreement year quotas, are eligible for payment under this offer. Sales must be entered into during periods in which an announced rate is in effect, and in reliance thereon, in order to be eligible for payment.

(Sec. 2, 63 Stat. 945, sec. 104, 64 Stat. 198, 67 Stat. 358; 7 U. S. C. 1641, 1642)

Dated this 14th day of June 1956.

[SEAL] WALTER C. BERGER,
*Acting Executive Vice President, Commodity Credit Corporation.*

[F. R. Doc. 56–4828; Filed, June 19, 1956; 8:49 a. m.]

## TITLE 7—AGRICULTURE

### Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 966—MILK IN SHREVEPORT, LA., MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 966.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Shreveport, Louisiana marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as hereby amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity

of pure and wholesome milk and be in the public interest;

(3) The said order, as hereby amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held; and

(4) It is hereby found that the necessary expense of the market administrator for the maintenance and functioning of such agency will require the payment by each handler as his pro rata share of such expense, 5 cents per hundredweight, or such amount not exceeding 5 cents per hundredweight, as the Secretary may prescribe, with respect to all receipts within the month of (i) producer milk, including such handler's own production, (ii) other source milk at a fluid milk plant which is allocated to Class I milk, and (iii) Class I milk distributed during the month on routes (including routes operated by vendors) to retail or wholesale outlets located in the marketing area from a nonfluid milk plant.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, as amended, effective not later than July 1, 1956. The provisions of the said order are known to handlers. The decision of the Assistant Secretary containing all amendment provisions of this order was issued June 5, 1956. The changes effected by this order will not require extensive preparation or substantial alteration in method of operation for handlers. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order, as amended, effective July 1, 1956 and that it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER. (See section 4 (c) Administrative Procedure Act, 5 U. S. C. 1001 et seq.).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended, which is marketed within the Shreveport, Louisiana marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of the order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (March 1956), were engaged in the production of milk for sale in the said marketing area.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof, the handling of milk in the Shreveport, Louisiana, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:

1. In § 966.8, delete paragraph "(a)" and substitute therefor:

(a) In any of the months of April through June; and

2. At the end of § 966.12 change the period to a colon and add the following proviso: "*And provided further*, That this definition shall not include any such person with respect to milk produced by him which is subject to the pricing and payment provisions of another marketing order issued pursuant to the act."

3. In § 966.27 (j) (2), delete "12th" and substitute therefor "10th".

4. At the end of § 966.41 (b) (2), substitute a comma for the semicolon and add the following: "or skim milk dumped during April, May and June which is not in excess of an amount equal to a daily average quantity of 1,500 pounds or five percent of receipts of skim milk in producer milk whichever is greater: *Provided*, That in the case of skim milk dumped, the market administrator is given at least 24 hours' notice of the handler's intention to make such disposition and the amount involved;".

5. In § 966.41 (b) (4), delete the phrase "(five percent with respect to skim milk during the months of April, May and June)".

6. At the end of § 966.51 (a), change the period to a comma and add the following: "except that plus $2.40 shall apply to the months of July 1956 through February 1957."

7. In § 966.90 (d), delete "13th" and "26th" and substitute, respectively therefor "11th" and "25th".

8. In § 966.94, delete the phrase "four cents per hundredweight, or such amount not exceeding four cents per hundredweight" and insert in lieu thereof the following: "five cents per hundredweight, or such amount not exceeding five cents per hundredweight".

(Sec. 5, 49 Stat. 753, as amended, 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 15th day of June 1956, to be effective on and after July 1, 1956.

[SEAL] EARL L. BUTZ,
*Assistant Secretary.*

[F. R. Doc. 56-4949; Filed, June 19, 1956; 8:54 a. m.]

## TITLE 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket 6165]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

INTERNATIONAL ASSOCIATION OF PHOTOGRAPHERS ET AL.

Subpart—*Advertising falsely or misleadingly:* § 13.15 *Business status, advantages, or connections:* Individual or private business as association or guild; § 13.75 *Free goods or services;* § 13.105 *Individual's special selection or situation;* § 13.130 *Manufacture or preparation;* § 13.155 *Prices:* Usual as reduced, special, etc.; § 13.260 *Terms and conditions.* Subpart—*Misrepresenting oneself and goods*—Goods: § 13.1625 *Free goods or services;* § 13.1653 *Individual's special selection or situation;* § 13.1680 *Manufacture or preparation;* § 13.1760 *Terms and conditions; (Misrepersenting oneself and goods)*—Prices: § 13.1825 *Usual as reduced or to be increased.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 13.1955 *Free goods;* § 13.1985 *Individual's special selection or situation;* § 13.2080 *Terms and conditions.* Subpart—*Securing signatures wrongfully:* § 13.2175 *Securing signatures wrongfully.* Subpart—*Using misleading name*—Vendor: § 13.2395 *Individual or private business as association or guild.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, International Association of Photographers et al., Hollywood, Calif., Docket 6165, June 1, 1956]

*In the Matter of International Association of Photographers, a Corporation, and Ray M. Mitchell, Frank Grzesiek, Raymond C. Ries, John Mason and Betty C. Mitchell, Individually*

This proceeding was heard by a hearing examiner on the complaint of the Commission, charging a corporation and its officers, engaged in the sale and distribution from their place of business in Hollywood, Calif., of photograph albums, together with certificates for photographs to be taken at independent affiliated studios, securing names of prospects largely from birth announcements in newspapers, with falsely representing in advertising, on the certificates sold to customers, and by their salesmen, that the person solicited had been specially selected, was to receive an album free, and that the charge made was for the photograph; that the prices were promotional and reduced, and that the photographs were of natural gold-tone finish; with obtaining signatures on order blanks on the pretense that they were receipts for free albums; and with implying, by their corporate name, that they were an association of photographers.

Following answer and hearings in due course, the hearing examiner made his initial decision, including findings and order to cease and desist, from which respondents appealed. The Commission, after hearing the matter on briefs and oral argument, in an opinion by Chairman Gwynne dated June 1, 1956, rendered its decision modifying the findings in the initial decision, denying the appeal in all other respects, and adopting as its own the initial decision as so modified.

The order to cease and desist is as follows:

*It is ordered*, That respondents International Association of Photographers, a corporation, and its officers, and Ray M. Mitchell, Frank Grzesiek, Raymond C. Ries, John Mason and Betty C. Mitchell, individually, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of photograph albums or certificates for photographs, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication—

a. That they sell only to selected persons;

b. That their albums are given free or without cost;

c. That the prices at which they regularly or customarily sell their products are reduced or promotional prices;

d. That the photographs provided by respondents' certificates are of natural gold tone finish;

2. Misrepresenting the number and availability of photographers who will honor certificates issued by respondents;

3. Obtaining signatures on order blanks upon the pretense that they are receipts for free albums, or attempting to collect from the persons who may have signed such blanks;

4. Using the corporate name "International Association of Photographers," or any other name of similar import to designate, describe or refer to respondents' business, or otherwise representing that their business is an association, international or otherwise, of photographers.

By "Final Order", report of compliance was required as follows:

*It is ordered*, That to the extent noted in the accompanying opinion the respondents' appeal be, and it hereby is, granted. In all other respects, said appeal is hereby denied.

*It is further ordered*, That the respondents, International Association of Photographers, a corporation, and Ray M. Mitchell, Frank Grzesiek, Raymond C. Ries, John Mason, and Betty C. Mitchell, individuals, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order contained in the aforesaid initial decision.

Issued: June 1, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
*Secretary.*

[F. R. Doc. 56-4819; Filed, June 19, 1956; 8:47 a. m.]

## TITLE 33—NAVIGATION AND NAVIGABLE WATERS

### Chapter II—Corps of Engineers, Department of the Army

PART 208—FLOOD CONTROL REGULATIONS

FOLSOM DAM AND RESERVOIR; AMERICAN RIVER, CALIFORNIA

Pursuant to the provisions of section 7 of the act of Congress approved December 22, 1944 (58 Stat. 890, 33 U. S. C. 709), and of the act of Congress approved October 14, 1949 (63 Stat. 852), § 208.87 is hereby prescribed to govern the use and operation of Folsom Dam and Reservoir, on American River, California, for flood control purposes;

§ 208.87 *Folsom Dam and Reservoir.* The Bureau of Reclamation shall operate Folsom Dam and Reservoir in the interest of Flood control as follows:

(a) Except when greater releases are required as prescribed in paragraph (c) of this section, releases from Folsom Reservoir shall be restricted to rates specified on the Flood Control Storage Reservation Diagram currently in force. The Flood Control Storage Reservation Diagram in force as of the promulgation of this section is that dated May 24, 1956. File No. AM-1-26-584, and is on file in the Office of the Chief of Engineers, Department of the Army, Washington 25, D. C., and in the office of the Commissioner of Reclamation, Washington, D. C. Revisions of the Flood Control Storage Reservation Diagram may be developed from time to time as necessary by the Corps of Engineers and the Bureau of Reclamation. Each such revision shall be effective upon the date specified in the approval thereof by the Chief of Engineers and the Commissioner of Reclamation and from that date until replaced shall be the Flood Control Storage Reservation Diagram currently in force for purposes of this section. Copies of the Flood Control Storage Reservation Diagram currently in force shall be kept on file in and may be obtained from the office of the District Engineer, Corps of Engineers, and the Regional Director, Bureau of Reclamation, in charge of the locality.

(b) Storage space in Folsom Reservoir shall be kept available for control purposes in accordance with the Flood Control Storage Reservation Diagram currently in force, except when storage of flood-water is necessary as prescribed in paragraph (a) of this section. Any water temporarily stored in the flood control space indicated by the Flood Control Storage Reservation Diagram currently in force shall be released as rapidly as can be safely accomplished without causing downstream flows to exceed the criteria.

(c) In the event that the reservoir level approaches or exceeds elevation 466 at the dam (gross pool elevation) subsequent operation of the dam shall be, insofar as possible, in accordance with the Emergency Release Diagram currently in force, or the Flood Control Storage Reservation Diagram currently in force, whichever requires the greater release. The Emergency Release Diagram in force as of the promulgation of this section is that dated May 24, 1956, File No. AM-1-26-585, and is on file in the Office of the Chief of Engineers, Department of the Army, Washington, D. C., and in the office of the Commission of Reclamation, Washington, D. C. Revisions of the Emergency Release Diagram may be developed from time to time as necessary by the Corps of Engineers and the Bureau of Reclamation. Each such revision shall be effective upon the date specified in the approval thereof by the Chief of Engineers and the Commissioner of Reclamation and from that date until replaced shall be the Emergency Release Diagram currently in force for purposes of this section. Copies of the Emergency Release Diagram currently in force shall be kept on file in and may be obtained from the offices of the District Engineer, Corps of Engineers, and the Regional Director, Bureau of Reclamation, in charge of the locality.

(d) Except as necessary in order to comply with provisions of the emergency release diagram under paragraph (c) of this section, the regulations of this section shall not be construed to require dangerously rapid changes in magnitudes of release. The regulations of this section shall not be construed to require that releases be made in a manner that would be inconsistent with requirements for protecting the dam and reservoir from major damage.

(e) The Bureau of Reclamation shall procure such current basic hydrologic data and make such current determinations of required flood control storage reservation and release as are required to accomplish the flood control objectives prescribed in this section.

(f) The Bureau of Reclamation shall keep the District Engineer, Corps of Engineers, Department of the Army, in charge of the locality, currently advised of reservoir release, reservoir storage, and such other operating data as the District Engineer may request, and also of those basic operating criteria which affect the schedule of operation. Also the Bureau of Reclamation shall keep the State Engineer, acting for the Department of Public Works of the State of California, currently advised of reservoir releases.

(g) The Flood Control regulations of this section are subject to temporary modification by the District Engineer, Corps of Engineers, if found necessary in time of emergency. Requests for and action on such modifications may be made by any available means of communication and the action taken by the District Engineer shall be confirmed in writing under date of same day to the Office of the Regional Director of the Bureau of Reclamation in charge of the operations.

(h) Nothing in this section shall be construed as modifying the Schedule of Operation for Sacramento Weir, adopted by the California Debris Commission, November 25, 1940.

[Regs., 24 May 1956, ENGWE] (Sec. 7, 58 Stat. 890, 63 Stat. 852; 33 U. S. C. 709)

[SEAL] JOHN A. KLEIN,
*Major General, U. S. Army,*
*The Adjutant General.*

[F. R. Doc. 56-4810; Filed, June 19, 1956; 8:45 a. m.]

## TITLE 36—PARKS, FORESTS, AND MEMORIALS

### Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

MOUNT MCKINLEY NATIONAL PARK, ALASKA

Section 20.44, entitled *Mount McKinley National Park* is amended by adding a new paragraph designated (d), reading as follows:

(d) *Special wildlife protection area.* The area within one mile of the Park road (Denali Highway) between milepost 37 and milepost 42 (Sable Pass area) is closed to photographers, hikers, and other Park visitors except as may be specifically authorized by the Superintendent. Observations and photography of wildlife and other features are permitted from the road shoulders and designated turnouts.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

Issued this 1st day of June 1956.

[SEAL] GRANT H. PEARSON,
*Superintendent,*
*Mount McKinley National Park.*

[F. R. Doc. 56-4814; Filed, June 19, 1956; 8:46 a. m.]

## TITLE 42—PUBLIC HEALTH

### Chapter I—Public Health Service, Department of Health, Education, and Welfare

PART 71—FOREIGN QUARANTINE

CATS AND DOGS FROM CANADA

Notice of proposed rule making, public rule making procedures and postponement of effective date have been found to be contrary to the public interest in the issuance of this amendment of § 71.154 of this part since a substantial number of rabies cases have been reported in Canada, and, in order to assure against the importation and transmission of such disease, it is necessary to require that cats and dogs brought to the United States from Canada be subject immediately to the requirements of § 71.154 (a) and (b) of these regulations.

1. Paragraphs (a) and (b) of § 71.154 are hereby amended by deleting the word "Canada" wherever it appears so that those paragraphs will read as follows:

(a) *Cats: Physical inspection.* No cat shall be brought into a port under the control of the United States from any foreign country other than Bermuda, Denmark, Eire, Norway, Sweden, or the United Kingdom of Great Britain and Northern Ireland unless:

(1) The owner submits a sworn statement that the animal was physically inspected within ten days prior to departure for the United States and was found apparently free of demonstrable diseases involving emaciation, lesions of the skin, nervous system disturbances, jaundice, or diarrhea, or

(2) The animal is examined by a quarantine officer following arrival at a port under control of the United States and found apparently free of demonstrable diseases involving emaciation, lesions of the skin, nervous system disturbances, jaundice, or diarrhea.

(b) *Dogs: Physical inspection; rabies immunization; importation for scientific purposes.* (1) No dog shall be brought into a port under the control of the United States from any foreign country other than Bermuda, Denmark, Eire, Norway, Sweden, or the United Kingdom of Great Britain and Northern Ireland unless:

(i) The owner submits a sworn statement that the animal was physically inspected within ten days prior to departure for the United States and was found apparently free of demonstrable diseases involving emaciation, lesions of the skin, nervous system disturbances, jaundice, or diarrhea, or

(ii) The animal is examined by a quarantine officer following arrival at a port under control of the United States and found apparently free of demonstrable diseases involving emaciation, lesions of the skin, nervous system disturbances, jaundice, or diarrhea.

(2) No dog shall be brought into a port under the control of the United States from any foreign port other than Australia, Bermuda, Denmark, Eire, New Zealand, Norway, Sweden, or the United Kingdom of Great Britain and Northern Ireland unless:

(i) The owner submits a sworn statement that the animal has been immunized with an approved rabies vaccine not more than six months prior to the date of entry, or

(ii) The animal is immunized with an approved rabies vaccine following arrival at a port under control of the United States and prior to release from quarantine, or

(iii) The owner submits a sworn statement to the effect that the animal is destined for a research institution, that it is intended by such institution to be used for scientific purposes, and that immunization will seriously interfere with its use for such purposes.

(Sec. 215, 58 Stat. 690, as amended, 42 U. S. C. 216. Interprets or applies secs. 361-369, 58 Stat. 703-706; 42 U. S. C. 264-272)

*Effective date.* This amendment shall become effective on the date of publication in the FEDERAL REGISTER.

Dated: May 31, 1956.

[SEAL] DAVID E. PRICE,
*Acting Surgeon General.*

Approved: June 14, 1956.

M. B. FOLSOM,
*Secretary.*

[F. R. Doc. 56-4835; Filed, June 19, 1956; 8:50 a. m.]

## TITLE 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

[Amdt. 3-15; FCC 56-552]

PART 3—RADIO BROADCAST SERVICES

SUBSIDIARY COMMUNICATIONS AUTHORIZATIONS OF FM BROADCAST STATIONS

In the matter of amendment of § 3.293 of the Commission's rules and regulations relating to Subsidiary Communications Authorizations of FM Broadcast Stations; Rules Amdt. 3-15.

1. The Commission has before it for consideration the petitions of 22 FM broadcast stations requesting amendment of § 3.293 of its rules and regulations to extend for a one-year period the time during which FM broadcast stations may conduct functional music operations on a simplex basis.

2. The Commission amended its rules effective July 1, 1955, to specify conditions under which FM broadcast stations would be permitted to provide functional music service such as background music, storecasting, transitcasting, etc. (Report and Order (FCC 55-340) in Docket No. 10832, issued March 22, 1955). In taking this action the Commission concluded that although functional music operations were "predominantly non-broadcast in nature", they would be allowed as "an adjunct to the FM broadcast operation in order that the latter might draw financial sustenance from them". It was emphasized that functional music was a subsidiary service, allowed for the primary purpose of aiding the main undertaking—the broadcast service to the public. FM broadcasters desiring to furnish a functional music service must obtain a Subsidiary Communications Authorization (SCA).

3. In authorizing functional music operations by FM broadcasters, the Commission contemplated that as soon as feasible all such operations should be conducted on a multiplex basis under which the functional music programs would be transmitted on a sub-channel simultaneously with the regular broadcast programs on the main channel. However, in light of the unavailability of multiplex equipment at that time, it was provided that functional music could be conducted on a simplex basis for the first year following the effective date of the new rules—or until July 1, 1956. After July 1 all functional music operations must be multiplexed.

4. The following FM broadcast stations holding SCA's for simplex operation have filed petitions with the Commission requesting that the date when all functional music operations must be multiplexed be postponed for at least one year:

Robert P. Adams (KUTE-FM), Glendale, Calif.; Progress Broadcasting Corp. (WHOM-FM), New York, N. Y.; North Shore Broadcasting Co. (WEAW-FM), Evanston, Ill.; Silver City Crystal Co. (WMMW-FM), Meriden, Conn.; Functional Music, Inc. (WFMF), Chicago, Ill.; Michigan Music Co. (WMUZ), Detroit, Mich.; The Capital Broadcasting Co. (WNAV-FM), Annapolis, Md.; Radio KITE, Inc. (KITE-FM), San Antonio, Tex.; Music Unlimited (KSON-FM), San Diego, Calif.; Santa Clara Broadcasting (KSJO-FM), San Jose, Calif.; King Broadcasting Co. (KING-FM), Seattle, Washington; Sundial Broadcasting Corp. (KDFC), San Francisco, Calif.; WHBL, Inc. (WHBL-FM), Sheboygan, Wis.; Wm. Penn Broadcasting Co., Inc. (WPEN-FM), Philadelphia, Pa.; WWDC, Inc. (WWDC-FM), Washington, D. C.; Musicast, Inc., Los Angeles, Calif.; WBFM, Inc. (WBFM-FM), New York, N. Y.; Lincoln Broadcasting Co. (WLDM-FM), Detroit, Mich.; Mount Mitchell Broadcasters, Inc. (WMIT), Clingmans Peak, N. C.; Agnes J. Reeves Greer (WKJF-FM), Pittsburgh, Pa.; KLEF Broadcasters (KQXR), Bakersfield, Calif.; Seaboard Radio Broadcasting Corp. (WIBG-FM), Philadelphia, Pa.

5. The FM broadcast stations submit that satisfactory multiplex equipment has not become generally available and that, consequently, unless they are permitted to continue to provide functional music service on a simplex basis after July 1st, they will be required to terminate their service. Detailed affidavits by engineers and equipment manufacturers have been furnished indicating the present status in the development of multiplex equipment. The FM broadcasters represent that they will convert to multiplexing as soon as satisfactory equipment can be obtained and state that they expect that sufficient progress will have been made in the development and production of equipment to enable them to convert within 12 to 18 months.

6. In permiting functional music operations to be conducted on a simplex basis for a one-year period, we believed that this would permit the immediate undertaking of functional music operations; allow those licensees who had invested in special equipment to realize some return; and insure an adequate period for development and manufacture of multiplex equipment at reasonable prices. The petitioners have indicated their desire and intention to convert to multiplexing as soon as such equipment does become generally available. It appears, however, that multiplex equipment is not yet generally available. We believe, therefore, that the public interest would be served by extending for a one-year period the time during which functional music operations may be conducted on a simplex basis.

7. In light of the foregoing, we are amending § 3.293 of the rules to postpone the date for conversion to multiplexing to July 1, 1957. At the same time, we are extending all outstanding Subsidiary Communications Authorizations for simplexing to that date, but in no event beyond the expiration date of the outstanding license of the FM broadcast station holding the SCA.

8. Authority for the adoption of the amendment herein is contained in sections 4 (i), 301, 303 (b), (g) and (r) of the Communications Act of 1934, as amended. Since the amendment represents a relaxation of a rule, no prior notice of rule making is necessary.

9. *It is ordered,* That, effective June 29, 1956, § 3.293 of the Commission's rules and regulations is amended by changing the last parenthetical expression thereof to read as follows: "Subsidiary Communications Authorizations on a simplex basis will be issued to expire July 1, 1957."

10. *It is further ordered,* That, effective July 1, 1956, all Subsidiary Communications Authorizations for simplex functional music operations are extended to July 1, 1957, or to the expiration date of the outstanding license of the FM broadcast stations holding the SCA, whichever is sooner.

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154. Interprets or applies sec. 301, 48 Stat. 1081, 47 U. S. C. 301; sec. 303, 48 Stat. 1082, 47 U. S. C. 303)

Adopted: June 13, 1956.

Released: June 15, 1956.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4836; Filed, June 19, 1956; 8:51 a. m.]



## TITLE 49—TRANSPORTATION

### Chapter I—Interstate Commerce Commission

[Service Order 914]

PART 95—CAR SERVICE

FREE TIME ON UNLOADING EXPORT FREIGHT FROM CARS AT GREAT LAKES PORTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 14th day of June A. D. 1956.

It appearing that there is a critical shortage of freight cars, that such cars are being delayed unduly in unloading at ports, and that free time published in tariffs for unloading such cars aggravates the shortage; impeding the use, control, supply, movement, distribution, exchange, interchange, and return of such cars; in the opinion of the Commission, an emergency exists at all ports of the country requiring immediate action to promote car service in the interest of the public and the commerce of the people. Accordingly, the Commission finds that notice and public procedure are impracticable and contrary to the public interest, and that good cause exists for making this order effective upon less than thirty days' notice.

*It is ordered,* That:

§ 95.914 *Free time on unloading export freight from cars at Great Lakes ports.* (a) No common carrier or carriers by railroad subject to the Interstate Commerce Act shall allow, grant, or permit more than two (2) days' free time on any car loaded with freight for export (except coal, coke, bulk grain, flaxseed, and soybean shipments) held for unloading at any Great Lakes port for transfer from car to vessel or storage or when held short of such transfer point. The provisions of this paragraph shall not be construed to require or permit the increase of any free time published in tariffs lawfully on file with this Commission, and in effect on the effective date of this section.

(b) Computation of free time: (1) All Saturdays, Sundays, and the holidays listed in Item 25 of Agent Hinsch's Demurrage Tariff 4-C, I. C. C. No. 4677 and subsequent issues thereof shall be excluded in computing the free time provided in paragraph (a) of this section.

(2) The free time provided in paragraph (a) of this section shall be computed from the first 7:00 a. m., after notice of arrival of constructive placement is sent or given to the party entitled to receive same until final release of the car, less time required to move a constructively placed car from hold point to point of unloading.

(c) Application: The provisions of this section shall apply to intrastate, interstate, and foreign commerce, including commerce with insular possessions and the territories of Alaska and Hawaii.

(d) Effective date: This section shall become effective at 5:00 p. m., June 14, 1956.

(e) Expiration date: This section shall expire at 11:59 p. m., December 31, 1956, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

(f) This section shall not change Demurrage Rule 8 of Tariff I. C. C. No. 4677 as amended or as reissued, or similar rules in other tariffs adjusting, cancelling, or refunding demurrage charges arising from the unusual conditions or circumstances described in said Rule 8 or similar rules in other tariffs.

*It is further ordered,* That a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F. R. Doc. 56-4846; Filed, June 19, 1956; 8:53 a. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[ 7 CFR Part 927 ]

[Docket No. AO-71-A-31]

HANDLING OF MILK IN NEW YORK METROPOLITAN MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENT OF TENTATIVE AGREEMENT AND ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at New York City during the period May 21-June 5, 1956, pursuant to notice thereof issued on May 10, 1956, and published in the FEDERAL REGISTER on May 15, 1956 (21 F. R. 3178).

The material issues of record are concerned with:

1. The pricing of Class I-A milk for the period July-September 1956;
2. The pricing of Class III milk;
3. The fluid skim differential; and
4. The need for prompt action necessitating omission of a recommended de-

cision and opportunity for exceptions with respect to these issues.

*Findings and conclusions.* The following findings and conclusions are based upon evidence in the record of the hearing:

*Issue No. 1.* Consideration was given at this hearing to proposals for fixing Class I–A prices only for the months of July, August, and September 1956. Two specific proposals made were (1) for $6.00 per hundredweight seasonally adjusted ($5.70 for July, $6.00 for August, and $6.24 for September), and (2) for $5.50 in each of the three months.

These proposals were made as a means of providing an immediate increase in the returns to producers. Proponents contended that producers are experiencing severe economic difficulty resulting from failure of the uniform price paid to producers to adequately compensate producers for the costs of milk production. It was further indicated that the economic difficulties being experienced are sufficiently intense to have created unrest among producers to a degree threatening the maintenance of orderly marketing of milk in the market.

In considering these proposals for increasing the Class I–A price, it is necessary, of course, to do so with reference to the purposes or objectives properly sought to be accomplished in the fixing of Class I–A prices under the order. The Agricultural Marketing Agreement Act of 1937, as amended, pursuant to which minimum prices are established under the order, authorizes the Secretary of Agriculture to fix such prices as he finds will reflect the price of feeds, the available supply of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, insure a sufficient quantity of pure and wholesome milk and be in the public interest. Prices established under the order must conform to these standards.

Monthly Class I–A prices for the year 1955 averaged $5.20 per hundredweight. This was 7 cents higher than in 1954, 3 cents lower than in 1953, and 30 cents below the average for 1952. During the first 6 months of 1956 the Class I–A price averaged $5.06, 2 cents higher than during the same period in 1955.

At the request of producer representatives action was taken recently by the Department resulting in the maintenance of Class I–A prices for the month of May and June at the April level of $4.78. In response to similar requests by producers in other markets, action also was taken by the Department resulting in the establishment of higher prices for Class I milk than otherwise would have prevailed during the months of May, June, and July in a substantial number of other markets under Federal regulation. No such action, however, was taken in the Federally regulated markets nearest to New York (New England markets and Philadelphia).

The New York Class I–A price appears to be reasonably in line with Class I prices in other markets, and is not abnormally low relative to manufacturing milk prices. For the year 1955 the New York Class I–A price in relation to Class I prices in Boston was somewhat lower than in other recent years, but in recent months the relationship has shifted so that the Class I–A price in New York currently is higher than usual in relation to Boston. In relation to the Philadelphia Class I price, the New York Class I–A price was higher during 1955 than during the preceding three years. For the year 1955 the New York Class I–A price exceeded the Chicago Class I price by $1.46 per hundredweight compared with the average of $1.15 for the years 1947–1955. The New York Class I–A price averaged $2.24 above the Midwestern condensery price for the year 1955 compared with an average of $1.96 higher during the period 1947–1955. Class I–A prices currently in effect, and in prospect for the next few months, are at substantially the same level as in 1955.

The supply of pool milk in relation to fluid milk sales continues to run relatively high. In terms of annual averages, the precentages of pool milk utilized in Class I (A, B, and C) for the years 1951 through 1955 were 52.3, 51.4, 48.6, 47.3, and 46.9, respectively. During the month of smallest supply, usually in November, milk utilized in fluid form together with milk used for fluid cream in the marketing area (required by health authorities to come from approved sources) accounted for declining proportions of the total volume of pool milk during each of the past four years. The percentages so utilized in the years of 1951 through 1955 were 80.7, 74.1, 72.7, 70.1, and 65.6, respectively.

There is no basis for finding that the proposed increase in the Class I–A price would not be reflected in higher consumer prices for milk. While the record provides no basis for determining the precise impact of an increase of 1 or 2 cents per quart on consumer prices on the sales of Class I–A milk, it is a reasonable conclusion that the effect would be unfavorable in some degree. From the standpoint of return to producers, any reduction in Class I–A sales, accompanied by an equivalent increase in the volume of milk going into the lowest prices used, would tend to offset higher returns resulting from a higher Class I–A price.

It is concluded that the order should be amended to fix a price for Class I–A milk of $5.22 for the month of July 1956, and that the minimum prices established for the months of August and September 1956 should be those prices resulting from operation of existing provisions of the order for the pricing of Class I–A milk.

*Issue No. 2.* Proposals relating to the pricing of Class III milk on which evidence was presented at the hearing include those (1) to increase the level of the Class III price, (2) to provide more seasonal variation in the price, and (3) for changing the price of milk used for butter and cheese relative to the price of milk for other Class III uses. It was also proposed that a lower price for Class III milk be established for the months of February through June and that there be eliminated from the order the provision under which the butter-cheese adjustment is reduced whenever the market price of cheese in relation to the market prices of butter and nonfat dry milk is higher than the relationship historically prevailing.

On the basis of the evidence presented relating to these proposals, it is concluded that provisions of the order for the pricing of Class III milk should be amended as follows:

(1) By increasing the Class III price 13 cents per hundredweight for the months of July through November, 10 cents for the months of December, January and February, 8 cents for the months of March and April, and 5 cents for the months of May and June.

(2) By reducing the amount of the butter-cheese adjustment from 4 cents to 3 cents per pound of butterfat during the months of July through February, thus increasing by 3.5 cents per hundredweight for those months the price of milk used for butter and cheese; and

(3) Eliminating provisions for reducing the butter-cheese adjustment whenever the market price for cheese is abnormally high in relation to the market price for butter and nonfat dry milk.

The first of these amendments will provide an additional 8 cents seasonal variation in the Class III price, a simple average annual increase of 10 cents in Class III prices, and on the basis of the monthly volumes of Class III milk during 1955 would result in a weighted average annual increase in the level of the price of about 9.1 cents per hundredweight. The second listed amendment will add an additional 3.5 cents per hundredweight to the price of milk used for butter and cheese except during the months of March, April, May, and June, and, on the basis of 1955 volumes, would result in a weighted average increase on an annual basis of 1.5 cents per hundredweight of milk used for butter and cheese, and about 0.4 cents per hundredweight of all Class III milk. During 1955 both amendments would have increased the average annual level of the Class III price by about 9.5 cents per hundredweight. The third listed amendment would have had no effect during 1955 but will eliminate the possibility of any further reduction in the amount of the butter-cheese adjustment.

There are indications that the present Class III pricing provisions result in a price which does not fully reflect the value of Class III milk for manufacturing purposes. During 1955 and the first four months of 1956 the level of the Class III price declined in relation to the support price of milk for manufacturing purposes, and in relation to the United States average prices paid for milk for manufacturing and the prices paid at selected Midwestern condenseries. With no change in the support level, the weighted average price for all Class III milk was 5 cents lower in 1955 than in 1954. During the 12 months ending with April 1956 the weighed average price for all Class III milk was 6 cents lower than in 1954. Compared with the United States average price for milk for manufacturing the average price for all Class III milk was higher by 3 cents in 1954 but lower by 1 cent in 1955, and lower by 4 cents during the 12 months ending with April 1956. The Midwestern condensery price exceeded the annual average price for all Class III milk by 6 cents in 1953, 11 cents in 1954, 18 cents in 1955, and 20 cents for the 12 months ending with April 1956. The Midwestern condensery price exceeded the Class III price by an average of 15 cents per hundredweight during the 6-year period of 1950–1956. An increase in the Class III price is needed to bring it more nearly in line with the United States average price for milk for manufacturing and with the Midwestern condensery price. An increase of approximately 9 cents per hundredweight during the 12 months ending April 1956 would have restored the relationship which existed during 1954.



The addition of fixed amounts to the monthly Class III prices as calculated under the present formula, rather than reversing the 30–70 weighting of spray and roller nonfat dry milk prices as proposed at the hearing, is chosen as a means of increasing the level of the Class III price at this time. The method chosen is in the interest of simplicity and in recognition of the prospect of again considering Class III pricing provisions at an early date. The proposed reversal of the present 30–70 weighting appears to be more realistic from the standpoint of industry practice, but involves month to month changes in prices concerning which further exploration is desirable.

An increase in the Class III price at this time is supported also by evidence of increased gross margins available to handlers on milk for manufacturing uses and of the existence of adequate outlets for the disposition of Class III milk at higher than average handling charges. During the year 1955 and for the 12 months ending with April 1956, handling charges obtained in the spot market for fluid milk in the marketing area were substantially higher than during the preceding 3 years and about the same as in 1950. Handling charges negotiated earlier this year under annual contracts for fluid milk supplies for the marketing area during 1956 are also reported to be somewhat higher than in 1954 and considerably higher than in 1953. The attractiveness of outlets for milk for various manufacturing uses is recognized as constituting an important factor influencing the rates of handling charges negotiated under contracts between buyers and sellers for supplies of milk for fluid distribution in the marketing area. There is no evidence of reluctance on the part of operators of manufacturing milk facilities generally to accept milk for manufacturing purposes on reasonable terms.

A further consideration of importance under circumstances shown at this hearing to prevail is the effect of the level of the Class III price on returns to producers. For the year 1955 there were 3,708 million pounds of pool milk utilized in Class III, representing 45.6 percent of all pool milk compared with 3,221 million pounds, constituting 39.6 percent of the pool milk, utilized in Class I–A. The volume of Class III milk thus exceeded the volume in Class I–A by about 15 percent. Utilization in all fluid classes, however (Classes I–A, I–B and I–C), brought the total fluid use up to about 47 percent of pool receipts.

For reasons more fully set forth in prior decisions and for the additional reason that the question of pricing Class III milk is scheduled for further consideration at a hearing to begin on June 18, 1956, it is concluded that the price for Class III milk should not be tied directly to prices paid at Midwestern condensaries. It is again determined, however, on the basis of evidence in this record that prices paid for milk for manufacturing uses, including prices paid at Midwestern condensaries, constitute a useful and reliable guide for determining the proper average level of the Class III price over extended periods.

The seasonal variation in the Class III price herein determined to be appropriate is based on evidence to the effect that the most favorable outlets for Class III milk are available during the months of July through November and that during the months of February through June relatively large proportions of the Class III milk go into lower valued uses, and that it is during this period that Class III handlers experience more intensive competition with milk from nonpool sources for the available outlets for Class III milk.

The volume of Class III milk was 329 million pounds greater in 1955 than in 1953. Nearly 70 percent of this additional volume went into various Class III uses other than butter and cheese. However, the volume of milk used for butter and cheese was about 100 million pounds greater in 1955 than in 1953. With an increase in the level of the Class III price a reduction of 1-cent per pound of butterfat in the amount of the butter-cheese adjustment appears desirable in order to provide assurance that the utilization of milk for butter and cheese becomes no more favorable than at the present relative to other uses, and to bring the price established for milk used for butter and cheese more nearly in line, although still substantially below, competitive prices paid for milk for these uses. However, maintenance of the present 4-cent rate during the months of March, April, May, and June will preserve the present relationship during months when the volume of milk utilized for butter and cheese is the greatest. In 1955 approximately 56 percent of the total volume of milk utilized for butter and cheese was in the months of March, April, May, and June. For the year 1955 the Class III price for milk used for butter and cheese was lower than the United States average price paid for milk for butter and nonfat dry milk by about 16 cents and lower than the United States average price paid at cheese factories by about 9 cents. Compared with prices paid at creameries and cheese factories in Wisconsin the butter-cheese price under the order was lower by 18 to 20 cents.

Evidence presented in connection with the proposal to delete that portion of the butter-cheese adjustment provision under which the amount of the adjustment is reduced depending upon the current ratio of the price of cheese to the price of butter and nonfat dry milk indicates that the provision may not now be serving a desirable purpose. It was shown that recent changes in the respective purchase prices under the support program have resulted in price relationships not properly reflected in the provision. The record, however, does not provide adequate basis for revision of the 2.5 ratio as may be necessary. For these reasons, and in view of the decision herein to reduce the butter-cheese adjustment, the provision should be deleted.

*Issue No. 3.* It is concluded that the fluid skim differential should be so modified (1) that it is not applied to skim milk which is utilized in cultured milk drinks containing less than 3.0 percent or more than 5.0 percent of butterfat; and (2) that condensed skim milk is included in the list of forms in which skim milk may enter the marketing area and be subject to the fluid skim differential.

The order presently provides a fluid skim differential which is an additional charge for certain skim milk. It is applied primarily to skim milk derived from Class II or Class III milk which enters the marketing area in one of a number of specified forms, and is there utilized in any one of a number of specified products. The differential is so computed that if a hundredweight of Class II milk containing 3.5 percent butterfat is separated into 40 percent cream, and the skim milk resulting from such separation is subject to the fluid skim differential, the total value at the Class II price plus the fluid skim differential will be equal to the Class I–A price per hundredweight.

Several proposals were made to amend the provision with respect to the fluid skim differential. They were as follows:

(1) To increase the rates;

(2) To apply it to skim derived from Class I milk;

(3) To add flavored drinks to the list of utilizations which would require the fluid skim differential;

(4) To eliminate cultured drinks both from the list of specified forms in which skim milk may enter the marketing area and be subject to the differential, and from the list of uses of skim milk to which the differential would apply; and

(5) To add condensed skim milk to the list of the forms in which skim milk may enter the marketing area and be subject to the fluid skim differential.

Proposals 1 and 2 would result in many cases in the combined value of milk when separated into cream and skim milk being considerably higher than the Class I–A value. The record provided no adequate basis for a determination that the sum of the values of the component parts of milk should be greater than the highest class price provided in the order. Therefore, proposals 1 and 2 listed above are denied.

Proposal No. 3 was withdrawn by proponent and no other witnesses supported it. It is, therefore, denied.

Proposals 4 and 5 are of an emergency nature and arise because of problems caused by changes in the Sanitary Code of the City of New York and in the New York State law with respect to dairy products. The Sanitary Code recently was amended in such a manner as to permit the manufacture of cultured

milk drinks, such as buttermilk and yogurt, from milk solids and water. Previously, such cultured milk drinks were required to be made from milk, uncondensed skim milk and cream. Therefore, such products previously could be made only from fresh fluid products obtained from sources meeting the health requirements for fluid milk. The amendment to the Sanitary Code permits them to be made from products obtained from sources not subject to local health inspection. This means that solids for use in buttermilk and yogurt can be obtained from manufactured skim milk sources. Under such circumstances, the persons using fresh fluid products under the current order are at a competitive disadvantage compared with those making the products from nonfat dry milk solids.

Competitive equality could be obtained either by applying the fluid skim differential to all cultured drinks, regardless of the source of solids, or by eliminating the fluid skim differential from fresh skim milk used in such products. The notice contains no specific proposal for the first solution and the record does not justify such action at this time.

Cultured milk drinks between 3.0 and 5.0 percent butterfat are defined as Class I products. The elimination of the fluid skim differential from skim milk used in cultured milk drinks between 3.0 and 5.0 percent butterfat would give persons making such products in the marketing area from skim milk and cream a distinct competitive advantage over those making them from whole milk, or making such drinks outside the marketing area. Amendment of the Class I–A definition is not within the scope of the hearing notice and, therefore, competitive equality for the cultured milk drinks between 3.0 and 5.0 percent butterfat will be better maintained by continuing to apply the fluid skim differential to any skim milk used in cultured milk drinks between 3.0 and 5.0 percent butterfat.

In its recent session, the New York State Legislature enacted a law which permits the sale of a product known as "modified skim milk." This product is made of skim milk with added nonfat milk solids. If the solids are added in the form of nonfat dry milk solids, there is no increase in the volume of the product over the volume of the fluid skim milk used in the manufacture. The fluid skim differential applied to the volume of such modified skim milk would therefore be the same as if it were applied to the natural skim milk used in its manufacture. If the modified skim milk were made by the addition of condensed skim milk to the natural skim milk, the total volume of the modified skim milk would be greater than the total volume of the natural skim milk used in its production. Under the present fluid skim milk provision, there would be a lesser fluid skim differential paid on such modified skim milk than on a volume of natural skim milk equal to the volume of modified skim milk. If the fluid skim differential were applied to the volume of both the natural skim milk and the condensed skim milk used in the modified skim milk, the differential paid would be the same as for an equivalent volume of natural fluid skim milk.

*Issue No. 4.* The due and timely execution of the function of the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision by the Deputy Administrator, Agricultural Marketing Service, and the opportunity for exceptions, thereto on the above listed issues.

The nature of these issues is such that the conclusions thereon should be effectuated as soon as possible. Delay beyond the minimum time required to make the attached order effective would defeat its purpose. The time necessarily involved in the preparation, filing and publication of a recommended decision together with time for filing exceptions thereto would preclude timely action.

It is therefore found that good cause exists for the omission of the recommended decision in order to inform interested parties promptly of the conclusions reached. It is important that interested parties be informed of the action decided upon as promptly as possible in order that appropriate adjustments may be made promptly in their operations in accordance with the decision.

*Rulings on proposed findings and conclusions.* Briefs which were filed on behalf of interested parties contained statements of fact, proposed findings and conclusions, and arguments with respect to the provisions of the proposed amendment. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this decision.

Rulings of the presiding officer to which specific objections were taken are affirmed. Requests were made for an extension of time for filing briefs and for issuance of a recommended decision for exceptions in the event of any change in Class III pricing provisions which are not limited in time by a definite expiration date. Even though no provision is made herein for a definite expiration date on the Class III price amendments, the amended provisions are subject to reconsideration at a public hearing already scheduled to begin on June 18, 1956. This affords ample protection for interested parties. Accordingly, such requests are denied.

*General findings.* (a) The tentative marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the tentative marketing agreement and in the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The tentative marketing agreement and the order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

*Determination of representative period.* The month of April 1956 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order amending the order, now in effect, regulating the handling of milk in the New York metropolitan milk marketing area, in the manner set forth in the attached amending order is approved or favored by producers who, during such period were engaged in the production of milk for sale in the marketing area specified in such marketing area.

*Marketing agreement and order, as amended.* Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the New York Metropolitan Milk Marketing Area," and "Order Amending the Order, as Amended, Regulating the Handling of Milk in the New York Metropolitan Milk Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered that all of this decision, except the marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as amended and proposed to be hereby further amended.

This decision filed at Washington, D. C., this 15th day of June 1956.

[SEAL] EARL L. BUTZ,
*Assistant Secretary.*

*Order[1] Amending the Order, as Amended, Regulating Handling of Milk in New York Metropolitan Milk Marketing Area*

§ 927.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof the handling of milk in the New York metropolitan milk marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Amend paragraph (a) of § 927.40 by adding a proviso as follows: "*Provided further,* That the Class I–A price for July 1956 shall be $5.22."

2. Amend paragraph (f) of § 927.40 as follows:

a. Amend the opening sentence to read as follows: "For Class III milk, the price shall be the sum of the amounts computed or determined pursuant to subparagraphs (1), (2), and (3) of this paragraph, minus 80 cents.

b. Add a new subparagraph (3) as follows:

(3) Determine the appropriate seasonal adjustment in accordance with the following table:

| Month to which the price is applicable: | Amount |
|---|---|
| July through November | $0.13 |
| December through February | .10 |
| March and April | .08 |
| May and June | .05 |

3. Amend § 927.43 as follows:

a. Change the words just prior to the first proviso from "four cents per pound of butterfat in such milk" to "four cents per pound of butterfat in such milk in the months of March through June and three cents per pound of butterfat in such milk in the months of July through February:".

b. Delete the first proviso.

c. Amend the second proviso to read: "*Provided,* That for milk received from producers during any of the months of March through July which is classified on the basis of one of the types of cheese named in this section, the amount so credited shall be increased one-cent per pound of butterfat for each full five-hundredths by which the ratio of 2.5 is lower than a ratio computed as follows: Add to the New York 92-score butter price for the month announced pursuant to § 927.46 (b) (5) the amount obtained by multiplying by 1.83 the weighted nonfat dry milk solids price for the period ending with the 25th day of the month as announced pursuant to § 927.46 (b) (7); divide this sum by the price of Cheddar cheese for the month as announced pursuant to § 927.46 (b) (8) and round the result to the nearest hundredth."

4. Amend § 927.44 prior to the first colon to read as follows:

§ 927.44 *Fluid skim differential.* For skim milk derived from Class II or Class III milk which skim milk enters the marketing area in the form of milk, fluid skim milk, condensed skim milk, half and half, cream, or cultured milk drinks and there utilized or disposed of in the form of milk, fluid skim milk, half and half, or cultured milk drinks containing 3.0 percent or more but not more than 5.0 percent of butterfat, and for all other skim milk derived from Class II or Class III milk which is not established to have been otherwise utilized or disposed of, the handler shall pay a fluid skim differential per hundredweight computed as follows: • • •

[F. R. Doc. 56-4848; Filed, June 19, 1956; 8:53 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.



# NOTICES

## DEPARTMENT OF THE INTERIOR

### Bureau of Reclamation

SUBLETTE PROJECT, WYOMING

ORDER OF REVOCATION

APRIL 3, 1956.

Pursuant to authority delegated by Departmental Order No. 2765 of July 30, 1954 (19 F. R. 5004), I hereby revoke Departmental Order of March 7, 1932; insofar as said order affects the following described land: *Provided, however,* That such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the land hereinafter described:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 34 N., R. 109 W.,
Sec. 25, NW¼;
Sec. 26, NE¼.

The above areas aggregate 320 acres.

E. G. NIELSEN,
*Assistant Commissioner.*

No. 119——3

[71546]

JUNE 14, 1956.

I concur. The records of the Bureau of Land Management will be noted accordingly.

The NE¼NE¼, sec. 26, is included in Power Site Reserve No. 190, and shall be opened to mining location pursuant to the act of August 11, 1955 (69 Stat. 683; 30 U. S. C. 621) at 10:00 a. m. on July 20, 1956.

The land is located in Sublette County near Pinedale, Wyoming, and is within Wyoming Grazing District No. 5.

No application for the lands may be allowed under the homestead, desert-land, small tract, or any other nonmineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any valid existing rights and the requirements of applicable law, the lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the Homestead, Desert Land, and Small

Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on July 20, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on October 19, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on October 19, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

b. All the lands have been open to applications and offers under the mineral-leasing laws. The NW¼, sec. 25 and W½NE¼, SE¼NE¼, sec. 26 will be open to location under the United States mining laws beginning at 10:00 a. m. on October 19, 1956.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Cheyenne, Wyoming.

EDWARD WOOZLEY,
*Director,*
*Bureau of Land Management.*

[F. R. Doc. 56–4815; Filed, June 19, 1956; 8:46 a. m.]

## DEPARTMENT OF AGRICULTURE

### Office of the Secretary

OKLAHOMA

DISASTER ASSISTANCE; DELINEATION OF DROUGHT AREA

Pursuant to Public Law 875, 81st Congress, the President determined on February 27, 1956, that a major disaster occasioned by drought existed in the State of Oklahoma.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148, 5364; 20 F. R. 4664), and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, the following counties in the State of Oklahoma were determined on June 11, 1956, to be affected by the above-mentioned major disaster.

Oklahoma: Texas, Woods.

Done at Washington, D. C., this 15th day of June 1956.

[SEAL] EZRA TAFT BENSON,
*Secretary.*

[F. R. Doc. 56–4853; Filed, June 19, 1956; 8:54 a. m.]

NEVADA

DISASTER ASSISTANCE; DELINEATION OF DROUGHT AREA

Pursuant to Public Law 875, 81st Congress, the President determined on June 7, 1956, that a major disaster occasioned by drought existed in the State of Nevada.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148, 5364; 20 F. R. 4664), and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, Lincoln County, Nevada, was determined on June 7, 1956, to be affected by the above-mentioned major disaster.

Done at Washington, D. C., this 15th day of June 1956.

[SEAL] EZRA TAFT BENSON,
*Secretary.*

[F. R. Doc. 56–4852; Filed, June 19, 1956; 8:54 a. m.]

## DEPARTMENT OF COMMERCE

### Bureau of Foreign Commerce

[Case No. 203]

UNION EUROPEENNE DE PRODUITS CHIMIQUES AND JEAN RICHARD

ORDER AMENDING AND ENLARGING ORDER REVOKING EXPORT LICENSES AND DENYING EXPORT PRIVILEGES

In the matter of Union Europeenne de Produits Chimiques and Jean Richard, its director, 27, rue des Petites-Ecuries, Paris, France; respondents.

An order having heretofore been entered herein on the 13th day of December 1955 (20 F. R. 9469), denying export privileges to the respondents for a period of one year from the date thereof and providing for a contingent restoration of said privileges upon the expiration of six months from the date of such order; and the Investigation Staff having applied for a reopening of this case and a redetermination thereof based upon statements submitted in support of said application; and said application having been duly served on the respondents with an opportunity to appear in opposition thereto; and said respondents having failed to appear or offer any opposition thereto; and the evidence in support of said application having been submitted to the Compliance Commissioner, who, upon respondents' default, reopened this proceeding; and the Compliance Commissioner having duly filed his report and recommendation together with the evidence submitted in support of said application; and he having recommended that the order heretofore entered herein be amended by providing that the respondents be denied export privileges so long as export controls are in effect;

Now, after consideration of all the evidence submitted in support of said application as well as the report and recommendation of the Compliance Commissioner and, having concluded that the basis upon which the order heretofore entered herein was entered no longer exists and that these respondents, by their conduct, are not deserving of the leniency heretofore extended to them but, on the contrary, indicate that if given the opportunity they will obtain United States commodities by any means possible for the purpose of transshipping the same to Soviet Bloc destinations in violation of U. S. export control regulations, it is therefore, in order to achieve effective enforcement of the law, ordered as follows:

Paragraphs II, IV, and V of the order dated December 13, 1955 (20 F. R. 9469), be and the same hereby are deleted therefrom and the decretal provisions of said order be and the same hereby are amended and resettled to read as follows:

I. All outstanding validated export licenses in which Union Europeenne de Produits Chimiques and Jean Richard appear or participate as purchaser, intermediate or ultimate consignee, or otherwise, are hereby revoked and shall be returned forthwith to the Bureau of Foreign Commerce for cancellation.

II. Henceforth, and so long as export controls shall remain in effect, each of the said respondents be, and he or it hereby is suspended from and denied all privileges of participating, directly or indirectly in any manner or capacity, in an exportation of any commodity or technical data from the United States to any foreign destination, including Canada, whether such exportation has heretofore or hereafter been completed. Without limitation of the generality of the foregoing denial of export privileges, participation in an exportation is deemed to include and prohibit participation by any of the respondents, directly or indirectly in any manner or capacity, (a) as a party or as a representative of a party to any validated export license application, (b) in the obtaining or using of any validated or general export license or other export control documents, (c) in the receiving, ordering, buying, selling, using, or disposing in any foreign country of any commodities in whole or in part exported or to be exported from the United States, and (d) in storing, financing, forwarding, transporting, or other servicing of such exports from the United States.

III. Such denial of export privileges shall extend not only to each of the respondents, but also to any person, firm, corporation, or business organization with which any of them may be now or hereafter related by ownership, control, position of responsibility, or other connection in the conduct of trade in which may be involved exports from the United States or services connected therewith.

IV. No person, firm, corporation, partnership, or other business organization, whether in the United States or elsewhere, during any time when any respondent is prohibited under the terms hereof from engaging in any activity within the scope of Part II hereof, shall, without prior disclosure to, and specific authorization from the Bureau of Foreign Commerce, directly or indirectly in any manner or capacity (a) apply for, obtain, or use any license, shipper's export declaration, bill of lading, or other export control document relating to any such prohibited activity, (b) order, receive, buy, use, dispose of, finance, transport or forward, any commodity on behalf of or in any association with such respondent, or (c) do any of the foregoing acts with respect to any commodity or exportation in which such respondent may have an interest of any kind or nature, direct or indirect.

Dated: June 13, 1956.

JOHN C. BORTON,
*Director,*
*Office of Export Supply.*

[F. R. Doc. 56–4845; Filed, June 19, 1956; 8:52 a. m.]





## GENERAL SERVICES ADMINISTRATION

[Project 3–DC–01]

FEDERAL OFFICE BUILDINGS

PROSPECTUS FOR PROPOSED BUILDINGS IN SOUTHWEST REDEVELOPMENT AREA OF DISTRICT OF COLUMBIA

EDITORIAL NOTE: This prospectus of proposed Project Number 3–DC–01 is published pursuant to section 412 (f) of the Public Buildings Purchase Contract Act of 1954 as amended by Public Law 150, 84th Congress, which requires publication in the FEDERAL REGISTER, for a period of ten consecutive days from date of submission to the Committees on Public Works of the Senate and House of Representatives.

Project Number 3–DC–01 (Revised)

MARCH 14, 1956.

FORMAL PROSPECTUS FOR PROPOSED BUILDING UNDER TITLE I PUBLIC LAW 519, 83D CONGRESS, 2D SESSION

FEDERAL OFFICE BUILDING, WASHINGTON, D. C.

1. *Brief description of proposed building.* The project contemplates the erection of a group of three Federal Office Buildings on a site to be acquired by the Government facing on the proposed Tenth Street Mall in the southwest redevelopment area of Washington, D. C. Each building will be multi-storied. An aggregate of approximately 643,000 square feet of net assignable space will be provided.

2. *Estimated maximum cost and financing.* a. Maximum cost of site and buildings, $25,250,000.

b. Proposed contract term, 30 years.

c. Maximum rate of interest on purchase contract, 4 percent.

3. *Certificates of need.* As the project is intended to provide relocation of numerous Federal agencies now in temporary buildings, no specific allocation of space can be made at this time. Upon completion of the facility, assignment and reassignment will be made in accordance with existing law. Therefore, requirement for Certificate of Need otherwise required by section 411 (e) of the Public Buildings Purchase Contract Act of 1954 was waived in Public Law 150, 84th Congress. Certification is hereby made as to the need for service and garage space.

4. *Non-availability of existing space.* Suitable space owned by the Government is not available; and suitable rental space is not available at a price commensurate with that to be afforded through the contract proposed.

5. *Estimated annual managerial, custodial, heat, and utility costs.* (Services to be supplied by Government), $675,000.

6. *Estimated annual tax liability, upkeep and maintenance.* a. Taxes, post construction (contract period), $321,625.

b. Upkeep and maintenance (to be provided by Government), $96,000.

7. *Current annual housing costs.* Rents and other housing costs currently paid by the Government for agencies to be housed in the building to be erected, $509,000 p. a.

*Determination of need.* It has been determined that (1) the needs for space for the permanent activities of the Federal Government in this particular area cannot be satisfied by utilization of any existing suitable property now owned by the Government, and (2) the best interests of the United States will be served by taking action hereunder.

Submitted at Washington, D. C., on June 1, 1956.

Approved:

FRANKLIN G. FLOETE,
*Administrator of General Services.*

8. *Statement of Director, Bureau of the Budget.* Reflected in letter (copy attached).

EXECUTIVE OFFICE OF THE PRESIDENT
BUREAU OF THE BUDGET
WASHINGTON 25, D. C.

JUNE 13, 1956.

Project 3–DC–01 (Revised 3–14–56).
3 Multi-storied Federal Office Buildings.
Southwest Redevelopment Area, Washington, D. C.

MY DEAR MR. FLOETE: Pursuant to section 411 (e) (8) of the Public Buildings Purchase Contract Act of 1954 (Public Law 519), the (Revised March 14, 1956) proposal for a group of three Federal Office Buildings, transmitted with your letter of June 1, 1956, has been examined and in my opinion "is necessary and in conformity with the policy of the President." This approval is given with the following understanding:

1. Revision reflects the application of more definite plans for integration of the facility with the proposed Tenth Street Mall developed subsequent to approval of the project last July. Effective integration requires construction of three building units in lieu of one, as originally proposed. Garage space of 134,250 square feet not contemplated in original project is provided. Number of employees, utilization of space and cost factors are relatively the same.

2. That the stated project cost of $25,250,000 (including $2,500,000 for a site to be acquired) is a maximum figure.

3. That the reported annual operating cost of existing Tempos 4, 5, and T; i. e., $1.00 per square foot, represents minimum maintenance in anticipation of demolition, and that temporary Government buildings actually cost more to maintain than the proposed new buildings.

4. That the proposed buildings will house approximately 10% of Federal employees presently housed in temporary buildings, and that the specific allocation of agencies in the proposed buildings is to be determined later by General Services Administration.

5. That every effort will be made to design and construct space conducive to maximum efficient utilization of both site and buildings and to take advantage of any revision of cost downward which may be found possible as the plans develop and negotiations are advanced.

6. That this approval supersedes Mr. Hughes' letter of July 22, 1955.

You appreciate, of course, that this project will receive a more detailed review as to cost and space utilization prior to the approval of the lease-purchase agreement.

Sincerely yours,

(Signed) PERCIVAL BRUNDAGE,
*Director.*

Hon. FRANKLIN G. FLOETE,
*Administrator,*
*General Services Administration,*
*Washington 25, D. C.*

[F. R. Doc. 56–4860; Filed, June 18, 1956; 11:38 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11256 etc.; FCC 56M–586]

GREAT SOUTH BAY BROADCASTING CO., INC., ET AL.

ORDER SCHEDULING HEARING

In re applications of Great South Bay Broadcasting Company, Inc., Islip, New York, Docket No. 11256, File No. BP–9200; S. Richard Stern and Jimmey S. Stern, d/b as Stern Broadcasting Company, Ridgewood, New Jersey, Docket No. 11731, File No. BP–9713; G. Russell Chambers, tr/as The Eastern Shore Broadcasting Company (WDVM), Pocomoke City, Maryland, Docket No. 11732, File No. BP–10114; American Family Broadcasting Company, Ridgewood, New Jersey, Docket No. 11733, File No. BP–10214; for construction permits.

*It is ordered,* This 11th day of June 1956, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 14, 1956, in Washington, D. C.

Released: June 12, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56–4837; Filed, June 19, 1956; 8:51 a. m.]

[Docket Nos. 11542, 11543; FCC 56–534]

COURIER-TIMES, INC., AND DON H. MARTIN (WSLM)

ORDER RULING ON ISSUES

In re applications of Courier-Times, Inc., New Castle, Indiana, Docket No. 11542, File No. BP–8886; Don H. Martin (WSLM), Salem, Indiana, Docket No. 11543, File No. BP–9392; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 13th day of June 1956;

The Commission having under consideration an "Appeal from Hearing Conference Order" filed by Don H. Martin on January 31, 1956, and a "Statement Re Appeal from Hearing Conference Or-

der" filed by the Chief of the Commission's Broadcast Bureau on February 10, 1956;

It appearing that the application of Courier-Times, Inc., for a construction permit for a new standard broadcast station at New Castle, Indiana, and the request of Don H. Martin for an increase in power of station WSLM in Salem, Indiana, were designated for hearing by Commission Order released November 14, 1955, upon certain issues; [1] and

It further appearing that Don H. Martin seeks review of the following rulings of the Examiner made on January 13, 1956: [2] (1) The issues as now designated do not contemplate showings on programming, background and experience of principals, and proposals for management and operation; (2) The issues as now designated do not contemplate showings on need of the areas proposed to be served other than showings on (a) areas to be served, (b) the populations and communities in those areas, and (c) the services available to those populations, communities and areas; and (3) The term "service" as used in the issues applies solely to "standard broadcast service" and does not encompass FM and TV service; and

It further appearing that Don H. Martin contends, in substance, that although the primary duty of the Commission in a case in which section 307 (b) of the Communications Act of 1934, as amended, is at issue, as set forth in Federal Communications Commission v. Allentown Broadcasting Corporation, 75 S. Ct. 855, 12 RR 2019, is to determine the greater community need for the service proposed, nevertheless evidence on the comparative qualifications of the applicants apart from community need is necessary in case it is not possible to make a choice based on relative community need; that evidence on the need of the areas proposed to be served should not be restricted to available services and the populations and communities which are presently served, but should include a showing of the interests in the communities and the programs presently supplied to said communities as evidence of their needs; and that consideration of the availability of FM service to New Castle, Indiana is required by the Allentown case, supra; and

It further appearing that the Broadcast Bureau maintains that the Commission is not required, under the Allentown case, supra, to receive evidence on the comparative qualifications of the applicants in every case in which section 307 (b) of the Communications Act is at issue since it is a rare situation when a determination as to the community of greater need cannot be reached; that the term "service" properly does not include a consideration of FM stations under the circumstances of this case, even though the Allentown case, supra, states that a consideration of FM stations is important in certain instances, in view of the fact that Courier-Times, Inc.'s holdings as a licensee of an FM station in New Castle, Indiana, can be shown under the section 307 (b) issue; and that the Examiner erred in restricting the showing on community need to areas, populations and communities, and services in view of the fact that evidence respecting the agricultural or industrial character of the communities involved, the educational, cultural and other institutions and organizations in said communities, and similar matters relating to the character of the communities conceivably would be helpful in determining what would provide "a fair, efficient, and equitable distribution of radio service" under section 307 (b) of the Communications Act; and

It further appearing that after careful consideration of the pleadings filed in this connection, the issues as designated for hearing by the Commission and the scope thereof as evidenced by past Commission practices, the Commission concludes that the Examiner properly ruled that evidence relating to programming, background and experience of the principals and proposals for management and operation of the competing applicants is not admissible under the issues as designated for hearing in this proceeding and that the term "service" as used in the issues as designated does not include a showing of FM and TV service; and

It further appearing that under Issue 6 as designated for hearing, evidence is admissible to show the Courier-Times, Inc.'s holdings as licensee of an FM station in New Castle, Indiana; and

It further appearing that the Commission believes the Examiner unduly restricted the showings on need of the areas to be served and that under certain circumstances and relating to a particular need a showing as to the character of the areas to be served as evidenced by the organizations and institutions and major occupations in the areas would assist in a determination under § 3.24 of the Commission's rules whether the need for the proposed service outweighs the need for the service which will be lost by interference;

*It is ordered*, That the appeal from "Hearing Conference Order" filed January 31, 1956, by Don H. Martin is granted with respect to the Examiner's ruling that the issues as drawn do not contemplate showings on need of the areas proposed to be served for the facilities sought other than showings on areas to be served, the populations and communities in those areas, and the services available to those populations, communities and areas, and denied in all other respects.

Released: June 15, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4838; Filed, June 19, 1956; 8:51 a. m.]

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[Docket No. 11676; FCC 56M-598]

KNORR BROADCASTING CORP. (WKMF)

ORDER CONTINUING HEARING

In re application of Knorr Broadcasting Corporation (WKMF), Flint, Michigan, Docket No. 11676, File No. BP-10170; for construction permit.

The Hearing Examiner having under consideration a petition filed on June 12, 1956, on behalf of Knorr Broadcasting Corporation, requesting that the date for the presentation and exchange among the parties of the applicant's written affirmative evidence in the above-entitled proceeding be continued from June 18, 1956, to June 28, 1956, and that the hearing thereon be continued from June 25, 1956 to July 2, 1956; and

It appearing that sufficient good cause has been set forth to warrant a grant of the relief requested therein and that the other parties to the proceeding do not object to the immediate consideration of the said petition and to a grant thereof:

*It is ordered*, This 13th day of June 1956, that the above petition be, and it is hereby, granted.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4839; Filed, June 19, 1956; 8:51 a. m.]

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[Docket No. 11681; FCC 56M-587]

JOSEPH THOMAS COLLINS

ORDER CONTINUING HEARING

In the matter of Joseph Thomas Collins, Thiensville, Wisconsin, Docket No. 11681; suspension of amateur radio operator license.

*It is ordered*, This 11th day of June 1956, on the Chief Hearing Examiner's own motion, that hearing in the above-entitled proceeding, which is scheduled to commence July 17, 1956, in Milwaukee, Wisconsin, is continued to a date and place to be specified by subsequent order.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4840; Filed, June 19, 1956; 8:51 a. m.]

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[1] The issues with which the instant pleadings are concerned read as follows:

1. To determine the areas and populations which would receive primary service from the proposed operation of Courier-Times, Inc. and the availability of other service to such areas and populations.

2. To determine the areas and populations which would gain or lose primary service from station WSLM operating as proposed and the availability of other primary service to such areas and populations.

6. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-entitled applications would better provide a fair, efficient and equitable distribution of radio service.

[2] This pleading was filed by appellant Martin within two days of his receipt of a copy of the Examiner's Order encompassing said rulings and good cause is shown for its acceptance.



[Docket No. 11699; FCC 56M-597]

SOUTHERN OREGON BROADCASTING CO. (KUIN)

FIRST STATEMENT CONCERNING PRE-HEARING CONFERENCES AND ORDER CONTINUING HEARING

In re application of Southern Oregon Broadcasting Company (KUIN), Grants Pass, Oregon, Docket No. 11699, File No. BP-10099; for construction permit.

1. The first pre-hearing conference was held herein on June 5, 1956. All parties were represented by counsel. Agreements were reached among the parties and stated on the record, as reflected in the transcript which is incorporated herein by reference. Such agreements are found to be acceptable and approved by the Hearing Examiner. They include the following:

1. Parties will attempt through informal conferences and exchanges of material to reach agreement on engineering matters.

2. The direct case, in written form, shall be exchanged on or before July 24, 1956.

3. Further pre-hearing conference herein is waived unless requested by one of the parties.

4. All parties who desire any witnesses in connection with applicant's direct case to be produced for cross-examination will notify the applicant on or before July 30, 1956, which witnesses they desire, if any, to be produced.

5. The hearing is continued from July 3, 1956, to July 31, 1956.

*It is ordered*, This 13th day of June 1956, that the foregoing agreements and requirements shall govern the course of the proceeding to the extent indicated, unless modified by the Hearing Examiner for cause or by the Commission upon review of the Hearing Examiner's ruling.

*It is further ordered*, That the hearing herein, now scheduled for July 3, 1956, is continued to July 31, 1956, at 10:00 a. m.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4841; Filed, June 19, 1956; 8:51 a. m.]

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[Docket No. 11734]

1360 BROADCASTING CO. INC. (WEBB)

APPLICATION FOR CONSTRUCTION PERMIT; ERRATA

In re application of 1360 Broadcasting Company, Inc. (WEBB), Baltimore, Maryland, Docket No. 11734, File No. BP-10275; for construction permit.

1. In the Commission's Memorandum Opinion and Order, FCC 56-525, in the above-captioned application, adopted on June 6, 1956, and released on June 8, 1956, the following corrections are made:

(a) The caption is corrected to read Baltimore, Maryland instead of Dundalk, Maryland.

(b) The first paragraph is corrected to read as follows:

The Commission has before it for consideration a "Petition For Reconsideration and Protest" filed on May 10, 1956, pursuant to sections 309 (c) and 405 of the Communications Act of 1934, as amended, by the Southern Maryland Broadcasters Incorporated, licensee of Station WKIK, Leonardtown, Maryland (1370 kc, 1 kw, D) and directed to the Commission's action of April 11, 1956, in granting without a hearing the above-captioned application of the 1360 Broadcasting Company for a construction permit to increase the daytime power of Station WEBB from 1 to 5 kilowatts, to change the directional antenna system, and to change the station location from Dundalk to Baltimore, Maryland; and an "Opposition To Petition For Reconsideration And Protest" filed on May 21, 1956, by 1360 Broadcasting Company, Inc. (hereinafter referred to as WEBB).

Released: June 12, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4842; Filed, June 19, 1956; 8:52 a. m.]

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[Docket No. 11735; FCC 56-545]

NEVADA TELECASTING CORP. (KAKJ)

ORDER TO SHOW CAUSE; HEARING

In the matter of revocation of television construction permit of Nevada Telecasting Corporation (KAKJ), Reno, Nevada, Docket No. 11735.

The Commission having under consideration certain matters of alleged misrepresentation and concealment relating to (1) an application (BPCT-1952) for a construction permit for a new television station to operate on Channel 4, in Reno, Nevada, which application was filed on February 16, 1955, by Nevada Telecasting Corporation and granted by the Commission on April 19, 1955; (2) an ownership report—FCC Form 323—which was filed by Nevada Telecasting Corporation on June 20, 1955, pursuant to §§ 1.343 and 1.344 of the Commission's rules and regulations; and (3) a pending application (BMPCT-3454) filed by Nevada Telecasting Corporation on October 3, 1955, requesting additional time to construct the proposed television station on Channel 4; at Reno, and

It appearing:

(1) That in the above application for a construction permit (BPCT-1952), for Channel 4 at Reno signed by Robert C. Fish, president of Nevada Telecasting Corporation, it was stated that Robert C. Fish, president and director, owned 100 shares of capital stock and had subscribed to an additional 249,900 shares; that said Robert C. Fish was to be the sole stockholder of the applicant; that Nevada Telecasting Corporation gave a negative response to a question which sought to determine whether there were any documents, instruments, contracts or understandings relating to ownership, management, use or control of the station or facilities, or any right or interest therein; that said Robert C. Fish stated that his net worth was $484,603, and that all construction costs of the proposed station, which aggregated $195,040, would be met from funds supplied by him and, if necessary, by converting certain properties into liquid assets;

(2) That in the June 20, 1955 ownership report—FCC Form 323—which was signed by Eldon E. Cory, Secretary-Treasurer, of Nevada Telecasting Corporation, gave a negative response to a question which sought to determine the name of any corporation or other entity having a direct or indirect ownership interest in the permittee; and that said report indicated that Robert C. Fish was the owner of 100 shares, or 100 percent of the outstanding stock, that no change in the ownership of Nevada Telecasting Corporation had occurred, and that Eldon E. Cory was a paid Secretary-Treasurer but not a stockholder; and

(3) That in its application (BMPCT-3454) requesting additional time to construct the proposed television station on Channel 4 at Reno, Nevada, Telecasting Corporation stated that equipment had been ordered on September 15, 1955; that architects had completed a study of the building roof where complicated installation was necessary; that construction could be completed by April 19, 1956; and that no changes had occurred in information previously submitted to the Commission; and

It further appearing that, subsequent to the grant of the above construction permit, and the filing of the above ownership report and application requesting additional time to construct the station, the Commission obtained information which disclosed

(1) That in the early spring of 1954, through the suggestions and inducements of one, George H. Bowles, a group of individuals became interested in forming a syndicate for the purpose of acquiring or applying for television and standard broadcast station construction permits and constructing and operating such stations in California and Nevada; that initially said syndicate included Eldon E. Cory, Raymond D. Vargas, George H. Bowles and Gordon E. Morris; that subsequently, James R. Bird, Irvin V. Willat, Robert C. Fish and A. Lawrence Tuma were induced by Bowles to join the syndicate; that thereafter, Evan Lougheed became associated with said syndicate; that said George H. Bowles originator of, and principal figure in said syndicate was its general manager, called meetings of the members, represented himself as speaking for other members, and acted for the syndicate in business matters; that it was agreed among the members of the syndicate that, with the exception of George H. Bowles and A. Lawrence Tuma, the other members of the syndicate were to advance money to a syndicate fund; that Messrs. Cory, Vargas, Morris, Willat and Lougheed did advance such sums of money; that Bowles' experience in promotional work, his knowledge of the radio and television industry, and his claimed contacts were accepted by the members in lieu of monetary contributions; that Bird, as an engineer and Tuma, as a stock salesman, were to contribute their efforts in lieu of advances of money; that there was an understanding on the part of all members that the syndicate was to have a stock interest in any successfully prosecuted application for a construction permit; and that to accomplish the above

objectives, the syndicate would form corporations in which each syndicate member would have stock; and

(2) That the above-mentioned application (BPCT–1952) for a construction permit for a new television station in Reno, Nevada, was filed by Nevada Telecasting Corporation pursuant to the above described plans of said syndicate and on its behalf; that following the grant of said application by the Commission, the above-mentioned ownership report was filed by Nevada Telecasting Corporation; that Robert C. Fish, President, Raymond D. Vargas, Vice President, and Eldon E. Cory, Secretary-Treasurer of Nevada Telecasting Corporation, are now and have been members of said syndicate;

(3) That the members of the above described syndicate were also responsible for the filing of an application (BPCT–1878) for a construction permit for a new television station in Visalia, California, which was granted by the Commission on October 6, 1954, and which permit was, on May 1, 1956, offered to the Commission for cancellation; and

It further appearing that in the above described applications (BPCT–1952) (BMPCT–3454) and in the ownership report relating to television station KAKJ, Channel 4, Reno, Nevada, Robert C. Fish, Eldon E. Cory and Nevada Telecasting Corporation did wilfully and knowingly, in violation of section 312 of the Communications Act of 1934, as amended, and of § 1.305 of the Commission's rules and regulations, and in order to deceive the Commission, make misrepresentations and false statements concerning the ownership, financing and construction of the proposed station at Reno, Nevada, upon which misrepresentations and statements the Commission relied in granting the construction permit (BPCT–1952) on April 19, 1955, and in accepting for filing the ownership report submitted to it on June 20, 1955;

*It is ordered*, This 13th day of June 1956, pursuant to the provisions of sections 312 (a) and (c) of the Communications Act of 1934, as amended, that the said permittee, Nevada Telecasting Corporation, is directed to show cause why an order revoking the aforementioned construction permit for television station KAKJ, Channel 4, Reno, Nevada, should not be issued, and to appear and give evidence with respect thereto at a hearing[1] to be held at the offices of the Commission in Washington, D. C., commencing at 10:00 a. m. on the 13th day of July 1956.

*It is further ordered*, That the Secretary of the Commission send a copy of this order by Registered Mail—Return Receipt Requested to the said Nevada Telecasting Corporation.

Released: June 15, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56–4843; Filed, June 19, 1956; 8:52 a. m.]

[1] Section 1.402 of the Commission's rules provides that in order to have the opportunity to appear before the Commission at the time and place specified in the order to show cause, the licensee shall within thirty (30) days from the date of the receipt of this order submit a written statement informing the Commission whether said licensee will appear at this hearing and present evidence upon the matter specified, or whether the right to such a hearing are waived. Waiver of the hearing may be accompanied by a statement setting forth the reasons why the licensee believes that an order of revocation should not be issued. A waiver unaccompanied by such a statement will be deemed to be an admission of the allegations specified in the order to show cause. Failure to respond to this order within the above-mentioned thirty (30) day period or failure to appear at the hearing will be deemed to be a waiver of the right to a hearing and an admission of the allegations specified in the order to show cause.

## ATOMIC ENERGY COMMISSION

### Patent Compensation Board

[Docket No. 21]

MATHESON PNEUMATIC MACHINERY, INC.

NOTICE OF APPLICATION WITH PATENT COMPENSATION BOARD FOR JUST COMPENSATION

Notice is hereby given that Andrew A. Matheson, President, Matheson Pneumatic Machinery, Inc., 1900 Grant Street, Denver 3, Colorado, has filed an application before the Patent Compensation Board, United States Atomic Energy Commission, for just compensation. The application is based on Patent No. 2,304,839 issued December 15, 1942, entitled, "Air Control Valve" and Patent No. 2,620,779 issued December 9, 1952, entitled "Air Accelerating Engine and Compressor."

The application of Matheson Pneumatic Machinery, Inc., is on file with the Patent Compensation Board. Any person other than the applicant desiring to be heard with reference to the application should file with the Patent Compensation Board, United States Atomic Energy Commission, Washington 25, D. C., within thirty days from the date of publication of this notice, a statement of facts concerning the nature of his interest.

MARGARET H. MELIN,
*Acting Clerk,*
*Patent Compensation Board.*

JUNE 7, 1956.

[F. R. Doc. 56–4844; Filed, June 19, 1956; 8:52 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. G–10564]

N. B. HUNT

ORDER SUSPENDING PROPOSED CHANGES IN RATES

N. B. Hunt (Applicant), on May 14, 1956, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges are contained in the following designated filings which are proposed to become effective on the date shown:

| Description | Purchaser | Rate schedule designation | Effective date[1] |
|---|---|---|---|
| Contract dated Mar. 6, 1956; supplemental agreements dated Aug. 1, 1952, Jan. 26, 1954, Apr. 15, 1955. Notice of change, dated May 14, 1956. | Texas-Illinois Natural Gas Pipeline Co. | Applicant's FPC Gas Rate Schedule No. 8 and Supplements 1, 2, 3, and 4. | June 14, 1956 |

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

The increased rates and charges proposed in the aforesaid filings, all of which supersede applicant's FPC Gas Rate Schedule No. 6, have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated rate schedule and supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated rate schedule and supplements be and the same hereby are suspended and the use thereof deferred until November 14, 1956, and until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the Rate Schedule nor the Supplements hereby suspended, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: June 13, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56–4817; Filed, June 19, 1956; 8:47 a. m.]

[Order 188]

OCCUPATION TAX OF TEXAS

ORDER MODIFYING RULES AND REGULATIONS WITH RESPECT TO SUPPLEMENTS REFLECTING REDUCTION

In the matter of the occupation tax of the State of Texas (Article 7074 (b) of Vernon's Civil Statutes of the State of Texas).



Pursuant to article 7074 (b) of Vernon's Civil Statutes of the State of Texas, an occupation tax is levied on the business or occupation of producing gas within the State of Texas, computed as follows:

(a) Until September 1, 1956, the tax is to be paid by each producer on the amount of gas produced and saved within the State equivalent to eight percent (8%) of the market value thereof as and when produced;

(b) From and after September 1, 1956, the rate of said tax shall be seven percent (7%) of the market value of the gas as and when produced.

The Commission has permitted such tax, computed on the basis of the foregoing rate of eight percent (8%), to be charged and collected by each independent producer, subject to the Commission's jurisdiction, without suspension, upon the filing of an appropriate rate schedule or schedules by each producer. A similar rate filing is required to effect the tax reduction from eight percent (8%) to seven percent (7%) as of September 1, 1956.

To simplify the required change, the Commission deems it expedient and in the public interest to waive the 30 days' notice requirement under section 154.98 of the Commission's rules and regulations and to eliminate, to the extent feasible, the data and information to be submitted in support of the change, to be effective September 1, 1956, in the same manner as provided by Commission Order No. 180 issued June 30, 1955.

Accordingly, a producer in submitting a supplement to any of its rate schedules on file with the Commission, to reflect the statutory reduction in the rate of the above-described tax from eight percent (8%) to seven percent (7%) as of September 1, 1956, may, notwithstanding other provisions of the Commission's rules, make such filings as hereinafter provided. Early filing will be of assistance in orderly processing.

The Commission finds: It is appropriate and in the public interest in the administration of the Natural Gas Act (a) to waive the 30-days' notice requirement set forth in section 4 (d) of the Natural Gas Act and section 154.98 of the Commission's rules and regulations (Order No. 174–B), with respect to the filing of any appropriate supplement reflecting a reduction in the Texas occupation tax from eight percent (8%) to seven percent (7%) as of September 1, 1956, provided such filing is made on or before October 1, 1956, and (b) with respect to the filing of any appropriate supplement reflecting the reduction in the Texas occupation tax from eight percent (8%) to seven percent (7%), to submit only the data in the form set forth below, in lieu of the data required by paragraph 154.94 (e) of the Commission's rules and regulations (Order No. 174–B):

COMPARISON OF RATES

| Date | Price per Mcf | Tax reimbursement per Mcf | Total cost per Mcf |
|---|---|---|---|
| Aug. 31, 1956 | | | |
| Sept. 1, 1956 | | | |

Sales for 12 months ending May 31, 1956, ——— Mcf.

The Commission orders: Rate schedules reflecting the reduction from eight percent (8%) to seven percent (7%) in the occupation tax of the State of Texas as of September 1, 1956, if filed on or before October 1, 1956, may be filed on less than the 30 days' notice requirement of section 4 (d) of the Natural Gas Act and in accordance with the findings of this order.

Issued: June 14, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56–4816; Filed, June 19, 1956; 8:46 a. m.]

[Docket No. G–10565]

C. W. ALEXANDER ET AL.

ORDER SUSPENDING PROPOSED CHANGES IN RATES

C. W. Alexander, et al. (Applicant), on May 21, 1956, tendered for filing proposed changes in presently effective rate schedules for sales subject to the jurisdiction of the Commission. The proposed changes, which constitute increased rates and charges, are contained in the following designated filing which is proposed to become effective on the date shown:

| Description | Purchaser | Rate schedule designation | Effective date[1] |
|---|---|---|---|
| Statement, undated | United Gas Pipe Line Co. | Supplement No. 1 to Applicants FPC Gas Rate Schedule No. 1. | June 21, 1956 |

[1] The stated effective date is the first day after expiration of the required 30 days' notice, or the effective date proposed by Applicant if later.

The increased rates and charges proposed in the aforesaid filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed changes, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in sections 4 and 15 of the Natural Gas Act and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the said proposed changes in rates and charges; and, pending such hearing and decision thereon, the above-designated supplement be suspended and the use thereof deferred until November 21, 1956, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(B) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

Issued: June 13, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56–4818; Filed, June 19, 1956; 8:47 a. m.]

## HOUSING AND HOME FINANCE AGENCY

### Public Housing Administration

DELEGATION RELATING TO GALVESTON PROJECTS

Charles M. Cormack is hereby authorized to exercise all the powers, authorities, duties, and functions of the Commissioners of the Public Housing Administration with respect to the low-rent housing projects of the Housing Authority of the City of Galveston identified as Projects Tex–17–1, Oleander Homes, 17–2, Palm Terrace, 17–3, Magnolia Homes, 17–4, 17–5, 17–6, all of which are known as Cedar Terrace.

The powers delegated herein may not be redelegated. However, they may be exercised by a person designated to serve in an "Acting" capacity during absence from duty of the said Charles M. Cormack, who is authorized to designate any person under his supervision to serve in an "Acting" capacity, for periods not exceeding 30 days, during his absence.

Date approved: June 18, 1956.

[SEAL] CHARLES E. SLUSSER,
*Commissioner.*

[F. R. Doc 56–4903; Filed, June 19, 1956; 11:55 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 7–3478]

COLUMBIA GAS SYSTEM, INC., ET AL.

ORDER AUTHORIZING OPEN-ACCOUNT ADVANCES BY PARENT COMPANY TO FIVE OF ITS SUBSIDIARIES, SALE OF INSTALLMENT NOTES AND COMMON STOCK BY THREE SUBSIDIARIES AND ACQUISITION THEREOF BY PARENT

JUNE 13, 1956.

In the matter of The Columbia Gas System, Inc., The Ohio Fuel Gas Comany, Atlantic Seaboard Corporation, Central

Kentucky Natural Gas Company, The Manufacturers Light and Heat Company, Home Gas Company, et al.; File No. 70-3478.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, and certain of its wholly owned subsidiaries, including The Ohio Fuel Gas Company ("Ohio Fuel"), Atlantic Seaboard Corporation ("Seaboard"), Central Kentucky Natural Gas Company ("Central Kentucky"), The Manufacturers Light and Heat Company ("Manufacturers") and Home Gas Company ("Home") have filed a joint application-declaration and an amendment thereto pursuant to sections 6 (b), 9, 10, 12 (b) and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and Rules U-43 and U-45 thereunder, including therein, inter alia, the following proposed transactions:

*Financing construction requirements.* Said subsidiary companies are engaged in construction programs which will require expenditures and the raising of new money in 1956 as follows:

| Company | Estimated construction expenditures | New money requirements [1] |
|---|---|---|
| Ohio Fuel | $21,356,608 | $16,000,000 |
| Seaboard | 9,327,000 | 5,900,000 |
| Central Kentucky | 1,146,100 | 800,000 |
| Total | 31,829,708 | 22,700,000 |

[1] The additional capital necessary to complete the construction programs will be obtained from internal sources of the respective companies.

It is proposed that the new money required by the respective subsidiary companies will be obtained by their issuance and sale to Columbia of either shares of their common stock or installment promissory notes or both, in amounts as follows:

| Company | Common stock | | | Installment notes—aggregate amount not to exceed— |
|---|---|---|---|---|
| | Number of common shares | Par value | Aggregate amount | |
| Ohio Fuel | 140,000 | $45 | $6,300,000 | $9,700,000 |
| Seaboard | 100,000 | 25 | 2,500,000 | 3,400,000 |
| Central Kentucky | | | | 800,000 |
| Total | | | 8,800,000 | 13,900,000 |

The Installment Notes will be unsecured and will be dated when issued. The principal amounts will be due in 25 equal annual installments on February 15 of each of the years 1958 to 1982 inclusive. Interest will be payable semi-annually at the rate of 3.9 percent per annum, which is the approximate cost of money to Columbia on its last sale of debentures.

The securities will be issued and sold periodically when and to the extent that funds are required for the purposes stated. With respect to each of the companies issuing Common Stock, Columbia will first purchase Common stock up to the amounts above set forth and thereafter will purchase Installment Notes; but none of the Common Stock or Installment Notes will be purchased after March 31, 1957.

Of approximately $40,000,000 realized by Columbia from its sale of Series F debentures in April 1956, $25,000,000 was applied in discharging an outstanding bank loan, leaving approximately $15,000,000 available to meet the New Money Requirements of $22,700,000 aforesaid. In a prior filing (File No. 70-3454) Columbia stated that the remaining New Money Requirements of approximately $7,700,000, plus other system requirements estimated at $25,300,000, will be provided by means of future bank loans, the sale of additional debentures, or some combination thereof.

*Financing gas inventory requirements.* The aforesaid subsidiary companies operate facilities for the underground storage of natural gas, which is purchased during the off-peak seasonal periods. Columbia proposes to advance to these subsidiaries, on open account, such amounts as they may require during 1956 for the purchase of current inventory gas, not to exceed the following aggregate amounts:

| | |
|---|---|
| Manufacturers | $6,600,000 |
| Ohio Fuel | 16,000,000 |
| Seaboard | 600,000 |
| Central Kentucky | 300,000 |
| Home | 1,500,000 |
| Total | 25,000,000 |

Such advances will be repayable in three equal installments on February 25, March 25, and April 25, 1957, with interest at the rate of 3½ percent per annum, which rate is the same as that which Columbia has agreed to pay on bank loans to be consummated for the procurement of the required funds. The borrowing by Columbia is the subject of a separate declaration (File No. 70-3479).

The aggregate fees and expenses to be paid by the aforesaid companies in connection with the proposed thransactions are estimated at $11,130 including Federal original issue taxes $9,680, services of Columbia Gas System Service Corporation $600 (or $100 for each company involved), and miscellaneous expenses $850 (including legal fees of $200 to be paid by Manufacturers).

Authorization for the issuance and sale of the securities as proposed was obtained by two of the five subsidiary companies from the regulatory commissions of the States in which such companies are organized and doing business, as follows:

*Company and State Commission*

Ohio Fuel; Public Utilities Commission of Ohio.

Central Kentucky; Kentucky Public Service Commission.

Other transactions proposed in said joint application-declaration involving certain additional open-account advances and the issuance and sale of securities by various Columbia subsidiaries require approvals of State commissions, which have not yet been secured.

Due notice having been given of the filing of said joint application-declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding, with respect to the transactions specifically described herein, that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that the joint application-declaration, as amended, be granted and permitted to become effective, forthwith, to the extent of such above described proposed transactions.

*It is ordered,* Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration as amended, be, and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

*It is further ordered,* That jurisdiction be, and hereby is, reserved with respect to the remaining transactions proposed in said joint application-declaration and not specifically described herein.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-4820; Filed, June 19, 1956; 8:48 a. m.]

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[File No. 70-3482]

STANDARD SHARES, INC.

NOTICE OF FILING OF DECLARATION REGARDING PROPOSED CASH DISTRIBUTION OUT OF CAPITAL SURPLUS

JUNE 13, 1956.

Notice is hereby given that Standard Shares, Inc. ("Standard Shares"), a registered holding company, has filed a declaration pursuant to the Public Utility Holding Company Act of 1935 ("act"). Declarant has stated that section 12 of the act and Rule U-46 promulgated thereunder are applicable to the proposed transaction. All persons are referred to the declaration for a statement of the transaction therein proposed which may be summarized as follows:

Standard Shares proposes to make a cash distribution of $0.40 per share, in part out of earned surplus to the full extent thereof which at May 31, 1956, amounted to $178,857 and the balance out of capital surplus which as of the same date was $22,046,157, to each holder of record on June 29, 1956, of its outstanding 1,430,000 shares of common stock. The only outstanding obligation of Standard Shares senior to the common stock is a promissory note in the amount of $1,500,000 which matures on July 30, 1956. The Hanover Bank, the holder of the note has consented to the proposed distribution. Standard Shares states it has sufficient marketable securities to enable it to raise any balance of cash required to pay the note when it becomes due.

The declaration further states that no State commission or Federal commission, other than this Commission, has jurisdiction over the proposed cash distribution. The fees and expenses to be incurred in connection with said distribution are estimated not to exceed $1,500, including counsel fees, not in excess of $500.

Notice is further given that any interested person may, not later than June 28, 1956, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission orders a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may take such action as it may deem appropriate under the circumstances.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-4821; Filed, June 19, 1956; 8:48 a. m.]

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[File No. 70-3479]

COLUMBIA GAS SYSTEM, INC.

ORDER AUTHORIZING SHORT-TERM BANK LOANS

JUNE 13, 1956.

The Columbia Gas System, Inc. ("Columbia"), a registered holding company, has filed with this Commission a declaration and an amendment thereto pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935 ("act") regarding the following proposed transaction:

Columbia proposes to borrow $35,000,000 in aggregate amount from eighteen commercial banks, as follows:

| *Bank* | *Amount* |
|---|---|
| Guaranty Trust Co. of New York | $10,910,000 |
| Chemical Corn Exchange Bank | 4,200,000 |
| Mellon National Bank & Trust Co | 4,200,000 |
| Bankers Trust Co | 2,500,000 |
| The First National City Bank of New York | 2,500,000 |
| Irving Trust Co | 2,000,000 |
| The Hanover Bank | 2,000,000 |
| J. P. Morgan & Co., Inc | 1,500,000 |
| Manufacturers Trust Co | 1,500,000 |
| Peoples First National Bank & Trust Co | 900,000 |
| Brown Brothers, Harriman & Co | 750,000 |
| Fidelity Trust Co | 600,000 |
| The Ohio National Bank of Columbus | 450,000 |
| The Union National Bank of Pittsburgh | 300,000 |
| The Charleston National Bank | 240,000 |
| The Kanawha Valley Bank | 240,000 |
| The First Huntington National Bank | 120,000 |
| First-City National Bank of Binghamton | 90,000 |
| Total | 35,000,000 |





Loans will be made and mature in accordance with this schedule:

| To be borrowed on or before— | To mature | Amount |
|---|---|---|
| July 13, 1956 | Feb. 28, 1957 | $10,000,000 |
| Aug. 15, 1956 | Mar. 29, 1957 | 15,000,000 |
| Sept. 14, 1956 | Apr. 30, 1957 | 10,000,000 |

Each borrowing will be apportioned ratably among the participating banks. The loans will be evidenced by unsecured notes bearing interest at the rate of 3½ percent per annum (the prime rate at the time the loans were negotiated), payable three months after the date of each respective note and at maturity or at earlier payment. Notes may be prepaid in whole or in part, in order of maturity, without penalty on ten days notice, except that prepayments may not be made with funds borrowed from banks at a lower interest rate.

Pursuant to a separate filing (70-3478), Columbia will advance the borrowed funds to six of its subsidiaries which operate facilities for the underground storage of natural gas, in order to finance their purchases of inventory gas. Funds for repayment of the bank loans will become available to Columbia as said subsidiaries repay the advances with proceeds of the sale of gas withdrawn from storage.

It is requested that the Commission's order herein be made effective upon issuance.

Due notice having been given of the filing of said declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary and deeming it appropriate in the public interest and in the interest of investors and consumers that said declaration as amended be permitted to become effective forthwith:

*It is ordered,* Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration as amended, be, and hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-4822; Filed, June 19, 1956; 8:48 a. m.]

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[File No. 70-3486]

NORTHAMPTON GAS LIGHT CO. AND NEW ENGLAND ELECTRIC SYSTEM

NOTICE OF PROPOSED ISSUANCE AND SALE OF COMMON STOCK BY SUBSIDIARY AND ACQUISITION THEREOF BY PARENT

JUNE 14, 1956.

Notice is hereby given that New England Electric System ("NEES"), a registered holding company, and its public-utility subsidiary, Northampton Gas Light Company ("Northampton"), have filed a joint application pursuant to the Public Utility Holding Company Act of 1935 ("act"), designating sections 6 (b), 9 (a) and 10 of the act as applicable to the proposed transactions, which are summarized as follows:

Northampton, which now has outstanding 12,778 shares of capital stock (par value $25 per share), proposes to issue and sell for cash 6,000 additional shares at the price of $55 a share, as fixed by its directors, or a total cash consideration of $330,000. NEES, the sole stockholder of Northampton, proposes to acquire the additional shares, and in payment therefor to use available treasury funds. The proceeds from the sale of the additional shares will be applied by Northampton to the payment of a like amount of notes payable to NEES.

Northampton and NEES desire to consummate the transactions in order to finance permanently a portion of the capitalizable additions to Northampton's plant through the issuance of equity securities.

The Department of Public Utilities of Massachusetts, in which State Northampton is organized and doing business, has authorized the issuance and sale of the additional shares.

Total expenses of Northampton are estimated at $1,740 and of NEES at $300.

Notice is further given that any interested person may, not later than July 5, 1956, at 5:30 p. m., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said application which he desires to controvert; or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, said application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-4823; Filed, June 19, 1956; 8:48 a. m.]

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[File No. 70-3473]

CONSOLIDATED NATURAL GAS CO. ET AL.

NOTICE OF FILING REGARDING PROPOSED BANK BORROWINGS AND ISSUANCE AND SALE BY PARENT OF DEBENTURES AT COMPETITIVE BIDDING; ISSUANCE BY SUBSIDIARIES OF SHORT-TERM AND LONG-TERM NOTES AND ACQUISITION THEREOF BY PARENT

JUNE 14, 1956.

In the matter of Consolidated Natural Gas Company, The East Ohio Gas Company, Hope Natural Gas Company, The Peoples Natural Gas Company, New York State Natural Gas Corporation, The River Gas Company; File No. 70-3473.

Notice is hereby given that Consolidated Natural Gas Company ("Consolidated"), a registered holding company, and its wholly owned subsidiaries, The East Ohio Gas Company ("East Ohio"), Hope Natural Gas Company ("Hope"), The Peoples Natural Gas Company ("Peoples"), New York State Natural Gas Corporation ("New York State") and The River Gas Company ("River"), have filed a joint application-declaration and amendments thereto pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("act") and rules thereunder. The companies have designated sections 6 (a), 6 (b), 7, 9 (a), 10, 12 (b) and 12 (f) of the act and Rules U-45 and U-50 thereunder as applicable to the proposed transactions which are summarized as follows:

Consolidated proposes to provide funds to meet the construction requirements of its subsidiaries for 1956 by means of a debenture issue and loans from banks as indicated below.

Consolidated will issue promptly after this declaration becomes effective, a public invitation for sealed written bids for the purchase of $30,000,000 principal amount of its __ percent Debentures due 1981. Consolidated contemplates receiving bids on July 25, 1956, and if a bid is accepted the debentures will be dated August 1, 1956, and mature on August 1, 1981. A sinking fund of $1,000,000 will start at the beginning of the 6th year of the issue and increase to $1,500,000 at the beginning of the 21st year, thus leaving $7,500,000 of the debentures payable at maturity.

Following the issuance of the debentures, Consolidated will loan to its subsidiaries an aggregate of $29,600,000 in connection with which the subsidiaries will issue long-term non-negotiable notes bearing interest rates predicated upon and substantially equal to the cost of money to Consolidated through the issuance of the debentures. The loans are to be made from time to time up to December 31, 1956, as funds are required and are to be evidenced by notes with serial maturities, in varying amounts, on or prior to July 31, 1981, as follows:

| | |
|---|---|
| East Ohio | $10,000,000 |
| Hope | 4,000,000 |
| Peoples | 4,500,000 |
| New York State | 11,000,000 |
| River | 100,000 |
| Total | 29,600,000 |

East Ohio and New York State will issue $2,500,000 and $1,500,000, respectively, of the above long-term notes in repayment of short-term loans for construction made by Consolidated in 1955.

As a standby arrangement and pending completion of the above financing Consolidated proposes to borrow, as required, up to $30,000,000 from banks before the debenture financing takes place. This borrowing would be made on a promissory note or notes having a maturity of one year or less from July 1, 1956, without collateral at the prime interest rate and with a repayment privilege upon five days' notice. Consolidated presently plans to borrow $10,000,000 on July 1, 1956, under this arrangement and to repay such amount on August 15, 1956, out of the proceeds of the sale of the debenture issue on August 1, 1956.

If Consolidated should postpone the issue and sale of the debentures beyond August 1, 1956, Consolidated would obtain additional amounts from the banks as required on various dates to September 30, 1956, up to the total of $30,000,000. The total amount borrowed on such bank loans would be repaid from the proceeds of the debenture issue when sold.

Consolidated proposes to use the funds obtained from these bank loans to make short-term standby loans to its subsidiaries up to the same amounts as is indicated above on notes of one year maturity or less from the date the first note is issued by each company, with interest at the prime interest rate obtained by Consolidated on its related bank loan, said notes to be issued from time to time as funds are needed, up to December 31, 1956. The amounts borrowed by the subsidiaries on the short-term standby loans will be repaid through the issuance of their long-term notes upon completion of Consolidated's proposed sale of debentures.

Consolidated also proposes to provide funds to finance seasonal storage gas purchases by its subsidiaries through borrowing $25,000,000 from banks on various dates between the period September 15, 1956, and December 31, 1956. These funds will be obtained through the issuance of an unsecured promissory note or notes, at the prime interest rate, maturing one year from the date of the first borrowing with a repayment privilege upon five days' notice.

The funds thus obtained together with treasury funds will be loaned to Consolidated's subsidiaries on notes of one year or less from the date of the first note issued by each subsidiary with interest at the prime rate obtained by Consolidated and in the following amounts:

| | |
|---|---|
| East Ohio | $6,000,000 |
| Hope | 5,500,000 |
| New York Natural | 14,000,000 |
| Peoples | 1,000,000 |
| Total | 26,500,000 |

The banks from which Consolidated proposes to borrow and the amounts to be borrowed from each bank are as follows:

| Banks | $30,000,000 standby loan | $25,000,000 gas storage loan | Total |
|---|---|---|---|
| The Chase Manhattan Bank (New York) | $10,000,000 | $8,200,000 | $18,200,000 |
| The National City Bank of Cleveland (Ohio) | 2,000,000 | 2,000,000 | 4,000,000 |
| Bankers Trust Co. (New York) | 1,600,000 | 1,200,000 | 2,800,000 |
| Guaranty Trust Co. of New York | 1,600,000 | 1,200,000 | 2,800,000 |
| J. P. Morgan & Co., Inc. (New York) | 1,600,000 | 1,200,000 | 2,800,000 |
| Chemical Corn Exchange Bank (New York) | 1,600,000 | 1,200,000 | 2,800,000 |
| The First National City Bank of New York | 1,600,000 | 1,200,000 | 2,800,000 |
| The Hanover Bank (New York) | 1,600,000 | 1,200,000 | 2,800,000 |
| Irving Trust Co. (New York) | 1,600,000 | 1,200,000 | 2,800,000 |
| Manufacturers Trust Co. (New York) | 1,350,000 | 1,250,000 | 2,600,000 |
| Mellon National Bank & Trust Co. (Pittsburgh, Pa.) | 1,050,000 | 1,250,000 | 2,300,000 |
| Union Bank of Commerce (Cleveland, Ohio) | 1,100,000 | 1,100,000 | 2,200,000 |
| Peoples First National Bank & Trust Co. (Pittsburgh, Pa.) | 400,000 | 400,000 | 800,000 |
| The Union National Bank of Pittsburgh (Pennsylvania) | 200,000 | 150,000 | 350,000 |
| First National Bank, Akron (Ohio) | 200,000 | 100,000 | 300,000 |
| The Dime Bank (Akron, Ohio) | 150,000 | 100,000 | 250,000 |
| The Firestone Bank (Akron, Ohio) | 100,000 | 100,000 | 200,000 |
| First National Bank of Canton (Ohio) | 100,000 | 100,000 | 200,000 |
| The Harter Bank & Trust Co. (Canton, Ohio) | 100,000 | 100,000 | 200,000 |
| The Mahoning National Bank (Youngstown, Ohio) | 100,000 | 100,000 | 200,000 |
| Union National Bank (Youngstown, Ohio) | 100,000 | 100,000 | 200,000 |
| The Dollar Savings & Trust Co. (Youngstown, Ohio) | 75,000 | 75,000 | 150,000 |
| The Empire National Bank of Clarksburg (West Virginia) | 75,000 | 75,000 | 150,000 |
| The Union National Bank of Clarksburg (West Virginia) | 50,000 | 50,000 | 100,000 |
| The Canton National Bank (Ohio) | 50,000 | 50,000 | 100,000 |
| United States National Bank in Johnstown (Pennsylvania) | | 50,000 | 50,000 |
| Johnstown Bank & Trust Co. (Pennsylvania) | | 50,000 | 50,000 |
| Central Trust Co. (Altoona, Pa.) | | | |
| Total | 30,000,000 | 25,000,000 | 55,000,000 |

The State Commissions of West Virginia, Pennsylvania and Ohio have issued orders authorizing certain of the proposed transactions by Hope, Peoples, East Ohio and River.

The fees and expenses to be incurred in connection with the above transactions are to be supplied by amendment.

Applicants-declarants request that the Commission's order or orders to be entered herein become effective upon issuance, and not later than July 2, 1956, as to the several transactions proposed by Consolidated and its subsidiaries.

Notice is further given that any interested person may, not later than June 29, 1956 at 5:30 p. m., request the Commission in writing that a hearing be held on such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law, if any, raised by said joint application-declaration which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date said joint applicant-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100, or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-4824; Filed, June 19, 1956; 8:48 a. m.]



## SMALL BUSINESS ADMINISTRATION

[Declaration of Disaster Area 105]

WASHINGTON

DECLARATION OF DISASTER AREA

Whereas it has been reported that on or about June 2, 1956, because of the disastrous effects of floods and high winds, damage resulted to residences and business property located in certain areas in the State of Washington:

Whereas the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953, as amended:

Now, therefore, as Adminstrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the Offices below indicated from persons or firms whose property situated in the following counties (including any areas adjacent to the counties below named) suffered damage or other destruction as a result of the catastrophe above referred to:

Counties of: Pacific, Wahkiakum, Cowlitz, Skamania, Clark, Klickitat, Benton, Franklin, Walla Walla.

Small Business Administration Regional Office, Burke Building, 905 Second Avenue, Seattle, Washington.

Small Business Administration Branch Office, Old U. S. Courthouse, 520 SW Morrison Street, Portland 4, Oregon.

2. No special field office will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to December 31, 1956.

Dated: June 5, 1956.

[SEAL] WENDELL B. BARNES, *Administrator.*

[F. R. Doc. 56-4833; Filed, June 19, 1956; 8:50 a. m.]

[Declaration of Disaster Area 106]

OREGON

DECLARATION OF DISASTER AREA

Whereas it has been reported that on or about June 2, 1956, because of the disastrous effects of floods and high winds, damage resulted to residences and business property located in certain areas in the State of Oregon:

Whereas the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected; and

Whereas after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act of 1953 as amended:

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 207 (b) (1) of the Small Business Act of 1953, as amended, may be received and considered by the offices below indicated from persons or firms whose property situated in the following counties (including any areas adjacent to the counties below named) suffered damage or other destruction as a result of the catastrophe above referred to:

Counties of: Clatsop, Columbia, Multnomah, Hood River, Wasco, Sherman, Gilliam, Morrow, Umatilla, Washington, Clackamas.

Small Business Administration Regional Office, Burke Building, 905 Second Avenue, Seattle, Washington.

Small Business Administration Branch Office, Old U. S. Courthouse, 520 SW. Morrison Street, Portland 4, Oregon.

2. No special field office will be established at this time.

3. Applications for disaster loans under the authority of this Declaration will not be accepted subsequent to December 31, 1956.

Dated: June 5, 1956.

[SEAL] WENDELL B. BARNES, *Administrator.*

[F. R. Doc. 56-4834; Filed, June 19, 1956; 8:50 a. m.]

## INTERSTATE COMMERCE COMMISSION

[Notice 117]

MOTOR CARRIER APPLICATIONS

JUNE 15, 1956.

Protests consisting of an original and two copies to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and state address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (39 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in forms of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, pre-hearing conference, taking of depositions, or other proceeding shall notify the Commission by letter or telegram within 30 days of publication of this notice in the FEDERAL REGISTER. Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operations of Motor Carrier properties sought to be acquired in an application under section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS FOR MOTOR CARRIERS OF PROPERTY

No. MC 239 Sub 16, filed May 25, 1956, ECKLAR-MOORE EXPRESS, INC., 109 North Poplar Street, Cynthiana, Ky. Applicant's Attorney: Robert M. Pearce, 711 McClure Building, Frankfort, Ky. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Lexington, Ky., and Winchester, Ky., from Lexington over U. S. Highway 60 to Winchester, and return over the same route, serving no intermediate points, as an alternate route, for operating convenience only, in connection with carrier's regular route operations between (1) Cynthiana and Lexington, Ky., (2) from Paris to Owingsville, Ky., (3) between Georgetown and Lexington, Ky., and (4) between Lexington and junction U. S. Highway 60 and U. S. Highway 421 at a point approximately three miles east of Frankfort, Ky. Applicant is authorized to conduct operations in Kentucky and Ohio.

No. MC 504 Sub 23, filed June 6, 1956, LOUIS PATZ, doing business as HARPER MOTOR LINES, 220 North McIntosh Street, Elberton, Ga. Applicant's attorney: Reuben G. Crimm, 805 Peachtree Street Building, Atlanta 5, Ga. For authority to operate as a *common carrier*, over i r r e g u l a r routes, transporting: *Granite*, from Elberton, Ga., and points within 15 miles of Elberton, to points in Iowa and Wisconsin. Applicant is authorized to conduct operations in Delaware, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, District of Columbia, Georgia, Illinois, North Carolina, South Carolina, and Missouri.

No. MC 514 Sub 3, (REVISION) CLIFFORD SKIPWORTH, doing business as UNITED WAREHOUSE AND TRANSFER, published page 3091, issue of May 9, 1956. Letter dated June 5, 1956, advises that Joe W. Worley, Attorney at Law, 309 Commerce Street, Kingsport, Tenn., has been retained as counsel for applicant.

No. MC 730 Sub 72, filed June 4, 1956, PACIFIC INTERMOUNTAIN EXPRESS CO., 299 Adeline Street, Oakland, Calif. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cherries*, in brine, in tank vehicles, from Pleasant Grove and Provo, Utah, and points within 20 miles of each, to Hayward, Calif., and points within 7 miles thereof.

No. MC 1077 Sub 2, filed June 6, 1956, ARTHUR O. HECKERMAN, doing business as HECKERMAN TRUCKING CO., Watervale Road, R. D. 2, Manlius, N. Y. Applicant's attorney: Norman M. Pinsky, Fifth Floor Weiler Building, 407 South Warren Street, Syracuse 2, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: (1) *Metal partitions and component parts thereof*, used in and incidental to building construction, from Syracuse, N. Y., to points in Massachusetts, Rhode Island, Connecticut, New Jersey, Pennsylvania, New York, Maryland, Virginia, and the District of Columbia. (2) *Laundry machinery, and supplies*, from Syracuse, N. Y. to points in Virginia, except Richmond, Fort Myer, and Salem. (3) *Laundry machinery*, used and damaged, from points in Virginia, except Richmond, Fort Myer, and Salem, to Syracuse, N. Y. Applicant is authorized to conduct operations in New York, Virginia, Massachusetts, Connecticut, Rhode Island, New Jersey, Pennsylvania, Maryland, and the District of Columbia.

No. MC 3261 Sub 21, filed June 4, 1956, KRAMER BROS. FREIGHT LINES, INC., 4195 Central Avenue, Detroit 10, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, and commodities requiring special equipment, serving the site of the plant of the Chevrolet Division of General Motors Corporation, located approximately 6 miles southwest of Warren (Lordstown Township, Trumbull County), Ohio, as an off-route point in connection with applicant's regular route operations between Warren, Ohio, and Youngstown, Ohio, via U. S. Highway 422 and, between Akron, Ohio, and Youngstown, Ohio, via Ohio Highway 18. Applicant is authorized to conduct operations in Illinois, Ohio, Maryland, District of Columbia, New Jersey, Indiana, Michigan, Pennsylvania, New York, and Newark, Del.

No. MC 4312 Sub 1, filed June 4, 1956, EVERETT G. MILLER AND BERNEICE J. MILLER, doing business as COTTAGE GROVE EUGENE FREIGHT COMPANY, Pacific Highway North, Cottage Grove, Oreg. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Cottage Grove, Oreg., and Disston, Oreg., from Cottage Grove over Lane County Road to Disston, and return over the same route, serving the intermediate points of Culp Creek and Dorena, Oreg. Applicant is authorized to conduct operations in Oregon.

No. MC 24379 Sub 20, filed June 6, 1956, LONG TRANSPORTATION COMPANY, a corporation, 3755 Central Avenue, Detroit, Mich. Applicant's attorney: Rex Eames, 2606 Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving the plant of the Chrysler Corporation on Ohio Highway 82 (near Macedonia, Ohio), in Twinsburg Township, Summit County, Ohio, as an off-route point in connection with applicant's regular route operations to and from Cleveland, Ohio, and the Commercial zone thereof. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, Pennsylvania, New York, Maryland, New Jersey, and the District of Columbia.

No. MC 28536 Sub 7 (amended), filed May 21, 1956, published June 6, 1956, page 3885, FOX & GINN, INC., 12 Howard Lane, Bangor, Maine. Applicant's attorney: Mary E. Kelley, 84 State Street, Boston 9, Mass. For authority to operate as a *common carrier*, over irregular routes, transporting: *New furniture, store counters* and *show cases* (uncrated), between points in Maine, on the one hand, and, on the other, points in New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania. Applicant is authorized to conduct operations in Massachusetts, Maine, and New Hampshire.

No. MC 30378 Sub 44 (amended), filed April 2, 1956, published April 11, 1956, page 2352, ASSOCIATED TRANSPORTS, INC., P. O. Box 85, Robertson, Mo. Applicant's attorney: T. D. Drury, 506 Olive Street, St. Louis 1, Mo. For authority to operate as a *common carrier* over irregular routes, transporting: *New automboiles, new trucks, new chassis* and *automobile parts and accessories* incidental to equipment of vehicles being transported, in initial movements, in driveaway and truckaway service, from Kansas City, Mo., to points in Missouri, and *damaged shipments* of the commodities specified on return movements. *RESTRICTION:* Applied-for authority to be restricted against tacking with any presently existing authority, either initial or secondary. Applicant is authorized to conduct operations in all States in the United States except Arizona, California, Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, Washington, West Virginia, Wisconsin, and the District of Columbia.

No. MC 30980 Sub 3, filed June 4, 1956, CHARLES A. TARANTOLA, doing business as SOUTHAMPTON HAULING COMPANY, 4999 Fayler Avenue, St. Louis, Mo. Applicant's attorney: Joseph R. Nacy, 117 West High Street, Jefferson City, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Heavy machinery*, between points in Missouri, on the one hand, and, on the other, points in Iowa, Illinois, Kansas and Arkansas. Applicant is authorized to conduct operations in Arkansas, Illinois, Iowa, Kansas, and Missouri.

No. MC 41635 Sub 31, filed June 11, 1956, DEALERS TRANSPORT COMPANY, 1368 Riverside Boulevard, P. O. Box 2482, DeSoto Station, Memphis, Tenn. Applicant's attorney: Charles H. Hudson, Jr., 407 Broadway Bank Building, Nashville, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: *Automobiles, trucks, tractors, bodies, cabs and chassis*, and *automobile show paraphernalia, equipment and supplies*, and *parts and accessories* at the same time and with the vehicle of which they are a part and on which they are to be installed, in initial movements, in truckaway and driveaway service, from points in Jefferson County, Ky. (including but not limited to Louisville), to points in New York and Pennsylvania. Applicant is authorized to conduct operations in Missouri, Tennessee, Arkansas, Mississippi, Kentucky, Louisiana, Alabama, Oklahoma, Texas, Virginia, West Virginia, Ohio, Indiana, Georgia, Florida, North Carolina, South Carolina, and Illinois.

No. MC 43468 Sub 6, filed June 4, 1956, VICTORY MOTOR FREIGHT, INC., U. S. Route 6, P. O. Box 1156, Huntington, W. Va. Applicant's attorney: Chas. T. Dodrill, West Virginia Building, Huntington, W. Va. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Compressed gases*, in cylinders, *calcium carbide, solidified carbon dioxide* (dry ice), *empty cylinders*, and *welding equipment*, between Huntington, W. Va., and points in West Virginia within 10 miles of Huntington, on the one hand, and, on the other, McClure, Va., and points within 5 miles of McClure. Applicant is authorized to conduct operations in Ohio, West Virginia and Kentucky.

No. MC 50307 Sub 18, filed June 5, 1956, INTERSTATE DRESS CARRIERS, INC., a corporation, 247 West 35th Street, New York, N. Y. Applicant's attorney: Herman B. J. Weckstein, 1060 Broad Street, Newark 2, N. J. For authority to operate as a *common carrier*, over irregular routes, transporting: *General commodities*, excluding those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment; restricted to shipments not exceeding 100 pounds in weight, between New York, N. Y., and points in New York and New Jersey within 20 miles of New York, on the one hand, and, on the other, points in Pennsylvania. Applicant is authorized to conduct operations in New York, New Jersey, Maryland, and Pennsylvania.

No. MC 54804 Sub 5, filed May 31, 1956, JOHN V. KUHN, doing business as KUHN TRUCK LINE, 146 West Fourth Street, P. O. Box 690, Dickinson, N. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Lumber, poultry feeds and livestock feeds, fertilizers*, dry and liquid, packaged and in bulk, between points in Montana, North Dakota, South Dakota, and Minnesota, (2) *building blocks*, slag and portland cement, concrete or gypsum, with lead insulation or enforcement, glass, cinder, cement, pumice or other light-weight aggregates, between points in South Dakota, North Dakota, and Montana, (3) *uranium bearing ores*, between points in Montana, Wyoming, South Dakota, and North Dakota, (4) *briquets*, coal or lignite, from Dickinson, N. Dak., and points within 10 miles thereof, to points in South Dakota and Montana, and (5) *agricultural machinery, implements and parts*, between points in North Dakota and Montana.



No. MC 64932 Sub 212, filed June 7, 1956, ROGERS CARTAGE CO., a corporation, 1934 South Wentworth Avenue, Chicago, Ill. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, as defined by the Commission, from North Aurora, Ill., to points in Illinois, Indiana, Michigan, and Ohio. Applicant is authorized to conduct operations in Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, West Virginia, and Wisconsin.

No. MC 65451 Sub 13, (CORRECTION) published on page 4061, issue of June 13, 1956. Name of applicant shown as ALABRAM FREIGHT LINES, was in error. Correct name of applicant is: ALABAM FREIGHT LINES.

No. MC 66562 Sub 1288, filed May 15, 1956, published in the May 30, 1956 issue, page 3708, (amended) RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N. Y. Applicant's attorney: William H. Marx, 219 East 42d Street, New York 17, N. Y. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service and having an immediately prior or an immediately subsequent movement by rail or air, restricted to shipments moving on a through bill of lading or express receipt, between Paris, Ky., and Flemingsburg, Ky., from Paris over U. S. Highway 68 to junction Kentucky Highway 36, thence over Kentucky Highway 35 to junction Kentucky Highway 32, and thence over Kentucky Highway 32 to Flemingsburg, and return over the same routes, serving the intermediate point of Carlisle, Ky. Applicant is authorized to conduct operations throughout the United States.

No. MC 70451 Sub 183, filed June 7, 1956, WATSON BROS. TRANSPORTATION CO., INC., 802 South 14th Street, Omaha, Nebr. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products, and meat by-products, dairy products, articles distributed by meat packing houses, such commodities as are used by meat packers in the conduct of their business* when destined to and for use by meat packers, as defined by the Commission, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, between Arkansas City, Kans., on the one hand, and, on the other, points in Minnesota, Nebraska, Iowa, Colorado, and Illinois.

No. MC 103993 Sub 72 (amended), filed June 1, 1956, published in the June 13, 1956 issue, on Page 4062, MORGAN DRIVE-AWAY, INC., 509 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 632 Illinois Building, 17 North Market Street, Indianapolis 4, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles, by the truckaway method, in initial movements, from Tulare, Calif., to all points in the United States, (2) *special purpose trailers*, in initial movements, in truckaway service, from Santa Clara, Calif. to all points in the United States, and (3) *Special purpose trailers*, in secondary movements, in truckaway service, between all points in the United States. Applicant is authorized to conduct operations throughout the United States.

No. MC 107103 Sub 3, filed May 31, 1956, ROBINSON CARTAGE COMPANY, a Michigan Corporation, 2713 Chicago Drive SW. (mailing address Roosevelt Square, Box 12), Grand Rapids, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Commodities*, the transportation of which, because of size or weight, require the use of special equipment and of *related machinery parts* and *related contractors' materials and supplies* when their transportation is incidental to the transportation by applicant of commodities which, by reason of size or weight, require the use of special equipment, between points in the lower peninsula of Michigan on and west of U. S. Highway 27, and on and north of the southern boundary lines of Allegan, Barry, and Eaton Counties, on the one hand, and, on the other, points in Illinois and Wisconsin. Applicant is authorized to conduct operations in Indiana, Michigan, and Ohio.

No. MC 107496 Sub 77, filed May 21, 1956, RUAN TRANSPORT CORPORATION, 408 SE. 30th Street, Des Moines, Iowa. Applicant's attorney: Homer E. Bradshaw, Suite 510 Central National Building, Des Moines 9, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, *fertilizers, anhydrous ammonia, aqua ammonia, urea and urea feed mixture, fertilizer ingredients* and *fertilizer ammoniating solutions*, in bulk, in tank or hopper vehicles, between points in Wisconsin, on the one hand, and, on the other, points in Michigan. Applicant is authorized to conduct operations in Iowa, Illinois, Wisconsin, Minnesota, Missouri, and Nebraska.

No. MC 107515 Sub 227, filed May 21, 1956 (Amended), published on page 3888, issue of June 6, 1956, REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta 10, Ga. Applicant's attorney: Allan Watkins, Grant Building, Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, packing house products, and articles distributed by packing houses*, as defined by the Commission, from Green Bay, Wis., to points in Alabama, Georgia, Florida, and Mississippi. Applicant is authorized to conduct operations in Ohio, Oklahoma, Georgia, North Carolina, South Carolina, Florida, Alabama, Mississippi, Louisiana, Tennessee, Wisconsin, Missouri, and Texas.

No. MC 107871 Sub 6, filed June 6, 1956, BONDED FREIGHTWAYS, INC., 347 West Jefferson Street, Syracuse, N. Y. Applicant's attorney: Norman M. Pinsky, 5th Floor Weiler Building, 407 South Warren Street, Syracuse 2, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Asphalt*, in bulk, in insulated and non-insulated tank vehicles, with and without heating units, between points in Albany and Rensselaer Counties, N. Y., on the one hand, and, on the other, points in Massachusetts, Connecticut, and Vermont.

No. MC 107906 Sub 12, filed May 11, 1956, TRANSPORT MOTOR EXPRESS, INC., P. O. Box 958, Meyer Road, Fort Wayne, Ind. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, (1) between Chicago, Ill. and Erie, Pa. (a) from Chicago over U. S. Highway 41 to junction U. S. Highway 6, thence over U. S. Highway 6 to Bryan, Ohio, thence over Ohio Highway 127 to Ohio Turnpike Interchange No. 2, thence over the Ohio Turnpike to Interchange No. 4 at Maumee, Ohio, thence over U. S. Highway 24 to Toledo, Ohio, thence over U. S. Highway 120 to junction U. S. Highway 20, and thence over U. S. Highway 20 to Erie, Pa. and return over the same routes, serving the intermediate points of Toledo and Cleveland, Ohio. (Applicant holds authority to serve all intermediate points from Chicago, Ill. to Ligonier, Ind.). (b) from Chicago over U. S. Highway 41 to junction U. S. Highway 6, thence over U. S. Highway 6 to Fremont, Ohio, thence over U. S. Highway 20 to Erie, Pa., and return over the same routes, serving the intermediate point of Cleveland, Ohio. (Applicant holds authority to serve all intermediate points from Chicago, Ill. to Ligonier, Ind.). (2) between Chicago, Ill. and Toledo, Ohio, from Chicago over U. S. Highway 41 to junction U. S. Highway 6, thence over U. S. Highway 6 to junction U. S. Highway 33, thence over U. S. Highway 33 to Fort Wayne, Ind., and thence over U. S. Highway 24 to Toledo, and return over the same route; (3) between Chicago, Ill. and Pittsburgh, Pa., from Chicago over U. S. Highway 41 to junction U. S. Highway 30, thence over U. S. Highway 30 to Fort Wayne, Ind., thence over U. S. Highway 30 to Delphos, Ohio, thence over U. S. Highway 30–S to Kenton, Ohio, thence over Ohio Highway 31 to Marysville, Ohio, thence over U. S. Highway 33 to Columbus, Ohio, thence over U. S. Highway 40 to Zanesville, Ohio, and thence over U. S. Highway 22 to Pittsburgh, Pa. and return over the same routes, serving the intermediate points of Fort Wayne, Ind., Columbus, Ohio, Weirton, W. Va. and those on U. S. Highway 30 between Fort Wayne, Ind. and Delphos, Ohio; (4) between Columbus, Ohio, and Wheeling, W. Va., from Columbus over U. S. Highway 40 to Wheeling, and return over the

same route; (5) between Pittsburgh, Pa. and Cleveland, Ohio, from Pittsburgh over Pennsylvania Highway 88 to Rochester, Pa., thence over Pennsylvania Highway 51 to the Pennsylvania-Ohio State line, thence over Ohio Highway 14 to Salem, Ohio, thence over Ohio Highway 14 to Cleveland, and return over the same route, serving the intermediate point of Salem, Ohio; (6) between Chicago, Ill. and New Castle, Pa., (a) from Chicago over routes described in (1) (a) to Cleveland, Ohio, thence over U. S. Highway 422 to New Castle, Pa. and return over the same routes, serving the intermediate points of Youngstown, Toledo, and Cleveland, Ohio; (b) from Chicago over routes described in (2) to Fort Wayne, Ind. thence over U. S. Highway 30 to Delphos, Ohio, thence over U. S. Highway 30–N to junction U. S. Highway 30, thence over U. S. Highway 30 to Canton, Ohio, thence over U. S. Highway 62 to Salem, Ohio, thence over Ohio Highway 14 to junction Ohio Highway 170, thence over Ohio Highway 170 to junction Pennsylvania Highway 108, thence over Pennsylvania Highway 108 to New Castle, and return over the same routes, serving the intermediate point of Salem, Ohio; (7) between Chicago, Ill. and Youngstown, Ohio, from Chicago over routes described in (6) (b) to Salem, Ohio, and thence over U. S. Highway 62 to Youngstown, and return over the same routes, serving the intermediate point of Salem, Ohio; (8) between Chicago, Ill. and Xenia, Ohio, (a) from Chicago over routes described in (2) to Fort Wayne, Ind., thence over U. S. Highway 33 to St. Mary's, Ohio, thence over Ohio Highway 66 to junction U. S. Highway 25, thence over U. S. Highway 25 to junction U. S. Highway 40, thence over U. S. Highway 40 to junction Ohio Highway 69, thence over Ohio Highway 69 to junction Ohio Highway 235, thence over Ohio Highway 235 to Xenia, Ohio, and return over the same routes; (b) from Chicago over routes described in (2) to Fort Wayne, Ind. thence over U. S. Highway 30–S to junction Ohio Highway 68, thence over Ohio Highway 68 to Xenia, Ohio, and return over the same routes; (9) between Chicago, Ill. and Cleveland, Ohio, from Chicago to Ohio Turnpike Interchange No. 2 as described in (1) (a) above, thence over the Ohio Turnpike to Interchange No. 10, thence over Ohio Highway 10 to Cleveland, and return over the same route; (10) between Chicago, Ill. and Youngstown, Ohio, from Chicago as described in (1) (a) to Ohio Turnpike Interchange No. 2, thence over the Ohio Turnpike to Interchange No. 15, and thence over Ohio Highway 18 to Youngstown, and return over the same route. Applicant is authorized to conduct operations in Illinois, Indiana, Ohio, and Pennsylvania, and West Virginia.

NOTE: Applicant is authorized to serve Xenia, Cleveland, Toledo, Youngstown, and Columbus, Ohio; Weirton and Wheeling, W. Va. and New Castle and Erie, Pa. as off-route points in connection with its regular route authority between Pittsburgh, Pa. and Chicago, Ill. and by this application seeks to change its operation. No authority is sought to serve any intermediate points between Chicago and Fort Wayne on routes described in (3).

No. MC 108543 Sub 5, filed June 4, 1956, G. C. HINRICHS, doing business as HINRICHS TRUCK LINE, 723 Seventh Street, Ida Grove, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Agricultural machinery and implements*, hand, and other than hand, and *parts thereof*, (1) from Kewanee, Ill. to points in Colorado, Kansas, Missouri, New Mexico, Texas, Oklahoma, Arkansas, and Louisiana; (2) from Kewanee, Ill. to points in Iowa east of U. S. Highway 169, those in Minnesota on and south of U. S. Highways 10 and 210 from Moorhead, Minn. to Duluth, Minn., points in South Dakota west of U. S. Highway 83, and points in Nebraska and North Dakota. Applicant is authorized to conduct operations in Iowa, Illinois, Minnesota, Nebraska, North Dakota, and South Dakota.

NOTE: Applicant now holds authority to transport grain elevators and harrows and parts thereof, and agricultural implements and agricultural machinery from Kewanee, Ill., to points in Iowa east of U. S. Highway 169, those in Minnesota on and south of U. S. Highways 10 and 210 from Moorhead, Minn. to Duluth, Minn., points in South Dakota west of U. S. Highway 83, and points in Nebraska and North Dakota.

No. MC 108671 Sub 12, filed June 5, 1956, TARBET TRUCKING, INC., 311 East 18th Street, Muncie, Ind. Applicant's attorney: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. For authority to operate as a *common carrier* transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the Ford Motor Co., plant, Lincoln Division, located at the intersection of Michigan Highway 218 and unnumbered highway (Wixom Road and West Lake Drive), in Novi Township, Oakland County, Mich., near the village of Wixom, as an off-route point in connection with applicant's regular route operations to and from Detroit, Mich. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan, Missouri, New York, Ohio, and Pennsylvania.

No. MC 109451 Sub 58 (Correction), ECOFF TRUCKING, INC., published on page 4063, issue of June 13, 1956. The commodity description sought should not be restricted to in bulk, in tank vehicles.

No. MC 110461 Sub 2, filed June 5, 1956, CARLTON REAY ALLENDER, doing business as CARGO TRANSPORT, 1920 Chesapeake Avenue, Baltimore, Md. Applicant's attorney: Glenn F. Morgan, 1005–1008 Warner Building, Washington 4, D. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Tanks*, metal, used for storage purposes, between Baltimore, Md., on the one hand, and, on the other, points in Alabama, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Hampshire, Rhode Island, Vermont and Wisconsin. Applicant is authorized to conduct operations in Maryland, Ohio, Pennsylvania, North Carolina, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia.

No. MC 110698 Sub 73 (Correction), MILLER MOTOR LINE OF NORTH CAROLINA INCORPORATED, J. Archie Cannon, Jr., Successor Trustee, published on page 4064, issue of June 13, 1956. Docket No. incorrectly published as 1160698 Sub 73.

No. MC 111557 Sub 15, filed June 4, 1956, KARL E. MOMSEN, doing business at MOMSEN TRUCKING CO., Routes 71 and 18 North, Spencer, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fresh meats*, in carcasses, partial carcasses, or packages, from Spencer, Iowa to Joliet, Ill. Applicant is authorized to conduct operations in Iowa and Minnesota.

No. MC 112173 Sub 8, filed June 4, 1956, BOYD E. RICHNER, INC., 404 Third Avenue, Durango, Colo. Applicant's attorneys: Stockton, Linville and Lewis, The 1650 Grant Street Building, Denver 3, Colo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Soda ash*, from the site of the Westvaco Plant, near Green River, Wyo., to Shiprock, N. Mex., Moab and Monticello, Utah, and points within five (5) miles of each.

No. MC 112822 Sub 7, (Amended) filed April 25, 1956, published page 3711, issue of May 30, 1956, EARL BRAY, INC., Lenwood and North Street, P. O. Box 910, Cushing, Okla. Applicant's attorney: Erle W. Francis, Veterans of Foreign Wars Building, 214 West Sixth Street, Topeka, Kans. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Ponca City, Okla., and points in Kay County, Okla., to points in Arkansas, Illinois, Iowa, Kentucky, Minnesota, Nebraska, Tennessee, South Dakota, and Missouri (except points in that part of Missouri south of U. S. Highway 36 and west of a line beginning at Macon, Mo., and extending along U. S. Highway 63 to Jefferson City, Mo., thence along U. S. Highway 54 to Camdenton, Mo., thence along Missouri Highway 5 to Lebanon, Mo., thence along U. S. Highway 66 to Springfield, Mo., and thence along U. S. Highway 65 to the Missouri-Arkansas State line), and *damaged shipments* of the above specified commodities, on return. Applicant is authorized to conduct operations in Oklahoma, Kansas, Missouri, and Arkansas.

No. MC 113832 Sub 9, filed June 6, 1956, SCHWERMAN TRUCKING CO., a corporation, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: Adolph E. Solie, 715 First National Bank Building, Madison 3, Wis. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Residual fuel oil*, in bulk, in tank vehicles, from Stickney, Ill., and East Chicago, Ind., to points in Wisconsin on and south of a line beginning at Port Washington and extending along Wisconsin Highway 33 to Beaver Dam, thence along U. S. Highway 151 to Columbus, thence along Wisconsin Highway 60 to its junction with Wisconsin Highway 80, and on and east of Wisconsin Highway 80 from its junction with Wisconsin Highway 60 to the Wisconsin-Illinois State Line.



No. MC 113855 Sub 7 (Correction) published on page 3712, issue of May 30, 1956. The territorial description sought should read from points in North Dakota, South Dakota, Iowa, Illinois and Wisconsin to ports of entry on the International Boundary Line between the United States and Canada, located in Minnesota, between Minnesota and the Province of Ontario, in foreign commerce only.

No. MC 114913 Sub 3, filed April 20, 1956, (Amended), published May 2, 1956, on Page 2906, CLAUDE BUTLER, doing business as BUTLER TRUCKING CO., Box 406, Show Low, Ariz. Applicant's attorneys: Joseph M. Montoya, Lensic Building, Suite 14, Santa Fe, N. Mex., and J. Hubert Smith, P. O. Box 21, Show Low, Ariz. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, from Show Low, Ariz., to Alamogordo, N. Mex., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodity specified in this application on return movements.

NOTE: Applicant states that service will be made as M. R. Prestridge Lumber Company of Alamogordo, N. Mex., may from time to time designate.

No. MC 115615 Sub 2, filed June 1, 1956, JOSHUA J. MITCHELL, Box 18, Quantico, Md. For authority to operate as a *common carrier*, over irregular routes, transporting: *Timber, poles, lumber*, and *piling*, from the site of J. I. Wells Co., Inc., plant, near Salisbury, Md., to points in Delaware and Virginia, east of the Chesapeake Bay.

No. MC 115853 Sub 1, filed May 31, 1956, GROCERY CONTRACT CARRIERS, INC., 534 Locust, Kansas City, Mo. Applicant's attorney: Carll V. Kretsinger, Suite 1014–18 Temple Building, Kansas City 6, Mo. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Such commodities as are dealt in by wholesale and retail grocery stores*, between points in Kansas located in the Kansas City, Kans.-Kansas City, Mo., Commercial Zone, as defined by the Commission, on the one hand, and, on the other, points in that part of Missouri bounded by a line beginning at the Kansas-Missouri State line and extending along U. S. Highway 36 to junction U. S. Highway 61, thence south along U. S. Highway 61 to junction Missouri Highway 19, thence along Missouri Highway 19 to junction U. S. Highway 54, thence along U. S. Highway 54 to the Kansas-Missouri State line, and thence along the Kansas-Missouri State line to point of beginning, including points on the indicated portions of the highways specified.

No. MC 115991, filed May 11, 1956, L. S. CHERRY, 2202 N. Glenstone Street, Springfield, Mo. Applicant's attorney: Chinn and White, 808 Woodruff Building, Springfield, Mo. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Frozen and dried whole eggs, frozen and dried egg yolks*, and *frozen and dried egg albumen*, and *New York dressed and eviscerated poultry* in the same vehicles with non-exempt commodities, from Springfield, Mo., to Toledo, Navarre, Youngstown and Cleveland, Ohio, Albany and New York, N. Y., Hartford, Conn., Worcester, New Bedford and Boston, Mass., Philadelphia, Pa., and Centralia, Ill., and *empty egg containers or other such incidental facilities* used in transporting the above-specified commodities, on return movements.

No. MC 116014 filed May 31, 1956, RALPH L. OLIVER AND SCOTT OLIVER, doing business as OLIVER TRUCKING COMPANY, 1119 Buckner Street, Winchester, Ky. Applicant's attorney: Rodney J. Thompson, Haggard Building, Winchester, Ky. For authority to operate as a *common carrier*, over irregular routes, transporting: *Telephone poles* and *telegraph poles*, from Louisville, Ky., to points in Kentucky, Ohio, and Indiana.

No. MC 116022, filed May 31, 1956, MARION MOCKRY, Cedar Bluffs, Kans. Applicant's attorney: Floyd D. Strong, 214 Insurance Building, 701 Jackson Street, Topeka, Kans. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, when moving in express service in packages or containers not exceeding 300 pounds in weight or 96 inches in length or 12 inches in width or depth, between McCook, Nebr., and Saint Francis, Kans., from McCook over U. S. Highway 83 to Oberlin, Kans., thence west over U. S. Highway 36 to Saint Francis, and return over the same route, serving all intermediate points, and the off-route point of Wheeler, Kans.

No. MC 116030, filed June 5, 1956, THE DELIVERY COMPANY, 1701 Wicomico Street, Baltimore, Md. Applicant's attorney: Ewald E. Kundtz, 2507 Terminal Tower, Cleveland 13, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Such commodities as are dealt in by mail order houses and retail department stores*, from Baltimore, Md. to points in Baltimore, Carroll, Montgomery, Howard, Anne Arundel, Harford, Prince Georges, Frederick, Kent, Queen Annes, and Cecil Counties, Md.; *return shipments of the above specified commodities* on return.

NOTE: This application will be processed concurrently with No. MC 116031 and No. MC–F–6302.

No. MC 116031, filed June 5, 1956, WASHINGTON DELIVERIES, INC., 1714 Second Street SW., Washington, D. C. Applicant's attorney: Ewald E. Kundtz, 2507 Terminal Tower, Cleveland 13, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Such commodities as are dealt in by mail order houses and retail department stores*, from Washington, D. C. to points in Montgomery, Queen Annes, Prince Georges, Frederick, Charles, and Calvert Counties, Md., and Fairfax, Prince William, Loudon, and Arlington Counties, Va.; *returned shipments of the above-named commodities* on return.

NOTE: This application will be processed concurrently with No. MC 116030 and No. MC–F–6302.

No. MC 116035, filed June 6, 1956, WILLIAM HENRY NIEKAMP, doing business as W. H. NIEKAMP, Route 3, Quincy, Ill. Applicant's attorney: Mack Stephenson, 208 East Adams Street, Springfield, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Alcoholic beverages*, from St. Louis, Mo., to Quincy, Ill.

No. MC 116040, filed June 7, 1956, MUSKIN TRUCKING CO., a Corporation, East Palestine, Ohio. Applicant's attorney: James M. Burtch, 44 East Broad Street, Columbus 15, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *New furniture*, uncrated, (a) From East Palestine, Ohio, to points in Kentucky, New Jersey, Wisconsin, Michigan, Illinois, Indiana, Maryland, New York, Pennsylvania, Virginia, West Virginia, North Carolina, Tennessee, District of Columbia, Boston, Mass., and Providence, R. I., (b) from the site of the Kenmar Manufacturing Co. plant approximately seven miles north of Ottumwa, Iowa, and approximately one and one-half (1½) miles west of U. S. Highway 63 to points in Nebraska, Missouri, Wisconsin, Minnesota, South Dakota, Kansas, Illinois, Indiana, Oklahoma, Colorado and Kentucky, (c) from Kent, Ohio, to points in Ohio, Indiana, Illinois, Michigan, Wisconsin, Kentucky, West Virginia, Virginia, Maryland, Delaware, Pennsylvania, New York, Connecticut, Massachusetts, Missouri, and the District of Columbia, (d) from Tyler, Tex., to points in Alabama, Arizona, Arkansas, Florida, Louisiana, Mississippi, New Mexico, Oklahoma, and points in Tennessee on and west of a line extending along U. S. Highway 45 from the Mississippi-Tennessee State line to Fairview (Madison County), Tenn., thence along U. S. Highway 45W to Union City, Tenn., thence along Tennessee Highway 21 to the Tennessee-Kentucky State line, (e) *damaged, defective*, or *returned shipments* from points in the above-described states and territories to East Palestine, Ohio, site of Kenmar Manufacturing Co. plant at Ottumwa, Iowa, Kent, Ohio, and Tyler, Tex. Applicant is authorized to conduct operations in the United States except California, Georgia, Idaho, Maine, Montana, Nevada, New Hampshire, North Dakota, Oregon, South Carolina, Utah, Vermont, Washington and Wyoming. Note: Applicant states "The authority requested herein is identical as to commodities and territory as now authorized by Permit MC 96568 and subs thereunder, which permit will be renounced and cancelled concurrently with the granting of this application."

No. MC 116041, filed June 7, 1956, JOE HAFNER and JOE HANSON, doing business as HAFNER and HANSON, a partnership, Breckenridge, Minn. Applicants' attorney: Harry Lashkowitz, Fargo, N. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Animal feed* and *poultry feed*, from St. Paul and Minneapolis, Minn., to

Wahpeton, N. Dak. and *empty containers or other such incidental facilities* (not specified), used in transporting the commodities specified in this application, on return.

APPLICATIONS FOR MOTOR CARRIERS OF PASSENGERS

No. MC 96007 Sub 11, filed June 4, 1956. KENNETH HUDSON, INC., doing business as HUDSON BUS LINES, 70 Union Street, Medford, Mass. Applicant's attorney: James H. Sullivan, 56 Maple Street, Danvers, Mass. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage* and *express, mail* and *newspapers* in the same vehicle with passengers, between Lawrence, Mass., and Manchester, N. H. from Lawrence over Massachusetts Highway 28 to the Massachusetts-New Hampshire State line; thence over New Hampshire Highway 28 to Manchester, N. H. and return over the same route serving all intermediate points. Applicant now operates under authority No. MC 96007 between Lawrence, Mass. and Salem, N. H. on Highway 28 and desires to extend this operation to Manchester, N. H. over said Highway 28, as indicated.

No. MC 116002, filed May 17, 1956. THOMAS M. GRIFFIN, 13 Broad Street, Valley Falls, R. I. For authority to operate as a *common carrier*, over irregular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, in round-trip, charter operations, beginning and ending at Central Falls, Pawtucket, Providence, Cumberland, East Providence and Lincoln, R. I. and extending to points in that part of Massachusetts bounded by a line beginning on Massachusetts Highway 12 at the Massachusetts-Connecticut State Line south of Webster, Mass., extending along Massachusetts Highway 12 to junction with Massachusetts Highway 2 near Leominster, Mass., thence along Massachusetts Highway 2 to Boston, Mass., thence along the Atlantic Coast to Cape Cod Canal at Sagamore and Bourne, Mass., and thence along the Atlantic Coast to the Massachusetts-Rhode Island State Line.

No. MC 116017 Sub 1, filed June 4, 1956. C. F. DAWKINS and BERNITA M. DAWKINS, doing business as KANSAS CITY-ATCHISON BUS LINE, 5628 Wolcott Drive, Wolcott, Kans. (Mail address Bethel, Kans.) Applicant's attorney: Erle W. Francis, Veterans of Foreign Wars Building, 214 West Sixth Street, Topeka, Kans. For authority to operate as a *common carrier*, over regular routes, transporting: *Passengers and their baggage*, and *express*, in the same vehicle with passengers, between Kansas City, Mo., and Atchison, Kans., from Kansas City, Mo., over city streets to Kansas City, Kans., thence over city streets to Parallel Road (formerly U. S. Highway 40), thence over Parallel Road to junction Parallel Road and U. S. Highway 73, thence over U. S. Highway 73 to junction of U. S. Highways 73, 24 and 40, and return over U. S. Highway 73 to Victory Junction, thence over U. S. Highway 73 to Atchison, and return over the same route to Kansas City, Mo., serving all intermediate points on the above-described highways.

APPLICATIONS FOR BROKERAGE LICENSES

No. MC 12648, filed June 4, 1956, WIDE WORLD TRAVEL SERVICE, INC., 216–218 Franklin Avenue, Gastonia, N. C. For a license (BMG 5) authorizing operations as a *broker* at Gastonia, N. C., in arranging for transportation in interstate or foreign commerce, by motor vehicle, of *Passengers and their baggage*, in the same vehicle with passengers, in round-trip special and charter all-expense tours, beginning and ending at points in Gaston County, N. C., and extending to points in the United States.

NOTE: By this application, applicant proposes to arrange and conduct religious, education, and vacation tours to all points in the United States and Canada and that emphasis will center on Church and school groups.

APPLICATIONS UNDER SECTION 5 (a) AND 210 (a) (b)

CORRECTION

No. MC–F 6295, published in the June 6, 1956, issue of the FEDERAL REGISTER on page 3893. The operating rights to be leased should read, in part, "* * * between Livingston, Tenn., and Cookeville, Tenn., * * *" in lieu of "* * * between Livingston, Tenn., and Crossville, Tenn. * * *".

No. MC–F 6300. Authority sought for merger by COLUMBIA TERMINALS COMPANY, 120 Washington Avenue, St. Louis, Mo., of the operating rights and property of SOUTHERN PLAZA EXPRESS, 1209 Washington Avenue, St. Louis 3, Mo., and CENTRAL EXPRESS, INC., 1901 Irving Boulevard, Dallas, Tex., and for acquisition by FIELDING CHILDRESS, also of St. Louis, of control of the operating rights and property through the transaction. Applicants' attorney: Clarence D. Todd, Todd & Dillon, 944 Washington Bldg., Washington 5, D. C. Operating rights sought to be merged: (SOUTHERN PLAZA EXPRESS) *General commodities*, without exception, as a *common carrier*, between Denison, Tex., and the site of the Denison Dam, and between Hulbert, Okla., and the Denison Dam, serving all intermediate points; *general commodities*, with certain exceptions including household goods, over regular routes, including routes between St. Louis, Mo., and Chicago, Ill., between St. Louis, Mo., and Kansas City, Mo., between Dallas, Tex., and San Antonio, Tex., between Belton, Tex., and Camp Hood, Tex., between Houston, Tex., and Tulsa, Okla., and between Oklahoma City, Okla., and Coalgate, Okla., serving certain intermediate and off-route points; numerous routes for operating convenience only; *metal signs, painting materials, asbestos shingles and roofing, matches, storage batteries, wall paper*, and *iron castings*, over irregular routes, from, to, and between certain points, varying with the commodity transported, in Missouri and Illinois. (CENTRAL EXPRESS, INC.) *General commodities*, with certain exceptions including household goods, as a *common carrier*, between McAlester, Okla., and Fort Smith, Ark., and between Fort Smith, Ark., and junction U. S. Highways 270 and 271, between Miami, Okla., and Colbert, Okla., and between Muskogee, Okla., and Braggs, Okla., serving certain intermediate and off-route points. COLUMBIA TERMINALS COMPANY owns no authority from the Interstate Commerce Commission. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6302. Authority sought for control by H. M. O'NEILL, F. J. O'NEILL, and W. J. O'NEILL, all of 11700 Shaker Boulevard, Cleveland, Ohio, of the operating rights and property of THE DELIVERY COMPANY, 1701 Wicomico Street, Baltimore, Md., WASHINGTON DELIVERIES, INC., 1714 Second Street SW., Washington, D. C., and QUICK DELIVERIES, INC., 110 Olean Street, Rochester, N. Y. Applicant's attorney: Roland Rice, 618 Perpetual Building, 1111 E Street NW., Washington 4, D. C. Operating rights sought to be controlled: (The Delivery Company) *such commodities* as are dealt in by mail order houses and retail department stores, as a *contract carrier* over irregular routes from Baltimore, Md., to all points located in the counties of Baltimore, Carroll, Montgomery, Howard, Anne Arundel, Harford, Prince Georges, Frederick, Kent, Queen Anne and Cecil in the State of Maryland; (Washington Deliveries, Inc.) *such commodities* as are dealt in by mail order houses and retail department stores, as a *contract carrier* over irregular routes, from Washington, D. C., to all points located in the counties of Montgomery, Queen Anne, Prince Georges, Frederick, Charles and Calvert in the State of Maryland, and Fairfax, Prince William, Loudon and Arlington in the State of Virginia; (Quick Deliveries, Inc.) *iron and steel tanks*, as a *contract carrier*, over irregular routes, from points in Onondaga County, N. Y., to points in New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland and Virginia. Applicants hold no authority from the Commission but own controlling stock interest in ANCHOR MOTOR FREIGHT, INC., OF DELAWARE, ANCHOR MOTOR FREIGHT, INC., OF MICHIGAN, ANCHOR MOTOR FREIGHT, N. Y. CORP., RELAY TRANSPORT, INC., SIGNAL DELIVERY SERVICE, INC., and WAREHOUSE TRANSPORTATION CO., which are authorized to operate in Connecticut, Delaware, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

NOTE: This application will be processed concurrently with Nos. MC 116030 and MC 116031.

No. MC–F 6303. Authority sought by CONSOLIDATED FREIGHTWAYS, INC., 2029 NW. Quimby Street, Portland, Oreg., to merge the operating rights and property of FOSTER FREIGHT LINES, INC., 1240 South Holt Road, Indianapolis, Ind. Applicants' attorney: Donald A. Schafer, 803 Public Service Bldg, Portland, Oreg. Operating rights sought to be merged: *General commodities*, with certain exceptions including household goods, as a *common carrier* over regular routes including routes between Indianapolis, Ind., and St. Louis, Mo., between Chicago, Ill., and Cincinnati, Ohio, between Chicago, Ill., and Indianapolis, Ind., and between Chicago, Ill., and Louisville, Ky., serving certain intermediate and off-route points; *general commodities* as specified above, in truckload lots from Chicago, Ill., to points in four Ohio Counties; *general commodities*, with certain exceptions not including household goods, between Indianapolis, Ind., and Cincinnati, Ohio, serving certain intermediate and off-route points; *metal shelving and fixtures therefor*, between Indianapolis, Ind., and Aurora, Ill., serving certain intermediate and off-route points; *wall paper*, between Indianapolis, Ind., and Joliet, Ill., serving certain intermediate and off-route points; *roofing and roofing materials*, from Joliet, Ill., to Cincinnati, Ohio, and Louisville, Ky., serving the intermediate point of Indianapolis, Ind.; *batteries and battery parts*, from Chicago Heights, Ill., to Cincinnati, Ohio, and Louisville, Ky., serving certain intermediate and off-route points; several routes for operating convenience only. CONSOLIDATED FREIGHTWAYS, INC., is authorized to operate as a *common carrier* in Oregon, Washington, Idaho, Nevada, Minnesota, North Dakota, Montana, Utah, California, Wisconsin, Illinois and Iowa. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6304. Authority sought for control and merger by HEMINGWAY BROTHERS INTERSTATE TRUCKING COMPANY, 438 Dartmouth Street, New Bedford, Mass., of the operating rights and property of FERREIRA'S TRANSPORTATION, INC., and KEOGH STORAGE COMPANY, both of 601 Brayton Avenue, Fall River, Mass., and for acquisition by PHILIP HEMINGWAY, also of New Bedford, of control of such rights and property through the transaction. Applicants' attorney: Kenneth B. Williams, 89 State Street, Boston 9, Mass. Operating rights sought to be controlled and merged: (Ferreira's Transportation, Inc.): *General commodities*, with certain exceptions including household goods, as a *common carrier* over regular routes between Boston, Mass., and Newport, R. I., and between New Bedford, Mass., and Providence, R. I., serving all intermediate and certain off-route points; *general commodities*, with exceptions as specified above, in nonscheduled service, between Providence, R. I., and New York, N. Y., serving no intermediate points; *general commodities*, with certain exceptions including household goods, over irregular routes, between New York, N. Y., on the one hand, and, on the other, certain points in New Jersey; *household goods* as defined by the Commission between Fall River, Mass., on the one hand, and, on the other, points in Connecticut, New Jersey, New York and Rhode Island; *paper on rolls* and *paper bags*, from New Bedford and Boston, Mass., to Fall River, Mass.; *skins* and *furs*, from New York, N. Y., to Fall River, Mass.; *trunks* containing wearing apparel, from Fall River and New Bedford, Mass., to Boston, Mass. (Keogh Storage Company): *General commodities*, with certain exceptions including household goods, as a *common carrier* over regular routes between New Bedford, Mass., and Providence, R. I., between Boston, Mass., and Newport, R. I., between Boston, Mass., and New Bedford, Mass., and between Boston, Mass., and Providence, R. I., serving certain intermediate and off-route points; *general commodities*, with certain exceptions including household goods, over irregular routes between Boston, Mass., East Greenwich, South Kingstown, Coventry, and Westerly, R. I., and between Fall River and New Bedford, Mass., on the one hand, and, on the other, points in Massachusetts on and east of U. S. Highway 5; *cotton waste, textile chemicals, textile, textile products*, and *material, equipment* and *supplies* used in the operation and maintenance of textile mills and in the manufacture and distribution of textile products, from, to and between points and areas, varying with the commodity transported, in Massachusetts, Rhode Island, Connecticut and New York. HEMINGWAY BROTHERS INTERSTATE TRUCKING COMPANY is authorized to operate as a *common carrier* in Connecticut, Rhode Island, Massachusetts, New Hampshire, New York, New Jersey, Maine, Pennsylvania, Delaware, Maryland, Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 56-4832; Filed, June 19, 1956; 8:50 a. m.]





FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 15, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT-HAUL

FSA No. 32217: *Roofing and building materials in southern territory.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on roofing and building materials and related articles, carloads from, to and between points in southern territory.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 5 to Agent Spaninger's I. C. C. 1532.

FSA No. 32218: *Liquefied petroleum gas—Louisiana to South.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on liquefied petroleum gas, tank-car loads from Anse La Butte and other specified points in southwestern Louisiana to specified points in states in southern territory.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 80 to Agent Kratzmeir's I. C. C. 4118.

FSA No. 32219: *Fertilizer and materials between Southwest and official territory.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on fertilizer and fertilizer materials, carloads between points in southwestern territory, on one hand, and points in official territory, on the other.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 148 to Agent Kratzmeir's I. C. C. 4112.

FSA No. 32220: *Fertilizers—Southwest to Illinois territory.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on sodium (soda), nitrate of, carloads, and superphosphate (acid phosphate), carloads from specified points in Arkansas, Louisiana, Missouri, Oklahoma, and Texas to specified points in Illinois, Iowa, Missouri, and Wisconsin.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 148 to Agent Kratzmeir's I. C. C. 4112.

FSA No. 32221: *All Freight—Chicago, Ill., to Daytona Beach, Fla.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on merchandise, mixed carloads from Chicago, Ill., to Daytona Beach, Fla.

Grounds for relief: Truck competition and circuitous routes.

Tariff: Supplement 22 to Agent Raasch's I. C. C. 789.

FSA No. 32222: *All freight—Chicago, Ill., to Sarasota, Fla.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on merchandise, mixed carloads from Chicago, Ill., to Sarasota, Fla.

Grounds for relief: Truck competition, and circuitous routes.

Tariff: Supplement 22 to Agent Raasch's I. C. C. 789.

FSA No. 32223: *All freight—Illinois territory to Tampa, Fla.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on merchandise, mixed carloads from Dubuque, Iowa, Chicago, Ill., and other specified points in Illinois to Tampa, Fla.

Grounds for relief: Truck competition and circuitous routes.

Tariff: Supplement 22 to Agent Raasch's I. C. C. 789.

FSA No. 32224: *All freight—Illinois territory to North Birmingham, Ala.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on merchandise, mixed carloads from Dubuque, Iowa, Chicago, Ill., and other specified points in Illinois to North Birmingham, Ala.

Grounds for relief: Truck competition and circuitous routes.

Tariff: Supplement 22 to Agent Raasch's I. C. C. 789.

FSA No. 32225: *All freight—Illinois territory to Howells Transfer, Ga.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on merchandise,

mixed carloads from Dubuque, Iowa, Chicago, Ill., and other specified points in Illinois to Howells Transfer, Ga.

Grounds for relief: Truck competition and circuitous routes.

Tariff: Supplement 22 to Agent Raasch's I. C. C. 789.

FSA No. 32226: *Newsprint paper—Calhoun, Tenn., to Corona, N. Y.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on newsprint paper, carloads from Calhoun, Tenn., to Corona, N. Y.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 43 to Agent Spaninger's I. C. C. 867.

FSA No. 32227: *Fertilizer and materials—To and from Southern Points.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on fertilizer and fertilizer materials, carloads from Pace Junction, Fla., to Dothan, Ala., and from Dothan, Ala., to Albany, Ga.

Grounds for relief: Circuitous routes.

Tariff: Supplement 25 to Agent Spaninger's I. C. C. 1510.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56-4831; Filed, June 19, 1956; 8:49 a. m.]

## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM COMPETITIVE SERVICE

FEDERAL CIVIL DEFENSE ADMINISTRATION

Effective upon publication in the FEDERAL REGISTER, paragraph (f) of § 6.323 is revoked and paragraph (m) is added as set out below.

§ 6.323 *Federal Civil Defense Administration.* * * *

(m) One Deputy Executive Assistant Administrator.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL, *Executive Assistant.*

[F. R. Doc. 56-4893; Filed, June 20, 1956; 8:53 a. m.]

## TITLE 9—ANIMALS AND ANIMAL PRODUCTS

### Chapter I—Agricultural Research Service, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Rev., Amdt. 80]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—VESICULAR EXANTHEMA

CHANGES IN AREAS QUARANTINED

Pursuant to the provisions of sections 1 and 3 of the act of March 3, 1905, as amended (21 U. S. C. 123, 125), sections 1 and 2 of the act of February 2, 1903, as amended (21 U. S. C. 111–113, 120), and section 7 of the act of May 29, 1884, as amended (21 U. S. C. 117), § 76.27, as amended, Subpart B, Part 76, Title 9, Code of Federal Regulations (21 F. R. 3, 417, 786, 1165, 1461, 1743, 2230, 2611, 3005, 3923), which quarantines certain areas because of vesicular exanthema, a contagious, infectious, and communicable disease of swine, is hereby further amended in the following respects:

1. Subdivisions (i) and (iv) of subparagraph (8) of paragraph (c), relating to Worcester County in Massachusetts, are deleted.

2. A new subdivision (ix) is added to subparagraph (1) of paragraph (d), relating to Atlantic County in New Jersey, to read:

(ix) Lots 1A and 1B, Block 760, in Hamilton Township, owned and operated by Charles Michael.

3. New subdivisions (xxiii) and (xxiv) are added to subparagraph (9) of paragraph (d), relating to Monmouth County in New Jersey, to read:

(xxiii) That part of Manalapan Township lying west of the Oakland Mills-Millhurst Road, north of the Carrs Corner-Oakland Mill Road, and southeast of County Road No. 527; and

(xxiv) That part of Marlboro Township lying south of Harbor Road, east of County Road No. 3, north of County Road No. 520, and west of State Road No. 79.

*Effective date.* The foregoing amendment shall become effective upon issuance.

The amendment excludes certain areas in Massachusetts and New Jersey from the areas heretofore quarantined because of vesicular exanthema. Hereafter, the restrictions pertaining to the interstate movement of swine, and carcasses, parts and offal of swine, from or through quarantined areas, contained in 9 CFR 1955 Supp., Part 76, Subpart B, as amended, will not apply to such areas. However, the restrictions pertaining to such movement from non-quarantined areas, contained in said Subpart B, as amended, will apply thereto.

The amendment relieves certain restrictions presently imposed, and must be made effective immediately to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to the public interest, and the amendment may be made effective less than 30 days after publication in the FEDERAL REGISTER.

(Continued on next page)

UNIVERSITY OF MICHIGAN

THE NATIONAL ARCHIVES

# FEDERAL REGISTER

1934

VOLUME 21 NUMBER 120

*Washington, Thursday, June 21, 1956*

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FEDERAL REGISTER

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**CFR SUPPLEMENTS**

**(As of January 1, 1956)**

The following Supplements are now available:

**Title 6 ($1.75)**

**Title 7: Parts 210–899 (Rev., 1955) with Supplement ($4.50)**

**Title 26 (1954) Parts 1–220 (Rev., 1955) ($2.00)**

**Titles 47 and 48 ($2.25)**

Previously announced: Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 7: Parts 1–209 ($1.25); Parts 900–959 (Rev., 1955) ($6.00), Part 960 to end (Rev., 1955) with Supplement ($5.85); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Parts 1–399 ($2.50), Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. I, and Title 27 ($1.00); Titles 28 and 29 ($1.25); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 400–699 ($0.65), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Title 33 ($1.50); Titles 35–37 ($1.00); Title 39 (Rev., 1955) ($4.25); Titles 40–42 ($0.65); Title 43 ($0.50); Title 46: Parts 1–145 ($0.60), Part 146 to end ($1.25); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.



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Done at Washington, D. C., this 15th day of June 1956.

[SEAL] M. R. CLARKSON,
*Acting Administator,*
*Agricultural Research Service.*

[F. R. Doc. 56-4898; Filed, June 20, 1956; 8:54 a. m.]



# TITLE 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket 6228]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

REDDI-SPRED CORP.

Subpart—*Advertising falsely or misleadingly:* § 13.135 *Nature:* Product or service: *Oleomargarine amendment to FTC Act.*[1]

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 12, 52 Stat. 114; sec. 15, 64 Stat. 20–21; 15 U. S. C., secs. 45, 52, 55) [Order modifying cease and desist order, Reddi-Spred Corporation, Philadelphia, Pa., Docket 6228, June 5, 1956]

Order modifying prior cease and desist order issued May 5, 1955, 20 F. R. 4367, to conform to the order of the Court of Appeals for the Third Circuit, of January 18, 1956, by striking from the proviso under paragraph "1" the following language: "or of a truthful statement that said product contains butter or any other dairy product provided the percentage thereof contained is clearly and conspicuously set forth." The proviso as modified reads: *"Provided, however,* That nothing contained in this order shall prevent the use in advertisements of a truthful, accurate and full statement of all of the ingredients contained in said product."

Issued: June 5, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
*Secretary.*

[F. R. Doc. 56-4874; Filed, June 20, 1956; 8:48 a. m.]

# TITLE 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

### Subchapter C—Drugs

PART 130—DRUGS EXEMPTED FROM PRESCRIPTION - DISPENSING REQUIREMENTS OF SECTION 503 (b) (C) OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

EXEMPTION OF CERTAIN DIAMTHAZOLE DIHYDROCHLORIDE PREPARATIONS AND DEXTROMETHORPHAN HYDROBROMIDE PREPARATIONS FROM PRESCRIPTION-DISPENSING REQUIREMENTS

There was published in the FEDERAL REGISTER of May 11, 1956 (21 F. R. 3149) a notice and text of proposed amendments to § 130.1 *Exemption for certain drugs limited by new-drug applications to prescription sale.* No comments nor objections were filed with respect to the proposed amendments within the 30-day period stipulated in the above-referenced notice, and the amendments set out below are hereby ordered, effective 30 days from the date of publication of this order in the FEDERAL REGISTER.

[1] New.

1. Section 130.1 *Exemption for certain drugs limited by new-drug applications to prescription sale* is amended by changing paragraph (a) (7) to read as follows:

(7) Diamthazole dihydrochloride (2-dimethylamino - 6 - (β - diethylamino ethoxy) - benzothiazole dihydrochloride) preparations meeting all the following conditions:

(i) The diamthazole dihydrochloride is prepared with or without other drugs, in a dosage form suitable for use in self-medication by external application to the skin, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The diamthazole dihydrochloride and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 5 percent of diamthazole dihydrochloride.

(v) The preparation is labeled with adequate directions for use only for adults and children 12 years of age and over in those conditions for which it may be safely used without medical supervision.

(vi) The label bears a conspicuous warning to keep out of the reach of children, and the labeling bears, in juxtaposition with the directions for use, clear warning statements against:

(*a*) Application to infants or children under 6 years of age, because serious reactions may occur.

(*b*) Application to children 6 to 12 years of age, except as directed by a physician.

(*c*) Contact with mucous membranes.

(*d*) Use in the event of irritation or failure to obtain prompt relief.

2. Section 130.1 (a) is further amended by adding the following new subparagraph:

(15) Dextromethorphan hydrobromide (dextro-3-methoxy-*N*-methylmorphinan hydrobromide) preparations meeting all the following conditions:

(i) The dextromethorphan hydrobromide is prepared with or without other drugs, in tablet or other dosage form suitable for oral use in self-medication, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The dextromethorphan hydrobromide and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 15 milligrams of dextromethorphan hydrobromide per dosage unit, or if it is in liquid form not more than 3 milligrams of dextromethorphan hydrobromide per milliliter.

(v) The preparation is labeled with adequate directions for use in the temporary relief of cough due to minor conditions in which it is indicated.

(vi) The dosages recommended or suggested in the labeling do not exceed: For adults, 30 milligrams of dextromethorphan hydrobromide per dose or 120 milligrams of dextromethorphan hydrobromide per 24-hour period; for children 4 to 12 years of age, 15 milligrams per dose or 60 milligrams per 24-hour period; for children 2 to 4 years of age, 7.5 milligrams per dose or 30 milligrams per 24-hour period.

(vii) The label bears a conspicuous warning to keep the drug out of the reach of children and the labeling bears, in juxtaposition with the dosage recommendations:

(*a*) A clear warning statement against administration of the drug to children under 2 years of age, except as directed by a physician.

(*b*) Clear warning statements against use of the drug in the presence of high fever or if cough persists, since persistent cough as well as high fever may indicate the presence of a serious condition.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interprets or applies secs. 503, 505, 52 Stat. 1052, 65 Stat. 649; 21 U. S. C. 353, 355)

Dated: June 18, 1956.

GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F. R. Doc. 56-4891; Filed, June 20, 1956; 8:52 a. m.]

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS—TESTS AND METHODS OF ASSAY

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

CRYSTALLINE PENICILLIN-STREPTOMYCIN-(OR DIHYDROSTREPTOMYCIN-) POLYMYXIN-OXYTETRACYCLINE-CARBOMYCIN POWDER VETERINARY

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, 61 Stat. 11; 21 U. S. C. 357) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), the regulations for tests and methods of assay and certification of penicillin and penicillin-containing drugs (21 CFR Parts 141a, 146a) are amended by adding the following new sections:

§ 141a.90 *Crystalline penicillin-streptomycin-polymixin-oxytetracycline - carbomycin powder veterinary; crystalline penicillin - dihydrostreptomycin - polymyxin-oxytetracycline-carbomycin powder veterinary*—(a) *Potency*—(1) *Penicillin content.* Wash the contents of one immediate container of the sample into a 100-milliliter volumetric flask with approximately 70 milliliters of absolute methanol. Shake the mixture for 1 minute, dilute to 100 milliliters with absolute methanol, and mix thoroughly. Centrifuge a portion of this mixture to obtain a clear methanol solution. Dilute an aliquot of the clear solution with sufficient 1.0-percent phosphate buffer, pH 6.0, to obtain a concentration of 1.0 unit per milliliter (estimated) and proceed as directed in § 141a.1. Its content of peni-

cillin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(2) *Oxytetracycline content.* To an aliquot of the clear methanol solution prepared as directed in subparagraph (1) of this paragraph, add sufficient penicillinase to completely inactivate the penicillin and then dilute with sufficient 0.1 *M* monopotassium phosphate buffer, pH 4.5, to obtain a concentration of 0.24 microgram per milliliter (estimated) and proceed as directed in § 141c.218 (a) of this chapter, except use the oxytetracyline working standard as the standard of comparison. Its content of oxytetracycline is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(3) *Carbomycin content.* To an aliquot of the clear methanol solution prepared as directed in subparagraph (1) of this paragraph, add sufficient penicillinase to completely inactivate the penicillin and then dilute with sufficient 0.1 *M* potassium phosphate buffer, pH 8.0, to obtain a concentration of 1.0 microgram per milligram (estimated) and proceed as directed in paragraph (d) (1) of this section. Its content of carbomycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(4) *Streptomycin content.* Using 10 milliliters of a freshly prepared 2-percent solution of anhydrous trichloroacetic acid in acetone, wash the contents of an immediate container of the sample into an extraction funnel prepared by fusing a ground-glass joint to the top of a medium porosity sintered-glass funnel (30 millimeters diameter). Shake the mixture for 1 minute and draw off the liquid under vacuum. Repeat the extraction with four 10-milliliter portions of a 2-percent solution of trichloroacetic acid in acetone and discard the filtrates. Wash the residue in the funnel with five 10-milliliter portions of 0.1 *M* potassium phosphate buffer (pH 8.0), withdrawing the washings with vacuum. Collect and combine the washings and dilute them to 50 milliliters with 0.1 *M* potassium phosphate buffer, pH 8.0. Proceed as directed in § 141b.101 (a) to (i) of this chapter. Its content of streptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(5) *Dihydrostreptomycin content.* Using the dihydrostreptomycin working standard as the standard of comparison, proceed as directed in subparagraph (4) of this paragraph. Its content of dihydrostreptomycin is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(6) *Polymyxin content.* Dilute an aliquot of the buffer washings prepared as directed in subparagraph (4) of this paragraph with sufficient 10-percent potassium phosphate buffer, pH 6.0, to obtain a concentration of 10 units per milliliter (estimated). Proceed as directed in § 141b.112 (b) (1) of this chapter, except that the standard curve is prepared in the following concentrations: 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 units per milliliter in 10-percent potassium phosphate buffer, pH 6.0, the 10 units per milliliter concentration being used as the reference point. Its content of polymyxin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.5 (a) of this chapter.

(c) *Oxytetracycline used in making the powder*—(1) *Potency.* Dilute the sample to be tested with sufficient 0.1 *N* HCl to give an appropriate stock solution. Further dilute with sufficient 0.1 *M* monopotassium phosphate buffer, pH 4.5, to obtain a concentration of 0.24 microgram per milliliter, and proceed as directed in § 141c.201 (a) (8) of this chapter, using the oxytetracycline working standard as the standard of comparison, except:

(i) Prepare the standard stock solution by dissolving an appropriate amount of the working standard in sufficient 0.1 *N* HCl to give a concentration of 1,000 micrograms per millliter. This solution may be kept in the refrigerator for 1 week. Do not freeze.

(ii) To prepare solutions for the standard curve, make further dilution of the stock solution with 0.1 *M* monopotassium phosphate buffer, pH 4.5, to obtain concentrations of 0.08, 0.12, 0.16, 0.20, 0.24, 0.28, 0.32, 0.36, and 0.40 microgram per milliliter.

(2) *Moisture.* Proceed as directed in § 141a.5 (a).

(3) *Toxicity.* Proceed as directed in § 141a.4, using as a test dose 0.5 milliliter of an aqueous solution containing 2.0 milligrams per milliliter, prepared by dissolving 40 milligrams (as the anhydrous compound) in 2.0 milliliters of 0.1 *N* HCl (if it is the base) and diluting with the required amount of water.

(4) *pH.* Proceed as directed in § 141a.5 (b), using an aqueous solution containing 10 milligrams per milliliter.

(5) *Crystallinity.* Proceed as directed in § 141a.5 (c).

(d) *Carbomycin used in making the powder*—(1) *Potency*—(i) *Plate assay*—(*a*) *Cylinders (cups).* Use cylinders described under § 141a.1 (a)

(*b*) *Culture media.* Prepare the culture media for the base and seed layers and for carrying the test organism as directed in § 141a.1 (b) (1), except for the base and seed layers adjust the media to pH 8.0 after sterilization. Make the nutrient broth for preparing an inoculum of the test organism as directed in § 141a.1 (b) (3).

(*c*) *Working standard.* Keep the working standard at refrigeration in tightly stoppered vials, which in turn are kept in larger stoppered vials containing a suitable desiccant. Dry approximately 50 milligrams of the standard as described in § 141a.5 (a). Dissolve the weight of dry working standard in sufficient methyl alcohol to give a concentration of 10,000 micrograms per milliliter. Further dilute with sterile distilled water to give a stock solution of 100 micrograms per milliliter. This stock solution may be kept under refrigeration for 1 week. Make daily dilutions to a concentration of 1 microgram per milliliter using 0.1 *M* potassium phosphate buffer, pH 8.0.

(*d*) *Preparation of sample.* Prepare the sample to be tested by dissolving in a small amount of methyl alcohol and then further dilute in 0.1 *M* phosphate buffer, pH 8.0, to make an appropriate stock solution.

(*e*) *Preparation of suspension.* Proceed as directed in § 141d.301 (a) (5) of this chapter, except add 0.2 milliliter of the adjusted bulk suspension to 100 milliliters of agar that has been melted and cooled to 48° C.

(*f*) *Preparation of plates.* Proceed as directed in § 141d.301 (a) (6) of this chapter.

(*g*) *Assay.* Place six cylinders on the inoculated agar surface so that they are at approximately 60° intervals on a 2.8-centimeter radius. Use three plates for each sample. Fill three cylinders on each plate with the 1.0 microgram per milliliter standard and three cylinders with the sample diluted to 1.0 microgram per milliliter (estimated) in 0.1 *M* potassium phosphate buffer, pH 8.0, alternating standard and sample. At the same time, prepare a standard curve, using concentrations of the standard of 0.6, 0.7, 0.8, 0.9, 1.0, 1.1, 1.2, 1.3, 1.4, and 1.5 micrograms per milliliter. Use three plates for the determination of each concentration on the curve except the 1.0 microgram per milliliter concentration, a total of 27 plates. The 1.0 microgram per milliliter concentration is the reference point of the curve. On each of three plates fill three cylinders with the 1.0 microgram per millliliter standard and the other three cylinders with the concentration of the standard under test. Thus there will be 81 of the 1.0 microgram determinations and nine determinations for each of the other points on the curve. Incubate the plates for 16 to 18 hours at 32° C. to 35° C. and measure the diameters of the circles of inhibition. Average the readings of the 1.0 microgram per milliliter concentrations and the readings of the concentration tested for each set of three plates and average also all 81 readings of the 1.0 microgram per milliliter concentration. The average of the 81 readings of the 1.0 microgram per milliliter concentration is the correction point for the curve. Correct the average value obtained for each concentration to the figure it would be if the average 1.0 microgram per milliliter reading for that set of three plates were the same as the correction point. Thus, if in correction of the 0.8 microgram concentration the average of the 81 readings of the 1.0 microgram concentration is 20.0 millimeters and the average of the 1.0 microgram concentration of this set of three plates is 19.8 millimeters, the correction is +0.2 millimeter.

If the average reading of the 0.8 microgram concentration of these same three plates is 19.0 millimeters, the corrected value is 19.2 millimeters. Plot these corrected values, including the average of the 1.0 microgram per millliter concentration, on two-cycle semilogarithmic paper using the concentration in micrograms per milliliter as the ordinate (the logarithmic scale) and the diameter of the zone of inhibition as the abscissa. Draw the standard curve through these points. To estimate the potency of the sample, average the zone readings of the standard and the zone readings of the sample on the three plates used. If the sample gives a larger zone size than the average of the standard, add the difference between them to the 1.0 microgram per milliliter unit zone on the standard curve. If the average value is lower than the standard value, subtract the difference between them from the 1.0 microgram per milliliter unit value on the curve. From the curves read the potencies corresponding to these corrected values of zone sizes.

(2) *Moisture.* Proceed as directed in § 141a.5 (a).

(3) *Toxicity.* Proceed as directed in § 141a.4, using as a test dose 0.5 milliliter of a solution containing 2 milligrams per milliliter.

(4) *pH.* Using an aqueous solution containing 10 milligrams per milliliter, proceed as directed in § 141a.5 (b).

(5) *Crystallinity.* Proceed as directed in § 141a.5 (c).

§ 146a.112 *Crystalline penicillin-streptomycin - polymyxin - oxytetracycline-carbomycin powder veterinary; crystalline penicillin-dihydrotreptomycin - polymyxin - oxytetracycline - carbomycin powder veterinary*—(a) *Standards of identity, strength, quality, and purity.* Crystalline penicillin-streptomycin - polymyxin - oxytetracycline-carbomycin powder veterinary and crystalline penicillin - dihydrostreptomycin - polymyxin-oxytetracycline-carbomycin powder veterinary are a mixture of crystalline penicillin, streptomycin or dihydrostreptomycin, polymyxin, crystalline oxytetracycline or crystalline oxytetracycline hydrochloride or a combination of these drugs, and crystalline carbomycin, with one or more suitable and harmless diluents. Each immediate container of powder contains not less than 200,000 units of penicillin, not less than 200 milligrams of streptomycin or dihydrostreptomycin, not less than 150,000 units of polymyxin, not less than 425 milligrams of oxytetracycline or oxytetracycline hydrochloride or a combination of these drugs, and not less than 100 milligrams of carbomycin. Its moisture content is not more than 6.0 percent. The crystalline penicillin used conforms to the standards prescribed therefor by § 146a.24 (a) except § 146a.24 (a) (2) and (4). The streptomycin used conforms to the standards prescribed therefor by § 146b.101 (a) of this chapter, except § 146b.101 (a) (2), (4), and (5). The dihydrostreptomycin used conforms to the standards prescribed therefor by § 146b.103 of this chapter, except the standards for sterility, pyrogens, and histamine. The polymyxin B used conforms to the standards prescribed therefor by § 146b.107 (a) of this chapter. The oxytetracycline used is produced by the growth of Streptomyces remosus. The crystalline oxytetracycline base has a potency of not less than 900 micrograms per milligram on the anhydrous basis, is nontoxic, has a moisture content of not more than 7.5 percent, and has a pH of from 5.5 to 7.5. The crystalline oxytetracycline hydrochloride has a potency of not less than 835 micrograms per milligram, is nontoxic, has a moisture content of not more than 1.5 percent, and has a pH of from 2.3 to 2.9. The crystalline carbomycin used is produced by the growth of Streptomyces halstedii, has a potency of not less than 750 micrograms per milligram, has a moisture content of not more than 5.0 percent, has a pH of from 5.0 to 8.0, and is nontoxic. Each other ingredient used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

(b) *Packaging.* In all cases the immediate containers shall be tight containers as defined by the U. S. P. The composition of the immediate containers shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear on its label or labeling, as hereinafter indicated, the following:

(1) On the outside wrapper or container and the immediate container:

(i) The batch mark.

(ii) The number of units of penicillin; the number of milligrams of streptomycin or dihydrostreptomycin; the number of units of polymyxin; the number of milligrams of oxytetracycline, oxytetracycline hydrochloride, or the number of milligrams of each such drug where a combination of these two drugs is used; and the number of milligrams of carbomycin, in each gram of the batch.

(iii) The statement "For udder instillation of cattle only."

(iv) The statement "Expiration date ----------," the blank being filled in with the date that is 24 months after the month during which the batch was certified: *Provided, however,* That such expiration date may be omitted from the immediate container if such immediate container is packaged in an individual wrapper or container.

(v) On the circular or other labeling within or attached to the package, adequate directions and warnings for the veterinary use of such drug by the laity. Such circular or other labeling may also bear a statement that a brochure or other printed matter containing information for other veterinary uses of such drug by a veterinarian licensed by law to administer it will be sent to such veterinarian on request.

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in such batch, the batch mark and (unless they were previously submitted) the dates of the latest tests and assays of the penicillin, streptomycin or dihydrostreptomycin, polymyxin, oxytetracycline, oxytetracycline hydrochloride, and carbomycin used in making the batch.

(2) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request results of the tests and assays listed after each of the following, made by him on an accurately representative sample of:

(i) The batch: Potency and moisture.

(ii) The penicillin used in making the batch: Potency, toxicity, moisture, pH, crystallinity, and heat stability.

(iii) The streptomycin or dihydrostreptomycin used in making the batch: Potency, toxicity, moisture, pH, streptomycin content if it is dihydrostreptomycin, and crystallinity if it is crystalline dihydrostreptomycin sulfate.

(iv) The polymyxin used in making the batch: Potency and toxicity.

(v) The oxytetracycline and oxytetracycline hydrochloride used in making the batch: Potency, moisture, toxicity, pH, and crystallinity.

(vi) The carbomycin used in making the batch: Potency, moisture, toxicity, pH, and crystallinity.

(3) Except as otherwise provided by subparagraph (4) of this paragraph, such person shall submit in connection with his request, in the quantities hereinafter indicated, accurately representative samples of the following:

(i) The batch: 1 package for each 5,000 packages in the batch, but in no case less than 6 packages or more than 12 packages.

(ii) The penicillin used in making the batch: 10 packages each containing equal portions of not less than 60 milligrams.

(iii) The streptomycin or dihydrostreptomycin used in making the batch: 5 packages each containing approximately equal portions of not less than 0.5 gram.

(iv) The polymyxin used in making the batch: 5 packages each containing approximately equal portions of not less than 0.5 gram.

(v) The oxytetracycline used in making the batch: 5 packages of each salt used, each containing approximately equal portions of not less than 0.5 gram.

(vi) The carbomycin used in making the batch; 5 packages each containing approximately equal portions of not less than 0.5 gram.

(vii) In case of an initial request for certification, each other ingredient used in making the batch: 1 package of each containing approximately 5 grams.

(4) No result referred to in subparagraph (2) (ii), (iii), (iv), (v), and (vi) of this paragraph, and no samples referred to in subparagraph (3) (ii), (iii), (iv), (v), and (vi) of this paragraph, is required if such result or samples have been previously submitted.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each package in the samples submitted in accordance with paragraph (d) (3) of this section.

(2) If the Commissioner considers that investigations other than examination of such packages are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371)

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

*Effective date.* This order shall be effective on the date of publication of this order in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

Dated: June 15, 1956.

[SEAL] GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F. R. Doc. 56-4861; Filed, June 20, 1956; 8:45 a. m.]

## TITLE 45—PUBLIC WELFARE

### Chapter I—Office of Education, Department of Health, Education and Welfare

PART 110—FEDERAL ASSISTANCE IN THE CONSTRUCTION OF MINIMUM SCHOOL FACILITIES UNDER TITLE III IN AREAS AFFECTED BY FEDERAL ACTIVITIES WITH RESPECT TO APPLICATIONS FILED AFTER JULY 15, 1955

FINAL DEADLINE FOR APPLICATIONS WITH RESPECT TO FUNDS AVAILABLE OR TO BE MADE AVAILABLE DURING FISCAL YEAR 1956

Subpart B of Part 110, 45 CFR (20 F. R. 7607, October 12, 1955) issued pursuant to title III (except sections 304 (b) and 308 (b) thereof) of Public Law 815, 81st Congress (64 Stat. 967) as added by Public Law 246, 83d Congress (67 Stat. 522) and as amended by Public Law 731, 83d Congress (68 Stat. 1005), and by Public Law 382, 84th Congress (69 Stat. 713), is hereby amended by inserting in § 110.21 the words, "or to be made available" immediately after the phrase "from funds then available," in order to provide for the possibility that funds appropriated after June 30, 1956, might become available to pay applications not reached on the priority list because of insufficient funds. The amended § 110.21 reads as follows:

§ 110.21 *Final deadline for applications with respect to funds available or to be made available during fiscal year 1956.* Pursuant to section 303 of the act, June 30, 1956, is fixed as the date on or before which all complete applications for payments to which applicants may be entitled under title III (except sections 304 (b) and 308 (b) thereof) from funds then available or to be made available shall be filed. Complete applications heretofore filed in compliance with the act since June 30, 1954, and for which funds have not been reserved shall be considered as filed for the purposes of this section subject to the right of the applicant to modify or amend the same on or before June 30, 1956. Payments under section 304 (b) will be made upon request of the local educational agency filed within 90 days after the date on which funds are appropriated to make such payments.



(Sec. 208, 64 Stat. 975; 20 U. S. C. 278)

[SEAL] S. M. BROWNELL,
*United States Commissioner of Education.*

Approved: June 15, 1956.

HEROLD C. HUNT,
*Acting Secretary of Health, Education and Welfare.*

[F. R. Doc. 56-4892; Filed, June 20, 1956; 8:52 a. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### [ 26 CFR (1954) Part 1 ]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 1, 1953

RESEARCH AND EXPERIMENTAL EXPENDITURES

Notice is hereby given, pursuant to the Admnistrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 174 (b) and 7805 of the Internal Revenue Code of 1954 (68A Stat. 66, 917; 26 U. S. C. 174 (b), 7805).

[SEAL] RUSSELL C. HARRINGTON,
*Commissioner of Internal Revenue.*

The following regulations relating to research and experimental expenditures are hereby promulgated under section 174 of the Internal Revenue Code of 1954, and are effective for taxable years beginning after December 31, 1953, and ending after August 16, 1954, except that the regulations under section 174 (b) are effective for any taxable year beginning after December 31, 1953:

Sec.
1.174 Statutory provisions; research and experimental expenditures.
1.174–1 Research and experimental expenditures; in general.
1.174–2 Definition of research and experimental expenditures.
1.174–3 Treatment as expenses.
1.174–4 Treatment as deferred expenses.

§ 1.174 *Statutory provisions; research and experimental expenditures.*

SEC. 174. *Research and experimental expenditures*—(a) *Treatment as expenses*—(1) *In general.* A taxpayer may treat research or experimental expenditures which are paid or incurred by him during the taxable year in connection with his trade or business as expenses which are not chargeable to capital account. The expenditures so treated shall be allowed as a deduction.

(2) *When method may be adopted*—(A) *Without consent.* A taxpayer may, without the consent of the Secretary or his delegate, adopt the method provided in this subsection for his first taxable year—

(i) Which begins after December 31, 1953, and ends after the date on which this title is enacted, and

(ii) For which expenditures described in paragraph (1) are paid or incurred.

(B) *With consent.* A taxpayer may, with the consent of the Secretary or his delegate, adopt at any time the method provided in this subsection.

(3) *Scope.* The method adopted under this subsection shall apply to all expenditures described in paragraph (1). The method adopted shall be adhered to in computing taxable income for the taxable year and for all subsequent taxable years unless, with the approval of the Secretary or his delegate, a change to a different method is authorized with respect to part or all of such expenditures.

(b) *Amortization of certain research and experimental expenditures*—(1) *In general.* At the election of the taxpayer, made in accordance with regulations prescribed by the Secretary or his delegate, research or experimental expenditures which are—

(A) Paid or incurred by the taxpayer in connection with his trade or business,

(B) Not treated as expenses under subsection (a), and

(C) Chargeable to capital account but not chargeable to property of a character which is subject to the allowance under section 167 (relating to allowance for depreciation, etc.) or section 611 (relating to allowance for depletion),

may be treated as deferred expenses. In computing taxable income, such deferred expenses shall be allowed as a deduction ratably over such period of not less than 60 months as may be selected by the taxpayer (beginning with the month in which the taxpayer first realizes benefits from such expenditures). Such deferred expenses are expenditures properly chargeable to capital account for purposes of section 1016 (a) (1) (relating to adjustments to basis of property).

(2) *Time for and scope of election.* The election provided by paragraph (1) may be made for any taxable year beginning after December 31, 1953, but only if made not later than the time prescribed by law for filing the return for such taxable year (including extensions thereof). The method so elected, and the period selected by the taxpayer, shall be adhered to in computing taxable income for the taxable year for which the election is made and for all subsequent taxable years unless, with the approval of the Secretary or his delegate, a change to a different method (or to a different period) is authorized with respect to part or all of such expenditures. The election shall not apply to any expenditure paid or incurred during any taxable year before the taxable year for which the taxpayer makes the election.

(c) *Land and other property.* This section shall not apply to any expenditure for the acquisition or improvement of land, or for the acquisition or improvement of property to be used in connection with the research or experimentation and of a character which is subject to the allowance under section 167 (relating to allowance for depreciation, etc.) or section 611 (relating to allowance for depletion); but for purposes of this section allowances under section 167, and allowances under section 611, shall be considered as expenditures.

(d) *Exploration expenditures.* This section shall not apply to any expenditure paid or incurred for the purpose of ascertaining the existence, location, extent, or quality of any deposit of ore or other mineral (including oil and gas).

(e) *Cross reference.* For adjustments to basis of property for amounts allowed as deductions as deferred expenses under subsection (b), see section 1016 (a) (14).

§ 1.174–1 *Research and experimental expenditures; in general.* Section 174 provides two methods for treating research or experimental expenditures paid or incurred by the taxpayer in connection with his trade or business. These expenditures may be treated as expenses not chargeable to capital account and deducted in the year in which they are paid or incurred (see § 1.174–3), or they may be deferred and amortized (see § 1.174–4). Research or experimental expenditures which are neither treated as expenses nor deferred and amortized under section 174 are not deductible as trade and business expenses under section 162. The expenditures to which section 174 applies may relate either to a general research program or to a particular project. See § 1.174–2 for the definition of research and experimental expenditures. The term "paid or incurred", as used in section 174 and in §§ 1.174–1 to 1.174–4, inclusive, is to be construed according to the method of accounting used by the taxpayer in computing taxable income. See section 7701 (a) (25).

§ 1.174–2 *Definition of research and experimental expenditures*—(a) *In general.* The term "research or experimental expenditures", as used in section 174, means expenditures incurred in connection with the taxpayer's trade or business which are not deductible under any other provision of the internal revenue laws and which represent research and development costs in the experimental or laboratory sense. The term includes generally all such costs incident to the development of an experimental or pilot model, a plant process, a product, a formula, an invention, or similar property, and the improvement of already existing property of the type mentioned. The term does not include, for example, ordinary trade or business expenses (such as expenditures for the ordinary testing or inspection of materials or products for quality control) or expenditures for efficiency surveys, management studies, consumer surveys, and advertising and promotions; nor does it include expenditures leading toward the creation or acquisition of goodwill, or like expenditures. Furthermore, the term does not include the cost of obtaining a patent or copyright, such as legal fees expended in making and perfecting a patent application; nor does it include the cost of acquiring another's patent, copyright, model, product, or process, or expenditures paid or incurred for research connected with literary, historical, or similar projects. The provisions of this section apply not only to costs paid or incurred by the taxpayer for research or experimentation undertaken directly by him but also to expenditures paid or incurred for research or experimentation carried on in his behalf by another person or organization (such as a research institute, foundation, engineering company, or similar contractor), but only to the extent that the activities for which the expenditures are made are of a type which would in general result in expenditures under section 174 if they had been undertaken directly by the taxpayer.

(b) *Certain expenditures with respect to land and other property.* (1) Generally, expenditures by the taxpayer for the acquisition or improvement of land, or for the acquisition or improvement of property which is subject to an allowance for depreciation under section 167 or depletion under section 611, are not deductible under section 174, irrespective of the fact that the property or improvements may be used by the taxpayer in connection with research or experimentation. However, alowances for depreciation or depletion of property are considered as research or experimental expenditures which may be amortized under section 174 (b) to the extent that the property to which the allowances relate is used in connection with research or experimentation. If any part of the cost of acquisition or improvement of depreciable property is attributable to research or experimentation (whether made by the taxpayer or another), see subparagraphs (2), (3), and (4) of this paragraph.

(2) Expenditures for research or experimentation may be allowable as a current expense deduction under section 174 (a) even though they result, as an end product of the research or experimentation, in depreciable property to be used in the taxpayer's trade or business. Such expenditures cannot be amortized under section 174 (b) except to the extent provided in § 1.174–4 (a) (4).

(3) If expenditures for research or experimentation are incurred in connection with the construction or manufacture of depreciable property by another, they are deductible under section 174 (a) only if made upon the taxpayer's order and at his risk. No deduction will be allowed (i) if the taxpayer purchases another's product under a performance guarantee (whether express, implied, or imposed by local law) unless the guarantee is limited, to engineering specifications or otherwise, in such a way that economic utility is not taken into account; or (ii) for any part of the purchase price of a product in regular production. For example, if a taxpayer orders a specially-built automatic milling machine under a guarantee that the machine will be capable of producing a given number of units per hour, no portion of the expenditure is deductible since none of it is made at the taxpayer's risk. Similarly, no deductible expense is incurred if a taxpayer enters into a contract for the construction of a new type of chemical processing plant under a turn-key contract guaranteeing a given annual production and a given consumption of raw material and fuel per unit. On the other hand, if the contract contained no guarantee of quality of production and of quantity of units in relation to consumption of raw material and fuel, and if real doubt existed as to the capabilities of the process, expenses for research or experimentation under the contract are at the taxpayer's risk and are deductible under section 174 (a).

(4) The deductions referred to in subparagraphs (2) and (3) of this paragraph for expenditures in connection with the acquisition or production of depreciable property to be used in the taxpayer's trade or business are limited to amounts expended for research or experimentation. For the purpose of the preceding sentence, amounts expended for research or experimentation do not include the costs of the component materials of the depreciable property, the costs of labor or other elements involved in its construction and installation, or costs attributable to the acquisition or improvement of the property.

(c) *Exploration expenditures.* The provisions of section 174 are not applicable to any expenditures paid or incurred for the purpose of ascertaining the existence, location, extent, or quality of any deposit of ore, oil, gas or other mineral. See sections 615 and 263.

§ 1.174–3 *Treatment as expenses*—(a) *In general.* Research or experimental expenditures paid or incurred by a taxpayer during the taxable year in connection with his trade or business are deductible as expenses, and are not chargeable to capital account, if the taxpayer adopts the method provided in section 174 (a). See paragraph (b) of this section. If adopted, the method shall apply to all research and experimental expenditures paid or incurred in the taxable year of adoption and all subsequent taxable years, unless a different method is authorized by the Commissioner under section 174 (a) (3) with respect to part or all of the expenditures. See paragraph (b) (3) of this section. Thus, if a change to the deferred expense method under section 174 (b) is authorized by the Commissioner with respect to research or experimental expenditures attributable to a particular project or projects, the taxpayer, for the taxable year of the change and for subsequent taxable years, must apply the deferred expense method to all such expenditures paid or incurred during any of those taxable years in connection with the particular project or projects, even though all other research and experimental expenditures are required to be deducted as current expenses under this section. In no event will the taxpayer be permitted to adopt the method described in this section as to part of the expenditures relative to a particular project and adopt a different method of treating the

balance of the expenditures relating to the same project.

(b) *Adoption and change of method*—(1) *Adoption without consent.* The method described in this section may be adopted for any taxable year beginning after December 31, 1953, and ending after August 16, 1954. The consent of the Commissioner is not required if the taxpayer adopts the method for the first such taxable year in which he pays or incurs research or experimental expenditures. The taxpayer may do so by stating in his income tax return that he is adopting the method of treating research or experimental expenditures as expenses under section 174 (a). If the taxpayer fails to adopt the method for the first taxable year in which he incurs such expenditures, he cannot do so in subsequent taxable years unless he obtains the consent of the Commissioner under section 174 (a) (2) (B) and subparagraph (2) of this paragraph. See, however, subparagraph (4) of this paragraph, relating to extensions of time.

(2) *Adoption with consent.* A taxpayer may, with the consent of the Commissioner, adopt at any time the method provided in section 174 (a). The method adopted in this manner shall be applicable only to expenditures paid or incurred during the taxable year for which the request is made and in subsequent taxable years. A request to adopt this method shall be in writing and shall be addressed to the Commissioner of Internal Revenue, Attention: T:R, Washington 25, D. C. The request shall set forth the name and address of the taxpayer, the first taxable year for which the adoption of the method is requested, and a description of the project or projects with respect to which research or experimental expenditures are to be, or have already been, paid or incurred. The request shall be signed by the taxpayer (or his duly authorized representative) and shall be filed not later than the last day of the first taxable year for which the adoption of the method is requested. See, however, subparagraph (4) of this paragraph, relating to extensions of time.

(3) *Change of method.* An application for permission to change to a different method of treating research or experimental expenditures shall be in writing and shall be addressed to the Commissioner of Internal Revenue, Attention: T:R, Washington 25, D. C. The application shall include the name and address of the taxpayer, shall be signed by the taxpayer (or his duly authorized representative), and shall be filed not later than the last day of the first taxable year for which the change in method is to apply. See, however, subparagraph (4) of this paragraph, relating to extensions of time. The application shall—

(i) State the first year to which the requested change is to be applicable;

(ii) State whether the change is to apply to all research or experimental expenditures paid or incurred by the taxpayer, or only to expenditures attributable to a particular project or projects;

(iii) Include such information as will identify the project or projects to which the change is applicable;

(iv) Indicate the number of months (not less than 60) selected for amortization of the expenditures, if any, which are to be treated as deferred expenses under section 174 (b);

(v) State that, upon approval of the application, the taxpayer will make an accounting segregation on his books and records of the research or experimental expenditures to which the change in method is to apply; and

(vi) State the reasons for the change. If permission is granted to make the change, the taxpayer shall attach a copy of the letter granting permission to his income tax return for the first taxable year in which the different method is effective.

(4) *Special rules.* If the last day prescribed by law for filing a return for any taxable year (including extensions thereof) to which section 174 (a) is applicable falls before the ninetieth day after the date the regulations under section 174 are published in the FEDERAL REGISTER, consent is hereby given for the taxpayer to adopt the expense method or to change from the expense method to a different method, provided that on or before such ninetieth day he submits to the district director for the district in which the return was filed the information required by subparagraph (1) of this paragraph or the information required by subparagraph (3) of this paragraph, whichever is applicable. For any taxable year for which the expense method or a different method is adopted pursuant to this subparagraph, an amended return reflecting such method shall be filed on or before such ninetieth day.

§ 1.174–4 *Treatment as deferred expenses*—(a) *In general.* (1) If a taxpayer has not adopted the method provided in section 174 (a) of treating research or experimental expenditures paid or incurred by him in connection with his trade or business as currently deductible expenses, he may, for any taxable year beginning after December 31, 1953, elect to treat such expenses as deferred expenses under section 174 (b), subject to the limitations of subparagraph (2) of this paragraph. If a taxpayer has adopted the method of treating such expenditures as expenses under section 174 (a), he may not elect to defer and amortize any such expenditures unless permission to do so is granted under section 174 (a) (3). See paragraph (b) of this section.

(2) The election to treat research or experimental expenditures as deferred expenses under section 174 (b) applies only to those expenditures which are chargeable to capital account but which are not chargeable to property of a character subject to an allowance for depreciation or depletion under section 167 or 611, respectively. Thus, the election under section 174 (b) applies only if the property resulting from the research or experimental expenditures has no determinable useful life. If the property resulting from the expenditures has a determinable useful life, section 174 (b) is not applicable, and the capitalized expenditures must be amortized or depreciated over the determinable useful life. Amounts treated as deferred expenses are properly chargeable to capital account for purposes of section 1016 (a) (1), relating to adjustments to basis of property. See section 1016 (a) (14). See section 174 (c) and § 1.174–2 (b) (1) for treatment of expenditures for the acquisition or improvement of land or of depreciable or depletable property to be used in connection with the research or experimentation.

(3) Expenditures which are treated as deferred expenses under section 174 (b) are allowable as a deduction ratably over a period of not less than 60 consecutive months beginning with the month in which the taxpayer first realizes benefits from the expenditures. The length of the period shall be selected by the taxpayer at the time he makes the election to defer the expenditures. If a taxpayer has two or more separate projects, he may select a different amortization period for each project. In the absence of a showing to the contrary, the taxpayer will be deemed to have begun to realize benefits from the deferred expenditures in the month in which the taxpayer first puts the process, formula, invention, or similar property to which the expenditures relate to an income-producing use. See section 1016 (a) (14) for adjustments to basis of property for amounts allowed as deductions under section 174 (b) and this section. See section 165 and the regulations thereunder for rules relating to the treatment of losses resulting from abandonment.

(4) If expenditures which the taxpayer has elected to defer and deduct ratably over a period of time in accordance with section 174 (b) result in the development of depreciable property, deductions for the unrecovered expenditures, beginning with the time the asset becomes depreciable in character, shall be determined under section 167 (relating to depreciation) and the regulations thereunder. For example, for the taxable year 1954, A, who reports his income on the basis of a calendar year, elects to defer and deduct ratably over a period of 60 months research and experimental expenditures made in connection with a particular project. In 1956, the total of the deferred expenditures amounts to $60,000. At that time, A has developed a process which he seeks to patent. On July 1, 1956, A first realized benefits from the marketing of products resulting from this process. Therefore, the expenditures deferred are deductible ratably over the 60-month period beginning with July 1, 1956 (when A first realized benefits from the project). In his return for the year 1956, A deducted $6,000; in 1957, A deducted $12,000 ($1,000 per month). On July 1, 1958, a patent protecting his process is obtained by A. In his return for 1958, A is entitled to a deduction of $6,000, representing the amortizable portion of the deferred expenses attributable to the period prior to July 1, 1958. The balance of the unrecovered expenditures ($60,000 minus $24,000, or $36,000) is to be recovered as a depreciation deduction over the life of the patent commencing with July 1, 1958. Thus, one-half of the annual depreciation deduction based upon the useful life of the patent is also



deductible for 1958 (from July 1 to December 31).

(5) The election shall be applicable to all research and experimental expenditures paid or incurred by the taxpayer or, if so limited by the taxpayer's election, to all such expenditures with respect to the particular project, subject to the limitations of subparagraph (2) of this paragraph. The election shall apply for the taxable year for which the election is made and for all subsequent taxable years, unless a change to a different treatment is authorized by the Commissioner under section 174 (b) (2). See paragraph (b) (2) of this section. Likewise, the taxpayer shall adhere to the amortization period selected at the time of the election unless a different period of amortization with respect to a part or all of the expenditures is similarly authorized. However, no change in method will be permitted with respect to expenditures paid or incurred before the taxable year to which the change is to apply. In no event will the taxpayer be permitted to treat part of the expenditures with respect to a particular project as deferred expenses under section 174 (b) and to adopt a different method of treating the balance of the expenditures relating to the same project for the same taxable year. The election under this section shall not apply to any expenditures paid or incurred before the taxable year for which the taxpayer makes the election.

(b) *Election and change of method*—(1) *Election.* The election under section 174 (b) shall be made not later than the time (including extensions) prescribed by law for filing the return for the taxable year for which the method is to be adopted. The election shall be made by attaching a statement to the taxpayer's return for the first taxable year to which the election is applicable. The statement shall be signed by the taxpayer (or his duly authorized representative), and shall—

(i) Set forth the name and address of the taxpayer;

(ii) Designate the first taxable year to which the election is to apply;

(iii) State whether the election is intended to apply to all expenditures within the permissible scope of the election, or only to a particular project or projects, and, if the latter, include such information as will identify the project or projects as to which the election is to apply;

(iv) Set forth the amount of all research or experimental expenditures paid or incurred during the taxable year for which the election is made;

(v) Indicate the number of months (not less than 60) selected for amortization of the deferred expenses for each project; and

(vi) State that the taxpayer will make an accounting segregation in his books and records of the expenditures to which the election relates.

(2) *Change to a different method or period.* Application for permission to change to a different method of treating research or experimental expenditures or to a different period of amortization for deferred expenses shall be in writing and shall be addressed to the Commissioner of Internal Revenue, Attention: T:R, Washington 25, D. C. The application shall include the name and address of the taxpayer, shall be signed by the taxpayer (or his duly authorized representative), and shall be filed not later than the end of the first taxable year in which the different method or different amortization period is to be used (unless subparagraph (3) of this paragraph, relating to extensions of time, is applicable). The application shall set forth the following information with regard to the research or experimental expenditures which are being treated under section 174 (b) as deferred expenses:

(i) Total amount of research or experimental expenditures attributable to each project;

(ii) Amortization period applicable to each project; and

(ii) Unamortized expenditures attributable to each project at the beginning of the taxable year in which the application is filed.

In addition, the application shall set forth the length of the new period or periods proposed, or the new method of treatment proposed, the reasons for the proposed change, and such information as will identify the project or projects to which the expenditures affected by the change relate. If permission is granted to make the change, the taxpayer shall attach a copy of the letter granting the permission to his income tax return for the first taxable year in which the different method or period is to be effective.

(3) *Special rules.* If the last day prescribed by law for filing a return for any taxable year for which the deferred method provided in section 174 (b) has been adopted falls before the ninetieth day after the date the regulations under section 174 are published in the FEDERAL REGISTER, consent is hereby given for the the taxpayer to change from such method and adopt a different method of treating research or experimental expenditures, provided that on or before such ninetieth day he submits to the district director for the district in which the return was filed the information required by subparagraph (2) of this paragraph, relating to a change to a different method or period. For any taxable year for which the different method is adopted pursuant to this subparagraph, an amended return reflecting such method shall be filed on or before such ninetieth day.

(c) *Transferee taxpayers.* Amounts chargeable to capital account under section 174 (b) and reflected in the basis (determined under section 1016 (a)) of property transferred to another taxpayer succeeding to the transferor's basis shall be allowed as a deduction to the transferee ratably over the period (or remaining period) selected by the transferor in his election under section 174 (b). The transferee may, with the permission of the Commissioner, change to a different method, or to a different period of amortization, but may not change the method of treating expenditures paid or incurred before the taxable year to which the change is to apply. See paragraph (b) (2) of this section.

(d) *Example.* The application of this section is illustrated by the following example:

*Example.* N Corporation is engaged in the business of manufacturing chemical products. On January 1, 1955, work is begun on a special research project. N Corporation elects, pursuant to section 174 (b), to defer the expenditures relating to the special project and to amortize the expenditures over a period of 72 months beginning with the month in which benefits from the expenditures are first realized. On January 1, 1955, N Corporation also purchased for $57,600 a building having a remaining useful life of 12 years as of the date of purchase and no salvage value at the end of the period. Fifty percent of the building's facilities are to be used in connection with the special research project. During 1955, N Corporation pays or incurs the following expenditures relating to the special research project:

| | |
|---|---|
| Salaries | $15,000 |
| Heat, light and power | 700 |
| Drawings | 2,000 |
| Models | 6,500 |
| Laboratory materials | 8,000 |
| Attorneys' fees | 1,400 |
| Depreciation on building attributable to project (50 percent of $4,800 allowable depreciation) | 2,400 |
| Total research and development expenditures | 36,000 |

The above expenditures result in a process which is marketable but not patentable and which has no determinable useful life. N Corporation first realizes benefits from the process in January 1956. N Corporation is entitled to deduct the amount of $6,000 ($\frac{\$36,000 \times 12 \text{ months}}{72 \text{ months}}$) as deferred expenses under section 174 (b) in computing taxable income for 1956.

[F. R. Doc. 56–4890; Filed, June 20, 1956; 8:52 a. m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### [ 7 CFR Part 52 ]

### FROZEN SWEET PEPPERS[1]

### UNITED STATES STANDARDS FOR GRADES

Notice is hereby given that the United States Department of Agriculture is considering the issuance of United States Standards for Grades of Frozen Sweet Peppers pursuant to the authority contained in the Agricultural Marketing Act of 1946, (60 Stat. 1087 et seq., 7 U. S. C. 1621 et seq.). These standards, if made effective, will be the first issue by the Department of grade standards for this product.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U. S. Department of Agriculture, Washington 25, D. C., not later than 60 days after publication hereof in the FEDERAL REGISTER.

[1] Compliance with these standards does not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

The proposed standards are as follows:

PRODUCT DESCRIPTION, STYLES, AND GRADES

Sec.
52.3001 Product description.
52.3002 Types of frozen sweet peppers.
52.3003 Styles of frozen sweet peppers.
52.3004 Grades of frozen sweet peppers.

FACTORS OF QUALITY

52.3005 Ascertaining the grade.
52.3006 Ascertaining the rating for the factors which are scored.
52.3007 Color.
52.3008 Uniformity of size and symmetry.
52.3009 Defects.
52.3010 Character.

LOT CERTIFICATION TOLERANCES

52.3011 Tolerances for certification of officially drawn samples.

SCORE SHEET

52.3012 Score sheet for frozen sweet peppers.

AUTHORITY: §§ 52.3001 to 52.3012 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

PRODUCT DESCRIPTION, STYLES, AND GRADES

§ 52.3001 *Product description.* "Frozen sweet peppers" is the frozen product prepared from fresh, clean, sound, firm pods of the common commercial varieties of sweet peppers, which have been properly prepared, may or may not be blanched and are then frozen in accordance with good commercial practice and maintained at temperatures necessary for the preservation of the product.

§ 52.3002 *Types of frozen sweet peppers.* (a) Type I, green.

(b) Type II, red.

(c) Type III, mixed (green and red).

§ 52.3003 *Styles of frozen sweet peppers.* (a) "Whole stemmed" means whole unpeeled pepper pods with stem and core removed.

(b) "Whole unstemmed" means whole unpeeled pepper pods with stems trimmed to not more than ½ inch length.

(c) "Halved" means whole stemmed, unpeeled, pepper pods which have been cut approximately in half from stem to blossom end.

(d) "Sliced" means whole stemmed, unpeeled pepper pods or pieces of pepper pods which have been cut into strips.

(e) "Diced" means whole stemmed, unpeeled pepper pods or pieces of pepper pods which have been cut into approximate square pieces.

(f) "Unit" means a whole unpeeled pepper pod or portion of a pepper pod in frozen sweet peppers.

§ 52.3004 *Grades of frozen sweet peppers.* (a) "U. S. Grade A" or "U. S. Fancy" is the quality of frozen sweet peppers that possess similar varietal characteristics; that possess a normal flavor; that possess a good color; that are practically uniform in size and symmetry; that are practically free from defects; that possess a good character; and for those factors which are scored in accordance with the scoring system outlined in this subpart the total score is not less than 85 points: *Provided*, That the frozen sweet peppers may be reasonably uniform in size and symmetry if the total score is not less than 85 points.

(b) "U. S. Grade B" or "U. S. Extra Standard" is the quality of frozen sweet peppers that possess similar varietal characteristics; that possess a normal flavor; that possess a reasonably good color; that are reasonably uniform in size and symmetry; that are reasonably free from defects; that possess a reasonably good character; and that score not less than 70 points when scored in accordance with the scoring system outlined in this subpart.

(c) "Substandard" is the quality of frozen sweet peppers that fail to meet the requirements of U. S. Grade B or U. S. Extra Standard.



FACTORS OF QUALITY

§ 52.3005 *Ascertaining the grade.*—(a) *General.* In addition to considering other requirements outlined in the standards the following quality factors are evaluated:

(1) *Factors not rated by score points.*

(i) Varietal characteristics.

(ii) Flavor.

(2) *Factors rated by score points.* The relative importance of each factor which is scored is expressed numerically on the scale of 100. The maximum number of points that may be given such factors are:

| Factors: | Points |
|---|---|
| Color | 20 |
| Uniformity of size and symmetry | 20 |
| Defects | 30 |
| Character | 30 |
| Total score | 100 |

The evaluation of the factor of quality is made immediately after thawing to the extent that the product is substantially free from ice crystals and can be handled as individual units.

(b) *Normal flavor.* "Normal flavor" means that the product is free from objectionable flavor and objectionable odors of any kind.

§ 52.3006 *Ascertaining the rating for the factors which are scored.* The essential variations within each factor which is scored are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor which is scored is inclusive. (For example, "27 to 30 points" means 27, 28, 29, or 30 points).

§ 52.3007 *Color.*—(a) *General.* The color of frozen sweet peppers has reference to the predominating and characteristic color of the exterior surface of the units of frozen sweet peppers.

(b) (*A*) *classification.* Frozen sweet peppers that possess a good color may be given a score of 17 to 20 points. "Good color" means a good characteristic bright color for the type and that variation from the predominating color of the type does not materially effect the appearance of the product.

(c) (*B*) *classification.* Frozen sweet peppers that possess a reasonably good color a score of 14 to 16 points may be given. Frozen sweet peppers that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard, regardless of the total score for the product (this is a limiting rule). "Reasonably good color" means a reasonably bright characteristic color for the type and that variation from the predominating color of the type does not seriously affect the appearance of the product.

(d) (*SStd.*) *classification.* Frozen sweet peppers that fail to meet the requirements of paragraph (c) of this section or are definitely off color for any reason may be given a score of 0 to 13 points and shall not be graded above Substandard regardless of the total score for the product (this is a limiting rule).

§ 52.3008 *Uniformity of size and symmetry.*—(a) *General.* Uniformity of size and symmetry refers to the degree of variation in size and symmetry of the units in the respective styles of frozen sweet peppers.

(b) (*A*) *classification.* Frozen sweet peppers that are practically uniform in size and symmetry may be given a score of 17 to 20 points. "Practically uniform in size and symmetry" has the following meanings with respect to the following styles of frozen sweet peppers:

(1) *Whole stemmed; whole unstemmed; halved.* Not less than 90 percent, by count, of the pods shall be at least 2½ inches in length, exclusive of the stem, and 2½ inches in diameter and shall be practically uniform in size and symmetry.

(2) *Sliced.* The units are practically uniform in size and the aggregate weight of all strips less than 1¼ inches in length does not exceed 20 percent, by weight, of all the units.

(3) *Diced.* The units are practically uniform in size and the aggregate weight of all the units which are noticeably smaller than one-half the area of an average sized unit and of all markedly large and irregular-shaped units does not exceed 10 percent, by weight, of all the units.

(c) (*B*) *classification.* If the frozen sweet peppers are reasonably uniform in size and symmetry a score of 14 to 16 points may be given. "Reasonably uniform in size and symmetry" has the following meanings with respect to the following styles of frozen sweet peppers:

(1) *Whole stemmed; whole unstemmed; halved.* Not less than 80 percent, by count, of the pods shall be at least 2½ inches in length, exclusive of the stem, and 2½ inches in diameter and shall be reasonably uniform in size and symmetry.

(2) *Sliced.* The units are reasonably uniform in size and the aggregate weight of all strips less than 1¼ inches in length does not exceed 30 percent, by weight, of all the units.

(3) *Diced.* The units are reasonably uniform in size and the aggregate weight of all units which are noticeably smaller than one-half the area of an average sized unit and of all markedly large and irregular-shaped units does not exceed 20 percent, by weight, of all the units.

(d) (*SStd.*) *classification.* Frozen sweet peppers that fail to meet the requirements of paragraph (c) of this section may be given a score of 0 to 13 points and shall not be graded above Substandard regardless of the total score for the product (this is a limiting rule).

§ 52.3009 *Defects.*—(a) *General.* The factor of defects refers to the freedom from grit, sand, or silt; the trimming; and damaged and seriously damaged units.

(1) "Grit, sand, or silt" means any particle of earthy material.

(2) "Well trimmed" means that the unit is free from gouges or knife marks and with respect to whole untrimmed style that the stem is trimmed to not more than one-half inch and with respect to whole trimmed and halved styles that the stem, core, seeds and placenta tissue are neatly removed so as to retain substantially the appearance of a whole or halved unit.

(3) "Reasonably well trimmed" means that the unit is practically free from gouges or knife marks and with respect to whole untrimmed style that the stem is trimmed to not more than one-half inch and with respect to whole trimmed and halved styles the stem, core, seeds and placenta tissue have been removed so as to retain to a reasonable extent the appearance of a whole or halved unit.

(4) "Damage" means any injury or blemish which materially affects the appearance or eating quality of the unit.

(5) "Serious damage" means any injury or blemish which seriously affects the appearance or eating quality of the unit.

(b) (*A*) *classification.* Frozen sweet peppers that are practically free from defects may be given a score of 26 to 30 points. "Practically free from defects" means that the pods in whole unstemmed, whole stemmed, and halved styles are well trimmed; that no grit, sand, or silt may be present that affects the appearance and eating quality; and that damaged and seriously damaged units do not materially affect the appearance and eating quality of the product.

(c) (*B*) *classification.* Frozen sweet peppers that are reasonably free from defects may be given a score of 21 to 25 points. Frozen sweet peppers that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard regardless of the total score for the product (this is a limiting rule). "Reasonably free from defects" means that the pods in whole unstemmed, whole stemmed and halved styles are reasonably well trimmed; that no grit, sand or silt may be present that affects the appearance or eating quality; and that damaged and seriously damaged units do not seriously affect the appearance and eating quality of the product.

(d) (*SStd.*) *classification.* Frozen sweet peppers that fail to meet the requirements of paragraph (e) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard regardless of the total score for the product (this is a limiting rule).

§ 52.3010 *Character.*—(a) (*A*) *classification.* Frozen sweet peppers that possess a good character may be given a score of 25 to 30 points. "Good character" means that the units are firm, full fleshed and tender.

(b) (*B*) *classification.* If the frozen sweet peppers possess a reasonably good character a score of 21 to 24 points may be given. Frozen sweet peppers that fall into this classification shall not be graded above U. S. Grade B or U. S. Extra Standard regardless of the total score for the product (this is a limiting rule). "Reasonably good character" means that the units are reasonably full fleshed, may lack firmness but are not soft or mushy.

(c) (*SStd.*) *classification.* Frozen sweet peppers that fail to meet the requirements of paragraph (b) of this section may be given a score of 0 to 20 points and shall not be graded above Substandard regardless of the total score for the product (this is a limiting rule).

LOT CERTIFICATION TOLERANCES

§ 52.3011 *Tolerances for certification of officially drawn samples.* (a) When certifying samples that have been officially drawn and which represent a specific lot of frozen sweet peppers the grade for such lot will be determined by averaging the total scores of the containers comprising the sample, if, (1) such containers meet all of the applicable grade requirements of the factors of quality that are not rated by score points; (2) all containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification; and (3) with respect to those factors which are rated by score points:

(i) Not more than one-sixth of the containers fails to meet the grade indicated by the average of such total scores;

(ii) None of the containers falls more than four points below the minimum score for the grade indicated by the average of such total scores;

(iii) None of the containers falls more than one grade below the grade indicated by the average of such total scores; and

(iv) The average score of all containers for any factor subject to a limiting rule is within the score range of that factor for the grade indicated by the average of the total scores of the containers comprising the sample.

SCORE SHEET

§ 52.3012 *Score sheet for frozen sweet peppers.*

Size and kind of container _____
Container mark or identification _____
Label _____
Net weight (ounces) _____
Type _____
Style _____
Count of peppers (whole, halved) _____

| Factors | Score points | |
|---|---|---|
| Color | 20 | (A) 17–20<br>(B) [1] 14–16<br>(SStd.) [1] 0–13 |
| Uniformity of size and symmetry | 20 | (A) 17–20<br>(B) 14–16<br>(SStd.) [1] 0–13 |
| Defects | 30 | (A) 26–30<br>(B) [1] 21–25<br>(SStd.) [1] 0–20 |
| Character | 30 | (A) 25–30<br>(B) [1] 21–24<br>(SStd.) [1] 0–20 |
| Total score | 100 | |

Grade _____
Flavor _____

[1] Indicates limiting rule.

Dated: June 18, 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator,*
*Marketing Services.*

[F. R. Doc. 56-4855; Filed, June 20, 1956; 8:45 a. m.]



## CIVIL AERONAUTICS BOARD

[ 14 CFR Part 41 ]

CERTIFICATION AND OPERATION RULES FOR SCHEDULED AIR CARRIER OPERATIONS OUTSIDE CONTINENTAL LIMITS OF UNITED STATES

NOTICE OF INSTITUTION OF RULE MAKING PROCEEDING

Notice is hereby given that the Bureau of Safety Regulation is instituting rule making proceedings by circulating Civil Air Regulations Draft Release No. 56–17 to persons on the Bureau's current distribution list. Other interested persons may secure a copy of this draft release upon request made to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C.

This draft release proposes a general revision of Part 41 of the Civil Air Regulations, Certification and Operation Rules for Scheduled Air Carrier Operations Outside the Continental Limits of the United States. This proposal is being circulated as the first step in the rule making process in the hope that it will serve to narrow or eliminate the areas of substantive difference between interested persons as to the adequacy or the desirability of the proposed rules.

The Bureau desires that all persons who will be affected by the requirements of this proposal be given an opportunity to participate in the consideration of these rules and to submit such comment as they may desire not only in the final rule making stage, but throughout the entire rule making process. Draft Release No. 56–17 requires that comment be submitted on or before September 20, 1956. If the nature of the comment is such that a discussion between the Board's staff and interested members of the public would be of constructive assistance in the further development of the proposed rules, all interested parties will be invited to participate in such a discussion to be held in Washington, D. C. Notice of the time and place of such a meeting, together with advance documentation, will be circulated to persons who have signified their interest prior to September 20, 1956.

Since it is intended that these rules as finally evolved as a result of the foregoing procedure will be published in their entirety as a notice of proposed rule making, interested persons who do not care to participate in the rule making proceedings at this stage will have a further opportunity for commenting thereon.

The foregoing procedure is proposed under the authority of section 4 of the Administrative Procedure Act, and Title VI of the Civil Aeronautics Act of 1938, as amended.

(Sec. 205, 52 Stat. 984, 49 U. S. C. 425. Interpret or apply secs. 601–610, 52 Stat. 1007–1012, as amended, 49 U. S. C. 551–560)

Dated at Washington, D. C., June 12, 1956.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
*Director.*

[F. R. Doc. 56-4897; Filed, June 20, 1956; 8:54 a. m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 7336]

PAN AMERICAN WORLD AIRWAYS, INC.

POSTPONEMENT OF HEARING

In the matter of the application of Pan American World Airways, Inc., under section 401 of the Civil Aeronautics Act, as amended, for amendment of its certificate of public convenience and necessity authorizing air transportation between the United States, Europe, the Middle East and India, so as to include San Juan, Puerto Rico, as a coterminal, and for amendment of said certificate and of its certificate of public convenience and necessity authorizing air transportation between the United States and South Africa, so as to authorize service to Madrid, Spain.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that the hearing in the above-entitled proceeding, now assigned to be held on June 25, 1956, is postponed to July 31, 1956, 10:00 a. m., e. d. s. t., in Room E-224, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Leslie G. Donahue.

Dated at Washington, D. C., June 14, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56-4896; Filed, June 20, 1956; 8:53 a. m.]

[Docket No. 8007]

MACKEY AIRLINES, INC. AND MIDET AVIATION CORP.; ACQUISITION CASE

NOTICE OF HEARING

In the matter of the joint application of Mackey Airlines, Inc. and Midet Aviation Corporation for approval of an agreement providing for the acquisition by Mackey of the business and assets of Midet and for approval of the transfer of Midet's certificate.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that a hearing in the above-entitled proceeding will be held on June 26, 1956, at 10:00 a. m. (local time) in the Marlin Beach Hotel, 17 South Atlantic Boulevard, Fort Lauderdale, Florida, before Examiner Barron Fredricks.

Without limiting the scope of the issues presented by the application herein, particular attention will be directed to the following matters:

1. Whether the acquisition by Mackey Airlines, Inc. of the assets and business of Midet Aviation Corporation will result in creating a monopoly or restraining competition or jeopardizing another air carrier and whether such acquisition is consistent with the public interest within the meaning of section 408 of the act.

2. Whether the agreement of April 30, 1956, providing for such acquisition is consistent with the public interest and in compliance with the act.



# NOTICES

3. What terms and conditions, if any, should be attached to the Board's approval of such acquisition?

4. Whether the transfer of the certificate of public convenience and necessity held by Midet Aviation Corporation is consistent with the public interest.

For further details of the issues involved interested persons are referred to the application and the prehearing conference report contained in the docket of this proceeding.

Notice is further given that any person not a party of record desiring to be heard on the issues involved in this proceeding must file with the Board on or before June 26, 1956 a written statement setting forth the matters of fact or law which he desires to advance. Any person filing such a statement may appear at and participate in the hearing in accordance with Rule 14 of the Board's rules of practice in economic proceedings.

Dated at Washington, D. C., June 18, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56-4895; Filed, June 20, 1956; 8:53 a. m.]

## DEPARTMENT OF DEFENSE

### Office of the Secretary of Defense

[DOD Directive Number 5160.11, May 3, 1956]

SINGLE MANAGER ASSIGNMENT FOR SUBSISTENCE

References: [1]

(a) Directive 4000.8, Basic Regulations for the Military Supply System, November 17, 1952.

(b) Directive 5160.12, Policies for Implementation of Single Manager Assignments, January 31, 1956.

(c) Directive 5160.11, Single Manager Commodity Assignment for Subsistence, November 4, 1955.

(d) Directive 7420.1, Regulations Governing Stock Fund Operations, February 1, 1954.

I. *Authority and purpose.* A. Pursuant to the authority vested in the Secretary of Defense by the National Security Act of 1947, as amended, a Single Manager Commodity Assignment is hereby directed within the Department of Defense with authority, functions, responsibilities, and relationships as set forth below, recognizing that the primary mission is to effectively support the military effort of the country.

B. The purposes and objectives of this assignment are:

1. To provide the most effective and economical means of supplying subsistence to the Armed Services.

2. To eliminate duplication and overlapping of effort between and among the military services.

3. To apply the basic pattern for all organizations performing a Single Manager support mission, as prescribed in reference (b) above, to the mission of supplying subsistence to the Armed Services.

[1] Not filed with Federal Register Division.

II. *Scope.* The Single Manager plan will be employed, as appropriate, for the management of Subsistence within the Continental United States, and may be extended to include operatons outside the Continental United States, when directed by the Secretary of Defense.

III. *Cancellation.* Reference (c) is superseded and cancelled on the effective date of this directive.

IV. *Definitions*—A. *Single Manager.* The Secretary of the military department who is designated by the Secretary of Defense to be responsible for the organization and operation of the Single Manager assignment for subsistence.

B. *Executive Director for Subsistence.* The individual designated by the Single Manager to manage the Single Manager operating agency for subsistence.

C. *Single Manager Operating Agency.* An organization which, under the direction of the Executive Director for Subsistence, shall direct and control all assigned functions of supply management for subsistence for all military services. It shall be titled the Military Subsistence Supply Agency.

D. *Adminstrative Committee.* A group designated to assist the Executive Director in identifying and overcoming problems concerning the operation of this assignment. The Committee shall be neither a policy board nor an executive directorate, but rather a group of specialists meeting to recommend solutions to particular problems and to promote the effectiveness and economy with which the Agency meets the needs of the military services. Its membership shall be as follows:

1. Executive Director, Chairman.

2. A representative each from the Army, Navy, Marine Corps, and the Air Force.

3. The Assistant Secretaries of Defense (Comptroller, and Supply and Logistics), or their representatives.

4. Such technical or professional personnel augmentations from the military services as the Single Manager determines to be necessary and as subsistence supply problems under consideration dictate.

E. *Administrative support.* The provision of personnel, space, equipment, facilities, and supplies, including the related budgeting, funding fiscal control, training, manpower control and utilization, personnel administration, security administration, mobilization planning, and other administrative provisions and services, necessary to carry out assigned missions.

F. *Subsistence.* All items classified under Group 89 in the Federal Supply Classification, except for Class 8965.

G. *Supply management of subsistence.* The exercise of direction and control of subsistence supply operations, including the functions of cataloging, standardization, net requirements determination, procurement, production, inspection, storage, distribution, disposal, transportation, maintenance, and mobilization planning.

H. *Single Manager stocks.* Subsistence acquired by and maintained in the wholesale distribution system, under the control and ownership of the Single Manager, down to but excluding retail stocks. This includes operating stocks and economic, contingency, and mobilization reserves.

I. *Single Manager Subsistence Stock Fund Division.* An administrative division of the Army Stock Fund established pursuant to Regulations Covering Operations of Stock Funds (DOD Directive 7420.1) to finance Single Manager subsistence stocks.

J. *Retail Subsistence Stock Fund Divisions or Categories.* The division or category established within each of the military departments stock funds to finance retail subsistence stocks.

K. *Wholesale distribution.* An area depot distribution system designed to distribute and issue subsistence in bulk quantities to the post, camp, station, or base level of all services. This distribution system shall employ the facilities best suited to the requirements of the area served, regardless of military service ownership.

L. *Retail stocks.* Subsistence not included in Single Manager stocks which is necessary to be held and controlled by individual military services for issue or resale to final consumers in performance of assigned missions, and which is not under the direct management of the Single Manager.

V. *Delegation of authorities and responsibilities.* A. The Secretary of the Department of the Army is hereby designated as the Single Manager for Subsistence, subject to over-all guidance, policies, and programs of the Office of the Secretary of Defense, with the responsibilities and authorities assigned under this Directive. Additions or deletions of specific items from the cognizance of the Single Manager will be authorized only by the Office of the Secretary of Defense. Requests for change may be initiated by a military service and shall be forwarded through the Single Manager, for his recommendation, to the Secretary of Defense.

B. As Single Manager for Subsistence, the primary responsibility of the Secretary of the Army shall be to effectively meet the supply support requirements of the military services in terms of centrally managed subsistence. He shall also be responsible for fulfilling other support responsibilities placed upon the Department of Defense for subsistence. He shall be responsible for utilization of all applicable portions of reference (b) except where such portions are specifically modified or amplified herein.

C. The Secretary of each military department shall be responsible for the administrative support of all installations and activities under his jurisdiction, including administrative support required to perform those functions assigned by the Single Manager. Military departments will furnish to the Single Manager complete data regarding administrative support costs incurred on the basis of missions assigned by the Single Manager. Such data shall be compiled on a comparable basis and, as soon as practicable, derived from a uniform expense classification and related to budget and apportionment requests.



D. The Secretary of each military department shall be responsible for requirements determination, for supply of subsistence to using elements at retail level, and for control of reserve stocks at levels below the wholesale distribution level. Departmental planned requirements will be submitted to the Military Subsistence Supply Agency on a cyclical basis, in accordance with policies and procedures established by the Assistant Secretary of Defense (Supply and Logistics).

E. The Secretary of each military department shall be responsible for full cooperation with the Single Manager in carrying out the provisions of the applicable portions of reference (b) and the provisions of this Directive.

VI. *Authorities and responsibilities of the Single Manager*—A. *Organization and management.* 1. Designate an Executive Director for Subsistence, subject to approval by the Secretary of Defense. The Executive Director shall have no other duties but to direct the operations of the Subsistence Supply Agency. The Executive Director shall be responsible to the Secretary of the Army through channels prescribed by that Secretary.

2. Establish and organize the Military Subsistence Supply Agency in accordance with reference (b) above, except as otherwise specifically modified herein.

3. The Agency shall be staffed by civilian personnel employed by the Department of the Army and by military personnel from all military services, as appropriate, not necessarily with equal representation. Positions within the Agency staff will be identified as military or civilian, based on criteria established by the Secretary of Defense. Key military staff positions subordinate to the Executive Director shall be subject to rotation on a periodic basis among the military services, as agreed to by the Single Manager and the Secretaries of the other two military departments, with due consideration being given to the qualifications of the individuals concerned and the career program needs of each military service. The Department of the Army will be responsible for providing the administrative support for the Agency. Initially, however, personnel, personnel spaces, funds, facilities and equipment will be adjusted among the military services for responsibilities assigned to the Agency in order to meet the support requirements of the Single Manager created by this directive. Such personnel adjustments will be accomplished in accordance with the provisions of DOD Instruction 1404.4, dated April 9, 1955.

4. Organize the Administrative Committee in accordance with paragraph IV. D. above.

5. Assign the distribution mission for subsistence for each distribution area to specific area distribution depots from which all military installations in the area will requisition.

B. *Requirements.* 1. Receive from the military services on a cyclical basis statements of peacetime and mobilization requirements, computed and submitted in accordance with policies and procedures established by the Assistant Secretary of Defense (Supply & Logistics), together with necessary data including basic assumptions and factors upon which the requirements were promised, to enable review and comment on the validity of the requirements.

2. Direct the submissions on a periodic basis of inventory status reports at the retail level, by distribution area, of the total stocks on hand and the quantities of those stocks held for operating needs, and those stocks held for reserves. This refers to those stocks owned and positioned by the military services.

3. In accordance with policies and procedures established by the Assistant Secretary of Defense (Supply & Logistics), develop the total Department of Defense requirements program and compute net peacetime and mobilization requirements for the Agency, for purposes of procurement, distribution, and disposal.

4. Receive from the military departments the requirements for Mutual Defense Assistance Programs and civilian aid program.

C. *Procurement.* 1. Conduct or direct procurement, pursuant to the provisions of the Armed Services Procurement Act (Armed Services Procurement Regulation), and (Army Procurement Procedures), including contract administration, as a single service purchase assignment to the Single Manager for all centrally procured items. Designate those items to be procured locally. The designation or redesignation of items from local procurement to central procurement or vice versa will be coordinated with the military services with sufficient time allowed for an orderly adjustment of the affected programs. Stock Fund items authorized to be procured locally shall be financed by allotments of the retail stock funds.

2. Obtain and furnish to the military services procurement and production data for use in requirements and supply studies.

3. The Single Manager shall be responsible for accounting and control of Government-furnished material in the hands of contractors and Government manufacturing plants in connection with procurement of end items.

4. Procure materiel for the Mutual Defense Assistance Programs and civilian aid programs to fulfill requirements submitted by the departments which are not available from stocks owned by the Single Manager.

5. Administer the priorities and allocation authority delegated to the Secretaries of the military departments by the Assistant Secretary of Defense (Supply & Logistics) in accordance with the Department of Defense Priorities and Allocations Manual, pursuant to DOD Instruction 4410.1, and plan for administration in accordance with Department of Defense Emergency Priorities Allocation Manual (4410.2).

D. *Inspection.* Direct the program of Inspection and Quality Control for Subsistence, utilizing established inspection services and facilities to the maximum degree; this program shall apply to the procurement, storage, and maintenance of supplies.

E. *Mobilization planning.* 1. Coordinate and direct mobilization planning in assigned areas of supply management responsibility. Recommend related mobi-

lization policies and procedures to responsible Assistant Secretaries of Defense for inter-agency agreements and coordination with over-all Department of Defense mobilization plans.

2. Arrange for or conduct industrial mobilization planning for all items under the Single Manager for which advance planning is necessary to assure adequate wartime production to meet military needs. Such actions may include but are not limited to:

a. Developing with industry, under the policies and procedures of the Production Allocation Program, mobilization production schedules for all items on the Department of Defense Preferential Planning List and the several approved Departmental Planning Lists.

b. Developing procedures for locating potential sources of supply for other items and conducting such planning as may be appropriate.

c. Negotiating industry preparedness measures contracts as appropriate.

d. Determining needs for reserve production facilities, production equipment, stockpiles of critical materials, etc., and recommending appropriate action for acquisition and maintenance thereof.

F. *Storage.* 1. Determine requirements for storage space and related activities. Request necessary space and related activities from owning services. Establish and maintain records of space utilization.

2. Assign specific storage missions, when storage space can be made available, to installations other than area distribution depots, regardless of military service ownership, when necessary to store subsistence.

G. *Inventory control.* 1. Establish and maintain central control over subsistence inventories owned by the Single Manager, and prescribe quantitative stockage objectives for such inventories, at the area distribution depots, which are necessary to meet the area distribution requirements.

2. Prescribe an inventory reporting system which will provide current, accurate, repetitive and cyclic stock status information to the Agency for all subsistence owned by the Single Manager.

3. Prescribe requisitioning procedures to be utilized by the military services in requisitoning against Single Manager stocks, and direct the phased submission of requisitions to the appropriate depots or market centers.

4. Establish prices and pricing procedures in accordance with policy as established in reference (d).

5. Direct distribution and redistribution, down to and including shipments from distribution depots, of stocks owned by the Single Manager.

6. Direct, when necessary for rotation purposes, the reallocation of assets and the utilization and consumption by all military services of common stocks.

7. Institute such measures as forced issue when necessary for utilization of existing stocks.

8. Coordinate program for the positioning of mobilization reserve stocks to obtain maximum availability and minimum loss in the event of enemy attack, in accordance with Department of Defense policies.

9. Prescribe reports to be furnished to the Military Subsistence Supply Agency by area distribution depots, or other activities performing a mission assigned by the Single Manager, as may be necessary to carry out the responsibilities of this assignment.

10. Screen all excesses of subsistence, including returned material, either owned by the Single Manager or reported by the military services, and determine the utilization or disposition of such excesses.

11. Report to General Services Administration, in accordance with Department of Defense policy, those items excess to Department of Defense requirements.

12. Prepare inventory and supply reports, as required by the military services, for the development of requirements and supply studies.

H. *Stock Fund.* Establish and administer the Single Manager Subsistence Stock Fund Division, in accordance with reference (d) and the charter authorizing the establishment thereof.

I. *Research and development.* The Single Manager will be kept informed of all research and development pertaining to this commodity area. He may recommend to the military services research and development into improved materials, items, and methods within his commodity jurisdiction, and will recommend to the Assistant Secretary of Defense (Research and Development) any changes in the program he considers desirable. The military departments, under the policies and procedures of the Secretary of Defense, are responsible for research and development programs; the Assistant Secretary of Defense (Research and Development) is responsible for reviewing these programs.

J. *Cataloging and standardization.* 1. Responsible for coordinating the cataloging operations of the military services for subsistence in accordance with prescribed Department of Defense policies, procedures, and operations established for the Federal Catalog System; operate as a single submitting activity in the Federal Catalog System for Department of Defense subsistence.

2. Develop and direct a program of standardization and of standards and specification preparation and maintenance within the over-all Department of Defense policies and guidance.

K. *Transportation.* Arrange for required transportation or traffic management services from the respective Single Managers assigned responsibilities for traffic management (Single Managers for Military Traffic Management, Military Sea Transportation Service and Military Air Transport Service), in accordance with criteria and procedures established by those Single Managers, or as may otherwise be authorized by the Secretary of Defense.

L. *Maintenance and manufacture.* Coordinate the operation of all military activities engaged in maintenance, manufacture, assembly, or approved rehabilitation of subsistence materiel owned by or entering the wholesale distribution system.

M. *Personnel and training.* 1. In planning the organization and staffing required for the Agency, establish military and civilian career development patterns which shall be coordinated with and supplement programs of the military departments. Personnel training requirements peculiar to a particular military service will be considered in the development of the program and incorporated therein by the Single Manager.

2. Coordinate the execution of an adequate and well integrated, specialized training program with industry (regular and reserve). Review training programs of the Services and recommend measures to provide for maximum cross-servicing in the training of units and individuals within available facilities.

N. *General.* 1. Prepare reports as required by the Office of the Secretary of Defense.

2. The Single Manager is authorized and expected to maintain close liaison with nongovernmental organizations, associations, and industry on matters affecting the responsibilities under this Directive, subject to the provisions of Department of Defense Directive 5500.2, dated September 13, 1954.

VII. *Implementation.* A. Implementation of the Single Manager Assignment for Subsistence will obviate the requirement for any military service to perform the management functions assigned herein to the Single Manager, except when performing missions assigned by the Single Manager. Thus, all existing organizations within the military services which perform such functions shall have their missions, status, and manning modified, redefined, and adjusted, as early as possible, so as to exclude the functions assumed by the Military Subsistence Supply Agency and to reflect their reduced mission status.

B. The operating agency shall be so organized that, as a minimum, it will perform directly within its organization, at one location, the responsibilities designated in paragraphs VI. B., VI. C., VI. G., and VI. H. above.

C. Within ninety days, regulations, procedures, organizational arrangements, and adjustments among military services as to personnel, personnel spaces and funds, required to implement the provisions of this Directive, will be developed and coordinated with the military services by the Single Manager and transmitted to the Office of the Secretary of Defense for approval. The Assistant Secretary of Defense (Supply and Logistics) will coordinate the approval of such matters with other cognizant elements of the Office of the Secretary of Defense.

D. Regulations and procedures implementing reference (c) will remain in effect until separately superseded or cancelled.

VIII. *Annex.* The following Annex is incorporated as part of this Directive:

Annex A—Statement of the related responsibilities of the Single Manager and the military services in connection with this commodity assignment.

IX. *Effective date.* Development of implementation measures will be commenced immediately.

REUBEN B. ROBERTSON, Jr.,
*Deputy Secretary of Defense.*



ANNEX A

RELATED RESPONSIBILITIES OF SINGLE MANAGER AND THE MILITARY SERVICES

| *Single Manager* | *Military Services* |
|---|---|
| 1. *Organization and Management*<br>a. Designate the Executive Director and establish the Military Subsistence Supply Agency under his control. | a. Not applicable. |
| b. Provide administrative support to the Agency. Provide all civilian personnel and Army military personnel as required. Identify positions as military or civilian, based on criteria established by Office of the Secretary of Defense. | b. Not applicable. (Initially there will be a readjustment of personnel, personnel spaces and funds among the military services to provide the Single Manager with ceiling, etc.) |
| c. Determine requirements for officer personnel from other services with Secretaries of other military departments. Integrate such officer personnel into operational assignments in the Agency. Rotate key military staff positions among the services on a periodic basis, as agreed with other military departmental secretaries. | c. Furnish officer personnel, as required, for the staffing of the Agency. |
| d. Organize the Administrative Committee under the chairmanship of the Executive Director. | d. Provide departmental representatives and such augmentation personnel as the Single Manager may request. |
| e. Determine specific distribution areas. Assign to military services, distribution areas to be supported, as agents of the Single Manager. Furnish necessary operating procedures to the military services responsible for distribution area. | e. Perform distribution functions in accordance with the procedures prescribed by the Single Manager. Provide administrative support for designated area distribution depots. |
| 2. *Requirements*<br>Receives from the military departments, on a cyclical basis, peacetime and mobilization requirements; directs submissions of inventory status reports for the retail level, by distribution area, including statement of stocks held for operating needs and for reserves; and, in accordance with the Assistant Secretary of Defense (Supply & Logistics) policies and procedures, computes net peacetime and mobilization requirements for the Agency and develops the total Department of Defense requirements program for the items under his single managership. Provide for the Mutual Defense Assistance Programs and civilian aid programs as necessary. | Provide the Single Manager with information regarding requirements data, quantities of stocks on hand at the retail level by distribution depot area, as directed, on a cyclical basis. Also, report significant changes in these areas as they occur. Furnish necessary data, including basic assumptions and factors upon which the requirements were premised, to the Single Manager to enable him to review and comment on the validity thereof. Furnish the Mutual Defense Assistance Programs and civilian aid programs requirements as authorized. |
| 3. *Procurement*<br>Conduct or direct procurement pursuant to the Armed Services Procurement Act, Armed Services Procurement Regulation and the Army Procurement Procedures, including contract administration, as a single service purchase assignment to the Single Manager for all centrally procured items. Designate those items to be procured locally. | Procure locally those items designated by the Single Manager, financing such purchases by allotments from the retail stock funds. Conduct such central purchase as directed and funded by the Single Manager. |
| 4. *Inspection*<br>Direct the program of Inspection and Quality Control for Subsistence, utilizing established inspection services and facilities to the maximum degree; the program applies to procurement, storage, and maintenance of supplies. | Conduct inspection and maintain control of quality when requested, and as directed, by the Single Manager. |
| 5. *Mobilization Planning*<br>a. Coordinate and direct mobilization planning in assigned areas of supply management responsibility. Recommend to the Office of the Secretary of Defense related mobilization policies and procedures for inter-agency agreements and coordination with over-all Department of Defense mobilization plans. Arrange for or conduct industrial mobilization planning for all items for which advance planning is necessary to assure adequate wartime production to meet military needs. | a. Provide mobilization planning data as required by the Single Manager for this purpose. |
| b. Under the policies and procedures of the Production Allocation Program, serve as Claimant Procurement Planning Officer (CPPO) providing desired mobilization production requirements to ASPPO's for negotiation with industry and approving final schedules after negotiation. Serve as ASPPO for such plants for which planning responsibility has been or may be assigned by the Assistant Secretary of Defense (Supply & Logistics). | b. Serve as Armed Services Procurement Planning Officers (ASPPO's), for those plants for which planning responsibility may be assigned by the Assistant Secretary of Defense (Supply & Logistics), negotiating Tentative Mobilization Production Schedules with industrial management, and securing final approval by the Single Manager and industrial management. |
| c. Develop procedures for locating potential sources of supply for other items for which Production Allocation Program procedures are not applicable and conduct such planning thereunder as may be appropriate. | c. Assist the Single Manager through field procurement offices or the Armed Services Procurement Officers organization in conducting such planning, other than the Production Allocation Program, as may be appropriate. |
| d. Negotiate industry preparedness measures contracts with potential producers, research organizations, educational institutions, etc., as may be appropriate. | d. Provide assistance through field procurement offices. |
| e. Determine needs for reserve production facilities, production equipment, stockpiles of critical materials, etc., and recommend appropriate action for acquisition and maintenance thereof. | e. Provide required information, assistance, and appropriate action through the Technical Services, Bureaus, Commands or field installations. |
| 6. *Storage*<br>Determine requirements for storage space and related activities. Request necessary space and related activities from the owning service. Establish and maintain records of space utilization. Assign specific storage missions, when storage space can be made available, to installations other than area distribution depots, whenever necessary to store Single Manager reserve stocks. | Conduct storage and related functions at designated area distribution depots, providing effective logistical support to consuming agencies, irrespective of service, in accordance with the policies and procedures of the Single Manager. Maintain records, and submit space and operating reports as prescribed by the Single Manager. Perform additional storage functions, at storage points other than area distribution depots, for the Single Manager, when space can be made available. |

ANNEX A—Continued

RELATED RESPONSIBILITIES OF SINGLE MANAGER AND THE MILITARY SERVICES—continued

| *Single Manager* | *Military Services* |
|---|---|
| 7. *Inventory Control*<br>a. Establish and maintain central control over inventories owned by the Single Manager Subsistence Stock Fund Division, and prescribe stockage objectives for such inventories, at the area distribution depots, which are necessary to meet area distribution requirements. Establish prices and pricing procedures in accordance with DOD Directive 7420.1. | a. Maintain control over retail stocks. |
| b. Prescribe an inventory reporting system to provide current, accurate information regarding the stock status of inventories. | b. Provide inventory reports for Single Manager stocks as prescribed. |
| c. Prescribe requisitioning procedures to be utilized by the military services in requisitioning against distribution depots, and direct phased submission of requisitions to appropriate area distribution depots or market centers. | c. Requisition subsistence as prescribed by Single Manager. |
| d. Direct distribution and redistribution of Single Manager owned stocks, down to and including shipments from distribution depots to retail level. Control redistribution of retail stocks between distribution areas. | d. Redistribution of retail stocks will be controlled by the owning military services, except that such redistribution shall not be effected between distribution areas unless authorized by the Single Manager. |
| e. Direct, when necessary for rotation purposes, the utilization and consumption, by all military services, of common stocks, regardless of where held. | e. Participate as necessary to provide rotation and full utilization of stocks. |
| f. Direct, when appropriate and necessary, such as to balance stocks or to meet mission deadlines, the utilization of suitable substitutes. | f. Participate as necessary to provide full utilization of stocks. |
| g. Coordinate program among the military services and with civilian agencies of the Government for positioning of mobilization reserve stocks to obtain maximum availability and minimum loss in the event of enemy attack, in accordance with Department of Defense policies. | g. Participate as necessary to obtain the objectives of this program. |
| h. Prescribe such reports as may be necessary to carry out the responsibilities of this assignment. | h. Submit reports as required by the Single Manager. |
| i. Screen all excesses of subsistence, including returned materiel, either owned by the Single Manager or reported by the military services, and determine the utilization of such excesses. Report to the General Services Administration those items in excess to Department of Defense requirements. | i. Screen all excesses of subsistence owned and held at retail level and determine those items to be redistributed among the requisitioning activities of the military service concerned; such redistribution will be confined to the same distribution area unless approved by the Single Manager. Items not required within the service will be reported to the Single Manager as excess. |
| 8. *Stock Fund*<br>Establish and administer the Single Manager Subsistence Division of the Army Stock Fund for the management of Single Manager controlled stocks. | Maintain a retail stock fund division or category which will reimburse the Single Manager Subsistence Division of the Army Stock Fund for withdrawals from Single Manager owned stocks, and to finance inventories acquired through local purchase. Military services will prepare and support their own budgets in the normal manner and administer their respective retail stock funds. |
| 9. *Research and Development*<br>Recommend to a military service or services Research and Development into improved materials, items, and methods within his commodity jurisdiction. He will be kept informed on research and development in this commodity area. Recommend to the Assistant Secretary of Defense (Research & Development) any changes in the program he considers desirable. | Initiate requirements for research and development, and perform research and development. The services may initiate and perform research and development in areas of peculiar interest to their requirements in accordance with established coordinating procedures. |
| 10. *Cataloging and Standardization*<br>a. Responsible for coordinating the cataloging operations of the military services for subsistence in accordance with prescribed Department of Defense policies, procedures, and operations established for the Federal Catalog System; operate as a single submitting activity in the Federal Catalog System for Department of Defense subsistence. | a. Perform those functions of the Federal Catalog System for subsistence as prescribed by the Single Manager; utilize Federal catalog data as the prime identification data in all supply and logistics operations, consistent with Department of Defense policies. |
| b. Develop and direct a program of standardization and of standards and specifications within the over-all Department of Defense policies and guidance. | b. Accomplish such standards and specifications work as is assigned by the Single Manager. Inform the Single Manager of use needs, and recommend or concur in adoption, and standardization or rejection of material. Determinations on items peculiar to a single military service will remain with that service, but will be subject to review and action by the Single Manager in consonance with his responsibilities for standardization under the over-all Department of Defense policies in this field. |
| 11. *Maintenance and Manufacture*<br>Coordinate the operation of all military activities engaged in maintenance, manufacture, assembly, or approved rehabilitation of material owned by or entering the wholesale distribution system. | Perform as requested by the Single Manager the maintenance, manufacture, assembly or approved rehabilitation of materiel owned by or entering the wholesale distribution system. |
| 12. *Personnel and Training*<br>a. Provide a civilian personnel program and training standards for all personnel assigned under direction of the Single Manager. | a. The existing civilian personnel and training offices of the military services will be utilized in carrying out the civilian personnel and training program. |
| b. Coordinate specialized military training programs with respect to Subsistence. Recommend measures for interdepartmental training. | b. Participate in specialized training programs. |



ANNEX A—Continued

RELATED RESPONSIBILITIES OF SINGLE MANAGER AND THE MILITARY SERVICES—continued

| *Single Manager* | *Military Services* |
|---|---|
| 13. *General*<br>Prepare or prescribe such reports as required to perform Single Manager responsibilities or as required by the Office of the Secretary of Defense. | Provide such information to Single Manager as may be required. |

[F. R. Doc. 56-4856; Filed, June 20, 1956; 8:45 a. m.]

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[DOD Directive 5160.14, May 1, 1956]

## SINGLE MANAGER SERVICE ASSIGNMENT FOR TRAFFIC MANAGEMENT WITHIN THE UNITED STATES (ARMY)

References:[1]

(a) DOD Directive 4000.8, November 17, 1952.

(b) DOD Directive 5160.12, January 31, 1956.

(c) DOD Directive 4500.10, March 10, 1952.

I. *Authority and purpose.* A. Pursuant to the authority vested in the Secretary of Defense by the National Security Act of 1947, as amended, a Single Manager Service Assignment is hereby directed within the Department of Defense, with authority, functions, responsibilities and relationships as set forth below.

B. The purposes and objectives of this assignment are:

1. To provide the most effective and economical freight and passenger transportation service for the Armed Services from commercial transportation companies (including rail, highway, air, inland waterway, coastwise and intercoastal carriers) operating between points within the United States, (reference to coastwise and intercoastal commercial transportation is not intended to affect those responsibilities for ocean carrier functions assigned to MSTS, but has reference to the traffic management authority necessary to determine the proper mode of shipment).

2. To eliminate duplication and overlapping of effort between and among military departments.

3. To apply to the functions of traffic management within the Department of Defense the basic pattern for all organizations performing a multiple-service support mission, as prescribed in reference (b) above.

4. To assure under all conditions, efficiency and economy within the Department of Defense in the procurement, use, cost and control of commercial transportation services required by military agencies for the movement of freight and passengers between points within the United States.

5. To effectively develop plans to assure efficient use and control of commercial transportation resources utilized by the military within the United States in support of types of military missions.

6. To assure adequate practical training for military personnel to fit them for traffic management assignments at posts, camps and stations within the United States, and in overseas areas.

II. *Cancellation.* This Directive cancels and supersedes reference (c).

III. *Definitions*—A. *Single Manager.* The Secretary of the Department who is designated by the Secretary of Defense to be responsible for the organization and operation of the Single Manager assignment within the United States for traffic management.

B. *Executive Director for Traffic Management.* The individual designated by the Single Manager to manage the Single Manager operating agency for traffic management.

C. *Single Manager Operating Agency.* An organization which, under the direction of the Executive Director for Traffic Management, will direct and control all assigned functions of traffic management for all military departments. It shall be titled the Military Traffic Management Agency.

D. *Administrative Committee.* A group designated to assist the Executive Director in identifying and overcoming problems concerning the operation of this assignment. The committee will be neither a policy board nor an executive directorate, but rather a group of specialists meeting to recommend solutions to particular problems and to promote the effectiveness and economy with which the agency meets the needs of the military departments. Its membership will be as follows:

1. Executive Director—Chairman.

2. A representative from the Army, the Navy (or Marine Corps at the discretion of the Secretary of the Navy), and the Air Force.

3. The Assistant Secretaries of Defense (Supply and Logistics) and (Comptroller) or their representatives.

4. Such technical or professional personnel augmentations from the military departments as determined by the Single Manager to be necessary as traffic management problems under consideration dictate.

E. *Administrative support.* The provision of personnel, space, facilities, equipment, and supplies, including the related budgeting, funding, fiscal control, training, manpower control and utilization, personnel administration, security administration, mobilization planning, and any other administrative provisions and services, necessary to carry out assigned missions.

F. *Traffic Management.* The direction, control and supervision of all functions incident to the effective and economical procurement and use of freight and passenger transportation service from commercial for-hire transportation companies (including rail, highway, air, inland waterway, coastwise and intercoastal carriers). The basic functional areas of traffic management can normally be broken down into three major functional areas: the management functions, the cost functions and the service functions. The major functional areas are indicated by, but not limited to, those set forth in Annex A.

G. *Commercial transportation.* Service provided by privately owned land, air or water carriers on a for-hire basis to the Government or the general public.

H. *Military transportation.* Transportation provided through the use of military owned and operated transportation equipment such as aircraft, motor trucks, barges, ships, etc.

I. *Movement control.* The exercise of judgment and the determination by a military shipping agency or command as to:

1. Materiel or personnel requiring transportation.

2. Where the materiel or personnel must be moved.

3. The time at which such materiel and personnel must arrive at destination.

IV. *Delegation of authorities and responsibilities.* A. The Secretary of the Army is hereby designated as the Single Manager for Traffic Management, subject to over-all Department of Defense guidance, policies, and programs, with the responsibilities and authorities assigned under this Directive.

B. The Secretary of the Army will be responsible for utilization of all applicable portions of reference (b), which portions will be considered to be policy pertinent to this assignment, except where such portions are specifically modified or amplified herein.

C. Each military department will be responsible for the administrative support and performance of all traffic management operations assigned by the Single Manager which are performed by their local shipping installations or activities. The military departments will furnish to the Single Manager data regarding administrative support costs incurred on the basis of such functional assignment.

D. The Departments of the Navy and Air Force, in those instances wherein regional or branch offices are located at installations or facilities under their jurisdiction, will provide to such regional or branch offices such housekeeping or administrative support as is agreed to between them and the Single Manager, on a reimbursable basis.

E. The Secretary of each department will be responsible for determining the total transportation requirements of his department including shipping installation and regional requirements; and for submitting them to the Single Manager Operating Agency on the basis established by the Single Manager.

F. The Secretary of each department will be responsible for full cooperation with the Single Manager in carrying out the provisions of the applicable portions of reference (b) and the provisions of this Directive.

G. Transportation allocations apportioning transportation capacity to the

[1] Not filed with Federal Register Division.

military departments will be provided by the Joint Chiefs of Staff.

V. *Authorities and responsibilities of the Single Manager.* The Secretary of the Army as Single Manager will:

A. *Organization and management.* 1. Establish and organize the Military Traffic Management Agency in accordance with the principles contained in reference (b) above except as specifically modified herein.

2. Designate an Executive Director for Traffic Management subject to approval by the Secretary of Defense. The Executive Director will have no other duties but to direct the operations of the Military Traffic Management Agency and the agency will have no functions other than those assigned to it by this Directive. The Executive Director will be responsible to the Secretary of the Army through channels prescribed by that Secretary.

3. Organize the administrative committee in accordance with paragraph III D above.

4. Assign the regional mission for traffic management to a minimum number of regional offices from which all shipping installations or offices of the military departments within each region will receive traffic management services.

5. Locate the regional offices as strategically as possible, from the standpoint of lack of vulnerability, access to channels of operations of transportation companies, and the shipping and traffic evaluation operations of all the military departments.

6. Where necessary establish branch offices to the regional offices, subject to the approval of the Secretary of Defense.

7. Provide or arrange for administrative support to the agency and its regional or branch offices.

8. Prepare reports as required by the Office of the Secretary of Defense.

B. *Requirements.* 1. Prescribe the methods and format for the shipper departments to develop and advise the Single Manager through the Executive Director as to their transportation requirements by the mode or modes (including the assumptions and computations on which they are based), which in their judgment assures responsiveness to their individual logistic systems. The Single Manager, however, will be expected to evaluate and question, when necessary, the validity of the requirements specified.

2. Prescribe for the submission, by the military departments, of administrative and statistical reports in accordance with methods and procedures considered necessary by the agency to permit it to effectively and economically accomplish the objectives of this assignment.

C. *Personnel, training and support.* 1. Staff the agency, its regional and branch offices with civilian personnel who will be employees of the Department of the Army, and military personnel from all military services, as appropriate, not necessarily with equal representation. Initially, existing personnel, personnel spaces, funds, facilities and equipment will be adjusted among the military departments for responsibilities assigned to the agency in order to meet the support requirements of the Single Manager created by this directive. Such personnel adjustments will be effected in accordance with Department of Defense Instruction No. 1404.4, dated April 19, 1955, and other applicable directives.

2. Positions within the agency will be identified as military or civilian based on criteria established by the Secretary of Defense. Military staff positions subordinate to the Executive Director, at either the agency headquarters or its regional or branch offices, will be alternated among the military services as agreed to by the Single Manager and the Secretaries of the other two military departments, with due consideration being given to the qualifications of the individuals concerned and career program needs of each military department.

3. Name as the head of each regional office an individual with the highest qualifications obtainable.

4. Accommodate the need for training of military personnel by establishing training billets to permit training association with key elements of the agency, its regional and branch offices. The military personnel training billets will be established and divided among the departments on a basis to be agreed upon by the Single Manager and the Secretaries of the Navy and Air Force, subject to the approval of the Secretary of Defense.

5. In planning the organization and staffing required for the agency establish military and civilian career development patterns which will be coordinated with and supplement programs of the military departments. Personnel training requirements peculiar to a particular military department will be considered in the development of the program and incorporated therein by the Single Manager.

D. *General traffic management functions.* The Single Manager will be responsible for the management functions, cost functions and service functions as indicated in Annex A and such other related and incidental traffic management functions as required to accomplish the objectives of this assignment.

E. *Emergency control of military transportation equipment.* When the land transportation resources (and other resources determined by the Secretary of Defense) of commercial transportation companies operating within the United States are inadequate to meet military requirements the Single Manager will, as directed by the Secretary of Defense, control the use, and as directed, the operation of military owned surface transportation resources required to supplement the capability of the commercial transportation companies.

F. *Planning.* Develop and have in a state of readiness plans for the utilization, control and operation of military owned domestic surface transportation resources and such domestic transportation resources and facilities as are allocated or otherwise made available to support military missions under all conditions.

VI. *Responsibilities of the Departments of the Army, Navy and Air Force.* A. Provide such services and facilities to the Single Manager as he determines necessary for the accomplishment of his mission.

B. Assign military personnel to the Military Traffic Management Agency as agreed to with the Single Manager.

C. Each of the military services will establish an office whose functions will be to coordinate the transportation requirements of their shipping agencies with the agency and its regional offices and will not duplicate functions assigned to the agency.

D. Each military department may assign a liaison officer to each regional office to coordinate their movement control requirements within the geographical area for which each regional office is responsible.

VII. *Implementation.* A. It is the express intent of this directive that implementation of the Single Manager Assignment for traffic management within the United States will obviate the requirement for any activity in any military service to perform departmental headquarters or regional type traffic management functions, except when performing missions assigned by the Single Manager. Thus, the Army Zone Transportation offices, the Navy Central Freight Control offices, the Air Force District Traffic offices, the Marine Corps Freight Control office, those portions of Departmental and Command headquarters offices, and any other existing, regional or command offices for performance of traffic management functions, will cease to exist as soon as the Military Traffic Management Agency has assumed its responsibilities for such activities. However, traffic management functions at the local shipping installations of the military departments, to the extent assigned by the Single Manager, will be performed by the individual departments in accordance with regulations and procedures prescribed by the Single Manager.

B. Regulations and procedures, including plans showing the proposed organization, staffing and personnel requirements of the agency, together with statements of the adjustments to be made among the military departments on personnel, personnel spaces, funds, facilities and equipment required to implement the provisions of this directive, will be developed and coordinated with the military departments by the Single Manager and transmitted to the Secretary of Defense for approval. The statements on adjustments should clearly indicate the functions and activities to be abolished, personnel to be reduced, and money to be saved in the current organization and operations of each of the military departments, together with statements of any additional requirements for personnel and costs that will be created by the Single Manager as a result of the establishment of the Military Traffic Management Agency. The Assistant Secretary of Defense (Supply and Logistics) will coordinate the approval of such matters with other cognizant elements of the Office of the Secretary of Defense.

C. The Secretary of the Army, within thirty days after the date of this directive, will submit to the Secretary of Defense for approval, Terms of Reference and plans for implementing his responsibilities as Single Manager. Such Terms of Reference and plans will pertain to:



(a) Relationships between the departments (including Military Sea Transportation Service and Military Air Transport Service),

(b) Operations of the agency,

(c) The detailed organizational structure, together with personnel requirements and staffing plans, and

(d) The schedule of implementing actions for carrying out this assignment.

D. The Secretary of the Army, during the first year from the date of this directive, will submit to the Secretary of Defense, monthly performance and progress reports regarding the establishment and operations of the agency, including statements of functions and operations assumed by the agency, and personnel and personnel spaces transferred, reassigned, or reduced, or any money saved in each of the military departments as a result of the Single Manager Service Assignment for Traffic Management. In reporting all personnel, personnel spaces and personnel transferred, the reports will indicate the personnel and personnel spaces in all affected offices and organizations as of December 1, 1955. Reports will be submitted in triplicate fifteen days after the close of the month reported. Report Control Symbol DD–S&L(M) 265 is assigned to this reporting requirement.

E. In order to effect better current management control transportation funds, the Single Manager, within one year from the date of activation of the Military Traffic Management Agency, in conjunction with the Departments of the Navy and Air Force, the Assistant Secretaries of Defense (Supply and Logistics) and (Comptroller) will develop and place on a current basis appropriate funding, audit, cost and statistical reporting procedures which will provide such information as is necessary for the efficient management, adjustment, budgeting and control of transportation costs, provided however, there will be no change in the principle that each Service will budget for and be charged for the cost of its own transportation.

F. All matters pertaining to this assignment, which cannot be resolved by the Single Manager will be referred to the Secretary of Defense.

VIII. *Annex.* The following annex is incorporated as part of this Directive: Annex A—Statement of the management, cost and service functions of traffic management.

IX. *Effective date.* This Directive is effective immediately.

REUBEN B. ROBERTSON, Jr.,
*Deputy Secretary of Defense.*

ANNEX A

GENERAL TRAFFIC MANAGEMENT FUNCTIONS

A. *Management functions.* 1. Cooperate, by the application of adequate cost, rate and traffic data services, in advising and assisting:

a. Procurement agencies in developing the most economical sources of supply;

b. Production activities in programming the processing of raw materials, semi-finished and finished products through government operated facilities;

c. Distribution agencies in programming the positioning of stocks;

d. Site selection authorities in evaluating transportation considerations in the selection of plant and facilities' sites;

e. Fiscal agencies in the development and improvement of cost data techniques;

f. Appropriate agencies as to the effect of packing and packaging costs on transportation and distribution costs and the utilization of transportation equipment.

2. Control and operate military owned railway rolling stock registered for interchange service other than that permanently assigned to intra-base or intra-plant operations.

3. Develop and research improvements on small shipment consolidation programs.

4. Develop loss and damage prevention programs.

5. Develop and improve procedure for facilitating and assuring the control and expeditious movement of traffic, etc.

B. *Cost functions.* 1. Determination or establishment of proper freight classification, proper freight and passenger rates, fares, charges, rules and regulations on Department of Defense traffic.

2. Negotiation (when and where necessary) with all for-hire commercial carriers of cargo or passengers of their rate-making agencies, for the classifications, rates, fares, charges, rules and regulations contemplated by 1. above.

3. Establishment of intransit arrangements by for-hire commercial carriers of cargo to permit the stopping of military shipments short of final destination for various purposes (processing, storage, etc.) without payment of combination of separately established rates to and from the transit point.

4. The reviewing and maintaining of constant surveillance of reissued freight and passenger tariffs and of tariff supplements to determine changes made thereby which would affect the cost of moving, or the routing of, military traffic.

5. Reviewing of all for-hire commercial carrier (freight and passenger) dockets or other proposals to determine the extent to which military traffic would be affected thereby, and action required.

6. Recommending litigation in the transportation and traffic management areas when necessary to protect or promote the interests of the Department of Defense.

7. Preparation of billing guides for use by the military departments in the matter of properly describing property on shipping documents.

8. Developing and maintaining current transportation cost and statistical data necessary to facilitate intelligent and effective performance with regard to items 1., 2., 3., 4., 5., and 6. above.

C. *Service functions.* 1. Maintaining tariff files.

2. Obtaining and quoting rates.

3. Determination of the type of service required to move traffic.

4. Arranging with carriers for transportation equipment to effect shipment.

5. Routing of traffic.

6. Preparation and accomplishment of bills of lading, transportation requests and other shipping documents.

[F. R. Doc. 56–4857; Filed, June 20, 1956; 8:45 a. m.]

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[DOD Directive Number 5160.15, May 4, 1956]

## SINGLE MANAGER ASSIGNMENT FOR CLOTHING-TEXTILES

References: [1]

(a) Directive 4000.8, Basic Regulations for the Military Supply System, November 17, 1952.

(b) Directive 5160.12, Policies for Implementation of Single Manager Assignments, January 31, 1956.

(c) Directive 7420.1, Regulations Governing Stock Fund Operations, February 1, 1954.

I. *Authority and purpose.* A. Pursuant to the authority vested in the Secretary of Defense by the National Security Act of 1947, as amended, a Single Manager Commodity Assignment is hereby directed within the Department of Defense, with authority, functions, responsibilities, and relationships as set forth below, recognizing that the primary mission is to effectively support the military effort of the country.

B. The purposes and objectives of this assignment are:

1. To provide the most effective and economical means of supplying clothing and textile materiel to the Armed Services.

2. To eliminate duplication and overlapping of effort between and among military services.

3. To apply the basic pattern for all organizations performing a Single Manager support mission, as prescribed in reference (b) above, to the mission of supplying clothing and textile materiel to the Armed Services.

II. *Scope.* The Single Manager Plan will be employed, as appropriate, for the management of clothing and textile materiel within the Continental United States, and may be extended to include operations outside the Continental United States, as directed by the Secretary of Defense.

III. *Definitions*—A. *Single Manager.* The Secretary of a military department who is designated by the Secretary of Defense to be responsible for the organization and operation of the Single Manager assignment for clothing and textile materiel.

B. *Executive Director for Clothing and Textile Materiel.* The individual designated by the Single Manager to manage the Single Manager operating agency for clothing and textile materiel.

C. *Single Manager Operating Agency.* An organization which, under the direction of the Executive Director for Clothing and Textile Materiel, shall direct and control all assigned functions of supply management of clothing and textile materiel for all military services. It shall be titled the Military Clothing and Textile Supply Agency.

D. *Administrative Committee.* A group designated to assist the Executive Director in identifying and overcoming problems concerning the operation of this assignment. The committee shall be neither a policy board nor an executive directorate, but rather a group of specialists meeting to recommend solutions to particular problems and to promote the effectiveness and economy with which the agency meets the needs of the military services. Its membership shall be as follows:

1. Executive Director, Chairman.

2. A representative each from the Army, Navy, Marine Corps, and the Air Force.

3. The Assistant Secretaries of Defense, Comptroller, and Supply and Logistics, or their representatives.

4. Such technical or professional personnel augmentations from the military services as the Single Manager deter-

[1] Not filed with Federal Register Division.

mines to be necessary and as clothing and textile supply problems under consideration dictate.

E. *Administrative support.* The provision of personnel, space, equipment, facilities and supplies, including the related budgeting, funding, fiscal control, training, manpower control and utilization, personnel administration, security administration, mobilization planning, and other administrative provisions and services, necessary to carry out assigned missions.

F. *Clothing and textile materiel.* All items falling within Federal Supply Groups 83 and 84, class 7210 and mattresses from class 7105, and all other items of related materiel authorized by the Office of the Secretary of Defense. (Annex B)

G. *Supply management of clothing and textile materiel.* The exercise of direction and control of clothing and textile materiel supply operations, including the functions of cataloging, standardization, net requirements determination, procurement, production, inspection, storage, distribution, disposal, transportation, maintenance, and mobilization planning.

H. *Single Manager Stocks.* Clothing and textile materiel acquired by and maintained in the wholesale distribution system, under the control and ownership of the Single Manager, down to but excluding retail stocks. This includes operating stocks and economic contingency, and mobilization reserves.

I. *Single Manager Clothing and Textile Materiel Stock Fund Division.* An administrative division of the Army Stock Fund established pursuant to Regulations Governing Operations of Stock Funds (DOD Directive 7420.1), to finance Single Manager clothing and textile materiel stocks.

J. *Retail Clothing and Textile Stock Fund Divisions or Categories.* The division or category established within each of the military departmental stock funds to finance retail clothing and textile materiel stocks.

K. *Wholesale distribution.* An area depot distribution system designed to distribute and issue clothing and textile materiel in bulk quantities to the post, camp, station, or base level of all services. This distribution system shall employ the facilities best suited to the requirements of the area served, regardless of military service ownership.

L. *Retail stocks.* Clothing and textile materiel not included in Single Manager stocks which is necessary to be held and controlled by the individual military services for issue or resale to final consumers in performance of assigned missions, and which is not under the direct management of the Single Manager.

IV. *Delegation of authorities and responsibilities.* A. The Secretary of the Department of the Army is hereby designated as the Single Manager for clothing and textile materiel, subject to overall guidance, policies, and programs of the Office of the Secretary of Defense, with the responsibilities and authorities assigned under this Directive. Additions or deletions of specific items from the cognizance of the Single Manager will be authorized only by the Office of the Secretary of Defense. Requests for change may be initiated by a military service and shall be forwarded through the Single Manager for his recommendation to the Secretary of Defense.

B. As Single Manager for clothing and textile materiel, the primary responsibility of the Secretary of the Army shall be to effectively meet the supply support requirements of the military services in terms of centrally managed clothing and textile items. He shall also be responsible for fulfilling other support responsibilities placed upon the Department of Defense for such items. He shall be responsible for utilization of all applicable portions of reference (b), except where such portions are specifically modified or amplified herein.

C. The Secretary of each military department shall be responsible for the administrative support of all installations and activities under his jurisdiction, including administrative support required to perform those functions assigned by the Single Manager. Military departments will furnish to the Single Manager complete data regarding administrative support costs incurred on the basis of missions assigned by the Single Manager. Such data shall be compiled on a comparable basis and as soon as practicable derived from a uniform expense classification and related to budget and apportionment requests.

D. The Secretary of each military department shall be responsible for requirements determination, for supply of clothing and textile materiel to using elements at retail level, and for control of reserve stocks at levels below the wholesale distribution level. Departmental planned requirements will be submitted to the Military Clothing and Textile Supply Agency on a cyclical basis, in accordance with policies and procedures established by the Assistant Secretary of Defense (Supply and Logistics).

E. The Secretary of each military department shall be responsible for full cooperation with the Single Manager in carrying out the provisions of the applicable portions of reference (b) and the provisions of this Directive.

V. *Authorities and Responsibilities of the Single Manager*—A. *Organization and Management.* 1. Designate an Executive Director for Clothing and Textile Materiel, subject to approval by the Secretary of Defense. The Executive Director shall have no other duties but to direct the operations of the Military Clothing and Textile Supply Agency. The Executive Director shall be responsible to the Secretary of the Army through channels prescribed by that Secretary.

2. Establish and organize the Military Clothing and Textile Supply Agency in accordance with reference (b) above, except as otherwise specifically modified herein.

3. The Agency shall be staffed by civilian personnel employed by the Department of the Army and by military personnel from all military services, as appropriate, not necessarily with equal representation. Positions within the Agency staff will be identified as military or civilian, based on criteria established by the Secretary of Defense. Key military staff positions subordinate to the Executive Director shall be subject to rotation on a periodic basis among the military services, as agreed to by the Single Manager and the Secretaries of the other two military departments, with due consideration being given to the qualifications of the individuals concerned and the career program needs of each military service. The Department of the Army will be responsible for providing the administrative support for the Agency. Initially, however, personnel, personnel spaces, funds, facilities and equipment will be adjusted among the military services for responsibilities assigned to the Agency in order to meet the support requirements of the Single Manager created by this Directive. Such personnel adjustments will be accomplished in accordance with the provisions of DOD Instruction 1404.4, dated April 19, 1955.

4. Organize the Administrative Committee in accordance with Paragraph III. D. above.

5. Assign the distribution mission for clothing and textile materiel for each distribution area to specific area distribution depots, from which all military installations in the area will requisition.

6. Direct the operations of the Department of Defense Duck and Webbing Pool.

B. *Requirements.* 1. Receive from the military services on a cyclical basis statements of peacetime and mobilization requirements, computed and submitted in accordance with policies and procedures established by the Assistant Secretary of Defense (Supply and Logistics), together with necessary data including basic assumptions, and factors upon which the requirements were premised, to enable review and comment on the validity of the requirements.

2. Direct the submissions on a periodic basis, of inventory status reports at the retail level, by distribution area, of the total stocks on hand and the quantities of those stocks held for operating needs, and those stocks held for reserves. This refers to those stocks owned and positioned by the military services.

3. In accordance with policies and procedures established by the Assistant Secretary of Defense (Supply and Logistics), develop the total Department of Defense requirements program and compute net peacetime and mobilization requirements for the Agency, for purposes of procurement, distribution and disposal.

4. Receive from the military services the requirements for Mutual Defense Assistance Programs and civilian aid programs.

C. *Procurement.* 1. Conduct or direct procurement, pursuant to the provisions of the Armed Services Procurement Act, Armed Services Procurement Regulations (ASPR), and Army Procurement Procedure (APP), including contract administration, as a single service purchase assignment to the Single Manager for all centrally procured items. Designate those items to be procured locally. The designation or redesignation of items from local procurement to central procurement or vice versa will be coordinated with the military services with sufficient time allowed for an orderly adjustment of the affected programs. Stock Fund Items authorized to be procured locally shall be financed by allotments of the retail stock funds.

2. Obtain and furnish to the military services procurement and production data for use in requirements and supply studies.

3. The Single Manager shall be responsible for accounting and control of government-furnished materiel in the hands of contractors and government manufacturing plants in connection with procurement of end items.

4. Procure materiel for the Mutual Defense Assistance Program and civilian aid programs to fulfill requirements submitted by the departments which are not available from stocks owned by the Single Manager.

5. Administer the priorities and allocation authority in the purchase of clothing and textile materiel delegated by the Assistant Secretary of Defense (Supply and Logistics), in accordance with the Department of Defense Priorities and Allocations Manual, pursuant to Department of Defense Instruction 4410.1, and plan for administration in accordance with Department of Defense Emergency Priorities Allocations Manual (4410.2).

D. *Inspection.* Direct the program of inspection and quality control for clothing and textile materiel, utilizing established inspection services and facilities to the maximum degree; this program shall apply to the procurement, storage and maintenance of supplies.

E. *Mobilization Planning.* 1. Coordinate and direct mobilization planning in assigned areas of supply management responsibility. Recommend related mobilization policies and procedures to responsible Assistant Secretaries of Defense for inter-agency agreements and coordination with over-all Department of Defense mobilization plans.

2. Arrange for or conduct industrial mobilization planning for all items under the Single Manager for which advance planning is necessary to assure adequate wartime production to meet military needs. Such actions may include, but are not limited to:

a. Developing with industry, under the policies and procedures of the Production Allocation Program, mobilization production schedules for all items on the Department of Defense Preferential Planning List and the several approved Departmental Planning Lists.

b. Developing procedures for locating potential sources of supply for other items and conducting such planning as may be appropriate.

c. Negotiating industry preparedness measures contracts as appropriate.

d. Determining needs for reserve production facilities, production equipment, stockpiles of critical materials, etc., and recommending appropriate action for acquisition and maintenance thereof.

F. *Storage.* 1. Determine requirements for storage space and related activities. Request necessary space and related activities from owning services. Establish and maintain records of space utilization.

2. Assign specific storage missions, when storage space can be made available, to installations other than area distribution depots, regardless of military service ownership, when necessary to store clothing and textile materiel.

G. *Inventory control.* 1. Establish and maintain central control over clothing and textile materiel inventories owned by the Single Manager, and prescribe quantitative stockage objectives for such inventories, at the area distribution depots, which are necessary to meet the area distribution requirements.

2. Prescribe an inventory reporting system which will provide current, accurate, repetitive, and cyclic stock status information to the agency for all clothing and textile materiel owned by the Single Manager.

3. Prescribe requisitioning procedures to be utilized by the military services in requisitioning against Single Manager stocks and direct the phased submission of requisitions to the appropriate depots.

4. Establish prices and pricing procedures in accordance with policy as established in reference (c).

5. Direct distribution and redistribution, down to and including shipments from distribution depots, of stocks owned by the Single Manager.

6. Direct, when necessary for rotation purposes, the reallocation of assets and the utilization and consumption, by all military services, of common stocks.

7. Institute such measures as forced issue when necessary for utilization of suitable substitutes, as agreed upon between the Single Manager and the military services concerned.

8. Coordinate program for the positioning of mobilization reserve stocks to obtain maximum availability and minimum loss in the event of enemy attack, in accordance with Department of Defense policies.

9. Prescribe reports to be furnished to the Military Clothing and Textile Supply Agency by area distribution depots, or other activities, performing a mission assigned by the Single Manager, as may be necessary to carry out the responsibilities of this assignment.

10. Screen all excesses of clothing and textile materiel, including returned used materiel either owned by the Single Manager or reported by the military services and determine the utilization or disposition of such excesses.

11. Report to General Services Administration, in accordance with Department of Defense policies, those items in excess to Department of Defense requirements.

12. Prepare inventory and supply reports, as required by the military services, for the development of requirement and supply studies.

H. *Stock fund.* Establish and administer the Single Manager Clothing and Textile Materiel Stock Fund Division, in accordance with reference (c) and the charter authorizing the establishment thereof.

I. *Research and development.* The Single Manager will be kept informed of all research and development pertaining to his commodity area. He may recommend to the military services research and development into improved materials, items and methods within his commodity jurisdiction, and will recommend to the Assistant Secretary of Defense (Research and Development) any changes in the program he considers desirable. The military services, under the policies and procedures of the Secretary of Defense, are responsible for research and development programs; the Assistant Secretary of Defense (Research and Development) is responsible for reviewing these programs.

J. *Cataloging and standardization.* 1. Responsible for coordinating the cataloging operations of the military services for clothing and textile materiel in accordance with prescribed Department of Defense policies, procedures, and operations established for the Federal Catalog System; operate as a single submitting activity in the Federal Catalog System for Department of Defense clothing and textile materiel.

2. Develop and direct a program of standardization and of standards and specification preparation and maintenance within the over-all Department of Defense policies and guidance.

K. *Transportation.* Arrange for required transportation or traffic management services from the respective Single Managers assigned responsibilities for traffic management (Single Managers for Military Traffic Management, Military Sea Transportation Service and Military Air Transport Service) in accordance with criteria and procedures established by those Single Managers, or as may otherwise be authorized by the Secretary of Defense.

L. *Maintenance and manufacture.* Coordinate the operation of all military activities engaged in maintenance, manufacture, assembly, or approved rehabilitation of clothing and textile materiel owned by or entering the wholesale distribution system.

M. *Personnel and training.* 1. In planning the organization and staffing required for the Agency, establish military and civilian career development patterns which shall be coordinated with and supplement programs of the military services. Personnel training requirements peculiar to a particular military service will be considered in the development of the program and incorporated therein by the Single Manager.

2. Coordinate the execution of an adequate and well integrated, specialized training program with industry (regular and reserve). Review training programs of the services and recommend measures to provide for maximum cross-servicing in the training of units and individuals within available facilities.

N. *General.* 1. Prepare reports as required by the Office of the Secretary of Defense.

2. The Single Manager is authorized and expected to maintain close liaison with non-Governmental organizations, associations and industry on matters affecting the responsibilities under this Directive, subject to the provisions of Department of Defense Directive 5500.2, dated 13 September 1954.

VI. *Implementation.* A. Implementation of the Single Manager assignment for clothing and textile materiel will obviate the requirement for any military service to perform the management functions assigned herein to the Single Manager, except when performing mis-

sions assigned by the Single Manager. Thus, all existing organizations within the military services, which perform such functions, shall have their missions, status, and manning modified, redefined, and adjusted, as early as possible, so as to exclude the functions assumed by the Military Clothing and Textile Supply Agency and to reflect their reduced mission status.

B. The operating agency shall be so organized that, as a minimum, it will perform directly within its organization, at one location, the responsibilities designated in Paragraph V. B., V. C., V. G. and V. H. above.

C. Within ninety days, regulations, procedures organizational arrangements, and adjustments among military services as to personnel, personnel spaces and funds, required to implement the provisions of this Directive, will be developed and coordinated with the military services by the Single Manager and copies transmitted to the Assistant Secretary of Defense (Supply and Logistics) for approval. The Assistant Secretary of Defense (Supply and Logistics) will coordinate the approval of such matters with other cognizant elements of the Office of the Secretary of Defense.

VII. *Annexes.* The following annexes are incorporated as part of this Directive:

Annex A—Statement of the related responsibilities of the Single Manager and the military services in connection with this commodity assignment.

Annex B—Listing of items, within the Federal Supply Groups and Classes, assigned to the Single Manager for Clothing and Textile Materiel (to follow).

VIII. *Effective date.* Development of implementation measures will be commenced immediately.

REUBEN B. ROBERTSON, JR.,
*Deputy Secretary of Defense.*

ANNEX A

RELATED RESPONSIBILITIES OF SINGLE MANAGER AND THE MILITARY SERVICES

| *Single Manager* | *Military Services* |
|---|---|
| 1. *Organization and Management*<br>a. Designate the Executive Director and establish the Military Clothing and Textile Supply Agency under his control. | a. Not applicable. |
| b. Provide administrative support to the agency. Provide all civilian personnel and Army military personnel as required. Identify positions as military or civilian, based on criteria established by the Office of the Secretary of Defense. | b. Not applicable. (Initially there will be a readjustment of personnel, personnel spaces and funds among the military services to provide the Single Manager with ceiling, etc.) |
| c. Determine requirements for officer personnel from other services with Secretaries of the other military departments. Integrate such officer personnel into operational assignments in the Agency. Rotate key military staff positions among the military services on a periodic basis, as agreed with the other military departmental Secretaries. | c. Furnish officer personnel, as required, for the staffing of the Agency. |
| d. Organize the Administrative Committee under the chairmanship of the Executive Director. | d. Provide departmental representatives and such augmentation personnel as the Single Manager may request. |
| e. Determine specific distribution areas. Assign to military services distribution areas to be supported as agents of the Single Manager. Furnish necessary operating procedures to the military service responsible for a distribution area. | e. Perform distribution functions in accordance with the procedures prescribed by the Single Manager. Provide administrative support for designated area distribution depots. |
| f. Administer and manage the Department of Defense Duck and Webbing Pool which will include but not limited to control over and reinvestment of pool funds. | f. Provide such information to the Single Manager as may be required for the operation of the Department of Defense Duck and Webbing Pool. |
| 2. *Requirements*<br>Receives from the military services on a cyclical basis, peacetime and mobilization requirements; directs submissions of inventory status reports for the retail level, by distribution area, including statement of stocks held for operating needs and for reserves; and, in accordance with Assistant Secretary of Defense (Supply and Logistics) policies and procedures, computes net peacetime and mobilization requirements for the Agency and develops the total Department of Defense requirements program for the items under his single managership. Provide for Mutual Defense Assistance Program and civilian aid programs as necessary. | Provide the Single Manager with information regarding requirements data, quantities of stocks on hand at the retail level, by distribution depot area, as directed, on a cyclical basis. Also, report significant changes in these areas as they occur. Furnish necessary data, including basic assumptions and factors upon which the requirements were promised, to the Single Manager to enable him to review and comment on the validity thereof. Furnish Mutual Defense Assistance Program and civilian aid program requirements as authorized. |
| 3. *Procurement*<br>Conduct or direct procurement pursuant to the Armed Services Procurement Act, Armed Services Procurement Regulation and Army Procurement Procedures, including contract administration, as a single service purchase assignment to the Single Manager for all centrally procured items. Designate those items to be procured locally. | Procure locally those items designated by the Single Manager, financing such purchase by allotments from the retail stock funds. Conduct such central purchase as directed and funded by the Single Manager. |
| 4. *Inspection*<br>Direct the program of Inspection and Quality Control for clothing and textile materiel, utilizing established inspection services and facilities to the maximum degree; this program shall apply to the procurement, storage, and maintenance of supplies. | Conduct inspection and maintain control of quality when requested and as directed by the Single Manager. |
| 5. *Mobilization Planning*<br>a. Coordinate and direct mobilization planning in assigned area of supply management responsibility. Recommend to the Office of the Secretary of Defense related mobilization policies and procedures for interagency agreements and coordination with over-all Department of Defense mobilization plans. Arrange for or conduct mobilization planning for all items for which advance planning is necessary to assure adequate wartime production to meet military needs. | a. Provide mobilization planning data as required by the Single Manager for this purpose. |
| b. Under the policies and procedures of the Production Allocation Program, serve as Claimant Procurement Planning Officer (CPPO) providing desired mobilization production requirements to Armed Services Procurement Planning Officers for negotiation with industry and approving final schedules after negotiation. Serve as Armed Services Procurement Planning Officer for such plants for which planning responsibility has been or may be assigned by the Assistant Secretary of Defense (Supply and Logistics). | b. Serve as Armed Services Procurement Planning Officers (ASPPO's) for those plants for which planning responsibility may be assigned by the Assistant Secretary of Defense (Supply and Logistics), negotiating Tentative Mobilization Production Schedules with industrial management, and securing final approval by the Single Manager and industrial management. |



ANNEX A—Continued

RELATED RESPONSIBILITIES OF SINGLE MANAGER AND THE MILITARY SERVICES—continued

| *Single Manager* | *Military Services* |
|---|---|
| c. Develop procedures for locating potential sources of supply for other items for which Production Allocation Program procedures are not applicable and conduct such planning thereunder as may be appropriate. | c. Assist the Single Manager through field procurement offices or the ASPPO organization in conducting such planning, other than Production Allocation Program, as may be appropriate. |
| d. Negotiate industry preparedness measures contracts with potential producers, research organizations, educational institutions, etc., as may be appropriate. | d. Provide assistance through field procurement offices. |
| e. Determine needs for reserve production facilities, production equipment, stockpiles of critical materials, etc., and recommend appropriate action for acquisition and maintenance thereof. | e. Provide required information, assistance, and appropriate action through the Technical Services, Bureaus, Commands, or field installations. |
| 6. *Storage*<br>Determine requirements for storage space and related activities. Request necessary space and related activities from the owning service. Establish and maintain records of space utilization. Assign specific storage missions, when storage space can be made available, to installations other than area distribution depots, whenever necessary to store Single Manager reserve stocks. | Conduct storage and related functions at designated area distribution depots, providing effective logistical support to consuming agencies, irrespective of service, in accordance with the policies and procedures of the Single Manager. Maintain records, and submit space and operating records as prescribed by the Single Manager. Perform additional storage functions, at storage points other than area distribution depots, for the Single Manager, when space can be made available. |
| 7. *Inventory Control*<br>a. Establish and maintain central control over inventories owned by the Single Manager Clothing and Textile Materiel Stock Fund Division, and prescribe quantitative stockage objectives for such inventories at the area distribution depots, which are necessary to meet the area distribution requirements. Establish prices and pricing procedures in accordance with DOD Directive 7420.1. | a. Maintain control over retail stocks. |
| b. Prescribe an inventory reporting system to provide current, accurate information regarding the status of inventories. | b. Provide inventory reports for Single Manager stocks as prescribed. |
| c. Prescribe requisitioning procedures to be utilized by the military services in requisitioning against area distribution depots, and direct the phased submission of requisitions to the appropriate area distribution depot. | c. Requisition clothing and textile materiel as prescribed by the Single Manager. |
| d. Direct distribution and redistribution of Single Manager owned stocks, down to and including shipments from distribution depots to retail level. Control redistribution of retail stocks between distribution areas. | d. Redistribution of retail stocks will be controlled by the owning military services, except that such redistribution shall not be effected between distribution areas except as authorized by the Single Manager. |
| e. Direct, when necessary for rotation purposes, the utilization and consumption, by all military services, of common stocks, regardless of where held or for whom procured. | e. Participate as necessary to provide rotation and full utilization of stocks. |
| f. Direct when appropriate and necessary, such as to balance stocks or to meet mission deadlines, the utilization of suitable substitutes. | f. Participate as necessary to provide full utilization of stocks. |
| g. Coordinate program among the military services and with civilian agencies of the Government for positioning of mobilization reserve stocks to obtain maximum availability and minimum loss in the event of enemy attack, in accordance with Department of Defense policies. | g. Participate as necessary to obtain the objectives of this program. |
| h. Prescribe such reports as may be necessary to carry out the responsibilities of this assignment. | h. Submit reports as required by the Single Manager. |
| i. Screen all excesses of clothing and textile materiel, including returned used materiel, either owned by the Single Manager or reported by the military services, and determine the utilization of such excesses. Report to General Services Administration those items excess to Department of Defense requirements. | i. Screen all excesses owned and held at retail level and determine those items to be redistributed among requisitioning activities of military service concerned. Such redistribution shall be confined to the same distribution area unless otherwise approved by the Single Manager. Items not required within the service will be reported to the Single Manager as excess. |
| 8. *Stock Fund*<br>Establish and administer the Single Manager Clothing and Textile Materiel Division of the Army Stock Fund for the management of Single Manager controlled stocks. | Maintain a retail stock fund which will reimburse the Single Manager Clothing and Textile Materiel Division, of the Army Stock Fund for withdrawals from Single Manager owned stocks, and to finance inventories acquired through local purchase. Military services will prepare and support their own budgets in the normal manner and administer their respective retail stock funds. |
| 9. *Research and Development*<br>Recommend to a military service or services Research and Development into improved materials, items, and methods within his commodity jurisdiction. He will be kept informed on research and development in his commodity area. He will recommend to the Assistant Secretary of Defense (Research and Development) any changes in the program he considers desirable. | Initiate requirements for research and development, and perform research and development. The services may initiate and perform research and development in areas of peculiar interest to their requirements in accordance with established coordinating procedures. |
| 10. *Cataloging and Standardization*<br>a. Responsible for coordinating the cataloging operations of the military services for clothing and textile materiel in accordance with prescribed Department of Defense policies, procedures and operations established for the Federal Catalog System; operate as a single submitting activity in the Federal Catalog System for Department of Defense clothing and textile materiel. | a. Perform those functions of the Federal Catalog System for clothing and textile materiel as prescribed by the Single Manager; utilize Federal Catalog Data as the prime identification data in all supply and logistics operations, consistent with Department of Defense policies. |

ANNEX A—Continued

RELATED RESPONSIBILITIES OF SINGLE MANAGER AND THE MILITARY SERVICES—continued

| | *Single Manager* | *Military Services* |
|---|---|---|
| | b. Develop and direct a program of standardization and of standards and specifications within the over-all Department of Defense policies and guidance. | b. Accomplish such standards and specifications work as is assigned by the Single Manager. Inform the Single Manager of use needs, and recommend or concur in adoption and standardization or rejection of materiel. Determinations on items peculiar to a single military service will remain with that service, but will be subject to review and action by the Single Manager in consonance with his responsibilities under the over-all Department of Defense policies in this field. |
| 11. | *Maintenance and Manufacture*<br>Coordinate the operation of all military activities engaged in maintenance, manufacture, assembly, or approved rehabilitation of materiel owned by or entering the wholesale distribution system. | Perform as requested by the Single Manager the maintenance, manufacture, assembly or approved rehabilitation of materiel owned by or entering the wholesale distribution system. |
| 12. | *Personnel and Training*<br>a. Provide a civilian personnel program and training standards for all personnel assigned under direction of the Single Manager. | a. The existing civilian personnel and training offices of the military services will be utilized in carrying out the civilian personnel and training program. |
| | b. Coordinate specialized military training programs with respect to clothing and textile materiel and recommend measures for interdepartmental training. | b. Participate in specialized training program. |
| 13. | *General*<br>Prepare or prescribe such reports as required to perform Single Manager responsibilities or as required by the Office of the Secretary of Defense. | Provide such information to Single Manager as may be required. |

[F. R. Doc. 56-4858; Filed, June 20, 1956; 8:45 a. m.]

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[DOD Directive Number 5160.16, May 4, 1956]

## SINGLE MANAGER ASSIGNMENT FOR MEDICAL MATERIEL

References: [1]

(a) Directive 4000.8, Basic Regulations for the Military Supply System, November 17, 1952.

(b) Directive 5160.12, Policies for Implementation of Single Manager Assignments, January 31, 1956.

(c) Directive 7420.1, Regulations Governing Stock Fund Operations, February 1, 1954.

I. *Authority and purpose.* A. Pursuant to the authority vested in the Secretary of Defense by the National Security Act of 1947, as amended, a Single Manager Commodity Assignment is hereby directed within the Department of Defense, with authority, functions, responsibilities, and relationships as set forth below, recognizing that the primary mission is to effectively support the military effort of the country.

B. The purposes and objectives of this assignment are:

1. To provide the most effective and economical means of supplying medical materiel to the Armed Services.

2. To eliminate duplication and overlapping of effort between and among military services.

3. To apply the basic pattern for all organizations performing a Single Manager support mission, as prescribed in reference (b) above, to the mission of supplying medical materiel to the Armed Services.

II. *Scope.* The Single Manager Plan will be employed, as appropriate, for the management of medical materiel within the continental United States, and may be extended to include operations outside the continental United States when directed by the Secretary of Defense.

III. *Definitions*—A. *Single Manager.* The Secretary of a Military Department who is designated by the Secretary of Defense to be responsible for the organization and operation of the Single Manager assignment for medical materiel.

B. *Executive Director for Medical Materiel.* The individual designated by the Single Manager to manage the Single Manager operating agency for medical materiel.

C. *Single Manager Operating Agency.* An organization which, under the direction of the Executive Director for Medical Materiel, shall direct and control all assigned functions of supply management of medical materiel for all military services. It shall be titled the Military Medical Supply Agency.

D. *Administrative Committee.* A group designated to assist the Executive Director in identifying and overcoming problems concerning the operation of this assignment. The committee shall be neither a policy board nor an executive directorate, but rather a group of specialists meeting to recommend solutions to particular problems and to promote the effectiveness and economy with which the agency meets the needs of the military services. Its membership shall be as follows:

1. Executive Director, Chairman.

2. A representative each from the Army, Navy, Marine Corps, and the Air Force.

3. The Assistant Secretaries of Defense, Comptroller, Health and Medical, and Supply and Logistics, or their representatives.

4. Such technical or professional personnel augmentations from the military services as the Single Manager determines to be necessary and as medical materiel supply problems under consideration dictate.

E. *Administrative support.* The provision of personnel, space, equipment, facilities, and supplies, including the related budgeting, funding, fiscal control, training, manpower control and utilization, personnel administration, security administration, mobilization planning, and other administrative provisions and services necessary to carry out assigned missions.

F. *Medical materiel.* All items of medical, dental, and veterinary supplies and equipment falling within Federal Supply Group 65, and all other items of related materiel authorized by the Office of the Secretary of Defense (Annex B).

G. *Supply management of medical materiel.* The exercise of direction and control of medical material supply operations, including the functions of cataloging, standardization, net requirements determination, procurement, production, inspection, storage, distribution, disposal, transportation, maintenance, and mobilization planning.

H. *Single Manager Stocks.* Medical materiel acquired by and maintained in the wholesale distribution system, under the control and ownership of the Single Manager, down to but excluding retail stocks. This includes operating stocks and economic, contingency, and mobilization reserves.

I. *Single Manager Medical Materiel Stock Fund Division.* An administrative division of the Navy Stock Fund established pursuant to regulations governing operations of Stock Funds (Department of Defense Directive 7420.1) to finance Single Manager medical materiel stocks.

J. *Retail Medical Materiel Stock Fund Divisions or Categories.* The division or category established within each of the military departmental stock funds to finance retail medical materiel stocks.

K. *Wholesale distribution.* An area depot distribution system designed to distribute and issue medical materiel in bulk quantities to the post, camp, station, or base level of all services. This distribution system shall employ the facilities best suited to the requirements of the area served, regardless of military service ownership.

L. *Retail stocks.* Medical materiel not included in Single Manager stocks which is necessary to be held and controlled by individual military services for issue or resale to final consumers in performance of assigned missions, and which is not under the direct management of the Single Manager.

IV. *Delegation of authorities and responsibilities.* A. The Secretary of the Department of the Navy is hereby designated as the Single Manager for medical materiel, subject to over-all guidance, policies, and programs of the Office of the Secretary of Defense, with the responsibilities and authorities assigned under this Directive. Additions or deletions of specific items from the cognizance of the Single Manager will be authorized only by the Office of the Secretary of Defense. Requests for change may be initiated by a military service and shall be forwarded through the Single Manager for his recommendation to the Secretary of Defense.

B. As Single Manager for medical materiel, the primary responsibility of the Secretary of the Navy shall be to effectively meet the supply support requirements of the military services in terms of centrally managed medical items. He shall also be responsible for fulfilling other support responsibilities placed upon the Department of Defense for such items. He shall be responsible for utilization of all applicable portions of reference (b), except where such portions are specifically modified or amplified herein.

C. The Secretary of each military department shall be responsible for the administrative support of all installations and activities under his jurisdiction, including administrative support required to perform those functions assigned by the Single Manager. Military departments will furnish to the Single Manager complete data regarding administrative support costs incurred on the basis of missions assigned by the Single Manager. Such data shall be compiled on a comparable basis and, as soon as practicable, derived from a uniform expense classification and related to budget and apportionment requests.

D. The Secretary of each military department shall be responsible for requirements determination, for supply of medical materiel to using elements at retail level, and for control of reserve stocks at levels below the wholesale distribution level. Departmental planned requirements will be submitted to the Military Medical Supply Agency on a cyclical basis, in accordance with policies and procedures established by the Assistant Secretary of Defense (Supply and Logistics).

E. The Secretary of each military department shall be responsible for full cooperation with the Single Manager in carrying out the provisions of the applicable portions of reference (b) and the provisions of this Directive.

V. *Authorities and responsibilities of the Single Manager*—A. *Organization and Management.* 1. Designate an Executive Director for Medical Materiel, subject to approval by the Secretary of Defense. The Executive Director shall have no other duties but to direct the operations of the Military Medical Supply Agency. The Executive Director shall be responsible to the Secretary of the Navy through channels prescribed by that Secretary.

2. Establish and organize the Military Medical Supply Agency in accordance with reference (b) above, except as otherwise specifically modified herein.

3. The Agency shall be staffed by civilian personnel employed by the Department of the Navy and by military personnel from all military services, as appropriate, not necessarily with equal representation. Positions within the Agency staff will be identified as military or civilian, based on criteria established by the Secretary of Defense. Key military staff positions subordinate to the Executive Director shall be subject to rotation on a periodic basis among the military services, as agreed to by the Single Manager and the Secretaries of the other two military departments, with due consideration being given to the qualifications of the individuals concerned and the career program needs of each military service. The Department of the Navy will be responsible for providing the administrative support for the Agency. Initially, however, personnel, personnel spaces, funds, facilities and equipment will be adjusted among the military services for responsibilities assigned to the Agency in order to meet the support requirements of the Single Manager created by this Directive. Such personnel adjustments will be accomplished in accordance with the provisions of DOD Instruction 1404.4, dated April 19, 1955.

4. Organize the Administrative Committee in accordance with paragraph III.D. above.

5. Assign the distribution mission for medical materiel for each distribution area to specific area distribution depots, from which all military installations in the area will requisition.

B. *Requirements.* 1. Receive from the military services on a cyclical basis statements of peacetime and mobilization requirements, computed and submitted in accordance with policies and procedures established by the Assistant Secretary of Defense (Supply and Logistics), together with necessary data including basic assumptions, and factors upon which the requirements were premised, to enable review and comment on the validity of the requirements.

2. Direct the submissions, on a periodic basis, of inventory status reports at the retail level, by distribution area, of the total stocks on hand and the quantities of those stocks held for operating needs, and those stocks held for reserves. This refers to stocks owned and positioned by the military services.

3. In accordance with policies and procedures established by the Assistant Secretary of Defense (Supply and Logistics), develop the total Department of Defense requirements program and compute net peacetime and mobilization requirements for the Agency, for purposes of procurement, distribution, and disposal.

4. Receives from the military departments the requirements for Mutual Defense Assistance Program and civilian aid programs.

C. *Procurement.* 1. Conduct or direct procurement, pursuant to the provisions of the Armed Services Procurement Act, Armed Services Procurement Regulations (ASPR), and the Navy Purchase Directives, including contract administration, as a single service purchase assignment to the Single Manager for all centrally procured items. Designate those items to be procured locally. The designation or redesignation of items from local procurement to central procurement or vice versa will be coordinated with the military services with sufficient time allowed for an orderly adjustment of the affected programs. Stock Fund Items authorized to be procured locally shall be financed by allotments of the retail stock funds.

2. Obtain and furnish to the military services procurement and production data for use in requirements and supply studies.

3. The Single Manager shall be responsible for accounting and control of government-furnished materiel in the hands of contractors and government manufacturing plants in connection with procurement of end items.

4. Procure materiel for the Mutual Defense Assistance Program and civilian aid programs to fulfill requirements submitted by the departments which are not available from stocks owned by the Single Manager.

5. Administer the priorities and allocation authority, in the purchase of medical materiel, delegated by the Assistant Secretary of Defense (Supply and Logistics), in accordance with the Department of Defense Priorities and Allocations Manual, pursuant to Department of Defense Instruction 4410.1, and plan for administration in accordance with Department of Defense Emergency Priorities Allocation Manual (4410.2).

6. Purchase medical materiel for the Federal Civil Defense Administration on the basis of mutual agreement.

D. *Inspection.* Direct the program of inspection and quality control for medical materiel, utilizing established inspection services and facilities to the maximum degree; this program shall apply to the procurement, storage, and maintenance of supplies.

E. *Mobilization planning.* 1. Coordinate and direct mobilization planning in assigned areas of supply management responsibility. Recommend related mobilization policies and procedures to responsible Assistant Secretaries of Defense for interagency agreements and coordination with over-all Department of Defense mobilization plans.

2. Arrange for or conduct industrial mobilization planning for all items under the Single Manager for which advance planning is necessary to assure adequate wartime production to meet military needs. Such actions may include, but are not limited to:

a. Developing with industry, under the policies and procedures of the Production Allocation Program, mobilization production schedules for all items on the Department of Defense Preferential Planning List and the several approved Departmental Planning Lists.

[1] Not filed with Federal Register Division.

b. Developing procedures for locating potential sources of supply for other items and conducting such planning as may be appropriate.

c. Negotiating industry preparedness measures contracts as appropriate.

d. Determining needs for reserve production facilities, production equipment, stockpiles of critical materials, etc., and recommending appropriate action for acquisition and maintenance thereof.

F. *Storage.* 1. Determine requirements for storage space and related activities. Request necessary space and related activities from owning services. Establish and maintain records of space utilization.

2. Assign specific storage missions, when storage space can be made available, to installations other than area distribution depots, regardless of military service ownership, when necessary to store medical materiel.

G. *Inventory control.* 1. Establish and maintain central control over medical materiel inventories owned by the Single Manager, and prescribe quantitative stockage objectives for such inventories, at the area distribution depots, which are necessary to meet the area distribution requirements.

2. Prescribe an inventory reporting system which will provide current, accurate, repetitive, and cyclic stock status information to the Agency for all medical materiel owned by the Single Manager.

3. Prescribe requisitioning procedures to be utilized by the military services in requisitioning against Single Manager stocks and direct the phased submission of requisitions to the appropriate depots.

4. Establish prices and pricing procedures in accordance with policy as established in reference (c).

5. Direct distribution and redistribution, down to and including shipments from distribution depots, of stocks owned by the Single Manager.

6. Basing actions on policies approved by the Assistant Secretary of Defense (Health and Medical) direct, when necessary for rotation purposes, the reallocation of assets and the utilization and consumption, by all military services, of common stocks.

7. Institute such measures as forced issue when necessary for utilization of suitable substitutes. Substitutions of medical materiel will be made only in accordance with lists of substitute items developed by the Surgeons General and furnished to the Single Manager for consolidation and distribution.

8. Coordinate program for the positioning of mobilization reserve stocks to obtain maximum availability and minimum loss in the event of enemy attack, in accordance with Department of Defense policies and with consideration of the Federal Civil Defense Administration medical reserve program.

9. Prescribe reports to be furnished to the Military Medical Supply Agency by area distribution depots, or other activities performing a mission assigned by the Single Manager, as may be necessary to carry out the responsibilities of this assignment.

10. Screen all excesses of medical materiel, including returned used material either owned by the Single Manager or reported by the military services and determine the utilization or disposition of such excesses.

11. Report to General Services Administration, in accordance with Department of Defense policies, those items excess to Department of Defense requirements.

12. Prepare inventory and supply reports, as required by the military services, for the development of requirement and supply studies.

H. *Stock Fund.* Establish and administer the Single Manager Medical Materiel Stock Fund Division, in accordance with reference (c) and the charter authorizing the establishment thereof.

I. *Research and development.* The Single Manager will be kept informed of all research and development pertaining to his commodity area. He may recommend to the military services research and development into improved materiels, items and methods within his commodity jurisdiction, and will recommend to the Assistant Secretary of Defense (Research and Development) any changes in the program he considers desirable. The military departments, under the policies and procedures of the Secretary of Defense, are responsible for research and development programs; the Assistant Secretary of Defense (Research and Development) is responsible for reviewing these programs.

J. *Cataloging and standardization.* 1. Responsible for coordinating the cataloging operations of the military services for medical materiel in accordance with prescribed Department of Defense policies, procedures, and operations established for the Federal Catalog System; operate as a single submitting activity in the Federal Catalog System for Department of Defense medical materiel.

2. Develop and direct a program of standardization and of standards and specification preparation and maintenance within the over-all Department of Defense policies and guidance.

K. *Transportation.* Arrange for required transportation or traffic management services from the respective Single Managers assigned responsibilities for traffic management (Single Managers for Military Traffic Management, Military Sea Transportation Service, and Military Air Transport Service) in accordance with criteria and procedures established by those Single Managers, or as may otherwise be authorized by the Secretary of Defense.

L. *Maintenance and manufacture.* Coordinate the operation of all military activities engaged in maintenance, manufacture, assembly, or approved rehabilitation of medical materiel owned by or entering the wholesale distribution system.

M. *Personnel and training.* 1. In planning the organization and staffing required for the Agency, establish military and civilian career development patterns which shall be coordinated with and supplement programs of the military services. Personnel training requirements peculiar to a particular military service will be considered in the development of the program and incorporated therein by the Single Manager.

2. Coordinate the execution of an adequate and well integrated, specialized training program with industry (regular and reserve). Review training programs of the services and recommend measures to provide for maximum cross-servicing in the training of units and individuals within available facilities.

N. *General.* 1. Prepare reports as required by the Office of the Secretary of Defense.

2. The Single Manager is authorized and expected to maintain close liaison with non-Governmental organizations, associations and industry on matters affecting the responsibilities under this Directive, subject to the provisions of Department of Defense Directive 5500.2, dated September 13, 1954.

VI. *Implementation.* A. Implementation of the Single Manager assignment for medical materiel will obviate the requirement for any military service to perform the management functions assigned herein to the Single Manager, except when performing missions assigned by the Single Manager. Thus, all existing organizations within the military services which perform such functions shall have their missions, status, and manning modified, redefined, and adjusted as early as possible so as to exclude the functions assumed by the Military Medical Supply Agency and to reflect their reduced mission status. Industrial mobilization planning functions under the Production Allocation Program—both as Armed Services Procurement Planning Officer (ASPPO) and as Claimant Procurement Planning Officer (CPPO)—currently being performed by ASMPA for the Assistant Secretary of Defense (Supply and Logistics) be transferred without change to the Military Medical Supply Agency.

B. The operating agency shall be so organized that, as a minimum, it will perform directly within its organization, at one location, the responsibilities designated in Paragraph V. B., V. C., V. G., and V. H. above.

C. Within ninety days, regulations, procedures, organizational arrangements, and adjustments among military services as to personnel, personnel spaces and funds, required to implement the provisions of this Directive, will be developed and coordinated with the military services by the Single Manager and transmitted to the Office of the Secretary of Defense for approval. The Assistant Secretary of Defense (Supply and Logistics) will coordinate the approval of such matters with other cognizant elements of the Office of the Secretary of Defense.

VII. *Annexes.* The following annexes are incorporated as part of this Directive:

Annex A—Statement of the related responsibilities of the Single Manager and the military services in connection with this commodity assignment.

Annex B—Listing of items, within the Federal Supply Groups and Classes, assigned to the Single Manager for Medical Materiel (to follow).

VIII. *Effective date.* Development of implementation measures will be commenced immediately.

REUBEN B. ROBERTSON, Jr.,
*Deputy Secretary of Defense.*



ANNEX A

RELATED RESPONSIBILITIES OF SINGLE MANAGER AND THE MILITARY SERVICES

| *Single Manager* | *Military Services* |
|---|---|
| 1. *Organization and Management*<br>a. Designate the Executive Director and establish the Military Medical Supply agency under his control. | a. Not applicable. |
| b. Provide administrative support to the Agency. Provide all civilian personnel and Navy military personnel as required. Identify positions as military or civilian based on criteria established by the Office of the Secretary of Defense. | b. Not applicable. (Initially there will be a readjustment of personnel, personnel spaces, and funds among the military services to provide the Single Manager with ceiling, etc.) |
| c. Determine requirements for officer personnel from other services with Secretaries of the other military departments. Integrate such officer personnel into operational assignments in the Agency. Rotate key military staff positions among the military services on a periodic basis, as agreed with the other military departmental Secretaries. | c. Furnish officer personnel as required for the staffing of the Agency. |
| d. Organize the Administrative Committee under the chairmanship of the Executive Director. | d. Provide departmental representative and such augmentation personnel as the Single Manager may request. |
| e. Determine specific distribution areas. Assign to military services distribution areas to be supported, as agents of the Single Manager. Furnish necessary operating procedures to the military service responsible for a distribution area. | e. Perform distribution functions in accordance with procedures prescribed by the Single Manager. Provide administrative support for designated area distribution depots. |
| 2. *Requirements*<br>Receives from the military departments, on a cyclical basis, peacetime and mobilization requirements; directs submissions of inventory status reports for the retail level by distribution area including statement of stocks held for operating needs and for reserves; and, in accordance with Assistant Secretary of Defense (Supply and Logistics) policies and procedures, computes net peacetime and mobilization requirements for the Agency and develops the total Department of Defense requirements program for the items under his single managership. Provide for Mutual Defense Assistance Program and civilian aid programs as necessary. | Provide the Single Manager with information regarding requirements data, quantities of stocks on hand at the retail level by distribution depot area, as directed, on a cyclical basis. Also, report significant changes in these areas as they occur. Furnish necessary data, including basic assumptions and factors upon which the requirements were premised, to the Single Manager to enable him to review and comment on the validity thereof. Furnish Mutual Defense Assistance Program and civilian aid program requirements as authorized. |
| 3. *Procurement*<br>Conduct or direct procurement pursuant to the Armed Services Procurement Act (ASPR), and Navy Purchase Directives, including contract administration, as a single service purchase assignment to the Single Manager for all centrally procured items. Designate those items to be procured locally. | Procure locally those items designated by the Single Manager, financing such purchase by allotments from the retail stock funds. Conduct such central purchase as directed and funded by the Single Manager. |
| 4. *Inspection*<br>Direct the program of inspection and quality control for medical materiel utilizing established inspection services and facilities to the maximum degree; this program shall be applicable to procurement, storage, and maintenance of supplies. | Conduct inspection and maintain control of quality when requested and as directed by the Single Manager. |
| 5. *Mobilization Planning*<br>a. Coordinate and direct mobilization planning in assigned area of supply management responsibility. Recommend to the Office of the Secretary of Defense related mobilization policies and procedures for interagency agreements and coordination with over-all Department of Defense mobilization plans. Arrange for or conduct mobilization planning for all items for which advance planning is necessary to assure adequate wartime production to meet military needs. | a. Provide mobilization planning data as required by the Single Manager for this purpose. |
| b. Under the policies and procedures of the Production Allocation Program, serve as Claimant Procurement Planning Office (CPPO) providing desired mobilization production requirements to ASPPO's for negotiation with industry and approving final schedules after negotiation. Serve as ASPPO for such plants for which planning responsibility has been or may be assigned by the Assistant Secretary of Defense (Supply and Logistics). | b. Serve as Armed Services Procurement Planning Officers (ASPPO's) for those plants for which planning responsibility may be assigned by the Assistant Secretary of Defense (Supply and Logistics), negotiating tentative mobilization production schedules with industrial management, and securing final approval by the Single Manager and industrial management. |
| c. Develop procedures for locating potential sources of supply for other items for which Production Allocation Program procedures are not applicable and conduct such planning thereunder as may be appropriate. | c. Assist the Single Manager through field procurement offices or the ASPPO organization in conducting such planning, other than Production Allocation Programs, as may be appropriate. |
| d. Negotiate industry preparedness measures contracts with potential producers, research organizations, educational institutions, etc., as may be appropriate. | d. Provide assistance through field procurement offices. |
| e. Determine needs for reserve production facilities, production equipment, stockpiles of critical materials, etc., and recommend appropriate action for acquisition and maintenance thereof. | e. Provide required information, assistance, and appropriate action through the Technical Services Bureaus, Commands, or field installations. |
| 6. *Storage*<br>Determine requirements for storage space and related activities. Request necessary space and related activities from the owning service. Establish and maintain records of space utilization. Assign specific storage missions, when storage space can be made available, to installations other than area distribution depots, whenever necessary to store Single Manager reserve stocks. | Conduct storage and related functions at designated area distribution depots, providing effective logistical support to consuming agencies, irrespective of service, in accordance with the policies and procedures of the Single Manager. Maintain records and submit space and operating reports as prescribed by the Single Manager. Perform additional storage functions, at storage points other than area distribution depots, for the Single Manager, when space can be made available. |

ANNEX A—Continued

RELATED RESPONSIBILITIES OF SINGLE MANAGER AND THE MILITARY SERVICES—continued

| *Single Manager* | *Military Services* |
|---|---|
| 7. *Inventory Control*<br>a. Establish and maintain central control over inventories owned by the Single Manager Medical Materiel Stock Fund Division, and prescribe quantitative stockage objectives for such inventories, at the area distribution depots, which are necessary to meet the area distribution requirements. Establish prices and pricing procedures in accordance with Department of Defense Directive 7420.1. | a. Maintain control over retail stocks. |
| b. Prescribe an inventory reporting system to provide current, accurate information regarding the status of inventories. | b. Provide inventory reports for Single Manager stocks as prescribed. |
| c. Prescribe requisitioning procedures to be utilized by the military services in requisitioning against area distribution depots, and direct phased submission of requisitions to appropriate area distribution depots. | c. Requisition medical materiel as prescribed by the Single Manager. |
| d. Direct distribution and redistribution of Single Manager owned stocks, down to and including shipments from distribution depots to retail level. Control redistribution of retail stocks between distribution areas. | d. Redistribution of retail stocks will be controlled by the owning military services, except that such redistribution shall not be effected between distribution areas unless authorized by the Single Manager. |
| e. Basing actions on policies approved by the Assistant Secretary of Defense (Health and Medical), direct, when necessary for rotation purposes, the reallocation of assets and the utilization and consumption, by all military services, of common stocks regardless of where held. | e. Participate as necessary to provide rotation and full utilization of stocks. |
| f. Basing actions on policies approved by the Assistant Secretary of Defense (Health and Medical), direct, when appropriate and necessary, such as to balance stocks or to meet mission deadlines, the utilization of suitable substitutes in accordance with lists of substitute items developed by the Surgeons General and furnished to the Single Manager for consolidation and distribution. | f. Participate as necessary to provide full utilization of stocks. |
| g. Coordinate program among the military services and with civilian agencies of the government for positioning of mobilization reserve stocks to obtain maximum availability and minimum loss in the event of enemy attack, in accordance with Department of Defense policies. | g. Participate as necessary to obtain the objectives of this program. |
| h. Describe such reports as may be necessary to carry out the responsibilities of this assignment. | h. Submit reports as required by the Single Manager. |
| i. Screen all excesses of medical materiel, including returned used material, either owned by the Single Manager or reported by the military services, and determine the utilization of such excesses. Report to General Services Administration those items excess to Department of Defense requirements. | i. Screen all excesses owned and held at retail level and determine those items to be redistributed among requisitioning activities of military service concerned. Such redistribution shall be confined to the same distribution area unless otherwise approved by the Single Manager. Items not required within the service will be reported to the Single Manager as excess. |
| 8. *Stock Fund*<br>Establish and administer the Single Manager Medical Materiel Division Stock Fund for the management of Single Manager controlled stocks. | Maintain a retail stock fund which will reimburse the Single Manager Medical Materiel Division Stock Fund for withdrawals from Single Manager owned stocks, and to finance inventories acquired through local purchase. Military services will prepare and support their own budgets in the normal manner and administer their respective retail stock funds. |
| 9. *Research and Development*<br>Recommend, to a military service or services, research and development into improved materials, items, and methods within his commodity jurisdiction. He will be kept informed on research and development in his commodity area. Recommend to the Assistant Secretary of Defense (Research and Development) any changes in the program he considers desirable. | Initiate requirements for research and development, and perform research and development. The services may initiate and perform research and development in areas of peculiar interest to their requirements in accordance with established coordinating procedures. |
| 10. *Cataloging and Standardization*<br>a. Responsible for coordinating the cataloging operations of the military services for medical materiel in accordance with prescribed Department of Defense policies, procedures, and operations established for the Federal Catalog System; operate as a single submitting activity in the Federal Catalog System for Department of Defense medical materiel. | a. Perform those functions of the Federal Catalog System for medical materiel as prescribed by the Single Manager; utilize Federal catalog data as the prime identification data in all supply and logistics operations, consistent with Department of Defense policies. |
| b. Develop and direct a program of standardization and of standards and specifications within the overall Department of Defense policies and guidance. | b. Accomplish such standards and specifications work as is assigned by the Single Manager. Inform the Single Manager of use needs, and recommend or concur in adoption, and standardization or rejection of material. Determinations on items peculiar to a single military service will remain with that service, but will be subject to review and action by the Single Manager in consonance with his responsibilities for standardization under the over-all Department of Defense policies in this field. |
| 11. *Maintenance and Manufacture*<br>Coordinate the operation of all military activities engaged in maintenance, manufacture, assembly, on approved rehabilitation of materiel owned by or entering the wholesale distribution system. | Perform as requested by the Single Manager the maintenance, manufacture, assembly or approved rehabilitation of materiel owned by or entering the wholesale distribution system. |
| 12. *Personnel and Training*<br>a. Provide a civilian personnel program and training standards for all personnel assigned under direction of the Single Manager. | a. The existing civilian personnel and training offices of the military services will be utilized in carrying out the civilian personnel and training program. |
| b. Coordinate specialized military training programs with respect to medical materiel and recommend measures for interdepartmental training. | b. Participate in specialized training programs. |
| 13. *General*<br>Prepare or prescribe such reports as required to perform Single Manager responsibilities or as required by the Office of the Secretary of Defense. | Provide such information to Single Manager as may be required. |

[F. R. Doc. 56-4859; Filed, June 20, 1956; 8:45 a. m.]



## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

NEW MEXICO

STOCK DRIVEWAY WITHDRAWAL NO. 81
NEW MEXICO NO. 12, REDUCED

JUNE 13, 1956.

Pursuant to the authority contained in section 10 of the act of December 29, 1916 (39 Stat. 865; 43 U. S. C. 300), as amended, and pursuant to the authority delegated to me by Order No. 541, section 2.5 (b) (1) (a) of the Director, Bureau of Land Management, approved April 21, 1954, 19 F. R. 2473, it is ordered as follows:

Departmental order of April 29, 1919 establishing Stock Driveway No. 81, New Mexico No. 12 is hereby revoked in so far as it affects the following described lands:

NEW MEXICO PRINCIPAL MERIDIAN, NEW MEXICO

T. 13 N., R. 4 E.,
Sec. 30, NW¼SW¼.
T. 29 N., R. 9 W.,
Sec. 17, N½;
Sec. 18, SE¼SE¼;
Sec. 19, Lots 5 and 7;
Sec. 20, NW¼;
Sec. 21, Lots 1, 2, 3, 4, NW¼, S½;
Sec. 26, Lots 9 to 16, inclusive;
Sec. 27, W½NE¼, NW¼, S½;
Sec. 28, NE¼;
Sec. 34, NE¼;
Sec. 35, Lots 1 to 10, inclusive and Lots 15 and 16.

The areas described above aggregate 2,921.61 acres.

The lands lying in Sec. 30, NW¼SW¼, T. 13 N., R. 4 E., have been classified as suitable for lease and sale for homesite purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609, U. S. C. 682a), as amended, by Classification Order No. 42, New Mexico, dated February 23, 1956. Veterans preference has been allowed to persons entitled to such preference by the above mentioned Classification Order No. 42.

The lands in Section 18, SE¼SE¼, T. 29 N., R. 9 W., are patented lands.

The lands lying within T. 29 N., R. 9 W., are located in the Chaco Grazing District, and lie along the Largo Canyon from one to six miles distant in a southeasterly direction from Blanco, San Juan County, New Mexico. The topography of the land varies from arroyo bottom with no cover and subject to periodic flooding to gentle mesa slopes with a good cover of galleta, greasewood, chamisa and cheatgrass, with scattered sage brush to rough mesa slopes with a juniper cover. Soils are sandy and are highly susceptible to erosion. Little, if any, of the lands are suitable for farming. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any valid existing rights and the requirements of applicable law, the public lands released from withdrawal by this order, are hereby opened to filing of applications and selections in accordance with the following:

1. All valid applications for lands under the Homestead, Desert Land and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, presented prior to 10:00 a. m. July 19, 1956, will be considered as simultaneously filed at that hour. Preference right applications filed after that hour and before 10:00 a. m. on October 18, 1956, will be governed by the time of filing.

2. All valid applications and selections under the nonmineral public-land laws, other than those coming under paragraph 1 above, presented prior to 10:00 a. m. on October 18, 1956, will be considered as simultaneously filed at that hour. Such applications and selections filed after that hour will be governed by the time of filing.

Veterans claiming veterans preference rights under paragraph 1 above, must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, P. O. Box 1251, Santa Fe, New Mexico.

E. R. SMITH,
*State Supervisor.*

[F. R. Doc. 56-4862; Filed, June 20, 1956; 8:45 a. m.]

[Doc. No. 130]

ARIZONA

NOTICE OF PROPOSED WITHDRAWALS AND RESERVATION OF LANDS

JUNE 13, 1956.

The Arizona State Highway Department has filed an application, Serial No. AR–07202, for the withdrawal of the lands described below, from all forms of appropriation including the mining and mineral leasing laws. The applicant desires the land for a source of road construction materials.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 233A Main Post Office Building, Phoenix, Arizona.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

T. 8 N., R. 27 E.,
Sec. 31: SE¼SE¼NW¼, NE¼NE¼SW¼.

The area described totals 20 acres in the Apache National Forest.

E. R. TRACITT,
*State Lands and Minerals Staff Officer.*

[F. R. Doc. 56-4863; Filed, June 20, 1956; 8:46 a. m.]

[Doc. No. 131]

ARIZONA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JUNE 13, 1956.

The Arizona State Highway Department has filed an application, Serial No. AR–06475, for the withdrawal of the lands described below, from all forms of appropriation including the mining and mineral leasing laws. The applicant desires the land for a source of road construction materials.

For a period of 30 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 233A Main Post Office Building, Phoenix, Arizona.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

T. 21 N., R. 2 W.,
Sec. 12: SW¼NW¼NW¼, NW¼SW¼NW¼, W½NE¼SW¼NW¼.

The area described totals 25 acres in the Kaibab National Forest.

E. R. TRAGITT,
*State Lands and Minerals Staff Officer.*

[F. R. Doc. 56-4864; Filed, June 20, 1956; 8:46 a. m.]

## National Park Service

[Region One, Order 3, Amdt. 1]

NATIONAL PARK SERVICE SUPERINTENDENTS

DELEGATION OF AUTHORITY

1. Paragraph (e) of section 1 of Order 3 (21 F. R. 1493) is amended so that the introductory portion of the section and paragraph (e) will read as follows:

SECTION 1. The National Park Service Superintendents in Region One whose positions are allocated to Civil Service grades GS-13 and above, in the administration, operation, and development of the areas under their supervision, are authorized to exercise all of the authority now or hereafter delegated to the Regional Director by the Director, except with respect to the following matters:

* * * * *

(e) Acceptance of an offer in settlement of a timber trespass unless (1) the trespass is an innocent one, (2) the damages therefrom do not exceed $500, and (3) payment of the full amount of the damages is offered.

2. Paragraph (f) of section 2 of Order 3 (21 F. R. 1493) is amended so that the introductory portion of the section and paragraph (f) will read as follows:

SEC. 2. The Superintendents whose positions are allocated to Civil Service grades GS-11 and GS-12, inclusive, in the administration, operation, and development of the areas under their supervision, are authorized to exercise all of the authority now or hereafter delegated to the Regional Director by the Director, except with respect to the following matters:

* * * * *

(f) Acceptance of an offer in settlement of a timber trespass unless (1) the trespass is an innocent one, (2) the damages therefrom do not exceed $500, and (3) payment of the full amount of the damages is offered.

3. Paragraph (k) of section 3 of Order 3 (21 F. R. 1493) is amended so that the introductory portion of the section and paragraph (k) will read as follows:

SEC. 3. The Superintendents whose positions are allocated to Civil Service grades GS-10 and below in the administration, operation, and development of the areas under their supervision, are authorized to exercise all of the authority now or hereafter delegated to the Regional Director by the Director, except with respect to the following matters:

* * * * *

(k) Acceptance of an offer in settlement of a timber trespass unless (1) the trespass is an innocent one, (2) the damages therefrom do not exceed $500, and (3) payment of the full amount of the damages is offered.

* * * * *

(National Park Service Order 14)

[SEAL] ELBERT COX,
*Regional Director, Region One.*

[F. R. Doc. 56-4865; Filed, June 20, 1956; 8:46 a. m.]

[Region Two, Order 3, Amdt. 1]

NATIONAL PARK SERVICE SUPERINTENDENTS

DELEGATION OF AUTHORITY

1. Paragraph (e) of section 1 of Order 3 (21 F. R. 1494) is amended so that the introductory portion of the section and paragraph (e) will read as follows:

SECTION 1. The National Park Service Superintendents in Region Two whose positions are allocated to Civil Service grades GS-13 and above, in the administration, operation, and development of the areas under their supervision, are authorized to exercise all of the authority now or hereafter delegated to the Regional Director by the Director, except with respect to the following matters:

* * * * *

(e) Acceptance of an offer in settlement of a timber trespass unless (1) the trespass is an innocent one, (2) the damages therefrom do not exceed $500, and (3) payment of the full amount of the damages is offered.

2. Paragraph (f) of section 2 of Order 3, Region Two (21 F. R. 1494) is amended so that the introductory portion of the section and paragraph (f) will read as follows:

SEC. 2. The Superintendents whose positions are allocated to Civil Service grades GS-11 and GS-12, inclusive, in the administration, operation, and development of the areas under their supervision, are authorized to exercise all of the authority now or hereafter delegated to the Regional Director by the Director, except with respect to the following matters:

* * * * *

(f) Acceptance of an offer in settlement of a timber trespass unless (1) the trespass is an innocent one, (2) the damages therefrom do not exceed $500, and (3) payment of the full amount of the damages is offered.

3. Paragraph (k) of section 3 of Order 3 (21 F. R. 1494) is amended so that the introductory portion of the section and paragraph (k) will read as follows:

SEC. 3. The Superintendents whose positions are allocated to Civil Service grades GS-10 and below in the administration, operation, and development of the areas under their supervision, are authorized to exercise all of the authority now or hereafter delegated to the Regional Director by the Director, except with respect to the following matters:

* * * * *

(k) Acceptance of an offer in settlement of a timber trespass unless (1) the trespass is an innocent one, (2) the damages therefrom do not exceed $500, and (3) payment of the full amount of the damages is offered.

* * * * *

(National Park Service Order 14)

[SEAL] I. J. CASTRO,
*Acting Regional Director, Region Two.*

[F. R. Doc. 56-4866; Filed, June 20, 1956; 8:46 a. m.]

[Region Three, Order 3, Amdt. 1]

NATIONAL PARK SERVICE SUPERINTENDENTS

DELEGATION OF AUTHORITY

1. Paragraph (e) of section 1 of Order 3 (21 F. R. 1494) is amended so that the introductory portion of the section and paragraph (e) will read as follows:

SECTION 1. The National Park Service Superintendents in Region Three whose positions are allocated to Civil Service grades GS-13 and above, in the administration, operation, and development of the areas under their supervision, are authorized to exercise all of the authority now or hereafter delegated to the Regional Director by the Director, except with respect to the following matters:

* * * * *

(e) Acceptance of an offer in settlement of a timber trespass unless (1) the trespass is an innocent one, (2) the damages therefrom do not exceed $500, and (3) payment of the full amount of the damages is offered.

2. Paragraph (f) of section 2 of Order 3 (21 F. R. 1494) is amended so that the introductory portion of the section and paragraph (f) will read as follows:

SEC. 2. The Superintendents whose positions are allocated to Civil Service grades GS-11 and GS-12, inclusive, in the administration, operation, and development of the areas under their supervision, are authorized to exercise all of the authority now or hereafter delegated to the Regional Director by the Director, except with respect to the following matters:

* * * * *

(f) Acceptance of an offer in settlement of a timber trespass unless (1) the trespass is an innocent one, (2) the damages therefrom do not exceed $500, and (3) payment of the full amount of the damages is offered.

3. Paragraph (k) of section 3 of Order 3 (21 F. R. 1494) is amended so that the introductory portion of the section and paragraph (k) will read as follows:

SEC. 3. The Superintendents whose positions are allocated to Civil Service grades GS-10 and below in the administration, operation, and development of the areas under their supervision, are authorized to exercise all of the authority now or hereafter delegated to the Regional Director by the Director, except with respect to the following matters:

* * * * *

(k) Acceptance of an offer in settlement of a timber trespass unless (1) the trespass is an innocent one, (2) the damages therefrom do not exceed $500, and (3) payment of the full amount of the damages is offered.

* * * * *

(National Park Service Order 14)

[SEAL] HUGH M. MILLER,
*Regional Director, Region Three.*

[F. R. Doc. 56-4867; Filed, June 20, 1956; 8:46 a. m.]



[Region Four, Order 3, Amdt. 1]

NATIONAL PARK SERVICE SUPERINTENDENTS

DELEGATION OF AUTHORITY

1. Paragraph (e) of section 1 of Order 3 (21 F. R. 1495) is amended so that the introductory portion of the section and paragraph (e) will read as follows:

SECTION 1. The National Park Service Superintendents in Region Four whose positions are allocated to Civil Service grades GS-13 and above, in the administration, operation, and development of the areas under their supervision, are authorized to exercise all of the authority now or hereafter delegated to the Regional Director by the Director, except with respect to the following matters:

* * * * *

(e) Acceptance of an offer in settlement of a timber trespass unless (1) the trespass is an innocent one, (2) the damages therefrom do not exceed $500, and (3) payment of the full amount of the damages is offered.

2. Paragraph (f) of section 2 of Order 3 (21 F. R. 1495) is amended so that the introductory portion of the section and paragraph (f) will read as follows:

SEC. 2. The Superintendents whose positions are allocated to Civil Service grades GS-11 and GS-12, inclusive, in the administration, operation, and development of the areas under their supervision, are authorized to exercise all of the authority now or hereafter delegated to the Regional Director by the Director, except with respect to the following matters:

* * * * *

(f) Acceptance of an offer in settlement of a timber trespass unless (1) the trespass is an innocent one, (2) the damages therefrom do not exceed $500, and (3) payment of the full amount of the damages is offered.

3. Paragraph (k) of section 3 of Order 3 (21 F. R. 1495) is amended so that the introductory portion of the section and paragraph (k) will read as follows:

SEC. 3. The Superintendents whose positions are allocated to Civil Service grades GS-10 and below in the administration, operation, and development of the areas under their supervision, are authorized to exercise all of the authority now or hereafter delegated to the Regional Director by the Director, except with respect to the following matters:

* * * * *

(k) Acceptance of an offer in settlement of a timber trespass unless (1) the trespass is an innocent one, (2) the damages therefrom do not exceed $500, and (3) payment of the full amount of the damages is offered.

* * * * *

(National Park Service Order 14)

[SEAL] HUGH M. MILLER,
*Regional Director, Region Four.*

[F. R. Doc. 56-4868; Filed, June 20, 1956; 8:47 a. m.]

[Region Five, Order 2, Amdt. 1]

NATIONAL PARK SERVICE SUPERINTENDENTS

DELEGATION OF AUTHORITY

1. Paragraph (e) of section 1 of Order 2 (21 F. R. 1496) is amended so that the introductory portion of the section and paragraph (e) will read as follows:

SECTION 1. The National Park Service Superintendents in Region Five whose positions are allocated to Civil Service grades GS-13 and above, in the administration, operation, and development of the areas under their supervision, are authorized to exercise all of the authority now or hereafter delegated to the Regional Director by the Director, except with respect to the following matters:

* * * * *

(e) Acceptance of an offer in settlement of a timber trespass unless (1) the trespass is an innocent one, (2) the damages therefrom do not exceed $500, and (3) payment of the full amount of the damages is offered.

2. Paragraph (f) of section 2 of Order 2 (21 F. R. 1496) is amended so that the introductory portion of the section and paragraph (f) will read as follows:

SEC. 2. The Superintendents whose positions are allocated to Civil Service grades GS-11 and GS-12, inclusive, in the administration, operation, and development of the areas under their supervision, are authorized to exercise all of the authority now or hereafter delegated to the Regional Director by the Director, except with respect to the following matters:

* * * * *

(f) Acceptance of an offer in settlement of a timber trespass unless (1) the trespass is an innocent one, (2) the damages therefrom do not exceed $500, and (3) payment of the full amount of the damages is offered.

3. Paragraph (k) of section 3 of Order 2 (21 F. R. 1496) is amended so that the introductory portion of the section and paragraph (k) will read as follows:

SEC. 3. The Superintendents whose positions are allocated to Civil Service grades GS-10 and below in the administration, operation, and development of the areas under their supervision, are authorized to exercise all of the authority now or hereafter delegated to the Regional Director by the Director, except with respect to the following matters:

* * * * *

(k) Acceptance of an offer in settlement of a timber trespass unless (1) the trespass is an innocent one, (2) the damages therefrom do not exceed $500, and (3) payment of the full amount of the damages is offered.

* * * * *

(National Park Service Order 14)

[SEAL] DANIEL J. TOBIN,
*Regional Director, Region Five.*

[F. R. Doc. 56-4869; Filed, June 20, 1956; 8:47 a. m.]

# DEPARTMENT OF THE TREASURY

## Bureau of Customs

[T. D. 54111]

ISTHMIAN LINES, INC.

REGISTRATION OF HOUSE FLAG

The Commissioner of Customs by virtue of the authority vested in him and in accordance with § 3.81 (a), Customs Regulations (19 CFR 3.81 (a)), has registered the house flag of the Isthmian Lines, Inc. as described below.

The house flag is rectangular in shape. The hoist is 4 feet in height; the fly is 6 feet. The field of the flag is blue and is divided horizontally and vertically by a white cross or band one foot in width which divides the blue field in equal portions so there remains a blue rectangle in each corner measuring 2½ feet horizontally and 1½ feet vertically. Superimposed in the middle of the cross or white band is a red 15-inch square with points vertical and horizontal in the form of a diamond. The colors are identical with those in the United States Ensign.

A colored drawing of the house flag described above is on file with the Federal Register Division.

The registration of a house flag in the name of Isthmian Steamship Company under date of August 31, 1953 (T. D. 53331, 18 F. R. 5368), is hereby cancelled.

[SEAL] C. A. EMERICK,
*Acting Commissioner of Customs.*

[F. R. Doc. 56-4889; Filed, June 20, 1956; 8:52 a. m.]

# FEDERAL POWER COMMISSION

[Project No. 2171]

CITY OF SEWARD, ALASKA

APPLICATION FOR LICENSE

JUNE 15, 1956.

Public notice is hereby given that City of Seward, Alaska, has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for license for proposed water-power Project No. 2171 to be located on Crescent and Carter Lakes on Kenai Peninsula in the Third Judicial Division, Territory of Alaska, and to consist of an earth fill dam 20 feet high

across the outlet of Crescent Lake which would raise the level of the lake 11 feet (from 1,454 m. s. l. to 1,465 feet m. s. l.), creating 21,000 acre-feet of usable power storage; side channel spillway; equalizing channel 5,000 feet long between Crescent and Carter Lakes; an intake channel 1,500 feet long at outlet of Carter Lake; 4,150 feet of steel penstock; reinforced concrete powerhouse with initial installation of one 5,400 horsepower impulse turbine connected to a 3,500 kw generator; a tailrace channel about 2,400 feet long; substation; and a 69 kv transmission line 32 miles in length to Seward.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last date upon which protests or petitions may be filed is July 30, 1956. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-4870; Filed, June 20, 1956; 8:47 a. m.]

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[Docket No. E-6688]

BLACK HILLS POWER AND LIGHT CO.

APPLICATION AUTHORIZING ISSUANCE OF COMMON STOCK

JUNE 14, 1956.

Take notice that on June 12, 1956, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Black Hills Power and Light Company ("Applicant"), a corporation organized under the laws of the State of South Dakota, and doing business in the States of Wyoming and South Dakota, with its principal business office at Rapid City, South Dakota, seeking an order authorizing the issuance of such number of shares of Common Stock as will equal an aggregate offering price not in excess of $300,000, computed upon the basis of market value of Applicant's Common Stock, as determined from transactions or quotations in the over-the-counter market on a date to be specified hereafter, and the issuance of $1,000,000 principal amount of First Mortgage Bonds, Series G, 4 percent, to be dated June 1, 1956, and to mature June 1, 1986. Applicant proposes to offer the Common Stock to holders of the presently outstanding Common Stock pro rata according to their preemptive rights, with additional rights to such stockholders to subscribe for any shares not taken upon the exercise of the preemptive rights. The offering of said Common Stock will not be underwritten. Applicant, however, proposes to pay compensation of 25 cents per share to security dealers who are members of the National Association of Security Dealers, Inc., who assist stockholders in the exercise of their warrants.

Applicant alleges that it does not propose to issue said bonds by cooperative bidding. Applicant proposes to sell said series G Bonds to The Equitable Life Assurance Society of the United States at a price of 99⅛ and accrued interest.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 5th day of July 1956, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure. The application is on file and available for public inspection.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-4871; Filed, June 20, 1956; 8:47 a. m.]

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[Docket No. E-6689]

BLACK HILLS POWER AND LIGHT CO.

APPLICATION FOR ORDER AUTHORIZING APPLICANT TO ASSUME LIABILITY OF GUARANTOR

JUNE 14, 1956.

Take notice that on June 12, 1956, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Black Hills Power and Light Company ("Applicant"), a corporation organized under the laws of the State of South Dakota, and doing business in the States of Wyoming and South Dakota, with its principal business office at Rapid City, South Dakota, seeking an order authorizing Applicant to assume the liability of guarantor with respect to the purchase money obligations of Wyodak Resources Development Corp. ("Wyodak Corp."), which it proposes to organize as a wholly owned subsidiary. Applicant has an option to lease certain coal properties and to purchase certain equipment and structures belonging to Wyodak Coal Co. ("Coal Company"), located in Campbell County, Wyoming. Applicant proposes to guarantee the purchase money obligations covering the purchase of the properties of Coal Company by Wyodak Corp. The application states that the base purchase price for the structure and equipment of the Coal Company is $557,141.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 5th day of July 1956, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's Rules of Practice and Procedure. The application is on file and available for public inspection.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-4872; Filed, June 20, 1956; 8:47 a. m.]

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[Docket No. G-10592]

UNITED GAS PIPE LINE CO.

ORDER SUSPENDING REVISED TARIFF SHEETS AND FIXING DATE OF HEARING

United Gas Pipe Line Company (United), on May 15, 1956, tendered for filing Second Revised Sheets Nos. 1, 4, 6, 10, 12, 16, 17, 17-A, 18, 19, 20, 21, 23, 25, 27, 28, 30, 32, 99, 100, 101, 102, 103, and 104 to its FPC Gas Tariff, First Revised Volume No. 1, proposed to take effect as of June 16, 1956. By said filing United proposes a general rate increase for all of its sales of natural gas for resale, subject to the jurisdiction of the Commission, except for sales in the isolated Mississippi Zone. No increased rate was proposed for the transportation of gas for others. It is estimated that the increase in rates will be approximately $5,856,000 per year, or an increase of 7.1 per cent over the rates pending in Docket No. G-9547.

United bases part of its proposed rate increase on claimed increases in the cost of purchased gas which are expected to occur by August 31, 1956. The extent to which United's claimed purchased gas costs will be realized cannot now be determined. Additionally United is claiming a rate of return of 6½ percent and associated income taxes, acquisition adjustment costs, and allocations of costs which do not apear justifiable. The proposed rate structure is also questionable. These, as well as other items of cost, have not been adequately established, and it appears that the increased rates and charges proposed in United's filing have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Louisiana Public Service Commission, as well as several customers of United, request that the proposed rates be suspended and investigated, and that a hearing be held to determine just and reasonable rates. Willmut Gas and Oil Company and Tyler Gas Service Company jointly with the City of Tyler, Texas, customers of United, have filed petitions for an order rejecting United's filing of May 15, 1956, on the basis of the decisions in United Gas Pipe Line Co., v. Mobile Gas Service Corp., et al., 350 U. S. 332 and Federal Power Commission v. Sierra Pacific Power Co., 350 U. S. 348. Another customer of United, Mississippi Valley Gas Company, filed a motion to reject United's proposed increases in rates as to it, Texas Gas Transmission Corporation and Southern Natural Gas Company, predicating the motion on the Mobile case. The City of Memphis, Tennessee, and the Memphis Light, Gas and Water Division filed joint motions to reject, cancel and dismiss the filing insofar as it would apply to Texas Gas. Southern Natural filed an answer in opposition to Mississippi Valley's motion.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the rates of United and the increased rates proposed in its filing of May 15, 1956, and that the above-designated tariff sheets[1] be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 4, 5, 15, and 16 of the Natural Gas Act and the Commission's general rules and regulations, including rules of practice and procedure (18 CFR Ch. I), a public hearing hereby is set to commence on September 24, 1956 at 10 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the lawfulness of the rates and charges of United and as proposed by United in its filing of May 15, 1956.

(B) Pending such hearing and decision thereon, United's proposed Second Revised Sheets 1, 4, 6, 10, 12, 21, 23, 25, 27, 28, 30, 32, 99, 100, 101, 102, 103 and 104 to its FPC Gas Tariff, First Revised Volume No. 1, be and the same hereby are suspended and the use thereof deferred until November 16, 1956, and until such further time as they may be made effective in the manner prescribed by the Natural Gas Act.

(C) United shall serve upon each party to this proceeding copies of the testimony and exhibits it proposes to offer in the hearing provided in paragraph (A) above, including five (5) copies thereof upon Commission Staff Counsel. Such copies of the testimony and exhibits shall be served at such time as to permit delivery to all parties, including Staff Counsel, not later than September 17, 1956.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37 (f)).

(E) This order is without prejudice to any decision which may hereafter be made by this Commission on the issues raised in the pending motions and petitions in the proceedings in Docket No. G-9547 which were argued before the Commission on May 25, 1956, nor to any decision which may hereafter be made by the Commission on the issues raised in the above-mentioned motion of Mississippi Valley Gas Company, the above-mentioned joint motions of the City of Memphis, Tennessee and the Memphis Light, Gas and Water Division, the above-mentioned petitions of Willmut Gas and Oil Company, and Tyler Gas Service Company and the City of Tyler, Texas, filed and pending herein.

Issued: June 15, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-4873; Filed, June 20, 1956; 8:48 a. m.]

[1] Second Revised Sheets Nos. 16, 17, 17-A, 18, 19 and 20 to FPC Gas Tariff, First Revised Volume No. 1 appear to pertain to sales of gas for resale for industrial use only and therefore may not be suspended pursuant to section 4 of the Natural Gas Act.



## GENERAL SERVICES ADMINISTRATION

[Project 3-DC-01]

FEDERAL OFFICE BUILDINGS

PROSPECTUS FOR PROPOSED BUILDINGS IN SOUTHWEST REDEVELOPMENT AREA OF DISTRICT OF COLUMBIA

EDITORIAL NOTE: This prospectus of proposed Project Number 3-DC-01 is published pursuant to section 412 (f) of the Public Buildings Purchase Contract Act of 1954 as amended by Public Law 150, 84th Congress, which requires publication in the FEDERAL REGISTER, for a period of ten consecutive days from date of submission to the Committees on Public Works of the Senate and House of Representatives.

Project Number 3-DC-01 (Revised)

MARCH 14, 1956.

FORMAL PROSPECTUS FOR PROPOSED BUILDING UNDER TITLE I PUBLIC LAW 519, 83D CONGRESS, 2D SESSION

FEDERAL OFFICE BUILDING, WASHINGTON, D. C.

1. *Brief description of proposed building.* The project contemplates the erection of a group of three Federal Office Buildings on a site to be acquired by the Government facing on the proposed Tenth Street Mall in the southwest redevelopment area of Washington, D. C. Each building will be multistoried. An aggregate of approximately 643,000 square feet of net assignable space will be provided.

2. *Estimated maximum cost and financing.*
a. Maximum cost of site and buildings, $25,250,000.
b. Proposed contract term, 30 years.
c. Maximum rate of interest on purchase contract, 4 percent.

3. *Certificates of need.* As the project is intended to provide relocation of numerous Federal agencies now in temporary buildings, no specific allocation of space can be made at this time. Upon completion of the facility, assignment and reassignment will be made in accordance with existing law. Therefore, requirement for Certificate of Need otherwise required by section 411 (e) of the Public Buildings Purchase Contract Act of 1954 was waived in Public Law 150, 84th Congress. Certification is hereby made as to the need for service and garage space.

4. *Non-availability of existing space.* Suitable space owned by the Government is not available; and suitable rental space is not available at a price commensurate with that to be afforded through the contract proposed.

5. *Estimated annual managerial, custodial, heat, and utility costs.* (Services to be supplied by Government), $675,000.

6. *Estimated annual tax liability, upkeep and maintenance.* a. Taxes, post construction (contract period), $321,625.
b. Upkeep and maintenance (to be provided by Government), $96,000.

7. *Current annual housing costs.* Rents and other housing costs currently paid by the Government for agencies to be housed in the building to be erected, $509,000 p. a.

*Determination of need.* It has been determined that (1) the needs for space for the permanent activities of the Federal Government in this particular area cannot be satisfied by utilization of any existing suitable property now owned by the Government, and (2) the best interests of the United States will be served by taking action hereunder.

Submitted at Washington, D. C., on June 1, 1956.

Approved:

FRANKLIN G. FLOETE,
*Administrator of General Services.*

8. *Statement of Director, Bureau of the Budget.* Reflected in letter (copy attached).

EXECUTIVE OFFICE OF THE PRESIDENT

BUREAU OF THE BUDGET

WASHINGTON 25, D. C.

JUNE 13, 1956.

Project 3-DC-01 (Revised 3-14-56).
3 Multi-storied Federal Office Buildings.
Southwest Redevelopment Area, Washington, D. C.

MY DEAR MR. FLOETE: Pursuant to section 411 (e) (8) of the Public Buildings Purchase Contract Act of 1954 (Public Law 519), the (Revised March 14, 1956) proposal for a group of three Federal Office Buildings, transmitted with your letter of June 1, 1956, has been examined and in my opinion "is necessary and in conformity with the policy of the President." This approval is given with the following understanding:

1. Revision reflects the application of more definite plans for integration of the facility with the proposed Tenth Street Mall developed subsequent to approval of the project last July. Effective integration requires construction of three building units in lieu of one, as originally proposed. Garage space of 134,250 square feet not contemplated in original project is provided. Number of employees, utilization of space and cost factors are relatively the same.

2. That the stated project cost of $25,250,000 (including $2,500,000 for a site to be acquired) is a maximum figure.

3. That the reported annual operating cost of existing Tempos 4, 5, and T; 1. e., $1.00 per square foot, represents minimum maintenance in anticipation of demolition, and that temporary Government buildings actually cost more to maintain than the proposed new buildings.

4. That the proposed buildings will house approximately 10% of Federal employees presently housed in temporary buildings, and that the specific allocation of agencies in the proposed buildings is to be determined later by General Services Administration.

5. That every effort will be made to design and construct space conducive to maximum efficient utilization of both site and buildings and to take advantage of any revision of cost downward which may be found possible as the plans develop and negotiations are advanced.

6. That this approval supersedes Mr. Hughes' letter of July 22, 1955.

You appreciate, of course, that this project will receive a more detailed review as to cost and space utilization prior to the approval of the lease-purchase agreement.

Sincerely yours,

(Signed) PERCIVAL BRUNDAGE,
*Director.*

Hon. FRANKLIN G. FLOETE,
*Administrator,*
*General Services Administration,*
*Washington 25, D. C.*

[F. R. Doc. 56-4860; Filed, June 18, 1956; 11:38 a. m.]

## HOUSING AND HOME FINANCE AGENCY

### Public Housing Administration

DEPUTY FIELD OFFICE DIRECTOR, FT. WORTH FIELD OFFICE

REVOCATION OF CERTAIN POWERS

Section II, Delegations of Final Authority, is amended as follows:

Paragraphs C4; D2, 3, 5, and 6; and E2, 6, and 7 are amended by deleting from the list of officials designated therein "Deputy Field Office Director, Fort Worth Field Office."

Paragraph E16, delegating certain powers to the Deputy Field Office Director, Fort Worth Field Office, is hereby revoked.

Date approved: June 15, 1956.

[SEAL] CHARLES E. SLUSSER,
*Commissioner.*

[F. R. Doc. 56-4875; Filed, June 20, 1956; 8:48 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

### TROY, GRAHAM AND CO., INC.

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 15th day of June 1956.

In the matter of Troy, Graham and Company, Incorporated, Harris Trust Building, 111 West Monroe Street, Chicago 3, Illinois.

I. The Commission's public official files disclose that Troy, Graham and Company, Incorporated, an Illinois corporation, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar year 1955, as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof at 10 a. m. on the 20th day of July 1956 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. At such time the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before July 6, 1956. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

*It is further ordered*, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to July 20, 1956.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-4877; Filed, June 20, 1956; 8:49 a. m.]

[1] Filed as part of the original document.

### DAVID DONALD LEVEN

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 15th day of June 1956.

In the matter of David Donald Leven dba Leven Brothers, c/o Donald Publications, Inc., 400 Madison Avenue, New York 17, New York.

I. The Commission's public official files disclose that David Donald Leven, a sole proprietor, dba Leven Brothers, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1949, 1952, and 1955, as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof at 10 a. m. on the 20th day of July 1956, at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. At such time the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before July 6, 1956. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

*It is further ordered*, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to July 20, 1956.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-4878; Filed, June 20, 1956; 8:49 a. m.]



### BYRON DRUE HAMPTON, JR.

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 15th day of June 1956.

In the matter of Byron Drue Hampton, Jr., dba Stallion Royalties, 201 Market Street, Baird, Texas.

I. The Commission's public official files disclose that Byron Drue Hampton, Jr., a sole proprietor, dba Stallion Royalties, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar year 1955, as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof at 10 a. m. on the 20th day of July 1956 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. At such time the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before July 13, 1956. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

*It is further ordered*, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to July 20, 1956.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-4879; Filed, June 20, 1956; 8:49 a. m.]

[1] Filed as part of the original document.

### WESTERN EMPIRE BROKERAGE CO., INC.

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

JUNE 15, 1956.

In the matter of Western Empire Brokerage Company, Inc., 303 Newhouse Bldg., Salt Lake City, Utah.

I. The Commission's public official files disclose that Western Empire Brokerage Company, Inc., a Utah corporation, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934, and is a member of the National Association of Securities Dealers, Inc., a national securities association, registered pursuant to section 15A of said act.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar year 1955, as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant;

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant; and

(e) Whether, pursuant to section 15A (*l*) (2) of the Securities Exchange Act of 1934, it is necessary or appropriate in the public interest or for the protection of investors or to carry out the purposes of said section, to suspend for a period not to exceed twelve (12) months or to expel registrant from membership in the National Association of Securities Dealers, Inc.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in paragraph IV hereof at 10 a. m. on the 20th day of July 1956 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. At such time the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before July 13, 1956. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

*It is further ordered*, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to July 20, 1956.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of

the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-4880; Filed, June 20, 1956; 8:49 a. m.]

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GEORGE VINCENT GRACE

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

JUNE 15, 1956.

In the matter of George Vincent Grace, dba G. V. Grace Company, Pine Hollow Road, East Norwich, L. I., New York.

I. The Commission's public official files disclose that George Vincent Grace, a sole proprietor, dba G. V. Grace Company, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934, and is a member of the National Association of Securities Dealers, Inc., a national securities association registered pursuant to section 15A of said act.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1949, 1951, 1953, and 1955, as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant;

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant; and

(e) Whether, pursuant to section 15A (*l*) (2) of the Securities Exchange Act of 1934, it is necessary or appropriate in the public interest or for the protection of investors or to carry out the purposes of said section; to suspend for a period not to exceed twelve (12) months or to expel registrant from membership in the National Association of Securities Dealers, Inc.

V. *It is ordered,* That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof at 10 a. m. on the 20th day of July 1956 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. At such time the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before July 6, 1956. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

*It is further ordered,* That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to July 20, 1956.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-4881; Filed, June 20, 1956; 8:50 a. m.]

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JAMES CONNOR CHEATHAM

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 15th day of June 1956.

In the matter of James Connor Cheatham dba James C. Cheatham & Co., 111-A Peoples Bank Building, P. O. Box 812, Tyler, Texas.

I. The Commission's public official files disclose that James Connor Cheatham, a sole proprietor dba James C. Cheatham & Co., hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar years 1953 and 1955, as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered,* That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof at 10 a. m. on the 20th day of July 1956 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. At such time the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before July 13, 1956. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

*It is further ordered,* That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to July 20, 1956.

[1] Filed as part of the original document.



In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-4882; Filed, June 20, 1956; 8:50 a. m.]

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[File No. 70-3485]

UNION ELECTRIC CO.

NOTICE OF FILING OF DECLARATION REGARDING THE ISSUANCE AND SALE OF NEW BONDS

JUNE 15, 1956.

Notice is hereby given that Union Electric Company ("Union"), a registered holding company and a public-utility company, has filed a declaration with this Commission pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("act") and has designated sections 6 (a) and 7 of the act and Rule U-50 thereunder as applicable to the proposed transactions.

All interested persons are referred to the declaration on file in the offices of the Commission for a statement of the transactions therein proposed, which are summarized as follows:

Union proposes to issue and sell, pursuant to the competitive bidding requirements of Rule U-50, $40,000,000 principal amount of its First Mortgage Bonds ("New Bonds"), __ Percent Series due July 1, 1986. The New Bonds will be issued under and secured by a Mortgage and Deed of Trust dated June 15, 1937, as heretofore amended and supplemented and as to be amended and supplemented by a further supplemental indenture to be dated as of July 1, 1956. The interest rate on the New Bonds, which is to be a multiple of ⅛ of 1 percent, and the price thereof to Union, which price, exclusive of accrued interest, is to be not less than 100 percent and not more than 102.75 percent of the principal amount, will be determined by the competitive bidding.

The declaration states that the net proceeds to be received from the issuance and sale of the New Bonds will be used by the company to provide funds, through reimbursement of its treasury for capital expenditures heretofore made, to retire short-term bank loans, to finance in part the cost of continuing additions and improvements to its utility plant, and for other corporate purposes.

Union has received permission from the Commission (Holding Company Act Release No. 13174 (May 10, 1956)) for a temporary increase in the amount of promissory notes it may issue to evidence short-term bank loans from 5 percent as specified in section 6 (b) of the act to 8 percent, such increase to remain in effect until September 14, 1956, or such earlier date upon which Union shall have completed the sale of the New Bonds, and it is expected that such short term bank loans will aggregate approximately $21,000,000 by the time the New Bonds are sold. The declaration states that approximately $41,950,000 of construction expenditures are budgeted for the year 1956, and for the two years 1956 and 1957 are expected to aggregate approximately $90,850,000. It is estimated by Union that the proceeds from the sale of the New Bonds, together with cash to be derived from operations, will be sufficient to provide for the above purposes in 1956 and in part for construction in 1957, but that its cash requirements for construction and other purposes in 1957 will require short-term borrowings or some other form of financing, the type and amount of which have not been determined.

The declaration states that the issue and sale of the New Bonds must be authorized by the Public Service Commission of Missouri and the Illinois Commerce Commission and that applications for such authorization are being filed with such commissions. No Federal commission, other than this Commission, has jurisdiction over the proposed transaction.

Notice is further given that any interested person may, not later than July 6, 1956, at 5:30 p. m., e d. s. t., request the Commission in wriitng that a hearing be held on such matter, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said filing which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the declaration, as filed or as it may hereafter be amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may grant exemption from its rules as provided in Rules U-20 (a) and U-100 or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-4883; Filed, June 20, 1956; 8:50 a. m.]

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[File No. 812-102]

INVESTORS DIVERSIFIED SERVICES, INC., AND INVESTORS SYNDICATE OF AMERICA, INC.

NOTICE OF FILING OF APPLICATION FOR AMENDMENT OF ORDER EXEMPTING TRANSACTIONS BETWEEN AFFILIATES

JUNE 15, 1956.

Notice is hereby given that Investors Diversified Services, Inc. ("IDS") and Investors Syndicate of America, Inc. ("ISA"), both registered under the Investment Company Act of 1940 ("act"), as face-amount certificate companies, have filed a joint application for an order amending certain terms and provisions of an order of the Commission pursuant to sections 6 (c) and 17 (b) of the act, dated March 1, 1946, as amended September 22, 1947, which exempted from the provisions of sections 17 (a) (1) and 17 (a) (2) of the act certain transactions between the applicants involving the sale and purchase of mortgages and loans secured by real estate.

IDS is engaged in servicing its outstanding face-amount certificates sold prior to the enactment of the act, in acting as principal underwriter and investment adviser for certain of its subsidiary and other affiliated investment companies, and in acquiring and servicing mortgages for its subsidiaries and servicing mortgages for non-affiliated investors. ISA, a wholly owned subsidiary of IDS, is engaged in the issuance of face-amount certificates and investment of the proceeds principally in mortgages.

The applicants request the amendment of the existing amended order of the Commission to eliminate the provision thereof which permits IDS to charge ISA a premium of not to exceed 1½ percent in connection with the sale of mortgages by IDS to ISA. The application states that since November 1953 IDS has been selling mortgages to ISA under the provisions of the Commission's order without the imposition of a premium, and that sales on this basis are proposed to be continued in the future. The proposed amendment would establish amortized cost to the vendor at the time of sale or purchase, plus accrued interest, as the basis of sales of mortgages between the applicants. Amortized cost would be determined in accordance with generally accepted accounting principles, but would not include any general or indirect costs incurred in acquiring such mortgages.

The applicants also request that the order be amended to establish a reducing scale of charges for servicing larger mortgages in lieu of the present fixed annual rate of ½ of 1 percent. The proposed annual rate would be ½ of 1 percent on the unpaid principal balances of residential mortgages; on other mortgages the annual rates would be ½ of 1 percent on the first $50,000, ¼ of 1 percent on the next $150,000, and ⅛ of 1 percent on the amount over $200,000. The servicing rate for residential mortgages is stated by the applicants to be the usual rate charged and paid by IDS under mortgage servicing agreements with non-affiliates, as well as the rate considered standard for mortgage servicing in the industry. The reducing scale of fees for servicing larger mortgages is similar to those typically charged in servicing arrangements of IDS with non-affiliates and elsewhere in the industry, in recognition of the relationship of the size of the mortgage to the services performed.

It is requested by the applicants that the order also be amended to permit ISA to sell mortgages to IDS and to service mortgages for IDS on the same basis as

the sales and servicing by IDS to and for ISA, thus enabling either company to acquire mortgages or utilize mortgage servicing facilities of the other on a mutually advantageous basis.

Sections 17 (a) (1) and 17 (a) (2) of the act prohibit an affiliated person of a registered investment company, or an affiliated person of such a person, from selling to or purchasing from such registered investment company or any company controlled by such registered investment company, any security or other property, subject to certain exceptions, unless the Commission upon application pursuant to section 17 (b) grants an exemption from the provisions of section 17 (a), after finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the act, and is consistent with the general purposes of the act. Section 6 (c) of the act provides that the Commission may conditionally or unconditionally exempt any transaction or class of transactions from any provision of the act if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

Since IDS and ISA are affiliated persons, transactions involving the sale and purchase of mortgages between such companies are subject to the provisions of sections 17 (a) (1) and 17 (a) (2) of the act. The application requests an order under sections 6 (c) and 17 (b) exempting the mortgage transactions proposed to be made under the terms of the amended order.

Notice is further given that any interested person may, not later than June 29, 1956, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act, upon such terms and conditions as the Commission may impose.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 56-4884; Filed, June 20, 1956; 8:50 a. m.]

## NOTICES

[File No. 812-296]

INVESTORS DIVERSIFIED SERVICES, INC., AND INVESTORS SYNDICATE TITLE & GUARANTY CO.

NOTICE OF FILING OF APPLICATION FOR ORDER EXEMPTING TRANSACTIONS BETWEEN AFFILIATES

JUNE 15, 1956.

Notice is hereby given that Investors Diversified Services, Inc. ("IDS") and Investors Syndicate Title & Guaranty Company ("Title") have filed an amended joint application pursuant to sections 6 (c) and 17 (b) of the Investment Company Act of 1940 ("act") for an order exempting from the provisions of sections 17 (a) (1) and 17 (a) (2) of the act certain transactions between the applicants involving the sale and purchase of mortgages and loans secured by real estate.

IDS is registered under the act as a face-amount certificate company. It is engaged in servicing its outstanding face-amount certificates sold prior to the enactment of the act, in acting as principal underwriter and investment adviser for certain of its subsidiary and other affiliated investment companies, and in acquiring and servicing mortgages for its subsidiaries and servicing mortgages for non-affiliated investors. Title, a wholly-owned subsidiary of IDS, is engaged in the issuance and sale of participation certificates to residents of the State of New York and investment of the proceeds in mortgages. Title is exempt as an investment company under the act pursuant to section 6 (a) (5) of the act.

The application requests an order exempting the sale and purchase of mortgages between IDS and Title at prices equal to the amortized cost of such mortgages to the vendor at the time of sale or purchase plus accrued interest; the purchase, endorsement, guarantee or fulfillment by IDS of any commitment with respect to any mortgage which is owned by Title, in pursuance of the terms of, and at prices and subject to the terms and conditions set forth in, certificates (and related agreements, endorsements or guarantees) issued by Title prior to the date of the requested order; and the servicing of mortgages between IDS and Title for (a) a charge at the annual rate of ½ of 1 percent on the unpaid principal balances of residential mortgages, and on other mortgages ½ of 1 percent on the first $50,000, ⅓ of 1 percent on the next $150,000, and ⅛ of 1 percent on the amount over $200,000, and (b) the reimbursement of any expenses or disbursements of one applicant incident to the foreclosure of any such mortgage serviced for the other.

The application states that IDS has been a leading originator and purchaser of real estate mortgages and that it has substantial facilities for the acquisition and servicing of mortgages. It is stated that since it is necessary that Title have mortgages for its own investment purposes, it is desirable that it utilize IDS as a source upon which it can depend for the acquisition and servicing of such mortgages, and that at times when Title has mortgages in excess of its own requirements such mortgages be available for purchase by IDS. Applicants state that these arrangements are beneficial to both companies in that they furnish a source from which mortgages can be purchased when needed, provide diversification as to location and types of mortgages, and permit each company to operate to better advantage in the mortgage field.

Amortized cost at which mortgages are proposed to be sold and purchased is to be determined in accordance with generally accepted accounting principles, but will not include any general or indirect costs incurred in acquiring mortgages. Existing commitments of IDS under which it may purchase mortgages owned by Title are pursuant to the terms of certificates issued by Title between 1930 and 1941, or related agreements, and mortgages will be purchased by IDS thereunder only in accordance with the terms of such certificates or agreements.

The proposed servicing rate for residential mortgages is stated by the applicants to be the usual rate charged and paid by IDS under mortgage servicing agreements with non-affiliates, as well as the rate considered standard for mortgage servicing in the industry. The reducing scale of fees for servicing larger mortgages is similar to those typically charged in servicing arrangements of IDS with non-affiliates and elsewhere in the industry, in recognition of the relationship of the size of the mortgage to the services performed.

Section 17 (a) (1) and 17 (a) (2) of the act prohibit an affiliated person of a registered investment company, or an affiliated person of such a person, from selling to or purchasing from such registered investment company or any company controlled by such registered investment company, any security or other property, subject to certain exceptions, unless the Commission upon application pursuant to section 17 (b) grants an exemption from the provisions of section 17 (a), after finding that the terms of the proposed transaction, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, that the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the act, and is consistent with the general purposes of the act. Section 6 (c) of the act provides that the Commission may conditionally or unconditionally exempt any transaction or class of transactions from any provision of the act if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

Since IDS and Title are affiliated persons, transactions involving the sale and purchase of mortgages between such companies are subject to the provisions



of sections 17 (a) (1) and 17 (a) (2) of the act. The application requests an order under section 6 (c) and 17 (b) exempting the proposed mortgage transactions between IDS and Title.

Notice is further given that any interested person may, not later than June 29, 1956, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request, and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act, upon such terms and conditions as the Commission may impose.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 56-4885; Filed, June 20, 1956; 8:51 a. m.]

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[File No. 70-366]

DALLAS TRANSIT CO.

ORDER APPROVING CHARGES TO PAID-IN SURPLUS

JUNE 15, 1956.

In 1942 Dallas Railway & Terminal Company, which subsequently changed its name to Dallas Transit Company ("Dallas Company"), a nonutility company, and its then parent company, Electric Power & Light Corporation ("Electric"), which was then a registered holding company, filed a joint application-declaration pursuant to sections 6 (a), 7, 9 (a) (1), 10 and 12 of the Public Utility Holding Company Act of 1935 ("act") and Rule U-45 promulgated thereunder. This filing concerned, among other things, the donation to Dallas Company by Electric of certain securities as a consequence of which there was created on the books of Dallas Company a paid-in surplus of $2,650,000 (In the Matter of Electric Power & Light Corporation et al., 12 S. E. C. 254 (1942)). The Commission by order dated October 5, 1942 (Holding Company Act Release No. 3836) granted the application and permitted the declaration to become effective, subject to the condition that, "Dallas [Company] shall not hereafter use, for any purpose, any part of the paid-in surplus, created under the transactions proposed herein, except after notice to and approval by this Commission." Dallas Company has now requested this Commission to approve the writing off of its earned surplus deficit against its paid-in surplus account as of July 1, 1954.

The Commission finding that the charges to paid-in surplus, as set forth in the Memorandum Opinion of the Commission filed this day herein have been approved by the Council of the City of Dallas and by the Board of Directors and stockholders of the company; and further finding that the use of the paid-in surplus in the manner proposed meets the standards of section 12 (c) of the act and Rule U-46 promulgated thereunder and is in accord with sound accounting principles;

*It is ordered*, That the charge of the earned surplus deficit in the accounts of Dallas Company as of July 1, 1954, against its paid-in surplus be and hereby is approved;

*It is further ordered*, That the jurisdiction heretofore reserved in respect of any use of the company's paid-in surplus be and hereby is released.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 56-4886; Filed, June 20, 1956; 8:51 a. m.]

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TERENCE ARTHUR PETER NEVILLE GETHING

ORDER FOR PROCEEDINGS AND NOTICE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 15th day of June 1956.

In the matter of Terence Arthur Peter Neville Gething dba Peter Gething & Company, 803 Peoples Building, Box 346, Charlestown, South Carolina.

I. The Commission's public official files disclose that Terence Arthur Peter Neville Gething, a sole proprietor dba Peter Gething & Company, hereinafter referred to as registrant, is registered as a broker-dealer pursuant to section 15 (b) of the Securities Exchange Act of 1934.

II. The Records Officer of the Commission has filed with the Commission a statement, a copy of which is attached hereto and made a part hereof,[1] stating that registrant did not file with the Commission reports of his financial condition during the calendar year 1955, as required by section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted thereunder.

III. The information reported to the Commission by its Records Officer as set forth in Paragraph II hereof tends, if true, to show that registrant violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section.

IV. The Commission, having considered the aforesaid information, deems it necessary and appropriate in the public interest and for the protection of investors that proceedings be instituted to determine:

(a) Whether the statement referred to in Paragraph II hereof is true;

(b) Whether registrant has wilfully violated section 17 (a) of the Securities Exchange Act of 1934 and Rule X-17A-5 adopted under said section;

(c) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, it is in the public interest to revoke registration of registrant; and

(d) Whether, pursuant to section 15 (b) of the Securities Exchange Act of 1934, pending final determination, it is necessary or appropriate in the public interest or for the protection of investors to suspend the registration of registrant.

V. *It is ordered*, That registrant be given an opportunity for hearing as set forth in Paragraph IV hereof at 10 a. m. on the 20th day of July 1956 at the main office of the Securities and Exchange Commission, located at 425 Second Street NW., Washington 25, D. C., before a Hearing Examiner to be designated by the Commission. At such time the Hearing Room Clerk in Room 193, North Building, will advise the parties and the Hearing Examiner as to the room in which such hearing will be held. The Commission will consider any motion with respect to a change of place of said hearing if said motion is filed with the Secretary of the Commission on or before July 6, 1956. Upon completion of any such hearing in this matter the Hearing Examiner shall prepare a recommended decision pursuant to Rule IX of the rules of practice unless such decision is waived.

*It is further ordered*, That in the event registrant does not appear personally or through a representative at the time and place herein set or as otherwise ordered, the Hearing Room Clerk shall file with the Records Officer of the Commission a written statement to that effect and thereupon the Commission will take the record under advisement for decision.

This order and notice shall be served on registrant personally or by registered mail forthwith, and published in the FEDERAL REGISTER not later than fifteen (15) days prior to July 20, 1956.

In the absence of an appropriate waiver, no officer or employee of the Commission engaged in the performance of investigative or prosecuting functions in this or any factually related proceeding will be permitted to participate or advise in the decision upon the matter except as witness or counsel in proceedings held pursuant to notice. Since this proceeding is not "rule making" within the meaning of section 4 (c) of the Administrative Procedure Act, it is not deemed to be subject to the provisions of the section delaying the effective date of any final Commission action.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 56-4887; Filed, June 20, 1956; 8:51 a. m.]

[1] Filed as part of the original document.

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[File 24SF-2164]

LEWISOHN COPPER CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JUNE 15, 1956.

I. Lewisohn Copper Corp., a Delaware corporation with its principal office at 128 North Church Street, Tucson, Arizo-

na, filed with the Commission, on September 22, 1955, a notification on Form 1–A relating to an offering of 200,000 shares of its common stock, 10 cents par value, purportedly at $1.50 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder;

II. The Commission has reasonable cause to believe:

A. That no exemption was available under Regulation A for the securities purported to be offered thereunder, that the terms and conditions of the regulation have not been complied with, and that the offering circular and other material used in connection with the offering contained untrue statements of material facts and omitted to state material facts necessary in order to make the statement made, in the light of the circumstances under which they were made, not misleading, particularly with respect to the following:

1. The statement in the offering circular that the public offering price was $1.50 per share, the failure to disclose in the offering circular the method of offering whereby the stock would be offered to the public at higher and undetermined prices by a small number of persons purchasing from the principal underwriter with a view to distribution and who in fact did so distribute the stock, and the failure to disclose the profit of such persons.

2. The offering of securities, purportedly under said notification and regulation, when the aggregate public offering price of said securities and the aggregate gross proceeds actually received from their sale to the public exceeded $300,000.

3. The failure to use an offering circular, as required by Rule 219, in connection with the offering of said securities to the public.

4. The failure to file with the Commission copies of other material used in connection with the offering, as required by Rule 221.

5. The dissemination in connection with the offering of materially misleading information regarding the company, its plans and its properties.

B. That said offering did operate as a fraud and deceit upon the purchasers.

III. *It is ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A of securities of Lewisohn Copper Corp. pursuant to said notification be, and hereby is, temporarily suspended.

Notice is hereby given, that any person having any interest in this matter may file with the Secretary of the Commission a written request for a hearing; that, within twenty days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

*It is further ordered,* That this order and notice shall be served upon Lewisohn Copper Corp., 128 North Church Street, Tucson, Arizona; George F. Breen, 115 Broadway, New York 6, New York; United States Corporation Company, 160 Broadway, New York 38, New York; and Alfred W. Green, Esq., 30 Broad Street, New York 4, New York; personally or by registered mail or confirmed telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56–4888; Filed, June 20, 1956; 8:51 a. m.]

## DEPARTMENT OF JUSTICE

### Office of Alien Property

[Vesting Order 13557, Amdt.]

MANNHEIMER VERSICHERUNGSGESELLSCHAFT

In re: Bonds owned by Mannheimer Versicherungsgesellschaft; F–28–6160–E–1.

Vesting Order 13557, dated July 13, 1949, is hereby amended to read as follows:

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mannheimer Versicherungsgesellschaft, the last known address of which is Meckesheim/Baden, Germany, is a corporation, partnership, association or other business organization, organized under the laws of Germany, and which has or, since the effective date of Executive Order 8389, as amended, has had its principal place of business in Mannheim, Germany and is a national of a designated enemy country (Germany);

2. That the property described as follows: Those certain debts or other obligations, matured or unmatured, of the Hudson & Manhattan Railroad Company, 30 Church Street, New York, New York, evidenced by three (3) Hudson & Manhattan Railroad Company, first and refunding 5 percent Gold Bearer Bonds, Series A of $1,000 face value each, bearing the numbers 1118, 1119 and 1120, and evidenced by coupons attached to or detached from said bonds and due August 1, 1940, to August 1, 1944, inclusive and on or after February 1, 1947, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations, together with any and all rights in, to and under the said bonds and coupons,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Mannheimer Versicherungsgesellschaft, the the aforesaid national of a designated enemy country (Germany);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on June 15, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56–4894; Filed, June 20, 1956; 8:53 a. m.]

UNIVERSITY OF MICHIGAN

THE NATIONAL ARCHIVES

# FEDERAL REGISTER

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## TITLE 6—AGRICULTURAL CREDIT

### Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter D—Regulations Under Soil Bank Act

PART 485—SOIL BANK

SUBPART—ACREAGE RESERVE PROGRAM

The regulations contained herein govern the 1956 acreage reserve part of the Soil Bank Program.

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485.101 Definitions.
485.102 Administration.
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485.130 State committee approval of determinations of county committees.
485.131 Finality of determinations.
485.132 Effect on acreage allotment and marketing quota programs.

AUTHORITY: §§ 485.101 to 485.132 issued under sec. 124, Pub. Law 540, 84th Cong.

§ 485.101 *Definitions.* As used in the regulations in this part and in all agreements, forms, documents and procedures in connection therewith, unless the context or subject matter otherwise requires, the following terms shall have the following meanings:

(a) "Act" means the Soil Bank Act (70 State 188).

(b) "Secretary" means the Secretary of Agriculture of the United States, or the officer, employee, or other representative of the United States Department of Agriculture acting in his stead pursuant to delegated authority.

(c) "Deputy Administrator" means the Deputy Administrator for Production Adjustment, or Acting Deputy Administrator for Production Adjustment, Commodity Stabilization Service, United States Department of Agriculture.

(d) "State" means any one of the continental United States.

(e) "County" means county or parish. The extra long staple cotton producing areas located in the northern part of Puerto Rico shall be considered a county, and the extra long staple cotton producing areas located in the southern part of Puerto Rico shall be considered as a county.

(f) "County committee" means the group of persons elected within a county as the county committee pursuant to the regulations governing the selection and functions of the Agricultural Stabilization and Conservation county committees. In Puerto Rico, "county committee" means the ASC Caribbean Area Committee.

(g) "State committee" means the group of persons designated for a State by the Secretary as the Agricultural Stabilization and Conservation State Committee. In Puerto Rico, "State committee" means the ASC Caribbean Area Committee.

(h) "Person" means an individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity, or a State, political subdivision of a State, or any agency thereof. The term "person" shall include two or more persons having a joint or common interest.

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FEDERAL REGISTER

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**CFR SUPPLEMENTS**

**(As of January 1, 1956)**

The following Supplements are now available:

**Title 6 ($1.75)**

**Title 7: Parts 210–899 (Rev., 1955) with Supplement ($4.50)**

**Title 26 (1954) Parts 1–220 (Rev., 1955) ($2.00)**

**Titles 47 and 48 ($2.25)**

Previously announced: Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 7: Parts 1–209 ($1.25), Parts 900–959 (Rev., 1955) ($6.00), Part 960 to end (Rev., 1955) with Supplement ($5.85); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Parts 1–399 ($2.50), Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. I, and Title 27 ($1.00); Titles 28 and 29 ($1.25); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 400–699 ($0.65), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Title 33 ($1.50); Titles 35–37 ($1.00); Title 39 (Rev., 1955) ($4.25); Titles 40–42 ($0.65); Title 43 ($0.50); Title 46: Parts 1–145 ($0.60), Part 146 to end ($1.25); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

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(i) "Cash tenant", "standing-rent tenant", or "fixed-rent tenant" means a person who rents land from another for a fixed amount of cash or a commodity to be paid as rent.

(j) "Share tenant" means a person other than a sharecropper who rents land from another person and pays as rent a share of the crops or the proceeds thereof.

(k) "Sharecropper" means a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of the crops produced thereon or the proceeds thereof.

(l) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(m) "Producer" means any person who is an owner or a landlord, cash tenant, standing-rent tenant, fixed-rent tenant, share tenant, or sharecropper.

(n) "Producer unit" means a share of the allotment for the commodity, or in the case of corn, a share of the Soil Bank corn base, farmed by (1) a landowner, cash tenant, or fixed-rent tenant, with his own labor or with hired labor other than sharecroppers, or (2) a share tenant without the aid of any sharecropper, or (3) a sharecropper.

(o) "Farm" means all adjacent or nearby farm or rangeland under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm or rangeland which the county committee determines is operated by the same person as a part of the same unit in producing range livestock, or with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

(p) "Commercial corn-producing area" means the area designated by the Secretary (20 F. R. 8666) pursuant to section 301 (b) (4) of the Agricultural Adjustment Act of 1938, as amended.

(q) "Commercial wheat-producing area" means all areas except the area designated by the Secretary (20 F. R. 3494) pursuant to section 335 (e) of the Agricultural Adjustment Act of 1938, as amended.

(r) "Corn" means field corn, including sweet corn which is produced for feed or silage, planted alone or interplanted with other crops.

(s) "Cotton" means upland cotton and extra long staple cotton.

(t) "Allotment" means the 1956 acreage allotment established for a farm for a particular commodity pursuant to the Agricultural Adjustment Act of 1938, as amended.

(u) "Acreage reserve" means the tract of land on a farm which is designated in an acreage reserve agreement as being withdrawn from the production of a particular commodity.

§ 485.102 *Administration.* The 1956 Acreage Reserve Program will be administered by the Commodity Stabilization Service under the general direction and supervision of the Administrator of such Service, and in the field will be carried out by State and county committees. Members of county committees are hereby authorized to sign "Acreage Reserve Agreements 1956" (Form CSC 800) on behalf of the Secretary. State and county committees do not have authority to modify or waive any of the provisions of these regulations, or any amendment, supplement, or revision thereto, and do not have authority to modify or waive any of the provisions of any agreement except to the extent specifically authorized herein.

§ 485.103 *Purpose of the acreage reserve program.* The purpose of the acreage reserve program is to assist producers to divert a portion of their cropland from the production of excessive supplies of agricultural commodities by compensating them for reducing their acreages below their allotments or, in the case of corn, their Soil Bank corn base.

§ 485.104 *Eligible commodities.* The acreage reserve program provided for in these regulations shall apply to the 1956 crops of cotton, wheat produced in the commercial wheat-producing area, corn produced in the commercial corn-producing area, peanuts (except that a producer whose 1956 peanut allotment has been increased pursuant to section 358 (c) (2) of the Agricultural Adjustment Act of 1938, as amended, shall not be eligible to participate in the acreage reserve program for peanuts in 1056), rice, flue-cured tobacco, burley tobacco, Maryland tobacco, dark air-cured tobacco, fire-cured tobacco, Virginia sun-cured tobacco, cigar binder tobacco types 51, 52, 54, and 55, and Ohio cigar filler tobacco types, 42, 43, and 44.

§ 485.105 *Area of availability.* The acreage reserve program will be available in the continental United States, and in the Commonwealth of Puerto Rico with respect to cotton.

§ 485.106 *National acreage reserve goals.* There are hereby established the following national acreage reserve goals for the 1956 acreage reserve program:

| *Commodity* | *Acres* |
|---|---|
| (a) Corn | 2,000,000 to 4,000,000. |
| (b) Cotton | 1,500,000 to 3,000,000. |
| (c) Peanuts | 50,000 to 100,000. |
| (d) Rice | 50,000 to 100,000 |
| (e) Wheat | 5,000,000 to 8,000,000. |
| (f) Flue-cured tobacco | 10,000 to 25,000. |
| (g) Burley tobacco | 15,000 to 30,000. |
| (h) Maryland tobacco | 5,000 to 8,000. |
| (i) Dark air-cured tobacco | 3,000 to 5,000. |
| (j) Fire-cured tobacco | 4,000 to 7,000. |
| (k) Virginia sun-cured tobacco | 500 to 600. |
| (l) Cigar binder tobacco: | |
| Type 51 | 3,500 to 4,200. |
| Type 52 | 2,500 to 3,200. |
| Type 54 | 500 to 700. |
| Type 55 | 500 to 1,200. |
| (m) Ohio cigar filler tobacco: Types 42, 43, and 44 | 300 to 500. |

§ 485.107 *Soil Bank corn base.* A Soil Bank corn base is hereby established for each farm for which an allotment for corn has been established for the farm under the provisions of §§ 721.710 to 722.222, inclusive, of 7 C. F. R. Part 721—Corn, Subpart—Farm Acreage Allotments for 1956 Crop. Such Soil Bank corn base shall be obtained by multiplying such allotment, including any revision of the allotment through appeal or otherwise, by 117.8 per centum. §§ 721.710 to 721.722, inclusive, shall remain effective for the purpose of determining the allotment used as a basis for establishing the Soil Bank corn base. The provisions of § 721.721 shall not be applicable to the Soil Bank corn base established hereunder, but shall be applicable to the allotment on the basis of which the Soil Bank corn base is established.

§ 485.108 *Limits on extent of participation*—(a) *Maximum acreage.* The acreage which may be placed in the acreage reserve may not exceed the allotment for the commodity, or in the case of corn, the Soil Bank corn base, and, within such limitation, may not exceed the following:

(1) For corn, the maximum acreage shall be (i) 50 percent of the Soil Bank corn base, or (ii) 50 acres, whichever is larger.

(2) For wheat and rice, the maximum acreage shall be (i) 50 percent of the allotment, or (ii) 50 acres, whichever is larger.

(3) For cotton and peanuts, the maximum acreage shall be (i) 50 percent of the allotment, or (ii) 10 acres, whichever is larger.

(4) For any type of tobacco, the maximum acreage shall be (i) 50 percent of the allotment, or (ii) 5 acres, whichever is larger.

(b) *Minimum acreage.* The minimum acreage for a commodity placed in the acreage reserve shall be the larger of (1) ten percent of the allotment for the commodity, or in the case of corn, ten percent of the Soil Bank corn base, or (2) one-half acre for burley tobacco, one acre for any other type of tobacco, one acre for peanuts, two acres for cotton, and five acres for corn, rice, and wheat, except that if the allotment or Soil Bank corn base is less than the applicable number of acres specified under subparagraph (2) of this paragraph, the minimum acreage will be the entire allotment or Soil Bank corn base.

§ 485.109 *Allotments for new farms not eligible.* Producers shall not be eligible for participation in the acreage reserve program with respect to farms which receive allotments as "new farms" under regulations governing the establishment of acreage allotments for the 1956 crops. In the case of rice, producers who receive allotments as "new producers" under regulations governing the establishment of acreage allotments for the 1956 crop of rice shall not be eligible to participate with respect to such rice allotments.

§ 485.110 *Acreage reserve agreement.* (a) In order for producers on a farm to participate in the program, a Soil Bank Acreage Reserve Agreement 1956, Form CSS–800 (Soil Bank) (hereinafter referred to as "agreement") must be entered into by the operator. In addition, if the operator is a share-tenant, the agreement must be signed by each person who as owner or landlord has control of the land on which the acreage reserve is located or has an interest in the commodity with respect to which the acreage is being reduced.

(b) Where only the operator is required to enter into the agreement, it must be signed by him and filed with the county committee not later than July 20, 1956. If a person in addition to the operator is required to sign the agreement, but is not available for the signing of the agreement on or before July 20, 1956, the operator must sign the agreement and deliver a signed copy to the county committee not later than July 20, 1956, and must obtain the signature of such other person and furnish the executed agreement to the county committee not later than July 31, 1956.

(c) An agreement entered into hereunder may be terminated by the producers at any time on or before July 20, 1956 (the final date on which agreements must be signed by the operator and filed with the county committee) by the operator furnishing written notice to the county committee prior to such termination. Such agreement shall, however, for purposes of the civil penalty for grazing or harvesting the acreage reserve (See § 485.128) be in full force and effect for the period prior to such termination.

(d) Agreements shall not be entered into in any county under which the total compensation payable to producers is in excess of the total amount of compensation authorized for the county.

§ 485.111 *Reduction of acreage of commodity.* To be eligible for participation in the acreage reserve program, the producer must reduce his acreage of the commodity below his allotment, or, in the case of corn, the Soil Bank corn base, in one or more of the following ways:

(a) Reduction of the acreage may be by underplanting the allotment or Soil Bank corn base, if the underplanting, in the case of fall-seeded wheat, was due to adverse weather, or, in the case of any of the other commodities, was due to adverse weather or was in anticipation of participating in the Soil Bank program: *Provided*, That, in the case of spring-seeded wheat, the farm is one on which spring-seeded wheat was planted in 1954, 1955, or 1956. The operator must furnish, prior to the execution of the agreement, a certified statement setting forth the reason for such underplanting.

(b) Reduction of the acreage may be by plowing the crop under or otherwise physically incorporating it into the soil, or clipping, mowing, or cutting it to prevent maturing, subsequent to May 27, 1956, and prior to the date indicated below but in no event later than July 31, 1956:

(1) Corn and wheat: The final disposition date fixed for the area for compliance with allotments for purposes of price support and marketing quotas, except that if such date is during the period May 28 to June 30, 1956, inclusive, the final date for adjusting acreage for purposes of the acreage reserve program shall be June 30, 1956. Information as to the date fixed for the area for compliance with allotments may be obtained from the county committee. Any extension of time hereunder for adjusting acreage of corn and wheat under the acreage reserve program shall not, however, extend the final disposition date for compliance with allotments for purposes of price support and marketing quotas.

(2) Cotton, rice, peanuts, and tobacco: The date fixed for the commodity by the State committee for adjusting acreage under the acreage reserve program which shall be not later than 15 days before harvest of the crop begins in the area, except that the date fixed shall not be earlier than June 30, 1956. Information as to the date fixed for the area may be obtained from the county committee. The dates fixed for adjusting acreage under the acreage reserve program shall not extend or limit the time otherwise permitted for compliance with allotments for purposes of price support and marketing quotas.

(c) Reduction of the acreage may be by destruction of the crop due to natural causes on or before the date determined under paragraph (b) of this section as being the final date for adjusting acreage for purposes of the acreage reserve program.

§ 485.112 *Designation and use of acreage reserve.* (a) The tract or tracts of land constituting the acreage reserve for each commodity must be specifically designated in the agreement. If reduction of the acreage is by destruction due to natural causes or by plowing the crop under or otherwise physically incorporating it into the soil, or clipping, mowing, or cutting it to prevent maturing, the land on which such reduction took place shall be included as a part of the tract or tracts designated as the acreage reserve.

(b) No crop shall have been harvested from the acreage reserve in 1956 or shall be harvested from the acreage reserve prior to January 1, 1957, and the acreage reserve shall not have been grazed in 1956 and shall not be grazed prior to January 1, 1957, unless the Secretary, after certification by the Governor of the State in which the farm is located of the need for grazing on the acreage reserve, determines that it is necessary to permit grazing thereon in order to alleviate damage, hardship or suffering caused by severe drought, flood, or other natural disasters and gives written consent to such grazing. The operator must furnish, prior to the execution of the agreement, a certified statement that no crop has been harvested from the acreage reserve in 1956 and that the acreage reserve has not been grazed in 1956.

(c) No crop shall be planted on the acreage reserve after the agreement is signed and prior to January 1, 1957, except that (1) crops approved by the county committee for protective cover may be planted on the acreage reserve and (2) crops may be planted on the acreage reserve for harvest during 1957 or later in areas where such crops would normally be planted in the fall of 1956 for such later harvest.

(d) In the event that, at the time the agreement is executed, there is growing on the acreage reserve any crop, other than an approved cover crop, such crop must be plowed under or otherwise physically incorporated into the soil, or clipped, mowed, or cut to prevent maturing. In the case of one of the eligible commodities, such crops must be disposed of not later than the date provided for in § 485.111. In the case of other crops, disposal must be accomplished on or before the date fixed by the State committee which shall be not later than 15 days before harvest of the crop begins in the area, except that the date fixed shall not be earlier than June 30, 1956, or later than July 31, 1956. Information as to the date fixed for the area may be obtained from the county committee.

(e) The producer shall, without reimbursement under the agreement, control the spread on the acreage reserve of noxious weeds designated by the State committee, using methods approved by the county committee, including, if required, tillage operations or chemical sprays. A list of such noxious weeds may be obtained from the county committee.



(f) The acreage reserve shall be in addition to any acreage devoted to the conservation reserve program.

§ 485.113 *Compliance with acreage allotments.* No person shall be eligible for compensation under the acreage reserve program with respect to any farm on which (a) the 1956 acreage of cotton, rice, or tobacco exceeds the allotment for the commodity; or (b) the 1956 acreage of wheat, in the case of a farm in the commercial wheat-producing area, exceeds the larger of the allotment for wheat or 15 acres; or (c) the 1956 acreage of corn, in the case of a farm in the commercial corn-producing area, exceeds the Soil Bank corn base; or (d) the 1956 acreage of peanuts exceeds the larger of the allotment for peanuts or one acre. For purposes of this provision such acreage limitations shall not be deemed to have been exceeded unless such acreage limitations were knowingly exceeded. Such acreage limitations shall be deemed to have been knowingly exceeded if under the rules and regulations governing eligibility for price support for the commodity such acreage limitations would be determined to have been knowingly exceeded.

§ 485.114 *Amount of compensation.* The amount of compensation for each commodity shall be determined by multiplying the rate of compensation per acre for the commodity, determined in accordance with § 485.115, by the smallest of (a) the number of acres in the acreage reserve, (b) the acreage by which the commodity is reduced below the allotment, or in the case of corn, the Soil Bank corn base, or (c) the number of acres which the producer agrees to place in the acreage reserve: *Provided*, That no compensation will be paid for the particular commodity if the acreage so determined is below the minimum acreage which may be placed in the acreage reserve.

§ 485.115 *Rate of compensation per acre.* The rate of compensation per acre for the commodity shall be determined by multiplying the base unit rate for the commodity specified in § 485.116 by the applicable yield factor determined in accordance with § 485.117: *Provided, however*, That (a) the minimum rate of compensation for reduction of acreage by destruction due to natural causes or by plowing the crop under or otherwise physically incorporating it into the soil, or clipping, mowing, or cutting it to prevent maturing, shall be $6 per acre; (b) the rate of compensation for reduction of acreage by underplanting in the case of fall-seeded wheat shall be $4 per acre; and (c) the maximum rates of compensation per acre for tobacco shall be: flue-cured, $293; burley, $340; Maryland, $169; dark air-cured, $201; Virginia sun-cured, $160; fire-cured, $198; cigar binder type 51, $366; cigar binder type 52, $346; cigar binder type 54, $154; cigar binder type 55, $211; Ohio cigar filler types 42–44, $173.

§ 485.116 *Commodity base unit rates.* The base unit rates for the different commodities are as follows:

| | |
|---|---|
| Corn | The applicable county rate specified in Appendix 1 hereof. |
| Wheat | The applicable county rate specified in Appendix 1 hereof. |
| Peanuts | 3 cents per pound. |
| Rice | $2.25 per hundredweight. |
| Cotton | 15 cents per pound. |
| Flue-cured tobacco | 18 cents per pound. |
| Burley tobacco | 18 cents per pound. |
| Maryland tobacco | 17 cents per pound. |
| Dark air-cured tobacco | 12 cents per pound. |
| Virginia sun-cured tobacco | 12 cents per pound. |
| Fire-cured tobacco | 13 cents per pound. |
| Cigar binder tobacco: | |
| Type 51 | 19 cents per pound. |
| Type 52 | 18 cents per pound. |
| Type 54 | 8 cents per pound. |
| Type 55 | 11 cents per pound. |
| Ohio cigar-filler tobacco: Types 42–44 | 9 cents per pound. |

§ 485.117 *Basis for determining yield factor.* (a) In the case of reduction of acreage by underplanting the allotment for cotton, rice, peanuts, tobacco, spring-seeded wheat, or underplanting the Soil Bank corn base, the yield factor shall be the normal yield for the tract of land designated as the acreage reserve. The normal yield for the tract of land designated as the acreage reserve shall be determined by the county committee on the basis of (1) the normal yield for the farm and (2) any variation in yield between the farm and the tract of land designated as the acreage reserve.

(b) In the case of reduction of acreage by underplanting, of the allotment, due to adverse weather, in the case of wheat seeded in the fall of 1955, there will be no yield factor. The rate of compensation in such case shall be $4.00 per acre, regardless of yield, as provided in § 485.115.

(c) In the case of reduction of acreage by destruction due to natural causes or by plowing the crop under or otherwise physically incorporating it into the soil, or clipping, mowing, or cutting it to prevent maturing, the yield factor shall be the normal yield for the farm, unless the crop is subnormal, in which case the yield factor shall be the appraised yield for the field on which the destruction or adjustment of acreage takes place.

§ 485.118 *Method of determining yield.* (a) *Normal yield for the farm.* (1) County check yields for each commodity shall be determined by the Deputy Administrator on the basis of the county average yields for the commodity during the base period for the commodity, adjusted for drought, flood, or other abnormal conditions. The base period for wheat is the years 1945 through 1954, inclusive; the base period for tobacco is the years 1950 through 1955, inclusive; and the base period for other commodities is the years 1951 through 1955, inclusive. With the approval of the State committee, the county committee may establish, for any commodity, community check yields for communities or areas of the county as deemed necessary to reflect significant variations in the yields between such communities or areas.

(2) In the case of peanuts and tobacco, where records of actual farm yields are available to the county committee, the normal yield for the farm shall be determined by the county committee on the basis of the actual yields of the commodity obtained during the base period specified above for establishing the county check yield, adjusted for drought, flood, or other abnormal conditions. Where records of actual farm yields for peanuts and tobacco are not available, and in the case of all other commodities, the county committee shall determine the normal yield for the farm on the basis of (i) the community check yield (or county check yield if no community check yield is established), (ii) the productivity of the land on the farm normally devoted to the commodity (iii) customary planting and cultivation practices of the farm operator, and (iv) other factors affecting yields in the community, or for the farm including drought, flood, or other abnormal conditions. In either event, whether the normal yield is determined on the basis of records of the actual yields or on the basis of the factors specified above, the normal yield so established for the farm shall be subject to such adjustment as is necessary in order that such yields for all farms in the county, weighted by the allotments or Soil Bank corn bases for such farms, will not exceed the county check yield established for the county.

(b) *Appraised yield for the field.* In appraising the yield for a crop destroyed due to natural causes, the county committee shall estimate the yield on the basis of the actual condition of the crop after the damage or destruction took place. In the case of total destruction, the yield will be zero. In appraising the yield for a crop plowed under or otherwise physically incorporated into the soil, or clipped, mowed, or cut to prevent maturing, after May 27, 1956, but before an agreement has been signed by the operator and filed with the county committee, the county committee shall estimate the yield on the basis of the actual condition of the crop before such adjustment in the acreage took place. In appraising the yield for a crop to be plowed under or otherwise physically incorporated into the soil, or clipped, mowed, or cut to prevent maturing, after the agreement is signed, the county committee shall estimate the yield on the basis of the actual condition of the crop prior to the signing of the agreement.

(c) *Yield categories.* In the establishment of yields, the farm or tract of land may be placed in yield categories in lieu of establishing the precise yield for the individual farm or tract.

(d) *Instructions implementing provisions of this section.* The Deputy Administrator shall issue instructions to State and county committees with respect to the implementation of the provisions of this section. Copies of such instructions will be available for examination in the office of the county committee.

§ 485.119 *Determination of acreage and extent of calculations.* (a) The number of acres in the acreage reserve and the acreage by which the commodity is reduced below the allotment or, in the case of corn, the Soil Bank corn base, shall be determined in the same manner as acreage is determined in connection with allotment and marketing quota programs.

(b) The extent of calculations shall be as follows:

(1) The acreage of each type of tobacco shall be expressed in hundredths of an acre and fractions of less than a hundredth of an acre shall be dropped.

(2) The acreages of crops other than tobacco shall be expressed in tenths of an acre and fractions of less than one-tenth of an acre shall be dropped.

(c) In determining the acreage reserve for a commodity, the method of calculation set forth in paragraph (a) of this section for the commodity shall be followed.

§ 485.120 *Manner and time of compensation*—(a) *Manner of compensation.* Compensation will be paid to each producer entitled thereto through the issuance to such producer of negotiable certificates, redeemable by Commodity Credit Corporation. Such certificates will be redeemable in cash upon presentation by the producer to whom issued or any holder in due course at the Federal Reserve Bank or Branch Bank designated thereon. Such presentation should be made through regular banking channels. The designated Federal Reserve Bank or Branch will accept the certificates as cash items for immediate credit. In the case of certificates issued with respect to wheat, rice, and corn, the producer to whom the certificate is issued (but not any other person) may obtain redemption of such certificates in grain to the extent provided in regulations to be issued by the Secretary. Commodities delivered to producers in redemption of certificates shall not be eligible for tender to CCC under the price support program.

(b) *Time of compensation.* Certificates shall be issued to the producer or producers entitled thereto upon determination by the county committee that there has been compliance with the acreage reduction requirements of the program.

§ 485.121 *Set-offs.* If any producer to whom compensation is payable under the acreage reserve program is indebted to the United States Department of Agriculture, or any agency thereof including Commodity Credit Corporation, or is indebted to any other agency of the United States and such indebtedness to such other agency is listed on the county debt register, the compensation due such producer shall be set-off against such indebtedness. Indebtedness owing to the Department of Agriculture, or any agency thereof, shall be given first consideration. Set-offs made pursuant to this section shall not deprive the producer of any right to contest the justness of the indebtedness involved either by administrative appeal or by legal action.

§ 485.122 *Division of compensation between landlords, tenants, and sharecroppers.* The agreement entered into with the producers shall specify the basis on which the landlords, tenants, and sharecroppers are to share in the compensation payable thereunder. The basis on which the tenants and sharecroppers share in such compensation must be approved by the county committee as being fair and equitable. In considering whether the tenants and sharecroppers will share in the compensation on a fair and equitable basis, the county committee shall give consideration to the respective contributions which would have been made by the landlord, tenants, and sharecroppers in the production of the crops which would have been produced on the acreage diverted from production under the agreement and the basis on which they would have shared in such crops or the proceeds thereof. In general, the basis for sharing compensation may be approved by the county committee if—

(a) The total compensation is allocated among the producer units (as defined in § 485.101) in proportion to the number of acres contributed from each producer unit to the acreage diverted from production under the agreement; and

(b) The share of the landlord, and operator, if other than the landlord, in the compensation allocated to any producer unit farmed by a tenant or sharecropper does not result in the landlord and operator receiving in excess of the return they would have received for furnishing the land and farm management less any savings in cost to them which result from not producing a crop on the acreage diverted from production and less the amount of any enhancement in value of the land diverted from production as a result of conservation practices carried out on such land.

§ 485.123 *Additional provisions relating to tenants and sharecroppers.* (a) No agreement with respect to any commodity shall be entered into with a producer if it shall appear:

(1) That the landlord or operator has not afforded his tenants and sharecroppers an opportunity to participate under the agreement in proportion to the number of acres in the respective producer units of such commodity farmed by such tenants or sharecroppers; or

(2) That the landlord or operator has, as a result of participation in the Soil Bank program, reduced the number of tenants and sharecroppers on the farm, or the size of their producer units; or

(3) That there exists between the operator or landlord and any tenant or sharecropper any lease, contract, agreement, or understanding, unfairly exacted or required by the operator or landlord and entered into in contemplation of the signing of any agreement hereunder, the effect or purpose of which is:

(i) To cause the tenant or sharecropper to pay over to the landlard or operator any compensation to be paid to him under the agreement; or

(ii) To change the status of any tenant or sharecropper in order to deprive him of any part of the compensation or any other right or privilege of his under the agreement to which his actual status with respect to the land prior thereto would have entitled him; or

(iii) To reduce the size of the tenant's or sharecropper's producer unit in contemplation of the signing of the agreement; or

(iv) To increase the rent to be paid by the tenant or decrease the share of the crop or its proceeds to be received by the sharecropper.

(4) That the operator or landlord has adopted any device or scheme of any sort whatever for the purpose of depriving any tenant or any sharecropper of his compensation or of any other right under the agreement.

(b) The agreement shall be deemed to have been violated if any of the conditions set forth in paragraph (a) of this section are discovered after the signing of the agreement, or if, after the signing of the agreement, the producer enters into any lease, contract, agreement, or understanding with any tenant or sharecropper of the nature prohibited by paragraph (a) (3) of this section or adopts any scheme or device prohibited by paragraph (a) (4) of this section.

§ 485.124 *Successors-in-interest.* (a) In case any producer who is entitled to any compensation under any agreement, dies, becomes incompetent or disappears before receiving such compensation, the compensation shall be made to his successor, as determined in accordance with the regulations issued by the Secretary (7 CFR Part 1108) or any amendments thereto, for payments made pursuant to section 8 of the Soil Conservation and Domestic Allotment Act, as amended.

(b) In the event of the sale or transfer of the farm, other than by death or incompetency, after the agreement is signed, but before compensation is paid thereunder, compensation will be paid to the original signer of the agreement, if he retains the interest in the crop with respect to which the compensation is to be paid. If the interest in the crop with respect to which the compensation is to be paid is transferred to the buyer or other person succeeding the original signer of the agreement, and the county committee is notified in writing of such sale or transfer before compensation has been paid, such compensation shall be paid to such buyer or successor, provided such buyer or successor becomes a party to the agreement by executing a form prescribed by the Secretary for such purpose.

(c) If there is a change in a tenant or sharecropper after the agreement is signed, but before compensation is paid thereunder, compensation shall be paid to the original tenant or sharecropper if he retains the interest in the crop with respect to which compensation is to be paid. If the successor tenant or sharecropper succeeds to the interest in the crop with respect to which the compensation is to be paid, and the county committee is notified in writing of such change before compensation is paid, such compensation shall be paid to such successor tenant or sharecropper, provided, in the case of a tenant-operator, that such tenant-operator becomes a party to the agreement by executing a form prescribed by the Secretary for such purpose.

§ 485.125 *Assignments prohibited.* No agreement entered into hereunder, or any claim or benefit arising therefrom may be assigned in whole or in part.

§ 485.126 *Schemes or devices to defeat purpose of agreement.* No producer entering into an agreement with the Secretary hereunder shall employ any scheme or device which would tend to defeat the purpose of the agreement.

§ 485.127 *Violations of agreement.* (a) In the event the Secretary determines that there has been a violation of any agreement and that such violation is of such a substantial nature as to warrant termination of the agreement, all rights to compensation under the agreement shall be forfeited and all compensation paid shall be refunded. The producers who sign the agreement will be obligated to refund all compensation received not only by them but also by any tenant or sharecropper. The tenant or sharecropper shall also be obligated to refund any compensation received by such tenant or sharecropper. In the event that any of the certificates issued as compensation cannot be returned, the face amount of such certificates, plus interest at the rate of six percent per annum, shall be paid to the United States.

(b) In the event the Secretary determines that there has been a violation of any agreement but that such violation is of such a nature as not to warrant termination of the agreement, rights to compensation under the agreement shall be adjusted, forfeited and refunded as the Secretary determines to be appropriate. The producers signing the agreement will be obligated to accept such adjustments in compensation, forfeit such benefits, and make such refunds to the United States of compensation received not only by them but also by any tenant or sharecropper as the Secretary determines to be appropriate. The tenant or sharecropper will also be obligated to refund, forfeit, and accept such adjustment in compensation paid or otherwise payable to such tenant or sharecropper as the Secretary determines to be appropriate. In the event that any of the certificates issued as compensation cannot be returned in accordance with the determination of the Secretary, the face amount of such certificates, plus interest at the rate of six percent per annum, shall be paid to the United States.

(c) Regulations prescribing the rules and procedure for determining whether a violation has occurred, and whether such violation is of such a substantial nature as to warrant termination of the agreement, and the amount of any adjustment, forfeiture or refund which shall be made if such violation is of such a nature as not to warrant termination of the agreement, and the rules and procedure for review of such determinations will be published separately at a later date.

§ 485.128 *Penalty for grazing or harvesting.* Section 123 of the Act imposes a civil penalty upon any producer who knowingly and wilfully grazes or harvests any crop from any acreage in violation of an agreement equal to 50 per centum of the compensation payable for compliance with such agreement. Such penalty is in addition to any amounts required to be forfeited or refunded under the provisions of the agreement.

§ 485.129 *Access to farm and records.* The county committeemen or their representatives, or any authorized representative of the Secretary, for the purposes of ascertaining the accuracy of the representations made in or in connection with any agreement entered into hereunder and the performance of the terms and conditions of such agreement, shall have the right to enter the farm at any reasonable time in order to measure the acreage or determine the production of any agricultural commodity on the farm, and to examine any records pertaining to the farm or to the acreage, production, or sale of any such agricultural commodity, and the landlord or operator shall furnish such information relating to the farm as may be requested by the county committeemen or their representatives or authorized representatives of the Secretary.

§ 485.130 *State committee approval of determinations of county committees.* The State committee may revise or require revision of any determination made by the county committee in connection with the acreage reserve program.

§ 485.131 *Finality of determinations.* The facts constituting the basis for any compensation, or the amount thereof, under any agreement when officially determined in conformity with these regulations, shall be final and conclusive and shall not be reviewable by any other officer or agency of the Government, except that the act provides for judicial review in the case of the termination of an agreement.

§ 485.132 *Effect on acreage allotment and marketing quota programs.* (a) The acreage on any farm which is diverted from the production of any commodity in order to carry out an agreement shall be considered as acreage devoted to the commodity for the purposes of establishing future State, county and farm acreage allotments and Soil Bank corn bases.

(b) In applying the provisions of paragraph (6) of Public Law 74, Seventy-seventh Congress (7 U. S. C. 1340 (6)), and section 326 (g) and 356 (g) of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1326 (b), 1356 (g)) relating to reduction of the storage amounts of wheat and rice, the acreage on any farm which is diverted from the production of wheat or rice in order to carry out an agreement, shall be considered as wheat acreage or rice acreage, as the case may be, on the farm.

Issued at Washington, D. C., this 15th day of June 1956.

[SEAL] EZRA TAFT BENSON,
*Secretary of Agriculture.*



APPENDIX 1

BASE UNIT RATES FOR CORN AND WHEAT 1956 ACREAGE RESERVE PROGRAM

CORN

ALABAMA

| County | Base unit rate | County | Base unit rate |
|---|---|---|---|
| De Kalb | $1.00 | Madison | $1.00 |
| Jackson | 1.00 | Marshall | 1.00 |

ARKANSAS

| | | | |
|---|---|---|---|
| Clay | $0.94 | Greene | $0.95 |
| Craighead | .96 | | |

DELAWARE

| | | | |
|---|---|---|---|
| Kent | $1.00 | Sussex | $1.00 |
| New Castle | 1.00 | | |

ILLINOIS

| | | | |
|---|---|---|---|
| Adams | $0.91 | Lee | $0.91 |
| Alexander | .94 | Livingston | .91 |
| Bond | .92 | Logan | .92 |
| Boone | .91 | McDonough | .91 |
| Brown | .91 | McHenry | .91 |
| Bureau | .91 | McLean | .92 |
| Calhoun | .91 | Macon | .91 |
| Carroll | .90 | Macoupin | .92 |
| Cass | .92 | Madison | .92 |
| Champaign | .91 | Marion | .92 |
| Christian | .92 | Marshall | .92 |
| Clark | .91 | Mason | .92 |
| Clay | .92 | Massac | .93 |
| Clinton | .92 | Menard | .92 |
| Coles | .91 | Mercer | .90 |
| Cook | .92 | Monroe | .92 |
| Crawford | .92 | Montgomery | .92 |
| Cumberland | .91 | Morgan | .92 |
| De Kalb | .91 | Moultrie | .91 |
| De Witt | .91 | Ogle | .91 |
| Douglas | .91 | Peoria | .91 |
| Du Page | .92 | Perry | .92 |
| Edgar | .91 | Piatt | .91 |
| Edwards | .92 | Pike | .91 |
| Effingham | .92 | Pope | .93 |
| Fayette | .92 | Pulaski | .94 |
| Ford | .91 | Putnam | .91 |
| Franklin | .92 | Randolph | .92 |
| Fulton | .91 | Richland | .92 |
| Gallatin | .93 | Rock Island | .90 |
| Greene | .92 | St. Clair | .92 |
| Grundy | .91 | Saline | .93 |
| Hamilton | .92 | Sangamon | .92 |
| Hancock | .91 | Schuyler | .91 |
| Hardin | .93 | Scott | .91 |
| Henderson | .90 | Shelby | .91 |
| Henry | .91 | Stark | .91 |
| Iroquois | .91 | Stephenson | .91 |
| Jackson | .93 | Tazewell | .92 |
| Jasper | .92 | Union | .93 |
| Jefferson | .92 | Vermilion | .91 |
| Jersey | .92 | Wabash | .92 |
| Jo Daviess | .90 | Warren | .91 |
| Johnson | .93 | Washington | .92 |
| Kane | .92 | Wayne | .92 |
| Kankakee | .91 | White | .92 |
| Kendall | .91 | Whiteside | .90 |
| Knox | .91 | Will | .92 |
| Lake | .92 | Williamson | .93 |
| La Salle | .91 | Winnebago | .91 |
| Lawrence | .92 | Woodford | .92 |

INDIANA

| | | | |
|---|---|---|---|
| Adams | $0.92 | Blackford | $0.92 |
| Allen | .92 | Boone | .91 |
| Bartholomew | .92 | Brown | — |
| Benton | .91 | Carroll | .91 |

CORN—Continued

INDIANA—continued

| County | Base unit rate | County | Base unit rate |
|---|---|---|---|
| Cass | $0.91 | Martin | $0.92 |
| Clark | .92 | Miami | .91 |
| Clay | .91 | Monroe | .91 |
| Clinton | .91 | Montgomery | .91 |
| Crawford | — | Morgan | .91 |
| Daviess | .92 | Newton | .91 |
| Dearborn | .92 | Noble | .91 |
| Decatur | .92 | Ohio | .92 |
| DeKalb | .92 | Orange | .92 |
| Delaware | .92 | Owen | .91 |
| Dubois | .92 | Parke | .91 |
| Elkhart | .91 | Perry | .92 |
| Fayette | .92 | Pike | .92 |
| Floyd | .92 | Porter | .91 |
| Fountain | .91 | Posey | .92 |
| Franklin | .92 | Pulaski | .91 |
| Fulton | .91 | Putnam | .91 |
| Gibson | .92 | Randolph | .92 |
| Grant | .91 | Ripley | .92 |
| Greene | .91 | Rush | .92 |
| Hamilton | .91 | St. Joseph | .91 |
| Hancock | .91 | Scott | .92 |
| Harrison | .92 | Shelby | .91 |
| Hendricks | .91 | Spencer | .92 |
| Henry | .92 | Starke | .91 |
| Howard | .91 | Steuben | .92 |
| Huntington | .91 | Sullivan | .92 |
| Jackson | .92 | Switzerland | .92 |
| Jasper | .91 | Tippecanoe | .91 |
| Jay | .92 | Tipton | .91 |
| Jefferson | .92 | Union | .92 |
| Jennings | .92 | Vanderburgh | .92 |
| Johnson | .91 | Vermillion | .91 |
| Knox | .92 | Vigo | .91 |
| Kosciusko | .91 | Wabash | .91 |
| Lagrange | .91 | Warren | .91 |
| Lake | .91 | Warrick | .92 |
| LaPorte | .91 | Washington | .92 |
| Lawrence | .92 | Wayne | .92 |
| Madison | .91 | Wells | .92 |
| Marion | .91 | White | .91 |
| Marshall | .91 | Whitley | .91 |

IOWA

| | | | |
|---|---|---|---|
| Adair | $0.88 | Harrison | $0.88 |
| Adams | .88 | Henry | .89 |
| Allamakee | .87 | Howard | .86 |
| Appanoose | .89 | Humboldt | .85 |
| Audubon | .87 | Ida | .86 |
| Benton | .88 | Iowa | .88 |
| Black Hawk | .87 | Jackson | .89 |
| Boone | .86 | Jasper | .87 |
| Bremer | .86 | Jefferson | .89 |
| Buchanan | .88 | Johnson | .89 |
| Buena Vista | .85 | Jones | .89 |
| Butler | .86 | Keokuk | .88 |
| Calhoun | .86 | Kossuth | .85 |
| Carroll | .86 | Lee | .90 |
| Cass | .86 | Linn | .88 |
| Cedar | .89 | Louisa | .89 |
| Cerro Gordo | .85 | Lucas | .88 |
| Cherokee | .86 | Lyon | .85 |
| Chickasaw | .86 | Madison | .88 |
| Clarke | .88 | Mahaska | .87 |
| Clay | .85 | Marion | .88 |
| Clayton | .88 | Marshall | .86 |
| Clinton | .89 | Mills | .88 |
| Crawford | .86 | Mitchell | .85 |
| Dallas | .87 | Monona | .87 |
| Davis | .89 | Monroe | .88 |
| Decatur | .88 | Montgomery | .88 |
| Delaware | .88 | Muscatine | .89 |
| Des Moines | .90 | O'Brien | .85 |
| Dickinson | .85 | Osceola | .85 |
| Dubuque | .89 | Page | .88 |
| Emmet | .85 | Palo Alto | .85 |
| Fayette | .88 | Plymouth | .86 |
| Floyd | .86 | Pocahontas | .85 |
| Franklin | .86 | Polk | .87 |
| Fremont | .88 | Pottawattamie | .88 |
| Greene | .86 | Poweshiek | .87 |
| Grundy | .86 | Ringgold | .88 |
| Guthrie | .87 | Sac | .86 |
| Hamilton | .86 | Scott | .89 |
| Hancock | .85 | Shelby | .87 |
| Hardin | .86 | Sioux | .85 |

CORN—Continued

IOWA—continued

| County | Base unit rate | County | Base unit rate |
|---|---|---|---|
| Story | $0.86 | Wayne | $0.88 |
| Tama | .87 | Webster | .86 |
| Taylor | .88 | Winnebago | .85 |
| Union | .88 | Winneshiek | .87 |
| Van Buren | .89 | Woodbury | .86 |
| Wapello | .88 | Worth | .85 |
| Warren | .88 | Wright | .85 |
| Washington | .89 | | |

KANSAS

| | | | |
|---|---|---|---|
| Anderson | $0.91 | Leavenworth | $0.91 |
| Atchison | .90 | Marshall | .89 |
| Brown | .89 | Miami | .91 |
| Clay | .89 | Nemaha | .89 |
| Cloud | .89 | Phillips | .89 |
| Doniphan | .89 | Pottawatomie | .89 |
| Douglas | .90 | Republic | .89 |
| Franklin | .91 | Riley | .89 |
| Jackson | .89 | Shawnee | .89 |
| Jefferson | .90 | Smith | .89 |
| Jewell | .89 | Washington | .89 |
| Johnson | .91 | | |

KENTUCKY

| | | | |
|---|---|---|---|
| Allen | $0.99 | Jefferson | $0.95 |
| Ballard | .95 | Larue | .98 |
| Barren | .99 | Livingston | .95 |
| Boone | .95 | Logan | .97 |
| Boyle | 1.00 | Lyon | .96 |
| Breckinridge | .94 | McCracken | .95 |
| Bullitt | .97 | McLean | .96 |
| Butler | .98 | Marion | .99 |
| Caldwell | .96 | Mason | .96 |
| Calloway | .95 | Meade | .95 |
| Carlisle | .95 | Monroe | .99 |
| Carroll | .95 | Nelson | .98 |
| Christian | .97 | Oldham | .95 |
| Crittenden | .95 | Shelby | .97 |
| Daviess | .94 | Simpson | .98 |
| Edmonson | .98 | Spencer | .98 |
| Fulton | .95 | Taylor | .99 |
| Graves | .95 | Todd | .97 |
| Grayson | .97 | Trigg | .97 |
| Hancock | .94 | Trimble | .95 |
| Hardin | .96 | Union | .94 |
| Hart | .99 | Warren | .99 |
| Henderson | .94 | Washington | .99 |
| Hickman | .95 | Webster | .95 |
| Hopkins | .96 | | |

MARYLAND

| | | | |
|---|---|---|---|
| Caroline | $1.00 | Queen Annes | $1.00 |
| Carroll | 1.00 | Somerset | 1.00 |
| Cecil | 1.00 | Talbot | 1.00 |
| Dorchester | 1.00 | Washington | 1.00 |
| Frederick | 1.00 | Wicomico | 1.00 |
| Kent | 1.00 | Worcester | 1.00 |
| Montgomery | 1.00 | | |

MICHIGAN

| | | | |
|---|---|---|---|
| Allegan | $0.92 | Lenawee | $0.94 |
| Barry | .92 | Livingston | .94 |
| Berrien | .92 | Macomb | .94 |
| Branch | .92 | Mecosta | .94 |
| Calhoun | .92 | Midland | .94 |
| Cass | .92 | Monroe | .94 |
| Clinton | .94 | Montcalm | .94 |
| Eaton | .94 | Oakland | .94 |
| Genesee | .94 | Saginaw | .94 |
| Gratiot | .94 | St. Clair | .94 |
| Hillsdale | .92 | St. Joseph | .92 |
| Ingham | .94 | Sanilac | .94 |
| Ionia | .94 | Shiawassee | .94 |
| Isabella | .94 | Tuscola | .94 |
| Jackson | .94 | Van Buren | .92 |
| Kalamazoo | .92 | Washtenaw | .94 |
| Kent | .94 | Wayne | .94 |
| Lapeer | .94 | | |

MINNESOTA

| | | | |
|---|---|---|---|
| Anoka | $0.86 | Chippewa | $0.84 |
| Benton | .86 | Chisago | .86 |
| Big Stone | .83 | Cottonwood | .85 |
| Blue Earth | .85 | Dakota | .86 |
| Brown | .85 | Dodge | .85 |
| Carver | .86 | Douglas | .85 |

CORN—Continued

MINNESOTA—continued

| County | Base unit rate | County | Base unit rate |
|---|---|---|---|
| Faribault | $0.84 | Pope | $0.85 |
| Fillmore | .85 | Redwood | .85 |
| Freeborn | .85 | Renville | .85 |
| Goodhue | .86 | Rice | .86 |
| Grant | .84 | Rock | .84 |
| Hennepin | .86 | Scott | .86 |
| Houston | .85 | Sherburne | .86 |
| Jackson | .84 | Sibley | .86 |
| Kandiyohi | .85 | Stearns | .86 |
| Lac qui Parle | .83 | Steele | .85 |
| Le Sueur | .86 | Stevens | .84 |
| Lincoln | .83 | Swift | .85 |
| Lyon | .84 | Todd | .85 |
| McLeod | .86 | Traverse | .83 |
| Martin | .84 | Wabasha | .86 |
| Meeker | .86 | Waseca | .85 |
| Morrison | .85 | Washington | .86 |
| Mower | .85 | Watonwan | .85 |
| Murray | .84 | Wilkin | .83 |
| Nicollet | .86 | Winona | .86 |
| Nobles | .84 | Wright | .86 |
| Olmsted | .85 | Yellow Medicine | .84 |
| Otter Tail | .84 | | |
| Pipestone | .84 | | |

MISSOURI

| | | | |
|---|---|---|---|
| Adair | $0.91 | Lincoln | $0.92 |
| Andrew | .89 | Linn | .91 |
| Atchison | .89 | Livingston | .91 |
| Audrain | .92 | Macon | .91 |
| Bates | .91 | Marion | .91 |
| Benton | .92 | Mercer | .89 |
| Bollinger | .94 | Mississippi | .94 |
| Boone | .92 | Moniteau | .92 |
| Buchanan | .91 | Monroe | .92 |
| Caldwell | .91 | Montgomery | .92 |
| Callaway | .92 | New Madrid | .94 |
| Cape Girardeau | .94 | Nodaway | .89 |
| Carroll | .91 | Perry | .94 |
| Cass | .91 | Pettis | .92 |
| Chariton | .91 | Pike | .92 |
| Clark | .91 | Platte | .91 |
| Clay | .91 | Putnam | .89 |
| Clinton | .91 | Ralls | .92 |
| Cole | .92 | Randolph | .91 |
| Cooper | .92 | Ray | .91 |
| Daviess | .90 | St. Charles | .92 |
| De Kalb | .90 | St. Clair | .92 |
| Dunklin | .94 | St. Louis | .93 |
| Franklin | .93 | Ste. Genevieve | .94 |
| Gentry | .89 | Saline | .92 |
| Grundy | .90 | Schuyler | .89 |
| Harrison | .89 | Scotland | .90 |
| Henry | .91 | Scott | .94 |
| Holt | .89 | Shelby | .91 |
| Howard | .92 | Stoddard | .94 |
| Jackson | .91 | Sullivan | .90 |
| Jefferson | .94 | Vernon | .92 |
| Johnson | .91 | Warren | .93 |
| Knox | .91 | Wayne | .94 |
| Lafayette | .91 | Worth | .89 |
| Lewis | .91 | | |

NEBRASKA

| | | | |
|---|---|---|---|
| Adams | $0.87 | Gage | $0.88 |
| Antelope | .86 | Garfield | .86 |
| Boone | .86 | Gosper | .88 |
| Boyd | .86 | Greeley | .86 |
| Buffalo | .87 | Hall | .87 |
| Burt | .87 | Hamilton | .86 |
| Butler | .87 | Harlan | .88 |
| Cass | .88 | Holt | .86 |
| Cedar | .86 | Howard | .87 |
| Clay | .87 | Jefferson | .88 |
| Colfax | .86 | Johnson | .88 |
| Cuming | .86 | Kearney | .87 |
| Custer | .87 | Knox | .86 |
| Dakota | .86 | Lancaster | .87 |
| Dawson | .88 | Lincoln | .88 |
| Dixon | .86 | Madison | .86 |
| Dodge | .87 | Merrick | .86 |
| Douglas | .88 | Nance | .86 |
| Fillmore | .87 | Nemaha | .88 |
| Franklin | .87 | Nuckolls | .87 |
| Furnas | .88 | Otoe | .88 |





CORN—Continued

NEBRASKA—continued

| County | Base unit rate | County | Base unit rate |
|---|---|---|---|
| Pawnee | $0.88 | Sherman | $0.87 |
| Phelps | .88 | Stanton | .86 |
| Pierce | .86 | Thayer | .87 |
| Platte | .86 | Thurston | .86 |
| Polk | .86 | Valley | .87 |
| Richardson | .88 | Washington | .88 |
| Saline | .88 | Wayne | .86 |
| Sarpy | .88 | Webster | .87 |
| Saunders | .87 | York | .86 |
| Seward | .87 | | |

NEW JERSEY

| | | | |
|---|---|---|---|
| Burlington | $1.02 | Mercer | $1.02 |
| Cumberland | 1.02 | Salem | 1.02 |
| Gloucester | 1.02 | Somerset | 1.02 |
| Hunterdon | 1.02 | Warren | 1.02 |

NORTH CAROLINA

| | | | |
|---|---|---|---|
| Beaufort | $1.00 | Lenoir | $1.00 |
| Bertie | 1.00 | Martin | 1.00 |
| Camden | 1.00 | Nash | 1.00 |
| Chowan | 1.00 | Northampton | 1.00 |
| Craven | 1.00 | Onslow | 1.00 |
| Currituck | 1.00 | Pasquotank | 1.00 |
| Duplin | 1.00 | Perquimans | 1.00 |
| Edgecombe | 1.00 | Pitt | 1.00 |
| Gates | 1.00 | Sampson | 1.00 |
| Greene | 1.00 | Wake | 1.00 |
| Halifax | 1.00 | Washington | 1.00 |
| Hertford | 1.00 | Wayne | 1.00 |
| Johnston | 1.00 | Wilson | 1.00 |
| Jones | 1.00 | | |

NORTH DAKOTA

| | |
|---|---|
| Richland | $0.83 |

OHIO

| County | Base unit rate | County | Base unit rate |
|---|---|---|---|
| Adams | $0.94 | Lorain | $0.95 |
| Allen | .92 | Lucas | .98 |
| Ashland | .94 | Madison | .93 |
| Auglaize | .92 | Marion | .93 |
| Brown | .94 | Medina | .95 |
| Butler | .92 | Mercer | .92 |
| Champaign | .92 | Miami | .92 |
| Clark | .92 | Montgomery | .92 |
| Clermont | .93 | Morgan | .95 |
| Clinton | .92 | Morrow | .94 |
| Coshocton | .95 | Muskingum | .95 |
| Crawford | .93 | Ottawa | .94 |
| Darke | .92 | Paulding | .92 |
| Defiance | .92 | Perry | .94 |
| Delaware | .93 | Pickaway | .93 |
| Erie | .94 | Pike | .94 |
| Fairfield | .94 | Preble | .92 |
| Fayette | .93 | Putnam | .92 |
| Franklin | .93 | Richland | .94 |
| Fulton | .92 | Ross | .94 |
| Greene | .92 | Sandusky | .94 |
| Hamilton | .92 | Scioto | .94 |
| Hancock | .92 | Seneca | .93 |
| Hardin | .92 | Shelby | .92 |
| Henry | .92 | Stark | .95 |
| Highland | .93 | Tuscarawas | .95 |
| Hocking | .94 | Union | .92 |
| Holmes | .95 | Van Wert | .92 |
| Huron | .94 | Vinton | .94 |
| Jackson | .94 | Warren | .92 |
| Knox | .94 | Wayne | .95 |
| Lawrence | .94 | Williams | .92 |
| Licking | .94 | Wood | .93 |
| Logan | .92 | Wyandot | .93 |

PENNSYLVANIA

| | | | |
|---|---|---|---|
| Adams | $1.00 | Franklin | $1.00 |
| Berks | 1.00 | Fulton | 1.00 |
| Blair | 1.00 | Huntingdon | 1.00 |
| Bucks | 1.00 | Juniata | 1.00 |
| Carbon | 1.00 | Lancaster | 1.00 |
| Centre | 1.00 | Lebanon | 1.00 |
| Chester | 1.00 | Lehigh | 1.00 |
| Clinton | 1.00 | Lycoming | 1.00 |
| Columbia | 1.00 | Mifflin | 1.00 |
| Cumberland | 1.00 | Montgomery | 1.00 |
| Dauphin | 1.00 | Montour | 1.00 |

CORN—Continued

PENNSYLVANIA—continued

| County | Base unit rate | County | Base unit rate |
|---|---|---|---|
| Northampton | $1.00 | Schuylkill | $1.00 |
| Northumberland | 1.00 | Snyder | 1.00 |
| Ferry | 1.00 | Union | 1.00 |
| | | York | 1.00 |

SOUTH DAKOTA

| | | | |
|---|---|---|---|
| Aurora | $0.83 | Hanson | $0.83 |
| Beadle | .83 | Hutchinson | .83 |
| Bon Homme | .83 | Jerauld | .83 |
| Brookings | .83 | Kingsbury | .83 |
| Brule | .83 | Lake | .83 |
| Charles Mix | .83 | Lincoln | .83 |
| Clark | .83 | McCook | .83 |
| Clay | .83 | Miner | .83 |
| Codington | .83 | Minnehaha | .83 |
| Davison | .83 | Moody | .83 |
| Day | .83 | Roberts | .83 |
| Deuel | .83 | Sanborn | .83 |
| Douglas | .83 | Tripp | .84 |
| Grant | .83 | Turner | .83 |
| Gregory | .83 | Union | .83 |
| Hamlin | .83 | Yankton | .83 |

TENNESSEE

| | | | |
|---|---|---|---|
| Benton | $0.97 | Lauderdale | $0.95 |
| Cheatham | .97 | Marion | 1.01 |
| Crockett | .96 | Montgomery | .97 |
| Dyer | .95 | Obion | .95 |
| Franklin | 1.01 | Robertson | .98 |
| Gibson | .95 | Stewart | .97 |
| Haywood | .96 | Tipton | .95 |
| Henry | .96 | Weakley | .95 |

VIRGINIA

| | | | |
|---|---|---|---|
| Accomac | $1.00 | Northampton | $1.00 |
| Charles City | 1.00 | Princess Anne | 1.00 |
| Isle of Wight | 1.00 | Southampton | 1.00 |
| Nansemond | 1.00 | Surry | 1.00 |
| Norfolk | 1.00 | Sussex | 1.00 |

WEST VIRGINIA

| | | | |
|---|---|---|---|
| Berkeley | $1.00 | Jefferson | $1.00 |

WISCONSIN

| | | | |
|---|---|---|---|
| Adams | $0.90 | Lafayette | $0.90 |
| Buffalo | .89 | Marquette | .91 |
| Columbia | .91 | Milwaukee | .92 |
| Crawford | .89 | Monroe | .89 |
| Dane | .91 | Pepin | .89 |
| Dodge | .91 | Pierce | .89 |
| Dunn | .89 | Polk | .89 |
| Eau Claire | .89 | Racine | .92 |
| Fond du Lac | .91 | Richland | .89 |
| Grant | .89 | Rock | .91 |
| Green | .91 | St. Croix | .89 |
| Green Lake | .91 | Sauk | .90 |
| Iowa | .90 | Trempealeau | .89 |
| Jackson | .89 | Vernon | .89 |
| Jefferson | .91 | Walworth | .91 |
| Juneau | .90 | Waukesha | .91 |
| Kenosha | .92 | Waushara | .91 |
| La Crosse | .89 | Winnebago | .91 |

WHEAT

ARKANSAS

| | | | |
|---|---|---|---|
| Arkansas | $1.22 | Dallas | $1.24 |
| Ashley | 1.25 | Desha | 1.24 |
| Baxter | 1.19 | Drew | 1.24 |
| Benton | 1.17 | Faulkner | 1.21 |
| Boone | 1.14 | Franklin | 1.18 |
| Bradley | 1.24 | Fulton | 1.19 |
| Calhoun | 1.24 | Garland | 1.23 |
| Carroll | 1.17 | Grant | 1.23 |
| Chicot | 1.25 | Greene | 1.24 |
| Clark | 1.25 | Hempstead | 1.25 |
| Clay | 1.24 | Hot Spring | 1.25 |
| Cleburne | 1.23 | Howard | 1.25 |
| Cleveland | 1.23 | Independence | 1.23 |
| Columbia | 1.25 | Izard | 1.21 |
| Conway | 1.21 | Jackson | 1.24 |
| Craighead | 1.25 | Jefferson | 1.22 |
| Crawford | 1.17 | Johnson | 1.19 |
| Crittenden | 1.28 | Lafayette | 1.25 |
| Cross | 1.26 | Lawrence | 1.24 |

WHEAT—Continued

ARKANSAS—continued

| County | Base unit rate | County | Base unit rate |
|---|---|---|---|
| Lee | $1.26 | Pope | $1.19 |
| Lincoln | 1.23 | Prairie | 1.23 |
| Little River | 1.25 | Pulaski | 1.22 |
| Logan | 1.17 | Randolph | 1.24 |
| Lonoke | 1.23 | St. Francis | 1.26 |
| Madison | 1.17 | Saline | 1.22 |
| Marion | 1.19 | Scott | 1.20 |
| Miller | 1.25 | Searcy | 1.14 |
| Mississippi | 1.25 | Sebastian | 1.18 |
| Monroe | 1.24 | Sevier | 1.25 |
| Montgomery | 1.23 | Sharp | 1.22 |
| Nevada | 1.25 | Stone | 1.21 |
| Newton | 1.18 | Union | 1.25 |
| Ouachita | 1.25 | Van Buren | 1.19 |
| Perry | 1.20 | Washington | 1.17 |
| Phillips | 1.24 | White | 1.24 |
| Pike | 1.25 | Woodruff | 1.24 |
| Poinsett | 1.27 | Yell | 1.21 |
| Polk | 1.25 | | |

CALIFORNIA

| | | | |
|---|---|---|---|
| Alameda | $1.31 | Placer | $1.28 |
| Alpine | 1.19 | Plumas | 1.18 |
| Amador | 1.27 | Riverside | 1.28 |
| Butte | 1.26 | Sacramento | 1.28 |
| Calaveras | 1.27 | San Benito | 1.28 |
| Colusa | 1.27 | San Bernardino | 1.30 |
| Contra Costa | 1.31 | San Diego | 1.27 |
| El Dorado | 1.25 | San Joaquin | 1.29 |
| Fresno | 1.27 | San Luis Obispo | 1.26 |
| Glenn | 1.25 | San Mateo | 1.31 |
| Humboldt | 1.16 | Santa Barbara | 1.27 |
| Imperial | 1.25 | Santa Clara | 1.31 |
| Inyo | 1.18 | Santa Cruz | 1.29 |
| Kern | 1.27 | Shasta | 1.22 |
| Kings | 1.27 | Sierra | 1.18 |
| Lake | 1.27 | Siskiyou | 1.17 |
| Lassen | 1.17 | Solano | 1.30 |
| Los Angeles | 1.30 | Sonoma | 1.30 |
| Madera | 1.28 | Stanislaus | 1.28 |
| Marin | 1.31 | Sutter | 1.27 |
| Mariposa | 1.29 | Tehama | 1.25 |
| Mendocino | 1.26 | Tulare | 1.27 |
| Merced | 1.28 | Tuolumne | 1.29 |
| Modoc | 1.13 | Ventura | 1.30 |
| Mono | 1.16 | Yola | 1.28 |
| Monterey | 1.27 | Yuba | 1.28 |
| Napa | 1.30 | | |
| Orange | 1.29 | | |

COLORADO

| | | | |
|---|---|---|---|
| Adams | $1.17 | Kit Carson | $1.18 |
| Alamosa | 1.11 | La Plata | 1.06 |
| Arapahoe | 1.17 | Larimer | 1.17 |
| Archuleta | 1.06 | Las Animas | 1.16 |
| Baca | 1.18 | Lincoln | 1.17 |
| Bent | 1.17 | Logan | 1.17 |
| Boulder | 1.17 | Mesa | 1.06 |
| Chaffee | 1.09 | Moffat | 1.06 |
| Cheyenne | 1.18 | Montezuma | 1.00 |
| Conejos | 1.10 | Montrose | 1.06 |
| Costilla | 1.11 | Morgan | 1.17 |
| Crowley | 1.17 | Otero | 1.17 |
| Custer | 1.13 | Ouray | 1.06 |
| Delta | 1.06 | Phillips | 1.18 |
| Denver | 1.17 | Pitkin | 1.06 |
| Dolores | .98 | Prowers | 1.18 |
| Douglas | 1.17 | Pueblo | 1.17 |
| Eagle | 1.07 | Rio Blanco | 1.06 |
| Elbert | 1.17 | Rio Grande | 1.10 |
| El Paso | 1.17 | Routt | 1.06 |
| Fremont | 1.15 | Saguache | 1.10 |
| Garfield | 1.06 | San Miguel | 1.02 |
| Grand | 1.09 | Sedgwick | 1.19 |
| Huerfano | 1.16 | Summit | 1.09 |
| Jackson | .89 | Washington | 1.17 |
| Jefferson | 1.17 | Weld | 1.17 |
| Kiowa | 1.18 | Yuma | 1.18 |

DELAWARE

| | | | |
|---|---|---|---|
| Kent | $1.35 | Sussex | $1.34 |
| New Castle | 1.35 | | |

GEORGIA

| | |
|---|---|
| All counties | $1.32 |

WHEAT—Continued

IDAHO

| County | Base unit rate | County | Base unit rate |
|---|---|---|---|
| Ada | $1.07 | Gem | $1.08 |
| Adams | 1.06 | Gooding | 1.04 |
| Bannock | 1.05 | Idaho | 1.12 |
| Bear Lake | 1.07 | Jefferson | 1.04 |
| Benewah | 1.13 | Jerome | 1.04 |
| Bingham | 1.04 | Kootenai | 1.13 |
| Blaine | 1.04 | Latah | 1.13 |
| Boise | 1.07 | Lemhi | 1.04 |
| Bonner | 1.12 | Lewis | 1.12 |
| Bonneville | 1.04 | Lincoln | 1.04 |
| Boundary | 1.10 | Madison | 1.04 |
| Butte | 1.04 | Minidoka | 1.04 |
| Camas | 1.03 | Nez Perce | 1.13 |
| Canyon | 1.08 | Oneida | 1.05 |
| Caribou | 1.05 | Owyhee | 1.07 |
| Cassia | 1.05 | Payette | 1.09 |
| Clark | 1.04 | Power | 1.05 |
| Clearwater | 1.13 | Shoshone | 1.12 |
| Custer | 1.04 | Teton | 1.04 |
| Elmore | 1.06 | Twin Falls | 1.06 |
| Franklin | 1.05 | Valley | 1.07 |
| Fremont | 1.04 | Washington | 1.09 |

ILLINOIS

| | | | |
|---|---|---|---|
| Adams | $1.24 | Lee | $1.26 |
| Alexander | 1.26 | Livingston | 1.26 |
| Bond | 1.27 | Logan | 1.26 |
| Boone | 1.27 | McDonough | 1.25 |
| Brown | 1.25 | McHenry | 1.27 |
| Bureau | 1.26 | McLean | 1.26 |
| Calhoun | 1.27 | Macon | 1.26 |
| Carroll | 1.25 | Macoupin | 1.27 |
| Cass | 1.26 | Madison | 1.28 |
| Champaign | 1.26 | Marion | 1.26 |
| Christian | 1.26 | Marshall | 1.26 |
| Clark | 1.25 | Mason | 1.26 |
| Clay | 1.26 | Massac | 1.25 |
| Clinton | 1.27 | Menard | 1.26 |
| Coles | 1.26 | Mercer | 1.24 |
| Cook | 1.28 | Monroe | 1.27 |
| Crawford | 1.25 | Montgomery | 1.27 |
| Cumberland | 1.26 | Morgan | 1.26 |
| De Kalb | 1.27 | Moultrie | 1.26 |
| De Witt | 1.26 | Ogle | 1.27 |
| Douglas | 1.26 | Peoria | 1.26 |
| Du Page | 1.28 | Perry | 1.26 |
| Edgar | 1.26 | Piatt | 1.26 |
| Edwards | 1.25 | Pike | 1.25 |
| Effingham | 1.26 | Pope | 1.23 |
| Fayette | 1.26 | Pulaski | 1.26 |
| Ford | 1.26 | Putnam | 1.26 |
| Franklin | 1.26 | Randolph | 1.26 |
| Fulton | 1.25 | Richland | 1.25 |
| Gallatin | 1.23 | Rock Island | 1.25 |
| Greene | 1.27 | Saint Clair | 1.27 |
| Grundy | 1.27 | Saline | 1.23 |
| Hamilton | 1.25 | Sangamon | 1.26 |
| Hancock | 1.24 | Schuyler | 1.25 |
| Hardin | 1.21 | Scott | 1.26 |
| Henderson | 1.24 | Shelby | 1.26 |
| Henry | 1.25 | Stark | 1.26 |
| Iroquois | 1.26 | Stephenson | 1.25 |
| Jackson | 1.26 | Tazewell | 1.26 |
| Jasper | 1.25 | Union | 1.26 |
| Jefferson | 1.26 | Vermilion | 1.26 |
| Jersey | 1.27 | Wabash | 1.24 |
| Jo Daviess | 1.25 | Warren | 1.25 |
| Johnson | 1.22 | Washington | 1.26 |
| Kane | 1.28 | Wayne | 1.25 |
| Kankakee | 1.28 | White | 1.24 |
| Kendall | 1.28 | Whiteside | 1.25 |
| Knox | 1.25 | Will | 1.28 |
| Lake | 1.28 | Williamson | 1.26 |
| La Salle | 1.27 | Winnebago | 1.26 |
| Lawrence | 1.25 | Woodford | 1.26 |

INDIANA

| | | | |
|---|---|---|---|
| Adams | $1.22 | Clay | $1.22 |
| Allen | 1.23 | Clinton | 1.24 |
| Bartholomew | 1.27 | Crawford | 1.27 |
| Benton | 1.24 | Daviess | 1.22 |
| Blackford | 1.24 | Dearborn | 1.25 |
| Boone | 1.24 | Decatur | 1.26 |
| Brown | 1.24 | De Kalb | 1.23 |
| Carroll | 1.25 | Delaware | 1.22 |
| Cass | 1.25 | Dubois | 1.25 |
| Clark | 1.29 | Elkhart | 1.24 |



WHEAT—Continued

INDIANA—continued

| County | Base unit rate | County | Base unit rate |
|---|---|---|---|
| Fayette | $1.24 | Noble | $1.24 |
| Floyd | 1.31 | Ohio | 1.25 |
| Fountain | 1.23 | Orange | 1.28 |
| Franklin | 1.24 | Owen | 1.24 |
| Fulton | 1.25 | Parke | 1.24 |
| Gibson | 1.22 | Perry | 1.24 |
| Grant | 1.24 | Pike | 1.24 |
| Greene | 1.24 | Porter | 1.27 |
| Hamilton | 1.24 | Posey | 1.22 |
| Hancock | 1.24 | Pulaski | 1.25 |
| Harrison | 1.25 | Putnam | 1.24 |
| Hendricks | 1.24 | Randolph | 1.23 |
| Henry | 1.23 | Ripley | 1.25 |
| Howard | 1.24 | Rush | 1.24 |
| Huntington | 1.23 | Saint Joseph | 1.24 |
| Jackson | 1.27 | Scott | 1.27 |
| Jasper | 1.27 | Shelby | 1.24 |
| Jay | 1.23 | Spencer | 1.25 |
| Jefferson | 1.25 | Starke | 1.25 |
| Jennings | 1.25 | Steuben | 1.23 |
| Johnson | 1.25 | Sullivan | 1.22 |
| Knox | 1.23 | Switzerland | 1.25 |
| Kosciusko | 1.24 | Tippecanoe | 1.24 |
| Lagrange | 1.24 | Tipton | 1.24 |
| Lake | 1.27 | Union | 1.24 |
| La Porte | 1.25 | Vanderburgh | 1.25 |
| Lawrence | 1.27 | Vermillion | 1.24 |
| Madison | 1.23 | Vigo | 1.25 |
| Marion | 1.24 | Wabash | 1.24 |
| Marshall | 1.24 | Warren | 1.24 |
| Martin | 1.24 | Warrick | 1.24 |
| Miami | 1.24 | Washington | 1.28 |
| Monroe | 1.28 | Wayne | 1.23 |
| Montgomery | 1.24 | Wells | 1.22 |
| Morgan | 1.24 | White | 1.26 |
| Newton | 1.25 | Whitley | 1.24 |

IOWA

| | | | |
|---|---|---|---|
| Adair | $1.26 | Jackson | $1.24 |
| Adams | 1.27 | Jasper | 1.24 |
| Allamakee | 1.25 | Jefferson | 1.22 |
| Appanoose | 1.24 | Johnson | 1.24 |
| Audubon | 1.27 | Jones | 1.24 |
| Benton | 1.25 | Keokuk | 1.22 |
| Black Hawk | 1.25 | Kossuth | 1.26 |
| Boone | 1.25 | Lee | 1.24 |
| Bremer | 1.25 | Linn | 1.25 |
| Buchanan | 1.25 | Louisa | 1.24 |
| Buena Vista | 1.25 | Lucas | 1.25 |
| Butler | 1.25 | Lyon | 1.25 |
| Calhoun | 1.25 | Madison | 1.25 |
| Carroll | 1.27 | Mahaska | 1.23 |
| Cass | 1.27 | Marion | 1.24 |
| Cedar | 1.24 | Marshall | 1.25 |
| Cerro Gordo | 1.26 | Mills | 1.29 |
| Cherokee | 1.25 | Mitchell | 1.27 |
| Chickasaw | 1.26 | Monona | 1.27 |
| Clarke | 1.25 | Monroe | 1.24 |
| Clay | 1.25 | Montgomery | 1.28 |
| Clayton | 1.25 | Muscatine | 1.24 |
| Clinton | 1.24 | O'Brien | 1.25 |
| Crawford | 1.27 | Osceola | 1.25 |
| Dallas | 1.25 | Page | 1.28 |
| Davis | 1.23 | Palo Alto | 1.26 |
| Decatur | 1.25 | Plymouth | 1.26 |
| Delaware | 1.25 | Pocahontas | 1.25 |
| Des Moines | 1.24 | Polk | 1.25 |
| Dickinson | 1.26 | Pottawattamie | 1.29 |
| Dubuque | 1.24 | Poweshiek | 1.24 |
| Emmet | 1.27 | Ringgold | 1.25 |
| Fayette | 1.25 | Sac | 1.25 |
| Floyd | 1.26 | Scott | 1.24 |
| Franklin | 1.25 | Shelby | 1.28 |
| Fremont | 1.28 | Sioux | 1.25 |
| Greene | 1.25 | Story | 1.25 |
| Grundy | 1.25 | Tama | 1.25 |
| Guthrie | 1.26 | Taylor | 1.26 |
| Hamilton | 1.25 | Union | 1.26 |
| Hancock | 1.26 | Van Buren | 1.23 |
| Hardin | 1.25 | Wapello | 1.23 |
| Harrison | 1.28 | Warren | 1.25 |
| Henry | 1.23 | Washington | 1.23 |
| Howard | 1.27 | Wayne | 1.24 |
| Humboldt | 1.25 | Webster | 1.25 |
| Ida | 1.26 | Winnebago | 1.27 |
| Iowa | 1.24 | | |

WHEAT—Continued

IOWA—continued

| County | Base unit rate | County | Base unit rate |
|---|---|---|---|
| Winneshiek | $1.26 | Worth | $1.27 |
| Woodbury | 1.26 | Wright | 1.25 |

KANSAS

| | | | |
|---|---|---|---|
| Allen | $1.26 | Linn | $1.26 |
| Anderson | 1.27 | Logan | 1.20 |
| Atchison | 1.28 | Lyon | 1.25 |
| Barber | 1.22 | McPherson | 1.23 |
| Barton | 1.22 | Marion | 1.23 |
| Bourbon | 1.26 | Marshall | 1.25 |
| Brown | 1.27 | Meade | 1.20 |
| Butler | 1.23 | Miami | 1.28 |
| Chase | 1.25 | Mitchell | 1.23 |
| Chautauqua | 1.25 | Montgomery | 1.25 |
| Cherokee | 1.25 | Morris | 1.24 |
| Cheyenne | 1.19 | Morton | 1.18 |
| Clark | 1.21 | Nemaha | 1.26 |
| Clay | 1.24 | Neosho | 1.26 |
| Cloud | 1.24 | Ness | 1.22 |
| Coffey | 1.26 | Norton | 1.22 |
| Comanche | 1.21 | Osage | 1.26 |
| Cowley | 1.23 | Osborne | 1.23 |
| Crawford | 1.26 | Ottawa | 1.23 |
| Decatur | 1.21 | Pawnee | 1.22 |
| Dickinson | 1.24 | Phillips | 1.22 |
| Doniphan | 1.28 | Pottawatomie | 1.26 |
| Douglas | 1.28 | Pratt | 1.22 |
| Edwards | 1.22 | Rawlins | 1.20 |
| Elk | 1.25 | Reno | 1.23 |
| Ellis | 1.22 | Republic | 1.24 |
| Ellsworth | 1.23 | Rice | 1.23 |
| Finney | 1.20 | Riley | 1.25 |
| Ford | 1.21 | Rooks | 1.22 |
| Franklin | 1.28 | Rush | 1.22 |
| Geary | 1.25 | Russell | 1.22 |
| Gove | 1.21 | Saline | 1.23 |
| Graham | 1.22 | Scott | 1.20 |
| Grant | 1.19 | Sedgwick | 1.23 |
| Gray | 1.21 | Seward | 1.19 |
| Greeley | 1.19 | Shawnee | 1.26 |
| Greenwood | 1.25 | Sheridan | 1.21 |
| Hamilton | 1.19 | Sherman | 1.19 |
| Harper | 1.23 | Smith | 1.23 |
| Harvey | 1.23 | Stafford | 1.22 |
| Haskell | 1.20 | Stanton | 1.19 |
| Hodgeman | 1.22 | Stevens | 1.19 |
| Jackson | 1.27 | Sumner | 1.23 |
| Jefferson | 1.28 | Thomas | 1.20 |
| Jewell | 1.23 | Trego | 1.22 |
| Johnson | 1.28 | Wabaunsee | 1.25 |
| Kearny | 1.19 | Wallace | 1.19 |
| Kingman | 1.23 | Washington | 1.24 |
| Kiowa | 1.22 | Wichita | 1.19 |
| Labette | 1.25 | Wilson | 1.25 |
| Lane | 1.21 | Woodson | 1.26 |
| Leavenworth | 1.28 | Wyandotte | 1.28 |
| Lincoln | 1.23 | | |

KENTUCKY

| | | | |
|---|---|---|---|
| Adair | $1.28 | Crittenden | $1.27 |
| Allen | 1.28 | Cumberland | 1.28 |
| Anderson | 1.29 | Daviess | 1.27 |
| Ballard | 1.27 | Edmonson | 1.27 |
| Barren | 1.28 | Elliott | 1.29 |
| Bath | 1.29 | Estill | 1.29 |
| Bell | 1.28 | Fayette | 1.30 |
| Boone | 1.28 | Fleming | 1.29 |
| Bourbon | 1.30 | Franklin | 1.29 |
| Boyd | 1.30 | Fulton | 1.27 |
| Boyle | 1.30 | Gallatin | 1.28 |
| Bracken | 1.29 | Garrard | 1.30 |
| Breathitt | 1.28 | Grant | 1.29 |
| Breckenridge | 1.27 | Graves | 1.27 |
| Bullitt | 1.28 | Grayson | 1.28 |
| Butler | 1.27 | Green | 1.29 |
| Caldwell | 1.27 | Greenup | 1.30 |
| Calloway | 1.27 | Hancock | 1.27 |
| Campbell | 1.28 | Hardin | 1.28 |
| Carlisle | 1.27 | Harrison | 1.29 |
| Carroll | 1.28 | Hart | 1.28 |
| Carter | 1.29 | Henderson | 1.27 |
| Casey | 1.29 | Henry | 1.28 |
| Christian | 1.27 | Hickman | 1.27 |
| Clark | 1.30 | Hopkins | 1.27 |
| Clay | 1.28 | Jackson | 1.28 |
| Clinton | 1.29 | Jefferson | 1.28 |



WHEAT—Continued

KENTUCKY—continued

| County | Base unit rate | County | Base unit rate |
|---|---|---|---|
| Jessamine | $1.30 | Nelson | $1.29 |
| Johnson | 1.28 | Nicholas | 1.29 |
| Kenton | 1.28 | Ohio | 1.27 |
| Knox | 1.28 | Oldham | 1.28 |
| Larue | 1.28 | Owen | 1.29 |
| Laurel | 1.29 | Owsley | 1.28 |
| Lawrence | 1.29 | Pendleton | 1.29 |
| Lee | 1.29 | Powell | 1.29 |
| Lewis | 1.30 | Pulaski | 1.30 |
| Lincoln | 1.30 | Robertson | 1.29 |
| Livingston | 1.27 | Rockcastle | 1.30 |
| Logan | 1.27 | Rowan | 1.30 |
| Lyon | 1.27 | Russell | 1.28 |
| McCracken | 1.27 | Scott | 1.29 |
| McCreary | 1.28 | Shelby | 1.28 |
| McLean | 1.27 | Simpson | 1.28 |
| Madison | 1.30 | Spencer | 1.28 |
| Magoffin | 1.28 | Taylor | 1.29 |
| Marion | 1.29 | Todd | 1.27 |
| Marshall | 1.27 | Trigg | 1.27 |
| Mason | 1.29 | Trimble | 1.28 |
| Meade | 1.27 | Union | 1.27 |
| Menifee | 1.28 | Warren | 1.27 |
| Mercer | 1.30 | Washington | 1.30 |
| Metcalfe | 1.28 | Wayne | 1.29 |
| Monroe | 1.28 | Webster | 1.27 |
| Montgomery | 1.29 | Whitley | 1.28 |
| Morgan | 1.28 | Wolfe | 1.28 |
| Muhlenberg | 1.27 | Woodford | 1.30 |

MARYLAND

| | | | |
|---|---|---|---|
| Allegany | $1.29 | Howard | $1.36 |
| Anne Arundel | 1.33 | Kent | 1.35 |
| Baltimore | 1.34 | Montgomery | 1.34 |
| Calvert | 1.32 | Prince Georges | 1.33 |
| Caroline | 1.35 | Queen Annes | 1.35 |
| Carroll | 1.34 | St. Marys | 1.32 |
| Cecil | 1.34 | Somerset | 1.34 |
| Charles | 1.32 | Talbot | 1.35 |
| Dorchester | 1.34 | Washington | 1.31 |
| Frederick | 1.33 | Wicomico | 1.34 |
| Garrett | 1.26 | Worcester | 1.34 |
| Hartford | 1.34 | | |

MICHIGAN

| | | | |
|---|---|---|---|
| Alcona | $1.16 | Keweenaw | $1.21 |
| Alger | 1.20 | Lake | 1.19 |
| Allegan | 1.22 | Lapeer | 1.22 |
| Alpena | 1.16 | Leelanau | 1.15 |
| Antrim | 1.15 | Lenawee | 1.23 |
| Arenac | 1.17 | Livingston | 1.22 |
| Baraga | 1.23 | Luce | 1.15 |
| Barry | 1.22 | Mackinac | 1.15 |
| Bay | 1.21 | Macomb | 1.24 |
| Benzie | 1.21 | Manistee | 1.19 |
| Berrien | 1.24 | Marquette | 1.22 |
| Branch | 1.22 | Mason | 1.18 |
| Calhoun | 1.22 | Mecosta | 1.19 |
| Cass | 1.24 | Menominee | 1.20 |
| Charlevoix | 1.15 | Midland | 1.21 |
| Cheboygan | 1.15 | Missaukee | 1.18 |
| Chippewa | 1.15 | Monroe | 1.24 |
| Clare | 1.21 | Montcalm | 1.21 |
| Clinton | 1.22 | Montmorency | 1.16 |
| Crawford | 1.17 | Muskegon | 1.21 |
| Delta | 1.19 | Newaygo | 1.20 |
| Dickinson | 1.19 | Oakland | 1.22 |
| Eaton | 1.22 | Oceana | 1.19 |
| Emmet | 1.15 | Ogemaw | 1.19 |
| Genesee | 1.22 | Ontonagon | 1.20 |
| Gladwin | 1.19 | Osceola | 1.19 |
| Gogebic | 1.25 | Oscoda | 1.19 |
| Grand Traverse | 1.17 | Otsego | 1.15 |
| Gratiot | 1.22 | Ottawa | 1.22 |
| Hillsdale | 1.22 | Presque Isle | 1.15 |
| Houghton | 1.21 | Roscommon | 1.19 |
| Huron | 1.20 | Saginaw | 1.22 |
| Ingham | 1.22 | Saint Clair | 1.23 |
| Ionia | 1.22 | Saint Joseph | 1.24 |
| Iosco | 1.17 | Sanilac | 1.22 |
| Iron | 1.21 | Schoolcraft | 1.19 |
| Isabella | 1.20 | Shiawassee | 1.22 |
| Jackson | 1.22 | Tuscola | 1.21 |
| Kalamazoo | 1.24 | Van Buren | 1.23 |
| Kalkaska | 1.15 | Washtenaw | 1.23 |
| Kent | 1.22 | Wayne | 1.23 |
| | | Wexford | 1.19 |

WHEAT—Continued

MINNESOTA

| County | Base unit rate | County | Base unit rate |
|---|---|---|---|
| Aitkin | $1.29 | Martin | $1.27 |
| Anoka | 1.31 | Meeker | 1.30 |
| Becker | 1.25 | Mille Lacs | 1.30 |
| Beltrami | 1.26 | Morrison | 1.28 |
| Benton | 1.29 | Mower | 1.27 |
| Big Stone | 1.26 | Murray | 1.27 |
| Blue Earth | 1.28 | Nicollet | 1.29 |
| Brown | 1.28 | Nobles | 1.25 |
| Carlton | 1.30 | Norman | 1.25 |
| Carver | 1.31 | Olmsted | 1.28 |
| Cass | 1.28 | Otter Tail | 1.27 |
| Chippewa | 1.27 | Pennington | 1.24 |
| Chisago | 1.30 | Pine | 1.29 |
| Clay | 1.25 | Pipestone | 1.26 |
| Clearwater | 1.25 | Polk | 1.24 |
| Cottonwood | 1.27 | Pope | 1.27 |
| Crow Wing | 1.28 | Ramsey | 1.31 |
| Dakota | 1.31 | Red Lake | 1.25 |
| Dodge | 1.28 | Redwood | 1.28 |
| Douglas | 1.27 | Renville | 1.28 |
| Faribault | 1.27 | Rice | 1.30 |
| Fillmore | 1.27 | Rock | 1.25 |
| Freeborn | 1.28 | Roseau | 1.24 |
| Goodhue | 1.29 | Saint Louis | 1.28 |
| Grant | 1.27 | Scott | 1.31 |
| Hennepin | 1.31 | Sherburne | 1.30 |
| Houston | 1.27 | Sibley | 1.29 |
| Hubbard | 1.27 | Stearns | 1.29 |
| Isanti | 1.30 | Steele | 1.28 |
| Itasca | 1.28 | Stevens | 1.27 |
| Jackson | 1.27 | Swift | 1.27 |
| Kanabec | 1.28 | Todd | 1.28 |
| Kandiyohi | 1.29 | Traverse | 1.26 |
| Kittson | 1.22 | Wabasha | 1.29 |
| Koochiching | 1.24 | Wadena | 1.27 |
| Lac qui Parle | 1.27 | Waseca | 1.28 |
| Lake of the Woods | 1.24 | Washington | 1.31 |
| Le Sueur | 1.30 | Watonwan | 1.27 |
| Lincoln | 1.27 | Wilkin | 1.26 |
| Lyon | 1.27 | Winona | 1.28 |
| McLeod | 1.30 | Wright | 1.30 |
| Mahnomen | 1.25 | Yellow Medicine | 1.27 |
| Marshall | 1.24 | | |

MISSOURI

| | | | |
|---|---|---|---|
| Adair | $1.24 | Grundy | $1.26 |
| Andrew | 1.28 | Harrison | 1.26 |
| Atchison | 1.27 | Henry | 1.27 |
| Audrain | 1.25 | Hickory | 1.26 |
| Barry | 1.25 | Holt | 1.28 |
| Barton | 1.26 | Howard | 1.25 |
| Bates | 1.27 | Howell | 1.20 |
| Benton | 1.26 | Iron | 1.26 |
| Bollinger | 1.25 | Jackson | 1.28 |
| Boone | 1.25 | Jasper | 1.25 |
| Buchanan | 1.28 | Jefferson | 1.28 |
| Butler | 1.24 | Johnson | 1.27 |
| Caldwell | 1.27 | Knox | 1.24 |
| Callaway | 1.25 | Laclede | 1.23 |
| Camden | 1.23 | Lafayette | 1.27 |
| Cape Girardeau | 1.25 | Lawrence | 1.25 |
| Carroll | 1.27 | Lewis | 1.25 |
| Carter | 1.19 | Lincoln | 1.28 |
| Cass | 1.28 | Linn | 1.25 |
| Cedar | 1.28 | Livingston | 1.27 |
| Chariton | 1.26 | McDonald | 1.25 |
| Christian | 1.25 | Macon | 1.24 |
| Clark | 1.24 | Madison | 1.25 |
| Clay | 1.28 | Maries | 1.25 |
| Clinton | 1.28 | Marion | 1.25 |
| Cole | 1.24 | Mercer | 1.25 |
| Cooper | 1.25 | Miller | 1.24 |
| Crawford | 1.26 | Mississippi | 1.23 |
| Dade | 1.25 | Moniteau | 1.25 |
| Dallas | 1.24 | Monroe | 1.25 |
| Daviess | 1.27 | Montgomery | 1.26 |
| De Kalb | 1.28 | Morgan | 1.25 |
| Dent | 1.25 | New Madrid | 1.23 |
| Douglas | 1.23 | Newton | 1.25 |
| Dunklin | 1.22 | Nodaway | 1.27 |
| Franklin | 1.27 | Oregon | 1.19 |
| Gasconade | 1.26 | Osage | 1.25 |
| Gentry | 1.27 | Ozark | 1.21 |
| Greene | 1.25 | Pemiscot | 1.22 |
| | | Perry | 1.26 |

WHEAT—Continued

MISSOURI—continued

| County | Base unit rate | County | Base unit rate |
|---|---|---|---|
| Pettis | $1.26 | Saline | $1.27 |
| Phelps | 1.25 | Schuyler | 1.23 |
| Pike | 1.25 | Scotland | 1.24 |
| Platte | 1.28 | Scott | 1.24 |
| Polk | 1.25 | Shannon | 1.19 |
| Pulaski | 1.24 | Shelby | 1.25 |
| Putnam | 1.25 | Stoddard | 1.24 |
| Ralls | 1.25 | Stone | 1.24 |
| Randolph | 1.25 | Sullivan | 1.25 |
| Ray | 1.27 | Taney | 1.23 |
| Reynolds | 1.24 | Texas | 1.23 |
| Ripley | 1.23 | Vernon | 1.27 |
| Saint Charles | 1.28 | Warren | 1.28 |
| Saint Clair | 1.27 | Washington | 1.26 |
| Sainte Genevieve | 1.26 | Wayne | 1.25 |
| Saint Francois | 1.26 | Webster | 1.23 |
| Saint Louis | 1.28 | Worth | 1.27 |
| | | Wright | 1.23 |

MONTANA

| | | | |
|---|---|---|---|
| Beaverhead | $1.03 | Madison | $1.07 |
| Big Horn | 1.09 | Meagher | 1.08 |
| Blaine | 1.09 | Mineral | 1.06 |
| Broadwater | 1.08 | Missoula | 1.06 |
| Carbon | 1.08 | Musselshell | 1.10 |
| Carter | 1.15 | Park | 1.08 |
| Cascade | 1.08 | Petroleum | 1.08 |
| Chouteau | 1.08 | Phillips | 1.11 |
| Custer | 1.14 | Pondera | 1.08 |
| Daniels | 1.12 | Powder River | 1.13 |
| Dawson | 1.15 | Powell | 1.06 |
| Deer Lodge | 1.06 | Prairie | 1.14 |
| Fallon | 1.15 | Ravalli | 1.04 |
| Fergus | 1.08 | Richland | 1.15 |
| Flathead | 1.06 | Roosevelt | 1.15 |
| Gallatin | 1.08 | Rosebud | 1.11 |
| Garfield | 1.13 | Sanders | 1.07 |
| Glacier | 1.08 | Sheridan | 1.14 |
| Golden Valley | 1.08 | Silver Bow | 1.06 |
| Granite | 1.04 | Stillwater | 1.08 |
| Hill | 1.08 | Sweet Grass | 1.08 |
| Jefferson | 1.06 | Teton | 1.08 |
| Judith Basin | 1.08 | Toole | 1.08 |
| Lake | 1.06 | Treasure | 1.11 |
| Lewis and Clark | 1.07 | Valley | 1.12 |
| Liberty | 1.08 | Wheatland | 1.08 |
| Lincoln | 1.07 | Wibaux | 1.15 |
| McCone | 1.13 | Yellowstone | 1.08 |

NEBRASKA

| | | | |
|---|---|---|---|
| Adams | $1.24 | Garfield | $1.24 |
| Antelope | 1.25 | Gosper | 1.23 |
| Arthur | 1.19 | Grant | 1.19 |
| Banner | 1.17 | Greeley | 1.25 |
| Blaine | 1.22 | Hall | 1.25 |
| Boone | 1.26 | Hamilton | 1.26 |
| Box Butte | 1.19 | Harland | 1.23 |
| Boyd | 1.23 | Hayes | 1.20 |
| Brown | 1.22 | Hitchcock | 1.21 |
| Buffalo | 1.24 | Holt | 1.24 |
| Burt | 1.28 | Hooker | 1.21 |
| Butler | 1.28 | Howard | 1.25 |
| Cass | 1.28 | Jefferson | 1.26 |
| Cedar | 1.25 | Johnson | 1.27 |
| Chase | 1.19 | Kearney | 1.24 |
| Cherry | 1.21 | Keith | 1.19 |
| Cheyenne | 1.17 | Keya Paha | 1.22 |
| Clay | 1.25 | Kimball | 1.17 |
| Colfax | 1.28 | Knox | 1.24 |
| Cuming | 1.27 | Lancaster | 1.28 |
| Custer | 1.23 | Lincoln | 1.21 |
| Dakota | 1.26 | Logan | 1.22 |
| Dawes | 1.18 | Loup | 1.24 |
| Dawson | 1.24 | McPherson | 1.21 |
| Deuel | 1.19 | Madison | 1.26 |
| Dixon | 1.26 | Merrick | 1.26 |
| Dodge | 1.28 | Merrill | 1.18 |
| Douglas | 1.28 | Nance | 1.26 |
| Dundy | 1.19 | Nemaha | 1.27 |
| Fillmore | 1.26 | Nuckolls | 1.25 |
| Franklin | 1.24 | Otoe | 1.28 |
| Frontier | 1.22 | Pawnee | 1.26 |
| Furnas | 1.22 | Perkins | 1.19 |
| Gage | 1.27 | Phelps | 1.23 |
| Garden | 1.19 | Pierce | 1.25 |

WHEAT—Continued

NEBRASKA—continued

| County | Base unit rate | County | Base unit rate |
|---|---|---|---|
| Platte | $1.27 | Sioux | $1.17 |
| Polk | 1.27 | Stanton | 1.26 |
| Red Willow | 1.21 | Thayer | 1.25 |
| Richardson | 1.26 | Thomas | 1.21 |
| Rock | 1.22 | Thurston | 1.27 |
| Saline | 1.27 | Valley | 1.24 |
| Sarpy | 1.28 | Washington | 1.28 |
| Saunders | 1.28 | Wayne | 1.25 |
| Scotts Bluff | 1.17 | Webster | 1.24 |
| Seward | 1.28 | Wheeler | 1.25 |
| Sheridan | 1.19 | York | 1.26 |
| Sherman | 1.24 | | |

NEW JERSEY

| | | | |
|---|---|---|---|
| Bergen | $1.32 | Middlesex | $1.31 |
| Burlington | 1.33 | Monmouth | 1.32 |
| Camden | 1.34 | Morris | 1.31 |
| Cape May | 1.30 | Ocean | 1.31 |
| Cumberland | 1.31 | Passaic | 1.32 |
| Essex | 1.32 | Salem | 1.31 |
| Gloucester | 1.32 | Somerset | 1.31 |
| Hunterdon | 1.31 | Sussex | 1.31 |
| Mercer | 1.33 | Warren | 1.31 |

NEW MEXICO

| | | | |
|---|---|---|---|
| Bernalillo | $1.13 | Mora | $1.13 |
| Catron | 1.09 | Otero | 1.15 |
| Chaves | 1.16 | Quay | 1.18 |
| Colfax | 1.12 | Rio Arriba | 1.06 |
| Curry | 1.19 | Roosevelt | 1.18 |
| De Baca | 1.16 | Sandoval | 1.13 |
| Dona Ana | 1.13 | San Juan | .94 |
| Eddy | 1.16 | San Miguel | 1.13 |
| Grant | 1.05 | Santa Fe | 1.12 |
| Guadalupe | 1.16 | Sierra | 1.13 |
| Harding | 1.15 | Socorro | 1.13 |
| Hidalgo | 1.10 | Taos | 1.10 |
| Lea | 1.18 | Torrance | 1.15 |
| Lincoln | 1.15 | Union | 1.16 |
| Luna | 1.05 | Valencia | 1.10 |
| McKinley | 1.05 | | |

NEW YORK

| | | | |
|---|---|---|---|
| Albany | $1.36 | Oneida | $1.33 |
| Allegany | 1.31 | Onondaga | 1.32 |
| Broome | 1.31 | Ontario | 1.31 |
| Cattaraugus | 1.29 | Orange | 1.30 |
| Cayuga | 1.32 | Orleans | 1.31 |
| Chautauqua | 1.27 | Oswego | 1.32 |
| Chemung | 1.32 | Otsego | 1.30 |
| Chenango | 1.32 | Putnam | 1.31 |
| Clinton | 1.26 | Rensselaer | 1.34 |
| Columbia | 1.33 | Rockland | 1.31 |
| Cortland | 1.32 | Saratoga | 1.33 |
| Delaware | 1.29 | Schenectady | 1.35 |
| Dutchess | 1.31 | Schoharie | 1.34 |
| Erie | 1.31 | Schuyler | 1.32 |
| Essex | 1.28 | Seneca | 1.32 |
| Franklin | 1.24 | Steuben | 1.32 |
| Fulton | 1.29 | St. Lawrence | 1.28 |
| Genesee | 1.32 | Suffolk | 1.28 |
| Greene | 1.32 | Sullivan | 1.29 |
| Herkimer | 1.33 | Tioga | 1.32 |
| Jefferson | 1.29 | Tompkins | 1.32 |
| Lewis | 1.30 | Ulster | 1.31 |
| Livingston | 1.31 | Warren | 1.31 |
| Madison | 1.32 | Washington | 1.31 |
| Monroe | 1.32 | Wayne | 1.31 |
| Montgomery | 1.35 | Westchester | 1.31 |
| Nassau | 1.29 | Wyoming | 1.31 |
| Niagara | 1.31 | Yates | 1.31 |

NORTH CAROLINA

| | |
|---|---|
| All counties | $1.33 |

NORTH DAKOTA

| County | Base unit rate | County | Base unit rate |
|---|---|---|---|
| Adams | $1.18 | Cass | $1.24 |
| Barnes | 1.24 | Cavalier | 1.21 |
| Benson | 1.21 | Dickey | 1.24 |
| Billings | 1.18 | Divide | 1.18 |
| Bottineau | 1.19 | Dunn | 1.18 |
| Bowman | 1.18 | Eddy | 1.22 |
| Burke | 1.18 | Emmons | 1.21 |
| Burleigh | 1.21 | Foster | 1.22 |



WHEAT—Continued

NORTH DAKOTA—continued

| County | Base unit rate | County | Base unit rate |
|---|---|---|---|
| Golden Valley | $1.16 | Ramsey | $1.22 |
| Grand Forks | 1.24 | Ransom | 1.24 |
| Grant | 1.19 | Renville | 1.19 |
| Griggs | 1.24 | Richland | 1.25 |
| Hettinger | 1.19 | Rolette | 1.21 |
| Kidder | 1.22 | Sargent | 1.24 |
| La Moure | 1.23 | Sheridan | 1.21 |
| Logan | 1.22 | Sioux | 1.19 |
| McHenry | 1.20 | Slope | 1.16 |
| McIntosh | 1.21 | Stark | 1.19 |
| McKenzie | 1.16 | Steele | 1.24 |
| McLean | 1.20 | Stutsman | 1.23 |
| Mercer | 1.19 | Towner | 1.21 |
| Morton | 1.19 | Traill | 1.24 |
| Mountrail | 1.19 | Walsh | 1.22 |
| Nelson | 1.22 | Ward | 1.19 |
| Oliver | 1.19 | Wells | 1.22 |
| Pembina | 1.22 | Williams | 1.18 |
| Pierce | 1.21 | | |

OHIO

| | | | |
|---|---|---|---|
| Adams | $1.23 | Licking | $1.24 |
| Allen | 1.24 | Logan | 1.24 |
| Ashland | 1.25 | Lorain | 1.25 |
| Ashtabula | 1.27 | Lucas | 1.24 |
| Athens | 1.24 | Madison | 1.24 |
| Auglaize | 1.23 | Mahoning | 1.26 |
| Belmont | 1.25 | Marion | 1.24 |
| Brown | 1.23 | Medina | 1.25 |
| Butler | 1.23 | Meigs | 1.23 |
| Carroll | 1.25 | Mercer | 1.23 |
| Champaign | 1.23 | Miami | 1.23 |
| Clark | 1.23 | Monroe | 1.25 |
| Clermont | 1.23 | Montgomery | 1.23 |
| Clinton | 1.23 | Morgan | 1.25 |
| Columbiana | 1.25 | Morrow | 1.24 |
| Coshocton | 1.25 | Muskingum | 1.25 |
| Crawford | 1.24 | Noble | 1.25 |
| Cuyahoga | 1.25 | Ottawa | 1.24 |
| Darke | 1.23 | Paulding | 1.23 |
| Defiance | 1.23 | Perry | 1.24 |
| Delaware | 1.24 | Pickaway | 1.24 |
| Erie | 1.24 | Pike | 1.23 |
| Fairfield | 1.24 | Portage | 1.25 |
| Fayette | 1.23 | Preble | 1.23 |
| Franklin | 1.24 | Putnam | 1.24 |
| Fulton | 1.23 | Richland | 1.25 |
| Gallia | 1.23 | Ross | 1.24 |
| Geauga | 1.27 | Sandusky | 1.24 |
| Greene | 1.23 | Scioto | 1.23 |
| Guernsey | 1.25 | Seneca | 1.24 |
| Hamilton | 1.23 | Shelby | 1.23 |
| Hancock | 1.24 | Stark | 1.25 |
| Hardin | 1.24 | Summit | 1.25 |
| Harrison | 1.25 | Trumbull | 1.27 |
| Henry | 1.23 | Tuscarawas | 1.25 |
| Highland | 1.23 | Union | 1.24 |
| Hocking | 1.24 | Van Wert | 1.23 |
| Holmes | 1.25 | Vinton | 1.24 |
| Huron | 1.24 | Warren | 1.23 |
| Jackson | 1.23 | Washington | 1.25 |
| Jefferson | 1.25 | Wayne | 1.25 |
| Knox | 1.25 | Williams | 1.23 |
| Lake | 1.26 | Wood | 1.24 |
| Lawrence | 1.23 | Wyandot | 1.24 |

OKLAHOMA

| | | | |
|---|---|---|---|
| Adair | $1.21 | Custer | $1.20 |
| Alfalfa | 1.21 | Delaware | 1.24 |
| Atoka | 1.20 | Dewey | 1.19 |
| Beaver | 1.17 | Ellis | 1.18 |
| Beckham | 1.20 | Garfield | 1.21 |
| Blaine | 1.20 | Garvin | 1.20 |
| Bryan | 1.20 | Grady | 1.20 |
| Caddo | 1.20 | Grant | 1.21 |
| Canadian | 1.20 | Greer | 1.20 |
| Carter | 1.20 | Harmon | 1.20 |
| Cherokee | 1.22 | Harper | 1.19 |
| Choctaw | 1.20 | Haskell | 1.20 |
| Cimarron | 1.16 | Hughes | 1.20 |
| Cleveland | 1.20 | Jackson | 1.20 |
| Coal | 1.20 | Jefferson | 1.20 |
| Comanche | 1.20 | Johnston | 1.20 |
| Cotton | 1.20 | Kay | 1.22 |
| Craig | 1.24 | Kingfisher | 1.20 |
| Creek | 1.21 | Kiowa | 1.20 |

WHEAT—Continued

OKLAHOMA—continued

| County | Base unit rate | County | Base unit rate |
|---|---|---|---|
| Latimer | $1.20 | Pawnee | $1.21 |
| Le Flore | 1.20 | Payne | 1.20 |
| Lincoln | 1.20 | Pittsburg | 1.20 |
| Logan | 1.20 | Pontotoc | 1.20 |
| Love | 1.20 | Pottawatomie | 1.20 |
| McClain | 1.20 | Pushmataha | 1.20 |
| McCurtain | 1.20 | Roger Mills | 1.19 |
| McIntosh | 1.21 | Rogers | 1.24 |
| Major | 1.19 | Seminole | 1.20 |
| Marshall | 1.20 | Sequoyah | 1.21 |
| Mayes | 1.24 | Stephens | 1.20 |
| Murray | 1.20 | Texas | 1.17 |
| Muskogee | 1.21 | Tillman | 1.20 |
| Noble | 1.21 | Tulsa | 1.23 |
| Nowata | 1.22 | Wagoner | 1.22 |
| Okfuskee | 1.20 | Washington | 1.24 |
| Oklahoma | 1.20 | Washita | 1.20 |
| Okmulgee | 1.21 | Woods | 1.21 |
| Osage | 1.22 | Woodward | 1.19 |
| Ottawa | 1.24 | | |

OREGON

| | | | |
|---|---|---|---|
| Baker | $1.12 | Lake | $1.12 |
| Benton | 1.22 | Lane | 1.21 |
| Clackamas | 1.24 | Lincoln | 1.19 |
| Clatsop | 1.22 | Linn | 1.22 |
| Columbia | 1.23 | Malheur | 1.09 |
| Coos | 1.16 | Marion | 1.24 |
| Crook | 1.21 | Morrow | 1.21 |
| Curry | 1.16 | Multnomah | 1.25 |
| Deschutes | 1.21 | Polk | 1.24 |
| Douglas | 1.18 | Sherman | 1.23 |
| Gilliam | 1.22 | Tillamook | 1.25 |
| Grant | 1.21 | Umatilla | 1.18 |
| Harney | 1.05 | Union | 1.12 |
| Hood River | 1.25 | Wallowa | 1.12 |
| Jackson | 1.15 | Wasco | 1.25 |
| Jefferson | 1.22 | Washington | 1.25 |
| Josephine | 1.15 | Wheeler | 1.21 |
| Klamath | 1.15 | Yamhill | 1.24 |

PENNSYLVANIA

| | | | |
|---|---|---|---|
| Adams | $1.32 | Lackawanna | $1.30 |
| Allegheny | 1.27 | Lancaster | 1.33 |
| Armstrong | 1.27 | Lawrence | 1.27 |
| Beaver | 1.27 | Lebanon | 1.32 |
| Bedford | 1.29 | Lehigh | 1.32 |
| Berks | 1.33 | Luzerne | 1.30 |
| Blair | 1.29 | Lycoming | 1.29 |
| Bradford | 1.31 | McKean | 1.29 |
| Bucks | 1.34 | Mercer | 1.27 |
| Butler | 1.27 | Mifflin | 1.29 |
| Cambria | 1.27 | Monroe | 1.30 |
| Carbon | 1.30 | Montgomery | 1.34 |
| Centre | 1.29 | Montour | 1.29 |
| Chester | 1.34 | Northampton | 1.31 |
| Clarion | 1.28 | Northumberland | 1.29 |
| Clearfield | 1.28 | Perry | 1.29 |
| Clinton | 1.29 | Pike | 1.29 |
| Columbia | 1.32 | Potter | 1.27 |
| Crawford | 1.27 | Schuylkill | 1.30 |
| Cumberland | 1.31 | Snyder | 1.29 |
| Dauphin | 1.30 | Somerset | 1.26 |
| Delaware | 1.35 | Sullivan | 1.32 |
| Elk | 1.29 | Susquehanna | 1.31 |
| Erie | 1.27 | Tioga | 1.29 |
| Fayette | 1.27 | Union | 1.29 |
| Forest | 1.27 | Venango | 1.27 |
| Franklin | 1.31 | Warren | 1.26 |
| Fulton | 1.30 | Washington | 1.27 |
| Greene | 1.26 | Wayne | 1.28 |
| Huntingdon | 1.29 | Westmoreland | 1.28 |
| Indiana | 1.27 | Wyoming | 1.32 |
| Jefferson | 1.28 | York | 1.33 |
| Juniata | 1.29 | | |

SOUTH CAROLINA

| | |
|---|---|
| All counties | $1.32 |

SOUTH DAKOTA

| County | Base unit rate | County | Base unit rate |
|---|---|---|---|
| Aurora | $1.22 | Brookings | $1.25 |
| Beadle | 1.24 | Brown | 1.24 |
| Bennett | 1.19 | Brule | 1.22 |
| Bon Homme | 1.24 | Buffalo | 1.22 |



WHEAT—Continued

SOUTH DAKOTA—continued

| County | Base unit rate | County | Base unit rate |
|---|---|---|---|
| Butte | $1.15 | Lake | $1.25 |
| Campbell | 1.21 | Lawrence | 1.15 |
| Charles Mix | 1.23 | Lincoln | 1.25 |
| Clark | 1.25 | Lyman | 1.20 |
| Clay | 1.26 | McCook | 1.24 |
| Codington | 1.25 | McPherson | 1.22 |
| Corson | 1.19 | Marshall | 1.24 |
| Custer | 1.16 | Meade | 1.16 |
| Davison | 1.23 | Mellette | 1.21 |
| Day | 1.25 | Miner | 1.24 |
| Deuel | 1.25 | Minnehaha | 1.25 |
| Dewey | 1.19 | Moody | 1.25 |
| Douglas | 1.23 | Pennington | 1.17 |
| Edmunds | 1.23 | Perkins | 1.18 |
| Fall River | 1.16 | Potter | 1.22 |
| Faulk | 1.23 | Roberts | 1.25 |
| Grant | 1.25 | Sanborn | 1.24 |
| Gregory | 1.23 | Shannon | 1.19 |
| Haakon | 1.19 | Spink | 1.24 |
| Hamlin | 1.25 | Stanley | 1.21 |
| Hand | 1.24 | Sully | 1.21 |
| Hanson | 1.24 | Todd | 1.21 |
| Harding | 1.18 | Tripp | 1.22 |
| Hughes | 1.22 | Turner | 1.25 |
| Hutchinson | 1.24 | Union | 1.26 |
| Hyde | 1.22 | Walworth | 1.22 |
| Jackson | 1.18 | Washabaugh | 1.18 |
| Jerauld | 1.24 | Yankton | 1.25 |
| Jones | 1.19 | Ziebach | 1.18 |
| Kingsbury | 1.25 | | |

TENNESSEE

| | | | |
|---|---|---|---|
| Anderson | $1.31 | Lauderdale | $1.26 |
| Bedford | 1.30 | Lawrence | 1.29 |
| Benton | 1.28 | Lewis | 1.29 |
| Bledsoe | 1.30 | Lincoln | 1.30 |
| Blount | 1.32 | Loudon | 1.31 |
| Bradley | 1.31 | McMinn | 1.31 |
| Campbell | 1.31 | McNairy | 1.27 |
| Cannon | 1.29 | Macon | 1.28 |
| Carroll | 1.27 | Madison | 1.27 |
| Carter | 1.33 | Marion | 1.30 |
| Cheatham | 1.28 | Marshall | 1.30 |
| Chester | 1.27 | Maury | 1.29 |
| Claiborne | 1.33 | Meigs | 1.31 |
| Clay | 1.29 | Monroe | 1.32 |
| Cocke | 1.32 | Montgomery | 1.28 |
| Coffee | 1.30 | Moore | 1.30 |
| Crockett | 1.27 | Morgan | 1.31 |
| Cumberland | 1.30 | Obion | 1.27 |
| Davidson | 1.28 | Overton | 1.30 |
| Decatur | 1.28 | Perry | 1.28 |
| DeKalb | 1.29 | Pickett | 1.30 |
| Dickson | 1.28 | Polk | 1.32 |
| Dyer | 1.26 | Putnam | 1.30 |
| Fayette | 1.26 | Rhea | 1.31 |
| Fentress | 1.30 | Roane | 1.31 |
| Franklin | 1.30 | Robertson | 1.28 |
| Gibson | 1.27 | Rutherford | 1.29 |
| Giles | 1.30 | Scott | 1.31 |
| Grainger | 1.32 | Sequatchie | 1.30 |
| Greene | 1.33 | Sevier | 1.32 |
| Grundy | 1.30 | Shelby | 1.26 |
| Hamblen | 1.33 | Smith | 1.29 |
| Hamilton | 1.31 | Stewart | 1.28 |
| Hancock | 1.33 | Sullivan | 1.34 |
| Hardeman | 1.27 | Sumner | 1.28 |
| Hardin | 1.28 | Tipton | 1.26 |
| Hawkins | 1.34 | Trousdale | 1.28 |
| Haywood | 1.27 | Unicoi | 1.33 |
| Henderson | 1.28 | Union | 1.32 |
| Henry | 1.27 | Van Buren | 1.30 |
| Hickman | 1.28 | Warren | 1.30 |
| Houston | 1.28 | Washington | 1.33 |
| Humphreys | 1.28 | Wayne | 1.28 |
| Jackson | 1.29 | Weakley | 1.27 |
| Jefferson | 1.32 | White | 1.30 |
| Johnson | 1.33 | Williamson | 1.29 |
| Knox | 1.32 | Wilson | 1.28 |
| Lake | 1.27 | | |

TEXAS

| | | | |
|---|---|---|---|
| Andrews | $1.19 | Bailey | $1.25 |
| Archer | 1.20 | Bamdera | 1.25 |
| Armstrong | 1.20 | Bastrop | 1.27 |
| Atascosa | 1.25 | Baylor | 1.20 |

WHEAT—Continued

TEXAS—continued

| County | Base unit rate | County | Base unit rate |
|---|---|---|---|
| Bee | $1.25 | Karnes | $1.25 |
| Bell | 1.27 | Kaufman | 1.25 |
| Bexar | 1.26 | Kendall | 1.25 |
| Blanco | 1.27 | Kent | 1.20 |
| Borden | 1.20 | Kerr | 1.24 |
| Bosque | 1.26 | Kimble | 1.24 |
| Bowie | 1.22 | King | 1.20 |
| Briscoe | 1.20 | Kinney | 1.21 |
| Brown | 1.25 | Knox | 1.20 |
| Burleson | 1.28 | Lamar | 1.22 |
| Burnet | 1.25 | Lamb | 1.20 |
| Caldwell | 1.27 | Lampasas | 1.25 |
| Callahan | 1.20 | Limestone | 1.27 |
| Carson | 1.20 | Lipscomb | 1.18 |
| Castro | 1.20 | Live Oak | 1.25 |
| Chambers | 1.30 | Llano | 1.25 |
| Childress | 1.20 | Loving | 1.16 |
| Clay | 1.20 | Lubbock | 1.20 |
| Cochran | 1.20 | Lynn | 1.20 |
| Coke | 1.20 | McCulloch | 1.24 |
| Coleman | 1.23 | McLennan | 1.27 |
| Collin | 1.25 | Martin | 1.19 |
| Collingsworth | 1.20 | Mason | 1.25 |
| Comal | 1.27 | Maverick | 1.18 |
| Comanche | 1.21 | Medina | 1.26 |
| Concho | 1.23 | Menard | 1.23 |
| Cooke | 1.22 | Midland | 1.19 |
| Coryell | 1.25 | Milam | 1.28 |
| Cottle | 1.20 | Mills | 1.25 |
| Crosby | 1.20 | Mitchell | 1.20 |
| Culberson | 1.15 | Montague | 1.22 |
| Dallam | 1.17 | Moore | 1.18 |
| Dallas | 1.25 | Motley | 1.20 |
| Dawson | 1.20 | Navarro | 1.27 |
| Deaf Smith | 1.20 | Nolan | 1.20 |
| Delta | 1.24 | Ochiltree | 1.18 |
| Denton | 1.25 | Oldham | 1.20 |
| DeWitt | 1.27 | Palo Pinto | 1.22 |
| Dickens | 1.20 | Parker | 1.24 |
| Dimit | 1.21 | Parmer | 1.19 |
| Donley | 1.20 | Pecos | 1.16 |
| Eastland | 1.21 | Potter | 1.20 |
| Edwards | 1.18 | Presidio | 1.15 |
| Ellis | 1.22 | Randall | 1.20 |
| Erath | 1.27 | Real | 1.23 |
| Falls | 1.22 | Reeves | 1.16 |
| Fannin | 1.22 | Refugio | 1.27 |
| Fisher | 1.20 | Roberts | 1.19 |
| Floyd | 1.20 | Robertson | 1.27 |
| Foard | 1.20 | Rockwall | 1.25 |
| Gaines | 1.20 | Runnels | 1.22 |
| Galveston | 1.36 | San Saba | 1.25 |
| Garza | 1.20 | Schleicher | 1.19 |
| Gillespie | 1.24 | Scurry | 1.20 |
| Glasscock | 1.20 | Shackelford | 1.20 |
| Goliad | 1.27 | Sherman | 1.17 |
| Gray | 1.19 | Somervell | 1.24 |
| Grayson | 1.22 | Stephens | 1.20 |
| Guadalupe | 1.27 | Sterling | 1.19 |
| Hale | 1.20 | Stonewall | 1.20 |
| Hall | 1.20 | Sutton | 1.18 |
| Hamilton | 1.23 | Swisher | 1.20 |
| Hansford | 1.18 | Tarrant | 1.25 |
| Hardeman | 1.20 | Taylor | 1.21 |
| Harris | 1.36 | Terry | 1.20 |
| Hartley | 1.18 | Throckmorton | 1.21 |
| Haskell | 1.20 | Tom Green | 1.20 |
| Hays | 1.27 | Travis | 1.27 |
| Hemphill | 1.18 | Uvalde | 1.23 |
| Hill | 1.27 | Van Zandt | 1.25 |
| Hockley | 1.20 | Victoria | 1.27 |
| Hood | 1.24 | Waller | 1.34 |
| Howard | 1.20 | Ward | 1.17 |
| Hudspeth | 1.15 | Wharton | 1.33 |
| Hunt | 1.24 | Wheeler | 1.19 |
| Hutchinson | 1.18 | Wichita | 1.20 |
| Irion | 1.18 | Wilbarger | 1.20 |
| Jack | 1.22 | Williamson | 1.28 |
| Jackson | 1.27 | Wilson | 1.25 |
| Jeff Davis | 1.15 | Wise | 1.23 |
| Johnson | 1.26 | Yoakum | 1.20 |
| Jones | 1.20 | Young | 1.22 |
| | | Zavala | 1.21 |

UTAH

| | | | |
|---|---|---|---|
| Beaver | $1.09 | Cache | $1.05 |
| Box Elder | 1.05 | Carbon | 1.07 |

WHEAT—Continued

UTAH—continued

| County | Base unit rate | County | Base unit rate |
|---|---|---|---|
| Daggett | $1.07 | Salt Lake | $1.07 |
| Davis | 1.07 | San Juan | 1.07 |
| Duchesne | 1.07 | Sanpete | 1.04 |
| Emery | 1.07 | Sevier | 1.02 |
| Garfield | 1.01 | Summit | 1.07 |
| Grand | 1.07 | Tooele | 1.05 |
| Iron | 1.09 | Uintah | 1.07 |
| Juab | 1.05 | Utah | 1.07 |
| Kane | 1.01 | Wasatch | 1.07 |
| Millard | 1.06 | Washington | 1.09 |
| Morgan | 1.07 | Wayne | 1.01 |
| Piute | 1.01 | Weber | 1.07 |
| Rich | 1.07 | | |

VIRGINIA

| | | | |
|---|---|---|---|
| Accomac | $1.33 | Lancaster | $1.33 |
| Albermarle | 1.32 | Lee | 1.31 |
| Alleghany | 1.31 | Loudoun | 1.32 |
| Amelia | 1.33 | Louisa | 1.32 |
| Amherst | 1.32 | Lunenburg | 1.33 |
| Appomattox | 1.33 | Madison | 1.32 |
| Arlington | 1.32 | Mathews | 1.33 |
| Augusta | 1.32 | Mecklenburg | 1.32 |
| Bath | 1.31 | Middlesex | 1.33 |
| Bedford | 1.32 | Montgomery | 1.31 |
| Bland | 1.31 | Nansemond | 1.32 |
| Botetourt | 1.31 | Nelson | 1.32 |
| Brunswick | 1.32 | New Kent | 1.33 |
| Buchanan | 1.31 | Norfolk | 1.32 |
| Buckingham | 1.33 | Northampton | 1.33 |
| Campbell | 1.32 | Northumberland | 1.33 |
| Caroline | 1.33 | Nottaway | 1.33 |
| Carroll | 1.31 | Orange | 1.32 |
| Charles City | 1.33 | Page | 1.32 |
| Charlotte | 1.33 | Patrick | 1.31 |
| Chesterfield | 1.33 | Pittsylvania | 1.32 |
| Clarke | 1.32 | Powhatan | 1.33 |
| Craig | 1.31 | Prince Edward | 1.33 |
| Culpeper | 1.32 | Prince George | 1.33 |
| Cumberland | 1.33 | Prince William | 1.32 |
| Dickenson | 1.31 | Princess Anne | 1.32 |
| Dinwiddie | 1.33 | Pulaski | 1.31 |
| Elizabeth City | 1.33 | Rappahannock | 1.32 |
| Essex | 1.33 | Richmond | 1.33 |
| Fairfax | 1.32 | Roanoke | 1.31 |
| Fauquier | 1.32 | Rockbridge | 1.32 |
| Floyd | 1.31 | Rockingham | 1.32 |
| Fluvanna | 1.32 | Russell | 1.31 |
| Franklin | 1.31 | Scott | 1.31 |
| Frederick | 1.32 | Shenandoah | 1.32 |
| Giles | 1.31 | Smyth | 1.31 |
| Gloucester | 1.33 | Southampton | 1.32 |
| Goochland | 1.33 | Spotsylvania | 1.33 |
| Grayson | 1.31 | Stafford | 1.33 |
| Greene | 1.32 | Surry | 1.32 |
| Greensville | 1.32 | Sussex | 1.32 |
| Halifax | 1.32 | Tazewell | 1.31 |
| Hanover | 1.33 | Warren | 1.32 |
| Henrico | 1.33 | Warwick | 1.33 |
| Henry | 1.31 | Washington | 1.31 |
| Highland | 1.31 | Westmoreland | 1.33 |
| Isle of Wight | 1.32 | Wise | 1.31 |
| James City | 1.33 | Wythe | 1.31 |
| King and Queen | 1.33 | York | 1.33 |
| King George | 1.33 | | |
| King William | 1.33 | | |

WASHINGTON

| | | | |
|---|---|---|---|
| Adams | $1.15 | Kitsap | $1.25 |
| Asotin | 1.13 | Kittitas | 1.19 |
| Benton | 1.18 | Klickitat | 1.23 |
| Chelan | 1.17 | Lewis | 1.22 |
| Clallam | 1.18 | Lincoln | 1.15 |
| Clark | 1.25 | Mason | 1.19 |
| Columbia | 1.17 | Okanogan | 1.13 |
| Cowlitz | 1.24 | Pacific | 1.19 |
| Douglas | 1.14 | Pend Oreille | 1.12 |
| Ferry | 1.09 | Pierce | 1.25 |
| Franklin | 1.16 | San Juan | 1.23 |
| Garfield | 1.17 | Skagit | 1.23 |
| Grant | 1.15 | Skamania | 1.25 |
| Grays Harbor | 1.20 | Snohomish | 1.24 |
| Island | 1.23 | Spokane | 1.14 |
| Jefferson | 1.18 | Stevens | 1.11 |
| King | 1.25 | Thurston | 1.22 |

WHEAT—Continued

WASHINGTON—continued

| County | Base unit rate | County | Base unit rate |
|---|---|---|---|
| Wahkiakum | $1.24 | Whitman | $1.14 |
| Walla Walla | 1.18 | Yakima | 1.18 |
| Whatcom | 1.22 | | |

WEST VIRGINIA

| | | | |
|---|---|---|---|
| Barbour | $1.29 | Mingo | $1.28 |
| Berkeley | 1.31 | Mineral | 1.30 |
| Boone | 1.28 | Monongalia | 1.28 |
| Braxton | 1.28 | Monroe | 1.30 |
| Brooke | 1.27 | Morgan | 1.31 |
| Cabell | 1.27 | Nicholas | 1.30 |
| Calhoun | 1.28 | Ohio | 1.27 |
| Clay | 1.28 | Pendleton | 1.31 |
| Doddridge | 1.27 | Pleasants | 1.27 |
| Fayette | 1.30 | Pocahontas | 1.31 |
| Gilmer | 1.28 | Preston | 1.28 |
| Grant | 1.30 | Putnam | 1.27 |
| Greenbrier | 1.31 | Raleigh | 1.28 |
| Hampshire | 1.31 | Randolph | 1.30 |
| Hancock | 1.27 | Ritchie | 1.27 |
| Hardy | 1.31 | Roane | 1.27 |
| Harrison | 1.28 | Summers | 1.31 |
| Jackson | 1.27 | Taylor | 1.28 |
| Jefferson | 1.32 | Tucker | 1.30 |
| Kanawha | 1.28 | Tyler | 1.27 |
| Lewis | 1.28 | Upshur | 1.28 |
| Lincoln | 1.28 | Wayne | 1.28 |
| Logan | 1.28 | Webster | 1.30 |
| McDowell | 1.30 | Wetzel | 1.27 |
| Marion | 1.28 | Wirt | 1.27 |
| Marshall | 1.27 | Wood | 1.27 |
| Mason | 1.27 | Wyoming | 1.28 |
| Mercer | 1.30 | | |

WISCONSIN

| | | | |
|---|---|---|---|
| Adams | $1.24 | Marathon | $1.25 |
| Ashland | 1.27 | Marinette | 1.21 |
| Barron | 1.27 | Marquette | 1.24 |
| Bayfield | 1.27 | Milwaukee | 1.28 |
| Brown | 1.23 | Monroe | 1.25 |
| Buffalo | 1.28 | Oconto | 1.21 |
| Burnett | 1.29 | Oneida | 1.23 |
| Calumet | 1.24 | Outagamie | 1.24 |
| Chippewa | 1.27 | Ozaukee | 1.25 |
| Clark | 1.25 | Pepin | 1.28 |
| Columbia | 1.24 | Pierce | 1.28 |
| Crawford | 1.25 | Polk | 1.28 |
| Dane | 1.25 | Portage | 1.24 |
| Dodge | 1.25 | Price | 1.26 |
| Door | 1.21 | Racine | 1.28 |
| Douglas | 1.30 | Richland | 1.21 |
| Dunn | 1.28 | Rock | 1.25 |
| Eau Claire | 1.28 | Rusk | 1.27 |
| Florence | 1.22 | Saint Croix | 1.30 |
| Fond du Lac | 1.24 | Sauk | 1.24 |
| Forest | 1.24 | Sawyer | 1.27 |
| Grant | 1.23 | Shawano | 1.22 |
| Green | 1.25 | Sheboygan | 1.23 |
| Green Lake | 1.24 | Taylor | 1.25 |
| Iowa | 1.23 | Trempealeau | 1.27 |
| Iron | 1.25 | Vernon | 1.25 |
| Jackson | 1.27 | Vilas | 1.22 |
| Jefferson | 1.25 | Walworth | 1.26 |
| Juneau | 1.25 | Washburn | 1.28 |
| Kenosha | 1.28 | Washington | 1.23 |
| Kewaunee | 1.22 | Waukesha | 1.23 |
| La Crosse | 1.25 | Waupaca | 1.23 |
| Lafayette | 1.24 | Waushara | 1.23 |
| Langlade | 1.22 | Winnebago | 1.24 |
| Lincoln | 1.21 | Wood | 1.23 |
| Manitowoc | 1.24 | | |

WYOMING

| | | | |
|---|---|---|---|
| Albany | $1.08 | Natrona | $1.09 |
| Big Horn | 1.08 | Niobrara | 1.15 |
| Campbell | 1.12 | Park | 1.07 |
| Carbon | 1.06 | Platte | 1.15 |
| Converse | 1.12 | Sheridan | 1.10 |
| Crook | 1.13 | Sublette | 1.09 |
| Fremont | 1.05 | Sweetwater | 1.09 |
| Goshen | 1.17 | Teton | 1.04 |
| Hot Springs | 1.08 | Uinta | 1.09 |
| Johnson | 1.10 | Washakie | 1.08 |
| Laramie | 1.17 | Weston | 1.14 |
| Lincoln | 1.06 | | |

[F. R. Doc. 56-4912; Filed, June 19, 1956; 5:03 p. m.]



# TITLE 7—AGRICULTURE

## Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

### PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

ORDER AMENDING ORDER REGULATING HANDLING

§ 922.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of this order; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held at Los Angeles, California, on January 25, 1956, upon proposed amendments to the tentatively approved marketing agreement and to Order No. 22 (7 CFR Part 922) regulating the handling of Valencia oranges grown in Arizona and designated part of California. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order as hereby amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act, including the establishment and maintenance of such orderly marketing conditions for Valencia oranges grown in Arizona and designated part of California as will provide, in the interests of producers and consumers, an orderly flow thereof to market throughout its normal marketing season to avoid unreasonable fluctuations in supplies and prices;

(2) The said order, as hereby amended, regulates the handling of Valencia oranges grown in Arizona and designated part of California in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which hearings have been held;

(3) The said order as hereby amended is limited in its application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of such production area would not effectively carry out the declared policy of the act;

(4) The said order as hereby amended prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of the Valencia oranges covered thereby; and

(5) All handling of Valencia oranges, as defined in the order as hereby amended, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Additional findings.* It is hereby found on the basis hereinafter indicated that good cause exists for making the provisions of this order effective not later than the date of publication in the FEDERAL REGISTER; and that it would be contrary to the public interest to postpone such effective date until 30 days after publication (60 Stat. 237; 5 U. S. C. 1001 et seq.). Shipments of the current crop of Valencia oranges is now under way. To be of maximum benefits during this season, it is necessary that these amendments be made effective as soon as possible. The amendments, among other things, authorize handlers to make use of the overshipment tolerance provision each week instead of every other week as is now provided, and authorize the establishment of a percentage of a size regulation on the allotment issued to a handler for a week, as well as on volume of shipments. Thus, more flexibility of operation under the program is provided. The provisions of the order are well known to the handlers of Valencia oranges. The public hearing in connection therewith was held on January 25, 1956, and the recommended decision and final decision were published in the FEDERAL REGISTER on April 12, 1956 (21 F. R. 2384), and May 5, 1956 (21 F. R. 3022), respectively. Copies of the regulatory provisions of this order were made available to all known interested parties, and compliance with such provisions will not require advance preparation on the part of persons subject thereto which cannot be completed prior to the effective date of regulation pursuant hereto.

(c) *Determinations.* It is hereby determined that:

(1) A marketing agreement regulating the handling of Valencia oranges grown in Arizona and designated part of California, upon which public hearings were held, has been signed by handlers (excluding cooperative associations of producers who were not engaged in processing, distributing, or shipping the oranges covered by this order) who, during the period beginning February 1, 1955, and ending January 31, 1956, both dates inclusive, handled not less than 80 percent of the volume of oranges covered by said order as hereby amended; and

(2) The issuance of this order amending the aforesaid order is favored or approved by producers who, during the determined representative period (February 1, 1955, through January 31, 1956), produced for market, within Arizona and the designated part of California, at least two-thirds of the volume of Valencia oranges produced for market within the said production area.

*It is, therefore, ordered,* That, on and after the effective date hereof, the handling of Valencia oranges grown in Arizona and designated part of California shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order as hereby amended as follows:

1. Delete the provisions of § 922.16 and substitute in lieu thereof the following:

§ 922.16 *Carton.* "Carton" means the standard container number 58 as defined in section 828.83 of the Agricultural Code of California, as amended, of a capacity of approximately 38½ pounds of oranges, or such other container and capacity as may be established by the committee with the approval of the Secretary, or the equivalent thereof.

2. Delete the provisions of § 922.18 and substitute in lieu thereof the following:

§ 922.18 *Carload.* "Carload" means a quantity of oranges equivalent to 924 cartons of oranges, or such other quantity of oranges as may be established by the committee with the approval of the Secretary.

3. Amend the provisions of § 922.31 by adding at the end of the section the following sentence: "Whenever specifically authorized or approved by the committee, an alternate member shall be reimbursed for reasonable expenses necessarily incurred by him in attending committee meetings and shall receive compensation at the rate provided in this section, notwithstanding that the committee member for whom he serves as alternate also attends such meetings."

4. Amend the provisions of § 922.32 as follows:

a. Delete the first sentence thereof and substitute in lieu thereof the following: "The committee shall, as soon as practicable after the marketing of the crop is completed, prepare and mail an annual report to the Secretary and to each handler and grower of record."

b. Delete therefrom the words following (d) and substitute in lieu thereof the following: "notice of the time and place of an open meeting, to be held as soon as practicable after the mailing of the annual report, to review the whole record of the operations of this part."

5. Amend the provisions of paragraph (e) of § 922.53 *Prorate bases* by inserting the following as part of the last sentence in such paragraph: "; and, in the event the change in control of oranges is occasioned by a bona fide transfer of the ownership of the real property on which such oranges were produced, the person gaining the control of such oranges shall have his quantity of oranges available for current shipment adjusted by adding thereto a quantity of oranges equal to that which is so deducted."

6. Amend the provisions of § 922.55 by deleting therefrom the first sentence and substituting in lieu thereof the following: "During any week for which the Secretary has fixed the total quantity of oranges which may be handled, any person who has received an allotment for such week, and whose total allotment is not loaned, or is not required for the repayment of an allotment loan or as a deduction for a prior overshipment, may handle in addition to his allotment an amount of such oranges equivalent to 10 percent of his allotment, or one carload, whichever is the greater."

7. Amend the provisions of § 922.57 by adding a new paragraph (e) as follows:

(e) No allotment may be loaned from one handler to another when such loan is brought about by the payment of a consideration.

8. Amend the provisions of § 922.64 by inserting the following immediately after the first sentence of such section: "When any such size regulation restricts the handling of a portion of a specified size, the quantity of such size that may be handled by a handler during a particular week shall be established as a percentage of (a) the weekly allotment issued to such handler when volume regulation is in effect, and (b) the total weekly volume handled by such handler when volume regulation is not in effect."

9. Insert the following new sentence immediately preceding the last sentence of § 922.52 *Issuance of volume regulations:* "Such regulation may be made effective, as authorized by the act, irrespective of whether the season average price for Valencia oranges is in excess of the parity price specified therefor in the act."

10. Amend the provisions of § 922.71 by deleting therefrom the word, "box" and substituting in lieu thereof the word "carton."

11. Immediately preceding the closing of the parenthesis at the end of § 922.2 *Act* insert the following: "; 68 Stat. 906, 1047."

12. Amend the provisions of § 922.83 (c) (3) by deleting therefrom the date "December 15" wherever it appears and substituting in lieu thereof the date "October 15."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Issued at Washington, D. C., this 18th day of June 1956, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] EARL L. BUTZ,
*Assistant Secretary.*

[F. R. Doc. 56-4909; Filed, June 21, 1956; 8:47 a. m.]

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### PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING OF LEMONS GROWN IN CALIFORNIA AND ARIZONA

§ 953.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of this order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900) a public hearing was held at Los Angeles, California, on January 25, 1956, upon proposed amendments to Marketing Agreement No. 94, as amended, and Order No. 53, as amended (7 CFR Part 953),[1] regulating the handling of lemons grown in California and Arizona. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act, including the establishment and maintenance of such orderly marketing conditions for lemons grown in the States of California and Arizona as will provide, in the interests of producers and consumers, an orderly flow thereof to market throughout its normal marketing season to avoid unreasonable fluctuations in supplies and prices;

(2) The said order, as amended, and as hereby further amended, regulates the handling of lemons grown in the States of California and Arizona in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, the marketing agreement upon which hearings have been held;

(3) The said order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of such production area would not effectively carry out the declared policy of the act; and

(4) The said order, as amended, and as hereby further amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of the lemons covered thereby.

(b) *Additional findings.* It is hereby determined on the basis hereinafter indicated that good cause exists for making the provisions of this order effective not later than the date of publication in the FEDERAL REGISTER; and that it would be contrary to the public interest to postpone such effective date until 30 days after publication (60 Stat. 237; 5 U. S. C. 1001 et seq.). The marketing of lemons takes place throughout the year and the heaviest movement of the 1955–56 season is now in progress. To be of maximum benefits, it is necessary that the provisions of these amendments be made effective as soon as possible; and the amendments relieve restrictions in that, under certain circumstances, handlers overshipment tolerances for a week is increased. The provisions of this order are well known to handlers. The public hearing in connection therewith was held at Los Angeles, California, on January 25, 1956, and the recommended decision and the final decision were published in the FEDERAL REGISTER on April 17, 1956 (21 F. R. 2477) and May 10, 1956 (21 F. R. 3115), respectively. Copies of the provisions of this order were made available to all known interested parties, and compliance with such

[1] The compilation of Order No. 53, as amended, appears in 20 F. R. 2913.

provisions will not require advance preparation on the part of persons subject thereto which cannot be completed prior to the effective date hereof.

(c) *Determinations.* It is hereby determined that:

(1) The "Agreement Amending the Marketing Agreement, as Amended, Regulating the Handling of Lemons Grown in California and Arizona," upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who were not engaged in processing, distributing, or shipping the lemons covered by this order) who, during the period November 1, 1954, through October 31, 1955, shipped not less than 80 percent of the volume of lemons covered by said order, as amended, and hereby further amended;

(2) The issuance of this order, amending the aforesaid order, as amended, is favored, or approved, by at least three-fourths of the producers who, during the determined representative period (November 1, 1954, through October 31, 1955), were engaged within the production area specified in said order, as amended, in the production of lemons for market; and

(3) The issuance of this order, amending the aforesaid order as amended, is favored or approved by producers who, during the aforesaid representative period, produced for market at least two-thirds of the volume of lemons produced within California and Arizona for market.

*It is, therefore, ordered,* That, on and after the effective date hereof, all handling of lemons grown in the production area shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Delete the provisions of § 953.8 and substitute in lieu thereof the following:

§ 953.8 *Carload.* "Carload" means a quantity of lemons equivalent to 930 cartons of lemons, or such other quantity of lemons as may be established by the committee with the approval of the Secretary.

2. Delete the provisions of § 953.9 and substitute in lieu thereof the following:

§ 953.9 *Carton.* "Carton" means a standard container number 58 as defined in section 828.83 of the Agricultural Code of California, as amended, of a capacity of approximately 39½ pounds of lemons, or such other container and capacity as may be established by the committee with the approval of the Secretary, or the equivalent thereof.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 18th day of June 1956, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] EARL L. BUTZ,
*Assistant Secretary.*

[F. R. Doc. 56-4910; Filed, June 21, 1956; 8:47 a. m.]



# TITLE 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

### Subchapter A—Procedures, Rules of Practice, and Orders

[Docket 6531]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

CREDIT TV SERVICE

Subpart—*Advertising falsely or misleadingly:* § 13.75 *Free goods or services;* § 13.225 *Servicing.* Subpart—*Offering unfair, improper and deceptive inducements to purchase or deal:* § 13.1960 *Free service.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Joseph Jimenez et al. dba Credit TV Service, Washington, D. C., Docket 6531, June 9, 1956]

*In the Matter of Joseph Jimenez and Catherine Jimenez, Individuals, Trading and Doing Business as Credit TV Service*

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging two individuals, with place of business in Washington, D. C., with misrepresenting their charges for servicing and repairing a TV set in the home and misrepresenting shop estimates as free—and an agreement containing a consent order to cease and desist disposing of all the issues without hearing.

On this basis, the hearing examiner made his initial decision and order to cease and desist which, by order of June 8, 1956, became, on June 9, the decision of the Commission.

The order to cease and desist is as follows:

*It is ordered,* That respondents Joseph Jimenez and Catherine Jimenez, individuals, trading and doing business as Credit TV Service, or trading and doing business under any other name or names, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of replacement parts for television sets and other merchandise, or repair services in connection therewith, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from representing, directly or by implication:

1. That the charge for servicing or repairing is 99 cents, or any other amount which is not in accordance with the facts.

2. That there is no charge for estimates made in the shop, when such is not the fact.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is ordered,* That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 8, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
*Secretary.*

[F. R. Doc. 56-4915; Filed, June 21, 1956; 8:48 a. m.]

### Subchapter B—Trade Practice Conference Rules

[File No. 21-486]

PART 30—PLASTICS HOUSEWARES INDUSTRY

TRADE PRACTICE RULES

Due proceedings having been held under the trade practice conference procedure in pursuance of the act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission:

*It is now ordered,* That the Group I trade practice rules as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of June 22, 1956.

*Statement by the Commission.* Trade practice rules for the plastics housewares industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure.

The industry for which these trade practice rules are established is composed of persons, firms, corporations, and organizations who are engaged in the manufacture, design, offering for sale, sale, or distribution of plastics housewares, which include, but are not limited to, the articles of molded plastics mentioned in the definitions of industry products which immediately precede the rules herein. Not included are melamine dinnerware and articles made from thermoplastic film.

The rules are directed to the maintenance of free and fair competition in the industry and to the prevention and elimination of various practices deemed to be violative of laws administered by the Commission. They are to be applied to such end and to the exclusion of any acts or practices which suppress competition or otherwise restrain trade.

Proceedings under which the rules have been established were instituted pursuant to an industry application. A general trade practice conference was held in the offices of the Commission in Washington, D. C., at which proposals for rules were submitted for the consideration of the Commission. Thereafter proposed rules were published by the Commission and made available to all industry members and other interested or affected parties upon public notice whereby they were afforded opportunity to present their views, including such pertinent information, suggestions, or amendments as they desired to offer, and to be heard in the premises. Pursuant to such notice, a public hearing was held in the offices of the Commission in Washington, D. C., and all matters there presented, or otherwise received in the proceeding, were duly considered by the Commission.



Thereafter, and upon full consideration of the entire matter, final action was taken by the Commission whereby it approved the rules as hereinafter set forth. No Group II rules have been included for the reason that the Group II rules recommended by the industry are of a type presently the subject of a general study by the Commission. If, after completion of such study, it is determined that provisions of this type may be included as Group II rules for industries, an opportunity then will be afforded members of this industry to have such rules included.

The rules as herein approved become operative thirty (30) days from the date of promulgation.

*The rules.* These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which fixes or controls prices through combination or agreement, or which unreasonably restrains trade or suppresses competition, or otherwise unlawfully injures, destroys, or prevents competition, that the rules are to be applied.

GROUP I

*General statement.* The unfair trade practices embraced in the rules herein are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

Sec.
30.0 Definitions.
30.1 Misrepresentation and deception in general.
30.2 Misrepresenting products as conforming to standard.
30.3 Misuse of terms "close-outs," "discontinued lines," "special bargains," etc.
30.4 Substitution of products.
30.5 Deceptive use and imitation of trade or corporate names, trade-marks, etc.
30.6 Deceptive invoicing.
30.7 Fictitious prices, price lists, etc.
30.8 Guarantees, warranties, etc.
30.9 Use of lottery schemes, etc.
30.10 Prohibited forms of trade restraints (unlawful price fixing, etc.).
30.11 Prohibited sales below cost.
30.12 Prohibited discrimination.
30.13 Lifting of stocks.
30.14 Defamation of competitors or false disparagement of their products.
30.15 Procurement of competitors' confidential information by unfair means and wrongful use thereof.
30.16 Enticing away employees of competitors.
30.17 Commercial bribery.
30.18 Unlawful interference with competitors' purchases or sales.
30.19 Exclusive deals.
30.20 Aiding or abetting use of unfair trade practices.



AUTHORITY: §§ 30.0 to 30.20, issued under sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45.

§ 30.0 *Definitions.* (a) As used in this part, the term "industry products" means all plastics housewares including, but not limited to, articles such as the following: Bowls, breadboxes, butter dishes, cake dishes, canister sets, cheese slicers, clothesline reels, clothespins, coasters, coat hangers, cookie jars, defroster trays, egg trays, flavor servers, forks, funnels, knives, measuring spoons, napkin holders, necktie racks, paper-towel holders, potato mashers, refrigerator boxes, refrigerator dishes, salt and pepper shakers, scoops, scourers, shoe racks, sink strainers, silverware trays, soap dishes, straws, tea strainers, toiletpaper holders, towel racks and holders, tumblers, utility trays, and waste baskets, which are molded of plastics, but specifically excluding melamine dinnerware or articles made from thermoplastic film.

(b) As used in this part, the term "members of the industry" means persons, firms, corporations, and organizations engaged in the manufacture, design, offering for sale, sale, or distribution of "industry products" as above defined.

§ 30.1 *Misrepresentation and deception in general.* It is an unfair trade practice to use, or cause or promote the use of, any trade promotional literature, advertising matter, guarantee, warranty, mark, brand, label, trade name, picture, design or device, designation, or other type of oral or written representation, however disseminated or published, or to fail to disclose any material fact, which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers with respect to the type, kind, grade, quality, quantity, size, weight, nature, substance, durability, serviceability, origin, preparation, production, manufacture, distribution, or customary or regular price, of any product of the industry, or which has the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public in any other material respect. [Rule 1]

§ 30.2 *Misrepresenting products as conforming to standard.* In connection with the sale or offering for sale of industry products, it is an unfair trade practice to represent, through advertising or otherwise, that such products conform to any standards recognized in or applicable to the industry when such is not the fact. [Rule 2]

§ 30.3 *Misuse of terms "close-outs," "discontinued lines," "special bargains," etc.* It is an unfair trade practice to offer for sale, sell, advertise, describe, or otherwise represent, regular lines of industry products as "Close-Outs," "Discontinued Lines," "Special Bargains," or by words or representations of similar import, when such are not true in fact; or to so offer for sale, sell, advertise, describe, or otherwise represent industry products where the capacity and tendency or effect thereof is to lead the purchasing or consuming public to believe such products are being offered for sale or sold at greatly reduced prices, or at so-called "bargain" prices, when such is not the fact. [Rule 3]

§ 30.4 *Substitution of products.* It is an unfair trade practice for an industry member to make an unauthorized substitution of products, where such substitution has the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public, by:

(a) Shipping or delivering industry products which do not conform to samples submitted, to specifications upon which the sale is consummated, or to representations made prior to securing the order, without advising the purchaser of the substitution and obtaining his consent thereto prior to making shipment or delivery; or

(b) Falsely representing the reason for making a substitution. [Rule 4]

§ 30.50 *Deceptive use and imitation of trade or corporate names, trade-marks, etc.* It is an unfair trade practice for any member of the industry to use any trade name, corporate name, trade-mark, or other trade designation, which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchaser as to the character, name, nature, or origin of any product of the industry, or of any material used therein, or which is false or misleading in any material respect. [Rule 5]

§ 30.6 *Deceptive invoicing.* Withholding from or inserting in invoices any statement or information by reason of which omission or insertion a false, inaccurate, or incomplete record is made, which has the capacity and tendency or effect of deceiving purchasers, prospective purchasers, or the consuming public in any material respect, is an unfair trade practice. [Rule 6]

§ 30.7 *Fictitious prices, price lists, etc.* The publishing or circulating by any member of the industry of false or misleading price quotations, price lists, terms or conditions of sale, or reports as to production or sales, with the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public, or the advertising, sale, or offering for sale of industry products at prices purporting to be reduced from what are in fact fictitious prices, or at purported reductions in prices when such purported reductions are in fact fictitious or are otherwise misleading or deceptive, is an unfair trade practice. [Rule 7]

§ 30.8 *Guarantees, warranties, etc.* (a) It is an unfair trade practice to use, or cause to be used, any guarantee or warranty which is false, misleading, deceptive, or unfair to the purchasing or consuming public.

(b) The following types of guarantees are examples of those considered to be unfair trade practices and in violation of this section:

(1) Guarantees containing statements, representations, or assertions which have the capacity and tendency or effect of misleading or deceiving in any material respect; or

(2) Guarantees which are so used, or are of such form, text, or character, as

to import, imply, or represent that the guarantee is broader than is in fact true, or that the guarantee covers the entire industry product when such is not the fact, or will afford more protection to purchasers or users than is in fact true; or

(3) Guarantees in which any condition, qualification, or contingency applied by the guarantor thereto is not fully and nondeceptively stated therein, or is stated in such manner or form as to be deceptively minimized, obscured, or concealed, wholly or in part; or

(4) Guarantees which are stated, phrased, or set forth in such manner that although the statements contained therein are literally and technically true, the whole is misleading in that purchasers or users are not made sufficiently aware of certain contingencies or conditions applicable to such guarantees which materially lessen the value or protection therof as guarantees to purchasers or users; or

(5) Guarantees which purportedly extend for such an indefinite or unlimited period of time or for such long period of years as to have the capacity and tendency or effect of thereby misleading or deceiving purchasers or users into the belief that the product has or is definitely known to have a longer period of serviceability or greater durability in actual use than is in fact true; or

(6) Guarantees which in themselves or in the manner of their use are otherwise false, misleading, or deceptive.

(c) The section shall be applicable not only to guarantees but also to warranties, to purported warranties and guarantees, and to any promise or representation in the nature of or purporting to be a guarantee or warranty. [Rule 8]

§ 30.9 *Use of lottery schemes, etc.* It is an unfair trade practice to sell, distribute, or promote the sale or distribution of any industry product by means of a game of chance, gift enterprise, or lottery scheme. [Rule 9]

§ 30.10 *Prohibited forms of trade restraints (unlawful price fixing, etc.).*[1] It is an unfair trade practice for any member of the industry, either directly or indirectly, to engage in any planned common course of action, or to enter into or take part in any understanding, agreement, combination, or conspiracy, with one or more members of the industry, or with any other person or persons, to fix or maintain the price of any goods or otherwise unlawfully to restrain trade; or to use any form of threat, intimidation, or coercion to induce any member of the industry or other person or persons to engage in any such planned common course of action, or to become a party to any such understanding, agreement, combination, or conspiracy. [Rule 10]

§ 30.11 *Prohibited sales below cost.* (a) The practice of selling products of the industry at a price less than the cost thereof to the seller, with the purpose or intent, and where the effect is, or where there is a reasonable probability that the effect will be, to substantially injure, suppress, or stifle competition or tend to create a monopoly, is an unfair trade practice.

(b) This section is not to be construed as prohibiting all sales below cost, but only such selling below the seller's cost as is resorted to and pursued with the wrongful intent or purpose referred to and where the effect is, or where there is reasonable probability that the effect will be, to substantially injure, suppress, or stifle competition or to create a monopoly. Among the situations in which the requisite purpose or intent would ordinarily be lacking are cases in which such sales were: (1) of seasonal goods near the conclusion of the season; (2) of obsolescent goods; (3) made under judicial process; or (4) made in bona fide discontinuance of business in the goods concerned.

(c) As used in paragraphs (a) and (b) of this section, the term "cost" means the respective seller's cost and not an average cost in the industry whether such average cost be determined by an industry cost survey or some other method. It consists of the total outlay or expenditure by the seller in the acquisition, production, and distribution of the products involved, and comprises all elements of cost such as labor, material, depreciation, taxes (except taxes on net income and such other taxes as are not properly applicable to cost), and general overhead expenses, incurred by the seller in the acquisition, manufacture, processing, preparation for marketing, sale, and delivery of the products. Not to be included are dividends or interest on borrowed or invested capital, or nonoperating losses, such as fire losses and losses from the sale or exchange of capital assets. Operating cost should not be reduced by items of nonoperating income, such as income from investments, and gain on the sale of capital assets.

(d) Nothing in this section shall be construed as relieving an industry member from compliance with any of the requirements of the Robinson-Patman Act. [Rule 11]

§ 30.12 *Prohibited discrimination*[2]—(a) *Prohibited discriminatory prices, rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce, and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however:*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and are not purchased by schools, colleges, universities, public libraries, churches, hospitals, or charitable institutions not operated for profit, as supplies for their own use;

(2) That nothing contained in this paragraph shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

NOTE: Cost justification under the above proviso depends upon net savings in cost based on all facts relevant to the transactions under the terms of subparagraph (2) of this paragraph. For example, if a seller regularly grants a discount based upon the purchase of a specified quantity by a single order for a single delivery, and this discount is justified by cost differences, it does not follow that the same discount can be cost justified if granted to a purchaser of the same quantity by multiple orders or for multiple deliveries.

(3) That nothing contained in this section shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing contained in this paragraph shall prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned;

(5) That nothing contained in this section shall prevent the meeting in good faith of an equally low price of a competitor, or the services or facilities furnished by a competitor (see paragraphs (d) and (e) of this section).

(NOTE: In complaint proceedings, justification of price differentials under subparagraphs (2), (4) and (5) of this paragraph is a matter of affirmative defense to be established by the person or concern charged with price discrimination.)

(b) The following are examples of price differential practices to be considered as subject to the prohibitions of paragraph (a) of this section when involving goods of like grade and quality which are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and which are not purchased by schools, colleges, universities, public libraries, churches, hospitals, or charitable institutions not operated for profit, as supplies for their own use, and when:

(1) The commerce requirements specified in paragraph (a) of this section are present; and

(2) The price differential has a reasonable probability of substantially lessening competition or tending to create a monopoly in any line of commerce, or of injuring, destroying, or preventing competition with the industry member or with the customer receiving the benefit of the price differential, or with customers of either of them; and

(3) The price differential is not justified by cost savings (see paragraph (a) (2) of this section); and

(4) The price differential is not made in response to changing conditions affecting the market for or the marketability of the goods concerned (see paragraph (a) (4) of this section); and

(5) The lower price was not made to meet in good faith an equally low price of a competitor (see paragraph (a) (5) of this section).

*Example No. 1.* At the end of a given period an industry member grants a discount to a customer equivalent to a fixed percentage of the total of the customer's purchases during such period and fails to grant such discount to other customers under like conditions.

*Example No. 2.* An industry member sells goods to one or more of his customers at a higher price than he charges other customers for like merchandise. It is immaterial whether or not such discrimination is accomplished by misrepresentation as to the grade and quality of the products sold.

(c) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(d) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(e) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity to purchaser upon terms not according to all competing purchasers on proportionally equal terms.

(f) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this section.

NOTE: This paragraph is a re-statement of section 2(f) of the Clayton Act as amended. In a complaint proceeding under this section, in order to make out a prima facie violation, the Commission must show that the favored buyer induced or received the lower price knowing, or knowing facts from which he should have known, that such price was violative of section 2(a) of said act and not justified under subparagraphs (2), (4), or (5) of paragraph (a) of this section. When, in any such proceeding, the issue is limited to the question of whether the price differential involved made only due allowance for differences in cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which the goods were sold and delivered, the Commission may establish a prima facie case in a number of ways, including:

(1) By showing that the buyer paying the lower price knew that the methods by, and quantities in, which the goods were sold and delivered to him by the seller were the same as in the case of the competing buyer or buyers paying the higher price or prices; or

(2) By showing, when there is a difference in the methods or quantities in which the goods were sold and delivered by the seller to the buyer than in the case of the competing buyer or buyers paying the higher price or prices, that the buyer paying the lower price or prices knew the nature and extent of such differences and knew or should have known that they could not have resulted in sufficient cost savings of the kind and character specified as to justify the price differential. [Rule 12]

§ 30.13 *Lifting of stocks.* It is an unfair trade practice for any member of the industry to purchase the stock of a distributor or dealer which has been supplied by competitor or competitors when such practice is done as an inducement to the distributor or dealer to discontinue handling competitive products and to handle such member's products exclusively, and where the effect of such act or practice may be substantially to lessen competition or tend to create a monopoly in any line of commerce. [Rule 13]

§ 30.14 *Defamation of competitors or false disparagement of their products.* The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of competitors' products in any respect, or of their business methods, selling prices, values, credit terms, policies, or services, is an unfair trade practice. [Rule 14]

§ 30.15 *Procurement of competitors' confidential information by unfair means and wrongful use thereof.* It is an unfair trade practice for any member of the industry to obtain information concerning the business of a competitor by bribery of an employee or agent of such competitor, by false or misleading statements or representations, by the impersonation of one in authority, or by any other unfair means, and to use the information so obtained in such manner as to injure said competitor in his business or to suppress competition or unreasonably restrain trade. [Rule 15]

§ 30.16 *Enticing away employees of competitors.* It is an unfair trade practice for any member of the industry wilfully to entice away employees or sales representatives of competitors with the intent and effect of thereby unduly hampering or injuring competitors in their business and destroying or substantially lessening competition: *Provided,* That nothing in this section shall be construed as prohibiting employees from seeking more favorable employment, or as prohibiting employers from hiring or offering employment to employees of competitors in good faith and not for the purpose of injuring, destroying, or preventing competition. [Rule 16]

§ 30.17 *Commercial bribery.* It is an unfair trade practice for a member of the industry, directly or indirectly, to give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to pur-

[1] The inhibitions of this section are subject to Public Law 542, approved July 14, 1952—66 Stat. 632 (the McGuire Act) which provides that with respect to a commodity which bears, or the label or container of which bears, the trade-mark, brand, or name of the producer or distributor of such commodity and which is in free and open competition with commodities of the same general class produced or distributed by others, a seller of such a commodity may enter into a contract or agreement with a buyer thereof which establishes a minimum or stipulated price at which such commodity may be resold by such buyer when such contract or agreement is lawful as applied to intrastate transactions under the laws of the State, Territory, or territorial jurisdiction in which the resale is to be made or to which the commodity is to be transported for such resale, and when such contract or agreement is not between manufacturers, or between wholesalers, or between brokers, or between factors, or between retailers, or between persons, firms, or corporations in competition with each other.

[2] As used in this section, the word "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

chase products manufactured or sold by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contacting to deal with competitors. [Rule 17]

§ 30.18 *Unlawful interference with competitors' purchases or sales.* It is an unfair trade practice for any member of the industry, by means of any monopolistic practices or through combination, conspiracy, coercion, boycott, threats, or any other unlawful means, directly or indirectly, to interfere with a competitor's right to purchase his raw materials and supplies from whomsoever he chooses, or to sell his product to whomsoever he chooses. [Rule 18]

§ 30.19 *Exclusive deals.* It is an unfair trade practice for any member of the industry to contract to sell or sell any industry product, or fix a price charged therefor, or discount from, or rebate upon, such price, on the condition, agreement, or understanding that the purchaser thereof shall not use or deal in the products of a competitor or competitors of such industry member, where the effect of such sale or contract for sale, or of such condition, agreement, or understanding, may be substantially to lessen competition or tend to create a monopoly in any line of commerce. [Rule 19]

§ 30.20 *Aiding or abetting use of unfair trade practices.* It is an unfair trade practice for any person, firm, or corporation to aid, abet, coerce, or induce another, directly or indirectly, to use or promote the use of any unfair trade practice specified in the rules in this part. [Rule 20]

Issued: June 19, 1956.

Promulgated by the Federal Trade Commission June 22, 1956.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-4914; Filed, June 21, 1956; 8:48 a. m.]

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[File No. 21-487]

## PART 32—MELAMINE DINNERWARE INDUSTRY

### TRADE PRACTICE RULES

Due proceedings having been held under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission;

*It is now ordered*, That the Group I trade practice rules as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of June 22, 1956.

*Statement by the Commission.* Trade practice rules for the melamine dinnerware industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure.

The industry for which trade practice rules are hereby established is composed of persons, firms, corporations, and organizations engaged in the manufacture, design, distribution, or sale of Melamine Molded Dinnerware.

The rules are directed to the maintenance of free and fair competition in the industry and to the prevention and elimination of various practices deemed to be violative of laws administered by the Commission. They are to be applied to such end and to the exclusion of any acts or practices which suppress competition or otherwise restrain trade.

Proceedings under which the rules have been established were instituted pursuant to an industry application. A general trade practice conference was held in the offices of the Commission in Washington, D. C., at which proposals for rules were submitted for the consideration of the Commission. Thereafter proposed rules were published by the Commission and made available to all industry members and other interested or affected parties upon public notice whereby they were afforded opportunity to present their views, including such pertinent information, suggestions, or amendments as they desired to offer, and to be heard in the premises. Pursuant to such notice, a public hearing was held in the offices of the Commission in Washington, D. C., and all matters there presented, or otherwise received in the proceedings, were duly considered by the Commission.

Thereafter, and upon full consideration of the entire matter, final action was taken by the Commission whereby it approved the rules as hereinafter set forth. No Group II rules have been included for the reason that the Group II rules recommended by the industry are of a type presently the subject of general study by the Commission. If, after the completion of such study, it is determined that provisions of this type may be included as Group II rules for industries, an opportunity then will be afforded to the members of this industry to have such rules included.

The rules as herein approved become operative thirty (30) days from the date of promulgation.

*The rules.* These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which fixes or controls prices through combination or agreement, or which unreasonably restrains trade or suppresses competition, or otherwise unlawfully injures, destroys, or prevents competition, that the rules are to be applied.

### GROUP I

The unfair trade practices embraced in the rules in this part are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.


Sec.
32.0 Definitions.
32.1 Misrepresentation and deception in general.
32.2 Misrepresentations as to character of business.
32.3 Misrepresenting products as conforming to standard.
32.4 Misuse of terms "close-outs," "discontinued lines," "special bargains," etc.
32.5 Substitution of products.
32.6 Deceptive use and imitation of trade or corporate names, trademarks etc.
32.7 Deceptive invoicing.
32.8 Fictitious prices, price lists, etc.
32.9 Guaranties, warranties, etc.
32.10 Use of lottery schemes, etc.
32.11 Prohibited forms of trade restraints (unlawful price fixing, etc.).
32.12 Prohibited sales below cost.
32.13 Prohibited discrimination.
32.14 Lifting of stocks.
32.15 Consignment distribution.
32.16 Defamation of competitors or false disparagement of their products.
32.17 Procurement of competitors' confidential information by unfair means and wrongful use thereof.
32.18 Enticing away employees of competitors.
32.19 Exclusive deals.
32.20 Commercial bribery.
32.21 Unlawful interference with competitors' purchases or sales.
32.22 Aiding or abetting use of unfair trade practices.


AUTHORITY: §§ 32.0 to 32.22 issued under sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec 5, 38 Stat. 719, as amended; 15 U. S C. 45.

§ 32.0 *Definitions.* (a) Members of the industry are those persons, firms, corporations, and organizations engaged in the manufacture, design, distribution, or sale of melamine molded dinnerware.

(b) As used in the rules in this part, the term "industry products" or "products of the industry" consists of dinnerware molded of melamine plastic material.

§ 32.1 *Misrepresentation and deception in general.* It is an unfair trade practice to use, or cause or promote the use of, any trade promotional literature, advertising matter, guarantee, warranty, mark, brand, label, trade name, picture, design or device, designation, or other type of oral or written representation, however disseminated or published, or to fail to disclose any material fact, which has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers with respect to the type, kind, grade, quality, quantity, size, weight, nature, substance, durability, serviceability, origin, preparation, production, manufacture, distribution, or customary or regular price, of any product of the industry, or which has the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public in any other material respect. [Rule 1]

§ 32.2 *Misrepresentations as to character of business.* It is an unfair trade practice for any member of the industry to represent, directly or indirectly, through the use of any word or term in his corporate or trade name, in his advertising or otherwise, that he is a manufacturer of industry products, or that he is the owner or operator of a factory manufacturing them, when such is not the fact, or in any other manner to misrepresent the character, extent, volume, or type of his business. [Rule 2]



§ 32.3 *Misrepresenting products as conforming to standard.* In connection with the sale or offering for sale of industry products, it is an unfair trade practice to represent, through advertising or otherwise, that such products conform to any standards recognized in or applicable to the industry when such is not the fact. [Rule 3]

§ 32.4 *Misuse of terms "close-outs," "discontinued lines," "special bargains," etc.* It is an unfair trade practice to offer for sale, sell, advertise, describe, or otherwise represent, regular lines of industry products as "close-outs," "discontinued lines," "special bargains," or by words or representations of similar import, when such are not true in fact; or to so offer for sale, sell, advertise, describe, or otherwise represent, industry products where the capacity and tendency or effect thereof is to lead the purchasing or consuming public to believe such products are being offered for sale or sold at greatly reduced prices, or at so-called "bargain" prices, when such is not the fact. [Rule 4]

§ 32.5 *Substitution of products.* It is an unfair trade practice for an industry member to make an unauthorized substitution of products, where such substitution has the capacity and tendency or effect of misleading or deceiving the purchasing or consuming public, by:

(a) Shipping or delivering industry products which do not conform to samples submitted, to specifications upon which the sale is consummated, or to representations made prior to securing the order, without advising the purchaser of the substitition and obtaining his consent thereto prior to making shipment or delivery; or

(b) Falsely representing the reason for making a substitution. [Rule 5]

§ 32.6 *Deceptive use and imitation of trade name, corporate name, trademark, etc.* It is an unfair trade practice for any member of the industry to use any trade name, corporate name, trademark, or other trade designation, which has the capacity and tendency of effect of misleading or deceiving purchasers or prospective purchasers as to the character, name, nature, or origin of any product of the industry, or of any material used therein, or which is false or misleading in any material respect. [Rule 6]

§ 32.7 *Deceptive invoicing.* Withholding from or inserting in invoices any statement or information by reason of which omission or insertion a false, inaccurate, or incomplete record is made, which has the capacity and tendency or effect of deceiving purchasers, prospective purchasers, or the consuming public in any material respect, is an unfair trade practice. [Rule 7]

§ 32.8 *Fictitious prices, price lists, etc.* The publishing or circulating by any member of the industry of false or misleading price quotations, price lists, terms or conditions of sale, or reports as to production or sales, with the capacity and tendency or effect of misleading or deceiving purchasers, prospective purchasers, or the consuming public, or the advertising, sale, or offering for sale of industry products at prices purporting to be reduced from what are in fact fictitious prices, or at purported reductions in prices when such purported reductions are in fact fictitious or are otherwise misleading or deceptive, is an unfair trade practice. [Rule 8]

§ 32.9 *Guarantees, warranties, etc.* (a) In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice for any industry member:

(1) To represent that any industry product is guaranteed unless, in close conjunction with such representation, the identity of the guarantor, the extent and nature of the guarantee, and any material conditions or limitations relating to the liability of the guarantor under the guarantee, are adequately and nondeceptively disclosed; or

(2) To offer or use any guarantee respecting an industry product under which the guarantor fails to observe his obligations thereunder; or

(3) To offer or use any guarantee which is otherwise deceptive or unfair.

(b) This section shall be applicable not only to guarantees but also to warranties, to purported guarantees and warranties, and to any promise or representation in the nature of a guarantee or warranty. [Rule 9]

§ 32.10 *Use of lottery schemes, etc.* It is an unfair trade practice to sell, distribute, or promote the sale or distribution of any industry product by means of a game of chance, gift enterprise, or lottery scheme. [Rule 10]

§ 32.11 *Prohibited forms of trade restraints (unlawful price fixing, etc.)*[1] It is an unfair trade practice for any member of the industry, either directly or indirectly, to engage in any planned common course of action, or to enter into or take part in any understanding, agreement, combination, or conspiracy, with one or more members of the industry, or with any other person or persons, to fix or maintain the price of any goods or otherwise unlawfully to restrain trade; or to use any form of threat, intimidation, or coercion to induce any member of the industry or other person or persons to engage in any such planned common course of action, or to become a party to any such understanding, agreement, combination, or conspiracy. [Rule 11]

§ 32.12 *Prohibited sales below cost.* (a) The practice of selling products of the industry at a price less than the cost thereof to the seller, with the purpose or intent, and where the effect is, or where there is a reasonable probability that the effect will be, to substantially injure, suppress, or stifle competition or tend to create a monopoly, is an unfair trade practice.

(b) This section is not to be construed as prohibiting all sales below cost, but only such selling below the seller's cost as is resorted to and pursued with the wrongful intent or purpose referred to and where the effect is, or where there is a reasonable probability that the effect will be, to substantially injure, suppress, or stifle competition or to create a monopoly. Among the situations in which the requisite purpose or intent would ordinarily be lacking are cases in which such sales were: (1) of seasonal goods near the conclusion of the season; (2) of obsolescent goods; (3) made under judicial process; or (4) made in bona fide discontinuance of business in the goods concerned.

(c) As used in paragraphs (a) and (b) of this section, the term "cost" means the respective seller's cost and not an average cost in the industry whether such average cost be determined by an industry cost survey or some other method. It consists of the total outlay or expenditure by the seller in the acquisition, production, and distribution of the products involved, and comprises all elements of cost such as labor, material, depreciation, taxes (except taxes on net income and such other taxes as are not properly applicable to cost), and general overhead expenses, incurred by the seller in the acquisition, manufacture, processing, preparation for marketing, sale, and delivery of the products. Not to be included are dividends or interest on borrowed or invested capital, or nonoperating losses, such as fire losses and losses from the sale or exchange of capital assets. Operating cost should not be reduced by items of nonoperating income, such as income from investments, and gain on the sale of capital assets.

(d) Nothing in this section shall be construed as relieving an industry member from compliance with any of the requirements of the Robinson-Patman Act. [Rule 12]

[1] The inhibitions of this section are subject to Public Law 542, approved July 14, 1952—66 Stat. 632 (the McGuire Act) which provides that with respect to a commodity which bears, or the label or container of which bears, the trade-mark, brand, or name of the producer or distributor of such commodity and which is in free and open competition with commodities of the same general class produced or distributed by others, a seller of such a commodity may enter into a contract or agreement with a buyer thereof which establishes a minimum or stipulated price at which such commodity may be resold by such buyer when such contract or agreement is lawful as applied to intrastate transactions under the laws of the State, Territory, or territorial jurisdiction in which the resale is to be made or to which the commodity is to be transported for such resale, and when such contract or agreement is not between manufacturers, or between wholesalers, or between brokers, or between factors, or between retailers, or between persons, firms, or corporations in competition with each other.

§ 32.13 *Prohibited discrimination*[2]—(a) *Prohibited discriminatory prices, rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, rebund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce, and where the effect therof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however:*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and are not purchased by schools, colleges, universities, public libraries, churches, hospitals, or charitable institutions not operated for profit, as supplies for their own use;

(2) That nothing contained in this paragraph shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which said commodities are to such purchasers sold or delivered;

NOTE: Cost justification under the above proviso depends upon net savings in cost based on all facts relevant to the transactions under the terms of subparagraph (2) of this paragraph. For example, if a seller regularly grants a discount based upon the purchase of a specified quantity by a single order for a single delivery, and this discount is justified by cost differences, it does not follow that the same discount can be cost justified if granted to a purchaser of the same quantity by multiple orders or for multiple deliveries.

(3) That nothing contained in this section shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing contained in this paragraph shall prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned;

(5) That nothing contained in this section shall prevent the meeting in good faith of an equally low price of a competitor, or the services or facilities furnished by a competitor (see paragraphs (d) and (e) of this section).

NOTE: In complaint proceedings, justification of price differentials under subparagraphs (2), (4) and (5) of this paragraph is a matter of affirmative defense to be established by the person or concern charged with price discrimination.

(b) The following are examples of price differential practices to be considered as subject to the prohibitions of paragraph (a) of this section when involving goods of like grade and quality which are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and which are not purchased by schools, colleges, universities, public libraries, churches, hospitals, or charitable institutions not operated for profit, as supplies for their own use, and when:

(1) The commerce requirements specified in paragraph (a) of this section are present; and

(2) The price differential has a reasonable probability of substantially lessening competition or tending to create a monopoly in any line of commerce, or of injuring, destroying, or preventing completion with the industry member or with the customer receiving the benefit of the price differential, or with customers of either of them; and

(3) The price differential is not justified by cost savings (see paragraph (a) (2) of this section); and

(4) The price differential is not made in response to changing conditions affecting the market for or the marketability of the goods concerned (see paragraph (a) (4) of this section); and

(5) The lower price was not made to meet in good faith an equally low price of a competitor (see paragraph (a) (5) of this section).

*Example No. 1.* At the end of a given period an industry member grants a discount to a customer equivalent to a fixed percentage of the total of the customer's purchases during such period and fails to grant such discount to other customers under like conditions.

*Example No. 2.* An industry member sells goods to one or more of his customers at a higher price than he charges other customers for like merchandise. It is immaterial whether or not such discrimination is accomplished by misrepresentation as to the grade and quality of the products sold.

(c) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(d) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

NOTE 1: Industry members giving advertising allowances to competing customers must exercise precaution and diligence in seeing that all of such allowances are used in accordance with the terms of their offers.

NOTE 2: When an industry member gives allowances to competing customers for advertising in a newspaper or periodical, the fact that a lower advertising rate for equivalent space is available to one or more, but not all, such customers, is not to be regarded by the industry member as warranting the retention by such customer or customers of any portion of the allowance for his or their personal use or benefit.

(e) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

(f) *Clarification.* The following is presented for the purpose of clarifying the requirements of paragraphs (d) and (e) of this section with respect to the supplying of marketing services, facilities or allowances by industry members to their customers, but it is not intended to imply by such presentation that other methods which assure of proportional equality of treatment of competing customers may not also be used.

An industry member may simultaneously offer to each of his customers competing in the resale of his products the same kind of promotional service, facility or allowance of a cost value equal to a uniform percentage of the sales (or purchases) of the industry member's products by each customer during a specified and identical period of time: *Provided, however,* That when the service, facility or allowance offered is of a type which under reasonable terms and conditions is not usable or suitable to the facilities and business of all customers, and is offered to any one customer, the member offer each of those customers to whom the service, facility or allowance is not usable or suitable an alternate type of promotional service, facility or allowance which is of equivalent measurable cost, is usable by the customer, and is suitable to his facilities and business, and promptly inform all competing customers of the kind and amount of services, facilities or allowances which he has offered to each and the respective terms and conditions under which such services, facilities or allowances are to be furnished by the industry member: *And provided, further,* That when the offer of any service, facility or allowance to any customer is conditioned on such customer supplying some reciprocal service, facility or payment, a reciprocal service, facility or payment be required in the offers to all other customers and there be an equality of ratio among all customers as to the measurable cost of that which is supplied by the industry member and the reciprocal service, facility or payment required of any customer. The industry member must take every reasonable precaution to see that services, facilities or allowances which he furnishes to customers are used in accord with the terms of his offer; and upon failure of the customer to perform any obligation on his part, the industry member must cease supplying the customer any further service, facility or allowance.

(g) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this section.

NOTE: This paragraph is a re-statement of section 2 (f) of the Clayton Act as amended. In a complaint proceeding under this section, in order to make out a prima facie violation, the Commission must show that the favored buyer induced or received the lower price knowing, or knowing facts from which he should have known, that such price was violative of section 2 (a) of said act and not justified under subparagraphs (2), (4) or (5) of paragraph (a) of this section. When, in any such proceeding, the issue is limited to the question of whether the price differential involved made only due allowance for differences in cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which the goods were sold and delivered, the Commission may establish a prima facie case in a number of ways, including:

(1) By showing that the buyer paying the lower price knew that the methods by, and quantities in, which the goods were sold and delivered to him by the seller were the same as in the case of the competing buyer or buyers paying the higher price or prices; or

(2) By showing, when there is a difference in the methods or quantities in which the goods were sold and delivered by the seller to the buyer than in the case of the competing buyer or buyers paying the higher price or prices, that the buyer paying the lower price or prices knew the nature and extent of such differences and knew or should have known that they could not have resulted in sufficient cost savings of the kind and character specified as to justify the price differential.

[Rule 13]

§ 32.14 *Lifting of stocks.* It is an unfair trade practice for any member of the industry to purchase the stock of a distributor or dealer which has been supplied by a competitor or competitors when such practice is done as an inducement to the distributor or dealer to discontinue handling competitive products and to handle such member's products exclusively, and where the effect of such act or practice may be substantially to lessen competition or tend to create a monopoly in any line of commerce. [Rule 14]

§ 32.15 *Consignment distribution.* (a) It is an unfair trade practice for any member of the industry to employ the practice of shipping industry products on consignment without the express request of the purchaser.

(b) It is an unfair trade practice for any member of the industry to employ the practice of shipping industry products on consignment or pretended consignment for the purpose and with the effect of artificially clogging or closing trade outlets and unduly restricting competitors' use of said trade outlets in getting their products to consumers through regular channels of distribution, thereby injuring, destroying, or preventing competition or tending to create a monopoly or unreasonably to restrain trade.

(c) Nothing in this section shall be construed to authorize any understanding or agreement, combination or conspiracy, or planned common course of action, by and between industry members, mutually to conform or restrict their practice of shipping goods on consignment with the intent or effect of lessening competition. [Rule 15]

§ 32.16 *Defamation of competitors or false disparagement of their products.* The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of competitors' products in any respect, or of their business methods, selling prices, values, credit terms, policies, or services, is an unfair trade practice. [Rule 16]

§ 32.17 *Procurement of competitors' confidential information by unfair means and wrongful use thereof.* It is an unfair trade practice for any member of the industry to obtain information concerning the business of a competitor by bribery of an employee or agent of such competitor, by false or misleading statements or representations, by the impersonation of one in authority, or by any other unfair means, and to use the information so obtained in such manner as to injure said competitor in his business or to suppress competition or unreasonably restrain trade. [Rule 17]

§ 32.18 *Enticing away employees of competitors.* It is an unfair trade practice for any member of the industry wilfully to entice away employees or sales representatives of competitors with the intent and effect of thereby unduly hampering or injuring competitors in their business and destroying or substantially lessening competition: *Provided,* That nothing in this section shall be construed as prohibiting employees from seeking more favorable employment, or as prohibiting employers from hiring or offering employment to employees of competitors in good faith and not for the purpose of injuring, destroying, or preventing competition. [Rule 18]

§ 32.19 *Exclusive deals.* It is an unfair trade practice for any member of the industry to contract to sell or sell any industry product, or fix a price charged therefor, or discount from, or rebate upon, such price, on the condition, agreement, or understanding that the purchaser thereof shall not use or deal in the products of a competitor or competitors of such industry member, where the effect of such sale or contract for sale, or of such condition, agreement, or understanding, may be substantially to lessen competition or tend to create a monopoly in any line of commerce. [Rule 19]

§ 32.20 *Commercial bribery.* It is an unfair trade practice for a member of the industry, directly or indirectly, to give, or offer to give, or permit or cause to be given, money or anything of value to agents, employees, or representatives of customers or prospective customers, or to agents, employees, or representatives of competitors' customers or prospective customers, without the knowledge of their employers or principals, as an inducement to influence their employers or principals to purchase or contract to purchase products manufactured or sold by such industry member or the maker of such gift or offer, or to influence such employers or principals to refrain from dealing in the products of competitors or from dealing or contracting to deal with competitors. [Rule 20]

§ 32.21 *Unlawful interference with competitors' purchases or sales.* It is an unfair trade practice for any member of the industry, by means of any monopolistic practices or through combination, conspiracy, coercion, boycott, threats, or any other unlawful means, directly or indirectly, to interfere with a competitor's right to purchase his raw materials and supplies from whomsoever he chooses, or to sell his product to whomsoever he chooses. [Rule 21]

§ 32.22 *Aiding or abetting use of unfair trade practices.* It is an unfair trade practice for any person, firm, or corporation to aid, abet, coerce, or induce another, directly or indirectly, to use or promote the use of any unfair trade practice specified in the rules in this part. [Rule 22]

Issued: June 19, 1956.

Promulgated by the Federal Trade Commission.

[SEAL] ROBERT M. PARRISH,
*Secretary.*

[F. R. Doc. 56-4913; Filed, June 21, 1956; 8:48 a. m.]

[2] As used in this section, the word "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions of other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

## TITLE 21—FOOD AND DRUGS

### Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

Subchapter B—Food and Food Products

PART 19—CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS, AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

NUWORLD CHEESE AND CERTAIN OTHER CHEESES AND RELATED FOODS

In the matter of establishing a definition and standard of identity for nuworld cheese and amending the definitions and standards of identity for pasteurized process cheese (§ 19.750); pasteurized process cheese food (§ 19.765); pasteurized process cheese spread (§ 19.775); cold-pack cheese, club cheese, comminuted cheese (§ 19.785); and cold-pack cheese food (§ 19.787):

A notice of proposed rule making was published in the FEDERAL REGISTER of April 13, 1956 (21 F. R. 2415), setting forth proposals to adopt a definition and standard of identity for nuworld cheese and to amend the definitions and standards of identity for the cheeses and cheese foods named above so that nuworld cheese might be used in mixtures of cheeses comprising the cheese ingredients of such foods, under the same conditions prescribed for blue cheese. The notice invited all interested persons to submit views and comments on the proposals. No comments nor suggestions were received. Therefore, upon consideration of the information submitted by the petitioner and other relevant information available, it is concluded that it will promote honesty and fair dealing in the interest of consumers to adopt the standard for nuworld cheese proposed by the petitioner and to effect amendments of the other cheese and cheese-food identity standards to provide that where nuworld cheese is used with other cheeses as part of the cheese ingredient it will be subject to the same restrictions prescribed for blue cheese so used.

Pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 401, 52 Stat. 1046, 68 Stat. 54; 21 U. S. C. 341), delegated to the Commissioner of Food and Drugs (20 F. R. 1996): *It is ordered*, That Part 19 (21 CFR 19; as amended, 21 F. R. 543 et seq., 1269) be amended as indicated below:

1. Part 19 is amended by adding the following new section:

§ 19.569 *Nuworld cheese; identity.* (a) Nuworld cheese is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It is characterized by the presence of creamy-white mold throughout the cheese. It contains not more than 46 percent of moisture, and its solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in § 19.500 (c). It is not less than 60 days old.

(b) Milk, which may be pasteurized or clarified or both, which may be warmed, and which may be homogenized, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial green or blue coloring, in a quantity which neutralizes any natural yellow coloring in the curd, may be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride of the weight of the milk) is added to set the milk to a semisolid mass. The mass is cut into smaller portions and allowed to stand for a time. The mixed curd and whey is placed in forms permitting further drainage. While being placed in forms, spores of a white mutant of the mold Penicillium roquefortii are added. The forms are turned several times during drainage. When sufficiently drained, the shaped curd is removed from the form and salted with dry salt or brine. Perforations are then made in the shaped curd, and it is held at a temperature of approximately 50° F., at 90 percent to 95 percent relative humidity, until the characteristic mold growth has developed. During storage, the surface of the cheese may be scraped to remove surface growth of undesirable microorganisms. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of nuworld cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section, the word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one or more of the following: Cream, concentrated skim milk, nonfat dry milk solids, water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk solids used.

2. Section 19.750 *Pasteurized process cheese* * * * is amended by inserting in the first and second sentences of paragraph (a) (6), after the words "blue cheese," the words "nuworld cheese,", so that as amended paragraph (a) (6) reads as follows:

(6) The weight of each variety of cheese in a pasteurized process cheese made from two varieties of cheese is not less than 25 percent of the total weight of both, except that the weight of blue cheese, nuworld cheese, roquefort cheese, or gorgonzola cheese is not less than 10 percent of the total weight of both, and the weight of limburger cheese is not less than 5 percent of the total weight of both. The weight of each variety of cheese in a pasteurized process cheese food made with three or more varieties of cheese is not less than 15 percent of the total weight of all, except that the weight of blue cheese, nuworld cheese, roquefort cheese, gorgonzola cheese, or limburger cheese is not less than 5 percent of the total weight of all. These limits do not apply to the quantity of cheddar cheese, washed curd cheese, colby cheese and granular cheese in mixtures which are designated as "American cheese" as prescribed in paragraph (e) (2) (ii) of this section. Such mixtures are considered as one variety of cheese for the purposes of this subparagraph.

Effect of amending § 19.750: § 19.751 *Pasteurized blended cheese* * * *, § 19.755 *Pasteurized process cheese with fruits, vegetables, or meats* * * *, and § 19.763 *Pasteurized blended cheese with fruits, vegetables, or meats* * * * are also amended by their reference to § 19.750, for provisions with respect to cheese ingredient.

3. Section 19.765 *Pasteurized process cheese food* * * * is amended by inserting in the first and second sentences of paragraph (a) (6), after the words "blue cheese," the words "nuworld cheese,", so that as amended paragraph (a) (6) reads as follows:

(6) The weight of each variety of cheese in a pasteurized process cheese food made with two varieties of cheese is not less than 25 percent of the total weight of both, except that the weight of blue cheese, nuworld cheese, roquefort cheese, gorgonzola cheese, or limburger cheese is not less than 10 percent of the total weight of both. The weight of each variety of cheese in a pasteurized process cheese food made with three or more varieties of cheese is not less than 15 percent of the total weight of all, except that the weight of blue cheese, nuworld cheese, roquefort cheese, gorgonzola cheese, or limburger cheese is not less than 5 percent of the total weight of all. These limits do not apply to the quantity of cheddar cheese, washed curd cheese, colby cheese, and granular cheese in mixtures which are designated as "American cheese" as prescribed in paragraph (f) (6) of this section. Such mixtures are considered as one variety of cheese for the purposes of this subparagraph.

Effect of amending § 19.765: § 19.770 *Pasteurized process cheese food with fruits, vegetables, or meats* * * * is also amended by its reference to § 19.765, for the provision with respect to cheese ingredient.

4. Section 19.775 *Pasteurized process cheese spread* * * * is amended by inserting in the first and second sentences of paragraph (a) (6), after the words "blue cheese," the words "nuworld cheese," so that as amended paragraph (a) (6) reads as follows:

(6) The weight of each variety of cheese in a pasteurized process cheese spread made with two varieties of cheese is not less than 25 percent of the total weight of both, except that the weight of blue cheese, nuworld cheese, roquefort cheese, gorgonzola cheese, or limburger cheese is not less than 10 percent of the total weight of both. The weight of each variety of cheese in a pasteurized process cheese spread made with three or more varieties of cheese is not less than 15 percent of the total weight of all, except that the weight of blue cheese, nuworld cheese, roquefort cheese, gorgonzola cheese, or limburger cheese is not less than 5 percent of the total weight of all. These limits do not apply to the quality of cheddar cheese, washed curd cheese, colby cheese, and granular cheese in mixtures which are designated as "American cheese" as prescribed in paragraph (f) (6) of this section. Such mixtures are considered as one variety of cheese for the purposes of this subparagraph.

Effect of amending § 19.775: § 19.776 *Pasteurized cheese spread* * * *, § 19.780 *Pasteurized process cheese spread with fruits, vegetables or meats* * * *, and § 19.781 *Pasteurized cheese spread with fruits, vegetables, or meats* * * * are also amended by their reference to § 19.775, for the provisions with respect to cheese ingredients.

5. Section 19.785 *Cold-pack cheese, club cheese, comminuted cheese* * * * is amended by inserting in paragraph (a) (6), after the words "blue cheese," the words "nuworld cheese,", so that as amended paragraph (a) (6) reads as follows:

(6) The weight of each variety of cheese in a cold-pack cheese made from two varieties of cheese is not less than 25 percent of the total weight of both, except that the weight of blue cheese, nuworld cheese, roquefort cheese, or gorgonzola cheese is not less than 10 percent of the total weight of both, and the weight of limburger cheese is not less than 5 percent of the total weight of both. The weight of each variety of cheese in a cold-pack cheese made from three or more varieties of cheese is not less than 15 percent of the total weight of all, except that the weight of blue cheese, nuworld cheese, roquefort cheese, or gorgonzola cheese is not less than 5 percent of the total weight of all, and the weight of limburger cheese is not less than 3 percent of the total weight of all. These limits do not apply to the quality of cheddar cheese, washed curd cheese, colby cheese, and granular cheese in mixtures which are designated as "American cheese" as prescribed in paragraph (d) (2) of this section. Such mixtures are considered as one variety of cheese for the purpose of this subparagraph.

6. Section 19.787 *Cold-pack cheese food* * * * is amended by inserting in the first and second sentences of paragraph (a) (6), after the words "blue cheese," the words "nuworld cheese,", so that as amended paragraph (a) (6) reads as follows:

(6) The weight of each variety of cheese in the cold-pack cheese food made with two varieties of cheese is not less than 25 percent of the total weight of both, except that the weight of blue cheese, nuworld cheese, roquefort cheese, gorgonzola cheese, or limburger cheese is not less than 10 percent of the total weight of both. The weight of each variety of cheese in the cold-pack cheese food made with three or more varieties of cheese is not less than 15 percent of the total weight of all, except that the weight of blue cheese, nuworld cheese, roquefort cheese, gorgonzola cheese, or limburger cheese is not less than 5 percent of the total weight of all. These limits do not apply to the quantity of cheddar cheese, washed curd cheese, colby cheese, and granular cheese in mixtures which are designated as "American cheese" as prescribed in paragraph (f) (6) of this section. Such mixtures are considered as one variety of cheese for the purposes of this subparagraph.

Effect of amending § 19.787: § 19.788 *Cold-pack cheese food with fruits, vegetables, or meats* * * * is also amended by its reference to § 19.787, for the provision with respect to cheese ingredient.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the date of publication of this order in the FEDERAL REGISTER, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by the order, shall specify with particularity the provisions of the order deemed objectionable and the grounds for the objections, and shall request a public hearing on the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall become effective 90 days after its publication in the FEDERAL REGISTER, except as to any of its provisions that may be stayed by the filing of objections thereto. Notice of the filing of objections, or lack thereof, will be announced by publication in the FEDERAL REGISTER.

(Sec. 401, 52 Stat. 1046, as amended; 21 U. S. C. 341)

Dated: June 13, 1956.

[SEAL] GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F. R. Doc. 56-4911; Filed, June 21, 1956; 8:47 a. m.]





## TITLE 26—INTERNAL REVENUE, 1954

### Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income Tax

[T. D. 6184]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

MISCELLANEOUS AMENDMENTS

On April 11, 1956, notice of proposed rule making regarding the regulations for taxable years beginning after December 31, 1953, and ending after August 16, 1954, under section 214 of the Internal Revenue Code of 1954, was published in the FEDERAL REGISTER (21 F. R. 2331). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the regulations as so published are hereby adopted, subject to the changes as set forth below:

PARAGRAPH 1. Section 1.214-1 (b) is revised as follows:

(A) By striking "under a decree of divorce," from the second sentence of subparagraph (1).

(B) By changing subdivision (iii) of subparagraph (2) to read as set forth below.

(C) By changing subparagraph (3) to read as set forth below.

(D) By striking the word "above" from subparagraph (4) and substituting "of this paragraph" in lieu thereof.

PAR. 2. Section 1.214-1 (c) is revised by striking "throughout" in the second sentence of example (8) and inserting in lieu thereof "during".

PAR. 3. Section 1.214-1 (d) is revised as follows:

(A) By adding at the end of subdivision (ii) of subparagraph (1) the following: "The deduction for expenses paid for the care of a dependent under the age of 12 years is allowed even though the dependent is not a child or stepchild of the taxpayer."

(B) By changing subparagraph (2) to read as set forth below.

PAR. 4. Section 1.214-1 (f) is revised by striking "child" in the first sentence of example (3) of subparagraph (5) and inserting in lieu thereof "dependent grandchildren".

PAR. 5. Section 1.214-1 (g) (3) is revised as follows:

(A) By striking "(i)" from the first example and inserting in lieu thereof "*Example* (1)".

(B) By striking "(ii)" from the second example and inserting in lieu thereof "*Example* (2)".

(C) By revising the third example to read as set forth below.

(Sec. 7805, 68A Stat. 917; 26 U. S. C. 7805)

[SEAL] O. GORDON DELK,
*Acting Commissioner of Internal Revenue.*

Approved: June 19, 1956.

DAN THROOP SMITH,
*Special Assistant to the Secretary in Charge of Tax Policy.*

§ 1.214 *Statutory provisions; additional itemized deductions for individuals; expenses for care of certain dependents.*

SEC. 214. *Expenses for care of certain dependents*—(a) *General rule.* There shall be allowed as a deduction expenses paid during the taxable year by a taxpayer who is a woman or a widower for the care of one or more dependents (as defined in subsection (c) (1)), but only if such care is for the purpose of enabling the taxpayer to be gainfully employed.

(b) *Limitations*—(1) *In general.* The deduction under subsection (a)—

(A) Shall not exceed $600 for any taxable year; and

(B) Shall not apply to any amount paid to an individual with respect to whom the taxpayer is allowed for his taxable year a deduction under section 151 (relating to deductions for personal exemptions).

(2) *Working wives.* In the case of a woman who is married, the deduction under subsection (a)—

(A) Shall not be allowed unless she files a joint return with her husband for the taxable year, and

(B) Shall be reduced by the amount (if any) by which the adjusted gross income of the taxpayer and her spouse exceeds $4,500.

This paragraph shall not apply if the taxpayer's husband is incapable of self-support because mentally or physically defective.

(c) *Definitions.* For purposes of this section—

(1) *Dependent.* The term "dependent" means a person with respect to whom the taxpayer is entitled to an exemption under section 151 (e) (1)—

(A) Who has not attained the age of 12 years, and who (within the meaning of section 152) is a son, stepson, daughter, or stepdaughter of the taxpayer; or

(B) Who is physically or mentally incapable of caring for himself.

(2) *Widower.* The term "widower" includes an unmarried individual who is legally separated from his spouse under a decree of divorce or of separate maintenance.

(3) *Determination of status.* A woman shall not be considered as married if she is legally separated from her spouse under a decree of divorce or of separate maintenance at the close of the taxable year.

§ 1.214-1 *Expenses for the care of certain dependents*—(a) *General rule.* Section 214 allows a deduction from gross income of expenses paid for the care of certain dependents where the care is for the purpose of enabling the taxpayer to be gainfully employed. Such expenses are referred to in this section as "child care" expenses. The deduction may not exceed $600 for any taxable year (regardless of the number of dependents for whose care the expenses are paid) and is allowed only for expenses incurred while the taxpayer is gainfully employed or in active search of gainful employment. The employment which is the cause of the incurring of the expenses may, however, consist of services either within or without the home of the taxpayer. Self-employment constitutes employment for purposes of section 214.

(b) *Taxpayers who may qualify for the deduction.* The deduction provided in section 214 is allowed only to a woman or a widower. For the purpose of this paragraph, the following rules apply:

(1) *A widower.* The deduction is allowed for expenses paid by a taxpayer who is a widower at the time the expenses are incurred. The term "widower" includes (i) a man whose wife has died and who has not remarried, (ii) a man who is divorced from his wife, and has not remarried, and (iii) a man who is legally separated from his wife under a decree of legal separation.

(2) *A married woman whose husband is capable of self-support.* If the expenses are paid by a woman (i) who is married at the time the expenses are incurred, (ii) whose husband at that time is not incapable of self-support because he is mentally defective or physically disabled, and (iii) who is not divorced or legally separated at the end of the taxable year, the deduction is allowed, but only if she files a joint income tax return with her husband for the taxable year in which the expenses are paid. Further, the amount otherwise deductible shall be reduced by the amount, if any, by which the combined adjusted gross income of the taxpayer and her spouse exceeds $4,500 for the taxable year in which the expenses are paid. The amount otherwise deductible is the amount expended for child care or $600, whichever is lesser. The determination of whether the taxpayer's husband is incapable of self-support because of a mental defect or physical disability shall be made without regard to his income from sources other than his own earnings. For purposes of this subparagraph, the term "earnings" means wages, salaries, commissions, professional fees, and other amounts received as compensation for personal services actually rendered. It does not include income such as pensions, annuities, sick-pay, interest, dividends, or rents.

(3) *A married woman whose husband is incapable of self-support.* (i) The deduction is allowed without regard to the limitations described in subparagraph (2) of this paragraph for expenses paid by a married woman whose husband is incapable of self-support because he is mentally defective or physically disabled (as defined in subparagraph (2) of this paragraph) at the time the expenses are incurred.

(ii) A married woman claiming a deduction under this subparagraph shall attach to her income tax return in which the deduction is claimed a statement disclosing (*a*) the nature of her husband's disability, (*b*) the period of the disability, and (*c*) if her husband had earnings during the period, the amount of such earnings. Where the husband is capable of self-support for part of a taxable year the child care expenses incurred for such part shall be treated under subparagraph (2) of this paragraph. See example (8) of paragraph (c) of this section.

(4) *A single woman.* The deduction is also allowed without regard to the limitation described in subparagraph (2) of this paragraph for expenses paid by a woman who (i) is unmarried at the time the expenses are incurred, or (ii) is, at the close of her taxable year, legally separated from her husband under a decree of divorce or of separate maintenance.

(5) *Determination of status.* If child care expenses are incurred in one taxable year and paid in another, the status of a taxpayer described in subparagraphs (1) to (4) of this paragraph, inclusive, shall be determined as of the year in which the expenses are incurred, and not when such expenses are paid.

(c) *Computation of deduction.* The deduction for child care expenses is allowable only with respect to such expenses actually paid during the taxable year regardless of when the event which occasioned the expenses occurred and regardless of the method of accounting employed by the taxpayer in making his income tax return. If child care expenses are incurred but not paid during the taxable year, no deduction can be taken for such year. Thus, if an expenditure was incurred in December 1955, but not paid until January 1956, no deduction may be taken for the calendar year 1955. The following examples illustrate the computation of the deduction allowed by section 214 in the case of a taxpayer making his return on the basis of the calendar year. In each example it is assumed that the expenses are of the type which would qualify for the deduction.

*Example (1).* M was a widower during 1954, until September 1, when he remarried. He paid $50 each month in 1954 for child care expenses. He may take into account, for purposes of the deduction allowed by section 214, only the expenses paid during the taxable year which were incurred while he was unmarried. Since the expenses were $400 ($50 per month from January to August, inclusive), the amount of the deduction is $400. If M had paid $100 per month during 1954, the deduction would be limited to $600, although the expenses incurred while M was unmarried amount to $800.

*Example (2).* H and W were married during the entire year 1954. W, the wife, paid $900 for child care expenses incurred during the year. The combined adjusted gross income of H and W for 1954 was $5,000. The allowable deduction under section 214 is $100 ($600, the maximum deduction allowable, reduced by $500, the excess of adjusted gross income of $5,000 over $4,500). The deduction of $100 is allowable only if H and W made a joint return for 1954.

*Example (3).* The facts are the same as in example (2), except that the child care expenses paid during the year were $400. No deduction is allowable under section 214, since the amount of expenses paid, $400, is less than $500 (the excess of the adjusted gross income over $4,500).

*Example (4).* During 1954, W, a woman, paid $50 each month for child care expenses. She was unmarried until April 1, 1954, and was married for the remainder of the year. H, her husband, was capable of self-support, and the combined adjusted gross income of husband and wife was $4,700. H and W made a joint return for 1954. The total deduction allowable to W under section 214 is $400, computed as follows: $150 as expenses incurred while W was a single woman, and $250 as expenses incurred while W was married; the $250 is arrived at by taking the amount expended while H and W were married, $450, and reducing it by $200 (the excess of adjusted gross income, $4,700 over $4,500).

*Example (5).* The facts are the same as in example (4), except that the amounts paid are $75 per month ($225 being paid for expenses incurred while W was single and $675 while she was married). The total allowable deduction in this case is $600. $225 is deductible as expenses incurred while W was a single woman. $400 of the expenses incurred during the period of marriage is also deductible. However, the maximum deduction allowable to W is $600. The allowable amount for expenses incurred during the period of marriage is determined as follows: $675 (the amount expended during the period) is reduced to $600 (the maximum deduction allowable) and $600 is then reduced by $200 (the excess of adjusted gross income $4,700 over $4,500) to $400.

*Example (6).* H and W were married during 1954 prior to July 1, when they received a decree of divorce. She did not remarry during 1954. W paid $100 per month for child care expenses during 1954. The allowable deduction is $600. Since W is considered to have been a single woman during all of 1954, the limitations with respect to the deduction allowed to a married woman are not applicable, and only the $600 limitation applies.

*Example (7).* H and W married on July 1, 1954. At all times in 1954, until July 1, H was a widower and W was a widow. H and W each paid $750 for child care in 1954, prior to their marriage. Each is allowed a deduction for 1954 of $600, regardless of their adjusted gross income and of the amount of their child care expenditures while married, and whether or not a joint return was filed. However, no additional deduction would be allowed for child care expenses paid after their marriage.

*Example (8).* H and W were married at all times during the year 1954. As a result of an accident, H incurred injuries which rendered him incapable of self-support during 1954 until September 1. The adjusted gross income of H and W for 1954 was $4,700. W paid $60 each month in 1954 for child care expenses. The deduction allowable to W by section 214 is $520. This amount is composed of $480, representing the amounts paid during H's period of disability, and $40, representing the allowable deduction of expenses paid in the amount of $240 from September to December, inclusive ($240 is reduced by $200, the excess of the adjusted gross income ($4,700) over $4,500).

*Example (9).* H and W were married from January 1, 1954 to October 1, 1954, when H died. The combined adjusted gross income of the spouses was $4,800. W paid $50 per month for child care expenses throughout the entire year. The deduction allowed to W if she filed a separate return is $150, the amount paid while she was a widow. If a joint return is filed on behalf of the widow and her deceased husband, the deduction allowable is $300 which includes $150 deductible as a married woman (the amount expended during marriage, $450, being reduced by $300, the excess of $4,800 over $4,500).

(d) *Dependents.* (1) The deduction provided by section 214 is allowed only for expenses paid for the care of an individual who (for the taxable year of the taxpayer in which the expenses are incurred) is a dependent of the taxpayer for whom an exemption is allowed under section 151 (e) (1). Furthermore, the dependent must, at the time the expenses are incurred, be either—

(i) Under the age of 12 years, or

(ii) Physically or mentally unable to care for himself. It is not necessary that the dependent be permanently disabled in order for the amount expended for his care to be deductible. However, the mere fact that the disability, whether temporary or permanent, renders him incapable of self-support does not necessarily mean that he is incapable of self-care within the meaning of this subdivision. The deduction for expenses paid for the care of a dependent under the age of 12 years is allowed even though the dependent is not a child or stepchild of the taxpayer.

(2) The rules provided in sections 151 and 152, with respect to the definition and qualification of an individual as a dependent, govern for the purpose of section 214. Thus, expenses for the care of a child or stepchild of the taxpayer under 12 whom the taxpayer supports are deductible even though the child or stepchild has gross income of $600 or more. On the other hand, expenses for the care of an aged parent would not be deductible if the gross income condition of section 151 (e) (1) (A) is not met. The term "dependent" does not include the spouse of a taxpayer.

(e) *Payments to a dependent.* No deduction is allowed under section 214 for expenses paid to an individual for whom the taxpayer is allowed, for the taxable year in which the expenses are paid, an exemption under section 151. Thus, if the taxpayer, a working widow, supports her mother and is entitled to claim her as a dependent, she may not deduct amounts paid to the mother for the care of the taxpayer's children.

(f) *What expenses are deductible*—(1) *In general.* In order for an expense to be deductible under section 214, it must meet three conditions: First, the expense must be for the care of a dependent; second, it must be for a dependent's care while the taxpayer is gainfully employed or in search of gainful employment; and third, the expense must be for the purpose of enabling the taxpayer to be gainfully employed. In determining whether an expense meets these conditions, all the facts and circumstances of the case must be taken into consideration.

(2) *Definition of care of a dependent.* (i) In general, the phrase expenses for the care of a dependent means amounts expended for the primary purpose of assuring the dependent's well being and protection. It does not include all benefits which may be bestowed upon him. Accordingly, amounts expended to provide food, clothing, or education, are not, in themselves, amounts expended for "care" so as to be deductible under section 214. However, where the manner of providing care is such that the expense which must be incurred includes payments for other benefits which are inseparably a part of the care, the full amount of the expense will be considered to be incurred for care. Thus, the full amount paid to a nursery school will be considered to be for the care of the child, even though th eschool also furnishes lunch, recreational activities, and other benefits.

(ii) The manner of providing the care need not be the least expensive method available to the taxpayer. For example, the taxpayer's mother may reside at the taxpayer's home and be available to afford the taxpayer's child adequate care. Regardless of this fact, the expense incurred for the child at a nursery school or day camp may be expense for the care of the child. See, however, suparagraph (4) of this paragraph with respect to the requirement that the expense must be for the purpose of enabling the taxpayer to be gainfully employed.

(iii) Where a portion of an expenditure is for the care of a dependent and a portion is for other unrelated purposes, a reasonable allocation shall be made and only the portion of the amount paid which is attributable to the care shall be considered an amount to which section 214 is applicable. This rule is applicable if, for example, a servant performs household duties and also cares for the children of the taxpayer. In this case, however, where one of the children is under 12, and the other (or others), is over 12, there need be no further allocation between the children under 12 years and those over that age.

(3) *Period of employment.* Since the deduction is allowed only for expenses for care for those periods during which the taxpayer is gainfully employed (or in active search of gainful employment), an allocation may be required when an expense covers periods of care in which no employment is involved. Thus, if a taxpayer pays $50 each month during the year for care of his child at a foster home, and the taxpayer is employed (or in search of employment) for only two months during the year, the deduction is limited to $100.

(4) *Purpose of expenditure.* Even if an expense is incurred for the care of a dependent, it is not deductible unless it is incurred for the purpose of permitting the taxpayer to be gainfully employed. Whether that is the true purpose of the expense depends upon the facts and circumstances of the particular case. Thus, the fact that the cost of providing care for a dependent is greater than the amounts anticipated to be received from the employment of the taxpayer may indicate that the purpose of the expenditure is other than to permit the taxpayer to be gainfully employed.

(5) *Examples.* The following examples illustrate the application of this paragraph.

*Example (1).* A widow has a child who is too young to attend public school. In order that she may be gainfully employed, the widow places the child in a nursery school while she is at work. The expenses paid to the nursery school are child care expenses to which the deduction under section 214 is applicable. Assuming the nursery school provides lunch for the child, no allocation is required between that part of the expense which might be considered to be for the lunch as distinguished from the expense of assuring the child's protection.

*Example (2).* The taxpayer, a single woman, in order to be gainfully employed employs a housekeeper who cares for the taxpayer's two children, aged 9 and 13 years, respectively, in addition to performing regular household duties of cleaning and cooking. If it is assumed that the compensation paid to the housekeeper is $1,200 during the year, and that $500 is allocated to the care of the children, a deduction of $500 is allowed under section 214. No allocation is required for purposes of determining which part of the $500 is for the care of the 9 year old child. If the expenses allocable to the care of the children were $700, the amount of the deduction would be $600, the maximum amount allowable in a taxable year under section 214.

*Example (3).* The taxpayer, a single woman, has a dependent grandchild 10 years of age who has been attending public school. The taxpayer who has been working part time is offered a position involving full time employment which she can accept only if arrangements are made for the care of the child from 8 a. m. to 5:30 p. m. Such arrangements are made at a private school to which she sends the child. The expenses paid to the school are for the care of the child without allocation between that part of the expense which represents tuition and that part which represents true care. The expense is considered to be incurred for the purpose of enabling the taxpayer to be gainfully employed.

*Example (4).* The taxpayer, a widow with a substantial income, has a child aged 11 who has been attending boarding school for several years. The taxpayer, who has been performing gratuitous services for a philanthropic organization, accepts a part-time job with the organization for which she is paid a small salary. From these facts it would appear that the expense of continuing the child in the boarding school is not for the purpose of enabling the taxpayer to be gainfully employed, whether or not the expense is considered to be incurred for the care of the child.

*Example (5).* The taxpayer, a widower, has a child who is physically incapable of caring for himself. In order to be gainfully employed the taxpayer sends the child to a school for children who are physically handicapped. The expense of the school, whether a day school or a boarding school, is a child care expense.

*Example (6).* The taxpayer, a single woman, lives with her mother who is an invalid incapable of caring for herself. In order to be gainfully employed the taxpayer hires a practical nurse whose sole duty consists of providing for the care of the mother while the taxpayer is at work. The expense

paid to the nurse may be a "child care" expense.

(g) *Expenses qualifying under section 213.* (1) An expense which may constitute an amount otherwise deductible under section 213, relating to medical, etc., expenses, may also, as in example (6) of paragraph (f) of this section, constitute an expense for which a deduction is allowable under section 214. In such a case, that part of the amount for which a deduction is allowed under section 214 shall not be treated as an expense under section 213.

(2) On the other hand, where an amount is treated as a medical expense under section 213 for purposes of determining the amount deductible under that section, it shall not be allowed as a deduction under section 214.

(3) The provisions of this paragraph may be illustrated by the following examples:

*Example 1.* W, a single woman, pays $720 during the taxable year for the care of her child who suffers from infantile paralysis. It is assumed that the expenses are of a nature which qualify as medical expenses under section 213. It is also assumed that these expenses are for the purpose of permitting W to be gainfully employed. W's adjusted gross income for the taxable year is $5,000. She is allowed a deduction of $600 for child care expenses under section 214. The balance of the expenses, or $120, she treats as medical expenses. However, this amount does not exceed 3 percent of her adjusted gross income and is thus not allowable as a deduction under section 213.

*Example 2.* It would not be proper in the case presented in (1) for W first to determine under section 213 her deductible medical expenses (which would be $570 ($720 less 3% x $5,000)), and then claim as a deduction under section 214 the $150 which is not deductible under section 213. The $150 would be disallowed under section 214 for the reason that it was treated as a medical expense in determining the amount deductible under section 213.

*Example 3.* W, a single woman under the age of 65 years, is also the head of a household. She pays $12,000 during the taxable year for child care expenses which also qualify as medical expenses under section 213. W's adjusted gross income for the taxable year is $18,000. She is allowed a deduction of $600 for child care expenses under section 214. The balance, or $11,400 is treated as medical expenses. The allowable deduction under section 213 for such expenses is the excess of 3 percent of W's adjusted gross income, or $10,860, but subject to the maximum limitation in section 213.

[F. R. Doc. 56-4917; Filed, June 21, 1956; 8:49 a. m.]

## TITLE 33—NAVIGATION AND NAVIGABLE WATERS

### Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

LITTLE RED RIVER, ARK.

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.590 governing the operation of drawbridges across Little Red River, Arkansas, is hereby revoked and § 203.560 governing the operation of drawbridges across the Mississippi River and tributaries where constant attendance of draw tenders is not required is amended to include all drawbridges across Little Red River, adding paragraph (f) (21–b), as follows:

§ 203.590 *Little Red River, Ark.; bridges.* [Revoked.]

§ 203.560 *Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.* * * *

(f) *Lower Mississippi River.* * * *

(21–b) Little Red River, Ark.; Missouri Pacific Railroad Company bridge at Judsonia and Arkansas Highway Department bridges at Judsonia and Searcy. The draws need not be opened for the passage of vessels and paragraphs (b) to (e), inclusive, of this section shall not apply to these bridges.

* * * * * *

[Regs., 1 June 1956, 823.01 (Little Red River, Ark.)—ENGWO] (Sec. 5, 28 Stat. 362; 33 U. S. C. 499)

[SEAL] JOHN A. KLEIN,
*Major General, U. S. Army,*
*The Adjutant General.*

[F. R. Doc. 56-4899; Filed, June 21, 1956; 8:45 a. m.]

## TITLE 39—POSTAL SERVICE

### Chapter I—Post Office Department

PART 22—SECOND CLASS

PART 104—PRINTED MATTER

MISCELLANEOUS AMENDMENTS

a. In § 22.1 *Second-class rates* amend paragraph (d) (2) by striking from the listing of countries the following: Philippines.

The foregoing amendment is effective July 1, 1956.

(R. S. 161; 396, as amended; 5 U. S. C. 22, 369)

b. In § 104.3 *Weight limits* make the following changes in paragraph (b):

1. Strike out subparagraph (3).

2. Redesignate subparagraphs (4), (5), and (6) as subparagraphs (3), (4), and (5), respectively.

c. In § 104.8 *Books* amend paragraph (a) by striking from the listing of countries the following: Philippines.

The foregoing amendments are effective July 1, 1956.

(R. S. 161, 396, 398, as amended; 5 U. S. C. 22, 369, 372)

[SEAL] ABE MCGREGOR GOFF,
*The Solicitor.*

[F. R. Doc. 56-4906; Filed, June 21, 1956; 8:46 a. m.]

## TITLE 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

[Rules Amdt. 1-5]

PART 1—PRACTICE AND PROCEDURE

ANTENNA STRUCTURES

In the matter of amendment of § 1.333 of Part 1 of the Commission's rules to conform with § 17.3 of Part 17.

The Commission having under consideration amendment of § 1.333 of Part 1 of its rules relating to Organization, Practice, and Procedure to conform with changes recently made to § 17.3 of Part 17 of its rules.

It appearing that § 1.333 was adopted by an order on August 31, 1955 (20 F. R. 6553) and was specifically made subject to the final results in Docket No. 11306 to amend Part 17; and

It further appearing that a portion of § 1.333 is now at variance with § 17.3 and should be revised to conform therewith; and

It further appearing that the substance of the amendment herein ordered has been the subject of formal rule making proceedings in Docket No. 11306 which resulted in the amendment of Part 17 by Report and Order released April 30, 1956 (21 F. R. 2952); and

It further appearing that general notice of proposed rule making under section 4 of the Administrative Procedure Act is unnecessary because this amendment is editorial in nature and solely for the purpose of conforming Part 1 with Part 17, and that for the same reason this amendment may become effective immediately;

*It is ordered,* This 19th day of June 1956, that, pursuant to authority contained in sections 4 (i), 303 (f) and (r) and 319 (d) of the Communications Act of 1934, as amended, and section 0.341 (a) of the Commission's rules, § 1.333 of Part 1 of the Commission's rules is amended, effective June 25, 1956, as set forth below.

Released: June 19, 1956.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,
*Secretary.*

Amendment of Part 1, rules relating to Organization and Practice and Procedure:

Amend subparagraphs (1) and (2) of § 1.333 (f) to read as follows:

(1) The antenna structures proposed to be erected will exceed an overall height of 170 feet above ground level, except where the antenna is mounted on an existing man-made structure other than an antenna structure and does not increase the overall height of such man-made structure by more than 20 feet, or

(2) The antenna structures proposed to be erected will exceed an overall height of 1 foot above the established airport (landing area) elevation for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area, except where the antenna does not exceed 20 feet above the ground or if the antenna is mounted on an existing man-made structure other than an antenna structure or natural formation and does not increase the overall height of such man-made structure or natural formation by more than 20 feet.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies secs. 303, 319, 48 Stat. 1082, as amended, 1089; 47 U. S. C. 303, 319)

[F. R. Doc. 56-4920; Filed, June 21, 1956; 8:49 a. m.]



## TITLE 43—PUBLIC LANDS: INTERIOR

### Chapter I—Bureau of Land Management, Department of the Interior

Appendix—Public Land Orders

[Public Land Order 1305]

[2118017]

WISCONSIN

CORRECTING PUBLIC LAND ORDER NO. 1277 OF MARCH 21, 1956

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910, c. 421 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

The following-described paragraph numbered 3 (b) of Public Land Order No. 1277 of March 21, 1956, which revoked Public Land Order No. 372 of May 26, 1947, is hereby deleted:

The lands have been open to applications and offers under the mineral-leasing laws and to location for metalliferous minerals. They will be open to location for nonmetalliferous minerals under the United States mining laws beginning at 10:00 a. m. on June 26, 1956.

WESLEY A. D'EWART,
*Assistant Secretary of the Interior.*

JUNE 18, 1956.

[F. R. Doc. 56-4900; Filed, June 21, 1956; 8:45 a. m.]

[Public Land Order 1306]

[Oregon 04822]

OREGON

WITHDRAWING PUBLIC LANDS FOR USE OF THE BUREAU OF LAND MANAGEMENT IN CONNECTION WITH SIUSLAW SAND AND DUNE CONTROL PROJECT, LM-35-P-2-EUGENE

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Oregon are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved under the jurisdiction of the Bureau of Land Management, Department of the Interior, for use in connection with its Siuslaw Sand and Dune Control Project (LM-35-P-2-Eugene):

WILLAMETTE MERIDIAN

T. 18 S., R. 12 W.,
Sec. 21, lots 5, 6, 7, 8, and W½E½;
Sec. 28, lots 5, 6, 7, 8, E½SW¼, and W½SE¼;
Sec. 33, lots 1, 2, 3, 4, E½W½, and E½;
Sec. 34, lot 5, SW¼NW¼; and W½SW¼.

The areas described aggregate 1,291.25 acres.

WESLEY A. D'EWART,
*Assistant Secretary of the Interior.*

JUNE 18, 1956.

[F. R. Doc. 56-4901; Filed, June 21, 1956; 8:45 a. m.]

# PROPOSED RULE MAKING

## FEDERAL TRADE COMMISSION

[ 16 CFR Part 187 ]

[File No. 21-416]

ADVERTISING AND SALES PROMOTION OF MAIL ORDER INSURANCE

NOTICE OF HEARING AND OF OPPORTUNITY TO PRESENT OBJECTIONS, IF ANY, TO REPEAL OF TRADE PRACTICE RULES

The Federal Trade Commission proposes the repeal of the trade practice rules relating to the advertising and sales promotion of Mail Order Insurance which were promulgated by it on February 3, 1950, and hereby schedules a hearing on such proposal in Room 332, Federal Trade Commission Building, Sixth and Pennsylvania Avenue NW., Washington, D. C., commencing at 10:00 a. m., e. d. s. t., July 10, 1956, for the purpose of affording an opportunity to all persons, firms, corporations, organizations, or other parties, having an interest in said rules to present their views concerning the proposal to repeal them. The views of interested and affected parties may be submitted orally at such hearing, or by letter, memorandum, brief, or other communication at any time prior to July 10, 1956. Copies of the trade practice rules relating to the advertising and sales promotion of Mail Order Insurance, promulgated February 3, 1950, and copies of the trade practice rules for the Accident and Health Insurance Industry, promulgated June 15, 1956, may be obtained upon request therefor to the Commission.

After due consideration of all matters presented orally or in writing, the Commission will proceed to final action on the proposal to repeal the trade practice rules relating to the advertising and sales promotion of Mail Order Insurance.

Issued: June 19, 1956.

By direction of the Commission.

[SEAL] ROBERT M. PARRISH,
*Secretary.*

[F. R. Doc 56-4941; Filed, June 21, 1956; 8:53 a. m.]

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

[ 26 CFR (1954) Part 1 ]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

INCOME FROM SOURCES WITHOUT THE U. S.; FOREIGN TAX CREDIT

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 905 and 7805 of the Internal Revenue Code of 1954 (68A Stat. 288, 917; 26 U. S. C. 905, 7805).

[SEAL] O. GORDON DELK,
*Acting Commissioner of Internal Revenue.*

The following regulations, relating to the credit for taxes of foreign countries and of possessions of the United States, are hereby prescribed under sections 901 through 905 of the Internal Revenue Code of 1954, and are effective for taxable years beginning after December 31, 1953, and ending after August 16, 1954:

INCOME FROM SOURCES WITHOUT THE UNITED STATES

FOREIGN TAX CREDIT


Sec.
1.901 Statutory provisions; taxes of foreign countries and of possessions of United States.
1.901–1 Allowance of credit for taxes.
1.901–2 Definitions.
1.902 Statutory provisions; credit for corporate stockholder in foreign corporation.
1.902–1 Taxes of foreign corporation.
1.902–2 Special rules for payments from certain wholly-owned foreign corporations.
1.903 Statutory provisions; credit for taxes in lieu of income, etc., taxes.
1.903–1 Definition of taxes in lieu of income, war profits, or excess profits taxes.
1.904 Statutory provisions; limitation on credit.
1.904–1 Limitation on credit for foreign taxes.
1.905 Statutory provisions; applicable rules.
1.905–1 When credit for taxes may be taken.
1.905–2 Conditions of allowance of credit.

1.905–3 Redetermination of the tax when credit proves incorrect.
1.905–4 Credit for taxes accrued but not paid.

INCOME FROM SOURCES WITHOUT THE UNITED STATES

FOREIGN TAX CREDIT

§ 1.901 *Statutory provisions; taxes of foreign countries and of possessions of United States; allowance of credit.*

SEC. 901. *Taxes of foreign countries and of possessions of United States*—(a) *Allowance of credit.* If the taxpayer chooses to have the benefits of this subpart, the tax imposed by this chapter shall, subject to the limitation of section 904, be credited with the amounts provided in the applicable paragraph of subsection (b) plus, in the case of a corporation, the taxes deemed to have been paid under section 902. Such choice may be made or changed at any time prior to the expiration of the period prescribed for making a claim for credit or refund of the tax against which the credit is allowable. The credit shall not be allowed against the tax imposed by section 531 (relating to the tax on accumulated earnings), against the additional tax imposed for the taxable year under section 1333 (relating to war loss recoveries), or against the personal holding company tax imposed by section 541.

(b) *Amount allowed.* Subject to the limitation of section 904, the following amounts shall be allowed as the credit under subsection (a):

(1) *Citizens and domestic corporations.* In the case of a citizen of the United States and of a domestic corporation, the amount of any income, war profits, and excess profits taxes paid or accrued during the taxable year to any foreign country or to any possession of the United States; and

(2) *Resident of the United States or Puerto Rico.* In the case of a resident of the United States and in the case of an individual who is a bona fide resident of Puerto Rico during the entire taxable year, the amount of any such taxes paid or accrued during the taxable year to any possession of the United States; and

(3) *Alien resident of the United States or Puerto Rico.* In the case of an alien resident of the United States and in the case of an alien individual who is a bona fide resident of Puerto Rico during the entire taxable year, the amount of any such taxes paid or accrued during the taxable year to any foreign country, if the foreign country of which such alien resident is a citizen or subject, in imposing such taxes, allows a similar credit to citizens of the United States residing in such country; and

(4) *Partnerships and estates.* In the case of any individual described in paragraph (1), (2), or (3), who is a member of a partnership or a beneficiary of an estate or trust, the amount of his proportionate share of the taxes (described in such paragraph) of the partnership or the estate or trust paid or accrued during the taxable year to a foreign country or to any possession of the United States, as the case may be.

(c) *Corporations treated as foreign.* For purposes of this subpart, the following corporations shall be treated as foreign corporations:

(1) A corporation entitled to the benefits of section 931, by reason of receiving a large percentage of its gross income from sources within a possession of the United States; and

(2) A corporation organized under the China Trade Act, 1922 (15 U. S. C., chapter 4), and entitled to the deduction provided in section 941.

(d) *Cross reference.* (1) For deductions of income, war profits, and excess profits taxes paid to a foreign country or a possession of the United States, see section 164.



(2) For right of each partner to make election under this section, see section 703 (b).

(3) For right of estate or trust to the credit for taxes imposed by foreign countries and possessions of the United States under this section, see section 642 (a) (2).

§ 1.901–1 *Allowance of credit for taxes*—(a) *In general.* Citizens of the United States, domestic corporations, and certain aliens resident in the United States or Puerto Rico may choose to claim a credit, as provided in section 901, against the tax imposed by chapter 1 for taxes paid or accrued to foreign countries and possessions of the United States, subject to the conditions prescribed in the following subparagraphs:

(1) *Citizen of the United States.* A citizen of the United States, whether resident or nonresident, may claim a credit for (i) the amount of any income, war profits, and excess profits taxes paid or accrued during the taxable year to any foreign country or to any possession of the United States; and (ii) his share of any such taxes of a partnership of which he is a member, or of an estate or trust of which he is a beneficiary.

(2) *Domestic corporation.* A domestic corporation may claim a credit for (i) the amount of any income, war profits, and excesss profits taxes paid or accrued during the taxable year to any foreign country or to any possession of the United States; and (ii) the taxes deemed to have been paid under section 902.

(3) *Alien resident of the United States or Puerto Rico.* An alien resident of the United States, or an alien individual who is a bona fide resident of Puerto Rico during the entire taxable year, may claim a credit for—

(i) The amount of any income, war profits, and excess profits taxes paid or accrued during the taxable year to any possession of the United States;

(ii) The amount of any such taxes paid or accrued during the taxable year to any foreign country, if the foreign country of which such alien resident is a citizen or subject, in imposing such taxes, allows a similar credit to citizens of the United States residing in such country; and

(iii) His share of any such taxes of a partnership of which he is a member, or of an estate or trust of which he is a beneficiary, paid or accrued during the taxable year,

(*a*) To any foreign country, if the foreign country of which such alien resident is a citizen or subject, in imposing such taxes, allows a similar credit to citizens of the United States residing in such country, or

(*b*) To any possession of the United States, as the case may be.

(b) *Foreign countries which satisfy the similar credit requirement*—(1) *Taxes of foreign country of which alien resident is citizen or subject.* A foreign country of which an alien resident is a citizen or subject allows a similar credit, within the meaning of section 901 (b) (3), to a United States citizen residing in such country either—

(i) If such country allows him a credit against its income taxes for the amount of income taxes paid or accrued to the United States; or

(ii) If, in imposing such taxes, such country exempts from taxation the income received by him from sources within the United States (as determined under sections 861 through 864).

(2) *Taxes of foreign country other than one of which alien resident is citizen or subject.* An alien resident of the United States may claim a credit for income taxes paid or accrued by him to a foreign country other than the one of which he is a citizen or subject if the country of which he is a citizen or subject either—

(i) Allows a credit to a United States citizen residing therein for income taxes paid or accrued by him to such other foreign country; or

(ii) In imposing its income taxes, exempts from taxation the income of a United States citizen residing therein from sources within such other foreign country.

(c) *Deduction denied if credit claimed.* If a taxpayer chooses with respect to any taxable year to claim a credit for taxes to any extent, such choice will be considered to apply to income, war profits, and excess profits taxes paid or accrued to all foreign countries and possessions of the United States, and no portion of any such taxes shall be allowed as a deduction from gross income. See section 164 (b) (6).

(d) *Period during which election can be made or changed.* The taxpayer may, with respect to a particular taxable year, claim the benefits of section 901 (or change such choice if previously made) at any time prior to the expiration of the period prescribed for making a claim for credit or refund of the tax against which the credit is allowable. See section 6511 (a) and (d) (3).

(e) *Joint return.* In the case of a husband and wife making a joint return, credit for taxes paid or accrued to any foreign country or to any possession of the United States shall be computed upon the basis of the total taxes so paid by or accrued against the spouses.

(f) *Taxes against which credit not allowed.* The credit for taxes shall be allowed only against the tax imposed by chapter 1 but it shall not be allowed against the following taxes imposed under that chapter:

(1) The tax on accumulated earnings imposed by section 531;

(2) The personal holding company tax imposed by section 541; and

(3) The additional tax relating to war loss recoveries imposed by section 1333.

(g) *Taxpayers to whom credit not allowed.* Among those to whom the credit for taxes is not allowed are the following:

(1) A foreign corporation (see section 882 (c) (4));

(2) A China Trade Act corporation (see section 942);

(3) A citizen or domestic corporation entitled to the benefits of the exemption provided by section 931 for income from possessions of the United States (see section 931 (g));

(4) A nonresident alien, other than an alien individual who is a bona fide resident of Puerto Rico during the entire taxable year (see sections 874 (c) and 901 (b) (3));



(5) A citizen of a possession of the United Staets (except the Virgin Islands and Puerto Rico) who is not otherwise a citizen of the United States and who is not a resident of the United States (see section 932).

(h) *Taxpayers denied credit in a particular taxable year.* Taxpayers who are denied the credit for taxes for particular taxable years are the following:

(1) An individual who elects to pay the optional tax imposed by section 3, or one who elects under section 144 to take the standard deduction (see section 36);

(2) A taxpayer who elects to deduct taxes paid or accrued to any foreign country or possession of the United States (see section 164);

(3) A regulated investment company which has exercised the election under section 853.

§ 1.901–2 *Definitions.* (a) The term "amount of any income, war profits, and excess profits taxes paid or accrued during the taxable year" means taxes proper, paid or accrued during the taxable year on behalf of the taxpayer claiming credit. No credit is given for amounts representing interest or penalties.

(b) As used in sections 901–905, inclusive, the term "foreign country" means any foreign state or political subdivision thereof, or any foreign political entity, which levies and collects income, war profits, or excess profits taxes.

(c) As used in sections 901–905, inclusive, the term "any possession of the United States" includes Guam, Puerto Rico and the Virgin Islands. But see section 931 and the regulations thereunder.

(d) The principles of sections 861 through 864 and the regulations thereunder shall apply in determining the sources of income for the purposes of sections 901–905, inclusive.

(e) For definitions generally, see section 7701 and the regulations thereunder.

§ 1.902 *Statutory provisions; credit for corporate stockholder in foreign corporation.*

SEC. 902. *Credit for corporate stockholder in foreign corporation*—(a) *Treatment of taxes paid by foreign corporation.* For purposes of this subpart, a domestic corporation which owns at least 10 percent of the voting stock of a foreign corporation from which it receives dividends in any taxable year shall be deemed to have paid the same proportion of any income, war profits, or excess profits taxes paid or deemed to be paid by such foreign corporation to any foreign country or to any possession of the United States, on or with respect to the accumulated profits of such foreign corporation from which such dividends were paid, which the amount of such dividends bears to the amount of such accumulated profits.

(b) *Foreign subsidiary of foreign corporation.* If such foreign corporation owns 50 percent or more of the voting stock of another foreign corporation from which it receives dividends in any taxable year, it shall be deemed to have paid the same proportion of any income, war profits, or excess profits taxes paid by such other foreign corporation to any foreign country or to any possession of the United States, on or with respect to the accumulated profits of the corporation from which such dividends were paid, which the amount of such dividends bears to the amount of such accumulated profits.

(c) *Applicable rules.* (1) The term "accumulated profits," when used in this section in reference to a foreign corporation, means the amount of its gains, profits, or income in excess of the income, war profits, and excess profits taxes imposed on or with respect to such profits or income; and the Secretary or his delegate shall have full power to determine from the accumulated profits of what year or years such dividends were paid, treating dividends paid in the first 60 days of any year as having been paid from the accumulated profits of the preceding year or years (unless to his satisfaction shown otherwise), and in other respects treating dividends as having been paid from the most recently accumulated gains, profits, or earnings.

(2) In the case of a foreign corporation, the income, war profits, and excess profits taxes of which are determined on the basis of an accounting period of loss than 1 year, the word "year" as used in this subsection shall be construed to mean such accounting period.

(d) *Special rules for certain wholly-owned foreign corporations.* For purposes of this subtitle, if—

(1) A domestic corporation owns, directly or indirectly, 100 percent of all classes of outstanding stock of a foreign corporation engaged in manufacturing, production, or mining,

(2) Such domestic corporation receives property in the form of a royalty or compensation from such foreign corporation pursuant to any portion of contractual arrangement under which the domestic corporation agrees to furnish services or property in consideration for the property so received, and

(3) Such contractual arrangement provides that the property so received by such domestic corporation shall be accepted by such domestic corporation in lieu of dividends and that such foreign corporation shall neither declare nor pay any dividends of any kind in any calendar year in which such property is paid to such domestic corporation by such foreign corporation,

then the excess of the fair market value of such property so received by such domestic corporation over the cost to such domestic corporation of the property and services so furnished by such domestic corporation shall be treated as a distribution by such foreign corporation to such domestic corporation, and for purposes of section 301, the amount of such distribution shall be such excess, in lieu of any amount otherwise determined under section 301 without regard to this subsection; and the basis of such property so received by such domestic corporation shall be the fair market value of such property, in lieu of the basis otherwise determined under section 301 (d) without regard to this subsection.

§ 1.902–1 *Taxes of foreign corporation*—(a) *Domestic corporation owning stock of a foreign corporation.* In the case of a domestic corporation which owns at least 10 percent of the voting stock of a foreign corporation from which it receives dividends in any taxable year, the credit for foreign taxes includes the income, war profits, and excess profits taxes deemed to have been paid by such domestic corporation. The amount of taxes so deemed to have been paid by the domestic corporation is determined by taking the same proportion of any income, war profits, and excess profits taxes paid or accrued to any foreign country or to any possession of the United States by such foreign corporation, on or with respect to the accumulated profits of such foreign corporation from which such dividends were paid, which the amount of any such dividends received bears to the amount of such accumulated profits. If dividends are received from more than one such foreign corporation, the taxes deemed to have been paid by the domestic corporation are computed separately for the dividends received from each such foreign corporation. If the credit for foreign taxes includes taxes deemed to have been paid, the taxpayer must furnish the same information with respect to such taxes as it is required to furnish with respect to the taxes actually paid or accrued by it. Taxes paid or accrued by such a foreign corporation are deemed to have been paid by the domestic corporation for purposes of credit only. For other limitations on the amount of credit, see § 1.904–1.

(b) *Foreign corporation owning stock of another foreign corporation.* If any foreign corporation (hereafter in this paragraph referred to as the former corporation) coming within the scope of paragraph (a) of this section owns 50 percent or more of the voting stock of another foreign corporation (hereafter in this paragraph referred to as the latter corporation) from which it receives dividends in any taxable year, the former corporation shall be deemed to have paid that proportion of any income, war profits, and excess profits taxes paid or accrued to any foreign country or to any possession of the United States by the latter corporation, on or with respect to the accumulated profits of such latter corporation from which such dividends were paid, which the amount of such dividends bears to the amount of such accumulated profits. Such tax so deemed to have been paid shall then be taken into consideration in determining the amount of income, war profits, and excess profits taxes paid or deemed to have been paid by the former corporation to any possession or foreign country on or with respect to its own accumulated profits from which the dividends were paid by such corporation to the domestic corporation.

(c) *Source of income of foreign subsidiaries and country to which tax is deemed to have been paid.* For the purpose of section 904, dividends of a foreign corporation (at least 10 percent of whose voting stock is owned by a domestic corporation) shall be deemed to have been derived from sources within the foreign country or possession of the United States in which such foreign corporation is incorporated, to the extent that under section 862 (a) (2) such dividends are treated as income from sources without the United States. In addition, all income, war profits, and excess profits taxes paid or deemed to have been paid by such foreign corporation to any foreign country or possession of the United States shall be deemed to have been paid to the country or possession under whose laws such foreign corporation is incorporated.

(d) *Illustration of principles.* The application of the principles of this section in the determination of the amount of the foreign tax available as a basis for a credit to the domestic corporation may be illustrated by the following example involving Corporation A, a domestic corporation which owns 40 percent

of the voting stock of Corporation B, a foreign corporation which in turn owns 80 percent of the voting stock of Corporation C, another foreign corporation. It is assumed that all transactions have taken place within, and are related to, the same taxable year.

(1) *Application of section 902 (b) to determine tax deemed to be paid by Corporation B.*

| | |
|---|---|
| (i) Gains, profits, and income of Corporation C | $125,000 |
| (ii) Foreign tax paid by Corporation C with respect to such gains, profits, and income | 25,000 |
| (iii) Accumulated profits of Corporation C: $125,000 less $25,000 | 100,000 |
| (iv) Dividends paid by Corporation C to Corporation B | $50,000 |
| (v) Corporation C foreign tax with respect to the accumulated profits of Corporation C from which the dividends were paid to Corporation B: $\$25,000 \times \frac{100,000}{125,000}$ | 20,000 |
| (vi) Corporation C foreign tax with respect to the accumulated profits distributed which is deemed to be paid by Corporation B: $\$20,000 \times \frac{50,000}{100,000}$ | 10,000 |

(2) *Application of section 902 (a) to determine tax deemed to be paid by Corporation A.*

| | | |
|---|---|---|
| (i) Gains, profits, and income of Corporation B: | | |
| Business profits | $50,000 | |
| Dividends from Corporation C (as per subparagraph (1)) | 50,000 | |
| | | $100,000 |
| (ii) Foreign tax actually paid by Corporation B with respect to such gains, profits, and income | | 20,000 |
| (iii) Accumulated profits of Corporation B: $100,000 income less $20,000 taxes paid | | 80,000 |
| (iv) Dividends paid by Corporation B to Corporation A | | 15,000 |
| (v) Corporation B foreign tax paid with respect to the accumulated profits of Corporation B from which the dividends were paid to Corporation A: $\$20,000 \times \frac{80,000}{100,000}$ | | 16,000 |
| (vi) Corporation B foreign tax paid, and deemed to be paid, with respect to the accumulated profits of Corporation B from which the dividends were paid to Corporation A: $16,000 plus $10,000 | | 26,000 |
| (vii) Corporation B foreign tax with respect to the accumulated profits distributed which is deemed to be paid by Corporation A: $\frac{15,000}{80,000} \times \$26,000$ | | 4,875 |

§ 1.902–2 *Special rules for payments from certain wholly-owned foreign corporations*—(a) *Qualifications.* Section 902 (d) provides a special rule for the purpose of allowing credit in accordance with section 902 (a) for foreign taxes in the case of dividends paid by certain foreign corporations. Certain payments made by a wholly-owned foreign subsidiary to its domestic parent corporation shall be treated, to the extent prescribed in section 902 (d) and paragraph (b) of this section, as distributions by the foreign corporation to the domestic corporation for purposes of subtitle A and thus for purposes of the foreign tax credit of the domestic parent. In order for the payments to qualify for the treatment provided by section 902 (d) all the following conditions must be met:

(1) The domestic corporation must own (directly or indirectly) 100 percent of all classes of outstanding stock of a foreign corporation which is engaged in manufacturing, production, or mining.

(2) Such domestic corporation must receive property (including money) in the form of a royalty or of compensation from such foreign corporation pursuant to any form of contractual arrangement under which the domestic corporation agrees to furnish services or property in consideration for the property so received from the foreign corporation.

(3) Such contractual arrangement must provide that the property so received by such domestic corporation shall be accepted by such domestic corporation in lieu of dividends and that such foreign corporation shall neither declare nor pay any dividends of any kind in any calendar year in which such property is paid to the domestic corporation by such foreign corporation.

(b) *Amount and nature of distribution.* In cases where section 902 (d) applies, the excess of the fair market value of the property so received in lieu of dividends by the domestic corporation over the cost to it of the property and services so furnished by it shall be treated as a distribution of property by the foreign corporation to which section 301 applies. For purposes of section 301 (relating to distributions of property by a corporation to a shareholder) the amount of such distribution in lieu of dividends shall be such excess of the fair market value (on the date of distribution) of the property received by the domestic corporation over the cost of the property and services furnished by it, in lieu of any amount otherwise determined under section 301 without regard to section 902 (d). However, the amount determined under the preceding two sentences can not exceed the amount which would constitute a dividend for the purposes of subtitle A, and thus for the purposes of section 902 (a), if such excess had been declared and paid as a dividend by such foreign corporation. Any adjustment to the earnings and profits of the foreign corporation because of such distribution of property shall be made only in accordance with the provisions of section 312. The basis of the property so received by the domestic corporation shall be the fair market value of such property (on the date of distribution), in lieu of the basis otherwise determined under section 301 (d) without regard to section 902 (d).

(c) *Illustration of principles.* The application of the principles of section 902 (d) may be illustrated by the following example:

*Example.* A, a domestic corporation, has owned since January 1, 1950, 100 percent of all classes of outstanding stock of B, a foreign corporation engaged in the mining of certain ore (not constituting inventory assets as defined in section 312 (b) (2) (A)). On February 1, 1950, A and B entered into a contractual arrangement under which A agreed to furnish technical services to B in consideration of a royalty payment by B of ten percent of the ore mined. The contractual arrangement further provides that the ore received by A shall be accepted in lieu of dividends and that B shall neither declare nor pay any dividends of any kind in any calendar year in which such ore is paid to A. In 1955, the cost to A of the technical services furnished under the contractual arrangement is $30,000. The ore received by A during 1955, had an adjusted basis in the hands of B of $40,000, and a fair market value of $100,000. The earnings and profits of B accumulated as of the close of 1955, are $200,000. Under these facts A has received from B in 1955 a distribution under section 902 (d) of $70,000 ($100,000 minus $30,000), which is includible in the gross income of A as a dividend in that amount. A is deemed to have paid, to the extent provided in section 902 (a), foreign income taxes imposed on B on or with respect to the accumulated profits of B from which such dividend of $70,000 was paid. The basis to A of the ore received is $100,000, its fair market value. The accumulated earnings and profits of B shall be reduced by $28,000 $\left(\frac{\$70,000}{\$100,000} \times \$40,000\right)$, i. e., that portion of the adjusted basis (in the hands of B immediately prior to the distribution) of the property distributed which is allocable to the distribution.

§ 1.903 *Statutory provisions; credit for taxes in lieu of income, etc., taxes.*

SEC. 903. *Credit for taxes in lieu of income, etc., taxes.* For purposes of this subpart and of section 164 (b), the term "income, war profits, and excess profits taxes" shall include a tax paid in lieu of a tax on income, war profits, or excess profits otherwise generally imposed by any foreign country or by any possession of the United States.

§ 1.903–1 *Definition of taxes in lieu of income, war profits, or excess profits taxes*—(a) *In general.* For the purposes of sections 901 through 905, inclusive, and section 164 (b) (6), the term "income, war profits, and excess profits taxes" includes a tax imposed by statute or decree by a foreign country or by a possession of the United States if—

(1) Such country or possession has in force a general income tax law,

(2) The taxpayer claiming the credit would, in the absence of a specific provision applicable to such taxpayer, be subject to such general income tax, and

(3) Such general income tax is not imposed upon the taxpayer thus subject to such substituted tax.

(b) *Example.* The application of section 903 may be illustrated by the following example:

*Example.* The A Corporation does business in X country, which imposes an income tax upon substantially a taxable income base. The ascertainment of taxable income, though not the determination of gross income, from sources in X country is found administratively difficult. The X country, by decree, provides that corporations circumstanced as was the A Corporation would, in lieu of the income tax at the rate of 20 percent otherwise payable, be subject to tax at the rate of 10 percent upon the amount of gross income from X country. In accordance with such decree the A Corporation paid X country the sum of $25,000 in 1955 with respect to its tax liability to the X country for the year 1954. Such amount, subject to the applicable limitation, is available as a credit to the A Corporation as foreign income, war profits, or excess profits taxes against the United States tax liability for the year 1954.



§ 1.904 *Statutory provisions; limitation on credit.*

SEC. 904. *Limitation on credit*—(a) *Limitation.* The amount of the credit in respect of the tax paid or accrued to any country shall not exceed the same proportion of the tax against which such credit is taken which the taxpayer's taxable income from sources within such country (but not in excess of the taxpayer's entire taxable income) bears to his entire taxable income for the same taxable year.

(b) *Taxable income for purpose of computing limitation.* For purposes of computing the limitation under subsection (a), the taxable income in the case of an individual, estate, or trust shall be computed without any deduction for personal exemptions under section 151 or 642 (b).

§ 1.904–1 *Limitation on credit for foreign taxes*—(a) *General.* The amount allowable as a credit for income or profits taxes paid or accrued to a foreign country or a possession of the United States is subject to the limitation prescribed in section 904. This limitation provides that the credit for such taxes paid or accrued (including those deemed to have been paid) to each foreign country or possession of the United States may not exceed that proportion of the tax against which credit is taken which the taxpayer's taxable income from sources within such country or possession (but not in excess of taxpayer's entire taxable income) bears to his entire taxable income for the same taxable year.

(b) *Special computation of taxable income.* For purposes of computing the limitation under paragraph (a), the taxable income in the case of an individual, estate, or trust shall be computed without any deduction for personal exemptions under section 151 or 642 (b).

(c) *Illustration of principles.* The operation of this limitation on the credit for foreign taxes paid or accrued may be illustrated by the following examples:

*Example (1).* The credit for foreign taxes allowable for 1954 in the case of X, an unmarried citizen of the United States who in 1954 received the income shown below and had three exemptions under section 151, is $14,904, computed as follows:

| | | |
|---|---|---|
| Taxable income (computed without deductions for personal exemptions) from sources within the United States | $50,000 | |
| Taxable income (computed without deductions for personal exemptions) from sources within Great Britain | 25,000 | |
| Total taxable income | 75,000 | |
| United States income tax (based on taxable income computed with the deductions for personal exemptions) | | 44,712 |
| British income and profits taxes | | $18,000 |
| Limitation under section 904 $\left(\frac{25,000}{75,000} \text{ of } \$44,712\right)$ | | 14,904 |
| Credit for British income and profits taxes (total British income and profits taxes, reduced in accordance with the limitation under section 904) | | 14,904 |

*Example (2).* Assume the same facts as in example (1) except that the sources of X's income and taxes paid are as shown below. The credit for foreign taxes allowable to X is $13,442.40, computed as follows:

| | | |
|---|---|---|
| Taxable income (computed without deductions for personal exemptions) from sources within the United States | $50,000 | |
| Taxable income (computed without deductions for personal exemptions) from sources within Great Britain | 15,000 | |
| Taxable income (computed without deductions for personal exemptions) from sources within Canada | 10,000 | |
| Total taxable income | 75,000 | |
| United States income tax (based on taxable income computed with the deductions for personal exemptions) | | 44,712 |
| British income and profits taxes | | 10,800 |
| Limitation on British income and profits taxes under section 904 $\left(\frac{15,000}{75,000} \text{ of } \$44,712\right)$ | | $8,942.40 |
| Credit for British income and profits taxes (limited under section 904) | | 8,942.40 |
| Canadian income and profits taxes | | 4,500.00 |
| Limitation on Canadian income and profits taxes under section 904 $\left(\frac{10,000}{75,000} \text{ of } \$44,712\right)$ | | 5,961.60 |
| Credit for Canadian income and profits taxes (total Canadian income and profits taxes, since such amount does not exceed the limitation under section 904) | | 4,500.00 |
| Total amount of credit allowable (sum of credits—$8,942.40 plus $4,500) | | 13,442.40 |

*Example (3).* A domestic corporation realized taxable income in 1954 in the amount of $100,000, consisting of $50,000 from United States sources and dividends of $50,000 from a French corporation, 20 percent of whose voting stock it owned. The French corporation paid income and profits taxes to France on its income and in addition paid a dividend tax for the account of its shareholders on income distributed to them, the latter tax being withheld and paid at the source. The domestic corporation's credit for foreign taxes is $23,250, computed as follows:

| | | |
|---|---|---|
| Taxable income from sources within the United States | $50,000 | |
| Taxable income from sources within France | 50,000 | |
| Total taxable income | 100,000 | |
| United States income tax | | 46,500 |
| Dividend tax paid at source to France | | 19,000 |
| Income and profits taxes deemed under section 902 to have been paid to France, computed as follows: | | |
| Dividends received from French corporation during 1954 | $50,000 | |
| Income of French corporation during 1954 | 200,000 | |
| Income and profits taxes paid to France on $200,000 | 30,000 | |
| Accumulated profits ($200,000 minus $30,000) | 170,000 | |
| French taxes applicable to accumulated profits distributed: $\frac{50,000}{170,000}$ of $\frac{170,000}{200,000}$ of $30,000 | | 7,500 |
| Total income and profits taxes paid and deemed to have been paid to France | | 26,500 |
| Limitation under section 904 $\left(\frac{50,000}{100,000} \text{ of } \$46,500\right)$ | | 23,250 |
| Credit for French income and profits taxes (limited under section 904) | | 23,250 |

(d) *Joint return.* In the case of a husband and wife making a joint return, the limitation prescribed by section 904 upon the credit for taxes paid or accrued to any foreign country or to any possession of the United States shall be applied with respect to the aggregate taxable income from sources within each such country or possession, and the aggregate taxable income from all sources, of the spouses.

§ 1.905 *Statutory provisions; applicable rules.*

SEC. 905. *Applicable rules*—(a) *Year in which credit taken.* The credits provided in this subpart may, at the option of the taxpayer and irrespective of the method of accounting employed in keeping his books, be taken in the year in which the taxes of the foreign country or the possession of the United States accrued, subject, however, to the conditions prescribed in subsection (c). If the taxpayer elects to take such credits in the year in which the taxes of the foreign country or the possession of the United States accrued, the credits for all subsequent years shall be taken on the same basis, and no portion of any such taxes shall be allowed as a deduction in the same or any succeeding year.

(b) *Proof of credits.* The credits provided in this subpart shall be allowed only if the taxpayer establishes to the satisfaction of the Secretary or his delegate—

(1) The total amount of income derived from sources without the United States, determined as provided in part I,

(2) The amount of income derived from each country, the tax paid or accrued to which is claimed as a credit under this subpart, such amount to be determined under regulations prescribed by the Secretary or his delegate, and

(3) All other information necessary for the verification and computation of such credits.

(c) *Adjustments on payment of accrued taxes.* If accrued taxes when paid differ from the amounts claimed as credits by the taxpayer, or if any tax paid is refunded in whole or in part, the taxpayer shall notify the Secretary or his delegate, who shall redetermine the amount of the tax for the year or years affected. The amount of tax due on such redetermination, if any, shall be paid by the taxpayer on notice and demand by the Secretary or his delegate, or the amount of tax overpaid, if any, shall be credited or refunded to the taxpayer in accordance with subchap-

ter B of chapter 66 (sec. 6511 and following). In the case of such a tax accrued but not paid, the Secretary or his delegate, as a condition precedent to the allowance of this credit may require the taxpayer to give a bond, with sureties satisfactory to and to be approved by the Secretary or his delegate, in such sum as the Secretary or his delegate may require, conditioned on the payment by the taxpayer of any amount of tax found due on any such redetermination; and the bond herein prescribed shall contain such further conditions as the Secretary or his delegate may require. In such redetermination by the Secretary or his delegate of the amount of tax due from the taxpayer for the year or years affected by a refund, the amount of the taxes refunded for which credit has been allowed under this section shall be reduced by the amount of any tax described in section 901 imposed by the foreign country or possession of the United States with respect to such refund; but no credit under this subpart, and no deduction under section 164 (relating to deduction for taxes) shall be allowed for any taxable year with respect to such tax imposed on the refund. No interest shall be assessed or collected on any amount of tax due on any redetermination by the Secretary or his delegate, resulting from a refund to the taxpayer, for any period before the receipt of such refund, except to the extent interest was paid by the foreign country or possession of the United States on such refund for such period.

§ 1.905–1 *When credit for taxes may be taken*—(a) *In general.* The credit for taxes provided in sections 901 to 905, inclusive, may ordinarily be taken either in the return for the year in which the taxes accrued or in which the taxes were paid, dependent upon whether the accounts of the taxpayer are kept and his returns filed upon an accrual method or upon the cash receipts and disbursements method. Section 905 (a) allows the taxpayer, at his option and irrespective of the method of accounting employed in keeping his books, to take such credit for taxes as may be allowable in the return for the year in which the taxes accrued. An election thus made under section 905 (a) (or under the corresponding provisions of prior internal revenue laws) must be followed in returns for all subsequent years, and no portion of any such taxes will be allowed as a deduction from gross income in any year. See also § 1.905–4.

(b) *Foreign income subject to exchange controls.* If, however, under the provisions of the regulations under section 461, an amount otherwise constituting gross income for the taxable year from sources without the United States is, owing to monetary, exchange, or other restrictions imposed by a foreign country, not includible in gross income of the taxpayer for such year, the credit for income taxes imposed by such foreign country with respect to such amount shall be taken proportionately in any subsequent taxable year in which such amount or portion thereof is includible in gross income.

§ 1.905–2 *Conditions of allowance of credit*—(a) *Forms and information.* (1) Whenever the taxpayer chooses, in accordance with paragraph (d) of § 1.901–1, to claim the benefits of the foreign tax credit, the claim for credit shall be accompanied by Form 1116 in the case of an individual or by Form 1118 in the case of a corporation.

(2) The form must be carefully filled in with all the information called for and with the calculations of credits indicated, and must be signed and contain or be verified by a written declaration that it is made under the penalties of perjury. Except where it is established to the satisfaction of the district director that it is impossible for the taxpayer to furnish such evidence, the form must have attached to it (i) the receipt for each such tax payment if credit is sought for taxes already paid or (ii) the return on which each such accrued tax was based if credit is sought for taxes accrued. This receipt or return so attached must be either the original, a duplicate original, a duly certified or authenticated copy, or a sworn copy. In case only a sworn copy of a receipt or return is attached, there must be kept readily available for comparison on request the original, a duplicate original, or a duly certified or authenticated copy. If the receipt or the return is in a foreign language, a certified translation thereof must be furnished by the taxpayer. Any additional information necessary for the determination under sections 861 through 864 of the amount of income derived from sources without the United States and from each foreign country shall, upon the request of the district director, be furnished by the taxpayer.

(b) *Secondary evidence.* Where it has been established to the satisfaction of the district director that it is impossible to furnish a receipt for such foreign tax payment, the foreign tax return, or direct evidence of the amount of tax withheld at the source, the district director, may, in his discretion, accept secondary evidence thereof as follows:

(1) *Receipt for payment.* In the absence of a receipt for payment of foreign taxes there shall be submitted a photostatic copy of the check, draft, or other medium of payment showing the amount and date thereof, with certification identifying it with the tax claimed to have been paid, together with evidence establishing that the tax was paid for taxpayer's account as his own tax on his own income. If credit is claimed on an accrual method, it must be shown that the tax accrued in the taxable year.

(2) *Foreign tax return.* If the foreign tax return is not available, the foreign tax has not been paid, and credit is claimed on an accrual method, there shall be submitted:

(i) A certified statement of the amount claimed to have accrued,

(ii) Excerpts from the taxpayer's accounts showing amounts of foreign income and tax thereon accrued on its books,

(iii) A computation of the foreign tax based on income from the foreign country carried on the books and at current rates of tax to be established by data such as excerpts from the foreign law, assessment notices, or other documentary evidence thereof,

(iv) A bond, if deemed necessary by the district director, filed in the manner provided in cases where the foreign return is available, and

(v) In case a bond is not required, a specific agreement wherein the taxpayer shall recognize its liability to report the correct amount of tax when ascertained, as required by the provisions of section 905 (c).

If at any time the foreign tax receipts or foreign tax returns become available to the taxpayer, they shall be promptly submitted to the district director.

(3) *Tax withheld at source.* In the case of taxes withheld at the source from dividends, interest, royalties, compensation, or other form of income, where evidence of withholding and of the amount withheld cannot be secured from those who have made the payments, the district director may, in his discretion, accept secondary evidence of such withholding and of the amount of the tax so withheld, having due regard to the taxpayer's books of account and to the rates of taxation prevailing in the particular foreign country during the period involved.

§ 1.905–3 *Redetermination of the tax when credit proves incorrect*—(a) *In general.* In case credit has been given for taxes accrued, or a proportionate share thereof, and the amount that is actually paid on account of such taxes, or a proportionate share thereof, is not the same as the amount of such credit, or in case any tax payment credited is refunded in whole or in part, the taxpayer shall immediately notify the Commissioner. The Commissioner will thereupon redetermine the amount of the tax of such taxpayer for the year or years for which such incorrect credit was granted. The amount of tax, if any, due upon such redetermination shall be paid by the taxpayer upon notice and demand by the district director. The amount of tax, if any, shown by such redetermination to have been overpaid shall be credited or refunded to the taxpayer in accordance with the provisions of § 301.6511 (d)–3 of the regulations on procedure and administration.

(b) *Foreign tax imposed on foreign refund.* Where the redetermination of the tax for a taxable year, or years, is occasioned by the refund to the taxpayer of tax paid to a foreign country or possession of the United States, the amount of the taxes refunded for which credit has been allowed shall be reduced by the amount of any tax described in section 901 imposed by the foreign country or possession of the United States with respect to such refund. In such case no credit under section 901, and no deduction under section 164, shall be allowed for any taxable year with respect to such tax imposed on the refund.

(c) *Interest.* Where the redetermination of the tax for a taxable year, or years, is occasioned by the refund to the taxpayer of tax paid to a foreign country or possession of the United States, no interest shall be assessed or collected on the amount of tax due upon such redetermination resulting from such refund to the taxpayer, for any period before the receipt of such refund, except to the extent interest was paid by the foreign country or possession of the United States on such refund for such period.



§ 1.905–4 *Credit for taxes accrued but not paid.* In the case of a credit sought for a tax accrued but not paid, the district director may, as a condition precedent to the allowance of a credit, require a bond from the taxpayer, in addition to Form 1116 or 1118. If such a bond is required, Form 1117 shall be used by an individual; and Form 1119, by a corporation. It shall be in such sum as the Commissioner may prescribe, and shall be conditioned for the payment by the taxpayer of any amount of tax found due upon any redetermination of the tax made necessary by such credit proving incorrect, with such further conditions as the district director may require. This bond shall be executed by the taxpayer, or the agent or representative of the taxpayer, as principal, and by sureties satisfactory to and approved by the Commissioner. See also 6 U. S. C. 15.

[F. R. Doc. 56–4918; Filed, June 21, 1956; 8:49 a. m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### [ 7 CFR Part 52 ]

CANNED SWEET CHERRIES [1]

U. S. STANDARDS FOR GRADES

Notice is hereby given that the United States Department of Agriculture is considering amendments to the United States Standards for Grades of Canned Sweet Cherries (7 CFR 52.821 to 52.836), pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended, 7 U. S. C. 1621 et seq.). The amendments as hereinafter set forth provide for a redefinition of slightly damaged, damaged, and seriously damaged cherries, and a change in the allowance for seriously damaged cherries in U. S. Grade B or U. S. Choice grade.

ten data, views, or arguments for consideration in connection with the proposed amendments should file the same with the Chief, Processed Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than December 31, 1956.

The proposed amendments to § 52.833 are as follows:

1. Change paragraph (a) to read:

§ 52.833 *Absence of defects*—(a) *General.* The factor of absence of defects refers to the degree of freedom from harmless extraneous material; from portions of stems; from pits or portions thereof in pitted style; from slightly damaged, damaged, seriously damaged, slightly misshapen, misshapen, blemished, and seriously blemished cherries; and from any other defects which detract from the appearance or edibility of the product. Processing cracks are not considered as defects but are considered under the factor of character. (§ 52.834).

2. Change paragraphs (a) (5) and (6) to read:

(5) "Slightly damaged" means any injury other than blemishes which affects the appearance of the cherry, and includes:

(i) Circular cracks with slight discoloration, such as "rain checks," confined entirely within the stem basin and more than ¼ inch, but not more than ½ inch, in length;

(ii) Cracks with slight discoloration, such as "rain checks," outside the stem basin and more than 3/16 inch, but not more than ⅜ inch in length;

(iii) Mutilated cherries in unpitted style whereby the cherry is seriously torn at the stem and that such torn area exceeds that of a circle ¼ inch in diameter; and mutilated cherries in pitted style whereby the cherry is so pitter-torn or so damaged by other similar means that the entire pit cavity is exposed and the appearance of the cherry is seriously affected.

(6) "Damaged" means any injury other than blemishes which materially affects the appearance of the cherry and includes:

(i) Circular cracks with discoloration, such as "rain checks," confined entirely within the stem basin and more than ½ inch in length;

(ii) Cracks with discoloration, such as "rain checks," outside the stem basin and more than ⅜ inch in length;

3. Insert new paragraph (a) (7) to read:

(7) "Seriously damaged" means damaged to the extent that the appearance or edibility of the cherry is seriously affected.

4. In paragraph (a), renumber subparagraphs as follows: Change (7) to (8), (8) to (9), (9) to (10), and (10) to (11).

5. Change paragraph (b) (4) to read:

(4) A total of 10 percent, by count, of the cherries may be slightly damaged, damaged, seriously damaged, slightly misshapen, misshapen, blemished, seriously blemished, or any combination thereof but not more than 5 percent, by count, of the cherries may be damaged, seriously damaged, misshapen, blemished, seriously blemished, or any combination thereof: *Provided,* That not more than 2 percent, by count, of the cherries may be seriously blemished and seriously damaged.

6. Change paragraph (c) (4) to read:

(4) A total of 20 percent, by count, of the cherries may be slightly damaged, damaged, seriously damaged, slightly misshapen, misshapen, blemished, seriously blemished, or any combination thereof but not more than 10 percent, by count, of the cherries may be damaged, seriously damaged, misshapen, blemished, seriously blemished, or any combination thereof: *Provided,* That not more than 4 percent, by count, of the cherries may be seriously blemished and seriously damaged.

7. Change paragraph (d) (4) to read:

(4) A total of 30 percent, by count, of the cherries may be slightly damaged, damaged, seriously damaged, misshapen, blemished, seriously blemished, or any combination thereof but not more than 15 percent, by count, of the cherries may be blemished, seriously blemished, and seriously damaged.

(Sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624)

Dated: June 19, 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator,*
*Marketing Services.*

[F. R. Doc. 56–4942; Filed, June 21, 1956; 8:53 a. m.]

[1] Compliance with the provisions of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

### [ 7 CFR Part 905 ]

[Docket No. AO–209–A8]

HANDLING OF MILK IN OKLAHOMA CITY, OKLA., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR Part 900), a public hearing was held at Oklahoma City, Oklahoma, June 5, 1956, pursuant to notice which was issued May 17, 1956 (21 F. R. 3319).

The sole issues of the hearing related to the reports of daily average bases for certain producers entering the market through consolidation of plant operations and the necessity for prompt action with respect to this issue.

*Findings and conclusions.* The following findings and conclusions are based on the evidence received at the hearing and the record thereof:

1. Provision should be made that bases be computed for certain producers entering the Oklahoma City market because of a consolidation of plant operations. A fluid milk plant in a nearby city has recently been acquired by a handler with an approved plant in the Oklahoma City marketing area. This handler now plans to combine the operations of the plant acquired with those currently carried out in his approved plant. Some twelve farmers who have supplied the plant acquired will thus become producers under the Oklahoma City order. Under the present provisions of the order such producers would have no daily average bases since they were not producers on the Oklahoma City market during the months of September through December 1955 when bases effective for the period of February through July 1956 were established.

The merger of the plant operations will add a volume of Class I sales to the Oklahoma City market which was previously associated with the milk of these producers. The September through December 1955 deliveries of these producers are available since bases were established with the nonpool plant for deliveries in

these months and the records of the plant are available to the market administrator. The principal producers' association supplying the Oklahoma City market has requested that bases be established for these producers, as has the handler receiving their milk. In view of all the circumstances associated with this change in plant operations it appears equitable that bases be computed for the producers who supplied the plant now to be closed during the base forming period specified in the order.

2. The due and timely execution of the function of the Secretary under the act imperatively and unavoidably requires the omission of a recommended decision by the Deputy Administrator, Agricultural Marketing Service, and the opportunity for exceptions thereto on the actions contained in the amendments herein provided.

Delay beyond the minimum time required to make the attached amending order effective would defeat the purpose of such amendment. The bases to be computed for producers affected by the amendment will be used as a basis of payment for their deliveries only through July 1956. Failure to amend the method of computation of such bases will result in inequities to such producers to the detriment of the market. Accordingly, the time necessarily involved in the preparation, filing and publication of the recommended decision and the consideration of exceptions thereto would make such action ineffective.

The propriety of omitting a recommended decision and opportunity to file exceptions thereto with respect to the issues here decided was indicated in the hearing record by interested parties, who filed no briefs on the evidence with respect to the issue of this hearing.

*Determination of representative period.* The month of May 1956 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order amending the order regulating the handling of milk in the Oklahoma City, Oklahoma, marketing area in the manner set forth in the attached amending order is approved or favored by producers who, during such period were engaged in the production of milk for sale in the marketing area specified in such order.

*General findings.* (a) The proposed marketing agreement and the order, as hereby proposed to be amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the proposed marketing agreement and in the order, as hereby proposed to be amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed marketing agreement and the order, as hereby proposed to be amended, will regulate the handling of milk in the same manner as, and are applicable only to persons in the respective classes of industrial and commercial activity specified in the said marketing agreement upon which a hearing has been held.

*Marketing agreement and order.* Annexed hereto and made a part hereof are two documents entitled respectively "Marketing Agreement Regulating the Handling of Milk in the Oklahoma City, Oklahoma, Marketing Area," and "Order Amending the Order, Regulating the Handling of Milk in the Oklahoma City, Oklahoma, Marketing Area," which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

It is hereby ordered that all of this decision except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the order, as hereby proposed to be amended by the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 19th day of June 1956.

[SEAL] EARL L. BUTZ,
*Assistant Secretary.*

*Order*[1] *Amending the Order, as Amended, Regulating the Handling of Milk in the Oklahoma City, Oklahoma, Marketing Area*

§ 905.0 *Finding and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Oklahoma City, Oklahoma, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

*Order relative to handling.* It is therefore ordered that on and after the effective date hereof the handling of milk in the Oklahoma City, Oklahoma, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete the period (.) at the end of § 905.65 (a), substitute therefor a colon (:) and add the following: "*Provided*, That deliveries during the months of September 1955 through December 1955 to a plant whose operations have since been transferred to an approved plant shall be used in the computation of daily average bases effective through July 1956 for producers who became producers through such transfer of operations."

[F. R. Doc. 56-4943; Filed, June 21, 1956; 8:53 a. m.]

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.



# NOTICES

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

[Order No. 33]

ASSISTANT COMMISSIONER (OPERATIONS)

DELEGATION OF CERTAIN ADDITIONAL FUNCTIONS

Pursuant to the authority vested in me as Commissioner of Internal Revenue, it is hereby ordered, subject to my continuing general supervision:

1. There are delegated to the Assistant Commissioner (Operations) the functions vested in the Commissioner:

(a) To perform, manage, administer, and provide direction of the operational activities of the Internal Revenue Service pertaining to alcohol and tobacco tax, appellate, audit, collection, and intelligence activities; and

(b) To decide upon and make allocations of funds and personnel to the extent that funds and personnel are made available for the support of such activities.

2. Without limitation this authority includes authority to redelegate any function vested in the Assistant Commissioner (Operations) and to amend or revoke existing delegations respecting such activities: *Provided*, That in the absence of such amendment or revocation, delegations respecting such activities shall remain in effect.

3. Any order, mimeograph, instruction, circular, or other provision in effect immediately prior to the effective date of this order inconsistent with any provision of this order is modified to the extent of such inconsistency.

4. This order shall be effective June 6, 1956.

Issued: June 1, 1956.

RUSSELL C. HARRINGTON,
*Commissioner.*

[F. R. Doc. 56-4919; Filed, June 21, 1956; 8:49 a. m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[60586]

ALASKA

WITHDRAWING PUBLIC LANDS FOR SCHOOL PURPOSES

JUNE 15, 1956.

By virtue of the authority vested in the Secretary of the Interior by the act of May 31, 1938 (52 Stat. 593; 48 U. S. C. 353a), and pursuant to Departmental Order No. 2583, sec. 2.22 (a) of August 16, 1950, it is ordered as follows:

Subject to valid existing rights, the following-described land at Point Lay, Alaska, is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining and mineral-leasing laws, and reserved under the jurisdiction of the Bureau of Indian Affairs, Department of the Interior, for school purposes:

Beginning at a point from which the northwest corner of the school building owned by the Alaska Native Service, located on the beach of the Arctic Ocean in the native village of Point Lay bears south 150 feet and east 150 feet, thence by metes and bounds:

Southwesterly, 300 feet, along the shore of the Arctic Ocean;

Southeasterly, 400 feet, parallel with the school building to a point on a lagoon;

Northeasterly, 300 feet, along shore of the lagoon;

Northwesterly, 400 feet, parallel to the school building to point of beginning.

The area described contains 2.7 acres.

The reservation made by this order shall be subject to the withdrawal made by Public Land Order No. 82 of January 22, 1943, which reserved lands for use in connection with the prosecution of the war.

EDWARD WOOZLEY,
*Director.*

[F. R. Doc. 56-4916; Filed, June 21, 1956; 8:48 a.m.]

## GENERAL SERVICES ADMINISTRATION

[Project 3-DC-01]

FEDERAL OFFICE BUILDINGS

PROSPECTUS FOR PROPOSED BUILDINGS IN SOUTHWEST REDEVELOPMENT AREA OF DISTRICT OF COLUMBIA

EDITORIAL NOTE: This prospectus of proposed Project Number 3-DC-01 is published pursuant to section 412 (f) of the Public Buildings Purchase Contract Act of 1954 as amended by Public Law 150, 84th Congress, which requires publication in the FEDERAL REGISTER, for a period of ten consecutive days from date of submission to the Committees on Public Works of the Senate and House of Representatives.

Project Number 3-DC-01 (Revised)

MARCH 14, 1956.

FORMAL PROSPECTUS FOR PROPOSED BUILDING UNDER TITLE I PUBLIC LAW 519, 83D CONGRESS, 2D SESSION

FEDERAL OFFICE BUILDING, WASHINGTON, D. C.

1. *Brief description of proposed building.* The project contemplates the erection of a group of three Federal Office Buildings on a site to be acquired by the Government facing on the proposed Tenth Street Mall in the southwest redevelopment area of Washington, D. C. Each building will be multi-storied. An aggregate of approximately 643,000 square feet of net assignable space will be provided.

2. *Estimated maximum cost and financing.*
a. Maximum cost of site and buildings, $25,250,000.
b. Proposed contract term, 30 years.
c. Maximum rate of interest on purchase contract, 4 percent.

3. *Certificates of need.* As the project is intended to provide relocation of numerous Federal agencies now in temporary buildings, no specific allocation of space can be made at this time. Upon completion of the facility, assignment and reassignment will be made in accordance with existing law. Therefore, requirement for Certificate of Need otherwise required by section 411 (e) of the Public Buildings Purchase Contract Act of 1954 was waived in Public Law 150, 84th Congress. Certification is hereby made as to the need for service and garage space.

4. *Non-availability of existing space.* Suitable space owned by the Government is not available; and suitable rental space is not available at a price commensurate with that to be afforded through the contract proposed.

5. *Estimated annual managerial, custodial, heat, and utility costs.* (Services to be supplied by Government), $675,000.

6. *Estimated annual tax liability, upkeep and maintenance.* a. Taxes, post construction (contract period), $321,625.

b. Upkeep and maintenance (to be provided by Government), $96,000.

7. *Current annual housing costs.* Rents and other housing costs currently paid by the Government for agencies to be housed in the building to be erected, $509,000 p. a.

*Determination of need.* It has been determined that (1) the needs for space for the permanent activities of the Federal Government in this particular area cannot be satisfied by utilization of any existing suitable property now owned by the Government, and (2) the best interests of the United States will be served by taking action hereunder.

Submitted at Washington, D. C., on June 1, 1956.

Approved:

FRANKLIN G. FLOETE,
*Administrator of General Services.*

8. *Statement of Director, Bureau of the Budget.* Reflected in letter (copy attached).

EXECUTIVE OFFICE OF THE PRESIDENT

BUREAU OF THE BUDGET

WASHINGTON 25, D. C.

JUNE 13, 1956.

Project 3-DC-01 (Revised 3-14-56).
3 Multi-storied Federal Office Buildings.
Southwest Redevelopment Area, Washington, D. C.

MY DEAR MR. FLOETE: Pursuant to section 411 (e) (8) of the Public Buildings Purchase Contract Act of 1954 (Public Law 519), the (Revised March 14, 1956) proposal for a group of three Federal Office Buildings, transmitted with your letter of June 1, 1956, has been examined and in my opinion "is necessary and in conformity with the policy of the President." This approval is given with the following understanding:

1. Revision reflects the application of more definite plans for integration of the facility with the proposed Tenth Street Mall developed subsequent to approval of the project last July. Effective integration requires construction of three building units in lieu of one, as originally proposed. Garage space of 134,250 square feet not contemplated in original project is provided. Number of employees, utilization of space and cost factors are relatively the same.

2. That the stated project cost of $25,250,000 (including $2,500,000 for a site to be acquired) is a maximum figure.

3. That the reported annual operating cost of existing Tempos 4, 5, and T; i. e., $1.00 per square foot, represents minimum maintenance in anticipation of demolition, and that temporary Government buildings actually cost more to maintain than the proposed new buildings.

4. That the proposed buildings will house approximately 10% of Federal employees presently housed in temporary buildings, and that the specific allocation of agencies in the proposed buildings is to be determined later by General Services Administration.

5. That every effort will be made to design and construct space conducive to maximum

efficient utilization of both site and buildings and to take advantage of any revision of cost downward which may be found possible as the plans develop and negotiations are advanced.

6. That this approval supersedes Mr. Hughes' letter of July 22, 1955.

You appreciate, of course, that this project will receive a more detailed review as to cost and space utilization prior to the approval of the lease-purchase agreement.

Sincerely yours,

(Signed) PERCIVAL BRUNDAGE,
*Director.*

HON. FRANKLIN G. FLOETE,
*Administrator,*
*General Services Administration,*
*Washington 25, D. C.*

[F. R. Doc. 56-4860; Filed, June 18, 1956; 11:38 a. m.]

## SECRETARY OF THE TREASURY

### DELEGATION OF AUTHORITY TO NEGOTIATE CONTRACT FOR PURCHASE AND INSTALLATION OF A MECHANICAL CONVEYOR SYSTEM

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, herein called the act, authority is hereby delegated to the Secretary of the Treasury to negotiate, without advertising, under section 302 (c) (9) of the act, a contract for the purchase and installation of a mechanical conveyor system at the Morgan Annex Post Office Building, New York, for use of the Bureau of Customs.

2. This authority shall be exercised in accordance with applicable limitations and requirements of the act, particularly sections 304 and 307, and in accordance with policies, procedures, and controls prescribed by the General Services Administration.

3. The authority herein delegated may be redelegated to any official or employee of the Treasury Department.

4. This delegation shall be effective as of the date hereof.

Dated: June 15, 1956.

FRANKLIN G. FLOETE,
*Administrator.*

[F. R. Doc. 56-4902; Filed, June 21, 1956; 8:45 a. m.]

## DEPARTMENT OF COMMERCE

### Maritime Administration

### OCEANIC STEAMSHIP CO.

### NOTICE OF APPLICATION

Notice is hereby given of the application of The Oceanic Steamship Company for written permission of the Maritime Administrator under section 805 (a) of the Merchant Marine Act, 1936, as amended, 46 U. S. C. 1223, to permit its parent organization, the Matson Navigation Company, to operate the SS "Matsonia" on one westbound intercoastal voyage carrying passengers and their automobiles from New York and/or Baltimore and/or Hampton Roads to Los Angeles and/or San Francisco, calling en route at St. Thomas and/or Port Au Prince and/or Havana and/or Kingston and/or Port of Spain and/or Curacao and/or Cristobal and/or Balboa and/or Cartagena and/or Acapulco, said voyage to commence on or about May 10, 1957. No passengers or automobiles will be taken on or discharged at any of the foreign ports, except Acapulco.

Any person, firm, or corporation having any interest in such application and desiring a hearing on issues pertinent to section 805 (a) should within fifteen (15) days from the date of publication of this notice in the FEDERAL REGISTER notify the Secretary, Maritime Administration, and file petition for leave to intervene in accordance wth the rules of practice and procedure of the Maritime Administration.

If no request for hearing and petition for leave to intervene is received within the specified time, the application will be processed without a hearing.

By Order of the Maritime Administrator.

Dated: June 19, 1956.

[SEAL] GEO. A. VIEHMANN,
*Assistant Secretary.*

[F. R. Doc. 56-4946; Filed, June 21, 1956; 8:54 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11511, 11710; FCC 56 M-604]

### BOOTH RADIO AND TELEVISION STATIONS, INC. AND KNORR BROADCASTING CORP.

### ORDER CONTINUING HEARING

In re applications of Booth Radio and Television Stations, Inc., Lansing, Michigan, Docket No. 11511, File No. BP-9767; Knorr Broadcasting Corporation, Lansing, Michigan, Docket No. 11710, File No. BP-10391; for construction permits.

The Hearing Examiner having under consideration a "Petition for Continuance" filed June 12, 1956, on behalf of Knorr Broadcasting Corporation, requesting that the hearing in the above-entitled proceeding be continued from July 30, 1956, to a date to be fixed by subsequent order; and

It appearing in the petition that a third applicant has filed an application for the same facilities in Lansing and may be entitled to comparative consideration with the above-entitled applications, that no useful purpose would be served by proceeding with the hearing on July 30, 1956, that counsel for all other parties have informally waived the time of filing provisions of § 1.745 of the Commission's rules and interpose no objection to the requested continuance, and that the granting of the petition will conduce to the orderly dispatch of the Commission's business; now therefore,

*It is ordered,* This 19th day of June 1956, that the above petition is granted, and the hearing now scheduled to commence on July 30, 1956, is continued to a date to be fixed by subsequent order.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4944; Filed, June 21, 1956; 8:54 a. m.]

[Docket Nos. 11565, 11566; FCC 56M-605]

### ROLLINS BROADCASTING OF DELAWARE, INC. AND FRANKLIN BROADCASTING CO.

### ORDER CONTINUING HEARING

In re applications of Rollins Broadcasting of Delaware, Inc., Philadelphia, Pennsylvania, Docket No. 11565, File No. BP-9500; Lawrence M. C. Smith, tr/as Franklin Broadcasting Company, Philadelphia, Pennsylvania, Docket No. 11566, File No. BP-9633; for construction permits.

The Hearing Examiner having under consideration a "Petition to Revise Hearing Dates" filed June 14, 1956, on behalf of Rollins Broadcasting of Delaware, Inc., requesting amendment of certain dates now scheduled in the above-entitled proceeding; and

It appearing that by Commission orders released on June 15, 1956, the issues in this proceeding were amended and clarified so that additional testimony will be required, that counsel for the other applicant and for Broadcast Bureau have informally consented to a grant of this petition, that immediate consideration thereof is warranted under § 1.745 of the Commission's rules, and that the granting of the petition will conduce to the orderly dispatch of the Commission's business; now therefore,

*It is ordered,* This 19th day of June 1956, that the above petition is granted, and that so much of the order of May 18, 1956, which set: (1) the exchange of the direct affirmative case exhibits upon engineering matters on or before June 18, 1956, and (2) the further prehearing conference and the hearing of evidence on June 20 and June 27, 1956, be and it is hereby set aside; and

*It is further ordered,* That the exchange of the direct affirmative case exhibits upon engineering matters, as contemplated by § 1.841 (a), will be accomplished on or before Monday, June 25, 1956, and a further prehearing conference shall be held at 10:00 a. m., on Wednesday, June 27, 1956, at which time a date will be fixed for the commencement of the hearing.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4945; Filed, June 21, 1956; 8:54 a. m.]

[Docket Nos. 11565, 11566; FCC 56-536]

### ROLLINS BROADCASTING OF DELAWARE, INC. AND FRANKLIN BROADCASTING CO.

### ORDER AMENDING ISSUES

In re applications of Rollins Broadcasting of Delaware, Inc., Philadelphia, Pennsylvania, Docket No. 11565, File No. BP-9500; Lawrence M. C. Smith, d/b as Franklin Broadcasting Company, Philadelphia, Pennsylvania, Docket No. 11566, File No. BP-9633; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 13th day of June 1956;



The Commission having under consideration a motion to enlarge issues in the above-entitled proceeding, filed December 23, 1955, by Franklin Broadcasting Company; an answer to said motion filed January 3, 1956, by Rollins Broadcasting of Delaware, Inc.; and a reply to the answer of Rollins Broadcasting of Delaware, Inc. filed January 9, 1956, by Franklin Broadcasting Company;

It appearing that Franklin Broadcasting Company contends that Rollins Broadcasting of Delaware does not have a contract or arrangement to obtain or use the area of land required for its antenna site specified in its application; and that, in view thereof the issues should be enlarged to determine the availability of such land;

It further appearing that Rollins in its answer states that it has an option which covers the parcel of ground described in its application with the exception of a strip of land upon which ground wires will be buried; but that Rollins has assurances that the ground wires can be buried on this strip;

It further appearing that on the basis of the pleadings before it, the Commission cannot determine that the strip of land will, in fact, be available to Rollins upon which to bury ground wires; and that accordingly, the issues should be enlarged to determine the availability of such strip of land;

Accordingly, *it is ordered,* That the motion to enlarge issues, filed December 23, 1955 by Franklin Broadcasting Company is granted and the issues in the above-entitled proceeding are enlarged to include the following issue:

8. To determine whether Rollins Broadcasting of Delaware, Inc. has made or will be able to make arrangements to obtain and use the site specified in its application.[1]

Released: June 15, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4921; Filed, June 21, 1956; 8:50 a. m.]

[1] As to the numbering of this issue, see Memorandum and Order, released this date.

[Docket Nos. 11565, 11566; FCC 56-539]

### ROLLINS BROADCASTING OF DELAWARE, INC. AND FRANKLIN BROADCASTING CO.

### MEMORANDUM AND ORDER AMENDING ISSUES

In re applications of Rollings Broadcasting of Delaware, Inc., Philadelphia, Pennsylvania, Docket No. 11565, File No. BP-9500; Lawrence M. C. Smith, d/b as Franklin Broadcasting Company, Philadelphia, Pennsylvania, Docket No. 11566, File No. BP-9633; for construction permits.

1. The Commission has under consideration a petition filed December 20, 1955, by Rollins Broadcasting of Delaware, Inc., Philadelphia, Pennsylvania, to enlarge issues in the above-entitled proceeding; an answer to said petition filed on December 30, 1955, by Franklin Broadcasting Company; an appeal filed by Rollins Broadcasting of Delaware, Inc. on January 9, 1956, from the Examiner's Order in the above-entitled proceeding granting the petition of Franklin Broadcasting Company to amend its application; opposition to said appeal filed January 16, 1956 by Franklin Broadcasting Company; and answer to opposition filed on January 23, 1956 by Rollins.

2. This proceeding, as now constituted, involves the mutually exclusive applications of Rollins Broadcasting of Delaware, Inc., Philadelphia, Pennsylvania and Lawrence M. C. Smith, d/b as Franklin Broadcasting Company, Philadelphia, Pennsylvania,[1] each seeking a construction permit to operate on 900 kc with a power of one kilowatt, daytime only, employing a directional antenna.

3. The application of Franklin Broadcasting Company was filed January 17, 1955, requesting a construction permit to operate on 900 kc with a power of 1 kw, daytime only, non-directionally at Ardmore, Pennsylvania. This application was amended on October 26, 1955, to specify directional antenna and to change its location from Ardmore to Philadelphia, Pennsylvania. This amendment, among other things, specified a location near 61st Street and Passyunk Avenue, Philadelphia, as the transmitter site. Subsequently the application was again amended (December 27, 1955) to change transmitter site to Essington Avenue and Passyunk Avenue, Philadelphia, and to change the financial statement.

*Petition to enlarge.* 4. The above-described pleadings relate to the two Franklin sites in Philadelphia. Rollins, by its petition, requests that the issues be enlarged (1) to determine whether Franklin Broadcasting Company has made arrangements to obtain and will be able to utilize the site specified in its application. (This is the site first specified by Franklin in Philadelphia near 61st Street and Passyunk Avenue); and (2) to determine the circumstances surrounding the filing of the application by Franklin Broadcasting Company for Philadelphia, Pennsylvania, and in light of these circumstances, whether the applicant has acted in good faith or for the purpose of hindering or delaying the establishment of a service by Rollins Broadcasting of Delaware, Inc.

5. The first issue requested has been rendered moot by the subsequent (December 27, 1955) amendment of the Franklin application specifying another site and by the manner of the disposition of the other pleadings herein. Thus, consideration will be given only to the second requested issue. Rollins in support of its petition, alleges that it made an inquiry into the circumstances surrounding Franklin's negotiations for its site. It is asserted that this investigation disclosed that Franklin specified the 61st Street and Passyunk Avenue site in its application without first obtaining a lease or option to purchase the site from the Pioneer Oil Company, owner of the property; and that, during negotiations with Pioneer Oil Company to obtain a lease to the property, Franklin was informed repeatedly that the property was not available to it for use as a transmitter site. It is also asserted that Mr. Herman Stoffman, a principal in the Pioneer Oil Company was called upon by Franklin's representatives; that, when it appeared that no agreement could be reached he was asked to enter into an agreement with Franklin whereby he would be paid a sum of money to permit Franklin to specify the Pioneer Oil property as its site in its application, with the understanding that there was no intention whatsoever to build a station on his property; that he was told that the option to use the site for filing purposes only could be covered in one agreement and that in another agreement it would be understood that there would be no construction at that location; that it was specifically pointed out to Mr. Stoffman that the money paid could be kept by him even though a station would never be built at this location; and that Mr. Stoffman refused to enter into an agreement of this type.

6. Rollins states that in view of the circumstances hereinabove recited a serious question is raised regarding the good faith of Franklin Broadcasting Company in filing its application in this proceeding; and that these facts, if established, bear upon the qualifications of Franklin to own and operate a radio facility.

7. Franklin, in its answer denies the allegations made by Rollins with the exception that it states that the negotiations for a lease of the Pioneer Oil site (61st Street and Passyunk Avenue site) was not completed at the time of filing its application to amend on October 25, 1955, but it nevertheless expected the negotiations to be satisfactorily completed. Mr. Lawrence M. C. Smith, principal in Franklin Broadcasting Company, in an affidavit attached to the answer relates the circumstances pertaining to the site negotiations and states that the unsupported allegations contained in Rollins' petition (see paragraph 5, supra) as what took place in negotiations between Mr. Abrams (Franklin's real estate representative), Smith and Mr. Stoffman and the inferences therefrom are completely untrue.

8. Rollins in its answer to the opposition to the appeal from Examiner's Order granting Franklin's petition to amend its application, includes an affidavit of Mr. G. R. Chambers of Rollins Broadcasting, Inc., and Mr. W. H. Mitchell of the C. J. Realty Company, Philadelphia, Pennsylvania, setting forth details concerning Rollins' search for a transmitter site and repeating substantially the same allegations as were made by Rollins in its petition to enlarge issues (see paragraph 5, supra).

9. In view of the statements and counterstatements made by the two parties to this proceeding, the Commission is unable, on the basis of pleadings before it, to resolve the allegations made by Rollins and is of the view that the

[1] The application of Miners Broadcasting Service, Inc., West Chester, Pennsylvania (Docket No. 11564, File No. BP-8925) was also consolidated in this proceeding. However, this application was dismissed without prejudice on December 22, 1955.

issues should be enlarged to permit an inquiry into the circumstances surrounding the negotiations which took place between Franklin Broadcasting Company and the Pioneer Oil Company.

*Appeal from Examiner's order granting leave to amend.* 10. As hereinabove indicated, Rollins Broadcasting of Delaware, Inc., has appealed from the order of the Examiner granting the petition of Franklin Broadcasting Company, filed December 27, 1955, for leave to amend its application to specify a new site at Essington Avenue and Passyunk Avenue. As hereinbefore stated, Franklin's negotiations were not satisfactorily completed for the site near 61st Street and Passyunk Avenue, at the time its amended application was filed October 26, 1955. This necessitated a selection of a new site by Franklin for its proposed operation. Franklin, in its opposition to the appeal from the Examiner's allowance of the December 27 amendment asserts that, shortly after filing its October 26 amended application, it encountered unexpected difficulties in negotiations for the site and, in view thereof, immediately proceeded to locate another site in the immediate vicinity; that by early December it had obtained informal assurances and by December 20, 1955, it had obtained a firm written option; that Rollins' counsel was informally notified as early as December 13, 1955, that Franklin was changing its site and would soon file a petition for leave to amend; and that, on December 27, 1955, it filed with the Commission such a petition to amend its application, specifying the new site. The Examiner granted this petition on January 4, 1956.

11. Rollins contends that Franklin failed to establish good cause to amend its application as required under § 1.365 of the Commission's rules and regulations which provides that after an application has been designated for hearing it may not be amended unless good cause has been established. In support, Rollins states that the new site is approximately 0.8 of a mile from the site previously specified; that as a consequence thereof, significant additions in populations have been made in Franklin's proposed 25 mv/m and 5 mv/m contours; that the cost of construction has been increased from $12,000–$15,000 to $15,000–$18,000; that a change in the capital structure has been made; that the amendment would require a reexamination to determine whether the proposed antenna at the new site would constitute a hazard to air navigation; and that a question of the ability to maintain the directional pattern specified is raised because of the presence of oil tanks nearby. However, Rollins made no showing in what manner the oil tanks would be expected to affect the maintenance of the pattern. Parenthetically, it may be noted here that the question concerning a hazard to air navigation has been favorably resolved, and that the Broadcast Bureau filed a pleading which raised questions concerning the maintenance of the directional pattern, but subsequently advised that its doubts concerning the matter had been dispelled. Thus, in the absence of a showing by Rollins concerning any problem of maintenance of the pattern, no further consideration will be given to these two matters.[2]

12. With respect to the increase in population within the 25 mv/m and 5 mv/m contours, referred to above, it should be noted that the 25 mv/m contour is considered only in relation to the service to be rendered by a proposal to business and factory areas (see § 3.182 (f) of the Commission's rules), and not to the number of persons to be served therein. Rollins has not shown that, by the change in site location, Franklin's proposal has attained a greater degree of compliance with § 3.182 (f) of the rules. As to the populations within the 5 mv/m contour, § 3.188 (b) (2) of the rules provides that a site should be selected so as to place a minimum field intensity of 5 to 10 mv/m over the most distant residential section of the city to which the station is to be assigned. Thus, this is the main consideration with respect to the 5 mv/m contour, but Rollins has not shown that the 5 mv/m contour under the amended application encompasses more of the residential area of Philadelphia than did the 5 mv/m contour from the original site. In further connection with these two contours, it should be noted that Franklin states that the population count originally made for these two contours was in error, and that correction of the error would show a slight reduction in the populations included within the respective contours from the new site. Thus, as to coverage we fail to perceive that the allowance of the amendment would result in any unfair competitive advantage to Franklin, as alleged by Rollins.

14. Rollins argues that Franklin cannot allege good cause for its amendment by virtue of the fact that negotiations for the 61st Street and Passyunk Avenue site were not successfully completed. It contends that Franklin had no reasonable expectation at any time that the site would be available to it; and that Franklin should not now be permitted to urge that loss of its site constitutes good cause to amend its application. Rollins also argues that Franklin's amendment of December 27 materially changed the financial aspects of its proposal so that a reexamination of the application by the Commission is necessary to determine whether the financial qualifications have been met; and if not, a new issue in the proceeding would be necessary to take care of such questions. It asserts that raising such an issue at this stage of the proceeding would not be consistent with the public interest.

15. In the present posture of the pleadings before the Commission, the Commission is of the view that Franklin's amendment of December 27, 1955, was properly allowed by the Examiner. Our decision is based upon the assumption that Franklin acted properly with regard to the site earlier proposed at 61st Street and Passyunk Avenue. The assumption is subject to being disproved after hearing on the good faith issue which is being added so that, of course, our ruling upholding allowance of the amendment is conditional. To hold otherwise would leave Franklin without a site as required by the Commission's rules and with a defective application. If the proceeding should go forward under such circumstances, and assuming that the good faith issue were resolved in favor of Franklin, the proceeding would result in a nullity. This, we do not believe would be conducive to the proper dispatch of business and to the ends of justice. The allowance of the amendment will not result in any competitive advantage accruing to Franklin, nor will it prevent Rollins from introducing evidence under the issue bearing upon Franklin's good faith, nor will it prejudice Rollins.

15. Accordingly: *it is ordered,* That the appeal of Rollins Broadcasting of Delaware, Inc., filed January 9, 1956, from the Examiner's Order granting the petition of Franklin Broadcasting Company for leave to amend is denied.

*It is further ordered,* That the petition for enlargement of issues filed December 20, 1955, by Rollins Broadcasting of Delaware, Inc., is granted insofar as it requests an issue concerning the good faith of Franklin Broadcasting Company, and in other respects is denied.

*It is further ordered,* That the Order of Designation of November 30, 1955 is modified so that the issues now numbered "7" and "8" are renumbered as "9" and "10" respectively and the issues are enlarged to include the following:[3]

7. To determine the circumstances surrounding the filing of the application by Franklin Broadcasting Company for Philadelphia, Pennsylvania, in which a site near 61st Street and Passyunk Avenue was specified, and in light of these circumstances, whether the applicant has acted in good faith.

8. To determine whether Rollins Broadcasting of Delaware, Inc. has made or will be able to make arrangements to obtain and use the site specified in its application.

Adopted: June 13, 1956.

Released: June 15, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 56-4922; Filed, June 21, 1956; 8:50 a.. m.]

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[Docket Nos. 11565, 11566; FCC 56-540]

ROLLINS BROADCASTING OF DELAWARE, INC. AND FRANKLIN BROADCASTING CO.

ORDER RE ISSUES

In re applications of Rollins Broadcasting of Delaware, Inc., Philadelphia, Pennsylvania, Docket No. 11565, File No. BP-9500; Lawrence M. C. Smith, d/b as Franklin Broadcasting Company, Philadelphia, Pennsylvania, Docket No. 11566, File No. BP-9633; for construction permits.

[2] With respect to the matter of financial qualifications of Franklin Broadcasting Company, see separate Order adopted this date.

[3] By a separate Order, adopted this date, the Commission enlarged the issues to include Issue No. 8.



At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 13th day of June 1956;

The Commission having before it for consideration in the above-entitled matter the following: (1) "Petition to Enlarge Issues and Affirm Basic Qualifications" filed by the Broadcast Bureau on January 18, 1956; (2) "Answer to Broadcast Bureau's Petition to Enlarge Issues" filed by Franklin Broadcasting Company on January 28, 1956; (3) "Reply to Petition to Enlarge Issues and Affirm Basic Qualifications" filed by Rollins Broadcasting of Delaware, Inc., on January 27, 1956; and (4) "Reply to Answer to Petition to Enlarge Issues" filed by the Broadcast Bureau on January 31, 1956; and

It appearing that the Broadcast Bureau's "Reply" (item 4, supra) renders moot the Bureau's "Petition to Enlarge Issues" (item 1, supra); and

It further appearing that, in light of Franklin's amendment of December 27, 1955, the Commission has reviewed the financial qualifications of Franklin Broadcasting Company and hereby reaffirms its former finding that Franklin Broadcasting Company is financially qualified to operate its proposed station;

*It is ordered,* That the aforementioned "Petition to Enlarge Issues and Affirm Basic Qualification" of the Broadcast Bureau is granted to the extent of an affirmance of Franklin's financial qualifications and in other respects, it is denied.

Released: June 15, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 56-4923; Filed, June 21, 1956; 8:50 a. m.]

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[Docket No. 11670; FCC 56M-573]

NEWS ON THE AIR, INC.

ORDER CONTINUING HEARING CONFERENCE

In re application of News on the Air, Inc., Port Clinton, Ohio, Docket No. 11670, File No. BP-9977; for construction permit.

The Hearing Examiner having under consideration a pleading filed June 7, 1956, by Court House Broadcasting Company, a party in the above-entitled proceeding, requesting an extension of the date presently scheduled for the exchange of engineering exhibits and for further pre-hearing conference; and

It appearing that the requested extension has been agreed to by all parties to the proceeding and that the time element necessitates prompt action on the pleading;

*It is ordered,* This the 7th day of June 1956, that the above-entitled request for additional time is granted and the date for the exchange of the engineering exhibits is continued from June 11, 1956, to June 21, 1956, and the date for further pre-hearing conference is changed from June 21, 1956, to July 9, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 56-4924; Filed, June 21, 1956; 8:50 a. m..]

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[Docket No. 11730; FCC 56M-584]

JOE TOM EASLEY

ORDER SCHEDULING HEARING

In re application of Joe Tom Easley, Eagle Pass, Texas, Docket No. 11730, File No. BFP-262; for permit to transmit programs to a foreign radio station.

*It is ordered,* This 11th day of June 1956, that J. D. Bond will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on July 20, 1956, in Washington, D. C.

Released: June 12, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 56-4925; Filed, June 21, 1956; 8:50 a. m.]

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[Docket Nos. 11736, 11737; FCC 56-547]

PAUL A. BRANDT AND LIVINGSTON BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR HEARING ON STATED ISSUES

In re applications of Paul A. Brandt, West Branch, Michigan, Docket No. 11736, File No. BP-10109; M. H. Wirth tr/as Livingston Broadcasting Co., Howell, Michigan, Docket No. 11737, File No. BP-10283; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 13th day of June, 1956;

The Commission having under consideration the above-captioned application of Paul A. Brandt and M. H. Wirth tr/as Livingston Broadcasting Co., each for a construction permit for a new standard broadcast station to operate on 1350 kilocycles, daytime only, with a power of one kilowatt and 500 watts, respectively, at West Branch and Howell, Michigan, respectively;

It appearing that each of the applicants is legally, technically, financially, and otherwise qualified, except as may appear from the issues specified below, to operate its proposed station, but that operation of both stations as proposed would result in mutually destructive interference and that the proposed operation of the Livingston Broadcasting Co. would cause objectionable interference to Station WEXL, Royal Oak, Michigan (1340 kc, 250 w, U); and

It further appearing that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated April 27, 1956, of the aforementioned deficiencies and that the Commission was unable to conclude that a grant of either application would serve the public interest; and

It further appearing that a timely reply was received from each subject applicant expressing an intention of appearing at a hearing; and

It further appearing that by letter dated May 21, 1956, Station WEXL expressed an intention of appearing at a hearing on the Livingston Broadcasting Co. application; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

*It is ordered,* That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposed operations, and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation of the Livingston Broadcasting Co., would cause interference to Station WEXL, Royal Oak, Michigan, or any other existing standard broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine in the light of section 307 (b) of the Communications Act of 1934, as amended, which of the operations proposed in the above-captioned applications would better provide a fair, efficient and equitable distribution of radio service.

4. To determine in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the applications should be granted.

*It is further ordered,* That the Sparks Broadcasting Co., licensee of Station WEXL, is made a party to the proceeding.

Released: June 18, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 56-4926; Filed, June 21, 1956; 8:50 a. m.]

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[Docket No. 11738, etc.; FCC 56-548]

SOUTH DADE BROADCASTING CO., INC., ET AL.

ORDER DESIGNATING APPLICATIONS FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of South Dade Broadcasting Co., Inc., Homestead, Florida, Docket No. 11738, File No. BP-10009; J. M. Pace, Homestead, Florida, Docket No. 11739, File No. BP-10198; Redland Broadcasting Company, Homestead, Florida, Docket No. 11740, File No. BP-10424; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 13th day of June, 1956;

The Commission having under consideration the above-captioned applications of the South Dade Broadcasting Co., Inc., J. M. Pace and the Redland Broadcasting Company, each for a construction permit for a new standard broadcast station to operate on 1430 kilocycles with a power of 500 watts, daytime only, at Homestead, Florida;

It appearing that each of the applicants is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate its proposed station but that the proposed operations would result in mutually destructive interference; and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicants were advised by letter dated April 5, 1956, of the aforementioned deficiency and that the Commission was unable to conclude that a grant of any of the applications would be in the public interest; and

It further appearing that a timely reply was filed by each of the subject applicants, and each of the applicants recognized the mutual interference problem involved; and

It further appearing that in letters dated November 21, 1955, and March 29 and May 10, 1956, Paul Brake, licensee of Station WWPB, Miami, Florida, opposed all three applications on the basis of interference to Station WWPB; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

*It is ordered*, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from each of the proposed operations, and the availability of other primary service to such areas and populations.

2. To determine whether any of the proposed operations would cause interference to Station WWPB, Miami, Florida; or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine which of the operations proposed in the above-captioned applications would better serve the public interest in the light of the evidence adduced under the foregoing issues and record made with respect to the significant differences between the applications as to:

(a) The background and experience of each of the above-named applicants to own and operate its proposed station.

(b) The proposals of each of the above-named applicants with respect to the management and operation of the proposed stations.

(c) The programming service proposed in each of the above-mentioned applications.

4. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if any, of the applications should be granted.

*It is further ordered*, That Paul Brake, licensee of Station WWPB, Miami, Florida, is made a party to the proceeding.

Released: June 18, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4927; Filed, June 21, 1956; 8:51 a. m.]

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[Docket No. 11741; FCC 56-549]

CLAREMORE BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Robert I. Hartley tr/as Claremore Broadcasting Company, Claremore, Oklahoma, Docket No. 11741, File No. BP-10306; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 13th day of June 1956;

The Commission having under consideration the above-captioned application of Robert I. Hartley tr/as Claremore Broadcasting Company for a construction permit for a new standard broadcast station to operate on 1270 kilocycles with a power of 500 watts, daytime only, at Claremore, Oklahoma;

It appearing that the applicant is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate the proposed station, but that the proposed operation may cause interference to Stations KSOK, Arkansas City, Kansas (1280 kc, 100 w, 1 kw-LS, U) and KUOA, Siloam Springs, Arkansas (1290 kc, 5 kw, D); and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated April 23, 1956, or the aforementioned deficiency and that the Commission was unable to conclude that a grant of the application would be in the public interest, and

It further appearing that a timely reply was received from the applicant; and

It further appearing that counsel for Station KUOA requested by letter dated May 22, 1956, that the application be designated for hearing; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operation, and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation would cause objectionable interference to Stations KSOK, Arkansas City, Kansas, and KUOA, Siloam Springs, Arkansas, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, if a grant of the subject application would serve the public interest.

*It is further ordered*, That The KSOK Broadcasting Company, Inc., and KUOA, Incorporated, licensees of Stations KSOK and KUOA, respectively, are made parties to the proceeding.

Released: June 18, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4928; Filed, June 21, 1956; 8:51 a. m.]

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[Change List 102]

CANADIAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES AND CORRECTIONS IN ASSIGNMENTS

APRIL 30, 1956.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes and corrections in assignments of Canadian Broadcast Stations modifying appendix containing assignments of Canadian Broadcast Stations (Mimeograph 47214-3) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

CANADIAN BROADCAST STATIONS

| Call letters | Location | Power | Antenna | Schedule | Class | Expected date of commencement of operation |
|---|---|---|---|---|---|---|
| New | Burlington, Ontario | *1520 kilocycles* .5 kw | ND | D | III | Delete assignment. |

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4930; Filed, June 21, 1956; 8:51 a. m.]



[Docket No. 11742; FCC 56-550]

WGLI, INC.

ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of WGLI, Incorporated, Babylon, New York, Docket No. 11742, File No. BP-10276; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 13th day of June 1956;

The Commission having under consideration the above-captioned application of WGLI, Incorporated, for a construction permit for a new standard broadcast station to operate on 1290 kilocycles with a power of one kilowatt, directional antenna, unlimited time, at Babylon, New York;

It appearing that the applicant is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate its proposed station, but that the proposed operation would be involved in daytime interference with Station WOV, New York, New York (1280 kc, 5 kw, DA-1, S-WHBI); and

It further appearing that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated April 27, 1956, of the aforementioned deficiency and that the Commission was unable to conclude that a grant of the application would be in the public interest; and

It further appearing that counsel, on behalf of Station WOV, requested by letter dated March 9, 1956, that the subject application be designated for hearing and that Station WOV be made a party to the proceeding; and

It further appearing that a timely reply was received from the applicant; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

*It is ordered*, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operation, and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation would be involved in objectionable interference with Station WOV, New York, New York, or any other existing standard broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, if a grant of the subject application would serve the public interest.

*It is further ordered:* That the WOV Broadcasting Corp., licensee of Station WOV, is made a party to the proceeding.

Released: June 18, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4929; Filed, June 21, 1956; 8:51 a. m.]

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[Change List 103]

CANADIAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES AND CORRECTIONS IN ASSIGNMENTS

MAY 25, 1956.

Notification under the provisions of Part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes and corrections in assignments of Canadian Broadcast Stations modifying appendix containing assignments of Canadian Broadcast Stations (Mimeograph 47214-3) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting January 30, 1941.

CANADIAN BROADCAST STATIONS

| Call letters | Location | Power | Antenna | Schedule | Class | Expected date of commencement of operation |
|---|---|---|---|---|---|---|
| New | Calgary, Alberta | *910 kilocycles* 5 kw | DA-1 | U | III | May 15, 1957. |
| CBT | Grand Falls, Newfoundland | *990 kilocycles* 1 kw | ND | U | II | Now in operation. |
| CKSW | Swift Current, Saskatchewan | *1400 kilocycles* .25 kw | ND | U | IV | Assignment of call letters. |
| New | St. James, Manitoba (Suburb Winnipeg). | *1410 kilocycles* 1 kw | DA-1 | U | III | May 15, 1957. |
| CJMT | Chicoutimi, Province of Quebec (PO: 1450 kc., .25 kw.). | *1420 kilocycles* 5 kw | DA-1 | U | III | Do. |
| New | Welland, Ontario | *1470 kilocycles* .5 kw | DA-D | D | III | Do. |
| CKOT | Tillsonburg, Ontario (PO: 250 w., 1510 kc.). | *1510 kilocycles* 1 kw | DA-D | D | II | Do. |
| New | Burlington, Ontario | *1540 kilocycles* 1 kw | ND | D | II | Do. |

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-4931; Filed, June 21, 1956; 8:51 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 31-634]

PENNSYLVANIA POWER & LIGHT CO.

ORDER GRANTING EXEMPTION

JUNE 18, 1956.

Pennsylvania Power & Light Company ("Penn Power"), a public-utility company, has filed with this Commission an application pursuant to section 3 (a) (2) of the Public Utility Holding Company Act of 1935 ("act") for an exemption for it and its direct subsidiary, Safe Harbor Water Power Corporation ("Safe Harbor"), 50 percent of whose voting securities is owned by Penn Power, from the provisions of the act on the basis that it is predominantly a public utility company whose operations as such do not extend beyond the Commonwealth of Pennsylvania, the State in which it is organized.

Due notice of the filing of said exemption application has been given and no hearing thereon has been ordered by or requested of the Commission. The Commission has examined the statements contained in said exemption application and has considered the full record with respect thereto. It appears to the Commission that the applicable standards of section 3 (a) (2) of the act are satisfied and the Commission finds that the granting of said exemption application will not be detrimental to the public interest or the interest of investors or consumers.

*It is therefore ordered*, That Penn Power and Safe Harbor, as a subsidiary of Penn Power, be, and the same hereby are, exempted from the provisions of the act applicable to them as a holding company and a subsidiary company thereof.

*It is further ordered*, That this order shall become effective upon issuance.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 56-4907; Filed, June 21, 1956; 8:46 a. m.]

## DEPARTMENT OF JUSTICE

### Immigration and Naturalization Service

STATEMENT OF ORGANIZATION

MISCELLANEOUS AMENDMENTS

Effective upon publication in the FEDERAL REGISTER, the following amendments to the Statement of Organization of the Immigration and Naturalization Service (19 F. R. 8071, December 8, 1954), as amended, are prescribed:

1. District 7 *Buffalo, New York* of paragraph (b) *District Offices* of section 1.51 *Field Service* is amended by deleting the word "stations" and inserting the word "station".

2. District 22 of paragraph (b) *District Offices* of section 1.51 *Field Service* is amended to read as follows: "22. *Portland, Maine.* The district office in Portland, Maine, has jurisdiction over the State of Maine; also, over the United

States immigration station located in the Province of New Brunswick, Canada, and the immigration stations located in the Province of Nova Scotia, Canada."

3. District 10, *St. Paul, Minn.*, of subparagraph (2) *Ports of entry for aliens arriving by vessel or by land transportation* of paragraph (c) *Suboffices* of section 1.51 *Field Service* is amended by alphabetically adding "Silver Bay, Minn." to the Class C ports of entry.

4. District 22—Portland, Maine, of subparagraph (4) *Immigration stations in foreign countries* of paragraph (c) *Suboffices* of section 1.51 *Field Service* is amended to read as follows:

DISTRICT 22—PORTLAND, MAINE

St. John, New Brunswick, Canada.
Halifax, Nova Scotia, Canada.
Yarmouth, Nova Scotia, Canada.

5. Effective as of July 1, 1956, District 10—St. Paul, Minn., of subparagraph (2) *Ports of entry for aliens arriving by vessel or by land transportation* of paragraph (c) *Suboffices* of section 1.51 *Field Service* is amended by revoking from the Class A ports the port of "• Winton, Minn." and by adding the port of "• Ely, Minn." between Duluth and International Falls, Minn.

Dated: June 19, 1956.

J. M. SWING,
*Commissioner of Immigration and Naturalization.*

[F. R. Doc. 56-4940; Filed, June 21, 1956; 8:53 a. m.]

## Office of Alien Property

NETHERLANDS FOR BENEFIT OF EDUARD GERARD KORIJN ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

The State of the Netherlands for the benefit of (all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Eduard Gerard Korijn, L. S. Claim No. 383; Cities Service Company 5/58 Debenture No. 24965, in the principal amount of $1,000.

Nieske Johanna Adler-Temme, L. S. Claim No. 385; Union Pacific Railroad Company 4/47 Bond No. 31810, in the principal amount of $1,000.

Kaatje van Esso, L. S. Claim No. 391; Cities Service Company 5/58 Debenture No. 30817, in the principal amount of $1,000.

Severin, Jadwiga and Harry Farbstein, and Frederik and Abraham van der Vlugt, L. S. Claim No. 396; Cities Service Company 5/58 Debenture No. 3182, in the principal amount of $1,000.

Severin, Jadwiga and Harry Farbstein, and Frederik and Abraham van der Vlugt, L. S. Claim No. 397; Cities Service Company 5/58 Debenture No. 41697, in the principal amount of $1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on June 12, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 56-4932; Filed, June 21, 1956; 8:51 a. m.]

BELA FLEISCHER

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Bela Fleischer, also known as Bela Fenyo, Budapest, Hungary; $554.43 in the Treasury of the United States.

Claim No. 32670, Vesting Order No. 497.

Executed at Washington, D. C., on June 12, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 56-4933; Filed, June 21, 1956; 8:51 a. m.]

NETHERLANDS FOR BENEFIT OF CECELIA AND MICHAEL OPPENHEIMER, ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

The State of the Netherlands for the benefit of (all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Cecilia and Michael Oppenheimer, Clotilde Belinfante, and Frans, Adolf and Jacques Simons, L. S. Claim No. 14; Atchison, Topeka and Santa Fe Railway Company 4/95 Bond No. 115561, in the principal amount of $1,000; Kansas City Southern Railway Company 3/50 Bond No. 22419, in the principal amount of $1,000; and Southern Railway Company 5/94 Bond No. 14809, in the principal amount of $1,000.

Albert and Babette Hopfenmaier, Helene, Isak, Nathalie and Trude Aufseeser, Margarethe Veit, Lotte Ansbacher, Eduard, Klaartje and Samuel Prins, L. S. Claim No. 48; Cities Service Company 5/58 Debenture No. 2749, in the principal amount of $1,000; and Southern Pacific Company 4½/69 Bond No. 13438, in the principal amount of $1,000.

Esther van Collem, Felix Israel, Leendert, Samuel and Tobias Boas, Jacques Mot, Jacq. Rudelsheim, Eva and Arnold Korb, and I. van Praagh, L. S. Claim No. 54; Cities Service Company 5/58 Debenture No. 7700, in the principal amount of $1,000.

Marie von Felde, Frits Markus, Viviane van Wezel, Paul van Geldere and Annie Ornstein, L. S. Claim No. 63; Cities Service Company 5/58 Debentures Nos. 38651, 15763 and 38652, in the principal amount of $1,000 each; and Southern Pacific Company-San Francisco Terminal 4/50 Bonds Nos. 2661 and 11620, in the principal amount of $500 each.

Clare Schuster, Florence Schiff, Margaret Golding, Bertha Flesch, and Onno and Jan Jitta, L. S. Claim No. 126; Southern Pacific Company-San Francisco Terminal 4/50 Bond No. 7555, in the principal amount of $1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on June 12, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 56-4934; Filed, June 21, 1956; 8:52 a. m.]

NETHERLANDS FOR BENEFIT OF LOUISE VAN RAALTE ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

The State of the Netherlands for the benefit of (all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Mrs. Louise van Raalte, L. S. Claim No. 71; Cities Service Company 5/58 Debenture No. 39985, in the principal amount of $1,000; and International Power Securities Corporation 6½/55 Bond Nos. 179 and 7361, in the principal amount of $1,000 each.

Frederika and Bernard Asscher, Rose Loewenthal, Julia Dudart and Estella Wolf, L. S. Claim No. 76; Cities Service Company 5/69 Debenture Nos. 16645 and 17038, in the principal amount of $1,000 each.

Fransina van Brussel, Margaretha Heerdt and Jaap Wertheim, L. S. Claim No. 340; Kansas City Southern Railway Company 3/50 Bond No. 10744, in the principal amount of $1,000.

Magdalene Sorell and Peter Erdoss, L. S. Claim No. 341; Kansas City Southern Railway Company 3/50 Bond No. 15762, in the principal amount of $1,000.

Izak Coronel, L. S. Claim No. 344; Southern Railway Company 4/56 Bonds Nos. 15952 and 52673, in the principal amount of $1,000 each.



Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on June 12, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 56-4934; Filed, June 21, 1956; 8:52 a. m.]

AKTIESELSKABET MERAKER SMELTEVERK

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., and Property*

Aktieselskabet Meraker Smelteverk, Kopperaaen, Norway, Claim No. 6816; all interests and rights of Aktieselskabet Meraker Smelteverk, its successors and assigns, in and under an agreement entered into by and between Det Norske Aktieselskab for Elektrokemisk Industri and Aktieselskabet Meraker Smelteverk dated April 26, 1935, relating to United States and Canadian Patents and Patent Applications owned by said Det Norske Aktieselskab for Elektrokemisk Industri, except insofar as such interests relate to Canadian Patents and Patent Applications, to the extent owned by Aktieselskabet Meraker Smelteverk immediately prior to vesting by Vesting Order No. 814 dated February 2, 1943 (8 F. R. 5771, May 5, 1943), reserving, however, the sum of $2,431.46 in royalties paid to the Office of Alien Property under the aforesaid agreement since said royalties have been determined to fall within the meaning of Article IIIA (1) of the Memorandum of Understanding between the Government of the United States and the Kingdom of Norway dated February 24, 1948, and will be retained by the United States Government pursuant thereto.

Executed at Washington, D. C., on June 12, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 56-4938; Filed, June 21, 1956; 8:52 a. m.]

NETHERLANDS FOR BENEFIT OF EDUARD STIBBE ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

The State of the Netherlands for the benefit of (all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Eduard Stibbe, L. S. Claim No. 72; Cities Service Company 5/58 Debenture No. 47045, in the principal amount of $1,000; Southern Pacific Company-San Francisco Terminal 4/50 Bonds Nos. 2941, 2942 and 6035, in the principal amount of $1,000 each; Southern Pacific Company-San Francisco Terminal 4/50 Bond No. 3995, in the principal amount of $500; and Southern Pacific Company-San Francisco Terminal 4/50 Bonds Nos. 3125, 3126, 3127, 3128, 3129, 3130, 3131, 3132, 3133 and 3134, in the principal amount of $100 each.

Raymona and Claude Calisch and Paula Zadoks, L. S. Claim No. 332; Cities Service Company 5/69 Debenture No. 22505, in the principal amount of $1,000.

Cornelia, Herman and Peter Cohen, L. S. Claim No. 333; Cities Service Company 5/69 Debenture Nos. 42880 and 42881, in the principal amount of $1,000 each.

Elias Monasch, Selma de Boer, Maurits and Henri Moerel, Helma, Loeka and Barend Wolf, Eva van Spiegel and Femmy Ben' Sopher, L. S. Claim No. 343; Southern Pacific Company 4/49 Bond No. 5993, in the principal amount of $1,000.

Mrs. Henriette Costerus; L. S. Claim No. 349; Southern Pacific Company 4/49 Bond No. 136, in the principal amount of $500.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C., on June 12, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 56-4935; Filed, June 21, 1956; 8:52 a. m.]

NETHERLANDS FOR BENEFIT OF MINA LEMAN ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

The State of the Netherlands for the benefit of (all right, title and interest of the Attorney General acquired pursuant to Vesting Order No. 18521 (16 F. R. 10097, October 3, 1951) in and to):

Miss Mina Leman, L. S. Claim No. 102; Cities Service Company 5/69 Debenture No. 32778, in the principal amount of $1,000; and International Mercantile Marine Company, Limited, 6/41 Bond No. 21939, in the principal amount of $1,000.

Alexander Bosman, L. S. Claim No. 112; Missouri-Kansas-Texas Railroad Company 5/67 Bond No. 4397, in the principal amount of $500.

Clara van Essen and Dr. Herman Gabriel van der Rijn, L. S. Claim No. 121; National Distillers Products Corporation 3½/49 Debenture No. 2895, in the principal amount of $1,000.

Tobias, Maria and Helena Blazer, and Het Joods Nationaal Fonds, L. S. Claim No. 296; Cities Service Company 5/69 Debenture No. 46986, in the principal amount of $1,000.

Robert Frank Monnickendam, L. S. Claim No. 297; Atchison, Topeka and Santa Fe Railway Company 4/95 Bond No. 79906, in the principal amount of $1,000.

Netherlands Embassy, Office of the Financial Counselor, 25 Broadway, New York 4, New York.

Executed at Washington, D. C. June 12, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 56-4936; Filed, June 21, 1956; 8:52 a. m.]

CHRISTIANI & NIELSEN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., and Property*

Christiani & Nielsen, Copenhagen, Denmark, Claim No. 28954, Vesting Orders Nos. 664 and 3854:

1. $2,752.25 in the Treasury of the United States;

2. Property described in Vesting Order No. 664 (8 F. R. 4989, April 17, 1943), relating to United States Letters Patent No. 2,191,845;

3. All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Christiani & Nielsen by virtue of an agreement dated September 23, 1926 (including all modifications of and supplements to such agreement, including, but without limitation, letters from United States Gypsum Company to Christiani & Nielsen, dated respectively December 1, 1930 and September 28, 1932) by and between United States Gypsum Company, Christiani & Nielsen and Erik Christian Bayer, relating, among other things, to Patent No. 2,017,022, dated October 8, 1935, inventor Carlisle K. Roos, for Cementitious Material, to the extent that those interests and rights were owned by Christiani & Nielsen immediately prior to vesting by Vesting Order No. 3854 (9 F. R. 8267, July 21, 1944); and

4. All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Christiani & Nielsen by virtue of an agreement dated March 24, 1938 (including all modifications thereof and supplements thereto, if any) by and between Battelle Development Corpora-

tion and Christiani & Nielsen, relating, among other things, to Patent No. 2,151,932, dated March 28, 1939, inventor Aage Neilsen, for Process for Manufacturing Porous Articles of Clay, to the extent that those interests and rights were owned by Christiani & Neilsen immediately prior to vesting by Vesting Order No. 3854 (9 F. R. 8267, July 21, 1944).

Executed at Washington, D. C., on June 14, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON,
*Deputy Director,*
*Office of Alien Property.*

[F. R. Doc. 56-4939; Filed, June 21, 1956; 8:52 a. m.]

## INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 18, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32228: *Commodities between southern and between southern and official territories.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on various commodities, carloads, as described in the application between specified points in southern territory and between specified points in southern territory and specified points in official (including Illinois) territory.

Grounds for relief: Circuitous routes in part west of the Mississippi River.

FSA No. 32229: *Fertilizer and materials from or to points in the West and the Southwest.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on fertilizer and fertilizer materials, carloads between points in southern territory and western trunk line territory, and points in southern territory.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariffs: Supplement 4 to Agent W. J. Prueter's I. C. C. A-4155; Agent Spaninger's tariff I. C. C. 1542.

FSA No. 32230: *Canned goods between Baltimore, Md., and Avon Park and Plant City, Fla.* Filed by O. W. South, Jr., Agent, for the Baltimore Steam Packet Company and interested rail carriers. Rates on canned goods, carloads between Baltimore, Md., on one hand, and Avon Park and Plant City, Fla., on the other.

Grounds for relief: Competition with all-rail carriers and circuitous routes.

Tariff: Supplement 84 to Agent Spaninger's I. C. C. 1354.

FSA No. 32231: *Commodities from and to official territory.* Filed jointly by C. W. Boin and O. E. Swenson, Agents, for interested rail carriers. Rates on alcohol, contaminated, carloads, and various other commodities described in exhibit A of the application from specified points in official territory to specified points in official and southern territories and in the reverse direction.

Grounds for relief: Carrier competition and circuitous routes.

FSA No. 32232: *Alcohol—Philadelphia, Pa., to Louisville, Ky.* Filed by C. W. Boin, Agent, for interested rail carrier. Rates on alcohol, in bond, tank-car loads, and ethyl alcohol, partially denatured, tank-car loads from Philadelphia, Pa., to Louisville, Ky.

Grounds for relief: Water competition and circuitous routes.

Tariff: Supplement 117 to Agent Boin's I. C. C. A-1015.

By the Commission.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F. R. Doc. 56-4876; Filed, June 20, 1956; 8:48 a. m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 19, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32233: *Commodities from and to points in the Southwest.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on various commodities, carloads, as described in exhibit A of the application, from specified points in southern, official and southwestern territories to specified points in southwestern, southern and official territories as shown in exhibit A of the application.

Grounds for relief: Carrier competition and circuitous routes.

FSA No. 32234: *Frozen fruit juices from Florida.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on frozen citrus fruit and pineapple juices, and related articles, carloads from Florida points to points in southern, official (including Illinois), and western trunk-line territories.

Grounds for relief: Short-line distance formulas, truck competition, and circuitous routes.

Tariff: Agent Spaninger's I. C. C. 1547.

FSA No. 32235: *Alumina between points in Southern Territory.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on sulphate of alumina, dry, carloads between points in southern territory between which Docket 28300 class rates are maintained.

Grounds for relief: Short-line distance formulas and circuitous routes.

Tariff: Supplement 4 to Agent Spaninger's I. C. C. 1525.

FSA No. 32236: *Phosphate Rock—Florida to Missouri.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on phosphate rock, carloads from Bartow and other Florida points to Chillicothe, Chula and Liberty, Mo.

Grounds for relief: Circuitous route.

Tariff: Supplement 6 to Agent Spaninger's I. C. C. 1514.

FSA No. 32237: *Steel beams—Economy, Pa., to San Antonio, Tex.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on steel beams, noibn, carloads from Economy, Pa., to San Antonio, Tex.

Grounds for relief: Water-truck competition, and circuitous routes.

Tariff: Supplement 61 to Agent Kratzmeir's I. C. C. 4170.

FSA No. 32238: *Sand and gravel—Indiana to Watseka, Ill.* Filed by R. G. Raasch, Agent, for and on behalf of The Chicago & Eastern Illinois Railroad Company. Rates on sand and gravel, carloads from Dickason Pit, Cayuga, Standard Pit and Terre Haute, Ind., to Watseka, Ill.

Grounds for relief: Truck competition from wayside pits.

Tariff: Supplement 70 to Chicago & Eastern Illinois Railroad tariff I. C. C. 144.

FSA No. 32239: *Cleaning compounds—St. Louis, Mo., to New Orleans, La.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on cleaning, scouring or washing compounds, soap and related articles, carloads, from St. Louis, Mo., to New Orleans, La.

Grounds for relief: Circuitous routes in part west of the Mississippi River.

By the Commission.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F. R. Doc. 56-4904; Filed, June 21, 1956; 8:46 a. m.]

[Rev. S. O. 562, Taylor's I. C. C. Order 70, Amdt. 1]

MISSOURI-KANSAS-TEXAS RAILROAD CO.

DIVERSION OR REROUTING OF TRAFFIC

Upon further consideration of Taylor's I. C. C. Order No. 70 and good cause appearing therefor:

*It is ordered,* That, Taylor's I. C. C. Order No. 70 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date: This order shall expire at 11:59 p. m., September 15, 1956, unless otherwise modified, changed, suspended or annulled.

*It is further ordered,* That this amendment shall become effective at 11:59 p. m., June 15, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., June 15, 1956.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
*Agent.*

[F. R. Doc. 56-4905; Filed, June 21, 1956; 8:46 a. m.]


# FEDERAL REGISTER

VOLUME 21 NUMBER 122

Washington, Saturday, June 23, 1956


## TITLE 3—THE PRESIDENT

### PROCLAMATION 3142

UNITED NATIONS DAY, 1956

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the United States of America joined in founding the United Nations for the purpose of maintaining international peace and security; and

WHEREAS the United States has consistently supported the United Nations, the Charter of which is the outgrowth of a common desire among peoples of all nations for permanent peace; and

WHEREAS in the ten years of its existence the United Nations has developed into a living, functioning organization capable of influencing world opinion on the side of peace, freedom, and justice; and

WHEREAS recent additions to the membership of the United Nations have increased its vitality and its capability of achieving the aims and ideals of its Charter and fulfilling man's ancient longing for a better and a strife-free world; and

WHEREAS the General Assembly of the United Nations has resolved that October 24, the anniversary of the coming into force of the United Nations Charter, should be dedicated each year to making known the purposes, principles, and accomplishments of the United Nations:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do hereby urge the citizens of this Nation to observe Wednesday, October 24, 1956, as United Nations Day by means of community programs that will demonstrate their faith in, and support of, the United Nations and will contribute to a better understanding of its aims, problems, and accomplishments.

I call also upon the officials of the Federal, State, and local Governments, the United States Committee for the United Nations, representatives of civic, educational, and religious organizations, and agencies of the press, radio, television, and motion pictures, as well as all citizens, to cooperate in appropriate observance of United Nations Day throughout our country.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 21st day of June in the year of our Lord nineteen hundred and fifty-six,
[SEAL] and of the Independence of the United States of America the one hundred and eightieth.

DWIGHT D. EISENHOWER

By the President:

HERBERT HOOVER, Jr.,
*Acting Secretary of State.*

[F. R. Doc. 56-5036; Filed, June 22, 1956; 10:49 a. m.]

## TITLE 6—AGRICULTURAL CREDIT

### Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Loans, Purchases, and Other Operations

[1956 C. C. C. Rice Bulletin A]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1956-CROP RICE PRICE SUPPORT PROGRAM

Sec.
421.1926 Administration.
421.1927 Applicability of §§ 421.1926 through 421.1929.
421.1928 Definitions.
421.1929 Compliance requirements, producers.
421.1930 Effect of unknowingly exceeding farm rice acreage allotment, method of determination.
421.1931 Application for review and request for reconsideration.

AUTHORITY: §§ 421.1926 to 421.1931 issued under sec. 4, 62 Stat. 1070 as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs. 401, 408, 63 Stat. 1054, 68 Stat. 904; 15 U. S. C. 714c, 7 U. S. C. 1421, 1428, 1374.

§ 421.1926 *Administration.* The price support program will be carried out under the general supervision and direction of the Executive Vice President, Commodity Credit Corporation, by the Commodity Stabilization Service (hereinafter referred to as CSS) through

(Continued on p. 4427)

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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**CFR SUPPLEMENTS**

**(As of January 1, 1956)**

The following Supplements are now available:

**Title 6 ($1.75)**

**Title 7: Parts 210–899 (Rev., 1955) with Supplement ($4.50)**

**Title 26 (1954) Parts 1–220 (Rev., 1955) ($2.00)**

**Titles 47 and 48 ($2.25)**

*Previously announced:* Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 7: Parts 1–209 ($1.25), Parts 900–959 (Rev., 1955) ($6.00), Part 960 to end (Rev., 1955) with Supplement ($5.85); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Parts 1–399 ($2.50), Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. I, and Title 27 ($1.00); Titles 28 and 29 ($1.25); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 400–699 ($0.65), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Title 33 ($1.50); Titles 35–37 ($1.00); Title 39 (Rev., 1955) ($4.25); Titles 40–42 ($0.65); Title 43 ($0.50); Title 46: Parts 1–145 ($0.60), Part 146 to end ($1.25); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.



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State and County Agricultural Stabilization and Conservation Committees (hereinafter referred to as State and County Committees).

§ 421.1927 *Applicability of §§ 421.1926 through 421.1929.* Sections 421.1926 through 421.1929 state the eligibility requirements for producers of rice under the 1956 rice price support operations with respect to compliance with farm acreage allotments for rice, and are in addition to other regulations to be issued by the Commodity Credit Corporation governing eligibility for price support.

§ 421.1928 *Definitions.* As used in this subpart, and in all instructions, forms and documents in connection herewith, the words and phrases defined in this section shall have the meaning herein assigned to them unless the context or subject matter otherwise requires.

(a) *Farm.* Means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm or range land which the County Committee determines is operated by the same person as part of the same unit in producing range livestock or with respect to the rotation of crops, and with workstock, farm machinery, and labor substantially separate from that for any other land; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm constitutes a unit with respect to the rotation of crops.

A farm shall be regarded as located in the county or administrative area in which the principal dwelling is situated or, if there is no dwelling thereon, it shall be regarded as located in the county or administrative area in which the major portion of the farm is located.

(b) *Person.* Means an individual, partnership, association, corporation, estate, trust, or other business enterprise or legal entity, and, wherever applicable, a State, political subdivision of a State, or any agency thereof.

(c) *Operator.* Means the person who, as owner, landlord, or tenant, is in charge of the supervision and conduct of the farming operations on the entire farm.

(d) *Producer.* Means any person engaged in the production of rice as landowner, landlord, tenant, or sharecropper and includes a person owning and operating his own farm; a tenant operating a farm rented for cash; a tenant operating a farm under a crop share lease, contract, or agreement; a landlord leasing to share tenants; and a person or irrigation company furnishing water for a share of the crop. For purposes of the regulations in this subpart, the term "tenant" shall be deemed to include a person or irrigation company furnishing water for a share of the rice crop.

(e) "Rice acreage" means the acreage planted to rice and the acreage of volunteer rice which reaches maturity, excluding (1) any acreage of non-irrigated rice of three acres or less, (2) any acreage of sweet, glutenous, or candy rice, commonly known as Mochi Gomi, (3) any acreage of rice grown for experimental purposes only by or under contract to a publicly-owned agricultural experiment station, (4) any acreage planted to rice under a contract which was entered into prior to planting with the Fish and Wildlife Service for wildlife feed which was not harvested, and (5) any excess rice acreage which is destroyed or otherwise handled or treated (by the producer or from some cause beyond his control) not later than the date established by the county committee with the approval of the State committee so that rice cannot be harvested therefrom. Such date for each county or areas within the county shall be far enough in advance of the date the harvesting of rice normally begins in the county to permit sufficient time to remeasure the farms in the county and issue marketing cards to eligible producers prior to harvest. Notice of 1956 Acreage of Rice on Form CSS—598 shall be mailed to the operator of each farm on which there is excess rice acreage at least 15 days prior to such established date: *Provided,* That if such notice is not mailed at least 15 days prior to such established date the producer shall have 15 days from the date the Notice of 1956 Acreage of Rice is mailed to destroy or treat the excess rice acreage so that rice cannot be harvested therefrom. If a producer proves to the satisfaction of the county committee that he is unable to dispose of the excess rice acreage by the required date because of the physical condition of the rice acreage, an extension of time sufficient to afford a fair and reasonable opportunity for such disposal may be granted by the county committee provided the excess acreage is destroyed prior to the time the harvesting of rice begins on the farm.

The acreage of rice as determined by the first inspection and as stated on Form CSS–598 shall be considered as "rice acreage" if the farm operator or his representative fails to notify the ASC county office by the date specified on Form CSS–598 of his intention to adjust the rice acreage to the farm allotment and pay the cost of remeasurement as provided in the "Regulations Pertaining to Rice Marketing Quotas for 1956 Crop of Rice" as published in the FEDERAL REGISTER May 15, 1956 (7 CFR 730.750 to 730.799; 21 F. R. 3169 et. seq.). The date specified on Form CSS–598 for notifying the county office of an intention to adjust shall coincide with the latest date on which the adjustment may be made.

(f) *Rice acreage allotment.* Means that rice acreage allotment established for the farm under "Regulations Pertaining to Farm Acreage Allotments for the 1956 Crop" as published in the FEDERAL REGISTER under date of January 5, 1956, (7 CFR 730.701 to 730.704; 21 F. R. 71), and any amendments thereto.

§ 421.1929 *Compliance requirements; producers.* A producer shall not be eligible for price support on rice produced in 1956 unless the 1956-crop rice acreage on the farm on which such rice was produced is not in excess of the rice acreage allotment: *Provided,* That if a producer has an interest in the 1956 rice crop produced on any other farm in the same county, he must also be entitled to receive a marketing certificate for each such farm in order to be eligible for price support. Where a producer is engaged in the production of rice in more than one county (in the same State or in two or more States) and the State Committee has determined to apply the requirements of § 730.767 (b) of the "Regulations Pertaining to Rice Marketing Quotas for 1956-Crop Rice" (7 CFR Part 730; 21 F. R. 3169, 3174) to such multiple farm producer, the requirements of this section shall also be followed with respect to each such farm, wherever situated, in order for the producer to be

eligible for price support on his 1956 crop of rice.

§ 421.1930 *Effect of unknowingly exceeding farm rice acreage allotment; method of determination.* The rice acreage on a farm shall not be deemed to be in excess of the rice acreage allotment unless the operator knowingly exceeded such allotment. If the rice acreage allotment is in fact exceeded, such allotment shall be considered as having been knowingly exceeded unless the operator of the farm establishes, to the satisfaction of the county committee, either of the following conditions:

(a) Through no fault of the operator, the rice acreage(s) was not measured or he was not notified of the measured acreage(s) in time to dispose of the excess acreage in the manner specified in § 421.1928 (e); or

(b) The operator received an erroneous notice of his measured acreage and acted in good faith on the basis of such notice, and was not notified of the corrected acreage in time to dispose of the excess acreage in the manner specified in § 421.1928 (e), and with respect to both paragraphs (a) and (b) of this section, the operator made a reasonable effort by measuring or otherwise to comply with the rice acreage allotment.

§ 421.1931 *Application for review and request for reconsideration.* Any producer who is dissatisfied with any determination with respect to compliance with rice acreage allotments may, within 15 days after mailing of the official notice of the farm acreage allotment and marketing quota, file application with the county committee to have such determination reviewed by a review committee: *Provided*, That such application for review must be based on a determination which the producer has the right to have reviewed under the Regulations Pertaining to Rice Marketing Quotas for the 1956 Crop of Rice (7 CFR Part 730). Unless application for review is made within such 15-day period, such determination shall be final as to the producers on the farm. The procedures governing such review are contained in the regulations issued by the Secretary of Agriculture (7 CFR Part 711).

Done at Washington, D. C., this 19th day of June 1956.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 56-4957; Filed, June 22, 1956; 8:47 a. m.]

## TITLE 16—COMMERCIAL PRACTICES

### Chapter I—Federal Trade Commission

[Docket 6230]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

ROCKY MOUNTAIN WHOLESALE CO. ET AL.

Subpart—*Discriminating in price under section 2, Clayton Act, as amended.* Payment or acceptance of commission, brokerage, or other compensation under 2 (c): § 13.810 *Buyers' corporate or other agent.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 2, 38 Stat. 730, as amended; 15 U. S. C. 13) [Cease and desist order, Rocky Mountain Wholesale Company et al., Albuquerque, N. Mex., Docket 6230, June 7, 1956]

*In the matter of Rocky Mountain Wholesale Company, a Corporation, and Jack Beatty, Individually and as President of Rocky Mountain Wholesale Company; and as a Partner of Consolidated Brokerage Company and G & Z Brokerage Company*

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a corporate wholesaler of sundries, candy, and tobacco products and its president, with place of business in Albuquerque, New Mexico, with receiving unlawful allowances or brokerage in violation of Section 2 (c) of the Clayton Act, as amended, in that, as partners, they shared in brokerage received by two brokerage companies on purchases made by them for their own account.

On the basis of the record, containing respondents' answer making certain admissions, motion of counsel in support of the complaint for issuance of a cease and desist order predicated thereon, and respondents' later motion to dismiss, the hearing examiner made his initial decision, including findings,[1] conclusions,[1] and order to cease and desist, which became, on June 7, 1956, the decision of the Commission.

The order to cease and desist is as follows:

*It is ordered*, That the respondents Rocky Mountain Wholesale Company, a corporation, and Jack Beatty, individually and as President of Rocky Mountain Wholesale Company, and as a partner of Consolidated Brokerage Company and G & Z Brokerage Company and their respective representatives, agents and employees, directly or through any corporate or other device in connection with the purchase by respondents, or either of them, of sundries, candy and tobacco products in commerce as "commerce" is defined in the Clayton Act, do forthwith cease and desist from receiving or accepting, directly or indirectly, from any seller anything of value as a commission, brokerage, or other compensation or any allowance or discount in lieu thereof, upon purchases of sundries, candy and tobacco products made by respondents or for their account.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is ordered*, That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 7, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH,
*Secretary.*

[F. R. Doc. 56-4954; Filed, June 22, 1956; 8:47 a. m.]

[1] Filed as part of original document.

## TITLE 19—CUSTOMS DUTIES

### Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54113]

PART 5—CUSTOMS RELATIONS WITH CONTIGUOUS FOREIGN TERRITORY

PART 18—TRANSPORTATION IN BOND AND MERCHANDISE IN TRANSIT

PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

IN-TRANSIT SHIPMENTS

The customs services of Canada and the United States have agreed on a joint procedure under which containers of commercial travelers' samples transported between ports in one country through territory of the other without display may be corded and sealed in the country of departure only.

Under this procedure, examination of the samples will be made either by a Canadian or a United States customs officer before the outer containers of the samples are corded and sealed for movement in transit through the other country and no other examination of the samples themselves, as distinguished from their outer containers, will ordinarily be made by the customs officers of either country if the cords and seals are found intact and if neither the containers nor the cords and seals appear to have been tampered with. Border clearance requirements for such in-transit movements of commercial travelers' samples and the documentation of such in-transit movements of commercial travelers' samples are being simplified.

Under the procedure, outer containers of commercial travelers' samples will be corded and sealed with yellow automatic metal in-transit seals stamped "United States-Canada Customs" at United States ports of exit to Canada and with bright green automatic metal in-transit seals stamped "Canada-United States Customs" at Canadian ports of exit to the United States.

Accordingly, the Customs regulations are hereby amended as follows:

1. Section 5.11 is amended by substituting the following matter for that preceding "the same procedure" in the first sentence of paragraph (a): "Subject to the applicable provisions of paragraphs (b) and (c), whenever merchandise (including baggage) arrives at a frontier port from Mexico or Canada in transit through the United States to the same country from which it arrived," and by redesignating paragraph (c) as paragraph (d); and by inserting a new paragraph (c) to read as follows:

(c) A commercial traveler arriving at a Canadian frontier port with his samples which are to be transported in his own automobile through the United States to another port in Canada without being displayed in the United States, may present the samples, if the outer containers can be effectively sealed, to a Canadian customs officer at the port of departure from Canada for cording and sealing with bright green automatic metal in-transit seals. As a condition for such cording and sealing, the traveler will be required to furnish to the Canadian customs officer a list, in duplicate, of all the articles in the containers with the approximate values of the articles shown. Such list will bear the traveler's name and address. Upon the arrival of the commercial traveler in the United States with his samples effectively corded and sealed as set forth above, and upon presentation to the United States customs officer of the original list of samples properly authenticated by the Canadian customs officer, the samples may be transported through the United States without disturbing the cords and seals and without further sealing of the samples in the United States. Bonded common carrier facilities are not considered to be reasonably available to a commercial traveler under the above described circumstances and, therefore, he may be permitted to transport his samples in his own automobile, subject to the conditions of § 18.20 (b) of this chapter. The traveler shall be required to execute and file customs Form 7520, in triplicate, at the port of his arrival in the United States as an in-transit manifest covering the movement to the port of exit from the United States of any portion of his samples which is not released from customs custody. In preparing customs Form 7520 for commercial travelers' samples, descriptions, quantities, and values may be shown thereon by merely noting "Commercial Samples", the number of the corded and sealed containers, and the approximate total value of the samples.

(Sec. 553, 46 Stat. 742, as amended; 19 U. S. C. 1553)

2. Section 18.15 of the Customs regulations is amended by inserting "and accompanied commercial travelers' samples" after the words "Domestic baggage" in the heading; by changing the first letter in the first word of paragraph (c) to lower case and inserting "Except as otherwise provided for in paragraph (d) of this section," at the beginning of that paragraph; by deleting the parenthetical matter at the end of paragraph (c); and by adding a new paragraph (d) to read as follows:

(d) If a commercial traveler arriving at a United States frontier port with his samples wishes to carry them in his own automobile through Canada to another place in the United States without displaying them in Canada and the outer containers of the samples may be readily and effectively corded and sealed, the containers may be corded and sealed with yellow automatic metal intransit seals by a United States customs officer upon compliance with the following conditions. The traveler shall furnish a list, in duplicate, of all the articles in the containers with the approximate values of the articles shown. The customs officer shall check the list with the articles and satisfy himself that the values shown for the articles appear to be approximately correct. The original of the list, signed by the customs officer over his title and showing that the articles on the list have been checked by the officer against those in the containers, shall be returned to the traveler for submission by him to the Canadian customs upon his arrival in Canada. The traveler shall also be required to execute and file customs Form 7533-B, in original only, at the port of his departure from the United States, as an intransit manifest covering the movement of the samples to the United States port through which the traveler will return to this country. After this form has been signed and dated by the customs officer, it shall be returned to the traveler for submission by him to the collector of customs at the United States port where the samples are returned to this country. In preparing customs Form 7533-B for commercial travelers' samples, descriptions and quantities may be shown thereon by merely noting "Commercial Samples" and the number of the corded and sealed containers. The traveler may be required to assist the customs officer in the cording and sealing.

(Sec. 554, 46 Stat. 743; 19 U. S. C. 1554)

3. Section 24.13 (b) is amended to read:

(b) In-bond seals used for sealing imported merchandise shipped between ports in the United States shall be colored red and stamped "U. S. Customs In Bond," except that bright green seals shall be used to seal carload or truckload shipments of merchandise or containers of commercial travelers' samples moving in transit between Canadian ports through the United States in bond as provided for by § 5.11 (b) and (c) of this chapter. Such green seals used on railroad cars shall be stamped [Can. Customs / U. S. Transit], those used on trucks stamped [H. W. Can. Customs / U. S. Transit], and those used on containers of commercial travelers' samples stamped Canada-United States Customs. In-transit seals used for sealing merchandise shipped from one port in the United States through foreign territory or waters to another port in the United States shall be colored blue and stamped "U. S. Customs In-Transit," except that in-transit seals used on carload or truckload shipments of merchandise or on containers of commercial travelers' samples moving in transit between United States ports via Canada shall be colored yellow. Such yellow seals used on railroad cars shall be stamped [U. S. Customs / Can. Transit], those used on trucks stamped [H. W. U. S. Customs / Can. Transit], and those used on containers of commercial travelers' samples stamped "United States-Canada Customs." Seals used for sealing merchandise for customs purposes other than for (1) shipping in bond, (2) shipping by other than a bonded common carrier in accordance with section 553, Tariff Act of 1930, as amended, or (3) shipping in transit shall be uncolored and stamped "U. S. Customs." All seals (except green in-transit seals for use on trucks or on containers of commercial travelers' samples) shall be stamped with the name of the port for which they are ordered. Each Tyden seal shall be stamped with a serial number. Each automatic metal seal shall be stamped with a symbol number and, when required, with a serial number. These numbers will be assigned by the collector of customs when the orders therefor are approved.

4. Section 24.13 (c) is amended by deleting "Tyden" in the next to the last sentence.

(R. S. 251, sec. 624, 46 Stat. 759; 19 U. S. C. 66, 1624)

The new procedure herein authorized shall be effective as soon as the new automatic metal in-transit seals are available for use.

[SEAL] RALPH KELLY,
*Commissioner of Customs.*

Approved: June 15, 1956.

DAVID W. KENDALL,
*Acting Secretary of the Treasury.*

[F. R. Doc. 56-4967; Filed, June 22, 1956; 8:49 a. m.]

## TITLE 20—EMPLOYEES' BENEFITS

### Chapter V—Bureau of Employment Security, Department of Labor

PART 609—REGULATIONS TO IMPLEMENT TITLE XV OF THE SOCIAL SECURITY ACT, AS AMENDED; RESPONSIBILITIES OF FEDERAL AGENCIES

MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in me by section 1509, Title XV of the Social Security Act, as amended (68 Stat. 1130; 42 U. S. C. A. 1361, et seq.), the following regulations contained in this part are amended. The amendments are designed to clarify the form and manner in which the Federal agencies are to make their findings, how these findings can be implemented or modified and the finality to be attributed to such findings. Several other minor changes are also of a clarifying nature.

1. Section 609.1 (e) is amended to read as follows:

(e) "Official station" means the State or country (if outside the United States) designated on the Federal employee's notification of personnel action terminating his Federal service (Standard Form 50 or its equivalent) as his "headquarters", or "duty station" if it differs from his "headquarters". If the form of notification does not specify his "headquarters" or "duty station", his official station shall be the State or country of employment designated on such form.

2. Section 609.1 is amended by adding paragraph (i) as follows:

(i) "Findings" means the facts found by a Federal agency with respect to:

(1) Whether the claimant has performed Federal service for that agency during the base period specified on the Form ES-931,

(2) The claimant's Federal wages for such base period, by quarters or weeks, as requested, and

(3) The reasons for the termination of his Federal service.

3. Section 609.2 (b) is amended by deleting the words "leave without pay" and inserting in lieu thereof the words "nonpay status."

4. Section 609.3 (a) is amended to read as follows:

§ 609.3 *Findings by Federal agency.* (a) Upon receipt from a State agency or the Secretary of a "Request for Wage and Separation Information" (Form ES–931), the Federal agency shall promptly make its findings. It shall thereupon complete all copies of the Form ES–931 and transmit its findings to the State agency on such Form or as a part thereof. If the documents necessary for the completion of the Form have been assigned to an agency record center or the Federal Record Center in St. Louis, the Federal agency shall obtain the necessary information from the record center. Any record center shall give priority to such request.

5. Section 609.3 (d) is amended to read as follows:

(d) The findings of the Federal agency shall be final and conclusive: *Provided however,* That additional information submitted by the Federal agency in accordance with § 609.7 shall be considered a part of the original findings which shall be final and conclusive as so supplemented: *And provided further,* That any findings submitted by the Federal agency after reconsideration in accordance with § 609.7 shall be final and conclusive as affirmed or modified by the Federal agency.

6. Section 609.3 (e) is amended to read as follows:

(e) A claimant's right to compensation under Title XV will be determined, subject to the findings of the Federal agency, by the State agency under the applicable provisions of the State unemployment compensation law. Any such determination by a State agency is, except for the findings of the Federal agency, subject to review in the same manner and to the same extent as other determinations of entitlement under the State unemployment compensation law, unless it is a determination by the State agency of Puerto Rico or the Virgin Islands, in which event it is subject to review in accordance with the regulations of the Secretary.

7. Section 609.5 is amended to read as follows:

§ 609.5 *Allocation of terminal annual leave payment.* The Federal agency shall allocate any lump-sum payment for terminal annual leave over the period (following the date of separation) for which it was paid. The Federal agency shall follow the procedures described in the Federal Personnel Manual for computing the terminal annual leave payment to ascertain the last day with respect to which such payment was made.

8. Section 609.7 (a) is amended by deleting the words "pursuant to § 609.3 (a)" in the first sentence and by adding the following paragraph at the end of paragraph (a):

If at any stage in the determination of a claimant's entitlement to compensation the State agency, State administrative appeal authority, or the Secretary, determines that the Federal agency's finding do not contain sufficient information for the application of the State law, a request may be made for additional facts. Upon receipt of this request the Federal agency shall (except where it would be inconsistent with general policies followed in the case of separations for security reasons) furnish, in writing, such additional information as it may have to enable the State agency or appeal authority to apply the State law.

9. Section 609.7 (b) is amended by deleting in the first sentence the words "made pursuant to § 609.3 (a)" and by adding the following paragraph at the end of paragraph (b):

The State agency, State administrative appeal authority or the Secretary may at any stage in the determination of a claimant's entitlement to compensation request the Federal agency to reconsider and correct any of its findings. The Federal agency, immediately upon receipt of such request for reconsideration and correction, shall consider the information supplied by the State agency, State administrative appeal authority, or the Secretary and shall review its findings. The Federal agency shall promptly correct any errors or omissions that it may find, and shall, in writing, affirm or modify any or all of its findings as may be appropriate. It shall then forward its reconsidered findings to the State agency, State administrative appeal authority or the Secretary.

10. Section 609.7 (c) is amended by deleting the words "made pursuant to § 609.3 (a)".

11. Section 609.8 is amended by deleting the words "made pursuant to § 609.3 (a)".

(Sec. 1509, 68 Stat. 1135; 42 U. S. C. 1369)

*Effective date.* This amendment shall take effect upon publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 15th day of June 1956.

JAMES P. MITCHELL,
*Secretary of Labor.*

[F. R. Doc. 56–4953; Filed, June 22, 1956; 8:46 a. m.]

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PART 610—REGULATIONS TO IMPLEMENT TITLE XV OF THE SOCIAL SECURITY ACT, AS AMENDED; RESPONSIBILITIES OF STATE EMPLOYMENT SECURITY AGENCIES

MISCELLANEOUS AMENDMENTS

Pursuant to the authority vested in me by section 1509, Title XV of the Social Security Act, as amended (68 Stat. 1130; 42 U. S. C. A. 1361, et seq.), the following regulations contained in this part are amended. The amendments are designed to clarify the form and manner in which the Federal agencies are to make their findings, how these findings can be implemented or modified and the finality to be attributed to such findings. Several other minor changes are also of a clarifying nature.

1. Section 610.1 (g) is amended to read as follows:

(g) "Official station" means the State or country (if outside the United States) designated on the Federal employee's notification of personnel action terminating his Federal service (Standard Form 50 or its equivalent) as his "headquarters", or "duty station" if it differs from his "headquarters". If the form of notification does not specify his "headquarters" or "duty station", his official station shall be the State or country of employment designated on such form.

2. Section 610.1 is amended by adding paragraph (l) as follows:

(l) "Findings" means the facts found by a Federal agency with respect to:

(1) Whether the claimant has performed Federal service for that agency during the base period specified on the Form ES–931,

(2) The claimant's Federal wages for such base period, by quarters or weeks, as requested, and

(3) The reasons for the termination of his Federal service.

3. Section 610.3 (a) (3) is amended by the addition of the following at the end of subparagraph (3):

(3) • • • Federal service and Federal wages assigned to a State in error may be reassigned by that State for use by the proper State. The reassigning State agency shall keep an appropriate record of the reassignment.

4. Section 610.3 (c) (3) is amended to read as follows:

(3) Federal service and Federal wages assigned to a State shall be used only by that State (or by another State to which they have been transferred in accordance with the interstate wage combining plans or reassigned to correct an error) in determining entitlement to compensation.

5. Section 610.3 is amended by deleting § 610.3 (c) (4) and (e).

6. Section 610.4 (a) is amended to read as follows:

§ 610.4 *Effect of Federal agency's findings.* (a) The findings of a Federal agency shall be final and conclusive: *Provided however,* That additional information submitted by the Federal agency in accordance with § 609.7 of this chapter shall be considered a part of the original findings which shall be final and conclusive as so supplemented: *And provided further,* That any findings submitted by the Federal agency after reconsideration in accordance with § 609.7 of this chapter shall be final and conclusive as affirmed or modified by the Federal agency.

7. Section 610.4 (b) is amended by deleting the words "specified in paragraph (a) of this section".

8. Section 610.5 (a) is amended by changing the parenthetical statement in the first sentence to read as follows: "(or of another State to which they have been transferred in accordance with the interstate wage combining plans or reassigned to correct an error)."

9. Section 610.7 (a) is amended to read as follows:

§ 610.7 *Adjustments and appeals—*(a) *Appeals from State agency determinations.* Except for the findings of the Federal agency, determinations made by a State agency as to a claimant's entitlement to compensation shall be subject to review in the same manner and to the same extent as other determinations made under the State unemployment compensation law.

10. Section 610.7 (b) (1) is amended by changing the second sentence to read as follows: "If at the time a request for reconsideration and correction of the Federal agency's findings or for additional information is filed, a determination of entitlement has already been made, the claimant shall file an appeal or request for redetermination from the State agency's determination in accordance with the unemployment compensation law of the State."

11. A new section designated as § 610.8 is added to read as follows:

§ 610.8 *Redetermination after corrected findings.* If the findings of the Federal agency are corrected pursuant to § 609.7 (c) of this chapter, the State agency shall to the extent the State law permits and the corrected finding affords a basis therefor, make a redetermination of the claimant's entitlement to compensation and forward notice thereof to the claimant.

(Sec. 1509, 68 Stat. 1135; 42 U. S. C. 1369)

*Effective date.* This amendment shall take effect upon publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 15th day of June 1956.

JAMES P. MITCHELL,
*Secretary of Labor.*

[F. R. Doc. 56–4952; Filed, June 22, 1956; 8:46 a. m.]

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# TITLE 49—TRANSPORTATION

## Chapter I—Interstate Commerce Commission

[Docket No. 3666; Order 26]

PARTS 71–78—EXPLOSIVES AND OTHER DANGEROUS ARTICLES

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 4th day of June 1956.

The matter of revision of certain regulations governing the transportation of explosives and other dangerous articles, formulated and published by the Commission, being under consideration, and

It appearing, that Notice No. 26, dated April 18, 1956, setting forth certain proposed amendments to the said regulations, and the reasons therefor, and stating that consideration was to be given thereto, was published in the FEDERAL REGISTER on May 5, 1956 (21 F. R. 3024), pursuant to the provisions of section 4 of the Administrative Procedure Act; that pursuant to said notice interested parties were given an opportunity to be heard with respect to said proposed amendments; and that no request for hearing and no written views or arguments were submitted to the Commission in favor of or against the proposed amendments:

*It is ordered,* That the aforesaid regulations governing the transportation of explosives and other dangerous articles be, and they are hereby, amended in the manner and to the extent set forth in Notice No. 26, dated April 18, 1956.

*It is further ordered,* That this order shall become effective August 31, 1956 and shall remain in effect until further order of the Commission;

*It is further ordered,* That compliance with the herein prescribed and amended regulations is hereby authorized on and after the date of service of this order;

*And it is further ordered,* That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy thereof with the Director, Division of Federal Register.

(Sec. 204, 49 Stat. 546, as amended, sec. 835, 62 Stat. 739; 49 U. S. C. 304, 18 U. S. C. 835)

By the Commission, Division 3.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

PART 72—COMMODITY LIST OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES CONTAINING THE SHIPPING NAME OR DESCRIPTION OF ALL ARTICLES SUBJECT TO PARTS 71–78 OF THIS CHAPTER

1. Amend § 72.5 Commodity List (20 F. R. 4413, June 23, 1955) (15 F. R. 8266, 8267, 8268, 8271, Dec. 2, 1950) (19 F. R. 8524, Dec. 14, 1954) (17 F. R. 7279, Aug. 9, 1952) (21 F. R. 2145, Apr. 4, 1956) (49 CFR 1950 Rev., 1955 Supp. 72.5) as follows:

§ 72.5 *List of explosives and other dangerous articles.* (a) • • •

| Article | Classed as— | Exemptions and packing (see sec.) | Label required if not exempt | Maximum quantity in 1 outside container by rail express |
|---|---|---|---|---|
| *Change* | | | | |
| Detonating fuzes, class A explosives | Expl. A | No exemption, 73.69 | | Not accepted. |
| Detonating fuzes, class A explosives, radioactive. | Expl. A | No exemption, 73.69 | | Do. |
| Detonating fuzes, class C explosives | Expl. C | No exemption, 73.113 | | 150 pounds. |
| Dispersant gas, n. o. s. | Nonf. G | 73.302, 73.306, 73.314 | Green | 300 pounds. |
| *Explosive compositions* | Expl. A or B | No exemption, 73.53, 73.61 to 73.93. | | 10 pounds. |
| Fuzes, detonating class A explosives | Expl. A | No exemption, 73.69 | | Not accepted. |
| Fuzes, detonating, class A explosives, radioactive. | Expl. A | No exemption, 73.69 | | Do. |
| Fuzes, detonating, class C explosives | Expl. C | No exemption, 73.113 | | 150 pounds. |
| Hydrogen bromide | Nonf. G | 73.302, 73.306 | Green | 300 pounds. |
| Jet thrust unit (*jato*), class A explosives | Expl. A | No exemption, 73.79 | | Not accepted. |
| Jet thrust unit (*jato*), class B explosives | Expl. B | No exemption, 73.92 | | Do. |
| Pressurized flammable liquid, n. o. s. | F. L. | 73.118, 73.142 | Red | 10 gallons. |
| Propellant explosives, class A explosives | Expl. A | No exemption, 73.64 (d). | | See § 73.86. |
| Propellant explosives, class B explosives | Expl. B | No exemption, 73.93 | Red # | 10 pounds. |
| *Add* | | | | |
| Gold 198 | Pois. D | 73.392, 73.393 | Poison. Radioactive materials. Red. | See § 73.391 (c). |
| Refrigerant gas, n. o. s. | Nonf. G | 73.302, 73.306, 73.314 | Green | 300 pounds. |

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PART 73—SHIPPERS

SUBPART A—PREPARATION OF ARTICLES FOR TRANSPORTATION BY CARRIERS BY RAIL FREIGHT, RAIL EXPRESS, HIGHWAY, OR WATER

1. In § 73.22, amend the introductory text of paragraph (a) (21 F. R. 2145, Apr. 4, 1956) (49 CFR 73.22, 1950 Rev.) to read as follows:

§ 73.22 *Specification containers prescribed.* (a) Shipping containers, unless otherwise provided in this part (see § 73.9 (c)), used hereafter in shipping explosives or other dangerous articles, must have been made, assembled with all parts or fittings in their proper place, and marked in compliance with specifications prescribed in Part 78 of this chapter or with specifications of the Commission in effect at date of manufacture of container.

• • • • • •

SUBPART C—FLAMMABLE LIQUIDS; DEFINITION AND PREPARATION

2. In § 73.118, amend paragraphs (a) and (b); cancel paragraph (c) (22); add paragraph (d) (21 F. R. 363, Jan. 19, 1956) (17 F. R. 7280, Aug. 9, 1952) (15 F. R. 8298, Dec. 2, 1950) (49 CFR 1950 Rev., 1955 Supp., 73.118) to read as follow:

§ 73.118 *Exemptions for flammable liquids.* (a) Flammable liquids, except pressurized flammable liquids and those enumerated in paragraph (c) of this section, in inside metal containers not over 1 quart capacity each, packed in strong outside containers, except as otherwise provided, are exempt from specification packaging, marking, and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817,

and Part 197 of this chapter. These exemptions do not apply to shipments offered for transportation by rail express.

(b) Flammable liquids, except pressurized flammable liquids and those enumerated in paragraph (c) of this section, in inside containers having a capacity not over 1 pint or 16 ounces by weight each, packed in strong outside containers, are exempt from specification packaging, marking, and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

(c) * * *

(22) [Canceled.]

* * * * *

(d) Pressurized flammable liquids in inside containers having a capacity not exceeding ½ pint or 8 ounces by weight each, capable of withstanding a 4-foot drop onto solid concrete without shattering, packed in strong outside containers, are exempt from specification packaging, marking, and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

3. In § 73.119, amend paragraph (b) (3) (15 F. R. 8299, Dec. 2, 1950) (49 CFR 73.119, 1950 Rev.) to read as follows:

§ 73.119 *Flammable liquids not specifically provided for.* * * *

(b) * * *

(3) Spec. 10B (§ 78.156 of this chapter), wooden barrels or kegs.

NOTE 1: Because of the present emergency and until further order of the Commission, wooden whiskey barrels, properly recoopered, which comply with all the provisions of spec. 10B (§ 78.156 of this chapter), are also authorized. Marking is required on the head of each container, by the reconditioner, by hot branding or legible stenciling, as follows: ICC–10B.

Name or symbol (letters) of reconditioner; this must be registered with the Bureau of Explosives and located just above, below, or following the mark ICC–10B.

Size of marking (minimum) ¾ inch high.

* * * * *

4. In § 73.145, amend paragraph (a) (4) (21 F. R. 671, Jan. 31, 1956) (49 CFR 1950 Rev., 73.145) to read as follows:

§ 73.145 *Methylhydrazine and unsdimethylhydrazine.* (a) * * *

(4) Spec. 17C (§ 78.115 of this chapter), metal barrels or drums (single-trip) with openings not exceeding 2.3 inches in diameter. Authorized only for unsymmetrical dimethylhydrazine.

* * * * *

SUBPART D—FLAMMABLE SOLIDS AND OXIDIZING MATERIALS; DEFINITION AND PREPARATION

5. In § 73.182, amend paragraph (b) (1), (2) and (4); add paragraph (b) (5) (19 F. R. 8526, Dec. 14, 1954) (20 F. R. 4415, June 23, 1955) (49 CFR 1950 Rev., 1955 Supp., 73.182) to read as follows:

§ 73.182 *Nitrates.* * * *

(b) * * *

(1) In bulk in tight closed freight cars. (See § 74.532 (k) of this chapter for loading requirements.)

(2) In bulk in sift proof closed or open type motor vehicles. (See § 77.838 (f) of this chapter for loading requirements.)

* * * * *

(4) In burlap bags not exceeding 200 pounds net weight, water-resistant made tight against sifting, and made of not less than 8-ounce burlap. Ammonium nitrate-carbonate mixtures, calcium nitrate, sodium nitrate, nitrate of soda and potash, or strontium nitrate when so packed are exempt from labeling requirements and § 77.823 of this chapter. For water shipments see Regulations for Explosives or Other Dangerous Articles on Board Vessels prescribed by the Commandant United States Coast Guard (46 CFR Part 146). (See §§ 74.532 and 77.838 of this chapter for loading requirements.)

(5) In multi-wall paper bags not exceeding 110 pounds net weight, of at least 4-ply construction including moisture-barrier ply, and made tight against sifting. Completed package, filled to weight with product and closed for shipment, must be capable of withstanding three 4-foot drops on face or back onto solid concrete without rupture. Ammonium nitrate-carbonate mixtures, calcium nitrate, sodium nitrate, nitrate of soda and potash, or strontium nitrate when so packed are exempt from labeling requirements and § 77.823 of this chapter. For water shipments see Regulations for Explosives or Other Dangerous Articles on Board Vessels prescribed by the Commandant United States Coast Guard (46 CFR Part 146). (See §§ 74.532 and 77.838 of this chapter for loading requirements.)

SUBPART E—ACIDS AND OTHER CORROSIVE LIQUIDS; DEFINITION AND PREPARATION

6. In § 73.249, amend the introductory text of paragraph (a); amend paragraph (a) (6) and (7) (21 F. R. 2147, Apr. 4, 1956) (18 F. R. 6778, Oct. 27, 1953) (49 CFR 1950 Rev., 1955 Supp., 73.249) to read as follows:

§ 73.249 *Alkaline corrosive liquids, n. o. s., alkaline caustic liquids, n. o. s., alkaline battery fluids, and sodium aluminate, liquid.* (a) Alkaline corrosive liquids, n. o. s., alkaline caustic liquids, n. o. s., alkaline battery fluids, and sodium aluminate, liquid, when offered for transportation by carriers by rail freight, highway, or water must be packed in specification containers of a design and constructed of materials that will not react dangerously with or be decomposed by the chemical packed therein as follows:

* * * * *

(6) Spec. MC 310 or MC 311 (§ 78.330 or § 78.331 of this chapter), tank motor vehicles.

(7) Spec. 60 (§ 78.255 of this chapter), portable tanks.

* * * * *

7. In § 73.257, amend paragraph (a) (6) (20 F. R. 4416, 4417, June 23, 1955) (49 CFR 1950 Rev., 1955 Supp., 73.257) to read as follows:

§ 73.257 *Electrolyte (acid) or corrosive battery fluid.* (a) * * *

(6) Spec. 12B (§ 78.205 of this chapter), fiberboard boxes with inside containers of polyethylene or other electrolyte acid resistant plastic having secure closures capable of withstanding conditions incident to transportation without leakage and unless containers are rigid or semi-rigid in nature they must be contained in other strong inside containers; minimum thickness of polyethylene or other plastic material shall be not less than 0.003 inch for any film sheet for multi-wall containers or not less than 0.006 inch for single wall containers; not more than 12 such inside containers shall be packed in one outside box and the marking prescribed in § 73.401 (c) shall not be required. Inside containers shall be packed to prevent movement within the box. Dry storage batteries or battery charger device may be packed in the same outside box when adequately separated from other inside containers; gross weight of completed package shall not exceed 65 pounds. Complete package, closed as for shipment, with inside polyethylene containers filled with liquid of same specific gravity as commodity to be shipped, must be capable of withstanding at least 2 drops from a height of 4 feet onto solid concrete without leakage from or rupture of inside containers.

* * * * *

8. In § 73.260, amend paragraph (e) (18 F. R. 3135, June 2, 1953) (49 CFR 1950 Rev., 1955 Supp., 73.260) to read as follows:

§ 73.260 *Electric storage batteries, wet.* * * *

(e) Shipments of electric storage batteries containing electrolyte or battery fluid, loaded or braced to prevent damage in transit and short circuits, are exempt from Parts 71–78 and 197 of this chapter: *Provided, however,* That storage batteries (either wet or dry) constitute the only commodity being transported in the railroad car or motor vehicle body.

* * * * *

9. In § 73.266, amend paragraph (c) (5) (21 F. R. 672, Jan. 31, 1956) (49 CFR 73.266, 1950 Rev.) to read as follows:

§ 73.266 *Hydrogen peroxide solution in water.* * * *

(c) * * *

(5) Spec. 1F, 1G, or 1H (§ 78.10, § 78.11, or § 78.13 of this chapter), polyethylene carboys in wooden boxes, plywood drums, or metal crates. The carboy closures must be vented so as to prevent accumulation of internal pressure.

* * * * *

SUBPART F—COMPRESSED GASES; DEFINITION AND PREPARATION

10. In § 73.302, amend paragraph (a) (5) and (7) (19 F. R. 1279, Mar. 6, 1954) (21 F. R. 673, Jan. 31, 1956) (49 CFR 1950 Rev., 1955 Supp., 73.302) to read as follows:

§ 73.302 *Exemptions for compressed gases.* (a) * * *



(5) Foodstuffs or soaps in metal cans with soluble or emulsified compressed gas, provided the pressure in the container does not exceed 115 pounds per square inch absolute at 70° F. or 150 pounds per square inch absolute at 130° F. The metal container must be capable of withstanding without bursting a pressure of two times the pressure of contents at 70° F. or one and one-half times the pressure of the contents at 130° F., whichever is greater.

* * * * *

(7) Inside nonrefillable metal containers charged with a solution containing biological products or a medical preparation which will be deteriorated by heat and compressed gas or gases, which is nonpoisonous and nonflammable, and of capacity not to exceed 31.83 cubic inches (17.6 fluid ounces). Pressure in the container not to exceed 55 pounds per square inch absolute at 70° F., and the liquid content of the product and gas must not completely fill the container at 130° F. One completed container out of each lot of 500 or less, filled for shipment, must have been heated until content reached a minimum temperature of 130° F., without evidence of leakage, distortion, or other defect.

* * * * *

11. In § 73.306, amend paragraph (d) (1) (19 F. R. 1279, Mar. 6, 1954) (49 CFR 1950 Rev., 1955 Supp., 73.306) to read as follows:

§ 73.306 *Liquefied gases, except acetylene in solution.* * * *

(d) * * *

(1) Spec. 12B (§ 78.205 of this chapter) fiberboard boxes or spec. 15A, 15B, 15C, 16A, or 19A (§§ 78.168, 78.169, 78.170, 78.185, or 78.190 of this chapter) wooden boxes, with inside metal containers not over 31.83 cubic inches (17.6 fluid ounces) capacity each. Pressure in inside containers shall not exceed 55 pounds per square inch absolute at 70° F. and the liquid content of the mixture must not completely fill the container at 130° F. Each completed container filled for shipment must have been heated until contents reached a minimum temperature of 130° F., without evidence of leakage, distortion, or other defect.

* * * * *

12. In § 73.310, amend the introductory text of paragraph (a) (21 F. R. 367, Jan. 19, 1956) (49 CFR 73.310, 1950 Rev.) to read as follows:

§ 73.310 *Fire extinguishers and component parts thereof.* (a) Fire extinguishers and component parts thereof containing compressed gas for the purpose of expelling fire extinguishing contents, which must be nonliquefied gas when in containers exceeding 30 cubic inches capacity, when shipped under the following conditions are exempt from specification packaging, marking, and labeling requirements, except that marking name of contents on outside container is required for shipments via carrier by water. Shipments for transportation by highway carriers are exempt also from Part 77 of this chapter, except § 77.817, and Part 197 of this chapter.

* * * * *



SUBPART G—POISONOUS ARTICLES; DEFINITION AND PREPARATION

13. In § 73.370, amend paragraphs (a) (5) and (c) (1); add paragraph (c) (3) (20 F. R. 4418, June 23, 1955) (18 F. R. 804, Feb. 7, 1953) (49 CFR 1950 Rev., 1955 Supp., 73.370) to read as follows:

§ 73.370 *Cyanides, or cyanide mixtures, except cyanide of calcium and mixtures thereof.* (a) * * *

(5) Spec. 37A or 37B (§ 78.131 or § 78.132 of this chapter), metal drums (single-trip containers).

* * * * *

(c) * * *

(1) As prescribed in paragraph (a) (2), (3), (4), (6), (8), (9), (10), or (11) of this section.

* * * * *

(3) Spec. 37A or 37B (§ 78.131 or § 78.132 of this chapter), metal drums (single-trip containers); welded side seams required for Spec. 37B drums and all seams and closures must be watertight and hermetically sealed.

* * * * *

14. In § 73.391, amend paragraph (c) (20 F. R. 952, Feb. 15, 1955) (49 CFR 1950 Rev., 1955 Supp., 73.391) to read as follows:

§ 73.391 *Radioactive materials Class D poison; definition.* * * *

(c) Not more than 300 curies of solid cesium 137, cobalt 60, gold 198, or iridium 192 may be packed in one outside container for shipment by rail freight, rail express, or highway, except by special arrangements and under conditions approved by the Bureau of Explosives.

15. In § 73.393, amend paragraph (f) (5) (20 F. R. 952, Feb. 15, 1955) (49 CFR 1950 Rev. 1955 Supp., 73.393) to read as follows:

§ 73.393 *Packing and shielding.* * * *

(f) * * *

(5) Spec. 55 (§ 78.250 of this chapter), metal-encased, lead or uranium metal-shielded containers. Authorized for not more than 300 curies (see § 73.391). Containers must be equipped with a seal.

* * * * *

PART 74—CARRIERS BY RAIL FREIGHT

SUBPART A—LOADING, UNLOADING, PLACARDING AND HANDLING CARS; LOADING PACKAGES INTO CARS

1. In § 74.532, amend paragraph (k) (19 F. R. 1281, Mar. 6, 1954) (49 CFR 1950 Rev., 1955 Supp., 74.532) to read as follows:

§ 74.532 *Loading other dangerous articles.* * * *

(k) Nitrates listed in § 73.182 (b) of this chapter must be loaded in clean closed cars which shall be free of loose boards, cracks, holes, or exposed decayed spots. Interior of cars must be swept clean and be free of any projections capable of injuring bags when so packaged. Doors of cars must have tight closures. Journals and boxes must be in good condition. Ammonium nitrate, ammonium nitrate (organic coating), ammonium nitrate fertilizer, containing 90 percent or more ammonium nitrate with no organic coating, and guanidine nitrate must be loaded in all wood box cars, or wooden box cars with steel roofs, or steel box cars with wooden floors and must not be loaded in all metal cars (see also § 74.541 (a) (1)).

* * * * *

SUBPART E—HANDLING BY CARRIERS BY RAIL FREIGHT

2. In § 74.584, paragraph (a) table, amend the first item in the first column, now reading, "For high explosives, initiating explosives and low explosives, class A." to read as follows: "For high explosives, initiating explosives, low explosives, and blasting caps or electric blasting caps more than 1,000 in quantity, class A" (17 F. R. 4296, May 10, 1952) (49 CFR 1950 Rev., 1955 Supp., 74.584).

3. In § 74.589, amend paragraph (g) (1) and (2), and paragraph (k) in (15 F. R. 8356, Dec. 2, 1950) redesignated as (h) (1) and (2), and paragraph (l) respectively, in (49 CFR 74.589, 1950 Rev.) to read as follows:

§ 74.589 *Handling cars.* * * *

(h) * * *

(1) Occupied passenger car; except as provided in paragraph (l) of this section.

(2) Occupied combination car; except as provided in paragraph (l) of this section.

* * * * *

(l) *Position in freight train or mixed train of cars placarded "Explosives" or "Poison Gas", or both, when accompanied by cars carrying guards or gas handling crews.* A car requiring "Explosives" or "Poison Gas" placards, or both, shall be next to and ahead of the car occupied by the guards or gas handling crews accompanying such car; except that when the car occupied by guards or gas handling crews is equipped with a lighted heater or stove it shall be the fourth car behind a car or cars requiring "Explosives" placards.

(1) [Canceled.]

PART 75—CARRIERS BY RAIL EXPRESS

SUBPART A—TRANSPORTATION OF EXPLOSIVES BY THE RAILWAY EXPRESS AGENCY, INCORPORATED, IN PASSENGER OR EXPRESS TRAIN SERVICE

1. In § 75.675, amend Exception No. 1 following paragraph (a) (16 F. R. 9380, Sept. 15, 1951) (49 CFR 1950 Rev., 1955 Supp., 75.675) to read as follows:

§ 75.675 *Explosives via Railway Express Agency, Inc.* (a) * * *

Exception No. 1: Samples of explosives for laboratory examination, fireworks, or other similar authorized explosives may continue to be transported in passenger or express train service, subject to the published regulations. (See §§ 72.5 and 73.86 (d) of this chapter.)

* * * * *

PART 77—SHIPMENTS MADE BY WAY OF COMMON, CONTRACT, OR PRIVATE CARRIERS BY PUBLIC HIGHWAY

SUBPART A—GENERAL INFORMATION AND REGULATIONS

1. In § 77.817, amend paragraph (a) (1) (18 F. R. 5273, Sept. 1, 1953) (49

CFR 1950 Rev., 1955 Supp., 77.817) to read as follows:

§ 77.817 *Shipping papers.* (a) • • •

(1) Every motor carrier offering for rail transportation any loaded motor vehicle or any loaded motor vehicle trailer, semi-trailer, or container containing any shipment of an explosive or other dangerous article shall show on the bill of lading, shipping order, shipping paper, or other billing issued in lieu thereof, in addition to the description of the vehicle or container, the proper and definite name of the commodity as shown in § 72.5 of this chapter and the color of label or kind of placards applied.

SUBPART B—LOADING AND UNLOADING

2. In § 77.835, amend paragraphs (g) and (h) (18 F. R. 5273, Sept. 1, 1953) (15 F. R. 8365, Dec. 2, 1950) (49 CFR 1950 Rev., 1955 Supp., 77.835) to read as follows:

§ 77.835 *Explosives.* • • •

(g) *Blasting caps and/or electric blasting caps in same vehicle with other explosives.* Blasting caps and/or electric blasting caps, without limitation as to quantity except as limited in paragraph (m) of this section, may be transported in the same motor vehicle with high explosives (dynamites and similar explosives) when the net weight of the high explosives (dynamites and similar explosives) does not exceed 5,000 pounds, as follows: The blasting caps and electric blasting caps must be packed in authorized I. C. C. specification outside shipping containers, or in prescribed inside I. C. C. packages in an outside box made of 1 inch lumber lined with suitable padding material not less than ½ inch thick or a box made of not less than 12 gauge sheet metal lined with plywood or other suitable material not less than ⅜ inch thick so that no metal is exposed. Hinged cover and fastening device are required on boxes. These boxes must be loaded in motor vehicle so that contents or box will be immediately accessible for removal and so that other containers in the motor vehicle will not fall on them or otherwise damage them during transit. Blasting caps or electric blasting caps when not packed in containers referred to above in this paragraph must be transported in containers as prescribed in spec. MC–201. See paragraph (m) of this section for shipment of blasting caps with liquid nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate. Explosive projectiles with detonating fuzes assembled in place must not be transported unless shipped by, for, or to the Departments of the Army, Navy, and Air Force of the United States Government, or unless of a type approved by the Bureau of Explosives.

(h) *Lading within body or covered, tailgate closed.* Except as provided in paragraphs (g), (k), and (m) of this section, dealing with the transportation of liquid nitroglycerin, desensitized liquid nitroglycerin or diethylene glycol dinitrate, other than as defined in § 73.53 (e) of this chapter, all of that portion of the lading of any motor vehicle which consists of explosives shall be contained entirely within the body of the motor vehicle or within the horizontal outline thereof, without overhang or projection of any part of the load, and if such motor vehicle has a tailboard or tailgate, it shall be closed and secured in place during such transportation. Every motor vehicle transporting explosives must either have a closed body or have the body thereof covered with a tarpaulin, and in either event care must be taken to protect the load from moisture and sparks, except that subject to other provisions of these regulations, explosives other than black powder may be transported on flat-bed vehicles if the explosive portion of the load on each vehicle is packed in fire and water resistant containers or covered with a fire and water resistant tarpaulin.

3. In § 77.838, amend paragraph (f) (15 F. R. 8366, Dec. 2, 1950) (49 CFR 77.838, 1950 Rev.) to read as follows:

§ 77.838 *Flammable solids and oxidizing materials.* • • •

(f) Nitrates listed in § 73.182 (b) of this chapter must be loaded in closed or open type motor vehicles which must be swept clean and be free of any projections capable of injuring bags when so packaged. When shipped in open type motor vehicles the lading must be suitably covered. Ammonium nitrate, ammonium nitrate (organic coating), ammonium nitrate fertilizer, containing 90 percent or more ammonium nitrate with no organic coating, and guanidine nitrate must not be loaded in all metal vehicles of the closed type. (See § 77.823 (a) (4) and (5).)

## PART 78—SHIPPING CONTAINER SPECIFICATIONS

SUBPART E—SPECIFICATIONS FOR WOODEN BARRELS, KEGS, BOXES, KITS, AND DRUMS

Amend heading of § 78.185; amend entire § 78.185–2; add paragraph (b) to § 78.185–8; amend § 78.185–9 (a); amend entire § 78.185–12 (15 F. R. 8470, 8471, Dec. 2, 1950) (49 CFR 78.185, 78.185–2, 78.185–8, 78.185–9, 78.185–12, 1950 Rev.) to read as follows:

§ 78.185 *Specification 16A; plywood or wooden boxes, wirebound.*

• • • • •

§ 78.185–2 *Lumber or plywood.* (a) Lumber shall be well seasoned and commercially dry; free from decay, objectionable knots, slanting shakes, sharp cross grain, and other defects that materially lessen the strength. Grain of wood in cleats and battens must not cross piece within its length.

(b) Plywood shall be made from veneer which has been rotary cut, sliced, or sawed. Plywood shall be good commercial box or sheathing grade and shall be moisture-resistant; free from decay, objectionable knots that interfere with nailing, splits, gaps, and other defects that materially lessen the strength.

(1) Moisture-resistant plywood shall be fabricated with either synthetic or protein type glue. Specimens for testing shall be not less than 5 in number, measuring 6" x 6", and shall withstand 10 cycles of 4 hours immersion in water at room temperature and drying for 20 hours at a temperature not over 100° F. After 10 cycles, 4 of the 5 samples are to show not more than a sum total of 2-inch delamination on the edges, with depth delamination no greater than ½ inch.

§ 78.185–8 *Cleats.* • • •

(b) Cleats for plywood boxes shall be Group 4 woods.

§ 78.185–9 *Ends.* (a) Battened when prescribed. Wired ends authorized provided wires run cross grain and terminate in loops with ends of wire driven through end board and clinched. Grain of wood and outside ply of plywood shall be perpendicular to sides except for wired ends.

§ 78.185–12 *Thickness of boards or plywood (sides, tops, bottoms, and ends.)* (a) Thickness as follows except that, for thicknesses prescribed as 3/16" or less, resawn boards must be 1/64" thicker for each resawn surface:

| Group of wood | Minimum thickness of boards (inch) | | | | | | |
|---|---|---|---|---|---|---|---|
| | 1/8 (0.125) | 1/7 (0.143) | 1/6 (0.167) | 3/16 (0.185) | 7/32 (0.219) | 1/4 (0.250) | 5/16 (0.313) |
| | Authorized gross weight, box and contents, not over (pounds) | | | | | | |
| 1 | 25 | 35 | 50 | 75 | 100 | 150 | 200 |
| 2 | 35 | 50 | 75 | 100 | 150 | 200 | 315 |
| 3 | 50 | 75 | 100 | 150 | 200 | 315 | 400 |
| 4 | 75 | 100 | 150 | 200 | 315 | 400 | |

(1) For boxes with 3 or more rows of cleats, boards of the next lower thickness prescribed in the table are acceptable.

(b)

| Group of wood | Minimum thickness of plywood (inch) [1] | | |
|---|---|---|---|
| | 1/8 (0.125) | 3/16 (0.150) | 3/16 (0.188) |
| | Authorized gross weight, box and contents, not over (pounds) | | |
| 4 | 150 | 300 | 400 |

[1] Minimum tolerance of 5% permitted for specified thicknesses.

[F. R. Doc. 56–4966; Filed, June 22, 1956; 8:49 a. m.]



# TITLE 14—CIVIL AVIATION

## Chapter I—Civil Aeronautics Board

### Subchapter B—Economic Regulations

[Reg. ER–210]

## PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR CERTIFICATED AIR CARRIERS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 30th day of April 1956.

A notice of proposed rule-making comprehensively revising the Board's present accounting and reporting requirements was originally published in the FEDERAL REGISTER on July 9, 1954 (19 F. R. 4200), and circulated to the industry as Economic Regulations Draft Release No. 68, dated July 6, 1954. Subsequently, a further notice of proposed rule-making containing modifications of the previously proposed regulations was published in the FEDERAL REGISTER on September 22, 1955 (20 F. R. 7111), and circulated to the industry as Economic Regulations Draft Release No. 68D, dated September 20, 1955.

Issuance of these draft releases was preceded by extensive conferences and discussions between the Board's staff and representatives of the industry. The industry submitted written comments and on November 9, 1955, oral argument was held before the Board.

The principal purpose of this revision is to increase the effectiveness of the present accounting and reporting system by remedying various deficiencies which have accumulated with the dynamic growth of the industry in recent years. Delineations between different account classifications have been made more specific and accounting instructions and definitions have been amplified. Accounting classifications have been redrawn to conform more closely with the natural divisions in, and current requirements of, air carrier operations. Accounting requirements have been differentiated to meet the varying needs of air carriers of different sizes. To this end, carriers have been classified for both accounting and reporting purposes into three major groups generally on the basis of the over-all volume of operations conducted. The line of demarcation between capitalizable items and current expenditures has been more explicitly established. Practices concerning operations performed under aircraft interchange agreements have been prescribed in a more complete and detailed form. Reporting burdens have been minimized to the maximum feasible extent, consistent with proper administration of the Act, through modifications in the prescribed reporting format and reduction of the number of items required to be reported.

In view of the dynamic characteristics of the rapidly expanding certificated air transport industry and divergent operating practices among different carriers, the Board recognizes that exceptional circumstances may occasionally render it inequitable to insist upon uniform adherence, in all cases, to the accounting and reporting rules and regulations herein promulgated. Accordingly, provision is made for exceptions from the requirements of any such rule or regulation whenever enforcement of a particular requirement would not be in the public interest. In all cases, however, the resulting departures from uniformity of enforcement will be utilized by the Board as a means of attaining uniformity of accounting principle as will be more specifically discussed hereinafter.

Various accounting requirements included in the revised uniform system have been challenged by the industry, on the ground that they constitute an allegedly illegal interference with managerial prerogative. These challenges largely rest upon the assertion that the Board does not enjoy necessary statutory power to regulate the substance of the accounting methods employed by certificated air carriers. It is believed that this contention is entirely untenable because the Board has plenary power over both the substance and form of all accounting performed by such carriers.

The industry professes to find a significant and meaningful contrast in the language employed in subsections (a) and (d), respectively, of section 407. The former subsection empowers the board "• • • to prescribe the manner and form in which such reports shall be made • • •" while the latter subsection states that the Board "• • • shall prescribe the forms of any and all accounts, records, and memoranda to be kept by air carriers • • •". Apart from the question of whether this narrow method of statutory construction is appropriate in interpreting the Civil Aeronautics Act, it must be noted that the industry has apparently ignored the equally significant language of section 902 (e). That section makes it a criminal offense for any air carrier or any person acting on its behalf to "• • • knowingly and willfully, fail or refuse • • • to keep or preserve accounts, records, and memoranda in the form and manner prescribed or approved by the authority (Board) • • •". Congress would not have made it a criminal offense for a carrier to refuse to keep its accounts in the manner prescribed or approved by the Board if it did not intend to vest in the Board such power to prescribe the manner in which the accounts are kept. It does not appear, therefore, that any significance may properly be attached to the cited difference in language of subsections (a) and (d) of section 407. Moreover, the omission of the word "manner" in subsection 407 (d) appears plainly attributable to adherence by the framers of the Civil Aeronautics Act to the exact language used in sections 20 (5), 220 (d) and 313 (e) of the Interstate Commerce Act.[1]

Finally, the industry's suggested construction of the Act also ignores part of the relevant text of section 407 (d). That section not only provides that the Board shall prescribe the forms of any and all accounts but also makes it "• • • unlawful for an air carrier to keep any accounts, records, or memoranda other than those prescribed or approved by the authority [Board] • • •". This language also appears in the Federal Communications Act of 1934 and has been judicially construed to empower that agency to "• • • supervise the accounting performed under the prescribed system of accounts, and to determine whether a given item should be entered under a particular account." (New England T&T Co. v. U. S., 53 F. Supp. 399, 405 (D. C., Mass., 1943)). Clearly, Congress would not have authorized the Board to regulate and control all specific accounting entries made by carriers subject to its jurisdiction unless it intended to have the Board exercise plenary power over the substance of accounting. Thus, the language of the act and related statutes appear to militate against the industry contention that the Board can only prescribe the pigeonholes in which accounting entries would be made but that the management of the carriers enjoy exclusive control over the content of such entries.

Nor does there appear to be any merit in the industry's claim that various substantive features of the revised system of accounts are invalid because of the regulatory control thus imposed upon managerial discretion. In Kansas City Southern Railway Co. v. U. S. et al. (231 U. S. 423, 440–441 (1913)), the court disposed of a similar contention as follows:

> As to the intent and meaning of § 20, it is first insisted that the power conferred upon the Commission to prescribe the forms of accounts, records, and memoranda to be kept by the carriers, recognizes a distinction between the form and the substance; and that while the Commission, in order to obtain full and accurate information concerning the affairs of each corporation, must have power to require any reports, schedules, and accounts necessary to show the true financial condition of each carrier; yet that the grant must by fair interpretation, and in order not to amount to an unconstitutional delegation of legislative power, stop short of the point where the regulation in its essence goes not to the form but to the substance and involves interference with the internal affairs of the corporation. We do not, however, think that any such distinction between the form and the substance is admissible with respect to the declared object of standardizing railroad accounts and obtaining therefrom full and accurate information concerning the affairs of the respective corporations. The very object of a system of accounts is to display the pertinent financial operations of the company, and throw light upon its present condition. If they are to truly do this, the form must correspond with the substance. In order that accounts may be standardized, it is necessary that the accounts of the several carriers shall be arranged under like headings or titles; and it is obviously essential that charges and credits shall be allocated under the proper headings—the same with one carrier as with another. Unless "Additions and Betterments," on the one hand, and "Operating Expenses," on the other, are to indicate the same class of entries upon the books of other carriers, there is no possibility of standardization. So far as such uniformity requirements control or tend to control the conduct of the carrier in its capacity as a public servant engaged in interstate commerce, they are within the authority constitutionally conferred by Congress upon the Commission. There is no direct interference with the internal affairs of the corporation; and if any such interference indirectly results, it is only such as is incidental to the lawful control of the

[1] 49 U. S. C. A. 20 (5), 320 (d), and 913 (e).

carrier by the Federal authority and to this the rights of stockholders and bondholders alike are necessarily subject.

In addition to the foregoing general legal and policy objections, the industry has also challenged various provisions of the revised manual on the ground that they constitute unlawful action or represent abuses of administrative discretion. The Board believes that it is appropriate to discuss individually the major items among these challenged provisions.

One of these provisions concerns the proper accounting treatment of flight equipment parts and assemblies. The operation of aircraft necessitates keeping a supply of spare parts used for repairs and replacements of mechanical components on hand at all times. Prior to the instant revision, flight equipment parts and assemblies which are not useful in the repair of two or more primary classes of property were classified in a single account. Experience has demonstrated, however, that such a classification encompasses two distinct classes of parts which should be treated differently for accounting purposes in order to reflect their varying economic characteristics.

To this end, the revised manual classifies flight equipment parts of this nature as rotables, which are repaired and repeatedly reused to provide an extended service life, and expendables, which are consumed as used and are not repairable for reuse thereafter. It should be noted that airlines have commonly followed the practice of subdividing these flight equipment parts inventories between rotables and expendables even though the present manual carries all such inventories in a single fixed asset account. Thus, the proposed classification will tend to conform the uniform accounting system to the actual practices of the industry.

Since rotables are repeatedly used they tend to have a service life approximating that of the related aircraft type. Furthermore, they are subject to depreciation factors in the same economic sense as the related property. Accordingly, this classification of flight equipment parts is accounted for in the same manner as other depreciable properties. The inventory balance is carried in an asset account and a depreciation reserve, scaled to reflect residual values realizable upon disposal of such assets, is established. When a rotable part is withdrawn from use for repair and another rotable drawn from inventory is used in its place, no accounting entries are made. However, when a rotable part can no longer be repaired and must be replaced by a newly purchased part, the normal accounting procedure for property retirements is followed. Under this procedure, accounts are reduced by the cost of the retired item and depreciation reserve is correspondingly reduced thus clearing the item from the accounts without any current impact upon the operating statement. Thus, there is no possibility of a duplicate expense charge to cover the cost of the retired items by provision of depreciation, on the one hand, and by direct charge of the same item to maintenance expense, on the other hand.

Unlike rotables, which are repairable for later reuse, expendables can be used only once. Because of this characteristic, expendables are recurrently retired and replaced throughout the life of the related aircraft type and reflect none of the aspects of fixed properties subject to depreciation. In contrast, rotables in general tend to have a useful life comparable to the related aircraft types. Consequently, failure to make advance provision for the cost of retired expendables (by way of a depreciation reserve) does not result in materially distorting the operating results of any accounting period. Accordingly, there is no need for periodic amortization of the original cost of expendables since the principal purpose of depreciation accounting is to avoid distortion as between accounting periods. It is one of the basic tenets of accounting theory that only items of fixed property having a service life of substantially more than one year should be depreciated and the majority of these expendables have a shorter actual service life.

Because expendables withdrawn from inventory for use cannot under the revised system of accounts be charged to depreciation reserves, they must be directly expensed in the accounting period in which consumed. In this manner, an airline will recoup its entire investment in those expendables which are used before the retirement of the related aircraft type. If any loss is incurred upon the expendable items remaining in the inventory when the last airplane in a fleet of a particular type is retired, it will be recognized by a direct charge to the expenses of the period when the loss is incurred. Clearly, there is no dispute concerning the proposition that losses of this character constitute a proper charge against income. The industry contends, however, that advance provision for the contingency of such losses should be made by the establishment of a reserve for obsolescence. But, sound principles of accrual accounting do not require the establishment of a reserve in all cases where a future loss may be incurred. On the contrary, reserve accruals are only required where the loss is fairly certain to occur and the amount involved is sufficiently large to distort earned income of the period when the potential loss materializes. These conditions appear to be lacking in the case of flight equipment expendable parts.

In the first place, the potentiality of any loss from obsolescence factors attaching to expendables during the early stages of the economic life of an aircraft type is largely a matter of speculation and conjecture. Unlike other utility properties which are generally scrapped upon retirement, airplanes discarded by one air carrier have commonly been purchased for further use by other air carriers. A market for such sales exists both within the United States and in foreign countries. Expendables are, of course, useful to the purchaser of the retired aircraft. To the extent that there is a market for the expendables on hand when an aircraft fleet is sold, the accounting airline should be able to recoup its investment in such items. True enough, the seller is normally unwilling to offer a warranty on such parts but that does not impair their marketability at an appropriate price. Furthermore, expendables are often in short supply toward the end of the service life of a particular aircraft type. This factor tends to enhance the price which can be realized upon their sale.

In the second place, it is equally doubtful whether any losses which may actually be incurred will be large enough to distort current operating income. Management has significant opportunities to minimize the quantity of its expendable inventory which will remain on hand, unused, when the related fleet is retired. A carrier which starts off with a fleet of twenty planes, of a given type, may have a fleet of only three planes when the last remaining plane goes out of service. It is generally impossible, or at least difficult, to arrange for an entire fleet of new planes to be delivered in a single batch. Aircraft manufacturers tend to make deliveries in periodic installments. Thus, the quantity of spare parts which must be kept on hand to maintain aircraft in satisfactory mechanical condition can be progressively reduced as the related fleet nears the final end of its collective service life. Finally, the current nature of expendables, all on hand at any given time having been purchased generally within the last twelve months, tends to result in relative equality between their cost to the seller and their market value which also serves to minimize the magnitude of any loss. Moreover, the aircraft to which the parts relate have commonly been retired at a substantial profit thus providing a basis for absorbing currently any loss realized on the inventory of expendable parts.

While there is only a slight possibility of significant distortion in the financial statement resulting from a material obsolescence loss against which no reserve has been provided, there is a substantial danger that the establishment of such a reserve will result in duplicate expense charges for the same item. It will be recalled that all expendables are charged to expenses at full cost as withdrawn from inventory for use. Thus, any overestimation of the quantity of unused expendables in a provision for obsolescence will result in an excessive expense charge. Accurate determination of this quantity well before the fact is, of course, a difficult task in view of the many imponderables involved.

In view of these considerations, the attached manual generally prohibits the establishment of any reserve for obsolescence applicable to flight equipment expendable parts. However, in order to protect against imminent loss on expendable inventories in a particular circumstance or due to generally changed conditions in the industry, provision is made for an appropriate reserve account which can only be utilized by a carrier for whom this provision of the regulation has been waived.[2] Such accounting treatment is

[2] Or, upon amendment of this rule in the case of generally changed conditions.



based upon the premise that these losses may occasionally be incurred in sufficient magnitude and with adequately demonstrable certainty to warrant the accrual of appropriate reserves under the control of the Board. In such cases, failure to permit or direct the use of a reserve would impair uniformity in the accounting principles applied by the carriers subject to this system of accounts. Furthermore, failure to utilize different accounting methods to reflect varying factual situations would undermine the fundamental objective underlying this system of accounts of accurately stating financial and operating results. It need hardly be mentioned that this desirable goal of uniformity cannot be achieved if the public interest is left unprotected against divergent management judgments. For this reason, the uniform system herein adopted preserves for the Board effective control over the determination of whether departures from uniformity of method should be permitted.

Nor does there appear to be any merit to a separate line of argument adduced by the industry to the effect that the Board should refrain from changing the provisions of the present manual, which permits carriers to make accruals to a reserve for obsolescence loss on expendables, because the new accounting treatment prescribed may result in the loss of certain tax deductions now enjoyed. Depreciation allowances for spare parts used to repair machinery or other operating equipment have generally not been permitted for income tax purposes. However, airlines have been permitted to depreciate all of the assets in their present flight equipment parts inventories account for such purposes. During the course of the oral argument presented on behalf of the industry, one of its representatives stated that the classification of expendables as current assets would jeopardize its present ability to minimize Federal income tax payments by virtue of such depreciation deductions. The Board believes, however, that its accounting regulations should be based upon sound accounting principles which will fairly reflect actual financial conditions. Moreover, it is not the purpose of the uniform system of accounts to aid the industry in its legitimate and natural effort to reduce its tax liabilities.

The industry also objects to the mandatory requirement of the new manual that accruals be made to a reserve for airframe maintenance in order to distribute fairly the cost of all periodically performed maintenance work among the accounting periods respectively benefiting therefrom. Contrary to the impression of the air carriers, the revised manual does not invade the legitimate province of managerial discretion by requiring exclusive use of any particular maintenance method. It merely imposes the requirement that all intermittently incurred direct maintenance expenses arising from periodic operations of this nature which are sufficiently material, in the aggregate, to distort current net income if charged to expenses of the period when incurred be charged to a reserve account.

The industry opposes this feature of the manual and proposes as an alternative that each individual air carrier be given the option to either: (1) Capitalize each periodic overhaul for subsequent amortization to operating expense as depreciation, (2) charge expenditures on each periodic overhaul to current income as incurred, or (3) accrue through recurrent expense charges a special "Operating Reserve" account for future overhauls against which the cost of overhauls would be charged as incurred.

The operating reserve as contemplated by the third alternative set forth above, as proposed by the industry, creates the fiction that the asset to which the reserve relates has not been expended but that an obligation not classifiable either as a liability or as net worth has been incurred. Because of the relatively large amounts involved for aircraft overhaul costs in the air transport industry the failure to offset reserve provisions for aircraft overhaul against the asset while also providing full depreciation on the asset value restorable by overhaul tends to distort both the balance sheet and the operating statement. Accordingly, the third alternative proposed by the industry is rejected as being in conflict with sound accounting principles and as being basically impractical because of its tendency to distort the financial statements. In the absence of an actual expenditure for the performance of an overhaul or the contracting of a liability for its performance a charge to expense for overhauls to be performed in the future essentially dissipates the asset to be overhauled. Hence, provisions for future overhaul costs and depreciation alike simply represent current expenditures of the assets to which they relate and the provisions for both should be offset against the related assets.

The first two alternatives advanced by the industry, however, do not contain this deficiency. A paramount objective of this system of accounts, in this area, as in similar areas, is to provide reasonable assurance of substantive uniformity between different carriers in adherence to the fundamental precept of accrual accounting that costs should be charged against the period of operations in which consumed. It is recognized that in some circumstances of a relatively stable recurrent flow of maintenance operations substantially equivalent results may be achieved in any given accounting period by either of the first two alternatives advanced by the industry. However, this system of accounts embraces carriers widely divergent in both size and techniques employed in maintaining airframes in an airworthy condition. As a consequence, uniformity of accounting results under the industry proposal would be left dependent upon widely differing judgments of individual carrier managements as to the degree to which a departure from accrual accounting principles may be warranted. Accordingly, this system of accounts rests upon the premise that uniformity of accounting results in substance can be effectively achieved only through direct control by the Board of each carrier's accounting procedures in this area. Hence there is prescribed the general rule that airframe overhaul reserves shall be established by all air carriers but that waiver of this requirement may be made upon a showing that such reserves are not required to achieve a reasonable matching of expenses with the use of airframes under maintenance practices of a particular carrier.

The industry has also challenged provisions of this system of accounts which require that residual values of airframes shall include the cost of a full overhaul in determining the remaining values subject to depreciation and that overhaul reserves shall be classified as valuation reserves, rather than "Operating Reserves," to be offset against the asset to which related. These provisions are again based upon the principle that charges may be made against income only for expenditures already made while provisions for contingent future expenditures constitute a segregation of retained earnings not appropriately chargeable against income until materialized. Consistent with this axiom, maintenance reserves created by charges against income represent nothing more than a recognition of diminution in the useful life of property because of delayed maintenance which may be restored upon the performance of such delayed maintenance. Such reserves represent in essence provisions for the relatively rapid depreciation of a portion of the original cost of the asset which is subject to restoration upon the performance of maintenance. The depreciation reserve, on the other hand, represents provisions for the long term depreciation of the remaining cost value of the asset. As at any given date the composite depreciation and maintenance reserves reflect that portion of the original prepaid expenditure which has been recovered by charges to expense at differing rates. It follows that since provision is made for the partial recovery of original cost through delayed maintenance reserve provisions, the deduction of such restorable use values from the depreciable value is required to prevent a duplication in recurrent charges to expense. Moreover, the market under normal circumstances will generally place a higher value upon an aircraft with low hours than upon an aircraft with high hours since last overhaul.

While objecting to the prescribed treatment of the overhaul reserve the industry has, nevertheless, advanced the principle of depreciating that portion of the original value of equipment restorable by overhaul and the capitalized amounts of subsequent overhauls performed over the related maintenance cycle as one acceptable alternative which should be permitted. Under this principle, the overhaul component included in the cost of the aircraft equipment would be separated from the other costs of the aircraft and amortized over the overhaul period with no other provision for depreciation. This would have the effect of depreciating that portion of the asset cost not included in the overhaul component over the service life of the equipment while amortizing the overhaul component in the original cost of the

equipment, as well as the cost of each separate overhaul subsequently performed, over the individual overhaul periods. Accordingly, under this practice, the amount of the overhaul would be excluded from the depreciable portion of the asset cost and would be separately amortized over the overhaul period. This would produce in principle, the same effect as deducting the overhaul reserve (reserve for depreciation of overhaul component) from the asset and including the amount of an overhaul in the residual as provided in the system of accounts here prescribed. The only difference is that under the prescribed procedure the amount of the overhaul is included in the residual rather than being separately stated and the overhaul reserve is offset directly against the asset rather than the separately stated overhaul component. But the effect in both cases is to amortize the overhaul over the overhaul period and deduct the reserve from the asset as a valuation reserve.

Consistent with these characteristics of maintenance reserves, adherence to generally accepted accounting principles would require that costs of an overhaul be appropriately deducted from original cost in determining values to be depreciated over the full service life as opposed to the overhaul periods of the flight equipment, and that overhaul reserves be appropriately offset as valuation reserves against the portion of the asset which is restorable through overhaul. Since the performance of an overhaul always restores an additional useful life the value restored by overhaul can depreciate only with the expiration of the overhaul period. If this value is expensed, both as depreciation and as provision for overhaul, duplication of expense would result.

Both the proposed rule as previously circulated and the accounting system herein prescribed prohibit charging to the income of any period tax expense in excess of the amount of taxes actually payable for such period. Recognition was given in the proposed system of accounts to a possible waiver of this rule in circumstances where the integrity of the financial statements would be materially impaired by a failure to accrue tax liabilities related to income resulting from differences between accelerated amortization of property taken for tax purposes and normal amortization taken for accounting purposes. The industry construed this recognition of potential waiver from the rule as being limited to income differences stemming from amortization of emergency facilities under certificates of necessity. The intent of the proposed system, however, was to recognize that adherence to generally accepted accounting principles may warrant waiver of the prescribed rule upon a factual demonstration that under the prescribed rule material distortion would result in the financial statements from differences in depreciation accounting principles adopted for regular accounting and tax purposes, without regard to any particular tax statute in which such differences may be rooted. This potential waiver recognition has, accordingly, been modified herein to clarify this intent.

In its filed comments concerning the revised accounting manual, the industry urged that each air carrier be permitted to establish, at its option, deferred tax reserves on income resulting from such differences in depreciation principles followed for tax and regular accounting purposes. The Board believes, however, that such reserves will not be necessary in all cases to reflect accurately the actual earnings of air carriers and that it is necessary to retain positive Board control over the use of such reserves to insure substantive uniformity of accounting results and to prevent overstatements of tax expenses.

Differences in normal accounting and tax computed depreciation may result from a multiplicity of revenue code provisions widely differing in impact upon recurrent net income. Under some circumstances of relatively rapid depreciation tax provisions potential liabilities will be built up over the period of time when conversion is made to such rapid depreciation methods, and above-normal depreciation charges are being taken for tax purposes. However, these potential liabilities may not mature and become payable while the quantum of a carrier's investment is either increasing or stabilized at a generally fixed level. During such period, the above-normal tax deductions on new equipment (representing either additions to or replacements of operating plant) will offset the below-normal deductions applicable to properties already depreciated on an accelerated basis. Since airlines have evidenced a firm and pronounced growth trend in their dollar investment throughout the last several years and are presently committed to a substantial equipment modernization and capacity expansion program for the future, it appears that their use of rapid depreciation provisions may well have this impact. Consequently, the Board believes that the accelerated portion of the depreciation deductions actually taken could generally result only in a lag in the recognition of such liabilities. Indeed, it would seem that this lag could well be perpetuated at a relatively stable level for a period of many years. Therefore, it would seem that the industry generally may not suffer any material income distortions after an initial conversion period when the transition to the accelerated depreciation methods for tax purposes will have its maximum impact and the total taxes payable in any given year will tend to approximate the amount of taxes which would have been payable if the normal methods of computing depreciation deductions were also used for tax purposes. In this respect, the potential liabilities involved here are directly comparable to those arising in other areas of this system of accounts which in accordance with common accounting practice are not recognized, because of their recurring character, as the basis for reserve accruals. Accordingly, the system of accounts herein prescribed prohibits the accrual of estimated potential tax liabilities stemming from income differences produced by provisions in the Revenue Code for other than normal depreciation methods. At the same time recognition is given to the possibility that such income differences may in some circumstances be of sufficient materiality to warrant a waiver of this prohibition upon a factual demonstration that a failure to provide for the taxes related thereto will undermine the integrity of the financial statements.

Various substantive revisions of the provisions of the revised manual originally circulated have been made in response to industry comments. Thus, proposed clearing accounts for all associated company transactions have been deleted; the proposed classification of all foreign exchange adjustments as nonoperating items has been modified to permit reporting of those adjustments resulting from routine daily fluctuations in exchange rates as incidental operating income; the proposed requirement for a quarterly physical inventory of accrued vacation pay liabilities has been modified to permit an annual inventory and the proposed requirement for exclusive use of the "straight-line" method of depreciation has been transferred to a pending notice of proposed rule-making dealing comprehensively with the subject of depreciation accounting.

The Board finds that the various classifications of air carriers established by this revised accounting and reporting system are just and reasonable in view of the nature of the services performed by the different air carriers, and that the regulations hereby promulgated to be applicable to and to be observed by such classes of air carriers are necessary and desirable in the public interest.

Interested persons have been afforded opportunity to participate in the formulation of this revision, and due consideration has been given to all relevant matters presented.

The Board is cognizant of the fact that the process of conversion to a new accounting system poses certain difficulties. Accordingly, the attached revised manual includes various specific provisions dealing with the mechanics of such conversion. Similar provisions are incorporated in a simultaneously issued notice of proposed rule-making which integrates various major features of the new accounting system with the presently effective manual. Industry comment will presumably be forthcoming in connection with the latter rule-making proceeding. The Board desires to advise the industry that if it undertakes to amend upon the finalization of that proceeding, any of the conversion features therein proposed, similar changes will be made with respect to the conversion features of the instant revised manual.

In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 241 of the Economic Regulations (comprising the uniform accounting and reporting system for the class designated as certificated air carriers) effective January 1, 1957, to read as follows:

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## PART 241—UNIFORM SYSTEM OF ACCOUNTS AND REPORTS FOR AIR CARRIERS


Sec.

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AUTHORITY: §§ 241.01 to 241.26 issued under sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 407, 416, 52 Stat. 1000, 1004, as amended; 49 U. S. C. 487, 496.

§ 241.01 *Authority under which accounting and reporting rules and regulations are prescribed and administered.* This Uniform System of Accounts and Reports for Air Carriers is issued, prescribed and administered under the following provisions of the Civil Aeronautics Act of 1938 (52 Stat. 1000, 49 U. S. C. 487):

GENERAL POWERS

SEC. 205 (a). The Authority[1] is empowered to perform such acts, to conduct such investigations, to issue and amend such orders, and to make and amend such general or special rules, regulations, and procedure, pursuant to and consistent with the provisions of this Act, as it shall deem necessary to carry out such provisions and to exercise and perform its powers and duties under this Act.

FILING OF REPORTS

SEC. 407 (a). The Authority is empowered to require annual, monthly, periodical, and special reports from any air carrier; to prescribe the manner and form in which such reports shall be made; and to require from any air carrier specific answers to all questions upon which the Authority may deem information to be necessary. Such reports shall be under oath whenever the Authority so requires. The Authority may also require any air carrier to file with it a true copy of each or any contract, agreement, understanding, or arrangement, between such air carrier and any other carrier or person, in relation to any traffic affected by the provisions of this Act.

DISCLOSURE OF STOCK OWNERSHIP

SEC. 407 (b). Each air carrier shall submit annually, and at such other times as the Authority shall require, a list showing the names of each of its stockholders or members holding more than 5 per centum of the entire capital stock or capital, as the case may be, of such air carrier, together with the name of any person for whose account, if other than the holder, such stock is held; and a report setting forth a description of the shares of stock, or others interest, held by such air carrier, or for its account in persons other than itself.

FORM OF ACCOUNTS

SEC. 407 (d). The Authority shall prescribe the forms of any and all accounts, records, and memoranda to be kept by air carriers, including the accounts, records, and memoranda of the movement of traffic, as well as of the receipts and expenditures of money, and the length of time such accounts, records, and memoranda shall be preserved; and it shall be unlawful for air carriers to keep any accounts, records, or memoranda other than those prescribed or approved by the Authority: *Provided*, That any air carrier may keep additional accounts, records, or memoranda if they do not impair the integrity of the accounts, records, or memoranda prescribed or approved by the Authority and do not constitute an undue financial burden on such air carrier.

INSPECTION OF ACCOUNTS AND PROPERTY

SEC. 407 (e). The Authority shall at all times have access to all lands, buildings, and equipment of any carrier and to all accounts, records, and memoranda, including all documents, papers, and correspondence, now or hereafter existing, and kept or required to be kept by air carriers; and it may employ special agents or auditors, who shall have authority under the orders of the Authority to inspect and examine any and all such lands, buildings, equipment, accounts, records, and memoranda. The provisions of this section shall apply, to the extent found by the Authority to be reasonably necessary for the administration of this Act, to persons having control over any air carrier, or affiliated with any air carrier within the meaning of section 5 (8) of the Interstate Commerce Act, as amended.

CLASSIFICATION

SEC. 416 (a). The Authority may from time to time establish such just and reasonable classifications or groups of air carriers for the purposes of this title as the nature of the services performed by such air carriers shall require; and such just and reasonable rules, and regulations, pursuant to and consistent with the provisions of this title, to be observed by each such class or group, as the Authority finds necessary in the public interest.

FAILURE TO FILE REPORTS; FALSIFICATION OF RECORDS

SEC. 902 (e). Any air carrier, or any officer, agent, employee, or representative thereof, who shall, knowingly and willfully, fail or refuse to make a report to the Authority as required by this Act, or to keep or preserve accounts, records, and memoranda in the form and manner prescribed or approved by the Authority, or shall, knowingly and willfully, falsify, mutilate, or alter any such report, account, record, or memorandum, or shall knowingly and willfully file any false report, account, record, or memorandum, shall be deemed guilty of a misdemeanor and, upon conviction thereof, be subject for each offense to a fine of not less than $100 and not more than $5,000.

REFUSAL TO TESTIFY

SEC. 902 (g). Any person who shall neglect or refuse to attend and testify, or to answer any lawful inquiry, or to produce books, papers, or documents, if in his power to do so, in obedience to the subpena or lawful requirement of the Authority or the Air Safety Board, shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine of not less than $100 nor more than $5,000, or imprisonment for not more than one year, or both.

FILING OF COMPLAINTS AUTHORIZED

SEC. 1002 (a). Any person may file with the Authority a complaint in writing with respect to anything done or omitted to be done by any person in contravention of any provision of this Act, or of any requirement established pursuant thereto. If the person complained against shall not satisfy the complaint and there shall appear to be any reasonable ground for investigating the complaint, it shall be the duty of the Authority to investigate the matters complained of. Whenever the Authority is of the opinion that any complaint does not state facts which warrant an investigation or action on its part, it may dismiss such complaint without hearing.

[1] As used herein, the term "Authority" is the designation for the Civil Aeronautics Board, the latter being its present name as provided in the President's Reorganization Plan No. IV under the Reorganization Act of 1939.

INVESTIGATIONS ON INITIATIVE OF AUTHORITY

SEC. 1002 (b). The Authority is empowered at any time to institute an investigation, on its own initiative, in any case and as to any matter or thing concerning which complaint is authorized to be made to or before the Authority by any provision of this Act, or concerning which any question may arise under any of the provisions of this Act, or relating to the enforcement of any of the provisions of this Act. The Authority shall have the same power to proceed with any investigation instituted on its own motion as though it had been appealed to by complaint.

ENTRY OF ORDERS FOR COMPLIANCE WITH ACT

SEC. 1002 (c). If the Authority finds, after notice and hearing, in any investigation instituted upon complaint or upon its own initiative, that any person has failed to comply with any provision of this Act or any requirement established pursuant thereto, the Authority shall issue an appropriate order to compel such person to comply therewith.

§ 241.02 *Administration of accounting and reporting regulations.* Authority to waive, modify, and interpret this system of accounts and reports, and to authorize the substitution of photographic reproductions for specified categories of records, has been delegated by the Civil Aeronautics Board to the Chief, Office of Carrier Accounts and Statistics as set forth by sec. 5 of Public Notice PN 8 (effective October 27, 1954):

(a) The Chief, Office of Carrier Accounts and Statistics is authorized to waive, modify or interpret the accounting and reporting requirements for Parts 241, 242, 243, and 244 of the Economic Regulations and establish detailed uniform practices in connection with the submission of the reports required therein; provided, that upon application by any air carrier affected by such action, the Chief shall submit any waiver, modification, interpretation or established practice to the Board for review.

(b) The Chief, Office of Carrier Accounts and Statistics is authorized to:

1. Authorize air carriers to substitute photographic reproductions for specified categories of records; and

2. Approve or disapprove an "application for substitution" filed by an air carrier pursuant to Section 249.1 (d) of the Economic Regulations.

(c) The Chief, Office of Carrier Accounts and Statistics is authorized to grant or deny, upon good cause shown, individual requests for extension of time for filing reports or for waiver of the form or content of such reports to conform to the particular operation of the individual requesting such waiver.

§ 241.03 *Definitions for purposes of this system of accounts and reports.*

*Account, clearing.* An account used as a medium for the temporary accumulation of costs that are redistributed to appropriate applicable accounts.

*Acquisition, date of.* The date on which the title to owned property or equipment (or the right to use or control the reassignment of leased property or equipment) passes to the air carrier.

*Addition, property.* Additional equipment, land, structures, and other tangible property; extensions of fuel, water, and oil distribution equipment; additions to buildings and other structures; and additional safety devices applied to equipment not previously thus equipped. (See also *Modification.*)

*Air carrier.* Any citizen of the United States who undertakes, whether directly or indirectly or by a lease or any other arrangement, to engage in air transportation.

*Air carrier, surviving.* An entity (air carrier) which, as the result of a business combination, has acquired the net assets, and carries on the operations of, one or more predecessor air carriers, and which may be newly organized at the time of the combination or may be one of the predecessor air carriers.

*Aircraft.* Any contrivance now known or hereafter invented, used or designed for navigation of or flight in the air.

*Aircraft days assigned to service-carrier's equipment.* The number of days that aircraft owned or acquired through rental or lease (but not interchange) are in the possession of the reporting air carrier and are available for service on the reporting carrier's routes plus the number of days that the above aircraft are in service on routes of others under interchange agreements. Days that aircraft are out of service for periodic maintenance or major overhaul are included but days that newly acquired aircraft are on hand prior to availability for productive use and days that aircraft are rented or leased to others (for other than interchange) are excluded.

*Aircraft days assigned to service-carrier's routes.* Same as aircraft days assigned to service-carrier's equipment but excluding the number of days owned or rented equipment are in the possession of others under interchange agreements and including the number of days aircraft of others are in the possession of the air carrier under interchange agreements.

*Aircraft, leased (rented).* Aircraft obtained from (or furnished to) others under lease or rental arrangements. Leased and rented aircraft do not include those used under interchange agreements designed to provide one-plane service over the routes of the air carriers involved.

*Aircraft type.* A distinctive model as designated by the manufacturer.

*Airport.* A landing area regularly used by aircraft for receiving or discharging passengers or cargo.

*Airport, alternate.* An approved airport to which a flight may proceed if a landing at the airport to which the flight was dispatched becomes inadvisable.

*Airport-to-airport distance.* The great-circle distance, measured in statute miles, between airports as listed in the Civil Aeronautics Board's Official Airline Route and Mileage Manual.

*Air transportation.* The carriage by aircraft of persons, property or mail.

*Airworthiness (or airworthy).* When applied to a particular aircraft or component part, it denotes the ability of such aircraft or component part to perform its function satisfactorily through a range of operations determined by the Civil Aeronautics Administration.

*Allocate.* To assign an item or group of items of investment, revenue, or cost to an object, activity, process, or operation, in accordance with cost responsibilities, benefits received, or other measure of apportionment.

*Allocation, bases of.* Bases of distribution whereby revenues, expenses, and/or costs are equitably apportioned among revenue, expense, property and equipment, and other accounts.

*Amortization.* The gradual extinguishment of an amount in an account by distributing such amount over a fixed period, over the life of the asset or liability to which it applies or over the period during which it is anticipated the benefit will be realized.

*Asset, contingent.* An asset the existence, value, or ownership of which depend upon the occurrence or nonoccurrence of a specific event or upon the performance or nonperformance of a specified act.

*Associated company.* A company in which the accounting air carrier holds 5 percent or more of the outstanding proprietary interest; or a company which holds 5 percent or more of the outstanding proprietary interest of the accounting air carrier; or a company that, directly or through one or more intermediaries, controls, or is controlled by, or is under common control with the accounting air carrier. Companies owned or controlled jointly with other air carriers shall be regarded as associated companies for purposes of this system of accounts. (See also *Control.*)

*Betterment.* Any improvement to property or equipment through the substitution of superior parts for inferior parts retired, the object of which is to make such property more useful or of greater capacity than at the time of acquisition or installation. (See also *Modification.*)

*Board.* The Civil Aeronautics Board.

*Capacity, seat.* The number of passenger seats installed in an airframe, including seats in lounges (except when any sale of such seats is prohibited by safety regulations). This is the maximum number of seats if the configuration provides for more than one seating arrangement.

*Cargo.* Freight plus express plus excess baggage. Excludes passengers and mail (priority and nonpriority).

*Certificated point.* A city, place or population center authorized to receive scheduled air service under a Certificate of Public Convenience and Necessity or under an exemption issued to an air carrier.

*Certificate of Public Convenience and Necessity.* A certificate issued to an air carrier under section 401, of the act, by the Civil Aeronautics Board authorizing the carrier to engage in air transportation.

*Company, predecessor.* An air carrier whose net assets and operations have been taken over by one or more other air carriers.

*Compensation (of personnel).* Remuneration to air carrier employees for personal services. Includes salaries, wages, overtime pay, cost-of-living differentials, bonuses, etc., as distinguished from per diem allowances or reimbursement for expenses incurred by personnel for the benefit of the air carrier.

*Control (including the terms Controlling, Controlled by, and Under common control).* The possession, directly or indirectly, of the power positively to direct, or cause the direction of or negate the direction of, the management and policies of a company, whether such power is through one or more intermediary companies or alone or in conjunction with or pursuant to an agreement, and whether such power is established through a majority or minority ownership or voting of securities, common directors, officers, or stockholders, voting trusts, holding trusts, associated companies, contract, or any other direct or indirect means.



*Cost.* The amount of cash (or its equivalent) actually paid for property, materials and supplies, and services, including that amount paid to put the property or materials and supplies in readiness for use. It includes additions for such items as transportation charges, installation charges, and customs duties, less any cash or other discounts.

*Cost, book.* The amount at which an asset is recorded in an account without the deduction of amounts in related reserves or other accounts.

*Cost, depreciated.* The cost of property and equipment less the related reserves for depreciation and maintenance or other valuation reserves.

*Cost, removal.* The cost of demolishing, dismantling, tearing down, or otherwise removing property and equipment, including the cost of related transportation and handling.

*Debt, expense on.* Expenses incurred by or for the air carrier in connection with the issuance and sale of evidences of debt (exclusive of the sale of reacquired securities), such as fees for drafting mortgages and trust deeds; fees and taxes for issuing or recording evidences of debt; cost of engraving and printing bonds, certificates of indebtedness, and other commercial paper; specific costs of obtaining governmental authority for issuance and filing notices thereunder; fees for legal services; fees and commissions paid underwriters, brokers, and salesmen for marketing such evidences of debt; fees and expenses of listing on exchanges; and other like costs.

*Departures completed, percent scheduled.* The percent of scheduled departures that were performed.

*Departures completed, scheduled.* The number of take-offs performed at each airport pursuant to published schedules, exclusive of extra sections to scheduled departures.

*Departure performed.* A take-off made at an airport.

*Departure, scheduled.* A take-off scheduled at an airport, as set forth in published schedules.

*Depreciation (of depreciable property and equipment).* The loss in service value, not restored by current maintenance, incurred in the course of service from causes known to be in current operation, against which the carrier is not protected by insurance, and the effect of which can be forecast with reasonable accuracy. The causes of depreciation include wear and tear, decay, action of the elements, inadequacy, obsolescence, changes in the art, changes in demand, and requirements of public authorities.

*Discount (of securities issued or assumed by the air carrier).* The excess of (1) the par or stated value of securities over (2) the then current money value of the consideration received from their sale less the amount included for dividends or for interest accrued.

*Equipment.* Tangible property other than land, structures, and improvements.

*Equivalent unit.* A new unit substituted for an existing unit that is worn out, is damaged beyond repair, or has become inadequate in service, the substituted unit having substantially no greater capacity than the unit for which substituted.

*Excess baggage.* Passenger baggage in excess of the fixed free weight.

*Expense, capital stock.* Expenses incurred by or for the air carrier in connection with the initial issuance and sale of capital stock (exclusive of the sale of reacquired capital stock), such as fees and commissions paid to promoters, underwriters, brokers, and salesmen; fees for legal services; cost of soliciting subscriptions for capital stock, including fees, commissions, and advertising; specific costs of obtaining governmental authority for issuance and filing notices thereunder; fees and taxes for issuance of capital stock and listing on exchanges; and the cost of preparing, engraving, printing, issuing, and distributing prospectuses and stock certificates.

*Express.* Property transported by air under published air express tariffs filed with the Civil Aeronautics Board.

*Flight, developmental.* A flight for (a) the development of a new route either prior or subsequent to certification by the Civil Aeronautics Board; (b) the extension of an existing route; and (c) the integration of a new type of aircraft or service.

*Flight, extra section.* A flight, conducted as an integral part of scheduled service, that has not been provided for in published schedules and is required for transportation of traffic that can not be accommodated on a regularly scheduled flight. Flights made in ferrying aircraft to meet schedules, or for similar operational reasons, are not extra sections, and are classified as nonrevenue flights even if an occasional shipment, as a matter of special accommodation, is on board.

*Flight, ferry.* A flight for the purpose of returning an aircraft to base, equipment equalization, or moving an aircraft to and from a maintenance base.

*Flight, personnel training.* A flight for the purpose of obtaining flying time for flight personnel or a flight in connection with a personnel training program.

*Freight.* Property transported by air under published air freight tariffs filed with the Civil Aeronautics Board.

*Group basis (in depreciation accounting).* A plan under which (1) depreciation is based upon the application of a single depreciation rate to the total book cost of all property included in a given depreciable property and equipment account or class, despite differences in service life of individual items of property and equipment, (2) the full original cost, less any salvage realized, of an item of depreciable property or equipment retired is charged to the reserve for depreciation regardless of the age of the item, and (3) no gain or loss is recognized on the retirement of individual items of property or equipment.

*Hop, inter-airport.* A flight between two airports.

*Horsepower, maximum continuous.* The brake horsepower developed in standard atmosphere at a specified altitude under the maximum conditions of crankshaft rotational speed and engine manifold pressure approved for use during periods of unrestricted duration. For purposes of this system of accounts and reports, the maximum continuous horsepower for each aircraft type or model shall be the horsepower established under conditions of sea level altitude by the Civil Aeronautics Administration in aircraft specifications pertaining to each aircraft type or model.

*Hours, aircraft.* The airborne hours of aircraft computed from the moment an aircraft leaves the ground until it touches the ground at the end of a flight.

*Hours, block-to-block (ramp-to-ramp).* The aircraft hours computed from the moment the aircraft first moves under its own power for purposes of flight, until it comes to rest at the next point of landing.

*Hours flown, revenue aircraft.* The aircraft hours of flights performed in revenue service.

*Hours in capitalized projects, aircraft.* Aircraft hours applicable to ferrying newly acquired aircraft from the factory, to capitalized extension and development preoperating projects and to other costs which have been capitalized.

*Hours per aircraft per day—carrier's equipment, revenue.* Average hours of productive use per day in revenue service of reporting carrier's equipment determined by dividing (1) aircraft days assigned to service—carrier's equipment into (2) revenue aircraft hours minus revenue hours on other carrier's interchange equipment plus total hours by others on the carrier's interchange equipment.

*Hours per aircraft per day—carrier's routes, revenue.* Average hours of productive use per day in revenue service on reporting carrier's routes determined by dividing (1) aircraft days assigned to service-carrier's routes into (2) revenue aircraft hours.

*Improvement.* An addition or alteration to land, a building, or a unit of equipment that results in a better piece of property, in the sense of greater durability, or in increased productivity or efficiency. (See also *Modification.*)

*Insurance, self.* The assumption by an air carrier of a risk of loss or liability arising from an accident or other contingent event.

*Interchange agreement.* An agreement under which aircraft of one air carrier are utilized to provide one-plane service over its own routes and the routes of other air carriers.

*Inventory, perpetual.* A book inventory kept in continuous agreement with stock on hand by means of a detailed record.

*Item, delayed.* An item relating to transactions that occurred during a prior

accounting period and that requires further accounting treatment for a true statement of financial condition or operating results. It includes adjustments of errors in the operating revenue, operating expense, and other income accounts for prior periods.

*Liability, contingent.* A possible source of obligation of an air carrier dependent upon the fulfillment of conditions regarded as uncertain.

*Load, available.* Represents the maximum salable load. It is the allowable gross weight less the empty weight, less all justifiable aircraft equipment, and less the operating load (consisting of minimum fuel load, oil, flight crew, steward's supplies, etc.). For passenger aircraft, the available load must not exceed the weight of the maximum number of passengers who can be accommodated in the seats installed in the aircraft plus the weight of the traffic that can be accommodated in the cargo space.

*Load, average revenue.* The average total revenue tons carried in revenue services, determined by dividing total revenue ton-miles by aircraft miles flown in revenue services.

*Load, average revenue passenger.* Average number of revenue passengers carried in passenger services, determined by dividing revenue passenger-miles by aircraft miles flown in revenue passenger services.

*Load factor, over-all revenue.* The percent that total revenue ton-miles (passenger plus nonpassenger) are of available ton-miles in revenue services.

*Load factor, revenue passenger.* The percent that revenue passenger-miles are of available seat-miles in revenue passenger services.

*Load, minimum fuel.* The minimum amount of fuel with which an aircraft may be dispatched in accordance with Civil Air Regulations.

*Load, salable.* (See *Load, available.*)

*Mail, nonpriority.* Mail moving at service transportation rates lower than those established for mail bearing postage established specifically for air mail service.

*Mail, priority.* Mail bearing postage at rates established specifically for air mail service or mail moving at service transportation rates equivalent to those established for air mail service.

*Mile.* A statute mile (5,280 feet).

*Miles completed, percent scheduled aircraft.* The percent of scheduled aircraft miles which were performed.

*Miles completed, scheduled aircraft.* The aircraft miles performed on scheduled flights computed between only those scheduled points actually served.

*Miles flown, aircraft.* The miles (computed in airport-to-airport distances) for each inter-airport hop actually completed, whether or not performed in accordance with the scheduled pattern. For this purpose, operation to a flag stop is a hop completed even though a landing is not actually made. In cases where the inter-airport distances are inapplicable, aircraft miles flown are determined by multiplying the normal cruising speed for the aircraft type by the airborne hours.

*Miles flown, nonrevenue aircraft.* The aircraft miles flown on nonrevenue flights, such as ferry, personnel training, extension and development, and abortive revenue flights.

*Miles, revenue aircraft.* The aircraft miles flown in revenue service.

*Miles, scheduled aircraft.* The sum of the airport-to-airport distances of all flights scheduled to be performed over the air carrier's certificated routes pursuant to published flight schedules. Flights listed in the published schedules for operation only as extra sections, when traffic warrants, are excluded.

*Modification.* An alteration in a structure or unit of equipment that changes its design and is made to correct an error, increase production, improve efficiency of operation, or for some other reason.

*Obsolescence.* The process of becoming out of date due to progress of the arts and sciences, changed economic conditions, legislation, etc., which ultimately results in the retirement or other disposition of property.

*Off-line.* Installations maintained or facilities used for other than scheduled certificated air services.

*On-line.* Installations maintained or facilities used in conducting scheduled certificated air services.

*Operations, domestic.* Air transportation service within the Continental limits of the United States or within territories or possessions of the United States. For purposes of this Manual, foreign and overseas flights, operated as an integral part of operations within the Continental United States or Alaska, to or from terminal points in Canada which are not an integral part of other foreign and overseas operations are considered domestic operations.

*Operations, foreign and overseas.* Air transportation service between: (1) Points within the Continental limits of the United States and its territories or possessions (including the Canal Zone); (2) points within the Continental limits of the United States and foreign countries (excluding Canada); (3) points within one territory or possession of the United States and another; and (4) points within territories or possessions of the United States and foreign countries.

*Operations, mail.* Operations conducted for the air transportation of mail.

*Operations, nonmail.* Operations other than those conducted for the air transportation of mail.

*Operations, system.* The over-all operations of an air carrier including all of the operating entities of an air carrier having multiple operations.

*Passenger-mile.* One passenger transported one mile. Passenger-miles are computed by multiplying the aircraft miles flown on each inter-airport hop by the number of passengers carried on that hop.

*Passenger-mile, nonrevenue.* One nonrevenue passenger transported one mile.

*Passenger-mile, revenue.* One revenue passenger transported one mile.

*Passenger originations, number of on-line.* The number of passengers boarding aircraft at the points of initial enplanement on the accounting carrier's operation with the return portion of a round trip counted separately as an initial origination. In addition, a passenger traveling on a carrier having two or more operating entities, for which separate reports are required by the Civil Aeronautics Board, is counted separately on each one.

*Passenger, nonrevenue.* Person receiving air transportation from the air carrier for which remuneration is not received by the air carrier. Air carrier employees or others receiving air transportation against whom token service charges are levied are considered nonrevenue passengers. Infants for whom a token fare is charged are not counted as passengers.

*Passenger, revenue.* Person receiving air transportation from the air carrier for which remuneration is received by the air carrier. Air carrier employees or others receiving air transportation against whom token service charges are levied are considered nonrevenue passengers. Infants for whom a token fare is charged are not counted as passengers.

*Premium (as applied to securities issued or assumed by the air carrier).* The excess of (1) the then current money value of the consideration received from their sale, less the amount included therein for dividends or interest accrued, over (2) their par or stated value.

*Property (as applied to traffic).* (See *Cargo.*)

*Replacement.* Substitution of new for existing facilities that are worn out, damaged beyond repair, or have become inadequate in service.

*Residual value.* The predetermined portion of the cost of a unit of property or equipment excluded from depreciation. It shall represent a fair and reasonable estimate of recoverable value as of the end of the service life over which the property is depreciated. It shall reflect values which are dissipated by use but are normally restored to individual units of property through recurrent repairs and periodic maintenance operations, and shall include the estimated cost of periodic maintenance operations for which reserves are provided, which, if not reflected in such residual values, would produce duplicate charges to expense.

*Retirement.* The permanent withdrawal of assets from operations through sale, abandonment, demolition, or other disposal.

*Retirement, date of.* The date on which property or equipment is permanently withdrawn from operations.

*Route, certificated.* The route over which an air carrier is authorized to provide air transportation pursuant to Certificates of Public Convenience and Necessity issued by the Civil Aeronautics Board.

*Salvage value.* The amount received for property retired, less the expenses incurred in connection with the sale or in the preparation of the property for sale; or, if retained, the amount at which the material recovered is charged to materials and supplies or other appropriate account.

*Schedule, published.* An official schedule of an air carrier on file with the Civil Aeronautics Board.

*Seats available.* Installed seats in an aircraft, including seats in lounges but excluding any that are blocked off because of operating limitations or priority mail load. This item represents the maximum number of salable seats.



*Seats, average available.* The average number of seats available for passengers, determined by dividing available seat-miles by revenue aircraft miles flown in passenger service.

*Seat-miles, available.* The aircraft miles flown on each inter-airport hop multiplied by the number of seats available on that hop.

*Service, charter.* Nonscheduled transport service performed by an air carrier under an agreement with others for the exclusive use of an aircraft.

*Service, coach (tourist).* Transport service specifically established for the carriage of passengers at special reduced passenger fares that are predicated on both the operation of specifically designated aircraft space and a reduction in the quality of service regularly and ordinarily provided.

*Service, combination passenger.* Transport service for the carriage of both first class and coach (tourist) passengers on the same aircraft.

*Service, irregular (excluding charter).* Nonscheduled transport service other than charter service.

*Service, first class.* Transport service established for the carriage of passengers moving at either standard fares or premium fares, or at reduced fares not predicated upon the operation of specifically allocated aircraft space, and for whom standard or premium quality services are provided.

*Service life.* The period between the date of installation of property or equipment and its date of retirement.

*Service, mixed.* Transport service established for the joint transportation of passengers, cargo, and/or mail.

*Service, nonpassenger.* Transport service established for the carriage of traffic other than passengers.

*Service, nonscheduled.* Includes transport service between points not covered by Certificates of Public Convenience and Necessity issued by the Civil Aeronautics Board to the air carrier; services pursuant to the charter or hiring of aircraft; other revenue services not constituting an integral part of the services performed pursuant to published schedules; and related nonrevenue flights.

*Service, scheduled.* Transport service operated over an air carrier's certificated routes pursuant to published flight schedules, including extra sections and related nonrevenue flights.

*Service, transport.* The operation of facilities for the carriage of traffic by air.

*Service, tourist.* (See *Service, coach.*)

*Services, all.* The total of scheduled and nonscheduled transport services.

*Stop, flag.* A point on an air carrier's certificated route that is scheduled to be served only when traffic is to be picked up or discharged.

*Stop, fuel.* A point on an air carrier's certificated route scheduled to refuel the aircraft but not to enplane or deplane traffic.

*Tariff, published.* A publication containing rates applicable to the transportation of persons or cargo and rules relating to or affecting such rates or transportation, filed with the Civil Aeronautics Board.

*Ton.* A short ton (2,000 pounds).

*Ton-mile.* One ton transported one mile. Ton-miles are computed by multiplying the aircraft miles flown on each inter-airport hop by the number of tons carried on that hop.

*Ton-mile, nonrevenue.* One ton of nonrevenue traffic transported one mile.

*Ton-mile, passenger.* One ton of passenger weight (including free baggage) transported one mile. (See also *Weight, passenger.*)

*Ton-mile, revenue.* One ton of revenue traffic transported one mile.

*Ton-miles, available.* The aircraft miles flown on each inter-airport hop multiplied by the available load for that hop.

*Traffic, enplaned.* A count of the number of passengers boarding and tons of cargo and mail loaded on an aircraft. For this purpose, passengers, cargo, and mail on aircraft entering a carrier's system on interchange flights are considered as enplaning at the interchange point, and passengers, cargo, and mail moving from one operation to another operation of the same carrier, for which separate reports are required by the Civil Aeronautics Board, are considered as enplaning at the junction point.

*Traffic, deplaned.* A count of the number of passengers getting off and tons of cargo and mail unloaded from an aircraft. For this purpose, passengers, cargo, and mail on aircraft leaving a carrier's system on interchange flights are considered as deplaning at the interchange point, and passengers, cargo, and mail moving from one operation to another operation of the same carrier, for which separate reports are required by the Civil Aeronautics Board, are considered as deplaning at the junction point.

*Traffic, nonrevenue.* Passengers and cargo transported by air for which remuneration is not received by the air carrier. Passengers (including air carrier employees) and cargo carried for token service charges are considered nonrevenue traffic.

*Traffic office.* A facility where air transportation is sold, and related processes of documentation and reservation confirmation are performed.

*Traffic, revenue.* Passengers, cargo, and mail transported by air for which remuneration is received by the air carrier. Passengers (including air carrier employees) and cargo carried for token service charges are not considered revenue traffic.

*Transportation, free.* The carriage of any person or cargo (other than cargo owned by the air carrier) without compensation.

*Unit basis (in depreciation accounting).* A plan under which depreciation expense is accrued upon the basis of the book cost of the individual item of property in relation to the service life and salvage value of the particular item.

*Value, service.* The difference between the book cost and the residual value of property and equipment.

*Weight, allowable gross.* The maximum gross weight (of the aircraft and its contents) which an aircraft is licensed to carry into the air on each inter-airport hop.

*Weight, average available.* The average capacity available for revenue traffic, determined by dividing available ton-miles by aircraft miles in revenue service.

*Weight, empty.* The weight of the airframe, engines, propellers, and fixed equipment of an aircraft. Empty weight excludes the weight of the crew and payload, but includes the weight of all fixed ballast, unusable fuel supply, undrainable oil, total quantity of engine coolant, and total quantity of hydraulic fluid.

*Weight, passenger.* For the purposes of this manual, a standard weight of 190 pounds per passenger (including free baggage) is used for domestic operations, and 215 and 200 pounds for first class and coach passengers, respectively, in foreign and overseas operations. Other weights may be prescribed in specific instances upon the initiative of the Board or upon factually supported request by an air carrier.

§ 241.04 *Air carrier groupings and standard name abbreviations.*

GROUP I AIR CARRIERS

| *Air carrier name* | *Name abbreviation* |
|---|---|
| American Air Export and Import. | AAXICO |
| Alaska Coastal Airlines | Coastal |
| Bristol Bay Airlines | Bristol |
| Byers Airways | Byers |
| Caribbean Atlantic Airlines, Inc. | Caribbean |
| Christensen Air Service | Christensen |
| Cordova Airlines, Inc | Cordova |
| Ellis Air Lines | Ellis |
| Helicopter Air Service, Inc | Heli-Air |
| Los Angeles Airways, Inc | LA Airways |
| Mackey Airlines, Inc | Mackey |
| Midet Aviation Corporation | Midet |
| Howard J. Mays | Mays |
| New York Airways, Inc | NY Airways |
| Northern Consolidated Airlines, Inc. | N Cons |
| Reeve Aleutian Airways, Inc | Reeve |
| Resort Airlines, Inc | Resort |
| Samoan Airlines, Ltd | Samoan |
| South Pacific Air Lines, Inc | So Pac |
| Uraba, Medellin & Central Airways, Inc. | UMCA |
| Wien Alaska Airlines, Inc | Wien |

GROUP II AIR CARRIERS

| | |
|---|---|
| Aerovias Sud Americana, Inc | Aerovias |
| Allegheny Airlines, Inc | Allegheny |
| Bonanza Airlines, Inc | Bonanza |
| Central Airlines, Inc | Central |
| Frontier Airlines, Inc | Frontier |
| Hawaiian Airlines, Ltd | Hawaiian |
| Lake Central Airlines, Inc | Lake-Cen |
| Mohawk Airlines, Inc | Mohawk |
| North Central Airlines, Inc | No Cen |
| Ozark Airlines, Inc | Ozark |
| Piedmont Aviation, Inc | Piedmont |
| Riddle Airlines, Inc | Riddle |
| Southern Airways, Inc | Southern |
| Southwest Airways Company | Southwest |
| Trans-Pacific Airlines, Ltd | Trans-Pac |
| Trans Texas Airways | Trans Tex |
| West Coast Airlines, Inc | W. Coast |

GROUP III AIR CARRIERS

| | |
|---|---|
| Alaska Airlines, Inc | Alaska |
| American Airlines, Inc | American |
| Braniff Airways, Inc | Braniff |
| Capital Airlines, Inc | Capital |
| Colonial Airlines, Inc | Colonial |
| Continental Air Lines, Inc | Continental |
| Delta-C&S Air Lines, Inc | Delta |
| Eastern Air Lines, Inc | Eastern |
| The Flying Tiger Line, Inc | Fly Tiger |
| National Airlines, Inc | National |
| Northeast Airlines, Inc | Northeast |

GROUP III AIR CARRIERS—continued

| *Air carrier name* | *Name abbreviation* |
|---|---|
| Northwest Airlines, Inc. | Northwest |
| Pacific Northern Airlines, Inc. | Pac. Nor. |
| Pan American-Grace Airways, Inc. | Panagra |
| Pan American World Airways, Inc. | Pan Am |
| Seaboard and Western Airlines, Inc. | Seaboard |
| Slick Airways, Inc. | Slick |
| Trans World Airlines, Inc. | Trans World |
| United Air Lines, Inc. | United |
| Western Air Lines, Inc. | Western |

§ 241.05 *Standard air carrier operation abbreviations.*

| *Operation* | *Abbreviations* |
|---|---|
| Domestic Mail Operations | Dom Mail |
| Trunk Lines | Trunk |
| Local Service | Local |
| Intra-Territorial | Terr |
| Domestic Non-Mail Operations. | Dom N-Mail |
| Foreign and Overseas Mail Operations. | F & O Mail |
| Within or via: | |
| Atlantic Ocean | Atlantic |
| Central and South America. | Lat Am |
| Pacific Ocean | Pacific |
| States-Alaska | S-Alaska |
| Foreign and Overseas Non-Mail Operations. | F & O N-Mail |

§ 241.06 *Standard aircraft type abbreviations.*

| *Aircraft type* | *Abbreviation* |
|---|---|
| Bell B–47 D | B–47D |
| Boeing 247 D | B–247D |
| Boeing B–307 | B–307 |
| Boeing B–314 | B–314 |
| Boeing B–377 | B–377 |
| Cessna T–50 | T–50 |
| Convair CV–240 | CV–240 |
| Convair CV–340 | CV–340 |
| Curtis C–46 | C–46 |
| Douglas DC–3 | DC–3 |
| Douglas DC–3, Super | DC–3S |
| Douglas DC–4 | DC–4 |
| Douglas DC–6 | DC–6 |
| Douglas DC–6A | DC–6A |
| Douglas DC–6B | DC–6B |
| Douglas DC–7 | DC–7 |
| Douglas DC–7B | DC–7B |
| Grumman G–21A | G–21A |
| Grumman G–44 | G–44 |
| Lockheed 10 | L–10 |
| Lockheed 18 | L–18 |
| Lockheed L–49 | L–49 |
| Lockheed L–649 | L–649 |
| Lockheed L–749 | L–749 |
| Lockheed L–1049 | L–1049 |
| Lockheed L–1049C | L–1049C |
| Lockheed L–1049G | L–1049G |
| Martin 202 | M–202 |
| Martin 202A | M–202A |
| Martin 404 | M–404 |
| Sikorsky S–51 | S–51 |
| Sikorsky S–55 | S–55 |
| Vickers 744 | VV–744 |
| Vickers 745 | VV–745 |

## SUBPART A—GENERAL ACCOUNTING PROVISIONS

§ 241.1 *Introduction to system of accounts and reports.*

§ 241.1–1 *Applicability of system of accounts and reports.* Each air carrier holding a certificate of public convenience and necessity under section 401 of the Civil Aeronautics Act shall keep its books of account, records and memoranda and make reports to the Board in accordance with the system of accounts and reports prescribed herein. The Civil Aeronautics Board reserves the right, however, under the provisions of sections 407 and 416 of the Civil Aeronautics Act of 1938, as amended, to expand or otherwise modify the classes of carriers subject to this system of accounts and reports.

§ 241.1–2 *Waivers from this system of accounts and reports.* A waiver from any provision of this system of accounts or reports may be made by the Civil Aeronautics Board upon its own initiative or upon the submission of written request therefor from any air carrier, or group of air carriers, provided that such a waiver is in the public interest and each request for waiver expressly demonstrates that: existing peculiarities or unusual circumstances warrant a departure from a procedure or technique prescribed herein; a specifically defined alternative procedure or technique will result in a substantially equivalent or more accurate portrayal of operating results or financial condition, consistent with the principles embodied in the provisions of this system of accounts and reports; and the application of such alternative procedure will maintain or improve uniformity in substantive results as between air carriers.

§ 241.1–3 *General description of system of accounts and reports.* (a) This system of accounts and reports is designed to permit limited contraction or expansion to reflect the varying needs and capacities of different air carriers without impairing basic accounting comparability as between air carriers. In its administration three air carrier groups, designated Group I, Group II and Group III, respectively, are established by the Civil Aeronautics Board. This grouping will be reviewed from time to time upon petition of individual air carriers or by initiative of the Civil Aeronautics Board, with the view of a possible regrouping of the air carriers.

(b) Under the system of accounts prescribed, balance sheet elements are accounted for by all air carrier groups within a fixed uniform pattern of specific accounts. All profit and loss elements are accounted for within specific objective accounts established for each air carrier group resulting from dual classifications, designated for each air carrier group, which are descriptive of both basic areas of financial activity, or functional operation, and objective served. The profit and loss elements of the three air carrier groups can be reduced to broad objectives and general or functional classifications which are comparable for all air carrier groups. Both balance sheet and profit and loss accounts and account groupings are designed, in general, to embrace all activities, both air transport and other than air transport, in which the air carrier engages and provide for the separation of elements identifiable exclusively with other than air transport activities. Profit and loss elements which are recorded during the current accounting year are subclassified as between (1) those which relate to the current accounting year and (2) those which relate to prior accounting years, or special items that are of sufficient magnitude to distort current operating results.

(c) In order to afford air carriers as much flexibility and freedom as possible in establishing ledger and subsidiary accounts to meet their individual needs, a minimum number of account subdivisions have been prescribed in this Uniform System of Accounts. It is intended, however, that each air carrier, in maintaining its accounting records, will provide subaccount and subsidiary account segregations of accounting elements which differ in nature of accounting characteristics, in a manner which will render individual elements readily discernable and traceable throughout the accounting system, and will provide for relating profit and loss elements to applicable balance sheet counterparts.

§ 241.1–4 *System of accounts coding.* (a) A four digit control number is assigned for each balance sheet and profit and loss account. Each balance sheet account is numbered sequentially, within blocks, designating basic balance sheet classifications. The first two digits of the four digit code assigned to each profit and loss account denote a detailed area of financial activity or functional operation. The first two digits, thus assigned to each profit and loss account, are numbered sequentially within blocks, designating more general classifications of financial activity and functional operation. The second two digits assigned to profit and loss accounts denote objective classifications.

(b) A fifth digit, appended as a decimal, has been assigned for internal control by the Civil Aeronautics Board of prescribed subdivisions of the primary objective balance sheet and profit and loss classifications. A different fifth digit code number from that assigned by the Civil Aeronautics Board may be adopted for internal record keeping by the air carrier provided the prescribed subclassification of objective accounts is not impaired and the code number assigned by the Civil Aeronautics Board is employed in reporting to the Board on Form 41 Reports.

§ 241.1–5 *Records.* (a) The general books of account and all books, records, and memoranda which support in any way the entries therein shall be kept in such manner as to provide at any time full information relating to any account. The entries in each account shall be supported by such detailed information as will render certain the identification of all facts essential to a verification of the nature and character of each entry and its proper classification under the prescribed Uniform System of Accounts. Registers, or other appropriate records, shall be maintained of the history and nature of each note receivable and each note payable.

(b) The books and records referred to herein include not only accounting records in a limited technical sense, but all other records such as organization tables and charts, internal accounting manuals and revisions thereto, minute books, stock books, reports, cost distributions and other accounting work sheets, correspondence, memoranda, etc., which may constitute necessary links in developing the history of, or facts regarding, any accounting or financial transaction.



(c) All books, records and memoranda shall be preserved and filed in such manner as to readily permit the audit and examination thereof by representatives of the Civil Aeronautics Board. All books, records and memoranda shall be housed or stored in such manner as to afford protection from loss, theft, or damage by fire, flood or otherwise and no such books and records shall be destroyed or otherwise disposed of, except in conformance with Part 249 of this chapter for the preservation of records.

§ 241.1–6 *Accounting entities.* Separate records shall be maintained for each entity required to make separate reports pursuant to § 241.21 (i) and for each entity established for management purposes. Such records shall be maintained with sufficient particularity to permit the association of items traceable directly to each entity and to permit the proration of items which are common to two or more such entities in such fashion that the results produced for each entity would be closely comparable to the results which would be required to fairly reflect the operating results of a distinct legal entity.

§ 241.1–7 *Interpretation of accounts.* To the end that uniform accounting may be maintained within the prescribed system, questions involving matters of significance which are not clearly provided for should be submitted to the Civil Aeronautics Board for explanation, interpretation, or resolution.

§ 241.1–8 *Address for reports and correspondence.* Reports, statements and correspondence submitted to the Civil Aeronautics Board in accordance with or relating to instructions and requirements contained herein shall be addressed to the Office of Carrier Accounts and Statistics, Civil Aeronautics Board, Washington, D. C., the organizational unit responsible for administering the accounting and reporting functions of the Civil Aeronautics Board.

§ 241.1–9 *Conversion to this system of accounts and reports.* (a) The provisions of this system of accounts and reports shall be effective as of January 1, 1957. All balance sheet account balances shall be restated as at the beginning of business January 1, 1957, to conform with the provisions of this system of accounts except as provided below. All necessary adjustments to conform the accounts to the new system by reason of increase or decrease in reserves, or other necessary adjustments, shall be accumulated in an appropriate clearing account and the net transferred to profit and loss classification 9700 Special Items.

(b) Any adjustments of reserves for depreciation, obsolescence of flight equipment expendable parts, uncollectible accounts or other valuations of assets, shall be applied to current and subsequent accounting periods by spreading the depreciated cost of such assets over the remaining life of the asset to which applicable and shall not be applied retroactively.

(c) Adjustments, necessitated by the requirement of this system of accounts that undepreciable residual values shall reflect values restored by periodic maintenance operations, shall be effected by subdividing the accumulated depreciation reserve between that portion representing values restorable by periodic maintenance, which shall be classified as maintenance reserve, and the remaining portion which shall be classified as depreciation reserve, unless this requirement is waived by the Civil Aeronautics Board.

(d) Any reserve accumulated for obsolescence of flight equipment spare parts and assemblies shall be divided between the portion applicable to flight equipment expendable parts and flight equipment rotable parts and recorded in the applicable reserve accounts. Unless otherwise waived by the Civil Aeronautics Board, no further accrual shall be made to the reserve for obsolescence of flight equipment expendable parts and any losses sustained upon the retirement of the parts to which related shall be charged against this reserve.

(e) Any provision of this system of accounts respecting the required reserves for depreciation, or other valuation of assets, shall be made applicable as at the effective date of this regulation to all assets then existing as well as to assets subsequently acquired against which the accrual of reserves would be appropriate.

(f) All statements and plans required to be submitted to the Civil Aeronautics Board by this system of accounts insofar as currently applicable shall be filed by January 1, 1957.

§ 241.2 *General accounting policies.*

§ 241.2–1 *Bases of allocation between entities.* (a) In accordance with the provisions of § 241.1–6 profit and loss items and noncurrent assets applicable in common to two or more entities shall be allocated between such entities in such fashion that the results produced for each entity would be closely comparable to those which would be required to fairly reflect results of a distinct legal entity.

(b) Each air carrier shall file with the Civil Aeronautics Board a statement detailing practices and techniques used in assigning and prorating noncurrent assets and profit and loss items between separate entities. The practices and techniques set forth in such statement shall thenceforth be used by the air carrier unless it is notified by the Civil Aeronautics Board that they do not meet the requirements set forth herein. (See § 241.22 (d).)

(c) Changes in methods of allocating items between entities shall not be reflected in the air carrier's accounts until 30 days have elapsed following the filing of a statement, of the type described in (b) above, with the Civil Aeronautics Board unless the carrier has been notified in writing by the Civil Aeronautics Board, prior to the expiration of such period, that the changes either conform with or do not meet the requirements set forth herein.

§ 241.2–2 *Distribution of revenues and expenses within entities.* (a) Revenues and expenses attributable to a single natural objective account or functional classification shall be assigned accordingly.

(b) Revenue and expense items which are common to two or more natural objective accounts shall be charged to the objective accounts to which they predominantly relate.

(c) Expense items contributing to more than one function shall be charged to the general overhead functions to which applicable except that where only incidental contribution is made to more than a single function an item may be included in the function to which primarily related, provided such function is not distorted by including an aggregation of amounts applicable to other functions.

§ 241.2–3 *Transactions in foreign currencies.* (a) All accounts provided herein shall be stated in terms of United States Currency.

(b) Amounts to be entered in the accounts of this system that originate in terms of foreign currencies, shall be initially recorded in United States Currency at the rates of exchange realizable at the date of the original transaction, except as provided in paragraph (g) of this section, unless free conversion is not permitted and governmentally controlled rates are prescribed, in which case the latter rates shall be used.

(c) Current assets and liabilities shall be restated in the accounts at the end of each quarterly accounting period at rates of exchange then realizable, except as provided in paragraph (g) of this section, unless free conversion is not permitted and governmentally controlled rates are prescribed in which case the latter rates shall be used.

(d) Noncurrent assets and liabilities shall be reflected in the accounts at the freely realizable, or governmentally prescribed, rates of exchange prevailing at the date of the original transaction and shall not be revalued to reflect subsequent changes in rates of exchange, except to reflect permanent changes in value resulting from general monetary revaluations.

(e) Unrealized gains or losses developing in the course of normal routine restatements of current assets and liabilities in conformance with day-to-day fluctuations in rates of exchange shall be entered in profit and loss classification 4600 Incidental Revenues—Net. Unrealized gains or losses of a non-routine or an abnormal character shall be entered in profit and loss classification 8100 Nonoperating Income and Expense—Net.

(f) Realized gains or losses resulting from normal routine differences between the rates at which assets and liabilities are stated in the accounts and the rates of exchange existing at the date of realization, liquidation, or settlement, shall be entered in profit and loss classification 4600 Incidental Revenues—Net. Realized gains or losses of a non-routine or an abnormal character shall be entered in profit and loss classification 8100 Nonoperating Income and Expense—Net.

(g) Standard rates of exchange which are reasonably representative of currently realizable rates of exchange, or governmentally controlled rates where free conversion is not permitted, may be

used for originally recording each transaction and for quarterly restatements of current assets and current liabilities provided such standards are redetermined at least once each accounting year or oftener as may be necessary to reasonably approximate currently realizable or officially prescribed rates of exchange at the close of each calendar quarter.

(h) Provisions shall not be made by charges against income for reserves against anticipated changes in exchange rates during future accounting periods.

§ 241.2–4 *Accounting period.* (a) The accounting year of each air carrier subject to this Uniform System of Accounts shall be the calendar year unless otherwise approved by the Civil Aeronautics Board.

(b) Each air carrier shall keep its financial accounts and records on a full accrual basis for each quarter so that all transactions, as nearly as may reasonably be ascertained, shall be fully reflected in the air carrier's books for the quarter in which revenues have been earned and the costs attaching to the revenues so earned in each quarter have been incurred independently of the incidence of sales or purchases and settlement with debtors or creditors.

(c) Expenditures incurred during the current accounting year which demonstrably benefit operations to be performed during subsequent accounting years to a significant extent shall be deferred and amortized to the period in which the related operations are performed when of sufficient magnitude to distort the accounting results of the year in which incurred.

(d) Expenditures charged directly or amortized to operations within one accounting year shall not be reversed in a subsequent accounting year and reamortized or charged directly against operations of subsequent years except that retroactive adjustments are permitted where necessary to conform with adjustments required by the Civil Aeronautics Board for rate making purposes provided a statement explaining the detailed adjustments is submitted for review by the Civil Aeronautics Board.

§ 241.2–5 *Liability accruals.* Charges shall be made against income and accruals made for only those liabilities for which a definitely demonstrable obligation exists. Where a definite obligation has been incurred, such as for accrued vacation or dismissal compensation and the precise liability has not been determined, an estimate may be made of the currently existing liability on such actuarial or other bases as can be justified from available information, provided that balances are re-evaluated and adjusted at least once each accounting year to accurately reflect the true detriment (or cost) to the air carrier.

§ 241.2–6 *Federal income tax accruals.* (a) All income taxes shall be accrued by proportionate charges or credits to income each calendar quarter in such manner as will allocate the charges for taxes, or the tax credits for losses, to the periods in which the related profits or losses respectively, are reflected.

(b) The general policy in respect to the accrual of income taxes for each accounting period will require that the air carrier take up in its accounts an amount equivalent to the actual tax liability applicable to the period as computed or estimated on the basis of income tax laws and regulations then in effect. Waiver of this limitation may be made in instances where provision has been made in the income tax laws for the rapid depreciation or amortization of properties at rates in excess of those which are used for regular accounting purposes provided that the difference between the current tax liability and the tax expense then applicable to the income taken up in the accounting period results in such material misstatement of the amount of the income tax properly applicable to the profit taken up in the period as to undermine the integrity of the carrier's financial statements. In such cases and where waiver is made from the general prohibition herein the income tax, properly applicable at the tax rates effective under then-existing law to the profit for the year in which such tax will become due and payable, shall be accrued for regular accounting purposes and deferred until actually paid in order to apportion the total income tax cost among the various accounting periods on a basis which will fairly represent the actual tax burden in terms of actual income taken up by the carrier in each of the various accounting periods.

§ 241.2–7 *Delayed items.* (a) All items affecting net income, including income adjustments, shall be recorded in appropriate profit and loss accounts and reflected on the income statement and shall not be entered directly to retained earnings.

(b) Items applicable to operations occurring prior to the current accounting year which were not recorded in the books of account shall be included in the same accounts which would have been charged or credited if the items had not been delayed; provided, that if any delayed item is relatively so large in amount that its inclusion in the accounts for a single year would materially distort the affected accounts, it shall be included in profit and loss classification 9700 Special Items.

(c) Items applicable to operations occurring prior to the current quarter which were not recorded in the books of account shall be included in the same accounts which would have been charged or credited if the items had not been delayed; provided, that if any delayed item is relatively so large in amount that its inclusion in the accounts for a single quarter would materially distort the revenues or expenses it shall be identified in amount and nature by the quarters to which applicable as a footnote to the CAB Form 41 profit and loss statement filed for the quarter in which the item is included.

§ 241.2–8 *Unaudited items.* If a transaction has occurred but the amount involved is not precisely determinable, the amount shall be estimated, included in the proper accounts and where significant noted for financial statement purposes. The carrier is not required to anticipate or disclose minor items which would not appreciably affect the results of its operations or financial position.

§ 241.2–9 *Improvements, additions and betterments.* (a) As a general rule, expenditures for additions, betterments or improvements, which increase the productive capacity of units of land, property or equipment, shall be capitalized rather than charged directly against income of the period in which incurred. Expenditures of insignificant amount related to individual projects may be expensed as incurred, rather than capitalized, provided their inclusion as individual items or when aggregated for like items encompassed by a particular program, will not distort current operating results.

(b) The costs to be capitalized shall include all costs directly incurred by reason of the program together with an allocated portion of overhead costs to the full extent overhead expenses have been responsive to the volume of capitalizable projects currently or periodically in process.

(c) When superior parts are substituted for old parts in existing units of property and equipment as an incident to normal maintenance operations where normal retirement procedures are not practicable, the excess cost of the new parts over the estimated current cost of new parts of the kind replaced shall be charged to the related property and equipment account.

§ 241.2–10 *Capitalization of interest on construction.* Capitalization of interest on funds provided through debt financing and the capitalization of constructive interest on funds provided through equity financing employed in capital construction projects are both prohibited except upon waiver of this prohibition by the Civil Aeronautics Board, provided that in the case of a newly certificated carrier interest actually paid for funds employed prior to inauguration of service may be included in capitalized extension and development costs.

§ 241.2–11 *Accounting for transactions in gross amounts.* (a) All assets and liabilities shall be stated in balance sheet presentations in gross values, provided that all depreciation, provisions for uncollectible accounts and other valuation reserves shall be offset against the class of asset to which related. Traffic balances between air carriers which are normally settled in net amounts through airline clearing houses shall be accounted for in net amounts receivable from or payable to each such clearing house, provided that items removed from clearing houses for outside settlement shall be stated in gross amounts. Amounts receivable from, and amounts payable to, associated companies and other air carriers, which are not normally settled through airline clearing houses, and which are normally settled on a current basis shall be stated in gross amounts receivable and gross amounts payable. Amounts receivable from, and amounts payable to, individual associated companies which are not settled on a current basis, and are not includible in current assets or current liabilities, shall be stated in net amounts receivable or payable. Receivables from particular associated companies shall not be offset against payables to other associated companies.

(b) The cost of Treasury Certificates or other tax notes, which are to be surrendered to the United States Treasury, rather than independently sold, in satisfying Federal income tax liabilities may be offset against accrued Federal income tax liabilities provided both the gross income tax liability and the value of the tax notes are reflected on the face of the balance sheet. The offset of other government securities or other assets against Federal income tax liabilities is prohibited.

§ 241.2–12 *Valuation of assets.* All assets shall be recorded at cost to the air carrier and shall not be adjusted to reflect changes in market value except that parts which have been expensed from current inventories, and are recovered, may be returned to inventory at estimated value with contra credit to the expense accounts initially charged.

§ 241.2–13 *Establishment of reserves.* (a) Provisions for reserves covering transactions or conditions which do not diminish assets or result in demonstrable liability to the air carrier, with corresponding diminution in stockholder equity during the period over which accrued, shall not be charged against income but shall be charged directly against balance sheet account 2940 Unappropriated Retained Earnings.

(b) All reserves shall be classified in balance sheet presentations in terms of their inherent impact upon the air carrier's financial condition as either valuation of assets (offsetting the assets to which related), accrued liabilities, or appropriations of retained earnings.

(c) Provisions for self-insurance may be charged as operating expense in accordance with a plan which provides for reflecting actuarial or other reasonable measures of insurable risks as a recurring operating expense but adjusts annual net income to reflect only realized losses. Accruals for self-insurance shall be made through charges against operating expenses and credits to balance sheet account 2350 Self-Insurance Accruals—Clearing and the balance in such account between self-insurance accrued and losses sustained shall be cleared to nonoperating income and expense at the close of each accounting year. An amount equal to the uncleared balance in account 2350 Self-Insurance Accruals—Clearing shall be simultaneously reflected in appropriated retained earnings by appropriate debits or credits to balance sheet accounts 2940 Unappropriated Retained Earnings and 2920 Reserve for Self-Insurance. Each air carrier shall file with the Civil Aeronautics Board as a supplement to the CAB Form 41 report for the period in which self-insurance reserves are established or revised, a statement which sets forth the rates at which the reserves for self-insured risks are to be accumulated, the level at which self-insurance reserves will cease to be accumulated and such other detail as may be pertinent to the plan. The rates and practices set forth in such statement shall thenceforth be used by the air carrier unless it is notified by the Civil Aeronautics Board that they do not meet the requirements set forth herein. (See balance sheet account 2350 Self-Insurance Accruals—Clearing.)

(d) Additional reserves over those prescribed in this system of accounts may be established for the purpose of equalizing or distributing expense charges between calendar quarters of each accounting year in accordance with operations performed, in the event such expenditures are part of a specific program to which the air carrier is demonstrably committed and are of sufficient magnitude to significantly distort the financial results of the current quarter if expensed directly. Each air carrier shall submit, for approval by the Civil Aeronautics Board, a plan for each such equalization reserve which shall set forth the proposed accounting and rates of accrual. Such plans shall provide for the liquidation of each expense equalization reserve at the close of each accounting year. Equalization reserves shall not be used in respect to expenditures, the distortionary fluctuations of which spread over a cycle of longer than one year.

§ 241.2–14 *Depreciation and amortization.* (a) Assets of a type possessing prolonged service lives significantly longer than one year, and which are generally repaired and reused shall be written off against operations through periodic depreciation or amortization charges from the date first placed in regular service and shall not be expensed when retired or acquired. Assets of a type which are recurrently expended and replaced, rather than repaired and reused, shall not be depreciated or amortized but shall be charged to expense as issued for use. Waiver of this prohibition may be made upon a factual demonstration of impending losses in material amount from flight equipment expendable parts obsolescence factors not effectively provided for otherwise. In such cases and where waiver is made from the general prohibition, the air carrier may accrue through periodic expense charges, a reserve for anticipated losses from obsolescence of flight equipment expendable parts inventories which the air carrier anticipates will be on hand at the date of retirement of the equipment type to which related.

(b) Assets of a type which are subject to depreciation shall not be classified as current assets but shall be carried in property and equipment or other appropriate noncurrent asset account classifications. Assets of a type which are recurrently expended and replaced, including flight equipment expendable parts, shall be classified as current assets.

(c) Depreciation shall be calculated by the air carrier in such manner as will prevent the charging of either excessive or inadequate expense or the accumulation of excessive or inadequate reserves, and shall be based upon a study of the air carrier's history and experience or such engineering or other information as may be available with respect to prospective future conditions and without regard to depreciation accounting practices adopted for tax purposes. Undepreciable residual values shall be established for each class of property and equipment and shall represent the fair and reasonable estimate of the recoverable value as of the end of the service life over which the property is depreciated. Residual values shall reflect values which are dissipated by use but are normally restored to individual units of property through recurrent repairs and periodic maintenance operations, and shall include the estimated cost of periodic maintenance operations for which reserves are provided, which, if not reflected in such residual values, would produce duplicate charges to expense.

(d) Each air carrier shall file with the Civil Aeronautics Board on or before January 1, 1957 a statement which shall clearly and completely describe for each category of property and equipment the bases upon which the respective residual values and service lives have been assigned. For each new type of property or equipment acquired subsequently such a statement shall be submitted within 90 days after the property or equipment has been placed in regular service. Where changing conditions make necessary a revision or adjustment in rates of depreciation or residual values, a supplementary statement shall be attached to CAB Form 41 filed for the period in which such revisions or adjustments are made which shall clearly and completely describe the bases upon which the residual values and service lives have been revised. Retroactive adjustments in depreciation rates are in general prohibited.

§ 241.2–15 *Contingent assets and contingent liabilities.* Contingent assets and contingent liabilities shall not be included in the body of the balance sheet but shall be explained in footnotes.

§ 241.2–16 *Notes to financial statements.* All matters which are not clearly identified in the body of the financial statements but which may influence materially interpretations or conclusions which may reasonably be drawn in regard to financial condition or earnings position shall be clearly and completely stated as footnotes to the financial statements.

SUBPART B—BALANCE SHEET CLASSIFICATIONS

§ 241.3 *Chart of balance sheet accounts.*

| Name of account | Operating | Nonoperating |
|---|---|---|
| Property and equipment—Continued | | |
| Reserve for depreciation—storage and distribution equipment | 1657 | 1757 |
| Reserve for depreciation—miscellaneous ground equipment | 1658 | 1758 |
| Reserve for depreciation—buildings and improvements | 1660 | 1760 |
| Accumulated depreciation and amortization of capitalized leases | 1660.1 | 1760.1 |
| Other buildings and improvements | 1669 | 1769 |
| Reserves for depreciation—ground property and equipment | 1679 | 1779 |
| Land | 1679 | 1779 |
| Construction work in progress | 1689 | 1789 |
| | General classification | |
| Deferred charges: | | |
| Long-term prepayments | | 1820 |
| Developmental and preoperating costs | | 1830 |
| Unamortized discount and expense on debt | | 1840 |
| Unamortized capital stock expense | | 1850 |
| Unamortized debt expansion adjustment | | 1870 |
| Other deferred charges | | 1880 |
| Other deferred charges | | 1890 |
| Current liabilities: | | |
| Current notes payable | | 2010 |
| Accounts payable—general | | 2020 |
| Collections as agent | | 2030 |
| Collections as agent—other | | 2040 |
| Notes and accounts payable—associated companies | | 2050 |
| Accrued personnel compensation | | 2110 |
| Accrued vacation liability | | 2120 |
| Accrued Federal income taxes | | 2131 |
| Other accrued taxes | | 2139 |
| Dividends declared | | 2140 |
| Air traffic liability | | 2150 |
| Uncarned transportation revenue | | 2160 |
| Other current liabilities | | 2190 |
| Noncurrent liabilities: | | |
| Long term debt | | 2210 |
| Advances from associated companies | | 2240 |
| Advances from separately operated divisions | | 2245 |
| Noncurrent lease liability—capitalized leases | | 2260 |
| Company stock purchase plan liability | | 2290 |
| Other noncurrent liabilities | | 2290 |
| Maintenance liability—leased airframes | | 2290.2 |
| Maintenance liability—leased aircraft engines | | 2290.3 |
| Miscellaneous noncurrent liabilities | | 2290.9 |
| Deferred credits: | | |
| Unamortized premium on debt | | 2330 |
| Deferred Federal income taxes | | 2340 |
| Self-insurance accruals—clearing | | 2370 |
| Other deferred credits | | 2390 |
| Stockholder equity: | | |
| Preferred stock | | 2820 |
| Common stock | | 2840 |
| Common stock subscribed and unissued | | 2850 |
| Other paid-in capital | | 2890 |
| Premium on capital stock | | 2890.1 |
| Discount on capital stock | | 2890.2 |
| Other capital stock transactions | | 2890.3 |
| Miscellaneous paid-in capital | | 2890.9 |
| Reserve for self-insurance | | 2930 |
| Operating earned surplus—retained earnings | | 2939 |
| Unappropriated retained earnings | | 2940 |
| Treasury stock | | 2960 |

| Name of account | General classification | Nonoperating |
|---|---|---|
| Current assets: | | |
| Cash | 1010 | |
| Special deposits | 1030 | |
| United States Government securities | 1110 | |
| Other temporary cash investments | 1120 | |
| Accounts receivable—U. S. Government | 1220 | |
| Accounts receivable—foreign governments | 1230 | |
| Accounts receivable—associated companies | 1240 | |
| Notes and accounts receivable—associated companies | 1250 | |
| Notes and accounts receivable—company personnel | 1260 | |
| Notes and accounts receivable—other | 1280 | |
| Reserve for uncollectible accounts | 1290 | |
| Reserve for obsolescence—expendible parts | 1310 | |
| Materials and supplies—fuel and oil | 1311 | |
| Short term prepayments | 1330 | |
| Other current assets | 1410 | |
| Investments and special funds: | 1420 | |
| Investments in associated companies | 1510 | |
| Advances to separately operated divisions | 1520 | |
| Other investments and receivables | 1530 | |
| Special funds—other | 1540 | |
| Property and equipment | 1600–1700 | |

| | Operating | Nonoperating |
|---|---|---|
| Airframes | 1601 | 1701 |
| Aircraft engines | 1602 | 1702 |
| Aircraft propellers | 1603 | 1703 |
| Aircraft communications and navigational equipment | 1604 | 1704 |
| Miscellaneous flight equipment | 1606 | 1706 |
| Flight equipment, rotable parts and assemblies | 1607 | 1707 |
| Airframe parts and assemblies | 1608.1 | 1708.1 |
| Aircraft engine parts and assemblies | 1608.5 | 1708.5 |
| Other parts and assemblies | 1608.9 | 1708.9 |
| Flight equipment | 1609 | 1709 |
| Reserve for depreciation—airframes | 1611 | 1711 |
| Reserve for depreciation—aircraft engines | 1612 | 1712 |
| Reserve for depreciation—aircraft propellers | 1613 | 1713 |
| Reserve for depreciation—aircraft communication and navigational equipment | 1614 | 1714 |
| Reserve for depreciation—miscellaneous flight equipment | 1616 | 1716 |
| Reserve for depreciation—improvements to leased flight equipment | 1617 | 1717 |
| Reserve for depreciation—flight equipment rotable parts and assemblies | 1618 | 1718 |
| Airframe parts and assemblies | 1618.1 | 1718.1 |
| Aircraft engine parts and assemblies | 1618.5 | 1718.5 |
| Other parts and assemblies | 1618.9 | 1718.9 |
| Reserve for maintenance—airframes | 1621 | 1721 |
| Reserve for maintenance—aircraft engines | 1622 | 1722 |
| Reserve for maintenance—leased flight equipment | 1627 | 1727 |
| Leased airframes | 1627.1 | 1727.1 |
| Leased aircraft engines | 1627.2 | 1727.2 |
| Reserve for depreciation and maintenance—flight equipment | 1629 | 1729 |
| Passenger service equipment | 1630 | 1730 |
| Hotel, restaurant and food service equipment | 1631 | 1731 |
| Ramp equipment | 1632 | 1732 |
| Communication and meteorological equipment | 1633 | 1733 |
| Maintenance and engineering equipment | 1634 | 1734 |
| Surface transport vehicles and equipment | 1635 | 1735 |
| Furniture, fixtures and office equipment | 1636 | 1736 |
| Storage and distribution equipment—petroleum | 1637 | 1737 |
| Miscellaneous ground equipment | 1639 | 1739 |
| Buildings and other improvements | 1640 | 1740 |
| Maintenance buildings and improvements | 1640.1 | 1740.1 |
| Other buildings and improvements | 1640.9 | 1740.9 |
| Ground property and equipment | 1649 | 1749 |
| Reserve for depreciation—passenger service equipment | 1650 | 1750 |
| Reserve for depreciation—hotel, restaurant and food service equipment | 1651 | 1751 |
| Reserve for depreciation—ramp equipment | 1652 | 1752 |
| Reserve for depreciation—communication and meteorological equipment | 1653 | 1753 |
| Reserve for depreciation—maintenance and engineering equipment | 1654 | 1754 |
| Reserve for depreciation—surface transport vehicles and equipment | 1655 | 1755 |
| Reserve for depreciation—furniture, fixtures and office equipment | 1656 | 1756 |

See footnote at end of table.

[1] Prescribed for Group II and Group III air carriers only.

Note: Digits to right of decimals and italicized codes established for CAB control purposes only.

§ 241.4 *General.* (a) The balance sheet accounts are designed to show the financial condition of the air carrier as at a given date, reflecting the asset and liability balances carried forward subsequent to the closing or constructive closing of the air carrier's books of account.

(b) The balance sheet accounts prescribed in this system of accounts for each air carrier group are set forth in § 241.3 Chart of Balance Sheet Accounts. The balance sheet elements to be included in each account are presented in § 241.6 and the balance sheet groupings to be accorded each account are set forth in § 241.5.



§ 241.5 *Balance sheet account groupings.*

§ 241.5–1 *Current assets.* (a) Include in this classification all resources which may reasonably be expected to be realized in cash or sold or consumed within one year, such as unrestricted cash, those assets that are readily convertible into cash or are held for current use in operations, and current claims against others to the extent settlement is reasonably assured, except that securities of others classified in investment and special fund accounts at date of acquisition need not be reclassified until disposition thereof.

(b) Perpetual inventories of all materials, supplies, lubricating oils, motor fuels and flight equipment expendable parts shall be maintained and shall be physically verified at least annually. Any shortage, overage, shrinkage, etc., shall be adjusted by charges or credits to the appropriate expense account.

(c) Items of general current asset characteristics which are not expected to be realized or consumed within one year may be included in this classification provided the noncurrent portion is not substantial in amount and classification as a current item will not impair the significance of working capital.

§ 241.5–2 *Investments and special funds.* (a) Include in this classification long term investments in securities of others exclusive of United States Government securities, securities which are not readily marketable, funds set aside for specific purposes or involving restrictions preventing current use, contract performance deposits and other securities, receivables, or funds not available for current operations. Investments in United States Government securities shall be included in the current assets account group.

(b) Investments in securities of others shall be recorded at cost exclusive of amounts paid for acrued interest or dividends.

(c) Permanent impairment in the value of securities may be reflected through charges to profit and loss classification 8100 Nonoperating Income and Expense—Net.

§ 241.5–3 *Property and equipment.* (a) All investments of the air carrier in land and units of tangible property and equipment shall be included within this general classification.

(b) The general classification "Property and Equipment" shall be subclassified as between "Operating Property and Equipment" and "Nonoperating Property and Equipment". "Operating Property and Equipment" shall encompass items used in air transportation services and services incidental thereto. "Nonoperating Property and Equipment" shall encompass investments in property and equipment not separately accounted for within a separately operated division but assigned to other than air transportation and its incidental services, and property and equipment held for future use.

(c) Operating and nonoperating property and equipment shall be accounted for separately in accordance with the following instructions:

(1) Investment in property and equipment shall be recorded at total cost including all expenditures applicable to acquisition, other costs of a preliminary nature, costs incident to placing in position and conditioning for operation, and costs of additions, betterments, improvements and modifications.

(2) Used airframes and aircraft engines shall be recorded pursuant to subparagraph (1) of this paragraph. In addition, upon performance of the initial periodic maintenance operations after acquisition of used airframes, the cost incurred to restore that portion of the useful life which had expired through use prior to acquisition shall be included as an addition to the cost of used airframes so that the cost thereof will reflect the cost of fully overhauled units.

(3) The cost of additions, betterments, improvements and modifications shall be charged to the balance sheet account in which the property or equipment to which related is carried. The cost of parts and appurtenances removed, and the reserves for depreciation and maintenance applicable thereto, shall be treated as for retired property and accounted for accordingly.

(4) If different classes of property and equipment chargeable to more than one property account are purchased for a single sum and the cost of each class cannot be definitely ascertained, apportionment shall be based upon the most accurate information available. If necessary, appraisals shall be made to establish the relative costs.

(5) If property and equipment is acquired as a part of a business from another air carrier through consolidation, merger, or reorganization, pursuant to a plan approved by the Civil Aeronautics Board, the costs and related depreciation and maintenance reserves as carried on the books of the predecessor company at the date of transfer shall be entered by the acquiring air carrier in the appropriate accounts prescribed for recording investment in tangible assets. Any difference between the purchase price of the property and equipment acquired and its depreciated cost, at the date of acquisition, shall be recorded in balance sheet account 1870 Property Acquisition Adjustment.

(6) Interest on liabilities incurred in the acquisition of property and equipment, contract rights or other privileges shall not be included as a part of the cost thereof but shall be charged to profit and loss classification 8100 Nonoperating Income and Expense-Net.

(7) Upon disposal by sale, retirement, abandonment, dismantling, or otherwise, of equipment depreciated on a unit basis, the air carrier shall credit the account in which the property or equipment is carried with the cost thereof; charge the depreciation and maintenance reserves with the related reserve balance applicable to the property disposed of; and charge the cash proceeds of the sale or the value of salvaged material to the appropriate asset accounts. When the sales price or salvage value less the cost of dismantling differs from the cost of the property less accrued depreciation and maintenance reserves such difference shall be recorded in the appropriate capital gain or loss accounts.

(8) Upon disposal by sale, retirement, abandonment, dismantling, or otherwise of property or equipment depreciated on a group basis, the air carrier shall credit the account in which the property or equipment is carried, and charge the related depreciation reserve with the original cost thereof, less any salvage realized, regardless of the age of the item. No gain or loss is recognized on the retirement of individual items of property or equipment depreciated on a group basis.

(9) If property is retired or disposed of as a result of major accident or other casualty, the cost of such property less accrued depreciation and maintenance reserves shall be charged to balance sheet account 1890 Other Deferred Charges pending adjustments and settlement of insurance. The resulting profit or loss after reflecting adjustments for insurance coverage or self-insurance shall be recorded in the appropriate capital gain or loss accounts. If the air carrier has no option but to accept replacement by an equivalent unit, the book cost and accrued depreciation reserve applicable to the unit disposed of shall be assigned to the new property or equipment. Where the air carrier has the option in settlement to select between replacement in kind, and cash or its equivalent, the air carrier shall account for the property or equipment disposed of in accordance with subparagraph (7) or (8) of this paragraph. Any property or equipment purchased in replacement shall be recorded pursuant to subparagraph (1) of this paragraph.

(10) When property and equipment owned by the air carrier is applied as part payment of the purchase price of new property and equipment the new property and equipment shall be recorded at its full purchase price provided an excessive allowance is not made for assets traded in, in lieu of price adjustments or discounts on the purchase price of assets acquired. The difference between the depreciated cost of assets applied as payment and the amount allowed therefor shall be treated as retirement gain or loss.

(11) When operating property and equipment acquired requires conditioning or modification before placing in air transport or its incidental services, the costs related thereto shall be accumulated in balance sheet account 1689 Construction Work in Progress. The total accumulated cost shall be transferred to the appropriate operating property and equipment account coincidently with the placing of the property and equipment into regular air transport or incidental services.

(12) When operating property or equipment is retired from air transportation or incidental operations and retained by the air carrier, its cost, together with applicable reserves for depreciation and maintenance, shall be transferred to balance sheet classification 1700 Nonoperating Property and Equipment. If property is transferred for exclusive use of separately operated divisions, the depreciated cost thereof shall be recorded in balance sheet account 1520 Advances to Separately Operated Divisions.

(13) The air carrier shall maintain property and equipment records setting forth the description of all property and equipment recorded in balance sheet classifications 1600 and 1700 Property and Equipment. With respect to each unit or group of property or equipment, the record shall show the date of acquisition, the original cost, the cost of additions and betterments, the cost of parts retired, rates of depreciation, residual values not subject to depreciation, and the date of retirement or other disposition.

(14) Property and equipment loaned, in the custody of, or consigned to the air carrier without a purchase obligation, shall not be recorded in the same manner as similar classes or types of property purchased by the air carrier. The property and equipment accounts shall not be charged with the value of such property, and liability accounts shall not be established, provided, however, that appropriate memoranda accounts may be maintained.

(15) Charges to the accounts prescribed herein shall be made upon the basis of functions performed without regard to the location at which the equipment or property is installed or placed.

(16) Objective accounts shall be maintained for each class of property and equipment in accordance with the instructions set forth in § 241.6.

§ 241.5–4 *Property and equipment depreciation and maintenance reserves.* (a) This balance sheet classification shall include the accumulation of all provisions for losses occurring in property and equipment from use and obsolescence. For example, it shall include reserves for maintenance of property and equipment, and reserves for depreciation established to record current lessening in service value due to wear and tear from use and the action of time and the elements which are not replaced by current repairs, as well as losses in capacity for use or service occasioned by obsolescence, supersession, discoveries, change in popular demand, or the requirement of public authority. Residual values and rates for accrual of depreciation and maintenance shall be calculated to prevent charging excessive or inadequate expense or the accumulation of inadequate or excessive reserves.

(b) Depreciation shall be calculated from the date on which a building, structure or unit of property is placed in regular service and shall cease on the date such property is withdrawn from service by reason of sale, retirement, abandonment, or dismantling, or when the difference between the cost and residual value, shall have been charged to expense.

(c) Property not subject to depreciation shall include (1) land owned or held in perpetuity, (2) expenditures on uncompleted units of property and equipment during the process of construction or manufacture, (3) capitalized maintenance costs of leased flight equipment for which a reserve for periodic maintenance is accrued, and (4) items classified as current assets.

(d) All airframes and aircraft engines shall be depreciated on a unit basis from the date the airframe or aircraft engine is first placed in regular service by the air carrier.

(e) Group depreciation procedures may be applied to property and equipment of nominal value or not readily identifiable by units and which are classified into groups of items of approximately equal life expectancy.

(f) The residual value established for each airframe and each aircraft engine shall reflect values which are dissipated by use but are normally restored to individual units of property through recurrent repairs and periodic maintenance operations, and shall include the estimated cost of periodic maintenance operations for which reserves are provided, which, if not reflected in such residual value, would produce duplicate charges to expense.

(g) Rates of depreciation and undepreciable residual values applied to each class of depreciable property and equipment shall be calculated to distribute, on the basis of years of life, the estimated service value to operating expense accounts and other accounts, over the estimated service life of the property and equipment; provided, that hours of life may be used for depreciation of specific classes of flight equipment other than airframes and aircraft engines upon waiver of years of life by the Civil Aeronautics Board following a factually supported demonstraton that the service life of each such class of property corresponds more closely to hours of use than to calendar time.

(h) Adjustments in rates of depreciation occasioned by changing conditions shall be applied in accordance with the general policies set forth in § 241.2–14.

(i) Maintenance reserves shall be established by each air carrier for the cost of all periodic airframe maintenance operations of material amount in such manner as will equitably apportion the total airframe direct maintenance costs to the different accounting years on such bases as will effectively produce an appropriate matching of total airframe maintenance costs with the operation of airframes. At the option of the air carrier, maintenance reserves may also be established for aircraft engines. The purpose of such allocation is to prevent distortion of the operating and financial statements by reason of periodic peaks in maintenance costs in one accounting year which in part are properly applicable to operations performed in other accounting years. Waiver of the required reserves may be made by the Civil Aeronautics Board upon a factual demonstration that the expensing of such costs, as incurred, apportions the total direct maintenance costs between accounting years substantially in accordance with the use of airframes. Periodic airframe maintenance reserves, required in order to prevent significant distortion of the financial statements, properly include all periodic direct maintenance expenses, whether related to periodic overhauls or to other aspects of periodic maintenance which, in aggregate, are sufficiently non-recurrent as to result in an inequitable distribution of total maintenance costs as between different accounting periods. The following practices shall be observed in accounting for periodic maintenance reserves:

(1) Provisions for periodic maintenance of both owned and leased flight equipment shall be charged to profit and loss account 72 Maintenance Reserve Provisions on the basis of rates of cost per hour flown in the air carrier's operations. The rates of accrual shall be established by each air carrier in accordance with its experienced cost per periodic maintenance operation with each type of equipment during the next previous representative accounting period and representative hours of use realized between equivalent periodic maintenance operations. The rate used for new equipment types may be based upon parallel experience adjusted to reflect such engineering or other information as may be available. Each air carrier shall submit a statement detailing the plans upon which the accumulation of airframe or aircraft engine reserves are based or revised as a supplement to CAB Form 41 for the period in which such reserves are established or revised. This statement shall set forth the rates by which the reserves are established and maintained or revised and shall include statistical data showing that the rates of accrual are fully and completely supported by the air carrier's experience and calculated to prevent accumulating excessive or deficient reserves. The rates set forth in such statement shall thenceforth be used by the air carrier unless it is notified by the Civil Aeronautics Board that the rates of accrual do not meet the requirements set forth herein.

(2) Accruals for maintenance of owned equipment shall be credited, in accordance with hours flown in the air carrier's operations, to balance sheet account 1621 Reserve for Maintenance—Airframes or 1622 Reserve for Maintenance—Aircraft Engines, as appropriate, and concurrently charged to profit and loss account 72 Maintenance Reserve Provisions.

(3) Accruals for maintenance of leased equipment shall be credited, in accordance with hours flown in the air carrier's operations, to balance sheet account 2290.2 Maintenance Liability—Leased Airframes, or 2290.3 Maintenance Liability—Leased Aircraft Engines, as appropriate, up to an amount equivalent to that portion of the applicable maintenance cycle remaining unexpired at date of acquisition. Subsequent to the initial periodic maintenance operation performed by the air carrier, accrual of amounts equivalent to the portion of the applicable maintenance cycle remaining unexpired at date of acquisition shall be credited, in accordance with hours flown in the air carrier's operations, to balance sheet account 1627 Reserve for Maintenance—Leased Flight Equipment as an offset to such initial periodic maintenance which shall be charged to balance sheet account 1607 Improvements to Leased Flight Equipment in amounts which represent a restoration of the maintenance cycle expired prior to acquisition by the air carrier. (See subparagraph (4) of this paragraph.) Profit and loss account 72 Maintenance Reserve Provisions shall be concurrently charged, in accordance with hours flown in the air carrier's operations, with such accruals to maintenance liability or reserve accounts.

(4) The actual cost of periodic maintenance operations performed shall be generally charged directly to the applicable periodic maintenance reserve. In the case of equipment leased from others, that portion of the cost of each maintenance operation which represents a restoration of the maintenance cycle which remained unexpired at date of acquisition shall be charged against appropriate maintenance liability accounts. That portion of the cost of the first periodic maintenance operation performed subsequent to acquisition of leased equipment or equipment purchased in used condition which represents a restoration of the maintenance cycle expired prior to acquisition, shall be charged to balance sheet account 1607 Improvements to Leased Flight Equipment or other applicable property accounts. With the exception of that portion of the first periodic maintenance operation on leased or used equipment, discussed above, the cost of each periodic maintenance operation shall be simultaneously charged to the applicable objective expense accounts and credited to profit and loss account 72 Maintenance Reserve Provisions so that the total cost of maintenance is reflected in applicable appropriate objective expense accounts and total maintenance expense is equated in relation to operations performed between different accounting periods through profit and loss account 72 Maintenance Reserve Provisions.

(5) Adjustments of accrued maintenance for differences between actual maintenance costs incurred and amounts accrued, or amounts accrued and amounts exchanged in settlement of lease arrangements, shall be credited or charged to profit and loss account 72 Maintenance Reserve Provisions.

§ 241.5–5 *Deferred charges.* (a) Include in this classification all debit balances in general clearing accounts including charges held in suspense pending receipt of information necessary for final disposition, prepayments chargeable against operations over a period of years, capitalized expenditures of an organizational or developmental character, property acquisition adjustments, and the cost of patents, copyrights and miscellaneous intangibles.

(b) Deferred charges having a definite time incidence shall be amortized over the periods to which they apply. Each air carrier shall file as a supplement to the CAB Form 41 report for the period during which property acquisition adjustments, developmental and preoperating costs, and other intangibles are first capitalized, a statement setting forth a description of the amounts capitalized and the monthly rates at which it proposes to amortize such costs. The plan set forth in this statement shall thenceforth be followed by the air carrier, unless directed otherwise by the Civil Aeronautics Board.

§ 241.5–6 *Current liabilities.* Include in this classification all debts or obligations the liquidation or payment of which is reasonably expected to require the use, within one year, of existing resources of a type which are properly classifiable as current assets, or the creation of other current liabilities. Current liabilities shall include payables incurred in the acquisition of materials, collections received in advance of performance of services, debts accruing from expenses incurred from operations and other liabilities that are regularly and ordinarily subject to current liquidation.

§ 241.5–7 *Noncurrent liabilities.* (a) This classification shall include all debts or obligations the liquidation or payment of which is not reasonably expected to require the use within one year of existing resources of a type which are properly classifiable as current assets, or the creation of current liabilities. Noncurrent liabilities shall include mortgages, bonds and debentures maturing more than one year from the date of the balance sheet and other obligations not payable within 12 months. It shall reflect the principal amount or par value of debt securities issued or other long term debt assumed by the air carrier. Discount and expense on long term debt shall be recorded in the Deferred Charges balance sheet group. Premiums on long term debt shall be recorded in the Deferred credits balance sheet account group.

(b) In cases where debt coming due within 12 months is to be refunded, or where payment is to be made from assets of a type not properly classifiable as current, the amount payable shall not be removed from this classification.

(c) Gains or losses on liquidation of bonds, debentures or other debt securities of the air carrier shall be entered in profit and loss classification 8100 Nonoperating Income and Expense—Net. Gains and losses or adjustments to liabilities accrued from expenses incurred in operations shall be entered in the expense accounts initially charged.

§ 241.5–8 *Deferred credits.* (a) Include in this classification all credit balances in general clearing accounts including credits held in suspense pending receipt of information necessary for final disposition and premiums on long term debt securities of the air carrier.

(b) Deferred credits having a definite time incidence shall be amortized over the periods to which they apply.

§ 241.5–9 *Stockholder equity.* (a) This general classification shall include all items which record the aggregate interests of holders of the air carrier's stock in assets owned by the air carrier.

(b) The general classification "Stockholder Equity", shall be subdivided between that portion representing direct contributions of the stockholders, or "Paid-In Capital", that portion representing income retained from the operation of the air carrier, or "Retained Earnings", and that portion, "Treasury Stock", representing the cost to the air carrier of capital stock issued by the air carrier which has been reacquired and is held for disposition.

(c) The "Paid-In Capital" classification shall be subdivided between "Capital Stock", which shall include the par or stated value of capital stock issued or the cash value of the consideration actually received in case of stock having no par or stated value, and "Other Paid-In Capital", which shall include the excess (premium) or deficiency (discount) of the cash value of the consideration received from the issue of any capital stock having par or stated value, donations by stockholders, adjustments of capital resulting from reorganization or recapitalization, and gains or losses from reacquisition and resale or retirement of the air carrier's capital stock.

(d) The records supporting the entries in the accounts included in the "Other Paid-In Capital" balance sheet classification shall be maintained with sufficient particularity to identify amounts applicable to each series and class of stock affected.

(e) Discount applicable to a particular class or series of capital stock shall not be offset against premiums applicable to another class or series of capital stock. At the option of the air carrier discount applicable to a particular class or series of stock may be offset against premiums related to that class or series of stock.

(f) Gains or losses arising from the reacquisition and resale or retirement of the air carrier's capital stock shall be credited or debited, as appropriate, to that portion of "Other Paid-In Capital" which relates to the particular series and class of capital stock resold or retired.

(g) The "Retained Earnings" balance sheet classification shall reflect the balance of net profits, income, and gains of the air carrier from the date of incorporation after deducting losses, and distributions to stockholders. In cases where a deficit has been absorbed by a reduction of "Other Paid-In Capital" as a result of a restatement of capital stock or retained earnings, a new retained earnings account shall be established, dated to show that it runs from the effective date of the restatement and this dating shall be disclosed in financial statements until such time as the effective date no longer possesses special significance.

§ 241.6 *Objective classification of balance sheet elements.*

CURRENT ASSETS

1010 *Cash.* (a) Record here all general and working funds available on demand as of the date of the balance sheet which are not formally restricted or earmarked for specific objectives. Funds deposited for special purposes which are to be satisfied within one year shall be included in account 1030 Special Deposits and funds restricted as to general availability, which are not offset by current liabilities, shall be included in account 1550 Special Funds-Other.

(b) Each air carrier shall subdivide this account in such manner that the balance can be readily segregated as between balances in United States currency and the balances in each foreign currency.

1030. *Special Deposits.* Record here funds or securities deposited with fiscal agents or others for payment of current obligations. Deposits for more than one year, not offset by current liabilities, shall not be included in this account but in account 1550 Special Funds-Other.

1110 *United States Government Securities.* Record here the cost of United States Treasury Certificates. This account shall be charged or credited for discount or premium to be amortized to profit and loss account 83 Interest Income.

1120 *Other Temporary Cash Investments.* Record here the cost of securities and other collectible obligations acquired for the purpose of temporarily investing cash, other than those issued by the United States Government or associated companies. This account shall be charged or credited for discount or premium to be amortized to profit and loss account 83 Interest Income.

1220 *Accounts Receivable—U. S. Government.* Record here amounts due on open account with the United States Government. The balances in this account shall be maintained in such fashion as will clearly and separately identify service mail pay receivables, subsidy receivables and other than mail transportation receivables.

1230 *Accounts Receivable—Foreign Governments.* Record here amounts due on open account with foreign governments.

1240 *Accounts Receivable—General Traffic.* Record here amounts due, except from the United States and foreign governments and associated companies, which are not settled through airline clearing houses, for the performance of air transportation. Airline traffic accounts payable shall not be offset against the balance in this account except that traffic accounts, including accounts with associated companies, settled through airline clearing houses shall be accounted for in net amounts receivable which shall be included in this account, or in net amounts payable which shall be included in balance sheet account 2030 Collections as Agent—Traffic.

1250 *Notes and Accounts Receivable—Associated Companies.* Record here gross amounts due from associated companies including traffic accounts receivable, which are settled currently but are not settled through airline clearing houses. Balances payable to associated companies shall not be offset against amounts carried in this account. Balances with associated companies which are not normally settled currently shall not be included in this account but in balance sheet account 1510 Investments in Associated Companies.

1260 *Notes and Accounts Receivable—Company Personnel.* Record here amounts due from officers and employees of the air carrier.

1280 *Notes and Accounts Receivable—Other.* Record here notes receivable and accounts due from others, which are to be settled currently, not provided for in accounts 1220 to 1260, inclusive.

1290 *Reserve for Uncollectible Accounts.* (a) Record here accruals for estimated losses from uncollectible accounts.

(b) All accounts against which reserves have been established shall be examined at least annually for the purpose of redetermining the basis of accruals to be applied to subsequent accounting periods and the reasonableness of reserves already provided.

1310 *Flight Equipment Expendable Parts.* (a) Record here the cost of flight equipment replacement parts of a type which ordinarily would be recurrently expended and replaced rather than repaired and reused. The cost of rotable parts and assemblies of material value which ordinarily are repaired and reused shall not be recorded in this account but in account 1608 Flight Equipment Rotable Parts and Assemblies. For purposes of identifying rotable parts and assemblies of insignificant unit value which may be included in this account, a reasonable maximum unit value limitation may be established.

(b) Costs paid by the air carrier such as transportation charges and customs duties; excise, sales, use and other taxes; special insurance; and other charges applicable to the cost of flight equipment expendable parts shall be charged to this account when they can be definitely allocated to specific items or units of property. If such costs cannot be so allocated, or if of minor significance in relation to the cost of such property, the amounts thereof may be charged to balance sheet account 1890 Other Deferred Charges, and cleared either by a suitable "loading charge" as the parts are used or by current charges to appropriate expense or property accounts; provided, that the method of application does not cause material distortion in operating expenses from one accounting period to another.

(c) This account shall include the cost of labor, materials and outside services used in the process of manufacturing flight equipment expendable parts for stock. Reusable parts recovered in connection with construction, maintenance, or retirement of property and equipment shall be included in this account at fair and reasonable values but in no case shall such values exceed original cost. Scrap and nonusable parts, expensed from this account and recovered, shall be included at net amounts realizable therefrom with contra credit to the expense accounts initially charged.

(d) A reserve for inventory adjustment or obsolescence applicable to items of property recorded in this account is generally prohibited. Any losses sustained or gains realized upon the abandonment or other disposition of flight equipment expendable parts shall be taken up as capital gains or losses in the periods in which sustained or realized. (See balance sheet account 1311 Reserve for Obsolescence—Expendable Parts.)

(e) Items in this account shall be charged to appropriate expense accounts as issued for use. Profit and loss on sales of inventory items as a routine service to others shall be included in profit and loss accounts 14 General Service Sales-Associated Companies, or 16 General Service Sales-Outside, and the parts sold shall be removed from this account at full cost.

(f) Subaccounts shall be established within this account for the separate recording of each class or type of flight equipment expendable repair parts.

1311 *Reserve for Obsolescence—Expendable Parts.* (a) A reserve for inventory adjustment or obsolescence is generally prohibited. However, in the event waiver of this prohibition is granted (see § 241.2–14) accruals shall be made to this account for estimated losses, from obsolescence of flight equipment expendable parts which it is anticipated will be on hand at the date of retirement of the airframe or aircraft engine type to which related. Where waiver is made to the general prohibition, accounting practices as set forth below shall be followed.

(b) The estimated loss shall be computed by estimating the inventory which will be on hand upon retirement of the airframe or aircraft engine type to which related and deducting therefrom the estimated recoverable value. The estimated loss thus determined shall be accrued through equal annual charges to profit and loss account 73 Expendable Parts Obsolescence Provisions. The reserve applicable to each class or type of expendable parts shall be recorded in separate subaccounts of this account.

(c) Expendable parts shall be charged to operating expenses as issued for use and shall not be charged to this account. Where changing conditions necessitate a revision or adjustment in rates of obsolescence accrual, such revision or adjustment shall be made applicable to current and subsequent accounting periods and shall not be applied retroactively to prior accounting periods. Following retirement of airframe or aircraft engine types to which related, any balance remaining in this account shall be offset against related balances carried in balance sheet account 1310 Flight Equipment Expendable Parts and the net cleared to profit and loss account 81 Capital Gains and Losses.

(d) A statement shall be filed with the Civil Aeronautics Board prior to the establishment or revision of reserves for obsolescence of flight equipment expendable parts which fully explains the bases of the estimated losses and the rates of accrual to the obsolescence reserves. No obsolescence reserves shall be established, revised or adjusted without the prior approval of the Civil Aeronautics Board.

1330 *Miscellaneous Materials and Supplies.* (a) Record here the cost of unissued and unapplied materials and supplies, including motor fuels and lubricating oils, held in stock such as unissued shop materials, expendable tools, stationery and office supplies, passenger service supplies, and restaurant and food service supplies.

(b) This account shall not include flight equipment replacement parts. Such items shall be recorded, as appropriate, in balance sheet account 1310 Flight Equipment Expendable Parts or 1608 Flight Equipment Rotable Parts and Assemblies.

(c) Materials and supplies held in small supply and purchased currently may be charged to appropriate expense accounts when purchased. Costs paid by the air carrier such as transportation charges and customs duties; excise, sales, use and other taxes; special insurance; and other charges applicable to the cost of materials and supplies shall be charged to this account when they can be definitely allocated to specific items or units of property. If such costs cannot be allocated, or if of minor significance in relation to the cost of such property, the amounts thereof may be charged to balance sheet account 1890 Other Deferred Charges, and cleared either by a suitable "loading charge" as the parts are used or by current charges to appropriate expense or property accounts; provided, that the method of application does not cause material distortion in operating expenses from one accounting period to another.

(d) This account shall include the cost of labor, materials, and outside services used in the process of manufacturing materials and supplies for stock. Reusable materials and supplies recovered in connection with the construction, maintenance, or retirement of property and equipment shall be included in this account at fair and reasonable values but in no case shall such values exceed original cost. Scrap and nonusable materials and supplies, expensed from this account and recovered, shall be included at net amounts realizable therefrom with contra credit to the expense accounts initially charged.

(e) A reserve for inventory adjustment or obsolescence applicable to items of property in this account is prohibited. Items in this account shall be charged to appropriate expense accounts as issued for use. Profit and loss on sales of inventory items as a routine service to others shall be included in profit and loss account 14 General Service Sales—Associated Companies or 16 General Service Sales—Outside.

(f) Subaccounts shall be established within this account for the separate recording of each class or type of miscellaneous materials and supplies.

1410 *Short Term Prepayments.* Record here prepayments of obligations which if not paid in advance would require the expenditure of working capital within one year, such as prepaid rent, insurance, taxes, interest, etc. Unexpired insurance and miscellaneous prepayments applicable to periods extending beyond one year where significant in amount shall be charged to balance sheet account 1820 Long Term Prepayments.

1420 *Other Current Assets.* Record here current assets not provided for in balance sheet accounts 1010 to 1410, inclusive, such as accumulated costs of jobs in process for others.



INVESTMENTS AND SPECIAL FUNDS

1510 *Investments in Associated Companies.* Record here net investments in associated companies together with advances, loans, and other amounts not settled currently. Balances receivable from and payable to different associated companies shall not be offset.

1520 *Advances to Separately Operated Divisions.* (a) Record here investments in and advances (including amounts due on open accounts) to separately operated nontransport divisions for which separate records and books of account are maintained.

(b) Three subaccounts shall be maintained for each separately operated nontransport division: (1) Net investment; (2) current net profit or loss; and (3) current accounts receivable or payable between the air carrier and the separately operated division.

(c) Each nontransport division shall be accounted for separately in net amounts receivable which shall be included in this account or net amounts payable which shall be included in balance sheet account 2245 Advances from Separately Operated Divisions.

1530 *Other Investments and Receivables.* Record here notes and accounts receivable not due within one year and investments in securities issued by others. Securities held as temporary cash investments shall not be included in this account but in either balance sheet account 1110 United States Government Securities or 1120 Other Temporary Cash Investments as appropriate. Investments in and receivables from associated companies which are not settled currently shall be included in balance sheet account 1510 Investments in Associated Companies.

1540 *Special Funds—Self-Insurance.* Record here funds segregated as part of a plan for the operation of a reserve for self-insurance.

1550 *Special Funds—Other.* Record here special funds not of a current nature and restricted as to general availability, except funds for uninsured losses. Include items such as sinking funds, cash and securities posted with courts of law, employee's funds for purchase of capital stock, pension funds under the control of the air carrier and equipment purchase funds. Funds for uninsured losses shall be included in balance sheet account 1540 Special Funds—Self-Insurance.

OPERATING PROPERTY AND EQUIPMENT

1601 *Airframes.* (a) Record here the total cost to the air carrier of airframes of all types and classes, as provided in § 241.5–3, together with the full complement of instruments, appurtenances and fixtures comprising complete airframes including accessories necessary to the installation of engines, and flight control and transmission systems, except as specifically provided otherwise in accounts 1602 to 1607, inclusive and excluding main and tail rotor heads of rotary wing aircraft.

(b) Airframes designed to permit multiple payload configurations shall be recorded in this account at the total cost of the maximum complement of instruments, appurtenances and fixtures used in the air carrier's operations.

1602 *Aircraft Engines.* Record here the total cost to the air carrier of complete units of aircraft engines of all types and classes, as provided in § 241.5–3, together with a full complement of accessories, appurtenances, parts and fixtures comprising fully assembled engines as delivered by the engine manufacturer ready for operation in test but without the accessories necessary to its installation in airframes.

1603 *Aircraft Propellers.* Record here the total cost to the air carrier of aircraft propellers of all types and classes, as provided in § 241.5–3, together with a full complement of accessories, appurtenances and fixtures comprising complete fixed-wing aircraft propeller blade and propeller hub assemblies and complete rotary wing aircraft main and tail rotor heads, blades and hub assemblies.

1604 *Aircraft Communications and Navigational Equipment.* Record here the total cost to the air carrier of complete units of airborne communications and electronic navigational equipment of all types and classes, as provided in § 241.5–3, together with a full complement of parts and accessories comprising complete transmission or receiving units.

1606 *Miscellaneous Flight Equipment.* Record here the total cost to the air carrier of complete units of miscellaneous airborne flight equipment of all types and classes, not otherwise provided for in accounts 1601 through 1604, inclusive, as provided in § 241.5–3, such as miscellaneous flight crew equipment, life rafts, etc.

1607 *Improvements to Leased Flight Equipment.* Record here the total cost to the air carrier incurred in connection with modification, conversion or other improvements to leased flight equipment, as provided in § 241.5–3. This account shall include the cost of initial periodic maintenance operations performed by the air carrier on leased flight equipment which represents a restoration of maintenance service life consumed prior to date of acquisition by the air carrier.

1608 *Flight Equipment Rotable Parts and Assemblies.* (a) Record here the total cost to the air carrier of all spare instruments, parts, appurtenances and sub-assemblies related to the primary components of flight equipment units provided for in balance sheet accounts 1601 through 1607, inclusive, as provided in § 241.5–3. This account shall include all parts and assemblies of material value which are rotable in nature and may be reserviced or repaired and used repeatedly. Items of an expendable nature which generally may not be repaired and reused, shall not be recorded in this account but in account 1310 Flight Equipment Expendable Parts. Except for recurrent service sales, flight equipment parts recorded in this account shall be accounted for and depreciated in accordance with the instructions related to property and equipment generally and shall not be charged to operating expense as retired. Profit or loss on sales of parts as a routine service to others shall be included in profit and loss account 14 General Service Sales—Associated Companies, or 16 General Service Sales—Outside, and parts sold shall be removed from this account at full cost irrespective of any reserve for depreciation which has been provided.

(b) This account shall be subdivided as follows by Group II and Group III air carriers:

1608.1 Airframe Parts and Assemblies.
1608.5 Aircraft Engine Parts and Assemblies.
1608.9 Other Parts and Assemblies.

1609 *Flight Equipment.* This classification is established only for purposes of control by the Civil Aeronautics Board and shall reflect the total cost of property and equipment of all types and classes used in the in-flight operations of aircraft.

1629 *Reserves for Depreciation and Maintenance-Flight Equipment.* (a) Record in accounts 1611 through 1627, inclusive, accruals for depreciation or maintenance of flight equipment as provided in § 241.5–4.

(b) As set forth in § 241.3, Chart of Balance Sheet Accounts, separate accounts shall be established for depreciation and maintenance reserves, respectively, which parallel balance sheet accounts 1601 through 1608, established for recording the cost of flight equipment.

1630 *Passenger Service Equipment.* Record here the total cost to the air carrier of full complements of equipment assigned to aircraft or active line operations as opposed to items held in stock for servicing passengers, as provided in § 241.5–3, such as broilers, beetleware, dishes, food boxes, thermos jugs, blankets, first aid kits, etc. Spare items shall be carried in balance sheet account 1330 Miscellaneous Materials and Supplies and shall be charged directly to expense upon withdrawal from stock for replacing original complements.

1631 *Hotel, Restaurant and Food Service Equipment.* Record here the total cost to the air carrier of all types and classes of equipment used in restaurants and kitchens, as provided in § 241.5–3.

1632 *Ramp Equipment.* Record here the total cost to the air carrier of equipment of all types and classes, as provided in § 241.5–3, used in enplaning and handling traffic and in handling aircraft while on ramps, including motorized vehicles used in ramp service. Classes of equipment used interchangeably between handling aircraft on ramps and in maintaining aircraft may be classified in accordance with normal predominant use.

1633. *Communication and Meteorological Equipment.* Record here the total cost to the air carrier of non-airborne equipment of all types and classes, as provided in § 241.5–3, used in meteorological and communication services which is not a part of buildings.

1634 *Maintenance and Engineering Equipment.* Record here the total cost to the air carrier of equipment of all types and classes, as provided in § 241.5–3, including motorized vehicles used in engineering and drafting services and in maintaining, overhauling, repairing and testing other classes of property and equipment. Classes of equipment used interchangeably between handling aircraft on ramps and in maintaining aircraft may be classified in accordance with normal predominant use.

1635 *Surface Transport Vehicles and Equipment.* Record here the total cost to the air carrier of property and equipment of all types and classes, as provided in § 241.5–3, used in ground and marine transportation services. This account shall not include motorized vehicles or equipment used primarily in loading and servicing aircraft or in maintaining aircraft, which motorized vehicles or equipment shall be classified in accordance with predominant use.

1636 *Furniture, Fixtures and Office Equipment.* Record here the total cost to the air carrier of furniture, fixtures and office equipment of all types and classes, wherever used or located, as provided in § 241.5–3.

1637 *Storage and Distribution Equipment.* Record here the total cost to the air carrier of property and equipment of all types and classes, as provided in § 241.5–3, used in storing and distributing fuel, oil and water, such as fueling trucks, tanks, pipe lines, etc.

1638 *Miscellaneous Ground Equipment.* Record here the total cost to the air carrier of ground equipment of all types and classes, as provided in § 241.5–3, not provided for in balance sheet accounts 1630 to 1637, inclusive, such as medical, photographic, and employee's training equipment, and airport and airway lighting equipment.

1640 *Buildings and Other Improvements.* Record here the total cost to the air carrier of buildings, structures and equipment and related improvements, both owned and leased, as provided in § 241.5–3. Each air carrier shall maintain the following subaccounts in which the values fairly assignable to maintenance and other operations shall be separately recorded:

1640.1 Maintenance Buildings and Improvements.
1640.9 Other Buildings and Improvements.

1649 *Ground Property and Equipment.* This classification is established only for purposes of control by the Civil Aeronautics Board and shall reflect the total cost of prop-

erty and equipment of all types and classes other than flight equipment, land, and work in progress.

1669 *Reserves for Depreciation—Ground Property and Equipment.* (a) Record in accounts 1650 through 1660, inclusive, accruals for depreciation of ground property and equipment as provided in § 241.5–4.

(b) As set forth in § 241.3 Chart of Balance Sheet Accounts, separate accounts shall be established for depreciation reserves which parallel balance sheet accounts 1630 through 1640, established for recording the cost of ground property and equipment.

1679 *Land.* Record here the initial cost and the cost of improving land, as provided in § 241.5–3.

1689 *Construction Work in Progress.* Record here the direct and indirect costs to the air carrier accumulated to the date of the balance sheet in connection with constructing and readying for installation in operations property and equipment of all types and classes, as provided in § 241.5–3. This account shall not include the accumulated costs of fabricating parts, materials and supplies or of jobs in process for others which shall be recorded as appropriate, in balance sheet accounts 1310 Flight Equipment Expendable Parts, 1330 Miscellaneous Materials and Supplies, or 1420 Other Current Assets, respectively.

NONOPERATING PROPERTY AND EQUIPMENT

1700 *Nonoperating Property and Equipment.* The total cost to the air carrier of nonoperating property and equipment and related reserves for depreciation and maintenance shall be recorded in balance sheet accounts 1701 through 1789 which, as set forth in § 241.3 Chart of Balance Sheet Accounts, parallel those established above, balance sheet accounts 1601 through 1689, for recording the cost of operating property and equipment.

DEFERRED CHARGES

1820 *Long Term Prepayments.* Record here prepayments of obligations applicable to periods extending beyond one year such as payments on leased property and equipment and other payments and advances for rents, rights or other privileges.

1830 *Developmental and Preoperating Costs.* (a) Record here costs accumulated and deferred by the air carrier pertaining to the development of new routes or extension of existing routes, preparation for operation of new routes subsequent to certification by the Civil Aeronautics Board, the integration of new types of aircraft or services, and other preparations for substantial alterations in operational characteristics.

(b) Costs chargeable to this account shall include items directly related to each specific developmental or preoperating project, such as travel and incidental expenses, legal expenses, flight crew training expenses, and regulatory proceedings expenses. Expenses which would be otherwise incurred in the normal air transport operations conducted by the air carrier during the current accounting period shall not be allocated to developmental or preoperating projects and charged to this account.

(c) Records shall be established for new routes or extensions of existing routes to record separately: (1) Costs incurred in acquiring or applying for the routes, including all costs incurred prior to certification by the Board and inauguration of service by the air carrier, and (2) Costs incurred after revenue operations begin over the new routes or extensions.

(d) Subclassifications shall be established to record for each developmental project the period covered and the purpose of each item of expense. Each air carrier shall classify the costs of all projects included in this account between:

(1) Those related and contributing to the normal air transportation services currently conducted by the air carrier.

(2) Those related to services conducted by the air carrier which are extraneous to or are not otherwise related to the air transportation services currently conducted.

(3) Those held in suspense pending status determination in terms of possible contribution to the air transportation services and inauguration of the service or operation to which related.

(e) Amounts included in this account which contribute to the normal air transportation services currently conducted by the air carrier shall be amortized to profit and loss account 74 Amortization unless otherwise approved or directed by the Civil Aeronautics Board. Other amounts included in this account shall be amortized or charged to profit and loss account 89 Miscellaneous Nonoperating Debits.

1840 *Unamortized Discount and Expense on Debt.* (a) Record here the excess of the par value of debt securities issued over the cash value of consideration received therefor, exclusive of accrued interest, together with expenses related to the assumption by the air carrier of long term debt of all types and classes.

(b) Amounts recorded in this account shall be amortized to profit and loss account 87 Interest Expense.

1850 *Unamortized Capital Stock Expense.* Record here, in separate subdivisions for each class and series of capital stock, all commissions and expenses incurred in the original issuance and sale of capital stock. The air carrier may amortize the balance in this account to profit and loss account 89 Miscellaneous Nonoperating Debits.

1870 *Property Acquisition Adjustment.* (a) Record here the difference between the purchase price to the air carrier of property and equipment acquired as a part of a business from another air carrier through consolidation, merger, or reorganization, pursuant to a plan approved by the Civil Aeronautics Board, and the depreciated cost to the predecessor company at date of acquisition. Separate subaccounts shall be established to record the amounts applicable to each such acquisition.

(b) Balances in this account shall be amortized by charges to profit and loss account 89 Miscellaneous Nonoperating Debits unless otherwise directed or approved by the Civil Aeronautics Board.

(c) A supplementary statement shall accompany reports covering the periods in which charges are made to this account. The required statement shall include an explanation of the charges and the air carrier's proposed plan for write-off or amortization. The plan shall be considered effective unless the air carrier is informed of modifications of the proposed accounting treatment by the Civil Aeronautics Board.

(d) The foregoing instructions do not apply to purchases of individual units of property or equipment from another air carrier when such acquisitions do not require approval of the Civil Aeronautics Board.

1880 *Other Intangibles.* Record here the cost of leaseholds, patents, copyrights and other intangible properties, rights and privileges acquired as a part of a business from other air carriers and other intangible assets not provided for elsewhere. This account shall be subdivided to reflect the nature of each intangible asset included in this account. Amortization of each intangible asset recorded in this account shall be effected in accordance with a plan filed with the Civil Aeronautics Board.

1890 *Other Deferred Charges.* Record here debits, not provided for elsewhere, the proper final disposition of which cannot be effected until additional information has been received.

CURRENT LIABILITIES

2010 *Current Notes Payable.* Record here the face value of all notes, drafts, acceptances, or other similar evidences of indebtedness payable on demand or within one year to other than associated companies, including the portion of long term debt due within one year of the balance sheet date. The current portion of long term debt expected to require the use of existing resources of a type not properly classifiable as current assets, shall be included in appropriate noncurrent liability accounts and shall not be included in this account.

2020 *Accounts Payable—General.* Record here all accounts payable within one year which are not provided for in accounts 2010 to 2050, inclusive.

2030 *Collections as Agent—Traffic.* (a) Record here amounts collected for transportation sold over lines of other air carriers or surface transport carriers, excluding associated companies.

(b) Airline traffic accounts receivable shall not be offset against the balance in this account except that traffic accounts, including accounts with associated companies, settled through airline clearing houses shall be accounted for in net amounts payable which shall be included in this account, or in net amounts receivable which shall be included in balance sheet account 1240 Accounts Receivable—General Traffic.

2040 *Collections as Agent—Other.* Record here amounts collected for the account of others such as sales or transportation taxes and amounts deducted from employee salaries and wages for payments to others exclusive of amounts collected for air transportation over the lines of other air carriers.

2050 *Notes and Accounts Payable—Associated Companies.* Record here gross amounts due on current notes and open accounts with associated companies, including traffic accounts which are not settled through airline clearing houses. Balances receivable from associated companies, shall not be offset against amounts carried in this account. Balances with associated companies which are not normally settled currently shall not be included in this account but in balance sheet account 2240 Advances from Associated Companies.

2110 *Accrued Personnel Compensation.* Record here amounts accrued for unpaid compensation to personnel, which have been charged to profit and loss or capitalized, as compensation for the period in which accrued.

2120 *Accrued Vacation Liability.* (a) Record here any accruals for liabilities against the air carrier for personnel vacations. At the option of the air carrier the cost of personnel vacations may be charged directly to the applicable personnel compensation expense account without accrual through this account.

(b) This account shall be credited and the applicable personnel compensation expense account concurrently charged with the cost of any lag between vacations accrued and vacations taken. Accruals may be based upon standard rates of lag provided such standard rates are verified by physical inventory and adjusted accordingly at least once each calendar year. Adjustments of balances in this account shall be cleared to applicable compensation expense accounts. No accruals shall be made to this account for other than definitely demonstrable obligations of the air carrier.

2131 *Accrued Federal Income Taxes.* Record here accruals for currently payable Federal income taxes. Provisions for deferred taxes shall not be accrued except as provided in balance sheet account 2340 Deferred Federal Income Taxes.

2139 *Other Accrued Taxes.* Record here accruals for taxes, exclusive of Federal income taxes, constituting a charge borne by the air carrier, as opposed to those collected as an agent for others.

2140 *Dividends Declared.* Record here, in separate subdivisions for each class and series of capital stock, all dividends declared but unpaid on capital stock.

2150 *Air Travel Plan Liability.* Record here the air carrier's liability for deposits received under air travel plan contracts.

2160 *Unearned Transportation Revenue.* (a) Record here the value of transportation sold, but not used or refunded, for travel over the air carrier's own lines. Each air carrier shall establish practices for the clearance of transportation revenues as earned to the applicable transportation revenue profit and loss accounts and for the periodic clearance on a consistent basis of unredeemed transportation sales to the related transportation revenue profit and loss accounts or other appropriate accounts. Physical verification of the reliability of revenue accounting practices shall be made at least once each accounting year.

(b) A statement shall be filed with the Civil Aeronautics Board as a supplement to the Form 41 reports which fully explains the accounting methods and bases of clearing to income both earned and unredeemed transportation sales.

2190 *Other Current Liabilities.* Record here current and accrued liabilities not provided for in accounts 2010 to 2160, inclusive.

NONCURRENT LIABILITIES

2210 *Long Term Debt.* Record here the face value or principal amount of debt securities issued or assumed by the air carrier and held by other than associated companies, which has not been retired or cancelled and it not payable within 12 months of the balance sheet date, except as provided in § 241.5–7.

2240 *Advances from Associated Companies.* Record here net amounts due associated companies for notes, loans and advances which are not settled currently. Balances payable to and receivable from different associated companies shall not be offset.

2245 *Advances from Separately Operated Divisions.* (a) Record here net advances, including amounts settled currently, from separately operated nontransport divisions for which separate records and books of account are maintained.

(b) Each nontransport division shall be accounted for separately in net amounts payable, which shall be included in this account, or net amounts receivable which shall be included in balance sheet account 1520 Advances to Separately Operated Divisions.

2250 *Pension Liability.* Record here the liability of the air carrier under employee pension plans, to which either or both employees and the air carrier contribute, if the plan is administered by the air carrier.

2260 *Company Stock Purchase Plan Liability.* Record here the liability for installments received on capital stock from company personnel who are not bound by legally enforceable subscription contracts.

2290 *Other Noncurrent Liabilities.* (a) Record here noncurrent liabilities not provided for in balance sheet accounts 2210 to 2260, inclusive, such as accruals for personnel dismissal liability, accruals for maintenance of leased flight equipment equivalent to the portion of periodic maintenance service life unexpired at date of acquisition and other miscellaneous liability accruals.

(b) Each air carrier shall maintain the following subaccounts:

2290.2 *Maintenance Liability—Leased Airframes.* Record here the proportionate part of accruals for and actual costs incurred in periodic maintenance of leased airframes which is equivalent to the portion of the established periodic maintenance cycle remaining unexpired at the date of acquisition of such leased airframes by the air carrier.

2290.3 *Maintenance Liability—Leased Aircraft Engines.* Record here the proportionate part of accruals for and actual costs incurred in periodic maintenance of leased aircraft engines which is equivalent to the portion of the established periodic maintenance cycle remaining unexpired at the date of acquisition of such leased aircraft engines by the air carrier.

2290.9 *Miscellaneous Noncurrent Liabilities.* Record here noncurrent liabilities not provided for in subaccounts 2290.2 and 2290.3.

DEFERRED CREDITS

2330 *Unamortized Premium on Debt.* (a) Record here the excess of the cash value of consideration received over the par value plus accrued interest on debt securities issued.

(b) Amounts recorded in this account shall be amortized to profit and loss account 87 Interest Expense.

2340 *Deferred Federal Income Taxes.* (a) In the event of waiver by the Civil Aeronautics Board of the prohibition against accruals of deferred Federal income tax liability, such accruals shall be recorded in this account.

(b) Accruals to this account shall be made at regular quarterly periods, by charges to profit and loss subaccount 92.1 Current Provisions for Deferred Taxes, with the proportionate accruals applicable to each period, for income taxes to be paid in the future on the amount by which depreciation or amortization of property for tax purposes exceeds the depreciation expense accrued for regular accounting purposes and normally used in computing net income. Such accruals shall be based upon tax rates currently applicable to income of the periods in which the tax liability is determined.

(c) This account shall be debited and profit and loss subaccount 92.2 Amortization of Taxes Deferred (Credit) shall be credited, at regular quarterly periods, with proportionate amounts which will amortize prior accruals for deferred Federal income taxes over the periods in which depreciation expense normally used in computing net income exceeds depreciation or amortization of property recognized for tax purposes.

(d) Any applicable balance remaining in this account upon termination of the normal service life or retirement of property and equipment to which related shall be credited to profit and loss subaccount 92.3 Adjustment of Deferred Taxes.

(e) Each air carrier is restricted in its use of this account to the purposes set forth above. Deferred tax accruals shall not be reversed or revised without prior approval of the Civil Aeronautics Board. This prohibition, however, does not apply to the correction of clerical errors which may be effected without approval by the Civil Aeronautics Board. All adjustments shall be effected through appropriate credits or debits to profit and loss subaccount 92.3 Adjustment of Deferred Taxes. Full explanation of each adjustment shall be set forth in the air carrier's CAB Form 41 report for the period in which the adjustment is made.

2350. *Self-Insurance Accruals—Clearing.* (a) Record here all accruals by the air carrier for uninsured losses. Accruals to this account shall be charged to profit and loss accounts 55.2 Provisions for Self-Insurance and 56 Insurance—Traffic Liability. All losses sustained by the air carrier upon the realization of risks for which accruals have been made shall be charged to this account.

(b) At the close of each accounting year, the balance in this account shall be cleared by credit or debit, as appropriate, to profit and loss account 80 Over or Under Self-Insurance Accruals.

(c) The net debit or credit balance in this account prior to clearing at the close of the year shall be simultaneously reflected in appropriated retained earnings by a charge or credit, respectively, to balance sheet account 2920 Reserve for Self-Insurance and a credit, or charge, respectively to balance sheet account 2940 Unappropriated Retained Earnings.

(d) The air carrier shall submit in writing to the Civil Aeronautics Board a statement which sets forth the rates at which provisions for self-insured risks are to be accumulated, the level at which self-insurance provisions will cease to be accumulated and such other detail as may be pertinent to the plan.

2390 *Other Deferred Credits.* Record here credits, not provided for elsewhere, the proper final disposition of which cannot be effected until additional information has been received.

STOCKHOLDER EQUITY

2820 *Preferred Stock.* Record here in separate subdivisions for each class and series, the par or stated value of preferred capital stock issued or in the case of no-par stock without stated value, the full consideration received.

2840 *Common Stock.* Record here in separate subdivisions for each class and series, the par or stated value of common stock issued or in case of no-par stock without stated value, the full consideration received.

2860 *Capital Stock Subscribed and Unissued.* Record here in separate subdivisions for each class and series, the par or stated value, or the subscription price in the case of stock without par or stated value, of legally enforceable subscriptions to the capital stock of the air carrier.

2890 *Other Paid-In Capital.* (a) Record here in separate subdivisions for each class and series, the difference between the price at which capital stock is sold and the par or stated value of such stock; gains or losses arising from the reacquisition and the resale or retirement of each class and series of capital stock; donations; the excess of retained earnings capitalized over par or stated value of capital stock issued; and adjustments in capital resulting from reorganization or recapitalization. This account shall also include the balances of contributions to the business enterprise of individual proprietors or partners.

(b) Each air carrier shall maintain the following subaccounts:

2890.1 *Premium on Capital Stock.* Record here in separate subdivisions for each class and series of stock issued, the excess of the cash value of consideration received over the par or stated value and accrued dividends of stock issued together with assessments against stockholders representing payments required in excess of par or stated value.

2890.2 *Discount on Capital Stock.* Record here in separate subdivisions for each class and series of capital stock issued, the excess of the par or stated value over the cash value of consideration received, less accrued dividends. Discount applicable to a particular class and series of capital stock may be offset against premiums from the same class and series of capital stock. Discounts and premiums on different classes and series of capital stock shall not be offset.

2890.3 *Other Capital Stock Transactions.* Record here, in separate subdivisions for each class and series, the balance of credits arising from the reacquisition and resale or cancellation of capital stock, credits arising from a reduction in the par or stated value of capital stock or the net balance of credits or

debits resulting from other paid-in capital transactions, not provided for elsewhere, which is identified with particular classes and series of capital stock.

2890.9 *Miscellaneous Paid-In Capital.* Record here all other paid-in capital credits or debits not identified with particular classes and series of capital stock such as capital provided by donations from company stockholders and other paid-in capital which at the effective date of this system of accounts cannot be classified as to the source thereof.

2920 *Reserve for Self-Insurance.* (a) Record here the balance of accruals for uninsured losses provided by charges to balance sheet account 2940 Unappropriated Retained Earnings. This account shall be charged or credited respectively, and balance sheet account 2940 Unappropriated Retained Earnings shall be credited or charged, respectively with amounts equivalent to the debit or credit balance of balance sheet account 2350 Self-Insurance Accruals—Clearing as at the end of each accounting year.

(b) The air carrier shall submit in writing to the Civil Aeronautics Board a statement which sets forth the rates at which the reserve is to be accumulated, the level at which it will cease to be accumulated and such other detail as may be pertinent to the plan. The plan shall not be placed into effect for 30 days following submission in writing to the Civil Aeronautics Board.

2930. *Other Appropriations of Retained Earnings.* (a) Record here amounts of retained earnings segregated for contingencies and other special purposes exclusive of amounts segregated under self-insurance plans.

(b) Charges resulting from the materialization of events for which retained earnings have been appropriated shall not be entered in this account but in appropriate profit and loss accounts. Balances in this account shall be returned to balance sheet account 2940 Unappropriated Retained Earnings when the reason for which created no longer exists.

2940 *Unappropriated Retained Earnings.* (a) Record here the net income or loss from operations of the air carrier and dividends declared on capital stock.

(b) This account shall not be charged with dividends on treasury stock but may be charged with dividends on capital stock of the air carrier held in special funds not under the control of the air carrier. If a dividend is not payable in cash the values entered in this account shall be completely described.

(c) Delayed credits or charges to income shall not be entered in this account directly but in appropriate profit and loss accounts.

(d) Net income or loss accounted for during the current fiscal year shall not be entered in this account until the close of the fiscal year. Individual proprietorships or partnerships may clear net income or loss accounted for during the year directly to balance sheet account 2890 Other Paid-In Capital, or optionally, to this account for subsequent transfer to balance sheet account 2890 Other Paid-In Capital.

2990 *Treasury Stock.* (a) Charge here the cost of capital stock issued by the air carrier reacquired by it and not retired or cancelled. Capital credits or debits resulting from the resale or retirement of capital stock held in this account shall be entered in balance sheet account 2890.3 Other Capital Stock Transactions.

(b) Separate records shall be established for each class and series of capital stock held in this account.

## SUBPART C—PROFIT AND LOSS CLASSIFICATIONS

§ 241.7 Chart of profit and loss accounts.



| Objective classification of profit and loss elements | Functional or financial activity to which applicable (00) | | |
|---|---|---|---|
| | Group I carriers | Group II carriers | Group III carriers |
| **OPERATING REVENUES** | | | |
| 01 Passenger. | | | |
| 01.1 Passenger—first class | 31, 32 | 31, 32 | 31, 32. |
| 01.2 Passenger—coach | 31, 32 | 31, 32 | 31, 32. |
| 02 United States mail. | | | |
| 02.1 Priority | 31, 32 | 31, 32 | 31, 32. |
| 02.2 Nonpriority | 31, 32 | 31, 32 | 31, 32. |
| 03 Foreign Mail | 31, 32 | 31, 32 | 31, 32. |
| 06 Property. | | | |
| 06.1 Express | 31, 32 | 31, 32 | 31, 32. |
| 06.2 Freight | 31, 32 | 31, 32 | 31, 32. |
| 06.3 Excess passenger baggage | 31, 32 | 31, 32 | 31, 32. |
| 07 Charter | 32 | 32 | 32. |
| 08 Section 406 subsidy | 41 | 41 | 41. |
| 09 Foreign exchange fluctuation adjustments | 46 | 46 | 46. |
| 10 Hotel, restaurant and food service. | | | |
| 10.1 Gross revenue | 46 | 46 | 46. |
| 10.2 Depreciation expense | 46 | 46 | 46. |
| 10.3 Other expenses | 46 | 46 | 46. |
| 11 Rents. | | | |
| 11.1 Gross revenues | 46 | 46 | 46. |
| 11.2 Depreciation expense | 46 | 46 | 46. |
| 11.3 Other expenses | 46 | 46 | 46. |
| 12 Limousine service. | | | |
| 12.1 Gross revenues | 46 | 46 | 46. |
| 12.2 Depreciation expense | 46 | 46 | 46. |
| 12.3 Other expenses | 46 | 46 | 46. |
| 13 Interchange sales—associated companies. | | | |
| 13.1 Gross revenues | 46 | 46 | 46. |
| 13.2 Depreciation expense | 46 | 46 | 46. |
| 13.3 Other expenses | 46 | 46 | 46. |
| 14 General service sales—associated companies. | | | |
| 14.1 Gross revenues | 46 | 46 | 46. |
| 14.2 Depreciation expense | 46 | 46 | 46. |
| 14.3 Other expenses | 46 | 46 | 46. |
| 15 Interchange sales—outside. | | | |
| 15.1 Gross revenues | 46 | 46 | 46. |
| 15.2 Depreciation expense | 46 | 46 | 46. |
| 15.3 Other expenses | 46 | 46 | 46. |
| 16 General service sales—outside. | | | |
| 16.1 Gross revenues | 46 | 46 | 46. |
| 16.2 Depreciation expense | 46 | 46 | 46. |
| 16.3 Other expenses | 46 | 46 | 46. |
| 17 Air cargo services. | | | |
| 17.1 Gross revenues | 46 | 46 | 46. |
| 17.2 Depreciation expense | 46 | 46 | 46. |
| 17.3 Other expenses | 46 | 46 | 46. |
| 18 Other incidental revenues. | | | |
| 18.1 Gross revenues | 46 | 46 | 46. |
| 18.2 Depreciation expense | 46 | 46 | 46. |
| 18.3 Other expenses | 46 | 46 | 46. |
| 19 Other operating revenues. | | | |
| 19.1 Reservations cancellation fees | 31, 32 | 31, 32 | 31, 32. |
| 19.9 Miscellaneous operating revenues | 31, 32, 41 | 31, 32, 41 | 31, 32, 41. |
| **OPERATING EXPENSES** | | | |
| 21 General management personnel | 53, 69 | 53, 55, 64, 67, 68. | 53, 55, 61, 62, 63, 65, 66, 68. |
| 23 Pilots and copilots | 51 | 51 | 51. |
| 24 Other flight personnel | 51, 69 | 51, 55 | 51, 55. |
| 25 Maintenance labor. | | | |
| 25.1 Labor—airframes | | 52 | 52. |
| 25.2 Labor—aircraft engines | | 52 | 52. |
| 25.3 Labor—other flight equipment | | 52 | 52. |
| 25.6 Labor—flight equipment | 52 | | |
| 25.9 Labor—ground property and equipment | 52, 53 | 52, 53 | 52, 53. |
| 26 Aircraft and traffic handling personnel | 69 | | |
| 26.1 General aircraft and traffic handling personnel | | 64, 67 | 61, 62, 65. |
| 26.2 Aircraft control personnel | | 64 | 61. |
| 26.3 Passenger handling personnel | | 64, 67 | 62, 65. |
| 26.4 Cargo handling personnel | | 64, 67 | 62, 65. |
| 28 Trainees, instructors and unallocated shop labor. | | | |
| 28.1 Trainees and instructors | 51, 53, 69 | 51, 53, 55, 64, 67, 68. | 51, 53, 55, 61, 62, 63, 65, 66, 68. |
| 28.2 Unallocated shop labor | 53 | 53 | 53. |
| 30 Communications personnel | 53, 69 | 53, 55, 64, 67, 68. | 53, 55, 61, 62, 63, 65, 66, 68. |
| 31 Record keeping and statistical personnel | 53, 69 | 53, 55, 64, 67, 68. | 53, 55, 61, 62, 63, 65, 66, 68. |
| 32 Lawyers and law clerks | 69 | 68 | 68. |
| 33 Traffic solicitors | 69 | 67 | 65. |
| 34 Purchasing personnel | 53, 69 | 53, 68 | 53, 68. |
| 35 Other personnel | 53, 69 | 53, 55, 64, 67, 68. | 53, 55, 61, 62, 63, 65, 66, 68. |
| 36 Personnel expenses | 51, 53, 69 | 51, 53, 55, 64, 67, 68. | 51, 53, 55, 61, 62, 63, 65, 66, 68. |
| 37 Communications purchased | 53, 69 | 53, 55, 64, 67, 68. | 53, 55, 61, 62, 63, 65, 66, 68. |
| 38 Light, heat, power and water | 53, 69 | 53, 55, 64, 67, 68. | 53, 55, 61, 62, 63, 65, 66, 68. |
| 39 Traffic commissions | 69 | | |
| 39.1 Commissions—passenger | | 67 | 65. |
| 39.2 Commissions—property | | 67 | 65. |
| 40 Legal fees and expenses | 69 | 68 | 68. |
| 41 Professional and technical fees and expenses | 51, 53, 69 | 51, 53, 55, 64, 67, 68. | 51, 53, 55, 61, 62, 63, 65, 66, 68. |
| 42 General services purchased—associated companies. | | | |
| 42.1 Airframe repairs—associated companies | | 52 | 52. |
| 42.2 Aircraft engine repairs—associated companies | | 52 | 52. |
| 42.3 Other flight equipment repairs—associated companies | | 52 | 52. |



| Objective classification of profit and loss elements | Functional or financial activity to which applicable (00) | | |
|---|---|---|---|
| | Group I carriers | Group II carriers | Group III carriers |
| **OPERATING EXPENSES—continued** | | | |
| 75 Depreciation—Continued | | | 70. |
| 75.3 Airframe parts | | | 70. |
| 75.4 Aircraft engine parts | | | 70. |
| 75.5 Other flight equipment | | | 70. |
| 75.6 Flight equipment, except spare parts and hangars | | | 70. |
| 75.8 Aircraft spare parts and equipment and hangars | | | 70. |
| 75.9 General ground property | | | 70. |
| 77 Uncleared expense credits | 53, 69 | 53, 55, 64, 67, 68. | 53, 55, 61, 62, 63, 65, 66, 68. |
| 77.8 Uncleared interchange expense credits | | | 53, 55, 61, 62, 63, 65, 66, 68. |
| 77.9 Other uncleared expense credits | 53, 69 | 53, 55, 64, 67, 68. | 52. |
| 78 Direct maintenance—flight equipment | | 52 | 52 Dr, 53 Cr. |
| 79 Applied burden Dr/Cr. | 52 Dr, 53 Cr. | 52 Dr, 53 Cr. | 52 Dr, 53 Cr. |
| 79.6 Flight equipment | 52 Dr, 53 Cr. | 52 Dr, 53 Cr. | |
| 79.8 General ground property | | | |
| **NONOPERATING INCOME AND EXPENSES** | | | |
| 80 Over or under self-insurance accruals | 81 | 81 | 81. |
| 81 Capital gains and losses. | | | |
| 81.7 Capital gains and losses—operating property | 81 | 81 | 81. |
| 81.8 Capital gains and losses—nonoperating property | 81 | 81 | 81. |
| 82 Unapplied cash discounts | 81 | 81 | 81. |
| 83 Dividend income | 81 | 81 | 81. |
| 84 Interest income | 81 | 81 | 81. |
| 85 Foreign exchange adjustments | 81 | 81 | 81. |
| 86 Income from nontransport ventures | 81 | 81 | 81. |
| 87 Interest expense. | | | |
| 87.1 Interest on debt principal | 81 | 81 | 81. |
| 87.2 Amortization of discount and expense on debt | 81 | 81 | 81. |
| 87.3 Amortization of premium on debt | 81 | 81 | 81. |
| 88 Miscellaneous nonoperating credits | 81 | 81 | 81. |
| 89 Miscellaneous nonoperating debits | 81 | 81 | 81. |
| **INCOME TAXES** | | | |
| 91 Normal income taxes and surtaxes | 91 | 91 | 91. |
| 92 Provision for deferred federal income taxes. | | | |
| 92.1 Current provisions for deferred taxes | 91 | 91 | 91. |
| 92.2 Amortization of taxes deferred (credit) | 91 | 91 | 91. |
| 92.3 Adjustment of deferred taxes | 91 | 91 | 91. |
| 95 Excess profits taxes | | | |
| **SPECIAL ITEMS** | | | |
| 96 Special income credits and debits (net) | 97 | 97 | 97. |
| 97 Special income tax credits and debits (net) | 97 | 97 | 97. |

NOTE: Digits to right of decimals and italicized codes established for CAB control purposes only.

§ 241.8 *General.* (a) The profit and loss accounts are designed to reflect, through natural groupings, the elements entering into the derivation of income or loss accruing to the proprietary interests during each accounting period.

(b) The system of accounts prescribed herein provides for the co-ordinate grouping of all revenues and expenses in terms of both major natural objectives and functional activities and for subdivision of both to provide varying degrees of detail for air carriers of differing accounting capacities and/or requirements.

(c) The detailed objective accounts established for each air carrier group, by the dual subdivision of profit and loss elements in terms of both natural objectives and functional activities, are set forth in § 241.7 Chart of Profit and Loss Accounts.

(d) The prescribed system of accounts provides generally that profit and loss elements shall be grouped in accordance with their inherent characteristics within the following primary classifications:

(1) *Operating revenues.* (i) This primary classification shall include revenues of a character usually and ordinarily derived from the performance of air transportation, and net revenues from services performed incidental to the performance

| Objective classification of profit and loss elements | Functional or financial activity to which applicable (00) | | |
|---|---|---|---|
| | Group I carriers | Group II carriers | Group III carriers |
| **OPERATING EXPENSES—continued** | | | |
| 42 General services purchased—associated companies—Continued | | | |
| 42.7 Flight equipment repairs—associated companies | 52, 69 | 52, 53, 64, 67, 68. | 51, 52, 53, 55, 61, 62, 63, 65, 66, 68. |
| 42.8 Aircraft interchange charges—associated companies | | | 52, 53, 55, 61, 62, 63, 65, 66, 68. |
| 42.9 General interchange service charges—associated companies | | | |
| 42.9 Other services—associated companies | 52, 53, 69 | 52, 53, 55, 64, 67, 68. | 52, 53, 55, 61, 62, 63, 65, 66, 68. |
| 43 General services purchased—outside. | | | |
| 43.1 Airframe repairs—outside | | | 52. |
| 43.2 Aircraft engine repairs—outside | | | 52. |
| 43.3 Other flight equipment repairs—outside | | | 52. |
| 43.6 Flight equipment repairs—outside | 52 | 52 | 51, 52, 53, 55, 61, 62, 63, 65, 66, 68. |
| 43.7 Aircraft interchange charges—outside | 51, 52 | 52, 53, 64, 67, 68. | 52, 53, 55, 61, 62, 63, 65, 66, 68. |
| 43.8 General interchange service charges—outside | 52, 69 | 52, 53, 55, 64, 67, 68. | 52, 53, 55, 61, 62, 63, 65, 66, 68. |
| 43.9 Other services—outside | 52, 53, 69 | | |
| 44 Rentals and landing fees. | 51, 53, 69 | 51, 53, 55, 64, 67, 68. | 51, 53, 55, 61, 62, 63, 65, 66, 68. |
| 44.1 Rentals | | | 61. |
| 44.2 Landing fees | 60 | 64 | 51. |
| 45 Aircraft fuels and oils | 51 | 51 | 51. |
| 45.1 Aircraft fuels | | | 51. |
| 45.2 Aircraft oils | | | 51. |
| 46 Maintenance materials. | | | |
| 46.1 Airframes | | 52 | 52. |
| 46.2 Aircraft engines | | 52 | 52. |
| 46.3 Other flight equipment | 52 | 52 | 52. |
| 46.6 Flight property and equipment | 52, 53 | 52, 53 | 52, 53. |
| 46.9 Ground property and equipment | 53, 69 | 53, 55, 64, 67, 68. | 53, 55, 61, 62, 63, 65, 66, 68. |
| 49 Shop and servicing supplies | 53, 69 | | |
| 50 Stationery, printing and office supplies | | 55 | 55. |
| 51 Passenger food expense | 69 | 53, 55, 64, 67, 68. | 53, 55, 61, 62, 63, 65, 66, 68. |
| 53 Other supplies | 51, 53, 69 | 53, 55 | 53, 55. |
| 54 Inventory adjustments | 53, 69 | 51, 53, 69 | 51, 53, 68. |
| 55 Insurance—public liability and property damage | 51, 53, 69 | 51, 53, 68 | 51, 53, 68. |
| 55.1 Insurance purchased | 51, 53, 69 | 51, 53, 68 | 51, 53, 68. |
| 55.2 Provisions for self-insurance | 69 | 55 | 55. |
| 56 Insurance—aircraft liability | 51, 53, 69 | 51, 53, 55, 64, 67, 68. | 51, 53, 55, 61, 62, 63, 65, 66, 68. |
| 57 Insurance—employee welfare | | | |
| 58 Injuries, loss and damage | 51, 53, 69 | 51, 53, 55, 64, 67, 68. | 51, 53, 55, 61, 62, 63, 65, 66, 68. |
| 59 Tariffs, schedules and timetables | 69 | 67 | 65. |
| 60 Advertising | 69 | 67 | 65. |
| 62 Other promotional and publicity expenses | 69 | 67 | 65. |
| 63 Interrupted trips expense | 69 | 55 | 55. |
| 64 Memberships | 53, 69 | 53, 55, 64, 67, 68. | 53, 55, 61, 62, 63, 65, 66, 68. |
| 65 Corporate and fiscal expenses | 69 | 68 | 68. |
| 66 Uncollectible accounts | 69 | 68 | 68. |
| 67 Clearance, enstoms and duties | 64 | 61, 62 | 61, 62. |
| 68 Taxes—payroll | 51, 53, 69 | 51, 53, 55, 64, 67, 68. | 51, 53, 55, 61, 62, 63, 65, 66, 68. |
| 69 Taxes—other than payroll | 51, 69 | 51, 53, 55, 64, 67, 68. | 51, 53, 55, 61, 62, 63, 65, 66, 68. |
| 71 Other expenses | 51, 53, 69 | | |
| 72 Maintenance reserve provisions. | | 52 | 52. |
| 72.1 Airframes | | 52 | 52. |
| 72.2 Aircraft engines | | 52 | 70. |
| 73 Expendable parts obsolescence provisions | | | |
| 74 Amortizations. | | 70 | 70. |
| 74.1 Developmental and preoperating expenses | | 70 | 70. |
| 74.2 Other intangibles | | 70 | 70. |
| 75 Depreciation. | | 70 | 70. |
| 75.1 Airframes | | 70 | 70. |
| 75.2 Aircraft engines | | | |

of air transportation, which relate to services performed during the current accounting year or which, although relating to services performed during prior accounting years, are not sufficiently large to materially distort the accounts of the current accounting year.

(ii) Operating revenues shall be subclassified in terms of functional activities as provided in § 241.9.

(2) *Operating expenses.* (i) This primary classification shall include expenses of a character usually and ordinarily incurred in the performance of air transportation which are attributable to services performed during the current accounting year or which, although attributable to services performed during prior accounting years, are not sufficiently large to materially distort the accounts of the current accounting year.

(ii) Operating expenses shall be subclassified in terms of functional activities as provided in §§ 241.10 and 241.11.

(3) *Nonoperating income and expense—net.* This primary classification (8100) shall include income and loss incident to commercial ventures not inherently related to the performance of the common carrier air transport services of the accounting entity; other revenues and expenses attributable to financing or other activities which are extraneous to and not an integral part of air transportation or its incidental services; and special recurrent or nonrecurrent items of a non-period or extraordinary nature of a magnitude which will not significantly distort the net income of the current accounting year.

(4) *Income taxes for current period.* This primary classification (9100) shall include provisions for Federal, State, local and foreign taxes which are based upon the net income of the air carrier for the current period together with refunds for excess profits credits or carry back of losses and increases or reductions of income taxes of prior years of a magnitude which will not distort net income of the current accounting year. Income taxes applicable to special income credits or debits recorded in profit and loss classification 9700 Special Items, and other material income tax items not allocable to income of the current accounting year, shall not be included in this classification but in profit and loss classification 9700 Special Items.

(5) *Special items.* This primary classification (9700) shall include credits and debits which relate to prior accounting years and extraordinary special items that are of sufficient magnitude to significantly distort current financial results. Each air carrier shall establish such standard practices for separately identifying special items and current period income items as may be prescribed by the Civil Aeronautics Board, or in the absence of such action by the Civil Aeronautics Board, such standard practices as will not result in significant distortion of net income applicable to the current year.

§ 241.9 *Functional classification; operating revenues.*

3900 *Transport Revenues.* This classification is prescribed for all air carrier groups and shall include all revenues from the air transportation of traffic of all classes. It shall consist of the following subclassifications:

3100 *Scheduled Services.* This subclassification shall include revenues from the transportation by air of traffic between points prescribed in certificates of public convenience and necessity issued by the Civil Aeronautics Board and held by the air carrier, for the transportation of individual passengers or cargo shipments (as opposed to charter of aircraft) on flights performed pursuant to published schedules, filed with the Civil Aeronautics Board, and extra section or other flights performed as an integral part of the air carrier's published flight schedules.

3200 *Nonscheduled Services.* This subclassification shall include revenues from the transportation by air of traffic between points not prescribed in certificates of public convenience and necessity issued by the Civil Aeronautics Board and held by the air carrier; from the performance of aircraft charter services; and from the performance of other air transportation services not constituting an integral part of services performed pursuant to published schedules filed with the Civil Aeronautics Board. Flights performed as extra sections of flights performed pursuant to published schedules shall not be included in this subclassification but in subclassification 3100 Scheduled Services.

4900 *Nontransport Revenues.* This classification is prescribed for all air carrier groups and shall include all revenues, grants or aids for providing air transportation facilities, but not as direct payment for the carriage of traffic, and all revenues and fees, less expenses directly associated with the performance of services which grow from and are incidental to air transportation services performed by the air carrier. It shall consist of the following subclassifications:

4100 *Federal Subsidy.* This subclassification shall include revenues from the United States Government as direct grants or aids for providing air transportation facilities. It shall not include revenues from the carriage of traffic or the performance of other specific contractual services for the United States Government.

4600 *Incidental Revenues—Net.* a. This subclassification shall include net revenues from services which grow from and are incidental to the air transportation services performed by the air carrier.

b. This subclassification shall include revenues, less related expenses, from only those services which are performed as an incidental adjunct to air transportation services and which provide improved utilization of plant and organization required for the performance of air transportation services. Revenues and expenses related to services of a magnitude or scope beyond an incidental adjunct to air transportation services shall not be included in this subclassification. Revenues and expenses applicable to such services shall be included in profit and loss classification 8100 Nonoperating Income and Expense—Net, and the accounting modified to conform with that of a separately operated division whether or not the service is organized as a separately operated division.

c. This subclassification shall embrace all expense items directly identified with particular incidental services performed as well as amounts representing increases in costs incurred in common with the air transport service, to the extent such increases result from the added incidental services, as well as a prorata share of the costs incurred by the air carrier in operating facilities which are used jointly with others. As a general rule, this subclassification shall not include those costs, other than joint facilities costs, which would remain as an essential part of the air transport services if the incidental service were terminated.

d. Each air carrier shall file with the Civil Aeronautics Board a statement setting forth the methods used in assigning or prorating expenses between incidental services and transport operations. This statement shall be filed no later than January 1, 1957 or with the air carrier's initial Form 41 report, whichever occurs later. Changes in such methods shall not be reflected in the air carrier's accounts until 30 days have elapsed following written notice to the Civil Aeronautics Board unless approved in writing by the Civil Aeronautics Board prior to expiration of the notice period.

§ 241.10 *Functional classification; operating expenses of group I air carriers.*

5100 *Flying Operations.* (a) This function shall include expenses incurred directly in the in-flight operation of aircraft and expenses attaching to the holding of aircraft and aircraft operational personnel in readiness for assignment to an in-flight status.

(b) This function shall not include expenses incurred in repairing, servicing or storing aircraft, expenses incurred on the ground in protecting and controlling the in-flight movement of aircraft, or the compensation of ground personnel and other expenses incurred in scheduling or preparing aircraft or aircraft operational personnel for flight assignment. Such expenses shall be included in function 5400 Maintenance or function 6900 General Services and Administration.

5400 *Maintenance.* (a) This function shall include all expenses, both direct and indirect, specifically identifiable with the repair and upkeep of property and equipment as may be required to meet operating and safety standards; in inspecting or checking property and equipment in accordance with prescribed operational standards; and in polishing or cleaning property and equipment when such polishing or cleaning is not an incidental routine in connection with the normal productive use of property and equipment.

(b) This function shall include the cost of direct labor, materials, and outside service and maintenance overhead or other costs specifically associated with maintenance operations regardless of the location at which incurred.

(c) This function shall not include costs incurred in the construction, improvement, or modification of property and equipment even when necessitated to meet new or changed operating or safety standards. Such costs shall be charged to appropriate property and equipment accounts.

(d) Costs incurred by aircraft handling personnel in visual inspection, minor check and servicing of aircraft, while in line service, shall not be included in this function when performed as an incidental routine during the normal productive use of aircraft but shall be included in function 6900 General Services and Administration.

(e) Each Group I air carrier shall maintain the following subfunctions:

5200 *Direct Maintenance.* a. This subfunction shall include the costs of labor, materials and outside services consumed directly in periodic maintenance operations and the maintenance and repair of property and equipment, of all types and classes, regardless of the location at which incurred, exclusive of costs specifically identified with maintenance of property and equipment carried in balance sheet accounts 1634 Maintenance and Engineering Equipment and 1640.1 Maintenance Buildings and Improvements which shall be included in subfunction 5300 Maintenance Burden.

b. The cost of direct labor, materials and supplies, as well as outside repairs, used in the maintenance and repair of property and equipment shall be recorded on running job orders or tickets covering repairs and periodic inspections except servicing. Where a number of like items are maintained on a group basis, it will be necessary to maintain only one job order for each group.

c. When supervisory personnel such as crew chiefs, inspectors and foremen are engaged in direct labor in connection with equipment maintenance, a proportionate part of their salaries and wages shall be charged to the appropriate direct labor accounts. The cost of transporting property to and from shops for repair and maintenance shall be included as a part of the cost of the materials and supplies used in the repair or maintenance of such property and equipment. Transportation charges, customs and duties, etc; shall be included in the cost of repairs and maintenance operations when made by outside parties.

5300 *Maintenance Burden.* a. This subfunction shall include all overhead or general expenses which are specifically identified with activities involved in periodic maintenance operations and the maintenance and repair of property and equipment of all types and classes, including the cost of direct labor, materials and outside services identified with the maintenance and repair of property and equipment carried in balance sheet accounts 1634 Maintenance and Engineering Equipment, and 1640.1 Maintenance Buildings and Improvements. It shall include expenses specifically related to the administration of maintenance stocks and stores, the keeping of pertinent maintenance operations records, and the scheduling, controlling, planning and supervision of maintenance operations.

b. This subfunction shall not include expenses related to financial accounting, purchasing or other overhead activities which are of general applicability to all operating functions. Such expenses shall be included in function 6900 General Services and Administration.

6900 *General Services and Administration.* This function shall include expenses incurred on the ground in controlling and protecting the in-flight movement of aircraft; landing, handling, or servicing aircraft on the ground; selling transportation; servicing and handling traffic of all classes; promoting the development of traffic; administering operations generally; and all other expenses not otherwise provided for in functions 5100 Flying Operations, 5400 Maintenance, and 7000 Depreciation and Amortization.

7000 *Depreciation and Amortization.* This function shall include all charges to expense to record losses suffered through current exhaustion of the serviceability of property and equipment due to wear and tear from use and the action of time and the elements, which are not replaced by current repairs as well as losses in serviceability occasioned by obsolescence, supersession, discoveries, change in popular demand or action by public authority. It shall also include charges for the amortization of capitalized developmental and preoperating costs and other intangible assets applicable to the performance of air transportation. (See balance sheet accounts 1830 Developmental and Preoperating Costs and 1880 Other Intangibles.)

§ 241.11 *Functional classifications; operating expenses of Group II and Group III air carriers.*

5100 *Flying Operations.* (a) This function shall include expenses incurred directly in the in-flight operation of aircraft and expenses attaching to the holding of aircraft and aircraft operational personnel in readiness for assignment to an in-flight status.

(b) This function shall not include expenses incurred in repairing, servicing or storing aircraft, expenses incurred on the ground in protecting and controlling the in-flight movement of aircraft, or compensation of ground personnel and other expenses incurred in scheduling or preparing aircraft or aircraft operational personnel for flight assignment. Such expenses shall be included in function 5400 Maintenance, or function 6400 Aircraft and Traffic Servicing.

5400 *Maintenance.* (a) This function shall include all expenses, both direct and indirect, incurred in the repair and upkeep of property and equipment as may be required to meet operating and safety standards; in inspecting or checking property and equipment in accordance with prescribed operational standards; and in polishing or cleaning property and equipment when such polishing or cleaning is not an incidental routine in connection with the normal productive use of property and equipment.

(b) This function shall include the cost of direct labor, materials, and outside services and maintenance overhead or other costs associated with maintenance operations regardless of the location at which incurred.

(c) This function shall not include costs incurred in the construction, improvement, or modification of property and equipment even when necessitated to meet new or changed operating or safety standards. Such costs shall be charged to appropriate property and equipment accounts.

(d) Costs incurred by aircraft handling personnel in visual inspection, minor check and servicing of aircraft, while in line service, shall not be included in this function when performed as an incidental routine during the normal productive use of aircraft but shall be included in function 6400 Aircraft and Traffic Servicing.

(e) Both Group II air carriers and Group III air carriers shall maintain the following subfunctions:

5200 *Direct Maintenance.* a. This subfunction shall include the costs of labor, materials and outside services consumed directly in periodic maintenance operations and the maintenance and repair of property and equipment of all types and classes, regardless of the location at which incurred, exclusive of property and equipment carried in balance sheet accounts 1634 Maintenance and Engineering Equipment and 1640.1 Maintenance Buildings and Improvements, which shall be included in subfunction 5300 Maintenance Burden.

b. The cost of direct labor, materials and supplies, as well as outside repairs, used in the maintenance and repair of property and equipment shall be recorded on running job orders or tickets covering repairs and periodic inspections except servicing. Where a number of like items are maintained on a group basis, it will be necessary to maintain only one job order for each group.

c. When supervisory personnel such as crew chiefs, inspectors and foremen are engaged in direct labor in connection with equipment maintenance, a proportionate part of their salaries and wages shall be charged to the appropriate direct labor accounts. The cost of transporting property to and from shops for repair and maintenance shall be included as a part of the cost of the materials and supplies used in the repair or maintenance of such property and equipment. Transportation charges, customs and duties, etc., shall be included in the cost of repairs and maintenance operations when made by outside parties.

5300 *Maintenance Burden.* a. This subfunction shall include all overhead or general expenses used directly in the activities involved in periodic maintenance operations and the maintenance and repair of property and equipment of all types and classes, including the cost of direct labor, materials and outside services used in the maintenance and repair of property and equipment carried in balance sheet accounts 1634 Maintenance and Engineering Equipment, and 1640.1 Maintenance Buildings and Improvements. It shall include expenses related to the administration of maintenance stocks and stores, the keeping of pertinent maintenance operations records, and the scheduling, controlling, planning and supervison of maintenance operations.

b. This subfunction shall not include expenses related to financial accounting, purchasing or other overhead activities which are of general applicability to all operating functions. Such expenses shall be included in function 6800 General and Administrative.

5500 *Passenger Service.* This function shall include all expenses chargeable directly to activities contributing to the comfort, safety and convenience of passengers while in flight and when flights are interrupted. It shall not include expenses incurred in enplaning or deplaning passengers, or in securing and selling passenger transportation and caring for passengers prior to entering a flight status. Such expenses shall be included in functions 6400 Aircraft and Traffic Servicing and 6700 Promotion and Sales, respectively.

6400 *Aircraft and Traffic Servicing.* (a) This function shall include the compensation of ground personnel and other expenses incurred on the ground incident to the protection and control of the in-flight movement of aircraft, scheduling and preparing aircraft operational crews for flight assignment, handling and servicing aircraft while in line operation, servicing and handling traffic on the ground, subsequent to the issuance of documents establishing the air carrier's responsibility to provide air transportation and in-flight expenses of handling and protecting all non-passenger traffic including passenger baggage.

(b) This function shall include only those aircraft servicing and cleaning expenses which are incurred as an incidental routine during the normal productive use of aircraft in line operations. It shall not include expenses incurred in the repair and maintenance of property and equipment, or in checking or inspecting property and equipment in accordance with prescribed operational standards when such activities are not an incidental routine during the normal productive use of aircraft. Such expenses shall be included in function 5400 Maintenance.

(c) This function shall not include expenses incurred in securing traffic, arranging aircraft space for traffic sold or in issuing documents confirming traffic sales and establishing the air carrier's responsibility to provide air transportation. Such expenses shall be included in function 6700 Promotion and Sales. However, for purposes of this system of accounts expenses attributable to the operation of airport traffic offices shall be included in this function. Expenses attributable to the operation of city traffic offices shall be included in function 6700 Promotion and Sales.

(d) Group III air carriers shall further subdivide this function as follows:

6100 *Aircraft Servicing.* This subfunction shall include the compensation of ground personnel and other expenses incurred on the ground incident to the protection and control of the in-flight movement of aircraft; scheduling or preparing aircraft operational crews for flight assignment; landing and parking aircraft; visual inspection, routine checking, servicing and fueling of aircraft; and other expenses incurred on the ground incident to readying for arrival and take-off of aircraft.

6200 *Traffic Servicing.* a. This subfunction shall include the compensation of ground personnel and other expenses incurred on the ground incident to handling traffic of all types and classes on the ground subsequent to the issuance of documents establishing the air carrier's responsibility to provide air transportation and expenses attributable to the operation of airport traffic offices. It shall include expenses incurred in both enplaning and deplaning traffic as well as expenses incurred in preparation for

enplanement and all expenses subsequent to deplanement.

b. This subfunction shall also include costs incurred in handling and protecting all nonpassenger traffic while in flight. It shall not include expenses incurred in contributing to the comfort, safety and convenience of passengers while in flight or when flights are interrupted. Such expenses shall be included in function 5500 Passenger Service.

6300 *Servicing Administration.* a. This subfunction shall include expenses of a general nature incurred in performing supervisory or administrative activities relating solely and in common to subfunctions 6100 Aircraft Servicing and 6200 Traffic Servicing.

b. This subfunction shall not include supervisory or administrative expenses which can be charged directly to subfunction 6100 Aircraft Servicing or subfunction 6200 Traffic Servicing. Nor shall this subfunction include expenses which contribute more than incidentally to functions other than function 6400 Aircraft and Traffic Servicing. Such expenses shall be included in function 6800 General and Administrative.

c. The expenses in this subfunction shall be recorded separately for each geographic location at which incurred.

6700 *Promotion and Sales.* (a) This function shall include expenses incurred in creating public preference for the air carrier and its services; stimulating the development of the air transport market; and promoting the air carrier or developing air transportation generally.

(b) It shall also include the compensation of personnel and other expenses incident to documenting sales; expenses incident to controlling and arranging or confirming aircraft space for traffic sold; expenses incurred in direct sales solicitation and selling of aircraft space; and expenses incurred in developing tariffs and schedules for publication.

(c) This function shall not include expenses incurred in handling traffic subsequent to the issuance of documents establishing the air carrier's responsibility to provide air transportation which shall be included in functions 5500 Passenger Service and 6400 Aircraft and Traffic Servicing. However, for purposes of this system of accounts expenses attributable to the operation of airport traffic offices shall be included in function 6400 Aircraft and Traffic Servicing. Expenses attributable to the operation of city traffic offices shall be included in this function.

(d) Group III air carriers shall subdivide this function as follows:

6500 *Reservations and Sales.* This subfunction shall include expenses incident to direct sales solicitation, documenting sales, controlling and arranging or confirming aircraft space sold, and in developing tariffs and schedules for publication. It shall also include expenses attributable to the operation of city traffic offices. Expenses incurred in stimulating traffic and promoting the air carrier or air transportation generally shall not be included in this subfunction but in subfunction 6600 Advertising and Publicity.

6600 *Advertising and Publicity.* (a) This subfunction shall include expenses incurred in creating public preference for the air carrier and its services; stimulating development of the air transport market; and promoting the air carrier or developing air transportation generally.

(b) This subfunction shall not include expenses incurred in direct sales solicitation and selling of aircraft space. Such costs shall be included in subfunction 6500 Reservations and Sales.

6800 *General and Administrative.* (a) This function shall include expenses of a general corporate nature and expenses incurred in performing activities which contribute to more than a single operating function such as general financial accounting activities, purchasing activities, representation at law, and other general operational administration, which are not directly applicable to a particular function.

(b) This function shall not include expenses incurred directly in promoting traffic or in promoting relations of the air carrier generally with the public which shall be included in function 6700 Promotion and Sales. Nor shall this function include expenses, regularly applicable in large part to a specific function, which contribute only incidentally, or in small amount, to various other functions. Such expenses when of such size as will not distort the function to which predominantly related, shall be included in the specific function to which regularly related. However, expenses of significant amount regularly contributing to activities embracing two or more functions shall be included in this function.

7000 *Depreciation and Amortization.* This function shall include all charges to expense to record losses suffered through current exhaustion of the serviceability of property and equipment due to wear and tear from use and the action of time and the elements, which are not replaced by current repairs, as well as losses in serviceability occasioned by obsolescence, supersession, discoveries, change in popular demand or action by public authority. It shall also include charges for the amortization of capitalized developmental and preoperating costs, and other intangible assets applicable to the performance of air transportation. (See accounts 1830 Developmental and Preoperating Costs and 1880 Other Intangibles.)

§ 241.12 *Objective classification; operating revenues.*

00 *General Instructions.* (a) The objective accounts established herein are prescribed for all air carrier groups. Each air carrier shall credit the gross revenues accruing from services ordinarily associated with air transportation or its incidental services, performed during the current accounting period, to the appropriate account established herein for each revenue source. Expenses incident to transport services from which revenue is earned shall not be charged to the related revenue account. However, direct costs of forwarding traffic, when no refund is made of transportation sales as a result of interrupted trips, and refunds of sales, shall be charged to the applicable revenue account.

(b) Revenues accruing from transactions conducted in foreign currencies shall be credited to the applicable objective accounts at the United States dollar equivalent, at currently realizable, or officially prescribed rates of exchange, of foreign currencies received or due the air carrier from sales.

(c) Expenses directly associated with the performance of incidental services shall be charged to the applicable incidental revenue account (See classification 4600 Incidental Revenues—Net). Except as provided in operating expense objective account 77 Uncleared Expense Credits, all expenses allocated to incidental services shall be cleared by appropriate credits to the applicable operating expense objective accounts.

01 *Passenger.* (a) Record here revenue from the transportation of passengers by air including infants transported at reduced fares, berth charges, surcharges for premium services and other similar charges. Service charges for persons travelling on a nonrevenue basis shall be recorded in objective account 19 Other Operating Revenues.

(b) This account shall be subdivided as follows by all air carrier groups:

01.1 *Passenger—First Class.* Record here revenue from the air transportation of passengers moving at either standard fares or premium fares, or at reduced fares not predicated upon the use of aircraft space specifically separated from first class, and for whom standard or premium quality services are provided.

01.2 *Passenger—Coach.* Record here revenue from the air transportation of passengers moving at special fares reduced from the first class or premium fares which are predicated upon both the operation of specifically designated aircraft space and a reduction in the quality of service regularly and ordinarily provided.

02 *United States Mail.* (a) Record here revenue from the transportation by air of United States mail at service mail rates established by the Civil Aeronautics Board.

(b) Fines and penalties imposed by the United States Government in connection with the carriage of mail shall not be charged to this account but to profit and loss account 89 Miscellaneous Nonoperating Debits.

(c) This account shall be subdivided as follows by all air carrier groups:

02.1 *Priority.* Record here revenue from mail bearing postage at rates established specifically for air mail service or mail moving at service transportation rates equivalent to those established for mail bearing the full air mail postage.

02.2 *Nonpriority.* Record here revenue from mail moving at service transportation rates lower than those established for mail bearing postage established specifically for air mail service.

03 *Foreign Mail.* (a) Record here revenue from the transportation by air of mail other than United States mail.

(b) Fines and penalties imposed by foreign governments shall not be charged to this account but to profit and loss account 89 Miscellaneous Nonoperating Debits.

06 *Property.* (a) Record here revenue from the transportation by air of property including excess passenger baggage.

(b) Revenues resulting from services incidental to the transportation services such as collection of shippers interest insurance premiums and charges and fees for service such as pick-up and delivery, assembly and distribution, storage and handling, and C. O. D. collection shall not be credited to this account but to profit and loss account 17 Air Cargo Services.

(c) This account shall be subdivided as follows by all air carrier groups:

06.1 *Express.* Record here revenue from the transportation by air of express as defined in tariffs filed with the Civil Aeronautics Board.

06.2 *Freight.* Record here revenue from the transportation by air of property other than express and passenger baggage.

06.3 *Excess Passenger Baggage.* Record here revenue from the transportation by air of passenger baggage in excess of fixed free weight.

07 *Charter.* Record here revenue from transport services in which the remuneration received from the party receiving transportation accrues directly to the account of the air carrier and the party receiving transportation obtains exclusive use of an aircraft at published charter rates. This account shall not include revenues or fees from other carriers, or others, for air transport facilities provided or operated by the air carrier when the remuneration received from the party receiving transportation accrues directly to other air carriers, or others, or when the revenue accruing directly to the air carrier from the party receiving air transportation is based upon individual contractural rates, as opposed to published charter rates. Such revenues shall be included in profit and loss accounts 11 Rents, 13 Interchange Sales—Associated Companies, or 15 Interchange Sales—Outside, as appropriate.

08 *Section 406 Subsidy.* Record here amounts of compensation fixed pursuant to section 406 (b) of the Civil Aeronautics Act which exceed amounts accruing to the air carrier under service mail rates established by the Civil Aeronautics Board for the carriage of United States mail.

09 *Foreign Exchange Fluctuation Adjustments.* Record here gains or losses from transactions involving currency conversions resulting from normal, routine, day-to-day fluctuations in rates of foreign exchange. Gains or losses of a nonroutine, abnormal character shall not be entered in this account but in profit and loss account 85 Foreign Exchange Adjustments.

10 *Hotel, Restaurant and Food Service.* (a) Record here revenues from and expenses related to the operation of hotels and restaurants and similar facilities, and from sales of food. (See objective account 61 Passenger Food Expense.)

(b) This account shall be subdivided as follows by all air carrier groups:

10.1 Gross Revenues.
10.2 Depreciation Expense.
10.3 Other Expenses.

11 *Rents.* (a) Record here revenues from and expenses related to property and equipment owned or leased which has been rented or subleased to others exclusive of associated companies. This account shall not include fees from the use by others of air carrier aircraft under aircraft interchange agreements.

(b) This account shall be subdivided as follows by all air carrier groups:

11.1 Gross Revenues.
11.2 Depreciation Expense.
11.3 Other Expenses.

12 *Limousine Service.* (a) Record here revenues from and expenses related to the operation of passenger limousine surface transportation services.

(b) This account shall be subdivided as follows by all air carrier groups:

12.1 Gross Revenues.
12.2 Depreciation Expense.
12.3 Other Expenses.

13 *Interchange Sales—Associated Companies.* (a) Record here the revenues or fees from and the expenses related to services provided associated companies by the air carrier under aircraft interchange agreements. This account shall be charged and the applicable operating expense objective accounts shall be credited, except as provided in operating expense objective account 77 Uncleared Expense Credits, with the expenses attaching to services provided associated companies under aircraft interchange agreements.

(b) This account shall not include revenues or expenses related to air transportation services performed in the name of and for the account of the accounting air carrier. Such revenues shall be included in applicable transport revenue and operating expense objective accounts.

(c) This account shall be subdivided as follows by all air carrier groups:

13.1 Gross Revenues.
13.2 Depreciation Expense.
13.3 Other Expenses.

14 *General Service Sales — Associated Companies.* (a) Record here the revenues, commissions or fees from and expenses related to other than air transportation and aircraft interchange services provided associated companies by the air carrier. This account shall include the contractual fees or other revenues from and expenses related to services provided associated companies in the operation of facilities which are used jointly with associated companies, as well as revenues from and the costs related to the sale of supplies, parts and repairs sold directly or furnished as a part of services to associated companies.

(b) This account shall not include consideration received from sales of property, equipment, materials or supplies when disposed of as a part of a program involving retirement of property and equipment as opposed to routine sales and services to associated companies unless such disposition is conducted as a normal part of the incidental sales activity. Such retirement gains or losses shall be included in capital gains and losses accounts. Maintenance parts, materials or supplies sold as a service to associated companies shall be charged to this account at cost without adjustment of related obsolescence or depreciation reserves.

(c) This account shall be subdivided as follows by all air carrier groups:

14.1 Gross Revenues.
14.2 Depreciation Expense.
14.3 Other Expenses.

15 *Interchange Sales—Outside.* (a) Record here the revenues or fees from and the expenses related to services provided other than associated companies by the air carrier under aircraft interchange agreements. This account shall be charged and the applicable operating expense objective accounts shall be credited, except as provided in operating expense objective account 77 Uncleared Expense Credits, with the expenses attaching to services provided other than associated companies under aircraft interchange agreements.

(b) This account shall not include revenues or expenses related to air transportation services performed in the name of and for the account of the accounting air carrier. Such revenues and expenses shall be included in applicable transport revenue and operating expense objective accounts.

(c) This account shall be subdivided as follows by all air carrier groups:

15.1 Gross Revenues.
15.2 Depreciation Expense.
15.3 Other Expenses.

16 *General Service Sales—Outside.* (a) Record here the gross revenues, commissions or fees from and expenses related to other than air transportation and aircraft interchange services provided to other than associated companies by the air carrier. This account shall include the contractual fees or other revenues from and expenses related to services provided to other than associated companies in the operation of facilities which are used jointly with others, as well as revenues from and the costs related to the sale of supplies, parts and repairs sold directly or furnished as a part of services to others.

(b) This account shall not include consideration received from sales of property, equipment, materials or supplies when disposed of as a part of a program involving retirement of property and equipment as opposed to routine sales and services to others unless such disposition is conducted as a normal part of the incidental sales activity. Such retirement gain or loss shall be included in capital gains and losses accounts. Maintenance parts, materials or supplies sold as a service to others shall be charged to this account at cost without adjustment of related obsolescence or depreciation reserves.

(c) This account shall be subdivided as follows by all air carrier groups:

16.1 Gross Revenues.
16.2 Depreciation Expense.
16.3 Other Expenses.

17 *Air Cargo Services.* (a) Record here fees and other revenues from and expenses related to incidental services performed in connection with cargo shipments such as pick-up and delivery fees, shipper's interest insurance charges, storage and handling fees, etc.

(b) This account shall be subdivided as follows by all air carrier groups:

17.1 Gross Revenues.
17.2 Depreciation Expense.
17.3 Other Expenses.

18 *Other Incidental Revenues.* (a) Record here revenues from and expenses related to incidental services not provided for in profit and loss accounts 10 through 17, inclusive, such as revenue and expenses incident to vending machines, parcel rooms and storage facilities, etc.

(b) This account shall be subdivided as follows by all air carrier groups:

18.1 Gross Revenues.
18.2 Depreciation Expense.
18.3 Other Expenses.

19 *Other Operating Revenues.* (a) Record here revenues from services associated with air transportation not provided for in profit and loss accounts 01 through 09, inclusive, such as revenues from service charges for failure to cancel or for late cancellation of air transportation reservations, revenues from the transportation of corpses, revenues from aerial photography and advertising flights, and revenues from nontransportation service charges collected on both revenue and nonrevenue flights.

(b) This account shall be subdivided as follows by all air carrier groups:

19.1 Reservations Cancellation Fees.
19.9 Miscellaneous Operating Revenues.

§ 241.13 *Objective Classification; Operating Expenses.*

00 *General Instructions.* (a) Each element of expense, ordinarily associated with air transportation services performed during the current accounting year, shall be charged to the accounts established in this section in accordance with the objectives served by each expenditure. Basic objective accounts, applicable to all air carrier groups, are established for recording all expense elements. These basic accounts are in certain areas subdivided to provide greater detail for indicated air carrier groups.

(b) To the end that the integrity of the prescribed objective accounts shall not be impaired, each air carrier (1) shall charge the appropriate account prescribed for each service purchased or expense element incurred expressly for the benefit of the air carrier regardless of whether incurred directly by the air carrier or through an agent or other intermediary, and (2) except as provided in objective account 77 Uncleared Expense Credits, shall credit, or charge, as appropriate, the account prescribed for each expense element which may be involved in distributions of expenses between separate operating entities of the air carrier, between incidental and transport services or transport functions, between balance sheet and profit and loss elements and between the air carrier and others, when the expenses are incurred initially by or for the benefit of the air carrier. At the option of the air carrier, standard rates applicable to each objective account comprising a particular pool of expenses subject to assignment between two or more activities, may be established for proration purposes, provided the rates established are predicated upon the experience of the air carrier and are reviewed and modified as appropriate at least once each year.

21 *General Management Personnel.* Record here the compensation, including vacation and sick leave pay, of general officers and supervisors, and immediate assistants regardless of locality at which based, responsible for an activity not provided for in profit and loss accounts 25 through 35, inclusive, or an activity involving two or more such accounts.

23 *Pilots and Copilots.* Record here the compensation, including vacation and sick leave pay, of pilots and copilots assigned or held inactive awaiting assignment to flight duty.

24 *Other Flight Personnel.* Record here the compensation, including vacation and sick leave pay, of other flight personnel assigned or held inactive awaiting assignment

to flight status, not responsible for the in-flight management of aircraft, such as engineers, navigation officers and cabin attendants.

25 *Maintenance Labor.* (a) Record here the compensation for time of personnel spent directly on specific property and equipment maintenance projects. (See subfunction 5200 Direct Maintenance.) Vacation and sick leave pay shall be charged to profit and loss account 28 Trainees, Instructors and Unallocated Shop Labor.

(b) This account shall be subdivided as follows:

GROUP II AND GROUP III AIR CARRIERS

25.1 *Labor—Airframes.* Record here the direct labor expended upon airframes and spare instruments or parts related to airframes.

25.2 *Labor—Aircraft Engines.* Record here the direct labor expended upon aircraft engines and spare instruments or parts related to aircraft engines.

25.3 *Labor—Other Flight Equipment.* Record here the direct labor expended upon flight equipment, other than airframes, aircraft engines and spare instruments and parts related to airframes and aircraft engines.

GROUP I AIR CARRIERS

25.6 *Labor—Flight Equipment.* Record here the direct labor expended upon flight equipment of all types and classes.

ALL AIR CARRIER GROUPS

25.9 *Labor—Ground Property and Equipment.* Record here the direct labor expended upon ground property and equipment of all types and classes. Direct labor expended upon general ground properties shall be charged to subfunction 5200 Direct Maintenance; and direct labor expended upon maintenance buildings and equipment shall be charged to subfunction 5300 Maintenance Burden.

26 *Aircraft and Traffic Handling Personnel.* (a) Record here the compensation, including vacation and sick leave pay, of personnel of all types and classes, including direct supervisory personnel, assigned to ground activities, engaged directly in protecting and controlling aircraft in flight, scheduling and preparing flight crews for flight assignment, parking and servicing aircraft incidental to line operations, and of personnel of all types and classes engaged in servicing and handling traffic of all types and classes on the ground.

(b) This account shall be subdivided as follows by Group II and Group III air carriers:

26.1 *General Aircraft and Traffic Handling Personnel.* Record here compensation of personnel handling or controlling aircraft and generally servicing or handling traffic of all types and classes whose activities are not identifiable with the particular activities provided for in subaccounts 26.2, 26.3 or 26.4, inclusive.

26.2 *Aircraft Control Personnel.* Record here compensation of personnel whose activities are identifiable with the protection and control of aircraft in flight and in scheduling or preparing flight crews for flight assignment.

26.3 *Passenger Handling Personnel.* Record here compensation of personnel whose activities are identifiable with the handling of passengers.

26.4 *Cargo Handling Personnel.* Record here compensation of personnel whose activities are identifiable with the handling of passenger baggage, mail, express or freight.

28 *Trainees, Instructors and Unallocated Shop Labor.* (a) Record here the compensation, including vacation and sick leave pay, of instructors and personnel in an off-the-job training status; direct maintenance personnel compensation not assigned to specific projects; and vacation or sick leave pay of direct maintenance personnel.

(b) This account shall be subdivided as follows by all air carrier groups:

28.1 *Trainees and Instructors.* Record here the compensation of instructors and personnel in a training status.

28.2 *Unallocated Shop Labor.* Record here the pay of direct maintenance personnel which has not been assigned to profit and loss account 25 Maintenance Labor for time spent on specific maintenance projects and vacation or sick leave pay of direct maintenance personnel.

30 *Communications Personnel.* Record here the compensation, including vacation and sick leave pay, of personnel of all types and classes, including direct supervisory personnel, engaged in local, interstation, or ground-air communications activities. This account shall include compensation of personnel such as radio operators, telephone operators, switch-board operators, teletype operators, messengers, etc.

31 *Record Keeping and Statistical Personnel.* Record here the compensation, including vacation and sick leave pay, of personnel including supervisory personnel, whose primary duties relate to maintaining records or conducting economic or other analyses required for general management controls, such as accountants, economists, statisticians, maintenance record clerks, stores record clerks, stores receiving and issuing clerks and file clerks. This account shall not include personnel engaged in documentation or other activities constituting an integral part of activities encompassed by other objective accounts.

32 *Lawyers and Law Clerks.* Record here the compensation, including vacation and sick leave pay, of air carrier personnel engaged in law research or representing the air carrier in matters of law.

33 *Traffic Solicitors.* Record here the compensation, including vacation and sick leave pay, of personnel engaged directly in solicitation of traffic of all types and classes. This account shall not include compensation of traffic office personnel engaged in soliciting activities incidental to the documenting of sales and assigning aircraft space which shall be included in profit and loss account 26 Aircraft and Traffic Handling Personnel.

34 *Purchasing Personnel.* (a) Record here the compensation, including vacation and sick leave pay, of personnel, including direct supervisory personnel, engaged in purchasing activities.

(b) This account shall include compensation of personnel engaged in maintaining purchasing records but shall not include compensation of personnel responsible for the control of inventories or stores which shall be included in objective account 31 Record Keeping and Statistical Personnel. In cases where the responsibility for maintaining purchasing and stores records are inseparable, the related compensation may be accounted for in accordance with dominant responsibilities.

35 *Other Personnel.* Record here the compensation, including vacation and sick leave pay, of personnel whose activities are not identifiable with activities provided for in profit and loss accounts 21 through 34, inclusive.

36 *Personnel Expenses.* (a) Record here expenses incurred by personnel, attaching to goods or services used personally, which are reimbursed directly to personnel or reimbursed indirectly through vendors who bill the air carrier directly for services rendered employees.

(b) This account shall include allowances in lieu of expenses as well as expenses incurred for travel, lodgings, meals, entertainment of individuals or groups of individuals, and membership fees and dues in professional or social clubs and associations.

(c) Records shall be maintained which will separately and clearly identify the nature of each item charged to this account.

37 *Communications Purchased.* Record here expenses, including related taxes, incurred for rental of communication services and for communication services of all types and classes not provided by personnel of the air carrier, such as telegraph, telephone, teletype, private line services, and charges for communication services from organizations operated jointly with associated companies or others.

38 *Light, Heat, Power and Water.* Record here charges related to the provision of light, heat, power and water, including related taxes.

39 *Traffic Commissions.* (a) Record here charges by others, including associated companies, for commissions arising from sales of transportation. Commissions, fees or other charges incurred for general agency services, as opposed to commissions arising from sales of transportation, shall not be included in this account but in profit and loss account 42 General Services Purchased—Associated Companies or profit and loss account 43 General Services Purchased—Outside, as appropriate.

(b) This account shall be subdivided as follows by Group II and Group III air carriers:

39.1 *Commissions—Passenger.* Record here charges for commissions arising from sales of passenger transportation.

39.2 *Commissions—Property.* Record here charges for commissions arising from sales of nonpassenger transportation.

40 *Legal Fees and Expenses.* Record here expenditures incurred for legal services by counsel retained on a fee basis and related expenses reimbursed or borne directly by the air carrier and other expenses incurred directly by the air carrier for legal supplies not obtainable from the air carrier's general stationary stock. This account shall not be charged with legal fees or expenses incurred in connection with claims occasioned by accidents or other casualties. Such charges shall be accumulated in balance sheet account 1890 Other Deferred Charges and cleared to profit and loss account 58 Injuries, Loss and Damage upon settlement of insurance claims. Nor should this account include fees or expenses related to developmental projects. Such expenses shall be included as appropriate in profit and loss account 89 Miscellaneous Nonoperating Debits or balance sheet account 1830 Developmental and Preoperating Costs.

41 *Professional and Technical Fees and Expenses.* Record here fees and expenses, other than legal fees and expenses, incurred for outside professional and technical services which are reimbursed or borne directly by the air carrier. This account shall not include fees or expenses related to developmental projects. Such expenses shall be included, as appropriate, in profit and loss account 89 Miscellaneous Nonoperating Debits or balance sheet account 1830 Developmental and Preoperating Costs.

42 *General Services Purchased—Associated Companies.* (a) Record here charges for services performed for the air carrier by associated companies which are not identifiable with services provided for in profit and loss accounts 37 through 41, inclusive, or which are not expressly identifiable with other objective expense accounts.

(b) Charges from associated companies for services provided the air carrier under aircraft interchange agreements or other agreements embracing a complete activity or service such as the operation of jointly used ground facilities, shall be included in this account for each operating function to which the services contribute. Charges for providing aircraft capacity including charges for depreciation and interest on the capital related to the flight equipment provided shall be included in function 5100 Flying Operations.

(c) This account shall be subdivided as follows by each air carrier group:

GROUP II AND GROUP III AIR CARRIERS

42.1 *Airframe Repairs—Associated Companies.* Record here charges by associated companies for maintenance or repair of airframes and spare instruments or parts related to airframes owned or leased by the air carrier. Charges by associated companies for maintenance of airframes provided under aircraft interchange agreements shall not be included in this subaccount but in subaccount 42.7 Aircraft Interchange Charges—Associated Companies.

42.2 *Aircraft Engine Repairs—Associated Companies.* Record here charges by associated companies for maintenance or repair of aircraft engines including spare instruments or parts related to aircraft engines owned or leased by the air carrier. Charges by associated companies for maintenance of aircraft engines provided under aircraft interchange agreements shall not be included in this subaccount but in subaccount 42.7 Aircraft Interchange Charges—Associated Companies.

42.3 *Other Flight Equipment Repairs—Associated Companies.* Record here charges by associated companies for maintenance or repair of flight equipment owned or leased by the air carrier, other than airframes, aircraft engines, and spare instruments and parts related to airframes and aircraft engines. Charges by associated companies for maintenance of flight equipment provided under aircraft interchange agreements shall not be included in this subaccount but in subaccount 42.7 Aircraft Interchange Charges—Associated Companies.

GROUP I AIR CARRIERS

42.6 *Flight Equipment Repairs—Associated Companies.* Record here charges by associated companies for maintenance or repair of flight equipment of all types and classes owned or leased by the air carrier. Charges by associated companies for maintenance of flight equipment provided under aircraft interchange agreements shall not be included in this subaccount but in subaccount 42.7 Aircraft Interchange Charges—Associated Companies.

ALL AIR CARRIER GROUPS

42.7 *Aircraft Interchange Charges—Associated Companies.* Record here charges by associated companies for providing aircraft capacity or services related to the direct operation or maintenance of flight equipment under aircraft interchange agreements.

42.8 *General Interchange Service Charges — Associated Companies.* Record here charges by associated companies for services provided the air carrier under aircraft interchange agreements, other than charges related to the direct operation or maintenance of flight equipment, including all charges for maintenance and repair of ground properties, as well as fees or charges for traffic solicitation and sales, or supervision and administration covered by the aircraft interchange agreements. Charges for depreciation or interest on capital related to flight equipment provided under interchange agreements shall not be included in this subaccount but in subaccount 42.7 Aircraft Interchange Charges—Associated Companies.

42.9 *Other Services—Associated Companies.* (a) Record here charges for services performed by associated companies not provided for elsewhere.

(b) This subaccount shall include only those charges for services, not provided for in profit and loss accounts 37 to 41, inclusive, and subaccounts 42.1 to 42.8, inclusive, embracing a complete activity or service provided by associated companies, such as the operation of traffic offices or other facilities used jointly with the air carrier, which do not represent reimbursement of specific expense elements incurred expressly for the benefit of the air carrier. Reimbursement of expenses incurred expressly for the benefit of the air carrier shall be entered in appropriate personnel compensation or other objective expense accounts. The cost of services received in the repair of general ground properties shall be charged to subfunction 5200 Direct Maintenance; and services received in the repair of maintenance buildings and equipment shall be charged to subfunction 5300 Maintenance Burden.

43. *General Services Purchased—Outside.* (a) Record here charges for services performed for the air carrier by other than associated companies which are not identifiable with services provided for in profit and loss accounts 37 through 41, inclusive, or which are not expressly identified with other objective expense accounts.

(b) Charges from others for services provided the air carrier under aircraft interchange agreements or other agreements embracing a complete activity or service, such as the operating of jointly used ground facilities, shall be included in this account for each operating function to which the services contribute. Charges for providing aircraft capacity, including charges for depreciation and interest on the capital related to the flight equipment provided, shall be included in function 5100 Flying Operations.

(c) This account shall be subdivided by each air carrier group, as follows:

GROUP II AND GROUP III AIR CARRIERS

43.1 *Airframe Repairs—Outside.* Record here charges for maintenance or repair of airframes and spare instruments or parts related to airframes owned or leased by the air carrier. Charges by others for maintenance of airframes provided under aircraft interchange agreements shall not be included in this subaccount but in subaccount 43.7 Aircraft Interchange Charges—Outside.

43.2 *Aircraft Engine Repairs—Outside.* Record here charges for maintenance or repair of aircraft engines including spare instruments or parts related to aircraft engines owned or leased by the air carrier. Charges by others for maintenance of aircraft engines provided under aircraft interchange agreements shall not be included in this subaccount but in subaccount 43.7 Aircraft Interchange Charges—Outside.

43.3 *Other Flight Equipment Repairs—Outside.* Record here charges for maintenance or repair of flight equipment owned or leased by the air carrier, other than airframes, aircraft engines, and spare instruments and parts related to airframes and aircraft engines. Charges by others for maintenance of flight equipment provided under aircraft interchange agreements shall not be included in this subaccount but in subaccount 43.7 Aircraft Interchange Charges—Outside.

GROUP I AIR CARRIERS

43.6 *Flight Equipment Repairs—Outside.* Record here charges for maintenance or repair of flight equipment of all types and classes owned or leased by the air carrier. Charges by others for maintenance of flight equipment provided under aircraft interchange agreements shall not be included in this subaccount but in subaccount 43.7 Aircraft Interchange Charges—Outside.

ALL AIR CARRIER GROUPS

43.7 *Aircraft Interchange Charges—Outside.* Record here charges by other than associated companies for providing aircraft capacity or services related to the direct operation or maintenance of flight equipment under aircraft interchange agreements.

43.8 *General Interchange Service Charges—Outside.* Record here charges by others, except associated companies, for services provided the air carrier under aircraft interchange agreements, other than charges related to the direct operation or maintenance of flight equipment, including all charges for maintenance and repair of ground properties, as well as fees or charges for traffic solicitation and sales, or supervision and administration covered by the aircraft interchange agreements. Charges for depreciation or interest on capital related to flight equipment provided under interchange agreements shall not be included in this subaccount but in subaccount 43.7 Aircraft Interchange Charges—Outside.

43.9 *Other Services—Outside.* Record here charges for maintenance and repair of ground property and equipment of all types and classes and other charges for services performed by others not provided for elsewhere. This subaccount shall include only those charges for services, not provided for elsewhere in profit and loss accounts 37 to 43 embracing a complete activity or service provided by other than associated companies such as the operation of traffic offices or other facilities used jointly with the air carrier which do not represent reimbursement of specific expense elements incurred expressly for the benefit of the air carrier. Reimbursement of expenses incurred expressly for the benefit of the air carrier shall be entered in appropriate personnel compensation or other objective expense accounts. The cost of services received in the repair of general ground properties shall be charged to subfunction 5200 Direct Maintenance; and services received in the repair of maintenance buildings and equipment shall be charged to subfunction 5300 Maintenance Burden.

44 *Rentals and Landing Fees.* (a) Record here rentals, fees or charges incurred in the use of property and equipment provided by others and for the landing or storing of aircraft.

(b) This account shall be subdivided as follows by all air carrier groups:

44.1 *Rentals.* Record here charges for use of property and equipment.

44.2 *Landing Fees.* Record here aircraft landing charges and fees.

45 *Aircraft Fuels and Oils.* (a) Record here the cost of fuels and oils issued from stocks of the air carrier, or delivered directly by others, to aircraft for use in flight operations. Adjustments of inventories of aircraft fuel and oil shall also be entered in this account. The cost of fuels and oils used in repairs and maintenance services and non-refundable fuel and oil taxes shall not be included in this account but in profit and loss accounts 49 Shop and Servicing Supplies and 69 Taxes—Other than Payroll, respectively.

(b) This account shall be subdivided as follows by Group II and Group III air carriers:

45.1 *Aircraft Fuels.* Record here the cost of fuels used in flight operations.

45.2 *Aircraft Oils.* Record here the cost of oils used in flight operations.

46 *Maintenance Materials.* (a) Record here the cost of materials and supplies consumed directly in specific property and equipment maintenance projects.

(b) This account shall be subdivided as follows:

GROUP II AND GROUP III AIR CARRIERS

46.1 *Materials—Airframes.* Record here the cost of materials and supplies consumed directly in maintenance of airframes and spare instruments or parts related to airframes.

46.2 *Materials—Aircraft Engines.* Record here the cost of materials and supplies consumed directly in maintenance of aircraft

engines and spare instruments or parts related to aircraft engines.

46.3 *Materials—Other Flight Equipment.* Record here the cost of materials and supplies consumed directly in maintenance of flight equipment, other than airframes and aircraft engines, or spare instruments and parts related to airframes and aircraft engines.

GROUP I AIR CARRIERS

46.6 *Materials—Flight Equipment.* Record here the cost of materials and supplies consumed directly in the maintenance of flight equipment of all types and classes.

ALL AIR CARRIER GROUPS

46.9 *Materials—Ground Property and Equipment.* Record here the cost of materials and supplies consumed directly in the maintenance of ground property and equipment of all types and classes. The cost of materials and supplies consumed in the repair of general ground properties shall be charged to subfunction 5200 Direct Maintenance; and materials and supplies consumed in the repair of maintenance buildings and equipment shall be charged to subfunction 5300 Maintenance Burden.

49 *Shop and Servicing Supplies.* Record here the cost of supplies and expendable small tools and equipment used in maintaining, servicing and cleaning property or equipment the cost of which cannot be directly assigned to a specific job or type of work.

50 *Stationery, Printing and Office Supplies.* Record here the cost of stationery and forms used by the air carrier including the cost of engineering and shipping supplies.

51 *Passenger Food Expense.* (a) Record here the cost of food and refreshments served passengers except food costs arising from interrupted trips.

(b) If the air carrier prepares its own food, the initial cost and expenses incurred in the preparation thereof shall be accumulated in a clearly identified clearing account through which the cost of food shall be cleared to this account, to profit and loss account 36 Personnel Expenses, and to profit and loss account 10 Hotel, Restaurant and Food Service on bases which appropriately allocate the cost of food served passengers, the cost of food provided employees without charge and the cost of food sold.

53 *Other Supplies.* Record here the cost of supplies consumed and not provided for otherwise.

54 *Inventory Adjustments.* Record here adjustments for overage, shortage or shrinkage of inventories carried in balance sheet accounts 1310 Flight Equipment Expendable Parts and 1330 Miscellaneous Materials and Supplies. Adjustment of aircraft fuel and oil inventories shall not be included in this account but in profit and loss account 45 Aircraft Fuels and Oils. Gains or losses from retirements of materials and supplies shall not be recorded in this account but in profit and loss account 81 Capital Gains and Losses.

55 *Insurance—Public Liability and Property Damage.* (a) Record here provisions for self-insurance and the cost of fire, windstorm, loss, damage, public liability and property damage, and all other general insurance carried by the air carrier, except insurance covering liability for injuries, loss and damage to passengers and property, and insurance carried for the protection or welfare of employees.

(b) This account shall be subdivided as follows by all air carrier groups:

55.1 *Insurance Purchased.* Record here the cost of all purchased insurance properly chargeable to this account.

55.2 *Provisions for Self-Insurance.* Record here provisions for self-insurance against general risks, to be borne by the air carrier and properly chargeable to this account.

56 *Insurance—Traffic Liability.* Record here self-insurance provisions and the cost of insurance covering the air carrier's liability for injuries, loss and damage to passengers and cargo.

57 *Insurance—Employee Welfare.* Record here the cost of insurance of all kinds carried for the benefit or protection of employees and contributions of the air carrier to employee pension or other welfare plans.

58 *Injuries, Loss and Damage.* Record here the remainder of gains, losses or costs resulting from accidents, casualties or mishandlings, after offsetting insurance recoveries, as accumulated until finally determined, in balance sheet account 1890 Other Deferred Charges. This account shall not include gains or losses from retirement of property and equipment resulting from casualties. Such gains or losses shall be recorded in appropriate capital gains or losses accounts.

59 *Tariffs, Schedules and Timetables.* Record here the production and distribution cost, excluding compensation of air carrier personnel, of all tariffs, operating schedules, timetables, circulars and related quick reference charts.

60 *Advertising.* Record here the cost, excluding compensation of air carrier personnel, of all space, direct mail, spot and other advertising for the purpose of increasing air travel, disseminating air travel information and publicizing services offered by the air carrier.

62 *Other Promotional and Publicity Expenses.* Record here the costs, excluding compensation of air carrier personnel, of producing and distributing publicity releases and other expenses, not chargeable to profit and loss accounts 59 and 60, incurred for the purpose of publicizing or improving the public relations of the air carrier generally.

63 *Interrupted Trips Expense.* Record here expenses allowed or paid for the care and serving of passengers because of unscheduled interrupted passenger journeys. Cost to the air carrier of forwarding passengers by surface common carrier, or ticket refunds, shall not be charged to this account but to profit and loss account 01 Passenger Revenue.

64 *Memberships.* Record here the cost of membership dues in trade associations, chambers of commerce, or other business associations and organizations together with special assessments related thereto.

65 *Corporate and Fiscal Expenses.* Record here corporate and fiscal fees and expenses of the air carrier and all expenses in connection with exchange and transfer of capital stock excluding expenses in connection with original issuance of capital stock.

66 *Uncollectible Accounts.* Record here losses from uncollectible accounts and reserve provisions and adjustments thereto, for such losses. When reserves for uncollectible accounts are established, losses as realized shall be charged against such reserves and shall not be charged to this account.

67 *Clearance, Customs and Duties.* Record here clearance, customs, duties and brokerage fees and charges applicable to clearing aircraft and traffic.

68 *Taxes—Payroll.* Record here all taxes levied against the air carrier based upon or directly relating to compensation of personnel.

69 *Taxes—Other Than Payroll.* (a) Record here all taxes levied against the air carrier not otherwise provided for including non-refundable aircraft fuel and oil taxes. Interest and penalties on delinquent taxes shall not be charged to this account but to profit and loss accounts 87 Interest Expense and 89 Miscellaneous Nonoperating Debits, respectively.

(b) Entries to this account shall clearly reveal each kind of tax and the governmental agency to which paid or payable.

71 *Other Expenses.* Record here all expenses ordinarily associated with air transportation and its incidental services not provided for otherwise.

72 *Maintenance Reserve Provisions.* (a) Record here provisions to reserves for periodic maintenance of airframes and aircraft engines or for equalization of maintenance costs within the current accounting year. The direct costs actually expended in maintenance operations shall be charged as incurred to direct labor, materials and outside repair accounts and concurrently credited to this account.

(b) This account shall be subdivided as follows by all air carrier groups:

72.1 *Reserve Provisions—Airframes.* Record here provisions for maintenance of airframes.

72.2 *Reserve Provisions—Aircraft Engines.* Record here provisions for maintenance of aircraft engines.

73 *Expendable Parts Obsolescence Provisions.* In the event of waiver by the Civil Aeronautics Board of the prohibition against accruals of reserves for obsolescence of flight equipment expendable parts, provisions for accruals to such reserves shall be charged to this account. Amounts reserved through charges to this account shall be credited to balance sheet account 1311 Reserve for Obsolescence—Expendable Parts.

74 *Amortization.* (a) Record here amortization of deferred charges attaching to the air transportation services conducted by the air carrier which are not prepayments of recurrent expenses ordinarily requiring expenditures of working capital within one year.

(b) This account shall be subdivided as follows by all air carrier groups:

74.1 *Developmental and Preoperating Expenses.* Record here amortization of the cost of projects carried in balance sheet account 1830 Developmental and Preoperating Costs as approved or directed by the Civil Aeronautics Board.

74.2 *Other Intangibles.* Record here amortization of the cost of intangibles not provided for otherwise as approved or directed by the Civil Aeronautics Board.

75 *Depreciation.* (a) Record here provisions for depreciation of property and equipment carried in balance sheet accounts 1601 through 1640, inclusive.

(b) This account shall be subdivided as follows:

ALL AIR CARRIER GROUPS

75.1 *Depreciation — Airframes.* Record here provisions for depreciation of property and equipment carried in balance sheet account 1601 Airframes.

75.2 *Depreciation—Aircraft Engines.* Record here provisions for depreciation of property and equipment carried in balance sheet account 1602 Aircraft Engines.

GROUP II AND GROUP III AIR CARRIERS

75.3 *Depreciation—Airframe Parts.* Record here provisions for depreciation of spare airframe instruments and parts carried in balance sheet subaccount 1608.1 Airframe Parts and Assemblies.

75.4 *Depreciation—Aircraft Engine Parts.* Record here provisions for depreciation of spare aircraft engine instruments and parts carried in balance sheet subaccount 1608.5 Aircraft Engine Parts and Assemblies.

ALL AIR CARRIER GROUPS

75.5 *Depreciation—Other Flight Equipment.* Record here provisions for depreciation of property and equipment and parts carried in balance sheet accounts 1603 Aircraft Propellers, 1604 Aircraft Communications and Navigational Equipment, 1606 Miscellaneous Flight Equipment, 1607 Improvements to Leased Flight Equipment (exclusive of capitalized overhauls of leased flight equipment for which periodic maintenance reserves are maintained) and balance sheet subaccount 1608.9 Other Parts and Assemblies. Group I air carriers shall also include in this subaccount provisions for depreciation of property carried in balance sheet account 1608 Flight Equipment Rotable Parts and Assemblies.

75.6 *Depreciation—Flight Equipment.* This classification is established only for purposes of control by the Civil Aeronautics Board and shall include all charges to operating expenses for depreciation of flight equipment of all types and classes.

75.8 *Depreciation—Maintenance Equipment and Hangars.* Record here provisions for depreciation of property and equipment carried in balance sheet account 1634, Maintenance and Engineering Equipment and balance sheet subaccount 1640.1 Maintenance Buildings and Improvements.

75.9 *Depreciation—General Ground Property.* Record here provisions for depreciation of property and equipment carried in balance sheet accounts 1630 through 1640, other than account 1634, Maintenance and Engineering Equipment and subaccount 1640.1, Maintenance Buildings and Improvements.

77 *Uncleared Expense Credits.* (a) Record here credits to operating expenses, which have not been cleared to the objective accounts to which applicable.

(b) Each air carrier shall credit, or charge as appropriate, the objective account prescribed for each expense element which may be involved in distribution of expenses between separate reporting entities or separately operated divisions of the air carrier. At the option of the air carrier, either the individual applicable objective accounts or this account may be credited with amounts capitalized, charged against incidental services, or otherwise assigned to other than separate operating entities of the air carrier provided the aggregate credits to this account in each function do not, for any accounting year, distort the individual objective accounts of the function to which related and all expense credits applicable to complete individual transactions are consistently credited either to this account or the individual objective accounts to which related. Each air carrier using this account shall establish such standard practices as may be prescribed by the Civil Aeronautics Board or, in the absence of such action by the Civil Aeronautics Board, such standard practices as will prevent credits to this account from significantly distorting the individual objective accounts of each function to which related.

(c) This account shall not be credited with amounts applicable to objective accounts of the Flying Operations, Depreciation and Direct Maintenance functions. Credits applicable to such functions shall be carried to the individual objective accounts to which applicable.

(d) This account shall be subdivided as follows by all air carrier groups:

77.8 *Uncleared Interchange Expense Credits.* Record here credits to operating expenses, from operations performed for others under aircraft interchange agreements, which have not been cleared to the objective accounts to which applicable.

77.9 *Other Uncleared Expense Credits.* Record here credits to operating expenses, from other than operations under aircraft interchange agreements, which have not been cleared to the objective accounts to which applicable.

78 *Direct Maintenance—Flight Equipment.* This classification is established for purposes of control by the Civil Aeronautics Board and shall include all charges to operating expenses for maintenance of flight equipment of all types and classes.

79 *Applied Burden Debit/Credit.* (a) This classification is established only for purposes of control by the Civil Aeronautics Board and reporting on Form 41 by the air carriers, and shall reflect all maintenance burden applied in accordance with the provisions of Schedule P-5 of this system of accounts and reports.

(b) This classification shall be subdivided as follows by all air carrier groups:

79.6 Applied Burden—Flight Equipment.
79.8 Applied Burden—General Ground Property.

### § 241.14 *Objective classification; nonoperating income and expense.*

80 *Over or Under Self-Insurance Accruals.* Record here at the close of each accounting year any remaining balance between self-insurance provisions, charged to profit and loss subaccount 55.2 Provisions for Self-Insurance or account 56 Insurance—Traffic Liability and charges for uninsured losses realized during each accounting year, both of which shall be cleared to this account through balance sheet account 2350 Self-Insurance Accruals—Clearing. (See account 2350 Self-Insurance Accruals—Clearing).

81 *Capital Gains and Losses.* (a) Record here gains or losses on retirements of property and equipment, repair parts, supplies or materials, and investments in securities.

(b) This account shall be subdivided as follows by all air carrier groups:

81.1 *Capital Gains and Losses—Operating Property.* (a) Record here gains or losses on retirements of operating property and equipment, flight equipment expendable parts, or miscellaneous materials and supplies sold or otherwise retired in connection with a general retirement program as opposed to incidental sales performed as a service to others.

(b) This account shall not include gains or losses on debt securities issued by the air carrier which have been reacquired and cancelled or resold; such gains or losses shall be recorded, as appropriate, in profit and loss accounts 88 Miscellaneous Nonoperating Credits or 89 Miscellaneous Nonoperating Debits. Gains or losses on the reacquisition and retirement or resale of capital stock issued by the air carrier shall not be included in this account but in paid-in capital subaccount 2890.3 Other Capital Stock Transactions. Gains or losses from property carried in balance sheet account 1520 Advances to Separately Operated Divisions shall be accounted for in the books of separately operated divisions and treated by the air carrier as a part of quarterly profit and loss of separately operated divisions taken up through profit and loss account 86 Income from Nontransport Ventures.

81.2 *Capital Gains and Losses—Nonoperating Property.* (a) Record here gains or losses on retirement of nonoperating property and equipment and investments in securities of others.

(b) This account shall not include gains or losses on debt securities issued by the air carrier which have been reacquired and cancelled or resold. Such gains or losses shall be recorded as appropriate, in profit and loss account 88 Miscellaneous Nonoperating Credits or 89 Miscellaneous Nonoperating Debits. Gains or losses on reacquisition and retirement or resale of capital stock issued by the air carrier shall not be included in this account but in paid-in capital subaccount 2890.3 Other Capital Stock Transactions. Gains or losses from property carried in balance sheet account 1520 Advances to Separately Operated Divisions shall be accounted for in books of separately operated divisions and treated by the air carrier as a part of quarterly profit and loss of separately operated divisions taken up through profit and loss account 86 Income from Nontransport Ventures.

82 *Unapplied Cash Discounts.* Record here cash discounts on routine purchases of materials, repair parts or supplies. Cash discounts on classes of assets included in property and equipment accounts shall not be recorded in this account but shall be applied as a reduction of the cost of such assets.

83 *Interest Income.* (a) Record here interest income from all sources. This account shall include as an increase or reduction of interest received the proportionate amortization of any discount or premium on the purchase price of securities of others held by the air carrier.

(b) This account shall not include interest on securities issued or assumed by the air carrier and subsequently reacquired.

84 *Dividend Income.* Record here income from dividends declared on stocks of other companies owned by the air carrier. Dividends on securities issued or assumed by the air carrier and subsequently reacquired shall not be included in this account.

85 *Foreign Exchange Adjustments.* Record here gains or losses from transactions involving currency conversions resulting from non-routine, unusual changes in rates of foreign exchange.

86 *Income from Nontransport Ventures.* Record here the gross revenues and expenses applicable to operations not reasonably considered as incidental to the commercial air transport services of the accounting entity; rents from nonoperating properties used by others; income or loss from separately operated divisions; and other income or loss from activities of the air carrier which are extraneous to the air transport and incidental services of the accounting entity.

87 *Interest Expense.* (a) Record here interest on both long term and short term obligations; interest on unpaid taxes and on all other classes of debt; and amounts accrued, as a reduction of interest, for amortization of premium on debt.

(b) This account shall be subdivided as follows by all air carrier groups:

87.1 Interest on Debt Principal.
87.2 Amortization of Discount and Expense on Debt.
87.3 Amortization of Premium on Debt.

88 *Miscellaneous Nonoperating Credits.* Record here all credits of a nonoperating character not provided for otherwise, such as royalties from patents, gains from sale of investments in securities of others and gains from the reacquisition and retirement or resale of debt securities issued by the air carrier.

89 *Miscellaneous Nonoperating Debits.* Record here all debits of a nonoperating character not provided for otherwise, such as fines or penalties imposed by governmental authorities; costs related to property held for future use; donations for charitable, social or community welfare purposes; and losses on reacquired and retired or resold debt securities of the air carrier. This account shall be charged with amortization of amounts carried in balance sheet account 1870 Property Acquisition Adjustment unless otherwise approved or directed by the Civil Aeronautics Board.

### § 241.15 *Objective classification; income taxes for current period.*

91 *Normal Income Taxes and Surtaxes.* Record here proportionate quarterly provisions for accruals of Federal, state, local and foreign taxes based upon the net income of the air carrier accruing under normal tax and surtax rates and allocable to income of the current accounting year. This account shall include amounts refundable from the carryback of losses in the year in which the loss occurs, together with other adjustments of income taxes of prior years provided their inclusion will not distort net income of the current accounting year. Income taxes allocable to special income items and material income tax adjustments shall not be included in this account but in profit and loss account 97 Special Income Tax Credits and Debits (Net).

92 *Provisions for Deferred Federal Income Taxes.* (a) In the event of waiver by the Civil Aeronautics Board of the prohibition against accruals for the deferral of Federal income taxes, provisions and related adjustments for such deferrals shall be recorded in this account as provided in balance sheet account 2340 Deferred Federal Income Taxes.

(b) This account shall be subdivided as follows by all air carrier groups:

92.1 *Current Provisions for Deferred Taxes.* Charge here, and credit balance sheet account 2340 Deferred Federal Income Taxes with provisions during the current accounting period for the proportionate quarterly accruals of income taxes to be paid in the future on the amount by which depreciation or amortization of property and equipment for tax purposes exceeds the depreciation expense normally used in computing net income. Rates of accrual for deferred taxes shall be at the tax rates currently applicable to the periods in which the tax liability is to be determined.

92.2 *Amortization of Taxes Deferred (Credit).* This subaccount shall be credited and balance sheet account 2340 Deferred Federal Income Taxes shall be debited at regular quarterly accounting periods with proportionate amounts which will amortize prior accruals for deferred taxes over the periods in which depreciation expense normally used in computing net income exceeds depreciation or amortization recognized for tax purposes.

92.3 *Adjustment of Deferred Taxes.* (a) Credit this subaccount and debit balance sheet account 2340 Deferred Federal Income Taxes with any balance remaining in balance sheet account 2340 Deferred Federal Income Taxes upon termination of the normal service life or retirement of property and equipment to which related. This subaccount shall also be credited or debited as appropriate with adjustments in prior accruals to balance sheet account 2340 Deferred Federal Income Taxes and with corrections of errors of a clerical nature.

(b) Each air carrier shall maintain records supporting each entry in this account which clearly identify the specific property to which related and provide a full explanation of the factors occasioning each adjusting entry.

95 *Excess Profits Taxes.* Record here provisions for accruals, adjustments, or refunds of Federal, state, local, and foreign taxes, over and above normal taxes and surtaxes, which are based upon income designated as excess net income for tax purposes.

§ 241.16 *Objective classification; special items.*

96 *Special Income Credits and Debits (Net).* Record here income credits or debits accounted for during the current accounting year which relate to prior accounting years and other special items of sufficient magnitude to distort current financial results. Records supporting entries to this account shall be maintained with sufficient particularity to identify the nature and gross amount of each special income credit and each special income debit.

97 *Special Income Tax Credits and Debits (Net).* Record here income taxes allocable to items of income included in profit and loss account 96 Special Income Credits and Debits (Net) and other income tax credits and debits accounted for during the current accounting year related to increases and deductions in prior period income taxes, excess profits credits, or credits from the carry back of losses, which are of sufficient magnitude to significantly distort current financial results. Records supporting entries to this account shall be maintained with sufficient particularity to identify the nature and gross amount of each special credit and each special debit.



SUBPART D—GENERAL REPORTING PROVISIONS

§ 241.21 *Introduction to system of reports.* (a) Each air carrier subject to the Civil Aeronautics Act of 1938, as amended, shall file with the Civil Aeronautics Board, monthly, quarterly, and annual CAB Form 41 reports of financial and operating statistics as prescribed herein unless waiver is made by the Civil Aeronautics Board.

(b) The system prescribed provides for the submission by each air carrier of four classes of financial and operating statistics, on individual schedules of the CAB Form 41 report, grouped as follows:

A. Certification.
B. Balance Sheet Elements.
P. Profit and Loss Elements.
T. Traffic and Capacity Elements.
G. General Corporate Elements.

(c) The prescribed system of reports provides that the frequency of reporting shall be monthly for some schedules, quarterly for some and annually for others. It also provides in some areas for the classification of air carriers into Group I, Group II and Group III with the form and content differentiated as between groups.

(d) Each schedule of the prescribed CAB Form 41 report has been assigned a specific code. The prefix alphabetical codes A, B, P, T, and G, respectively, have been employed to denote certification, balance sheet, profit and loss, traffic and capacity and general corporate elements. The digits immediately following the alphabetical prefix designate the particular schedule.

(e) Each air carrier shall submit to the Office of Carrier Accounts and Statistics, Civil Aeronautics Board, Washing, D. C., three copies of each schedule, except as hereinafter indicated in § 241.22 General Reporting Instructions. Certain schedules are set up in units of seven sheets each, the first two of which are translucent to permit dry blue print reproduction. The data columns of certain translucent sheets are separated by perforations to permit disassembly for clip-board statistical processing. The non-translucent sheets are unperforated and are of a format which permits filing within binders designed for standard 8½" x 14" sheets. The three copies filed with the Civil Aeronautics Board shall be comprised of the original translucent sheet and the third and fourth sheets of each seven sheet schedule.

(f) Wherever practicable the sheets have been designed to permit machine tabulation. Upon approval by the Civil Aeronautics Board, the carrier may supply its own continuous-feed forms provided each schedule conforms with the specifications of the forms prescribed herein.

(g) A good quality black ribbon shall be used in preparing the original translucent copy of each schedule submitted to the Civil Aeronautics Board. In no event shall ditto or similar processes be used in preparing translucent copies nor shall any information be typed on the reverse side of translucent copies submitted to the Civil Aeronautics Board.

(h) Conversion to this system of reports. Cumulative 12-month totals hereinafter prescribed in this system of reports are waived until report for the 12-months ended December 31, 1957 with respect to the following items:

| Schedule No. | Cumulative 12-month totals waived |
|---|---|
| P-1 | Operating expense classifications 5100 through 7000, inclusive, and all items following Net Income Before Special Items. |
| P-3 | All 12-month totals. |
| P-5 | Do. |
| P-7 | Do. |
| P-8 | Do. |
| T-1 and T-2 | Items 016 and 017 revenue passengers carried and number of revenue passenger enplanements, respectively, and item 684 Total Revenue Departures Performed. |
| T-3 | Item 9081—aircraft days assigned to service—carrier routes; Item 9083—revenue hours per aircraft per day—carrier routes; and Items 9867 through 9978, inclusive. |

(i) The separate entities for which separate reports are hereinafter prescribed shall be those for which separate reports are being made as of December 31, 1956.

§ 241.22 *General reporting instructions.* (a) The CAB Form 41 report shall be comprised of schedules to be filed at the frequency indicated below. Three copies of each schedule shall be filed (i. e. postmarked) with the Civil Aeronautics Board on or before the indicated number of days subsequent to the period for which the report is being made, except that only two copies of the interim Balance Sheet and Income Statement need be filed.

| Schedule No. | Title | Filing: Frequency | Filing: Postmark interval (days) |
|---|---|---|---|
| A | Certification | Quarterly | 40 |
| B-1 | Balance Sheet | do | 40 |
| B-2 | Notes to Balance Sheet | do | 40 |
| B-3 | Paid-In Capital, Appropriations of Retained Earnings | do | 40 |
| B-4 | Reserve for Uncollectible Accounts and Reserve for Obsolescence—Expendable Parts—Account 1311; Accounts with Associated Companies and Separately Operated Divisions. | do | 40 |
| B-5 | Property and Equipment | do | 40 |
| B-6 | Distribution of Noncurrent Assets by Operating Entity | Semiannually | 40 |
| B-7 | Airframes and Aircraft Engines Acquired | Quarterly | 40 |
| B-8 | Property and Equipment Retired | do | 40 |
| B-9 | Accrued Maintenance | do | 40 |
| B-10 | Developmental and Preoperating Costs | do | 40 |
| B-41 | Investments Held by, or for the Account of Respondent | Annually | 90 |
| B-42 | Accounts 1410 Short-Term Prepayments, 1550 Special Funds—Other, 1820 Long Term Prepayments, 1880 Other Intangibles, 1890 Other Deferred Charges, 2390 Other Deferred Credits. | do | 90 |



| Schedule No. | Title | Filing: Frequency | Filing: Postmark interval (days) |
|---|---|---|---|
| B-43 | Inventory of Airframes and Aircraft Engines | Annually | 90 |
| B-44 | Transactions With Associated Companies | do | 90 |
| | Interim Balance Sheet | Monthly [1] | 40 |
| P-1.1 | Income Statement—Group I Air Carriers | Quarterly | 40 |
| P-1.2 | Income Statement—Group II and Group III Air Carriers | do | 40 |
| P-2 | Notes to Income Statement | do | 40 |
| P-3 | Transport Revenues; Depreciation and Amortization; Nonoperating Income and Expense—Net; Income Taxes. | do | 40 |
| P-4 | Incidental Revenues—Net; Explanation of Special Items; Explanation of Deferred Federal Income Tax Adjustments, Dividends Declared and Retained Earnings Adjustments. | do | 40 |
| P-5.1 | Aircraft Operating Expenses—Group I Air Carriers | do | 40 |
| P-5.2 | Aircraft Operating Expenses—Group II and Group III Air Carriers. | do | 40 |
| P-6 | Maintenance, Passenger Service, and General Services and Administration Expense Functions—All Air Carrier Groups. | do | 40 |
| P-7 | Aircraft and Traffic Servicing, Promotion and Sales, and General and Administrative Expense Functions—Group II and Group III Air Carriers. | do | 40 |
| P-8 | Aircraft and Traffic Servicing, and Promotion and Sales Expense Subfunctions—Group III Air Carriers. | do | 40 |
| P-9.1 | Distribution of Ground Servicing Expenses by Geographic Location—Group I Air Carriers. | do | 40 |
| P-9.2 | Distribution of Ground Servicing Expenses by Geographic Location—Group II and Group III Air Carriers. | do | 40 |
| P-10 | Payroll | do | 90 |
| P-41 | Taxes | Annually | 40 |
| | Interim Income Statement | Monthly [1] | 40 |
| T-1 | Monthly Statement of Summarized Traffic and Capacity Statistics | do | 30 |
| T-2 | Monthly Statement of Scheduled Services Traffic and Capacity Statistics. | do | 30 |
| T-3 | Quarterly Statement of Aircraft Operating Statistics | Quarterly | 30 |
| T-4 | On-Line Airport Activity Data | do | 40 |
| G-41 | Persons Holding More than 5 percentum of Respondent's Capital Stock or Capital. | Annually | 90 |
| G-42 | Compensation and Expenses of All General Officers, and Directors and of Management Personnel Receiving $10,000 or more per Annum for Personal Services. | do | 90 |
| G-43 | Compensation and Expenses of Persons and Firms (Other than Directors, Officers and Employees) Receiving $5,000 or more during the calendar year. | do | 90 |
| G-44 | Corporate and Securities Data | do | 90 |

[1] Except for third month of each calendar quarter.

(b) Each air carrier shall file the schedules of the CAB Form 41 reports with the Civil Aeronautics Board in accordance with the above instructions, except that B and P report schedules for the final quarter of each air carrier's fiscal year may be extended to 90 days following the year's end: *Provided*, That preliminary Schedules B–1, P–1.1 or P–1.2 and P–3 are submitted within the standard prescribed 40 day filing period. Preliminary year end schedules are filed for the convenience of the Civil Aeronautics Board pending receipt of the final regular year end Form 41 report and shall be withheld from public disclosure, unless directed otherwise by the Civil Aeronautics Board, until the herein prescribed due date of the final report or the final report is filed whichever first occurs.

(c) If circumstances prevent the filing of a report within the prescribed time limit, consideration will be given to the granting of an extension upon receipt of a written request therefor. Such a request must set forth good, and sufficient reason to justify granting the extension, must set forth the date when the report can be filed, and be submitted sufficiently in advance of the due date to permit proper time for consideration and communication to the air carrier of the action taken. Except in cases of emergency no such request will be entertained which is not postmarked in sufficient time to normally reach the Civil Aeronautics Board at least 24 hours before the prescribed due date. If a request is denied, the air carrier remains subject to the filing requirements to the same extent as if no request for extension of time had been made.

(d) Statements required to be filed under this system of accounts and reports are recapitulated below:

(1) Methods used in assigning or prorating noncurrent assets and profit and loss items between operating entities and changes in such methods.

(2) Plans for accrual of self-insurance reserves.

(3) Plans for establishment of expense equalization reserves.

(4) Statement of depreciation rates and accounting practices.

(5) Plans for accumulation of periodic maintenance reserves.

(6) Plans for amortization of developmental and preoperating costs and other intangibles.

(7) Methods and bases for accrual of unearned transportation revenues.

(8) Methods used in assigning or prorating expenses between incidental services and transport operations and changes in such methods.

(9) Methods used in applying maintenance burden.

(10) Methods of computing available seat-miles and available ton-miles for each aircraft type.

(11) Statement of retroactive adjustments made to conform with mail rate actions.

The foregoing statements where applicable shall be filed in duplicate, no later than January 1, 1957, and statements covering subsequent changes therein shall be attached to the CAB Form 41 report filed for the period in which such revisions are made. In the case of air carriers becoming subject to this system of accounts subsequent to January 1, 1957, statements shall be filed concurrently with each air carrier's initial CAB Form 41 report.

(e) All financial data reported on B, P, and G schedules shall reflect the status of the air carrier's books of account for the period for which report is being made and shall conform to the instructions of this Uniform System of Accounts and Reports. At the option of the air carrier financial data may be reported in thousands of dollars by Group III air carriers, and in whole dollars by Group I and Group II air carriers, by either dropping or rounding the hundreds of dollars and the cents respectively, provided all amounts are balanced within and between schedules and zero digits are inserted for the actual money amounts eliminated.

(f) Traffic and other operational statistics included in schedules of the CAB Form 41 reports shall reflect data pertaining to the month, quarter or 12 months to date period for which the report is being made.

(g) Adjustments correcting errors in previously reported traffic and other operational statistics shall not be included in data reported in schedules for the current period but shall be effected by submission of corrected schedules for the period to which applicable or, if only a few items are involved, by written notice and authorization to the Civil Aeronautics Board to correct previously filed reports except that any correction which amounts to less than one half of one percent (0.5%) of the corrected amount for the month to which related may be included in the report for the current month provided the amount of the correction is clearly noted on the Form 41 Report.

(h) All letters and statements of correction or revision of reported data shall be a part of the CAB Form 41 reports.

§ 241.23 *Balance sheet elements.*

SCHEDULE B–1—BALANCE SHEET

(a) This schedule shall be filed by all air carrier groups.

(b) This schedule shall reflect the balances as at the close of business on the last day of each calendar quarter, for the overall or system operations of each air carrier in conformance with the provisions of §§ 241.4, 241.5, and 241.6.

(c) Individual proprietors or partners shall report the aggregate capital contributed by the proprietor or partners in account 2890 Other Paid-In Capital.

SCHEDULE B–2—NOTES TO BALANCE SHEET

(a) This schedule shall be filed by all air carrier groups.

(b) All substantive matters which may influence materially interpretations or conclusions in regard to the financial condition of the air carrier which are not clearly identified in the body of the balance sheet shall be completely and clearly stated in this schedule and cross-referenced to the affected balance sheet account.

(c) The amounts of any purchase commitments of material size and not of a recurrent routine character, shall be identified and explained on this schedule. At the option of the air carrier purchase commitments may be noted only in the December 31 report of each calendar year.

SCHEDULE B–3—PAID-IN CAPITAL, APPROPRIATIONS OF RETAINED EARNINGS

(a) This schedule shall be filed by all air carrier groups.

(b) Each class and series of the air carrier's capital stock, as at the end of each calendar quarter, shall be listed and the indicated information entered within the "Paid-In Capital" section of this schedule.

(c) All transactions and amounts affecting paid-in capital, during the current quarter shall be fully explained for each class and series of capital stock to which related. Total paid-in capital and total treasury stock reported on this schedule as at the end of each calendar quarter shall agree with corresponding amounts reported on Schedule B–1 Balance Sheet.

(d) Individual proprietors or partners shall reflect the name of the proprietor or each partner at the head of the columns captioned "class of stock" and the balance of contributions to the business entity by the proprietor or each partner on line 11 Total Paid-In Capital.

(e) All credits and debits to each self-insurance reserve and other appropriations of retained earnings shall be identified and explained in the "Appropriations of Retained Earnings" section of this schedule. The balances of accounts 2920 Reserve for Self-Insurance and 2930 Other Appropriations of Retained Earnings as at the end of each calendar quarter shall agree with corresponding amounts reported on Schedule B–1 Balance Sheet.

SCHEDULE B–4—RESERVE FOR UNCOLLECTIBLE ACCOUNTS, RESERVE FOR OBSOLESCENCE-EXPENDABLE PARTS, ACCOUNTS WITH ASSOCIATED COMPANIES, AND SEPARATELY OPERATED DIVISIONS

(a) This schedule shall be filed by all air carrier groups.

(b) Each reserve for uncollectible accounts and each reserve for obsolescence of expendable parts shall be separately identified in the indicated section of this schedule. Columns 1 and 2 shall reflect the account number and the description of the asset against which each reserve is provided. The balance of each reserve as at the end of each quarter shall agree with corresponding amounts reported on Schedule B–1 Balance Sheet.

(c) The name of each associated company and description of each separately operated division shall be entered in column 1 of the indicated section of this schedule and the related balances shall be reflected in columns 2 through 6. The sum of the balances reported for each account shall agree with the amounts shown for the corresponding accounts on Schedule B–1 Balance Sheet.

SCHEDULE B–5—PROPERTY AND EQUIPMENT

(a) This schedule shall be filed by all air carrier groups.

(b) A complete report shall be made on this schedule for the overall or system operations conducted by the air carrier.

(c) Column 3, "Additions" shall reflect the book cost of property and equipment acquired and the cost of improvements, betterments or other additions to each class of property and equipment during the current quarter.

(d) Column 4, "Retirements" shall reflect the book cost of each class of property and equipment retired during the current quarter. The amounts in this column shall agree by accounts with the amounts shown in column 7 of Schedule B–8 Property and Equipment Retired.

(e) Column 5, "Transfers between Property Accounts" shall reflect the book cost of property and equipment reclassified between property and equipment accounts during the current quarter. Credit transfers from an account shall be indicated by an asterisk (*).

(f) Column 6, "Transfers between Other Accounts" shall reflect the cost of assets reclassified as between property and equipment and other balance sheet accounts during the current quarter and identification of the contra accounts affected by the transfer. Credit transfers shall be indicated by an asterisk (*). The cost of property and equipment and the related balances in reserves for depreciation and maintenance at the end of each quarter shall agree with corresponding amounts reported on Schedule B–1 Balance Sheet.

SCHEDULE B–6—DISTRIBUTION OF NONCURRENT ASSETS BY OPERATING ENTITY

(a) This schedule shall be filed by all air carrier groups for the June and December quarters of each calendar year.

(b) Each classification of noncurrent assets shall be distributed by the air carrier between all operating entities for which separate reports are required on bases which will fairly reflect the depreciated cost of the assets employed in each such operation. Assets which are of a system character and not properly allocable to operating entities shall be entered in column 4, "Nonassignable to Operating Entities." Each air carrier shall file with the Civil Aeronautics Board a statement setting forth the methods used in assigning the depreciated cost of noncurrent assets between separate reporting entities.

(c) The total depreciated cost of each class of noncurrent assets entered in column 3, "Overall System," shall agree with corresponding amounts reported on Schedule B–1 Balance Sheet.

SCHEDULE B–7—AIRFRAMES AND AIRCRAFT ENGINES ACQUIRED

(a) This schedule shall be filed by all air carrier groups.

(b) The indicated data shall be reported for each airframe, and in aggregate for each type or model of aircraft engine.

(c) All dates shall indicate the day, the month and the year; shall be provided on a unit basis for airframes only; and, shall be reported for each aircraft engine group by date of transaction.

(d) Report shall be made in the quarter in which each airframe and each group of aircraft engines is actually acquired irrespective of whether the cost thereof is reflected in the property and equipment accounts during the current quarter or a subsequent quarter. If the cost data are not reflected in the current quarter a footnote to that effect shall accompany the report of acquisition. The costs shall be reported during the quarter in which determined and the equipment to which related shall be listed again in this schedule, with complete information, and shall be identified as being the same equipment reported at the earlier date.

(e) Column 2, "Date Placed in Transport Service" shall relate to airframes only and shall be the date on which each airframe was or will be placed in regular service by the reporting entity. If this date is not known at the time of submission of the report an estimated date bearing the notation "estimate" shall be provided with the exact date shown by footnote on a subsequent Schedule B–7 in which the airframe is reidentified by license number, type of aircraft and date acquired.

(f) Column 8, "Maximum Continuous Horsepower" shall reflect the maximum continuous horsepower rating of each type of aircraft engine acquired. (See § 241.03 for definition as applied in this system of accounts and reports.)

(g) Column 9, "Aircraft Engines per Airframe" shall reflect the number of aircraft engines for which each acquired airframe is designed.

(h) Column 10, "Maximum Seat Capacity" shall reflect the number of passenger seats installed in each airframe acquired. When the configuration of airframes provides sleeping accommodations the passenger capacity shall be shown in terms of both a sleeper version and a nonsleeper version. When airframes are designed for multiple adjustable seating configurations, the maximum number of seats for which designed shall be reported. When the seating configuration of airframes is modified subsequent to original acquisition, the revised passenger capacity of each airframe shall be reported in the quarter in which modified and referenced to identify original capacity reported.

(i) Column 11, "Cost" shall agree in totals for airframes and aircraft engines, respectively, with the corresponding cost of additions reported in Schedule B–5, column 3, "Additions."

(j) Columns 12 and 13, "Reserves for Depreciation and Maintenance" shall include the amount of such reserves applicable to property and equipment transferred from separately operated divisions.

SCHEDULE B–8—PROPERTY AND EQUIPMENT RETIRED

(a) This schedule shall be filed by all air carrier groups.

(b) The indicated data shall be reported for each airframe, each type of aircraft engine, and in aggregate, by accounts, for other operating property and equipment and nonoperating property and equipment sold or otherwise retired.

(c) Retirements shall be listed in the numerical sequence of the property and equipment account to which related.

(d) All dates shall include the day, the month and the year of each transaction.

(e) Column 7, "Cost" shall agree in totals for each account with the corresponding cost of property and equipment retired and as reported in Schedule B–5, column 4, "Retirements."

(f) Column 13, "Disposition" shall reflect the name of the person or organization to which retired property and equipment is sold or a notation as to the nature of the retirements if not sold.

SCHEDULE B–9—ACCRUED MAINTENANCE

(a) This schedule shall be filed by all air carrier groups.

(b) Separate copies of this schedule shall be filed for each separate operating entity of the air carrier.

(c) The balance of each maintenance reserve at the end of the quarter as reported in this schedule shall agree, when aggregated for the air carrier as a whole, with corresponding balances reported in Schedule B–5, Property and Equipment.

SCHEDULE B–10—DEVELOPMENTAL AND PREOPERATING COSTS

(a) This schedule shall be filed by all air carrier groups.

(b) Separate copies of this schedule shall be filed for projects directly applicable to each separate operating entity of the air carrier and for the air carrier as a whole covering projects which are applicable in common to all transport operating entities.

(c) Column 1 shall reflect an identification and complete description of each project. The description shall include the CAB docket number in cases of projects involving a proceeding before the Civil Aeronautics Board.

(d) Column 6, "Unamortized Balance at End of Quarter" shall in total agree, when aggregated for the air carrier as a whole, with the corresponding balance of account 1830 shown in Schedule B–1 Balance Sheet.

(e) Column 7, "Development Costs Charged Directly to Account 89" shall reflect costs incurred in connection with projects involving extensions to or modifications of existing routes or the acquisition of new routes which have been charged against income directly.

SCHEDULE B–41—INVESTMENTS HELD BY, OR FOR THE ACCOUNT OF, RESPONDENT

(a) This schedule shall be filed by all air carrier groups.

(b) The data in this schedule shall be grouped as between investments held in the name of the air carrier and investments held in the name of others for the account of the air carrier. Each group shall be separately subtotaled by investments in associated companies and by investments in other than associated companies.

(c) Column 1 shall reflect the name of each associated company, and each other issuer of securities held by the air carrier.

(d) Column 4, Book Cost, in total, for investments held in the name of the air carrier, shall agree with corresponding amounts reflected in Schedule B–1 Balance Sheet.

(e) Column 5, "Number of Shares or Debt Principal Amount" shall reflect the number of shares of stock or the principal amount of bonds or notes held by the air carrier, for each class of security reported in column (1).

SCHEDULE B–42—ACCOUNTS 1410 SHORT TERM PREPAYMENTS, 1550 SPECIAL FUNDS—OTHER, 1820 LONG TERM PREPAYMENTS, 1880 OTHER INTANGIBLES, 1890 OTHER DEFERRED CHARGES, AND 2390 OTHER DEFERRED CREDITS

(a) This schedule shall be filed by all air carrier groups.

(b) The data in this schedule shall be grouped and subtotaled for each indicated balance sheet account in numerical order and shall identify the nature and the amount of each item included in each such balance sheet account as at the close of the current accounting period.

SCHEDULE B–43—INVENTORY OF AIRFRAMES AND AIRCRAFT ENGINES

(a) This schedule shall be filed by all air carrier groups.

(b) Separate reports shall be made on this schedule (1) for airframes and aircraft engines directly assigned aa at the end of the year to each separate operating entity of the air carrier and (2) for the air carrier as a whole covering airframes and aircraft engines which as at the end of the year are applicable to two or more operating entities.

(c) The indicated data shall be reported by individual airframes. Data pertaining to aircraft engines may be reported on a group basis by type of engine and type of aircraft to which related.

(d) Data in this schedule shall be grouped and subtotaled as between data pertaining to airframes and data pertaining to aircraft engines.

(e) The data to be reported shall include airframes and aircraft engines owned and in operation, those owned and in conversion, and nonoperating airframes and aircraft engines with subtotals for each of these groups.

(f) Data pertaining to rented airframes and aircraft engines shall be listed in columns 1 through 7, inclusive. Costs of improvements to rented airframes and aircraft engines shall be listed in columns 8 through 11, inclusive.

SCHEDULE B–44—TRANSACTIONS WITH ASSOCIATED COMPANIES

(a) This schedule shall be filed by all air carrier groups.

(b) A single set of this schedule shall be filed for the over-all corporate or other legal entity comprising the air carrier.

(c) The data in this schedule shall be grouped and subtotaled separately for balance sheet accounts 1250 Notes and Accounts Receivable—Associated Companies, 1510 Investments in Associated Companies, 2050 Notes and Accounts Payable—Associated Companies, and 2240 Advances From Associated Companies.

(e) Column 2 shall reflect, for each item listed in column 1, the balance as at the close of the next previous calendar year.

(f) Column 3 shall reflect, for each item listed in column 1, the total billings to associated companies in the case of asset accounts, or the total billings from associated companies in the case of liability accounts, during the calendar year. Billings by associated companies shall not be offset against billings to associated companies but shall each be reported separately in gross amounts billed after reflection of debit or credit adjustments to correct or otherwise modify amounts previously billed whether such adjustments originate with the billed or billing company.

(g) Column 4 shall reflect, for each item listed in column 1, adjustments resulting from restatements stemming from changes in foreign exchange rates.

(h) Column 5 shall reflect, for each item listed in column 1, the amount of account settlements effected during the calendar year.

(i) Column 6 shall reflect, for each item listed in column 1, the balance as at the close of the current calendar year.

(j) Column 7 shall reflect, for each item listed in column 1, the amount of contra debits to liability accounts or contra credits to asset accounts during the calendar year which affected other balance sheet acocunts.

(k) Column 8 shall reflect, for each item listed in column 1, the amount of contra debits to liability accounts or contra credits to asset accounts during the calendar year which affected profit and loss accounts. The sum of the amounts shown for each associated company account in columns 7 and 8 shall agree with the amount shown for total billings listed in column 3 for each such account.

(l) Amounts to be reported on this schedule shall include all transactions cleared through balance sheet accounts 1250, 1510, 2050, and 2240. Transactions with associated companies for transport services settled through airline clearing houses shall not be reflected in this schedule unless transferred from clearing houses for direct settlement between the air carrier and associated companies. The contra amounts to billings shall be classified in terms of their inherent characteristics as to balance sheet or profit and loss impact and the ultimate disposition to be made of such amounts without regard to any intermediate accounting which may be performed.

INTERIM BALANCE SHEET

Each air carrier shall file for each of the first two calendar months of each calendar quarter two copies of balance sheets in the form prepared for its management.

## § 241.24 *Profit and loss elements.*

SCHEDULE P–1.1—INCOME STATEMENT—GROUP I AIR CARRIERS

SCHEDULE P–1.2—INCOME STATEMENT—GROUP II AND GROUP III AIR CARRIERS

(a) Schedule P–1.1 shall be filed by each Group I air carrier and Schedule P–1.2 shall be filed by each Group II air carrier and each Group III air carrier.

(b) Separate income statements shall be filed, covering all indicated items through "Net Income After Special Items" for each separate operating entity of the air carrier and for the over-all, or system, operations of the air carrier. The indicated items following "Net Income after Special Items" shall be reported on only the income statement filed for the air carrier's system.

(c) Data reported on this schedule shall conform with the instructions pertaining to profit and loss classifications within this Uniform System of Accounts and Reports.

(d) Data reported in the "12-Months to Date" column shall represent for each individual item the sum of amounts reported in the "Quarter" column for the current and next previous three quarters.

(e) "Unappropriated Retained Earnings—Beginning of Period," shall be the sum of the balances of "Unappropriated Retained Earnings" and "Net Income—Year to Date" reported on the balance sheet as at the close of the corresponding quarter of the previous year, in the case of the "12-Months to Date" column, and as at the close of the previous quarter, in the case of the "Quarter" column.

(f) "Unappropriated Retained Earnings—End of Period" shall be, in the cases of both the "12-Months to Date" and "Quarter" columns, the sum of the balances of "Unappropriated Retained Earnings" and "Net Income—Year to Date" reported on the balance sheet as at the close of the current quarter.

SCHEDULE P–2—NOTES TO INCOME STATEMENT

(a) This schedule shall be filed by all air carrier groups.

(b) All substantive matters which may influence materially interpretations or conclusions in regard to the earnings position of the air carrier which are not clearly identified in the body of the income statement shall be completely and clearly stated in this schedule and cross referenced to the affected profit and loss account.

SCHEDULE P–3—TRANSPORT REVENUES; DEPRECIATION AND AMORTIZATION; NONOPERATING INCOME AND EXPENSE—NET; INCOME TAXES

(a) This schedule shall be filed by all air carrier groups.

(b) Separate sets of this schedule shall be filed for each separate operating entity of the air carrier.

(c) Transport revenues shall reflect the aggregate revenues from each indicated class of traffic carried in both scheduled and nonscheduled services. The sum of the subdivisions of each objective account shall agree with the corresponding amounts reported in Schedule P–1 Income Statement. In the event the air carrier performs irregular transport services, in addition to charter services and scheduled services, separate sets of this schedule shall be filed for the reporting of scheduled transport services and for nonscheduled transport services, respectively, and the service to which each report applies shall be entered in the box at the head of each of the two amount columns following "Period Ended".

(d) Depreciation and Amortization, Nonoperating Income and Expense—Net, and Income Taxes, respectively, shall reflect the indicated detail applicable to the corresponding amounts reported in Schedule P–1 Income Statement.

SCHEDULE P–4—INCIDENTAL REVENUES—NET; EXPLANATION OF SPECIAL ITEMS; EXPLANATION OF DEFERRED FEDERAL INCOME TAX ADJUSTMENTS; DIVIDENDS DECLARED AND RETAINED EARNINGS ADJUSTMENTS

(a) This schedule shall be filed by all air carrier groups.

(b) Separate sets of this schedule shall be filed for each separate operating entity of the air carrier.

(c) Incidental revenues—net shall be reported in this schedule in conformance with the instructions pertaining to each item in § 241.9, classification 4600 Incidental Revenues—Net.

(d) The aggregate of all net incidental revenues reported in this schedule shall agree with the corresponding net amount reported for classification 4600 Incidental Revenues—Net in Schedule P–1.

(e) Each special income item shall be fully identified and reported in gross amount in this schedule.

(f) Special credits to income during the current accounting period shall be identified in positive amounts and any special debits to income shall be identified by asterisks (*).

(g) Special income, and special income tax, credit and debit items shall be reported separately.

(h) The net of special income items and the net of special income tax items reported in this schedule shall agree with corresponding amounts reported in Schedule P–1.

(i) Deferred Federal Income Tax Adjustments shall be fully explained in the bottom section of this schedule. The explanations for each credit and debit, respectively, shall identify the property to which related, provide a complete description of the adjustment and the reasons for the adjustment.

(j) Dividends declared and retained earnings adjustments shall be fully explained in the bottom section of this schedule. If a dividend is not payable in cash, the values of amounts declared shall be completely described.

SCHEDULES P–5.1 AND P–5.2—AIRCRAFT OPERATING EXPENSES

(a) Schedule P–5.1 shall be filed by each Group I air carrier and P–5.2 by each Group II and Group III air carrier.

(b) Separate sets of this schedule shall be filed for each separate operating entity of the air carrier.

(c) Two sets of this schedule shall be filed each quarter for each operating entity. One set shall reflect the indicated data applicable to the current quarter. The second set shall reflect the indicated data applicable to the 12-month period ended with the current quarter. An "x" shall be inserted in the box designated "Qr" at the head of each column of the set covering quarterly data and an "x" shall be inserted in the box designated "Yr" at the head of each column of the set covering 12-months to date data.

(d) Data applicable to each aircraft type operated by the air carrier shall be reported in separate columns of this schedule and each aircraft type for which report is being made shall be identified at the head of each column in the space provided opposite "Aircraft Type." However, each air carrier may group, on a uniform basis, data applicable to small single-engine aircraft of approximately equivalent size. For this purpose the following two groups are established: (1) single-engine aircraft with maximum continuous horsepower of 300 or under; and (2) single-engine aircraft with maximum continuous horsepower of 301 to 450, inclusive. All other aircraft types, including larger single-engine and small twin-engine types, are to be separately reported. Expenses applicable to the operation on the accounting carrier's routes of aircraft provided by others under aircraft interchange agreements shall be separately reported, in aggregate for all such aircraft, as if for a distinct aircraft type. Those expenses applicable to aircraft of the same type as those owned or operated by the accounting air carrier shall be distributed in summary memo form as item 98.1 and 98.2 to each aircraft type owned or operated by the accounting air carrier. Aircraft types not generally used in revenue services shall be separately reported. If more than one type of aircraft is involved a separation of data relating to each type of aircraft shall not be required.

(e) "Aircraft type" refers to model such as DC–3, DC–3 Super, CV–240, DC–6, etc., as listed in § 241.06, Standard Aircraft Type Abbreviations, with no distinction being required with respect to the type of service, such as passenger or cargo, for which the aircraft is primarily equipped.

(f) Italicized codes and item titles do not constitute accounts or account numbers prescribed for air carrier accounting but shall be used for reporting purposes only.

(g) Item 79.6 Applied Maintenance Burden shall reflect an allocation by each air carrier of the total expenses included in subfunction 5300 Maintenance Burden plus the total of account 75.8 Depreciation—Maintenance Equipment and Hangars as reported on Schedule P–6 Maintenance, Passenger Service, and General Services and Administration Expense Functions between maintenance of flight equipment, by class of equipment, and maintenance of ground property and equipment exclusive of maintenance equipment and maintenance buildings.

Each air carrier shall file with the Civil Aeronautics Board a statement as a supplement to this schedule in which the procedures to be followed in allocating maintenance burden are fully explained. Revisions in such allocation procedures shall not be effected for 30 days following written notice to the Civil Aeronautics Board. At the option of the air carrier standard burden rates may be employed for quarterly allocations of maintenance burden provided the rates are reviewed at least once each accounting year and the amounts allocated are adjusted to reflect the actual costs incurred for the full accounting year. Any differences between actual burden costs incurred during each quarter and amounts applied at standard rates shall be entered as item 79.9 "Over or under applied Burden" in Schedule P–6.

(h) The total of function 5100 Flying Operations reported on this schedule shall agree with corresponding amounts reported on Schedule P–1; the total of item 5278 Total Direct Maintenance Flight Equipment shall agree with the corresponding amount reported in Schedule P–6; and the total of item 75.6 Total Depreciation—Flight Equipment shall agree with the corresponding amount in Schedule P–3.

SCHEDULE P–6—MAINTENANCE, PASSENGER SERVICE, AND GENERAL SERVICES AND ADMINISTRATION EXPENSE FUNCTIONS

(a) This schedule shall be filed by all air carrier groups.

(b) A separate set of this schedule shall be filed for each separate operating entity of the air carrier.

(c) Two sets of this schedule shall be filed for each operating entity with the Form 41 report filed for the fourth calendar quarter of each calendar year. One set shall be filed for each operating entity for the first three quarters of each calendar year. One of the two sets filed for the fourth quarter of each year shall reflect the indicated data applicable to the twelve months ended December 31. All other sets shall reflect the indicated data applicable to the current quarter. An "x" shall be inserted in the box designated "Qr" at the head of each column of each report covering quarterly data and an "x" shall be inserted in the box designated "Yr" at the head of each column of each report covering 12-month data.

(d) Group I air carriers shall report the indicated data for all except function 5500 Passenger Service.

(e) Group II and Group III air carriers shall report the indicated data for all except function 6900 General Services and Administration.

(f) Items 79.6 Applied Maintenance Burden—Flight Equipment and 79.8 Applied Maintenance Burden—General Ground Property, respectively shall reflect an allocation by each air carrier of the total expenses included in subfunction 5300 Maintenance Burden plus the total of account 75.8 Depreciation—Maintenance Equipment and Hangars between maintenance of flight equipment, by class of flight equipment, and maintenance of ground property and equipment exclusive of maintenance equipment and maintenance buildings. Each air carrier shall file with the Civil Aeronautics Board a statement as a supplement to this schedule in which the procedures to be followed in allocating maintenance burden are fully explained. Revisions in such allocation procedures shall not be effected for 30 days following written notice to the Civil Aeronautics Board. At the option of the air carrier standard burden rates may be employed for quarterly allocations of maintenance burden provided the rates are reviewed at least once each accounting year and the amounts allocated are adjusted to reflect the actual costs incurred for the full accounting year. Any differences between actual burden costs incurred during each quarter and amounts applied at standard rates shall be entered as item 79.9 "Over or Under Applied Burden."

(g) Item 75.8 Depreciation—Maintenance Equipment and Hangars reported in this schedule shall agree with the corresponding amount reported in schedule P–3; the sum of the totals of subfunctions 5200 Direct Maintenance and 5300 Maintenance Burden, before inclusion of item 75.8 or application of burden, shall agree with the corresponding amount reported in function 5400 in Schedule P–1 and the total of function 6900 General Services and Administration reported in this schedule by Group I air carriers shall agree with the corresponding amount reported in Schedule P–1.

SCHEDULE P–7—AIRCRAFT AND TRAFFIC SERVICING, PROMOTION AND SALES, AND GENERAL AND ADMINISTRATIVE EXPENSE FUNCTIONS

(a) This schedule shall be filed by each Group II air carrier and each Group III air carrier.

(b) Separate sets of this schedule shall be filed for each operating entity with the Form 41 report filed for the fourth calendar quarter of each calendar year. One set shall be filed for each operating entity for the first three quarters of each calendar year. One of the two sets filed for the fourth quarter of each year shall reflect the indicated data applicable to the twelve months ended December 31. All other sets shall reflect the indicated data applicable to the current quarter. An "x" shall be inserted in the box designated "Qr" at the head of each column of each report covering quarterly data and an "x" shall be inserted in the box designated "Yr" at the head of each column of each report covering 12-month data.

(c) Group II air carriers shall report the indicated data for all except subfunction 6100 Aircraft Servicing.

(d) Group III air carriers shall report the indicated data for subfunction 6100 Aircraft Servicing and function 6800 General and Administrative and shall disregard the data indicated for functions 6400 Aircraft and Traffic Servicing and 6700 Promotion and Sales.

(e) The item "12-months to date" shall reflect the total expenses of each functional expense classification reported on this schedule for the cumulative 12-month period ended with each current quarter for which report is made.

(f) The total of each functional expense classification reported in this schedule shall agree with the corresponding amount reported in Schedule P–1.

SCHEDULE P–8—AIRCRAFT AND TRAFFIC SERVICING, AND PROMOTION AND SALES EXPENSE SUBFUNCTIONS

(a) This schedule shall be filed by each Group III air carrier only.

(b) Two sets of this schedule shall be filed for each separate operating entity of the air carrier.

(c) Two sets of this schedule shall be filed for each operating entity with the Form 41 report filed for the fourth calendar quarter of each calendar year. One set shall be filed for each operating entity for the first three quarters of each calendar year. One of the two sets filed for the fourth quarter of each year shall reflect the indicated data applicable to the twelve months ended December 31. All other sets shall reflect the indicated data applicable to the current quarter. An "x" shall be inserted in the box designated "Qr" at the head of each column of each report covering quarterly data and an "x" shall be inserted in the box designated "Yr" at the head of each column of each report covering 12-month data.



(d) The item "12-months to date" shall reflect the total expenses of each functional expense classification reported on this schedule for the cumulative 12-month period ended with each current quarter for which report is made.

(e) The sum of the totals reported in this schedule for subfunctions 6200 Traffic Servicing and 6300 Servicing Administration, together with 6100 Aircraft Servicing in Schedule P–7 shall agree with the corresponding amount reported for function 6400 Aircraft and Traffic Servicing in Schedule P–1. The sum of the totals reported in subfunctions 6500 Reservations and Sales and 6600 Advertising and Publicity shall agree with the corresponding amount reported for function 6700 Promotion and Sales in Schedule P–1.

SCHEDULE P–9.1—DISTRIBUTION OF GROUND SERVICING EXPENSES BY GEOGRAPHIC LOCATION; GROUP I AIR CARRIERS

SCHEDULE P–9.2—DISTRIBUTION OF GROUND SERVICING EXPENSES BY GEOGRAPHIC LOCATION; GROUP II AND GROUP III AIR CARRIERS

(a) Schedule P–9.1 shall be filed by each Group I air carrier and Schedule P–9.2 by each Group II and each Group III air carrier.

(b) Separate sets of this schedule shall be filed for each separate operating entity of the air carrier.

(c) This schedule shall reflect a distribution of expenses by the geographic locations at which the goods or services to which related are applied. This schedule shall embrace for all air carrier groups direct maintenance and depreciation expenses applicable to general ground properties recorded in subfunction 5200 Direct Maintenance, exclusive of account 78 Total Direct Maintenance—Flight Equipment, plus subaccount 75.9 Depreciation—General Ground Property and, in the case of Group I air carriers, expenses recorded in function 6900 General Services and Administration and, in the cases of Group II and Group III air carriers, expenses recorded in functions or subfunctions of 6400 Aircraft and Traffic Servicing and 6700 Promotion and Sales.

(d) Line 1 shall reflect the aggregate expenses incurred at all airports, or other geographic locations, served in nonscheduled services only and related traffic offices. Downtown traffic offices maintained at offline points for the purpose of selling or soliciting traffic for scheduled services shall be considered as on-line installations.

(e) Column 1, "Location" shall reflect in alphabetic sequence the name of each certificated point served by the air carrier under certificates of public convenience and necessity, subdivided to reflect in alphabetic order the name of each airport through which each certificated point is served and, in a separate group, the name of each city at which offline traffic offices, maintained for the purpose of selling or soliciting traffic for scheduled services, are located.

(f) Column 2, "Number of Employees" shall reflect the number of persons employed at each on-line airport and all city traffic offices maintained at each point during the payroll period nearest the 15th of the last month of the quarter.

(g) Expenses applicable to each airport shall be entered in the indicated classification directly opposite its name; other expenses applicable to each certificated point shall be entered in the indicated classifications opposite the name of each certificated point; and expenses applicable to each noncertificated point where installations are maintained or used for certificated services shall be entered in the indicated classifications opposite its name.

(h) Expenses classified as "Local" shall include all expenses which are directly chargeable to activities performed at each specific locality.

(i) Expenses classified as "Regional and System" shall include all expenses incurred at each specific locality which are directly chargeable to administering activities performed at a number of different localities. For this purpose expenses attaching to such as central space control installations and centralized inter-airport flight control installations shall be considered "Regional and System" expenses.

SCHEDULE P–10—PAYROLL

(a) This schedule shall be filed by all air carrier groups.

(b) Separate sets of this schedule shall be filed for personnel employed within the Continental limits of the United States and for personnel employed, by each separate operating entity of the air carrier, who are employed outside the Continental limits of the United States. Flight personnel and other personnel subject to travel shall be reported in accordance with the location at which normally based.

(c) Column 3, "Number of Employees" shall reflect, for each classification in column 1, the number of full- and part-time employees, both permanent and temporary, who worked or received pay for any part of the pay period(s) ending nearest the 15th day of the last month of the quarter whether paid weekly, monthly or otherwise.

(d) Column 4, "Total All Employees" shall reflect expansions to annual rates of the amounts of compensation paid each person included in column 3 for the payroll period ended nearest the 15th day of the last month of the quarter. Compensation shall include total pay, including overtime, paid sick leave, holidays and vacations but shall exclude bonuses (unless earned and paid regularly each pay period) and cash payments for vacations not taken.

(e) Column 5, "Avg. Per Employee" shall reflect the averages obtained by dividing the amount of compensation shown in column 4 by the number of employees reported in column 3.

(f) Data with respect to each employee shall be included in the classification to which most of his salary is charged, even though the compensation of such employee is normally prorated to two or more classifications.

(g) The term "payroll period" denotes the collective payroll periods of various groups of employees, irrespective of the difference in the length of the pay periods. The amounts reported in this schedule may, therefore, represent a composite of data relating to two or more separate payrolls covering different periods of time, although the data with respect to any one group of employees shall not reflect more than one payroll period.

SCHEDULE P–41—TAXES

(a) This schedule shall be filed by all air carrier groups.

(b) Separate sets of this schedule shall be filed for each separate operating entity of the air carrier.

(c) This schedule shall reflect in the detail indicated the taxes levied against the air carrier paid or accrued during the accounting year.

(d) The "Grand Total" of taxes reported on this schedule shall agree with the sum of the amounts reported in accounts 68, 69, 91, 92 and 95 for the twelve months ended December 31.

INTERIM INCOME STATEMENT

(a) Each air carrier shall file for the first two calendar months of each calendar quarter two copies of income statements in the form prepared for its management.

(b) The statements submitted should provide a separation of revenues and expenses between separate operating entities of the air carrier.

§ 241.25 *Traffic and capacity elements.*

SCHEDULE T–1—MONTHLY STATEMENT OF SUMMARIZED TRAFFIC AND CAPACITY STATISTICS

SCHEDULE T–2—MONTHLY STATEMENT OF SCHEDULED SERVICES; TRAFFIC AND CAPACITY STATISTICS

(a) These schedules shall be filed by all air carrier groups.

(b) Separate sets of these schedules shall be filed for each separate operating entity of the air carrier.

(c) Two sets of these schedules shall be filed each month for each operating entity. One set for each schedule shall reflect the indicated data applicable to the current month. The other set for each schedule shall reflect the indicated data applicable to the twelve months ended with the current month. An "x" shall be inserted in the box designated "Mo" at the head of each column of the report covering monthly data. An "x" shall be inserted in the box designated "Yr" at the head of each column of the report covering 12-month data.

(d) The indicated data shall be reported on these schedules for each class of service performed by the air carrier with both owned and rented aircraft including aircraft of others used on the air carrier's routes under aircraft interchange agreements.

(e) All mileage data shall be based upon direct airport-to-airport distances as distinguished from course flown distances. Miles performed and traffic carried on flights scheduled to begin in one month and terminate in the next shall be included in the month in which the flight is scheduled to depart, provided that such flights in foreign and overseas operations shall not be considered to extend beyond the first crew change point.

(f) All utilization and performance factors and average load data shall be computed one place beyond the decimal point.

(g) Item 016, "Number of Revenue Passenger Originations" shall reflect an unduplicated count of passengers originating journeys on the lines of each reporting entity.

(h) Item 017, "Number of Revenue Passenger Enplanements" shall reflect a count of the total number of passengers boarding aircraft. This count may be measured on the basis of a standard number of passenger enplanements per on-line originating passenger. (See § 241.03 for further definition.)

(i) Item 217, "Passenger" ton-miles shall be computed at the standard passenger weights of 190 pounds in domestic operations, 200 pounds in foreign and overseas operations for coach and tourist passengers and 215 pounds in foreign and overseas operations for first class passengers. The standard weights prescribed herein may be reviewed from time to time upon request of individual air carriers or upon the initiative of the Civil Aeronautics Board.

(j) Item 253, "Excess Baggage" ton-miles may be determined either by direct computation from flight records or, following approval by the Civil Aeronautics Board, by application of appropriate standards.

(k) Item 997, "Number of Employees Based in Continental United States" shall reflect the total number of full- and part-time employees, both permanent and temporary, who worked or received pay for any part of the pay period(s) ending nearest the 15th day of the month, whether paid daily, weekly, monthly or otherwise, and who were based in Continental United States. Persons based in the United States but employed on transoceanic flights should be included. Include salaried officers of the corporation and employees on paid sick leave, holidays and vacations but do not include pensioners, members of the armed forces, or persons on leave of absence without pay.

(l) Item 998, "Number of Employees Based Outside Continental United States" shall reflect the total number of employees who were assigned to locations outside Continental United States.

(m) Item 999, "Total Number of Employees" shall reflect the sum of items 997 and 998.

(n) The filing of Schedule T–2 is waived for those reporting entities operating a single class of scheduled service, provided the class of service operated is identified in the heading of the All Scheduled Service Column of Schedule T–1.

SCHEDULE T–3—QUARTERLY STATEMENT OF AIRCRAFT OPERATING STATISTICS

(a) This schedule shall be filed by all air carrier groups.

(b) Separate sets of this schedule shall be filed for each separate operating entity of the air crrrier.

(c) Two sets of this schedule shall be filed each quarter for each operating entity. One set shall reflect the indicated data applicable to the current quarter. The other set shall reflect the indicated data applicable to the twelve months ended with the current quarter. An "x" shall be inserted in the box designated "Qr" at the head of each column of each report covering quarterly data and an "x" shall be inserted in the box designated "Yr" at the head of each column of each report covering 12-month data.

(d) Data applicable to each aircraft type operated by the air carrier shall be reported in separate columns of this schedule and each aircraft type for which report is being made shall be identified at the head of each column in the space provided opposite "Aircraft Type": Provided, however, each air carrier may group, on a uniform basis, data applicable to small single-engine aircraft of approximately equivalent size. For this purpose two groups are established: (1) Single-engine aircraft with maximum continuous horsepower of 300 or under; and (2) single-engine aircraft with maximum continuous horsepower of 301 to 450, inclusive. All other aircraft types, including larger single-engine and small twin-engine types are to be separately reported. Aircraft not generally used in revenue service shall be reported in a group as a single type. For purposes of reporting on this schedule, versions of each aircraft type designed exclusively for cargo services, and only incidentally for passenger service, shall be considered as distinct aircraft types.

(e) All mileage data shall be based upon direct airport-to-airport distances as distinguished from course-flown distances in accordance with the instructions relating thereto on Schedules T–1 and T–2. Mileage related to flights which are not measureable in terms of airport-to-airport distances shall be determined by applying a typical airport-to-airport speed for each aircraft type to the aircraft hours flown by each aircraft type in such flights.

(f) All aircraft hours data shall be based upon the time each aircraft becomes airborne on take-off to the time of ground contact upon landing and shall be included in the month in which the aircraft miles to which related are reported. Aircraft hours flown, items 9668 through 9679, shall include hours flown for which related costs have been charged directly against income during the current accounting period and shall not include hours flown applicable to costs which have been deferred. Such hours shall be reported in item 9978, "Aircraft Hours in Capitalized Projects". Minutes or fractional hours shall not be shown in reporting aircraft hours.

(g) Each air carrier shall submit to the Civil Aeronautics Board a detailed statement of its method of computing available ton-miles and available seat-miles for each type of aircraft operated. Also, any future changes in methods of computation shall be submitted, subject to review and approval by the Civil Aeronautics Board.

(h) Item 9680, "Aircraft Days Assigned to Service-Carrier's Equipment" shall reflect owned and rented aircraft in the possession of the air carrier used or available for assignment to services performed by the air carrier or assigned to services on routes of other air carriers under aircraft interchange agreements. It shall not include aircraft which are otherwise rented, leased or loaned to others or aircraft of others used by the air carrier under interchange agreements. Aircraft days shall be allocated between separate operating entities as follows:

(1) Aircraft assigned exclusively to a particular operation shall be reported for the operation to which assigned.

(2) Aircraft used interchangeably in two or more separate operating entities shall be prorated between such operations in accordance with the time each aircraft was in an operating status in each operation.

(3) The time of aircraft in maintenance or overhaul or held in reserve shall be assigned between the operating entities affected on the basis of the relative time aircraft of the same type were in an operating status in each operation during the most recent month.

(i) Item 9681, "Aircraft Days Assigned to Service-Carrier's Routes" shall reflect owned and rented aircraft in the possession of the air carrier or available for assignment to services performed by the air carrier. It shall include the time aircraft of others are in the possession of the air carrier pursuant to aircraft interchange agreements and shall exclude the time aircraft of the air carrier are in the possession of others pursuant to aircraft interchange agreements. Otherwise, allocation of aircraft days under this item shall conform with the instructions above related to item 9680.

(j) Item 9682, "Revenue Hours per Aircraft per Day-Carrier's Equipment" shall be determined by dividing item 9680, "Aircraft Days Assigned to Service-Carrier's Equipment" into the total revenue aircraft hours flown by aircraft owned or rented and in the possession of the air carrier, determined by subtracting item 9867, "Revenue Hours on Other Carriers' Interchange Equipment," from and adding item 9968, "Total Hours by Others on Carrier's Interchange Equipment", to item 9668, "Revenue Aircraft Hours".

(k) Item 9683, "Revenue Hours Per Aircraft Per Day-Carrier's Routes" shall be determined by dividing item 9681, "Aircraft Days Assigned to Service-Carrier's Routes" into item 9668, "Revenue Aircraft Hours".

(l) Item 9767, "Revenue Aircraft Miles in Scheduled Services Excluding Extra Sections" shall reflect the total of revenue aircraft miles in scheduled services, item 5568, less the revenue aircraft miles flown in extra sections included therein.

(m) Item 9867, "Revenue Hours on Other Carrier's Interchange Equipment" shall reflect the hours flown in revenue service of the reporting air carrier under equipment interchange agreements with aircraft of others.

(n) Item 9879, "Total Hours on Other Carrier's Interchange Equipment" shall reflect the hours flown in both revenue and nonrevenue services of the reporting air carrier, under equipment interchange agreements, with aircraft of others.

(o) Item 9968, "Total Hours by Others on Carrier's Interchange Equipment" shall reflect the total hours flown in the operations of other air carriers under equipment interchange agreements with aircraft owned or rented by the reporting air carrier.

(p) Item 9978, "Aircraft Hours in Capitalized Projects" shall reflect the total aircraft hours flown during the current accounting period which are applicable to ferrying newly acquired aircraft from the factory, capitalized extension and development or preoperating costs and other costs incurred during the current accounting period which have been capitalized.

(q) Items 9991 and 9992, "Aircraft Fuels (Oils) Issued" shall reflect the gallons of fuels or engine oils issued or placed aboard aircraft during the current accounting period for both revenue and nonrevenue flights. Fractional gallons shall not be shown.

(r) Item 9993, "Percent of Block-to-Block to Airborne Hours" shall be determined by dividing the revenue aircraft hours flown computed on the block-to-block basis by revenue aircraft hours flown computed on the airborne basis. At the option of the air carrier a standard percentage relationship, fairly representative of the actual relationship, may be employed for reporting provided such standard is redetermined by physical measurement at least twice each calendar year.

SCHEDULE T–4—ON-LINE AIRPORT ACTIVITY DATA

(a) This schedule shall be filed by all air carrier groups.

(b) Separate sets of this schedule shall be filed for each separate operating entity of the air carrier.

(c) This schedule shall reflect the indicated measures of activity at each on-line airport maintained at points certificated by the Civil Aeronautics Board for scheduled services.

(d) Each point maintained for service under certificates of public convenience and necessity shall be listed in column one in alphabetical sequence and the indicated data reported in columns 2 through 17, inclusive. Each airport used in serving each certificated point and the data pertaining thereto shall be separately identified.

(e) Column 2, "Scheduled Departures" shall reflect the total number of departures scheduled during the current quarter at each airport as set forth in the air carrier's published schedules.

(f) Column 3, "Scheduled Departures Performed" shall reflect the total number of departures actually performed pursuant to published schedules during the current quarter at each airport. Departures performed shall not include departures of flights operated as extra sections to scheduled flights.

(g) Column 4, "Total Departures Performed in Revenue Services—Nonscheduled Services" shall reflect the total number of departures in nonscheduled services actually performed from each on-line airport.

(h) Columns 5 through 10, "Total Departures Performed in Revenue Services—Scheduled Services" shall reflect the total number of departures in scheduled services (including extra sections) actually performed from each on-line airport. The aggregate number of departures by all aircraft types shall be reported in column 5 and the number of departures by each aircraft type shall be reported in columns 6 through 10, inclusive, with the type of aircraft to which related indicated at the head of each column. Departures in nonpassenger services shall be reported as if for a distinct aircraft type.

(i) Column 11, "Number of Revenue Passenger Originations" (on-line) shall reflect for each airport the total number of passengers commencing an on-line journey.

(j) Columns 12 through 16, "On-Line Revenue Traffic Originations—Tons" shall reflect in appropriate columns the total tons of mail, express or freight, placed in transit in scheduled services only. Tons of traffic shall be reported only at airports from which originally dispatched in the carrier's operations. Fractional tons shall be carried two places beyond the decimal point.



§ 241.26 *General corporate elements.*

SCHEDULE G–41—PERSONS HOLDING MORE THAN 5 PER CENTUM OF RESPONDENT'S CAPITAL STOCK OR CAPITAL

(a) This schedule shall be filed by all air carrier groups.

(b) This schedule shall reflect the name, address and number of shares of each class of stock held by all persons holding five (5) per centum or more of the issued and outstanding capital stock or, in cases of unincorporated business enterprises, 5 per centum or more of the total invested capital, of the reporting air carrier as of the close of the year.

(c) Column 3, "Held for Own Account" shall reflect by either of the words "yes" or "no", whether or not the interest is held for the account of the persons named in column 1. In cases where the answer is "no" the name and address of the person for whose account the interest is held shall be indicated by footnotes.

SCHEDULE G–42—COMPENSATION AND EXPENSES OF ALL GENERAL OFFICERS AND DIRECTORS AND OF MANAGEMENT PERSONNEL RECEIVING $10,000 OR MORE PER ANNUM FOR PERSONAL SERVICES

(a) This schedule shall be filed by all air carrier groups.

(b) The indicated data relative to General Officers and Directors shall be reported for each elective corporate officer, executive and director, regardless of amounts received from the air carrier, and for management personnel receiving compensation for personal services of $10,000 or more per annum. Management personnel shall not be reported by name but shall be reported in aggregate for all management personnel receiving $10,000 or more per annum for personal services. The number of such personnel shall be inserted in column 1; the aggregate annual compensation and expenses, during the calendar year, of such personnel shall be entered in columns 5 and 6, or 7, respectively, and the lower and upper limits in the range of compensation and expenses of such personnel shall be separately stated in columns 5, 6 and 7, respectively.

(c) Management personnel shall include all general supervisory and administrative personnel not directly responsible for the inflight operation of aircraft or engaged directly in the performance of maintenance activities. Management personnel, as distinguished from elective officers and directors, for whom report is to be made shall include those who received $10,000 or more compensation for personal services during the previous calendar year and those initially employed during the current calendar year at an annual compensation rate of $10,000 or more.

(d) Indirect compensation in column 6 shall include payments made by persons holding management contracts providing for management of, or services to, the air carrier or its associated companies.

(e) Expenses borne by air carrier in column 7 shall include per diem or other expense allowances borne by the air carrier which attach to goods or services used personally by general officers, directors and management personnel which are reimbursed directly or reimbursed indirectly through vendors who bill the air carrier directly for services rendered such general officers, directors and management personnel. Expenses incurred directly by the air carrier in maintaining hotel accommodations on a continuing stand-by basis for the convenience of personnel while on company business shall not be included.

(f) Columns 8 through 11 shall reflect securities of the air carrier owned by officers, directors, or management personnel as at December 31. Column 8 shall reflect the class of capital stock, bonds or other securities of the air carrier owned; columns 9 and 10, respectively, shall reflect the number of shares of stock held in the name of, or for the account of, each general officer and director, and all management personnel receiving $10,000 or more per annum; and column 11 shall reflect the principal amount of bonds or other securities held in the name of, or for the account of, each general officer and director and all management personnel receiving $10,000 or more per annum for personal services.

SCHEDULE G–43—COMPENSATION AND EXPENSES OF PERSONS AND FIRMS (OTHER THAN DIRECTORS, OFFICERS AND EMPLOYEES) RECEIVING $5,000 OR MORE DURING THE CALENDAR YEAR

(a) This schedule shall be filed by all air carrier groups.

(b) The indicated data shall be reported for each person or firm, other than directors, officers and employees of the air carrier, receiving compensation or expense reimbursements of $5,000 or more during the calendar year.

(c) Compensation and expenses to be reported in this schedule shall include fees, retainers, gifts, commissions, contributions, allowance for expenses or any form of payments amounting in the aggregate to $5,000 or more during the year. In addition to expense reimbursements paid directly to the recipients reflected in column 1, this schedule shall include expenses incurred by the persons or firms named in column 1 which have been paid directly to vendors by the air carrier. Expenses to be reported in this schedule shall encompass payments such as for legal, medical, engineering, advertising, accounting, statistical, educational, or charitable purposes but shall exclude payments for services which both as to their nature and amount may reasonably be regarded as ordinarily connected with the routine physical operation or maintenance of an air carrier such as payments for rent of buildings or property, for heat, light, power, telegraph, and telephone or payments to other carriers for interchange of equipment or settlement of interline traffic balances.

(d) "Persons or firms" shall be construed to mean individuals, partnerships, corporations or other legal entities.

SCHEDULE G–44 CORPORATE AND SECURITIES DATA

(a) This schedule shall be filed by all air carrier groups.

(b) The information to be reported shall be prepared in accordance with the instructions on the schedule.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
*Secretary.*

[F. R. Doc. 56–4960; Filed, June 22, 1956; 8:48 a. m.]

## TITLE 7—AGRICULTURE

### Chapter IV—Federal Crop Insurance Corporation

PART 420—MULTIPLE CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1956 AND SUCCEEDING CROP YEARS

The following riders for the 1956 and succeeding crop years, issued pursuant to § 420.7 of the above-identified regulations (20 F. R. 3526, 5765, 8071; 21 F. R. 49, 1381), are hereby published:

A Rider No. 1 to the Multiple Crop Insurance Policy for the following counties:

Illinois—§ 420.61.
Bond, Clinton, Effingham, Madison, Pike, Scott—§ 420.61–4.
Indiana—§ 420.62.
Dearborn—§ 420.62–2.
Indiana—§ 420.62.
Grant,[1] Wabash,[1] Wells—§ 420.62–3.
Indiana—§ 420.62.
Ripley—§ 420.62–4.
Indiana—§ 420.62.
Shelby, Sullivan—§ 420.62–5.
Iowa—§ 420.63.
Boone, Buena Vista, Clay, Franklin, Mitchell, Story—§ 420.63–1.
Iowa—§ 420.63.
Delaware—§ 420.63–2.
Iowa—§ 420.63.
Emmet, Hamilton,[2] Howard, Humboldt, Ida, Tama, Winnebago, Worth—§ 420.63–3.
Iowa—§ 420.63.
Union, Warren—§ 420.63–4.
Minnesota—§ 420.71.
Big Stone—§ 420.71–1.
Minnesota—§ 420.71.
Chippewa—§ 420.71–2.
Minnesota—§ 420.71.
Dakota, Dodge, Faribault, Goodhue, Kandiyohi, McLeod, Nicollet—§ 420.71–3.
Minnesota—§ 420.71.
East Polk—§ 420.71–4.
Minnesota—§ 420.71.
Lac qui Parle—§ 420.71–5.
Minnesota—§ 420.71.
Lincoln—§ 420.71–6.
Minnesota—§ 420.71.
Pope—§420.71–7.
Minnesota—§ 420.71.
Stearns—§ 420.71–8.
Minnesota—§ 420.71.
Stevens—§ 420.71–9.
Minnesota—§ 420.71.
Swift—§ 420.71–10.
Minnesota—§ 420.71.
Yellow Medicine—§ 420.71–11.
Missouri—§ 420.73.
Cass, Cooper—§ 420.73–3.
North Dakota—§ 420.82.
Barnes—§ 420.82–1.
North Dakota—§ 420.82.
Dickey, La Moure, Ransom, Sargent—§ 420.82–2.
North Dakota—§ 420.82.
Grand Forks, Pierce, Steele—§ 420.82–3.
North Dakota—§ 420.82.
Richland—§ 420.82–4.
South Dakota—§ 420.89.
Bon Homme—§ 420.89.–1.
South Dakota—§ 420.89.
Day—§ 420.89–2.
South Dakota—§ 420.89.
Deuel, Hamlin, Lake, McCook—§ 420.89–3.
South Dakota—§ 420.89.
Grant—§ 420.89–4.
South Dakota—§ 420.89.
Hutchinson—§ 420.89–5.
South Dakota—§ 420.89.
Kingsbury—§ 420.89–6.
South Dakota—§ 420.89.
Miner—§ 420.89–7.
Tennessee—§ 420.90.
Obion—§ 420.90–2.
Tennessee—§ 420.90.
Weakley—§ 420.90–3.
Wisconsin—§ 420.97.
Fond du Lac—§ 420.97–1.

[SEAL] C. A. FRETTS,
*Acting Manager,*
*Federal Crop Insurance Corporation.*

§ 420.61 *Illinois.*

[1] No multiple crop insurance offered in these counties for the 1956 and succeeding crops years.

[2] No multiple crop insurance offered in this county for the 1956 and succeeding crop years because of failure of county to meet the minimum participation requirement.

§ 420.61–4 *Bond, Clinton, Effingham, Madison, Pike and Scott Counties.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Bond, Clinton, Effingham, Madison, Pike and Scott Counties, Ill., Beginning With the 1956 Crop Year)

1. *Insurable crops.* Notwithstanding any other provisions of the contract, for the first crop year of the contract, the insurable crop(s) shall be those of the following designated by name on the application for insurance:

(a) Corn planted for harvest as grain. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Soybeans planted for harvest as beans, in rows far enough apart to permit intertilling with a row cultivator. The contract will not provide insurance for soybeans planted for development of hybrid seed or planted in the same row or interplanted in rows with corn.

(c) Winter wheat planted for harvest as grain, excluding wheat planted with other small grains. (Insurance to attach the first crop year of the contract only if the application is filed on or before September 30 preceding the calendar year in which the crop for that crop year is normally harvested.)

For any subsequent crop year the designation of insurable crop(s) may be changed by the insured notifying the county office in writing prior to the cancellation date for the crop year the change is to become effective.

2. *Existing crop insurance contract.* The acceptance of the application upon which this policy is issued shall not cancel any existing wheat crop insurance contract between the insured and the Corporation for the 1956 crop year and such wheat insurance policy shall remain in full force and effect for the 1956 crop year. However, the acceptance of such application shall cancel effective beginning with the 1957 crop year any wheat crop insurance contract between the insured and the Corporation.

3. *Coverage per acre.* (a) The coverage per acre for corn and wheat shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for corn and wheat shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

(c) The coverage per acre for soybeans shall be reduced 10 percent for any acreage not harvested.

4. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting and all other insured crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) when harvest of such crop is generally complete for the crop year, or (ii) October 31 in the case of wheat, and in the case of corn and soybeans December 10 of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

5. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Any harvested production of soybeans which will not grade No. 4 or better (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be similarly evaluated.

Any threshed production of wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess of the fixed price. Provided, when the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less than the fixed price, the total value of such production, as determined by dividing it by such loan rate and multiplying the result by the fixed price.

6. *Insurance unit.* An insurance unit means (a) all the insurable acreage of any one insured crop in the county in which the insured has 100 percent interest at the time of planting, or (b) all the insurable acreage of any one insured crop in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (c) all insurable acreage of any one insured crop in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

7. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation on a form prescribed by the Corporation not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of the insured crop on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of the insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, and the result by the insured interest and (2) subtracting from the total thereof, the insured interest in the value (determined in accordance with section 5 of this rider) of the total production to be counted for such acreage of the insured crop on the insurance unit. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production of wheat from acreage initially planted for purposes other than for harvest as grain), except harvested production of corn from acreage not qualifying as harvested under the definition in section 9, and in addition, any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 5 of the rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned, or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

8. *Date table.*

Discount date: November 30.

Cancellation date: July 31.

Date by which county minimum participation requirement must be met for the 1957 and succeeding crop years: September 30 following the cancellation date for the crop year.

9. *Definitions.* (a) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 5 of this rider) to 10 percent or more of the harvested coverage for such acreage.

(b) "Harvest" with respect to any acreage of soybeans or wheat means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

10. Notwithstanding the provisions of subsection (d) of section 6 of the policy, if in any crop year a premium is earned and totals less than $20.00 the amount shall be increased to $20.00.

Approved: beginning with the 1956 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.62 *Indiana.*

§ 420.62–2 *Dearborn County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Dearborn County, Ind., Beginning With the 1956 Crop Year)

1. *Insurable crops.* Notwithstanding any other provisions of the contract, for the first crop year of the contract the insurable crop(s) shall be those of the following designated by name on the application for insurance:

(a) Corn planted for harvest as grain. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Tobacco, type 31.

(c) Winter wheat planted for harvest as grain, excluding wheat planted with other small grains. (Insurance to attach the first crop year of the contract only if the application is filed on or before Setpember 30 preceding the calendar year in which the crop for that crop year is normally harvested.)



For any subsequent crop year the designation of insurable crop(s) may be changed by the insured notifying the county office in writing prior to the cancellation date for the crop year the change is to become effective.

2. *Existing crop insurance contract.* The acceptance of the application upon which this policy is issued shall not cancel any existing wheat crop insurance contract between the insured and the Corporation for the 1956 crop year and such wheat policy shall remain in full force and effect for the 1956 crop year. However, the acceptance of such application shall cancel effective beginning with the 1957 crop year any wheat crop insurance contract between the insured and the Corporation.

3. *Coverage per acre.* (a) The coverage per acre for corn and wheat shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for corn and wheat shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

(c) The coverage per acre for tobacco shall be reduced 35 percent for any acreage not harvested.

4. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to (a) any portion of the tobacco crop upon weighing-in at the tobacco warehouse, transfer of interest in the tobacco after harvest, or removal of the tobacco from the insurance unit (except for curing, packing or immediate delivery to the tobacco warehouse), whichever occurs first, and (b) any portion of the corn crop upon harvesting and the wheat crop upon threshing or with respect to any portion of any crop (except tobacco) upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect, unless the time is extended in writing by the Corporation, (a) with respect to tobacco later than February 28 following harvest, (b) with respect to any other crop later than the earlier of (i) when harvest of such crop is generally complete for the crop year, or (ii) October 31 in the case of wheat, and in the case of corn December 10 of the calendar year in which the crop is normally harvested, and (c) with respect to any insurance unit later than the date of submission of a claim for indemnity.

5. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop, except tobacco, shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Any threshed production of wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess of the fixed price. Provided, when the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less than the fixed price the total value of such production, as determined by the Corporation, shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

Notwithstanding any other provisions(s) of the contract, in determining any loss the value of tobacco production to be counted shall be the value of all tobacco, including (a) the gross returns (less warehouse charges) from the tobacco sold on the warehouse floor, (b) the fair market value, as determined by the Corporation, of the tobacco sold other than on the warehouse floor, (c) the fair market value, as determined by the Corporation, of the tobacco harvested and not sold, and (d) the fair market value (if harvested and cured), as determined by the Corporation, of any unharvested tobacco.

6. *Insurance unit.* An insurance unit means (a) all the insurable acreage of any one insured crop in the county in which the insured has 100 percent interest at the time of planting, or (b) all the insurable acreage of any one insured crop in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (c) all insurable acreage of any one insured crop in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

7. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation on a form prescribed by the Corporation, not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of the insured crop on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of the insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, and the result by the insured interest and (2) substracting from the total thereof, the insured interest in the value (determined in accordance with section 5 of this rider) of the total production to be counted for such acreage of the insured crop on the insurance unit. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production of wheat from acreage initially planted for purposes other than for harvest as grain), except harvested production of corn or tobacco from acreage not qualifying as harvested under the definition in section 9, and in addition any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. To enable the Corporation to determine the fair market value of tobacco not sold through auction warehouses, the Corporation shall be given the opportunity to inspect such tobacco before it is sold, contracted to be sold or otherwise disposed of by the insured, and, if the best offer received by the insured for any such tobacco is considered by the Corporation to be inadequate, to obtain additional offers therefor on behalf of the insured. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 5 of the rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

8. *Date table.*

Discount date: November 30.

Cancellation date: July 31.

Date by which county minimum participation requirement must be met for the 1957 and succeeding crop years: September 30 following the cancellation date for the crop year.

9. *Definitions.* (a) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 5 of this rider) to 10 percent or more of the harvested coverage for such acreage.

(b) "Harvest" with respect to any acreage of tobacco means cutting or priming an amount of tobacco which equals or exceeds the pounds obtained by dividing 10 percent of the harvested coverage for such acreage by a price stated on the county actuarial table for the purpose of making this determination.

(c) "Harvest" with respect to any acreage of wheat means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

10. Notwithstanding the provisions of subsection (d) of section 6 of the policy, if in any crop year a premium is earned and totals less than $20.00 the amount shall be increased to $20.00.

Approved: Beginning with the 1956 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.62–3 *Grant, Wabash and Wells Counties.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Grant, Wabash and Wells Counties, Ind., Beginning With the 1956 Crop Year)

1. *Insurable crops.* Notwithstanding any other provisions of the contract, for the first crop year of the contract the insurable crop(s) shall be those of the following designated by name on the application for insurance:

(a) Corn planted for harvest as grain. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broomcorn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Soybeans planted for harvest as beans, in rows far enough apart to permit intertilling with a row cultivator. The contract will not provide insurance for soybeans planted for development of hybrid seed or planted in the same row or interplanted in rows with corn.

(c) Winter wheat planted for harvest as grain, excluding wheat planted with other small grains. (Insurance to attach the first crop year of the contract only if the application is filed on or before September 30 preceding the calendar year in which the crop for that crop year is normally harvested.)

For any subsequent crop year the designation of insurable crop(s) may be changed by the insured notifying the county office in writing prior to the cancellation date for the crop year the change is to become effective.

2. *Coverage per acre.* (a) The coverage per acre for corn and wheat shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for corn and wheat shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

(c) The coverage per acre for soybeans shall be reduced 10 percent for any acreage not harvested.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting and all other insured crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier or (i) when harvest of such crop is generally complete for the crop year, or (ii) October 31 in the case of wheat, and in the case of corn and soybeans December 10 of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed priced established by the Corporation for that crop and shown on the county actuarial table. However, any corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Any harvested production of soybeans which will not grade No. 4 or better (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be similarly evaluated. Any threshed production of wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess of the fixed price. Provided, when the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less than the fixed price the total value of such production, as determined by the Corporation shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.



5. *Insurance unit.* An insurance unit means (a) all the insurable acreage of any one insured crop in the county in which the insured has 100 percent interest at the time of planting, or (b) all the insurable acreage of any one insured crop in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (c) all insurable acreage of any one insured crop in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

6. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation on a form prescribed by the Corporation, not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of the insured crop on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of the insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, and the result by the insured interest and (2) subtracting from the total thereof, the insured interest in the value (determined in accordance with section 4 of this rider) of the total production to be counted for such acreage of the insured crop on the insurance unit. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production of wheat from acreage initially planted for purposes other than for harvest as grain) except harvested production of corn from acreage not qualifying as harvested under the definition in section 8, and in addition any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 4 of the rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

7. *Date table.*

Discount date: November 30.

Cancellation date: July 31.

Date by which county minimum participation requirement must be met for the 1957 and succeeding crop years: September 30 following the cancellation date for the crop year.

8. *Definitions.* (a) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 4 of this rider) to 10 percent or more of the harvested coverage for such acreage.

(b) "Harvest" with respect to any acreage of soybeans or wheat means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

9. Notwithstanding the provisions of subsection (d) of section 6 of the policy, if in any crop year a premium is earned and totals less than $20.00 the amount shall be increased to $20.00.

Approved: Beginning with the 1956 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

### § 420.62–4 *Ripley County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Ripley County, Ind., Beginning With the 1956 Crop Year)

1. *Insurable crops.* Notwithstanding any other provisions of the contract, for the first crop year of the contract the insurable crop(s) shall be those of the following designated by name on the application for insurance:

(a) Corn planted for harvest as grain. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broomcorn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Soybeans planted for harvest as beans, in rows far enough apart to permit intertilling with a row cultivator. The contract will not provide insurance for soybeans planted for development of hybrid seed or planted in the same row or interplanted in rows with corn.

(c) Tobacco type 31.

(d) Winter wheat planted for harvest as grain, excluding wheat planted with other small grains. (Insurance to attach the first crop year of the contract only if the application is filed on or before September 30 preceding the calendar year in which the crop for that crop year is normally harvested.)

For any subsequent crop year the designation of insurable crop(s) may be changed by the insured notifying the county office in writing prior to the cancellation date for the crop year the change is to become effective.

2. *Existing crop insurance contract.* The acceptance of the application upon which this policy is issued shall not cancel any existing wheat crop insurance contract between the insured and the Corporation for the 1956 crop year and such wheat policy shall remain in full force and effect for the 1956 crop year. However, the acceptance of such application shall cancel effective beginning with the 1957 crop year any wheat crop insurance contract between the insured and the Corporation.

3. *Coverage per acre.* (a) The coverage per acre for corn and wheat shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for corn and wheat shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

(c) The coverage per acre for soybeans shall be reduced 10 percent for any acreage not harvested.

(d) The coverage per acre for tobacco shall be reduced 35 percent for any acreage not harvested.

4. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to (a) any portion of the tobacco crop upon weighing-in at the tobacco warehouse, transfer of interest in the tobacco after harvest, or removal of the tobacco from the insurance unit (except for curing, packing or immediate delivery to the tobacco warehouse), whichever occurs first, and (b) any portion of the corn crop upon harvesting and all other insured crops upon threshing or with respect to any portion of any crop (except tobacco) upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect, unless the time is extended in writing by the Corporation, (a) with respect to tobacco later than February 28 following harvest, (b) with respect to any other crop later than the earlier of (i) when harvest of such crop is generally complete for the crop year, or (ii) October 31 in the case of wheat and in the case of corn and soybeans December 10 of the calendar year in which the crop is normally harvested, and (c) with respect to any insurance unit later than the date of submission of a claim for indemnity.

5. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop except tobacco, shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Any harvested production of soybeans which will not grade No. 4 or better (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be similarly evaluated. Any threshed production of wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess of the fixed price. Provided, when the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less than the fixed price the total value of such production, as determined by the Corporation shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

Notwithstanding any other provision(s) of the contract in determining any loss the value of tobacco production to be counted shall be the value of all tobacco, including (a) the gross returns (less warehouse charges) from the tobacco sold on the warehouse floor, (b) the fair market value, as determined by the Corporation, of the tobacco sold other than on the warehouse floor, (c) the fair market value, as determined by the Corporation, of the tobacco harvested and not sold, and (d) the fair market value (if harvested and cured), as determined by the Corporation, of any unharvested tobacco.



6. *Insurance unit.* An insurance unit means (a) all the insurable acreage of any one insured crop in the county in which the insured has 100 percent interest at the time of planting, or (b) all the insurable acreage of any one insured crop in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (c) all insurable acreage of any one insured crop in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

7. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation on a form prescribed by the Corporation, not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of the insured crop on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of the insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, and the result by the insured interest and (2) subtracting from the total thereof, the insured interest in the value (determined in accordance with section 5 of this rider) of the total production to be counted for such acreage of the insured crop on the insurance unit. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production of wheat from acreage initially planted for purposes other than for harvest as grain), except harvested production of corn or tobacco from acreage not qualifying as harvested under the definition in section 9, and in addition any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. To enable the Corporation to determine the fair market value of tobacco not sold through auction warehouses, the Corporation shall be given the opportunity to inspect such tobacco before it is sold, contracted to be sold or otherwise disposed of by the insured, and if the best offer received by the insured for any such tobacco is considered by the Corporation to be inadequate, to obtain additional offers therefor on behalf of the insured. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 5 of the rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

8. *Date table.*

Discount date: November 30.

Cancellation date: July 31.

Date by which county minimum participation requirement must be met for the 1957 and succeeding crop years: September 30 following the cancellation date for the crop year.

9. *Definitions.* (a) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 5 of this rider) to 10 percent or more of the harvested coverage for such acreage.

(b) "Harvest" with respect to any acreage of soybeans or wheat means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

(c) "Harvest" with respect to any acreage of tobacco means cutting or priming an amount of tobacco which equals or exceeds the pounds obtained by dividing 10 percent of the harvested coverage for such acreage by a price stated on the county actuarial table for the purpose of making this determination.

10. Notwithstanding the provisions of subsection (d) of section 6 of the policy, if in any crop year a premium is earned and totals less than $20.00 the amount shall be increased to $20.00.

Approved: Beginning with the 1956 crop year.

FEDERAL CROP INSURANCE CORPORATION.

### § 420.62–5 *Shelby and Sullivan Counties.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Shelby and Sullivan Counties, Ind., Beginning With the 1956 Crop Year)

1. *Insurable crops.* Notwithstanding any other provisions of the contract, for the first crop year of the contract the insurable crop(s) shall be those of the following designated by name on the application for insurance:

(a) Corn planted for harvest as grain. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Soybeans planted for harvest as beans, in rows far enough apart to permit intertilling with a row cultivator. The contract will not provide insurance for soybeans planted for development of hybrid seed or planted in the same row or interplanted in rows with corn.

(c) Winter wheat panted for harvest as grain. (Insurance to attach the first crop year of the contract only if the application is filed on or before September 30 preceding the calendar year in which the crop for that crop year is normally harvested.)

For any subsequent crop year the designation of insurable crop(s) may be changed by the insured notifying the county office in writing prior to the cancellation date for the crop year the change is to become effective.

2. *Existing crop insurance contract.* The acceptance of the application upon which this policy is issued shall not cancel any existing wheat crop insurance contract between the insured and the Corporation for the 1956 crop year and such wheat policy shall remain in full force and effect for the 1956 crop year. However, the acceptance of such application shall cancel effective beginning with the 1957 crop year any wheat crop insurance contract between the insured and the Corporation.

3. *Coverage per acre.* (a) The coverage per acre for corn and wheat shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for corn and wheat shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

(c) The coverage per acre for soybeans shall be reduced 10 percent for any acreage not harvested.

4. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting and all other insured crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) when harvest of such crop is generally complete for the crop year, or (ii) October 31 in the case of wheat, and in the case of corn and soybeans December 10 of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

5. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Any harvested production of soybeans which will not grade No. 4 or better (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be similarly evaluated. Any threshed production of wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess of the fixed price. Provided, when the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less than the fixed price the total value of such production, as determined by the Corporation shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

6. *Insurance unit.* An insurance unit means (a) all the insurable acreage of any one insured crop in the county in which the insured has 100 percent interest at the time of planting, or (b) all the insurable acreage of any one insured crop in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (c) all insurable acreage of any one insured crop in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

7. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation on a form prescribed by the Corporation, not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of the insured crop on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of the insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, and the result by the insured interest and (2) subtracting from the total thereof, the insured interest in the value (determined in accordance with section 5 of this rider of the total production to be counted for such acreage of the insured crop on the insurance unit. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production of wheat from acreage initially planted for purposes other than for harvest as grain), except harvested production of corn from acreage not qualifying as harvested under the definition in section 9 and in addition any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 5 of the rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

8. *Date table.*

Discount date: November 30.

Cancellation date: July 31.

Date by which county minimum participation requirement must be met for the 1957 and succeeding crop years: September 30 following the cancellation date for the crop year.

9. *Definitions.* (a) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 6 of this rider) to 10 percent or more of the harvested coverage for such acreage.

(b) "Harvest" with respect to any acreage of soybeans or wheat means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

10. Notwithstanding the provisions of subsection (d) of section 6 of the policy, if in any crop year a premium is earned and totals less than $20.00 the amount shall be increased to $20.00.

Approved: Beginning with the 1956 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

## § 420.63 *Iowa.*

### § 420.63–1 *Boone, Buena Vista, Clay, Franklin, Mitchell and Story Counties.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Boone, Buena Vista, Clay, Franklin, Mitchell, and Story Counties, Iowa, Beginning With the 1956 Crop Year)

1. *Insurable crops.* Notwithstanding any other provisions of the contract, for the first crop year of the contract the insurable crop(s) shall be those of the following designated by name on the application for insurance.

(a) Corn planted for harvest as grain. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Soybeans planted for harvest as beans, in rows far enough apart to permit intertilling with a row cultivator. The contract will not provide insurance for soybeans planted for development of hybrid seed or planted in the same row or interplanted in rows with corn.

For any subsequent crop year the designation of insurable crop(s) may be changed by the insured notifying the county office in writing prior to the cancellation date for the crop year the change is to become effective.

2. *Coverage per acre.* (a) The coverage per acre for corn shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for corn shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

(c) The coverage per acre for soybeans shall be reduced 10 percent for any acreage not harvested.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting, the soybean crop upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) when harvest of such crop is generally complete for the crop year, or (ii) December 10 of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Any harvested production of soybeans which will not grade No. 4 or better (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be similarly evaluated.

5. *Insurance unit.* An insurance unit means (a) all the insurable acreage of any one insured crop in the county in which the insured has 100 percent interest at the time of planting, or (b) all the insurable acreage of any one insured crop in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (c) all insurable acreage of any one insured crop in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

6. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation on a form prescribed by the Corporation not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of the insured crop on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of the insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, and the result by the insured interest and (2) subtracting from the total thereof, the insured interest in the value (determined in accordance with section 4 of this rider) of the total production to be counted for such acreage of the insured crop on the insurance unit. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production, except harvested production of corn from acreage not qualifying as harvested under the definition in section 8, and in addition any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 4 of the rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

7. *Date table.*

Discount date: November 30.

Cancellation date: February 28.

8. *Definitions.* (a) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 4 of this rider) to 10 percent or more of the harvested coverage for such acreage.

(b) "Harvest" with respect to any acreage of soybeans means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

9. Notwithstanding the provisions of subsection (d) of section 6 of the policy, if in any crop year a premium is earned and totals less than $20.00 the amount shall be increased to $20.00.

Approved: Beginning with the 1956 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

### § 420.63–2 *Delaware County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Delaware County, Iowa, Beginning With the 1956 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn planted for harvest as grain. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Oats planted for harvest as grain.

2. *Coverage per acre.* (a) The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for each insured crop shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting and the oat crop upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) when harvest of such crop is generally complete for the crop year, or (ii) October 31 in the case of oats, and in the case of corn December 10 of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled shall be evaluated at a value per bushel determined by the Corporation.

5. *Election of type of insurance protection.* The insured may elect to have insurance protection provided on the basis of (a) separate crop protection under which insurance units are determined separately for each insured crop, or (b) combined crop protection under which insurance units include a combination of all insured crops. The insured coverage, the premium, and any indemnity will be determined separately for each insurance unit. For the first crop year of a contract the election must be made at the time the application for insurance is filed. For any subsequent crop year such election may be made or changed by the insured notifying the county office in writing prior to the cancellation date for the crop year the change is to become effective. If no election is made by the insured, insurance will be provided on the basis of combined crop protection.

6. *Insurance unit.* (a) If combined crop protection is provided under the contract an insurance unit means (1) all the insurable acreage of all insured crops in the country in which the insured has 100 percent interest at the time of planting, or (2) all the insurable acreage of all insured crops in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (3) all the insurable acreage of all insured crops in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee; except in any case where a tenant rents land for a share of the crop and rents other land owned by the same person for cash, for a fixed commodity payment, or for other consideration, all such land which is planted to insurable crops shall constitute an insurance unit.

(b) If separate crop protection is provided under the contract an insurance unit means the same as in (a) above except that insurance units will be determined separately for each insured crop.

7. *Claims for Loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation, on a form prescribed by the Corporation, not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of all insured crops on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of each insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, and the result by the insured interest and (2) subtracting from the total thereof, the insured interest in the value (determined in accordance with section 4 of this rider) of the total production to be counted for such acreage of all insured crops on the insurance unit. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production from acreage of oats initially planted for purposes other than for harvest as grain, except harvested production of corn from acreage not qualifying as harvested under the definition in section 9, and in addition any

appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop, produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 4 of the rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any causes(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

8. *Date table.*

Discount date: November 30.

Cancellation date: February 28.

9. *Definitions.* (a) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 4 of this rider) to 10 percent or more of the harvested coverage for such acreage.

(b) "Harvest" with respect to any acreage of oats, means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

Approved: Beginning with the 1956 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.63–3 *Emmet, Hamilton, Howard, Humboldt, Ida, Tama, Winnebago and Worth Counties.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Emmet, Hamilton, Howard, Humboldt, Ida, Tama, Winnebago, and Worth Counties, Iowa, Beginning With the 1956 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn planted for harvest as grain. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Oats planted for harvest as grain.

(c) Soybeans planted for harvest as beans, in rows far enough apart to permit intertilling with a row cultivator. The contract will not provide insurance for soybeans planted for development of hybrid seed or planted in the same row or interplanted in rows with corn.

2. *Coverage per acre.* (a) The coverage per acre for corn and oats shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for corn and oats shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

(c) The coverage per acre for soybeans shall be reduced 10 percent for any acreage not harvested.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting and the oat and soybean crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) when harvest of such crop is generally complete for the crop year, or (ii) October 31 in the case of oats, and in the case of corn and soybeans December 10 of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any threshed production of oats and any corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled shall be evaluated at a value per bushel determined by the Corporation. Any harvested production of soybeans which will not grade No. 4 or better (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be similarly evaluated.

5. *Election of type of insurance protection.* The insured may elect to have insurance protection provided on the basis of (a) separate crop protection under which insurance units are determined separately for each insured crop, or (b) combined crop protection under which insurance units include a combination of all insured crops. The insured coverage, the premium, and any indemnity will be determined separately for each insurance unit. For the first crop year of a contract the election must be made at the time the application for insurance is filed. For any subsequent crop year such election may be made or changed by the insured notifying the county office in writing prior to the cancellation date for the crop year the change is to become effective. If no election is made by the insured, insurance will be provided on the basis of combined crop protection.

6. *Insurance unit.* (a) If combined crop protection is provided under the contract an insurance unit means (1) all the insurable acreage of all insured crops in the county in which the insured has 100 percent interest at the time of planting, or (2) all the insurable acreage of all insured crops in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (3) all the insurable acreage of all insured crops in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee; except in any case where a tenant rents land for a share of the crop and rents other land owned by the same person for cash, for a fixed commodity payment, or for other consideration, all such land which is planted to insurable crops shall constitute an insurance unit.

(b) If separate crop protection is provided under the contract an insurance unit means the same as in (a) above except that insurance units will be determined separately for each insured crop.

7. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation, on a form prescribed by the Corporation, not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of all insured crops on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of each insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, and the result by the insured interest and (2) subtracting from the total thereof, the insured interest in the value (determined in accordance with section 4 of this rider) of the total production to be counted for such acreage of all insured crops on the insurance unit. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production of oats from acreage initially planted for purposes other than for harvest as grain) except harvested production of corn from acreage not qualifying as harvested under the definition in section 9, and in addition any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop, produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 4 of this rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreage involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

8. *Date table.*

Discount date: November 30.

Cancellation date: February 28.

9. *Definitions.* (a) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 4 of this rider) to 10 percent or more of the harvested coverage for such acreage.

(b) "Harvest" with respect to any acreage of oats or soybeans means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

Approved: Beginning with the 1956 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.63–4 *Union and Warren Counties.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Union and Warren Counties, Iowa, Beginning With the 1956 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn planted for harvest as grain. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Soybeans planted for harvest as beans, in rows far enough apart to permit intertilling with a row cultivator. The contract will not provide insurance for soybeans planted for development of hybrid seed or planted in the same row or interplanted in rows with corn.

2. *Coverage per acre.* (a) The coverage per acre for corn shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for corn shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

(c) The coverage per acre for soybeans shall be reduced 10 percent for any acreage not harvested.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting and the soybean crop upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) when harvest of such crop is generally complete for the crop year, or (ii) December 10 of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Any harvested production of soybeans which will not grade No. 4 or better (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be similarly evaluated.

5. *Election of type of insurance protection.* The insured may elect to have insurance protection provided on the basis of (a) separate crop protection under which insurance units are determined separately for each insured crop, or (b) combined crop protection under which insurance units include a combination of all insured crops. The insured coverage, the premium, and any indemnity will be determined separately for each insurance unit. For the first crop year of a contract the election must be made at the time the application for insurance is filed. For any subsequent crop year such election may be made or changed by the insured notifying the county office in writing prior to the cancellation date for the crop year the change is to become effective. If no election is made by the insured, insurance will be provided on the basis of combined crop protection.

6. *Insurance unit.* (a) If combined crop protection is provided under the contract an insurance unit means (1) all the insurable acreage of all insured crops in the county in which the insured has 100 percent interest at the time of planting, or (2) all the insurable acreage of all insured crops in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (3) all the insurable acreage of all insured crops in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee; except in any case where a tenant rents land for a share of the crop and rents other land owned by the same person for cash, for a fixed commodity payment, or for other consideration, all such land which is planted to insurable crops shall constitute an insurance unit.

(b) If separate crop protection is provided under the contract an insurance unit means the same as in (a) above except that insurance units will be determined separately for each insured crop.

7. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation, on a form prescribed by the Corporation, not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of all insured crops on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of each insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, and the result by the insured interest and (2) subtracting from the total thereof, the insured interest in the value (determined in accordance with section 4 of this rider) of the total production to be counted for such acreage of all insured crops on the insurance unit. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production, except harvested production of corn from acreage not qualifying as harvested under the definition in section 9, and in addition any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 4 of this rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

8. *Date table.*

Discount date: November 30.

Cancellation date: February 28.

9. *Definitions.* (a) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 4 of this rider) to 10 percent or more of the harvested coverage for such acreage.

(b) "Harvest" with respect to any acreage of soybeans means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

Approved: Beginning with the 1956 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.71 *Minnesota.*

§ 420.71–1 *Big Stone County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Big Stone County, Minn., Beginning With the 1956 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Flax seeded for harvest as seed, excluding flax seeded with any other crop except perennial grasses or legumes other than vetch.

(b) Soybeans planted for harvest as beans, in rows far enough apart to permit intertilling with a row cultivator. The contractor will not provide insurance for soybeans planted for the development of hybrid seed or planted in the same row or interplanted in rows with corn.

(c) Spring wheat seeded for harvest as grain, excluding all durum wheat except red durum, and wheat seeded with flax or other small grains.

2. *Coverage per acre.* (a) The coverage per acre for flax and wheat shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for flax and wheat shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

(c) The coverage per acre for soybeans shall be reduced 10 percent for any acreage not harvested.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of any crop upon threshing or upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) when harvest of such crop is generally complete for the crop year, or (ii) October 31 in the case of flax and wheat, and in the case of soybeans December 10 of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with

respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any production of flax which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Soybeans which will not grade No. 4 or better (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be similarly evaluated. Wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes occurring within the insurance period and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess of the fixed price. Provided, when the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less than the fixed price the total value of such production, as determined by the Corporation, shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

5. *Insurance unit.* An insurance unit means (a) all the insurable acreage of any one insured crop in the county in which the insured has 100 percent interest at the time of planting, or (b) all the insurable acreage of any one insured crop in the county which is owned by one person and is operated by the insured as a share tenant at the time of planting, or (c) all insurable acreage of any one insured crop in the county which is owned by the insured and is rented to one share tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

6. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation on a form prescribed by the Corporation, not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of the insured crop on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of the insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, and the result by the insured interest and (2) subtracting from the total thereof, the insured interest in the value (determined in accordance with section 4 of this rider) of the total production to be counted for such acreage of the insured crop on the insurance unit. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production of (1) soybeans from acreage initially planted for purposes other than for harvest as beans or (2) spring wheat from acreage initially planted for purposes other than for harvest as grain) and in addition any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 4 of the rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

7. *Date table.*

Discount date: November 30.

Cancellation date: February 28.

8. *Definitions.* "Harvest" with respect to any acreage of flax, soybeans, or wheat means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

Approved: Beginning with the 1956 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

### § 420.71–2 *Chippewa County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Chippewa County, Minn., Beginning With the 1956 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn planted for harvest as grain. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Flax seeded for harvest as seed, excluding flax seeded with any other crop except perennial grasses or legumes other than vetch.

(c) Soybeans planted for harvest as beans, in rows far enough apart to permit intertilling with a row cultivator. The contract will not provide insurance for soybeans planted for the development of hybrid seed or planted in the same row or interplanted in rows with corn.

2. *Coverage per acre.* (a) The coverage per acre for corn and flax shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for corn and flax shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

(c) The coverage per acre for soybeans shall be reduced 10 percent for any acreage not harvested.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting and all other insured crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (1) when harvest of such crop is generally complete for the crop year, or (ii) October 31 in the case of flax, and in the case of corn and soybeans December 10 of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any production of corn or flax which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Soybeans which will not grade No. 4 or better (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be similarly evaluated.

5. *Insurance unit.* An insurance unit means (a) all the insurable acreage of any one insured crop in the county in which the insured has 100 percent interest at the time of planting, or (b) all the insurable acreage of any one insured crop in the county which is owned by one person and is operated by the insured as a share tenant at the time of planting, or (c) all insurable acreage of any one insured crop in the county which is owned by the insured and is rented to one share tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

6. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation on a form prescribed by the Corporation, not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of the insured crop on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of the insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, and the result by the insured interest and (2) subtracting from the total thereof, the insured interest in the value (determined in accordance with section 4 of this rider) of the total production to be counted for such acreage of the insured crop on the insurance unit. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production of soybeans from acreage initially planted for purposes other than for harvest as beans), except harvested production of corn from acreage not qualifying as harvested under the definition in item 8, and in addition any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 4 of the rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate commingled production in such manner as it determines appropriate.

7. *Date table.*

Discount date: November 30.

Cancellation date: February 28.

8. *Definitions.* (a) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 4 of this rider) to 10 percent or more of the harvested coverage for such acreage.

(b) "Harvest" with respect to any acreage of flax or soybeans means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

Approved: Beginning with the 1956 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

### § 420.71–3 *Dakota, Dodge, Faribault, Goodhue, Kandiyohi, McLeod and Nicollet Counties.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Dakota, Dodge, Faribault, Goodhue, Kandiyohi, McLeod and Nicollet Counties, Minn., Beginning With the 1956 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn planted for harvest as grain. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Oats planted for harvest as grain.

(c) Soybeans planted for harvest as beans, in rows far enough apart to permit intertilling with a row cultivator. The contract will not provide insurance for soybeans planted for development of hybrid seed or planted in the same row or interplanted in rows with corn.

2. *Coverage per acre.* (a) The coverage per acre for corn and oats shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for corn and oats shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

(c) The coverage per acre for soybeans shall be reduced 10 percent for any acreage not harvested.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting, all other insured crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (1) when harvest of such crop is generally complete for the crop year, or (ii) October 31 in the case of oats and in the case of corn and soybeans December 10 of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any threshed production of oats and any corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Any harvested production of soybeans which will not grade No. 4 or better (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be similarly evaluated.

5. *Election of type of insurance protection.* The insured may elect to have insurance protection provided on the basis of (a) separate crop protection under which insurance units are determined separately for each insured crop, or (b) combines crop protection under which insurance units include a combination of all insured crops. The insured coverage, the premium, and any indemnity will be determined separately for each insurance unit. For the first crop year of a contract the election must be made at the time the application for insurance is filed. For any subsequent crop year such election may be made or changed by the insured notifying the county office in writing prior to the cancellation date for the crop year the change is to become effective. If no election is made by the insured, insurance will be provided on the basis of combined crop protection.

6. *Insurance unit.* (a) If combined crop protection is provided under the contract an insurance unit means (1) all the insurable acreage of all insured crops in the county in which the insured has 100 percent interest at the time of planting, or (2) all the insurable acreage of all insured crops in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (3) all the insurable acreage of all insured crops in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee; except in any case where a tenant rents land for a share of the crop and rents other land owned by the same person for cash, for a fixed commodity payment, or for other consideration, all such land which is insurable and planted to insured crops shall constitute an insurance unit.

(b) If separate crop protection is provided under the contract an insurance unit means the same as in (a) above except that insurance units will be determined separately for each insured crop.

7. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation, on a form prescribed by the Corporation, not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of all insured crops on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of each insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre and the result by the insured interest, and (2) subtracting from the total thereof, the insured interest in the value (determined in accordance with section 4 of this rider) of the total production to be counted for such acreage of all insured crops on the insurance unit. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production of oats from acreage initially planted for purposes other than for harvest as grain), except harvested production of corn from acreage not qualifying as harvested under the definition in section 9 and in addition any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 4 of this rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

8. *Date table.*

Discount date: November 30.

Cancellation date: February 28.

9. *Definitions.* (a) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 4 of this rider) to 10 percent or more of the harvested coverage for such acreage.

(b) "Harvest" with respect to any acreage of oats, or soybeans means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

Approved: Beginning with the 1956 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

## § 420.71–4 *East Polk County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in East Polk County, Minn., Beginning With the 1956 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain, excluding barley planted with flax or other small grains.

(b) Flax planted for harvest as seed, excluding flax planted with any other crop except perennial grasses or legumes.

(c) Oats planted for harvest as grain.

(d) Spring wheat planted for harvest as grain, excluding all durum wheat except red durum, and excluding wheat planted with flax or other small grains.

2. *Coverage per acre.* (a) The coverage per acre for each crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for each crop shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of any crop upon threshing or upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) when harvest of such crop is generally complete for the crop year, or (ii) October 31 of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any threshed production of barley, flax, or oats which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Any threshed production of wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess of the fixed price. Provided, when the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less than the fixed price the total value of such production, as determined by the Corporation, shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

5. *Insurance unit.* An insurance unit means (a) all the insurable acreage of any one insured crop in the county in which the insured has 100 percent interest at the time of planting, or (b) all the insurable acreage of any one insured crop in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (c) all insurable acreage of any one insured crop in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

6. *Claim for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation on a form prescribed by the Corporation, not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) established the production of the insured crop on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of the insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, and the result by the insured interest and (2) subtracting from the total thereof, the insured interest in the value (determined in accordance with section 4 of this rider) of the total production to be counted for such acreage of the insured crop on the insurance unit. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production of barley, oats, or wheat from acreage initially planted for purposes other than for harvest as grain) and in addition any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 4 of this rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

7. *Date table.*

Discount date: November 30.

Cancellation date: February 28.

8. *Definitions.* "Harvest" with respect to any acreage of barley, flax, oats or wheat means mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

Approved: Beginning with the 1956 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

## § 420.71–5 *Lac qui Parle County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Lac qui Parle County, Minn., Beginning With the 1956 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Flax seeded for harvest as seed, excluding flax seeded with any other crop except perennial grasses or legumes other than vetch.

(b) Soybeans planted for harvest as beans, in rows far enough apart to permit intertilling with a row cultivator. The contract will not provide insurance for soybeans planted for the development of hybrid seed or planted in the same row or interplanted in rows with corn.

2. *Coverage per acre.* (a) The coverage per acre for flax shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for flax shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

(c) The coverage per acre for soybeans shall be reduced 10 percent for any acreage not harvested.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of any crop upon threshing or upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (1) when harvest of such crop is generally complete for the crop year, or (ii) October 31 in the case of flax, and in the case of soybeans December 10 of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any production of flax which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Soybeans which will not grade No. 4 or better (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be similarly evaluated.

5. *Insurance unit.* An insurance unit means (a) all the insurable acreage of any one insured crop in the county in which the insured has 100 percent interest at the time of planting, or (b) all the insurable acreage of any one insured crop in the county which is owned by one person and is operated by the insured as a share tenant at the time of planting, or (c) all insurable acreage of any one insured crop in the county which is owned by the insured and is rented to one share tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

6. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation on a form prescribed by the Corporation, not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of the insured crop on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of the insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, and the result by the insured interest and (2) subtracting from the total thereof, the insured interest in the value (determined in accordance with section 4 of this rider) of the total production to be counted for such acreage of the insured crop on the insurance unit. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production of soybeans from acreage initially planted for purposes other than for harvest as beans) and in addition any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 4 of the rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

7. *Date table.*

Discount date: November 30.

Cancellation date: February 28.

8. *Definitions.* "Harvest" with respect to any acreage of flax or soybeans means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

Approved: Beginning with the 1956 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.



## § 420.71–6 *Lincoln County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Lincoln County, Minn., Beginning With the 1956 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley seeded for harvest as grain, excluding barley seeded with flax, other small grains or vetch.

(b) Corn planted for harvest as grain. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(c) Flax seeded for harvest as seed, excluding flax seeded with any other crop except perennial grasses or legumes other than vetch.

2. *Coverage per acre.* (a) The coverage per acre for barley, corn, and flax shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for barley, corn, and flax shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting and all other insured crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) when harvest of such crop is generally complete for the crop year, or (ii) October 31 in the case of barley and flax, and in the case of corn December 10 of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any production of barley, corn, or flax which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation.

5. *Insurance unit.* An insurance unit means (a) all the insurable acreage of any one insured crop in the county in which the insured has 100 percent interest at the time of planting, or (b) all the insurable acreage of any one insured crop in the county which is owned by one person and is operated by the insured as a share tenant at the time of planting, or (c) all insurable acreage of any one insured crop in the county which is owned by the insured and is rented to one share tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

6. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation on a form prescribed by the Corporation, not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of the insured crop on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of the insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, and the result by the insured interest and (2) subtracting from the total thereof, the insured interest in the value (determined in accordance with section 4 of this rider) of the total production to be counted for such acreage of the insured crop on the insurance unit. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production of barley, corn, or flax which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 4 of the rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

7. *Date table.*

Discount date: November 30.

Cancellation date: February 28.

8. *Definitions.* (a) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 4 of this rider) to 10 percent or more of the harvested coverage for such acreage.

(b) "Harvest" with respect to any acreage of barley or flax means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

Approved: Beginning with the 1956 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

### § 420.71–7 *Pope County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Pope County, Minn., Beginning With the 1956 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley seeded for harvest as grain, excluding barley seeded with flax, other small grains or vetch.

(b) Flax seeded for harvest as seed, excluding flax seeded with any other crop except perennial grasses or legumes other than vetch.

(c) Soybeans planted for harvest as beans, in rows far enough apart to permit intertilling with a row cultivator. The contract will not provide insurance for soybeans planted for the development of hybrid seed or planted in the same row or interplanted in rows with corn.

2. *Coverage per acre.* (a) The coverage per acre for barley and flax shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for barley and flax shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

(c) The coverage per acre for soybeans shall be reduced 10 percent for any acreage not harvested.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of any crop upon threshing or upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) when harvest of such crop is generally complete for the crop year, or (ii) October 31 in the case of barley and flax, and in the case of soybeans December 10 of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any production of barley or flax which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Soybeans which will not grade No. 4 or better (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be similarly evaluated.

5. *Insurance unit.* An insurance unit means (a) all the insurable acreage of any one insured crop in the county in which the insured has 100 percent interest at the time of planting, or (b) all the insurable acreage of any one insured crop in the county which is owned by one person and is operated by the insured as a share tenant at the time of planting, or (c) all insurable acreage of any one insured crop in the county which is owned by the insured and is rented to one share tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

6. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation on a form prescribed by the Corporation, not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of the insured crop on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of the insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, and the result by the insured interest and (2) subtracting from the total thereof, the insured interest in the value (determined in accordance with section 4 of this rider) of the total production to be counted for such acreage of the insured crop on the insurance unit. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production of (1) soybeans from acreage initially planted for purposes other than for harvest as beans or (2) barley from acreage initially seeded for purposes other than for harvest as grain) and in addition any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 4 of the rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without beleased by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

7. *Date table.*

Discount date: November 30.

Cancellation date: February 28.

8. *Definitions.* "Harvest" with respect to any acreage of barley, flax or soybeans means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

Approved: Beginning with the 1956 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

### § 420.71–8 *Stearns County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Stearns County, Minn., Beginning With the 1956 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain, excluding barley planted with flax or other small grains.

(b) Corn planted for harvest as grain. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(c) Oats planted for harvest as grain.

2. *Coverage per acre.* (a) The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for each insured crop shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting, all other insured crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) when harvest of such crop is generally complete for the crop year, or (ii) October 31 in the case of barley and oats, and in the case of corn December 10 of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any threshed production of barley or oats and any corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation.

5. *Election of type of insurance protection.* The insured may elect to have insurance protection provided on the basis of (a) separate crop protection under which insurance units are determined separately for each insured crop, or (b) combined crop protection under which insurance units include a combination of all insured crops. The insured coverage, the premium, and any indemnity will be determined separately for each insurance unit. For the first crop year of a contract the election must be made at the time the application for insurance is filed. For any subsequent crop year such election may be made or changed by the insured notifying the county office in writing prior to the cancellation date for the crop year the change is to become effective. If no election is made by the insured, insurance will be provided on the basis of combined crop protection.

6. *Insurance unit.* (a) If combined crop protection is provided under the contract an insurance unit means (1) all the insurable acreage of all insured crops in the county in which the insured has 100 percent interest at the time of planting, or (2) all the insurable acreage of all insured crops in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (3) all the insurable acreage of all insured crops in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee; except in any case where a tenant rents land for a share of the crop and rents other land owned by the same person for cash, for a fixed commodity payment, or for other consideration, all such land which is planted to insurable crops shall constitute an insurance unit.

(b) If separate crop protection is provided under the contract an insurance unit means the same as in (a) above except that insurance units will be determined separately for each insured crop.

7. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation, on a form prescribed by the Corporation, not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of all insured crops on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of each insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre and the result by the insured interest, and (2) subtracting from the total thereof, the insured interest in the value (determined in accordance with section 4 of this rider) of the total production to be counted for such acreage of all insured crops on the insurance unit. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production of barley or oats from acreage initially planted for purposes other than for harvest as grain), except harvested production of corn from acreage not qualifying as harvested under the definition in section 9, and in addition any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss or acreage abandoned or put to another use without being released by the Corporation. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 4 of this rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

8. *Date table.*

Discount date: November 30.

Cancellation date: February 28.

9. *Definitions.* (a) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 4 of this rider) to 10 percent or more of the harvested coverage of such acreage.

(b) "Harvest" with respect to any acreage of barley or oats means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

Approved: Beginning with the 1956 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

### § 420.71–9 *Stevens County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Stevens County, Minn., Beginning With the 1956 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain, excluding barley planted with flax or other small grains.

(b) Corn planted for harvest as grain. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broomcorn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(c) Flax planted for harvest as seed, excluding flax planted with any other crop except perennial grasses or legumes.

(d) Oats planted for harvest as grain.

(e) Soybeans planted for harvest as beans, in rows far enough apart to permit intertilling with a row cultivator. The contract will not provide insurance for soybeans planted for development of hybrid seed or planted in the same row or interplanted in rows with corn.

2. *Coverage per acre.* (a) The coverage per acre for each insured crop except soybeans shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for each insured crop except soybeans shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

(c) The coverage per acre for soybeans shall be reduced 10 percent for any acreage not harvested.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting, all other insured crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) when harvest of such crop is generally complete for the crop year, or (ii) October 31 in the case of barley, flax, and oats and in the case of corn and soybeans December 10 of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any threshed production of barley, flax, or oats and any corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Any harvested production of soybeans which will not grade No. 4 or better (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be similarly evaluated.

5. *Election of type of insurance protection.* The insured may elect to have insurance protection provided on the basis of (a) separate crop protection under which insurance units are determined separately for each insured crop, or (b) combined crop protection under which insurance units include a combination of all insured crops. The insured coverage, the premium, and any indemnity will be determined separately for each insurance unit. For the first crop year of a contract the election must be made at the time the application for insurance is filed. For any subsequent crop year such election may be made or changed by the insured notifying the county office in writing prior to the cancellation date for the crop year the change is to become effective. If no election is made by the insured, insurance will be provided on the basis of combined crop protection.

6. *Insurance unit.* (a) If combined crop protection is provided under the contract an insurance unit means (1) all the insurable acreage of all insured crops in the county in which the insured has 100 percent interest at the time of planting, or (2) all the insurable acreage of all insured crops in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (3) all the insurable acreage of all insured crops in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee; except in any case where a tenant rents land for a share of the crop and rents other land owned by the same person for cash, for a fixed commodity payment, or for other consideration, all such land which is planted to insurable crops shall constitute an insurance unit.

(b) If separate crop protection is provided under the contract an insurance unit means the same as in (a) above except that insurance units will be determined separately for each insured crop.

7. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation, on a form prescribed by the Corporation, not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of all insured crops on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be

determined by (1) multiplying the planted acreage of each insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre and the result by the insured interest, and (2) subtracting from the total thereof, the insured interest in the value (determined in accordance with section 4 of this rider) of the total production to be counted for such acreage of all insured crops on the insurance unit. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production of barley or oats from acreage initially planted for purposes other than for harvest as grain), except harvested production of corn from acreage not qualifying as harvested under the definition in section 9 and in addition any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 4 of this rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

8. *Date table.*

Discount date: November 30.

Cancellation date: February 28.

9. *Definitions.* (a) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 4 of this rider) to 10 percent or more of the harvested coverage for such acreage.

(b) "Harvest" with respect to any acreage of barley, flax, oats, or soybeans means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

Approved: Beginning with the 1956 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

## § 420.71–10 *Swift County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Swift County, Minn., Beginning With the 1956 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn planted for harvest as grain. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Flax planted for harvest as seed, excluding flax planted with any other crop except perennial grasses or legumes.

(c) Oats planted for harvest as grain.

(d) Soybeans planted for harvest as beans, in rows far enough apart to permit intertilling with a row cultivator. The contract will not provide insurance for soybeans planted for development of hybrid seed or planted in the same row or interplanted in rows with corn.

2. *Coverage per acre.* (a) The coverage per acre for each insured crop except soybeans shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for each insured crop except soybeans shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

(c) The coverage per acre for soybeans shall be reduced 10 percent for any acreage not harvested.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting, all other insured crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) when harvest of such crop is generally complete for the crop year, or (ii) October 31 in the case of flax and oats and in the case of corn and soybeans December 10 of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any threshed production of flax, or oats and any corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Any harvested production of soybeans which will not grade No. 4 or better (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be similarly evaluated.

5. *Election of type of insurance protection.* The insured may elect to have insurance protection provided on the basis of (a) separate crop protection under which insurance units are determined separately for each insured crop, or (b) combined crop protection under which insurance units include a combination of all insured crops. The insured coverage, the premium, and any indemnity will be determined separately for each insurance unit. For the first crop year of a contract the election must be made at the time the application for insurance is filed. For any subsequent crop year such election may be made or changed by the insured notifying the county office in writing prior to the cancellation date for the crop year the change is to become effective. If no election is made by the insured, insurance will be provided on the basis of combined crop protection.

6. *Insurance unit.* (a) If combined crop protection is provided under the contract an insurance unit means (1) all the insurable acreage of all insured crops in the county in which the insured has 100 percent interest at the time of planting, or (2) all the insurable acreage of all insured crops in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (3) all the insurable acreage of all insured crops in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee; except in any case where a tenant rents land for a share of the crop and rents other land owned by the same person for cash, for a fixed commodity payment, or for other consideration, all such land which is planted to insurable crops shall constitute an insurance unit.

(b) If separate crop protection is provided under the contract an insurance unit means the same as in (a) above except that insurance units will be determined separately for each insured crop.

7. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation, on a form prescribed by the Corporation, not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of all insured crops on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of each insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre and the result by the insured interest, and (2) subtracting from the total thereof, the insured interest in the value (determined in accordance with section 4 of this rider) of the total production to be counted for such acreage of all insured crops on the insurance unit. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production of oats from acreage initially planted for purposes other than for harvest as grain), except harvested production of corn from acreage not qualifying as harvested under the definition in section 9 and in addition any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 4 of this rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.



(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

8. *Date table.*

Discount date: November 30.

Cancellation date: February 28.

9. *Definitions.* (a) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 4 of this rider) to 10 percent or more of the harvested coverage for such acreage.

(b) "Harvest" with respect to any acreage of flax, oats or soybeans means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

Approved: Beginning with the 1956 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

## § 420.71–11 *Yellow Medicine.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Yellow Medicine County, Minn., Beginning With the 1956 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn planted for harvest as grain. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Flax seeded for harvest as seed, excluding flax seeded with any other crop except perennial grasses or legumes other than vetch.

(c) Soybeans planted for harvest as beans, in rows far enough apart to permit intertilling with a row cultivator. The contract will not provide insurance for soybeans planted for the development of hybrid seed or planted in the same row or interplanted in rows with corn.

2. *Coverage per acre.* (a) The coverage per acre for corn and flax shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for corn and flax shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

(c) The coverage per acre for soybeans shall be reduced 10 percent for any acreage not harvested.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting and all other insured crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) when harvest of such crop is generally complete for the crop year, or (ii) October 31 in the case of flax, and in the case of corn and soybeans December 10 of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any production of corn or flax which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Soybeans which will not grade No. 4 or better (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be similarly evaluated.

5. *Insurance unit.* An insurance unit means (a) all the insurable acreage of any one insured crop in the county in which the insured has 100 percent interest at the time of planting, or (b) all the insurable acreage of any one insured crop in the county which is owned by one person and is operated by the insured as a share tenant at the time of planting, or (c) all insurable acreage of any one insured crop in the county which is owned by the insured and is rented to one share tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

6. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation on a form prescribed by the Corporation, not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of the insured crop on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of the insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, and the result by the insured interest and (2) subtracting from the total thereof, the insured interest in the value (determined in accordance with section 4 of this rider) of the total production to be counted for such acreage of the insured crop on the insurance unit. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production of soybeans from acreage initially planted for purposes other than for harvest as beans), except harvested production of corn from acreage not qualifying as harvested under the definition in item 8, and in addition any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured corp. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 4 of the rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate commingled production in such manner as it determines appropriate.

7. *Date table.*

Discount date: November 30.

Cancellation date: February 28.

8. *Definitions.* (a) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 4 of this rider) to 10 percent or more of the harvested coverage for such acreage.

(b) "Harvest" with respect to any acreage of flax or soybeans means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

Approved: Beginning with the 1956 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

## § 420.73 *Missouri.*

## § 420.73–3 *Cass and Cooper Counties.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Cass and Cooper Counties, Mo., Beginning With the 1956 Crop Year)

1. *Insurable crops.* Notwithstanding any other provisions of the contract, for the first crop year of the contract, the insurable crop(s) shall be those of the following designated by name on the application for insurance:

(a) Corn planted for harvest as grain. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Winter wheat planted for harvest as grain, excluding wheat planted with other small grains. (Insurance to attach the first crop year of the contract only if the application is filed on or before September 30 preceding the calendar year in which the crop for that crop year is normally harvested.)

For any subsequent crop year the designation of insurable crop(s) may be changed by the insured notifying the county office in writing prior to the cancellation date for the crop year the change is to become effective.

2. *Existing crop insurance contract.* The acceptance of the application upon which this policy is issued shall not cancel any existing wheat crop insurance contract between the insured and the Corporation for the 1956 crop year and such wheat insurance policy shall remain in full force and effect for the 1956 crop year. However, the acceptance of such application shall cancel effective beginning with the 1957 crop year any wheat

crop insurance contract between the insured and the Corporation.

3. *Coverage per acre.* (a) The coverage per acre for corn and wheat shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for corn and wheat shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

4. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting and the wheat crop upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) when harvest of such crop is generally complete for the crop year, or (ii) October 31 in the case of wheat, and in the case of corn December 10 of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

5. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation.

Any threshed production of wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess of the fixed price. Provided, when the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less than the fixed price, the total value of such production, as determined by the Corporation, shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

6. *Insurance unit.* An insurance unit means (a) all the insurable acreage of any one insured crop in the county in which the insured has 100 percent interest at the time of planting, or (b) all the insurable acreage of any one insured crop in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (c) all insurable acreage of any one insured crop in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

7. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation on a form prescribed by the Corporation not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of the insured crop on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of the insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, and the result by the insured interest and (2) subtracting from the total thereof, the insured interest in the value (determined in accordance with section 5 of this rider) of the total production to be counted for such acreage of the insured crop on the insurance unit. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production of wheat from acreage initially planted for purposes other than for harvest as grain), except harvested production of corn from acreage not qualifying as harvested under the definition in section 9, and in addition, any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the vlaue (determined in accordance with section 5 of the rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

8. *Date table.*

Discount date: November 30.

Cancellation date: July 31.

Date by which county minimum participation requirement must be met for the 1957 and succeeding crop years: September 30 following the cancellation date for the crop year.

9. *Definitions.* (a) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 5 of this rider) to 10 percent or more of the harvested coverage for such acreage.

(b) "Harvest" with respect to any acreage of wheat means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

10. Notwithstanding the provisions of subsection (d) of section 6 of the policy, if in any crop year a premium is earned and totals less than $20.00 the amount shall be increased to $20.00.

Approved: Beginning with the 1956 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.82 *North Dakota.*

§ 420.82–1 *Barnes County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Barnes County, N. Dak., Beginning With the 1956 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain, excluding barley planted with flax or other small grains.

(b) Flax planted for harvest as seed, excluding flax planted with any other crop except perennial grasses or legumes.

(c) Oats planted for harvest as grain.

(d) Winter rye planted for harvest as grain. (Insurance not to attach the first crop year of the contract.)

(e) Spring wheat planted for harvest as grain, excluding all durum wheat except red durum and excluding wheat planted with flax or other small grains.

2. *Coverage per acre.* (a) The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for each insured crop shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of any crop upon threshing, or upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) when harvest of such crop is generally complete for the crop year, or (ii) October 31, of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any threshed production of barley, flax, oats or rye which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Any threshed production of wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess of the fixed price. Provided, when the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less than the fixed price the total value of such production, as determined by the Corporation, shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.



5. *Insurance unit.* An insurance unit means (a) all the insurable acreage of all insured crops in the county in which the insured has 100 percent interest at the time of planting, or (b) all the insurable acreage of all insured crops in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (c) all the insurable acreage of all insured crops in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee; except in any case where a tenant rents land for a share of the crop and rents other land owned by the same person for cash, for a fixed commodity payment, or for other consideration, all such land which is insurable and planted to insured crops shall constitute an insurance unit.

6. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation, on a form prescribed by the Corporation not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of all insured crops on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of each insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre and the result by the insured interest, and (2) subtracting from the total thereof, the insured interest in the value (determined in accordance with section 4 of this rider) of the total production to be counted for such acreage of all insured crops on the insurance unit. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production of barley, oats, rye or wheat from acreage initially planted for purposes other than for harvest as grain) and in addition any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 4 of this rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

7. *Date table.*

Discount date: November 30.

Cancellation date: February 28.

8. *Definitions.* "Harvest" with respect to any acreage of barley, flax, oats, rye or wheat means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

Approved: Beginning with the 1956 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

§ 420.82 *North Dakota.*

§ 420.82-2 *Dickey, LaMoure, Ransom and Sargent Counties.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Dickey, LaMoure, Ransom and Sargent Counties, N. Dak., Beginning With 1956 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain, excluding barley planted with flax or other small grains.

(b) Flax planted for harvest as seed, excluding flax planted with any other crop except perennial grasses or legumes.

(c) Oats planted for harvest as grain.

(d) Spring wheat planted for harvest as grain, excluding all durum wheat except red durum and excluding wheat planted with flax or other small grains.

2. *Coverage per acre.* (a) The coverage per acre for each crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for each crop shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of any crop upon threshing or upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) when harvest of such crop is generally complete for the crop year, or (ii) October 31 of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any threshed production of barley, flax, or oats which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Any threshed production of wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess of the fixed price. Provided, when the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less than the fixed price the total value of such production, as determined by the Corporation, shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

5. *Election of type of insurance protection.* The insured may elect to have insurance protection provided on the basis of (a) separate crop protection under which insurance units are determined separately for each insured crop, or (b) combined crop protection under which insurance units include a combination of all insured crops. The insured coverage, the premium, and any indemnity will be determined separately for each insurance unit. For the first crop year of a contract the election must be made at the time the application for insurance is filed. For any subsequent crop year such election may be made or changed by the insured notifying the county office in writing prior to the cancellation date for the crop year the change is to become effective. If no election is made by the insured, insurance will be provided on the basis of combined crop protection.

6. *Insurance unit.* (a) If combined crop protection is provided under the contract an insurance unit means (1) all the insurable acreage of all insured crops in the county in which the insured has 100 percent interest at the time of planting, or (2) all the insurable acreage of all insured crops in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (3) all the insurable acreage of all insured crops in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee; except in any case where a tenant rents land for a share of the crop and rents other land owned by the same person for cash, for a fixed commodity payment, or for other consideration, all such land which is planted to insurable crops shall constitute an insurance unit.

(b) If separate crop protection is provided under the contract an insurance unit means the same as in (a) above except that insurance units will be determined separately for each insured crop.

7. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation on a form prescribed by the Corporation, not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) established the production of the insured crop on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of the insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, and the result by the insured interest and (2) subtracting from the total thereof, the insured interest in the value (determined in accordance with section 4 of this rider) of the total production to be counted for such acreage of the insured crop on the insurance unit. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be re-

duced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production of barley, oats, or wheat from acreage initially planted for purposes other than for harvest as grain) and in addition any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 4 of the rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

8. *Date table.*

Discount date: November 30.

Cancellation date: February 28.

9. *Definition.* "Harvest" with respect to any acreage of barley, flax, oats or wheat means mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

Approved: Beginning with the 1956 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

## § 420.82–3 *Grand Forks, Pierce and Steele Counties.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Grand Forks, Pierce and Steele Counties, N. Dak., Beginning With the 1956 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain, excluding barley planted with flax or other small grains.

(b) Flax planted for harvest as seed, excluding flax planted with any other crop except perennial grasses or legumes.

(c) Oats planted for harvest as grain.

(d) Winter rye planted for harvest as grain. (Insurance not to attach the first crop year of the contract.)

(e) Spring wheat planted for harvest as grain, excluding wheat planted with flax or other small grains.

2. *Coverage per acre.* (a) The coverage per acre for each crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for each crop shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of any crop upon threshing or upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) when harvest of such crop is generally complete for the crop year, or (ii) October 31 of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any threshed production of barley, flax, oats, or rye which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Any threshed production of wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess of the fixed price. Provided, when the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less than the fixed price the total value of such production, as determined by the Corporation, shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

5. *Insurance unit.* An insurance unit means (a) all the insurable acreage of all insured crops in the county in which the insured has 100 percent interest at the time of planting, or (b) all the insurable acreage of all insured crops in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (c) all the insurable acreage of all insured crops in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee; except in any case where a tenant rents land for a share of the crop and rents other land owned by the same person for cash, for a fixed commodity payment, or for other consideration, all such land which is insurable and planted to insured crops shall constitute an insurance unit.

6. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation on a form prescribed by the Corporation, not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of the insured crop on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of the insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, and the result by the insured interest and (2) subtracting from the total thereof, the insured interest in the value (determined in accordance with section 4 of this rider) of the total production to be counted for such acreage of the insured crop on the insurance unit. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production of barley, oats, rye or wheat from acreage initially planted for purposes other than for harvest as grain) and in addition any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes or loss, or acreage abandoned or put to another use without being released by the Corporation. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 4 of the rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for permium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

7. *Date table.*

Discount date: November 30.

Cancellation date: February 28.

8. *Definitions.* "Harvest" with respect to any acreage of barley, flax, oats, rye or wheat means mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

Approved: Beginning with the 1956 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

## § 420.82–4 *Richland County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Richland County, N. Dak., Beginning With the 1955 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain.

(b) Corn normally regarded as field corn. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(c) Flax planted for harvest as seed.

(d) Oats planted for harvest as grain.

(e) Winter rye planted for harvest as grain. (Insurance not to attach the first crop year of the contract.)

(f) Soybeans planted for harvest as beans.

(g) Spring wheat planted for harvest as grain. (Excluding all durum wheat except red durum.)



2. *Coverage per acre.* The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), all other insured crops upon threshing, or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) October 31 of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Protection against loss of quality.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. However, any production of barley, corn, flax, oats, rye, or soybeans which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Wheat which does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be similarly evaluated.

5. *Released crop.* Notwithstanding any other provision of the policy, and crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of each insured crop (exclusive of any acreage to which insurance did not attach) by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, if the premium computed for the planted acreage is more than the premium computed for the acreage and interest shown on the acreage report for the insurance unit, the amount of loss so determined shall be reduced on the basis of the ratio of the premium computed for the acreage and interest shown on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall be the sum of all production determined in accordance with each of the applicable acreage classifications shown on the production schedule below. However, with respect to any acreage of corn which is not or will not be harvested as corn for grain, the production shall be the appraised production of corn for grain or the appraised or actual production of ensilage, whichever has the higher total value (on the basis of the price per bushel for corn as provided under section 4 above, or the value per ton for ensilage as determined by the Corporation): Provided, however, that if the appraised or actual production of corn which was or could have been used for ensilage is one ton or more per acre, the value of such production shall not be less than $3.00 per acre. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.

PRODUCTION SCHEDULE FOR EACH INSURED CROP

| *Acreage classification* | *Total production* [1] |
|---|---|
| 1. Acreage released by the Corporation and planted to a substitute crop. | That portion of the appraised production for such acreage which is in excess of 50 percent of the harvested coverage divided by the predetermined price for the crop. |
| 2. Acreage not planted to a substitute crop. | The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder. |
| 3. Acreage put to another use without the consent of the Corporation. | Appraised production for such acreage but not less than the harvested coverage divided by the predetermined price for the crop. |
| 4. Acreage with reduced yield due solely to cause(s) not insured against. | Appraised number of bushels by which production for such acreage has been reduced but not less than the harvested coverage divided by the predetermined price for the crop, minus the number of bushels harvested. |
| 5. Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against. | Appraised number of bushels by which production for such acreage has been reduced because of cause(s) not insured against. |

[1] Production shall be in bushels for all crops.

(b) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year and declare the premium on such units forfeited by the insured, or (2) allocate the commingled production in such manner as it determines appropriate.

7. *Date table.*

Discount date: November 30.

Cancellation date: February 28.

Approved: Beginning with the 1956 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

## § 420.89 *South Dakota.*

## § 420.89–1 *Bon Homme County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Bon Homme County, S. Dak., Beginning With the 1956 Crop Year)

1. *Insurance crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain, excluding barley planted with flax or other small grains.

(b) Corn planted for harvest as grain. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(c) Oats planted for harvest as grain.

(d) Winter rye planted for harvest as grain. (Insurance not to attach the first crop year of the contract.)

(e) Spring wheat planted for harvest as grain, excluding all durum wheat except red durum and excluding wheat planted with flax or other small grains.

2. *Coverage per acre.* (a) The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for each insured crop shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting, all other insured crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) when harvest of such crop is generally complete for the crop year, or (ii) October 31 in the case of barley, oats, rye or wheat, and in the case of corn December 10 of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any threshed production of barley, oats or rye and any corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Any threshed production of wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess

of the fixed price. Provided, when the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less than the fixed price the total value of such production, as determined by the Corporation, shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

5. *Insurance unit.* An insurance unit means (a) all the insurable acreage of all insured crops in the county in which the insured has 100 percent interest at the time of planting, or (b) all the insurable acreage of all insured crops in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (c) all the insurable acreage of all insured crops in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee; except in any case where a tenant rents land for a share of the crop and rents other land owned by the same person for cash, for a fixed commodity payment, or for other consideration, all such land which is insurable and planted to insured crops shall constitute an insurance unit.

6. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation, on a form prescribed by the Corporation, not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of all insured crops on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of each insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre and the result by the insured interest, and (2) subtracting from the total thereof, the insured interest in the value (determined in accordance with section 4 of this rider) of the total production to be counted for such acreage of all insured crops on the insurance unit. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production of barley, oats, rye and wheat from acreage initially planted for purposes other than for harvest as grain), except harvested production of corn from acreage not qualifying as harvested under the definition in section 8 and in addition any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 4 of this rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

7. *Date table.*

Discount date: November 30.

Cancellation date: February 28.

8. *Definitions.* (a) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 4 of this rider) to 10 percent or more of the harvested coverage for such acreage.

(b) "Harvest" with respect to any acreage of barley, oats, rye or wheat means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

Approved: Beginning with the 1956 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

### § 420.89–2 *Day County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Day County, S. D., Beginning With the 1956 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain, excluding barley planted with flax or other small grains.

(b) Corn planted for harvest as grain. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(c) Flax planted for harvest as seed, excluding flax planted with any other crop except perennial grasses or legumes.

(d) Oats planted for harvest as grain.

(e) Winter rye planted for harvest as grain. (Insurance not to attach the first crop year of the contract.)

(f) Spring wheat planted for harvest as grain, excluding all durum wheat except red durum and, excluding wheat planted with flax or other small grains.

2. *Coverage per acre.* (a) The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for each insured crop shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting, all other insured crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) when harvest of such crop is generally complete for the crop year, or (ii) October 31 in the case of barley, flax, oats, rye or wheat and in the case of corn December 10 of the calendar year in which the crop is normally harvested unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any threshed production of barley, flax, oats or rye and any corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Any threshed production of wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess of the fixed price. Provided, when the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less than the fixed price the total value of such production, as determined by the Corporation, shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

5. *Insurance unit.* An insurance unit means (a) all the insurable acreage of all insured crops in the county in which the insured has 100 percent interest at the time of planting, or (b) all the insurable acreage of all insured crops in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (c) all the insurable acreage of all insured crops in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee; except in any case where a tenant rents land for a share of the crop and rents other land owned by the same person for cash, for a fixed commodity payment, or for other consideration, all such land which is insurable and planted to insured crops shall constitute an insurance unit.

6. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation, on a form prescribed by the Corporation not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of all insured crops on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of each insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre and the result by the insured interest, and (2) subtracting from the total thereof, the insured interest in the value (determined in accordance with section 4 of this rider) of the total production to be counted for such acreage of all insured crops on the insurance unit. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production of barley, oats, rye and wheat from acreage initially planted for purposes other than for harvest as grain), except harvested production of corn from acreage not qualifying as harvested under the definition in section 8 and in addition any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 4 of this rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

7. *Date table.*

Discount date: November 30.

Cancellation date: February 28.

8. *Definitions.* (a) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 4 of this rider) to 10 percent or more of the harvested coverage for such acreage.

(b) "Harvest" with respect to any acreage of barley, oats, rye or wheat means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

Approved: Beginning with the 1956 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

### § 420.89–3 *Deuel, Hamlin, Lake and McCook Counties.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Deuel, Hamlin, Lake, and McCook Counties, S. Dak., Beginning With the 1956 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain, excluding barley planted with flax or other small grains.

(b) Corn planted for harvest as grain. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(c) Flax planted for harvest as seed, excluding flax planted with any other crop except perennial grasses or legumes.

(d) Oats planted for harvest as grain.

(e) Winter rye planted for harvest as grain. (Insurance not to attach the first crop year of the contract.)

(f) Soybeans planted for harvest as beans, in rows far enough apart to permit intertilling with a row cultivator. The contract will not provide insurance for soybeans planted for development of hybrid seed or planted in the same row or interplanted in rows with corn.

(g) Spring wheat planted for harvest as grain, excluding all durum wheat except red durum and excluding wheat planted with flax or other small grains.

2. *Coverage per acre.* (a) The coverage per acre for each insured crop except soybeans shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for each insured crop except soybeans shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop,

(c) The coverage per acre for soybeans shall be reduced 10 percent for any acreage not harvested.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting, all other insured crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) when harvest of such crop is generally complete for the crop year, or (ii) October 31 in the case of barley, flax, oats, rye or wheat, and in the case of corn and soybeans December 10 of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any threshed production of barley, flax, oats or rye and any corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Any harvested production of soybeans which will not grade No. 4 or better (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be similarly evaluated. Any threshed production of wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate of No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess of the fixed price. Provided, when the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less than the fixed price the total value of such production, as determined by the Corporation, shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

5. *Insurance unit.* An insurance unit means (a) all the insurable acreage of all insured crops in the county in which the insured has 100 percent interest at the time of planting, or (b) all the insurable acreage of all insured crops in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (c) all the insurable acreage of all insured crops in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee; except in any case where a tenant rents land for a share of the crop and rents other land owned by the same person for cash, for a fixed commodity payment, or for other consideration, all such land which is insurable and planted to insured crops shall constitute an insurance unit.

6. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation, on a form prescribed by the Corporation, not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of all insured crops on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of each insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre and the result by the insured interest, and (2) subtracting from the total thereof, the insured interest in the value (determined in accordance with section 4 of this rider) of the total production to be counted for such acreage of all insured crops on the insurance unit. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production of barley, oats, rye and wheat from acreage initially planted for purposes other than for harvest as grain), except harvested production of corn from acreage not qualifying as harvested under the definition in section 8 and in addition any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 4 of this rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to

keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

7. *Date table.*

Discount date: November 30.

Cancellation date: February 28.

8. *Definitions.* (a) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 4 of this rider) to 10 percent or more of the harvested coverage for such acreage.

(b) "Harvest" with respect to any acreage of barley, flax, oats, rye, soybeans or wheat means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

Approved: Beginning with the 1956 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

## § 420.89–4 *Grant County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Grant County, S. Dak., Beginning With the 1956 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley seeded for harvest as grain, excluding barley seeded with flax, other small grains or vetch.

(b) Flax seeded for harvest as seed, excluding flax seeded with any other crop except perennial grasses or legumes other than vetch.

(c) Oats seeded for harvest as grain.

(d) Spring wheat seeded for harvest as grain, excluding all durum wheat except red durum and wheat seeded with flax or other small grains.

2. *Coverage per acre.* (a) The coverage per acre for each crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for each crop shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of any crop upon threshing or upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) when harvest of such crop is generally complete for the crop year, or (ii) October 31 of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any production of barley, flax, or oats which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes occurring within the insurance period and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess of the fixed price. Provided, when the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less than the fixed price the total value of such production, as determined by the Corporation, shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

5. *Insurance unit.* An insurance unit means (a) all the insurable acreage of any one insured crop in the county in which the insured has 100 percent interest at the time of planting, or (b) all the insurable acreage of any one insured crop in the county which is owned by one person and is operated by the insured as a share tenant at the time of planting, or (c) all insurable acreage of any one insured crop in the county which is owned by the insured and is rented to one share tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee.

6. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation on a form prescribed by the Corporation, not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of the insured crop on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of the insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, and the result by the insured interest and (2) subtracting from the total thereof, the insured interest in the value (determined in accordance with section 4 of this rider) of the total production to be counted for such acreage of the insured crop on the insurance unit. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production of barley, oats, or wheat from acreage initially seeded for purposes other than for harvest as grain) and in addition any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 4 of the rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

7. *Date table.*

Discount date: November 30.

Cancellation date: February 28.

8. *Definitions.* "Harvest" with respect to any acreage of barley, flax, oats or wheat means mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

Approved: Beginning with the 1956 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

## § 420.89–5 *Hutchinson County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Hutchinson County, S. Dak., Beginning With the 1956 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain, excluding barley planted with flax or other small grains.

(b) Corn planted for harvest as grain. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(c) Oats planted for harvest as grain.

(d) Winter rye planted for harvest as grain. (Insurance not to attach the first crop year of the contract.)

(e) Soybeans planted for harvest as beans, in rows far enough apart to permit intertilling with a row cultivator. The contract will not provide insurance for soybeans planted for development of hybrid seed or planted in the same row or interplanted in rows with corn.

(f) Spring wheat planted for harvest as grain, excluding all durum wheat except red durum and excluding wheat planted with flax or other small grains.

2. *Coverage per acre.* (a) The coverage per acre for each insured crop except soybeans shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for each insured crop except soybeans shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

(c) The coverage per acre for soybeans shall be reduced 10 percent for any acreage not harvested.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting, all other insured crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) when harvest of such crop is generally complete for the crop year, or (ii) October 31 in the case of barley, oats, rye or wheat in the case of corn and soybeans December 10 of the calendar year in which the crop



is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any threshed production of barley, oats or rye and any corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Any harvested production of soybeans which will not grade No. 4 or better (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be similarly evaluated. Any threshed production of wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess of the fixed price. Provided, when the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less than the fixed price the total value of such production, as determined by the Corporation, shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

5. *Insurance unit.* An insurance unit means (a) all the insurable acreage of all insured crops in the county in which the insured has 100 percent interest at the time of planting, or (b) all the insurable acreage of all insured crops in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (c) all the insurable acreage of all insured crops in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee; except in any case where a tenant rents land for a share of the crop and rents other land owned by the same person for cash, for a fixed commodity payment, or for other consideration, all such land which is insurable and planted to insured crops shall constitute an insurance unit.

6. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation, on a form prescribed by the Corporation, not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured (1) establish the production of all insured crops on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be reuired by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of each insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre and the result by the insured interest, and (2) subtracting from the total thereof, the insured interest in the value (determined in accordance with section 4 of this rider) of the total production to be counted for such acreage of all insured crops on the insurance unit. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production of barley, oats, rye and wheat from acreage initially planted for purposes other than for harvest as grain), except harvested production of corn from acreage not qualifying as harvested under the definition in section 8 and in addition any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 4 of this rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

7. *Date table.*

Discount date: November 30.

Cancellation date: February 28.

8. *Definitions.* (a) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 4 of this rider) to 10 percent or more of the harvested coverage for such acreage.

(b) "Harvest" with respect to any acreage of barley, oats, rye, soybeans or wheat means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

Approved: Beginning with the 1956 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

## § 420.89–6 *Kingsbury County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Kingsbury County, S. Dak., Beginning With the 1956 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain, excluding barley planted with flax or other small grains.

(b) Corn planted for harvest as grain. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(c) Flax planted for harvest as seed, excluding flax planted with any other crop except perennial grasses or legumes.

(d) Oats planted for harvest as grain.

(e) Spring wheat planted for harvest as grain, excluding all durum wheat except red durum and excluding wheat planted with flax or other small grains.

2. *Coverage per acre.* (a) The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for each insured crop shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting, all other insured crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect, (a) with respect to any crop later than the earlier of (i) when harvest of such crop is generally complete for the crop year, or (ii) October 31 in the case of barley, flax, oats, or wheat and in the case of corn December 10 of the calendar year in which the crop is normally harvested unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any threshed production of barley, flax, or oats and any corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Any threshed production of wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess of the fixed price. Provided, when the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less than the fixed price the total value of such production, as determined by the Corporation, shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

5. *Election of type of insurance protection.* The insured may elect to have insurance protection provided on the basis of (a) separate crop protection under which insurance units are determined separately for each insured crop, or (b) combined crop protection under which insurance units include a combination of all insured crops. The insured coverage, the premium, and any indemnity will be determined separately for each insurance unit. For the first crop year of a contract the election must be made at the time the application for insurance is filed. For any subsequent crop year such election may be made or changed by the insured notifying the county office in writing prior to the cancellation date for the crop year the

change is to become effective. If no election is made by the insured, insurance will be provided on the basis of combined crop protection.

6. *Insurance unit.* (a) If combined crop protection is provided under the contract an insurance unit means (1) all the insurable acreage of all insured crops in the county in which the insured has 100 percent interest at the time of planting, or (2) all the insurable acreage of all insured crops in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (3) all the insurable acreage of all insured crops in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee; except in any case where a tenant rents land for a share of the crop and rents other land owned by the same person for cash, for a fixed commodity payment, or for other consideration, all such land which is planted to insurable crops shall constitute an insurance unit.

(b) If separate crop protection is provided under the contract an insurance unit means the same as in (a) above except that insurance units will be determined separately for each insured crop.

7. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation, on a form prescribed by the Corporation, not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of all insured crops on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of each insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre and the result by the insured interest, and (2) subtracting from the total thereof, the insured interest in the value (determined in accordance with section 4 of this rider) of the total production to be counted for such acreage of all insured crops on the insurance unit. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production of barley, oats, and wheat from acreage initially planted for purposes other than for harvest as grain), except harvested production of corn from acreage not qualifying as harvested under the definition in section 9 and in addition any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 4 of this rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

8. *Date table.*

Discount date: November 30.

Cancellation date: February 28.

9. *Definitions.* (a) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 4 of this rider) to 10 percent or more of the harvested coverage for such acreage.

(b) "Harvest" with respect to any acreage of barley, flax, oats, or wheat means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

Approved: Beginning with the 1956 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

## § 420.98–7 *Miner County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Miner County, S. Dak., Beginning With the 1956 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain, excluding barley planted with flax or other small grains.

(b) Corn planted for harvest as grain. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(c) Flax planted for harvest as seed, excluding flax planted with any other crop except perennial grasses or legumes.

(d) Oats planted for harvest as grain.

(e) Winter rye planted for harvest as grain. (Insurance not to attach the first crop year of the contract.)

(f) Spring wheat planted for harvest as grain, excluding all durum wheat except red durum and excluding wheat planted with flax or other small grains.

2. *Coverage per acre.* (a) The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for each insured crop shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting, all other insured crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) when harvest of such crop is generally complete for the crop year, or (ii) October 31 in the case of barley, flax, oats, rye, or wheat and in the case of corn December 10 of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any threshed production of barley, flax, oats, or rye and any corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Any threshed production of wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess of the fixed price. Provided, when the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less than the fixed price the total value of such production, as determined by the Corporation, shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price.

5. *Insurance unit.* An insurance unit means (a) all the insurable acreage of all insured crops in the county in which the insured has 100 percent interest at the time of planting, or (b) all the insurable acreage of all insured crops in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (c) all the insurable acreage of all insured crops in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee; except in any case where a tenant rents land for a share of the crop and rents other land owned by the same person for cash, for a fixed commodity payment, or for other consideration, all such land which is insurable and planted to insured crops shall constitute an insurance unit.

6. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation, on a form prescribed by the Corporation, not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of all insured crops on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of each insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre and the result by the insured interest, and (2) subtracting from



the total thereof, the insured interest in the value (determined in accordance with section 4 of this rider) of the total production to be counted for such acreage of all insured crops on the insurance unit. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including harvested production of barley, oats, rye, and wheat from acreage initially planted for purposes other than for harvest as grain), except harvested production of corn from acreage not qualifying as harvested under the definition in section 8 and in addition any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 4 of this rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

7. *Date table.*

Discount date: November 30.

Cancellation date: February 28.

8. *Definitions.* (a) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 4 of this rider) to 10 percent or more of the harvested coverage for such acreage.

(b) "Harvest" with respect to any acreage of barley, flax, oats, rye, and wheat means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

Approved: Beginning with the 1956 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

## § 420.90 *Tennessee.*

## § 420.90–2 *Obion County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Obion County, Tenn., Beginning With the 1956 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn planted for harvest as grain, including corn with which soybeans are interplanted. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Cotton, restricted to American upland cotton and not including cotton planted primarily for experimental purposes.

(c) Oats (Fall only) planted for harvest as grain.

(d) Soybeans planted for harvest as beans, in rows far enough apart to permit intertilling with a row cultivator. The contract will not provide insurance for soybeans planted for development of hybrid seed or planted in the same row or interplanted in rows with corn.

(e) Tobacco, types 23 and 35.

(f) Winter wheat planted for harvest as grain, excluding wheat planted with other small grains. (Insurance to attach the first crop year of the contract only if the application is filed on or before September 30 preceding the calendar year in which the crop for that crop year is normally harvested.)

2. *Coverage per acre.* (a) The coverage per acre for corn, oats, and wheat shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for corn, oats, and wheat shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

(c) The coverage per acre for cotton shall be reduced as follows: (1) 75 percent for any acreage which is released by the Corporation or destroyed after it is too late to plant cotton but before the first cultivation, (2) 60 percent for any acreage which is released by the Corporation or destroyed after first cultivation but prior to laying by the crop and (3) 25 percent for any acreage on which the crop is laid by and not harvested.

(d) The coverage per acre for soybeans shall be reduced 10 percent for any acreage not harvested.

(e) The coverage per acre for tobacco shall be reduced 35 percent for any acreage not harvested.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to (a) any portion of the tobacco crop upon weighing-in at the tobacco warehouse, transfer of interest in the tobacco after harvest, removal of the tobacco from the insurance unit (except for curing, packing, or immediate delivery to the tobacco warehouse), or weighing of the tobacco for casing, (b) any portion of the corn crop upon harvesting, the cotton crop upon picking, all other insured crops upon threshing, or with respect to any portion of any crop (except tobacco) upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to tobacco later than March 31 following harvest unless such time is extended in writing by the Corporation, (b) with respect to any other crop later than the earlier of (i) when harvest of such crop is generally complete for the crop year or (ii) October 31 in the case of oats and wheat and in the case of corn and soybeans December 10 and in the case of cotton December 31 of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (c) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop except tobacco shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any threshed production of oats or any corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation. Any harvested production of soybeans which will not grade No. 4 or better (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be similarly evaluated. Any threshed production of wheat which (1) does not grade No. 3 or better and does not grade No. 4 or 5 on the basis of test weight only (determined in accordance with the Official Grain Standards of the United States) because of poor quality due to insurable causes and would not meet these requirements if properly handled, and (2) has a value per bushel which is less than the lower of the fixed price or the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight, shall be valued by the Corporation at a price not in excess of the fixed price. Provided, when the Commodity Credit Corporation county loan rate for No. 5 wheat on the basis of test weight is less than the fixed price the total value of such production, as determined by the Corporation, shall be adjusted by dividing it by such loan rate and multiplying the result by the fixed price. Notwithstanding any other provision(s) of the contract in determining any loss the value of tobacco production to be counted shall be the value of all tobacco, including (a) the gross returns (less warehouse charges) from the tobacco sold on the warehouse floor, (b) the fair market value, as determined by the Corporation, of the tobacco sold other than on the warehouse floor, (c) the fair market value, as determined by the Corporation, of the tobacco harvested and not sold, and (d) the fair market value (if harvested and cured), as determined by the Corporation, of any unharvested tobacco.

5. *Insurance unit.* An insurance unit means (a) all the insurable acreage of all insured crops in the county in which the insured has 100 percent interest at the time of planting, plus any acreage owned by him and worked for him by a sharecropper(s), or (b) all the insurable acreage of all insured crops in the county which is owned by one person and is operated by the insured as a tenant at the time of planting or worked by the insured as a sharecropper, or (c) all the insurable acreage of all insured crops in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee; except in any case where a tenant rents land for a share of the crop and rents other land owned by the same person for cash, for a fixed commodity payment, or for other consideration, all such land which is insurable and planted to insured crops shall constitute an insurance unit.

6. *Claims for loss.* (a) Any claim for loss on an insurance unit shall be submitted to the Corporation, on a form prescribed by the Corporation, not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of all insured crops on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which

the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of each insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre and the result by the insured interest, and (2) subtracting from the total thereof, the insured interest in the value (determined in accordance with section 4 of this rider) of the total production to be counted for such acreage of all insured crops on the insurance unit. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production of oats or wheat from acreage initially planted for purposes other than for harvest as grain), except harvested production of corn, cotton, or tobacco from acreage not qualifying as harvested under the definition in section 2, and in addition any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis. In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. Any production of soybeans interplanted in the same row with corn shall not be counted as production. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 4 of this rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation. To enable the Corporation to determine the fair market value of tobacco not sold through auction warehouses, the Corporation shall be given the opportunity to inspect such tobacco before it is sold, contracted to be sold, or otherwise disposed of by the insured, and, if the best offer received by the insured for any such tobacco is considered by the Corporation to be inadequate, to obtain additional offers therefor on behalf of the insured. Notwithstanding the other provisions of this paragraph regarding the determination of the total production of cotton, in any case where the quality of any cotton production is reduced solely by insured causes to the extent that the value per pound, as determined by the Corporation, is less than 75 percent of the fixed price, the number of pounds of such poor quality cotton shall be adjusted downward to the number of pounds obtained by dividing the total value of such cotton, as determined by the Corporation, by 75 percent of the fixed price.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

7. *Date table.*

Discount date: November 30.

Cancellation date: February 28.

8. *Definitions.* (a) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 4 of this rider) to 10 percent or more of the harvested coverage for such acreage.

(b) "Harvest" with respect to any acreage of cotton means the removal (by manual or mechanical means) of an amount of cotton from the stalk which is equal in value (determined in accordance with section 4 of this rider) to 10 percent or more of the coverage for such acreage.

(c) "Harvest" for any acreage means cutting or priming an amount of tobacco which equals or exceeds the pounds obtained by dividing 10 percent of the harvested coverage for such acreage by a price stated on the county actuarial table for the purpose of making this determination.

(d) "Harvest" with respect to any acreage of oats, soybeans, or wheat means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

Approved: Beginning with the 1956 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

## § 420.90–3 *Weakley County.*

RIDER NO. 1 TO THE MULTIPLE CROP INSURANCE POLICY

(Applicable in Weakley County, Tenn., Beginning With the 1955 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Corn normally regarded as field corn, including corn with which soybeans are interplanted. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(b) Cotton, restricted to American upland cotton and not including cotton planted primarily for experimental purposes.

(c) Soybeans planted for harvest as beans in rows 24 inches or more apart, excluding soybeans interplanted in the same row with corn.

(d) Sweet potatoes, excluding acreage of less than one acre on an insurance unit.

(e) Tobacco, Types 23 and 35.

2. *Coverage per acre.* (a) The coverage per acre for each insured crop except cotton, shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage for any acreage of corn, except acreage released and planted to a substitute crop, shall be reduced 10 percent if the value (at the predetermined price) of the total of all production therefrom (determined in accordance with section 6 of this rider) does not equal or exceed 10 percent of the coverage for such acreage.

(c) The coverage per acre for cotton shall be reduced as follows: (1) 60 percent for any acreage which is released by the Corporation because of damage occurring prior to laying by the crop, and (2) 25 percent for any acreage on which the crop is laid by and not harvested.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to (a) any portion of the tobacco crop upon weighing-in at the tobacco warehouse, transfer of interest in the tobacco after harvest, removal of the tobacco from the insurance unit (except for curing, packing or immediate delivery to the tobacco warehouse) and (b) any portion of the corn crop upon harvesting (picking the corn from the stalk either by hand or machine or cutting the corn for fodder or ensilage), the cotton crop upon picking, the sweet potato crop upon digging, the soybean crop upon threshing, or with respect to any portion of any crop (except tobacco) upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to tobacco later than March 31 following harvest unless such time is extended in writing by the Corporation, (b) with respect to any other crop later than the earlier of (i) the end of the normal harvest period for such crop or (ii) December 31 of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (c) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Protection against loss of quality.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the predetermined price established by the Corporation for that crop and shown on the county actuarial table. However, any production of corn, or soybeans which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per unit determined by the Corporation.

5. *Released crop.* Notwithstanding any other provision of the policy, any crop on any insured acreage may be released by the Corporation subject to an appraisal by the Corporation of the yield that would be realized if the crop were harvested, except that any corn may be used for ensilage or fodder without a release by the Corporation if the insured leaves a number of rows considered by the Corporation to be an adequate representative sample for appraising the yield.

6. *Amount of loss.* (a) The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of each insured crop (exclusive of any acreage to which insurance did not attach) by the applicable coverage per acre, and the result by the insured interest, and (2) subtracting from the total thereof the insured interest in the value (based on the predetermined price) of the total production on such acreage of all insured crops. However, if the premium computed for the planted acreage is more than the premium computed for the acreage and interest shown on the acreage report for the insurance unit, the amount of loss so determined shall be reduced on the basis of the ratio of the premium computed for the acreage and interest shown on the acreage report to the premium computed for the planted acreage. The total production for each insured crop on the insurance unit shall be the sum of all production determined in accordance with each of the applicable acreage classifications shown on the production schedule below. Any production of soybeans interplanted in the same row with corn shall not be counted as production.

The Corporation reserves the right to determine the amount of production on the basis of an appraisal of any unharvested crop standing in the field.



PRODUCTION SCHEDULE

| Crop | Acreage classification | Total production [1] |
|---|---|---|
| 1. Each insured crop except cotton. | Acreage released by the Corporation and planted to a substitute crop. | That portion of the appraised production for such acreage which is in excess of 50 percent of the harvested coverage divided by the predetermined price for the crop. |
| 2. Each insured crop except cotton. | Acreage not planted to a substitute crop. | The appraised production or the actual production, including an appraisal of corn left in the field after harvest and an appraisal of corn used for ensilage or fodder. |
| 3. Cotton | Acreage released by the Corporation because of damage occurring prior to laying by the crop. | That portion of the appraised production for such acreage which is in excess of 60 percent of the harvested coverage divided by the predetermined price. |
| 4. Cotton | Acreage on which the crop is laid by and not harvested. | That portion of the appraised production for such acreage which is in excess of 25 percent of the harvested coverage divided by the predetermined price. |
| 5. Cotton | Acreage harvested | Production, including an appraisal of production left in the field after harvest. |
| 6. Each insured crop | Acreage put to another use without the consent of the Corporation. | Appraised production for such acreage but not less than the harvested coverage divided by the predetermined price for the crop. |
| 7. Each insured crop | Acreage with reduced yield due solely to cause(s) not insured against. | Appraised amount by which production for such acreage has been reduced but not less than the harvested coverage divided by the predetermined price for the crop, minus the amount of production harvested. |
| 8. Each insured crop | Acreage with reduced yield due partially to cause(s) not insured against and partially to cause(s) insured against. | Appraised amount by which production for such acreage has been reduced because of cause(s) not insured against. |

[1] Production shall be in bushels for corn, sweet potatoes, and soybeans and in pounds for cotton and tobacco. No production shall be counted for any corn acreage on which the coverage is reduced 10 percent under section 2 (b) of this rider.

Notwithstanding the other provisions of this paragraph (a) regarding the determination of the total production of cotton, in any case where the quality of any cotton production is reduced solely by insured causes to the extent that the value per pound, as determined by the Corporation, is less than 75 percent of the predetermined price, the number of pounds of such poor quality cotton shall be adjusted downward to the number of pounds obtained by dividing the total value of such cotton, as determined by the Corporation, by 75 percent of the predetermined price.

(b) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year and declare the premium on such units forfeited by the insured, or (2) allocate the commingled production in such manner as it determines appropriate.

7. *Date table.*

Discount date: November 30.

Cancellation date: February 28.

8. *Definitions.* (a) "Harvest" with respect to any acreage of cotton means the removal (by manual or mechanical means) of an amount of cotton from the stalk which is equal in value (based on the predetermined price) to 10 percent or more of the coverage for such acreage.

Approved: Beginning with the 1955 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

## § 420.97 *Wisconsin.*

## § 420.97–1 *Fond du Lac County.*

RIDER NO. 1 TO MULTIPLE CROP INSURANCE POLICY

(Applicable in Fond du Lac County, Wis., Beginning With the 1956 Crop Year)

1. *Insurable crops.* For the purpose of the multiple crop insurance program the insurable crops are:

(a) Barley planted for harvest as grain, excluding barley planted with flax or other small grains.

(b) Corn planted for harvest as grain. The contract will not provide insurance for true type silage corn, corn planted thick for silage or fodder purposes, sweet corn, popcorn, broom corn, corn planted for the development of hybrid seed corn, or any type of corn other than that normally regarded as field corn.

(c) Oats planted for harvest as grain.

2. *Coverage per acre.* (a) The coverage per acre for each insured crop shall be reduced 50 percent for any acreage released by the Corporation and planted to a substitute crop.

(b) The coverage per acre for each insured crop shall be reduced 10 percent for any acreage not harvested and not planted to a substitute crop.

3. *Insurance period.* Insurance shall attach at the time of planting to any insured acreage of any insured crop. Insurance shall cease with respect to any portion of the corn crop upon harvesting, all other insured crops upon threshing or with respect to any portion of any crop upon removal from the field, whichever is earlier. However, in no event shall insurance remain in effect (a) with respect to any crop later than the earlier of (i) when harvest of such crop is generally complete for the crop year, or (ii) October 31 in the case of barley and oats, and in the case of corn December 10 of the calendar year in which the crop is normally harvested, unless such time is extended in writing by the Corporation, and (b) with respect to any insurance unit later than the date of submission of a claim for indemnity.

4. *Fixed price used for valuing production.* In determining any loss under the contract, production of each insurable crop shall be evaluated at the fixed price established by the Corporation for that crop and shown on the county actuarial table. However, any threshed production of barley or oats and any corn which will not meet the latest available requirements for a Commodity Credit Corporation loan or support because of poor quality due to insurable causes, and would not meet these requirements if properly handled, shall be evaluated at a value per bushel determined by the Corporation.

5. *Election of type of insurance protection.* The insured may elect to have insurance protection provided on the basis of (a) separate crop protection under which insurance units are determined separately for each insured crop, or (b) combined crop protection under which insurance units include a combination of all insured crops. The insured coverage, the premium, and any indemnity will be determined separately for each insurance unit. For the first crop year of a contract the election must be made at the time the application for insurance is filed. For any subsequent crop year such election may be made or changed by the insured notifying the county office in writing prior to the cancellation date for the crop year the change is to become effective. If no election is made by the insured, insurance will be provided on the basis of combined crop protection.

6. *Insurance unit.* (a) If combined crop protection is provided under the contract an insurance unit means (1) all the insurable acreage of all insured crops in the county in which the insured has 100 percent interest at the time of planting, or (2) all the insurable acreage of all insured crops in the county which is owned by one person and is operated by the insured as a tenant at the time of planting, or (3) all the insurable acreage of all insured crops in the county which is owned by the insured and is rented to one tenant at the time of planting. Land rented for cash or for a fixed commodity payment shall be considered as owned by the lessee; except in any case where a tenant rents land for a share of the crop and rents other land owned by the same person for cash, for a fixed commodity payment, or for other consideration, all such land which is planted to insurable crops shall constitute an insurance unit.

(b) If separate crop protection is provided under the contract an insurance unit means the same as in (a) above except that insurance units will be determined separately for each insured crop.

7. *Claims for loss.* (a) Any claims for loss on an insurance unit shall be submitted to the Corporation, on a form prescribed by the Corporation, not later than 60 days after the time of loss.

(b) It shall be a condition precedent to the payment of any loss that the insured, (1) establish the production of all insured crops on the insurance unit and that such loss has been directly caused by one or more of the hazards insured against during the insurance period for the crop year for which the loss is claimed, and (2) furnish any other information regarding the manner and extent of loss as may be required by the Corporation.

(c) Losses shall be determined separately for each insurance unit. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage of each insured crop on the insurance unit (exclusive of any acreage to which insurance did not attach) by the applicable coverage(a) per acre and the result by the insured interest, and (2) subtracting from the total thereof, the insured interest in the value (determined in accordance with section 4 of this rider) of the total production to be counted for such acreage of all insured crops on the insurance unit. However, if for the insurance unit, the premium computed for the planted acreage exceeds the premium computed for the acreage and interest shown on the acreage report, the amount of loss so determined shall be reduced proportionately. The total production to be counted for an insurance unit shall include all harvested production (including any harvested production of barley or oats from acreage initially planted for purposes other than for harvest as grain), except harvested production of corn from acreage not qualifying as harvested under the definition in section 9 and in addition any appraisals which the Corporation determines should be made for potential or unharvested production, poor farming practices, uninsured causes of loss, or acreage abandoned or put to another use without being released by the Corporation. Where any small grains are seeded with an insured growing small grain crop on acreage not released by the Corporation, all production shall be counted as the insured small grain on a weight basis.

In the case of a volunteer crop produced with an insured crop, the production of such volunteer crop shall be included in determining the production of the insured crop. An appraisal of not less than the applicable coverage, minus the value (determined in accordance with section 4 of this rider) of any insured crop harvested, shall be made for acreage with a reduced yield due solely to any cause(s) not insured against or acreage abandoned or put to another use without being released by the Corporation.

(d) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year without affecting the insured's liability for premium(s), or (2) allocate the commingled production in such manner as it determines appropriate.

8. *Date table.*

Discount date: November 30.

Cancellation date: February 28.

9. *Definitions.* (a) "Harvest" with respect to any acreage of corn means picking from the stalk either by hand or machine or cutting for fodder or silage an amount of corn which is equal in value (determined in accordance with section 4 of this rider) to 10 percent or more of the harvested coverage for such acreage.

(b) "Harvest" with respect to any acreage of barley or oats means the mechanical severance from the land of the matured crop for threshing where the crop has not been destroyed.

Approved: Beginning with the 1956 crop year.

[SEAL] FEDERAL CROP INSURANCE CORPORATION.

[F. R. Doc. 56-4959; Filed June 22, 1956; 8:48 a. m.]

## Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[1026 (Burley, Flue, Fire, Air, and Sun—56)-1]

## PART 725—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TOBACCO

### MARKETING QUOTA REGULATIONS, 1956–57 MARKETING YEAR

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AUTHORITY: §§ 725.730 to 725.762 issued under sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply 52 Stat. 38, 47, 48, 65, 66, as amended, 69 Stat. 24, 7 U. S. C. 1301, 1313, 1314, 1315, 1372, 1373, 1374, 1375.

### GENERAL

§ 725.730 *Basis and purpose.* Sections 725.730 to 725.762 are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, and govern the issuance of marketing cards, the identification of tobacco, the collection and refund of penalties, and the records and reports incident thereto on the marketing of burley, flue-cured, fire-cured, dark air-cured, and Virginia sun-cured tobacco during the 1956–57 marketing year. Prior to preparing §§ 725.730 to 725.762, public notice (21 F. R. 3689) of their formulation was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). The data, views and recommendations pertaining to §§ 725.730 to 725.762, which were submitted have been duly considered within the limits permited by the Agricultural Adjustment Act of 1938, as amended. For the 1956–57 and subsequent marketing years the regulations relating to marketings of fire-cured, dark air-cured, and Virginia sun-cured tobacco are combined under Part 725 with the regulations relating to marketings of burley and flue-cured tobacco. Since county committees are now determining the acreage of tobacco on farms, and are preparing to issue marketing cards, and since farmers are engaged in harvesting tobacco and disposing of excess tobacco, and are marketing tobacco at nonwarehouse sale, it is hereby determined that compliance with the provisions of the Administrative Procedure Act with respect to the effective date is contrary to the public interest. Sections 725.730 to 725.762 shall therefore become effective upon filing with the Director, Division of the Federal Register.

§ 725.731 *Definitions.* As used in §§ 725.730 to 725.762, and in all instructions, forms, and documents in connection therewith, the words and phrases defined in this section shall have the meanings herein assigned to them unless the context or subject matter otherwise requires.

(a) "Act" means the Agricultural Adjustment Act of 1938, as amended.

(b) "Carry-over" tobacco means, with respect to a farm, tobacco produced prior to the beginning of the calendar year 1956 which has not been marketed or which has not been disposed of under § 725.745.

(c) Committees:

(1) "Community committee" means the persons elected within a community as the community committee pursuant to regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees.

(2) "County committee" means the persons elected within a county as the county committee pursuant to regulations governing the selection and functions of Agricultural Stabilization and Conservation county and community committees.

(3) "State committee" means the persons in a State designated by the Secretary as the Agricultural Stabilization and Conservation State committee.

(d) "County office manager" means the person employed by the county committee to execute the policies of the county committee and be responsible for the day-to-day operations of the ASC county office, or the person acting in such capacity.

(e) "Dealer" or "buyer" means a person who engages to any extent in the business of acquiring tobacco from producers without regard to whether such person is registered as a dealer with the Internal Revenue Service.

(f) "Deputy Administrator" means the Deputy Administrator or the Acting Deputy Administrator for Production Adjustment, Commodity Stabilization Service, United States Department of Agriculture.

(g) "Director" means Director or Acting Director, Tobacco Division, Commodity Stabilization Service, United States Department of Agriculture.

(h) "Farm" means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(1) Any other adjacent or nearby farm land which the county committee determines is operated by the same person as part of the same unit with respect to the rotation of crops and with workstock, farm machinery, and labor substantially separate from that for any other land; and

(2) Any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops.

(i) "Field assistant" means any duly authorized employee of the United States Department of Agriculture, and any duly authorized employee of an ASC county office whose duties involve the preparation and handling of records and reports pertaining to tobacco marketing quotas.



(j) "Floor sweepings" means scraps, leaves, or bundles of tobacco, generally of inferior quality, which accumulate on the warehouse floor and which not being subject to identification with any particular lot of tobacco are gathered up by the warehouseman for sale. Floor sweepings shall not include tobacco defined as "pick-ups".

(k) "Leaf account tobacco" means all tobacco purchased by or for a warehouseman and "leaf account" shall include the records required to be kept and copies of the reports required to be made under §§ 725.730 to 725.762 relating to tobacco purchased by or for a warehouseman and resales of such tobacco.

(l) "Market" means the disposition in raw or processed form of tobacco by voluntary or involuntary sale, barter, or exchange, or by gift inter vivos. "Marketing" and "marketed" shall have corresponding meanings to the term "market".

(m) "Nonwarehouse sale" means any first marketing of farm tobacco other than by sale at public auction through a warehouse in the regular course of business.

(n) "Operator" means the person who is in charge of the supervision and conduct of the farming operations on the entire farm.

(o) "Person" means an individual, partnership, association, corporation, estate or trust, or other business enterprise or other legal entity, and wherever applicable, a State, a political subdivision of a State or any agency thereof.

(p) "Pick-ups" means (1) "Pick-ups (a)," which is any tobacco sorted and reclaimed from leaves or bundles which have fallen to the warehouse floor in the usual course of business or (2) "Pick-ups (b)," which is any tobacco previously purchased at auction but not delivered to the buyer because of rejection by the buyer, lost ticket, or any other reason, and which is not turned back to a dealer other than the warehouseman and shall include tobacco delivered to the buyer but returned by the buyer to the warehouseman, and which is not turned back to a dealer other than the warehouseman.

(q) "Producer" means a person who, as owner, landlord, tenant, sharecropper, or laborer is entitled to share in the tobacco available for marketing from the farm or in the proceeds thereof.

(r) "Pound" means that amount of tobacco which, if weighed in its unstemmed form and in the condition in which it is usually marketed by producers, would equal one pound standard weight.

(s) "Resale" means the disposition by sale, barter, exchange, or gift inter vivos, of tobacco which has been marketed previously.

(t) "Sale day" means the period at the end of which the warehouseman bills to buyers the tobacco so purchased during such period.

(u) "Scrap tobacco" means the residue which accumulates in the course of preparing tobacco for market, consisting chiefly of portions of tobacco leaves and leaves of poor quality.

(v) "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the Department to whom authority has been delegated, or to whom authority may hereafter be delegated, to act in his stead.

(w) "State administrative officer" means the person employed by the State committee to execute the policies of the State committee and be responsible for the day-to-day operations of the ASC State office, or the person acting in such capacity.

(x) "Suspended sale" means any first marketing of farm tobacco at a warehouse sale for which a memorandum of sale is not issued by the end of the sale day on which such marketing occurred.

(y) "Tobacco" means each one or all, as indicated by the context, of the kinds of tobacco listed in this paragraph comprising the types specified, as classified in Service and Regulatory Announcement No. 118 (§§ 30.4 and 30.5 of this title) of the Bureau of Agricultural Economics of the United States Department of Agriculture.

Burley tobacco, comprising type 31;

Flue-cured tobacco, comprising types 11, 12, 13 and 14;

Fire-cured tobacco, comprising types 21, 22, 23, and 24;

Dark air-cured tobacco, comprising types 35 and 36;

Virginia sun-cured tobacco, comprising type 37.

(1) Any tobacco that has the same characteristics and corresponding qualities, colors, and lengths as either burley, flue-cured, fire-cured, dark air-cured, or Virginia sun-cured tobacco shall be considered respectively either burley, flue-cured, fire-cured, dark air-cured, or Virginia sun-cured tobacco regardless of any factors of historical or geographical nature which cannot be determined by examination of the tobacco.

(2) For the purpose of discovering and identifying all tobacco subject to marketing quotas the term "tobacco" with respect to any farm located in an area in which any kind of tobacco subject to marketing quotas is normally produced, shall include all acreage of tobacco on the farm. The acreage of each kind of tobacco (burley, flue-cured, fire-cured, dark air-cured, or Virginia sun-cured) shall be determined by the county committee on the basis of seeding, cultivating, curing, and marketing practices commonly known to the area. Such determination shall include all acreage of tobacco on the farm. The production of the acreage of each kind of tobacco so determined shall be considered to be tobacco of the kind available for marketing until such time as the operator of the farm furnishes to the county committee satisfactory proof that a part or all of the production of such acreage has been classified pursuant to Part 29, of this title when marketed, as a different kind of tobacco. Any amount of tobacco so classified as a different kind shall be converted to acres on the basis of the average yield per acre of the entire acreage of tobacco grown on the farm in 1956 for the purpose of determining the harvested acreage of such kind of tobacco produced on the farm.

(z) "Tobacco available for marketing" means all tobacco produced on the farm in the calendar year 1956 plus any carry-over tobacco, less any tobacco disposed of in accordance with § 725.745.

(aa) "Tobacco subject to marketing quotas" means:

(1) Any burley, fire-cured, dark air-cured or Virginia sun-cured tobacco marketed during the period October 1, 1956 to September 30, 1957, inclusive, and any burley, fire-cured, dark air-cured or Virginia sun-cured tobacco produced in the calendar year 1956 and marketed prior to October 1, 1956.

(2) Any flue-cured tobacco marketed during the period July 1, 1956, to June 30, 1957, inclusive, and any flue-cured tobacco produced in the calendar year 1956 and marketed prior to July 1, 1956.

(bb) "Trucker" means a person who engages to any extent in the business of trucking or hauling tobacco for producers to a point where it may be marketed or otherwise disposed of in the form and in the condition in which it is usually marketed by producers.

(cc) "Warehouseman" means a person who engages to any extent in the business of holding sales of tobacco at public auction at a warehouse.

(dd) "Warehouse sale" means a marketing of tobacco by a sale at public auction through a warehouse in the regular course of business, and shall include all lots or baskets of tobacco marketed in sequence at a given time.

§ 725.732 *Instructions and forms.* The Director shall cause to be prepared and issued such forms as are necessary, and shall cause to be prepared such instructions with respect to internal management as are necessary for carrying out the regulations in this part. The forms and instructions shall be approved by, and the instructions shall be issued by, the Deputy Administrator.

§ 725.733 *Extent of calculations and rule of fractions.* (a) The acreage of tobacco harvested on a farm in 1956 shall be expressed in hundredths and fractions of less than one hundredth of an acre shall be dropped. For example, 1.550, 1.555, or 1.559 acres would be 1.55 acres.

(b) The percentage of excess tobacco available for marketing from a farm, hereinafter referred to as the "percent excess" shall be expressed in tenths and fractions of less than one-tenth shall be dropped. For example, 12.59 percent would be 12.5 percent.

(c) The amount of penalty per pound upon marketings of tobacco subject to penalty, hereinafter referred to as the "converted rate of penalty," shall be expressed in tenths of a cent and fractions of less than a tenth shall be dropped, except that if the resulting converted rate of penalty is less than a tenth of a cent, it shall be expressed in hundredths and fractions of less than a hundredth shall be dropped. For example, 3.68 cents per pound would be 3.6 cents and 0.068 cent per pound would be 0.06 cent.

### IDENTIFICATION AND LOCATION OF FARMS AND DETERMINATON OF ACREAGE

§ 725.734 *Identification and location of farms.* (a) Each farm as operated for the 1956 crop of tobacco shall be

identified by a farm serial number assigned by the county office manager and all records pertaining to marketing quotas for the 1956 crop of tobacco shall be identified by such number.

(b) A farm shall be regarded as located in the county in which the principal dwelling is situated, or if there is no dwelling thereon it shall be regarded as located in the county in which the major portion of the farm is located.

§ 725.735 *Determination of tobacco acreage*—(a) *County committees.* For the purpose of ascertaining with respect to each farm whether there is excess tobacco of the 1956 crop available for marketing, the county committee shall determine the acreage of tobacco on each farm in the county for which a 1956 tobacco acreage allotment has been established and on any other farms in the county on which the county committee has reason to believe tobacco was planted. The county committee's determination shall be based upon a measurement of the acreage made by identification of fields or parts of fields by use of a map, aerial photography, or by means of a steel or metallic tape or chain, or rod and chain, or by use of a measurement wheel when authorized by the Deputy Administrator or by a combination of one or more of these methods. Such measurement shall be made by an employee of the county committee who has been designated as a reporter and determined by the county office manager to be qualified to carry out the duties of a reporter. The reporter shall visit each farm assigned to him for measurement and enter thereon if such entry will facilitate measurement. The county committee may at any time redetermine the tobacco acreage for any farm and shall, at the request of the State committee, make a redetermination of tobacco acreage for any farm. Such redetermination of tobacco acreage shall supersede any prior determination of tobacco acreage for the farm. A redetermination of tobacco acreage shall be based on measurements made in the manner provided for in this paragraph by either a reporter, county office manager, county performance supervisor, district performance supervisor, or any other employees of the ASC State office who are determined by the State administrative officer to be qualified to perform such measurements. In connection with any measurement of tobacco acreage for any farm made as provided in this paragraph, rechecks and spot checks of such measurements may be made by any of the county and State office employees authorized in this paragraph to perform measurements of farm tobacco acreage.

(b) *Farm operators.* The farm operator or his representative or any producer, at the reporter's request for such information or assistance, shall designate all fields on the farm being utilized for growing tobacco and may assist in measuring the farm, the acreage of cropland in the farm, or the acreage of tobacco being grown on the farm.

(c) *Notice to farm operators.* The county committee shall notify the farm operator of the measured acreage of tobacco on each farm as determined under the provisions of this section.

(d) *Harvested acreage of tobacco.* The acreage of tobacco determined or as redetermined for a farm by the county committee pursuant to this section shall be the harvested acreage of tobacco for the farm for the purpose of issuing the correct marketing card for the farm as provided in § 725.738 unless the farm operator furnishes to the county committee satisfactory proof that a portion of the acreage planted will not be harvested or that a representative portion of the production of the acreage physically harvested will be disposed of other than by marketing, in which case the harvested acreage shall be the acreage as adjusted by taking into account the portion of the acreage planted which will not be harvested or the portion of the production of the acreage physically harvested which will be disposed of other than by marketing.

(e) *Acreage not determined.* If the farm operator or his representative prevents the county committee from obtaining information necessary to determine the correct acreage of tobacco on a farm, in addition to any other liability which might be imposed upon the operator, and until the farm operator or his representative permits a determination of the correct acreage, all acreage of tobacco on the farm shall be deemed to be in excess of the farm acreage allotment for the purpose of issuing a marketing card for the farm.

(f) *Prior measurements.* Measurements made prior to the effective date of this section, and in accordance with procedures then in effect may be utilized where pertinent for the purpose of ascertaining with respect to any farm the 1956 tobacco acreage and the tobacco acreage in excess of the 1956 farm tobacco acreage allotment.

### FARM MARKETING QUOTAS AND MARKETING CARDS

§ 725.736 *Amount of farm marketing quota.* (a) The marketing quota for a farm shall be the actual production of tobacco on the farm acreage allotment, as established for the farm in accordance with §§ 725.711 to 725.729, 1023 (Burley and Flue—56)–1, Burley and Flue-cured Tobacco Marketing Quota Regulations, 1956–57 Marketing Year, as amended (20 F. R. 4571, 20 F. R. 6066, 21 F. R. 1577, 21 F. R. 1578) and §§ 726.711 to 726.729 of this chapter, 1023 (Fire, Air and Sun—56)–1, Fire-cured, Dark Air-cured, and Virginia Sun-cured Tobacco Marketing Quota Regulations, 1956–57 Marketing Year, as amended, (20 F. R. 6066, 21 F. R. 1578). The actual production of the farm acreage allotment shall be the average yield per acre of the entire acreage of tobacco harvested on the farm in 1956 times the farm acreage allotment.

(b) The excess tobacco on any farm shall be (1) that quantity of tobacco which is equal to the average yield per acre of the entire acreage of tobacco harvested on the farm in 1956 times the number of acres harvested in excess of the farm acreage allotment plus (2) any excess carry-over of tobacco.

§ 725.737 *Transfer of farm marketing quota.* There shall be no transfer of farm marketing quotas except as provided in §§ 725.720 and 725.726 of the burley and flue-cured tobacco marketing quota regulations and §§ 726.720 and 726.726 of the fire-cured, dark air-cured, and Virginia sun-cured tobacco marketing quota regulations of this chapter, for determining acreage allotments and normal yields, 1956–57 marketing year.

§ 725.738 *Issuance of marketing cards.* (a) A marketing card shall be issued for each farm having tobacco available for marketing. Subject to the approval of the county office manager or the State administrative officer as provided in § 725.739 two or more marketing cards may be issued for any farm. Upon the return to the ASC issuing office of the marketing card after all of the memoranda of sale have been issued therefrom and before the marketing of tobacco from the farm has been completed, a new marketing card of the same kind, bearing the same name, information and identification as the used card shall be issued for the farm. A new marketing card of the same kind shall be issued to replace a card which has been determined by the State Administrative Officer or county office manager, who issued the card, to have been lost, destroyed or stolen.

(b) *Within Quota Marketing Card (MQ–76—Tobacco).* A Within Quota Marketing Card authorizing price support loans and the marketing without penalty of any tobacco available for marketing shall be issued for a farm under the following conditions:

(1) If the harvested acreage of tobacco for the farm in 1956 is not in excess of the farm acreage allotment therefor and any excess carry-over tobacco can be marketed without penalty under the provisions of § 725.744 (b) except that if (i) more than one kind of tobacco is produced on a farm in 1956 a "zero percent" excess marketing card (ineligible for price support loans) shall be issued for each kind of tobacco for which the harvested acreage is not in excess of the farm acreage allotment if at the time of issuing marketing cards for the farm the harvested acreage of any kind is in excess of the farm acreage allotment; (ii) for any kind of tobacco the operator or any other producer on the farm fails to file with the county ASC office a written request (with deposit to cover the cost as estimated by the county committee) to dispose of excess tobacco or to have a remeasurement made of the tobacco acreage within ten (10) days from the date of notice to the farm operator on Form CSS–595—Tobacco, Notice of Excess Tobacco Acreage, a "zero percent" excess marketing card shall be issued for each such kind of tobacco unless the county committee with the approval of a representative of the State committee determines that the failure to file such written request was due to circumstances beyond the control of the farm operator or producer; or (iii) any tobacco is physically harvested from an acreage in excess of the allotment for the farm and is disposed of in accordance with § 725.745 (a), a "zero percent" excess marketing card shall be issued for each such kind of tobacco, unless the county committee



with the approval of a representative of the State committee determines that the acreage of tobacco was not measured in sufficient time to afford the farm operator an opportunity to dispose of the excess acreage prior to harvest.

(2) If the Director of a publicly-owned Agricultural Experiment Station furnishes to the ASC State office a list by counties showing with respect to each kind of tobacco and farm on which tobacco is grown for experimental purposes only the following:

(i) Name and address of the publicly-owned Experiment Station;

(ii) Name of the owner, and name of the operator if different from the owner, of each farm on which tobacco is grown for experimental purposes only;

(iii) The amount of acreage of tobacco grown on each farm for experimental purposes only;

(iv) A certification signed by the Director of the publicly-owned Agricultural Experiment Station to the effect that: (a) Such acreage of tobacco was grown on each farm for experimental purposes only; (b) the tobacco was grown under his direction; and (c) that the acreage in each plot was considered necessary for carrying out the experiment.

The list required in this subparagraph shall be posted and kept available for public inspection in the ASC office of the county in which the farms included in the list are located.

(c) *Excess Marketing Card (MQ–77—Tobacco).* An Excess Marketing Card (ineligible for price support loans) showing the extent to which marketings of tobacco from a farm are subject to penalty shall be issued unless a within quota marketing card is required to be issued for the farm under paragraph (b) of this section, except that if the farm operator or his representative prevents the county committee or its representative from obtaining information necessary to the issuance of the correct marketing card, an excess marketing card shall be issued showing that all tobacco from the farm is subject to the rate of penalty set forth in § 725.747.

§ 725.739 *Persons authorized to issue marketing cards.* (a) The State administrative officer shall be responsible for the issuance of marketing cards for the purpose of identifying tobacco grown for experimental purposes pursuant to the provisions of § 725.738 (b) (2).

(b) Except as provided in paragraph (a) of this section the county office manager shall be responsible for the issuance of marketing cards for farms in the county.

(c) Each marketing card shall be signed either by the State administrative officer or the county office manager or in his name and on his behalf by an employee under his supervision who shall place his initials immediately below the name of the State administrative officer or the name of the county office manager as the case may be.

§ 725.740 *Rights of producers in marketing cards.* Each producer having a share in the tobacco available for marketing from a farm shall be entitled to the use of the marketing card issued for the farm for marketing his proportionate share.

§ 725.741 *Successors in interest.* Any person who succeeds in whole or in part to the share of a producer in the tobacco available for marketing from a farm shall, to the extent of such succession, have the same rights as the producer to the use of the marketing card for the farm.

§ 725.742 *Invalid cards.* (a) A marketing card shall be invalid if:

(1) It is not issued or delivered in the form and manner prescribed;

(2) Entries are omitted or incorrect;

(3) It is lost, destroyed, stolen, or becomes illegible; or

(4) Any erasure or alternation has been made, and not properly initialed.

(b) In the event any marketing card becomes invalid (other than by loss, destruction, or theft, or by omission, alteration or incorrect entry which cannot be corrected by a field assistant), the farm operator, or the person having the card in his possession, shall return it to the ASC office at which it was issued.

(c) If any entry is not made on a marketing card as required, either through omission or incorrect entry, and the proper entry is made and initialed by a field assistant, then such card shall become valid.

§ 725.743 *Report of misuse of marketing card.* Any information which causes a field assistant, a member of a State, county, or community committee, or an employee of an ASC State or county office, to believe that any tobacco which actually was produced on one farm has been or is being marketed under the marketing card issued for another farm shall be reported immediately by such person to the ASC county or State office.

### MARKETING OR OTHER DISPOSITION OF TOBACCO AND PENALTIES

§ 725.744 *Extent to which marketings from a farm are subject to penalty.* (a) Marketings of tobacco from a farm having no carry-over tobacco available for marketing shall be subject to penalty by the percent excess determined as follows: Divide the acreage of tobacco harvested in excess of the farm acreage allotment and not disposed of under § 725.745 by the total acreage of tobacco harvested from the farm.

(b) Marketings of tobacco from a farm having carry-over tobacco available for marketing shall be subject to penalty by the percent excess determined as follows:

(1) Determine the number of "carry-over" acres by dividing the number of pounds of carry-over tobacco from the prior years by the normal yield for the farm for that year.

(2) Determine the number of "within quota carry-over acres" by multiplying the "carry-over acres" (subparagraph (1) of this paragraph) by the "percent within quota" (i. e., 100 percent minus the percent excess) for the year in which the carry-over tobacco was produced, except that if the excess portion of the carry-over tobacco is disposed of under § 725.745, the "percent within quota" shall be 100.

(3) Determine the "total acres" of tobacco by adding the "carry-over acres" (subparagraph (1) of this paragraph) and the acreage of tobacco harvested in the current year.

(4) Determine the "excess acres" by subtracting from the "total acres" (subparagraph (3) of this paragraph) the sum of the 1956 allotment and the "within quota carry-over acres" (subparagraph (2) of this paragraph).

(5) Determine the percent excess by dividing the "total acres" into the "excess acres" (subparagraph (4) of this paragraph).

(6) Those persons having an interest in the carry-over tobacco for a farm shall be liable for the payment of any penalty due thereon.

(c) For the purpose of determining the penalty due on each marketing by a producer of tobacco subject to penalty, the converted rate of penalty per pound shall be determined by multiplying the applicable rate of penalty by the percent excess obtained under paragraph (a) or (b) of this section. The memorandum of sale issued to identify each such marketing shall show the amount of penalty due.

§ 725.745 *Disposition of excess tobacco.* (a) The farm operator may elect to give satisfactory proof of disposition of excess tobacco prior to the marketing of any tobacco from the farm by furnishing to the county committee satisfactory proof that excess tobacco representative of the entire crop will not be marketed.

(b) If the 1956 harvested acreage is less than the 1956 allotment an amount of any tobacco from the farm which was placed under storage for a prior marketing year equal to the normal production of the acreage by which the 1956 harvested acreage plus any acreage added with respect to any excess carry-over tobacco for the farm pursuant to § 725.744 (b) is less than the 1956 allotment may be marketed penalty free.

§ 725.746 *Identification of marketings.* Each marketing of tobacco from a farm shall be identified by an executed memorandum of sale from the 1956 marketing card (MQ–76—Tobacco or MQ–77—Tobacco) issued for the farm on which the tobacco was produced. In addition, in the case of nonwarehouse sales each marketing shall also be identified by an executed bill of nonwarehouse sale (reverse side of memorandum of sale).

(a) *Separate display on warehouse floor.* Any warehouseman upon whose floor more than one kind of tobacco is offered for sale at public auction shall display each such kind of tobacco separately and shall make and keep records that will insure a separate accounting of each of such kinds of tobacco sold at auction over the warehouse floor.

(b) *Memorandum of sale.* (1) If a memorandum of sale is not executed to identify a warehouse sale of producer's tobacco by the end of the sale day on which the tobacco was marketed, the marketing shall be a suspended sale, and, unless a memorandum identifying the tobacco so marketed is executed on or before the last warehouse sale day of the marketing season, or within four weeks after the date of marketing, whichever

comes first, the marketing shall be identified by MQ–82—Tobacco, Sale Without Marketing Card, as a marketing of excess tobacco. The memorandum of sale on MQ–82—Tobacco shall be executed only by a field assistant or other representative of the State administrative officer with the following exceptions:

(i) A warehouseman, or his representative, who has been authorized on MQ–78—Tobacco, may issue a memorandum of sale to identify a warehouse sale if a field assistant is not available at the warehouse when the marketing card is presented. Each memorandum of sale issued by a warehouseman to cover a warehouse sale shall be presented promptly by him to the field assistant for verification with the warehouse records.

(ii) In the case of flue-cured tobacco only, a dealer, or his authorized representative, operating a receiving point for scrap tobacco at a redrying plant (and other regular receiving points operated by such dealer or his agent or employees) or at an auction warehouse, who keeps records showing the information specified in § 725.754, and who has been authorized on MQ–78—Tobacco, may issue a memorandum of sale covering a purchase of scrap tobacco only if the bill of nonwarehouse sale has been executed.

(iii) A dealer, or his authorized representative, operating a regular receiving point for tobacco who keeps records showing the information specified in § 725.754 and who has been authorized on MQ–78—Tobacco, may issue memoranda of sale covering tobacco delivered directly to such receiving point and marketed to such dealer.

(2) The authorization on MQ–78—Tobacco to issue memoranda of sale may be withdrawn by the State administrative officer from any or all persons so authorized if such action is determined to be necessary in order to properly enforce the provisions of §§ 725.730 to 725.762. The authorization shall terminate upon receipt of written notice setting forth the reason therefor.

(3) Each excess memorandum of sale issued by a field assistant shall be verified by a warehouseman or dealer (or his representative) to determine whether the amount of penalty shown to be due has been correctly computed and such warehouseman or dealer shall not be relieved of any liability with respect to the amount of penalty due because of any error which may occur in executing the memorandum of sale.

(c) *Bill of nonwarehouse sale.* (1) Each nonwarehouse sale shall be identified by a bill of nonwarehouse sale completely executed by the buyer and the farm operator.

(2) The word "scrap" shall be plainly written on any bill of nonwarehouse sale or memorandum of sale executed to cover scrap tobacco, and all such bills of nonwarehouse sale shall be delivered to a person at a scrap receiving point who is authorized to issue memoranda of sale.

(3) Each bill of nonwarehouse sale covering any marketing except scrap tobacco shall be presented to a field assistant for the issuance of a memorandum of sale and for recording in MQ–79—Tobacco.

§ 725.747 *Rate of penalty.* Marketings of each kind of excess tobacco from a farm shall be subject to a penalty per pound equal to seventy-five (75) percent of the average market price for the kind of tobacco for the 1955–56 marketing year as determined by the Crop Reporting Board, Agricultural Marketing Service, United States Department of Agriculture. The rate of penalty per pound shall be calculated to the nearest whole cent.

(a) *Average market price.* The average market price as determined by the Crop Reporting Board, Agricultural Marketing Service, United States Department of Agriculture, for the 1955–56 marketing year was 58.6 cents per pound in the case of burley tobacco, 52.7 cents per pound in the case of flue-cured tobacco, 37.3 cents per pound in the case of fire-cured tobacco, 31.8 cents per pound in the case of dark air-cured tobacco and 25.3 cents per pound in the case of Virginia sun-cured tobacco.

(b) *Rate of penalty per pound.* The penalty per pound upon marketings of excess tobacco subject to marketing quotas during the 1956–57 marketing year shall be forty-four (44) cents per pound in the case of burley tobacco, forty (40) cents per pound in the case of flue-cured tobacco, twenty-eight (28) cents per pound in the case of fire-cured tobacco, twenty-four (24) cents per pound in the case of dark air-cured tobacco, and nineteen (19) cents per pound in the case of Virginia sun-cured tobacco.

(c) *Proportional rate of penalty.* With respect to tobacco marketed from farms having excess tobacco available for marketing, the penalty shall be paid upon that percentage of each lot of tobacco marketed which the tobacco available for marketing in excess of the farm marketing quota is of the total amount of tobacco available for marketing from the farm, as determined under § 725.744.

§ 725.748 *Persons to pay penalty.* The persons to pay the penalty due on any marketing of tobacco subject to penalty shall be determined as follows:

(a) *Warehouse sale.* The penalty due on marketings by a producer through a warehouse shall be paid by the warehouseman who may deduct an amount equivalent to the penalty from the price paid to the producer.

(b) *Nonwarehouse sale.* The penalty due on tobacco purchased directly from a producer other than at public auction through a warehouse shall be paid by the purchaser of the tobacco who may deduct an amount equivalent to the penalty from the price paid to the producer.

(c) *Marketings through an agent.* The penalty due on marketings by a producer through an agent who is not a warehouseman shall be paid by the agent who may deduct an amount equivalent to the penalty from the price paid to the producer.

(d) *Marketing outside the United States.* The penalty due on marketings by a producer directly to any person outside the United States shall be paid by the producer.

§ 725.749 *Marketings deemed to be excess tobacco.* Any marketing of tobacco under any one of the following conditions shall be deemed to be a marketing of excess tobacco:

(a) *Warehouse sale.* Any warehouse sale of tobacco by a producer which is not identified by a valid memorandum of sale on or before the last warehouse sale day of the marketing season or within four weeks following the date of marketing whichever comes first, shall be identified by a MQ–82—Tobacco, and shall be deemed to be a marketing of excess tobacco. The penalty thereon shall be paid by the warehouseman.

(b) *Nonwarehouse sale.* Any nonwarehouse sale which (1) is not identified by a valid bill of nonwarehouse sale (reverse side of memorandum of sale) and (2) is not also identified by a valid memorandum of sale and recorded in MQ–79—Tobacco within one week following the date of purchase, or if purchased prior to the opening of the local auction markets, is not identified by a valid memorandum of sale and recorded in MQ–79—Tobacco within one week following the first sale day of the local auction markets, shall be deemed to be a marketing of excess tobacco. The penalty thereon shall be paid by the purchaser of such tobacco.

(c) *Leaf account tobacco.* The part or all of any marketing by a warehouseman which such warehouseman represents to be a leaf account resale but which when added to prior leaf account resales, as reported under §§ 725.730 to 725.762, is in excess of prior leaf account purchases shall be deemed to be a marketing of excess tobacco unless and until such warehouseman furnishes proof acceptable to the State committee showing that such marketing is not a marketing of excess tobacco. The penalty thereon shall be paid by the warehouseman.

(d) *Dealer's tobacco.* The part or all of any marketing of tobacco by a dealer which such dealer represents to be a resale but which when added to prior resales by such dealer is in excess of the total of his prior purchases as reported on MQ–79—Tobacco shall be deemed to be a marketing of excess tobacco unless and until such dealer furnishes proof acceptable to the State committee showing that such marketing is not a marketing of excess tobacco. The penalty thereon shall be paid by the dealer.

(e) *Marketings not reported.* Any resales of tobacco which under §§ 725.730 to 725.762 is required to be reported by a warehouseman or dealer but which is not so reported within the time and in the manner required by §§ 725.730 to 725.762 shall be deemed to be a marketing of excess tobacco unless and until such warehouseman or dealer furnishes a report of such resale which is acceptable to the State administrative officer. The penalty thereon shall be paid by the warehouseman or dealer who fails to make the report as required.

(f) *Marketings falsely identified.* If any marketing of tobacco by a person other than the producer thereof is identified by a marketing card other than the marketing card issued for the farm on which such tobacco was produced, such marketing shall be deemed to be a marketing of excess tobacco and the penalty thereon shall be paid by such person.

(g) *Producer marketings.* (1) If any producer falsely identifies or fails to account for the disposition of any tobacco produced on a farm, an amount of tobacco equal to the normal yield of the number of acres harvested in 1956 in excess of the farm acreage allotment shall be deemed to have been a marketing of excess tobacco from such farm. The penalty thereon for false identification or failure to account shall be paid by the producer and shall be due on the date of the false identification or failure to account. The filing of a report by a producer under § 725.752 (c) which the State committee finds to be incomplete or incorrect shall constitute a failure to account for the disposition of tobacco produced on the farm.

(2) If, after part or all of the tobacco produced on a farm has been marketed, the State or county committee concludes that the harvested acreage for the farm was more than that shown by the prior determination any penalty due on the basis of the harvested acreage as redetermined pursuant to § 725.735 shall be paid by the producer.

§ 725.750 *Payment of penalty.* (a) Penalties shall become due at the time the tobacco is marketed, except in the case of tobacco removed from storage as provided in § 725.745 (b) or in the case of false identification or failure to account for disposition. Penalty shall be paid by remitting the amount thereof to the ASC State office not later than the end of the calendar week following the week in which the tobacco became subject to penalty. A draft, money order, or check drawn payable to the Treasurer of the United States may be used to pay any penalty, but any such draft or check shall be received subject to payment at par.

(b) If the penalty due on any warehouse sale of tobacco by a producer as determined under §§ 725.730 to 725.762 is in excess of the net proceeds of such sale (gross amount for all lots included in the sale less usual warehouse charges), the amount of the net proceeds accompanied by a copy of the warehouse bill covering such sale may be remitted as the full penalty due. Usual warehouse charges shall not include (1) advances to producers, (2) charges for hauling, or (3) any other charges not usually incurred by producers in marketing tobacco through an auction warehouse.

(c) Nonwarehouse sales, including sales of scrap tobacco, shall be subject to the converted rate of penalty for the farm on which the tobacco was produced without regard to the net proceeds of the sale.

§ 725.751 *Request for return of penalty.* Any producer of tobacco after the marketing of all tobacco available for marketing from the farm and any other person who bore the burden of the payment of any penalty may request the return of the amount of such penalty which is in excess of the amount required under §§ 725.730 to 725.762 to be paid. Such request shall be filed on MQ–85—Tobacco with the ASC county office within two (2) years after the payment of the penalty.



RECORDS AND REPORTS

§ 725.752 *Producer's records and reports.*—(a) *Report of tobacco acreage.* The farm operator or his representative shall execute and file a report with the ASC county office or a representative of the county committee on Form CSS–578, Report of 1956 Acreage, showing all fields of tobacco on the farm in 1956. If any producer on a farm files or aids or acquiesces in the filing of any false report with respect to the acreage of tobacco grown on the farm, even though the farm operator or his representative refuses to sign such report, the allotment next established for such farm and kind of tobacco shall be reduced as provided in the applicable Tobacco Marketing Quota Regulations for Determining Acreage Allotments and Normal Yields, 1957–58 Marketing Year.

(b) *Report on marketing card.* The operator of each farm on which tobacco is produced in 1956 shall return to the ASC county office each marketing card issued for the farm whenever marketings from the farm are completed and in no event later than thirty (30) days after the close of the tobacco auction markets for the locality in which the farm is located. Failure to return the marketing card within fifteen (15) days after written request by certified mail from the county office manager shall constitute failure to account for disposition of tobacco marketed from the farm and in the event that a satisfactory account of such disposition is not furnished otherwise to the county committee, the allotment next established for such farm and kind of tobacco shall be reduced as provided in the applicable tobacco marketing quota regulations for determining acreage allotments and normal yields, 1957–58 marketing year.

(c) *Report of production and disposition.* In addition to any other reports which may be required under §§ 725.730 to 725.762, the operator of each farm or any other person having an interest in the tobacco grown on the farm (even though the harvested acreage does not exceed the acreage allotment or even though no allotment was established for the farm) shall upon written request by registered or certified mail from the State administrative officer within fifteen (15) days after the deposit of such request in the United States mails, addressed to such person at his last known address, furnish the Secretary on form MQ–108—Tobacco a written report of the acreage, production, and disposition of all tobacco produced on the farm by sending the same to the ASC State office showing, as to the farm at the time of filing said report, (1) the number of fields (patches or areas) from which tobacco was harvested, the acres of tobacco harvested from each such field, and the total acreage of tobacco harvested from the farm, (2) the total pounds of tobacco produced, (3) the amount of tobacco on hand and its location, and (4) as to each lot of tobacco marketed, the name and address of the warehouseman, dealer, or other person to or through whom such tobacco was marketed and the number of pounds marketed, the gross price, and the date of the marketing. Failure to file the report as requested or the filing of a report which is found by the State committee to be incomplete or incorrect shall constitute failure of the producer to account for disposition of tobacco produced on the farm and the allotment next established for such farm and kind of tobacco shall be reduced as provided in the applicable tobacco marketing quota regulations for determining acreage allotments and normal yiels, 1957–58 marketing year.

§ 725.753 *Warehouseman's records and reports.*—(a) *Record of marketing.* (1) Each warehouseman shall keep such records as will enable him to furnish the ASC State office with respect to each warehouse sale of tobacco made at his warehouse the following information.

(i) The name of the operator of the farm on which the tobacco was produced and the name of the seller in the case of a sale by a producer, and in the case of a resale the name of the seller.

(ii) Date of sale.

(iii) Number of pounds sold.

(iv) Gross sale price.

(v) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer(s); and in addition with respect to each individual basket or lot of tobacco constituting the warehouse sale the following information:

(vi) Name of purchaser.

(vii) Number of pounds sold.

(viii) Gross sale price.

(2) Records of all purchases and resales of tobacco by the warehouseman shall be maintained to show a separate account for:

(i) Nonwarehouse sales by farmers of tobacco purchased by or on behalf of the warehouseman.

(ii) Purchases and resales for the warehouse leaf account.

(iii) Resales of floor sweepings.

(iv) Resales of pick-ups, with respect to both subparagraphs (1) and (2) as defined in § 725.731 (p).

(3) Any warehouseman or any other person who grades tobacco for farmers shall maintain records which will enable him to furnish the ASC State office the name of the farm operator and the approximate amount of scrap tobacco obtained from the grading of tobacco from each farm.

(4) In the case of resales for dealers the name of the dealer making each resale shall be shown on the warehouse records to that the individual lots of tobacco sold by the dealer can be identified.

(b) *Identification of sale on check register.* The serial number of the memorandum of sale issued to identify each warehouse sale by a producer or the number of the warehouse bill(s) covering each such sale shall be recorded on the check register or check stub for the check written with respect to such sale of tobacco.

(c) *Memorandum of sale and bill of nonwarehouse sale.* A record in the form of a valid memorandum of sale or a

MQ–82—Tobacco, Sale Without Marketing Card, shall be obtained by a warehouseman to cover each marketing of tobacco from a farm through the warehouse and each nonwarehouse sale of tobacco purchased by or for the warehouseman. For a nonwarehouse sale of tobacco purchased by or for a warehouseman, no memorandum of sale shall be issued unless the bill of nonwarehouse sale on the reverse side of the memorandum is executed. Any warehouseman who obtains possession of any scrap tobacco in the course of grading tobacco from any farm shall obtain a memorandum of sale to cover the amount of such scrap tobacco.

(d) *Suspended sale record.* Any warehouse bills covering farm tobacco for which memoranda of sale have not been issued at the end of the sale day shall be presented to a field assistant who shall stamp such bills "Suspended," write thereon the serial number of the suspended sale, and record the bills on MQ–83—Tobacco, Field Assistant's Report: *Provided*, That if a field assistant is not available, the warehouseman may stamp such bills "Suspended," and deliver them to a field assistant when one is available.

(e) *Warehouse entries on dealer's record.* Each warehouseman shall record on MQ–79—Tobacco the total purchases and resales made by each dealer or other warehouseman during each sale day at the warehouse and enter his initials in the space provided. If any tobacco resold by the dealer is tobacco bought by him from a crop produced prior to 1956 the entry on MQ–79—Tobacco shall clearly show such fact.

(f) *Record and report of purchases and resales.* Each warehouseman shall keep a record and make reports on MQ–79—Tobacco, Dealer's Record, showing:

(1) All purchases of tobacco directly from producers other than at public auction through a warehouse (nonwarehouse sales).

(2) All purchases and resales of tobacco at public auction through warehouses other than his own.

(3) All purchases of tobacco from dealers other than warehouseman and resales of tobacco to dealers other than warehousemen.

(g) *Season report of warehouse business.* Each warehouseman shall furnish the ASC State office not later than thirty (30) days following the last sale day of the marketing season a report on MQ–80—Tobacco, Auction Warehouse Report showing:

(1) For each dealer or buyer, as originally billed, the total pounds and gross amount of tobacco purchased and resold on the warehouse floor.

(2) The total pounds and gross amount of "loan tobacco" billed to any association.

(3) The total pounds and gross amount of all leaf account tobacco purchased and resold and of all pick-ups (§ 725.731 (p) (1) or (2)), or floor sweepings sold by the warehouseman at public auction over his own warehouse floor.

(4) The pounds and estimated value of all tobacco on hand at the time of filing the report and whether such tobacco represents leaf account tobacco, pick-ups (§ 725.731 (p) (1) or (2)), or floor sweepings.

(5) The total pounds and gross amount of all tobacco purchased directly from farmers other than at public auction through a warehouse.

(6) The total pounds and gross amount of all purchases over other warehouse floors or from dealers other than warehousemen and all resales over other warehouse floors or to dealers other than warehousemen.

(h) *Report of penalties.* Each warehouseman shall make reports on MQ–81—Tobacco, Report of Penalties, showing for each sale of tobacco subject to penalty:

(1) The name of the farm operator,
(2) The memorandum number,
(3) The name of the county in which the farm is located,
(4) The farm serial number,
(5) The number of pounds sold,
(6) The amount of penalty due on each such sale, and
(7) The applicable converted rate of penalty.

MQ–81—Tobacco shall be prepared for each week and forwarded together with remittance of the penalty due as shown thereon to the ASC State office not later than the end of the calendar week following the week in which the tobacco became subject to penalty.

(i) *Report of resales.* Each warehouseman shall make reports on MQ–86—Tobacco, Report of Resales, showing for each resale of tobacco at auction on the warehouse floor:

(1) The warehouse bill number,
(2) The name on the warehouse bill,
(3) The name of the seller, or in the case of a resale for the warehouse, whether such resale represents leaf account tobacco, pickups, or floor sweepings;
(4) The registration number and State of the person making the resale,
(5) The number of pounds sold, and
(6) The gross amount for the sale.

MQ–86—Tobacco shall be prepared for each sale day and forwarded to the ASC State office not later than the end of the calendar week following the week in which the tobacco was resold.

(j) *Additional records and reports by warehousemen.* Each warehouseman shall keep such records and furnish such reports to the ASC State office, in addition to the foregoing, as the State Administrative Officer may find necessary to insure the proper identification of the marketings of tobacco and the collection of penalties due thereon as provided in §§ 725.730 to 725.762.

§ 725.754 *Dealer's records and reports.* Each dealer, except as provided in § 725.755, shall keep the records and make the reports as provided by this section.

(a) *Report of dealer's name, address and registration number.* Each dealer shall properly execute and the field assistant shall detach and forward to the ASC State office "Receipt for Dealer's Record" contained in MQ–79—Tobacco which is issued to the dealer.

(b) *Record and report of purchases and resales.* Each dealer shall keep a record and make reports on MQ–79—Tobacco, Dealer's Record, showing all purchases and resales of tobacco made by or for the dealer and, in the event of resale of tobacco bought from a crop produced prior to 1956, the fact that such tobacco was bought by him and carried over from a crop produced prior to 1956.

(c) *Report of penalties.* Each dealer shall make a report on MQ–81—Tobacco, Report of Penalties, showing for each purchase, other than by warehouse sale, of tobacco subject to penalty:

(1) The name of the farm operator,
(2) The memorandum number,
(3) The name of the county in which the farm is located,
(4) The farm serial number,
(5) The number of pounds purchased;
(6) The applicable converted rate of penalty, and
(7) The amount of penalty due on each such purchase.

MQ–81—Tobacco shall be prepared for each week and forwarded together with remittance of the penalty due as shown thereon to the ASC State office not later than the end of the calendar week following the week in which the tobacco became subject to penalty.

(d) *Memorandum of sale and bill of nonwarehouse sale.* A bill of nonwarehouse sale and a memorandum of sale from the 1956 marketing card issued for the farm on which the tobacco was produced shall be obtained by a dealer to cover each purchase of tobacco directly from a producer other than at auction through a warehouse. No memorandum of sale shall be issued identifying such purchase unless the bill of nonwarehouse sale on the reverse side of the memorandum of sale has been executed.

(e) *Record and report of scrap tobacco.* Each dealer operating a receiving point for scrap tobacco who has been authorized on MQ–78—Tobacco to issue memoranda of sale shall keep a record and make reports on MQ–79—Tobacco showing all tobacco received. Such reports shall be accompanied by memoranda of sale and bills of nonwarehouse sale with respect to all tobacco covered by the reports.

(f) *Additional records.* (1) Each dealer shall keep such records in addition to the foregoing as will enable him to furnish the ASC State office with respect to each lot of tobacco purchased by him the following information:

(i) The name of the warehouse through which the tobacco was purchased in the case of a warehouse sale; the name of the operator of the farm on which the tobacco was produced and the name of the seller in the case of a nonwarehouse sale; and the name of the seller in the case of purchases directly from werehousemen or other dealers.
(ii) Date of purchase.
(iii) Number of pounds purchased.
(iv) Gross purchase price.
(v) Amount of any penalty and the amount of any deduction on account of penalty from the price paid the producer(s); and with respect to each lot of tobacco sold by him the following information:



(vi) Name of the warehouse through which the tobacco was sold in the case of a warehouse sale, and the name of the purchaser if other than a warehouse sale.
(vii) Date of sale.
(viii) Number of pounds sold.
(ix) Gross sale price.
(x) In the event of a resale of tobacco bought by him and carried over from a crop produced prior to 1956 the fact that such tobacco was so bought and carried over.

(2) All reports shall be forwarded to the ASC State office not later than the end of the week following the calendar week covered by the reports.

§ 725.755 *Dealers exempt from regular records and reports.* Any dealer or buyer who does not purchase or otherwise acquire tobacco except at warehouse sales, or directly from dealers other than warehousemen, and who does not resell in the form in which tobacco ordinarily is sold by farmers more than 10 percent of such tobacco so purchased by him shall not be subject to the provisions of § 725.754: *Provided, however*, That any such dealer or buyer who purchases tobacco at nonwarehouse sale, or from a warehouseman other than at warehouse sale shall be subject to the provisions of § 725.754 with respect to such purchases. Each such dealer or buyer shall make such reports to the State Administrative Officer, in addition to the foregoing, as he may find necessary to enforce §§ 725.730 to 725.762.

§ 725.756 *Records and reports of truckers and persons redrying, prizing or stemming tobacco.* (a) Each person engaged to any extent in the business of trucking or hauling tobacco for producers to a point where it may be marketed or otherwise disposed of in the form and in the condition in which it is usually marketed by producers shall keep such records as will enable him to furnish the ASC State office a report with respect to each lot of tobacco received by him showing:

(1) The name and address of the producer,
(2) The date of receipt of the tobacco,
(3) The number of pounds received, and
(4) The name and address of the person to whom it was delivered.

(b) Each person engaged to any extent in the business of redrying, prizing or stemming tobacco for producers shall keep such records as will enable him to furnish the Director a report showing:

(1) The information required above for truckers, and in addition,
(2) The purpose for which the tobacco was received,
(3) The amount of advance made by him on the tobacco, and
(4) The disposition of the tobacco.

§ 725.757 *Separate records and reports from persons engaged in more than one business.* Any person who is required to keep any record or make any report as a warehouseman, dealer, trucker, or as a person engaged in the business of redrying, prizing or stemming tobacco for producers, and who is engaged in more than one such business, shall keep such records as will enable him to make separate reports for each such business in which he is engaged to the same extent for each such business as if he were engaged in no other business.

§ 725.758 *Failure to keep records or make reports.* Any warehouseman, dealer, trucker, or person engaged in the business of redrying, prizing, or stemming tobacco for producers, who fails to make any report or keep any record as required under §§ 725.730 to 725.762, or who makes any false report or record, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to a fine of not more than $500; and any tobacco warehouseman or dealer who fails to remedy such violation by making a complete and accurate report or keeping a complete and accurate record as required under §§ 725.730 to 725.762 within fifteen days after notice to him of such violation shall be subject to an additional fine of $100 for each ten thousand pounds of tobacco, or fraction thereof, bought or sold by him after the date of such violation: *Provided*, That such fine shall not exceed $5,000; and notice of such violation shall be served upon the tobacco warehouseman or dealer by mailing the same to him by registered mail or by posting the same at an established place of business operated by him or both. Notice of any violation by a warehouseman, dealer or trucker shall be given by the State Administrative Officer and notice of violation by a person engaged in the business of redrying, prizing or stemming tobacco for producers shall be given by the Director.

§ 725.759 *Additional records and reports to Director.* Any warehouseman, dealer, trucker, or person engaged in the business of redrying, prizing or stemming tobacco for producers shall, in addition to any records required to be kept or any reports required to be made, under §§ 725.730 to 725.762, keep such records and make such reports to the Director as he may find necessary to enforce §§ 725.730 to 725.762.

§ 725.760 *Examination of records and reports.* For the purpose of ascertaining the correctness of any report made or record kept, or of obtaining information required to be furnished in any report but not so furnished, any warehouseman, dealer, trucker, or person engaged in the business of redrying, prizing or stemming tobacco for producers shall make available for examination by employees of the ASC State office, and by employees of the Compliance and Investigation Division and of the Tobacco Division of the Commodity Stabilization Service, United States Department of Agriculture, upon written request by the State administrative officer or Director, such books, papers, records, accounts, cancelled checks, correspondence, contracts, documents, and memoranda as the State administrative officer or Director has reason to believe are relevant and are within the control of such person.

§ 725.761 *Length of time records and reports are to be kept.* Records required to be kept and copies of the reports required to be made by any person under §§ 725.730 to 725.762 for the 1956–57 marketing year shall be kept by him until June 30, 1959, in the case of flue-cured tobacco and September 30, 1959, in the case of burley, fire-cured, dark air-cured and Virginia sun-cured tobacco. Records shall be kept for such longer period of time as may be requested in writing by the State administrative officer or the Director.

§ 725.762 *Information confidential.* All data reported to or acquired by the Secretary pursuant to the provisions of §§ 725.730 to 725.762 shall be kept confidential by all officers and employees of the United States Department of Agriculture and by all members of county and community committees and all ASC county office employees and only such data so reported or acquired as the Deputy Administrator deems relevant shall be disclosed by them and then only in a suit or administrative hearing under Title III of the Act.

NOTE: The record keeping and reporting requirements of these regulations have been approved by and subsequent reporting requirements will be subject to the approval of the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Done at Washington, D. C., this 19th day of June 1956. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 56-4958; Filed, June 22, 1956; 8:48 a. m.]

## Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 74]

### PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

#### LIMITATION OF HANDLING

§ 922.374 *Valencia Orange Regulation 74*—(a) *Findings.* (1) Pursuant to Order No. 22 (7 CFR Part 922), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective March 31, 1954, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time

when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on June 21, 1956, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., June 24, 1956, and ending at 12:01 a. m., P. s. t., July 1, 1956, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 785,400 cartons;

(iii) District 3: Unlimited movement.

(2) Valencia oranges handled pursuant to the provisions of this section shall be subject to any size restrictions applicable thereto which have heretofore been issued on the handling of such oranges and which are effective during the period specified herein.

(3) As used in this section, "handled," "handler," "District 1," "District 2," and "District 3," have the same meaning as when used in said order; and "carton" means the standard one-half orange, grapefruit or lemon box set forth as standard container number 58 in section 828.83, as amended, of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 22, 1956.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-5048; Filed, June 22, 1956; 11:13 a. m.]

[Plum Order 6]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.530 *Plum Order 6*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 24, 1956. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until June 19, 1956; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on June 19, 1956; after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are now being made and this section should be applicable, insofar as possible, to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 24, 1956, and ending at 12:01 a. m., P. s. t., November 1, 1956, no shipper shall ship any package or container of Tragedy plums unless such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade, and

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 5 x 6 standard pack;

(ii) If the plums are packed in a special plum box, they are of a size not smaller than a size that will pack an 8½-row standard pack;

(iii) If the plums are packed in any container other than a standard basket or special plum box, ninety (90) percent, by count, of the plums measure 1 9/16 inches in diameter and of the remainder of the plums none measures less than 1 9/16 inches in diameter: *Provided,* That, no lot of plums shall be considered as failing to meet this requirement if one package of such plums contains not more than one (1) percent, by count, of plums that are smaller than 1 9/16 inches in diameter; and

(iv) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(3) As used in this section, "U. S. No. 1," "serious damage," "fairly uniform in size," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh) (§§ 51.1520 to 51.1530 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "8½-row standard pack" shall mean that the top layer of the pack contains 72 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" means the shortest distance measured through the center of a plum at a right angle to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 21, 1956.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-5025; Filed, June 22, 1956; 8:56 a. m.]

[Plum Order 7]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.531 *Plum Order 7*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 24, 1956. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until June 19, 1956; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on June 19, 1956, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information were submitted to the Department; shipments of the current crop of such plums are expected to begin on or about June 24, 1956; and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 24, 1956, and ending at 12:01 a. m., P. s. t., November 1, 1956, no shipper shall ship any package or container of Wickson plums unless such plums grade at least U. S. No. 1 with a total tolerance of five (5) percent for defects not considered serious damage in addition to the tolerances permitted for such grade, and

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 4 standard pack;

(ii) If the plums are packed in a special plum box, they are of a size not smaller than a size that will pack a 6-row standard pack;

(iii) If the plums are packed in any container other than a standard basket or special plum box, ninety (90) percent, by count, of the plums measure 1 9/16 inches in diameter and of the remainder of the plums none measures less than 1 9/16 inches in diameter: *Provided,* That, no lot of plums shall be considered as failing to meet this requirement if one package of such plums contains not more than one (1) percent, by count, of plums that are smaller than 1 9/16 inches in diameter; and

(iv) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this regulation. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(3) As used in this section, "U. S. No. 1," "serious damage," "fairly uniform in size," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh) (§§ 51.1520 to 51.1530 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size, and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" means the shortest distance measured through the center of a plum at a right angle to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 21, 1956.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-5026; Filed, June 22, 1956; 8:56 a. m.]

[Plum Order 8]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.532 *Plum Order 8*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rulemaking procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 24, 1956. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until June 19, 1956; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on June 19, 1956, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information were submitted to the Department; shipments of the current crop of such plums are expected to begin on or about June 21, 1956, and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 24, 1956, and ending at 12:01 a. m., P. s. t., November 1, 1956, no shipper shall ship from any shipping point during any day any package or container of Eldorado plums unless such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade and, except to the extent otherwise permitted under this paragraph.

(i) If the plums are packed in a standard basket they are of a size not smaller than a size that will pack a 4 x 4 standard pack;

(ii) If the plums are packed in a special plum box, they are of a size not smaller than a size that will pack a 6-row standard pack;

(iii) If the plums are packed in any container other than a standard basket or special plum box, ninety (90) percent,

by count, of the plums measure 1 11/16 inches in diameter and of the remainder of the plums none measures less than 1 9/16 inches in diameter: *Provided*, That, no lot of plums shall be considered as failing to meet this requirement if one package of such plums contains not more than one (1) percent, by count, of plums that are smaller than 1 9/16 inches in diameter; and

(iv) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) During each day of the aforesaid period, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than the size prescribed in subparagraph (1) of this paragraph if said quantity does not exceed one hundred (100) percent of the number of the same type of packages or containers of plums shipped by such shipper which meet the size requirement of said subparagraph (1) of this paragraph and all such smaller plums meet the applicable one of following requirements:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in a special plum box, they are of a size not smaller than a size that will pack a 7-row standard pack;

(iii) If the plums are packed in any container other than a standard basket or special plum box, ninety (90) percent, by count, of the plums measure 1 10/16 inches in diameter and of the remainder of the plums none measures less than 1 7/16 inches in diameter: *Provided*, That, no lot of plums shall be considered as failing to meet this requirement if one package of such plums contains not more than one (1) percent, by count, of plums that are smaller than 1 7/16 inches in diameter; and

(iv) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(3) If any shipper, during any day of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than the size prescribed in subparagraph (1) of this paragraph, the quantity of such undershipment may be shipped by such shipper only from such shipping point during the next 2 succeeding calendar days but only after shipment has been made of any other quantities of such smaller-sized plums such shipper is authorized to ship on those 2 succeeding calendar days.

(4) As used in this section, "U. S. No. 1," "fairly uniform in size," "diameter," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh) (§§ 51.1520 to 51.1530 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(5) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this regulation. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 21, 1956.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-5027; Filed, June 22, 1956; 8:56 a. m.]

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[Plum Order 9]

## PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

### REGULATION BY GRADES AND SIZES

§ 936.533 *Plum Order 9*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 24, 1956. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until June 19, 1956; recommendation as to the need for, and the extent of regulation of shipments of such plums was made at the meeting of said committee on June 19, 1956, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information were submitted to the Department; shipments of the current crop of such plums are expected to begin on or about June 25, 1956; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 24, 1956, and ending at 12:01 a. m., P. s. t., November 1, 1956, no shipper shall ship from any shipping point during any day any package or container of Burbank plums unless such plums grade at least U. S. No. 1 and, except to the extent otherwise permitted under this paragraph,

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 4 standard pack;

(ii) If the plums are packed in a special plum box, they are of a size not smaller than a size that will pack a 6-row standard pack;

(iii) If the plums are packed in any container other than a standard basket or special plum box, ninety (90) percent, by count, of the plums measure 1 11/16 inches in diameter and of the remainder of the plums none measures less than 1 9/16 inches in diameter: *Provided*, That, no lot of plums shall be considered as failing to meet this requirement if one package of such plums contains not more than one (1) percent, by count, of plums that are smaller than 1 9/16 inches in diameter; and

(iv) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) During each day of the aforesaid period, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than the size prescribed in subparagraph (1) of this paragraph if said quantity does not exceed one hundred (100) percent of the number of the same type of packages or containers of plums shipped by such shipper which meet the size requirement of said subparagraph (1) of this paragraph and all such smaller plums meet the applicable one of following requirements:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in a special plum box, they are of a size not smaller than a size that will pack a 7-row standard pack;

(iii) If the plums are packed in any container other than a standard basket or special plum box, ninety (90) percent, by count, of the plums measure 1 10/16 inches in diameter and of the remainder of the plums none measures less than 1 7/16 inches in diameter: *Provided*, That, no lot of plums shall be considered as failing to meet this requirement if one package of such plums contains not more than one (1) percent, by count, of plums that are smaller than 1 7/16 inches in diameter; and

(iv) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(3) If any shipper, during any day of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than the size prescribed in subparagraph (1) of this paragraph, the quantity of such undershipment may be shipped by such shipper only from such shipping point during the next 2 succeeding calendar days but only after shipment has been made of any other quantities of such smaller-sized plums such shipper is authorized to ship on those 2 succeeding calendar days.

(4) As used in this section, "U. S. No. 1," "fairly uniform in size," "diameter," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh) (§§ 51.1520 to 51.1530 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(5) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 21, 1956.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-5028; Filed, June 22, 1956; 8:57 a. m.]

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### Subchapter A—Marketing Orders

[Lemon Reg. 646, Amdt. 1]

## PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

### LIMITATION OF SHIPMENTS

*Findings.* 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 19 F. R. 7175; 20 F. R. 2913), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice and engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in the State of California or in the State of Arizona.

*Order, as amended.* The provisions in paragraph (b) (1) (ii) of § 953.753. (Lemon Regulation 646; 21 F. R. 4256) are hereby amended to read as follows:

(ii) District 2: 604,500 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 20, 1956.

[SEAL] FLOYD F. HEDLUND,
*Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-4981; Filed, June 22, 1956; 8:52 a. m.]

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[Lemon Reg. 647]

## PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

### LIMITATION OF SHIPMENTS

§ 953.754 *Lemon Regulation 647*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 8451), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on June 20, 1956, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the de-

clared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., June 24, 1956, and ending at 12:01 a. m., P. s. t., July 1, 1956, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 511,500 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," and "District 3" have the same meaning as when used in the said amended marketing agreement and order; and "carton" means the standard one-half orange, grapefruit or lemon box set forth as standard container number 58 in section 828.83, as amended, of the Agricultural Code of California.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 21, 1956.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-5024; Filed, June 22, 1956; 8:56 a. m.]

[Avocado Order 9, Amdt. 3]

## PART 969—AVOCADOS GROWN IN SOUTH FLORIDA

### CONTAINER REGULATION

*Findings.* 1. Pursuant to the marketing agreement, as amended, and Order No. 69, as amended (7 CFR Part 969; 20 F. R. 4177) regulating the handling of avocados grown in South Florida, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations of the Avocado Administrative Committee, established under the aforesaid marketing agreement and order, and upon other available information, it is hereby found that the limitation on the handling of avocados, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than July 1, 1956. The Avocado Administrative Committee at its meeting on June 12, 1956, considered the effects of the container regulation during the marketing of the 1955-56 crop; such meeting was held after due notice of such meeting and growers and handlers were given an opportunity to submit views and data concerning such regulation; on the basis of the information presented at such meeting, it was concluded that the marketing of avocados weighing less than 20 ounces in containers with inside dimensions 11 x 16¾ x 10 inches has adversely affected the marketing of avocados in the smaller containers; the recommendation and supporting information for container regulation subsequent to June 30, 1956, and in the manner provided herein, were promptly submitted to the Department after such meeting and information concerning such recommendation was disseminated among handlers of avocados; it is necessary, in order to effectuate the declared policy of the act, to make this amendment effective at the time hereinafter set forth; and compliance with this amendment will not require any special preparation on the part of the persons subject thereto which cannot be completed by the effective time hereof.

b. *It is therefore ordered,* That the provisions in paragraphs (b) and (c) § 969.309 (Avocado Order 9, as amended; 20 F. R. 5627, 6571, 9173) are hereby amended to read as follows:

(b) *Order.* (1) Beginning at the effective time of this section, no handler shall handle any variety of avocados unless such avocados are packed in a container or containers meeting the following specifications:

(i) Wooden boxes and fiberboard cartons with inside dimensions 11 by 16¾ by 10 inches: *Provided,* That the individual avocados in such a container shall weigh at least 20 ounces, except that up to 10 percent, by count, of the individual fruit in each lot may weigh not more than 2 ounces less than 20 ounces. Such tolerance shall be on a lot basis, but not to exceed double such tolerance shall be permitted for an individual container in a lot;

(ii) Fiberboard cartons with inside dimensions 13½ by 16½ by 3¼ inches;

(iii) Fiberboard cartons with inside dimensions 13½ by 16½ by 3¾ inches;

(iv) Wooden boxes with inside dimensions 13½ by 16½ by 3¾ inches; and

(v) Wooden boxes with inside dimensions 13½ by 16½ by 4½ inches.

(2) The terms "handler," "handle," and "avocados" shall have the same meaning as when used in the amended marketing agreement and order.

(c) *Effective time.* The provisions of this section shall become effective at 12:01 a. m., e. s. t., July 1, 1956.

(Sec. 5, 49 Stat. 753; 7 U. S. C. 608c)

Dated: June 20, 1956.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-4979; Filed, June 22, 1956; 8:51 a. m.]

### Subchapter B—Prohibition of Imported Commodities

[Lime Reg. 1, Amdt.]

## PART 1069—LIMES

### IMPORTATION

Pursuant to the provisions of section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), paragraph (a) of § 1069.1 (Lime Regulation No. 1; 20 F. R. 6245) is hereby amended to read as follows:

(a) On and after the effective time of this section, the importation into the United States of any lot of limes which in the aggregate exceeds 250 pounds, net weight, is prohibited unless:

(1) Such limes grade at least U. S. No. 2: *Provided,* That the requirement of such grade that the limes shall have good green color shall be applicable only to limes known as large fruited or Persian limes (including Tahiti Bearss, and similar varieties); and

(2) Each such importation is made in conformance with the general regulations (Part 1060 of this chapter; 19 F. R. 7707, 8012) applicable to the importation of listed commodities and the requirements of this regulation: *Provided,* That the provisions of § 1060.4 (c) of this chapter shall not apply.

It is hereby found that it is impracticable, unnecessary, and contrary to the public interest to postpone the effective time of this amendment beyond that hereinafter specified (5 U. S. C. 1001 et seq.) in that (a) the requirements of this amended import regulation are imposed pursuant to section 8e of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), which makes such regulation necessary; (b) such regulation imposes the same restrictions on imports of limes as the grade restrictions applicable to the shipment of limes grown in Florida under Lime Order 1, as amended (§ 1001.301 of this chapter; 20 F. R. 4711, 4897, 6676; 21 F. R. 1819, 2650, 3872, 4256); (c) compliance with this amended import regulation will not require any special preparation which cannot be completed by the effective time hereof; (d) notice hereof in excess of three days, the minimum that is prescribed by said section 8e, is given with respect to this amended import regulation; (e) such notice is hereby determined, under the circumstances, to be reasonable.

(Sec. 401, 68 Stat. 907, as amended; 7 U. S. C. 608e-1)

Done at Washington, D. C., this 20th day of June 1956, to become effective at 12:01 a. m., e. s. t., July 15, 1956.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-4980; Filed June 22, 1956; 8:52 a. m.]



# TITLE 36—PARKS, FORESTS, AND MEMORIALS

## Chapter I—National Park Service, Department of the Interior

### PART 20—SPECIAL REGULATIONS

### OLYMPIC NATIONAL PARK

On April 18, 1956, notice of proposed rule making was published in the FEDERAL REGISTER (21 F. R. 2529) concerning the proposal to amend Part 20 of the rules and regulations of the National Park Service by adding a new paragraph making mandatory compliance with standards concerning health and safety and forest practices established by or pursuant to the laws of the State of Washington on privately owned lands within Olympic National Park over which the United States exercises exclusive jurisdiction. After due consideration of all relevant matters presented in regard to the proposed amendment, it has been determined that the proposed action is necessary and appropriate in the public interest and for the better administration of Olympic National Park for the purposes for which it was established. Therefore, the following amendment is hereby promulgated under authority contained in section 3 of the act of August 25, 1916 (39 Stat. 535; 16 U. S. C., 1952 ed., sec. 3), National Park Service Order No. 14, 19 F. R. 8824; Regional Director, Region Four, Order No. 2, 19 F. R. 8823:

Part 20, Special Regulations, is amended by adding a new paragraph (k) to § 20.28 *Olympic National Park,* reading as follows:

(k) *Privately owned lands*—(1) *State health and safety laws.* Owners of privately owned lands and occupants of private lands (including business establishments) in that portion of Olympic National Park over which jurisdiction has been ceded by the State of Washington to the United States of America shall comply with the standards concerning safety and health established from time to time by or pursuant to the laws of the State of Washington which would apply to such lands, owners, and occupants if such lands were not located in Olympic National Park and personnel of the Park will consult and cooperate with State officials in the administration of this regulation. Although safety and health standards established from time to time by or pursuant to the laws of the State of Washington shall apply, such owners, and occupants of privately owned lands (including business establishments), shall not be required to obtain permits or licenses from the State of Washington or its political subdivisions, but shall submit plans for public use structures to the Superintendent, Olympic National Park, for approval.

(2) *State forest practice laws.* Any person, firm, or corporation harvesting or cutting timber on privately owned lands within that portion of Olympic National Park over which jurisdiction has been ceded by the State of Washington to the United States of America shall comply with the standards concerning forest practices established from time to time by or pursuant to the laws of the State of Washington which would apply to such operations if they were not being conducted in Olympic National Park and personnel of the Park will consult and cooperate with State officials in the administration of this regulation. Although forest practice standards established from time to time by or pursuant to the laws of the State of Washington shall apply, no person, firm, or corporation harvesting timber, on such privately owned lands shall be required to obtain permits or licenses from, or pay fees to, the State of Washington or its political subdivisions in connection with the harvesting or cutting of timber on such lands. Prior to the initiation of harvesting or cutting of timber on privately owned lands over which jurisdiction has been ceded to the United States, such operations shall be registered with the Superintendent of Olympic National Park.

(3) *Conflict with Federal laws.* If the standards established from time to time by or pursuant to the laws of the State of Washington, specified in subparagraphs (1) and (2) of this paragraph, are lower than or conflict with any established by Federal laws or regulations applicable to privately owned lands within Olympic National Park, the latter shall prevail.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

The foregoing paragraph shall become effective upon publication thereof in the FEDERAL REGISTER.

Issued this 5th day of June 1956.

[SEAL] FRED J. OVERLY,
*Superintendent, Olympic National Park.*

[F. R. Doc. 56-4949; Filed, June 22, 1956; 8:45 a. m.]

### PART 20—SPECIAL REGULATIONS

### LAKE MEAD NATIONAL RECREATION AREA

1. Section 20.48 *Lake Mead National Recreation Area,* is amended by adding paragraph (b) as follows:

(b) *Fishing.* Fishing from or within 200 feet of any public boat dock or any public raft or float designated for water sports is prohibited.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C., 3)

Issued this 31st day of May 1956.

[SEAL] CHARLES A. RICHEY,
*Superintendent, Lake Mead National Recreation Area.*

[F. R. Doc. 56-4950; Filed, June 22, 1956; 8:46 a. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[7 CFR Part 906]

[Docket No. AO-210-A7]

### MILK IN TULSA-MUSKOGEE, OKLA., MARKETING AREA

### NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS THERETO WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AMENDING ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed order, amending the order as amended, regulating the handling of milk in the Tulsa-Muskogee, Okla., marketing area.

Interested parties may file written exceptions to this recommended decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after the publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

*Preliminary statement.* The public hearing on the record of which the proposed marketing agreement and order were formulated was held at Tulsa, Oklahoma, November 29-30, 1955, pursuant to notice thereof issued on November 1, 1955 (20 F. R. 8294).

The material issues of the hearing related to:

1. The respective allocation of producer milk and other source milk to the classes of use in a handler's plant:

(a) When changes in the relationship of producer receipts to Class I sales occur within a month;

(b) When producer receipts are less than 115 percent of Class I sales for the month; or

(c) As affected by the classification and allocation of milk in inventory; and

2. The volume of milk for which a handler should receive location adjustment credit.

No evidence was presented in support of proposals contained in the notice of hearing to (a) delete the payment provisions applicable to handlers subject to other orders who distribute milk on routes in the marketing area and (b) provide location adjustments or differential pricing to handlers and producers

with respect to milk received at plants in certain portions of the marketing area.

*Findings and conclusions.* The following findings and conclusions are based on evidence received at the hearing and the record thereof:

1. *Allocation of other source milk.* The Tulsa-Muskogee order presently uses a monthly accounting period for classification, pricing, and pooling a handler's receipts of milk from producers. When a handler has both producer milk and other source milk in his plant the specific use made of milk from each source cannot be determined and it is necessary to determine the total classification of all of his receipts (including that milk on hand at the beginning of the accounting period). Because order class prices apply only to producer milk it is then necessary to allocate this gross classification among the receipts from various sources to determine the quantities of milk in each class to be charged the handler for current receipts of producer milk.

Except for an allowance in Class II for plant loss, the Class I sales for the month are, so far as possible, assigned to receipts of producer milk during the month and it is only as producer receipts exceed Class I sales that Class II uses, other than allowable shrinkage, are allocated to producer milk. Class I sales in excess of producer receipts are allocated first to milk on hand in inventory at the beginning of the month and then to current receipts of other source milk. Since milk on hand in inventory was classified as Class II milk in the preceding month, an additional charge to the handler is made whenever Class I sales are allocated to such milk for which producers were paid the Class II price in the preceding month. The order requires no compensatory payment with respect to other source milk (either as current receipts or in inventory) to which Class I sales are allocated under this system. The classification of producer milk in the preceding month determines whether milk in inventory is producer milk or other source milk.

Handlers proposed three changes in the order that would affect the allocation procedure and the resulting classification of and obligations for producer milk. These proposals were as follows:

(a) That under certain specified conditions a handler might have his monthly obligation computed on the basis of more than one accounting period within the month;

(b) That other source Grade A milk priced as Class I milk under another Federal order be allocated pro rata with producer milk whenever receipts of producer milk were less than 115 percent of a handler's route sales of Class I milk for the month; and

(c) That the provisions with respect to milk in inventory be deleted, and that only changes in the volume of milk in inventory be classified as Class II milk.

The first of these proposals would provide means whereby a closer time relationship might be required between receipts of producer milk and the Class I sales for which they are given priority of assignment; the second would require producers to supply a handler with a minimum proportion of Class II milk to maintain prior claim on the handler's Class I sales; and the third would afford current receipts of other source milk prior claim over producer milk in inventory to Class I sales in excess of current receipts of producer milk.

Handlers' testimony in support of the need for provision for shorter accounting periods related principally to situations prevailing in November 1954 and in April and August 1955 as a result of the failure of certain handlers and the cooperative association representing a majority of Tulsa-Muskogee producers to agree upon the conditions (including prices in excess of the minimum prices of the order) under which milk of member producers was to be delivered. In November 1954 some association milk was withheld for a time from certain handlers; from April 7, 1955, through August 9, 1955, no milk of association members was received by the largest handler in the market. For April 1955, all producer receipts (other than shrinkage) of this handler were classified as Class I milk, whereas during April 1–6 when only producer milk was received, some 240,000 pounds were used or disposed of for Class II purposes. In August 1–9, this handler received some 450,000 pounds of other source milk, but all Class I sales in August were allocated to producer milk. Another handler claimed that in November 1954 it was necessary for him to purchase more than 180,000 pounds of other source Grade A milk when milk was withheld, but that producer receipts for the month exceeded Class I sales by over 500,000 pounds so that all Class I sales were assigned to producer milk. This handler also cited November 1952 as a month in which some 57,000 pounds of other source milk were purchased but none of it was assigned to Class I. This was the only instance cited in which disruption of deliveries or their resumption was not involved.

Handlers proposed that a handler might have his obligations computed on the basis of a separate accounting period within a month upon request within 3 days following the close of such separate accounting period, and finding by the market administrator that the ratio of producer receipts to Class I sales changed from more than 115 percent to less than 115 percent, or vice versa, with use of at least seven-day periods to compare such ratios. In the course of testimony possible need was developed for a variety of other conditions applicable under certain specific circumstances.

The limited number of incidents cited by proponents of the proposal indicates that under normal conditions there is little or no need for shorter accounting periods. In fact, the testimony indicates that the proposal was designed to meet unforeseen situations of such gravity and complexity that it is impossible to establish in the order the appropriate conditions which would qualify a handler for computation of obligations on a short accounting period without making such provisions equally applicable to situations for which they are not appropriate. Should severe marketing disturbances arise wherein order provisions well adapted to normal operations become oppressive, an emergency action based on the facts then existing would appear to provide the best means for consideration of the problem in the light of existing circumstances. The order should not be amended to provide separate accounting periods on the basis of contingencies the precise nature of which cannot now be foreseen.

The proposal for pro rata allocation of other source milk priced as Class I milk under another Federal order when receipts from producers are less than 115 percent of a handler's route sales should not be adopted. Such a provision could require local producers to supply up to 12.5 percent of their milk as Class II milk at all times. Handlers claim that the proposal would enable them to operate with a generally lower annual supply of producer milk in that there would be less inducement for them to assure themselves of a supply of producer milk fully adequate at all times to provide the reserve supplies necessary for carrying on their Class I business. Despite the fact that the conditions under which the proposed provision would operate (producer receipts less than 115 percent of a handler's Class I sales) were identical with those contained in their companion proposal for separate accounting periods, the proponents claim that the two proposals were not intended to operate concurrently; nevertheless, the specific times cited in support of need for such a provision were those cited in support of the need for separate accounting periods, plus the experience of the major handler in the months of May through July 1955 when no association member milk was received. The principal proponent witness advocated the proposal on the basis of its applicability to period of generally short supply, but insisted that the determination of supply should be on an individual handler basis rather than on a marketwide basis.

In periods of generally short supply, the adoption of the proposal could serve to reduce the uniform price of the order from that resulting under present provisions. These are conditions under which the supply-demand adjustment of Class I prices is designed to increase price incentive to producers as a means of providing an adequate supply of milk for the market. Producers receive Class II prices for any reserve milk in excess of actual sales; in return they are assured under the order of prior claim on the handler's Class I sales. This record would indicate that Tulsa-Muskogee handlers wish to modify this priority for producer milk because they cannot secure other supplies on terms as favorable. The proposal should not be adopted.

The proposed changes with respect to the classification and allocation treatment of inventories would seek to reinstate the provisions effective in the Tulsa and Muskogee orders prior to August 1953 when these separate orders were merged into the present Tulsa-Muskogee order.

Class I products are classified on the basis of the form in which disposition is made. Class II products are accounted for on the basis of the milk used to produce certain products or disposed of under specified conditions. Unprocessed milk, skim milk, and cream and named Class I products on hand but not yet disposed of do not fall into either of these categories because use or disposition has not yet been established. The volume of such inventories on hand at the end of each month (or accounting period) varies considerably due to such factors as daily variations in sales or plant operating conditions.



Under the present order such inventories on hand at the end of the month are temporarily classified as Class II milk in order that proper accounting may be made to producers. Such inventories are then accounted for finally in the following month in which final use or disposition is in all likelihood established. Since specific use of such inventories cannot be established, final classification is a part of the allocation procedure. Basically, the allocation procedure assigns current receipts of producer milk first to Class I use and then to Class II use, current receipts of other source milk first to Class II use and then to Class I use; opening inventory is allocated to the remaining uses in either class. If Class I sales exceed producer receipts, some milk in inventory is thus allocated to Class I milk; if an equal volume (in addition to shrinkage) of the preceding month's receipts of producer milk were paid for as Class II milk a reclassification charge is made at the difference between the price charged for the temporary classification (the Class II price of the preceding month) and the current Class I value as used. If producers were not paid a Class II price for milk in volume equal to the inventory it is considered other source milk and no charge is made, since no payments are required with respect to current receipts of other source milk allocated to Class I.

The proposal would merely adjust the volume of milk accounted for as Class II milk by any difference between the volumes of the opening and closing inventories. Under this system the allocation of current receipts of other source milk to Class II use (as so adjusted) results in giving such receipts of other source milk prior claim to Class I sales over producer milk in inventory, whenever Class I sales exceed current receipt of producer milk.

Since under both systems prior claim on Class I sales is given current receipts of producer milk no difference in final results occurs except when such receipts are less than the Class I sales. When this occurs under the inventory variation classification proposed, not only are current receipts of other source milk given prior claim over producer milk in inventory for such excess sales, but also in many fluid milk handlers' plants reduction in the volume of inventory may exceed Class II milk uses, resulting in a negative volume of Class II milk, which in the past in some markets has resulted in reclassification charges without distinguishing whether producer milk or other source milk was involved.

Proponents alleged that under the disturbed marketing conditions outlined heretofore, the present provision had been inequitable. Reclassification charges were assessed with respect to inventories of October 31, 1954 and March 31, 1955. The record fails to substantiate, however, that these inventories of producer milk were not available for Class I use in the respective periods immediately following. The alleged costs incurred with respect to inventories of December 1, 1954, and August 1, 1955, are incident to the priority of allocation afforded current receipts of producer milk in these months and would not have been changed by the proposal.

2. Location adjustment credit to handlers should not be changed to apply to all milk moved from a country plant to a bottling plant in the marketing area without regard to the need for Class I milk at such plant.

A handler proposed that location adjustment credit apply to the entire volume of milk moved from a receiving plant in the country to a bottling plant in the marketing area. The order currently restricts eligibility for location credit to the volume of milk so moved which is not in excess of Class I disposition from the transferee plant less 95 percent of receipts from producers at such plant. Such provisions became effective October 1, 1955, on the basis of a public hearing held March 28–30, 1955.

This record fails to show any reason why location adjustment credit should be given on movement of milk not associated with Class I use. The 5 percent "leeway" provision of the Tulsa-Muskogee order provides recognition of the problem of adjustment of movements to Class I needs beyond that provided in many orders. In order to provide a uniform total "leeway" or cushion in relation to Class I sales this should be expressed as a percentage of Class I sales rather than of producer receipts at the transferee plant. Otherwise, no change should be made in the location adjustment credit provision on the basis of this record.

*General findings.* (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

*Rulings on proposed findings and conclusions.* Briefs were filed on behalf of the Pure Milk Producers Association of Eastern Oklahoma and handlers subject to the proposed marketing agreement and order, as hereby proposed to be further amended. The briefs contained proposed findings, conclusions, and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

*Recommended marketing agreement and amendment to the order.* The following order, amending the order, as amended, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The proposed marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended.

Amend the proviso appearing at the end of § 906.53 to read as follows: "*Provided*, That for the purposes of calculating such adjustment transfers between approved plants shall be assigned to Class I milk in a volume not in excess of that by which 105 percent of Class I disposition at the transferee plant exceeds the receipts from producers at such plant, such assignment to transferor plants to be made first to plants at which no adjustment credit is applicable and then in the sequence at which the lowest location adjustment credit would apply."

Filed at Washington, D. C., this 20th day of June 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator.*

[F. R. Doc. 56-4982; Filed, June 22, 1956; 8:52 a. m.]

## [ 7 CFR Part 980 ]

[Docket No. AO-182-A6]

### MILK IN TOPEKA, KANS, MARKETING AREA

### NOTICE OF HEARING ON PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure, as amended (7 CFR Part 900), notice is hereby given of a public hearing to be held at the Kansan Hotel, Topeka, Kansas, beginning at 10:00 a. m., local time, July 10, 1956.

The public hearing is for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth or appropriate modifications thereof, to

the tentative marketing agreement as heretofore approved by the Secretary of Agriculture and to the order, as amended, regulating the handling of milk in the Topeka, Kansas, marketing area (7 CFR Part 980.0 et seq.). The amendments proposed have not received the approval of the Secretary of Agriculture.

The proposals relating to the enlargement of the Topeka, Kansas, marketing area raise the issue as to whether the provisions of the present order would tend to effectuate the declared policy of the act if applied to the marketing area as proposed to be extended and, if not, what modifications of the provisions of the order, as amended, should be made to effectuate the declared policy of the act.

Amendments to the order, as amended, for the Topeka, Kansas, marketing area have been proposed as follows:

By Shawnee County Milk Producers Association of Topeka, Kansas:

1. Amend § 980.5 to read as follows:

§ 980.5 *Topeka, Kansas, marketing area.* "Topeka, Kansas, marketing area" hereinafter called "marketing area" means the city of Topeka and all the territory in Shawnee County, Kansas, and the city of Emporia and all the territory in Lyon County, Kansas.

2. Amend § 980.8 to read as follows:

§ 980.8 *Approved plant.* "Approved plant" means any milk plant or portion thereof which is:

(a) Approved by the health authorities of any municipal or state government for the handling of milk for consumption as Grade A milk and from which Class I milk is disposed of on routes within the marketing area, or

(b) Used to receive milk from approved dairy farmers and to prepare such milk for transfer to another approved plant from which a route is operated in the marketing area, or

(c) Supplying Class I milk to any Agency of the United States Government located within the marketing area.

3. Amend § 980.9 to read as follows:

§ 980.9 *Pool plant.* "Pool plant" means any approved plant other than that of a producer handler:

(a) During any delivery period of March, April, May or June within which such plant disposes of as Class I milk an amount equal to 40 percent or more of such plant's total receipts of milk from approved dairy farmers and disposes of as Class I milk on routes in the marketing area an amount equal to 20 percent or more of such plant's total receipts of milk from approved dairy farmers.

(b) During any other delivery period within which such plant disposes of as Class I milk, an amount equal to 50 percent or more of such plant's total receipts of milk from approved dairy farmers and disposes of as Class I milk on routes in the marketing area an amount equal to 25 percent or more of such plant's total receipts of milk from approved dairy farmers.

(c) During any delivery period of July through December within which such plant transfers in bulk to a plant described in paragraph (b) of this section an amount of milk equal to 70 percent or more of the excess of such plant's receipts from approved dairy farmers over such plant's Class I sales outside the marketing area and disposes of an amount of milk equal to 70 percent or more of such plant's receipts of milk from approved dairy farmers as Class I milk. Any such plant which is a pool plant in each of the delivery periods of July through December shall be a pool plant for each of the following delivery periods of January through June regardless of the quantity of milk then disposed of to other pool plants, if a written request for pool plant status for such six months period is received from the operator of such plant by the market administrator before January 1. For the purposes of this definition, during the year 1956, the month of September will be substituted for the month of July wherever it appears hereinabove and such plant may qualify as a pool plant for the first six months of 1957, by qualification in each of the delivery periods of September through December, 1956.

(d) For the purposes of the definition the following shall apply:

(1) Milk diverted from an approved plant to another milk plant for the account of a cooperative association which does not operate a plant shall be deemed to have been received by such cooperative association at a pool plant.

(2) Milk diverted from an approved plant for the account of the handler operating such approved plant shall be considered a receipt at the approved plant from which it was diverted.

By Beatrice Foods Co.:

4. Amend § 980.66 by adding a new paragraph (b) as follows:

(b) The daily average base of each producer for whom no daily base may be established pursuant to paragraph (a) of this section shall be computed by the Market Administrator as follows:

(1) Multiply such producer's daily average deliveries of milk during the current month by the percentage that total deliveries of base milk in the current month by producers for whom daily bases are computed pursuant to paragraph (a) of this section are to total deliveries of milk in the current month by all producers.

5. Make such changes in other sections of the order so as to make the entire order conform with Proposal No. 4 above.

By Fairmont Foods Company:

6. To include Morris County, Kansas, in extension of the marketing area.

By the Dairy Division:

7. Make such other changes as are necessary to make the order conform to any amendments thereto that may result from the hearing.

Copies of this notice of hearing and of the order as now in effect may be obtained from the Market Administrator, Room 297 Plaza Theatre Building, 231 West 47th St., Kansas City 12, Missouri, or from the Hearing Clerk, Room 112 Administration Building, Washington 25, D. C. or may be there inspected.

Issued at Washington, D. C., this 20th day of June 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator.*

[F. R. Doc. 56-4983; Filed, June 22, 1956; 8:52 a. m.]

## Agricultural Research Service

### [ 9 CFR Part 95 ]

HAY, STRAW, AND SIMILAR MATERIALS FOR IMPORTATION INTO THE UNITED STATES

SANITARY CONTROL

Notice is hereby given in accordance with section 4 of the Administrative Procedure Act (5 U. S. C. 1003) that, pursuant to the provisions of section 2 of the act of February 2, 1903, as amended (32 Stat. 792, as amended; 21 U. S. C. 111), it is proposed to amend Part 95 of of Title 9 of the Code of Federal Regulations in the following respects:

1. The introductory paragraph of § 95.21 would be amended to read:

§ 95.21 *Hay and straw; requirements for unrestricted entry.* Except as provided in § 95.28, hay or straw which does not meet the conditions or requirements of paragraph (a), (b), or (c) of this section shall not be imported except subject to handling and treatment in accordance with § 95.22 after arrival at the port of entry.

* * * * * *

2. The introductory paragraph of § 95.22 would be amended to read:

§ 95.22 *Hay and straw; importations permitted subject to restrictions.* Except as provided in § 95.28, hay or straw which does not meet the conditions or requirements of § 95.21 shall be handled and treated in the following manner upon arrival at the port of entry.

* * * * * *

3. A new paragraph (d) would be added to § 95.26 to read:

(d) *Permitted disinfectants against ticks.* The disinfectants permitted for use against tick infestation are liquefied phenol (U. S. P. strength 87 percent phenol) in the proportion of at least 6 fluid ounces to one gallon of water; or chlorinated lime (U. S. P. strength 30 percent available chlorine) in the proportion of one pound to three gallons of water; or any one of the cresylic disinfectants approved by the Agricultural Research Service in the proportion of at least four fluid ounces to one gallon of water; or through application of boiling water if the treatment is against rinderpest or foot-and-mouth disease and tick infestation; or other disinfectants or treatments approved by the Chief of Branch.

4. A new § 95.28 would be added to read:

§ 95.28 *Hay or straw, and similar material from tick-infested areas.* Hay or straw, grass, or similar material from tick-infested pastures, ranges, or premises may disseminate the contagion of splenetic, Southern or Texas fever when imported for animal feed or bedding; therefore, such hay or straw, grass, or similar material shall not be imported unless such material is first disinfected with a disinfectant specified in § 95.26 (d).

Any person who wishes to submit written data, views, or arguments concerning the proposed amendments may do so by filing them with the Chief, Animal Inspection and Quarantine Branch, Agricultural Research Service, United States Department of Agriculture, Washington, D. C., within 30 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D. C., this 20th day of June 1956.

[SEAL] M. R. CLARKSON,
*Acting Administrator,*
*Agricultural Research Service.*

[F. R. Doc. 56 4984; Filed, June 22, 1956; 8:53 a. m.]

### [ 9 CFR Part 131 ]

[Docket No. AO16-A5]

HANDLING OF ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

NOTICE OF HEARING ON PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER, AS AMENDED

Pursuant to the provisions of the Anti-Hog-Cholera Serum and Hog-Cholera Virus Marketing Agreement Act (7 U. S. C. 851 et seq.), and the rules of practice and procedure governing formulation of marketing agreements and marketing orders applicable to anti-hog-cholera serum and hog-cholera virus (9 CFR Part 132), notice is hereby given of a public hearing to be held in the United States Courts Building, Court Room, Division No. 2, 811 Grand Avenue, Kansas City, Missouri, beginning at 10:00 a. m., c. s. t., July 23, 1956, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth or appropriate modifications thereof to the Marketing Agreement and Order, as amended, regulating the handling of anti-hog-cholera serum and hog-cholera virus in interstate commerce or so as to directly burden, obstruct, or affect interstate commerce (9 CFR Part 131). The proposed Marketing Agreement and Order provisions hereinafter set forth have not received the approval of the Secretary of Agriculture.

Amendments to the Marketing Agreement and BAI Order No. 361, as amended, have been proposed by the Control Agency adminstering the provisions of such order, as follows:

1. Amend § 131.8 to read as follows:

§ 131.8 *Wholesalers.* That class of buyers comprising (a) persons or agencies who do not administer serum or virus but are regularly engaged in purchasing and maintaining stocks of serum or virus in sufficient quantities to supply dealer demand, who are properly located and equipped with proper storage and distributing facilities to supply dealer demand, who resell principally to dealers, and who shall have been found by the Control Agency on submitted evidence acceptable to said Control Agency to perform in good faith the usual functions of a wholesaler, including, but without limitation, the storing of all serum or virus marketed, the absorbing of all expenses incidental to the advertising and selling of serum or virus, after receipt by them, to other trade groups, together with the providing of field or veterinary service necessary to determine whether the products sold have served their purpose in specific cases, and (b) any State or Federal Agency, or any farmer cooperative association who regularly purchases, for delivery within a definite period of time and pays for at seller's posted prices at time of delivery serum or virus in specified quantities adequate, in the opinion of the Control Agency, to justify such classification.

2. In § 131.23 delete the first sentence and substitute therefor the following:

§ 131.23 *Selection.* Each of the 12 members of the Control Agency and their alternates shall be selected by the Secretary from the individuals in each of the four groups comprising the nominees for membership and/or alternates who receive the highest numbers, successively, of votes cast by handlers entitled to vote for nominees in each group. The Secretary may designate an individual to serve as an alternate for more than one member of the same group. * * *

3. Amend § 131.46 to read as follows:

§ 131.46 *Reports and records.* (a) On of before March 15, 1957, and on or before March 15 of each year thereafter, each manufacturer and wholesaler handler shall furnish the Secretary, through a disinterested agency to be selected by the Control Agency and approved by the Secretary, a report, which shall be sworn to, setting forth the dollar volume of serum and virus marketed in domestic and foreign commerce by such handler during the preceding calendar year. On or before June 15 of each year, each manufacturer handler shall file a report with the Secretary, which shall be sworn to, setting forth the cubic centimeter volume of serum marketed by such handler during the preceding calendar year and the quantity of completed serum such handler had on hand May 1 of such year.

(b) The disinterested agency shall make reports to the Secretary with respect to the marketings of serum and virus and collections of assessments under this part upon request therefor by the Secretary, and shall promptly transmit to the Control Agency all sums of money received by it from handlers in payment of assessments. The Secretary shall inform the agency concerning the total amount of the pro rata share of manufacturer handlers and the total amount of the pro rata share of wholesaler handlers of the expenses of the Control Agency.

(c) Each handler shall keep and maintain for a period of two years accounts and records showing, to the extent that he is concerned therewith, the manufacture, receipt, delivery, sale, prices, and disposition of serum and virus in sufficient detail as will enable the Secretary to ascertain and determine the extent to which such handler is complying with the terms and provisions of this part; and each handler shall, upon the request of a duly authorized representative of the Secretary, permit him at all reasonable times to have access to and copy such records. Any information furnished to or acquired by the Secretary or his representative pursuant to this paragraph shall be subject to the provisions of section 8 (d) (2) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608 (d)).

4. Delete the following sentence from § 131.51: "All filed prices to dealers and wholesalers shall be on a delivered basis where the amount sold is 3,000 cc. or more."

5. Amend § 131.53 to read as follows:

§ 131.53 *Open prices.* Each handler shall make no sales unless he has an effective price list, including discounts and terms of sale, as set forth in § 131.51, filed with the Control Agency. No handler shall make any bid, or offer to sell, or enter into an agreement or contract to sell serum or virus, or in any manner sell serum or virus at prices, discounts, or terms of sale different from those set forth in his filed price list which is effective at the time any such bid, offer, agreement, contract, sale, or delivery is made. No handler shall file a new or amended price list until his most recently filed price list for any class of buyers becomes effective, and no handler shall withdraw any filed price list prior to the effective date of such price list.

6. Add a new § 131.60 to read as follows:

§ 131.60 *Agents and distributional outlets.* Whenever the Control Agency by regulation requires that manufacturer and wholesaler handlers list with the Control Agency such handlers' agents and distributional outlets, any movement or transfer of serum or virus by a manufacturer or wholesaler handler to any person not so listed as such handler's agent or distributional outlet shall, for the purpose of this part, be considered to be a sale of serum or virus to such person.

7. Delete §§ 131.71, 131.72, 131.73, 131.74, 131.75, 131.76 and 131.77, and substitute therefor a new § 131.71 to read as follows:

§ 131.71 *Unfair methods of competition and unfair trade practices.* The following are unfair methods of competition and unfair trade practices, and are prohibited:

(a) The payment or allowance of rebates, refunds, commissions or unearned discounts, either in the form of money or otherwise, or extending to certain purchasers special services or privileges not extended to all purchasers under like conditions;

(b) Selling serum or virus at less than reasonable market value;

(c) The giving away or selling other products at less than reasonable market value to a purchaser or user of serum or virus, for the purpose or with the

effect of influencing the sale of serum or virus;

(d) Maliciously enticing away the employees of competitors;

(e) Defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by any other false representation of character or conduct or of the serum or virus handled by them;

(f) The sale or offering for sale of any serum or virus by any false means or device;

(g) Shipping of serum or virus on consignment;

(h) Withholding from or inserting in an invoice information which makes the invoice, in whole or in part, a false record of the transaction covered by the invoice;

(i) The making, causing, or permitting to be made, or publishing of any false, untrue, misleading, or deceptive statement by means of advertisement or otherwise, concerning the grade, quality, quantity, character, nature, origin, preparation, or use of serum or virus.

8. Add a new § 131.59 to read as follows:

§ 131.59 *Manufacturer and wholesaler handlers.* Only manufacturer and wholesaler handlers shall be required to post prices, make the required reports, keep and maintain records, pay assessments and be eligible to serve on the Control Agency.

9. Delete the words, "in the current of interstate or foreign commerce, or so as directly to burden, obstruct, or affect interstate or foreign commerce", and words of similar import wherever found in this part.

10. Amend § 131.28 (b) to read as follows:

(b) To make rules and regulations to effectuate the terms and provisions of this part.

11. Add a new § 131.97 to read as follows:

§ 131.97 *Compliance.* No handler shall handle serum or virus except in conformity with the provisions of this part and the rules and regulations issued pursuant thereto.

12. Make such other changes as may be required to make the entire marketing agreement and order conform with any amendments thereto that may result from the Hearing.

13. Recodify the marketing agreement and order.

Copies of this notice of hearing may be procured from the Hearing Clerk, Room 112, Building A, United States Department of Agriculture, Washington 25, D. C., or may there be inspected.

Done at Washington, D. C., this 20th day of June 1956.

[SEAL] M. R. CLARKSON,
*Acting Administrator,*
*Agricultural Research Service.*

[F. R. Doc. 56-4985; Filed, June 22, 1956; 8:53 a. m.]



## [ 9 CFR Part 131 ]

[Docket No. A016-A6]

### HANDLING OF ANTI-HOG-CHOLERA SERUM AND HOG-CHOLERA VIRUS

### NOTICE OF HEARING ON PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER, AS AMENDED

Pursuant to the provisions of the Anti-Hog-Cholera Serum and Hog-Cholera Virus Marketing Agreement Act (7 U. S. C. 851 et seq.), and the Rules of Practice and Procedure governing formulation of marketing agreements and marketing orders applicable to anti-hog-cholera serum and hog-cholera virus (9 CFR Part 132), notice is hereby given of a public hearing to be held in the United States Courts Building, Court Room, Division No. 2, 811 Grand Avenue, Kansas City, Missouri, beginning at 10:00 a. m., c. s. t., July 24, 1956, for the purpose of receiving evidence with respect to proposed amendments hereinafter set forth or appropriate modifications thereof to the Marketing Agreement and the Order, as amended, regulating the handling of anti-hog-cholera serum and hog-cholera virus (9 CFR Part 131). The proposed amendments to the Marketing Agreement and Order hereinafter set forth have not received the approval of the Secretary of Agriculture.

The Control Agency administering the provisions of the order has requested that a hearing be held on the following proposals in order that interested persons in the industry may be afforded the opportunity to introduce evidence to support what they consider to be the best method of resolving problems that have arisen with respect to inter-producer sales of serum and virus; duality of operations of handlers with respect to the classifications defined in the order and financial interests held in business units coming within the different classifications defined in the order.

1. Amend the order so that "manufacturer handlers" purchasing serum or virus for use or resale shall be classified under the order as "wholesalers" with respect to such purchases but shall be assessed for expenses of the Control Agency only as "manufacturer handlers".

2. Amend the order so that it shall specifically provide that (1) no person or firm shall act in a dual capacity, either individually or as an agent for others, with respect to the classifications of manufacturer, wholesaler, dealer, and consumer defined in the order, except as specifically provided for therein, and (2) no person shall have a substantial financial interest in business units, either directly, indirectly or through close family relationship, which come within different classifications of the trade defined in the order.

Copies of this notice of hearing may be procured from the Hearing Clerk, Room 112, Building A, United States Department of Agriculture, Washington 25, D. C., or may there be inspected.

Done at Washington, D. C., this 20th day of June 1956.

[SEAL] M. R. CLARKSON,
*Acting Administrator,*
*Agricultural Research Service.*

[F. R. Doc. 56-4986; Filed, June 22, 1956; 8:53 a. m.]

## Commodity Stabilization Service

## [ 7 CFR Part 814 ]

### MAINLAND CANE SUGAR AREA

### NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO ALLOTMENT OF 1956 SUGAR QUOTA

Pursuant to the provisions of the Sugar Act of 1948, as amended (7 U. S. C. 1100 et seq., hereinafter referred to as the "act"), and the applicable rules of practice and procedure (7 CFR 801.1 et seq.), notice is hereby given of the filing with the Hearing Clerk of the Recommended Decision of the Administrator, Commodity Stabilization Service, United States Department of Agriculture, with respect to a proposed order of the Secretary of Agriculture for the allotment of the 1956 sugar quota for the Mainland Cane Sugar Area. Interested persons may file written exceptions to this recommended decision and proposed order, together with supporting reasons therefor, with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 10 days after the date of filing of the recommended decision with the Hearing Clerk, which date shall be the date of publication of this notice in the FEDERAL REGISTER. The date of filing of written exceptions with the Hearing Clerk by mail shall be the postmark date of submission of such exceptions.

*Preliminary statement.* Section 205 (a) of the act requires the Secretary to allot a quota whenever he finds that the allotment is necessary, among other things to (1) prevent disorderly marketing of sugar or liquid sugar and (2) afford all interested persons an equitable opportunity to market sugar or liquid sugar. Section 205 (a) also requires that such allotment be made after such hearing and upon such notice as the Secretary may prescribe.

Pursuant to the applicable rules of practice and procedure (7 CFR 801.1 et seq) a preliminary finding was made that allotment of the quota is necessary, and a notice was published on December 31, 1955 (20 F. R. 10167), of a public hearing to be held at New Orleans, Louisiana, in the International House on January 19, 1956, at 10:00 a. m., c. s. t., for the purpose of receiving evidence to enable the Secretary, (1) to affirm, modify or revoke the preliminary finding of necessity for allotments, and (2) to establish fair, efficient and equitable allotments of the 1956 quota for the Mainland Cane Sugar Area for the calendar year 1956.

The hearing was held at the place and time specified in the notice.



*Basis for findings and conclusions.* Section 205 (a) of the act reads in pertinent part as follows:

• • • Allotments shall be made in such manner and in such amounts as to provide a fair, efficient, and equitable distribution of such quota or proration thereof, by taking into consideration the processings of sugar or liquid sugar from sugar beets or sugarcane to which proportionate shares, determined pursuant to the provisions of subsection (b) of Section 302, pertained; the past marketings or importations of each such person and the ability of such person to market or import that portion of such quota or proration thereof alloted to him • • •.

The record of the hearing indicates that the prospective supply of mainland cane sugar available for marketing in 1956 exceeds the quota for that area to an extent that allotment of the quota is necessary (R. 9, 10).

All three factors specified in the provision of law quoted above have been considered and each is given a percentile weighting by the formula on which this recommended allotment of the 1956 Mainland Cane Sugar Area quota is based. That formula follows the proposal made by the Government witness in the record as to the measures and weightings of factors to be used for determining allotments (R. 18, 19).

In addition to the Government proposal two alternative methods for determining allotments were proposed by a representative of 40 of the 46 Louisiana processors (R. 70, 80; Ex. 14), and another method was supported by 3 Florida processors (R. 101, 102; Ex. 18). All proposals were similar in the following respects: (1) an allotment of 100 short tons, raw value, would be made to the Louisiana State University and the balance of the quota would be allotted to the other processors; (2) the factor "processings" would be measured by the total production from 1955-crop cane; (3) the factor "past marketings" would be measured by the 1951–55 average marketings within allotments and weighted 20 percent; (4) the factor "ability to market" would be measured in part by January 1, 1956, effective inventories exclusive of quantities contracted to the Commodity Credit Corporation and, in part, by some other measure and (5) each factor would be expressed, for each processor, as the percentage that his tonnage for the factor represents of the total tonnage for that factor. No testimony in the hearing record was in disagreement with the above and all allottees agreed and recommended for the record that an allotment of 100 short tons, raw value, be made to Louisiana State University (R. 87, 113).

The proposals differed in the following respects: The proposal supported by the Florida processors weighted the factors "processings," 40 percent; "ability to market," 40 percent and "past marketings," 20 percent, the same as proposed by the Government, while the Louisiana processors' proposals would weight the factors "processings," 60 percent; "past marketings," 20 percent and "ability to market," 20 percent. Varied proposals for measuring the factor "ability to market" were made, differing, however, only with respect to the quantities to be added to January 1, 1956, effective inventories (exclusive of quantities contracted to CCC) to complete the measure of "ability to market".

The method of allotment adopted gives recognition to the importance of having allotments in line with recent crop production levels by giving 1955-crop production a weight of 40 percent. A greater weight to this factor is deemed inappropriate under present circumstances in view of the wide variations for individual processors between their 1955-crop production and that for other recent years, and in view of the method proposed for measuring and weighting "ability to market".

The method adopted to measure the factor "ability to market" gives recognition to the extent sugar production of the past four crop-years exceeded marketings during the past three calendar years (including quantities contracted to CCC). Consequently, it recognizes the increments of current inventories traceable to the restrictions of marketings in the entire sequence of recent years in which quotas have been allotted. The quantity of sugar represented by the measure is substantially the same as the quantity of sugar which, from a supply or availability standpoint, will depend upon allotments for a fair, efficient and equitable opportunity to be marketed in 1956 (R. 21).

Expressed in other terms, but with identical results, this method of measuring the "ability to market" factor represents the quantity of sugar in effective inventory on January 1, 1956 (exclusive of quantities contracted to CCC), plus the quantity of new-crop sugar marketed in 1952. Effective inventories on January 1, 1956, represents the physical quantity of sugar held by processors on that date, plus the quantity of 1955-crop sugar produced in 1956.

Viewing "the ability to market" factor in terms of these two components supports its applicability. For most processors, new-crop marketing in 1952 fairly reflected their capabilities to market sugar in the closing months of that year, the most recent year without marketing restrictions. To the extent some failed to fully demonstrate their potential marketing abilities in late 1952, their January 1, 1953, inventories were increased accordingly. Such inventory increases, except as offset by subsequent marketings, continue to be reflected in January 1, 1956, effective inventories (R. 22). The component January 1, 1956, effective inventories, from a supply standpoint, reflects the entire ability of processors to market sugar in 1956 prior to October when processing of the 1956-crop begins, and the component new-crop marketings, as demonstrated by processors in the most recent period of unrestricted marketings, reflects the relative abilities of processors to market sugar in the last quarter of the year.

In 1956 the processors continue to fall into the same groups as in 1952 based on the percentage of the crop they process in the last quarter of the year and their tendencies to market all of the crop as it is produced or to distribute marketings over a longer period. Consequently, 1952 new-crop marketings, when added to January 1, 1956, effective inventories, provides a measure of ability which recognizes both the current and normal sizes of inventories and the length of time such inventories are normally carried.

Thus, this measure of "ability to market," described initially as the difference between the production of sugar from the four most recent crops and the marketings (including quantities contracted to CCC) for the three most recent years when marketings have been restricted, and gives recognition to current inventories, and gives appropriate consideration to differences between processors in their customary marketing and storage patterns and is, therefore, a suitable and acceptable measure of ability.

Comparisons have been made between the allotments resulting from giving consideration to the three statutory factors as proposed herein, and production from crops in various years, inventory and new-crop situations as an aid in gauging whether such allotments result in a fair, efficient and equitable distribution of the quota (R. 26–30; Ex. 9, 10). Such analysis supports the conclusion that the allotments as proposed are fair, efficient and equitable.

All processings of sugar from 1955-crop sugarcane are used as a measure of the factor "processing of sugar or liquid sugar from • • • sugarcane to which proportionate shares • • • pertained," although total processings may include negligible quantities of sugar processed from sugarcane to which proportionate shares did not pertain since such quantities have insignificant effect in the formula used for fixing allotments (R. 19–20). It was proposed that contract quantities of sugar purchased by the Commodity Credit Corporation be used in computing final allotments (R. 18). No exception was taken to such use of total processings and contract quantities, and no evidence to the contrary was offered at the hearing. Final data have been made a part of the record subsequent to and as provided for in the hearing and are reflected in the proposed allotments (R. 16–17).

As the hearing record shows that the Department has received satisfactory evidence that Glenwood Coop., Inc., is the successor in interests to the E. G. Robichaux Company, Ltd., for allotment of quota purposes including pertinent history of production, marketings and inventories, such change has been reflected accordingly in the findings and allotment order (R. 32).

It was proposed in the record that in the event of any deficits in allotments of individual allottees, and any increases in quota due to deficits in other areas, that such quantities be allotted without further notice or hearing to such allottees as can supply the additional quantities in proportion to the allotments then in effect made pursuant to the record of this proceeding (R. 33). Written notification to the Sugar Division by an allottee that he is unable to fill a part of his allotment, and any regulations issued by the Secretary which allots deficits in quota of other areas to the 1956 quota for the Mainland Cane Sugar Area are to be considered a part of the record of this

hearing for the purpose of official notice to be taken thereof (R. 33).

The findings and the allotment order include provisions similar to those included in the 1955 order (S. R. 814.21; 20 F. R. 7126), paragraphs (b) Restrictions on Marketing, and (c) Transfer of Allotment, and also include a provision similar to that included in the 1954 order (S. R. 814.21; 19 F. R. 1337), paragraph (d) Exchanges of Sugar Between Allottees. The need for including these provisions was supported by the Government witness (R. 31) and by a representative of many of the processors (R. 87) and there was no testimony or argument opposed to their inclusion.

In recommending the findings, conclusions and regulatory provisions of the order set forth hereafter, all proposed findings and conclusions were carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that findings and conclusions proposed by interested persons are inconsistent with the findings and conclusions recommended herein, the specific or implied request to make such findings and reach such conclusions are denied on the basis of the facts recommended to be found and the conclusions recommended to be reached as set forth herein.

*Recommended findings and conclusions.* On the basis of the record of the hearing, I hereby find and conclude that:

(1) January 1, 1956, effective inventories of mainland cane sugar approximate 400,000 short tons, raw value. With a quota of 500,000 tons, such inventories limit 1956 marketing of 1956-crop mainland cane sugar to about 100,000 tons. New-crop marketings during 1948–1952, the most recent five-year period without marketing restrictions, ranged from a low of about 274,000 tons to a high of about 435,000. Thus, the supply of sugar available for marketing in 1956 is expected to greatly exceed the statutory quota of 500,000 short tons, raw value.

(2) Prospects in other domestic areas and Cuba are such that no increase in the Mainland Cane Sugar Area quota through proration of deficits is likely.

(3) The supply situation makes necessary the allotment of the 1956 sugar quota for the Mainland Cane Sugar Area to assure an orderly flow of such sugar in the channels of interstate commerce, to prevent disorderly marketing of sugar, and to afford all interested persons equitable opportunities to market sugar within the quota.

(4) Total processings of all sugar from 1955-crop sugarcane by each processor is a fair, efficient and equitable measure of processings of sugar from the 1955-crop of sugarcane to which proportionate shares pertained.

(5) An allotment of 100 short tons, raw value, should be established for the Louisiana State University and the balance of the quota, 499,900 short tons, raw value, should be allotted in accordance with the method set forth in (6) and (7), below.

(6) For processors other than the Louisiana State University each of the three factors specified in section 205 (a) of the act shall be measured and weighted, and allotments determined as follows, based on final data in the hearing record:

(a) The factor processings from proportionate shares should be measured by each processor's production of all sugar from 1955-crop sugarcane, in short tons, raw value, expressed as a percentage of the total of such processings for all processors, and weighted by 40 percent;

(b) The factor past marketings should be measured by each processor's average annual marketings within his allotment for the years 1951 through 1955, in short tons, raw value, expressed as a percentage of the total of the measure for all processors, and weighted by 20 percent.

(c) The factor ability to market should be measured for each processor by subtracting (1) his total marketings in the calendar years 1953, 1954 and 1955, plus-contract quantities of his sales to the Commodity Credit Corporation from (2) his total production of sugar for the crop years 1952 through 1955. The result of subtracting (1) from (2), above, in short tons, raw value, expressed as a percentage of the total of the measure of all processors should be weighted by 40 percent.

(d) The total of the percentages resulting from (a), (b) and (c), above, for each processor should be multiplied by 499,900 to determine his allotment in short tons, raw value.

(7) The quantities of sugar and the percentages referred to in paragraph (6), above, based on final data, are set forth in the following table:

| Processor | Processings of sugar from 1955-crop cane | | Past marketings average within allotments 1951–55 | | Ability to market | | | | | Processor's percentage share of 499,000 tons (column 2 x 40 percent plus column 4 x 20 percent plus column 9 x 40 percent) |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | Total processings 1952–55 crop years (tons) | Total marketings 1953–55 calendar years (raw value) | Contract quantities of sales to CCC (tons) | Measure used | | |
| | | | | | | | | Column 5 less columns 6 and 7 (tons) | Percent of total | |
| | Tons, raw value | Percent of total | Tons, raw value | Percent of total | | | | | | |
| | (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) | (10) |
| Albania Sugar Coop., Inc | 6,634 | 1.160 | 5,145 | 1.010 | 25,466 | 15,441 | 606 | 9,419 | 1.137 | 1.121 |
| Alice C. Ref. & Plntg., Inc | 7,812 | 1.366 | 6,080 | 1.194 | 29,775 | 18,164 | 606 | 11,005 | 1.329 | 1.317 |
| Alma Plantation, Ltd | 7,637 | 1.335 | 5,978 | 1.174 | 28,521 | 17,591 | 613 | 10,317 | 1.246 | 1.267 |
| J. Aron & Co., Inc | 13,016 | 2.275 | 10,290 | 2.020 | 52,676 | 32,003 | 1,553 | 19,120 | 2.308 | 2.237 |
| Billeaud Sugar Factory | 7,513 | 1.313 | 6,938 | 1.362 | 33,133 | 21,381 | 617 | 11,135 | 1.344 | 1.335 |
| Breaux Bridge Sugar Coop., Inc | 6,889 | 1.204 | 5,838 | 1.146 | 28,348 | 17,048 | 675 | 10,625 | 1.283 | 1.224 |
| J. M. Burguieres Co., Ltd., The | 6,246 | 1.092 | 4,716 | .926 | 23,434 | 13,835 | 679 | 8,920 | 1.077 | 1.053 |
| Burton-Sutton Oil Co., Inc | 7,593 | 1.327 | 5,838 | 1.146 | 28,441 | 19,349 | 1,517 | 7,575 | .915 | 1.126 |
| Caire & Graugnard | 3,188 | .557 | 3,292 | .646 | 13,549 | 9,100 | 260 | 4,189 | .506 | .555 |
| Caldwell Sugar Coop., Inc | 11,618 | 2.031 | 9,156 | 1.798 | 46,928 | 27,118 | 1,766 | 18,044 | 2.178 | 2.043 |
| Catherine Sugar Co., Inc | 6,891 | 1.205 | 5,488 | 1.077 | 27,260 | 16,798 | 691 | 9,771 | 1.180 | 1.170 |
| Columbia Sugar Co | 5,192 | .908 | 4,851 | .953 | 21,777 | 13,596 | 1,094 | 7,087 | .856 | .896 |
| Cora-Texas Manufacturing Co., Inc | 2,372 | .415 | 2,231 | .438 | 10,319 | 6,627 | 519 | 3,173 | .383 | .407 |
| Dugas & LeBlanc, Ltd | 10,717 | 1.873 | 9,673 | 1.899 | 46,519 | 29,413 | 1,469 | 15,637 | 1.888 | 1.884 |
| Duhe & Bourgeois Sugar Co., Inc | 8,529 | 1.491 | 7,321 | 1.437 | 33,635 | 20,978 | 1,092 | 11,565 | 1.396 | 1.442 |
| Erath Sugar Co., Ltd | 4,609 | .806 | 4,366 | .857 | 20,008 | 13,020 | 331 | 6,657 | .804 | .816 |
| Evan Hall Sugar Coop., Inc | 21,051 | 3.680 | 16,294 | 3.199 | 82,981 | 49,929 | 2,415 | 30,637 | 3.699 | 3.592 |
| Evangeline Pepper & Food Products, Inc | 4,440 | .776 | 4,005 | .786 | 20,089 | 12,095 | 276 | 7,718 | .932 | .836 |
| Felismere Sugar Producers Association | 7,435 | 1.300 | 9,019 | 1.771 | 38,002 | 25,412 | 1,192 | 11,398 | 1.376 | 1.425 |
| Frisco Cane Co., Inc | 932 | .163 | 673 | .132 | 3,401 | 2,034 | 106 | 1,261 | .152 | .152 |
| Glenwood Coop., Inc | 13,652 | 2.386 | 11,977 | 2.352 | 60,580 | 38,280 | 2,644 | 19,656 | 2.373 | 2.374 |
| Godchaux Sugars, Inc | 34,457 | 6.023 | 29,642 | 5.820 | 144,030 | 91,238 | 5,533 | 47,259 | 5.706 | 5.856 |
| Helvetia Sugar Coop., Inc | 6,937 | 1.213 | 5,180 | 1.017 | 27,106 | 16,667 | 648 | 9,791 | 1.182 | 1.161 |
| Iberia Sugar Coop., Inc | 12,386 | 2.165 | 11,572 | 2.272 | 54,750 | 35,130 | 1,203 | 18,417 | 2.224 | 2.210 |
| LaFourche Sugar Co | 14,527 | 2.539 | 11,644 | 2.286 | 59,093 | 35,529 | 1,826 | 21,738 | 2.625 | 2.523 |
| Harry L. Laws & Co., Inc | 9,575 | 1.726 | 7,463 | 1.465 | 37,548 | 23,152 | 993 | 13,703 | 1.654 | 1.645 |
| Levert-St. John, Inc | 7,861 | 1.374 | 7,908 | 1.553 | 38,048 | 24,849 | 723 | 12,476 | 1.506 | 1.463 |
| Loisel Sugar Co., Inc | 4,889 | .855 | 5,301 | 1.041 | 23,198 | 15,256 | 523 | 7,419 | .896 | .909 |
| Louisiana State Penitentiary | 3,722 | .651 | 2,945 | .578 | 12,659 | 7,096 | 392 | 5,171 | .624 | .626 |
| Lula Factory, Inc | 11,223 | 1.962 | 9,547 | 1.874 | 46,639 | 29,423 | 1,124 | 16,092 | 1.943 | 1.937 |
| Meeker Sugar Coop., Inc | 3,590 | .627 | 3,422 | .672 | 13,383 | 9,177 | 164 | 4,042 | .488 | .580 |
| Milliken & Farwell, Inc | 12,414 | 2.170 | 9,909 | 1.946 | 50,398 | 30,964 | 2,129 | 17,115 | 2.066 | 2.084 |
| Okeelanta Sugar Refinery, Inc | 10,589 | 1.851 | 10,317 | 2.026 | 55,941 | 35,054 | 2,815 | 18,072 | 2.182 | 2.018 |
| M. A. Patout & Son, Ltd | 7,722 | 1.350 | 7,231 | 1.420 | 33,216 | 21,740 | 720 | 10,756 | 1.299 | 1.344 |
| Poplar Grove Pltg. & Ref. Co | 6,290 | 1.099 | 5,112 | 1.004 | 24,565 | 15,193 | 596 | 8,776 | 1.060 | 1.064 |



| Processor | Processings of sugar from 1955-crop cane | | Past marketings average within allotments 1951–55 | | Ability to market | | | | | Processor's percentage share of 499,000 tons (column 2 x 40 percent plus column 4 x 20 percent plus column 9 x 40 percent) |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | Total processings 1952–55 crop years (tons) | Total marketings 1953–55 calendar years (raw value) | Contract quantities of sales to CCC (tons) | Measure used | | |
| | | | | | | | | Column 5 less columns 6 and 7 (tons) | Percent of total | |
| | Tons, raw value | Percent of total | Tons, raw value | Percent of total | | | | | | |
| | (1) | (2) | (3) | (4) | (5) | (6) | (7) | (8) | (9) | (10) |
| St. James Sugar Coop., Inc | 12,064 | 2.109 | 9,296 | 1.825 | 48,319 | 28,987 | 1,183 | 18,149 | 2.191 | 2.085 |
| St. Mary Sugar Coop., Inc | 11,075 | 1.936 | 10,982 | 2.156 | 50,522 | 30,233 | 401 | 19,888 | 2.401 | 2.166 |
| Slack Bros., Inc | 3,061 | .535 | 2,769 | .544 | 12,857 | 8,066 | 299 | 4,492 | .542 | .540 |
| Smedes Bros., Inc | 4,191 | .733 | 3,800 | .746 | 18,328 | 11,226 | 263 | 6,839 | .826 | .773 |
| South Coast Corp | 42,067 | 7.354 | 38,148 | 7.490 | 168,738 | 102,344 | 6,632 | 59,762 | 7.215 | 7.326 |
| Southdown Sugars, Inc | 41,093 | 7.183 | 35,803 | 7.029 | 166,733 | 108,287 | 7,541 | 50,905 | 6.146 | 6.737 |
| Sterling Sugars, Inc | 12,377 | 2.164 | 9,651 | 1.895 | 40,836 | 23,866 | 1,659 | 15,511 | 1.873 | 1.994 |
| J. Supple's Sons Pltg. Co | 4,460 | .780 | 3,553 | .698 | 17,565 | 10,734 | 789 | 6,042 | .729 | .743 |
| United States Sugar Corp | 99,784 | 17.443 | 100,181 | 19.669 | 461,424 | 295,978 | 13,976 | 151,470 | 18.288 | 18.226 |
| Valentine Sugars, Inc | 11,660 | 2.038 | 10,149 | 1.993 | 46,982 | 27,652 | 1,758 | 17,572 | 2.122 | 2.063 |
| Vermilion Sugar Co., Inc | 1,899 | .332 | 2,309 | .453 | 9,836 | 6,463 | 000 | 3,373 | .407 | .386 |
| Vida Sugars, Inc | 3,976 | .695 | 3,938 | .773 | 18,804 | 11,860 | 275 | 6,669 | .805 | .755 |
| A. Wilbert's Sons Lumber & Shingle Co | 8,539 | 1.493 | 6,868 | 1.348 | 35,003 | 21,089 | 1,080 | 12,834 | 1.550 | 1.487 |
| Young's Industries, Inc | 5,358 | .937 | 5,521 | 1.084 | 25,952 | 16,403 | 539 | 9,010 | 1.088 | 1.027 |
| Total | 572,052 | 100.000 | 509,330 | 100.000 | 2,417,425 | 1,512,668 | 76,505 | 828,252 | 100.000 | 100.000 |

(8) The Glenwood Cooperative, Inc., successor to the interests of E. G. Robichaux Co., Ltd., shall have its 1956 allotment based on its past production, marketings and inventories of sugar combined with those formerly representing the operations of E. G. Robichaux Co., Ltd.

(9) An efficient distribution of the quota requires provisions for transfer of allotments in unusual circumstances when deemed necessary to assure the processing of all proportionate shares.

(10) To aid in the efficient movement and storage of sugar, provision should be made to enable a processor to market a quantity of sugar of his own production in excess of his allotment, equivalent to the quantity of sugar which he holds in storage and which was acquired by him within the allotment of another allottee of the 1956 mainland cane sugar area quota.

(11) The order shall be revised without further notice or hearing, for the purpose of allotting any additional quota resulting from proration of deficits in the quota for other supply areas, or any deficit in the allotment of any allottee under the order, by allotting any such additional quota or deficit to allottees, who are able to supply the additional sugar, in the proportion that their respective allotments bear to the total allotments of such allottees under the order.

(12) Allotments established in the foregoing manner and in the amounts set forth in the order provide a fair, efficient and equitable distribution of the quota as required by section 205 (a) of the act.

*Recommended order.* Pursuant to the authority vested in the Secretary of Agriculture by section 205 (a) of the act; the section number designation § 815.23 as published in 20 F. R. 9851 is corrected to read § 814.23 and it is hereby ordered, that § 814.23 be amended to read as follows:

§ 814.23 *Allotment of the 1956 sugar quota for the Mainland Cane Sugar Area*—(a) *Allotments.* The 1956 sugar quota for the Mainland and Cane Sugar Area is hereby allotted to the following processors in amounts which appear opposite their respective names:

| Processor | Allotments (short tons, raw value) |
|---|---|
| Albania Sugar Coop., Inc | 5,604 |
| Alice G. Ref. & Plntg., Inc | 6,584 |
| Alma Plantation, Ltd | 6,334 |
| J. Aron & Co., Inc | 11,183 |
| Billeaud Sugar Factory | 6,674 |
| Breaux Bridge Sugar Coop., Inc | 6,119 |
| J. M. Burguieres Co., Ltd | 5,264 |
| Burton-Sutton Oil Co., Inc | 5,629 |
| Caire & Graugnard | 2,774 |
| Caldwell Sugar Coop., Inc | 10,213 |
| Catherine Sugar Co., Inc | 5,849 |
| Columbia Sugar Co | 4,479 |
| Cora-Texas Manufacturing Co., Inc | 2,034 |
| Dugas & LeBlanc, Ltd | 9,418 |
| Duhe & Bourgeois Sugar Co., Inc | 7,209 |
| Erath Sugar Co., Ltd | 4,079 |
| Evan Hall Sugar Coop., Inc | 17,956 |
| Evangeline Pepper & Food Products, Inc | 4,179 |
| Felismere Sugar Producers Association | 7,124 |
| Frisco Cane Co., Inc | 760 |
| Glenwood Coop., Inc | 11,868 |
| Godchaux Sugars, Inc | 29,274 |
| Helvetia Sugar Coop., Inc | 5,804 |
| Iberia Sugar Coop., Inc | 11,048 |
| LaFourche Sugar Co | 12,612 |
| Harry L. Laws & Co., Inc | 8,223 |
| Levert-St. John, Inc | 7,314 |
| Loisel Sugar Co., Inc | 4,544 |
| Louisiana State Penitentiary | 3,129 |
| Lula Factory, Inc | 9,683 |
| Meeker Sugar Coop., Inc | 2,899 |
| Milliken & Farwell, Inc | 10,418 |
| Okeelanta Sugar Refinery, Inc | 10,088 |
| M. A. Patout & Son, Ltd | 6,719 |
| Poplar Grove Pltg. & Ref. Co | 5,319 |
| St. James Sugar Coop., Inc | 10,423 |
| St. Mary Sugar Coop., Inc | 10,828 |
| Slack Bros., Inc | 2,699 |
| Smedes Bros., Inc | 3,864 |
| South Coast Corp | 36,623 |
| Southdown Sugars, Inc | 33,678 |
| Sterling Sugars, Inc | 9,968 |
| J. Supple's Sons Pltg. Co | 3,714 |
| United States Sugar Corp | 91,112 |
| Valentine Sugars, Inc | 10,313 |
| Vermilion Sugar Co., Inc | 1,930 |
| Vida Sugars, Inc | 3,774 |
| A. Wilbert's Sons Lbr. & Sh. Co | 7,433 |
| Young's Industries, Inc | 5,134 |
| Louisiana State University | 100 |
| All other persons | 000 |
| Total | 500,000 |

(b) *Restrictions on marketings.* During the calendar year 1956 each person named in paragraph (a) of this section and any other person is hereby prohibited from marketing in interstate commerce, or in competition with sugar or liquid sugar shipped, transported or marketed in interstate or foreign commerce, any sugar or liquid sugar produced from sugarcane grown in the Mainland Cane Sugar Area in excess of his allotment established in paragraph (a) of this section.

(c) *Transfer of allotment.* When approved in writing by the Director, Sugar Division, Commodity Stabilization Service, of the Department, allotments made in paragraph (a) of this section may be transferred, in whole or in part, to another allottee thereunder upon a showing that the transferee has processed or will process 1956-crop sugarcane because of inability of the transferor, arising subsequent to the processing of the 1955 crop, to process the tonnage of sugarcane which otherwise would be processed by him.

(d) *Exchanges of sugar between allottees.* When approved in writing by the Director of the Sugar Division, or the Chief of the Quota and Allotment Branch thereof, Commodity Stabilization Service of the Department, any allottee holding sugar or liquid sugar acquired by him within the allotment of another person established in paragraph (a) of this section, may ship, transport or market an equivalent quantity of sugar processed by him in excess of his allotment established in paragraph (a) of this section. The sugar or liquid sugar held under this paragraph shall be subject to all other provisions of this section as if it had been processed by the allottee who acquired it for the purpose authorized by this paragraph.

(Sec. 403, 61 Stat. 932; 7 U. S. C. 1153. Interprets or applies sec. 205, 61 Stat. 926; 7 U. S. C. 1115)

Issued at Washington, D. C., this 20th day of June 1956.

[SEAL] WALTER C. BERGER,
*Acting Administrator.*

[F. R. Doc. 56-4987; Filed, June 22, 1956; 8:53 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

### [ 17 CFR Part 250 ]

PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

COMPANIES DEEMED NOT TO BE WITHIN DEFINITION OF "ELECTRIC UTILITY COMPANY"

Notice is hereby given that the Securities and Exchange Commission upon its own motion is considering amending § 250.7 (Rule U-7) under the Public Utility Holding Company Act of 1935 which excludes certain classes of companies from the categories of "electric utility company" and "gas utility company" as defined in the act. The proposal to amend Rule U-7 is made pursuant to the provisions of sections 2 (a) (3) and 20 (a) of the act.

Rule U-7 excludes from the categories of "electric utility company" and "gas utility company" certain companies primarily engaged in other businesses. The rule provides, in paragraph (a), that such companies, although having a certain amount of public utility business, shall not be deemed electric or gas utility companies if their gross sales of electric energy or gross retail sales of natural or manufactured gas did not exceed $100,000 for the previous calendar year, which amount is computed after excluding certain classes of transactions specified in paragraph (b) of the rule.

The proposed amendment to the rule specifies a new class of companies which would be excluded from the category of "electric utility company", namely, certain companies whose only connection with the generation, transmission, or distribution of electric energy is the ownership of facilities used for the production of heat from special nuclear material which heat is used in the generation of electric energy and which companies are organized not for profit and are engaged primarily in research and development activities. Companies not otherwise subject to the act would not become subject to the act as a result of participating in research and development activities with respect to electric energy generated through the utilization of nuclear material.

The proposed amendment to the rule would delete "(b)" and the words "in paragraph (a)" from the first sentence of the second paragraph of § 250.7 (Rule U-7) and would make that sentence a part of the preceding paragraph. A new paragraph (b) would be added to read as follows:

§ 250.7 *Companies deemed not to be electric or gas utility companies.* * * *

(b) (1) Any company whose only connection with the generation, transmission, or distribution of electric energy is the ownership of facilities used for the production of heat from special nuclear material which heat is used in the generation of electric energy shall not be deemed an electric utility company within the meaning of section 2 (a) (3) of the act, if such company is organized not for profit and is engaged primarily in research and development activities.

(2) As a prerequisite to being entitled to the status afforded by subparagraph (1) of this paragraph, any such company shall file with this Commission a statement that such company falls within the provisions of that subparagraph, including as exhibits (i) copies of its charter, by-laws and any licenses issued by the Atomic Energy Commission to such company; (ii) a list of its members or stockholders indicating their respective percentages of voting power; and (iii) a balance sheet as at the end of the preceding calendar year and an income and surplus statement for such year.

(3) As a prerequisite to retaining the status afforded by subparagraph (1) of this paragraph, any such company shall annually on or before May 1 file a statement with this Commission that such company continues to fall within the provisions of that subparagraph, including as exhibits (i) any changes or additions to its charter or by-laws or list of members or stockholders or any licenses issued by the Atomic Energy Commission to such company since the time of the last filing hereunder, and (ii) a balance sheet as at the end of the preceding calendar year and an income and surplus statement for such year.

(4) If it appears to the Commission (on the basis of the aforesaid statements or otherwise) that a substantial question of law or fact exists as to whether any company is entitled to the status afforded by subparagraph (1) of this paragraph, the Commission may notify such company to that effect by registered mail. Thirty days after such notification the status afforded by subparagraph (1) of this paragraph shall no longer be available to such company, without prejudice to the right of such company to file an application for an order granting an exemption from the application of section 2 (a) (3) of the act, and without prejudice to any temporary exemption provided by that section if such an application is filed in good faith. The Commission will grant such an application if it finds that the standards set forth in subparagraph (1) of this paragraph are satisfied.

All interested persons are invited to submit data, views and comments on this proposal in writing to the Secretary, Securities and Exchange Commission, Washington 25, D. C., on or before July 6, 1956.

By the Commission.

ORVAL L. DUBOIS,
*Secretary.*

JUNE 15, 1956.

[F. R. Doc. 56-4955; Filed, June 22, 1956; 8:47 a. m.]

# NOTICES

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[Order 616]

SOUTH COAST MASTER UNIT AND APPURTENANT MARKETING AREA FOR REVESTED OREGON AND CALIFORNIA RAILROAD AND RECONVEYED COOS BAY WAGON ROAD GRANT LANDS IN OREGON

JUNE 14, 1956.

Pursuant to the authority contained in section 1 of the act of August 28, 1937 (50 Stat. 874), and in Order No. 2583, Amendment No. 12, September 17, 1954, of the Secretary of the Interior it is hereby ordered as follows:

1. The boundaries of the South Coast Master Unit established by Order 2385, November 29, 1947 of the Secretary of the Interior, are amended to read as follows:

Beginning at the NE corner Sec. 34, T. 18 S., R. 9 W., W. M., Oregon, thence following lines of legal subdivision as follows: southeasterly 20 miles to NE corner Sec. 17, T. 20 S., R. 7 W.; southerly 14 miles to Elkton on the Umpqua River; southerly 25 miles along said river to the east ¼ corner Sec. 31, T. 23 S., R. 7 W.; westerly 5 miles; southerly 30 miles along divide between Coos and Umpqua Rivers to the NE corner of Sec. 36, T. 27 S., R. 8 W.; westerly 5 miles to the Coos-Douglas county line; southerly 6 miles to NE corner Sec. 1, T. 29 S., R. 9 W.; west 3 miles; south 13 miles to SE corner Sec. 4, T. 31 S., R. 9 W.; southwesterly 13 miles along divide between Coquille and Rogue Rivers to Coos-Curry County line; southwesterly 5 miles along said county line to Sec. 6, T. 33 S., R. 10 W.; southeasterly 12 miles to Josephine-Curry county line in Sec. 12, T. 34 S., R. 10 W.; southwesterly 20 miles to grant limit in Sec. 29, T. 35 S., R. 11 W.; northwesterly 19½ miles to SW corner Sec. 35, T. 33 S., R. 13 W.; northerly 34 miles west 4 miles to the SW corner T. 27 S., R. 13 W.; northerly 18 miles to the Pacific Ocean; easterly 18 miles to the SE corner Sec. 36, T. 24 S., R. 11 W.; northerly 18 miles to NE corner T. 22 S., R. 11 W.; east 2 miles; north 8 miles; east 2 miles; north 7¼ miles to the Lane-Douglas County line; northeast along the county line to NE corner of Sec. 12, T. 19 S., R. 10 W.; north ½ mile; west ½ mile; north 1 mile to the hub of Sec. 36, T. 18 S., R. 10 W.; east ½ mile; north ½ mile; east 4 miles to the place of beginning as shown in detail on the map entitled "Map of Western Oregon, showing O & C Lands," on file in the Bureau of Land Management, Department of the Interior, Washington, D. C., Portland, Salem, Eugene, Roseburg, Medford, and Coos Bay, Oregon.

2. The boundaries of the South Coast Master Unit Marketing Area, established by Order 2385, dated November 29, 1947 of the Secretary of the Interior, are amended to read as follows:

All of the Master Unit itself and in addition an area outside thereof founded by a line commencing on the unit boundary at the SE corner Sec. 29, T. 35 S., R. 11 W., W. M., Oregon, thence west 14 miles; south 6 miles; west 6½ miles to the Pacific Ocean at Gold Beach; north along the coastline to township line between T. 18 and 19 S.; east along said township line to the NE corner of Sec. 6, T. 19 S., R. 10 W.; southeasterly along lines of legal subdivisions on the Maple Creek-Sweet Creek divide to the East quarter corner of Sec. 16, T. 19 S., R. 10 W.; east 1¼ miles to the Lane-Douglas County line and the unit boundary as shown in detail on the map referred to above.

This order supersedes Order 2385 of the Secretary of the Interior, dated November 29, 1947. Any part or all of this order may be hereafter amended if such action shall be found to be in the public interest.

EDWARD WOOZLEY,
*Director.*

[F. R. Doc. 56-4947; Filed, June 22, 1956; 8:45 a. m.]

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[Order 617]

SIUSLAW MASTER UNIT AND APPURTENANT MARKETING AREA FOR REVESTED OREGON AND CALIFORNIA RAILROAD GRANT LANDS IN OREGON

JUNE 14, 1956.

Pursuant to the authority contained in section 1 of the act of August 28, 1937 (50 Stat. 874), and in Order No. 2583, Amendment No. 12, September 17, 1954, of the Secretary of the Interior it is hereby ordered as follows:

1. The boundaries of the Siuslaw Master Unit, established by Order 2285, dated December 11, 1946, as amended, of the Secretary of the Interior, are as follows:

Beginning in Sec. 17, T. 15 S., R. 8 W., W. M., Oregon, at the summit of Taylor Butte, thence along the lines of legal subdivisions, southwesterly, 7½ miles, around the headwaters of Deadwood Creek; southerly, 9½ miles, to the Siuslaw River; southeasterly, 8½ miles, around the headwaters of the drainage into the Siuslaw River, to the line between Lane and Douglas counties, sections 1, 2, 11, and 12, T. 19 S., R. 9 W.; southeasterly, 33½ miles, around the headwaters of the drainage into the Siuslaw, on and adjacent to the boundary line between Lane and Douglas Counties to the ¼ section corner between sections 26 and 35, T. 21 S., R. 4 W.; northeasterly and westerly, 15 miles, around the headwaters of the drainage into the Siuslaw River, northerly, 24 miles, around the headwaters of Wolf Creek, Noti Creek, and Long Creek to the line between Lane and Benton counties in Sec. 12, T. 15 S., R. 6 W., W. M.; westerly from the east line of said Sec. 12, along the Lane-Benton County line, 7½ miles, to the center line of Sec. 11, T. 15 S., R. 7 W., W. M.; thence along legal subdivisions north, ¼ mile, west, 1½ miles; north, ¼ mile; west, 1¼ miles; south, ¼ mile; west, ½ mile; south, ¼ mile; west, ½ mile; south, approximately ¼ mile; west, ½ mile; south, approximately ¼ mile; thence along logging setting boundaries, southerly approximately ¾ mile; southeasterly, approximately ½ mile; southwesterly, approximately 2 miles; southeasterly, approximately ¾ mile to the east section line of Sec. 25, T. 15 S., R. 8 W., W. M.; thence along legal subdivisions, south approximately ¾ mile to the northeast corner of the Sec. 36, T. 15 S., R. 8 W.; west, ½ mile; south, ¾ mile; west, ¾ mile; northerly, ½ mile; west, ¾ mile; north, ¼ mile; west, 1 mile to the northwest corner of Sec. 34, T. 15 S., R. 8 W., W. M.; north, 1½ miles; west, ¾ mile; north, ¼ mile; west, ¼ mile; north ¾ mile; west to the summit of Taylor Butte, the place of beginning; all as shown in more detail on the map entitled "Map of Western Oregon, showing O & C Lands," on file in the Bureau of Land Management, Department of the Interior, Washington, D. C., and Portland, Eugene, Salem, Roseburg, Medford, and Coos Bay, Oregon.

2. The boundaries of the Siuslaw Master Unit Marketing Area established by Order 2285, dated December 11, 1946, as amended, of the Secretary of the Interior, are amended to read as follows:

Commencing on the northeast corner of the Siuslaw Master Unit, thence easterly along the boundary between Benton and Lane Counties to the Willamette River, thence south following the river to the boundary between Linn and Lane Counties; east to the range line between R. 1 W. and R. 2 W. Willamette, Meridian, thence south to the township line between T. 21 S. and T. 22 S., thence west to the south quarter corner of Section 35 in T. 21 S. R. 4 W.; thence north 1 mile to the Master Unit boundary, thence westerly along the Master Unit boundary to the NW corner of Sec. 35, T. 18 S., R. 9 W.; west to the NE corner of Sec. 36, T. 18 S., R. 10 W.; ½ mile south; ½ mile west to hub of Sec. 36; south 1 mile to hub of Sec. 1, T. 19 S.; R. 10 W.; east ½ mile; south ½ mile to NE corner of Sec. 12 and the Lane-Douglas County line; southwesterly along the county line to NW corner of the NE¼ SW¼ of Sec. 14; west 1¼ miles to the east quarter corner of Sec. 16; northwesterly along lines of legal subdivisions on the Maple Creek-Sweet Creek divide to the NE corner of Sec. 6, T. 19 S., R. 10 W.; west along the township line between T. 18 and 19 S. to the Pacific Ocean; north along the coastline to the township line between T. 17 and 18 S.; east approximately 10 miles to NE corner of T. 18 S., R. 11 W.; north 4 miles; east 6 miles; north 2 miles; east 1 mile; north 2½ miles to the unit boundary; northeasterly along the northerly boundary of the unit to the point of beginning, all as shown in more detail on the map referred to above.

This order supersedes Order 2285, as amended, of the Secretary of the Interior dated December 11, 1946. Any part or all of this order may be hereafter amended if such action shall be found to be in the public interest.

EDWARD WOOZLEY,
*Director.*

[F. R. Doc. 56-4948; Filed, June 22, 1956; 8:45 a. m.]

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### Office of the Secretary

[69322]

OREGON

EXCHANGING ADMINISTRATIVE JURISDICTION OF CERTAIN OREGON AND CALIFORNIA RAILROAD GRANT LANDS AND NATIONAL FOREST LANDS

By virtue of the authority vested in the Secretary of the Interior and the Secretary of Agriculture by section 2 of the act of June 24, 1954 (68 Stat. 270–271), and subject to outstanding contracts, permits, or other existing rights, it is ordered as follows:

(1) The following-described national-forest lands are hereby excluded from the national forests of which they are now a part, and are transferred from the Department of Agriculture to the administrative jurisdiction of the Department of the Interior, and hereafter shall be administered by the Secretary of the Interior in accordance with the provisions of law applicable to revested Oregon and California railroad grant lands:

WILLAMETTE MERIDIAN

JOSEPHINE COUNTY

T. 33 S., R. 5 W.,
Sec. 4, S½;
Sec. 10, NE¼, S½S½NW¼, S½;
Sec. 14, N½NE¼, W½, S½SE¼;
Sec. 18;
Sec. 20, lot 1, E½, E½NW¼, N½SW¼, SE¼, SW¼;
Sec. 22, lots 1, 2, 3, N½ of lot 4, SW¼ of lot 4, E½ (except patented portion), NW¼;
Sec. 24;
Sec. 26, E½, N½NW¼, SE¼NW¼, NE¼ SW¼;
Sec. 28, all except patented portion;
Sec. 30, lots 5, 6, S½NE¼, SE¼NW¼, SE¼;
Sec. 32, NE¼NW¼, SW¼, N½SE¼, N½ SE¼, NW¼ SE¼SE¼;
Sec. 34, N½NE¼, SW¼NE¼, W½, NW¼ SE¼.
T. 39 S., R. 5 W.,
Sec. 28, W½W½;
Sec. 30, lots 3, 4, E½SE¼;
Sec. 32, lots 3, 4, NE¼, NE¼SW¼, N½SE¼;
Sec. 34.
T. 40 S., R. 5 W.,
Sec. 2, lots 3, 4, 5, 6, S½NW¼;
Sec. 4, lots 1, 2, 3, 4, 5, 6, 7 and 8.
T. 38 S., R. 6 W.,
Sec. 4;
Sec. 6, lots 1, 2, 3, 4, 7, 8, 9, 10, 13, 14, E½SW¼, SE¼;
Secs. 8 and 14;
Sec. 20, E½E½, NW¼NE¼;
Secs. 22, 24, 26, 30, and 34.
T. 39 S., R. 6 W.,
Sec. 4, lots 1, 2, 3, 4, S½N½, SW¼;
Sec. 5, SW¼NE¼, S½NW¼, SW¼, N½SE¼, SW¼SE¼;
Sec. 6;
Sec. 8, N½NW¼;
Sec. 12;
Sec. 14, NW¼NE¼, NE¼NW¼, E½SE¼;
Sec. 24, SE¼NE¼, NW¼NW¼, S½NW¼;
Sec. 26, N½NE¼, SW¼NE¼.
T. 33 S., R. 8 W.,
Secs. 2, 4, 6, 8, and 10;
Sec. 11, E½NE¼;
Secs. 12, 14, 16, 18, and 20;
Sec. 22, lots 1, 2, 3, 4, N½, SW¼, NW¼SE¼;
Sec. 23, W½SE¼;
Sec. 24;
Secs. 25 and 26, all except mineral patent;
Sec. 27, lots 2, 3, 6, SE¼SW¼;
Secs. 28, 30, and 32;
Sec. 34, lots 1 to 10, inclusive, N½N½, SW¼NE¼, S½SW¼.
T. 34 S., R. 8 W.,
Secs. 2, 4, 6, 8, and 10;
Sec. 11, NE¼SW¼, NW¼SE¼;
Sec. 12;
Sec. 13, lots 3 and 13, NE¼SE¼;
Secs. 14, 16, and 18;
Sec. 19, lots 3, 4, NW¼NE¼, E½NW¼, NE¼SW¼;
Secs. 20 and 22;
Sec. 23, lots 1, 2, W½E½, NE¼SW¼;
Sec. 24, lots 1, 2, 3, 4, 6, 7, lots 5 and 8 except tract beginning at a point on E. sec. line of Sec. 24, lying 15 chains N. of sec. cor. 24–19–25–30; thence W. 10 chains; thence N. 20 chains; thence E. to W. bank of Rogue River; thence southerly along W. bank of Rogue River to E. sec. line Sec. 24; thence S. to point of beginning, W½;
Sec. 25, lots 1, 2, 3, 6, 8, N½NW¼, SW¼ NW¼, NW¼SW¼, SE¼SW¼;
Sec. 26;
Sec. 27, W½SW¼;
Secs. 28, 30 and 32;

Sec. 33, NW¼NE¼;
Sec. 34, all except patented portion;
Sec. 35, lots 8, 9, 10, 11, 12, 13, 14, 15, NE¼NW¼, SW¼NW¼.
T. 35 S., R. 8 W.,
Sec. 2, lots 1, 2, 5, 6, 7, SW¼NE¼, SE¼NW¼, N½SW¼;
Sec. 3, lots 2, 3, 4, 10, 11, 12, 13, 14, 15, S½NW¼, N½SW¼, NE¼SE¼, S½SE¼;
Sec. 4;
Sec. 5, lot 1, SE¼NE¼, N½SE¼, SW¼SE¼;
Sec. 6.
T. 32 S., R. 9 W.,
Secs. 14, 26, and 34, those parts in Josephine County.
T. 33 S., R. 9 W.,
Sec. 2;
Sec. 10, that part in Josephine County;
Sec. 12;
Sec. 14, all except patented portion;
Secs. 16 and 20, those portions in Josephine County;
Sec. 22, lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, E½NE¼, NW¼NW¼, NW¼SW¼, S½SW¼, SW¼SE¼;
Secs. 24, 26 and 28;
Sec. 30, that part in Josephine County;
Secs. 32, 34, and 36.
T. 34 S., R. 9 W.,
Secs. 2 and 4;
Sec. 6, that part in Josephine County;
Secs. 8, 10, 12, 14, and 16;
Sec. 18, lot 1, NE¼, E½NW¼, E½SW¼, SE¼;
Secs. 22, 24, and 26;
Sec. 34, NE¼, SE¼NW¼, NE¼SW¼, S½SW¼, SE¼;
Sec. 36.
T. 35 S., R. 9 W.,
Sec. 2;
Sec. 4, lots 1 and 2, S½NE¼, S½;
Sec. 8, NE¼, S½NW¼, S½;
Secs. 10, 12, 14 and 16;
Sec. 20, N½N½, S½NW¼;
Sec. 22, N½N½;
Sec. 24, NW¼NE¼, N½NW¼.
T. 34 S., R. 10 W.,
Sec. 12, NE¼, that part in Josephine County; N½SE¼, SE¼SE¼.

LINN COUNTY

T. 11 S., R. 2 E.,
Sec. 4, lot 12, SW¼, SW¼SE¼;
Sec. 6, lots 17 and 18, E½SW¼, S½SE¼;
Sec. 8, N½, N½S½.
T. 11 S., R. 3 E.,
Sec. 20, all;
Sec. 22, SW¼NW¼, SW¼, SW¼SE¼.

CURRY COUNTY

T. 32 S., R. 9 W.,
Secs. 8, 14, 16 and 18, those parts in Curry County;
Secs. 20 and 22;
Sec. 26, that part in Curry County;
Secs. 28, 30 and 32;
Sec. 34, that part in Curry County.
T. 33 S., R. 9 W.,
Sec. 4;
Sec. 6, lots 1 to 7, inclusive, S½NE¼, SE¼NW¼, E½SW¼;
Sec. 8, E½, NW¼NW¼, S½NW¼, W½SW¼, SE¼SW¼, E½NE¼SW¼;
Secs. 10 and 16, those parts in Curry County;
Sec. 18, all except 32.05 acres of patented lands;
Secs. 20 and 30, those parts in Curry County.
T. 34 S., R. 9 W.,
Sec. 6, that portion in Curry County.
T. 32 S., R. 10 W.,
Sec. 14, S½;
Sec. 22, NE¼, E½NW¼, S½;
Secs. 24, 26, 28, 30, 32 and 34;
Sec. 36, N½, N½S½, SW¼SW¼, SE¼SE¼.
T. 33 S., R. 10 W.,
Sec. 2, lots 1 to 4, inclusive, N½SW¼NE¼, N½S½SW¼NE¼, S½SW¼NE¼, NW¼NE¼SE¼NE¼, NW¼SE¼NE¼, N½SW¼SE¼NE¼, SW¼, S½NW¼, W½W½SE¼, S½SE¼SW¼SE¼, S½S½SE¼SE¼;
Sec. 4;
Sec. 10, lots 1, 2, 6, 7, 8, 9, 10, NE¼NE¼, NW¼NW¼, S½S½, NE¼SE¼, W½NE¼NW¼, SE¼NW¼NE¼;
Sec. 12, lots 1 and 2, N½NE¼, SW¼NE¼, N½SW¼, SE¼;
Sec. 14;
Sec. 22, lots 1 and 2, S½NE¼, SE¼;
Sec. 24;
Sec. 26, NE¼, E½NW¼, NE¼SE¼;
Sec. 36, N½, SE¼.
T. 34 S., R. 10 W.,
Sec. 12, that portion in Curry County.

KLAMATH COUNTY

T. 38 S., R. 5 E.,
Sec. 14, NW¼NW¼;
Sec. 18, lots 2, 3, 4, S½NE¼, N½SE¼, SE¼SE¼;
Sec. 20;
Sec. 24, NE¼SE¼;
Sec. 26, NW¼, S½;
Secs. 28, 30, 34 and 36.
T. 38 S., R. 6 E.,
Sec. 20, SW¼;
Sec. 22, SE¼NW¼;
Sec. 24;
Sec. 26, SW¼NE¼;
Sec. 28, W½NE¼, N½NW¼, S½SW¼, NE¼SW¼;
Sec. 30, NW¼, SE¼;
Sec. 34, N½NW¼.
T. 39 S., R 6 E.,
Sec. 4, lots 1, 2, 5, SW¼NE¼;
Sec. 6, lots 1, 2, 5, 6, 7, SE¼NE¼, SE¼SW¼, NE¼SE¼.

DOUGLAS COUNTY

T. 23 S., R. 1 W.,
Sec. 34.
T. 33 S., R. 10 W.,
Sec. 2, lots 1 to 4, inclusive, N½SW¼NE¼, N½S½SW¼NE¼, S½SW¼SW¼NE¼, NW¼NE¼SE¼NE¼, NW¼SE¼NE¼, N½SW¼SE¼NE¼, SW¼, S½NW¼, W½W½SE¼, S½SE¼SW¼SE¼, S½S½SE¼SE¼;
Sec. 4;
Sec. 10, lots 1, 2, 6, 7, 8, 9, 10, NE¼NE¼, NW¼NW¼, S½S½, NE¼SE¼, W½NE¼NW¼, SE¼NW¼NE¼;
Sec. 12, lots 1 and 2, N½NE¼, SW¼NE¼, N½SW¼, SE¼;
Sec. 14;
Sec. 22, lots 1 and 2, S½NE¼, SE¼;
Sec. 24;
Sec. 26, NE¼, E½NW¼, NE¼SE¼;
Sec. 36, N½, SE¼.
T. 34 S., R. 10 W.,
Sec. 12, that portion in Curry County.

KLAMATH COUNTY

T. 38 S., R. 5 E.,
Sec. 14, NW¼NW¼;
Sec. 18, lots 2, 3, 4, S½NE¼, N½SE¼, SE¼SE¼;
Sec. 20;
Sec. 24, NE¼SE¼;
Sec. 26, NW¼, S½;
Secs. 28, 30, 34 and 36.
T. 38 S., R. 6 E.,
Sec. 20, SW¼;
Sec. 22, SE¼NW¼;
Sec. 24;
Sec. 26, SW¼NE¼;
Sec. 28, W½NE¼, N½NW¼, S½SW¼, NE¼SW¼;
Sec. 30, NW¼, SE¼;
Sec. 34, N½NW¼.
T. 39 S., R 6 E.,
Sec. 4, lots 1, 2, 5, SW¼NE¼;
Sec. 6, lots 1, 2, 5, 6, 7, SE¼NE¼, SE¼SW¼, NE¼SE¼.

DOUGLAS COUNTY

T. 23 S., R. 1 W.,
Sec. 34.
T. 24 S., R. 1 W.,
Secs. 2 and 4;
Sec. 6, lots 1, 2, 8, 9, 10, 16, 17, 18, 19, 21, 22, SE¼NE¼, SE¼;
Sec. 8, W½NW¼, SE¼NW¼, SE¼SW¼;
Sec. 10, SE¼, W½;
Sec. 12;
Sec. 14, E½;
Sec. 18, lots 1, 10, W½NE¼;
Sec. 20, SE¼SW¼, NE¼SE¼, S½SE¼;
Sec. 24;
Sec. 26, SW¼;
Sec. 34, NE¼.
T. 25 S., R. 1 W.,
Sec. 4, lots 1, 4, S½NW¼, NW¼SW¼;
Sev. 6, lots 7, 8, 17, and 18;
Sec. 10, NW¼;
Sec. 14, NE¼NE¼;
Sec. 18, lots 2, 5, NE¼NE¼;
Sec. 24, S½NW¼, SW¼, S½SE¼;
Sec. 26, S½;
Sec. 30, NE¼NE¼.
T. 27 S., R. 2 W.,
Sec. 8, S½SE¼;
Secs. 16 and 18;
Sec. 20, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 28, N½NE¼, NW¼NW¼;
Sec. 30, lots 1, 2, E½NE¼, NW¼NE¼, NE¼NW¼, SE¼;
Sec. 32, SE¼NE¼, NW¼, N½SW¼.
T. 28 S., R. 2 W.,
Sec. 32.
T. 29 S., R. 2 W.,
Secs. 4, 6, and 8;
Sec. 10, W½SW¼;
Secs. 16, 18, 20, and 22;
Sec. 26, lot 3, S½NW¼, SW¼SW¼, N½SW¼;
Secs. 28, 30, 32, and 34.
T. 28 S., R. 3 W.,
Secs. 20, 22, 26, and 28;
Sec. 30, lots 1, 2, 3, 4, NE¼, S½NW¼, NE¼SW¼, N½SE¼SW¼, SW¼SE¼ SW¼, N½NE¼SE¼, NW¼SE¼, S½SE¼SE¼;
Secs. 32, 34, and 36.
T. 31 S., R. 3 W.,
Sec. 10, SE¼;
Sec. 12, NW¼NE¼, NE¼NW¼, SW¼SE¼;
Sec. 28, lot 1, SW¼NE¼, SE¼NW¼.
T. 32 S., R. 3 W.,
Sec. 6, SE¼NE¼, E½SE¼;
Sec. 8, SW¼NW¼, W½SW¼, SE¼SW¼;
Sec. 18, lots 1, 2, 3, 4, 7, 8, 9, and 10;
Sec. 20, lots 4, 5, and 12;
Sec. 30.
T. 31 S., R. 4 W.,
Sec. 18, lot 1, SE¼NE¼, E½SE¼;
Sec. 22, E½SE¼, W½SW¼;
Sec. 24, SE¼NE¼, NW¼SW¼, S½SW¼;
Sec. 26, lots 2, 3, and 4, SW¼NE¼, S½SW¼, W½SE¼;
Sec. 28, SW¼NE¼, SE½SE¼;
Sec. 30, lot 4, E½NE¼, SE¼SE¼;
Sec. 32, SW¼NE¼, N½NW¼, E½SW¼, W½SE¼, SE¼SE¼;
Sec. 34, SE¼, E½SW¼.
T. 32 S., R. 4 W.,
Sec. 10, S½NE¼, S½SW¼, SE¼;
Sec. 14, NE¼NE¼, W½NW¼, NW¼SW¼;
Sec. 20, S½NE¼SE¼, SE¼SE¼;
Sec. 24, S½N½, S½;
Sec. 28, W½, except patented claim;
Sec. 30, lots 1, 2, 3, and 4, NE¼NW¼, E½SW¼, SW¼SE¼;
Sec. 32, lots 1, 2, 3, 6, 7, 8, 9, and 10, E½NE¼NE¼, E½NW¼NE¼NE¼, W½NW¼NW¼NE¼, SW¼NW¼NE¼, S½NE¼;
Sec. 36, lots 1, and 2, W½ of lot 3, W½W½ of lot 7, lot 8, W½ of lot 9, W½ of lot 13, lots 14, 15, 16, E½ of lot 17, W½NW¼NE¼;
Sec. 34, lots 1, 2, 4, 7, 8, 9, 10, 11, NW¼.
T. 31 S., R. 5 W.,
Sec. 2, lot 1, SE¼NE¼, S½NW¼NW¼, SW¼NW¼, SW¼SE¼;
Sec. 4, lot 1, lot 4 less 8.66 acres patented, SW¼SW¼, SE¼SE¼;
Sec. 6;
Sec. 8, lots 1, 4, E½, NE¼NW¼, SE¼SW¼;



Sec. 12, E½E½, NW¼SW¼, S½SW¼, SW¼SE¼;
Sec. 14, E½, N½NW¼, SE¼NW¼, NE¼SW¼;
Sec. 18, lots 1, and 2, NE¼, E½NW¼;
Sec. 24, N½NE¼, NE¼NW¼, SW¼, SW¼SE¼;
Sec. 26, E½NE¼, N½NW¼, S½;
Sec. 34, N½, N½S½.
T. 32 S., R. 5 W.,
Sec. 4, lots 1, 2, 3, 4, S½NE¼, SE¼NW¼, SE¼SW¼, SE¼;
Sec. 8, SW¼;
Sec. 18, NE¼NE¼, S½NE¼, SE¼.
T. 33 S., R. 5 W.,
Sec. 2, lot 3, SE¼NW¼, E½SW¼;
Sec. 4, lot 1;
Sec. 12, E½, E½W½.
T. 25 S., R. 8 W.,
Sec. 4;
Sec. 6, lots 1, 2, S½NE¼;
Sect. 8, lots 1, 2, 3, 4, W½E½;
Sec. 10, lots 1, 2, 3, and 10;
Sec. 18, E½E½;
Sec. 20;
Sec. 30, E½, E½NW¼;
Sec. 32, lots 1 to 12, inclusive.
T. 19 S., R. 9 W.,
Sec. 22;
Sec. 24, lots 1, 2, 3, 4, 9, W½;
Sec. 26, N½N½, SW¼NW¼;
Sec. 28, E½.
T. 20 S., R. 9 W.,
Sec. 4, lots 1, 2, S½NE¼, SE¼;
Sec. 8, lots 1, 2, 3, 4, S½N½, N½S½;
Sec. 10, lots 3, 4, 5, and 6;
Sec. 32, NW¼NE¼, S½NE¼, SE¼NW¼, N½SE¼;
Sec. 33, Beginning at a point on the west bank of Smith River, 3413 feet north and 2050 feet west of the southeast corner of sec. 33, T. 20 S., R. 9 W., W.M.; said point being 25 feet downstream from the west end of the present low water bridge on Smith River; thence north 85° 45' West 430 feet to the County Road; thence along said road as follows: North 40°30' East 453 feet, thence North 7°30' East 368 feet; thence east 100 feet to the west bank of Smith River; thence downstream along said bank as follows: South 5° East 320 feet; thence South 8° East 238 feet; thence South 21°30' West 200 feet, more or less, to the point of beginning.
T. 21 S., R. 9 W.,
Secs. 8 and 18;
Sec. 20, NW¼;
Sec. 32.
T. 32 S., R. 9 W.,
Secs. 2, 4, and 6;
Sec. 8, that part in Douglas County;
Secs. 10 and 12;
Secs. 14, 16 and 18, those parts in Douglas County;
Sec. 24.
T. 21 S., R. 10 W.,
Secs. 12 and 24.
T. 22 S., R. 10 W.,
Sec. 10, SE¼;
Sec. 12;
Sec. 14, lots 4, 10, 11, 12, 13, SE¼NE¼, NE¼SE¼.
T. 23 S., R. 10 W.,
Sec. 2, lots 14 and 15.

JACKSON COUNTY

T. 32 S., R. 1 E.,
Sec. 4, lots 1 and 2, SE¼NE¼, NE¼SE¼;
Sec. 8, N½N½, SW¼NW¼, W½SW¼, SE¼SE¼;
Sec. 10, SE¼.
T. 32 S., R. 2 E.,
Sec. 30, NE¼.
T. 34 S., R. 2 E.,
Sec. 2, lots 3 and 4, S½NW¼, N½S½;
Sec. 8, S½NE¼, SE¼;
Sec. 10, NW¼NE¼, NE¼NW¼, SE¼SW¼, SW¼SE¼;
Sec. 12, lots 1, 3, and 4, NW¼NW¼, S½SW¼, W½SE¼;
Sec. 14, N½NE¼, SE¼NE¼;
Sec. 18, N½SW¼, S½SE¼;
Sec. 20, NW¼, N½NE¼, W¼SW¼;
Sec. 22, lots 1 and 2;
Sec. 24, lots 3 and 4, W½, W½SE¼;
Sec. 26;
Sec. 28, NW¼, W½NE¼, E½SW¼, S½SE¼;
Sec. 34, W½NW¼, SE¼NW¼, E½SW¼, SE¼NE¼, SE¼.
T. 33 S., R. 3 E.,
Sec. 18, lots 3 and 4, SE¼SW¼, S¼SE¼;
Sec. 28, SW¼SW¼;
Sec. 30, lots 1 and 2, E½NW¼, NE¼SW¼;
Sec. 32, SW¼.
T. 35 S., R. 3 E.,
Sec. 2, SE¼NW¼, N½SW¼, SW¼SW¼.
T. 37 S., R. 3 E.,
Sec. 6, E½;
Sec. 8, N½, N½S½;
Sec. 18, S½NE¼, S½;
Sec. 20, SE¼NE¼, W½, NE¼SE¼, S½SE¼;
Sec. 30, W½;
Sec. 32, W½NE¼, SW¼NW¼, W½SW¼, SE¼SW¼, W½SE¼.
T. 38 S., R. 3 E.,
Sec. 4, N½, N½SE¼, SW¼SE¼;
Sec. 6, SW¼NE¼, W½NW¼, SE¼NW¼, SW¼;
Sec. 8, N½S½;
Sec. 10, NW¼NE¼;
Sec. 12, NW¼NE¼, W½NW¼, NW¼SW¼;
Sec. 18, SW¼;
Sec. 20, SW¼NW¼, W½SW¼, SE¼SW¼, S½SE¼;
Sec. 22, SE¼;
Sec. 26, NE¼SW¼, N½SE¼, SE¼SE¼;
Sec. 30, lot 2, E½NE¼, SE¼;
Sec. 32, N½, SW¼, N½SE¼, SW¼SE¼;
Sec. 34, NW¼, N½SW¼, SE¼SW¼, SE¼.
T. 39 S., R. 3 E.,
Sec. 4, SW¼NW¼, NW¼NE¼, N½NW¼;
Sec. 6, NE¼, SE¼NW¼, NE¼SW¼, S½SW¼, SE¼;
Sec. 8, NW¼, SE¼;
Sec. 14, S½;
Sec. 18, E½, E½W½;
Sec. 20, W½NW¼, SW¼, W½SE¼, SE¼SE¼;
Sec. 22, NW¼;
Sec. 26;
Sec. 28, NE¼, W½SW¼, SE¼SW¼, SE¼SE¼;
Sec. 30;
Sec. 32, N½NE¼, N½NW¼, SW¼NW¼, W½SW¼, SE¼SW¼, W½SE¼.
T. 38 S., R. 4 E.,
Sec. 20, NE¼, E½NW¼;
Sec. 26;
Sec. 32, N½NE¼, SE¼NE¼, E½SE¼;
Sec. 34, SE¼NE¼, E½NW¼, E½SW¼, SW¼SE¼.
T. 39 S., R. 4 E.,
Sec. 6, SW¼NW¼, NW¼SW¼.
T. 32 S., R. 1 W.,
Sec. 12, W½;
Sec. 14, NE¼, E½SW¼, W½SE¼;
Sec. 22, W½SW¼;
Sec. 24, SW¼, SW¼SE¼;
Sec. 26, SE¼;
Sec. 28, E½, E½W½;
Sec. 30, lots 3 and 4, E½SW¼;
Sec. 32, SE¼NE¼, NW¼, W½SW¼, SE¼SW¼, S½SE¼;
Sec. 34.
T. 33 S., R. 1 W.,
Secs. 2, 10, 12, and 14;
Sec. 18, lot 1, S½NE¼, E½NW¼, N½NE¼, E½SW¼, SE¼;
Sec. 20, NW¼, N½NE¼, SW¼, SW¼SE¼;
Sec. 22, lots 1 and 2;
Sec. 24, lots 3 and 4, W½, W½SE¼;
Sec. 26;
Sec. 28, NW¼, W½NE¼, E½SW¼, S½SE¼;
Sec. 34, W½NW¼, SE¼NW¼, E½SW¼, SE¼NE¼, SE¼.
T. 33 S., R. 3 E.,
Sec. 18, lots 3 and 4, SE¼SW¼, S¼SE¼;
Sec. 28, SW¼SW¼;
Sec. 30, lots 1 and 2, E½NW¼, NE¼SW¼;
Sec. 32, SW¼.
T. 34 S., R. 3 E.,
Sec. 2, SE¼NW¼, N½SW¼, SW¼SW¼.
T. 36 S., R. 3 E.,
Sec. 6, E½;
Sec. 8, N½, N½S½;
Sec. 18, S½NE¼, S½;
Sec. 20, N½NE¼, NW¼NW¼, SW¼, SW¼SE¼;
Sec. 22, W½;
Sec. 28;
Sec. 30, lot 5, NE¼SW¼, N½SE¼SW¼, SE¼SE¼SW¼.
T. 38 S., R. 2 W.,
Sec. 26, lots 1, 2, 3, and 4, E½SW¼, S½SE¼;
Sec. 34, NE¼, N½NW¼, S½SW¼NW¼, S½, E½NE¼SE¼NW¼, S½S½SE¼NW¼, NE¼SE¼SE¼NW¼.
T. 39 S., R. 2 W.,
Secs. 2, 10, 12, and 14;
Sec. 20, NE¼, N½NW¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 22, NE¼, N½NW¼, W½SW¼NW¼, E½SE¼NW¼, W½NW¼SW¼, SE¼;
Sec. 24, N½, SE¼;
Sec. 25, lots 1, 2, and 3, SE¼NS¼, NE¼SE¼;
Sec. 26, lots 3 and 4, except patented portions, lots 1, 2, 5, 6, and 7, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 27, N½NE¼, N½NE¼NW¼;
Sec. 28, NE¼NE¼, S½SW¼, SE¼;
Sec. 30;
Sec. 32, E½NE¼, NW¼NW¼, SE¼SE¼;
Secs. 34 and 36.
T. 40 S., R. 2 W.,
Sec. 2, N½, SE¼;
Sec. 4, lot 3, SW¼SE¼;
Sec. 10, N½NE¼, SE¼NE¼, E½NE¼NW¼, SW¼NE¼NW¼NW¼, W½NW¼NW¼, NW¼SE¼, NW¼NW¼, S½SE¼, NW¼NW¼, SW¼NW¼, E½SE¼NW¼, S½NW¼SE¼NW¼, SW¼SE¼.
T. 32 S., R. 3 W.,
Sec. 34, lots 2, 3 and 4.
T. 33 S., R. 3 W.,
Sec. 4, lot 4, S½N½, S½;
Sec. 8, NE¼, SW¼;
Sec. 18, lots 3 and 4, E½SW¼, SE¼;
Sec. 20, N½NE¼, NW¼NW¼, SW¼, SW¼SE¼.
T. 34 S., R. 3 W.,
Sec. 30, E½.
T. 38 S., R. 3 W.,
Sec. 6;
Sec. 8, lots 2, 3, 4, SW¼NE¼, S½NW¼, SW¼, SE¼;
Sec. 10, NE¼, S½;
Sec. 14, lots 1, 2, 3, 5, N½NE¼, SE¼NE¼, NW¼NW¼, N½SE¼, SE¼SE¼;
Sec. 15, SE¼NW¼;
Sec. 16, lots 1, 2, NE¼, E½NW¼, NE¼SW½, W½NW¼;
Sec. 18;
Sec. 20, lots 1, 2, 6, 7, W½NE¼, NW¼, N½SW¼, NW¼SE¼;
Sec. 21, NE¼NE¼;
Sec. 22, lots 1, 2, NE¼, SE¼NW¼, SW¼;
Sec. 24, NE¼, N½NW¼, SE¼NW¼, NE¼SW¼, SE¼;
Sec. 26, lots 4, 5, 9, 10, 11, 12, W½NE¼;
Sec. 36.
T. 39 S., R. 3 W.,
Sec. 2, lots 1, 2, 3, 4, 5, SW¼NE¼, S½NW¼, N½SW¼, SE¼SW¼, S½SE¼;
Sec. 4, lot 5, E½SW¼, W½SE¼, SE¼SE¼;
Secs. 6 and 8;
Sec. 10, SW¼NW¼SE¼;
Sec. 12, NE¼, N½NW¼, SE¼NW¼, E½SW¼;
Sec. 14, SW¼NE¼, NW¼, SW¼, SE¼;
Sec. 18;
Sec. 19, lots 2, 3, SE¼NW¼, NE¼SW¼, W½SE¼, SE¼SE¼;
Sec. 20;
Sec. 22, E½NE¼, E½W½SW¼SE¼, E½SW¼SE¼, E½SE¼;
Sec. 24, SW¼NE¼, W½, W½SE¼, SE¼SE¼;
Sec. 26;
Sec. 27, N½SW¼NW¼, SW¼SW¼NW¼, NW¼SE¼NW¼;
Sec. 28, W½NW¼, NW¼SW¼;
Secs. 30, 34 and 36.

T. 40 S., R. 3 W.,
Sec. 12, NE¼, N½NW¼, SW¼NW¼, NE¼SE¼.
T. 39 S., R. 4 W.,
Sec. 2;
Sec. 4, N½N½, E½SE¼;
Sec. 6, N½, N½SW¼, SW¼SW¼, SE¼;
Sec. 8, NE¼, S½NW¼, NE¼SW¼, SE¼;
Sec. 10, 12, and 14;
Sec. 18, E½NE¼, W½NW¼;
Secs. 20, 22, 24, 26, and 28;
Sec. 30, NW¼, S½;
Sec. 32.

TILLAMOOK COUNTY

T. 3 S., R. 6 W.,
Sec. 18, SW¼NE¼, NW¼SE¼, E½SE¼;
Sec. 30, SE¼.
T. 4 S., R. 6 W.,
Sec. 6, lots 2, 3, 4, and 5;
Sec. 18, lot 4, SE¼SW¼, W½SE¼.
T. 3 S., R. 7 W.,
Sec. 8, S½NE¼, N½S½;
Sec. 16, lots 3, 4, SW¼, W½SE¼;
Sec. 18, lots 3, 4, E½SW¼;
Sec. 20, NE¼NE¼, E½NW¼, NE¼SW¼;
Sec. 22, SW¼NE¼, SE¼NW¼, N½SW¼, SW¼SW¼, NW¼SE¼;
Sec. 28, lots 2, 3, 4, W½, W½SE¼;
Sec. 32, NE¼, SW¼;
Sec. 34, SE¼;
Sec. 36, W½.
T. 4 S., R. 7 W.,
Sec. 2, lots 3, 4, S½NW¼;
Sec. 5, W½SW¼SW¼;
Sec. 12, SW¼NE¼, S½NW¼, N½SW¼, SW¼SW¼, W½SE¼;
Sec. 14, N½NE¼, S½NW¼, SW¼, W½SE¼;
Sec. 15, SE¼;
Sec. 16, N½NE¼, SE¼NE¼, E½SE¼;
Sec. 17, S½NW¼, S½S½.
T. 3 S., R. 8 W.,
Sec. 7, N½SE¼, SE¼SE¼;
Sec. 8, SW¼SW¼;
Sec. 10, S½;
Sec. 14, N½NW¼;
Sec. 15, N½, S¼E;
Sec. 17, NW¼NW¼;
Sec. 18, E½NE¼.

BENTON COUNTY

T. 12 S., R. 7 W.,
Sec. 30, lots 1, 2, 3, 4, S½NE¼, SE¼NW¼, E½SW¼, N½SE¼, SW¼SE¼;
Sec. 32, NE¼NE¼, S½NE¼, S½.

YAMHILL COUNTY

T. 3 S., R. 6 W.,
Sec. 28, SW¼NE¼, S½NW¼, SW¼, NW¼SE¼;
Sec. 29;
Sec. 32, W½;
Sec. 36, S½SW¼.
T. 4 S., R. 6 W.,
Sec. 2, lots 1, 2, S½NE¼;
Sec. 12, SW¼.
T. 4 S., R. 7 W.,
Sec. 19, NE¼;
Sec. 21, SE¼NE¼, N½SE¼, SW¼SE¼;
Sec. 24, NE¼;
Sec. 28, E½NE¼, NW¼NE¼, NE¼SE¼;
Sec. 29, SW¼;
Sec. 30, lots 1, 2, 3, 4, E½W½;
Sec. 31, lots 1, 2, E½NW¼;
Sec. 36, E½NE¼, NW¼NE¼, NE¼NW¼, N½NE¼SE¼, N½S½NE¼SE¼.
T. 4 S., R. 8 W.,
Sec. 36, SE¼SE¼.
T. 5 S., R. 8 W.,
Sec. 1, SE¼;

COOS COUNTY

T. 28, S., R. 10 W.,
Sec. 8, NE¼NW¼, S½N½;
Sec. 18, W½, except lots 1, 2, 3, and 4, SE¼;
Sec. 20, SE¼NW¼, S½;
Sec. 22, SW¼;
Sec. 28, N½, N½SW¼, NE¼SE¼;
Sec. 30, lots 1, 2, 3, 4, NW¼, SW¼;
Sec. 34, E½, NE¼NW¼, SE¼SW¼.
T. 29 S., R. 10 W.,
Sec. 2, lots 1, 4, SE¼NE¼, NE¼SE¼, S½S½;
Sec. 6, lots 1 to 5 and 8 to 14 inclusive; S½NE¼, SE¼;
Sec. 12, SW¼NW¼, W½SW¼, SE¼SW¼;
Sec. 14, E½, E½W½.
T. 30 S., R. 10 W.,
Sec. 6, lots 1 to 5 and 8 to 14 inclusive, S½NE¼, SE¼;
Sec. 18, lot 11, E½SE¼.
T. 32 S., R. 10 W.,
Sec. 2, lot 1, SE¼NE¼, E½SE¼;
Sec. 12.
T. 31 S., R. 11 W.,
Sec. 2, lot 3, SW¼.
T. 32 S., R. 11 W.,
Sec. 25, E½SE¼;
Sec. 36, E½E½.

LANE COUNTY

T. 20 S., R. 1 E.,
Sec. 20, SW¼, S½SE¼;
Sec. 30.
T. 16 S., R. 3 E.,
Sec. 27, SW¼NE¼, E½W½, SE¼;
Sec. 28;
Sec. 30, lots 3, 4, 8, 9, 10, 11, 12, E½SW¼, W½SW¼;
Sec. 32, lots 5 to 12 inclusive, SW¼NE¼, S½NW¼;
Sec. 34, N½, NE¼SE¼.
T. 17 S., R. 3 E.,
Sec. 4, lots 5, 6, 7, NW¼NW¼;
Sec. 6, lot 7, SE¼NE¼, E½SW¼, SE¼;
Sec. 8;
Sec. 10, SW¼SW¼;
Sec. 18, lots 1, 2, 3, NE¼, NE¼NW¼.
T. 20 S., R. 1 W.,
Sec. 2, lots 1, 2, 3, 4, S½NE¼, E½SW¼, SE¼;
Sec. 12, NE¼, SE¼NW¼, NE¼SW¼, NW¼SE¼;
Sec. 24, NE¼.
T. 22 S., R. 1 W.,
Sec. 14, SE¼SE¼;
Sec. 22, lots 1, 5, SE¼NE¼, NE¼SE¼;
Sec. 24, SE¼NE¼, S½SW¼, NE¼SW¼, SE¼;
Sec. 26, NW¼NE¼, NE¼NW¼, SE¼SE¼;
Sec. 28, NE¼NW¼, S½NW¼;
Sec. 34, W½SW¼.
T. 23 S., R. 1 W.,
Sec. 1, S½SW¼;
Sec. 2, lots 3, 4, S½NW¼, S½;
Sec. 12, W½;
Secs. 14 and 22;
Sec. 24, NW¼, W½SW¼;
Sec. 26, W½NE¼, NW¼.
T. 16 S., R. 8 W.,
Sec. 10, lots 4, 5, 12, and 13;
Sec. 18, SE¼NE¼, E½SE¼;
Sec. 20, N½, N½SW¼, E½SE¼;
Sec. 22;
Sec. 26, N½;
Sec. 28, N½, SW¼, N½SE¼;
Sec. 30, lot 2, SE¼NE¼, S½SE¼;
Sec. 31, lots 2, 3, 4, SE¼NW¼, E½SW¼;
Sec. 32, N½, SW¼;
Sec. 34, lots 9 to 16, inclusive.
T. 16 S., R. 9 W.,
Sec. 36, SE¼NE¼.
T. 17 S., R. 9 W.,
Sec. 1, lots 1, 2, 3, 4, 5, SW¼NE¼, S½NW¼, SW¼, NW¼SE¼;
Sec. 2, lots 1, 2, 4, SW¼NW¼, W½SW¼, SE¼;
Sec. 11, NE¼NE¼, W½NE¼, E½NW¼, E½SW¼SW¼.
T. 18 S., R. 9 W.,
Sec. 26, SW¼SE¼;
Sec. 36.
T. 19 S., R. 9 W.,
Sec. 2, lots 1, 2, SE¼.

CLACKAMAS COUNTY

T. 8 S., R. 4 E.,
Sec. 1;
Sec. 2, lots 1, 2, SE¼;
Sec. 11, NE¼;
Sec. 12, N½NE¼, NW¼, W½SW¼.
T. 4 S., R. 5 E.,
Sec. 18, E½NE¼, NW¼NE¼, NE¼SE¼.
T. 6 S., R. 5 E.,
Sec. 6, lots 3, 4, 5, 6, 9, 10, 11, SE¼NW¼, E½SW¼;
Sec. 8, SW¼SW¼;
Sec. 18;
Sec. 20, N½NW¼, SW¼NW¼;
Sec. 30, lots 1, 2, 3, 4, E½W½, W½SE¼, SE¼SE¼;
Sec. 32;
Sec. 33, lots 1, 2, NW¼NW¼, S½NW¼, N½SW¼.
T. 7 S., R. 5 E.,
Sec. 4, lots 3, 4, S½NW¼, SW¼;
Secs. 5, 6, 7, and 8;
Sec. 9, W½NW¼;
Sec. 17, NW¼NE¼, N½NW¼, SW¼NW¼;
Sec. 18;
Sec. 19, lots 1, 2, 3, 4, NE¼, E½W½, NW¼SE¼;
Sec. 30, lots 1, 2, 3, 4, E½W½;
Sec. 31, lots 1, 2, 3, 4, E½W½.
T. 8 S., R. 5 E.,
Sec. 6, lots 4, 5, 6, 7, 8, 9, 10, 11, and 12.

The areas described aggregate 241,-137.09 acres.

(2) The following described revested Oregon and California Railroad grant lands lying within the boundaries of certain national forests in Oregon, or within two miles of such boundaries, are hereby transferred from the Department of the Interior to the administrative jurisdiction of the Department of Agriculture and hereafter shall be a part of the national forests within which, or adjacent to which they are located, and shall be subject to administration under the laws and regulations applicable to such national forests:

WILLAMETTE MERIDIAN

JOSEPHINE COUNTY

T. 39 S., R. 5 W.,
Sec. 31, lots 2, 3, 4, 5, 6, 7, S½NE¼, SE¼NW¼, NE¼SW¼, N½SE¼.
T. 39 S., R. 6 W.,
Sec. 7, lots 1, 2, 3, 4, S½NE¼, N½SE¼;
Sec. 18;
Sec. 20, N½NW¼, SW¼NW¼;
Sec. 30, lots 1, 2, 3, 4, E½W½, W½SE¼, SE¼SE¼;
Sec. 32;
Sec. 33, lots 1, 2, NW¼NW¼, S½NW¼, N½SW¼.
T. 7 S., R. 5 E.,
Sec. 4, lots 3, 4, S½NW¼, SW¼;
Secs. 5, 6, 7, and 8;
Sec. 9, W½NW¼;
Sec. 17, NW¼NE¼, N½NW¼, SW¼NW¼;
Sec. 18;
Sec. 19, lots 1, 2, 3, 4, NE¼, E½W½, NW¼SE¼;
Sec. 30, lots 1, 2, 3, 4, E½W½;
Sec. 31, lots 1, 2, 3, 4, E½W½.
T. 8 S., R. 5 E.,
Sec. 6, lots 4, 5, 6, 7, 8, 9, 10, 11, and 12.

The areas described aggregate 241,-137.09 acres.

(2) The following described revested Oregon and California Railroad grant lands lying within the boundaries of certain national forests in Oregon, or within two miles of such boundaries, are hereby transferred from the Department of the Interior to the administrative jurisdiction of the Department of Agriculture and hereafter shall be a part of the national forests within which, or adjacent to which they are located, and shall be subject to administration under the laws and regulations applicable to such national forests:

WILLAMETTE MERIDIAN

JOSEPHINE COUNTY

T. 39 S., R. 5 W.,
Sec. 31, lots 2, 3, 4, 5, 6, 7, S½NE¼, SE¼NW¼, NE¼SW¼, N½SE¼.
T. 39 S., R. 6 W.,
Sec. 7, lots 1, 2, 3, 4, S½NE¼, N½SE¼;
Sec. 18;
Sec. 20, N½NW¼, SW¼NW¼;
Sec. 30, lots 1, 2, 3, 4, E½W½, W½SE¼, SE¼SE¼;
Sec. 32;
Sec. 33, lots 1, 2, NW¼NW¼, S½NW¼, N½SW¼.
T. 7 S., R. 5 E.,
Sec. 4, lots 3, 4, S½NW¼, SW¼;
Secs. 5, 6, 7, and 8;
Sec. 9, W½NW¼;
Sec. 17, NW¼NE¼, N½NW¼, SW¼NW¼;
Sec. 18;
Sec. 19, lots 1, 2, 3, 4, NE¼, E½W½, NW¼SE¼;
Sec. 30, lots 1, 2, 3, 4, E½W½;
Sec. 31, lots 1, 2, 3, 4, E½W½.
T. 8 S., R. 5 E.,
Sec. 6, lots 4, 5, 6, 7, 8, 9, 10, 11, and 12.



Secs. 21 and 23;
Sec. 25, lots 1, 2, 3, W½, SE¼;
Secs. 27, 29, 31, 33, and 35.
T. 37 S., R. 8 W.,
Secs. 1 and 3;
Sec. 5, lots 1, 2, 3, 4, S½NE¼, N½SE¼;
Secs. 7, 9, and 11;
Sec. 13, NW¼NE¼, S½NE¼, W½, SE¼;
Secs. 15, 17, 19, 21, 23, 27, 29, and 31;
Sec. 33, N½, E½SE¼, E½SW¼.
T. 38 S., R. 8 W.,
Sec. 17, lots 1, 2, 3, W½NE¼, N½NW¼, NW¼SE¼.
T. 34 S., R. 9 W.,
Sec. 19;
Sec. 21, N½NW¼, SW¼, W½SE¼SE¼ SE¼;
Sec. 27, W½;
Sec. 29 and 31;
Sec. 33, N½, SW¼, N½SE¼, SW¼SE¼.
T. 35 S., R. 9 W.,
Sec. 5, lots 1, 2, 3, 4, S½N½, SW¼, N½SE¼, SW¼SE¼;
Sec 7;
Sec. 19, lot 1, E½, E½W½;
Sec. 21, S½N½, S½;
Sec. 23, S½N½, NW¼SW¼, NE¼SE¼, S½SE¼;
Sec. 25;
Sec. 27, SE¼NE¼, N½NW¼, NE¼SW¼, SE¼, S½SW¼;
Sec. 29;
Sec. 31, E½, E½W½;
Sec. 33, lots 1, 2, 3, 4, 5, 6, E½, E½, E½W½;
Sec. 35.
T. 36 S., R. 9 W.,
Secs. 1, 3, and 5;
Sec. 7, E½E½;
Secs. 9 and 15;
Sec. 17, N½N½, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Secs. 21 and 23;
Sec. 25, N½, SW¼, N½SE¼;
Sec. 27;
Sec. 29, E½E½;
Sec. 33, E½NE¼, E½W½;
Sec. 35, S½N½, SE¼.
T. 37 S., R. 9 W.,
Secs. 1, 11, and 13;
Sec. 23, E½;
Sec. 25.
T. 40 S., R. 9 W.,
Sec. 1, N½N½, SW¼NE¼, S½NW¼, SW¼, W½SE¼;
Sec. 13, NE¼.
T. 34 S., R. 10 W.,
Secs. 13 and 25, those parts in Josephine County;
Sec. 35, E½, E½W½, NW¼NW¼.
T. 35 S., R. 10 W.,
Sec. 1;
Sec. 13, E½E½, NW1/4NE¼, NE¼NW¼, NE¼NW¼.

LINCOLN COUNTY

T. 12 S., R. 8 W.,
Sec. 3, SW¼, S½SE¼;
Sec. 5, N½SW¼;
Sec. 7, NE¼, E½NW¼;
Sec. 9, SE¼NE¼, W½NE¼, NW¼, NE¼SW¼, E½SE¼;
Sec. 11, S½NE¼, W½, W½SE¼;
Sec. 13, NE¼E½SW¼, SE¼;
Sec. 15, NW¼NE¼, N½NW¼, SE¼SW¼;
Sec. 17, E½NE¼, SW¼NE¼S½;
Sec. 19, lots 1, 2, 3, 4, E½W½, SW¼SE¼;
Sec. 21, SE¼NE¼, W½NE¼, NW¼, S½;
Sec. 23, SW¼SW¼, SE¼;
Sec. 25, N½;
Sec. 27, NE¼, SE¼NW¼, W½NW¼.

CURRY COUNTY

T. 32 S., R. 10 W.,
Sec. 19, lots 3, 4, E½SW¼, NW¼SE¼;
Sec. 21, S½.
T. 33 S., R. 10 W.,
Sec. 7;
Sec. 9, SW¼SW¼;
Sec. 15, W½SW¼;
Sec. 17, lots 1, 2, 4, 5, 6, 8, 9, 10, and 11, N½NE¼, SE¼NE¼, N½NW¼;
Sec. 19( lots 1, 2, 3, 5, 6, 7, 8, 9, 10; S½NE¼, SE¼;
Secs. 21, 27, 29, 31, 33, and 35.
T. 34 S., R. 10 W.,
Sec. 1, lots 3, 4, S½NW¼, SW¼, SW¼NE¼, NW¼SE¼;
Secs. 3, 5, 9, and 11;
Sec. 13, that portion in Curry County;
Sec. 15;
Sec. 17, NE¼;
Sec. 21, E½, N½NW¼;
Sec. 23;
Sec. 25, that portion in Curry County;
Sec. 27, N½, SE¼;
Sec. 35, that portion in Curry County.
T. 33 S., R. 11 W.,
Sec. 13;
Sec. 23, NE¼, N½SE¼;
Sec. 25, lots 2, 5, 6, NW¼NE¼, NW¼, N½SW¼, S½SE¼.
T. 34 S., R. 11 W.,
Sec. 3;
Sec. 7, lots 1, 2, 3, E½NW¼, NE¼SW¼;
Sec. 9, lots 3, 9, N½NW¼, SW¼NW¼, E½SE¼, SW¼SE¼;
Secs. 11 and 15;
Sec. 17, lots 1, 4, 5, 7, SE¼NE¼, S½SW¼, SE¼;
Sec. 19, lots 5, 6, 7, 8, 9, 14, E½SE¼, SW¼SE¼;
Sec. 31, lots 1, 6, 7, 9, 10, 11, 12, NE¼, NE¼SE¼.
T. 35 S., R. 11 W.,
Sec. 7, lots 1, 2, 9, 10, 11, 12, SE¼NE¼, NE¼NW¼, E½SE¼;
Sec. 17;
Sec. 19, NE¼NW¼, NE¼SW¼;
Sec. 29, lots 5, 9, and 11.
T. 35 S., R. 12 W.,
Sec. 11, lot 12;
Sec. 13, SE¼SE¼.

KLAMATH COUNTY

T. 38 S., R. 5 E.,
Secs. 1 and 3;
Sec. 5, SW¼NE¼, SE¼NW¼, W½NW¼, SW¼, W½SE¼;
Secs. 7 and 9;
Sec. 11, lots 1, 2, 3, 4, NE¼, NW¼, W½SW¼.
T. 38 S., R. 6 E.,
Secs. 5, 7, 9, and 17.

DOUGLAS COUNTY

T. 23 S., R. 1 W.,
Sec. 25, S½;
Sec. 35, N½, E½SW¼, SE¼.
T. 24 S., R. 1 W.,
Sec. 1, S½NE¼, SE¼NW¼.
T. 26 S., R. 1 W.,
Sec. 27, NW¼SW¼, S½S½;
Secs. 31 and 33;
Sec. 35, S½NE¼, NW¼, S½.
T. 30 S., R. 1 W.,
Sec. 1, NE¼, W½, SE¼ (all except lots 1, 2, 3, and 4);
Sec. 7, lots 1, 2, NE¼, SE¼SE¼, E½NW¼;
Sec. 9, lot 7, S½NE¼, N½SE¼, SE¼SW¼;
Sec. 11;
Sec. 13, lots 5 to 20 inclusive;
Sec. 15, W½SW¼, E½SE¼;
Secs. 17, 19, 21, 27, 29, and 31;
Sec. 33, N½SW¼;
Sec. 35.
T. 31 S., R. 1 W.,
Sec. 5;
Sec. 7, lots 1, 2, 3, 4, N½NE¼, E½SW¼, N½SE¼;
Sec. 17, S½;
Sec. 19, NE¼, NE¼SE¼;
Sec. 21, N½, SE¼;
Sec. 29, NW¼NE¼, S½NE¼, NE¼NW¼, W½SW¼, SE¼;
Sec. 31;
Sec. 33, NE¼NE¼, NE¼SW¼.
T. 32 S., R. 1 W.,
Sec. 3;
Sec. 5, lots 3, 6, 7, 8, 9, 10, 11, 12, S½;
Secs. 7 and 9;
Sec. 11, W½ (that portion in Douglas County);
Secs. 15 and 17;
Sec. 19, lots 1, 2, NE¼NW¼, NE¼.
T. 27 S., R. 2 W.,
Sec. 9, lots 1, 2, 3, 4, S½N½;
Sec. 33, lots 1, 2, 3, 4, N½S½.
T. 28 S., R. 2 W.,
Sec. 5;
Sec. 7, NE¼;
Sec. 9, 17, 19, and 21;
Sec. 27, W½;
Sec. 29;
Sec. 33, N½, SE¼.
T. 29 S., R. 2 W.,
Sec. 3;
Sec. 11, W½W½;
Sec. 15, NE¼, E½SE¼;
Sec. 23, W½W½.
T. 30 S., R. 2 W.,
Sec. 13, N½, N½S½, SE¼SW¼, S½SE¼;
Sec. 23, S½SW¼, N½SE¼;
Sec. 25;
Sec. 27, E½, NE¼SW¼, S½SW¼;
Sec. 33, S½, NE¼NE¼;
Sec. 35, E½, NW¼, W½SW¼.
T. 31, S., R. 2 W.,
Sec. 1, S½NW¼, NE¼SW¼, SW¼SW¼, NE¼NW¼;
Sec. 3, NE¼NE¼, W½;
Secs. 5 and 7;
Sec. 9, S½N½, S½;
Sec. 11, W½SW¼;
Sec. 13, NE¼;
Sec. 15, NE¼NW¼, SE¼;
Sec. 17, W½NE¼, NW¼, W½SW¼, NE¼SW¼, NW¼SE¼;
Sec. 19, lots 1, 2, 3, 4, NE¼, W½SE¼;
Sec. 21, SE¼SE¼;
Sec. 23, E½, S½NW¼, SW¼;
Sec. 25, E½, S½SW¼.
T. 32 S., R. 2 W.,
Sec. 19, lots 1, 2, 3, and 4.
T. 31 S., R. 3 W.,
Sec. 13, E½E½, SW¼SE¼;
Sec. 25, E½, SW¼;
Sec. 27, S½;
Sec. 33, N½, N½SW¼, SE¼SW¼, SE¼;
Sec. 35, N½, N½SW¼, SE¼.
T. 32 S., R. 3 W.,
Sec. 1, lot 5, SW¼NW¼, NW¼SW¼;
Sec. 3, N½, W½SW¼, SE¼;
Secs. 5, 9, and 11;
Sec. 13, lots 3, 4, 9, 10, W½;
Sec. 15;
Sec. 17, E½;
Sec. 21, lots 1 to 12 inclusive, SW¼, SW¼SE¼, N½SE¼;
Sec. 23;
Sec. 25, lots 1, 2, W½NE¼, NW¼;
Secs. 27 and 29.
T. 19 S., R. 9 W.,
Sec. 9;
Sec. 17, E½, E½W½, SW¼SW¼;
Sec. 19, E½, E½W½;
Sec. 21, W½;
Secs. 29 and 31;
Sec. 33, W½.
T. 20 S., R. 9 W.,
Sec. 7, NE¼, E½NW¼.
T. 19 S., R. 10 W.,
Sec. 25, SE¼.
T. 20 S., R. 10 W.,
Sec. 1, lots 13 to 24 inclusive;
Sec. 35, lots 10, 11, 12, and 13.
T. 21 S., R. 10 W.,
Sec. 9, E½NE¼, SE¼SE¼;
Sec. 15, E½, E½NW¼, SW¼;
Sec. 21, NE¼;
Sec. 35.
T. 22, S., R. 10 W.,
Secs. 3 and 9;
Sec. 11, NW¼.

JACKSON COUNTY

T. 39 S., R. 1 E.,
Sec. 27, SE¼SE¼NW¼;
Sec. 29, lot 1.
T. 40 S., R. 1 E.,
Secs. 19, 21, 27, 29, and 31.
Sec. 1;
Sec. 3, lots 1, 2, S½N½, E½SW¼, SE¼;
Secs. 9, 11, 13, and 15;

Sec. 21, W½W½, E½SW¼, W½SE¼, SE¼SE¼;
Sec. 23, N½NE¼, N½NW¼, N½SW¼, SW¼SW¼, SE¼SE¼;
Sec. 25;
Sec. 27, E½NE¼NE¼, W½NW¼NE¼, SE¼NE¼, N½NW¼, SW¼NW¼, S½;
Sec. 33, NE¼, NW¼NW¼, S½;
Sec. 35.
T. 38 S., R. 3 E.,
Sec. 1;
Sec. 3, lots 1, 2, 3, 4, S½N½, N½SW¼, SE¼.
T. 37 S., R. 4 E.,
Secs. 7, 17, 19, and 21;
Sec. 29, N½.
T. 38 S., R. 4 E.,
Sec. 1, lots 1, 2, 3, 4, S½;
Sec. 3;
Sec. 5, lots 1, 2, 3, 4, S½NE¼, SW¼SW¼, N½SE¼, SE¼SE¼;
Secs. 9, 11, 13, 15, 21, and 23.
T. 32 S., R. 1 W.,
Sec. 1, lots 2, 3, 4, and 5;
Sec. 11, NW¼NE¼.
T. 41 S., R. 1 W.,
Secs. 1 and 3;
Sec. 7, N½NE¼, SE¼NE¼, NW¼, S½SW¼, SE¼;
Secs. 5, 9, 11, 15, and 17.
T. 32 S., R. 2 W.,
Sec. 31.
T. 40 S., R. 2 W.,
Sec. 16, SW¼NE¼, NW¼, SW¼, NW¼SE¼, S½SE¼.
T. 41 S., R. 2 W.,
Secs. 1, 3, 5, and 7;
Sec. 9, N½, N½SW¼, SE¼;
Secs. 11, 13, 15, and 17.
T. 32 S., R. 3 W.,
Sec. 25, S½;
Sec. 33;
Sec. 35, N½, N½S½.
T. 33 S., R. 3 W.,
Sec. 3, lot 4.
T. 39 S., R. 3 W.,
Sec. 31.
T. 40 S., R. 3 W.,
Sec. 3;
Sec. 5, lots 3 and 4, SW¼NW¼, N½SE¼NW¼, SW¼SE¼NW¼, NW¼NE¼SW¼, S½NE¼SW¼, W½SW¼, SE¼SW¼, SW¼SE¼;
Sec. 7, N½ of lot 1, lots 2, 3, 4, E½, N½NE¼NW¼, S½SE¼NW¼, E½SW¼;
Secs. 9, 11, 13, and 15;
Sec. 17, NE¼, NE¼NW¼, S½NW¼, S½;
Sec. 19, lots 1, 2, 3, 5, 6, NE¼NE¼, S½NE¼, SE¼;
Secs. 21 and 23;
Sec. 24, NE¼;
Secs. 25, 27, and 29;
Sec. 31, N½NE¼, SW¼NE¼, NW¼, S½;
Sec. 33;
Sec. 35, E½NE¼, NW¼NE¼, W½.
T. 41 S., R. 3 W.,
Sec. 1, N½, S½S½;
Sec. 3, N½, SW¼, N½SE¼, SW¼SE¼;
Secs. 5, 7, and 9;
Sec. 11, NE¼, E½NW¼, SW¼NW¼, S½;
Secs. 13, 15, and 17.
T. 39 S., R. 4 W.,
Secs. 33 and 35.
T. 40 S., R. 4 W.,
Sec. 1, lots 1, 2, 3, 4, S½N½, N½SW¼, S½S½SW¼, SE¼;
Sec. 3, lots 1, 2, 3, 4, 5, 6, S½NE¼;
Sec. 5, lots 1, 2, 3, 4, S½N½;
Sec. 7, lots 3, 4, E½SW¼;
Secs. 11 and 13;
Sec. 15, SE¼;
Secs. 17 and 19;
Sec. 21, N½, N½SW¼, NW¼SE¼;
Sec. 23;
Sec. 25, N½, SW¼, N½SE¼, SW¼SE¼, N½SE¼SE¼;
Sec. 27, E½, W½SW¼;
Secs. 29, 31, and 33;
Sec. 35, N½, SW¼, N½SE¼, SW¼SE¼.
T. 41 S., R. 4 W.,
Sec. 1, NW¼NW¼, S½NW¼, S½;
Sec. 3, N½, N½SW¼, SE¼;



Sec. 5, N½, N½S½, SW¼SW¼, SE¼SE¼;
Secs. 7 and 9;
Sec. 11, NE¼, E½NW¼, S½;
Secs. 13, 15, and 17.

TILLAMOOK COUNTY

T. 3 S., R. 7 W.,
Sec. 31.
T. 4 S., R. 7 W.,
Sec. 7, lots 1, 2, 3, 4, E½NE¼, NE¼NW¼, E½SW¼, SE¼.
T. 3 S., R. 8 W.,
Sec. 21, S½NE¼, S½;
Sec. 23, S½N½, SW¼;
Sec. 25, N½N¼, SE¼NE¼, SW¼NW¼, NW¼SW¼, S½S½, NE¼SE¼;
Sec. 27, N½NW¼, SW¼NW¼, NW¼SW¼;
S½S½, NE¼SE¼;
Sec. 33, N½, W½SW¼, SE¼SW¼, SW¼SE¼;
Sec. 35, NE¼SW¼, S½SW¼, SE¼.
T. 4 S., R. 8 W.,
Sec. 1, SE¼NE¼, S½SE¼;
Sec. 3, lots 1, 2, 3, 4, S½S½;
Sec. 9, SE¼NE¼, E½SW¼, SE¼;
Sec. 11, N½NE¼, SW¼NE¼, SW¼, W½SE¼, SE¼SE¼;
Sec. 13, N½N½;
Sec. 15, N½NW¼.

BENTON COUNTY

T. 12 S., R. 7 W.,
Sec. 19, lots 2, 3, 4, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 29, NW¼NE¼, N½NW¼;
Sec. 35, S½.

COOS COUNTY

T. 32 S., R. 10 W.,
Sec. 3, lots 2, 3, 4, S½NW¼, N¼SW¼, SE¼SW¼, SE¼;
Sec. 5, lot 4, S½N½, N½S½, SE¼SW¼, SE¼SE¼;
Sec. 7, lots 3, 4, NE¼NE¼, S½NE¼;
Sec. 9, N½NE¼, W½;
Sec. 11, W½E½, W½;
Sec. 15, and 17;
Sec. 19, lot 1, E½NE¼, SW¼NE¼;
Sec. 21, N½.
T. 31 S., R. 11 W.,
Sec. 21, NE¼NE¼.
T. 32 S., R. 11 W.,
Sec. 13;
Sec. 21, W½E½, SE¼SE¼;
Sec. 23, NE¼NE¼, NW¼, W½SW¼, S½SE¼;
Sec. 25, W½NE¼, N½NW¼, SW¼NW¼, W½SW¼, NW¼SE¼;
Sec. 27, NE¼;
Sec. 35, NW¼NE¼, S½NE¼, W½, SE¼.
T. 33 S., R. 11 W.,
Sec. 11.

LANE COUNTY

T. 20 S., R. 1 E.,
Sec. 7, lots 1, 2, 3, 4, S½NE¼, SE¼NW¼, E½SW¼, SE¼;
Sec. 17, SW¼NE¼, W½, W½SE¼, SE¼SE¼;
Sec. 21, SE¼NE¼, W½NE¼, NW¼, S½;
Sec. 23, SW¼SW¼;
Sec. 27;
Sec. 31, lots 4, 5, 6, 7, S½NE¼, N½SE¼;
Sec. 33;
Sec. 35, NW¼.
T. 22 S., R. 1 E.,
Secs. 5 and 7;
Sec. 9, NW¼;
Sec. 17, N½, SW¼;
Sec. 19;
Sec. 31, lots 1, 2, and 3.
T. 16 S., R. 2 E.,
Sec. 25, NE¼, E½NW¼, SW¼NW¼, N½SW¼, NW¼SE¼.
T. 15 S., R. 3 E.,
Sec. 33, SW¼.
T. 16 S., R. 3 E.,
Sec. 17, S½NE¼, SE¼NW¼, S½;
Sec. 19, lots 4, 5, 6, 7, NE¼NE¼, NE¼SE¼;
Sec. 21, N½.
T. 23 S., R. 1 W.,
Secs. 1, lots 1, 2, S½NE¼, SE¼;
Sec. 13, E½;
Sec. 25, N½, that portion in Lane County.
T. 15 S., R. 8 W.,
Sec. 19;
Sec. 21, S½;
Secs. 29, 31, and 33.
T. 16 S., R. 8 W.,
Sec. 3, lots 3, 4, 5, 6, 11, 12, 13, and 14;
Sec. 5, lots 1, 2, 3, 5, 6, 7, 8, 9, NE¼SW¼, S½SW¼, SE¼;
Sec. 7, N½NE¼, S½SE¼;
Sec. 9;
Sec. 19, lots 1, 2, 3, NE¼NW¼.
T. 15 S., R. 9 W.,
Sec. 13, NE¼, SE¼NW¼, NE¼SW¼;
Sec. 25, E½, E½W½.
T. 18 S., R. 9 W.,
Sec. 33, S½SE¼;
Sec. 35, W½.
T. 19 S., R. 9 W.,
Sec. 3, lots 1, 2, 3, 4, NE¼SW¼, SE¼.

CLACKAMAS COUNTY

T. 4 S., R. 5 E.,
Sec. 1, S½S½;
Sec. 3, SE¼NW¼;
Sec. 9, E½NE¼, NW¼, S½;
Sec. 10, S½NE¼;
Sec. 11, NE¼SW¼;
Sec. 13;
Sec. 15, S½NE¼, NW¼, S½;
Secs. 17, 21, and 23;
Sec. 27, W½;
Secs. 28 and 33.
T. 4 S., R. 6 E.,
Sec. 1, lots 1, 2, 3, 4, S½N½, SW¼;
Secs. 3 and 5;
Sec. 6, lots 6, 7, SE¼SW¼, SW¼SE¼;
Secs. 7, 9, and 11;
Sec. 13, E½W½;
Secs. 15, 17, 19, and 21;
Sec. 23, lots 1, 2, E½NW¼;
Sec. 27, NW¼;
Sec. 29;
Sec. 31, lots 3, 4, 5, 6, 7, NE¼SW¼, N½SE¼;
Sec. 33, lots 1, 2, NW¼, N½SW¼.
T. 3 S., R. 7 E.,
Sec. 7, lots 1, 2, 3, 4, E½W½;
Sec. 19, lots 1, 2, 3, 4, E½W½.

The areas described aggregate 242,733.85 acres.

FRED A. SEATON,
*Secretary of the Interior.*

JUNE 21, 1956.

E. T. BENSON,
*Secretary of Agriculture.*

JUNE 12, 1956.

[F. R. Doc. 56-5018; Filed, June 22, 1956; 8:55 a. m.]

## DEPARTMENT OF AGRICULTURE

### Commodity Stabilization Service and Commodity Credit Corporation

ANNOUNCEMENT OF PAYMENT RATES FOR SHORN WOOL AND LAMBS AND YEARLINGS MARKETED DURING THE 1955 MARKETING YEAR AND NOTICE OF NO PAYMENTS ON MOHAIR

The national average price to producers for shorn wool marketed during the 1955 marketing year (April 1, 1955, through March 31, 1956) has been reported by the Agricultural Marketing Service as 42.8 cents per pound, grease basis. This national price to producers is 19.2 cents a pound below the announced incentive level for the 1955 marketing year of 62 cents a pound. Accordingly, the incentive payment rate for the 1955 marketing year is 44.9 per-



cent. To determine the amount of the incentive payment due to any producer on the wool he marketed during the 1955 marketing year, the incentive payment rate will be applied to the net proceeds received by the producer for his wool, adjusted so as to express the sales proceeds received at his farm, ranch, or local shipping point.

The rate of payment on lambs and yearlings sold for slaughter with the wool on during the 1955 marketing year will be 77 cents per hundredweight of live animals. This payment rate was determined by multiplying the average weight of wool per hundredweight of animals (5 pounds) by 80 percent of 19.2 cents (i. e., the difference between the 1955 incentive level of 62 cents a pound and the national average price of 42.8 cents a pound for shorn wool).

Since the national average return to producers of 82.2 cents a pound for mohair sold during the 1955 marketing year was 12.2 cents a pound above the announced support level of 70 cents a pound, no payments will be made to producers on the basis of mohair marketed during the 1955 marketing year.

(Sec. 704, 68 Stat. 911, 7 U. S. C. 1783)

Issued this 21st day of June 1956.

[SEAL] EZRA TAFT BENSON,
*Secretary of Agriculture.*

[F. R. Doc. 56-5016; Filed, June 21, 1956; 3:12 p. m.]

### Office of the Secretary

OREGON

EXCHANGING ADMINISTRATIVE JURISDICTION OF CERTAIN OREGON AND CALIFORNIA RAILROAD GRANT LANDS AND NATIONAL FOREST LANDS

CROSS REFERENCE: For document affecting the above mentioned subject, see F. R. Document 56-5018, Department of the Interior, Office of the Secretary, *supra*.

## DEPARTMENT OF THE TREASURY

### Fiscal Service, Bureau of Accounts

[Dept. Circ. 570, Rev. Apr. 20, 1943, 1956. Supp. 139]

MERCURY INSURANCE CO.

SURETY COMPANIES ACCEPTABLE ON FEDERAL BONDS

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U. S. C. secs. 6–13, as an acceptable surety on Federal bonds. An underwriting limitation of $1,177,000.00 has been established for the company. Further details as to the extent and localities with respect to which the company is acceptable as surety on Federal bonds will appear in the next issue of Treasury Department Form 356, copies of which, when issued, may be obtained from the Treasury Department, bureau of Accounts, Surety Bonds Branch, Washington 25, D. C.

Name of Company, Location of Principal Executive Office and State in which Incorporated: Mercury Insurance Company, St. Paul, Minnesota.

[SEAL] W. RANDOLPH BURGESS,
*Acting Secretary of the Treasury.*

JUNE 19, 1956.

[F. R. Doc. 56-4968; Filed, June 22, 1956; 8:50 a. m.]

## DEPARTMENT OF LABOR

### Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Part 522 of the regulations issued thereunder (29 CFR Part 522), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended March 1, 1956, 21 F. R. 1349).

The following learner certificates were issued authorizing the employment of not more than 10 percent of the total number of factory production workers as learners for normal labor turnover purposes:

Angelica Uniform Co., Eminence, Mo.; effective 6-9-56 to 6-8-57 (washable service uniforms).

Angelica Uniform Co., Winfield, Mo.; effective 6-5-56 to 6-4-57 (washable service apparel).

Fair Manufacturing Co., 76 Franklin Street, New Haven, Conn.; effective 5-30-56 to 5-29-57 (blouses).

Humberland Dress Co., 31 North Spruce Street, Mr. Carmel, Pa.; effective 6-10-56 to 6-9-57 (children's dresses).

Edward Hyman Co., Hazlehurst, Miss.; effective 6-6-56 to 6-5-57 (men's coveralls, overalls and work pants).

Knox Manufacturing Corp., 214 West Jackson Avenue, Knoxville, Tenn.; effective 5-31-56 to 5-30-57 (dress slacks).

Martin Shirt Co., 27 East Poplar Street, Shenandoah, Pa.; effective 5-31-56 to 5-30-57 (ladies' blouses).

Playtogs Manufacturing Co., Inc., 7 Canal Street, Middletown, N. Y.; effective 6-4-56 to 6-3-57 (children's play clothes).

Sportcaster Co., 2222 Second Avenue, Seattle, Wash.; effective 6-5-56 to 6-4-57 (men's and women's outerwear).

Spruce Manufacturing Corp., Second and Spruce Streets, Sunbury, Pa.; effective 6-12-56 to 6-11-57 (ladies' underwear).

The following learner certificates were issued for normal labor turnover purposes and, except as otherwise indicated below, a maximum of 10 learners were authorized.

Cagleco Sportswear, 334 North Broadview, Cape Girardeau, Mo.; effective 3-1-56 to 2-28-57 (men's outerwear) (replacement certificate).

George Shirt Co., Inc., Church Street, Hebron, Md.; effective 6-2-56 to 6-1-57; 5 learners (children's dresses).

Glenshore Manufacturing Co., 1622 Arapahoe Street, Denver, Colo.; effective 6-4-56 to 6-3-57 (men's and women's heavy sports outerwear).

Shriner Manufacturing Co., Woodsboro, Md.; effective 6-2-56 to 6-1-57 (cotton pants).

York Springs Dress Co., York Springs, Pa.; effective 6-2-56 to 6-1-57; 3 learners (ladies' cotton uniforms).

The following learner certificates were issued for plant expansion purposes. The number of learners authorized is indicated:

Baxter Shirt Manufacturing Corp., Baxter, Tenn.; effective 6-5-56 to 12-4-56; 40 learners (men's and ladies' sportswear).

Harde Manufacturing Co., Inc., Dillard Street, Blackstone, Va.; effective 6-4-56 to 12-3-56; 25 learners (boys' outerwear).

The Jerold Corp., Smithfield, N. C.; effective 5-31-56 to 11-30-56; 25 learners (women's outerwear).

Monticello Manufacturing Co., Monticello, Miss.; effective 6-1-56 to 11-30-56; 55 learners (work trousers).

Renovo Shirt Co., Inc., Mena, Ark.; effective 6-4-56 to 12-3-56; 25 learners (sport shirts).

Stately Lady Nitewear, Inc., 315 East 12th Street, Charlotte, N. C.; effective 6-4-56 to 12-3-56; 25 learners (ladies' cotton nite gowns and pajamas).

Glove Industry Learner Regulations (29 CFR 522.60 to 522.65, as amended March 1, 1956, 21 F. R. 581).

Boss Manufacturing Co., 107 North Boss Street, Kewanee, Ill.; effective 5-31-56 to 11-30-56; 30 learners for plant expansion purposes (work gloves).

Brookville Glove Manufacturing Co., Inc., Foundry Avenue, Indiana, Pa.; effective 6-11-56 to 6-10-57; 10 learners for normal labor turnover purposes (work gloves).

Independent Telephone Industry Learner Regulations (29 CFR 522.70 to 522.74, as amended March 1, 1956, 21 F. R. 581).

Gulf Telephone Co., Foley, Ala.; effective 6-5-56 to 6-4-57.

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended March 1, 1956, 21 F. R. 581).

Carolina Corp., Jefferson, S. C.; effective 6-4-56 to 12-3-56; 15 learners for plant expansion purposes (knitted cotton cloth).

Mifflin Knitting Mills, Inc., Fifth and Race Streets, Mifflinville, Pa.; effective 5-31-56 to 11-30-56; 40 learners for plant expansion purposes (sweaters). (Including additional occupations for hand sewing and crocheting for a maximum of 320 hours.)

Mifflin Knitting Mills, Inc., Fifth and Race Streets, Mifflinville, Pa.; effective 5-31-56 to 4-15-57; 5 percent of factory production workers for normal labor turnover purposes, including additional occupations for hand sewing and crocheting for a maximum of 320 hours (sweaters) (replacement certificate).

J. H. Rohrer Textile Co., Inc., New Ringgold, Pa.; effective 6-5-56 to 6-4-57; 5 learners for normal labor turnover purposes (men's and women's cotton knit underwear).

Regulations applicable to the Employment of Learners (29 CFR 522.1 to 522.12,

as amended February 28, 1955, 20 F. R. 645).

The following learner certificates were issued for normal labor turnover purposes, except as otherwise indicated, to the companies listed below manufacturing miscellaneous products. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as follows:

Cameron & Co., Inc., 2321 Oak Street, Napa, Calif.; effective 5–28–56 to 11–27–56; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupations of sewing machine operating, final pressing, hand sewing, and finishing operations involving hand sewing; authorizing the employment of 5 learners (sport coats) (replacement certificate).

Cherubino Patti & Co., Inc., 23–25 North Arkansas Avenue, Atlantic City, N. J.; effective 6–5–56 to 12–4–56; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupation of hand sewing; authorizing the employment of five percent of factory production workers (men's coats).

Collins of Texas, Medina, Tex.; effective 6–4–56 to 12–3–56; not less than 85 cents per hour for a maximum of 160 hours, for the occupations of machine stitching, die and clicker machine operating, hand cutting, pocketbook makers' helper, assembly and finishing; authorizing the employment of 2 learners (handbags and belts).

Danville Chenille Co., South Danville, N. H.; effective 6–4–56 to 12–3–56; not less than 85 cents per hour for a maximum of 240 hours for the occupation of chenille machine operator; authorizing the employment of 2 learners (chenille).

A. Di Paola & Co., Inc., Fifth and Nickle Streets, Camden, N. J.; effective 6–6–56 to 12–5–56; not less than 85 cents per hour for the first 280 hours and 90 cents per hour for the remaining 200 hours of the 480-hour learning period, for the occupation of hand sewing; authorizing the employment of 20 learners for plant expansion purposes (men's coats and uniforms).

Harrisburg Manufacturing Co., 43 South Main Street, Harrisburg, Ill.; effective 6–4–56 to 12–3–56; not less than 85 cents per hour for a maximum of 240 hours, for the occupation of sewing machine operator; authorizing the employment of five percent of factory production workers (caps).

Ramseur Furniture Co., Ramseur, N. C.; effective 6–4–56 to 12–3–56; not less than 80 cents per hour for the first 160 hours and 85 cents per hour for the remaining 160 hours of the 320-hour learning period, for the occupations of case good assembling, skilled; finishers; inspectors; belt sanders; sawyers, skilled; shaper operator; sprayer; woodworking machine operator; assemblers, semiskilled; rough stock gluers; polishers and rubbers; sanders (except belt sanders); rip sawyers; stainers, and hand fillers; authorizing the employment of ten percent of factory production workers (furniture).

The following special learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed are as indicated:

Airflex, Inc., Carr. Militar K11, H 7, Bayamon, P. R.; effective 5–28–56 to 11–27–56; not less than 50 cents per hour for a maximum of 160 hours, for the occupation of assembly operations; authorizing the employment of 8 learners for plant expansion purposes (metal expansion watch bands).

Fajardo Knitting Mills, Inc., Igualdad Street, Fajardo, P. R.; effective 5–21–56 to 11–20–56; not less than 38 cents per hour for the first 240 hours and 44 cents per hour for the remaining 240 hours of the 480-hour learning period, for the occupations of knitting, and finishing operations involving hand sewing; authorizing the employment of 20 learners for plant expansion purposes (sweaters).

The following special learner certificate was issued in the Virgin Islands to the company hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated:

Virgin Islands Art Flowers, Inc., 9–10 Curacao Gade, St. Thomas, V. I.; effective 6–4–56 to 8–19–56; not less than 38 cents per hour for a maximum of 160 hours for the manufacture by hand of artificial flowers, except cutting, pressing and packing; authorizing the employment of 25 learners for plant expansion purposes (artificial flowers).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of the regulations, Part 522.

Signed at Washington, D. C., this 12th day of June 1956.

MILTON BROOKE,
*Authorized Representative of the Administrator.*

[F. R. Doc. 56–4951; Filed, June 22, 1956; 8:46 a. m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 6211 et al.]

SERVICE TO LIBERAL CASE

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, that oral argument in the above-entitled proceeding is assigned to be held on July 6, 1956, at 10:00 a. m., e. d. s. t., in Room 5042, Commerce Building, Constitution Avenue, between Fourteenth and Fifteenth Streets NW., Washington, D. C., before the Board.

Dated at Washington, D. C., June 19, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56–4978; Filed, June 22, 1956; 8:51 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11492, 11719; FCC 56M–608]

CITIZENS BROADCASTING CO. AND SALEM BROADCASTING CO.

ORDER SETTING PRE-HEARING CONFERENCE

In re applications of Archie S. Mobley, Pauline A. Mobley, Paul D. Ford and Eleanor J. Ford, d/b as Citizens Broadcasting Company, Terre Haute, Indiana, Docket No. 11492, File No. BP–9195; Thomas S. Land and Bryan Davidson, d/b as Salem Broadcasting Company, Salem, Illinois, Docket No. 11719, File No. BP–10199; for construction permits.

*It is ordered*, This 20th day of June 1956, that all parties in the above-entitled proceeding or their counsel are directed to appear for a pre-hearing conference pursuant to the provisions of §§ 1.813 and 1.841 of the Commission's rules, at the offices of the Commission in Washington, D. C., at 10:00 a. m., June 26, 1956, for the purpose of considering among other things, the following matters:

(1) The necessity or desirability of simplification, clarification, amplification or limitation of the issues;

(2) Admissions of fact and of documents which will avoid unnecessary proof;

(3) The possibility of stipulating with respect to facts;

(4) Need, if any, for depositions;

(5) The order of offer or proof with relationship to docket number;

(6) The date for the exchange of exhibits between the applicants, as required by Section 1.841, *supra;* and

(7) Such other matters as will be conducive to an expeditious conduct of the hearing.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56–4996; Filed, June 22, 1956; 8:54 a. m.]

[Docket No. 11720 etc.; FCC 56M–607]

MIDDLESEX BROADCASTING CORP. (WTAO) ET AL.

ORDER CONTINUING HEARING CONFERENCE

In re applications of Middlesex Broadcasting Corporation (WTAO), Cambridge, Massachusetts, Docket No. 11720, File No. BP–8027; Princess Anne Broadcasting Corporation, Virginia Beach, Virginia, Docket No. 11721, File No. BP–9317; Huntington-Montauk Broadcasting Company, Inc., Deer Park, Long Island, New York, (WGSM), Docket No. 11722, File No. BP–9436; Winslow Turner Porter, Bath, Maine, Docket No. 11723, File No. BP–9730; Television & Radio Broadcasting Corporation, Hyannis, Massachusetts, Docket No. 11724, File No. BP–9936; for construction permits.

On the oral request of counsel for the Broadcast Bureau, and without objection by counsel for the other parties,



*it is ordered*, This 20th day of June 1956, that the prehearing conference now scheduled for June 21, 1956, is continued to Monday, June 25, 1956, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56–4997; Filed, June 22, 1956; 8:54 a. m.]

## FEDERAL POWER COMMISSION

[Docket Nos. G–10000, G–10005]

TRANSCONTINENTAL GAS PIPE LINE CORP. AND TRANS-CAROLINA PIPELINE CORP.

ORDER OF CONSOLIDATION AND FIXING DATE OF HEARING

Public hearings in the proceeding in Docket No. G–10000 commenced on June 6, 1956, and are currently in progress. That proceeding involves an application by Transcontinental Gas Pipe Line Corporation (Transco) for a certificate of public convenience and necessity authorizing the enlargement of Transco's facilities (1) to provide additional service to certain of its existing customers and (2) to provide initial natural-gas service principally in the Tidewater area of eastern North and South Carolinas. Transco proposes to make such initial service available at its main line, and the volume of 40,000 Mcf per day to be so made available is sought by three interveners in the proceeding in Docket No. G–10000, two of which, Carolina Pipeline Company and North Carolina Natural Gas Company, propose intrastate systems, and the third of which, Trans-Carolina Pipeline Corporation (Trans-Carolina), proposes an interstate system for which certificate authorization is sought in Docket No. G–10005.

Due notice of the filing of the application in Docket No. G–10005 has been given, including publication in the FEDERAL REGISTER on May 24, 1956 (21 F. R. 3466). Pursuant to such notice, the time for filing protests and petitions to intervene expired on June 8, 1956, subsequent to the commencement of hearings in Docket No. G–10000. An order granting numerous petitions to intervene in Docket No. G–10005 is being issued simultaneously herewith. All such petitions were filed by persons who are also interveners in the proceeding in Docket No. G–10000, with the exception of Atlantic Coastline Railway Company who filed a petition to intervene on June 8, 1956, and is not a party to the proceedings in Docket No. G–10000.

The Commission finds:

(1) The applications in Docket Nos. G–10000 and G–10005 are interrelated and should be consolidated for hearing.

(2) Good cause exists and it is necessary, appropriate and in the public interest that hearing in the consolidated proceedings in Docket Nos. G–10000 and G–10005 proceed without further notice of any nature and not await due publication of this order in the FEDERAL REGISTER: *Provided, however*, That such immediate hearing shall be without prejudice to any person permitted to intervene in Docket No. G–10005 to recall any witness for cross-examination whose testimony may relate to a matter with respect to which such person has asserted a right and interest and has been permitted to participate with respect thereto.

The Commission orders:

(A) The aforesaid proceedings in Docket Nos. G–10000 and G–10005 be and the same hereby are consolidated for purposes of hearing.

(B) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, hearing on the consolidated proceedings in Docket Nos. G–10000 and G–10005 proceed forthwith without further notice of any nature and prior to publication of this order in the FEDERAL REGISTER.

Issued: June 19, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56–4961; Filed, June 22, 1956; 8:48 a. m.]

[Docket No. G–10615]

BRITISH-AMERICAN OIL PRODUCING CO.

ORDER INSTITUTING INVESTIGATION

British-American Oil Producing Company (Respondent) is an independent producer of natural gas and a "natural-gas company" within the meaning of the Natural Gas Act, being engaged in the sale and delivery of natural gas in interstate commerce for resale for ultimate public consumption.

Respondent is one of several independent producers under contract to supply natural gas to the American Louisiana Pipe Line Company (American Louisiana). The latter's interstate natural gas pipeline project was authorized by the Commission by order issued October 1, 1954, accompanying Opinion No. 276, In the Matters of American Louisiana Pipe Line Company, et al. Certificates of public convenience and necessity covering the projected sales to American Louisiana were issued to Respondent and others by order issued May 9, 1955, in Docket Nos. G–6067, et al. Respondent's FPC Gas Rate Schedule No. 17 covers its sales to American Louisiana in question, and specifies a price of 19.25 cents per Mcf, with estimated annual revenues amounting to approximately $693,000 a year. This price is among the highest known to the Commission.

In addition to the sales of natural gas hereinbefore specifically referred to, it appears from the Commission's files that the Respondent is also engaged in making other sales of natural gas in interstate commerce, subject to the jurisdiction of the Commission.

It further appears that, upon the basis of data available to the Commission, the rates, charges, and classifications for or in connection with the sale or transportation of natural gas by Respondent herein, subject to the jurisdiction of the Commission, and the rules, regulations, practices, and contracts relating thereto may be unjust, unreasonable, unduly discriminatory, or preferential.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that an investigation be instituted by the Commission, upon its own motion, into and concerning all rates, charges or classifications demanded, observed, charged or collected by the Respondent in connection with any transportation or sale of natural gas, subject to the jurisdiction of the Commission, and any rules, regulations, practices or contracts affecting such rates, charges or classifications.

The Commission orders:

(A) An investigation of Respondent, British-American Oil Producing Company, be and is hereby instituted under the provisions of the Natural Gas Act for the purpose of enabling the Commission to determine whether, with respect to any transportation or sale of natural gas, subject to the jurisdiction of the Commission, made or proposed to be made by Respondent, any of the rates, charges, or classifications demanded, observed, charged, or collected, or any rules, regulations, practices or contracts affecting such rates, charges or classifications are unjust, unreasonable, unduly discriminatory or preferential.

(B) If the Commission, after a hearing has been had, shall find with respect to Respondent, that any of its rates, charges, classifications, rules, regulations, practices, or contracts, subject to the jurisdiction of the Commission, are unjust, unreasonable, unduly discriminatory, or preferential, the Commission shall thereupon determine and fix by order or orders just and reasonable rates, charges, classifications, rules, regulations, practices or contracts to be thereafter observed and in force.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, particularly sections 5, 14, 15 and 16 thereof, and the Commission's rules of practice and procedure, a public hearing be held upon a date to be fixed by further order of the Commission concerning the matters specified in paragraphs (A) and (B) above.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Issued: June 19, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56–4962; Filed, June 22, 1956; 8:48 a. m.]

[Docket No. G–10616]

KERR-MCGEE OIL INDUSTRIES, INC.

ORDER INSTITUTING INVESTIGATION

Kerr-McGee Oil Industries Inc. (Respondent) is an independent producer of

natural gas and a "natural-gas company" within the meaning of the Natural Gas Act, being engaged in the sale and delivery of natural gas in interstate commerce for resale for ultimate public consumption.

Respondent is one of several independent producers under contract to supply natural gas to the American Louisiana Pipe Line Company (American Louisiana). The latter's interstate natural gas pipeline project was authorized by the Commission by order issued October 1, 1954, accompanying Opinion No. 276, In the Matters of American Louisiana Pipe Line Company, et al. Certificates of public convenience and necessity covering the projected sales to American Louisiana were issued to Respondent and others by order issued May 9, 1955, in Docket Nos. G–6067, et al. Respondent's FPC Gas Rate Schedule No. 27 covers its sales to American Louisiana in question, and specifies a price of 19.25 cents per Mcf. with estimated annual revenues amounting to approximately $123,000 a year. This price is among the highest known to the Commission.

In addition to the sales of natural gas hereinbefore specifically referred to, it appears from the Commission's files that the Respondent is also engaged in making other sales of natural gas in interstate commerce, subject to the jurisdiction of the Commission.

It further appears that, upon the basis of data available to the Commission, the rates, charges, and classifications for or in connection with the sale or transportation of natural gas by Respondent herein, subject to the jurisdiction of the Commission, and the rules, regulations, practices, and contracts relating thereto may be unjust, unreasonable, unduly discriminatory, or preferential.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that an investigation be instituted by the Commission, upon its own motion, into and concerning all rates, charges or classifications demanded, observed, charged or collected by the Respondent in connection with any transportation or sale of natural gas, subject to the jurisdiction of the Commission, and any rules, regulations, practices or contracts affecting such rates, charges or classifications.

The Commission orders:

(A) An investigation of Respondent, Kerr-McGee Oil Industries, Inc., be and is hereby instituted under the provisions of the Natural Gas Act for the purpose of enabling the Commission to determine whether, with respect to any transportation or sale of natural gas, subject to the jurisdiction of the Commission, made or proposed to be made by Respondent, any of the rates, charges or classifications demanded, observed, charged, or collected, or any rules, regulations, practices or contracts affecting such rates, charges or classifications are unjust, unreasonable, unduly discriminatory or preferential.

(B) If the Commission, after a hearing has been had, shall find with respect to Respondent, that any of its rates, charges, classifications, rules, regulations, practices, or contracts, subject to the jurisdiction of the Commission, are unjust, unreasonable, unduly discriminatory, or preferential, the Commission shall thereupon determine and fix by order or orders just and reasonable rates, charges, classifications, rules, regulations, practices or contracts to be thereafter observed and in force.

(C) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, particularly sections 5, 14, 15 and 16 thereof, and the Commission's rules of practice and procedure, a public hearing be held upon a date to be fixed by further order of the Commission concerning the matters specified in paragraphs (A) and (B) above.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 f)) of the Commission's rules of practice and procedure.

Issued: June 19, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–4963; Filed, June 22, 1956; 8:49 a. m.]

## GENERAL SERVICES ADMINISTRATION

[Project 3–DC–01]

FEDERAL OFFICE BUILDINGS

PROSPECTUS FOR PROPOSED BUILDINGS IN SOUTHWEST REDEVELOPMENT AREA OF DISTRICT OF COLUMBIA

EDITORIAL NOTE: This prospectus of proposed Project Number 3–DC–01 is published pursuant to section 412 (f) of the Public Buildings Purchase Contract Act of 1954 as amended by Public Law 150, 84th Congress, which requires publication in the FEDERAL REGISTER, for a period of ten consecutive days from date of submission to the Committees on Public Works of the Senate and House of Representatives.

Project Number 3–DC–01 (Revised)

MARCH 14, 1956.

FORMAL PROSPECTUS FOR PROPOSED BUILDING UNDER TITLE I PUBLIC LAW 519, 83D CONGRESS, 2D SESSION

FEDERAL OFFICE BUILDING, WASHINGTON, D. C.

1. *Brief description of proposed building.* The project contemplates the erection of a group of three Federal Office Buildings on a site to be acquired by the Government facing on the proposed Tenth Street Mall in the southwest redevelopment area of Washington, D. C. Each building will be multistoried. An aggregate of approximately 643,000 square feet of net assignable space will be provided.

2. *Estimated maximum cost and financing.*
a. Maximum cost of site and buildings, $25,250,000.
b. Proposed contract term, 30 years.
c. Maximum rate of interest on purchase contract, 4 percent.

3. *Certificates of need.* As the project is intended to provide relocation of numerous Federal agencies now in temporary buildings, no specific allocation of space can be made at this time. Upon completion of the facility, assignment and reassignment will be made in accordance with existing law. Therefore, requirement for Certificate of Need otherwise required by section 411 (e) of the Public Buildings Purchase Contract Act of 1954 was waived in Public Law 150, 84th Congress. Certification is hereby made as to the need for service and garage space.

4. *Non-availability of existing space.* Suitable space owned by the Government is not available; and suitable rental space is not available at a price commensurate with that to be afforded through the contract proposed.

5. *Estimated annual managerial, custodial, heat, and utility costs.* (Services to be supplied by Government), $675,000.

6. *Estimated annual tax liability, upkeep and maintenance.* a. Taxes, post construction (contract period), $321,625.
b. Upkeep and maintenance (to be provided by Government), $96,000.

7. *Current annual housing costs.* Rents and other housing costs currently paid by the Government for agencies to be housed in the building to be erected, $509,000 p. a.

*Determination of need.* It has been determined that (1) the needs for space for the permanent activities of the Federal Government in this particular area cannot be satisfied by utilization of any existing suitable property now owned by the Government, and (2) the best interests of the United States will be served by taking action hereunder.

Submitted at Washington, D. C., on June 1, 1956.

Approved:

FRANKLIN G. FLOETE, *Administrator of General Services.*

8. *Statement of Director, Bureau of the Budget.* Reflected in letter (copy attached).

EXECUTIVE OFFICE OF THE PRESIDENT
BUREAU OF THE BUDGET
WASHINGTON 25, D. C.

JUNE 13, 1956.

Project 3–DC–01 (Revised 3–14–56).
3 Multi-storied Federal Office Buildings.
Southwest Redevelopment Area, Washington, D. C.

MY DEAR MR. FLOETE: Pursuant to section 411 (e) (8) of the Public Buildings Purchase Contract Act of 1954 (Public Law 519), the (Revised March 14, 1956) proposal for a group of three Federal Office Buildings, transmitted with your letter of June 1, 1956, has been examined and in my opinion "is necessary and in conformity with the policy of the President." This approval is given with the following understanding:

1. Revision reflects the application of more definite plans for integration of the facility with the proposed Tenth Street Mall developed subsequent to approval of the project last July. Effective integration requires construction of three building units in lieu of one, as originally proposed. Garage space of 134,250 square feet not contemplated in original project is provided. Number of employees, utilization of space and cost factors are relatively the same.

2. That the stated project cost of $25,250,000 (including $2,500,000 for a site to be acquired) is a maximum figure.

3. That the reported annual operating cost of existing Tempos 4, 5, and T; i. e., $1.00 per square foot, represents minimum maintenance in anticipation of demolition, and that temporary Government buildings actually cost more to maintain than the proposed new buildings.

4. That the proposed buildings will house approximately 10% of Federal employees presently housed in temporary buildings, and that the specific allocation of agencies in the proposed buildings is to be determined later by General Services Administration.

5. That every effort will be made to design and construct space conducive to maximum efficient utilization of both site and buildings and to take advantage of any revision of cost downward which may be found possible as the plans develop and negotiations are advanced.

6. That this approval supersedes Mr. Hughes' letter of July 22, 1955.

You appreciate, of course, that this project will receive a more detailed review as to cost and space utilization prior to the approval of the lease-purchase agreement.

Sincerely yours,

(Signed) PERCIVAL BRUNDAGE, *Director.*

Hon. FRANKLIN G. FLOETE,
*Administrator,*
*General Services Administration,*
*Washington 25, D. C.*

[F. R. Doc. 56–4860; Filed, June 18, 1956; 11:38 a. m.]



## FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES

BULGARIAN, HUNGARIAN, ITALIAN, AND RUMANIAN CLAIM FUNDS

NOTICE OF HEARING

Notice is hereby given that the Foreign Claims Settlement Commission of the United States will conduct an open hearing at the Tariff Building, 8th and E Streets, N. W., Washington, D. C., at 10:00 a. m., July 25, 1956, upon the following matters having general application to all claims against the Bulgarian, Hungarian, Italian and Rumanian Claims Funds:

(1) The currency of the respective governments which should be used in appraising the value of property which is the subject of claims under section 303 (1) and (2) of Public Law 285 (22 U. S. C. 1631 (g)), amending the International Claims Settlement Act of 1949.

(2) The formulae for converting such currency of the respective governments to dollars of the Government of the United States as of the time of the issuance of awards authorized under section 303 of the above public law.

Dated: June 21, 1956.

By the Commission.

ANDREW T. MCGUIRE, *General Counsel.*

[F. R. Doc. 56–5017; Filed, June 21, 1956; 3:35 p. m.]

## SECURITIES AND EXCHANGE COMMISSION

[24 W–1745]

RIBBON COPIES CORP. OF AMERICA

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JUNE 12, 1956.

I. Ribbon Copies Corporation of America, 1411 Pennsylvania Avenue NW., Washington, D. C., having filed with the Commission on February 9, 1955, a notification on Form 1–A and an offering circular, and having subsequently filed amendments thereto, relating to a proposed offering of 250,000 shares of 5¢ par common stock at $1 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having reasonable cause to believe:

A. That the terms and conditions of Regulation A have not been complied with in respect of such notification and offering circular, in that:

1. The offering circular fails to disclose the name and address of the principal underwriter of the securities, as required by Rule 219 (c) (4);

2. Certain of the issuer's shares were sold without the use of an offering circular required by Rule 219 (a); and

3. The aggregate offering price of the securities offered exceeds the $300,000 limitation prescribed by Rule 217 (a).

B. The offering circular omits to state material facts necessary in order to make the statements made, in light of the circumstances under which they are made, not misleading, particularly with respect to the following:

1. The issuer sold certain of the shares offered thereunder at a price less than the offering price stated therein;

2. Certain of the issuer's shares offered thereunder were sold by the underwriter at prices in excess of the stated public offering price; and

3. The issuer granted options for the purchase of an aggregate of 23,000 shares at $1 per share to an undisclosed underwriter.

C. That the offering would and did operate as a fraud and deceit upon the purchasers of such securities.

III. *It is ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56–4745; Filed, June 22, 1956; 8:45 a. m.]

[File No. 812–1001]

STANDARD PROPERTIES, INC.

NOTICE OF APPLICATION FOR ORDER DECLARING THAT COMPANY IS NOT AN INVESTMENT COMPANY

JUNE 19, 1956.

Notice is hereby given that Standard Properties, Inc. ("Applicant") has filed an application pursuant to section 3 (b) (2) of the Investment Company Act of 1940 ("act") for an order declaring it to be primarily engaged, through a controlled company, in a business other than that of investing, reinvesting, owning, holding, or trading in securities.

On April 28, 1943, the Commission granted an application for exemption from all provisions of the act filed by Bessemer Securities Company ("Bessemer") pursuant to section 3 (b) (2) of the act upon the basis of a finding that Bessemer was primarily engaged in a business other than that of investing, reinvesting, owning, holding or trading in securities. Bessemer then held, among other assets, 29 percent of the voting stocks of Duquesne Slag Products Company ("Duquesne"), a company engaged in the manufacture of crushed blast furnace slag products. At that time Bessemer was a subsidiary of Standard Slag Company, a company then and now engaged, through controlled subsidiaries, in the cement and slag business and which then held directly 13.2 percent of the stock of Duquesne.

During 1955 Bessemer transferred to Applicant all of its holdings in Duquesne in exchange for all of Applicant's outstanding stock and thereafter Bessemer was liquidated and dissolved. The stock Applicant holds of Duquesne is its only asset. At the present time Applicant holds 34.14 percent and Standard Slag Company holds 15.6 percent (an aggregate of 50 percent) of Duquesne's outstanding stock.

The application recites that the control of Duquesne (by Standard Slag Company) remains the same as when the Commission granted an exemption to Bessemer in 1943, except that the present Applicant has been substituted for Bessemer in the chain of control. It is stated (1) the officers and directors of Applicant actively participate in the operation and management of Duquesne, (2) such participation is primarily for the benefit of Standard Slag, (3) Applicant has no employees and its activities (which are limited to the control and management of Duquesne) are carried out by employees or officers of Standard Slag and are paid for by that company, and (4) the officers of Applicant are paid no compensation.

Section 3 (b) (2) of the act, among other things, excerpts from the definition of an investment company contained in section 3 (a) (3), any issuer which the Commission finds and by order declares to be primarily engaged in a business other than that of investing, reinvesting, owning, holding, or trading in securities, either directly or through controlled companies conducting similar types of businesses.

Notice is further given that any interested person may, not later than July 12, 1956, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reason for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon.

Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

It appearing to the Commission that it would be appropriate to extend the period of exemption from the act accorded to Standard Properties, Inc. as a result of the filing of the instant application pursuant to section 3 (b) (2) of the act until the disposition of such application.

*It is ordered,* That the period of exemption provided Standard Properties, Inc. under section 3 (b) (2) of the act be extended until the disposition by the Commission of the application herein of Standard Properties, Inc.

By the Commssion.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-4956; Filed, June 22, 1956; 8:47 a. m.]

## INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 20, 1956.

Protest to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32240: *Bottle caps—Leeds, Ala., to Southern Territory.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on bottle caps, carloads from Leeds, Ala., to specified points in Georgia, Louisiana, Mississippi, North Carolina, South Carolina and Tennessee.

Grounds for relief: Circuitous routes.

Tariff: Supplement 155 to Agent Spaninger's I. C. C. 1295.

FSA No. 32241: *Caustic soda—Baton Rouge, La., group to Mobile, Ala.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on liquid caustic soda, tank-car loads from Baton Rouge and North Baton Rouge, La., to Mobile, Ala.

Grounds for relief: Circuitous routes.

Tariff: Supplement 7 to Agent Spaninger's I. C. C. 1526.

FSA No. 32242: *Superphosphate—Florida to Estherville, Iowa.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on superphosphate (acid phosphate), carloads from specified points in Florida to Estherville, Iowa.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 15 to Agent Spaninger's I. C. C. 1522.

FSA No. 32243: *Substituted service—motor-rail-motor—C. & E. I. R. R.* Filed by Middlewest Motor Freight Bureau, Agent, for the Chicago & Eastern Illinois Railroad Company and interested motor carriers. Rates on freight of various commodities, in truckload and less-truckload quantitites, loaded in trailers and transported on railroad flat cars between Chicago, Ill., on the one hand, and East St. Louis, and Mitchell, Ill., on the other.

Grounds for relief: Truck competition.

Tariff: Supplement 36 to Middlewest Motor Freight Bureau MF-I. C. C. 223.

FSA No. 32244: *Commodities from and to points in the South and North.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on various commodities, carloads, as described in exhibit A of the application from specified points in the South to specified points in southern and official territories.

Grounds for relief: Carrier competition and circuitous routes.

FSA No. 32245: *Spent sulphuric acid—Illinois to Louisiana.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on sulphuric acid, spent, tank-car loads from Chicago, Lawrenceville, Lockport and Robson, Ill., to Baton Rouge, and North Baton Rouge, La.

Grounds for relief: Circuitous routes.

Tariff: Supplement 79 to Agent Raasch's I. C. C. 776.

FSA No. 32246: *Substituted service—Motor-rail-motor—C. G. W. Ry.* Filed by Middlewest Motor Freight Bureau, Agent, for the Chicago Great Western Railway Company, and Voss Truck Lines, Inc. Rates on various commodities loaded in highway trailers and transported on railroad flat cars between Chicago, Ill., and Kansas City, Mo.

Grounds for relief: Truck competition.

Tariff: Supplement 36 to Middlewest Motor Freight Bureau, Agent, tariff MF-I. C. C. No. 223.

FSA No. 32247: *Fertilizer solutions—South Point, Ohio, to southern points.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on fertilizer solutions, nitrogen or ammoniating, and related articles, tank-car loads from South Point, Ohio to specified points in Kentucky, North Carolina, Tennessee and Virginia.

Grounds for relief: Short-line distance formula, market competition, and circuitous routes.

Tariff: Supplement 28 to Agent Spaninger's I. C. C. 1510.

FSA No. 32248: *Liquefied chlorine gas—Evans City, Ala., to Spring Hill, La.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on liquefied chlorine gas, tank-car loads from Evans City, Ala., to Spring Hill, La.

Grounds for relief: Market competition and circuitous routes.

Tariff: Supplement 132 to Agent Kratzmeir's I. C. C. 4049.

FSA No. 32249: *Ammunition—Anoka, Minn., to southern points.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on ammunition, viz.: cartridges, small arms, blank or loaded, carloads from Anoka, Minn., to Chattanooga and Nashville, Tenn., Greensboro, N. C., and Greenville, S. C.

Grounds for relief: Circuitous routes.

Tariff: Supplement 112 to Agent Prueter's I. C. C. A-3883.

FSA No. 32250: *Rag and cotton fibre pulp—Franklin, Ohio to official territory.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on Rag and cotton fibre pulp, carloads, from Franklin, Ohio to specified points in official territory.

Grounds for relief: Carrier competition and circuitous routes.

FSA No. 32251: *Substituted service—Motor-rail-motor—M. K. T. R. R.* Filed by Middlewest Motor Freight Bureau, Agent, for interested rail and motor carriers. Rates on freight loaded in highway trailers and transported on railroad flat cars between St. Louis, Mo., and Houston, Tex.

Grounds for relief: Truck competition.

Tariff: Supplement 36 to Middlewest Motor Freight Bureau tariff MF-I. C. C. No. 223.

FSA No. 32252: *Gravel—Dickason Pit, Ind., to Cadwell, Ill.* Filed by R. G. Raasch, Agent, for the Chicago & Eastern Illinois Railroad Company. Rates on screened gravel, carloads from Dickason Pit, Ind., to Cadwell, Ill.

Grounds for relief: Truck competition from wayside pits.

Tariff: Supplement 70 to Chicago & Eastern Illinois Railroad tariff I. C. C. No. 144.

FSA No. 32253: *Lettuce—Texas to Arkansas and Tennessee.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on lettuce, carloads from Monahans and Stockton, Tex., to Jonesboro, Ark., and Memphis, Tenn.

Grounds for relief: Market competition and circuitous routes.

Tariff: Supplement 203 to Agent Kratzmeir's I. C. C. 4139.

By the Commission.

[SEAL] HAROLD D. MCCOY, *Secretary.*

[F. R. Doc. 56-4964; Filed, June 22, 1956; 8:49 a. m.]

## DEPARTMENT OF JUSTICE

### Office of Alien Property

[Vesting Order SA-61]

REPLACEMENT INSURANCE OFFICE PRIV. CO. LTD.

In re: Debt owing to Replacement Insurance Office Priv. Co. Ltd., Budapest, Hungary; F-34-1112.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of Guaranty Trust Company, 140 Broadway, New York 15, N. Y., arising out of a deposit account entitled "Replacement Insurance Office Priv. Co. Ltd., % Mr. Joseph Reitmann, Semmelweis Ucca 14, Budapest IV, Hungary", maintained by the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Replacement Insurance Office Priv. Co. Ltd., Budapest, Hungary, a national of Hungary as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to Section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on June 19, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-4971; Filed, June 22, 1956; 8:50 a. m.]

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[Vesting Order SA-62]

GOVERNMENT OF HUNGARY

In re: Debt owing to the Government of Hungary (Ungarische Staatliche Eisen, Stahl-und Maschinenfabriken); F 34-1687, F 62-501 (Stockholm), F 34-548.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of The Chase Manhattan Bank of the City of New York, 18 Pine Street, New York, New York, in the amount of $660.64 as of March 14, 1956, being a portion of an account entitled "Aktiebolaget Svenska Handelsbanken, Stockholm, Sweden, 'Special Account U', General Ruling No. 6 Account", maintained by the aforesaid bank, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Hungary, as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to Section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on June 19, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-4972; Filed, June 22, 1956; 8:50 a. m.]

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[Vesting Order SA-63]

BANQUE CREDIT BULGARE S. A.

In re Debts owing to Banque Credit Bulgare S. A.; F-11-39.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106-55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows:

a. That certain debt or other obligation of the Irving Trust Company, 1 Wall Street, New York 15, New York, arising out of an account entitled, "Banque Credit Bulgare S. A., Sofia, Bulgaria," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same;

b. That certain debt or other obligation of the Irving Trust Company, 1 Wall Street, New York 15, New York, in the amount of $7,478.66, being a portion of funds on deposit in an account entitled, "Banque Nationale de Bulgarie, Administration Centrale, Direction des Sofia," maintained at the aforesaid bank, together with any and all rights to demand, enforce and collect the same;

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is and as of September 15, 1947, was, owned directly or indirectly by Banque Credit Bulgare S. A., Sofia, Bulgaria, a national of Bulgaria as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on June 19, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND, *Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-4973; Filed, June 22, 1956; 8:50 a. m.]

[Vesting Order SA–64]

CREDITUL MINIER, S. A. R.

In re: Debt owing to Creditul Minier, S. A. R., a/k/a Creditul Minier Societate Anonima Romana Pentru Desvoltarea Industriei Miniere, and as Creditul Minier Societe Anonyme Roumaine Pour le Development de l'Industrie Minier; F–57–53.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of Elliott Company, Lagonda Division, Springfield, Ohio, arising out of an account payable entitled "Creditul Minier, Societe Anonima Romana Pentru Desvoltarea, Industriei Miniere, Bucuresti, Roumania", maintained at the aforesaid company, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947 was, owned directly or indirectly by Creditul Minier, S. A. R., a/k/a Creditul Minier Societate Anonima Romana Pentru Desvoltarea Industriei Miniere, and as Creditul Minier Societe Anonyme Roumaine Pour le Development de l'Industrie Minier, Bucharest, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on June 19, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

[F. R. Doc. 56–4974; Filed, June 22, 1956; 8:50 a. m.]

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[Vesting Order SA–65]

CREDITUL MINIER, S. A. R.

In re: Debt owing to Creditul Minier S. A. R., a/k/a Creditul Minier Societate Anonima Romana Pentru Desvoltarea Industriei Miniere, and as Creditul Minier Societe Anonyme Roumaine Pour le Development de l'Industrie Minier, F–57–53.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or obligation of Union Carbide and Carbon Corporation, New York, New York, arising out of an account receivable in the name of Creditul Minier, maintained at the aforesaid corporation, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Creditul Minier, S. A. R., a/k/a Creditul Minier Societate Anonima Romania Pentru Devoltarea Industriei Miniere, and as Creditul Minier Societe Anonyme Roumaine Pour le Development de l'Industrie Minier, Bucharest, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on June 19, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

[F. R. Doc. 56–4975; Filed, June 22, 1956; 8:51 a. m.]

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[Vesting Order SA–66]

CREDITUL MINIER, S. A. R.

In re: Debt owing to Creditul Minier, S. A. R., a/k/a Creditul Minier Societate Anonima Romana Pentru Desvoltarea Industriei Miniere, and as Creditul Minier Societe Anonyme Roumaine Pour le Development de l'Industrie Minier; F–57–53.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of Continental Supply Company, Dallas, Texas, arising out of an open account in the name of Creditul Minier (Societe Anonyme Roumaine Pour le Development de l'Industrie Minier), Bulevardul Independentei, Ploesti, Roumania, maintained at the aforesaid company, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Creditul Minier, S. A. R., a/k/a Creditul Minier Societate Anonima Romana Pentru Desvoltarea Industriei Miniere, and as Creditul Minier Societe Anonyme Roumaine Pour le Development de l'Industrie Minier, Bucharest, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.



There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on June 19, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

[F. R. Doc. 56–4976; Filed, June 22, 1956; 8:51 a. m.]

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[Vesting Order SA–67]

CREDITUL MINIER, S. A. R.

In re: Debt owing to Creditul Minier, S. A. R. a/k/a Creditul Minier Societate Anonima Romana Pentru Desvoltarea Industriei Miniere, and as Creditul Minier Societe Anonyme Roumaine Pour le Development de l'Industrie Minier; F–57–53.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of Lucey Export Corporation, New York, New York, arising out of an account payable, entitled "Creditul Minier Societate Anonima Romana," maintained by the aforesaid corporation together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Creditul Minier, S. A. R., a/k/a Creditul Minier Societate Anonima Romana Pentru Desvoltarea Industriei Miniere, and as Creditul Minier Societe Anonyme Roumaine Pour le Development de l'Industrie Minier, Bucharest, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on June 19, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

[F. R. Doc. 56–4977; Filed, June 22, 1956; 8:51 a. m.]

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VOLUME 21 NUMBER 123

Washington, Tuesday, June 26, 1956

## TITLE 7—AGRICULTURE

### Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Plum Order 10]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.534 *Plum Order 10*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 27, 1956. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until June 19, 1956; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on June 19, 1956; after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 1, 1956; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 27, 1956, and ending at 12:01 a. m., P. s. t., November 1, 1956, no shipper shall ship from any shipping point during any day any package or container of Gaviota plums unless such plums grade at least U. S. No. 1 and, except to the extent otherwise permitted under this paragraph,

(i) If the plums are packed in a standard basket they are of a size not smaller than a size that will pack a 4 x 4 standard pack;

(ii) If the plums are packed in a special plum box, they are of a size not smaller than a size that will pack a 6-row standard pack;

(iii) If the plums are packed in any container other than a standard basket or special plum box, ninety (90) percent, by count, of the plums measure $1\frac{12}{16}$ inches in diameter and of the remainder of the plums none measures less than $1\frac{9}{16}$ inches in diameter: *Provided*, That, no lot of plums shall be considered as failing to meet this requirement if one package of such plums contains not more than one (1) percent, by count, of plums that are smaller than $1\frac{9}{16}$ inches in diameter; and

(iv) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) During each day of the aforesaid period, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than the size prescribed in subparagraph (1) of this paragraph if said quantity does not exceed one hundred (100) percent of the number of the same type of packages or

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FEDERAL REGISTER

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**Title 6 ($1.75)**

**Title 7: Parts 210–899 (Rev., 1955) with Supplement ($4.50)**

**Title 26 (1954) Parts 1–220 (Rev., 1955) ($2.00)**

**Titles 47 and 48 ($2.25)**

*Previously announced:* Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 7: Parts 1–209 ($1.25), Parts 900–959 (Rev., 1955) ($6.00), Part 960 to end (Rev., 1955) with Supplement ($5.85); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Parts 1–399 ($2.50), Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. I, and Title 27 ($1.00); Titles 28 and 29 ($1.25); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 400–699 ($0.65), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Title 33 ($1.50); Titles 35–37 ($1.00); Title 39 (Rev., 1955) ($4.25); Titles 40–42 ($0.65); Title 43 ($0.50); Title 46: Parts 1–145 ($0.60), Part 146 to end ($1.25); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

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containers of plums shipped by such shipper which meet the size requirement of said subparagraph (1) of this paragraph and all such smaller plums meet the applicable one of following requirements:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in a special plum box, they are of a size not smaller than a size that will pack a 7-row standard pack;

(iii) If the plums are packed in any container other than a standard basket or special plum box, ninety (90) percent, by count, of the plums measure $1\frac{10}{16}$ inches in diameter and of the remainder of the plums none measures less than $1\frac{7}{16}$ inches in diameter: *Provided*, That, no lot of plums shall be considered as failing to meet this requirement if one package of such plums contains not more than one (1) percent, by count, of plums that are smaller than $1\frac{7}{16}$ inches in diameter; and

(iv) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(3) If any shipper, during any day of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than the size prescribed in subparagraph (1) of this paragraph, the quantity of such undershipment may be shipped by such shipper only from such shipping point during the next 2 succeeding calendar days but only after shipment has been made of any other quantities of such smaller-sized plums such shipper is authorized to ship on those 2 succeeding calendar days.

(4) As used in this section, "U. S. No. 1," "fairly uniform in size," "diameter," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh) (§§ 51.1520 to 51.1530 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(5) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this regulation. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 21, 1956.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56–5029; Filed, June 25, 1956; 8:50 a. m.]

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[Plum Order 11]

## PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

### REGULATION BY GRADES AND SIZES

§ 936.535 *Plum Order 11*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 27, 1956. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until June 19, 1956; recommendation as to the need for, and the extent of regulation of shipments of such plums was made at the meeting of said committee on June 19, 1956, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information were submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 1, 1956; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 27, 1956, and ending at 12:01 a. m., P. s. t., November 1, 1956, no shipper shall ship any package or container of Duarte plums unless such plums grade at least U. S. No. 1; and

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in a special plum box, they are of a size not smaller than a size that will pack a 7-row standard pack;

(iii) If the plums are packed in any container other than a standard basket or special plum box, ninety (90) percent, by count, of the plums measure $1\frac{10}{16}$ inches in diameter and of the remainder of the plums none measures less than $1\frac{7}{16}$ inches in diameter: *Provided*, That, no lot of plums shall be considered as failing to meet this requirement if one package of such plums contains not more than one (1) percent, by count, of plums that are smaller than $1\frac{7}{16}$ inches in diameter; and

(iv) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided*, That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section

also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(3) As used in this section, "U. S. No. 1," "fairly uniform in size," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh) (§§ 51.1520 to 51.1530 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "diameter" means the shortest distance measured through the center of a plum at a right angle to a line running from the stem to the blossom end; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 21, 1956.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-5030; Filed, June 25, 1956; 8:51 a. m.]

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[Plum Order 12]

## PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

### REGULATION BY GRADES AND SIZES

§ 936.536 *Plum Order 12*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective not later than June 27, 1956. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until June 19, 1956; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on June 19, 1956, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information were submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 12, 1956; this section should be applicable to all such shipments in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time hereof.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 27, 1956, and ending at 12:01 a. m., P. s. t., November 1, 1956, no shipper shall ship from any shipping point during any day any package or container of Becky Smith plums unless such plums grade at least U. S. No. 1 and, except to the extent otherwise permitted under this paragraph,

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 4 standard pack;

(ii) If the plums are packed in a special plum box, they are of a size not smaller than a size that will pack a 6-row standard pack;

(iii) If the plums are packed in any container other than a standard basket or special plum box, ninety (90) percent, by count, of the plums measure $1^{12}/_{16}$ inches in diameter and of the remainder of the plums none measures less than $1^{9}/_{16}$ inches in diameter: *Provided,* That, no lot of plums shall be considered as failing to meet this requirement if one package of such plums contains not more than one (1) percent, by count, of plums that are smaller than $1^{9}/_{16}$ inches in diameter; and

(iv) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(2) During each day of the aforesaid period, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than the size prescribed in subparagraph (1) of this paragraph if said quantity does not exceed eleven and eleven one-hundredth ($11^{11}/_{100}$) percent of the number of the same type of packages or containers of plums shipped by such shipper which meet the size requirement of said subparagraph (1) of this paragraph and all such smaller plums meet the applicable one of the following requirements:

(i) If the plums are packed in a standard basket, they are of a size not smaller than a size that will pack a 4 x 5 standard pack;

(ii) If the plums are packed in a special plum box, they are of a size not smaller than a size that will pack a 7-row standard pack;

(iii) If the plums are packed in any container other than a standard basket or special plum box, ninety (90) percent, by count, of the plums measure $1^{9}/_{16}$ inches in diameter and of the remainder of the plums none measures less than $1^{7}/_{16}$ inches in diameter: *Provided,* That, no lot of plums shall be considered as failing to meet this requirement if one package of such plums contains not more than one (1) percent, by count, of plums that are smaller than $1^{7}/_{16}$ inches in diameter; and

(iv) The diameters of the smallest and largest plums in the package or container do not vary more than one-fourth inch: *Provided,* That, a total of not more than five (5) percent, by count, of the plums in the package or container may fail to meet this requirement.

(3) If any shipper, during any day of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than the size prescribed in subparagraph (1) of this paragraph, the quantity of such undershipment may be shipped by such shipper only from such shipping point during the next 2 succeeding calendar days but only after shipment has been made of any other quantities of such smaller-sized plums such shipper is authorized to ship on those 2 succeeding calendar days.

(4) As used in this section, "U. S. No. 1," "fairly uniform in size," "diameter," and "standard pack" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh) (§§ 51.1520 to 51.1530 of this title); "standard basket" shall mean the standard basket set forth in paragraph 1 of section 828.1 of the Agricultural Code of California; "special plum box" shall mean the special plum box set forth in section 828.15 of the Agricultural Code of California; "6-row standard pack" shall mean that the top layer of the pack contains 39 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; "7-row standard pack" shall mean that the top layer of the pack contains 52 plums which are fairly uniform in size and the plums in the top layer are not superior in size to those in the remainder of the pack; and, except as otherwise specified, all other terms shall have the same meaning as when used in the amended marketing agreement and order.



(5) Section 936.143 sets forth the requirements with respect to the inspection and certification of shipments of fruit covered by this section. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 21, 1956.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-5031; Filed, June 25, 1956; 8:51 a. m.]

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# TITLE 6—AGRICULTURAL CREDIT

## Chapter III—Farmers Home Administration, Department of Agriculture

### Subchapter B—Farm Ownership Loans

[FHA Instruction 401.2]

### PART 311—BASIC REGULATIONS

### SUBPART B—LOAN LIMITATIONS

### AVERAGE VALUES OF FARMS; VIRGINIA

On May 29, 1956, for the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below were determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 311.29, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

VIRGINIA

| County: | Average value |
|---|---|
| Buchanan | $18,000 |
| Dickenson | 18,000 |
| Scott | 20,000 |
| Wise | 20,000 |

(Sec. 41 (1), 50 Stat. 528, as amended; 7 U. S. C. 1015 (i))

Dated: June 20, 1956.

[SEAL] H. C. SMITH,
*Acting Administrator, Farmers Home Administration.*

[F. R. Doc. 56-5001; Filed, June 25, 1956; 8:47 a. m.]

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[1956 C. C. C. Flaxseed Bulletin 1, Amdt. 1]

### PART 421 GRAINS AND RELATED COMMODITIES

### SUBPART 1956 TEXAS FLAXSEED PURCHASE PROGRAM

### BASIC PURCHASE PRICES

*Correction*

In F. R. Doc. 56-4829, appearing at page 4313 of the issue for Wednesday, June 20, 1956, the following changes should be made in the table of basic purchase rates:

1. The county name "Forio" should read "Frio", and the county name "Haverick" should read "Maverick".

2. The basic purchase rate for San Patricio County should read $2.96, instead of $3.96.

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## Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

### Subchapter B—Loans, Purchases, and Other Operations

[1956 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Flaxseed]

### PART 421—GRAINS AND RELATED COMMODITIES

### SUBPART—1956-CROP FLAXSEED LOAN AND PURCHASE AGREEMENT PROGRAM

*Correction*

In F. R. Doc. 56-4760, appearing at page 4265 of the issue for Tuesday, June 19, 1956, the following changes should be made:

1. The fourth line of table under § 421.2083 (a) should read:

| | |
|---|---|
| Duluth, Minneapolis, and St. Paul, Minn. | 3.39 |

2. The word "county" in the fourth line of § 421.2083 (c) (1) should read "country."

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# TITLE 15—COMMERCE AND FOREIGN TRADE

## Chapter II—National Bureau of Standards, Department of Commerce

### Subchapter B—Standard Samples

### PART 230—STANDARD SAMPLES AND REFERENCE STANDARDS ISSUED BY NATIONAL BUREAU OF STANDARDS

### SUBPART B—STANDARD SAMPLES WITH SCHEDULE OF WEIGHTS AND FEES

### DESCRIPTIVE LIST; MISCELLANEOUS AMENDMENT

In accordance with the provisions of section 4 (a) and (c) of the Administrative Procedure Act, it has been found that notice and hearing on these schedules of fees are unnecessary for the reason that such procedures, because of the nature of these rules, serve no useful purpose. These schedules are effective from June 22, 1956.

Section 230.11 *Descriptive list,* is amended as follows:

1. Paragraph (r) *Radioactive standards* is amended by the addition of standard 4933 to read as follows:

RADIOACTIVE STANDARDS—ALPHA-BETA-GAMMA STANDARDS

| Sample No. | Radiation | Nuclide | Nominal activity | Volume | Price per sample |
|---|---|---|---|---|---|
| 4933 | $\beta(\gamma)$ | Potassium-42 [1] | $10^3$ dps/ml [2] | (h) | $20.00 |

(Sec. 9, 31 Stat. 1450, as amended; 15 U. S. C. 277. Interprets or applies sec. 8, 31 Stat. 1450, as amended; 15 U. S. C. 276)

A. V. ASTIN,
*Director, National Bureau of Standards.*

[F. R. Doc. 56-5004; Filed, June 22, 1956; 12:31 p. m.]

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# TITLE 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

### Subchapter A—General

### PART 3—STATEMENTS OF GENERAL POLICY OR INTERPRETATION

### PESTICIDE CHEMICALS; FURTHER EXTENDED DATES ON WHICH STATUTE SHALL BECOME FULLY EFFECTIVE

Requests have been received for further extensions of the date when the amendment to section 402 (a) of the Federal Food, Drug, and Cosmetic Act (68 Stat. 511 et seq.; 21 U. S. C. 342, 346a) shall become effective for certain pesticide chemicals.

One request is for extension to permit continued use of ethylene oxide as a fumigant for copra. The request is supported by the data outlined in the amendment of Statement of Policy § 3.44 *Pesticide chemicals; further extended dates on which statute shall become fully effective,* published in the FEDERAL REGISTER of February 21, 1956 (21 F. R. 1172) and by a showing that a petition can be submitted for tolerances for ethylene oxide residues in copra before July 22, 1956.

One request is for extension to permit the use of piperonyl butoxide and pyrethrins as an insect spray on harvested tomatoes at canneries. A petition has been submitted requesting that these pesticide chemicals be exempted from the requirement of a tolerance when used for this purpose.

Extension is necessary for residues of ethylene oxide on copra and of piperonyl butoxide and pyrethrins on harvested tomatoes.

Now, therefore, in exercise of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 402 (a) (2), 408, 68 Stat. 511, 517 (Ch. 559, Secs. 2, 5); 21 U. S. C. 342 (a) (2) and note 1 under section 342; 346a) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), the following order is promulgated:

Section 3.44 *Pesticide chemicals; further extended dates on which statute shall become fully effective* (21 CFR, 1955 Edition, 3.44; as amended 21 F. R. 1463, 2327, 2591, 2861, 3218) is amended by inserting in paragraph (a) (6), after the item "Ethylene dichloride * * *" the item: "Ethylene oxide: In copra.", and by changing the explanatory state-

ments under the items "Piperonyl butoxide" and "Pyrethrins" to read: "On livestock as a fly spray; on stored raw agricultural commodities as follows: Almonds, beans, cocoa beans, copra, grain sorghum, peanuts, peas, walnuts; on harvested tomatoes."

(Sec. 701, 52 Stat. 1055. Interpret or apply secs. 402, 408, 68 Stat. 511, 517; 21 U. S. C. 342, 346a)

Dated: June 19, 1956.

[SEAL] GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F. R. Doc. 56-4992; Filed, June 25, 1956; 8:45 a. m.]

### Subchapter B—Food and Food Products

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF SODIUM O-PHENYLPHENATE

A petition was filed with the Food and Drug Administration requesting the establishment of tolerances for residues of sodium o-phenylphenate in or on apples and pears.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120; 21 F. R. 1172) are amended by changing § 120.129 to read as follows:

§ 120.129 *Tolerances for residues of sodium o-phenylphenate.* (a) A tolerance of 10 parts per million is established for residues of sodium o-phenylphenate, calculated as o-phenylphenol, in or on each of the following citrus fruits: Oranges, lemons, grapefruit, tangerines, limes, tangelos, citrus citron, kumquat.

(b) A tolerance of 5 parts per million is established for residues of sodium o-phenylphenate, calculated as o-phenylphenol, in or on apples and pears.

Any person who will be adversely affected by the foregoing order may at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: June 19, 1956.

[SEAL] GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F. R. Doc. 56-4991; Filed, June 25, 1956; 8:45 a. m.]

### Subchapter C—Drugs

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS—TESTS AND METHODS OF ASSAY

CRYSTALLINE PENICILLIN-STREPTOMYCIN-(OR DIHYDROSTREPTOMYCIN-) POLYMYXINOXYTETRACYCLINE-CARBOMYCIN POWDER VETERINARY

*Correction*

In F. R. Document 56-4861 appearing in the issue for Thursday, June 21, 1956, at page 4341, make the following change: In § 141a.90 (a) (3), line 9, the word "milligram" should read "milliliter".

## TITLE 24—HOUSING AND HOUSING CREDIT

### Chapter I—Federal Home Loan Bank Board

#### Subchapter A—General Regulations of the Federal Home Loan Bank Board

[No. 9715]

PART 109—RULES OF PRACTICE AND PROCEDURE; ADJUDICATIONS UNDER ADMINISTRATIVE PROCEDURE ACT

JUNE 21, 1956.

Resolved, that, pursuant to Part 108 of the general regulations of the Federal Home Loan Bank Board (24 CFR Part 108), the general regulations of the Federal Home Loan Bank Board (24 CFR Chap. I, Subchapter A) are hereby amended by adding a new Part 109 at the end thereof to read as follows:

Sec.
109.1 Scope of regulations.
109.2 Service, filing of papers, etc.
109.3 Notice of hearing.
109.4 Attendance at hearings.
109.5 Conduct of hearings.
109.6 Rules of evidence.
109.7 Transcript of testimony.
109.8 Proposed findings and conclusions and recommended decisions.
109.9 Exceptions; filing of briefs.
109.10 Decision of the board.

AUTHORITY: §§ 109.1 to 109.10 issued under sec. 17, 47 Stat. 1736, as amended; 12 U. S. C. 1437. Interpret or apply sec 8, 47 Stat. 727, as amended, sec. 5, 48 Stat. 132, as amended; sec. 407, 48 Stat. 1260, as amended; 12 U. S. C. 1730, 1426, 1464. Reorg. Plan No. 3 of 1947, 12 F. R. 4981, 3 CFR, 1947 Supp.

§ 109.1 *Scope of regulations.* The provisions of this part shall govern hearings to determine whether cause exists, under the provisions of section 6 (i) of the Federal Home Loan Bank Act, as amended (12 U. S. C. 1426 (i)), for the removal of any member of a Federal Home Loan Bank from membership or for depriving any nonmember borrower of the privilege of obtaining advances from a Federal Home Loan Bank; hearings under the provisions of section 5 (d) of the Home Owners' Loan Act of 1933, as amended (12 U. S. C. 1464 (d)), involving alleged violations of law or regulation by a Federal savings and loan association and upon the existence of grounds for the appointment of a conservator or receiver for a Federal savings and loan association; and hearings to determine whether cause exists for the termination of the insured status of any institution insured by the Federal Savings and Loan Insurance Corporation, as provided in section 407 of the National Housing Act, as amended (12 U. S. C. 1730).

§ 109.2 *Service, filing of papers, etc.*—(a) *Proof of service.* All documents or papers required to be served by the Board on the institution involved shall be served by the Secretary unless some other person shall be designated for such purpose by the Board. Such service, shall be made by personal service or by registered mail addressed to the last known address as shown on the records of the Board, on the attorney or representative of record of the institution involved, provided that if there is no attorney or representative of record, such service shall be made upon the institution involved at the last known address, as shown on the records of the Board. The term Secretary as used in this part shall mean the Secretary and any Assistant Secretary to the Board.

(b) *Filing of papers.* All material required to be filed with the Board or the Secretary to the Federal Home Loan Bank Board in any proceedings shall be filed with the Secretary, Federal Home Loan Bank Board, Washington 25, D. C. Any such papers may be sent to the Secretary by mail or express but must be received by the Secretary in the office of the Board in Washington, D. C., or be postmarked, within the time limited for the particular filing.

(c) *Form.* All papers filed under this part must include at the head thereof or on the title page, the name of the Board, the name of the institution against which such action is being brought, the number of the resolution giving notice of the hearing, and the subject matter of the particular paper. All such papers shall be typewritten, mimeographed, or printed, and must be signed in the case of the Board by Counsel for the Board or, in the case of the institution involved, by such institution, its duly authorized agent or attorney, and must show the address of the signer.

(d) *Copies.* Unless otherwise specifically provided in the notice of hearing, an original and 7 copies of all documents and papers required or permitted to be filed or served under this part, except the transcript of testimony and exhibits, shall be furnished to the Secretary.



(e) *Computing time.* In computing any period of time prescribed or allowed by this part, the date of the act, event or default from which the designated period of time begins to run is not to be included. The last day so computed is to be included, unless it is a Saturday, Sunday or legal holiday in the District of Columbia, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday nor legal holiday. Intermediate Saturdays, Sundays and legal holidays shall be included in the computation unless the time within which the act is to be performed is 10 days or less in which event Saturdays, Sundays and legal holidays shall not be included. Half holidays shall be considered as other days and not as holidays.

§ 109.3 *Notice of hearing.* Whenever a hearing is ordered by the Board in any proceedings a notice of hearing shall be given by the Secretary to the Board to the institution involved. Such notice shall designate the time and place of the hearing and the nature thereof, shall specify the charges, and shall be served by delivering the same personally or by registered mail to the home office of the institution involved, at its last known address as shown on the records of the Board. No hearing shall be held upon less than 30 days' notice except that hearings held pursuant to section 5 (d) of the Home Owners' Loan Act of 1933, as amended, may be held upon not less than 20 days' notice.

§ 109.4 *Attendance at hearings.* All hearings shall be private and shall be attended only by the institution involved and its representative or counsel, representatives and counsel of the Board, witnesses, and other persons having an official interest in the proceedings: *Provided, however,* That on the written request of the institution, or counsel for the Board, or on its own motion, the Board may permit other persons to attend any such hearing or may order the hearing to be public.

§ 109.5 *Conduct of hearings.* Each hearing shall be held before a Trial Examiner, one or more Members of the Board, or the Board (hereinafter referred to as Presiding Officer, which term shall be construed to include whichever of the three shall preside at a hearing hereunder, except as otherwise specified in the text), as determined by the Board. The Presiding Officer who shall be designated to conduct any hearing shall have complete charge of such hearing; have authority to permit the examination of witnesses, to receive evidence, rule upon the admission of evidence, allow and deny motions, except that in the case of any hearing which is held before a Presiding Officer other than the Board, such Presiding Officer shall not have power to decide any motion to dismiss the proceedings or other motion which results in final determination of the merits of the proceedings; and to adjourn such hearing from time to time and, as permitted by law or agreed to by the parties, from place to place. The Presiding Officer shall have power to administer oaths and affirmations and, to issue subpenas and subpenas duces tecum, as authorized by law, and shall issue such at the request of any interested party. The Presiding Officer may hold conferences before or during the hearing for the settlement or simplification of issues by consent of the parties. Without limitation on the foregoing the Presiding Officer shall, subject to the provisions of this part have all the authority of section 7 (B) of the Administrative Procedure Act.

§ 109.6 *Rules of evidence.* Any party to the hearing shall have the right to present his case or defense by oral and documentary evidence, to submit rebuttal evidence and conduct such cross-examination as may be required for a clear and true disclosure of the facts. Immaterial, irrelevant or unduly repetitious evidence shall be excluded. Objections to the admission or exclusion of evidence shall state the grounds of objection relied upon but no argument thereon shall be permitted, except as may be ordered or requested by the Presiding Officer. Rulings on such objections and all other matters shall be part of the transcript. Failure timely to object to the admission or exclusion of evidence or to any ruling shall be considered a waiver of such objection.

§ 109.7 *Transcript of testimony.* Hearings shall be recorded and transcripts will be made available to the institution involved upon payment therefor at the reasonable cost thereof and, in the event the hearing is public, or the Board shall so authorize, shall be furnished on similar payment to other persons. A copy of the transcript of the testimony taken at any hearing, duly certified by the Reporter, together with all exhibits and any briefs or memoranda of law theretofore filed in the cause shall be filed with the Secretary to the Board. The Secretary shall by registered mail notify the institution of such filing. The Presiding Officer shall have authority to rule upon motions to correct the record.

§ 109.8 *Proposed findings and conclusions and recommended decisions*—(a) *Proposed findings and conclusions by parties.* Each party to a hearing shall have a period of 15 days or such further time as the Presiding Officer for good cause shall determine, running from the date of the notice of the filing of the transcript to file with the Secretary, for submission to the Presiding Officer of proposed findings and conclusions, which may be accompanied by a brief or memorandum in support thereof. A copy of all such material shall be delivered by the Secretary to the Presiding Officer and to the other party to the proceedings, and all such proposals, briefs and memoranda shall become a part of the record.

(b) *Recommended decision and filing of record.* The presiding Officer, unless such Presiding Officer shall be the Board, shall, within 15 days after the expiration of the time allowed for the filing of proposed findings and conclusions or within such further time as the Board for good cause shall determine, file with the Secretary and certify to the Board for decision the entire record of the hearings, which shall include his findings and conclusions and his recommended decision, the transcript, exhibits (including on request of the parties concerned any exhibits excluded from evidence or tenders of proof), exceptions, rulings, and all briefs and memoranda filed in connection with the hearing.

§ 109.9 *Exceptions; filing of briefs.* Promptly upon the filing of the record the Secretary shall serve on the institution involved a notice of such filing together with a copy of the Presiding Officer's findings, conclusions and recommended decision. Each party shall have a period of 15 days from the date of such notice, or such further time as the Board for good cause shall determine, to file with the Secretary exceptions to the findings, conclusions, and recommended decision or any part thereof, or to the failure to make any finding, conclusion, or recommendation, or to the admission or exclusion of evidence, or other ruling of the Presiding Officer, supported by such brief as may appear advisable. A copy of any exceptions filed by counsel for the Board and of any brief filed by such counsel shall promptly be served upon the institution. A reply brief may be filed with the Secretary by counsel for the Board within ten days after the filing of the institution's brief, and a reply brief may be filed with the Secretary by the institution within ten days after the date of service by the Secretary upon the institution of a copy of the brief of counsel for the Board. Further briefs may be filed only with permission of the Board.

§ 109.10 *Decision of the Board.* A copy of the decision of the Board shall be furnished by the Secretary to the institution involved and if directed by the Board to any appropriate governmental supervisory authority.

Resolved further that, these amendments should be made effective as soon as possible, as any delay in action authorized by this part because of a later effective date will reduce the benefits to the parties affected thereby. All persons who may be affected by the issuance of this part have had a reasonable opportunity to prepare for the effective date thereof, or to take any other action which the issuance of this part may prompt. This proposed Part 109 was duly published February 4, 1956 (21 F. R. 813) and no persons have filed any written data or made oral arguments with respect thereto either within the time allotted or at any later date. There have been no substantial changes from the Proposed Rule published in 21 F. R. 813. In addition to the foregoing, this part is, essentially procedural in nature and is promulgated to carry into effect statutory amendments. Good cause is found, therefore, for issuing this Part 109, effective less than 30 days after publication in the FEDERAL REGISTER, as provided in section 4 of the Administrative Procedure Act (5 U. S. C. 1003).

These amendments shall be effective June 26, 1956.

By the Federal Home Loan Bank Board.

[SEAL] H. CAULSEN,
*Assistant Secretary.*

[F. R. Doc. 56-5032; Filed, June 25, 1956; 8:52 a. m.]

**Subchapter B—Federal Home Loan Bank System**

[No. 9716]

PART 123—MEMBERS OF BANKS

PROCEDURE FOR REMOVAL

JUNE 21, 1956.

Resolved that, pursuant to Part 108 of the general regulations of the Federal Home Loan Bank Board (24 CFR Part 108), § 123.32 of the regulations for the Federal Home Loan Bank System (24 CFR 123.32) is hereby amended to read as follows:

§ 123.32 *Procedure for removal*—(a) *Grounds for removal.* The grounds for the removal of a member from membership in a Federal Home Loan Bank or to deprive any nonmember borrower of the privilege of obtaining further advances from a Bank shall consist of any one or more of the following:

(1) The failure of the member or nonmember borrower to comply with any provision of the act.

(2) The failure of the member or nonmember borrower to comply with any regulation of the Board adopted pursuant to the act.

(3) The insolvency of the member or nonmember borrower. Any member which is a building and loan association, savings and loan association, cooperative bank or homestead association will be deemed insolvent if its assets are less than its obligations to creditors and others, including the holders of its withdrawable accounts.

(4) The management or home-financing policy of the member or nonmember borrower is of a character inconsistent with sound and economical home financing or with the purposes of the act.

(b) *Hearing.* In the event the Board is of the opinion that one or more of the grounds enumerated in paragraph (a) of this section exists for the removal of any member from membership or the depriving of any nonmember borrower of the privilege of obtaining further advances, the Board will give such member or nonmember borrower at least 30 days' written notice of its intention to terminate such membership or to deprive such nonmember borrower of the privilege of obtaining further advances, which notice shall state the grounds for such action and the time and place of a hearing at which the member or nonmember borrower may appear and be heard. Such notice shall be served upon the member or nonmember borrower in the manner provided by part 109 of this chapter. The hearing shall be conducted in accordance with the provisions of said part 109 of this chapter.

Resolved, further, that, these amendments should be made effective as soon as possible, as any delay in action authorized by this section because of a later effective date will reduce the benefits to the parties affected thereby. All persons who may be affected by the issuance of this section have had a reasonable opportunity to prepare for the effective date thereof, or to take any other action which the issuance of this amendment may prompt. This proposed section was duly published February 4, 1956 (21 F. R. 813) and no persons have filed any written data or made oral arguments with respect thereto either within the time allotted or at any later date. There have been no substantial changes from the Proposed Rule published in 21 F. R. 813. In addition to the foregoing, this amended section is, essentially procedural in nature and is promulgated to carry into effect statutory amendments. Good cause is found, therefore, for issuing this amended section effective less than 30 days after publication in the FEDERAL REGISTER, as provided in section 4 of the Administrative Procedure Act (5 U. S. C. 1003).

(Sec. 17, 47 Stat. 736, as amended; 12 U. S. C. 1437. Interprets and applies sec. 6, 47 Stat. 727, as amended; 12 U. S. C. 1426)

This amendment shall be effective June 26, 1956.

By the Federal Home Loan Bank Board.

[SEAL] H. CAULSEN,
*Assistant Secretary.*

[F. R. Doc. 56-5033; Filed, June 25, 1956; 8:52 a. m.]

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**Subchapter C—Federal Savings and Loan System**

[No. 9717]

PART 142—RULES AND REGULATIONS; HEARINGS

PART 147—APPOINTMENT OF CONSERVATOR, RECEIVER AND SUPERVISORY REPRESENTATIVE IN CHARGE

PART 148—POWERS OF CONSERVATOR AND CONDUCT OF CONSERVATORSHIP

PART 149—POWERS OF RECEIVER AND CONDUCT OF RECEIVERSHIP

PART 150—POWERS OF RECEIVER AND CONDUCT OF RECEIVERSHIPS

MISCELLANEOUS AMENDMENTS

JUNE 21, 1956.

Resolved that, pursuant to Part 108 of the general regulations of the Federal Home Loan Bank Board (24 CFR Part 108) and § 142.1 of the rules and regulations for the Federal Savings and Loan System (24 CFR 142.1), the rules and regulations for the Federal Savings and Loan System (24 CFR Chap. I, Subchapter C) are hereby amended as hereinafter set forth:

(1) Part 142 is hereby amended by adding at the end thereof a new § 142.3, reading as follows:

§ 142.3 *Hearings; compliance with law and regulations.* If, in the opinion of the Board, a Federal association is in violation of any law or regulation to which it is subject, the Board in any proceeding under the provisions of section 5 (d) (1) of the Home Owners' Loan Act of 1933, as amended, shall, by formal resolution, state the alleged violation of law or regulation and give written notice to such Federal association of the facts alleged to be such violation, addressed to its home office. Such notice shall contain a statement that it is a formal notice issued pursuant to this section. In the event the Federal association does not correct such violation of law or regulation or perform such legal duty as it may be required to perform within 30 days after the date it shall have been served with such notice, the Board shall give such Federal association 20 days' written notice of the charges against it and of the date on which the Board will conduct a hearing as to such alleged violation or failure to perform. Unless the Federal association consents to another place, the hearing shall be held in the Federal judicial district in which the home office of such association is located. Such hearing shall be conducted in accordance with the pertinent provisions of Part 109 of this chapter. The cost of any hearing pursuant to the provisions hereof, as determined by the Board, may be assessed against the Federal association party to such hearing unless it is found, that such Federal association was not guilty of any of the alleged violations of law, regulation or duty.

(Sec. 17, 47 Stat. 736, as amended; 12 U. S. C. 1437. Inteprets or applies sec. 5, 48 Stat. 132, as amended; 12 U. S. C. 1464)

(2) Parts 147, 148, 149 and 150 are hereby repealed and the following new Parts 147, 148 and 149 adopted in lieu thereof:

PART 147—APPOINTMENT OF CONSERVATORS, RECEIVERS AND SUPERVISORY REPRESENTATIVES IN CHARGE

Sec.

147.1 Grounds for appointment of receiver or conservator.
147.2 Appointment of Supervisory Representatives in Charge.
147.3 Possession by Supervisory Representative in Charge.
147.4 Surrender of possession by Supervisory (Representative in Charge.
147.5 Consent to appointment of conservator or receiver.
147.6 Appointment of conservator or receiver; hearings.
147.7 Possession by conservator or receiver.
147.8 Surrender of possession by conservator or receiver.
147.9 Cost of hearings.

AUTHORITY: §§ 147.1 to 147.9 issued under sec. 17, 47 Stat. 736, as amended; 12 U. S. C. 1437. Interpret or applies sec. 5, 48 Stat. 132, as amended; 12 U. S. C. 1464.

§ 147.1 *Grounds for appointment of receiver or conservator.* The grounds for the appointment of a conservator or receiver for a Federal association shall consist of the existence of any one or more of the following:

(a) Insolvency of the Federal association, in that its assets are less than its obligations to its creditors and others, including its members;

(b) Violation of law or of a regulation;

(c) The concealment of the books, records or assets of the Federal association or the refusal to submit its books, papers, records or affairs for inspection to any examiner or lawful agent appointed by the Board;

(d) Unsafe or unsound operation.

§ 147.2 *Appointment of Supervisory Representative in Charge.* In the event the Board is of the opinion that one or more grounds enumerated in § 147.1 exist for the appointment of a conservator or receiver for a Federal association



and determines that an emergency exists requiring immediate action, the Board may, by order, appoint, ex parte and without notice, a Supervisory Representative in Charge who shall forthwith, or at such time as may be fixed by the Board, take charge of said Federal association and its affairs, and such Supervisory Representative in Charge shall, to the extent authorized by the Board, have and exercise the same powers as a conservator or a receiver. The formal resolution of the Board so appointing any such Supervisory Representative in Charge shall state the ground or grounds which, in the opinion of the Board, exist for the appointment of a conservator or receiver and the reason or reasons which the Board determines exist requiring such immediate action. The Secretary to the Board shall mail a certified copy of such resolution to the address of the association as it shall appear on the records of the Board and to each director of the association known by the Secretary to be such, at the last address of each as the same shall appear on the records of the Board. Unless sooner removed by the Board, such Supervisory Representative in Charge shall hold office until a conservator or receiver appointed by the Board takes charge of such Federal association and its affairs, or for six months, or until thirty days after the termination of an administrative hearing and final proceedings as provided in paragraph 2 of subsection (d) of section 5 of the Home Owners' Loan Act of 1933, as amended (12 U. S. C. 1464 (d) and Supp.), or until sixty days after the final termination of any litigation affecting such temporary appointment, whichever is longest. Upon the expiration of a period of six months from the date of the appointment by the Board of a Supervisory Representative in Charge for a Federal association, the Board will restore such Federal association to its management unless, prior to the expiration of such period, the Supervisory Representative in Charge shall have been discharged, the Board shall have adopted a formal resolution providing for an administrative hearing upon the appointment of a conservator or receiver for such Federal association, or there is pending litigation affecting the appointment of the Supervisory Representative in Charge.

§ 147.3 *Possession by Supervisory Representative in Charge.* A Supervisory Representative in Charge shall forthwith upon appointment as such for a Federal association, or at such time as may be fixed by the Board, take possession of such association and, at the time he shall demand possession, shall serve a certified copy of the resolution of the Board appointing him as Supervisory Representative in Charge upon the officer or employee of the association, if any, who shall be in the home office of the association and appear to be in charge of such office. Immediately upon taking possession of such Federal association the Supervisory Representative in Charge shall succeed to all the rights, powers and privileges of the members of the Federal association, its officers and directors, or any of them. Such members, officers and directors shall not thereafter, except as hereinafter expressly provided, have or exercise any such rights, powers or privileges, or act in connection with any assets or property of any nature of the association: *Provided, however,* That the board of directors of such association, as such, or any member of such association, shall have the right to appear and be heard at any administrative hearing fixed by the Board for a determination upon the question of whether or not a conservator or receiver should be appointed for such Federal association, and the officers, directors, or the members of the Federal association, or any of them, may, from time to time, communicate with the Board with respect to the discharge of such Supervisory Representative in Charge and the release of the association from his control: *Provided further,* That the members of the association or the board of directors thereof, may by resolution consent to the appointment of a conservator or receiver for such association. The Board may, at any time, direct the Supervisory Representative in Charge to return the Federal association to its management; may provide for a meeting or meetings of the members for any purpose, including, without any limitation on the generality of the foregoing, an increase in the number of directors, the election of additional directors or an entire new board, and may provide for a meeting or meetings of the directors for any purpose, including, without any limitation on the generality of the foregoing, the filling of vacancies on the board of directors, the election of new officers, or both. Any such meeting of members or of directors may, as provided by the Board, be supervised or conducted by a representative of the Board. Such Supervisory Representative in Charge shall furnish bond in form and amount and with surety acceptable to the Director. The expenses incurred by a Supervisory Representative in Charge during the period that he continues in charge of any Federal association, including the cost of his bond and charges for his services, as determined by the Director, shall be paid out of the assets of the Federal association. In addition, all expenses incurred by the Board arising out of the appointment and affecting such appointment shall be paid by the association to the Board. The term "Director", when used in this Part, shall mean the Director and any Associate or Assistant Director of the Division of Supervision of the Board and the term Secretary to the Board shall also mean any Assistant Secretary to the Board.

§ 147.4 *Surrender of possession by Supervisory Representative in Charge*—(a) *To the association.* In the event the Board shall restore a Federal association which is in the hands of a Supervisory Representative in Charge to its management, such action, except as the Board may otherwise provide, shall restore the rights, powers and privileges of its members, officers and directors, all as of the time specified by the Board.

(b) *To a conservator or receiver.* In the event a Supervisory Representative in Charge is in charge of a Federal association and its affairs at the time of the appointment of a conservator or receiver for such association, such Supervisory Representative in Charge shall, as may be required by the Board, surrender his control and management of such association and its affairs to such conservator or receiver.

(c) *Reports, final report and discharge.* A Supervisory Representative in Charge shall make such reports to the Board as the Board may require and at the time he shall surrender possession of a Federal association of which he has been placed in charge, shall make such final report and accounting to the Board as the Board shall require. The Board may at any time require an examination or audit, or both, of the affairs of a Federal association under the control of a Supervisory Representative in Charge. Upon a determination by the Board that a final accounting to a Supervisory Representative in Charge is satisfactory, the Board will grant to such Supervisory Representative in Charge, a complete and final release and discharge.

§ 147.5 *Consent to appointment of conservator or receiver.* In the event the board of directors or members of any Federal association, by appropriate resolution, consent to the appointment of a conservator or receiver for such association, the Board may, in its discretion, appoint such conservator or receiver.

§ 147.6 *Appointment of conservator or receiver; hearings.* In the event the Board is of the opinion that any of the grounds specified in § 147.1 exist for the appointment of a conservator or receiver for a Federal association, the Board will, by formal resolution, state the ground or grounds which, in its opinion, are cause for the appointment of a conservator or receiver for such Federal association and provide therein an opportunity for an administrative hearing upon the matter at which the Federal association may appear and show cause why such conservator or receiver should not be appointed. Such resolution shall state the time and place of such hearing, which hearing shall be held in the Federal judicial district in which the home office of the Federal association is located, unless such association consents to another place. Any such hearing shall be subject to review as provided in the Administrative Procedure Act, and any review by a court shall be upon the weight of the evidence. Notice of opportunity to appear and be heard at such administrative hearing shall be given to the Federal association by the Secretary to the Federal Home Loan Bank Board who shall forthwith, upon the action of the Board providing for such hearing, mail an authenticated copy of the formal resolution of the Board, by registered mail, to the last address of the Federal association as it shall appear on the records of the Board and to each director of the association known by the Secretary to be such, at the last known address of each, as the same shall appear on the records of the Board. The board of directors of the Federal association, whether such association is in charge of

a Supervisory Representative in Charge or otherwise, may, by the adoption of a resolution and the filing of a certified copy thereof with the Board within fifteen days after the mailing of notice of hearing, demand a more definite statement of the ground or grounds stated in the resolution for the appointment of a conservator or a receiver of the Federal Home Loan Bank Board. Any interested party may, at any time prior to the date fixed for the hearing, submit for consideration facts, arguments, offers of settlement and proposals of adjustment. In the event the Federal association does not appear at the administrative hearing and show cause why a conservator or receiver should not be appointed, the Board may forthwith appoint a conservator or receiver for such Federal association. In the event the Federal association shall appear at such administrative hearing, such hearing shall be held in the manner provided in Part 109 of this chapter and in accordance with the Administrative Procedure Act, as in force and effect at the time such hearing is held. In the event the final decision of the Board shall be that a conservator or receiver should be appointed, the action of the Board in appointing such conservator or receiver shall provide that such conservator or receiver shall take possession of the association immediately or at such time as may be fixed by the Board. A copy of such final decision of the Board shall be furnished by the Secretary to the Federal Home Loan Bank Board to each party appearing at the hearing, either in person or by registered mail, addressed to such interested party at his last address as the same shall appear on the records of the Board. Notice of appointment of a receiver or conservator shall forthwith be filed for publication in the FEDERAL REGISTER. The appointment of a receiver shall be for the purpose of liquidation.

§ 147.7 *Possession by conservator or receiver.* A conservator or receiver shall take possession of the Federal association for which he has been so appointed in accordance with the terms of such appointment and, at the time he shall demand possession, notify the officer or employee of the association, if any, who shall be in the home office of the association and appears to be in charge of such office, of the action of the Board. Immediately upon taking possession of such Federal association, such conservator or receiver shall forthwith take possession of the books, records and assets of every description of such association and (a) a conservator shall succeed to all the rights, powers and privileges of its members, its officers and directors, or any of them, and (b) a receiver, by operation of law and without any conveyance and other instrument, act or deed shall succeed to all the rights, titles, powers and privileges of the Federal association and shall succeed to the rights, powers and privileges of its members, its officers and directors, or any of them. Such members, officers or directors, or any of them, shall not thereafter, except as hereinafter expressly provided, have or exercise any such rights, powers or privileges, or act in connection with any assets or property of any nature of the association: *Provided, however,* That any officer, director or member of such association shall have the right from time to time to communicate with the Board with respect to such conservatorship or receivership. Such conservator or receiver shall furnish bond in form and amount and with surety acceptable to the Director. The Board may, at any time, direct the conservator or receiver to return the Federal association to its previous or a newly constituted management; may provide for a meeting or meetings of the members for any purpose, including, without any limitation on the generality of the foregoing, the election of directors or an increase in the number of directors, or both or the election of an entire new board; and may provide for a meeting or meetings of the directors for any purpose, including, without any limitation on the generality of the foregoing, the filling of vacancies on the board of directors, the removal of officers, and the election of new officers, or for any of such purposes. Any such meeting of members or of directors may, as provided by the Board, be supervised or conducted by a representative of the Board.

§ 147.8 *Surrender of possession by conservator or receiver.* (a) *To the association.* In the event the Board shall restore a Federal association which is in the hands of a conservator or receiver to its management, such action except as the Board may otherwise provide, shall restore the rights, powers and privileges of its members, officers and directors, all as of the time specified by the Board. The return of a Federal association to its management from the possession of a receiver shall, by operation of law and without any conveyance or other instrument, act, or deed, revest in such Federal association the title to all its property.

(b) *To a receiver.* In the event a conservator is in possession of a Federal association and its affairs at the time of appointment of a receiver for such association, such conservator shall, as may be required by the Board, surrender possession of such association and its affairs to such receiver.

§ 147.9 *Costs of hearings.* Costs, as determined by the Board, of hearings held pursuant to § 147.6 may be assessed against the Federal association party to such hearing unless it is found, upon such hearing, that grounds did not exist for the appointment of a conservator or receiver.

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PART 148—POWERS OF CONSERVATOR AND CONDUCT OF CONSERVATORSHIPS

Sec.
148.1 Procedure upon taking possession.
148.2 Powers and duties of Conservator.
148.3 Creditors.
148.4 Share interests.
148.5 Examinations, inventories, reports, costs and expenses.
148.6 Final discharge and release of conservator.
148.7 Inspection of reports.
148.8 Delegation by conservator.

AUTHORITY: § 148.1 to 148.8 issued under sec. 1, 47 Stat. 736, as amended; 12 U. S. C. 1437. Interprets or applies sec. 5, 48 Stat. 132, as amended; 12 U. S. C. 1464.

§ 148.1 *Procedure upon taking possession.* Upon taking possession, pursuant to § 147.7 of this subchapter, of such Federal association, the conservator shall forthwith:

(a) Notify, by written notice served personally or by registered mail or telegraph, all banks, trust companies and all other individuals, partnerships, corporations, and associations known to such conservator to be holding or in possession of any assets of such association,

(b) File with the Secretary to the Board a statement (1) that he has taken possession, pursuant to § 147.7 of this subchapter, of such Federal association and (2) of the time of such taking of possession; and such statement shall be conclusive evidence of such taking of possession and of the time of such taking of possession, and

(c) In the event one of the grounds for the appointment of the conservator is that set forth in § 147.1 (1) of this subchapter, post a notice in substantially the following form on the door of the home office of such association:

---------- Federal Savings and Loan Association ----------, ----------, ----------, is in the possession and charge of the undersigned as conservator under appointment by the Federal Home Loan Bank Board.

----------
(Conservator)

----------
(Date)

§ 148.2 *Powers and duties of conservator.* The conservator, subject to the direction and supervision of the Director, shall, after taking possession, pursuant to § 147.7 of this subchapter, take such action as may be necessary to conserve the assets of the association pending further disposition of its affairs. The term "Director", when used in this part shall mean the Director and any Associate or Assistant Director of the Division of Supervision of the Board. The conservator shall forthwith in his name, in the name of the association, in the name of both, or otherwise, collect all obligations and money due the association, and in his name, in the name of the association, in the name of both, or otherwise:

(a) May do all things desirable or expedient in his discretion to carry on the business of the association to an extent consistent with his appointment and to preserve and conserve the assets and property of every nature of such association, but shall not declare, credit, pay or distribute dividends on its savings accounts except with the approval of the Board or of the Director;

(b) May exercise all the rights and powers of such association, including, without any limitation on the generality of the foregoing, any rights and powers under any mortgage, deed of trust, chose in action, option, collateral note, contract, judgment or decree, share or certificate of share of stock, or instrument of any nature;

(c) May, with the approval of the Board or of the Director, pay off and discharge any taxes, assessments, liens, claims, or charges of any nature against the association or the conservator or any assets or property of any nature of such association;

(d) May pay out and expend such sums as he shall deem necessary or advisable:

(1) For or in connection with the preservation, maintenance, conservation or protection of any asset or property of such association, or

(2) With the approval of the Board or the Director, for or in connection with the remodeling, repair, rehabilitation or improvement not necessary for such preservation, maintenance, conservation or protection of any asset or property of such association;

(e) May, with the approval of the Board or the Director,

(1) Pay out and expend such sums as he shall deem necessary or advisable for or in connection with the preservation, maintenance, conservation or protection of, or

(2) Pay off and discharge any taxes, assessments, liens, claims or charges of any nature against, any asset or property of any nature on which the association or conservator has a lien by way of mortgage, deed of trust, pledge or otherwise, or in which the association or conservator has an interest of value of any nature;

(f) May, under the direction and supervision of the General Counsel of the Board, institute, prosecute, maintain, defend, intervene, and otherwise participate in any and all actions, suits or other legal proceedings by and against the conservator or association or in which the conservator, the association, or its creditors or members, or any of them, shall have an interest, and in every way to represent such association, its members and creditors:

(g) (1) May, with the approval of the Director, employ such assistants and employees as he may deem necessary for the proper administration of the conservatorship, and shall by bond cover all such assistants and employees in form satisfactory to such conservator and to the said Director, the cost of the same and the cost of the conservator's bond to be paid out of the assets of the association in the possession of the conservator; and

(2) Shall employ any attorney or attorneys designated by the General Counsel of the Board, in connection with litigation or otherwise to give legal advice and assistance, for the conservatorship generally or in particular instances, and pay retainers and compensation of such attorney or attorneys, together with all expenses, including, but not limited to, the costs and expenses of any litigation, as approved by said General Counsel, out of the assets of the association;

(h) May execute, acknowledge, and deliver any and all deeds, contracts, leases, assignments, bills of sale, releases, extensions, satisfactions, and other instruments necessary or proper for any purposes, including, without limitation on the generality of the foregoing, the effectuation or termination of any sale, lease or transfer of real, personal or mixed property. Any deed or other instrument executed pursuant to the authority hereby given shall be as valid and effectual for all purposes as if the same had been executed, as the act and deed of the association or otherwise, by the officers of such association by authority of its board of directors;

(i) The conservator shall close such bank accounts and open such additional bank accounts for the association as he shall deem advisable subject to the approval of the Director, but no account shall be retained or opened in a bank which is not insured by the Federal Deposit Insurance Corporation or in any Federal Home Loan Bank except with the approval of the Board.

(j) (1) May, with the approval of the Board or the Director, sell for cash any mortgage, deed of trust, chose in action, bond, note, contract, judgment or decree, or share or certificate of share of stock or debt, owing to such association, at not less than the actual amount owing the association thereon or the face or par value thereof, and

(2) May, with the approval of the Board, or on terms and conditions approved by the Board, sell for cash or on terms, or exchange or otherwise dispose of, at less than the amount owing the association thereon or the face or par value thereof, in whole or in part, any mortgage, deed of trust, chose in action, bond, note, contract, judgment or decree, share or certificate of share of stock or debt, owing to such association;

(k) (1) May lease on a month to month basis, or for a term of not to exceed one year, and

(2) May, with the approval of the Board, or on terms and conditions approved by the Board, sell for cash or on terms, lease for a period of more than one year, exchange or otherwise dispose of, in whole or in part, any or all of the assets and property of the association, real, personal, and mixed, tangible and intangible, of any nature;

(l) May, with the approval of the Board or the Director, or on terms and conditions approved by the Board or the Director, surrender, abandon, and release any choses in action, or other assets or property of any nature, whether the subject of pending litigation or not, and reject or repudiate any lease or contract which he considers burdensome;

(m) May, with the approval of the Board, or on terms and conditions approved by the Board, settle, compromise, or obtain the release of, for cash or other considerations, claims and demands against such association or the conservator;

(n) May, with the approval of the Board, or on terms and conditions approved by the Board, settle, compromise, or release, for cash or other considerations, claims and demands in favor of the association or the conservator;

(o) May, with the approval of the Board or the Director, borrow money in any amount and from any source and in any manner, and execute, acknowledge and deliver notes, certificates, and other evidence of indebtedness therefor and secure the repayment thereof by the mortgage, pledge, assignment in trust or hypothecation of any or all of the property, whether real, personal, or mixed, of such association, and such borrowing may be for any purpose, including, without any limitation on the generality of the foregoing, protecting or preserving the assets in his possession, declaring and paying dividends to members and creditors, providing for the expense of administration, or aiding in the reopening or reorganization of such association;

(p) May pay out of the assets of the conservatorship all costs and expenses of the conservatorship and all costs of carrying out or exercising his rights, powers, privileges and duties as conservator, all as determined by him, except as otherwise provided herein; and

(q) May do such things, and have such rights, powers, privileges, immunities, and duties, whether or not otherwise granted in these rules and regulations, as shall be authorized, directed, conferred, or imposed from time to time in specific cases by order of the Board or by amendment of these rules and regulations.

For the purposes of this section, assets and property, without limitation on the generality thereof and including any mortgage, deed of trust, chose in action, bond, note, contract, judgment or decree, share or certificate of share of stock, or debt of the association, shall include any such asset or property of the conservator.

§ 148.3 *Creditors.* The conservator may, after certification by the conservator to the Board that the assets of the association will be sufficient to meet all creditor obligations and that the condition of the association justifies, out of the assets in his possession,

(a) With the approval of the Director, make disbursements which the association was obligated to make on loan commitments and other valid contracts,

(b) With the approval of the Director, pay salaries due officers or employees of the association, permit the payment of outstanding checks given in connection with valid creditor obligations, and pay valid creditor obligations, or, in the absence of such certification or approval, may, out of the assets of the association in his possession, pay creditor obligations and make disbursements which the association was obligated to make on loan commitments, to the extent determined by the Director to be compatible with the condition of the association and the proper conduct of its affairs.

§ 148.4 *Share interests.* The conservator shall not accept any payments on or purchases, or make any repurchases, of share accounts, unless the Board shall otherwise direct by order, which order, or orders, shall be posted in a conspicuous place in the principal office of the conservator for conducting the affairs of the association, and such payments or purchases shall be accepted, or such repurchases made, only to the extent and in the manner, and with segregation to the extent, that the same, if any, may be directed in such order or orders.

§ 148.5 *Examination, inventories, reports, costs and expenses.*—(a) *Inventory.* As soon as practicable after taking possession, the conservator shall

make an inventory of the assets of such association as of the date of such taking possession, showing the value as carried on the books of the association, and the security therefor, if any, in whatever form the same shall exist, with a brief description of each such asset and such security. Such assets may be listed in such groups or classes as shall, to the satisfaction of the Director, afford full information as to their character and book value, and the inventory shall include a record of the creditor and share liabilities of the association. Two copies of such inventory shall promptly be filed with the Secretary to the Board, one copy with the Director, and one copy shall during the conservatorship be retained in the principal office of the association.

(b) *Examinations and audits.* Each Federal association for which a conservator has been appointed may be examined and/or audited (with appraisals when deemed advisable by the Board) by the Division of Examinations of the Board as directed by the Board. The cost, as determined by the Board, of examinations including office analysis thereof, audits, and any appraisals made in connection therewith, shall be paid from the assets of the association unless otherwise ordered by the Board.

(c) *Forms and reports.* The conservator shall follow such accounting practices as may, from time to time, be prescribed by the Director. The conservator shall make such reports as may be required by the Board or the Director.

§ 148.6 *Final discharge and release of conservator—(a) Final report.* At such time as the conservator be relieved of his duties, the conservator shall file with the Board a detailed report in form satisfactory to the Board.

(b) *Final discharge.* Unless otherwise directed by the Board, upon the completion of the duties of the conservator or at such time as the conservator shall be otherwise relieved of his duties, an examination and audit may be directed by the Board in connection with the report of the conservator hereinbefore required. The accounts of the conservator shall be approved or disapproved by the Board, and, if approved, the conservator shall thereupon be given a complete and final release.

§ 148.7 *Inspection of reports.* All inventories, statements and reports of the conservator shall be in at least four copies unless otherwise directed by the Board or the Director. Two copies shall be filed with the Secretary to the Board, one copy with the Director, and each of the inventories, statements, and reports shall constitute permanent records of each conservatorship open for inspection at such times and on such conditions as may be from time to time directed by the Board or, in the absence of such directions, whenever the office of the Secretary to the Board shall be open for business.

§ 148.8 *Delegation by conservator.* The conservator may delegate to such persons as he may designate any or all of the powers and authorities vested in the conservator by or under §§ 148.2, 148.3 and 148.4.

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## PART 149—POWERS OF RECEIVER AND CONDUCT OF RECEIVERSHIPS

Sec.


149.1 Procedure upon taking possession.
149.2 Disposition.
149.3 Powers and duties of receiver.
149.4 Creditor claims.
149.5 Share interest claims.
149.6 Inventories, examinations, and reports.
149.7 Final discharge and release of receiver.
149.8 Inspection of reports.


AUTHORITY: §§ 149.1 to 149.8 issued under sec. 17, 47 Stat. 736, as amended; 12 U. S. C. 1437. Interprets or applies sec. 5, 48 Stat. 132, as amended; 12 U. S. C. 1464.

§ 149.1 *Procedure upon taking possession.* Upon taking possession, pursuant to § 147.7 of this subchapter, the receiver shall forthwith:

(a) Post a notice in substantially the following form on the door of the home office of such association:

---------- Federal Savings and Loan Association ----------, ----------, ----------, is in the hands of the Federal Savings and Loan Insurance Corporation as receiver under appointment by the Federal Home Loan Bank Board.

FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION AS RECEIVER,

By ----------
(Title)

----------
(Date)

(b) Notify, by written notice served personally or by registered mail or telegraph, all banks, trust companies, and all other individuals, partnerships, corporations and associations known to it to be holding or in possession of any assets of such associations; and

(c) File with the Secretary to the Board a statement (1) that it has taken possession, pursuant to § 147.7 of this subchapter, of such Federal association, and (2) of the posting and time of posting of the notice pursuant to the provisions of paragraph (a) of this section, together with a copy of such notice; and such statement shall be conclusive evidence of the posting and time of posting of such notice. Notice of appointment of a receiver or conservator shall forthwith be filed for publication in the FEDERAL REGISTER.

§ 149.2 *Disposition.* Unless the Board shall otherwise order, the receiver shall, within 20 days of its appointment, recommend to the Board a plan for the reorganization, consolidation, merger, liquidation or other disposition of the association. Such recommended plan may provide that the receiver as such may (a) take over the assets of and operate the association, (b) take such action as may be necessary to put it in a sound and solvent condition, (c) merge it with another insured institution, (d) organize a new Federal savings and loan association to take over its assets, or (e) proceed to liquidate its assets in an orderly manner. The Board shall thereupon adopt a plan which may provide for the reorganization, consolidation, merger, liquidation or other disposition of the association, which plan, including any amendments thereto and substitutions therefor ordered at any time by the Board, shall be carried into effect by the receiver. The facilities of the Board may be availed of in carrying out the plan.

§ 149.3 *Powers and duties of receiver.* The receiver, after posting notice pursuant to § 149.1, shall, in its name, in the name of the association, in the name of both, or otherwise, collect all obligations and money due such association, and may, in its name, in the name of the association, in the name of both, or otherwise:

(a) Do all things desirable or expedient in its discretion to carry on the business of such association to an extent consistent with its appointment and to preserve and conserve the assets and property of every nature of such association, but shall not declare, credit, pay or distribute dividends on its savings accounts except with the approval of the Board or of the Director;

(b) Exercise all the rights and powers of such association, including, without any limitation on the generality of the foregoing, any rights and powers under any mortgage, deed of trust, chose in action, option, collateral note, contract, judgment or decree, share or certificate of share of stock, or instrument of any nature;

(c) Pay off and discharge any taxes, assessments, liens, claims, or charges of any nature against the association or the receiver or any asset or property of any nature of such association;

(d) Pay out and expend such sums as it shall deem necessary or advisable for or in connection with the preservation, maintenance, conservation, protection, remodeling, repair, rehabilitation, or improvement of any asset or property of any nature of such association;

(e) Pay out and expend such sums as it shall deem necessary or advisable for or in connection with the preservation, maintenance, conservation, or protection of, or pay off and discharge any taxes, assessments, liens, claims, or charges of any nature against, any asset or property of any nature on which the association or the receiver has a lien by way of mortgage, deed of trust, pledge or otherwise, or in which the association or receiver has an interest of value of any nature;

(f) Institute, prosecute, maintain, defend, intervene, and otherwise participate in any and all actions, suits, or other legal proceedings by and against the receiver or association or in which the receiver, the association, or its creditors or members, or any of them, shall have an interest, and in every way to represent such association, its members and creditors;

(g) Employ any attorney or attorneys designated by, or acceptable to, the General Counsel of the Federal Home Loan Bank Board in connection with litigation or otherwise to give legal advice and assistance, for the receivership generally or in particular instances, and pay retainers and compensation of such attorney or attorneys, together with all expenses, including, but not limited to, the costs and expenses of any litigation, as approved by said General Counsel, out of the assets of the association;

(h) Execute, acknowledge, and deliver any and all deeds, contracts, leases, assignments, bills of sale, releases, extensions, satisfactions, and other instruments necessary or proper for any purposes, including, without any limitation on the generality of the foregoing, the effectuation or termination of any sale, lease or transfer of real, personal or mixed property, or that shall be necessary or proper to liquidate or carry on the business of such association. Any deed or other instrument executed pursuant to the authority hereby given shall be as valid and effectual for all purposes as if the same had been executed as the act and deed of the association or otherwise, by the officers of such association by authority of its board of directors;

(i) Deposit the moneys and funds in any bank or banks insured by the Federal Deposit Insurance Corporation or in any Federal Home Loan Bank, or any other banks or other depositories approved for such purposes by the Board. All depository bank accounts of the receiver shall be carried as follows: "Federal Savings and Loan Insurance Corporation, Receiver for ---------- Association."

(j) Sell for cash or on terms, exchange, or otherwise dispose of, in whole or in part, any mortgage, deed of trust, chose in action, bond, note, contract, judgment or decree, share or certificate of share of stock or debt, owing to such association;

(k) Sell for cash or on terms, exchange or otherwise dispose of, in whole or in part, any or all of the assets and property of the association, real, personal, and mixed, tangible and intangible, of any nature;

(l) Surrender, abandon, and release any choses in action, or other assets or property of any nature, whether the subject of pending litigation or not, and reject or repudiate any lease or contract which it considers burdensome;

(m) Settle, compromise, or obtain the release of, for cash or other considerations, claims and demands against such association or the receiver;

(n) Settle, compromise, or release, for cash or other considerations, claims and demands in favor of the association or the receiver;

(o) With the approval of the Board and on terms and conditions approved by the Board, borrow money in any amount and from any source and in any manner, and execute, acknowledge and deliver notes, certificates, and other evidence of indebtedness therefor and secure the repayment thereof by the mortgage, pledge, assignment in trust or hypothecation of any or all of the property, whether real, personal, or mixed, of such association, and such borrowing may be for any purpose, including, without any limitation on the generality of the foregoing, facilitating liquidation, carrying on the business of such association, protecting or preserving the assets in its possession, declaring and paying dividends to members and creditors, providing for the expense of administration and liquidation, or aiding in the reopening or reorganization of such association;

(p) Pay out of the assets of the receivership all costs and expenses of the receivership and all costs of carrying out or exercising its rights, powers, privileges and duties as receiver, all as determined by it, except as otherwise provided in this section; and

(q) Do such things, and have such rights, powers, privileges, immunities, and duties, whether or not otherwise granted in the rules and regulations in this chapter, as shall be authorized, directed, conferred, or imposed from time to time in specific cases by order of the Board, or by amendment of the rules and regulations in this chapter. For the purposes of this section, assets and property, without limitation on the generality thereof and including any mortgage, deed of trust, chose in action, bond, note, contract, judgment or decree, share or certificate of share of stock, or debt of the association, shall include any such asset or property of the receiver.

§ 149.4 *Creditor claims.* (a) In the event the Board shall adopt a plan providing for the liquidation of the association, as provided in § 149.2, the receiver shall promptly publish, in a newspaper printed in the English language and of general circulation in the city or county in which the home office of such Federal association is located, a notice to all creditors of such Federal association to present their claims with proof thereof to such receiver on or before a date specified in such notice. The date specified in such notice shall be at least 90 days after the date of the first publication of such notice (Sundays and holidays included). Such notice shall be similarly published on dates approximately one month and two months respectively after the date of such first publication. Claims not filed within such period shall be disallowed, except as they may thereafter be approved by the Board for payment in whole or in part out of the assets of said Federal association remaining undistributed at the time of such approval. The receiver shall mail a similar notice to any creditor, shown to be such on the books of the association, at the last address of such creditor as the same shall appear on such books.

(b) Any claim proved to the satisfaction of the receiver shall be allowed by the receiver except as provided in paragraph (a) of this section. The receiver may disallow in whole or in part or reject in whole or in part any creditor claim or claim of security, preference or priority not proved to its satisfaction, and notice of such disallowance or rejection together with the reason therefor shall be served by the receiver upon the claimant. The mailing of notice of such disallowance or rejection to the last known address of any claimant appearing on the books or the proof of claim shall be deemed sufficient for the purposes hereof. Unless such claimant shall within 30 days after the mailing of such notice (Sundays and holidays included) file with the Board written request for payment regardless of such disallowance or rejection by the receiver, such disallowance or rejection shall be final except as the Board may otherwise determine in its discretion.

(c) Upon the expiration of the time fixed for the presentation of creditor claims by the notice provided for in paragraph (a) of this section, the receiver shall cause to be filed with the Board a full and complete list of such claims presented. Such list shall indicate the character of each claim therein listed and whether or not allowed by the receiver. At such other date or dates as may be ordered by the Board or determined by the receiver, a list of claims presented before such date shall be filed with the Board.

(d) Allowed creditor claims, and creditor claims approved for payment by the Board regardless of disallowance or non-allowance by the receiver, shall be paid by the receiver, from time to time, to the extent that funds are available, in such manner and amount as may be directed by the Board.

§ 149.5 *Share interest claims.* (a) In the event the Board shall adopt a plan providing for the liquidation of the association, as provided in § 149.2, the receiver shall, within six months from the date of the adoption of such plan, publish, in a newspaper printed in the English language and of general circulation in the city or county in which the home office of such Federal association is located, a notice to all shareholders of such Federal association to present their sworn proofs of claim of ownership thereof to such receiver on or before a date specified in such notice. The date specified in such notice shall be 3 years after the date of the appointment of the receiver. Such notice shall urge that claims of ownership be presented promptly and shall be similarly published on dates approximately 1 year and 2 years respectively after the date of such first publication. Claims of ownership not filed within the period stated in the notice shall be disallowed, except as they may thereafter be approved by the Board for payment in whole or in part out of the assets of said Federal association remaining undistributed at the time of such approval. The receiver shall mail a similar notice to any shareholder, shown to be such on the books of the association in the possession of the receiver, at the last address of such shareholder as the same shall appear on such books: *Provided, however,* That such notice need not be mailed to the holder of a share account that has been surrendered and transferred to, or is in the process of being surrendered and transferred to, the Federal Savings and Loan Insurance Corporation. At the time of the declaration of the first liquidating dividend, the receiver shall credit to a special reserve the proportionate shares of such liquidating dividend otherwise payable to the holders of unclaimed share accounts shown on the books of the association which appear to be outstanding and valid, and similar credits shall from time to time be made for any subsequent liquidating dividends as the same may be declared before the date specified in the notice provided for in this paragraph. The final liquidating divi-

dend to shareholders whose claims of ownership have been allowed may include any sums held in such accounts or any portion thereof, but such dividend shall in no event be paid before the date specified in the notice provided in this paragraph.

(b) Any share ownership proved to the satisfaction of the receiver shall be allowed by the receiver. The receiver may disallow in whole or in part any claim of share interest not proved to its satisfaction, and notice of such disallowance together with reason therefor shall be served by the receiver upon the claimant. The mailing of notice of such disallowance to the last known address of any claimant appearing on the books or proof of claim shall be deemed sufficient for the purposes hereof. Unless such claimant shall file with the Board written request for payment regardless of such disallowance or rejection by the receiver within 30 days after the mailing of such notice (Sundays and holidays included), such disallowance or rejection shall be final except as the Board shall otherwise determine in its discretion.

(c) Upon the expiration of the time fixed for the presentation of claims of share interest by the notice provided for in paragraph (a) of this section, the receiver shall cause to be filed with the Board a full and complete list of such claims presented. Such list shall indicate the character of each claim therein listed and whether or not allowed by the receiver. At such other date or dates as may be ordered by the Board or determined by the receiver, a list of claims presented before such date shall be filed with the Board.

(d) Upon the payment of insurance to the holder of a share interest, the transfer to the Federal Savings and Loan Insurance Corporation of the insured account, and the subrogation of the Federal Savings and Loan Insurance Corporation with respect to such insured account to the extent provided by law, shall be noted on the books of the receivership.

(e) Allowed claims of share interest to which the Federal Savings and Loan Insurance Corporation has become subrogated; uninsured claims of share interest allowed by the receiver, and claims of share interest approved for payment by the Board regardless of disallowance or nonallowance by the receiver, shall be paid by the receiver in liquidating dividends declared from time to time by the Board, to the extent that funds are available, in such manner and amounts as may be directed by the Board.

§ 149.6 *Inventories, examination, and reports*—(a) *Inventory.* As soon as practicable after taking possession, the receiver shall make an inventory of the assets of such association as of the date of such taking possession, showing the value as carried on the books of the association, and the security therefor, if any, in whatever form the same shall exist, with a brief description of each such asset and such security. Such assets may be listed in such groups or classes as shall, to the satisfaction of the Board, afford full information as to their character and book value, and the receiver shall include a record of the creditor and share liabilities of the association. One copy of such inventory shall promptly be filed with the Secretary to the Board, one copy with the Federal Savings and Loan Insurance Corporation, and one copy shall be retained in the principal office for liquidation of the association, so long as such office is maintained.

(b) *Examinations and audits.* Each Federal association for which a receiver has been appointed shall be examined and audited (with appraisals when deemed advisable by the Board) at least annually by the Examining Division of the Board or as otherwise directed by the Board. The cost, as determined by the Board, of examinations, including office analysis thereof, audits, and any appraisals made in connection therewith, shall be paid from the assets of the association.

(c) *Forms and reports.* The receiver may, from time to time, prescribe the accounting practices to be followed. The receiver shall make an annual report of its affairs as of June 30 of each year to the Board on forms prescribed by the Board or the receiver, and such other reports as may be from time to time required by the Board or the receiver and shall accompany each recommendation for the declaration and payment of a liquidating dividend with a report showing the available assets. One copy of the reports required in this section shall be filed with the Secretary to the Board, one copy shall be retained by the Federal Savings and Loan Insurance Corporation, and one copy shall be retained in the principal office for the liquidation of the association, so long as such is maintained.

§ 149.7 *Final discharge and release of receiver*—(a) *Final report.* At such time as the receiver shall recommend a final distribution of the assets or at such time as the receiver shall be otherwise relieved of its duties, the receiver shall file with the Board a detailed report in form satisfactory to the Board.

(b) *Final discharge.* Unless otherwise directed by the Board, upon the final liquidation of the receivership, or the completion of the duties of the receiver or at such time as the receiver shall be otherwise relieved of its duties, an examination and audit of the association in receivership shall be conducted. The accounts of the receiver shall thereupon be approved or disapproved, and, if approved, the receiver shall thereupon be given a complete and final discharge and release.

§ 149.8 *Inspection of reports.* All inventories, statements and reports of the receiver shall be in at least as many copies as required by the regulations in this chapter or as shall be otherwise directed by the Board. One copy shall be filed with the Board and a duplicate shall be filed with the Federal Savings and Loan Insurance Corporation, and each of the inventories, statements, and reports shall constitute permanent records of each liquidation open for inspection at such times and on such conditions as may be from time to time directed by the Board or, in the absence of such directions, whenever the office of the Secretary to the Board shall be open for business.

*Resolved further,* That these amendments should be made effective as soon as possible, as any delay in action authorized by these amendments to § 142.3 of Part 142, and Parts 147, 148 and 149 because of a later effective date will reduce the benefits to the parties affected thereby. All persons who may be affected by the issuance of these amendments have had a reasonable opportunity to prepare for the effective date thereof, or to take any other action which the issuance of these amendments may prompt. The proposed amendment to section 142.3 of Part 142 and the amendments of Parts 147, 148 and 149 were duly published February 4, 1956 (21 F. R. 813) and no persons have filed any written data or made oral arguments with respect thereto either within the time allotted or at any later date. There have been no substantial changes from the Proposed Rule published in 21 F. R. 813. In addition to the foregoing, these amendments are, essentially procedural in nature and are promulgated to carry into effect statutory amendments. Good cause is found, therefore, for issuing these amendments effective less than 30 days after publication in the FEDERAL REGISTER, as provided in section 4 of the Administrative Procedure Act (5 U. S. C. 1003).

These amendments shall be effective June 26, 1956.

By the Federal Home Loan Bank Board.

[SEAL] H. CAULSEN,
*Assistant Secretary.*

[F. R. Doc. 56-5034; Filed, June 25, 1956; 8:52 a. m.]

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**Subchapter D—Federal Savings and Loan Insurance Corporation**

[No. 9718]

PART 165—TERMINATION OF INSURANCE

TERMINATION OF INSURANCE OF ACCOUNTS

JUNE 21, 1956.

Resolved that, pursuant to Part 108 of the general regulations of the Federal Home Loan Bank Board (24 CFR Part 108) and § 167.1 of the rules and regulations for insurance of accounts (24 CFR 167.1), § 165.3 of the rules and regulations for insurance of accounts (24 CFR 165.3) is hereby amended to read as follows:

§ 165.3 *Termination by the Board*—(a) *Grounds.* The grounds for termination of insurance of accounts of any insured institution shall consist of any one or more of the following:

(1) The violation by the insured institution of any of its duties as an insured institution;

(2) Continued unsafe or unsound practices by the insured institution in conducting its business; or

(3) The permitting by the insured institution, either knowingly or negligently, of any of its officers or agents to violate any provision of any law or regulation to which such insured institution is subject.

(b) *Hearing.* In the event the Board is of the opinion that one or more of the grounds enumerated in paragraph (a) of this section exists for the termination of insurance of any insured institution, the Board will furnish to the appropriate governmental authority having supervision of such insured institution a statement with respect to such practices or violations and furnish a copy thereof to the insured institution: *Provided,* That, in the event there is no such supervisory authority over an insured institution operating under state law, such statement shall be sent directly to the insured institution. The insured institution shall have a period of 120 days, or such shorter period of time as the governmental authority having supervision of such insured institution, if any, may require, within which to correct such practice or violation. If satisfactory correction has not been effected by the insured institution within the specified period of time, the Board, if it shall determine to proceed further with the matter, will give the insured institution at least 30 days' written notice of intention to terminate its status as an insured institution; and such notice shall state the grounds for such termination and the time and place of a hearing at which the insured institution may appear and be heard. Such notice shall be served upon the insured institution in the manner provided in Part 109 of this chapter. Unless such insured institution shall appear at such hearing by duly authorized representative, it shall be deemed to have consented to the termination of its status as an insured institution. The hearing shall be conducted in the manner provided in said Part 109 and in accordance with the provisions of the Administrative Procedure Act as in force and effect at the time such hearing is held.

Resolved further, that, this amendment should be made effective as soon as possible, as any delay in action authorized by this amendment because of a later effective date will reduce the benefits to the parties affected thereby. All persons who may be affected by the issuance of this amendment of § 165.3 of Part 165 have had a reasonable opportunity to prepare for the effective date thereof, or to take any other action which this amendment may prompt. This proposed amendment of § 165.3 of Part 165 was duly published February 4, 1956 (21 F. R. 813) and no persons have filed any written data or made oral arguments with respect thereto either within the time allotted or at any later date. There have been no substantial changes from the Proposed Rule published in 21 F. R. 813. In addition to the foregoing, this amendment is, essentially procedural in nature and is promulgated to carry into effect statutory amendments. Good cause is found, therefore, for issuing this amendment, effective less than 30 days after publication in the FEDERAL REGISTER, as provided in section 4 of the Administrative Procedural Act (5 U. S. C. 1003).

(Sec. 402, 48 Stat. 1256, as amended, 12 U. S. C. 1725. Interprets or applies sec. 407, 48 Stat. 1260, as amended; 12 U. S. C. 1730)

This amendment shall be effective June 26, 1956.

By the Federal Home Loan Bank Board.

[SEAL] H. CAULSEN,
*Assistant Secretary.*

[F. R. Doc. 56-5035; Filed, June 25, 1956; 8:52 a. m.]

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## Chapter II—Federal Housing Administration, Housing and Home Finance Agency

**Subchapter M—Military and Armed Services Housing Mortgage Insurance**

PART 293a—ARMED SERVICES HOUSING INSURANCE; RIGHTS AND OBLIGATIONS OF THE MORTGAGEE UNDER THE INSURANCE CONTRACT

EDITORIAL NOTE: In FEDERAL REGISTER Document 56-4753, appearing at page 4231 of the issue for Friday, June 15, 1956, paragraph 2, in the third column, should read as follows:

2. In Part 293a, §§ 293a.1 to 293a.14 are designated as Subpart A—Military Personnel. The references therein to "this part" shall be deemed to mean "this subpart." A new Subpart B is added as follows:

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## TITLE 26—INTERNAL REVENUE, 1954

## Chapter I—Internal Revenue Service, Department of the Treasury

**Subchapter E—Alcohol, Tobacco, and Other Excise Taxes**

[T. D. 6185]

PART 270—CIGARS AND CIGARETTES: MANUFACTURERS, IMPORTERS, AND DEALERS

OPTIONAL DAILY RETURN SYSTEM FOR TAXPAYMENT OF CIGARS

In order to prescribe provisions for an optional daily return system for taxpayment of cigars and to make miscellaneous amendments, regulations in 26 CFR (1954) Part 270 are hereby amended as follows:

PARAGRAPH 1. Section 270.64 is amended by deletion in its entirety and insertion of a new section to read as follows:

§ 270.64 *Liability for tax and method of payment.* The taxes imposed on cigars and cigarettes shall be determined at the time of removal of such products. The tax imposed on cigarettes shall be paid by the manufacturer or the importer by the affixture of internal revenue tax stamps to each package of such products before removal. The tax imposed on cigars shall be paid by the manufacturer by return in accordance with the provisions of Subpart L of this part and by the importer by return in accordance with the provisions of Subpart M of this part: *Provided,* That a manufacturer or an importer of cigars shall have the option, in lieu of shifting over to the payment of tax by return, of continuing to pay the tax on cigars by the affixture of internal revenue tax stamps to each package of such products before removal. Each manufacturer who intends to pay the tax on cigars by return shall submit notice of such intention to the assistant regional commissioner, at least 5 days in advance of the day on which he desires to shift over to the return system. After exercising his option to pay the tax by return, a manufacturer may not revert to the payment of such taxes by stamp.

(68A Stat. 707; 26 U. S. C. 5703)

PAR. 2. Section 270.72 is amended by deletion in its entirety and insertion of a new section to read as follows:

§ 270.72 *Disposal of forfeited, condemned, and abandoned cigars and cigarettes.* When in the opinion of any Federal, State, or local officer having custody of forefeited, condemned, or abandoned cigars or cigarettes, upon which the Federal tax has not been paid, the sale thereof will not bring a price equal to such tax due and payable thereon, and the expenses incident to the sale thereof, he shall not sell, nor cause to be sold, such products for consumption in the United States. Where the products are not sold, the officer may deliver them to a Federal or State hospital or institution (if they are fit for human consumption) or cause their destruction in the manner provided in § 270.155. Where such products are sold, they shall not be released by the officer having custody thereof until they are properly packaged and taxpaid, which tax shall be considered as a portion of the sales price. The tax on cigarettes shall be evidenced by the purchase from the district director of the proper internal revenue stamps and the affixture of such stamps to the packages of cigarettes. The tax on cigars may be evidenced by the purchase from the district director of the proper internal revenue stamps and the affixture of such stamps to the packages of cigars, or by the presentation to the officer having custody of the cigars of a receipt from the district director showing payment to him of the tax on the cigars. In the case of such products held by or for the Federal Government, the sale thereof shall be subject to the applicable provisions of the Regulations of the General Services Administration, Title 1, Personal Property Management.

(68A Stat. 716, 831; 26 U. S. C. 5753, 6807)

PAR. 3. Section 270.144 is amended as follows:

(A) Paragraph (a), by deletion in its entirety and insertion of a new paragraph to read as follows:

(a) *General.* All cigars and cigarettes shall, before removal, be put up by the manufacturer in packages which shall bear the stamps, class designation, and mark, as required by this subpart. Such packages shall be of such construction as will securely contain the cigars and cigarettes therein and maintain such stamps, class designation, and mark thereon: *Provided,* That cigars and cigarettes transferred to another manufacturer of such products, removed for export, furnished for consumption by

employees, or used for experimental purposes, shall be exempt from the provisions of this paragraph.

(B) Paragraph (b), by deletion of the word "the" and insertion, in lieu thereof, of the word "such"; and insertion before the word "mark" of the expression "the warning of the".

PAR. 4. Section 270.146 is amended by deletion in its entirety and insertion of a new section to read as follows:

§ 270.146 *Mark.* Every package of cigars and cigarettes subject to tax shall, before removal, have legibly imprinted thereon, or on a label securely affixed thereto, the name and location of the manufacturer, or his permit number. Where the tax on the contents of a package is paid by the affixture of stamps thereon, the package shall also bear a warning reading "Law forbids the reuse of the Federal stamps hereon and requires the person who empties this package to destroy such stamps when the package is emptied." Where the tax on the contents of a package of cigars is payable by return, the package shall also bear the number of cigars contained in such package.

(68A Stat. 713; 26 U. S. C. 5723)

PAR. 5. Section 270.149 is amended by deletion in its entirety and insertion of a new section to read as follows:

§ 270.149 *Affixture of stamps.* Every manufacturer of cigars who, under § 270.64, pays the tax by stamp, and every manufacturer of cigarettes, shall, before removal subject to tax, securely affix to each package of such products one or more stamps of such proper class and denominations as will fully taxpay the contents of such package.

(68A Stat. 713; 26 U. S. C. 5723)

PAR. 6. Section 270.153 is amended, in the first sentence, by insertion of the word "only" after the word "supervision"; and is further amended by adding a third sentence to read as follows: "If the tax on cigars removed from the factory is to be paid, or has been paid, by return, and claim for allowance or refund of the tax is to be made by the manufacturer, the procedure in § 270.162a or § 270.164, as the case may be, shall be followed."

PAR. 7. Section 270.154 is amended by deletion of the third sentence and insertion, in lieu thereof, of a new sentence to read as follows: "Where the manufacturer intends to file a claim for allowance or refund of tax on the cigars or cigarettes to be reduced to materials, he shall follow the provisions of § 270.162a, § 270.164, or § 270.165, as the case may be.

PAR. 8. Section 270.162 is amended by deletion in its entirety and insertion of a new section to read as follows:

§ 270.162 *Claim for remission of tax liability on cigars and cigarettes.* Every loss (otherwise than by theft) or destruction, by fire, casualty, or act of God, of cigars and cigarettes before removal from the factory, or after removal for tax-exempt purposes, and which are in the possession or ownership of the manufacturer of such cigars and cigarettes, shall be reported by the manufacturer to the assistant regional commissioner and the facts of such loss or destruction shall be established to his satisfaction. Claim for remission of tax liability may be filed with the assistant regional commissioner. Such claim shall be in letter form showing the nature, date, and extent of such loss or destruction, shall set forth the reasons why such tax liability should be remitted, and shall be accompanied by evidence necessary to support the claim.

(68A Stat. 709; 26 U. S. C. 5705)

PAR. 9. A new section 270.162a to read as follows is inserted:

§ 270.162a *Claim for allowance of tax*—(a) *General.* Where cigars, after removal from the factory subject to tax payable by return, and prior to the time for payment of such tax as set forth in Subpart L, are lost (otherwise than by theft) or destroyed by fire, casualty, or act of God, or are withdrawn from the market, while in the possession or ownership of the manufacturer of such cigars, relief from the payment of such tax may be extended to the manufacturer by allowance of the tax under the provisions of paragraph (b) or (c) of this section.

(b) *Cigars lost or destroyed.* Where, under the circumstances described in paragraph (a) of this section, cigars are lost (otherwise than by theft) or destroyed by fire, casualty, or act of God, and the manufacturer desires relief from the tax on the cigars, such loss or destruction shall be reported promptly by the manufacturer to the assistant regional commissioner of the region in which the removal of the cigars from the factory took place. The manufacturer shall also file claim for allowance of the tax, in letter form, showing the nature, date, and extent of such loss or destruction, together with evidence necessary to establish the validity of the claim. The claim shall be filed by the manufacturer with his tax return, Form 2135, on which the removal of such cigars is reported. The manufacturer may take a credit or deduction, on such tax return, of the amount of tax on the cigars so lost or destroyed.

(c) *Cigars withdrawn from the market.* Where, under the circumstances described in paragraph (a) of this section, cigars are withdrawn from the market by the manufacturer because of damage by fire, casualty, or act of God, or for any other reason, but are in such condition as to permit identification of the product and determination of the tax applicable to the cigars, such cigars shall be assembled by the manufacturer (1) at his factory, if the cigars are to be returned to such factory, or (2) at a suitable place, if the cigars are to be destroyed. The manufacturer shall prepare a claim, in letter form, in triplicate, which shall include a schedule of the cigars. The manufacturer shall request the assistant regional commissioner, for the region in which the cigars are assembled, to detail a revenue officer to inspect the cigars, verify the schedule thereof, and supervise the receipt of the cigars into the factory or the destruction, as the case may be. The revenue officer shall execute an appropriate certificate on all copies of the claim to show the disposition of the cigars, return the original and one copy to the manufacturer, and submit the other copy to the assistant regional commissioner. The manufacturer shall file the original copy of the claim for allowance of the tax with his tax return, Form 2135, on which the removal of the cigars is reported, and retain the copy for his records. The manufacturer may take a credit or deduction, on such tax return, of the amount of tax on the cigars so withdrawn from the market.

(68A Stat. 709; 26 U. S. C. 5705)

PAR. 10. Section 270.163 is amended by deletion of the expression ", in duplicate," from the first sentence.

PAR. 11. Section 270.164 is amended by deletion in its entirety and insertion of a new section to read as follows:

§ 270.164 *Claim for refund of tax*—(a) *General.* The tax paid on cigars by return or upon an assessment, or cigarettes upon an assessment, may be refunded to the person who paid the tax, where such tax has been paid in error. The tax paid by return on cigars which are withdrawn from the market by the manufacturer, or are lost (otherwise than by theft) or destroyed, by fire, casualty, or act of God, while in the possession or ownership of the manufacturer, may be refunded to the manufacturer. To obtain refund of tax under this section, claim for refund, Form 843, shall be filed within three years from the date of payment of the tax.

(b) *Claim based on error or on complete loss or destruction.* A claim, under the circumstances described in paragraph (a) of this section, which is based on taxpayment in error, or on complete loss or destruction of cigars or cigarettes, shall be filed with the assistant regional commissioner for the region in which the tax was paid, and the claim shall be supported by such evidence necessary to establish to the satisfaction of the assistant regional commissioner that the claim is valid.

(c) *Claim based on cigars damaged or withdrawn from the market.* Where, under the circumstances described in paragraph (a) of this section, cigars on which the tax has been paid by return are withdrawn from the market by the manufacturer because of damage by fire, casualty, or act of God, or for any other reason, but are in such condition as to permit identification of the product and determination of the tax paid, such cigars shall be assembled by the manufacturer (1) at his factory, if the cigars are to be returned to such factory, or (2) at a suitable place, if the cigars are to be destroyed, or exported with drawback of tax. The manufacturer shall prepare a schedule, in letter form, in duplicate, of such cigars. The manufacturer shall request the assistant regional commissioner, for the region in which the cigars are assembled, to detail a revenue officer to inspect the cigars, verify the schedule thereof, and supervise the receipt of the cigars into the factory or the destruction, as the case may be. The revenue officer shall execute an appropriate certificate on both copies of the schedule of cigars to show the disposition thereof, return one copy to the manufacturer for his records, and submit the other copy to the assistant regional commissioner to be associated with the manufacturer's claim. The manufacturer shall file his claim with the assistant regional commissioner for the region in which the cigars were destroyed or returned to the factory. Where such cigars are to be exported with drawback of tax, the manufacturer shall comply with the provisions in 26 CFR (1954) Part 290 relating to drawback of tax.

(68A Stat. 709; 26 U. S. C. 5705)

PAR. 12. Section 270.165 is amended as follows:

(A) Paragraph (a), by deletion of the expression ", in duplicate," from the second sentence.

(B) Paragraph (b), by deletion of the expression ", in duplicate," from the second sentence.

PAR. 13. Section 270.181 is amended by deletion of the expression "1939" and insertion, in lieu thereof, of the expression "1954".

PAR. 14. Section 270.190 is amended by deletion of paragraph (a) in its entirety and insertion of a new paragraph to read as follows:

(a) *General.* All cigars and cigarettes shall, before removal, be put up by the importer in packages which shall bear the stamps, class designation, and mark, as required by this subpart. Such packages shall be of such construction as will securely contain the cigars and cigarettes therein and maintain such stamps, class designation, and mark thereon.

PAR. 15. A new § 270.191a to read as follows is inserted:

§ 270.191a *Mark.* Every package of cigars on which tax is paid by return shall, before removal, have legibly imprinted thereon, or on a label securely affixed thereto, the number of cigars contained in such package.

(68A Stat. 713; 26 U. S. C. 5723)

PAR. 16. Section 270.193 is amended by deletion in its entirety and insertion of a new section to read as follows:

§ 270.193 *Affixture of stamps.* Every importer of cigars who, under section 270.64, pays the tax by stamp, and every importer of cigarettes, shall, before removal subject to tax, securely affix to each package of such products one or more stamps of such proper class and denominations as will fully taxpay the contents of such package.

(68A Stat. 713; 26 U. S. C. 5723)

PAR. 17. Section 270.197 is amended by deletion in its entirety and insertion of a new section to read as follows:

§ 270.197 *Claim for refund of tax*—(a) *General.* The tax paid on cigars by return or upon an assessment, or cigarettes upon an assessment, may be refunded to the person who paid the tax, where such tax has been paid in error. The tax paid by return on cigars which are withdrawn from the market by the importer, or are lost (otherwise than by theft) or destroyed, by fire, casualty, or act of God, while in the possession or ownership of the importer, may be refunded to the importer. To obtain refund of tax under this section, claim for refund, Form 843, shall be filed within three years from the date of payment of the tax.

(b) *Claim based on error or on complete loss or destruction.* A claim, under the circumstances described in paragraph (a) of this section, which is based on taxpayment in error, or on complete loss or destruction of cigars or cigarettes, shall be filed with the assistant regional commissioner, for the region in which the cigars were destroyed or returned to the factory, and the claim shall be supported by such evidence necessary to establish to the satisfaction of the assistant regional commissioner that the claim is valid.

(c) *Claim based on cigars damaged or withdrawn from the market.* Where, under the circumstances described in paragraph (a) of this section, cigars on which the tax has been paid by return are withdrawn from the market by the importer because of damage by fire, casualty, or act of God, or for any other reason, but are in such condition as to permit identification of the product and determination of the tax paid, such cigars may be taken into a domestic factory, repacked by the importer, exported with drawback of tax, or destroyed. If the cigars are to be taken into a factory, they shall be assembled at the factory. If they are to be repacked by the importer or are to be destroyed, in connection with a claim for refund, they shall be assembled in a suitable place. Where such cigars are to be taken into a factory, repacked, or destroyed, the importer shall prepare a schedule, in letter form, in duplicate, of the cigars. The importer shall request the assistant regional commissioner, for the region in which the cigars are assembled, to detail a revenue officer to inspect the cigars, verify the schedule thereof, and supervise the receipt of the cigars into the factory, the repacking, or the destruction, as the case may be. The revenue officer shall execute an appropriate certificate on both copies of the schedule of cigars to show the disposition thereof, return one copy to the importer for his records, and submit the other copy to the assistant regional commissioner to be associated with the importer's claim. The importer shall file his claim with the assistant regional commissioner for the region in which the cigars were destroyed or taken into a domestic factory. Where such cigars are to be exported with drawback of tax, the importer shall comply with the provisions of 26 CFR (1954) Part 290 relating to drawback of tax.

(68A Stat. 709; 26 U. S. C. 5705)

PAR. 18. Section 270.198 is amended as follows:

(A) Paragraph (a), by deletion of the expression ", in duplicate," from the second sentence.

(B) Paragraph (b), by deletion of the expression ", in duplicate," from the second sentence.

PAR. 19. A new § 270.199 to read as follows is inserted:

§ 270.199 *Cigars manufactured in customs bonded manufacturing warehouses.* The manufacture of cigars in customs bonded manufacturing warehouses, class 6, is governed by customs regulations. The removal of cigars from such warehouses is governed by customs regulations and applicable internal revenue regulations. Sections 270.190 and 270.191 shall apply to all cigars removed from such a warehouse for consumption in the United States. Where the tax on such cigars removed is paid by means of stamps, §§ 270.192 and 270.193 shall apply, but where the tax is to be paid by return, §§ 270.191a, 270.220, 270.221, and 270.222 shall apply: *Provided*, That the proprietor of such warehouse who intends to pay the tax on cigars by return shall file with the assistant regional commissioner a bond, Form 2100, appropriately modified, in accordance with the provisions of Subpart G.

(19 U. S. C. 1311)

PAR. 20. Section 270.210 is amended by deletion in its entirety and insertion of a new section to read as follows:

§ 270.210 *Purchase, receipt, possession, or sale of cigars and cigarettes.* The restrictions relating to the purchase, receipt, possession, sale, and offering for sale of cigars and cigarettes are set forth in section 5751, I. R. C.

PAR. 21. Section 270.212 is amended by deletion of the expression "packed and stamped by the manufacturers of such products" from the first sentence and insertion, in lieu thereof, of the expression "put up in packages bearing the stamps, class designation, and mark, as required by this part"; and is further amended by insertion of the expression "on the package, as" before the word "required" in the fourth sentence.

PAR. 22. A new Subpart L, to read as follows, is added:

SUBPART L—PAYMENT OF TAX BY RETURN ON CIGARS BY MANUFACTURERS

Sec.
270.220 Return.
270.221 Deferment of return where tax liability is less than $100.
270.222 Remittance with return.
270.223 Modification of records.
270.224 Record of removals subject to tax.

AUTHORITY: §§ 270.220 to 270.224 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805. Statutory provisions interpreted or applied are cited to text in parentheses.

§ 270.220 *Return.* Every manufacturer of cigars who pays the tax on cigars by return shall, except as provided in section 270.221, file a tax return, Form 2135, with the district director for each day on which cigars are removed subject to tax. The manufacturer shall file such tax return, with remittance, covering the cigars removed, not later than the close of the business day next succeeding that on which the cigars were removed: *Provided*, That where the manufacturer has deposited with the district director an additional remittance equal to, or greater than, the maximum tax liability to be incurred during any one business day, the tax return may be filed not later than the close of the second business day next succeeding the day on which the cigars

were removed. If the tax liability for any one business day exceeds the additional remittance deposited, a return covering such liability filed later than the close of the business day next succeeding that on which the cigars were removed will not be considered as having been timely filed, and further, the manufacturer will not be permitted to continue deferring the filing of his returns to the second business day unless the amount of the deposit has been appropriately increased. In no event will the filing of the return be delayed for more than one additional day because of the advance deposit: *And provided further,* That when the last day for filing a tax return with remittance falls on Saturday or Sunday, or on a legal holiday (of the particular State or of the District of Columbia wherein the return is required to be filed), the performance of such acts shall be considered timely if they are performed on the next succeeding day which is not a Saturday, Sunday, or such legal holiday: *And provided further,* That where the return and remittance are delivered by United States mail to the office of the district director, the official postmark of the United States Post Office stamped on the cover in which the return and remittance were mailed shall be deemed to be the date of delivery. The manufacturer shall retain the receipted copy of each tax return, transmitted to him by the district director, for two years following the close of the year in which such return was filed and it shall be made available for inspection by any revenue officer upon his request.

(68A Stat. 707, 896; 26 U. S. C. 5703, 7503)

§ 270.221 *Deferment of return where tax liability is less than $100.* Notwithstanding the provisions of § 270.220 regarding the filing of tax returns daily, where the gross tax liability for any one day is less than $100, the preparation of the tax return and the payment of the tax due may be deferred until the day the aggregate tax liability reaches $100, when the tax return on Form 2135 accompanied by remittance of the aggregate tax, including the tax for that day, shall be filed before the close of business on the next succeeding business day: *Provided,* That, although any such aggregate tax liability is less than $100 at the close of the last business day of a calendar month, Form 2135, to cover such tax liability, shall be prepared and filed with remittance before the close of the first business day of the following month.

(68A Stat. 707; 26 U. S. C. 5703)

§ 270.222 *Remittance with return.* The tax on cigars shall be paid by remittance to the district director with the tax return. In paying the tax, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

§ 270.223 *Modification of records and reports.* Every manufacturer who pays the tax on cigars by return shall modify the record, Form 2142 or 2143, as the case may be, and the monthly report, Form 2136, by substituting the expression "removed subject to tax" for the expression "removed taxpaid." Entry shall be made in the sections of such records and reports relating to tax stamps to the effect that the tax on cigars was "payable by return."

(68A Stat. 713, 715; 26 U. S. C. 5722, 5741)

§ 270.224 *Record of removals subject to tax.* Every manufacturer who pays the tax on cigars by return shall keep a supporting record, in addition to the record required by § 270.142, of cigars removed from his factory subject to tax and shall make the appropriate entries therein at the time of removal. Such supporting record shall show, with respect to each removal, the date of removal, the name and address of the person to whom shipped or delivered, and the class and quantity of cigars. Where the manufacturer keeps, at the factory, copies of invoices or other commercial records containing the information required as to each such removal, in such orderly manner that such information may be readily ascertained therefrom by revenue officers, such copies will be considered the supporting record required by this section. Such record shall be retained for two years following the close of the year in which the cigars were removed, and shall be made available for inspection by any revenue officer upon his request.

(68A Stat 715; 26 U. S. C. 5741)

PAR. 23. A new Subpart M, to read as follows, is added:

SUBPART M—PAYMENT OF TAX BY RETURN ON CIGARS BY IMPORTERS

Sec.
270.230 Tax payable by return.
270.231 Remittance with return.

AUTHORITY: §§ 270.230 and 270.231 issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805. Statutory provisions interpreted or applied are cited to text in parentheses.

§ 270.230 *Tax payable by return*—(a) *After importation.* Where cigars are imported into the United States on which tax has not been paid, the importer may pay tax thereon by return. The importer shall file a tax return, Form 2135, with remittance, with the district director for each removal of such cigars from customs custody subject to tax. The importer shall secure from the district director a copy of the tax return bearing acknowledgment of receipt of the remittance. Such copy shall be presented by the importer to the appropriate customs officer before such cigars are released from customs custody. When the cigars are so released, the customs officer shall endorse the copy of Form 2135 to show release of the cigars and return this copy to the importer, who shall retain such copy of the tax return for two years following the close of the year in which the return was filed and shall make it available for inspection by any revenue officer upon his request.

(b) *Prior to importation from Puerto Rico.* Where cigars produced in Puerto Rico are to be shipped to the United States, and the manufacturer desires to pay the United States internal revenue tax on such cigars by return, prior to shipment from Puerto Rico to the United States, the manufacturer shall file a tax return, Form 2135, as the importer of the cigars, with the United States Internal Revenue Service office in Puerto Rico, with remittance of the tax on the cigars covered by such tax return. The manufacturer shall secure from such office a copy of the return bearing acknowledgment of receipt of the remittance. Such copy shall be presented by the manufacturer to the representative of the Internal Revenue Service, who visits the factory for the purpose of inspecting a shipment of cigars to be sent to the United States. Such representative shall affix to the outside of the shipping cases in which the cigars are packed a certification that the United States internal revenue tax has been paid on the cigars contained in such cases. The United States Internal Revenue Service representative shall endorse the copy of the tax return, Form 2135, to show release of the cigars covered by the return, or to show the number of cigars of each class inspected and released by him for shipment to the United States where less than the total number of cigars covered by the return are so inspected and released.

(68A Stat. 707; 26 U. S. C. 5703)

§ 270.231 *Remittance with return.* The tax on imported cigars shall be paid by remittance to the district director with the tax return. In paying the tax, a fractional part of a cent shall be disregarded unless it amounts to one-half cent or more, in which case it shall be increased to one cent.

This Treasury decision is necessary to institute, on July 1, 1956, the optional daily return system for the taxpayment of cigars. Because the amendments made by this Treasury decision are of a liberalizing nature, it is found that it is unnecessary to issue this Treasury decision with notice and public procedure thereon under section 4 (a) of the Administrative Procedure Act, approved June 11, 1946, or subject to the affective date limitations of section 4 (c) of said act.

This Treasury decision shall be effective on July 1, 1956.

(Sec. 7805, 68A Stat. 917; 26 U. S. C. 7805)

[SEAL] O. GORDON DELK,
*Acting Commissioner of Internal Revenue.*

Approved: June 21, 1956.

DAN THROOP SMITH,
*Special Assistant to the Secretary in Charge of Tax Policy.*

[F. R. Doc. 56-5020; Filed, June 25, 1956; 8:49 a. m.]



## TITLE 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

[Docket No. 11548; FCC 56-576]

[Rules Amdt. 31-6]

PART 31—UNIFORM SYSTEM OF ACCOUNTS, CLASS A AND CLASS B TELEPHONE COMPANIES

TELEPHONE PLANT UNDER CONSTRUCTION

1. The American Telephone and Telegraph Company, by letter dated December 27, 1954, requested the Commission's approval of two changes in its plant accounting practices, described as follows:

(a) Exclude from account 100.2, "Telephone plant under construction," the costs of jobs with authorized gross construction expenditures of less than $15,000 and charge the costs of such jobs directly to account 100.1, "Telephone plant in service," and

(b) Establish a limit of $15,000 for plant retirements below which retirements would not be recorded in the accounts in advance of physical removal of plant.

The Commission was of the opinion that effectuation of proposals of the type described above would require amendment of Part 31 of the Commission's Rules and Regulations. On the basis of information before it the Commission was of the view that $15,000 as the limit in the proposal set out in (a) above would be too great a relaxation of the present rule. The Commission, however, decided to invite comments from interested persons on a proposal that the cost of jobs with authorized gross construction expenditures of less than $10,000 (in lieu of the $15,000 suggested) may be charged directly to account 100.1, "Telephone plant in service." With respect to the proposal set out in (b), above, the Commission was of the opinion that the potential savings in record keeping were not sufficient to warrant further consideration of the proposal, in view of the risks involved in permitting delays in the accounting for retirement of plant that is no longer in service. Accordingly, no rule making proposal on this item was issued.

2. The Notice of Proposed Rule Making was adopted November 23, 1955. It was published in the FEDERAL REGISTER on November 30, 1955 (20 F. R. 8779) in accordance with section 4 (a) of the Administrative Procedure Act. It was provided that comments on the proposal would be received through January 3, 1956 and that ten additional days would be allowed for filing of comments and briefs in reply to the original comments. Comments were received from the following:

Kansas State Corporation Commission (Kansas).
New York Public Service Commission (New York).
North Carolina Utilities Commission (North Carolina).
Oklahoma Corporation Commission (Oklahoma).
Communications Workers of America (CWA).
United States Independent Telephone Association (USITA).
American Telephone and Telegraph Company, in behalf of the Bell System Telephone Companies (AT&T).

AT&T filed reply comments and also filed a reply to a late supplemental filing of CWA. On April 23, 1956 a letter was received from the New Mexico State Corporation Commission indicating opposition to the proposed rules revision.

3. The system of accounts presently provides that use of account 100.2, "Telephone plant under construction," is not mandatory for construction projects which will be completed ready for service within two months. The proposed revision adds to this existing exemption a provision that there may also be charged directly to the plant in service accounts the cost of any construction project for which the gross additions to plant are estimated to amount to less than $10,000. It will be seen that the net effect of the proposed revision is that use of account 100.2 would not be required for projects amounting to less than $10,000 even though they are not completed ready for service within two months.

4. AT&T, in support of the rules change contained in the Notice of Proposed Rule Making, asserted that the present two-months rule was beneficial in permitting dispensing with a considerable amount of accounting expense, as well as field reporting and related record keeping, without loss of administrative benefits and without material effect on the accounts. It argues, however, that the two-months rule without an accompanying amount dividing line makes impossible a complete realization of the benefits of clearing the cost of minor jobs directly to telephone plant in service accounts. This is because of the necessity of constantly reviewing construction project records to see that minor jobs are not being delayed beyond two months in their completion and the cost of record adjustments when such delay is found. The tendency, as a consequence of the necessity for constant review, it is asserted, has been to treat as specific estimate undertakings all construction projects above the general level of $5,000. If the rules change is adopted it is expected by AT&T that the specific estimate monetary dividing line will be generally increased to or near to the full $10,000 limit. It is stated that, among other changes, there will be benefits flowing from the elimination of the following with respect to additional minor projects:

(a) Specific estimate authorization sheets, detailed ledger sheets and completion reports.

(b) Computation of charges for labor, material, engineering, supervision, supply expense and other costs by individual jobs.

(c) Work in connection with the transfer of charges from account 100.2 to account 100.1.

(d) Work in determination of interest during construction.

(e) Reclassification of "currently ready for service" jobs not completed within two months to "under construction" accounting status.

In addition to the above eliminations, AT&T states that development of retirement unit costs would be simplified if it were made practicable to increase the monetary limits on specific estimates. AT&T estimates cost savings to the Bell System companies from adoption of the proposal of several hundreds of thousands of dollars annually. AT&T states that the proposal will have only a negligible effect on revenue requirements from depreciation expense and rate base standpoints and should be judged more on the cost savings it will produce in reporting and record keeping.

5. The USITA in its comments stated that statements of views received from members of its Accounting Committee "indicate no objection" to the proposed change. Oklahoma also said it saw "no objection" to the change. The Accounting Bureau of the New York Public Service Commission "fully approves" the proposed amendment. Kansas, while it felt itself not in a position to comment on the relative merits of the proposed change on a nation-wide basis, expressed the opinion that the change would be without merit for adoption in Kansas at this time. North Carolina opposed the amendment on the grounds that such saving in accounting costs as might result certainly would not be major in amount while, on the other hand, the change would result in the inclusion in account 100.1, "Telephone plant in service," of construction costs "substantial in the aggregate" relating to physical plant which actually, in numerous instances, would not be placed in service for several months thereafter. This, North Carolina contends, would occasion the taking of a greater amount of depreciation prematurely and accordingly would increase the level of expenses. It added that adoption of the proposal would increase revenue requirements in two ways, (1) a larger net book cost rate base, and (2) greater depreciation expense.

6. CWA opposed the change in the rules and its opposition revolves around its statement that adoption of the change "would allow the Bell System and large independent companies to inflate their rate bases by charging to 'Telephone plant in service' equipment which is not yet in use and from which the public is receiving no benefit." CWA stated that it had no means of knowing the effect upon the accounts of the change proposed since information was not available to it of the number and total value of construction projects costing less than $10,000. It added and stressed the point,

however, that no matter how few the less-than-$10,000 projects have been in the past that fact might not be a reliable indicator of the future if the rule were changed because of the ability of telephone companies to break up large construction projects into small segments and the difficulty to regulatory bodies in detecting and taking steps to prevent such subversion of the rule. CWA requested a public hearing in the proceeding. The reply comments of AT&T, the supplemental filing of CWA (received after the closing date for receipt of comments), and the AT&T reply to the latter are not summarized herein but they are considered and given effect in the discussion following.

7. It is believed that the question of expense savings from the proposed change in accounting need not be discussed further. All parties are in agreement that there should be savings resulting although there are differences in views as to their relative magnitude. In view of the contentions made with respect to effect upon revenue requirements, in particular by CWA and also by North Carolina, the decision whether or not to adopt the proposed amendment must take into consideration the validity of the revenue requirement contentions. North Carolina foresees larger amounts of depreciation expense being accrued if the proposal is adopted. This is obviously because it assumes an unchanged depreciation rate will be applied for the longer time the book cost of plant will be carried in telephone plant in service accounts. It also overlooks the fact that the amounts in the depreciable plant accounts will be smaller by the amounts of interest during construction that would otherwise be accrued. Depreciation rates are subject to adjustment downward as service lives increase and no one is warranted in assuming that depreciation rates will not be so adjusted as conditions change. Actually, less depreciation expense in total will be accrued if the amendment is adopted because the service value will be less by the amount of interest during construction that would otherwise be accrued and service value fixes the ceiling on the amount of depreciation expense which can properly be accrued. It is, of course, true that the amounts of depreciation expense accrued by time periods will be changed somewhat.

8. The question remaining is whether or not revenue requirements, from causes other than savings through reduced record keeping and through any minor changes in depreciation expense, will be altered as a result of adopting the proposal. As has already been noted, AT&T stated in its comments that the effect on the Bell System rate base will be negligible. In computations made by the Commission's staff a similar conclusion was reached. This comes about principally because, while the amounts expended for construction will enter the plant-in-service accounts earlier under the proposal, these amounts will not include any interest capitalized while the plant is under construction as presently required in the Commission's accounting rules. At the most, the increase in revenue requirements would be slight, and this increase would be further minimized by the fact that interest during construction is not taxable income as accrued and cannot be depreciated for Federal income tax purposes. In any event, statements supplied for the record by AT&T including those filed in reply to the comments of CWA, support the conclusion that the bulk of projects under $10,000 in amount are completed in less than two months so the effect of the amendment will be small. (This is not to say, however, that the telephone companies will not realize substantial savings in record keeping since, as noted in paragraph 4, the adoption of the proposal will permit the elimination of various "paper work" particularly if, as AT&T anticipates, the specific estimate monetary dividing line is increased by the various Bell System telephone companies.) It is recognized that the timing of impact of revenue requirements by years changes somewhat but this also is minor and should not be permitted to prevent adoption of the amendment. Accordingly, the amendment to the note to account 100.2 proposed in paragraph 4 of the Notice of Proposed Rule Making will be ordered. In view of the foregoing analysis of the facts in this proceeding it does not appear that a public hearing, as requested by CWA, would contribute substantially to the record and the request of CWA for such a hearing is accordingly denied.

9. As noted in paragraph 1 above, the Commission was of the view that risks involved in permitting delays in accounting for retirement of plant no longer in service are such that it should not issue a rule making proposal establishing in the system of accounts a specific amount below which retirements would not be required to be recorded in the accounts in advance of physical removal of plant. AT&T, in its comments dated December 30, 1955, expressed the belief "that some clarification of the Commission's statement as to retirements as set forth in the proposed rule making is essential since it appears to be in conflict with the Commission's previous position." The Commission's "previous position" referred to is apparently that contained in its letter to AT&T of November 21, 1952 replying to a letter dated November 13, 1952. The USITA called attention, also, "to the practical necessity of a change in the system of accounts which would permit, under certain conditions, deferral of retirements until the plant has been physically removed." The Accounting Bureau of New York supported the Commission's decision not to issue a rule making proposal relating to retirements.

10. The system of accounts, in particular section 2–25, when read literally contemplates that retirement accounting entries shall be made without delay when plant is cut out of service except for the special provision with respect to station installations and drop and block wires contained in sub-paragraph (c) of section 2–25. The question of what could be considered compliance with the system of accounts in the matter of timing of plant retirement entries came up in 1952 and was one subject in the exchange of letters with AT&T in November, 1952. In brief, the Commission informed AT&T that a telephone company would not be considered as failing to comply with the system of accounts even though retirement entries for plant other than large individual items such as entire buildings, entire central offices, and large P. B. X.'s were delayed until the calendar month following that in which withdrawn from service. It was understood, in addition, that compliance with the system of accounts would call for accounting retirement, in the month of withdrawal from service, of large sections of plant when it was definitely known that they would not be physically removed during the following month. The Commission is advised that the Bell telephone companies have construed its reply of November 21, 1952 to the AT&T letter of November 13, 1952 to permit deferring book entries for retirement of plant when less than $5,000 is involved until the month of physical removal. The correspondence is not explicit in permitting such deferment beyond one month following withdrawal from service but it is obvious that there would have been little real relief unless the authorization were applied as it has been.

11. The Commission did not intend, by failing to include in its rule making proposal an amendment relating to retirements, to alter the position taken in its exchange of correspondence with AT&T in 1952. It appears, however, in view of the comments of AT&T and USITA, that some supplementation of the system of accounts by way of clarification regarding plant retirement accounting would be in order. Such supplemental language is included in the Order herein.

It appearing that the proposed rule making herein has indicated a need for amendment of the Commission's accounting rules;

*It is ordered*, That under Authority contained in sections 4 (i) and 220 (a) of the Communications Act of 1934, as amended, Part 31 (Uniform System of Accounts for Class A and Class B Telephone Companies) of the Commission's Rules and Regulations is amended as follows, effective January 1, 1957:

The note to the text of § 31.100:2 is amended to read as follows:

NOTE: There may be charged directly to the appropriate plant accounts the cost of any construction project which is estimated to be completed ready for service within two months. There may also be charged directly to the plant accounts the cost of any construction project for which the gross additions to plant are estimated to amount to less than $10,000.

Paragraph (a) of § 31.2–25 is amended to read as follows:

(a) To the end that the telephone plant accounts (note §§ 31.2–20, 31.2–21) shall at all times disclose the original cost (note § 31.01–3 (x)) of all property in service, the original cost of retired property, whether replaced or not (except as provided in paragraph (b) (2) of this section), shall be credited to the account or accounts in this classification to which such cost was charged. Normally, these retirement credits with respect to such plant as entire buildings, entire central offices, large private branch exchanges, all plant abandoned, and any large sections of plant withdrawn from service with knowledge that they will not be physically removed during the following month shall be entered in the accounts for the month in which use of the property ceased and no later than the next succeeding month with respect to other plant: Provided, That when literal compliance with this provision for timing of entries with respect to the property amounting to less than $5,000 retired under any one project would involve an unreasonable amount of record keeping and estimating of quantities, original costs, and salvage, such entries may be deferred until physical removal of the property or decision to abandon it in place if there is asurance that such removal or decision will not be unduly delayed. Every company shall, therefore, take such measures and establish such procedure as will insure strict compliance with these requirements. When any item of property subject to plant retirement accounting is worn out, lost, sold, destroyed, abandoned, surendered upon lapse of title, becomes permanently unserviceable, is withdrawn, or for any other reason is retired from service, the amount in the plant acounts applicable to that item shall be credited to the appropriate plant accounts, and the retirement entry shall refer to the source (or to the supporting records showing the source) in the continuing property record from which the cost was obtained. (Note also paragraph (e) of this section.)

(Sec. 4, 48 Stat. 1066 as amended; 47 U. S. C. 154; interprets or applies sec. 220, 48 Stat. 1078; 47 U. S. C. 220.)

Adopted: June 20, 1956.

Released: June 21, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56–5019; Filed, June 25, 1956; 8:49 a. m.]

## TITLE 33—NAVIGATION AND NAVIGABLE WATERS

### Chapter II—Corps of Engineers, Department of the Army

PART 207—NAVIGATION REGULATIONS

MISCELLANEOUS AMENDMENTS

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U. S. C. 1), § 207.300 governing the use and navigation of the Ohio River, Mississippi River above Cairo, Illinois, and their tributaries is hereby amended to include in footnotes appropriate remarks regarding the discontinuance of operation of Rough River Lock and Dam and revision of paragraphs (v) (1) and (w) pertaining to navigation lights at locks and dams, as follows:

§ 207.300 *Ohio River, Mississippi River above Cairo, Ill., and their tributaries; use, administration, and navigation*—(a) *Authority of Lock Masters.* • • •

NOTE 7: Operation of Rough River Lock and Dam No. 1, near Hartford, Kentucky, has been discontinued.

• • • • • •

(v) *Navigation lights for use of all locks and dams except on the Little Kanawha, Big Sandy, Muskingum, Kentucky, Barren, Rough and Green (Locks No. 3–6) Rivers, and the Illinois and Mississippi Canal.* (1) (i) At locks at all fixed dams and at locks at all movable dams when the dams are up so that there is no navigable pass through the dam, the following navigation lights will be displayed during hours of darkness:

(*a*) Three green lights visible through an arc of 360° arranged in a vertical line on the upstream end of the river (guard) wall unless the intermediate wall extends farther upstream. In the latter case, the lights will be placed on the upstream end of the intermediate wall.

(*b*) Two green lights visible through an arc of 360° arranged in a vertical line on the downstream end of the river (guard) wall unless the intermediate wall extends farther downstream. In the latter case, the lights will be placed on the downstream end of the intermediate wall.

(*c*) A single red light visible through an arc of 360° on each end (upstream and downstream) of the land (guide) wall.

(*d*) At Locks No. 1 and 2, Green River, when the locks are not in operation because of high river stages, a single red light will be visible through an arc of 360° on each end (upstream and downstream) of the lock river (guard) wall at which time the lights referred to in (*a*), (*b*), and (*c*) of this subdivision, will not be visible.

(ii) If one or more bear traps or weirs are open or partially open, which may cause a set in current conditions at the upper approach to the locks, this fact will be indicated by displaying a circular disk 5 feet in diameter, on or near the light support on the upstream end of the land (guide) wall during the hours of daylight, and will be indicated during hours of darkness by displaying a white (amber) light vertically under and 5 feet below the red light on the upstream end of the land (guide) wall.

(2) • • •

(w) Navigation lights for use at locks and dams on Little Kanaeha, Big Sandy, Muskingum, Kentucky, Barren, Rough, and Green (Locks No. 3–6) Rivers, and the Illinois and Mississippi Canal. A single red light visible through an arc of 360° shall be displayed during hours of darkness at each end of the river wall or extending guard structures until these structures are awash.

NOTE: Locks which have been closed to navigation are listed in the footnotes to paragraph (a) of this section.

• • • • • •

(Sec. 4, 28 Stat. 362, as amended; 33 U. S. C. 1) [Regs., 8 June 1956, 800.211–ENGWO]

[SEAL] JOHN A. KLEIN,
*Major General, U. S. Army,*
*The Adjutant General.*

[F. R. Doc. 56–4988; Filed, June 25, 1956; 8:45 a. m.]

## TITLE 49—TRANSPORTATION

### Chapter I—Interstate Commerce Commission

[Docket No. 3666]

[Order No. 24]

PART 73—SHIPPERS

PART 78—SHIPPING CONTAINER SPECIFICATIONS

MISCELLANEOUS AMENDMENTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 4th day of June 1956.

The matter of revision of certain regulations governing the transportation of explosives and other dangerous articles, formulated and published by the Commission, being under consideration, and

It appearing that Notice No. 24, dated February 23, 1956, setting forth certain proposed amendments to the said regulations, and the reasons therefor, and stating that consideration was to be given thereto, was published in the FEDERAL REGISTER on March 31, 1956 (21 F. R. 2045), pursuant to the provisions of section 4 of the Administrative Procedure Act; that pursuant to said notice interested parties were given an opportunity to be heard with respect to said proposed amendments; that written views or arguments were submitted to the Commission with respect to the proposed amendments;

And it further appearing that said views and arguments with respect to the proposed amendments are such as to warrant revision at this time of certain of the proposed amendments, and that in all other respects the proposed amendments set forth in the above referred-to Notice No. 24 are deemed justified and necessary:

*It is ordered*, That the aforesaid regulations governing the transportation of explosives and other dangerous articles be, and they are hereby, amended in the manner and to the extent set forth below, except for the specific deletions and modifications set forth as follows:

1. In § 73.31 paragraph (a), amend the entire table and Note 7 of the notes there-

to; add Notes 9 and 10 to paragraph (a) table; amend paragraph (f) to read as set forth below.

2. In § 73.119 amend paragraphs (a) (12), and (e) (2), and (f) (3) to read as set forth below.

3. In § 73.123 amend paragraph (a) (5) to read as set forth below.

4. In § 73.124 amend paragraph (a) (6) to read as set forth below.

5. In § 73.247 amend paragraph (a) (11) to read as set forth below.

6. In § 73.264 amend paragraph (a) (8) to read as set forth below.

7. In § 73.268 amend paragraph (b) (1) to read as set forth below.

8. Delete the entire proposed amendment to § 73.289 paragraph (a) (2).

9. In § 73.314 paragraph (a) table, amend the entry, "Vinyl methyl ether, inhibited"; amend Note 2 to paragraph (a) table; amend paragraph (b) to read as set forth below.

10. In § 73.346 amend paragraph (a) (10) as set forth below.

11. In § 73.353 amend paragraphs (a) (5) and (b) as set forth below.

12. In § 78.257 amend paragraph (a) to read as set forth below.

13. In § 78.258 amend paragraph (a) to read as set forth below.

14. In § 78.281–6 paragraph (a), amend the last sentence to read as set forth below.

15. In § 78.282–8 paragraph (a), amend the 7th sentence to read as set forth below.

16. In § 78.289–8 amend paragraph (a) to read as set forth below.

17. In § 78.293–16 delete paragraph (a) (7) and renumber paragraph (a) (8) to read (a) (7).

*It is further ordered*, That this order shall become effective August 31, 1956 and shall remain in effect until further order of the Commission;

*It is further ordered*, That compliance with the herein prescribed and amended regulations is hereby authorized on and after the date of service of this order;

*And it is further ordered*, That copies of this order be served upon all parties of record herein, and that notice shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy thereof with the Director, Division of Federal Register.

(Sec. 204, 49 Stat. 546, as amended, sec. 835, 62 Stat. 739; 49 U. S. C. 304, 18 U. S. C. 835)

By the Commission, Division 3.

[SEAL] HAROLD D. McCOY, *Secretary.*

## PART 73—SHIPPERS

### SUBPART A—PREPARATION OF ARTICLES FOR TRANSPORTATION BY CARRIERS BY RAIL FREIGHT, RAIL EXPRESS, HIGHWAY OR WATER

Amend § 73.31 paragraph (a) table and notes thereto; paragraph (c); paragraph (f); entire paragraph (g); paragraph (h); cancel note 1 to paragraph (l) (19 F. R. 3258, June 3, 1954) (18 F. R. 802, Feb. 7, 1953) (16 F. R. 9373, Sept. 15, 1951) (20 F. R. 10162, Dec. 31, 1955) (20 F. R. 4413, June 23, 1955) (17 F. R. 9835,



Nov. 1, 1952) (15 F. R. 8278, Dec. 2, 1950) (49 CFR 1950 Rev, 1954 Supp., 73.31) to read as follows:

§ 73.31 *Qualification, maintenance, and use of tank cars.* (a) * * *

| Where these regulations call for specifications Nos.— | These specification containers may also be used subject to the provisions of the following notes— |
|---|---|
| 103 [4] [6] and 103–W [4] [6] | ARA–II [4] [6], III [4] [6] and IV. [6] |
| 103A [4] and 103A–W [4] | ARA–II [4] and III. [3] [4] |
| 103B [4] and 103B–W [4] | ARA–II [4] and III [4] rubber lined. |
| 103C–W | 103C. [5] |
| 103D–W, 103E–W, 103A–X–W | (See Note 10.) |
| 104 [4] and 104–W [4] | ARA–IV. [4] |
| 105A100 and 105A100–W | 104A [7] and 104A–W. [7] |
| 105A100–AL–W | 104A–AL–W. [7] |
| 105A300–W | ARA–V, [3] ICC–105 [3] and 105A300. [3] |
| 105A400–W | 105A400. |
| 105A500–W | 105A500. |
| 105A600–W | 105A600. |
| 106A500 and 106A500–X | ICC–27 tanks mounted on a car and classified as a multi-unit tank prior to Oct. 1, 1930. [9] |
| 106A800 and 106A800–X | None. |
| 106A800NCI | None. |
| 107A**** | None. |

[1] Tank must be tested to a pressure of 60 pounds per square inch and safety valves be set to open at a pressure of 25 pounds per square inch.

[2] Tanks and their appurtenances must have been originally designed or subsequently reconstructed for the transportation of acids.

[3] Safety valves on these cars must be set to open at a pressure not exceeding 225 pounds per square inch.

[4] Tank cars equipped with safety vents must have the vent closure so chained or otherwise fastened as to prevent misplacement.

[5] These cars must not be used for shipments of smokeless powder in water unless equipped with positive closure type bottom outlet valves.

[6] Tanks made under specification BE–27 and mounted on a car, and classified as multi-unit tank cars prior to October 1, 1930, may be continued in service until further order of the Commission, provided they have been properly retested and are fitted with valves, valve protection devices, and safety devices of approved type.

[7] Tanks must be restenciled to proper 105A–100, 105A100–W or 105A100AL–W classifications within 2 years from Aug. 31, 1956.

[8] Tanks authorized under I. C. C. Special Orders of Nov. 5, 1937, and Nov. 14, 1939, may be continued in service as provided by order and revision thereof.

[9] Cars built prior to Aug. 31, 1956, equipped with safety valves having a pressure setting of 35 pounds per square inch may be used. Cars equipped with 25 pounds per square inch safety valves may be continued in service but these valves may not be reset to 35 pounds per square inch without changing spring to a design suitable for the increased pressure setting.

[10] Existing tanks built of materials and equipped with fittings complying with these specifications must be restenciled to indicate proper classification.

* * * * *

(c) For detailed procedure to be followed in making repairs or alterations to tanks of all tank car classifications, together with methods of filing application for securing approval from the Secretary of the Mechanical Division, Association of American Railroads, see Appendix R, Association of American Railroads Code for Repairs to Tank Car Tanks.

* * * * *

(f) After alterations of tank cars or equipment therefor from original design, a certificate of compliance with the specifications, similar to that required in specifications 103, 103–W, 103AL–W, 105A100, 105A100–W, 105A100AL–W, 105A300–W, 105A300AL–W, 106A500, 107A, and 110A500–W (§§ 78.265, 78.280, 78.291, 78.270, 78.285, 78.294, 78.286, 78.300, 78.275, 78.277, and 78.293 of this chapter), respectively, must be furnished to the car owner, to the Bureau of Explosives, and to the Secretary Mechanical Division, Association of American Railroads.

(g) Tanks, interior heater systems and safety valves must be retested at intervals of time as specified in Retest Tables 1, 2, and 3.

(1) Each tank must be retested by completely filling the tank and manway nozzle, or expansion dome, with water or other liquid of similar viscosity having a temperature which must not exceed 100 degrees Fahrenheit during retest and applying a pressure as specified. The specified pressure must be held for the minimum period prescribed without leakage or evidence of distress. Calking of welded joints to stop leaks developed during retests is prohibited. Tanks in service 10 years or over must be internally inspected and interior heater systems inspected for defects which would make leakage or failure probable during transit.

(2) Anchor rivet housings, if used, must not be removed during retest. They shall be retested by applying an air pressure of 100 pounds per square inch through openings in the tank shell and must show no leakage.

(3) The tank lagging and jacket need not be removed unless leakage is indicated by a drop in pressure. When lagging is not removed, the prescribed test pressure must be held for the minimum number of minutes shown in Tables 1 and 3 for tests under this condition.

(4) Interior heater systems shall be retested with hydrostatic pressure and shall be tight at 200 pounds per square inch.

(5) Retests of exterior heater systems is not a specification requirement.

(6) Retest of safety valves: Each valve must be retested by air, or inert gas and must open at the prescribed pressure within tolerances specified or below maximum pressure permitted and must be vapor tight at or above prescribed limits. See Tables 1, 2, and 3.

(7) Repairs: Tanks must be retested before being returned to service after any repairs requiring welding, riveting or calking of rivets. Rubber lined tanks must be retested before lining is renewed. Interior heater systems must be retested after repairs or renewals of any part of heater systems.

(8) Retests of all tanks and safety valves must be certified by party making tests to owners of tank cars and to the Bureau of Explosives. Certifications must show initials and numbers of cars, pressure to which tested, date of test, place of test, and by whom test is made.

(9) Periodic retests of metal tanks, safety valves and interior heater systems, except cars in chlorine service and tanks to specifications ICC–106A500, 106A500X, 106A800, 106A800X, 106A800–NCI, 107A**** or 110A500–W, may be made at any time during the calendar year the retest falls due.



TABLE 1—RETEST PERIODS AND PRESSURES

| Classification | Tank retests: Up to 10 years | Tank retests: 10 to 22 years | Tank retests: Over 10 years | Tank retests: Over 22 years | Safety valve retest (years) | Interior heater systems retest: Up to 10 years | Interior heater systems retest: 10 to 22 years | Interior heater systems retest: Over 10 years | Interior heater systems retest: Over 22 years | Tank test (p. s. i.) | Safety valve (p. s. i.[e]) | Safety valve vapor tight (p. s. i.) (minutes) | Retest holding time (minutes) | Test time when lagging is not removed (minutes) |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| ICC–103 | 10 | | 10 | | 10 | 10 | | 10 | | 60 | *35 | 28 | 10 | 20 |
| ICC–103A [d] | 5 | 3 | | 1 | None | 5 | 3 | | 1 | 60 | | | 10 | 20 |
| ICC–103B [f] | None | None | | None | None | 5 | 3 | | 1 | 60 | *35 | | 10 | 20 |
| ICC–103C [e] [d] | 5 | 3 | | 1 | (*) | 5 | 3 | | 1 | 60 | *35 | 28 | 10 | 20 |
| ICC–104 | 10 | | 10 | | 10 | 10 | | 10 | | 500 | 225 | 180 | 30 | 50 |
| ICC–105 [e] | 10 | | 10 | | 5 | | | | | 100 | 75 | 60 | 10 | 20 |
| ICC–105A100 | 10 | | 10 | | 5 | | | | | 300 | 225 | 180 | 30 | 30 |
| ICC–105A300 [b] | 10 | | 10 | | 5 | | | | | 400 | 300 | 240 | 30 | 30 |
| ICC–105A400 [b] | 10 | | 10 | | 5 | | | | | 500 | 375 | 300 | 30 | 30 |
| ICC–105A500 [b] [e] | 10 | | 10 | | 5 | | | | | 600 | 450 | 360 | 30 | 30 |
| ICC–105A600 [b] [e] | 10 | | 10 | | 5 | | | | | 60 | *35 | 28 | 10 | 20 |
| ICC–103–W | 10 | | | | 10 | 10 | | 10 | | 60 | | | 10 | 20 |
| ICC–103A–W [d] | 5 | 3 | | 1 | None | 5 | 3 | | 1 | 60 | | | | |
| ICC–103B–W [f] | None | None | | None | None | 5 | 3 | | 1 | 100 | 75 | 60 | 10 | 20 |
| ICC–103B100–W [f] | None | | None | 1 | (*) | 5 | 3 | | 1 | 60 | 35 | 28 | 10 | 20 |
| ICC–103C–W [e] [d] | 5 | 3 | | 1 | (*) | 5 | 3 | | 1 | 60 | 35 | 28 | 10 | 20 |
| ICC–103D–W [e] [d] | 5 | 3 | | 1 | (*) | 5 | 3 | | 1 | 60 | | | 10 | 20 |
| ICC–103E–W [e] [d] | 5 | 3 | | 1 | None | 5 | 3 | | 1 | 60 | | | 10 | 20 |
| ICC–103A–X–W [e] [d] | | | 10 | | 10 | | | 10 | | 60 | *35 | 28 | 10 | 20 |
| ICC–103AL–W | 10 | | | | (*) | 5 | 3 | | 1 | 60 | 35 | 28 | 10 | 20 |
| ICC–103A–AL–W [e] [d] | 5 | 3 | | 1 | | | | | | 60 | *35 | 28 | 10 | 20 |
| ICC–104–W | 10 | | 10 | | 10 | 10 | | 10 | | 100 | *35 | 28 | 10 | 20 |
| ICC–105A100–AL–W | 10 | | 10 | | 5 | | | | | 300 | 225 | 180 | 30 | 30 |
| ICC–105A300–AL–W | 10 | | 10 | | 5 | 10 | | 10 | | 100 | 75 | 60 | 10 | 20 |
| ICC–105A100–W | 10 | | 10 | | 5 | | | | | 300 | 225 | 180 | 30 | 30 |
| ICC–105A300–W [e] | 10 | | 10 | | 5 | | | | | 400 | 300 | 240 | 30 | 30 |
| ICC–105A400–W [e] | 10 | | 10 | | 5 | | | | | 500 | 375 | 300 | 30 | 30 |
| ICC–105A500–W [b] [e] | 10 | | 10 | | 5 | | | | | 600 | 450 | 360 | 30 | 30 |
| ICC–105A600–W [b] [e] | 10 | | 10 | | 5 | | | | | 300 | 225 | 180 | 30 | 30 |
| ICC–109A300–W | 10 | | | | | | | | | | | | | |

[a] Tanks and safety valves in chlorine service must be retested every 2 years.

[b] Special requirements for carbon dioxide: Valves must be retested at pressure required for new construction.

[c] Safety valves indicated with * are set at specified pressure plus or minus 3 p. s. i. All other valves must be open at a pressure not exceeding that specified.

[d] A commodity for which the tank is approved may be used for filling tank and dome when retesting tanks in service not over 10 years.

[e] Safety valve retest period is same as tank retest period.

[f] Tanks must be retested before rubber lining is renewed or before being returned to service after any repairs requiring welding, riveting or calking of rivets.

TABLE 2—RETEST PERIODS AND PRESSURES

| Classification | Tank retest (years [a] [b]) | Safety valves (years [c]) | Tank test: Holding time minimum (seconds) | Tank test: Hydrostatic displacement test (p. s. i.) | Tank test: Air test for leaks (p. s. i.) | Safety valve (p. s. i.) | Safety valve vapor tight (p. s. i.) |
|---|---|---|---|---|---|---|---|
| ICC–106A500 | 5 | 2 | 30 | 500 | 100 | 375 | 300 |
| ICC–106A500X | 5 | 2 | 30 | 500 | 100 | 375 | 300 |
| ICC–106A800 | 5 | 2 | 30 | 800 | 100 | 600 | 480 |
| ICC–106A800X | 5 | 2 | 30 | 800 | 100 | 600 | 480 |
| ICC–106A800NCI | 5 | 2 | 30 | 800 | None | (*) | (*) |
| ICC–107A**** | 5 | [12] | 30 | (*) | | 375 | 300 |
| ICC–110A500–W | [e] 5 | 2 | 10 minutes | 500 hydrostatic | | | |

[a] Tank must be condemned when it leaks or permanent expansion exceeds 10 percent of the total expansion.

[b] Reports giving data showing results of these retests must be rendered by the party making the test to the owner of the tank and to the Bureau of Explosives, and each tank passing the test must be marked with the date (month and year) plainly and permanently stamped into the metal of one head or chime. For example, 1–54 for January 1954. Dates of previous tests must not be obliterated. (On ICC–107A**** tanks date should be stamped into metal of marked end.)

[c] Safety vents of the frangible disc and fusible plug types must be inspected after each loaded trip of tank as follows: Remove at least 1 vent for visual inspection and if it shows signs of deterioration, all the vents must be removed and inspected and those which do not meet the requirements must be renewed. See Note f for ICC–107A**** tanks.

[d] Each tank must be tested to a pressure at least equal to the marked test pressure of the tank.

[e] Safety valve must open at a pressure not exceeding the marked test pressure of the tank and must be vapor tight at 80 percent of the marked test pressure of the tank.

[f] ICC–107A**** tanks used for transportation of flammable gasses must have safety devices of valve type retested once in every 2 years as prescribed. When safety devices of frangible disc type are used, 1 from each car must be tested as prescribed.

[g] Tank must be condemned when it leaks or shows evidence of distress during hydrostatic test.

TABLE 3—(AAR CLASSIFICATIONS) RETEST PERIODS AND PRESSURES

| Classification | Tank retests: Up to 10 years | Tank retests: 10 to 22 years | Tank retests: Over 10 years | Tank retests: Over 22 years | Safety valve retest (years) | Interior heater systems retest: Up to 10 years | Interior heater systems retest: 10 to 22 years | Interior heater systems retest: Over 10 years | Interior heater systems retest: Over 22 years | Tank test (p. s. i.) | Safety valve (p. s. i.[b]) | Safety valve vapor tight (p. s. i. minutes) | Retest holding time (minutes) | Test time when lagging is not removed (minutes) |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| ARA–II | | | | 10 | 10 | | | | 10 | 60 | *25 | 20 | 10 | 20 |
| ARA–II Acid [1] | | | | 1 | None | | | | 1 | 60 | | | 10 | 20 |
| ARA–II R. L. [2] | | | | None | None | | | | 10 | 60 | *25 | 20 | 10 | 20 |
| ARA–III | | | | 10 | 10 | | | | 1 | 60 | | | 10 | |
| ARA–III Acid [1] | | | | 1 | None | | | | 10 | 60 | *25 | 20 | 10 | 20 |
| ARA–III R. L. [2] | | | | None | None | | | | | 100 | *35 | 28 | 10 | 20 |
| ARA–IV | | | | 10 | 10 | | | | | 300 | 225 | 180 | 30 | |
| ARA–IVA | | | | 10 | 5 | | | | | 35 | *15 | 12 | 10 | |
| ARA–V * | | | | | 10 | | | 10 | | 60 | *35 | 28 | 10 | 20 |
| AAR–201A35 | 10 | | 10 | | 10 | | | 10 | | 35 | *35 | 28 | 10 | |
| AAR–203 | 10 | | 10 | | 10 | | | 10 | | 60 | *35 | 28 | 10 | 20 |
| AAR–201A35–W | 10 | | 10 | | 10 | | | 10 | | 300 | 225 | 180 | 30 | |
| AAR–203–W | 10 | | 10 | | 5 | | | | | 70 | *35 | 28 | 10 | |
| AAR–205A300–W | 10 | | 10 | | 10 | | | 10 | | | | | | |
| AAR–201A70–W | 10 | | | | | | | | | | | | | |

[1] Unlined acid tanks.

[2] Rubber lined tanks.

[a] Tanks and safety valves in chlorine service must be retested every 2 years.

[b] Safety valves indicated with * are set at specified pressure plus or minus 3 p. s. i. All other valves must be open at a pressure not exceeding that specified.

[c] Tanks must be retested before rubber lining is renewed or before being returned to service after any repairs requiring welding, riveting or calking of rivets.

(h) Tank cars and appurtenances may be used for the transportation of any commodity for which they are authorized, as indicated on the certificate of construction. When a car is to be used for the transportation of a commodity other than those approved on the certificate of construction, it must be approved for such loading by the A. A. R. Tank Car Committee. Changes in fittings or commodity stenciling required to transfer a car from one service to another as authorized on the certificates of construction may be made only by the owner or owner's authorized agent; except, that where no change in fittings or other appurtenances is necessary, ICC–103, 103–W, 103AL–W, 103A, 103A–W, 103A–AL–W, 103A–N–W, 103B, 103B–W, 103C, 103C–W, 103D–W, and 103E–W (§§ 78.265, 78.280, 78.291, 78.266, 78.281, 78.292, 78.299, 78.267, 78.282, 78.268, 78.283, 78.297, and 78.298 of this chapter) tank cars may be transferred from one commodity service to another when authorized for the transportation of such commodity by this part.

NOTE 1: For qualification of cylinders and tank cars for compressed gases see §§ 73.34, 73.301 (g), and 73.314.

* * * * *

(l) * * *

[Note 1 canceled.]

SUBPART C—FLAMMABLE LIQUIDS; DEFINITION AND PREPARATION

1. Amend § 73.119 paragraph (a) (12); cancel paragraph (a) (13) and (18); amend paragraphs (e) (2) and (f) (3) (17 F. R. 7280, 7281, Aug. 9, 1952) (16 F. R. 5323, June 6, 1951) (15 F. R. 8298, Dec. 2, 1950) (49 CFR 1950 Rev., 1954 Supp., 73.119) to read as follows:

§ 73.119 *Flammable liquids not specifically provided for.* (a) * * *

(12) Spec. 103, 103–W, 103AL–W, 103D–W, 104, 104–W, 105A100, 105A100–W, 105A100AL–W, 105A300–W, 105A300AL–W, 105A400–W, 105A500–W, 105A600–W, ARA–II,[2] ARA–III,[2] ARA–IV,[2] or ARA–IV–A[2] (§§ 78.265, 78.280, 78.291, 78.269, 78.284, 78.270, 78.285, 78.294, 78.286, 78.297, 78.287, 78.288, 78.289, or 78.300 of this chapter). Tank cars. For cars equipped with expansion domes, manhole closures must be so designed that pressure will be released automatically by starting the operation of removing the manhole cover. (See § 73.432 for shipping instructions.)

(13) [Canceled.]

* * * * *

(18) [Canceled.]

* * * * *

(e) * * *

(2) Spec. 103, 103–W, 103AL–W, 103D–W, 104, 104–W, 105A100, 105A100–W, 105A100AL–W, 105A300–W, 105A300AL–W, 105A400–W, 105A500–W, 105A600–W, ARA–II,[2] ARA–III,[2] ARA–IV,[2] or ARA–IV–A[2] (§§ 78.265, 78.280, 78.291, 78.297, 78.269, 78.284, 78.270, 78.285, 78.294, 78.286, 78.287, 78.288, 78.289, and 78.300 of this chapter). Tank cars. Cars having expansion domes must be equipped with manhole closures, identification marks, and dome placards as prescribed in (f) (4), (g), (h), and (h) (1) of this section. (See Note 1 of paragraph (f) (3) of this section.)

(f) * * *

(3) Spec. 105A100, 105A100–W, 105A100AL–W, 105A300–W, 105A300AL–W, 105A400–W, 105A500–W, 105A600–W, or ARA–IV–A[2] (§§ 78.270, 78.285, 78.294, 78.286, 78.287, 78.288, 78.289, and 78.300 of this chapter) See Note 1 of this subparagraph. Tank cars. Spec. 104 (§ 78.269 of this chapter) and ARA–IV[2] tank cars are authorized under the conditions prescribed in paragraphs (f) (4), (g), (h), and (h) (1) of this section and Note 3 of this subparagraph.

[No change in Notes.]

* * * * *

2. Amend § 73.123 paragraph (a) (5) (15 F. R. 8301, Dec. 2, 1950) (49 CFR 73.123, 1950 Rev.) to read as follows:

§ 73.123 *Ethyl chloride.* (a) * * *

(5) Spec. 105A100, 105A100–W, 105A300–W, 105A400–W, 105A500–W, 105A600–W, or ARA–IV–A[1] (§§ 78.270, 78.285, 78.286, 78.287, 78.288, and 78.289 of this chapter). Tank cars. See Note 1 of § 73.119 (f) (3). (See § 73.432 for shipping instructions.)

* * * * *

3. Amend § 73.124 paragraphs (a) (5) and Note 1 thereto, and (a) (6) (16 F. R. 5324, June 6, 1951) (15 F. R. 8301, Dec. 2, 1950) (16 F. R. 9374, Sept. 15, 1951) (49 CFR 1950 Rev., 1954 Supp., 73.124) to read as follows:

§ 73.124 *Ethylene oxide.* (a) * * *

(5) Spec. 105A100, 105A100–W, or ARA–IV–A[1] (§§ 78.270, or 78.285 of this chapter). Tank cars. See Note 1 of § 73.119 (f) (3). (See § 73.432 for shipping instructions.)

NOTE 1: Because of the present emergency and until further order of the Commission, specification ARA–IV[1] and ICC–104 and 104–W (§§ 78.269 and 78.284 of this chapter) tank cars, converted as follows, are authorized for use. Tanks must be tested to 75 pounds per square inch hydrostatic pressure and show no leakage with lagging removed. Bottom discharge outlet must be removed, the opening closed with a riveted plate, and a sump applied. Safety valves must be removed and replaced by two safety valves of the type and size used on ICC–105A100 or 105A100–W (§§ 78.270 or 78.285 of this chapter) tank cars but set to open at 60 pounds per square inch instead of 75 pounds. The various approved dome fittings now required on ICC–105A100 or 105A100–W (§§ 78.270 or 78.285 of this chapter) tank cars, must be installed in an approved manner to provide for the loading, unloading, gauging, sampling, and taking of temperature of contents without removing the manhole closure. Tank jacket must be stenciled immediately above the mark ARA–IV[1], ICC–104, or ICC–104–W (§§ 78.269 or 78.284 of this chapter) with the words "For Ethylene Oxide Only".

(6) Spec. 105A300–W, 105A400–W, 105A500–W, or 105A600–W (§§ 78.286, 78.287, 78.288, or 78.289 of this chapter). Tank cars. Tanks must be restenciled 105A100 or 105A100–W and be equipped with safety valves of the type and size used on 105A100 and 105A100–W tank cars. See Note 1 of § 73.119 (f) (3). (See § 73.432 for shipping instructions.)

* * * * *

SUBPART E—ACIDS AND OTHER CORROSIVE LIQUIDS; DEFINITION AND PREPARATION

1. Amend § 73.247 paragraphs (a) (11) and (13) (15 F. R. 8314, Dec. 2, 1950) (18 F. R. 6778, Oct. 27, 1953) (49 CFR 1950 Rev., 1954 Supp., 73.247) to read as follows:

§ 73.247 *Acetyl chloride, antimony pentachloride, benzoyl chloride, benzyl chloride, pyro sulfuryl chloride, silicon chloride, sulfur chloride (mono and di), sulfuryl chloride, thionyl chloride, tintetrachloride (anhydrous), and titanium tetrachloride.* (a) * * *

(11) Spec. 103A–N–W (§ 78.299 of this chapter). Tank cars, authorized for benzyl chloride only. When shipped in unstabilized condition, the lading must be anhydrous and must be free from impurities such as iron. All cast metal parts of the tank in contact with the lading must have a minimum nickel content of approximately 96.7 percent.

* * * * *

(13) Spec. 103A or 103A–W (§§ 78.266 or 78.281 of this chapter) tank cars. Tank cars, nickel clad at least 10 percent, authorized for stabilized benzyl chloride only. Acetyl chloride, benzoyl chloride, pyro sulfuryl chloride, sulfuryl chloride, and thionyl chloride when shipped in unstabilized condition, must be anhydrous and free from impurities such as iron.

2. Amend § 73.249 paragraph (a) (5) (15 F. R. 8314, Dec. 2, 1950) (49 CFR 73.249, 1950 Rev.) to read as follows:

§ 73.249 *Alkaline corrosive liquids, n. o. s., alkaline caustic liquids, n. o. s., and alkaline battery fluids.* (a) * * *

(5) Spec. 103, 103–W, 103A, 103A–W, 104, 104–W, 105A100, or 105A100–W (§§ 78.265, 78.280, 78.266, 78.281, 78.269, 78.284, 78.270, or 78.285 of this chapter). Tank cars.

* * * * *

3. Amend § 73.254 paragraph (a) (4) (20 F. R. 951, Feb. 15, 1955) (49 CFR 73.254, 1950 Rev.) to read as follows:

§ 73.254 *Chlorosulfonic acid and mixtures of chlorosulfonic acid-sulfur trioxide.* (a) * * *

(4) Spec. 103A, 103A–W, 103C–W, or 103E–W (§§ 78.266, 78.281, 78.283, or 78.298 of this chapter). Tank cars.

* * * * *

4. Amend § 73.263 paragraph (a) (9) (17 F. R. 9837, Nov. 1, 1952) (49 CFR 1950 Rev., 1954 Supp., 73.263) to read as follows:



§ 73.263 *Hydrochloric (muriatic) acid, hydrochloric acid mixtures, and sodium chlorite solution.* (a) * * *

(9) Spec. 103B or 103B–W (§§ 78.267 or 78.282 of this chapter). Tank cars. Authorized for acid not over 38 percent strength by weight. Except for hydrochloric (muriatic) acid of 22° Baume strength, and other fuming acids, safety vent of approved design equipped with frangible disc having ⅛ inch breather hole in the center thereof or a safety vent of approved design equipped with carbon discs permitting continuous venting may be used.

* * * * *

5. Amend § 73.264 paragraph (a) (8); cancel paragraph (a) (13) (20 F. R. 4417, June 23, 1955) (15 F. R. 8317, Dec. 2, 1950) (49 CFR 73.264, 1950 Rev.) to read as follows:

§ 73.264 *Hydrofluoric acid.* (a) * * *

(8) Spec. 103A, 103A–W, 105A100, 105A100–W, 105A300–W, 105A400–W, 105A500–W, 105A600–W, or ARA–IV–A[1] (§§ 78.266, 78.281, 78.270, 78.285, 78.286, 78.287, 78.288, and 78.289 of this chapter). Unlined metal tanks which have been subjected to adequate passivity or neutralization process. (See Note 1 to subparagraph (7) of this paragraph.) Authorized only for acid of 60 to 80 percent strength. If tanks are washed out with water they must be resubjected to passivity before reshipment.

* * * * *

(13) [Canceled.]

* * * * *

6. Cancel paragraph (a) (4) in § 73.265 (15 F. R. 8318, Dec. 2, 1950) (49 CFR 73.265, 1950 rev.)

§ 73.265 *Hydrofluosilicic acid.* (a) * * *

(4) [Canceled.]

* * * * *

7. In § 73.268 amend paragraph (b) (1); cancel paragraph (b) (2); add paragraph (c) (2) (17 F. R. 4294, May 10, 1952) (15 F. R. 8319, Dec. 2, 1950) (49 CFR 1950 Rev., 1954 Supp., 73.268) to read as follows:

§ 73.268 *Nitric acid.* * * *

(b) * * *

(1) Spec. 103C–W (§ 78.283 of this chapter). Tank cars.

(2) [Canceled.]

* * * * *

(c) * * *

(2) Spec. 103A–AL–W (§ 78.292 of this chapter). Tank car.

* * * * *

8. Amend § 73.271 paragraph (a) (7) (15 F. R. 8321, Dec. 2, 1950) (49 CFR 73.271, 1950 Rev.) to read as follows:

§ 73.271 *Phosphorus oxychloride, phosphorus trichloride, and thiophosphoryl chloride.* (a) * * *

(7) Spec. 103A, 103A–W, or 103A–N–W (§§ 78.266, 78.281, or 78.299 of this chapter). Tank cars, when the tanks of these cars are lead-lined or the tanks are made of solid nickel at least 99 percent pure and all cast metal parts of the tank in contact with the lading have a minimum nickel content of approximately 96.7 percent.

* * * * *

9. Amend § 73.272 paragraph (h) (3) (15 F. R. 8321, Dec. 2, 1950) (49 CFR 73.272, 1950 Rev.) to read as follows:

§ 73.272 *Sulfuric acid.* * * *

(h) * * *

(3) Spec. 103A or 103A–W (§ 78.266 or § 78.281 of this chapter). Tank cars. Sulfuric acid, except oleum, mixed acid (nitric and sulfuric) (nitrating acid), and other fuming acids, may be transported in ICC–103A tank cars having safety vents equipped with lead discs having a ⅛ inch breather hole in the center thereof.

* * * * *

| Kind of gas | Maximum permitted filling density, Note 1 | Required type of tank car, Note 2 |
|---|---|---|
| Butadiene (pressure not exceeding 75 pounds per square inch at 105° F.), inhibited. | Note 3 | ICC–105A100, 105A100–W, Note 9. |
| Liquid hydrocarbon gas (pressure not exceeding 75 pounds per square inch at 105° F.). | Note 6 | ICC–105A100, 105A100–W, Note 9. |
| Liquefied petroleum gas (pressure not exceeding 75 pounds per square inch at 105° F.). | Note 3 | ICC–105A100, 105A100–W, Note 9. |
| Vinyl methyl ether, inhibited. (See Note 14.) | 68 | ICC–105A100, 105A100–W, 105A300–W. |

* * * * *

NOTE 2: When tank cars marked ICC–105A300–W (§ 78.286 of this chapter) are prescribed, tank cars marked ICC–105A400–W, 105A500–W, and 105A600–W (§§ 78.287, 78.288, and 78.289 of this chapter) may also be used. When ICC–105A100 or ICC–105A100–W (§§ 78.270 or 78.285 of this chapter) tank cars are prescribed, tank cars marked ICC–105A300–W, 105A400–W, 105A500–W, and 105A600–W (§§ 78.286, 78.287, 78.288, and 78.289 of this chapter), may also be used. When tank cars marked ICC–105A100AL–W (§ 78.294 of this chapter) are prescribed, tank cars marked ICC–105A300AL–W (§ 78.300 of this chapter) may also be used. When ICC–106A500 and 106A500X (§ 78.275 of this chapter) tank cars are prescribed, tank cars marked ICC–106A800 and 106A800X (§ 78.276 of this chapter) may also be used.

* * * * *

NOTE 9: For tank cars other than 106A (§ 78.275 or 78.276 of this chapter) type, used for the transportation of liquefied flammable gases, interior pipes of loading and unloading valves must be equipped with excess flow valves of approved design.

* * * * *

(b) The gas pressure at 105° F. in any lagged tank of tank cars of specs. 105A100, 105A100–W, 105A300–W, 105A400–W, 105A500, 105A600–W (§§ 78.270, 78.285, 78.286, 78.287, 78.288, and 78.289 of this chapter), and at 130° F. in any unlagged tank of tank car of specs. 106A500, 106A500X, 106A800, 106A800X, and 110A500–W (§§ 78.275, 78.276, and 78.293 of this chapter) must not exceed three-fourth times the prescribed retest pressure of the tank. The gas pressure at 130° F. in any unlagged tank of tank cars of the 107A (§ 78.277 of this chapter) series must not exceed seven-tenths of the marked test pressure of the tank.

[No change in Note 1.]

* * * * *

SUBPART G—POISONOUS ARTICLES; DEFINITION AND PREPARATION

1. Amend § 73.346 paragraph (a) (10) (19 F. R. 8528, Dec. 14, 1954) (49 CFR 1950 Rev., 1954 Supp., 73.346) to read as follows:

§ 73.346 *Poisonous liquids not specifically provided for.* (a) * * *

(10) Spec. 103, 103–W, 103A, 103A–W, 104, 104–W, 105A100, 105A100–W, 105A300–W, 105A400–W, 105A500–W, 105A600–W (§§ 78.265, 78.280, 78.266, 78.281, 78.269, 78.284, 78.270, 78.285, 78.286, 78.287, 78.288, 78.289 of this chapter), or ARA–IV–A.[1] Tank cars.

* * * * *

2. Amend § 73.353 paragraphs (a) (5) and (b) (17 F. R. 7282, Aug. 9, 1952) (49 CFR 1950 Rev., 1954 Supp., 73.353) to read as follows:

§ 73.353 *Methyl bromide.* (a) * * *

(5) Spec. 105A100, 105A100–W, 105A300–W, 105A400–W, 105A500–W, 105A600–W, 106A500, 106A500X, or 106A800 (§§ 78.270, 78.285, 78.286, 78.287, 78.288, 78.289, 78.275, or 78.276 of this chapter). Tank cars.

(b) Outage must be sufficient to prevent tank car from becoming entirely filled with liquid at the following temperature: Spec. 105A100, 105A100–W, 105A300–W, 105A400–W, 105A500–W, or 105A600–W (§§ 78.270, 78.285, 78.286, 78.287, 78.288, or 78.289 of this chapter) at 105° F.; spec. 106A500, 106A500X, or 106A800 (§§ 78.275 or 78.276 of this chapter) at 130° F.

* * * * *

## PART 78—SHIPPING CONTAINER SPECIFICATIONS

### SUBPART I—SPECIFICATIONS FOR TANK CARS

1. Amend the Preface to Subpart I (15 F. R. 8485, Dec. 2, 1950) (49 CFR Part 78 Subpart I Preface, 1950 Rev.) to read as follows:

§ 78.256 *Preface.* (a) The following specifications for tanks are minimum requirements. Changes or modifications thereof may be made effective by further order of the Commission. See § 71.4 of this chapter reading as follows:

*Changes in tank car specifications.* (a) Proposals of changes in or additions to specifications for tanks to be mounted on or to form part of a car and to be classified as tank cars should be submitted to the Secretary, Mechanical Division, Association of American Railroads, for thorough investigation and consideration by its Committee on Tank Cars, that Committee to report its recommendations, together with objections offered to its proposals, with explanations and reasons for desired approval thereof, through said Secretary to the Commission, and such reports may be submitted to the Bureau of Explosives, as circumstances appear to warrant, for comments and suggestions before appropriate action by the Commission.

(b) Wherever the word "approved" is used in this subpart, it refers to procedure covered in § 71.5 of this chapter reading as follows:

*Procedure covering tank car construction.* (a) Complete detailed prints of new or improved types of tank car tanks and detailed prints or samples of new or improved types of equipment therefore should be submitted to the Secretary, Mechanical Division, Association of American Railroads, for thorough investigation and laboratory tests of samples by its Committee on Tank Cars.

(b) When in the opinion of the Committee such tanks or equipment therefore are in full compliance with effective specifications of the Commission and no increase in hazard is involved, their use should be permitted.

(c) When in the opinion of the Committee such tanks or equipment therefore are in full compliance with effective specifications of the Commission and a possible increase in hazard is involved, service trials should be agreed upon among interested parties before more extended use is permitted.

(d) When in the opinion of the Committee such tanks or equipment therefore do not comply with effective specifications of the Commission and service trials are desirable, approval by the Commission of the conditions of such trials must be obtained.

(e) Prompt reports of the Tank Car Committee on these matters should be made to the Commission through said Mechanical Division Secretary and should include objections to proposed modifications of the specifications and advice of any extensions of pending investigations found necessary. The Committee's expert opinions thus obtained will be given due weight by the Commission in determining appropriate final action to be taken. The merits of controversies arising under the foregoing procedure will be considered and changes in or additions to the specifications, or authorizations of service trials, will be made by the Commission as conditions appear to warrant.

2. Amend § 78.257 paragraph (a) (15 F. R. 8485, Dec. 2, 1950) (49 CFR 78.257, 1950 Rev.) to read as follows:

§ 78.257 *General.* (a) All tanks built on or after August 31, 1956, must comply with all applicable requirements of the specifications in this subpart, and maintained in accordance with § 73.31 of this chapter.

3. Amend entire § 78.258 (15 F. R. 8485, Dec. 2, 1950) (49 CFR 78.258, 1950 Rev.) to read as follows:

§ 78.258 *Specification changes.* (a) Specifications previously published are not applicable for cars and tanks mounted thereon built on or after August 31, 1956. Specifications contained herein are for new cars, or tanks therefore, built on or after August 31, 1956.

4. Amend entire § 78.259 (17 F. R. 9840, Nov. 1, 1952) (17 F. R. 4298, May 10, 1952) (15 F. R. 8485, 8486, Dec. 2, 1950) (49 CFR 1950 Rev., 1954 Supp., 78.259) to read as follows:

§ 78.259 *Applications for approval.* (a) Applications for approval of new or modified designs, specifications or materials for tanks and equipment therefore shall be submitted to the Secretary, Mechanical Division, Association of American Railroads for appropriate committee action.

(b) Applications for approval of designs to be used in constructing cars under these specifications, shall be submitted to said Secretary.

(c) To propose a new specification for tank cars, an applicant should furnish information to show the necessity to justify a new classification. This data should give:

(1) The method of handling the loading and unloading of the lading.

(2) The nature and properties of the lading.

(3) The reason why any existing classification cannot be used.

(d) An application for construction of cars to any new classification, and the proposed specification covering same, may be filed with the Secretary, Mechanical Division, Association of American Railroads; but construction shall be held in abeyance until after the specification has been approved. The Subcommittee on Specifications of the Committee on Tank Cars shall complete a review of the proposed specification at its earliest convenience and report its recommendations to the Committee on Tank Cars for prompt consideration. Construction or repairs not in accord with currently effective regulations is cause for rejection of an application, therefore the Committee on Tank Cars should not be asked to approve an application on any other basis other than currently effective regulations. This procedure is not intended to discourage new design within the scope of currently effective regulations; but to prevent premature construction in anticipation of the adoption of a new tank car classification.

5. Amend entire § 78.260 (15 F. R. 8486, Dec. 2, 1950) (49 CFR 78.260, 1950 Rev.) to read as follows:

§ 78.260 *Tank car heater systems; approval of designs.* (a) Application for approval of designs of heater systems for installation in new or existing tanks shall be submitted to said Secretary and approval by appropriate action obtained before cars with heater systems are placed in service.

6. Amend entire § 78.261 (15 F. R. 8486, Dec. 2, 1950) (49 CFR 78.261, 1950 Rev.) to read as follows:

§ 78.261 *Specification for interior heater systems.*—(a) *Heater pipes and fittings.* (1) When threaded joints are used, pipes shall not be less than two inch "extra strong" lap-welded steel, seamless steel, electric-resistance-welded steel, or wrought iron to current A. A. R. specifications. When the joints are welded, instead of threaded, to give them the same bending strength as the body of the pipes, the thickness of wall may be reduced 20 percent. Joints shall be made by threaded wrought couplings, forged unions, bolted flanges, or welding. A minimum number of connections shall be used.

(2) Interior heater systems shall be made of material not affected by the lading. When materials specified in subparagraph (1) of this paragraph are not suitable on account of effect of lading, other approved materials shall be used.

(b) *Return bends.* Cast iron, malleable iron or cast steel return bends shall not be used. Return bends shall be forged or made by bending the pipe. Cast or forged manifolds of approved design are permissible.

(c) *Application to tank.* All piping shall be properly secured to permit necessary expansion and contraction.

(d) *Inlets and outlets.* (1) Inlets and outlets shall be so located in any portion of dome, shell or heads of tanks or steam jacketed outlet as to afford proper self-drainage of the entire system.

(2) Breakage groove required on steam jacketed outlets.

(3) When ends of steam coils are not attached to manifold or steam jacketed outlet chamber they shall be attached to pads or reinforcements. Pads or reinforcements shall be attached to tank or dome to comply with specifications for type of car involved. Outside pipe connections to steam coils shall not be integral part of the interior coils and shall be screwed or welded, or both, into outside of pads or reinforcements.

(4) Both inlets and outlets of heater pipes shall be equipped with valve cock, cap or plug. Caps and plugs shall be secured by chain.

(e) *Compartment and multiple-tank cars.* The heater system for each compartment of a compartment tank or each tank of a multiple tank car shall be treated as a separate tank and comply with the requirements contained herein.

(f) *Tests and retests.* (1) The heater system of each tank shall be tested with hydrostatic pressure and shall be tight at 200 pounds per square inch.

(2) Similar tests shall be made after renewals of any part of heater system.

(3) Each time tanks having heater systems are retested as prescribed in the specifications therefor, the heater system shall also be retested and be tight at a hydrostatic pressure of 200 pounds per square inch.

(g) *Reports.* Reports shall be made on Certificate of Construction when heater systems are installed, including report of initial test. Reports of retests of tanks shall include retests of heater systems.

7. Cancel entire § 78.262 (15 F. R. 8486, Dec. 2, 1950) (49 CFR 78.262, 1950 Rev.)

8. Cancel entire § 78.263 (15 F. R. 8486 to 8488, Dec. 2, 1950) (49 CFR 78.263, 1950 Rev.)

9. Amend entire § 78.265 (19 F. R. 3263, June 3, 1954) (18 F. R. 3144, June 2, 1953) (17 F. R. 9840, Nov. 1, 1952) (15 F. R. 8488, 8489, 8490, Dec. 2, 1950) (49 CFR 1950 Rev., 1954 Supp., 78.265) to read as follows:

§ 78.265 *Specification ICC–103; riveted steel tanks to be mounted on or forming part of a car.* (a) Wherever the word "approved" is used in this specification it means approval by the Association of American Railroads Committee on Tank Cars as prescribed in § 78.259 (a), (b), (c) and (d).

§ 78.265–1 *Type.* (a) Tanks built under this specification must be cylindrical with heads designed convex outward, and must have at least one expansion dome with manway, and such other external projections as are prescribed herein. When the interior of the tank is divided into compartments, each compartment must have 2 heads designed convex outward, one expansion dome with manway, and such other external projections as are prescribed herein.

§ 78.265–2 *Lagging.* (a) Not a specification requirement. If applied, the tank shell and expansion dome must be lagged with an approved insulation material of a thickness so that the thermal conductance is not more than 0.225 B. t. u. per square foot, per degree Fahrenheit differential in temperature per hour at 60 degrees. The entire insulation must be covered with a metal jacket not less than ⅛ inch in thickness and efficiently flashed around all openings so as to be weather tight. When heater systems are attached to exterior of tank the lagging over each heater element may be reduced in thickness.

(b) Before lagging is applied, the tank surface and the inside surface of the metal jacket shall be given a protective coating.

§ 78.265–3 *Bursting pressure.* (a) The calculated bursting pressure, based on the lowest tensile strength of the plate and the efficiency of the longitudinal seam, must be at least 240 pounds per square inch.

§ 78.265–4 *Thickness of plates.* (a) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula, but in no case shall the wall thickness be less than that specified in paragraph (b) of this section:

$$t = \frac{Pd}{2SE}$$

where
- $t$ = thickness in inches of thinnest plate;
- $P$ = calculated bursting pressure pounds per square inch;
- $d$ = inside diameter in inches;
- $S$ = minimum ultimate tensile strength in pounds per square inch;
- $E$ = efficiency of longitudinal riveted seam.

(See § 78.265–7 (b).)

(1) The thickness of a dished head must be determined by the following formula, but in no case be less than that specified in paragraph (b) of this section:

$$t = \frac{5PL}{6SE}$$

where
- $t$ = thickness of plate in inches;
- $P$ = calculated bursting pressure pounds per square inch;
- $L$ = main inside radius to which head is dished measured on concave side in inches;
- $S$ = minimum ultimate tensile strength in pounds per square inch;
- $E$ = efficiency of riveted joint.

When head is formed from one piece, the efficiency may be considered as 100 percent.

(b) The minimum thickness of plates, including thickness of each plate at rivet seams, must be as follows:

| Inside diameter of tanks | Bottom sheets | Shell sheets | Expansion dome sheets | Tank heads | Expansion dome heads | Interior compartment heads |
|---|---|---|---|---|---|---|
| | *Inch* | *Inch* | *Inch* | *Inch* | *Inch* | *Inch* |
| 60 inches or under | 7/16 | ¼ | 5/16 | ½ | 5/16 | 3/8 |
| Over 60 to 78 inches | 7/16 | 5/16 | 5/16 | ½ | 5/16 | 3/8 |
| Over 78 to 96 inches | ½ | 3/8 | 5/16 | ½ | 5/16 | 3/8 |
| Over 96 to 112 inches | ½ | 7/16 | 5/16 | 9/16 | 5/16 | 7/16 |
| Over 112 to 122 inches | ½ | ½ | 5/16 | 9/16 | 5/16 | ½ |

(c) The minimum thickness of clad plates, where cladding material has physical properties at least equal to that of the base plate prescribed in § 78.265–5 (a), must be as prescribed in the above table. Where the cladding material does not have physical properties at least equal to that of the base plate prescribed in § 78.265–5 (a), minimum thickness of base plate must be as prescribed in the above table.

(d) The minimum width of bottom sheet of tank must be 60 inches, measured on the arc, but in all cases the width must be sufficient to bring the entire width of the longitudinal seam, including overlaps, above the cradle.

(e) For tanks built of one piece cylindrical sections, the thickness specified for bottom sheet must apply to the entire cylindrical shell.

(f) For tanks without underframe the minimum thickness of bottom sheet must not be less than 5/16 inch.

(g) When tank is divided into compartments the interior heads must comply with the requirements for interior compartment heads prescribed herein. When capacity of tank is reduced by moving in the exterior head a new exterior head of approved contour not less than 3/8 inch thickness must be applied. When the capacity is reduced by the insertion of a new interior head this head must comply with the requirements for interior compartment heads and the exterior head reapplied. Voids, created by the addition of heads for division into compartments or reduction in capacity, must be provided with a tapped drain hole at their lowest point, and a tapped hole at top of tank. The top hole must be closed, and the bottom hole may be closed, with not less than ¾ inch nor more than 1½ inches solid pipe plugs having standard pipe threads.

§ 78.265–5 *Material.* (a) All plates for tank and expansion dome must be made of open-hearth boiler-plate flange quality steel to an approved specification. These plates may also be clad with other metals, such as nickel.

(b) All castings used for fittings or attachments to tank must be made of material to an approved specification.

(c) Rivets must be of the same quality as used for steam boilers and other pressure vessels and be made of steel to an approved specification. When clad plates are used, the rivet heads inside the tank must be clad with the same material or rivets may be of the same material as the cladding, provided rivets have physical properties at least equivalent to rivets prescribed herein.

(d) All external projections must be made of materials specified herein.

(e) Lining or interior coating is not a specification requirement. If applied, it must be approved as to material.

§ 78.265–6 *Tank heads.* (a) Tank heads must be of approved contour and must be designed for pressure on concave side and to main inside radius not exceeding 10 feet. The inside knuckle radius must not be less than 3¾ inches except for interior heads of compartment tanks the knuckle radius must not be less than 1½ inches.

(b) Tank heads may be made of two plates joined by fusion-welding in accordance with the requirements prescribed by AAR Welding Code Appendix W, except that stress-relieving is not required if heads are heated to not less than 1200 degrees Fahrenheit for pressing. The fusion welded joint for tank heads must be located horizontally.

§ 78.265–7 *Riveting.* (a) For computing rivet areas the effective diameter of a driven rivet is the diameter of its reamed hole, which hole must in no case exceed nominal diameter of rivet by more than 1/16 inch. All rivets must be driven hot.

(b) All seams formed in the manufacture of the tank and expansion dome proper and the attachment of the expansion dome to the tank must be double riveted. Dome head, manway ring, safety valve flange and bottom outlet nozzle flange may be single or double riveted. Riveted seams and joints must be made metal to metal without interposition of other material, with the exception that the use of 2 liners not to exceed 1 inch in width and ⅛ inch in thickness, placed at an angle across the longitudinal seams between 2 rows of rivets near the internal tank heads on compartment cars to prevent the liquid from passing along the longitudinal seams from one compartment to another while cars are being water tested, will be permissible. The efficiency of double-riveted seams must be at least 70 per cent of the strength of the thinnest plate specified in § 78.265–4 (a) (1), (b) and (c). The efficiency of single riveted seams must be at least 45 per cent of the strength of the thinnest plate specified in § 78.265–4 (a) (1), (b) and (c). Use of rivets of less than 5/8-inch nominal diameter not permissible on any part of tank or attachments.

§ 78.265–8 *Calking.* (a) All seams, including those formed by attachment of expansion dome and other external projections, must be calked both inside and outside, except that inside calking of the seam formed by attachment of expansion dome to tank when tank sheet is not cut out to full diameter of the dome, is not required and outside calking of seams formed by attachment of all external projections, except the expansion dome, is not required. Split calking is prohibited.

(b) The edges of plates at all riveted seams must be beveled so that the angle of the calking edges will be between 60 and 70 degrees with the flat surface of the plate. The extreme calking edge distance, measured from center line of rivet hole, must be at least 1½ times the diameter of the hole and not more than that distance plus ¼ inch.

(c) Electric seal welding of inside calking edges only, in whole or in part, using shielded arc type of electrode, is permitted on new or existing equipment, provided the weld bead has a ⅛ inch minimum to 3/16 inch maximum throat thickness. Qualification of welders must comply with requirements prescribed by AAR Welding Code Appendix W. Welding clad material to edge of clad plates inside of tank is permitted. Other methods of covering edges of clad plates, if approved, may be used.

§ 78.265–9 *Tank mounting.* (a) The manner in which tank is supported on and securely attached to the car structure must be approved.

§ 78.265–10 *Expansion dome.* (a) The expansion dome must have a capacity, measured from the inside top of shell of tank to the inside top of dome or bottom of any vent pipe projecting inside dome of at least 2 percent of the total capacity of the tank and dome combined, except that when safety valve or safety vent is applied to side of dome, the effective capacity of dome must be measured from top of safety valve or safety vent opening in the side of dome to inside top of shell of tank.

(b) The opening in manway ring must be at least 16 inches in diameter. The opening in the tank shell within the dome must be at least 29 inches in diameter. When the opening in the tank shell exceeds 30 inches in diameter, the opening must be reinforced in an approved manner. When the opening in the tank shell is less than the inside diameter of the dome, and the dome pocket is not closed off in an approved manner. Dome pocket drain holes must be provided in the tank shell with nipples projecting inside the tank at least 1 inch.

(c) The dome head must be of approved contour and must be designed for pressure on concave side.

(d) The entire dome assembly, dome head assembly, or dome header assembly, including the nozzles and flanges, as required, may be built up by fusion welding, providing this detail is fabricated and stress-relieved in accordance with the requirements prescribed by AAR Welding Code Appendix W.

§ 78.265–11 *Closures for manway.* (a) The manway cover must be of approved type and designed to make it impossible to remove the cover while the interior of the tank is subjected to pressure.

(b) Manway rings and covers must be of cast, forged or fabricated steel, malleable iron or other malleable metals.

(c) All covers not hinged must be attached to outside of the dome head by at least ⅜ inch chain or its equivalent.

(d) All joints between manway covers and their seats must be made tight against leakage of vapor and liquid by use of gaskets of suitable material.

§ 78.265–12 *Gauging, bottom outlet valve operating rod, venting, loading and unloading, and air inlet devices extending through domes of tanks.* (a) Not specification requirements. When installed, these devices including their valves or fittings must be of approved design and made of materials not subject to rapid deterioration by the lading. These devices including their valves or fittings must be provided with a protective housing. Unloading pipes must be securely anchored within the tank. Provision must be made for closing pipe connections of valves.

§ 78.265–13 *Bottom outlets.* (a) The bottom outlet, when installed, must be made of metal not subject to rapid deterioration by the lading, be of approved construction and be provided with a valve at its upper end and a liquid-tight closure at its lower end.

(b) The valve operating mechanism and outlet nozzle construction must be such as to insure against unseating of valve due to stresses or shocks incident to transportation.

(c) Bottom outlet nozzle may be of cast, fabricated or forged metal.

(d) To provide for the attachment of standard unloading connections, the bottom of the main portion of the outlet nozzle or some fixed attachment thereto, must have external Unified Form Threads, 4 threads to the inch.

(e) For outlet nozzles that project 6 inches or more from the shell of tank a "V" groove must be cut (not cast) in the upper part of outlet nozzle at a point immediately below lowest part of valve to a depth that will leave thickness of nozzle wall at the root of the "V" not over ⅜ inch. In the case of steam jacketed outlet nozzles this groove must be below the steam chamber but above the bottom of center sill construction. Where outlet nozzle is not a single piece, arrangement must be made to provide the equivalent of the breakage groove.

(f) The flange on the outlet nozzle must be of a thickness which will prevent distortion of the valve seat or valve by any change in contour of the shell resulting from expansion of lading, or other causes, and which will insure that accidental breakage of the outlet nozzle will occur at or below the "V" groove.

(g) The valve must have no wings or stem projecting below the "V" groove in the outlet nozzle. The valve seat must be readily accessible or removable for repairs, including grinding.

(h) The valve operating mechanism must have means for compensating for variation in the vertical diameter of the tank produced by expansion, weight of the liquid contents, or other causes, and should operate from the interior of the tank, but in the event the rod is carried through the dome, leakage must be prevented by packing in stuffing box and cap nut.

(i) In no case must extreme projection of bottom outlet equipment extend to within 12 inches above top of rail. All bottom outlet reducers and closures and their attachments must be secured to car by at least ⅜ inch chain or its equivalent, except that outlet closure plugs may be attached by ¼ inch chain. When the bottom outlet closure is of the combination cap and valve type, the pipe connection to the valve must be closed by a plug or cap.

§ 78.265–14 *Safety valves.* (a) The tank must be equipped with one or more safety valves of approved design mounted on expansion dome. Total valve discharge capacity must be sufficient to prevent building up of pressure in the tank in excess of 45 pounds per square inch.

(b) One safety valve must be provided for each tank or compartment thereof, of 6,650 gallons capacity or less, and 2 safety valves for each tank or compartment thereof, of over 6,650 gallons capacity.

(c) Each safety valve must be set to open at a pressure of 35 pounds per square inch and be vapor tight at 28 pounds per square inch. (For tolerance see § 78.265–19.)

(d) Tanks used for the transportation of corrosive liquids, flammable solids, oxidizing materials, or poisonous liquids or solids, class B, need not be equipped with safety valves, but if not so equipped must have one safety vent at least 1¾ inches inside diameter closed with a frangible disc of lead or other suitable material of a thickness that will rupture at not more than 45 pounds per square inch. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement. All tanks equipped with vents must be stenciled "Not for Flammable Liquids".

§ 78.265–15 *Fixtures, reinforcements, and attachments not otherwise specified.* (a) All attachments to tank and dome must be riveted in place and calked to comply with conditions prescribed in §§ 78.265–7 and 78.265–8, or applied by other approved means of at least equal strength and efficiency. Interior heater systems, when installed, must be so constructed that the breaking off of their external connections will not cause leakage of contents of tank.

§ 78.265–16 *Interior heater systems.* (a) See §§ 78.260 and 78.261, heater systems.

§ 78.265–17 *Closures for openings.* (a) All plugs must be solid of good grade cast iron or equivalent with standard pipe thread of a length which will screw at least 6 threads inside the face of fitting or tank. Plugs when inserted from the outside of tank must have the letter "S" at least ⅜ inch in size stamped with steel stamp or cast on the outside surface to indicate the plug is solid.



§ 78.265–18 *Tests of tanks.* (a) Each tank must be tested, before being put into service, by completely filling tank and dome with water, or other liquid having similar viscosity, of a temperature which must not exceed 100 degrees Fahrenheit during the test, and applying a pressure of 60 pounds per square inch. Tank must hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress. All rivets and closures, except safety valves or safety vents, must be in place while test is made.

(b) If tanks are to be lagged, the test of tank must be made before lagging is applied.

(c) Before interior heater systems are placed in service they must be tested with hydrostatic pressure and must be tight at 200 pounds per square inch.

§ 78.265–19 *Tests of safety valves.* (a) Each valve must be tested, before being put into service, by attaching to an air line and applying pressure. The valve must not leak below 28 pounds pressure. The valve must open at the pressure prescribed in § 78.265–14 (c), with a tolerance of plus or minus 3 pounds.

§ 78.265–20 *Marking.* (a) Each tank must be marked, thus certifying that the tank complies with all the requirements of this specification. These marks must be as follows:

(1) ICC–103 in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. This mark must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high by the party assembling the completed car.

(2) Initials of tank builder and date of original test of tank in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped mark specified in subparagraph (1) of this paragraph.

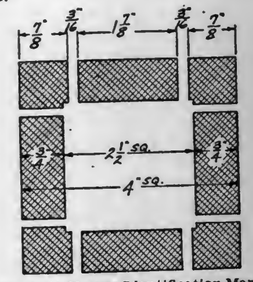
(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the builder does not complete the fabrication of the tank, such as application of riveted anchors, etc., in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car. These marks must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high immediately below the stenciled mark specified in subparagraph (1) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(6) Date on which heater systems were last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(7) Identification mark, illustrated herein, for approved manway closure must be stenciled on each side of dome, or jacket if lagged, in line with the ladders and in a color contrasting to color of dome.




Manhole Closure Identification Mark
(Reduced size)

(8) When a tank car and its appurtenances are designed and authorized for the transportation of a particular commodity only, the name of that commodity, followed by the word "only", or such other wording as may be required to indicate the limits of usage of the car, must be stenciled on each side of the tank, or jacket if lagged, in letters at least 1 inch high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

(9) Tanks made of clad plates must be stenciled on the tank, or jacket if lagged, "(naming material) ------ clad tank". Lined tanks must be stenciled on the tank, or jacket if lagged, "(naming material) ------ lined tanks". These marks must be in letters at least 2 inches high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

§ 78.265–21 *Reports.* (a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of alterations of or additions to tanks or equipment from original design and construction, there must be furnished to the same parties a report in detail of the alterations or additions made to each tank covered by a particular application, showing the initials and number of each tank involved. Reports of retests must be rendered to the Bureau of Explosives and car owner.

10. Amend entire § 78.266 (19 F. R. 3263, June 3, 1954) (18 F. R. 3144, June 2, 1953) (15 F. R. 8490, 8491, Dec. 2, 1950) (49 CFR 1950 Rev., 1954 Supp., 78.266) to read as follows:

§ 78.266 *Specification ICC–103A; riveted steel tanks to be mounted on or forming part of a car.* (a) Wherever the word "approved" is used in this specification it means approval by the Association of American Railroads Committee on Tank Cars as prescribed in § 78.259 (a), (b), (c) and (d).

§ 78.266–1 *Type.* (a) Tanks built under this specification must be cylindrical with heads designed convex outward and must have at least one expansion dome with manway, and such other external projections as are prescribed herein. When the interior of the tank is divided into compartments, each compartment must have 2 heads designed convex outward, one expansion dome with manway, and such other external projections as are prescribed herein.

§ 78.266–2 *Lagging.* (a) Not a specification requirement. If applied, the tank shell and expansion dome must be lagged with an approved insulation material of a thickness so that the thermal conductance is not more than 0.225 B. t. u. per square foot, per degree Fahrenheit differential in temperature per hour at 60 degrees. The entire insulation must be covered with a metal jacket not less than ⅛ inch in thickness and efficiently flashed around all openings so as to be weather tight. When heater systems are attached to the exterior of tank, the lagging over each heater element may be reduced in thickness.

(b) Before lagging is applied, the tank surface and the inside surface of the metal jacket shall be given a protective coating.

§ 78.266–3 *Bursting pressure.* (a) The calculated bursting pressure, based on the lowest tensile strength of the plate and the efficiency of the longitudinal seam, must be at least 240 pounds per square inch.

§ 78.266–4 *Thickness of plates.* (a) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula, but in no case shall the wall thickness be less than that specified in paragraph (b) of this section.

$$t=\frac{Pd}{2SE}$$

where
$t$ = thickness in inches of thinnest plate;
$P$ = calculated bursting pressure pounds per square inch;
$d$ = inside diameter in inches;
$S$ = minimum ultimate tensile strength in pounds per square inch;
$E$ = efficiency of longitudinal riveted seam.

(See § 78.266–7 (b).)

(1) The thickness of a dished head must be determined by the following formula, but in no case be less than that specified in paragraph (b) of this section.

$$t=\frac{5PL}{6SE}$$

where
$t$ = thickness of plate in inches;
$P$ = calculated bursting pressure pounds per square inch;
$L$ = main inside radius to which head is dished measured on concave side in inches;
$S$ = minimum ultimate tensile strength in pounds per square inch;
$E$ = efficiency of riveted joint.

When head is formed from one piece, the efficiency may be considered as 100 percent.

(b) The minimum thickness of plates, including thickness of each plate at rivet seams, must be as follows:

| Inside diameter of tanks | Bottom sheets | Shell sheets | Expansion dome sheets | Tank heads | Expansion dome heads | Interior compartment heads |
|---|---|---|---|---|---|---|
| | *Inch* | *Inch* | *Inch* | *Inch* | *Inch* | *Inch* |
| 60 inches or under | 3/16 | 1/4 | 5/16 | 1/2 | 5/16 | 3/8 |
| Over 60 to 78 inches | 3/16 | 5/16 | 5/16 | 1/2 | 5/16 | 3/8 |
| Over 78 to 96 inches | 1/2 | 3/8 | 5/16 | 1/2 | 5/16 | 3/8 |
| Over 96 to 112 inches | 1/2 | 7/16 | 5/16 | 9/16 | 5/16 | 7/16 |
| Over 112 to 122 inches | 1/2 | 1/2 | 5/16 | 5/8 | 5/16 | 3/8 |

(c) The minimum thickness of clad plates, where cladding material has physical properties at least equal to that of the base plate prescribed in § 78.266–5 (a), must be as prescribed in the above table. Where the cladding material does not have physical properties at least equal to that of the base plate described in § 78.266–5 (a), minimum thickness of base plate must be as prescribed in the above table.

(d) The minimum width of bottom sheet of tank must be 60 inches, measured on the arc, but in all cases the width must be sufficient to bring the entire width of the longitudinal seam, including overlaps, above the cradle.

(e) For tanks built of one piece cylindrical sections, the thickness specified for bottom sheet must apply to the entire cylindrical shell.

(f) When tank is divided into compartments the interior heads must comply with the requirements for interior compartment heads prescribed herein. When capacity of tank is reduced by moving in the exterior head a new exterior head of approved contour not less than 3/8 inch thickness must be applied. When the capacity is reduced by the insertion of a new interior head, this head must comply with the requirements for interior compartment heads and the exterior head reapplied. Voids, created by the addition of heads for division into compartments or reduction in capacity, must be provided with a tapped drain hole at their lowest point, and a tapped hole at top of tank. The top hole must be closed, and the bottom hole may be closed, with not less than 3/4 inch nor more than 1 1/2 inches solid pipe plugs having standard pipe threads.

§ 78.266–5 *Material.* (a) All plates for tank and expansion dome must be made of open-hearth boiler-plate flange quality steel to an approved specification. These plates may also be clad with other metals, such as nickel.

(b) All castings used for fittings or attachments to tank must be made of material to an approved specification.

(c) Rivets must be of the same quality as used for steam boilers and other pressure vessels, and be made of steel to an approved specification. When clad plates are used, the rivet heads inside the tank must be clad with the same material or rivets may be of the same material as the cladding provided rivets have physical properties at least equivalent to rivets prescribed herein.

(d) All external projections must be made of materials specified herein.

(e) Lining or interior coating is not a specification requirement. If applied, it must be approved as to material.

§ 78.266–6 *Tank heads.* (a) Tank heads must be of approved contour and must be designed for pressure on concave side and to main inside radius not exceeding 10 feet. The inside knuckle radius must not be less than 3 3/4 inches except for interior heads of compartment tanks the knuckle radius must not be less than 1 1/2 inches.

(b) Tank heads may be made of two plates joined by fusion welding in accordance with the requirements prescribed by AAR Welding Code Appendix W, except that stress-relieving is not required if heads are heated to not less than 1,200 degrees Fahrenheit, for pressing. Fusion-welded joint for tank heads must be located horizontally.

§ 78.266–7 *Riveting.* (a) For computing rivet areas the effective diameter of a driven rivet is the diameter of its reamed hole, which hole must in no case exceed nominal diameter of rivet by more than 1/16 inch. All rivets must be driven hot.

(b) All seams formed in the manufacture of the tank and expansion dome proper and the attachment of the expansion dome to the tank must be double riveted. Dome head, manway ring, safety vent flange and bottom washout nozzle flange may be single or double riveted. Riveted seams and joints must be made metal to metal without interposition of other material with the exception that the use of two liners not to exceed one inch in width and 1/16 inch in thickness, placed at an angle across the longitudinal seams between two rows of rivets near the internal tank heads on compartment cars to prevent the liquid from passing along the longitudinal seams from one compartment to another while cars are being water tested, will be permissible. The efficiency of double riveted seams must be at least 70 per cent of the thinnest plate specified in § 78.266–4 (a) (1), (b) and (c). The efficiency of single riveted seams must be at least 45 per cent of the strength of the thinnest plate specified in § 78.266–4 (a) (1), (b) and (c). Use of rivets less than 5/8 inch nominal diameter not permissible on any part of tank or attachments.

§ 78.266–8 *Calking.* (a) All seams, including those formed by attachment of expansion dome and other external projections, must be calked both inside and outside, except that inside calking of the seams formed by attachment of expansion dome to tank, when tank sheet is not cut out to full diameter of dome, is not required and outside calking of seams formed by attachment of all external projections, except the expansion dome, is not required. Split calking is prohibited.

(b) The edges of plates at all riveted seams must be beveled so that the angle of the calking edges will be between 60 and 70 degrees with the flat surface of the plate. The extreme calking edge distance, measured from center line of rivet hole, must be at least 1 1/2 times the diameter of the hole and not more than that distance plus 1/4 inch.

(c) Electric seal welding of inside calking edges only, in whole or in part, using shielded arc type of electrode, is permitted on new or existing equipment, provided the weld bead has a 1/8 inch minimum to 3/16 inch maximum throat thickness. Qualification of welders must comply with requirements of AAR Welding Code Appendix W. Welding clad material to edge of clad plates inside of tank is permitted. Other methods of covering edges of clad plates, if approved, may be used.

§ 78.266–9 *Tank mounting.* (a) The manner in which the tank is supported on and securely attached to the car structure must be approved.

§ 78.266–10 *Expansion dome.* (a) The expansion dome must have a capacity, measured from the inside top of dome or bottom of any vent pipe projecting inside dome, of at least 1 percent of the total capacity of the tank and dome combined, except that when safety vent applied to side of dome, the effective capacity of dome must be measured from top of safety vent opening in the side of dome to inside top of shell of tank.

(b) The opening in manway ring must be 16 inches in diameter. The opening in the tank shell within the dome must be at least 29 inches in diameter. When the opening in the tank shell exceeds 30 inches in diameter the opening must be reinforced in an approved manner. When the opening in the tank shell is less than the inside diameter of the dome, and the dome pocket is not closed off in an approved manner, dome pocket drain holes must be provided with nipples extending inside the tank at least 1 inch and the joint between the base of the dome and the tank shell must be sealed on the inside in an approved manner.

(c) The dome head must be of approved contour and must be designed for pressure on concave side.

(d) The entire dome assembly, dome head assembly, or dome header assembly, including the nozzles and flanges, as required, may be built up by fusion-welding providing this detail is fabricated and stress-relieved in accordance with the requirements prescribed in AAR Welding Code Appendix W.

§ 78.266–11 *Closures for manways.* (a) The manway cover must be bolted type, bolted and hinged type or other approved types and designed to provide a secure closure of the manway.

(b) Manway rings and covers must be of cast, forged or fabricated steel, malleable iron or other malleable metals.

(c) Chains, if used to attach manway cover to outside of dome head, must be at least 3/8 inch or its equivalent.

(d) All joints between covers and their seats must be made tight against leakage of vapor and liquid by use of gaskets of suitable material.

§ 78.266–12 *Gauging, venting, loading and unloading, and air inlet devices extending through dome of tank.* (a) Not specification requirements. When installed these devices must be of approved design made of material not subject to rapid deterioration by the lading and be tightly closed. Protective housing not required except as prescribed in paragraph (b) of this section. Unloading pipes must be securely anchored within the tank.

(b) When the characteristics of the commodity for which the car is authorized are such that these devices must be equipped with valves to provide for the loading and unloading of the contents, these devices, including valves, must be of an approved design, and be provided with a protective housing. Provision must be made for closing pipe connections of the valves.

§ 78.266–13 *Bottom outlets.* (a) Bottom outlet is prohibited, but tank may be equipped with a bottom washout nozzle of metal not subject to rapid deterioration by the lading, which must be of approved construction complying with the following requirements:

(b) The construction and closure of the bottom washout nozzle must be such that it is liquid tight and should the nozzle be broken, loss of contents of the tank will not occur.

(c) The extreme projection of the bottom washout nozzle must be at least 12 inches above the top of rail.

(d) Bottom washout may be of cast, fabricated, or forged metal.

(e) The closure of the washout nozzle must be equipped with a 3/4 inch solid screw plug. Plug must be secured to car structure or washout chamber by at least a 1/4 inch chain.

(f) For bottom washout nozzles that project 6 inches or more from shell of tank a "V" groove must be cut (not cast) in the upper part of bottom washout nozzle at a point immediately below lowest part of inside closure seat to a depth that will leave thickness of nozzle wall at the root of the "V" not over 3/8 inch. Where bottom washout nozzle is not a single piece, arrangement must be made to provide the equivalent of the breakage groove.

(g) The flange on the bottom washout nozzle must be of a thickness which will prevent distortion of the inside closure seat or closure casting by any change in contour of the shell, resulting from expansion of lading, or other causes, and which will insure that accidental breakage of the washout nozzle will occur at or below the "V" groove.

(h) The closure casting must not project below the "V" groove in the washout nozzle. The closure casting and seat must be readily accessible for repairs, including grinding.

§ 78.266–14 *Safety vents.* (a) Safety valves are prohibited, but a safety vent must be applied.

(b) Each tank or compartment thereof must be equipped with one safety vent at least 1 3/4 inches inside diameter closed with a frangible disc of lead or other suitable material that will rupture at not more than 45 pounds per square inch. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement.

§ 78.266–15 *Fixtures, reinforcements and attachments not otherwise specified.* (a) All attachments to tank and dome must be riveted in place and calked to comply with conditions prescribed in §§ 78.266–7 and 78.266–8 or applied by other approved means of at least equal strength and efficiency. Interior heater systems, when installed, must be so constructed that the breaking off of their external connections will not cause leakage of contents of tank.

§ 78.266–16 *Interior heater systems.* (a) See §§ 78.260 and 78.261, heater systems.

§ 78.266–17 *Closures for openings.* (a) All plugs must be solid of good grade cast iron or equivalent with standard pipe thread, of a length which will screw at least 6 threads inside the face of fitting or tank. Plugs when inserted from the outside of tank heads must have the letter "S" at least 3/8 inch in size stamped with steel stamp or cast on the outside surface to indicate the plug is solid.

§ 78.266–18 *Tests of tanks.* (a) Each tank must be tested, before being put into service, by completely filling tank and dome with water, or other liquid having similar viscosity, of a temperature which must not exceed 100 degrees Fahrenheit during the test, and applying a pressure of 60 pounds per square inch. Tank must hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress. All rivets and closures, except safety vents, must be in place while test is made.

(b) If tanks are to be lagged, the test of tank must be made before lagging is applied.

(c) Test of interior heater systems. Before interior heater systems are placed in service they must be tested with hydrostatic pressure and must be tight at 200 pounds per square inch.

§ 78.266–19 *Marking.* (a) Each tank must be marked, thus certifying that the tank complies with all the requirements of this specification. These marks must be as follows:

(1) ICC–103A in letters and figures at least 3/8 inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank. This mark must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high by the party assembling the completed car.

(2) Initials of tank builder and date of original test of tank in letters at least 3/8 inch high stamped plainly and permanently into the metal immediately below the stamped mark specified in subparagraph (1) of this paragraph.

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, such as application of riveted anchors, etc., in letters and figures at least 3/8 inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car. These marks must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high immediately below the stenciled mark specified in subparagraph (1) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(5) Date on which interior heater systems were last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(6) When a tank car and its appurtenances are designed and authorized for the transportation of a particular commodity only, the name of that commodity followed by the word "only" or such other wording as may be required to indicate the limits of usage of the car, must be stenciled on each side of the tank, or jacket if lagged, in letters at least 1 inch high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

(7) Tanks made of clad plates must be stenciled on the tank, or jacket if lagged, "(naming material) ---------- clad tank". Lined tanks must be stenciled on the tank, or jacket if lagged, "(naming material) ---------- lined tank". These marks must be in letters at least 2 inches high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

§ 78.266–20 *Reports.* (a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of alterations of or additions to tanks or equipment from original design and construction, there must be furnished to the same parties a report in detail of the alterations or additions made to each tank covered by a particular application, showing the initials and number of each tank involved. Report of retests must be rendered to the Bureau of Explosives and car owner.

11. Amend entire § 78.267 (19 F. R. 3263, June 3, 1954) (18 F. R. 3144, June 2, 1953) (15 F. R. 8491, 8492, Dec. 2, 1950) (49 CFR 1950 Rev., 1954 Supp., 78.267) to read as follows:

§ 78.267 *Specification ICC–103B; rubber lined riveted steel tanks to be mounted on or forming part of a car.* (a) Wherever the word "approved" is used in this specification it means approval by the Association of American Railroads Committee on Tank Cars as prescribed in § 78.259 (a), (b), (c) and (d).

§ 78.267–1 *Type.* (a) Tanks built under this specification must be cylindrical with heads designed convex outward, and must have at least one expansion dome with manway and such other external projections as are prescribed herein. When the interior of the tank is divided into compartments, each compartment must have two heads designed convex outward, one expansion dome with manway, and such other external projections as are prescribed herein.

§ 78.267–2 *Lagging.* (a) Not a specification requirement. If applied, the

tank shell and expansion dome must be lagged with an approved insulation material of a thickness so that the thermal conductance is not more than 0.225 B. t. u. per square foot, per degree Fahrenheit differential in temperature per hour at 60 degrees. The entire insulation must be covered with a metal jacket not less than ⅛ inch in thickness and efficiently flashed around all openings so as to be weather tight. When heater systems are attached to the exterior of the tank, the lagging over each heater element may be reduced in thickness.

(b) Before lagging is applied, the tank surface and the inside surface of the metal jacket shall be given a protective coating.

§ 78.267–3 *Bursting pressure.* (a) The calculated bursting pressure, based on the lowest tensile strength of the plate and the efficiency of the longitudinal seam, must be at least 240 pounds per square inch.

§ 78.267–4 *Thickness of plates.* (a) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula, but in no case shall the wall thickness be less than that specified in paragraph (b) of this section:

$$t=\frac{Pd}{2SE}$$

where

$t$ = thickness in inches of thinnest plate;
$P$ = calculated bursting pressure pounds per square inch;
$d$ = inside diameter in inches;
$S$ = minimum ultimate tensile strength in pounds per square inch;
$E$ = efficiency of longitudinal riveted seam.

(See § 78.267–7 (b).)

(1) The thickness of a dished head must be determined by the following formula, but in no case be less than that specified in paragraph (b) of this section.

$$t=\frac{5PL}{6SE}$$

where

$t$ = thickness of plate in inches;
$P$ = calculated bursting pressure pounds per square inch;
$L$ = main inside radius to which head is dished measured on concave side in inches;
$S$ = minimum ultimate tensile strength in pounds per square inch;
$E$ = efficiency of riveted joint.

When head is formed from one piece, the efficiency may be considered as 100 percent.

(b) The minimum thickness of plates, including thickness of each plate at rivet seams, must be as follows:

| Inside diameter of tanks | Bottom sheets | Shell sheets | Expansion dome sheets | Tank heads | Expansion dome heads | Interior compartment heads |
|---|---|---|---|---|---|---|
| | Inch | Inch | Inch | Inch | Inch | Inch |
| 60 inches or under | 7/16 | 1/4 | 5/16 | 1/2 | 5/16 | 3/8 |
| Over 60 to 78 inches | 7/16 | 5/16 | 5/16 | 1/2 | 5/16 | 3/8 |
| Over 78 to 96 inches | 1/2 | 3/8 | 5/16 | 1/2 | 5/16 | 3/8 |
| Over 96 to 112 inches | 1/2 | 7/16 | 5/16 | 5/16 | 5/16 | 7/16 |
| Over 112 to 122 inches | 1/2 | 1/2 | 5/16 | 5/8 | 5/16 | 1/2 |

(c) Tanks must be lined with rubber at least 5/32 inch thick, except that over all rivets and tank seams the lining must be double thickness. The lining must overlap at least 1½ inches at all edges, which must be straight and be beveled to an angle of approximately 45 degrees. A rubber reinforcement pad at least 4½ feet square and at least ½ inch thick must be applied by vulcanizing to the lining on bottom of tank directly under the dome. The edges of pad must be beveled to an angle of approximately 45 degrees. An opening in this pad for sump is permitted. No rubber shall be under tension when applied except that due to conformation over rivet heads. Interior of tank must be free from scale, oxidation, moisture, and all foreign matter during the lining operation.

(d) The minimum width of bottom sheet of tank must be 60 inches, measured on the arc, but in all cases the width must be sufficient to bring the entire width of the longitudinal seam, including overlaps, above the cradle.

(e) For tanks built for one piece cylindrical sections, the thickness specified for bottom sheet must apply to the entire cylindrical shell.

(f) When tank is divided into compartments the interior heads must comply with the requirements for interior compartment heads prescribed herein. When the capacity of tank is reduced by moving in the exterior head a new exterior head of approved contour not less than ⅜ inch in thickness must be applied. When the capacity is reduced by the insertion of a new interior head this head must comply with the requirements for interior compartment heads and the exterior head reapplied. Voids, created by the addition of heads for division into compartments or reduction in capacity, must be provided with a tapped drain hole at their lowest point, and a tapped drain hole at top of tank. The top hole must be closed, and the bottom hole may be closed, with not less than ¾ inch nor more than 1½ inch solid pipe plug having standard pipe threads.

§ 78.267–5 *Material.* (a) All plates for tank and expansion dome must be made of open-hearth boiler-plate flange quality steel to an approved specification.

(b) All castings used for fittings or attachments to tank must be made of material to an approved specification.

(c) Rivets must be of the same quality as used for steam boilers and other pressure vessels and be made of steel to an approved specification.

(d) Each tank or each compartment thereof, must be lined with an acid-resisting rubber, vulcanized or bonded directly or otherwise attached to the metal tank, to provide a non-porous laminated lining.

(e) All external projections must be made of materials specified herein.

§ 78.267–6 *Tank heads.* (a) Tank heads must be of approved contour and must be designed for pressure on concave side and to main inside radius not exceeding 10 feet. The inside knuckle radius must not be less than 3¾ inches except for interior heads of compartment tanks the knuckle radius must not be less than 1½ inches.

(b) Tank heads may be made of two plates joined by fusion-welding in accordance with the requirements prescribed by AAR Welding Code Appendix W, except that stress-relieving is not required if heads are heated to not less than 1200 degrees Fahrenheit for pressing. The fusion welded joint for tank heads must be located horizontally.

§ 78.267–7 *Riveting.* (a) For computing rivet areas the effective diameter of a driven rivet is the diameter of its reamed hole, which hole must in no case exceed nominal diameter of rivet by more than 1/16 inch. All rivets must be driven hot.

(b) All seams formed in the manufacture of the tank and expansion dome proper and the attachment of the expansion dome to the tank must be double riveted. Dome head, manway ring, safety vent flange and sump flange may be single or double riveted. Riveted seams and joints must be made metal to metal without interposition of other material with the exception that the use of two liners not to exceed 1 inch in width and 1/16 inch in thickness, placed at an angle across the longitudinal seams between two rows of rivets near the internal tank heads on compartment cars to prevent the liquid from passing along the longitudinal seams from one compartment to another while car is being water tested, will be permissible. The efficiency of double riveted seams must be at least 70 percent of the strength of the thinnest plate specified in § 78.267–4 (a) (1) and (b). The efficiency of single riveted seams must be at least 45 percent of the thinnest plate specified in § 78.267–4 (a) (1) and (b). Use of rivets less than ⅝ inch nominal diameter not permitted on any part of tank or attachments. All rivet heads on the inside of tank must be of uniform size, button head or similar shape, and the under surface of the heads must be driven tight against shell.

§ 78.267–8 *Calking.* (a) All seams, including those formed by attachment of expansion dome and other external projections, must be calked both inside and outside, except that inside calking of the seam formed by attachment of expansion dome to tank, when tank sheet is not cut out to full diameter of dome, is not required and outside calking of seams formed by attachment of all external projections, except the expansion dome, is not required. When the opening in tank shell is cut out to full diameter of dome, inside calking of seam formed by attachment of expansion dome to tank is required. All projecting edges of plates, castings, and rivet heads on inside of tank must be rounded and free from fins and other irregular projections. Castings must be free from porosity. Split calking is prohibited.

(b) The edges of plates at all riveted seams must be beveled so that the angle of the calking edges will be between 60 and 70 degrees with the flat surface of the plate. The extreme calking edge distance, measured from center line of rivet hole, must be at least 1½ times the diameter of the hole and not more than that distance plus ¼ inch.



§ 78.267–9 *Tank mounting.* (a) The manner in which tank is supported on and securely attached to the car structure must be approved.

§ 78.267–10 *Expansion dome.* (a) The expansion dome must have a capacity, measured from the inside top of shell of tank to the inside top of dome or bottom of any vent pipe projecting inside dome, of at least 1 per cent of the total capacity of the tank and dome combined, except that when safety vent is applied to side of dome, the effective capacity of dome must be measured from top of safety vent opening in the side of dome to inside top of shell of tank.

(b) The opening for manway, before lining, must be at least 18 inches in diameter. The opening in the tank shell within the dome must be at least 29 inches in diameter. When the opening in the tank shell exceeds 30 inches in diameter, the opening must be reinforced in an approved manner. When the opening in the tank shell is less than the inside diameter of the dome, and the dome pocket is not closed off in an approved manner, dome pocket drain holes must be provided in the tank shell with nipples projecting inside the tank at least 1 inch.

(c) The dome head must be of approved contour and designed for pressure on concave side.

(d) The entire dome assembly, dome head assembly, including the nozzle and flanges, as required, may be built up by fusion-welding, provided this detail is fabricated and stress-relieved in accordance with the requirements prescribed by A. A. R. Welding Code Appendix "W".

§ 78.267–11 *Closures for manway.* (a) The manway cover must be of approved type, and designed to provide a secure closure of the manway.

(b) Manway cover must be made of a suitable metal. The top, bottom and edge of manway cover must be rubber covered as prescribed in § 78.267–4 (c) and § 78.267–5 (d). Through bolt holes must be lined with rubber at least ⅛ inch in thickness. Cover made of metal not affected by the lading need not be rubber covered. All rubber surfaces on outside of tank or fittings must be protected with an age resisting coating. Manway flanges must be of cast, forged or fabricated steel, malleable iron or other malleable metals.

(c) Chains, if used to attach manway cover to outside of the dome head, must be at least ⅜ inch or its equivalent.

(d) All joints between manway cover and manway flange and between manway cover and any appurtenances mounted thereon, must be made tight against leakage.

§ 78.267–12 *Gauging, venting, loading and unloading, and air inlet devices extending through dome of tanks.* (a) When installed, these devices must be of an approved design and must be tightly closed. Protective housing not required, except when the characteristics of the commodity for which the car is authorized are such that these devices must be equipped with valves to provide for the loading and unloading of the contents. These devices including the valves must be of an approved design and be provided with a protective housing. Unloading pipes must be securely anchored within the tank.

(b) When gauging, venting, loading and unloading and air inlet devices and their closures are made of material affected by the lading they must have all surfaces rubber covered as prescribed in §§ 78.267–4 (c) and 78.267–5 (d). Interior pipes of these devices must be supported at their lower end.

§ 78.267–13 *Bottom outlets.* (a) Bottom outlet is prohibited. Bottom sump is permissible. If used it must be of cast, fabricated or forged metal.

§ 78.267–14 *Safety vents.* (a) Safety valves are prohibited, but a safety vent must be applied.

(b) Each tank, or compartment thereof, must be equipped with one safety vent, lined with rubber at least ⅛ inch in thickness, having an inside diameter of at least 1¾ inches after lining, closed with a frangible disc of lead or other suitable material of a thickness that will rupture at not more than 45 pounds per square inch. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement.

§ 78.267–15 *Fixtures, reinforcements, and attachments not otherwise specified.* (a) All attachments to tank and dome must be riveted in place and calked to comply with conditions prescribed in §§ 78.267–7 and 78.267–8, or applied by other approved means of at least equal strength and efficiency. Interior heater systems, when installed, must be made of material not affected by the lading. They must be constructed so that the breaking off of their external connections will not cause leakage of contents of tank. All surfaces or attachments exposed to the lading must be rubber covered as prescribed in § 78.267–4 (c) and § 78.267–5 (d). Attachments made of metal not affected by the lading need not be rubber covered.

§ 78.267–16 *Interior heater systems.* (a) See §§ 78.260 and 78.261, heater systems.

§ 78.267–17 *Closures for openings.* (a) Closures for all openings must have all surfaces exposed to the lading rubber covered or be made of metal not affected by the lading.

§ 78.267–18 *Tests of tanks.* (a) Each tank must be tested, before rubber lining is applied, by completely filling tank and dome with water, or other liquid having similar viscosity, of a temperature which must not exceed 100 degrees Fahrenheit during the test, and applying a pressure of 60 pounds per square inch. Tank must hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress. All rivets and closures, except safety vents, must be in place while test is made. After tank is rubber lined, no further tests are required. If tanks are to be lagged, the test of tank must be made before lagging is applied.

(b) Before interior heater systems are placed in service they must be tested with hydrostatic pressure and must be tight at 200 pounds per square inch.

§ 78.267–19 *Marking.* (a) Each tank must be marked, thus certifying that the tank complies with all the requirements of this specification. These marks must be as follows:

(1) ICC–103B in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. This mark must also be stenciled on the tank or jacket if lagged, in letters and figures at least 2 inches high by the party assembling the completed car.

(2) Initials of tank builder and date of original test of tank in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped mark specified in subparagraph (1) of this paragraph.

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, such as application of riveted anchors, etc., in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car. These marks must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high immediately below the stenciled mark specified in subparagraph (1) of this paragraph by the party assembling the completed car.

(4) "Rubber-lined tank—pressure test not required", stenciled on tank, or jacket if lagged, instead of record of test of tank.

(5) Date on which interior heater systems were last tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(6) When a tank car and its appurtenances are designed and authorized for the transportation of a particular commodity only, the name of that commodity, followed by the word "only", or such other wording as may be required to indicate the limits of usage of the car, must be stenciled on each side of the tank, or jacket if lagged, in letters at least 1 inch high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

§ 78.267–20 *Reports.* (a) Before a tank car is placed in service, the party assembling the completed car must furnish to the car owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of alterations or additions to tanks and equipment from original design and construction, all of which must be approved, there must be furnished to the same parties a report in detail of the alterations or additions made to each tank covered by a particular application, showing the initials and numbers of each tank involved. Reports of retests must be

rendered to the Bureau of Explosives and car owner.

(b) Before a tank car tank not originally built under this specification is lined with rubber, a report certifying that the tank and its equipment have been brought into compliance with the tank requirements of specification ICC–103B must be furnished by car owner to the party who is to apply the rubber lining. A copy of this report, together with report in approved form certifying that tank has been lined in compliance with all requirements of this specification, must be furnished by party lining the tank to car owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads.

12. Cancel entire § 78.268 (19 F. R. 3263, June 3, 1954) (15 F. R. 8492, 8493, Dec. 2, 1950) (49 CFR 1950 Rev., 1954 Supp., 78.268).

13. Amend entire § 78.269 (17 F. R. 9840, Nov. 1, 1952) (15 F. R. 8493, 8494, Dec. 2, 1950) (49 CFR 1950 Rev., 1954 Supp., 78.269) to read as follows:

§ 78.269 *Specification ICC–104; lagged riveted steel tanks to be mounted on or forming part of a car.* (a) Wherever the word "approved" is used in this specification it means approval by the Association of American Railroads Committee on Tank Cars as prescribed in § 78.259 (a), (b), (c) and (d).

§ 78.269–1 *Type.* (a) Tanks built under this specification must be cylindrical, with heads designed convex outward, and must have at least one expansion dome with manway and such other external projections as are prescribed herein. When the interior of the tank is divided into compartments, each compartment must have two heads designed convex outward, one expansion dome with manway, and such other external projections as are prescribed herein.

§ 78.269–2 *Lagging.* (a) The tank shell and expansion dome must be lagged with an approved insulation material of a thickness so that the thermal conductance is not more than 0.225 B. t. u. per square foot, per degree Fahrenheit differential in temperature per hour at 60 degrees. The entire insulation must be covered with a metal jacket not less than 1/8 inch in thickness and efficiently flashed around all openings so as to be weather tight. When heater systems are attached to exterior of tank, the lagging over each heater element may be reduced in thickness equivalent to 1/2 that required for shell.

(b) Before lagging is applied, the tank surface and the inside surface of the metal jacket shall be given a protective coating.

§ 78.269–3 *Bursting pressure.* (a) The calculated bursting pressure, based on the lowest tensile strength of the plate and the efficiency of the longitudinal seam, must be at least 240 pounds per square inch.

§ 78.269–4 *Thickness of plates.* (a) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula, but in no case shall the wall thickness be less than specified in paragraph (b) of this section:

$$t = \frac{Pd}{2SE}$$

where

$t$ = thickness in inches of thinnest plate;
$P$ = calculated bursting pressure pounds per square inch;
$d$ = inside diameter in inches;
$S$ = minimum ultimate tensile strength in pounds per square inch;
$E$ = efficiency of longitudinal riveted seam.

(See § 78.269–7 (b).)

(1) The thickness of a dished head must be determined by the following formula, but in no case be less than that specified in paragraph (b) of this section.

$$t = \frac{5PL}{6SE}$$

where

$t$ = thickness of plate in inches;
$P$ = calculated bursting pressure in pounds per square inch;
$L$ = main inside radius to which head is dished measured on concave side in inches;
$S$ = minimum ultimate tensile strength in pounds per square inch;
$E$ = efficiency of riveted joint.

When head is formed from one piece, the efficiency may be considered as 100 percent.

(b) The minimum thickness of plates, including minimum thickness of each plate at rivets seams, must be as follows:

| Inside diameter of tanks | Bottom sheets | Shell sheets | Expansion dome sheets | Tank heads | Expansion dome heads | Interior compartment heads |
|---|---|---|---|---|---|---|
| | *Inch* | *Inch* | *Inch* | *Inch* | *Inch* | *Inch* |
| 60 inches or under | 7/16 | 1/4 | 5/16 | 1/2 | 5/16 | 3/8 |
| Over 60 to 78 inches | 7/16 | 5/16 | 5/16 | 1/2 | 5/16 | 3/8 |
| Over 78 to 96 inches | 1/2 | 3/8 | 5/16 | 1/2 | 5/16 | 3/8 |
| Over 96 to 112 inches | 1/2 | 7/16 | 5/16 | 9/16 | 5/16 | 7/16 |
| Over 112 to 122 inches | 1/2 | 1/2 | 5/16 | 5/8 | 5/16 | 1/2 |

(c) The minimum thickness of clad plates, where cladding material has physical properties at least equal to that of the base plate prescribed in § 78.269–5 (a), must be as prescribed in the above table. Where the cladding material does not have the physical properties at least equal to that of the base plate prescribed in § 78.269–5 (a), minimum thickness of base plate must be as prescribed in the above table.

(d) The minimum width of bottom sheet of tank must be 60 inches measured on the arc, but in all cases the width must be sufficient to bring the entire width of the longitudinal seam, including overlaps, above the cradle.

(e) For tanks built of one piece cylindrical sections, the thickness specified for bottom sheet must apply to the entire cylindrical shell.

(f) For tanks without underframe the minimum thickness of bottom sheet must not be less than 5/8 inch.

(g) When tank is divided into compartments the interior heads must comply with the requirements for interior compartment heads prescribed herein. When capacity of tank is reduced by moving in the exterior head, a new exterior head of approved contour not less than 3/8 inch thickness must be applied. When the capacity is reduced by the insertion of a new interior head, this head must comply with the requirements for interior compartment heads and the exterior head reapplied. Voids, created by the addition of heads for division into compartments or reduction in capacity, must be provided with a tapped drain hole at top of tank. The top hole must be closed, and the bottom hole may be closed, with not less than 3/4 inch nor more than 1 1/2 inch solid pipe plugs having standard pipe threads.

§ 78.269–5 *Material.* (a) All plates for tank and expansion dome must be made of open-hearth boiler-plate flange quality steel to an approved specification. These plates may also be clad with other metals, such as nickel.

(b) All castings used for fittings or attachments to tank must be made of materials to an approved specification.

(c) Rivets must be of the same quality as used for steam boilers and other pressure vessels and be made of steel to an approved specification. When clad plates are used, the rivet heads inside the tank must be clad with the same material or rivets may be of the same material as the cladding, provided rivets have physical properties at least equivalent to rivets prescribed herein.

(d) All external projections must be made of materials specified herein.

(e) Lining or interior coating is not a specification requirement. If applied, it must be approved as to material.

§ 78.269–6 *Tank heads.* (a) Tank heads must be of approved contour and must be designed for pressure on concave side and to main inside radius not exceeding 10 feet. The inside knuckle radius must not be less than 3 3/4 inches except for interior heads of compartment tanks the knuckle radius must not be less than 1 1/2 inches.

(b) Tank heads may be made of two plates joined by fusion welding in accordance with the requirements prescribed by the AAR Welding Code Appendix W, except that stress relieving is not required if heads are heated to not less than 1200 degrees Fahrenheit for pressing. The fusion-welded joint for tank heads must be located horizontally.

§ 78.269–7 *Riveting.* (a) For computing rivet areas, the effective diameter of a driven rivet is the diameter of its reamed hole, which hole must in no case exceed nominal diameter of rivet by more than 1/16 inch. All rivets must be driven hot.

(b) All seams formed in the manufacture of the tank and expansion dome proper and the attachment of the expansion dome to the tank must be double riveted. Dome head, manway ring, safety valve flange and bottom outlet nozzle flange may be double riveted. Riveted seams and joints must be made metal to metal without interposition of other material, with the exception that the use of two liners not to exceed 1 inch in width and 1/16 inch in thickness, placed at an angle across the longitudinal seams between two rows of rivets near the internal tank heads on compartment cars to prevent the liquid from passing along the longitudinal seams from one compartment to another while cars are being water tested, will be permissible. The efficiency of double riveted seams must be at least 70 percent of the strength of the thinnest plate specified in § 78.269–4 (a) (1), (b) and (c). The efficiency of single riveted seams must be at least 45 percent of the thinnest plate specified in § 78.269–4 (a) (1), (b) and (c). Use of rivets less than 5/8 inch nominal diameter not permissible on any part of tank or attachments.



§ 78.269–8 *Calking.* (a) All seams including those formed by attachments of expansion dome and other external projections, must be calked both inside and outside, except that inside calking of the seam formed by attachment of expansion dome to tank when tank sheet is not cut out to full diameter of dome, is not required and outside calking of seams formed by attachment of all external projections, except expansion dome, is not required. Split calking is prohibited.

(b) The edges of plates at all riveted seams must be beveled so that the angle of the calking edges will be between 60 and 70 degrees with the flat surface of the plate. The extreme calking edge distance, measured from center line of rivet hole, must be at least 1 1/2 times the diameter of the hole and not more than that distance plus 1/4 inch.

(c) Electric seal welding of inside calking edges only, in whole or in part, using shielded arc type of electrode, is permitted on new or existing equipment, provided the weld bead has a 1/8 inch minimum to 3/16 inch maximum throat thickness. Qualification of welders must comply with requirements prescribed by AAR Welding Code Appendix W. Welding clad material to edge of clad plates inside of tank is permitted. Other methods of covering edges of clad plates, if approved, may be used.

§ 78.269–9 *Tank mounting.* (a) The manner in which the tank is supported on and securely attached to the car structure must be approved.

§ 78.269–10 *Expansion dome.* (a) The expansion dome must have a capacity, measured from the inside top of shell of tank to the inside top of dome or bottom of any vent pipe projecting inside dome of at least 2 per cent of the total capacity of the tank and dome combined, except that when safety valve or safety vent is applied to side of dome, the effective capacity of dome must be measured from top of safety valve or safety vent opening in the side of dome to inside top of shell of tank.

(b) The opening in manway ring must be at least 16 inches in diameter. The opening in the tank shell within the dome must be at least 29 inches in diameter. When the opening in the tank shell exceeds 30 inches in diameter the opening must be reinforced in an approved manner. When the opening in the tank shell is less than the inside diameter of the dome, and the dome pocket is not closed off in an approved manner, dome pocket drain holes must be provided in the tank shell with nipples projecting inside the tank at least 1 inch.

(c) The dome head must be of approved contour and designed for pressure on concave side.

(d) The entire dome assembly, dome head assembly, or dome header assembly, including the nozzles and flanges, as required, may be built up by fusion welding, provided this detail is fabricated and stress-relieved in accordance with the requirements prescribed by AAR Welding Code Appendix W.

§ 78.269–11 *Closures for manways.* (a) The manway cover must be of approved type and designed to make it impossible to remove the cover while the interior of the tank is subjected to pressure.

(b) Manway rings and covers must be of cast, forged or fabricated steel, malleable iron or other malleable metals.

(c) All covers not hinged must be attached to outside of the dome head by at least a 3/8 inch chain or its equivalent.

(d) All joints between manway covers and their seats must be made tight against leakage of vapor and liquid by use of gaskets of suitable material.

§ 78.269–12 *Gauging, bottom outlet valve operating rod, venting, loading and unloading, and air inlet devices extending through domes of tanks.* (a) Venting, loading and unloading devices of approved design must be installed.

(b) Gauging, bottom outlet valve operating rod and air inlet devices are not specification requirements.

(c) When installed, these devices, including their valves and fittings must be of approved design made of metal not subject to rapid deterioration by the lading. These devices, including their valves and fittings, must be protected from accidental injury by means of a cast or fabricated housing with cover securely attached. Drain holes permitted. Unloading pipe must be securely anchored within the tank. Provision must be made for closing pipe connections of valves.

§ 78.269–13 *Bottom outlets.* (a) The bottom outlet, when installed, must be made of metal not subject to rapid deterioration by the lading, be of approved construction, and be provided with a valve at its upper end and a liquid tight closure at its lower end.

(b) The valve operating mechanism and outlet nozzle construction, must be such as to insure against unseating of valve due to stresses or shocks incident to transportation.

(c) Bottom outlet nozzle may be of cast, fabricated or forged metal.

(d) To provide for the attachment of unloading connections, the bottom of the main portion of the outlet nozzle or some fixed attachment thereto, must have external Unified Form Threads, 4 threads to the inch.

(e) For outlet nozzles that project 6 inches or more from shell of tank a "V" groove must be cut (not cast) in the upper part of outlet valve nozzle at a point immediately below lowest part of valve to a depth that will leave thickness of nozzle wall at the root of the "V" not over 3/8 inch. In the case of steam jacketed outlet nozzles this groove must be below the steam chamber but above the bottom of center sill construction. Where outlet nozzle is not a single piece, arrangement must be made to provide the equivalent of the breakage groove.

(f) The flange on the outlet nozzle must be of a thickness which will prevent distortion of the valve seat or valve by any change in contour of the shell resulting from expansion of lading, or other causes, and which will insure that accidental breakage of the outlet nozzle will occur at or below the "V" groove.

(g) The valve must have no wings or stem projecting below the "V" groove in the outlet nozzle. The valve and seat must be readily accessible or removable for repairs, including grinding.

(h) The valve operating mechanism must have means for compensating for variation if the vertical diameter of the tank produced by expansion, weight of the liquid contents, or other causes, and should operate from the interior of the tank, but in the event the rod is carried through the dome, leakage must be prevented by packing in the stuffing box and cap nut.

(i) In no case must extreme projection of bottom outlet equipment extend to within 12 inches above top of rail. All bottom outlet reducers and closures and their attachments must be secured to car by at least 3/8 inch chain or its equivalent, except that outlet closure plugs may be attached by 1/4 inch chain. When the bottom outlet closure is of the combination cap and valve type, the pipe connection to the valve must be closed by a plug or cap.

§ 78.269–14 *Safety valves.* (a) The tank must be equipped with one or more safety valves of approved design mounted on expansion dome. Total valve discharge capacity must be sufficient to prevent building up of pressure in the tank in excess of 45 pounds per square inch.

(b) One safety valve must be provided for each tank, or compartment thereof, of 6,650 gallons capacity or less, and two safety valves for each tank, or compartment thereof, of over 6,650 gallons capacity.

(c) Each safety valve must be set to open at a pressure of 35 pounds per square inch and be vapor tight at 28 pounds per square inch. (For tolerance see § 78.269–19 (a).)

(d) Tanks used for the transportation of corrosive liquids, flammable solids, oxidizing materials, or poisonous liquids or solids, Class B, need not be equipped with safety valves, but if not so equipped, must have one safety vent at least 1 3/4 inches inside diameter closed with a frangible disc of lead or other suitable material of a thickness that will rupture at not more than 45 pounds per square inch. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement. All tanks equipped with vents must be stenciled "Not For Flammable Liquids".

§ 78.269–15 *Fixtures, reinforcements and attachments not otherwise specified.*

(a) All attachments to tank and dome must be riveted in place and calked to comply with conditions prescribed in §§ 78.269–7 and 78.269–8, or applied by other approved means of at least equal strength and efficiency. Interior heater systems, when installed, must be so constructed that the breaking off of their external connections will not cause leakage of contents of tank.

§ 78.269–16 *Interior heater systems.* (a) See §§ 78.260 and 78.261, heater systems.

§ 78.269–17 *Closures for openings.* (a) All plugs must be solid of good grade cast iron or equivalent with standard pipe threads, of a length which will screw at least 6 threads inside the face of fitting or tank. Plugs when inserted from the outside of tank must have the letter "S" at least ⅜ inch in size stamped with steel stamp or cast on the outside surface to indicate the plug is solid.

§ 78.269–18 *Tests of tanks.* (a) Each tank must be tested, before being put into service and before lagging is applied, by completely filling the tank and dome with water, or other liquid having similar viscosity, of a temperature which must not exceed 100 degrees Fahrenheit during the test, and applying a pressure of 60 pounds per square inch. Tank must hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress. All rivets and closures, except safety valves or safety vents, must be in place while test is made.

(b) Before interior heater systems are placed in service they must be tested with hydrostatic pressure and must be tight at 200 pounds per square inch.

§ 78.269–19 *Tests of safety valves.* (a) Each valve must be tested, before being put into service, by attaching to an air line and applying pressure. The valve must not leak below 28 pounds per square inch pressure. The valve must open at the pressure prescribed in § 78.269–14 (c) with a tolerance of plus or minus 3 pounds.

§ 78.269–20 *Marking.* (a) Each tank must be marked, thus certifying that the tank complies with all the requirements of this specification. These marks must be as follows:

(1) ICC–104 in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the builder. This mark must also be stenciled on the jacket in letters and figures at least 2 inches high by the party assembling the completed car.

(2) Initials of tank builder and date of original test of tank in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped mark specified in subparagraph (1) of this paragraph.

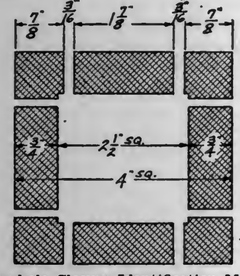
(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases were the tank builder does not complete the fabrication of the tank, such as application of riveted anchors, etc., in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph, by the party assembling the completed car. These marks must also be stenciled on the jacket in letters and figures at least 2 inches high immediately below the stenciled mark specified in subparagraph (1) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested, pressure to which tested, place where test was made, and by whom, stenciled on the jacket.

(5) Date on which the safety valves were last tested, pressure to which tested, place where test was made, and by whom, stenciled on the jacket.

(6) Date on which the interior heater systems were last tested, pressure to which tested, place where test was made, and by whom, stenciled on the jacket.

(7) Identification mark, illustrated herein, for approved manway closure must be stenciled on each side of dome, or jacket if lagged, in line with the ladders and in a color contrasting to color of dome.




Manhole Closure Identification Mark
(Reduced size)

(8) When a tank car and its appurtenances are designed and authorized for the transportation of a particular commodity only, the name of that commodity, followed by the word "only", or such other wording as may be required to indicate the limits of usage of the car, must be stenciled on each side of the tank, or jacket if lagged, in letters at least 1 inch high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

(9) Tanks made of clad plates must be stenciled on the jacket "(naming material) _____ clad tank". Lined tanks must be stenciled on the jacket "(naming material) _____ lined tanks". These marks must be in letters at least 2 inches high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

§ 78.269–21 *Reports.* (a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of alterations of or additions to tanks or equipment from original design and construction, there must be furnished to the same parties a report in detail of the alterations or additions made to each tank covered by a particular application, showing the initials and numbers of each tank involved. Reports of retests must be rendered to the Bureau of Explosives and car owner.

14. Amend entire § 78.270 (18 F. R. 3144, June 3, 1954) (17 F. R. 9840, Nov. 1, 1952) (17 F. R. 7287, Aug. 9, 1952) (15 F. R. 8494, 8495, Dec. 2, 1950) (49 CFR 1950 Rev., 1954 Supp., 78.270) to read as follows:

§ 78.270 *Specification ICC–105A100; lagged riveted steel tanks to be mounted on or forming part of a car.* (a) Wherever the word "approved" is used in this specification it means approval by the Association of American Railroads Committee on Tank Cars as prescribed by § 78.259 (a), (b), (c) and (d).

§ 78.270–1 *Type.* (a) Tanks built under this specification must be cylindrical with heads designed convex outward. The tank must be provided with a manway nozzle and cover on top of tank of sufficient diameter to permit access to the interior of the tank and to provide for the proper mounting of venting, loading, unloading, sampling and safety valves, gauging device, thermometer well, and a protective housing on the cover. Other openings in the tank are prohibited.

§ 78.270–2 *Lagging.* (a) The tank shell and manway nozzle must be lagged with an approved insulation material of a thickness so that the thermal conductance is not more than 0.075 B. t. u. per square foot, per degree Fahrenheit differential in temperature per hour at 60 degrees. The entire insulation must be covered with a metal jacket not less than ⅛ inch in thickness and efficiently flashed around all openings so as to be weather tight. When heater systems are attached to exterior of tank, the lagging over each heater element may be reduced in thickness equivalent to ½ that required for shell.

(b) Before lagging is applied, the tank surface and the entire surface of the metal jacket shall be given a protective coating.

§ 78.270–3 *Bursting pressure.* (a) The calculated bursting pressure, based on the lowest tensile strength of the plate and the efficiency of the longitudinal seam, must be at least 495 pounds per square inch.

§ 78.270–4 *Thickness of plates.* (a) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula, but in no case shall the wall thickness be less than that specified in paragraph (b) of this section:

$$t = \frac{Pd}{2SE}$$

where

$t$ = thickness in inches of thinnest plate;
$P$ = calculated bursting pressure pounds per square inch;
$d$ = inside diameter in inches;
$S$ = minimum ultimate tensile strength in pounds per square inch;
$E$ = efficiency of longitudinal riveted seam.

(See § 78.270–7 (b).)



(b) The minimum thickness of plates, including thickness of each plate at rivet seams, must be as follows:

| Inside diameter of tanks | Bottom sheets | Shell sheets | Tank heads |
|---|---|---|---|
| 87 inches or under | 9/16 | 9/16 | 13/16 |
| Over 87 to 96 inches | 5/8 | 5/8 | 7/8 |

(c) The minimum thickness of clad plates, where cladding material has physical properties at least equal to that of the base plate prescribed in § 78.270–6 (a) must be as prescribed in the above table. Where the cladding material does not have physical properties at least equal to that of the base plate prescribed in § 78.270–6 (a), minimum thickness of base plate must be as prescribed in the above table.

(d) The minimum width of bottom sheet of tank must be 60 inches, measured on the arc, but in all cases the width must be sufficient to bring the entire width of the longitudinal seam, including overlaps, above the cradle.

§ 78.270–5 *Manway nozzle opening.* (a) Opening in tank for manway nozzle must be reinforced in an approved manner.

§ 78.270–6 *Material.* (a) All plates for tank and manway nozzle must be made of open-hearth boiler plate flange quality steel to an approved specification. These plates may also be clad with other metals, such as nickel.

(b) All castings used for fittings or attachments to tank must be made of material to an approved specification.

(c) Rivets must be of the same quality as used for steam boilers and other pressure vessels, and be made of steel to an approved specification. When clad plates are used, the rivet heads inside the tank must be clad with the same material or rivets may be of the same material as the cladding, provided rivets have physical properties at least equivalent to rivets prescribed herein.

(d) All external projections must be made of materials specified herein.

(e) Lining or interior coating is not a specification requirement. If applied, it must be approved as to material.

§ 78.270–7 *Tank heads.* (a) Tank heads must be of approved contour and designed for pressure on concave side and to main inside radius not exceeding 10 feet. The inside knuckle radius must not be less than 3¾ inches.

§ 78.270–8 *Riveting.* (a) For computing rivet areas the effective diameter of a driven rivet in the diameter of its reamed hole, which hole must in no case exceed nominal diameter of rivet by more than 1/16 inch. All rivets must be driven hot.

(b) All seams formed in the manufacture of the tank and the attachment of manway nozzle to tank must be double-riveted. Riveted seams and joints must be made metal to metal without interposition of other material. The efficiency of the double-riveted seams must be at least 70 per cent of the strength of the thinnest plate.

§ 78.270–9 *Preparation for calking and calking.* (a) The edges of plates at all riveted seams must be beveled so that the angle of the calking edges will be between 60 and 70 degrees with the flat surface of the plate. The extreme calking edge distance, measured from center line of rivet hole, must be at least 1½ times the diameter of the hole and not more than that distance plus ¼ inch.

(b) All seams must be calked on the inside and outside. Split calking is prohibited.

(c) Electric seal welding of inside calking edges only, in whole or in part, using shielded arc type of electrode is permitted on new or existing equipment, provided the weld bead has a ⅛ inch minimum to 3/16 inch maximum throat thickness. Qualification of welders must comply with requirements prescribed with AAR Welding Code Appendix "W". Welding clad material to edges of clad plates inside of tank is permitted. Other methods of covering edges of clad plates, if approved, may be used.

§ 78.270–10 *Tank mounting.* (a) The manner in which the tank is supported on and securely attached to the car structure must be approved.

§ 78.270–11 *Manway nozzle, cover and protective housing.* (a) Manway nozzle must be of cast, forged or rolled steel at least 18 inches inside diameter having approved wall thicknesses and dimensions.

(b) Manway cover must be of forged or rolled steel at least 2¼ inches thick, machined to approved dimensions. Manway cover must be attached to manway nozzle by through or stud bolts not entering tank.

(c) The shearing value of the bolts attaching protective housing to manway cover must not exceed 70 percent of shearing value of bolts attaching manway cover to manway nozzle.

(d) All joints between manway cover and manway nozzle, and between manway cover and valves or other appurtenances mounted thereon, must be made tight against vapor pressure.

(e) Protective housing of cast or fabricated steel must be bolted to manway cover. Housing must be equipped with a suitable metal cover that can be securely closed. Housing cover on tanks used for the transportation of liquefied flammable gases must be provided with an opening equipped with an approved weather-proof covering and having an area at least equal to the total safety valve discharge area. Housing cover must have suitable stop to prevent cover striking loading or unloading connections and be hinged on one side only with approved riveted pin or rod with nuts and cotters. Openings in wall of housing must be equipped with screw plugs or other closures.

§ 78.270–12 *Venting, loading and unloading, gauging and sampling devices and thermometer well.* (a) Venting, loading and unloading valves must be of approved type, made of metal not subject to rapid deterioration by the lading, and must withstand a pressure of 100 pounds per square inch without leakage. The valves must be directly bolted to seatings on manway cover. Pipe connections of the valves must be closed with approved plugs, chained or otherwise fastened to prevent misplacement.

(b) Interior pipes of the loading and unloading valves, except as prescribed in paragraph (d) of this section, may be equipped with excess flow valves of an approved design.

(c) Gauging device, sampling valve, and thermometer well are not specification requirements. When installed, they must be of approved design, made of metal not subject to rapid deterioration by the lading, and must withstand a pressure of 100 pounds per square inch without leakage. Interior pipes of the gauging device and sampling valve, except as prescribed in paragraph (d) of this section, may be equipped with excess flow valves of an approved design. Interior pipe of thermometer well must be anchored in an approved manner to prevent breakage due to vibration. The thermometer well must be closed by an approved valve attached close to the manway cover and closed by a screw plug. Other approved attachments that permit testing thermometer well for leaks without complete removal of the closure may be used.

(d) Tanks used in transportation of liquefied flammable gases must have the interior pipes of the loading and unloading valves, gauging device and sampling valve equipped with excess flow valves of an approved design.

§ 78.270–13 *Safety valves.* (a) The tank must be equipped with one or more safety valves of approved design, made of metal not subject to rapid deterioration by lading and mounted on manway cover. The total valve discharge capacity must be sufficient to prevent building up of pressure in tank in excess of 75 pounds per square inch.

(b) The safety valve must be set to open at a pressure of not exceeding 75 pounds per square inch. (For tolerance see § 78.270–18 (a).)

§ 78.270–14 *Fixtures, reinforcements, and attachments not otherwise specified.* (a) Attachments, other than anchorage and those mounted on manway cover, are prohibited. Heater systems may be applied to exterior of tank by tank bands or other approved method.

§ 78.270–15 *Closures for openings.* (a) Plugs must be of approved type, with standard pipe threads, and of metal not subject to rapid deterioration by the lading.

§ 78.270–16 *Tests of tanks.* (a) Each tank must be tested, before lagging is applied, by completely filling the tank and manway nozzle with water, or other liquid of similar viscosity, having a temperature which must not exceed 100 degrees Fahrenheit during test, and applying a pressure of 100 pounds per square inch. The tank must hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress. All rivets and closures, except safety valves, must be in place while test is made.

§ 78.270–17 *Tests of exterior heater systems.* (a) Not a specification requirement.

§ 78.270–18 *Tests of safety valves.* (a) Each valve must be tested by air or

gas before being put into service. The valve must open at a pressure not exceeding 75 pounds per square inch and be vapor-tight at 60 pounds per square inch, which limiting pressures must not be affected by any auxiliary closure or other combination.

§ 78.270–19 *Marking.* (a) Each tank must be marked, thus certifying that tank complies with all the requirements of this specification. These marks must be as follows:

(1) ICC–105A100 in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. This mark must also be stenciled on the jacket in letters and figures at least 2 inches high by the party assembling the completed car.

(2) Initials of tank builder and date of original test of tank in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped mark specified in subparagraph (1) of this paragraph.

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, such as application of riveted anchors, etc., in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car. These marks must also be stenciled on the jacket in letters and figures at least 2 inches high immediately below the stenciled mark specified in subparagraph (1) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested, pressure to which tested, place where test was made, and by whom, stenciled on the jacket.

(5) Date on which the safety valves were last tested, pressure to which tested, place where test was made, and by whom, stenciled on the jacket.

(6) Water capacity of the tank in pounds stamped plainly and permanently in letters and figures at least ⅜ inch high into the metal of the tank immediately below the marks specified in subparagraphs (2) and (3) of this paragraph. This mark must also be stenciled on the jacket immediately below the dome platform and either directly behind or within 3 feet of the right or left side of ladder, or ladders if there is a ladder on each side of the tank, in letters and figures at least 2 inches high as follows:

WATER CAPACITY
000000 POUNDS

(7) When a tank car and its appurtenances are designed and authorized for the transportation of a particular commodity only, the name of that commodity, followed by the word "only", or such other wording as may be required to indicate the limits of usage of the car, must be stenciled on each side of the jacket, in letters at least 1 inch high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

(8) Tanks made of clad plates must be stenciled on the jacket "(naming material) ____ clad tank". Lined tanks must be stenciled on the jacket "(naming material) _____ lined tank". These marks must be in letters at least 2 inches high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

§ 78.270–20 *Reports.* (a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of alterations of or additions to tanks or equipment from original design and construction, there must be furnished to the same parties a report in detail of the alterations or additions made to each tank covered by a particular application, showing the initials and number of each tank involved. Reports of retests must be rendered to the Bureau of Explosives and car owner.

15. Cancel entire § 78.271 (18 F. R. 3144, June 2, 1953) (17 F. R. 9840, 9841, Nov. 1, 1952) (16 F. R. 11783, Nov. 21, 1951) (15 F. R. 8495 to 8497, Dec. 2, 1950) (49 CFR 1950 Rev., 1954 Supp., 78.271).

16. Cancel entire § 78.272 (18 F. R. 3144, June 2, 1953) (17 F. R. 9841, Nov. 1, 1952) (15 F. R. 8497, Dec. 2, 1950) (49 CFR 1950 Rev., 1954 Supp., 78.272).

17. Cancel entire § 78.273 (18 F. R. 3145, June 2, 1953) (17 F. R. 9841, Nov. 1, 1952) (15 F. R. 8497, 8498, Dec. 2, 1950) (49 CFR 1950 Rev., 1954 Supp., 78.273).

18. Cancel entire § 78.274 (18 F. R. 3145, June 2, 1953) (17 F. R. 9841, Nov. 1, 1952) (15 F. R. 8498, Dec. 2, 1950) (49 CFR 1950 Rev., 1954, Supp., 78.274).

19. Amend entire § 78.275 (20 F. R. 4420, June 23, 1955) (15 F. R. 8498 to 8500, Dec. 2, 1950) (49 CFR 78.275, 1950 Rev.) to read as follows:

§ 78.275 *Specification ICC–106A500; forged lap-welded steel tanks, or ICC 106A500–X forge-welded steel tanks with fusion welded longitudinal barrel sections, to be mounted on a car.* (a) Wherever the word "approved" is in this specification, it means approval by the Association of American Railroads Committee on Tank Cars as prescribed in § 78.259 (a), (b), (c) and (d).

§ 78.275–1 *Type and general requirements.* (a) Tanks built under this specification must be cylindrical, with heads designed convex inward. All openings must be located in the heads. Tanks must be securely attached to car structure in such a manner that they may be removed for filling by the consignor and emptying by the consignee. Each tank must have a capacity of at least 1,600 pounds and not more than 2,600 pounds of water.

(b) The tanks must be fabricated by approved methods.

(c) For tanks made in foreign countries, a chemical analysis of material and all tests as specified must be carried out within the limits of the United States under the supervision of a competent and disinterested inspector.

§ 78.275–2 *Thickness of plates.* (a) The wall thickness of tanks must be at least $^{13}/_{32}$ inch and must be such that at the test pressure the calculated fiber stress in wall of tank will not be in excess of the following.

| | *Maximum fiber stress, pounds per square inch* |
|---|---|
| Shell wall having longitudinal seam: | |
| Water gas lap-welded | 17,500 |
| Fusion-welded | 15,750 |

as calculated by the following formula:

$$S=\frac{P(1.3D^2+0.4d^2)}{D^2-d^2}$$

where

$P$=interior test pressure in pounds per square inch;
$D$=outside diameter in inches;
$d$=inside diameter in inches;
$S$=wall stress in pounds per square inch.

(b) Tank heads must be of a thickness sufficient to meet the test requirements of § 78.275–12 (a), (b) and (c), and provide for the threading of openings therein as prescribed in § 78.275–4 (b).

§ 78.275–3 *Material.* (a) All plates for tank must be make of uniform open-hearth steel of good welding quality, free from cracks, laminations, or other defects injurious to the finished tank, and have an elastic limit of not more than 45,000 pounds per square inch and an elongation of at least 20 percent in 8 inches; a test specimen must also bend cold through 180 degrees flat on itself without cracking on the outside of the bent portion; the tensile and bend test specimens must be taken from the finished rolled material, and there must be at least one tensile test and one bend test on specimens from each heat. Chemical analysis must show maximum content per cent not greater than as follows:

Carbon—0.20.
Phosphorus—0.04.
Sulphur—0.05.

(b) All plates must have their heat number and the name or brand of the manufacturer legibly stamped on them at the rolling mill.

§ 78.275–4 *Tank heads.* (a) The heads must be hot pressed, flanging and dishing being done in one heat, so as to make a straight flange having a minimum length of 4 inches and a radius of dish not greater than the diameter of the tank. They must be inserted into the tank shell with flange extending outward and must have a snug drive fit into the shell.

(b) Threads for openings in tank heads for valves and vents must be American Standard taper, tapped to gauge, clean cut, even and without checks to insure tight joints.

§ 78.275–5 *Welding.* (a) All joints and seams other than the longitudinal seam for which alternate requirements are prescribed in paragraph (b) of this section, must be made by the water gas lap-weld process, or other lap-weld processes, which investigation and laboratory tests by the Mechanical Division of the Association of American Railroads have proved will produce equivalent or superior results. All joints and seams other than those provided for in paragraph (b) of this section, must be thoroughly hammered or rolled to insure perfect welds. The flanges of the heads must be forged lap-welded to the shell and then crimped inwardly toward the axis line at least 1 inch on the radius. Welding and crimping must be accomplished in 1 heat.

(b) Alternate welding procedure: Longitudinal seams may be fusion welded by a process which investigation and laboratory tests by the Mechanical Division of the Association of American Railroads have proved will produce satisfactory results. Fusion welding to be performed by fabricators certified by Association of American Railroads as qualified to meet the requirements of this specification. All joints fabricated by means of fusion welding must be in accordance with the requirements of AAR Welding Code, Appendix W.



§ 78.275–6 *Heat treatment.* (a) Each finished tank, before being subjected to hydrostatic test, must be uniformly and properly heat-treated by heating to a temperature of at least 1,200 degrees Fahrenheit to remove any undue strains due to processes of manufacture.

§ 78.275–7 *Tank mounting.* (a) The manner in which the tanks are mounted on and securely attached to the car structure must be approved.

§ 78.275–8 *Protective housing and cover.* (a) Valves and other closures of openings in tank heads, except fusible plug vents, must be protected against accidental injury by a detachable cast or pressed housing at least $^{3}/_{16}$ inch thick, which much not project beyond the flanged ends of the tank and must be securely fastened to the tank head. Housing must be provided with an opening having an area equal to the total safety valve or vent discharge area.

(b) The upper head of tanks mounted vertically on the car structure must be completely covered by a light metal cover designed to exclude moisture, cinders, and other foreign matter, and to be displaced by pressure of gas discharged through safety valves or vents.

§ 78.275–9 *Venting, loading and unloading valves.* (a) These valves must be of approved type, made of metal not subject to rapid deterioration by lading, and must withstand a pressure of 500 pounds per square inch without leakage. The valves must be screwed directly into tank heads or attached to tank heads by other approved methods. Provision must be made for closing pipe connections of the valves.

§ 78.275–10 *Safety valves or vents.* (a) Unless prohibited for type of service in which tank is used, the tank must be equipped with one or more safety valves or vents of approved type, made of metal not subject to rapid deterioration by the lading and be screwed directly into tank heads or attached to tank heads by other approved methods. The total valve or vent discharge capacity must be sufficient to prevent building up of pressure in the tank in excess of ¾ of the test pressure; when safety vents of the fusible plug type are used, the required discharge capacity must be available in each head.

(b) Tank mounted vertically on the car structure must have safety valves, or vents of the frangible disc type, which must be located on the upper head.

(c) Safety valves must be set to open and vents of the frangible disc type must function at a pressure not exceeding 375 pounds per square inch. Vents of the fusible plug type must function at a temperature not exceeding 175 degrees Fahrenheit. (For tolerance see § 78.275–13.)

§ 78.275–11 *Fixtures.* (a) Siphon pipes and their couplings on the inside of the tank head and lugs on the outside of the tank head for attaching the valve protection housing may be fusion-welded in place in accordance with A. A. R. Welding Code Appendix W, provided they are properly heat-treated in accordance with § 78.275–6 (a) at the time the entire tank is heat-treated. All other fixtures and appurtenances, except as provided in §§ 78.275–7, 78.275–8, 78.275–9 and 78.275–10 are prohibited.

§ 78.275–12 *Tests of tank.* (a) After heat-treatment tanks must be subjected to hydrostatic test in a water jacket, or by other accurate method, operated so as to obtain reliable data. No tank shall have been subjected previously to internal pressure within 100 pounds of the test pressure. Each tank must be tested to 500 pounds per square inch. Pressure must be maintained for 30 seconds and sufficiently longer to insure complete expansion of tank. Pressure gauge must permit reading to accuracy of one per cent. Expansion gauge must permit reading of total expansion to accuracy of one percent. Expansion must be recorded in cubic centimeters.

(b) Permanent volumetric expansion must not exceed 10 per cent of total volumetric expansion at test pressure.

(c) Each finished tank must be subjected to interior air pressure test of at least 100 pounds per square inch under conditions favorable to detection of any leakage. No leaks shall appear.

(d) Repairs of leaks detected in manufacture or test must be made by the same process as employed in manufacture of tank. Calking, soldering, or similar repairing is prohibited.

§ 78.275–13 *Tests of safety valves and vents.* (a) Each valve must be tested by air or gas before being put into service. The valve must open at a pressure not exceeding 375 pounds per square inch and be vapor tight at 300 pounds per square inch which limiting pressures must not be affected by any auxiliary closure or other combination.

(b) For safety vents of the frangible disc type. A sample of the disc used must burst at a pressure of not exceeding 375 pounds per square inch and be vapor-tight at 300 pounds per square inch.

(c) For safety vents of the fusible plug type. A sample of the fusible plugs used must function at a temperature of not exceeding 175 degrees Fahrenheit, and be vapor tight at a temperature of 130 degrees Fahrenheit.

§ 78.275–14 *Alterations and maintenance of tanks.* (a) All prescribed markings on tanks must be kept legible. Copy of the said markings, in letters and figures of the prescribed size stamped on a brass plate secured to the tank, is authorized. Markings must not be changed except as follows:

(1) By application of additional marks not affecting the test pressure or water capacity. These must not obliterate previously applied marks.

(2) By application of test pressure marks, or alteration of such marks, to indicate a reduced test pressure. This is authorized only for tanks that have not failed in the 5-year test.

(3) By change of serial numbers or ownership marks, or both. A report must be filed with the Bureau of Explosives in sufficient detail so that previous serial number and ownership mark can be determined for each tank, arranged by lot numbers or by consecutive serial numbers.

§ 78.275–15 *Marking.* (a) Each tank must be plainly and permanently marked, thus certifying that the tank complies with all the requirements of this specification. These marks must be stamped into the metal of one head or chime, in letters and figures at least ⅜ inch high, as follows:

(1) When longitudinal seam is water gas lap-welded, the mark must be ICC–106A500. When longitudinal seam is fusion-welded, the mark must be ICC–106A500–X.

(2) Serial number immediately below the stamped mark specified in subparagraph (1) of this paragraph.

(3) Inspector's official mark immediately below the stamped mark specified in subparagraph (2) of this paragraph.

(4) Name, mark (other than trademark), or initials of company or person for whose use the tanks are being made, which must be recorded with the Bureau of Explosives.

(5) Date of tank test (month and year), such as 1–54 for January 1954, so placed that date of subsequent tests may easily be added thereto.

(6) Water capacity—0000 Pounds.

§ 78.275–16 *Inspection and reports.* (a) Purchaser of tanks must provide for inspection by a competent inspector as follows:

(1) The inspector must carefully inspect all plates from which tanks are to be made, and records pertaining thereto, and plates which do not comply with the requirements of this specification must be rejected.

(2) The inspector must secure complete certified records, including chemical analyses and physical tests on samples taken from each heat of steel used in the manufacture of the plate.

(3) The inspector must report capacity in pounds of water and tare weight of each tank and the minimum thickness of tank wall noted.

(4) The inspector must make such inspection as may be necessary to see that all the requirements of this specification are fully complied with, must see that the finished tanks are properly heat-treated, and must witness all air and hydrostatic tests.

(5) The inspector must stamp his official mark on each accepted tank imme-

diately below the serial number, and make certified report (See paragraph (b) of this section) to the builder, to the company or person for whose use the tanks are made, to the builder of the car structure on which the tanks are to be mounted, if any, to the Bureau of Explosives, and to the Secretary, Mechanical Division, Association of American Railroads.

(b) Inspector's report required herein must be in the following form:

(Place) ----------
(Date) ----------

STEEL TANKS

It is hereby certified that drawings were submitted for these tanks under A. A. R. Application for Approval No. ---- and approved by the A. A. R. Committee on Tank Cars under date of ----------
Built for ---------- Company
Location at ----------
Built by ---------- Company
Location at ----------
Consigned to ---------- Company
Location at ----------
Quantity ----------
Size ---------- inches outside diameter
by ---------- inches long.

Marks stamped into the head or chime of the tank are:

Specification ICC ----------
Serial numbers -------- to -------- inclusive
Inspector's mark ----------
Owner's mark ----------
Test date ----------
Water capacity (see Record of Hydrostatic Tests).
Tare weights (Yes or No) (See Record of Hydrostatic Tests).
These tanks were made by process of --------

The steel used was identified as indicated by the attached list showing the serial number of each tank, followed by the heat number of the plate, head, and bottom used in the tank.

The steel used was verified as to chemical analysis and record thereof is attached hereto. The heat numbers were stamped into the metal.

All material, such as plates, billets, and seamless tubing, was inspected and each tank was inspected both before and after closing in the ends; all that was accepted was found free from seams, cracks, laminations, and other defects which might prove injurious to the strength of the tank. The processes of manufacture and heat treatment of tanks were supervised and found to be efficient and satisfactory.

The tank walls were measured and the minimum thickness noted was -------- inch. The outside diameter was determined by a close approximation to be -------- inches. The wall stress was calculated to be ------- pounds per square inch under an internal pressure of -------- pounds per square inch.

Hydrostatic tests, bend and tensile tests of material, and other tests, as prescribed in this specification were made in the presence of the inspector and all material and tanks accepted were found to be in compliance with the requirements of this specification. Records thereof are attached hereto.

I hereby certify that all of these tanks proved satisfactory in every way and comply with the requirements of Interstate Commerce Commission.

Specification No. --------
(Signed) ----------
(Inspector)



(Place) ----------
(Date) ----------

RECORD OF CHEMICAL ANALYSIS OF STEEL FOR TANKS

Numbered ---------- to ---------- inclusive
Size ---------- inches outside diameter
by ---------- inches long
Made by ---------- Company
For ---------- Company

| Heat No | Chemical analysis | | | | | | |
|---|---|---|---|---|---|---|---|
| | C | P | S | Si | Mn | Ni | Cr |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

The analyses were made by:
(Signed) ----------
(Place) ----------
(Date) ----------

RECORD OF HYDROSTATIC TESTS ON TANKS

Numbered ---------- inclusive
Size ---------- inches outside diameter
by ---------- inches long
Made by ---------- Company
For ---------- Company

| Serial Nos. of tanks tested | Actual test pressure (pounds per square inch) | Total expansion (cc.)[1] | Permanent expansion (cc.)[1] | Percent ratio of permanent expansion to total expansion | Tare weight pounds[2] | Capacity in pounds of water at 60° F. |
|---|---|---|---|---|---|---|
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

[1] If the tests are made by a method involving the measurement of the amount of liquid forced into the tank by the test pressure then the basic data, on which the calculations are made, such as the pump factors, temperature of liquid, coefficient of compressibility of liquid, etc., must also be given.
[2] Do not include protective housing and cover but state whether with or without valves.

(Signed) ----------

(c) Before a tank built under this specification is placed in service, the builder must furnish to the owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in proper form, certifying that the tank and its equipment comply with all the requirements of this specification including information as to the serial numbers, dates of test, and ownership marks on the tanks.

(d) In the event the owner of the tank instead of the builder elects to furnish the appurtenances such as valve protection caps, loading and unloading valves, and safety valves or vents of the frangible disc or fusible plug type, the owner must furnish to the Bureau of Explosives and to the Secretary, Mechanical Division, Association of American Railroads, a report in proper form certifying that these appurtenances comply with all the requirements of this specification.

(e) In case of alterations of or additions to tanks or equipment from original design and construction or of repairs, there must be furnished to the owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in detail of the repairs, alterations, or additions made to each tank covered by a particular application, showing the serial number of each tank involved and stating that heat treatment called for by the particular type of repair authorized has been performed and that after repairs, alterations, or additions, the tests prescribed in § 78.275–12 were made, results of hydrostatic tests reported, and tanks marked as prescribed by retest table No. 2 of § 73.31 of this chapter.

20. Amend entire § 78.276 (15 F. R. 8501, Dec. 2, 1950) (49 CFR 78.276, 1950 Rev.) to read as follows:

§ 78.276 *Specification ICC–106A800; forged lap-welded steel tanks, or ICC–106A800–X; forge-welded steel tanks with fusion-welded longitudinal barrel sections, to be mounted on a car.* (a) Wherever the word "approved" is used in this specification it means approval by the Association of American Railroads Committee on Tank Cars as prescribed in § 78.259 (a), (b), (c) and (d).

§ 78.276–1 *Type and general requirements.* (a) Tanks built under this specification must be cylindrical, with heads designed convex inward. All openings must be located in the heads. Tanks must be securely attached to car structure in such a manner that they may be removed for filling by the consignor and emptying by the consignee. Each tank must have a capacity of at least 1,600 pounds and not more than 2,600 pounds of water.

(b) The tanks must be fabricated by approved methods.

(c) For tanks made in foreign countries, a chemical analysis of material and all tests as specified must be carried out within the limits of the United States under the supervision of a competent and disinterested inspector.

§ 78.276–2 *Thickness of plates.* (a) The wall thickness of tanks must be at least $^{13}/_{32}$ inch and must be such that at the test pressure the calculated fiber stress in wall of tank will not be in excess of the following:

| | *Maximum fiber stress, pounds per square inch* |
|---|---|
| Shell wall having longitudinal seam: | |
| Water gas lap-welded | 17,500 |
| Fusion-welded | 15,750 |

as calculated by the following formula:

$$S=\frac{P(1.3D^2+0.4d^2)}{D^2-d^2}$$

where
$P$ = interior test pressure in pounds per square inch;
$D$ = outside diameter in inches;
$d$ = inside diameter in inches;
$S$ = wall stress in pounds per square inch.

(b) Tank heads must be of a thickness sufficient to meet the test requirements of § 78.276–12 (a), (b) and (c), and provide for the threading of openings therein as prescribed in § 78.276–4 (b).

§ 78.276–3 *Material.* (a) All plates for tank must be made of uniform open-hearth steel of good welding quality, free from cracks, laminations, or other defects injurious to the finished tank, and have an elastic limit of not more than 45,000 pounds per square inch and an elongation of at least 20 per cent in 8 inches; a test specimen must also bend cold through 180 degrees flat on itself without cracking on the outside of the bent portion; the tensile and bend test specimens must be taken from the finished rolled material, and there must be at least one tensile test and one bend test on specimens from each heat. Chemical analysis must show maximum content percent not greater than as follows:

Carbon—0.20.
Phosphorus—0.04.
Sulphur—0.05.

(b) All plates must have their heat number and the name or brand of the manufacturer legibly stamped on them at the rolling mill.

§ 78.276–4 *Tank heads.* (a) The heads must be hot pressed, flanging and dishing being done in one heat, so as to make a straight flange having a minimum length of 4 inches and a radius of dish not greater than the diameter of the tank. They must be inserted into the tank shell with flange extending outward and must have a snug drive fit into the shell.

(b) Threads for openings in tank heads for valves and vents must be American Standard taper, tapped to gauge, clean cut, even and without checks to insure tight joints.

§ 78.276–5 *Welding.* (a) All joints and seams, other than the longitudinal seam for which alternate requirements are prescribed in paragraph (b) of this section, must be made by the water gas lap-weld process, or other lap-weld processes, which investigation and laboratory tests by the Mechanical Division of the Association of American Railroads have proved will produce equivalent or superior results. All joints and seams, other than those provided for in paragraph (b) of this section, must be thoroughly hammered or rolled to insure perfect welds. The flanges of the heads must be forged lap-welded to the shell and then crimped inwardly toward the axis line at least 1 inch on the radius. Welding and crimping must be accomplished in 1 heat.

(b) *Alternate welding procedure.* Longitudinal seams may be fusion welded by a process which investigation and laboratory tests by the Mechanical Division of the Association of American Railroads have proved will produce satisfactory results. Fusion welding to be performed by fabricators certified by Association of American Railroads as qualified to meet the requirements of this specification. All joints fabricated by means of fusion welding must be in accordance with the requirements of AAR Welding Code, Appendix W.

§ 78.276–6 *Heat treatment.* (a) Each finished tank, before being subjected to hydrostatic test, must be uniformly and properly heat-treated by heating to a temperature of at least 1,200 degrees Fahrenheit to remove any undue strains due to processes of manufacture.

§ 78.276–7 *Tank mounting.* (a) The manner in which the tanks are mounted on and securely attached to the car structure must be approved.



§ 78.276–8 *Protective housing and cover.* (a) Valves and other closures of openings in tank heads, except fusible plug vents, must be protected against accidental injury by a detachable cast or pressed housing at least $^{5}/_{16}$ inch thick, which must not project beyond the flanged ends of the tank and must be securely fastened to the tank head. Housing must be provided with an opening having an area equal to the total safety valve or vent discharge area.

§ 78.276–9 *Venting, loading and unloading valves.* (a) These valves must be of approved type, made of metal not subject to rapid deterioration by the lading, and must withstand a pressure of 800 pounds per square inch without leakage. The valves must be screwed directly into tank heads or attached to tank heads by other approved methods. Provision must be made for closing the pipe connection of the valves.

§ 78.276–10 *Safety valves or vents.* (a) Unless prohibited for type of service in which tank is used, the tank must be equipped with one or more safety valves or vents of approved type, made of metal not subject to rapid deterioration by the lading and be screwed directly into tank heads or attached to tank heads by other approved methods. The total valve or vent discharge capacity must be sufficient to prevent building up of pressure in the tank in excess of ¾ of the test pressure; when safety vents of the fusible plug type are used, the required discharge capacity must be available in each head.

(b) Tanks mounted vertically on the car structure must have safety valves, or vents of the frangible disc type, which must be located on the upper head.

(c) Safety valves must be set to open and vents of the frangible disc type must function at a pressure of not exceeding 600 pounds per square inch. Vents of the fusible plug type must function at a temperature not exceeding 175 degrees Fahrenheit. (For tolerance see § 78.276–13.)

§ 78.276–11 *Fixtures.* (a) Siphon pipes and their couplings on the inside of the tank head and lugs on the outside of the tank head for attaching the valve protection housing may be fusion-welded in place in accordance with A. A. R. Welding Code Appendix W, provided they are properly heat-treated in accordance with § 78.276–6 (a) at the time the entire tank is heat-treated. All other fixtures and appurtenances, except as provided in § 78.276–7, §78.276–8, §78.276–9 and § 78.276–10, are prohibited.

§ 78.276–12 *Tests of tanks.* (a) After heat-treatment tanks must be subjected to hydrostatic test in a water jacket, or by other accurate method, operated so as to obtain reliable data. No tank shall have been subjected previously to internal pressure within 100 pounds of the test pressure. Each tank must be tested to 800 pounds per square inch. Pressure must be maintained for 30 seconds and sufficiently longer to insure complete expansion of tank. Pressure gauge must permit reading to accuracy of one per cent. Expansion gauge must permit reading of total expansion to accuracy of one per cent. Expansion must be recorded in cubic centimeters.

(b) Permanent volumetric expansion must not exceed 10 percent of total volumetric expansion at test pressure.

(c) Each finished tank must be subjected to interior air pressure test of at least 100 pounds per square inch under conditions favorable to detection of any leakage. No leaks shall appear.

(d) Repairs of leaks detected in manufacture or test must be made by the same process as employed in manufacture of tank. Calking, soldering, or similar repairing is prohibited.

§ 78.276–13 *Tests of safety valves and vents.* (a) Each valve must be tested by air or gas before being put into service. The valve must open at a pressure not exceeding 600 pounds per square inch and be vapor tight at 480 pounds per square inch which limiting pressures must not be affected by any auxiliary closure or other combination.

(b) For safety vents of the frangible disc type. A sample of the disc used must burst at a pressure of not exceeding 600 pounds per square inch and be vapor tight at 480 pounds per square inch.

(c) For safety vents of the fusible plug type. A sample of the fusible plugs used must function at a temperature of not exceeding 175 degrees Fahrenheit, and be vapor tight at a temperature of 130 degrees Fahrenheit.

§ 78.276–14 *Alterations and maintenance of tanks.* (a) All prescribed markings on tanks must be kept legible. Copy of the said markings, in letters and figures of the prescribed size stamped on a brass plate secured to the tank, is authorized. Markings must not be changed except as follows:

(1) By application of additional marks not affecting the test pressure or water capacity. These must not obliterate previously applied marks.

(2) By application of test pressure marks, or alteration of such marks, to indicate a reduced test pressure. This is authorized only for tanks that have not failed in the 5-year test.

(3) By change of serial numbers or ownership marks, or both. A report must be filed with the Bureau of Explosives in sufficient detail so that previous serial number and ownership mark can be determined for each tank, arranged by lot numbers or by consecutive serial numbers.

§ 78.276–15 *Marking.* (a) Each tank must be plainly and permanently marked, thus certifying that the tank complies with all the requirements of this specification. These marks must be stamped into the metal of one head or chime, in letters and figures at least ⅜ inch high, as follows:

(1) When longitudinal seam is water gas lap-welded, the mark must be ICC–106A800. When longitudinal seam is fusion-welded, the mark must be ICC–106A800–X.

(2) Serial number immediately below the stamped marked specified in subparagraph (1) of this paragraph.

(3) Inspector's official mark immediately below the stamped mark specified in subparagraph (2) of this paragraph.

(4) Name, mark (other than trademark), or initials of company or person for whose use the tanks are being made, which must be recorded with the Bureau of Explosives.

(5) Date of tank test (month and year), such as 1-54 for January, 1954, so placed that date of subsequent tests may easily be added thereto.

(6) Water capacity—0000 Pounds.

§ 78.276–16 *Inspection and reports.* (a) Purchaser of tanks must provide for inspection by a competent inspector as follows:

(1) The inspector must carefully inspect all plates from which tanks are to be made, and records pertaining thereto, and plates which do not comply with the requirements of this specification must be rejected.

(2) The inspector must secure complete certified records, including chemical analyses and physical tests on samples taken from each heat of steel used in the manufacture of the plate.

(3) The inspector must report capacity in pounds of water and tare weight of each tank and the minimum thickness of tank wall noted.

(4) The inspector must make such inspection as may be necessary to see that all the requirements of this specification are fully complied with, must see that the finished tanks are properly heat-treated, and must witness all air and hydrostatic tests.

(5) The inspector must stamp his official mark on each accepted tank immediately below the serial number, and make certified report (see paragraph (b) of this paragraph) to the builder, to the company or person for whose use the tanks are being made, to the builder of the car structure on which the tanks are to be mounted, if any, to the Bureau of Explosives, and to the Secretary, Mechanical Division, Association of American Railroads.

(b) Inspector's report required herein must be in the following form:

(Place) _____
(Date) _____

STEEL TANKS

It is hereby certified that drawings were submitted for these tanks under A. A. R. Application for Approval No. _____ and approved by the A. A. R. Committee on Tank Cars under date of _____

Built for _____ Company
Location at _____
Built by _____ Company
Location at _____
Consigned to _____ Company
Location at _____
Quantity _____
Size _____ inches outside diameter by _____ inches long

Marks stamped into the head or chime of the tank are:

Specification ICC _____
Serial numbers _____ to _____ inclusive
Inspector's mark _____
Owner's mark _____
Test date _____
Water capacity (See Record of Hydrostatic Tests)
Tare weights (Yes or No). (See Record of Hydrostatic Tests)
These tanks were made by process of _____

The steel used was identified as indicated by the attached list showing the serial number of each tank, followed by the heat number of the plate, head, and bottom used in the tank.

The steel used was verified as to chemical analysis and record thereof is attached hereto. The heat numbers were stamped into the metal.

All material, such as plates, billets, and seamless tubing, was inspected and each tank was inspected both before and after closing in the ends; all that was accepted was found free from seams, cracks, laminations, and other defects which might prove injurious to the strength of the tank. The processes of manufacture and heat treatment of tanks were supervised and found to be efficient and satisfactory.

The tank walls were measured and the minimum thickness noted was _____ inch. The outside diameter was determined by a close approximation to be _____ inches. The wall stress was calculated to be _____ pounds per square inch under an internal pressure of _____ pounds per square inch.

Hydrostatic tests, bend and tensile tests of material, and other tests, as prescribed in this specification were made in the presence of the inspector and all material and tanks accepted were found to be in compliance with the requirements of this specification. Records thereof are attached hereto.

I hereby certify that all of these tanks proved satisfactory in every way and comply with the requirements of Interstate Commerce Commission Specification No. _____

(Signed) _____
(Inspector)
(Place) _____
(Date) _____

RECORD OF CHEMICAL ANALYSIS OF STEEL FOR TANKS

Numbered _____ to _____ inclusive
Size _____ inches outside diameter by _____ inches long
Made by _____ Company
For _____ Company

| Heat No. | Chemical analysis | | | | | | |
|---|---|---|---|---|---|---|---|
| | C | P | S | Si | Mn | Ni | Cr |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

The analyses were made by:

(Signed) _____
(Place) _____
(Date) _____

RECORD OF HYDROSTATIC TESTS ON TANKS

Numbered _____ to _____ inclusive
Size _____ inches outside diameter by _____ inches long
Made by _____ Company
For _____ Company

| Serial Nos. of tanks tested | Actual test pressure (pounds per square inch) | Total expansion (cc.)[1] | Permanent expansion (cc.)[1] | Percent ratio of permanent expansion to total expansion | Tare weight pounds [1] | Capacity in pounds of water at 60° F. |
|---|---|---|---|---|---|---|
| | | | | | | |
| | | | | | | |
| | | | | | | |

[1] If the tests are made by a method involving the measurement of the amount of liquid forced into the tank by the test pressure then the basic data, on which the calculations are made, such as the pump factors, temperature of liquid, coefficient of compressibility of liquid, etc., must also be given.

[2] Do not include protective housing and cover but state whether with or without valves.

(Signed) _____

(c) Before a tank built under this specification is placed in service, the builder must furnish to the owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in proper form, certifying that the tank and its equipment comply with all the requirements of this specification including information as to the serial numbers, dates of test, and ownership marks on the tanks.

(d) In the event the owner of the tank instead of the builder elects to furnish the appurtenances such as valve protection caps, loading and unloading valves, and safety valves or vents of the frangible disc or fusible plug type, the owner must furnish to the Bureau of Explosives and to the Secretary, Mechanical Division, Association of American Railroads, a report in proper form certifying that these appurtenances comply with all the requirements of this specification.

(e) In case of alterations of or additions to tanks or equipment from original design and construction or of repairs, there must be furnished to the owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in detail of the repairs, alterations, or additions made to each tank covered by a particular application, showing the serial number of each tank involved and stating that heat treatment called for by the particular type of repair authorized has been performed and that after repairs, alterations, or additions, the tests prescribed in § 78.276–12 were made, results of hydrostatic tests reported, and tanks marked as prescribed by retest table No. 2 of § 73.31 of this chapter.

21. Amend entire § 78.277 (20 F. R. 955 to 958, Feb. 15, 1955) (49 CFR 78.277, 1950 Rev.) to read as follows:

§ 78.277 *Specification ICC–107A ****; seamless steel tanks to be mounted on or forming part of a car.* (a) Wherever the word "approved" is used in this specification it means approval by the Association of American Railroads Committee on Tank Cars as prescribed by § 78.259 (a), (b), (c) and (d).

§ 78.277–1 *Type and general requirements.* (a) Tanks built under this specification must be hollow forged or drawn in one piece. Forged tanks must be machined inside and outside before ends are necked-down and, after necking-down, the ends must be machined to size on the ends and outside diameter. Machining not necessary on inside or outside of seamless steel tubing, but required on ends after necking down.

(b) Tanks must be fabricated by approved methods.

(c) For tanks made in foreign countries, chemical analysis of material and all tests as specified must be carried out within the limits of the United States under supervision of a competent and disinterested inspector; in addition to which, provisions in § 78.277–17 (b) and (c) must be carried out at the point of manufacture by a recognized inspection bureau with principal office in the United States.



(d) The terms "marked end" and "marked test pressure" used throughout this specification are defined as follows:

(1) "Marked end" is that end of the tank on which marks prescribed in § 78.277–16 are stamped.

(2) "Marked test pressure" is that pressure in pounds per square inch which is indicated by the figures substituted for the **** in the marking ICC–107–A **** stamped on the marked end of tank.

(e) The gas pressure at 130 degrees Fahrenheit in the tank must not exceed 7/10 of the marked test pressure of the tank.

§ 78.277–2 *Thickness of wall.* (a) Minimum thickness of wall of each finished tank must be such that a pressure equal to 7/10 of the marked test pressure of the tank, the calculated fiber stress in pounds per square inch at inner wall of tank multiplied by 3.0 will not exceed the tensile strength of any specimen taken from the tank and tested as prescribed in § 78.277–5 (b). Minimum wall thickness shall be 1/4 inch.

(b) Calculations to determine the maximum marked test pressure permitted to be marked on the tank must be made by the formula:

$$P=\frac{10S(D^2-d^2)}{7(D^2+d^2)}$$

where

$P$ = maximum marked test pressure permitted;

$$S=\frac{U}{3.0}$$

where

$U$ = tensile strength of that specimen which shows the lower tensile strength of the two specimens taken from the tank and tested as prescribed in § 78.277–5 (b).

3.0 = Factor of safety.

$\frac{D^2-d^2}{D^2+d^2}$ = The smaller value obtained for this factor by the operations specified in paragraph (c) of this section.

(c) Measure at one end, in a plane perpendicular to the longitudinal axis of the tank and at least 18 inches from that end before necking down:

$d$ = Maximum inside diameter (inches) for the location under consideration; to be determined by direct measurement to an accuracy of 0.05 inch.

$t$ = Minimum thickness of wall for the location under consideration; to be determined by direct measurement to an accuracy of 0.001 inch.

Take $D=d+2t$.

Calculate the value of

$$\frac{D^2-d^2}{D^2+d^2}$$

Make similar measurements and calculation for a corresponding location at the other end of the tank.

Use the smaller result obtained, from the foregoing, in making calculations prescribed in paragraph (b) of this section.

§ 78.277–3 *Material.* (a) Tanks must be made from open-hearth or electric steel of uniform quality. Material must be free from seams, cracks, laminations, or other defects injurious to finished tank. If not free from such defects, the surface may be machined or ground to eliminate these defects. Forgings and seamless tubing for bodies of tanks must be stamped with heat numbers.

(b) Steel must conform to the following requirements as to chemical composition:

| | Carbon steel (percent) | Alloy steel (percent) |
|---|---|---|
| Carbon, not over | 0.55 | [1] 0.50 |
| Manganese, not over | .80 | [1] 1.65 |
| Phosphorus: | | |
| Acid, not over | .05 | .05 |
| Basic, not over | .04 | .04 |
| Sulphur: | | |
| Acid, not over | .06 | .06 |
| Basic, not over | .05 | .05 |
| Sum of manganese and carbon [1] not over | | 2.10 |

[1] Steel containing other alloying elements may be used if approved.

(1) For instructions as to the obtaining and checking of chemical analysis, see § 78.277–17 (b) (3).

§ 78.277–4 *Heat treatment.* (a) Each necked-down tank must be uniformly and properly heat treated. Heat treatment must consist of annealing or normalizing and drawing. Heat treatment involving the use of liquid quenching medium is prohibited, except under special approval. All scale must be removed from inside and outside of tank to an extent sufficient to allow proper inspection.

(b) To check uniformity of heat treatment, Brinell hardness tests must be made at 18-inch intervals on the entire longitudinal axis. The hardness must not vary more than 35 points in the length of the tank. No hardness tests need be taken within 12 inches from point of head to shell tangency.

§ 78.277–5 *Physical tests.* (a) Physical tests must be made on 2 test specimens 0.505 inch in diameter within 2-inch gauge length, taken 180 degrees apart, 1 from each ring section cut from each end of each forged or drawn tube before necking down, or 1 from each prolongation at each end of each necked-down tank. These test specimen ring sections or prolongations must be heat treated with the necked-down tank which they represent. The width of the test specimen ring section must be at least its wall thickness. Only when diameters and wall thickness will not permit removal of 0.505 by 2-inch tensile test bar, laid in the transverse direction, may test bar cut in the longitudinal direction be substituted. When the thickness will not permit obtaining a 0.505 specimen, then the largest diameter specimen obtainable in the longitudinal direction shall be used. Specimens shall have bright surface and a reduced section. When 0.505 specimen is not used the gauge length shall be a ratio of 4 to 1 length to diameter.

(b) Elastic limit as determined by extensometer, must not exceed 70 percent of tensile strength. Determination shall be made at cross head speed of not more than 0.125 inch per minute with an extensometer reading to 0.0002 inch. The extensometer shall be read at increments of stress not exceeding 5,000 pounds per square inch. The stress at which the strain first exceeds

$$\frac{\text{stress (pounds per square inch)}}{30{,}000{,}000 \text{ (pounds per square inch)}}$$

plus 0.005 (inch per inch) shall be recorded as the elastic limit.

(1) Elongation must be at least 18 percent and reduction of area at least 35 percent.

NOTE 1: Upon approval, the ratio of elastic limit to ultimate strength may be raised to permit use of special alloy steels of definite composition that will give equal or better physical properties than steels herein specified.

§ 78.277–6 *Openings in tanks.* (a) Each end must be closed by a cover made of forged steel. Covers must be secured to ends of tank by through bolts or studs not entering interior of tank. Covers must be of a thickness sufficient to meet test requirements of § 78.277–10 and to compensate for the openings closed by attachments prescribed herein.

(1) It is also provided that each end may be closed by internal threading to accommodate an approved fitting. The internal threads as well as the threads on fittings for these openings shall be clean cut, even, without checks, and tapped to gauge. Taper threads are required and must be of a length not less than as specified for American Standard Taper pipe threads. External threading of an approved type shall be permissible on the internal threaded ends.

(b) Joints between covers and ends and between cover and attachments must be of approved form and made tight against vapor or liquid leakage by means of a confined gasket of suitable material.

§ 78.277–7 *Tank mounting.* (a) The manner in which tanks are supported on and securely attached to car structure must be approved.

§ 78.277–8 *Protective housing.* (a) Safety devices, and loading and unloading valves on tanks must be protected from accidental injury by approved metal housing, arranged so it may be readily opened to permit inspection and adjustment of safety devices and valves, and securely locked in closed position. Housing must be provided with opening having an opening equal to twice the total discharge area of safety device enclosed.

§ 78.277–9 *Loading and unloading valves.* (a) Loading and unloading valve or valves must be mounted on the cover or threaded into the marked end of tank. These valves must be of approved type, made of metal not subject to rapid deterioration by lading or in service, and must withstand without leakage a pressure equal to the marked test pressure of tank. Provision must be made for closing service outlet of valves.

§ 78.277–10 *Safety devices.* (a) Tank must be equipped with one or more safety devices of approved type and discharge area, mounted on the cover or threaded into the non-marked end of the tank. If fittings are mounted on a cover, they must be of the flanged type, made of metal not subject to rapid de-

terioration by lading or in service. Total discharge capacity must be such that, with tank filled with air at pressure equal to 70 percent of the marked test pressure of tank, discharge capacity will be sufficient to reduce air pressure to 30 percent of the marked test pressure within 3 minutes after safety device opens.

(b) Safety devices must open at pressure not exceeding the marked test pressure of tank and not less than 7/10 of marked test pressure. (For tolerance for safety relief valves, see § 78.277–14 (a).)

(c) Cars used for the transportation of flammable gases must have the safety devices equipped with an approved ignition device.

§ 78.277–11 *Fixtures.* (a) Attachments, other than those mounted on tank covers or serving as threaded closures for the ends of the tank, are prohibited.

§ 78.277–12 *Tests of tanks.* (a) After heat-treatment, tanks must be subjected to hydrostatic tests in a water jacket, or by other accurate method, operated so as to obtain reliable data. No tank shall have been subjected previously to internal pressure greater than 90 percent of the marked test pressure. Each tank must be tested to a pressure at least equal to the marked test pressure of the tank. Pressure must be maintained for 30 seconds, and sufficiently longer to insure complete expansion of tank. Pressure gauge must permit reading to accuracy of one percent. Expansion gauge must permit reading of total expansion to accuracy of one percent. Expansion must be recorded in cubic centimeters.

(b) Permanent volumetric expansion must not exceed 10 percent of the total volumetric expansion at test pressure.

§ 78.277–13 *Handling of tanks failing in tests.* (a) Tanks rejected for failure in any of the tests prescribed may be reheat-treated, and will be acceptable if subsequent to reheat-treatment they are subjected to and pass all of the tests.

§ 78.277–14 *Tests of safety devices.* (a) Safety relief valves must be tested by air or gas before being put into service. Valve must open at pressure not exceeding the marked test pressure of tank and must be vapor-tight at 80 percent of the marked test pressure. These limiting pressures must not be affected by any auxiliary closure or other combination.

(b) For safety devices of frangible disc type, samples of discs used must burst at a pressure not exceeding the marked test pressure of tank and not less than 7/10 of marked test pressure.

§ 78.277–15 *Alterations and maintenance of tanks.* (a) All prescribed markings on tanks must be kept legible. Markings must not be added to or changed, except as follows:

(1) By application of additional marks not affecting the marked test pressure or water capacity; these marks must not obliterate prescribed marks previously applied.

(2) By application of test pressure marks, or alteration of such marks, to indicate reduced marked test pressure; authorized only for tanks that have not failed in 5-year test.

(3) By change of serial numbers or ownership marks, or both, in which case report, in sufficient detail so that previous serial number and ownership mark can be determined for each tank, and arranged by lot numbers or by consecutive serial numbers, must be filed with the Bureau of Explosives.

§ 78.277–16 *Marking.* (a) Each tank must be plainly and permanently marked, thus certifying that tank complies with all requirements of this specification. These marks must be stamped into the metal of necked-down section of tank at marked end, in letters and figures at least ¼ inch high, as follows:

(1) ICC–107A ****, the **** to be replaced by figures indicating marked test pressure of the tank. This pressure must not exceed the calculated maximum marked test pressure permitted, as determined by the formula in § 78.277–2 (b).

(2) Serial number immediately below the stamped mark specified in subparagraph (1) of this paragraph.

(3) Inspector's official mark immediately below the stamped mark specified in subparagraph (2) of this paragraph.

(4) Name, mark (other than trademark), or initials of company or person for whose use tank is being made, which must be recorded with the Bureau of Explosives.

(5) Date (such as 1–54, for January 1954) of tank test, so placed that dates of subsequent tests may easily be added thereto.

(6) Date (such as 1–54, for January 1954) of latest test of safety relief valve or of frangible disc, required only when tank is used for transportation of flammable gases.

(7) Name of gas for which tank car is being used, stenciled in letters at least 2 inches high on each side of car where they are clearly visible.

§ 78.277–17 *Inspection and reports.* (a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in proper form certifying that tanks and their equipment comply with all the requirements of this specification and including information as to serial numbers, dates of tests, and ownership marks on tanks mounted on car structure. In case of alterations or additions to tanks or equipment from original design and construction, there must be furnished to the same parties a report in detail of the alterations or additions made to each tank covered by a particular application, showing the serial number of each tank involved.

(b) Purchaser of tanks must provide for inspection by a competent inspector as follows:

(1) Inspector must carefully inspect all material and reject that not complying with § 78.277–3.

(2) Inspector must stamp his official mark on each forging or seamless tube accepted by him for use in making tanks, and must verify proper application of heat number to such material by occasional inspections at steel manufacturer's plant.

(3) Inspector must obtain certified chemical analysis of each heat of material.

(4) Inspector must make inspection of inside surface of tanks before necking down, to insure that no seams, cracks, laminations, or other defects exist.

(5) Inspector must fully verify compliance with specification, verify heat treatment of tank as proper; obtain samples for all tests and check chemical analyses; witness all tests; and report minimum thickness of tank wall, maximum inside diameter, and calculated value of D, for each end of each tank as prescribed in § 78.277–2 (c).

(6) Inspector must stamp his official mark on each accepted tank immediately below serial number, and make certified report (See paragraph (c) of this section) to builder, to company or person for whose use tanks are being made, to builder of car structure on which tanks are to be mounted, to the Bureau of Explosives, and to the Secretary, Mechanical Division, Association of American Railroads.

(c) Inspector's report required herein must be in the following form:

(Place) _____
(Date) _____

STEEL TANKS

It is hereby certified that drawings were submitted for these tanks under A. A. R. Application for Approval _____ and approved by the A. A. R. Committee on Tank Cars under date of _____
Built for _____ Company
Location at _____
Built by _____ Company
Location at _____
Consigned to _____
Location at _____
Quantity _____
Length (inches) _____
Outside diameter (inches) _____

Marks stamped into tank as required in § 78.277–16 are:

ICC–107A ****

NOTE: The marked test pressure substituted for the **** on each tank is shown on Record of General Data on Tanks attached hereto.

Serial numbers _____ to _____ inclusive
Inspector's mark _____
Owner's mark _____
Test date _____
Water capacity (see Record of Hydrostatic Tests).
Tare weights (yes or no) (see Record of Hydrostatic Tests). These tanks were made by process of _____

Steel used was identified as indicated by the attached list showing the serial number of each tank, followed by the heat number.

Steel used was verified as to chemical analysis and record thereof is attached hereto. Heat numbers were stamped into metal.

All material was inspected and each tank was inspected both before and after closing in ends; all material accepted was found free from seams, cracks, laminations, and other defects which might prove injurious to strength of tank. Processes of manufacture and heat-treatment of tanks were witnessed and found to be efficient and satisfactory.

Before necking down ends, each tank was measured at each location prescribed in § 78.277–2 (c) and minimum wall thickness



in inches at each location was recorded; maximum inside diameter in inches at each location was recorded; value of D in inches at each location was calculated and recorded; maximum fiber stress in wall at location showing larger value for

$$\frac{D^2+d^2}{D^2-d^2}$$

was calculated for 7/10 the marked test pressure and recorded. Calculations were made by the formula:

$$S=0.7P\frac{(D^2+d^2)}{(D^2-d^2)}$$

Hydrostatic tests, tensile tests of material, and other tests as prescribed in this specification, were made in the presence of the inspector, and all material and tanks accepted were found to be in compliance with the requirements of this specification. Records thereof are attached hereto.

I hereby certify that all of these tanks proved satisfactory in every way and comply with the requirements of Interstate Commerce Commission Specification No. 107A ****

(Signed) _____
(Inspector)

(Place) _____
(Date) _____

RECORD OF CHEMICAL ANALYSIS OF STEEL FOR TANKS

Numbered _____ to _____ inclusive
Size _____ inches outside diameter
by _____ inches long
Built by _____ Company.
For _____ Company.

| Heat No. | Tanks represented (Serial Nos.) | Chemical analysis | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | | C | Mn | P | S | Si | Ni | Cr | Mo |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |

These analyses were made by:

(Signed) _____
(Inspector)

(Place) _____
(Date) _____

RECORD OF TENSILE TESTS OF MATERIAL IN TANKS

Numbered _____ to _____ inclusive
Size _____ inches outside
by _____ inches long
Built by _____ Company
For _____ Company

| Heat No. | Tanks represented by test (Serial Nos.) | Elastic limit (pounds per square inch) | Tensile strength (pounds per square inch) | Elongation (percent in 2 inches) | Reduction of area (percent) |
|---|---|---|---|---|---|
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

(Signed) _____

(Place) _____
(Date) _____

RECORD OF HYDROSTATIC TESTS ON TANKS

Numbered _____ to _____ inclusive
Size _____ inches outside
by _____ inches long
Built by _____ Company
For _____ Company

| Serial Nos. of tanks tested | Actual test pressure (pounds per square inch) | Total expansion (cc.)[1] | Permanent expansion (cc.)[1] | Percent ratio of permanent expansion to total expansion[1] | Tare weight pounds[2] | Capacity in pounds of water at 60° F. |
|---|---|---|---|---|---|---|
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

[1] If tests are made by method involving measurement of amount of liquid forced into tank by test pressure, then the basic data on which calculations are made, such as pump factors, temperature of liquid, coefficient of compressibility of liquid, etc., must also be given.

[2] Do not include protective housing, but state whether with or without valves.

(Signed) _____

(Place) _____
(Date) _____

RECORD OF GENERAL DATA ON TANKS

Numbered _____ to _____ inclusive
Built by _____ Company
For _____ Company

| Serial No. of tank | Data obtained as prescribed in § 78.277–2(c) | | | | | | $\frac{D^2+d^2}{D^2-d^2}$ | (S) Calculated fiber stress in pounds per square inch at 7/10 marked test pressure | Marked test pressure in pounds per square inch stamped in tank | Minimum tensile strength of material in pounds per square in. recorded |
|---|---|---|---|---|---|---|---|---|---|---|
| | Marked end of tank | | | Other end of tank | | | | | | |
| | (t) Minimum thickness of wall in inches | (d) Maximum inside diameter in inches | (D) Calculated value of $D$ in inches $=d+2t$ | (t) Minimum thickness of wall in inches | (d) Maximum inside diameter in inches | (D) Calculated value of $D$ in inches $=d+2t$ | Larger value of the factor | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | | | | |

(Signed) _____

22. Cancel entire § 78.278 (15 F. R. 8503, 8504, Dec. 2, 1950) (49 CFR 78.278, 1950 Rev.)

23. Cancel entire § 78.279 (15 F. R. 8504, Dec. 2, 1950) (49 CFR 78.279, 1950 Rev.)

24. Amend entire § 78.280 (20 F. R. 8111, Oct. 28, 1955) (19 F. R. 3263, 3264, June 3, 1954) (18 F. R. 5278, Sept. 1, 1953) (18 F. R. 806, Feb. 7, 1953) (17 F. R. 9841, Nov. 1, 1952) (17 F. R. 7287, Aug. 9, 1952) (16 F. R. 11783, 11784, Nov. 21, 1951) (15 F. R. 8504 to 8509, Dec. 2, 1950) (49 CFR 1950 Rev., 1954 Supp., 78.280) to read as follows:

§ 78.280 *Specification ICC–103–W; fusion-welded steel tanks to be mounted on or forming part of a car.* (a) Wherever the word "approved" is used in this specification it means approval by the Association of American Railroads Committee on Tank Cars as prescribed in § 78.259 (a), (b), (c) and (d).

§ 78.280–1 *Type.* (a) Tanks built under this specification must be cylindrical, with heads designed convex outward, and have at least one expansion dome with manway, and such other external projections as are prescribed herein. When the interior of the tank is divided into compartments, each compartment must have two heads designed convex outward, one expansion dome with manway, and such other external projections as are prescribed herein.

§ 78.280–2 *Lagging.* (a) Not a specification requirement. If applied, the tank shell and expansion dome must be lagged with an approved insulation material of a thickness so that the thermal conductance is not more than 0.225 B. t. u. per square foot, per degree Fahrenheit differential in temperature per hour at 60 degrees. The entire insulation must be covered with a metal jacket not less than ⅛ inch in thickness and efficiently flashed around all openings so as to be weather-tight. When heater systems are attached to exterior of tank, the lagging over each heater element may be reduced in thickness.

(b) Before lagging is applied, the tank surface and the inside surface of the metal jacket shall be given a protective coating.

§ 78.280–3 *Bursting pressure.* (a) the calculated bursting pressure, based on the lowest tensile strength of the plate and the efficiency of the longitudinal welded joint, must be at least 240 pounds per square inch.

§ 78.280–4 *Thickness of plates.* (a) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula, but in no case shall the wall thickness be less than that specified in paragraph (b) of this section:

$$t=\frac{Pd}{2SE}$$

where
$t$ = thickness in inches of thinnest plate;
$P$ = calculated bursting pressure pounds per square inch;
$d$ = inside diameter in inches;
$S$ = minimum ultimate tensile strength in pounds per square inch;
$E$ = efficiency of longitudinal welded joint = 90 percent.

(1) The thickness of a dished head must be determined by the following formula, but in no case be less than that specified in paragraph (b) of this section:

$$t = \frac{5PL}{6SE}$$

where
$t$ = thickness of plate in inches;
$P$ = calculated bursting pressure pounds per square inch;
$L$ = main inside radius to which head is dished measured on concave side in inches;
$S$ = minimum ultimate tensile strength in pounds per square inch;
$E$ = efficiency of welded joint.

When head is formed from one piece, the efficiency may be considered as 100 percent.

(b) The minimum thickness of plates must be as follows:

| Inside diameter of tanks | Bottom sheets | Shell sheets | Expansion dome sheets | Tank heads | Expansion dome heads | Interior compartment heads |
|---|---|---|---|---|---|---|
| | Inch | Inch | Inch | Inch | Inch | Inch |
| 60 inches or under | 7/16 | 3/4 | 5/16 | 1/2 | 5/16 | 5/16 |
| Over 60 to 78 inches | 7/16 | 5/16 | 5/16 | 1/2 | 5/16 | 5/16 |
| Over 78 to 96 inches | 1/2 | 3/8 | 5/16 | 1/2 | 5/16 | 3/8 |
| Over 96 to 112 inches | 1/2 | 7/16 | 5/16 | 9/16 | 5/16 | 7/16 |
| Over 112 to 122 inches | 1/2 | 1/2 | 5/16 | 5/8 | 5/16 | 1/2 |

(c) The minimum thickness of clad plates, where cladding material has physical properties at least equal to that of the base plate prescribed in § 78.280–5 (a), must be as prescribed in the above table. Where the cladding material does not have physical properties at least equal to that of the base plate prescribed in § 78.280–5 (a), minimum thickness of base plate must be as prescribed in the above table.

(d) The minimum width of bottom sheet of tank must be 60 inches, measured on the arc, but in all cases the width must be sufficient to bring the entire width of the longitudinal welded joint, including welds, above the cradle.

(e) For tanks built of one piece cylindrical sections, the thickness specified for bottom sheet must apply to the entire cylindrical shell.

(f) For tanks without underframe the minimum thickness of bottom sheet must not be less than 5/8 inch.

(g) When tank is divided into compartments the interior head must comply with the requirements for interior compartment heads prescribed herein. When capacity of tank is reduced by moving in the exterior head a new exterior head of approved contour not less than 3/8 inch thickness must be applied. When the capacity is reduced by the insertion of a new interior head this head must comply with the requirements for interior compartment heads and the exterior head reapplied. Voids, created by the addition of heads for division into compartments or reduction in capacity, must be provided with a tapped drain hole at their lowest point, and a tapped hole at top of tank. The top hole must be closed, and the bottom hole may be closed, with not less than 3/4 inch nor more than 1 1/2 inch solid pipe plugs having standard pipe threads.

§ 78.280–5 *Material.* (a) All plates for tank and expansion dome must be made of open-hearth boiler-plate flange quality steel to an approved specification, the carbon content of which shall not exceed 0.31 percent. These plates may also be clad with other metals, such as nickel.

(b) All castings used for fittings or attachments to tank must be made of material to an approved specification.

(c) Rivets, if used, must be of the same quality as used for steam boilers and other pressure vessels, and be made of steel to an approved specification. When clad plates are used and attachments are riveted, the rivet heads inside the tank must be clad with the same material, or, rivets may be of the same material as the cladding, provided rivets have physical properties at least equivalent to rivets prescribed herein.

(d) All external projections must be made of materials specified herein.

(e) Lining or interior coating is not a specification requirement. If applied, it must be approved as to material.

§ 78.280–6 *Tank heads.* (a) Tank heads must be of approved contour and must be designed for pressure on concave side and to main inside radius not exceeding 10 feet. The inside knuckle radius must not be less than 3 3/4 inches except for interior heads of compartment tanks the knuckle radius must not be less than 1 1/2 inches.

§ 78.280–7 *Welding.* (a) All joints must be fusion-welded by a process which investigation and laboratory tests by the Mechanical Division of the Association of American Railroads have proved will produce satisfactory results. Fusion welding to be performed by fabricators certified by the Association of American Railroads as qualified to meet the requirements of this specification. All joints must be fabricated by means of fusion welding in accordance with the requirements of AAR Welding Code Appendix W.

§ 78.280–8 *Manway ring, safety valve flange, and bottom outlet nozzle flange or other attachments.* (a) These attachments may be riveted or fusion welded. Riveted joints must be made metal to metal without interposition of other material. Rivets, if used, must be driven hot and calked inside. For computing rivet areas the effective diameter of a driven rivet is the diameter of its reamed hole, which hole must in no case exceed nominal diameter of rivet by more than 1/16 inch. Use of rivets of less than 5/8 inch nominal diameter prohibited. Fusion-welding for securing these attachments in place must be of double-welded butt joint type or double full-fillet lap joint type.

(b) *Calking.* All attachments riveted to the tank must have the rivets calked, and the joints formed by the attachments, calked on the inside of tank.

§ 78.280–9 *Stress-relieving.* (a) All welding of the tank shell and of attachments welded directly thereto must be stress relieved as a unit.

§ 78.280–10 *Tank mounting.* (a) The manner in which the tank is supported on and securely attached to the car structure must be approved.

§ 78.280–11 *Anchor rivets.* (a) If used, they may have their heads on the inside of the tank shell covered and protected from the lading by a liquid-tight housing of approved design. The lower portion of the housing must be fusion-welded to, and stress-relieved with the tank shell as a unit. After the rivets have been driven and calked, the top portion of the housing must be secured to the top of the lower portion by an approved method of welding, which welding need not be stress-relieved. A hole must be provided through tank shell, under each housing, to permit making air pressure test. Each test hole must be tightly closed after completion of test with an approved plug.

§ 78.280–12 *Expansion dome.* (a) The expansion dome must have a capacity measured from the inside top of shell of tank to the inside top of dome or bottom of any vent pipe projecting inside of dome, of at least 2 per cent of the total capacity of the tank and dome combined, except that when safety valve or safety vent is applied to side of dome, the effective capacity of dome must be measured from top of safety valve or safety vent opening in the side of dome to inside top of shell of tank.

(b) The opening in the manway ring must be at least 16 inches in diameter. The opening in the tank shell within the dome must be at least 29 inches in diameter. When the opening in the tank shell exceeds 30 inches in diameter, the opening must be reinforced in an approved manner. When the opening in the tank shell is less than the inside diameter of the dome, and the dome pocket is not closed off in an approved manner, dome pocket drain holes must be provided in the tank shell with nipples projecting inside the tank at least 1 inch.

(c) The dome head must be of approved contour and designed for pressure on concave side.

§ 78.280–13 *Closures for manways.* (a) The manway cover must be of approved type and designed to make it impossible to remove the cover while the interior of the tank is subjected to pressure.

(b) Manway covers must be made of cast, forged or fabricated steel, malleable iron or other malleable metals. Manway rings, if riveted to dome of tank, must be made of cast, forged or fabricated steel, malleable iron or other malleable metals. Manway rings, if welded to dome of tanks, must be made of cast, forged or fabricated steel and be of good weldable quality in conjunction with metal of dome.

(c) All covers not hinged must be attached to outside of dome head by at least 3/8 inch chain or its equivalent.

(d) All joints between manway covers and their seats must be made tight against leakage of vapor and liquid by use of gaskets of suitable material.

§ 78.280–14 *Gauging, bottom outlet valve operating rod, venting, loading and unloading, and air inlet devices extending through dome of tank.* (a) Not specification requirements. When installed these devices including their valves and fittings must be of approved design, made of materials not subject to rapid deterioration by the lading. These devices including their valves must be provided with a protective housing. Unloading pipe must be securely anchored within the tank. Provision must be made for closing pipe connections of valves.

§ 78.280–15 *Bottom outlets.* (a) The bottom outlet, when installed, must be made of metal not subject to rapid deterioration by the lading, be of approved construction, and be provided with a valve at its upper end and a liquid tight closure at its lower end.

(b) The valve operating mechanism and outlet nozzle construction must be such as to insure against unseating of valve due to stresses or shocks incident to transportation.

(c) Bottom outlet nozzle may be cast, fabricated or forged metal. If outlet nozzle is welded to tank, it must be of cast, forged or fabricated metal and be of good weldable quality in conjunction with metal of tank.

(d) To provide for the attachment of standard unloading connections, the bottom of the main portion of the outlet nozzle or some fixed attachment thereto, must have external Unified Form Threads, 4 threads to the inch.

(e) For outlet nozzles that extend 6 inches or more from shell of tank a "V" groove must be cut (not cast) in the upper part of outlet nozzle at a point immediately below lowest part of valve to a depth that will leave thickness of nozzle wall at the root of the "V" not over 3/8 inch. In the case of steam-jacketed outlet nozzles this groove must be below the steam chamber but above the bottom of center sill construction. Where outlet nozzle is not a single piece, arrangement must be made to provide the equivalent of the breakage groove.

(f) The flange on the outlet nozzle must be of a thickness which will prevent distortion of the valve seat or valve by any change in contour of the shell resulting from expansion of lading, or other causes, and which will insure that accidental breakage of the outlet nozzle will occur at or below the "V" groove.

(g) The valve must have no wings or stem projecting below the "V" groove in the outlet nozzle. The valve and seat must be readily accessible or removeable for repairs, including grinding.

(h) The valve operating mechanism must have means for compensating for variation in the vertical diameter of the tank produced by expansion, weight of the liquid contents, or other causes, and should operate from the interior of the tank, but in the event the rod is carried through the dome, leakage must be prevented by packing in stuffing box and cap nut.

(i) In no case must extreme projection of bottom outlet equipment extend to within 12 inches above top of rail. All bottom outlet reducers and closures and their attachments must be secured to car by at least 3/8 inch chain or its equivalent, except that outlet closure plugs may be attached by 1/4 inch chain. When the bottom outlet closure is of the combination cap and valve type, the pipe connection to the valve must be closed by a plug or cap.

§ 78.280–16 *Safety valves.* (a) The tank must be equipped with one or more safety valves of approved design mounted on expansion dome. Total valve discharge capacity must be sufficient to prevent building up of pressure in the tank in excess of 45 pounds per square inch.

(b) One safety valve must be provided for each tank, or compartment thereof, of 6,650 gallons capacity or less, and two safety valves for each tank, or compartment thereof, of over 6,650 gallons capacity.

(c) Each safety valve must be set to open at a pressure of 35 pounds per square inch and be vapor tight at 28 pounds per square inch. (For tolerance see § 78.280–21 (a).)

(d) Tanks used for the transportation of corrosive liquids, flammable solids, oxidizing materials, or poisonous liquids or solids, class B, need not be equipped with safety valves, but if not so equipped must have 1 safety vent at least 1 3/4 inches inside diameter closed with a frangible disc of lead or other suitable material of a thickness that will rupture at not more than 45 pounds per square inch. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement. All tanks equipped with vents must be stenciled "Not for Flammable Liquids."

(e) Safety valve or safety vent flanges, if welded to dome, must be of cast, forged or fabricated metal, and be of good weldable quality in conjunction with metal of dome.

§ 78.280–17 *Fixtures, reinforcements, and attachments not otherwise specified.* (a) All attachments to tank and dome must be applied by approved means. When attachments are riveted the edges of plates must be beveled so that the angle of the calking edge will be between 60 and 70 degrees with the flat surface of the attachment. The extreme calking edge distance, measured from center line of rivet hole, must be at least one and one-half times the diameter of the hole and not more than that distance plus 1/4 inch. The joints formed by attachment of all riveted external projections must be calked on the inside. All rivet heads on the inside and outside of tank and dome must be calked. Split calking is prohibited. Interior heater systems when installed, must be so constructed that the breaking off of their external connections will not cause leakage of contents of tank.

§ 78.280–18 *Interior heater systems.* (a) See §§ 78.260 and 78.261, heater systems.

(b) Interior heater systems and plug flanges, if welded to tank or dome, must be of cast, forged or fabricated metal, and be of good weldable quality in conjunction with metal of tank or dome.

§ 78.280–19 *Closures for openings.* (a) All plugs must be solid, of good grade cast iron or equivalent, of standard pipe thread of a length which will screw at least 6 threads inside the face of fitting or tank. Plugs when inserted from the outside of tank must have the letter "S" at least 3/8 inch in size stamped with steel-stamp or cast in the outside surface to indicate the plug is solid.

§ 78.280–20 *Tests of tanks.* (a) Each tank must be tested, before being put into service, by completely filling the tank and dome with water, or other liquid having similar viscosity, of a temperature which must not exceed 100 degrees Fahrenheit during the test, and applying a pressure of 60 pounds per square inch. Tank must hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress. All rivets and closures, except safety valves or safety vents, must be in place while test is made.

(b) If tanks are to be lagged, the test of the tank must be made before lagging is applied.

(c) Calking of welded joints to stop leaks developed during the foregoing tests is prohibited. Repairs in welded joints must be made as prescribed in § 78.280–7 (a).

(d) Test of interior heater systems. Before interior heater systems are placed in service they must be tested with hydrostatic pressure and must be tight at 200 pounds per square inch.

(e) Anchor rivet housing test. After anchor rivet housings, if applied, are in place these housings must be tested by applying an air pressure of 100 pounds per square inch through openings in tank shell and must be tight against leakage.

§ 78.280–21 *Test of safety valves.* (a) Each valve must be tested, before being put into service, by attaching to an air line and applying pressure. The valve must not leak below 28 pounds pressure. The valve must open at the pressure prescribed in § 78.280–16 (c), with a tolerance of plus or minus 3 pounds.

§ 78.280–22 *Marking.* (a) Each tank must be marked, thus certifying that the tank complies with all the requirements of this specification. These marks must be as follows:

(1) ICC–103–W in letters and figures at least 3/8 inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. This mark must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high by the party assembling the completed car.

(2) Initials of tank builder and date of original test of tank in letters and

figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (1) of this paragraph.

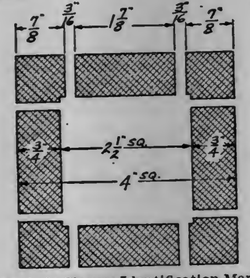
(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, such as application of riveted anchors, etc., in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car. These marks must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high immediately below the stenciled mark specified in subparagraph (1) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(6) Date on which interior heater systems were last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(7) Identification mark, illustrated herein, for approved manway closure must be stenciled on each side of dome, or jacket if lagged, in line with the ladders and in a color contrasting to color of dome.




Manhole Closure Identification Mark
(Reduced size)

(8) When a tank car and its appurtenances are designed and authorized for the transportation of a particular commodity, the name of that commodity followed by the word "only", or such other wording as may be required to indicate the limits of usage of the car, must be stenciled on each side of the tank, or jacket if lagged, in letters at least 1 inch high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

(9) Tanks made of clad plates must be stenciled on the tank, or jacket if lagged, (naming material) _____ clad tank. Lined tanks must be stenciled on the tank, or jacket if lagged, (naming material) _____ lined tank. These marks must be in letters at least 2 inches high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

§ 78.280–23 *Reports.* (a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of welded repairs to, alterations of or additions to tanks or equipment from original design and construction, all of which must be approved, there must be furnished to the same parties a report in detail of the welded repairs, alterations or additions made to each tank covered by a particular application, showing the initials and number of each tank involved. Reports of retests must be rendered to the Bureau of Explosives and car owner.

25. Amend entire § 78.281 (19 F. R. 3264, June 3, 1954) (15 F. R. 8509, 8510, Dec. 2, 1950) (49 CFR 1950 Rev., 1954 Supp., 78.281) to read as follows:

§ 78.281 *Specification ICC–103A–W; fusion-welded steel tanks to be mounted on or forming part of a car.* (a) Wherever the word "approved" is used in this specification it means approval by the Association of American Railroads Committee on Tank Cars as prescribed in § 78.259 (a), (b), (c) and (d).

§ 78.281–1 *Type.* (a) Tanks built under this specification must be cylindrical, with heads designed convex outward, and must have at least 1 expansion dome with manway, and such other external projections as are prescribed herein. When the interior of the tank is divided into compartments, each compartment must have 2 heads designed convex outward, 1 expansion dome with manway, and such other external projections as are prescribed herein.

§ 78.281–2 *Lagging.* (a) Not a specification requirement. If applied, the tank shell and expansion dome must be lagged with an approved insulation material of a thickness so that the thermal conductance is not more than 0.225 B. t. u. per square foot, per degree Fahrenheit differential in temperature per hour at 60 degrees. The entire insulation must be covered with a metal jacket not less than ⅛ inch in thickness and efficiently flashed around all openings so as to be weather tight. When heater systems are attached to the exterior of tank, the lagging over each heater element may be reduced in thickness.

(b) Before lagging is applied, the tank surface and the inside surface of the metal jacket shall be given a protective coating.

§ 78.281–3 *Bursting pressure.* (a) The calculated bursting pressure, based on the lowest tensile strength of the plate and the efficiency of the longitudinal welded joint, must be at least 240 pounds per square inch.

§ 78.281–4 *Thickness of plates.* (a) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula but in no case shall the wall thickness be less than that specified in paragraph (b) of this section:

$$t=\frac{Pd}{2SE}$$

where
$t$ = thickness in inches of thinnest plate;
$P$ = calculated bursting pressure pounds per square inch;
$d$ = inside diameter in inches;
$S$ = minimum ultimate tensile strength in pounds per square inch;
$E$ = efficiency of longitudinal welded joint = 90 percent.

(1) The thickness of a dished head must be determined by the following formula, but in no case be less than that specified in paragraph (b) of this section:

$$t=\frac{5PL}{6SE}$$

where
$t$ = thickness of plate in inches;
$P$ = calculated bursting pressure pounds per square inch;
$L$ = main inside radius to which head is dished measured on concave side in inches;
$S$ = minimum ultimate tensile strength in pounds per square inch;
$E$ = efficiency of welded joint.

When head is formed from one piece, the efficiency may be considered as 100 percent.

(b) The minimum thickness of plates must be as follows:

| Inside diameter of tanks | Bottom sheets | Shell sheets | Expansion dome sheets | Tank heads | Expansion dome heads | Interior compartment heads |
|---|---|---|---|---|---|---|
| | *Inch* | *Inch* | *Inch* | *Inch* | *Inch* | *Inch* |
| 60 inches or under | 7/16 | ¼ | 5/16 | ½ | 5/16 | 5/16 |
| Over 60 to 78 inches | 7/16 | 5/16 | 5/16 | ½ | 5/16 | 5/16 |
| Over 78 to 96 inches | ½ | 3/8 | 5/16 | ½ | 5/16 | 3/8 |
| Over 96 to 112 inches | ½ | 7/16 | 5/16 | 9/16 | 5/16 | 7/16 |
| Over 112 to 122 inches | ½ | ½ | 5/16 | 5/8 | 5/16 | ½ |

(c) The minimum thickness of clad plates, where cladding material has physical properties at least equal to that of the base plate prescribed in § 78.281–5 (a) must be as prescribed in the above table. Where the cladding material does not have physical properties at least equal to that of the base plate prescribed in § 78.281–5 (a), minimum thickness of base plate must be as prescribed in the above table.

(d) The minimum width of bottom sheet of tank must be 60 inches, measured on the arc, but in all cases the width must be sufficient to bring the entire width of the longitudinal welded joint, including welds, above the cradle.

(e) For tanks built of one piece cylindrical sections, the thickness specified for bottom sheet must apply to the entire cylindrical shell.

(f) When tank is divided into compartments the interior head must comply with the requirements for interior compartment heads prescribed herein. When capacity of tank is reduced by moving in the exterior head a new exterior head of approved contour not less than ⅜ inch thickness must be applied. When the capacity is reduced by the insertion of a new interior head this head must comply with the requirements for interior compartment heads and the exterior head reapplied. Voids, created by the addition of heads for division into compartments or reduction in capacity, must be provided with a tapped drain hole at their lowest point, and a tapped hole at top of tank. The top hole must be closed, and the bottom hole may be closed, with not less than ¾ inch nor more than 1½ inch solid pipe plugs having standard pipe threads.



§ 78.281–5 *Material.* (a) All plates for tank and expansion dome must be made of open-hearth boiler-plate flange-quality steel to an approved specification. The carbon content of which shall not exceed 0.31 percent. These plates may also be clad with other metals, such as nickel.

(b) All castings used for fittings or attachments to tank must be made of material to an approved specification.

(c) Rivets, if used, must be of the same quality as used for steam boilers and other pressure vessels and be made of steel to an approved specification. When clad plates are used and attachments are riveted, the rivet heads inside the tank must be clad with the same material, or, rivets may be of the same material as the cladding, provided rivets have physical properties at least equivalent to rivets prescribed herein.

(d) All external projections must be made of materials specified herein.

(e) Lining or interior coating is not a specification requirement. If applied, it must be approved as to material.

§ 78.281–6 *Tank heads.* (a) Tanks heads must be of an approved contour and must be designed for pressure on concave side and to main inside radius not exceeding 10 feet. The inside knuckle radius must not be less than 3¾ inches, except for interior heads of compartment tanks the knuckle radius must not be less than 1½ inches.

§ 78.281–7 *Welding.* (a) All joints must be fusion-welded by a process which investigation and laboratory tests by the Mechanical Division of the Association of American Railroads have proved will produce satisfactory results. Fusion welding to be performed by fabricators certified by Association of American Railroads as qualified to meet the requirements of this specification. All joints must be fabricated by means of fusion-welding in accordance with the requirements of A. A. R. Welding Code Appendix W.

§ 78.281–8 *Manway rings, safety vent flange, and bottom washout nozzle flange or other attachments.* (a) These attachments may be riveted or fusion-welded. Riveted joints must be made metal to metal without interposition of other materials. Rivets, if used, must be driven hot and calked inside. For computing rivet areas the effective diameter of a driven rivet is the diameter of its reamed hole, which hole must in no case exceed nominal diameter of rivet by more than 1/16 inch. Use of rivets of less than ⅝ inch nominal diameter prohibited. Fusion welding for securing these attachments in place must be of the double-welded butt-joint type or double-full-fillet-lap joint type.

(b) *Calking.* All attachments riveted to the tank must have the rivets calked, and the joints formed by the attachments, calked on the inside of tank.

§ 78.281–9 *Stress relieving.* (a) All welding of the tank shell and of attachments welded directly thereto must be stress-relieved as a unit.

§ 78.281–10 *Tank mounting.* (a) The manner in which the tank is supported on and securely attached to the car structure must be approved.

§ 78.281–11 *Anchor rivets.* (a) If used, they may have their heads on the inside of the tank shell covered and protected from the lading by a liquid-tight housing of approved design. The lower portion of the housing must be fusion-welded to, and stress-relieved with, the tank shell as a unit. After the rivets have been driven and calked, the top portion of the housing must be secured to the top of the lower portion by an approved method of welding, which welding need not be stress-relieved. A hole must be provided through tank shell, under each housing to permit making air pressure test. Each test hole must be tightly closed after completion of test with an approved plug.

§ 78.281–12 *Expansion dome.* (a) The expansion dome must have a capacity measured from the inside top of shell of tank to the inside top of dome or bottom of any vent pipe projecting inside of dome, of at least 1 per cent of the total capacity of the tank and dome combined, except that when safety vent is applied to side of dome, the effective capacity of dome must be measured from top of safety vent opening in the side of dome to inside top of shell of tank.

(b) The opening in the manway ring must be at least 16 inches in diameter. The opening in the tank shell within the dome must be at least 29 inches in diameter. When the opening in the tank shell exceeds 30 inches in diameter, the opening must be reinforced in an approved manner. When the opening in the tank shell is less than the inside diameter of the dome, and the dome pocket is not closed off in an approved manner, dome pocket drain holes must be provided in the tank shell with nipples projecting inside the tank at least 1 inch.

(c) The dome head must be of approved contour and must be designed for pressure on concave side.

§ 78.281–13 *Closures for manway.* (a) The manway cover must be of bolted type, bolted and hinged type, or other approved types, and designed to provide a secure closure of the manway.

(b) Manway covers must be made of cast, forged or fabricated steel, malleable iron or other malleable metals. Manway rings, if riveted to dome of tank, must be made of cast, forged or fabricated steel, malleable iron or other malleable metals. Manway rings, if welded to dome of tank, must be made of cast, forged or fabricated steel and be of good weldable quality in conjunction with the metal of the dome.

(c) Chains, if used to attach manway covers to outside of dome head, must be at least ⅜ inch or its equivalent.

(d) All joints between manway covers and their seats must be made tight against leakage of vapor and liquid by use of gaskets of suitable material.

§ 78.281–14 *Gauging, venting, loading and unloading, and air inlet devices extending through domes of tanks.* (a) Not specification requirements. When installed these devices must be of an approved design, made of material not subject to rapid deterioration by the lading, and be tightly closed. Protective housing not required, except as prescribed in paragraph (b) of this section. Unloading pipe must be securely anchored within the tank.

(b) When the characteristics of the commodity for which the car is authorized are such that these devices must be equipped with valves to provide for the loading and unloading of the contents, these devices including valves must be of an approved design and be provided with a protective housing. Provision must be made for closing pipe connections of valves.

§ 78.281–15 *Bottom outlets.* (a) Bottom outlet is prohibited, but tank may be equipped with a bottom washout nozzle of metal not subject to rapid deterioration by the lading, which must be of approved construction complying with the following requirements:

(b) The construction and closure of the bottom washout nozzle must be such that it is liquid tight and should the nozzle be broken, loss of contents will not occur.

(c) The extreme projection of the bottom washout nozzle must be at least 12 inches above the top of rail.

(d) Bottom washout nozzle may be of cast, fabricated, or forged metal. If welded to tank, it must be of good weldable quality in conjunction with metal of tank.

(e) The closure of the washout nozzle must be equipped with a ¾ inch solid screw plug. Plug must be secured to car structure or washout chamber by at least a ¼ inch chain.

(f) For bottom washout nozzles that project 6 inches or more from shell of tank, a "V" groove must be cut (not cast) in the upper part of bottom washout nozzle at a point immediately below lowest part of inside closure seat to a depth that will leave thickness of nozzle wall at the root of the "V" not over ⅜ inch. Where bottom washout nozzle is not a single piece, arrangement must be made to provide the equivalent of the breakage groove.

(g) The flange on the bottom washout nozzle must be of a thickness which will prevent distortion of the inside closure seat or closure casting by any change in contour of the shell, resulting from expansion of lading, or other causes, and which will insure that accidental breakage of the washout nozzle will occur at or below the "V" groove.

(h) The closure casting must not project below the "V" groove in the washout nozzle. The closure casting and seat

must be readily accessible for repairs, including grinding.

§ 78.281–16 *Safety vents.* (a) Safety valves are prohibited, but a safety vent must be applied.

(b) Each tank or compartment thereof must be equipped with 1 safety vent at least 1¾ inches inside diameter closed with a frangible disc of lead or other suitable material of a thickness that will rupture at not more than 45 pounds per square inch. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement.

(c) Safety vent flanges, if welded to dome, must be of cast, forged, or fabricated metal and be of good weldable quality in conjunction with metal of dome.

§ 78.281–17 *Fixtures, reinforcements, and attachments not otherwise specified.* (a) All attachments to tank and dome must be applied by approved means. When attachments are riveted, the edges of plates must be beveled so that the angle of the calking edge will be between 60 and 70 degrees with the flat surface of the attachment. The extreme calking edge distance, measured from center line of rivet hole, must be at least 1½ times the diameter of the hole and not more than that distance plus ¼ inch. The joints formed by attachment of all riveted external projections must be calked on the inside. All rivet heads on the inside and outside of tank and dome must be calked. Split calking is prohibited. Interior heater systems when installed, must be so constructed that the breaking off of their external connections will not cause leakage of contents of tank.

§ 78.281–18 *Interior heater systems.* (a) See §§ 78.260 and 78.261, heater systems.

(b) Interior heater systems and plug flanges, if welded to tank or dome, must be of cast, forged or fabricated metal and be of good weldable quality in conjunction with metal of tank or dome.

§ 78.281–19 *Closures for openings.* (a) All plugs must be solid, of good grade cast iron or equivalent, with standard pipe threads of a length which will screw at least 6 threads inside the face of fitting or tank. Plugs, when inserted from the outside of tank heads, must have the letter "S" at least ⅜ inch in size stamped with steel stamp or cast on the outside surface to indicate the plug is solid.

§ 78.281–20 *Tests of tanks.* (a) Each tank must be tested before being put into service, by completely filling tank and dome with water, or other liquid having similar viscosity, of a temperature which must not exceed 100 degrees Fahrenheit during the test, and applying a pressure of 60 pounds per square inch. Tank must hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress. All rivets and closures, except safety valves or safety vents, must be in place while test is made.

(b) If tanks are to be lagged, the test of tank must be made before lagging is applied.

(c) Calking of welded joints to stop leaks developed during the foregoing tests prohibited. Repairs in welded joints must be as prescribed in § 78.281–7 (a).

(d) Test of interior heater systems: Before interior heater systems are placed in service they must be tested with hydrostatic pressure and be tight at 200 pounds per square inch.

(e) Anchor rivet housing test: After anchor rivet housings, if applied, are in place, these housings must be tested by applying a pressure of 60 pounds per square inch through openings in tank shell and must be tight against leakage.

§ 78.281–21 *Marking.* (a) Each tank must be marked thus certifying that the tank complies with all the requirements of this specification. These marks must be as follows:

(1) ICC–103A–W in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. This mark must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high by the party assembling the completed car.

(2) Initials of tank builder and date of original test of tank in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (1) of this paragraph.

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, such as application of riveted anchors, etc., in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph, by the party assembling the completed car. These marks must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high immediately below the stenciled mark specified in subparagraph (1) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(5) Date on which interior heater systems were last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(6) When a tank car and its appurtenances are designed and authorized for the transportation of a particular commodity only, the name of that commodity followed by the word "only", or such other wording as may be required to indicate the limits of usage of the car, must be stenciled on each side of the tank, or jacket if lagged, in letters at least 1 inch high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

(7) Tanks made of clad plates must be stenciled on the tank, or jacket if lagged, (naming material) _____ clad tank. Lined tanks must be stenciled on the tank, or jacket if lagged, (naming material) _____ lined tank. These marks must be in letters at least 2 inches high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

§ 78.281–22 *Reports.* (a) Before a tank car is placed in service, the party assembling the completed car must furnish the car owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of welded repairs to, alterations of, or additions to tanks or equipment from original design and construction, all of which must be approved, there must be furnished to the same parties a report in detail of the welded repairs, alterations or additions made to each tank covered by a particular application, showing the initials and number of each tank involved. Reports of retests must be rendered to the Bureau of Explosives and car owner.

26. Amend entire § 78.282 (19 F. R. 3264, June 3, 1954) (18 F. R. 5278, Sept. 1, 1953) (15 F. R. 8510 to 8512, Dec. 2, 1950) (49 CFR 1950 Rev., 1954 Supp., 78.282) to read as follows:

§ 78.282 *Specification ICC–103B–W; rubber lined fusion-welded steel tanks to be mounted on or forming part of a car.* (a) Wherever the word "approved" is used in this specification it means approval by the Association of American Railroads Committee on Tank Cars as prescribed in § 78.259 (a), (b), (c) and (d).

§ 78.282–1 *Type.* (a) Tanks built under this specification must be cylindrical, with heads designed convex outward, and must have at least one expansion dome with manway, and such other external projections as are prescribed herein. When the interior of the tank is divided into compartments, each compartment must have two heads designed convex outward, one expansion dome with manway, and such other external projections as are prescribed herein.

§ 78.282–2 *Lagging.* (a) Not a specification requirement. If applied, the tank shell and expansion dome must be lagged with an approved insulation material of a thickness so that the thermal conductance is not more than 0.225 B. t. u. per square foot, per degree Fahrenheit differential in temperature per hour at 60 degrees. The entire insulation must be covered with a metal jacket not less than 1/8 inch in thickness and efficiently flashed around all openings so as to be weather tight. When heater systems are attached to exterior of tank, the lagging over each heater element may be reduced in thickness.

(b) Before lagging is applied, the tank surface and the inside surface of the metal jacket shall be given a protective coating.

§ 78.282–3 *Bursting pressure.* (a) The calculated bursting pressure, based



on the lowest tensile strength of the plate and the efficiency of the longitudinal welded joint, must be at least 240 pounds per square inch.

§ 78.282–4 *Thickness of plates.* (a) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula, but in no case shall the wall thickness be less than that specified in paragraph (b) of this section:

$$t=\frac{Pd}{2SE}$$

where

$t$ = thickness in inches of thinnest plate;
$P$ = calculated bursting pressure pounds per square inch;
$d$ = inside diameter in inches;
$S$ = minimum ultimate tensile strength in pounds per square inch;
$E$ = efficiency of longitudinal welded joint = 90 percent.

(1) The thickness of a dished head must be determined by the following formula, but in no case be less than that specified in paragraph (b) of this section:

$$t=\frac{5PL}{6SE}$$

where

$t$ = thickness of plate in inches;
$P$ = calculated bursting pressure pounds per square inch;
$L$ = main inside radius to which head is dished measured on concave side in inches;
$S$ = minimum ultimate tensile strength in pounds per square inch;
$E$ = efficiency of welded joint.

When head is formed from one piece the efficiency may be considered as 100 percent.

(b) The minimum thickness of plates must be as follows:

| Inside diameter of tanks | Bottom sheets | Shell sheets | Expansion dome sheets | Tank heads | Expansion dome heads | Interior compartment heads |
|---|---|---|---|---|---|---|
| | *Inch* | *Inch* | *Inch* | *Inch* | *Inch* | *Inch* |
| 60 inches or under | 7/16 | 1/4 | 5/16 | 1/2 | 5/16 | 5/16 |
| Over 60 to 78 inches | 7/16 | 5/16 | 5/16 | 1/2 | 5/16 | 5/16 |
| Over 78 to 96 inches | 1/2 | 3/8 | 5/16 | 1/2 | 5/16 | 3/8 |
| Over 96 to 112 inches | 1/2 | 7/16 | 5/16 | 9/16 | 5/16 | 7/16 |
| Over 112 to 122 inches | 1/2 | 1/2 | 5/16 | 5/8 | 5/16 | 1/2 |

(c) Tank must be lined with rubber at least 5/32 inch thick, except over all rivets and seams formed by riveted attachments where the lining must be double thickness. The lining must overlap at least 1½ inches at all edges, which must be straight and be beveled to an angle of approximately 45 degrees. A rubber reinforcement pad at least 4½ feet square and at least ½ inch thick must be applied by vulcanizing to the lining on bottom of tank directly under the dome. The edges of pad must be beveled to an angle of approximately 45 degrees. An opening in this pad for sump is permitted. No rubber shall be under tension when applied except that due to conformation over rivet heads. Interior of tank must be free from scale, oxidation, moisture, and all foreign matter during the lining operations.

(d) The minimum width of bottom sheet of tank must be 60 inches, measured on the arc, but in all cases the width must be sufficient to bring the entire width of the longitudinal welded joint, including welds, above the cradle.

(e) For tanks built of one piece cylindrical sections, the thickness specified for bottom sheet must apply to the entire cylindrical shell.

(f) When tank is divided into compartments the interior head must comply with the requirements for interior compartment heads prescribed herein. When capacity of tank is reduced by moving in the exterior head, a new exterior head of approved contour not less than ⅜ inch in thickness must be applied. When the capacity is reduced by the insertion of a new interior head, this head must comply with the requirements for interior compartment heads and the exterior head reapplied. Voids, created by the addition of heads for division into compartments or reduction in capacity, must be provided with a tapped drain-hole at their lowest point, and a tapped hole at top of tank. The top hole must be closed, and the bottom hole may be closed, with not less than ¾ inch nor more than 1½ inch solid pipe plugs having standard pipe threads.

§ 78.282–5 *Material.* (a) All plates for tank and expansion dome must be made of open-hearth boiler-plate flange quality steel to an approved specification. The carbon content of which shall not exceed 0.31 percent.

(b) All castings used for fittings or attachments to tank must be made of material to an approved specification.

(c) Rivets, if used, must be of the same quality as used for steam boilers and other pressure vessels and be made of steel to an approved specification.

(d) Each tank or each compartment thereof, must be lined with acid resisting rubber, vulcanized or bonded directly or otherwise attached to the metal tank, to provide a non-porous laminated lining.

(e) All external projections must be made of materials specified herein.

§ 78.282–6 *Tank heads.* (a) Tank heads must be of approved contour and must be designed to pressure on concave side and to main inside radius not exceeding 10 feet. The inside knuckle radius must not be less than 3¾ inches, except for interior heads of compartment tanks the knuckle radius must not be less than 1½ inches.

§ 78.282–7 *Welding.* (a) All joints must be fusion-welded by a process which investigation and laboratory tests by the Mechanical Division of the Association of American Railroads have proved will produce satisfactory results. Fusion-welding to be performed by fabricators certified by Association of American Railroads as qualified to meet the requirements of this specification. All joints must be fabricated by means of fusion-welding in accordance with the requirements of A. A. R. welding code Appendix "W".

§ 78.282–8 *Manway ring, safety vent flange, and sump flange or other attachments.* (a) These attachments may be riveted or fusion-welded. Riveted joints must be made metal to metal without interposition of other material. Rivets, if used, must be driven hot and calked inside. For computing rivet areas, the effective diameter of a driven rivet is the diameter of its ream hole, which must in no case exceed nominal diameter of rivet by more than 1/16 inch. Use of rivets of less than ⅝ inch nominal diameter prohibited. Fusion-welding for securing attachments in place must be of the double-welded butt joint type or double full-fillet lap joint type. All rivet heads on inside of tank must be button-head or similar shape, of uniform size and the under surface of heads must be driven tight against shell. All plates, castings, and rivet heads on inside of tank must be calked. All projecting edges of plates, castings, and rivet heads on inside of tank must be rounded and free from fins or other irregular projections. Castings must be free from porosity.

(b) *Calking.* All attachments riveted to the tank must have the rivets calked, and the joints formed by the attachments calked on the inside of tank.

§ 78.282–9 *Stress relieving.* (a) All welding of the tank shell and of attachments welded directly thereto must be stress-relieved as a unit.

§ 78.282–10 *Tank mounting.* (a) The manner in which tank is supported on and securely attached to the car structure must be approved.

§ 78.282–11 *Expansion dome.* (a) The expansion dome must have a capacity, measured from the inside top of shell of tank to the inside top of dome or bottom of any vent pipe projecting inside dome, of at least 1 percent of total capacity of the tank and dome combined, except that when safety vent is applied to side of dome, the effective capacity of dome must be measured from top of safety vent opening in the side of dome to inside top of shell of tank.

(b) The opening for manway before lining, must be at least 18 inches in diameter. The opening in the tank shell within the dome must be at least 29 inches in diameter. When the opening in the tank shell exceeds 30 inches in diameter, the opening must be reinforced in an approved manner. When the opening in the tank shell is less than the inside diameter of the dome, and the dome pocket is not closed off in an approved manner, dome pocket drain holes must be provided in the tank shell with nipples projecting inside the tank at least 1 inch.

(c) The dome head must be of approved contour and must be designed for pressure on concave side.

§ 78.282–12 *Closures for manway.* (a) The manway cover must be of approved type and designed to provide a secure closure of the manway.

(b) Manway cover must be made of a suitable metal. The top, bottom, and edge of manway cover must be rubber covered as prescribed in §§ 78.282–4 (c) and 78.282–5 (d). Through bolt holes must be lined with rubber at least 1/8 inch in thickness. Cover made of metal not affected by the lading need not be rubber covered. All rubber surfaces on out-

side of tank or fittings must be protected with an age resisting coating. Manway flange, if riveted to dome of tank, must be of cast, forged or fabricated steel, malleable iron or other malleable metals. Manway flange, if welded to dome of tank, must be made of cast, forged or fabricated metal and be of good weldable quality in conjunction with metal of dome.

(c) Chains, if used to attach manway cover to outside of the dome head, must be at least ⅜ inch or its equivalent.

(d) All joints between manway cover and manway flange, and between manway cover and any appurtenances mounted thereon, must be made tight against leakage.

§ 78.282–13 *Gauging, venting, loading and unloading, and air inlet devices extending through domes of tanks.* (a) When installed, these devices must be of an approved design and must be tightly closed. Protective housing not required, except when the characteristics of the commodity for which the car is authorized are such that these devices must be equipped with valves to provide for the loading and unloading of the contents, these devices, including the valves, must be of an approved design and provided with a protective housing. Unloading pipes must be securely anchored within the tank.

(b) When gauging, venting, loading and unloading, and air inlet devices and their closures are made of material affected by the lading they must have all surfaces rubber covered as prescribed in § 78.282–4 (c) and § 78.282–5 (d). Interior pipes of these devices must be supported at their lower end.

§ 78.282–14 *Bottom outlets.* (a) Bottom outlet is prohibited. Bottom sump is permissible. If used and welded to tank it must be of cast, fabricated or forged metal of good weldable quality in conjunction with metal of tank.

§ 78.282–15 *Safety vents.* (a) Safety valves are prohibited, but a safety vent must be applied.

(b) Each tank, or each compartment thereof, must be equipped with one safety vent, lined with rubber of at least ⅛ inch thickness, having an inside diameter of at least 1¾ inches after lining, closed with a frangible disc of lead or other suitable material of a thickness that will rupture at not more than 45 pounds per square inch. Means for holding disc in place must be such to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement.

(c) Safety vent flanges, if welded to dome, must be of cast, forged, or fabricated metal and be of good weldable quality in conjunction with metal of dome.

§ 78.282–16 *Fixtures, reinforcements, and attachments not otherwise specified.* (a) All attachments to tank and dome must be applied by an approved means. When attachments are riveted the edges of plates must be beveled so that the angle of the calking edge will be between 60 and 70 degrees with the flat surface of the attachment. The extreme calking edge distance, measured from center line of rivet hole, must be at least one and one-half times the diameter of the hole and not more than that distance plus ¼ inch. The joints formed by attachments of all riveted external projections must be calked on the inside. Split calking prohibited. Interior heater systems, when installed, must be made of material not affected by the lading. They must be constructed so that the breaking off of their external connections will not cause leakage of contents of tanks. All surfaces of attachments exposed to the lading must be covered with rubber as prescribed in §§ 78.282–4 (c) and 78.282–5 (d). Attachments made of metal not affected by the lading need not be rubber covered.

§ 78.282–17 *Interior heater systems.* (a) See §§ 78.260 and 78.261, heater systems.

(b) Interior heater systems closure flanges, if welded to tank or dome, must be of cast, forged or fabricated metal and be of good weldable quality in conjunction with metal of tank or dome.

§ 78.282–18 *Closures for openings.* (a) Closures for openings must have all surfaces exposed to the lading rubber covered or be made of material not affected by the lading.

§ 78.282–19 *Tests of tanks.* (a) Each tank must be tested, before rubber lining is applied by completely filling tank and dome with water, or other liquid of similar viscosity, of a temperature which must not exceed 100 degrees Fahrenheit during the test, and applying a pressure of 60 pounds per square inch. Tank must hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress. All rivets and closures, except safety vents, must be in place while test is made. After tank is rubber lined, no further tests are required.

(b) If tanks are to be lagged, the test of tank must be made before lagging is applied.

(c) Calking of welded joints to stop leaks developed during the foregoing tests prohibited. Repairs in welded joints must be made as prescribed in § 78.282–7 (a).

(d) Tests of interior heater systems: Before interior heater systems are placed in service they must be tested with hydrostatic pressure and must be tight at 200 pounds per square inch.

§ 78.282–20 *Marking.* (a) Each tank must be marked, thus certifying that the tank complies with all the requirements of this specification. These marks must be as follows:

(1) ICC–103B–W in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. This mark must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high by the party assembling the completed car.

(2) Initials of tank builder and date of orignal test of tank in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (1) of this paragraph.

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, such as application of riveted anchors, etc., in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped mark specified in subparagraph (2) of this paragraph by the party assembling the completed car. These marks must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high immediately below the stenciled mark specified in subparagraph (1) of this paragraph by the party assembling the completed car.

(4) "Rubber-lined tank—pressure test not required," stenciled on tank, or jacket if lagged, instead of record of test of tank.

(5) Date on which interior heater systems were last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(6) When a tank car and its appurtenances are designed and authorized for the transportation of a particular commodity only, the name of that commodity followed by the word "only", or such other wording as may be required to indicate the limits of usage of the car, must be stenciled on each side of the tank, or jacket if lagged, in letters at least 1 inch high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

§ 78.282–21 *Reports.* (a) Before a tank is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of welded repairs to, alterations of or additions to tanks or equipment from original design and construction, all of which must be approved, there must be furnished to the same parties a report in detail of the welded repairs, alterations or additions made to each tank covered by a particular application, showing the initials and number of each tank involved. Reports of retests must be rendered to the Bureau of Explosives and car owner.

(b) Before a tank car tank not originally built under this specification is lined with rubber, a report certifying that the tank and its equipment have been brought into compliance with the tank requirements of Specification ICC–103B–W must be furnished by car owner to the party who is to apply the rubber lining. A copy of this report in approved form certifying that tank has been lined in compliance with all requirements of this specification, must be furnished by party lining the tank to car owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads.

27. Amend entire § 78.283 (19 F. R. 3264, June 3, 1954) (18 F. R. 5278, Sept. 1, 1953) (16 F. R. 11784, Nov. 21, 1951) (15 F. R. 8512, 8513, Dec. 2, 1950) (49 CFR 1950 Rev., 1954 Supp., 78.283) to read as follows:



§ 78.283 *Specification ICC–103C–W; fusion-welded alloy steel tanks to be mounted on or forming part of a car.* (a) Wherever the word "approved" is used in this specification, it means approval by the Association of American Railroads Committee on Tank Cars as prescribed in § 78.259 (a), (b), (c) and (d).

§ 78.283–1 *Type.* (a) Tanks built under this specification must be cylindrical, with heads designed convex outward, and must have at least 1 expansion dome with manway, and such other external projections as are prescribed herein. When the interior of the tank is divided into compartments, each compartment must have 2 heads designed convex outward, 1 expansion dome with manway, and such other external protections as are prescribed herein.

§ 78.283–2 *Lagging.* (a) Not a specification requirement. If applied, the tank shell and expansion dome must be lagged with an approved insulation material of a thickness so that the thermal conductance is not more than 0.225 B. t. u. per square foot, per degree Fahrenheit differential in temperature per hour at 60 degrees. The entire insulation must be covered with a metal jacket not less than ⅛ inch in thickness and efficiently flashed around all openings so as to be weather tight. When heater systems are attached to the exterior of tank, the lagging over each heater element may be reduced in thickness.

(b) Before lagging is applied, the tank surface and the inside surface of the metal jacket shall be given a protective coating.

§ 78.283–3 *Bursting pressure.* (a) The calculated bursting pressure, based on the lowest tensile strength of the plate and the efficiency of the longitudinal welded joint, must be at least 240 pounds per square inch.

§ 78.283–4 *Thickness of plates.* (a) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula but in no case shall the wall thickness be less than that specified in paragraph (b) of this section:

$$t=\frac{Pd}{2SE}$$

where

$t$ = thickness in inches of thinnest plate;
$P$ = calculated bursting pressure pounds per square inch;
$d$ = inside diameter in inches;
$S$ = minimum ultimate tensile strength in pounds per square inch;
$E$ = efficiency of longitudinal welded joint = 90 percent.

(1) The thickness of a dished head must be determined by the following formula, but in no case be less than that specified in paragraph (b) of this section:

$$t=\frac{5PL}{6SE}$$

where

$t$ = thickness of plate in inches;
$P$ = calculated bursting pressure pounds per square inch;
$L$ = main inside radius to which head is dished measured on concave side in inches;
$S$ = minimum ultimate tensile strength in pounds per square inch;
$E$ = efficiency of welded joint.

When head is formed from one piece, the efficiency may be considered as 100 percent.

(b) The minimum thickness of plates must be as follows:

| Inside diameter of tanks | Bottom sheets | Shell sheets | Expansion dome sheets | Tank heads | Expansion dome heads | Interior compartment heads |
|---|---|---|---|---|---|---|
| | Inch | Inch | Inch | Inch | Inch | Inch |
| 60 inches or under | 7/16 | 3/4 | 5/16 | 1/2 | 5/16 | 5/16 |
| Over 60 to 78 inches | 7/16 | 5/16 | 5/16 | 1/2 | 5/16 | 5/16 |
| Over 78 to 96 inches | 1/2 | 3/8 | 5/16 | 1/2 | 5/16 | 3/8 |
| Over 96 to 112 inches | 1/2 | 5/16 | 5/16 | 9/16 | 5/16 | 7/16 |
| Over 112 to 122 inches | 1/2 | 1/2 | 5/16 | 5/8 | 5/16 | 1/2 |

(c) The minimum width of bottom sheet of tank must be 60 inches, measured on the arc, but in all cases the width must be sufficient to bring the entire width of the longitudinal welded joint, including welds, above the cradle.

(d) For tanks built of 1 piece cylindrical sections, the thickness specified for bottom sheet must apply to the entire cylindrical shell.

(e) When tank is divided into compartments the interior head must comply with the requirements for interior compartment heads prescribed herein. When capacity of tank is reduced by moving in the exterior head a new exterior head of approved contour not less than ⅜ inch thickness must be applied. When the capacity is reduced by the insertion of a new interior head this head must comply with the requirements for interior compartment heads and the exterior head reapplied. Voids, created by the addition of heads for division into compartments or reduction in capacity, must be provided with a tapped drain hole at their lowest point, and a tapped hole at top of tank. The top hole must be closed, and the bottom hole may be closed, with not less than ¾ inch nor more than 1½ inch solid pipe plugs having standard pipe threads.

§ 78.283–5 *Material.* (a) All plates, forgings, tubes and castings for tank and expansion dome, and all projections and their closures, must be to an approved specification and be made of a metal capable of resisting the action of nitric acid as follows:

(1) The maximum corrosion rate in inches penetration per month in the standard 65 percent boiling nitric acid test shall be 0.006 for the straight chromium-bearing stainless steel and 0.0015 for any of the chromium nickel alloys. This figure to be an average of five 48-hour periods.

§ 78.283–6 *Tank heads.* (a) Tank heads must be of approved contour and must be designed for pressure on concave side and to main inside radius not exceeding 10 feet. The inside knuckle radius must not be less than 3¾ inches except for interior heads of compartment tanks the knuckle radius must not be less than 1½ inches.

§ 78.283–7 *Welding.* (a) All joints must be fusion-welded by a process which investigation and laboratory tests by the Mechanical Division of the Association of American Railroads have proved will produce satisfactory results. Fusion-welding to be performed by fabricators certified by Association of American Railroads as qualified to meet the requirements of this specification. All joints must be fabricated by means of fusion-welding in accordance with requirements of AAR Welding Code Appendix "W".

§ 78.283–8 *Manway flange, safety valves flange, and sump flange or other attachments.* (a) These attachments must be fusion-welded. Fusion-welding for securing these attachments in place must be of the double-welded butt joint type or double full-fillet lap joint type.

§ 78.283–9 *Heat treatment.* (a) All welding of the tank shell and of attachments welded directly thereto must be heat treated as a unit to remove stresses and at the proper temperature to obtain the corrosion resistance specified in § 78.283–5 (a) (1)

§ 78.283–10 *Tank mounting.* (a) The manner in which the tank is supported on and securely attached to the car structure must be approved.

(b) The use of rivets as a means of securing anchor to the tank is prohibited.

§ 78.283–11 *Expansion dome.* (a) The expansion dome must have a capacity measured from the inside top of shell of tank to the inside top of dome or bottom of any vent pipe projecting inside dome, of at least 1 percent of the total capacity of the tank and dome combined.

(b) The opening for manway must be at least 18 inches in diameter. The opening in the tank shell within the dome must be at least 29 inches in diameter. When the opening in the tank shell exceeds 30 inches in diameter, the opening must be reinforced in an approved manner. When the opening in the tank shell is less than the inside diameter of the dome, dome pocket drain holes must be provided in the tank shell with nipples extending inside the tank at least 1 inch.

(c) The dome head must be of material complying with requirements of § 78.283–5 (a), and designed convex outward to a radius of not more than 10 feet.

§ 78.283–12 *Closures for manway.* (a) The manway cover must be of approved type and designed to provide a secure closure of the manway.

(b) Manway flange and cover must be made of the metal prescribed in § 78.283–5 (a).

(c) All joints between manway covers and their seats must be made tight

against leakage of vapor and liquid by use of gaskets of suitable material.

§ 78.283–13 *Gauging, venting, loading and unloading, and air inlet devices extending through domes of tanks.* (a) When installed these devices, including their valves, must be of approved design and must be tightly closed. Protective housing of approved design covering all these devices must be installed. Unloading pipe must be securely anchored within the tank.

(b) Gauging, venting, loading and unloading, and air inlet devices, when installed must be provided with efficient valves, made of material complying with the requirements of § 78.283–5 (a). Provision must be made for closing pipe connections of valves.

§ 78.283–14 *Bottom outlets.* (a) Bottom outlet prohibited. Bottom sump of cast, fabricated, or forged metal is permissible. If used it must be welded to tank and must be made of material complying with requirements of § 78.283–5 (a).

§ 78.283–15 *Safety valves.* (a) The tank must be equipped with a safety valve at least 2 inches inside diameter mounted on top of expansion dome. Total valve discharge capacity must be sufficient to prevent building up pressure in tank in excess of 45 pounds per square inch.

(b) One safety valve must be provided for each tank or compartment thereof.

(c) The safety valve must be set to open at a pressure of 35 pounds per square inch and be vapor-tight at 28 pounds per square inch. (For tolerance see § 78.283–20 (a).)

(d) Safety valve flanges must be of cast, forged or fabricated material complying with the requirements of § 78.283–5 (a).

§ 78.283–16 *Fixtures, reinforcements, and attachments not otherwise specified.* (a) All attachments to tank and dome must be applied by welding. Interior heater systems, when installed, must be so constructed that the breaking off of their external connections will not cause leakage of the contents of tanks.

§ 78.283–17 *Interior heater systems.* (a) See §§ 78.260 and 78.261, heater systems.

(b) Interior heater systems and plug flanges, must be of cast, forged or fabricated material complying with the requirements of § 78.283–5 (a).

§ 78.283–18 *Closures for openings.* (a) All plugs must be solid, made of materials prescribed in § 78.283–5 (a), with standard pipe thread, and must be of a length which will screw at least 6 threads inside the face of fitting or tank. Plugs, when inserted from the outside of tank heads must have the letter "S" at least ⅜ inch in size stamped with steel stamp or cast on the outside surface to indicate the plug is solid.

§ 78.283–19 *Tests of tanks.* (a) Each tank must be tested, before being put into service, by completely filling the tank and dome with water, or other liquid having similar viscosity, of a temperature which must not exceed 100 degrees Fahrenheit during the test, and applying a pressure of 60 pounds per square inch. Tank must hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress. All closures, except safety valves, must be in place while test is made.

(b) If tanks are to be lagged, the test of tank must be made before lagging is applied.

(c) Calking of welded joints to stop leaks developed during the foregoing tests prohibited. Repairs in welded joints must be made as prescribed in § 78.283–7 (a).

(d) Tests of interior heater systems: Before interior heater systems are placed in service they must be tested with hydrostatic pressure and must be tight at 200 pounds per square inch.

§ 78.283–20 *Tests of safety valves.* (a) Valve must be tested before being put into service, by attaching to an air line and applying pressure. The valve must open at the pressure prescribed in § 78.283–15 (c) with a tolerance of plus or minus three (3) pounds.

§ 78.283–21 *Marking.* (a) Each tank must be marked, thus certifying that the tank complies with all the requirements of this specification. These marks must be as follows:

(1) ICC–103C–W and specification number of material used in tank shell and expansion dome in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. ICC–103C–W must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high by the party assembling the completed car.

(2) Initials of tank builder and date of original test of tank in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (1) of this paragraph.

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph, by the party assembling the completed car. These marks must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high immediately below the stenciled mark specified in subparagraph (1) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(6) Date on which interior heater systems were last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(7) When a tank car and its appurtenances are designed and authorized for the transportation of a particular commodity only, the name of that commodity followed by the word "only", or such other wording as may be required to indicate the limits of usage of the car, must be stenciled on each side of the tank, or jacket if lagged, in letters at least 1 inch high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

§ 78.283–22 *Reports.* (a) Before a tank car is placed in service, the party assembling the completed car must furnish the car owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of welded repairs to, alterations of, or additions to tanks or equipment from original design and construction, all of which must be approved, there must be furnished to the same parties a report in detail of the welded repairs, alterations or additions made to each tank covered by a particular application, showing the initials and number of each tank involved. Reports of retests must be rendered to the Bureau of Explosives and car owner.

28. Amend entire § 78.284 (17 F. R. 9841, Nov. 1, 1952) (15 F. R. 8513, 8514, Dec. 2, 1950) (49 CFR 1950 Rev., 1954 Supp., 78.284) to read as follows:

§ 78.284 *Specification ICC–104–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.* (a) Wherever the word "approved" is used in this specification it means approval by the Association of American Railroads Committee on Tank Cars as prescribed in § 78.259 (a), (b), (c) and (d).

§ 78.284–1 *Type.* (a) Tanks built under this specification must be cylindrical, with heads designed convex outward, and must have at least 1 expansion dome with manway, and such other external projections as are prescribed herein. When the interior of the tank is divided into compartments each compartment must have 2 heads designed convex outward, 1 expansion dome with manway, and such other external projections as are prescribed herein.

§ 78.284–2 *Lagging.* (a) The tank shell and expansion dome must be lagged with an approved insulation material of a thickness so that the thermal conductance is not more than 0.225 B. t. u. per square foot, per degree Fahrenheit differential in temperature per hour at 60 degrees. The entire insulation must be covered with a metal jacket not less than 1/8 inch in thickness and efficiently flashed around all openings so as to be weather-tight. When heater systems are attached to exterior of tank, the lagging over each heater element may be reduced in thickness equivalent to ½ that required for the shell.

(b) Before lagging is applied, the tank surface and the inside surface of the metal jacket shall be given a protective coating.



§ 78.284–3 *Bursting pressure.* (a) The calculated bursting pressure, based on the lowest tensile strength of the plate and the efficiency of the longitudinal welded joint, must be at least 240 pounds per square inch.

§ 78.284–4 *Thickness of plates.* (a) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula, but in no case shall the wall thickness be less than that specified in paragraph (b) of this section.

$$t=\frac{Pd}{2SE}$$

where
$t$ = thickness in inches of thinnest plate;
$P$ = calculated bursting pressure pounds per square inch;
$d$ = inside diameter in inches;
$S$ = minimum ultimate tensile strength in pounds per square inch;
$E$ = efficiency of longitudinal welded joint = 90 percent.

(1) The thickness of a dished head must be determined by the following formula, but in no case be less than that specified in paragraph (b) of this section:

$$t=\frac{5PL}{6SE}$$

where
$t$ = thickness of plate in inches;
$P$ = calculated bursting pressure pounds per square inch;
$L$ = main inside radius to which head is dished measured on concave side in inches;
$S$ = minimum ultimate tensile strength in pounds per square inch;
$E$ = efficiency of welded joint.

When head is formed from one piece, the efficiency may be considered as 100 percent.

(b) The minimum thickness of plates must be as follows:

| Inside diameter of tanks | Bottom sheets | Shell sheets | Expansion dome sheets | Tank heads | Expansion dome heads | Interior compartment heads |
|---|---|---|---|---|---|---|
| | *Inch* | *Inch* | *Inch* | *Inch* | *Inch* | *Inch* |
| 60 inches or under | 7/16 | 1/4 | 5/16 | 1/2 | 5/16 | 5/16 |
| Over 60 to 78 inches | 7/16 | 5/16 | 5/16 | 1/2 | 5/16 | 5/16 |
| Over 78 to 96 inches | 1/2 | 3/8 | 5/16 | 1/2 | 5/16 | 3/8 |
| Over 96 to 112 inches | 1/2 | 7/16 | 5/16 | 9/16 | 5/16 | 7/16 |
| Over 112 to 122 inches | 1/2 | 1/2 | 5/16 | 3/8 | 5/16 | 1/2 |

(c) The minimum thickness of clad plates, where cladding material has physical properties at least equal to that of the base plate prescribed in § 78.284–5 (a), must be as prescribed in the above table. Where the cladding material does not have physical properties at least equal to that of the base plate prescribed in § 78.284–5 (a), minimum thickness of base plate must be as prescribed in the above table.

(d) The minimum width of bottom sheet of tank must be 60 inches, measured on the arc, but in all cases the width must be sufficient to bring the entire width of the longitudinal welded joint, including welds, above the cradle.

(e) For tanks built of one piece cylindrical sections, the thickness specified for bottom sheet must apply to the entire cylindrical shell.

(f) For tanks without underframe the minimum thickness of bottom sheet must not be less than 5/16 inch.

(g) When tank is divided into compartments the interior head must comply with the requirements for interior compartment heads prescribed herein. When capacity of tank is reduced by moving in the exterior head a new exterior head of approved contour not less than ⅜ inch thickness must be applied. When the capacity is reduced by the insertion of a new interior head this head must comply with the requirements for interior compartment heads and the head reapplied. Voids, created by the addition of heads for division into compartments or reduction in capacity, must be provided with a tapped drain hole at their lowest point, and a tapped hole at top of tank. The top hole must be closed, and the bottom hole may be closed, with not less than ¾ inch nor more than 1½ inch solid pipe plugs having standard pipe threads.

§ 78.284–5 *Material.* (a) All plates for tank and expansion dome must be made of open-hearth boiler-plate flange quality steel to an approved specification. The carbon content of which shall not exceed 0.31 percent. These plates may also be clad with other metals, such as nickel.

(b) All castings used for fittings or attachments to tank must be made of material to an approved specification.

(c) Rivets, if used, must be of the same quality as used for steam boilers and other pressure vessels and be made of steel to an approved specification. When clad plates are used and attachments are riveted, the rivet heads inside the tank must be clad with the same material, or, rivets may be of the same material as the cladding, provided rivets have physical properties at least equivalent to rivets prescribed herein.

(d) All external projections must be made of materials specified herein.

(e) Lining or interior coating is not a specification requirement. If applied, it must be approved as to material.

§ 78.284–6 *Tank heads.* (a) Tank heads must be of approved contour and must be designed for pressure on concave side and to main inside radius not exceeding 10 feet. The inside knuckle radius must not be less than 3¾ inches except for interior heads of compartment tanks the knuckle radius must not be less than 1½ inches.

§ 78.284–7 *Welding.* (a) All joints must be fusion-welded by a process which investigation and laboratory tests by the Mechanical Division of the Association of American Railroads have proved will produce satisfactory results. Fusion-welding to be performed by fabricators certified by Association of American Railroads as qualified to meet the requirements of this specification. All joints must be fabricated by means of fusion-welding in accordance with the requirements of A. A. R. Welding Code Appendix W.

§ 78.284–8 *Manway ring, safety valve flange, and bottom outlet nozzle flange or other attachments.* (a) The attachments may be riveted or fusion-welded. Riveted joints must be made metal to metal without interposition of other material. Rivets, if used, must be driven hot and calked inside. For computing rivet areas the effective diameter of a driven rivet is the diameter of its reamed hole, which hole must in no case exceed nominal diameter of rivet by more than 1/16 inch. Use of rivets of less than 5/8 inch nominal diameter prohibited. Fusion-welding for securing these attachments in place must be of double-welded butt joint type or double full-fillet lap joint type.

(b) *Calking.* All attachments riveted to tank must have the rivets calked, and the joints formed by the attachments, calked on the inside of tank.

§ 78.284–9 *Stress-relieving.* (a) All welding of the tank shell and of attachments welded directly thereto must be stress-relieved as a unit.

§ 78.284–10 *Tank mounting.* (a) The manner in which the tank is supported on and securely attached to the car structure must be approved.

§ 78.284–11 *Anchor rivets.* (a) If used, they may have their heads on the inside of the tank shell covered and protected from the lading by a liquid-tight housing of approved design. The lower portion of the housing must be fusion-welded to, and stress-relieved with the tank shell as a unit. After the rivets have been driven and calked, the top portion of the housing must be secured to the top of the lower portion by an approved method of welding, which welding need not be stress-relieved. A hole must be provided through tank shell, under each housing to permit making air pressure tests. Each test hole must be tightly closed after completion of test with an approved plug.

§ 78.284–12 *Expansion dome.* (a) The expansion dome must have a capacity measured from the inside top of shell of tank to the inside top of dome or bottom of any vent pipe projecting inside the dome, of at least 2 percent of the total capacity of the tank and dome combined, except that when safety valve or safety vent is applied to side of dome, the effective capacity of dome must be measured from top of safety valve or safety vent opening in the side of dome to inside top of shell of tank.

(b) The opening in manway ring must be at least 16 inches in diameter. The opening in the tank shell within the dome must be at least 29 inches in diameter. When the opening in the tank shell exceeds 30 inches in diameter, the opening must be reinforced in an approved manner. When the opening in the tank shell is less than the inside diameter of the dome, and the dome pocket is not closed off in an approved manner, dome pocket drain holes must be provided in the tank shell with nipples projecting inside the tank at least 1 inch.

(c) The dome head must be of approved contour and must be designed for pressure on concave side.

§ 78.284–13 *Closures for manways.* (a) The manway cover must be of approved type and designed to make it impossible to remove the cover while the interior of the tank is subjected to pressure.

(b) Manway covers must be made of cast, forged, or fabricated steel, malleable iron or other malleable metals. Manway rings, if riveted to dome of tank, must be of cast, forged, or fabricated steel, malleable iron or other malleable metals. Manway rings, if welded to dome of tank, must be made of cast, forged, or fabricated steel and be of good weldable quality in conjunction with metal of dome.

(c) All covers not hinged must be attached to outside of dome head by at least ⅜ inch chain or its equivalent.

(d) All joints between manway covers and their seats must be made tight against leakage of vapor and liquid by use of gaskets of suitable material.

§ 78.284–14 *Gauging, bottom outlet valve operating rod, venting, loading and unloading, and air inlet devices extending through domes of tanks.* (a) Venting, loading, and unloading devices of approved design must be installed.

(b) Gauging, bottom outlet valve operating rod, and air inlet devices are not specification requirements.

(c) When installed, these devices, including their valves and fittings, must be of approved design, made of materials not subject to rapid deterioration by the lading. These devices, including their valves, must be provided with a protective housing. Unloading pipe must be securely anchored within the tank. Provisions must be made for closing pipe connections of valves.

§ 78.284–15 *Bottom outlets.* (a) The bottom outlet, when installed, must be made of metal not subject to rapid deterioration by the lading, be of approved construction, and be provided with a valve at its upper end and a liquid tight closure at its lower end.

(b) The valve operating mechanism and outlet nozzle construction must be such as to insure against unseating of valve due to stresses or shocks incident to transportation.

(c) Bottom outlet nozzle may be cast, fabricated, or forged metal. If outlet nozzle is welded to tank, it must be of cast, forged or fabricated metal and be of good weldable quality in conjunction with metal of tank.

(d) To provide for the attachment of standard unloading connections, the bottom of the main portion of the outlet nozzle or some fixed attachment thereto, must have external Unified Form Theads, 4 threads to the inch.

(e) For outlet nozzles that project 6 inches or more from shell of tank a "V" groove must be cut (not cast) in the upper part of outlet valve nozzle at a point immediately below lowest part of valve to a depth that will leave thickness of nozzle wall at the root of the "V" not over ⅜ inch. In the case of steam jacketed outlet nozzles this groove must be below the steam chamber but above the bottom of center sill construction. Where outlet nozzle is not a single piece, arrangement must be made to provide the equivalent of the breakage groove.

(f) The flange on the outlet nozzle must be of a thickness which will prevent distortion of the valve seat or valve by any change in contour of the shell resulting from expansion of lading, or other causes, and which will insure that accidental breakage of the outlet nozzle will occur at or below the "V" groove.

(g) The valve must have no wings or stem projecting below the "V" groove in the outlet nozzle. The valve and seat must be readily accessible or removable for repairs, including grinding.

(h) The valve operating mechanism must have means for compensating for variation in the vertical diameter of the tank produced by expansion, weight of the liquid contents, or other causes, and should operate from the interior of the tank, but in the event the rod is carried through the dome, leakage must be prevented by packing in stuffing box and cap nut.

(i) In no case must extreme projection of bottom outlet equipment extend to within 12 inches above top of rail. All bottom outlet reducers and closures and their attachments must be secured to car by at least ⅜ inch chains or its equivalent, except that outlet closure plugs may be attached by ¼ inch chain. When the bottom outlet closure is of the combination cap and valve type, the pipe connection to the valve must be closed by a plug or cap.

§ 78.284–16 *Safety valves.* (a) The tank must be equipped with one or more safety valves of approved design mounted on expansion dome. Total valve discharge capacity must be sufficient to prevent building up of pressure in the tank in excess of 45 pounds per square inch.

(b) One safety valve must be provided for each tank, or compartment thereof, of 6,650 gallons capacity or less, and two safety valves for each tank, or compartment thereof, of over 6,650 gallons capacity.

(c) Each safety valve must be set to open at a pressure of 35 pounds per square inch and be vapor-tight at 28 pounds per square inch. (For tolerance see § 78.284–21 (a).)

(d) Tanks used for the transportation of corrosive liquids, flammable solids, oxidizing materials, or poisonous liquids or solids, class B, need not be equipped with safety valves, but if not so equipped, must have one safety vent at least 1¾ inches inside diameter closed with a frangible disc of lead or other suitable material of a thickness that will rupture at not more than 45 pounds per square inch. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closures must be chained or otherwise fastened to prevent misplacement. All tanks equipped with vents must be stenciled "Not for Flammable Liquids."

(e) Safety valve or safety vent flanges, if welded to dome, must be of cast, forged or fabricated metal, and be of good weldable quality in conjunction with metal of dome.

§ 78.284–17 *Fixtures, reinforcements, and attachments not otherwise specified.* (a) All attachments to tank and dome must be applied by approved means. When attachments are riveted the edges of plates must be beveled so that the angle of the calking edge will be between 60 and 70 degrees with the flat surface of the attachment. The extreme calking edge distance, measured from center line of rivet hole, must be at least 1½ times the diameter of the hole plus ¼ inch. The joints formed by attachment of all riveted external projections must be calked on the inside. All rivet heads on the inside and outside of tank and dome must be calked. Split calking is prohibited. Interior heater systems, when installed, must be so constructed that the breaking off of their external connections will not cause leakage of contents of tank.

§ 78.284–18 *Interior heater systems.* (a) See §§ 78.260 and 78.261, heater systems.

(b) Interior heater systems and plug flanges, if welded to tank or dome, must be of cast, forged, or fabricated metal, and be of good weldable quality in conjunction with metal of tank or dome.

§ 78.284–19 *Closures for openings.* (a) All plugs must be solid, of good grade cast iron or equivalent, with standard pipe thread of a length which will screw at least 6 threads inside the face of fitting or tank. Plugs when inserted from the outside of tank must have the letter "S" at least ⅜ inch in size stamped with steel stamp or cast on the outside surface to indicate the plug is solid.

§ 78.284–20 *Tests of tanks.* (a) Each tank must be tested before being put into service and before lagging is applied by completely filling tank and dome with water, or other liquid of similar viscosity, of a temperature which must not exceed 100 degrees Fahrenheit during the test, and applying a pressure of 60 pounds per square inch. Tank must hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress. All rivets and closures, except safety valves or safety vents, must be in place while test is made.

(b) Calking of welded joints to stop leaks developed during the foregoing tests is prohibited. Repairs in welded joints must be made as prescribed in § 78.284–7 (a).

(c) Tests of interior heater systems: Before interior heater systems are placed in service they must be tested with hydrostatic pressure and must be tight at 200 pounds per square inch.

(d) Anchor rivet housing test: After anchor rivet housing, if applied, are in place these housings must be tested by applying an air pressure of 100 pounds per square inch through openings in tank shell and must be tight against leakage.

§ 78.284–21 *Tests of safety valves.* (a) Each valve must be tested, before being put into service, by attaching to an air line and applying pressure. The valve must not leak below 28 pounds per square inch pressure. The valve must open at the pressure prescribed in § 78.284–16 (c), with a plus or minus 3 pounds.

§ 78.284–22 *Marking.* (a) Each tank must be marked, thus certifying that the tank complies with all the requirements



of this specification. These marks must be as follows:

(1) ICC–104–W in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. This mark must also be stenciled on the jacket in letters and figures at least 2 inches high by the party assembling the completed car.

(2) Initials of the tank builder and date of original test of tank in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (1) of this paragraph.

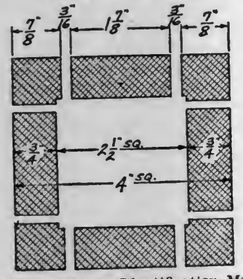
(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, such as application of riveted anchors, etc., in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car. These marks must also be stenciled on the jacket in letters and figures at least 2 inches high immediately below the stenciled mark specified in subparagraph (1) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested, pressure to which tested, place where test was made, and by whom, stenciled on the jacket.

(5) Date on which the safety valves were last tested, pressure to which tested, place where test was made, and by whom, stenciled on the jacket.

(6) Date on which the interior heater systems were last tested, pressure to which tested, place where test was made, and by whom, stenciled on the jacket.

(7) Identification mark, illustrated herein, for approved manway closure must be stenciled on each side of dome jacket in line with the ladders and in a color contrasting to color of dome jacket.




Manhole Closure Identification Mark

(Reduced size)

(8) When a tank car and its appurtenances are designed and authorized for the transportation of a particular commodity only, the name of that commodity followed by the word "only", or such other wording as may be required to indicate the limits of usage of the car, must be stenciled on each side of the jacket in letters at least 1 inch high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

(9) Tanks equipped with safety valves set to open at a pressure of 35 pounds per square inch, as prescribed in § 78.284–16 (e), must be stenciled "For Vapor Pressures Not Exceeding 40 Pounds Per Square Inch Absolute at 100 Degrees Fahrenheit" in letters and figures at least 1 inch high immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

(10) Tanks made of clad plates must be stenciled on the jacket "(naming material) _____ clad tank". Lined tanks must be stenciled on the jacket "(naming material) _____ lined tank". These marks must be in letters at least 2 inches high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

§ 78.284–23 *Reports.* (a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of welded repairs to, alterations of, or additions to tanks or equipment from original design and construction, all of which must be approved, there must be furnished to the same parties a report in detail of the welded repairs, alterations or additions made to each tank covered by a particular application, showing the initials and number of each tank involved. Reports of retests must be rendered to the Bureau of Explosives and car owner.

29. Amend entire § 78.285 (18 F. R. 3145, June 2, 1953) (17 F. R. 9841, Nov. 1, 1952) (17 F. R. 7287, Aug. 9, 1952) (16 F. R. 11784, Nov. 21, 1951) (15 F. R. 8514, 8515, Dec. 2, 1950) (49 CFR 1950 Rev., 1954 Supp., 78.285) to read as follows:

§ 78.285 *Specification ICC–105A100–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.* (a) Wherever the word "approved" is used in this specification it means approval by the Association of American Railroads Committee on Tank Cars as prescribed in § 78.259 (a), (b), (c) and (d).

§ 78.285–1 *Type.* (a) Tanks built under this specification must be cylindrical with heads designed convex outward. The tank must be provided with a manway nozzle and cover on top of the tank of sufficient diameter to permit access to the interior of the tank and to provide for the proper mounting of venting, loading, unloading, sampling and safety valves, gauging device, thermometer well, and a protective housing on the cover. Other openings in the tank are prohibited.

§ 78.285–2 *Lagging.* (a) The tank shell and manway nozzle must be lagged with an approved insulation material of a thickness so that the thermal conductance is not more than 0.075 B. t. u. per square foot, per degree Fahrenheit differential in temperature per hour at 60 degrees. The entire insulation must be covered with a metal jacket not less than ⅛ inch in thickness and efficiently flashed around all openings so as to be weather tight. When heater systems are attached to exterior of tank, the lagging over each heater element may be reduced in thickness to ½ that required for the shell.

(b) Before lagging is applied, the tank surface and the inside surface of the metal jacket shall be given a protective coating.

§ 78.285–3 *Bursting pressure.* (a) The calculated bursting pressure, based on the lowest tensile strength of the plate and the efficiency of the longitudinal welded joint must be at least 495 pounds per square inch.

§ 78.285–4 *Thickness of plates.* (a) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula, but in no case shall the wall thickness be less than that specified in paragraph (b) of this section.

$$t=\frac{Pd}{2SE}$$

where

$t$ = thickness in inches of thinnest plate;
$P$ = calculated bursting pressure pounds per square inch;
$d$ = inside diameter in inches;
$S$ = minimum ultimate tensile strength in pounds per square inch;
$E$ = efficiency of longitudinal welded joint = 90 percent.

(b) The minimum thickness of plates must be as follows:

| Inside diameter of tanks | Bottom sheets | Shell sheets | Tank heads |
|---|---|---|---|
| | *Inch* | *Inch* | *Inch* |
| 87 inches or under | 7/16 | 1/2 | 7/16 |
| Over 87 to 96 inches | 9/16 | 9/16 | 9/16 |

(c) The minimum thickness of clad plates, where cladding material has physical properties at least equal to that of the base plate prescribed in § 78.285–6 (a) must be as prescribed in the above table. Where the cladding material does not have physical properties at least equal to that of the base plate prescribed in § 78.285–6 (a), minimum thickness of base plate must be as prescribed in the above table.

§ 78.285–5 *Manway nozzle opening.* (a) Opening in tank for manway nozzle must be reinforced in an approved manner.

§ 78.285–6 *Material.* (a) All plates for tank and manway nozzle must be made of open-hearth boiler-plate flange quality steel to an approved specification, the carbon content of which shall not exceed 0.31 percent. These plates may also be clad with other metals, such as nickel.

(b) All castings used for fittings or attachments to tank must be made of material to an approved specification. Use of cast iron prohibited.

(c) All external projections must be made of materials specified herein.

(d) Lining or interior coating is not a specification requirement. If applied, it must be approved as to material.

§ 78.285–7 *Tank heads.* (a) The tank head shape shall be an ellipsoidal of revolution in which the major axis shall equal the diameter of the shell and the minor axis shall be ½ the major axis.

§ 78.285–8 *Welding.* (a) All joints must be fusion-welded by a process which investigation and laboratory tests by the Mechanical Division of the Association of American Railroads have proved will produce satisfactory results. Fusion-welding to be performed by fabricators certified by Association of American Railroads as qualified to meet the requirements of this specification. All joints must be fabricated by means of fusion-welding in accordance with the requirements of AAR Welding Code Appendix "W".

§ 78.285–9 *Stress relieving.* (a) All welding of the tank shell and of attachments welded directly thereto must be stress-relieved as a unit.

§ 78.285–10 *Tank mounting.* (a) The manner in which the tank is supported on and securely attached to the car structure must be approved.

(b) The use of rivets as a means of securing anchor to the tank is prohibited.

§ 78.285–11 *Manway nozzle, cover, and protective housing.* (a) Manway nozzle must be of approved design of cast, forged or rolled steel at least 18 inches inside diameter and attached to tank by fusion welding. Fusion welding for securing this attachment in place must be of the double-welded butt joint type or double full-fillet lap joint type.

(b) Manway cover must be of forged or rolled steel at least 2¼ inches thick, machined to approved dimensions. Manway cover must be attached to manway nozzle by through or stud bolts not entering tank.

(c) The shearing value of the bolts attaching protective housing to manway cover must not exceed 70 percent of shearing value of bolts attaching manway cover to manway nozzle.

(d) All joints between manway cover and manway nozzle, and between manway cover and valves or other appurtenances mounted thereon, must be made tight against vapor pressure.

(e) Protective housing of cast or fabricated steel must be bolted to manway cover. Housing must be equipped with a suitable metal cover that can be securely closed. Housing cover on tanks used for the transportation of liquefied flammable gases must be provided with an opening equipped with an approved weather-proof covering and having an area at least equal to the total safety valve discharge area. Housing cover must have suitable stop to prevent cover striking loading or unloading connections and be hinged on one side only with approved riveted pin or rod with nuts and cotters. Openings in wall of housing must be equipped with screw plugs or other closures.

§ 78.285–12 *Venting, loading and unloading, gauging and sampling devices and thermometer well.* (a) Venting, loading and unloading valves must be of approved type, made of metal not subject to rapid deterioration by the lading, and must withstand a pressure of 100 pounds per square inch without leakage. The valves must be directly bolted to seatings on manway cover. Pipe connections of valves must be closed with approved screw plugs chained or otherwise fastened to prevent misplacement.

(b) Interior pipes of the loading and unloading valves, except as prescribed in paragraph (d) of this section, may be equipped with excess flow valves of an approved design.

(c) Gauging device, sampling valve, and thermometer well are not specification requirements. When used they must be of approved design, made of metal not subject to rapid deterioration by the lading, and must withstand a pressure of 100 pounds per square inch without leakage. Interior pipes of the gauging device and sampling valve, except as prescribed in paragraph (d) of this section, may be equipped with excess flow valves of an approved design. Interior pipe of thermometer well must be anchored in an approved manner to prevent breakage due to vibration. The thermometer well must be closed by an approved valve attached close to the manway cover and closed by a screw plug. Other approved arrangements that permit testing thermometer well for leaks without complete removal of the closure may be used.

(d) Tanks used for the transportation of liquefied flammable gases must have the interior pipes of the loading and unloading valves, gauging device and sampling valve equipped with excess flow valves of an approved design.

§ 78.285–13 *Safety valves.* (a) The tank must be equipped with one or more safety valves of approved design, made of metal not subject to rapid deterioration by the lading and mounted on manway cover. The total valve discharge capacity must be sufficient to prevent building up of pressure in tank in excess of 75 pounds per square inch.

(b) The safety valves must be set to open at a pressure not exceeding 75 pounds per square inch. (For tolerance see § 78.285–17 (a)).

§ 78.285–14 *Fixtures, reinforcements, and attachments not otherwise specified.* (a) Attachments, other than anchorage and those mounted on manway cover, are prohibited. Heater systems may be applied to exterior of tank by tank bands or other approved methods.

§ 78.285–15 *Closures for openings.* (a) Plugs must be of approved type, with standard pipe thread, and made of metal not subject to rapid deterioration by the lading.

§ 78.285–16 *Tests of tanks.* (a) Each tank must be tested by completely filling tank and manway nozzle with water or other liquid of similar viscosity having a temperature which must not exceed 100 degrees Fahrenheit during the test, and applying a pressure of 100 pounds per square inch. The tank must hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress.

(b) Calking of welded joints to stop leaks developed during the foregoing tests is prohibited. Repairs in welded joints must be made as prescribed in § 78.285–8 (a).

(c) Tests of exterior heater systems not a specification requirement.

§ 78.285–17 *Tests of safety valves.* (a) Each valve must be tested by air or gas before being put into service. The valve must open at a pressure not exceeding 75 pounds per square inch and be vapor tight at 60 pounds per square inch, which limiting pressures must not be affected by any auxiliary closure or other combination.

§ 78.285–18 *Marking.* (a) Each tank must be marked, thus certifying that the tank complies with all the requirements of this specification as follows:

(1) ICC–105A100–W in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. This mark must also be stenciled on the jacket in letters and figures at least 2 inches high by the party assembling the completed car.

(2) Initials of tank builder and date of original test of tank in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (1) of this paragraph.

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph, by the party assembling the completed car. These marks must also be stenciled on the jacket in letters and figures at least 2 inches high immediately below the stenciled mark specified in subparagraph (1) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested, pressure to which tested, place where test was made, and by whom, stenciled on the jacket.

(5) Date on which the safety valves were last tested, pressure to which tested, place where test was made, and by whom, stenciled on the jacket.

(6) Water capacity of the tank in pounds stamped plainly and permanently in letters and figures at least ⅜ inch high into the metal of the tank immediately below the mark specified in subparagraphs (2) and (3) of this paragraph. This mark must also be stenciled on the jacket immediately below the dome platform and either directly behind or within 3 feet of the right or left side of the ladder, or ladders if there is a ladder on each side of the tank, in letters and figures at least 2 inches high as follows:

WATER CAPACITY
000000 POUNDS

(7) When a tank car and its appurtenances are designed and authorized for the transportation of a particular commodity only, the name of that commodity followed by the word "only", or such other wording as may be required to indicate the limits of usage of the car, must be stenciled on each side of the jacket, in letters at least 1 inch high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

(8) Tanks made of clad plates must be stenciled on the jacket (naming material) _____ clad tank. Lined tanks must be stenciled on the jacket (naming material) _____ lined tank. These marks must be in letters at least 2 inches high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

§ 78.285–19 *Reports.* (a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of welded repairs to, alterations of or additions to tanks or equipment from original design and construction, all of which must be approved, there must be furnished to the same parties a report in detail of the welded repairs, alterations or additions made to each tank covered by a particular application, showing the initials and numbers of each tank involved. Reports of retests must be rendered to the Bureau of Explosives and car owner.





30. Amend entire § 78.286 (18 F. R. 3148, June 2, 1953) (17 F. R. 9841, Nov. 1, 1952) (16 F. R. 11784, Nov. 21, 1951) (15 F. R. 8515, 8516, Dec. 2, 1950) (49 CFR 1950 Rev., 1954 Supp., 78.286) to read as follows:

§ 78.286 *Specification ICC–105A300–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.* (a) Wherever the word "approved" is used in this specification it means approval by the Association of American Railroads Committee on Tank Cars as prescribed in § 78.259 (a), (b), (c) and (d).

§ 78.286–1 *Type.* (a) Tanks built under this specification must be cylindrical with heads designed convex outward. The tank must be provided with manway nozzle and cover on top of the tank of sufficient diameter to permit access to the interior of the tank and to provide for the proper mounting of venting, loading, unloading, sampling, and safety valves, gauging device, thermometer well, and a protective housing on the cover. Other openings in the tank are prohibited.

§ 78.286–2 *Lagging.* (a) The tank shell and manway nozzle must be lagged with an approved insulation material of a thickness so that the thermal conductance is not more than 0.075 B. t. u. per square foot, per degree Fahrenheit differential in temperature per hour at 60 degrees. The entire insulation must be covered with a metal jacket not less than ⅛ inch in thickness and efficiently flashed around all openings so as to be weather tight. When heater systems are attached to exterior of tank, the lagging over each heater element may be reduced in thickness equivalent to ½ that required for the shell.

(b) Before lagging is applied, the tank surface and the inside surface of the metal jacket shall be given a protective coating.

§ 78.286–3 *Bursting pressure.* (a) The calculated bursting pressure, based on the lowest tensile strength of the plate and the efficiency of the longitudinal welded joint must be at least 750 pounds per square inch.

§ 78.286–4 *Thickness of plates.* (a) The wall thickness in the cylindrical portion of the tank and tank heads must be calculated by the following formula but in no case shall the wall thickness be less than that specified in paragraph (b) of this section:

$$t = \frac{Pd}{2SE}$$

where

$t$ = thickness in inches of thinnest plate;
$P$ = calculated bursting pressure in pounds per square inch;
$d$ = inside diameter in inches;
$S$ = minimum ultimate tensile strength in pounds per square inch;
$E$ = efficiency of longitudinal welded joint = 90 percent.

(b) The minimum thickness of plates must be 11/16 inch.

(c) The minimum thickness of clad plates, where cladding material has physical properties at least equal to that of the base plate prescribed in § 78.286–6 (a), must be as prescribed in paragraph (b) of this section. Where the cladding material does not have physical properties at least equal to that of the base plate prescribed in § 78.286–6 (a), minimum thickness of base plate must be as prescribed in paragraph (b) of this section.

§ 78.286–5 *Manway nozzle opening.* (a) Opening in tank for manway nozzle must be reinforced in an approved manner.

§ 78.286–6 *Material.* (a) All plates for tank and manway nozzle must be made of open-hearth boiler-plate flange quality steel to an approved specification, the carbon content of which shall not exceed 0.31 percent. These plates may also be clad with other metals, such as nickel.

(b) All castings used for fittings or attachments to tank must be made of material to an approved specification. The use of cast iron is prohibited.

(c) All external projections must be made of materials specified herein.

(d) Lining or interior coating is not a specification requirement. If applied, it must be approved as to material.

§ 78.286–7 *Tank heads.* (a) The tank head shape shall be an ellipsoid of revolution in which the major axis shall equal the diameter of the shell and the minor axis shall be ½ of the major axis.

§ 78.286–8 *Welding.* (a) All joints must be fusion welded by a process which investigation and laboratory tests by the Mechanical Division of the Association of American Railroads have proved will produce satisfactory results. Fusion-welding to be performed by fabricators certified by Association of American Railroads as qualified to meet the requirements of this specification. All joints must be fabricated by means of fusion-welding in accordance with the requirements of AAR Welding Code Appendix "W".

§ 78.286–9 *Stress relieving.* (a) All welding of the tank shell and of attachments welded directly thereto, must be stress-relieved as a unit.

§ 78.286–10 *Tank mounting.* (a) The manner in which tank is supported on and securely attached to the car structure must be approved.

(b) The use of rivets as a means of securing anchor to the tank is prohibited.

§ 78.286–11 *Manway nozzle, cover and protective housing.* (a) Manway nozzle must be of forged or rolled steel at least 18 inches inside diameter. Manway nozzle must be of approved design and attached to tank by fusion-welding. Fusion welding for securing this attachment in place must be of the double-welded butt joint type or double full-fillet lap joint type.

(b) Manway cover must be of forged or rolled steel at least 2¼ inches thick (or nickel at least 2 inches thick when required by the lading), machined to approved dimensions. Manway cover must be attached to manway nozzle by through or stud bolts not entering tank.

(c) The shearing value of the bolts attaching protective housing to manway cover must not exceed 70 percent of shearing value of bolts attaching manway cover to manway nozzle.

(d) All joints between manway cover and manway nozzle, and between manway cover and valves or other appurtenances mounted thereon, must be made tight against vapor pressure.

(e) Protective housing of cast or fabricated steel must be bolted to manway cover. Housing must be equipped with a suitable metal cover that can be securely closed. Housing cover on tanks used for the transportation of liquefied flammable gases must be provided with an opening equipped with an approved weather proof covering and having an area at least equal to the total safety valve discharge area. Housing cover must have suitable stop to prevent cover striking loading or unloading connections and be hinged on one side only with approved riveted pin or rod with nuts and cotters. Openings in wall of housing must be equipped with screw plugs or other closures.

§ 78.286–12 *Venting, loading and unloading valves, gauging and sampling device and thermometer well.* (a) Venting, loading and unloading valves must be of approved type, made of metal not subject to rapid deterioration by the lading, and must withstand a pressure of 300 pounds per square inch without leakage. The valves must be directly bolted to seatings on manway cover. Pipe connections of the valves must be closed with approved screw plugs or otherwise fastened to prevent misplacement.

(b) The interior pipes of the loading and unloading valves, except as prescribed in paragraphs (d) and (e) of this section, may be equipped with excess flow valves of an approved design.

(c) Gauging device, sampling valve and thermometer well are not specification requirements. When used, they must be of approved design, made of metal not subject to rapid deterioration by lading, and must withstand a pressure of 300 pounds per square inch without leakage. Interior pipes of the gauging device and sampling valve, except as prescribed in paragraph (d) of this section, may be equipped with excess flow valves of an approved design. Interior pipe of the thermometer well must be anchored in an approved manner to prevent breakage due to vibration. The thermometer well must be closed by an approved valve attached close to the manway cover and closed by a screw plug. Other approved arrangements that permit testing thermometer well for leaks without complete removal of the closure may be used.

(d) Tanks for use in the transportation of liquefied flammable gases must have the interior pipes of the loading and unloading valves, gauging device and sampling valve equipped with excess flow valves of an approved design.

(e) Tanks for use in the transportation of chlorine must have the interior pipes of the liquid lines equipped with excess flow valves of an approved design.

§ 78.286–13 *Safety valves.* (a) The tank must be equipped with one or more safety valves of an approved design, made of metal not subject to rapid deterioration by lading and mounted on manway cover. The total valve discharge capacity must be sufficient to prevent building up of pressure in tank in exces of 225 pounds per square inch.

(b) The safety valve must be set to open at a pressure not exceeding 225 pounds per square inch. (For tolerance see § 78.286–17 (a).)

§ 78.286–14 *Fixtures, reinforcements and attachments not otherwise specified.* (a) Attachments, other than the anchorage, interior pipe bracing, and those mounted on manway cover, are prohibited. Heater systems may be applied to exterior of tank by tank bands or other approved methods.

§ 78.286–15 *Closures for openings.* (a) Plugs must be of approved type, with standard pipe thread, and of metal not subject to rapid deterioration by the lading.

§ 78.286–16 *Tests of tanks.* (a) Each tank must be tested, after anchorage is applied and before the tank lagging is applied, by completely filling tank and manway nozzle with water, or other liquid or similar viscosity, having a temperature which must not exceed 100 degrees Fahrenheit during test, and applying a pressure of 300 pounds per square inch. The tank must hold the prescribed pressure for at least 30 minutes without leakage or evidence of distress.

(b) Calking of welded joints to stop leaks developed during the foregoing tests prohibited. Repairs in welded joints must be made as prescribed in § 78.286–8 (a).

(c) Tests of exterior heater systems are not a specification requirement.

§ 78.286–17 *Tests of safety valves.* (a) Each valve must be tested by air or gas before being put into service. The valve must open at a pressure not exceeding 225 pounds per square inch and be vapor tight at 180 pounds per square inch, which limiting pressures must not be affected by any auxiliary closure or other combination.

§ 78.286–18 *Marking.* (a) Each tank must be marked, thus certifying that the tank complies with all the requirements of this specification. These marks must be as follows:

(1) ICC–105A300–W in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. This mark must also be stenciled on the jacket in letters and figures at least 2 inches high by the party assembling the completed car.

(2) Initials of tank builder and date of original test of tank in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (1) of this paragraph.

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph, by the party assembling the completed car. These marks must be stenciled on the jacket in letters and figures at least 2 inches high immediately below the stenciled mark specified in subparagraph (1) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested, pressure to which tested, place where test was made and by whom, stenciled on the jacket.

(5) Date on which the safety valves were last tested, pressure to which tested, place where test was made, and by whom, stenciled on the jacket.

(6) Water capacity of the tank in pounds stamped plainly and permanently in letters and figures at least ⅜ inch high into the metal of the tank immediately below the mark specified in subparagraphs (2) and (3) of this paragraph. This mark must also be stenciled on the jacket immediately below the dome platform and either directly behind or within 3 feet of the right or left side of ladder, or ladders if there is a ladder on each side of the tank, in letters and figures at least 2 inches high as follows:

WATER CAPACITY
000000 POUNDS

(7) When a tank car and its appurtenances are designed and authorized for the transportation of a particular commodity only, the name of that commodity followed by the word "only" or such other wording as may be required to indicate the limits of usage of the car, must be stenciled on each side of the jacket in letters at least 1 inch high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

(8) Tanks made of clad plates must be stenciled on the jacket "_____ _____ (naming material) clad tank". Lined tanks must be stenciled on the jacket "_____ (naming material) lined tanks". These marks must be stenciled in letters at least 2 inches high, immediately above stenciled mark specified in subparagraph (7) of this paragraph.

§ 78.286–19 *Reports.* (a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of welded repairs to, alterations of or additions to tanks or equipment from original design and construction, all of which must be approved, there must be furnished to the same parties a report in detail of the welded repairs, alterations or additions made to each tank covered by a particular application, showing the initials and number of each tank involved. Reports of retests must be rendered to the Bureau of Explosives and car owner.

31. Amend entire § 78.287 (18 F. R. 3145, June 2, 1953) (16 F. R. 11784, Nov. 21, 1951) (15 F. R. 8516, 8517, Dec. 2, 1950) (49 CFR 1950 Rev., 1954 Supp., 78.287) to read as follows:

§ 78.287 *Specification ICC–105A400–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.* (a) Wherever the word "approved" is used in this specification it means approval by the Association of American Railroads Committee on Tank Cars as prescribed in § 78.259 (a), (b), (c) and (d).

§ 78.287–1 *Type.* (a) Tanks built under this specification must be cylindrical with heads designed convex outward. The tank must be provided with manway nozzle and cover on top of the tank of sufficient diameter to permit access to the interior of the tank and to provide for the proper mounting of venting, loading, unloading, sampling, and safety valves, gauging device, thermometer well, and a protective housing on the cover. Other openings in the tank are prohibited.

§ 78.287–2 *Lagging.* (a) The tank shell and manway nozzle must be lagged with an approved insulation material of a thickness so that the thermal conductance is not more than 0.075 B. t. u. per square foot, per degree Fahrenheit differential in temperature per hour at 60 degrees. The entire insulation must be covered with a metal jacket not less than ⅛ inch in thickness and efficiently flashed around all openings so as to be weather tight. When heater systems



are attached to exterior of tank, the lagging over each heater element may be reduced in thickness equivalent to ½ that required for the shell.

(b) Before lagging is applied, the tank surface and the inside surface of the metal jacket shall be given a protective coating.

§ 78.287–3 *Bursting pressure.* (a) The calculated bursting pressure, based on the lowest tensile strength of the plate and the efficiency of the longitudinal welded joint must be at least 1,000 pounds per square inch.

§ 78.287–4 *Thickness of plates.* (a) The wall thickness in the cylindrical portion of the tank and tank heads must be calculated by the following formula but in no case shall the wall thickness be less than that specified in paragraph (b) of this section:

$$t = \frac{Pd}{2SE}$$

where
$t$ = thickness in inches of thinnest plate;
$P$ = calculated bursting pressure in pounds per square inch;
$d$ = inside diameter in inches;
$S$ = minimum ultimate tensile strength in pounds per square inch;
$E$ = efficiency of longitudinal welded joint = 90 percent.

(b) The minimum thickness of plates must be 1/16 inch.

(c) The minimum thickness of clad plates, where cladding material has physical properties at least equal to that of the base plate prescribed in § 78.287–6 (a), must be as prescribed in paragraph (b) of this section. Where the cladding material does not have physical properties at least equal to that of the base plate prescribed in § 78.287–6 (a), minimum thickness of base plate must be as prescribed in paragraph (b) of this section.

§ 78.287–5 *Manway nozzle opening.* (a) Opening in tank for manway nozzle must be reinforced in an approved manner.

§ 78.287–6 *Material.* (a) All plates for tank and manway nozzle must be made of open-hearth boiler-plate flange quality steel to an approved specification, the carbon content of which shall not exceed 0.31 percent. These plates may also be clad with other metals, such as nickel.

(b) All castings used for fittings or attachments to tank must be made of material to an approved specification. The use of cast iron is prohibited.

(c) All external projections must be made of materials specified herein.

(d) Lining or interior coating is not a specification requirement. If applied, it must be approved as to material.

§ 78.287–7 *Tank heads.* (a) The tank head shape shall be an ellipsoid of revolution in which the major axis shall equal the diameter of the shell and the minor axis shall be ½ of the major axis.

§ 78.287–8 *Welding.* (a) All joints must be fusion welded by a process which investigation and laboratory tests by the Mechanical Division of the Association of American Railroads have proved will produce satisfactory results. Fusion welding to be performed by fabricators certified by Association of American Railroads as qualified to meet the requirements of this specification. All joints must be fabricated by means of fusion welding in accordance with the requirements of AAR Welding Code Appendix "W".

§ 78.287–9 *Stress-relieving.* (a) All welding of the tank shell and of attachments welded directly thereto, must be stress-relieved as a unit.

§ 78.287–10 *Tank mounting.* (a) The manner in which tank is supported on and securely attached to the car structure must be approved.

(b) The use of rivets as a means of securing anchor to tank is prohibited.

§ 78.287–11 *Manway nozzle, cover and protective housing.* (a) Manway nozzle must be of forged or rolled steel at least 18 inches inside diameter. Manway nozzle must be of approved design and attached to tank by fusion-welding. Fusion-welding for securing this attachment in place must be of the double-welded butt joint type or double full-fillet lap joint type.

(b) Manway cover must be of forged or rolled steel at least 2¼ inches thick (or nickel at least 2 inches thick when required by the lading), machined to approved dimensions. Manway cover must be attached to manway nozzle by through or stud bolts not entering tank.

(c) The shearing value of the bolts attaching protective housing to manway cover must not exceed 70 percent of shearing value of bolts attaching manway cover to manway nozzle.

(d) All joints between manway cover and manway nozzle, and between manway cover and valves or other appurtenances mounted thereon, must be made tight against vapor pressure.

(e) Protective housing of cast or fabricated steel must be bolted to manway cover. Housing must be equipped with a suitable metal cover that can be securely closed. Housing cover on tanks used for the transportation of liquefied flammable gases must be provided with an opening equipped with an approved weather proof covering and having an area at least equal to the total safety valve discharge area. Housing cover must have suitable stop to prevent cover striking loading or unloading connections and be hinged on one side only with approved riveted pin or rod with nuts and cotters. Openings in wall of housing must be equipped with screw plugs or other closures.

§ 78.287–12 *Venting, loading and unloading valves, gauging and sampling device and thermometer well.* (a) Venting, loading and unloading valves must be of approved type, made of metal not subject to rapid deterioration by lading, and must withstand a pressure of 400 pounds per square inch without leakage. The valves must be directly bolted to seatings on manway cover. Pipe connections of the valves must be closed with approved screw plugs or otherwise fastened to prevent misplacement.

(b) The interior pipes of the loading and unloading valves, except as prescribed in paragraphs (d) and (e) of this section, may be equipped with excess flow valves of an approved design.

(c) Gauging device, sampling valve and thermometer well are not specification requirements. When used, they must be of approved design, made of metal not subject to rapid deterioration by lading, and must withstand a pressure of 400 pounds per square inch without leakage. Interior pipes of the gauging device and sampling valve, except as prescribed in paragraph (d) of this section, may be equipped with excess flow valves of an approved design. Interior pipe of thermometer well must be anchored in an approved manner to prevent breakage due to vibration. The thermometer well must be closed by an approved valve attached close to the manway cover and closed by a screw plug. Other approved arrangements that permit testing thermometer well for leaks without complete removal of the closure may be used.

(d) Tanks for use in the transportation of liquefied flammable gases must have the interior pipes of the loading and unloading valves, gauging device and sampling valve equipped with excess flow valves of an approved design.

(e) Tanks for use in the transportation of chlorine must have the interior pipes of the liquid lines equipped with excess flow valves of an approved design.

§ 78.287–13 *Safety valves.* (a) The tank must be equipped with one or more safety valves of an approved design, made of metal not subject to rapid deterioration by lading and mounted on manway cover. The total valve discharge capacity must be sufficient to prevent building up of pressure in tank in excess of 300 pounds per square inch.

(b) The safety valves must be set to open at a pressure not exceeding 300 pounds per square inch. (For tolerance see § 78.287–17 (a).)

§ 78.287–14 *Fixtures, reinforcements, and attachments not otherwise specified.* (a) Attachments, other than the anchorage, interior pipe bracing, and those mounted on manway cover, are prohibited. Heater systems may be applied to exterior of tank by tank bands or other approved methods.

§ 78.287–15 *Closures for openings.* (a) Plugs must be of approved type, with standard pipe thread, and of metal not subject to rapid deterioration by the lading.

§ 78.287–16 *Tests of tanks.* (a) Each tank must be tested, after anchorage is applied and before the tank lagging is applied, by completely filling tank and manway nozzle with water, or other liquid of similar viscosity, having a temperature which must not exceed 100 degrees Fahrenheit during test, and applying a pressure of 400 pounds per square inch. The tank must hold the prescribed pressure for at least 30 minutes without leakage or evidence of distress.

(b) Calking of welded joints to stop leaks developed during the foregoing tests prohibited. Repairs in welded joints must be made as prescribed in § 78.287–8 (a).

(c) Tests of exterior heater systems not a specification requirement.

§ 78.287–17 *Tests of safety valves.* (a) Each valve must be tested by air or gas before being put into service. The valve must open at a pressure not exceeding 300 pounds per square inch and be vapor tight at 240 pounds per square inch, which limiting pressures must not be affected by any auxiliary closure or other combination.

§ 78.287–18 *Marking.* (a) Each tank must be marked, thus certifying that the tank complies with all the requirements of this specification. These marks must be as follows:

(1) ICC–105A400–W in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. This mark must also be stenciled on the jacket in letters and figures at least 2 inches high by the party assembling the completed car.

(2) Initials of tank builder and date of original test of tank in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (1) of this paragraph.

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car. These marks must be stenciled on the jacket in letters and figures at least 2 inches high immediately below the stenciled mark specified in subparagraph (1) of this paragraph, by the party assembling the completed car.

(4) Date on which the tank was last tested, pressure to which tested, place where test was made and by whom, stenciled on the jacket.

(5) Date on which the safety valves were last tested, pressure to which tested, place where test was made, and by whom, stenciled on the jacket.

(6) Water capacity of the tank in pounds stamped plainly and permanently in letters and figures at least ⅜ inch high into the metal of the tank immediately below the mark specified in subparagraphs (2) and (3) of this paragraph. This mark must also be stenciled on the jacket immediately below the dome platform and either directly behind or within 3 feet of the right or left side of ladder, or ladders if there is a ladder on each side of the tank, in letters and figures at least 2 inches high as follows:

WATER CAPACITY
000000 POUNDS

(7) When a tank car and its appurtenances are designed and authorized for the transportation of a particular commodity only, the name of that commodity followed by the word "only" or such other wording as may be required to indicate the limits of usage of the car, must be stenciled on each side of the jacket in letters at least 1 inch high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

(8) Tanks made of clad plates must be stenciled on the jacket "_____ (naming material) clad tank". Lined tanks must be stenciled on the jacket "_____ (naming metarial) lined tanks." These marked must be stenciled in letters at least 2 inches high, immediately above stenciled mark specified in subparagraph (7) of this paragraph.

§ 78.287–19 *Reports.* (a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of welded repairs to, alterations of or additions to tanks or equipment from original design and construction, all of which must be approved, there must be furnished to the same parties a report in detail of the welded repairs, alterations or additions made to each tank covered by a particular application, showing the initials and number of each tank involved. Reports of retests must be rendered to the Bureau of Explosives and car owner.

32. Amend entire § 78.288 (19 F. R. 3264, June 3, 1954) (18 F. R. 3145, June 2, 1953) (17 F. R. 9841, 9842, Nov. 1, 1952) (16 F. R. 11785, Nov. 21, 1951) (15 F. R. 8517 to 8519, Dec. 2, 1950) (49 CFR 1950 Rev., 1954 Supp., 78.288) to read as follows:

§ 78.288 *Specification ICC–105A500–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.* (a) Wherever the word "approved" is used in this specification it means approval by the Association of American Railroads Committee on Tank Cars as prescribed in § 78.259 (a), (b), (c) and (d).

§ 78.288–1 *Type.* (a) Tanks built under this specification must be cylindrical with heads designed convex outward. The tank must be provided with a manway nozzle and cover on top of the tank of sufficient diameter to permit access to the interior of the tank and to provide for the proper mounting of venting, loading, unloading, sampling and safety valves, gauging device, thermometer well, and a protective housing on the cover. Other openings in the tank are prohibited.

§ 78.288–2 *Lagging.* (a) The tank shell and manway nozzle must be lagged with an approved insulation material of a thickness so that the thermal conductance is not more than 0.075 B. t. u. per square foot, per degree Fahrenheit differential in temperature per hour at 60 degrees. The entire insulation must be covered with a metal jacket not less than ⅛ inch in thickness and efficiently flashed around all openings so as to be weather tight. When heater systems are attached to exterior of tank, the lagging over each heater element may be reduced in thickness equivalent to one-half that required for shell.

(b) Tanks for use in the transportation of liquefied carbon dioxide must have tank shell and manway nozzle lagged with an approved insulation material of a thickness so that the thermal conductance is not more than 0.03 B. t. u. per square foot, per degree Fahrenheit differential in temperature per hour; except that the insulation thickness directly over the center sill may be reduced to give a thermal conductance not exceeding 0.04 B. t. u. per square foot, per degree Fahrenheit differential in temperature per hour; this reduction is to permit an anchorage which must not exceed 7 inches from top of center sill to bottom of tank.

(c) Before lagging is applied, the tank surface and the inside surface of the metal jacket shall be given a protective coating.

§ 78.288–3 *Bursting pressure.* (a) The calculated bursting pressure, based on the lowest tensile strength of the plate and the efficiency of the longitudinal welded joint must be at least 1250 pounds per square inch.

§ 78.288–4 *Thickness of plates.* (a) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula, but in no case shall the wall thickness be less than that specified in paragraph (b) of this section:

$$t=\frac{Pd}{2SE}$$

where

$t$ = thickness in inches of thinnest plate;
$P$ = calculated bursting pressure, pounds per square inch;
$d$ = inside diameter in inches;
$S$ = minimum ultimate tensile strength pounds per square inch;
$E$ = efficiency of longitudinal welded joint = 90 percent.

(b) The minimum thickness of plates must be 1 1/16 inch.

(c) The minimum thickness of clad plates, where cladding material has physical properties at least equal to that of the base plate prescribed in § 78.288–6 (a), must be as prescribed in paragraph (b) of this section. Where the cladding material does not have the physical properties at least equal to that of the base plate prescribed in § 78.288–6 (a), minimum thickness of base plate must be as prescribed in paragraph (b) of this section.

§ 78.288–5 *Manway nozzle opening.* (a) Opening in tank for manway nozzle must be reinforced in an approved manner.

§ 78.288–6 *Material.* (a) All plates for tank and manway nozzle must be of open-hearth boiler-plate flange quality steel to an approved specification, the carbon content of which shall not exceed 0.31 percent. These plates may also be clad with other metals, such as nickel.

(b) All plates for tank, manway nozzle and anchorage for tanks used in the transportation of liquefied carbon dioxide must be made of steel to an approved specification suitable for service at low temperatures.

(c) All castings used for fittings or attachments to tank must be made of material to an approved specification. The use of cast iron is prohibited.

(d) All external projections must be made of materials specified herein.

(e) Lining or interior coating is not a specification requirement. If applied, it must be approved as to material.

§ 78.288–7 *Tank heads.* (a) The tank head shape shall be an ellipsoid of revolution in which the major axis shall equal the diameter of the shell and the minor axis shall be ½ of the major axis.

§ 78.288–8 *Welding.* (a) All joints must be fusion-welded by a process which investigation and laboratory tests by the Mechanical Division of the Association of American Railroads have proved will produce satisfactory results. Fusion-welding to be performed by fabricators certified by Association of American Railroads as qualified to meet the requirements of this specification. All joints must be fabricated by means of fusion-welding in accordance with the requirements of A. A. R. Welding Code Appendix "W".

§ 78.288–9 *Stress relieving.* (a) All welding of the tank shell and of attachments welded directly thereto must be stress-relieved as a unit.

§ 78.288–10 *Tank mounting.* (a) The manner in which the tank is supported on and securely attached to the car structure must be approved.

(b) The use of rivets as a means of securing anchor to tank is prohibited.

§ 78.288–11 *Manway nozzle, cover and protective housing.* (a) Manway nozzle must be of forged or rolled steel at least 18 inches inside diameter. Manway nozzle must be of approved design and attached to tank by fusion-welding. Fusion-welding for securing this attachment in place must be of the double-welded butt joint type or double full-fillet lap joint type.

(b) Manway cover must be of forged or rolled steel at least 2¼ inches thick machined to approved dimensions. Manway cover must be attached to manway nozzle by through or stud bolts not entering tank.

(c) The shearing value of the bolts attaching protective housing to manway cover must not exceed 70 percent of shearing value of bolts attaching manway cover to manway nozzle.

(d) All joints between manway cover and manway nozzle, and between manway cover and valves or other appurtenances mounted thereon, must be made tight against vapor pressure.

(e) Protective housing of cast or fabricated steel must be bolted to manway cover. Housing must be equipped with a suitable metal cover that can be securely closed. Housing cover on tanks used for the transportation of liquefied flammable gases must be provided with an opening equipped with an approved weather-proof covering and having an area at least equal to the total safety valve discharge area. Housing cover must have suitable stop to prevent cover striking loading or unloading connections and be hinged on one side only with approved riveted pin or rod with nuts and cotters. Openings in wall of housing must be equipped with screw plugs or other closures.

§ 78.288–12 *Venting, loading and unloading valves, gauging and sampling device and thermometer well.* (a) Venting, loading and unloading valves must be of approved type, made of metal not subject to rapid deterioration by lading, and must withstand a pressure of 500 pounds per square inch without leakage. The valves must be directly bolted to seatings on manway cover. Pipe connections of valves must be closed with approved screw plugs chained or otherwise fastened to prevent misplacement.

(b) The interior pipes of the loading and unloading valves, except as prescribed in paragraphs (d) and (e) of this section, may be equipped with excess flow valves of an approved design.

(c) Gauging device, sampling valve and thermometer well are not specification requirements. When used, they must be of approved design, made of metal not subject to rapid deterioration by the lading, and must withstand a pressure of 500 pounds per square inch without leakage. Interior pipes of the gauging device and sampling valve, except as prescribed in paragraph (d) of this section, may be equipped with excess flow valves of an approved design. Interior pipe of thermometer well must be anchored in an approved manner to prevent breakage due to vibration. The thermometer well must be closed by an approved valve attached close to the manway cover and closed by a screw plug. Other approved arrangements that permit testing thermometer well for leaks without complete removal of the closure may be used.

(d) Tanks for use in the transportation of liquefied flammable gases must have the interior pipes of the loading and unloading valves, gauging device and sampling valve equipped with excess flow valves of an approved design.

(e) Tanks used for the transportation of chlorine must have the interior pipes of the liquid lines equipped with excess flow valves of an approved design.

§ 78.288–13 *Safety valves.* (a) The tank must be equipped with one or more safety valves of approved design made of metal not subject to rapid deterioration by the lading and mounted on manway cover. The total valve discharge capacity must be sufficient to prevent building up of pressure in tank in excess of 375 pounds per square inch.

(b) The safety valves must be set to open at a pressure of not exceeding 375 pounds per square inch. (For tolerance see § 78.288–17 (a).)

(c) Tanks for use in the transportation of liquefied carbon dioxide must be equipped with one safety valve of approved design set to open at a pressure not exceeding 375 pounds per square inch and one frangible disc device of approved design set to function at a pressure less than the test pressure of the tank. The discharge capacity of each of these safety devices must be sufficient to prevent building up of pressure in tank in excess of 375 pounds per square inch. Tanks must also be equipped with two pressure-regulating valves of approved design, one set to open at 300 pounds per square inch pressure and one set to open at 333 pounds per square inch pressure. Each pressure-regulating valve and safety device must have its final discharge piped to the outside of the protective housing.

§ 78.288–14 *Fixtures, reinforcements and attachments not otherwise specified.* (a) Attachments, other than the anchorage and those mounted on manway nozzle and cover, are prohibited. Heater systems may be applied to exterior of tank by tank bands or other approved methods.

§ 78.288–15 *Closures for openings.* (a) Plugs must be of approved type, with standard pipe thread, and of metal not subject to rapid deterioration by the lading.

§ 78.288–16 *Tests of tanks.* (a) Each tank must be tested, after anchorage is applied and before the tank lagging is applied, by completely filling the tank and manway nozzle with water, or other liquid of similar viscosity, having a temperature which must not exceed 100 degrees Fahrenheit during test, and applying a pressure of 500 pounds per square inch. The tank must hold the prescribed pressure for at least 30 minutes without leakage or evidence of distress.

(b) Calking of welded joints to stop leaks developed during the foregoing tests is prohibited. Repairs in welded joints must be made as prescribed in § 78.288–8 (a).

(c) Tests of exterior heater systems are not a specification requirement.

§ 78.288–17 *Tests of safety valves.* (a) Each valve must be tested by air or gas before being put into service. The valve must open at a pressure not exceeding 375 pounds per square inch and be vapor tight at 300 pounds per square inch, which limiting pressures must not be affected by any auxiliary closures or other combination.

§ 78.288–18 *Marking.* (a) Each tank must be marked, thus certifying that the tank complies with all the requirements of this specification. These marks must be as follows:

(1) ICC–105A500–W in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. This mark must also be stenciled on the jacket in letters and figures at least 2 inches high by the party assembling the completed car.

(2) Initials of tank builder and date of original test of tank in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (1) of this paragraph.

(3) Initials of the company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph, by the

party assembling the completed car. These marks must also be stenciled on the jacket in letters and figures at least 2 inches high immediately below the stenciled mark specified in subparagraph (1) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested, pressure to which tested, place where test was made, and by whom, stenciled on the jacket.

(5) Date on which the safety valve was last tested, pressure to which tested, place where test was made, and by whom, stenciled on the jacket.

(6) Water capacity of the tank in pounds stamped plainly and permanently in letters and figures at least ⅜ inch high into the metal of the tank immediately below the mark specified in subparagraphs (2) and (3) of this paragraph. This mark must also be stenciled on the jacket immediately below the dome platform and either directly behind or within 3 feet of the right or left side of ladder, or ladders if there is a ladder on each side of the tank, in letters and figures at least 2 inches high as follows:

WATER CAPACITY
000000 POUNDS

(7) When a tank car and its appurtenances are designed and authorized for the transportation of a particular commodity only, the name of that commodity followed by the word "only", or such other wording as may be required to indicate the limits of usage of the car, must be stenciled on each side of the jacket in letters at least 1 inch high immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

(8) Tanks made of clad plates must be stenciled on the jacket "---------- (naming material) clad tank." Lined tanks must be stenciled on the jacket "---------- (naming material) lined tank." These marks must be stenciled in letters at least 2 inches high, immediately above the stenciled mark specified in subparagraph (7) of this paragraph.

§ 78.289–19 *Reports.* (a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of welded repairs to, alterations of or additions to tanks or equipment from original design and construction, all of which must be approved, there must be furnished to the same parties a report in detail of the welded repairs, alterations or additions made to each tank covered by a particular application, showing initials and number of each tank involved. Reports of retests must be rendered to the Bureau of Explosives and car owner.

33. Amend entire § 78.289 (19 F. R. 3264, 3265, June 3, 1954) (18 F. R. 3145, June 2, 1953) (17 F. R. 9842, Nov. 1, 1952) (16 F. R. 11785, Nov. 21, 1951) (15 F. R. 8519, 8520, Dec. 2, 1950) (49 CFR 1950 Rev., 1954 Supp., 78.289) to read as follows:

§ 78.289 *Specification ICC–105A600–W; lagged fusion-welded steel tanks to be mounted on or forming part of a car.* (a) Wherever the word "approved" is used in this specification it means approval by the Association of American Railroads Committee on Tank Cars as prescribed in § 78.259 (a), (b), (c) and (d).

§ 78.289–1 *Type.* (a) Tanks built under this specification must be cylindrical with heads designed convex outward. The tank must be provided with a manway nozzle and cover on top of the tank of sufficient diameter to permit access to the interior of the tank and to provide for the proper mounting of venting, loading, unloading, sampling and safety valves, gauging device, thermometer well, and a protective housing on the cover. Other openings in the tank are prohibited.

§ 78.289–2 *Lagging.* (a) The tank shell and manway nozzle must be lagged with an approved insulation material of a thickness so that the thermal conductance is not more than 0.075 B. t. u. per square foot, per degree Fahrenheit differential in temperature per hour at 60 degrees. The entire insulation must be covered with a metal jacket not less than ⅛ inch in thickness and efficiently flashed around all openings so as to be weather tight. When heater systems are attached to exterior of tank, the lagging over each heater element may be reduced in thickness equivalent to ½ that required for shell.

(b) Tanks for use in transportation of liquefied carbon dioxide must have tank shell and manway nozzle lagged with an approved insulation material of a thickness so that the thermal conductance is not more than 0.03 B. t. u. per square foot, per degree Fahrenheit differential in temperature per hour; except that the insulation thickness directly over the center sill may be reduced to give a thermal conductance not exceeding 0.04 B. t. u. per square foot, per degree Fahrenheit differential in temperature per hour; this reduction is to permit an anchorage which must not exceed 7 inches from top of center sill to bottom of tank.

(c) Before lagging is applied, the tank surface and the inside surface of the metal jacket shall be given a protective coating.

§ 78.289–3 *Bursting pressure.* (a) The calculated bursting pressure, based on the lowest tensile strength of the plate and the efficiency of the longitudinal welded joint must be at least 1,500 pounds per square inch.

§ 78.289–4 *Thickness of plates.* (a) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula but in no case shall the wall thickness be less than that specified in paragraph (b) of this section:

$$t = \frac{Pd}{2SE}$$

where
$t$ = thickness in inches of thinnest plate;
$P$ = calculated bursting pressure pounds per square inch;
$d$ = inside diameter in inches;
$S$ = minimum ultimate tensile strength pounds per square inch;
$E$ = efficiency of longitudinal welded joint = 90 percent.

(b) The minimum thickness of plates must be 11/16 inch.

(c) The minimum thickness of clad plates, where cladding material has physical properties at least equal to that of the base plate prescribed in § 78.289–6 (a), must be as prescribed in paragraph (b) of this section. Where the cladding material does not have the physical properties at least equal to that of the base plate prescribed in § 78.289–6 (a), minimum thickness of base plate must be as prescribed in paragraph (b) of this section.

§ 78.289–5 *Manway nozzle opening.* (a) Opening in tank for manway nozzle must be reinforced in an approved manner.

§ 78.289–6 *Material.* (a) All plates for tank and manway nozzle must be of open-hearth boiler-plate flange quality steel to an approved specification, the carbon content of which shall not exceed 0.31 percent. These plates may also be clad with other metals, such as nickel.

(b) All plates for tank, manway nozzle and anchorage for tanks used in the transportation of liquefied carbon dioxide must be made of steel to an approved specification suitable for service at low temperatures.

(c) All castings used for fittings or attachments to tank must be made of material to an approved specification. The use of cast iron is prohibited.

(d) All external projections must be made of materials specified herein.

(e) Lining or interior coating is not a specification requirement. If applied, it must be approved as to material.

§ 78.289–7 *Tank heads.* (a) The tank head shape shall be an ellipsoid of revolution in which the major axis shall equal the diameter of the shell and the minor axis shall be ½ of the major axis.

§ 78.289–8 *Welding.* (a) All joints must be fusion-welded by a process which investigation and laboratory tests by the Mechanical Division of the Association of American Railroads have proved will produce satisfactory results. Fusion-welding to be performed by fabricators certified by Association of American Railroads as qualified to meet the requirements of this specification. All joints must be fabricated by means of fusion-welding in accordance with requirements of AAR Welding Code Appendix "W".

§ 78.289–9 *Stress relieving.* (a) All welding of the tank shell and of attachments welded directly thereto must be stress-relieved as a unit.

§ 78.289–10 *Tank mounting.* (a) The manner in which the tank is supported on and securely attached to the car structure must be approved.



(b) The use of rivets as a means of securing anchor to the tank is prohibited.

§ 78.289–11 *Manway nozzle, cover and protective housing.* (a) Manway nozzle must be of forged or rolled steel at least 18 inches inside diameter. Manway nozzle must be of approved design and attached to tank by fusion-welding. Fusion welding for securing this attachment in place must be of the double-welded butt joint type or double full-fillet lap joint type.

(b) Manway cover must be of forged or rolled steel at least 2¼ inches thick machined to approved dimensions. Manway cover must be attached to manway nozzle by through or stud bolts not entering tank.

(c) The shearing value of the bolts attaching protective housing to manway cover must not exceed 70 percent of shearing value of bolts attaching manway cover to manway nozzle.

(d) All joints between manway cover and manway nozzle, and between manway cover and valves or other appurtenances mounted thereon, must be made tight against vapor pressure.

(e) Protective housing of cast or fabricated steel must be bolted to manway cover. Housing must be equipped with a suitable metal cover that can be securely closed. Housing cover on tanks used for the transportation of liquefied flammable gases must be provided with an opening equipped with an approved weather-proof covering and having an area at least equal to the total safety valve discharge area. Housing cover must have suitable stop to prevent cover striking loading or unloading connections and be hinged on one side only with approved riveted pin or rod with nuts and cotters. Openings in wall of housing must be equipped with screw plugs or other closures.

§ 78.289–12 *Venting, loading and unloading valves, gauging and sampling device and thermometer well.* (a) Venting, loading and unloading valves must be of approved type, made of metal not subject to rapid deterioration by lading, and must withstand a pressure of 600 pounds per square inch without leakage. The valves must be directly bolted to seatings on manway cover. Pipe connections of the valves must be closed with approved screw plugs chained or otherwise fastened to prevent misplacement.

(b) The interior pipes of the loading and unloading valves, except as prescribed in paragraphs (d) and (e) of this section, may be equipped with excess flow valves of an approved design.

(c) Gauging device, sampling valve and thermometer well are not specification requirements. When used, they must be of approved design, made of metal not subject to rapid deterioration by the lading, and must withstand a pressure of 600 pounds per square inch without leakage. Interior pipes of the gauging device and sampling valve, except as prescribed in paragraph (d) of this section, may be equipped with excess flow valves of an approved design. Interior pipe of thermometer well must be anchored in an approved manner to prevent breakage due to vibration. The thermometer well must be closed by an approved valve attached close to the manway cover and closed by a screw plug. Other approved arrangements that permit testing thermometer well for leaks without complete removal of the closure may be used.

(d) Tanks for use in the transportation of liquefied flammable gases must have the interior pipes of the loading and unloading valves, gauging device and sampling valve eqiupped with excess flow valves of an approved design.

(e) Tanks used for the transportation of chlorine must have the interior pipes of the liquid lines equipped with excess flow valves of an approved design.

§ 78.289–13 *Safety valves.* (a) The tank must be equipped with one or more safety valves of approved design made of metal not subject to rapid deterioration by the lading and mounted on manway cover. The total valve discharge capacity must be sufficient to prevent building up of pressure in tank in excess of 450 pounds per square inch.

(b) The safety valves must be set to open at a pressure of not exceeding 450 pounds per square inch. (For tolerance see § 78.289–17 (a).)

(c) Tanks for use in the transportation of liquefied carbon dioxide must be equipped with one safety valve of approved design set to open at a pressure not exceeding 450 pounds per square inch and one frangible disc device of approved design set to function at a pressure less than the test pressure of the tank. The discharge capacity of each of these safety devices must be sufficient to prevent building up of pressure in tank in excess of 450 pounds per square inch. Tanks must also be equipped with two pressure-regulating valves of approved design, one set to open at 360 pounds per square inch pressure and one set to open at 400 pounds per square inch pressure. Each pressure-regulating valve and safety device must have its final discharge piped to the outside of the protective housing.

§ 78.289–14 *Fixtures, reinforcements, and attachments not otherwise specified.* (a) Attachments, other than the anchorage and those mounted on the manway nozzle and cover, are prohibited. Heater systems may be applied to exterior of tank by tank bands or other approved method.

§ 78.289–15 *Closures for openings.* (a) Plugs must be of approved type, with standard pipe thread, and of metal not subject to rapid deterioration by the lading.

§ 78.289–16 *Tests of tanks.* (a) Each tank must be tested, after anchorage is applied and before the tank lagging is applied, by completely filling the tank and manway nozzle with water, or other liquid of similar viscosity, having a temperature which must not exceed 100 degrees Fahrenheit during test, and applying a pressure of 600 pounds per square inch. The tank must hold the prescribed pressure for at least 30 minutes without leakage or evidence of distress.

(b) Calking of welded joints to stop leaks developed during the foregoing tests prohibited. Repairs in welded joints must be made as prescribed in § 78.289–8 (a).

(c) Tests of exterior heater systems are not a specification requirement.

§ 78.289–17 *Tests of safety valves.* (a) Each valve must be tested by air or gas before being put into service. The valve must open at a pressure not exceeding 450 pounds per square inch and be vapor tight at 360 pounds per square inch, which limiting pressures must not be affected by any auxiliary closure or other combination.

§ 78.289–18 *Marking.* (a) Each tank must be marked, thus certifying that the tank complies with all the requirements of this specification. These marks must be as follows:

(1) ICC–105A600–W in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. This mark must also be stenciled on the jacket in letters and figures at least 2 inches high by the party assembling the completed car.

(2) Initials of tank builder and date of original test of tank in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (1) of this paragraph.

(3) Initials of the company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car. These marks must also be stenciled on the jacket in letters and figures at least 2 inches high immediately below the stenciled mark specified in subparagraph (2) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested, pressure to which tested, place where test was made, and by whom, stenciled on the jacket.

(5) Date on which the safety valves were last tested, pressure to which tested, place where test was made, and by whom, stenciled on the jacket.

(6) Water capacity of the tank in pounds stamped plainly and permanently in letters and figures at least ⅜ inch high into the metal of the tank immediately below the mark specified in subparagraphs (2) and (3) of this paragraph. This mark must also be stenciled on the jacket immediately below the dome platform and either directly behind or within 3 feet of the right or left side of ladder, or ladders if there is a ladder on each side of the tank, in letters and figures at least 2 inches high as follows:

WATER CAPACITY
000000 POUNDS

(7) When a tank car and its appurtenances are designed and authorized

for the transportation of a particular commodity only, the name of that commodity followed by the word "only", or such other wording as may be required to indicate the limits of usage of the car, must be stenciled on each side of the jacket in letters at least 1 inch high immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

(8) Tanks made of clad plates must be stenciled on the jacket "_____ (naming material) clad tank." Lined tanks must be stenciled on the jacket "_____ (naming material) lined tank." These marks must be stenciled in letters at least 2 inches high, immediately above the stenciled mark specified in subparagraph (7) of this paragraph.

§ 78.289–19 *Reports.* (a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of welded repairs to, alterations of or additions to tanks or equipment from original design and construction, all of which must be approved, there must be furnished to the same parties a report in detail of the welded repairs, alterations or additions made to each tank covered by a particular application, showing initials and number of each tank involved. Reports of retests must be rendered to the Bureau of Explosives and car owner.

34. Cancel entire § 78.290 (15 F. R. 8520 to 8523, Dec. 2, 1950) (49 CFR 78.290, 1950 Rev.)

35. Amend entire § 78.291 (19 F. R. 3265, June 3, 1954) (18 F. R. 5278, Sept. 1, 1953) (18 F. R. 806, Feb. 7, 1953) (17 F. R. 9842, Nov. 1, 1952) (16 F. R. 5330 to 5334, June 6, 1951) (16 F. R. 5768, June 16, 1951) (49 CFR 1950 Rev., 1954 Supp., 78.291) to read as follows:

§ 78.291 *Specification ICC–103AL–W; fusion-welded aluminum tanks to be mounted on or forming part of a car.* (a) Wherever the word "approved" is used in this specification, it means approval by the Association of American Railroads Committee on Tank Cars, as prescribed in § 78.259 (a), (b), (c) and (d).

§ 78.291–1 *Type.* (a) Tanks built under this specification must be cylindrical, with heads designed convex outward, and must have at least one expansion dome with manway, and such other external projections as are prescribed herein.

§ 78.291–2 *Lagging.* (a) Not a specification requirement. If applied, the tank shell and expension dome must be lagged with an approved insulation material of a thickness so that the thermal conductance is not more than 0.225 B. t. u. per square foot, per degree Fahrenheit differential in temperature per hour at 60 degrees. The entire insulation must be covered with a metal jacket not less than ⅛ inch in thickness and efficiently flashed around all openings so as to be weathertight. When heater systems are attached to the exterior of tank, the lagging over each heater element may be reduced in thickness.

(b) Before lagging is applied, the tank surface and the inside surface of the metal jacket shall be given a protective coating.

§ 78.291–3 *Bursting pressure.* (a) The calculated bursting pressure based on the lowest tensile strength of the plate and the efficiency of the longitudinal welded joint, must be at least 240 pounds per square inch.

§ 78.291–4 *Thickness of plates.* (a) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula, but in no case shall the wall thickness be less than that specified in paragraph (b) of this section:

$$t=\frac{Pd}{2SE}$$

where
$t$ = thickness in inches of thinnest plate;
$P$ = calculated bursting pressure pounds per square inch;
$d$ = inside diameter in inches;
$S$ = minimum ultimate tensile strength in pounds per square inch as follows:

ASTM B–178 Alloy 996A = 9,500 p. s. i.
ASTM B–178 Alloy 990A = 11,000 p. s. i.
ASTM B–178 Alloy M1A = 14,000 p. s. i.
ASTM B–178 Alloy GR20A = 25,000 p. s. i.
ASTM B–178 Alloy GS11A = 24,000 p. s. i.
ASTM B–178 Alloy GR40A = 30,000 p. s. i.

$E$ = efficiency of longitudinal welded joint = 90 percent.

(b) The minimum thickness of plates must be as follows:

| | Inch |
|---|---|
| Bottom sheet | 5/8 |
| Shell sheet | ½ |
| Expansion dome sheet | ½ |
| Tank head (dished) | 5/8 |
| Tank head (ellipsoidal) | ½ |
| Expansion dome head (dished or ellipsoidal) | ½ |

(c) The minimum width of bottom sheet of tank must be 60 inches, measured on the arc, but in all cases the width must be sufficient to bring the entire width of the longitudinal welded joint, including welds, above the cradle.

(d) For tanks built of one piece cylindrical sections, the thickness specified for bottom sheet must apply to the entire cylindrical shell.

(e) The thickness of a dished tank head must be determined by the following formula, but shall in no case be less than that specified in paragaph (b) of this section:

$$t=\frac{5PL}{6SE}$$

where
$t$ = thickness of plate in inches;
$P$ = calculated bursting pressure, pounds per square inch;
$L$ = main inside radius to which head is dished measured on concave side of head in inches;
$S$ = minimum ultimate tensile strength in pounds per square inch (see paragraph (a) of this section);
$E$ = efficiency of welded joint.

When head is formed from one piece, the efficiency may be considered as 100 percent.

(f) The thickness of an ellipsoidal head shall be determined by the following formula:

$$t=\frac{Pd}{2SE}$$

where
$t$ = thickness of plate in inches;
$P$ = calculated bursting pressure, pounds per square inch;
$d$ = inside diameter in inches;
$S$ = minimum ultimate tensile strength in pounds per square inch (see paragraph (a) of this section);
$E$ = efficiency of welded joint.

When head is formed from one piece, the efficiency may be considered as 100 percent.

§ 78.291–5 *Material.* (a) All plates for tank and expansion dome must be of an aluminum alloy to an approved specification and be suitable for fusion welding and not subject to rapid deterioration by the lading.

(b) Aluminum alloy castings for fittings or attachment to tank must be made of material to an approved specification.

(c) All rivets must be made of aluminum alloy to an approved specification They must be handled and driven in a manner that will insure the requisite strength.

(d) All external projections which may be in contact with the lading must be made of material specified herein.

§ 78.291–6 *Tank heads.* (a) Tank heads must be of approved contour, and may be dished or ellipsoidal for pressure on concave side.

(b) Dished heads must have main inside radius not exceeding 10 feet. The inside knuckle radius must not be less than 5 inches.

(c) Ellipsoidal tank head shall be an ellipsoid of revolution in which the major axis shall equal the diameter of the shell and the minor axis shall be ½ the major axis.

§ 78.291–7 *Welding.* (a) All joints must be fusion welded by a process which investigation and laboratory tests by the Mechanical Division of the Association of American Railroads have proved will produce satisfactory results. Fusion welding to be performed by fabricators certified by the Association of American Railroads as qualified to meet the requirements of this specification. All joints must be fabricated by means of fusion welding in accordance with the requirements of AAR Welding Code, Appendix "W".

§ 78.291–8 *Manway ring, safety valve flange, and bottom outlet nozzle flange or other attachments.* (a) These attachments may be riveted or fusion welded. Riveted joints must be made metal to metal without interposition of other material. Rivets must be calked inside. For computing rivet areas the effective diameter of a driven rivet is the diameter of its reamed hole, which hole must in no case exceed nominal diameter of rivet by more than 1/16 inch. Use of rivets of less than 5/8" nominal diameter prohibited. Fusion welding for securing these attachments in place must be of double welded butt joint type or double full-fillet lap joint type.

(b) *Calking.* All attachments riveted to the tank must have the rivets calked and the joints formed by attachments calked on the inside of tank.

§ 78.291–9 *Stress relieving.* (a) Not a specification requirement.



§ 78.291–10 *Tank mounting.* (a) The manner in which tank is supported on and securely attached to the car structure must be approved.

(b) The use of rivets as a means of securing anchor to the tank is prohibited.

§ 78.291–11 *Expansion dome.* (a) The expansion dome must have a capacity, measured from the inside top of shell of tank to the inside top of dome or bottom of any vent pipe projecting inside of dome, of at least two per cent of the total capacity of the tank and dome combined, except that when safety valve or vent is applied to side of dome, the effective capacity of dome must be measured from top of safety valve or safety vent opening in the side of dome to inside top of shell of tank.

(b) The opening in manway ring must be at least 16 inches in diameter. The opening in the tank shell within the dome must be at least 29 inches in diameter. When the opening in the tank shell exceeds 30 inches in diameter, the opening must be reinforced in an approved manner. When the opening in the tank shell is less than the inside diameter of the dome, and the dome pocket is not closed off in an approved manner, dome pocket drain holes must be provided in the tank shell with nipples projecting inside the tank at least 1 inch.

(c) The dome head must be of approved contour. The dome head must be of an aluminum alloy.

(d) The dome shell thickness shall be calculated by the formula in § 78.291–4 (a).

(e) The dome head, if dished, must be dished to a radius not exceeding 96 inches. Thickness of the dished dome head shall be calculated by the formula in § 78.291–4 (e).

(f) Dome head may be an ellipsoid of revolution in which the major axis shall be equal to the diameter of the dome shell and the minor axis shall be one-half of the major axis. The thickness in this case shall be determined by using formula of the main head. (See § 78.291–4 (f).)

(g) Tank shell shall be reinforced by the addition of a plate equal to or greater than shell in thickness and the cross sectional area shall exceed metal removed for dome opening, or tank shell shall be reinforced by a seamless saddle plate equal to or greater than shell in thickness and butt welded to tank shell. The reinforcing saddle plate shall be provided with a flued opening having a vertical flange of the diameter of the dome for butt welding shell of dome to the flange. The reinforcing saddle plate shall extend about the dome a distance measured along shell of tank at least equal to the extension at top of tank. Other approved designs may be used.

§ 78.291–12 *Closure for manway.* (a) The manway cover must be of approved type and designed to make it impossible to remove the cover while the interior of the tank is subjected to pressure.

(b) Manway covers must be made of cast, forged or fabricated aluminum alloys or other approved materials. Manway rings must be made of cast, forged or fabricated aluminum alloys and must be of good weldable quality in conjunction with the metal of dome.

(c) All covers not hinged to tank must be attached to outside of the dome head, by at least ⅜ inch chain or its equivalent.

(d) All joints between manway covers and their seats must be made tight against leakage of vapor and liquid by use of gaskets of suitable material.

§ 78.291–13 *Gauging, bottom outlet valve operating, venting, loading, and unloading, and air inlet devices extending through domes of tanks.* (a) Not specification requirements. When installed, these devices, including their valves, must be of approved designs and must be made of materials not subject to rapid deterioration by the lading. These devices including their valves must be provided with a protective housing. Unloading pipe must be securely anchored with the tank. Provision must be made for closing pipe connections of valves.

§ 78.291–14 *Bottom outlets.* (a) The bottom outlet, when installed must be made of material not subject to rapid deterioration by the lading, be of approved construction, and be provided with a valve at its upper end and a liquid-tight closure at its lower end.

(b) The valve operating mechanism and outlet nozzle constructions must be such as to insure against unseating of valve due to stresses or shocks incident to transportation.

(c) Bottom outlet nozzle may be cast, fabricated or forged metal. The nozzle must be of good weldable quality in conjunction with metal of tank.

(d) To provide for the attachment of standard unloading connections, the bottom of the main portion of the outlet valve nozzle, or some fixed attachment thereto, must be equipped with a flange or with external Unified Form Threads, 4 threads to the inch.

(e) For outlet nozzles that project six inches or more from shell of tank a "V" groove must be cut (not cast) in the upper part of outlet valve nozzle at a point immediately below the lowest part of valve to a depth that will leave thickness of nozzle wall at the root of the "V" not over ⅜ inch. In the case of steam jacketed outlet nozzles this groove must be below the steam chamber but above the bottom of center sill construction. Where outlet nozzle is not a single piece, arrangement must be made to provide the equivalent of the breakage groove.

(f) The flange on the outlet nozzle must be of a thickness which will prevent distortion of the valve seat or valve by any change in contour of the shell resulting from expansion of lading, or other causes, and which will insure that accidental breakage of the outlet nozzle will occur at or below the "V" groove.

(g) The valve must have no wings or stem projecting below the "V" groove in the outlet nozzle. The valve and seat must be readily accessible or removable for repairs, including grinding.

(h) The valve operating mechanism must have means for compensating for variation in the vertical diameter of the tank produced by expansion, weight of the liquid contents, or other causes, and should operate from the interior of the tank, but in the event the rod is carried through the dome, leakage must be prevented by packing in stuffing box and cap nut.

(i) In no case must extreme projection of bottom outlet equipment extend to within 12 inches above top of rail. All bottom outlet reducers and closures and their attachments must be secured to car by at least ⅜ inch chain or its equivalent, except that outlet closure plugs may be attached by ¼ inch chain. When the bottom outlet closure is of the combination cap and valve type, the pipe connection to the valve must be closed by a plug or cap.

§ 78.291–15 *Safety valves.* (a) The tank must be equipped with one or more safety valves of approved design mounted on expansion dome. Total valve discharge capacity must be sufficient to prevent building up of pressure in the tank in excess of 45 pounds per square inch.

(b) One safety valve must be provided for each tank of 6,650 gallons capacity or less, and two safety valves for each tank of over 6,650 gallons capacity.

(c) Each safety valve must be set to open at a pressure of 35 pounds per square inch and be vapor-tight at 28 pounds per square inch. (For tolerance see § 78.291–20 (a).)

(d) Tanks used for the transportation of corrosive liquids, flammable solids, oxidizing materials or poisonous liquids or solids, class B, need not be equipped with safety valves, but if not so equipped must have one safety vent made of approved material at least 1¾ inches inside diameter closed with a frangible disc of suitable material, of a thickness that will rupture at a pressure not exceeding 45 pounds per square inch. Means for holding in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement. All tanks equipped with vents must be stenciled "Not For Flammable Liquids".

(e) Safety valve or safety vent flanges, if welded to dome, must be of cast, forged or fabricated metal and be of good weldable quality in conjunction with metal of dome.

§ 78.291–16 *Fixtures, reinforcements and attachments not otherwise specified.* (a) All attachments to tank and dome must be applied by approved means. When attachments are riveted the edges of plates must be beveled so that the angle of the calking edge will be between 60 and 70 degrees with the flat surface of the attachment. The extreme calking edge distance, measured from center line of rivet hole, must be at least 1½ times the diameter of the hole and not more than that distance plus ¼ inch. The joints formed by attachment of all riveted external projections must be calked on the inside. All rivet heads on the inside and outside of tank and dome must be calked. Split calking is prohibited. Interior heater systems, when installed, must be so constructed that the breaking off of their external connections

will not cause leakage of contents of tank.

§ 78.291–17 *Interior heater systems.* (a) See §§ 78.260 and 78.261, heater systems.

(b) Interior heater system and plug flanges, if welded to tank or dome, must be of cast, forged, or fabricated metal and be of good weldable quality in conjunction with metal of tank or dome.

§ 78.291–18 *Closures for openings.* (a) All plugs must be solid, of cast, rolled or forged metal of approved material with standard pipe thread, of a length which will screw at least six threads inside the face of fitting or tank. Plugs when inserted from the outside of tank must have the letter "S" at least ⅜ inch in size stamped with steel stamp or cast on the outside surface to indicate the plug is solid.

§ 78.291–19 *Test of tanks.* (a) Each tank must be tested, before being put into service, by completely filling tank and dome with water, or other liquid having similar viscosity, of a temperature which must not exceed 100 degrees Fahrenheit during the test, and applying a pressure of 60 pounds per square inch. Tank must hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress. All rivets and closures, except safety valves or safety vents, must be in place while test is made.

(b) If tanks are to be lagged, the test of tank must be made before lagging is applied.

(c) Calking of welded joints to stop leaks developed during the foregoing tests prohibited. Repairs in welded joints must be made as prescribed in § 78.291–7 (a).

(d) Test of interior heater systems. Before interior heater systems are placed in service, they must be tested with hydrostatic pressure and must be tight at 200 pounds per square inch.

§ 78.291–20 *Tests of safety valves.* (a) Each valve must be tested, before being put into service, by attaching to an air line and applying pressure. The valve must not leak below 28 pounds pressure. The valve must open at the pressure prescribed in § 78.291–15 (c), with a plus or minus 3 pounds.

§ 78.291–21 *Marking.* (a) Each tank must be marked, thus certifying that the tank complies with all the requirements of this specification. These marks must be as follows:

(1) ICC–103AL–W and specification number of material used in tank shell and expansion dome in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. ICC–103AL–W must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high by the party assembling the completed car.

(2) Initials of tank builder and date of original test of tank in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (1) of this paragraph.

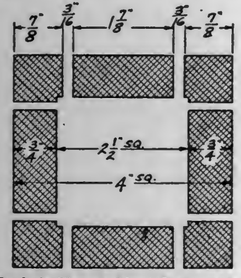
(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car. These marks must also be stenciled on the tank, or jacket if lagged, in letters and figures at least two inches high immediately below the stenciled mark specified in subparagraph (1) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(6) Date on which interior heater systems were last tested, pressure to which tested, place where test was made, and by whom, stenciled on tank, or jacket if lagged.

(7) Identification mark, illustrated herein, for approved manway closure must be stenciled on each side of dome, or jacket if lagged, in line with the ladders and in a color contrasting to color of dome.




Manhole Closure Identification Mark
(Reduced size)

(8) When a tank car and its appurtenances are designed and authorized for the transportation of a particular commodity only, the name of that commodity followed by the word "only", or such other wording as may be required to indicate the limits of usage of the car, must be stenciled on each side of the tank, or jacket if lagged, in letters at least 1 inch high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

§ 78.291–22 *Reports.* (a) Before a tank car is placed in service, the party assembling the completed car must furnish to the car owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of welded repairs to, alterations of or additions to tanks or equipment from original design and construction, all of which must be approved, there must be furnished to the same parties a report in detail of the welded repairs, alterations or additions made to each tank covered by a particular application, showing the initials and numbers of each tank involved. Reports of retests must be rendered to the Bureau of Explosives and the car owner.

36. Amend entire § 78.292 (19 F. R. 3265, June 3, 1954) (16 F. R. 5334, 5335, June 6, 1951) (16 F. R. 5768, June 16, 1951) (49 CFR 1950 Rev., 1954 Supp., 78.292) to read as follows:

§ 78.292 *Specification ICC–103A–AL–W; fusion-welded aluminum tanks to be mounted on or forming part of a car.* (a) Wherever the word "approved" is used in this specification, it means approval by the Association of American Railroads Committee on Tank Cars as prescribed in § 78.259 (a), (b), (c) and (d).

§ 78.292–1 *Type.* (a) Tanks built under this specification must be cylindrical, with heads designed convex outward, and must have at least one expansion dome with manway, and such other external projections as are prescribed herein.

§ 78.292–2 *Lagging.* (a) Not a specification requirement. If applied, the tank shell and expansion dome must be lagged with an approved insulation material of a thickness so that the thermal conductance is not more than 0.225 B. t. u. per square foot, per degree Fahrenheit differential in temperature per hour at 60 degrees. The entire insulation must be covered with a metal jacket not less than ⅛ inch in thickness and efficiently flashed around all openings so as to be weather tight. When heater systems are attached to the exterior of tank, the lagging over each heater element may be reduced in thickness.

(b) Before lagging is applied, the tank surface and the inside surface of the metal jacket shall be given a protective coating.

§ 78.292–3 *Bursting pressure.* (a) The calculated bursting pressure, based on the lowest tensile strength of the plate and the efficiency of the longitudinal welded joint, must be at least 240 pounds per square inch.

§ 78.292–4 *Thickness of plates.* (a) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula, but in no case shall the wall thickness be less than that specified in paragraph (b) of this section:

$$t=\frac{Pd}{2SE}$$

where

$t$ = thickness in inches of thinnest plate;
$P$ = calculated bursting pressure pounds per square inch;
$d$ = inside diameter in inches;
$S$ = minimum ultimate tensile strength pounds per square inch as follows:

ASTM B–178 Alloy 996A = 9,500 p. s. i.
ASTM B–178 Alloy 990A = 11,000 p. s. i.
ASTM B–178 Alloy M1A = 14,000 p. s. i.
ASTM B–178 Alloy GR20A = 25,000 p. s. i.
ASTM B–178 Alloy GS11A = 24,000 p. s. i.
ASTM B–178 Alloy GR40A = 30,000 p. s. i.

$E$ = efficiency of longitudinal welded joint = 90 percent.



(b) The minimum thickness of plates must be as follows:

| | Inch |
|---|---|
| Bottom sheet | ⅝ |
| Shell sheet | ½ |
| Expansion dome sheet | ½ |
| Tank head (dished) | ⅝ |
| Tank head (ellipsoidal) | ½ |
| Expansion dome head (dished or ellipsoidal) | ½ |

(c) The minimum width of bottom sheet of tank must be 60 inches, measured on the arc, but in all cases the width must be sufficient to bring the entire width of the longitudinal welded joint, including welds, above the cradle.

(d) For tanks built of one piece cylindrical sections, the thickness specified for bottom sheet must apply to the entire cylindrical shell.

(e) The thickness of a dished tank head must be determined by the following formula but shall in no case be less than that specified in paragraph (b) of this section:

$$t=\frac{5PL}{6SE}$$

where

$t$ = thickness of plate in inches;
$P$ = calculated bursting pressure pounds per square inch;
$L$ = main inside radius to which head is dished measured on concave side of head in inches;
$S$ = minimum ultimate tensile strength in pounds per square inch (see paragraph (a) of this section;
$E$ = efficiency of welded joint to shell = 100 percent.

(f) The thickness of an ellipsoidal head shall be determined by the following formula:

$$t=\frac{Pd}{2SE}$$

where

$t$ = thickness of plate in inches;
$P$ = calculated bursting pressure pounds per square inch;
$d$ = inside diameter in inches;
$S$ = minimum ultimate tensile strength in pounds per square inch (see paragraph (a) of this section).
$E$ = efficiency of welded joint to shell = 100 percent.

§ 78.292–5 *Material.* (a) All plates for tank and expansion dome must be made of an aluminum alloy to an approved specification and be suitable for fusion welding and not subject to rapid deterioration by the lading.

(b) Aluminum alloy castings used for fittings or attachment to tank must be made of material to an approved specification.

(c) All rivets must be of aluminum alloy to an approved specification. They must be handled and driven in a manner that will insure the requisite strength.

(d) All external projections which may be in contact with the lading must be made of material specified herein.

§ 78.292–6 *Tank heads.* (a) Tank heads must be of approved contour, and may be dished or ellipsoidal for pressure on concave side.

(b) Dished heads must have main inside radius not exceeding 10 feet. The inside knuckle radius must not be less than 5 inches.

(c) Ellipsoidal tank head shall be an ellipsoid of revolution in which the major axis shall equal the diameter of the shell and the minor axis shall be ½ of the major axis.

§ 78.292–7 *Welding.* (a) All joints must be fusion-welded by a process which investigation and laboratory tests by the Mechanical Division of the Association of American Railroads have proved will produce satisfactory results. Fusion-welding to be performed by fabricators certified by the Association of American Railroads as qualified to meet the requirements of this specification. All joints must be fabricated by means of fusion-welding in accordance with the requirements of AAR Welding Code Appendix "W".

§ 78.292–8 *Manway ring, safety valve flange and bottom outlet nozzle flange or other attachments.* (a) These attachments may be riveted or fusion-welded. Riveted joints must be made metal to metal without interposition of other material. Rivets must be calked inside and outside. For computing rivet areas, the effective diameter of a driven rivet is the diameter of its reamed hole, which hole must in no case exceed nominal diameter of rivet by more than 1/16 inch. Use of rivets of less than ⅝ inch nominal diameter prohibited. Fusion-welding for securing these attachments in place must be of double welded butt joint type or double full-fillet lap joint type.

(b) *Calking.* All attachments riveted to tank must have the rivets and the joints formed by attachments calked on the inside of tank.

§ 78.292–9 *Stress-relieving.* (a) Not a specification requirement.

§ 78.292–10 *Tank mounting.* (a) The manner in which the tank is supported on and securely attached to the car structure must be approved.

(b) The use of rivets as a means of securing the anchor to the tank is prohibited.

§ 78.292–11 *Expansion dome.* (a) The expansion dome must have a capacity, measured from the inside top of shell of tank to the inside top of dome or bottom of any vent pipe projecting inside of dome, of at least one percent of the total capacity of the tank and dome combined, except that when safety vent is applied to side of dome, the effective capacity of dome must be measured from top of safety vent opening in the side of dome to inside top of shell of tank.

(b) The opening in manway ring must be at least 16 inches in diameter. The opening in the tank shell within the dome must be at least 29 inches in diameter. When the opening in the tank shell exceeds 30 inches in diameter the opening must be reinforced in an approved manner. When the opening in the tank shell is less than the inside diameter of the dome, and the dome pocket is not closed off in an approved manner, dome pocket drain holes must be provided in the tank shell with nipples projecting inside the tank at least 1 inch.

(c) The dome head must be of approved contour. The dome head must be of an aluminum alloy.

(d) The dome shell thickness shall be calculated by the formula in § 78.292–4 (e).

(e) The dome head, if dished, must be dished to a radius not exceeding 96 inches. Thickness of the dished dome head shall be calculated by the formula in § 78.292–4 (e).

(f) Dome head may be an ellipsoid of revolution in which the major axis shall be equal to the diameter of the dome shell and the minor axis shall be ½ of the major axis. The thickness in this case shall be determined by using formula of the main head. (See § 78.292–4 (f).)

(g) Tank shell shall be reinforced by the addition of a plate equal to or greater than shell in thickness and the cross sectional area shall exceed metal removed from dome opening, or tank shell shall be reinforced by a seamless saddle plate equal to or greater than shell in thickness and butt welded to tank shell. The reinforcing saddle plate shall be provided with a flued opening having a vertical flange of the diameter of the dome for butt welding shell of dome flange. The reinforcing saddle plate shall extend about the dome a distance measured along shell of tank at least equal to the extension at top of tank. Other approved designs may be used.

§ 78.292–12 *Closure for manway.* (a) The manway cover must be of approved type and designed to provide a secure closure of the manway.

(b) Manway covers must be of cast, forged or fabricated aluminum alloys or other approved materials. Manway rings must be made of cast, forged or fabricated aluminum alloys and must be of good weldable quality in conjunction with the metal of dome.

(c) Chains, if used to attach manway covers to outside of dome head, must be at least ⅜ inch or its equivalent.

(d) All joints between manway covers and their seats must be made tight against leakage of vapor and liquid by use of gaskets of suitable material.

§ 78.292–13 *Gauging, venting, loading and unloading, and air inlet devices extending through domes of tanks.* (a) When installed these devices must be of an approved design and made of materials not subject to rapid deterioration by the lading, and must be tightly closed. Protective housing not required, except as prescribed in paragraph (b) of this section. Unloading pipe must be securely anchored within the tank.

(b) When the characteristics of the commodity for which the car is authorized are such that these devices must be equipped with valves to provide for the loading and unloading of the contents, these devices including valves must be of an approved design and be provided with a protective housing. Provision must be made for closing pipe connections of valves.

§ 78.292–14 *Bottom outlets.* (a) Bottom outlet is prohibited, but tank may be equipped with a bottom washout nozzle of aluminum alloy not subject to rapid deterioration by the lading, which must be of approved construction com-

plying with the following requirements:

(1) The construction and closure of the bottom washout nozzle must be such that it is liquid tight and should the nozzle be broken, loss of contents will not occur.

(2) The extreme projection of the bottom washout nozzle must be at least 12 inches above the top of rail.

(3) Bottom washout nozzle may be cast, fabricated or forged metal. The nozzle must be of good weldable quality in conjunction with metal of tank.

(4) For bottom washout nozzles that project 6 inches or more from shell of tank, a "V" groove must be cut (not cast) in the upper part of bottom washout nozzle at a point immediately below lowest part of inside closure seat to a depth that will leave thickness of nozzle at the root of the "V" not over ⅜ inch. Where bottom washout nozzle is not a single piece, arrangement must be made to provide the equivalent of the breakage groove.

(5) The flange on the bottom washout nozzle must be of a thickness which will prevent distortion of the inside closure seat or closure casting by any change in contour of the shell, resulting from expansion of lading, or other causes, and which will insure that accidental breakage of the washout nozzle will occur at or below the "V" groove.

(6) The closure casting must not project below the "V" groove in the washout nozzle. The closure casting and seat must be readily accessible for repairs, including grinding.

§ 78.292–15 *Safety devices.* (a) The tank must be equipped with a safety valve or safety vent at least 1¾ inches inside diameter mounted on top of expansion dome. Total valve discharge capacity must be sufficient to prevent building up pressure in tank in excess of 45 pounds per square inch.

(b) At least one safety valve or vent must be provided for each tank.

(c) The safety valve, if used, must be set to open at a pressure of 35 pounds per square inch and be vapor tight at 28 pounds per square inch. (For tolerance see § 78.292–20 (a).)

(d) If tank is equipped with a safety vent it must be closed with a frangible disc of suitable material of a thickness that will rupture at a pressure not exceeding 45 pounds per square inch. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement. Tanks may also be equipped with an approved device that will permit continuous venting.

(e) Safety valve or safety vent flanges, if welded to dome, must be of cast, forged or fabricated metal and be of good weldable quality in conjunction with metal of dome.

§ 78.292–16 *Fixtures, reinforcements and attachments not otherwise specified.* (a) All attachments to tank and dome must be applied by approved means. When attachments are riveted, the edges of plates must be beveled so that the angle of the calking edge will be between 60 and 70 degrees with the flat surface of the attachment. The extreme calking edge distance, measured from center line of rivet hole, must be at least 1½ times the diameter of the hole and not more than that distance plus ¼ inch. The joints formed by attachment of all riveted external projections must be calked on the inside. All rivet heads on the inside and outside of tank and dome must be calked. Split calking is prohibited. Interior heater systems, when installed, must be so constructed that the breaking off of their external connections will not cause leakage of contents of tank.

§ 78.292–17 *Interior heating systems.* (a) See §§ 78.260 and 78.261, heater systems.

(b) Interior heater system and plug flanges, if welded to tank or dome, must be of cast, forged or fabricated metal and be of good weldable quality in conjunction with metal of tank or dome.

§ 78.292–18 *Closures for openings.* (a) All plugs must be solid, of cast, rolled or forged metal of approved material with standard pipe thread, of a length which will screw at least 6 threads inside the face of fitting or tank. Plugs when inserted from the outside of tank must have the letter "S" at least ⅜ inch in size stamped with steel stamp or cast on the outside surface to indicate the plug is solid.

§ 78.292–19 *Test of tanks.* (a) Each tank must be tested, before being put into service, by completely filling tank and dome with water, or other liquid having similar viscosity, of a temperature which must not exceed 100 degrees Fahrenheit during the test, and applying a pressure of 60 pounds per square inch. Tank must hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress. All rivets and closures except safety valves or safety vents, must be in place while test is made.

(b) If tanks are to be lagged, the test of tank must be made before lagging is applied.

(c) Calking of welded joints to stop leaks developed during the foregoing test is prohibited. Repairs in welded joints must be made as prescribed in § 78.292–7 (a).

(d) Test of interior heater systems. Before interior heater systems are placed in service, they must be tested with hydrostatic pressure and must be tight at 200 pounds per square inch.

§ 78.292–20 *Tests of safety valves.* (a) Valve must be tested before being put into service, by attaching to an air line and applying pressure. The valve must open at the pressure prescribed in § 78.292–15 (c) with a tolerance of minus 3 pounds.

§ 78.292–21 *Marking.* (a) Each tank must be marked, thus certifying that the tank complies with all the requirements of this specification. These marks must be as follows:

(1) ICC–103A–AL–W and specification number of material used in tank shell and expansion dome in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. ICC–103A–AL–W must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high by the party assembling the completed car.

(2) Initials of tank builder and date of original test of tank in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (1) of this paragraph.

(3) Initials of company and dates of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph, by the party assembling the completed car. These marks must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high immediately below the stenciled mark specified in subparagraph (1) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank or jacket if lagged.

(6) Date on which interior heater systems were last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(7) When a tank car and its appurtenances are designed and authorized for the transportation of a particular commodity only, the name of that commodity followed by the word "only", or such other wording as may be required to indicate the limits of usage of the car, must be stenciled on each side of the tank, or jacket if lagged, in letters at least 1 inch high immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

§ 78.292–22 *Reports.* (a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of welded repairs to, alterations of or additions to tanks or equipment from original design and construction, all of which must be approved, there must be furnished to the same parties a report in detail of the welded repairs, alterations or additions made to each tank covered by a particular application, showing the initials and numbers of each tank involved. Reports of retests must be rendered to the Bureau of Explosives and car owner.

37. Amend entire § 78.293 (18 F. R. 806, Feb. 7, 1953) (16 F. R. 9381, Sept. 15, 1951) (16 F. R. 5335 to 5341, June 6, 1951) (16 F. R. 5768, June 16, 1951) (49 CFR 1950 Rev., 1954 Supp., 78.293) to read as follows:



§ 78.293 *Specification ICC–110A500–W; metallic arc fusion-welded steel tanks to be mounted on a car.* (a) Wherever the word "approved" is used in this specification, it means approval by the Association of American Railroads Committee on Tank Cars as prescribed in § 78.259 (a), (b), (c) and (d).

§ 78.293–1 *Type and general requirements.* (a) Tanks built under this specification must be cylindrical with heads designed convex outward. All operating fittings must be located in one of the heads, and no openings of any sort are permitted in the cylindrical shell. Tanks must be securely attached to the car structure in a manner such that they may be removed for filling by the consignor and emptying by the consignee. Each tank must have a capacity of at least 1,600 pounds of water and not more than 2,600 pounds of water.

(b) The tanks must be fabricated by approved methods.

(c) For tanks made in foreign countries, a chemical analysis of material and all tests as specified must be carried out within the limits of the United States under supervision of a competent and disinterested inspector.

§ 78.293–2 *Thickness of plates.* (a) The wall thickness of the cylindrical portion of the tank must not be less than 11/32 inch and, in addition, must not be less than that calculated by the following formula:

$$t=\frac{Pd}{2SE}$$

where

$t$ = thickness in inches of thinnest plate;
$P$ = calculated bursting pressure in pounds per square inch, 1,250 pounds per square inch gauge minimum;
$d$ = inside diameter in inches;
$S$ = minimum specified ultimate tensile strength of plate in pounds per square inch;
$E$ = efficiency of butt-welded joint = 90 percent.

§ 78.293–3 *Material.* (a) All plates for the tank must be made of open-hearth or electric furnace boiler plate steel to an approved specification, the carbon content of which shall not exceed 0.31 percent. These plates may also be clad with other metals, such as nickel.

(b) All plates must have their heat number and the name or brand of the manufacturer legibly stamped on them at the rolling mill.

(c) Lining is not a specification requirement. If applied, must be approved as to material and method of application.

§ 78.293–4 *Tank heads.* (a) The tank heads must be hot pressed with a straight flange of at least 1½ inches and with a radius of dish not greater than the diameter of the tank. The inside knuckle radius must not be less than 6 percent of the inside diameter of the vessel.

(b) The heads must be of one piece and either designed torispherical or ellipsoidal in form and designed convex outward. The thickness of the heads shall not be less than that determined by the following formula:

$$t=\frac{5PL}{6SE}$$

(2) For ellipsoidal heads having a ratio of major to minor axis of 2 to 1

$$t=\frac{Pd}{2SE}$$

where

$t$ = minimum thickness in inches of finished head;
$P$ = minimum bursting pressure = 1,250 pounds per square inch gauge;
$S$ = minimum specified ultimate tensile strength of plate material in pounds per square inch;
$d$ = inside diameter in inches;
$L$ = inside radius of dish;
$E$ = 1.0 for heads made from one plate.

(c) Threads for openings for tank heads must be American Standard Taper, tapped to gauge, clean cut, even and without checks to insure tight joints. If the thickness of the heads is not sufficient to give an adequate length of thread, the thickness must be increased by welding into the head a plate of sufficient thickness and of the same material as the head. The outside diameter of such plate must be at least twice the nominal diameter of the threaded opening.

§ 78.293–5 *Welding.* (a) All joints must be fusion-welded by a process which investigation and laboratory tests by the Mechanical Division of the Association of American Railroads have proved will produce satisfactory results. Fusion-welding to be performed by fabricators certified by Association of American Railroads as qualified to meet the requirements of this specification. All joints must be fabricated by means of fusion-welding in accordance with the requirements of A. A. R. Welding Code Appendix W.

§ 78.293–6 *Stress-relieving.* (a) All welding of the tank and of attachments welded directly thereto must be stress-relieved as a unit.

§ 78.293–7 *Tank mounting.* (a) The manner in which the tanks are supported on and securely attached to the car structure must be approved.

§ 78.293–8 *Protective rings.* (a) A plate ring flange must be welded to the outside of each head and extending a greater distance beyond the head than any fitting or attachment to the head, including the housing referred to in § 78.293–9 (a). This flange must be at least as thick as the shell plates and must slope or curve inward toward the axis such that the diameter at the outboard end is at least 2 inches less than the maximum diameter.

§ 78.293–9 *Protective housing and cover.* (a) All operating fittings shall be located in one head. Valves and other closures of openings in tank heads, except fusible plug vents and drain plugs, must be protected against accidental injury by a detachable cast or pressed shell housing at least 5/16 inch thick, which must not project beyond the protective ring on the end of the tank and must be securely fastened to the tank head. This housing must be provided with an opening having an area equal to the total safety valve or vent discharge area.

(b) The upper head of tanks mounted vertically on car structure must be completely covered by a light metal cover designed to exclude moisture, cinders, and other foreign matter, and to be displaced by pressure of gas discharged through safety valves or vents.

§ 78.293–10 *Venting, loading and unloading valves.* (a) These valves must be of approved type, made of metal not subject to rapid deterioration by lading, and must withstand a pressure of 500 pounds per square inch without leakage. The valves must be screwed directly into tank heads or attached to tank heads by other approved methods. Provision must be made for closing the pipe connections of the valves.

§ 78.293–11 *Safety valves or vents.* (a) Unless prohibited for type of service in which tank is used, the tank must be equipped with one or more safety valves or vents of approved type, made of metal not subject to rapid deterioration by the lading and screwed directly into tank heads or attached to tank heads by other approved method. The total valve or vent discharge capacity must be sufficient to prevent building up pressure in tank in excess of ¾ the test pressure; when safety vents of the fusible plug type are used, the required discharge capacity must be available in each head.

(b) Tanks mounted vertically on the car structure must have safety valves, or vents of the frangible disc type, which must be located on the upper head.

(c) Safety valves must be set to open and vents of the frangible disc type must function at a pressure of not exceeding 375 pounds per square inch. Vents of the fusible plug type must function at a temperature of not exceeding 175 degrees Fahrenheit. (For tolerance see § 78.293–14.)

§ 78.293–12 *Fixtures.* (a) Siphon pipes and their couplings on the inside of the tank head and lugs on the outside of the tank head for attaching the valve protection housing may be fusion-welded in place, provided they are properly heat-treated at the time the entire tank is heat-treated. All other fixtures and appurtenances, except as provided for in §§ 78.293–7, 78.293–8, 78.293–9, 78.293–10 and 78.293–11 are prohibited.

§ 78.293–13 *Tests of tanks.* (a) After heat-treatment each tank must be tested, before being put into service, by completely filling the tank with water or other liquid of a similar viscosity of a temperature which must not exceed 100 degrees Fahrenheit during the test and applying a pressure of 500 pounds per square inch. Tank must hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress.

(b) Calking of welded joints to stop leaks developed during tests is prohibited. Repairs in welded joints must be made as prescribed in § 78.293–5.

§ 78.293–14 *Tests of safety valves and vents.* (a) Each valve must be tested by air or gas before being put into service and also at intervals as prescribed by retest table No. 2 of § 73.31 of this chap-

ter. The valve must open at a pressure not exceeding 375 pounds per square inch and be vapor tight at 300 pounds per square inch, which limiting pressures must not be affected by any auxiliary closure or other combination.

(b) For safety vents of the frangible disc type, a sample of the disc used must burst at a pressure of not exceeding 375 pounds per square inch and be vapor tight at 300 pounds per square inch.

(c) For safety vents of the fusible plug type, a sample of the fusible plugs used must function at a temperature of not exceeding 175 degrees Fahrenheit and be vapor tight at a temperature of 130 degrees Fahrenheit.

§ 78.293–15 *Alterations and maintenance of tanks.* (a) All prescribed markings on tanks must be kept legible. Copy of the said markings, in letters and figures of the prescribed size stamped on a brass plate secured to the tank, is authorized. Markings must not be changed except as follows:

(1) By application of additional marks not affecting the test pressure or water capacity; these must not obliterate previously applied marks.

(2) By application of test pressure marks, or alteration of such marks, to indicate a reduced test pressure; authorized only for tanks that have not failed in the 5-year test.

(3) By change of serial numbers or ownership marks, or both; report in sufficient detail so that previous serial number and ownership mark can be determined for each tank, arranged by lot numbers or by consecutive serial numbers, must be filed with the Bureau of Explosives.

§ 78.293–16 *Marking.* (a) Each tank must be plainly and permanently marked, thus certifying that the tank complies with all the requirements of this specification. These marks must be stamped into the metal of one head or flange ring, in letters and figures at least ⅜ inch high, as follows:

(1) ICC–110A500–W.

(2) Serial number (immediately below the stamped mark specified in subparagraph (1) of this paragraph).

(3) Inspector's official mark (immediately below the stamped mark specified in subparagraph (2) of this paragraph).

(4) Name, mark (other than trademark) or initials of company or person for whose use the tanks are being made, which must be recorded with the Bureau of Explosives.

(5) Date of tank test (month and year), such as 1–54 for January 1954, so placed that dates of subsequent tests may easily be added thereto.

(6) Water capacity—0000 pounds.

(7) Tanks made of clad plates must be stenciled on the tank (naming material) _____ clad tank.

§ 78.293–17 *Inspection and reports.* (a) Purchaser of tank must provide for inspection by competent inspector as follows:

(1) The inspector must carefully inspect all plates from which tanks are to be made and records pertaining thereto, and plates which do not comply with the requirements of this specification must be rejected.

(2) The inspector must secure complete certified records, including chemical analyses and physical tests on samples taken from each heat of steel used in the manufacture of the plate.

(3) The inspector must report capacity in pounds of water and tare weight of each tank, and the minimum thickness of tank wall noted.

(4) The inspector must make such inspection as may be necessary to see that all the requirements of this specification are fully complied with, must see that the finished tanks are properly heat treated, and must witness all air and hydrostatic tests.

(5) The inspector must stamp his official mark on each accepted tank immediately below the serial number and make certified report (paragraph (b) of this section) to the builder, to the company or person for whose use the tanks are being made, to the builder of the car structure on which the tanks are to be mounted, if any, to the Bureau of Explosives, and to the Secretary, Mechanical Division, Association of American Railroads.

(b) Inspector's report required in this section must be in the following form:

(Place) _____
(Date) _____

STEEL TANKS

It is hereby certified that drawings were submitted for these tanks under A. A. R. Application for Approval No. _____ and approved by the A. A. R. Committee on Tank Cars under date of _____
Built for _____ Company
Location at _____
Built by _____ Company
Location at _____
Consigned to _____ Company
Location at _____
Quantity _____
Size _____ inches outside diameter by _____ inches long

Marks stamped into the head or chime of the tank are:

Specification ICC _____
Serial numbers _____ to _____ inclusive
Inspector's mark _____
Test date _____
Water capacity (See Record of Hydrostatic Tests).
Tare Weights (Yes or No). (See Record of Hydrostatic Tests.)
These tanks were made by process of _____

The steel used was identified as indicated by the attached list showing the serial number of each tank, followed by the heat number of the plate, head, and bottom used in the tank.

The steel used was verified as to chemical analysis and record thereof is attached hereto. The heat numbers were stamped into the metal.

All material, such as plates, billets, and seamless tubing, was inspected and each tank was inspected both before and after closing in the ends; all that was accepted was found free from seams, cracks, laminations, and other defects which might prove injurious to the strength of the tank. The processes of manufacture and heat treatment of tanks were supervised and found to be efficient and satisfactory.

The tank walls were measured and the minimum thickness noted was ____ inch. The outside diameter was determined by a close approximation to be ____ inches. The wall stress was calculated to be ____ pounds per square inch under an internal pressure of ____ pounds per square inch.

Hydrostatic tests, bend and tensile tests of material, and other tests as prescribed in this specification were made in the presence of the inspector and all material and tanks accepted were found to be in compliance with the requirements of this specification. Records thereof are attached hereto.

I hereby certify that all of these tanks proved satisfactory in every way and comply with the requirements of Interstate Commerce Commission Specification No. _____.

(Signed) _____
(Inspector)

(Place) _____
(Date) _____

RECORD OF CHEMICAL ANALYSIS OF STEEL FOR TANKS

Numbered _____ to _____ inclusive
Size _____ inches outside diameter by _____ inches long
Made by _____ Company
For _____ Company

| Heat No. | Chemical analysis | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | C | P | S. | Si | Mn | Ni | Cr | |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

The analyses were made by:

(Signed) _____
(Place) _____
(Date) _____

RECORD OF TENSILE TESTS OF MATERIAL IN TANKS

Numbered _____ to _____ inclusive
Size _____ inches outside diameter by _____ inches long
Made by _____ Company
For _____ Company

| Heat No. | Yield point (pounds per square inch) | Tensile strength (pounds per square inch) | Elongation (percent in 8 inches) | Reduction of area (percent) | Bend test |
|---|---|---|---|---|---|
| | | | | | |
| | | | | | |
| | | | | | |

(Signed) _____

RECORD OF HYDROSTATIC TESTS ON TANKS

Numbered _____ to _____ inclusive
Size _____ inches outside diameter by _____ inches long
Made by _____ Company
For _____ Company



| Serial Nos. of tanks tested | Actual test pressure (pounds per square inch) | Total expansion (cc.)[1] | Permanent expansion (cc.)[1] | Percent ratio of permanent expansion to total expansion | Tare weight pounds[2] | Capacity in pounds of water at 60° F. |
|---|---|---|---|---|---|---|
| | | | | | | |
| | | | | | | |
| | | | | | | |

[1] If the tests are made by a method involving the measurement of the amount of liquid forced into the tank by the test pressure then the basic data, on which the calculations are made, such as the pump factors, temperature of liquid coefficient of compressibility of liquid, etc., must also be given.
[2] Do not include protective housing and cover but state whether with or without valves.

(Signed) _____
(Place) _____
(Date) _____

(c) Before a tank built under this specification is placed in service, the builder must furnish the owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in proper form certifying that the tank and its appurtenances comply with all the requirements of this specification, including information as to the serial numbers, date of test, and ownership marks on the tanks. In the event the owner of the tank instead of the builder elects to furnish appurtenances such as valve protection caps, loading and unloading valves or vents of the frangible disc or fusible plug type, the owner must furnish to the Bureau of Explosives and the Secretary, Mechanical Division, Association of American Railroads, a report in proper form certifying that these appurtenances comply with all the requirements of this specification.

(d) In case of alterations of or additions to tank or equipment from original design and construction or of repairs, there must be furnished to the owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in detail of the repairs, alterations or additions made to each tank covered by a particular application, showing the serial number of each tank involved and stating that heat-treatment called for by the particular type of repair authorized has been performed and, that after repairs, alterations, or additions, the tests prescribed in § 78.293–13 were made, results of hydrostatic tests reported, and tank marked as prescribed by retest Table No. 2 of § 73.31 of this chapter.

38. Amend entire § 78.294 (18 F. R. 3145, June 2, 1953) (17 F. R. 9842, Nov. 1, 1952) (17 F. R. 7287, Aug. 9, 1952 (49 CFR 1950 Rev., 1954 Supp., 78.294) to read as follows:

§ 78.294 *Specification ICC–105A100–AL–W; lagged fusion-welded aluminum tanks to be mounted on or forming part of a car.* (a) Wherever the word "approved" is used in this specification it means approval by the Association of American Railroads Committee on Tank Cars as prescribed in § 78.259 (a), (b), (c) and (d).

No. 123——10

§ 78.294–1 *Type.* (a) Tanks built under this specification must be cylindrical, with heads designed convex outward. The tank must be provided with a manway nozzle and cover on top of the tank of sufficient diameter to permit access to the interior of the tank and to provide for the proper mounting of venting, loading, unloading, sampling and safety valves, gauging device, thermometer well and a protective housing on the cover. Other openings in the tank are prohibited.

§ 78.294–2 *Lagging.* (a) The tank shell and manway nozzle must be lagged with an approved insulation material of a thickness so the thermal conductance is not more than 0.075 B. t. u. per square foot, per degree Fahrenheit differential in temperature per hour at 60 degrees. The entire insulation must be covered with a metal jacket not less than 1/8 inch in thickness and efficiently flashed around all openings so as to be weather tight. When heater systems are attached to the exterior of the tank, the lagging over each heater element may be reduced in thickness equivalent to ½ that required for the shell.

(b) Before lagging is applied, the tank surface and the inside surface of the metal jacket shall be given a protective coating.

§ 78.294–3 *Bursting pressure.* (a) The calculated bursting pressure, based on the lowest tensile strength of the plate and the efficiency of the longitudinal welded joint, must be at least 495 pounds per square inch.

§ 78.294–4 *Thickness of plates.* (a) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula:

$$t = \frac{Pd}{2SE}$$

where
$t$ = thickness in inches of thinnest plate;
$P$ = calculated bursting pressure pounds per square inch;
$d$ = inside diameter in inches;
$S$ = minimum ultimate tensile strength in pounds per square inch as follows:

ASTM B–178 Alloy 996A = 9,500 p. s. i.
ASTM B–178 Alloy 990A = 11,000 p. s. i.
ASTM B–178 Alloy M1A = 14,000 p. s. i.
ASTM B–178 Alloy GR20A = 25,000 p. s. i.
ASTM B–178 Alloy GS11A = 24,000 p. s. i.
ASTM B–178 Alloy GR40A = 30,000 p. s. i.

$E$ = efficiency of longitudinal welded joint = 90 percent.

(b) The minimum width of bottom sheet of tank must be 60 inches, measured on the arc, but in all cases the width must be sufficient to bring the entire width of the longitudinal welded joint, including welds, above the cradle.

(c) The thickness of an ellipsoidal head shall be determined by the following formula:

$$t = \frac{Pd}{2SE}$$

where
$t$ = thickness of plate in inches;
$P$ = calculated bursting pressure, pounds per square inch;
$d$ = inside diameter in inches;
$S$ = minimum ultimate tensile strength in pounds per square inch (see paragraph (a) of this section);
$E$ = efficiency of welded joint to shell = 100 percent.

§ 78.294–5 *Manway nozzle opening.* (a) Opening in tank for manway nozzle must be reinforced in an approved manner.

§ 78.294–6 *Material.* (a) All plates for tank and manway nozzle must be made of an aluminum alloy to an approved specification and be suitable for fusion welding and not subject to rapid deterioration by the lading.

(b) Aluminum alloy castings used for fittings or attachment to tank must be made of material to an approved specification.

(c) All external projections which may be in contact with the lading must be made of material specified herein.

§ 78.294–7 *Tank heads.* (a) Tank heads must be of approved contour and must be ellipsoidal for pressure on the concave side.

(b) Ellipsoidal tank head shall be an ellipsoid of revolution in which the major axis shall equal the diameter of the shell and the minor axis shall be ½ of the major axis.

§ 78.294–8 *Welding.* (a) All joints must be fusion-welded by a process which investigation and laboratory tests by the Mechanical Division of the Association of American Railroads have proved will produce satisfactory results. Fusion-welding to be performed by fabricators certified by Association of American Railroads as qualified to meet the requirements of this specification. All joints must be fabricated by means of fusion-welding in accordance with the requirements of A. A. R. Welding Code Appendix W.

§ 78.294–9 *Stress relieving.* (a) Not a specification requirement.

§ 78.294–10 *Tank mounting.* (a) The manner in which tank is supported on and securely attached to the car structure must be approved.

(b) The use of rivets as a means of securing anchor to the tank is prohibited.

§ 78.294–11 *Manway nozzle, cover and protective housing.* (a) Manway nozzle must be of cast, forged, or fabricated aluminum alloy at least 18 inches inside diameter. Manway nozzle must be of approved design and attached to tank by fusion welding. Fusion welding for securing this attachment in place must be of the double-welded butt joint type or double full fillet lap joint type.

(b) Manway cover must be of forged or rolled aluminum alloy at least 2½ inches thick, or other approved material at least 2¼ inches thick, machined to approved dimensions. Manway cover must be attached to nozzle by through bolts not entering tank.

(c) The shearing value of the bolts attaching protective housing to manway cover must not exceed 70 percent of shearing value of bolts attaching manway cover to manway nozzle.

(d) All joints between manway cover and manway nozzle, and between manway cover and valves or other appurte-

nances mounted thereon, must be made tight against vapor pressure.

(e) Protective housing of cast or fabricated steel, or other approved materials must be bolted to manway cover. Housing must be equipped with a suitable metal cover that can be securely closed. Housing cover on tanks used for the transportation of liquefied flammable gases must be provided with an opening equipped with an approved weatherproof covering and having an area at least equal to the total safety valve discharge area. Housing cover must have suitable stop to prevent cover striking loading or unloading connections and be hinged on one side only with approved riveted pin or rod with nuts and cotters. Openings in wall of housing must be equipped with screw plugs or other closures.

§ 78.294–12 *Venting, loading and unloading, gauging and sampling devices.* (a) Venting, loading and unloading valves must be of approved type, made of metal not subject to rapid deterioration by the lading, and must withstand a pressure of 100 pounds per square inch without leakage. The valves must be directly bolted to seatings on manway cover. Pipe connections of valves must be closed with approved screw plugs chained or otherwise fastened to prevent misplacement.

(b) Interior pipes of the loading and unloading valves, except as prescribed in paragraph (d) of this section may be equipped with excess flow valves of approved design, and must be securely anchored.

(c) Gauging device, sampling valve and thermometer well are not specification requirements. When used, they must be of approved design, made of metal not subject to rapid deterioration by the lading, and must withstand a pressure of 100 pounds per square inch without leakage. Interior pipes of the gauging device and sampling valve, except as prescribed in paragraph (d) of this section, may be equipped with check valves of an approved design. Interior pipe of thermometer well must be anchored in an approved manner to prevent breakage due to vibration. The thermometer well must be closed by an approved valve attached close to the manway cover and closed by a screw plug. Other approved arrangements that permit testing thermometer well for leaks without complete removal of the closure may be used.

(d) Tanks for use in the transportation of liquefied flammable gases must have the interior pipes of the loading and unloading valves, gauging device and sampling valve equipped with check valves of an approved design.

§ 78.294–13 *Safety valves.* (a) The tank must be equipped with one or more safety valves of approved design, made of metal not subject to rapid deterioration by lading and mounted on manway cover. The total valve discharge capacity must be sufficient to prevent building up of pressure in tank in excess of 75 pounds per square inch.

(b) The safety valves must be set to open at a pressure not exceeding 75 pounds per square inch. (For tolerance see § 78.294–17 (a).)

§ 78.294–14 *Fixtures, reinforcements, and attachments, not otherwise specified.* (a) Attachments, other than the anchorage, interior pipe bracing, and those mounted on manway cover, are prohibited. Heater systems may be applied to exterior of tank by tank bands or other approved method.

§ 78.294–15 *Closures for openings.* (a) Plugs must be of approved type, with standard pipe thread, and of metal not subject to rapid deterioration by the lading.

§ 78.294–16 *Tests of tanks.* (a) Each tank must be tested, after anchorage is applied and before the tank lagging is applied, by completely filling tank and manway nozzle with water or other liquid of similar viscosity, having a temperature which must not exceed 100 degrees Fahrenheit during test, and applying a pressure of 100 pounds per square inch. The tank must hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress.

(b) Calking of welded joints to stop leaks developed during the foregoing tests is prohibited. Repairs in welded joints must be made as prescribed in § 78.294–8 (a).

(c) Tests of exterior heater systems are not a specification requirement.

§ 78.294–17 *Tests of safety valves.* (a) Each valve must be tested by air or gas before being put into service. The valve must open at a pressure not exceeding 75 pounds per square inch and be vapor tight at 60 pounds per square inch which limiting pressures must not be affected by any auxiliary closure or other combination.

§ 78.294–18 *Markings.* (a) Each tank must be marked, thus certifying that the tank complies with all the requirements of this specification. These marks must be as follows:

(1) ICC–105A100AL–W and specification number of material used in tank shell and manway nozzle in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. ICC–105A100AL–W must also be stenciled on the jacket in letters and figures at least 2 inches high by the party assembling the completed car.

(2) Initials of tank builder and date of original test of tank in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (1) of this paragraph.

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car. These marks must also be stenciled on the jacket in letters and figures at least 2 inches high immediately below the stenciled mark specified in subparagraph (1) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested, pressure to which tested, place where test was made, and by whom, stenciled on the jacket.

(5) Date on which the safety valves were last tested, pressure to which tested, place where test was made, and by whom, stenciled on the jacket.

(6) When a tank car and its appurtenances are designed and authorized for the transportation of a particular commodity only, the name of that commodity followed by the word "only", or such other wording as may be required to indicate the limits of usage of the car, must be stenciled on each side of the jacket in letters at least 1 inch high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

(7) Water capacity of the tank in pounds stamped plainly and permanently in letters and figures at least ⅜ inch high into the metal of the tank immediately below the mark specified in subparagraphs (2) and (3) of this paragraph. This mark must also be stenciled on the jacket immediately below the dome platform and either behind or within 3 feet of the right or left side of ladder, or ladders, if there is a ladder on each side of the tank, in letters and figures at least 2 inches high as follows:

WATER CAPACITY
000000 POUNDS

§ 78.294–19 *Reports.* (a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of welded repairs to, alterations of or additions to tanks or equipment from original design and construction, all of which must be approved, there must be furnished to the same parties a report in detail of the welded repairs, alterations or additions made to each tank covered by a particular application, showing the initials and number of each tank involved. Reports of retest must be rendered to the Bureau of Explosives and car owner.

39. Amend entire § 78.295 (17 F. R. 9842, Nov. 1, 1952) (49 CFR 1950 Rev., 1954 Supp., 78.295) to read as follows:

§ 78.295 *Specification ICC–106A800–NCI; fusion-welded nickel-chromium-iron alloy tanks with fusion-welded longitudinal barrel sections, to be mounted on a car.* (a) Wherever the word "approved" is used in this specification, it means approval by the Association of American Railroads Committee on Tank Cars as prescribed in § 78.259 (a), (b), (c), and (d).

§ 78.295–1 *Type and general requirements.* (a) Tanks built under this specification must be cylindrical with heads designed convex inward. The end of the shell shall be flanged-in in such a manner that the heads are locked in independent of the strength of the fillet welds, as well as providing a chime to which handling hooks can be attached. The thickness of the cylindrical portion into which the head is driven and the thickness of the flat flanged-in ends shall be at least equal to the head thickness, whereas the cylindrical portion next to the circumferential welds joining the heads to the shell shall be thinned down to the shell plate thickness. All openings must be located in the heads. Tanks must be securely attached to the car structure in such a manner that they may be removed for filling by the consignor and emptying by the consignee. Each tank must have a capacity of at least 1,600 pounds and not more than 2,500 pounds of water.

(b) The tanks must be fabricated by approved methods.

(c) For tanks made in foreign countries, a chemical analysis of material and all tests as specified must be carried out within the limits of the United States under the supervision of a competent and disinterested inspector.

§ 78.295–2 *Thickness of plates.* (a) The wall thickness of tanks must be at least 13/32 inch and must be such that at the test pressure the calculated fiber stress in the wall of tank or in the longitudinal weld seam will not be in excess of 25,000 pounds per square inch, as calculated by the following formula:

$$S=\frac{P(1.3D^2-0.4d^2)}{D^2-d^2}$$

where

$P$ = interior test pressure in pounds per square inch;
$D$ = outside diameter in inches;
$d$ = inside diameter in inches;
$S$ = wall stress in pounds per square inch.

(b) Tank head shall have a thickness equal to at least twice the shell thickness and must also be of sufficient thickness to provide for the threading of openings therein as prescribed in § 78.295–4 (b).

§ 78.295–3 *Material.* (a) All plates and forgings for tank and heads shall be annealed uniform nickel-chromium-iron alloy of good welding quality, free from cracks, laminations, or other defects injurious to the finished tank, and shall have the following chemical composition and tensile properties:

| | |
|---|---|
| Nickel (plus cobalt) | 75.00 percent minimum. |
| Chromium | 12.00 to 15.00 percent. |
| Iron | 9.00 percent maximum. |
| Copper | 0.50 percent maximum. |
| Manganese | 1.00 percent maximum. |
| Carbon | 0.15 percent maximum. |
| Silicon | 0.50 percent maximum. |
| Sulfur | 0.02 percent maximum. |

(1) Tensile strength 80,000 to 110,000 pounds per square inch. Yield point (0.2 percent offset) 30,000 to 60,000 pounds per square inch. Elongation in 2 inches 35 percent minimum.

(2) A test specimen must be capable of being bent cold through 180 degrees flat on itself without cracking on the outside of the bent portion. The tensile and bend specimens must be taken from the finished rolled or forged material after annealing, and there must be at least one tensile and one bend test on specimen from each heat.

(b) All plates and forgings must have their heat number and name or brand of manufacturer legibly stamped on them at the mill.

§ 78.295–4 *Tank heads.* (a) The tank heads must be hot pressed, flanging and dishing being done in one heat, so as to make a flange at least 3 inches deep, a mean crown radius not greater than the inside diameter of the head and a mean knuckle radius equal to 3½ times the head thickness. They must be inserted into the tank shell and forgings with flange extending outward and have a snug driving fit into the shell.

(b) Threads for openings in tank heads for valves and vents must be American Standard taper, tapped to gauge, clean cut, even and without checks to insure tight joints.

§ 78.295–5 *Welding.* (a) All joints and seams shall be welded by qualified welders using approved methods of welding and approved filler rod having the same composition as the tank plate. Deposited metal must be fused smoothly and uniformly into plate surface at the top of the joint. All welds shall be free from voids or slag inclusions. Main longitudinal joint shall be double-welded butt joint made with a procedure insuring proper fusion and penetration. Heads shall be fillet welded to the end forgings with welds having a throat at least 25 percent greater than the head thickness. The circumferential welds joining the end forgings and shell shall be of the butt type with nickel-chromium-iron alloy backing strips to insure complete fusion. Welded joint shall be tested by specimens and radiographs.

(b) Alternate welding procedure: Longitudinal seams may be fusion-welded by a process which investigation and laboratory tests by the Mechanical Division of the Association of American Railroads have proved will produce satisfactory results. Fusion-welding to be performed by fabricators certified by Association of American Railroads as qualified to meet the requirements of this specification. All joints fabricated by means of fusion-welding must be in accordance with the requirements of AAR Welding Code, Appendix W.

§ 78.295–6 *Heat treatment.* (a) Each finished tank, before being subjected to the hydrostatic test, must be uniformly and properly heat-treated by heating to a temperature of 1,400 degrees Fahrenheit for 1½ hours in a nonoxidizing furnace atmosphere so as to remove any undue strains due to processes of manufacture.

§ 78.295–7 *Tank mounting.* (a) The manner in which tanks are mounted on and securely attached to the car structure must be approved.

§ 78.295–8 *Protective housing and cover.* (a) Valves and other closures of openings in tank heads, except fusible plug vents, must be protected against accidental injury by a detachable cast or pressed steel housing at least 3/16 inch thick, which must not project beyond the flanged ends of the tank and must be securely fastened to tank head. Housing must be provided with an opening having an area equal to the total safety valve or vent discharge area.

(b) The upper head of tanks mounted vertically on the car structure must be completely covered by a light metal cover designed to exclude moisture, cinders, and other foreign matter, and to be displaced by pressure of gas discharged through safety valves or vents.

§ 78.295–9 *Venting, loading and unloading valves.* (a) These valves must be of approved type, made of metal not subject to rapid deterioration by lading, and must withstand a pressure of 800 pounds per square inch without leakage. The valves must be screwed directly into tank heads or attached to tank heads by other approved methods. Provision must be made for closing the pipe connections of the valves.

§ 78.295–10 *Safety valves or vents.* (a) Unless prohibited for type of service in which tank is used, the tank must be equipped with one or more safety valves or vents of approved type, made of metal not subject to rapid deterioration by the lading and screwed directly into tank heads or attached to heads by other approved methods. The total valve or vent discharge capacity must be sufficient to prevent building up of pressure in tank in excess of ¾ of the test pressure; when safety vents of the fusible plug type are used, the required discharge capacity must be available in each head.

(b) Tanks mounted vertically on the car structure must have safety valves, or vents of the frangible disc type, which must be located on the upper head.

(c) Safety valves must be set to open and vents of the frangible disc type must function at a pressure of not exceeding 600 pounds per square inch. Vents of the fusible plug type must function at a temperature of not exceeding 175 degrees Fahrenheit. (For tolerance see § 78.295–13 (a), (b) and (c).)

§ 78.295–11 *Fixtures.* (a) Siphon pipes and their couplings on the inside of the tank head and lugs on the outside of the tank head for attaching the valve protective housing may be fusion-welded in place in accordance with A. A. R. Welding Code Appendix W, provided they are properly heat-treated in accordance with § 78.295–6 (a) at the time the entire tank is heat-treated. All other fixtures and appurtenances, except as provided in §§ 78.295–7, 78.295–8, 78.295–9 and 78.295–10, are prohibited.

§ 78.295–12 *Tests of tank.* (a) After heat-treatment tanks must be subjected to hydrostatic test in a water jacket, or other accurate method, operated so as to obtain reliable data. No tank shall have been subjected previously to internal pressure within 100 pounds of the test pressure. Each tank must be tested to 800 pounds per square inch. Pressure must be maintained for 30 seconds and sufficiently longer to insure complete expansion of tank. Pressure gauge must permit reading to accuracy of 1 percent. Expansion gauge must permit reading of total expansion to accuracy of 1 percent. Expansion must be recorded in cubic centimeters.

(b) Permanent volumetric expansion must not exceed 10 percent of total volumetric expansion at test pressure.

(c) Each finished tank must be subjected to interior air pressure test of at least 100 pounds per square inch under conditions favorable to detection of any leakage. No leaks shall appear.

(d) Repairs of leaks detected in manufacture or test must be made by the same process as employed in manufacture of tank. Calking, soldering, or similar repairing is prohibited.

§ 78.295–13 *Tests of safety valves and vents.* (a) Each valve must be tested by air or gas before being put into service. The valve must open at a pressure of not exceeding 600 pounds per square inch and be vapor tight at 480 pounds per square inch which limiting pressures must not be affected by any auxiliary closure of other combination.

(b) For safety vents of the frangible disc type. A sample of the discs used must burst at a pressure of not exceeding 600 pounds per square inch and be vapor-tight at 480 pounds per square inch.

(c) For safety vents of the fusible plug type. A sample of the fusible plugs used must function at a temperature of not exceeding 175 degrees Fahrenheit, and be vapor-tight at a temperature of 130 degrees Fahrenheit.

§ 78.295–14 *Alterations and maintenance of tanks.* (a) All prescribed markings on tanks must be kept legible. Copy of the said markings, in letters and figures of the prescribed size stamped on a brass plate secured to the tank, is authorized. Markings must not be changed except as follows:

(1) By application of additional marks not affecting the test pressure or water capacity; these must not obliterate previously applied marks.

(2) By application of test pressure marks, or alteration of such marks, to indicate a reduced test pressure; authorized only for tanks that have not failed in the 5-year test.

(3) By change of serial numbers or ownership marks, or both. A report must be filed with the Bureau of Explosives in sufficient detail so that previous serial number and ownership mark can be determined for each tank, arranged by lot numbers or by consecutive serial numbers.

§ 78.295–15 *Marking.* (a) Each tank must be plainly and permanently marked, thus certifying that the tank complies with all the requirements of this specification. These marks must be stamped into the metal of one head or chime, in letters and figures at least ⅜ inch high, as follows:

(1) ICC–106A800NCT.

(2) Serial number immediately below the stamped mark specified in subparagraph (1) of this paragraph.

(3) Inspector's official mark immediately below the stamped mark specified in subparagraph (2) of this paragraph.

(4) Name, mark (other than trademark), or initials of company or person for whose use the tanks are being made, which must be recorded with the Bureau of Explosives.

(5) Date of tank test (month and year), such as 1–54 for January 1954, so placed that date of subsequent tests may easily be added thereto.

(6) Water capacity—0000 pounds.

§ 78.295–16 *Inspection and reports.* (a) Purchaser of tanks must provide for inspection by a competent inspector as follows:

(1) The inspector must carefully inspect all plates from which tanks are to be made, and records pertaining thereto, and plates which do not comply with the requirements of this specification must be rejected.

(2) The inspector must secure complete certified records, including chemical analyses and physical tests on samples taken from each heat of steel used in the manufacture of the plate.

(3) The inspector must report capacity in pounds of water and tare weight of each tank and the minimum thickness of tank wall noted.

(4) The inspector must make such inspection as may be necessary to see that all the requirements of this specification are fully complied with, must see that the finished tanks are properly heat-treated, and must witness all air and hydrostatic tests.

(5) The inspector must stamp his official mark on each accepted tank immediately below the serial number, and make certified report (see paragraph (b) of this section) to the builder, to the company or person for whose use the tanks are being made, to the builder of the car structure on which the tanks are to be mounted, if any, to the Bureau of Explosives, and to the Secretary, Mechanical Division, Association of American Railroads.

(b) Inspector's report required herein must be in the following form:

(Place) _____
(Date) _____

STEEL TANKS

It is hereby certified that drawings were submitted for these tanks under A. A. R. Application for Approval No. _____ and approved by the A. A. R. Committee on Tank Cars under date of _____
Built for _____ Company
Location at _____
Built by _____ Company
Location at _____
Consigned to _____ Company
Location at _____
Quantity _____
Size _____ inches outside diameter by _____ inches long

Marks stamped into the head or chime of the tank are:

Specification ICC _____
Serial numbers _____ to _____ inclusive
Inspector's mark _____
Owner's mark _____
Test date _____
Watercapacity (See Record of Hydrostatic Tests)
Tare weights (Yes or No.) (See Record of Hydrostatic Tests.)

These tanks were made by process of _____

The steel used was identified as indicated by the attached list showing the serial number of each tank, followed by the heat number of the plate, head, and bottom used in the tank.

The steel used was verified as to chemical analysis and record thereof is attached hereto. The heat numbers were stamped into the metal.

All material, such as plates, billets, and seamless tubing, was inspected both before and after closing in the ends; all that was accepted was found free from seams, cracks, laminations, and other defects which might prove injurious to the strength of the tank. The processes of manufacture and heat treatment of tanks were supervised and found to be efficient and satisfactory.

The tank walls were measured and the minimum thickness noted was _____ inch. The outside diameter was determined by a close approximation to be _____ inches. The wall stress was calculated to be _____ pounds per square inch under an internal pressure of _____ pounds per square inch.

Hydrostatic tests, bend and tensile tests of material, and other tests, as prescribed in this specification were made in the presence of the inspector and all material and tanks accepted were found to be in compliance with the requirements of this specification. Records thereof are attached hereto.

I hereby certify that all of these tanks proved satisfactory in every way and comply with the requirements of Interstate Commerce Commission Specification No. _____.

(Signed) _____
(Inspector)

(Place) _____
(Date) _____

RECORD OF CHEMICAL ANALYSIS OF STEEL FOR TANKS

Numbered _____ to _____ inclusive
Size _____ inches outside diameter by _____ inches long
Made by _____ Company
For _____ Company

| Heat No. | Chemical analysis | | | | | | |
|---|---|---|---|---|---|---|---|
| | C | P | S | Si | Mn | Ni | Cr |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

The analyses were made by:

(Signed) _____

(Place) _____
(Date) _____

RECORD OF HYDROSTATIC TESTS ON TANKS

Numbered _____ to _____ inclusive
Size _____ inches outside diameter by _____ inches long
Made by _____ Company
For _____ Company

| Serial Nos. of tanks tested | Actual test pressure (pounds per square inch) | Total expansion (cc.)[1] | Permanent expansion (cc.)[1] | Percent ratio of permanent expansion to total expansion | Tare weight (pounds)[2] | Capacity in pounds of water at 60° F. |
|---|---|---|---|---|---|---|
| | | | | | | |
| | | | | | | |
| | | | | | | |

[1] If the tests are made by a method involving the measurement of the amount of liquid forced into the tank by the test pressure then the basic data, on which the calculations are made, such as the pump factors, temperature of liquid, coefficient of compressibility of liquid, etc., must also be given.

[2] Do not include protective housing and cover but state whether with or without valves.

(Signed) _____

(c) Before a tank built under this specification is placed in service, the builder must furnish to the owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in proper form certifying that the tank and its equipment comply with all the requirements of this specification including information as to the serial numbers, dates of test, and ownership marks on the tanks.

(d) In the event the owner of the tank instead of the builder elects to furnish the appurtenances such as valve protection caps, loading and unloading valves, and safety valves or vents of the frangible disc or fusible plug type, the owner must furnish to the Bureau of Explosives, and to the Secretary, Mechanical Division, Association of American Railroads, a report in proper form certifying that these appurtenances comply with all the requirements of this specification.

(e) In case of alterations of or additions to tanks or equipment from original design and construction or of repairs, there must be furnished to the owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in detail of the repairs, alterations, or additions made to each tank covered by a particular application showing the serial number of each tank involved and stating that heat-treatment called for by the particular type of repair authorized has been performed and that after repairs, alterations, or additions the tests prescribed in § 78.295–12, were made, results of hydrostatic tests reported, and tanks marked as prescribed by retest table No. 2 of § 73.31 of this chapter.

40. Amend entire § 78.296 (17 F. R. 9842 to 9844, Nov. 1, 1952) (49 CFR 1950 Rev., 1954 Supp., 78.296) to read as follows:

§ 78.296 *Specification ICC–103B100–W; rubber lined fusion-welded steel tanks to be mounted on or forming part of a car.* (a) Wherever the word "approved" is used in this specification it means approval by the Association of American Railroads Committee on Tank Cars as prescribed in § 78.259 (a), (b), (c) and (d).

§ 78.296–1 *Type.* (a) Tanks built under this specification must be cylindrical with heads designed convex outward, and must have at least 1 expansion dome with manway, and such other external projections as are prescribed herein.

§ 78.296–2 *Lagging.* (a) Not a specification requirement. If applied, the tank shell and expansion dome must be lagged with an approved insulation material of a thickness so that the thermal conductance is not more than 0.225 B. t. u. per square foot, per degree Fahrenheit differential in temperature per hour at 60 degrees. The entire insulation must be covered with a metal jacket not less than ⅛ inch in thickness and efficiently flashed around all openings so as to be weather tight. When heater systems are attached to the exterior of tank, the lagging over each heater element may be reduced in thickness.

(b) Before lagging is applied, the tank surface and the inside surface of the metal jacket shall be given a protective coating.



§ 78.296–3 *Bursting pressure.* (a) The calculated bursting pressure, based on the lowest tensile strength of the plate and the efficiency of the longitudinal welded joint, must be at least 495 pounds per square inch.

§ 78.296–4 *Thickness of plates.* (a) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula but in no case shall the wall thickness be less than that specified in paragraph (b) of this section:

$$t=\frac{Pd}{2SE}$$

where
$t$ = thickness in inches of thinnest plate;
$P$ = calculated bursting pressure pounds per square inch;
$d$ = inside diameter in inches;
$S$ = minimum ultimate tensile strength in pounds per square inch;
$E$ = efficiency of longitudinal welded joint = 90 percent.

(b) The minimum thickness of plates must be as follows:

| Inside diameter of tanks | Bottom sheet | Shell sheet | Tank head | Dome shell | Dome head |
|---|---|---|---|---|---|
| | *Inch* | *Inch* | *Inch* | *Inch* | *Inch* |
| 87 inches or under | ½ | ½ | ½ | 3/8 | 3/8 |
| Over 87 to 96 inches | 9/16 | 9/16 | 9/16 | 7/16 | 3/8 |

(c) Tank must be lined with rubber at least 5/32 inch thick except over all rivets and seams formed by attachments where the lining must be double thickness. The lining must overlap at least 1½ inches at all edges, which must be straight and be beveled to an angle of approximately 45 degrees. A rubber reinforcement pad at least 4½ feet square and at least ½ inch thick must be applied by vulcanizing to the lining on bottom of tank directly under the dome. Edges of pad must be beveled to an angle of approximately 45 degress. An opening in this pad for sump is permitted. No rubber shall be under tension when applied except that due to conformation over rivet heads. Interior of tank must be free from scale, oxidation, moisture, and all foreign matter during the lining operation.

(d) The minimum width of bottom sheet of tank must be 60 inches, measured on the arc, but in all cases the width must be sufficient to bring the entire width of the longitudinal welded joint, including welds, above the cradle.

§ 78.296–5 *Material.* (a) All plates for tank and expansion dome must be made of open-hearth boiler-plate flange quality steel to an approved specification, the carbon content of which shall not exceed 0.31 percent.

(b) All castings used for fittings or attachments to tank must be of material to an approved specification. The use of cast iron prohibited.

(c) Rivets, if used, must be of the same quality as used for steam boilers and other pressure vessels and be made of steel to an approved specification.

(d) Each tank must be lined with acid-resisting rubber, vulcanized or bond directly or otherwise attached to the metal tank, to provide a non-porous laminated lining.

(e) All external projections must be made of materials specified herein.

§ 78.296–6 *Tank heads.* (a) The tank head shape shall be an ellipsoid of revolution in which the major axis shall equal the diameter of the shell and the minor axis shall be ½ of the major axis.

§ 78.296–7 *Welding.* (a) All joints must be fusion welded by a process which investigation and laboratory tests by the Mechanical Division of the Association of American Railroads have proved will produce satisfactory results. Fusion-welding to be performed by fabricators certified by the Association of American Railroads as qualified to meet the requirements of this specification. All joints must be fabricated by means of fusion-welding in accordance with the requirements of A. A. R. Welding Code, Appendix W.

§ 78.296–8 *Manway ring, safety valve flange, sump flange or other attachments.* (a) These attachments must be secured to tank by fusion-welding. Fusion welding for securing attachments in place must be of the double-welded butt joint type or double full-fillet lap joint type. All projection edges of plates and castings on inside of tank must be rounded and free from fins or other irregular projections. Castings must be free from porosity.

§ 78.296–9 *Stress relieving.* (a) All welding of the tank shell and of attachments welded directly thereto must be stress-relieved as a unit.

§ 78.296–10 *Tank mounting.* (a) The manner in which tank is supported on and securely attached to the car structure must be approved.

§ 78.296–11 *Expansion dome.* (a) The expansion dome must have a capacity, measured from the inside top of shell of tank to bottom of manway cover of at least 1 percent of the capacity of tank and dome combined.

(b) The opening for manway, before lining, must be at least 18 inches in diameter, the opening in the tank shell at the dome shall be fully cut out or flued to the inside diameter of the dome, which shall not exceed 42 inches. Tank shell at dome must be reinforced in an approved manner.

(c) Dome head must be made of steel and to an approved contour. If dished, the knuckle radius shall be at least 6 percent of the spherical dish radius, and the thickness shall not be less than that specified in § 78.296–4 (b). The inside spherical radius shall not be in excess of the diameter of the dome. Dome head may be flued for attachment of a manway flange having a minimum inside diameter of 18 inches.

§ 78.296–12 *Closures for manway.* (a) The manway cover must be of approved type and designed to provide a secure closure of the manway.

(b) Manway cover must be made of a suitable metal of approved thickness, and must be attached to manway flange by through bolts not entering the tank. The top, bottom where exposed to lading, and edge of manway cover must be rubber covered as prescribed in §§ 78.296–4 (c)

and 78.296–5 (d). Through bolt holes must be lined with rubber at least ⅛ inch in thickness. Cover made of metal not affected by lading need not be rubber covered. All rubber surfaces on outside of tank or fittings must be protected with an age-resisting coating. All attachments must be made of cast, forged or fabricated metal and be of good weldable quality in conjunction with metal of manway cover.

(c) The shearing value of the bolts attaching the protective housing to manway cover must not exceed 70 percent of shearing value of bolts attaching manway cover to manway flange.

(d) All joints between manway cover and manway flange, and between manway cover and valves or any appurtenances mounted thereon, must be made tight against vapor pressure.

§ 78.296–13 *Venting, loading and unloading, gauging, and air inlet devices.* (a) These devices must be of approved design and withstand a pressure of 100 pounds per square inch without leakage. They must be bolted to fittings or seatings on the manway cover. Connections to valves must be closed with blind flanges bolted tightly over valve outlets, chained or otherwise fastened to prevent misplacement. Interior pipes of these devices extending into the tank shell, must be anchored at their lower ends.

(b) Venting, loading and unloading, gauging, and air inlet devices made of material affected by the lading must have all surfaces rubber covered as prescribed in §§ 78.296–4 (c) and 78.296–5 (d).

(c) Protective housing of cast or fabricated steel must be bolted to manway cover. Housing must be equipped with a suitable metal cover that can be securely closed. Housing cover must have a suitable stop to prevent cover striking loading and unloading connections and be hinged on one side only with approved riveted pin or rod with nuts and cotters. Opening in wall of housing must be equipped with screw plugs or other closures.

§ 78.296–14 *Bottom outlet.* (a) Bottom outlet is prohibited. Bottom sump is permissible. If used it must be welded to tank and must be of cast, fabricated or forged metal of good weldable quality in conjunction with metal of tank.

§ 78.296–15 *Safety valves.* (a) The tank must be equipped with one or more safety valves of approved design, made of material not subject to rapid deterioration by lading and mounted on manway cover. The total valve discharge capacity must be sufficient to prevent building up of pressure in tank in excess of 75 pounds per square inch.

(b) The safety valves must be set to open at a pressure not exceeding 75 pounds per square inch. (For tolerance see § 78.296–20 (a).)

§ 78.296–16 *Fixtures, reinforcements, and attachments not otherwise specified.* (a) Attachments, other than the anchorage, sump, and those mounted on manway cover, are prohibited. Interior heater systems, when installed, must be made of material not affected by the lading. They must be constructed so that the breaking off of their external connections will not cause leakage of contents of tank.

§ 78.296–17 *Interior heater systems.* (a) See §§ 78.260 and 78.261, heater systems.

(b) Interior heater system closure flanges welded to tank or dome, must be made of cast, forged or fabricated metal and be of good weldable quality in conjunction with metal of tank or dome.

§ 78.296–18 *Closures for openings.* (a) Closures for all openings must have all surfaces exposed to the lading rubber covered or be made of material not affected by the lading.

§ 78.296–19 *Tests of tanks.* (a) Each tank must be tested, before rubber lining is applied, by completely filling the tank and dome with water, or other liquids having similar viscosity, of a temperature which must not exceed 100 degrees Fahrenheit during the test, and applying a pressure of 100 pounds per square inch. Tank must hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress. All rivets and closures, except safety valves, must be in place while test is made. After tank is rubber lined, no further tests are required.

(b) If tanks are to be lagged the test of tanks must be made before lagging is applied.

(c) Calking of welded joints to stop leaks developed during the foregoing tests prohibited. Repairs in welded joints must be made as prescribed in § 78.296–7 (a).

(d) Test of interior heater system. Before interior heater systems are placed in service they must be tested with hydrostatic pressure and must be tight at 200 pounds per square inch.

§ 78.296–20 *Tests of safety valves.* (a) Each valve must be tested by air or gas before being put into service. The value must open at a pressure not exceeding 75 pounds per square inch and be vapor tight at 65 pounds per square inch, which limiting pressures must not be effected by any auxiliary closure or other combination.

§ 78.296–21 *Marking.* (a) Each tank must be marked, thus certifying that the tank complies with all the requirements of this specification. These marks must be as follows:

(1) ICC–103B100–W in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. This mark must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high by the party assembling the completed car.

(2) Initials of tank builder and date of original test of tank in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (1) of this paragraph.

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, such as application of riveted anchors, etc., in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car. These marks must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high immediately below the stenciled mark specified in subparagraph (1) of this paragraph by the party assembling the completed car.

(4) "Rubber lined tank—pressure test not required", stenciled on tank, or jacket if lagged, instead of record of test of tank.

(5) Date on which the safety valves were last tested, pressure to which tested, place where test was made, and by whom stenciled on the tank, or jacket if lagged.

(6) Date on which interior heater systems were last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(7) When a tank car and its appurtenances are designed and authorized for the transportation of a particular commodity only, the name of that commodity followed by the word "only", or such other wording as may be required to indicate the limits of usage of the car, must be stenciled on each side of the tank, or jacket if lagged, in letters at least 1 inch high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

§ 78.296–22 *Reports.* (a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of welded repairs to, alterations of or additions to tanks or equipment from original design and construction, all of which must be approved, there must be furnished to the same parties a report in detail of the welded repairs, alterations or additions made to each tank covered by a particular application, showing the initials and number of each tank involved. Reports of retests must be rendered to the Bureau of Explosives and the car owner.

41. Add § 78.297 (15 F. R. 8523, Dec. 2, 1950) (49 CFR 78.297, 1950 Rev.) to read as follows:

§ 78.297 *Specification ICC–103D–W; fusion welded alloy steel tanks to be mounted on or forming part of a car.* (a) Wherever the word "approved" is used in this specification, it means approval by the Association of American Railroads Committee on Tank Cars as prescribed in § 78.259 (a), (b), (c) and (d).



§ 78.297–1 *Type.* (a) Tanks built under this specification must be cylindrical, with heads designed convex outward, and must have at least 1 expansion dome with manway, and such other external projections as are prescribed herein. When the interior of the tank is divided into compartments, each compartment must have 2 heads designed convex outward, 1 expansion dome with manway, and such other external projections as are prescribed herein.

§ 78.297–2 *Lagging.* (a) Not a specification requirement. If applied, the tank shell and expansion dome must be lagged with an approved insulation material of a thickness so that the thermal conductance is not more than 0.225 B. t. u. per square foot, per degree Fahrenheit differential in temperature per hour at 60 degrees. The entire insulation must be covered with a metal jacket not less than ⅛ inch in thickness and efficiently flashed around all openings so as to be weather tight. When heater systems are attached to exterior of tank, the lagging over each heater element may be reduced in thickness.

(b) Before lagging is applied, the inside surface of the metal jacket shall be given a protective coating.

§ 78.297–3 *Bursting pressure.* (a) The calculated bursting pressure, based on the lowest tensile strength of the plate and the efficiency of the longitudinal welded joint, must be at least 240 pounds per square inch.

§ 78.297–4 *Thickness of plates.* (a) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula but in no case shall the wall thickness be less than that specified in paragraph (b) of this section:

$$t=\frac{Pd}{2SE}$$

where
$t$ = thickness in inches of thinnest plate;
$P$ = calculated bursting pressure pounds per square inch;
$d$ = inside diameter in inches;
$S$ = minimum ultimate tensile strength in pounds per square inch;
$E$ = efficiency of longitudinal welded joint = 90 percent.

(1) The thickness of a dished head must be determined by the following formula, but in no case be less than that specified in paragraph (b) of this section:

$$t=\frac{5PL}{6SE}$$

where
$t$ = thickness of plate in inches;
$P$ = calculated bursting pressure pounds per square inch;
$L$ = main inside radius to which head is dished measured on concave side in inches;
$S$ = minimum ultimate tensile strength in pounds per square inch;
$E$ = efficiency of welded joint.

When head is formed from one piece, the efficiency may be considered as 100 percent.

(b) The minimum thickness of plates must be as follows:

| Inside diameter of tanks | Bottom sheets | Shell sheets | Expansion dome sheets | Tank heads | Expansion dome heads | Interior compartment heads |
|---|---|---|---|---|---|---|
| | Inch | Inch | Inch | Inch | Inch | Inch |
| 60 inches or under | 7/16 | 3/8 | 7/16 | 3/8 | 7/16 | 7/16 |
| Over 60 to 78 inches | 7/16 | 7/16 | 7/16 | 3/8 | 7/16 | 7/16 |
| Over 78 to 96 inches | 1/2 | 3/8 | 7/16 | 3/8 | 7/16 | 3/8 |
| Over 96 to 112 inches | 1/2 | 7/16 | 7/16 | 9/16 | 7/16 | 7/16 |
| Over 112 to 122 inches | 1/2 | 1/2 | 7/16 | 5/8 | 7/16 | 1/2 |

(c) The minimum width of bottom sheet of tank must be 60 inches, measured on the arc, but in all cases the width must be sufficient to bring the entire width of the longitudinal welded joint, including welds, above the cradle.

(d) For tanks built on 1 piece cylindrical sections, the thickness specified for bottom sheet must apply to the entire cylindrical shell.

(e) When tank is divided into compartments the interior heads must comply with the requirements for interior compartment heads prescribed herein. When capacity of tank is reduced by moving in the exterior head a new exterior head of approved contour not less than ⅜ inch thickness must be applied. When the capacity is reduced by the insertion of a new interior head this head must comply with the requirements for interior compartment heads and the exterior head reapplied. Voids, created by the addition of heads for division into compartments or reduction in capacity, must be provided with a tapped drain hole at their lowest point, and a tapped hole at top of tank. The top hole must be closed, and the bottom hole may be closed, with not less than ¾ inch nor more than 1½ inch solid pipe plugs having standard pipe threads.

§ 78.297–5 *Material.* (a) All plates for tank and expansion dome, must be to an approved specification and be made of a metal capable of resisting the action of nitric acid as follows: The maximum corrosion rate in inches penetration per month in the standard 65 percent boiling nitric acid test shall be 0.006" for the straight chromium-bearing stainless steel and 0.0015" for any of the chromium nickel alloys and modified chromium nickel type, this figure to be an average of five 48-hour periods.

(b) All alloy castings and forgings used for fittings or attachments to tank must be to an approved specification and not subject to rapid deterioration by the lading.

§ 78.297–6 *Tank heads.* (a) Tank heads must be of approved contour and must be designed for pressure on concave side and to main inside radius not exceeding 10 feet. The inside knuckle radius must not be less than 3¾ inches except for interior heads of compartment tanks the knuckle radius must not be less than 1½ inches.

§ 78.297–7 *Welding.* (a) All joints must be fusion-welded by a process which investigation and laboratory tests by the Mechanical Division of the Association of American Railroads have proved will produce satisfactory results. Fusion-welding to be performed by fabricators certified by Association of American Railroads as qualified to meet the requirements of this specification. All joints must be fabricated by means of fusion-welding in accordance with requirements of AAR Welding Code Appendix "W".

§ 78.297–8 *Manway ring, safety valve flange, and sump flange or other attachments.* (a) These attachments must be fusion-welded to tank or dome. Fusion-welding for securing these attachments in place must be of the double-welded butt joint type or double full-fillet lap joint type.

§ 78.297–9 *Heat treatment.* (a) All welding of the tank shell and of attachments welded directly thereto must be heat treated as a unit to remove stresses and at the proper temperature to obtain the corrosion resistance specified in § 78.297–5 (a).

§ 78.297–10 *Tank mounting.* (a) The manner in which the tank is supported on and securely attached to the car structure must be approved.

(b) The use of rivets as a means of securing anchor to the tank is prohibited.

§ 78.297–11 *Expansion dome.* (a) The expansion dome must have a capacity measured from the inside top of shell of tank to the inside top of dome or bottom of any vent pipe projecting inside dome, of at least 2 percent of the total capacity of the tank and dome combined.

(b) The opening for manway must be at least 16 inches in diameter. The opening in the tank shell within the dome must be at least 29 inches in diameter. When the opening in the tank shell exceeds 30 inches in diameter, the opening must be reinforced in an approved manner. When the opening in the tank shell is less than the inside diameter of the dome, dome pocket drain holes must be provided in the tank shell with nipples extending inside the tank at least 1 inch.

(c) The dome head must be of approved contour and must be designed for pressure on concave side.

§ 78.297–12 *Closures for manway.* (a) The manway cover must be of approved type and designed to make it impossible to remove the cover while the interior of the tank is subjected to pressure.

(b) Manway ring and cover must be made of the metal prescribed in § 78.297–5 (a) or (b), whichever applies.

(c) All joints between manway covers and their seats must be made tight against leakage of vapor and liquid by use of gaskets of suitable material.

§ 78.297–13 *Gauging, bottom outlet valve operating rod, venting, loading and unloading, and air inlet devices extending*

*through dome of tank.* (a) Not specification requirements. When installed, these devices including their valves and fittings must be of approved design, made of materials not subject to rapid deterioration by the lading. These devices including their valves must be provided with a protective housing. Unloading pipe must be securely anchored within the tank. Provision must be made for closing pipe connections of valves.

§ 78.297–14 *Bottom outlets.* (a) The bottom outlet, when installed, must be made of metal not subject to rapid deterioration by the lading, be of approved construction, and be provided with a valve at its upper end and a liquid tight closure at its lower end.

(b) The valve operating mechanism and outlet nozzle construction must be such as to insure against unseating of valve due to stresses or shocks incident to transportation.

(c) Bottom outlet nozzle may be cast, fabricated or forged metal. If outlet nozzle is welded to tank, it must be of cast, forged or fabricated metal and be of good weldable quality in conjunction with metal of tank.

(d) To provide for the attachment of standard unloading connections, the bottom of the main portion of the outlet nozzle or some fixed attachments thereto, must have Unified Form Threads, threads to the inch.

(e) For outlet nozzles that extend inches or more from shell of tank a "V" groove must be cut (not cast) in the upper part of outlet nozzle at a point immediately below lowest part of valve to a depth that will leave thickness of nozzle wall at the root of the "V" not over ⅜ inch. In the case of steam-jacketed outlet nozzles this groove must be below the steam chamber but above the bottom of center sill construction. Where outlet nozzle is not a single piece, arrangement must be made to provide the equivalent of the breakage groove.

(f) The flange on the outlet nozzle must be of a thickness which will prevent distortion of the valve seat or valve by any change in contour of the shell resulting from expansion of lading, or other causes, and which will insure that accidental breakage of the outlet nozzle will occur at or below the "V" groove.

(g) The valve must have no wings or stem projecting below the "V" groove in the outlet nozzle. The valve and seat must be readily accessible or removeable for repairs, including grinding.

(h) The outlet valve operating mechanism must have means for compensating for variation in the vertical diameter of the tank produced by expansion, weight of the liquid contents, or other causes, and should operate from the interior of the tank, but in the event the rod is carried through the dome, leakage must be prevented by packing in stuffing box and cap nut.

(i) In no case must extreme projection of bottom outlet equipment extend to within 12 inches above top of rail. All bottom outlet reducers and closures and their attachments must be secured to the car by at least ⅜ inch chain or its equivalent, except that outlet closure plugs or outlet closure flange and ¾ inch solid screw drain plug may be attached by ¼ inch chain. When the bottom outlet closure is of the combination cap and valve type, the pipe connection to the valve must be closed by a plug or cap.

§ 78.297–15 *Safety valves.* (a) The tank must be equipped with one or more safety valves of approved design at least 2 inches inside diameter mounted on top of expansion dome. Total valve discharge capacity must be sufficient to prevent building up pressure in tank in excess of 45 pounds per square inch.

(b) One or more safety valves must be provided for each tank or compartment thereof.

(c) The safety valve must be set to open at a pressure of 35 pounds per square inch and be vapor tight at 28 pounds per square inch. For tolerance see § 78.297–20 (a).

(d) Tanks used for the transportation of corrosive liquids, flammable solids, oxidizing materials, or poisonous liquids or solids, class B, need not be equipped with safety valves, but if not so equipped must have 1 safety vent at least 1¾ inches inside diameter closed with a frangible disc of lead or other suitable material of a thickness that will rupture at not more than 45 pounds per square inch. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement. All tanks equipped with vents must be stenciled "Not for Flammable Liquids."

(e) Safety valve or safety vent flanges must be of cast, forged, or fabricated metal not subject to rapid deterioration by the lading, and be of good weldable quality in conjunction with metal of dome.

§ 78.297–16 *Fixtures, reinforcements, and attachments not otherwise specified.* (a) All attachments to tank and dome must be applied by welding. Interior heater systems, when installed, must be so constructed that the breaking off of their external connections will not cause leakage of the contents of the tank.

§ 78.297–17 *Interior heater systems.* (a) See §§ 78.260 and 78.261, heater systems.

(b) Interior heater systems and plug flanges, must be of cast, forged or fabricated material complying with the requirements of § 78.297–5 (a) or (b), whichever applies.

§ 78.297–18 *Closures for openings.* (a) All plugs must be solid, made of materials not subject to rapid deterioration by the lading, with standard pipe thread, and must be of a length which will screw at least 6 threads inside the face of fitting or tank. Plugs, when inserted from the outside of tank heads must have the letter "S" at least ⅜ inch in size stamped with steel stamp or cast on the outside surface to indicate the plug is solid.

§ 78.297–19 *Tests of tanks.* (a) Each tank must be tested, before being put into service, by completely filling the tank and dome with water, or other liquid having similar viscosity, of a temperature which must not exceed 100 degrees Fahrenheit during the test, and applying a pressure of 60 pounds per square inch. Tank must hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress. All closures, except safety valves or vents, must be in place while test is made.

(b) If tanks are to be lagged, the test of tank must be made before lagging is applied.

(c) Calking of welded joints to stop leaks developed during the foregoing tests prohibited. Repairs in welded joints must be made as prescribed in § 78.297–7 (a).

(d) Tests of interior heater systems. Before interior heater systems are placed in service they must be tested with hydrostatic pressure and must be tight at 200 pounds per square inch.

§ 78.297–20 *Tests of safety valves.* (a) Valve must be tested before being put into service, by attaching to an air line and applying pressure. The valve must open at the pressure prescribed in § 78.297–15 (c) with a tolerance of plus or minus 3 pounds.

§ 78.297–21 *Marking.* (a) Each tank must be marked, thus certifying that the tank complies with all the requirements of this specification. These marks must be as follows:

(1) ICC–103D–W and specification number of material used in tank shell and expansion dome in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. ICC–103D–W must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high by the party assembling the completed car.

(2) Initials of tank builder and date of original test of tank in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (1) of this paragraph.

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph, by the party assembling the completed car. These marks must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high immediately below the stenciled mark specified in subparagraph (1) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(6) Date on which interior heater systems were last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.



(7) When a tank car and its appurtenances are designed and authorized for the transportation of a particular commodity only, the name of that commodity followed by the word "only", or such other wording as may be required to indicate the limits of usage of the car, must be stenciled on each side of the tank, or jacket if lagged, in letters at least 1 inch high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

§ 78.297–22 *Reports.* (a) Before a tank car is placed in service, the party assembling the completed car must furnish the car owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of welded repairs to, alterations of, or additions to tanks or equipment from original design and construction, all of which must be approved, there must be furnished to the same parties a report in detail of the welded repairs, alterations or additions made to each tank covered by a particular application, showing the initials and number of each tank involved. Reports of retests must be rendered to the Bureau of Explosives and car owner.

42. Add § 78.298 (15 F. R. 8523, Dec. 2, 1950) (49 CFR 78.298, 1950 Rev.) to read as follows:

§ 78.298 *Specification ICC–103E–W; fusion-welded alloy steel tanks to be mounted on or forming part of a car.* (a) Wherever the word "approved" is used in this specification, it means approval by the Association of American Railroads Committee on Tank Cars as prescribed in § 78.259 (a), (b), (c) and (d).

§ 78.298–1 *Type.* (a) Tanks built under this specification must be cylindrical, with heads designed convex outward, and must have at least 1 expansion dome with manway, and such other external projections as are prescribed herein. When the interior of the tank is divided into compartments, each compartment must have 2 heads designed convex outward, 1 expansion dome with manway, and such other external projections as are prescribed herein.

§ 78.298–2 *Lagging.* (a) Not a specification requirement. If applied, the tank shell and expansion dome must be lagged with an approved insulation material of a thickness so that the thermal conductance is not more than 0.225 B. t. u. per square foot, per degree Fahrenheit differential in temperature per hour at 60 degrees. The entire insulation must be covered with a metal jacket not less than ⅛ inch in thickness and efficiently flashed around all openings so as to be weather tight. When heater systems are attached to exterior of tank, the lagging over each heater element may be reduced in thickness.

(b) Before lagging is applied, the inside surface of the metal jacket shall be given a protective coating.

§ 78.298–3 *Bursting pressure.* (a) The calculated bursting pressure, based on the lowest tensile strength of the plate and the efficiency of the longitudinal welded joint, must be at least 240 pounds per square inch.

§ 78.298–4 *Thickness of plates.* (a) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula but in no case shall the wall thickness be less than that specified in paragraph (b) of this section:

$$t=\frac{Pd}{2SE}$$

where

$t$ = thickness in inches of thinnest plate;
$P$ = calculated bursting pressure pounds per square inch;
$d$ = inside diameter in inches;
$S$ = minimum ultimate tensile strength in pounds per square inch;
$E$ = efficiency of longitudinal welded joint = 90 percent.

(1) The thickness of a dished head must be determined by the following formula, but in no case be less than that specified in paragraph (b) of this section:

$$t=\frac{5PL}{6SE}$$

where

$t$ = thickness of plate in inches;
$P$ = calculated bursting pressure pounds per square inch;
$L$ = main inside radius to which head is dished measured on concave side in inches;
$S$ = minimum ultimate tensile strength in pounds per square inch;
$E$ = efficiency of welded joint.

When head is formed from one piece, the efficiency may be considered as 100 percent.

(b) The minimum thickness of plates must be as follows:

| Inside diameter of tanks | Bottom sheets | Shell sheets | Expansion dome sheets | Tank heads | Expansion dome heads | Interior compartment heads |
|---|---|---|---|---|---|---|
| | Inch | Inch | Inch | Inch | Inch | Inch |
| 60 inches or under | 7/16 | ¼ | 5/16 | ½ | 5/16 | 5/16 |
| Over 60 to 78 inches | 7/16 | 5/16 | 5/16 | ½ | 5/16 | 5/16 |
| Over 78 to 96 inches | ½ | ⅜ | 5/16 | ½ | 5/16 | ⅜ |
| Over 96 to 112 inches | ½ | 7/16 | 5/16 | 9/16 | 5/16 | 7/16 |
| Over 112 to 122 inches | ½ | ½ | 5/16 | ⅝ | 5/16 | ½ |

(c) The minimum width of bottom sheet of tank must be 60 inches, measured on the arc, but in all cases the width must be sufficient to bring the entire width of the longitudinal welded joint, including welds, above the cradle.

(d) For tanks built of 1 piece cylindrical sections, the thickness specified for bottom sheet must apply to the entire cylindrical shell.

(e) When tank is divided into compartments the interior heads must comply with the requirements for interior compartment heads prescribed herein. When capacity of tank is reduced by moving in the exterior head a new exterior head of approved contour not less than ⅜ inch thickness must be applied. When the capacity is reduced by the insertion of a new interior head this head must comply with the requirements for interior compartment heads and the exterior head reapplied. Voids, created by the addition of heads for division into compartments or reduction in capacity, must be provided with a tapped drain hole at their lowest point, and a tapped hole at the top of tank. The top hole must be closed, and the bottom hole may be closed, with not less than ¾ inch nor more than 1½ inch solid pipe plugs having standard pipe threads.

§ 78.298–5 *Material.* (a) All plates for tank and expansion dome, must be to an approved specification and be made of metal capable of resisting the action of nitric acid as follows: The maximum corrosion rate in inches penetration per month in the standard 65 percent boiling nitric acid test shall be 0.006" for the straight chromium-bearing stainless steel and 0.0015" for any of the chromium nickel alloys and modified chromium nickel type, this figure to be an average of five 48-hour periods.

(b) All alloy castings and forgings used for fittings or attachments to tank must be to an approved specification and not subject to rapid deterioration by the lading.

§ 78.298–6 *Tank heads.* (a) Tank heads must be of approved contour and must be designed for pressure on concave side and to main inside radius not exceeding 10 feet. The inside knuckle radius must not be less than 3¾ inches except for interior heads of compartment tanks the knuckle radius must not be less than 1½ inches.

§ 78.298–7 *Welding.* (a) All joints must be fusion-welded by a process which investigation and laboratory tests by the Mechanical Division of the Association of American Railroads have proved will produce satisfactory results. Fusion-welding to be performed by fabricators certified by Association of American Railroads as qualified to meet the requirements of this specification. All joints must be fabricated by means of fusion-welding in accordance with requirements of AAR Welding Code Appendix "W".

§ 78.298–8 *Manway ring, safety valve flange, and sump flange or other attachments.* (a) These attachments must be fusion-welded to tank or dome. Fusion welding for securing these attachments in place must be of the double-welded butt joint type or double full-fillet lap joint type.

§ 78.298–9 *Heat treatment.* (a) All welding of the tank shell and of attachments welded directly thereto must be heat treated as a unit to remove stresses and at the proper temperature to obtain the corrosion resistance specified in § 78.298–5 (a).

§ 78.298–10 *Tank mounting.* (a) The manner in which the tank is supported on and securely attached to the car structure must be approved.

(b) The use of rivets as a means of securing anchor to the tank is prohibited.

§ 78.298–11 *Expansion dome.* (a) The expansion dome must have a capac-

ity measured from the inside top of shell of tank to the inside top of dome or bottom of any vent pipe projecting inside dome, of at least 2 percent of the total capacity of the tank and dome combined.

(b) The opening for manway must be at least 16 inches in diameter. The opening in the tank shell within the dome must be at least 29 inches in diameter. When the opening in the tank shell exceeds 30 inches in diameter, the opening must be reinforced in an approved manner. When the opening in the tank shell is less than the inside diameter of the dome, dome pocket drain holes must be provided in the tank shell with nipples extending inside the tank at least 1 inch.

(c) The dome head must be of approved contour and must be designed for pressure on concave side.

§ 78.298–12 *Closures for manway.* (a) The manway cover must be of bolted type, bolted and hinged type, or other approved types, and designed to provide a secure closure of the manway.

(b) Manway ring and cover must be made of the metal prescribed in § 78.298–5 (a) or (b), whichever applies.

(c) All joints between manway covers and their seats must be made tight against leakage of vapor and liquid by use of gaskets of suitable material.

§ 78.298–13 *Gauging, venting, loading and unloading, and air inlet devices extending through domes of tanks.* (a) Not specification requirements. When installed these devices must be of an approved design, made of material not subject to rapid deterioration by the lading, and be tightly closed. Protective housing not required, except as prescribed in paragraph (b) of this section. Unloading pipe must be securely anchored within the tank.

(b) When the characteristics of the commodity for which the car is authorized are such that these devices must be equipped with valves to provide for the loading and unloading of the contents, these devices including valves must be of an approved design and be provided with a protective housing. Provision must be made for closing pipe connections of valves.

§ 78.298–14 *Bottom outlets.* (a) Bottom outlet is prohibited, but tank may be equipped with a bottom washout nozzle of metal not subject to rapid deterioration by the lading, which must be of approved construction complying with the following requirements.

(b) The construction and closure of the bottom washout nozzle must be such that it is liquid tight and should the nozzle be broken, loss of contents will not occur.

(c) The extreme projection of the bottom washout nozzle must be at least 12 inches above the top of rail.

(d) Bottom washout nozzle may be of cast, fabricated, or forged metal and must be of good weldable quality in conjunction with metal of tank.

(e) The closure of the washout nozzle must be equipped with a ¾ inch solid screw plug. Plug must be secured to car structure or washout chamber by at least a ¼ inch chain.

(f) For bottom washout nozzles that project 6 inches or more from shell of tank, a "V" groove must be cut (not cast) in the upper part of bottom washout nozzle at a point immediately below lowest part of inside closure seat to a depth that will leave thickness of nozzle wall at the root of the "V" not over ⅜ inch. Where bottom washout nozzle is not a single piece, arrangement must be made to provide the equivalent of the breakage groove.

(g) The flange on the bottom washout nozzle must be of a thickness which will prevent distortion on the inside closure seat or closure casting by any change in contour of the shell, resulting from expansion of lading, or other causes, and which will insure that accidental breakage of the washout nozzle will occur at or below the "V" groove.

(h) The closure casting must not project below the "V" groove in the washout nozzle. The closure casting and seat must be readily accessible for repairs, including grinding.

§ 78.298–15 *Safety valves.* (a) The tank must be equipped with one or more safety valves of approved design at least 2 inches inside diameter mounted on top of expansion dome. Total valve discharge capacity must be sufficient to prevent building up pressure in tank in excess of 45 pounds per square inch.

(b) One or more safety valves must be provided for each tank or compartment thereof.

(c) The safety valve must be set to open at a pressure of 35 pounds per square inch and be vapor-tight at 28 pounds per square inch. For tolerance see § 78.298–20 (a).

(d) Tanks used for the transportation of corrosive liquids, flammable solids, oxidizing materials, or poisonous liquids or solids, class B, need not be equipped with safety valves, but if not so equipped must have 1 safety vent at least 1¾ inches inside diameter closed with a frangible disc of lead or other suitable material of a thickness that will rupture at not more than 45 pounds per square inch. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement. All tanks equipped with vents must be stenciled "Not for Flammable Liquids".

(e) Safety valve or safety vent flanges must be of cast, forged, or fabricated metal not subject to rapid deterioration by the lading, and be of good weldable quality in conjunction with metal of dome.

§ 78.298–16 *Fixtures, reinforcements, and attachments not otherwise specified.* (a) All attachments to tank and dome must be applied by welding. Interior heater systems, when installed, must be so constructed that the breaking off of their external connections will not cause leakage of the contents of the tank.

§ 78.298–17 *Interior heater systems.* (a) See §§ 78.260 and 78.261, heater systems.

(b) Interior heater systems and plug flanges must be of cast, forged or fabricated material complying with the requirements of § 78.298–5 (a) or (b), whichever applies.

§ 78.298–18 *Closures for openings.* (a) All plugs must be solid, made of materials not subject to rapid deterioration by the lading, with standard pipe thread, and must be of a length which will screw at least 6 threads inside the face of fitting or tank. Plugs, when inserted from the outside of tank heads must have the letter "S" at least ⅜ inch in size stamped with steel stamp or cast on the outside surface to indicate the plug is solid.

§ 78.298–19 *Tests of tanks.* (a) Each tank must be tested, before being put into service, by completely filling the tank and dome with water, or other liquid having similar viscosity, of a temperature which must not exceed 100 degrees Fahrenheit during the test, and applying a pressure of 60 pounds per square inch. Tank must hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress. All closures, except safety valves or vents, must be in place while test is made.

(b) If tanks are to be lagged, the test of tank must be made before lagging is applied.

(c) Calking of welded joints to stop leaks developed during the foregoing tests prohibited. Repairs in welded joints must be made as prescribed in § 78.298–7 (a).

(d) Tests of interior heater systems. Before interior heater systems are placed in service they must be tested with hydrostatic pressure and must be tight at 200 pounds per square inch.

§ 78.298–20 *Tests of safety valves.* (a) Valve must be tested before being put into service, by attaching an air line and applying pressure. The valve must open at the pressure prescribed in § 78.298–15 (c) with a tolerance of plus or minus 3 pounds.

§ 78.298–21 *Marking.* (a) Each tank must be marked, thus certifying that the tank complies with all the requirements of this specification. These marks must be as follows:

(1) ICC–103E–W and specification number of material used in tank shell and expansion dome in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. ICC–103E–W must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high by the party assembling the completed car.

(2) Initials of tank builder and date of original test of tank in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (1) of this paragraph.

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car. These marks must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high immediately below the stenciled mark specified in subparagraph (1) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(6) Date on which interior heater systems were last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(7) When a tank car and its appurtenances are designed and authorized for the transportation of a particular commodity only, the name of that commodity followed by the word "only," or such other wording as may be required to indicate the limits of usage of the car, must be stenciled on each side of the tank, or jacket if lagged, in letters at least 1 inch high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

§ 78.298–22 *Reports.* (a) Before a tank car is placed in service, the party assembling the completed car must furnish the car owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of welded repairs to, alterations of, or additions to tanks or equipment from original design and construction, all of which must be approved, there must be furnished to the same parties a report in detail of the welded repairs, alterations or additions made to each tank covered by a particular application, showing the initials and number of each tank involved. Reports of retests must be rendered to the Bureau of Explosives and car owner.

43. Add § 78.299 (15 F. R. 8523, Dec. 2, 1950) (49 CFR 78.299, 1950 Rev.) to read as follows:

§ 78.299 *Specification ICC–103A–N–W; fusion welded nickel or nickel alloy tanks to be mounted on or forming part of a car.* (a) Wherever the word "approved" is used in this specification it means approval by the Association of American Railroads Committee on Tank Cars as prescribed in § 78.259 (a), (b), (c) and (d).

§ 78.299–1 *Type.* (a) Tanks built under this specification must be cylindrical, with heads designed convex outward, and must have at least 1 expansion dome with manway, and such other external projections as are prescribed herein. When the interior of the tank is divided into compartments, each compartment must have 2 heads designed convex outward, 1 expansion dome with manway, and such other external projections as are prescribed herein.

§ 78.299–2 *Lagging.* (a) Not a specification requirement. If applied, the tank shell and expansion dome must be lagged with an approved insulation material of a thickness so that the thermal conductance is not more than 0.225 B. t. u. per square foot, per degree Fahrenheit differential in temperature per hour at 60 degrees. The entire insulation must be covered with a metal jacket not less than ⅛ inch in thickness and efficiently flashed around all openings so as to be weather tight. When heater systems are attached to exterior of tank, the lagging over each heater element may be reduced in thickness.

(b) Before lagging is applied, the inside surface of the metal jacket shall be given a protective coating.

§ 78.299–3 *Bursting pressure.* (a) The calculated bursting pressure, based on the lowest tensile strength of the plate and the efficiency of the longitudinal welded joint, must be at least 240 pounds per square inch.

§ 78.299–4 *Thickness of plates.* (a) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula but in no case shall the wall thickness be less than that specified in paragraph (b) of this section:

$$t=\frac{Pd}{2SE}$$

where

$t$ = thickness in inches of thinnest plate;
$P$ = calculated bursting pressure pounds per square inch;
$d$ = inside diameter in inches;
$S$ = minimum ultimate tensile strength in pounds per square inch;
$E$ = efficiency of longitudinal welded joint = 90 percent.

(1) The thickness of a dished head must be determined by the following formula, but in no case be less than that specified in paragraph (b) of this section:

$$t=\frac{5PL}{6SE}$$

where

$t$ = thickness of plate in inches;
$P$ = calculated bursting pressure pounds per square inch;
$L$ = main inside radius to which head is dished measured on concave side in inches;
$S$ = minimum ultimate tensile strength in pounds per square inch;
$E$ = efficiency of welded joint.

When head is formed from one piece, the efficiency may be considered as 100 percent.

(b) The minimum thickness of plates must be as follows:

| Inside diameter of tanks | Bottom sheets | Shell sheets | Expansion dome sheets | Tank heads | Expansion dome heads | Interior compartment heads |
|---|---|---|---|---|---|---|
| | *Inch* | *Inch* | *Inch* | *Inch* | *Inch* | *Inch* |
| 60 inches or under | 7/16 | ¼ | 5/16 | ½ | 5/16 | 5/16 |
| Over 60 to 78 inches | 7/16 | 5/16 | 5/16 | ½ | 5/16 | 5/16 |
| Over 78 to 96 inches | ½ | 3/8 | 5/16 | ½ | 5/16 | 3/8 |
| Over 96 to 112 inches | ½ | 7/16 | 5/16 | 9/16 | 5/16 | 7/16 |
| Over 112 to 122 inches | ½ | ½ | 5/16 | 5/8 | 5/16 | ½ |

(c) The minimum width of bottom sheet of tank must be 60 inches, measured on the arc, but in all cases the width must be sufficient to bring the entire width of the longitudinal welded joint, including welds, above the cradle.

(d) For tanks built of 1 piece cylindrical sections, the thickness specified for bottom sheet must apply to the entire cylindrical shell.

(e) When tank is divided into compartments the interior heads must comply with the requirements for interior compartment heads prescribed herein. When capacity of tank is reduced by moving in the exterior head a new exterior head of approved contour not less than ⅜ inch thickness must be applied. When the capacity is reduced by the insertion of a new interior head this head must comply with the requirements for interior compartment heads and the exterior head reapplied. Voids, created by the addition of heads for division into compartments or reduction in capacity, must be provided with a tapped drain hole at their lowest point, and a tapped hole at top of tank. The top hole must be closed, and the bottom hole may be closed, with not less than ¾ inch nor more than 1½ inch solid pipe plugs having standard pipe threads.

§ 78.299–5 *Material.* (a) All plates for tank and expansion dome must be made of nickel or nickel alloy to an approved specification.

(b) All castings used for fittings or attachments to tank must be made of material to an approved specification.

(c) All external projections must be made of materials specified herein.

§ 78.299–6 *Tank heads.* (a) Tank heads must be of approved contour and must be designed for pressure on concave side and to main inside radius not exceeding 10 feet. The inside knuckle radius must not be less than 3¾ inches except for interior heads of compartment tanks the knuckle radius must not be less than 1½ inches.

§ 78.299–7 *Welding.* (a) All joints must be fusion-welded by a process which investigation and laboratory tests by the Mechanical Division of the Association of American Railroads have proved will produce satisfactory results. Fusion-welding to be performed by fabricators certified by Association of American Railroads as qualified to meet the requirements of this specification. All joints must be fabricated by means of fusion-welding in accordance with requirements of AAR Welding Code Appendix "W".

§ 78.299–8 *Manway rings, safety vent flange, and bottom washout nozzle flange or other attachments.* (a) These attachments must be fusion-welded. Fusion-welding for securing these attachments in place must be of the double-welded butt joint type or double-full-fillet-lap joint type.

§ 78.299–9 *Stress relieving or heat treatment.* (a) Not a specification requirement.

§ 78.299–10 *Tank mounting.* (a) The manner in which the tank is supported on and securely attached to the car structure must be approved.

(b) The use of rivets as a means of securing anchor to tank is prohibited.

§ 78.299–11 *Expansion dome.* (a) The expansion dome must have a capacity measured from the inside top of shell of tank to the inside top of dome or bottom of any vent pipe projecting inside of dome, of at least 1 percent of the total capacity of the tank and dome combined.

(b) The opening for manway must be at least 16 inches in diameter. The opening in the tank shell within the dome must be at least 29 inches in diameter. When the opening in the tank shell exceeds 30 inches in diameter, the opening must be reinforced in an approved manner. When the opening in the tank shell is less than the inside diameter of the dome, dome pocket drain holes must be provided in the tank shell with nipples extending inside the tank at least 1 inch.

(c) The dome head must be of approved contour and must be designed for pressure on concave side.

§ 78.299–12 *Closures for manway.* (a) The manway cover must be of bolted type, bolted and hinged type, or other approved types, and designed to provide a secure closure of the manway.

(b) Manway covers must be made of cast, forged or fabricated nickel or nickel alloy. Manway rings must be made of cast, forged or fabricated nickel or nickel alloy and be of good weldable quality in conjunction with the metal of the dome.

(c) Chains, if used to attach manway covers to outside of dome head, must be at least ⅜ inch or its equivalent.

(d) All joints between manway covers and their seats must be made tight against leakage of vapor and liquid by use of gaskets of suitable material.

§ 78.299–13 *Gauging, venting, loading and unloading, and air inlet devices extending through domes of tanks.* (a) Not specification requirements. When installed these devices must be of an approved design, made of material not subject to rapid deterioration by the lading, and be tightly closed. Protective housing is not required, except as prescribed in paragraph (b) of this section. Unloading pipe must be securely anchored within the tank.

(b) When the characteristics of the commodity for which the car is authorized are such that these devices must be equipped with valves to provide for the loading and unloading of the contents, these devices including valves must be of an approved design and be provided with a protective housing. Provision must be made for closing pipe connections of valves.

§ 78.299–14 *Bottom outlets.* (a) Bottom outlet is prohibited, but tank may be equipped with a bottom washout nozzle of metal not subject to rapid deterioration by the lading, which must be of approved construction complying with the following requirements.

(b) The construction and closure of the bottom washout nozzle must be such that it is liquid tight and should the nozzle be broken, loss of contents will not occur.

(c) The extreme projection of the bottom washout nozzle must be at least 12 inches above the top of rail.

(d) Bottom washout nozzle may be of cast, fabricated, or forged metal and must be of good weldable quality in conjunction with metal of tank.

(e) The closure of the washout nozzle must be equipped with a ¾ inch solid screw plug. Plug must be secured to car structure or washout chamber by at least a ¼ inch chain.

(f) For bottom washout nozzles that project 6 inches or more from shell of tank, a "V" groove must be cut (not cast) in the upper part of bottom washout nozzle at a point immediately below lowest part of inside closure seat to a depth that will leave thickness of nozzle wall at the root of the "V" not over ⅜ inch. Where bottom washout nozzle is not a single piece, arrangement must be made to provide the equivalent of the breakage groove.

(g) The flange on the bottom washout nozzle must be of a thickness which will prevent distortion of the inside closure seat or closure casting by any change in contour of the shell, resulting from expansion of lading, or other causes, and which will insure that accidental breakage of the washout nozzle will occur at or below the "V" groove.

(h) The closure casting must not project below the "V" groove in the washout nozzle. The closure casting and seat must be readily accessible for repairs, including grinding.

§ 78.299–15 *Safety vents.* (a) Safety valves are prohibited, but a safety vent must be applied.

(b) Each tank or compartment thereof must be equipped with 1 safety vent at least 1¾ inches inside diameter closed with a frangible disc of lead or other suitable material of a thickness that will rupture at not more than 45 pounds per square inch. Means for holding disc in place must be such as to prevent distortion or damage to disc when applied. Safety vent closure must be chained or otherwise fastened to prevent misplacement.

(c) Safety vent flanges, if welded to dome, must be of cast, forged, or fabricated metal and be of good weldable quality in conjunction with metal of dome.

§ 78.299–16 *Fixtures, reinforcements, and attachments not otherwise specified.* (a) All attachments to tank and dome must be applied by approved means. Interior heater ssytems, when installed, must be so constructed that the breaking off of their external connections will not cause leakage of contents of tank.

§ 78.299–17 *Interior heater systems.* (a) See §§ 78.260 and 78.261, heater systems.

(b) Interior heater systems and plug flanges, if welded to tank or dome must be of cast, forged or fabricated metal and be of good weldable quality in conjunction with metal of tank or dome.

§ 78.299–18 *Closures for openings.* (a) All plugs must be solid, of good grade cast nickel or equivalent, with standard pipe threads of a length which will screw at least 6 threads inside the face of fitting or tank. Plugs, when inserted from the outside of tank heads, must have the letter "S" at least ⅜ inch in size stamped with steel stamp or cast on the outside surface to indicate the plug is solid.

§ 78.299–19 *Tests of tanks.* (a) Each tank must be tested, before being put into service, by completely filling the tank and dome with water, or other liquid having similar viscosity, of a temperature which must not exceed 100 degrees Fahrenheit during the test, and applying a pressure of 60 pounds per square inch. Tank must hold the prescribed pressure for at least 10 minutes without leakage or evidence of distress. All closures, except safety valves or vents, must be in place while test is made.

(b) If tanks are to be lagged, the test of tank must be made before lagging is applied.

(c) Calking of welded joints to stop leaks developed during the foregoing tests prohibited. Repairs in welded joint must be made as prescribed in § 78.299–7 (a).

(d) Tests of interior heater systems. Before interior heater systems are placed in service they must tested with hydrostatic pressure and must be tight at 200 pounds per square inch.

§ 78.299–20 *Marking.* (a) Each tank must be marked, thus certifying that the tank complies with all the requirements of this specification. These marks must be as follows:

(1) ICC–103A–N–W and specification number of material used in tank shell and expansion dome in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. ICC–103A–N–W must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high by the party assembling the completed car.

(2) Initials of tank builder and date of original test of tank in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (1) of this paragraph.

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph, by the party assembling the completed car. These marks must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high immediately below the stenciled mark specified in subparagraph (1) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank, or jacket if lagged.

(5) Date on which the interior heater systems were last tested, pressure to which tested, place where test was made, and by whom, stenciled on the tank or jacket if lagged.

(6) When a tank car and its appurtenances are designed and authorized for the transportation of a particular commodity only, the name of that commodity followed by the word "only" or such other wording as may be required to indicate the limits of usage of the car, must be stenciled on each side of the tank, or jacket if lagged, in letters at least 1 inch high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.



§ 78.299–21 *Reports.* (a) Before a tank car is placed in service, the party assembling the completed car must furnish the car owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of welded repairs, to, alterations of, or additions to tanks or equipment from original design and construction, all of which must be approved, there must be furnished to the same parties a report in detail of the welded repairs, alterations or additions made to each tank covered by a particular application, showing the initials and number of each tank involved. Reports of retests must be rendered to the Bureau of Explosives and car owner.

44. Add § 78.300 (15 F. R. 8523, Dec. 2, 1950) (49 CFR 78.300, 1950 Rev.) to read as follows:

§ 78.300 *Specification ICC–105A300–AL–W; lagged fusion-welded aluminum tanks to be mounted on or forming part of a car.* (a) Wherever the word "approved" is used in this specification, it means approval by the Association of American Railroads Committee on Tank Cars as prescribed in § 78.259 (a), (b), (c) and (d).

§ 78.300–1 *Type.* (a) Tanks built under this specification must be cylindrical with heads designed convex outward. The tank must be provided with a manway nozzle and cover on top of the tank of sufficient diameter to permit access to the interior of the tank and to provide for the proper mounting of venting, loading, unloading, sampling and safety valves, gauging device, thermometer well, and a protective housing on the cover. Other openings in the tank are prohibited.

§ 78.300–2. *Lagging.* (a) The tank shell and manway nozzle must be lagged with an approved insulation material of a thickness so that the thermal conductance is not more than 0.075 B. t. u. per square foot, per degree Fahrenheit differential in temperature per hour at 60 degrees. The entire insulation must be covered with a metal jacket not less than ⅛ inch in thickness and efficiently flashed around all openings so as to be weather tight. When heater systems are attached to the exterior of the tank, the lagging over each heater element may be reduced in thickness equivalent to ½ that required for the shell.

(b) Before lagging is applied, the tank surface and the inside surface of the metal jacket shall be given a protective coating.

§ 78.300–3 *Bursting pressure.* (a) The calculated bursting pressure based on the lowest tensile strength of the plate and the efficiency of the longitudinal welded joint, must be at least 750 pounds per square inch.

§ 78.300–4 *Thickness of plates.* (a) The wall thickness in the cylindrical portion of the tank must be calculated by the following formula, but in no case shall the wall thickness be less than that specified in § 78.300–4 (c):

$$t = \frac{Pd}{2SE}$$

where

$t$ = thickness in inches of thinnest plate;
$P$ = calculated bursting pressure, pounds per square inch;
$d$ = inside diameter in inches;
$S$ = minimum ultimate tensile strength in pounds per square inch as follows:

ASTM B–178 Alloy GR20A = 25,000 p. s. i.
ASTM B–178 Alloy GS11A = 24,000 p. s. i.
ASTM B–178 Alloy GR40A = 30,000 p. s. i.

$E$ = efficiency of longitudinal welded joint = 90 percent.

(b) The thickness of an ellipsoidal head shall be determined by the following formula:

$$t = \frac{Pd}{2SE}$$

where

$t$ = thickness of plate in inches;
$P$ = calculated bursting pressure pounds per square inch;
$d$ = inside diameter in inches;
$S$ = minimum ultimate tensile strength in pounds per square inch;
$E$ = efficiency of welded joint to shell = 100 percent.

(c) The minimum thickness of plates and heads must be ¾ inch.

§ 78.300–5 *Manway nozzle opening.* (a) Opening in tank for manway nozzle must be reinforced in an approved manner.

§ 78.300–6 *Material.* (a) All plates for tank and manway nozzle must be of an aluminum alloy to an approved specification and be suitable for fusion-welding and not subject to rapid deterioration by the lading.

(b) Aluminum alloy castings used for fittings or attachments to tank must be made of material to an approved specification.

(c) All external projections which may be in contact with the lading must be made of material specified herein.

§ 78.300–7 *Tank heads.* (a) Tank heads must be of approved contour and must be ellipsoidal for pressure on concave side.

(b) Ellipsoidal tank head shall be an ellipsoid of revolution in which the major axis shall equal the diameter of the shell and the minor axis shall be ½ the major axis.

§ 78.300–8 *Welding.* (a) All joints must be fusion-welded by a process which investigation and laboratory tests by the Mechanical Division of the Association of American Railroads have proved will produce satisfactory results. Fusion-welding to be performed by fabricators certified by Association of American Railroads as qualified to meet the requirements of this specification. All joints must be fabricated by means of fusion-welding in accordance with the requirements of A. A. R. Welding Code Appendix W.

§ 78.300–9 *Stress-relieving.* (a) Not a specification requirement.

§ 78.300–10 *Tank mounting.* (a) The manner in which the tank is supported on and securely attached to the car structure must be approved.

(b) The use of rivets as a means of securing anchor to tank is prohibited.

§ 78.300–11 *Manway nozzle, cover and protective housing.* (a) Manway nozzle must be of forged, pressed or fabricated aluminum alloy at least 18 inches inside diameter. Manway nozzle must be of approved design and attached to tank by fusion-welding. Fusion-welding for securing this attachment in place must be of the double-welded butt joint type.

(b) Manway cover must be of forged or rolled aluminum alloy at least 2⅝ inches thick, or other approved material at least 2¼ inches thick machined to approved dimensions. Manway cover must be attached to manway nozzle by through or stud bolts not entering tank.

(c) The shearing value of the bolts attaching protective housing to manway cover must not exceed 70 percent of shearing value of bolts attaching manway cover to manway nozzle.

(d) All joints between manway cover and manway nozzle, and between manway cover and valves or other appurtenances mounted thereon, must be made tight against vapor pressure.

(e) Protective housing of cast or fabricated steel, or other approved material, must be bolted to manway cover. Housing must be equipped with a suitable metal cover that can be securely closed. Housing cover on tanks used for the transportation of liquefied flammable gases must be provided with an opening equipped with an approved weather-proof covering and having an area at least equal to the total safety valve discharge area. Housing cover must have suitable stop to prevent cover striking loading or unloading connections and be hinged on one side only with approved riveted pin, rod with nuts and cotters or rod with suitable washers welded on ends. Openings in wall of housing must be equipped with screw plugs or other closures.

§ 78.300–12 *Venting, loading and unloading valves, gauging and sampling device and thermometer well.* (a) Venting, loading and unloading valves must be of approved type, made of metal not subject to rapid deterioration by lading, and must withstand a pressure of 300 pounds per square inch without leakage. The valves must be directly bolted to seatings on manway cover. Pipe connections of the valves must be closed with approved screw plugs chained or otherwise fastened to prevent misplacement.

(b) The interior plugs of the loading and unloading valves, except as prescribed in paragraph (d) of this section, may be equipped with excess flow valves of an approved design.

(c) Gauging device, sampling valve and thermometer well are not specification requirements. When used, they must be of approved design, made of metal not subject to rapid deterioration by lading and must withstand a pressure

of 300 pounds per square inch without leakage. Interior pipes of the gauging device and sampling valve, except as prescribed in paragraph (d) of this section, may be equipped with excess flow valves of an approved design. Interior pipe of thermometer well must be anchored in an approved manner to prevent breakage due to vibration. The thermometer well must be closed by an approved valve attached close to the manway cover and closed by a screw plug. Other approved arrangements that permit testing thermometer well for leaks without complete removal of the closure may be used.

(d) Tanks used for the transportation of liquefied flammable gases must have the interior pipes of the loading and unloading valves, gauging device and sampling valve equipped with excess flow valves of an approved design.

§ 78.300–13 *Safety valves.* (a) The tank must be equipped with one or more safety valves of approved design, made of metal not subject to rapid deterioration by the lading and mounted on manway cover. The total valve discharge capacity must be sufficient to prevent building up of pressure in tank in excess of 225 pounds per square inch.

(b) The safety valves must be set to open at a pressure of not exceeding 225 pounds per square inch. (For tolerance see § 78.300–17 (a).)

§ 78.300–14 *Fixtures, reinforcements, and attachments not otherwise specified.* (a) Attachments, other than the anchorage, interior pipe bracing and those mounted on the manway nozzle and cover, are prohibited. Heater systems may be applied to exterior of tank by tank bands or other approved method.

§ 78.300–15 *Closures for openings.* (a) Plugs must be of approved type, with standard pipe thread, and of metal not subject to rapid deterioration by the lading.

§ 78.300–16 *Tests of tanks.* (a) Each tank must be tested, after anchorage is applied and before tank lagging is applied, by completely filling the tank and manway nozzle with water or other liquid of similar viscosity, having a temperature which must not exceed 100 degrees Fahrenheit during test, and applying a pressure of 300 pounds per square inch. The tank must hold the prescribed pressure for at least 30 minutes without leakage or evidence of distress. All closures, except safety valves, must be in place while test is made.

(b) Calking of welded joints to stop leaks developed during the foregoing tests prohibited. Repairs in welded joints must be made as prescribed in § 78.300–8 (a).

(c) Tests of exterior heater systems are not a specification requirement.

§ 78.300–17 *Tests of safety valves.* (a) Each valve must be tested by air or gas before being put into service. The valve must open at a pressure not exceeding 225 pounds per square inch and be vapor tight at 180 pounds per square inch, which limiting pressures must not be affected by any auxiliary closure or other combination.

§ 78.300–18 *Marking.* (a) Each tank must be marked, thus certifying that the tank complies with all the requirements of this specification. These marks must be as follows:

(1) ICC–105A300AL–W and specification number of material used in tank shell and manway nozzle in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of both outside heads of the tank by the tank builder. ICC–105A-300AL–W must also be stenciled on the jacket in letters and figures at least 2 inches high by the party assembling the completed car.

(2) Initials of tank builder and date of original test of tank in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (1) of this paragraph.

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph, by the party assembling the completed car. These marks must also be stenciled on the jacket in letters and figures at least 2 inches high immediately below the stenciled mark specified in subparagraph (1) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested, place where test was made, and by whom, stenciled on the jacket.

(5) Date on which the safety valves were last tested, pressure to which tested, place where test was made, and by whom, stenciled on the jacket.

(6) Water capacity of the tank in pounds stamped plainly and permanently in letters and figures at least ⅜ inch high into the metal of the tank immediately below the mark specified in subparagraph (2) and (3) of this paragraph. This mark must also be stenciled on the jacket immediately below the dome platform and either directly behind or within 3 feet of the right or left side of ladder, or ladders, if there is a ladder on each side of the tank, in letters and figures at least 2 inches high as follows:

WATER CAPACITY
000000 POUNDS

(7) When a tank car and its appurtenances are designed and authorized for the transportation of a particular commodity only, the name of that commodity followed by the word "only", or such other wording as may be required to indicate the limits of usage of the car, must be stenciled on each side of the jacket, in letters at least 1 inch high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

§ 78.300–19 *Reports.* (a) Before a tank car is placed in service, the party assembling the completed car must furnish to the car owner, Bureau of Explosives, and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of welded repairs to, alterations of or additions to tanks or equipment from original design and construction, all of which must be approved, there must be furnished to the same parties a report in detail of the welded repairs, alterations or additions made to each tank covered by a particular application, showing the initials and numbers of each tank involved. Reports of retests must be rendered to the Bureau of Explosives and the car owner.

45. Add § 78.301 (15 F. R. 8523, Dec. 2, 1950) (49 CFR 78.301, 1950 Rev.) to read as follows:

§ 78.301 *Specification ICC–109A300–W; fusion welded steel tanks to be mounted on or forming a part of a car.* (a) Wherever the word "approved" is used in this specification it means approval by the Association of American Railroads Committee on Tank Cars as prescribed in § 78.259 (a), (b), (c) and (d).

§ 78.301–1 *Type.* (a) Tanks built under this specification must be cylindrical with heads designed convex outward. The tank must be provided with a manway nozzle and cover on top of the tank of sufficient diameter to permit access to the interior of the tank, and to provide for the proper mounting of venting, loading, unloading, sampling and safety valves, gauging device, thermometer well and a protective housing on the cover.

§ 78.301–2 *Lagging.* (a) Not a specification requirement. If applied, the tank shell and manway nozzle must be lagged with an approved insulation material of a thickness so that the thermal conductance is not more than 0.225 B. t. u. per square foot, per degree Fahrenheit differential in temperature per hour at 60 degrees. The entire insulation must be covered with a metal jacket not less than ⅛ inch in thickness and efficiently flashed around all openings so as to be weather tight. When heater systems are attached to exterior of tank, the lagging over each heater element may be reduced in thickness.

(b) Before lagging is applied, the tank surface and the inside surface of the metal jacket shall be given a protective coating.

§ 78.301–3 *Bursting-pressure.* (a) The calculated bursting pressure, based on the lowest tensile strength of the plate and the efficiency of the longitudinal welded joint, must be at least 750 pounds per square inch.

§ 78.301–4 *Thickness of plates.* (a) The wall thickness in the cylindrical portion of the tank and tank heads must be calculated by the following formula; but in no case shall the wall thickness be less than that specified in § 78.301–4 (b):

$$t=\frac{Pd}{2SE}$$



where
$t$ = thickness in inches of thinnest plate;
$P$ = calculated bursting pressure in pounds per square inch;
$d$ = inside diameter in inches;
$S$ = minimum ultimate tensile strength in pounds per square inch;
$E$ = efficiency of longitudinal welded joint = 90 percent.

(b) The minimum thickness of plates must be 11/16 inch.

(c) The minimum thickness of clad plates, where cladding material has physical properties at least equal to that of the base plate prescribed in § 78.301–6 (a), must be as prescribed in paragraph (b) of this section. Where the cladding material does not have physical properties at least equal to that of the base plate prescribed in § 78.301–6 (a), minimum thickness of base plate must be as prescribed in paragraph (b) of this section.

§ 78.301–5 *Manway nozzle opening.* (a) Opening in tank for manway nozzle must be reinforced in an approved manner.

§ 78.301–6 *Material.* (a) All plates for tank and manway nozzle must be made of open hearth boiler-plate flange quality steel to an approved specification, the carbon content of which shall not exceed 0.31 percent. These plates may also be clad with other metals such as nickel.

(b) All castings used for fittings or attachments to tank must be of material to an approved specification. The use of cast iron is prohibited.

(c) All external projections must be made of materials specified herein.

(d) Lining or interior coating is not a specification requirement. If applied, it must be approved as to material.

§ 78.301–7 *Tank heads.* (a) The tank head shape shall be an ellipsoid of revolution in which the major axis shall equal the diameter of the shell and the minor axis shall be ½ the major axis.

§ 78.301–8 *Welding.* (a) All joints must be fusion-welded by a process which investigation and laboratory tests by the Mechanical Division of the Association of American Railroads have proved will produce satisfactory results. Fusion-welding to be performed by fabricators certified by Association of American Railroads as qualified to meet the requirements of this specification. All joints must be fabricated by means of fusion-welding in accordance with the requirements of A. A. R. Welding Code Appendix W.

§ 78.301–9 *Stress-relieving.* (a) All welding of the tank shell and of attachments welded directly thereto must be stress-relieved as a unit.

§ 78.301–10 *Tank mounting.* (a) The manner in which the tank is supported on and securely attached to the car structure must be approved.

(b) The use of rivets as a means of securing anchor to tank is prohibited.

§ 78.301–11 *Manway nozzle, cover and protective housing.* (a) Manway nozzle must be of forged or rolled steel at least 18 inches inside diameter. Manway nozzle must be of approved design and attached to tank by fusion-welding. Fusion-welding for securing this attachment in place must be of the double-welded butt joint type or double full-fillet lap joint type.

(b) Manway cover must be forged or rolled steel at least 2¼ inches thick machined to approved dimensions. Manway cover must be attached to manway nozzle by through or stud bolts not entering tank.

(c) The shearing value of the bolts attaching protective housing to manway cover must not exceed 70 percent of shearing value of bolts attaching manway cover to manway nozzle.

(d) All joints between manway cover and manway nozzle, and between manway cover and valves or other appurtenances mounted thereon, must be made tight against vapor pressure.

(e) Protective housing of cast or fabricated steel must be bolted to manway cover. Housing must be equipped with a a suitable metal cover that can be securely closed. Housing cover must have a suitable stop to prevent cover striking loading or unloading connections and be hinged on one side only with an approved riveted pin or rod with nuts and cotters. Openings in wall of housing must be equipped with screw plugs or other closures.

§ 78.301–12 *Venting, loading and unloading valves, gauging and sampling device, and thermometer well.* (a) Venting loading and unloading valves must be of approved type, made of metal not subject to rapid deterioration by lading, and must withstand a pressure of 300 pounds per square inch without leakage. The valves must be directly bolted to seatings on manway cover. Pipe connections of the valves must be closed with approved screw plugs or otherwise fastened to prevent misplacement.

(b) The interior pipes of the loading and unloading valves, sampling valve and gauging device may be equipped with excess flow valves of an approved design.

(c) Gauging device, sampling valve and thermometer well are not specification requirements. When used they must be of approved design, made of metal not subject to rapid deterioration by the lading, and must withstand a pressure of 300 pounds per square inch without leakage. Interior pipe of thermometer well must be anchored in an approved manner to prevent breakage due to vibration. The thermometer well must be closed by an approved valve attached close to the manway cover and closed by a screw plug. Other approved arrangements that permit testing thermometer well for leaks without complete removal of the closure may be used.

§ 78.301–13 *Bottom outlets.* (a) Bottom outlet for discharge of lading is prohibited, but tank may be equipped with a bottom washout of metal not subject to rapid deterioration by the lading, which must be of approved construction complying with the following requirements:

(1) The extreme projection of the bottom washout must be at least 12 inches above the top of rail.

(2) Bottom washout nozzle must be of cast, forged or fabricated metal of good weldable quality in conjunction with the metal of the tank, and must be applied by welding.

(3) The bottom washout must be designed and constructed with a double closure, each capable of withstanding 300 pounds per square inch test pressure and 225 pounds per square inch working pressure without leakage. The inside or top closure must be such that loss of lading will not occur should the nozzle be broken, and preferably should consist of a plug with a tapered seat so that any tank pressure will effect tight closure independent of means of securing the plug. The outside or bottom closure must be a flange with a test plug not larger than ¾ inch pipe plug. Flange and plug must be chained to prevent loss.

(4) For bottom washout nozzles that project 6 inches or more from shell of tank, a "V" groove must be cut (not cast) in the upper part of bottom washout nozzle at a point immediately below lowest part of inside closure seat to a depth that will leave thickness of nozzle wall at the root of the "V" not over ⅜ inch. Where bottom washout nozzle is not a single piece, arrangement must be made to provide the equivalent of the breakage groove.

(5) The opening in the tank bottom for the bottom washout nozzle must be reinforced in an approved manner, and the washout nozzle must be of a thickness to insure that accidental breakage will occur at or below the "V" groove.

(6) The closure casting must not project below the "V" groove in the washout nozzle. The closure casting and seat must be readily accessible for repairs, including grinding.

(7) Joints between closures and their seats may be gasketed with suitable material.

§ 78.301–14 *Safety valves.* (a) The tank must be equipped with one or more safety valves of approved design, made of metal not subject to rapid deterioration by lading and mounted on manway cover. The safety valve must be set to open at a pressure of not exceeding 225 pounds per square inch. (For tolerance see § 78.301–18 (a).)

§ 78.301–15 *Fixtures, reinforcements and attachments not otherwise specified.* (a) All attachments to tank and nozzle must be applied by approved means. Heater systems may be applied to exterior of tank by tank bands or other approved method.

§ 78.301–16 *Closures for openings.* (a) Plugs must be of an approved type, with standard pipe thread, and of metal not subject to rapid deterioration by the lading.

§ 78.301–17 *Tests of tanks.* (a) Each tank must be tested, after anchorage is applied and before tank lagging is applied, by completely filling the tank and manway nozzle with water or other liquid of similar viscosity, having a temperature which must not exceed 100 degrees Fahrenheit during test, and applying a pressure of 300 pounds per square inch. The tank must hold the prescribed pressure for at least 30 minutes without leakage or evidence of distress.

(b) Calking of welded joints to stop leaks developed during the foregoing

tests is prohibited. Repairs in welded joints must be made as prescribed in § 78.301–8 (a).

(c) Tests of exterior heater systems are not a specification requirement.

§ 78.301–18 *Tests of safety valves.* (a) Each valve must be tested by air or gas before being put into service. The valve must open at a pressure not exceeding 225 pounds per square inch and be vapor tight at 180 pounds per square inch, which limiting pressure must not be affected by an auxiliary closure or other combination.

§ 78.301–19 *Marking.* (a) Each tank must be marked, thus certifying that the tank complies with all the requirements of this specification as follows:

(1) ICC–109A300–W in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal near the center of both outside heads by the tank builder. This mark must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high by the party assembling the completed car.

(2) Initials of tank builder and date of original test of tank in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (1) of this paragraph.

(3) Initials of company and date of additional tests performed by the party assembling the completed car, in those cases where the tank builder does not complete the fabrication of tank, in letters and figures at least ⅜ inch high stamped plainly and permanently into the metal immediately below the stamped marks specified in subparagraph (2) of this paragraph by the party assembling the completed car. These marks must also be stenciled on the tank, or jacket if lagged, in letters and figures at least 2 inches high immediately below the stenciled mark specified in subparagraph (1) of this paragraph by the party assembling the completed car.

(4) Date on which the tank was last tested, pressure to which tested, place where test was made, and by whom stenciled on the tank, or jacket if lagged.

(5) Date on which the safety valves were last tested, pressure to which tested, place where test was made, and by whom stenciled on the jacket.

(6) Water capacity of the tank in pounds stamped plainly and permanently in letters and figures at least ⅜ inch high into the metal of the tank immediately below the mark specified in subparagraph (3) of this paragraph. This mark must also be stenciled on the tank, or jacket if lagged, immediately below the dome platform and either directly behind or within 3 feet of the right or left side of the ladder on each side of the tank, in letters and figures at least 2 inches high as follows:

WATER CAPACITY
000000 POUNDS

(7) When a tank car and its appurtenances are designed and authorized for the transportation of a particular commodity only, the name of that commodity followed by the word "only", or such other wording as may be required to indicate the limits of usage of the car, must be stenciled on each side of the tank, or jacket if lagged, in letters at least 1 inch high, immediately above the stenciled mark specified in subparagraph (1) of this paragraph.

(8) Tanks made of clad plates must be stenciled on the tank, or jacket if lagged, "_____ (naming material) clad tank." Lined tanks must be stenciled on the tank, or jacket if lagged, "_____ (naming material) lined tank." These marks must be stenciled in letters at least 2 inches high, immediately above stenciled mark specified in subparagraph (7) of this paragraph.

§ 78.301–20 *Reports.* (a) Before a tank car is placed in service, the party assembling the completed car must furnish to car owner and the Secretary, Mechanical Division, Association of American Railroads, a report in approved form certifying that the tank and its equipment comply with all the requirements of this specification. In case of welded repairs to, alterations of or additions to tanks or equipment from original design and construction, all of which must be approved, there must be furnished to the same parties a report in detail of the welded repairs, alterations or additions made to each tank covered by a particular application, showing the initials and number of each tank involved. Reports of retests must be rendered to the Bureau of Explosives and the car owner.

46. Cancel entire Appendices A, B, C, and D (20 F. R. 8111, 8112, Oct. 28, 1955) (19 F. R. 1286, 1287, Mar. 6, 1954) (17 F. R. 7288, 7289, Aug. 9, 1952) (16 F. R. 5340, 5341, June 6, 1951) (19 F. R. 3265, June 3, 1954) (15 F. R. 8523 to 8543, Dec. 2, 1950) (49 CFR 1950 Rev., 1954 Supp., Part 78 Appendices A, B, C, and D).

[F. R. Doc. 56–4965; Filed, June 25, 1956; 8:49 a. m.]

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## Subchapter B—Carriers by Motor Vehicles

[Ex Parte No. MC–43]

## PART 207—LEASE AND INTERCHANGE OF VEHICLES

### LEASE AND INTERCHANGE OF VEHICLES BY MOTOR CARRIERS

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 18th day of June A. D. 1956.

It appearing that by orders entered herein on February 2, 1955, November 15, 1955, and January 23, 1956, certain sections, or parts of certain sections of the rules prescribed in the above-entitled proceeding by order of May 8, 1951, as subsequently amended, or the applicability of the rules, or sections thereof, to specified groups of authorized carriers, are to become effective on July 1, 1956;

It further appearing that there is pending before the Congress a Bill, S. 898, to amend the Interstate Commerce Act with respect to the authority of this Commission to regulate the use by motor carriers (under leases, contracts, or other arrangements) of motor vehicles not owned by them, in the furnishing of transportation;

And it further appearing that it would be undesirable to the public interest if the said sections or parts of sections were to become effective while the Congress is considering whether to approve legislation dealing with the subject:

*It is ordered,* That the effective date of the following provisions of the order entered in this proceeding on May 8, 1951, as subsequently modified, be, and it is hereby, postponed until further order:

(1) The provision of § 207.4 (a) (3) which requires that any contract, lease, or other arrangement for the use of equipment shall specify a period "which shall not be less than 30 days";

(2) That part of § 207.4 (a) (5) reading: "* * * *Provided, however,* That such compensation shall not be computed on the basis of any division or percentage of any applicable rate or rates on any commodity or commodities transported in said vehicle or on a division or percentage of any revenue earned by said vehicle during the period for which the lease is effective."

(3) Section 207.5 (c) which requires that drivers be changed at the point of interchange of vehicles on joint-line movements, only insofar as the same applies to authorized carriers by motor vehicle of passenger automobiles, commercial trucks, buses, and related vehicle traffic, and of perishable commodities in refrigerated equipment;

(4) That portion of § 207.5 (c) (1) immediately following the semicolon therein, relating to drivers of special equipment used to transport articles or commodities, which, because of their size, weight, or shape, require the use of special equipment, and reading "and that, until March 1, 1956, such drivers may make the inspection required by § 207.5 (e) of these rules and regulations on behalf of any carrier party to the through movement"; and

(5) All of the rules insofar as they apply to authorized carriers of household goods as defined by the Commission.

(49 Stat. 546, as amended; 49 U. S. C. 304)

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56–5023; Filed, June 25, 1956; 8:50 a. m.]



# PROPOSED RULE MAKING

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### [ 26 CFR (1954) Part 1 ]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 111, 115, and 7805 of the Internal Revenue Code of 1954 (68A Stat. 33, 35, and 917; 26 U. S. C. 111, 115, and 7805).

[SEAL] O. GORDON DELK, *Acting Commissioner of Internal Revenue.*

The following regulations for taxable years beginning after December 31, 1953, and ending after August 16, 1954, are hereby prescribed under sections 102, 103, 109, 110, 111, 112, 113, 114, 115, 118, 119, 120, and 121 of the Internal Revenue Code of 1954:

Sec.
1.102 Statutory provisions; gifts and inheritances.
1.102–1 Gifts and inheritances.
1.103 Statutory provisions; interest on certain governmental obligations.
1.103–1 Interest upon State obligations.
1.103–2 Dividends from shares and stock of Federal agencies or instrumentalities.
1.103–3 Interest upon notes secured by mortgages executed to Federal agencies or instrumentalities.
1.103–4 Interest upon United States obligations.
1.103–5 Treasury bond exemption in the case of trusts or partnerships.
1.103–6 Interest upon United States obligations in the case of nonresident and foreign corporations not engaged in business in the United States.
1.109 Statutory provisions; improvements by lessee on lessor's property.
1.109–1 Exclusion from gross income of lessor of real property of value of improvements erected by lessee.
1.110 Statutory provisions; income taxes paid by lessee corporation.
1.110–1 Income taxes paid by lessee corporation.
1.111 Statutory provisions; recovery of bad debts, prior taxes, and delinquent accounts.
1.111–1 Recovery of certain items previously deducted or credited.
1.112 Statutory provisions; certain combat pay of members of the Armed Forces.
1.112–1 Compensation of members of the Armed Forces of the United States for service in a combat zone during an induction period, or for service while hospitalized as a result of such combat zone service.
1.113 Statutory provisions; mustering-out payments for members of the Armed Forces.
1.113–1 Mustering-out payments for members of the Armed Forces.
1.114 Statutory provisions; sports programs conducted for the American National Red Cross.
1.114–1 Proceeds from certain sports programs conducted for the benefit of the American National Red Cross.
1.115 Statutory provisions; income of States, municipalities, etc.
1.115–1 Bridges to be acquired by State or political subdivisions.
1.118 Statutory provisions; contributions to the capital of a corporation.
1.118–1 Contributions to the capital of a corporation.
1.119 Statutory provisions; meals or lodging furnished for the convenience of the employer.
1.119–1 Meals or lodging furnished for the convenience of the employer.
1.120 Statutory provisions; statutory subsistence allowance received by police.
1.120–1 Statutory subsistence allowance received by police.
1.121 Statutory provisions; cross-references to other acts.

§ 1.102 *Statutory provisions; gifts and inheritances.*

SEC. 102. *Gifts and inheritances*—(a) *General rule.* Gross income does not include the value of property acquired by gift, bequest, devise, or inheritance.

(b) *Income.* Subsection (a) shall not exclude from gross income—

(1) The income from any property referred to in subsection (a); or

(2) Where the gift, bequest, devise, or inheritance is of income from property, the amount of such income.

Where, under the terms of the gift, bequest, devise, or inheritance, the payment, crediting, or distribution thereof is to be made at intervals, then, to the extent that it is paid or credited or to be distributed out of income from property, it shall be treated for purposes of paragraph (2) as a gift, bequest, devise, or inheritance of income from property. Any amount included in the gross income of a beneficiary under subchapter J shall be treated for purposes of paragraph (2) as a gift, bequest, devise, or inheritance of income from property.

§ 1.102–1 *Gifts and inheritances*—(a) *General rule.* Property received as a gift, or received under a will or under statutes of descent and distribution, is not includible in gross income, although the income from such property is includible in gross income. An amount of principal paid under a marriage settlement is a gift. However, see section 71 and the regulations thereunder for rules relating to alimony or allowances paid upon divorce or separation. Section 102 does not apply to prizes and awards (see section 74 and § 1.74–1) nor to scholarships and fellowship grants (see section 117 and the regulations thereunder).

(b) *Income from gifts and inheritances.* The income from any property received as a gift, or under a will or statute of descent and distribution shall not be excluded from gross income under paragraph (a) of this section.

(c) *Gifts and inheritances of income.* If the gift, bequest, devise, or inheritance is of income from property, it shall not be excluded from gross income under paragraph (a) of this section. Section 102 provides a special rule for the treatment of certain gifts, bequests, devises, or inheritances which by their terms are to be paid, credited, or distributed at intervals. Except as provided in section 663 (a) (1) and paragraph (d) of this section, to the extent any such gift, bequest, devise, or inheritance is paid, credited, or to be distributed out of income from property, it shall be considered a gift, bequest, devise, or inheritance of income from property. Section 102 provides the same treatment for amounts of income from property which is paid, credited, or to be distributed under a gift or bequest whether the gift or bequest is in terms of a right to payments at intervals (regardless of income) or is in terms of a right to income. To the extent the amounts in either case are paid, credited, or to be distributed at intervals out of income, they are not to be excluded under section 102 from the taxpayer's gross income.

(d) *Effect of subchapter J.* Any amount required to be included in the gross income of a beneficiary under sections 652, 662, or 668 shall be treated for purposes of this section as a gift, bequest, devise, or inheritance of income from property. On the other hand, any amount excluded from the gross income of a beneficiary under section 663 (a) (1) shall be treated for purposes of this section as property acquired by gift, bequest, devise, or inheritance.

(e) *Income taxed to grantor or assignor.* Section 102 is not intended to tax a donee upon the same income which is taxed to the grantor of a trust or assignor of income under section 61 or sections 671 through 677, inclusive.

§ 1.103 *Statutory provisions; interest on certain governmental obligations.*

SEC. 103. *Interest on certain governmental obligations*—(a) *General rule.* Gross income does not include interest on—

(1) The obligations of a State, a Territory, or a possession of the United States, or any political subdivision of any of the foregoing, or of the District of Columbia;

(2) The obligations of the United States; or

(3) The obligations of a corporation organized under Act of Congress, if such corporation is an instrumentality of the United States and if under the respective Acts authorizing the issue of the obligations the interest is wholly exempt from the taxes imposed by this subtitle.

(b) *Exception.* Subsection (a) (2) shall not apply to interest on obligations of the United States issued after September 1, 1917 (other than postal savings certificates of deposit, to the extent they represent deposits made before March 1, 1941), unless under the respective Act authorizing the issuance thereof such interest is wholly exempt from the taxes imposed by this subtitle.

(c) *Cross references.* For provisions relating to the taxable status of—

(1) Bonds and certificates of indebtedness authorized by the First Liberty Bond Act, see sections 1 and 6 of that Act (40 Stat. 35, 36; 31 U. S. C. 746, 755);

(2) Bonds issued to restore or maintain the gold reserve, see section 2 of the Act of March 14, 1900 (31 Stat. 46; 31 U. S. C. 408);

(3) Bonds, notes, certificates of indebtedness, and Treasury bills authorized by the Second Liberty Bond Act, see sections 4, 5 (b) and (d), 7, 18 (b), and 22 (d) of that Act, as amended (40 Stat. 290; 46 Stat. 20, 775; 40 Stat. 291, 1310; 55 Stat. 8; 31 U. S. C. 752a, 754, 747, 753, 757c);

(4) Bonds, notes, and certificates of indebtedness of the United States and bonds of the War Finance Corporation owned by certain nonresidents, see section 3 of the Fourth Liberty Bond Act, as amended (40 Stat. 1311, § 4; 31 U. S. C. 750);

(5) Certificates of indebtedness issued after February 4, 1910, see section 2 of the Act of that date (36 Stat. 192; 31 U. S. C. 769);

(6) Consols of 1930, see section 11 of the Act of that date (36 Stat. 192; 31 U. S. C. 751);

(7) Obligations and evidences of ownership issued by the United States or any of its agencies or instrumentalities on or after March 28, 1942, see section 4 of the Public Debt Act of 1941, as amended (c. 147, 61 Stat. 180; 31 U. S. C. 742a);

(8) Commodity Credit Corporation obligations, see section 5 of the Act of March 8, 1938 (52 Stat. 108; 15 U. S. C. 713a-5);

(9) Debentures issued by Federal Housing Administrator, see sections 204 (d) and 207 (1) of the National Housing Act, as amended (52 Stat. 14, 20; 12 U. S. C. 1710, 1713);

(10) Debentures issued to mortgagees by United States Maritime Commission, see section 1105 (c) of the Merchant Marine Act, 1936, as amended (52 Stat. 972; 46 U. S. C. 1275);

(11) Federal Deposit Insurance Corporation obligations, see section 15 of the Federal Deposit Insurance Act (64 Stat. 890; 12 U. S. C. 1825);

(12) Federal Home Loan Bank obligations, see section 13 of the Federal Home Loan Bank Act, as amended (49 Stat. 295, § 8; 12 U. S. C. 1433);

(13) Federal savings and loan association loans, see section 5 (h) of the Home Owners' Loan Act of 1933, as amended (48 Stat. 133; 12 U. S. C. 1464);

(14) Federal Savings and Loan Insurance Corporation obligations, see section 402 (e) of the National Housing Act (48 Stat. 1257; 12 U. S. C. 1725);

(15) Home Owners' Loan Corporation bonds, see section 4 (c) of the Home Owners' Loan Act of 1933, as amended (48 Stat. 644, c. 168; 12 U. S. C. 1463);

(16) Obligations of Central Bank for Cooperatives, production credit corporations, production credit associations, and banks for cooperatives, see section 63 of the Farm Credit Act of 1933 (48 Stat. 267; 12 U. S. C. 1138c);

(17) Panama Canal bonds, see section 1 of the Act of December 21, 1904 (34 Stat. 5; 31 U. S. C. 743), section 8 of the Act of June 28, 1902 (32 Stat. 484; 31 U. S. C. 744), and section 39 of the Tariff Act of 1909 (36 Stat. 117; 31 U. S. C. 745);

(18) Philippine bonds, etc., issued before the independence of the Philippines, see section 9 of the Philippine Independence Act (48 Stat. 463; 48 U. S. C. 1239);

(19) Postal savings bonds, see section 10 of the Act of June 25, 1910 (36 Stat. 817; 39 U. S. C. 760);

(20) Puerto Rican bonds, see section 3 of the Act of March 2, 1917, as amended (50 Stat. 844; 48 U. S. C. 745);

(21) Treasury notes issued to retire national bank notes, see section 18 of the Federal Reserve Act (38 Stat. 268; 12 U. S. C. 447);

(22) United States Housing Authority obligations, see sections 5 (e) and 20 (b) of the United States Housing Act of 1937 (50 Stat. 890, 898; 42 U. S. C. 1405, 1420);

(23) Virgin Islands insular and municipal bonds, see section 1 of the Act of October 27, 1949 (63 Stat. 940; 48 U. S. C. 1403).

§ 1.103-1 *Interest upon obligations of a State, Territory, etc.* Interest upon the obligations of a State, Territory, or a possession of the United States, or any political subdivision thereof, or the District of Columbia is exempt from the income tax. Obligations issued by or on behalf of the State, Territory, or possession of the United States, or a duly organized political subdivision acting by constituted authorities empowered to issue such obligations, are the obligations of a State, Territory, or possession of the United States, or a political subdivision thereof. The term "political subdivision", within the meaning of the exemption, denotes any division of the State, Territory, or possession of the United States which is a municipal corporation, or to which has been delegated the right to exercise part of the sovereign power of the State, Territory, or possession of the United States. As thus defined, a political subdivision of a State, Territory, or possession of the United States may or may not, for the purpose of exemption, include special assessment districts so created, such as road, water, sewer, gas, light, reclamation, drainage, irrigation, levee, school, harbor, port improvement, and similar districts and divisions of a State, Territory, or possession of the United States.

§ 1.103-2 *Dividends from shares and stock of Federal agencies or instrumentalities*—(a) *Issued before March 28, 1942.* (1) Section 26 of the Federal Farm Loan Act of July 17, 1916 (12 U. S. C. 931), provides that Federal land banks and national farm-loan associations, including the capital and reserve or surplus therein and the income derived therefrom, shall be exempt from taxation, except taxes upon real estate. Section 7 of the Federal Reserve Act of December 23, 1913 (12 U. S. C. 531), provides that Federal reserve banks, including the capital stock and surplus therein and the income derived therefrom, shall be exempt from taxation, except taxes upon real estate. Section 13 of the Federal Home Loan Bank Act (12 U. S. C. 1433) provides that the Federal Home Loan Bank including its franchise, its capital, reserves, and surplus, its advances, and its income shall be exempt from all taxation, except taxes upon real estate. Section 5 (h) of the Home Owners' Loan Act of 1933 (12 U. S. C. 1464 (h)) provides that shares of Federal savings and loan associations shall, both as to their value and the income therefrom, be exempt from all taxation (except surtaxes, estate, inheritance, and gift taxes) imposed by the United States. Under the above-mentioned provisions, income consisting of dividends on stock of Federal land banks, national farm-loan associations, Federal home loan banks, and Federal reserve banks is not, in the case of stock issued before March 28, 1942, subject to the income tax; and income consisting of dividends on share accounts of Federal savings and loan associations is not, in the case of shares issued before March 28, 1942, subject to the normal tax on income. For taxability of such income in the case of such stock or shares issued on or after March 28, 1942, see section 6 of the Public Debt Act of 1942 (31 U. S. C. 742a) and paragraph (b) of this section. For the time at which a stock or share is issued within the meaning of this section, see paragraph (b) of this section.

(2) Regardless of the exemption from income tax of dividends paid on the stock of Federal reserve banks, dividends paid by member banks are treated like dividends of ordinary corporations.

(3) Dividends on the stock of the central bank for cooperatives, the production credit corporations, production credit associations, and banks for cooperatives, organized under the provisions of the Farm Credit Act of 1933, constitute income to the recipients, subject to both the normal tax and surtax (see section 63 of the Farm Credit Act of 1933 (12 U. S. C. 1138c)).

(b) *Issued on or after March 28, 1942.* (1) By virtue of the provisions of section 6 of the Public Debt Act of 1942, the tax exemption provisions set forth in paragraph (a) of this section with respect to income consisting of dividends on stock of the Federal land banks, national farm-loan associations, and Federal reserve banks, or on share accounts of Federal savings and loan associations, are not applicable in the case of dividends on such stock or shares issued on or after March 28, 1942.

(2) For the purposes of this section, a stock or share is deemed to be issued at the time and to the extent that payment therefor is made to the agency or instrumentality. The date of issuance of the certificate or other evidence of ownership of such stock or share is not determinative if payment is made at an earlier or later date. Where old stock is retired in exchange for new stock of a different character or preference, the new stock shall be deemed to have been issued at the time of the exchange rather than when the old stock was paid for. These rules may be illustrated by the following examples:

*Example (1).* A, the owner of an investment share account, consisting of 10 shares, in a Federal savings and loan association, has a single certificate issued before March 28, 1942, evidencing such ownership. In order that A may dispose of half of such shares, the association at his request issues, after March 27, 1942, two 5-share certificates in substitution for the 10-share certificate. The shares evidenced by the two new certificates are deemed to have been issued before March 28, 1942, the shares having been paid for before such date.

*Example (2).* The X Bank, a member of a Federal reserve bank, owns 50 shares of Federal reserve bank stock, evidenced by a single stock certificate issued before March 28, 1942. On December 31, 1942, the X Bank reduces the amount of its capital stock, as a result of which it is required to reduce the amount of its Federal reserve bank stock to 40 shares. It surrenders the 50-share certificate to the Federal reserve bank and receives a new 40-share certificate. The 40 shares evidenced by such certificate are deemed to have been issued before March 28, 1942. On December 31, 1943, the X Bank increases the amount of its capital stock, as a result of which it is required to purchase 10 additional shares of the Federal reserve bank stock. The Federal reserve bank issues a 10-share certificate evidencing ownership of the new shares. Of the 50 shares then owned by the X Bank, 40 were issued prior to March 28, 1942, and 10 were issued after March 27, 1942.

*Example (3).* A, the owner of a savings share account in the amount of $100 in a Federal savings and loan association, has a passbook containing a certificate issued prior to March 28, 1942, evidencing such ownership. Subsequent to March 27, 1942, A deposits $10,000 in the account. With respect to the $10,000 deposit, the share is deemed to have been issued after March 27, 1942.



§ 1.103-3 *Interest upon notes secured by mortgages executed to Federal agencies or instrumentalities.* Section 26 of the Federal Farm Loan Act of July 17, 1916 (12 U. S. C. 931), and section 210 of such act, as added by section 2 of the act of March 4, 1923 (12 U. S. C. 1111), provide that first mortgages executed to Federal land banks, joint-stock land banks, or Federal intermediate credit banks, and the income derived therefrom, shall be exempt from taxation. Accordingly, income consisting of interest on promisory notes held by such banks and secured by such first mortgages is not subject to the income tax.

§ 1.103-4 *Interest upon United States obligations*—(a) *Issued before March 1, 1941.* (1) Interest upon obligations of the United States issued on or before September 1, 1917, is exempt from tax. In the case of obligations issued by the United States after September 1, 1917, and in the case of obligations of a corporation organized under Act of Congress, if such corporation is an instrumentality of the United States, the interest is exempt from tax only if and to the extent provided in the acts authorizing the issue thereof, as amended and supplemented.

(2) Interest on Treasury bonds issued before March 1, 1941, is exempt from Federal income taxes except surtaxes imposed upon the income or profits of individuals, associations, or corporations. However, interest on an aggregate of not exceeding $5,000 principal amount of such bonds is also exempt from surtaxes. Interest in excess of the interest on an aggregate of not exceeding $5,000 principal amount of such bonds is subject to surtax and must be included in gross income.

(3) Interest credited to postal savings accounts upon moneys deposited before March 1, 1941, in postal savings banks is wholly exempt from income tax.

(b) *Issued on or after March 1, 1941.* (1) Under the provisions of sections 4 and 5 of the Public Debt Act of 1941, interest upon obligations issued on or after March 1, 1941, by the United States, or any agency or instrumentality thereof, shall not have any exemption, as such, from Federal tax except in respect of any such obligations which the Federal Maritime Board and Administration (formerly United States Maritime Commission) or the Federal Housing Administration has, before March 1, 1941, contracted to issue at a future date. The interest on such obligations so contracted to be issued shall bear such tax-exemption privileges as were at the time of such contract provided in the law authorizing their issuance. For the purposes hereof, under section 4 (a) of the Public Debt Act of 1941, a Territory and a possession of the United States (or any political subdivisions thereof), and the District of Columbia, and any agency or instrumentality of any one or more of the foregoing, shall not be considered as an agency or instrumentality of the United States.

(2) In the case of obligations issued as the result of a refunding operation, as, for example, where a corporation exchanges bonds for previously issued bonds, the refunding obligations are deemed, for the purposes of this section, to have been issued at the time of the exchange rather than at the time the original bonds were issued.

§ 1.103-5 *Treasury bond exemption in the case of trusts or partnerships.* (a) When the income of a trust is taxable to beneficiaries, as in the case of a trust the income of which is to be distributed to the beneficiaries currently, each beneficiary is entitled to exemption as if he owned directly a proportionate part of the Treasury bonds held in trust. When, on the other hand, income is taxable to the trustee, as in the case of a trust the income of which is accumulated for the benefit of unborn or unascertained persons, the trust, as the owner of the bonds held in trust, is entitled to the exemption on account of such ownership. In general, see sections 652 (b) and 662 (b) and the regulations thereunder.

(b) As the income of a partnership is taxable to the individual partners, each partner is entitled to exemption as if he owned directly a proportionate part of the bonds held by the partnership. For rules relating to partially tax-exempt interest see section 702 (a) (7) and the regulations thereunder.

§ 1.103-6 *Interest upon United States obligations in the case of nonresident aliens and foreign corporations, not engaged in business in the United States.* By virtue of section 4 of the Victory Liberty Loan Act of March 3, 1919 (31 U. S. C. 750), amending section 3 of the Fourth Liberty Bond Act of July 9, 1918 (31 U. S. C. 750), the interest received on and after March 3, 1919, on bonds, notes, and certificates of indebtedness of the United States while beneficially owned by a nonresident alien individual, or a foreign corporation, partnership, or association, if such individual, corporation, partnership, or association is not engaged in business in the United States, is exempt from income taxes. Such exemption applies only to such bonds, notes, or certificates as have been issued before March 1, 1941. Interest derived by a nonresident alien individual, or by a foreign corporation, partnership, or association on such bonds, notes, or certificates issued on or after March 1, 1941, is subject to tax as in the case of taxpayers generally as provided in § 1.103-4 (b).

§ 1.109 *Statutory provisions; improvements by lessee on lessor's property.*

SEC. 109. *Improvements by lessee on lessor's property.* Gross income does not include income (other than rent) derived by a lessor of real property on the termination of a lease, representing the value of such property attributable to buildings erected or other improvements made by the lessee.

§ 1.109-1 *Exclusion from gross income of lessor of real property of value of improvements erected by lessee.* (a) Income derived by a lessor of real property upon the termination, through forfeiture or otherwise, of the lease of such property and attributable to buildings erected or other improvements made by the lessee upon the leased property is excluded from gross income. However, where the facts disclose that such buildings or improvements represent in whole or in part a liquidation in kind of lease rentals, the exclusion from gross income shall not apply to the extent that such buildings or improvements represent such liquidation. The exclusion applies only with respect to the income realized by the lessor upon the termination of the lease and has no application to income, if any, in the form of rent, which may be derived by a lessor during the period of the lease and attributable to buildings erected or other improvements made by the lessee. It has no application to income which may be realized by the lessor upon the termination of the lease but not attributable to the value of such buildings or improvements. Neither does it apply to income derived by the lessor subsequent to the termination of the lease incident to the ownership of such buildings or improvements.

(b) The provisions of this section may be illustrated by the following example:

*Example.* The A Corporation leased in 1945 for a period of 50 years unimproved real property to the B Corporation under a lease providing that the B Corporation erect on the leased premises an office building costing $500,000, in addition to paying the A Corporation a lease rental of $10,000 per annum beginning on the date of completion of the improvements, the sum of $100,000 being placed in escrow for the payment of the rental. The building was completed on January 1, 1950. The lease provided that all improvements made by the lessee on the leased property would become the absolute property of the A Corporation on the termination of the lease by forfeiture or otherwise and that the lessor would become entitled on such termination to the remainder of the sum, if any, remaining in the escrow fund. The B Corporation forfeited its lease on January 1, 1955, when the improvements had a value of $100,000. Under the provisions of section 109, the $100,000 is excluded from gross income. The amount of $50,000 representing the remainder in the escrow fund is forfeited to the A Corporation and is included in the gross income of that taxpayer. As to the basis of the property in the hands of the A Corporation, see § 1.1019-1.

§ 1.110 *Statutory provisions: income taxes paid by lessee corporation.*

SEC. 110. *Income taxes paid by lessee corporation.* If—

(1) A lease was entered into before January 1, 1954,

(2) Both lessee and lessor are corporations, and

(3) Under the lease, the lessee is obligated to pay, or to reimburse the lessor for, any part of the tax imposed by this subtitle on the lessor with respect to the rentals derived by the lessor from the lessee,

then gross income of the lessor does not include such payment or reimbursement, and no deduction for such payment or reimbursement shall be allowed to the lessee. For purposes of the preceding sentence, a lease shall be considered to have been entered into before January 1, 1954, if it is a renewal or continuance of a lease entered into before such date and if such renewal or continuance was made in accordance with an option contained in the lease on December 31, 1953.

§ 1.110–1 *Income taxes paid by lessee corporation.* (a) If a lease was entered into before January 1, 1954, if both lessee and lessor are corporations, and if, under the lease, the lessee is obligated to pay, or to reimburse the lessor for, any portion of the tax imposed by subtitle A upon the lessor with respect to the rentals derived by the lessor from such lease, such payment or reimbursement of tax shall be excluded from gross income of the lessor and no deduction therefor shall be allowed to the lessee. For purposes of this section, a renewal or continuance after December 31, 1953, of a lease entered into before January 1, 1954, shall be considered a lease entered into before January 1, 1954, if such renewal or continuance is made in accordance with an option contained in the original lease on December 31, 1953, or in accordance with an option contained (on December 31, 1953) in an instrument by which the original lease was renewed or continued. Thus, assume that a corporation lessor and a corporation lessee enter into a lease on January 1, 1947. The lease expires on December 31, 1953, but may be renewed for two years at the option of the lessee. On December 31, 1953, the lessee exercises his option, and the parties further agree, in writing, that the terms of the lease may be extended for an additional two years at the lessee's option. On December 31, 1955, the lessee exercises his option. The renewal period covering 1954 and 1955 are controlled by the provisions of section 110. Similarly, section 110 is applicable to the second two-year period to which the lease has been extended. However, section 110 would not be applicable to any further extension of the terms of the lease, since such further extension would not be made pursuant to an option existing on December 31, 1953.

(b) In the case of a lease to which the provisions of section 110 are not applicable, any amounts paid or reimbursed by the lessee corporation with respect to taxes imposed by subtitle A upon the lessor corporation for rentals derived by the lessor corporation under such lease shall be included in the gross income of the lessor corporation and shall, if otherwise allowable, be allowed as a deduction to the lessee corporation.

§ 1.111 *Statutory provisions; recovery of bad debts, prior taxes, and delinquency amounts.*

SEC. 111. *Recovery of bad debts, prior taxes, and delinquency amounts*—(a) *General rule.* Gross income does not include income attributable to the recovery during the taxable year of a bad debt, prior tax, or delinquency amount, to the extent of the amount of the recovery exclusion with respect to such debt, tax, or amount.

(b) *Definitions.* For purposes of subsection (a)—

(1) *Bad debt.* The term "bad debt" means a debt on account of the worthlessness or partial worthlessness of which a deduction was allowed for a prior taxable year.

(2) *Prior tax.* The term "prior tax" means a tax on account of which a deduction or credit was allowed for a prior taxable year.

(3) *Delinquency amount.* The term "delinquency amount" means an amount paid or accrued on account of which a deduction or credit was allowed for a prior taxable year and which is attributable to failure to file return with respect to a tax, or pay a tax, within the time required by the law under which the tax is imposed, or to failure to file return with respect to a tax or pay a tax.

(4) *Recovery exclusion.* The term "recovery exclusion", with respect to a bad debt, prior tax, or delinquency amount, means the amount, determined in accordance with regulations prescribed by the Secretary or his delegate, of the deductions or credits allowed, on account of such bad debt, prior tax, or delinquency amount, which did not result in a reduction of the taxpayer's tax under this subtitle (not including the accumulated earnings tax imposed by section 531 or the tax on personal holding companies imposed by section 541) or corresponding provisions of prior income tax laws (other than subchapter E of chapter 2 of the Internal Revenue Code of 1939, relating to World War II excess profits tax), reduced by the amount excludable in previous taxable years with respect to such debt, tax, or amount under this section.

(c) *Special rules for accumulated earnings tax and for personal holding company tax.* In applying subsections (a) and (b) for the purpose of determining the accumulated earnings tax under section 531 or the tax under section 541 (relating to personal holding companies)—

(1) A recovery exclusion allowed for purposes of this subtitle (other than section 531 or section 541) shall be allowed whether or not the bad debt, prior tax, or delinquency amount resulted in a reduction of the tax under section 531 or the tax under section 541 for the prior taxable year; and

(2) Where a bad debt, prior tax, or delinquency amount was not allowable as a deduction or credit for the prior taxable year for purposes of this subtitle other than of section 531 or section 541 but was allowable for the same taxable year under section 531 or section 541, then a recovery exclusion shall be allowable if such bad debt, prior tax, or delinquency amount did not result in a reduction of the tax under section 531 or the tax under section 541.

§ 1.111–1 *Recovery of certain items previously deducted or credited*—(a) *General.* Section 111 provides that income attributable to the recovery during any taxable year of bad debts, prior taxes, and delinquency amounts shall be excluded from gross income to the extent of the "recovery exclusion" with respect to such items. The rule of exclusion so prescribed by statute applies equally with respect to all other losses, expenditures, and accruals made the basis of deductions from gross income for prior taxable years, including war losses referred to in section 127 of the Internal Revenue Code of 1939, but not including deductions with respect to depreciation, depletion, amortization, or amortizable bond premiums. The term "recovery exclusion" as used in this section means an amount equal to the portion of the bad debts, prior taxes, and delinquency amounts (the items specifically referred to in section 111), and of all other items subject to the rule of exclusion which, when deducted or credited for a prior taxable year, did not result in a reduction of any tax of the taxpayer under subtitle A (other than the accumulated earnings tax imposed by section 531 or the personal holding company tax imposed by section 541) of the Internal Revenue Code or corresponding provisions of prior income tax laws (other than the World War II excess profits tax imposed under subchapter E of chapter 2 of the Internal Revenue Code of 1939).

(1) *Section 111 items.* The term "section 111 items" as used in this section means bad debts, prior taxes, delinquency amounts, and all other items subject to the rule of exclusion, for which a deduction or credit was allowed for a prior taxable year. If a bad debt was previously charged against a reserve by a taxpayer on the reserve method of treating bad debts, it was not deducted, and it is therefore, not considered a section 111 item. Bad debts, prior taxes, and delinquency amounts are defined in section 111 (b) (1), (2), and (3), respectively. An example of a delinquency amount is interest on delinquent taxes. An example of the other items not expressly referred to in section 111 but nevertheless subject to the rule of exclusion is a loss sustained upon the sale of stock and later recovered, in whole or in part, through an action against the party from whom such stock had been purchased.

(2) *Definition of "recovery."* Recoveries result from the receipt of amounts in respect of the previously deducted or credited section 111 items, such as from the collection or sale of a bad debt, refund or credit of taxes paid, or cancellation of taxes accrued. Care should be taken in the case of bad debts which were treated as only partially worthless in prior years to distinguish between the item described in section 111, that is, the part of such debt which was deducted, and the part not previously deducted, which is not a section 111 item and is considered the first part collected. The collection of the part not deducted is not considered a "recovery." Furthermore, the term "recovery" does not include the gain resulting from the receipt of an amount on account of a section 111 item which, together with previous such receipts, exceeds the deduction or credit previously allowed for such item. For instance, a $100 corporate bond purchased for $40 and later deducted as worthless is subsequently collected to the extent of $50. The $10 gain (excess of $50 collection over $40 cost) is not a recovery of a section 111 item. Such gain is in no case excluded from gross income under section 111, regardless of whether the $40 recovery is or is not excluded.

(3) *Treatment of debt deducted in more than one year by reason of partial worthlessness.* In the case of a bad debt deducted in part for two or more prior years, each such deduction of a part of the debt is considered a separate section 111 item. A recovery with respect to such debt is considered first a recovery of those items (or portions thereof), resulting from such debt, for which there are recovery exclusions. If there are recovery exclusions for two or more items resulting from the same bad debt, such items are considered recovered in the order of the taxable years for which they were deducted, beginning with the latest. The recovery exclusion for any such item is determined by considering the recovery exclusion with respect to the prior year for which such item was deducted as being first used to offset all other applicable recoveries in the year in which the bad debt is recovered.

(4) *Special provisions as to worthless bonds, etc., which are treated as capital losses.* Certain bad debts arising from the worthlessness of securities and certain nonbusiness bad debts are treated as losses from the sale or exchange of capital assets. See sections 165 (g) and 166 (d). The amounts of the deductions allowed for any year under section 1211 on account of such losses for such year are considered to be section 111 items. Any part of such losses which, under section 1211, is a deduction for a subsequent year through the capital loss carryover (any later receipt of an amount with respect to such deducted loss is a recovery) is considered a section 111 item for the year in which such loss was sustained.

(b) *Computation of recovery exclusion*—(1) *Amount of recovery exclusion allowable for year of recovery.* For the year of any recovery, the section 111 items which were deducted or credited for one prior year are considered as a group and the recovery thereon is considered separately from recoveries of any items which were deducted or credited for other years. This recovery is excluded from gross income to the extent of the recovery exclusion with respect to this group of items as (*i*) determined for the original year for which such items were deducted or credited (see subparagraph (2) of this paragraph) and (ii) reduced by the excludable recoveries in intervening years on account of all section 111 items for such original year. A taxpayer claiming a recovery exclusion shall submit, at the time the exclusion is claimed, the computation of the recovery exclusion claimed for the original year for which the items were deducted or credited, and computations showing the amount recovered in intervening years on account of the section 111 items deducted or credited for the original year.

(2) *Determination of recovery exclusion for original year for which items were deducted or credited.* (i) The recovery exclusion for the taxable year for which section 111 items were deducted or credited (that is, the "original taxable year") is the portion of the aggregate amount of such deductions and credits which could be disallowed without causing an increase in any tax of the taxpayer imposed under subtitle A (other than the accumulated earnings tax imposed by section 531 or the personal holding company tax imposed by section 541) of the Internal Revenue Code or corresponding provisions of prior income tax laws (other than the World War II excess profits tax imposed under subchapter E of chapter 2 of the Internal Revenue Code of 1939). For the purpose of such recovery exclusion, consideration must be given to the effect of net operating loss carryovers and carrybacks or capital loss carryovers.

(ii) This rule shall be applied by determining the recovery exclusion as the aggregate amount of the section 111 items for the original year for which such items were deducted or credited reduced by whichever of the following amounts is the greatest:

(*a*) The difference between (*1*) the taxable income for such original year and (*2*) the taxable income computed without regard to the section 111 items for such original year.

(*b*) In the case of a taxpayer subject to any income tax in lieu of normal tax or surtax or both (except the alternative tax on capital gains imposed by section 1201, which is disregarded), the difference between (*1*) the income subject to such tax for such original year and (*2*) the income subject to such tax computed without regard to the section 111 items for such original year.

(Neither the amount determined under (*1*) nor the amount under (*2*) of (*a*) or (*b*) of this subdivision shall in any case be considered less than zero.) For this determination of the recovery exclusion, the aggregate of the section 111 items must be further decreased by the portion thereof which caused a reduction in tax in preceding or succeeding taxable years through any net operating loss carryovers or carrybacks or capital loss carryovers affected by such items. This decrease is the aggregate of the largest amount determined for each of such preceding and succeeding years under (*a*) and (*b*) of this subdivision, the computation of each carryover or carryback to the preceding or succeeding year being made under (*1*) of (*a*) and (*b*) of this subdivision with regard to the section 111 items for the original year and such computation being made under (*2*) of (*a*) and (*b*) of this subdivision without regard to such items. For the purpose of the preceding sentence, the computations under both (*1*) and (*2*) of (*a*) and (*b*) of this subdivision shall be made without regard to any section 111 items for such preceding or succeeding year and the carryovers and carrybacks to such year shall be determined without regard to any section 111 items for years subsequent to the original year.

(iii) The determination of the recovery exclusion for original taxable years subject to the provisions of the Internal Revenue Code of 1939 shall be made under § 39.22 (b) (12)–1 (b) (2) of Regulations 118.

(3) *Example.* The provisions of this paragraph may be illustrated by the following example:

*Example.* A single individual with no dependents has for his 1954 taxable year the following income and deductions:

| | With deduction of section 111 items | Without deduction of section 111 items |
|---|---|---|
| Gross income | $25,000 | $25,000 |
| Less deductions: | | |
| Depreciation | 20,000 | 20,000 |
| Business bad debts and taxes | 6,300 | |
| Personal exemption | 600 | 600 |
| | 26,900 | 20,600 |
| Taxable income or (loss) | (1,900) | 4,400 |
| Adjustment under section 172 (d) (4) | 600 | |
| Net operating loss | (1,300) | |

The full amount of the net operating loss of $1,300 is carried back and allowed as a deduction for 1952. The aggregate of the section 111 items for 1954 is $6,300 (bad debts and taxes). The recovery exclusion on account of section 111 items for 1954 is $600, determined by reducing the $6,300 aggregate of the section 111 items by $5,700, i. e., the sum of (1) the difference between the amount of the taxable income for 1954 computed without regard to the section 111 items ($4,400) and the amount of the taxable income for 1954 (not less than zero) computed by taking such items into account, and (2) the amount of the net operating loss ($1,300) which caused the reduction in tax for 1952 by reason of the carryback provisions. If in 1956 the taxpayer recovers $400 of the bad debts, all of the recovery is excluded from the income by reason of the recovery exclusion of $600 determined for the original year 1954. If in 1957 the taxpayer recovers an additional $300 of the bad debts, only $200 is excluded from gross income. That is, the recovery exclusion of $600 determined for the original year 1954 is reduced by the $400 recovered in 1956, leaving a balance of $200 which is used in 1957. The balance of the amount recovered in 1957, $100 ($300 less $200), is included in gross income for 1957.

(c) *Provisions as to taxes imposed by section 531 (relating to the accumulated earnings tax) and section 541 (relating to the tax on personal holding companies).* A recovery exclusion allowed for purposes of subtitle A (other than section 531 or section 541) of the Internal Revenue Code shall also be allowed for the purpose of determining the accumulated earnings tax under section 531 or the personal holding company tax under section 541 regardless of whether or not the section 111 items on which such recovery exclusion is based resulted in a reduction of the tax under section 531 or section 541 (or corresponding provisions of prior income tax laws) for the prior taxable year. Furthermore, if there is recovery of a section 111 item which was not allowable as a deduction or credit for the prior taxable year for purposes of subtitle A (not including section 531 or section 541) or corresponding provisions of prior income tax laws (other than subchapter E of chapter 2 of the Internal Revenue Code of 1939, relating to World War II excess profits tax), but was allowable for such prior taxable year in determining the tax under section 531 or section 541 (or corre-

sponding provisions of prior income tax laws) then for the purpose of determining the tax under section 531 or section 541 a recovery exclusion shall be allowable with respect to such recovery if the section 111 item did not result in a reduction of the tax under section 531 or section 541 (or corresponding provisions of prior income tax laws).

§ 1.112 *Statutory provisions; certain combat pay of members of the Armed Forces.*

SEC. 112. *Certain combat pay of members of the Armed Forces*—(a) *Enlisted personnel.* Gross income does not include compensation received for active service as a member below the grade of commissioned officer in the Armed Forces of the United States for any month during any part of which such member—

(1) Served in a combat zone during an induction period, or

(2) Was hospitalized as a result of wounds, disease, or injury incurred while serving in a combat zone during an induction period; but this paragraph shall not apply for any month during any part of which there are no combatant activities in any combat zone as determined under subsection (c) (3) of this section.

(b) *Commissioned officers.* Gross income does not include so much of the compensation as does not exceed $200 received for active service as a commissioned officer in the Armed Forces of the United States for any month during any part of which such officer—

(1) Served in a combat zone during an induction period, or

(2) Was hospitalized as a result of wounds, disease, or injury incurred while serving in a combat zone during an induction period; but this paragraph shall not apply for any month during any part of which there are no combatant activities in any combat zone as determined under subsection (c) (3) of this section.

(c) *Definitions.* For purposes of this section—

(1) The term "commissioned officer" does not include a commissioned warrant officer.

(2) The term "combat zone" means any area which the President of the United States by Executive Order designates, for purposes of this section or corresponding provisions of prior income tax laws, as an area in which Armed Forces of the United States are or have (after June 24, 1950) engaged in combat.

(3) Service is performed in a combat zone only if performed on or after the date designated by the President by Executive Order as the date of the commencing of combatant activities in such zone, and on or before the date designated by the President by Executive Order as the date of the termination of combatant activities in such zone; except that June 25, 1950, shall be considered the date of the commencing of combatant activities in the combat zone designated in Executive Order 10195.

(4) The term "compensation" does not include pensions and retirement pay.

(5) The term "induction period" means any period during which, under laws heretofore or hereafter enacted relating to the induction of individuals for training and service in the Armed Forces of the United States, individuals (other than individuals liable for induction by reason of a prior deferment) are liable for induction for such training and service.

§ 1.112–1 *Compensation of members of the Armed Forces of the United States for service in a combat zone during an induction period, or for service while hospitalized as a result of such combat-zone service.* (a) In addition to the exemptions and credits otherwise applicable, section 112 provides that there shall be excluded from gross income:

(1) Compensation received for active service as a member below the grade of commissioned officer in the Armed Forces of the United States for any month during any part of which such number (i) served in a combat zone during an induction period, or (ii) was hospitalized at any place as a result of wounds, disease, or injury incurred while so serving provided that during all of such month there are combatant activities in some combat zone.

(2) In the case of compensation received for active service as a commissioned officer in the Armed Forces of the United States for any month during any part of which such officer (i) served in a combat zone during an induction period, or (ii) was hospitalized at any place as a result of wounds, disease, or injury incurred while so serving provided that during all of such month there are combatant activities in some combat zone, so much of such compensation as does not exceed $200.

(b) The exclusions under section 112 and this section are applicable only if active service is performed in a combat zone during an induction period. Compensation is subject to exclusion whether or not it is received outside a combat zone or while the recipient is hospitalized or in a year different from that in which the service was rendered for which the compensation is paid. Service is performed in a combat zone only if it is performed in an area which the President of the United States has designated by Executive order, for the purpose of section 112, as an area in which Armed Forces of the United States are or have engaged in combat, and only if it is performed on or after the date designated by the President by Executive order as the date of the commencing of combatant activities in such zone and on or before the date designated by the President by Executive order as the date of the termination of combatant activities in such zone. Section 112 (c) (3) provides that June 25, 1950, shall be considered the date of commencing of combatant activities in the combat zone designated in Executive Order 10195. In Executive Order 10585 the President designated January 31, 1955, as of midnight thereof, as the date of termination of combatant activities in the combat zone designated in Executive Order 10195. If a member of the Armed Forces serves in a combat zone for any part of a month during an induction period, he is entitled to the exclusion for such month to the same extent as if he has served in such zone, for the entire month. If a member of the Armed Forces is hospitalized for a part of a month as a result of wounds, disease, or injury incurred while serving in such zone during an induction period, he is entitled to the exclusion for the entire month provided there are some combatant activities in any combat zone during all of such month.

(c) If an individual is hospitalized for wound, disease, or injury while serving in a combat zone, the wound, disease, or injury will, unless the contrary clearly appears, be presumed to have been incurred while serving in a combat zone. In certain cases, however, a wound, disease, or injury may have been incurred while serving in a combat zone even though the individual was not hospitalized for it while so serving. And, in exceptional cases, a wound, disease, or injury will not have been incurred while serving in a combat zone even though the individual was hospitalized for it while so serving.

(d) These principles may be illustrated by the following examples (in each case service is performed in a combat zone during an induction period):

*Example (1).* An individual is hospitalized in a combat zone for a specific disease after having served in such zone for three weeks. The incubation period of such disease is from two to four weeks. Such disease was incurred while serving in the combat zone.

*Example (2).* The facts are the same as in example (1) except that the incubation period is one year. Such disease was not incurred while serving in the combat zone.

*Example (3).* A member of the Air Force, stationed outside the combat zone, is shot while participating in an aerial flight over the combat zone, but is not hospitalized until he returns to his home base. Such injury was incurred while serving in a combat zone.

*Example (4).* An individual is hospitalized for a specific disease three weeks after having departed from a combat zone. The incubation period of such disease is from two to four weeks. Such disease was incurred while serving in a combat zone.

(e) An individual is hospitalized only until such time as his status as a hospital patient ceases by reason of his discharge from the hospital.

(f) The term "induction period" means any period in which individuals are generally subject to induction into the Armed Forces of the United States under the Universal Military Training and Service Act (50 App. U. S. C. 451) or under similar acts hereafter enacted. The term does not apply to any period in which individuals are not generally subject to induction but are subject to induction by reason of a prior deferment.

(g) The term "commissioned officer" does not include a commissioned warrant officer, and, accordingly, a commissioned warrant officer is entitled to the exclusion allowed to enlisted personnel under section 112 (a). The term "compensation", for the purpose of this section, does not include pensions and retirement pay. As to who are members of the Armed Forces of the United States, see section 7701 (a) (15).

(h) These exclusions are applicable without regard to the marital status of the recipient of the compensation, and if a husband and wife both meet the requirements of the statute, then each is entitled to the benefit of an exclusion. In the case of a husband and wife domiciled in a State recognized for Federal income tax purposes as a community property State, any exclusion from gross income under section 112 operates before apportionment of the gross income of the spouses in accordance with community property law. For example, a man and his wife are domiciled in a community property State and he is entitled, as a commissioned officer, to the benefit of the exclusion of $200 for each month under section 112 (b). He receives $1,000 as compensation for active service for three months in a combat zone. Of such amount, $600 is excluded from gross income under section 112 (b) and only $400 is taken into account in determining the gross income of both husband and wife.

(i) A member of the Armed Forces is in active service if he is actually serving in the Armed Forces of the United States. Periods during which a member of the Armed Forces is absent from duty on account of sickness, wounds, leave, internment by the enemy, or other lawful cause are periods of active service. A member of the Armed Forces in active service in a combat zone who there becomes a prisoner of war or missing in action is deemed, for the purpose of section 112 and this section, to continue in active service in the combat zone for the period for which he is entitled to such status for military pay purposes. These exclusions apply to compensation received by a member of the Armed Forces for services rendered while in active service even though payment is received subsequent to discharge or release from active service. Compensation credited to a decedent's account for a period subsequent to the established date of his death and received by his estate will be excluded under section 112 from the gross income of the estate to the same extent that it would have been excluded from the gross income of the decedent if he had lived and received such compensation.



§ 1.113 *Statutory provisions; mustering-out payments for members of the Armed Forces.*

SEC. 113. *Mustering-out payments for members of the Armed Forces.* Gross income does not include amounts received during the taxable year as mustering-out payments with respect to service in the Armed Forces of the United States.

§ 1.113–1 *Mustering-out payments for members of the Armed Forces.* For the purposes of the exclusion from gross income under section 113 of mustering-out payments with respect to service in the Armed Forces, mustering-out payments are payments made to any recipients pursuant to the provisions of the Mustering-out Payment Act of 1944 and the Veterans Readjustment Assistance Act of 1952. (See 38 U. S. C. 691e and 1011–1016.)

§ 1.114 *Statutory provisions; sports programs conducted for the American National Red Cross.*

SEC. 114. *Sports programs conducted for the American National Red Cross*—(a) *General rule.* In the case of a taxpayer which is a corporation primarily engaged in the furnishing of sports programs, gross income does not include amounts received as proceeds from a sports program conducted by the taxpayer if—

(1) The taxpayer agrees in writing with the American National Red Cross to conduct such sports program exclusively for the benefit of the American National Red Cross;

(2) The taxpayer turns over to the American National Red Cross the proceeds from such sports program, minus the expenses paid or incurred by the taxpayer—

(A) Which would not have been so paid or incurred but for such sports program, and

(B) Which would be allowable as a deduction under section 162 (relating to trade or business expenses) but for subsection (b) of this section; and

(3) The facilities used for such program are not regularly used during the taxable year for the conduct of sports programs to which this subsection applies.

For purposes of this subsection, the term "proceeds from such sports program" includes all amounts paid for admission to the sports program, plus all proceeds received by the taxpayer from such program or activities carried on in connection therewith.

(b) *Treatment of expenses.* Expenses described in subsection (a) (2) shall be allowed as a deduction under section 162 only to the extent that such expenses exceed the amount excluded from gross income by subsection (a) of this section.

§ 1.114–1 *Proceeds from certain sports programs conducted for the benefit of the American National Red Cross*—(a) *In general.* Under section 114, a corporation primarily engaged in the furnishing of sports programs may exclude from its gross income amounts received as proceeds from a sports program conducted by such corporation if each of the following requirements is met:

(1) The corporation agrees in writing with the American National Red Cross to conduct such sports program exclusively for the benefit of the American National Red Cross;

(2) The corporation turns over to the American National Red Cross all the proceeds from such sports program, less only the expenses paid or incurred by such corporation which would not have been paid or incurred but for such sports program and which would be allowable as deductions as ordinary and necessary business expenses under section 162 (a) except for the provisions of section 114 (b); and

(3) The facilities of the corporation used in conducting such sports program are not regularly used during the taxable year for the conduct of sports programs to which section 114 (a) applies.

(b) *Certain corporations ineligible.* Section 114 does not apply in the case of a corporation organized or operated primarily to conduct or furnish, or to participate in the conduct or furnishing of, one or more sports programs for the American National Red Cross.

(c) *Proceeds from a sports program.* The proceeds from a sports program conducted for the benefit of the American National Red Cross include all amounts received by the conducting corporation, irrespective of when received, on account of such sports program, which amounts would be includible in the gross income of such conducting corporation, except for the provisions of section 114. Where the activities carried on in connection with the sports program include the sale or rental of radio, television, or movie rights, refreshments, souvenirs, parking facilities, programs, advertising, or other goods and services, whether sold or rented directly or through concessionaires, the amounts received by the conducting corporation from such sports program include all amounts received from such activities, but only where such amounts would not have been received by the conducting corporation but for the presentation of the particular sports program. Where the conducting corporation receives payments for concessions on an annual or seasonal basis, and such payments are not increased because of the particular sports program, such payments are not considered as proceeds from such sports program, and any expenses paid or incurred by the conducting corporation on account of such concession operations may not be taken into account under section 114 (a) (2) in determining the net amount of the proceeds from such sports program which the conducting corporation is required to turn over to the American National Red Cross; nor are the proceeds of a sports program considered to include amounts received by the conducting corporation which do not constitute gross income of such corporation, such as admissions taxes or the breakage on a pari-mutual wagering pool which is required to be paid over to the State.

(d) *Sports programs.* (1) Section 114 applies where the program furnished by the conducting corporation consists of sports events such as baseball, football, basketball, or racing but it does not apply to programs or events such as motion pictures, circuses, or dances which are not ordinarily considered to be competitive sporting events.

(2) A sports program includes all of the events normally making up a full program in the particular sport. A single race of a racing program consisting of more than one race would not constitute a sports program, nor would one baseball or basketball game of a doubleheader program constitute a sports program.

(e) *Treatment of expenses.* Expenses described in section 114 (a) (2) shall be allowable as deductions under section 162 only to the extent that such expenses exceed the amount excluded from gross income under section 114 (a).

§ 1.115 *Statutory provisions; income of States, municipalities, etc.*

SEC. 115. *Income of states, municipalities, etc.*—(a) *General rule.* Gross income does not include—

(1) Income derived from any public utility or the exercise of any essential governmental function and accruing to a State or Territory, or any political subdivision thereof, or the District of Columbia; or

(2) Income accruing to the government of any possession of the United States, or any political subdivision thereof.

(b) *Contracts made before September 8, 1916; relating to public utilities.* Where a State or Territory, or any political subdivision thereof, or the District of Columbia, before September 8, 1916, entered in good faith into a contract with any person, the object and purpose of which was to acquire, construct, operate, or maintain a public utility—

(1) If—

(A) By the terms of such contract the tax imposed by this subtitle is to be paid out of the proceeds from the operation of such public utility before any division of such proceeds between the person and the State, Territory, political subdivision, or the District of Columbia, and

(B) A part of such proceeds for the taxable year would (but for the imposition of the tax imposed by this subtitle) accrue directly to or for the use of such State, Territory, political subdivision, or the District of Columbia,

then a tax on the taxable income from the operation of such public utility shall be levied, assessed, collected, and paid in the manner and at the rates prescribed in this subtitle, but there shall be refunded to such State, Territory, political subdivision, or the District of Columbia (under regulations prescribed by the Secretary or his delegate) an amount which bears the same relation to the amount of the tax as the amount which (but for the imposition of the tax imposed by this subtitle) would have accrued directly to or for the use of such State, Territory, political subdivision, or the District of Columbia, bears to the amount of the taxable income from the operation of such public utility for such taxable year.

(2) If by the terms of such contract no part of the proceeds from the operation of the public utility for the taxable year would, irrespective of the tax imposed by this subtitle, accrue directly to or for the use of such State, Territory, political subdivision, or the District of Columbia, then the tax on the taxable income of such person from the operation of such public utility shall be levied, assessed, collected, and paid in the manner and at the rates prescribed in this subtitle.

(c) *Contracts made before May 29, 1928, relating to bridge acquisitions.* Where a State or political subdivision thereof, pursuant to a contract entered into before May 29, 1928, to which it is not a party, is to acquire a bridge—

(1) If—

(A) By the terms of such contract the tax imposed by this subtitle is to be paid out of the proceeds from the operation of such bridge before any division of such proceeds, and

(B) A part of such proceeds for the taxable year would (but for the imposition of the tax imposed by this subtitle) accrue directly to or for the use of or would be applied for the benefit of such State or political subdivision,

then a tax on the taxable income from the operation of such bridge shall be levied, assessed, collected, and paid in the manner and at the rates prescribed in this subtitle, but there shall be refunded to such State or political subdivision (under regulations to be prescribed by the Secretary or his delegate) an amount which bears the same relation to the amount of the tax as the amount which (but for the imposition of the tax imposed by this subtitle) would have accrued directly to or for the use of or would be applied for the benefit of such State or political subdivision bears to the amount of the taxable income from the operation of such bridge for such taxable year. No such refund shall be made unless the entire amount of the refund is to be applied in part payment for the acquisition of such bridge.

(2) If by the terms of such contract no part of the proceeds from the operation of the bridge for the taxable year would, irrespective of the tax imposed by this subtitle, accrue directly to or for the use of or be applied for the benefit of such State or political subdivision, then the tax on the taxable income from the operation of such bridge shall be levied, assessed, collected, and paid in the manner and at the rates prescribed in this subtitle.

§ 1.115–1 *Bridges to be acquired by State or political subdivisions.* (a) Any State or political subdivision thereof claiming a refund under the provisions of section 115 (c) of an amount equal to all or a portion of any income tax levied, assessed, collected, and paid, shall file a claim therefor on Form 843 (to which there shall be attached as exhibits the matter hereinafter prescribed) with the district director of internal revenue for the internal revenue district in which the tax was paid, which claim shall be executed on behalf of such State or political subdivision thereof by the treasurer or other fiscal officer thereof and shall contain:

(1) A statement of the name of the taxpayer, of the amount of tax levied, assessed, collected, and paid for the taxable year or period in respect of which the claim is made, and the amount of refund thereby sought;

(2) A full statement of the facts considered by the claimant sufficient to entitle it to receive the refund, including copies of all contracts and other documents bearing on the case, and a statement that the claim is submitted under the provisions of section 115 (c);

(3) A showing which will establish to the satisfaction of the district director that the fiscal officer presenting the claim has authority to receive the amount of the refund on behalf of the State or political subdivision which he assumes to represent and to apply without delay the entire amount of such refund in part payment for the acquisition of such bridge, including copies of the laws, ordinances, or similar enactments considered by the claimant sufficient to establish its authority to receive the refund and so to apply it, together with a statement that such fiscal officer will receive and immediately so apply the entire amount of the refund; and

(4) A statement, verified by a written declaration that it is made under the penalties of perjury, made by or on behalf of the taxpayer that the taxpayer thereby joins with and concurs in the request of the State or political subdivision thereof that a refund of an amount equal to all or a portion of the tax previously paid by such taxpayer be made to such State or political subdivision, that the taxpayer agrees to receive the amount refunded from the State or political subdivision to which it is paid and immediately to apply the entire amount of such refund in part payment for the acquisition of such bridge, and that if for any reason the contract which is the basis of the claim for refund is not fully executed and performed, the taxpayer will repay to the United States upon its demand the entire amount of the refund with interest at 6 percent per annum from the date the refund is made without seeking or claiming the benefit of any statute of limitations which prior thereto may have run against the United States.

(b) No refund shall be made of any amount in excess of the amount of the tax levied, assessed, collected, and paid by the taxpayer for any taxable year or period. A separate claim shall be made in respect of each separate taxable year or period. If by the terms of the contract on which the claim is based two or more States or political subdivisions of a State or States are entitled to acquire the bridge, the claim for refund in respect of each separate taxable year or period must be made jointly by the States or political subdivisions thereof so entitled. The amount refunded under section 115 (c) and this section is not considered an overpayment, within the meaning of section 6611, relating to interest on overpayments, and no interest shall be allowed or paid upon the amount of the refund.

(c) A check or voucher in payment of a claim for refund allowed under section 115 (c) will be drawn in the name of the fiscal officer or officers having authority, as established under paragraph (a) (3) of this section, to receive the same, and will contain an express provision that it is issued for the sole purpose and subject to the conditions prescribed in section 115 (c) and this section.

§ 1.118 *Statutory provisions; contributions to the capital of a corporation.*

SEC. 118. *Contributions to the capital of a corporation*—(a) *General rule.* In the case of a corporation, gross income does not include any contribution to the capital of the taxpayer.

(b) *Cross reference.* For basis of property acquired by a corporation through a contribution to its capital, see section 362.

§ 1.118–1 *Contributions to the capital of a corporation.* In the case of a corporation, section 118 provides an exclusion from gross income with respect to any contribution of money or property to the capital of the taxpayer. Thus, if a corporation requires additional funds for conducting its business and obtains such funds through voluntary pro rata payments by its shareholders, the amounts so received being credited to its surplus account or to a special account, such amounts do not constitute income, although there is no increase in the outstanding shares of stock of the corporation. In such a case the payments are in the nature of assessments upon, and represent an additional price paid for, the shares of stock held by the individual shareholders, and will be treated as an addition to and as a part of the operating capital of the company. Section 118 also applies to contributions to capital made by persons other than shareholders. For example, the exclusion applies to the value of land or other property contributed to a corporation by a governmental unit or by a civic group for the purpose of inducing the corporation to locate its business in a particular community, or for the purpose of enabling the corporation to expand its operating facilities. However, the exclusion does not apply to any money or property transferred to the corporation in consideration for goods or services rendered, or to subsidies paid for the purpose of inducing the taxpayer to limit production. See section 362 for the basis of property acquired by a corporation through a contribution to its capital by its stockholders or by nonstockholders.

§ 1.119 *Statutory provisions; meals or lodging furnished for the convenience of the employer.*

SEC. 119. *Meals or lodging furnished for the convenience of the employer.* There shall be excluded from gross income of an employee the value of any meals or lodging furnished to him by his employer for the convenience of the employer, but only if—

(1) In the case of meals, the meals are furnished on the business premises of the employer, or



(2) In the case of lodging, the employee is required to accept such lodging on the business premises of his employer as a condition of his employment.

In determining whether meals or lodging are furnished for the convenience of the employer, the provisions of an employment contract or of a State statute fixing terms of employment shall not be determinative of whether the meals or lodging are intended as compensation.

§ 1.119–1 *Meals and lodging furnished for the convenience of the employer*—(a) *Meals.* (1) The value of meals furnished to an employee by his employer shall be excluded from the employee's gross income if two tests are met: (i) The meals are furnished on the business premises of the employer, and (ii) the meals are furnished for the convenience of the employer. The exclusion shall apply irrespective of whether under an employment contract or a statute fixing the terms of employment such meals are furnished as compensation.

(2) The question of whether meals are furnished for the convenience of the employer is one of fact to be determined by analysis of all the facts and circumstances in each case. Ordinarily, meals furnished to the employee during the working day will be deemed furnished for the convenience of the employer. Likewise, meals furnished immediately preceding or immediately following working hours of the employee will be deemed to be for the convenience of the employer if the furnishing of such meals serves a business purpose of the employer other than providing additional or indirect compensation to the employee. Meals furnished on nonworking days, or at times when the employee's presence on the employer's business premises does not serve a business purpose of the employer, do not qualify for the exclusion. If the employee is required to occupy living quarters on the business premises of his employer as a condition of his employment (as defined in paragraph (b) of this section), the exclusion applies to the value of any meals furnished to the employee on such premises. There is no requirement that the employee accept such meals as a condition of employment to qualify for the exclusion.

(b) *Lodging.* (1) The value of lodging furnished to an employee by his employer shall be excluded from the employee's gross income if three tests are met: (i) The lodging is furnished on the business premises of the employer, (ii) the lodging is furnished for the convenience of the employer, and (iii) the employee is required to accept such lodging as a condition of his employment. The phrase "required as a condition of his employment" means required in order for the employee to perform properly the duties of his employment. The exclusion shall apply irrespective of whether under an employment contract or a statute fixing the terms of employment such lodging is furnished as compensation.

(c) *Rules.* (1) For purposes of this section, the term "business premises of the employer" generally means the place of employment of the employee. For example, meals and lodging furnished in the employer's home to a domestic servant would constitute meals and lodging furnished on the business premises of the employer. Similarly, meals furnished to cowhands while herding their employer's cattle on leased land would be regarded as furnished on the business premises of the employer.

(2) The exclusion provided by section 119 applies only to meals and lodging furnished in kind, without charge or cost to the employee. If the employee has an option to receive additional compensation in lieu of meals or lodging in kind, or is required to reimburse the employer for meals or lodging furnished in kind, the value of such meals and lodging is not excluded from gross income. However, the mere fact that an employee, at his option, may decline to accept meals and lodging tendered in kind will not of itself require inclusion of the value thereof in gross income. Cash allowances for meals or lodging received by an employee are includible in gross income to the extent that such allowances constitute compensation.

(d) *Examples.* The provisions of section 119 may be illustrated by the following examples:

*Example (1).* A waitress who works from 7 a. m. to 4 p. m. is furnished without charge two meals a workday. In order to insure that the waitress will commence work on time, the employer encourages her to have her breakfast on his business premises before starting work, although she is not required to have her breakfast there. She is required to have her lunch on such premises. The waitress is permitted to exclude the value of these meals from her gross income under paragraph (a) of this section.

*Example (2).* The waitress in example (1) is allowed to have meals on the employer's premises without charge on her days off. The waitress is not permitted to exclude the value of such meals from her gross income.

*Example (3).* A Civil Service employee of a State is employed at an institution and is required by his employer to be available for duty at any time. Accordingly, the employer furnishes the employee with meals and lodging at the institution. Under the applicable State statute, his meals and lodging are regarded as part of the employee's compensation. The employee would nevertheless be entitled to exclude the value of such meals and lodging from his gross income.

*Example (4).* An employee of an institution is given the choice of residing at the institution free of charge, or of residing elsewhere and receiving a cash allowance in addition to his regular salary. If he elects to reside at the institution the value to the employee of the lodging furnished by the employer will be includible in the employee's gross income because his residence at the institution is not required in order for him to perform properly the duties of his employment.

§ 1.120 *Statutory provisions; statutory subsistence allowance received by police.*

SEC. 120. *Statutory subsistence allowance received by police*—(a) *General rule.* Gross income does not include any amount received as a statutory subsistence allowance by an individual who is employed as a police official by a State, a Territory, or a possession of the United States, by any political subdivision of any of the foregoing, or by the District of Columbia.

(b) *Limitations.* (1) Amounts to which subsection (a) applies shall not exceed $5 per day.

(2) If any individual receives a subsistence allowance to which subsection (a) applies, no deduction shall be allowed under any other provision of this chapter for expenses in respect of which he has received such allowance, except to the extent that such expenses exceed the amount excludable under subsection (a) and the excess is otherwise allowable as a deduction under this chapter.

§ 1.120–1 *Statutory subsistence allowance received by police.* (a) Section 120 excludes from the gross income of an individual employed as a police official by a State, Territory, or possession of the United States, by any of their political subdivisions, or by the District of Columbia, any amount received as a statutory subsistence allowance to the extent that such allowance does not exceed $5 per day. For purposes of this section, the term "statutory subsistence allowance" means an established amount, apart from salary or other compensation, which is authorized under the laws of a State, a Territory, or a possession of the United States, by any political subdivision of any of the foregoing, or by the District of Columbia, to be paid to an individual who is employed as a police official of such governmental unit for meals and other incidental expenses in connection with his official duties. A subsistence allowance paid to a police official by any of the foregoing governmental units which is not so provided by statute may not be excluded from gross income under the provisions of section 120. The term "police official" includes an employee of any of the foregoing governmental units who has police duties, such as a sheiff, a detective, a policeman, or a State police trooper, however designated.

(b) The exclusion provided by section 120 is to be computed on a daily basis, that is, for each day for which the statutory allowance is paid. If the statute providing the allowance does not specify the daily amount of such allowance, the allowance shall be converted to a daily basis for the purpose of applying the limitation provided herein. For example, if a State statute provides for a weekly subsistence allowance, the daily amount is to be determined by dividing the weekly amount by the number of days for which the allowance is paid. Thus, if a State trooper receives a weekly statutory subsistence allowance of $40 for 5 days of the week, the daily amount would be $8, that is, $40 divided by 5. However, for purposes of this section, only $5 per day may be excluded, or $25 on a weekly basis.

(c) Expenses in respect of which the allowance under section 120 is paid may not be deducted under any provision of the income tax laws except to the extent that (1) such expenses exceed the amount of the exclusion, and (2) the excess is otherwise allowable as a deduction. For example, if a State statute provides a subsistence allowance of $3 per day and the taxpayer, a State trooper, incurs expeditures of $4.50 for meals while away from home overnight on official police duties only $3 would be excludable under this section. Expenses relating to such exclusion ($3) may not be deducted under any provision of the income tax laws. However, the remaining $1.50 may be an allowable deduction under section 162 as traveling expenses while away from home in the performance of official duties. See § 1.162–2.

§ 1.121 *Statutory provisions; cross references to other acts.*

SEC. 121. *Cross references to other acts.*—(a) For exemption of—

(1) Adjustments of indebtedness under wage earners' plans, see section 679 of the Bankruptcy Act (52 Stat. 938; 11 U. S. C. 1079);

(2) Allowances and expenditures to meet losses sustained by persons serving the United States abroad, due to appreciation of foreign currencies, see the Acts of March 6, 1934 (48 Stat. 466; 5 U. S. C. 118c) and April 25, 1938 (52 Stat. 221; 5 U. S. C. 118c–1);

(3) Amounts credited to the Maritime Administration under section 9 (b) (6) of the Merchant Ship Sales Act of 1946, see section 9 (c) (1) of that Act (60 Stat. 48; 50 U. S. C. App. 1742);

(4) Benefits under World War Adjusted Compensation Act, see section 308 of that Act, as amended (43 Stat. 125; 44 Stat. 887, § 3; 38 U. S. C. 618);

(5) Benefits under World War Veterans' Act, 1924, see section 3 of the Act of August 12, 1935 (49 Stat. 609; 38 U. S. C. 454a);

(6) Dividends and interest derived from certain preferred stock by Reconstruction Finance Corporation, see section 304 of the Act of March 9, 1933, as amended (49 Stat. 1185; 12 U. S. C. 51d);

(7) Earnings of ship contractors deposited in special reserve funds, see section 607 (h) of the Merchant Marine Act, 1936, as amended (52 Stat. 961, § 28; 46 U. S. C. 1177);

(8) Income derived from Federal Reserve banks, including capital stock and surplus, see section 7 of the Federal Reserve Act (38 Stat. 258; 12 U. S. C. 531);

(9) Income derived from Ogdensburg bridge across Saint Lawrence River, see section 4 of the Act of June 14, 1933, as amended (54 Stat. 259, § 2);

(10) Income derived from Owensboro bridge across Ohio River and nearby ferries, see section 4 of the Act of August 14, 1937 (50 Stat. 643);

(11) Income derived from Saint Clair River bridge and ferries, see section 4 of the Act of June 25, 1930, as amended (48 Stat. 140, § 1);

(12) Leave compensation payments under section 6 of Armed Forces Leave Act of 1946, see section 7 of that Act (60 Stat. 967; 37 U. S. C. 36);

(13) Mustering-out payments made to or on account of veterans under the Mustering-Out Payment Act of 1944, see section 5 (a) of that Act (58 Stat. 10; 38 U. S. C. 691e);

(14) Railroad retirement annuities and pensions, see section 12 of the Railroad Retirement Act of 1935, as amended (50 Stat. 316; 45 U. S. C. 228*l*);

(15) Railroad unemployment benefits, see section 2 (e) of the Railroad Unemployment Insurance Act, as amended (52 Stat. 1097; 53 Stat. 845, § 9; 45 U. S. C. 352);



(16) Special pensions of persons on Army and Navy medal of honor roll, see section 3 of the Act of April 27, 1916 (39 Stat. 54; 38 U. S. C. 393);

(17) Gain derived from the sale or other disposition of Treasury Bills, issued after June 17, 1930, under the Second Liberty Bond Act, as amended, see Act of June 17, 1930 (C. 512, 46 Stat. 775; 31 U. S. C. 754).

(b) For extension of military income-tax-exemption benefits to commissioned officers of Public Health Service in certain circumstances, see section 212 of the Public Health Service Act (58 Stat. 689; 42 U. S. C. 213).

[F. R. Doc. 56–5021; Filed, June 25, 1956; 8:50 a. m.]

## FEDERAL RESERVE SYSTEM

### [ 12 CFR Part 222 ]

BANK HOLDING COMPANIES

FORM TO BE USED IN REGISTERING

The Board of Governors of the Federal Reserve System is considering the adoption of a form (Form F. R. Y–5) [1] to be used by a bank holding company in registering with the Board pursuant to the Bank Holding Company Act of 1956 (70 Stat. 133).

The proposed form is designed to provide for the submission by each bank holding company in its registration statement of the information required to be submitted pursuant to section 5 (a) of the Bank Holding Company Act of 1956.

This notice is published pursuant to section 4 of the Administrative Procedure Act and section 2 of the rules of procedure of the Board of Governors of the Federal Reserve System (12 CFR 262.2).

To aid in the consideration of this matter the Board will be glad to receive from interested persons any relevant data, views, or arguments. Although such material may be sent directly to the Board it is preferable that it be sent to the Federal Reserve Bank of the district which will forward it to the Board to be considered. All such material should be submitted in writing to be received not later than July 16, 1956.

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM,
[SEAL] S. R. CARPENTER,
*Secretary.*

[F. R. Doc. 56–4998; Filed, June 25, 1956; 8:46 a. m.]

# NOTICES

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

IDAHO

NOTICE OF FILING OF PLAT OF SURVEY

JUNE 18, 1956.

Notice is hereby given that the plat of original survey of the following-described lands, accepted December 21, 1955, will be officially filed in the Land Office, Boise, Idaho, effective at 10:00 a. m. on the 35th day after the date of this notice:

BOISE MERIDIAN

T. 43 N., R. 10 E.,
Sec. 1, Lots 1, 2, 3, 4, SW¼;
Sec. 2, Lots 1, 2, 3, 4, S½NW¼, S½;
Secs. 3 to 11, inclusive;
Sec. 12, Lots 1, 2, 3, 4, W½NW¼, SW¼;
Sec. 13, Lots 1, 2, 3, 4, SW¼NE¼, W½, W½SE¼, SE¼SE¼;
Secs. 14 to 36, inclusive.

[1] Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D. C., or to any Federal Reserve Bank.

T. 44 N., R. 10 E.,
Sec. 7, Lots 1, 2, 3, 4;
Sec. 18, Lots 1, 2, 3, 4, 5, 6, 7, 8, SE¼SW¼;
Sec. 19, all;
Sec. 20, Lots 1, 2, 3, 4, 5, SW¼NE¼, S½NW¼, S½;
Sec. 21, Lots 1, 2, 3, 4, 5, S½SW¼, SW¼SE¼;
Sec. 27, Lots 1, 2, 3, 4, W½SW¼;
Sec. 28, Lot 1, NW¼NE¼, S½NE¼, NW¼, S½;
Secs. 29 to 33, inclusive;
Sec. 34, Lots 1, 2, 3, SW¼NE¼, W½, W½SE¼, SE¼SE¼;
Sec. 35, Lots 1, 2.

The areas described aggregate 28,458.97 acres.

All the lands described are within the exterior boundaries of the St. Joe National Forest. Lands were withdrawn for Coeur d'Alene Forest Reserve by Proclamation of November 6, 1906, name was changed to Coeur d'Alene National Forest July 1, 1908 and later changed to St. Joe National Forest July 1, 1911.

Anyone having a valid settlement or other right to any of these lands initiated prior to the dates of the withdrawals of the lands should assert the same within 3 months from the date on which the plat is officially filed by filing an application under appropriate public land law, setting forth all facts relevant thereto.

All inquiries relating to these lands should be addressed to the Manager, Land Office, P. O. Box 2237, Boise, Idaho.

NOLAN F. KEIL,
*Manager, Land Office.*

[F. R. Doc. 56–4993; Filed, June 25, 1956; 8:45 a. m.]

ALASKA

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

The Department of the Interior, Bureau of Land Management, has filed an application, Serial No. Anchorage 032449, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws including the mining laws but excepting the mineral leasing laws and the Materials Act. The applicant desires the land for public recreational purposes.

For a period of 60 days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, Box 480, Anchorage, Alaska.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

Four parcels of unsurveyed land located on the south shore of Chilkoot Lake, the Chilkoot River, and the north shore of Lutak Inlet in approximate latitude 59°40′ N., longitude 136°35′ W. described as follows:

Area 1: Commencing at meander corner No. 1 of U. S. Survey No. 161 called corner



No. 1 of Area 1, thence S. 89° 30′ W. for 14 chains to corner No. 2 of Area 1, thence N. 20° W. for 39 chains to corner No. 3, thence N. 70° E. a distance of 6.9 chains to corner No. 4 of Area 1, on the west shore of the Chilkoot River, thence meander in a southeasterly direction along the west shore of the Chilkoot River and Lutak Inlet for approximately 45 chains to meander corner No. 1 of Area 1, the point of beginning, embracing approximately 37 acres.

Area 2: Commencing at meander corner No. 4 of Area 1, extend across Chilkoot River N. 70° E. to the east shore of the Chilkoot River to a point called meander corner No. 1 of Area 2, thence N. 70° E. for 14 chains to corner No. 2 of Area 2, thence S. 20° E. for 14 chains to meander corner No. 3 of Area 2 on the north shore of Lutak Inlet, thence meander in a westerly direction along the north shore of Lutak Inlet to the mouth of the Chilkoot River, thence in a northerly direction along the east shore of the Chilkoot River for approximately 26 chains to meander corner No. 1 of Area 2, the point of beginning, embracing approximately 16 acres.

Area 3: Commencing at corner No. 3 of Area 1, proceed N. 1° 30′ W. for 48.75 chains to corner No. 1 of Area 3 the point of beginning, thence N. 88° W. for 12 chains to corner No. 2 of Area 3, thence N. 0° 30′ W. for 8.75 chains to the south shore of Chilkoot Lake to meander corner No. 3, said point being at approximate latitude 59°20′05″ N., longitude 135°33′45″ W., thence meander in an easterly direction along the south shore of Chilkoot Lake for 12 chains to meander corner No. 4, thence S. 0° 30′ W. a distance of 6.3 chains to corner No. 1 of Area 3, the point of beginning, embracing approximately 9 acres.

Area 4: Commencing at meander corner No. 4 of Area 3, extend across the Chilkoot River N. 0° 30′ E. to the north shore of the Chilkoot River to a point called meander Corner No. 1 of Area 4, thence N. 0° 30′ E. for 16.25 chains to corner No. 2 of Area 4, thence N. 89° W. for 13 chains to the east shore of Chilkoot Lake to corner No. 3 of Area 4, thence meander in a southeasterly direction to meander corner No. 1, the point of beginning, embracing approximately 13 acres.

ROGER R. ROBINSON,
*Operations Supervisor.*

[F. R. Doc. 56–4994; Filed, June 25, 1956; 8:46 a. m.]

[W–039237]

WYOMING

STOCK DRIVEWAY WITHDRAWAL NO. 128; WYOMING NO. 13, REDUCED

By virtue of the authority contained in in section 10 of the act of December 29, 1916 (49 Stat. 865), as amended by the act of January 29, 1929, (45 Stat. 1144; 43 U. S. C. 300), and in section 7 of the act of June 28, 1934 (48 Stat. 1272), as amended by the act of June 26, 1936, (49 Stat. 1976; 43 U. S. C. 315f) and pursuant to the authority delegated by the Director, Bureau of Land Management, in section 2.5, Order No. 541, dated April 21, 1954 (19 F. R. 2473), it is ordered as follows:

Subject to valid rights and the provisions of existing withdrawals, Departmental Order dated March 18, 1920, establishing Stock Driveway No. 128, Wyoming No. 13, under section 10 of the act of December 29, 1916 (39 Stat. 865, 43 U. S. C. 300) is hereby revoked as far as it affects the following described lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 46 N., R. 92 W.,
Sec. 18: Lot 25.
T. 46 N., R. 93 W.,
Sec. 13: Lot 5.

The area described totals 47.63 acres.

This revocation is made in furtherance of an exchange under section 8 of the act of June 28, 1934 (48 Stat. 1272) as amended by section 3 of the act of June 26, 1936 (49 Stat. 1976; 43 U. S. C. 315g) by which the offered land will benefit a Federal land program. This restoration is therefore not subject to the provisions contained in the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, granting preference rights to veterans of World War II and the Korean Conflict and others.

LOWELL M. PUCKETT,
*State Supervisor.*

[F. R. Doc. 56–5010; Filed, June 25, 1956; 8:48 a .m.]

[W–034452]

WYOMING

STOCK DRIVEWAY WITHDRAWAL NO. 144; WYOMING NO. 18, REDUCED

By virtue of the authority contained in section 10 of the act of December 29, 1916, (39 Stat. 865), as amended by the act of January 29, 1929, (45 Stat. 1144; 43 U. S. C. 300), and in section 7 of the act of June 28, 1934, (48 Stat. 1272), as amended by the act of June 26, 1936, (49 Stat. 1976; 43 U. S. C. 315f) and pursuant to the authority delegated by the Director, Bureau of Land Management, by section 2.5, Order No. 541, dated April 21, 1954 (19 F. R. 2473), it is ordered as follows:

Subject to valid rights and the provisions of existing withdrawals, Departmental Order dated May 30, 1944, establishing Stock Driveway No. 144, Wyoming No. 18, under section 10 of the Act of December 29, 1916 (39 Stat. 865; 43 U. S. C. 300) is hereby revoked so far as it affects the following described lands:

SIXTH PRINCIPAL MERIDIAN, WYOMING

T. 35 N., R. 80 W.,
Sec. 32: SW¼NE¼, N½SW¼, NW¼SE¼.

The area described totals 160 acres.

This revocation is made in furtherance of an exchange under section 8 of the act of June 28, 1934 (48 Stat. 1272), as amended by section 3 of the act of June 26, 1936 (49 Stat. 1976; 43 U. S. C. 315g), by which the offered land will benefit a Federal land program. This restoration is, therefore, not subject to the provisions contained in the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284) as amended, granting preference rights to veterans of World War II and the Korean conflict, and others.

LOWELL M. PUCKETT,
*State Supervisor.*

[F. R. Doc. 56–5011; Filed, June 25, 1956; 8:48 a. m.]

## Office of the Secretary

[70907]

ALASKA

ORDER REVOKING PROCLAMATIONS OF MAY 20, 1943, OF ASSISTANT SECRETARY OF THE INTERIOR, ESTABLISHING RESERVES FOR INHABITANTS OF NATIVE VILLAGES OF SHISHMAREF AND WHITE MOUNTAIN, ALASKA

Whereas by proclamations of May 20, 1943, of the Assistant Secretary of the Interior, certain lands in Alaska were reserved for the exclusive use and occupancy of the native inhabitants of the villages of Shishmaref and White Mountain, Alaska; and

Whereas such proclamations provided, among other things, that they should become effective upon their approval by a majority of the natives residing in the area, voting in the manner prescribed in section 2 of the act of May 1, 1936 (49 Stat. 1250; 48 U. S. C. 358a); and

Whereas the natives of the villages of Shishmaref and White Mountain have rejected the reservations:

Now, therefore, pursuant to the authority contained in the said section 2 of the act of May 1, 1936, the said proclamations of May 20, 1943, are hereby revoked.

WESLEY A. D'EWART,
*Assistant Secretary of the Interior.*

JUNE 20, 1956.

[F. R. Doc. 56–4995; Filed, June 25, 1956; 8:46 a. m.]

## DEPARTMENT OF COMMERCE

### Office of the Secretary

E. LORING ROACH

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

*Report of Appointment*

1. Name of appointee: E. Loring Roach.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: May 25, 1956.
4. Title of position: Director of the General Components Division.
5. Name of private employer: Standard Pressed Steel Company, Jenkintown, Pennsylvania.

CARLTON HAYWARD,
*Director of Personnel.*

*Statement of Financial Interests*

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding ap-

pointment has owned, any similar interest.

Standard Pressed Steel Company.
Jenkintown, Pennsylvania.
Bank Deposits.

[SEAL] E. LORING ROACH.

JUNE 8, 1956.

[F. R. Doc. 56-5005; Filed, June 25, 1956; 8:47 a. m.]

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LEONARD T. WILLISON

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

*Report of Appointment*

1. Name of appointee: Leonard T. Willison.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: May 29, 1956.
4. Title of position: Director, Iron and Steel Division.
5. Name of private employer: Jones & Laughlin Steel Company, Pittsburgh, Pa.

CARLTON HAYWARD,
*Director of Personnel.*

*Statement of Financial Interests*

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Jones & Laughlin Steel Corporation.
Continental Uranium Syndicate.
Cavendish Uranium Mines Corporation.
Bank Deposits.

[SEAL] LEONARD T. WILLISON.

JUNE 11, 1956.

[F. R. Doc. 56-5006; Filed, June 25, 1956; 8:47 a. m.]

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## GENERAL SERVICES ADMINISTRATION

[Project 3-DC-01]

FEDERAL OFFICE BUILDINGS

PROSPECTUS FOR PROPOSED BUILDINGS IN SOUTHWEST REDEVELOPMENT AREA OF DISTRICT OF COLUMBIA

EDITORIAL NOTE: This prospectus of proposed Project Number 3-DC-01 is published pursuant to section 412 (f) of the Public Buildings Purchase Contract Act of 1954 as amended by Public Law 150, 84th Congress, which requires publication in the FEDERAL REGISTER, for a period of ten consecutive days from date of submission to the Committees on Public Works of the Senate and House of Representatives.

Project Number 3-DC-01 (Revised)

MARCH 14, 1956.

FORMAL PROSPECTUS FOR PROPOSED BUILDING UNDER TITLE I PUBLIC LAW 519, 83D CONGRESS, 2D SESSION

FEDERAL OFFICE BUILDING, WASHINGTON, D. C.

1. *Brief description of proposed building.* The project contemplates the erection of a group of three Federal Office Buildings on a site to be acquired by the Government facing on the proposed Tenth Street Mall in the southwest redevelopment area of Washington, D. C. Each building will be multistoried. An aggregate of approximately 643,000 square feet of net assignable space will be provided.

2. *Estimated maximum cost and financing.* a. Maximum cost of site and buildings, $25,250,000.

b. Proposed contract term, 30 years.

c. Maximum rate of interest on purchase contract, 4 percent.

3. *Certificates of need.* As the project is intended to provide relocation of numerous Federal agencies now in temporary buildings, no specific allocation of space can be made at this time. Upon completion of the facility, assignment and reassignment will be made in accordance with existing law. Therefore, requirement for Certificate of Need otherwise required by section 411 (e) of the Public Buildings Purchase Contract Act of 1954 was waived in Public Law 150, 84th Congress. Certification is hereby made as to the need for service and garage space.

4. *Non-availability of existing space.* Suitable space owned by the Government is not available; and suitable rental space is not available at a price commensurate with that to be afforded through the contract proposed.

5. *Estimated annual managerial, custodial, heat, and utility costs.* (Services to be supplied by Government), $675,000.

6. *Estimated annual tax liability, upkeep and maintenance.* a. Taxes, post construction (contract period), $321,625.

b. Upkeep and maintenance (to be provided by Government), $96,000.

7. *Current annual housing costs.* Rents and other housing costs currently paid by the Government for agencies to be housed in the building to be erected, $509,000 p. a.

*Determination of need.* It has been determined that (1) the needs for space for the permanent activities of the Federal Government in this particular area cannot be satisfied by utilization of any existing suitable property now owned by the Government, and (2) the best interests of the United States will be served by taking action hereunder.

Submitted at Washington, D. C., on June 1, 1956.

Approved:

FRANKLIN G. FLOETE,
*Administrator of General Services.*

8. *Statement of Director, Bureau of the Budget.* Reflected in letter (copy attached).

EXECUTIVE OFFICE OF THE PRESIDENT

BUREAU OF THE BUDGET

WASHINGTON 25, D. C.

JUNE 13, 1956.

Project 3-DC-01 (Revised 3-14-56).
3 Multi-storied Federal Office Buildings.
Southwest Redevelopment Area, Washington, D. C.

MY DEAR MR. FLOETE: Pursuant to section 411 (e) (8) of the Public Buildings Purchase Contract Act of 1954 (Public Law 519), the (Revised March 14, 1956) proposal for a group of three Federal Office Buildings, transmitted with your letter of June 1, 1956, has been examined and in my opinion "is necessary and in conformity with the policy of the President." This approval is given with the following understanding:

1. Revision reflects the application of more definite plans for integration of the facility with the proposed Tenth Street Mall developed subsequent to approval of the project last July. Effective integration requires construction of three building units in lieu of one, as originally proposed. Garage space of 134,250 square feet not contemplated in original project is provided. Number of employees, utilization of space and cost factors are relatively the same.

2. That the stated project cost of $25,250,000 (including $2,500,000 for a site to be acquired) is a maximum figure.

3. That the reported annual operating cost of existing Tempos 4, 5, and T; i. e., $1.00 per square foot, represents minimum maintenance in anticipation of demolition, and that temporary Government buildings actually cost more to maintain than the proposed new buildings.

4. That the proposed buildings will house approximately 10% of Federal employees presently housed in temporary buildings, and that the specific allocation of agencies in the proposed buildings is to be determined later by General Services Administration.

5. That every effort will be made to design and construct space conducive to maximum efficient utilization of both site and buildings and to take advantage of any revision of cost downward which may be found possible as the plans develop and negotiations are advanced.

6. That this approval supersedes Mr. Hughes' letter of July 22, 1955.

You appreciate, of course, that this project will receive a more detailed review as to cost and space utilization prior to the approval of the lease-purchase agreement.

Sincerely yours,

(Signed) PERCIVAL BRUNDAGE,
*Director.*

Hon. FRANKLIN G. FLOETE,
*Administrator,*
*General Services Administration,*
*Washington 25, D. C.*

[F. R. Doc. 56-4860; Filed, June 18, 1956; 11:38 a. m.]

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## HOUSING AND HOME FINANCE AGENCY

### Public Housing Administration

CHARLES M. CORMACK

DELEGATION RELATING TO GALVESTON PROJECTS

The delegation to Charles M. Cormack relating to certain Galveston housing projects, 21 F. R. 4327, is amended to read as follows:

Charles M. Cormack is hereby authorized to exercise all the powers, authorities, duties, and functions of the Commissioner of the Public Housing Administration, an agency of the United States of America, and of the United States of America with respect to the low-rent housing projects of the Housing Authority of the City of Galveston identified as Projects Tex-17-1, Oleander Homes, 17-2, Palm Terrace, 17-3, Magnolia Homes, 17-4, 17-5, 17-6, all of which are known as Cedar Terrace.

The powers delegated herein may not be redelegated. However, they may be exercised by a person designated to serve in an "Acting" capacity during absence from duty of the said Charles M. Cormack, who is authorized to designate any person under his supervision to serve in an "Acting" capacity, for periods not exceeding 30 days, during his absence.

Date approved: June 20, 1956.

CHARLES E. SLUSSER,
*Commissioner.*

[F. R. Doc. 56-5002; Filed, June 25, 1956; 8:47 a. m.]

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VARIOUS OFFICIALS

DELEGATIONS OF FINAL AUTHORITY

Section II, Delegations of Final Authority, is amended as follows:

Effective July 1, 1956 paragraph E13 is amended by deleting from the list of officials designated therein "Assistant Director for Management and Disposition, Washington Field Office" and "Chief of the Disposition Section, Washington Field Office" and by inserting in place thereof "Assistant Director for Management and Disposition, Washington Regional Office (for matters in the areas of jurisdiction of the Fort Worth Regional Office and the Washington Regional Office)" and "Chief of the Disposition Section, Washington Regional Office (for matters in the areas of jurisdiction of the Fort Worth Regional Office and the Washington Regional Office)."

Effective July 1, 1956 paragraph E14, delegating certain powers to the Assistant Director for Management and Disposition, Fort Worth Field Office, is hereby revoked.

Date approved: June 19, 1956.

[SEAL] CHARLES E. SLUSSER,
*Commissioner.*

[F. R. Doc. 56-4999; Filed, June 25, 1956; 8:46 a. m.]

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## INTERSTATE COMMERCE COMMISSION

[Rev. S. O. 562, Taylor's I. C. C. Order 64, Amdt. 2]

SACRAMENTO NORTHERN RAILWAY

REROUTING OR DIVERSION OF TRAFFIC.

Upon further consideration of Taylor's I. C. C. Order No. 64 and good cause appearing therefor:

*It is ordered*, That: Taylor's I. C. C. Order No. 64 be, and it is hereby, amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) Expiration date: This order shall expire at 11:59 p. m., August 31, 1956, unless otherwise modified, changed, suspended or annulled.

*It is further ordered*, That this amendment shall become effective at 11:59 p. m., June 30, 1956, and that this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing to the car service and per diem agreement under the terms of that agreement, and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., June 18, 1956.

INTERSTATE COMMERCE COMMISSION,
CHARLES W. TAYLOR,
*Agent.*

[F. R. Doc. 56-5000; Filed, June 25, 1956; 8:47 a. m.]

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## CIVIL AERONAUTICS BOARD

[Docket No. 8061, et al.]

HUGHES TOOL INVESTIGATION CASE

NOTICE OF PREHEATING CONFERENCE

In the matter of an investigation of proposed transactions between Hughes Tool Company and Trans World Airlines, Inc.

Notice is hereby given that a prehearing conference in the above-entitled matter is assigned to be held on July 10, 1956, at 10:00 a. m., e. d. s. t., in Room E-210 Temporary Building No. 5, Sixteenth and Constitution Avenue NW., Washington, D. C., before Examiner Edward T. Stodola.

Dated at Washington, D. C., June 20, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56-5022; Filed, June 25, 1956; 8:50 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION

[File No. 24D-1493]

TRIANGLE URANIUM CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JUNE 20, 1956.

I. Triangle Uranium Corporation, a Nevada corporation, having filed with this Commission on November 5, 1954, a notification on Form 1-A relating to a proposed offering of 5,000,000 shares of its common stock, 1 cent par value, at 5 cents per share for an aggregate of $250,000, for the purpose of obtaining an exempton from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder;

II. The Commission having reasonable cause to believe that the terms and conditions of Regulation A have not been complied with and that the notification and offering circular contain untrue statements of material facts and omit to state material facts required to be stated therein or necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to the following:

1. The commencement of the offering prior to the expiration of the waiting period provided by Rule 218.

2. The failure to file, as required by Rule 221, copies of an advertisement and other sales literature used in connection with said offering.

3. The failure to file reports of sales in accordance with Rule 224.

4. The failure to disclose that Weber Investment Co., the underwriter, and the issuer were under common control and that Weber Investment Co. was therefore an affiliate of the issuer during periods when offers and sales of said securities were being made.

5. The failure to amend the notification and offering circular to disclose that Weber Investment Co., the underwriter, is no longer registered with this Commission as a broker-dealer and has gone out of business.

III. *It is ordered*, Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

*It is further ordered*, That this Order and Notice shall be served upon Triangle Uranium Corporation, 1112 Fremont Avenue, Las Vegas, Nevada, 2460 Kiesel Avenue, Ogden, Utah, and 244 32d Street, Ogden, Utah, personally or by registered mail or by confirmed telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 56-5012; Filed, June 25, 1956; 8:48 a. m.]

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[24W-1767]

EASTERN ENGINEERING ASSOCIATES, INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JUNE 20, 1956.

I. Eastern Engineering Associates, Inc., with principal offices located at 720 21st Street South, Arlington, Virginia, having filed with the Commission on March 24, 1955 a Notification on Form 1-A and an Offering Circular, and subsequently having filed amendments thereto, relating to a proposed offering of $102,000 principal amount 4% debenture bonds and 12,000 shares of $1.00 par com-

mon stock, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having reasonable cause to believe that the terms and conditions of Regulation A have not been complied with in that the company has failed to file reports of sales on Form 2–A as required by Rule 224 of Regulation A, and has ignored requests by the Commission's staff for such reports.

III. *It is ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

*It is further ordered,* That this order and notice shall be served upon Eastern Engineering Associates, Inc. and Mr. Donald R. J. White, 720 21st Street South, Arlington, Virginia, personally or by registered mail or by confirmed telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 56–5013; Filed, June 25, 1956; 8:48 a. m.]

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[24W–1713]

ABS TRASH CO., INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JUNE 20, 1956.

I. ABS Trash Company, Inc., a Delaware corporation, with principal offices formerly located at 411 11th Street SW., Washington, D. C., having filed with the Commission on October 26, 1954 a Notification on Form 1–A and an Offering Circular, and subsequently having filed amendments thereto, relating to a proposed offering of 3,000,000 shares of 1 cent par 7 percent Preferred Series A Stock at 10 cents per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having reasonable cause to believe that the terms and conditions of Regulation A have not been complied with in that the company failed to file reports of sales on Form 2–A as required by Rule 224 of Regulation A, and has ignored requests by the Commission's staff for such reports.

III. *It is ordered,* Pursuant to Rule 223 (a) of the General Rules and Regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

*It is further ordered,* That this order and notice shall be served upon ARS Trash Company, Inc., Alvin N. Roth, 3103 Walnut Street NE., Washington, D. C., and Aaron Iskovitz, 906 New York Avenue NW., Washington, D. C., personally or by registered mail or by confirmed telegraphic notice and shall be published in the FED. RAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 56–5015; Filed, June 25, 1956; 8:49 a. m.]

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[File No. 24D–1156]

CAL-MEX OIL CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JUNE 20, 1956.

I. Cal-Mex Oil Corporation, 306 Jackson Street, Taft, California, having filed with the Commission on June 9, 1953, a notification on Form 1-A and an offering circular and having subsequently filed amendments thereto, relating to a proposed public offering of 300,000 shares of its $1 par value common stock, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder; and

II. The Commission having reasonable cause to believe:

1. That the terms and conditions of Regulation A have not been complied with in that: the issuer has failed to file on Form 2–A reports of sales as required by Rule 224 of Regulation A.

2. That the offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

a. The size of the working interest owned by Cal-Mex Oil Corporation in land situated in Neosho County, Kansas, and

b. The oil reserves under the acreage held under lease by Cal-Mex Oil Corporation; and

3. That the offering, if made or continued, would be made in such a manner as to operate as a fraud or deceit upon the purchaser in that material changes in the condition of the company since June 15, 1953 are not reflected in the material filed by Cal-Mex Oil Corporation under Regulation A, concerning, among others:

a. The identity of the officers and directors of Cal-Mex Oil Corporation,

b. The interests of such officers and directors in Cal-Mex Oil Corporation,

c. The financial condition of Cal-Mex Oil Corporation, and

d. The property interests held by Cal-Mex Oil Corporation.

*It is ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing, and that notice of the time and place for said hearing will be promptly given by the Commission.

*It is further ordered,* That this Order and Notice shall be served upon Cal-Mex Oil Corporation, 306 Jackson Street, Taft, California, Harry A. Benner, 306 Jackson Street, Taft, California, Oscar A. Peters, 122 Camino Uno SW, Rt. 1, Box P66, Albuquerque, New Mexico and James L. Davis, 2913 Niles Street, Bakersfield, California personally or by registered mail or by confirmed telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 56–5014; Filed, June 25, 1956; 8:49 a. m.]

UNIVERSITY OF MICHIGAN
JUL 1 1956
MAIN READING ROOM

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

# FEDERAL REGISTER

VOLUME 21 NUMBER 124

*Washington, Wednesday, June 27, 1956*

## TITLE 3—THE PRESIDENT

### PROCLAMATION 3143

WITHDRAWAL OF TRADE AGREEMENT CONCESSION AND ADJUSTMENT IN RATE OF DUTY WITH RESPECT TO TOWELING OF FLAX, HEMP, OR RAMIE

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

1. WHEREAS, under the authority vested in him by the Constitution and the statutes, including section 350 (a) of the Tariff Act of 1930, as amended, the President on October 30, 1947, entered into a trade agreement with certain foreign countries, which trade agreement consists of the General Agreement on Tariffs and Trade and the related Protocol of Provisional Application thereof, together with the Final Act Adopted at the Conclusion of the Second Session of the Preparatory Committee of the United Nations Conference on Trade and Employment (61 Stat. (Parts 5 and 6) A7, A11, and A2050), and, by Proclamation No. 2761A of December 16, 1947 (61 Stat. 1103), proclaimed such modifications of existing duties and other import restrictions of the United States and such continuance of existing customs or excise treatment of articles imported into the United States as were then found to be required or appropriate to carry out the said trade agreement on and after January 1, 1948;

2. WHEREAS item 1010 in Part I of Schedule XX (original) annexed to the said General Agreement (61 Stat. (Part 5) A1264) reads as follows:

| Tariff Act of 1930 paragraph | Description of Products | Rate of Duty |
|---|---|---|
| 1010 | Woven fabrics, not including articles finished or unfinished, of flax, hemp, ramie, or other vegetable fiber, except cotton, or of which these substances or any of them is the component material of chief value, not specially provided for. | 10% ad val. |

3. WHEREAS, in accordance with Article II of the said General Agreement and by virtue of the said Proclamation No. 2761A, the United States duty treatment of toweling (i. e. fabrics chiefly used for making towels) of flax, hemp, or ramie, or of which these substances or any of them is the component material of chief value, described in the said item 1010 is the application to the said toweling of the rate of duty specified in the column designated "Rate of Duty" in the said item 1010, which treatment reflects the duty concession granted in the said General Agreement with respect to the said toweling;

4. WHEREAS the United States Tariff Commission has submitted to me its report of an investigation, including a hearing, under section 7 of the Trade Agreements Extension Act of 1951, as amended (65 Stat. 72; 67 Stat. 472; 69 Stat. 162), on the basis of which it has found that the said toweling is, as a result in part of the duty reflecting the concession granted thereon in the said General Agreement, being imported into the United States in such increased quantities, both actual and relative, as to cause serious injury to the domestic industry producing like or directly competitive products;

5. WHEREAS the said Tariff Commission has further found that in order to remedy the serious injury to the said domestic industry it is necessary to restore the rate of duty originally imposed on the said toweling by paragraph 1010 of the Tariff Act of 1930, namely, 40 per centum ad valorem, and has accordingly recommended the withdrawal of the duty concession granted in the said General Agreement with respect to the said toweling;

6. WHEREAS, I find that the withdrawal for an indefinite period of the duty concession granted in the said General Agreement with respect to the said toweling, to permit the application to such products of the original rate of duty imposed thereon under paragraph 1010 of the Tariff Act of 1930, is necessary to remedy the serious injury to the said domestic industry; and

7. WHEREAS upon the withdrawal of the said concession the rate of duty

(Continued on p. 4645)

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# FEDERAL REGISTER

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**(As of January 1, 1956)**

The following Supplements are now available:

**Title 6 ($1.75)**

**Title 7: Parts 210–899 (Rev., 1955) with Supplement ($4.50)**

**Title 26 (1954) Parts 1–220 (Rev., 1955) ($2.00)**

**Titles 47 and 48 ($2.25)**

*Previously announced:* Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 7: Parts 1–209 ($1.25), Parts 900–959 (Rev., 1955) ($6.00), Part 960 to end (Rev., 1955) with Supplement ($5.85); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Parts 1–399 ($2.50), Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. I, and Title 27 ($1.00); Titles 28 and 29 ($1.25); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 400–699 ($0.65), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Title 33 ($1.50); Titles 35–37 ($1.00); Title 39 (Rev., 1955) ($4.25); Titles 40–42 ($0.65); Title 43 ($0.50); Title 46: Parts 1–145 ($0.60), Part 146 to end ($1.25); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.




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## CODIFICATION GUIDE—Con.

which will apply to the said toweling will be 40 per centum ad valorem:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, acting under the authority vested in me by section 350 of the Tariff Act of 1930, as amended, and section 7 (c) of the Trade Agreements Extension Act of 1951, and in accordance with the provisions of Article XIX of the said General Agreement, do proclaim that, effective after the close of business July 25, 1956, and until otherwise proclaimed by the President, the duty concession granted in the said General Agreement with respect to toweling (i. e. fabrics chiefly used for making towels) of flax, hemp, or ramie, or of which these substances or any of them is the component material of chief value, described in item 1010 in Part I of Schedule XX (original) of the said General Agreement, shall be withdrawn, and Proclamation No. 2761A of December 16, 1947, shall be suspended insofar as it applies to the said toweling described in the said item 1010.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 25th day of June in the year of our Lord nineteen hundred and fifty-six, [SEAL] and of the Independence of the United States of America the one hundred and eightieth.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
*Secretary of State.*

[F. R. Doc. 56–5159; Filed, June 26, 1956; 11:44 a. m.]

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**Subchapter C—International Wheat Agreement**

PART 481—WHEAT AND WHEAT-FLOUR EXPORT PAYMENT PROGRAM (IWA)

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AUTHORITY: §§ 481.725 to 481.789 issued under sec. 2, 63 Stat. 945, 946, sec. 104, 64 Stat. 198, 67 Stat. 358; 7 U. S. C. 1641, 1642.

GENERAL

§ 481.725 *General statement.* In order to encourage the sale and exportation by commercial exporters of wheat produced in the United States and flour processed in the United States from such wheat and in order to exercise the rights, obtain the benefits and fulfill the obligations of the United States under the International Wheat Agreement, the Secretary of Agriculture (referred to in this subpart as the Secretary), pursuant to the authority conferred by section 32, Public Law 320, 74th Congress, as amended, offers to make payments to exporters under the terms and conditions stated in this subpart. Information pertaining to the operation of this program and forms prescribed for use thereunder can be obtained upon request directed to the address shown in § 481.775, or from the Director, Commodity Stabilization Service Office, U. S. Department of Agriculture, located in the cities listed in § 481.763.

ELIGIBILITY FOR PAYMENT BY THE SECRETARY

§ 481.730 *General conditions of eligibility.* (a) Payment under this subpart will be made to an exporter in connection with the net quantity of wheat or flour exported to a designated country from the United States and the net quantity of wheat or flour in customs bond in Canada exported to a designated country from Canadian ports, excluding West Coast Canadian ports, pursuant to a sale to a foreign buyer for which he receives a confirmation by the Director, Grain Division, Commodity Stabilization Service, (referred to in this subpart as the Director), in accordance with § 481.748, subject to the additional conditions set forth in this subpart. Payment also will be made to an exporter for wheat or flour exported prior to sale and for which the exporter has received a confirmation by the Director, subject to the conditions contained in § 481.738.

(b) A sale which involves wheat produced outside the United States, or flour processed from any such wheat, or a mixture which is partly derived from wheat produced outside the United States is not eligible for confirmation by the Director for export payment. However, in the event that the Director determines that such a mixture is exported unintentionally, payment may be made but only on that portion, which it is established to his satisfaction, as having been produced in the United States.

(c) In any case where the Wheat Council, subsequent to confirmation by the Director, determines that a sale, or any part thereof, is ineligible to be, or to remain, recorded because of non-compliance with the applicable regulations of the importing country governing purchase and importation under the Wheat Agreement, payment may be withheld or required to be refunded if already made.

(d) Wheat or flour exported pursuant to any CCC program wherein the price reflects an export allowance shall not be eligible for payment under this subpart.

§ 481.731 *Program period.* Sales entered into after the effective date of this offer and not later than Dec. 31, 1956, for recording against the 1956–57 Wheat Agreement guaranteed quantities are eligible for payment under this offer. Sales must be entered into during periods in which an announced rate is in effect, and in reliance thereon, in order to be eligible for payment.

§ 481.732 *Date of exportation.* (a) Wheat or flour sold for recording against the Wheat Agreement 1956–57 guaranteed quantities must be exported during the period August 1, 1956 to July 31, 1957, inclusive, unless exportation prior or subsequent to that period is authorized (1) by announcement issued in connection with the daily export payment rate announcement (see § 481.740), or (2) in specific cases by prior approval of the Director.

(b) Wheat or flour sold for export in a specified export rate period must be exported before the end of that period in order for the exporter to obtain the export payment rate applicable to that sale, unless an extension is obtained changing the export date to a later period. In the event that export takes place after the specified rate period and the exporter has not obtained an extension to change the export date to a later period, the export payment rate will be that which was in effect at time of sale, or time of giving Notice of Sale, whichever is lower, for the period in which actual export takes place. It will be the policy to grant an extension if it can be shown that exportation under the contract has been delayed by circumstances beyond the exporter's or importer's control and is not due to intentional violation of the contract.

§ 481.733 *Exports to designated countries.* Exports of wheat or flour under this program shall be made only to the country named in the Notice of Sale and the Declaration of Sale unless the exporter obtains, prior to export, authority from the Director to export to a designated country other than the purchasing country named in the Notice of Sale and Declaration of Sale.

§ 481.734 *Excess quantities exported.* Payment will not be made on quantities loaded on vessels or exported by rail or truck which exceed by more than 1 percent the quantity shown on the Declaration of Sale, or, in the case of bulk wheat a loading tolerance as specified in the contract but which shall not exceed 5 percent of the contract quantity on parcel shipments or 10 percent of the contract quantity on full cargo shipments, unless clearance is obtained from the Director, in which case a new Declaration of Sale and a new Confirmation of Sale for the additional quantity is required. Payment will be made without additional clearance where, in the case of flour or bagged wheat, the loaded quantity does not exceed the contract quantity by more than 1 percent, and in the case of bulk wheat the loaded quantity does not exceed the contract quantity by more than 1 percent, or a loading tolerance as specified in the contract, whichever is greater, but such loading tolerance shall not exceed 5 percent of the contract quantity on parcel shipments and 10 percent of the contract quantity on full cargo shipments.

§ 481.735 *Reports.* The exporter shall submit the reports and documents specified in §§ 481.755 to 481.758, inclusive.

§ 481.736 *Proof of export.* Proof of export, and specified supporting documents, must be submitted in accordance with § 481.762.

§ 481.737 *Reentry or diversion.* If any quantity of wheat or flour exported under this subpart is unloaded in the United States or Canada prior to being imported into some country other than the United States or Canada, or because of the exporter's action or with his consent is at any time unloaded in the United States or Canada or diverted to another country while en route, payment may be withheld, or if payment already has been made, the exporter may be required to make such refund or other adjustment as deemed appropriate by the Administrator, Commodity Stabilization Service (referred to in this subpart as the Administrator):

*Provided,* That if the wheat or flour with respect to which payment may be withheld or refund required under this section is lost, destroyed or damaged, the amount of the payment withheld or refund required shall not exceed the amount realized or which might reasonably be realized by the exporter over the price at which it was sold to the designated country. The exporter shall notify the Director immediately upon becoming cognizant of any unloading or diversion of wheat or flour with respect to which payment may be withheld or refund required under this section and furnish information as to the condition of such wheat or flour and any claim he may have in connection with any damage or loss thereto or destruction thereof.

§ 481.738 *Wheat and flour exported prior to sale.* (a) In connection with the quantity of wheat and flour exported prior to sale, payments will be made only on that portion thereof which has been reported in accordance with paragraph (b) of this section and only on sales made by the actual exporter of such wheat or flour, and not to any other party who buys such wheat or flour and resells it to a designated country.



(b) In order to receive export payment the exporter must have reported the exportation of such wheat or flour to the Director within one week after the date of such exportation as defined in § 481.786, unless additional time for reporting is granted by the Director. This report, which will be considered as a certification by the exporter, must include the following information:

(1) Date of exportation.

(2) Port of exportation.

(3) Country and port of original destination of wheat and flour.

(4) Name of ocean vessel upon which loaded.

(5) Quantity:

(i) Wheat in bushels.

(ii) Flour in net hundredweight.

(6) Class and grade of wheat; or type and extraction of flour.

(7) The report shall also contain a statement that the vessel contains wheat or flour sold to a designated country under the terms of the Wheat Agreement by the exporter filing the report, as provided in paragraph (c) of this section.

(c) Only wheat or flour which is loaded on a vessel which also carries wheat or flour which has been sold by the same exporter to a designated country as provided in this subpart shall be reported under paragraph (b) of this section, and shall be eligible for export payment when sold. In the case of full cargo shipments the unsold portion shall not exceed one-third of the total cargo. In the case of part cargo lots the unsold portion shall not exceed 2,000 metric tons.

(d) At such time as the wheat or flour is sold to a designated country, the exporter shall report the sale to the Director as provided in § 481.755, and shall submit all other reports and documents as required by this subpart. In reporting the sale the exporter must state that the wheat or flour sold was reported to the Director, as provided in paragraph (b) of this section. This may be done by the use of the code word "Abroad."

(e) The export rate applicable to such sale shall be that rate in effect at time of sale, or time of giving Notice of Sale, whichever is the lower, for the current export rate period which applies (1) to the port from which the wheat or flour was exported, and (2) to the designated country shown in the Notice of Sale and the Declaration of Sale, or the country of final destination, whichever is lower.

(f) In addition to the documents required under § 481.762, the exporter will be required in the case of flour to submit with Public Voucher Form CSS 21 a document which carries a description of such flour. The exporter should obtain separate bill or bills of lading for both the unsold and sold quantities of wheat or flour exported.

(g) All other conditions of this subpart, except as modified by paragraphs (a), (b), (c), (d) and (e) of this section are applicable to sales described in this section

EXPORT PAYMENT RATES AND ANNOUNCEMENTS

§ 481.740 *Announcement of rates.* Export payment rates will be announced from Washington, D. C., daily or at intervals of up to 7 days. Announcement of rates will be released at approximately 3:31 p. m., e. s. t. (see § 481.789), and will remain in effect through 3:30 p. m., e. s. t., on the expiration date stated in the announcement at which time a new announcement will be made. No rates will be announced on Saturday, and rates effective at 3:31 p. m., e. s. t., on Friday will be considered as in effect through 3:30 p. m., e. s. t., of the market day succeeding Saturday unless the announcement specifically provides otherwise. Announcement will be available through a press release, ticker service, and through Commodity Stabilization Service Offices at Portland (Oregon), Minneapolis, Kansas City (Missouri), Dallas, Chicago, Cincinnati, and New Orleans. Different rates of payment based upon export ports or areas, destinations, period of exportation, or other factors may be announced for the same period.

§ 481.741 *Determination of rates.* The rate in effect at the time of sale to the foreign buyer in the country of destination or the time of giving Notice of Sale as required by § 481.755 (a), whichever rate is the lower, shall be the rate applicable to the sale. The supporting evidence of sale submitted by the exporter in form prescribed in § 481.756 (d), will be the basis for determining the time of sale. The following are factors which may be determinative of the time of sale.

(a) Time of filing by the exporter of a cablegram or time of mailing of a written acceptance of a definite offer to purchase received from the foreign buyer.

(b) Time of receipt by the exporter of a cablegram or other written acceptance from the foreign buyer of a definite offer by the exporter to sell or the time of receipt by the exporter of a cablegram or other written notification from his agent that the foreign buyer has accepted a definite offer by the exporter to sell.

(c) Time of filing by the exporter of a cablegram or time of mailing of a written confirmation of the booking of a shipment or shipments to be made pursuant to an open offer of the exporter to sell or a standing order of the buyer to purchase. It must be clear from the evidence, however, that the exporter is empowered by the terms of the open offer or standing order to firm the contract by issuing a confirmation. For example, if he is authorized to confirm the sale at a price which may be established at his option, the evidence must show that such is the understanding between buyer and seller, otherwise it will be necessary for the buyer also to confirm the price, and receipt of the buyer's confirmation will establish the time of sale.

(d) Sales may be made through a third principal party, but in such cases, in determining the time of sale, no substantially greater lapse of time for receipt of buyer's confirmation will be recognized than would have elapsed had the exporter been dealing directly with the ultimate foreign buyer. In such a transaction, the evidence of sale required by § 481.756 (d) shall include documents exchanged between the exporter, the ultimate foreign buyer, and the intermediate third party.

(e) A sale shall not be considered as entered into until the purchase price has been established, and time of sale shall be the earliest date on which a firm contract exists between buyer and seller and on which a firm price has been established. In order to receive payment at the announced rate in effect at the time of sale, it is important that the exporter give timely Notice of Sale as required by § 481.755 (a), and present documentary evidence that the sale was consummated at such time.

(f) If export is wholly by truck or rail and the time of sale cannot be determined on the basis of the factors set forth in paragraph (a), (b) or (c) of this section, or by any other means, the sale will be deemed to have been made at the time of issuance of inland bill of lading, or if none is issued, at the time of clearance through United States Customs. If export is by ocean carrier and time of sale cannot be determined as outlined above, the sale will be deemed to have been made at the time of issuance of ocean carrier bill of lading, or if none is issued, at the time the wheat or flour is loaded on board ocean carrier.

(g) If the time of day at which the sale was consummated is not established and two payment rates are in effect on the day the sale was consummated, the time of consummation of sale will be deemed to be at the time the lower of the two rates was in effect.

§ 481.742 *Conversion factors.* The following conversion factors shall be applied to the announced rate to determine the rate applicable to a particular type of flour:

| | Factor |
|---|---|
| Wheat flour (including clears), derived from conventional milling practices which are generally accepted in the milling industry in the United States as representing a 72 percent extraction operation | 1.000 |
| Semolina and farina | 1.000 |
| Wheat flour, derived from conventional milling practices which are generally accepted in the milling industry in the United States as representing an 80 percent extraction operation | .919 |
| Whole wheat flour | .717 |

§ 481.743 *Statement of status of purchases and sales.* There will be issued not less often than weekly, a statement as to the progress of purchases and sales by individual importing and exporting countries against their guaranteed quantities. Any exporter upon request, addressed to the office indicated in § 481.775, will be furnished with such information as is available as to the status of the fulfillment of guaranteed quantities under the Wheat Agreement.

§ 481.744 *Maximum and minimum prices.* Maximum and/or minimum prices at which wheat may be sold under the Wheat Agreement will be announced from time to time by CSS. The Wheat Agreement provides that to such maximum prices may be added such marketing costs and carrying charges as may be agreed between buyer and seller, and that such carrying charges may accrue

for the buyer's account only after an agreed date specified in the contract under which the wheat is sold. (See § 481.755 (b) (3) (1).)

CONFIRMATION OF ELIGIBILITY

§ 481.748 *Confirmation of eligibility.* (a) Upon receipt of the Notice of Sale required by § 481.755, the Director will confirm the eligibility of the sale or any part thereof, by telegram, for payment upon proof that the conditions set forth in this subpart have been met, unless he determines that the transaction is ineligible for entry in the records of the Wheat Council under the provisions of the Wheat Agreement or unless he determines that the transaction would not obtain for the U. S. the maximum benefits under the Wheat Agreement. Accordingly, it may be to the exporter's advantage in some instances to ascertain from the office indicated in § 481.775 prior to making a sale, whether the sale may be confirmed as eligible. It shall be the responsibility of the exporter to protect himself (for example, by inserting an appropriate provision into his sales contract) against the possibility that the transaction will not be confirmed. It shall not be the duty or responsibility of the Director, to guarantee that a transaction which appears to the exporter prior to sale to be eligible for recording in the Wheat Council's records, will be confirmed as eligible.

(b) In the telegram of confirmation the Director may utilize the code letters "CEP", to indicate "Confirmed as Eligible for Payment."

(c) Assigning of numbers: Each confirmation will be assigned a number which shall be called the CSS Sale Number. This number will be included in the Confirmation of eligibility, and thereafter shall be shown on the Declaration of Sale (see § 481.756), the Notice of Export (see § 481.757), and Voucher Form CSS–21, and in all correspondence with reference to the transaction.

§ 481.749 *Eligibility for entry in the Wheat Council's records.* The Wheat Agreement provides that:

(a) *Wheat.* A transactions or part of a transaction in wheat-grain between participating exporting and importing countries is eligible for entry in the Wheat Council's records against guaranteed quantities of those countries for a crop year:

(1) Provided (i) it is at a price not higher than the maximum nor lower than the minimum (i. e., the equivalents of the basic maximum and minimum prices) in effect during the crop year in which the loading periods specified in the transaction fall and (ii) the exporting and importing countries have not agreed that it shall not be entered against their guaranteed quantities, and

(2) To the extent that (i) both the importing and exporting countries concerned have unfilled quantities for the crop year, and (ii) the loading period specified in the transaction falls within that crop year.

(b) *Flour.* If a commercial contract or governmental agreement on the sale and purchase of flour contains a statement, or if the exporting country and the importing country concerned inform the Wheat Council that they are agreed, that the price of such flour is consistent with the maximum and minimum price in effect during the crop year in which the loading period specified in the transaction falls, the wheat-grain equivalent of such flour shall, subject to the conditions prescribed in paragraph (a) (1) and (2), of this section, be entered in the Wheat Council's records against the guaranteed quantities of those countries. If there is not such statement or agreement as specified in this paragraph, either country involved in the transaction may request the Wheat Council to decide whether the quantity sold should be entered in its records and the Wheat Council shall decide whether the price at which the flour was sold justified the entry of the transaction in the records.

DESIGNATED COUNTRIES

§ 481.753 *Designated countries.* A designated country shall be any country or territory which has been designated by announcement issued in connection with export payment rates provided for in § 481.740. Nothing in this subpart shall be deemed to authorize the exportation of wheat or flour in violation of any statute, order or regulation now in existence or hereafter established.

REPORTS

§ 481.755 *Notice of Sale*—(a) *Time.* (1) The exporter shall file a Notice of Sale, normally as soon as possible after consummation of the sale (see § 481.755). (In order to comply with the terms of the Wheat Agreement, the exporting country's report of transactions must reach the Wheat Council in London not later than 10 days after date of consummation.)

(2) The order in which transactions are reported (time of filing telegraphic notice or time of giving telephonic notice) assumes importance when guaranteed quantities are near to being filled. Notices of Sale should normally be filed by telegraph or by telephone. Telephone notices should be confirmed immediately by telegraph.

(3) If notice is not given by telephone, and the exporter desires to take advantage of the current rate of payment, the telegram reporting sale must be filed by 3:30 p. m., e. s. t., on the expiration date for such rate as shown in the rate announcement.

(4) A Notice of Sale may include all sales made to any one designated country during any 24-hour period ending at 3:30 p. m., e. s. t. It shall be normal practice when such multiple sales are submitted in one telegraphic Notice of Sale to assign one CSS Sale Number to apply to all sales to a particular country shown in that telegram. Every sale reported in a separate telegram will be assigned an individual Sale Number.

(b) *Information required.* In giving Notice of Sale the exporter must report the following information:

(1) Date of Sale.

(2) Contract quantity:

(i) Wheat in bushels.

(ii) For bulk wheat the contract loading tolerance, if any, in percentage, but not in excess of five percent on parcel shipments or ten percent on full cargo shipments.

(iii) Flour in net hundredweight.

(3) Sale price:

(i) In the case of wheat, the sale price must be shown on an f. o. b. vessel bulk basis, except that on exports from West Coast ports price may be given on an in-store basis. In addition, the coast of export must be shown. If, because of marketing costs and carrying charges as provided for in § 481.744, the sales price exceeds the maximum price, the Notice of Sale must show the total price and the amount thereof included for marketing costs and carrying charges, each shown separately. The f. o. b. or the in-store price shown shall include all charges and commissions necessary to the sale and moving of the wheat to the f. o. b. or the in-store position. For example, a selling agent's commission shall be included, whereas guaranteed out-turn insurance shall not be included.

(ii) In case of flour, the sales price need not be shown, but in the notice must contain a certification that buyer and seller agree that the price of the flour is consistent with the prices specified in the Wheat Agreement. This may be reported by the code word "AKORD."

(4) Purchasing country.

(5) Name of purchaser. (Where the sale involves more than one purchaser, the Notice of Sale should contain the name of one purchaser and the word "others".)

(6) The number of the import license, buying permit, or similar authorization applicable to the sale, for those countries where such is required for IWA transactions, unless otherwise authorized by the Director. (Where the sale involves more than one purchaser, the Notice of Sale should contain one license number and the word "others".)

(7) Delivery period specified in contract.

(8) Class and grade of wheat.

(9) The word "Abroad" for wheat or flour exported prior to sale. (See § 481.738 (d).)

(10) Such additional information in individual cases as may be requested by the Director.

§ 481.756 *Declaration of Sale and evidence of sale*—(a) *Time of submission and required copies.* (1) The exporter shall prepare a Declaration of Sale (Wheat Agreement Form No. 1) and mail or deliver it normally within two days after receipt of the Confirmation of Eligibility. (See § 481.775.)

(2) The Declaration of Sale must be submitted in triplicate where there is only one buyer, and in quadruplicate where there is more than one buyer. The original and all copies shall be signed in an original signature by the exporter or his authorized representative. One copy of the Declaration of Sale will be acknowledged and returned to the exporter.

(3) One Declaration of Sale normally should be submitted by the exporter for each sale identified by a Sale Number assigned in the Confirmation of Eligibility (See § 481.748 (b)), although this is not mandatory. If more than one Declaration of Sale is submitted, the letters A, B, C, etc., shall be added to the Wheat Agreement Sale Number on the respective declaration.

(b) *Information required.* The information to be entered on the Wheat Agreement Form No. 1 Declaration of Sale, is as follows:

(1) The Wheat Agreement Sale Number as assigned in the Confirmation of Eligibility.

(2) Date and time of sale.

(3) Name of purchaser, or purchasers.

(4) The number of each import license, buying permit, or similar authorization applicable to the sale, for those countries where such are required for IWA transactions. The applicable number(s) shall be entered following each buyer's name. All applicable numbers shall be so entered even though such numbers were reported in the Notice of Sale.

(5) Quantity sold:

(i) Wheat in bushels. If, in the case of bulk wheat, the sales contract provides for a loading tolerance, the amount of such tolerance but not to exceed five percent on parcel shipments or ten percent on full cargo shipments, given in percentage figures shall be entered directly following the quantity sold.

(ii) Flour in net hundredweight.

(6) Purchasing country. If the country of final destination is other than the purchasing country, the country of final destination shall be shown as a parenthetical entry following the name of the purchasing country.)

(7) Delivery period specified in the contract.

(8) Class and grade of wheat or type and extraction of flour. In the case of flour, the class of wheat from which the flour was milled and the approximate ash content must be shown. For example: "Hard Spring 0.48 Ash". For blended flours, the most predominant class of wheat contained in the blend should be shown. For example: "Blended (predominantly) Hard Winter 0.70 Ash".

(9) Price and the basis upon which price is determined:

(i) The sales price in the case of wheat must be given on an f. o. b. vessel, bulk basis, on exports from Gulf and East Coast ports and on an in-store or f. o. b. vessel, bulk basis, on exports from the West Coast ports. If, because of marketing costs and carrying charges as provided for in § 481.744, the sale price of wheat exceeds the maximum price, the declaration shall show the total price and the amount thereof included for marketing costs and carrying charges, each shown separately. The f. o. b. or the in-store price shown shall include all charges and commissions necessary to the sale and the moving of the wheat to the f. o. b. or the in-store position. For example, a selling agent's commission shall be included, whereas guaranteed outturn insurance shall not be included.

(10) Export rate per bushel of wheat or per hundredweight of flour in effect as determined by § 481.741.

(11) Coastal area from which it is anticipated exportation will be made.

(12) Such additional information in individual cases as may be requested by the Director.

(c) *Name in which filed.* The Declaration of Sale must be filed in the name of the exporter who has sold the wheat or flour to a foreign buyer. Persons or firms selling wheat or flour to others who resell such wheat or flour to foreign buyers are not exporters. If a sale is made under a trade name, the Declaration of Sale may be filed under such name provided the name of the actual exporter and the relationship between the two is clearly established by an appropriate signature on the Declaration and all related documents, such as:

American Milling Company
(Trade Name)
U. S. Milling Company
(s) John Smith, Secretary

(d) *Evidence of sale.* Supporting evidence of sale, in one copy only, must be filed with each Declaration of Sale. Such evidence may be in the form of certified true copies of offer and acceptance or other documentary evidence of sale including contracts between exporter and buyer. In transactions involving a third principal party (see § 481.741 (d)) the evidence shall include documents exchanged between the exporter, the ultimate foreign buyer, and the intermediate third party. In the case of flour the exporter must also furnish a signed statement or other acceptable evidence, such as an exchange of cables, to the effect that buyer and seller agree that the price of the flour is consistent with prices specified in the Wheat Agreement.

§ 481.757 *Notice of export*—(a) *Time of submission and required copies.* Only one Notice of Export, Wheat Agreement Form No. 2, is required in connection with any one Declaration of Sale. Such Notice of Export must be mailed or delivered by the exporter normally within three days after date of export of the last shipment against the quantity shown as sold on the applicable Declaration of Sale, unless such time of filing is extended by the Director. (See § 481.775.)

(b) *Information required.* The Notice of Export shall contain the following information:

(1) Wheat Agreement Sale Number.

(2) Date of export of final shipment.

(3) Country of destination.

(4) Total quantity actually loaded on all shipments made in connection with applicable Declaration of Sale.

(i) Wheat in bushels, excluding dockage.

(ii) Flour in net hundredweight.

(5) The U. S. coastal area or areas from which the wheat or flour was exported. If more than one coastal area is involved, the quantity exported from each should be shown.

§ 481.758 *Additional reports.* The exporter shall file such additional reports as may be required from time to time by the Director, subject to the approval of the Bureau of the Budget.

APPLICATION FOR PAYMENT

§ 481.760 *Application for payment.* The exporter shall make an application for payment under this program in the manner set forth in §§ 481.761 and 481.763.

§ 481.761 *Public Voucher Form CSS–21.* An original and two (2) copies of Form CSS–21 must be prepared and submitted together with the evidence of exportation set forth in § 481.762. Supplies of Form CSS–21 and detailed instructions regarding the preparation and submission of Form CSS–21 and supporting documents may be obtained from the CSS Commodity Offices listed in § 481.763 or from the office indicated in § 481.775.

§ 481.762 *Documents required to evidence exportation by exporters*—(a) *Bills of lading or Shipper's Export Declaration.* Each voucher must be supported by one copy of the applicable onboard ocean carrier bill of lading signed by an agent of the ocean carrier which shows that the wheat or flour is destined for the buyer identified with the Declaration of Sale and supporting evidence, unless otherwise approved by the Director. Where loss, destruction or damage occurs subsequent to loading on-board ocean carrier but prior to issuance of on-board bill of lading, one copy of a Loading Tally Sheet or similar document may be submitted in lieu of such bill of lading; or if exported wholly by rail or truck, one copy of the Shipper's Export Declaration authenticated by the appropriate United States Customs official which identifies the shipment(s) and shows date of clearance into the foreign country. If the final destination of the shipment is a designated country not shown on the ocean bill of lading, the exporter also shall furnish an authenticated copy of Shipper's Export Declaration showing country of final destination. In the case of wheat, the voucher must also be supported by one copy of an Export Grain Inspection Certificate issued by an inspector holding a license under the United States Grain Standards Act. Where shipment is exported from a Canadian port, the voucher also must be supported by one copy each of the following documents:

(1) For wheat:

(i) A signed or certified true copy of the bill of lading or other document covering the movement of the wheat from the United States to Canada, and

(ii) A signed or certified true copy of document evidencing the holding of the wheat in customs bond in Canada.

(2) For flour:

(i) A signed or certified true copy of the bill of lading or other document covering the movement of the flour from the United States to Canada, and

(ii) A statement by the exporter, certified as being a true and correct statement, that the flour for which export payment is claimed is the same flour covered by the bill of lading or other document as required by subdivision (i) of this subparagraph.

(b) *Shipper or consignor other than exporter.* If the shipper or consignor named in the on-board ocean bill(s) of lading or the Shipper's Export Declaration(s), covering wheat or flour exported is other than the exporter named in the Notice of Sale and Declaration of Sale, waiver by such shipper or consignor of any interest in the claim in favor of

such exporter is required. Such waiver must clearly identify the on-board ocean bill(s) of lading or Shipper's Export Declaration(s) submitted to evidence exportation. If the shipper or consignor is neither the exporter named in the Notice of Sale and Declaration of Sale, nor the consignee identified with the Declaration of Sale and supporting evidence of sale, the exporter must submit, in addition to the waiver a certification by such shipper or consignor that he acted only as a freight forwarder, agent of exporter, or agent of consignee, and not as buyer and seller of the wheat or flour shown on the documents submitted to evidence exportation.

(c) In the event of export prior to sale such additional documents as required by § 481.738 (f) must also accompany the voucher.

§ 481.763 *Submission of voucher for payment.* Vouchers and required supporting documents should be submitted to the office listed below which services the State in which the exporter's invoicing office is located.

OFFICE

Director, Commodity Stabilization Service Office, U. S. Department of Agriculture, 623 South Wabash Avenue, Chicago 5, Ill.: Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia.

Director, Commodity Stabilization Service Office, U. S. Department of Agriculture, 500 South Ervay Street, Dallas 1, Texas: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, New Mexico, North Carolina, Oklahoma, South Carolina, Tennessee, Texas.

Director, Commodity Stabilization Service Office, U. S. Department of Agriculture, Fedelity Building, 911 Walnut Street, Kansas City 6, Mo.: Colorado, Kansas, Missouri, Nebraska, Wyoming.

Director, Commodity Stabilization Service Office, U. S. Department of Agriculture, 1006 West Lake Street, Minneapolis 8, Minnesota: Minnesota, Montana, North Dakota, South Dakota, Wisconsin.

Director, Commodity Stabilization Service Office, U. S. Department of Agriculture, 1218 Southwest Washington Street, Portland 5, Oregon: Arizona, California, Idaho, Nevada, Oregon, Utah, Washington.

OBLIGATION AND DEFAULT

§ 481.765 *Exporter's agreement with the Secretary.* The Notice of Sale by the exporter and the Confirmation of Eligibility by the Director shall constitute an agreement by the exporter to export the quantity of wheat or flour within the prescribed period stated in the Notice of Sale and in accordance with this subpart in consideration of the undertaking of the Secretary to make an export payment.

§ 481.766 *Cancellation of sale or failure to export.* (a) The exporter shall notify the Director promptly in every case where, after giving Notice of Sale as required in § 481.755, a sale is canceled by the exporter or by the importer, and he must state the reason for such cancellation. The exporter also shall notify the Director promptly when, for any reason, it becomes apparent to him that he will not be able to fulfill his obligation under this subpart by making shipment within the prescribed period.

(b) If the Administrator, after affording an exporter the opportunity to present evidence, determines that such exporter due to the cancellation of a sale or failure to export or for other reasons, has failed to discharge fully any obligation assumed by him under this subpart such exporter may be denied the right to continue participating in this or any subsequent program for such period as the Administrator may determine or until the exporter has complied with such terms as the Administrator may prescribe. Such terms, among other things, may:

(1) Require the refund of payments previously made to the exporter in an amount equivalent to twenty (20) percent of the payment applicable to the quantity of wheat or flour with respect to which the exporter has failed to fulfill his obligation, or

(2) Require the making of future shipments not in excess of such quantity at a payment rate which is reduced by an amount equivalent to twenty (20) percent of the payment rate applicable to such quantity, or

(3) Require a combination of subparagraphs (1) and (2) of this paragraph.

MISCELLANEOUS PROVISIONS

§ 481.770 *Records and accounts.* Each exporter shall maintain accurate records showing sales and deliveries of wheat or flour exported or to be exported in connection with this program. Such records, accounts, and other documents relating to any transaction in connection with this program shall be available during regular business hours for inspection and audit by authorized employees of the United States Department of Agriculture, and shall be preserved for two years after date of export.

§ 481.771 *Assignments.* No exporter shall, without the written consent of the director, assign any right of the exporter under this subpart. The exporter may, however, name a joint payee on Voucher Form CSS–21.

§ 481.772 *Good faith.* If the Administrator after affording the exporter an opportunity to present evidence determines that such exporter has not acted in good faith in connection with any transaction under this subpart such exporter may be denied the right to continue participating in this program or the right to receive payment under this subpart in connection with any sales previously made under this program, or both. Such exporter may also be required to refund any payment received by him in connection with the transaction in which he is determined not to have acted in good faith. Any such action shall not affect any other right of the Department of Agriculture or the government by way of the premises.

§ 481.773 *Amendment and termination.* This offer may be amended or terminated at any time by public announcement of such amendment or termination. Any such amendment or termination shall not be applicable to sales for export (which otherwise comply with the terms of this offer) made before the effective time and date of such amendment or termination.

§ 481.774 *Persons not eligible.* No member or delegate to Congress, or resident commissioner, shall be admitted to any benefit that may arise therefrom, but this provision shall not be construed to extend to a payment made to a corporation for its general benefit.

§ 481.775 *Submission of reports.* The Notice of Sale, Declaration of Sale, Notice of Export, and related reports required under this subpart to be submitted to the Director should be addressed as follows:

Chief, Wheat Agreement Branch, Grain Division, Commodity Stabilization Service (in telegrams: "CSS"), U. S. Department of Agriculture, Washington, D. C.

DEFINITIONS

§ 481.780 *Administrator.* "Administrator" means the Administrator of the Commodity Stabilization Service.

§ 481.781 *Director.* "Director" means the Director of the Grain Division, Commodity Stabilization Service.

§ 481.782 *Wheat Agreement.* "Wheat Agreement" means the 1956 International Wheat Agreement, signed in Washington, D. C., in May 1956.

§ 481.783 *Wheat Council.* "Wheat Council" means the International Wheat Council established by Article XIII of the Wheat Agreement.

§ 481.784 *Wheat.* "Wheat" means wheat grown in the United States and as defined in the Official Grain Standards of the United States. The quantity of wheat exported which is eligible for export payment shall be determined by deducting from the total weight of the shipment, the weight of any dockage indicated on the inspection certificate issued at the time of loading for export.

§ 481.785 *Flour.* "Flour" means flour processed in the United States from wheat as defined in § 481.784, including semolina and farina, but shall not include wheat products produced during a continuing process of manufacturing processed wheat products other than flour or flour mixes which are composed principally of wheat-flour. The quantity of flour exported which is eligible for export payment shall be determined by deducting from the net weight of the shipment, the weight of any enrichment, or other additive (including Creta Praeperata), in excess of one-half of one percent of the combined net weight of the flour and additive.

§ 481.786 *Export.* Wheat or flour shall be deemed to have been "exported" when loaded on board an ocean carrier, or, if shipment to the designated country is wholly by truck or rail, when the shipment clears United States Customs.

§ 481.787 *Ocean carrier.* "Ocean carrier" means the vessel on which final shipment from the United States or Canada, other than shipments between such countries, is intended to be made pursuant to a sale confirmed under this program.



§ 481.788 *United States.* "United States" means the continental United States except that as used in § 481.737, Reentry or Diversion, the term "United States", includes the Territories and possessions of the United States.

§ 481.789 *3:31 e. s. t.* "3:31 e. s. t.", as used in this subpart means 3:31 eastern standard time, except that when Washington, D. C., is on daylight saving time #3:31 e. s. t. means 3:31 eastern daylight saving time (2:31 eastern standard time).

*Effective time and date.* This offer shall be effective on June 25, 1956 at 3:31 p. m., e. s. t.; however, sales may not be made for recording against the 1956–57 Wheat Agreement guaranteed quantity of any importing country until authorized in the daily export payment rate announcement. (See § 481.740.)

*Right to waive any requirement.* The Administrator, CSS, if he deems such action desirable in order to prevent undue hardship, may with respect to any transaction or transactions hereunder waive any requirement of this subpart, if such action is in the best interests of the program. Any such waiver shall be in writing and shall contain a full statement of the reasons therefor.

NOTE: The record keeping and reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 21st day of June 1956.

[SEAL] EARL M. HUGHES,
*Administrator,*
*Commodity Stabilization Service.*

[F. R. Doc. 56–5049; Filed, June 26, 1956; 8:49 a. m.]

# TITLE 7—AGRICULTURE

## Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

### Subchapter K—Federal Seed Act

### PART 201—FEDERAL SEED ACT REGULATIONS

MISCELLANEOUS AMENDMENTS

On May 27 and October 19, 1955, there were published in the FEDERAL REGISTER (20 F. R. 3745 and 7879) notices of rule making and notices of hearings with respect to proposed amendments of the rules and regulations of the Secretary of Agriculture under the Federal Seed Act (7 CFR 201.1 et seq., as amended). After consideration of all relevant matters presented at the hearings, or in writing, pursuant to said notices, and under authority of section 402 of the Federal Seed Act (7 U. S. C. 1592), said regulations are hereby amended as follows:

1. In § 201.34 *Kind, variety, and type; designation as hybrid,* new paragraphs (d) and (e) are added to read as follows, respectively:

(d) *Name of variety.* The name of each variety of agricultural or vegetable seed is the name determined in accordance with the following considerations:

(1) The variety name shall represent a subdivision of a kind, which is characterized by growth, plant, fruit, seed, or other characters by which it can be differentiated from other sorts of the same kind.

(2) Except as otherwise provided in this section, the name of a new variety shall be the name given by the originator or discoverer of the variety, except that in the event the originator or discoverer of a new unnamed variety, at the time seed of the variety is first introduced into channels of commerce of the United States for sale to the public, cannot or chooses not to name the variety, the name of the variety shall be the first name under which the seed is introduced into such commerce. However, if the variety name so provided is in a language not using the Roman alphabet, the variety shall be given a name by the person authorized under this paragraph to name the variety, in a language using the Roman alphabet.

(3) The variety name shall not be misleading.

(4) The status under the Federal Seed Act of a variety name is not modified by the registration of such name as a trademark.

(5) Names of varieties which through broad general usage prior to the effective date of this section were recognized variety names, except for hybrid seed corn, shall be considered variety names without regard to the principles stated in subparagraph (2) of this paragraph.

(6) The variety name for any variety of hybrid seed corn first introduced into commercial channels in the United States for sale prior to October 20, 1951, shall be any name used for such variety in such channels prior to that date. The variety name for any variety of hybrid seed corn first introduced into commercial channels in the United States for sale on or after October 20, 1951, shall be the name assigned in accordance with subparagraphs (1) through (4) of this paragraph.

(e) *List of variety names.* Variety names for the kinds listed include the following: (Names enclosed in parentheses are synonyms. This list does not preclude the use of names not on the list but entitled to be recognized under paragraph (d) of this section).

(1) *Beans (vegetable snapbeans).*

Asgrow Black Valentine (Stringless Black Valentine; Black Valentine Stringless).
Bountiful (improved six weeks).
Brittle Wax (Burpee's Brittle Wax; Round Pod Kidney Wax).
Cherokee (Black Valentine Wax; Cherokee Wax; Valentine Wax).
Commodore Improved (Improved Commodore).
Contender.
Davis Stringless Wax (Davis Stringless White Wax; Stringless Davis Wax).
Florida Belle.
Full Measure.
Giant Stringless Green Pod.
Idagreen.
Idaho Refugee.
Improved Kidney Wax (Improved Stringless Kidney Wax; Kidney Wax; Stringless Kidney Wax).
Keystonian.
Kinghorn Special.
Logan.
Longreen.
Pencil Pod Black Wax.
Plentiful (Black Seeded Bountiful; Ferry's Plentiful).
Puregold Wax.
Ranger.
Rival.
Sensation Refugee—1066.
Sensation Refugee—1071.
Sensation Wax No. 1.
Slendergreen.
Streamliner (Granda; World's Fair).
Stringless Green Pod (Burpee's Stringless Green Pod; Landreth's Stringless Green Pod).
Stringless Red Valentine (Landreth's Extra Early Stringless Red Valentine; Red Valentine Stringless).
Supergreen.
Sure Crop (Bountiful Wax; Sure Crop Black Wax; Sure Crop Stringless Wax; Sure Crop Wax; Yellow Bountiful Wax).
Tendergreen (Asgrow Stringless Green Pod; New Stringless Green Pod).
Tenderlong 15.
Tender Pod.
Tennessee Green Pod (Brown Bunch; Field's First Early; Knife Blade; Mayo's Brown Bunch).
Topcrop.
Top Notch Golden Wax (Landreth's Top Notch Golden Wax).
Unrivalled Wax.
U. S. No. 5 Refugee.
Wade.

(2) *Cabbage.*

All Head Early (Burpee's All Head Early).
All Head Select (Wisconsin All Head).
American Drumhead Savoy (Improved American Savoy; Long Island Savoy; Perfection Drumhead Savoy; Perfection Late Savoy).
Badger Market.
Bonanza.
Bugner.
Charleston Wakefield (Charleston; Large Charleston Wakefield; Large Jersey; Large Wakefield).
Chieftain Savoy.
Copenhagen Market Early (Condon's Cannon Ball; Copenhagen Market; Extra Early Copenhagen Market; Viking Copenhagen).
Copenhagen Market Medium.
Danish Ballhead.
Danish Ballhead, Harris Special.
Donk's Danish Ballhead.
Early Jersey Wakefield (Extra Early Wakefield; Jersey Wakefield).
Ferry's Hollander.
Ferry's Round Dutch (Early Round Dutch).
Globe.
Glory of Enkhuizen (Enkhuizen Glory).
Golden Acre (Peerless Special; Premier)
Green Acre (Dark Green Copenhagen).
Improved Danish No. 22.
Improved Wisconsin All Seasons.
Improved Wisconsin Ballhead.
Jersey Queen.
Mammoth Rock Red (Mammoth Red Rock).
Marion Market.
Midseason Market.
Morse's Large Red.
Oakview Ballhead.
Penn State Ballhead.
Pennvalley.
Premium Late Flat Dutch (Large Late Flat Dutch; Late Flat Dutch).
Racine Market.
Red Acre.
Red Danish.
Resistant Detroit (Detroit Resistant).
Resistant Glory.
Resistant Golden Acre (Golden Acre Resistant).
Resistant Red Hollander.
Round Red Dutch.
Seneca Ballhead.
Stein's Flat Dutch (Early Flat Dutch; Stein's Early Flat Dutch).
Succession (All Season; Henderson's Succession).
Wisconsin Copenhagen.

Wisconsin Golden Acre.
Wisconsin Hollander (Wisconsin No. 8; Wisconsin Hollander No. 8).

(3) *Onions, hybrid.*

Abundance.
Aristocrat.
Asgrow B45.
Asgrow B46.
Asgrow B47.
Asgrow Y40.
Asgrow Y41.
Asgrow Y42.
Asgrow Y43.
Asgrow Y44.
Autumn Brown.
Autumn Chief.
Autumn Glory.
Autumn Spice.
Autumn Star.
Bonanza.
Brown Beauty.
Burpee Crystal Wax Hybrid.
Burpee Yellow Globe Hybrid.
California Hybrid Red No. 1.
Castillan.
Champion.
Contender.
Crystal Hybrid.
Early Harvest.
Elite.
Encore.
Epoch.
Fiesta.
Granex.
Magnifico.
Pioneer.
Surprise.
Vaughan's Hybrid Sweet Spanish No. 1.

(4) *Soybeans.*

Acadian.
Adams.
Agate.
Aoda.
Arisoy.
Arkan.
Arksoy (Early Wood's Yellow).
Arksoy 2913.
Amredo.
Avoyelles.
Bansei.
Barchet.
Bavender Special.
Biloxi (Brown Biloxi).
Blackhawk.
Boone.
Capital.
Cayuga.
Chame.
Charles.
Cherokee.
Chief.
Chusei.
Clemson.
C. N. S.
Creole.
Cypress No. 1.
Delsoy (Edsoy).
Delsta.
Dorman.
Dortchsoy No. 2.
Dortchsoy No. 31.
Dortchsoy No. 67.
Dunfield.
Earlyana.
Easycook.
Ebony.
Emperor.
Etum (Soy Good).
Flambeau.
Funk Delicious.
Gatan.
Georgian.
Giant Green.
Gibson.
Goldsoy.
Granger.
Habaro.
Haberlandt.
Habto (Lima Soy).
Hakote.
Harman.
Harosoy.
Hawkeye.
Hayseed.
Herman.
Hidatsa.
Higan.
Hokkaido.
Hongkong.
Illini (Green Field).
Imperial.
Improved Pelican.
JEW 45.
Jogun.
Kabott.
Kanro.
Kanum.
Kingwa (Pekwa).
Korean (Early Korean).
Kura.
Laredo.
Lincoln.
L. Z.
Macoupin.
Magnolia.
Majos.
Mamloxi.
Mammoth Brown (Brown; Giant Brown; Large Brown; Tarheel Brown).
Mammoth Yellow (Large Yellow; Late; Late Yellow; Mammoth; Southern; Yellow).
Mamotan.
Mamredo.
Manchu.
Manchu No. 3.
Manchu No. 606.
Manchukota.
Mandarin (Early Mandarin).
Mandarin No. 507.
Mandarin (Ottawa).
Mandell.
Mendota.
Mingo.
Minsoy (Minnsoya).
Missoy.
Monetta.
Monroe.
Montreal Manchu.
Morse (Siegenthaler).
Mount Carmel.
Mukden.
Nanda.
Nanking.
Norsoy.
Ogden.
Ontario.
Otootan.
Pagoda.
Palmetto.
Patoka.
Peking (Black Champion; Black Sable; Essex; Extra Select Sable; Pedigreed Sable; Red Sable; Sable; Wings Royal).
Pelican.
Pennsoy.
Perry.
Pridesoy No. 57.
Ralsoy.
Richland.
Roanoke.
Rokusun.
Rose Non Pop.
S-100.
Sac.
Scioto.
Seminole.
Seneca.
Sioux.
Sousei (Super Quick).
Tanner (Brown Otootan; Red Otootan; Red Tanner).
Tastee.
Tennessee Non Pop.
Tokyo (Austrian Green; Ita Mame; Late Ita Mame; Mamotoc; Medium Ita Mame; Southern Medium Green).
Viking.
Virginia (Early Virginia Brown; Virginia Brown; Virginia Early Brown).
Volstate.
Wabash.
Willomi.
Wilson (Early Wilson; Early Wilson Black; Wilson Black; Wilson Early; Wilson Early Black).
Wisconsin Black (Early Black; Early Wisconsin Black; Extra Early Black; Wisconsin Early Black).
Wolverine.
Woods Yellow.
Yelnando.
Yelredo.

(5) *Striate lespedeza.*

Common.
Kobe.
Tennessee 76.

2. Section 201.36b *Name of kind and variety; designation as hybrid* is amended to read as follows:

§ 201.36b *Name of kind and variety; designation as hybrid.* (a) The representation of the name of a kind or kind and variety of seed in any advertisement subject to the act shall be confined to the name of the kind or kind and variety determined in accordance with § 201.34. The name shall not have associated therewith words or terms that create a misleading impression as to the history or characteristics of the kind or kind and variety. Descriptive terms and firm names may be used in kind or variety names provided the descriptive terms or firm names are a part of the name or variety of seed; for example, Stringless Green Pod, Detroit Dark Red, Black Seeded Simpson and Henderson Bush Lima. Seed shall not be designated as hybrid seed in any advertisement subject to the act unless it comes within the definition of "hybrid" in § 201.2 (y).

(b) Terms descriptive as to color, shape, size, habit of growth, disease-resistance, or other characteristics of the kind or variety may be associated with the name of the kind or variety provided it is done in a manner which clearly indicates the descriptive term is not a part of the name of the kind or variety; for example, Oshkosh pepper (yellow), Copenhagen Market (round head) cabbage, and Kentucky Wonder pole bean.

(c) Terms descriptive of quality or origin, terms descriptive of the basis for representations made, and terms taken from trade-marks may be associated with the name of the kind or variety of seed provided the terms are clearly identified as being other than part of the name of the kind or variety; for example, Fancy quality redtop, Idaho origin alfalfa, Growers' affidavit of variety Atlas sorgo, and Ox brand Golden Cross corn.

(d) Terms descriptive of the manner or method of production or processing the seed (for example, certified, registered, delinted, scarified, treated, and hulled), may be associated with the name of the kind or variety of seed, providing such terms are not misleading.

(3) In the list in § 201.31 the 4th item is amended to read as follows:

Beans, garden (varieties other than Improved Tendergreen (Resistant Tendergreen), King Green, Logan, Processor, Ranger, Rival, Seminole, Tenderbest, Tenderlong 15, Topcrop, Topmost, Wade, White-seeded Tendergreen, and Woodruff's Hyscore, 75.



and the 5th item is amended to read as follows:

Beans, garden (varieties Improved Tendergreen (Resistant Tendergreen), King Green, Logan, Processor, Ranger, Rival, Seminole, Tenderbest, Tenderlong 15, Topcrop, Topmost, Wade, White-seeded Tendergreen, and Woodruff's Hyscore), 70.

The interpretation on labeling and advertisement as to variety of hybrid seed corn in § 201.300 is superseded by the amendments set forth above.

The amendments shall become effective July 28, 1956.

The amendment of § 201.22 of the regulations proposed by the American Seed Trade Association concerning the period within which germination tests must be made is not adopted. The proposal of said Association to amend § 201.31 of the regulations to lower the germination standards generally for garden beans also is not adopted, but under the amendments set forth above the germination standards are lowered for specified varieties of garden beans.

(Sec. 402, 53 Stat. 1285, 7 U. S. C. 1592)

Done at Washington, D. C., this 22d day of June 1956.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc, 56-5070; Filed, June 26, 1956; 8:53 a. m.]

## Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

### Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 811, Amdt. 2]

### PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

*Basis and purpose.* The purpose of Sugar Regulation 811 is to determine, pursuant to section 201 of the Sugar Act of 1948, as amended (hereinafter called the "act"), the amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1956 and to establish, pursuant to sections 202, 204 and 211 of the act, sugar quotas for the supplying areas in terms of short tons of sugar, raw value, equal to the quantity determined by the Secretary of Agriculture to be needed in 1956. This regulation also establishes pursuant to section 207 the quantity of quota that may be filled by direct-consumption sugar and pursuant to section 208, quotas of liquid sugar which may be entered into the continental United States.

Amendments to the act, made by Public Law 545, 84th Congress, 2d Session, and signed by the President May 29, 1956, and effective January 1, 1956, change the procedure for establishing quotas, and authorizes the Secretary to restrict importations of sugar from foreign countries not participating in the International Sugar Agreement as provided in such agreement. The act also requires that the Secretary shall revise the determination of sugar requirements at such times during the calendar year as may be necessary. It now appears that an increase in the estimate of requirements for the calendar year 1956 is necessary. The purpose of this amendment is to make such determination conform to the requirements indicated on the basis of the factors specified in section 201 of the act and to establish quotas in accordance with the provisions of the recently amended act, and to give effect to such quotas.

The quotas established herein differ from those in effect under Sugar Regulation 811, Amendment 1 (21 F. R. 2805). To permit areas for which larger quotas or prorations are hereby established to plan to market in an orderly manner the larger quantity of sugar, it is essential that this amendment be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001), is impracticable, unnecessary and contrary to the public interest. The amendments made herein shall become effective upon publication in the FEDERAL REGISTER.

In view of the extensive changes in this regulation, and for the sake of clarity and convenient reference all sections of the regulation are republished as hereby amended as follows:

Sec.
811.80 Sugar requirements, 1956.
811.81 Basic quotas for domestic areas.
811.82 Basic quotas for other areas.
811.83 [Reserved.]
811.84 Proration of quota for foreign countries other than Cuba and the Republic of the Philippines.
811.85 Direct-consumption portion of quotas or prorations.
811.86 Liquid sugar quotas.
811.87 Restrictions on marketing and shipment.
811.88 Inapplicability of quota regulations.

AUTHORITY: §§ 811.80 to 811.88 issued under sec. 403, 61 Stat. 932, as amended: 7 U. S. C. 1153. Interpret or apply secs. 201, 202, 204, 207, 208, 209, 210, 212 and 411; 61 Stat. 923, 924, 925, 927, 928, as amended, 929; 7 U. S. C. 1112, 1114, 1117, 1118, 1120, 1122; secs. 6, 7, 11, 17 Pub. Law 545, 84th Cong.

§ 811.80 *Sugar requirements, 1956.* The amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1956 is hereby determined to be 8,575,000 short tons, raw value.

§ 811.81 *Basic quotas for domestic areas.* There are hereby established, pursuant to subsection (a) of section 202 of the act, for domestic sugar producing areas for the calendar year 1956 the following quotas:

| Area: | *Quotas in terms of short tons, raw value* |
|---|---|
| Domestic beet sugar | 1,863,731 |
| Mainland cane sugar | 560,019 |
| Hawaii | 1,052,000 |
| Puerto Rico | 1,080,000 |
| Virgin Islands | 12,000 |

§ 811.82 *Basic quotas for other areas.* There are hereby established, pursuant to subsections (b) and (c) of section 202 of the act, for foreign countries for the calendar year 1956, the following quotas:

| Area: | *Quotas in terms of short tons, raw value* |
|---|---|
| Republic of the Philippines | 980,000 |
| Cuba | 2,906,160 |
| Other foreign countries | 121,090 |

§ 811.83 [Reserved.]

§ 811.84 *Proration of quotas for foreign countries other than Cuba and the Republic of the Philippines*—(a) *Prorations.* Pursuant to subsection (c) of section 202 of the act the 1956 quota for foreign countries other than Cuba and the Republic of the Philippines is hereby prorated, as adjusted to the extent required by section 411 of the act, as follows:

| Country: | *Prorations as adjusted short tons, raw value* |
|---|---|
| Dominican Republic | 33,877 |
| El Salvador | 4,141 |
| Haiti | 3,278 |
| Mexico | 14,046 |
| Nicaragua | 7,823 |
| Peru | 51,871 |
| Unspecified countries | 6,054 |
| Total | 121,090 |

(b) *Entries from unspecified countries.* The portion of any quota or deficit prorated for the calendar year 1956 in this section to unspecified countries may be filled by sugar from any country other than those specified in this part but the quantity entered from any unspecified country shall not exceed one per centum of the total quota and deficits for foreign countries other than Cuba and the Republic of the Philippines prorated in this section: *Provided, however,* That pursuant to section 411 of the act total importations of sugar into the United States from unspecified countries not participating in the International Sugar Agreement shall not exceed 2,340 tons, the quantity imported from such countries prior to the effective date of this regulation.

§ 811.85 *Direct-consumption portion of quotas or prorations*—(a) *Domestic areas.* Pursuant to subsections (a), (b) and (c) of section 207 of the act, the quotas established in § 811.81 for the following listed areas may be filled by direct-consumption sugar not in excess of the following amount for each such area:

| Area: | *Direct-consumption sugar short tons, raw value* |
|---|---|
| Hawaii | 29,616 |
| Puerto Rico | 126,033 |
| Virgin Islands | 0 |

(b) *Other areas.* (1) Pursuant to subsections (d), (e) and (h) of section 207 of the act, the quotas established in § 811.82 for the following listed areas may be filled by direct-consumption sugar not in excess of the following amount for each such area:

| Area: | *Direct-consumption sugar short tons, raw value* |
|---|---|
| Republic of the Philippines | 59,920 |
| Cuba | 375,000 |
| Other foreign countries | 41,171 |

(2) Notwithstanding the foregoing limitation, the following listed countries may enter within the limits of the prorations established in § 811.84 a minimum quantity of sugar for direct consumption equal to the quantities listed below for each such country:

| Country: | *Direct-consumption sugar pounds, raw value* |
|---|---|
| Canada | 7,552 |
| Colombia | 857 |
| Costa Rica | 2,168 |
| Dominican Republic | 2,400,558 |
| El Salvador | 4,041,686 |
| Haiti | 376,163 |
| Hong Kong | 42,987 |
| Mexico | 1,287,589 |
| Nicaragua | 9,059,531 |
| Peru | 4,377,617 |
| United Kingdom | 144,490 |

§ 811.86 *Liquid sugar quotas.* There are hereby established, pursuant to section 208 of the act, for foreign countries for the calendar year 1956 quotas for liquid sugar as follows:

| Country: | *Liquid sugar, wine gallons, 72 percent total sugar content* |
|---|---|
| Cuba | 7,970,558 |
| Dominican Republic | 830,894 |
| British West Indies | 300,000 |
| Other foreign countries | 0 |

§ 811.87 *Restrictions on importing, marketing and shipment.* Pursuant to section 209 of the act, all persons are hereby prohibited, during the calendar year 1956 from:

(a) Bringing or importing into the continental United States from the Territory of Hawaii, Puerto Rico, the Virgin Islands, or foreign countries, (1) any sugar or liquid sugar after the applicable quota or the adjusted proration of any such quota, or the limitation imposed upon the entry of sugar within any such proration as provided in § 811.84 (b), has been filled, or (2) any direct-consumption sugar after the direct-consumption portion of any such quota or proration thereof has been filled.

(b) Shipping, transporting, or marketing in interstate commerce, or in competition with sugar or liquid sugar shipped, transported, or marketed in interstate or foreign commerce, any sugar or liquid sugar produced from sugar beets or sugarcane grown in either the domestic beet sugar area or the mainland cane sugar area after the quota for such area has been filled.

§ 811.88 *In applicability of quota regulations.* Pursuant to section 212 of the act, §§ 811.81 to 811.87 shall not apply to (a) the first ten short tons, raw value, or sugar or liquid sugar imported from any foreign country, other than Cuba and the Republic of the Philippines, in the calendar year 1956; (b) the first ten short tons, raw value, of sugar or liquid sugar imported from any foreign country, other than Cuba and the Republic of the Philippines in the calendar year 1956 for religious sacramental, educational, or experimental purposes; (c) liquid sugar imported from any foreign country other than Cuba and the Republic of the Philippines, in individual sealed containers not in excess of one and one-tenth gallons each; or (d) any sugar or liquid sugar imported, brought into, or produced or manufactured in the United States for the distillation of alcohol, or for livestock feed or for the production of livestock feed.

*Statement of bases and considerations.* The Sugar Act of 1948, as amended by Public Law 545, 84th Congress, signed by the President on May 29, 1956, became effective for the purposes of this determination on January 1, 1956. Totals of the sugar quotas for foreign and domestic areas are revised by the amendment when requirements of consumers in the continental United States exceed a total of 8,350,000 tons, raw value, as determined by the Secretary.

Consumers' requirements had been established at 8,450,000 tons on May 1, 1956, 100,000 tons of which is subject to redistribution under the amendment to the act.

Supplies and requirements currently appear to be in fairly good balance in the eastern part of the nation which depends upon foreign and domestic offshore sugar for its supplies. This determination, although increasing the estimate of consumers' requirements by an additional 125,000 tons to a total of 8,575,000 tons, adds only 1,250 tons to the quotas of foreign countries and does not affect the quotas of offshore domestic areas. Accordingly, the determination does not materially affect the availability of sugar to east coast refineries. The order makes available to the domestic beet sugar area and the mainland cane sugar area quota increases as provided in the amendment to the act. The quota for the domestic beet sugar area is increased by 63,731 tons and the quota for the mainland cane sugar area by 60,019 tons.

Effective distribution this year through June 9 appears to be approximately 114,000 tons in excess of that for the corresponding period of last year. Final quotas in 1955 totalled 8,400,000 tons and total distribution during that year approximated the same amount. After consideration of changes in invisible inventories and constructive deliveries, it appears that consumption in 1955 approximated 8,500,000 tons. Sugar distribution through June 9 of this year amounted to 3,573,000 tons, or 183,000 tons in excess of that for the corresponding period of last year, but when allowance is made for constructive deliveries, which supplemented supplies in 1955, deliveries so far this year effectively exceed those in the corresponding period of 1955 by 114,000 tons.

To give effect to the increase in total sugar requirements made effective by this order and to changes in the distribution of quotas in excess of 8,350,000 as required by Public Law 545, amendments have been made to §§ 811.80, 811.81, 811.82, 811.84 and 811.85 of Sugar Regulation 811, pursuant to the respective sections of the act referred to in each of the sections of the regulation. These amendments to the regulation make the following changes: (1) the quotas for domestic areas are increased by 123,750 tons to a total of 4,567,750 tons, with the increase divided 51.5 percent to the Domestic Beet Sugar Area and 48.5 percent to the Mainland Cane Sugar Area; (2) the quotas for foreign countries other than the Republic of the Philippines are increased by 1,250 tons to 3,027,250 tons which is prorated to such foreign countries; (3) the total direct-consumption portion of the quota for foreign countries other than Cuba and the Republic of the Philippines is increased by 17 tons; and (4) the prorations of quotas for foreign countries have been adjusted to carry out the objectives of section 411 of the amended act.

Section 411 authorizes the Secretary to carry out Article 7 of the International Sugar Agreement. That article provides that countries participating in the agreement restrict importation of sugar from countries not participating in the agreement to the level of importations from countries not participating in the agreement, as a group, in any one of the years, 1951, 1952 or 1953. Prorations of quotas established by this order reflect the adjustment, based on total importations in 1953 from countries not participating in the International Sugar Agreement, necessary to carry out the requirements of section 411.

Done at Washington, D. C., this 22d day of June 1956. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
*Acting Secretary.*

[F. R. Doc. 56-5072; Filed, June 26, 1956; 8:54 a. m.]

## TITLE 14—CIVIL AVIATION

### Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 4]

PART 610—MINIMUM EN ROUTE IFR ALTITUDES

MISCELLANEOUS AMENDMENTS

The minimum en route IFR altitudes appearing hereinafter have been coordinated with interested members of the industry in the regions concerned insofar as practicable. The altitudes are adopted without delay in order to provide for safety in air commerce. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 610 is amended as follows: (Listed items to be placed in appropriate sequence in the sections indicated.)

Section 610.1001 *Direct routes; U. S.* is amended to read:

From Advance, Mo., LFR; to Little Rock, Ark., LFR; MEA 1,700.

From Advance, Mo., LFR; to Paducah, Ky., LF/RBN; MEA 1,700.

From Albany, Ga., LFR; to Alma, Ga., LFR; MEA 1,600.

From Albany, Ga., LFR; to Cross City, Fla., LFR; MEA 1,400.

From Alexandria, La., LFR; to Monroe, La., LFR; MEA 1,700.

From Alexandria, La., VOR; to Monroe, La., VOR; MEA 1,700.

From Allentown, Pa., LFR or VOR; to North Philadelphia, Pa., LFR; MEA 2,500.

From Allentown, Pa., LFR or VOR; to Wilkes-Barre, Pa., LFR; MEA 3,500.



From Altoona, Pa., LFR; to Selinsgrove, Pa., VOR or LF/RBN; MEA 4,000.

From Amarillo, Tex., LFR; to Roswell, N. Mex., LFR; MEA 5,600.

From Ambrose INT, N. J.; to Newark, N. J., LFR; MEA 1,500.

From Anton Chico, N. Mex., VOR; to Clovis AFB, N. Mex., LF/RBN; MEA 9,500.

From Arcata, Calif., LFR; to Fort Jones INT, Calif.; MEA 6,000.

From Asbury Park, N. J., FM; to Lakehurst, N. J., LFR; MEA 1,500.

From Asbury Park, N. J., FM; to Newark, N. J., LFR; MEA 1,500.

From Asbury Park, N. J., FM; to Point Pleasant INT, N. J. (via 177° crs from Newark LFR); MEA 1,500.

From Asheville, N. C., LF/RBN; to Charlotte, N. C., LFR; MEA 6,500.

From Asheville, N. C., VOR; to Charlotte, N. C., VOR; MEA 5,500.

From Atlantic City, N. J., LFR; to Philadelphia, Pa., LFR; MEA 1,500.

From Atlanta, Ga., VOR; to Columbia, S. C., VOR; MEA 4,000.

From Atlanta, Ga., LFR; to Rome, Ga., LFR; MEA 3,100.

From Atlanta, Ga., VOR; to Savannah, Ga., VOR; MEA 6,400.

From Augusta, Ga., LFR; to Spartanburg, S. C., LFR; MEA 2,000.

From Austin, Tex., LFR; to Bryan, Tex., LFR; MEA 2,000.

From Austin, Tex., VOR; to College Sta., Tex., VOR; MEA 2,100.

From Austin, Tex., LFR; to San Angelo, Tex., LFR; MEA 3,100.

From Baldwin City INT, Kans.; to Topeka, Kans.; LF/RBN; MEA 2,400.

From Bangor, Maine, LFR or VOR; to East Dover INT, Maine; MEA 2,500.

From Baton Rouge, La., LFR; to Jackson, Miss., LFR; MEA 2,000.

From Baton Rouge, La., LFR; to Lake Charles, La., LFR; MEA 1,500.

From Beaumont, Tex., LFR; to Galveston, Tex., LFR; MEA 1,400.

From Beaumont, Tex., VOR; to Galveston, Tex., VOR; MEA 1,400.

From Beaumont, Tex., LFR; to Lufkin, Tex., LF/RBN; MEA 1,600.

From Beaumont, Tex., VOR; to Lufkin, Tex., VOR; MEA 1,600.

From Beaumont, Tex., LFR; to Port Arthur INT, Tex.; MEA 1,400.

From Bellona INT, N. Y.; to Sampson, N. Y., LF/RBN; MEA 3,000.

From Big Spring, Tex., LFR; to Wichita Falls, Tex., LFR; MEA 4,000.

From Big Spring, Tex., VOR; to Wichita Falls, Tex., VOR; MEA 7,000.

From Binghamton, N. Y., VOR; to Buffalo, N. Y., LFR or VOR; MEA 4,500.

From Binghamton, N. Y., LF/RBN; to Elmira, N. Y., LFR; MEA 3,500.

From Binghamton, N. Y., VOR; to Syracuse, N. Y., LFR; MEA 3,500.

From Binghamton, N. Y., VOR; to Wilkes-Barre, Pa., LFR; MEA 3,500.

From Birmingham, Ala., VOR; to Huntsville, Ala., VOR; MEA 4,000.

From Birmingham, Ala., LFR; to Jackson, Miss., LFR; MEA 2,500.

From Birmingham, Ala., VOR; to Jackson, Miss., VOR; MEA 6,400.

From Birmingham, Ala., LFR; to Memphis, Tenn.; LFR; MEA 2,500.

From Birmingham, Ala., LFR; to Columbus, Ga.; LFR; MEA 3,600.

From Blackstone, Va., LFR; to Int. dir. crs Lynchburg, Va., LFR to Blackstone, Va., LFR and South Boston, Va., VOR rad. 031°; MEA 2,000.

From Blythe, Calif., VOR; to Prescott, Ariz. VOR 10,000.

From Boise, Idaho, VOR; to Int. Rome, Oreg., VOR, 048° T and Twin Falls, Idaho, VOR 295° T rads. Northeast, MEA 8,000; southwest, MEA 10,000.

From Boise, Idaho, VOR; to Int. Boise, Idaho, VOR 210° T and Twin Falls, Idaho, VOR 295° T rads. Northeast, MEA 8,000; southwest, MEA 11,000.

From Bonner Springs INT, Kans.; to Farley, Mo., LF/RBN, northbound only; MEA 2,400.

From Boothwyn INT, Pa.; to Reading INT, Pa.; MEA 2,500.

From Bowling Green, Ky., LFR; to Nashville, Tenn., LFR or VOR; MEA 2,300.

From Bradford, Pa., VOR; to Hughsville, Pa., LF/RBN; MEA 4,500.

From Bradford, Ill., LF/RBN; to Rockford, Ill., LFR; MEA 2,500.

From Bradford, Ill., LF/RBN; to Peoria, Ill.; LFR; MEA 2,000.

From Branchville INT, N. J.; to Caldwell, N. J., VOR; MEA 3,000.

From Branchville INT, N. J.; to Newark, N. J., LFR; MEA 3,000.

From Brownsville, Tex., LFR; to Int. W crs Brownsville, Tex., LFR and SE crs Laredo, Tex.; MEA 1,600.

From Brunswick, Maine, LF/RBN; to Portland, Maine, LFR; MEA 2,000.

From Bryan, Tex., LFR; to Smithville, Tex., LF/RBN; MEA 1,700.

From Bryan, Tex., LFR; to Tyler, Tex., LFR; MEA 2,000.

From Buckner INT, Mo.; to Liberty, Mo., LF/RBN, westbound only; MEA 2,200.

From Burbank, Calif., LFR; to *Downey, Calif., LF/RBN; MEA 5,000. *4,000—MCA Downey LF/RBN, northwestbound.

From Burbank, Calif., LFR; to *La Habra, Calif., FM; MEA 5,000. *4,000—MCA La Habra FM, northwestbound.

From *Burbank, Calif., LFR; to Simi INT, Calif.; MEA 6,000. *5,000—MCA Burbank LFR, northwestbound.

From Caldwell, N. J., VOR; to LaGuardia, N. Y., LFR; MEA 2,500.

From Caldwell, N. J., VOR; to Newark, N. J., LFR and LOM; MEA 2,000.

From Caldwell, N. J., VOR; to Wilkes-Barre, Pa., VOR; MEA 3,500.

From Calvert INT, Md.; to Int, N crs Baltimore, Md., LFR and W crs Wilmington, Del., LFR; MEA 2,000.

From Calvert INT, Md.; to West Chester INT, Pa.; MEA 1,800.

From Carlsbad, N. Mex., VOR; to Gore INT, Tex.; MEA 6,000.

From Cartersville INT, Ga.; to Rome, Ga., LFR; MEA 2,800.

From Cedar Creek INT, Tex.; to McDade INT, Tex.; MEA 3,000.

From Chanute, Ill.; LFR; to Chicago, Ill., LFR; MEA 2,300.

From Chanute, Ill., LFR; to Joliet, Ill., LFR; MEA 2,100.

From Charleston, W. Va., LFR; to Montebello, Va., VOR; MEA 6,500.

From Charlotte, N. C., LFR; to Lumberton, N. C., LF/RBN; MEA 2,000.

From Charlotte Hall, Md., LF/RBN; to Mt. Vernon INT, Va.; MEA 1,500.

From Chatham, N. J., LF/RBN; to Little Ferry INT, N. J.; MEA 2,500.

From Chatham, N. J., LF/RBN; to Yonkers INT, N. Y.; MEA 2,000.

From Chattanooga, Tenn., LFR; to Muscle Shoals, Ala., LFR; MEA 4,000.

From Chattanooga, Tenn., LFR; to Rome, Ga., LFR; MEA 3,900.

From Cincinnati, Ohio, LFR; to Richmond, Ind., LF/RBN; MEA 2,300.

From Clifton Forge INT, Va.; to Elkins, W. Va., LFR or VOR; MEA 6,800.

From Clifton Forge INT, Va.; to Roanoke, Va., LFR; MEA 6,000.

From Clint, Tex., LF/RBN; to El Paso, Tex., LFR; MEA 6,000.

From Clint, Tex., LF/RBN; to Van Horn, Tex., LF/RBN; MEA 9,000.

From Clinton INT, Kans.; to Topeka, Kans., LF/RBN; MEA 3,000.

From Clovis (AFB), N. Mex., LF/RBN; to Lubbock, Tex., LFR or VOR; MEA 6,500.

From Clovis AFB, N. Mex., LF/RBN; to *Field INT, N. Mex.; MEA 7,000. *11,500—MRA.

From Clovis AFB, N. Mex. LF/RBN; to Pleasant Hill INT, N. Mex.; MEA 7,000.

From Clovis AFB, N. Mex., LF/RBN; to *Farwell INT, Tex.; MEA 5,500. *10,000—MRA.

From Coatesville INT, Pa.; to Reading, Pa., LOM; MEA 2,500.

From Colorado Springs, Colo., LF/RBN; to Goodland, Kans., VOR; MEA 9,000.

From Colts Neck, N. J., VOR; to Newark, N. J., LFR; MEA 1,500.

From Columbia, Mo., LFR; to Quincy, Ill., LF/RBN; MEA 2,100.

From Columbia, S. C., LFR; to Greenville, S. C., LFR; MEA 2,300.

From Columbia, S. C., LFR; to Savannah, Ga., LFR; MEA 1,700.

From Columbus INT, N. J.; to McGuire, N. J., LFR; MEA 1,500.

From Columbus, Ohio, LFR; to Dayton, Ohio, VOR; MEA 2,400.

From Columbus, Ohio, LFR or VOR; to Springfield, Ohio, LF/RBN; MEA 2,400.

From Columbus, Ohio, LFR or VOR; to Zanesville, Ohio, LF/RBN; MEA 2,400.

From Coney Island INT, N. Y.; to Newark, N. J., LFR; MEA 1,500.

From Corbin, Ky., VAR; to Louisville, Ky., VOR; MEA 4,500.

From Corbin, Ky., VAR; to Tri-City, Tenn., VOR; MEA 5,500.

From Cove INT, N. C.; to Int. dir. crs Winston-Salem, N. C., LFR to Roanoke, Va., LFR and South Boston, Va., VOR, 280° rad. Northbound, MEA 5,600; southbound MEA 4,000.

From Coyle INT, N. J.; to McGuire, N. J., LFR; MEA 1,500.

From Crescent City, Calif., VOR; to Silver Peak INT, Calif.; MEA 7,000.

From Crossville, Tenn., VOR; to Lexington, Ky., VOR; MEA 7,000.

From Culberson, Tex., VOR; to Gore INT, Tex.; MEA 6,300.

From Culberson, Tex., VOR; to Junction, Tex., VOR; MEA 13,000.

From Dallas, Tex., LFR; to Houston, Tex., LFR; MEA 2,100.

From Dallas, Tex., LFR; to Tulsa, Okla., LFR; MEA 2,200.

From Dallas, Tex., LFR; to Int. Dallas VOR 028° rad. and SE crs Sherman LFR; MEA 2,000.

From Int. Dallas VOR 028° rad and SE crs Sherman LFR; to Ft. Smith, Ark., LF/RBN; MEA 3,400.

From Danville, Va., LF/RBN; to Roanoke, Va., LFR. Southeastbound, MEA 4,200; northwestbound MEA 4,500.

From *De Graff INT, Kans.; to Towanda, Kans., LF/RBN westbound only; MEA 2,800. *4,800—MRA.

From Des Moines, Iowa, LFR; to Sioux City, Iowa, LFR; MEA 2,600.

From Des Moines, Iowa, LFR; to Kansas City, Kans., LFR; MEA 2,400.

From Detroit, Mich., LFR; Jackson, Mich., LF/RBN; MEA 2,400.

From Dubois, Idaho, LFR; to Ashton INT, Idaho; MEA 9,000.

From Duluth, Minn., LFR; to Fargo, N. Dak., LFR; MEA 3,100.

From Dyersburg, Tenn., LF/RBN; to Nashville, Tenn., LFR; MEA 3,000.

From El Dorado, Ark., LF/RBN; to Pine Bluff, Ark., LF/RBN; MEA 1,600.

From El Dorado, Ark., VOR; to Pine Bluff, Ark., VOR; MEA 1,600.

From El Dorado, Ark., LF/RBN; to Shreveport, La., LFR; MEA 1,600.

From El Dorado, Ark., VOR; to Shreveport, La., VOR; MEA 1,600.

From El Dorado, Ark., VOR; to Little Rock, Ark., VOR; MEA 1,800.

From Elkins, W. Va., LFR or VOR; to James River INT, Va.; MEA 6,800.

From Elkins, W. Va., LFR or VOR; to Lynchburg, Va., LFR; MEA 6,800.

From Elkins, W. Va.; LFR or VOR; to Roanoke, Va., LFR; MEA 6,800.

From Elko, Nev., LFR; to Boise, Idaho, LFR; MEA 12,500.

From Elmira, N. Y., VOR or LFR; to Sampson (AFB), N. Y., LF/RBN; MEA 3,500.

From El Paso, Tex., LFR; to Van Horn, Tex., LF/RBN; MEA 9,000.

From Enid, Okla., Vance VOR; to Gage, Okla., VOR; MEA 3,600.

From Enid, Okla., Vance VOR; to Oklahoma City, Okla., VOR; MEA 2,500.

From Enid, Okla., Vance VOR; to Ponca City, Okla., VOR; MEA 3,100.

From Eugene, Oreg., VOR; to Heceta Head INT, Oreg.; MEA 6,000.

From Farley, Mo., LF/RBN; to St. Joseph, Mo., ILS/LOM; MEA 2,400.

From Flatbush, N. Y., LF/RBN; to New Brunswick INT, N. J.; MEA 1,500.

From Flatbush, N. Y., LF/RBN; to Newark, N. J., LFR; MEA 1,500.

From Flat Rock, Va., VOR; to Montebello, Va., VOR; MEA 6,000.

From Flat Rock, Va., VOR; to Richmond, Va., LFR; MEA 2,000.

From Flintstone INT, Pa.; to Int. S crs Altoona, Pa., LFR and Martinsburg, Pa., VOR 283° rad.; MEA 4,000.

From Flippin, Ark., VOR; to Memphis, Tenn., VOR; MEA 4,000.

From Flippin, Ark., VOR; to Little Rock, Ark., VOR; MEA 3,000.

From Florence, S. C., LFR; to Greensboro, N. C., LFR; MEA 3,000.

From Forbes AFB, Kans., LFR; to Topeka, Kans., LF/RBN; MEA 3,000.

From Fortuna, Calif., VOR; to Fort Jones INT, Calif.; MEA 6,000.

From Front Royal, Va., LFR; to Martinsburg, W. Va., LFR; MEA 4,000.

From Fort Jones, Calif., LFR; to Montague, Calif., LF/RBN; MEA 9,000.

From Fort Jones, Calif., LFR; to *Fort Jones INT, Calif.; MEA 11,000. *8,000—MCA Fort Jones INT, eastbound.

From Fort Myers, Fla., VOR; to West Palm Beach, Fla., VOR; MEA 2,500.

From Fort Myers, Fla., LFR; to West Palm Beach, Fla., LFR; MEA 1,300.

From Fort Smith, Ark., VOR; to McAlester, Okla., VOR; MEA 2,700.

From Fort Smith, Ark., LF/RBN; to Springfield, Mo., LFR; MEA 3,800.

From Fort Worth, Tex., LFR; to Int. Fort Worth 270° rad. and SW crs Wichita Falls, Tex., LFR; MEA 2,600.

From Gage, Okla., LFR; to La Junta, Colo., LFR; MEA 6,700.

From Gage, Okla., LFR; to Ponca City, Okla., LF/RBN; MEA 3,600.

From Gage, Okla., VOR; to Ponca City, Okla., VOR; MEA 3,600.

From Garden City, Kans., LFR; to Gage, Okla., LFR; MEA 4,300.

From Gila Bend, Ariz., LFR; to Phoenix, Ariz., LFR; MEA 6,500.

From Glen Cove, N. Y., LF/RBN; to New Rochelle, N. Y., LF/RBN; MEA 1,500.

From Glens Falls, N. Y., LF/RBN; to Sacandaga Res. INT, N. Y.; MEA 5,000.

From Grand Rapids, Mich., LFR; to Milwaukee, Wis., LFR; MEA 2,000.

From Greensboro, N. C., LFR; to Roanoke, Va., LFR; MEA 6,000.

From Greensboro, N. C., VOR; to Int. Tri-City VOR 105° rad. and N crs Hickory LFR; MEA 6,500.

From Greenville INT, Fla.; to Valdosta, Ga., VOR; MEA 1,400.

From Hainesville INT, Tex.; to Int. N crs Tyler LFR and SW crs Texarkana LFR; MEA 1,600.

From Hempstead, N. Y., LFR; to Idlewild, N. Y., LFR; MEA 1,500.

From Hobbs, N. Mex., LFR; to Lubbock, Tex., LFR; MEA 4,800.

From Hobbs, N. Mex., VOR; to Lubbock, Tex., VOR; MEA 5,300.

From Houston, Tex., LFR; to Int. Fort Worth VOR 142° rad. and S crs Dallas LFR; MEA 2,100.

From Houston, Tex., LFR; to Tyler, Tex., LFR; MEA 2,000.

From Huntington INT, N. Y.; to Mitchel Field, N. Y., LFR; MEA 1,500.

From Huntsville, Ala., VOR; to Muscle Shoals, Ala., VOR; MEA 2,000.

From Huntsville, Ala., VOR; to Nashville, Tenn., VOR; MEA 3,600.

From Hutchinson, Kans., LFR; to Wichita, Kans., LFR; MEA 3,400.

From Hutchinson, Kans., VOR; to Anness INT, Kans.; MEA 3,000.

From Hutchinson, Kans., LFR; to Viola, Kans., LF/RBN; MEA 2,800.

From Hutchinson, Kans., VOR; to Wichita, Kans., ILS/LOM; MEA 2,800.

From Idaho Falls, Idaho, LFR; to Ashton INT, Idaho; MEA 8,000.

From Idlewild, N. Y., LFR; to Jersey INT, N. J.; MEA 2,500.

From Idlewild, N. Y., LFR; to Long Beach INT, N. Y.; MEA 1,500.

From Int Seattle, Wash., VOR 247 T rad. and Olympia, Wash., VOR 013 T rad.; to Int Olympia, Wash., VOR 013 T rad. and NW crs Seattle, Wash., LFR; MEA 5,000.

From Jacksonville, Fla., LFR; to Valdosta, Ga., LF/RBN; MEA 1,300.

From Jacksonville, Fla., VOR; to Valdosta, Ga., VOR; MEA 2,000.

From Julian, Calif., LF/RBN; to Vail Lake, Calif., LF/RBN; MEA 12,000.

From Kansas City, Kans., LFR; to Topeka, Kans., LF/RBN; MEA 2,500.

From Kansas City, Mo., LFR; to Columbia, Mo., LFR, eastbound only; MEA 4,000.

From Kearney INT, Mo.; to Liberty, Mo., LF/RBN, southbound only; MEA 2,200.

From Kelly (San Antonio), Tex., LFR; to Yoakum, Tex., LF/RBN; MEA 2,200.

From Key West, Fla., LFR; to Tampa, Fla., LFR; MEA 1,300.

From Kitsap INT, Wash.; to Paine AFB, Wash., LF/RBN; MEA 3,000.

From Kokomo, Ind., LF/RBN; to Lafayette, Ind., VOR; MEA 2, 200.

From Kokomo, Ind., LF/RBN; to South Bend, Ind., LFR or VOR; MEA 3,000.

From Kokomo INT, Ind.; to Richmond, Ind., LF/RBN; MEA 2,300.

From LaGuardia, N. Y., LFR; to Poughkeepsie, N. Y., LFR or VOR; MEA 3,000.

From Lancaster, Pa., LF/RBN; to Wilmington, Del., LFR; MEA 2,000.

From Lansing, Mich., LFR; to Bangor, Mich., FM; MEA 3,000.

From Laredo, Tex., LFR; to Int. SE Laredo, LFR and W crs Brownsville, Tex., LFR; MEA 1,900.

From Lee INT, Fla.; to Valdosta, Ga., LF/RBN; MEA 1,400.

From Lisbon INT, Md.; to Riverdale, Md., LF/RBN; MEA 1,800.

From Little Ferry INT, N. J.; to Mitchel, N. Y., LFR; MEA 2,500.

From Little Rock, Ark., LFR; to Int. Little Rock VOR 074° rad. and N crs Stuttgart LFR; MEA 1,500.

From Little Rock, Ark., LFR; to Springfield, Mo., LFR; MEA 3,000.

From Little Rock, Ark., VOR; to Walnut Ridge, Ark., VOR; MEA 2,100.

From Longmeadow INT, Mass.; to Terryville INT, Conn. (via Weatogue INT, Conn.); MEA 2,500.

From Longview, Tex., VOR; to Lufkin, Tex., VOR; MEA 1,900.

From Losoya INT, Tex.; to Yoakum, Tex., LF/RBN; MEA 1,800.

From Louisville, Ky., LFR or VOR; to Smithville, Tenn., LF/RBN; MEA 2,400.

From Lovelock, Nev., VOR; to Sod House, Nev., VOR; MEA 12,000.

From Lovelock, Nev., VOR; to Rome, Oreg., VOR; MEA 12,000.

From Lovelock, Nev., VOR; to Jungo INT, Nev.; MEA 10,500.

From Lubbock, Tex., LFR; to Int. Fort Worth VOR 270° rad. and SW crs Wichita Falls LFR; MEA 5,000.

From Lubbock, Tex., LFR; to Roswell, N. Mex., LFR; MEA 5,600.

From Lubbock, Tex., LFR; to Tucumcari, N. Mex., LFR; MEA 6,000.

From Lubbock, Tex., VOR; to Tucumcari, N. Mex., VOR; MEA 7,000.

From Lufkin, Tex., LF/RBN; to Tyler, Tex., LFR; MEA 2,000.

From Lufkin, Tex., VOR; to Quitman, Tex., VOR; MEA 2,500.

From Lumberton, N. C., LF/RBN; to Wilmington, N. C., LF/RBN; MEA 1,400.

From Lynchburg, Va., LFR; to Int. dir. crs Lynchburg, Va., LFR to Blackstone, Va., LFR and South Boston, Va., VOR rad. 031°; MEA 3,000.

From Marfa, Tex., VOR; to Wink, Tex., VOR; MEA 8,800.

From Martha's Vineyard, Mass., LF/RBN; to Nantucket, Mass., VOR or LF/RBN; MEA 1,300.

From Martha's Vineyard, Mass., LF/RBN; to Otis, Mass., LF/RBN; MEA 1,500.

From Massena, N. Y., VOR; to Int. Massena VOR 98° rad. and S crs Montreal LFR; MEA 3,500.

From McAlester, Okla., VOR; to Quitman, Tex., VOR; MEA 3,500.

From McAlester, Okla., VOR; to Tulsa, Okla., VOR; MEA 2,700.

From Mason City, Iowa, VOR; to Sioux City, Iowa, VOR; MEA *5,600. *2,800—MOCA.

From Medford, Oreg., LFR; to Silver Peak INT, Oreg.; MEA 7,000.

From Memphis, Tenn., LFR; to Int. Little Rock VOR 074° rad. and N crs Stuttgart LFR; MEA 1,700.

From Meriden INT, Conn.; to Weatogue INT, Conn.; MEA 2,500.

From Meridian, Miss., LFR; to New Orleans, La., LFR; MEA 2,000.

From Minneapolis, Minn., ILS/LOM; to Redwood Falls, Minn., VOR; MEA *3,400. *2,300—MOCA.

From Mount Healthy INT, Ohio; to Richmond, Ind., LF/RBN; MEA 2,300.

From Muskegon, Mich., LFR; to Chicago, Ill., LFR; MEA 2,500.

From Newark, N. J., LFR; to Paterson, N. J., LF/RBN; MEA 2,000.

From Newark, N. J., LFR; to Scotland, N. J., LF/RBN; MEA 1,500.

From Newark, N. J., LFR; to Wilkes-Barre, Pa., LFR; MEA 3,500.

From Newark, N. J., LFR; to Woolf INT, N. J.; MEA 2,000.

From Newark, Calif., LF/RBN; to Altomont INT, Calif., southwestbound only; MEA 5,000.

From Newark, Calif., LF/RBN; Baypoint, Calif., FM, southbound only; MEA 6,000.

From Newberg, Oreg., VOR; to Int. Newberg, Oreg., VOR 069° T and Portland, Oreg., VOR 196° T rads.; MEA 3,000.

From Int. Newberg, Oreg., VOR 069° T and Portland, Oreg., VOR 196° T rads.; to Int. Newberg, Oreg., VOR 069° T rad. and SE crs Portland, Oreg., ILS localizer; MEA 3,700.

From Int. Newberg, Oreg., VOR 069° T rad. and SE crs Portland, Oreg., ILS loc.; to Int. Newberg, Oreg., VOR 069° T and Portland, Oreg., VOR 130 T rads.; MEA 7,600.

From Int. Newberg, Oreg., VOR 069° T and Portland, Oreg., VOR 130° T rads.; to Int. Newberg, Oreg., VOR 069° T and Portland, Oreg., VOR 095° T rads.; MEA 8,500.

From New Rochelle, N. Y., LF/RBN; to Paterson, N. J., LF/RBN; MEA 1,900.

From New Rochelle, N. Y., LF/RBN; to Poughkeepsie, N. Y., LFR or VOR; MEA 2,500.

From Newton INT, Kans.; to North Fork, Kans., LF/RBN; MEA 3,000.

From Norfolk, Va., LFR; to Raleigh, N. C., LFR; MEA 2,100.

From North Fork, Kans., LF/RBN; to Wichita, Kans., ILS/LOM; MEA 2,800.

From North Philadelphia, Pa., LFR; to Willow Grove, Pa., LFR; MEA 1,800.

From North Platte, Nebr., LFR; to Sioux Falls, S. Dak., LFR; MEA 4,500.

From Oklahoma City, Okla., LFR; to Ponca City, Okla., LF/RBN; MEA 3,700.

From Omaha, Nebr., LFR; to Minneapolis, Minn., LFR; MEA 2,800.

From Ottawa INT, Kans., to Forbes AFB, Kans., LFR; MEA 2,400.



From Oxford, Kans., LF/RBN; to Viola, Kans., LF/RBN; MEA 2,500.

From Palacios, Tex., LFR; to Richmond, Tex., LFR; MEA 1,500.

From Peekskill INT, N. Y.; to Port Chester INT, N. Y.; MEA 2,000.

From Peoria, Ill., LFR; to Int. S crs Moline LFR and W crs Peoria LFR; MEA 2,000.

From Phoenix, Ariz., VOR; to Zuni, N. Mex., VOR; MEA 12,000.

From Philadelphia, Pa., LFR; to Reading, Pa., LOM; MEA 2,500.

From Pine Bluff, Ark., LF/RBN; to Stuttgart, Ark., LFR; MEA 1,500.

From Ponca City, Okla., LF/RBN; to Viola, Kans., LF/RBN; MEA 2,500.

From Poughkeepsie, N. Y., VOR; to Poughkeepsie, N. Y., LFR; MEA 2,500.

From Poughkeepsie, N. Y., VOR; to *Red Hook INT, N. Y., MEA 3,000. *4,000—MCA Red Hook INT, northwestbound.

From Poughkeepsie, N. Y., LFR or VOR; to White Plains, N. Y., LOM; MEA 2,500.

From Prescott INT, Ark., to Shreveport, La., LFR; MEA 1,600.

From Pueblo, Colo., VOR; to Goodland, Kans., VOR; MEA 7,000.

From Pulaski INT, N. Y.; to Syracuse, N. Y., LFR; MEA 2,000.

From Pulaski, INT, N. Y.; to Utica, N. Y., LFR; MEA 3,000.

From Quitman, Tex., VOR; to Texarkana, Tex., VOR; MEA 1,700.

From Raleigh, N. C., VOR; to Wilmington, N. C., VOR; MEA 2,000.

From Raleigh, N. C., LFR; to Wilmington, N. C., LF/RBN; MEA 2,000.

From Reading, Pa., LOM; to Int. W. crs Allentown, Pa., LFR and NW crs Millville, N. J., LFR; MEA 4,000.

From Red Bank INT, N. J.; to Regan INT, N. J.; MEA 1,500.

From Red Bluff, Calif., VOR; to Fortuna, Calif., VOR; MEA 9,500.

From Red Hook INT, N. Y., to Starkville INT, N. Y.; MEA 6,000.

From Remington INT, Va.; to Springfield, Va., LF/RBN; MEA 2,000.

From Richmond, Tex., LFR; to Yoakum, Tex., LF/RBN; MEA 1,500.

From Richmond, Ind., LF/RBN; to Cincinnati, Ohio, VOR; MEA 2,300.

From Richmond, Ind., LF/RBN; to Cincinnati, Ohio, LFR; MEA 2,300.

From Richmond, Ind., LF/RBN; to Indianapolis, Ind., LFR; MEA 2,300.

From Richmond, Ind., LF/RBN; to Mount Healthy INT, Ohio; MEA 2,300.

From Richmond, Ind., LF/RBN; to Dayton, Ohio, ILS/LOM or VOR; MEA 2,300.

From Richmond, Ind., LF/RBN; to Morgantown INT, Ind.; MEA 2,500.

From Richmond, Ind., LF/RBN; to Arba INT, Ohio; MEA 2,200.

From Riverside, Calif., LFR; to Vail Lake, Calif., LF/RBN; MEA 12,000.

From Riverside, Calif., LFR; to Perris INT, Calif.; MEA 12,000.

From Roanoke, Va., LFR; to Winston-Salem, N. C., LFR; MEA 5,600.

From Roanoke, Va., LFR; to Int. dir. crs Winston-Salem, N. C., LFR to Roanoke, Va., LFR and South Boston, Va., VOR 280° rad.; MEA 5,600.

From Roanoke, Va., LFR; to Int. SE crs Roanoke LFR and NE crs Greensboro LFR; MEA 6,000.

From Rochester, N. Y., LFR or VOR; to Sampson, N. Y. (AFB), LF/RBN; MEA 2,500.

From Rome, Oreg., VOR; to Int. Rome, Oreg., VOR 048° T and Twin Falls, Idaho, VOR 295° T rads.; MEA 10,000.

From Rome, Oreg., VOR; to Sod House, Nev., VOR; MEA 11,000.

From Roswell, N. Mex., LFR; to Amarillo, Tex., LFR; MEA 5,600.

From Salinas, Calif., VOR; to Evergreen, Calif., LF/RBN; MEA 6,000.

From Sampson, N. Y. (AFB), LF/RBN; to Waterloo INT, N. Y.; MEA 2,000.

From San Antonio, Tex., LFR; to Smithville, Tex., LF/RBN; MEA 2,200.

From San Francisco, Calif., LFR; to Newark, Calif., LF/RBN; MEA 4,000.

From Sod House, Nev., VOR; to Jungo INT, Nev.; MEA 10,500.

From Sod House, Nev., VOR; to Int. Boise, Idaho, VOR 210° T and Twin Falls, Idaho, VOR 295° T rads.; MEA 11,000.

From Springfield, Ill., LFR; to Chanute, Ill.; LFR; MEA 2,700.

From Springfield, Ill., LFR; to Quincy, Ill., LF/RBN; MEA 2,000.

From Springfield, Mo., LFR; to Joplin, Mo., LOM; MEA 2,600.

From Springfield, Va., LF/RBN; to Washington, D. C., LFR; MEA 1,500.

From Spring Valley INT, N. Y.; to West Chester County, N. Y., LOM; MEA 2,000.

From St. Joseph, Mo., VOR; to Int. S crs Lincoln, Nebr., LFR and 101–284° brg. Grand Island, Nebr., LFR and St. Joseph, Mo., VOR; MEA 2,700.

From Int. S crs Lincoln, Nebr., LFR and 101–284° brg. Grand Island, Nebr., LFR and St. Joseph, Mo., VOR; to Lincoln, Nebr., LFR; MEA 2,700.

From St. Louis, Mo., LFR; to Belleville, Ill. (Scott), LFR; MEA 2,100.

From Stockton, Calif., LFR; to Newark, Calif., LF/RBN; MEA 5,000.

From Stockton, Calif., LFR; to Travis (AFB), Calif., LFR; MEA 2,000.

From Stroudsburg INT, Pa., to Wilkes-Barre, Pa., VOR; MEA 3,500.

From Syracuse, N. Y., VOR; to Utica, N. Y., LFR; MEA 1,900.

From Tallahassee, Fla., LFR; to Valdosta, Ga., LF/RBN; MEA 1,500.

From Tallahassee, Fla., VOR; to Valdosta, Ga., VOR; MEA 1,500.

From Tampa, Fla., VOR; to West Palm Beach, Fla., VOR; MEA 4,000.

From Tampa, Fla., LFR; to West Palm Beach, Fla., LFR; MEA 2,100.

From Texarkana, Tex., LFR; to Tulsa, Okla., LFR; MEA 3,400.

From Texarkana, Tex., LFR; to Tyler, Tex., LFR; MEA 2,000.

From Thermal, Calif., LFR; to Salton INT, Calif.; MEA 9,000.

From Tri-City, Tenn., LFR; to Int. Tri-City, Tenn., VOR 105° rad. and N crs Hickory, N. C., LFR; MEA 7,500.

From Tri-City, Tenn., VOR; to Int. Tri-City, Tenn., VOR 105° rad. and N crs Hickory, N. C., LFR; MEA 7,500.

From Tucumcari, N. Mex., LFR or VOR; to Clovis (AFB) N. Mex., LF/RBN; MEA 7,000.

From Tucumcari, N. Mex., LFR; to Lubbock, Tex., LFR; MEA 6,000.

From Tucumcari, N. Mex., VOR; to Lubbock, Tex., VOR; MEA 7,000.

From Utica, N. Y., LFR; to *Int. Binghamton, N. Y., VOR 058° rad. and Syracuse, N. Y., VOR 142° rad.; MEA 3,500. *5,000—MCA southbound.

From *Int. Binghamton, N. Y., VOR 058° rad. and Syracuse, N. Y., VOR 142° rad.; to Wilkes-Barre, Pa., VOR; MEA 5,000. *5,000—MCA southbound.

From Valdosta, Ga., VOR; to Genoa INT, Fla.; MEA 1,300.

From Vinland INT, Kans.; to Topeka, Kans., LF/RBN; MEA 2,400.

From Waterloo, Iowa, VOR; to Moline, Ill., VOR; MEA *3,200. *2,400—MOCA.

From Watertown, S. Dak., VOR; to Sioux Falls, S. Dak., VOR; MEA 3,000.

From Watertown, S. Dak., VOR; to Fargo, N. Dak., VOR; MEA 3,000.

From Weatogue INT, Conn.; to Int. NE crs Bridgeport, Conn., LFR and S crs Westfield, Mass., LFR; MEA 2,500.

From Weston INT, Nebr.; to Lincoln, Nebr., LFR; MEA 2,500.

From White Water INT, Kans.; to Towanda, Kans., LF/RBN southbound only; MEA 2,800.

From Wichita, Kans., VOR; to Walton INT, Kans.; MEA 3,400.

From Windsor, Ontario, LFR; to White Lake INT, Mich.; MEA 2,700.

From Winston-Salem, N. C., LFR; to Int. Winston-Salem VOR 286° rad. and N crs Hickory LFR; MEA 6,500.

From Worcester, Mass., LOM; to Int. SW crs Boston, Mass., LFR and SE crs Worcester, Mass., ILS; MEA 2,000.

Section 610.1002 *Direct Routes; Alaska* is amended to delete:

From Galena, Alaska, LFR; to Kotzebue, Alaska, LF/RBN; MEA 5,500.

From *Gustavus, Alaska, LFR; to **Sitka, Alaska, LFR; MEA 5,500. *2,500—MCA Gustavus LFR; southbound. **2,500—MCA Sitka LFR, northbound.

From McGrath, Alaska, LFR; to Galena, Alaska, LFR; MEA 5,500.

From Middleton Island, Alaska, LF/RBN; to Seal INT, Alaska; MEA 2,000.

From *Sisters Island, Alaska, LF/RBN; to Int 55–235 mag. brg. Sisters Island LF/RBN and 145–325 mag. brg. Gustavus LFR; MEA 5,500. *3,000—MCA Sisters Island LF/RBN, westbound.

From *Sisters Island, Alaska, LF/RBN to **Sitka, Alaska, LFR; MEA 7,500. *4,000—MCA Sisters Island LF/RBN, Southbound. **2,500—MCA Sitka LFR, northbound.

From *Skwentna, Alaska, LFR; to **Farewell, Alaska, LFR; MEA 11,500. *9,000—MCA Skwentna LFR, westbound. **11,000—MCA Farewell LFR, southeastbound.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

These rules shall become effective July 14, 1956.

[SEAL] C. J. LOWEN,
*Administrator of Civil Aeronautics.*

[F. R. Doc. 56-4990; Filed, June 26, 1956; 8:45 a. m.]

## TITLE 15—COMMERCE AND FOREIGN TRADE

### Chapter III—Bureau of Foreign Commerce, Department of Commerce

**Subchapter B—Export Regulations**

[8th Gen. Rev. of Export Regs., Amdt. 1[1]]

PART 370—SCOPE OF EXPORT CONTROL BY DEPARTMENT OF COMMERCE

PART 371—GENERAL LICENSES

PART 372—PROVISIONS FOR INDIVIDUAL AND OTHER VALIDATED LICENSES

PART 373—LICENSING POLICIES AND RELATED SPECIAL PROVISIONS

PART 385—EXPORTATIONS OF TECHNICAL DATA

MISCELLANEOUS AMENDMENTS

1. Part 370, Scope of Export Control by Department of Commerce, is amended by adding thereto a new § 370.9 to read as follows:

§ 370.9 *Shipments which transit a Subgroup A country en route to a non-Subgroup A destination.* The exportation from the United States of commodities which will be unladen from a vessel or aircraft in a Subgroup A country or which will move in-transit through a Subgroup A country en route to a non-

[1] This amendment was published in Current Export Bulletin No. 765, dated June 14, 1956.

Subgroup A destination is hereby prohibited unless a validated license specifically authorizing the transshipment or in-transit shipment, or both, shall have been granted by the Department of Commerce, except:

(a) An exportation made to West Berlin which will transit East Germany (the Soviet Zone of Germany and the Soviet Sector of Berlin), and

(b) An exportation to a non-Subgroup A destination of a non-Positive List commodity which is exportable under a general license directly from the United States to the Subgroup A country of transit or unlading.

NOTE: See § 372.16 with respect to filing applications for validated licenses to export commodities which will be unladen from a vessel or aircraft in a Subgroup A country or which will move in-transit through a Subgroup A country en route to a non-Subgroup A destination.

This part of the amendment shall become effective as of July 16, 1956.

2. Section 371.2 *General provisions*, paragraph (c) *Applicability*, subparagraph (1) *Prohibited shipments* is amended to read as follows:

(1) *Prohibited shipments.* (i) No general license set forth in this subchapter may be used to effect an exportation to a destination for which such general license has been suspended or revoked.

(ii) In addition, except as provided by the provisions of § 370.9, of this subchapter, no general license may be used to effect an exportation which will be unladen from a vessel or aircraft in a Subgroup A country or which will move in-transit through a Subgroup A country en route to a non-Subgroup A destination.

This part of the amendment shall become effective as of July 16, 1956.

3. Section 372.4 *Applications for validated licenses*, paragraph (a) *Who may apply*, subparagraph (2) *Order party* is amended to read as follows:

(2) *Order party.* (i) Where the applicant did not receive the order directly from the foreign purchaser or ultimate consignee named in the application, or through his or their agents abroad, the application must also be signed by the person in the United States who originally received the order (the order party) as well as by the applicant. The "order party" is that person in the United States who conducted the direct negotiations or correspondence with the foreign purchaser or ultimate consignee and who, as a result of these negotiations, received the order from the foreign purchaser or ultimate consignee. The signature of the order party on the application is not required on an application filed by a person acting for the account of a foreign principal where the foreign principal is in fact the exporter, as defined in subparagraph (1) of this paragraph.

(ii) The order party should not be shown as an applicant in the space provided for the applicant on the application form. The license, when issued, will show as licensee only the party shown as applicant on the application form.

This part of the amendment shall become effective as of September 15, 1956.

4. Section 372.5 *How to file an application for a validated license*, paragraph (a) *Form and manner of filing* is amended to read as follows:

(a) *Form and manner of filing.* (1) An application for a validated license must be submitted on Form FC–419[2] (Revised Jan. 1956), Application for Export License accompanied by Form FC–116,[2] Acknowledgment Card. An application is incomplete and will be returned to the applicant unless accompanied by an acknowledgment card with both portions completely and correctly filled out.

(2) All terms, conditions, provisions, and instructions, including the applicant's certification, contained in such form or forms are hereby incorporated as a part of the Export Regulations.

NOTE: 1. *Facsimiles of Form FC–419 (Revised Jan. 1956).* Exporters may print facsimiles of Form FC–419 (Revised Jan. 1956) with printed answers to many of the questions, provided the facsimiles are identical with the official form in size, color of ink, and typographic arrangement.

2. *Preparation of Form FC–419* (Revised Jan. 1956). The following instructions apply to the preparation of applications submitted on Form FC–419 (Revised Jan. 1956), Application for Export License, for all types of validated export licenses issued by the Bureau of Foreign Commerce, except as modified by special licensing procedures and provisions contained in the Export Regulations.

*Item 1.* The date of application must be shown.

*Item 2.* The applicant's reference number may be used for applicant's convenience.

*Item 3.* The country of final (ultimate) destination is to be entered, not a country through which the exportation may travel in transit to its final destination. Exporters are responsible for placing a statement of ultimate destination and prohibition against diversion on Shipper's Export Declaration, bill of lading and commercial invoice for various export shipments. Omission of the statement, or unauthorized diversion of commodities from country of final (ultimate) destination, not in accordance with the statement, are violations of the Export Regulations subject to denial of export privileges and to criminal penalties.

*Item 4.* The person named as ultimate consignee shall be the person abroad who is actually to receive the material for the designated end use. A bank, freight forwarder, forwarding agent, or other intermediary is not acceptable as an ultimate consignee, but should be disclosed as an intermediate consignee.

*Item 5.* An intermediate consignee may be a bank, forwarding agent, or other intermediary in a foreign country who participates as an agent for the exporter or for the purchaser or ultimate consignee for the purpose of effecting delivery of the exportation to the purchaser or ultimate consignee. All known intermediate consignees must be named. If no intermediary is to be used, state "None," if unknown state "Unknown." If no entry is made in this item, the applicant represents that there is no intermediate consignee.

*Item 6.* The name and address of the applicant must be entered.

*Item 7.* The name and address of the person, other than applicant, authorized by the applicant to receive the license, if issued, should be entered.

*Item 8.* If applicant is exporting for the account of a foreign principal, the name and address of the foreign principal must be shown and an explanation of the transaction given in full. If no entry is made in this item, the applicant represents that he is exporting for his own account.

*Item 9.* The person named as purchaser should be the person abroad who has entered into the export transaction with the applicant or Order Party. If such person is the same as the ultimate consignee, applicant should state "Same as Item 4"; if such person is the same as the intermediate consignee, applicant should state "Same as Item 5." If no entry is made in this item, the applicant represents that the ultimate consignee is the foreign purchaser.

*Item 10.* Leave blank if applicant is the producer of the commodities to be exported. Applicant so represents where item is blank. If applicant is not the producer, give supplier's name and address, or state "Unknown," if unknown.

*Item 11 (a).* Give the quantity to be shipped, using units specified in Schedule B, Statistical Classification of Domestic and Foreign Commodities Exported from the United States,[3] (unless otherwise specified in the Export Regulations) and also in trade units, where different.

*Item 11 (b).* Commodities must be described in terms which correspond with the commodity descriptions in Schedule B. Additional details as prescribed by the Export Regulations must be furnished to the extent necessary for identification of the specific items so classified. Include characteristics shown on Positive List such as basic ingredients, composition, type, size, gauge, grade, horsepower, etc.

*Item 11 (c).* The Schedule B number, Processing Code, and related commodity group number, if any, must be shown in this column. (Unless the Processing Code is followed by a related commodity group number, a separate application must be filed for each entry on the Positive List of Commodities.)

*Item 11 (d).* Unit price should be shown except where a large variety of products within a single Schedule B classification makes such a breakdown extremely difficult. In such cases only total price need be shown. The applicant must show total price in the customary form of quotation such as f. o. b. (factory), f. a. s. (named port), c. i. f., or other form. The particular form of price quotation must be specified. Where the normal trade practice in a given commodity makes it impracticable to establish a firm contract price, the precise terms upon which the price is to be ascertained and from which the contract price may be objectively determined must be stated on the application. A mere statement by the exporter of "market price, at the time of delivery of shipment" or other such general statement of price, will not be acceptable.

*Item 12.* End use of commodities covered by this application will be an important factor in determining issuance of license. Statement by ultimate consignee (and purchaser, if not same) as to ultimate destination and end use must be submitted for certain exportations as required by the regulations. (Applicant's reference to such statement does not relieve him of responsibility to fully disclose any additional or different information he may know.) Applicant must indicate clearly the end use intended by the ultimate consignee, stating what will be produced or manufactured, or what services will be rendered, and give the country or countries where this will take place. A complete and detailed description is required.

*Item 13.* Enter additional information pertinent to the transaction or required by the Export Regulations such as special certifications, names of parties in interest not disclosed elsewhere, explanation of documents attached, etc.

*Item 14.* Application must be signed by applicant, or by an officer or duly authorized agent of the applicant. (If signed by agent of the applicant, title and firm name of agent must be shown.)

*Item 15.* Where the applicant did not receive the order directly from the foreign purchaser or ultimate consignee named in the application, or through his or their agents abroad, the person in the United States who conducted the direct negotiations with the foreign party and originally received the order (the Order Party) must sign the application and complete this item.

3. *Preparation of Form FC–116.* An Acknowledgment Card, Form FC–116, with both portions completely and correctly filled out, must accompany each license application.

This card must be made out in the name of the applicant, as shown in the item entitled "Applicant's Name and Address" of Form FC–419 (Revised Jan. 1956). Upon receipt of the application, the Bureau of Foreign Commerce will enter on the card the case number assigned to the application and the date of receipt, detaching and returning to the applicant the return portion (applicant's copy).

If the application is submitted by an agent, or if the applicant wishes an agent to receive an Acknowledgment Card, the upper portion only (applicant's copy) of an additional acknowledgment card may be filled out in the name of the agent and submitted with the application.

The date of application, applicant's reference number (if any), country of destination, Schedule B number, and processing code (and related commodity group number, if any) must be the same as the corresponding entries on Form FC–419 (Revised Jan. 1956). Only a brief commodity description is required to be shown on Form FC–116.

This part of the amendment shall become effective as of September 15, 1956.

5. Section 372.5 *How to file an application for a validated license*, Note 1 following paragraph (i) *Second applications* is amended to read as follows:

NOTE 1. *Submission of new application.* When an application has been returned without action to the applicant and is being resubmitted, a new application should ordinarily not be filled out. However, a new application should be submitted where the necessary alterations on the old application would be too difficult to make or would be illegible, or where the old application is on a form other than Form FC–419 (Revised Jan. 1956). When a new application is submitted, the original application must be attached to the new application.

This part of the amendment shall become effective as of September 15, 1956.

6. Part 372, Provisions for Individual and Other Validated Licenses, is amended by adding thereto a new § 372.16 to read as follows:

§ 372.16 *License applications for commodities which transit a Subgroup A country en route to a non-Subgroup A destination.* (a) An application for a license to export a commodity (Positive List or non-Positive List) which will be unladen from a vessel or aircraft in a Subgroup A country or which will move in transit through a Subgroup A country en route to a non-Subgroup A destination (see § 370.9 of this Subchapter) shall be prepared on Form FC–419 (Revised Jan. 1956) in accordance with the instructions contained in § 372.5 and in this section. Where the intermediate consignee in the Subgroup A country of unlading or transit is unknown at the time of filing the license application, the Subgroup A country of unlading or transit shall be shown in the commodity description item of the application form by a statement such as "To be transshipped at (name of transshipment point) and destined to (name of country)."; or, "To be shipped to (name of country of destination) via (name of country)."

(b) Except as set forth below, a validated license issued under the provisions of this section will name the intermediate consignee in the Subgroup A country of unlading or transit approved by Bureau of Foreign Commerce.

(c) Where the license application indicates that the intermediate consignee in the Subgroup A country of unlading or transit is unknown, the license will name the Subgroup A country of unlading or transit approved by the Bureau of Foreign Commerce. However, in accordance with the provisions of § 372.4 (c) (2) (iii), the exporter is obliged to obtain an amendment of the export license before shipment is made in those instances where the license does not include the name of the intermediate consignee in the Subgroup A country of unlading or transit.

This part of the amendment shall become effective as of July 16, 1956.

7. Part 373, Licensing Policies and Related Special Provisions is amended by adding a new § 373.7 to read as follows:

§ 373.7 *Commodities exported for exhibition.* When a person in the United States applies for a license to export a commodity for display at a trade fair or other exhibition, with the intention of returning it to the United States, forwarding it for display at another trade fair or exhibition, or selling it abroad to a yet undetermined purchaser during or after exhibition (as distinguished from instances where it is intended to sell the commodities prior to exhibition or where they will be sold during or after exhibition to a known purchaser abroad), the application for an export license does not require the support of an ultimate consignee statement or import certificate, or other documentation issued by the country of ultimate destination. However, such application shall include the following certification:

These commodities are to be exported for exhibition from ---------- to ----------
(Date) (Date)
at ---------- to be
(Official name of fair or exhibition)
held at ---------- and if they are not
(Location)
returned to the United States at the end of the exhibition they will not be otherwise disposed of without prior authorization of the Bureau of Foreign Commerce.

When it is decided that the exhibited commodities are not to be returned to the United States, the request made to the Bureau of Foreign Commerce for authorization to display the commodities at another fair or exhibition or to otherwise dispose of the commodities shall be made by means of a letter setting forth the proposed disposition, the license number, the BFC Case number, the ultimate destination, the commodity description, the quantity, and the Schedule B number of the commodity, as well as the name, address, and identity of each party to the transaction. In addition, except where the request is for permission to exhibit at another fair or other exhibition, the letter shall be accompanied by all documents required in support of an application for an export license to the proposed destination. The Bureau of Foreign Commerce will validate and issue Form FC–L–58 "Authorization to Dispose of Commodities Shipped to Trade Fairs"[4] for approved requests. If it is subsequently desired to forward the commodities for display at another fair or other exhibition or to make any other use or disposition of the commodities not authorized by the validated Form FC–L–58, an amendment of the form shall be requested by means of a letter to the Bureau of Foreign Commerce containing the same information and documentation as that described above.

This part of the amendment shall become effective as of July 16, 1956.

8. Section 373.32 *Petroleum products*, paragraph (a) *Application requirements*, subparagraph (4) is amended to read as follows:

(4) Applications to export petroleum products, Schedule B. Nos. 501400 through 505900, to Burma, Cambodia, Ceylon, Hong Kong, India, Indonesia, Laos, Macao, British Malaya, Pakistan, Philippines, Singapore, Taiwan (Formosa), Thailand or Viet Nam, shall be accompanied by a statement signed by the ultimate consignee setting forth the information listed below. This requirement does not apply to license applications covering the export of these petroleum products, classified under a single entry on the Positive List, where the total value of the commodity, as shown on the export order, is $100 or less.

(i) The quantity of stock the ultimate consignee has on hand (in units of quantity as shown on the Positive List) as of the time the order was placed for each commodity covered by the application;

(ii) The date such order was placed;

(iii) The quantity of such commodities the ultimate consignee expects to receive from all sources other than the license applicant within 90 days after such order was placed; and

(iv) The monthly rate of consumption, including resale, by the ultimate consignee of the commodities covered by the application.

[2] Form FC–419 and Form FC–116 may be obtained at all Department of Commerce Field Offices and from the Bureau of Foreign Commerce, Department of Commerce, Washington 25, D. C. Filed as part of original document.

[3] For sale by Superintendent of Documents, United States Government Printing Office, Washington 25, D. C., and by all Department of Commerce Field Offices.

[4] Filed as part of original document.

This part of the amendment shall become effective as of June 14, 1956.

9. Section 373.65 *Ultimate consignee and purchaser statements*, paragraph (c) (1) *General* is amended by adding the following at the end of subdivision (iii): "Where the commodity description on the Ultimate Consignee/Purchaser Statement is not readily identifiable with that shown on the license application, the applicant should add an explanatory note in the commodity description column on the license application to make the relationship clear."

10. Section 373.66 *Austria*, paragraph (a) *Austrian import identification number* is amended to read as follows:

(a) *Austrian import identification number.* Each applicant for a license to export commodities to Austria shall show in the commodity description column on the Application for Export License (Form FC–419 Revised Jan. 1956), the Austrian Import Identification Number on which the application is based. These numbers run in series from 1,000 to 399,999 inclusive, and in all instances will be preceded by the letters "IKN".

This part of the amendment shall become effective as of September 15, 1956.

11. Section 385.4 *Exportations to Subgroup A destinations, paragraph* (c) *Completion of application form and acknowledgment card*, subparagraph (1) is amended to read as follows:

(1) Form FC–419 (Revised Jan. 1956) shall be completed as provided in § 372.5 of this subchapter, except that the items for producer, quantity to be shipped, Schedule B number, and price, shall be left blank. The commodity description item shall contain a general statement which specifies the form(s) of the technical data (blueprints, manuals, etc.). In addition, the words "TD License" shall be entered across the top of Form FC–419 immediately above the printed words "United States of America".

This part of the amendment shall become effective as of September 15, 1956.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
*Director,*
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[F. R. Doc. 56–5007; Filed, June 26, 1956; 8:46 a. m.]

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[8th Gen. Rev. of Export Regs., Amdt. 2 [1]]

## PART 382—DENIAL OR SUSPENSION OF EXPORT PRIVILEGES

### ADDITIONAL ENTRIES TO TABLE OF COMPLIANCE

Section 382.51 *Supplement 1; Table of compliance orders currently in effect denying export privileges* is amended by adding the following entries:

| Name and address | Effective date of order | Expiration date of order | Export privileges affected | FEDERAL REGISTER citation |
|---|---|---|---|---|
| Abel, Alexander, Abel, Friedrich, 50, rue de Bassano, Paris France. | 4–25–56 | Duration | General and validated licenses, all commodities, any destination, also exports to Canada. | 21 F. R. 2852, 5–1–56. |
| Abel, Rudolph, 14, Ave. Pierre Ier de Serbie, Paris, France. | 4–25–56 | do | do | 21 F. R. 2852, 5–1–56. |
| Allgemeines & Technische, Vertriebs Gesellschaft, Eschen, Liechtenstein and Lausanne, Switzerland. | 4–25–56 | do | General and validated licenses, all commodities, any destination, also exports to Canada (company related to Abel, which see). | 21 F. R. 2852, 5–1–56. |
| Barsel Trust, Vaduz, Liechtenstein. | 4–25–56 | do | do | 21 F. R. 2852, 5–1–56. |
| Blake-Smith Pipe & Steel Co., 4121 Riverside Dr., Burbank, Calif. | 4–10–56 | 4–10–58 | General and validated licenses, all commodities, any destination, also exports to Canada. | 21 F. R. 2416, 4–13–56. |
| Cole, Eugene Hobart, Hidalgo, Tex. | 4–10–56 | 4–10–58 | do | 21 F. R. 2416, 4–13–56. |
| Confidential Overseas Forwarding, Inc., 15 Whitehall St., New York, N. Y. | 5–30–56 | 6–15–56 (7–31–56)* | do | 21 F. R. 3295, 5–18–56. |
| Delattre, Gaston, 148 Avenue d'Auderghem, Brussels, Belgium. | 4–25–56 | 4–25–58 (4–25–59)* | do | 21 F. R. 2852, 5–1–56. |
| Gebrs. Melman, Zuid Oosterfront 122 's Hertogenbosch, Netherlands. | 4– 5–56 | Until further notice. | do | 21 F. R. 2302, 4–10–56. |
| General Export Clothing Corp., 145–147 Mulberry St., New York, N. Y. | 6–11–56 | 8–11–56 | do | 21 F. R. 3295, 5–18–56. 21 F. R. 3703, 5–30–56. |
| Heltex, E. & H. Leibowitz, Zurich, Switzerland. | 4–25–56 | 4–25–58 (4–25–59).* | General and validated licenses, all commodities, any destination, also exports to Canada (related to Leibowitz, Ephraim, which see). | 21 F. R. 2852, 5–1–56. |
| Jerry Williams & Co., Hong Kong (see Williams, Jerry & Co.). | | | | |
| Kass, Lila, 145–147 Mulberry St., New York, N. Y. | 6–11–56 | 8–11–56 | General and validated licenses, all commodities, any destination, also exports to Canada. | 21 F. R. 3295, 5–18–56. 21 F. R. 3703, 5–30–56. |
| Lau Yiu Chuen, 326 Prince's Bldg., Hong Kong. | 6– 1–56 | Duration | do | 21 F. R. 3878, 6–6–56. |
| Leibowitz, Ephraim, Stauffacherquai 58, Zurich, Switzerland. | 4–25–56 | 4–25–58 (4–25–59).* | do | 21 F. R. 2852, 5–1–56. |
| London Export Corp., Ltd., 5 Chandos St., London, England. | 3–26–56 | 4–25–56 | do | 21 F. R. 1941, 3–29–56. |
| Metallimport, S. A. R. L., 26 rue de la Pepiniere, Paris, France. | 4–25–56 | Duration | do | 21 F. R. 2852, 5–1–56. |
| Metallimport Trust, Vaduz, Liechtenstein and Dreikonigstrasse 21, Zurich, Switzerland. | 4–25–56 | do | do | 21 F. R. 2852, 5–1–56. |
| M. Newmark & Co., Ltd., 5 and 7 Watling Court, Cannon St., London, England. | 3–26–56<br>4–26–56 | 4–25–56<br>Until further notice. | do | 21 F. R. 1941, 3–29–56.<br>21 F. R. 2851, 5–1–56. |
| Ross, Jerome Herbert, 4121 Riverside Dr., Burbank, Calif. | 4–10–56 | 4–10–58 | do | 21 F. R. 2416, 4–13–56. |
| Saida, Societe Immobiliere de la, S. A. Paris, France. | 4–25–56 | Duration | General and validated licenses, all commodities, any destination, also exports to Canada (company related to Abel, which see). | 21 F. R. 2852, 5–1–56. |
| Schrijvers, Florent M. L., 84, Ave. D'Italie, Antwerp, Belgium. | 5–21–56 | 8–21–56 (5–21–58).* | General and validated licenses, all commodities, any destination, also exports to Canada. | 21 F. R. 3462, 5–24–56. |
| Smith, Blakely, 2920 Rice Blvd., Houston, Tex. | 4–10–56 | 4–10–57 | Validated license privileges only, to any destination. | 21 F. R. 2416, 4–13–56. |
| Societe d'Etudes de l'Union Francaise Paris, France. | 4–25–56 | Duration | General and validated licenses, all commodities, any destination, also exports to Canada (company related to Abel, which see). | 21 F. R. 2852, 5–1–56. |
| Sorrentino, Guy, 15 Whitehall St., New York, N. Y. | 5–30–56 | 6–15–56 (7–31–56).* | General and validated licenses, all commodities, any destination, also exports to Canada. | 21 F. R. 3295, 5–18–56. |
| Spies Trust, Vaduz, Liechtenstein. | 4–25–56 | Duration | General and validated licenses, all commodities, any destination, also exports to Canada (company related to Abel, which see). | 21 F. R. 2852, 5–1–56. |
| Termac, Kaistrasse 7, Duesseldorf, Germany. | 4–25–56 | do | do | 21 F. R. 2852, 5–1–56. |
| Trans Trust, Ltd., S. P. R. L., 3, rue d'Assaut, Brussels, Belgium. | 4–25–56 | 4–25–58 (4–25–59).* | General and validated licenses, all commodities, any destination, also exports to Canada. | 21 F. R. 2852, 5–1–56. |
| Western Metal A. G., Zurich and Lausanne, Switzerland. | 4–25–56 | Duration | General and validated licenses, all commodities, any destination, also exports to Canada (company related to Abel, which see). | 21 F. R. 2852, 5–1–56. |
| Wilhelm, Georges, 3, rue d'Assaut, Brussels, Belgium. | 4–25–56 | 4–25–58 (4–25–59).* | General and validated licenses, all commodities, any destination, also exports to Canada. | 21 F. R. 2852, 5–1–56. |
| Williams, Jerry & Co., Hong Kong. | 6– 1–56 | Duration | do | 21 F. R. 3878, 6–6–56. |

*This is the expiration date of a period of suspension held in abeyance. See explanation in paragraph (a) (1) of this section.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
*Director,*
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[1] This amendment was published in Current Export Bulletin No. 765, dated June 14, 1956.



Schedule B number, the entry to be superseded is identified by a numerical reference in parentheses following the commodity description in the revised entry:

| Dept. of Commerce Schedule B No. | Commodity | Unit | Processing code and related commodity group | GLV dollar-value limits | Validated license required |
|---|---|---|---|---|---|
| 630301 | Aluminum plates and sheets, flat and coiled, special alloys only* (including corrugated) (0.006 inch and over in thickness) (report perforated sheets in 619600) | Lb. | NONF | 100 | RO |
| 630310 | Aluminum bars and rods, rolled (report special alloys bars and rods in 630320; aluminum bus bars in 709495) [1] | Lb. | NONF 12 | 100 | RO |
| 630320 | Aluminum extruded and drawn shapes and tubes, except drawn bars, rods, and wire, special alloys only* [1] | Lb. | NONF 12 | 100 | RO. |
| 630340 | Aluminum castings and forgings, rough and semifinished, special alloys only* [1] | Lb. | NONF | 100 | RO |
| 630610 | Aluminum wire (under 3/16 inch) and cable, bare, except aluminum cable, steel reinforced (ACSR), special alloys only* (specify by name) (report welding rods and wires in 619640) [1] | Lb. | NONF | 100 | RO |
| 630650 | Aluminum semifabricated forms, n. e. c., special alloys only* (specify by name) [1] | Lb. | NONF | 100 | RO |
| 707507 | X-ray diffraction tubes and valves [2] | No. | SATE 1 | None | RO |
| 707509 | Parts, n. e. c., specially fabricated for X-ray diffraction tube blanks in 529350) [1] | | SATE 1 | None | RO |
| 707560 | Air-conditioning and refrigerating equipment, n. e. c., operated by gas, electric, gasoline, and kerosene (report parts, n. e. c. (electric, gas, gasoline, and kerosene operated) [3] | | SATE | None | RO |
| 761010 | Tubular heat exchangers designed to operate at pressures of 300 psi and above or with all flow contact surfaces made of any of the following materials: aluminum, nickel, titanium, zirconium, or alloys containing 10 percent or more chromium or nickel, either separately or combined, and specially fabricated parts thereof (report tubing shipped as spares or replacements under tubular products according to material) [3] | Lb. | GIEQ | 100 | RO |
| 766070 | Industrial process indicating (measuring), recording, controlling instruments, test and specially fabricated parts, n. e. c. (for measuring and/or controlling temperatures, pressure, level, flow, humidity, moisture, motion, rotation, gas analysis, chemical properties, and variables) (specify by name) (report laboratory type gas analysis apparatus in 910080) [1] | | GIEQ 13 | 500 | R |
| 771140 | Condensers, tubular (heat exchange type) designed to operate at pressures of 300 p. s. i. and above or with all flow contact surfaces made of any of the following materials: aluminum, nickel, titanium, zirconium, or alloys containing 10 percent or more chromium or nickel, either separately or combined, and specially fabricated parts therefor. (Report tubing shipped as spares or replacements under tubular products according to material) [3] | | GIEQ | 100 | RO |
| 771200 | Heat exchangers (except refrigeration type), and steam specialty heaters, and specially fabricated parts, n. e. c. (specify by name): Tubular heat exchangers designed to operate at pressures of 300 p. s. i. and above or with all flow contact surfaces made of any of the following materials: aluminum, nickel, titanium, zirconium, or alloys containing 10 percent or more chromium or nickel, either separately or combined, and specially fabricated parts thereof (report tubing shipped as spares or replacements under tubular products according to material) [3] | | GIEQ | 100 | RO |
| 775030 | Optical curve generators, and parts (report parts containing diamonds as instructed in § 373.49(c)). (2) [1] | | GIEQ | 100 | RO |
| | Chemical and pharmaceutical processing and manufacturing machines, n. e. c., and specially fabricated parts, n. e. c. (report spinning pumps in 719086; report laboratory type gas analysis apparatus in 910080 under Schedule B No. 771140 according to type of furnace, e. g., electric smelting and refining furnaces for the production of chemicals, 707415): | | | | |

See footnotes at end of table.

[8th Gen. Rev. of Export Regs., Amdt. P. L. 1 [1]]

## PART 399—POSITIVE LIST OF COMMODITIES AND RELATED MATTERS

### MISCELLANEOUS AMENDMENTS

1. Section 399.1 *Appendix A—Positive List of Commodities* is amended in the following particulars:

a. The following commodities are added to the Positive List:

| Dept. of Commerce Schedule B No. | Commodity | Unit | Processing code and related commodity group | GLV dollar-value limits | Validated license required |
|---|---|---|---|---|---|
| 699098 | Synthetic quartz crystals [1] | | RARA 50 | 50 | RO |
| 707507 | X-ray apparatus and parts, n. e. c.: Radiographic or fluoroscopic X-ray tubes and valves, flash discharge type [1] | No. | SATE 1 | None | RO |
| 707509 | Parts, n. e. c., specially fabricated for radiographic X-ray tubes and valves, flash discharge type (specify by name) (report glass tube blanks in 529460) [1] | | SATE 1 | None | RO |
| 707560 | X-ray goniometers and parts: Plastics and plastic materials: Cellulose plastic materials (report manufactured plastic products in 981510 and 981590): Ethyl cellulose in all unfinished forms [2] | | SATE | None | RO |
| 836150 | Research laboratory apparatus and equipment, n. e. c., and specially fabricated parts, n. e. c. (report ultrasonic cleaners and bowl-type centrifuges in 775360): | Lb. | RESN | 100 | RO |
| 910080 | Gas analysis apparatus, laboratory type [1] [2] | No. | SATE | None | RO |
| 910080 | Parts, n. e. c., specially fabricated for gas analysis apparatus, laboratory type [1] | | SATE | 25 | RO |

[1] This commodity is subject to the IC/DV procedure (see § 373.2 of this subchapter), effective July 2, 1956.
[2] This commodity may be exported under the Foreign Distribution licensing procedure (see Part 378 of this subchapter).

This part of the amendment shall become effective as of 12:01 a. m., May 24, 1956.

b. The following commodities are deleted from the Positive List:

| Dept. of Commerce Schedule B No. | Commodity |
|---|---|
| 709495 | Pole line, transmission, and distribution hardware, n. e. c., and specially fabricated parts, n. e. c.: Aluminum bus bars. Chemical and pharmaceutical processing and manufacturing machines, n. e. c., and specially fabricated parts, n. e. c. (report spinning pumps in 719086; report laboratory type gas analysis apparatus in 910080 under Schedule B No. 771140 according to type of furnace, e. g., electric smelting and refining furnaces for the production of chemicals, 707415): |
| 775035 | Equipment for the production or concentration of deuterium oxide.[1] |

[1] Electrolytic cells for the production or concentration or deuterium oxide are retained on the Positive List under the fourth entry for Schedule B No. 775035. Catalytic exchangers for the production or concentration of deuterium oxide are retained on the Positive List, if meeting listed specifications, under Schedule B Nos. 771140 or 771200 (1st entry).

This part of the amendment shall become effective as of 12:01 a. m., May 17, 1956.

c. The revised entries set forth below are substituted for entries presently on the Positive List. Where the Positive List contains more than one entry under a

[1] This amendment was published in Current Export Bulletin No. 764, dated May 17, 1956.

| Dept. of Commerce Schedule B No. | Commodity | Unit | Processing code and related commodity group | GLV dollar-value limits | Validated license required |
|---|---|---|---|---|---|
| 775055 | Electrolytic cells. (4)[22] | ---------- | GIEQ 1 | 250 | RO |
| 775055 | Equipment, n. e. c., for the production of chlorine (gaseous or liquid), sodium, and magnesium. (5)[23] | ---------- | GIEQ 1 | 250 | RO |
| 775055 | Equipment, n. e. c., for the production of hydrogen. (8)[22] | ---------- | GIEQ 1 | 250 | RO |
| 775055 | Towers and columns having any of the following characteristics: (a) Any tower or column using a catalyst; (b) towers or columns utilizing fractionating trays and bubble caps; (c) towers or columns containing alloy steel of 1 percent or more chrome and one-half percent or more molybdenum and/or nickel; and (d) towers or columns designed to operate at pressures of 360 psi or over. (16)[23] | ---------- | GIEQ 1 | 250 | RO |
| | Processing vessels, non-mixing, n. e. c., and specially fabricated accessories and parts, n. e. c. (specify by name): | | | | |
| 775330 | Towers and columns having any of the following characteristics, and specially fabricated parts therefor: (a) Any tower or column using a catalyst, (b) towers or columns utilizing fractionating trays and bubble caps; (c) towers or columns containing alloy steel of 1 percent or more chrome and one-half percent or more molybdenum and/or nickel; and (d) towers or columns designed to operate at pressures of 360 psi or over.[20] | ---------- | GIEQ 1[a] | 250 | RO |
| | Parts for commercial automobiles, trucks, and busses: | | | | |
| 792610 | Parts and accessories, n. e. c., specially fabricated, for assembly, except: air cleaners, ammeters; brake extension handles; bumpers; clearance lights; dashboard plugs; door locks and handles; fog lights; gas tank caps; heaters; horns; hub caps; hydraulic truck dumping hoists; lighters; oil filter clamps; oil filters; oil pressure switches; oil purifiers; oil rectifiers; parking lights; power take-offs for trucks; radiator caps; radiator ornaments; reflex signals, road traffic; shock absorbers; speedometers; spotlights; stop lights; taxicab meters; thermostats; third axle assemblies; tire locks; windshield wipers; and specially fabricated parts for the excepted items (excludes accessories and complete knockdown vehicles; complete knockdown vehicles should be reported in the proper car, truck, or bus classification, whether the integral components are shipped simultaneously or in a series of partial shipments).[19] | ---------- | TRAN 6 | 500 | R |
| 792620 | Parts, n. e. c., specially fabricated, for spares, replacement, or manufacture into larger components (including automobile bodies and knee-action springs, except: air cleaners; brake extension handles; bumpers; door locks and handles; gas tank caps; horns; hub caps; hydraulic truck dumping hoists; oil filter clamps; oil filters; oil purifiers; oil rectifiers; parking lights; radiator caps; radiator ornaments; reflex signals, road traffic; stop lights; thermostats; third axle assemblies; windshield wipers, and specially fabricated parts for the excepted items.[19] | ---------- | TRAN 6 | 500 | R |
| 796148 | Well cars, used and rebuilt, with a load capacity of 80 tons or over.[22] | No. | TRAN 12 | None | R |
| 796182 | Parts and accessories, n. e. c., specially fabricated for well cars with a load capacity of 80 tons or over.[23] | ---------- | TRAN 12 | 1,000 | R |
| 829940 | Radium emanation (Radon), radium salts and compounds, all forms (including radium needles and radium ore concentrate) (state radium content) (report paints containing radium in 843800).[24] | ---------- | DRUG | None | RO |
| 829940 | Radioisotopes, cyclotron-produced or naturally occurring, and compounds and preparations thereof, except radioisotopes having an atomic number 3 through 83, and compounds and preparations thereof.[16][24] | ---------- | DRUG | None | RO |
| 919060 | Spectrophotometers (including, but not limited to, mass and other type spectrometers, and leak detectors, mass spectrometer type). (1) (3)[15] | No. | SATE | None[b] | RO |
| 919060 | Parts, n. e. c., specially fabricated for spectrophotometers (including, but not limited to, mass and other type spectrometers and leak detectors, mass spectrometers type) except glossmeters and reflectometers. (2) (4)[18] | ---------- | SATE | 25 | RO |

[a] For export control purposes, "special alloys" of aluminum are defined as those in which (1) the average copper content is 1 percent or more irrespective of other elements or (2) the average copper content is less than 1 percent and (a) the zinc content is 4 percent or more, or (b) the silicon content is 3.5 percent or more, or (c) the magnesium content is 9.5 percent or more.

[15] The letter "E" is deleted in the column headed "Commodity Lists," indicating that the commodity may no longer be exported under the Periodic Requirements Licensing procedure (see Part 376 of this subchapter), effective June 18, 1956.

[18] The commodity coverage is revised without substantive change.

[20] The commodity coverage has been decreased.

[22] The commodity coverage is increased, effective May 24, 1956.

[23] The commodity coverage is revised by transferring (a) electrolytic cells to the fourth entry presently on the Positive List under Schedule B No. 775055 and (b) tubular condensers or heat exchangers, if meeting listed specifications, to the Positive List entries under Schedule B Nos. 771140 or 771200 (first entry).

[24] Two entries are substituted for the single entry presently on the Positive List under Schedule B No. 829940.

[25] The Positive List entries for mass spectrometers and leak detectors, mass spectrometer type, and specially fabricated parts (919060) are combined with the Positive List entries for spectrophotometers and specially fabricated parts (919060) with no change in commodity coverage.

**This part of the amendment shall become effective as of May 17, 1956, unless otherwise indicated in the footnotes.**

**Shipments of any commodities removed from general license to Country Group R and Country Group O destinations as a result of changes set forth in parts 1a or 1c of this amendment which were on dock for lading, on lighter, laden aboard an exporting carrier, or in transit to a port of exit pursuant to actual orders for export prior to 12:01 a. m., May 24, 1956, may be exported under the previous general license provisions up to and including June 18, 1956. Any such shipment not laden aboard the exporting carrier on or before June 18, 1956 requires a validated license for export.**

2. Section 399.2 *Appendix B—Commodity interpretations* is amended by the addition of a new interpretation to read as follows:

INTERPRETATION 15: OPTICAL CURVE GENERATORS

An optical curve generator as listed on the Positive List of Commodities, Schedule B No. 775030, is defined, for export control purposes, as a machine which produces spherical and/or aspherical curved surfaces on blanks of optical glass or similar material by means of a grinding wheel moving over the surface of a blank in a path of generation governed by cams and linkages which may be preset to produce a predetermined curvature.

The coverage on the Positive List is specifically limited to machines using as a surface shaping medium a grinding wheel which has diamonds or other abrasive material impregnated in its cutting surface. Lens grinders, surfacers, and polishers which produce curved surfaces by utilizing loose abrasives are not covered by the Positive List.

This part of the amendment shall become effective as of May 17, 1956.

(Sec. 3, 63 Stat. 7, as amended; 50 U. S. C. App. 2023. E. O. 9630, 10 F. R. 12245, 3 CFR, 1945 Supp., E. O. 9919, 13 F. R. 59, 3 CFR, 1948 Supp.)

LORING K. MACY,
*Director,*
*Bureau of Foreign Commerce.*

[F. R. Doc. 56-5009; Filed, June 26, 1956; 8:46 a. m.]

# TITLE 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

### Subchapter B—Trade Practice Conference Rules

[File No. 21-464]

### PART 34—NURSERY INDUSTRY

### TRADE PRACTICE RULES

Due proceedings having been held under the trade practice conference procedure in pursuance of the act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission:

*It is now ordered*, That the Group I trade practice rules as hereinafter set forth, which have been approved by the Commission in this proceeding, be promulgated as of June 27, 1956.

*Statement by the Commission.* Trade practice rules for the Nursery Industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure.

The industry for which these rules are established is composed of persons, firms, corporations, and organizations engaged in the sale, offering for sale, or distribution of all types of trees, small fruit plants, shrubs, vines, ornamentals, herbaceous annuals, biennials and perennials, bulbs, corms, rhizomes, and tubers which are offered for sale or sold to the general public. Included are products propagated sexually or asexually and whether grown in a commercial nursery or collected from the wild state. Such products are customarily used for outdoor planting. Not included are florists' or greenhouse plants solely for inside culture or use and annual vegetable plants. Likewise, gladiolus bulbs and corms are excluded inasmuch as they are covered by trade practice rules promulgated January 17, 1952.

The rules are directed to the maintenance of free and fair competition in the industry and to the prevention and elimination of various practices deemed to be violative of laws administered by the Commission. They are to be applied to such end and to the exclusion of any acts or practices which suppress competition or otherwise restrain trade.

Proceedings under which the rules have been established were instituted pursuant to an industry application. Regional trade practice conferences were held under Commission auspices in Chicago on August 11, 1954, in San Francisco on September 14, 1954, and in New York City on September 28, 1954, at which proposals for rules were submitted for the consideration of the Commission. Thereafter proposed rules were published by the Commission and made available to all industry members and other interested or affected parties upon public notice whereby they were afforded opportunity to present their views, including such pertinent information, suggestions, or amendments as they desired to offer, and to be heard in the premises. Pursuant to such notice, public hearings were held in Washington, D. C., on January 9, 1956, and in Chicago on January 19, 1956, and all matters there presented, or otherwise received in the proceeding, were duly considered by the Commission.

Following such hearings, and upon full consideration of the entire matter, final action was taken by the Commission whereby it approved the rules as hereinafter set forth.

The rules as approved become operative thirty (30) days after the date of promulgation.

*The rules.* These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which fixes or controls prices through combination or agreement, or which unreasonably restrains trade or suppresses competition, or otherwise unlawfully injures, destroys, or prevents competition, that the rules are to be applied.

GROUP I

*General statement.* The unfair trade practices embraced in the rules herein are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

Sec.
34.0 Definitions.
34.1 Deception (general).
34.2 Deception through use of names.
34.3 Substitution of products.
34.4 Size and grade designations.
34.5 Deception as to blooming, fruiting, or growing ability.
34.6 Plants collected from the wild state.
34.7 Misrepresentation as to character of business.
34.8 Deceptive guarantees.
34.9 Deceptive "salesmen wanted" advertisements.
34.10 Misrepresentation with respect to collection of accounts.
34.11 Deception as to origin or source of industry products.
34.12 Exclusive deals.
34.13 Tie-in sales; coercing purchase of one product as a prerequisite to the purchase of other products.
34.14 Deceptive pricing.
34.15 Enticing away employees of competitors.
34.16 Use of the word "free."
34.17 Use of lottery schemes.
34.18 Defamation of competitors or false disparagement of their products.
34.19 Prohibited forms of trade restraints (unlawful price fixing, etc.).
34.20 Prohibited discrimination.
34.21 Aiding or abetting use of unfair trade practices.

AUTHORITY: §§ 34.0 to 34.21 issued under sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45.

§ 34.0 *Definitions*—(a) *Industry products.* As used in this part, the term "industry products" includes all types of trees, small fruit plants, shrubs, vines, ornamentals, herbaceous annuals, biennials and perennials, bulbs, corms, rhizomes, and tubers which are offered for sale or sold to the general public. Included are products propagated sexually or asexually and whether grown in a commercial nursery or collected from the wild state. Such products are customarily used for outdoor planting. Not included are florists' or greenhouse plants solely for inside culture or use and annual vegetable plants. Likewise, gladiolus bulbs and corms are excluded inasmuch as they are covered by trade practice rules promulgated January 17, 1952.

(b) *Industry members.* Any person, firm, corporation, or organization engaged in the sale, offering for sale, or distribution in commerce of industry products, as defined in paragraph (a) of this section.

(c) *Lining-out stock.* Includes all plant material coming from propagating houses, beds, or frames, and young material such as seedlings, rooted or unrooted cuttings, grafts or layers, of suitable size to transplant either in the nursery row or in containers for "growing on."

(d) *Nursery-grown stock.* Plants propagated and grown under cultivation, or plants transplanted from the wild and grown under cultivation for at least one full growing season.

§ 34.1 *Deception (general).* (a) It is an unfair trade practice to sell, offer for sale, or distribute industry products by any method, or under any circumstance or condition, which has the capacity and tendency or effect of deceiving purchasers or prospective purchasers as to quantity, size, grade, kind, species, age, maturity, condition, vigor, hardiness, number of times transplanted, growth ability, growth characteristics, rate of growth or time required before flowering or fruiting, price, origin or place where grown, or in any other material respect.

(b) The inhibitions of this section shall apply to every type of advertisement or method of representation, whether in newspaper, periodical, sales catalog, by radio or television, by sales representatives, or otherwise.

(c) Among practices inhibited by the foregoing are direct or indirect representations:

(1) That plants have been propagated by grafting or bud selection methods, when such is not the fact.

(2) That industry products are healthy, will grow anywhere without the use of fertilizer, or will survive and produce without special care, when such is not the fact.

(3) That plants will bloom the year round, or will bear an extraordinary number of blooms of unusual size or quality, when such is not the fact.

(4) That an industry product is a new variety, when in fact it is a standard variety to which the industry member has given a new name.

(5) That an industry product cannot be purchased through usual retail outlets, or that there are limited stocks available, when such is not the fact.

(6) That industry products offered for sale will be delivered in time for the next (or any specified) seasonal planting when the industry member is aware of factors which make such delivery improbable.

(7) That the appearance of an industry product is normal or usual when the appearance so represented is in fact abnormal or unusual.

(8) That the root system of any plant is appreciably larger than that which actually exists, whether accomplished by means of packaging, balling, or otherwise.

(9) That bulblets are bulbs.

(10) That an industry product is a rare or unusual item when such is not the fact. [Rule 1]

§ 34.2 *Deception through use of names.* (a) In the sale, offering for sale, or distribution of an industry product, it is an unfair trade practice for any industry member to use a name for such product which has the capacity and tendency or effect of deceiving purchasers or prospective purchasers as to its true identity.

(b) When an industry product has a generally recognized and well-established common name, it is proper to use such name as a designation therefor, either alone or in conjunction with the correct botanical name of the product.

(c) When an industry product does not have a generally recognized and well-established common name, and a name other than the correct botanical name of the product is applied thereto, such other name shall be immediately accompanied by either the correct botanical name of the product, or a description of the nature and properties of the product which is of sufficient detail as to prevent confusion and deception of

purchasers and prospective purchasers as to the true identity of the product.

NOTE: *Industry Recommendation:* The industry recommends that in administering this section the Commission give consideration to the use of plant names listed in horticultural works such as Hortus Second, 1941, L. H. Bailey; Manual of Cultivated Plants, Rev. Ed. 1949, L. H. Bailey; Standard Cyclopedia of Horticulture, 2d Ed. 1925 (with reissues), L. H. Bailey; Check List of Native and Naturalized Trees of the United States, U. S. D. A. Agricultural Handbook 41, 1953, E. L. Little; Manual of Cultivated Trees and Shrubs Hardy in North America, 2d Ed. 1940, A. Rehder; Native Woody Plants of the United States, U. S. D. A. Misc. Publication 303, 1938, W. R. Van Dersal; Standardized Plant Names, 2d Ed. American Joint Committee on Horticultural Nomenclature, 1942; and to plant-name listings of well-recognized, nonprofit horticultural societies and organizations, such as the American Rose Society.

[Rule 2]

§ 34.3 *Substitution of products.* With respect to industry products offered for sale by an industry member, it is an unfair trade practice for any member of the industry:

(a) To ship or deliver industry products which do not conform to representations made prior to securing the order, or to specifications upon which the sale is consummated, without advising the purchaser of the substitution and obtaining his consent thereto prior to making shipment or delivery; or

(b) To falsely represent the reason for making a substitution: *Provided, however,* That nothing in this section is intended to inhibit the shipment of products different from those ordered, prior to obtaining the purchaser's consent to such substitution, when the order is received by the industry member near the close of the planting season for the products ordered and the substitution involved relates but to a product or products the total price of which is comparatively small, and when:

(1) At the commencement of the planting season for the products ordered the industry member had a supply of such products sufficient to meet normal and reasonably expected orders therefor, and such supply has been exhausted; and

(2) The products substituted are of similar variety and of equal or greater value to those ordered by the purchaser and no additional charge is made therefor; and

(3) Notice of the substitution, with adequate identification of the substituted item or items, and with commitment of the industry member to refund any purchase price received for the substituted products if such products are not acceptable to the purchaser and to compensate the purchaser for any expense involved in the return of the substituted products if refund is conditioned on the return thereof, is given the purchaser at the time of his receipt of such products;

*And provided, further,* That nothing in this section is to be construed as sanctioning the dissemination of an advertisement of an industry product or products or the personal solicitation of orders therefor unless at the time of such dissemination or solicitation the industry member has a supply of such product or products sufficient to meet normal and reasonably expected orders therefor. [Rule 3]

§ 34.4 *Size and grade designations.* (a) In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice for an industry member to use any term, designation, number, letter, mark or symbol, as a size or grade designation for any industry product in a manner or under any circumstance having the capacity and tendency or effect of deceiving purchasers or prospective purchasers with respect to the actual size or grade of such products.

(b) Under this section industry members offering lining-out stock for sale shall specify conspicuously and accurately the size and age of such stock when failure to do so has the capacity and tendency or effect of deceiving purchasers or prospective purchasers.

(c) Nothing in this section is to be construed as inhibiting the designation of the size or grade of an industry product by use of a size or grade designation for which a standard has been established which is generally recognized in the industry when the identity of such standard is conjunctively disclosed, the product qualifies for the designation under such standard, and no deception of purchasers or prospective purchasers results in the use of such designation.

NOTE: It is the consensus of the industry that the grade and size standard set forth in American Standard For Nursery Stock, as revised April 15, 1951, and in the addendum thereto entitled "Bulbs, Corms and Tubers" (now incorporated in American Standard for Nursery Stock as revised April 15, 1956) is generally recognized in the industry, and that use of the size and grade designations therein set forth, in accordance with the requirements of the standard for the designations, in the marketing of industry products to which such standard relates, will prevent deception and confusion of purchasers and prospective purchasers of such products.

[Rule 4]

§ 34.5 *Deception as to blooming, fruiting, or growing ability.* (a) In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice for any industry member to deceive purchasers or prospective purchasers as to the ability of such products:

(1) To bloom, flower, or fruit within a specified period of time; or

(2) To produce crops within a specified period of time, or to give multiple crops each year, or to produce crops in unfavorable climatic regions; or

(3) To bear fruit through self-pollinization; or

(4) To grow, flourish, and survive irrespective of the climatic conditions, the care exercised in or after planting, or the soil characteristics of the locality in which they are to be planted.

NOTE: Under this section, when flower bulbs are of such immaturity as not reasonably to be expected to bloom and flower the first season of their planting, such fact shall be clearly and conspicuously disclosed in all advertisements and sales promotional literature relating to such products: *Provided, however,* That such disclosure need not be made when sales are confined to nurseries and commercial growers for their use as planting stock.

(b) It is also an unfair trade practice to sell, offer for sale, or distribute industry products which have been used in the commercial greenhouse production of cut flowers (e. g., greenhouse bench or bed-grown rose bushes) without adequately and nondeceptively disclosing that such products were used in the commercial greenhouse production of cut flowers and discarded after having served their usefulness in such production. [Rule 5]

§ 34.6 *Plants collected from the wild state.* It is an unfair trade practice to sell, offer for sale, or distribute industry products collected from the wild state without disclosing that they were collected from the wild state: *Provided, however,* That if collected plants are grown in the nursery row for at least one growing season before being marketed, such disclosure is not required. [Rule 6]

§ 34.7 *Misrepresentation as to character of business.* (a) In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice for any industry member to represent or imply that he is a grower or propagator of such products or any portion thereof, or that he has any other experience or qualification either relating to the growing or propagation of such products or which enables him to be of assistance to purchasers or prospective purchasers in the selection by them of the kinds or types of products or the placement thereof when such is not the fact, or in any other manner to misrepresent the character, nature, or extent of his business.

NOTE: Among practices subject to the inhibitions of this section are representations by an industry member to the effect that he is a landscape architect when his training, experience, and knowledge do not qualify him for such representation.

(b) It is also an unfair trade practice to use the word "guild," "club," "association," "council," "society," "foundation," or any other word of similar import or meaning, as part of a trade name, or otherwise, in such a manner as to indicate that the business is other than a commercial enterprise operated for profit, unless such be true in fact. [Rule 7]

§ 34.8 *Deceptive guarantees.* (a) It is an unfair trade practice to represent, in advertising or otherwise, that a nursery product is "guaranteed" unless the nature and extent of such guarantee is conjunctively disclosed and without deceptively minimizing the terms and conditions relating to the obligations of the guarantor.

(b) It is also an unfair trade practice to use or cause to be used any guarantee in which the obligations of the guarantor are impracticable of fulfillment, or in respect to which the guarantor fails or refuses to observe his liabilities thereunder. [Rule 8]

§ 34.9 *Deceptive "salesmen wanted" advertisements.* In connection with the promotion or the sale of industry products, it is an unfair trade practice for an industry member to use or cause to be used any advertisement which, directly or by implication, is false, misleading, or deceptive concerning:

(a) The salary, commission, income, earnings, or other form of remuneration which agents, canvassers, solicitors, sales representatives, or sales-contact personnel may expect to receive; or

(b) The opportunities to become a local manager, district supervisor, field representative, or to start in an established nursery or landscape business; or

(c) Any form of inducement which leads the prospective salesman to believe he will be employed as anything other than a commission agent. [Rule 9]

§ 34.10 *Misrepresentation with respect to collection of accounts.* It is an unfair trade practice for an industry member to use collection letters, notices, forms, or other communications purporting to emanate from his "legal department," when in fact he does not maintain a legal department for the collection of accounts; or to use the names of fictitious or nonexisting collection agencies, or to represent that collection offices set up by him are independent, bona fide collection agencies, or to use simulated legal forms or other intimidating or threatening methods to induce payment. [Rule 10]

§ 34.11 *Deception as to origin or source of industry products.* (a) It is an unfair trade practice to sell, offer for sale, or advertise an industry product under any representation which has the capacity and tendency or effect of deceiving purchasers or prospective purchasers as to the origin or source of such product (e. g., by use of the term "Holland" to describe bulbs which were grown in the U. S. A.): *Provided, however,* That when a plant has an accepted common name which incorporates a geographical term, the mere use of such common name does not constitute a misrepresentation as to source or origin (e. g., "Colorado Blue Spruce," "Arizona Cypress," "Black Hills Spruce," "California Privet," "Japanese Barberry," etc.).

(b) It is also an unfair trade practice to advertise, sell, or offer for sale an industry product of foreign origin without adequate and nondeceptive disclosure of the name of the foreign country from which it came, where the failure to make such disclosure has the capacity and tendency or effect of deceiving purchasers or prospective purchasers. [Rule 11]

§ 34.12 *Exclusive deals.* It is an unfair trade practice for any member of the industry engaged in commerce,[1] in the course of such commerce, to make a sale or contract for sale of any industry product, for use, consumption, or resale within any place under the jurisdiction of the United States, or fix a price charged therefor, or discount from, or rebate upon, such price, on the condition, agreement, or understanding that the purchaser thereof shall not use or deal in the goods of a competitor or competitors of the seller, where the effect of such sale or contract for sale, or such condition, agreement, or understanding, may be substantially to lessen competition or tend to create a monopoly in any line of commerce. [Rule 12]

§ 34.13 *Tie-in sales; coercing purchase of one product as a prerequisite to the purchase of other products.* The practice of coercing the purchase of one or more products as a prerequisite to the purchase of one or more other products, where the effect may be substantially to lessen competition or tend to create a monopoly or unreasonably to restrain trade, is an unfair trade practice. [Rule 13]

§ 34.14 *Deceptive pricing.* (a) It is an unfair trade practice to represent, in advertising or otherwise, that the price of an industry product has been reduced from a price which, in fact, is a fictitious price; or that the price is a wholesale, introductory, or special price, when it is in fact the regular selling price of the product; or that the regular price of a product is higher than is actually the fact; or otherwise to represent falsely or deceptively the past or current price of an industry product.

(b) It is also an unfair trade practice to make a comparison, in advertising or otherwise, between the price of an industry product offered for sale and the price of a comparable industry product obtainable from competitive sources, unless the comparison is made in the same grade and size of product and in the same general market area, or unless the differences in grade, size, and market area are clearly stated. [Rule 14]

§ 34.15 *Enticing away employees of competitors.* It is an unfair trade practice for any member of the industry wilfully to entice away employees or sales-contact personnel of competitors with the intent and effect of thereby unduly hampering or injuring competitors in their business and destroying or substantially lessening competition: *Provided,* That nothing in this section shall be construed as prohibiting such persons from seeking more favorable employment, or as prohibiting employers from hiring or offering employment to employees of a competitor in good faith and not for the purpose of inflicting injury on such competitor. [Rule 15]

§ 34.16 *Use of the word "free."* In connection with the sale, offering for sale, or distribution of industry products, it is an unfair trade practice to use the word "free," or any other word or words of similar import, in advertisements or in other offers to the public, as descriptive of an article of merchandise, or service, which is not an unconditional gift, under the following circumstances:

(a) When all the conditions, obligations, or other prerequisites to the receipt and retention of the "free" article of merchandise or service offered are not clearly and conspicuously set forth at the outset so as to leave no reasonable probability that the terms of the offer will be misunderstood; and, regardless of such disclosure:

(b) When, with respect to any article of merchandise required to be purchased in order to obtain the "free" article or service, the offerer (1) increases the ordinary and usual price of such article of merchandise, or (2) reduces its quality, or (3) reduces the quantity or size thereof.

NOTE: The disclosure required by paragraph (a) of this section shall appear in close conjunction with the word "free" (or other word or words of similar import) wherever such word first appears in each advertisement or offer. A disclosure in the form of a footnote, to which reference is made by use of an asterisk or other symbol placed next to the word "free," will not be regarded as compliance.

[Rule 16]

§ 34.17 *Use of lottery schemes.* The offering or giving of prizes, premiums, or gifts in connection with the sale or distribution of industry products, or as an inducement thereto, by any method which involves a lottery or scheme of chance, and the sale or distribution of industry products by any method or plan which involves a lottery or scheme of chance, are unfair trade practices. [Rule 17]

§ 34.18 *Defamation of competitors or false disparagement of their products.* It is an unfair trade practice to defame competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of competitors' products in any respect, or of their business methods, selling prices, values, credit terms, policies, or services. [Rule 18]

§ 34.19 *Prohibited forms of trade restraints (unlawful price fixing, etc.)*[2] It is an unfair trade practice for any member of the industry, either directly

[1] As used in this section, the word "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."

[2] The inhibitions of this section are subject to Public Law 542, approved July 14, 1952—66 Stat. 632 (the McGuire Act) which provides that with respect to a commodity which bears, or the label or container of which bears, the trade-mark, brand, or name of the producer or distributor of such commodity and which is in free and open competition with commodities of the same general class produced or distributed by others, a seller of such a commodity may enter into a contract or agreement with a buyer thereof which establishes a minimum or stipulated price at which such commodity may be resold by such buyer when such contract or agreement is lawful as applied to intrastate transactions under the laws of the State, Territory, or territorial jurisdiction in which the resale is to be made or to which the commodity is to be transported for such resale, and when such contract or agreement is not between manufacturers, or between wholesalers, or between brokers, or between factors, or between retailers, or between persons, firms, or corporations in competition with each other.

or indirectly, to engage in any planned common course of action, or to enter into or take part in any understanding, agreement, combination, or conspiracy, with one or more members of the industry, or with any other person or persons, to fix or maintain the price of any goods or otherwise unlawfully to restrain trade; or to use any form of threat, intimidation, or coercion to induce any member of the industry or other person or persons to engage in any such planned common course of action, or to become a party to any such understanding, agreement, combination, or conspiracy. [Rule 19]

§ 34.20 *Prohibited discrimination*[1]—(a) *Prohibited discriminatory prices, rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchases involved therein are in commerce, and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however:*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States, and are not purchased by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit, as supplies for their own use;

(2) That nothing contained in this paragraph shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

(3) That nothing contained in this section shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing contained in this paragraph shall prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to obsolescence of seasonal goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned;

(5) That nothing contained in this section shall prevent the meeting in good faith of an equally low price of a competitor, or the services or facilities furnished by a competitor (see paragraphs (c) and (d) of this section).

(b) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or mechandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

(e) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this section.

(f) *Purchases by U. S. Government; applicability of Robinson-Patman Anti-discrimination Act to same.* In an opinion submitted to the Secretary of War under date of December 28, 1936, the U. S. Attorney General advised that the Robinson-Patman Antidiscrimination Act "is not applicable to Government contracts for supplies." (38 Opinions, Attorney General 539.) [Rule 20]

§ 34.21 *Aiding or abetting use of unfair trade practices.* It is an unfair trade practice for any person to aid, abet, coerce, or induce another, directly or indirectly, to use or promote the use of any unfair trade practice specified in the rules in this part. [Rule 21]

Promulgated by the Federal Trade Commission June 27, 1956.

Issued: June 22, 1956.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-5003; Filed, June 26, 1956; 8:45 a. m.]

[1] See footnote on p. 4665.

## TITLE 24—HOUSING AND HOUSING CREDIT

### Chapter II — Federal Housing Administration, Housing and Home Finance Agency

MISCELLANEOUS AMENDMENTS TO CHAPTER

Chapter II of Title 24 is amended in the following respects:

#### Subchapter C—Mutual Mortgage Insurance and Servicemen's Mortgage Insurance

PART 222—MUTUAL MORTGAGE INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER THE INSURANCE CONTRACT

Section 222.13 (a) (1) (vi) is amended to read as follows:

§ 222.13 *Condition of property when transferred; delivery of debentures and certificate of claim.* (a) • • •

(1) • • •

(vi) Bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the mortgage was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

| Effective rate (percent) | On or after— | Prior to— |
|---|---|---|
| 2½ | Aug. 9, 1954 | Sept. 1, 1954 |
| 2½ | Sept. 1, 1954 | Jan. 1, 1955 |
| 2⅝ | Jan. 1, 1955 | July 1, 1955 |
| 2⅞ | July 1, 1955 | July 1, 1956 |
| 3 | July 1, 1956 | |

#### Subchapter D—Multifamily and Group Housing Insurance

PART 233—RENTAL HOUSING INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE

Section 233.9 (a) (1) (vii) is amended to read as follows:

§ 233.9 *Insurance benefits.* (a) • • •

(1) • • •

(vii) Bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the mortgage was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

| Effective rate (percent) | On or after— | Prior to— |
|---|---|---|
| 2½ | Aug. 13, 1954 | Jan. 1, 1955 |
| 2⅝ | Jan. 1, 1955 | July 1, 1955 |
| 2⅞ | July 1, 1955 | July 1, 1956 |
| 3 | July 1, 1956 | |



#### Subchapter M—Military and Armed Services Housing Mortgage Insurance

PART 293a—ARMED SERVICES HOUSING INSURANCE; RIGHTS AND OBLIGATIONS OF THE MORTGAGEE UNDER THE INSURANCE CONTRACT

Section 293a.9 (a) (1) (vii) is amended to read as follows:

§ 293a.9 *Delivery of debentures and certificate of claim.* (a) • • •

(1) • • •

(vii) Bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the mortgage was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

| Effective rate (percent) | On or after— | Prior to— |
|---|---|---|
| 2⅝ | July 1, 1955 | July 1, 1956 |
| 3 | July 1, 1956 | |

#### Subchapter N—National Defense Housing Insurance

PART 295—NATIONAL DEFENSE HOUSING INSURANCE; RIGHTS AND OBLIGATIONS OF MORTGAGEE UNDER INSURANCE CONTRACT

Section 295.11 (a) (1) (vi) is amended to read as follows:

§ 295.11 *Condition of property when transferred; delivery of debentures and certificates of claim.* (a) • • •

(1) • • •

(vi) Bear interest from the date of issue, payable semiannually on the first day of January and the first day of July of each year at the rate in effect as of the date the commitment was issued, or as of the date the mortgage was endorsed for insurance, whichever rate is the higher. The following interest rates are effective for the dates listed:

| Effective rate (percent) | On or after— | Prior to— |
|---|---|---|
| 2½ | Sept. 1, 1951 | July 8, 1953 |
| 2¾ | July 8, 1953 | May 29, 1954 |
| 2½ | May 29, 1954 | Jan. 1, 1955 |
| 2⅝ | Jan. 1, 1955 | July 1, 1955 |
| 2⅞ | July 1, 1955 | July 1, 1956 |
| 3 | July 1, 1956 | |

(Sec. 211, 52 Stat. 23 as amended; 12 U. S. C. 1715b. Interpret or apply sec. 207, 52 Stat. 16, as amended, sec. 907, 65 Stat. 301, sec. 401, 69 Stat. 651; 12 U. S. C. 1713, 1750f, 1748f)

Issued at Washington, D. C., June 22, 1956.

NORMAN P. MASON, *Federal Housing Commissioner.*

[F. R. Doc. 56-5063; Filed, June 26, 1956; 8:52 a. m.]

No. 124——4

## TITLE 29—LABOR

### Subtitle A—Office of the Secretary of Labor

[Child Labor Reg. 37]

PART 4—CHILD LABOR REGULATIONS, ORDERS AND STATEMENTS OF INTERPRETATION

SUBPART B—ACCEPTANCE OF STATE CERTIFICATES

DESIGNATION OF STATES

Pursuant to the provisions of 29 CFR Part 4, Subpart A (Child Labor Regulation No. 1), the designation of the States enumerated in § 4.21 of 29 CFR Part 4, as States in which State age, employment or working certificates or permits shall have the same force and effect as Federal certificates of age under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060 as amended; 29 U. S. C. 201), is hereby extended and shall be effective from July 1, 1956, until June 30, 1957, unless amended or revoked prior to such date.

(Secs. 3, 11, 52 Stat. 1060, as amended, 1066, as amended; 29 U. S. C. 203, 211)

Signed at Washington, D. C., this 18th day of June 1956.

JAMES P. MITCHELL, *Secretary of Labor.*

[F. R. Doc. 56-5044; Filed, June 26, 1956; 8:48 a. m.]

## TITLE 46—SHIPPING

### Chapter I—Coast Guard, Department of the Treasury

#### Subchapter I—Cargo and Miscellaneous Vessels

[CGFR 56-26]

PART 95—FIRE PROTECTION EQUIPMENT

SUBPART 95.05—FIRE DETECTING AND EXTINGUISHING EQUIPMENT, WHERE REQUIRED

FIXED FIRE EXTINGUISHING SYSTEMS

On October 18, 1952, a revision of the inspection regulations to implement and enforce the Convention for the Safety of Life at Sea, 1948, was published in the FEDERAL REGISTER. These revised regulations became effective on November 19, 1952. On vessels of 1,000 gross tons and over contracted for on or after November 19, 1952, or where conversion from coal to oil is contracted for on and after November 19, 1952, the provisions of 46 CFR 95.05-10 (a) (3) require a fixed carbon dioxide, foam or water spray system shall be installed in all spaces containing oil fired boilers, either main or auxiliary, or their fuel units, valves, or manifolds in the line between the settling tanks and the boilers.

In 1953 an interpretation was made of the term "oil fuel units or settling tanks," as used in 46 CFR 95.05-10 (a) (3) and in regulations 50 (i) (iii) and 51 (d) (iii) in Chapter II of the International Convention for Safety of Life at Sea, 1948, as meaning oil fuel boilers, main or auxiliary, fuel oil service pumps, and such fuel oil units as the heaters, strainers, valves, manifolds, or fittings that are subject to the discharge pressures of the fuel oil service pumps. This interpretation is based on correspondence with the British; informal discussions with members of industry, and a study of merchant vessel plans submitted to the Coast Guard. This interpretation is necessary in order to determine the required amount of carbon dioxide to be carried to provide total flooding in the engine room. An appropriate amendment to 46 CFR 95.05-10 (a) (3) was published in the FEDERAL REGISTER dated December 5, 1953.

On August 6, 1954, an amendment to 46 CFR 95.05-10 was published in the FEDERAL REGISTER to remove motorboats from the application of this regulation. When this amendment was published the interpretation of the term "oil fuel units or settling tanks" in the amendment published in the FEDERAL REGISTER on December 5, 1953, was inadvertently omitted. This interpretation has been followed since 1953 and the amendment to 46 CFR 95.05-10 (a) (3) is republished so that it will be continued in effect.

Because the amendment in this document is an interpretation and a restatement of Coast Guard practice, it is hereby found that compliance with the Administrative Procedure Act respecting notice of proposed rule making, public rule making procedures thereon, and effective date requirements thereof, is unnecessary.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and Treasury Department Order 167-14, dated November 26, 1954 (19 F. R. 8026), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendment in this document is prescribed and shall become effective on the date of publication of this document in the FEDERAL REGISTER:

Section 95.05-10 (a) (3) is amended to read as follows:

§ 95.05-10 *Fixed fire extinguishing systems.* (a) • • •

(3) On vessels of 1,000 gross tons and over, contracted for on or after November 19, 1952, or where conversion from coal to oil is contracted for on or after November 19, 1952, a fixed carbon dioxide, foam or water spray system shall be installed in all spaces containing oil fired boilers, either main or auxiliary, their fuel oil service, pumps, and/or such fuel oil units as the heaters, strainers, valves, manifolds, etc., that are subject to the discharge pressure of the fuel oil service pump.

(R. S. 4405, as amended, 4462, as amended; 46 U. S. C. 375, 416. Interpret or apply R. S. 4417, 4418, 4426, 4470, 4471, 4477, 4479, and 4483, as amended, secs. 1, 2, 49 Stat. 1544, sec. 17, 54 Stat. 166, sec. 2, 54 Stat. 1028, as amended, sec. 3, 68 Stat. 675; 46 U. S. C. 391, 392, 404, 463, 464, 470, 472, 476, 367, 526p, 463a;

50 U. S. C. 198; E. O. 10402, 17 F. R. 9917; 3 CFR 1952 Supp.)

Dated: June 21, 1956.

[SEAL] J. A. HIRSHFIELD,
*Rear Admiral, U. S. Coast Guard, Acting Commandant.*

[F. R. Doc. 56-5065; Filed, June 26, 1956; 8:52 a. m.]

## TITLE 30—MINERAL RESOURCES

### Chapter II—Geological Survey, Department of the Interior

PART 250—OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF

ROYALTY AND RENTAL PAYMENTS

Section 250.48 is amended to read as follows:

§ 250.48 *Royalty and rental payments.* The lessee shall pay all rentals when due and shall pay in value or deliver in production all royalties in the amounts determined by the supervisor as due under the terms of the lease. Payments of rentals and royalties in value shall be by check or draft on a solvent bank, or by money order, drawn to the order of the United States Geological Survey.

(Sec. 5, 67 Stat. 464; 43 U. S. C. 1334)

FRED A. SEATON,
*Secretary of the Interior.*

JUNE 21, 1956.

[F. R. Doc. 56-5041; Filed, June 26, 1956; 8:47 a. m.]

## TITLE 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

[FCC 56-581]

[Rules Amdt. 16-8]

PART 16—LAND TRANSPORTATION RADIO SERVICES

MOTOR CARRIERS

In the matter of amendment of §§ 16.251 (a) (4) and 16.252 (e) of the Commission's rules governing the Motor Carrier Radio Service.

1. The Commission has before it its rules governing the Motor Carrier Radio Service. Section 16.251 (a) (4) of the rules governing this Service permits the issuance of authorizations to: Persons solely engaged in providing a common or contract carrier transportation service limited to the local distribution or collection of property destined for or continued in intercity, interstate or international shipment.

2. In connection with an application (File No. LR-K-14281) recently filed by Railway Express Agency, Inc., the Commission has had occasion to consider the above-quoted provision. By virtue of such consideration, the Commission has foreseen a possibility of misinterpretation of the meaning and intent of such provision.

3. In enacting § 16.251 (a) (4), the Commission's purpose was to provide for the radiocommunication needs of persons primarily engaged in providing a common or contract carrier transportation service for the local distribution or collection of property destined for or continued in intercity, interstate or international shipment. The present wording of § 16.251 (a) (4) was designed to permit radiocommunication by the above persons in connection with their local distribution or collection of an intercity—state—national flavor, but not in connection with pickup and delivery activity of a purely local nature. Because of a lack of complete clarity in such wording, however, an interpretation is possible that the Commission intended to totally exclude from eligibility persons who, in even the slightest degree, engage in such local pickup and delivery activity. To preclude this interpretation, the Commission deems it advisable to adopt a clarifying and interpretive amendment to § 16.251 (a) (4) more completely reflecting the considerations above set forth. In connection therewith, and to the same end, the Commission is also amending § 16.252 (e), which describes the frequencies which are available to motor carriers of property who are eligible under the above § 16.251 (a) (4).

4. Authority for the amendments adopted herein is contained in sections 4 (i) and 303 (b), (c), (f) and (r) of the Communications Act of 1934, as amended. Because they are only clarifying and interpretive in nature, publication of notice of proposed rule making is unnecessary and may be dispensed with (section 4 (a), Administrative Procedure Act). For the same reason, they need not be published at least thirty days prior to their effective date (section 4 (c), Administrative Procedure Act), but may be made effective upon their filing with the Division of the Federal Register (section 7, Federal Register Act).

5. In view of the foregoing, *it is ordered*, This 20th day of June 1956:

(a) That §§ 16.251 (a) (4) and 16.252 (e) of the Commission's rules governing the Motor Carrier Radio Service are hereby amended to read as they are set forth below; and

(b) That the amendments adopted herein are hereby made effective on July 2, 1956, by which date they will have been filed with the Division of the Federal Register.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: June 22, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

1. Section 16.251 (a) (4) of the Commission's rules governing the Motor Carrier Radio Service is amended to read as follows:

(4) Persons primarily engaged in providing a common or contract carrier transportation service for the local distribution or collection of property which is destined for or continued in intercity, interstate, or international shipment.

2. Section 16.252 (e) of the same rules is amended to read as follows:

(e) Those frequencies listed in paragraph (f) of this section are available to motor carriers of property who are eligible under the provisions of § 16.251 (a) (4), (1) for communications with vehicles when such vehicles are themselves engaged in the local distribution or collection of property which is destined for or continued in intercity, interstate of international shipment; or (2) for communications with vehicles used to supervise, tow, repair or maintain the vehicles referred to in subparagraph (1) of this paragraph.

[F. R. Doc. 56-5078; Filed, June 26, 1956; 8:56 a. m.]

## TITLE 50—WILDLIFE

### Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

PART 104—BRISTOL BAY AREA

RED SALMON RUNS; NUSHAGAK AND NAKNEK-KVICHAK DISTRICTS

Basis and purpose: On the basis of advance showing of improvement in the red salmon runs in the Nushagak and Naknek-Kvichak districts of Bristol Bay, it has been determined that some relaxation can be permitted.

Therefore, effective immediately upon publication in the FEDERAL REGISTER:

1. Section 104.5 is amended in paragraph (a) by deleting from the Naknek-Kvichak column the figures 267–381 and 229–266 and substituting in lieu thereof the figures 299–381 and 229–298, respectively, and by deleting from the Nushagak column the figures 267–381 and 229–266 and substituting in lieu thereof the figures 273–381 and 229–272, respectively.

2. In compliance with paragraph (c) of § 104.5, announcement is made that registrations for the week ending June 30, by districts, were as follows: Nushagak, 272; Naknek-Kvichak, 298; Egegik, 113; and Ugashik, 45.

Since immediate action is necessary, notice and public procedure on this amendment are impracticable (60 Stat. 237; 5 U. S. C. 1001 et seq.).

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

JOHN L. FARLEY,
*Director.*

JUNE 26, 1956.

[F. R. Doc. 56-5056; Filed, June 26, 1956; 10:07 a. m.]

### Chapter III—International Regulatory Agencies (Fishing and Whaling)

Subchapter B—International Whaling Commission

PART 351—WHALING

*Basis and purpose.* Section 13 of the Whaling Convention Act of 1949 (64 Stat. 421, 425; 16 U. S. C., 1952 ed., 916k), the legislation implementing the International Convention for the Regulation of Whaling signed at Washington December 2, 1946, by the United States of America and certain other Governments, provides that regulations of the International Whaling Commission shall be submitted for publication in the FEDERAL REGISTER by the Secretary of the Interior. Regulations of the Commission are defined to mean the whaling regulations in the schedule annexed to and constituting a part of the Convention in their original form or as modified, revised, or amended by the Commission. The provisions of the whaling regulations, as originally embodied in the schedule annexed to the Convention, have been amended several times by the International Whaling Commission, the last amendments having been made in July 1955. The whaling regulations, as last amended in July 1955, have been edited to conform the numbering, internal references, and similar items to regulations of the Administrative Committee of the Federal Register but no changes have been made in the substantive provisions. The provisions of these regulations are applicable to nationals and whaling enterprises of the United States.

Amendments to the whaling regulations are adopted by the International Whaling Commission pursuant to Article V of the Convention without regard to the notice and public procedure requirements of the Administrative Procedure Act (5 U. S. C. 1001). Accordingly, in fulfillment of the duty imposed upon the Secretary of the Interior by section 13 of the Whaling Convention Act of 1949, the whaling regulations published as Part 351, Title 50, Code of Federal Regulations, as the same appeared in 20 F. R. 5231, July 21, 1955, are amended and republished to read as follows:



Sec.

351.1 Inspection.
351.2 Killing of gray or right whales prohibited.
351.3 Killing of calves or suckling whales prohibited.
351.4 Operation of factory ships limited.
351.5 Closed area for factory ships in Antarctic.
351.6 Limitations on the taking of humpback whales.
351.7 Closed seasons for pelagic whaling for baleen and sperm whales.
351.8 Catch quota for baleen whales.
351.9 Minimum size limits.
351.10 Closed seasons for land stations.
351.11 Use of factory ships in waters other than south of 40° South Latitude.
351.12 Limitations on processing of whales.
351.13 Prompt processing required.
351.14 Remuneration of employees.
351.15 Submission of laws and regulations.
351.16 Submission of statistical data.
351.17 Factory ship operations within territorial waters.
351.18 Definitions.


AUTHORITY: §§ 351.1 to 351.18 issued under 64 Stat. 421–425; 16 U. S. C. 916–916l.

§ 351.1 *Inspection.* (a) There shall be maintained on each factory ship at least two inspectors of whaling for the purpose of maintaining twenty-four hour inspection. These inspectors shall be appointed and paid by the Government having jurisdiction over the factory ship.

(b) Adequate inspection shall be maintained at each land station. The inspectors serving at each land station shall be appointed and paid by the Government having jurisdiction over the land station.

§ 351.2 *Killing of gray or right whales prohibited.* It is forbidden to take or kill gray whales or right whales, except when the meat and products of such whales are to be used exclusively for local consumption by the aborigines.

§ 351.3 *Killing of calves or suckling whales prohibited.* It is forbidden to take or kill calves or suckling whales or female whales which are accompanied by calves or suckling whales.

§ 351.4 *Operation of factory ships limited.* (a) It is forbidden to kill or attempt to kill blue whales in the North Atlantic Ocean for a period of five years.[1]

(b) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill baleen whales in any of the following areas:

(1) In the waters north of 66° North Latitude except that from 150° East Longitude eastwards as far as 140° West Longitude the taking or killing of baleen whales by a factory ship or whale catcher shall be permitted between 66° North Latitude and 72° North Latitude;

(2) In the Atlantic Ocean and its dependent waters north of 40° South Latitude;

(3) In the Pacific Ocean and its dependent waters east of 150° West Longitude between 40° South Latitude and 35° North Latitude;

(4) In the Pacific Ocean and its dependent waters west of 150° West Longitude between 40° South Latitude and 20° North Latitude;

(5) In the Indian Ocean and its dependent waters north of 40° South Latitude.

§ 351.5 *Closed area for factory ships in Antarctic.* It is forbidden to use a whale catcher attached to a factory ship for the purposes of killing or attempting to kill baleen whales in the waters south of 40° South Latitude from 70° West Longitude westward as far as 160° West Longitude. (This article, as the result of the seventh meeting at Moscow, was rendered inoperative for a period of three years from November 8, 1955, after which it will automatically become operative again (November 8, 1958).)

§ 351.6 *Limitations on the taking of humpback whales.* (a) It is forbidden to kill or attempt to kill humpback whales in the North Atlantic Ocean for a period of five years.

(b) It is forbidden to kill or attempt to kill humpback whales in the waters south of 40° South Latitude between 0° Longitude and 70° West Longitude for a period of five years.

(c) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill humpback whales in any waters south of 40° South Latitude except on the 1st, 2d, 3d, and 4th February in any year.

§ 351.7 *Closed seasons for pelagic whaling for baleen and sperm whales.* (a) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill baleen whales (excluding minke whales) in any waters south of 40° South Latitude, except during the period from January 7 to April 7, following, both days inclusive; and no such whale catcher shall be used for the purpose of killing or attempting to kill blue whales before the 1st February in any year.

(b) It is forbidden to use a whale catcher attached to a factory ship for the purpose of killing or attempting to kill sperm or minke whales, except as permitted by the Contracting Governments in accordance with paragraphs (c), (d) and (e) of this section.

(c) Each Contracting Government shall declare for all factory ships and whale catchers attached thereto under its jurisdiction, one continuous open season not to exceed eight months out of any period of twelve months during which the taking or killing of sperm whales by whale catchers may be permitted; provided that a separate open season may be declared for each factory ship and the whale catchers attached thereto.

(d) Each Contracting Government shall declare for all factory ships and whale catchers attached thereto under its jurisdiction one continuous open season not to exceed six months out of any period of twelve months during which the taking or killing of minke whales by the whale catchers may be permitted; provided that:

(1) A separate open season may be declared for each factory ship and the whale catchers attached thereto;

(2) The open season need not necessarily include the whole or any part of the period declared for other baleen whales pursuant to paragraph (a) of this section.

(e) Each Contracting Government shall declare for all whale catchers under its jurisdiction not operating in conjunction with a factory ship or land station one continuous open season not to exceed six months out of any period of twelve months during which the taking or killing of minke whales by such whale catchers may be permitted.

§ 351.8 *Catch quota for baleen whales.* (a) The number of baleen whales taken during the open season caught in any waters south of 40° South Latitude by whale catchers attached to factory ships under the jurisdiction of the Contracting Governments shall not exceed fifteen thousand blue-whale units in the season 1955–56 and fourteen thousand five hundred blue-whale units thereafter.[2]

[1] This paragraph was objected to within the prescribed period ending November 7, 1954, by the Government of Iceland, and subsequently by that of Denmark. Neither objection was withdrawn and the paragraph came into force on February 24, 1955, but is not binding on Iceland and Denmark. It ceases to operate as from February 24, 1960.

[2] The reduction for the season 1955–56 came into operation as from November 8, 1955, and the further reduction thereafter as from March 7, 1956, but the further reduction is not binding on the Governments of the Netherlands, the United Kingdom, Panama, South Africa, Norway, Japan, U. S. A. and Canada, who lodged objections within the prescribed period.

(b) For the purposes of paragraph (a) of this section, blue-whale units shall be calculated on the basis that one blue whale equals:

(1) Two fin whales or

(2) Two and a half humpback whales or

(3) Six sei whales.

(c) Notification shall be given in accordance with the provision of Article VII of the Convention, within two days after the end of each calendar week, of data on the number of blue-whale units taken in any waters south of 40° South Latitude by all whale catchers attached to factory ships under the jurisdiction of each Contracting Government: *Provided*, That when the number of blue-whale units is deemed by the Bureau of International Whaling Statistics to have reached 13,500 in the season 1955–56 and 13,000 thereafter,[2] notification shall be given as aforesaid at the end of each day of data on the number of blue-whale units taken.

(d) If it appears that the maximum catch of whales permitted by paragraph (a) of this section may be reached before April 7 of any year, the Bureau of International Whaling Statistics shall determine, on the basis of the data provided, the date on which the maximum catch of whales shall be deemed to have been reached and shall notify the master of each factory ship and each Contracting Government of that date not less than four days in advance thereof. The killing or attempting to kill baleen whales by whale catchers attached to factory ships shall be illegal in any waters south of 40° South Latitude after midnight of the date so determined.

(e) Notification shall be given in accordance with the provisions of Article VII of the Convention of each factory ship intending to engage in whaling operations in any waters south of 40° South Latitude.

§ 351.9 *Minimum size limits.* (a) It is forbidden to take or kill any blue, sei or humpback whales below the following lengths:

Blue whales 70 feet (21.3 metres),
Sei whales 40 feet (12.2 metres),
Humpback whales 35 feet (10.7 metres),

except that blue whales of not less than 65 feet (19.8 metres) and sei whales of not less than 35 feet (10.7 metres) in length may be taken for delivery to land stations, provided that the meat of such whales is to be used for local consumption as human or animal food.

(b) It is forbidden to take or kill any fin whales below 57 feet (17.4 metres) in length for delivery to factory ships or land stations in the Southern Hemisphere, and it is forbidden to take or kill fin whales below 55 feet (16.8 metres) for delivery to factory ships or land stations in the Northern Hemisphere; except that fin whales of not less than 55 feet (16.8 metres) may be taken for delivery to land stations in the Southern Hemisphere and fin whales of not less than 50 feet (15.2 metres) may be taken for delivery to land stations in the Northern Hemisphere provided in each case that the meat of such whales is to be used for local consumption as human or animal food.

(c) It is forbidden to take or kill any sperm whales below 38 feet (11.6 metres) in length, except that sperm whales of not less than 35 feet (10.7 metres) in length may be taken for delivery to land stations.

(d) Whales must be measured when at rest on deck or platform, as accurately as possible by means of a steel tape measure fitted at the zero end with a spiked handle which can be stuck into the deck planking abreast of one end of the whale. The tape measure shall be stretched in a straight line parallel with the whale's body and read abreast the other end of the whale. The ends of the whale, for measurement purposes, shall be the point of the upper jaw and the notch between the tail flukes. Measurements, after being accurately read on the tape measure, shall be logged to the nearest foot, that is to say, any whale between 75 feet 6 inches and 76 feet 6 inches shall be logged as 76 feet, and any whale between 76 feet 6 inches and 77 feet 6 inches shall be logged as 77 feet. The measurement of any whale which falls on an exact half foot shall be logged at the next half foot, e. g. 76 feet 6 inches precisely shall be logged as 77 feet.

§ 351.10 *Closed seasons for land stations.* (a) It is forbidden to use a whale catcher attached to a land station for the purpose of killing or attempting to kill baleen and sperm whales except as permitted by the Contracting Government in accordance with paragraphs (b), (c), and (d) of this section.

(b) Each Contracting Government shall declare for all land stations under its jurisdiction, and whale catchers attached to such land stations, one open season during which the taking or killing of baleen (excluding minke) whales by the whale catchers shall be permitted. Such open season shall be for a period of not more than six consecutive months in any period of twelve months and shall apply to all landstations under the jurisdiction of the Contracting Government; provided that a separate open season may be declared for any land station used for the taking or treating of baleen (excluding minke) whales which is more than 1,000 miles from the nearest land station used for the taking or treating of baleen (excluding minke) whales under the jurisdiction of the same Contracting Government.

(c) Each Contracting Government[3] shall declare for all land stations under its jurisdiction and for whale catchers attached to such land stations, one open season not to exceed eight continuous months in any one period of twelve months, during which the taking or killing of sperm whales by the whale catchers shall be permitted, such period of eight months to include the whole of the period of six months declared for baleen whales (excluding minke whales) as provided for in paragraph (b) of this section; provided that a separate open season may be declared for any land station used for the taking or treating of sperm whales which is more than 1,000 miles from the nearest land station used for the taking or treating of sperm whales under the jurisdiction of the same Contracting Government.

(d) (1) Each Contracting Government shall declare for all land stations under its jurisdiction and for whale catchers attached to such land stations one open season not to exceed six continuous months in any period of twelve months during which the taking or killing of minke whales by the whale catchers shall be permitted (such period not being necessarily concurrent with the period declared for other baleen whales, as provided for in paragraph (b) of this section); provided that a separate open season may be declared for any land station used for the taking or treating of minke whales which is more than 1,000 miles from the nearest land station used for the taking or treating of minke whales under the jurisdiction of the same Contracting Government.

(2) Except that a separate open season may be declared for any land station used for the taking or treating of minke whales which is located in an area having oceanographic conditions clearly distinguishable from those of the area in which are located the other land stations used for the taking or treating of minke whales under the jurisdiction of the same Contracting Government; but the declaration of a separate open season by virtue of the provisions of this paragraph shall not cause thereby the period of time covering the open seasons declared by the same Contracting Government to exceed nine continuous months of any twelve months.

(e) The prohibitions contained in this section shall apply to all land stations as defined in Article II of the Whaling Convention of 1946 and to all factory ships which are subject to the regulations governing the operation of land stations under the provisions of § 351.17.

§ 351.11 *Use of factory ships in waters other than south of 40° South Latitude.* It is forbidden to use a factory ship which has been used during a season in any waters south of 40° South Latitude for the purpose of treating baleen whales, in any other area for the same purpose within a period of one year from termination of that season.

§ 351.12 *Limitations of processing of whales.* (a) It is forbidden to use a factory ship or a land station for the purpose of treating any whales (whether or not killed by whale catchers under the jurisdiction of a Contracting Government) the killing of which by whale catchers under the jurisdiction of a Contracting Government is prohibited by the provisions of §§ 351.2, 351.4, 351.5, 351.6, 351.7, 351.8 or 351.10.

(b) All other whales (except minke whales) taken shall be delivered to the factory ship or land station and all parts of such whales shall be processed by boiling or otherwise, except the internal organs, whale bone and flippers of all whales, the meat of sperm whales and of parts of whales intended for human food or feeding animals.

(c) Complete treatment of the carcasses of "Dauhval" and of whales used as fenders will not be required in cases where the meat or bone of such whales is in bad condition.

§ 351.13 *Prompt processing required.* (a) The taking of whales for delivery to a factory ship shall be so regulated or restricted by the master or person in charge of the factory ship that no whale carcass (except of a whale used as a fender, which shall be processed as soon as is reasonably practicable) shall remain in the sea for a longer period than thirty-three hours from the time of killing to the time when it is hauled up for treatment.

(b) Whales taken by all whale catchers, whether for factory ships or land stations, shall be clearly marked so as to identify the catcher and to indicate the order of catching.

(c) All whale catchers operating in conjunction with a factory ship shall report by radio to the factory ship:

(1) The time when each whale is taken,

(2) Its species, and

(3) Its marking effected pursuant to paragraph (b) of this section.

(d) The information reported by radio pursuant to paragraph (c) of this section shall be entered immediately in a permanent record which shall be available at all times for examination by the whaling inspectors; and in addition there shall be entered in such permanent record the following information as soon as it becomes available:

(1) Time of hauling up for treatment,

(2) Length, measured pursuant to paragraph (d) of § 351.9,

(3) Sex,

(4) If female, whether milk-filled or lactating,

(5) Length and sex of foetus, if present and

(6) A full explanation of each infraction.

(e) A record similar to that described in paragraph (d) of this section shall be maintained by land stations, and all of the information mentioned in the said paragraph shall be entered therein as soon as available.

§ 351.14 *Remuneration of employees.* Gunners and crews of factory ships, land stations, and whale catchers, shall be engaged on such terms that their remuneration shall depend to a considerable extent upon such factors as the species, size and yield of whales taken and not merely upon the number of the whales taken. No bonus or other remuneration shall be paid to the gunners or crews of whale catchers in respect to the taking of milk-filled or lactating whales.

§ 351.15 *Submission of laws and regulations.* Copies of all official laws and regulations relating to whales and whaling and changes in such laws and regulations shall be transmitted to the Commission.

§ 351.16 *Submission of statistical data.* Notification shall be given in accordance with the provisions of Article VII of the Convention with regard to all factory ships and land stations of statistical information (a) concerning the number of whales of each species taken, the number thereof lost, and the number treated at each factory ship or land station, and (b) as to the aggregate amounts of oil of each grade and quantities of meal, fertilizer (guano), and other products derived from them, together with (c) particulars with respect to each whale treated in the factory ship or land station as to the date and approximate latitude and longitude of taking, the species and sex of the whale, its length and, if it contains a foetus, the length and sex, if ascertainable, of the foetus. The data referred to in paragraphs (a) and (c) of this section shall be verified at the time of the tally and there shall also be notification to the Commission of any information which may be collected or obtained concerning the calving grounds and migration routes of whales. In communicating this information there shall be specified:

(a) The name and gross tonnage of each factory ship;

(b) The number and aggregate gross tonnage of the whale catchers;

(c) A list of the land stations which were in operation during the period concerned.

§ 351.17 *Factory ship operations within territorial waters.*[4] (a) A factory ship which operates solely within territorial waters in one of the areas specified in paragraph (c) of this section, by permission of the Government having jurisdiction over those waters, and which flies the flag of that Government shall, while so operating, be subject to the regulations governing the operation of land stations and not to the regulations governing the operation of factory ships.

(b) Such factory ship shall not, within a period of one year from the termination of the season in which she so operated, be used for the purpose of treating baleen whales in any of the other areas specified in paragraph (c) of this section or south of 40° South Latitude.

(c) The areas refered to in paragraphs (a) and (b) of this section are:

(1) On the coast of Madagascar and its dependencies;

(2) On the west coasts of French Africa;

(3) On the coasts of Australia, namely on the whole east coast and on the west coast in the area known as Shark Bay and northward to North-west Cape and including Exmouth Gulf and King George's Sound, including the Port of Albany.

§ 351.18 *Definitions.* The following expressions have the meanings respectively assigned to them, that is to say:

"Baleen whale" means any whale which has baleen or whale bone in the mouth, i. e., any whale other than a toothed whale.

"Blue whale" (Balaenoptera or Sibbaldus musculus) means any whale known by the name of blue whale, Sibbald's rorqual, or sulphur bottom.

"Dauhval" means any unclaimed dead whale found floating.

"Fin whale" (Balaenoptera physalus) means any whale known by the name of common finback, common rorqual, finback, finner, fin whale, herring whale, razorback or true fin whale.

"Gray whale" (Rhachianectes glaucus) means any whale known by the name of gray whale, California gray, devil fish, hard head, mussel digger, gray back or rip sack.

"Humpback whale" (Megaptera nodosa or novaeangliae) means any whale known by the name of bunch, humpback, humpback whale, humpbacked whale, hump whale or hunchbacked whale.

"Minke whale" (Balaenoptera acutorostrata, B. Davidsoni, B. huttoni) means any whale known by the name of lesser rorqual, little piked whale, minke whale, pike-headed whale or sharp headed finner.

"Right whale" (Balaena mysticetus; Eubalaena glacialis, E. australis, etc; Neobalaena marginata) means any whale known by the name of Atlantic right whale, Artic right whale, Biscayan right whale, bowhead, great polar whale, Greenland right whale, Greenland whale, Nordkaper, North Atlantic right whale, North Cape whale, Pacific right whale, pigmy right whale, Southern pigmy right whale, or Southern right whale.

"Sei whale" (Balaenoptera borealis) means any whale known by the name of sei whale, Rudolphi's rorqual, pollack whale, or coalfish whale and shall be taken to include Bryde's whale (B. brydei).

"Sperm whale" (Physeter catodon) means any whale known by the name of sperm whale, spermacet whale, cachalot or pot whale.

"Toothed whale" means any whale which has teeth in the jaws.

"Whales taken" means whales that have been killed and either flagged or made fast to catchers.

FRED A. SEATON,
*Secretary of the Interior.*

JUNE 20, 1956.

[F. R. Doc. 56-5042; Filed, June 26, 1956; 8:48 a. m.]

[2] The reduction for the season 1955–56 came into operation as from November 8, 1955, and the further reduction thereafter as from March 7, 1956, but the further reduction is not binding on the Governments of the Netherlands, the United Kingdom, Panama, South Africa, Norway, Japan, U. S. A. and Canada, who lodged objections within the prescribed period.

[3] Section 351.10 (c) came into force as from February 21, 1952, in respect to all Contracting Governments, except the Commonwealth of Australia, who lodged an objection to it within the prescribed period, and this objection was not withdrawn. The provisions of this paragraph are not therefore binding on the Commonwealth of Australia.

[4] Section 351.17 was inserted by the Commission at its first meeting in 1949, and came into force on 11th January, 1950, as regards all Contracting Governments except France, who therefore remain bound by the provisions of the original § 351.17, which reads as follows:

§ 351.17 Notwithstanding the definition of land station contained in Article II of the Convention, a factory ship operating under the jurisdiction of a Contracting Government, and the movements of which are confined solely to the territorial waters of that Government, shall be subject to the regulations governing the operation of land stations within the following areas:

(a) On the coast of Madagascar and its dependencies, and on the west coasts of French Africa;

(b) On the west coast of Australia in the area known as Shark Bay and northward to Northwest Cape and including Exmouth Gulf and King George's Sound, including the port of Albany; and on the east coast of Australia, in Twofold Bay and Jervis Bay.

# PROPOSED RULE MAKING

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### [ 26 CFR (1954) Part 1 ]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

INCOME IN RESPECT OF DECEDENTS

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in sections 691 (d) and 7805 of the Internal Revenue Code of 1954 (68A Stat. 237 and 917; 26 U. S. C. 691 (d) and 7805).

[SEAL] O. GORDON DELK,
*Acting Commissioner of Internal Revenue.*

The following regulations, relating to income in respect of decedents, are hereby prescribed under sections 691 and 692 of the Internal Revenue Code of 1954, and are effective for taxable years beginning after December 31, 1953, and ending after August 16, 1954:

INCOME IN RESPECT OF DECEDENTS.


Sec.
1.691–1 Scope of section 691.
1.691 (a) Statutory provisions; recipients of income in respect of decedents; inclusion in gross income.
1.691 (a)–1 Income in respect of a decedent.
1.691 (a)–2 Inclusion in gross income by recipients.
1:691 (a)–3 Character of gross income.
1:691 (a)–4 Transfer of right to income in respect of a decedent.
1.691 (a)–5 Installment obligations acquired from decedent.
1.691 (b) Statutory provisions; recipients of income in respect of dedecedents; allowance of deductions and credit.
1.691 (b)–1 Allowance of deductions and credit in respect of decedents.
1.691 (c) Statutory provisions; recipients of income in respect of decedents; deduction for estate tax.
1.691 (c)–1 Deduction for estate tax attributable to income in respect of a decedent.
1.691 (c)–2 Estates and trusts.
1.691 (d) Statutory provisions; recipients of income in respect of decedents; amounts received by surviving annuitant under joint and survivor annuity contract.
1.691 (d)–1 Amounts received by surviving annuitant under joint and survivor annuity contract.
1.691 (e) Statutory provisions; recipients of income in respect of decedents; cross reference.
1.691 (e)–1 Cross reference.
1.692 Statutory provisions; income taxes on members of Armed Forces on death.
1.692–1 Abatement of income taxes of certain members of the Armed Forces of the United States upon death.


INCOME IN RESPECT OF DECEDENTS

§ 1.691–1 *Scope of section 691.* In general, the regulations under section 691 cover: (a) The provisions requiring that amounts which are not includible in gross income for the decedent's last taxable year or for a prior taxable year be included in the gross income of the estate or persons receiving such income to the extent that such amounts constitute "income in respect of a decedent"; (b) the taxable effect of a transfer of the right to such income; (c) the treatment of certain deductions and credit in respect of a decedent which are not allowable to the decedent for the taxable period ending with his death or for a prior taxable year; (d) the allowance to a recipient of income in respect of a decedent of a deduction for estate taxes attributable to the inclusion of the value of the right to such income in the decedent's estate; and (e) special provisions with respect to installment obligations acquired from a decedent and with respect to the allowance of a deduction for estates taxes to a surviving annuitant under a joint and survivor annuity contract.

§ 1.691 (a) *Statutory provisions; recipients of income in respect of decedents; inclusion in gross income.*

SEC. 691. *Recipients of income in respect of decedents*—(a) *Inclusion in gross income*—(1) *General rule.* The amount of all items of gross income in respect of a decedent which are not properly includible in respect of the taxable period in which falls the date of his death or a prior period (including the amount of all items of gross income in respect of a prior decedent, if the right to receive such amount was acquired by reason of the death of the prior decedent or by bequest, devise, or inheritance from the prior decedent) shall be included in the gross income, for the taxable year when received, of:

(A) The estate of the decedent, if the right to receive the amount is acquired by the decedent's estate from the decedent;

(B) The person who, by reason of the death of the decedent, acquires the right to receive the amount, if the right to receive the amount is not acquired by the decedent's estate from the decedent; or

(C) The person who acquires from the decedent the right to receive the amount by bequest, devise, or inheritance, if the amount is received after a distribution by the decedent's estate of such right.

(2) *Income in case of sale, etc.* If a right, described in paragraph (1), to receive an amount is transferred by the estate of the decedent or a person who received such right by reason of the death of the decedent or by bequest, devise, or inheritance from the decedent, there shall be included in the gross income of the estate or such person, as the case may be, for the taxable period in which the transfer occurs, the fair market value of such right at the time of such transfer plus the amount by which any consideration for the transfer exceeds such fair market value. For purposes of this paragraph, the term "transfer" includes sale, exchange, or other disposition, or the satisfaction of an installment obligation at other than face value, but does not include transmission at death to the estate of the decedent or a transfer to a person pursuant to the right of such person to receive such amount by reason of the death of the decedent or by bequest, devise, or inheritance from the decedent.

(3) *Character of income determined by reference to decedent.* The right, described in paragraph (1), to receive an amount shall be treated, in the hands of the estate of the decedent or any person who acquired such right by reason of the death of the decedent, or by bequest, devise, or inheritance from the decedent, as if it had been acquired by the estate or such person in the transaction in which the right to receive the income was originally derived and the amount includible in gross income under paragraph (1) or (2) shall be considered in the hands of the estate or such person to have the character which it would have had in the hands of the decedent if the decedent had lived and received such amount.

(4) *Installment obligations acquired from decedent.* In the case of an installment obligation received by a decedent on the sale or other disposition of property, the income from which was properly reportable by the decedent on the installment basis under section 453, if such obligation is acquired by the decedent's estate from the decedent or by any person by reason of the death of the decedent or by bequest, devise, or inheritance from the decedent—

(A) An amount equal to the excess of the face amount of such obligation over the basis of the obligation in the hands of the decedent (determined under section 453 (d)) shall, for the purpose of paragraph (1), be considered as an item of gross income in respect of the decedent; and

(B) Such obligation shall, for purposes of paragraphs (2) and (3), be considered a right to receive an item of gross income in respect of the decedent, but the amount includible in gross income under paragraph (2) shall be reduced by an amount equal to the basis of the obligation in the hands of the decedent (determined under section 453 (d)).

§ 1.691 (a)–1 *Income in respect of a decedent*—(a) *General definition.* In general, the term "income in respect of a decedent" refers to those amounts to which a decedent was entitled as gross income but which were not includible in computing his taxable income for the taxable year ending with the date of his death or for a previous taxable year because of the method of accounting employed by the decedent. See the regulations under section 451. Thus, the term includes:

(1) All accrued income of a decedent who reported his income by use of the cash receipts and disbursements method;

(2) Income accrued solely by reason of the decedent's death in case of a decedent who reports his income by use of the accrual method of accounting; and

(3) Income to which the decedent had a contingent claim at the time of his death.



See sections 736 and 753 and the regulations thereunder for "income in respect of a decedent" in the case of a deceased partner.

(b) *Prior decedent.* The term "income in respect of a decedent" also includes the amount of all items of gross income in respect of a prior decedent, if (1) the right to receive such amount was acquired by the decedent by reason of the death of the prior decedent or by bequest, devise, or inheritance from the prior decedent and if (2) the amount of gross income in respect of the prior decedent was not properly includible in computing the decedent's taxable income for the taxable year ending with the date of his death or for a previous taxable year. See example (2) of § 1.691 (a)–2 (b).

(c) *Items excluded from gross income.* Section 691 only applies to the amount of items of gross income in respect of a decedent, and items which are excluded from gross income under subtitle A are not within the provisions of section 691.

(d) *Cross reference.* For items deemed income in respect of a decedent for purposes of the deduction for estate taxes provided by section 691 (c), see § 1.691 (c)–1 (c).

§ 1.691 (a)–2 *Inclusion in gross income by recipients.* (a) Under section 691 (a) (1), income in respect of a decedent shall be included in the gross income, for the taxable year when received, of:

(1) The estate of the decedent, if the right to receive the amount is acquired by the decedent's estate from the decedent;

(2) The person who, by reason of the death of the decedent, acquires the right to receive the amount, if the right to receive the amount is not acquired by the decedent's estate from the decedent; or

(3) The person who acquires from the decedent the right to receive the amount by bequest, devise, or inheritance, if the amount is received after a distribution by the decedent's estate of such right.

These amounts are included in the income of the estate or of such persons when received by them whether or not they report income by use of the cash receipts and disbursements method.

(b) The application of paragraph (a) of this section may be illustrated by the following examples:

*Example (1).* The decedent, who kept his books by use of the cash receipts and disbursements method, was entitled at the date of his death to a large salary payment to be made in equal annual installments over five years. His estate, after collecting two installments, distributed the right to the remaining installment payments to the residuary legatee of the estate. The estate must include in its gross income the two installments received by it, and the legatee must include in his gross income each of the three installments received by him.

*Example (2).* A widow acquired, by bequest from her husband, the right to receive renewal commissions on life insurance sold by him in his lifetime, which commissions were payable over a period of years. The widow died before having received all of such commissions, and her son inherited the right to receive the rest of the commissions. The commissions received by the widow were includible in her gross income. The commissions received by the son were not includible in the widow's gross income but must be included in the gross income of the son.

*Example (3).* The decedent owned a defense bond, with his wife as co-owner or beneficiary, but died before the payment of such bond. The entire amount of interest accruing on the bond and not includible in income by the decedent, not just the amount accruing after the death of the decedent, would be treated as income to his wife when the bond is paid.

*Example (4).* A, prior to his death, acquired 10,000 shares of the capital stock of the X Corporation at a cost of $100 per share. During his lifetime, A had entered into a contract with X Corporation or with other shareholders whereby X Corporation or other shareholders agreed to purchase and the decedent agreed that his executor would sell the 10,000 shares of X Corporation stock owned by him at the book value of the stock at the date of A's death. Upon A's death, the shares are sold by A's executor for $500 a share pursuant to the agreement. Since the sale of stock is consummated after A's death, there is no income in respect of a decedent with respect to the appreciation in value of A's stock to the date of his death.

§ 1.691 (a)–3 *Character of gross income.* (a) The right to receive an amount of income in respect of a decedent shall be treated in the hands of the estate, or by the person entitled to receive such amount by bequest, devise, or inheritance from the decedent or by reason of his death, as if it had been acquired in the transaction by which the decedent (or a prior decedent) acquired such right, and shall be considered as having the same character it would have had if the decedent (or a prior decedent) had lived and received such amount. The provisions of section 1014 (a), relating to the basis of property acquired from a decedent, do not apply to these amounts in the hands of the estate and such persons. See section 1014 (c).

(b) The application of paragraph (a) of this section may be illustrated by the following:

(1) If the income would have been capital gain to the decedent, if he had lived and had received it, from the sale of property held for more than 6 months, the income, when received, shall be treated in the hands of the estate or of such person as capital gain from the sale of the property, held for more than 6 months, in the same manner as if such person had held the property for the period the decedent held it, and had made the sale.

(2) If the income is interest on United States obligations which were owned by the decedent, such income shall be treated as interest on United States obligations in the hands of the person receiving it, for the purpose of determining the credit provided by section 35, as if such person had owned the obligations with respect to which such interest is paid.

(3) If the amounts received would be subject to special treatment under sections 1301 to 1305, inclusive, relating to income attributable to several taxable years, if the decedent had lived and included such amounts in his gross income, such sections apply with respect to the recipient of the income.

(4) The provisions of sections 632 and 1347, relating to the tax attributable to the sale of certain oil or gas property and to certain claims against the United States, apply to any amount included in gross income, the right to which was obtained by the decedent by a sale or claim within the provisions of those sections.

§ 1.691 (a)–4 *Transfer of right to income in respect of a decedent.* (a) Section 691 (a) (2) provides the rules governing the treatment of income in respect of a decedent (or a prior decedent) in the event a right to receive such income is transferred by the estate or person entitled thereto by bequest, devise, or inheritance, or by reason of the death of the decedent. In general, the transferor must include in his gross income for the taxable period in which the transfer occurs, the amount of the consideration, if any, received for the right or the fair market value of the right at the time of the transfer, whichever is greater. Thus, upon a sale of such right, the fair market value of the right or the amount received upon the sale, whichever is greater, is included in the gross income of the vendor. Similarly, if such right is disposed of by gift, the fair market value of the right at the time of the gift must be included in the gross income of the donor. In the case of a satisfaction of an installment obligation at other than face value, which is likewise considered a transfer under section 691 (a) (2), see § 1.691 (a)–5.

(b) If an estate of a decedent or any person transmits the right to income in respect of a decedent to another who would be required by section 691 (a) (1) to include such income when received in his gross income, only the transferee will include such income when received in his gross income. In this situation, a transfer within the meaning of section 691 (a) (2) has not occurred. This statement may be illustrated by the following:

(1) If a person entitled to income in respect of a decedent dies before receiving such income, only his estate or other person entitled to such income by bequest, devise, or inheritance from the latter decedent, or by reason of the death of the latter decedent, must include such amount in gross income when received.

(2) If a right to income in respect of a decedent is transferred by an estate to a specific or residuary legatee, only the transferee must include such income in gross income when received.

(3) If a trust to which is bequeathed a right of a decedent to certain payments of income terminates and transfers the right to a beneficiary, only the beneficiary must include such income in gross income when received.

If, in any of the above examples, the transferee transfers his right to receive the amounts in the manner described in paragraph (a) of this section, the principles contained in paragraph (a) are applied to the later transfer. On the other hand, if the transferee transmits his right in the manner described in this paragraph, the principles of this paragraph are again applied to the later transfer.

§ 1.691 (a)–5 *Installment obligations acquired from decedent.* (a) Section 691 (a) (4) has reference to an installment obligation which remains uncol-

lected by a decedent (or a prior decedent) and which was originally acquired in a transaction the income from which was properly reportable by the decedent on the installment method under section 453. Under the provisions of section 691 (a) (4), an amount equal to the excess of the face value of the obligation over its basis in the hands of the decedent (determined under section 453 (d) (2)) shall be considered an amount of income in respect of a decedent and shall be treated as such. The decedent's estate (or the person entitled to receive such income by bequest, devise, or inheritance from the decedent or by reason of the decedent's death) shall include in his gross income when received the same proportion of any payment in satisfaction of such obligations as would be returnable as income by the decedent if he had lived and received such payment. No gain on account of the transmission of such obligations by the decedent's death is required to be reported as income in the return of the decedent for the year of his death.

(b) If an installment obligation described in paragraph (a) of this section is transferred within the meaning of section 691 (a) (2) and § 1.691 (a)–4 (a), the entire installment obligation transferred shall be considered a right to income in respect of a decedent but the amount includible in the gross income of the transferor shall be reduced by an amount equal to the basis of the obligation transferred in the hands of the decedent (determined under section 453 (d) (2) and the regulations thereunder). Thus, the amount includible in the gross income of the transferor shall be the fair market value of such obligation at the time of the transfer or the consideration received for the transfer of the installment obligation, whichever is greater, reduced by the basis of the obligation in the hands of the decedent. For purposes of this paragraph, the term "transfer" in section 691 (a) (2) and § 1.691 (a)–4 (a) includes the satisfaction of an installment obligation at other than face value.

(c) The application of this section may be illustrated by the following example:

*Example.* An heir of a decedent is entitled to collect an installment obligation with a face value of $100, a fair market value of $80 and a basis in the hands of the decedent of $60. If the heir collects the obligation at face value, the excess of the amount collected over the basis is considered income in respect of a decedent and includible in the gross income of the heir under section 691 (a) (1). In this case, the amount includible would be $40. If the heir collects the obligation at $90, an amount other than face value, the entire obligation is considered a right to receive income in respect of a decedent but the amount ordinarily required to be included in the heir's gross income under section 691 (a) (2) (viz., the consideration received in satisfaction of the installment obligation or its fair market value, whichever is greater) shall be reduced by the amount of the basis of the obligation in the hands of the decedent. In this case, the amount includible would be $30.

§ 1.691 (b) *Statutory provisions; recipients of income in respect of decedents; allowance of deductions and credit.*

SEC. 691. *Recipients of income in respect of decedents.* • • •

(b) *Allowance of deductions and credit.* The amount of any deduction specified in section 162, 163, 164, 212, or 611 (relating to deductions for expenses, interest, taxes, and depletion) or credit specified in section 33 (relating to foreign tax credit), in respect of a decedent which is not properly allowable to the decedent in respect of the taxable period in which falls the date of his death, or a prior period, shall be allowed:

(1) *Expenses, interest, and taxes.* In the case of a deduction specified in section 162, 163, 164, or 212 and a credit specified in section 33, in the taxable year when paid—

(A) To the estate of the decedent; except that

(B) If the estate of the decedent is not liable to discharge the obligation to which the deduction or credit relates, to the person who, by reason of the death of the decedent or by bequest, devise, or inheritance acquires, subject to such obligation, from the decedent an interest in property of the decedent.

(2) *Depletion.* In the case of the deduction specified in section 611, to the person described in subsection (a) (1) (A), (B), or (C) who, in the manner described therein, receives the income to which the deduction relates, in the taxable year when such income is received.

§ 1.691 (b)–1 *Allowance of deductions and credit in respect of decedents.* (a) Under section 691 (b) the expenses, interest, and taxes described in sections 162, 163, 164, and 212 for which the decedent (or a prior decedent) was liable, which were not properly allowable as a deduction in his last taxable year or any prior taxable year, are allowed when paid (1) as a deduction by the estate, or (2) if the estate was not liable to pay such obligation, as a deduction by the person who by bequest, devise, or inheritance from the decedent or by reason of the death of the decedent acquires, subject to such obligation, an interest in property of the decedent (or the prior decedent). Similar treatment is given to the foreign tax credit provided by section 33. For the purposes of subparagraph (2) of this paragraph, the right to receive an amount of gross income in respect of a decedent is considered property of the decedent; on the other hand, it is not necessary for a person, otherwise within the provisions of subparagraph (2) of this paragraph, to receive the right to any income in respect of a decedent. Thus, an heir who receives a right to income in respect of a decedent (by reason of the death of the decedent) subject to an income tax imposed by a foreign country during the decedent's life, which tax must be satisfied out of such income, is entitled to the credit provided by section 33 when he pays the tax. If the decedent, who reported income by use of the cash receipts and disbursements method, owned real property on which accrued taxes had become a lien, and if such property passed directly to the heir of the decedent in a jurisdiction in which real property does not become a part of a decedent's estate, the heir, upon paying such taxes, may take the same deduction under section 164 that would be allowed to the decedent if, while alive, he had made such payments.

(b) The deduction for percentage depletion is allowable only to the person (described in section 691 (a) (1)) who receives the income in respect of the decedent to which the deduction relates, whether or not such person receives the property from which such income is derived. Thus, an heir who (by reason of the decedent's death) receives income derived from sales of units of mineral by the decedent (who reported income by use of the cash receipts and disbursements method) shall be allowed the deduction for percentage depletion, computed on the gross income from such number of units as if the heir had the same economic interest in the property as the decedent. Such heir need not also receive any interest in the mineral property other than such income. If the decedent did not compute his deduction for depletion on the basis of percentage depletion, any deduction for depletion to which the decedent was entitled at the date of his death would be allowable in computing his taxable income for his last taxable year, and there can be no deduction in respect of the decedent by any other person for such depletion.

§ 1.691 (c) *Statutory provisions; recipients of income in respect of decedents; deduction for estate tax.*

SEC. 691. *Recipients of income in respect of decedents.* • • •

(c) *Deduction for estate tax*—(1) *Allowance of deduction*—(A) *General rule.* A person who includes an amount in gross income under subsection (a) shall be allowed, for the same taxable year, as a deduction an amount which bears the same ratio to the estate tax attributable to the net value for estate tax purposes of all the items described in subsection (a) (1) as the value for estate tax purposes of the items of gross income or portions thereof in respect of which such person included the amount in gross income (or the amount included in gross income, whichever is lower) bears to the value for estate tax purposes of all the items described in subsection (a) (1).

(B) *Estates and trusts.* In the case of an estate or trust, the amount allowed as a deduction under subparagraph (A) shall be computed by excluding from the gross income of the estate or trust the portion (if any) of the items described in subsection (a) (1) which is properly paid, credited, or to be distributed to the beneficiaries during the taxable year. This subparagraph shall apply to the same taxable years, and to the same extent, as is provided in section 683.

(2) *Method of computing deduction.* For purposes of paragraph (1)—

(A) The term "estate tax" means the tax imposed on the estate of the decedent or any prior decedent under section 2001 or 2101, reduced by the credits against such tax.

(B) The net value for estate tax purposes of all the items described in subsection (a) (1) shall be the excess of the value for estate tax purposes of all the items described in subsection (a) (1) over the deductions from the gross estate in respect of claims which represent the deductions and credit described in subsection (b). Such net value shall be determined with regard to the provisions of section 421 (d) (6) (B), relating to the deduction for estate tax with respect to restricted stock options.

(C) The estate tax attributable to such net value shall be an amount equal to the excess of the estate tax over the estate tax computed without including in the gross estate such net value.



§ 1.691 (c)–1 *Deduction for estate tax attributable to income in respect of a decedent*—(a) *In general.* A person who is required to include in gross income for any taxable year an amount of income in respect of a decedent may deduct for the same taxable year that portion of the estate tax imposed upon the decedent's estate which is attributable to the inclusion in the decedent's estate of the right to receive such amount. The deduction is determined as follows:

(1) Ascertain the net value in the decedent's estate of the items which are included under section 691 in computing gross income. This is the excess of the value included in the gross estate on account of the items of gross income in respect of the decedent (see § 1.691 (a)–1 and paragraph (c) of this section) over the deductions from the gross estate for claims which represent the deductions and credit in respect of the decedent (see § 1.691 (b)–1). But see section 691 (d) and § 1.691 (d)–1 (b) for computation of the special value of a survivor's annuity to be used in computing the net value for estate tax purposes in cases involving joint and survivor annuities.

(2) Ascertain the portion of the estate tax attributable to the inclusion in the gross estate of such net value. This is the excess of the estate tax over the estate tax computed without including such net value in the gross estate. In computing the estate tax without including such net value in the gross estate, any estate tax deduction (such as the marital deduction) which may be based upon the gross estate shall be recomputed so as to take into account the exclusion of such net value from the gross estate. See example (2), § 1.691 (d)–1 (e). For purposes of this section, the term "estate tax" means the tax imposed under section 2001 or 2101 (or the corresponding provisions of the Internal Revenue Code of 1939), reduced by the credits against such tax.

Each person including in gross income an amount of income in respect of a decedent may deduct as his share of the portion of the estate tax (computed under subparagraph (2) of this paragraph) an amount which bears the same ratio to such portion as the value in the gross estate of the right to the income included by such person in gross income (or the amount included in gross income if lower) bears to the value in the gross estate of all the items of gross income in respect of the decedent.

(b) *Prior decedent.* If a person is required to include in gross income an amount of income in respect of a prior decedent, such person may deduct for the same taxable year that portion of the estate tax imposed upon the prior decedent's estate which is attributable to the inclusion in the prior decedent's estate of the value of the right to receive such amount. This deduction is computed in the same manner as provided in paragraph (a) of this section and is in addition to the deduction of estate tax imposed upon the decedent's estate which is attributable to the inclusion in the decedent's estate of the right to receive such amount.

(c) *Amounts deemed income in respect of a decedent.* For purposes of allowing the deduction under section 691 (c), the following items are also considered income in respect of a decedent under section 691 (a):

(1) The value for estate tax purposes of restricted stock options in respect of which amounts are includible in gross income under section 421 (b). See section 421 (d) (6).

(2) Amounts received by a surviving annuitant during his life expectancy period as an annuity under a joint survivor contract to the extent included in gross income under section 72. See section 691 (d).

(d) *Examples.* Paragraphs (a) and (b) of this section may be illustrated by the following examples:

*Example (1).* X, an attorney who kept his books by use of the cash receipts and disbursements method, was entitled at the date of his death to a fee for services rendered in a case not completed at the time of his death, which fee was valued in his estate at $1,000, and to accrued bond interest, which was valued in his estate at $500. In all, $1,500 was included in his gross estate in respect of income described in section 691 (a) (1). There were deducted as claims against his estate $150 for business expenses for which his estate was liable and $50 for taxes accrued on certain property which he owned. In all, $200 was deducted for claims which represent amounts described in section 691 (b) which are allowable as deductions to his estate or to the beneficiaries of his estate. His gross estate was $185,000 and considering deductions of $15,000 and a specific exemption of $60,000, his taxable estate amounted to $110,000. The estate tax on this amount is $23,700 from which is subtracted a $75 credit for State death taxes leaving an estate tax liability of $23,625. In the year following the closing of X's estate, the fee in the amount of $1,200 was collected by X's son, who was the sole beneficiary of the estate. This amount was included under section 691 (a) (1) (C) in the son's gross income. The son may deduct, in computing his taxable income for such year, $260 on account of the estate tax attributable to such income, computed as follows:

| | |
|---|---|
| (i) (I) Value of income described in section 691 (a) (1) included in computing gross estate | $1,500 |
| (II) Deductions in computing gross estate for claims representing deductions described in section 691 (b) | 200 |
| (III) Net value of items described in section 691 (a) (1) | 1,300 |
| (2) (I) Estate tax | 23,625 |
| (II) Less: Estate tax computed without including $1,300 (item (1) (III)) in gross estate | 23,235 |
| (III) Portion of estate tax attributable to net value of items described in section 691 (a) (1) | 390 |
| (3) (I) Value in gross estate of items described in section 691 (a) (1) received in taxable year (fee) | 1,000 |
| (II) Value in gross estate of all income items described in section 691 (a) (1) (item (1) (I)) | 1,500 |
| (III) Part of estate tax deductible on account of receipt of $1,200 fee (1,000/1,500 of $390) | 260 |

Although $1,200 was later collected as the fee, only the $1,000 actually included in the gross estate is used in the above computations. However, to avoid distortion, section 691 (c) provides that if the value included in the gross estate is greater than the amount finally collected, only the amount collected shall be used in the above computations. Thus, if the amount collected as the fee were only $500, the estate tax deductible on the receipt of such amount would be 500/1,500 of $390, or $130. See § 1.421–5 (d) (3) for a similar example involving a restricted stock option.

*Example (2).* Assume that in example (1) the fee valued at $1,000 had been earned by prior decedent Y and had been inherited by X who died before collecting it. The fee would be considered income in respect of a prior decedent. Assume further that the fee was valued at $1,000 in Y's estate, that the net value in Y's estate of items described in section 691 (a) (1) was $5,000 and that the estate tax imposed on Y's estate attributable to such net value was $550. In such case, the portion of such estate tax attributable to the fee would be 1,000/5,000 of $550, or $110. When the son collects the $1,200 fee, he will receive for the same taxable year a deduction of $110 with respect to the estate tax imposed on the estate of prior decedent Y as well as the deduction of $260 (as computed in example (1)) with respect to the estate tax imposed on the estate of decedent X. For purposes of this example, the credit for estate tax on prior transfers is disregarded. If such credit were applicable, it would be reflected in example (1) in computing the portion of estate tax attributable to the net value of income items.

§ 1.691 (c)–2 *Estates and trusts.* (a) In the case of an estate or trust, the deduction prescribed in section 691 (c) is determined in the same manner as described in § 1.691 (c)–1, with the following exceptions:

(1) If any amount properly paid, credited, or required to be distributed by an estate or trust to a beneficiary consists of income in respect of a decedent received by the estate or trust during the taxable year—

(i) Such income shall be excluded in determining the income in respect of the decedent with respect to which the estate or trust is entitled to a deduction, and

(ii) Such income shall be considered income in respect of a decedent to such beneficiary for purposes of allowing the deduction under section 691 (c) to such beneficiary.

(2) For determination of the amount of income in respect of a decedent received by the beneficiary, see sections 652 and 662 and the regulations thereunder. However, for this purpose, distributable net income as defined in section 643 (a) and the regulations thereunder shall be computed without taking into account the estate tax deduction provided in section 691 (c) and this section. Distributable net income as modified under the preceding sentence shall be applied for other relevant purposes of subchapter J, such as the deduction provided by section 651 or 661, or subpart D of part I of subchapter J, relating to excess distributions by trusts.

(3) The rule stated in subparagraph (1) of this paragraph does not apply to income in respect of a decedent which is properly allocable to corpus by the fiduciary during the taxable year but which is distributed to a beneficiary in

a subsequent year. The deduction provided by section 691 (c) in such a case is allowable only to the estate or trust. If any amount properly paid, credited, or required to be distributed by a trust qualifies as a distribution under section 666, the fact that a portion thereof constitutes income in respect of a decedent shall be disregarded for the purposes of determining the deduction of the trust and of the beneficiaries under section 691 (c) since the deduction for estate taxes was taken into consideration in computing the undistributed net income of the trust for the preceding taxable year.

(b) This section shall apply only to amounts properly paid, credited, or required to be distributed in taxable years of an estate or trust beginning after December 31, 1953, and ending after August 16, 1954, except as otherwise provided in paragraph (c) of this section.

(c) In the case of an estate or trust heretofore taxable under the provisions of the Internal Revenue Code of 1939, amounts paid, credited, or to be distributed during its first taxable year subject to the Internal Revenue Code of 1954 which would have been treated as paid, credited, or to be distributed on the last day of the preceding taxable year if the Internal Revenue Code of 1939 were still applicable shall not be subject to section 691 (c) (1) (B) or the provisions of this section. See section 683 and the regulations thereunder.

(d) This section may be illustrated by the following example:

*Example.* The fiduciary of an estate receives taxable interest of $5,500 and income in respect of a decedent of $4,500 during the taxable year. The estate tax attributable to the income in respect of a decedent is $1,500. In his discretion, the fiduciary distributes $2,000 (falling within sections 661 (a) and 662 (a)) to a beneficiary during that year. On these facts the fiduciary and beneficiary are respectively entitled to estate tax deductions of $1,200 and $300, computed as follows:

(1) Distributable net income (computed under section 643 (a)) without regard to the estate tax deduction under section 691 (c) is $10,000, computed as follows:

| | |
|---|---|
| Taxable interest | $5,500 |
| Income in respect of a decedent | 4,500 |
| Total | 10,000 |

(2) Inasmuch as the distributable net income of $10,000 exceeds the amount of $2,000 distributed to the beneficiary, the deduction allowable to the trust under section 661 (a), and the amount taxable to the beneficiary under section 662 (a) is $2,000.

(3) The character of the amounts distributed to the beneficiary under section 662 (b) is shown in the following table:

| | Taxable interest | Income in respect of a decedent | Total |
|---|---|---|---|
| Distributable net income | $5,500 | $4,500 | $10,000 |
| Amount deemed distributable under section 662 (b) | 1,100 | 900 | 2,000 |

(4) Accordingly, the beneficiary will be entitled to an estate tax deduction of $300 (900/4,500 x $1,500) and the estate will be entitled to an estate tax deduction of $1,200 (3,600/4,500 x $1,500).

(5) The taxable income of the estate for purposes of computing the income tax of the estate is $6,200, computed as follows:

| | | |
|---|---|---|
| Gross income | | $10,000 |
| Less: | | |
| Distributions to the beneficiary | $2,000 | |
| Estate tax deduction under section 691 (c) | 1,200 | |
| Personal exemption | 600 | |
| | | 3,800 |
| Taxable income | | 6,200 |

§ 1.691 (d) *Statutory provisions; recipients of income in respect of decedents; amounts received by surviving annuitant under joint and survivor annuity contract.*

SEC. 691. *Recipients of income in respect of decedents.* • • •

(d) *Amounts received by surviving annuitant under joint and survivor annuity contract*—(1) *Deduction for estate tax.* For purposes of computing the deduction under subsection (c) (1) (A), amounts received by a surviving annuitant—

(A) As an annuity under a joint and survivor annuity contract where the decedent annuitant died after December 31, 1953, and after the annuity starting date (as defined in section 72 (c) (4)), and

(B) During the surviving annuitant's life expectancy period, shall, to the extent included in gross income under section 72, be considered as amounts included in gross income under subsection (a).

(2) *Net value for estate tax purposes.* In determining the net value for estate tax purposes under subsection (c) (2) (B) for purposes of this subsection, the value for estate tax purposes of the items described in paragraph (1) of this subsection shall be computed—

(A) By determining the excess of the value of the annuity at the date of the death of the deceased annuitant over the total amount excludible from the gross income of the surviving annuitant under section 72 during the surviving annuitant's life expectancy period, and

(B) By multiplying the figure so obtained by the ratio which the value of the annuity for estate tax purposes bears to the value of the annuity at the date of the death of the deceased.

(3) *Definitions.* For purposes of this subsection—

(A) The term "life expectancy period" means the period beginning with the first day of the first period for which an amount is received by the surviving annuitant under the contract and ending with the close of the taxable year with or in which falls the termination of the life expectancy of the surviving annuitant. For purposes of this subparagraph, the life expectancy of the surviving annuitant shall be determined, as of the date of the death of the deceased annuitant, with reference to actuarial tables prescribed by the Secretary or his delegate.

(B) The surviving annuitant's expected return under the contract shall be computed, as of the death of the deceased annuitant, with reference to actuarial tables prescribed by the Secretary or his delegate.

§ 1.691 (d)–1 *Amounts received by surviving annuitant under joint and survivor annuity contract*—(a) *In general.* Under section 691 (d), annuity payments received by a surviving annuitant under a joint and survivor annuity contract (to the extent indicated in paragraph (b) of this section) are treated as income in respect of a decedent under section 691 (a) for the purpose of allowing the deduction for estate tax provided for in section 691 (c) (1) (A). This section applies only if the deceased annuitant died after December 31, 1953, and after the annuity starting date as defined in section 72 (c) (4).

(b) *Special value for surviving annuitant's payments.* Section 691 (d) provides a special value for the surviving annuitant's payments to determine the amount of the estate tax deduction provided for in section 691 (c) (1) (A). This special value is determined by multiplying:

(1) The excess of the value of the annuity at the date of death of the deceased annuitant over the total amount excludable from the gross income of the surviving annuitant under section 72 during his life expectancy period (see § 1.691 (d)–1 (d) (1) (i))

by

(2) A fraction consisting of the value of the annuity for estate tax purposes over the value of the annuity at the date of death of the deceased annuitant.

This special value is used for the purpose of determining the net value for estate tax purposes (see section 691 (c) (2) (B) and § 1.691 (c)–1 (a) (1)) and for the purpose of determining the portion of estate tax attributable to the survivor's annuity (see § 1.691 (c)–1 (a)).

(c) *Amount of deduction.* The portion of estate tax attributable to the survivor's annuity (see § 1.691 (c)–1 (a)) is allowable as a deduction to the surviving annuitant over his life expectancy period. If the surviving annuitant continues to receive annuity payments beyond this period, there is no further deduction under section 691 (d). If the surviving annuitant dies before expiration of such period, there is no compensating adjustment for the unused deduction.

(d) *Definitions.* (1) For purposes of section 691 (d) and this section:

(i) The term "life expectancy period" means the period beginning with the first day of the first period for which an amount is received by the surviving annuitant under the contract and ending with the close of the taxable year with or in which falls the termination of the life expectancy of the surviving annuitant.

(ii) The life expectancy of the surviving annuitant shall be determined as of the date of death of the deceased annuitant, with reference to actuarial Table I set forth in § 1.72–9.

(iii) The value of an annuity at the date of death of a deceased annuitant shall be the entire value of the survivor's annuity determined by reference to the principles set forth in section 2031 and the regulations thereunder, relating to the valuation of annuities for estate tax purposes.

(iv) The value of the annuity for estate tax purposes shall be that portion of the value determined under subdivision (iii) of this subparagraph which was includible in the deceased annuitant's gross estate.

(2) The determination of the "life expectancy period" of the survivor for purposes of section 691 (d) may be illustrated by the following example:



*Example.* H and W file their income tax returns on the calendar year basis. H dies on July 15, 1955, on which date W is 70 years of age. On August 1, 1955, W receives a monthly payment under a joint and survivor annuity contract. W's life expectancy determined as of the date of H's death is 15 years as determined from Table I in § 1.72–9; thus her life expectancy ends on July 15, 1970. Under the provisions of section 691 (d), her life expectancy period begins as of July 1, 1955, and ends as of December 31, 1970, thus giving her a life expectancy period of 15½ years.

(e) *Examples.* The application of section 691 (d) and this section may be illustrated by the following examples:

*Example (1).* (1) H and W, husband and wife, purchased a joint and survivor annuity contract for $203,800 providing for monthly payments of $1,000 starting February 1, 1954, and continuing for their joint lives and for the remaining life of the survivor. H contributed $152,850 and W contributed $50,950 to the cost of the annuity. As of the annuity starting date, January 1, 1954, H's age at his nearest birthday was 70 and W's age at her nearest birthday was 67. H dies on January 1, 1957, and beginning on February 1, 1957, W receives her monthly payments of $1,000. The value of the annuity at the date of H's death is $159,000 (see paragraph (d) (1) (iii) of this section), and the value of the annuity for estate tax purposes (see paragraph (d) (1) (iv) of this section) is $119,250 (152,850/203,800 of $159,000). As of the date of H's death, W's age is 70 and her life expectancy period is 15 years (see paragraph (d) of this section for method of computation). Both H and W reported income by use of the cash receipts and disbursements method and filed income tax returns on the calendar year basis.

(2) The following computations illustrate the application of section 72 in determining the excludable portions of the annuity payments to W during her life expectancy period:

| | |
|---|---|
| Amount of annuity payments per year (12×$1,000) | $12,000 |
| Life expectancy of H and W as of the annuity starting date (see section 72 (c) (3) (A) and Table II of § 1.72–9 (male, age 70; female, age 67)) | 19.7 |
| Expected return as of the annuity starting date, January 1, 1954 ($12,000×19.7 as determined under section 72 (c) (3) (A) and § 1.72–5 (b)) | $236,400 |
| Investment in the contract as of the annuity starting date, Jan. 1, 1954 (see section 72 (c) (1) and § 1.72–6 (a)) | $203,800 |
| Exclusion ratio (203,800/236,400 as determined under section 72 (b) and § 1.72–4) (percent) | 86.2 |
| Exclusion per year under section 72 ($12,000×86.2 percent) | $10,344 |
| Excludable during W's life expectancy period ($10,344×15) | $155,160 |

(3) For the purpose of computing the deduction for estate tax under section 691 (c), the value for estate tax purposes of the amounts includible in W's gross income and considered income in respect of a decedent by virtue of section 691 (d) (1) is $2,880. This amount is arrived at in accordance with the formula contained in section 691 (d) (2), as follows:

| | |
|---|---|
| Value of annuity at date of H's death | $159,000 |
| Total amount excludable from W's gross income under section 72 during W's life expectancy period (see subparagraph (2) of this example) | $155,160 |
| Excess | $3,840 |
| Ratio which value of annuity for estate tax purposes bears to value of annuity at date of H's death (119,250/159,000) | 75% |
| Value for estate tax purposes (75% of $3,840) | $2,880 |

This amount ($2,880) is included in the items of income under section 691 (a) (1) for the purpose of determining the estate tax attributable to each item under section 691 (c) (1) (A). The estate tax determined to be attributable to the item of $2,880 is then allowed as a deduction to W over her 15-year life expectancy period (see example (2) of this paragraph).

*Example (2).* Assume, in addition to the facts contained in example (1) of this paragraph, that H was an attorney and was entitled at the date of his death to a fee for services rendered in a case not completed at the time of his death, which fee was valued at $1,000, and to accrued bond interest, which was valued at $500. Taking into consideration the annuity payments of example (1), valued at $2,880, a total of $4,380 was included in his gross estate in respect of income described in section 691 (a) (1). There was deducted as claims against his estate $280 for business expenses for which his estate was liable and $100 for taxes accrued on certain property which he owned. In all, $380 was deducted for claims which represent amounts described in section 691 (b) which are allowable as deductions to his estate or to the beneficiaries of his estate. His gross estate was $404,250 and considering deductions of $15,000, a marital deduction of $119,250 (assuming the annuity to be the only qualifying gift) and a specific exemption of $60,000, his taxable estate amounted to $210,000. The estate tax on this amount is $53,700 from which is subtracted a $175 credit for State death taxes, leaving an estate tax liability of $53,525. W may deduct, in computing her taxable income during each year of her 15-year life expectancy period, $14.73 on account of the estate tax attributable to the value for estate tax purposes of that portion of the annuity payments considered income in respect of a decedent, computed as follows:

| | | |
|---|---|---|
| (1) (i) Value of income described in section 691 (a) (1) included in computing gross estate | | $4,380.00 |
| (ii) Deductions in computing grossestate for claims representing deductions described in section 691 (b) | | 380.00 |
| (iii) Net value of items described in section 691 (a) (1) | | 4,000.00 |
| (2) (i) Estate tax | | 53,525.00 |
| (ii) Less: Estate tax computed without including $4,000 (item (1) (iii)) in gross estate and by reducing marital deduction by $2,880 (portion of item (1) (iii) allowed as a marital deduction) | | 53,189.00 |
| (iii) Portion of estate tax attributable to net value of income items | | 336.00 |
| (3) (i) Value in gross estate of income attributable to annuity payments | | 2,880.00 |
| (ii) Value in gross estate of all income items described in section 691 (a) (1) (item (1) (i)) | | 4,380.00 |
| (iii) Part of estate tax attributable to annuity income (2,800/4,380 of $336) | | 220.93 |
| (iv) Deduction each year on account of estate tax attributable to annuity income ($220.93+15 life expectancy period) | | 14.73 |

§ 1.691 (e) *Statutory provisions; recipients of income in respect of decedents; cross reference.*

SEC. 691. *Recipients of income in respect of decedents.* • • •

(e) *Cross reference.* For application of this section to income in respect of a deceased partner, see section 753.

§ 1.691 (e)–1 *Cross reference.* See section 753 and the regulations thereunder for application of section 691 to income in respect of a deceased partner.

§ 1.692 *Statutory provisions; income taxes on members of Armed Forces on death.*

SEC. 692. *Income taxes on members of Armed Forces on death.* In the case of any individual who dies during an induction period (as defined in section 112 (c) (5)) while in active service as a member of the Armed Forces of the United States, if such death occurred while serving in a combat zone (as determined under section 112) or as a result of wounds, disease, or injury incurred while so serving—

(1) Any tax imposed by this subtitle shall not apply with respect to the taxable year in which falls the date of his death, or with respect to any prior taxable year ending on or after the first day he so served in a combat zone after June 24, 1950; and

(2) Any tax under this subtitle and under the corresponding provisions of prior revenue laws for taxable years preceding those specified in paragraph (1) which is unpaid at the date of his death (including interest, additions to the tax, and additional amounts) shall not be assessed, and if assessed the assessment shall be abated, and if collected shall be credited or refunded as an overpayment.

§ 1.692–1 *Abatement of income taxes of certain members of the Armed Forces of the United States upon death.* (a) If an individual dies during an induction period (as defined in section 112 (c) (5)) while in active service as a member of the Armed Forces of the United States, and such death occurs while serving in a combat zone (as determined under section 112) or at any place as a result of wounds, disease, or injury incurred while so serving, then:

(1) The tax liability of such individual, under subtitle A of the Internal Revenue Code of 1954 or under chapter 1 of the Internal Revenue Code of 1939, for the taxable year ending on the date of his death, and for any prior taxable year ending on or after the first day he so served in a combat zone after June 24, 1950, is cancelled and if the tax (including interest, additions to the tax, and additional amounts) is assessed, the assessment shall be abated, and if the amount of such tax is collected regardless of the date of collection) the amount so collected shall be credited or refunded as an overpayment; and

(2) That amount of tax of such individual for taxable years preceding those specified in subparagraph (1) of this paragraph, under subtitle A of the Internal Revenue Code of 1954, chapter 1 of the Internal Revenue Code of 1939 or corresponding provisions of prior revenue laws, which remains unpaid as of the date of death shall not be assessed, and if any such unpaid tax (including interest, additions to the tax, and additional amounts) has been assessed, such assess-

ment shall be abated, and if the amount of any such unpaid tax is collected subsequent to the date of death, the amount so collected shall be credited or refunded as an overpayment.

As to what constitutes an induction period, active service as a member of the Armed Forces, service in a combat zone, and wounds, disease, or injury incurred while serving in a combat zone, see section 112 and the regulations thereunder. As to who are members of the Armed Forces, see section 7701 (a) (15) and the regulations thereunder.

(b) If such an individual and his spouse have for any such year filed a joint return, the tax abated, credited, or refunded pursuant to the provisions of section 692 for such year shall be an amount equal to that portion of the joint tax liability which is the same percentage of such joint tax liability as a tax computed upon the separate income of such individual is of the sum of the taxes computed upon the separate income of such individual and his spouse, but with respect to taxable years ending before June 24, 1950, and with respect to taxable years ending before the first day such individual served in a combat zone, as determined under section 112, the amount so abated, credited, or refunded shall not exceed the amount unpaid at the date of death. For such purpose, the separate tax of each spouse—

(1) For taxable years beginning after December 31, 1953, and ending after August 16, 1954, shall be the tax computed under subtitle A of the Internal Revenue Code of 1954 before the application of sections 31, 32, 6401 (b), and 6402, but after the application of section 33, as if such spouse were required to make a separate income tax return; and

(2) For taxable years beginning before January 1, 1954, and for taxable years beginning after December 31, 1953, and ending before August 17, 1954, shall be the tax computed under chapter 1 of the Internal Revenue Code of 1939 before the application of sections 32, 35, and 322 (a), but after the application of section 31, as if such spouse were required to make a separate income tax return.

(c) If such an individual and his spouse filed a joint declaration of estimated tax for the taxable year ending with the date of his death, the estimated tax paid pursuant to such declaration may be treated as the estimated tax of either such individual or his spouse, or may be divided between them, in such manner as his legal representative and such spouse may agree. Should they agree to treat such estimated tax, or any portion thereof, as the estimated tax of such individual, the estimated tax so paid shall be credited or refunded as an overpayment for the taxable year ending with the date of his death.

(d) For the purpose of determining the tax which is unpaid at the date of death, amounts deducted and withheld under chapter 24, subtitle C of the Internal Revenue Code of 1954, or under subchapter D, chapter 9 of the Internal Revenue Code of 1939 (relating to income tax withheld at source on wages), constitute payment of tax imposed under subtitle A of the Internal Revenue Code of 1954 or under chapter 1 of the Internal Revenue Code of 1939, as the case may be.

(e) This section shall have no application whatsoever with respect to the liability of an individual as a transferee of property of a taxpayer where such liability relates to the tax imposed upon the taxpayer by subtitle A of the Internal Revenue Code of 1954 or by chapter 1 of the Internal Revenue Code of 1939.

[F. R. Doc. 56-5066; Filed, June 26, 1956; 8:52 a. m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### [ 7 CFR Part 978 ]

[Docket No. AO-184-A12]

MILK IN NASHVILLE, TENN., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Nashville, Tennessee, on September 22-23, 1955, pursuant to notice thereof which was issued September 15, 1955 (20 F. R. 7007), upon proposed amendments to the tentative marketing agreement and order, as amended, regulating the handling of milk in the Nashville, Tennessee, marketing area.

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on April 2, 1956, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision. Such decision containing notice of opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on April 5, 1956 (21 F. R. 2188).

Within the period reserved therefor, interested parties filed exceptions to certain of the findings, conclusions and actions recommended by the Deputy Administrator. In arriving at the findings, conclusions, and regulatory provisions of this decision, each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that findings, conclusions and actions decided upon herein are at variance with any of the exceptions, such exceptions are overruled.

To the extent that suggested findings and conclusions proposed by interested persons are inconsistent with the findings and conclusions contained herein, the specific or implied requests to make such findings and reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions herein set forth.

The material issues, findings and conclusions, and general findings of the recommended decision (21 F. R. 2188, Doc. 56-2516) are hereby approved and adopted as the issues, findings and conclusions, and general findings of this decision as if set forth in full herein, subject to the following modifications described with reference to Federal Register Doc. 56-2516, 21 F. R. 2188:

1. At the end of the last full paragraph beginning in column one, page 2190, add the following: "Although the changes recommended for the computation of the uniform price for base and excess milk would, under normal conditions, substantially eliminate the pricing of milk at a higher rate than the price for base milk, the provision concerning such computation should also contain language which will, under all circumstances, preclude a higher rate for excess milk than for base milk."

2. On page 2190, in column 3, after the heading "5. *Revision of the base-forming and operating periods.*", delete the first paragraph and insert instead the following: "Effective August 1957, the base-forming period should include the months of August through January. The present base-forming period, September through February, should be continued until that time. The new base-operating period beginning in 1958 should be February through July."

3. On page 2191, in column 1, in the first full paragraph beginning in the column, delete the last sentence and add the following: "Inasmuch as the new base-forming and base-operating periods will not become effective until after July 1957, this problem is not of immediate concern and no action thereon is being taken at this time."

"For August 1957, payment to producers should be made at the uniform price for all milk rather than at base and excess prices, so that producers will not be earning a base during a base-operating month."

*Determination of representative period.* The month of September 1955 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of the order amending the order, as amended, regulating the handling of milk in the Nashville, Tennessee, marketing area, in the manner set forth in the attached amending order, is approved or favored by producers who, during such period, were engaged in the production of milk for sale in the marketing area specified in such marketing order.

*General findings.* (a) The proposed marketing agreement and the order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section two of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed order, as amended, and as hereby further amended, will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

*Marketing agreement and order, as amended.* Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement Regulating the Handling of Milk in the Nashville, Tennessee, Marketing Area", and "Order, as Amended, Regulating the Handling of Milk in the Nashville, Tennessee, Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

*It is hereby ordered,* That all of this decision, except the attached marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order, as amended.

This decision filed at Washington, D. C., this 22d day of June 1956.

[SEAL] TRUE D. MORSE,
*Acting Secretary.*

*Order[1] as Amended, Regulating the Handling of Milk in the Nashville, Tennessee, Marketing Area*


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978.0 Findings and determinations.

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[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.



§ 978.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with findings and determinations set forth in this section.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed tentative marketing agreement and order, as amended, and as hereby further amended, regulating the handling of milk in the Nashville, Tennessee, marketing area. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to, persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

*Order relative to handling.* It is therefore ordered that on and after the effective date hereof, the handling of milk in the Nashville, Tennessee, marketing area shall be in conformity to and in compliance with the following terms and conditions:

The provisions of §§ 978.1 to 978.111, both inclusive, of the order contained in the recommended decision issued by the Deputy Administrator, Agricultural Marketing Service (21 F. R. 2188; Doc. 56-2516) shall be and are the terms and conditions of this order, as amended, and as hereby further amended, as if set forth in full herein, subject to the following revisions described with reference to Federal Register Doc. 56-2516, 21 F. R. 2188:

1. Delete §§ 978.15 and 978.16 and substitute the following:

§ 978.15 *Base milk.* "Base milk" means milk received at fluid milk plants from a producer during any of the months specified in § 978.72 for the computation of base and excess prices, which is not in excess of such producer's daily average base computed pursuant to § 978.60, multiplied by the number of days in such month.

§ 978.16 *Excess milk.* "Excess milk" means milk received at fluid milk plants from a producer during any of the months specified in § 978.72 for computation of base and excess prices, which is in excess of the base milk of such producer for such month, and shall include all milk received during such months from a producer for whom no daily average base can be computed pursuant to § 978.60.

2. Delete § 978.22 (d) and substitute the following:

(d) Pay out of the funds provided by § 978.85, (1) the cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses (except those incurred under § 978.86)

necessarily incurred by him in the maintenance and functioning of his office, and in the performance of his duties;

3. Delete § 978.22 (f) (2) and substitute the following: "(2) payments pursuant to §§ 978.80, 978.85 and 978.87;".

4. In § 978.31 delete paragraph (b) (1) (iii) and substitute the following: "(iii) his total pounds of base milk and his total pounds of excess milk for the month and"

5. Delete § 978.60 and substitute the following:

§ 978.60 *Computation of daily average base for each producer.* Subject to the rules set forth in § 978.61, the daily average base for each producer shall be an amount calculated by dividing the total pounds of producer milk received from such producer at all fluid milk plants during the months of August through January immediately preceding, by the number of days from the first day of delivery by such producer during such months to the last day of January, inclusive, or by 120, whichever is more, except that bases computed for payments to producers in base-operating months of 1956 and 1957 shall be computed by dividing the pounds of producer milk received from the producer in the months of September through February immediately preceding, by the number of days from the first day of delivery by such producer during such months to the last day of February, inclusive, or by 120, whichever is more.

6. Delete paragraph (a) of § 978.61 and substitute the following:

(a) Subject to the provisions of paragraph (b) of this section, the market administrator shall assign a base as calculated pursuant to § 978.60 to each person for whose account producer milk was delivered to fluid milk plants during the months specified in § 978.60 for computation of base.

7. Delete § 978.62 and substitute the following:

§ 978.62 *Announcement of established bases.* On or before February 25 of each year, the market administrator shall notify each producer and the handler receiving milk from such producer of the daily average base established by such producer, except that such announcement in 1957 shall be on or before March 25.

8. In § 978.71 delete the language preceding paragraph (a) and substitute the following:

§ 978.71 *Computation of uniform prices for handlers.* For each month, except those months specified in § 978.72 for the computation of base and excess prices, the market administrator shall compute a uniform price for the producer milk received by each handler as follows:

* * * * *

9. In § 978.72 delete the language preceding paragraph (a) and substitute the following:

§ 978.72 *Computation of the uniform price for base milk and for excess milk for handlers.* For each of the months of March 1956 through August 1956, and March 1957 through July 1957, and for each of the months of February through July in subsequent years, the market administrator shall compute for each handler, with respect to his producer milk a uniform price for base milk and for excess milk as follows:

* * * * *

10. At the end of § 978.72 (e) insert the following proviso: "*Provided*, That such excess price shall not exceed the uniform price for base milk computed pursuant to paragraph (g) of this section. Any additional value remaining shall be prorated on a volume basis between excess and base milk."

11. In paragraph (b) of § 978.81 delete the language preceding subparagraph (1) and substitute the following: "On or before the 15th day after the end of each month, the market administrator shall make payment to each producer for milk received from such producer during the month by each handler from whom the appropriate payments have been received pursuant to § 978.80 (b), such payments by the market administrator to be at not less than the uniform price computed pursuant to § 978.71 for such handler for the months for which such uniform prices are computed, and such payments to be for base and excess milk at not less than the uniform base and excess prices, respectively, computed pursuant to § 978.72 for such handler for the months for which such base and excess prices are computed, subject to the following adjustments:".

12. In § 978.83 delete paragraph (b) and substitute the following:

(b) The total pounds and the average butterfat content of milk delivered by the producer, including, for the months in which base and excess prices apply, the pounds of base and excess milk;

13. Delete § 978.86 (a) and substitute the following:

§ 978.86 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, the market administrator, in making payments to producers pursuant to § 978.81, shall deduct an amount not exceeding 6 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to milk received by a handler(s) from producers during the month. Such moneys shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association. Such services shall be performed in whole or in part by the market administrator or an agent engaged by and responsible to him.

14. In the sixth line of § 978.86 (b), delete the words "each handler" and substitute the words "the market administrator".

15. At the beginning of the sixth line in § 978.87 delete the words "a producer or".

16. Delete paragraph (a) (1) in § 978.51 and substitute the following:

(1) For each month calculate a ultilization ratio as follows: (i) Calculate a utilization percentage by dividing the total hundredweight of producer milk of all fluid milk plants during the twelve-month period ending with the beginning of the preceding month by the net hundredweight of Class I milk disposed of from all fluid milk plants during the same period, and multiply the result by 100, (ii) add or subtract, respectively, any amount by which the percentage computed pursuant to subdivision (i) of this paragraph is greater or less than a comparable utilization percentage calculated using the twelve-month period ending with the beginning of the fourth preceding month, and (iii) the resulant figure rounded to the nearest whole percentage shall be known as the utilization ratio.

17. In § 978.51 (a) add subparagraph (3) as follows:

(3) The price for Class I milk otherwise computed pursuant to this section shall be increased 46 cents from May 1956 through June 1956 and 26 cents for the month of July 1956.

[F. R. Doc. 56–5071: Filed, June 26, 1956; 8:54 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

### [ 47 CFR Part 2 ]

[Docket No. 11745; FCC 56–577]

### RADIO ASTRONOMY

### INTERFERENCE PROTECTION

In the matter of amendment of Part 2 of the Commission's rules and regulations to give interference protection to frequencies utilized for Radio Astronomy.

1. Notice is hereby given of proposed rule making in the above entitled matter.

2. On April 21, 1955, the Commission released a public notice entitled "Radio-Astronomy Frequency Requirements" requesting comments from interested persons as to the frequency requirements and operational aspects involved in the science of radio astronomy. Concurrently with the Commission's release, the Executive Branch of the Government requested comments on the same subjects from interested Government agencies.

3. The consolidated requirements which were submitted to the Commission and the Government are shown in tabular form below. This includes a list of frequencies and frequency bands which, radio astronomers indicate, could ideally be reserved for interference-free reception at all locations where observations are now made or may be made in the future. This also includes a list of locations where radio astronomy observations are now being made or are planned to be made and a list of agencies responsible therefor. However, more recent information indicates that radio astronomy interests place more emphasis upon the protection of so called "line frequences" and subharmonics thereof than upon the other frequencies shown below.



4. The Commission considers that in effect any proposal to reserve frequencies for radio astronomy observations constitutes a proposal for an amendment of the Commission's Table of Frequency Allocations. If such a reservation were to be made, not only the Table of Frequency Allocations but also many of the rules governing the various services would require amendment so as to protect from interference to radio astronomy the frequencies or frequency bands so reserved.

5. The Commission has continued to study the subject of radio astronomy frequency requirements in cooperation with the Executive Department of the Federal Government. The results of this study indicate that it is not feasible to provide the complete interference protection desired and shown below. On the other hand, there is some reason to believe that it may be practicable to give a certain amount of protection to the so-called "line frequencies" of 327 Mc, 1420 Mc and 1667 Mc. providing the mechanics of doing so can be set up and administered.

6. Short of an exclusive frequency allocation for radio astronomy it should be pointed out that the extent to which interference protection may be afforded is related very closely to the problems involved in applying special procedures in license processing. If frequencies are reserved in any way whatsoever solely for radio astronomy purposes, the radio services which are now allocated such frequencies will, in effect, lose the utility of such frequencies to the extent such reservation or allocation is made.

7. In the case of radio astronomy observations below 50 Mc, the existence of sky wave interference becomes such that protection of particular frequencies is not only a nation-wide but also a world-wide problem. Thus, without an international agreement, the protection of such frequencies by the United States would not, in itself, insure interference-free radio astronomy observations. With respect to general radio astronomy observations above 50 Mc, it appears that there is every likelihood, in any one area, that many many frequencies will remain unassigned for years to come. With the possible exception of "line frequencies" and subharmonics thereof, radio astronomy observatories should plan on utilizing equipment covering many different frequency bands and make their choice of frequencies to be observed on the basis of known frequency occupancy by radio stations.

8. It is understood that efforts are now being made to choose a national radio astronomy observation site which is relatively free of manmade interference of all kinds. The problem of ensuring interference protection increases in direct proportion to the number of observing sites and may be exceedingly difficult at locations as populous as some of those indicated in the Appendix. Radio astronomy interests should take these factors into consideration when supplying comments in connection with this proceeding.

9. The Commission does not have before it sufficient information upon which to form even a tentative opinion as to the relative public interest aspects of radio astronomy compared with radiocommunications services. Neither has the Commission perceived at this moment any practical method by which the protection of radio astronomy observations could be administered on an engineered basis. In the light of present information available, it would appear that ensuring protection on such a basis would mean that every proposed radio station assignment in every radio service, both Government and non-Government, would require an engineering analysis to determine whether interference to any frequency being observed at any radio astronomy observation site would occur if the station were to be authorized. The Commission emphasizes that such a procedure departs materially from that being now accomplished in connection with non-Government radio station licensing and it is difficult to see how it could be accomplished within the present Commission organization.

10. In view of the foregoing it appears that short of exclusive frequency allocations, the only method of providing interference protection to radio astronomy observations would be to:

A. Determine the maximum interfering signal which can be tolerated on a frequency being observed for radio astronomy purposes.

B. Determine the percentage of time protection is required for radio astronomy purposes. (This should take into account both propagation phenomena and feasibility of establishing limited hours of observation at particular sites.)

C. Determine the actual locations where radio astronomy observations will be made and the actual frequency or frequency bands which will be observed at those locations.

D. From the information obtained as the result of (A), (B), and (C) above, establish the area, surrounding each location, in which the making of radio station assignments on each of the subject frequencies or frequency bands may, as a practical matter, result in interference to radio astronomy observations. It is recognized that the size of the areas may vary depending upon the frequencies being considered.

E. Amend the appropriate Commission rules so as to delete from availability for new station assignments the subject frequencies or frequency bands in the areas concerned.

F. Permit the continued operation of stations already established in these areas on the subject frequencies or frequency bands. In the case of TV bands, locations and frequencies shown in the Commission's geographical assignment plan will be considered as active assignments even though the frequencies may not yet be in use at those locations. If interference occurs to radio astronomy observations from the operation of such stations, handle each problem as a separate matter.

11. Although the minimum requirements for radio astronomy have not been firmly established, the Commission is of the opinion that the protection of the "line frequencies" of 327 Mc, 1420 Mc and 1667 Mc and the four "subharmonics" of these frequencies at the locations currently using these frequencies, as shown below, may be in the public interest. From the best information obtainable it appears that this would involve the protection of the following bands:

| | *Frequency bands* | *Present allocation* |
|---|---|---|
| A. | (1) 327 Mc=325–329 Mc | 325–328.6 G.<br>328.6–329 G/NG—glide path. |
| | (2) ½ Frequency=162.5–164.5 Mc | G. |
| | (3) ⅓ Frequency=108.6–109.6 Mc | G/NG—Localizers and omni-directional ranges. |
| B. | (1) 1420 Mc+7 Mc−20 Mc=1400–1427 Mc | G/NG—Aeronautical Radionavigation. |
| | (2) ½ Frequency=708–712 | NG—TV B/C. |
| | (3) ⅓ Frequency=472–476 | NG—TV B/C. |
| C. | (1) 1667 Mc±5 Mc=1662–1672 Mc | G/NG Meteorological aids (radiosonde). |

12. The Commission desires comments with respect to the procedure outlined in paragraph 10 above including comments as to the overall practicability of providing for interference protection through the application of this procedure.

13. The Commission also desires comments with respect to the application of this procedure to the frequency bands outlined in paragraph 11 above.

14. Comments are also requested on the following matters:

A. What location, if any, can be agreed upon as a national "Observation post" for "line frequencies" and other frequencies?

B. From the point of view of radio frequency communications users, does the reservation of frequencies appear to be a practical solution if applied to the specific locations shown below?

C. From the point of view of radio astronomy interests, what are the factors which would make the establishment of one or more centralized radio astronomy sites, remotely located in nonpopulous areas, impractical or inappropriate?

D. What mechanism or procedure other than that described in paragraph 10 would be appropriate for insuring that protection could be afforded to radio astronomy observatory sites?

E. In the event the procedure described in paragraph 10 were to be followed, what are the maximum signal strengths which can be tolerated on the frequencies to be observed? State the factors in-

volved in the determination thereof. Further, what would be the percentage of time protection would be required. State the factors involved in the determination thereof. (The determination of percentages should take into account both propagation phenomena and the feasibility of establishing limited hours of observation at particular sites.)

F. At what distances should transmitters with the following effective radiated powers be removed from radio astronomy observatory sites in order to produce field strengths not in excess of those specified in paragraph 14 (E) above?

| *Radiated power (watts)* |
|---|
| 1 |
| 10 |
| 100 |
| 1,000 |
| 10,000 |
| 100,000 |
| 1,000,000 |
| 10,000,000 |

G. What are the public need and interest aspects of radio-astronomy which justify the reservation of frequencies for this purpose?

15. In the event the Commission should find that an amendment to its Table of Frequency Allocations, for accommodating radio-astronomy, is in the public interest it will be necessary to also amend these other parts of the Commission's rules and regulations which govern the services allocated the frequencies or frequency bands being protected.

16. This proceeding is instituted pursuant to the authority of sections 4 (i) and 303 (c), (d), (f), (g) (r) of the Communications Act of 1934, as amended.

17. Any interested person who is of the opinion that the proposition of affording interference protection to radio-astronomy observation sites is not in the public interest, may file with the Commission on or before Sept. 28, 1956, written data, views or arguments setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments in reply to the original comments may be filed within 10 days from the last day for filing said original data, views or arguments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

18. In accordance with the provisions of § 1.764 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments filed shall be furnished the Commission.

Adopted: June 20, 1956.

Released: June 22, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

REQUESTED FREQUENCY ALLOCATIONS FOR RADIO ASTRONOMY

| Center frequency (Mc) | Option | Desired bandwidth (kc) [1] | Minimum acceptable bandwidth (kc) [1] | Honolulu, T. H. | Belmar, N. J. | Bishop, Calif. | Boulder, Colo. | College, Alaska | Columbus, Ohio | Harvard, Mass. | Ithaca, N. Y. | Washington, D. C. D. T. M. | Washington, D. C. NRL | Greenbank, W. Va. | Fort Davis, Tex. | Portage Lake, Mich. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 12 | 10–12 | 40 | 10 | ---- | ---- | ---- | ---- | X | ---- | ---- | ---- | XXX | ---------- | | | |
| 22.7 | 20–25 | 200 | 10 | ---- | ---- | ---- | ---- | XX | ---- | ---- | ---- | XXXX | ---------- | | | |
| 38 | 35–40 | 1000 | 10 | ---- | ---- | X | ---- | X | ---- | ---- | X | XXXX | ---------- | | | |
| 53 | 50–60 | 1000 | 40 | ---- | ---- | X | X | ---- | ---- | ---- | X | XXXX | ---------- | | | |
| 81.7 | ..... | 2000 | 40 | ---- | X | X | X | ---- | ---- | ---- | X | XXXX | ---------- | | | |
| [2] 109 | 100–110 | 2000 | 40 | ---- | X | ---- | X | X | ---- | ---- | ---- | XXXX | ---------- | | | |
| [2] 163.5 | ..... | 2000 | 100 | ---- | X | ---- | X | X | ---- | ---- | ---- | XXXX | ---------- | | | |
| 202 | 200–207 | 2000 | 100 | X | ---- | ---- | X | X | ---- | ---- | X | XXXX | X | Site of national Radio Astronomy Observatory. Planned to be in operation by January 1958. Needs protection on all bands. | Sweep frequency receivers 100 to 600 Mc. and 2000 to 4000 Mc. Planned to be in operation in 1 or 2 years. | University of Michigan. Planned to be in operation in 1 or 2 years. Interested in all bands. |
| 250 | 240–250 | 4000 | 100 | ---- | ---- | ---- | ---- | ---- | X | ---- | ---- | XXXX | XX | | | |
| [4] 327 | ..... | 4000 | 3000 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | XXXX | XXX | | | |
| [2] 355 | ..... | 2000 | 500 | ---- | ---- | ---- | ---- | X | ---- | ---- | X | XXXX | XXX | | | |
| [2] 472 | ..... | 4000 | 1500 | ---- | ---- | X | X | ---- | X | ---- | X | XXXX | XXX | | | |
| [2] 709 | ..... | 4000 | 1000 | ---- | ---- | X | ---- | ---- | ---- | ---- | X | XXXX | XXX | | | |
| 1371.5 | ..... | 7000 | 1000 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | XXXX | XXX | | | |
| [5] 1413.5 | ..... | 27000 | 20000 | ---- | ---- | X | ---- | ---- | X | X | X | XXXX | XXX | | | |
| [6] 1667 | ..... | 10000 | 8000 | ---- | ---- | X | ---- | ---- | ---- | X | X | XXXX | XXX | | | |
| 2840 | ..... | 10000 | 2000 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | X | XXX | ---------- | | | |
| 5080 | ..... | 16000 | 2000 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | XXX | ---------- | | | |
| 8520 | ..... | 10000 | 2000 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | XXX | ---------- | | | |
| 17040 | ..... | 50000 | 2000 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | ---- | XXX | ---------- | | | |
| 22800 | ..... | 50000 | 2000 | ---- | ---- | X | ---- | ---- | ---- | ---- | ---- | XXX | ---------- | | | |
| 34090 | ..... | 80000 | 2000 | ---- | ---- | ---- | ---- | ---- | ---- | ---- | X | XXX | ---------- | | | |

[1] Maximum tolerable interfering signal level—$10^{-2}$ microvolts per meter.
[2] Maximum tolerable interfering signal level—$3 \times 10^{-2}$ microvolts per meter.
[3] Subharmonics of line frequencies.
[4] Deuterium line frequency.
[5] Hydrogen line frequency.
[6] OH line frequency.

| *Location* [1] | *Agency* |
|---|---|
| Belmar, N. J. | Signal Corps Engineering Labs. |
| Bishop, Calif. | Mount Wilson and Potomac Observatory. |
| Boulder, Colo. | National Bureau of Standards. |
| College, Alaska | Geophysical Institute, University of Alaska. |
| Columbus, Ohio | Ohio State University. |
| Fort Davis, Tex. | (At or near) Harvard College Observatory (USAF contract). |
| Greenbank, W. Va. | Associated Universities Inc. |
| Harvard, Mass. | Harvard College Observatory. |
| Honolulu, T. H. | Cornell University. |
| Ithaca, N. Y. | University of Michigan. |
| Portage Lake, Mich. | Carnegie Institution of Washington, Department of Terrestrial, Magnetism. |
| Washington, D. C. | Naval Research Laboratory. |

[1] 24-hour protection required at each location on each frequency being observed.

[F. R. Doc. 56–5079; Filed, June 26, 1956; 8:56 a. m.]

## [ 47 CFR Part 9 ]

[Docket No. 11746; FCC 56–578]

### AVIATION SERVICES

### WAIVER OF RADIO OPERATOR REQUIREMENT FOR OPERATION OF AIRBORNE RADIONAVIGATION TRANSMITTERS

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. It is proposed to amend Part 9 of the Commission's rules governing Aviation Services to exempt members of flight crews from all operator requirements insofar as they apply to the operation of weather radar, radio altimeter, transponder equipment and related airborne radionavigation aids. In this connection, flight crew members concerned with the operation of radio apparatus aboard aircraft are usually holders of either Restricted Radiotelephone Operator Permits or Aircraft Radiotelephone Operator Authorizations, neither of which authorize the operation of radionavigation transmitting equipment employing non-telephony types of emission.

3. Since airborne radionavigation aids of the type under consideration are fully automatic in operation, and are not designed to permit adjustment or repair in flight, there appears to be no operational justification for retention of the existing requirement that such equipment be operated only by persons holding first or second class radiotelephone or radiotelegraph operator licenses.

4. The proposed amendment is issued under authority contained in section 318 of the Communications Act of 1934, as amended.

5. Any interested person who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before August 15, 1956, written data, views or arguments setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Rebuttal comments may be filed within 10 days from the last day for the filing of original comments. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

6. In accordance with § 1.764 of the Commission's rules, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: June 20, 1956.

Released: June 22, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

Amend Part 9, rules governing Aviation Services, as follows:

Add new § 9.314 to read as follows:

§ 9.314 *Operator requirements.* Radio stations aboard aircraft shall be operated only by persons holding the appropriate grade of commercial radio operator license or permit as prescribed by Part 13 of this chapter (Commercial Radio Operators): *Provided, however,* That no operator license is required for flight personnel concerned with the operation of weather radar, radio altimeter, transponder and related radionavigation aids: *Provided further,* That such persons may not supervise or be responsible for the adjustment, maintenance or testing of such equipment while radiating radio energy.

[F. R. Doc. 56–5080; Filed, June 26, 1956; 8:57 a. m.]

## DEPARTMENT OF COMMERCE

### Federal Maritime Board and Maritime Administration

## [ 46 CFR Part 201 ]

[Gen. Order 41, 2d Rev., Amdt. 4]

### RULES OF PRACTICE AND PROCEDURE

### NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Federal Maritime Board and the Maritime Administration have under consideration various proposed changes in their present rules of practice and procedure. The present rules are fully set forth in General Order 41, 2d Revision (18 F. R. 3716), as amended (18 F. R. 4598, 19 F. R. 2143, and 19 F. R. 5399). The miscellaneous amendments covering the proposed changes are as follows:

1. Subpart L is hereby changed to read "Depositions and Discovery," and a new § 201.211 added at the end thereof to read as follows:

§ 201.211 *Discovery and production of documents.* Upon motion of any party showing good cause therefor and upon notice to all other parties, the Board or presiding officer may direct any party to produce and permit the inspection and copying or photographing, by or on behalf of the moving party, of any designated documents, papers, books, accounts, letters, photographs, objects, or tangible things, not privileged, which constitute or contain evidence relating to any matter, not privileged, which is relevant to the subject matter involved in the pending proceeding, and which are in his possession, custody or control. The order shall specify the time, place, and manner of making the inspection and taking the copies and photographs and may prescribe such terms and conditions as are just.

2. Section 201.221 *Briefs; request for findings* is hereby amended to read as follows:

§ 201.221 *Briefs; request for findings.* The presiding officer shall fix the time for filing briefs and any enlargement thereof. The period of time allowed, subject to the provisions of § 201.102, shall be the same for all parties unless the presiding officer, for good cause shown, directs otherwise. The parties may not file more than one brief except in unusual cases. Briefs shall be served upon all parties pursuant to Subpart H of this part. In investigations instituted on the Board's own motion, the presiding officer may require Public Counsel to file a request for findings of fact and conclusions within a reasonable time prior to the filing of briefs. Service of the request shall be in accordance with the provisions of Subpart H of this part. In addition to the ordinary summary of evidence, with reference to exhibit numbers and pages of the transcript, and statement of law with appropriate citations of the authorities relied upon, the brief shall contain proposed findings of fact and conclusions in serially numbered paragraphs. Briefs, including briefs in support of exceptions and replies thereto (§§ 201.228 and 201.299), shall be limited to a maximum of fifty (50) printed pages.

All persons (including individuals, corporations, associations, firms, partnerships, and public bodies) having an interest in the proposed rules may submit written comments with reference to any or all of said rules to the Federal Maritime Board, Washington 25, D. C., within 15 days after publication of this notice in the FEDERAL REGISTER.

(Sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114)

Dated: June 22, 1956.

By order of the Federal Maritime Board/Maritime Administrator.

[SEAL] GEO. A. VIEHMANN,
*Assistant Secretary.*

[F. R. Doc. 56–5077; Filed, June 26, 1956; 8:55 a. m.]





# NOTICES

## GENERAL SERVICES ADMINISTRATION

[Project 3–DC–01]

### FEDERAL OFFICE BUILDINGS

### PROSPECTUS FOR PROPOSED BUILDINGS IN SOUTHWEST REDEVELOPMENT AREA OF DISTRICT OF COLUMBIA

EDITORIAL NOTE: This prospectus of proposed Project Number 3–DC–01 is published pursuant to section 412 (f) of the Public Buildings Purchase Contract Act of 1954 as amended by Public Law 150, 84th Congress, which requires publication in the FEDERAL REGISTER, for a period of ten consecutive days from date of submission to the Committees on Public Works of the Senate and House of Representatives.

Project Number 3–DC–01 (Revised)

MARCH 14, 1956.

FORMAL PROSPECTUS FOR PROPOSED BUILDING UNDER TITLE I PUBLIC LAW 519, 83D CONGRESS, 2D SESSION

FEDERAL OFFICE BUILDING, WASHINGTON, D. C.

1. *Brief description of proposed building.* The project contemplates the erection of a group of three Federal Office Buildings on a site to be acquired by the Government facing on the proposed Tenth Street Mall in the southwest redevelopment area of Washington, D. C. Each building will be multistoried. An aggregate of approximately 643,000 square feet of net assignable space will be provided.

2. *Estimated maximum cost and financing.* a. Maximum cost of site and buildings, $25,250,000.

b. Proposed contract term, 30 years.

c. Maximum rate of interest on purchase contract, 4 percent.

3. *Certificates of need.* As the project is intended to provide relocation of numerous Federal agencies now in temporary buildings, no specific allocation of space can be made at this time. Upon completion of the facility, assignment and reassignment will be made in accordance with existing law. Therefore, requirement for Certificate of Need otherwise required by section 411 (e) of the Public Buildings Purchase Contract Act of 1954 was waived in Public Law 150, 84th Congress. Certification is hereby made as to the need for service and garage space.

4. *Non-availability of existing space.* Suitable space owned by the Government is not available; and suitable rental space is not available at a price commensurate with that to be afforded through the contract proposed.

5. *Estimated annual managerial, custodial, heat, and utility costs.* (Services to be supplied by Government), $675,000.

6. *Estimated annual tax liability, upkeep and maintenance.* a. Taxes, post construction (contract period), $321,625.

b. Upkeep and maintenance (to be provided by Government), $96,000.

7. *Current annual housing costs.* Rents and other housing costs currently paid by the Government for agencies to be housed in the building to be erected, $509,000 p. a.

*Determination of need.* It has been determined that (1) the needs for space for the permanent activities of the Federal Government in this particular area cannot be satisfied by utilization of any existing suitable property now owned by the Government, and (2) the best interests of the United States will be served by taking action hereunder.

Submitted at Washington, D. C., on June 1, 1956.

Approved:

FRANKLIN G. FLOETE,
*Administrator of General Services.*

8. *Statement of Director, Bureau of the Budget.* Reflected in letter (copy attached).

EXECUTIVE OFFICE OF THE PRESIDENT

BUREAU OF THE BUDGET

WASHINGTON 25, D. C.

JUNE 13, 1956.

Project 3-DC-01 (Revised 3-14-56).
3 Multi-storied Federal Office Buildings.
Southwest Redevelopment Area, Washington, D. C.

MY DEAR MR. FLOETE: Pursuant to section 411 (e) (8) of the Public Buildings Purchase Contract Act of 1954 (Public Law 519), the (Revised March 14, 1956) proposal for a group of three Federal Office Buildings, transmitted with your letter of June 1, 1956, has been examined and in my opinion "is necessary and in conformity with the policy of the President." This approval is given with the following understanding:

1. Revision reflects the application of more definite plans for integration of the facility with the proposed Tenth Street Mall developed subsequent to approval of the project last July. Effective integration requires construction of three building units in lieu of one, as originally proposed. Garage space of 134,250 square feet not contemplated in original project is provided. Number of employees, utilization of space and cost factors are relatively the same.

2. That the stated project cost of $25,250,000 (including $2,500,000 for a site to be acquired) is a maximum figure.

3. That the reported annual operating cost of existing Tempos 4, 5, and T; i. e., $1.00 per square foot, represents minimum maintenance in anticipation of demolition, and that temporary Government buildings actually cost more to maintain than the proposed new buildings.

4. That the proposed buildings will house approximately 10% of Federal employees presently housed in temporary buildings, and that the specific allocation of agencies in the proposed buildings is to be determined later by General Services Administration.

5. That every effort will be made to design and construct space conducive to maximum efficient utilization of both site and buildings and to take advantage of any revision of cost downward which may be found possible as the plans develop and negotiations are advanced.

6. That this approval supersedes Mr. Hughes' letter of July 22, 1955.

You appreciate, of course, that this project will receive a more detailed review as to cost and space utilization prior to the approval of the lease-purchase agreement.

Sincerely yours,

(Signed) PERCIVAL BRUNDAGE,
*Director.*

Hon. FRANKLIN G. FLOETE,
*Administrator,*
*General Services Administration,*
*Washington 25, D. C.*

[F. R. Doc. 56-4860; Filed, June 18, 1956; 11:38 a. m.]

## DEPARTMENT OF COMMERCE

### Civil Aeronautics Administration

[Amdt. 10]

### AVIATION SAFETY DISTRICT OFFICES AND INTERNATIONAL DISTRICT AND FIELD OFFICES

#### ORGANIZATION AND FUNCTIONS

In accordance with the public information requirements of the Administrative Procedure Act, the description of Organization and Functions of the Civil Aeronautics Administration is hereby amended. The purpose of this amendment is to publish revised addresses for certain Aviation Safety District Offices, to publish the areas served by the various international district and field offices, and to publish the areas of responsibility assigned to certain domestic regions for the investigation of accidents outside the continental limits of the United States.

1. Section 22 (b) as published on September 14, 1954 in 19 F. R. 5957 is revised by deleting the tables of addresses contained therein and inserting a new address list as follows:

SEC. 22. *Aviation Safety District Offices.* • • •

(b) *Locations and specialties.* • • •

REGION 1

| State | City | Location | Mailing address | Specialty |
|---|---|---|---|---|
| Connecticut | Stratford | Sikorsky Aircraft Corp. | Care Sikorsky Aircraft Corp. | (F) |
| | Windsor | 181 Broad St. | 181 Broad St. | (F) |
| Delaware | New Castle | Bellanca Aircraft Corp. | Care Bellanca Aircraft Corp., Bellanca Airport. | (F) |
| District of Columbia. | Washington | Hangar Six, Washington National Airport. | Hangar Six, Washington National Airport. | (C) |
| Kentucky | Louisville | Administration Bldg., Bowman Field. | Administration Bldg., Bowman Field. | (G) |
| Maine | Portland | Municipal Airport | Municipal Airport | (G) |
| Maryland | Baltimore | Glenn L. Martin Co., 19 B Bldg., Balcony, Middle River. | Care Glenn L. Martin Co., 19 B Bldg., Balcony, Baltimore 3. | (F) |
| Massachusetts | Boston | 287 East Marginal St. | 287 East Marginal St., East Boston 28. | (C) |
| | Norwood | Municipal Airport | Municipal Airport | (G) |
| | Westfield | Barnes Westfield Airport | P. O. Box 464 | (G) |
| New Jersey | Haddonfield | Echelon Airport | P. O. Box 154 | (G) |
| | Newark | Room 221, Air Mail and Express Terminal, Newark Airport. | Room 221, Air Mail and Express Terminal, Newark Airport. | (C) |
| | Teterboro | Teterboro Air Terminal | Teterboro Air Terminal | (G) (C) |
| New York | Albany | Albany Airport, Watervliet | P. O. Box 577, Latham | (G) |
| | Ithaca | Cornell University Airport | Cornell University Airport | (C) |
| | New York | Terminal Bldg., La Guardia Field. | P. O. Box 575, La Guardia Airport Station, Flushing 71. | (C) |
| | do | Room 102-103, Federal Bldg., International Airport. | Room 102-103, Federal Bldg., International Airport, Jamaica. | (C) (F) |
| | Lindenhurst | Zahn's Airport, North Wellwood Ave. | Zahn's Airport, North Wellwood Ave. | (G) |
| | Rochester | Rochester Municipal Airport | Rochester Municipal Airport | (G) |
| Ohio | Cincinnati | Administration Bldg., Lunken Airport. | Administration Bldg., Lunken Airport. | (G) |
| | Cleveland | Cleveland Hopkins Airport | Cleveland Hopkins Airport Building S-21. | (G) |
| | Columbus | Tower Building, Port Columbus Airport. | Tower Building, Port Columbus Airport. | (G) |
| | Vandalia | Dayton Municipal Airport | P. O. Box 385 | (F) |
| Oklahoma | Tulsa | American Airlines Bldg., Municipal Airport. | P. O. Box 8186 | (C) |
| Pennsylvania | Allentown | Allentown-Bethlehem-Easton Airport. | Allentown-Bethlehem-Easton Airport. | (G) |
| | Harrisburg | Harrisburg State Airport, New Cumberland. | Harrisburg State Airport New Cumberland. | (G) |
| Pennsylvania | Pittsburgh | Room 303, Administration Bldg., Greater Pittsburgh Airport. | Room 303, Administration Bldg., Greater Pittsburgh Airport. | (C) |
| | do | Allegheny County Airport Dravosburg. | Allegheny County Airport, Dravosburg. | (G) |
| | Williamsport | Lycoming Division, Aviation Corp. | P. O. Box 928 | (F) |
| Virginia | Alexandria | Beacon Field, 2013 Richmond Highway. | Beacon Field, 2013 Richmond Highway. | (G) |
| | Richmond | Byrd Field, Sandston | Byrd Field, Sandston | (G) |

REGION 2

| | | | | |
|---|---|---|---|---|
| Alabama | Birmingham | Municipal Airport | Municipal Airport | (G) |
| Arkansas | Little Rock | Adams Field | R. F. D. 77 | (G) |
| Florida | Jacksonville | Room 221-225, U. S. Post Office and Court House Bldg., 311 West Monroe St. | P. O. Box 1501, Jacksonville 1 | (G) |
| | Miami | International Airport | P. O. Box 226, International Airport Branch, Miami 48. | (C) (G) (F) (E) |
| | Tampa | Peter O. Knight Airport | P. O. Box 2112 | (G) |
| Georgia | Atlanta | Building No. 5, Municipal Airport. | P. O. Box 738, Municipal Airport | (C) |
| | do | 3999 Gordon Road, Fulton County Airport. | 3999 Gordon Road | (G) |
| Louisiana | New Orleans | New Orleans Airport | P. O. Box 8068, Gentilly Branch, New Orleans Airport. | (G) |
| Louisiana | Shreveport | Down Town Airport | Down Town Airport, Shreveport 194. | (G) |
| Mississippi | Jackson | 334 A. A. B. Bldg | P. O. Box 1727 | (G) |
| North Carolina | Charlotte | Municipal Airport | P. O. Box 598 | (G) |
| | Raleigh | 506-507 Commercial Bldg | P. O. Box 1858 | (G) |
| | Winston-Salem | Terminal Bldg., Smith Reynolds Airport. | Terminal Bldg., Smith Reynolds Airport. | (C) |
| Oklahoma | Bethany | Tulakes Airport | Care Aero Design and Engineering Co., P. O. Box 118. | (F) |
| | Oklahoma City | Municipal Airport | P. O. Box 5158, Farley Station | (G) |
| | Tulsa | do | P. O. Box 8188 | (G)(C) |
| South Carolina | Columbia | Capital Airport | P. O. Box 368, West Columbia | (G) |
| Tennessee | Nashville | Berry Field | Berry Field | (C)(G) |
| Texas | Amarillo | Tradewind Airport | P. O. Box 2306 | (G) |
| | Brownsville | Rio Grande International Airport. | Administration Bldg., Rio Grande International Airport. | (G) |
| | Dallas | Room 241, Terminal Bldg., Love Field. | Room 241, Terminal Bldg., Love Field. | (G) |
| | do | Room 207, Administration Bldg., Love Field. | Room 207, Administration Bldg., Love Field. | (C) |



REGION 4—Continued

| State | City | Location | Mailing address | Specialty |
|---|---|---|---|---|
| California | Los Angeles | 5551 W. Manchester Ave. | P. O. Box 45007, Airport Station. | (G) (C) |
| | Oakland | Municipal Airport | Airport Station, P. O. Box 97 | (C) |
| | Ontario | Administration Bldg., Ontario International Airport. | Administration Bldg., Ontario International Airport. | (G) |
| | Palo Alto | Municipal Airport | P. O. Box 1240 | (G) |
| | do | Hiller Helicopters, 1350 Willow Road. | Hiller Helicopters, 1350 Willow Road. | (F) |
| | Sacramento | Municipal Airport | Municipal Airport | (G) |
| | San Diego | Administration Bldg., Lindbergh Field. | Administration Bldg., Lindbergh Field. | (G) |
| | do | Consolidated-Vultee Aircraft Corp., Building 33, Lindbergh Field. | Care Consolidated-Vultee Aircraft Corp., Building 33, Lindbergh Field, San Diego 12. | (F) |
| | Santa Monica | Douglas Aircraft Co., Inc., 3000 Ocean Park Blvd. | Care Douglas Aircraft Co., Inc., 3000 Ocean Park Blvd. | (F) |
| | San Francisco | Room 409, Terminal Bldg., International Airport. | P. O. Box 7, Airport Branch | (C) |
| | Van Nuys | 7550 Haywenhurst Ave., San Fernando Valley Airport. | 7550 Haywenhurst Ave., San Fernando Valley Airport. | (G) |
| Colorado | Denver | CAA District Office Bldg., Stapleton Airfield. | CAA District Office Bldg., Stapleton Airfield. | (G) (C) |
| Idaho | Boise | 1412 Idaho St. | 1412 Idaho St. | (C) |
| Montana | Billings | 208 Stapleton Bldg. | P. O. Box 1107 | (C) |
| | Helena | Municipal Airport | P. O. Box 1107 | (C) |
| Nevada | Reno | 219 N. Virginia St., Room 9, Savien Bldg. | P. O. Box 490 | (G) |
| New Mexico | Albuquerque | 2029 Yale Blvd. | 2029 Yale Blvd. SE. | (C) |
| Oregon | Medford | Municipal Airport | P. O. Box 832 | (C) |
| | Portland | Service Office Bldg., 5410 Northeast Marine Dr. | Service Office Bldg., 5410 Northeast Marine Dr., Portland 13. | (G) |
| Utah | Salt Lake City | Municipal Airport No. 1 | Municipal Airport No. 1, Salt Lake City 3. | (G) |
| Washington | Seattle | CAA Bldg., Boeing Field | P. O. Box 18, Seattle 8 | (G) |
| | do | do | P. O. Box 247, Seattle 8 | (F) (C) |
| | Spokane | Administration Bldg., Felts Field. | P. O. Box 247, Parkwater Sta. | (G) |
| | Yakima | 2300 W. Washington Ave. | 2300 W. Washington Ave. | (G) |
| Wyoming | Cheyenne | Municipal Airport, 4101 Evans Ave. | Box 2068, Airport Station | (G) |

REGION 5

| | | | | |
|---|---|---|---|---|
| Alaska | Anchorage | Communications Bldg., Merrill Field. | P. O. Box 440 | (G) |
| | do | Anchorage International Airport, Terminal Bldg., Raup Level. | do | (C) |
| | Fairbanks | Wien Alaska Airlines Hangar, Fairbanks Airport. | P. O. Box 510 | (C) (G) |
| | Juneau | McKinley Bldg. | P. O. Box 2449 | (C) (G) |

2. Section 27 as published on April 10, 1954, in 19 F. R. 2106 is amended by revising the first three paragraphs of paragraph (a) and by adding a footnote 1 as follows:

SEC. 27. *International District and Field Offices*—(a) *Functions.* Field activities of the International Region are carried out primarily by CAA International District Offices located within the continental United States and CAA International Field Offices located outside the continental United States.

These offices inspect operations and equipment of U. S. flag air carriers engaged in international air transportation and foreign flag carriers entering the United States to determine compliance with, and enforcement of, the applicable safety rules, regulations, and orders issued pursuant to the Civil Aeronautics Act of 1938, as amended;

REGION 3

| State | City | Location | Mailing address | Specialty |
|---|---|---|---|---|
| Illinois | Chicago | 6013 South Central Ave., Midway Airport. | 6013 South Central Ave., Chicago, 38. | (C) |
| | do | Du Page County Airport, St. Charles. | P. O. Box 337, Du Page County Airport, St. Charles, Ill. | (G) |
| | Springfield | Capital Airport | P. O. Box 1972, Chicago. | (G) |
| Indiana | Indianapolis | Administration Bldg., Weir-Cook Municipal Airport. | Administration Bldg., Weir-Cook Municipal Airport. | (G)(C) |
| | South Bend | St. Joseph County Airport | St. Joseph County Airport | (C) |
| Iowa | Cedar Rapids | Administration Bldg., Municipal Airport. | P. O. Box 1907 | (C) |
| | Des Moines | 228 Administration Bldg., Municipal Airport. | 228 Administration Bldg., Municipal Airport. | (G) |
| Kansas | Dodge City | Municipal Airport | P. O. Box 550 | (G) |
| | Kansas City | Second and Third Floors, Administration Bldg., Fairfax Airport. | Second and Third Floors, Administration Bldg., Fairfax Airport. | (C) (G) |
| | Wichita | Third Floor, Tower Bldg., New Municipal Airport Prospectus. | P. O. Box 2497, West Wichita Station, Wichita 13. | (G) |
| | do | Beech Aircraft Corp. | Beech Aircraft Corp. | (F) |
| | do | Cessna Aircraft Co. | Care Cessna Aircraft Co. | (F) |
| Michigan | Grand Rapids | Kent County Airport | Kent County Airport | (G) |
| | Detroit | Administration Bldg., Detroit-Wayne Major Airport, Inkster. | Administration Bldg., Detroit-Wayne Major Airport, Inkster | (G) |
| | Muskegon | Continental Aviation & Engineering Corp. | P. O. Box 538 | (F) |
| Minnesota | Minneapolis | Administration Bldg., Wold-Chamberlain Field. | Box 1, Administration Bldg., Wold-Chamberlain Field. | (G) |
| | do | 6535 34th Ave. South, Wold-Chamberlain Field. | 6535 34th Ave. South, Wold-Chamberlain Field. | (C) |
| Missouri | Springfield | Municipal Airport, Route 6 | Box 662A, Municipal Airport, Route 6. | (G) |
| | St. Louis | Administration Bldg., St. Louis, Lambert Field. | (Box 127, Lambert Field, (Box 6127, Lambert Field | (C) (C) |
| Nebraska | Lincoln | Terminal Bldg., Municipal Airport. | P. O. Box 1748 | (C) |
| | North Platte | Administration Bldg., Municipal Airport. | P. O. Box 581 | (G) |
| North Dakota | Bismarck | Municipal Airport | P. O. Box 805 | (G) |
| | Fargo | Administration Bldg., Hector Airport. | P. O. Box 1756, Hector Airport. | (G) |
| South Dakota | Huron | Municipal Airport | P. O. Box 96 | (G) |
| | Rapid City | Municipal Airport | P. O. Box 27 | (G) |
| Wisconsin | Milwaukee | General Mitchell Field | General Mitchell Field, Milwaukee 7. | (G) |
| | Wausau | Wausau Municipal Airport | Wausau Municipal Airport | (G) |

REGION 4

| | | | | |
|---|---|---|---|---|
| Arizona | Phoenix | Sky Harbor Airport | 3000 Sky Harbor Blvd., Sky Harbor Airport. | (G) |
| California | Burbank | Hangar No. 4, Lockheed Air Terminal. | Hangar No. 4, Lockheed Air Terminal. | (C) |
| | do | Lockheed Aircraft Corp., Plant A-1, Bldg. 19. | Care Lockheed Aircraft Corp., Plant A-1, Bldg. 19. | (F) |
| | Fresno | Fresno Air Terminal | P. O. Box 391 | (G) |
| | Long Beach | Administration Bldg., Municipal Airport. | Administration Bldg., Municipal Airport. | (G) |

Direct the investigation of accidents as well as alleged violations of such safety requirements, whenever civil aircraft of the United States are involved;[1] • • •

3. Section 27 (b) and (c), as published on September 14, 1954, in 19 F. R. 5959, is amended as follows:

SEC. 27. *International District and Field Offices.* • • •

(b) *Locations and areas of responsibility of CAA International District Offices.*

| Location | Mail address | Areas of responsibility |
|---|---|---|
| Fort Worth, Tex., Building 1, Room 103, Second Regional Office. | P. O. Box 1689 | Mexico. |
| Miami, Fla., 656 East Dr., Miami Springs, Fla. | P. O. Box 234, International Airport, Miami, Fla. | Bahama Islands, Cuba, Jamaica, Guatemala, El Salvador, Honduras, British Honduras, Nicaragua, Costa Rica, Colombia (Barranquilla and Cartagena, only). |
| Minneapolis, Minn., 6355 34th Ave. South, Wold-Chamberlain Field. | 6355 34th Ave. South, Wold-Chamberlain Field. | Western Canada.[1] |
| New York, N. Y., Federal Bldg., New York International Airport, Jamaica, Long Island, N. Y. | Federal Bldg., New York International Airport, Jamaica, Long Island, N. Y. | Iceland, Eastern Canada, Newfoundland, Labrador, Bermuda, Azores[2], Dakar, Liberia,[2] Accra,[2] Leopoldville,[2] Johannesburg.[2] |
| San Francisco, Calif., 402-3 Terminal Bldg., International Airport, South San Francisco. | P. O. Box 98, Airport Branch, San Francisco International Airport, San Francisco, Calif. | Solomons, New Guinea, New Zealand, Samoa, New Hebrides, Tuamotu, Australia, Fiji Islands, New Caledonia, Norfolk Island. |

[1] Except for investigation of accidents. See footnote 1 to subsection (a).
[2] Primary operational coverage.

(c) *Locations and areas of responsibility of CAA International Field Offices.*

| Location | Mail address | Areas of responsibility |
|---|---|---|
| Bangkok, Thailand, 85/1 Paknam Rd. | Care American Embassy, Bangkok, Box B, A. P. O. 74, San Francisco, Calif. | Thailand, Malay States, Singapore, B. C. C., French Indo-China, Burma, India,[1] Pakistan,[1] Vietnam, Laos, Cambodia. |
| Beirut, Lebanon, Yared Bldg., Rue Abdul, Aziz. | Care American Embassy | Iran, Trans-Jordan, Saudi Arabia, Yemen, Pakistan,[1] India,[1] Egypt, Sudan, Eritrea, Ceylon, Ethiopia, Libya, French Somaliland, British Somaliland, Uganda, Kenya, Tanganyika, Aden, Afghanistan. |
| Buenos Aries, Argentina Florida 935, 2C. | Care U. S. Embassy, Avda, R. S. Pena 567. | Argentina, Uruguay, Paraguay, Chile. |
| Frankfort, Germany, Room 251, Annex A, I. G. Farben Bldg. | Care U. S. Consulate General, A. P. O. 757, New York, N. Y. | Germany,[2] Austria,[2] Yugoslavia.[2] |
| Lima, Peru, CORPAC Terminal Bldg., Limatambo Airport. | Care U. S. Embassy | Peru, Bolivia, Ecuador, Colombia (except Barranquilla and Cartegena), Panama, Canal Zone. |
| London, England, U. S. Embassy, No. 1 Grosvener Sq., London, W.1. | ----do | Sweden, Norway, Denmark, Finland, Netherlands, Great Britain, Ireland, Germany,[2] Austria,[2] Yugoslavia,[2] Belgium. |
| Manila, P. I., Embassy Compound, Quonset No. 3. | Care U. S. Embassy, A. P. O. 928, San Francisco, Calif. | Philippine Islands, Celebes, Borneo, Java, Sumatra, Formosa, Hong Kong, Guam, Marianas, Marcus Island. |
| Paris, France, American Embassy, Hotel Perey, 5 Cite du Retiro, Paris 8. | A. P. O. 230, care Postmaster, New York, N. Y. | Sicily, France, Algeria, Corsica, Portugal, Italy, Sardinia, Spain, Switzerland, Tunisia, Morocco (French-Spanish), Israel, Luxembourg, Tangier, Greece. |
| Rio de Janiero, Brazil, United States Embassy, Av. Presidente Wilson 147, Room 411. | Care U. S. Embassy | Brazil. |
| San Juan, P. R., Isla Grande Airport. | P. O. Box 4764 | Haiti, Dominican Republic, Puerto Rico, Virgin Islands West Indies, Venezuela, British Guiana, French Guiana, Surinam. |
| Tokyo, Japan, American Embassy Annex, Room 206, Mantetsu Bldg., No. 2, Akasaka Aoi-Cho, Minato-Ku. | Care American Embassy, A. P. O. 500, San Francisco, Calif. | Japan, Korea, Kurile Islands, Okinawa, Volcano Islands Formosa. |

[1] Shared with Beirut IFO by agreement.
[2] Shared with London IFO by agreement.

This notice shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] C. J. LOWEN,
*Administrator of Civil Aeronautics.*

[F. R. Doc. 56-4989; Filed, June 26, 1956; 8:45 a. m.]

[1] Except that Region 4 will undertake the investigation of accidents in that part of Canada comprising the province of British Columbia west of the continental divide and south of latitude 54° N.; Region 5 will undertake the investigation of accidents in the Aleutian Islands, the province of Yukon, and that part of the province of British Columbia west of the continental divide and north of latitude 54° N.

## Office of the Secretary

ERNST COHN ET AL.

ORDER TEMPORARILY SUSPENDING PREVIOUS ORDER DENYING EXPORT PRIVILEGES

In the matter of Ernst Cohn, Herbert James Philippi, N. V. Amsterdamsche Maatschappij voor Industrie en Handel—"Hydrocarbon," 384 Herengracht, Amsterdam, C, Netherlands, Respondents; Appeals Board Docket FC-21, B. F. C. Case No. 168.

Ernst Cohn, Herbert James Philippi, and N. V. Amsterdamsche Maatschappij voor Industrie en Handel—"Hydrocarbon", heretofore having been denied export privileges for a period of five years commencing December 28, 1953 (19 F. R. 37, January 1, 1954); and said order denying export privileges having been affirmed by the Appeals Board of the Department of Commerce (19 F. R. 4694, July 30, 1954); and the respondents, pursuant to the leave granted them by the Appeals Board in its order of affirmance, having applied to the Bureau of Foreign Commerce for relief from the denial order, giving assurances that they would not again violate United States export control regulations; and respondents' application having been referred to the Compliance Commissioner of the Bureau of Foreign Commerce, who has reviewed all previous proceedings heretofore had herein and numerous communications received from the respondents; and the Compliance Commissioner having recommended that these respondents be given another opportunity to demonstrate by actual performance the truth of their numerous assertions of intention to comply with all United States export control regulations; and the Director of the Office of Export Supply, having concurred in said recommendation and referred this matter to the Appeals Board, in accordance with the order of the Appeals Board, dated July 26, 1954; and the Appeals Board having reopened this appeal for the purpose of determining to what extent, if any, the period of denial of license privileges should be reduced and having concluded that respondents should be given another opportunity to participate in exports from the United States, solely as a matter of grace and in the exercise of discretion: *It is hereby ordered:*

That until a further order is entered herein all export privileges heretofore denied to the respondents by the order dated December 28, 1953 (19 F. R. 37), shall be restored to the respondents on June 28, 1956, but such restoration of export priveleges, otherwise denied to them under the said order dated December 28, 1953, may be revoked at any time and without notice of any kind if the Director of the Office of Export Supply or such other officer as may at that time be exercising the duties now performed by him, deems such action to be advisable or necessary to achieve effective enforcement of the Export Control Act of 1949, as amended, such revocation to be effective upon the entry of such an order by said officer.

Dated: June 11, 1956.

FREDERIC W. OLMSTEAD,
*Chairman, Appeals Board.*

[F. R. Doc. 56-5067; Filed, June 26, 1956; 8:53 a. m.]

# DEPARTMENT OF AGRICULTURE

## Office of the Secretary

IDAHO

DESIGNATION OF AREA FOR PRODUCTION EMERGENCY LOANS

For the purpose of making production emergency loans pursuant to section 2 (a) of Public Law 38, 81st Congress (12 U. S. C. 1148a-2 (a)), as amended, it has been determined that in Boundary County, Idaho, a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named county after June 30, 1957, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D. C., this 22d day of June 1956.

[SEAL] TRUE D. MORSE,
*Acting Secretary.*

[F. R. Doc. 56-5073; Filed, June 26, 1956; 8:54 a. m.]

UTAH

DISASTER ASSISTANCE; DELINEATION OF DROUGHT AREA

Pursuant to Public Law 875, 81st Congress, the President determined on June 15, 1956, that a major disaster occasioned by drought existed in the State of Utah.

Pursuant to the authority delegated to me by the Administrator, Federal Civil Defense Administration (18 F. R. 4609; 19 F. R. 2148, 5364; 20 F. R. 4664), and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, and section 301 of Public Law 480, 83d Congress, Washington County, Utah, was determined on June 15, 1956, to be affected by the above-mentioned major disaster.

Done at Washington, D. C., this 22d day of June 1956.

[SEAL] EZRA TAFT BENSON,
*Secretary.*

[F. R. Doc. 56-5050; Filed, June 26, 1956; 8:49 a. m.]

# ATOMIC ENERGY COMMISSION

[Docket No. F-23]

NUCLEAR DEVELOPMENT CORP. OF AMERICA

NOTICE OF ISSUANCE OF CONSTRUCTION PERMIT

Please take notice that the Atomic Energy Commission has issued the construction permit set forth below to the Nuclear Development Corporation of America, White Plains, New York. In accordance with the procedures set forth in the Commission's rules of practice (10 CFR Part 2), the Commission will direct the holding of a formal hearing upon timely receipt of a request therefor from the applicant or an intervenor.

*Construction permit, No. CPCX-3.* The Nuclear Development Corporation of America, White Plains, New York (hereinafter "NDA") on March 5, 1956 filed its application for license under section 104 c. of the Atomic Energy Act of 1954 (hereinafter "the act") to construct and operate a critical experiment facility (hereinafter "the facility"). Amendments to the application were filed on April 13 and May 10, 1956. The original application together with said amendments are hereinafter referred to as "the application".

The Atomic Energy Commission (hereinafter the "Commission") has found that:

(A) The facility will be a utilization facility as defined in the Commission's regulations contained in 10 CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities".

(B) NDA proposes to utilize the facility in the conduct of research and development activities of the types specified in section 31 of the Atomic Energy Act of 1954.

(C) NDA is technically qualified to design and construct the facility.

(D) NDA has submitted sufficient information to provide reasonable assurance that the facility can be constructed and operated at the proposed location without undue risk to the health and safety of the public.

Pursuant to the Atomic Energy Act of 1954 and 10 CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities," the Commission hereby issues a construction permit to NDA to construct the facility as a utilization facility. This permit shall be deemed to contain and be subject to the conditions specified in §§ 50.54 and 50.55 of said regulations; is subject to all applicable provisions of the Atomic Energy Act of 1954 and rules, regulations and orders of the Atomic Energy Commission now or hereafter in effect; and is subject to any additional conditions specified or incorporated below.

(1) The earliest date for the completion of the facility is July 1, 1956. The latest date for completion of the facility is September 1, 1956.

(2) The site proposed for the location of the facility is the location in Pawling, New York, specified in report NDA-3130-1, "Compilation of Data on Environmental Factors Affecting Nuclear Experimental Station Operations".

(3) The general type of facility authorized for construction is a critical experiment facility designed primarily for testing reactor cores at near zero power levels using uranium enriched in the isotope uranium 235 in the fuel elements.

(4) At such time as this Construction Permit is converted into a license to operate the facility, such license will incorporate—as one of its conditions—a requirement that no critical experiment may be conducted in the facility until a description of the experiment and a hazards evaluation report shall have been submitted to the Commission and the Commission shall have specifically authorized the experimental activity.

(5) Upon completion of the construction of the facility in accordance with the terms and conditions of this permit, upon the filing of any additional information needed to bring the original application up to date, and upon finding that the facility authorized has been constructed in conformity with the application as amended and in conformity with the provisions of the act and of the rules and regulations of the Commission, and in the absence of any good cause being shown to the Commission why the granting of a license would not be in accordance with the provisions of the act, the Commission will issue a Class 104 license to NDA pursuant to section 104 c. of the act, which license shall expire ten (10) years after the date of this construction permit.

Dated at Washington, D. C., this 19th day of June 1956.

Date of issuance: June 11, 1956.

For the Atomic Energy Commission.

H. L. PRICE,
*Director,*
*Division of Civilian Application.*

[F. R. Doc. 56-5037; Filed, June 26, 1956; 8:47 a. m.]

[Docket No. F-17 etc.]

AMF ATOMICS, INC., ET AL.

NOTICE OF APPLICATIONS FOR UTILIZATION FACILITY LICENSES

Take notice that the following companies have filed applications for licenses to construct, possess and operate utilization facilities under the indicated sections of the Atomic Energy Act of 1954:

Docket No. F-17, AMF Atomics, Inc., 261 Madison Avenue, New York, New York, on January 12, 1956, filed an application for a license under section 104c of the Atomic Energy Act of 1954 to construct, possess and operate a nuclear reactor to be located at Plainsboro, New Jersey.

Docket No. F-15, Applied Nucleonics Corporation, 1210 Springbrook Road, Walnut Creek, California, on December 20, 1955, filed an application for a license under section 104c of the Atomic Energy Act of 1954 to construct, possess and operate a nuclear reactor to be located at Walnut Creek, California. On May 28, 1956 the application was resubmitted by Aerojet-General Nucleonics, 1529 Cypress Avenue, Walnut Creek, successors to Applied Nucleonics Corporation.

Docket No. F-13, The Babcock & Wilcox Co., 161 E. 42d Street, New York, New York, on October 27, 1955, filed an application for a license under section 104c of the Atomic Energy Act of 1954 to construct, possess and operate a critical experiment facility to be located near Lynchburg, Virginia. A permit authorizing construction of the facility was issued on December 9, 1955.

Docket No. F-14, Battelle Memorial Institute, 505 King Avenue, Columbus 1, Ohio, on October 28, 1955, filed an application for a license under section 104c of the Atomic Energy Act of 1954 to construct, possess and operate a critical experiment facility to be located at West Jefferson, Ohio. A permit authorizing construction of the facility was issued on December 28, 1955.

Docket No. F-25, The Dow Chemical Company, Midland, Michigan, on January 31, 1956, filed an application for a license under section 104b of the Atomic Energy Act of 1954 to construct, possess

and operate a nuclear reactor to be located at Midland, Michigan.

Docket No. F–19, Ford Motor Company, 3000 Shaefer Road, Dearborn, Michigan, on January 17, 1956, filed an application for a license under section 104c of the Atomic Energy Act of 1954 to construct, possess and operate a nuclear reactor to be located at Dearborn, Michigan.

Docket No. F–24, General Electric Company, 1 River Road, Schenectady 5, New York, on March 27, 1956, filed an application for a license under section 104c of the Atomic Energy Act of 1954 to construct, possess and operate a critical experiment facility to be located at Vallecitos Laboratory Site, Alameda County, California.

Docket No. F–23, Nuclear Development Corporation, 5 New Street, White Plains, New York, on March 14, 1956, filed an application for a license under section 104c of the Atomic Energy Act of 1954 to construct, possess and operate a critical experiment facility to be located near Pawling, New York.

Docket No. F–16, Power Reactor Development Co., 1100 Dime Building, Detroit 26, Michigan, on January 7, 1956, filed an application for a license under section 104b of the Atomic Energy Act of 1954 to construct, possess and operate a nuclear reactor to be located in Frenchtown Township, Monroe County, Michigan.

Docket No. F–21, The Prosperity Co., Inc., Syracuse 1, New York, on March 6, 1956, filed an application for a license under Section 104c of the Atomic Energy Act of 1954 to construct, possess and operate a nuclear reactor to be located at University of Miami Campus, Coral Gables, Florida.

Docket No. F–22, Westinghouse Electric Corporation, P. O. Box 355, Pittsburgh 30, Pennsylvania, on March 12, 1956, filed an application for a license under section 104c of the Atomic Energy Act of 1954 to construct, possess and operate a nuclear reactor to be located in Westmoreland County, Pennsylvania.

Docket No. F–22, Westinghouse Electric Corporation, P. O. Box 355, Pittsburgh 30, Pennsylvania, on March 12, 1956, filed an application for a license under section 104c of the Atomic Energy Act of 1954 to construct, possess and operate a critical experiment facility to be located in Westmoreland County, Pennsylvania.

Dated at Washington, D. C., this 5th day of June 1956.

For the Atomic Energy Commission.

H. L. PRICE,
*Director, Division of Civilian Application.*

[F. R. Doc. 56–5039; Filed, June 26, 1956; 8:47 a. m.]

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[Docket No. F–1]

ARMOUR RESEARCH FOUNDATION

NOTICE OF ISSUANCE OF FACILITY LICENSE

Please take notice that the Atomic Energy Commission has issued the facility license set forth below to Armour Research Foundation of Illinois Institute of Technology, Chicago, Illinois. In accordance with the procedures set forth in the Commission's rules of practice (10 CFR Part 2), the Commission will direct the holding of a formal hearing upon timely receipt of a request therefor from the applicant or an intervenor.

*License, No. R–3.* 1. Subject to the conditions and requirements incorporated herein, the Atomic Energy Commission hereby licenses the Armour Research Foundation of the Illinois Institute of Technology, Chicago, Illinois (hereinafter referred to as "the Foundation"),

(a) Pursuant to section 104 c. of the Atomic Energy Act of 1954 (hereinafter referred to as "the act"), and 10 CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities," to possess and operate as a utilization facility the nuclear reactor (hereinafter referred to as "the facility") designated below;

(b) Pursuant to the act and 10 CFR, Chapter I, Part 70, "Special Nuclear Materials Regulations," to receive, possess and use:

(1) 1,300 grams of contained uranium 235 in uranyl sulfate solution as fuel for operation of the facility;

(2) 3.5 grams of contained uranium 235 in neutron measuring instruments incorporated in the facility.

(c) Pursuant to the act and 10 CFR, Chapter 1, Part 30, "Licensing of By-Product Material," to possess but not to separate from the fuel (except such separation as may be incident to sampling tests required from time to time in the operation of the reactor), such special nuclear and by-product material as may be produced from operation of the reactor.

2. This license applies to the nuclear reactor which is owned by the Foundation and located at Chicago, Illinois, and described in the Foundation's application dated January 7, 1955.

3. This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50 and § 70.32 of Part 70; is subject to all applicable provisions of the Atomic Energy Act of 1954 and rules, regulations and orders of the Atomic Energy Commission now or hereafter in effect, including the proposed "Standards For Protection Against Radiation" regulation (10 CFR Part 20) published in the FEDERAL REGISTER July 15, 1955; and is subject to any additional conditions specified or incorporated below.

4. The conditions and requirements contained in Appendix A, set forth below, are a part of this license.

5. This license is effective as of the date of issuance and shall expire at midnight, March 28, 1965, unless sooner terminated.

Dated at Washington, D. C., this 19th day of June, 1956.

Date of issuance: June 12, 1956.

For the Atomic Energy Commission.

H. L. PRICE,
*Director,*
*Division of Civilian Application.*

APPENDIX A

I. *Operating restrictions.* a. The Foundation shall operate the reactor in accordance with the procedures described in its application dated January 7, 1955, and supporting documents transmitted by the Foundation on April 5 and June 7, 1956.

b. The Foundation shall not by-pass any control mechanism during the operation of the facility.

c. The Foundation shall not operate the reactor at power levels in excess of 10 kilowatts without previous authorization from the Commission.

d. The fuel loading in the reactor will be such that the excess reactivity above cold, clean critical will not exceed 1.66%.

II. *Records.* In addition to those otherwise required under this license, the Foundation shall keep the following records:

a. Reactor operating records, including power levels.

b. Record of in-pile irradiations.

c. Records showing radioactivity released or discharged into the air or water beyond the effective control of the Foundation as measured at the point of such release or discharge.

d. Records of emergency reactor scrams, including reasons for emergency shutdowns.

III. *Reports.* The Foundation shall make a prompt report to the Commission of any unusual operating incident of the reactor.

[F. R. Doc. 56–5038; Filed, June 26, 1956; 8:47 a. m.]

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## CIVIL AERONAUTICS BOARD

[Docket No. 7454 et al.]

SEVEN STATES AREA INVESTIGATION

NOTICE OF HEARING

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 401, 1001 and 1002 (b) of the act, that a hearing in the above-entitled proceeding is assigned to be held on July 17, 1956, at 10:00 a. m., c. s. t., in the Paxton Hotel, 14th and Farnam Streets, Omaha, Nebraska, before Examiner Curtis C. Henderson.

For further details relative to this proceeding, interested parties are referred to the Hearing Examiner's report of prehearing conference served March 13, 1956, supplemental report of prehearing conference served April 13, 1956, and the applications heretofore consolidated into this proceeding by the Board's consolidation order, No. E–10100, adopted March 20, 1956, order granting motions for consolidation, No. E–10197, adopted April 13, 1956, order broadening investigation, No. E–10317, adopted May 24, 1956, and the docket in this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Without limiting the scope of the issues presented in this proceeding, particular attention will be directed to the following matters:

I. With respect to the disposition of applications for certificates of public convenience and necessity and amendments thereto which have been consolidated into this proceeding, the issues may be stated as follows:

A. Do the public convenience and necessity require the whole or any part of the air service proposed by the application? If required, should the authority



be permanent or temporary, and if the latter, for what period?

B. Is the applicant a citizen of the United States as defined in section 1 (13) of the act?

C. Is the applicant fit, willing and able to perform properly the transportation requested in its application, and to conform to the provisions of the act and the requirements of the Board thereunder?

II. With respect to the disposition of applications for air service filed by or on behalf of cities, the issues may be stated as follows:

Do the public convenience and necessity require the whole or any part of the air service proposed by the application? If required, by what carrier or carriers should the service be provided?

III. With respect to the disposition of applications for suspension, transfer or elimination of existing authority held by a carrier, the issues may be stated as follows:

Do the public convenience and necessity require the alteration, amendment or modification of the certificate of the carrier now providing the service so as to suspend, transfer or eliminate said carrier's authority to serve the point in question?

For further details of issues involved in this proceeding, interested persons are referred to the applications and amendments thereto, petitions, motions, and orders entered in the docket of this proceeding, all of which are on file with the Civil Aeronautics Board.

Notice is further given that any person not a party of record desiring to be heard in support of or in opposition to questions involved in this proceeding must file with the Board on or before July 17, 1956, a statement setting forth the matters of fact or law which he desires to controvert. Any person filing such a statement may appear and participate in the hearing in accordance with the provisions of Rule 14 of the Board's rules of practice.

Dated at Washington, D. C., June 20, 1956.

[SEAL] FRANCIS W. BROWN.
*Chief Examiner.*

[F. R. Doc. 56–5069; Filed, June 26, 1956; 8:53 a. m.]

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[Docket No. 2396 et al.]

EASTERN AIR LINES, INC., ET AL.; GREAT LAKES-SOUTHEAST SERVICE CASE

NOTICE OF HEARING

In the matter of Eastern Air Lines, Inc., and other applicants for certificates or amendments to certificates of public convenience and necessity in the consolidated proceeding known as the Great Lakes-Southeast Service Case.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 401 of the said act and the applicable regulations thereunder, that a hearing involving all civic parties in the above-entitled proceeding is assigned to be held on July 23, 1956, at 10:00 a. m., e. d. s. t., in Conference Room B, Departmental Auditorium, Constitution Avenue, between Twelfth and Fourteenth Streets NW., Washington, D. C., before Examiner William F. Cusick. Upon completion of the presentations by the civic parties, the hearing will recess and will reconvene at a time and place to be announced for the presentations by all of the applicants.

For further details regarding this proceeding, interested parties are referred to the Board's Orders Nos. E–9734 and E–10043, the report of the prehearing conferences in this matter served June 30, 1955, and the docket in this proceeding on file in the Docket Section of the Civil Aeronautics Board.

Without limiting the precise scope of the issues, particular attention will be directed to the following matters and questions:

(1) Whether the public convenience and necessity require the amendment of existing certificates of public convenience and necessity or the issuance of new certificates to any of the applicants that are parties to this proceeding?

(2) Are the applicants fit, willing and able to conduct the proposed air transportation and to conform to the provisions of the act and the regulations of the Board thereunder?

Notice is further given that any person not a party of record desiring to be heard in support of or in opposition to questions involved in this consolidated proceeding must file with the Board on or before July 23, 1956, a statement setting forth the matters of fact or law which he desires to advance. Any person filing such a statement may appear at the hearing in accordance with Rule 14 of the Board's rules of practice in economic proceedings.

Dated at Washington, D. C., June 20, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56–5068; Filed, June 26, 1956; 8:53 a. m.]

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## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11683; FCC 56M–609]

WCHS–TV, INC.

ORDER RESCHEDULING HEARING

In re application of WCHS–TV, Inc., Charleston, West Virginia, Docket No. 11683, File No. BMPCT–3392; for modification of construction permit (Channel 8).

The Hearing Examiner having under consideration a petition filed June 13, 1956, by WCHS–TV, Inc., requesting that the hearing now scheduled for July 16, 1956, be rescheduled to July 11, 1956; and

It appearing that there is no opposition to the requested change and that the proposed July 11, 1956, hearing date is satisfactory to all parties;

*It is ordered*, This the 20th day of June 1956 that the hearing in the above-entitled proceeding now scheduled to commence on July 16, 1956, is rescheduled and will begin July 11, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56–5081; Filed, June 26, 1956; 8:57 a. m.]

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[Docket No. 11700; FCC 56M–616]

SAN JOAQUIN BROADCASTING CO. (KSTN)

ORDER CONTINUING HEARING

In re application of San Joaquin Broadcasting Company (KSTN), Stockton, California, Docket No. 11700, File No. BP–10208; for construction permit.

The Hearing Examiners having under consideration a petition of the applicant herein, filed June 19, 1956, requesting that the hearing upon its application be continued from June 29, 1956 to July 16, 1956;

It appearing that all parties are engaged in engineering studies with a view to resolving the questions raised in the issues governing the proceeding and the expectation is that such questions will be resolved within the next several weeks;

It appearing further that, in view of the studies presently in progress, it would be inadvisable to proceed with the hearing as presently scheduled;

It appearing further that all parties to the proceeding consent to the granting of the instant pleading and to a waiver of the provisions of § 1.745 of the rules to permit immediate consideration thereof;

*It is ordered*, This 20th day of June 1956, that the petition is granted to the extent that it requests a continuance of the hearing in the above-entitled proceeding; *And it is further ordered*, On the Hearing Examiners' own motion, that the said hearing is continued to a date which will be specified by subsequent order.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56–5082; Filed, June 26, 1956; 8:57 a. m.]

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[Docket No. 11734; FCC56M–614]

1360 BROADCASTING CO., INC. (WEBB)

ORDER SCHEDULING CONFERENCE

In re application of 1360 Broadcasting Company, Inc. (WEBB), Baltimore, Maryland, Docket No. 11734, File No. BP–10275; for construction permit.

*It is ordered*, This 20th day of June 1956, that all parties, or their counsel, in the above-entitled proceeding are directed to appear for a pre-hearing conference pursuant to the provisions of § 1.813 of the Commission's rules, at the

offices of the Commission in Washington, D. C., at 2 o'clock p. m., June 29, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-5083; Filed, June 26, 1956; 8:57 a. m.]

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[Docket Nos. 11736, 11737; FCC 56M-611]

PAUL A. BRANDT AND LIVINGSTON BROADCASTING CO.

ORDER SCHEDULING HEARING

In re applications of Paul A. Brandt, West Branch, Michigan, Docket No. 11736, File No. BP-10109; M. H. Wirth, tr/as Livingston Broadcasting Co., Howell, Michigan, Docket No. 11737, File No. BP-10283; for construction permits.

*It is ordered,* This 20th day of June 1956, that Herbert Sharfman will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 12, 1956, in Washington, D. C.

Released: June 21, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-5084; Filed, June 26, 1956; 8:57 a. m.]

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[Docket No. 11738 etc.; FCC 56M-610]

SOUTH DADE BROADCASTING CO. ET AL.

ORDER SCHEDULING HEARING

In re applications of South Dade Broadcasting Co., Inc., Homestead, Florida, Docket No. 11738, File No. BP-10009; J. M. Pace, Homestead, Florida, Docket No. 11739, File No. BP-10198; Redland Broadcasting Company, Homestead, Florida, Docket No. 11740, File No. BP-10424; for construction permits.

*It is ordered,* This 20th day of June 1956, that J. D. Bond will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 11, 1956, in Washington, D. C.

Released: June 21, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-5085; Filed, June 26, 1956; 8:57 a. m.]

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[Docket No. 11741; FCC 56M-612]

CLAREMORE BROADCASTING CO.

ORDER SCHEDULING HEARING

In re application of Robert I. Hartley, tr/as Claremore Broadcasting Company, Claremore, Oklahoma, Docket No. 11741, File No. BP-10306; for construction permit.

*It is ordered,* This 20th day of June 1956, that Basil P. Cooper will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 13, 1956, in Washington, D. C.

Released: June 21, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-5086; Filed, June 26, 1956; 8:57 a. m.]

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[Docket No. 11742; FCC 56M-613]

WGLI, INC.

ORDER SCHEDULING HEARING

In re application of WGLI, Incorporated, Babylon, New York, Docket No. 11742, File No. BP-10276; for construction permit.

*It is ordered,* This 20th day of June 1956, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 13, 1956, in Washington, D. C.

Released: June 22, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-5087; Filed, June 26, 1956; 8:58 a. m.]

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[Amdt. 0-22; FCC 56-583]

SAFETY AND SPECIAL RADIO SERVICES BUREAU

CHANGE IN ORGANIZATION

In the matter of amendment of Part 0 of the Commission's rules to reflect certain changes in the organization of the Safety and Special Radio Services Bureau.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 20th day of June 1956;

The Commission having under consideration the abolition of the Authorization Analysis Division and the Industry and Commerce Division of the Safety and Special Radio Services Bureau and the establishment of a new Industrial Division and a new Land Transportation Division in that Bureau; and

It appearing that the amendments adopted herein would promote greater efficiency in Commission operations;

*It is ordered,* That, pursuant to sections 4 and 5 of the Communications Act of 1934, as amended, effective July 2, 1956, the Authorization Analysis Division and the Industry and Commerce Division of the Safety and Special Radio Services Bureau are abolished and an Industrial Division and a Land Transportation Division are hereby established. The functions and personnel of the Authorization Analysis Division are transferred to the offices of the Bureau Chief and the several service divisions.

*It is further ordered,* That the Chief of the Safety and Special Radio Services Bureau may transfer such personnel, equipment and records as he may deem necessary in his discretion, from the Authorization Analysis Division and the Industry and Commerce Division, in order to effectively carry out the changes herein ordered.

*It is further ordered,* That effective July 2, 1956, Part 0 of the Commission's rules and regulations is amended as set forth below.

Released: June 22, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

1. Section 0.63 is amended as follows:

Change paragraph (e) to read "The Industrial Division".

Change paragraph (f) to read "The Land Transportation Division".

2. Section 0.64 is amended to read as follows:

SEC. 0.64 *The Office of the Bureau Chief.* The Office of the Chief of the Bureau is composed of the immediate offices of the Chief and Assistant Chief of the Bureau and the Law, Enforcement, and Procedures Office, which performs legal work affecting the Bureau as a whole, advises the Chiefs of Divisions on legal matters of unusual complexity, executes special assignments for the Chief of the Bureau in respect to matters of a legal, policy or legislative character, reviews and coordinates the procedures of the Bureau and is responsible for planning and executing the enforcement program of the Bureau.

3. Section 0.65 is amended to read as follows:

SEC. 0.65 *Aviation Division.* The Aviation Division is responsible for all functions indicated in the statement contained in 0.61, in so far as such functions pertain to aviation radio and safety matters, except for enforcement matters (0.64).

4. Section 0.66 is amended to read as follows:

SEC. 0.66 *Marine Division.* The Marine Division is responsible for all functions indicated in the statement contained in 0.61 in so far as such functions pertain to marine radio and safety services, to scheduled weather transmission, and to the Alaskan services, except for enforcement matters (0.64).

5. Section 0.67 is amended to read as follows:

SEC. 0.67 *Industrial Division.* The Industrial Division is responsible for all functions indicated in the statement contained in section 0.61 in so far as such functions pertain to industrial radio services, except for enforcement matters (0.64).

6. Section 0.68 is amended to read as follows:

SEC. 0.68 *Public Safety and Amateur Division.* The Public Safety and Amateur Division is responsible for all functions indicated in the statement contained in 0.61 in so far as such functions pertain to the public safety and amateur services, except for enforcement matters (0.64).

7. Section 0.69 is amended to read as follows:

SEC. 0.69 *Land Transportation Division.* The Land Transportation Division is responsible for all functions indicated in the statement contained in section 0.61 in so far as such functions pertain to the land transportation and citizens radio services, except for enforcement matters (0.64).

[F. R. Doc. 56-5088; Filed, June 26, 1956; 8:58 a. m.]



## FEDERAL POWER COMMISSION

[Docket Nos. G-9262, G-9960]

HOUSTON TEXAS GAS AND OIL CORP. AND COASTAL TRANSMISSION CORP.

ORDER CONSOLIDATING PROCEEDINGS, GRANTING INTERVENTIONS, DENYING INTERVENTIONS, PROVIDING MODE OF PROCEDURE AND FIXING DATE OF HEARING

Houston Texas Gas and Oil Corporation (Houston), a Delaware corporation with its principal place of business at 4604 South Main Street, Houston, Texas, filed on August 26, 1955, its application, as amended and supplemented on October 27, 1955, February 10, 16 and 24, 1955, in Docket No. G-9262, for a certificate of public convenience and necessity pursuant to Section 7 of the Natural Gas Act, authorizing it to construct and operate natural-gas pipe-line facilities for the transportation and sale of natural gas from a point near Baton Rouge, Louisiana in interstate commerce to public communities, public utilities and other markets in the State of Florida.

Coastal Transmission Corporation (Coastal), a Delaware corporation with its principal place of business located at 1921 Commerce Building, Houston, Texas, filed on February 8, 1956, an application in Docket No. G-9960 for a certificate of public convenience and necessity pursuant to the Natural Gas Act, authorizing it to construct and operate certain natural-gas pipe-line facilities for the transportation and sale of natural gas in interstate commerce, from a point near Hidalgo, Texas, to a point at or near the east bank of the Mississippi River in East Baton Rouge, Louisiana, which gas will be sold by Houston in accordance with its application for a certificate of public convenience and necessity above referred to.

The applications, amendments and supplements filed in Docket Nos. G-9262 and G-9960 appear to present issues of fact and law which are in part common to both, and therefore, in the public interest to consolidate the proceedings for the purpose of hearing. Notice of the filing of the applications was published in the FEDERAL REGISTER on March 6, 1956 (21 F. R. 1456-7). The time for filing protests and petitions for leave to intervene in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) expired on March 28, 1956, the date fixed in the above-published notice.

Notice of interventions by State Commissions, and petitions seeking leave to intervene in the above-entitled matters were filed as hereinafter indicated:

[Docket No. G-9262]

*Date and Petitioner*

October 3, 1955—Jacksonville Chamber of Commerce.
November 9—Atlantic Coast Line Railroad Company and Louisville and Nashville Railroad Co.
March 14, 1956—Superior Oil Company.
March 21—Southern Natural Gas Company.
March 21—Orlando Utilities Commission.
March 21—Florida Public Utilities Company.
March 22—Colonial Natural Gas Corporation.
March 26—Florida Development Commission.
March 26—West Florida Gas and Fuel Company.
March 26—Sanford Gas Company.
March 26—Florida Home Gas Company.
March 26—Ocala Gas Company.
March 26—Southern Gas & Electric Corporation.
March 26—City of Leesburg, Florida.
March 26—City of St. Petersburg.
March 26—South Atlantic Gas Company.
March 26—Putnam Gas and Fuel Company.
March 26—Triangle Gas Company.
March 26—Minute Maid Corporation.
March 26—South Georgia Natural Gas Company.
March 27—City of Starke, Florida.
March 27—Gainesville Gas Company.
March 27—City of Lake City, Florida.
March 27—W. R. Grace & Company, Davidson Chemical Company Division.
March 27—City of Madison, Florida.
March 27—Peoples Water and Gas Company; The Tampa Gas Company.
March 27—City of Lakeland, Florida.
March 27—Central Florida Gas Corporation.
March 27—City of Plant City, Florida.
March 27—City of Lake Alfred, Florida.
March 27—Notice of Intervention of the Public Service Commission of the State of New York.
March 27—Florida Economic Advisory Council.
March 27—Trans-Gulf Transmission Corporation.
March 28—City of Avon Park, Florida.
March 28—City of Clearwater, Florida.
March 28—City of Fort Pierce, Florida.
March 28—City of Tallahassee, Florida.
March 28—Buckeye Cellulose Corporation.
March 28—Rayonier Incorporated.
March 28—International Paper Company.
March 28—International Minerals & Chemical Corp.
March 28—City of Blountstown, Florida.
March 28—Florida Power Corporation.
March 28—City of Green Cove Springs, Florida.
March 28—City of New Smyrna Beach, Florida.
March 28—City of Auburndale, Florida.
March 28—Hudson Pulp & Paper Corp.
March 28—City of Okeechobee, Florida.
March 28—City of Jasper, Florida.
March 28—Florida Power & Light Company.
March 28—Public Service Electric and Gas Company.
March 29—Jackson-Holmes-Gadsden-Washington Counties Gas District; The Geneva County Gas District, Alabama; The City of Perry, Florida.
March 28—Philadelphia Electric Company.
March 28—Joint Petitions of: The East Ohio Gas Company, Hope Natural Gas Company, New York State Natural Gas Corporation, and The Peoples Natural Gas Company.
March 28—Trunkline Gas Company.
March 28—Container Corporation of America.
March 29—City of Live Oak, Florida.
March 29—Town of Frostproof, Florida.
March 27—United Gas Improvement Company.
March 28—Florida' State Chamber of Commerce.
March 28—Natural Gas Company of Florida.
March 28—Florida Liquefied Petroleum Gas Association.
March 28—Green's Fuel, Inc.
March 28—Jacksonville Gas Corporation.
March 30—Notice of intervention of The Florida Railroad and Public Utilities Commission.
April 2—St. Marys Kraft Corporation.
March 28—Georgia Coastal Natural Gas Corporation.
April 9—Sebring Utilities Commission.
April 10—Brooklyn Union Gas Company.

[Docket No. G-9960]

March 14, 1956—Superior Oil Company.
March 21—Southern Natural Gas Company.
March 21—Florida Public Utilities Company.
March 22—Colonial Natural Gas Corporation.
March 22—Atlantic Coast Line Railroad Company.
March 26—South Georgia Natural Gas Company.
March 27—Gainesville Gas Company.
March 27—Peoples Water and Gas Company; Tampa Gas Company.
March 27—Notice of Intervention of The Public Service Commission of the State of New York.
March 27—Florida Economic Advisory Council.
March 27—Trans-Gulf Transmission Corporation.
March 28—City of Jasper, Florida.
March 28—Florida Power & Light Company.
March 28—The Public Service Electric and Gas Company.
March 28—Jackson-Holmes-Gadsden-Washington Counties Gas District; Geneva County Gas District, Alabama; City of Perry, Florida.
March 28—Philadelphia Electric Company.
March 28—The East Ohio Gas Company, Hope Natural Gas Company, New York State Natural Gas Corporation, and The Peoples Natural Gas Company.
March 28—Trunkline Gas Company.
March 29—City of Live Oak, Florida.
March 27—United Gas Improvement Company.
March 28—Florida State Chamber of Commerce.
March 28—Natural Gas Company of Florida.
March 28—Florida Liquefied Petroleum Gas Association.
March 28—Green's Fuel, Inc.
March 28—Georgia Coastal Natural Gas Corporation.
March 28—Jacksonville Gas Corporation.
April 10—Brooklyn Union Gas Company.

The Public Service Commission of the State of New York filed notice of intervention in Docket Nos. G-9262 and G-9660 on March 27, 1956. The Florida Railroad and Public Utilities Commission filed notice of intervention in Docket No. G-9262 on March 30, 1956. It appears to be in the public interest to allow the late filing of notice of intervention by the Florida Railroad and Public Utilities Commission, and late petitions for leave to intervene by St. Marys Kraft Corporation, The Town of Frostproof, Florida, and The City of Live Oak, Florida.

The petitions for leave to intervene filed by Colonial Natural Gas Corporation (Colonial), Trans-Gulf Transmission Corporation (Trans-Gulf), and Georgia Coastal Natural Gas Corporation (Georgia Coastal) in Docket Nos. G-9262 and G-9960, reflect that the Petitioners propose to file at some future date applications for certificates of public convenience and necessity, which will,

if, and when filed, present issues of law and fact substantially similar to the issues presently presented by the application filed in Docket No. G–9262 by Houston Texas Gas and Oil Corporation, and by the application filed in Docket No. G–9960 by Coastal Transmission Corporation. A statement of a proposal to file a competing application does not warrant the granting of a petition for leave to intervene. Such petition should be denied. There will be opportunity for such petitioner to file another petition for leave to intervene, if and when, a competing application is in fact filed, and a showing is made therein of a proper and existing interest of such nature as to justify the Commission to weigh factual situations and determine whether the named Applicant is in fact making application for a certificate of public convenience and necessity authorizing the construction and operation of facilities, and the rendering of service to substantially the same market areas. At this time it does not appear to be appropriate, nor in the public interest to grant leave to intervene to Colonial Natural Gas Corporation, Trans-Gulf, Transmission Corporation, and Georgia Coastal Natural Gas Corporation in Docket Nos. G–9262 and G–9960.

Analysis of the petitions for leave to intervene filed herein by the following parties reveals that the interest of the said parties are limited to certain particular issues of law and fact presented by the applications of Houston and Coastal. In the interest of time and orderly procedure it appears appropriate to limit the participation of said parties in the said consolidated proceedings to the points of law and fact pertinent and material to the matters of fact alleged to be of interest and of importance to the respective petitioners. The Commission pursuant to § 1.8 (b) (2) will therefore grant limited participation to each of the following named petitioners and permit participation only as to the issues identified therewith, and set forth as follows:

(1) Southern Natural Gas Company, to issues involving alleged invasion of market areas by Houston.

(2) South Georgia Natural Gas Company, to issues involving alleged necessity for additional supplies of natural gas proposed to be obtained from Houston, if available.

(3) Trunkline Gas Company, to issues involving its natural gas reserves and gas supplies alleged to be affected by the proposals of Coastal.

(4) Atlantic Coast Line Railroad Company, and Louisville and Nashville Railroad Company to issues involving proposed markets to be served by Houston, and the effect and impact, if any, of the introduction of natural gas into such areas upon the fuel oil and coal tonnage transported by said petitioners, and revenues realized by petitioners from the transportation of such tonnage into such market areas.

Public Service Electric and Gas Company, Philadelphia Electric Company, United Gas Improvement Company, The Brooklyn Union Gas Company, The East Ohio Gas Company, Hope Natural Gas Company, New York State Natural Gas Corporation and The Peoples Natural Gas Company assert that the pricing provisions in contracts of applicants with producers may adversely affect the price which their respective supplier natural-gas companies may have to pay for natural gas which may therefore ultimately be reflected in the rate to be charged by such natural-gas companies to each petitioner.

We recognize the desire of distribution companies throughout the United States to assure to themselves adequate supplies of natural gas at the lowest reasonable rate. Petitioners assertions here as warranting granting intervention in these proceedings, however, presuppose, inter alia, complete abnegation by us of our duties to regulate rates at which independent producers sell natural gas to transmission companies and failure by us to be alive to the protection of the public interest.

Clearly, the interest asserted, based as it is upon assumption and conjecture regarding events which may never occur, is not immediate or substantive and does not require allowance of intervention. We conclude, therefore, that, in the premises, such petitions do not reflect an interest which moves us in our discretion to allow interventions. Accordingly, these petitions to intervene will be denied.

The applications of Houston and Coastal, and the amendments and supplements thereto and the revision of the project of Houston as indicated by its letter of May 2, 1956, and the numerous interventions granted hereby, present complex issues of law and fact. In view of the complexity of issues so presented it appears to be in the public interest, and appropriate, to provide in this order the manner in which the various basic phases of the Applicants proposals should be presented. Subject to change by the Commission the Applicants direct presentation of evidence shall be made in the following enumerated order:

1. Gas reserves and availability thereof to Coastal.
2. Gas reserves and availability thereof to Houston, if any.
3. Market studies and surveys of Houston including those of supporting interveners, with evidence of economic and engineering feasibility of interveners.
4. Engineering phase of Coastal's proposals.
5. Cost, economics and rate phases of Coastal's proposals.
6. Financing phase of Coastal's proposals.
7. Engineering phase of Houston's proposals.
8. Cost, economics and rates of Houston's proposals.
9. Financing phase of Houston's proposals.

At the conclusion of the direct presentation of matters relating to the proposals of Coastal and Houston the hearings shall be recessed to such future date as deemed expedient for the purpose of granting the Staff and Interveners sufficient time in which to prepare for cross-examination of Applicants' witnesses, preferably in the order in which presented or directed.

The Commission finds:

(1) The public interest does not require granting the petitions to intervene of Colonial, Trans-Gulf, Georgia Coastal, Public Service Electric and Gas Company, Philadelphia Electric Company, United Gas Improvement Company, The Brooklyn Union Gas Company, The East Ohio Gas Company, Hope Natural Gas Company, New York State Natural Gas Corporation and The Peoples Natural Gas Company.

(2) It is appropriate and in the public interest to consolidate the above-captioned proceedings for purpose of hearing.

(3) It is appropriate and in the public interest, in carrying out the provisions of the Natural Gas Act, that these proceedings be set for hearing and be heard in accordance with the procedure hereinbefore outlined and as ordered herein.

The Commission orders:

(A) The petitions of Colonial, Trans-Gulf, Georgia Coastal, Public Service Electric and Gas Company, Philadelphia Electric Company, United Gas Improvement Company, The Brooklyn Union Gas Company, The East Ohio Gas Company, Hope Natural Gas Company, New York State Natural Gas Corporation and The Peoples Natural Gas Company to intervene in these proceedings be and the same are hereby denied.

(B) Except as provided in paragraph (A) of this order, the persons above named be and the same are hereby permitted to become intervenors in these proceedings subject to the rules and regulations of the Commission: *Provided, however,* That participation of such intervenors shall be limited to matters affecting asserted rights and interests specifically set forth in the petitions for leave to intervene: *Provided, further,* That participation of Southern Natural Gas Company shall be limited to matters involving alleged invasion of market areas of Houston; that participation by Southern Georgia Natural Gas Company shall be limited to issues involving alleged necessity for additional supplies of natural gas proposed to be obtained from Houston if available and that participation by Trunkline Gas Company shall be limited to issues involving the alleged impact upon its natural gas reserves and gas supplies by the proposals of Coastal: *And provided, further,* That the admission of such intervenors shall not be construed as recognition by the Commission that they or any of them might be aggrieved because of any order or orders of the Commission entered in these proceedings.

(C) The proceedings in the caption hereof are hereby consolidated for the purpose of hearing.

(D) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by the Natural Gas Act, particularly by sections 7, 14, 15, and 16 thereof, and the Commission's general rules and regulations (18 CFR Chapter I), a public hearing be held commencing on July 9, 1956, at 10:00 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved and the issues presented in these proceedings.

Issued: June 21, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–5058; Filed, June 26, 1956; 8:51 a. m.]



[Docket No. G–10122]

CONTINENTAL OIL CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 21, 1956.

Take notice that Continental Oil Company (Applicant), a Delaware corporation with principal place of business at 1300 Main Street, Houston, Texas, filed, on March 19, 1956, an application for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce from production of certain leases in the West Delta Area (offshore), Plaquemines Parish, Louisiana, to Tennessee Gas Transmission Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Monday, July 23, 1956, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street, NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 10, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–5057; Filed, June 26, 1956; 8:50 a. m.]

[Project No. 2203]

ALABAMA POWER CO.

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

JUNE 20, 1956.

Public notice is hereby given that application has been filed under the Federal Power Act (16 U. S. C. 791a–825r) by Alabama Power Company of Birmingham, Alabama, for preliminary permit for proposed water power Project No. 2203 to be located on the Black Warrior River approximately 5 miles upstream from the City of Tuscaloosa in the County of Tuscaloosa, State of Alabama, affecting navigable waters of the United States and lands of the United States at proposed redeveloped United States Lock and Dam No. 13. The proposed project would consist of an intake structure, tunnel, powerhouse and tailrace at the proposed redeveloped United States Lock and Dam No. 13. The power generated would be fed into the applicant's transmission and distribution system to help in supplying the increasing demand for power throughout the area which the applicant serves in the State of Alabama. The preliminary permit, if issued, shall be for the sole purpose of maintaining priority of application for a license under the terms of the Federal Power Act for the proposed project.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10). The last day upon which protests or petitions may be filed is July 26, 1956. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–5047; Filed, June 26, 1956; 8:49 a. m.]

[Project No. 2042]

PUBLIC UTILITY DISTRICT NO. 1 OF PEND OREILLE COUNTY

NOTICE OF LAND WITHDRAWAL; WASHINGTON

JUNE 21, 1956.

By letter dated March 21, 1950, this Commission gave notice to the Bureau of Land Management of the reservation of approximately 1,205.09 acres of land of the United States pursuant to the filing of an application for preliminary permit by the Public Utility District No. 1 of Pend Oreille County on February 6, 1950.

On February 7, 1952 this Commisison issued license (Major) to the Public Utility District No. 1 for the Box Canyon, Project No. 2042. The license as amended and supplemented by revised Exhibits "K" maps filed August 11, 1953, includes within the project area, as delimited on the revised maps, 168.78 acres of land of the United States which includes 147.30 acres are National Forest land, of which 7.76 acres (parts of Lots 6 and 7 Section 3, T. 35 N., R. 43 E.) were acquired by Soil Conservation Service and subsequently transferred to the Forest Service for administration.

In accordance with the provisions of section 24 of the Act of June 10, 1920, notice is hereby given that the lands hereinafter described are included in the aforesaid power project as licensed. Under said section 24, these lands are reserved from entry, location or other disposal under the laws of the United States until otherwise directed by the Commission or by Congress, the previous withdrawal notice being hereby modified and superseded.

WILLAMETTE MERIDIAN, WASHINGTON

Those portions of the following subdivisions lying within the project boundary as shown upon amendatory maps designated Exhibits K 1 to 9 inclusive (FPC. 2042–12 to 20 inclusive) entitled "Box Canyon Power Project, Public Utility District No. 1 of Pend Oreille County, Newport, Washington" filed August 11, 1953.

T. 35 N., R. 43 E.,
Sec. 3, Lots 6 and 7;
Sec. 12, Lot 1;
T. 36 N., R. 43 E.,
Sec. 15, Lots 5 and 8;
Sec. 22, Lot 1;
T. 37 N., R. 43 E.,
Sec. 33, Lots 1, 4, 5, and 8;
T. 38 N., R. 43 E.,
Sec. 19, Lot 6;
Sec. 20, Lots 1, 2, 3, and 7;
Sec. 29, Lots 2, 4, 5 and 8;
Sec. 32, Lots 1, 2, 3, and 4;
T. 35 N., R. 44 E.,
Sec. 7, Lot 4;
Sec. 19, Lots 1, 2, 6 and 7;
Sec. 20, Lot 3;
Sec. 29, Lots 1, 4 and 5.

All of the above land have been heretofore reserved in connection with either earlier application for this Project (No. 2042) or Project No. 44, Power Site Classification No. 109, or Power Site Reserve Nos. 72, 639, and 408.

Copies of each of map sheets F. P. C. Nos. 2042–12 to 2042–20, inclusive (K maps 1 to 9 inclusive), have been transmitted to the Bureau of Land Management, Forest Service and Geological Survey.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–5046; Filed, June 26, 1956; 8:48 a. m.]

## OFFICE OF DEFENSE MOBILIZATION

THOMAS R. REID

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as ammended.

As of February 1, 1956 I own relatively small holdings of shares of stock in the following corporations:

1. Ford Motor Company.
2. Reynolds Metals Company.

This amends statement previously published in the FEDERAL REGISTER December 31, 1955 (20 F. R. 10177).

Dated: February 1, 1956.

THOMAS R. REID.

[F. R. Doc. 56–5051; Filed, June 26, 1956; 8:49 a. m.]

RALPH S. TRIGG

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

I am not a director, officer, owner or partner in any corporations, partnerships or other businesses.

I own a few shares of stock in the following corporations:

1. Graham Paige Motors.
2. National City Lines.
3. Studebaker-Packard.
4. Delhi-Taylor Oil Company.
5. Col-U-Mex Uranium Company.
6. Tasha Oil and Uranium Company.

The above indicates no changes in the original submission of Form ODM-163 dated December 15, 1955.

This amends statement previously published in the FEDERAL REGISTER December 31, 1955 (20 F. R. 10184).

Dated: May 22, 1956.

RALPH S. TRIGG.

[F. R. Doc. 56-5052; Filed, June 26, 1956; 8:49 a. m.]

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GEORGE LILYGREN

APPOINTEE'S STATEMENT OF CHANGES IN BUSINESS INTERESTS

The following statement lists the names of concerns required by subsection 710 (b) (6) of the Defense Production Act of 1950, as amended.

Financial interests as of February 1, 1956:
Aerofin Corporation, Director.
Air Reduction Co., Stockholder.
Ame. Tel. and Tel., Bondholder.
Ame. Viscose, Stockholder.
British Petroleum, Stockholder.
Canadian Pacific, Bondholder.
Carrier Corporation, Stockholder and Officer.
Cluett Peabody, Stockholder.
Continental Can, Stockholder.
El Paso Nat. Gas, Stockholder.
General Telephone, Stockholder.
Hooker Electrochemical, Stockholder.
Int. Business Machines, Stockholder.
May Dept. Stores, Stockholder.
Merck & Co., Stockholder.
Missouri Pacific, Bondholder.
NY Power Auth., Bondholder.
Pioneer Nat. Gas, Stockholder.
Pure Oil, Stockholder.
Socony Vacuum, Stockholder.
Southwest. Pub. Serv., Stockholder.
Std. Oil of N. J., Stockholder.
Sunray Mid-Cont. Oil, Stockholder.
Union Oil of Cal., Bondholder.
Syracuse Land Develop. Co., Director.

The following are the changes since June 1, 1955, the date of original submission of ODM-163.

Additions:
Ame. Tel. & Tel.
British Petroleum
General Telephone
Sunray Mid-Cont. Oil
Syracuse Land Develop. Co.

Deletions:
Carrier-Centrax, Inc.
Gen. Motors Accept. Corp.
Northern Natural Gas
Public Service El. & Gas
Standard Accident Insurance

This amends statement previously published in the FEDERAL REGISTER December 31, 1955 (20 F. R. 10187).

Dated: February 1, 1956.

GEORGE LILYGREN.

[F. R. Doc. 56-5053; Filed, June 26, 1956; 8:50 a. m.]

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## SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3481]

OHIO POWER CO.

ORDER GRANTING APPLICATION REGARDING ISSUANCE OF SHORT-TERM NOTES

JUNE 21, 1956.

Ohio Power Company ("Ohio Power"), a public-utility subsidiary of American Gas and Electric Company, a registered holding company, having filed an application, pursuant to the first and second sentences of section 6 (b) of the Public Utility Holding Company Act of 1935 ("act"), regarding the following proposed transactions:

Pursuant to a credit agreement with the seven banks named below, Ohio Power proposes to borrow, from time to time prior to December 31, 1956, an aggregate amount not to exceed $31,000,000 as follows:

| | |
|---|---|
| Irving Trust Co., New York, N. Y. | $5,450,000 |
| Mellon National Bank & Trust Co., Pittsburgh, Pa. | 5,450,000 |
| First National City Bank of New York, N. Y. | 5,450,000 |
| Manufacturers Trust Co., New York, N. Y. | 5,450,000 |
| Guaranty Trust Co., New York, N. Y. | 3,100,000 |
| The Hanover Bank, New York, N. Y. | 3,100,000 |
| Bankers Trust Co., New York, N. Y. | 3,000,000 |
| Total | 31,000,000 |

Of the $31,000,000 proposed to be borrowed, $2,500,000, which was borrowed as of May 15, 1956, plus additional proposed borrowings aggregating $14,500,000, are exempt by the provisions of the first and second sentences of section 6 (b) of the act. Accordingly, approval is being requested for further proposed additional borrowings in amounts not to exceed an aggregate of $14,000,000.

Each proposed borrowing is to be evidenced by a note maturing 270 days after the date of the borrowing, and is to bear interest at the current prime credit rate effective on the date of such borrowing. The notes are to be prepayable in whole or in part without premium. All bank loan notes outstanding at the time of the next permanent financing, presently expected to be effected prior to December 31, 1956, are to be paid from the proceeds of such financing.

The proceeds from the proposed borrowings are to be used to pay part of the costs of Ohio Power's 1956 construction program, estimated at $67,170,000.

No finders' fees or commissions are to be paid; and no legal or other fees, commissions or expenses are to be paid, except the routine charges for the services of American Gas and Electric Service Corporation, the system's mutual service company, and incidental expenses estimated at not to exceed $100.

No State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

Due notice of the filing of the application having been given in the manner prescribed by Rule U-23 promulgated under the act, and no hearing having been requested of, or ordered by, the Commission; and the Commission observing no basis for adverse findings, or for the imposition of any terms and conditions; and the Commission finding that the applicable provisions of the Act and of the Rules and Regulations thereunder are satisfied, and deeming it appropriate in the public interest and in the interest of investors and consumers that the application be granted forthwith:

*It is ordered*, Pursuant to section 6 (b) of the act and Rule U-23 thereunder, that the application be, and it hereby is, granted forthwith, so that the borrowing permitted by the first and second sentences of section 6 (b) is hereby increased to $31,000,000 principal amount, the authorization for such increase to terminate on December 31, 1956.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-5064; Filed, June 26, 1956; 8:52 a. m.]

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## UNITED STATES TARIFF COMMISSION

[Investigation 50]

WOMEN'S AND GIRLS' COTTON BLOUSES

APPLICATION FOR INVESTIGATION WITHDRAWN, DISCONTINUED AND DISMISSED, AND PUBLIC HEARING CANCELED

The National Association of Blouse Manufacturers, Inc., New York, N. Y., has withdrawn its application for an investigation under section 7 of the Trade Agreements Extension Act of 1951, as amended, with respect to women's and girls' cotton blouses. For this and other reasons, the Commission, on the 22d day of June, discontinued and dismissed the investigation instituted on February 21, 1956, and canceled the public hearing ordered in connection with the investigation for August 21, 1956. Announcement of the said investigation and hearing was made in 21 F. R. 1281.

Issued: June 22, 1956.

By order of the Commission.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 56-5074; Filed, June 26, 1956; 8:55 a. m.]



[Investigation 55]

VIOLINS AND VIOLAS

INVESTIGATION INSTITUTED AND PUBLIC HEARING ORDERED

*Investigation instituted.* Upon application of Jackson-Guldan, Inc., 165 West Main St., Columbus, Ohio, received June 19, 1956, the United States Tariff Commission, on the 22d day of June 1956, under the authority of section 7 of the Trade Agreements Extension Act of 1951, as amended, and section 332 of the Tariff Act of 1930, instituted an investigation to determine whether violins and violas, of all sizes, wholly or partly manufactured or assembled, made after the year 1800, provided for in paragraph 1541 (b) of the Tariff Act of 1930 are, as a result in whole or in part of the duty or other customs treatment reflecting concessions granted thereon under the General Agreement on Tariffs and Trade, being imported into the United States in such increased quantities, either actual or relative, as to cause or threaten serious injury to the domestic industry producing like or directly competitive products.

*Hearing ordered.* A public hearing in this investigation was ordered by the Tariff Commission to begin at 10 a. m. e. d. s. t., on September 6, 1956, in the Hearing Room of the Tariff Commission, 8th and E Streets NW., Washington, D. C., at which hearing all interested parties will be given opportunity to be present, to produce evidence, and to be heard.

*Requests to appear at hearing.* Interested parties desiring to appear and give testimony at the hearing should notify the Secretary of the Commission, in writing, at least three days in advance of the date of the hearing.

*Inspection of application.* The application filed in this case is available for public inspection at the office of the Secretary, United States Tariff Commission, 8th and E Streets NW., Washington, D. C., and in the New York office of the Tariff Commission, located in Room 437 of the Custom House, where it may be read and copied by persons interested.

Issued: June 22, 1956.

By order of the Commission:

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 56-5076; Filed, June 26, 1956; 8:55 a. m.]

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[List 17-7]

BADMINTON RACKETS

COMPLAINT RECEIVED

JUNE 22, 1956.

Complaint listed below has been filed with the Tariff Commission for investigation under the provisions of section 337 of the Tariff Act of 1930.

| Name of article | Purpose of request | Date received | Name and address of complainant |
|---|---|---|---|
| Badminton rackets | Exclusion from entry | June 11, 1956 | George A. Allward d. b. a. H & A Manufacturing Co., Lacombe, La. |

The above complaint is available for public inspection at the office of the Secretary, Tariff Commission Building, Eighth and E Streets, N. W., Washington, D. C., and also in the New York Office of the Tariff Commission, located in Room 437 of the Custom House, where it may be read and copied by persons interested.

In accordance with § 203.3 of the Tariff Commission's rules of practice and procedure, the Commission is conducting a preliminary inquiry with respect to the above complaint, for the purpose of determining whether a formal investigation under the provisions of section 337, Tariff Act of 1930, is warranted, and whether the issuance of a temporary order of exclusion from entry under section 337 (f) is warranted. All interested persons having pertinent information to furnish either in favor of or in opposition to the institution of a formal investigation or the issuance of a temporary order of exclusion may submit such information, in writing, to the Secretary of the Commission, furnishing 15 copies.

[SEAL] DONN N. BENT, *Secretary.*

[F. R. Doc. 56-5075; Filed, June 26, 1956; 8:55 a. m.]

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## INTERSTATE COMMERCE COMMISSION

[Notice 118]

MOTOR CARRIER APPLICATIONS

JUNE 22, 1956.

Protests consisting of an original and two copies to the granting of an application must be filed with the Commission within 30 days from the date of publication of this notice in the FEDERAL REGISTER and a copy of such protest served on the applicant. Each protest must clearly state the name and street number, city and street address of each protestant on behalf of whom the protest is filed (49 CFR 1.240 and 1.241). Failure to seasonably file a protest will be construed as a waiver of opposition and participation in the proceeding unless an oral hearing is held. In addition to other requirements of Rule 40 of the general rules of practice of the Commission (49 CFR 1.40), protests shall include a request for a public hearing, if one is desired, and shall specify with particularity the facts, matters, and things relied upon, but shall not include issues or allegations phrased generally. Protests containing general allegations may be rejected. Requests for an oral hearing must be supported by an explanation as to why the evidence cannot be submitted in forms of affidavits. Any interested person, not a protestant, desiring to receive notice of the time and place of any hearing, prehearing conference, taking of depositions, or other proceeding shall notify the Commission by letter or telegram within 30 days of publication of this notice in the FEDERAL REGISTER. Except when circumstances require immediate action, an application for approval, under section 210a (b) of the act, of the temporary operations of Motor Carrier properties sought to be acquired in an application under section 5 (2) will not be disposed of sooner than 10 days from the date of publication of this notice in the FEDERAL REGISTER. If a protest is received prior to action being taken, it will be considered.

APPLICATIONS OF MOTOR CARRIERS OF PROPERTY

No. MC 504 Sub 23 (amended), filed June 6, 1956, published on Page 4331 issue of June 20, 1956, LOUIS PATZ, doing business as HARPER MOTOR LINES, 220 North McIntosh Street, Elberton, Ga. Applicant's attorney: Reuben G. Crimm, 805 Peachtree Street Building, Atlanta 5, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Granite*, from Elberton, Ga., and points within 15 miles of Elberton, to points in Iowa and Wisconsin. *Marble* and *granite*, from Canton, Ga., and points within 35 miles of Canton, to points in Iowa and Wisconsin. Applicant is authorized to conduct operations in Delaware, Indiana, Kentucky, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Virginia, West Virginia, District of Columbia, Georgia, Illinois, North Carolina, South Carolina, and Missouri.

No. MC 635 Sub 51, filed June 8, 1956, MISSOURI-ARKANSAS TRANSPORTATION COMPANY, a corporation, 1505 Maiden Lane, Joplin, Mo. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Siloam Springs, Ark., and Jay, Okla., from Siloam Springs, at junction Arkansas Highways 68 and 59, over Arkansas Highway 68 to the Arkansas-Oklahoma State line, thence over U. S. Highway 59 to Jay, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's regular route operations (1) between Gravette, Ark., and Summers, Ark., (2) between Kansas City, Kans., and Fort Smith, Ark., (3) between Joplin, Mo., and Wyandotte, Okla., and (4) between Jay, Okla., and Wyandotte, Okla. Applicant is authorized to conduct operations in Arkansas, Kansas, Missouri, and Oklahoma.

NOTE: Applicant requests that duplicating authority be eliminated.

No. MC 1924 Sub 4, filed May 24, 1956, WALLACE-COLVILLE AUTO FREIGHT, INC., North 14 Grant Street, Spokane, Wash. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving (1) points within ten (10) miles of Mullan, Idaho, and (2) points within fifteen (15) miles of Kellogg, Idaho, as intermediate and off-route points in connection with applicant's regular route operations between Spokane, Wash., and Mullan and Burke, Idaho. Applicant is authorized to conduct operations in Idaho and Washington.

NOTE: Applicant has regular route authority to serve points within three (3) miles of Mullan and Kellogg, Idaho, as intermediate and off-route points, in the transportation of *General commodities*, with the above exceptions, and states that the purpose of this application is to extend its authority as described above. All duplicating authority is to be eliminated.

No. MC 4405 Sub 276, filed June 13, 1956, DEALERS TRANSIT, INC., 12601 South Torrence Avenue, Chicago 33, Ill. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. For authority to operate as a *common carrier*, over irregular routes, transporting: (a) *Trailers*, except those designed to be drawn by passenger automobiles, in initial movements, by truckaway and driveaway method, from San Francisco, Calif., to all points in California, Washington, Oregon, Wyoming, Idaho, Montana, Utah, Colorado, Nevada, Arizona, and New Mexico, and (b) *Tractors*, other than farm tractors, in secondary movements, by driveaway method, only when drawing trailers moving in initial driveaway movements, from San Francisco, Calif., to points in Arizona, Nevada, and Oregon. Applicant is authorized to conduct operations throughout the United States.

No. MC 6934 Sub 1, filed June 13, 1956, WM. HARGENS, JR., Stickney, S. Dak. Applicant's attorney: R. G. May, 316 Security Bank Building, Sioux Falls, S. Dak. For authority to operate as a *common carrier*, over irregular routes, transporting: *Farm machinery and parts therefor*, when moving with such farm machinery as an integral part thereof; *animal feed, poultry feed*, and *livestock feed; dry fertilizer; livestock* and *grain;* and *damaged shipments* of the above-described commodities, between points in Minnesota, Nebraska, Illinois, and Iowa, on the one hand, and, on the other, points in Aurora and Douglas Counties, S. Dak.

No. MC 8102 Sub 16, filed June 4, 1956, U. L. BROOKS AND JAMES C. PITTS, doing business as CANADIAN TRUCK LINE, 200 North Lincoln, Amarillo, Tex. Applicant's attorney: Francis W. Prosser, 137 North Fountain, Wichita, Kans. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) Between Liberal, Kans., and Woodward, Okla., from Liberal over U. S. Highway 270 to Forgan, Okla., thence over U. S. Highway 64 to junction of U. S. Highways 64 and 283, thence over U. S. Highway 283 to junction of U. S. Highways 283 and 270, thence over U. S. Highway 270 to Woodward, and return over the same route, serving the intermediate points of Forgan, Mocane, Knowles, Gate, Rosston, May, and Fort Supply; (2) Over a circuitous route beginning and ending at Liberal, Kans., from Liberal over U. S. Highway 270 to junction of U. S. Highway 270 and Oklahoma Highway 15, thence over Oklahoma Highway 15 to the Texas-Oklahoma State line, thence over county road 1265 to junction county road 1265 and Texas Highway 15, thence over Texas Highway 15 to Perryton, and, return from Perryton over U. S. Highway 83 to Liberal, serving the intermediate points of Forgan, Beaver, Elmwood, Booker, Boyd, Gray, and Perryton; (3) Between Liberal, Kans., and Woodward, Okla., from Liberal over U. S. Highway 270 to Woodward, and return over the same route, serving the intermediate points of Forgan, Beaver, Elmwood, Slapout, May, and Fort Supply; (4) Between Liberal, Kans., and Sunray, Tex., from Liberal over U. S. Highway 83 to junction of U. S. Highway 83 and Oklahoma Highway 3, thence over Oklahoma Highway 3 to Hardesty, thence over Oklahoma Highway 3 to junction Oklahoma Highway 3 and unnumbered county road, thence over unnumbered county road to the Oklahoma-Texas State line, thence over Texas Highway 282 to junction of Texas Highway 282 and County Road 1262, thence over County Road 1262 to junction County Road 1262 and Texas Highway 289, thence over Texas Highway 289 to junction Texas Highway 289 and unnumbered county road, thence over unnumbered county road to junction with County Road 1573, thence over County Road 1573 to junction with Texas Highway 119, thence over Texas Highway 119 to Sunray, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in Kansas, Oklahoma, and Texas.

No. MC 8681 Sub 42, filed June 8, 1956, WESTERN AUTO TRANSPORTS, INC., 430 South Navajo Street, Denver, Colo. Applicant's attorney: Louis E. Smith, 1800 North Meridian Street, Suite 503, Indianapolis 2, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers, trailer chassis, semitrailers* and *semitrailer chassis*, in initial and secondary movements, in truckaway and driveaway service, from Denver, Colo., to points in the United States, and *damaged shipments* of the above-described commodities on return.

No. MC 8681 Sub 43, filed June 8, 1956, WESTERN AUTO TRANSPORTS, INC., 430 South Navajo Street, Denver, Colo. Applicant's attorney: Louis E. Smith, 1800 North Meridian Street, Suite 503, Indianapolis 2, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Mobile hydraulic hammers, hydraulic drills*, and *ditch diggers*, set up and uncrated, and *parts thereof* when such parts belong to and move with the unit being transported, from Denver, Colo., to points in the United States, and *damaged shipments* of the above-described units on return.

No. MC 8681 Sub 44, filed June 8, 1956, WESTERN AUTO TRANSPORTS, INC., 430 South Navajo Street, Denver, Colo. Applicant's attorney: Louis E. Smith, 1800 North Meridian Street, Suite 503, Indianapolis 2, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Self-propelled street sweepers*, in initial and secondary movements, in truckaway service, from Gardena and Los Angeles, Calif., to points in the United States, and *damaged shipments* of the above-described commodity on return.

No. MC 8681 Sub 45, filed June 8, 1956, WESTERN AUTO TRANSPORTS, INC., 430 South Navajo Street, Denver, Colo. Applicant's attorney: Louis E. Smith, 1800 North Meridian Street, Suite 503, Indianapolis 2, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Truck concrete mixers*, set up, weighing in excess of 3,000 pounds each, from Los Angeles, Calif., to points in the United States, and *damaged shipments* of the above-described commodity on return.

No. MC 8681 Sub 46, filed June 8, 1956, WESTERN AUTO TRANSPORTS, INC., 430 South Navajo Street, Denver, Colo. Applicant's attorney: Louis E. Smith, 1800 North Meridian Street, Suite 503, Indianapolis 2, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, in initial movements, in truckaway service, from Selma, Calif., to points in the United States, and *damaged shipments* of the above-described commodity on return movements.

No. MC 8681 Sub 47, filed June 8, 1956, WESTERN AUTO TRANSPORTS, INC., 430 South Navajo Street, Denver, Colo. Applicant's attorney: Louis E. Smith, 1800 North Meridian Street, Suite 503, Indianapolis 2, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Self-propelled construction, earth moving and road building equipment*, set up and uncrated, and *parts thereof* when such parts belong to and move with the unit being transported, from Portland, Oreg., to points in the United States, and *damaged shipments* of the above-described units on return.

No. MC 8681 Sub 48, filed June 8, 1956, WESTERN AUTO TRANSPORTS, INC., 430 South Navajo Street, Denver, Colo. Applicant's attorney: Louis E. Smith, 1800 North Meridian Street, Suite 503, Indianapolis 2, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, from points in California, Washington, Oregon, Idaho, and Montana, to points in Colorado, Wyoming, Nebraska, Kansas, North Dakota, South Dakota, Minnesota, Iowa, Missouri, Illinois, and Wisconsin.

No. MC 9325 Sub 7, filed June 11, 1956, K LINES, INC., P. O. Box 577, Coos Bay, Oreg. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Oreg. For authority to operate as a *common carrier*, over irregular routes, transporting: *Cement*, in bulk, and in packages, from Gold Hill, Oreg., to points in Humboldt County, Calif., and Curry County, Oreg., and *empty containers or other such incidental facilities* (not specified), used in transporting the above-specified commodity on return. Applicant is authorized to conduct operations in California and Oregon.



No. MC 13026 Sub 6, filed May 24, 1956, ARTHUR A. FREDA, doing business as FREDA'S TRUCKING COMPANY, 525 Washington Street, Braddock, Pa. Applicant's attorney: Arthur J. Diskin, 924 Frick Building, Pittsburgh 19, Pa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Brick*, from Baltimore, Md., to points in Allegheny, Beaver, Washington, Westmoreland, and Butler Counties, Pa. Applicant is authorized to conduct operations in Ohio, Pennsylvania, and West Virginia.

No. MC 28573 Sub 11, filed June 13, 1956, GREAT NORTHERN RAILWAY COMPANY, 175 East Fourth Street, St. Paul 1, Minn. Applicant's attorney: R. W. Cronon, 175 East Fouth Street, St. Paul 1, Minn. For authority to operate as a *common carrier*, over regular and irregular routes, transporting: *General commodities*, (1) between East Grand Forks, Minn. and Grand Forks, N. Dak., on the one hand, and, on the other, the United States Air Force Base located approximately twelve and one-half (12½) miles west of Grand Forks, N. Dak., over U. S. Highway No. 2, and points within ten (10) miles of the Air Force Base, serving the off-route point of Emerado, N. Dak.; (2) between Minot, N. Dak., on the one hand, and, on the other, the United States Air Force Base located approximately eleven and one-fourth (11¼) miles north of Minot, over U. S. Highway No. 83, and points within ten (10) miles of the Air Force Base, serving the off-route point of Glenburn, N. Dak. Applicant is authorized to conduct operations in Minnesota, North Dakota, Montana, and Oregon.

No. MC 29886 Sub 86, filed June 14, 1956, DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. Applicant's attorney: Charles M. Pieroni, 523 Johnson Building, Muncie, Ind. For authority to operate as a *common carrier*, over irregular routes, transporting: *Parts for cranes, shovels, straddle trucks, fork trucks and self-propelled building, construction, and moving machinery*, when such parts are shipped with completed machines, from the sites of the plants of Clark Equipment Company at Benton Harbor, Mich., to points in the United States, and *returned parts* of the above-described commodities, from points in the United States to the sites of the plants of Clark Equipment Company at Benton Harbor, Mich. Applicant is authorized to conduct operations in Arizona, California, Colorado, Connecticut, Delaware, Idaho, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Texas, Utah, Virginia, West Virginia, and the District of Columbia.

NOTE: Applicant states the transportation is to be performed as part of the authority now held by it in MC 29886 Sub 55, which authorizes the transportation of cranes, shovels, straddle trucks, fork trucks, and self-propelled building, construction and moving machinery from Benton Harbor, Mich., to all points in the United States.

No. MC 34232 Sub 1, filed June 4, 1956, NYGARD EXPRESS COMPANY, INC., Meadow Street, Branford, Conn. Applicant's attorney: Louis B. Warren, 410 Asylum Street, Hartford 3, Conn. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Wire*, such as, iron and steel, coated, brass, aluminum and alloys; in coils, in cut lengths, and in barrels; on skids, or other containers, from Branford, Conn., to East Greenwich, R. I., and *skids* and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return.

No. MC 35395 Sub 16 (CORRECTION), ARNOLD LIGON doing business as ARNOLD LIGON TRUCK LINE, Madisonville, Ky., published on page 3886, issue of June 6, 1956. The route designated therein as U. S. Highway 51E was in error. The correct route designation is U. S. Highway 31E (thirty-one E).

No. MC 37578 Sub 16, filed May 31, 1956, JOSEPH W. TREHAN, INCOPORATED, 715 Mahoning Avenue, Youngstown, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Magnesite brick*, loose or in pallets, and *high temperature bonding mortar*, in bags, from Columbiana, Ohio to Ashland, Ky., and points in Wayne and Monroe Counties, Mich., those in Pennsylvania on and west of U. S. Highway 11, those in New York on and west of U. S. Highway 15, those in West Virginia on and north of U. S. Highway 50, and those in Kentucky in the Cincinnati, Ohio, Commercial Zone, as defined by the Commission; *empty containers or other such incidental facilities* on return. Applicant is authorized to conduct operations in Pennsylvania, and Ohio.

No. MC 40007 Sub 46, filed June 9, 1956, RELIABLE TRANSPORTATION COMPANY, a corporation, 4817 Sheila Street, Los Angeles 22, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Nitric acid*, in bulk, in tank vehicles, from Brea, Calif., to points in Nevada.

No. MC 40007 Sub 47, filed June 11, 1956, RELIABLE TRANSPORTATION COMPANY, a corporation, 4817 Sheila Street, Los Angeles, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Muriatic (hydrochloric) acid*, in bulk, in tank vehicles, from El Segundo, Calif., to points in Maricopa County, Ariz.

No. MC 43045 Sub 3, filed June 11, 1956, EDWARD H. WEBER, doing business as RICHLAND TRANSFER AND STORAGE, 11 East Kennewick Avenue, Kennewick, Wash. Applicant's attorney: George H. Hart, Central Building, Seattle 4, Wash. For authority to operate as a *common carrier*, over regular routes, transporting: *Household goods*, as defined by the Commission, (1) between Kennewick, Wash., and Richland, Wash., from Kennewick west over U. S. Highway 410 to junction unnumbered Washington Highway, thence over unnumbered highway to Richland, and return over the same route, serving the off-route point of Pasco, Wash., and (2) between Richland, Wash., and Hanford, Wash., from Richland over an unnumbered Washington Highway via the site of the Hanford Works Plant to Hanford, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Washington and Idaho.

No. MC 43045 Sub 4, filed June 11, 1956, EDWARD H. WEBER, doing business as RICHLAND TRANSFER AND STORAGE, 11 East Kennewick Avenue, Kennewick, Wash. Applicant's attorney: George H. Hart, Central Building, Seattle 4, Wash. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities, including household goods* as defined by the Commission, but excluding those of unusual value, Class A and B explosives, commodities in bulk, and commodities requiring special equipment, serving Pasco, Wash., and points within fifteen miles of said dam site, as off-route points in connection with carrier's regular-route operations between Kennewick and Richland, Wash., and between Richland and Hanford, Wash. Applicant is authorized to conduct operations in Washington, Idaho, and Oregon.

No. MC 46737 Sub 29, filed June 8, 1956, GEO. F. ALGER COMPANY, 3050 Lonyo Road, Detroit 9, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fly ash*, in bulk, in tank-type vehicles, or in bags, between points in Michigan, Wisconsin, Illinois, Indiana, Ohio, Pennsylvania, Missouri, Kentucky, Tennessee, Alabama, and Mississippi.

No. MC 46737 Sub 30, filed June 8, 1956, GEO. F. ALGER COMPANY, 3050 Lonyo Road, Detroit 9, Mich. Applicant's attorney: Walter N. Bieneman, Guardian Building, Detroit 26, Mich. For authority to operate as a *common carrier*, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving the site of the Chevrolet Division of General Motors Corporation located approximately six (6) miles southwest of Warren, Ohio, as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Michigan, Ohio, Illinois, and Indiana.

No. MC 52405 Sub 2, filed May 28, 1956, SCOTT BROS, INCORPORATED, 1000 South Broad Street, Philadelphia 46, Pa. Applicant's attorney: Robert H. Griswold, Commerce Building, P. O. Box 432,

Harrisburg, Pa. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Iron and steel articles*, from Wallingford, Conn., to New York, N. Y., and points in Putnam, Rockland, and Westchester Counties, N. Y., and Bergen and Hudson Counties, N. J. Applicant is authorized to conduct operations in Connecticut, New Jersey, and New York.

No. MC 59609 Sub 4, filed June 11, 1956, HARRY CROW & SON, INC., 1808 52d Street, Kenosha, Wis. Applicant's attorney: John T. Porter, 707–708 First National Bank Building, Madison 3, Wis. For authority to operate as a *common carrier*, over irregular routes, transporting: *Coal, coke, stone, gravel, sand, brick, rough and semifinished lumber, dirt, cinders, ashes, cement, concrete* and *lime*, in dump vehicles, between points in Milwaukee, Racine, and Kenosha Counties, Wis., on the one hand, and, on the other, points in Boone, Cook, De Kalb, Kane, Lake, McHenry, Ogle, and Winnebago Counties, Ill. Applicant is authorized to conduct operations in Illinois and Wisconsin.

NOTE: Applicant states if application is granted as applied for, it will request the Commission to dismiss a duplicating authority contained in its present Certificate MC–59609 which authorizes the transportation of the above commodities between points in Racine and Kenosha Counties, Wis., on the one hand, and, on the other, Lake County, Ill.

No. MC 64932 Sub 212, filed June 7, 1956 (Amended), published June 20, 1956, on Page 4333, ROGERS CARTAGE CO., a corporation, 1934 South Wentworth Avenue, Chicago, Ill. Applicant's attorney: Carl L. Steiner, 39 South La Salle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, from North Aurora, Ill., to points in Illinois, Indiana, Michigan, and Ohio. Applicant is authorized to conduct operations in Alabama, Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, West Virginia, and Wisconsin.

No. MC 65781 Sub 1, filed May 16, 1956, R. E. EIDSVOLD AND R. H. EIDSVOLD, doing business at DAWN MOVING AND STORAGE COMPANY, 6009 Wayzata Boulevard, Minneapolis, Minn. Applicant's attorney: Nathan E. Zelby, 135 Broadway, New York 6, N. Y. For authority to operate as a *common carrier*, over irregular routes, transporting: *Household goods*, as defined by the Commission, between Chicago, Ill., and points in Minnesota, on the one hand, and, on the other, points in Montana, Georgia, and Virginia. Applicant is authorized to conduct operations in Connecticut, Florida, Illinois, Indiana, Iowa, Kansas, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Dakota, Tennessee, West Virginia, Wisconsin, and the District of Columbia.

No. MC 67388 Sub 12, filed June 12, 1956, MEDDOCK TRUCK LINE, a corporation, 1819 South Soto Street, Los Angeles 23, Calif. Applicant's attorney: R. Y. Schureman, 639 South Spring Street, Los Angeles 14, Calif. For authority to operate as a *common carrier*, over a regular route, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Flagstaff, Ariz., and the Glen Canyon Dam Site, located on the Colorado River approximately fifteen (15) miles upstream from Marble Canyon, Ariz., near the Arizona-Utah State line, from Flagstaff over U. S. Highway 89 to junction access roads to Glen Canyon Dam Site, near Marble Canyon, Ariz., thence over access roads to Glen Canyon Dam Site, and return over the same route, serving all intermediate points on the access roads between junction Glen Canyon Dam Site and U. S. Highway 89, and all off-route points in Arizona and Utah within 25 miles of Glen Canyon Dam Site. Applicant is authorized to conduct regular route operations in Arizona and California, and irregular route operations in Arizona.

No. MG 68183 Sub 4, filed June 14, 1956, YANKEE LINES, INC., 1400 East Archwood Avenue, Akron, Ohio. Applicant's attorney: Edwin C. Reminger, Standard Building, Cleveland 13, Ohio. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the Chrysler Corporation Plant located on Ohio Highway 82, in Twinsburg Township, Summit County, Ohio, as an off-route point in connection with carrier's regular route operations between (a) Cleveland, Ohio and New Castle, Pa., over U. S. Highway 21, (b) Cleveland and Warren, Ohio, over U. S. Highway 422, and (c) Cincinnati and Akron, Ohio, which is a portion of regular routes between Cincinnati, Ohio, and Philadelphia, Pa., over Ohio Highway 5, and Akron, Ohio, and Philadelphia, Pa., over Ohio Highway 5. Applicant is authorized to conduct operations in Delaware, Maryland, New Jersey, Ohio, Pennsylvania, West Virginia, and the District of Columbia.

No. MC 70151 Sub 25, filed March 21, 1956, UNITED TRUCKING SERVICE, INCORPORATED, 3047 Lonyo Road, Detroit, Mich. (Mailing address: P. O. Box 474 Roosevelt Park Station, Detroit, Mich.). Applicant's attorney: Archie C. Fraser, 1400 Michigan National Tower, Lansing 8, Mich. For authority to operate as a common carrier, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving points in Warren Township, and Sterling Township, Macomb County, Mich., and points in Troy Township, Oakland County, Mich., as intermediate and off-route points in connection with carrier's regular route operations between (1) junction U. S. Highway 25 and Michigan Highway 59 and junction Michigan Highways 29 and 59 over Michigan Highway 59, (2) junction Michigan Highways 29 and 59 and St. Clair Shores, Mich., over Michigan Highway 29, (3) Port Huron, Mich., and Columbus, Ohio, over Michigan Highways 29 and 59 and U. S. Highway 25, (4) Port Huron, Mich., and Cincinnati, Ohio, over U. S. Highway 25, (5) Port Huron, Mich., and Indianapolis, Ind., over U. S. Highway 25, (6) Pontiac, Mich., and Columbus, Ohio, over U. S. Highway 24, (7) Detroit, Mich., and Marion, Ind., over U. S. Highway 25, and (8) Bay City, Mich., and Detroit, Mich., over U. S. Highway 10. Applicant is authorized to conduct operations in Indiana, Michigan, and Ohio.

No. MC 73992 Sub 35, filed June 11, 1956, JOHN J. KLEIMER, doing business as KLEIMER'S VAN LINES, 4762 Sunset Boulevard, Los Angeles, Calif. Applicant's representative: Cromwell Warner, 404 Yarmouth Rd., Palos Verdes Est., Los Angeles 58, Calif. For authority to operate as a *common carrier*, over irregular routes, transporting: *Appliances, furnishings, houseware, and accessories*, for delivery to apartments, hotels, houses, motels, furniture dealers, offices and commercial and institutional establishments, when such appliances, furnishings, houseware and accessories are transported as an incident to and a part of shipments of uncrated new furniture; (1) from points in California to points in California, (2) *replaced* and *trade-ins* of the above named commodities from points in Wyoming, Washington, Utah, Texas, Oregon, Oklahoma, New Mexico, Nevada, Montana, Missouri, Kansas, Idaho, Colorado, Arizona, and California to points in California, (3) shipments of the above named commodities, including *furniture*, uncrated, when for renovation or repair, from points in Wyoming, Washington, Utah, Texas, Oregon, Oklahoma, New Mexico, Nevada, Montana, Missouri, Kansas, Idaho, Colorado, California, and Arizona to points in California, (4) *New furniture*, uncrated, between points in California. Applicant is authorized to conduct operations in California, Arizona, Oregon, Idaho, Utah, Nevada, Missouri, Oklahoma, Texas, New Mexico, Colorado, Wyoming, and Washington.

NOTE: The above application is filed in conjunction with MC 73992 Sub 34, published on page 1216, issue of February 22, 1956.

No. MC 89557 Sub 2, filed April 27, 1956, LAWRENCE A. McCARTHY, doing business as GROTE CARTAGE CO., 1455 North Magnolia Avenue, Chicago 22, Ill. Applicant's representative: George S. Mullins, 4704 West Irving Park Road, Chicago 41, Ill. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Animal Glue* (unblended), from Chicago, Ill., to Carrollville, Wis.

No. MC 92983 Sub 169, filed June 8, 1956, ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Fats* and *oils* including *blends and products thereof* (except those derived from petroleum), in bulk, in tank vehicles, between Champaign, Ill., on the one hand, and, on the other, points in the United States.



No. MC 101126 Sub 53, filed June 11, 1956, STILLPASS TRANSIT COMPANY, INC., 4967 Spring Grove Avenue, Cincinnati 32, Ohio. For authority to operate as a *contract carrier*, over irregular routes, transporting: in bulk, in tank vehicles: *Acid esters of animal oils*, from St. Bernard, Ohio to East St. Louis, Ill.; *animal fatty acid*, from St. Bernard, Ohio, to Decatur, Ind.; butyl stearate, from St. Bernard, Ohio, to Midland, Mich.; *cotton seed oil*, from Louisville, Ky., to Cincinnati, Ohio; *fatty acids from fish or sea animal oil*, from Wyandotte, Mich., to St. Bernard, Ohio; *fatty acids of vegetable oil*, from St. Bernard, Ohio, to Chicago, Ill.; *glycerine*, from Ivorydale, Ohio, to Indianapolis, Ind.; *liquid paints and varnishes*, from Cincinnati, Ohio, to Zelienople, Pa.; *liquid silicate of soda*, from the plant of the Diamond Alkali Co. at Cincinnati, Ohio, to Producers Well Plugging Service Co., Pine Ridge, Ky.; *red oil, from animal fats*, from St. Bernard, Ohio, to Midland, Mich.; *resin plasticizer*, from St. Bernard, Ohio, to Chicago, Ill.; *silicate of soda* from Cincinanti, Ohio, to Olive Hill, Ky., and Wyandotte, Mich.; *soybean oil* from Danville, Ill., to St. Bernard, Ohio; and *vegetable fatty acid* and *resin plasticizers*, from St. Bernard, Ohio, to Mishawaka, Ind. Applicant is authorized to conduct operations in Illinos, Kentucky, Indiana, Ohio, Wisconsin, Arkansas, Iowa, Kansas, Michigan, Minnesota, Missouri, Nebraska, Tennessee, and New York.

No. MC 102806 Sub 8, filed June 1, 1956, PETROLEUM TRANSPORTATION, INCORPORATED, East Davis Street, P. O. Box 232, Gastonia, N. C. Applicant's attorney: J. Ruffin Bailey, 706–7 Raleigh Building, Raleigh, N. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from points in Hamilton County, Tenn., to points in Cherokee and Graham Counties, N. C. Applicant is authorized to conduct operations in North Carolina and South Carolina.

No. MC 103378 Sub 68, filed June 1, 1956, PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, Atlantic National Bank Building, Jacksonville 2, Fla. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquified petroleum gas*, in bulk, in tank trucks, from St. Marks, Fla., to points in Alabama and to those in Georgia beyond 175 miles from St. Marks, Fla. Applicant is authorized to conduct operations in Georgia, Florida, Alabama, South Carolina, and North Carolina.

No. MC 107002 Sub 99, filed June 11, 1956, WALTER M. CHAMBERS, doing business as W. M. CHAMBERS TRUCK LINE, 105 Giuffrias Avenue, P. O. Box 687, New Orleans 20, La. For authority to operate as a *common carrier*, over irregular routes, transporting: *Liquefied petroleum gases*, in bulk, in tank vehicles; (1) from Krotz Springs, La., to points in Alabama, South Carolina, Georgia, and Florida, (2) from Hazlewood, La., to points in Alabama, Mississippi, Tennessee, South Carolina, Georgia and Florida, (3) from Norco and Destrehan, La., to points in Alabama, Florida, Georgia, and Mississippi. Applicant is authorized to conduct operations in Louisiana, Mississippi, Tennessee, Arkansas, Alabama, and Georgia.

No. MC 107515 Sub 230, filed June 1, 1956, REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta, Ga. Applicant's attorney: Allan Watkins, Grant Building, Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Meats, meat products, and meat byproducts*, as defined by the Commission, from points in Florida to points in South Carolina, North Carolina, Alabama, Georgia, Mississippi, Tennessee, Kentucky, Ohio, Indiana, Michigan, Wisconsin, Illinois, Louisiana, Arkansas, Texas, Oklahoma, Kansas, Missouri, Nebraska, Iowa, and Minnesota. Applicant is authorized to conduct operations in Georgia, North Carolina, South Carolina, Tennessee, Florida, Alabama, Mississippi, Louisiana, Wisconsin, Texas, Oklahoma, and Ohio.

No. MC 108518 Sub 4, filed June 14, 1956, IRON AND STEEL TRANSPORT, INC., 2001 Shepler Church Road SW., Canton, Ohio. Applicant's attorney: Noel F. George, 44 East Broad Street, Columbus 15, Ohio. For authority to operate as a *common carrier*, over irregular routes, transporting: *Iron, steel, manufactured iron and steel articles, motors, machinery* and *machinery parts*, between points in Cuyahoga, Summit, Stark, Tuscarawas, Portage, Mahoning and Trumbull Counties, Ohio, on the one hand, and, on the other, the site of the Ford Motor Car Company Plant located at the intersection of Cottage Grove Avenue and U. S. Highway 30 approximately two miles east of Chicago Heights, Ill. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, New York, Ohio, and West Virginia.

No. MC 108586 Sub 39, filed June 11, 1956, STEFFKE FREIGHT CO., a corporation, 204 South Bellis Street, Wausau, Wis. Applicant's attorney: Jack Goodman, 39 South LaSalle Street, Chicago 3, Ill. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods, as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving Brownsville, LeRoy, Knowles, and Oak Center, Wis., as off-route points in connection with applicant's authorized regular-route operations between Milwaukee and Fond du Lac, Wis., over U. S. Highway 41. Applicant is authorized to conduct operations in Illinois, Wisconsin, Michigan, and Iowa.

No. MC 108671 Sub 13, filed June 8, 1956, TARBET TRUCKING, INC., 311 East 18th Street, Muncie, Ind. Applicant's attorney: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the site of the new Chrysler Automotive Body Division, Stamping Plant, in Twinsburg Township, Summit County, Ohio, on Ohio Highway 82, approximately one mile west of junction Ohio Highways 82 and 91, as an off-route point in connection with carrier's regular route operations between Muncie, Ind., and Buffalo, N. Y., over U. S. Highway 20 and Ohio Highway 84. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Michigan, Missouri, New York, Ohio, and Pennsylvania.

No. MC 109490 Sub 4, filed June 15, 1956, H. W. HEDING, doing business as HEDING TRUCK SERVICE, Union Center, Wis. Applicant's attorney: Edward Solie, 1 South Pinckney Street, Madison 3, Wis. For authority to operate as a *common carrier*, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment; (1) serving Ironton, Cazenovia, Yuba, Hillsboro, Mt. Tabor, Rockton, Rockbridge, Hub City, and St. Marys as off-route points in connection with carrier's regular route operations between Madison, Wis., and Norwalk, Wis., and (2) between Madison, Wis., and Junction Wisconsin Highway 19 and U. S. Highway 12, from Madison over Wisconsin Highway 113 to junction Wisconsin Highway 19, thence over Wisconsin Highway 19 to junction U. S. Highway 12, and return over the same route, serving no intermediate points, as an alternate route in connection with carrier's regular route operations between Madison and Norwalk, Wis. Applicant is authorized to conduct operations in Wisconsin.

No. MC 111159 Sub 29, filed June 13, 1956, MILLER PETROLEUM TRANSPORTERS, LTD., P. O. Box 1123, Jackson, Miss. Applicant's attorney: Phineas Stevens, Suite 900 Milner Building, P. O. Box 141, Jackson, Miss. For authority to operate as a *common carrier*, over irregular routes, transporting: *Petroleum* and *petroleum products*, in bulk, in tank vehicles, from the site of Pontiac Eastern Corporation Refinery, approximately three miles from Purvis, Miss., to points in Alabama and Louisiana. Applicant is authorized to conduct operations in Alabama, Arkansas, Georgia, Louisiana, Mississippi, and Tennessee.

No. MC 111435 Sub 10, filed June 1, 1956, C. & E. TRUCKING CORP., 80 Montgomery Street, Rhinebeck, N. Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N. Y. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Flavoring syrup*, in bulk, in tank vehicles, from New York, N. Y., to points in Pennsylvania, except Philadelphia, and points within 25 miles of Philadelphia, and except Williamsport, Milton, Berwick, Hazleton, Kingston, Scranton, Wilkes-Barre, Allentown, Harrisburg, and Pittsburgh, Pa. Applicant is authorized to conduct operations in Maryland, New York, Pennsylvania, and Virginia.

No. MC 111545 Sub 18, filed May 28, 1956, HOME TRANSPORTATION COMPANY, INC., 334 South Four Lane Highway, Route 3, Marietta, Ga. Applicant's attorney: Allan Watkins, Grant Building, Atlanta 3, Ga. For authority to operate as a *common carrier*, over irregular routes, transporting: *Road construction machinery and equipment*, as defined by the Commission, *road construction machinery and equipment attachments, textile machines and machinery*, except knitting machines, *machine tools, agricultural machinery, implements and parts*, as defined by the Commission, *tractors, including farm tractors, lift trucks, tooling, shaping, forging, metal, woodworking, ice manufacturing, bakery and manufacturing machinery and machines, street-sweeping machines, internal combustion engines, bottling, mixing, bagging, pressing, cleaning, and washing machines*, and *mechanically-operated vehicle bodies*, the transportation of which by reason of size or weight requires the use of special equipment, between Atlanta, Cartersville, and Marietta, Ga., and Columbia, S. C., and points within 50 miles of each, on the one hand, and, on the other, points in Illinois, Indiana, Iowa, Kansas, Michigan, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, and Wisconsin. The application is accompanied by motion to *dismiss on the grounds* that applicant holds the authority sought therein in its present certificate, or in the alternative, that the Commission assign the application and motion to dismiss for public hearing on the issues involved.

No. MC 112750 Sub 20, filed June 13, 1956, ARMORED CARRIER CORPORATION, 222–17 Northern Boulevard, Bayside, N. Y. Applicant's attorney: James K. Knudson, 1116 Ring Building, 18th at M Street NW., Washington, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Such commercial papers, documents, and written instruments*, except coin, currency, bullion, and negotiable instruments, as are used in the operation of banks and banking institutions, and *empty containers or other such incidental facilities* (not specified) used in transporting the items listed above, between Cleveland, Ohio, and Pittsburgh, Pa. Applicant is authorized to conduct operations in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

No. MC 112750 Sub 21, filed June 13, 1956, ARMORED CARRIER CORPORATION, 222–17 Northern Boulevard, Bayside, N. Y. Applicant's attorney: James K. Knudson, 1116 Ring Building, 18th at M Street NW., Washington, D. C. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Such commercial papers, documents, and written instruments*, except coin, currency, bullion, and negotiable instruments, as are used in the operation of banks and banking institutions, from Worcester, Mass., to New York, N. Y., and *empty containers or other such incidental facilities* (not specified) used in transporting the items listed above on return movements. Applicant is authorized to conduct operations in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

No. MC 114220 Sub 1 (amended June 19, 1956), filed March 26, 1956, published May 16, 1956, page 3243, INTERSTATE TRAILER TRANSPORT, INC., 506 East Euclid, Des Moines, Iowa. Applicant's attorney: Stephen Robinson, 1020 Savings & Loan Building, Des Moines 9, Iowa. For authority to operate as a *common carrier*, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles or light trucks, in initial movements, in truckaway service, from Momence, Ill., to points in the United States, and *damaged, defective or returned shipments* of the commodity specified on return. Applicant is authorized to conduct operations in all States in the United States except California, Connecticut, Delaware, Georgia, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Montana, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, West Virginia, and the District of Columbia.

No. MC 114569 Sub 10, filed June 8, 1956, SHAFFER TRUCKING, INC., Elizabethville, Pa. Applicant's attorney: James W. Hagar, Commerce Building, (P. O. Box 432), Harrisburg, Pa. For authority to operate as a *common carrier* over irregular routes, transporting: *Products, by-products, and parts, of dead or slaughtered animals unfit for human consumption*, between points in Washington Township, Dauphin County, Pa., and Franconia Township, Montgomery County, Pa., and Elizabethville, Pa., on the one hand, and, on the other, points in Connecticut, Delaware, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Pennsylvania, Ohio, Rhode Island, and Vermont; and *lumber*, from points in Androscoggin and Cumberland Counties, Maine, to points in Washington Township, Dauphin County, Pa., and Elizabethville, Pa.

NOTE: Applicant has contract carrier irregular route authority in MC 55813, dated May 18, 1954, section 210 (dual operations) may be involved.

No MC 115906 (Amended), filed April 3, 1956, published on page 2552, issue of April 18, 1956, H. F. YOUNG, Spencer, W. Va. Applicant's attorney: Charles E. Anderson, P. O. Box 1386, Charleston, W. Va. For authority to operate as a *contract carrier*, over irregular routes, transporting (1) *Rough lumber*, between points in West Virginia and Cincinnati, Ohio, and (2) *Fertilizer*, in bags, from Cincinnati, Ohio, to points in West Virginia.

No. MC 115922 Sub 1, filed June 13, 1956, A. W. MEEVES, General Delivery, Tucumcari, N. Mex. Applicant's attorney: Maurice Sanchez, 904 Simms Building, P. O. Box 1031, Albuquerque, N. Mex. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Carbon dioxide* in bulk, in solid and liquid forms, in shipper-owned tank trailers, moving for the account of National Cylinder Gas Company, from Mosquero, N. Mex., to points in Texas, (including but not limited to the following points in Texas: El Paso, Amarillo, Lubbock, Odessa, Midland, Sweetwater, Big Spring, Abilene, Fort Worth and Dallas), Denver, Pueblo and Colorado Springs, Colo., and Oklahoma and Tulsa, Okla. *Empty shipper-owned tank trailers* and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity from the above-described points to Mosquero, N. Mex.

No. MC 116019, filed May 28, 1956, A. W. HAMILTON, doing business as HAMILTON TRANSFER & STORAGE, West Highway & Railway Avenue, Torrington, Wyo. For authority to operate as a *contract carrier*, over a regular route, transporting: *Cement*, in sacks, and in bulk, in seasonal operations between March 1 and November 1, inclusive, of each year, from La Porte, Colo., to Torrington, Wyo., as follows: From La Porte over U. S. Highway 287 to junction unnumbered highway, approximately one (1) mile north of Fort Collins, Colo., thence over unnumbered highway to junction U. S. Highway 87, near Wellington, Colo., thence over U. S. Highway 87 to junction U. S. Highway 85, near Cheyenne, Wyo., thence over U. S. Highway 85 to Torrington, serving no intermediate points.

No. MC 116034, filed June 7, 1956, CHAS. MOYER AND CAROL MOYER, doing business as MOYER TRUCK LINE, 205 East Illinois Street, Kirksville, Mo. For authority to operate as a *contract carrier*, over irregular routes, transporting: *Livestock feed* and *poultry feed*, in paper or cloth sacks, and *fertilizer*, from Kansas City, Kans., to Kirksville, Mo., and points within 25 miles of Kirksville, as more fully described in the application, and *shelled corn* on return movements.

No. MC 116047, filed June 13, 1956, JOHN M. KARLE, doing business as KARLE CARRIAGE WORKS, 806 South Ninth Street, St. Joseph, Mo. Applicant's attorney: Louis Kranitz, 714 Francis Street, St. Joseph 7, Mo. For authority to operate as a *common carrier*, over irregular routes, transporting: *Wrecked and disabled motor vehicles*, between points in Missouri (except points in the St. Louis, Mo., Commercial Zone as defined by the Commission), Kansas, Iowa, Nebraska, Colorado, Oklahoma, Arkansas, North Dakota, South Dakota, and Illinois.

NOTE: Applicant states this is intended to be an emergency service to various and sundry over the road transporters or to farmers, private haulers, or others who require a specialized service in removing wrecked or disabled motor vehicles, as conditions may require from time to time.

No. MC 116048, filed June 13, 1956, MANGUM TRUCKING COMPANY, INC., Route No. 3, Box 455, Charlotte, N. C. For authority to operate as a *common carrier*, over irregular routes, transporting: *Lumber*, from points in North Carolina and South Carolina, on the one hand, and, on the other, points in, North Carolina, South Carolina, Florida, West Virginia, Ohio, Maryland, New Jersey, New York, Pennsylvania, and Georgia.



APPLICATIONS OF MOTOR CARRIERS OF PASSENGERS

No. MC 1511 Sub 109, filed June 5, 1956, PACIFIC GREYHOUND LINES, a California corporation, 371 Market Street, San Francisco 5, Calif. Applicant's attorney: Earl A. Bagby, Greyhound Building, Market and Fremont Streets, San Francisco 5, Calif. For authority to operate as a *common carrier* transporting: *Passengers and their baggage and express* in the same vehicle with passengers; (1) over that segment of relocated U. S. Highway 80 between Buckeye, Ariz., and Gila Bend, Ariz., in connection with applicant's authorized regular route operations between Portland, Oreg., and Lordsburg, N. Mex., in Certificate MC 1511 dated November 22, 1950, and (2) between Avondale Junction, Ariz., and Phoenix, Ariz.: from Avondale Junction over unnumbered highway via Avondale and Tolleson, to Phoenix, and return over the same route, serving all intermediate points, in lieu of applicant's authorized regular route operations between Tolleson Junction, Ariz., and Phoenix, Ariz., in Certificate MC 1511 Sub No. 89, dated September 7, 1951.

NOTE: The proposed rerouting under (1) will result in abandonment of bus service to the following tariff points, Palo Verde, Hassayampa, Arlington and Gillispie Dam, all located on former (old) U. S. Highway 80. Applicant is authorized to conduct operations in Arizona, California, Nevada, New Mexico, Oregon, Texas, and Utah.

APPLICATIONS UNDER SECTION 5 (2) AND 210 (a) (b)

No. MC–F 6294 (correction), published in the June 13, 1956, issue of the FEDERAL REGISTER on page 4066. The name of E. J. ROSWICK, of Bismarck, N. Dak., was inadvertently omitted from the list of persons in control of vendee, and the name of A. B. WANKE was erroneously shown as A. B. ROSWICK.

No. MC–F 6300 (corrected), published in the June 30, 1956, issue of the FEDERAL REGISTER on page 4336. The notice of filing should be corrected by deleting therefrom the portion beginning with "authority" and ending with "merged" and inserting in lieu thereof the following: "Authority sought by COLUMBIA TERMINALS COMPANY, 1209 Washington Avenue, St. Louis, Mo., to merge the property of SOUTHERN EXPRESS, INC., 1209 Washington Avenue, St. Louis, Mo., and to control the operating rights and property of SOUTHERN PLAZA EXPRESS, 1209 Washington Avenue, St. Louis, Mo., and CENTRAL EXPRESS, INC., 1901 Iriving Boulevard, Dallas, Tex., and for acquisition by FIELDING CHILDRESS, also of St. Louis, of control of such operating rights and property through the transaction. Applicants' attorney: Clarence D. Todd, 944 Washington Building, Washington 5, D. C. Operating rights sought to be controlled:"

No. MC–F 6305. Authority sought for control and merger by CLARK TRANSPORT COMPANY, U. S. Highways 30 and 83, Chicago Heights, Ill., of the operating rights and property of TRACY BAKER AUTO FORWARDING COMPANY, 13701 Eldon Avenue, Detroit, Mich., and for acquisition by JAMES P. CLARK and CECELIA A. CLARK, both of Olympia Fields, Ill., and EUGENE C. CLARK, of Steger, Ill., of control of such rights and property through the transaction. Applicant's attorney: Eugene T. Liipfert, 2001 Massachusetts Avenue NW., Washington 6, D. C. Operating rights sought to be controlled and merged: *New automobiles, new trucks, new cabs*, and *new chassis*, restricted to initial move-in truckaway and driveaway service, as a *common carrier* over irregular routes from places of manufacture and assembly in Detroit, Mich., and Warren Township, Macomb County, Mich., to points in Illinois, Indiana, Iowa, Maryland, Ohio, Pennsylvania and the District of Columbia; *the commodities specified above*, restricted to secondary movements, during the season of open navigation on the Great Lakes, in truckaway and driveaway service, from Cleveland, Ohio, to points in Maryland, Ohio, Pennsylvania, and the District of Columbia; *automobiles, trucks, cabs*, and *chassis*, restricted to secondary movements, in truckaway and driveaway service, between all points as described above; *automobiles, trucks, cabs*, and *chassis* restricted to initial movements, in truckaway service, from Detroit, Mich., to certain points in Virginia; *new automobiles, automobile bodies, automobile chassis*, and *automobile parts and accessories* moving in connection therewith, *automobile show equipment and paraphernalia*, and *farm and garden tractors, and parts and accessories* thereof moving in connection therewith, from Willow Run, Washtenaw County, Mich., to points in Illinois, Indiana, Iowa, Maryland, Ohio, Pennsylvania, and the District of Columbia. CLARK TRANSPORT COMPANY is authorized to operate as a *common carrier* in all states in the United States and the District of Columbia. Application has been filed for temporary authority under section 210a (b).

No. MC–F 6306. Authority sought for purchase by J. H. MARKS TRUCKING CO., INC., P. O. Box 2192, Odessa, Texas, of the operating rights of WILTON B. DELAFIELD, 2018 East Broad Street, Lake Charles, La., and for acquisition by J. H. MARKS, also of Odessa of control of such rights through the purchase. Applicants' attorney: Herbert L. Smith, 401 Perry-Brooks Building, Austin, Texas. Operating rights sought to be transferred: *Oilfield commodities*, as a *common carrier* over irregular routes between points in Texas and Louisiana. Vendee is authorized to operate as a *common carrier*, in New Mexico, Oklahoma, Texas, Colorado, Utah, Wyoming, and Montana. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6307. Authority sought for merger by TRANSCON LINES, 1206 South Maple Boulevard, Los Angeles 15, Calif., of the operating rights and property of KEYSTONE FREIGHT LINES, 1522 East Fifth Court, Tulsa, Okla., and for acquisition by SCRIBNER BIRLENBACH, also of Los Angeles, of control of such rights and property through the transaction. Applicants' attorneys: Lee Reeder and Wentworth E. Griffin, both of 1012 Baltimore Avenue, Kansas City 5, Mo. Operating rights sought to be merged: *General commodities*, with no exceptions, as a *common carrier* over regular routes, between Tulsa, Okla., and Fort Smith, Ark., and Boynton, Okla., and between Coweta, Okla., and Muskogee, Okla., serving certain intermediate points; *general commodities*, with certain exceptions including household goods, between Wichita, Kans., and Tulsa, Okla., between Tulsa, Okla., and Keystone, Okla., between Little Rock, Ark., and Fort Smith, Ark., between Boynton, Okla., and Checotah, Okla., between Oklahoma City, Okla., and Boynton, Okla., between Fort Smith, Ark., and junction U. S. Highways 62 and 266 (approximately one mile west of Dewar, Okla.), between Memphis, Tenn., and Pine Bluff, Ark., and between North Little Rock, Ark., and Camp Joseph T. Robinson, Ark., serving certain intermediate and off-route points; alternate route for operating convenience only between Russellville, Ark., and Fort Smith, Ark. TRANSCON LINES is authorized to operate in Missouri, Illinois, Kansas, Indiana, Arizona, New Mexico, Oklahoma, Texas, and California. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6308. Authority sought for purchase by LAWRENCE TRANSFER & STORAGE CORPORATION, Whiteside Avenue NE., Roanoke, Va., of the operating rights and property of W. T. LAWRENCE, doing business as LAWRENCE TRANSFER COMPANY, Whiteside Avenue NE., Roanoke, Va., and for acquisition by W. T. LAWRENCE, also of Roanoke, of control of such operating rights and property through the purchase. Applicant's attorney: B. E. Estes, 516 Colonial Bank Building, Roanoke, Va. Operating rights sought to be transferred: *Household goods*, as defined by the Commission, as a *common carrier* over irregular routes, between points in Roanoke County, Va., on the one hand, and, on the other, points in Tennessee, North Carolina, Maryland and Pennsylvania, and between Roanoke, Va., and points in Virginia within 35 miles of Roanoke, on the one hand, and, on the other, points in West Virginia, Ohio, New York, Delaware and the District of Columbia; *whole fluid milk*, graded and ungraded, *condensed milk*, plain and sweetened, *sweet cream*, liquid and frozen in cans, and *butter*, in boxes, from Radford, Va., to points in North Carolina, South Carolina, Georgia, Alabama, Tennessee, Kentucky, and West Virginia. Vendee holds no authority from the Interstate Commerce Commission but is affiliated with UNITED VAN LINES, INC., which is authorized to transport household goods throughout the United States. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6309. Authority sought for purchase by CLARK TANK LINES COMPANY, 1450 North Beck Street, Salt Lake City, Utah, of the operating rights and property of GORDON RAY, 1450 North Beck Street, Salt Lake City, Utah, and for acquisition by BOYCE R. CLARK and

BEULAH R. CLARK, both of Salt Lake City, of control of such rights and property through the purchase. Persons to whom correspondence should be addressed: Boyce R. Clark, Pres., Clark Tank Lines Company, P. O. Box 1595, Salt Lake City, Utah, and Gordon Ray, P. O. Box 2487, Salt Lake City, Utah. Operating rights sought to be transferred: *Gasoline*, in bulk, in tank vehicles, as a *common carrier* over regular routes, from Portland, Oreg. (including Linnton), to Boise, Idaho, serving certain intermediate points for delivery only, and from New Plymouth, Idaho, to Emmett, Idaho, serving no intermediate points; *petroleum products*, in bulk, in tank vehicles, *gasoline* and *fuel oil*, in bulk, in tank vehicles, and *road oil and asphalt*, in bulk, in tank vehicles, over irregular routes, from, to and between points and areas, varying with the commodity transported, in Oregon, Washington, Idaho, and Utah. Vendee is authorized to operate as a *contract carrier* in Colorado and Utah. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6310. Authority sought for purchase by WESTERN AUTO TRANSPORTS, INC., 430 South Navajo Street, Denver, Colo., of the operating rights and certain property of HARRY A. LORD, 940 Darby Road, San Marino, Calif., and for acquisition by ROBERT R. HALL, JR., also of Denver, of such operating rights and property through the purchase. Applicants' attorney: Louis E. Smith, 1800 North Meridian Street, Indianapolis, Ind. Operating rights sought to be transferred: *New automobiles* and *new trucks*, restricted to initial movements, in driveaway service as a *common carrier* over irregular routes, from places of manufacture and assembly in South Bend, Ind., and Detroit, Mich., to Los Angeles, Calif. Vendee is authorized to operate as a *common carrier* in Michigan, Nevada, Colorado, Wyoming, Idaho, Washington, California, Utah, Indiana, Missouri, Iowa, Arizona, New Mexico, Oregon and Illinois. Application has not been filed for temporary authority under section 210a (b).

No. MC–F 6311. Authority sought for purchase by VANCE TRUCKING COMPANY, INCORPORATED, Dabney Drive, Henderson, N. C., of a portion of the operating rights of DIAMOND STATE MOTOR FREIGHT, INC., P. O. Box 317, Bala-Cynwyd, Pa., and for acquisition by JOHN C. CHURCH and N. P. STRAUSE, both of Henderson, of control of such rights through the purchase. Applicant's attorney: James E. Wilson, 1812–14th Street NW., Washington, D. C. Operating rights sought to be transferred: *Roofing materials and supplies, asbestos products, paper, hardware, sheet metal products* and *hot air and hot water heaters and supplies*, as a *common carrier* over irregular routes between Philadelphia, Ambler, Pen Argyl, Swedeland, and Downingtown, Pa., on the one hand, and, on the other, points in that part of New Jersey on and south of U. S. Highway 46 and north of U. S. Highway 1. Vendee is authorized to operate as a *common carrier* in South Carolina, Florida, North Carolina, Virginia, Maryland, Pennsylvania, New Jersey, New York, Delaware, Georgia, West Virginia, Kentucky, and the District of Columbia. Application has not been filed for temporary authority under section 210a (b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56–5055; Filed, June 26, 1956; 8:50 a. m.]

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FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 22, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32254: *Coal and coal briquets from Clinchfield, Va.* Filed by The Norfolk and Western Railway Company, for itself and interested rail carriers. Rates on coal and coal briquets, carloads from Clinchfield, Va., to specified points in central and western trunk line territories.

Grounds for relief: Maintenance of origin and destination group relations and circuitous routes.

Tariffs: Supplement 28 to Norfolk & Western Ry. I. C. C. 3356–B; Supplement 21 to Norfolk & Western Ry. I. C. C. 3367–B; Supplement 28 to Norfolk & Western Ry. I. C. C. 3379–B.

FSA No. 32255: *Road making implements to North Atlantic ports.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on grading and road making implements, carloads from Cincinnati, Ohio, Indianapolis, Ind., and Louisville, Ky., to Baltimore, Md., Boston, Mass., Philadelphia, Pa., New York, N. Y., Norfolk and Newport News, Va.—for export.

Grounds for relief: Port competition and circuitous routes.

FSA No. 32256: *Woodpulp and screenings—St. George, New Brunswick, to New Haven, Conn.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on woodpulp and woodpulp screenings, straight or mixed carloads, from St. George, New Brunswick, Canada to New Haven, Conn.

Grounds for relief: Water competition and circuitous routes.

Tariff: Supplement 55 to Canadian Pacific Ry. Co. I. C. C. E–2592.

FSA No. 32257: *Carbon blacks—Pacific coast to mid-western points.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on blacks, chemical carbon, and carbon-gas or oil, carloads from points in states in the Pacific coast area to points in states in western trunk-line and southwestern territories.

Grounds for relief: Grouping and circuitous routes.

Tariff: Supplement 19 to Agent Prueter's I. C. C. 1574.

FSA No. 32258: *Automobile bodies and parts—Mansfield, Ohio to official territory.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on automobile bodies, passenger, or body parts or assembly material, carloads from Mansfield, Ohio to specified points in official territory.

Grounds for relief: Carrier competition and circuitous routes.

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56–5054; Filed, June 26, 1956; 8:50 a. m.]

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## DEPARTMENT OF JUSTICE

### Office of Alien Property

DENISE CHAMBARD ROLLAND

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Denise Chambard Rolland, Irigny, France; Claim No. 45590; Vesting Order No. 1028; $735.75 in the Treasury of the United States.

Executed at Washington, D. C., on June 18, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56–5059; Filed, June 26, 1956; 8:51 a. m.]

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GEORGES RODE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Georges Rode, Geneva, Switzerland; Claim No. 61605; Vesting Order Nos. 17829 and 17903; $303.25 in the Treasury of the United States, 45 shares of Baltimore and Ohio Railroad Company $100.00 par value common capital stock, included in those represented by Certificate No. AA–677, registered in the name of the Attorney General, which shares are held in the Safekeeping Department, Federal Reserve Bank, New York.

Executed at Washington, D. C., on June 18, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56–5060; Filed, June 26, 1956; 8:51 a. m.]



GERTRUDE E. METCALFE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Miss Gertrude E. Metcalfe, c/o Coutts & Co., 440 Strand, London, W. C. 2, England; Claim No. 36325; $427.85 in the Treasury of the United States.

Executed at Washington, D. C., on June 18, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56–5061; Filed, June 26, 1956; 8:51 a. m.]

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CONCETTA AVALLONE CATALDI ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Concetta Avallone Cataldi, Elena Cataldi Fera, Irene Cataldi, Antonina Cataldi, and Alfredo Cataldi, all of Rome, Italy; Claim No. 63405; Vesting Order No. 235; $14.73 in the Treasury of the United States and 2 shares, third preferred capital stock of the De Nobili Cigar Company, a New York corporation, par value $25 per share, Certificate No. 272 registered in the name of the Attorney General of the United States, presently in custody of Safekeeping Department, Federal Reserve Bank of New York, at New York City.

Executed at Washington, D. C., on June 18, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56–5062; Filed, June 26, 1956; 8:51 a. m.]

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## DEPARTMENT OF LABOR

### Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended; 29 U. S. C. 201 et seq.), and Parts 522 and 527 of the regulations issued thereunder (29 CFR Parts 522 and 527), special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and in subject to the provisions of Parts 522 and 527. The effective and expiration dates, occupations, wage rates, number or proportion of learners and learning periods for certificates issued under general learner regulations (§§ 522.1 to 522.12) are as indicated below; conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.20 to 522.24, as amended March 1, 1956, 21 F. R. 1349).

The following learner certificates were issued for normal labor turnover purposes. Except as otherwise indicated, the number of learners authorized is indicated:

Angelica Uniform Co., Summersville, Mo.; effective 6–12–56 to 6–11–57; ten percent of factory production workers (washable service uniforms).

Angelica Uniform Co., Marquand, Mo.; effective 6–18–56 to 6–17–57; ten percent of factory production workers (washable service apparel).

Brookfield Manufacturing Co., 145–47 West Pine Street, Warrensburg, Mo.; effective 6–6–56 to 6–5–57; ten percent of factory production workers (coveralls and shop coats).

S. Buchsbaum Manufacturing Co., Inc., 90 Mount Vernon Avenue, Fredericktown, Ohio; effective 6–5–56 to 6–4–57; 10 learners (plastic rainwear).

Centre Manufacturing Co., Inc., Centre, Ala.; effective 6–7–56 to 12–6–56; 75 learners for plant expansion purposes (men's and boys' apparel).

Colonial Togs, 544 Leggett Street, Scranton, Pa.; effective 6–22–56 to 6–21–57; 10 learners (snowsuits, winter pants).

Hartwell Manufacturing Co., Inc., Hartwell, Ga.; effective 6–17–56 to 6–16–57; 10 learners (work pants).

Heavy Duty Manufacturing Co., Gainesboro, Tenn.; effective 6–6–56 to 12–5–56; 40 learners for plant expansion purposes (sport shirts).

Helena Garment Co., West Helena, Ark.; effective 6–23–56 to 6–22–57; ten percent of factory production workers (junior dresses).

Kennebec Manufacturing Co., Inc., Northern Avenue, Gardiner, Maine; effective 6–6–56 to 6–5–57; ten percent of factory production workers (boys' pants).

Malouf Co. No. 2, Whitesboro, Tex.; effective 6–6–56 to 6–5–57; 5 learners (maternity and sportswear).

Malouf Co. No. 3, Wills Point, Tex.; effective 6–6–56 to 6–5–57; 10 learners (women's sportswear).

Rhea Manufacturing Co., Colquitt Division, Colquitt, Ga.; effective 6–6–56 to 6–5–57; 5 learners (misses' sportswear).

Sylvania Garment Co., Inc., Sylvania, Ga.; effective 6–11–56 to 12–10–56; 35 learners for plant expansion purposes (sport shirts).

I. Taitel & Son, 111 West Cherry Street, Scottsburg, Ind.; effective 6–20–56 to 6–19–57; 10 learners (men's and boys' outerwear).

Wedowee Manufacturing Co., Wedowee, Ala.; effective 6–6–56 to 12–5–56; 40 learners for plant expansion purposes (sport shirts).

Wood Garment Manufacturing Co., Inc., Crane, Mo.; effective 6–7–56 to 6–6–57; ten percent of factory production workers (dress trousers, dungarees, etc.).

Wood Garment Manufacturing Co., Inc., Republic, Mo.; effective 6–6–56 to 6–5–57; ten percent of factory production workers (dress trousers).

Glove Industry Learner Regulations (29 CFR 522.60 to 522.65, as amended March 1, 1956, 21 F. R. 581).

Hansen Glove Corp., Ironwood, Mich.; effective 6–8–56 to 6–7–57; 10 learners for normal labor turnover purposes (leather dress gloves).

Hansen Glove Corp., Clintonville, Wis.; effective 6–8–56 to 6–7–57; ten percent of factory production workers engaged in the authorized learner occupations (knit dress gloves).

Ideal Glove Co., Inc., Maben, Miss.; effective 6–15–56 to 6–14–57; 5 learners for normal labor turnover purposes (work gloves).

Knitted Wear Industry Learner Regulations (29 CFR 522.30 to 522.35, as amended March 1, 1956, 21 F. R. 581).

Short Manufacturing Co., 735 O Street, Lincoln, Nebr.; effective 6–6–56 to 6–5–57; 3 learners for normal labor turnover purposes (shorts).

Shoe Industry Learner Regulations (29 CFR 522.50 to 522.55, as amended March 1, 1956, 21 F. R. 1195).

Vincent Horwitz Co., Inc., 2121 Beale Avenue, Altoona, Pa.; effective 6–6–56 to 6–5–57; 10 percent of factory production workers for normal labor turnover purposes.

Albert H. Weinbrenner Co., Merrill, Wis.; effective 6–12–56 to 12–11–56; 30 learners for plant expansion purposes.

Albert H. Weinbrenner Co., Merrill, Wis.; effective 6–12–56 to 6–11–57; 10 percent of factory production workers for normal labor turnover purposes.

Regulations applicable to the Employment of Learners (29 CFR 522.1 to 522.12, as amended February 28, 1955, 20 F. R. 645).

The following learner certificate was issued to the company listed below manufacturing miscellaneous products. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed are as indicated:

Amboy Handkerchief Works, 235 New Brunswick Avenue, Perth Amboy, N. J.; effective 6–6–56 to 12–5–56; not less than 85 cents per hour for the first 160 hours and 90 cents per hour for the remaining 80 hours of the 240-hour learning period, for the occupations of sewing machine operating and pressing; authorizing the employment of 5 learners for normal labor turnover purposes (handkerchiefs).

The following special learner certificate was issued in Hawaii to the company hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated:

Kahala Sportswear, Ltd., 1329 Kamalle Street, Honolulu, Hawaii; effective 6–4–56 to 6–3–57; not less than 80 cents per hour for the first 320 hours and 85 cents per hour for the remaining 160 hours of the 480-hour learning period for the occupation of sewing machine operator; authorizing the employ-

ment of 4 learners for normal labor turnover purposes (men's and ladies' apparel).

Regulations Applicable to the Employment of Student-Workers (29 CFR 527.1 to 527.9, October 14, 1955, 20 F. R. 7737).

Clear Creek Mountain Preachers Bible School, Pineville, Ky.; effective 6-6-56 to 8-31-56; not less than 80 cents per hour for the first 375 hours and 85 cents per hour for the remaining 375 hours of the 750-hour learning period, for the occupations of woodworking machine operator, assembler, furniture finisher and related skilled and semi-skilled occupations, including incidental clerical work in furniture shop; authorizing the employment of 45 learners (furniture).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 18th day of June 1956.

MILTON BROOKE,
*Authorized Representative of the Administrator.*

[F. R. Doc. 56-5045; Filed, June 26, 1956; 8:48 a. m.]

UNIVERSITY OF MICHIGAN
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1934

# FEDERAL REGISTER

OF THE UNITED STATES

VOLUME 21 NUMBER 125

*Washington, Thursday, June 28, 1956*

## TITLE 3—THE PRESIDENT

### EXECUTIVE ORDER 10671

FLEET ADMIRAL ERNEST J. KING

As a mark of respect to the memory of Fleet Admiral Ernest J. King, it is hereby ordered, pursuant to the provisions of Section 4 of Proclamation 3044 of March 1, 1954, that until interment the flag of the United States shall be flown at half-staff on all buildings, grounds, and naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
*June 26, 1956.*

[F. R. Doc. 56-5203; Filed, June 27, 1956; 12:15 p. m.]

## TITLE 7—AGRICULTURE

### Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 905—HANDLING OF MILK IN THE OKLAHOMA CITY, OKLA., MARKETING AREA

ORDER AMENDING THE ORDER, AS AMENDED

§ 905.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Oklahoma City, Oklahoma, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, as amended, effective not later than July 1, 1956. Any delay beyond July 1, 1956 in the effective date of this order amending the order, as amended, would defeat the purpose of this amendment because it applies only through July 1956. The changes effected by this order amending the order, as amended, do not require of persons affected substantial or extensive preparation prior to the effective date. In view of the foregoing, it is found that good cause exists for making this order effective July 1, 1956 (see sec. 4 (c) Administrative Procedure Act, 5 U. S. C. 1003 (c)).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended, which is marketed within the Oklahoma City, Oklahoma, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating

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FEDERAL REGISTER

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**CFR SUPPLEMENTS**

**(As of January 1, 1956)**

**The following Supplements are now available:**

**Title 6 ($1.75)**

**Title 7: Parts 210–899 (Rev., 1955) with Supplement ($4.50)**

**Title 26 (1954) Parts 1–220 (Rev., 1955) ($2.00)**

**Titles 47 and 48 ($2.25)**

*Previously announced:* Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 7: Parts 1–209 ($1.25), Parts 900–959 (Rev., 1955) ($6.00), Part 960 to end (Rev., 1955) with Supplement ($5.85); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Parts 1–399 ($2.50), Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. I, and Title 27 ($1.00); Titles 28 and 29 ($1.25); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 400–699 ($0.65), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Title 33 ($1.50); Titles 35–37 ($1.00); Title 39 (Rev., 1955) ($4.25); Titles 40–42 ($0.65); Title 43 ($0.50); Title 46: Parts 1–145 ($0.60), Part 146 to end ($1.25); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

**Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.**

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the handling of milk in the said marketing area, and it is hereby further determined that;

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (May 1956) were engaged in the production of milk for sale in the said marketing area.

*Order relative to handling.* It is therefore ordered that on and after the effective date hereof the handling of milk in the Oklahoma City, Oklahoma, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Delete the period (.) at the end of § 905.65 (a), substitute therefor a colon (:) and add the following: *"Provided,* That deliveries during the months of September 1955 through December 1955 to a plant whose operations have since been transferred to an approved plant shall be used in the computation of daily average bases effective through July 1956 for producers who became producers through such transfer of operations."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608 c)

Issued at Washington, D. C., this 22d day of June 1956, to be effective on and after the 1st day of July 1956.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 56–5092; Filed, June 27, 1956; 8:46 a. m.]

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PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 914.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of this order; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and the applicable rules of practice and procedure effective thereunder (7 CFR Part 900), a public hearing was held on January 27, 1956, at Los Angeles, California, upon proposed amendments to Marketing Agreement No. 117, as amended, and Order No. 14, as amended (7 CFR Part 914) regulating the handling of navel oranges grown in Arizona and designated part of California. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act, including the establishment and maintenance of such orderly marketing conditions for navel oranges grown in Arizona and designated part of California as will provide, in the interests of producers and consumers, an orderly flow thereof to market throughout its normal marketing season to avoid unreasonable fluctuations in supplies and prices;

(2) The said order, as amended, and as hereby further amended, regulates the handling of navel oranges grown in the designated production area in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in the marketing agreement upon which hearings have been held;

(3) The said order, as amended, and as hereby further amended, is limited in its application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of such production area would not effectively carry out the declared policy of the act;

(4) The said order, as amended, and as hereby further amended, prescribes, so far as practicable, such different terms, applicable to different parts of the production area, as are necessary to give due recognition to differences in the production and marketing of such oranges; and

(5) All handling of navel oranges, as defined herein, is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) *Determinations.* It is hereby determined that:

(1) The agreement amending the marketing agreement, as amended, regulating the handling of Navel oranges grown in Arizona and designated part of California, upon which the aforesaid public hearing was held, has been signed by handlers (excluding cooperative associations of producers who were not engaged in processing, distributing, or shipping the oranges covered by this order) who, during the period beginning November 1, 1954, and ending October 31, 1955, both dates inclusive, handled not less than 80 percent of the volume of oranges covered by said order, as amend-

ed, and as hereby further amended; and

(2) The issuance of this order, amending the aforesaid order, is favored or approved by producers who, during the determined representative period (November 1, 1954, through October 31, 1955), produced for market, within Arizona and the designated part of California, at least two-thirds of the volume of Navel oranges produced for market within the said production area.

*It is, therefore, ordered,* That, on and after the effective date hereof, the handling of navel oranges grown in Arizona and designated part of California shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid order, as amended, and as hereby further amended as follows:

1. Delete the provisions of § 914.15 and substitute in lieu thereof the following:

§ 914.15 *Carton.* "Carton" means the standard container number 58 as defined in section 828.83 of the Agricultural Code of California, as amended, of a capacity of approximately 38½ pounds of oranges, or such other container and capacity as may be established by the committee with the approval of the Secretary, or the equivalent thereof.

2. Delete the provisions of § 914.17 and substitute in lieu thereof the following:

§ 914.17 *Carload.* "Carload" means a quantity of oranges equivalent to 924 cartons of oranges, or such other quantity of oranges as may be established by the committee with the approval of the Secretary.

3. Amend the provisions of § 914.21 by deleting therefrom the date "November 1" and substituting in lieu thereof the date "October 1."

4. Amend the provisions of § 914.31 by adding at the end of the section the following: "Whenever specifically authorized or approved by the committee, an alternate member shall be reimbursed for reasonable expenses necessarily incurred by him in attending committee meetings and shall receive compensation at the rate provided in this section, notwithstanding that the committee member for whom he serves as alternate also attends such meetings."

5. Amend the provisions of § 914.32 as follows:

a. Delete the first sentence thereof and substitute in lieu thereof the following: "The committee shall, as soon as practicable after the marketing of the crop is completed, prepare and mail an annual report to the Secretary and to each handler and grower of record."

b. Delete therefrom the words following (d) and substitute in lieu thereof the following: "notice of the time and place of an open meeting, to be held as soon as practicable after the mailing of the annual report, to review the whole record of the operations of this part."

6. Amend the provisions of paragraph (e) of § 914.53 *Prorate bases* by inserting the following as a part of the last sentence in such paragraph: "; and, in the event the change in control of oranges is occasioned by a bona fide transfer of the ownership of the real property on which such oranges were produced, the person gaining the control of such oranges shall have his quantity of oranges available for current shipment adjusted by adding thereto a quantity of oranges equal to that which is so deducted."

7. Amend the provisions of § 914.55 by deleting therefrom the first sentence and substituting in lieu thereof the following: "During any week for which the Secretary has fixed the total quantity of oranges which may be handled, any person who has received an allotment for such week, and whose total allotment is not loaned, or is not required for the repayment of an allotment loan or as a deduction for a prior overshipment, may handle in addition to his allotment an amount of such oranges equivalent to 10 percent of his allotment, or one carload, whichever is the greater."

8. Amend the provisions of § 914.57 by adding a new paragraph (e) as follows:

(e) No allotment may be loaned from one handler to another when such loan is brought about by the payment of a consideration.

9. Amend the provisions of § 914.64 by inserting the following immediately after the first sentence of such section: "When any such size regulation restricts the handling of a portion of a specified size, the quantity of such size that may be handled by a handler during a particular week shall be established as a percentage of (a) the weekly allotment issued to such handler when volume regulation is in effect, and (b) the total weekly volume handled by such handler when volume regulation is not in effect."

10. Insert the following new sentence immediately preceding the last sentence of § 914.52 *Issuance of volume regulations:* "Such regulation may be made effective, as authorized by the act, irrespective of whether the season average price for navel oranges is in excess of the parity price specified therefor in the act."

11. Amend the provisions of § 914.71 by deleting therefrom the word "box" and substituting in lieu thereof the word "carton."

12. Immediately preceding the closing of the parenthesis at the end of § 914.2 *Act* insert the following: "; 68 Stat. 906, 1047."

13. Amend the provisions of § 914.83 (c) (3) by deleting from the last sentence thereof the date "September 15" and substituting in lieu thereof the date "March 15."

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.)

Issued at Washington, D. C., this 22d day of June 1956, to become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] TRUE D. MORSE,
*Acting Secretary.*

[F. R. Doc. 56-5120; Filed, June 27, 1956; 8:53 a. m.]

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[Valencia Orange Reg. 61, Amdt. 2]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

*Findings.* 1. Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922; 21 F. R. 4392), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of other available information, it is hereby found that the limitation of handling of such valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.), in that (i) the requirements of the said marketing agreement and the amendments (21 F. R. 4392) to the said order make this amendment necessary; (ii) such amendment should be made effective as soon as practicable since shipments of Valencia oranges are now being made from Districts 1 and 3 subject to size restrictions, and handlers should be permitted to utilize, as quickly as possible, the revised method of computing the portion of their shipments of oranges which may be smaller than 2.31 inches in diameter; (iii) the provisions of this amendment are well known to handlers of Valencia oranges as the result of the public hearing, decisions, and other procedures (20 F. R. 9972; 21 F. R. 2384, 3022, 4392) in connection with the marketing agreement and the issuance of the amendments to the order; and (iv) compliance with this amendment will not require any preparation on the part of persons subject thereto which cannot be completed prior to the effective time hereof.

*Order, as amended.* The provisions in paragraph (b) of § 922.361 (Valencia Orange Regulation 61, as amended; 21 F. R. 2038, 3964) are hereby amended to read as follows:

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 29, 1956, and ending at 12:01 a. m., P. s. t., February 3, 1957, no handler shall handle any Valencia oranges grown in District 1 or in District 3 which are smaller than 2.31 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 5 percent, by count, of oranges smaller than such minimum diameter shall be permitted in any type of container: *Provided,* That, in addition to such tolerance, each handler may, during each calendar week of the aforesaid period, handle a quantity of such oranges which are smaller than 2.31 inches in diameter but not smaller than 2.20 inches in diameter, except that a tolerance of 5 percent, by count, of oranges smaller than 2.20 inches in diameter shall be permitted in any container of oranges which are smaller than 2.31 inches in diameter, if such quantity does not exceed (i) 5 percent of the weekly allotment issued to such handler for such week, or (ii) when volume regulation is not in effect, 5 percent of the total weekly volume of Valencia oranges handled by such handler during such week.

(2) As used in this section, "handle," "handler," "District 1," and "District 3" shall have the same meaning as when used in said order.

*Effective time.* The provisions of this amendment shall become effective at 12:01 a. m., P. s. t., June 29, 1956.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 26, 1956.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-5170; Filed, June 27, 1956; 8:59 a. m.]

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[Valencia Orange Regulation 65, Amdt. 2]

PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

*Findings.* 1. Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922; 21 F. R. 4392), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.), in that (i) the requirements of the said marketing agreement and the amendments (21 F. R. 4392) to the said order make this amendment necessary; (ii) such amendment should be made effective as soon as practicable since shipments of Valencia oranges are now being made from District 2 subject to size restrictions, and handlers should be permitted to utilize, as quickly as possible, the revised method of computing the portion of their shipments of oranges which may be smaller than 2.31 inches in diameter; (iii) the provisions of this amendment are well known to handlers of Valencia oranges as the result of the public hearing, decisions, and other procedures (20 F. R. 9972; 21 F. R. 2384, 3022, 4392) in connection with the marketing agreement and the issuance of the amendments to the order; and (iv) compliance with this amendment will not require any preparation on the part of persons subject thereto which cannot be completed prior to the effective time hereof.

*Order, as amended.* The provisions in paragraph (b) of § 922.365 (Valencia Orange Regulation 65, as amended; 21 F. R. 2717, 3965) are hereby amended to read as follows:

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., June 29, 1956, and ending at 12:01 a. m., P. s. t., February 3, 1957, no handler shall handle any Valencia oranges grown in District 2 which are smaller than 2.31 inches in diameter, which shall be the largest measurement at a right angle to a straight line running from the stem to the blossom end of the fruit, except that a tolerance of 5 percent, by count, of oranges smaller than such minimum diameter shall be permitted in any type of container: *Provided,* That, in addition to such tolerance, each handler may, during each calendar week of the aforesaid period, handle a quantity of such oranges which are smaller than 2.31 inches in diameter but not smaller than 2.20 inches in diameter, except that a tolerance of 5 percent, by count, of oranges smaller than 2.20 inches in diameter shall be permitted in any container of oranges which are smaller than 2.31 inches in diameter, if such quantity does not exceed (i) 5 percent of the weekly allotment issued to such handler for such week, or (ii) when volume regulation is not in effect 5 percent of the total weekly volume of Valencia oranges handled by such handler during such week.

(2) As used in this section, "handle," "handler," and "District 2" shall have the same meaning as when used in said order.

*Effective time.* The provisions of this amendment shall become effective at 12:01 a. m., P. s. t., June 29, 1956.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 26, 1956.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-5169; Filed, June 27, 1956; 8:58 a. m.]

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## TITLE 6—AGRICULTURAL CREDIT

### Chapter I—Farm Credit Administration

Subchapter B—Federal Farm Loan System

PART 10—FEDERAL LAND BANKS GENERALLY

INTEREST RATES ON LOANS MADE THROUGH ASSOCIATIONS

Inasmuch as approval has been given to an interest rate of 5 percent per annum on loans by the Federal Land Bank of Springfield applied for through associations on and after July 1, 1956, § 10.54 of Title 6 of the Code of Federal Regulations (21 F. R. 3737) is hereby amended, effective July 1, 1956, by substituting "5" for "4½" as the interest rate for the Federal Land Bank of Springfield.

(Secs. 12 "Second," 17, 39 Stat. 370, 375, as amended; 12 U. S. C. 771 "Second", 831)

[SEAL] A. T. ESGATE,
*Acting Governor.*

[F. R. Doc. 56-5122; Filed, June 27, 1956; 8:53 a. m.]

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## TITLE 19—CUSTOMS DUTIES

### Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54117]

PART 8—LIABILITY FOR DUTIES; ENTRY OF IMPORTED MERCHANDISE

DESIGNATION OF MERCHANDISE TO BE EXAMINED

When portions of a lot of foreign merchandise in a nonprivileged status in a foreign-trade zone have been entered for consumption, collectors of customs have been designating packages or quantities of each portion separately entered to be opened and examined for the purpose of appraisement or otherwise and ordering such packages or quantities to be sent to the public stores or other places for such purposes.

It is found that the designation for examination of packages from each portion from one zone lot of uniform merchandise covered by one invoice is not necessary under certain conditions for the purpose of amply protecting the revenue.

To incorporate this change, § 8.22 of the Customs Regulations is amended by designating the material now following the caption as paragraph "(a)", and by adding a new paragraph (b), as follows:

(b) When a portion of a zone lot of nonprivileged foreign merchandise, which merchandise is covered by one invoice and the contents and value of packages of such merchandise are uniform or the merchandise is identical as to character and value although differing as to quantity and aggregate value per package, has been entered and packages or quantities thereof have been designated for examination for customs purposes designation of packages or quantities for examination from subsequent portions of such zone lot of merchandise under entries for consumption by the same importer at the same port of entry, and which entries identify the first consumption entry of a portion of such lot entered by that importer, need not be made except that the collector may designate for examination any packages or quantities of any such subsequent portions if in his discretion he deems such examination necessary or advisable.

(Sec. 499, 46 Stat. 728, as amended; 19 U. S. C. 1499)

(Secs. 499, 624, 46 Stat. 728, as amended, 759; 19 U. S. C. 1499, 1624)

[SEAL] RALPH KELLY,
*Commissioner of Customs.*

Approved: June 21, 1956.

DAVID KENDALL,
*Acting Secretary of the Treasury.*

[F. R. Doc. 56-5121; Filed, June 27, 1956; 8:53 a. m.]

# TITLE 14—CIVIL AVIATION

## Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt. 201]

## PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

### PROCEDURE ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety. Compliance with the notice, procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required.

Part 609 is amended as follows:

NOTE: Where the general classification (LFR, VAR, ADF, ILS, GCA, or VOR), location, and procedure number (if any) of any procedure in the amendments which follow, are identical with an existing procedure, that procedure is to be substituted for the existing one, as of the effective date given, to the extent that it differs from the existing procedure; where a procedure is canceled, the existing procedure is revoked; new procedures are to be placed in appropriate alphabetical sequence within the section amended.

1. The low frequency range procedures prescribed in § 609.6 are amended to read in part:

LFR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and latitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an LFR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport, authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below.

| City and State; airport name, elevation; facility: class and identification; procedure No.; effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance, facility to airport | Ceiling and visibility minimums | | | | If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Condition | 2 engines or less | | More than 2 engines (more than 65 knots) | |
| | | | | | | | | 65 knots or less | More than 65 knots | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| PENSACOLA, FLA. Municipal, 121'. SBRAZ-PNS. Procedure No. 1. Amendment No. 9. Effective date: July 21, 1956. Supersedes Amendment 8, dated July 8, 1954. Major changes: Revise transitions. Revise courses due variation. Convert to nautical miles. Change airport name form Hagler to Municipal. | Pensacola VOR | 100—6.0 | 1,700 | E side of S course: 161° outbound. 341° inbound. 1,200' within 10 miles. Beyond 10 miles not authorized. | 700 | 341—1.8 | T-dn<br>C-dn<br>S-dn 35<br>A-dn | 300-1<br>400-1<br>400-1<br>800-2 | 300-1<br>500-1<br>400-1<br>800-2 | 200-½<br>500-1½<br>400-1<br>800-2 | Within 1.8 miles turn right, climb to 1,200' on S course (161) within 10 miles.<br>CAUTION: Danger area beyond 10 miles. |
| | Gonzalez LF intersection | 161—10.0 | 1,200 | | | | | | | | |
| | Milliview LF intersection | 078—11.0 | 1,700 | | | | | | | | |







2. The terminal very high frequency omnirange (TVOR) procedures prescribed in § 609.9 are amended to read in part:

TVOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, courses, and radials are magnetic. NOTE: Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a TVOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for an en route operation in the particular area or as set forth below.

| City and State; airport name, elevation; facility: class and identification; procedure No. (TVOR); effective date | Initial approach to facility from— | Course and distance | Minimum altitude (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude over facility on final approach course (ft.) | Course and distance from int. runway center line extended and final course to approach end of runway | Ceiling and visibility minimums | | | | If visual contact not established at TVOR, or if landing not accomplished |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Condition | 2 engines or less | | More than 2 engines; more than 65 knots | |
| | | | | | | | | 65 knots or less | More than 65 knots | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| LANCASTER, PA. Municipal, 403'. TVOR-LRP. TVOR-8. Amendment No. 1. Effective date: July 21, 1956. Supersedes Amendment Original, dated May 5, 1956. Major changes: Revises straight-in landing minimums. Facility owned and operated by the Lancaster Airport Authority. | Lancaster Intersection | 066—3.8 | 2,000 | S side of course: 262° outbound. 082° inbound. 2,000' within 10 miles of TVOR. | #800 | 076—0.57 | T-dn<br>C-dn<br>S-dn 8<br>A-dn | 300-1<br>500-1<br>400-1<br>800-2 | 300-1<br>600-1<br>400-1<br>800-2 | ----------<br>----------<br>----------<br>---------- | Climb to 2,000' on radial 082° within 10 miles and return to TVOR at 2,000'.<br>#Maintain 1,200' until after passing Landisville Intersection. If aircraft not equipped to identify Landisville Intersection*, ceiling minimum of 800° is applicable for landing.<br>*Intersection Lancaster, Pa., TVOR 262° radial and Harrisburg, Pa., 115° radial or 133° bearing to Lancaster, Pa. Radiobeacon.<br>CAUTION: 1,490' tower 17 miles SW of airport. Do not descend below 2,000' on final approach until past Harrisburg, Pa., VOR 120° radial. |
| | Lancaster Radiobeacon | 061—4.2 | 2,000 | | | | | | | | |
| | Landisville Intersection* (final). | 082—5 | #800 | | | | | | | | |
| LANCASTER, PA. Municipal, 403'. TVOR-LRP. TVOR-31. Amendment No. 1. Effective date: July 21, 1956. Supersedes Amendment Original, dated May 5, 1956. Major changes: Revises landing minimums. Facility owned and operated by the Lancaster Airport Authority. | Lancaster Radiobeacon | 061—4.2 | 2,000 | N side of course: 136° outbound. 316° inbound. 2,000' within 10 miles. | 900 | 307—0.32 | T-dn<br>C-dn<br>A-dn | 300-1<br>500-1<br>800-2 | 300-1<br>500-1<br>800-2 | ----------<br>----------<br>---------- | Climb to 2,000' on radial 316° within 10 miles. Make left turn and return to Lancaster TVOR at 2,000'. |
| | Lancaster Intersection | 066—3.8 | 2,000 | | | | | | | | |

3. The instrument landing system procedures prescribed in § 609.11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in nautical miles unless otherwise indicated, except visibilities which are in statute miles. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

| City and State; airport name, elevation; facility; class and identification; procedure No.; effective date | Transition to ILS: From— | Transition to ILS: To— | Transition to ILS: Course and distance | Transition to ILS: Minimum altitudes (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude at glide slope interception inbound (ft.) | Altitude of glide slope and distance to approach end of runway at—: Outer marker | Altitude of glide slope and distance to approach end of runway at—: Middle marker | Ceiling and visibility minimums: Condition | Ceiling and visibility minimums: 2 engines or less: 65 knots or less | Ceiling and visibility minimums: 2 engines or less: More than 65 knots | Ceiling and visibility minimums: More than 2 engines (more than 65 knots) | If visual contact not established upon descent to authorized landing minimums or if landing not accomplished— |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| EVANSVILLE, IND. Dress Memorial, 389'. ILS-EVV. LOM-EV. Procedure No. 1. Combination ILS,-ADF. Amendment No. 4. Effective date: July 21, 1956. Supersedes Amendment 3, dated July 15, 1954. Major changes: (1) New form converted to knots; (2) back course transition deleted; (3) columns 8 and 9 raised, glide slope changed; (4) column 14 and air carrier notes revised. | Intersection EVV-VOR R062 and 254 bearing to LOM. | LOM | 254—14.8 | 1,800 | N side of NE course: 032° outbound. 215° inbound. 1,800' within 10 miles. | ILS 1,800<br>ADF 1,300 | 1,701—3.9 | 631—0.5 | T-dn<br>C-d<br>C-n | 300-1<br>600-1<br>600-2 | 300-1<br>600-1<br>600-2 | *200-½<br>600-1½<br>600-2 | Within 3.9 miles after passing LOM, make left climbing turn, climb to 2,000' on 180° track from LMM (or airport) to R80, proceed to EVV-VOR on R80. If further instructions not received, hold SW of VOR at 2,000'. When directed by ATC: (1) Make climbing right turn, climb to 2,000' on 330 track from LMM (or airport) to R355 and proceed outbound on R355 within 20 miles of EVV-VOR.<br>CAUTION: Radio tower 975' mean sea level 3.6 miles SW of airport.<br>AIR CARRIER NOTES: Sliding scale authorized only on runways 3-21 and 18-36.<br>*300-1 on runways 9 and 27.<br>**500-1 required with glide slope inoperative. Inoperative ILS components provisions regarding approach lights not applicable.<br>#All installed components of ILS must be operating, otherwise, alternate minimums of 800-2 apply. |
| | Intersection EVV-VOR R077 and 284 bearing to LOM. | LOM | 284—16.1 | 1,800 | | | | | S-dn 21<br>**ILS | 400-1 | 400-1 | 400-1 | |
| | Intersection EVV-VOR R030 and 190 bearing to LOM. | LOM | 190—17.4 | 1,800 | | | | | S-d 21<br>ADF | 500-1 | 500-1 | 500-1 | |
| | EVV-VOR | LOM | 051—16.9 | 2,000 | | | | | S-n 21<br>ADF | 500-1½ | 500-1½ | 500-1½ | |
| | | | | | | | | | A-dn<br>#ILS | 600-2 | 600-2 | 600-2 | |
| | | | | | | | | | ADF | 800-2 | 800-2 | 800-2 | |
| MILWAUKEE, WIS. General Mitchell, 698'. ILS-MKE. LOM-MK. Procedure No. 1. Combination ILS-ADF. Amendment No. 8. Effective date: June 21, 1956. Supersedes Amendment 7, dated May 9, 1956. Major changes: ILS straight-in minimums raised due to obstructions. | MKE-LFR | LOM | 195—2.2 | 2,000 | E side of S course: 186° outbound. 006° inbound. 2,000' within 10 miles. | ILS 2,000<br>ADF 1,400 over LOM | 2,035—4.0 | 918—0.5 | T-dn<br>C-dn | 300-1<br>600-1 | 300-1<br>600-1 | 200-½<br>600-1½ | Within 4 miles after passing LOM, climb to 2,700' on N course. MKE-LFR within 20 miles, or when directed by ATC, make left climbing turn to 2,300' and intercept 109R MKE-VOR and proceed to MKE-VOR.<br>*Descent to 2,000' authorized after passing intersection inbound. |
| | Franksville FM (final) | LOM | 354—6.5 | ILS 2,000<br>ADF 1,400 | | | | | S-dn 1<br>ILS | 300-1 | 300-1 | 300-1 | |
| | Franksville FM (final) | LOM | 354—6.5 | | | | | | ADF | 400-1 | 400-1 | 400-1 | |
| | MKE VOR | LOM | 127—22.6 | 2,300 | | | | | A-dn<br>ILS | 600-2 | 600-2 | 600-2 | |
| | Intersection N course MKE LFR and ILS S course. | LOM | 186—3.7 | 2,000 | | | | | ADF | 800-2 | 800-2 | 800-2 | |
| | Genesee FM | LOM | 106—21.7 | 2,000 | | | | | | | | | |
| | Racine Intersection VHF | LOM | 302—11.3 | *3,000 | | | | | | | | | |
| | Cardinal Intersection VHF | LOM | 186—14.8 | 2,700 | | | | | | | | | |



ILS STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

| City and State; airport name, elevation; facility; class and identification; procedure No.; effective date | Transition to ILS: From— | Transition to ILS: To— | Transition to ILS: Course and distance | Transition to ILS: Minimum altitudes (ft.) | Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances | Minimum altitude at glide slope interception inbound (ft.) | Altitude of glide slope and distance to approach end of runway at—: Outer marker | Altitude of glide slope and distance to approach end of runway at—: Middle marker | Ceiling and visibility minimums: Condition | Ceiling and visibility minimums: 2 engines or less: 65 knots or less | Ceiling and visibility minimums: 2 engines or less: More than 65 knots | Ceiling and visibility minimums: More than 2 engines (more than 65 knots) | If visual contact not established upon descent to authorized landing minimums or if landing not accomplished— |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| PENSACOLA, FLA. Municipal, 121'. ILS-IPNS. LOM-PN. Combination ILS-ADF. Procedure No. 1. Amendment No. 1. Effective date: July 21, 1956. Supersedes Amendment Original, dated September 24, 1954. Major changes: Revise transitions. Revise approach course due variation. Revise missed approach distance. Convert to nautical miles. | Pensacola VOR | OM | 055—8.0 | 1,700 | E side of N course: 343° outbound. 163° inbound. 1,300' within 10 miles. Beyond 10 miles not authorized. | 1,300 ADF<br>700 over LOM | 1,266—3.7 | 329—0.5 | T-dn<br>C-dn | 300-1<br>400-1 | 300-1<br>500-1 | 200-½<br>500-1½ | Climb to 1,200' on S course ILS or within 3.7 miles of LOM (ADF), climb to 1,200' on course of 163° within 10 miles.<br>CAUTION: Warning area beyond 10 miles.<br>No approach lights.<br>*400-¾ required when glide path not utilized.<br>Procedure turn nonstandard due control area limits. |
| | Pensacola LFR | LOM | 343—6.5 | 1,200 | | | | | S-dn 17<br>*ILS | 300-¾ | 300-¾ | 300-¾ | |
| | Gonzalez VHF (Intersection (final). | OM | 163—3.0 | ILS 1,300<br>ADF 700 | | | | | ADF | 400-1 | 400-1 | 400-1 | |
| | Gonzalez LF Intersection (final). | LOM | 163—3.6 | ILS 1,300<br>ADF 700 | | | | | A-dn<br>ILS | 600-2 | 600-2 | 600-2 | |
| | | | | | | | | | ADF | 800-2 | 800-2 | 800-2 | |
| PENSACOLA, FLA. Municipal, 121'. ILS-IPNS. Procedure No. 2. (Back course ILS localizer.) Amendment Original. Effective date: July 21, 1956. | Pensacola VOR | Blanchard Intersection. | 100—8.0 | 1,700 | E side of S course: 163° outbound. 343° inbound. 1,200' within 10 miles of Blanchard Intersection. Beyond 10 miles not authorized due danger area. | No glide slope.<br>700 over Blanchard Intersection | Blanchard Intersection to Runway 35 343°—1.8 miles. | | T-dn<br>C-dn<br>S-dn 35<br>A-dn | 300-1<br>400-1<br>400-1<br>800-2 | 300-1<br>500-1<br>400-1<br>800-2 | 200-½<br>500-1½<br>400-1<br>800-2 | Within 1.8 miles, turn right climb to 1,200' on S course of ILS within 10 miles.<br>CAUTION: Danger area beyond 10 miles. |
| | Gonzalez VHF Intersection. | Blanchard Intersection. | 163—10.0 | 1,200 | | | | | | | | | |

4. The ground controlled approach procedures prescribed in § 609.13 are amended to read in part:

GCA STANDARD INSTRUMENT APPROACH PROCEDURES

Bearings, headings, and courses are magnetic. NOTE: Distances are in nautical miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.

If a GCA instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument procedure, unless an approach is conducted with a different procedure for such airport authorized by the Administrator of Civil Aeronautics. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for the particular area or as set forth below. Positive identification must be established with the radar controller prior to the beginning of the GCA to final approach. Minimums are based on the use of a radar controller and a pilot who is competent in the use of GCA. Unless otherwise directed by the radar controller, (A) no aircraft shall make an approach to land when the reported ceiling is less than the minimum, or (B) at pilot's discretion if it appears desirable to discontinue the approach, except when the radar controller may direct otherwise prior to final approach, a missed approach shall be executed as provided below when the aircraft is not in contact with the radar controller at the end of the final approach, or (C) visual contact is not established upon descent to authorized landing minimums, or (D) if landing is not accomplished.

| City and State; airport name; airport elevation; effective date | Radar terminal area; maneuvering altitudes by sectors and limiting distances | Runway No. | Condition | Ceiling and visibility minimums | | | | | | Missed approach procedure |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Precision approach (PAR) | | Surveillance approach (ASR) | | | | |
| | | | | 2 engines or less | | More than 2 engines | 2 engines or less | | More than 2 engines | |
| | | | | 65 knots or less | Over 65 knots | Over 65 knots | 65 knots or less | Over 65 knots | Over 65 knots | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| ATLANTA, GA. Atlanta Mun. Procedure No. 1. Amendment Original. Effective date: Commissioning of facility approximately July 21, 1956. | Sectors measured from airport. 0–360, 3,000' within 25 miles. 070–290, 2,500' within 15 miles. | All | T-dn | 300–1 | 300–1 | 200–½ | 300–1 | 300–1 | 200–½ | 9R and 3, climb to 3,000' and proceed to Conyers Intersection via E course ILS or climb to 3,000' on NE course. ATL LFR within 20 miles. 15R, climb to 2,200', turn right and proceed to ATL VOR or proceed on SE course of ATL LFR within 20 miles. 27L, 33L, climb to 3,000' and proceed to Campbellton Intersection via W course. ILS, or turn left and proceed on SW course of ATL LFR within 20 miles. |
| | | 9R | C-dn | 400–1 | 500–1 | 500–1½ | 400–1 | 500–1 | 500–1½ | |
| | | 9R | S-dn | 200–½ | 200–½ | 200–½ | 400–1 | 400–1 | 400–1 | |
| | | 15R | | ---------- | ---------- | ---------- | 500–1 | 500–1 | 500–1 | |
| | | 27L, 33L, 3 | S-dn | 300–1 | 300–1 | 300–1 | 400–1 | 400–1 | 400–1 | |
| | | 27L, 33L, 3 | C-dn | 400–1 | 500–1 | 500–1½ | 400–1 | 400–1 | 400–1 | |
| | | 27L, 33L, 3 | T-dn | 300–1 | 300–1 | 300–1½ | 500–1 | 500–1 | 500–1 | |
| BOSTON-BEDFORD, MASS. Hanscom, 135'. Procedure No. 1. Amendment Original. Effective date: July 21, 1956. This procedure premised on the use of USAF GCA. | All directions 2,000' within 15 miles. | All | T-dn | 300–1 | 300–1 | 200–½ | 300–1 | 300–1 | 200–½ | Make an immediate left turn to 320°, climb to 2,000', then go direct to Bedford "HW" facility or as approach control directs. Less than minimums proceed climb to 2,000', then go direct to Bedford "HW" facility or as approach control directs. CAUTION: 570' mean sea level tower 3 miles NE of airport. |
| | | All | C-dn | 400–1 | 500–1 | 500–1½ | 400–1 | 500–1 | 500–1½ | |
| | | 11 | S-dn | 400–1 | 400–1 | 400–1 | 500–1 | 500–1 | 500–1 | |
| | | 5 | S-dn | ---------- | ---------- | ---------- | 500–1 | 500–1 | 500–1 | |
| GALENA, ALASKA. Galena Airport, 120'. Procedure No. 1. Amendment No. 3. Effective date: June 21, 1956. Supersedes Amendment 2, dated April 14, 1956. Major changes: Correct bearing error in column 11. | Transition to Galena GCA 4,000' from Galena LFR. | 25 | S-dn | 200–½ | 200–½ | 200–½ | ---------- | ---------- | ---------- | Climb to 3,000' on W course (245°) within 22 miles. |
| | | All runways | T-dn C-dn A-dn | 300–1 400–1 600–2 | 300–1 500–1 600–2 | 200–½ 500–1½ 600–2 | ---------- ---------- ---------- | ---------- ---------- ---------- | ---------- ---------- ---------- | |

These procedures shall become effective on the dates indicated on the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL]

JAMES T. PYLE,
*Acting Administrator of Civil Aeronautics.*

[F. R. Doc. 56-4768; Filed, June 27, 8:45 a. m.]



# TITLE 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

### Subchapter B—Trade Practice Conference Rules

[File No. 21-335]

### PART 36—POULTRY HATCHING AND BREEDING INDUSTRY

Due proceedings having been held under the trade practice conference procedure in pursuance of the Act of Congress approved September 26, 1914, as amended (Federal Trade Commission Act), and other provisions of law administered by the Commission:

*It is now ordered*, That the trade practice rules of Group I and Group II, as hereinafter set forth, which have been approved and received, respectively, by the Commission in this proceeding, be promulgated as of June 30, 1956.

*Statement by the Commissioner.* Trade Practice rules for the poultry hatching and breeding industry, as hereinafter set forth, are promulgated by the Federal Trade Commission under the trade practice conference procedure. Such rules constitute a revision and extension of the trade practice rules for the baby chick industry promulgated by the Commission on September 15, 1948, and supersede the 1948 rules.

The industry for which these rules are established is composed of persons, firms, corporations, and organizations engaged in the marketing of any kind or kinds of live poultry for growing, breeding, or egg or meat production, and of poultry eggs for hatching use. The live poultry mentioned includes, but is not limited to, chicks, poults, goslings, and ducklings.

The rules are directed to the prevention and elimination of various practices deemed to be violative of laws administered by the Commission. They are to be applied to such end and to the exclusion of any acts or practices which suppress competition or otherwise restrain trade.

Proceedings for the establishment of these rules were instituted upon application of the American Poultry and Hatchery Federation. After due consideration of proposals received, proposed rules for the poultry hatching and breeding industry were published by the Commission and made available to all industry members and other interested or affected parties upon public notice whereby they were afforded opportunity to present their views, including such pertinent information, suggestions, or amendments as they desired to offer and to be heard in the premises. Pursuant to such notice, public hearings were held at Kansas City, Missouri, and at Washington, D. C., on February 13 and 29, 1956, respectively, and all matters there presented, or otherwise received in the proceedings, were duly considered by the Commission.

Thereafter, and upon full consideration of the entire matter, final action was taken by the Commission whereby it approved and received, respectively, the Group I and Group II rules as hereinafter set forth. The Group II rules are not of the type presently the subject of a general study by the Commission.

Such rules become operative thirty (30) days from the date of promulgation.

*The rules.* These rules promulgated by the Commission are designed to foster and promote the maintenance of fair competitive conditions in the interest of protecting industry, trade, and the public. It is to this end, and to the exclusion of any act or practice which fixes or controls prices through combination or agreement, or which unreasonably restrains trade or suppresses competition, or otherwise unlawfully injures, destroys, or prevents competition, that the rules are to be applied.

GROUP I

*General statement.* The unfair trade practices embraced in the rules herein are considered to be unfair methods of competition, unfair or deceptive acts or practices, or other illegal practices, prohibited under laws administered by the Federal Trade Commission; and appropriate proceedings in the public interest will be taken by the Commission to prevent the use, by any person, partnership, corporation, or other organization subject to its jurisdiction, of such unlawful practices in commerce.

Sec.

36.0 The industry and its products.

GROUP I

36.1 Misrepresentation of products.
36.2 Deceptive concealment of material facts.
36.3 Deceptive claims relating to National Poultry Improvement Plan or National Turkey Improvement Plan.
36.4 Guarantees, warranties, etc.
36.5 Deceptive testimonials.
36.6 Deceptive claims respecting freedom or immunity from disease.
36.7 Substitution of chicks different from those ordered.
36.8 Fictitious prices.
36.9 Misrepresenting offer as "special," etc.
36.10 Misrepresenting chicks as from high-performance stock.
36.11 Misrepresentation as to yields of eggs, as to chicks from hens with purported high egg-laying records, as to chicks from high egg-producing stock, etc.
36.12 Misuse of words "hatchery," "chickery," "chick nursery," "farm," "poultry farm," "breeding farm," and related representations.
36.13 Deception as to transportation or c. o. d. charges.
36.14 Deceptive representations as to earnings, etc.
36.15 Use of the word "free."
36.16 Deception by means of "bogus independents," "chick outlets," etc.
36.17 Misrepresentation respecting new breed of poultry.
36.18 Misuse of the term "strain."
36.19 Misuse of term "dominant white," etc.
36.20 Misrepresentation as to breeding, etc.
36.21 False or misleading price quotations, etc.
36.22 Defamation of competitors or false disparagement of their products.
36.23 Prohibited sales below cost.
36.24 Prohibited discrimination.
36.25 Aiding or abetting use of unfair trade practices.

GROUP II

36.101 Shipping chicks to fictitious consignees, etc.
36.102 Failure to give notice of change in shipping schedule.

AUTHORITY: §§ 36.0 to 36.102 issued under sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45.

§ 36.0 *The industry and its products.* Members of the industry to which the rules have application are persons, firms, corporations, and organizations engaged in the marketing of any kind or kinds of live poultry for growing, breeding, or egg or meat production, and of poultry eggs for hatching use. The live poultry mentioned includes, but is not limited to, chicks, poults, goslings, and ducklings.

NOTE: As used in these rules, the word "chicks" shall be construed to include all kinds of live young poultry.

§ 36.1 *Misrepresentation of products.* In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice for any member of the industry to make or publish, or cause to be made or published, any statement or representation (whether in the form of advertisement, trade promotional literature, mark, stamp, brand, label, depiction, photograph, illustration, radio or television broadcast, or otherwise) concerning:

(a) The grade, quantity, breed, strain, cross, pedigree, type, sex, sexing, culling, quick maturity, uniform development, livability, vigor, strength, character, nature, origin, weight, color, size, egg-producng, meat-producing, or other qualities of such products; or

(b) The production, sale, distribution, or delivery thereof; or

(c) The supervision, endorsement, or approval of any poultry breeding, hatching, or other operation by Federal, State, or other authority, or any official connection with such Federal, State, or other authority; or

(d) Any other matter relating to the poultry hatching or breeding business or to any of its products which, directly or by implication, is false, misleading, or deceptive in any respect.

NOTE: The inhibitions of this section are to be understood as applicable to representations or implications, such as "A," "AA," "AAA," etc., that any industry product conforms to the requirements of any grade or quality standard when (1) no such grade or quality standard exists, or (2) no disclosure of the identity of such standard, whether private, official, or otherwise, is made, or (3) when the member's product does not conform to such grade or quality standard.

[Rule 1]

§ 36.2 *Deceptive concealment of material facts.* (a) In advertising, offering for sale, or selling industry products, it is an unfair trade practice for any member of the industry to fail to disclose any material facts relating to such products when such failure has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers of such products.

(b) Among the practices inhibited by this section are the following:

(1) Filling chick orders with chicks which are wholly or predominantly cockerels without having disclosed this fact to the purchaser prior to sale.

(2) Offering chicks for sale without disclosing, prior to shipment, the fact that such chicks are cockerels of one sort

or another when such is the case, or are of a different breed or breeds than indicated in the offer, or that such chicks will be shipped upon dates later or different from those specified or implied.

(3) Representing that the parent flocks of chicks contain certain desirable types of males or females without disclosure of the approximate percentage or proportion of the flocks accounted for by such types. [Rule 2]

§ 36.3 *Deceptive claims relating to National Poultry Improvement Plan or National Turkey Improvement Plan.* (a) In connection with the sale, offering for sale, or distribution of industry products, it is an unfair trade practice for any industry member to represent or imply that he is a participant in the National Poultry Improvement Plan [1] or the National Turkey Improvement Plan, when such is not the fact.

NOTE: In order to avoid deception of purchasers or prospective purchasers of industry products, all industry members discontinuing participation in the National Poultry Improvement Plan, or the National Turkey Improvement Plan, shall immediately remove and discontinue the use of all signs, promotional literature, labels, and other representations or indications that they are still participating in any such Plan or Plans.

(b) In connection with the sale, offering for sale, or distribution of industry products, it is an unfair trade practice to use any of the terminology of the National Poultry Improvement Plan or the National Turkey Improvement Plan (such as "U. S. Approved," "U. S. Pullorum-Typhoid Clean," etc.), or any abbreviation or simulation of such terminology, as descriptive of industry products to which such terms are not fully applicable in accordance with the requirements therefor specified in such Plans. [Rule 3]

§ 36.4 *Guarantees, warranties, etc.* (a) In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice for any industry member:

(1) To represent that any industry product is guaranteed unless, in close conjunction with such representation, the identity of the guarantor, the extent and nature of the guarantee, and any material conditions or limitations relating to the liability of the guarantor under the guarantee, are adequately and nondeceptively disclosed; or

(2) To offer or use any guarantee respecting an industry product under which the guarantor fails to observe his obligations thereunder; or

(3) To offer or use any guarantee which is otherwise deceptive or unfair.

(b) This section shall be applicable not only to guarantees but also to warranties, to purported guarantees and warranties, and to any promise or representation in the nature of a guarantee or warranty. [Rule 4]

§ 36.5 *Deceptive testimonials.* In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice for any industry member to use or cause to be used, any testimonial which is false or misleading in any material respect. Among the kinds of testimonials inhibited by this section are the following:

(a) Testimonials containing inaccurate statements as to results obtained from industry products of any certain kind or type; or

(b) Testimonials regarding results obtained from industry products purchased from a certain seller or sellers which, by reason of inaccurate statements therein contained, or absence of disclosure of relevant facts, have the capacity and tendency or effect of deceiving purchasers or prospective purchasers of industry products. [Rule 5]

§ 36.6 *Deceptive claims respecting freedom or immunity from disease.* (a) In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice for any industry member to advertise, describe, or otherwise represent or imply, that chicks or hatching eggs are free from any or all diseases when such is not the fact.

NOTE: At present there exist no tests, inoculations, vaccinations, etc., which poultry disease experts consider adequate to assure that chicks or hatching eggs are completely and absolutely free from any or all poultry diseases. Accordingly, such claims as "disease free," "pullorum free," or "100 percent pullorum free," must not be made by industry members.

Requirements applicable to claims and representations respecting tests, inoculations, vaccinations, and treatments for poultry diseases are set forth in paragraphs (b) and (c) of this section.)

(b) In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice for any industry member to advertise, describe, or otherwise represent or imply, that chicks or hatching eggs come from birds or flocks which have been tested for pullorum, typhoid, and/or other disease or diseases, when:

(1) Such birds or flocks have not been tested for the particular disease or diseases during the current season; or

(2) The tests applied are not recognized by poultry disease experts as effective; or

(3) The methods used in making the tests, the number, timing, or manner of applying them, the qualifications of the person or persons making them, or other attendant circumstances, are not such as to assure of effectiveness of the tests.

(c) In the sale, offering for sale, or distribution of industry products, it is an unfair trade practice for any industry member to advertise, describe, or otherwise represent or imply, that chicks have been vaccinated, inoculated, or treated for any disease or diseases, when such is not the fact, or when the vaccination, inoculation, or treatment applied is of a kind not recognized by poultry disease experts as effective, or when the method used in the vaccination, inoculation, or treatment, or the timing or extent of the vaccination, inoculation, or treatment, the qualifications of the person or persons making the vaccination, inoculation, or treatment, or other attendant circumstances, are not such as to assure of their effectiveness. (See also the first paragraph of the note which follows paragraph (a) of this section.) [Rule 6]

§ 36.7 *Substitution of chicks different from those ordered.* (a) It is an unfair trade practice to advertise, describe, or otherwise represent, chicks as being of a certain strain, grade, trade name, or quality, and, upon receipt of orders for such chicks, filling same with chicks of a different strain, grade, trade name, or quality, without first obtaining the consent of the purchasers to such substitutions.

(b) It is also an unfair trade practice, upon receiving orders for industry products of a certain kind, strain, grade, trade name, or quality, to fill such orders with a different kind, strain, grade, trade name, or quality, without first obtaining consent of the purchaser to such substitution. [Rule 7]

§ 36.8 *Fictitious prices.* It is an unfair trade practice to sell or offer for sale industry products at prices purported to be reduced from what are in fact fictitious prices, or to sell or offer for sale such products at a purported reduction in price when such purported reduction is in fact fictitious or is otherwise misleading or deceptive. [Rule 8]

§ 36.9 *Misrepresenting offer as "special," etc.* It is an unfair trade practice to represent an offer as "special" with reference to price, terms, or otherwise, when it is in fact a regular offer; or otherwise to use the term "special" or any term or word of similar import, as descriptive of any offer, in a manner, or under conditions, having the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers as to the true nature of the offer. [Rule 9]

§ 36.10 *Misrepresenting chicks as from high-performance stock.* It is an unfair trade practice to advertise, describe, or otherwise represent that chicks sold or offered for sale are the progeny of, are descended from, are closely related to, or are of the strain of, high-performance stock or poultry, when such is not the fact. [Rule 10]

§ 36.11 *Misrepresentation as to yields of eggs, as to chicks from hens with purported high egg-laying records, as to chicks from high egg-producing stock, etc.*—(a) *Misrepresentation as to yields of eggs.* It is an unfair trade practice to represent, directly or by implication, through advertising or otherwise, that high yields of eggs are received from all or any flocks of a particular seller or producer when such is not the fact, or when such is untrue in whole or in part.

(b) *Misrepresentation as to chicks from hens with purported high egg-laying records.* It is an unfair trade practice to represent, directly or by implication, through advertising or otherwise, that chicks are produced by hens having certain purported high egg-laying records when the records of such hens have not been adequately established and the period of time and the method used are not clearly disclosed in the advertising.

(c) *Misrepresenting chicks as from high egg-producing stock, etc.* It is an unfair trade practice to represent, directly or by implication, through advertising or otherwise, that chicks offered for sale are of high egg-producing stock when such qualities have not been established, or when such representation is otherwise false, misleading, or deceptive. [Rule 11]

§ 36.12 *Misuse of words "hatchery," "chickery," "chick nursery," "farm," "poultry farm," "breeding farm," and related representations.* In the sale, offering for sale, or distribution of chicks, it is an unfair trade practice for any member of the industry, by trade or corporate name, through advertising or otherwise:

(a) To hold himself out as owning or operating a hatchery, chickery, chick nursery, poultry farm, poultry breeding business, or as being the producer of chicks, or as operating incubators or producing chicks under claimed or specified conditions, when such is not the fact; or

(b) To use the terms "hatchery," "farm," "poultry farm," "breeding farm," or similar representations, in such manner as to have the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers into the belief that the chicks have been produced in a hatchery or on a farm, poultry farm, or breeding farm, of said industry member, when such is not the fact.

(c) Nothing in this section, however, shall be construed as prohibiting an industry member, who actually owns and operates a farm primarily devoted to the production of chicks, from selling, offering for sale, or distributing, under a trade, corporate, or other name containing the word "farm," chicks produced from flocks of cooperating farms along with chicks produced on such member's own farm, if and when the industry member has and exercises direct supervision and control over all operations and conditions material to the quality, health, and vigor of all said chicks, including selection of the breeding stock of which such chicks are the progeny, and all breeding and disease-control practices. [Rule 12]

§ 36.13 *Deception as to transportation or C. O. D. charges.* (a) It is an unfair trade practice to sell or offer to sell chicks, through advertising or otherwise, in such manner as to have the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers into the belief that the prices quoted for such chicks are the prepaid or delivered prices when such is not the fact.

(b) It is an unfair trade practice, by failing correctly to inform customers, or by other deception, to cause purchasers to believe that transportation costs will not be charged against them in C. O. D. charges or otherwise, when such is not true in fact. [Rule 13]

§ 36.14 *Deceptive representations as to earnings, etc.* It is an unfair trade practice to make false, misleading, or deceptive statements or representations regarding opportunities for making money or of actual or probable earnings of agents or dealers handling hatching eggs, chicks, or other poultry, or of purchasers raising chicks or other poultry. [Rule 14]

§ 36.15 *Use of the word "free."* In connection with the sale, offering for sale, or distribution of industry products, it is an unfair trade practice to use the word "free," or any other word or words of similar import, in advertisements or in other offers to purchasers or prospective purchasers, as descriptive of any product or service, which is not an unconditional gift, under the following circumstances:

(a) When all the conditions, obligations, or other prerequisites to the receipt and retention of the "free" product or service offered are not clearly and conspicuously set forth at the outset so as to leave no reasonable probability that the terms of the offer will be misunderstood; and, regardless of such disclosure:

(b) When, with respect to any product required to be purchased in order to obtain the "free" product or service, the offerer (1) increases the ordinary and usual price of such industry product, or (2) reduces its quality, or (3) reduces the quantity or size thereof.

NOTE: The disclosure required by paragraph (a) of this section shall appear in close conjunction with the word "free" (or other word or words of similar import) wherever such word first appears in each advertisement or offer. A disclosure in the form of a footnote, to which reference is made by use of an asterisk or other symbol placed next to the word "free," will not be regarded as compliance.

[Rule 15]

§ 36.16 *Deception by means of "bogus independents," "chick outlets," etc.* It is an unfair trade practice for any member of the industry:

(a) To represent, directly or by implication, that a certain chick outlet is independent of, or in competition with, said member, when such is not the fact; or

(b) To fail to disclose that any such outlet is not independent of, or not in competition with, said member, under circumstances where the failure to make such disclosure has the capacity and tendency or effect of misleading or deceiving purchasers or prospective purchasers. [Rule 16]

§ 36.17 *Misrepresentation respecting new breed of poultry.* (a) It is an unfair trade practice to offer for sale, sell, advertise, describe, or otherwise represent, directly or by implication, any chicks or other poultry as being a new breed or as being the progeny of a new breed, when such is not the fact.

(b) This section shall not be construed as preventing chicks or other poultry from being described as a new breed if and when they meet the following definition or specification for a new breed as proposed by the industry and no deception is practiced in relation to such designation or description:

*New Breed.* A group of birds which are of similar size, shape, and skin color and differ from existing breeds in these characters or in the combination of these characters, and the varieties within the breed have similar plumage color and pattern, comb type, and other distinguishing physical characteristics, all of the characteristics of the breed and variety being demonstrated as having been reproduced with a high degree of uniformity.

[Rule 17]

§ 36.18 *Misuse of the term "strain."* It is an unfair trade practice to represent, through advertising or otherwise, directly or by implication, chicks as being of a breeder's strain, unless such chicks are first or second generation progeny of stock originating from eggs produced by the breeder, or are from stock purchased from the breeder of the strain and mated each subsequent generation only to males secured from such breeder, or the vendor of such chicks is designated by the breeder as a multiplier of such stocks.

NOTE: The term "strain" as used in this section means poultry bearing a given name produced through at least five generations of closed flock breeding.

[Rule 18]

§ 36.19 *Misuse of term "dominant white," etc.* It is an unfair trade practice to represent, through advertising or otherwise, directly or by implication, chickens as "dominant white," or by similar expressions, unless such chickens, when used as either male or female parents in combination with any chickens, produce only progeny that is generally predominantly white in color: *Provided, however,* That when the surface color of such progeny is other than white, the under color must be white. [Rule 19]

§ 36.20 *Misrepresentation as to breeding, etc.* (a) In the sale or offering for sale of poultry, chicks, or hatching eggs, it is an unfair trade practice to make any statement or representation relating to the breeding incident to the production of any such products, or to use any term or designation as descriptive thereof which denotes or implies a certain kind or extent of breeding employed in the production of such products, which has the capacity and tendency or effect of deceiving purchasers or prospective purchasers of such poultry, chicks, or eggs.

(b) For the purpose of this section and in its application, the following terms are acceptable when used in accordance with their respective definitions:

*Crossbred.* The first generation poultry, chicks, or eggs produced by crossing two different breeds or varieties, or first-generation combinations of breeds or varieties.

*Inbred line.* A group of inbred chicks resulting from breeding closely related poultry and in which the individuals in question have an average coefficient of inbreeding of 37.5% (equivalent to two generations of brother-sister matings).

*In-crossbred.* The first generation poultry, chicks, or eggs produced by crossing two inbred lines, first-generation combinations of inbred lines, or the crossing of an inbred line with a first-generation combination of inbred lines.

NOTE: To some purchasers and prospective purchasers of chicks and hatching eggs, the term "hybrid" implies application of genetic principles similar to those employed in the production of hybrid seed corn, and to others the application of a selective system of breeding dissimilar to that employed in the production of hybrid seed corn.

[1] These Plans have been promulgated by the United States Department of Agriculture and are contained in the Code of Federal Regulations, 9 CFR Parts 145, 146, and 147.

The term is generally regarded as denoting a superior quality and vigor resulting from systematic breeding and shall only be used to describe chicks and hatching eggs having such superior quality and vigor.

In the interest of avoiding deception of purchasers and prospective purchasers, industry members desiring to use the term "hybrid" as descriptive of such chicks and hatching eggs shall, in addition, confine the use thereof to established industry products obtained by crossing different inbred lines, or by crossing different breeds, varieties, strains, or lines, and shall qualify the word "hybrid" by stating in immediate conjunction therewith the type of cross used in the production of the industry product, such as "inbred line-cross hybrid" or "inbred hybrid," "crossbred hybrid," "strain-cross hybrid," "line-cross hybrid," etc.

Industry members will be expected to maintain adequate breeding records showing the establishment of the advertised product.

[Rule 20]

§ 36.21 *False or misleading price quotations, etc.* It is an unfair trade practice for any member of the industry to publish or circulate price quotations, price lists, or terms or conditions of sale or purchase, which directly, or by reason of concealment of any material limitations, have the capacity and tendency or effect of deceiving purchasers or prospective purchasers. [Rule 21]

§ 36.22 *Defamation of competitors or false disparagement of their products.* The defamation of competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or the false disparagement of the products of competitors in any respect, or of their business methods, selling prices, values, credit terms, policies, or services, is an unfair trade practice.

NOTE: Among the practices inhibited by this section is that of an industry member promoting or attempting to promote the sale of his chicks by reference to egg-laying tests or contests in which chickens of the same kind, breed, or type as the chicks being offered for sale by the industry member, and chickens of the same or another kind, breed, or type, have participated and are being compared, when, by reason of the circumstances under which such tests or contests have been conducted or absence of disclosure of material facts relating thereto (such as comparative size and weight of eggs), the results of such tests or contests do not accurately and fairly reflect the comparative egg-laying abilities of the different kinds, breeds, or types.

[Rule 22]

§ 36.23 *Prohibited sales below cost.* (a) The practice of selling industry products at a price less than the cost thereof to the seller, with the purpose or intent, and where the effect is, or where there is a reasonable probability that the effect will be, to substantially injure, suppress, or stifle competition or tend to create a monopoly, is an unfair trade practice.

(b) This section is not to be construed as prohibiting all sales below cost, but only such selling below the seller's cost as is resorted to and pursued with the wrongful intent or purpose referred to and where the effect is, or where there is reasonable probability that the effect will be, to substantially injure, suppress, or stifle competition or to create a monopoly. Among the situations in which the requisite purpose or intent would ordinarily be lacking are cases in which such sales were: (1) Of seasonal goods near the conclusion of the season; (2) of perishable goods in respect to which deterioration is imminent; (3) of obsolescent goods; (4) made under judicial process; or (5) made in bona fide discontinuance of business in the goods concerned.

(c) As used in the foregoing paragraphs of this section, the term "cost" means the respective seller's cost and not an average cost in the industry whether such average cost be determined by an industry cost survey or some other method. It consists of the total outlay or expenditure by the seller in the acquisition, production, and distribution of the products involved, and comprises all elements of cost such as labor, material, depreciation, taxes (except taxes on net income and such other taxes as are not properly applicable to cost), and general overhead expenses, incurred by the seller in the acquisition, manufacture, processing, preparation for marketing, sale, and delivery of the products. Not to be included are dividends or interest on borrowed or invested capital, or nonoperating losses, such as fire losses and losses from the sale or exchange of capital assets. Operating cost should not be reduced by items of nonoperating income, such as income from investments, and gain on the sale of capital assets.

(d) Nothing in this section shall be construed as relieving an industry member from compliance with any of the requirements of the Robinson-Patman Act. [Rule 23]

§ 36.24 *Prohibited discrimination*[2]—(a) *Prohibited discriminatory prices, or rebates, refunds, discounts, credits, etc., which effect unlawful price discrimination.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to grant or allow, secretly or openly, directly or indirectly, any rebate, refund, discount, credit, or other form of price differential, where such rebate, refund, discount, credit, or other form of price differential, effects a discrimination in price between different purchasers of goods of like grade and quality, where either or any of the purchasers involved therein are in commerce, and where the effect thereof may be substantially to lessen competition or tend to create a monopoly in any line of commerce, or to injure, destroy, or prevent competition with any person who either grants or knowingly receives the benefit of such discrimination, or with customers of either of them: *Provided, however:*

(1) That the goods involved in any such transaction are sold for use, consumption, or resale within any place under the jurisdiction of the United States;

(2) That nothing contained in paragraph (a) of this section shall prevent differentials which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

(3) That nothing contained in this section shall prevent persons engaged in selling goods, wares, or merchandise in commerce from selecting their own customers in bona fide transactions and not in restraint of trade;

(4) That nothing contained in paragraph (a) of this section shall prevent price changes from time to time where made in response to changing conditions affecting the market for or the marketability of the goods concerned, such as but not limited to actual or imminent deterioration of perishable goods, distress sales under court process, or sales in good faith in discontinuance of business in the goods concerned.

(b) *Prohibited brokerage and commissions.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, to pay or grant, or to receive or accept, anything of value as a commission, brokerage, or other compensation, or any allowance or discount in lieu thereof, except for services rendered in connection with the sale or purchase of goods, wares, or merchandise, either to the other party to such transaction or to an agent, representative, or other intermediary therein where such intermediary is acting in fact for or in behalf, or is subject to the direct or indirect control, of any party to such transaction other than the person by whom such compensation is so granted or paid.

(c) *Prohibited advertising or promotional allowances, etc.* It is an unfair trade practice for any member of the industry engaged in commerce to pay or contract for the payment of advertising or promotional allowances or any other thing of value to or for the benefit of a customer of such member in the course of such commerce as compensation or in consideration for any services or facilities furnished by or through such customer in connection with the processing, handling, sale, or offering for sale of any products or commodities manufactured, sold, or offered for sale by such member, unless such payment or consideration is available on proportionally equal terms to all other customers competing in the distribution of such products or commodities.

(d) *Prohibited discriminatory services or facilities.* It is an unfair trade practice for any member of the industry engaged in commerce to discriminate in favor of one purchaser against another purchaser or purchasers of a commodity bought for resale, with or without processing, by contracting to furnish or furnishing, or by contributing to the furnishing of, any services or facilities connected with the processing, handling, sale, or offering for sale of such commodity so purchased upon terms not accorded to all competing purchasers on proportionally equal terms.

(e) *Inducing or receiving an illegal discrimination in price.* It is an unfair trade practice for any member of the industry engaged in commerce, in the course of such commerce, knowingly to induce or receive a discrimination in price which is prohibited by the foregoing provisions of this section.

(f) *Exemptions.* The inhibitions of this section shall not apply to purchases of their supplies for their own use by schools, colleges, universities, public libraries, churches, hospitals, and charitable institutions not operated for profit.

NOTE: In complaint proceedings charging discrimination in price or services or facilities furnished, and upon proof having been made of such discrimination, the burden of rebutting the prima facie case thus made by showing justification shall be upon the person charged; and unless justification shall be affirmatively shown, the Commission is authorized to issue an order terminating the discrimination: *Provided, however,* That nothing contained in this section shall prevent a seller rebutting the prima facie case thus made by showing that his lower price or the furnishing of services or facilities to any purchaser or purchasers was made in good faith to meet an equally low price of a competitor, or the services or facilities furnished by a competitor. See section 2 (b), Clayton Act.

[Rule 24]

§ 36.25 *Aiding or abetting use of unfair trade practices.* It is an unfair trade practice for any person, firm, or corporation to aid, abet, coerce, or induce another, directly or indirectly, to use or promote the use of any unfair trade practice specified in the rules in this part.

GROUP II

Compliance with trade practice provisions embraced in Group II rules is considered to be conducive to sound business methods and it to be encouraged and promoted individually or through voluntary cooperation exercised in accordance with existing law. Nonobservance of Group II rules does not per se constitute violation of law. Where, however, the practice of not complying with such rules is followed in a manner as to result in unfair methods of competition or unfair or deceptive acts or practices in commerce, corrective proceedings in respect thereto may be instituted by the Commission as in the case of violation of Group I rules.

§ 36.101 *Shipping chicks to fictitious consignees, etc.* The industry condemns the practice of disposing of chicks by shipping them to fictitious consignees or without an order from, or consent of, the consignee, necessitating the sale of such undeliverable shipments at public auction by agents of the common carrier in order to secure payment for transportation costs. Such practice is deemed by the industry to be harmful to the chicks and to facilitate the spread of disease. [Rule A]

§ 36.102 *Failure to give notice of change in shipping schedule.* The industry condemns the practice of failing to give proper notice to customers of any change in shipping schedule thereby causing inconvenience and loss to purchasers. [Rule B]

Promulgated by the Federal Trade Commission June 30, 1956.

Issued: June 25, 1956.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-5112; Filed, June 27, 1956; 8:51 a. m.]

[2] As used in this section, the word "commerce" means "trade or commerce among the several States and with foreign nations, or between the District of Columbia or any Territory of the United States and any State, Territory, or foreign nation, or between any insular possessions or other places under the jurisdiction of the United States, or between any such possession or place and any State or Territory of the United States or the District of Columbia or any foreign nation, or within the District of Columbia or any Territory or any insular possession or other place under the jurisdiction of the United States."



## PART 178—BABY CHICK INDUSTRY

CROSS REFERENCE: For supersedure of the trade practice rules for the baby chick industry contained in Part 178, see Part 36 of this subchapter, *supra.*

# TITLE 21—FOOD AND DRUGS

## Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

### Subchapter B—Food and Food Products

PART 120—TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

TOLERANCES FOR RESIDUES OF CALCIUM CYANIDE

A petition was filed with the Food and Drug Administration requesting the establishment of tolerances for residues of calcium cyanide in or on buckwheat grain, oat grain, and grain sorghum.

The Secretary of Agriculture has certified that this pesticide chemical is useful for the purposes for which tolerances are being established.

After consideration of the data submitted in the petition and other relevant material which show that the tolerances established in this order will protect the public health, and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (2), 68 Stat. 512; 21 U. S. C. 346a (d) (2)) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 120.7 (g)), the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120; 21 F. R. 581) are amended by changing § 120.125 to read as follows:

§ 120.125 *Tolerances for residues of calcium cyanide.* A tolerance of 25 parts per million is established for residues of calcium cyanide, calculated as hydrogen cyanide, in or on each of the following grains: Barley, buckwheat, corn, oat, rice, rye, sorghum, wheat.

Any person who will be adversely affected by the foregoing order may, at any time prior to the thirtieth day from the effective date thereof, file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., written objections thereto. Objections shall show wherein the person filing will be adversely affected by this order, specify with particularity the provisions of the order deemed objectionable and reasonable grounds for the objections, and request a public hearing upon the objections. Objections may be accompanied by a memorandum or brief in support thereof. All documents shall be filed in quintuplicate.

*Effective date.* This order shall be effective upon publication in the FEDERAL REGISTER.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies sec. 408, 68 Stat. 511; 21 U. S. C. 346a)

Dated: June 22, 1956.

[SEAL] GEO. P. LARRICK, *Commissioner of Food and Drugs.*

[F. R. Doc. 56-5093; Filed, June 27, 1956; 8:46 a. m.]

PART 141a—PENICILLIN AND PENICILLIN-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 141c — CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146a—CERTIFICATION OF PENICILLIN AND PENICILLIN-CONTAINING DRUGS

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

MISCELLANEOUS AMENDMENTS

By virtue of the authority vested in the Secretary of Health, Education, and Welfare by the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, 61 Stat. 11, 63 Stat. 409, 67 Stat. 389; sec. 701, 52 Stat. 1055; 21 U. S. C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (20 F. R. 1996), the regulations for tests and methods of assay for antibiotic and antibiotic-containing drugs (21 CFR 141a, 141c) and certification of antibiotic and antibiotic-containing drugs (21 CFR 146a, 146c; 21 F. R. 131) are amended as indicated below:

1. In § 141a.32 *Procaine penicillin and buffered crystalline penicillin for aqueous injection, paragraph* (b) (3) (iii) is amended by changing the words "5.0 milliliters" in the first sentence to read "0.5 milliliter".

2. Part 141a is amended by adding the following new sections:

§ 141a.91 *Hydrabamine penicillin V (penicillin V hydrabamine salt)*—(a) *Potency.* Using the penicillin V working standard as the standard of comparison, proceed as directed in § 141a.75.

(b) *Toxicity.* Proceed as directed in § 141a.4, except use physiological salt solution as the diluent and inject 0.25 milliliter of a suspension containing 4,000 units per milliliter.

(c) *Moisture.* Proceed as directed in § 141a.26 (e).

(d) *pH.* Proceed as directed in § 141a.5 (b), using a saturated aqueous solution prepared by adding approximately 5 milligrams per milliliter.

(e) *Microscopical test for crystallinity.* Proceed as directed in § 141a.5 (c).

(f) *Hydrabamine extinction coefficient.* Place in a 125-milliliter separatory funnel an accurately weighed sample of approximately 100 milligrams. Add 20.0 milliliters of spectrophotometric grade chloroform and 20.0 milliliters of 0.5 *N* NaOH. Shake well for 1 minute. Allow the layers to separate, filter the lower chloroform layer through a cotton pledget, and collect the clear chloroform solution. Save the upper alkaline layer. Dilute 5.0 milliliters of the clear chloroform filtrate to 25.0 milliliters with spectrophotometric grade chloroform. Determine the absorbance of this chloroform solution at the absorption peak at 276 mμ, using a suitable ultraviolet spectrophotometer and quartz cells. Set the instrument to 100-percent transmission with chloroform. If a recording spectrophotometer is used, record the ultraviolet absorption spectrum from 250–290 mμ. If a nonrecording spectrophotometer is used, 5.0 milliliters of the chloroform filtrate should be diluted to 50.0 milliliters with chloroform. Determine the absorbance of the solution at the 276 mμ absorption peak, using a slit width of 0.5 millimeter or less. (The exact position of the peak should be determined for the particular instrument used.) Calculate the hydrabamine extinction coefficient as follows:

$$E^{1\%}_{1\text{ cm.}} = \frac{\text{Absorbance at 276 m}\mu}{\text{Grams of sample per 100 ml.}}$$

(g) *Penicillin V content.* Dilute 5.0 milliliters of the alkaline layer described in paragraph (f) of this section to 25.0 milliliters with distilled water. Determine the absorbance of the sample at the absorption peak at 276 mμ, using 0.1 *N* NaOH to set the instrument to 100-percent transmission. If a recording spectrophotometer is used, record the ultraviolet absorption spectrum from 250–290 mμ. If a nonrecording spectrophotometer is used, dilute 5.0 milliliters of the alkaline layer to 50 milliliters with distilled water and determine the absorbance at the 276 mμ absorption peak.

$$\text{Percent penicillin V} = \frac{\text{Absorbance at 276 m}\mu \times 10{,}000}{\text{Grams of sample (per 100 ml.)} \times 31.5 \times 54.1}$$

where:

31.5 is the $E^{1\%}_{1\text{ cm.}}$ (specific absorbance) of pure penicillin V similarly treated, and

54.1 is the percentage of penicillin V in pure hydrabamine penicillin V.

§ 141a.92 *Hydrabamine penicillin V oral suspension*—(a) *Potency.* Using the penicillin V working standard as the standard of comparison, proceed as directed in § 141a.76 (a). Its potency is satisfactory if it contains not less than 85 percent of the number of units per milliliter that it is represented to contain.

(b) *pH.* Proceed as directed in § 141a.5 (b), using the undiluted aqueous suspension.

3. Section 141c.222 *Tetracycline hydrochloride oral suspension* • • • is amended as follows:

a. The section headnote is amended by inserting the words "; *tetracycline oral suspension*" immediately after the words "*tetracycline calcium oral suspension.*"

b. Paragraph (b) *Moisture* is amended by inserting the words ", tetracycline oral suspension," immediately after the words "tetracycline hydrochloride oral suspension".

4. Part 141c is amended by adding the following new section:

§ 141c.229 *Tetracycline-nystatin oral suspension*—(a) *Potency*—(1) *Tetracycline content.* Proceed as directed in § 141c.222 (a). Its content of tetracycline is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(2) *Nystatin content.* Use 5 milliliters of the sample and proceed as directed in § 141c.224 (a) (1) (ii). Its content of nystatin is satisfactory if it contains not less than 85 percent of the number of units that it is represented to contain.

(b) *Moisture.* Proceed as directed in § 141a.7 (c) of this chapter.

5. Part 146a is amended by adding the following new sections:

§ 146a.72 *Hydrabamine penicillin V (penicillin V hydrabamine salt)*—(a) *Standards of identity, strength, quality, and purity.* Hydrabamine penicillin V is the crystalline hydrabamine salt of penicillin V. It contains not less than 90 percent of the hydrabamine salt of penicillin V. It is so purified and dried that:

(1) Its potency is not less than 825 units per milligram.

(2) It is nontoxic.

(3) Its moisture content is not more than 2 percent.

(4) Its pH in a saturated aqueous solution is not less than 3.0 and not more than 6.5.

(5) Its extinction coefficient $E^{1\%}_{1\text{ cm.}}$ is not less than 8.0 at 276 mμ.

(b) *Packaging.* In all cases the immediate container shall be a tight container as defined by the U. S. P. and shall be of such composition as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor in applicable standards, except that minor changes so caused that are normal and unavoidable in good packaging, storage, and distribution practice shall be disregarded.

(c) *Labeling.* Each package shall bear on its outside wrapper or container and the immediate container, as hereinafter indicated, the following:

(1) The batch mark.

(2) The number of units per milligram and the number of grams in the immediate container.

(3) The statement "Expiration date ---------," the blank being filled in with the date that is 12 months after the month during which the batch was certified.

(4) The statement "For use in the manufacture of nonparenteral drugs only."

(5) The statement "Caution: Federal law prohibits dispensing without prescription."

(d) *Request for certification; samples.* (1) In addition to complying with the requirements of § 146.2 of this chapter, a person who requests certification of a batch shall submit with his request a statement showing the batch mark, the number of packages of each size in the batch, and the date on which the latest assay of the drug comprising such batch was completed. Such request shall be accompanied or followed by the results of tests and assays made by him on the batch for potency, toxicity, moisture, pH, crystallinity, the penicillin V content, and extinction coefficient.

(2) Such person shall submit with his request an acurately representative sample of the batch, consisting of 10 packages, each containing approximately 300 milligrams taken from a different part of such batch, packaged in accordance with the requirements of paragraph (b) of this section.

(e) *Fees.* The fee for the services rendered with respect to each batch under the regulations in this part shall be:

(1) $4.00 for each immediate container in the sample submitted in accordance with paragraph (d) (2) of this section.

(2) If the Commissioner considers that investigations other than examination of such immediate containers are necessary to determine whether or not such batch complies with the requirements of § 146.3 of this chapter for the issuance of a certificate, the cost of such investigations.

The fee prescribed by subparagraph (1) of this paragraph shall accompany the request for certification unless such fee is covered by an advance deposit maintained in accordance with § 146.8 (d) of this chapter.

§ 146a.73 *Hydrabamine penicillin V oral suspension.* Hydrabamine penicillin V oral suspension conforms to all requirements and is subject to all procedures prescribed by § 146a.98 for hydrabamine penicillin G oral suspension, except that:

(a) Hydrabamine penicillin V is used in lieu of hydrabamine penicillin G. The hydrabamine penicillin V used conforms to the requirements of § 146a.72 (a).

(b) Its pH is not less than 4.5 and not more than 6.5.

(c) In lieu of the directions prescribed by § 146a.98 (d) (2) (ii), a person who requests certification of a batch shall submit in connection with his request results of the tests and assays made by him on an accurately representative sample of the hydrabamine penicillin V used in making the batch for potency, toxicity, moisture, pH, crystallinity, the penicillin V content, and the extinction coefficient.

6. Section 146c.221 *Tetracycline hydrochloride for intramuscular use* is amended in the following respects:

a. Paragraph (a) *Standards of identity* • • • is amended by adding at the end of the first sentence the following new words: "and with or without one or more suitable and harmless vitamin substances."

b. Paragraph (c) *Labeling* is amended in subparagraph (1) (iv) by changing the colon after the word "certified" to a comma and adding the following new clause: "except that if it contains one or more vitamin substances the blank is filled in with the date that is 12 months after the month during which the batch was certified:".

c. Paragraph (c) is amended by renumbering subparagraph (3) as (4) and inserting a new subparagraph (3), reading as follows, between subparagraph (2) and renumbered subparagraph (4):

(3) On the label and labeling, if it contains one or more vitamin substances, after the name "Tetracycline hydrochloride for intramuscular use", the words "with vitamin ----" (the blank being filled in with the name of the vitamin ingredient used), or "with vitamins" (if it contains more than one vitamin ingredient), in juxtaposition with such name.

d. In paragraph (c), renumbered subparagraph (4) is amended in subdivision (iii) by changing the period at the end thereof to a comma and adding the following new clause: "except that if it contains one or more vitamin substances it shall bear the statement 'Inject immediately after the solution is prepared from the drug.'"

7. In § 146c.222 the section headnote and paragraph (a) are changed to read as follows:

§ 146c.222 *Tetracycline hydrochloride oral suspension (tetracycline hydrochloride homogenized mixture); tetracycline hydrochloride oral solution; tetracycline calcium oral suspension; tetracycline oral suspension*—(a) *Standards of identity, strength, quality, and purity.* Tetracycline hydrochloride oral suspension, tetracycline hydrochloride oral solution, and tetracycline calcium oral suspension are tetracycline hydrochloride or tetracycline calcium prepared from tetracycline hydrochloride. Tetracycline oral suspension is prepared from tetracycline. Each drug contains one or more suitable and harmless suspending and dispersing agents (unless it is tetracycline hydrochloride oral solution), with or without one or more suitable sulfonamides, and with or without one or more suitable and harmless colorings, flavorings, buffer substances, and preservatives, suspended or dissolved in a suitable and harmless vehicle. If it is tetracycline hydrochloride oral suspension or tetracycline oral suspension, it may contain one or more suitable and harmless vitamin substances. Each milliliter shall contain not less than the equivalent of 25 milligrams of tetracycline hydrochloride. Its moisture content is not more than 2 percent if it is tetracycline hydrochloride oral suspension or tetracycline oral suspension and not more than 7 percent if it is tetracycline hydrochloride oral solution. Its pH is not less than 2.0 and not more than 3.5 if it is tetracycline hydrochloride oral solution and not less than 7.0 and not more than 8.0 if it is tetracycline calcium oral suspension. The tetracycline hydrochloride used conforms to the standards prescribed by § 146c.218 (a), except § 146c.218 (a) (2), (4), and (5). The tetracycline used conforms to the standards prescribed by § 146c.220 (a). Each other substance used, if its name is recognized in the U. S. P. or N. F., conforms to the standards prescribed therefor by such official compendium.

b. Paragraph (c) *Labeling* is amended by inserting in subparagraph (3) (i) the words "or tetracycline oral suspension" immediately after the words "tetracycline hydrochloride oral suspension" at both places at which they appear.

c. Paragraph (d) *Request for certification* • • • is amended by inserting the words "or tetracycline" immediately after the words "tetracycline hydrochloride" in subparagraphs (1), (2) (ii), and (3) (ii).

d. Paragraph (d) is further amended by inserting the words ", tetracycline oral suspension," immediately after the words "tetracycline hydrochloride oral suspension" in subparagraph (2) (i).

8. Part 146c is amended by adding the following new section:

§ 146c.229 *Tetracycline-nystatin oral suspension.* Tetracycline-nystatin oral suspension is a suspension that conforms to all the requirements and procedures prescribed by § 146c.222 for tetracycline oral suspension, except that:

(a) Each milliliter contains not less than 25,000 units of nystatin. The nystatin used conforms to the standards prescribed by § 146c.224 (a).

(b) In addition to the labeling prescribed for tetracycline oral suspension, each package shall bear on its label or labeling the number of units of nystatin in each milliliter of the batch.

(c) In addition to complying with the requirements of § 146c.222 (d), a person who requests certification of a batch shall submit with his request a statement showing the batch mark and (unless they were previously submitted) the results and the date of the latest tests and assays of the nystatin used in making the batch for potency, toxicity, pH, moisture, and specific rotation. He shall also submit in connection with his request a sample consisting of not less than six immediate containers of the batch and (unless it was previously submitted) a sample consisting of 10 packages, each containing approximately equal portions of not less than 300 milligrams of the nystatin used in making the batch.

(d) The fee for the services rendered with respect to each container in the sample of nystatin submitted in accordance with the requirements prescribed therefor by paragraph (c) of this section shall be $4.00.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry and since it would be against public interest to delay providing for the amendments set forth above.

*Effective date.* This order shall become effective upon publication in the FEDERAL REGISTER, since both the public and the affected industry will benefit by the earliest effective date, and I so find.

(Sec. 701, 52 Stat. 1055; 21 U. S. C. 371. Interpret or apply sec. 507, 59 Stat. 463, as amended; 21 U. S. C. 357)

Dated: June 22, 1956.

[SEAL] GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F. R. Doc. 56-5094; Filed, June 27, 1956; 8:47 a. m.]





# TITLE 32—NATIONAL DEFENSE

## Chapter I—Office of the Secretary of Defense

### Subchapter C—Military Personnel

### PART 54—RESERVE FORCES ACTIVE DUTY FOR TRAINING FOR BASIC TRAINING

Sec.
54.1 Purpose.
54.2 Applicability.
54.3 Policy.
54.4 Implementation.

AUTHORITY: §§ 54.1 to 54.4 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply 62 Stat. 604, 66 Stat. 481; 50 U. S. C. App. 45, 10 U. S. C. 1a.

§ 54.1 *Purpose.* The purpose of this part is to prescribe uniform policy:

(a) Governing active-duty-for-training programs established to provide basic training for persons enlisting directly into the Reserve Forces in draft-deferred status.

(b) Pertaining to certain aspects of programs for direct enlistment into the Reserve Forces.

§ 54.2 *Applicability.* This part is applicable to all military departments offering active duty for training for basic training to individuals who enlist directly into the Reserve Forces under provisions of subsection 6 (c), paragraph (2), 62 Stat. 604, 50 App. U. S. C. 451, or section 262, 66 Stat. 481, 10 U. S. C. 1a. Active duty for training for basic training may include, in addition to recruit or basic individual training, basic unit training and various types of specialist training.

§ 54.3 *Policy.* (a) The primary objective of the active-duty-for-training programs dealt with herein is to provide the Reserve Forces with trained young men.

(b) Except as provided in paragraph (c) of this section, the period of active duty for training for basic training shall be of six consecutive months duration.

(c) As approved by the Secretary of Defense, special programs of active duty for training for basic training of less than six months may be established to provide recruit training alone for individuals entering the Reserve Forces under provisions of subsection 6 (c), paragraph (2), clause (A), 62 Stat. 604, 50 App. U. S. C. 451. The period of active duty for training for basic training under such special programs, however, in addition to being less than six months shall also be of less than three consecutive months duration, including travel time.

(d) In the case of a military service accepting enlistments under authority of section 262, 66 Stat. 481, 10 U. S. C. 1a, or subsection 6 (c), paragraph (2), clause

(C), 62 Stat. 604, 50 App. U. S. C. 451, the Department concerned shall submit its proposed annual enlistment quotas therefor with its annual manpower programs to the Secretary of Defense for approval.

(1) Approval by the Secretary of Defense will be on the advice of the Joint Chiefs of Staff, taking into consideration the need to maintain a military manpower pool of such size as to provide an adequate source of long-term volunteers for the Active Forces.

(2) Approved quotas for enlistments under section 262, 66 Stat. 481, 10 U. S. C. 1a, and for entry into active duty for training for basic training of persons enlisted under subsection 6 (c), paragraph (2), clause (C), 62 Stat. 604, 50 App. U. S. C. 451, shall be within the 250,000 annual maximum imposed by law.

(e) Irrespective of quotas allocated in accordance with paragraph (d) of this section, no enlistment shall be accepted under section 262, 66 Stat. 481, 10 U. S. C. 1a, if such enlistment would cause the strength of the Ready Reserve authorized for the component concerned to be exceeded. Subject to this limitation and to related Department of Defense policies and programs, such as Qualitative Distribution, enlistment of qualified individuals within quotas allocated shall be on a first-come-first-accepted basis.

(f) Members of the Reserve enlisted under provisions of section 262, 66 Stat. 481, 10 U. S. C. 1a, and those enlisted under provisions of subsection 6 (c), paragraph (2), clause (C), 62 Stat. 604, 50 App. U. S. C. 451, who volunteer therefor, shall be ordered to active duty for training for basic training under authority contained in subsection 262 (c), 66 Stat. 481, U. S. C. 1a.

(g) Members of the Army National Guard of the United States or Air National Guard of the United States who volunteer to undergo active duty for training for basic training shall be ordered thereto under authority of subsection 233 (d), 66 Stat. 481, 10 U. S. C. 1a.

§ 54.4 *Implementation*—(a) *National Guard.* Except in the case of special programs under § 54.3 (c), members of the Army National Guard of the United States or Air National Guard of the United States may not be ordered to active duty for training for basic training after they have passed the 20th anniversary of their birth.

(b) *Reserve (17 to 18½ years of age).* Within quotas allocated, Services employing the enlistment programs provided by section 262, 66 Stat. 481, 10 U. S. C. 1a, or subsection 6 (c), paragraph (2), clause (C), 62 Stat. 604, 50 App. U. S. C. 451, are permitted to have on hand at any time a total number awaiting commencement of six months active duty for training, excluding those deferred because of high school enrollment, not to exceed planned input into the active-duty-for-training program for the three subsequent months. This provision is made to afford a means of obtaining reasonably level training loads.

(c) *Reserve (critically skilled over 18½ years of age).* Under Executive Order 10650, Regulations Governing the Selection of Certain Persons who have Critical Skills for Enlistment in Units of the Ready Reserve of the Armed Forces, dated 6 January 1956, published at 21 F. R. 167, the Selective Service System will select individuals over 18½ years of age who have critical skills and are engaged in civilian occupations in critical defense supporting industry or in a research activity affecting national defense, for enlistment under the provisions of section 262, 66 Stat. 481, 10 U. S. C. 1a.

(1) Such individuals will count against the annual maximum of 250,000 imposed by law, but will not be included within quotas allocated under provisions of § 54.3 (d).

(2) When such individuals are selected for this program, the Selective Service System will notify the individual and the appropriate Service.

C. E. WILSON,
*Secretary of Defense.*

JUNE 21, 1956.

[F. R. Doc. 56–5089; Filed, June 27, 1956; 8:45 a. m.]

## Chapter XIV—The Renegotiation Board

### Subchapter B—Renegotiation Board Regulations Under the 1951 Act

### PART 1453—MANDATORY EXEMPTIONS FROM RENEGOTIATION

#### RAW MATERIALS

Section 1453.2 (b) *Raw materials* is amended by making the following changes in the list following subparagraph (3):

1. Delete "metallic titanium" and substitute "titanium sponge, as originally produced directly from the ore."

2. Delete "metallic zirconium" and substitute "zirconium sponge, as originally produced directly from the ore."

(Sec. 109, 65 Stat. 22; U. S. C. App. Sup. 1219)

Dated: June 22, 1956.

THOMAS COGGESHALL,
*Chairman.*

[F. R. Doc. 56–5113; Filed, June 27, 1956; 8:51 a. m.]

### PART 1471—ASSIGNMENT OF CONTRACTORS FOR RENEGOTIATION

#### HOW ASSIGNMENT IS MADE

Section 1471.2 *How assignment is made* is amended by deleting the last sentence of paragraph (e) thereof.

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. Sup. 1219)

Dated: June 22, 1956.

THOMAS COGGESHALL,
*Chairman.*

[F. R. Doc. 56–5114; Filed, June 27, 1956; 8:52 a. m.]

### PART 1473—CLEARANCE PROCEDURE

#### NOTIFICATION OF DETERMINATION BY REGIONAL BOARD

Section 1473.2 *Determination by Regional Board* is amended by inserting, after the first sentence thereof, the following: "The Regional Board will notify the contractor of the action taken by the Regional Board."

(Sec. 109, 65 Stat. 22; 50 U. S. C. App. Sup. 1219)

Dated: June 22, 1956.

THOMAS COGGESHALL,
*Chairman.*

[F. R. Doc. 56–5115; Filed, June 27, 1956; 8:52 a. m.]

# TITLE 43—PUBLIC LANDS: INTERIOR

## Chapter I—Bureau of Land Management, Department of the Interior

[Circular 1955]

### PART 101—GENERAL REGULATIONS INVOLVING APPLICATIONS AND ENTRIES

#### OFFICE HOURS OF LAND OFFICES; WHEN DOCUMENT IS FILED

Effective 30 days from publication hereof in the FEDERAL REGISTER a new center head and section are added to Part 101 as follows:

#### FILING OF DOCUMENTS

§ 101.20 *Office hours of land offices; when document is filed.* (a) Land offices and the Washington office of the Bureau of Land Management are open to the public for the filing of documents and inspection of records during the hours specified below on Monday through Friday of each week, with the exception of national holidays, the Monday following each national holiday which falls on a Sunday, and days upon which the office may be closed by Presidential or other administrative order. The hours during which the land offices and the Washington office are open to the public for the filing of documents and inspection of records are from 10:00 a. m. to 3:00 p. m., standard time or daylight saving time, whichever is in effect at the city in which each office is located.

(b) Any document required or permitted to be filed under the regulations of this chapter, which is received in the Land office or the Washington office, either in the mail or by personal delivery when the office is not open to the public shall be deemed to be filed as of the day and hour the office next opens to the public.

(c) Any document required by law, regulation or decision to be filed within a stated period, the last day of which falls on a day the land office or the Washington Office is officially closed, shall be deemed to be timely filed if it is received in the appropriate office on the next day the office is open to the public.

FRED A. SEATON,
*Secretary of the Interior.*

JUNE 21, 1956.

[F. R. Doc. 56–5099; Filed, June 27, 1956; 8:48 a. m.]



### Appendix—Public Land Orders

[Public Land Order 1307]

#### NEW MEXICO

#### PARTIALLY REVOKING EXECUTIVE ORDERS NO. 6276 OF SEPTEMBER 8, 1933 AND NO. 6583 OF FEBRUARY 3, 1934, WHICH WITHDREW LANDS TO AID THE STATE OF NEW MEXICO IN MAKING EXCHANGE SELECTIONS

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910, c. 421 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Executive Orders No. 6276 of September 8, 1933, and No. 6583 of February 3, 1934, withdrawing public lands to aid the State of New Mexico in making exchange selections, which were partially revoked by Public Land Order No. 1247 of November 4, 1955, are hereby revoked so far as they affect the following-described lands:

In Executive Order No. 6276

[1500537]

NEW MEXICO PRINCIPAL MERIDIAN

T. 9 S., R. 7 W.,
Sec. 14, SW¼NW¼, N½SW¼, and SE¼SW¼;
Sec. 15, E½NE¼ and SW¼SE¼;
Sec. 22, SE¼ and N½SW¼.
T. 22 S., R. 7 W.,
Sec. 34, lots 1 and 2.

In Executive Order No. 6583

[1506978]

T. 31 S., R. 18 W.,
Sec. 5, NW¼;
Sec. 6, SE¼SE¼, W½SE¼, and SE¼SW¼.

The areas described aggregate 901.28 acres.

The restored lands are too rough and mountainous for cultivation, but they have limited value for grazing.

No application for the restored lands may be allowed under the homestead, desert-land, small tract, or any other non-mineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any valid existing rights and the requirements of applicable law, the restored lands are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the non-mineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the homestead, desert land, and small tract laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on July 28, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on October 27, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on October 27, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral-leasing laws, and to location for metalliferous minerals. They will be open to location for non-metalliferous minerals under the United States mining laws beginning at 10:00 a. m. on October 27, 1956.

Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Sante Fe, New Mexico.

WESLEY A. D'EWART,
*Assistant Secretary of the Interior.*

JUNE 22, 1956.

[F. R. Doc. 56–5097; Filed, June 27, 1956; 8:48 a. m.]

[Public Land Order 1308]

[1338665]

#### NEVADA

#### PARTIALLY REVOKING EXECUTIVE ORDER NO. 5105 OF MAY 3, 1929, WHICH WITHDREW CERTAIN LANDS PENDING DETERMINATION AS TO ADVISABILITY OF INCLUDING THEM IN NATIONAL MONUMENT

By virtue of the authority vested in the President by section 1 of the act of June 25, 1910 (36 Stat. 847; 43 U. S. C. 141), and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Executive Order No. 5105 of May 3, 1929, which temporarily withdrew certain lands in Nevada pending determination as to the advisability of including them in a national monument, is hereby revoked so far as it affects the following-described lands:

That area of unsurveyed land east of Timber Mountain bounded on the north by latitude 37°10'20", on the south by latitude 37°77'46", and lying between meridians of longitude 116°20'16", and 116°23'28", comprising an area nine square miles and including what is known as Fortymile Canyon Pueblo.

The released lands are withdrawn, with other lands, by Executive Order No. 8578 of October 29, 1940 and No. 9019 of January 12, 1942, for use of the Department of the Army as an aerial gunnery and bombing range.

WESLEY A. D'EWART,
*Assistant Secretary of the Interior.*

JUNE 22, 1956.

[F. R. Doc. 56–5098; Filed, June 27, 1956; 8:48 a. m.]

# TITLE 36—PARKS, FORESTS, AND MEMORIALS

## Chapter I—National Park Service, Department of the Interior

### PART 1—GENERAL RULES AND REGULATIONS

#### LIMITATIONS ON SPEED

Paragraph (a) of §1.42, entitled *Limitations on speed,* is amended to read as follows:

§ 1.42 *Limitations on speed.* (a) Limitations on speed of vehicles except in emergencies as provided in paragraph (b) of this section are as follows:

(1) Basic speed rule:

(i) No person shall drive a vehicle upon a highway at a speed greater than is reasonable and prudent, having due regard to the traffic, surface and width of the highway, the hazard at intersections, and any other condition then existing.

(ii) No person shall drive at a speed which is greater than will permit the driver to exercise full control of the vehicle and to decrease speed or to stop as may be necessary to avoid colliding with any person, vehicle, or other conveyance on or entering the highway in compliance with legal requirements and with the duty of drivers and other persons using the highways to exercise due care.

(2) 15 miles per hour:

(i) In all campgrounds, parking areas, and places of public assemblage.

(ii) Upon that portion of the highway which passes through or borders upon a scene of emergency such as forest fires, highway repairs or construction, automobile accidents, or similar emergency.

(iii) In any business or residence area.

(iv) Upon approaching within 50 feet and in traversing an intersection of highways where the driver's view in either direction along any intersecting highway within a distance of 200 feet is obstructed, except that when travelling upon a through highway or at a traffic controlled intersection, the district speed applies.

(3) 45 miles per hour upon all other paved, public roads in the parks, unless a different limit is prescribed for a particular road or roads by special regulation.

(4) Any speed in violation of the speeds designated in subparagraphs (2) and (3) of this paragraph shall be prima facie evidence of violation of subparagraph (1) of this paragraph.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3)

FRED A. SEATON,
*Secretary of the Interior.*

JUNE 21, 1956.

[F. R. Doc. 56-5102; Filed, June 27, 1956; 8:49 a. m.]

## TITLE 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

[Rules, Amdt. 2-22]

PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS

MISCELLANEOUS AMENDMENTS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 13th day of June 1956;

The Commission having under consideration promulgation of a new Part 21, Rules Governing Domestic Public Radio Services (other than Maritime Mobile), and the need for effecting, simultaneously, certain editorial changes in Part 2 of its rules so as to conform the latter part to the former; and

It appearing that such revisions in Part 2 of the rules are interpretative and editorial in nature and that Notice of Proposed Rule Making therefor is not required, as provided in section 4 (a) of the Administrative Procedure Act; under authority of sections 4 (i) and 303 of the Communications Act of 1934, as amended;

*It is ordered*, That, the changes in Part 2 of the rules as set forth below are adopted effective September 4, 1956.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Released: June 20, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

Amendments To Part 2, Frequency Allocation And Radio Treaty Matters; General Rules and Regulations:

1. In § 2.1 *Definitions*, amend the definition "Domestic fixed public service" to read as follows:

*Domestic fixed public service.* A fixed service, the stations of which are open to public correspondence, for radiocommunication between points all of which lie within: (a) the 48 states and the District of Columbia, or (b) within a single territory or possession of the United States. In cases where service is afforded on frequences above 30 Mc, facilities within the United States for communication with facilities in Canada or Mexico and facilities for communication between United States territories and possessions in the Carribbean area are also deemed to be in the domestic Fixed Public Service.

2. In § 2.104 (a) (5), amend footnote "NG5" to read as follows:

(NG5) Fixed stations in the Domestic Fixed Public Service and control stations in the Domestic Public Radio Services may be authorized to use any of the frequencies in the band 72–76 Mc indicated in column 10, on the conditions that (a) harmful interference will not be caused to the reception of television stations on channels 4 or 5 and (b) that harmful interference will not be caused to operational fixed stations.

[F. R. Doc. 56-4969; Filed, June 27, 1956; 8:45 a. m.]

[Docket No. 10821; FCC 56-553]

[New Part 21; Rules Amdt. 6-8]

PART 6—PUBLIC RADIOCOMMUNICATION SERVICES (OTHER THAN MARITIME MOBILE)

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)

In the matter of promulgation of Part 21, rules governing domestic public radio services.

1. On December 29, 1953, the Commission released a Notice of Proposed Rule Making in the above-entitled matter. The Notice of Proposed Rule Making was published in the FEDERAL REGISTER on January 7, 1954, and the time allowed for filing comments, which was extended to April 26, 1954, upon notice in the FEDERAL REGISTER on March 2, 1954, has expired. The purpose of the proposed rules is to delete from Part 6 of the rules those provisions which relate to domestic radio services (§ 6.101, et seq., to end of Part 6) and to transfer such provisions, with certain amendments and additions, to a new part designated as Part 21. This new part sets forth the rules and regulations applicable to all domestic common carrier radio services other than Aeronautical, Maritime, and certain Alaskan and Special Emergency Services. Thus, the new part contains rules for the regular operation of such communications common carrier services as Land Mobile, and those operations heretofore described as Experimental, which included Microwave Relay, Short Haul Toll, Rural Radiotelephone, TV Pickup, TV–STL, Domestic Control, Repeater, etc., which were authorized under the provisions of Part 5 of the Commission's rules.

2. Comments directed to the matters involved in this rule-making proceeding were received from, or in behalf of, the following parties: Aircall, Inc.; Aircall-Chicago, Inc.; Alexander's Answering Service; All America Cables and Radio, Inc.; American Telephone and Telegraph Company; Anderson, W. L.; Central Committee On Radio Facilities of the American Petroleum Institute; Citizens Utilities Company; Cook, Donald R.; Crane Lake Telephone Company; Duluth, Missabe and Iron Range Railway Company; Federal Telephone and Radio Company; General Electric Company; Hav-A-Call, Inc.; Hawaiian Telephone Company; Lenkurt Electric Company, Inc.; McKean, Farrell A.; Minnesota Telephone Association, Inc.; Mitchell, Oliver C.; Motorola, Inc.; National Mobile Radio System; Peninsular Telephone Company; Porto Rico Telephone Company; Radio Corporation of America; Radio Corporation of Porto Rico; Radio Dispatch Service of Rochester, Inc.; Radio-Electronics-Television Manufacturers Association; Riggs, Kenneth A.; Rural Electrification Administration; Schiller, Solomon; Special Industrial Radio Service Association; Stromberg-Carlson Company; Telanserphone, Inc.; Telesecretarial Service, Inc.; Tidewater Telephone Company; The Western Union Telegraph Company; WKY Radiophone Company.

3. None of the above-named persons requested that a hearing be held to resolve the points of contention set forth in their comments. However, the Central Committee on Radio Facilities of the American Petroleum Institute and the Special Industrial Radio Service Association requested that finalization of the proceeding in Docket No. 10821 concerning use of frequencies above 890 Mc be delayed until after finalization of the proceedings in related Docket Nos. 10315, 10345 and 10797. The comments relative to Docket Nos. 10315 and 10345 are now moot inasmuch as the proceedings therein were finalized on June 30, 1954 and August 4, 1954, respectively, by Reports and Orders of the Commission. In accordance therewith, appropriate provisions have been incorporated into Part 21. In our opinion, the pendency of certain proposals in Docket No. 10797, which proposes to amend Part 2 frequency allocations above 890 Mc, and in Docket No. 11442 which proposed ISM use of 915 MC in accordance with the provisions of Part 18 of our rules, which are the subjects of substantial contention, does not justify delay in acting in the instant proceeding which will establish the Domestic Public Radio Services in Part 21 on a regular service basis upon the frequencies presently available to such common carrier operations under the existing table of frequency allocations. If, and when, any change is effected in those allocations, appropriate changes will be made in Part 21. The magnitude of domestic common carrier fixed radio operations has achieved such proportions that the "experimental" aspects have long since disappeared and the licensing of such facilities under Part 5 of the Commission's rules governing the experimental radio services should be terminated as soon as practicable.

4. Part 21 will, for the first time, set forth in a consolidated publication the various provisions relating to the domestic use of radio by communications common carriers. It is also anticipated that the removal of the fixed station operations from an "experimental" category will further stimulate the expansion of the communications common carrier industry in areas requiring the use of radio.



5. On February 3, 1954, the Commission wrote to the Radio-Electronics-Television Manufacturers Association and to the Central Committee on Radio Facilities of the American Petroleum Institute requesting compilation, on a comparative basis, of data on operational requirements and necessary technical standards for private microwave systems and equipments. In commenting in this proceeding, the above-mentioned organizations, as well as the Special Industrial Radio Service Association and Motorola, Inc., have recommended that we delay finalization of the proceedings on Part 21 above 890 Mc, pending receipt and study of the information requested in the Commission's letters of February 3, 1954. The material submitted in this connection was compiled by the Commission's staff for use in a government-industry conference on private use of microwave frequencies, looking toward the promulgation of rules and regulations governing a new "Operational Microwave Radio Service" to be designated as Part 22, in lieu of the proposals which were embodied in Docket No. 10500 (withdrawn on October 28, 1953) for regulation of microwave operations in the Public Safety, Industrial and Land Transportation Services. Conferences relative thereto were held in Washington, D. C. on March 14 and 15, 1955, and again on April 5, 6 and 7, 1955. While a considerable amount of progress was made in these conferences toward drafting a new Part 22 of the rules, observation of the proceedings disclosed considerable divergence of opinion among industry representatives relative to the technical standards which should be established for microwave equipment and the subdivision of the various microwave bands available for private system operation under the existing table of frequency allocations. It appears that substantial time will be required to iron out these differences before firm recommendations on standards can be made to the Commission with a view to their promulgation in a rule-making proceeding. In view of the fact that the experimental rules in Part 5 contain the barest minimum of standards applicable to the common carrier microwave operations, which already represent investment in the order of nine figures, we are of the opinion that further delay in establishing standards for the common carrier radio services cannot be justified. Accordingly, in finalizing the proceedings in Part 21, we have prescribed standards which are in accord with present techniques in the art and which are in successful use by the common carrier industry. However, these standards should be viewed as of an interim nature until such time as experience indicates that further changes are necessary. Except for the frequency bands 890–940 Mc and 7050–7125 Mc, no channeling has been prescribed for the microwave radio bands. If, and when, such channeling appears necessary and desirable, it will also be proposed in further rule-making proceedings, and any required uniformity between this Part (21) and Part 22, as finally evolved, will be achieved in like manner.

6. The various comments relating to definitions contained in Subpart A will be discussed in connection with the separate Subparts of Part 21 to which they pertain.

7. In connection with Subpart B—Applications and Licenses, the various comments are disposed of as follows:

Section 21.15 (a): It was suggested that "and directivity" be deleted from this rule. In lieu thereof, the words "and orientation" have been substituted to make the intent more clear.

Section 21.15 (b): This section has been revised to avoid the necessity for making repetitive showings with each application of the applicant's legal, financial, technical and other qualifications to be a licensee.

Section 21.15 (d) and (e): These sections have been revised to eliminate the repetitive aspects of § 21.15 (b).

Section 21.15 (f): It was suggested that the filing of FCC Form 401–A be limited to those cases where it is essential in connection with determination of antenna obstruction marking requirements. This suggestion has been adopted and this section has been revised accordingly. However, a new rule requiring the filing of antenna data essential to the Commission in respects not relating to determination of antenna obstruction marking requirements has been designated as § 21.15 (g).

Section 21.15 (g) (3): United States Independent Telephone Association, hereafter referred to as USITA, objects to this rule as burdensome and on the basis that the applicant must already meet such requirements in other parts of the rules. A reading of this section discloses it is applicable only to persons who are not rendering public communication service for hire, but are subscribers to service rendered by communications common carriers. In view of the section being inapplicable to carriers, the USITA objection appears to be without foundation. Accordingly, the rule is retained and is redesignated as § 21.15 (i).

Section 21.15 (h): American Telephone and Telegraph Company, hereafter referred to as A T & T, commenting in behalf of the telephone companies of the Bell System, requests deletion of this rule as superfluous. We are of the opinion that it is necessary that we have knowledge of the information required therein, among other things, for the effective administration of the Domestic Public Radio Services. Accordingly, this rule is being retained and is redesignated as § 21.15 (j).

Section 21.15 (j): USITA and A T & T contend that data required by this section is an unnecessary and costly burden on the applicant and should not be required by the Commission. Lenkurt Electric Co., Inc., requested that the stations used for point-to-point communications be exempt from filing such data. In addition, USITA expressed the belief that the procedures and information required by Section 21.15 (j) do not fall in the classification of regulatory matters within the jurisdiction of the Commission. In response thereto, we wish to point out that, in Docket No. 9046, the Commission's Report and Order of April 27, 1949, establishing the Domestic Public Land Mobile Radio Services stated, "In granting authorizations for the establishment of common carrier mobile telephone systems in any service area, the Commission proposes to permit the rendition of service on an interference-free basis only, i. e., not more than one licensee will normally be authorized to operate on a given frequency or frequencies in any service area". Broadly speaking, communications common carriers are in the business of selling communications time to their subscribers. It is our position that the public, who are paying for such communications time, are entitled to expect reliable service and to be able to communicate without being subjected to harmful interference. In reaffirmation of this principle, we wish to emphasize that it is equally applicable to all common carrier radio services operating under the provisions of this Part. Section 303 of the Communications Act of 1934, as amended, gives the Commission power to "Make such regulations not inconsistent with law as it may deem necessary to prevent interference between stations and to carry out the provisions of this Act * * *" Under these provisions, we are empowered to require the filing of the type of data set forth in § 21.15 (j) of this part and we are of the opinion that such information is necessary in our regulation of radio to ensure the establishment of radio facilities in a manner which will not cause interference to other radio stations. Accordingly, § 21.15 (j) has been retained and has been redesignated as § 21.15 (l). However, it will be noted that the section has been revised to make it applicable specifically to base stations to be operated in the Domestic Public Land Mobile Radio Service by applicants who are not engaged in providing public wire line communication service. In affording the relief requested by Lenkurt and other wire line carriers under this section, the Commission reserves the right to require the filing of such information by applicants, permittees and licensees in any case where the Commission, in its own discretion, believes such information is necessary.

Section 21.15 (n): This section sets forth the criteria which must be met in obtaining station assignments in the 72–76 Mc band, pursuant to the policy established in Docket No. 10315.

Section 21.17: In accordance with the suggestion of A T & T, this section has been reworded to clarify that amendments to applications may be submitted in letter form.

Section 21.29 (b): A T & T suggested amendment of this section to provide for use of blanket applications in cases where auxiliary test stations and base stations are to be located together. This

suggestion has been rejected because the application form does not readily lend itself to such combination without considerable risk of confusion in attempting separation of the base and auxiliary test station information throughout the blanket application.

Section 21.29 (f): In accordance with the suggestion of A T & T, this section has been amended to permit the use of a blanket application when requesting renewal of a group of station licenses in the same service where the renewal requested is in exact accordance with the terms of the previous authorizations.

Section 21.30: In accordance with the suggestion of A T & T, this section has been amended to allow 18 months after the date of grant of a construction permit to complete the station construction of point-to-point microwave facilities.

Section 21.32: This section has been amended to specify specific license renewal dates, upon the recommendation of Hawaiian Telephone Company and USITA. The A T & T recommendation that all common carrier licenses be issued for a 5 year period is rejected because certain services governed by this Part are comparatively new and we believe that effective regulation requires that such licenses be issued for shorter periods so that they may be reviewed at more frequent intervals.

8. In connection with Subpart C—Technical Standards, the various comments filed are disposed of as follows:

Section 21.101: On the basis of comments submitted by Citizens Utilities Company, Peninsular Telephone Company, Porto Rico Telephone Company, Tidewater Telephone Company and A T & T, this section has been revised to impose a frequency tolerance requirement of 0.005 percent below 1,000 Mc, with provision being made to permit equipment heretofore authorized below 50 Mc to continue to operate until January 1, 1959, with a frequency tolerance within 0.01 percent. In addition, provision has been made to permit equipment heretofore authorized in the 890–940 Mc band to continue to operate with a frequency tolerance within 0.03 percent, subject to the condition that no harmful interference is caused to any other radio station. The section has also been revised around the concept of a reference frequency, which is defined in § 21.1.

Section 21.102: On the basis of comments submitted by various interested parties, this section has been revised to prescribe only the accuracy of the frequency checking equipment and to require that its operation shall be independent of the frequency control elements of the transmitter being measured.

Section 21.103: This section has been added setting forth the standards and limitations governing authorization and use of frequencies in the 72–76 Mc band, in accordance with the policy established in Docket No. 10315.

Section 21.104: Paragraph (d) of this section has been renumbered as § 21.105. As proposed, paragraphs (a), (b) and (c) of this section set forth definitions, as pointed out in the A T & T comments, and have, therefore, been transferred to § 21.1. With regard to paragraph (b), General Electric suggested the possibility of defining "occupied bandwidth" in terms of extra band radiation density. However, in the absence of a concrete proposal by General Electric, their suggestion has not been adopted. The definition of occupied bandwidth, as heretofore set forth, conforms to the universally recognized definition contained in Chapter I of the International Radio Regulations (Atlantic City, 1947). The comments of National Mobile Radio System regarding this section are disposed of in connection with § 21.105 (a).

Section 21.105 (a): This section has been redesignated as § 21.106 (a). In commenting thereon, National Mobile Radio System's plea that it is impractical for miscellaneous common carriers to measure bandwidth of emission, because laboratory instruments are required, is without merit. The need for such measurements to insure that the radio system at all times conforms to the technical performance requirements of the applicable rules is evident. There are a number of organizations equipped with the necessary instruments who, for a fee, will perform the measuring service. Thus, if a licensee does not wish himself to purchase the necessary equipment, etc., he may have the service performed by others.

Section 21.105: Paragraph (a) of this section has been redesignated as § 21.106 (a). Following the A T & T recommendation that the requirements for suppression of spurious and harmonic emission be related to the center frequency of the authorized band, and be specified in relation to the output power of the transmitter, a new § 21.106 (b) has been substituted for § 21.105 (a) and (b). We believe that application of this section also to pulse modulated transmitters is preferable to the Federal Telephone and Radio Company's suggestion that spurious and harmonic emission of pulse transmitters be attenuated to a fixed level of 0.0001 watt, as measured at the transmitter output. Paragraph (d) of § 21.105 (d) has been redesignated as paragraph (c).

Section 21.106 (b): This section has been redesignated as § 21.107 (b). In accordance with the comments filed by various miscellaneous common carriers, this table has been revised to provide for use of transmitters having maximum rated power output of 350 watts in the 30–50 Mc frequency range, in order to accommodate use of transmitters presently authorized for one-way signaling service in the Domestic Public Land Mobile Radio Service. The Western Union Telegraph Company stated that the power limitation of 100 watts in the 500–10,000 Mc frequency range is unduly restrictive and should be raised to not less than 1,000 watts to provide for transmission beyond the horizon. A T & T also commented along similar lines. We are of the opinion that a great deal of development work is still necessary to determine the suitability of such microwave radio transmission for common carrier service, as well as the interference aspects of such transmissions upon other radio installations. In view thereof, Western Union's and A T & T's suggestions appear to be premature and have not been incorporated into these rules. In appropriate cases, upon applications submitted pursuant to the provisions of Part 5 of the Commission's rules governing the experimental radio services, persons wishing to develop engineering data relative to microwave radio transmission beyond the horizon may be authorized to do so.

Section 21.106 (c): General Electric Company and The Western Union Telegraph Company expressed the opinion that the input parameters of current and voltages applied to vacuum tubes in the final radio frequency stage of a transmitter are a matter to be determined by the design requirements of the equipment and should not be the subject of regulation. In view of these comments, this section has been deleted from the rules.

Section 21.106 (d): Various interested parties commented on this section, indicating impracticability of requiring base stations to maintain their power rigidly within limits 10 percent above and 15 percent below the authorized power. In a number of instances, the opposition appears to be based upon a misunderstanding that such limits apply to fixed stations in point-to-point fixed radio services, whereas the power limits specified in this rule are applicable only to base stations in the Domestic Public Land Mobile Radio Service. In view of the foregoing, the power limits within which base stations must operate have been broadened to 20 percent above and 25 percent below the authorized power. This rule has been redesignated as § 21.107 (c). Comment was also filed objecting to the provision requiring notification to the Commission in cases where base stations are unable to operate within prescribed power limits for periods in excess of 10 days. We are of the opinion that the majority of service interruptions due to such cause can be readily corrected within such time and that such reporting will not be unduly burdensome. Accordingly, no change in that respect has been made in this rule.

Section 21.106 (e): This section, requiring manufacturers of radio transmitters to specify an efficiency factor for the final radio frequency stage, has been deleted.

Section 21.107 (a): This rule has been redesignated as § 21.108 (a) and has been revised to permit multi or omni-directional antennas to be used in other than the domestic Public Land Mobile Radio Service, upon specific authorization. We believe this change will satisfy the objections filed by Minnesota Telephone Association, Inc., Duluth; Missabe & Iron Range Railway Company; A T & T; USITA and Motorola, Inc.

Section 21.107 (b): This section has been redesignated as § 21.108 (b). Although it was suggested by Porto Rico Telephone Company that the maximum permissible beam width of the main lobe of radiation from directional antennas should be narrowed considerably, and we recognize that this may be feasible in many instances, we have not prescribed narrower limits in order to allow latitude for the use of easily transportable equipment which is frequently used in establishment of service on short notice and is sometimes required to be installed at relatively inaccessible locations. However, the Commission desires that, to the extent practicable, the beam widths of directional antennas be held to a minimum. While General Electric Company mentioned that the prescribed beam widths would preclude the employment of corner reflectors now in wide use at 960 Mc, which frequency band is not assignable to stations authorized under this Part, they have failed to show the beam widths necessary to accommodate use of such antennas or to show that use of such antennas is a necessity. Similarly, in pointing out the necessity for measurement and testing of certain combinations of parabola-reflectors (periscope) antennas to determine whether they meet the subject rule requirements, A T & T failed to show that these requirements could not be readily satisfied by use of other types of antennas.



Section 21.107 (c): This section has been redesignated as § 21.108 (c) and, in view of The Western Union Telegraph Company comments, has been revised to reduce the required secondary lobe suppression from 20 db to 13 db on frequencies above 500 Mc, in order to permit use of cross-polarization and horizontal polarization.

Section 21.107 (d): This section, with slight modification, has been redesignated as § 21.109 (a).

Section 21.107 (e): A T & T suggested modification of this section to permit substitution of antennas without prior authorization, provided no substantial change in pattern results and that the new antennas do not cause obstruction to air navigation. Accordingly, this section has been revised and redesignated as § 21.109 (b).

Section 21.108 (d): A new section bearing this designation has been added to clarify the applicability of certain rules to the use of passive reflectors.

Section 21.108: This section has been redesignated as § 21.110 and, in accordance with suggestions filed by A T & T, Motorola, Inc., and Duluth, Missabe & Iron Range Railway Company, has been revised to permit use of other types of polarization by various stations upon a satisfactory showing that improved transmission would result and that potentially harmful interference to other radio installations would be reduced. In addition, provision has also been made for Rural Subscriber stations in the Rural Radio Service to employ vertical polarization when authorized to communicate with base stations in the Domestic Public Land Mobile Radio Service.

Section 21.109: This section has been redesignated as § 21.111. A T & T suggested that this section be revised to place complete responsibility for maintaining, painting and illuminating of an antenna structure upon the party to whom a construction permit under which the supporting structure was installed was issued, unless there is filed with the Commission a signed and verified copy of an agreement to the effect that another party has assumed the responsibility. We believe that a written agreement, in all cases, is desirable as it leaves no doubt in the minds of any of the parties as to which party is responsible therefor.

Section 21.111: This section has been redesignated as § 21.113. A T & T raised the question whether specification of geographical coordinates of antenna structures to the nearest one-tenth minute was not adequate. In our opinion, accuracy to the nearest second of latitude and longitude is necessary.

Section 21.112: This section has been redesignated as § 21.114 and, in view of comments filed by Motorola, Inc., and A T & T, has been revised to clarify its applicability only to mobile stations in the Local Television Transmission Service and to fixed stations authorized to operate at temporary fixed locations.

Section 21.113: This section has been redesignated as § 21.115 without material revision. Andrew G. Haley, commenting on behalf of 8 miscellaneous common carriers in the land mobile service, suggested that the eight radials be required to be drawn along the eight cardinal directions in order to obtain uniformity among applicants. This suggestion has been accepted and the section has been revised along the line of § 3.684 (d) of Part 3 of the rules. General Electric Company expressed the opinion that the determination of elevation of average terrain was applicable to the broadcasting services and not to the common carrier radio services. In our opinion, such terrain information is definitely of concern to the radio services regulated by this part, particularly in engineering base station assignments into the available frequencies in the land mobile radio service on an interference-free basis. In that respect, the engineering problems are very similar to those in the radio broadcast services. Inasmuch as average terrain information of the nature indicated in this section is primarily of concern where miscellaneous common carrier stations are involved in the domestic public land mobile radio service, the filing of such information in a routine manner is being required only for such stations. In view thereof, the objections of various other parties to the application of this section to point-to-point radio facilities are moot. However, the Commission reserves the right to require the filing of such information in any case where it is deemed necessary.

Section 21.114: This section has been redesignated as § 21.116. Comments filed by A T & T and USITA suggested deletion of this section. However, the retention thereof is considered desirable in view of the information contained therein and in consequence of the action taken with regard to the preceding section of these rules.

Section 21.115: This section has been redesignated as § 21.117. General Electric Company stated that, since the type of material contained in this section is usually found in handbooks and textbooks, it should be deleted from this Part. However, despite the publication of such information elsewhere, experience has shown that a great many applicants apparently do not refer to such material and consequently file applications for stations at sites which subsequently turn out to be unsatisfactory for the purpose intended. As a consequence, the inauguration of satisfactory public service is delayed pending filing and action upon new applications and move of the station to a new site. In view of the foregoing, we believe the public interest will be served by retention of this section. In accordance with the suggestion of A T & T, the last sentence of the footnote to paragraph (a) has been deleted. As requested by Lenkurt Electric Company, Inc., paragraph (c) has been revised to show the manner in which propagation tests should be conducted when such tests are required by the Commission.

Section 21.116: This section has been redesignated as § 21.118. Paragraph (a) has been revised to clarify that the manner of installation of transmitters and their operating positions shall be such as not to be accessible to, or capable of being operated by, persons other than those duly authorized by the licensee. A new § 21.118 (b) has been added prescribing use and location of a modulation filter in those cases where a modulation limiter is employed. Section 21.116 (b) has been rewritten as § 21.118 (d) making provision therein for licensees to make certain changes in transmitter control point location without prior approval from the Commission, in accordance with suggestion filed by A T & T. In addition, the requirement that each station be equipped with at least one control point has been limited to those installations which are required to have a licensed radio operator or permit holder on duty and in charge of the station's operations during the normal rendition of service. We believe that this change will satisfy the objections registered in connection with § 21.116 (c) by General Electric Company, A T & T, and The Western Union Telegraph Company which appear to have been submitted in relation to operation of stations which normally are authorized to operate without licensed operators on duty and in charge of the transmitter during the normal rendition of service. Relative thereto, and in accordance with the suggestion filed by Federal Telephone and Radio Company, a new § 21.118 (g) has been added pertaining to automatic alarm facilities.

Section 21.118: This section has been redesignated § 21.120. A T & T objected to the provisions of the section on the basis that the tests necessary to obtain type acceptance or approval of radio equipment will cause unwarranted delay in issuance of station authorizations, that such procedures have no real significance in determining the interfering effect that may actually result from the use of the equipment, that the proposed regulations will be so expensive and difficult to fulfill, that they discourage and stifle the use of radio, and that more stress should be placed on cooperative efforts in eliminating interference as it arises and less on endeavoring to avoid the possibility of all interference by regulation. As pointed out by General Electric Company, this section relates to the program for certification of equipment acceptable for licensing set forth in Docket No. 10798, which proceedings were the subject of a decision on May

11, 1955 by Memorandum Opinion and Order of the Commission.

Section 21.121: This section has been added, in accordance with comments filed by A T & T, to permit licensees in these services greater latitude in replacement of transmitters without prior Commission authorization.

9. In connection with Subpart D—Technical Operation, the various comments are disposed of as follows:

Section 21.202: A T & T objected to the requirement that all transmitters be required to have an executed transmitter identification card or metal tag affixed thereto. A T & T points out that FCC personnel inspecting radio installations will generally be accompanied by persons capable of giving the requisite information. We believe such affixed identification to be desirable, particularly where a number of transmitters are installed at a site shared by several licensees. The attachment of such identification does not constitute an unreasonable burden upon any licensee. In view of the foregoing, the A T & T comments are deemed to be of insufficient merit to warrant deletion of this section.

Section 21.205 (c): A T & T suggested deletion from this section of the requirement that, where installation, servicing or maintenance of transmitters is performed by unlicensed personnel, the facilities thereafter shall initially be placed in operation and be determined to be operating properly by a first or second class licensed radio operator. We believe that, in order to have reasonable assurance that transmitting equipment is operating properly in all cases, such provision is necessary. Accordingly, the A T & T suggestion is rejected.

Section 21.205 (h) (2): A T & T suggested deletion of this section on the grounds that persons at dispatch points do not actually operate the base station. If this be the case, the A T & T concept of a dispatch point is erroneous. In Part 6 of the rules, § 6.407 (d) defines a dispatch point as "an operating position" and § 6.407 (g) (3) clearly shows that dispatch point circuits are intended to be arranged so that persons at a dispatch point can operate the transmitter of a base station. This provision is carried forward in Part 21 and the suggestion of A T & T is rejected.

Section 21.205 (i): A T & T requested that this section be revised to permit central office stations, inter-office stations, and auxiliary test stations to be operated without licensed radio personnel and without effective operational control of licensed radio personnel. We are of the opinion that the responsible operating personnel should be in a position to know when their transmitters are radiating, to know the manner of performance of such facilities at all times, and to exercise effective operational control over those facilities. Accordingly, this section is retained without alteration.

Section 21.205 (j): Following the reasoning of A T & T with respect to § 21.205 (i), they requested like revision of this section. For similar reasons, this section is retained.

Second 21.205 (l): This section has been revised to relax the requirement that the quality of transmission over unattended stations be under the constant scrutiny of licensed operators, as suggested by A T & T. However, a provision has been made relative thereto in Section 21.118 (g) which requires use of automatic alarm facilities in such cases.

Section 21.205 (o): This section has been revised in accordance with comments filed by A T & T.

Section 21.207 (a): Subparagraphs (3) and (4) of this section have been revised in accordance with comments filed by A T & T.

Section 21.207 (b): Subparagraph (2) of this section has been revised to conform to the provisions of revised § 21.107 (c) of the rules adopted herein. The comments filed by Lenkurt, A T & T and Motorola on subparagraph (2) of this section relate to their comments on § 21.106 (d) which were taken into consideration when the latter section was revised. Section 21.207 (b) (3) has been revised as suggested by A T & T.

Section 21.208 (e): The requirement that the technical log of a station be kept in a permanently bound book has been deleted, in view of the comments filed by A T & T, National Mobile Radio System, Oliver C. Mitchell, and Radio Dispatch Service of Rochester, Inc. This section has been expanded by addition of subparagraph (3) which requires that details of functioning of automatic alarm facilities and failure or erratic operation of transmitters be recorded in the technical log of the station. The provisions of former subparagraph (3) of this section are now contained in § 21.208 (h).

Sections 21.208 (f) and (h): These sections have been combined and are redesignated as § 21.208 (g).

Section 21.208 (i): The requirement that logs be kept in ink or indelible pencil has been deleted from this section in accordance with the suggestion of A T & T.

Section 21.212 (a): This section has been broadened to permit equipment tests to be conducted on point-to-point microwave stations at any time during the term of the construction permit, as was suggested by A T & T.

Section 21.208 (b) (1): A T & T suggested the deletion of this section on the premise that the Commission is automatically placed on notice that service tests have begun when application for license has been filed with the Commission. A T & T has apparently overlooked the fact that such applications are filed in Washington, D. C. and not with the Commission's field offices. In view thereof, the rule requirement does not involve duplication of effort and the suggestion of A T & T is denied.

Section 21.207 (c): A T & T suggested deletion of this section on the grounds that it is difficult to make transmitter measurements in the field. This suggestion is rejected. The Commission believes that it is essential to know the modulation and radiation characteristics of transmitters which are in service. Subparagraph (3) of this section has been revised to require such determination to be made at intervals not to exceed one year, in lieu of the six-month interval heretofore proposed.

Section 21.207 (d): A T & T suggested that permission be included for the measurements required on mobile units to be made at other times than at six-month intervals. The rules allow the prescribed measurements to be made at any time within the prescribed time limits, which have been revised as indicated above. In addition, A T & T requested that this section be revised to allow the power measurements of § 21.207 (b) to be made at a test or service bench. Section 21.107 (b) is not applicable to mobile units.

Section 21.207 (e): In some instances, persons who are not licensed radio operators may be qualified to make accurate radio frequency measurements. However, this is not necessarily the case. Accordingly, we believe that the provisions of this section are necessary to ensure compliance with the technical provisions of Part 21. The requirements of this section do not appear to be unduly burdensome or unreasonable. In view of the foregoing, the suggestion of A T & T that the licensed radio operator aspects of this section be deleted is rejected.

Section 21.213: In response to the comments filed by A T & T, a subparagraph (4) in paragraph (b) of this section has been added to permit a TV-Pickup or TV–STL station to identify itself by the call sign of the broadcast station for which it is rendering service. The suggestion of USITA that stations also be permitted to identify themselves by various other means, such as by the name of the city in which the control point is located, or the name of the city or principal area served, is rejected. No showing has been made that other permissible methods of identification are unsatisfactory and the necessity for the suggested changes is not evident. The prompt identification of the emissions of a station is necessary if freedom from harmful interference to the operation of other stations is to be preserved.

10. In connection with Subpart E—Miscellaneous, the various comments are disposed of as follows:

Section 21.303 (a): A T & T and Lenkurt suggested the deletion of this section. However, their comments fail to show that the provisions thereof would restrict or impair their radio operations or that the requirements of this rule would not be in the public interest, convenience or necessity. The rule is retained.

Section 21.303 (b): The language of this section has been revised as suggested by A T & T.

11. In connection with Subpart G—Domestic Public Land Mobile Radio Service, the various comments are disposed of as follows:

Section 21.501 (a): Duluth, Missabe and Iron Range Railway Company and A T & T advocate splitting of the radio channels allocated to this service and, in addition, the former recommends that the additional channels derived through channel-splitting be specifically allocated for assignment to stations in the Rural Radio Service. The Commission believes implementation of split channel operation in the various radio services



prior to finalization of the split-channel proceeding now pending in Docket No. 11253 would be premature. The reallocation of frequencies was not contemplated in the rule-making proceeding in this Docket. Accordingly, the suggestion that the Rural Radio Service be allocated the extra channels derived from channel-splitting is inappropriate in this proceeding. Such a reallocation is properly a matter for a separate frequency reallocation wherein all parties in interest would be afforded equal opportunity to participate. Duluth, Missabe and Iron Range Railway Company also suggested that the frequencies in the 35–44 Mc band, listed in this section, be made available for assignment to fixed stations in the Rural Radio Service. Because of the severe long range interference to land mobile system operations from fixed station operations in the past, it has been the Commission's policy to refrain from permitting other than land mobile system operations on these frequencies. In view of the foregoing, the aforementioned suggestions of A T & T and Duluth, Missabe and Iron Range Railway Company are not adopted.

Section 21.501 (b) and (c): In response to the suggestions by A T & T, Oliver C. Mitchell, Donald R. Cook, Kenneth A. Riggs and W. L. Anderson, the footnote to this section has been revised to allow an extra 5 years, to April 1, 1961, for amortization of equipment being used for control and repeater functions. Such operations should be performed via wireline circuits or, where this is not feasible, on frequencies specifically allocated to the fixed service.

Section 21.501 (f): In response to comments by A T & T, the footnote to this section has been revised to avoid the impression that continuous aural monitoring is required. The A T & T recommendation that additional frequencies be listed in this section has been dealt with in relation to the footnote to paragraphs (b) and (c) of § 21.501.

Sections 21.502 and 21.503: The comments of A T & T, USITA and National Mobile Radio System take issue with the provisions of these sections because variations in topography and radio wave propagation in different areas do not lend themselves universally to use of a fixed table of minimum mileage separations between co-channel stations. We do not dispute the accuracy of these observations and, accordingly, provision has been made in § 21.503 for station assignments to be made at greater or lesser mileage separations wherever it appears necessary or feasible in any particular case. We feel that these sections will serve as a guide to persons filing applications in the Domestic Public Land Mobile Radio Service and will eliminate the filing of many applications which have little chance of being granted because of potential co-channel interference aspects. The suggestion that these sections be deleted from the proposed rules is rejected.

Section 21.504: A T & T suggested that definition of reliable service area of a base station is unnecessary. The section is retained inasmuch as it will serve as a useful guide in the establishment of stations in this service.

Section 21.505: Comments objecting to the retention of this section were filed by USITA, A T & T, Oliver C. Mitchell and Motorola. The provisions of this section do not contemplate that base stations now having antennas over 500 feet in height above average terrain will be required to reduce antenna heights or to make a showing of need for their existing antenna heights. The rule, as proposed, makes adequate provision for authorizing higher antenna heights where such installations are, in the opinion of the Commission, warranted. The suggestions of the parties commenting on this rule are rejected.

Section 21.506: A T & T recommended deletion of the ceiling placed on effective radiated power, whereas National Mobile Radio System believes this limitation on effective radiated power is a definite improvement. The recommendation of A T & T is rejected. We believe the limitation to be necessary to the effective regulation of this service.

Sections 21.507 and 21.508: These sections were revised and combined as § 21.507. The suggestion by A T & T that type FO emission be authorized without specific showing of need is without merit. The indiscriminate use of unmodulated emission may lead to serious interference problems affecting the services of other stations and should not be authorized in the land mobile service except upon careful consideration on a case by case basis. The A T & T comment with relation to authorized bandwidth and split-channel operation is premature and is rejected in view of the pending split-channel proceeding in Docket No. 11253.

Section 21.509: General Electric commented that this section was inadequate in definition and subject to interpretation. In view of their failure to elaborate, we are unable to evaluate such comment. The A T & T suggestion that the maximum permissible modulating frequency be raised from 3,000 to 4,200 cycles per second is rejected. Such a change appears to be in the wrong direction, particularly in view of the prospects of channel-splitting, contemplated in Docket No. 11253, which may require modulating frequencies to be limited to less than 3,000 cycles per second. As elsewhere indicated, the split-channel aspects of A T & T's suggestion are premature and their recommendation relative to paragraph (c) of this section is not adopted. Paragraph (d) of this section has been redesignated as paragraph (e) of § 21.508 and has been revised to limit its applicability to single channel transmitters only. In addition, in recognition of comments filed by The Western Union Telegraph Company, a new § 21.508 (f) has been written to provide for operation of stations using facsimile transmission.

Section 21.510: The suggestion by Duluth, Missabe and Iron Range Railway Company that installations which are not intended to operate while in motion be permitted to operate in the Domestic Public Land Mobile Radio Service is provided for under paragraph (f) of this section which has been redesignated at paragraph (e) of § 21.509.

Section 21.510 (a): This section has been redesignated as § 21.509 (a). Mobile-to-mobile communications through the base station are permissible under this section and Motorola's suggestion that rule changes be made to provide therefor is unnecessary.

Section 21.510 (b): At the suggestion of A T & T this section has been appropriately revised and has been redesignated at § 21.509 (b).

Section 21.510 (b) (5): At A T & T's request this section has been revised for clarity and has been redesignated as § 21.509 (b) (5).

Section 21.510 (j): In accordance with the comments of A T & T and National Mobile Radio System, this section has been deleted.

Section 21.510 (k): A T & T, General Electric and Motorola suggested changes which have been made in this rule, now redesignated as § 21.509 (j).

Section 21.512: This rule has been redesignated as § 21.511 (a) and has been revised to make the provision applicable only to miscellaneous common carriers. A new § 21.511 (b) has been added to cover communication service of wire-line communications common carrier's to their own mobile units.

Section 21.515: This section has been redesignated as § 21.514 (a). A new paragraph (b) has been added thereto to cover responsibility for operational control and maintenance of transient mobile units.

12. In connection with Subpart H—Rural Radio Service, the various comments are disposed of as follows:

Section 21.601: Andrew G. Haley, commenting on behalf of a group of 8 miscellaneous common carriers, recommends that common carrier operations upon frequencies formerly allocated to television and FM broadcast stations (i. e., 76–88 Mc and 98–108 Mc in the Territory of Hawaii only) be subject to no interference being caused to these broadcast services. This matter was given due consideration in the frequency reallocation proceeding in Docket No. 10094 and it is inappropriate to argue that question here since Docket No. 10094 has been finalized.

Section 21.601 (a): All America Cables and Radio, Inc., and Radio Corporation of Porto Rico have requested reallocation, from the Domestic Public Land Mobile Radio Service in Puerto Rico and Virgin Islands to the Rural Radio Service, of certain frequencies which are listed herein between 152 and 162 Mc. As we have mentioned elsewhere, this is not a frequency reallocation proceeding and consideration of this proposal herein is inappropriate. In this connection, attention is invited to the rule-making proceeding finalized in Docket No. 11498 which provided other frequencies exclusively for communications common carrier requirements for public point-to-point service in the Carribean area. Accordingly, these comments are moot.

Section 21.601 (b): Frequencies in the 890–940 Mc band have been listed for assignment in the Rural Radio Service as suggested by the comments filed by A T & T, REA and Hawaiian Telephone Company. Several other parties commenting on the proposed rules also urged

that as many frequencies as possible be furnished for the Rural Radio Service. The rule previously designated as § 21.601 (b) has been redesignated as § 21.601 (c).

Section 21.603 (a): As suggested by A T & T's comment, this rule has been changed to include types A1, A2, F1 and F2 emission to provide for telegraphy.

Section 21.603 (b): As suggested by Hawaiian Telephone Company's comments, this rule has been revised to provide for use of types A1, A2, A3, A4, F1, F2, F3 and F4 emission outside the continental limits of the United States, without necessity for making a special showing as previously indicated.

Section 21.605 (b): Lenkurt Electric Co., Inc., A T & T, The Western Union Telegraph Company and Hawaiian Telephone Company recommended deletion of modulation limiter requirements for multi-channel transmitters, in order to avoid excessive distortion of the transmitted intelligence and because of unavailability of suitable modulation limiters for such purposes. Accordingly this rule has been revised and redesignated as § 21.605 (d).

Section 21.608: A T & T and Motorola suggested simplifying the requirements of this section. It is to be noted that one aspect of Rural Subscriber Service contemplates the construction of a multiplicity of circuits between central offices, while another aspect contemplates the construction of a single channel between a central office and a rural subscriber. It is felt that the data required by this section, insofar as multiple channel construction projects are involved, are necessary for the effective regulation of this service. A new § 21.609 has been added which requires different and substantially less data in support of applications contemplating the construction of radio facilities to provide service between central offices and rural subscribers.

Section 21.609: This section has been redesignated § 21.610. Motorola commented on this by suggesting that the condition that "provision of wire line facilities is not practicable" would preclude relief in a case where such facilities are practicable but not available. We have modified this section to take care of this point.

13. In connection with Subpart I—Intercity Radio Service, the various comments are disposed of as follows:

At the suggestion of various parties, this service has been redesignated as the Point-to-Point Microwave Radio Service. WKY Radiophone Company recommended that these rules prescribe transmission standards of quality which common carriers must meet in rendering service for hire. We are of the opinion that the quality of service which will be provided to a subscriber should be adequately described in the carrier's tariff applicable thereto. If the standards of quality as described therein are inadequate to meet the subscriber's requirements, the subscriber should make such fact known to the carrier and any appropriate regulatory agencies with a view to having the applicable tariff amended to provide the desired service.

Section 21.701 (b): Stromberg-Carlson Company urged reallocation of 2450–2500 Mc band for the exclusive use of common carrier fixed station operations, with emphasis on the need for removal of radar type speed meter operation from this band because the operation of these devices at random sites is a constant threat of causing harmful interference to communications circuits operating in the same band and geographical area. Since this proceeding is not an allocation proceeding, this comment may not properly be considered.

Section 21.701 (c): The suggestion of A T & T that all of the frequencies allocated to the Domestic Public Land Mobile Radio Service in the 152–162 Mc band and 450–460 Mc band be made available for use by control stations in the Point-to-Point Microwave Radio Service is rejected. We believe this function should be performed either by wire lines or upon frequencies allocated exclusively for fixed station operations, thus protecting the basic needs of the mobile service against conflicting fixed usage.

Section 21.701 (e): Hawaiian Telephone Company's request that a new paragraph (e) be added listing the frequency bands 76–88 Mc and 98–100 Mc has not been adopted since Subpart I of these rules is primarily a microwave radio service and the frequencies mentioned are in the VHF part of the radio spectrum. We believe, however, that changes made in Subpart H of the rules will provide for the various types of service which Hawaiian Telephone Company is presently providing.

Section 21.703: Upon request of A T & T, Citizens Utilities Company, Peninsular Telephone Company, Porto Rico Telephone Company, Tidewater Telephone Company, and Federal Telephone and Radio Company, this section has been revised to permit pulse type of emission to be used in the 890–940 Mc band. In addition, at the request of Lenkurt Electric Company, Inc., the provisions of paragraph (e) of this section have been revised for clarity.

Section 21.704 (b): This section has been revised to limit its application to single channel transmitters since comments filed by Lenkurt Electric Company, Inc., and Hawaiian Telephone Company brought out the difficulty of equipping multi-channel transmitters with modulation limiters without introduction of excessive distortion of transmitted intelligence.

Section 21.706: To avoid duplicate filings where the same information is involved in applications filed pursuant to this part and Part 63, Lenkurt suggests that the requirements of this part be waived where the required information has been submitted to the Commission in connection with Part 63 applications. This suggestion is being adopted in paragraph (b) of this section. A T & T suggests that, where a series of related applications are involved, the data be supplied for the entire series and not for each individual station and that the data required be substantially reduced. The first suggestion is incorporated in the footnote to this section. The latter suggestion has been adopted in part, to provide only for the submission of data in given cross-sections and for the principal circuit groups on existing facilities and on the proposed facilities.

Section 21.707. A new section has been added to provide for authorization of fixed stations to operate at temporary fixed locations in connection with the rendition of service of a temporary nature. Persons operating communication facilities under the provisions of this section will be expected to undertake such coordination as may be necessary, prior to commencement of operations, to avoid harmful interference being caused to any other radio system operating under the provisions of this part.

14. In connection with Subpart J—Local Television Program Transmission Service, the various comments are disposed of as follows:

This subpart has been redesignated as the Local Television Transmission Service.

Section 21.801: A T & T's recommendation that the bands of microwave frequencies allocated exclusively to the common carrier fixed service be listed as available under this subpart appears unnecessary. The provisions of Subpart I of these rules appears to be of sufficiently broad scope to permit the "closed circuit" and other operations mentioned in A T & T's comment. We believe the addition of § 21.707 will enable common carriers to meet diversified operational requirements of temporary nature. A T & T's recommendation that the frequency band 6425–6575 Mc be designated for the exclusive use of common carriers is not a matter to be decided in this proceeding. This matter is presently under consideration in Docket No. 10797.

Section 21.804: The A T & T recommendation that provision be made for authorizing bandwidths up to 30 Mc wide in the frequency band 5925–7125 Mc has been adopted in part. The Commission did not adopt the recommendation with respect to frequencies in the 6575–7125 Mc band because common carriers, except those operating international control stations which are not authorized under this Part, are ineligible to operate in the 6575–6875 Mc band and because the 30 Mc bandwidths are incompatible with the channel widths established in the 6875–7125 Mc band in Part 4 of the Commission's rules. Operation with such greater channel widths would undoubtedly lead to cases of harmful interference to adjacent channels used by other stations.

Section 21.806: In accordance with the suggestion by A T & T, this section has been revised to provide for operation of TV Pickup stations, via remote control, for periods not in excess of 6 months.

15. In order to effect a convenient transition to this new rule part by existing stations (now designated experimental) which are eligible for authorization under these new rules, the following procedure will be followed. Since all such existing experimental authorizations expire November 1, 1956, the licensee of each such facility shall, 60 days prior to November 1, 1956, file an appropriate application on FCC Form 405 requesting both modification and renewal of the applicable license in the appropriate new service. A separate application shall be filed for each licensed facility. If, however, on and after the effective date of these rules, a licensee or permit holder files an application requiring the issuance of a new instrument of authorization, and such instrument of authorization is issued prior to November 1, 1956, such new instrument of authorization will be issued with such new service designation as may be appropriate under these rules. All pending applications for affected experimental authorizations as of this date shall be deemed automatically modified to request appropriate authorization pursuant to these rules. Finally, existing affected experimental construction permits and licenses, whether or not specifically converted by the issuance of new instruments to appropriate services under these rules shall, from and after the effective date hereof, be governed by the appropriate provisions of these rules and the grantees of such instruments shall be required to comply in all respects therewith.

16. In view of the considerations and determinations related above, and pursuant to the authority contained in sections 4 (i) and 303 of the Communications Act of 1934, as amended, it is ordered, effective September 4, 1956, that:

(1) Part 21, Domestic Public Radio Services (other than Maritime Mobile), as set forth below is adopted, and the proceedings in Docket No. 10821 are terminated.

(2) Part 6, Public Radiocommunication Services (other than Maritime Mobile) is amended by the deletion of §§ 6.101 thru 6.603, which are superseded by new Part 21, herein adopted.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: June 13, 1956.

Released: June 20, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
*Secretary.*

PART 21—DOMESTIC PUBLIC RADIO SERVICES (OTHER THAN MARITIME MOBILE)


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21.804 Bandwith and emission limitations.
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AUTHORITY: §§ 21.0 to 21.806 issued, under sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 49 Stat. 1082, as amended; 47 U. S. C. 303.

§ 21.0 *Basis and purpose.* (a) The basis for the rules in this part is the Communications Act of 1934, as amended, and applicable treaties and agreements to which the United States is a party. The rules in this part are issued pursuant to the authority contained in Titles II and III of the Communications Act of 1934, as amended, which vests authority in the Federal Communications Commission to regulate common carriers of interstate and foreign communications and to regulate radio transmissions and issue licenses for radio stations.

(b) The purpose of the rules and regulations in this part is to prescribe the manner in which portions of the radio spectrum may be made available for the use of radio for domestic communication common carrier operations which require transmitting facilities on land.

### SUBPART A—DEFINITIONS

§ 21.1 *Definitions.* As used in this part:

*Antenna power gain.* The square of the ratio of the root-mean-square free space field intensity produced at one mile in the horizontal plane, in millivolts per meter for one kilowatt antenna input power to 137.6 mv/m. This ratio should be expressed in decibels (db). (If specified for a particular direction, antenna power gain is based on the field strength in that direction only.)

*Antenna power input.* The radio frequency peak or RMS power, as the case may be, supplied to the antenna from the antenna transmission line and its associated impedance matching network.

*Antenna structure.* The term "antenna structure" includes the radiating system and its supporting structures.

*Assigned frequency.* The frequency coinciding with the center of the radio frequency channel in which the station is authorized to work. This frequency does not necessarily correspond to any frequency in an emission.

*Authorized frequency.* The frequency assigned to a station by the Commission and specified in the instrument of authorization.

*Authorized power.* The power assigned to a radio station by the Commission and specified in the instrument of authorization. The authorized power does not necessarily correspond to the power used by the Commission for purposes of its Master Frequency Record (MFR) and notification to the Bureau of the International Telecommunications Union.

*Auxiliary test station.* A fixed station used for test transmissions only, operating on mobile station frequencies from a specified fixed location, for the purpose of determining the performance of fixed receiving equipment which is remotely located from the base station with which it is associated, or where the receiving equipment is located with the base station and both are remotely located from the control point of the station.

*Bandwidth occupied by an emission.* The band of frequencies comprising 99 percent of the total radiated power extended to include any discrete frequency on which the power is at least 0.25 percent of the total radiated power.

*Base station.* A land station in the land mobile service carrying on a service with land mobile stations.[1]

*Carrier.* In a frequency stabilized system, the sinusoidal component of a modulated wave whose frequency is independent of the modulating wave; or the output of a transmitter when the modulating wave is made zero; or a wave generated at a point in the transmitting system and subsequently modulated by the signal; or a wave generated locally at the receiving terminal which when combined with the side bands in a suitable detector, produces the modulating wave.

*Carrier frequency.* The frequency of the carrier.

*Central office.* A landline termination center used for switching and interconnection of public message communication circuits.

*Central office station.* A fixed station used for transmitting communications to rural subscriber stations associated therewith.

*Communication common carrier.* Any person engaged in rendering communication service for hire to the public.

*Control point.* A control point is an operating position at which an operator responsible for the operation of the transmitter is stationed and which is under the control and supervision of the licensee.

*Control station.* A fixed station the transmissions of which are used to control automatically the emissions or operations of another radio station at a specified location, or automatically to transmit to an alarm center telemetering information relative to the operation of such stations.

*Dispatch communication.* Two-way voice communication, normally of not more than one minute's duration, between common carrier base and land mobile stations, or between a common carrier land mobile station and a landline telephone station not connected to a public message telephone system.

*Dispatch point.* A dispatch point is a base station operating position, operated by a subscriber, which is under the control and supervision of the base station licensee.

*Domestic fixed public service.* A fixed service, the stations of which are open to public correspondence, for radiocommunication between points all of which lie within: (a) the 48 states and the District of Columbia, or (b) within a single territory or possession of the United States.[2]

*Domestic public land mobile radio service.* A public communication service for hire between land mobile stations wherever located and their associated base stations which are located within the continental limits of the United States or its territories and possessions, or between land mobile stations in the United States and base stations in Canada.

*Domestic public radio service.* The land mobile and domestic fixed public services the stations of which are open to public correspondence.[2]

*Effective radiated power.* The product of the antenna power input and the antenna power gain. This product should be expressed in watts. (If specified for a particular direction, effective radiated power is based on the antenna power gain in that direction only.)

*Exchange.* A unit of a communication company or companies for the administration of communication service in a specified area, which usually embraces a city, town, or village and its environs, and consisting of one or more central offices, together with the associated plant, used in furnishing communication service in that area.

*Exchange area.* The geographic area included within the boundaries of an exchange.

*Facsimile.* A system of telecommunication for the transmission of fixed images with a view to their reception in a permanent form.

*Fixed service.* A service of radiocommunication between specified fixed points.

*Fixed station.* A station in the fixed service.

*Frequency tolerance.* The frequency tolerance, expressed as a percentage or in cycles per second, is the maximum permissible deviation, with respect to the reference frequency of the corresponding characteristic frequency of an emission.

*General communication.* Two-way voice communication, through a base station, between a common carrier land mobile station and a landline telephone station connected to a public message landline telephone system, or between two common carrier land mobile stations via a base station.

*Harmful interference.* Any radiation or any induction which endangers the functioning of a radionavigation service or of a safety service or obstructs or repeatedly interrupts a radio service.

*Inter-office station.* A fixed station in the domestic fixed public service which is used exclusively for interconnection of telephone central offices.

*Landing area.* A landing area means any locality, either of land or water, including airports and intermediate landing fields, which is used, or approved for use for the landing and take-off of aircraft, whether or not facilities are provided for the shelter, servicing, or repair of aircraft, or for receiving or discharging passengers or cargo.

*Land mobile service.* A mobile service between base stations and land mobile stations, or between land mobile stations.

*Land mobile station.* A mobile station in the land mobile service capable of surface movement within the geographical limits of a country or continent.

*Land station.* A station in the mobile service not intended for operation while in motion.

*Local television transmission service.* A domestic public radio communication service for the transmission of television material and related communications.

*Message center.* The point at which messages from members of the public are accepted by the carrier for transmission to the addressee.

*Microwave auxiliary station.* A mobile station used in connection with (1) the alignment of microwave transmitting and receiving antenna systems and equipment, (2) coordination of microwave radio survey operations, and (3) cue and contact control of television pickup station operations.

*Microwave frequencies.* As used in this part, this term refers to frequencies of 890 Mc. and above.

*Miscellaneous common carriers.* Communications common carriers which are not engaged in the business of providing either a public landline message telephone service or public message telegraph service.

*Mobile service.* A service of radiocommunication between mobile and land stations or between mobile stations.

*Mobile station.* A station in a mobile service intended to be used while in motion or during halts at unspecified points.

*Necessary bandwidth of emission.* The necessary bandwidth is the width of the frequency band which is necessary in the over-all system, including both transmitter and receiver, for the proper reproduction at the receiver of the desired information, and does not necessarily indicate the interfering characteristics of an emission.[4]

*Point-to-point microwave radio service.* A domestic public radio service rendered on microwave frequencies [5] by fixed station between points which lie within the continental limits of the United States or between points in its territories and possessions or to points in Canada or Mexico.

*Private line service.* A service whereby facilities for communication between two or more designated points are set aside for the exclusive use or availability for use of a particular customer and authorized users during stated periods of time.

*Public correspondence.* Any telecommunication which the offices and stations, by reason of their being at the disposal of the public, must accept for transmission.

*Public message service.* A service whereby facilities are offered to the public for communication between all points served by a carrier or by interconnected carriers on a non-exclusive message by message basis, contemplating a separate connection for each occasion of use.

*Radiocommunication.* Any telecommunication by means of Hertzian waves.

*Radio station.* A separate transmitter or a group of transmitters under simultaneous common control, including the accessory equipment required for carrying on a radiocommunication service.

*Rated power output.* The term "rated power output" of a transmitter means the normal radio frequency power output capability (Peak or Average Power) of a transmitter, under optimum conditions of adjustment and operation, specified by its manufacturer.

*Record communication.* Any transmission of intelligence which is reduced to visual record form at the point of reception.

*Reference frequency.* A frequency coinciding with or having a fixed and specified relation to the assigned frequency. This frequency does not necessarily correspond to any frequency in an emission.

*Relay station.* A fixed station used for the reception and retransmission of the signals of another station or stations.

*Repeater station.* A fixed station established for the automatic retransmission of radiocommunications received from one or more mobile stations and directed to a specified location.

*Rural radio service.* A domestic public radio service rendered by fixed stations on frequencies below 1000 Mc. used to provide (1) public message communication service between a central office and subscribers located in rural areas to which it is impracticable to extend service via landlines, or (2) public message communication service between landline central offices and different exchange areas which it is impracticable to interconnect by other means, or (3) private line telephone, telegraph, or facsimile service between 2 or more points to which it is impracticable to extend service via landline.

*Rural subscriber station.* A fixed station in the Rural Radio Service used by a subscriber for communication with a central office station.

*Service area of base station.* The limits of reliable service area of a base station are considered to be described by the field strength contour within which the reliability of communication service is 90 percent, i. e., within the area circumscribed by such contour, nine out of every ten calls initiated by the base station can be satisfactorily received by the mobile unit.

*Signaling communication.* One-way communication from a base station to a mobile receiver for the purpose of actuating a signaling device in the mobile unit or for communicating information to the desired mobile unit.

*Standby transmitter.* A transmitter installed and maintained for use in lieu of the main transmitter only during periods when the main transmitter is out of service for maintenance or repair.

*Telegraphy.* A system of telecommunication for the transmission of written matter by the use of signal code.

*Telemetering.* Automatic radiocommunication in a fixed or mobile service intended to indicate or record a measurable variable quantity at a distance.

*Telephony.* A system of telecommunication set up for the transmission of speech, or in some cases, other sounds.

*Television.* A system of telecommunication for transmission of transient images of fixed or moving objects.

*Television non-broadcast pickup station.* A mobile, except television pickup, station used for the transmission of television program material and related communications for non-broadcast purposes.

*Television pickup station.* A land mobile station used for the transmission of television program material and related communications from the scenes of events occurring at points removed from television broadcast station studios to television broadcast stations.

*Television STL station (studio transmitter link).* A fixed station used for the transmission of television program material and related communications from a studio to the transmitter of a television broadcast station.

### SUBPART B—APPLICATIONS AND LICENSES

§ 21.10 *Station authorization required.* No radio transmitter shall be operated in the Domestic Public Radio Services except under and in accordance with a station authorization granted by the Federal Communications Commission.

§ 21.11 *General citizenship restrictions.* A station license may not be granted to or held by:

(a) Any alien or the representative of any alien.

(b) Any foreign government or the representative thereof.

(c) Any corporation organized under the laws of any foreign government.

(d) Any corporation of which any officer or director is an alien.

(e) Any corporation of which more than one-fifth of the capital stock is owned of record or voted by: aliens or their representatives; a foreign government or representatives thereof; or any corporation organized under the laws of a foreign country.

(f) Any corporation directly or indirectly controlled by any other corporation of which any officer or more than one-fourth of the directors are aliens, if the Commission finds that the public interest will be served by the refusal or revocation of such license.

(g) Any corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens or their representatives, or by a foreign government or representative thereof, or by any corporation organized under the laws of a foreign government, if the Commission finds that the public interest will be served by the refusal or revocation of such license.

§ 21.12 *Place of filing applications and number of copies.* (a) To assure that necessary information is supplied in a consistent manner by all persons, standard forms are prescribed for use in connection with the majority of applications and reports submitted for Commission consideration. Standard numbered forms applicable to the Domestic Public Radio Services (other than Maritime Mobile) are discussed within this subpart and may be obtained from the Secretary, Federal Communications Commission, Washington 25, D. C. or from any of the Commission's engineering field offices, the addresses of which are listed in Section 0.40 of Part 0, Statement of Organization, Delegations of Authority, and other Information.

(b) Every application for a radio station authorization, except applications for stations located in the Territory of Alaska, and all correspondence relating thereto shall be submitted to the Commission's office at Washington 25, D. C., attention of the Secretary.

(c) Applications for station authorizations under this part in the Territory of Alaska shall be submitted to the Federal Communications Commission, Radio

[1] In certain cases, also communicates with fixed stations and vessels.

[2] In cases where service is afforded on frequencies above 30 Mc, facilities within the United States for communication with facilities in Canada or Mexico and facilities for communication between United States territories and possessions in the Carribean area are also deemed to be in the domestic fixed public service.

[3] Parts 7 and 8 of this chapter are applicable to Maritime services. Part 9 is applicable to Aeronautical services; and Part 14 is applicable to certain Alaskan services.

[4] The necessary bandwidth for an emission may be calculated using the formulas in § 2.202 of this chapter.

[5] In certain cases, frequencies below the microwave spectrum, e. g., 27.255 Mc and 72–76 Mc may be used for control and auxiliary stations in this service.

District No. 14, Room 802, Federal Office Building, Seattle 4, Washington, attention of the Engineer-in-Charge. Applications for other stations governed by this part should be submitted to the Commission's office in Washington, D. C.

(d) Unless otherwise specified in a particular case, or for a particular form, each application, including exhibits and attachments thereto, shall be filed in duplicate.

(e) Each application, including exhibits and attachments thereto, for station authorization in the Territory of Alaska shall be filed with one copy more than the number of copies indicated in this part for stations located elsewhere.

§ 21.13 *Subscription and verification of applications.* One copy of each application for an authorization shall be signed under oath or affirmation by the applicant, if the applicant be an individual; by any one of the partners, if an applicant be a partnership; by an officer or duly authorized employee, if the applicant be a corporation; or by a member who is an officer, if the applicant be an unincorporated association: *Provided, however,* That applications may be signed by the attorney-in-fact for an applicant (a) in case of physical disability of the applicant, or (b) his absence from the continental United States. If it be signed by a person other than the applicant, such person must set forth in the verification the grounds of his belief as to all matters not stated upon his knowledge and the reason why it is not made by the applicant. Applications filed on behalf of eligible governmental entities such as states and territories of the United States and political subdivisions thereof, the District of Columbia, and units of local government including incorporated municipalities, shall be signed by such duly elected or appointed officials as may be competent to do so under the law of the jurisdiction. Where more than one copy of an application is required to be filed with the Commission, only the original need be signed and verified; the copies may be conformed.

§ 21.14 *Informal applications.* An application not submitted on a standard form prescribed by the Commission is an informal application. Each informal application shall be submitted in duplicate, normally in letter form in the manner prescribed in §§ 21.12 (b), (c), (d), (e) and 21.13. Each application shall be clear and complete within itself as to the facts presented and the action desired. Informal applications will be accepted only in those cases where standard forms are not applicable.

§ 21.15 *Content of applications.* (a) Each application, unless otherwise authorized, shall be specific with regard to frequency or frequencies, power, hours of operation, equipment, antenna height, antenna gain and orientation, points or areas of communication, location of the station (an application for authority to operate at temporary locations shall specify the general geographic area within which the operation will be confined), full and complete disclosures with regard to the real party or parties in interest, and shall set forth all matters and things required to be disclosed or answered by the application forms and the Commission's rules.

(b) Each application for construction permit for new or additional radio facilities shall be accompanied by a showing of the applicant's legal, financial, technical and other qualifications to be a licensee in the Domestic Public Radio Services except that:

(1) When simultaneous request is made for a multiplicity of radio stations by a single applicant, a single showing of legal, financial, technical and other qualifications may be made and incorporated by reference in the related applications.

(2) When any qualifications have once been established for an applicant, reference may be made thereto by specific identification and a statement indicating, if appropriate, that there has been no change in the reference facts or circumstances. If any material change has occurred, full disclosure thereof shall be made.

(c) Except in cases where such information is already on file with the Commission, applications in these services shall include a single copy of:

(1) The partnership agreement properly certified by each of the partners, if the applicant is a partnership.

(2) The by-laws and the acts or articles of incorporation (or charter) including any amendments thereto, if the applicant is a corporation, certified by an officer of the corporation. If it does not clearly appear on the charter that the corporation is authorized to operate as a communications common carrier, a statement of qualified legal counsel shall be furnished.

(3) The by-laws and articles of association, including any amendments thereto, certified by an appropriate officer of the organization, if the applicant is an unincorporated association.

(4) Where required by applicable local law, a certified copy of the franchise or other authorization issued by appropriate regulatory authorities. If no such local requirement exists, a statement to that effect should be included in the application.

(d) In establishing financial qualifications, a copy of the applicant's current balance sheet (within 90 days of the date of the application) should be furnished. If a loan or other credit arrangement is to be consummated to finance the establishment and operation of the proposed facilities, full particulars relative thereto should be disclosed, including the identity of the creditor.

(e) In establishing technical qualifications, a showing should be made of the arrangements to ensure the rendition of good public communication service, including maintenance and repair facilities, number and description of technical personnel.

(f) Each application for construction permit for a radio station situated at a specified fixed location which involves new antenna construction or modification of existing antenna construction shall be accompanied[6] by a properly executed FCC Form 401–A[7] in triplicate in all cases when:

(1) The antenna structures proposed to be erected will exceed an over-all height of 170 feet above ground level, except that where the antenna is mounted on top of an existing man-made structure other than an antenna structure and does not increase the over-all height of such man-made structure by more than 20 feet; no Form 401–A need be filed; or

(2) The antenna structures proposed to be erected will exceed an over-all height of 1 foot above the established airport (landing area) elevation for each 200 feet of distance, or fraction thereof, from the nearest boundary of such landing area, except that where the antenna does not exceed 20 feet above the ground or if the antenna is mounted on top of an existing man-made structure, other than an antenna structure, or natural formation and does not increase the over-all height of such man-made structure or natural formation by more than 20 feet, no Form 401–A need be filed; or

(3) The antenna structure proposed to be modified is already required to be marked or lighted as a navigation hazard to aircraft.

(g) Each application for construction permit for a radio station situated at a specified fixed location which involves new antenna construction or modification of existing antenna construction shall be accompanied by a sketch showing the details of the proposed antenna installation, including its relationship to any existing antenna on the same supporting structure; its height above ground; the ground elevation in feet above mean sea level at the site of such structure; the height or length of the antenna installed upon such structure; and the over-all height of the aggregate installation. The sketch shall be furnished in the same number of copies as required for the application form to which it pertains and, in addition, one extra copy shall be furnished in cases where FCC Form 401–A is required (see § 21.111).

(h) In cases where an applicant, permittee, or licensee desires to establish a receiving antenna or a passive reflector antenna to be associated with the facilities for which authorization is required by this part of the rules, FCC Form 401–A shall be submitted to the Commission for such antenna, in accordance with the criteria set forth in subsection (f), and approval therefor shall be obtained from the Commission prior to its construction.

(i) An application for mobile units to be licensed in the name of a person who is not the licensee of the base station with which the mobile units will be associated in the Domestic Public Land Mobile Radio Service shall be accompanied by the information indicated in paragraph (b) of this section together with an affirmative showing that:

(1) The mobile units for which authorization is sought are for the applicant's own use; and

(2) Definite arrangements have been made for the requested number of mobile units to obtain communication service, upon the frequencies requested, through the base stations specifically identified in the application; and

(3) Specific arrangements, the details of which should be set forth, have been made for installation, technical service and maintenance of the mobile units by licensed first or second class radio operators.

(j) Each application for construction permit for radio facilities which are to be used in rendering communication service for hire, if filed by an applicant not engaged in providing public wire line communication service, shall be accompanied by a statement showing the extent to which the applicant intends actively to participate in the day-to-day operation of the proposed facilities. In the event the applicant does not intend actively to participate in the day-to-day management and operation, he should state his reasons therefor and fully disclose the details of the proposed operations, including a showing of how control thereof will be retained by the applicant.

(k) Each application for construction permit for a developmental authorization shall be accompanied by pertinent supplemental information as required by § 21.405 in addition to such information as may be specifically required by this section.

(l) Each application for construction permit for a base station intended to be operated in the Domestic Public Land Mobile Radio Service by an applicant who is not engaged in providing public wire line communication service, which proposes to establish a new communication facility or make changes in the area of coverage of a station already authorized, shall be accompanied by technical engineering information with respect to:

(1) Type of antenna polarization used.

(2) Type of antenna used, including type number and manufacturer thereof.

(3) Antenna power gain expressed in decibels.

(4) Antenna radiation pattern (on letter size polar coordinate paper) showing the antenna power gain distribution in the horizontal plane expressed in decibels.

(5) Orientation of directional antenna array, expressed in degrees of azimuth, with respect to true north.

(6) Antenna height above average terrain (see also § 21.115).

(7) Antenna transmission line type, length, and radio frequency power transmission losses between the output of the transmitter and the antenna radiating system, expressed in decibels.

(8) Topographic maps (see also § 21.116) showing thereon:

(i) Exact station location.

(ii) Location of radials used in determining elevation of average terrain.

(m) In the Rural Radio Service and the Point-to-Point Microwave Radio Service, each application for initial installation of a radio station, or for installation of additional transmitters, or for authority to communicate with new points, shall be accompanied by the showing required by §§ 21.608 and 21.706, respectively.

(n) Each application requesting authority to establish operations on frequencies in the 72–76 Mc. band shall be accompanied by:

(1) A showing that the applicant agrees to eliminate any harmful interference which may be caused by his operation to television reception on either Channel 4 or 5, and if said interference cannot be eliminated within 90 days of the time the matter is first brought to his attention by the Commission, operation of the interfering fixed station will be immediately discontinued.

(2) In cases where it is proposed to locate a 72–76 Mc. fixed station less than 80, but more than 10, miles from the site of a television transmitter operating on either Channel 4 or 5, or from the post office of a community in which such channels are assigned but not in operation, a showing shall be made as to the number of family dwelling units (as defined by the United States Bureau of Census) located within a circle centered at the location of the proposed fixed station (family dwelling units of 70 or more miles distant from the television station antenna site are not to be counted) the radius of which shall be determined by use of the charts entitled, "Chart for Determining Radius From Fixed Station in 72–76 Mc. Band to Interference Contour Along Which 10 Percent of Service From Adjacent Channel Television Station Would Be Destroyed" (Charts for television channels 4 and 5 are set forth in § 21.103).

(3) In cases where more than 100 family dwelling units are contained within the circle (determined according to paragraph (2) of this section), the number of dwelling units therein shall be stated and a factual showing made that:

(i) The proposed site is the only suitable location.

(ii) It is not feasible, technically or otherwise, to use other available frequencies.

(iii) The applicant has a definite plan, which should be disclosed, to control any interference that might develop to television reception from his operations.

(iv) The applicant is financially able and agrees to make such adjustments in the television receivers affected as may be necessary to eliminate interference caused by his operations.

§ 21.16 *Additional statements.* The Commission may require an applicant or grantee to submit such documents and written statements of fact, under oath, as in its judgment may be necessary.

§ 21.17 *Form of amendments to applications.* Any amendment to an application shall be subscribed, verified, and submitted in the same manner, and with the same number of copies, as was the original application; provided, however, that amendments may be made in letter form, complying in all other respects with this rule.

§ 21.18 *Amendments of applications ordered.* The Commission may, upon its own motion or upon the motion of any party to a proceeding, order the applicant to amend his application so as to make the same more definite and certain.

§ 21.19 *Application for special temporary authorization.* (a) Special temporary authorization may be granted for the operation of a new or existing station in the Domestic Public Land Mobile Radio Services for a limited time, or in a manner and to an extent or for service other or beyond that authorized in an existing license upon proper application therefor.[8] Except as hereafter provided, no such request will be considered unless full particulars as to the purpose for which the request is made are stated and unless the request is received by the Commission at least 10 days prior to the date of proposed operation. A request received within less than 10 days may be accepted upon due showing of sufficient reasons for the delay in submitting such request. A request for special temporary authorization may be submitted as an informal application in the manner set forth in § 21.14.

(b) In cases of emergency found by the Commission, involving danger to life or property or due to damage of equipment, or during a national emergency proclaimed by the President or declared by the Congress or during the continuance of any war in which the United States is engaged and when such action is necessary for the national defense or safety or otherwise in furtherance of the war effort, or in cases of emergency where the Commission finds that it would not be feasible to secure renewal applications from existing licensees or otherwise to follow normal licensing procedure, the Commission will grant construction permits and station licenses, or modifications or renewals thereof, during the emergency found by the Commission or during the continuance of any such national emergency of war, as Special Temporary Licenses, only for the period of emergency or war requiring such action, without the filing of formal applications.

§ 21.20 *Defective applications.* (a) Applications which are defective with respect to completeness of answers to questions, execution or other matters of a formal character will not be received for filing by the Commission, unless the Commission shall otherwise permit, and will be returned to the applicant with a brief statement as to the omissions.

(b) Applications which are not in accordance with the Commission's rules, regulations or other requirements will be considered defective unless accompanied by a request of the applicant for a waiver of, or an exception to, any rule, regulation or requirement with which the application is in conflict. Such request shall show the nature of the waiver or exception desired and set forth the reasons in support thereof.

(c) Applications tendered for filing are given a file number. The assignment of a file number to an application is for the administrative convenience of the Commission and does not indicate the acceptance of the application for filing and processing.

§ 21.21 *Inconsistent or conflicting applications.* When an applicant has an application pending and undecided, no inconsistent or conflicting application

[6] See also § 21.111 (requirement for additional material in certain cases).

[7] For complete regulations relative to antenna clearance requirements, see Part 17 of this chapter.

[8] If the request looks to the assignment of a frequency in a manner other than as provided in the Commission's Table of Frequency Allocations, see § 2.103 (e) of this chapter.

filed by the same applicant, his successor or assignee, or on behalf or for the benefit of said applicant, will be considered by the Commission.

§ 21.22 *Repetitious applications.* (a) Where an applicant has been afforded an opportunity for a hearing with respect to a particular application for a new station, or for an extension or enlargement of a service or facilities, and the Commission has, after hearing or default, denied the application or dismissed it with prejudice, the Commission will not consider a like application involving service of the same kind to the same area by the same applicant, or by his successor or assignee, or on behalf of or for the benefit of the original parties in interest, until after the lapse of 12 months from the effective date of the Commission's order. The Commission may, for good cause shown, waive the requirements of this section.

(b) Where an appeal has been taken from the action of the Commission denying a particular application, another application for the same class of station and for the same area, in whole or in part, filed by the same applicant or by his successor or assignee, or on behalf or for the benefit of the original parties in interest, will not be considered until the final disposition of such appeal.

§ 21.23 *Amendments of applications.* (a) Any application may be amended as a matter of right, prior to the designation of such application for hearing, merely by filing the appropriate number of copies of the amendments in question duly executed.

(b) Requests to amend an application after it has been designated for hearing will be considered only upon written petition properly served upon the parties of record, and will be granted only for good cause shown.

§ 21.24 *Dismissal of applications.* (a) Any application may be dismissed without prejudice as a matter of right prior to the designation of such application for hearing.

(b) Requests to dismiss an application without prejudice after it has been designated for hearing will be considered only before public notice of the issuance of a proposed decision proposing denial of the application, upon written petition properly served upon all parties of record, and will be granted only for good cause shown. Such petition must be accompanied by the affidavit of a person with knowledge of the facts as to whether or not consideration has been promised to or received by the petitioner, directly or indirectly, in connection with the filing of such petition.

(c) An applicant not desiring to prosecute his application may request the dismissal of same wtihout prejudice. A request of an applicant for the return of an application which has been accepted for filing will be considered as a request to dismiss the same without prejudice. Where an applicant fails to respond to official correspondence or request for additional material, the application will be dismissed without prejudice.

§ 21.25 *Partial grants.* Where the Commission, without a hearing, grants any application in part, or with any privileges, terms, or conditions other than those requested, or subject to any interference that may result to the station if a designated application or applications are subsequently granted, the applicant will be informed of the reasons for such action and the action of the Commission shall be considered as a grant of such application unless the applicant shall, within 20 days from the date on which public announcement of such grant is made, or from its effective date if a later date is specified, return the instrument of authorization and file with the Commission a written statement rejecting the grant as made and setting forth the reasons why the application should be granted as originally requested. Upon receipt of such statement, the Commission will vacate its original action upon the application and reconsider the same. Upon such reconsideration, it will either grant or set the application for hearing in the same manner as other applications are set for hearing.

§ 21.26 *Grants without a hearing.* (a) Where an application for radio facilities is proper upon its face and where it appears from an examination of the application and supporting data that (1) the applicant is legally, technically, financially and otherwise qualified; (2) a grant of the application would not cause harmful interference to an existing station or stations for which a construction permit is outstanding within its service area; (3) a grant of the application would not preclude the grant of any pending applications; and (4) a grant of the application would serve the public interest, convenience or necessity, the Commission will grant the application without a hearing.

(b) In making its determination pursuant to the provisions of paragraph (a) of this section, the Commission will not consider any other application as being mutually exclusive with the application under consideration unless such other application was tendered for filing with the Commission not later than the close of business one business day preceding the day on which the Commission takes action with respect to the application under consideration.

(c) When any instrument of authorization is granted without a hearing, such grant shall remain subject to protest for a period of 30 days. During such 30 days, any party in interest may file a protest under oath directed to such grant and request a hearing on such application. Such protest shall be served by the protestant upon the grantee, shall contain such allegations of fact as will show the protestant to be a party in interest, and shall specify with particularity the facts relied upon by the protestant as showing that the grant was improperly made or would otherwise not be in the public interest. Within 30 days from the date of filing of such protest, the Commission will make findings as to its sufficiency in meeting the above requirements; and, where it so finds, will designate the application for hearing upon issues relating to all matters specified in the protest as grounds for setting aside the grant, except with respect to such matters as to which the Commission, after affording protestant an opportunity for oral argument, finds, for reasons set forth in its decision, that, even if the facts alleged were to be proven, no grounds for setting aside the grant are presented. The Commission may, in such decision, redraft the issues urged by the protestant in accordance with the facts or substantive allegations in the protest, and may also specify that the application be set for hearing upon such further issues and it may prescribe, as well as whether it is adopting as its own any of the issues resulting from the matters specified in the protest. In any hearing subsequently held upon such application, issues specified by the Commission upon its own initiative, or adopted by it, shall be tried in the same manner as provided in section 309 (b) of the Communications Act of 1934, as amended, but, with respect to issues resulting from facts set forth in the protest and not adopted or specified by the Commission on its own motion, both the burden of proceeding with the introduction of evidence and the burden of proof shall be upon the protestant.

(d) Pending the hearing and determination of any case arising under paragraph (c) of this section, the effective date of the Commission's action to which protest is made will be postponed to the effective date of the Commission's decision after hearing, unless the authorization involved is necessary to the maintenance or conduct of an existing service, or unless the Commission affirmatively finds, for reasons set forth in its decision, that the public interest requires that the grant remain in effect, in which event the Commission will authorize the applicant to utilize the facilities or authorization pending the Commission's decision after hearing.

§ 21.27 *Designation for hearing.* (a) If, upon examination of any application, the Commission is unable to find that the public interest, convenience and necessity would be served by a grant thereof, it will forthwith notify the applicant and other known parties in interest of the grounds and reasons for its inability to make such findings. Such notice will advise the applicant and all known parties in interest of the objections made to the application as well as the source and nature of such objections. The applicant will be given a reasonable period of time from the date of such notice within which to reply thereto. If the Commission, after considering such reply, shall be unable to find that public interest, convenience or necessity would be served by the grant of the application, it will designate the application for hearing on the grounds or reasons then obtaining and will notify the applicant and all other known parties in interest of such action and the grounds and reasons therefor.

(b) The parties in interest, if any, who are notified by the Commission of its action with respect to a particular application may acquire the status of a party to the proceeding by filing a petition for intervention showing the basis for their interest at any time not less than 10 days prior to the date of hearing.

(c) At any hearing subsequently held, the applicant shall have both the burden of proceeding with the introduction of evidence upon any issue specified by the Commission, as well as the burden of proof upon all such issues.

(d) Where a grant of the application would preclude the grant of an application or applications mutually exclusive with it, the Commission may, if public interest will be served thereby, make a conditional grant of one or more of such mutually exclusive applications and designate all of the mutually exclusive applications for hearing. Such conditional grant will be made upon the express condition that it is subject to being withdrawn if, at the hearing, it is shown that public interest will be better served by a grant of one of the other applications. Such conditional grants will be issued only where it appears:

(1) That some or all of the applications were not filed in good faith but were filed for the purpose of delaying or hindering the grant of another application; or

(2) That public interest requires the prompt establishment of radio service in a particular community or area; or

(3) The grant of one or more applications would be in the public interest and that a delay in making a grant to any applicant until after the conclusion of a hearing on all applications might jeopardize the rights of the United States under the provisions of an international agreement to the use of the frequency in question; or

(4) That a grant of one application would be in the public interest and that it appears from an examination of the remaining applications that they cannot be granted because they are in violation of provisions of the Communications Act, or of other statutes, or of the Commission's rules and regulations.

§ 21.28 *Transfer and assignment of station authorization.* A station authorization, the frequencies authorized to be used by the grantee of such authorization, and the rights therein granted by such authorization shall not be transferred, assigned, or disposed of in any manner, voluntary or involuntary, directly or indirectly, or by transfer of control of any corporation holding such authorization, to any person, except upon application to the Commission and upon finding by the Commission that the public interest, convenience and necessity will be served thereby. Requests for authority of the type referred to herein shall be submitted on the forms prescribed by § 21.29 (h) and shall be accompanied by the further showing required by § 21.29 (h).

§ 21.29 *Forms to be used—*(a) *Application for construction permit for base, auxiliary test and fixed stations.* A separate application for construction permit shall be submitted for each base, each auxiliary test, and each fixed station on FCC Form 401: *Provided, however,* That in the case of fixed stations to be installed at temporary locations, as set forth hereinafter in the applicable subparts of these rules, where the equipment utilized is of such design as to comprise a "packaged" unit which is ready for installation and use with only nominal construction, request may be made for waiver of the construction permit and for the immediate issuance of a license: *And provided further,* That an application for an auxiliary test station may be combined with that of the base station with which such auxiliary facility is to be associated when both are at the same location. Such applications shall be accompanied by the supplementary information set forth in § 21.15 as may be appropriate.

(b) *Application for license for mobile stations.* No construction permit is required for mobile stations. A separate application on FCC Form 401 shall be submitted for a license for the maximum number of mobile units expected to be placed in operation within the ensuing license period: *Provided, however,* In the Domestic Public Land Mobile Radio Service, an application for license for land mobile units to be licensed in the name of the base station licensee may be combined on the same application form with an application for the base station with which the land mobile units will be associated. In the preparation of such blanket applications, care should be exercised that data furnished therein in all particulars is clearly differentiated between the land mobile and base station installations. In any event, the mobile station license will be issued simultaneously with the issuance of the related base station license in the case of installations in the Domestic Public Land Mobile Radio Service. Applications for mobile stations in the Domestic Public Land Mobile Radio Service which are submitted by persons who propose to become subscribers to a common carrier service for public correspondence shall be accompanied by the supplementary showing set forth in § 21.15 (i).

(c) *Application for modification of construction permit.* Under circumstances requiring deviation from the terms of a construction permit, before such deviations are begun, application for modification of construction permit shall be submitted on FCC Form 401. No changes shall be effected until authorized by the Commission through issuance of an appropriate modified construction permit.

(d) *Application for extension of expiration date of construction permit.* Application for extension of time within which to complete construction of a station shall be filed on FCC Form 701 at least 30 days prior to the expiration date of such permit, if the facts supporting such application for extension are known to applicant in time to permit such filing. In other cases, such applications will be accepted upon a showing, satisfactory to the Commission, of sufficient reasons for filing within less than 30 days prior to the expiration date. Such applications will be granted upon a specific and detailed showing that the failure to complete was due to causes not under the control of the grantee, or upon a specific and detailed showing of other matters sufficient to justify the extension (see also § 21.31 (a)).

(e) *Application for station license.* Upon completion of construction or installation of a station in exact accordance with the terms and conditions set forth in the construction permit and upon satisfactory completion of equipment tests in accordance with § 21.212 (a), an application for license to operate the station should be filed on FCC Form 403 prior to the expiration date of the construction permit (see § 21.31 (a)).

(f) *Renewal of station license.* Unless otherwise directed or permitted by the Commission, each application for renewal of license other than special temporary authorizations shall be submitted on FCC Form 405 not less than 30 days nor more than 60 days prior to the expiration date of the license sought to be renewed. Expiring developmental authorizations may be renewed only upon a factual showing of need beyond the expiration date of the authorization sought be renewed. A blanket application may be submitted for renewal of a group of station licenses in the same service in those cases where the renewal requested is in exact accordance with the terms of the previous authorizations. The individual stations covered by such application shall be clearly identified therein, and sufficient copies of such blanket application shall be filed so as to provide at least two copies thereof for each station affected. Special temporary authorizations may be extended upon informal notarized requests. (See §§ 21.405 (b) and 21.511.)

(g) *Application for modification of station license.* An application for modification of any station license in these services may be filed at any time during the term of that license. Application for modification of a station license shall be made on FCC Form 403 and shall be submitted in duplicate not less than 60 days prior to the date contemplated for such modification, unless otherwise permitted.

(h) *Application for consent to assignment, or transfer of control of corporation holding radio station construction permit or license.* An application on FCC Form 702 or FCC Form 703, as the circumstances require, shall be submitted to the Commission when a construction permit or license, or the control of a corporation holding such permit or license, is to be transferred as a result of a voluntary act (contract or other agreement) or an involuntary act (death or legal disability) of the grantee of a permit or station license, or by involuntary assignment of the physical property of the station pursuant to a court decree in bankruptcy proceedings, or other court order, or by operation of law in any other manner. Applications filed on FCC Form 702 or FCC Form 703 shall be accompanied by a factual showing by the assignee of his legal, financial, technical and other qualifications to be the licensee of the radio facilities described in such application. Upon completion of an approved transfer, written notification thereof shall be filed with the Commission.

(i) *Application for authority to operate mobile units of Canadian registry in the United States.* Applications for authority to operate mobile units of Canadian registry within the United States shall be made upon FCC Form 410 which shall be filed with tse Secretary, Federal Communications Commission, Washington 25, D. C. Forms may be obtained from the FCC Secretary or from the Controller of Telecommunications, Department of Transport, Ottawa, Canada.

(j) *Applications for authority to operate mobile units in Canada.* Applications for authority to operate mobile units, which have been licensed in this service by the Commission, shall be made upon proper form and be filed with the Controller of Telecommunications, Department of Transport, Ottawa, Canada, from whom the application forms are obtainable.

§ 21.30 *Period of construction.* (a) Except for stations in the Point-to-Point Microwave Radio Service, each construction permit for a radio station in the Domestic Common Carrier Radio Services will specify a maximum of 60 days from the date of grant thereof as the time within which construction of the station shall begin, and a maximum of eight months from the date of grant as the time within which construction shall be completed and the station ready for operation, unless otherwise determined by the Commission upon proper showing in any particular case (see §§ 21.29 (d) and 21.31 (a)).

(b) For stations in the Point-to-Point Microwave Radio Service, the construction permit issued by the Commission will specify the date of grant as the earliest date of commencement of construction and a maximum of 18 months thereafter as the time within which construction shall be completed and the station be ready for operation, unless otherwise determined by the Commission upon proper showing in any particular case.

§ 21.31 *Forfeiture of station authorizations.* (a) A construction permit shall be automatically forfeited if construction has not been commenced within the time specified therein or if the station is not ready for operation within the term of the construction permit or within such additional time as the Commission may have allowed upon a proper showing, upon FCC Form 701 filed prior to the date sought to be extended, that failure to commence or complete construction was due to causes not under the control of the permittee (see §§ 21.29 (d) and 21.30 (a)).

(b) A license or special temporary authorization shall be automatically forfeited upon the expiration date specified therein unless prior thereto an application for renewal of such license or authorization shall have been filed with the Commission (see § 21.29 (f)).

§ 21.32 *License period.* Licenses for stations in the Point-to-Point Microwave Radio and Local Television Transmission Services will be issued for a period not to exceed five years; licenses for stations in the Domestic Public Land Mobile Radio and Rural Radio Services will be issued for a period not to exceed three years; except that licenses for developmental stations will be issued for a period not to exceed one year.[2] The expiration date of licenses of miscellaneous common carriers in the Domestic Public Land Mobile Radio Service shall be the first day of April in the year of expiration; the expiration date of licenses of telephone company common carriers in the Domestic Public Land Mobile Radio Service shall be the first day of July in the year of expiration; the expiration date of licenses in the Rural Radio Services shall be the first day of November in the year of expiration; the expiration date of licenses in the Point-to-Point Microwave Radio and Local Television Transmission Services shall be the first day of February in the year of expiration; and the expiration date of developmental licenses shall be one year from the date of grant thereof. When a license is granted subsequent to the last renewal date of the class of license involved, the license shall be issued only for the unexpired period of the current license term of such class.

[2] In the case of common carrier Television-STL and Television Pickup stations to which are assigned frequencies allocated to the broadcast services, the authorization to use frequencies shall, in any event, terminate simultaneously with the expiration of the authorization for the broadcast station to which such service is rendered.

### SUBPART C—TECHNICAL STANDARDS

§ 21.100 *Frequencies.* The frequencies available for use in the services covered by this part of the rules are listed in the applicable subparts of this part. Assignment of frequencies will be made only in such a manner as to facilitate the rendition of communication service on an interference-free basis in each service area. Unless otherwise indicated, each frequency available for use by stations in these services will be assigned exclusively to a single applicant in any service area. All applicants for, and licensees of, stations in these services shall cooperate in the selection and use of the frequencies assigned in order to minimize interference and thereby obtain the most effective use of the authorized facilities. In the event harmful interference occurs or appears likely to occur between two or more radio systems and such interference cannot be resolved between the licensees thereof, the Commission may specify a time sharing arrangement for the stations involved or may, after notice and opportunity for hearing, require the licensees to make such changes in operating techniques or equipment as it may deem necessary to avoid such interference. Frequency diversity transmission will not be authorized in these services in the absence of a factual showing, in each case, that the required communications cannot practicably be achieved by other means.

§ 21.101 *Frequency stability.* (a) The carrier frequency of each transmitter authorized in these services shall be maintained within the following percentage of the reference frequency, except as provided in paragraph (b) of this section:

| Frequency range | Frequency tolerance [1] (percent) |
|---|---|
| Below 1,000 Mc | 0.005. |
| 1,000 to 10,000 Mc | 0.05. |
| Above 10,000 Mc | To be specified in the authorization (but not less than 0.75). |

[1] Equipment authorized to be operated by a station on frequencies below 50 Mc on Sept. 4, 1956, shall be permitted to operate until Jan. 1, 1959, with a frequency tolerance of 0.01 percent. Equipment authorized to be operated on frequencies between 890 and 940 Mc on Sept. 4, 1956, shall be required to maintain a frequency tolerance within 0.03 percent subject to the condition that no harmful interference is caused to any other radio station.

(b) Hand or pack carried transmitters having a final stage plate power input of less than 3 watts shall maintain their carrier frequency within the following percentage of the reference frequency:

| Frequency range: | Frequency tolerance (percent) |
|---|---|
| Below 50 Mc | 0.02 |
| 50 to 500 Mc | .01 |

(c) The reference frequency of a station shall be deemed to be the assigned frequency, unless otherwise specified.

§ 21.102 *Frequency measuring or calibrating apparatus.* The frequency measuring or calibrating device used to determine compliance of transmitting equipment with the station authorization and the applicable rules and regulations shall be independent of the transmitter frequency control elements and shall have an accuracy within one-half of the allowed frequency tolerance of the transmitter being measured.

§ 21.103 *Standards and limitations governing authorization and use of frequencies in the 72–76 Mc band.* (a) Assignments on frequencies in the band 72–76 Mc will be made only to stations located 10 or more miles from a channel 4 or 5 television station (or from the post office of the city to which such television channels are allocated, in cases where a television station has not been authorized) and shall be subject to the condition that no harmful interference is caused to reception of such television stations. Applications for use of frequencies involving less than 10 miles separation from such television stations will be returned without action.

(b) Assignments on frequencies in the band 72–76 Mc will be made only upon the applicant's affirmative showing that he agrees to eliminate any harmful interference which may be caused by his operation to television reception on either channel 4 or 5 and, if said interference cannot be eliminated within 90 days of the time the matter is first brought to his attention by the Commission, operation of the interfering fixed station will be discontinued.

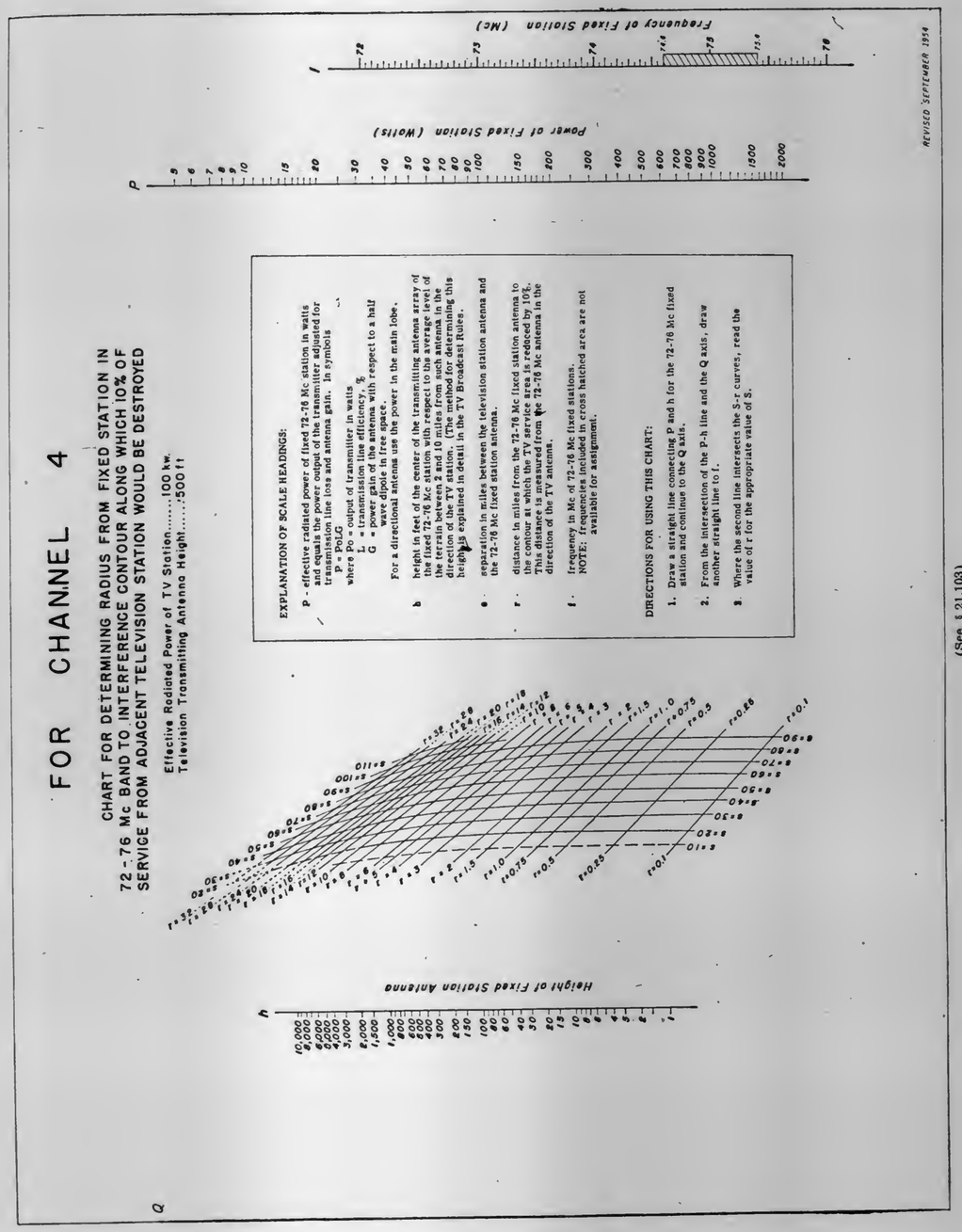
(c) In cases where it is proposed to locate a 72–76 Mc fixed station less than 80, but more than 10, miles from the site of a television transmitter operating on either channel 4 or 5 (or from the post office of a community to which such television channels are allocated, in cases where a television station has not been authorized), the fixed station shall be authorized only if there are fewer than 100 family dwelling units (as defined by the United States Bureau of Census) located within a circle centered at the location of the fixed station (family dwelling units 70 or more miles distant from the television station antenna site are not to be counted) the radius of which shall be determined by use of the following charts entitled "Chart For Determining Radius From Fixed Station In 72–76 Mc Band To Interference Contour Along Which 10 Percent of Service From Adjacent Channel Television Station Would Be Destroyed":



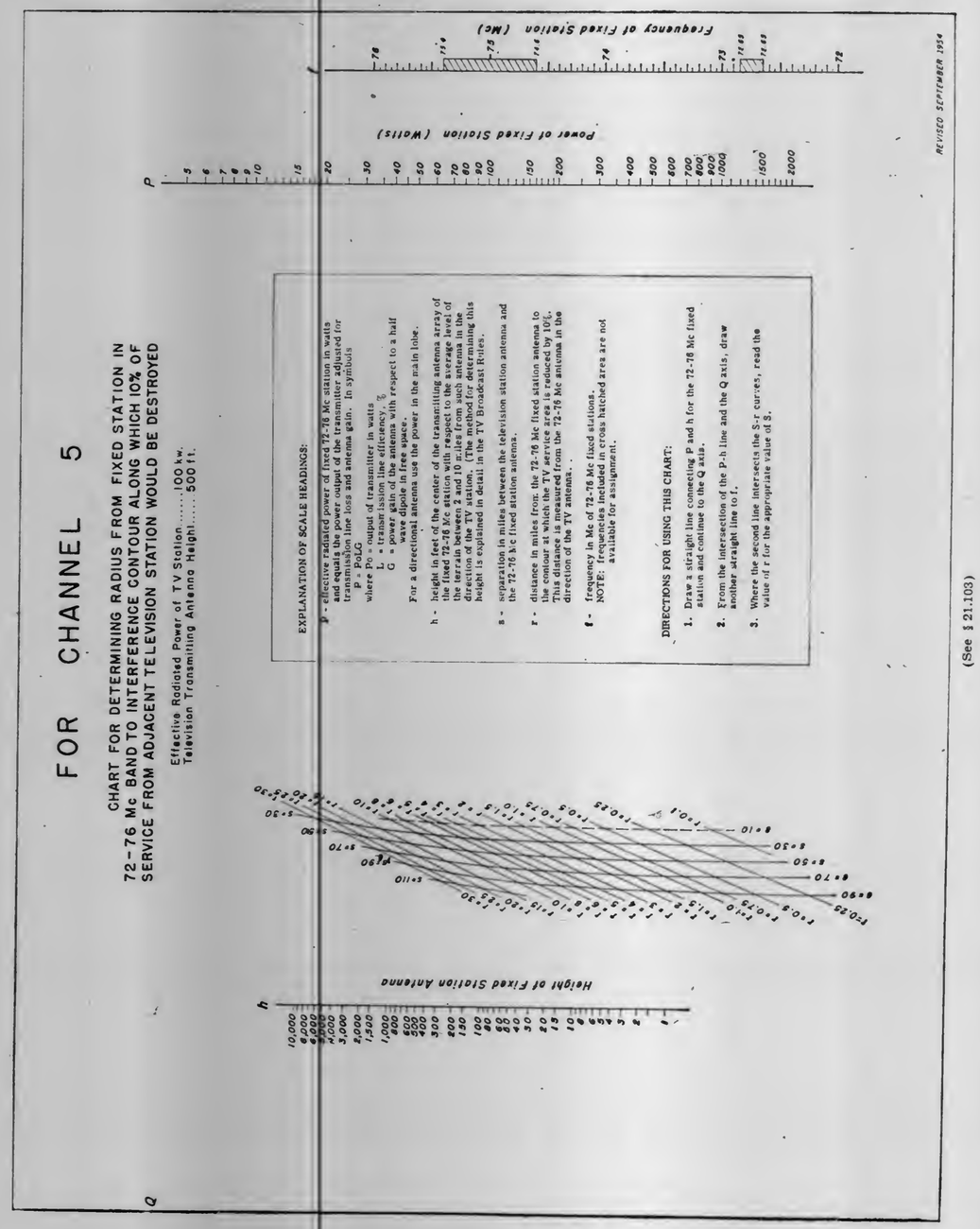
FOR CHANNEL 4

CHART FOR DETERMINING RADIUS FROM FIXED STATION IN 72-76 Mc BAND TO INTERFERENCE CONTOUR ALONG WHICH 10% OF SERVICE FROM ADJACENT TELEVISION STATION WOULD BE DESTROYED

Effective Radiated Power of TV Station.....100 kw.
Television Transmitting Antenna Height.....500 ft




(See § 21.103)






(d) In cases where more than 100 family dwelling units are contained within the circle (determined according to paragraph (c) of this section), the Commission may, in a particular case, authorize the location of a fixed station upon a factual showing that:

(1) The proposed site is the only suitable location.

(2) It is not feasible, technically or otherwise, to use other available frequencies.

(3) The applicant has a definite plan, which should be disclosed, to control any interference that might develop to television reception from his operations.

(4) The applicant is financially able and agrees to make such adjustments in the television receivers affected as may be necessary to eliminate interference caused by his operations.

(e) No station assignments shall be made in the frequency range 74.6–75.4 Mc.

(f) No station assignments shall be made in the frequency range 72.65–72.85 Mc within 80 miles from the site of a television transmitter operating on channel 5 (or from the post office of a community to which such television channel is allocated, in cases where a television station has not been authorized).

§ 21.104 *Types of emission.* (a) The types of emission which the various stations in the Domestic Public Radio Services (other than Maritime Mobile) may use are specified in the rules in this part governing the particular service. (See § 2.201 of this chapter for information concerning the manner of designating various classes of emission.)

(b) The use of FO and AO emission in the 72–76 Mc band will not be authorized, except for temporary or short periods necessary for testing incident to the construction or maintenance of a radio station.

§ 21.105 *Bandwidth.* Each authorization issued pursuant to these rules will show, as the emission designator, a symbol representing the class of emission which shall be prefixed by a number specifying the necessary bandwidth in kilocycles. This figure does not necessarily indicate the bandwidth actually occupied by the emission at any instant. In those cases where Part 2 of this chapter does not provide a formula for the computation of the necessary bandwidth, the occupied bandwidth may be used in the emission designator.

§ 21.106 *Emission limitations.*[10] (a) Any emission appearing on any frequency removed from the carrier frequency (or from the center frequency of the emission when an asymmetrical emission is authorized) by 50 to 100 percent of the authorized bandwidth, shall be at least 25 db below the unmodulated output power of the transmitter.

(b) Any emission (including harmonic) appearing on a frequency removed from the carrier frequency (or from the center frequency of the emission when an asymmetrical emission is authorized) by 100 percent or more of the authorized bandwidth shall be attenuated at least 43+10 $\log_{10}$ (output power in watts) decibels below the unmodulated output power of the transmitter.

(c) When an emission outside of the authorized bandwidth causes harmful interference, the Commission may, at its discretion, require greater attenuation than specified in the foregoing paragraphs of this section.

[10] Subject to determination of rule-making in Docket No. 11654.

§ 21.107 *Transmitter power.* (a) The power which a station will be permitted to use in these services will be the minimum required for satisfactory technical operation commensurate with the size of the area to be served and local conditions which affect radio transmission and reception. In cases of harmful interference, the Commission may, after notice and opportunity for hearing, order a change in the effective radiated power of a station.

(b) The rated power output of a transmitter employed in these radio services shall not exceed the values shown in the following tabulation:

| Frequency range: | Rated power output |
|---|---|
| Below 30 Mc | 50 watts. |
| 30 to 50 Mc | 350 watts. |
| 50 to 76 Mc | 50 watts. |
| 76 to 500 Mc | 250 watts. |
| 500 to 10,000 Mc | 100 watts. |
| Above 10,000 Mc | Unlimited. |

(c) The power of each transmitter shall be maintained as near as practicable to the power input or output, as the case may be, specified in the instrument of station authorization: *Provided,* That the power of each base station transmitter shall not deviate by more than 20 percent above and 25 percent below the authorized power. In the event it becomes impossible to operate within such limits of the authorized power, the station may be operated with reduced power for a period of 10 days or less, provided that if such operation continues longer than 10 days the Commission and the Engineer-in-Charge of the radio district in which the station is located shall be notified in writing immediately thereafter and also upon the resumption of normal power.

§ 21.108 *Directional antennas.* (a) Unless otherwise authorized upon specific request by the applicant, each station authorized under the rules of this part, other than base, mobile and auxiliary test stations operating in the Domestic Public Land Mobile Radio Service, shall employ a directional antenna adjusted with the center of the major lobe of radiation in the horizontal plane directed toward the receiving station with which it communicates: *Provided, however,* Where a station communicates with more than one point, a multi or omni directional antenna may be authorized, if necessary.

(b) Stations, other than base, mobile and auxiliary test stations in the Domestic Public Land Mobile Radio Service, which are required to operate with a directional antenna shall not radiate signals which exceed the following limits of beam width, measured in the horizontal plane at the half power points, for the major lobe of radiation:

| Frequency range: | Maximum beam width |
|---|---|
| Below 500 Mc | 80° |
| 500 to 1,500 Mc | 20° |
| 1,500 to 5,000 Mc | 12° |
| 5,000 to 10,000 Mc | 8° |
| Above 10,000 Mc | 3° |

(c) Each directional antenna system required by this section shall be adjusted so that in the horizontal plane the maximum radiation in any minor lobe is suppressed below the maximum level of signal in the major lobe by at least the amount shown below:

| Frequency: | Suppression of maximum signal in any secondary lobe below the maximum signal in the main lobe |
|---|---|
| Below 500 Mc | 10 db. |
| 500 Mc and above | 13 db. |

(d) In cases where passive reflectors are employed in conjunction with transmitting antenna systems, the foregoing paragraphs of this section also shall be applicable thereto. However, in such instances, the center of the major lobe of radiation from the antenna normally shall be directed at the passive reflector.

§ 21.109 *Antenna changes.* (a) In the event harmful interference is caused to the operation of other stations, the Commission may, after notice and opportunity for hearing, order changes to be made in the height, orientation, gain and radiation pattern of the antenna system.

(b) No replacement or change of antenna shall be effected without prior authorization from the Commission if such replacement or change will alter the gain or directivity of the antenna in the horizontal plane or its height above ground.

§ 21.110 *Antenna polarization.* (a) Stations operating in the 72–76 Mc band and each base, mobile and auxiliary test station operating in the Domestic Public Land Mobile Radio Service shall employ an antenna which radiates a signal the electrical component of which is vertically polarized.

(b) Unless otherwise authorized, each station operating on frequencies below 500 Mc (other than base, mobile and auxiliary test stations in the Domestic Public Land Mobile Radio Service, and stations operating in the 72–76 Mc band) shall employ an antenna which radiates a signal, the electrical component of which is horizontally polarized: *Provided, however,* That Rural Subscriber stations communicating with base stations may employ vertical polarization.

(c) Upon a satisfactory showing in each particular case that improved transmission will result and potentially harmful interference to other radio installations would be reduced, the Commission may authorize a station operating on frequencies below 500 Mc. (other than base, mobile and auxiliary test stations in the Domestic Public Land Mobile Radio Service, and all stations operating in the 72–76 Mc. band) to employ an antenna which radiates a signal, the electrical component of which is circularly or otherwise polarized.

(d) Stations operating in the Domestic Public Radio Services above 890 Mc are not limited as to the type of polarization of the radiated signal: *Provided, however,* That in the event harmful interference is caused to the operation of other stations, the Commission may, after notice and opportunity for hearing, order the licensee to change the polarization of the radiated signal.

§ 21.111 *Simultaneous use of common antenna structure.* The simultaneous use of common antenna structures by more than one Domestic Public Radio station, or by one or more Domestic Public Radio stations and one or more stations of any other class or service, may be authorized provided complete responsibility for maintaining the structure and for painting and illuminating the structure, when obstruction marking is required by the Commission, is assumed by one of the licensees. In each case involving the use of an antenna structure by more than one licensee, the applicant shall submit to the Commission, with his application, a signed and verified copy of the agreement between such parties setting forth which party has assumed the aforementioned responsibility (see § 21.15 (f)).

§ 21.112 *Marking of antenna structures.* No permittee or licensee who has been required to paint or light an antenna structure shall discontinue the required painting or lighting without having obtained prior written authorization therefor from the Commission.

§ 21.113 *Description of station location.* The location of the transmitting antenna shall be considered to be the station location. Applications for stations at specified fixed locations shall describe the transmitting antenna site by its geographical coordinates accurate to the nearest second of latitude and longitude, and also by conventional reference to street number, landmark, etc. Such coordinates shall be specified in terms of degrees, minutes and seconds.

§ 21.114 *Temporary fixed antenna height restrictions.* The antenna heights employed by mobile stations in the Local Television Transmission Service and by stations authorized to operate at temporary fixed locations shall not exceed the height criteria set forth in § 17.3 of this chapter, unless, in each instance, authorization for use of a specific maximum antenna height for each location has been obtained from the Commission prior to erection of the antenna. Requests for such authorization shall show the inclusive dates of the proposed operation and shall be accompanied by FCC Form 401–A completed in triplicate. (Complete information as to rules concerning the construction, marking and lighting of antenna structures is contained in Part 17 of this chapter.)

§ 21.115 *Method of determining average terrain elevation.* In determining the average elevation of the terrain, the elevations between 2 and 10 miles from the antenna site are employed. Profile graphs shall be drawn for 8 radials beginning at the antenna site and extending 10 miles therefrom. The radials should be drawn for each 45 degrees of azimuth starting with True North. At least one radial must include the principal community to be served even though such community may be more than 10 miles from the antenna site. Additionally, where feasible, radials should be drawn in the direction of any co-channel stations which are authorized within 75 miles of the antenna site. However, in the event none of the evenly spaced radials include the principal community to be served, or are in the direction of co-channel stations, such additional radials shall not be employed in computing the elevation of average terrain. Where the 2 to 10 mile portion of a radial extends in whole or in part over large bodies of water (e. g., ocean areas, gulfs, sounds, bays, large lakes, etc., but not rivers) or extends over foreign territory but the field intensity contour defining the limit of the service area in that direction encompasses land area within the United States (or territory under its jurisdiction) beyond the 10 mile portion of the radial, the entire 2 to 10 mile portion of the radial shall be included in the computation of elevation of average terrain. However, where the field intensity contour defining the limit of the service area in that direction does not so encompass United States land area (or territory under its jurisdiction) and (1) the entire 2 to 10 mile portion of the radial extends over large bodies of water or foreign territory, such radial shall be completely omitted from the computation of elevation of average terrain, and (2) where a part of the 2 to 10 mile portion of a radial extends over large bodies of water or over foreign territory, only that part of the radial extending from the 2 mile sector to the outermost portion of land area within the United States (or territory under its jurisdiction) covered by the radial shall be employed in the computation of elevation of average terrain. The profile graph for each radial should be plotted by contour intervals of from 40 to 100 feet and, where the data permits, at least 50 points of elevation (generally uniformly spaced) should be used for each radial. In instances of very rugged terrain where the use of contour intervals of 100 feet would result in several points in a short distance, 200 or 400 foot contour intervals may be used for such distances. On the other hand, where the terrain is uniform or gently sloping, the smallest contour interval indicated on the topographic map should be used, although only relatively few points may be available. The profile graphs should indicate the topography accurately for each radial, and the graphs should be plotted with the distance in miles as the abscissa and the elevation in feet above mean sea level as the ordinate. The profile graphs should indicate the source of the topographical data employed. The graph should also show the elevation of the center of the radiating system. The graph may be plotted either on rectangular coordinate paper or on special paper which shows the curvature of the earth. It is not necessary to take the curvature of the earth into consideration in this procedure. The average elevation of the 8 mile distance between 2 and 10 miles from the antenna site should then be determined from the profile graph for each radial. This may be obtained by averaging a large number of equally spaced points, by using a planimeter, or by obtaining the median elevation (that exceeded for 50 percent of the distance) in sectors and averaging those values.

§ 21.116 *Topographical data.* In the preparation of the profile graphs described in § 21.115, and in determining the location and height above sea level of the antenna site, the elevation or contour intervals shall be taken from United States Geological Survey Topographic Quadrangle Maps, United States Army Corps of Engineers maps or Tennessee Valley Authority maps, whichever is the latest, for all areas for which such maps are available. If such maps are not published for the area in question, the next best topographic information should be used. Topographic data may sometimes be obtained from State and municipal agencies. Data from Sectional Aeronautical Charts (including bench marks) or railroad depot elevations and highway elevations from road maps may be used where no better information is available. In cases where limited topographic data is available, use may be made of an altimeter in a car driven along roads extending generally radially from the transmitter site. Ordinarily, the Commission will not require the submission of topographical maps for areas beyond 15 miles from the antenna site, but the maps must include the principal community to be served. If it appears necessary, additional data may be requested. United States Geological Survey Topographic Quadrangle Maps may be obtained from the Department of the Interior, Geological Survey, Washington 25, D. C. Sectional Aeronautical Charts are available from the Department of Commerce, Coast and Geodetic Survey, Washington 25, D. C.

§ 21.117 *Transmitter location.* (a) Where appropriate to the kind of service to be afforded, the transmitter location should be as near to the center of the proposed service area as possible, consistent with the applicant's ability to find a site with sufficient elevation to provide reliable service throughout the area. Location of the antenna at a high point of elevation is desirable to reduce to a minimum the transmission shadow effect due to hills, buildings or other obstructions which may reduce materially the intensity of the station's signals in a particular direction. The transmitting site should be selected consistent with the purpose of the station, i. e., whether it is intended to serve a small city, a metropolitan area, a large region, or specified fixed points of communication. In providing the best service to an area, it is usually preferable to use a high antenna with low power rather than a lower antenna with higher power. The location should be so chosen that line-of-sight can be obtained from the antenna over the principal cities or specified fixed points of communication to be served.



(b) The transmitting location of a base station should be selected so that the area of interference-free service encompasses the urban population within the area to be served. It is recognized that topography, shape of the desired service area, and population distribution may make the choice of a transmitter location difficult. In such cases, consideration may be given to the use of a directional antenna system although it is generally preferable to choose a site where a nondirectional antenna may be employed.

(c) The applicant shall determine, prior to filing an application for a radio station authorization, that the antenna site specified therein is adequate to render the service proposed. In cases of questionable antenna locations, it is desirable to conduct propagation tests to indicate the field intensity which may be expected in the principal areas or at the fixed points of communication to be served, particularly where severe shadow problems may be expected. In considering applications proposing the use of such locations, the Commission may require site survey tests to be made pursuant to a developmental authorization in the particular service concerned. In such cases, propagation tests should be conducted in accordance with recognized engineering methods and should be made with a transmitting antenna simulating, as near as possible, the proposed antenna installation. Full data obtained from such surveys and its analysis, including a description of the methods used and the name, address and qualifications of the engineer making the survey, must be supplied to the Commission.

(d) Antenna structures should be so located and constructed as to avoid making them hazardous to air navigation. (See Part 17 of this chapter for provisions relating to antenna structures.) Such installation shall be maintained in good structural condition together with any required painting or lighting.

§ 21.118 *Transmitter construction and installation.* (a) The equipment at the operating and transmitting positions shall be so installed and protected that it is not accessible to, or capable of being operated by, persons other than those duly authorized by the licensee. In general, each transmitter used in the Domestic Public Radio Services shall be so constructed or installed that all controls thereon which may cause off-frequency operation or result in any unauthorized emission shall be protected from access by other than duly authorized holders of first or second class radio operator licenses.

(b) In any case where the maximum modulating frequency of a transmitter is prescribed by the Commission, the transmitter shall be equipped with a low-pass or band-pass modulation filter of suitable performance characteristics. In those cases where a modulation limiter is employed, the modulation filter shall be installed between the transmitter stage in which limiting is effected and the modulated stage of the transmitter.

(c) Each transmitter, other than hand-carried or pack-carried transmitter, employed in these services shall be equipped with an appropriately labeled pilot lamp or meter which will provide continuous visual indication at the transmitter when its control circuits have been placed in a condition to activate the transmitter. In addition, facilities shall be provided at each transmitter to permit the transmitter to be turned on and off independently of any remote control circuits associated therewith.

(d) Each station in these services, which is required to have a licensed radio operator or permit holder on duty and in charge of the station's operations during the normal rendition of service, shall be provided with at least one control point. Prior authority from the Commission is required for the installation of any control point which is to be more than 100 feet from the transmitter or which is to be at an address different from that of the transmitter.

(e) At each transmitter control point the following facilities shall be installed:

(1) A carrier operated device which will provide continuous visual indication when the transmitter is radiating, or, in lieu thereof, a pilot lamp or meter which will provide continuous visual indication when the transmitter control circuits have been placed in a condition to activate the transmitter: *Provided, however,* That the provisions of this subparagraph shall not apply to hand-carried or pack-carried transmitters.

(2) Facilities which will permit the operator to turn transmitter carrier on and off at will.

(f) Transmitter control circuits from any control point shall be so installed that grounding or shorting any line in the control circuit will not cause the transmitter to radiate, provided, however, that this provision shall not be applicable to control circuits of stations which normally operate with continuous radiation or to control circuits which are under the effective operational control of a radio operator 24 hours per day.

(g) Each station operating on frequencies above 500 Mc, which is authorized to operate during the normal rendition of service without a licensed radio operator or permit holder on duty and in charge of its operation (see also § 21.205 (1)), shall be provided with automatic alarm facilities that announce and identify the following conditions to a specified attended alarm center responsible for immediately dispatching qualified service personnel to the station for correction of any unsatisfactory conditions:

(1) Transmitter frequency deviation outside of the station's prescribed limits.

(2) Outage of the station.

(3) Automatic transfer of communications to standby facilities whenever such facilities are provided.

(4) Failure of any antenna obstruction marking light.

§ 21.119 *Limitation on use of transmitters for other services.* Transmitters licensed for operation for services governed by this part may not be concurrently licensed or used for non-common carrier communication purposes.

§ 21.120 *Type acceptance of transmitters.* (a) Except for transmitters used at developmental stations, each transmitter authorized after January 1, 1957, shall be of a type which has been type accepted by the Commission for use under the applicable rules of this part: *Provided,* That this requirement shall become applicable January 1, 1960, to transmitters authorized prior to January 1, 1957 to the same licensee.

(b) Any manufacturer of a transmitter to be produced for use under the rules of this part may request type acceptance by following the type acceptance procedure set forth in Part 2 of this chapter. Type accepted transmitters are included in the Commission's "Radio Equipment List, Part C". Copies of this list are available for inspection at the Commission's Office in Washington, D. C., and at each of its field offices.

(c) Type acceptance for an individual transmitter may also be requested by an applicant for a station authorization, pursuant to the type acceptance procedure set forth in Part 2 of this chapter. An individual transmitter will not normally be included in the Radio Equipment List, Part C, but will be enumerated on the station authorization.

§ 21.121 *Replacement of equipment.* The licensee of a station in this service may replace equipment without authorization from the Commission, provided that the replacement equipment is on the Commission's list of transmitters acceptable for licensing (see § 21.120) and that such equipment conforms to the terms specified in the current instrument of authorization and the applicable rules and regulations. Requests for authority to make other changes in equipment shall be submitted to the Commission in appropriate applications for construction permits or modifications thereof as the case may require.

### SUBPART D—TECHNICAL OPERATION

§ 21.200 *Station inspection.* The licensee of each station authorized in the Domestic Public Radio Services shall make the station and station records available for inspection by representatives of the Commission at any reasonable hour.

§ 21.201 *Posting of station authorizations.* (a) The station permit, license and any other instrument of authorization or order concerning the construction of a station at a specified fixed location or its manner of operation shall be posted so that all terms thereof are visible in a conspicuous place at the principal control point of the transmitter. At all other control points, a photocopy of such documents shall be posted in the aforementioned manner.

(b) If the station is authorized for mobile operation, the documents specified in paragraph (a) of this section shall be retained as a permanent part of the station record, but need not be posted.

§ 21.202 *Transmitter identification card.* An executed transmitter identification card (FCC Form 452–C, Revised) or a metal tag with the same information shall be affixed to each transmitter. In vehicular installations, it is preferred that the identification card or metal tag be affixed to the control equipment at the

transmitter operating position. The following information shall be entered on the card or metal tag by the permittee or licensee:

(a) Station call sign.

(b) Name of permittee or licensee.

(c) Location(s) of transmitter records.

(d) Frequency or frequencies on which the transmitter is adjusted to operate.

(e) Signature of the permittee, licensee, or responsible employee thereof. (The signature may be omitted when a metal tag is used.)

§ 21.203 *Posting of operator licenses.* (a) Whenever a licensed radio operator is required for the operation of a radio station, the license of each operator, other than an operator exclusively performing service and maintenance duties, shall be posted or kept immediately available at the place where he is on duty as an operator: *Provided, however,* That if an operator who is on duty holds a restricted radiotelephone operator permit of the card form (as distinguished from such document of the diploma form) or holds a valid license verification card (FCC Form 758–F) attesting to the existence of any other valid commercial radio operator license, he may have such permit or verification card in his personal possession or otherwise immediately available at the place where he is on duty as an operator.

(b) The license of every station operator who performs service and maintenance duties exclusively at that station shall be posted at the transmitter involved whenever the transmitter is in actual operation while service or maintenance work is being performed by him or under his immediate supervision and responsibility: *Provided,* That in lieu of posting his license, he may have on his person his license or a valid verification card.

§ 21.204 *FCC publications required for reference.* For reference purposes, the permittee or licensee of radio facilities in the Domestic Public Radio Services shall maintain and have available at its principal office in the city in which the facilities are located a current copy of Part 21 of this chapter (available at the Government Printing Office, Washington 25, D. C.).

NOTE: It is suggested that the following additional documents be obtained from the Government Printing Office and maintained for reference:

(1) Communications Act of 1934, as amended.

(2) Part 1 of this chapter, Practice and Procedure.

(3) Part 2 of this chapter, Frequency Allocations and Radio Treaty Matters; General Rules and Regulations.

(4) Part 13 of this chapter, Commercial Radio Operators.

(5) Part 17 of this chapter, Construction, Marking and Lighting of Antenna Structures.

(6) Part 45 of this chapter, Preservation of Records of Telephone Carriers.

(7) Part 61 of this chapter, Tariffs, Rules Governing the Construction, Filing and Posting of Schedules of Charges for Interstate and Foreign Communications Service.

(8) Part 63 of this chapter, Extension of Lines and Discontinuance of Service by Carriers.

§ 21.205 *Operator requirements.* (a) Any radio operator (including the holder of a restricted radiotelephone permit) in charge of a radio station in these services, shall be competent to maintain proper radio logs and records relative to such operations where they are required.

(b) When a radio station is radiating, all adjustments or tests during or coincident with the installation and servicing or maintenance of the transmitter and its associated radio equipment which may affect the quality of transmission or possibly cause the station radiation to exceed the limits specified in its instrument of authorization or in the rules pertaining to such station shall be made by or under the immediate supervision and responsibility of a person holding a first or second-class commercial (but not a temporary limited radiotelegraph second-class) radio operator license (either radiotelephone or radiotelegraph, or both, as may be appropriate for the type of emission being used), who shall be responsible for the proper functioning of the radio facilities.

(c) When a radio station is not radiating, any person may perform the above functions without direct supervision after having been authorized to do so by the station licensee. The facilities shall thereafter initially be placed in operation and be determined to be operating properly by a first or second-class licensed commercial (but not a temporary limited radiotelegraph second-class) radio operator.

(d) In all cases, except where manual radiotelegraph keying is employed, the person responsible for the technical installation, servicing and maintenance of a radio station in these services shall hold a first or second-class commercial radiotelephone license issued by the Commission.

(e) Where manual radiotelegraph keying is employed exclusively, the person responsible for the technical installation, servicing and maintenance of a radio station in these services shall hold a first or second-class commercial (but not a temporary limited radiotelegraph second-class radio operator license) radiotelegraph operator license issued by the Commission.

(f) In cases where manual radiotelegraph keying and other types of radio transmission are employed, the person responsible for the technical installation, servicing and maintenance of a radio station in these services shall hold a commercial (but not a temporary limited radiotelegraph second-class radio operator license) radiotelegraph operator license of first or second-class.

(g) During the course of normal rendition of service, a station employing manual radiotelegraph keying shall be operated only by a person holding a commercial radiotelegraph operator license or radiotelegraph operator permit issued by the Commission. Persons not holding such authorizations are forbidden to manipulate a manually operated telegraph key at such stations during periods of station operation.

(h) Any person may, after obtaining permission from the station licensee, operate the following types of stations during the course of normal rendition of service, under the circumstances set forth below:

(1) A mobile station, when communicating with or through a base station in the Domestic Public Land Mobile Radio Service.

(2) A base station, when operated from a dispatch point which is under the effective operational control of a licensed radio operator on duty at the transmitter control point.

(3) A rural subscriber or mobile station in the Rural Radio Service.

(i) Central office stations, Inter-office stations, Auxiliary test stations, and Base stations, including radio control stations which may be associated therewith, shall be operated during the course of normal rendition of service under the effective operational control of a person holding a valid restricted radiotelephone operator permit or higher class of commercial radio operator license issued by the Commission.

(j) TV-STL stations, TV Non-Broadcast Pickup stations, TV Pickup stations, Microwave Auxiliary stations, and Developmental stations shall be operated during the course of normal rendition of service under the effective operational control of a person holding a first or second-class commercial radiotelephone or radiotelegraph operator license (but not a temporary limited radiotelegraph second-class operator license) issued by the Commission.

(k) Notwithstanding any other provisions of this section, unless the transmitter and its associated equipment is so designed that none of the operations necessary to be performed during the course of normal rendition of service may cause off-frequency operation or result in any unauthorized radiation, such transmitter shall be operated by a person holding a first or second-class commercial radio operator license, either radiotelephone or radiotelegraph, as may be appropriate for the type of emission being used (but not a temporary limited radiotelegraph second-class license).

(l) Except under the circumstances specified in paragraphs (g) through (j) of this section, during the course of normal rendition of service, no person is required to be in attendance at a station installed at a specified fixed location when transmitting by self actuating means provided (1) licensed radio personnel responsible for the maintenance of the radio station are continuously available on call at a location which will assure expeditious performance of such technical servicing and maintenance as may be necessary, and (2) the quality of transmisison over such station is subject to the supervision of the licensee's responsible operating personnel for the radio system with which the unattended station is directly associated (see § 21.118 (g)).

(m) The provisions of this section authorizing certain unlicensed persons to operate mobile stations, rural subscriber stations, and base stations shall not be construed to change or diminish in any respect the responsibility of station licensees to have and to maintain effective operational control over the stations operating under their license (including all transmitter units thereof), or for the proper functioning of those stations in accordance with the terms of the instrument of station authorization and applicable rules and regulations.

(n) Any reference in this section to a commercial radio operator license or permit of any class issued by the Commission shall not be construed to include Aircraft Radiotelephone Operator Authorizations.

(o) A licensee of radio facilities in these services shall be required to have available on call at all times (either as an employee or through appropriate contractual arrangement with a person holding the requisite class or radio operator license) a licensed first or second class commercial radio operator (either radiotelephone or radiotelegraph, as may be appropriate for the type of emission being used) to perform necessary technical servicing and maintenance of the radio facilities expeditiously.



§ 21.206 *Inspection and maintenance of antenna structure obstruction marking and associated control equipment.* The licensee of any radio station which has an antenna structure required to be painted or illuminated pursuant to the provisions of section 303 (q) of the Communications Act of 1934, as amended, or Part 17 of this chapter, operate and maintain the structure marking and associated control equipment in accordance with the following:

(a) The required lighting of the antenna structure shall be observed at least once each 24 hours, either visually or by observing an automatic and properly maintained indicator designed to register any failure of such lights, to insure that all such lights are functioning properly as required, or, alternatively, there shall be provided and properly maintained an automatic alarm system designed to detect any failure of the lights and to provide indication of such failure to the licensee.

(b) Any observed or otherwise known failure of a code or rotating beacon light or top light not corrected within thirty minutes shall be reported immediately by telephone or telegraph to the nearest Airways Communication Station or office of the Civil Aeronautics Administration. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

(c) All automatic or mechanical control devices, indicators and alarm systems associated with the tower lights shall be inspected at intervals not to exceed three months to insure that such apparatus is functioning properly.

(d) All lighting shall be exhibited from sunset to sunrise unless otherwise specified in the instrument of station authorization.

(e) A sufficient supply of spare lamps shall be maintained for immediate replacement purposes at all times.

(f) All towers shall be cleaned or repainted as often as is necessary to maintain good visibility.

(g) Entries concerning the operation and maintenance of marked antenna structures shall be made in technical log of the station as set forth in Section 21.208 (f).

§ 21.207 *Transmitter measurements.* (a) The licensee of each station shall employ a suitable procedure to determine that the carrier frequency of each transmitter operating in these services is maintained within the tolerance prescribed in § 21.101 or in the instrument of station authorization. This determination shall be made, and the results thereof entered in the technical log of the station, in accordance with the following:

(1) When the transmitter is initially installed.

(2) When any change is made in the transmitting equipment which may affect the carrier frequency or the stability thereof.

(3) At intervals not to exceed one year, for transmitters employing crystal-controlled oscillators, or oscillators regulated by temperature-controlled or temperature-compensated cavities.

(4) At intervals not to exceed one month, for transmitters not employing crystal-controlled oscillators, or oscillators regulated by temperature-controlled or temperature-compensated cavities.

(b) The permittee or licensee of each station shall employ a suitable procedure to determine that the power of each transmitter which operates below 500 Mc from a specified fixed location conforms to the requirements of the station authorization and the rules of this part. Where the transmitter is so constructed that a direct measurement of plate current in the final radio stage is not practicable, the power may be determined from a measurement of the cathode current in the final radio stage. When the power is determined from a measurement of the cathode current, the required record entry shall indicate clearly the quantities that were measured, the measured values thereof, and the method of determining the power from the measured values. This determination shall be made, and the results thereof entered in the station records, in accordance with the following:

(1) When the transmitter is initially installed.

(2) When any change is made in the transmitter which may cause the power to deviate by more than 20 percent above and 25 percent below the authorized power specified in the instrument of station authorization.

(3) At intervals not to exceed one year.

(c) The permittee or licensee of each station shall employ a suitable procedure to determine that the modulation characteristics of each transmitter and the signal radiated therefrom conform to the terms of the instrument of station authorization and to the applicable rules of this part. This determination shall be made, and the results thereof entered in the technical log of this station in accordance with the following:

(1) When the transmitter is initially installed.

(2) When any change is made in the transmitter which may affect the modulation characteristics.

(3) At intervals not to exceed one year.

(d) In the case of mobile transmitters, the determinations required by paragraphs (a) and (c) of this section may be made at a test or service bench: *Provided,* That the measurements are made under load conditions equivalent to actual operating conditions; *And provided further,* That after installation in the mobile unit, the transmitter is given a routine check to determine that it is capable of being received satisfactorily by an appropriate receiver.

(e) The determinations required by paragraphs (a), (b), (c), and (d) of this section shall be made by, or under the immediate supervision of, a person holding a first or second-class commercial radio operator license (but not a temporary limited radiotelegraph or second-class radio operator) who shall authenticate the accuracy of such entries by signing his name in the technical log of the station together with the class, serial number and expiration date of his license: *Provided, however,* That the licensee of the station may optionally have the required determinations made by any qualified engineering measurement service, in which case the required record entries shall also show the name and address of the engineering measurement service.

(f) The use of a frequency monitor in lieu of frequency checks will be recorded in the station log in the same manner and at the same intervals as required in paragraph (a) (3) or (4) of this section. Where automatic frequency monitors are employed which have an accuracy of at least one half of the required frequency tolerance of the transmitters with which they are associated, their use shall be deemed to meet the frequency checking requirements for the period during which they were so used.

§ 21.208 *Station records.* (a) Station records shall be kept in an orderly manner, and in such detail that the data required is readily available. Key letters, abbreviations or symbols may be used if proper meaning or explanation is set forth in the record.

(b) Each entry in the records of a station shall be signed by a person qualified to do so, having actual knowledge of the facts to be recorded.

(c) No record or portion thereof shall be erased, obliterated, or wilfully destroyed within the required retention period. Any necessary correction may be made only by the person originating the entry who shall strike out the erroneous portion, initial the correction made and indicate the date of correction.

(d) The records required by this part shall be retained for a period of at least one year: *Provided,* That:

(1) Records involving communications incident to a disaster or which include communications incident to, or involved in, an investigation by the Commission and concerning which the licensee has knowledge, shall be retained by the licensee until specifically authorized in writing by the Commission to destroy them.

(2) Records incident to or involved in any claim or complaint of which the licensee has knowledge shall be retained by the licensee until such claim or com-

plaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims.

(e) For each station in these services the licensee shall maintain, a technical log of the station operation showing:

(1) The results and dates of the transmitter measurements required by § 21.207, and the information concerning the identity of the person making such measurements as required by § 21.207 (e).

(2) Pertinent details concerning any servicing or maintenance performed on a transmitter which may affect its proper operation, including the date thereof, as well as the class, serial number and expiration date of the license of the responsible radio operator who shall authenticate the accuracy of such log by signing his name therein.

(3) Pertinent details concerning time and nature of any failure or erratic transmitter operation, including operation of automatic alarm facilities (see also § 21.118 (g)).

(f) For each station having an antenna structure which is required to be obstruction lighted, appropriate entries shall be made in the station's technical log as follows:

(1) The time the required obstruction lighting is turned on and off each day, if manually controlled.

(2) The time the daily check of the proper operation of the obstruction lights was made.

(3) In the event of any observed or otherwise known failure of an obstruction light:

(i) Nature of such failure.

(ii) Date and time the failure was observed or otherwise noted.

(iii) Date, time and nature of the adjustments, repairs, or replacements made.

(iv) Identification of Airways Communication Station (Civil Aeronautics Administration) notified of the failure of any code, rotating beacon or top light not corrected within thirty minutes, and the date and time such notice was given.

(v) Date and time notice was given to the Airways Communication Station (Civil Aeronautics Administration) that the required illumination was resumed.

(4) Upon performance of the three-month periodic inspection required by § 21.206 (c):

(i) The date of the inspection and the condition of all obstruction painting, lights and associated obstruction lighting control devices, indicators and alarm systems.

(ii) Any adjustments, replacements, repairs, or painting made to insure compliance with the lighting and marking requirements and the date such adjustments, replacements, or repairs were made.

(g) For each station which is required to be operated by a licensed radio operator or by the holder of a restricted radiotelephone operator permit during the course of normal rendition of service, an operation log book shall be kept showing:

(1) The time and signature, upon entering duty at the station and again upon leaving duty, of the person or persons responsible for the operation of the transmitting equipment each day together with the class, serial number and expiration date of their radio operator license or permit.

(2) The time and duration of each transmission and the identity of the station or point to which the transmission was directed: *Provided,* That in lieu thereof, a chronological record of such essential information in the form of traffic tickets, or on a separate sheet, is permissible. When such records are kept in lieu of entries in the operating log book, the minimum retention period shall be as prescribed in paragraph (d) of this section, provision for shorter retention periods in other parts of the Commission's rules notwithstanding.

(h) The log entries concerning the class, serial number and expiration date of the radio operator licenses of the persons responsible for the technical performance and operation of a station, as required by the rules of this part, are not required to be repeated in the case of persons who are regularly employed as operators on a full-time basis at the station. However, log entries shall be authenticated by the signature of such person.

(i) Each entry in the station log shall be legibly made: *Provided, however,* That in any case where it is impracticable to make such entries in the logs immediately, rough logs may be kept in the form of notes or memoranda which shall be transcribed into the station log as soon as possible by the person qualified to do so who has actual knowledge of such facts recorded. The person so transcribing shall authenticate the entries by signing the transcription.

§ 21.209 *Communications concerning safety of life and property.* (a) Handling and transmission of messages concerning the safety of life or property which is in imminent danger shall be afforded priority over other messages.

(b) No person shall knowingly cause to be transmitted any false or fraudulent message concerning the safety of life or property, or refuse upon demand immediately to relinquish the use of a radio circuit to enable the transmission of messages concerning the safety of life or property which is in imminent danger, or knowingly interfere or otherwise obstruct the transmission of such messages.

§ 21.210 *Operation during emergency.* The licensee of any station in these services may, during a period of emergency in which normal communication facilities are disrupted as a result of hurricane, flood, earthquake, or similar disaster, utilize such station for emergency communication service in a manner other than that specified in the instrument of authorization: *Provided,* (a) That as soon as possible after the beginning of such emergency use, notice be sent to the Commission at Washington, D. C., and to the Engineer-in-Charge of the radio district in which the station is located, stating the nature of the emergency and the use to which the station is being put, and (b) that the emergency use of the station shall be discontinued as soon as substantially normal communication facilities are again available, and (c) that the Commission at Washington, D. C. and the Engineer-in-Charge shall be notified immediately when such special use of the station is terminated, and (d) that, in no event, shall any station engage in emergency transmission on frequencies other than, or with power in excess of, that specified in the instrument of authorization or as otherwise expressly provided by the Commission, or by law, and (e) that the Commission may, at any time, order the discontinuance of any such emergency communication.

§ 21.211 *Suspension of transmission.* Transmission shall be suspended immediately upon detection by the station or operator licensee or upon notification by the Commission of a deviation from the technical requirements of the station authorization and shall remain suspended until such deviation is corrected, except for transmission concerning the immediate safety of life or property, in which case transmission shall be suspended immediately after the emergency is terminated.

§ 21.212 *Equipment, service and maintenance tests.* (a) When construction and installation or modification of a station has been completed in accordance with the terms of a construction permit, the technical provisions of the application therefor and the applicable provisions of this part, the permittee is authorized, during the term of such construction permit, to test the equipment for a period not to exceed 10 days, except that permittees of point-to-point microwave stations may conduct such tests for a period not to extend beyond the expiration date of the applicable construction permit: *Provided,* That:

(1) The Commission's Engineer-in-Charge of the radio district in which the station is located is notified not less than 2 days in advance of the date on which the transmitter will first be tested in such manner as to produce radiation, giving the name of the permittee, station location, call sign, frequencies, time and date on which tests are to be conducted.

(2) The Commission reserves the right to cancel, suspend, or change the date of beginning or duration of such tests when such action is in the public interest, convenience or necessity.

(3) All necessary precautions are taken to avoid interference to any other authorized station.

(4) No service to the public may be furnished over the facilities being tested during the equipment test period.

(b) When construction and equipment tests are completed in exact accordance with the terms of the construction permit, the technical provisions of the application therefor, and the other applicable provisions of this part, and after an application for station license has been filed with the Commission showing the station to be in satisfactory operating condition, the permittee is authorized to conduct service tests in exact accordance with the terms of the construction permit until the application for station license is granted or otherwise disposed of in accordance with the Commission's rules: *Provided,* That:



(1) The Commission's Engineer-in-Charge of the radio district in which the station is located is notified not less than 2 days in advance of the beginning of the tests of the time and date when such tests are scheduled to begin.

(2) The Commission reserves the right to cancel, suspend, or change the date of beginning or duration of such tests when such action is in the public interest, convenience or necessity.

(3) Service tests shall not commence after the expiration date of the construction permit.

(4) Charges for service furnished during the service test period shall be made, pursuant to the provisions of legally applicable tariffs (see § 61.62 of this chapter, Rules Governing the Construction, Filing and Posting of Charges for Interstate and Foreign Communication Service).

(c) When a construction permit and license, or a construction permit and modification of license are issued simultaneously for a mobile station, units of such station may be placed in operation without equipment and service test notification to the Commission's Engineer-in-Charge of the radio district in which the station is located, unless otherwise specifically required.

(d) The licensees of all stations in these services are authorized to make such tests as may be necessary for the proper maintenance of the station: *Provided,* That all necessary precautions are taken to avoid interference with other authorized services. The time taken for such tests shall be held to a minimum.

(e) The authorization for tests embodied in paragraphs (a) and (b) of this section shall not be construed as constituting a license to operate but as a necessary part of the construction.

§ 21.213 *Station identification.* (a) Each station in these services, except as hereinafter provided, shall identify itself by transmitting its assigned call sign in connection with each communication or exchange of communication. In the event of a prolonged series of communications, a station shall identify itself at least every half hour. However, stations continuously engaged in a public telephone message, telegraph, radiophoto, or program transmission shall not be required to transmit identifying call signs when such identification would interrupt the continuity of the message, radiophoto or program that is being transmitted. In any such case, the identifying call sign shall be transmitted immediately following the conclusion of the message, radiophoto or program: *Provided,* That the requirement for transmission of station identification is waived for fixed stations automatically retransmitting by self-actuating means, and for fixed stations employing continuous radiation with multi-channel transmission.

(b) In lieu of the use of an official call sign, as prescribed in paragraph (a) of this section, a station may identify itself as follows:

(1) A mobile station in the Domestic Public Land Mobile Radio Service or Rural Radio Service may identify itself by the special mobile unit designation assigned by the licensee or its assigned telephone number, provided adequate records are maintained by the licensee to permit ready identification of the mobile station.

(2) A rural subscriber station may identify itself by its assigned telephone number, provided adequate records are maintained by the licensee to permit ready identification of the rural subscriber station.

(3) A station at a specified fixed location may identify itself by the name of the city in which the station is located.

(4) A TV pickup or TV-STL station may identify itself by the call sign of the broadcast station for which it is rendering service.

(c) Wherever it appears that the manner of identification used by a licensee in lieu of the official call sign is unsatisfactory, the Commission may require the licensee to change the method of station identification.

(d) Where transmission of station identification is required such transmission shall be capable of being received and understood at an appropriate receiver without the use of special channeling or transmission unscrambling devices: *Provided,* That:

(1) Where telephony is employed, station identification shall be by aural transmission or automatic tone signalling.

(2) Where telegraphy, radiophoto or facsimile transmission is employed, the station identification shall be transmitted at a speed not to exceed 25 words per minute at least 3 times in the International Morse Code as "QRA do" followed by the station call sign.

(3) Where television transmission is employed, station identification shall be transmitted either aurally or visually for a period of not less than 5 seconds, or via telegraphic transmission at a speed not to exceed 25 words per minute at least 3 times in the International Morse Code as "QRA do" followed by the station call sign.

### SUBPART E—MISCELLANEOUS

§ 21.300 *Business records.* Each licensee of radio facilities authorized under the rules of this part and required to file FCC Form L (see § 1.544 of this chapter) shall keep complete records of all phases of such operations distinctly separate and apart from any other business or activity conducted by the licensee.

§ 21.301 *National defense; free service.* Any common carrier authorized under the rules of this part may render to any agency of the United States Government free service in connection with the preparation for the national defense. Every such carrier rendering any such free service shall make and file, in duplicate, with the Commission, on or before the 31st of July and on or before the 31st of January in each year, reports covering the periods of 6 months ending on the 30th of June and the 31st of December, respectively, next prior to said dates. These reports shall show the names of the agencies to which free service was rendered pursuant to this rule, the general character of the communications handled for each agency, and the charges in dollars which would have accrued to the carrier for such service rendered to each agency if charges for such communications had been collected at the published tariff rates.

§ 21.302 *Answers to notices of violation.* Any person receiving official notice of a violation of the terms of the Communications Act of 1934, as amended, any other Federal statute or Executive Order pertaining to radio or wire communications or any international radio or wire communications treaty or convention, or regulations annexed thereto to which the United States is a party, or the rules and regulations of the Federal Communications Commission, shall, within 3 days from such receipt, send a written answer to the office of the Commission originating the official notice. If an answer cannot be sent, or an acknowledgment made within such 3-day period, acknowledgement and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay. The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices. If the notice relates to some violation that may be due to the physical or electrical characteristics of transmitting apparatus, the answer shall state fully what steps have been taken to prevent future violations, and, if any new apparatus is to be installed, the date such apparatus was ordered, the name of the manufacturer, and promised date of delivery. If the installation of such apparatus requires a construction permit, the file number of the application shall be given or, if a file number has not been assigned by the Commission, such identification as will permit ready reference thereto. If the notice of violation relates to inadequate maintenance resulting in improper operation of the transmitter, the name and license number of the operator performing the maintenance shall be given. If the notice of violation relates to some lack of attention to, or improper operation of, the transmitter by other employees, the reply shall set forth the steps taken to prevent a recurrence of such lack of attention or improper operation.

§ 21.303 *Discontinuance, reduction or impairment of service.* (a) If the public communication service provided by a station in the Domestic Public Radio Services is involuntarily discontinued, reduced or impaired for a period exceeding 48 hours, the station licensee shall promptly give notification thereof in writing to the Commission at Washington 25, D. C., and the Commission's Engineer-in-Charge of the radio district in which the station is located. In such cases, the licensee shall furnish full particulars as to the reasons for such discontinuance, reduction or impairment of service, including a statement as to when normal service is expected to be resumed. When normal service is resumed, prompt notification thereof shall be given in writing to the Commission at Washington 25, D. C., and the Commission's Engineer-in-Charge of the radio district in which the station is located.

(b) No station licensee subject to Title II of the Communications Act of 1934, as amended, shall voluntarily discontinue, reduce or impair public communication service to a community or part of community without obtaining prior authorization from the Commission pursuant to the procedures set forth in Part 63 of this chapter. In the event that permanent discontinuance of service is authorized by the Commission, the station licensee shall immediately give notification of the effective date thereof in writing to the Commission's Engineer-in-Charge of the radio district in which the station is located and shall promptly send the station license to the Commission at Washington 25, D. C., for cancellation.

(c) Any station licensee, not subject to Title II of the Communications Act of 1934, as amended, who voluntarily discontinues, reduces or impairs public communication service to a community or part of a community shall give written notification to the Commission within 7 days thereof. In the event that service is permanently discontinued, the licensee shall give written notification thereof to the Commission's Engineer-in-Charge of the radio district in which the station is located and shall promptly send the station license to the Commission at Washington 25, D. C., for cancellation.

§ 21.304 *Tariffs, reports, and other material required to be submitted to the Commission.* Part 1 of this chapter, beginning with § 1.541, contains a summary of certain material and reports, including, but not limited to schedule of charges and accounting and financial reports, which must be filed with or submitted to the Commission.

§ 21.305 *Reports required concerning amendments to charters, bylaws, and partnership agreements.* Any amendments to charters, articles of incorporation or association, or partnership agreements shall promptly be filed with the Secretary, Federal Communications Commission, Washington 25, D. C. Such filing shall be directed to the attention of the Chief, Common Carrier Bureau.

§ 21.306 *Requirement that permittees and licensees respond to official communications.* All permittees and licensees in these services are required to respond to official communications from the Commission with reasonable dispatch and according to the tenor of such communications. Failure so to do will be given appropriate consideration in connection with any subsequent applications which the offending party may file and may result in the designation of such applications for hearing, or in appropriate cases, the institution of proceedings looking to the modification or revocation of the pertinent authorizations.

### SUBPART F—DEVELOPMENTAL AUTHORIZATIONS

§ 21.400 *Eligibility.* Developmental authorizations for stations in the Domestic Public Radio Services will be issued only to existing and proposed communication common carriers who are legally, financially and otherwise qualified to conduct experimentation utilizing hertzian waves for the development of engineering or operational data, or techniques, directly related to a proposed Domestic Public Radio Service or to a regularly established radio service regulated by the rules of this part.

§ 21.401 *Scope of service.* Developmental authorizations may be issued for:

(a) Field strength surveys relative to or precedent to the filing of applications for construction permits, in connection with the selection of suitable locations for stations proposed to be established in any of the regularly established radio services regulated by the rules of this part; or

(b) Development of proposed Domestic Public Radio Services to be governed by the rules and regulations of this part.

§ 21.402 *Adherence to program of research and development.* The program of research and development, as stated by an applicant in the application for construction permit or license or stated in the instrument of station authorization, shall be substantially adhered to unless the licensee is otherwise authorized by the Commission.

§ 21.403 *Special procedure for the development of a new service or for the use of frequencies not in accordance with the provisions of the rules in this part.* (a) An authorization for the development of a new common carrier service not in accordance with the provisions of the rules in this part may be granted for a limited time, but only after the Commission has made a preliminary determination with respect to the factors set forth in this paragraph, as each case may require. This procedure also applies to any application that involves use of a frequency which is not in accordance with the provisions of the rules in this part, although in accordance with the Table of Frequency Allocations contained in Part 2 of this chapter. (An application which involves use of a frequency which is not in accordance with the Table of Frequency Allocations in Part 2 of this chapter should be filed in accordance with the provisions of Part 5 of this Chapter, Experimental Radio Services.) The factors with respect to which the Commission will make a preliminary determination before acting on an application filed under this paragraph are as follows:

(1) That the public interest, convenience or necessity warrants consideration of the establishment of the proposed service or the use of the proposed frequency;

(2) That the proposed operation appears to warrant consideration to effect a change in the provisions of the rules in this part; and/or

(3) That some operational data should be developed for consideration in any rule-making proceeding which may be initiated.

(b) Applications for construction permits for stations which are intended to be used in the development of a proposed service shall be accompanied by a petition to amend the Commission's rules with respect to frequencies and such other items as may be necessary to provide for the regular establishment of the proposed service.

§ 21.404 *Terms of grant; general limitations.* (a) Developmental authorizations normally shall be issued for one year, or such shorter term as the Commission may deem appropriate in any particular case, and shall be subject to cancellation without hearing by the Commission at any time upon notice to the licensee.

(b) Where some phases of the developmental program are not covered by the general rules of the Commission or by the rules of this part, the Commission may specify supplemental or additional requirements or conditions in each case as it may deem necessary in the public interest, convenience or necessity.

(c) Frequencies allocated to the service toward which such development is directed will be assigned for developmental operation on the basis that no interference will be caused to the regular services of stations operating in accordance with the Commission's Table of Frequency Allocations.

(d) The rendition of communication service for hire is not permitted under any developmental authorizations unless specifically authorized by the Commission.

(e) The grant of a developmental authorization carries with it no assurance that the developmental program, if successful, will be authorized on a permanent basis either as to the service involved or the use of the frequencies assigned or any other frequencies.

§ 21.405 *Supplementary showing required.* (a) Authorizations for development of a proposed radio service in the Domestic Public Radio Services will be issued only upon a showing that the applicant has a definite program of research and development, the details of which shall be set forth, having reasonable promise of substantial contribution to these services within the term of such authorization. In addition to showing that the applicant is financially qualified or that adequate provision has been made to underwrite the costs of the proposed venture, a specific showing should be made as to the factors which the applicant believes qualify him technically to conduct the research and development program, including a description of the nature and extent of engineering facilities which applicant has available for such purpose.

(b) Expiring developmental authorizations may be renewed only upon the applicant's compliance with the applicable requirements of paragraphs (a) and (b) of § 21.406 relative to the authorization sought to be renewed and upon a factual showing that further progress in the program of research and development requires further radio transmission and that the public interest, convenience or necessity would be served by renewal of such authorization.

§ 21.406 *Developmental report required.* (a) Upon completion of the program of research and development, or, in any event, upon the expiration of the instrument of station authorization under which such investigations were permitted, or at such times during the term of the station authorization as the Commission may deem necessary to evaluate the progress of the developmental program, the licensee shall submit, in duplicate, a comprehensive report on the following items, in the order designated:

(1) Report on the various phases of the project which were investigated.

(2) Total number of hours of operation on each frequency assigned.

(3) Copies of any publication on the project.

(4) A listing of any patents applied for, including copies of any patents issued as a consequence of the activities carried forth under the authorization.

(5) Detailed analysis of the result obtained.

(6) Any other pertinent information.

(b) In addition to the information included in paragraph (a) above, the developmental report of a station authorized for the development of a proposed radio service shall include comprehensive information on the following items:

(1) Probable public support and methods of its determination.

(2) Practicability of service operations.

(3) Interference encountered.

(4) Pertinent information relative to merits of the proposed service.

(5) Propagation characteristics of frequencies used, particularly with respect to the service objective.

(6) Frequencies believed to be more suitable and reasons therefor.

(7) Type of signals or communications employed in the experimental work.

(c) Normally, development reports will be made a part of the Commission's public records. However, an applicant may request that the Commission withhold from the public certain reports and associated material relative to the accomplishments achieved under developmental authorization, and, if it appears that such information should be withheld, the Commission will so direct.

### SUBPART G—DOMESTIC PUBLIC LAND MOBILE RADIO SERVICE

§ 21.500 *Eligibility.* Authorizations for base stations and auxiliary test stations to be operated in this service will be issued to existing and proposed communication common carriers. Authorizations for mobile stations on land or on board vessels will be issued to communication common carriers or to individual users of the service. Applications will be granted only in cases where it is shown that (a) the applicant is legally, financially, technically and otherwise qualified to render the proposed service, (b) there are frequencies available to enable the applicant to render a satisfactory service, and (c) the public interest, convenience or necessity would be served by a grant thereof.

§ 21.501 *Frequencies.* The following frequencies are available to the Domestic Public Land Mobile Radio Service for the use set forth in this section.

(a) For assignment, in accordance with the Zone Allocation Plan, to stations of communication common carriers which are also in the business of affording public landline message telephone service, for General and Dispatch Communications (provided that Signaling Communications may also be furnished by any facility rendering such General or Dispatch service). The frequencies specified may be used in adjoining zones within moderate distances of the respective zone boundaries to permit continuous service to mobile units transiting such zone boundaries.

Zone I—Base station frequency: 35.66 Mc, Mobile and Auxiliary Test station frequency: 43.66 Mc.

| | |
|---|---|
| Connecticut | New Jersey. |
| Delaware. | New York. |
| District of Columbia | Pennsylvania. |
| Lake Ontario. | Rhode Island. |
| Maine. | Vermont. |
| Maryland. | Virginia. |
| Massachusetts. | West Virginia. |
| New Hampshire. | |

Zone II—Base station frequency: 35.34 Mc, Mobile and Auxiliary Test station frequency: 43.34 Mc.

| | |
|---|---|
| Alabama. | Mississippi. |
| Florida. | North Carolina. |
| Georgia. | South Carolina. |
| Louisiana. | |

Zone III—Base station frequency: 35.42 Mc, Mobile and Auxiliary Test station frequency: 43.42 Mc.

| | |
|---|---|
| Illinois. | Lake St. Clair. |
| Indiana. | Lake Superior. |
| Kentucky. | Michigan. |
| Lake Erie. | Ohio. |
| Lake Huron | Tennessee. |
| Lake Michigan. | Wisconsin. |

Zone IV—Base station frequency: 35.54 Mc, Mobile and Auxiliary Test station frequency: 43.54 Mc.

| | |
|---|---|
| Iowa. | North Dakota. |
| Minnesota. | South Dakota |
| Montana. | Wyoming. |
| Nebraska. | |

Zone V—Base station frequency: 35.30 Mc, Mobile and Auxiliary Test station frequency: 43.30 Mc.

| | |
|---|---|
| Arkansas. | Oklahoma. |
| Kansas. | Texas. |
| Missouri. | |

Zone VI—Base station frequency: 35.38 Mc, Mobile and Auxiliary Test station frequency: 43.38 Mc.

| | |
|---|---|
| Arizona. | Nevada. |
| California. | New Mexico. |
| Colorado. | Utah. |

Zone VII—Base station frequency: 35.26 Mc, Mobile and Auxiliary Test station frequency: 43.26 Mc.

| | |
|---|---|
| Idaho. | Washington. |
| Oregon. | |

Zone VIII—Base station frequency: 35.50 Mc, Mobile and Auxiliary Test station frequency: 43.50 Mc.

| | |
|---|---|
| Indiana. | New York. |
| Lake St. Clair. | Ohio. |
| Michigan. | Pennsylvania. |
| New Jersey. | The Great Lakes. |

Zone IX—Base station frequency: 35.62 Mc, Mobile and Auxiliary Test station frequency: 43.62 Mc.

| | |
|---|---|
| Arkansas. | Texas. |
| Oklahoma. | |

(b) For assignment, to stations of communication common carriers engaged also in the business of affording public landline message telephone service, for General and Dispatch Communications (provided that Signaling Communications may also be furnished by any facility rendering such General or Dispatch service): [11]

| Base station frequencies (Mc): | Mobile and auxiliary test station frequencies (Mc) |
|---|---|
| 152.51 | 157.77 |
| 152.57 | 157.83 |
| 152.63 | 157.89 |
| 152.69 | 157.95 |
| 152.75 | 158.01 |
| 152.81 | 158.07 |
| 454.45 | 459.45 |
| 454.55 | 459.55 |
| 454.65 | 459.65 |
| 454.75 | 459.75 |
| 454.85 | 459.85 |
| 454.95 | 459.95 |

(c) For assignment to stations of communication common carriers not also engaged in the business of providing a public landline message telephone service for General and Dispatch Communications (provided that Signaling Communications may also be furnished by any facility rendering such General or Dispatch service): [11]

| Base station frequencies (Mc): | Mobile and auxiliary test station frequencies (Mc) |
|---|---|
| 152.03 | 158.49 |
| 152.09 | 158.55 |
| 152.15 | 158.61 |
| 152.21 | 158.67 |
| 454.05 | 459.05 |
| 454.15 | 459.15 |
| 454.25 | 459.25 |
| 454.35 | 459.35 |

(d) For assignment to base stations of communication common carriers for use exclusively in providing a one-way signaling service to mobile receivers:

35.58 Mc
43.58 Mc

(1) Wherever feasible, the frequency 35.58 Mc shall be assigned for use in any area prior to any assignment of the frequency 43.58 Mc.

(2) If an applicant for authorization to provide an exclusive one-way signaling service provides, or proposes also to provide, General or Dispatch service in accordance with paragraphs (a), (b), and (c) of this section, the application for a one-way facility should be supported with full information to show why the proposed signaling service could not be provided in connection with the base station facilities used for such General or Dispatch service.

[11] Control stations which were authorized to use these frequencies on September 4, 1956, may be authorized to continue operation on such frequencies until the investment in such facilities has been amortized, but in no event beyond April 1, 1961, under the condition that harmful interference is not caused to stations in the Domestic Public Land Mobile Radio Service and the Rural Radio Service. In any case where use of these frequencies is required by an applicant in the Domestic Public Land Mobile Radio Service or the Rural Radio Service for the purpose of providing any of the basic services relating thereto (i. e., for stations other than developmental or control), continued operation of control stations thereon will not be authorized beyond the term of the then effective authorization therefor.

(e) For assignment to stations using radio facsimile as an integral portion of common carrier message telegraph pick-up or delivery procedure:

*Base, Mobile and Auxiliary Test Station Frequencies (Mc)*

35.22
35.46
43.22
43.46

(f) The following frequencies are available for assignment to control and repeater stations functioning in conjunction with the Domestic Public Land Mobile Radio Service, on a shared basis with certain other radio services: [12]

*72–76 Mc Band* [1]

| Mc | Mc | Mc | Mc |
|---|---|---|---|
| 72.02 | 72.82 | 73.62 | 74.42 |
| 72.06 | 72.86 | 73.66 | 74.46 |
| 72.10 | 72.90 | 73.70 | 74.50 |
| 72.14 | 72.94 | 73.74 | 74.54 |
| 72.18 | 72.98 | 73.78 | 74.58 |
| 72.22 | 73.02 | 73.82 | 75.42 |
| 72.26 | 73.06 | 73.86 | 75.46 |
| 72.30 | 73.10 | 73.90 | 75.50 |
| 72.34 | 73.14 | 73.94 | 75.54 |
| 72.38 | 73.18 | 73.98 | 75.58 |
| 72.42 | 73.22 | 74.02 | 75.62 |
| 72.46 | 73.26 | 74.06 | 75.66 |
| 72.50 | 73.30 | 74.10 | 75.70 |
| 72.54 | 73.34 | 74.14 | 75.74 |
| 72.58 | 73.38 | 74.18 | 75.78 |
| 72.62 | 73.42 | 74.22 | 75.82 |
| 72.66 | 73.46 | 74.26 | 75.86 |
| 72.70 | 73.50 | 74.30 | 75.90 |
| 72.74 | 73.54 | 74.34 | 75.94 |
| 72.78 | 73.58 | 74.38 | 75.98 |

[1] Assignments made to stations on frequencies in this band are subject to the condition that no harmful interference will be caused to operational fixed stations or reception of television stations on channels 4 or 5. (See § 21.103.)

(g) For assignment to control and repeater stations functioning in conjunction with the Domestic Public Land Mobile Radio Service, on a shared basis with other radio services:

*890–940 Mc Band*

(Subject to determination of Docket No. 10797)

| Mc | Mc | Mc | Mc |
|---|---|---|---|
| 890.5 | 901.5 | 912.5 | 923.5 |
| 891.0 | 902.0 | 913.0 | 924.0 |
| 891.5 | 902.5 | 913.5 | 924.5 |
| 892.0 | 903.0 | 914.0 | 925.0 |
| 892.5 | 903.5 | 914.5 | 925.5 |
| 893.0 | 904.0 | 915.0 | 926.0 |
| 893.5 | 904.5 | 915.5 | 926.5 |
| 894.0 | 905.0 | 916.0 | 927.0 |
| 894.5 | 905.5 | 916.5 | 927.5 |
| 895.0 | 906.0 | 917.0 | 928.0 |
| 895.5 | 906.5 | 917.5 | 928.5 |
| 896.0 | 907.0 | 918.0 | 929.0 |
| 896.5 | 907.5 | 918.5 | 929.5 |
| 897.0 | 908.0 | 919.0 | 930.0 |
| 897.5 | 908.5 | 919.5 | 930.5 |
| 898.0 | 909.0 | 920.0 | 931.0 |
| 898.5 | 909.5 | 920.5 | 931.5 |
| 899.0 | 910.0 | 921.0 | 932.0 |
| 899.5 | 910.5 | 921.5 | 932.5 |
| 900.0 | 911.0 | 922.0 | 933.0 |
| 900.5 | 911.5 | 922.5 | 933.5 |
| 901.0 | 912.0 | 923.0 | 934.0 |

[12] A repeater station normally will not be authorized unless the land mobile radio system with which it is associated is continuously open for public correspondence and the emissions of the repeater station are under the operational surveillance of the land mobile system's licensed operating personnel.

*890–940 Mc Band*—Continued

| Mc | Mc | Mc | Mc |
|---|---|---|---|
| 934.5 | 936.0 | 937.5 | 939.0 |
| 935.0 | 936.5 | 938.0 | 939.5 |
| 935.5 | 937.0 | 938.5 | |

Stations operating on these frequencies will not be protected from such interference as may be experienced from the emission of industrial, scientific, and medical equipment on 915 Mc in accordance with § 2.104 (a) of this chapter.[13]

§ 21.502 *Classification of base stations.* Base stations of miscellaneous common carriers in the Domestic Public Land Mobile Radio Service shall be classified, as set forth below, according to their transmitting antenna height above average terrain, and according to their effective radiated power in the horizontal plane of the antenna.

| Antenna height above average terrain (feet) | Class of station | | | | |
|---|---|---|---|---|---|
| 400 to 500 | C | B | B | A | A |
| 300 to 400 | C | C | B | B | A |
| 200 to 300 | D | C | C | B | B |
| 100 to 200 | D | D | C | C | B |
| 0 to 100 | E | D | D | C | C |
| | 30 Effective (watts). | 60 | 120 radiated | 250 | 500 power |

§ 21.503 *Geographical separation of co-channel stations.*[14] Base stations of miscellaneous common carriers operating co-channel in this service shall normally be separated by not less than the distances shown below:

| Class of station | Minimum mileage separation between co-channel stations | | | | |
|---|---|---|---|---|---|
| A | 75 | | | | |
| B | 68 | 61 | | | |
| C | 64 | 56 | 48 | | |
| D | 60 | 53 | 45 | 36 | |
| E | 56 | 50 | 42 | 29 | 23 |
| | A | B | C | D | E |
| | Class of station | | | | |

In any particular case, where it appears that unusual radio wave propagation conditions are involved, the Commission may require greater separation than indicated in the above table, or make assignments at lesser station spacing.

§ 21.504 *Service area of base station.* The limits of reliable service area of a base station are considered to be described by a field strength contour of 37 decibels above one microvolt per meter for stations engaged in two-way communication service with mobile stations and 43 decibels above one microvolt per meter for stations engaged in one-way signaling service. Service within that area is generally expected to have an average reliability of not less than ninety percent.

[13] A repeater station normally will not be authorized unless the land mobile radio system with which it is associated is continuously open for public correspondence and the emissions of the repeater station are under the operational surveillance of the land mobile system's licensed operating personnel.

[14] Reference may be made to § 3.611 (d) of this chapter. Radio Broadcast Services, for methods of computing mileage separations between station locations.

§ 21.505 *Antenna height limit for base stations.* In view of the fact that the predominant need for mobile communication service can usually be met by base stations within the classification set forth in § 21.502, and because widespread coverage is undesirable in areas where no substantial need exists for mobile communication service through a distant base station, base stations will not be authorized to employ transmitting antennas in excess of 500 feet above average terrain unless, upon an affirmative showing by the applicant, circumstances are established which warrant authorization of an antenna structure of greater elevation.

§ 21.506 *Power limitations.* Stations in this service shall not be permitted to exceed 500 watts effective radiated power and shall not be authorized to use transmitters having a rated power output in excess of the limits set forth in § 21.107 (b). A base station standby transmitter having a rated power output in excess of that of the main transmitter of the base station, with which it is associated, will not be authorized.

§ 21.507 *Bandwidth and emission limitations.* (a) Stations in this service shall normally be authorized to use only type A3 or F3 emission for radiotelephony, and type A1, A2, F1 or F2 emission for selective signaling: *Provided,* That stations operating in accordance with the provisions of § 21.501 (e) shall also be authorized to employ type A4 or F4 emission. The authorization to use type A3, F3, A4 or F4 emission shall be construed to include the use of the tone signals or signaling devices whose sole function is to establish and maintain communication between stations using radiotelephony or facsimile transmission. Stations using selective signaling in the one-way signaling service must be authorized to employ telegraph type emission appropriate to the type of transmission employed. The use of F0 and A0 emission in the 72–76 Mc band will not be authorized, except for temporary or short periods necessary for testing incident to the construction or maintenance of a radio station. (Further reference should be made to §§ 21.103 to 21.105, inclusive.)

(b) The maximum bandwidths which will normally be authorized for the various types of emission permitted in this service on frequencies below 500 Mc are set forth as follows:

| Type of emission: | *Authorized bandwidth* |
|---|---|
| A1 | 1 kc |
| A2 | 3 kc |
| A3 | 8 kc |
| A4 | 12 kc |
| F1 | 3 kc |
| F2 | 3 kc |
| F3 | 40 kc |
| F4 | 40 kc |

(c) On frequencies above 500 Mc, the bandwidth authorized shall not exceed 400 kc for each derived communication channel and may be restricted to lesser bandwidth when appropriate to the type of operation involved in any particular case.

(d) Other types of emission or bandwidth in excess of those specified in paragraph (b) of this section may be authorized upon an adequate showing of need therefor. An application requesting such authorization shall fully describe the modulation characteristics (for FM include maximum modulating frequency and maximum frequency deviation) emission and bandwidth desired, shall specify the bandwidth to be occupied, and shall state the reasons why such emission or bandwidth is required.

(e) The authorization to employ any of the various types of modulated emission in this service shall be construed to include authority to employ unmodulated emission only for temporary or short periods necessary for equipment testing incident to the construction and maintenance of a radio station.

§ 21.508 *Modulation requirements.* (a) The use of modulating frequencies higher than 3000 cycles per second for radiotelephony or tone signaling is not authorized on frequencies below 500 Mc.

(b) The use of modulating frequencies higher than 5000 cycles per second is not authorized for facsimile transmission on frequencies below 500 Mc.

(c) When amplitude modulation is used, the modulation percentage shall be sufficient to provide efficient communication and shall normally be maintained above 70 percent on peaks, but shall not exceed 100 percent on negative peaks.

(d) When phase or frequency modulation is used for radiotelephony on frequencies below 500 Mc, the deviation arising from modulation shall not exceed plus or minus 15 kc from the unmodulated carrier.

(e) Each single channel radiotelephone transmitter having more than 3 watts plate power input to the final radio frequency stage, initially authorized or installed at the station in this service after July 1, 1950, shall be provided with a device which will automatically prevent modulation which may be caused by greater than normal audio level and which is in excess of that specified in paragraphs (c) and (d) of this section.

(f) Upon a satisfactory showing that it is not technically feasible to employ a modulation limiter, as required by paragraph (e) of this section, and upon a satisfactory showing that other suitable measures will be observed to prevent modulation in excess of the limits specified in paragraphs (c) and (d) of this section, the Commission may authorize transmitters to operate without modulation limiters when used for facsimile transmission.

§ 21.509 *Permissible communications.* (a) Mobile stations in this service are authorized to communicate with and through base stations only. Such communication between base and mobile stations shall be upon frequencies which are paired in the manner set forth in §§ 21.501 (a), 21.501 (b), and 21.501 (c).

(b) Base stations in this service are normally authorized to communicate with associated land mobile stations in the same service: *Provided, however,* That base stations may also render service to properly licensed transient land mobile stations normally associated with another common carrier base station, including mobile units of Canadian registry. Under specific authorization from the Commission, service may be rendered to stations on board vessels. Authority to provide service to vessels may be granted upon a showing that the rendition of service to vessels will not degrade, by kind or extent of usage, the service which would be available, in the absence of service to vessels, to land vehicles receiving or subsequently requesting such services in the area: *Provided,* That any authorization to render service to vessels, other than itinerant vessels requiring service in other areas where VHF public coast service is not available, shall automatically terminate at the expiration of 60 days after inauguration of VHF public coastal service in the area involved. Applications for authority to communicate with vessels shall be accompanied by a showing of the following:

(1) The total number of land mobile units being served through the base station.

(2) The total number of land mobile units to which it is reasonably expected that such service will be furnished at any time in the next 12 months.

(3) The total number of stations on board vessels initially proposed to be served through the base station.

(4) The total number of stations on board vessels to which it is reasonably expected that such service will be furnished at any time in the next 12 months.

(5) Other public radio facilities available in the area providing service to mobile stations on board vessels.

(6) Such other information as may be deemed pertinent, showing that communication with vessels will not degrade or deny service to land vehicles receiving or requesting land vehicular communication service over the radio facilities of the base station, and that such service to vessels is necessary and desirable.

(c) Applications requesting renewal of authority to render service to vessels shall be accompanied by a current showing of information as required in paragraph (b) of this section.

(d) Mobile stations in this service may not be operated aboard aircraft.

(e) Base stations in this service may render one-way signaling service to receivers installed aboard vessels and aircraft without special authorization from the Commission.

(f) Base stations in this service may be authorized to communicate with Rural Subscriber stations in the Rural Radio Service, where the use of wire lines is not practicable or feasible. Authorization for the rendition of such service may be granted upon a satisfactory showing that it will not degrade the mobile communication service rendered by the base station. Applications for authority to communicate with a Rural Subscriber station shall be accompanied by a supplementary showing as set forth in § 21.608. Such showing, and the request for modification of the related base station license, may be incorporated in the application for construction permit for the fixed point to which communication is to be effected.

(g) The base and mobile station facilities authorized in this service shall not be used in connection with any taxicab operations wherein the license is directly or indirectly interested through stock ownership or otherwise.

(h) Pursuant to the provisions of the "Convention Between the United States of America and Canada, Relating to Operation by Citizens of Either Country of Certain Radio Equipment or Stations in the Other Country," United States licensed mobile units in this service which are in Canada may be authorized by the Canadian Government to communicate with or through Canadian licensed common carrier base stations in the land mobile radio service or with base stations licensed under the rules of this part. Canadian licensed mobile units in the common carrier land mobile radio service which are in the United States may communicate with and through United States licensed base stations in this service provided authority for such communication has been granted by the Commission upon proper application therefor. (See § 21.29 (i) and (j).)

(i) Unless otherwise prohibited by agreements, laws, rules, regulations, etc. of the foreign country concerned, base stations in this service are not prohibited from rendering trans-border communication service for hire to mobile units in that country which are properly licensed to operate in the common carrier land mobile service of either country.

(j) Auxiliary test stations in this service shall normally be operated upon mobile station frequencies only for the purpose of determining the performance of fixed receiving equipment remotely located from the base station with which it is associated or where the receiving equipment is located with the base station and both are remote from the control point of the station: *Provided, however,* That a transmitter used in an auxiliary test station may be used as a standby transmitter upon the frequency of the base station with which it is associated whenever such base station is out of service for maintenance or repair.

§ 21.510 *Base stations may be authorized only as part of integrated radio system.* Base stations will be authorized only as a part of an integrated communication system wherein mobile units associated therewith are also licensed to the base station licensee (see § 21.15 (i)).

§ 21.511 *Communication service to own mobile units.* (a) Upon filing an application for renewal of station license for a base station in this service, a miscellaneous common carrier applicant shall show that, during the preceding license period, at least an average of 50 percent of the mobile units on any channel to which communication service has been rendered by a base station have been used by persons not directly or indirectly controlling or controlled by, or under direct or indirect common control with the applicant. If an applicant is unable to meet such criterion, he shall show what efforts have been made to achieve use of the service by the public and offer such further showing or explanation as he may deem appropriate.

(b) Wire-line communications common carriers may be authorized to es-

tablish land mobile radio facilities under this part of the rules for the purpose of providing communication facilities for their own use incident to construction and maintenance of public communication facilities: *Provided, however,* That the use of the authorized facilities on such frequencies shall be on a secondary basis and subject to use by public subscribers at any time when required for the rendition of public communication service.

§ 21.512 *Priorities for service to subscribers.* (a) Subscriptions to mobile telephone service shall be afforded in the following order of precedence and in chronological order of filing of request for service within each of the following customer categories:

(1) *Category 1: Public safety and health.* Official federal, state, county and municipal government agencies protecting the public safety and health; private organizations and persons engaged primarily in protecting the public safety and health such as physicians, hospitals, ambulance services, volunteer fire departments, American Red Cross, licensed protective patrols and armored cars and similar agencies.

(2) *Category 2: Public service.* Contract carriers, common carriers, and public utilities (exclusive of taxicab and livery service), for communications other than correspondence of the general public.

(3) *Category 3: Quasi public service.* Emergency repair organizations, not included in Category 1, protecting health and property; press associations, newspapers and broadcasting stations.

(4) *Category 4: Physically handicapped.* Persons who because of physical handicaps, operate specifically equipped vehicles and are unable to leave such vehicles without assistance.

(5) *Category 5: Industrial.* Gas or oil producing or drilling operators; producers and distributors of fuel and lumber and other construction materials and equipment; food processing, distribution and storage organizations; producers of substantial quantities of food; business concerns engaged in construction of housing and industrial or public works; taxicabs and livery service.

(6) *Category 6: Traveling public.* Trains and watercraft where service is made available to passengers.

(7) *Category 7: All others.*

(b) After initial establishment of service in accordance with the table of priorities in paragraph (a) of this section when facilities in a given area are insufficient to furnish service to all who desire mobile radiotelephone service, applications for new or additional mobile units shall be ranked within the categories in order of date of filing and service shall be afforded such applicants as facilities become available, in descending order of precedence.

§ 21.513 *Location of message center.* The message center shall be so located that the major portion of the local exchange landline telephone calls, on behalf of subscribers to the service, to and from the message center, shall cost no more than the local message rate.

§ 21.514 *Responsibility for operational control and maintenance of mobile units.* (a) The licensee of a base station in this service shall be responsible for exercising effective operational control over all mobile units with which it communicates. The proper installation and maintenance of such mobile units shall be the responsibility of the respective licensees thereof.

(b) A mobile unit normally associated with and licensed to a specified base station will be deemed, when communicating with a different base station pursuant to legally effective tariff provisions, to be temporarily associated with and licensed to such different base station and the licensee of such different base station shall, for such temporary period, assume the same licensee responsibility for such mobile unit as if such unit were regularly licensed to it.

§ 21.515 *Control points and dispatch points.*[15] (a) Dispatch points may be installed or removed without authorization. Dispatch point circuit facilities shall be installed in conformance with the requirements of paragraph (c) (2) of this section.

(b) To insure the maintenance of station control, means shall be provided whereby each dispatch point is maintained under the continuous effective operational supervision of one or more control points.

(c) At each control point for a base station or fixed station in this service, the following facilities will be installed:

(1) Equipment to permit the responsible radio operator to monitor aurally, at such intervals as may be necessary to insure proper operation thereof, all transmissions originating at dispatch points under his supervision and of stations with which the radio station communicates.

(2) Facilities which will permit the responsible radio operator either to disconnect immediately the dispatch point circuits from the transmitter or immediately to render the transmitter inoperative from any dispatch point associated therewith.

[15] Reference should be made to § 21.118 for additional control point requirements and also to § 21.205 concerning operator requirements.

## SUBPART H—RURAL RADIO SERVICE

§ 21.600 *Eligibility.* Authorizations for central office stations and interoffice stations will be issued to existing and proposed communication common carriers. Authorizations for rural subscriber stations will be issued to communication common carriers or to individual users of the service. Applications will be granted only in cases where it is shown that (a) the applicant is legally, financially, technically and otherwise qualified to render the proposed service, (b) there are frequencies available to enable the applicant to render a satisfactory service and (c) the public interest, convenience or necessity would be served by a grant thereof.

§ 21.601 *Frequencies.*[16] (a) The following frequencies are available primarily to the Domestic Public Land Mobile Radio Service and, on a secondary basis, to stations in the Rural Radio Service, provided no harmful interference is caused to stations in the Domestic Public Land Mobile Radio Service:

| Central office and Inter-office station frequencies (Mc): | *Rural subscriber and inter-office station frequencies (Mc)* |
|---|---|
| 152.03 | 158.49 |
| 152.09 | 158.55 |
| 152.15 | 158.61 |
| 152.21 | 158.67 |
| 152.51 | 157.77 |
| 152.57 | 157.83 |
| 152.63 | 157.89 |
| 152.69 | 157.95 |
| 152.75 | 158.01 |
| 152.81 | 158.07 |
| 454.05 | 459.05 |
| 454.15 | 459.15 |
| 454.25 | 459.25 |
| 454.35 | 459.35 |
| 454.45 | 459.45 |
| 454.55 | 459.55 |
| 454.65 | 459.65 |
| 454.75 | 459.75 |
| 454.85 | 459.85 |
| 454.95 | 459.95 |

(b) The following frequencies are available for assignment to rural subscriber, central office and inter-office stations in this service on a shared basis with other radio services:

*890–940 Mc Band*[1]

(Subject to determination of Docket No. 10797)

| *Mc* | *Mc* | *Mc* | *Mc* |
|---|---|---|---|
| 890.5 | 903.0 | 915.5 | 928.0 |
| 891.0 | 903.5 | 916.0 | 928.5 |
| 891.5 | 904.0 | 916.5 | 929.0 |
| 892.0 | 904.5 | 917.0 | 929.5 |
| 892.5 | 905.0 | 917.5 | 930.0 |
| 893.0 | 905.5 | 918.0 | 930.5 |
| 893.5 | 906.0 | 918.5 | 931.0 |
| 894.0 | 906.5 | 919.0 | 931.5 |
| 894.5 | 907.0 | 919.5 | 932.0 |
| 895.0 | 907.5 | 920.0 | 932.5 |
| 895.5 | 908.0 | 920.5 | 933.0 |
| 896.0 | 908.5 | 921.0 | 933.5 |
| 896.5 | 909.0 | 921.5 | 934.0 |
| 897.0 | 909.5 | 922.0 | 934.5 |
| 897.5 | 910.0 | 922.5 | 935.0 |
| 898.0 | 910.5 | 923.0 | 935.5 |
| 898.5 | 911.0 | 923.5 | 936.0 |
| 899.0 | 911.5 | 924.0 | 936.5 |
| 899.5 | 912.0 | 924.5 | 937.0 |
| 900.0 | 912.5 | 925.0 | 937.5 |
| 900.5 | 913.0 | 925.5 | 938.0 |
| 901.0 | 913.5 | 926.0 | 938.5 |
| 901.5 | 914.0 | 926.5 | 939.0 |
| 902.0 | 914.5 | 927.0 | 939.5 |
| 902.5 | 915.0 | 927.5 | |

[1] Stations operating in the 890–940 Mc band will not be protected from such interference as may be experienced from the emissions of industrial, scientific, and medical equipment on 915 Mc, in accordance with § 2.104 (a) of this chapter.

[16] Inter-island and intra-island point-to-point telephone and point-to-point telegraph stations which were licensed, on September 4, 1956, in the Fixed Public Services outside the continental limits of the United States shall be licensed in this service and may be authorized to continue the use of the previously authorized frequencies on the condition that harmful interference will not be caused to services operating in accordance with the table of frequency allocations.



(c) In the Territory of Hawaii, the following frequencies are available for assignment to Inter-Office stations:

*76–108 Mc Band*

| *Mc* | *Mc* | *Mc* | *Mc* |
|---|---|---|---|
| 76.02 | 79.42 | 82.82 | 86.22 |
| 76.06 | 79.46 | 82.86 | 86.26 |
| 76.10 | 79.50 | 82.90 | 86.30 |
| 76.14 | 79.54 | 82.94 | 86.34 |
| 76.18 | 79.58 | 82.98 | 86.38 |
| 76.22 | 79.62 | 83.02 | 86.42 |
| 76.26 | 79.66 | 83.06 | 86.46 |
| 76.30 | 79.70 | 83.10 | 86.50 |
| 76.34 | 79.74 | 83.14 | 86.54 |
| 76.38 | 79.78 | 83.18 | 86.58 |
| 76.42 | 79.82 | 83.22 | 86.62 |
| 76.46 | 79.86 | 83.26 | 86.66 |
| 76.50 | 79.90 | 83.30 | 86.70 |
| 76.54 | 79.94 | 83.34 | 86.74 |
| 76.58 | 79.98 | 83.38 | 86.78 |
| 76.62 | 80.02 | 83.42 | 86.82 |
| 76.66 | 80.06 | 83.46 | 86.86 |
| 76.70 | 80.10 | 83.50 | 86.90 |
| 76.74 | 80.14 | 83.54 | 86.94 |
| 76.78 | 80.18 | 83.58 | 86.98 |
| 76.82 | 80.22 | 83.62 | 87.02 |
| 76.86 | 80.26 | 83.66 | 87.06 |
| 76.90 | 80.30 | 83.70 | 87.10 |
| 76.94 | 80.34 | 83.74 | 87.14 |
| 76.98 | 80.38 | 83.78 | 87.18 |
| 77.02 | 80.42 | 83.82 | 87.22 |
| 77.06 | 80.46 | 83.86 | 87.26 |
| 77.10 | 80.50 | 83.90 | 87.30 |
| 77.14 | 80.54 | 83.94 | 87.34 |
| 77.18 | 80.58 | 83.98 | 87.38 |
| 77.22 | 80.62 | 84.02 | 87.42 |
| 77.26 | 80.66 | 84.06 | 87.46 |
| 77.30 | 80.70 | 84.10 | 87.50 |
| 77.34 | 80.74 | 84.14 | 87.54 |
| 77.38 | 80.78 | 84.18 | 87.58 |
| 77.42 | 80.82 | 84.22 | 87.62 |
| 77.46 | 80.86 | 84.26 | 87.66 |
| 77.50 | 80.90 | 84.30 | 87.70 |
| 77.54 | 80.94 | 84.34 | 87.74 |
| 77.58 | 80.98 | 84.38 | 87.78 |
| 77.62 | 81.02 | 84.42 | 87.82 |
| 77.66 | 81.06 | 84.46 | 87.86 |
| 77.70 | 81.10 | 84.50 | 87.90 |
| 77.74 | 81.14 | 84.54 | 87.94 |
| 77.78 | 81.18 | 84.58 | 87.98 |
| 77.82 | 81.22 | 84.62 | 98.02 |
| 77.86 | 81.26 | 84.66 | 98.06 |
| 77.90 | 81.30 | 84.70 | 98.10 |
| 77.94 | 81.34 | 84.74 | 98.14 |
| 77.98 | 81.38 | 84.78 | 98.18 |
| 78.02 | 81.42 | 84.82 | 98.22 |
| 78.06 | 81.46 | 84.86 | 98.26 |
| 78.10 | 81.50 | 84.90 | 98.30 |
| 78.14 | 81.54 | 84.94 | 98.34 |
| 78.18 | 81.58 | 84.98 | 98.38 |
| 78.22 | 81.62 | 85.02 | 98.42 |
| 78.26 | 81.66 | 85.06 | 98.46 |
| 78.30 | 81.70 | 85.10 | 98.50 |
| 78.34 | 81.74 | 85.14 | 98.54 |
| 78.38 | 81.78 | 85.18 | 98.58 |
| 78.42 | 81.82 | 85.22 | 98.62 |
| 78.46 | 81.86 | 85.26 | 98.66 |
| 78.50 | 81.90 | 85.30 | 98.70 |
| 78.54 | 81.94 | 85.34 | 98.74 |
| 78.58 | 81.98 | 85.38 | 98.78 |
| 78.62 | 82.02 | 85.42 | 98.82 |
| 78.66 | 82.06 | 85.46 | 98.86 |
| 78.70 | 82.10 | 85.50 | 98.90 |
| 78.74 | 82.14 | 85.54 | 98.94 |
| 78.78 | 82.18 | 85.58 | 98.98 |
| 78.82 | 82.22 | 85.62 | 99.02 |
| 78.86 | 82.26 | 85.66 | 99.06 |
| 78.90 | 82.30 | 85.70 | 99.10 |
| 78.94 | 82.34 | 85.74 | 99.14 |
| 78.98 | 82.38 | 85.78 | 99.18 |
| 79.02 | 82.42 | 85.82 | 99.22 |
| 79.06 | 82.46 | 85.86 | 99.26 |
| 79.10 | 82.50 | 85.90 | 99.30 |
| 79.14 | 82.54 | 85.94 | 99.34 |
| 79.18 | 82.58 | 85.98 | 99.38 |
| 79.22 | 82.62 | 86.02 | 99.42 |
| 79.26 | 82.66 | 86.06 | 99.46 |
| 79.30 | 82.70 | 86.10 | 99.50 |
| 79.34 | 82.74 | 86.14 | 99.54 |
| 79.38 | 82.78 | 86.18 | 99.58 |

*76–108 Mc Band*—Continued

| *Mc* | *Mc* | *Mc* | *Mc* |
|---|---|---|---|
| 99.62 | 101.74 | 103.86 | 105.98 |
| 99.66 | 101.78 | 103.90 | 106.02 |
| 99.70 | 101.82 | 103.94 | 106.06 |
| 99.74 | 101.86 | 103.98 | 106.10 |
| 99.78 | 101.90 | 104.02 | 106.14 |
| 99.82 | 101.94 | 104.06 | 106.18 |
| 99.86 | 101.98 | 104.10 | 106.22 |
| 99.90 | 102.02 | 104.14 | 106.26 |
| 99.94 | 102.06 | 104.18 | 106.30 |
| 99.98 | 102.10 | 104.22 | 106.34 |
| 100.02 | 102.14 | 104.26 | 106.38 |
| 100.06 | 102.18 | 104.30 | 106.42 |
| 100.10 | 102.22 | 104.34 | 106.46 |
| 100.14 | 102.26 | 104.38 | 106.50 |
| 100.18 | 102.30 | 104.42 | 106.54 |
| 100.22 | 102.34 | 104.46 | 106.58 |
| 100.26 | 102.38 | 104.50 | 106.62 |
| 100.30 | 102.42 | 104.54 | 106.66 |
| 100.34 | 102.46 | 104.58 | 106.70 |
| 100.38 | 102.50 | 104.62 | 106.74 |
| 100.42 | 102.54 | 104.66 | 106.78 |
| 100.46 | 102.58 | 104.70 | 106.82 |
| 100.50 | 102.62 | 104.74 | 106.86 |
| 100.54 | 102.66 | 104.78 | 106.90 |
| 100.58 | 102.70 | 104.82 | 106.94 |
| 100.62 | 102.74 | 104.86 | 106.98 |
| 100.66 | 102.78 | 104.90 | 107.02 |
| 100.70 | 102.82 | 104.94 | 107.06 |
| 100.74 | 102.86 | 104.98 | 107.10 |
| 100.78 | 102.90 | 105.02 | 107.14 |
| 100.82 | 102.94 | 105.06 | 107.18 |
| 100.86 | 102.98 | 105.10 | 107.22 |
| 100.90 | 103.02 | 105.14 | 107.26 |
| 100.94 | 103.06 | 105.18 | 107.30 |
| 100.98 | 103.10 | 105.22 | 107.34 |
| 101.02 | 103.14 | 105.26 | 107.38 |
| 101.06 | 103.18 | 105.30 | 107.42 |
| 101.10 | 103.22 | 105.34 | 107.46 |
| 101.14 | 103.26 | 105.38 | 107.50 |
| 101.18 | 103.30 | 105.42 | 107.54 |
| 101.22 | 103.34 | 105.46 | 107.58 |
| 101.26 | 103.38 | 105.50 | 107.62 |
| 101.30 | 103.42 | 105.54 | 107.66 |
| 101.34 | 103.46 | 105.58 | 107.70 |
| 101.38 | 103.50 | 105.62 | 107.74 |
| 101.42 | 103.54 | 105.66 | 107.78 |
| 101.46 | 103.58 | 105.70 | 107.82 |
| 101.50 | 103.62 | 105.74 | 107.86 |
| 101.54 | 103.66 | 105.78 | 107.90 |
| 101.58 | 103.70 | 105.82 | 107.94 |
| 101.62 | 103.74 | 105.86 | 107.98 |
| 101.66 | 103.78 | 105.90 | |
| 101.70 | 103.82 | 105.94 | |

(d) Within the geographic areas in which the frequencies in paragraphs (a) and (b) of this section may be assigned, and under the same limitations of shared usage and reservations concerning interference set forth therein, such frequencies may also be assigned to radio relay stations in the Rural Radio Service upon a satisfactory showing as to why it is impracticable to achieve the requisite communication without the use of radio relay stations operating on such frequencies.

§ 21.602 *Transmitter power.* Stations in this service shall not be authorized to use transmitters having a rated power output in excess of the limits set forth in § 21.107 (b). A standby transmitter having a rated power output in excess of that of the main transmitter with which it is associated will not be authorized.

§ 21.603 *Types of emission.*[17] (a) Stations in this service within the continental limits of the United States normally shall be authorized to use only types A1, A2, A3 or F1, F2 and F3 emission for radiotelephony. However, multi-channel type of amplitude or frequency modulated emission for radiotelephony may be authorized upon a satisfactory showing of need therefor and provided that the criteria concerning bandwidth of emission set forth in § 21.604 (b) are satisfied.

(b) In addition to the types of emission which may be authorized under the provisions of paragraph (a) of this section, stations in this service outside the continental limits of the United States may be authorized to employ A4 and F4.

(c) The authorization for use of A3 and F3 emission shall be construed to include the use of tone signals or signaling devices whose sole function is to establish and maintain communication between stations.

(d) Other types of emission not described in paragraph (a) of this section may be authorized upon a satisfactory showing of need therefor. An application requesting such authorization shall fully describe the emission desired, shall indicate the bandwidth required for satisfactory communication, and shall state the purpose for which such emission is required.

[17] Further reference should be made to §§ 21.103 to 21.105, inclusive.

§ 21.604 *Emission limitations.* (a) The maximum bandwidths which will normally be authorized for single channel operation in this service are set forth below:

| Type of emission: | *Authorized bandwidth* |
|---|---|
| A1 | 1 kc |
| A2 | 3 kc |
| A3 | 8 kc |
| A4 | 12 kc |
| F1 | 3 kc |
| F2 | 3 kc |
| F3 | 40 kc |
| F4 | 40 kc |

(b) Bandwidths of emission greater than shown in paragraph (a) of this section may be authorized for multi-channel operation upon an adequate showing of need therefor and provided a showing is made that the efficiency of frequency utilization per derived communication channel is equivalent to or greater than on a single channel basis. An application requesting such authorization shall fully described the modulation, omission and bandwidth desired and shall specify the bandwidth to be occupied.

§ 21.605 *Modulation requirements.* (a) The use of modulating frequencies higher than 3000 cycles per second for single channel radiotelephony or tone signaling on frequencies below 500 Mc is not authorized.

(b) When amplitude modulation is used, the modulation percentage shall be sufficient to provide efficient communication and shall be normally maintained above 70 percent on peaks, but shall not exceed 100 percent on negative peaks.

(c) When phase or frequency modulation is used for single channel radiotelephony on frequencies below 500 Mc, the deviation arising from modulation shall not exceed plus or minus 15 kc from the unmodulated carrier.

(d) Each single channel radiotelephone transmitter having more than 3 watts plate power input to the final radio frequency stage and initially in-

stalled at a station in this service after the effective date of these rules shall be provided with a device which will automatically prevent modulation in excess of that specified in paragraphs (b) and (c) of this section which may be caused by greater than normal audio level.

§ 21.606 *Permissible communications.* (a) Rural Subscriber stations normally are authorized to communicate with and through the central office station with which they are associated. However, where the establishment of central office station facilities in this service is shown to be impracticable, Rural Subscriber stations may be authorized to communicate with and through a specified base station in the Domestic Public Land Mobile Radio Service pursuant to the provisions of § 21.509 (f).

(b) Central Office stations may communicate only with Rural Subscriber stations.

(c) Inter-Office stations may communicate only with other Inter-Office stations.

(d) The foregoing paragraphs of this section shall not be construed to prohibit stations in this service from communicating through radio relay stations authorized pursuant to the provisions of § 21.601 (d).

§ 21.607 *Priority of service.* Within the Rural Radio Service, the frequencies set forth in § 21.601 are intended primarily for use in rendition of public message service between Rural Subscriber and Central Office stations and to provide radio trunking facilities between central offices. However, the frequencies may also be used for the rendition of private leased line communication service provided that such usage will not reduce or impair the extent or quality of communication service which would be available, in the absence of private leased line service, to the general public receiving or subsequently requesting public message service from a central office.

§ 21.608 *Supplementary showing required with application for inter-office stations.* (a) Each application for initial installation of a radio station in this service, or for installation of additional transmitters, or for authority to communicate with new points, shall be accompanied by a statement showing how the proposed construction, etc., will serve the public interest, convenience and necessity. (When a series of related applications is filed for authority to construct a coordinated radio system or additional channels thereon, the supporting data may refer to all of the proposed stations or transmitters in such system.) Among other things, such statement should include information concerning:

(1) The number of communication circuits (telephone, telegraph, etc.) to be derived initially from the radio facilities proposed to be established. In the case of a radio system involving one or more circuit branching points, indicate the number of such circuits to be derived in each section of the system.

(2) The availability, adequacy, and reliability of existing public communication facilities along the route or in the area proposed to be served by the proposed radio facilities, operated by the applicant or any other carrier, indicating:

(i) The type of each communication facility (open wire, cable, radio, etc.).

(ii) The number of communication circuits of each type, listed in paragraph (a) (1) of this section, currently being derived from each of these facilities in the limiting cross-section or cross-sections, as appropriate.

(iii) Current traffic load trends, as indicated by periodic traffic load studies, including an estimate as to future circuit requirements.

(iv) Where more than 24 circuits are to be derived from the proposed construction, list the principal circuit groups currently operated, the number of circuits in each group, and the estimated number of circuits required in each group to meet load demands for the ensuing one year, two year, or five year period, as may be appropriate in order to provide adequate justification for said increases.

(b) Where specific information required by paragraph (a) of this section has been submitted in connection with applications filed under Part 63 of this chapter, duplication information in support of applications submitted pursuant to this Part is not required provided appropriate references are made therein. After an application for the initial establishment of a radio station or for the addition of transmitters on an existing system has been granted, and where the number of communication circuits (i. e., telephone, telegraph, etc.) is to be expanded without otherwise affecting the terms of the applicable radio station authorization, authority to install necessary channelizing equipment shall be secured by an application filed pursuant to section 214 (a) of the Communications Act of 1934, as amended, and Part 63 of the Commission's rules and regulations, in those cases where the applicant is subject to the provisions of section 214.

§ 21.609 *Supplementary showing required with applications for central office stations and rural subscriber stations.* Each application in this service should be accompanied by a statement showing why it is impracticable to provide the required communication service by means of wire line facilities, including the estimated cost of such facilities as compared with radio facilities, operating or maintenance difficulties, or similar factors which indicate the desirability of providing service by means of radio facilities. Additionally, where it is proposed to provide rural subscriber service through a base station, a showing should be made that the proposed rural subscriber service will not adversely affect the availability or adequacy of service to mobile subscribers.

§ 21.610 *Rural subscriber and central office stations at temporary fixed locations.* (a) Authorizations may be issued upon proper application for the use of frequencies listed in § 21.601 (a) by rural subscriber stations and central office stations for rendition of rural radio service to subscribers at temporary locations under the following conditions:

(1) When a fixed station is to remain at a single location for less than six months, the location is considered to be temporary.

(2) When a fixed station authorized to operate at temporary locations is to remain at a single location for more than six months, an application for modification of the station authorization to specify the permanent location shall be filed within thirty days prior to expiration of the six month period.

(3) The station shall be used only for rendition of communication service at a remote point where the provision of wire telephone facilities is not practicable.

(4) The antenna height employed at any location shall not exceed the criteria set forth in § 17.3 of Part 17 of the rules unless, in each instance, authorization for use of a specific maximum antenna height for each location has been obtained from the Commission prior to erection of the antenna. Requests for such authorization shall be accompanied by FCC Form 401–A completed in triplicate.

(b) Applications for authorizations to operate rural subscriber stations and central office stations at temporary locations under the provisions of this section shall be made upon FCC Form 401, and may be accompanied by completed FCC Form 403 for simultaneous consideration provided the equipment to be used is of "packaged" design. Blanket applications may be submitted for the required number of rural subscriber and central office transmitters.

§ 21.611 *Notification of station operation at temporary locations.* The licensee of stations which are authorized pursuant to the provisions of § 21.610 shall notify the Commission's Engineer-in-Charge of the radio district wherein operation is to be conducted, at least two days prior to installation of the facilities, stating:

(a) The call sign and specific location of the transmitter.

(b) The identity and location of the station with which it will communicate.

(c) The exact frequency to be used.

(d) The commencement and termination dates of operation from each location. A copy of the foregoing notification shall be posted with the station license.

## SUBPART I—POINT-TO-POINT MICROWAVE RADIO SERVICE

§ 21.700 *Eligibility.* Authorizations for stations in this service will be issued to existing and proposed communication common carriers. Applications will be granted only in cases where it is shown that (a) the applicant is legally, financially, technically and otherwise qualified to render the proposed service, (b) there are frequencies available to enable the applicant to render a satisfactory service, and (c) the public interest, convenience or necessity would be served by a grant thereof.

§ 21.701 *Frequencies.* (a) The following frequency bands are available for assignment to radio stations in this service on a shared basis with stations in the Local Television Transmission Service:

3700–4200 Mc
5925–6425 Mc
10700–11700 Mc

(b) The following frequencies are allocated for assignment to fixed stations in this service on a shared basis with other radio services:

*890–940 Mc Band* [1]

| Mc | Mc | Mc | Mc |
|---|---|---|---|
| 890.5 | 903.0 | 915.5 | 928.0 |
| 891.0 | 903.5 | 916.0 | 928.5 |
| 891.5 | 904.0 | 916.5 | 929.0 |
| 892.0 | 904.5 | 917.0 | 929.5 |
| 892.5 | 905.0 | 917.5 | 930.0 |
| 893.0 | 905.5 | 918.0 | 930.5 |
| 893.5 | 906.0 | 918.5 | 931.0 |
| 894.0 | 906.5 | 919.0 | 931.5 |
| 894.5 | 907.0 | 919.5 | 932.0 |
| 895.0 | 907.5 | 920.0 | 932.5 |
| 895.5 | 908.0 | 920.5 | 933.0 |
| 896.0 | 908.5 | 921.0 | 933.5 |
| 896.5 | 909.0 | 921.5 | 934.0 |
| 897.0 | 909.5 | 922.0 | 934.5 |
| 897.5 | 910.0 | 922.5 | 935.0 |
| 898.0 | 910.5 | 923.0 | 935.5 |
| 898.5 | 911.0 | 923.5 | 936.0 |
| 899.0 | 911.5 | 924.0 | 936.5 |
| 899.5 | 912.0 | 924.5 | 937.0 |
| 900.0 | 912.5 | 925.0 | 937.5 |
| 900.5 | 913.0 | 925.5 | 938.0 |
| 901.0 | 913.5 | 926.0 | 938.5 |
| 901.5 | 914.0 | 926.5 | 939.0 |
| 902.0 | 914.5 | 927.0 | 939.5 |
| 902.5 | 915.0 | 927.5 | |

2450–2500 Mc [1]
16000–18000 Mc [2]
26000–30000 Mc

[1] Stations operating on these frequencies will not be protected from such interference as may be experienced from the emissions of industrial, scientific, and medical equipment on the frequency of 915 Mc, in accordance with § 2.104 (a) of this chapter.

[2] Stations operating on frequencies between 17850 Mc and 18000 Mc will not be protected from such interference as may be experienced from the emissions of industrial, scientific and medical equipment operating on the frequency 18000 Mc, in accordance with § 2.104 (a) of this chapter.

(c) The following frequencies are allocated for assignment to control stations in this service on a shared basis with other radio services, upon a satisfactory showing that it is impracticable to use wire lines:

*72–76 Mc Band* [1]

| Mc | Mc | Mc | Mc |
|---|---|---|---|
| 72.02 | 72.70 | 73.38 | 74.06 |
| 72.06 | 72.74 | 73.42 | 74.10 |
| 72.10 | 72.78 | 73.46 | 74.14 |
| 72.14 | 72.82 | 73.50 | 74.18 |
| 72.18 | 72.86 | 73.54 | 74.22 |
| 72.22 | 72.90 | 73.58 | 74.26 |
| 72.26 | 72.94 | 73.62 | 74.30 |
| 72.30 | 72.98 | 73.66 | 74.34 |
| 72.34 | 73.02 | 73.70 | 74.38 |
| 72.38 | 73.06 | 73.74 | 74.42 |
| 72.42 | 73.10 | 73.78 | 74.46 |
| 72.46 | 73.14 | 73.82 | 74.50 |
| 72.50 | 73.18 | 73.86 | 74.54 |
| 72.54 | 73.22 | 73.90 | 74.58 |
| 72.58 | 73.26 | 73.94 | 75.42 |
| 72.62 | 73.30 | 73.98 | 75.46 |
| 72.66 | 73.34 | 74.02 | 75.50 |

*72–76 Mc Band*—Continued

| Mc | Mc | Mc | Mc |
|---|---|---|---|
| 75.54 | 75.66 | 75.78 | 75.90 |
| 75.58 | 75.70 | 75.82 | 75.94 |
| 75.62 | 75.74 | 75.86 | 75.98 |

[1] Assignments made to stations on frequencies in this band are subject to the condition that no harmful interference will be caused to operational fixed stations or reception of television stations on channels 4 or 5 (see § 21.103).

(d) The frequency 27.255 Mc is available for assignment to microwave auxiliary stations in this service on a shared basis with other radio services. Assignments to stations on such frequency will not be protected from such interference as may be experienced from the emissions of industrial, scientific, and medical equipment operating on the frequency 27.12 Mc, in accordance with § 2.104 (a) of this chapter.

§ 21.702 *Transmitter power.* Stations in this service shall not be authorized to use transmitters having a rated power output in excess of the limits set forth in § 21.107 (b) and a standby transmitter having a rated power output in excess of that of the main transmitter with which it is associated will not be authorized.

§ 21.703 *Bandwidth and emission limitations.* (a) Stations in this service operating on frequencies in the 72–76 Mc band shall be authorized to employ only amplitude modulated or frequency modulated emission for radiotelegraphy, radiotelephony and facsimile.

(b) Stations in this service operating on the frequency 27.255 Mc shall be authorized to employ only amplitude modulated or frequency modulated emission for radiotelephony.

(c) Except as limited by paragraphs (a) and (b) of this section, stations operating in the frequency bands listed in § 21.701 may be authorized to use amplitude modulated, frequency modulated or pulse type of emission for radiotelegraphy, radiotelephony, facsimile and television. In addition, the use of unmodulated emission may be authorized in appropriate cases.

(d) The authorization to employ any of the various types of modulated emission below 890 Mc in this service shall be construed to include authority to employ unmodulated emission only for temporary or short periods necessary for equipment testing incident to the construction and maintenance of a radio station.

(e) The maximum bandwidths which will normally be authorized for single channel operation on frequencies below 500 Mc in this service shall not exceed the limits set forth below:

| Type of emission: | *Authorized bandwidth* |
|---|---|
| A1 | 1 kc |
| A2 | 3 kc |
| A3 | 8 kc |
| A4 | 12 kc |
| F1 | 3 kc |
| F2 | 3 kc |
| F3 | 40 kc |
| F4 | 40 kc |

(f) On frequencies in the 890–940 Mc band, the bandwidth authorized shall not exceed 400 kc for each derived communication channel and may be restricted to lesser bandwidth when appropriate to the type of operation involved in any particular case.

(g) The maximum bandwidth normally authorized in this service in the following frequency bands shall not exceed the limits set forth below:

| Frequency band: | *Authorized bandwidth* |
|---|---|
| 2450–2500 Mc | 20 Mc |
| 3700–4200 Mc | 20 Mc |
| 5925–6425 Mc | 30 Mc |
| 16000–18000 Mc | 100 Mc |
| 26000–30000 Mc | 200 Mc |

(h) The bandwidths authorized on frequencies above 500 Mc shall be appropriate to the type of operation in any particular case. An application requesting such authorization shall fully describe the modulation, emission, and bandwidth desired and shall specify the bandwidth to be occupied.

§ 21.704 *Modulation required.* (a) When amplitude modulation is used, the modulation percentage shall be sufficient to provide efficient communication and shall normally be maintained above 70 percent on peaks, but shall not exceed 100 percent on negative peaks.

(b) Each single channel transmitter operating on frequencies below 500 Mc shall be provided with a device which will automatically prevent modulation in excess of the maximum bandwidth specified in the instrument of station authorization.

§ 21.705 *Permissible communications.* Stations in this service are authorized to render any kind of communication service provided for in the legally applicable tariffs of the carrier, unless otherwise directed in the applicable instrument of authorization or limited by § 21.703.

§ 21.706 *Supplementary showing required with applications.* (a) Each application for initial installation of a radio station in this service, or for installation of additional transmitters, or for authority to communicate with new points, shall be accompanied by a statement showing how the proposed construction, etc., will serve the public interest, convenience and necessity. (When a series of related applications is filed for authority to construct a coordinated radio system or additional channels thereon, the supporting data may refer to all of the proposed stations or transmitters in such system.) Such statement must include information concerning:

(1) The nature and classification of the communication services to be provided (e. g., telegraph, telephone, program transmission for radio, television broadcasting, or theatre television, etc.).

(2) The number of communication circuits in each category (telephone, telegraph, etc.) to be derived initially from the radio facilities proposed to be established. In the case of a radio system involving one or more circuit branching points, indicate the number of such circuits to be derived in each of the controlling sections of the system.

(3) The availability, adequacy, and reliability of existing public communication facilities along the route or in the area to be served by the proposed radio facilities operated by the applicant, indicating:

(i) The type of each communication facility (open wire, cable, radio, etc.).

(ii) A list of the principal communication circuit groups currently being derived from each of these facilities in the limiting cross-section or cross-sections, as appropriate.

(iii) Current traffic load trends, as indicated by periodic traffic load studies, including an estimate as to future circuit requirements.

(iv) Where more than 24 circuits are to be derived from the proposed construction, list the principal circuit groups currently operated, the number of circuits in each group, and the estimated number of circuits required in each group to meet load demands for the ensuing one year, two year, or five year period, as may be appropriate in order to provide adequate justification for said increases.

(b) Where specific information required by paragraph (a) of this section has been submitted in connection with applications filed under Part 63 of this chapter, duplicate information in support of applications submitted pursuant to this Part is not required provided appropriate references are made therein. After an application for the initial establishment of a radio station or for the addition of transmitters on an existing system has been granted, and where the number of communication circuits (i. e., telephone, telegraph, etc.) is to be expanded without otherwise affecting the terms of the applicable radio station authorization, authority to install necessary channelizing equipment shall be secured by an application filed pursuant to section 214 (a) of the Communications Act of 1934, as amended, and Part 63 of this chapter, in those cases where the applicant is subject to the provisions of section 214.

§ 21.707 *Stations at temporary fixed locations.* (a) Authorizations may be issued upon proper application for the use of frequencies listed in §21.701 (a) and (b) by stations in the point-to-point microwave radio service for rendition of temporary service to subscribers under the following conditions:

(1) When a fixed station is to remain at a single location for less than six months, the location is considered to be temporary.

(2) When a fixed station authorized to operate at temporary locations remains at a single location for more than six months, an application for modification of the station authorization to specify the permanent location shall be filed within thirty days prior to expiration of the six month period.

(3) The station shall be used only for rendition of communication service at a remote point where the provision of wire facilities is not practicable.

(4) The antenna height employed at any location shall not exceed the criteria set forth in § 17.3 of Part 17 of the rules unless, in each instance, authorization for use of a specific maximum antenna height for each location has been obtained from the Commission prior to erection of the antenna. Requests for such authorization shall be accompanied by FCC Form 401–A completed in triplicate.

(b) Applications for authorizations to operate stations at temporary locations under the provisions of this section shall be made upon FCC Form 401, and may be accompanied by completed FCC Form 403 for simultaneous consideration provided the equipment to be used is of "packaged" design. Blanket applications may be submitted for the required number of transmitters.

### SUBPART J—LOCAL TELEVISION TRANSMISSION SERVICE

§ 21.800 *Eligibility.* Authorizations for stations in this service will be granted to existing and proposed communication common carriers. Applications will be granted only in cases where it is shown that (a) the applicant is legally, financially, technically and otherwise qualified to render the proposed service, (b) there are frequencies available to enable the applicant to render a satisfactory service, and (c) the public interest, convenience or necessity would be served by a grant thereof.

§ 21.801 *Frequencies.* (a) The following frequencies are available for assignment to television pickup and television STL stations operated by communication common carriers:

7062.5 Mc
7087.5 Mc
7112.5 Mc

(b) In the event a television broadcast station licensee engages a communication common carrier to provide a pickup or STL service, the frequencies available to the broadcast station licensee under the apportionment set forth in § 4.602 (a) of Part 4 of this chapter pertaining to "Experimental and Auxiliary Broadcast Services" may be assigned, under the limitations set forth in Part 4, to the communication common carrier in the Local Television Transmission Service for the purpose of providing such service to the broadcast station licensee.

(c) The frequencies available for assignment under the provisions of paragraphs (a) and (b) of this section shall be used only for the transmission of program material, or communications immediately related thereto, intended for use by television broadcasting stations.

(d) On a shared basis with other radio services, frequencies in the following bands are available for assignment to television STL, television pickup, and television non-broadcast pickup stations in this service:

2450–2500 Mc
16000–18000 Mc
26000–30000 Mc

Stations operating on frequencies in the 2450–2500 Mc band will not be protected from such interference as may be experienced from the emissions of industrial, scientific, and medical equipment operating on the frequency 2450 Mc, in accordance with § 2.104 (a) of this chapter. Stations operating on frequencies between 17850 Mc and 18000 Mc will not be protected from such interference as may be experienced from the emissions of industrial, scientific, and medical equipment operating on the frequency 18000 Mc, in accordance with § 2.104 (a) of this chapter.

(e) On a shared basis with other radio services, frequencies in the following bands are available for assignment to television nonbroadcast pickup stations in this service:

3500–3700 Mc [1]
6425–6575 Mc [1]
11700–12200 Mc [1]

[1] Use of this frequency band is subject to the final action taken in Docket No. 10797.

(f) Frequencies in the following bands are available for assignment to television STL stations in this service on a shared basis with stations in the Point-to-Point Microwave Radio Service:

3700–4200 Mc
5925–6425 Mc
10700–11700 Mc

(g) On a shared basis with other radio services, frequencies in the following bands are available for assignment to television STL stations in this service:

16000–18000 Mc [1]
26000–30000 Mc

[1] Stations operating on frequencies between 17850 and 18000 Mc will not be protected from such interference as may be experienced from the emissions of industrial, scientific, and medical equipment operating on the frequency 18000 Mc, in accordance with § 2.104 (a) of this chapter.

(h) The following frequencies in the 27.23–27.38 Mc band are allocated for assignment to microwave auxiliary stations in this service on a shared basis with other radio services.

27.255 Mc [1]

[1] Assignments to stations in this band will not be protected from such interference as may be exeprienced from the emissions of industrial, scientific, and medical equipment operating on 27.255 Mc, in accordance with § 21.104 (a) of this chapter.

§ 21.802 *Assignment of frequencies to mobile stations.* The assignment of frequencies to mobile stations in this service shall not be limited to a single licensee within any area. However, geographical limits within which mobile units may operate may be imposed by the Commission.

§ 21.803 *Transmitter power.* Stations in this service shall not be authorized to use transmitters having a rated power output in excess of the limits set forth in § 21.107 (b) and a standby transmitter having a rated power output in excess of that of the main transmitter with which it is associated will not be authorized.

§ 21.804 *Bandwidth and emission limitations.* (a) Stations in this service operating on frequencies in the 27.23–27.28 Mc band shall be authorized to employ only amplitude modulated or frequency modulated emission for radiotelephony. The authorization to use such emission shall be construed to include authority to employ unmodulated emission only for temporary or short periods necessary for equipment testing incident to the construction and maintenance of the station.

(b) Stations in this service operating on frequencies above 940 Mc may be authorized to use amplitude modulated, frequency modulated or pulse type of emission for radiotelephony and television. In addition, the use of unmodulated emission may be authorized in appropriate cases.

(c) The maximum bandwidths which will normally be authorized for single channel operation on frequencies below 500 Mc in this service shall not exceed the limits set forth below:

| Type of emission: | *Authorized bandwidth* |
|---|---|
| A3 | 8 kc |
| F3 | 40 kc |

(d) The maximum bandwidths which will normally be authorized in this service in the following frequency bands shall not exceed the limits set forth below:

| Frequency band: | *Authorized bandwidth* |
|---|---|
| 2450–2500 Mc | 20 Mc |
| 3500–4200 Mc | 20 Mc |
| 5925–6575 Mc | 30 Mc |
| 6875–7125 Mc | 25 Mc |
| 10700–12200 Mc | 50 Mc |
| 16000–18000 Mc | 100 Mc |
| 26000–30000 Mc | 200 Mc |

(e) The bandwidths authorized on frequencies above 500 Mc shall be appropriate to the type of operation in any particular case. An application requesting such authorization shall fully describe the modulation, emission, and bandwidth desired and shall specify the bandwidth to be occupied.

§ 21.805 *Modulation requirements.* (a) The use of modulating frequencies higher than 3000 cycles per second for single channel radiotelephony or tone signaling on frequencies below 500 Mc is not authorized.

(b) When amplitude modulation is used, the modulation percentage shall be sufficient to provide efficient communication and shall normally be maintained above 70 percent on peaks, but shall not exceed 100 percent on negative peaks.

(c) When phase or frequency modulation is used for single channel radiotelephony on frequencies below 500 Mc, the deviation arising from modulation shall not exceed plus or minus 15 kc from the unmodulated carrier.

(d) Each single channel radiotelephone transmitter having more than 3 watts plate power input to the final radio frequency stage and initially installed at the station in this service after the effective date of these rules shall be provided with a device which will automatically prevent modulation in excess of that specified in paragraphs (b) and (c) of this section which may be caused by greater than normal audio level.

§ 21.806 *Remote control operation of mobile television pickup stations.*[12] (a) Mobile television pickup stations (including non-broadcast) may be operated by remote control from fixed locations for periods not to exceed 6 months, provided the Commission's Engineer-in-Charge of the radio district wherein operation is to be conducted shall be notified in writing by the licensee prior to operation of the facilities by remote control. A copy of such notification shall be kept with the station license and shall contain the following information:

(1) The call sign and specific location of the transmitter.

(2) The exact frequencies to be used.

(3) The location of the transmitter control point.

(4) The commencement and termination dates of operation from the specified location.

(b) The Commission may, upon adequate showing by the licensee as to why the television pickup operations should not be conducted under a fixed station authorization, renew the authority granted under the provisions of paragraph (a) of this section.

[12] Reference should be made to § 21.114 concerning mobile station antenna height restrictions and to paragraphs (c), (f) and (g) of § 21.118 concerning control points.



[F. R. Doc. 56-4970; Filed, June 27, 1956; 8:45 a. m.]

## TITLE 22—FOREIGN RELATIONS

### Chapter I—Department of State

[Departmental Reg. 108.290]

### PART 2—FEES FOR SERVICES

Part 2 of Departmental Regulation 108.238 entitled "Fees for Services," published in the FEDERAL REGISTER of November 30, 1954 (19 F. R. 7720–7721), as amended, is amended to read as follows:

Sec.
2.1 Schedule of fees.
2.2 Requesting services and forwarding remittances.
2.3 Effective date.

AUTHORITY: §§ 2.1 to 2.3 issued under R. S. 161; 5 U. S. C. 22. Interpret or apply sec. 501, 65 Stat. 290; 5 U. S. C. 140.

CROSS REFERENCES: For fees in connection with passport services, see Part 51 and § 103.1 of this chapter. For fees in connection with visa services, see Part 44 and § 103.1 of this chapter. For the Tariff of United States Foreign Service Fees covering invoice services, passport services, visa services for aliens, services to vessels and seamen, and miscellaneous notarial and other services, see § 103.1 of this chapter. For regulations concerning deposit of funds, see Part 9 of this chapter.

§ 2.1 *Schedule of fees.*

| Item No. | Description of service | Fee |
|---|---|---|
| 1 | a. For each search for a record and for making a copy or extract thereof, by photostat or otherwise (single page) | $1.50 |
| | b. For each additional copy of the first page, for 25 copies or less, for each copy of the second page, for 25 copies or less and for each copy of each additional page, for 25 copies or less | .60<br>.20 |
| | c. For each copy in excess of the 25 copies of each page | |
| | (This fee does not apply to such customary activities as issuance of copies of records (1) from supplies kept for distribution, such as press releases and information leaflets; (2) as part of normal and generally reciprocal services performed by the Library of the Department at the request of similar agencies or institutions; or (3) in lieu of or as enclosures to letters with the purpose of saving costs in preparing mail.) | |
| | (The routine servicing of requests of persons having permission to do research in the records under section 183.2 of the Manual of Regulations and Procedures of the Department of State is not to be considered as searching within the meaning of this item. Any copying performed under this proviso, including the first copy of any first page, shall be at the rate indicated in Item No. 1b or 1c, and authenticating at the rate under Item No. 3.) | |
| 2 | For each signed statement of negative result of a search for a record (Item 1 above) | 1.00 |
| 3 | For certifying under official seal that a copy or extract made by the Department from its records is a true copy | 1.00 |
| | (Fees for searching and for copying, if required, are an additional charge under Item 1.) | |
| 4 | Authenticating a Federal, State or Territorial seal, or certifying to the official status of an officer of the United States Department of State or of a foreign diplomatic or consular officer accredited to or recognized by the United States Government, on any document submitted to the Department for that purpose | 2.50 |
| 5 | Any service described in Items 1, 2, 3, or 4 above, when— | |
| | a. Required for official use by an agency of the Federal Government or of any of the States or their subdivisions or of the District of Columbia, or of any of the territories and possessions of the United States | No fee |
| | b. Required for official use by a foreign government, or by an international agency of which the Government of the United States is a member, or by a foreign official to whom the United States has granted diplomatic or consular status, in circumstances where furnishing the service is an appropriate courtesy | No fee |
| | c. Performed in response to a subpoena or other order of a court. (However, fees are chargeable when the service is for the benefit of a party in interest and a court order or subpoena is issued in his behalf.) | No fee |
| | d. Performed in providing to a party in interest, one copy of the transcript of a hearing held before a panel, board, or other authority of the Department | No fee |
| | e. Performed in providing to a party in interest, for delivery to and retention by an agency of the Federal Government, one copy under seal of a personal document (viz., consular form report of birth, certificate of witness to marriage, or report of death of an American citizen, etc.) | No fee |
| | f. Performed in providing to a near relative or legal representative, one copy under seal of a consular form report of death of an American citizen | No fee |

§ 2.2 *Requesting services and forwarding remittances.* (a) Request for services, accompanied by remittance of the exact total fee chargeable (as well as by a stamped addressed return envelope if certified mail, registered mail, air mail, or special delivery mail service is desired), shall be addressed to the Authentication Officer, Department of State, Washington 25, D. C.

(b) Remittances shall be in the form either of (1) check or bank draft drawn on a bank in the continental United States, or (2) postal money order, or (3) cash. Remittances shall be made payable to the order of the Department of State. The Department will assume no responsibility for cash which is lost in the mail.

(c) Fees must be paid in full prior to issuance of requested documents. If uncertainty as to the existence of a record, or as to the number of sheets to be copied, precludes remitting the exact fee charge-

able with the request the Department of State will inform the interested party of the exact amount required.

§ 2.3 *Effective date.* The charges hereby established will become effective on July 1, 1956 with respect to all services rendered pursuant to requests received in the Department of State on or after the effective date.

Dated: June 20, 1956.

I. W. CARPENTER, Jr.,
*Assistant Secretary-Controller.*

[F. R. Doc. 56-5119; Filed, June 27, 1956; 8:53 a.m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

### [ 43 CFR Part 194 ]

POTASSIUM PERMITS AND LEASES

MISCELLANEOUS AMENDMENTS

Notice is hereby given that pursuant to the authority vested in the Secretary of the Interior under sections 1 to 7 of the act of February 7, 1927, as amended (44 Stat. 1057, 30 U. S. C. 281-287), it is proposed to amend certain sections of the potassium regulations approved May 6, 1955, as amended August 25, 1955. The proposed amendment of the sections is set forth as appendices to this notice.

Interested persons may submit, in triplicate, written comments, suggestions, or objections with respect to the proposed amendment of the sections to the Bureau of Land Management, Washington 25, D. C., within 30 days from date of publication of this notice in the FEDERAL REGISTER.

WESLEY A. D'EWART,
*Assistant Secretary of the Interior.*

JUNE 21, 1956.

1. Section 194.13 is amended by adding thereto new paragraph (c) as follows:

§ 194.13 *Reward for discovery.* * * *

(c) If the permittee dies before the lease is issued, the lease will be issued to the executor or administrator of the estate if probate of the estate has not been completed; if probate has been completed, or is not required, to the heirs or devisees; and if there are minor heirs or devisees, to their legal guardian or trustee in his name, provided there is filed in all cases the following information:

(1) Where probate of the estate has not been completed:

(i) Evidence that the person, who as executor or administrator submits forms of lease and bond, has authority to act in that capacity and to sign such forms.

(ii) Evidence that the heirs or devisees are the heirs or devisees of the deceased permittee and are the only heirs or devisees of the deceased.

(iii) A statement over the signature of each heir or devisee concerning citizenship and holdings similar to that required by § 194.4 (c) (1) and (4).

(2) Where the executor or administrator has been discharged or no probate proceedings are required:

(i) A certified copy of the will or decree of distribution, if any, and if not, a statement signed by the heirs that they are the only heirs of the permittee and citing the provisions of the law of the deceased's last domicile showing no probate is required.

(ii) A statement over the signature of each of the heirs or devisees with reference to citizenship and holdings similar to that required by § 194.4 (c) (1) and (4), except that if the heir or devisee is a minor, the statement must be over the signature of the guardian or trustee.

(3) Where there is a legal guardian or trustee:

(i) A certified copy of the court order authorizing the guardian or trustee to act as such and to fulfill in behalf of the minor or minors all obligations of the lease or arising thereunder; statements by the guardian or trustee as to the citizenship and holdings of each of the minors and as to his own citizenship and holdings, including his holdings for the benefit of other minors similar to that required by § 194.4 (c) (1) and (4).

2. Section 194.19 is amended, as follows:

§ 194.19 *Bid deposits.* The successful bidder at a sale by public auction must on the date of sale deposit with the Manager of the Land Office, or other officer conducting the sale, and each bidder at a sale by sealed bids must submit with his bid the following: Certified check, cashier's check, bank draft, money order or cash for one-fifth of the amount of the bid by him, and a statement over the bidder's own signature with respect to citizenship and interests held similar to that prescribed in § 194.4.

3. Section 194.20 is amended, as follows:

§ 194.20 *Award of lease.* Upon receipt of the high bid at, and at the close of, an oral auction, or the opening of the sealed bids, the Manager, subject to his right to reject any and all bids, will award the lease to the successful bidder, who will be notified accordingly. Four copies of the lease will be sent to the successful bidder, who will be required within 30 days from receipt thereof to execute them, pay the balance of the bonus bid, the first year's rental, and the cost of publication of the notice of lease offer as specified in § 194.18, and file a bond as required by § 194.15. If a bidder, after being awarded a lease, fails to execute it or otherwise comply with the applicable regulations, his deposit will be forfeited and disposed of as other receipts under the Mineral Leasing Act of February 25, 1920 (41 Stat. 437), as amended. If the lease awarded to the successful bidder is executed by an attorney acting in behalf of the bidder, the lease must be accompanied by evidence that the bidder authorized the attorney to execute the lease. If the bidder dies before the lease is issued, evidence such as specified in § 194.13 (c) must be filed before it can be determined to whom the lease may be issued.

4. Section 194.24 is amended by adding thereto new paragraphs (c) and (d), as follows:

§ 194.25 *Transfers, including subleases.* * * *

(c) No transfer will be approved if the transferee is not qualified to take and hold a permit or lease or if his bond is insufficient. A minor, except a minor heir or devisee of a permittee or lessee, is not qualified to hold a permit or lease and a transfer to a minor will not be approved.

(d) In order for the heirs or devisees of a deceased holder of a permit or lease, an operating agreement, or a royalty interest in a permit or lease, to be recognized by the Secretary as the holder of the permit or lease, agreement or interest, there must be furnished the appropriate showing required under § 194.13 (c).

[F. R. Doc. 56-5105; Filed, June 27, 1956; 8:50 a. m.]

## Fish and Wildlife Service

### [ 50 CFR Part 33 ]

TREMPEALEAU NATIONAL WILDLIFE REFUGE, WISCONSIN

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given pursuant to the Administrative Procedure Act approved June 11, 1946, that the Department of the Interior intends to rescind the regulations authorizing the hunting of deer on the Trempealeau National Wildlife Refuge, Wisconsin, as contained in §§ 33.251, 33.252, and 33.253, Title 50, Code of Federal Regulations (11 F. R. 11509).

All interested persons who desire to submit written data, views, or arguments in connection with the rescinding of the above regulations should file same with Mr. John L. Farley, Director, Fish and Wildlife Service, Washington 25, D. C., not later than 30 days after publication hereof in the FEDERAL REGISTER.

WESLEY A. D'EWART,
*Assistant Secretary of the Interior.*

JUNE 21, 1956.

[F. R. Doc. 56-5096; Filed, June 27, 1956; 8:48 a. m.]



## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### [ 7 CFR Part 940 ]

[Docket No. AO 102-A3]

HANDLING OF PEACHES GROWN IN THE COUNTY OF MESA IN COLORADO

DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO AMENDED MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders (7 CFR Part 900), a public hearing was held at Palisade, Colorado, on March 15, 1956, after notice thereof was published in the FEDERAL REGISTER (21 F. R. 1290), on proposed amendments to Marketing Agreement No. 88, as amended, and Order No. 40, as amended (7 CFR Part 940), hereinafter referred to as "marketing agreement" and "order," respectively, regulating the handling of peaches grown in the County of Mesa in the State of Colorado, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

On the basis of evidence introduced at the hearing, and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on June 7, 1956, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereto, was published in the FEDERAL REGISTER (F. R. Doc. 56-4619; 21 F. R. 4016). No exception to said recommended decision was filed.

The material issues, findings and conclusions, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F. R. Doc. 56-4619; 21 F. R. 4016) are hereby approved and adopted as the material issues, findings and conclusions, and general findings of this decision as if set forth in full herein.

*Marketing agreement and order.* Annexed hereto and made a part hereof are two documents entitled, respectively, "Agreement Amending the Amended Marketing Agreement Regulating the Handling of Peaches Grown in the County of Mesa in the State of Colorado" and "Order Amending the Amended Order Regulating the Handling of Peaches Grown in the County of Mesa in the State of Colorado," which have been decided upon as the appropriate and detailed means of effecting the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

*It is hereby ordered,* That all of this decision except the agreement amending the amended marketing agreement be published in the FEDERAL REGISTER. The regulatory provisions of the said agreement amending the amended marketing agreement are identical with those contained in the attached order amending the amended order which will be published with this decision.

Dated: June 22, 1956.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

*Order[1] Amending the Amended Order Regulating the Handling of Peaches Grown in the County of Mesa in the State of Colorado*

§ 940.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of this order; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73rd Congress (May 12, 1933), as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and the applicable rules of practice and procedure governing proceedings to formulate the marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Palisade, Colorado, on March 15, 1956, upon proposed amendments to the Amended Marketing Agreement No. 88 and Amended Order No. 40 (7 CFR Part 940), regulating the handling of peaches grown in the County of Mesa in the State of Colorado. Upon the basis of evidence introduced at such hearing and the record thereof, it is found that:

(1) The said amended order, as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The said amended order, as hereby further amended, regulates the handling of peaches grown in the County of Mesa in the State of Colorado in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, the marketing agreement upon which hearings have been held;

(3) The said amended order, as hereby further amended, is limited in its application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of such production area would not effectively carry out the declared policy of the act; and

(4) There are no differences in the production and marketing of peaches grown in the production area covered by the said amended order, as hereby further amended, that make necessary different terms and provisions applicable to different parts of such area.

*It is, therefore, ordered,* That, on and after the effective date hereof, the handling of peaches grown in the County of Mesa in the State of Colorado as is in the current of commerce between the State of Colorado and any point outside thereof shall be in conformity to, and in compliance with, the terms and conditions of the aforesaid amended order, as hereby further amended; and such amended order is hereby further amended to read as follows:

1. Redesignate §§ 940.8, 940.9 and 940.10 as 940.9, 940.10, and 940.11, respectively, and insert the following new section:

§ 940.8 *Varieties.* "Varieties" means and includes all classifications and subdivisions, including customary and trade names thereof, of peaches according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture or the Colorado State Department of Agriculture, or such groupings of peaches according to such characteristics or types as may be established by the Committee with the approval of the Secretary.

2. Delete §§ 940.20 through 940.23 and substitute therefor the following:

§ 940.20 *Establishment and membership.* An Administrative Committee is hereby established consisting of nine members, each of whom shall have an alternate. Five of the members, one for each district, shall represent producers; three of the members shall represent cooperative associations that are handlers; and one of the members, hereinafter referred to as "independent" member, shall represent producers and handlers other than cooperative associations and members of such associations. The members of the committee and their respective alternates shall be nominated and selected, for the terms of office subsequent to February 28, 1957, in accordance with the provisions of §§ 940.21 through 940.24.

§ 940.21 *Nomination and selection of producer members.* (a) Nomination of producer members and their respective alternates shall be made at meetings of producers for each such district, at such times (on or before February 1 of each year) and places as the Administrative Committee shall designate. At each such meeting, the producers eligible to participate therein shall select a chairman and a secretary therefor. In the election of nominees, each producer shall be entitled to vote in accordance with the provisions of paragraph (b) of this section. The chairman of each meeting shall announce at such meeting the name of each person for whom votes have been cast, and the number of votes cast for each such person; and the chairman or the secretary of the meeting shall forthwith transmit such information to the Secretary.

(b) Only producers shall participate in the nomination of producer members and their alternates, and a producer may participate only in the meeting held for the district in which the produces

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and orders have been met.

peaches. No producer shall participate in the nomination of producer members and their alternates for more than one district in any fiscal year. Each producer shall be entitled to cast but one vote on behalf of himself, his agents, partners, and representatives. Proxy voting shall be prohibited.

(c) At least twice as many persons shall be nominated as there are positions to be filled. Such nominees shall be ranked in the order of votes cast for each, and such ranking shall determine their standing in the order of importance of the positions to be filled. Member positions shall be considered of first importance. The Secretary shall select one member and one alternate from the nominees thus elected and ranked.

§ 940.22 *Nomination and selection of independent member.* (a) Nomination of an independent member and his alternate shall be made at a meeting of producers and handlers other than cooperative associations or members of such associations, at such time (on or before February 1 of each year) and place as the Administrative Committee shall designate. At each such meeting, the persons eligible to participate therein shall select a chairman and a secretary therefor.

(b) Only producers and handlers who are not cooperative associations nor members of such associations shall be eligible to participate in the nomination of the independent member and his alternate. Proxy voting shall be prohibited, but independent handlers having permanent facilities in Mesa County for the handling of peaches and having bona fide agents designated for carrying on business activities for such handlers may be represented at such nomination meetings by such agents and such agents may vote and be nominated; and, in a similar manner, such handlers may designate employees who may vote and be nominated. In the election of nominees for the independent member and his alternate, each person eligible to participate therein shall be entitled to cast but one vote on behalf of himself, his agents, partners, affiliates, subsidiaries, and representatives. The Administrative Committee, with the approval of the Secretary, may make rules and regulations defining permanent facilities and what shall constitute bona fide agents and employees for the purposes of this section, and in like manner may change such rules and regulations from time to time.

(c) At least twice as many persons shall be nominated as there are positions to be filled. Such nominees shall be ranked in the order of the votes cast, and such ranking shall determine their standing in the order of importance of the positions to be filled. Member positions shall be considered of first importance. The Secretary shall select a member and an alternate member from the nominees thus elected and ranked.

(d) The chairman of the meeting shall announce at such meeting the name of each person for whom votes have been cast, and the number of votes cast for each such person; and the chairman or the secretary of the meeting shall forthwith transmit such information to the Secretary.

§ 940.23 *Nomination and selection of cooperative handler members.* (a) Each of the two cooperative associations qualifying as a handler during the fiscal year beginning March 1, 1956, shall be entitled to nominate one member and one alternate member of the committee; and, in alternate years, each such association shall make an additional nomination for either a member or alternate member. The cooperative association represented by two cooperative handler members during the fiscal year beginning March 1, 1956, shall nominate one member and two alternates for the next succeeding fiscal year. The cooperative association represented by one cooperative handler member during the fiscal year beginning March 1, 1956, shall nominate two members and one alternate for the next succeeding fiscal year.

(b) Nomination of cooperative handler members and their respective alternates shall be made at a meeting or meetings of the members of such cooperative associations at such times (on or before February 1 of each year) and places as the respective associations shall designate with the concurrence of the Administrative Committee. At each such meeting, the association members eligible to participate therein shall select a chairman and secretary therefor unless such officers regularly serving the association are in attendance. In the election of nominees, each member of a cooperative association shall be entitled to cast but one vote on behalf of himself, his agents, partners, and representatives, for each member nominee to be elected. Proxy voting shall be prohibited.

(c) At least twice as many persons shall be nominated as there are positions to be filled. Such nominees shall be ranked in the order of votes cast for each, and such ranking shall determine their standing in the order of importance of the positions to be filled. Member positions shall be considered of first importance. The Secretary shall select the required number of members and alternates from the nominees thus elected and ranked.

(d) The chairman of each meeting shall announce at such meeting the name of each person for whom votes have been cast, and the number of votes cast for each such person; and the chairman or the secretary of the meeting shall forthwith transmit such information to the Secretary.

(e) The committee, with the approval of the Secretary, may provide for the reapportionment of the cooperative handler membership of the committee so as to more equitably provide representation to present and future cooperative associations engaged in handling Mesa County peaches should the need for such reapportionment of present cooperative handler positions arise. Any such reapportionment should be based, so far as practicable, upon the volume of peaches handled by the respective associations.

3. Delete paragraph (c) of § 940.24 and substitute therefor the following:

(c) The independent member of the Administrative Committee and the alternate for such member to be selected from the nominees of producers and handlers other than cooperative associations and members of such associations must be a producer or handler (including employees and bona fide agents designated for carrying on business activities for such handler) and shall not be a member or an employee of a cooperative association.

4. Delete § 940.30 and substitute therefor the following:

§ 940.30 *Compensation and expenses.* The members and alternate members of the Administrative Committee shall serve without salary but may be compensated for attendance at meetings at a rate not to exceed $5.00 per meeting plus mileage at not to exceed 10 cents per mile. Such members and alternates also may be reimbursed for reasonable expenses necessarily incurred by them in the performance of duties, specifically assigned by the committee, other than attendance at meetings.

5. Redesignate paragraphs (g), (h), (i), and (j) of § 940.32 as paragraphs (h), (i), (j), and (k), respectively, and insert the following new paragraph (g):

(g) To consult, cooperate, and exchange information with committees administering other marketing agreements and orders, with other governmental agencies, and with industry groups in connection with all proper committee activities and objectives under this part.

6. Delete §§ 940.50 and 940.52 and substitute therefor the following:

§ 940.50 *Regulation of shipments.* Whenever the Administrative Committee deems it advisable to regulate, during any period or periods, the shipment of one or more varieties of peaches by grades or sizes, or both, or by minimum standards of quality or maturity, or both, it shall so recommend to the Secretary.

§ 940.52 *Establishment of regulations*—(a) *By grades and sizes.* Whenever the Secretary finds, from any such recommendations and information or other available information, that to limit the shipment of the total quantity of any variety or varieties of peaches to particular grades or sizes, or both, thereof would tend to effectuate the declared policy of the act, he shall so limit the shipment of such variety or varieties during a specified period or periods. The Secretary shall promptly notify the committee of each such regulation; and the committee shall promptly give adequate notice thereof to handlers and producers.

(b) *By minimum standards of quality and maturity.* Whenever the Secretary finds, from any such recommendation and information or other available information, that to establish minimum standards of quality or maturity, or both, and to limit the shipment of any variety or varieties of peaches during any period or periods to those meeting such minimum standards would be in the public interest and would tend to effectuate the declared policy of the act, he shall so limit the shipment of such variety or varieties during a specified period or periods. The Secretary shall promptly notify the committee of each such regulation; and the committee shall promptly give adequate notice thereof to handlers and producers.

7. After deleting the provisions of paragraph (b) of § 940.53 and redesignating paragraphs (c) and (d) of such section as paragraphs (e) and (f), respectively, insert the following:

(b) In the event the Secretary issues a regulation pursuant to § 940.52, the committee shall determine the percentage which each variety of peaches permitted to be shipped under the regulation bears to the total production of such variety; and the committee shall forthwith announce such percentage. The committee shall thereafter issue one or more exemption certificates to any producer who furnishes evidence satisfactory to the committee that, by reason of conditions beyond the control of a prudent grower and beyond his reasonable expectations, he will be prevented because of the regulation issued from shipping or having shipped as large a proportion of a particular variety of his peaches as the average proportion of all such peaches which may be so shipped. Causes regarded as within the control of a prudent grower include, but are not necessarily limited to, failure properly and adequately to prune, irrigate, thin, fertilize, spray, and cultivate according to accepted practices. Causes regarded as beyond the control of a prudent grower and beyond his reasonable expectation include, but are not necessarily limited to, exceptionally late spring and early frosts, ditch breaks, water shortages, general shortage of labor during the growing season, or illness of a kind causing inability to carry out the management of his crop in the manner of a prudent grower.

(c) The committee, with the approval of the Secretary, may include in the rules and regulations adopted pursuant to (a) of this section such refinement of definition as is deemed necessary with respect to causes beyond the control of a prudent grower and beyond a grower's reasonable expectation.

(d) The exemption certificates issued pursuant to this section shall permit the respective grower to whom the certificate is issued to ship or have shipped a percentage of his crop of a particular variety of peaches equal to the percentage determined pursuant to paragraph (b) of this section; but such exemption may be limited to the specific damage by reason of which the exemption is claimed, and the committee may establish special requirements with respect to the minimum grade, quality, size, and maturity which must be met by peaches shipped under such certificates.

8. Add after § 940.55 the following new section, preceded by a main heading entitled "Research and Development:"

§ 940.60 *Marketing Research and Development.* The committee, with the approval of the Secretary, may provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of peaches. In a similar manner any such project may be modified, suspended, or terminated.

9. Immediately preceding the closing of the parenthesis at the end of § 940.2 *Act*, insert the following: "; 68 Stat. 906, 1047."

[F. R. Doc. 56–5090; Filed, June 27, 1956; 8:46 a. m.]





## [ 7 CFR Part 957 ]

[Docket No. AO–150 A–2]

### IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

### DECISION WITH RESPECT TO PROPOSED AMENDMENTS TO MARKETING AGREEMENT AND ORDER AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended, 7 U. S. C. 601 et seq; 68 Stat. 906, 1047), and the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held at Pocatello, Idaho, on January 19–21, 1956, pursuant to notice thereof, which was published December 21, 1955, in the FEDERAL REGISTER (20 F. R. 9825), upon proposed amendments to Marketing Agreement No. 98 and Marketing Order No. 57, as amended, regulating the handling of Irish potatoes grown in Malheur County, Oregon, and the counties of Adams, Valley, Lemhi, Clark, and Fremont in the State of Idaho, and all of the counties in Idaho lying south of the aforesaid counties in Idaho.

Upon the basis of the evidence introduced at the aforesaid hearing, and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on May 18, 1956, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. The notice of the filing of such recommended decision, affording opportunity to file written exceptions thereof, was published May 23, 1956, in the FEDERAL REGISTER (21 F. R. 3421). No exceptions to the recommended decision have been filed.

*Findings and conclusions.* The material issues, the findings and conclusions, and the general findings of the recommended decision set forth in the FEDERAL REGISTER (F. R. Doc. 56–4047; 21 F. R. 3421) are hereby approved and adopted as the material issues, findings, and conclusions, and general findings of this decision as if set forth in full herein except that the last paragraph appearing at page 3423 of the FEDERAL REGISTER daily issue of May 23, 1956 (F. R. Doc. 56–4047), is modified to read as follows:

The proposed order contains revised definitions of the terms "handler" and "handle" or "ship." With respect to the definition of the term "handler," merely a conforming change is made which utilizes the synonym for the word "ship" as used in the second definition. Regarding the term "handle," its definition should expressly indicate that it covers not only the actual sale and transportation of potatoes, but also the causing thereof. The latter coverage should be made a part of the "handle" definition so as to include all persons responsible for the initiation and carrying out of the activities covered by that term. Those persons, in addition to owners and officers of a firm handling potatoes, should include individuals who, in a supervisory capacity, are directly responsible for the sale or transportation of potatoes. Hence, the term handler would mean any person (except a common or contract carrier of potatoes owned by another person) who handles potatoes or causes potatoes to be handled; and such term should not be limited to any particular handler. In other words, the term "handler" should include not only those persons who themselves sell or transport potatoes, but also persons, who, although they do not themselves sell or transport potatoes, nevertheless cause their sale or transportation. All persons coming within the meaning of such term should be responsible for complying with the obligations imposed by or pursuant to the proposed order so as to assure that all potatoes will be handled in accordance therewith.

*Marketing agreement, as amended, and order, as amended.* Annexed hereto and made a part hereof are two documents entitled, respectively, "Marketing Agreement, as Amended, Regulating the Handling of Irish Potatoes Grown in Certain Designated Counties in Idaho and Malheur County, Oregon," and "Order, as Amended, Regulating the Handling of Irish Potatoes Grown in Certain Designated Counties in Idaho and Malheur County, Oregon," which have been decided upon as the appropriate and detailed means of effectuating the foregoing conclusions. The aforesaid marketing agreement, as amended, and the aforesaid order, as amended, shall not become effective unless and until the requirements of § 900.14 of the aforesaid rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

*It is hereby ordered,* That all of this decision, except the marketing agreement, as amended, be published in the FEDERAL REGISTER. The regulatory provisions of the said marketing agreement, as amended, are identical with those contained in the annexed order, as amended, which will be published with this decision.

Done at Washington, D. C., this 25th day of June 1956.

[SEAL] TRUE D. MORSE,
*Acting Secretary.*

*Order, as Amended,*[1] *Regulating the Handling of Irish Potatoes Grown in Certain Designated Counties in Idaho and Malheur County, Oregon*

Sec.
957.0 Findings and determinations.

[1] This order, as amended, shall not become effective unless and until the requirements of section 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

DEFINITIONS


Sec.
957.1 Secretary.
957.2 Act.
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957.6 Varieties.
957.7 Certified seed potatoes.
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957.9 Handle.
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957.70 Procedure.
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957.80 Reports.
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AUTHORITY: §§ 957.0 to 957.92 issued under 48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047.

§ 957.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations made in connection with the issuance of the aforesaid order and of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to Public Act No. 10, 73d Congress (May 12, 1933), as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and in accordance with the applicable rules of practice and procedure governing proceedings to formulate marketing agreements and orders (7 CFR Part 900), a public hearing was held at Pocatello, Idaho, on January 19–21, 1956, upon proposed amendments to Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR Part 957), regulating the handling of Irish potatoes grown in Malheur County, Oregon, and the Counties of Adams, Valley, Lemhi, Clark, and Fremont in the State of Idaho, and all of the counties in Idaho lying south of the aforesaid counties in Idaho. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act with respect to potatoes produced in the production area (i) by establishing and maintaining such orderly marketing conditions therefor as will tend to establish, as prices to the producers thereof, parity prices, and by protecting the interest of the consumer (*a*) by approaching the level of prices which it is declared in the act to be the policy of Congress to establish by gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, (*b*) by authorizing no action which has for its purpose the maintenances of prices to producers of such potatoes above the parity level, and (c) by authorizing the establishment and maintenance of such minimum standards of quality and maturity, and such grading and inspection requirements as may be incidental thereto, as will tend to effectuate such orderly marketing of such potatoes as will be in the public interest;

(2) The said order, as amended, and as hereby further amended, regulated the handling of potatoes grown in the production area in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which hearings have been held;

(3) The said order, as amended, and as hereby further amended, is limited in application to the smallest regional production area which is practicable, consistently with carrying out the declared policy of the act; and the issuance of several orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the act;

(4) The said order, as amended, and as hereby further amended, prescribes, so far as practicable, such different terms, applicable to diffreent parts of the production area, as are necessary to give due recognition to the difference in the production and marketing of potatoes grown in the production area; and

(5) All handling of potatoes grown in the production area is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

*Order relative to handling.* It is, therefore, ordered that on and after the effective time hereof, the handling of potatoes grown in Malheur County, Oregon, and in the Counties of Adams, Valley, Lemhi, Clark, and Fremont in the State of Idaho, and all counties in Idaho lying south thereof shall be in conformity to and in compliance with, the terms and conditions of the aforesaid order as amended, and as hereby further amended; and such terms and conditions are as follows:

DEFINITIONS

§ 957.1 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the Department to whom authority has heretofore been delegated, or to whom authority may hereafter be delegated, to act in his stead.

§ 957.2 *Act.* "Act" means Public Act No. 10, 73rd Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047).

§ 957.3 *Person.* "Person" means an individual, partnership, corporation, association, or any other business unit.

§ 957.4 *Production area.* "Production area" means all territory included within Malheur County, Oregon, and the counties of Adams, Valley, Lemhi, Clark, and Fremont in the State of Idaho, and all of the counties in Idaho lying south of the aforesaid counties in Idaho.

§ 957.5 *Potatoes.* "Potatoes" means all varieties of Irish potatoes grown within the production area and does not include any products thereof.

§ 957.6 *Varieties.* "Varieties" means and includes all classifications or subdivisions of Irish potatoes according to those definitive characteristics now or hereafter recognized by the United States Department of Agriculture.

§ 957.7 *Certified seed potatoes.* "Certified seed potatoes" means and includes all potatoes officially certified and tagged, marked or otherwise appropriately identified, under the supervision of the official seed potato certifying agency of the State in which the potatoes are grown, or other seed certification agencies which the Secretary may recognize and approve.

§ 957.8 *Handler.* "Handler" is synonymous with "shipper" and means any person (except a common or contract carrier of potatoes owned by another person) who handles potatoes.

§ 957.9 *Handle.* "Handle" is synonymous with "ship" and means to sell or transport potatoes, or cause potatoes to be sold or transported, within the production area or between the production area and any point outside thereof: *Provided,* That such term shall not include the movement of potatoes within the production area for the purpose of having such potatoes prepared for market, stored, or planted within such area.

§ 957.10 *Producer.* "Producer" means any person engaged in the production of potatoes for market.

§ 957.11 *Committee.* "Committee" means the administrative committee, called the Idaho-Eastern Oregon Potato Committee, established pursuant to § 957.25.

§ 957.12 *Fiscal period.* "Fiscal period" means the period beginning and ending on the dates approved by the Secretary pursuant to recommendations by the committee.

§ 957.13 *Prepare for market.* "Prepare for market" means to sort or separate potatoes into grades, sizes, qualities, or packs, or any combination thereof, for market purposes.

§ 957.14 *Grade and size.* "Grade" means any one of the officially established grades of potatoes, and "size" means any one of the officially established sizes of potatoes, as defined and set forth in:

(a) United States Standards for Potatoes issued by the United States Department of Agriculture (§§ 51.1540 to 51.1559 of this title), or amendments thereto, or modifications thereof, or variations based thereon;

(b) United States Consumer Standards for Potatoes issued by the United States Department of Agriculture (§§ 51.1575 to 51.1587 of this title), or amendments thereto, or modifications thereof, or variations based thereon; and

(c) Standards for potatoes issued by the State of Idaho or Oregon or amendments thereto, or modifications, or variations based thereon.

§ 957.15 *Pack.* "Pack" means a unit of potatoes in any type of container and which falls within specific weight limits or within specific grade limits, or both, recommended by the committee and approved by the Secretary.

§ 957.16 *Container.* "Container" means a sack, box, bag, crate, hamper, basket, carton, package, barrel, or any other type of unit used in the packaging, transportation, sale, shipment or handling of potatoes.

§ 957.17 *Export.* "Export" means shipment of potatoes beyond the boundaries of continental United States.

§ 957.18 *District.* "District" means each one of the geographical divisions of the production area established pursuant to § 957.27 or as reestablished pursuant to § 957.28.

§ 957.19 *Marketing season.* "Marketing season" is synonymous with "season" and means the period July 1 of any year to and including June 30 of the following year.

§ 957.20 *Process.* "Process" means to manufacture or convert potatoes into any of the products thereof.

COMMITTEE

§ 957.25 *Establishment and membership.* (a) The Idaho-Eastern Oregon Potato Committee consisting of eleven members, of whom seven shall be producers and four shall be handlers (including one handler from any district within the production area who may be a processor), is hereby established. For each member of the committee there shall be an alternate who shall have the same qualifications as the member.

(b) Each person selected as a producer member or alternate shall be an individual who (1) is a producer in the district for which selected or an officer or employee of a producer in such district, and (2) is also a resident of such district. A producer who handles potatoes other than of his own production shall qualify as a producer under this section, and §§ 957.29, 957.30, 957.32, and 957.34, only if the potatoes of his own production constituted 51 percent or more of the total quantity of potatoes handled by him during the portion of the then current season preceding his nomination.

§ 957.26 *Term of office.* (a) The term of office of committee members and alternates shall be for two years beginning June 1 and ending May 31. After June 1, 1956, and on an alternating basis in succeeding years, the terms of office shall be so determined that the tenure of three producer members and two handler members, and their respective alternates, shall terminate as of May 31 of one year and the tenure of four producer members and two handler members, and their respective alternates, shall terminate as of May 31 of the following year.

(b) Committee members and alternates shall serve during the term of office for which they are selected and have qualified, or during that portion thereof beginning on the date on which they qualify and continuing until the end of the term for which selected, and until their successors are selected and have qualified.

§ 957.27 *Districts.* For the purpose of selecting committee members, the following districts of the production area are hereby established:

(a) *District No. 1.* The counties of Oneida, Power, Bingham, Butte, Clark, and all counties lying east thereof in Idaho;

(b) *District No. 2.* Malheur County, Oregon, and counties of Owyhee, Elmore, Boise, Valley, and all counties lying west thereof in Idaho;

(c) *District No. 3.* The remaining designated counties in Idaho included in the production area, and not included in District No. 1 or District No. 2.

§ 957.28 *Redistricting.* The committee may recommend, and pursuant thereto the Secretary may approve, the reapportionment of members among districts, and the reestablishment of districts, set forth in § 957.27, within the production area. In recommending any such changes, the committee shall give consideration to: (a) Shifts in potato acreage within districts and within the production area during recent years; (b) the importance of new potato production in its relation to existing districts; (c) the equitable relationship between the committee membership and districts; (d) economies to result for producers in promoting efficient administration due to redistricting or reapportionment of members within districts; and (e) other relevant factors. No change in districting or in apportionment of members within districts may become effective within less than 60 days prior to the beginning of a fiscal period; and no recommendations for such redistricting or reapportionment may be made less than four months prior to such date.

§ 957.29 *Selection.* Members and alternates shall be selected on the following basis (unless otherwise apportioned pursuant to § 957.28): (a) Three producer members and two handler members, with their respective alternates, from District No. 1; (b) one producer member and one handler member, with their respective alternates from District No. 2; and (c) three producer members and one handler member, with their respective alternates, from District No. 3.

§ 957.30 *Nominations.* (a) The Secretary may select the members and alternates of the Idaho-Eastern Oregon Potato Committee from nominations which may be made in the following manner, or from other eligible persons; and nominations for members and alternates may be submitted by producers or handlers, including processors, as the case may be, or groups of either thereof, on an elective basis or otherwise:

(b) In order to provide nominations for committee members and alternates:

(1) The committee shall hold or cause to be held prior to April 1 of each year, one or more meetings of producers and of handlers in each of the districts designated in § 957.27, or pursuant to § 957.28, in which the then current terms of office will expire the following May 31; and

(2) In arranging for such meetings, the committee may, if it deems desirable, utilize the services and facilities of existing organizations and agencies, and may combine its meetings with others.

(c) Nominations shall be supplied to the Secretary, in such manner and form as he may prescribe, not later than 30 days prior to the expiration of the terms of office.

(d) Only producers may participate in designating nominees for producer members and alternates and only handlers, including those who are also processors, may participate in designating nominees for handler members and alternates.

(e) Regardless of the number of districts in which a person produces or handles potatoes, such person is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives, in designating nominees for committee members and alternates: *Provided,* That in the event a person is engaged in producing or handling potatoes in more than one district, such person shall elect the district within which

he may participate as aforesaid in designating nominees: *Provided further*, That an eligible voter's privilege of casting only one vote, as aforesaid, shall be construed to permit such voter to cast one vote for each position to be filled in the district in which he elects to vote.

§ 957.31 *Failure to nominate.* If nominations are not made within the time and in the manner and form specified by the Secretary pursuant to § 957.30, the Secretary may, without regard to nominations, select the committee members and alternates: *Provided*, That such selection shall be on the basis of the representation prescribed in this subpart.

§ 957.32 *Acceptance.* Any person selected by the Secretary as a committee member or as an alternate shall qualify by filing a written acceptance with the Secretary within ten days after being notified of such selection.

§ 957.33 *Vacancies.* To fill any vacancy occasioned by the failure of any person selected as a committee member or as an alternate to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate, a successor for his unexpired term may be selected by the Secretary from nominations made in the manner specified in § 957.30, or the Secretary may select such committee member or alternate from previously unselected nominees on the current nominee list from the district involved. If the names of nominees to fill any such vacancy are not made available to the Secretary within 30 days after such vacancy occurs, the Secretary may fill such vacancy without regard to nominations, which selection shall be made on the basis of the representation provided for in § 957.29.

§ 957.34 *Alternate members.* An alternate member of the committee shall act in the place and stead of the member for whom he is an alternate during such member's absence; and an alternate member may perform such other duties as assigned or requested by the committee. In the event of the death, removal, resignation, or disqualification of a member his alternate shall act for him until a successor to such member is selected and has qualified.

§ 957.35 *Procedure.* (a) Seven members of the committee shall be necessary to constitute a quorum; and at least seven concurring votes shall be required to pass any motion or approve any committee action. At any assembled meeting, all votes shall be cast in person.

(b) The committee may provide for meetings, by telephone, telegraph, or other means of communication and any vote cast at such meeting shall be confirmed promptly in writing.

§ 957.36 *Expenses and compensation.* Committee members and their respective alternates shall be reimbursed for reasonable expenses necessarily incurred by them in the performance of their duties and in the exercise of their powers under this subpart, and shall receive compensation at a rate to be determined by the committee and approved by the Secretary, not to exceed $10.00 for each day, or portion thereof, spent in attending to committee business: *Provided*, That at its discretion the committee may request the attendance of one or more alternates at any or all meetings, notwithstanding the expected or actual presence of the respective members, and may pay expenses and compensation, as aforesaid.

§ 957.37 *Powers.* The committee shall have the following powers:

(a) To administer the provisions of this subpart in accordance with its terms;

(b) To make rules and regulations to effectuate the terms and provisions of this subpart;

(c) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this subpart; and

(d) To recommend to the Secretary amendments to this subpart.

§ 957.38 *Duties.* It shall be the duty of the committee:

(a) To act as intermediary between the Secretary and any producer or handler;

(b) To select a chairman and such other officers as may be necessary, to select subcommittees of committee members, and to adopt such rules and regulations for the conduct of its business as it may deem advisable;

(c) To appoint such employees, agents, and representatives as it may deem necessary and to determine the salaries and define the duties of each such person;

(d) To investigate, from time to time, and to assemble data on the growing, harvesting, shipping and marketing conditions with respect to potatoes;

(e) To furnish to the Secretary such available information as he may request;

(f) To keep minutes, books, and records which clearly reflect all of the acts and transactions of the committee and such minutes, books, and records shall be subject to examination at any time by the Secretary or his authorized agent or representative;

(g) To make available to producers and handlers the committee voting record on recommended regulations and on other matters of policy;

(h) At the beginning of each fiscal period, to submit to the Secretary a budget of its expenses for such fiscal period, together with a report thereon;

(i) To cause the books of the committee to be audited by a competent accountant at least once each fiscal period; and at such other time as the committee may deem necessary or as the Secretary may request; the report of such audit shall show the receipt and expenditure of funds collected pursuant to this subpart; a copy of each such report shall be furnished to the Secretary and a copy of each such report shall be made available at the principal office of the committee for inspection by producers and handlers; and

(j) To consult, cooperate, and exchange information when deemed desirable by the committee with other potato marketing committees and other individuals or agencies in connection with all proper committee activities and objectives under this subpart.

### EXPENSES AND ASSESSMENTS

§ 957.40 *Expenses.* The committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred during each fiscal period for its maintenance and functioning, and for such purposes as the Secretary, pursuant to this subpart, determines to be appropriate. Handlers shall share expenses upon the basis of a fiscal period. Each handler's share of such expense shall be proportionate to the ratio between the total quantity of potatoes handled by him as the first handler thereof during a fiscal period and the total quantity of potatoes handled by all handlers as first handlers thereof during the same period.

§ 957.41 *Budget.* At the beginning of each fiscal period, and as may be necessary thereafter, the committee shall prepare a budget of estimated income and expenditures necessary for the administration of this part. The committee may recommend a rate of assessment calculated to provide adequate funds to defray its proposed expenditures. The committee shall present such budget promptly to the Secretary with an accompanying report showing the basis for its calculations.

§ 957.42 *Assessments.* (a) The funds to cover the committee's expenses pursuant to § 957.40 shall be acquired by the levying of assessments upon handlers as provided in this subpart. Each handler who ships potatoes as the first handler thereof shall pay assessments to the committee upon demand, which assessments shall be in payment of such handler's pro rata share of such expenses.

(b) Assessments shall be levied upon handlers at rates established by the Secretary, but not to exceed $1.00 per carload. Such rates may be established upon the basis of the committee's recommendations or other available information.

(c) At any time during or subsequent to a given fiscal period, the committee may recommend the approval of an amended budget and an increase in the rate of assessment. Upon the basis of such recommendation, or other available information, the Secretary may approve an amended budget and increase the rate of assessment. Such increase shall be applicable to all potatoes which were regulated under this part and which were shipped by the first handler thereof during such fiscal period.

§ 957.43 *Accounting.* (a) All funds received by the committee pursuant to the provisions of this part shall be used solely for the purposes specified in this part.

(b) The Secretary may at any time require the committee, its members and alternates, employees, agents, and all other persons to account for all receipts and disbursements, funds, property, or records for which they are responsible. Whenever any person ceases to be a member or alternate of the committee, he shall account for all receipts, disbursements, funds, and property (including but not being limited to books and other records) pertaining to the committee's activities for which he is responsible, and deliver all such property and funds in his hands to such successor, agency, or person as may be designated by the Secretary, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor, committee, or designated person, the right to all of such property and funds and all claims vested in such person.

(c) The committee may make recommendations to the Secretary for one or more of the members thereof, or any other person, to act as a trustee for holding records, funds, or any other committee property during periods of suspension of this part, or during any period or periods when regulations are not in effect; and if the Secretary determines such action appropriate, he may direct that such person or persons shall act as trustee or trustees for the committee.

§ 957.44 *Refunds.* Monies arising from the excess of assessments over expenses shall be accounted for as provided in this section. Each handler entitled to a proportionate refund of the excess assessments at the end of a fiscal period shall be credited with such refund against the operations of the following fiscal period unless he demands payment thereof, in which event such proportionate refund shall be paid to him. However, the Secretary, upon recommendation of the committee, may determine that it is appropriate for the maintenance and functioning of the committee that some of the funds remaining at the end of a fiscal period which are in excess of the expenses necessary for committee operations during such period may be carried over into following periods as a reserve for possible liquidation. Upon approval by the Secretary, such reserve may be used upon termination of this part to liquidate the affairs of the committee: *Provided*, That upon termination of this part any monies in the reserve for liquidation which are not required to defray the necessary expenses of committee liquidation shall, to the extent practical, be returned upon a pro rata basis to all persons from whom such funds were collected.

### RESEARCH AND DEVELOPMENT

§ 957.47 *Research and development.* The committee, with the approval of the Secretary, may provide for the establishment of marketing research and development projects designed to assist, improve, or promote the marketing, distribution, and consumption of potatoes.

### REGULATION

§ 957.50 *Marketing policy—(a) Preparation.* Prior to or at the same time as recommendations are made pursuant to § 957.51, the committee shall consider and prepare a proposed policy for the marketing of potatoes. In developing its marketing policy the committee shall investigate relevant supply and demand conditions for potatoes. In such investigations the committee shall give appropriate consideration to the following:

(1) Market prices for potatoes, including prices by grade, size, and quality in different packs, and in different containers;

(2) Supplies of potatoes by grade, size, and quality in the production area and in other production areas;

(3) The trend and level of consumer income;

(4) Establishing and maintaining orderly marketing conditions for potatoes;

(5) Orderly marketing of potatoes as will be in the public interest; and

(6) Other relevant factors.

(b) *Reports.* (1) The committee shall promptly submit a report to the Secretary setting forth the aforesaid marketing policy and shall notify producers and handlers of the contents of such report.

(2) In the event it becomes advisable to shift from such marketing policy because of changed supply and demand conditions, the committee shall prepare a new or revised marketing policy in the manner set forth in paragraph (a) of this section and this paragraph. The committee shall promptly submit a report thereon to the Secretary and notify producers and handlers of the contents of such report on the new or revised marketing policy.

§ 957.51 *Recommendation for regulations.* Whenever the committee deems it advisable that the handling of potatoes be regulated pursuant to § 957.52 or § 957.53, or both, it shall recommend such regulations to the Secretary, or amendment, thereto, or modification, suspension or termination thereof, whenever it finds that such regulations will tend to effectuate the declared policy of the act.

§ 957.52 *Issuance of regulations.* (a) The Secretary shall limit the handling of potatoes whenever he finds from the recommendations and information submitted by the committee, or from other available information, that such regulation would tend to effectuate the declared policy of the act. Such limitation may:

(1) Regulate in any or all portions of the production area, the handling of particular grades, sizes, qualities, or maturities, or any combination thereof, of any or all varieties of potatoes during any period;

(2) Regulate the handling of particular grades, sizes, qualities, or maturities of potatoes differently, for different varieties, for certified seed potatoes and other potatoes, for different outlets, for different portions of the production area, for different packs, for different containers, or for any combination of the foregoing, during any period.

(3) Provide a method, through rules and regulations issued pursuant to this part, for fixing the size, capacity, weight, dimensions, or pack of the container, or containers, which may be used in the packaging or handling of potatoes, or both;

(4) Regulate the handling of potatoes by establishing, in terms of grades, sizes, or both, minimum standards of quality and maturity; or

(5) Prohibit the handling of potatoes during a specified period or periods. No regulation issued pursuant to this subparagraph shall be applicable to the handling of potatoes (i) for processing, (ii) that were already loaded at the beginning of such period, or (iii) during any period other than between July 15 and September 15 of any marketing season. No such prohibition shall be deemed to limit the right of any person to sell or contract to sell any potatoes which are in conformity with the then current regulations, if any, that are in effect under this part. Further, no such prohibition shall be effective for more than 96 consecutive hours and at least 72 hours shall elapse between the termination of any such period of prohibition and the beginning of the next such period.

(b) In the event the handling of potatoes is regulated pursuant to § 957.52 (a) (5), no handler shall, except as otherwise permitted by said § 957.52 (a) (5), handle any potatoes that were prepared for market or loaded during the effective period of such regulation.

(c) The Secretary may amend any regulation issued under this part whenever he finds that such amendment would tend to effectuate the declared policy of the act. The Secretary may also terminate or suspend any regulation or amendment thereof whenever he finds that such regulation or amendment obstructs or no longer tends to effectuate the declared policy of the act.

§ 957.53 *Modification, suspension, or termination.* Whenever the Secretary finds, upon the basis of the recommendations and information submitted by the committee, or from other available information, that it will tend to effectuate the declared policy of the act, he shall modify, suspend, or terminate regulation under or pursuant to § 957.42, § 957.52, or § 957.65, or any combination thereof, in order to facilitate the handling of potatoes for the following purposes:

(a) Export;

(b) Relief or charity;

(c) Livestock feed within the production area;

(d) Certified seed potatoes;

(e) Processing into specified products; and

(f) Such other purposes which may be specified by the committee, with approval of the Secretary.

§ 957.54 *Minimum quantity exemption.* The committee, with the approval of the Secretary, may establish, for any or all portions of the production area, minimum quantities below which shipments will be free from regulations issued or in effect pursuant to §§ 957.40 to 957.65, inclusive, or any combination thereof.

§ 957.55 *Notification of regulation.* The Secretary shall notify the committee of any regulations issued or of any modification, suspension, or termination thereof. The committee shall give reasonable notice thereof to handlers.

§ 957.56 *Safeguards.* (a) The committee, with the approval of the Secretary, may prescribe adequate safeguards to prevent shipments pursuant to § 957.53 and other outlets from entering channels of trade for other than the specific purpose authorized therefor.

(b) Safeguards, as provided by this section, may include requirements that handlers:

(1) Shall obtain the inspection required by § 957.65 or pay the assessment provided by § 957.42, or both, in connection with the potato shipments effected in accordance with § 957.53; and

(2) Shall obtain certificates of privilege from the committee for shipments of potatoes effected or to be effected under provisions of § 957.53.

(c) The committee, with the approval of the Secretary, shall prescribe rules governing the issuance and the contents of certificates of privilege.

(d) The committee may rescind or deny to any handler certificates of privilege if proof satisfactory to the committee is obtained that potatoes shipped by him for the purposes stated in § 957.53 were handled contrary to the provisions of this part.

(e) The Secretary shall have the right to modify, change, alter, or rescind any safeguards prescribed and any certificates issued by the committee pursuant to the provisions of this section.

(f) The committee shall make reports to the Secretary, as requested, showing the number of applications for such certificates, the quantity of potatoes covered by such applications, the number of such applications denied and certificates granted, the quantity of potatoes shipped under duly issued certificates and such other information as may be requested by the Secretary.

INSPECTION AND CERTIFICATION

§ 957.65 *Inspection and certification.* (a) During any period in which regulations are issued pursuant to §§ 957.52, 957.53, or any combination thereof, no handler shall handle potatoes unless such potatoes are inspected by an authorized representative of the Federal-State Inspection Service, or such other inspection service as the Secretary may designate, and is covered by a valid inspection certificate, except when relieved from such requirements pursuant to recommendation by the committee and approval by the Secretary.

(b) Regrading, resorting, or repacking any lot of potatoes shall invalidate any prior inspection certificates covering such potatoes insofar as the requirements of this section are concerned. During any period in which shipments of potatoes are regulated, as aforesaid, no handler shall handle potatoes after they have been regraded, resorted, repacked, or in any way further prepared for market, unless such potatoes are inspected and covered by a valid inspection certificate as required in paragraph (a) of this section.

(c) Insofar as the requirements of this section are concerned, the length of time for which an inspection certificate shall be valid may be established by the committee with the approval of the Secretary; and such length of time may be different for shipments for different purposes.

(d) When potatoes are inspected in accordance with the requirements of this section, a copy of each inspection certificate issued shall be made available promptly to the committee by the inspection service.

EXEMPTIONS

§ 957.70 *Procedure.* The committee may adopt, subject to approval of the Secretary, the procedures pursuant to which certificates of exemption will be issued to producers or handlers.

§ 957.71 *Granting exemptions.* (a) The committee may issue certificates of exemption to any producer who applies for such exemption and furnishes adequate evidence to the committee: (1) That by reason of a regulation issued pursuant to § 957.52 or § 957.53, or both, he will be prevented from handling as large a proportion of his production as the average proportion of production handled by all producers in said applicant's immediate production area, and (2) that the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the producer to handle the amount of potatoes specified thereon. Such certificate shall be transferred with such potatoes at time of handling.

(b) The committee may issue certificates of exemption to any handler who applies for such exemption and furnishes adequate evidence to the committee: (1) That by reason of a regulation issued pursuant to § 957.52 or § 957.53, or both, he will be prevented from handling as large a proportion of his storage holdings of ungraded potatoes, acquired during or immediately following the digging season, as the average proportion of ungraded storage holdings handled by all handlers in said applicant's immediate shipping area, and (2) that the grade, size, or quality of the applicant's potatoes have been adversely affected by acts beyond the applicant's control and by acts beyond reasonable expectation. Each certificate shall permit the handler to handle the amount of potatoes specified thereon. Such certificate may be transferred with such potatoes at time of handling.

(c) The committee shall be permitted at any time to make a thorough investigation of any producer's or handler's claim pertaining to exemptions.

§ 957.72 *Appeal.* If any applicant for exemption certificates is dissatisfied with the determination by the committee with respect to his application, said applicant may file an appeal with the committee. Such an appeal must be taken promptly after the determination by the committee from which the appeal is taken. Any applicant filing an appeal shall furnish evidence satisfactory to the committee for a determination on the appeal. The committee shall thereupon reconsider the application, examine all available evidence, and make a final determination concerning the application. The committee shall notify the appellant of the final determination, and shall furnish the Secretary with a copy of the appeal and a statement of considerations involved in making the final determination.

§ 957.73 *Records, reports, and review of exemptions.* (a) The committee shall maintain a record of all applications submitted for exemption certificates, a record of all exemption certificates issued and denied, the quantity of potatoes covered by such exemption certificates, a record of the amount of potatoes shipped under exemption certificates, a record of appeals for reconsideration of applications, and such information as may be requested by the Secretary. Periodic reports on such records shall be compiled and issued by the committee upon request of the Secretary.

(b) The Secretary shall have the right to modify, change, alter, or rescind any procedure and any exemptions granted pursuant to §§ 957.70 to 957.73, inclusive.

MISCELLANEOUS PROVISIONS

§ 957.80 *Reports.* Upon the request of the committee, with approval of the Secretary, every handler shall furnish to the committee, in such manner and at such time as may be prescribed, such information as will enable the committee to exercise its powers and perform its duties under this subpart. The Secretary shall have the right to modify, change, or rescind any requests for reports pursuant to this section.

§ 957.81 *Compliance.* Except as provided in this part, no handler shall handle potatoes, the handling of which has been prohibited by the Secretary in accordance with provisions of this part, and no handler shall handle potatoes except in conformity to the provisions of this part.

§ 957.82 *Right of the Secretary.* The members of the committee (including successors and alternates), and any agent or employee appointed or employed by the committee, shall be subject to removal or suspension by the Secretary at any time. Each and every order, regulation, decision, determination or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of the same at any time. Upon such disapproval, the disapproved action of the said committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.

§ 957.83 *Effective time.* (a) The provisions of this subpart shall become effective at such time as the Secretary may declare above his signature attached to this subpart, and shall continue in force until terminated in one of the ways specified in this subpart.

(b) All rules and regulations issued by the Secretary pursuant to this part (Order No. 57, as amended), which are in effect immediately prior to the date of this amendment shall continue in effect under this subpart as originally issued, or subsequently modified, until such rules and regulations are changed, modified, or suspended in accordance with this subpart.

§ 957.84 *Termination.* (a) The Secretary may, at any time, terminate the provisions of this subpart by giving at least one day's notice by means of a press release or in any other manner which he may determine.



(b) The Secretary may terminate or suspend the operation of any or all of the provisions of this subpart whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(c) The Secretary shall terminate the provisions of this subpart at the end of any season whenever he finds that such termination is favored by a majority of producers who, during the preceding season, have been engaged in the production for market of potatoes: *Provided,* That such majority has, during such season, produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effective only if announced on or before April 30 of the then current season.

(d) The provisions of this subpart shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

§ 957.85 *Proceedings after termination.* (a) Upon the termination of the provisions of this subpart the then functioning members of the committee shall continue as trustees, for the purpose of liquidating the affairs of the committee, of all the funds and property then in the possession of or under control of the committee, including claims for any funds unpaid or property not delivered at the time of such termination. Action by said trusteeship shall require the concurrence of a majority of the said trustees.

(b) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time account for all receipts and disbursements and deliver all property on hand, together with all books and records of the committee and of the trustees, to such person as the Secretary may direct; and shall upon request of the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person full title and right to all of the funds, property, and claims vested in the committee or the trustees pursuant thereto.

(c) Any person to whom funds, property, or claims have been transferred or delivered by the committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of the committee and upon the said trustees.

§ 957.86 *Effect of termination or amendments.* (a) Unless otherwise expressly provided by the Secretary, the termination of this subpart or of any regulation issued pursuant to this subpart, or the issuance of any amendments to either thereof, shall not (1) affect or waive any right, duty, obligation, or liability which shall have arisen or which may thereafter arise in connection with any provision of this subpart or any regulation issued under this subpart, or (2) release or extinguish any violation of this subpart or of any regulation issued under this subpart, or (3) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

(b) Each person who is a committee member or alternate on the effective date of this subpart shall continue in office under this subpart until the end of such person's term of office, and until his successor has been selected and has qualified; and all effective rules and regulations issued pursuant to this subpart shall continue in effect until modified, suspended, or terminated by the Secretary in accordance with the provisions of this subpart.

§ 957.87 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of this subpart shall cease upon the termination of this subpart, except with respect to acts done under and during the existence of this subpart.

§ 957.88 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the United States, or name any agency in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this subpart.

§ 957.89 *Derogation.* Nothing contained in this subpart is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.

§ 957.90 *Personal liability.* No member or alternate of the committee, nor any employee or agent thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission as such member, alternate, employee, or agent, except for acts of dishonesty.

§ 957.91 *Separability.* If any provision of this subpart is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder of this subpart, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.

§ 957.92 *Amendments.* Amendments to this subpart may be proposed, from time to time, by the committee or by the Secretary.

[F. R. Doc. 56-5132; Filed, June 27, 1956; 8:55 a. m.]

## [ 7 CFR Part 957 ]

[Docket No. AO 150 A-2]

IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

ORDER DIRECTING THAT A REFERENDUM BE CONDUCTED AMONG PRODUCERS; DESIGNATING AGENTS TO CONDUCT SUCH REFERENDUM; AND DETERMINATION OF A REPRESENTATIVE PERIOD

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), it is hereby directed that a referendum be conducted among producers who, during the period July 1, 1955, through June 30, 1956 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the production area comprising certain designated counties in Idaho and Malheur County, Oregon, in the production of potatoes for market, to determine whether such producers approve or favor the issuance of amendments to Order 57 (7 CFR Part 957) regulating the handling of Irish potatoes grown in Malheur County, Oregon, and the Counties of Adams, Valley, Lemhi, Clark, and Fremont in the State of Idaho, and all of the counties in Idaho lying south of the aforesaid counties in Idaho; and said amendatory order is annexed to the decision of the Secretary of Agriculture filed [1] simultaneously herewith.

The procedure applicable to the referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection with Marketing Orders (except those applicable to milk and its products) to become effective pursuant to the Agricultural Marketing Agreement Act of 1937, as Amended" (15 F. R. 5176).

R. H. Eaton, E. E. Gallahue, Allan Henry, and R. L. Hawes of the Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, are hereby designated as agents of the Secretary of Agriculture to conduct said referendum jointly or severally.

Copies of the text of the aforesaid annexed order, of Order No. 57, as amended, of the aforesaid procedure (15 F. R. 5176), and of this order may be examined in the office of the Hearing Clerk, United States Department of Agriculture, Room 112, Washington, D. C., and at those places within the said production area announced by the referendum agents.

Ballots to be cast in the referendum and copies of the text of the said amendatory order may be obtained from any referendum agent and any appointee hereunder.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047)

Done at Washington, D. C., this 25th day of June 1956.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 56-5133; Filed, June 27, 1956; 8:56 a. m.]

## [ 7 CFR Part 940 ]

HANDLING OF PEACHES GROWN IN COUNTY OF MESA IN COLORADO

ORDER DIRECTING THAT REFERENDUM BE CONDUCTED; DESIGNATION OF REFERENDUM AGENTS TO CONDUCT SUCH REFERENDUM; AND DETERMINATION OF REPRESENTATIVE PERIOD

Pursuant to the applicable provisions of the Agricultural Marketing Agreement

[1] See F. R. Doc. 56-5132, supra.

Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), it is hereby directed that a referendum be conducted among the producers who, during the period March 1, 1955, through February 29, 1956 (which period is hereby determined to be a representative period for the purpose of such referendum), were engaged, in the County of Mesa in the State of Colorado, in the production of peaches for market, to ascertain whether such producers favor the issuance of an order amending amended Order No. 40 (7 CFR Part 940), regulating the handling of peaches grown in the County of Mesa in the State of Colorado, which order is annexed to the decision of the Secretary of Agriculture filed simultaneously herewith. J. W. Gannaway and Roland G. Harris, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, are hereby designated agents of the Secretary to conduct said referendum severally or jointly.

The procedure applicable to this referendum shall be the "Procedure for the Conduct of Referenda Among Producers in Connection With Marketing Orders (Except Those Applicable to Milk and its Products) to Become Effective Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended" (15 F. R. 5176).

Copies of the aforesaid annexed order, of amended Order No. 40, of the aforesaid referendum procedure (15 F. R. 5176), and of this order may be examined in the Office of the Hearing Clerk, United States Department of Agriculture, Room 112, Administration Building, Washington, D. C.

Ballots to be cast in the referendum, and other necessary forms and instructions, may be obtained at the said office, or from any appointee hereunder.

(48 Stat. 31, as amended; 7 U. S. C. 601 et seq.; 68 Stat. 906, 1047)

Dated: June 22, 1956.

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 56-5091; Filed, June 27, 1956; 8:46 a. m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

### [ 21 CFR Part 120 ]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITIONS FOR ESTABLISHMENT OF EXEMPTIONS FROM NECESSITY OF TOLERANCES FOR CARBON DISULFIDE, CARBON TETRACHLORIDE, ETHYLENE DIBROMIDE, AND ETHYLENE DICHLORIDE

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

Petitions have been filed by the following listed firms:

Olin Mathieson Chemical Corporation, Mathieson Building, Baltimore 3, Maryland.

Carbide and Carbon Chemicals Company, 30 East 42d Street, New York 17, New York.

Diamond Alkali Company, 300 Union Commerce Building, Cleveland, Ohio.

Dow Chemical Company, Midland, Michigan.

Food Machinery and Chemicals Corporation, 161 East 42d Street, New York 17, New York.

Stauffer Chemical Company, 380 Madison Avenue, New York 17, New York.

Union Carbide and Carbon Corporation, 30 East 42d Street, New York 17, New York.

These petitions propose that the pesticide chemicals carbon disulfide, carbon tetrachloride, ethylene dibromide, and ethylene dichloride be exempted from the requirement of a tolerance when used as fumigants for the following grains: Barley, corn, oats, popcorn, rice, rye, sorghum (milo), wheat.

The following methods are set forth in the petitions for determining residues of the chemicals:

*Determination of carbon tetrachloride.* The sample is added to acidified water and the mixture vigorously refluxed under a hot condenser. The carbon tetrachloride is swept from the boiling suspension by a gentle current of air and absorbed in acetone. The isolated carbon tetrachloride is determined colorimetrically by the Fujiwara reaction, essentially as modified in the method of Rogers and Kay (Journal of Industrial Hygiene and Toxicology, Vol. 29, pages 229–232 (1947)).

*An organic chlorine method for the determination of carbon tetrachloride and ethylene dichloride.* The carbon tetrachloride and ethylene dichloride are isolated from the sample, using the same general technique and the same apparatus as described in the method outlined above for the determination of carbon tetrachloride. However, the absorber solvent is a mixture of dioxane and ethanolamine, 5:1, instead of acetone. Carbon tetrachloride and ethylene dichloride trapped in this solvent are decomposed and determined according to the method of Winteringham, Journal of the Society of Chemical Industry (London), Volume 61, pages 186–192 (1942), by refluxing the solution at first directly, then with sodium. The resulting inorganic chloride is measured by the Volhard titration.

*Determination of ethylene dibromide.* The ethylene dibromide is isolated from the sample and decomposed, together with carbon tetrachloride and ethylene dichloride if present, using the same procedure described in the preceding paragraph. The solvent is evaporated, and the organic matter is destroyed by ashing. The resulting inorganic bromide is oxidized to bromate and measured by a modified Kolthoff titration, ("Analytical Methods for Methyl Bromide," by V. R. Stenger, S. A. Shrader, and A. W. Beshgetoor, in Industrial and Engineering Chemistry, Analytical Edition, Volume 11, page 121 (1939), and Official Methods of Analysis of the Association of Official Agricultural Chemists, 7th Edition (1950), page 279, sec. 16.16 (f), (g), (k), (l), and (n).)

*Colorimetric determination of carbon bisulfide.* The carbon bisulfide is aspirated from a boiling suspension of the sample in 1:1 HCl and absorbed in Viles reagent, with which it reacts to produce cupric diethyldithiocarbamate. This compound forms an intense yellow solution suitable for colorimetric measurement. The apparatus and technique in general are those described by Lowen for the dithiocarbamates, which are estimated by the quantity of CS, liberated upon decomposition with acid. (Analytical chemistry, Vol. 23, pages 1846–1850 (1951))

Dated: June 22, 1956.

[SEAL] GEO. P. LARRICK,
*Commissioner of Food and Drugs.*

[F. R. Doc. 56-5095; Filed, June 27, 1956; 8:47 a. m.]

# NOTICES

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[Document 15]

CALIFORNIA

CHANGE OF LOCATION OF SACRAMENTO, CALIF., LAND OFFICE

JUNE 19, 1956.

Notice is hereby given that the Sacramento, California, Land Office of the Bureau of Land Management will be moving from its old headquarters, Room 352, New Post Office Building, Eighth and I Streets, Sacramento, California, to a new location in Room 1000, California Fruit Building, Fourth and J Streets, Sacramento, California, on July 14 and 15. The office will be open to the public on July 16 with new office hours beginning at 10:00 a. m. and closing at 3:00 p. m., local time.

R. R. BEST,
*State Supervisor.*

[F. R. Doc. 56-5100; Filed, June 27, 1956; 8:49 a. m.]

COLORADO

NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

JUNE 21, 1956.

The United States Forest Service of the Department of Agriculture has filed an application, Serial No. 011662, for the withdrawal of the lands described below, from all forms of appropriation under the public land laws, including the general mining laws but not the mineral



leasing laws, subject to existing valid claims.

The applicant desires the land for use either as administrative sites, camp grounds or recreational areas, within Routt National Forest.

For a period of thirty (30) days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, 357 New Custom House, P. O. Box 1018, Denver 1, Colorado.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

SIXTH PRINCIPAL MERIDIAN, COLORADO

ROUTT NATIONAL FOREST

Lynx Pass Administrative Site:
T. 2 N., R. 83 W.,
Sec. 27: NE¼.
Crosho Lake Recreation Area:
T. 2 N., R. 86 W.,
Sec. 4: Lots 16 and 20;
Sec. 5: E½SE¼.
Pyramid Administrative Site:
T. 2 N., R. 88 W.,
Sec. 12: NE¼SW¼, E½NW¼SW¼, N½S½SW¼, SW¼SE¼SW¼, S½SW¼SW¼, NW¼NW¼SE¼;
Sec. 13: NW¼NE¼NW¼, N½NW¼NW¼.
Vaughn Lake Recreation Area:
T. 2 N., R. 88 W.,
Sec. 22: Area located in approximately NE¼ Sec. 22 (unsurveyed). West end of centerline of reservoir dam bears N. 8°04'14" E., 6413.09 feet to section corner common to Secs. 10, 11, 14, and 15, T. 2 N., R. 88 W., Beginning at west end of centerline of dam; thence west 1270 feet, thence south 2000 feet, thence east 2000 feet, thence north 2000 feet and thence west 730 feet to point of beginning.
Oak Creek Administrative Site:
T. 3 N., R. 87 W.,
Sec. 36: W½ Lot 10, E½SE¼SW¼.
Parkview Camp Ground:
T. 5 N., R. 78 W.,
Sec. 23: E½SE¼SE¼;
Sec. 24: W½SW¼SW¼;
Sec. 25: W½NW¼NW¼;
Sec. 26: E½NE¼NE¼.
Bundy Park Camp Ground:
T. 5 N., R. 80 W.,
Sec. 14: SW¼SW¼.
Yampa View Camp Ground:
T. 5 N., R. 84 W.,
Sec. 28: SE¼SW¼NE¼, SW¼SE¼NE¼, NE¼NW¼SE¼, NW¼NE¼SE¼.
Pines Camp Ground:
T. 6 N., R. 77 W.,
Sec. 14: W½NW¼SW¼;
Sec. 15: E½NE¼SE¼.
Teal Lake-Tiago Lake Recreation Area:
T. 7 N., R. 82 W.,
Sec. 16: NW¼NW¼NE¼, NE¼NW¼, SE¼NW¼NW¼, NE¼SW¼NW¼, W½SW¼NW¼, N½SE¼SW¼NW¼, NW¼NW¼SW¼.
Rainbow Lake Recreation Area:
T. 8 N., R. 82 W.,
Sec. 19: E½SE¼;
Sec. 20: SW¼, NW¼SE¼.



Seedhouse Administrative Site:
T. 9 N., R. 84 W.,
Sec. 2: Lots 6 and 7, SW¼NE¼, SE¼NW¼.
California Park Administrative Site:
T. 9 N., R. 87 W.,
Sec. 2: W½NW¼NW¼;
Sec. 3: NE¼NE¼.
T. 10 N., R. 87 W.,
Sec. 34: SE¼SE¼;
Sec. 35: W½SW¼SW¼.
Slater Park Camp Ground:
T. 10 N., R. 87 W.,
Sec. 9: N½NW¼NE¼.
Summit Creek Administrative Site:
T. 11 N., R. 86 W.,
Sec. 25: SE¼.
Hog Park Administrative Site:
T. 12 N., R. 84 W.,
Sec. 16: Lots 1 and 2;
Sec. 21: N½NE¼.
Whiskey Park Administrative Site:
T. 12 N., R. 85 W.,
Sec. 27: SW¼SW¼NW¼, W½NW¼SW¼;
Sec. 28: SE¼SE¼NE¼, E½NE¼SE¼.
Whiskey Creek Camp Ground:
T. 12 N., R. 85 W.,
Sec. 22: W½SE¼SW¼, E½SW¼SW¼.

Total area, 1903.70 acres.

MAX CAPLAN,
*State Supervisor.*

[F. R. Doc. 56-5101; Filed, June 27, 1956; 8:49 a. m.]

## Bureau of Reclamation

KLAMATH PROJECT, CALIFORNIA

ORDER OF REVOCATION

FEBRUARY 3, 1956.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954 (19 F. R. 5004), I hereby revoke Departmental Orders of July 9, 1904, February 28, 1905, and July 21, 1911, insofar as said orders affect the following described lands; provided, however, that such revocation shall not affect the withdrawal of any other lands by said orders or affect any other orders withdrawing or reserving the lands hereinafter described:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 46 N., R. 7 E.,
Sec. 6, SW¼;
Sec. 7, Lots 3, 4, SW¼NE¼, E½W½;
Sec. 21, SW¼NE¼, W½, W½SE¼;
Sec. 24, NE¼NE¼, S½NE¼, E½SW¼, SE¼;
Sec. 25, all;
Sec. 26, S½NE¼, E½SW¼, SW¼SW¼, SE¼;
Sec. 27, SE¼SW¼, S½SE¼;
Sec. 28, N½NE¼, NW¼, NW¼SW¼.
T. 47 N., R. 7 E.,
Sec. 11, NE¼, W½, NW¼SE¼;
Sec. 12, E½, NW¼, N½SW¼, SE¼SW¼;
Sec. 13, NW¼NE¼;
Sec. 14, NW¼, W½SW¼;
Sec. 16, N½;
Sec. 17, N½;
Sec. 18, N½, SW¼, W½SE¼, NE¼SE¼;
Sec. 19, Lot 1, NW¼NE¼, E½NW¼;
Sec. 22, N½NE¼;
Sec. 30, SW¼SW¼.
T. 46 N., R. 8 E.,
Sec. 5, E½SE¼;
Sec. 9, E½, E½NW¼;
Sec. 17, SW¼NE¼, NW¼NW¼, S½NW¼, S½;
Sec. 18, Lots 3, 4, E½, E½W½;
Sec. 19, all.
T. 47 N., R. 8 E.,
Sec. 3, all;
Sec. 4, all;
Sec. 5, Lot 4, S½N½, S½;
Sec. 7, Lots 1, 2, 3, NE¼, E½NW¼, NE¼SW¼, N½SE¼;
Sec. 8, W½NW¼, E½SE¼;
Sec. 9, all;
Sec. 10, all;
Sec. 14, W½NE¼, NW¼, S½;
Sec. 15, all;
Sec. 17, E½;
Sec. 20, NE¼NE¼;
Sec. 21, E½, NW¼NW¼, E½SW¼;
Sec. 22, all;
Sec. 23, all;
Sec. 28, E½, NE¼NW¼, S½NW¼, SW¼;
Sec. 29, SE¼NE¼.

The above areas aggregate 15,352.10 acres.

E. G. NIELSEN,
*Acting Commissioner.*

[70848]

JUNE 22, 1956.

I concur. The released lands are within the Modoc National Forest and have been open to applications and offers under the mineral-leasing laws. They will be open to such other applications, selections, and locations, as are permitted on national forest lands effective at 10:00 a. m. on July 28, 1956.

DEPUE FALCK,
*Acting Director,*
*Bureau of Land Management.*

[F. R. Doc. 56-5103; Filed, June 27, 1956; 8:49 a. m.]

## Office of the Secretary

[Order 2640, Amdt. 10]

NATIONAL PARK SERVICE

POLICE PROTECTION OVER AGRICULTURAL PARK SERVICE

Order No. 2640, as amended (16 F. R. 5846, 11934; 17 F. R. 482, 964; 18 F. R. 2832, 6789; 19 F. R. 1327, 1937; 20 F. R. 657; 21 F. R. 3067), is further amended by the addition of a new section, numbered 39 and reading as follows:

SEC. 39. *Police protection over Agricultural Research Center.* (a) The Director, National Park Service, is authorized, subject to the provisions of paragraph (b) of this section, to provide protection, through the United States Park Police, over the Agricultural Research Center, bisected by the Baltimore-Washington Parkway, as requested by the Department of Agriculture in a letter dated November 4, 1955.

(b) The authority granted in paragraph (a) of this section shall be exercised in accordance with the act of March 17, 1948 (62 Stat. 81), authorizing policing of Federal reservations in the environs of the District of Columbia with the concurrence of the agency having jurisdiction or control over such a reservation, and in accordance with the applicable regulations promulgated by this Department for National Capital Parks as contained in Chapter 1, Part 3, of National Park Service regulations

published in Title 36 of the Code of Federal Regulations.

FRED A. SEATON,
*Secretary of the Interior.*

JUNE 21, 1956.

[F. R. Doc. 56-5104; Filed, June 27, 1956; 8:50 a. m.]

## DEPARTMENT OF COMMERCE

### Maritime Administration

LYKES BROS. STEAMSHIP CO., INC.

NOTICE OF APPLICATION

Notice is hereby given of the application of the Lykes Bros. Steamship Co., Inc., for written permission of the Maritime Administrator under section 805 (a) of the Merchant Marine Act, 1936, as amended, 46 U. S. C. 1223, to permit said Company to load on or about July 9, 1956, on one voyage, approximately 2,500 long tons of cement at Ponce, Puerto Rico for discharge at Port Everglades, or Miami, Florida.

Any person, firm, or corporation having any interest in such application and desiring a hearing on issues pertinent to section 805 (a) should within three (3) days from the date of publication of this notice in the FEDERAL REGISTER notify the Secretary, Maritime Administration, and file petition for leave to intervene in accordance with the rules of practice and procedure of the Maritime Administration.

If no request for hearing and petition for leave to intervene is received within the specified time, the application will be processed without a hearing.

By order of the Maritime Administrator.

Dated: June 26, 1956.

[SEAL] A. J. WILLIAMS,
*Secretary.*

[F. R. Doc. 56-5162; Filed, June 27, 1956; 8:57 a. m.]

## GENERAL SERVICES ADMINISTRATION

[Project 3-DC-01]

FEDERAL OFFICE BUILDINGS

PROSPECTUS FOR PROPOSED BUILDINGS IN SOUTHWEST REDEVELOPMENT AREA OF DISTRICT OF COLUMBIA

EDITORIAL NOTE: This prospectus of proposed Project Number 3-DC-01 is published pursuant to section 412 (f) of the Public Buildings Purchase Contract Act of 1954 as amended by Public Law 150, 84th Congress, which requires publication in the FEDERAL REGISTER, for a period of ten consecutive days from date of submission to the Committees on Public Works of the Senate and House of Representatives.

Project Number 3-DC-01 (Revised)

MARCH 14, 1956.

FORMAL PROSPECTUS FOR PROPOSED BUILDING UNDER TITLE I PUBLIC LAW 519, 83D CONGRESS, 2D SESSION

FEDERAL OFFICE BUILDING, WASHINGTON, D. C.

1. *Brief description of proposed building.* The project contemplates the erection of a group of three Federal Office Buildings on a site to be acquired by the Government facing on the proposed Tenth Street Mall in the southwest redevelopment area of Washington, D. C. Each building will be multistoried. An aggregate of approximately 643,000 square feet of net assignable space will be provided.

2. *Estimated maximum cost and financing.* a. Maximum cost of site and buildings, $25,250,000.

b. Proposed contract term, 30 years.

c. Maximum rate of interest on purchase contract, 4 percent.

3. *Certificates of need.* As the project is intended to provide relocation of numerous Federal agencies now in temporary buildings, no specific allocation of space can be made at this time. Upon completion of the facility, assignment and reassignment will be made in accordance with existing law. Therefore, requirement for Certificate of Need otherwise required by section 411 (e) of the Public Buildings Purchase Contract Act of 1954 was waived in Public Law 150, 84th Congress. Certification is hereby made as to the need for service and garage space.

4. *Non-availability of existing space.* Suitable space owned by the Government is not available; and suitable rental space is not available at a price commensurate with that to be afforded through the contract proposed.

5. *Estimated annual managerial, custodial, heat, and utility costs.* (Services to be supplied by Government), $675,000.

6. *Estimated annual tax liability, upkeep and maintenance.* a. Taxes, post construction (contract period), $321,625.

b. Upkeep and maintenance (to be provided by Government), $96,000.

7. *Current annual housing costs.* Rents and other housing costs currently paid by the Government for agencies to be housed in the building to be erected, $509,000 p. a.

*Determination of need.* It has been determined that (1) the needs for space for the permanent activities of the Federal Government in this particular area cannot be satisfied by utilization of any existing suitable property now owned by the Government, and (2) the best interests of the United States will be served by taking action hereunder.

Submitted at Washington, D. C., on June 1, 1956.

Approved:

FRANKLIN G. FLOETE,
*Administrator of General Services.*

8. *Statement of Director, Bureau of the Budget.* Reflected in letter (copy attached).

EXECUTIVE OFFICE OF THE PRESIDENT

BUREAU OF THE BUDGET

WASHINGTON 25, D. C.

JUNE 13, 1956.

Project 3-DC-01 (Revised 3-14-56).
3 Multi-storied Federal Office Buildings.
Southwest Redevelopment Area, Washington, D. C.

MY DEAR MR. FLOETE: Pursuant to section 411 (e) (8) of the Public Buildings Purchase Contract Act of 1954 (Public Law 519), the (Revised March 14, 1956) proposal for a group of three Federal Office Buildings, transmitted with your letter of June 1, 1956, has been examined and in my opinion "is necessary and in conformity with the policy of the President." This approval is given with the following understanding:

1. Revision reflects the application of more definite plans for integration of the facility with the proposed Tenth Street Mall developed subsequent to approval of the project last July. Effective integration requires construction of three building units in lieu of one, as originally proposed. Garage space of 134,250 square feet not contemplated in original project is provided. Number of employees, utilization of space and cost factors are relatively the same.

2. That the stated project cost of $25,250,000 (including $2,500,000 for a site to be acquired) is a maximum figure.

3. That the reported annual operating cost of existing Tempos 4, 5, and T; i. e., $1.00 per square foot, represents minimum maintenance in anticipation of demolition, and that temporary Government buildings actually cost more to maintain than the proposed new buildings.

4. That the proposed buildings will house approximately 10% of Federal employees presently housed in temporary buildings, and that the specific allocation of agencies in the proposed buildings is to be determined later by General Services Administration.

5. That every effort will be made to design and construct space conducive to maximum efficient utilization of both site and buildings and to take advantage of any revision of cost downward which may be found possible as the plans develop and negotiations are advanced.

6. That this approval supersedes Mr. Hughes' letter of July 22, 1955.

You appreciate, of course, that this project will receive a more detailed review as to cost and space utilization prior to the approval of the lease-purchase agreement.

Sincerely yours,

(Signed) PERCIVAL BRUNDAGE,
*Director.*

Hon. FRANKLIN G. FLOETE,
*Administrator,*
*General Services Administration,*
*Washington 25, D. C.*

[F. R. Doc. 56-4860; Filed, June 18, 1956; 11:38 a. m.]

## CIVIL AERONAUTICS BOARD

[Docket No. 7782]

EASTERN AIR LINES, INC.

NOTICE OF HEARING

In the matter of Eastern Air Lines, Inc., enforcement proceeding.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled matter is assigned to be held on July 18, 1956, at 10:00 a. m., e. d. s. t., in Room E-210, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C., before Examiner Barron Fredricks.

Dated at Washington, D. C., June 25, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56-5134; Filed, June 27, 1956; 8:56 a. m.]

[Docket Nos. 7941, 7946]

CALIFORNIA AIR CHARTER, INC., AND TRANS-ALASKAN AIRLINES, INC.

NOTICE OF HEARING

In the matter of California Air Charter, Inc. enforcement proceeding.

In the matter of Trans-Alaskan Airlines, Inc. enforcement proceeding.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, that hearing in the above-entitled matters is assigned to be held on July 13, 1956, at 10:00 a. m., e. d. s. t., in Room E-224, Temporary Building No. 5, Sixteenth Street and Constitution Avenue NW., Washington, D. C. before Examiner Joseph L. Fitzmaurice.

Dated at Washington, D. C., June 25, 1956.

[SEAL] FRANCIS W. BROWN,
*Chief Examiner.*

[F. R. Doc. 56-5135; Filed, June 27, 1956; 8:56 a. m.]



## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 11399, 11400; FCC 56M-622]

NEW BRITAIN BROADCASTING CO. (WKNB-TV) ET AL.

ORDER CONTINUING HEARING CONFERENCE

In re applications of The New Britain Broadcasting Company (WKNB-TV), New Britain, Connecticut, for modification of construction permit (Channel 30), Docket No. 11399, File No. BMPCT-2787; Julian Gross, et al. (Transferors) and National Broadcasting Company, Inc. (Transferee), for transfer of control of The New Britain Broadcasting Company (WKNB and WKNB-TV), Docket No. 11400, File No. BTC-1896.

Upon the oral request of counsel for Elm City Broadcasting Corporation for a continuance of the further prehearing conference in the above-entitled proceeding now scheduled for June 22, 1956, and with the consent of counsel for the other parties to a continuance of such further prehearing conference: *It is ordered*, This 21st day of June 1956, that the further prehearing conference is continued; and

*It is further ordered*, Upon the Hearing Examiners' own motion, that the further prehearing conference is continued indefinitely and to a date to be fixed by subsequent order.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-5123; Filed, June 27, 1956; 8:54 a. m.]

[Docket No. 11743; FCC 56-572]

CONFEDERATE RADIO CO. (WPGA)

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Confederate Radio Company (WPGA), West Point, Georgia, for modification of construction permit; Docket No. 11743, File No. BMP-7066.

1. The Commission has before it for consideration the above-captioned application by Confederate Radio Company for a modification of permit to change the antenna-transmitter-studio location of Station WPGA to 0.35 mile north of the city limits of West Point, Georgia, from Avenue B, West Point, Georgia, as authorized in construction permit BP-9883 for a new standard broadcast station to operate on 910 kilocycles with a power of 500 watts, daytime only, granted on October 19, 1955.[1]

2. WPGA is technically and otherwise qualified, except as may appear from the issues specified below, to operate its station as proposed but because of alleged misrepresentations and non-disclosures of material facts in its above-referenced application for construction permit; its application, File No. BMP-7014, for modification of permit, granted on November 15, 1955; and in affidavits to the Commission, dated January 27 and February 25, 1956, substantial questions of fact are raised as to whether WPGA is legally qualified to become a licensee and whether WPGA is financially qualified to construct and operate its proposed station. A brief history of the subject application follows: Section 309 (c) protests by the licensee of WRLD [2] to grants of the construction permit (October 19, 1955) and modification of permit to change type of transmitter (November 15, 1955) for WPGA were dismissed by the Commission in separate Memorandum Opinion and Orders.[3] In the latter, the Commission stated that it would direct a letter to WPGA to inquire into the allegations in the WRLD protests that WPGA made misrepresentations and non-disclosures in the above-referenced applications in order to make a showing that it was financially qualified to construct and operate the proposed station. Such a letter was directed to WPGA on January 13, 1956.

3. On January 9, 1956, WRLD filed a "Petition To Designate (subject) Application For Hearing" on substantially the same grounds of misrepresentations and lack of financial qualifications by WPGA as was alleged in the WRLD protests.[4]

4. In substance, it is alleged by WRLD in the above-described pleadings that WPGA made misrepresentations and non-disclosures in its application for construction permit to mislead the Commission into a finding that it was financially qualified to receive the grant and that, because of these misrepresentations and non-disclosures and others made in the WPGA application for modification of permit (BMP-7014) and letters dated January 27, February 25 and April 4, 1956, under oath, to the Commission, serious questions are raised as to the legal qualifications of WPGA to receive a grant of the subject application; and that WPGA was not, and is not, financially qualified to construct and operate the proposed station. Although WRLD alleges numerous misrepresentations by WPGA, the core of WRLD's contentions can be summarized as follows: That to construct and operate the station with its capital of $10,000, WPGA showed that it would (1) lease its land and building for $150 per month; (2) use a tower which it had on hand; and (3) use other equipment which it had on hand and which was valued at $7,000 and allegedly purchased from WRLD. However, WRLD claims that (1) the land was available only at a purchase price of $10,000, and, since there was no building on the land, a suitable structure would cost WPGA an additional $5,000; (2) the tower on hand was not usable for the frequency specified and an additional $3,000 would be required to provide a usable tower; and (3) that WRLD has sold no equipment to WPGA.

5. Specifically, WRLD alleges that WPGA, in its application for construction permit, misrepresented that it would lease land and buildings for its station for $150 per month, whereas the land was available only at a purchase price of $10,000 and there was no building on the land. WPGA stated, in its affidavit of January 27, 1956, that its three stockholders had planned to purchase the land for $10,000 as individuals, have a building constructed thereon for $3,500 and to lease the land and building to WPGA for $150 per month. In WRLD's pleading filed on February 15, 1956 it is stated that this is a further misrepresentation by

[1] WPGA has also requested a waiver of § 3.30 (a) of the Commission rules to identify the station as "West Point, Georgia", although the station is located outside the city limits. However, § 3.30 (a) provides, in pertinent part, that "each station shall maintain a studio * * * in the place where the station is located: *Provided*, That the main studio may be located at the transmitter site whether or not the transmitter site is in the place where the station is located." Since the WPGA studio would be located at the transmitter site, no waiver of § 3.30 (a) appears necessary.

[2] WRLD, Lanett, Alabama-West Point, Georgia, is licensed to Valley Broadcasting Company, Inc.

[3] WRLD's protest to the WPGA construction permit (File No. BP-9883) was tendered after 5 p. m. of the last day for filing. The Commission ordered that it was accepted for filing as of the following day (Order adopted November 23, 1955). In a Memorandum Opinion and Order adopted on December 21, 1955, the WRLD protest was dismissed as not timely filed. WRLD's petition for reconsideration of the Commission's Order of November 23, 1955, was denied in a Memorandum Opinion and Order adopted on January 4, 1956 in which the Commission also dismissed WRLD's protest to WPGA's modification of permit (File No. BMP-7014) on the ground that no injury resulted to WRLD from WPGA's changing type of transmitter. WRLD appealed the Commission's dismissals of its protests.

[4] WPGA, on January 23, 1956, filed a "Motion To Dismiss [WRLD petition]" on the grounds that WRLD had no standing to oppose the subject application and that WRLD's allegations would be answered by WPGA in its response to the Commission's letter of January 13, 1956, relative thereto. WPGA replied to the Commission's letter on January 27, 1956. In response to this reply, WRLD filed on February 15, 1956 a "Supplement To Petition To Designate For Hearing". A further reply was filed by WPGA on February 25, 1956. In a section 309 (b) letter dated March 8, 1956, WPGA was notified that its replies to the Commission's letter of January 13, 1956 did not appear to satisfactorily resolve the questions raised therein with respect to whether WPGA had made misrepresentations of material facts and that additional information was necessary to determine whether WPGA is financially qualified. WPGA replied to the 309 (b) letter on April 4, 1956 and also tendered an amendment to its original application, its application for modification of permit (BMP-7014) and the subject application. WRLD filed comments to this reply on April 30, 1956.

WPGA because the attorney for the land owners recited in a letter to WRLD on November 28, 1955 that negotiations for the land were by WPGA and not the stockholders as individuals; that the option to purchase the land was drawn by WPGA's attorney in favor of WPGA, and not the stockholders as individuals; and that a part of the security for the property was to be equipment belonging to WPGA and not to the stockholders as individuals. WRLD contends that if WPGA's explanation were to be accepted, a further misrepresentation was made by WPGA when it answered "no", under oath, to the question in paragraph 22 (g), page 5, section II of the application on whether there were any contracts or understandings relative to ownership of the facilities proposed; and that such an understanding by WPGA should also have been disclosed in response to paragraph 4, page 2, section II of the application which required a detailed statement from all persons who were to furnish anything of value to the station or who were to assist in any manner in financing the station. WPGA submitted an affidavit from its local attorney stating that two copies of the option agreement had been drawn, one in favor of WPGA and another in favor of the three stockholders as individuals, and that the copy in favor of WPGA had been submitted to the landowners. WRLD further contends that regardless of how many other proposed options had been drawn up by the attorney for WPGA, it was the copy drawn in favor of WPGA and submitted to attorneys for the land owners on which all parties were relying and on which negotiations proceeded. WRLD claims, further, that the negotiations were in fact between the land owners and WPGA, and not the three stockholders as individuals, inasmuch as part of the security for the property was to have been equipment owned by WPGA and not by the stockholders as individuals.

6. Moreover, WRLD alleges that although WPGA stated in its application for construction permit that its power was "on hand", the tower was not usable for the frequency specified and that an additional $3,000 would be required to get a usable tower. WPGA explained that the tower was usable for the frequency first specified, but after amending to a different frequency, it was undecided whether to add to the height of the tower "on hand" or buy another. However, it is noted that no additional expense for either plan was listed by WPGA.

7. WRLD further alleges that if WPGA has the equipment which it listed in its application as purchased from WRLD, it was obtained by WPGA without the knowledge of any responsible official of WRLD and that, certainly, no money was ever received by WRLD for such equipment. In an affidavit of February 25, 1956, Clement J. Murphy, Jr., President and 45% stockholder of WPGA, stated that while he was manager of WRLD he sold various items of "junk equipment" to Albert Stancel, who was then chief engineer at WRLD, for $240 and gave other items, "which had no sale value", to Mr. Stancel. In an affidavit of February 25, 1956 Albert Stancel, Secretary-treasurer and 35% stockholder of WPGA, stated that he repaired said equipment and later "sold Mr. Murphy a half interest in all the equipment * * * for the total price of $300." It is to be noted that WPGA issued stock to Mr. Murphy and Mr. Stancel in the amount of $7,000 on said equipment, and it is stated in the application that the value of the equipment is $7,000. WRLD submitted with its supplemental petition of February 15, 1956 affidavits by its secretary-auditor and by an independent certified public accountant that the corporate books of WRLD show no entry for money paid to it by Mr. Murphy for the equipment he claims to have sold Mr. Stancel. Also submitted was an affidavit by the president of WRLD that no authorized official of the company gave Mr. Murphy permission to sell the equipment in question. WRLD filed a detinue action in the Circuit Court of Chambers County, Alabama, for recovery of the equipment from Albert Stancel. Mr. Stancel requested that a jury hear the case, and judgment was rendered in favor of Mr. Stancel. However, WRLD has filed an appeal from this judgment on the ground, inter alia, that the verdict of the jury is not sustained by the great preponderance of evidence. No date to hear the appeal has been set by the Court. In an affidavit of April 28, 1956 by the president of WRLD it is stated that Mr. Stancel testified at the above trial that the equipment in question was junk and worthless when he got it and most of it still is. A copy of the transcript of the trial is submitted in support of the statement. In the affidavit, it is pointed out that, although Mr. Stancel claimed in his testimony that the equipment in question is junk and worthless, this is equipment with which WPGA proposes to operate its station; on which it placed a market value of $7,000 in its application for construction permit; and for which it issued $7,000 in stock to Mr. Murphy and Mr. Stancel.

8. WRLD further alleges that WPGA misrepresented in its affidavit dated April 4, 1956 to the Commission that $5,000 shown in Mr. Stancel's balance sheet was acquired from savings. WRLD points out that during the year 1955 Mr. Stancel borrowed $500 from WRLD after a showing to WRLD "that no funds were available to him from any other source and that he needed the sum of $500 under an arrangement whereby it was to be repaid to [WRLD] at the rate of $10 a week." Affidavits filed by WPGA on June 6, 1956 indicate that Mr. Stancel acquired his $5,000 from savings and that Mr. Murphy, Jr., acquired his $5,000 from sale of property given him by his mother.

9. In an affidavit of April 28, 1956 by J. C. Henderson, president of WRLD, it is stated that "the stockholders [of WPGA] have veiled their intentions by misrepresentations to the Commission * * * by repeated denials that they had any intention of operating a radio station, regardless of their application before the Commission, because they did not feel that the market area was sufficient to support two stations"; that, after the WPGA construction permit was granted, Mr. Murphy and Mr. Stancel made a proposal to Mr. Henderson "to 'buy out' WRLD and they would then forget about their own application before the Commission"; that Mr. Murphy and Mr. Stancel said, to do this, they could borrow $12,000 among the three stockholders; and that Mr. Stancel stated he had no cash in the bank and that Mr. Murphy and Mr. Mize would have to raise the money to buy WRLD.

10. In the Commission's section 309 (b) letter of March 8, 1956 WPGA was requested to justify its unusually low estimated cost of construction and yearly operating expenses for the type of station proposed, $10,784.40 and $22,400, respectively. In its reply of April 4, 1956, WPGA stated that "[WPGA] erred in reporting to the Commission only $10,784.40 as the approximate construction cost"; that "in its simplest form, the $10,784.40 was the additional cost to be incurred by [WPGA] in addition to what was expended and what was already owned by [WPGA]." With its reply of April 4, 1956 WPGA tendered an amendment to its original application (BP–9883), modification of permit (BMP–7014) and subject application, in which the cost of construction is estimated at $25,012.63. Also, in its reply of April 4, 1956 WPGA stated that its yearly operating expenses were estimated at only $22,400 because salaries of the employees (a staff of 8 were proposed in the application for construction permit) would be held to $10,320 yearly; that Mr. Murphy would manage the station for no weekly salary but receive a yearly bonus of 25 percent of the net profit of the station; that Mr. Stancel would serve as chief engineer for $40 per week; that Mr. Mize would serve as commercial manager for $25 per week plus 10 percent commission on all advertising he sold; that the program director would be paid $30 per week; that an engineer-announcer would be hired for $55 per week; and that a part-time copywriter would be hired for $20 per week. WRLD contends, in its comments submitted on April 30, 1956, that this proposal by WPGA is completely unrealistic; that a qualified engineer-announcer cannot be obtained for $55 a week because the "going rate" in the area for such personnel is $75 for a 40 hour week; that a qualified program director cannot be obtained for $30 per week; that there is no assurance that WPGA will show a profit on which Mr. Murphy would receive his compensation; that the plan whereby the working wives of the three stockholders would combine their salaries with what their husbands make from WPGA, and that Mr. Murphy would move in with his father-in-law, Mr. Mize, and receive his rent free, points out that WPGA is financially not capable of operating the station. Moreover, WRLD claims in its said letter that WPGA's estimated operating expenses do not take into consideration such items as: advertising (for promotion and "logs" in the newspaper); auto; dues; programming (packaged shows such as WPGA proposes); music, records, transcriptions; office supplies; technical supplies and maintenance; telephone and telegraph. WRLD estimates, from the operation of its own station, that these expenses would total approximately $971 a month for WPGA and leave WPGA with a net loss of $255.34 per month; and that WPGA does not have enough money to sustain such a monthly loss. WRLD points out that WPGA, in its reply of April 4, 1956, lists $9,035.80 as the total construction costs not paid, and cash on hand and in banks totalling $9,811.69, a balance of $775.89, which is insufficient to meet the WPGA payroll for the first month's operation of the station.

11. Further examination of the application by WPGA for construction permit, filed on May 23, 1955, reveals that in response to Table II, Section II, it is stated that Clement J. Murphy, Jr., was employed as General Manager of Station WRLD from August 1951 to April 1955, and that Albert L. Stancel, Jr. was employed as Chief Engineer of Station WRLD from July 1953 to April 1955; whereas in affidavits of February 25, 1956, to the Commission Mr. Murphy and Mr. Stancel state that the above employment continued at WRLD until November of 1955. Furthermore, in response to paragraph 19, section II of the WPGA application for construction permit, a negative answer was given to the question of whether any party to the applicant has, or had, a connection with a standard broadcast, FM, or television station, whereas both were then employed by WRLD.

12. WRLD alleges in its above-described petition that the Lanett, Alabama-West Point, Georgia market cannot support two radio stations because of the limited amount of advertising revenue available in the market. We have carefully considered this matter as raised in WRLD's petition. We do not, however, believe that a showing has been made therein that the public interest would not be served by the granting of an application for a construction permit for a second station in the market in question. The Communications Act contemplates the free entry into the radio broadcasting field by persons legally, technically, financially and otherwise qualified to construct and operate stations even where competition from such stations might have an adverse economic effect upon existing stations or other media of mass communications. See Federal Communications Commission v. Sanders Bros., 309 U. S. 470. Certainly, no persuasive showing has been made by WRLD that the competition between the two stations would result in both stations ceasing operation or deprivation of total programing service to the area. In re Voice of Cullman 6 RR 164.

13. We think it is clear from the foregoing that there are substantial questions of fact as to whether WPGA has made misrepresentations and nondisclosures in its above-described applications and letters filed with the Commission which questions have not been resolved by the aforementioned affidavits and letters.[6]

[6] Pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated March 8, 1956, of these questions and that the Commission was unable to conclude that a grant of the subject application would be in the public interest. The applicant filed a timely reply on April 4, 1956. Comments on WPGA's said reply were filed by WRLD on April 30, 1956.

14. Accordingly, *It is ordered*, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-captioned WPGA application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine whether Confederate Radio Company misrepresented or failed to disclose to the Commission in its application for construction permit, File No. BP–9883; its application for modification of permit, File No. BMP–7014; and its letters of January 27, February 25, and April 4, 1956, material facts; including but not limited to such matters as its leasing of land and building at Avenue B, West Point, Georgia; its having on hand a tower which could be used on the frequency specified without incurring additional expense; its having on hand usable equipment purchased from Valley Broadcasting Company, Inc.; and the $5,000 listed in the balance sheet of Albert J. Stancel, Jr., as acquired from savings.

2. To determine whether, in light of the evidence adduced pursuant to the foregoing issue, the officers, directors, and stockholders of the Confederate Radio Company possess the necessary character and other qualifications to be the licensee of a standard broadcast station.

3. To determine whether the Confederate Radio Company is financially qualified to construct and operate its proposed station.

4. To determine whether, in light of the evidence adduced pursuant to the foregoing issues, a grant of the subject application would serve the public interest.

*It is further ordered*, That Valley Broadcasting Company, Inc., licensee of Station WRLD, Lanett, Alabama-West Point, Georgia, is made a party to the proceeding.

Adopted: June 20, 1956.

Released: June 25, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56–5124; Filed, June 27, 1956; 8:54 a. m.]

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[Docket No. 11744; FCC 56–575]

## W. WRIGHT ESCH ET AL.

### MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR ORAL ARGUMENT

In the matter of W. Wright Esch, et al. (transferor), and WCOA, Inc. (transferee), Docket No. 11744, File No. BTC–2175; for transfer of control of Telrad, Inc., Permittee of Station WESH-TV, Daytona Beach, Florida.

1. The Commission has before it for consideration (a) a "Protest" filed on May 21, 1956, pursuant to section 309 (c) of the Communications Act of 1934, as amended, by Theodore Granik and William H. Cook, directed against the Commission's action of April 25, 1956 granting without hearing the above-entitled application; (b) an "Opposition to Protest" filed on May 31, 1956 by WCOA, Inc., and Telrad, Inc.; (c) a letter dated June 5, 1956, submitted by counsel for Granik and Cook, requesting that the Commission "stay the effectiveness of the transfer of control" and withdraw any authorizations issued to Telrad, Inc., while under the control of the transferee; and (d) a letter of opposition thereto, filed under date of June 7, 1956 by counsel for WCOA, Inc., and Telrad, Inc.

2. On July 8, 1954, the Commission issued a construction permit to Telrad, Inc., for a new television station to be located at Daytona Beach, Florida. The application for construction permit, as amended, indicated that W. Wright Esch owned two shares (40 percent) of the then five issued and outstanding shares of stock of Telrad, Inc., and had subscribed for 120 of the 495 authorized additional shares. Mr. Esch was also the licensee of Station WMFJ, Daytona Beach, Florida, and on June 29, 1955, the Commission granted an application (BAL–2029) for its consent to the assignment of the license of Station WMFJ from W. Wright Esch to WMFJ, Inc. Thereafter, Messrs. Granik and Cook filed a protest against said grant in which they alleged, in substance, that on October 20, 1954, they entered into a written agreement with Mr. Esch whereby they acquired an option to purchase Station WMFJ and to obtain the assignment to them of the station's license, but that Mr. Esch had breached the option agreement. By action of August 29, 1955, the Commission denied said protest on the ground that protestants were not parties in interest. However, an appeal was taken and the Commission's action was reversed, the Court holding that protestants had established standing to protest. Theodore Granik and William H. Cook v. Federal Communications Commission, Docket No. 12909, U. S. App. D. C., decided May 31, 1956.[1] The above-entitled application requests Commission consent to a transaction whereby WCOA, Inc., will acquire control of Telrad, Inc., through the issuance to WCOA, Inc., of 495 shares of Telrad stock. It was granted on April 25, 1956, and on May 2, 1956, the Commission was notified that the transfer of control authorized by its grant had been consummated on April 28, 1956. On May 29, 1956, the Commission issued a Special Temporary Authorization to Telrad, Inc., to operate Station WESH–TV temporarily on a commercial basis for the period ending June 30, 1956, said operation to be in accordance with the station's construction permit. The Commission was advised by letter of June 12, 1956 from the attorneys for the permittee that, pursuant to the said authorization, regular commercial program service was commenced on June 11, 1956.

[1] See footnote 4, *infra*.

3. In the instant protest, Messrs. Granik and Cook allege, in substance, that also under the above option agreement of October 20, 1954, W. Wright Esch agreed to cause Telrad, Inc., permittee of Station WESH–TV, to assign the construction permit for that station to Granik and Cook; that on December 15, 1954, Granik and Cook exercised said option; that Esch, however, attempted to abrogate the agreement although it contained no provision for unilateral abrogation; that by a letter to the Commission dated June 2, 1955, counsel for Esch denied the existence of a valid agreement between Esch and the protestants; that the protestants have instituted a pending lawsuit in the Florida Courts to protect their rights under the agreement; that the Supreme Court of Florida has affirmed an interlocutory decision of the trial court that Granik and Cook had stated a proper cause of action against Esch; that a grant of the above-entitled application will affect the protestants' interests and rights derived from the agreement; and that the protestants will suffer substantial and irreparable injury from a grant of the above-entitled application and are therefore parties in interest under section 309 (c) of the Communications Act. Moreover, the protestants charge that Esch intentionally and wilfully broke the agreement, disregarding his legal and moral obligations, and that Esch's actions therefore demonstrate that he is lacking in the character qualifications necessary to be a broadcast licensee.

4. The protestants assert further that in connection with the application for the construction permit for Station WESH–TV, Esch represented to the Commission that he was to be the majority stockholder of Telrad, Inc.; that after the construction permit was granted, Esch represented to Granik and Cook that he was the "principal stockholder" thereof; that the application for a construction permit contemplated that all the funds for the construction of Station WESH–TV would come from Esch; and that Esch did in fact assume control of Telrad, Inc. However, the protestants point out that the above-entitled application for transfer of control indicated that at the time of the Commission's grant, Esch owned only two shares (40 percent (out of a total of the five issued and outstanding shares of stock of Telrad, Inc.; and that on February 16, 1956, Esch surrendered his rights to subscribe for an additional 120 shares. The protestants contend that an unauthorized transfer of control of Telrad, Inc., thereby resulted in that control was no longer in Esch, but in three persons; namely, Adelaide B. Esch, Louis Ossinsky, Sr., and W. Wright Esch, and no prior consent of the Commission as required by section 310 (b) of the Communications Act of 1934, as amended, was requested or obtained. The protestants state that the surrender of the subscription rights and the transfer of control are being used in the Florida Court action to lend color to Esch's defense that he did not have authority to bind Telrad, Inc., on October 20, 1954; and that the surrender of subscription rights and transfer of control constitute fraudulent acts designed to circumvent the rights of the petitioners. The protestants request that the Commission postpone the effective date of its grant and designate the above-entitled application for hearing.

5. In their "Opposition to Protest" WCOA, Inc., and Telrad, Inc., allege, in substance, that on March 31, 1956, the Circuit Court of Volusia County, Florida, entered an order disallowing an application of Granik and Cook for a temporary injunction against the transfer of control of Telrad, Inc., to WCOA, Inc.; that the first among several reasons given by the Court for its action was that "the [October 20, 1954] document was not signed by Telrad, Inc., or a majority of its directors or stockholders"; that subsequently, the Supreme Court of Florida denied a motion by Granik and Cook for issuance of a Constitutional Stay Writ on appeal from the action of the Circuit Court disallowing the application for a temporary injunction; that the Commission's grant of the above-entitled application was purely permissive rather than mandatory or self-executing and the protestants can in no way be legally injured or hurt by an action of the Commission which is purely permissive and compels nothing; that because the document relied upon by the protestants shows on its face that Telrad, Inc., is not bound thereby, protestants have no standing to protest the issuance of the 495 shares of Telrad stock to WCOA, Inc.; that the protestants' claim rests upon an attempt to gain recognition by the Commission of their third-party rights to the WESH–TV construction permit, whereas section 310 (b) of the Communications Act provides that the "Commission may not consider whether the public interest, convenience or necessity might be served by the transfer, assignment or disposal of the permit or license to a person other than the proposed transferee or assignee"; and that in view of the foregoing, the protestants are not parties in interest under section 309 (c) of the Communications Act.

6. With respect to the alleged unauthorized transfer of control, the applicants point out that full information regarding Mr. Esch's ownership interest in Telrad, Inc., has been continuously on file with the Commission. Moreover, it is argued, the Esch subscription to Telrad stock was one in which the Board of Directors of the corporation was given the discretion and right to determine how much stock, if any, and when, the subscriber would be called upon to purchase; that such a subscription is a unilateral offer and is distinguishable from a subscription in which the subscriber and the corporation are by mutual promises bilaterally bound; that in any event, the status of a stockholder and a subscriber are not the same since the stockholder is entitled to all the rights pertaining to that status, whereas the subscriber is entitled to none, not even voting rights; and that without the authority to exercise voting rights, there could be no control of the corporation. Finally, the opposition attacks the propriety and pertinency of the issues, and requests that the grant remain in effect and that the request for a stay be denied.[2]

7. In the letter of June 5, 1956, counsel for Granik and Cook argue that by virtue of the decision of the Court of Appeals in the WMFJ case, protestants are parties in interest to the transfer of control of Telrad, Inc., and their protest is required to be granted; that no special circumstances are present in this case which would warrant refusal to stay the effectiveness of the Commission's grant of the transfer application; that this case is identical with the Camden case[3] in which the Commission stayed the effectiveness of a similar transfer; and that under the circumstances, the Commission must withdraw the Special Temporary Authorization which has been issued to Telrad, Inc.

8. In their opposing letter of June 7, 1956, counsel for WCOA, Inc., and Telrad, Inc., argue that the filing of the protestants' letter of June 5, 1956 was irregular and contrary to proper procedure in that it was filed after the expiration of the 30-day protest period provided for by statute and was, consequently, untimely if intended to raise a new question concerning the subject application or to supplement or enlarge the statement made in the protest; that the protest failed to state grounds for staying the effective date of the grant of the application and the letter of June 5, 1956 is intended to cure that deficiency; that this case is distinguishable from the WMFJ case; that the Camden case is not in point because it was controlled by the provisions of section 309 (c) of the Communications Act prior to its amendment on January 20, 1956, by Public Law 391, 84th Congress, 2d session; that WESH–TV provides an existing service; and that the protestants have not shown how anyone other than WCOA, Inc., could legally own Telrad, Inc., or be in a position to continue the present operation of the station.

[2] Attached to the Opposition is a copy of the Circuit Court's "Order Disallowing Injunction" and an affidavit of John H. Perry, Jr. In his affidavit Mr. Perry discusses the extent of Telrad's construction and alleges, in substance, that at the time of the transfer, the studio transmitter building was completed, that the base and anchor station for the tower had been installed and seasoned, and the steel for the tower was on hand; and that the balance of the equipment had been ordered from RCA but no shipment had been made. Since the transfer was consummated, Mr. Perry affirms, WCOA, Inc., or its affiliated companies have made loans to Telrad, Inc., totaling more than $34,000, of which amount $25,000 has been applied as a down payment on the equipment ordered from RCA; the RCA contract has been activated and all equipment has been delivered or is en route to the station; installation of all equipment was expected to be complete by June 1, 1956; progress has been made towards staffing of the station; a film contract involving $8,775 has been signed, with negotiations under way for additional film contracts; and negotiations are in progress for a network affiliation with NBC and for a possible affiliation with ABC. Mr. Perry states that since April 28, 1956, Telrad, Inc., has made expenditures of more than $13,700, exclusive of expenditures under the RCA contract, expenses of the company's officers and others in connection with the transfer, construction and legal matters, salaries of certain of the technical personnel working at the station, and substantial indebtedness incurred for which invoices have not been received.

[3] Presumably, reference is made to the case of Camden Radio, Inc., v. Federal Communications Commission, 220 F. 2d 191.



9. We have given careful consideration to the arguments of the applicants that the instant case, as compared with the WMFJ case, presents stronger circumstances for a finding that protestants are not parties in interest. We are of the opinion that the differences in the two factual situations are not such as to bring the instant case outside the holding of the Court of Appeals in the WMFJ case. There, Esch transferred the station itself. Here, there is being transferred control of the corporation which holds the construction permit. The following language of the Court of Appeals in the WMFJ case is equally applicable to the facts before us:

> We think Granik and Cook had standing to protest under section 309 (c) and to petition for reconsideration under section 405. By contract, they had secured an interest in Esch's ownership of the license. The proceedings on Esch's application to the Commission were calculated to lead to Commission action inconsistent with appellants' interests, which were known to the Commission • • •

In light of the above, we find that protestants are "parties in interest" within the meaning of section 309 (c) of the Act. Granik, et al., v. FCC, supra; [4] FCC v. Sanders, 309 U. S. 470. We find further that the protestants have specified with particularity the facts upon which they rely to show that the Commission's grant was not in the public interest. A question is thus presented as to the type of hearing which is required with respect to protestants' issues. In this connection, section 309 (c) of the Communications Act of 1934, as amended, states as follows:

> The Commission shall, within thirty days of the filing of the protest, render a decision making findings as to the sufficiency of the protest in meeting the above requirements; and, where it so finds, shall designate the application for hearing upon issues relating to all matters specified in the protest as grounds for setting aside the grant, except with respect to such matters as to which the Commission, after affording protestant an opportunity for oral argument, finds, for reasons set forth in the decision, that, even if the facts alleged were to be proven, no grounds for setting aside the grant are presented.

The instant protest contains allegations of fact, and conclusions drawn therefrom by the protestants. The facts alleged are, in substance, the same as facts which were alleged in pleadings and correspondence filed by the protestants prior to the Commission's grant of the above-entitled application. Upon consideration of these facts, the Commission then found that a grant of the application would be in the public interest. We have given further consideration to the facts alleged in the protest and upon such consideration, it appears that even if those facts were proven, no grounds would be presented for setting aside our grant. Therefore, we shall afford the parties an opportunity at oral argument to discuss the question of how those facts may bear upon the public interest in a grant. With respect to the litigation in the Florida Courts, it has been the general policy of the Commission not to deny applications because of the pendency of litigation involving private disputes, subject to the rights of the parties as subsequently determined by the state courts. As to the alleged unauthorized transfer of control, we pointed out in a letter to the protestants, dated April 25, 1956, that the Commission's records indicate that full information regarding Esch's ownership interest in Telrad, Inc., has been continuously on file with the Commission; that there is no evidence that Esch attempted to conceal from the Commission any pertinent facts concerning the ownership of the permittee corporation; that although Esch owned only 40% of the stock of the permittee and surrendered his rights to subscribe for a majority interest, all of the remaining shares of stock continued to be held by Esch's wife and attorney; and that, consequently, although a technical transfer of control may have taken place, there was not a violation of the Communications Act or the Commission's Rules sufficiently serious to warrant designating the application for hearing. These questions should be among those to which the parties should address themselves in the argument, as well as any others they deem relevant.

10. Protestants' Issue Number 5 reads as follows: "To determine all the matters and facts incident to the agreement of February 16, 1956 between W. Wright Esch and WCOA, Inc., for transfer of control of Telrad, Inc." No facts are alleged in the protest in support of the above issue. However, since we are designating the application for oral argument, we are including protestants' Issue Number 5 for the purpose of affording the parties an opportunity for argument as to its pertinency.

11. A final question is presented as to whether we should stay the effective date of our grant of the above-entitled application. In this connection, we believe it relevant to point out that the only television service available in Daytona Beach is that provided by Station WESH–TV. On April 25, 1956, the date of the grant of Commission consent, WESH–TV was not on the air. The Commission's records indicate that subsequent to the transfer of control to WCOA, Inc., Station WESH–TV has commenced operation. At the time of the grant of the transfer of control application, the Commission's records indicated that while the studio-transmitter building was complete and the tower foundations had been installed, the tower had not been erected and the transmitter and studio equipment had not been delivered to the station. It is apparent, therefore, that the installation of the necessary equipment to put the station on the air has taken place since WCOA, Inc., assumed control of the permittee. If we were to postpone the effective date of our grant of the transfer of control application, it is extremely doubtful whether the transferors would be in a position to continue operation of the station with facilities installed by the transferees.

12. In view of our finding that a stay of the effective date of our grant of the above-entitled application is not warranted, no basis exists for withdrawing the Special Temporary Authorization which has been issued to Telrad, Inc.

13. In view of the foregoing, *It is ordered*, That, pursuant to section 309 (c) of the Communications Act of 1934, as amended, the above-entitled application is designated for oral argument at the offices of the Commission in Washington, D. C., on the question whether, if the facts alleged in the protest were to be proven, grounds have been presented for setting aside the grant of said application.

14. *It is further ordered*, That the protestants and the Chief, Broadcast Bureau, are hereby made parties to the proceedings herein and that:

(1) The oral argument shall commence at 10:00 a. m. on the 16th day of July, 1956, and shall be held before the Commission en banc;

(2) The parties intending to participate in the oral argument shall file their appearances not later than July 9, 1956;

(3) The parties to the proceeding have until the date of oral argument to file briefs or memoranda of law.

15. *It is further ordered*, That protestants' request for withdrawal of the Special Temporary Authorization issued to Telrad, Inc., on May 29, 1956, is denied.

Adopted: June 20, 1956.

Released: June 25, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56–5125; Filed, June 27, 1956; 8:54 a. m.]

[4] The time to seek certiorari in that case has not expired. We note therefore that our application of the decision here does not necessarily mean that further review by the Supreme Court of the Court of Appeals' decision will not be sought.

## FEDERAL POWER COMMISSION

[Docket No. E–6683]

LOWER COLORADO RIVER AUTHORITY

NOTICE OF DECLARATION OF INTENTION

JUNE 22, 1956.

Public notice is hereby given that lower Colorado River Authority (Declarant), of Austin, Texas, as agency and political sub-division of the state of Texas, filed on May 24, 1956, a declaration of intention pursuant to section 23 (b) of the Federal Power Act (16 U. S. C. 817) to construct two hydroelectric developments on the Lower Colorado River in Colorado County, Texas. The Columbus development proposed by declarant is to be located at river mile 139, four miles upstream from the City of Columbus, Texas, and would consist of a concrete gravity dam 700 feet long with a maximum height of 84 feet, comprising a gated spillway section, non-overflow sections, and a power intake section; two

earth dike abutment structures with a total length of 8,500 feet; a reservoir with total storage capacity of 130,400 acre feet and an area of 11,600 acres at pool elevation 216 feet; a canal about 12,250 feet long extending from the dam to a forebay; and a power house with two generating units each having a capacity of 20,000 KVA, operating at a head of 58 feet. The Altair development proposed by declarant is to be located at river mile 119, approximately 16 miles downstream from the City of Columbus, and would consist of a concrete gravity dam 630 feet long with a maximum height of 46 feet comprising a gated spillway section, non-overflow sections and an intake section; a reservoir with total storage capacity of 9,200 acre feet and an area of 940 acres; and a powerhouse with two generating units each having a capacity of 5,000 KVA, operating at a head of 16 feet. The Commission will investigate the proposed construction and determine whether a license under the Federal Power Act is required or whether the hydroelectric developments may be constructed merely upon compliance with State laws. Any communication from persons interested in this matter may be submitted on or before July 31, 1956, to the Federal Power Commission, Washington 25, D. C. The declaration of intention is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc 56-5106; Filed, June 27, 1956; 8:50 a. m.]

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[Docket No. G-10101, etc.]

MILLS BENNETT ESTATE ET AL.

NOTICE SETTING DATE OF HEARING

JUNE 22, 1956.

In the matters of Mills Bennett Estate, Docket No. G-10101; Edwin W. Pauley, Operator, Docket No. G-10109; Renwar Oil Corporation, et al., Docket No. G-10112; Roy H. Bettis and G. Frederick Shepherd d. b. a. Bettis and Shepherd, Docket No. G-10120; George R. Brown, Docket No. G-10124; Hidalgo Gas Production Corporation, Docket No. G-10132; Heep Oil Corporation, Docket No. G-10140; George W. Graham, et al., Docket No. G-10178; Arkansas Fuel Oil Corporation, Docket Nos. G-10186 through G-10190, inclusive; Forest Oil Corporation, Docket Nos. G-10225 and G-10226; L. A. Douglas, Operator, Docket No. G-10229; Sinclair Oil and Gas Corporation, Docket No. G-10269; Panhandle Oil Corporation, Docket No. G-10312.

Take notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 10, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the respective applications in the above-entitled matters: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Due notice of the applications filed herein has been published in the Federal Register on May 22, 1956 (21 F. R. 3397-98). No protests or petitions to intervene have been received.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-5107; Filed, June 27, 1956; 8:50 a. m.]

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[Docket Nos. G-3471, G-9275]

PHILLIPS PETROLEUM CO. AND PACIFIC NORTHWEST PIPELINE CORP.

NOTICE OF APPLICATIONS AND DATE OF HEARING

JUNE 22, 1956.

Take notice that Phillips Petroleum Company (Phillips), a Delaware corporation with principal place of business at Bartlesville, Oklahoma, filed, on September 27, 1954, as amended December 1, 1954, and as further amended August 30, 1955, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Phillips to sell natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Concurrently with the aforesaid filing of August 30, Pacific Northwest Pipeline Corporation (Pacific Northwest), a Delaware corporation with principal place of business at 905-A M & M Building, Houston 2, Texas, filed, on August 30, 1955, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Pacific Northwest to sell natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Phillips sells natural gas in interstate commerce from certain block-type units and spacing units in the San Juan Basin Area, San Juan and Rio Arriba Counties, New Mexico, to El Paso Natural Gas Company (El Paso) for resale subject to a contract between Phillips and Pacific Northwest dated January 9, 1953 providing for the assignment of said acreage together with operating rights therein to Pacific Northwest upon (a) Pacific Northwest obtaining a certificate of public convenience and necessity in Docket No. G-1429 for the construction and operation of a pipeline from San Juan Basin Area to the Pacific Northwest Area of the United States and (b) Pacific Northwest obtaining financing for this project. Phillips interests in this acreage was pledged to Pacific Northwest's project in Docket No. G-1429.

By Commission order of June 16, 1954, Opinion No. 271, Docket No. G-1429, Pacific was authorized to construct and operate the aforesaid pipeline. On May 4, 1955, Pacific acquired a substantial portion of the required financing and commitments for the balance.

In the last amendment to its application, viz., August 30, 1955, Phillips states that the transfer and assignment to Pacific Northwest of the aforesaid acreage, as described in Phillips' application and first amendment, was completed on May 5, 1956, as provided in the aforesaid contract of January 9, 1953.

Phillips, by letter dated August 26, 1955, transmitted for filing notices of cancellation of certain of its FPC Rate Schedules covering the aforesaid gas sales to El Paso. Subsequently, by letter dated October 13, 1955, these notices were accepted for filing by the Commission to be effective upon the date of termination authorization at Docket No. G-3471.

By letter dated October 13, 1955, the Commission authorized Pacific Northwest, pending the final disposition of its application as required by the record, to sell natural gas in interstate commerce to El Paso for resale as proposed in Docket No. G-9275 until commencement of operation of Pacific Northwest's interstate pipeline system authorized in Docket No. G-1429. This authorization covered, inter alia, the same sales heretofore made by Phillips to El Paso as hereinbefore described under the blanket authority of § 157.23 (a) of the Commission's regulations providing for service pending action by the Commission upon an application.

Pacific Northwest proposes to sell natural gas from certain block-type units and spacing units[1] in the San Juan Basin Area, San Juan and Rio Arriba Counties, New Mexico, under contracts dated July 15, 1955, and July 25, 1955, to El Paso for resale on a temporary basis pending completion of Pacific Northwest's interstate pipeline system as authorized in Docket No. G-1429.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Monday, July 23, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 10, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-5108; Filed, June 27, 1956; 8:50 a. m.]

[1] Pacific Northwest's predecessors in interest in these properties were: (a) prior to May 4, 1955, Sinclair Oil and Gas Company, Colorado Oil and Gas Corporation and Skelly Oil Company; (b) prior to May 5, 1955, Phillips Petroleum Company; (c) prior to July 1, 1955, Stanolind Oil and Gas Company and (d) prior to November 3, 1954 in the Dena Riddle Well No. 1, Sinclair Oil and Gas Company and Colorado Oil and Gas Company.

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[Docket No. G-10020]

PHILLIPS PETROLEUM CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 22, 1956.

Take notice that Phillips Petroleum Company (Applicant), a Delaware corporation with principal place of business at Bartlesville, Oklahoma, filed, on February 29, 1956, an application for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, authorizing applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell natural gas in interstate commerce from production of its undivided 24.46 percent interest in the Erath Field Unit,[1] Erath Field, Vermilion Parish, Louisiana, to United Fuel Gas Company for resale.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's Rules of Practice and Procedure, a hearing will be held on Monday, July 23, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 10, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-5109; Filed, June 27, 1956; 8:51 a. m.]

[1] Unit operated by The Texas Company. See Docket No. G-3646.

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[Docket No. G-10213]

ALGONQUIN GAS TRANSMISSION CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 22, 1956.

Take notice that Algonquin Gas Transmission Company (Applicant), a Delaware corporation with principal place of business at 25 Faneuil Hall Square, Boston 9, Massachusetts, filed, on April 9, 1956, an application for a certificate of public convenience and necessity, pursuant to section 7 (c) of the Natural Gas Act, authorizing Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open for public inspection.

Applicant proposes to sell and deliver, in addition to the presently authorized volume of 8,300 Mcf per day, an additional volume of natural gas (viz., 700 Mcf per day) in interstate commerce to Brockton Taunton Gas Company (Brockton) for resale for the purpose of meeting the increased natural gas requirements of Brockton.

The application states that no additional natural gas facilities will be required in order to enable Applicant to make the proposed additional sale and that prior to the deduction of the 700 Mcf required by the present application, Applicant at present has an unallocated sales capacity in the amount of 3,404 Mcf per day based upon the assumption that all of Applicant's customers request their maximum authorized quantities on the same day. Applicant will enter into a new service agreement with Brockton as of September 1, 1956 to supply Brockton up to a maximum daily quantity of 9,000 Mcf under Applicant's existing F-1 Rate Schedule on file with the Commission.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on Monday, July 23, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* that the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 10, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of a concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-5110; Filed, June 27, 1956; 8:51 a. m.]

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[Docket Nos. G-1142, G-2210, G-9547]

UNITED GAS PIPE LINE CO.

ORDER CONSOLIDATING PROCEEDINGS FOR PURPOSE OF ORAL ARGUMENT AND FIXING DATE THEREOF

Tyler Gas Service Company (Tyler Gas), an intervener in the proceedings, on May 15, 1956, filed a motion for an order of the Commission "directing United Gas Pipe Line Company to refund to Tyler Gas Service Company all of the increased rates and charges made effective as of December 25, 1953 in Docket No. G-2210 not heretofore refunded pursuant to paragraph (D) of the ordering portion of Opinion and Order No. 277, issued November 2, 1954, with interest at the rate of 6 percent per annum from date of payment until refunded, and further directing United to bear all costs incident to the making of said refund."

After reciting the history and circumstances under which Tyler Gas has purchased and now purchases natural gas from United Gas Pipe Line Company (United), Tyler Gas alleges that United's increased rate filings in Docket No. G-2210 were unilaterally made in violation of United's existing contract with Tyler Gas, and that the rule of Federal Power Commission v. Mobile Gas Service Corporation, 350 U. S. 332, is applicable here. Tyler Gas states that under that rule United's increased rates are a nullity insofar as they purport to change the rates established in the contract between Tyler Gas and United.

It appears from the May 15, 1956, motion that Tyler Gas seeks to recover the difference between the rates payable to United under the applicable rate schedules for gas delivered to Tyler Gas for resale for other than industrial use only as set forth in United's conversion tariff filed in 1952 and which were effective on December 24, 1953, and the rates col-

lected by United under the applicable rates set forth in Rate Schedule DG–C of United's FPC Gas Tariff, First Revised Volume No. 1. The latter rates were filed pursuant to the order accompanying Opinion No. 277 in the proceedings in Docket Nos. G–1142 and G–2210. They were prescribed and filed in lieu of rates proposed by United in Docket No. G–2210, which became effective, under bond and subject to refund, on December 25, 1953. Tyler Gas seeks recovery for payments made by it for natural gas received from United in the period commencing December 25, 1953 and continuing through January 1956, which payments, as noted, were in excess of rates in effect on December 24, 1953. It appears that for gas received in February 1956 and thereafter Tyler Gas has tendered payment on the basis of its contract with United and has demanded refund, with interest at 6 percent per annum, of all amounts paid in excess of amounts said to be due under the contract. Tyler Gas states that United has returned such tenders, and has requested immediate payment on the basis of rate on file with the Commission; that is, those previously mentioned rates filed pursuant to the order accompanying Opinion No. 277, and on the basis of billings pursuant to rates proposed by United in Docket No. G–9547, in which proceeding United filed a motion on March 20, 1956, to make the rates effective.

United, on May 23, 1956, filed its answer to the May 15, 1956 motion of Tyler Gas. In support of its answer, United avers that the facts and circumstances underlying the sale of natural gas by United to Tyler Gas require the latter to pay the filed and legal rate. United states that the contract relied upon by Tyler Gas has been adjudicated to have been superseded and replaced by the conversion tariff and the applicable rate schedules contained therein and superseding schedules now on file with the Commission. It points to the decisions in Tyler Gas Service Company v. United Gas Pipe Line, C. A. No. 1622, United States District Court for the Eastern District of Texas, Tyler Division, decided December 29, 1953, and Tyler Gas Service Company v. United Gas Pipe Line Company, 217 F. 2d 73, wherein the United States Court of Appeals for the Fifth Circuit affirmed the District Court's judgment. It appears from the pleadings filed with the Commission that the litigation involved a suit brought by Tyler Gas and the City of Tyler, Texas, also an intervener in these proceedings before the Commission, to enjoin United from making effective the rates suspended in Docket No. G–2210. United contends that these judgments are final and such decisions are obligatory upon Tyler Gas and United.

Further, United avers that the Mobile decision does not assist Tyler Gas. United concludes with a request that the Commission sustain the answer of United; that the motion of Tyler Gas be in all things denied; that Tyler Gas be forthwith ordered and directed to pay the full amount of the billings of United in accordance with the filed rates until such time as such rates may be superseded and replaced by rates filed with the Commission as required and permitted by the Natural Gas Act.

Tyler Gas, in its May 15, 1956, motion also alludes to the fact that in its petition to intervene in Docket No. G–2210 it "challenged the legality of United's proposed rate increases on the ground that they were in violation of the obligations of United under contracts among it, Tyler Gas, and the City of Tyler, Texas."

As noted previously, the proceedings in Docket Nos. G–1142 and G–2210 resulted in the Commission's Opinion No. 277. By the order accompanying the aforesaid Opinion we provided that the rate investigation proceeding in Docket No. G–1142 remain open insofar as it related to the rates and charges of United applicable to Tyler Gas. Further, we provided in such order that the proceeding in Docket No. G–2210 remain open, because of the appeal of Tyler Gas then pending in the United States Court of Appeals for the Fifth Circuit, for a determination of the issues raised by the petitions to intervene of Tyler Gas and the City of Tyler, Texas.

On September 30, 1955, United filed other increased rate, including increased rates and charges applicable to the sales of gas to Tyler Gas. These increased rates and charges were suspended until April 1, 1956, by order of the Commission issued in Docket No. G–9547, except insofar as they related to the sale of gas for resale for industrial use only. Tyler Gas, on October 21, 1955, filed a motion for an order of the Commission rejecting United's increased rates in Docket No. G–9547 relating to sales of natural gas to Tyler Gas. In support of the motion, Tyler Gas again relies upon the Mobile case and upon the decision of the United States Supreme Court in Federal Power Commission v. Sierra Pacific Power Company, 350 U. S. 348.

United, on October 26, 1955, filed a motion to dismiss and answer to Tyler Gas' motion in Docket No. G–9547.

It appears abundantly clear from the various pleadings of Tyler Gas and United in the proceedings in Docket Nos. G–1142, G–2210, and G–9547 that the underlying facts and circumstances are largely without dispute. Tyler Gas and United differ only as to the legal significance to be placed upon such facts and circumstances. The pleadings referred to raise questions which are not completely resolved.

Moreover, inasmuch as the pleadings of Tyler Gas and United raise substantially the same question in each of these proceedings, it is appropriate that the matters involved and the issues presented by such pleadings be resolved at the same time.

The Commission finds: It is necessary and appropriate in carrying out the provisions of the Natural Gas Act and for the proper administration thereof that oral argument be had concerning the matters involved and the issues presented by the May 15, 1956, motion of Tyler Gas and the answer of United in the proceedings in Docket Nos. G–1142 and G–2210, the petitions to intervene of Tyler Gas and the City of Tyler, Texas, in such proceedings, and by the October 21, 1955 motion of Tyler Gas and the answer of United in the proceeding in Docket No. G–9547; and that the proceeeding in Docket No. G–9547 be consolidated with the proceedings in Docket Nos. G–1142 and G–2210 solely for purpose of oral argument upon the pleadings described above.

The Commission orders:

(A) The proceeding in Docket No. G–9547 be and it is hereby consolidated with the proceedings in Docket Nos. G–1142 and G–2210 solely for the purpose of the oral argument provided for in Paragraph (B) hereof.

(B) Oral argument be had before the Commission on July 13, 1956, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning only the matters involved and the issues presented by the pleadings of Tyler Gas Service Company, City of Tyler, Texas, and United Gas Pipe Line Company in the proceedings in Docket Nos. G–1142, G–2210, and G–9547.

(C) Parties to the proceedings who intend to participate in the oral argument shall notify the Secretary of the Commission on or before July 3, 1956, of such intention and the time requested for presentation of their arguments.

Issued: June 22, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–5111; Filed, June 27, 1956; 8:51 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 70–3315]

LOUISIANA POWER & LIGHT CO. AND LOUISIANA GAS SERVICE CORP.

ORDER AUTHORIZING THE PAYMENT OF LEGAL FEES AND EXPENSES

JUNE 22, 1956.

Louisiana Power & Light Company ("Louisiana Power"), a public utility subsidiary of Middle South Utilities, Inc. ("Middle South"), a registered holding company, and Louisiana Gas Service Corporation ("Louisiana Gas"), a subsidiary of Louisiana Power, have heretofore made a joint filing with this Commission under the Public Utility Holding Company Act of 1935 ("act") concerned in large part with the sale by Louisiana Power and the acquisition by Louisiana Gas of all the non-electric properties of Louisiana Power and thereafter the issuance and private sale by Louisiana Gas, to The Connecticut Mutual Life Insurance Company of Hartford, Connecticut ("Connecticut Mutual"), of up to $6,500,000 aggregate principal amount of first mortgage bonds.



On December 13, 1954, this Commission issued a Notice of Filing in respect of these and the related transactions embraced in said filing. Thereafter, during the period of notification provided for in said notice, Louisiana Public Service Commission ("Public Service Commission") filed a petition which, among other things, requested that a public hearing be held in respect of the proposals of Louisiana Power and Louisiana Gas. Additionally, Public Service Commission petitioned this Commission to reopen the record in a previous proceeding which had resulted in a directive of this Commission requiring Louisiana Power to divest itself of all nonelectric properties. On September 13, 1955, after the filing of an Offer of Proof and a brief in support thereof by Public Service Commission and answering briefs by the staff of the Division of Corporate Regulation and Jefferson Parish, Louisiana, both latter briefs being in opposition to the petition to reopen the previous record, and hearing oral argument in the matter, this Commission denied the request of Public Service Commission to reopen the record. Thereafter, Public Service Commission filed a petition for review of this Commission's order of September 13, 1955, in the United States Court of Appeals for the Fifth Circuit. That matter is still pending.

In connection with the proposed sale of mortgage bonds by Louisiana Gas, representatives of that company undertook to pay the fee of counsel for Connecticut Mutual, such counsel being Robinson, Robinson and Cole, Hartford, Connecticut. The contract between Louisiana Gas and Connecticut Mutual expired by its terms on August 15, 1955. Robinson, Robinson and Cole have submitted a bill for fees of $2,250.00 and expenses of $43.95, the total aggregating $2,293.95; representatives of Louisiana Gas have stated that they believe the fee is fair and reasonable under the circumstances and have urged that an appropriate order be adopted by this Commission permitting Louisiana Gas to pay such fees and expenses.

The Commission has considered the matter, including the statement from Robinson, Robinson & Cole in respect of its activities in this matter, the general complexity of the problems considered by the firm, and the time expended by members and associates of the firm in connection with the performance of these duties, and on the basis of all the factors considered in respect thereof the Commission finds that the proposed fees and expenses are not unreasonable;

*It is therefore ordered,* That the request of representatives of Louisiana Gas seeking authorization of this Commission for the payment of the above-described fees and expenses be, and hereby is, granted.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56–5116; Filed, June 27, 1956; 8:52 a. m.]

[File No. 812–1016]

CANADIAN INTERNATIONAL GROWTH FUND LTD.

NOTICE OF APPLICATION BY CANADIAN INVESTMENT COMPANY FOR ORDER PERMITTING ITS REGISTRATION AND SALE OF ITS SECURITIES IN UNITED STATES

JUNE 22, 1956.

Notice is hereby given that Canadian International Growth Fund Limited ("Applicant"), an investment company proposed to be chartered under The Companies Act of Canada, has filed an application under section 7 (d) of the Investment Company Act of 1940 (the "act") and Rule N–7D–1 thereunder, seeking an order of the Commission permitting Applicant to register as an investment company under the act and to make a public offering of its securities in the United States.

Section 7 (d) of the act prohibits a foreign investment company from selling its securities to the public through the mails or any means or instrumentalities of interstate commerce unless the Commission issues a conditional or unconditional order permitting such company to register under the act and to make a public offering of its securities in the United States. To issue such an order the Commission must find that, by reason of special circumstances or arrangements, it is both legally and practically feasible effectively to enforce the provisions of the act against such company and that the issuance of such order is otherwise consistent with the public interest and the protection of investors.

Applicant was organized on June 14, 1956, for the purpose of carrying on business as an investment company, concentrating its investments in securities of issuers whose interests are in Canada and other countries of the Free World outside the United States. Its authorized capital stock consists of 5,000,000 Common Shares of $1 par value and 100 Deferred Shares of $1 par value. Common Shares and Deferred Shares have the same rights except that Deferred Shares have no redemption rights. Applicant does not intend to issue its Deferred Shares. Applicant intends to make an initial public offering of its Common Shares to realize in excess of $1,000,000. Within sixty days following the date upon which $1,000,000 has been received by the Applicant for the issuance of its shares, the Common Shares will become redeemable pursuant to Applicant's letters Patent ("Charter") and Applicant proposes then to operate as a diversified open-end management investment company.

The application contains certain undertakings and agreements, all as specified in Rule N–7D–1, which together with the provisions of the Applicant's Charter and By-Laws, are proposed by the Applicant as "special circumstances and arrangements" justifying the entry of the requested order.

Applicant's Charter and By-Laws contain, in substance and effect, the substantive provisions of the act applicable to open-end investment companies, which provisions the Applicant has agreed may be enforced as a matter of contract right in the United States or Canada by Applicant's shareholders.

Applicant's By-Laws also contain, among other things, provisions summarized as follows: (1) That all of its securities and cash, other than cash in an amount necessary to meet Applicant's current administrative expenses, will be maintained in the sole custody of a bank in the United States; (2) that at least a majority of Applicant's directors and of its officers will be citizens of the United States of whom a majority will be residents of the United States; (3) that Applicant will retain an independent public accountant with a permanent office and place of business in the United States; (4) that Applicant's investment adviser will maintain its books and records relating to Applicant in the United States; and (5) that Applicant's principal underwriter will be a resident and citizen of the United States and a member of a securities association registered under the Securities Exchange Act of 1934.

Applicant has undertaken and agreed in its application, among other things, (i) that its Charter and By-Laws will not be amended in material respects without authorization of the Commission; (ii) that Applicant's present and future officers, directors, investment advisers, principal underwriters and custodian will enter into agreements to comply with the Act, Applicant's Charter, By-Laws, and the undertakings and agreements contained in the instant application; (iii) that Applicant's agreements shall inure to the benefit of Applicant's shareholders as parties and beneficiaries; (iv) that breach of the aforesaid agreements or violation of the Act by any of the contracting parties will permit revocation of the requested order and the liquidation and distribution of Applicant's assets; and (v) that the original or duplicate copy of its books and records will be maintained in the United States.

Other agreements and undertakings contained in the application are designed to facilitate the enforcement of the act by the Commission or Applicant's shareholders. To that end each of the contracting parties who are not citizens and residents of the United States will appoint, irrevocably, an agent within the United States for service of process. To ensure the applicability of the act to purchase and sales of portfolio securities not made on established securities exchanges, Applicant has agreed that its custodian will consummate such transactions only in the United States and that the mails or means of interstate commerce will be employed.

Notice is further given that any interested person may, not later than July 5, 1956, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing

thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-5117; Filed, June 27, 1956; 8:52 a. m.]

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[24W-1647]

LABORATORY OF ELECTRONIC ENGINEERING, INC.

ORDER VACATING ORDER OF SUSPENSION

JUNE 22, 1956.

Laboratory of Electronic Engineering, Inc., a Maryland corporation, with principal offices located at 413 L Street NW., Washington, D. C., filed with the Commission on November 25, 1953, a Notification on Form 1-A and an Offering Circular, and subsequently filed amendments thereto, relating to a proposed offering of 17,523 shares of $10 par Class A common stock at par, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

The Commission on June 5, 1956 ordered, pursuant to Rule 223 (a) of the general rules and regulations under said act, that the conditional exemption under Regulation A be temporarily suspended on the grounds that said issuer had failed to file reports of sales on Form 2-A as required by Rule 224 of Regulation A and had ignored requests by the Commission's staff for such reports.

The issuer, having, subsequent to the action temporarily suspending the exemption under Regulation A, filed reports as required by Rule 224 and having amended the filing to reduce the offering by the amount of the unsold portion of securities under said filing; and

It appearing to the Commission that a hearing is not necessary or appropriate in the public interest or for the protection of investors and that the basis for said temporary order for suspension, as aforesaid, no longer exists;

*It is ordered*, Pursuant to Rule 223 (b) of the general rules and regulations under the Securities Act of 1933, as amended, that said temporary order for suspension be, and it hereby is, vacated.

*It is further ordered*, That this order shall be served upon Laboratory of Electronic Engineering, Inc., and Mr. Carl Mayfield, 23 Riggs Road NE., Washington, D. C., personally or by registered mail or by confirmed telegraphic notice, and shall be published in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-5118; Filed, June 27, 1956; 8:52 a. m.]

## DEPARTMENT OF JUSTICE

### Office of Alien Property

CHRISTOPHER PAUL D'ALMADA E CASTRO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Christopher Paul D'Almada e Castro, Official Administrator of the Supreme Court of Hongkong and Administrator of the Estate of Naoroz Hormusji Naoroju Mody, deceased, Hongkong, Claim No. 46260; $3,055.20 in the Treasury of the United States.

Dated at Washington, D. C., on June 21, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-5131; Filed, June 27, 1956; 8:55 a. m.]

---

ENDVALD OLSEN BJORÖEN BERGE

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., and Property*

Endvald Olsen Bjorõen Berge, Administrator of the Estate of Sigurd J. Odnaes, deceased, Oslo, Norway, Claim No. 5125; Vesting Order No. 672; $11,147.73 in the Treasury of the United States, and property described in Vesting Order No. 672 (8 F. R. 5020, April 17, 1943) relating to United States Letters Patent No. 1,598,199.

Executed at Washington, D. C., on June 21, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-5128; Filed, June 27, 1956; 8:55 a. m.]

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ITALO FILIPPA

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., and Property*

Italo Filippa, Via M. Bianchi 8, Alessandria, Italy; Claim No. 42981; Vesting Order No. 201; property described in Vesting Order No. 201 (8 F. R. 625, January 16, 1943) as amended (9 F. R. 461, January 12, 1944), relating to United States Letters Patent No. 2,191,562; subject, however, to a royalty free nonexclusive License Agreement dated June 14, 1944 (License No. 828-1) by and between the Alien Property Custodian and Raytheon Manufacturing Company, Newton, Massachusetts, relating to United States Letters Patent No. 2,191,562.

Executed at Washington, D. C., on June 21, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-5126; Filed, June 27, 1956; 8:54 a. m.]

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FRANCOISE LEGENDRE-FREUND

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Francoise Legendre-Freund, 18, rue Ste. Marthe, Paris, France; Claim No. 44981; Vesting Order No. 3125; $1,634.52 in the Treasury of the United States.

Executed at Washington, D. C., on June 21, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-5130; Filed, June 27, 1956; 8:55 a. m.]

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EDUARDO BIANCO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:



*Claimant, Claim No., Property, and Location*

Eduardo Bianco, Public Music Ravasini, Galleria del Corso 2, Milano, Italy, Claim No. 62695; $417.37 in the Treasury of the United States.

All right, title, interest and claim of whatsoever kind of nature in and to every copyright, claim of copyright, license, agreement, privilege, power and every right of whatsomonies and amounts, by way of royalty, share of profits or other emolument, and all causes of action accrued or to accrue, relating to the musical compositions entitled Supplication (Plegaria), Cancion de Cuna and Evocacion, by Eduardo Bianco, as listed in Exhibit A to the Vesting Order No. 3430 (9 F. R. 6464, June 13, 1944), to the extent owned by Eduardo Bianco immediately prior to the vesting thereof by the aforementioned vesting order.

Dated at Washington, D. C., on June 21, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-5129; Filed, June 27, 1956; 8:55 a. m.]

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GIUSEPPE BENETTI AND MARIA PANELLI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

*Claimant, Claim No., Property, and Location*

Giuseppe Benetti, Lucca, Italy, Claim No. 63102; Maria Panelli, Lucca, Italy, Claim No. 63103; Vesting Order No. 3805; all right, title, interest, and claim of any kind or character whatsoever of Giuseppe Benetti and Maria Panelli and each of them in and to the Estate of Vincenzo Benetti, also known as V. Benetti, deceased, which property was acquired by the Attorney General as successor to the Alien Property Custodian pursuant to Vesting Order No. 3805.

The property and interests hereinbefore described are property which is in the process of administration by Arturo Benetti, Administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of San Joaquin.

Executed at Washington, D. C., on June 21, 1956.

For the Attorney General.

[SEAL] PAUL V. MYRON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 56-5127; Filed, June 27, 1956; 8:54 a. m.]

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THE NATIONAL ARCHIVES

# FEDERAL REGISTER

VOLUME 21 NUMBER 126

*Washington, Friday, June 29, 1956*

## TITLE 3—THE PRESIDENT

### PROCLAMATION 3144

ENLARGING THE ROCKY MOUNTAIN NATIONAL PARK—COLORADO

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the act of June 21, 1930, 46 Stat. 791 (16 U. S. C. 192b), authorizes the President of the United States, upon the recommendation of the Secretary of the Interior, to add to the Rocky Mountain National Park, in the State of Colorado, by Executive proclamation, certain lands described in such act; and

WHEREAS the Secretary of the Interior has recommended the addition to such park of certain lands described in such act; and

WHEREAS it appears to be in the public interest that such lands be included in the park for future preservation and administration as a part of the park:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, do proclaim that the lands hereinafter described are hereby added to the Rocky Mountain National Park, in the State of Colorado, and shall, upon acquisition of title thereto by the United States, become subject to the provisions of the act entitled "An Act to establish a National Park Service, and for other purposes," approved August 25, 1916, 39 Stat. 535 (16 U. S. C. 1–3), and all acts supplementary thereto and amendatory thereof, and all other laws and rules and regulations applicable to such park:

SIXTH PRINCIPAL MERIDIAN

T. 5 N., R. 73 W.,
Sec. 33, S½NE¼, SE¼SE¼, and N½SE¼;
Sec. 34, N½SW¼NE¼, N½SE¼NW¼, SW¼NW¼, and NW¼SW¼.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 27th day of June in the year of our Lord nineteen hundred and fifty-six, and of the Independence of the United States of America the one hundred and eightieth.

[SEAL]

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES,
*Secretary of State.*

[F. R. Doc. 56-5233; Filed, June 28, 1956; 10:10 a. m.]

## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter III—Foreign and Territorial Compensation

[Departmental Reg. 108.291]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

DESIGNATION OF DIFFERENTIAL POSTS

Section 325.11 *Designation of differential posts* is amended as follows, effective on the dates indicated:

1. Effective as of the beginning of the first pay period following June 30, 1956, paragraph (b) is amended by the deletion of the following post:

Ascension Island.

2. Effective as of the beginning of the first pay period following April 7, 1956, paragraph (d) is amended by the deletion of the following:

Libya, all posts except Barce, Cirene, Derna, El Aweila, Garian, Homs, Misurata, Tripoli, Wheelus Field, Zavia, Zliten and Zuara.

3. Effective as of the beginning of the first pay period following June 30, 1956, paragraph (d) is amended by the deletion of the following post:

Vieux Fort, St. Lucia, B. W. I.

4. Effective as of the beginning of the first pay period following March 24, 1956, paragraph (a) is amended by the addition of the following post:

Keren, Eritrea, Ethiopia.

5. Effective as of the beginning of the first pay period following June 30, 1956,

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# FEDERAL REGISTER

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**CFR SUPPLEMENTS**

**(As of January 1, 1956)**

The following Supplements are now available:

**Title 6 ($1.75)**

**Title 7: Parts 210–899 (Rev., 1955) with Supplement ($4.50)**

**Title 26 (1954) Parts 1–220 (Rev., 1955) ($2.00)**

**Titles 47 and 48 ($2.25)**

*Previously announced:* Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 7: Parts 1–209 ($1.25), Parts 900–959 (Rev., 1955) ($6.00), Part 960 to end (Rev., 1955) with Supplement ($5.85); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Parts 1–399 ($2.50), Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. I, and Title 27 ($1.00); Titles 28 and 29 ($1.25); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 400–699 ($0.65), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Title 33 ($1.50); Titles 35–37 ($1.00); Title 39 (Rev., 1955) ($4.25); Titles 40–42 ($0.65); Title 43 ($0.50); Title 46: Parts 1–145 ($0.60), Part 146 to end ($1.25); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

**Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.**


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paragraph (a) is amended by the addition of the following posts:

Ascension Island.
Vieux Fort, St. Lucia, B. W. I.

6. Effective as of the beginning of the first pay period following April 7, 1956, paragraph (d) is amended by the addition of the following:

Libya, all posts except Barce, Cirene, Derna, El Aweila, Garian, Homs, Nisurata, Sebha, Tripoli, Wheelus Field, Zavia, Zliten and Zuara.

7. Effective as of the beginning of the first pay period following June 30, 1956, paragraph (d) is amended by the addition of the following post:

Malang, Indonesia.

(Sec. 102, Part 1, E. O. 10000, 13 F. R. 5453; 3 CFR, 1948 Supp.)

For the Secretary of State.

I. W. CARPENTER, JR.,
*Assistant Secretary-Controller.*

JUNE 21, 1956.

[F. R. Doc. 56–5164; Filed, June 28, 1956; 8:51 a. m.]

## TITLE 6—AGRICULTURAL CREDIT

### Chapter III—Farmers Home Administration, Department of Agriculture

**Subchapter B—Farm Ownership Loans**

[FHA Instruction 401.2]

PART 311—BASIC REGULATIONS

SUBPART B—LOAN LIMITATIONS

AVERAGE VALUES OF FARMS; TENNESSEE

On June 18, 1956, for the purposes of title I of the Bankhead-Jones Farm Tenant Act, as amended, average values of efficient family-type farm-management units for the counties identified below were determined to be as herein set forth. The average values heretofore established for said counties, which appear in the tabulations of average values under § 311.29, Chapter III, Title 6 of the Code of Federal Regulations, are hereby superseded by the average values set forth below for said counties.

TENNESSEE

| County | Average value | County | Average value |
|---|---|---|---|
| Anderson | $20,000 | Jefferson | $23,000 |
| Bedford | 20,000 | Johnson | 19,000 |
| Benton | 16,000 | Knox | 25,000 |
| Bledsoe | 18,000 | Lake | 30,000 |
| Blount | 23,000 | Lauderdale | 25,000 |
| Bradley | 19,000 | Lawrence | 19,000 |
| Campbell | 18,000 | Lewis | 16,000 |
| Cannon | 20,000 | Lincoln | 21,000 |
| Carroll | 20,000 | Loudon | 20,000 |
| Carter | 20,000 | McMinn | 19,000 |
| Cheatham | 20,000 | McNairy | 18,000 |
| Chester | 18,000 | Macon | 16,000 |
| Claiborne | 18,000 | Madison | 20,000 |
| Clay | 18,000 | Marion | 19,000 |
| Cocke | 20,000 | Marshall | 20,000 |
| Coffee | 18,000 | Maury | 23,000 |
| Crockett | 22,000 | Meigs | 18,000 |
| Cumberland | 18,000 | Monroe | 19,000 |
| Davidson | 25,000 | Montgomery | 20,000 |
| Decatur | 20,000 | Moore | 19,000 |
| De Kalb | 20,000 | Morgan | 20,000 |
| Dickson | 18,000 | Obion | 24,000 |
| Dyer | 25,000 | Overton | 18,000 |
| Fayette | 20,000 | Perry | 16,000 |
| Fentress | 18,000 | Pickett | 18,000 |
| Franklin | 20,000 | Polk | 19,000 |
| Gibson | 22,000 | Putnam | 19,000 |
| Giles | 22,000 | Rhea | 18,000 |
| Grainger | 19,000 | Roane | 19,000 |
| Greene | 21,000 | Robertson | 22,000 |
| Grundy | 16,000 | Rutherford | 22,000 |
| Hamblen | 23,000 | Scott | 18,000 |
| Hamilton | 19,000 | Sequatchie | 19,000 |
| Hancock | 16,000 | Sevier | 22,000 |
| Hardeman | 19,000 | Shelby | 25,000 |
| Hardin | 18,000 | Smith | 20,000 |
| Hawkins | 18,000 | Stewart | 17,000 |
| Haywood | 22,000 | Sullivan | 20,000 |
| Henderson | 20,000 | Sumner | 20,000 |
| Henry | 20,000 | Tipton | 22,000 |
| Hickman | 17,000 | Trousdale | 18,000 |
| Houston | 18,000 | Unicoi | 18,000 |
| Humphreys | 18,000 | Union | 19,000 |
| Jackson | 17,000 | Van Buren | 17,000 |

TENNESSEE—Continued

| County | Average value | County | Average value |
|---|---|---|---|
| Warren | $20,000 | White | $19,000 |
| Washington | 21,000 | Williamson | 23,000 |
| Wayne | 17,000 | Wilson | 20,000 |
| Weakley | 20,000 | | |

(Sec. 41 (1), 50 Stat. 529, 60 Stat. 1066; 7 U. S. C. 1015 (1))

Dated: June 25, 1956.

[SEAL] H. C. SMITH,
*Acting Administrator,*
*Farmers Home Administration.*

[F. R. Doc. 56–5176; Filed, June 28, 1956; 8:53 a. m.]

### Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

**Subchapter B—Loans, Purchases, and Other Operations**

[1956 C. C. C. Grain Price Support Bulletin 1, Supp. 2, Barley]

PART 421—GRAINS AND RELATED COMMODITIES

SUBPART—1956-CROP BARLEY LOAN AND PURCHASE AGREEMENT PROGRAM

SUPPORT RATES

The 1956 C. C. C. Grain Price Support Bulletin 1, (21 F. R. 3997), issued by Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1956 was supplemented by 1956 C. C. C. Grain Price Support Bulletin 1, Supplement 1, Barley, (21 F. R. 4004), containing specific requirements applicable to price support operations on the 1956 barley crop. These regulations are further supplemented by the addition of paragraph (d) to § 421.1683 as follows:

(d) *Support rates.* Basic support rates for barley placed under loan and for barley delivered under purchase agreement are set forth in this paragraph.

(1) *Basic support rates at designated terminal markets.* Basic support rates per bushel for barley of the Classes Barley, and Western Barley grading No. 2 or better, and stored in approved warehouses at the terminal markets listed below are as follows:

| Terminal market: | Rate per bushel |
|---|---|
| Albany, N. Y. | $1.34 |
| Astoria, Oreg. | 1.27 |
| Baltimore, Md. | 1.34 |
| Chicago, Ill. | 1.25 |
| Duluth, Minn. | 1.24 |
| Galveston, Tex. | 1.31 |
| Houston, Tex. | 1.31 |
| Kansas City, Mo. | 1.23 |
| Longview, Wash. | 1.27 |
| Los Angeles, Calif. | 1.27 |
| Memphis, Tenn. | 1.25 |
| Milwaukee, Wis. | 1.25 |
| Minneapolis, Minn. | 1.24 |
| New Orleans, La. | 1.31 |
| New York, N. Y. | 1.34 |
| Norfolk, Va. | 1.34 |
| Oakland, Calif. | 1.27 |

| Terminal market—Continued | Rate per bushel |
|---|---|
| Omaha, Nebr | $1.23 |
| Philadelphia, Pa | 1.34 |
| Portland, Oreg | 1.27 |
| Saint Joseph, Mo | 1.23 |
| Saint Louis, Mo | 1.25 |
| San Francisco, Calif | 1.27 |
| Seattle, Wash | 1.27 |
| Sioux City, Iowa | 1.23 |
| Stockton, Calif | 1.27 |
| Superior, Wis | 1.24 |
| Tacoma, Wash | 1.27 |
| Vancouver, Wash | 1.27 |

(2) *Basic county support rates.* (i) The following basic county support rates per bushel are established for barley of the Classes Barley, and Western Barley grading No. 2 or better. Farm-storage loans and county warehouse-storage loans, except as otherwise provided in paragraph (b) of this section, will be based on the support rate established for the county in which the barley is stored:

(ii) If two or more approved warehouses are located at the same or adjoining towns, villages, or cities having the same domestic interstate freight rate, such towns, villages, or cities shall be deemed to constitute one shipping point, and the same support rate shall apply even though such warehouses are not all located in the same county. Such support rate shall be the highest support rate of the counties involved.

ALABAMA

| County | Rate per bushel |
|---|---|
| All counties | $1.10 |

ARIZONA

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Apache | $0.71 | Mohave | $0.78 |
| Cochise | .99 | Navajo | .73 |
| Coconino | .80 | Pima | 1.06 |
| Gila | .80 | Pinal | 1.08 |
| Graham | .80 | Santa Cruz | .95 |
| Greenlee | .80 | Yavapai | .89 |
| Maricopa | 1.08 | Yuma | 1.11 |

ARKANSAS

| | | | |
|---|---|---|---|
| Arkansas | $1.03 | Mississippi | $1.07 |
| Clay | 1.06 | Monroe | 1.05 |
| Cleburne | 1.05 | Phillips | 1.05 |
| Craighead | 1.06 | Poinsett | 1.06 |
| Crittenden | 1.11 | Prairie | 1.05 |
| Cross | 1.08 | Randolph | 1.08 |
| Fulton | 1.03 | St. Francis | 1.08 |
| Greene | 1.06 | Sharp | 1.03 |
| Independence | 1.04 | White | 1.06 |
| Jackson | 1.06 | Woodruff | 1.06 |
| Lawrence | 1.06 | All other counties | 1.02 |
| Lee | 1.08 | | |
| Lonoke | 1.04 | | |

CALIFORNIA

| | | | |
|---|---|---|---|
| Alameda | $1.16 | Mariposa | $1.14 |
| Alpine | 1.01 | Mendocino | 1.10 |
| Amador | 1.12 | Merced | 1.13 |
| Butte | 1.10 | Modoc | .95 |
| Calaveras | 1.12 | Mono | .97 |
| Colusa | 1.11 | Monterey | 1.13 |
| Contra Costa | 1.17 | Napa | 1.16 |
| El Dorado | 1.09 | Orange | 1.14 |
| Fresno | 1.11 | Placer | 1.12 |
| Glenn | 1.09 | Plumas | .99 |
| Humboldt | .97 | Riverside | 1.13 |
| Imperial | 1.09 | Sacramento | 1.13 |
| Inyo | .99 | San Benito | 1.13 |
| Kern | 1.10 | San Bernardino | 1.15 |
| Kings | 1.10 | San Diego | 1.11 |
| Lake | 1.12 | San Joaquin | 1.14 |
| Lassen | .98 | San Luis Obispo | 1.10 |
| Los Angeles | 1.16 | San Mateo | 1.17 |
| Madera | 1.12 | | |
| Marin | 1.17 | | |

CALIFORNIA—Continued

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Santa Barbara | 1.10 | Stanilaus | $1.13 |
| Santa Clara | 1.16 | Sutter | 1.11 |
| Santa Cruz | 1.14 | Tehama | 1.08 |
| Shasta | 1.05 | Tulare | 1.10 |
| Sierra | .99 | Tuolumne | 1.14 |
| Siskiyou | .98 | Ventura | 1.15 |
| Solano | 1.15 | Yolo | 1.13 |
| Sonoma | 1.15 | Yuba | 1.12 |

COLORADO

| | | | |
|---|---|---|---|
| Adams | $0.94 | Kit Carson | $0.96 |
| Alamosa | .86 | La Plata | .80 |
| Arapahoe | .94 | Larimer | .94 |
| Archuleta | .80 | Las Animas | .94 |
| Baca | .95 | Lincoln | .94 |
| Bent | .95 | Logan | .94 |
| Boulder | .94 | Mesa | .80 |
| Chaffee | .84 | Moffat | .80 |
| Cheyenne | .96 | Montezuma | .73 |
| Conejos | .86 | Montrose | .80 |
| Costilla | .86 | Morgan | .94 |
| Crowley | .94 | Otero | .94 |
| Custer | .90 | Ouray | .80 |
| Delta | .80 | Phillips | .96 |
| Denver | .94 | Pitkin | .80 |
| Dolores | .67 | Prowers | .95 |
| Douglas | .94 | Pueblo | .94 |
| Eagle | .81 | Rio Blanco | .80 |
| Elbert | .94 | Rio Grande | .86 |
| El Paso | .94 | Routt | .80 |
| Fremont | .91 | Saguache | .86 |
| Garfield | .80 | San Miguel | .70 |
| Grand | .83 | Sedgwick | .96 |
| Huerfano | .92 | Summit | .83 |
| Jackson | .57 | Washington | .94 |
| Jefferson | .94 | Weld | .94 |
| Kiowa | .95 | Yuma | .95 |

CONNECTICUT

| | |
|---|---|
| All counties | $1.14 |

DELAWARE

| | |
|---|---|
| All counties | $1.14 |

FLORIDA

| | |
|---|---|
| All counties | $1.15 |

GEORGIA

| | |
|---|---|
| All counties | $1.15 |

IDAHO

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Ada | $0.92 | Gem | $0.92 |
| Adams | .90 | Gooding | .88 |
| Bannock | .83 | Idaho | .98 |
| Bear Lake | .84 | Jefferson | .82 |
| Benewah | .99 | Jerome | .87 |
| Bingham | .82 | Kootenai | .99 |
| Blaine | .85 | Latah | .99 |
| Boise | .91 | Lemhi | .81 |
| Bonner | .97 | Lewis | .97 |
| Bonneville | .82 | Lincoln | .86 |
| Boundary | .96 | Madison | .82 |
| Butte | .82 | Minidoka | .86 |
| Camas | .85 | Nez Perce | .99 |
| Canyon | .92 | Oneida | .82 |
| Caribou | .84 | Owyhee | .92 |
| Cassia | .85 | Payette | .93 |
| Clark | .80 | Power | .85 |
| Clearwater | .99 | Shoshone | .97 |
| Custer | .82 | Tetone | .82 |
| Elmore | .90 | Twin Falls | .84 |
| Franklin | .82 | Valley | .91 |
| Fremont | .82 | Washington | .94 |

ILLINOIS

| | | | |
|---|---|---|---|
| Adams | $1.06 | Clay | $1.08 |
| Alexander | 1.08 | Clinton | 1.10 |
| Bond | 1.10 | Coles | 1.08 |
| Boone | 1.10 | Cook | 1.11 |
| Brown | 1.07 | Crawford | 1.06 |
| Bureau | 1.08 | Cumberland | 1.08 |
| Calhoun | 1.09 | De Kalb | 1.10 |
| Carroll | 1.07 | De Witt | 1.08 |
| Cass | 1.08 | Douglas | 1.08 |
| Champaign | 1.08 | Du Page | 1.11 |
| Christian | 1.08 | Edgar | 1.08 |
| Clark | 1.08 | Edwards | 1.07 |

ILLINOIS—Continued

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Effingham | $1.08 | Massac | $1.07 |
| Fayette | 1.08 | Menard | 1.08 |
| Ford | 1.08 | Mercer | 1.06 |
| Franklin | 1.08 | Monroe | 1.10 |
| Fulton | 1.08 | Montgomery | 1.09 |
| Gallatin | 1.05 | Morgan | 1.08 |
| Greene | 1.10 | Moultrie | 1.08 |
| Grundy | 1.10 | Ogle | 1.09 |
| Hamilton | 1.07 | Peoria | 1.08 |
| Hancock | 1.06 | Perry | 1.08 |
| Hardin | 1.02 | Piatt | 1.08 |
| Henderson | 1.06 | Pike | 1.07 |
| Henry | 1.07 | Pope | 1.04 |
| Iroquois | 1.08 | Pulaski | 1.08 |
| Jackson | 1.08 | Putnam | 1.08 |
| Jasper | 1.07 | Randolph | 1.08 |
| Jefferson | 1.08 | Richland | 1.07 |
| Jersey | 1.10 | Rock Island | 1.07 |
| Jo Daviess | 1.07 | Saint Clair | 1.10 |
| Johnson | 1.03 | Saline | 1.05 |
| Kane | 1.11 | Sangamon | 1.08 |
| Kankakee | 1.11 | Schuyler | 1.07 |
| Kendall | 1.11 | Scott | 1.08 |
| Knox | 1.07 | Shelby | 1.08 |
| Lake | 1.11 | Stark | 1.08 |
| La Salle | 1.09 | Stephenson | 1.07 |
| Lawrence | 1.07 | Tazewell | 1.08 |
| Lee | 1.09 | Union | 1.08 |
| Livingston | 1.09 | Vermilion | 1.08 |
| Logan | 1.08 | Wabash | 1.06 |
| McDonough | 1.06 | Warren | 1.07 |
| McHenry | 1.10 | Washington | 1.08 |
| McLean | 1.08 | Wayne | 1.07 |
| Macon | 1.08 | White | 1.05 |
| Macoupin | 1.10 | Whiteside | 1.07 |
| Madison | 1.11 | Will | 1.11 |
| Marion | 1.08 | Williamson | 1.08 |
| Marshall | 1.08 | Winnebago | 1.08 |
| Mason | 1.08 | Woodford | 1.08 |

INDIANA

| | | | |
|---|---|---|---|
| Adams | $1.05 | Lawrence | $1.03 |
| Allen | 1.05 | Madison | 1.05 |
| Bartholomew | 1.02 | Marion | 1.04 |
| Benton | 1.07 | Marshall | 1.07 |
| Blackford | 1.06 | Martin | 1.02 |
| Boone | 1.05 | Miami | 1.07 |
| Brown | 1.02 | Monroe | 1.03 |
| Carroll | 1.07 | Montgomery | 1.06 |
| Cass | 1.07 | Morgan | 1.03 |
| Clark | 1.01 | Newton | 1.08 |
| Clay | 1.04 | Noble | 1.06 |
| Clinton | 1.06 | Ohio | 1.01 |
| Crawford | 1.01 | Orange | 1.01 |
| Daviess | 1.03 | Owen | 1.03 |
| Dearborn | 1.01 | Parke | 1.05 |
| Decatur | 1.02 | Perry | .97 |
| De Kalb | 1.05 | Pike | 1.02 |
| Delaware | 1.05 | Porter | 1.10 |
| Dubois | 1.01 | Posey | 1.03 |
| Elkhart | 1.07 | Pulaski | 1.09 |
| Fayette | 1.03 | Putnam | 1.04 |
| Floyd | 1.01 | Randolph | 1.05 |
| Fountain | 1.05 | Ripley | 1.01 |
| Franklin | 1.04 | Rush | 1.03 |
| Fulton | 1.07 | Saint Joseph | 1.07 |
| Gibson | 1.03 | Scott | 1.01 |
| Grant | 1.06 | Shelby | 1.03 |
| Greene | 1.03 | Spencer | .97 |
| Hamilton | 1.05 | Starke | 1.08 |
| Hancock | 1.04 | Steuben | 1.05 |
| Harrison | 1.00 | Sullivan | 1.03 |
| Hendricks | 1.05 | Switzerland | .98 |
| Henry | 1.05 | Tippecanoe | 1.07 |
| Howard | 1.07 | Tipton | 1.06 |
| Huntington | 1.05 | Union | 1.03 |
| Jackson | 1.02 | Vanderburgh | 1.03 |
| Jasper | 1.10 | Vermillion | 1.06 |
| Jay | 1.05 | Vigo | 1.06 |
| Jefferson | 1.01 | Wabash | 1.07 |
| Jennings | 1.01 | Warren | 1.07 |
| Johnson | 1.03 | Warrick | 1.00 |
| Knox | 1.03 | Washington | 1.01 |
| Kosciusko | 1.06 | Wayne | 1.05 |
| Lagrange | 1.06 | Wells | 1.05 |
| Lake | 1.11 | White | 1.09 |
| La Porte | 1.08 | Whitley | 1.06 |



IOWA

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Adair | $1.06 | Jefferson | $1.03 |
| Adams | 1.07 | Johnson | 1.05 |
| Allamakee | 1.04 | Jones | 1.05 |
| Appanoose | 1.04 | Keokuk | 1.02 |
| Audubon | 1.08 | Kossuth | 1.05 |
| Benton | 1.04 | Lee | 1.05 |
| Black Hawk | 1.04 | Linn | 1.04 |
| Boone | 1.05 | Louisa | 1.05 |
| Bremer | 1.04 | Lucas | 1.05 |
| Buchanan | 1.03 | Lyon | 1.04 |
| Buena Vista | 1.04 | Madison | 1.05 |
| Butler | 1.04 | Mahaska | 1.02 |
| Calhoun | 1.05 | Marion | 1.03 |
| Carroll | 1.07 | Marshall | 1.04 |
| Cass | 1.07 | Mills | 1.10 |
| Cedar | 1.05 | Mitchell | 1.06 |
| Cerro Gordo | 1.05 | Monona | 1.08 |
| Cherokee | 1.05 | Monroe | 1.03 |
| Chickasaw | 1.05 | Montgomery | 1.09 |
| Clarke | 1.05 | Muscatine | 1.05 |
| Clay | 1.04 | O'Brien | 1.05 |
| Clayton | 1.03 | Osceola | 1.04 |
| Clinton | 1.06 | Page | 1.08 |
| Crawford | 1.08 | Palo Alto | 1.05 |
| Dallas | 1.05 | Plymouth | 1.06 |
| Davis | 1.04 | Pocahontas | 1.04 |
| Decatur | 1.04 | Polk | 1.05 |
| Delaware | 1.04 | Pottawattamie | 1.10 |
| Des Moines | 1.05 | Poweshiek | 1.02 |
| Dickinson | 1.05 | Ringgold | 1.04 |
| Dubuque | 1.05 | Sac | 1.06 |
| Emmet | 1.06 | Scott | 1.06 |
| Fayette | 1.04 | Shelby | 1.09 |
| Floyd | 1.05 | Sioux | 1.06 |
| Franklin | 1.04 | Story | 1.05 |
| Fremont | 1.09 | Tama | 1.03 |
| Greene | 1.06 | Taylor | 1.06 |
| Grundy | 1.04 | Union | 1.06 |
| Guthrie | 1.06 | Van Buren | 1.04 |
| Hamilton | 1.04 | Wapello | 1.03 |
| Hancock | 1.05 | Warren | 1.05 |
| Hardin | 1.04 | Washington | 1.04 |
| Harrison | 1.09 | Wayne | 1.04 |
| Henry | 1.04 | Webster | 1.05 |
| Howard | 1.06 | Winnebago | 1.06 |
| Humboldt | 1.04 | Winneshiek | 1.05 |
| Ida | 1.06 | Woodbury | 1.07 |
| Iowa | 1.03 | Worth | 1.06 |
| Jackson | 1.06 | Wright | 1.04 |
| Jasper | 1.04 | | |

KANSAS

| | | | |
|---|---|---|---|
| Allen | $1.06 | Greenwood | $1.05 |
| Anderson | 1.07 | Hamilton | .97 |
| Atchison | 1.09 | Harper | 1.02 |
| Barber | 1.01 | Harvey | 1.03 |
| Barton | 1.01 | Haskell | .98 |
| Bourbon | 1.07 | Hodgeman | 1.00 |
| Brown | 1.07 | Jackson | 1.07 |
| Butler | 1.03 | Jefferson | 1.09 |
| Chase | 1.04 | Jewell | 1.02 |
| Chautauqua | 1.04 | Johnson | 1.09 |
| Cherokee | 1.06 | Kearny | .97 |
| Cheyenne | .97 | Kingman | 1.02 |
| Clark | .99 | Kiowa | 1.01 |
| Clay | 1.04 | Labette | 1.06 |
| Cloud | 1.03 | Lane | .99 |
| Coffey | 1.06 | Leavenworth | 1.09 |
| Comanche | 1.00 | Lincoln | 1.02 |
| Cowley | 1.03 | Linn | 1.07 |
| Crawford | 1.06 | Logan | .98 |
| Decatur | .99 | Lyon | 1.06 |
| Dickinson | 1.03 | McPherson | 1.02 |
| Doniphan | 1.07 | Marion | 1.03 |
| Douglas | 1.09 | Marshall | 1.06 |
| Edwards | 1.01 | Meade | .98 |
| Elk | 1.04 | Miami | 1.09 |
| Ellis | 1.01 | Mitchell | 1.02 |
| Ellsworth | 1.02 | Montgomery | 1.06 |
| Finney | .98 | Morris | 1.04 |
| Ford | 1.00 | Morton | .95 |
| Franklin | 1.09 | Nemaha | 1.06 |
| Geary | 1.04 | Neosho | 1.06 |
| Gove | .99 | Ness | 1.00 |
| Graham | 1.01 | Norton | 1.01 |
| Grant | .97 | Osage | 1.06 |
| Gray | .99 | Osborne | 1.02 |
| Greeley | .97 | Ottawa | 1.03 |

KANSAS—Continued

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Pawnee | $1.01 | Sheridan | $0.99 |
| Phillips | 1.01 | Sherman | .97 |
| Pottawatomie | 1.06 | Smith | 1.02 |
| Pratt | 1.01 | Stafford | 1.01 |
| Rawlins | .98 | Stanton | .97 |
| Reno | 1.02 | Stevens | .97 |
| Republic | 1.03 | Sumner | 1.03 |
| Rice | 1.02 | Thomas | .98 |
| Riley | 1.06 | Trego | 1.01 |
| Rooks | 1.01 | Wabaunsee | 1.06 |
| Rush | 1.01 | Wallace | .97 |
| Russell | 1.01 | Washington | 1.04 |
| Saline | 1.02 | Wichita | .97 |
| Scott | .98 | Wilson | 1.06 |
| Sedgwick | 1.03 | Woodson | 1.06 |
| Seward | .97 | Wyandotte | 1.09 |
| Shawnee | 1.07 | | |

KENTUCKY

| | |
|---|---|
| All counties | $1.08 |

LOUISIANA

| | |
|---|---|
| All counties | $1.01 |

MAINE

| | |
|---|---|
| All counties | $1.14 |

MARYLAND

| | |
|---|---|
| All counties | $1.14 |

MASSACHUSETTS

| | |
|---|---|
| All counties | $1.14 |

MICHIGAN

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Alcona | $0.95 | Keweenaw | $0.99 |
| Alger | .98 | Lake | .99 |
| Allegan | 1.04 | Lapeer | 1.03 |
| Alpena | .95 | Leelanau | .95 |
| Antrim | .95 | Lenawee | 1.04 |
| Arenac | .96 | Livingston | 1.04 |
| Baraga | 1.02 | Luce | .95 |
| Barry | 1.04 | Mackinac | .95 |
| Bay | 1.02 | Macomb | 1.05 |
| Benzie | 1.02 | Manistee | .99 |
| Berrien | 1.07 | Marquette | 1.01 |
| Branch | 1.05 | Mason | .98 |
| Calhoun | 1.05 | Mecosta | .99 |
| Cass | 1.07 | Menominee | 1.01 |
| Charlevoix | .94 | Midland | 1.02 |
| Cheboygan | .94 | Missaukee | .99 |
| Chippewa | .95 | Monroe | 1.06 |
| Clare | 1.02 | Montcalm | 1.02 |
| Clinton | 1.03 | Montmorency | .95 |
| Crawford | .96 | Muskegon | 1.02 |
| Delta | 1.00 | Newaygo | 1.01 |
| Dickinson | 1.00 | Oakland | 1.04 |
| Eaton | 1.04 | Oceana | .99 |
| Emmet | .94 | Ogemaw | 1.00 |
| Genesee | 1.03 | Ontonagon | .98 |
| Gladwin | 1.00 | Osceola | 1.00 |
| Gogebic | 1.04 | Oscoda | 1.00 |
| Grand Traverse | .97 | Otsego | .94 |
| Gratiot | 1.03 | Ottawa | 1.04 |
| Hillsdale | 1.04 | Presque Isle | .94 |
| Houghton | .99 | Roscommon | 1.00 |
| Huron | 1.01 | Saginaw | 1.03 |
| Ingham | 1.04 | Saint Clair | 1.04 |
| Ionia | 1.03 | Saint Joseph | 1.06 |
| Iosco | .96 | Sanilac | 1.03 |
| Iron | .98 | Schoolcraft | .97 |
| Isabella | 1.01 | Shiawassee | 1.03 |
| Jackson | 1.05 | Tuscola | 1.02 |
| Kalamazoo | 1.06 | Van Buren | 1.05 |
| Kalkaska | .95 | Washtenaw | 1.04 |
| Kent | 1.03 | Wayne | 1.05 |
| | | Wexford | .99 |

MINNESOTA

| | | | |
|---|---|---|---|
| Aitkin | $1.09 | Cass | $1.07 |
| Anoka | 1.11 | Chippewa | 1.06 |
| Becker | 1.04 | Chisago | 1.10 |
| Beltrami | 1.04 | Clay | 1.04 |
| Benton | 1.08 | Clearwater | 1.04 |
| Big Stone | 1.05 | Cottonwood | 1.06 |
| Blue Earth | 1.08 | Crow Wing | 1.07 |
| Brown | 1.08 | Dakota | 1.11 |
| Carlton | 1.10 | Dodge | 1.07 |
| Carver | 1.11 | Douglas | 1.06 |

MINNESOTA—Continued

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Faribault | $1.06 | Otter Tail | $1.06 |
| Fillmore | 1.05 | Pennington | 1.02 |
| Freeborn | 1.07 | Pine | 1.08 |
| Goodhue | 1.08 | Pipestone | 1.05 |
| Grant | 1.06 | Polk | 1.02 |
| Hennepin | 1.12 | Pope | 1.06 |
| Houston | 1.05 | Ramsey | 1.11 |
| Hubbard | 1.05 | Red Lake | 1.03 |
| Isanti | 1.09 | Redwood | 1.07 |
| Itasca | 1.08 | Renville | 1.07 |
| Jackson | 1.05 | Rice | 1.09 |
| Kanabec | 1.08 | Rock | 1.04 |
| Kandiyohi | 1.08 | Roseau | 1.01 |
| Kittson | 1.00 | Saint Louis | 1.08 |
| Koochiching | 1.01 | Scott | 1.11 |
| Lac Qui Parle | 1.05 | Sherburne | 1.10 |
| Lake of the Woods | 1.02 | Sibley | 1.09 |
| LeSueur | 1.09 | Stearns | 1.08 |
| Lincoln | 1.05 | Steele | 1.08 |
| Lyon | 1.06 | Stevens | 1.06 |
| McLeod | 1.09 | Swift | 1.06 |
| Mahnomen | 1.03 | Todd | 1.07 |
| Marshall | 1.02 | Traverse | 1.05 |
| Martin | 1.06 | Wabasha | 1.08 |
| Meeker | 1.09 | Wadena | 1.06 |
| Mille Lacs | 1.10 | Waseca | 1.08 |
| Morrison | 1.07 | Washington | 1.11 |
| Mower | 1.06 | Watonwan | 1.06 |
| Murray | 1.05 | Wilkin | 1.04 |
| Nicollet | 1.09 | Winona | 1.07 |
| Nobles | 1.04 | Wright | 1.10 |
| Norman | 1.03 | Yellow Medicine | 1.06 |
| Olmsted | 1.07 | | |

MISSISSIPPI

| | |
|---|---|
| All counties | $1.10 |

MISSOURI

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Adair | $1.05 | Iron | $1.08 |
| Andrew | 1.08 | Jackson | 1.09 |
| Atchison | 1.08 | Jasper | 1.06 |
| Audrain | 1.07 | Jefferson | 1.11 |
| Barry | 1.04 | Johnson | 1.08 |
| Barton | 1.06 | Knox | 1.06 |
| Bates | 1.08 | Laclede | 1.04 |
| Benton | 1.06 | Lafayette | 1.08 |
| Bollinger | 1.07 | Lawrence | 1.04 |
| Boone | 1.07 | Lewis | 1.07 |
| Buchanan | 1.08 | Lincoln | 1.10 |
| Butler | 1.06 | Linn | 1.06 |
| Caldwell | 1.08 | Livingston | 1.07 |
| Callaway | 1.07 | McDonald | 1.04 |
| Camden | 1.05 | Macon | 1.05 |
| Cape Girardeau | 1.07 | Madison | 1.08 |
| Carroll | 1.08 | Maries | 1.08 |
| Carter | .99 | Marion | 1.07 |
| Cass | 1.09 | Mercer | 1.05 |
| Cedar | 1.09 | Miller | 1.05 |
| Chariton | 1.07 | Mississippi | 1.06 |
| Christian | 1.04 | Moniteau | 1.05 |
| Clark | 1.06 | Monroe | 1.07 |
| Clay | 1.09 | Montgomery | 1.09 |
| Clinton | 1.08 | Morgan | 1.05 |
| Cole | 1.06 | New Madrid | 1.06 |
| Cooper | 1.06 | Newton | 1.04 |
| Crawford | 1.08 | Nodaway | 1.07 |
| Dade | 1.06 | Oregon | 1.02 |
| Dallas | 1.04 | Osage | 1.07 |
| Daviess | 1.07 | Ozark | 1.00 |
| De Kalb | 1.08 | Pemiscot | 1.06 |
| Dent | 1.06 | Perry | 1.08 |
| Douglas | 1.02 | Pettis | 1.06 |
| Dunklin | 1.06 | Phelps | 1.07 |
| Franklin | 1.10 | Pike | 1.08 |
| Gasconade | 1.08 | Platte | 1.09 |
| Gentry | 1.06 | Polk | 1.06 |
| Greene | 1.04 | Pulaski | 1.06 |
| Grundy | 1.06 | Putnam | 1.05 |
| Harrison | 1.06 | Ralls | 1.07 |
| Henry | 1.08 | Randolph | 1.07 |
| Hickory | 1.06 | Ray | 1.08 |
| Holt | 1.06 | Reynolds | 1.05 |
| Howard | 1.06 | Ripley | 1.06 |
| Howell | 1.02 | Saint Charles | 1.11 |
| | | Saint Clair | 1.07 |

MISSOURI—Continued

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Saint Francois | $1.09 | Stone | $1.04 |
| Sainte Genevieve | 1.09 | Sullivan | 1.05 |
| Saint Louis | 1.11 | Taney | 1.03 |
| Saline | 1.07 | Texas | 1.02 |
| Schuyler | 1.04 | Vernon | 1.07 |
| Scotland | 1.05 | Warren | 1.11 |
| Scott | 1.06 | Washington | 1.09 |
| Shannon | .99 | Wayne | 1.07 |
| Shelby | 1.06 | Webster | 1.03 |
| Stoddard | 1.06 | Worth | 1.06 |
| | | Wright | 1.02 |

MONTANA

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Beaverhead | $0.78 | Madison | $0.86 |
| Big Horn | .82 | Meagher | .86 |
| Blaine | .82 | Mineral | .90 |
| Broadwater | .86 | Missoula | .89 |
| Carbon | .83 | Musselshell | .85 |
| Carter | .90 | Park | .86 |
| Cascade | .86 | Petroleum | .86 |
| Chouteau | .86 | Phillips | .84 |
| Custer | .89 | Pondera | .86 |
| Daniels | .86 | Powder River | .87 |
| Dawson | .89 | Powell | .86 |
| Deer Lodge | .86 | Prairie | .89 |
| Fallon | .90 | Ravalli | .87 |
| Fergus | .86 | Richland | .90 |
| Flathead | .90 | Roosevelt | .90 |
| Gallatin | .86 | Rosebud | .85 |
| Garfield | .88 | Sanders | .91 |
| Glacier | .87 | Sheridan | .89 |
| Golden Valley | .85 | Silver Bow | .86 |
| Granite | .87 | Stillwater | .85 |
| Hill | .86 | Sweet Grass | .88 |
| Jefferson | .86 | Teton | .86 |
| Judith Basin | .86 | Toole | .86 |
| Lake | .90 | Treasure | .84 |
| Lewis and Clark | .86 | Valley | .86 |
| Liberty | .86 | Wheatland | .86 |
| Lincoln | .92 | Wibaux | .90 |
| McCone | .88 | Yellowstone | .85 |

NEBRASKA

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Adam | $1.04 | Hitchcock | $0.99 |
| Antelope | 1.05 | Holt | 1.04 |
| Arthur | .98 | Hooker | .99 |
| Banner | .94 | Howard | 1.05 |
| Blaine | 1.01 | Jefferson | 1.06 |
| Boone | 1.06 | Johnson | 1.07 |
| Box Butte | .97 | Kearney | 1.03 |
| Boyd | 1.03 | Keith | .98 |
| Brown | 1.01 | Keya Paha | 1.01 |
| Buffalo | 1.04 | Kimball | .94 |
| Burt | 1.09 | Knox | 1.04 |
| Butler | 1.08 | Lancaster | 1.09 |
| Cass | 1.09 | Lincoln | 1.00 |
| Cedar | 1.05 | Logan | 1.01 |
| Chase | .98 | Loup | 1.03 |
| Cherry | .99 | McPherson | 1.00 |
| Cheyenne | .95 | Madison | 1.06 |
| Clay | 1.04 | Merrick | 1.06 |
| Colfax | 1.08 | Morrill | .96 |
| Cuming | 1.08 | Nance | 1.06 |
| Custer | 1.02 | Nemaha | 1.07 |
| Dakota | 1.06 | Nuckolls | 1.04 |
| Dawes | .95 | Otoe | 1.09 |
| Dawson | 1.03 | Pawnee | 1.06 |
| Deuel | .96 | Perkins | .98 |
| Dixon | 1.06 | Phelps | 1.03 |
| Dodge | 1.09 | Pierce | 1.05 |
| Douglas | 1.09 | Platte | 1.07 |
| Dundy | .98 | Polk | 1.07 |
| Fillmore | 1.06 | Red Willow | 1.00 |
| Franklin | 1.03 | Richardson | 1.06 |
| Frontier | 1.01 | Rock | 1.01 |
| Furnas | 1.01 | Saline | 1.07 |
| Gage | 1.07 | Sarpy | 1.09 |
| Garden | .97 | Saunders | 1.09 |
| Garfield | 1.04 | Scotts Bluff | .95 |
| Gosper | 1.02 | Seward | 1.06 |
| Grant | .98 | Sheridan | .97 |
| Greeley | 1.05 | Sherman | 1.04 |
| Hall | 1.05 | Sioux | .94 |
| Hamilton | 1.06 | Stanton | 1.06 |
| Harlan | 1.02 | Thayer | 1.06 |
| Hayes | .98 | Thomas | 1.00 |

NEBRASKA—Continued

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Thurston | $1.07 | Webster | $1.04 |
| Valley | 1.04 | Wheeler | 1.06 |
| Washington | 1.09 | York | 1.06 |
| Wayne | 1.05 | | |

NEVADA

All counties $0.99

NEW HAMPSHIRE

All counties $1.14

NEW JERSEY

All counties $1.14

NEW MEXICO

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Bernalillo | $0.86 | Mora | $0.86 |
| Catron | .80 | Otero | .88 |
| Chaves | .95 | Quay | .97 |
| Colfax | .88 | Rio Arriba | .80 |
| Curry | .97 | Roosevelt | .96 |
| De Baca | .94 | Sandoval | .86 |
| Dona Ana | .86 | San Juan | .65 |
| Eddy | .93 | San Miguel | .86 |
| Grant | .75 | Santa Fe | .84 |
| Guadalupe | .90 | Sierra | .86 |
| Harding | .92 | Socorro | .86 |
| Hidalgo | .75 | Taos | .86 |
| Lea | .97 | Torrance | .88 |
| Lincoln | .88 | Union | .94 |
| Luna | .75 | Valencia | .83 |
| McKinley | .75 | | |

NEW YORK

All counties $1.14

NORTH CAROLINA

All counties $1.14

NORTH DAKOTA

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Adams | $0.94 | McLean | $0.96 |
| Barnes | 1.01 | Mercer | .95 |
| Benson | .98 | Morton | .96 |
| Billings | .94 | Mountrail | .95 |
| Bottineau | .95 | Nelson | 1.00 |
| Bowman | .93 | Oliver | .96 |
| Burke | .94 | Pembina | .99 |
| Burleigh | .98 | Pierce | .98 |
| Cass | 1.02 | Ramsey | .99 |
| Cavalier | .98 | Ransom | 1.02 |
| Dickey | 1.01 | Renville | .95 |
| Divide | .93 | Richland | 1.04 |
| Dunn | .94 | Rolette | .97 |
| Eddy | .99 | Sargent | 1.02 |
| Emmons | .97 | Sheridan | .98 |
| Foster | 1.00 | Sioux | .96 |
| Golden Valley | .91 | Slope | .92 |
| Grand Forks | 1.01 | Stark | .95 |
| Grant | .95 | Steele | 1.02 |
| Griggs | 1.01 | Stutsman | 1.00 |
| Hettinger | .95 | Towner | .98 |
| Kidder | .99 | Traill | 1.02 |
| La Moure | 1.00 | Walsh | 1.00 |
| Logan | .99 | Ward | .95 |
| McHenry | .97 | Wells | .99 |
| McIntosh | .98 | Williams | .93 |
| McKenzie | .91 | | |

OHIO

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Adams | $1.05 | Darke | $1.05 |
| Allen | 1.05 | Defiance | 1.05 |
| Ashland | 1.07 | Delaware | 1.06 |
| Ashtabula | 1.09 | Erie | 1.06 |
| Athens | 1.06 | Fairfield | 1.06 |
| Auglaize | 1.05 | Fayette | 1.05 |
| Belmont | 1.07 | Franklin | 1.06 |
| Brown | 1.05 | Fulton | 1.05 |
| Butler | 1.05 | Gallia | 1.05 |
| Carroll | 1.07 | Geauga | 1.09 |
| Champaign | 1.05 | Greene | 1.05 |
| Clark | 1.05 | Guernsey | 1.07 |
| Clermont | 1.05 | Hamilton | 1.05 |
| Clinton | 1.05 | Hancock | 1.06 |
| Columbiana | 1.08 | Hardin | 1.06 |
| Coshocton | 1.07 | Harrison | 1.07 |
| Crawford | 1.06 | Henry | 1.05 |
| Cuyahoga | 1.07 | Highland | 1.05 |

OHIO—Continued

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Hocking | $1.06 | Paulding | $1.05 |
| Holmes | 1.07 | Perry | 1.06 |
| Huron | 1.06 | Pickaway | 1.06 |
| Jackson | 1.05 | Pike | 1.05 |
| Jefferson | 1.08 | Portage | 1.07 |
| Knox | 1.07 | Preble | 1.05 |
| Lake | 1.08 | Putnam | 1.05 |
| Lawrence | 1.05 | Richland | 1.07 |
| Licking | 1.06 | Ross | 1.05 |
| Logan | 1.05 | Sandusky | 1.06 |
| Lorain | 1.07 | Scioto | 1.05 |
| Lucas | 1.06 | Seneca | 1.06 |
| Madison | 1.05 | Shelby | 1.05 |
| Mahoning | 1.09 | Stark | 1.07 |
| Marion | 1.06 | Summit | 1.07 |
| Medina | 1.07 | Trumbull | 1.09 |
| Meigs | 1.05 | Tuscarawas | 1.07 |
| Mercer | 1.05 | Union | 1.06 |
| Miami | 1.05 | Van Wert | 1.05 |
| Monroe | 1.07 | Vinton | 1.06 |
| Montgomery | 1.05 | Warren | 1.05 |
| Morgan | 1.07 | Washington | 1.07 |
| Morrow | 1.06 | Wayne | 1.07 |
| Muskingum | 1.07 | Williams | 1.05 |
| Noble | 1.07 | Wood | 1.06 |
| Ottawa | 1.06 | Wyandot | 1.06 |

OKLAHOMA

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Adair | $1.01 | Le Flore | $0.97 |
| Alfalfa | 1.00 | Lincoln | .97 |
| Atoka | .95 | Logan | .98 |
| Beaver | .95 | Love | .95 |
| Beckham | .95 | McClain | .95 |
| Blaine | .96 | McCurtain | .95 |
| Bryan | .95 | McIntosh | 1.00 |
| Caddo | .95 | Major | .97 |
| Canadian | .95 | Marshall | .95 |
| Carter | .95 | Mayes | 1.04 |
| Cherokee | 1.02 | Murray | .95 |
| Choctaw | .95 | Muskogee | 1.01 |
| Cimarron | .94 | Noble | 1.01 |
| Cleveland | .95 | Nowata | 1.05 |
| Coal | .95 | Okfuskee | .98 |
| Comanche | .95 | Oklahoma | .95 |
| Cotton | .95 | Okmulgee | 1.01 |
| Craig | 1.05 | Osage | 1.02 |
| Creek | 1.01 | Ottawa | 1.05 |
| Custer | .95 | Pawnee | 1.01 |
| Delaware | 1.04 | Payne | .98 |
| Dewey | .94 | Pittsburg | .98 |
| Ellis | .95 | Pontotoc | .95 |
| Garfield | 1.00 | Pottawatomie | .95 |
| Garvin | .95 | Pushmataha | .95 |
| Grady | .95 | Roger Mills | .94 |
| Grant | 1.01 | Rogers | 1.04 |
| Greer | .95 | Seminole | .97 |
| Harmon | .95 | Sequoyah | 1.00 |
| Harper | .97 | Stephens | .95 |
| Haskell | .99 | Texas | .95 |
| Hughes | .98 | Tillman | .95 |
| Jackson | .95 | Tulsa | 1.03 |
| Jefferson | .95 | Wagoner | 1.03 |
| Johnston | .95 | Washington | 1.05 |
| Kay | 1.01 | Washita | .95 |
| Kingfisher | .97 | Woods | 1.00 |
| Kiowa | .95 | Woodward | .96 |
| Latimer | .97 | | |

OREGON

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Baker | $0.98 | Lake | $0.92 |
| Benton | 1.11 | Lane | 1.09 |
| Clackamas | 1.14 | Lincoln | 1.07 |
| Clatsop | 1.11 | Linn | 1.12 |
| Columbia | 1.13 | Malheur | .93 |
| Coos | 1.04 | Marion | 1.14 |
| Crook | 1.10 | Morrow | 1.10 |
| Curry | 1.03 | Multnomah | 1.15 |
| Deschutes | 1.10 | Polk | 1.13 |
| Douglas | 1.06 | Sherman | 1.12 |
| Gilliam | 1.11 | Tillamook | 1.15 |
| Grant | 1.10 | Umatilla | 1.05 |
| Harney | .88 | Union | .98 |
| Hood River | 1.15 | Wallowa | .97 |
| Jackson | 1.01 | Wasco | 1.15 |
| Jefferson | 1.11 | Washington | 1.16 |
| Josephine | 1.01 | Wheeler | 1.10 |
| Klamath | 1.00 | Yamhill | 1.14 |



PENNSYLVANIA

| County | Rate per bushel |
|---|---|
| All counties | $1.14 |

RHODE ISLAND

All counties $1.14

SOUTH CAROLINA

All counties $1.14

SOUTH DAKOTA

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Aurora | $1.01 | Jackson | $0.94 |
| Beadle | 1.02 | Jerauld | 1.01 |
| Bennett | .97 | Jones | .96 |
| Bon Homme | 1.04 | Kingsbury | 1.03 |
| Brookings | 1.04 | Lake | 1.03 |
| Brown | 1.02 | Lawrence | .92 |
| Brule | 1.01 | Lincoln | 1.04 |
| Buffalo | 1.01 | Lyman | .98 |
| Butte | .91 | McCook | 1.03 |
| Campbell | .98 | McPherson | 1.00 |
| Charles Mix | 1.02 | Marshall | 1.02 |
| Clark | 1.03 | Meade | .92 |
| Clay | 1.06 | Mellette | .99 |
| Codington | 1.04 | Miner | 1.02 |
| Corson | .96 | Minnehaha | 1.04 |
| Custer | .93 | Moody | 1.04 |
| Davison | 1.02 | Pennington | .92 |
| Day | 1.03 | Perkins | .94 |
| Deuel | 1.04 | Potter | .99 |
| Dewey | .95 | Roberts | 1.03 |
| Douglas | 1.02 | Sanborn | 1.01 |
| Edmunds | 1.00 | Shannon | .97 |
| Fall River | .93 | Spink | 1.02 |
| Faulk | 1.01 | Stanley | .98 |
| Grant | 1.04 | Sully | .98 |
| Gregory | 1.02 | Todd | 1.00 |
| Haakon | .95 | Tripp | 1.00 |
| Hamlin | 1.04 | Turner | 1.04 |
| Hand | 1.01 | Union | 1.06 |
| Hanson | 1.03 | Walworth | .99 |
| Harding | .94 | Washabaugh | .94 |
| Hughes | .99 | Yankton | 1.05 |
| Hutchinson | 1.03 | Ziebach | .94 |
| Hyde | 1.00 | | |

TENNESSEE

| | |
|---|---|
| Shelby | $1.11 |
| All other counties | 1.10 |

TEXAS

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Anderson | $1.11 | Comanche | $1.03 |
| Archer | .99 | Concho | 1.02 |
| Armstrong | .99 | Cooke | 1.02 |
| Atascosa | 1.05 | Coryell | 1.08 |
| Austin | 1.19 | Cottle | .99 |
| Bailey | .99 | Crane | .95 |
| Bandera | 1.04 | Crockett | .96 |
| Baylor | .99 | Crosby | .99 |
| Bee | 1.08 | Dallam | .95 |
| Bell | 1.10 | Dallas | 1.05 |
| Bexar | 1.07 | Dawson | .99 |
| Blanco | 1.09 | Deaf Smith | .99 |
| Borden | .99 | Delta | 1.03 |
| Bosque | 1.06 | Denton | 1.04 |
| Bowie | 1.03 | De Witt | 1.18 |
| Brazoria | 1.20 | Dickens | .99 |
| Brazos | 1.17 | Donley | .99 |
| Brewster | .93 | Eastland | 1.03 |
| Brisco | .99 | Ector | .96 |
| Brown | 1.03 | Edwards | .98 |
| Burleson | 1.16 | Ellis | 1.06 |
| Burnet | 1.06 | El Paso | .92 |
| Callahan | 1.00 | Erath | 1.03 |
| Cameron | .97 | Falls | 1.11 |
| Camp | 1.05 | Fannin | 1.03 |
| Carson | .99 | Fayette | 1.16 |
| Cass | 1.03 | Fisher | .99 |
| Castro | .99 | Floyd | .99 |
| Chambers | 1.15 | Foard | .99 |
| Cherokee | 1.11 | Fort Bend | 1.19 |
| Childress | .99 | Franklin | 1.03 |
| Clay | 1.00 | Freestone | 1.11 |
| Cochran | .99 | Gaines | .99 |
| Coke | .99 | Garza | .99 |
| Coleman | 1.03 | Gillespie | 1.03 |
| Collin | 1.04 | Goliad | 1.11 |
| Collingsworth | .99 | Gonzales | 1.12 |
| Comal | 1.09 | Gray | .98 |

TEXAS—Continued

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Grayson | $1.03 | Nacogdoches | $1.12 |
| Gregg | 1.06 | Navarro | 1.08 |
| Grimes | 1.17 | Newton | 1.12 |
| Guadalupe | 1.09 | Nolan | .99 |
| Hale | .99 | Ochiltree | .96 |
| Hall | .99 | Oldham | .99 |
| Hamilton | 1.05 | Orange | 1.16 |
| Hansford | .96 | Palo Pinto | 1.03 |
| Hardeman | .99 | Panola | 1.08 |
| Hardin | 1.16 | Parker | 1.04 |
| Harris | 1.20 | Parmer | .98 |
| Harrison | 1.05 | Pecos | .94 |
| Hartley | .93 | Polk | 1.17 |
| Haskell | .99 | Potter | .99 |
| Hays | 1.10 | Presidio | .92 |
| Hemphill | .96 | Rains | 1.05 |
| Henderson | 1.06 | Randall | .99 |
| Hidalgo | .97 | Reagan | .96 |
| Hill | 1.06 | Red River | 1.01 |
| Hockley | .99 | Reeves | .94 |
| Hood | 1.04 | Roberts | .97 |
| Hopkins | 1.03 | Robertson | 1.14 |
| Houston | 1.15 | Rockwall | 1.05 |
| Howard | .99 | Runnels | .99 |
| Hudspeth | .93 | Rusk | 1.06 |
| Hunt | 1.04 | Sabine | 1.10 |
| Hutchinson | .96 | San Augustine | 1.09 |
| Irion | .97 | San Jacinto | 1.19 |
| Jack | 1.02 | San Saba | 1.05 |
| Jackson | 1.16 | Schleicher | .97 |
| Jasper | 1.14 | Scurry | .99 |
| Jeff Davis | .93 | Shackelford | .99 |
| Jefferson | 1.17 | Shelby | 1.10 |
| Jim Wells | 1.05 | Sherman | .95 |
| Johnson | 1.05 | Smith | 1.07 |
| Jones | .99 | Somervell | 1.04 |
| Karnes | 1.09 | Starr | .94 |
| Kaufman | 1.05 | Stephens | .99 |
| Kendall | 1.03 | Sterling | .97 |
| Kenedy | 1.03 | Stonewall | .99 |
| Kent | .99 | Sutton | .96 |
| Kerr | 1.03 | Swisher | .99 |
| Kimble | 1.02 | Tarrant | 1.05 |
| King | .99 | Taylor | .99 |
| Kinney | .98 | Terrell | .93 |
| Knox | .99 | Terry | .99 |
| Lamar | 1.02 | Throckmorton | .99 |
| Lamb | .99 | Titus | 1.04 |
| Lampasas | 1.05 | Tom Green | .99 |
| Leon | 1.13 | Travis | 1.11 |
| Liberty | 1.19 | Trinity | 1.17 |
| Limestone | 1.11 | Tyler | 1.15 |
| Lipscomb | .96 | Upshur | 1.05 |
| Live Oak | 1.05 | Upton | .95 |
| Llano | 1.05 | Uvalde | 1.01 |
| Loving | .94 | Val Verde | .94 |
| Lubbock | .99 | Van Zandt | 1.05 |
| Lynn | .99 | Victoria | 1.14 |
| McCulloch | 1.03 | Walker | 1.18 |
| McLennan | 1.09 | Waller | 1.19 |
| Madison | 1.17 | Ward | .96 |
| Marion | 1.05 | Washington | 1.17 |
| Martin | .98 | Wharton | 1.18 |
| Mason | 1.03 | Wheeler | .98 |
| Medina | 1.05 | Wichita | .99 |
| Menard | 1.02 | Wilbarger | .99 |
| Midland | .97 | Willacy | .99 |
| Milam | 1.13 | Williamson | 1.11 |
| Mills | 1.05 | Wilson | 1.08 |
| Mitchell | .99 | Winkler | .97 |
| Montague | 1.00 | Wise | 1.03 |
| Montgomery | 1.19 | Wood | 1.05 |
| Moore | .96 | Yoakum | .99 |
| Morris | 1.04 | Young | .99 |
| Motley | .99 | | |

UTAH

All counties $0.92

VERMONT

All counties $1.14

VIRGINIA

All counties $1.14

WASHINGTON

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Adams | $1.01 | Benton | $1.06 |
| Asotin | .99 | Chelan | 1.04 |

WASHINGTON—Continued

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Clallam | $1.06 | Mason | $1.07 |
| Clark | 1.16 | Okanogan | 1.00 |
| Columbia | 1.04 | Pacific | 1.07 |
| Cowlitz | 1.14 | Pend Oreille | .98 |
| Douglas | 1.00 | Pierce | 1.15 |
| Ferry | .93 | San Juan | 1.13 |
| Franklin | 1.03 | Skagit | 1.13 |
| Garfield | 1.04 | Skamania | 1.15 |
| Grant | 1.01 | Snohomish | 1.13 |
| Grays Harbor | 1.08 | Spokane | 1.00 |
| Island | 1.13 | Stevens | .97 |
| Jefferson | 1.06 | Thurston | 1.11 |
| King | 1.15 | Wahkiakum | 1.16 |
| Kitsap | 1.15 | Walla Walla | 1.05 |
| Kittitas | 1.07 | Whatcom | 1.10 |
| Klickitat | 1.12 | Whitman | 1.01 |
| Lewis | 1.11 | Yakima | 1.06 |
| Lincoln | 1.01 | | |

WEST VIRGINIA

All counties $1.11

WISCONSIN

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Adams | $1.04 | Marathon | $1.04 |
| Ashland | 1.06 | Marinette | 1.02 |
| Barron | 1.07 | Marquette | 1.04 |
| Bayfield | 1.05 | Milwaukee | 1.11 |
| Brown | 1.07 | Monroe | 1.04 |
| Buffalo | 1.09 | Oconto | 1.03 |
| Burnett | 1.06 | Oneida | 1.01 |
| Calumet | 1.06 | Outagamie | 1.05 |
| Chippewa | 1.04 | Ozaukee | 1.07 |
| Clark | 1.05 | Pepin | 1.08 |
| Columbia | 1.07 | Pierce | 1.09 |
| Crawford | 1.04 | Polk | 1.09 |
| Dane | 1.07 | Portage | 1.04 |
| Dodge | 1.06 | Price | 1.05 |
| Door | 1.02 | Racine | 1.11 |
| Douglas | 1.10 | Richland | 1.05 |
| Dunn | 1.07 | Rock | 1.08 |
| Eau Claire | 1.07 | Rusk | 1.06 |
| Florence | 1.01 | Saint Croix | 1.09 |
| Fond Du Lac | 1.06 | Sauk | 1.05 |
| Forest | 1.02 | Sawyer | 1.07 |
| Grant | 1.04 | Shawano | 1.04 |
| Green | 1.07 | Sheboygan | 1.06 |
| Green Lake | 1.05 | Taylor | 1.04 |
| Iowa | 1.04 | Trempealeau | 1.06 |
| Iron | 1.04 | Vernon | 1.04 |
| Jackson | 1.05 | Vilas | 1.00 |
| Jefferson | 1.07 | Walworth | 1.08 |
| Juneau | 1.05 | Washburn | 1.07 |
| Kenosha | 1.12 | Washington | 1.07 |
| Kewaunee | 1.03 | Waukesha | 1.08 |
| LaCrosse | 1.04 | Waupaca | 1.04 |
| Lafayette | 1.05 | Waushara | 1.05 |
| Langlade | 1.02 | Winnebago | 1.05 |
| Lincoln | 1.01 | Wood | 1.04 |
| Manitowoc | 1.06 | | |

WYOMING

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Albany | $0.82 | Natrona | $0.84 |
| Big Horn | .82 | Niobrara | .91 |
| Campbell | .88 | Park | .81 |
| Carbon | .80 | Platte | .91 |
| Converse | .87 | Sheridan | .86 |
| Crook | .89 | Sublette | .80 |
| Fremont | .78 | Sweetwater | .80 |
| Goshen | .94 | Teton | .82 |
| Hot Springs | .82 | Uinta | .80 |
| Johnson | .86 | Washakie | .82 |
| Laramie | .94 | Weston | .90 |
| Lincoln | .80 | | |

(iii) Where the State Committee determines that State or district weed control laws affect the barley crop, the support rate will be 10 cents below the applicable county support rate set forth in the schedule in this subparagraph. If, upon delivery of the barley to CCC, the producer supplies a certificate indicating that the barley complies with the weed control laws, the producer will be

credited with the amount of the differential in determining the settlement value.

(3) *Discounts.* The discount for barley which grades No. 3 shall be 3 cents per bushel, and for No. 4, 6 cents per bushel. The support rates for barley of the class "Mixed Barley" shall be 2 cents per bushel less than the support rates for barley of the Classes Barley, and Western Barley. In addition to any other applicable discounts, a discount of 10 cents per bushel shall be applied to barley grading "Garlicky."

(Sec. 4, 62 Stat. 1070 as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072; sec. 401, 63 Stat. 1054; sec. 308, 70 Stat. 206; 15 U. S. C. 714; 7 U. S. C. 1421)

Issued this 25th day of June 1956.

[SEAL] WALTER C. BERGER,
*Acting Executive Vice President,*
*Commodity Credit Corporation.*

[F R. Doc. 56-5160; Filed, June 28, 1956; 8: 50 a. m.]

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[1956 C. C. C. Grain Price Support Bulletin 1, Supp. 2, Grain Sorghums]

## PART 421—GRAINS AND RELATED COMMODITIES

### SUBPART—1956-CROP GRAIN SORGHUMS LOAN AND PURCHASE AGREEMENT PROGRAM

#### SUPPORT RATES

The 1956 C. C. C. Grain Price Support Bulletin 1 (21 F. R. 3997), issued by Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1956 was supplemented by 1956 C. C. C. Grain Price Support Bulletin 1, Supplement 1, Grain Sorghums (21 F. R. 4248), containing specific requirements applicable to price support operations on the 1956 grain sorghum crop. These regulations are further supplemented by the addition of paragraph (d) to § 421.1833 as follows:

(d) *Support rates.* Basic support rates for grain sorghums placed under loan or delivered under a purchase agreement will be as set forth in this section.

(1) *Basic support rates at designated terminal markets.* Basic support rates per 100 pounds for grain sorghums of the Classes I to IV inclusive, grading No. 2 or better, and containing not in excess of 13 percent moisture, stored in approved warehouses at the terminal markets listed below are as follows:

| Terminal market: | Rate per hundredweight |
|---|---|
| Omaha, Nebr | $2.34 |
| Sioux City, Iowa | 2.34 |
| Kansas City, Mo | 2.42 |
| Saint Joseph, Mo | 2.42 |
| Corpus Christi, Tex | 2.50 |
| Galveston, Tex | 2.50 |
| Houston, Tex | 2.50 |
| New Orleans, La | 2.50 |
| Port Arthur, Tex | 2.50 |
| St. Louis, Mo | 2.57 |
| Memphis, Tenn | 2.57 |
| Los Angeles, Calif | 2.84 |
| San Francisco, Calif | 2.84 |

(2) *Basic county support rates.* (i) The following basic county support rates are established per 100 pounds of grain sorghums of the Classes I to IV, inclusive, grading No. 2 or better and containing not in excess of 13 percent moisture. Both farm-storage and country warehouse-storage loans, except as otherwise provided in paragraph (b) of this section will be based on the support rate established for the county in which the grain sorghums are stored.

(ii) If two or more warehouses are located in the same or adjoining towns, villages, or cities having the same domestic interstate freight rate, such towns, villages, or cities shall be deemed to constitute one shipping point, and the same support rate shall apply even though such warehouses are not all located in the same county. Such support rate shall be the highest support rate of the counties involved.

**ALABAMA**

| County | Rate per hundredweight |
|---|---|
| All counties | $2.06 |

**ARIZONA**

| County | Rate per hundredweight | County | Rate per hundredweight |
|---|---|---|---|
| Apache | $1.68 | Mohave | $1.82 |
| Cochise | 2.26 | Navajo | 1.70 |
| Coconino | 1.86 | Pima | 2.40 |
| Gila | 1.86 | Pinal | 2.45 |
| Graham | 1.86 | Santa Cruz | 2.17 |
| Greenlee | 1.86 | Yavapai | 2.04 |
| Maricopa | 2.45 | Yuma | 2.50 |

**ARKANSAS**

| County | Rate per hundredweight | County | Rate per hundredweight |
|---|---|---|---|
| Arkansas | $2.09 | Lonoke | $2.11 |
| Clay | 2.14 | Mississippi | 2.17 |
| Cleburne | 2.12 | Monroe | 2.12 |
| Cleveland | 2.07 | Phillips | 2.13 |
| Craighead | 2.15 | Poinsett | 2.15 |
| Crittenden | 2.24 | Prairie | 2.12 |
| Cross | 2.19 | Pulaski | 2.08 |
| Fulton | 2.08 | Randolph | 2.14 |
| Greene | 2.14 | St. Francis | 2.19 |
| Independence | 2.11 | Sharp | 2.08 |
| Jackson | 2.14 | White | 2.14 |
| Jefferson | 2.08 | Woodruff | 2.15 |
| Lawrence | 2.14 | All other counties | 2.06 |
| Lee | 2.19 | | |

**CALIFORNIA**

| County | Rate per hundredweight | County | Rate per hundredweight |
|---|---|---|---|
| Alameda | $2.62 | Riverside | $2.53 |
| Amador | 2.52 | Sacramento | 2.56 |
| Butte | 2.48 | San Benito | 2.55 |
| Calaveras | 2.52 | San Bernardino | 2.58 |
| Colusa | 2.50 | San Diego | 2.51 |
| Contra Costa | 2.62 | San Joaquin | 2.57 |
| El Dorado | 2.46 | San Luis Obisbo | 2.48 |
| Fresno | 2.49 | San Mateo | 2.63 |
| Glenn | 2.47 | Santa Barbara | 2.49 |
| Imperial | 2.46 | Santa Clara | 2.61 |
| Inyo | 2.25 | Santa Cruz | 2.56 |
| Kern | 2.49 | Shasta | 2.38 |
| Kings | 2.49 | Sierra | 2.27 |
| Lake | 2.52 | Siskiyou | 2.24 |
| Lassen | 2.23 | Solano | 2.60 |
| Los Angeles | 2.60 | Stanislaus | 2.56 |
| Marin | 2.62 | Sutter | 2.52 |
| Madera | 2.53 | Sonoma | 2.60 |
| Merced | 2.55 | Tehama | 2.44 |
| Modoc | 2.13 | Tulare | 2.49 |
| Mono | 2.21 | Ventura | 2.59 |
| Monterey | 2.54 | Yolo | 2.55 |
| Napa | 2.60 | Yuba | 2.53 |
| Orange | 2.57 | | |
| Placer | 2.54 | | |
| Plumas | 2.26 | | |

**COLORADO**

| County | Rate per hundredweight | County | Rate per hundredweight |
|---|---|---|---|
| Adams | $1.81 | Bent | $1.82 |
| Alamosa | 1.65 | Boulder | 1.81 |
| Arapahoe | 1.81 | Chaffee | 1.59 |
| Archuleta | 1.51 | Cheyenne | 1.84 |
| Baca | 1.83 | Conejos | 1.63 |
| Costilla | $1.65 | Logan | $1.81 |
| Crowley | 1.81 | Mesa | 1.51 |
| Custer | 1.72 | Moffat | 1.51 |
| Delta | 1.51 | Montrose | 1.51 |
| Denver | 1.81 | Morgan | 1.81 |
| Dolores | 1.29 | Otero | 1.81 |
| Douglas | 1.81 | Ouray | 1.51 |
| Eagle | 1.53 | Phillips | 1.84 |
| Elbert | 1.81 | Pitkin | 1.51 |
| El Paso | 1.81 | Prowers | 1.84 |
| Fremont | 1.74 | Pueblo | 1.81 |
| Garfield | 1.51 | Rio Blanco | 1.51 |
| Grand | 1.58 | Rio Grande | 1.63 |
| Huerfano | 1.77 | Routt | 1.51 |
| Jackson | 1.03 | Saguache | 1.63 |
| Jefferson | 1.81 | San Miguel | 1.31 |
| Kiowa | 1.83 | Sedgwick | 1.81 |
| Kit Carson | 1.84 | Summit | 1.58 |
| La Plata | 1.51 | Washington | 1.81 |
| Larimer | 1.81 | Weld | 1.81 |
| Las Animas | 1.80 | Yuma | 1.83 |
| Lincoln | 1.81 | | |

**FLORIDA**

| County | Rate per hundredweight |
|---|---|
| All counties | $2.06 |

**GEORGIA**

| County | Rate per hundredweight |
|---|---|
| All counties | $2.11 |

**ILLINOIS**

| County | Rate per hundredweight |
|---|---|
| All counties | $1.93 |

**INDIANA**

| County | Rate per hundredweight |
|---|---|
| All counties | $1.96 |

**IOWA**

| County | Rate per hundredweight |
|---|---|
| All counties | $1.91 |

**KANSAS**

| County | Rate per hundredweight | County | Rate per hundredweight |
|---|---|---|---|
| Allen | $2.06 | Kingman | $1.98 |
| Anderson | 2.07 | Kiowa | 1.95 |
| Atchison | 2.11 | Labette | 2.05 |
| Barber | 1.95 | Lane | 1.91 |
| Barton | 1.95 | Leavenworth | 2.11 |
| Bourbon | 2.07 | Lincoln | 1.98 |
| Brown | 2.07 | Linn | 2.07 |
| Butler | 1.99 | Logan | 1.89 |
| Chase | 2.02 | Lyon | 2.05 |
| Chautauqua | 2.02 | McPherson | 1.98 |
| Cherokee | 2.05 | Marion | 1.99 |
| Cheyenne | 1.88 | Marshall | 2.05 |
| Clark | 1.90 | Meade | 1.89 |
| Clay | 2.01 | Miami | 2.11 |
| Cloud | 2.00 | Mitchell | 1.98 |
| Coffey | 2.06 | Montgomery | 2.05 |
| Comanche | 1.92 | Morris | 2.02 |
| Cowley | 1.99 | Morton | 1.84 |
| Crawford | 2.06 | Nemaha | 2.06 |
| Decatur | 1.92 | Neosho | 2.06 |
| Dickinson | 1.99 | Ness | 1.94 |
| Doniphan | 2.07 | Norton | 1.95 |
| Douglas | 2.11 | Osage | 2.06 |
| Edwards | 1.95 | Osborne | 1.97 |
| Elk | 2.02 | Ottawa | 1.99 |
| Ellis | 1.95 | Pawnee | 1.95 |
| Ellsworth | 1.98 | Phillips | 1.95 |
| Finney | 1.89 | Pottawatomie | 2.06 |
| Ford | 1.93 | Pratt | 1.95 |
| Franklin | 2.11 | Rawlins | 1.89 |
| Geary | 2.02 | Reno | 1.97 |
| Gove | 1.91 | Republic | 2.00 |
| Graham | 1.94 | Rice | 1.98 |
| Grant | 1.88 | Riley | 2.05 |
| Gray | 1.91 | Rooks | 1.96 |
| Greeley | 1.88 | Rush | 1.95 |
| Greenwood | 2.03 | Russell | 1.96 |
| Hamilton | 1.88 | Saline | 1.98 |
| Harper | 1.97 | Scott | 1.89 |
| Harvey | 1.99 | Sedgwick | 1.99 |
| Haskell | 1.89 | Seward | 1.87 |
| Hodgeman | 1.94 | Shawnee | 2.07 |
| Jackson | 2.07 | Sheridan | 1.91 |
| Jefferson | 2.11 | Sherman | 1.88 |
| Jewell | 1.98 | Smith | 1.98 |
| Johnson | 2.11 | Stafford | 1.95 |
| Kearny | 1.88 | Stanton | 1.87 |



**KANSAS—Continued**

| County | Rate per hundredweight | County | Rate per hundredweight |
|---|---|---|---|
| Stevens | $1.87 | Washington | $2.01 |
| Sumner | 1.99 | Wichita | 1.88 |
| Thomas | 1.89 | Wilson | 2.05 |
| Trego | 1.94 | Woodson | 2.06 |
| Wabaunsee | 2.05 | Wyandotte | 2.11 |
| Wallace | 1.88 | | |

**KENTUCKY**

| County | Rate per hundredweight |
|---|---|
| All counties | $2.06 |

**LOUISIANA**

| County | Rate per hundredweight |
|---|---|
| All counties | $2.06 |

**MINNESOTA**

| County | Rate per hundredweight |
|---|---|
| All counties | $1.86 |

**MISSISSIPPI**

| County | Rate per hundredweight |
|---|---|
| All counties | $2.06 |

**MISSOURI**

| County | Rate per hundredweight |
|---|---|
| All counties | $2.06 |

**NEBRASKA**

| County | Rate per hundredweight | County | Rate per hundredweight |
|---|---|---|---|
| Adams | $1.98 | Jefferson | $2.02 |
| Antelope | 1.95 | Johnson | 2.04 |
| Arthur | 1.81 | Kearny | 1.96 |
| Banner | 1.77 | Keith | 1.81 |
| Blaine | 1.87 | Keya Paha | 1.87 |
| Boone | 1.98 | Kimball | 1.81 |
| Box Butte | 1.79 | Knox | 1.93 |
| Boyd | 1.91 | Lancaster | 2.03 |
| Brown | 1.86 | Lincoln | 1.85 |
| Buffalo | 1.94 | Logan | 1.87 |
| Burt | 2.03 | Loup | 1.92 |
| Butler | 2.03 | McPherson | 1.85 |
| Cass | 2.03 | Madison | 1.98 |
| Cedar | 1.95 | Merrick | 1.98 |
| Chase | 1.85 | Morrill | 1.77 |
| Cherry | 1.83 | Nance | 1.98 |
| Cheyenne | 1.81 | Nemaha | 2.03 |
| Clay | 1.99 | Nuckolls | 1.99 |
| Colfax | 2.03 | Otoe | 2.03 |
| Cuming | 2.02 | Pawnee | 2.05 |
| Custer | 1.90 | Perkins | 1.86 |
| Dakota | 1.99 | Phelps | 1.95 |
| Dawes | 1.74 | Pierce | 1.96 |
| Dawson | 1.91 | Platte | 2.00 |
| Deuel | 1.81 | Polk | 1.99 |
| Dixon | 1.97 | Red Willow | 1.91 |
| Dodge | 2.03 | Richardson | 2.05 |
| Douglas | 2.03 | Rock | 1.88 |
| Dundy | 1.84 | Saline | 2.03 |
| Fillmore | 2.01 | Sarpy | 2.03 |
| Franklin | 1.95 | Saunders | 2.03 |
| Frontier | 1.91 | Scotts Bluff | 1.74 |
| Furnas | 1.93 | Seward | 2.02 |
| Gage | 2.03 | Sheridan | 1.78 |
| Garden | 1.79 | Sherman | 1.94 |
| Garfield | 1.93 | Sioux | 1.73 |
| Gosper | 1.94 | Stanton | 1.99 |
| Grant | 1.80 | Thayer | 2.01 |
| Greeley | 1.96 | Thomas | 1.85 |
| Hall | 1.95 | Thurston | 2.01 |
| Hamilton | 1.97 | Valley | 1.92 |
| Harlan | 1.95 | Washington | 2.03 |
| Hayes | 1.86 | Wayne | 1.95 |
| Hitchcock | 1.88 | Webster | 1.97 |
| Holt | 1.93 | Wheeler | 1.97 |
| Hooker | 1.83 | York | 1.99 |
| Howard | 1.95 | | |

**NEW MEXICO**

| County | Rate per hundredweight | County | Rate per hundredweight |
|---|---|---|---|
| Bernalillo | $1.88 | Lincoln | $1.88 |
| Catron | 1.88 | Luna | 1.92 |
| Chaves | 1.88 | McKinley | 1.88 |
| Colfax | 1.88 | Mora | 1.88 |
| Curry | 1.88 | Otero | 1.88 |
| De Baca | 1.88 | Quay | 1.88 |
| Dona Ana | 1.92 | Rio Arriba | 1.88 |
| Eddy | 1.88 | Roosevelt | 1.88 |
| Grant | 1.88 | Sandoval | 1.88 |
| Guadalupe | 1.88 | San Juan | 1.88 |
| Harding | 1.88 | San Miguel | 1.88 |
| Hidalgo | 2.02 | Santa Fe | 1.88 |
| Lea | 1.88 | Sierra | 1.88 |

**NEW MEXICO—Continued**

| County | Rate per hundredweight | County | Rate per hundredweight |
|---|---|---|---|
| Socorro | $1.88 | Union | $1.88 |
| Taos | 1.88 | Valencia | 1.88 |
| Torrance | 1.88 | | |

**NORTH CAROLINA**

| County | Rate per hundredweight |
|---|---|
| All counties | $2.11 |

**NORTH DAKOTA**

| County | Rate per hundredweight |
|---|---|
| All counties | $1.81 |

**OKLAHOMA**

| County | Rate per hundredweight | County | Rate per hundredweight |
|---|---|---|---|
| Adair | $1.93 | Le Flore | $1.91 |
| Alfalfa | 1.92 | Lincoln | 1.87 |
| Atoka | 1.88 | Logan | 1.87 |
| Beaver | 1.82 | Love | 1.90 |
| Beckham | 1.88 | McClain | 1.88 |
| Blaine | 1.84 | McCurtain | 1.83 |
| Bryan | 1.90 | McIntosh | 1.92 |
| Caddo | 1.88 | Major | 1.86 |
| Canadian | 1.88 | Marshall | 1.88 |
| Carter | 1.88 | Mayes | 1.99 |
| Cherokee | 1.95 | Murray | 1.88 |
| Choctaw | 1.88 | Muskogee | 1.93 |
| Cimarron | 1.81 | Noble | 1.93 |
| Cleveland | 1.88 | Nowata | 2.02 |
| Coal | 1.88 | Okfuskee | 1.88 |
| Comanche | 1.88 | Oklahoma | 1.88 |
| Cotton | 1.88 | Okmulgee | 1.93 |
| Craig | 2.02 | Osage | 1.96 |
| Creek | 1.93 | Ottawa | 2.01 |
| Custer | 1.88 | Pawnee | 1.93 |
| Delaware | 2.00 | Payne | 1.88 |
| Dewey | 1.85 | Pittsburg | 1.87 |
| Ellis | 1.80 | Pontotoc | 1.88 |
| Garfield | 1.91 | Pottawatomie | 1.88 |
| Garvin | 1.88 | Pushmataha | 1.87 |
| Grady | 1.88 | Roger Mills | 1.87 |
| Grant | 1.93 | Rogers | 1.99 |
| Greer | 1.88 | Seminole | 1.85 |
| Harmon | 1.88 | Sequoyah | 1.92 |
| Harper | 1.86 | Stephens | 1.88 |
| Haskell | 1.90 | Texas | 1.81 |
| Hughes | 1.87 | Tillman | 1.88 |
| Jackson | 1.88 | Tulsa | 1.97 |
| Jefferson | 1.88 | Wagoner | 1.97 |
| Johnston | 1.88 | Washington | 2.01 |
| Kay | 1.94 | Washita | 1.88 |
| Kingfisher | 1.85 | Woods | 1.91 |
| Kiowa | 1.88 | Woodward | 1.84 |
| Latimer | 1.89 | | |

**SOUTH CAROLINA**

| County | Rate per hundredweight |
|---|---|
| All counties | $2.11 |

**SOUTH DAKOTA**

| County | Rate per hundredweight |
|---|---|
| All counties | $1.86 |

**TENNESSEE**

| County | Rate per hundredweight |
|---|---|
| All counties | $2.06 |

**TEXAS**

| County | Rate per hundredweight | County | Rate per hundredweight |
|---|---|---|---|
| Anderson | $2.14 | Brisco | $1.88 |
| Andrews | 1.86 | Brooks | 2.19 |
| Angelina | 2.18 | Brown | 2.00 |
| Aransas | 2.26 | Burleson | 2.18 |
| Archer | 1.88 | Burnet | 2.08 |
| Armstrong | 1.88 | Caldwell | 2.14 |
| Atascosa | 2.18 | Calhoun | 2.19 |
| Austin | 2.24 | Callahan | 1.93 |
| Bailey | 1.88 | Cameron | 2.12 |
| Bandera | 2.14 | Camp | 2.02 |
| Bastrop | 2.14 | Carson | 1.88 |
| Baylor | 1.88 | Cass | 1.99 |
| Bee | 2.24 | Castro | 1.88 |
| Bell | 2.13 | Chambers | 2.18 |
| Bexar | 2.16 | Cherokee | 2.14 |
| Blanco | 2.11 | Childress | 1.88 |
| Borden | 1.88 | Clay | 1.93 |
| Bosque | 2.06 | Cochran | 1.88 |
| Bowie | 1.97 | Coke | 1.88 |
| Brazoria | 2.26 | Coleman | 1.96 |
| Brazos | 2.19 | Collin | 2.04 |
| Brewster | 1.74 | Collingsworth | 1.88 |
| Colorado | $2.21 | Kenedy | $2.24 |
| Comal | 2.14 | Kent | 1.88 |
| Comanche | 2.00 | Kerr | 2.15 |
| Concho | 1.96 | Kimble | 1.97 |
| Cooke | 1.95 | King | 1.88 |
| Coryell | 2.08 | Kinney | 2.06 |
| Cottle | 1.88 | Kleberg | 2.25 |
| Crane | 1.78 | Knox | 1.88 |
| Crockett | 1.75 | Lamar | 1.96 |
| Crosby | 1.88 | Lamb | 1.88 |
| Culberson | 1.68 | Lampasas | 2.08 |
| Dallam | 1.81 | La Salle | 2.11 |
| Dallas | 2.04 | Lavaca | 2.18 |
| Dawson | 1.88 | Lee | 2.18 |
| Deaf Smith | 1.88 | Leon | 2.16 |
| Delta | 1.97 | Liberty | 2.25 |
| Denton | 2.04 | Limestone | 2.15 |
| De Witt | 2.18 | Lipscomb | 1.81 |
| Dickens | 1.88 | Live Oak | 2.22 |
| Dimmit | 2.06 | Llano | 2.06 |
| Donley | 1.88 | Loving | 1.70 |
| Duval | 2.22 | Lubbock | 1.88 |
| Eastland | 1.97 | Lynn | 1.88 |
| Ector | 1.84 | McCulloch | 1.99 |
| Edwards | 1.81 | McLennan | 2.12 |
| Ellis | 2.08 | McMullen | 2.20 |
| El Paso | 1.67 | Madison | 2.19 |
| Erath | 1.99 | Marion | 2.02 |
| Falls | 2.14 | Martin | 1.84 |
| Fannin | 1.98 | Mason | 2.00 |
| Fayette | 2.19 | Matagorda | 2.21 |
| Fisher | 1.88 | Maverick | 2.05 |
| Floyd | 1.88 | Medina | 2.16 |
| Foard | 1.88 | Menard | 1.96 |
| Fort Bend | 2.26 | Midland | 1.84 |
| Franklin | 2.02 | Milam | 2.17 |
| Freestone | 2.13 | Mills | 2.08 |
| Frio | 2.13 | Mitchell | 1.88 |
| Gaines | 1.88 | Montague | 1.93 |
| Galveston | 2.28 | Montgomery | 2.25 |
| Garza | 1.88 | Moore | 1.83 |
| Gillespie | 2.15 | Morris | 2.02 |
| Glasscock | 1.88 | Motley | 1.88 |
| Goliad | 2.21 | Nacogdoches | 2.14 |
| Gonzales | 2.16 | Navarro | 2.10 |
| Gray | 1.88 | Newton | 2.17 |
| Grayson | 1.98 | Nolan | 1.88 |
| Gregg | 2.05 | Nueces | 2.27 |
| Grimes | 2.21 | Ochiltree | 1.81 |
| Guadalupe | 2.14 | Oldham | 1.88 |
| Hale | 1.88 | Orange | 2.19 |
| Hall | 1.88 | Palo Pinto | 1.96 |
| Hamilton | 2.02 | Panola | 2.06 |
| Hansford | 1.82 | Parker | 2.02 |
| Hardeman | 1.88 | Parmer | 1.88 |
| Hardin | 2.18 | Pecos | 1.69 |
| Harris | 2.27 | Polk | 2.21 |
| Harrison | 2.03 | Potter | 1.88 |
| Hartley | 1.83 | Presidio | 1.67 |
| Haskell | 1.88 | Rains | 1.98 |
| Hays | 2.14 | Randall | 1.88 |
| Hemphill | 1.84 | Reagan | 1.75 |
| Henderson | 2.08 | Real | 2.12 |
| Hidalgo | 2.13 | Red River | 1.93 |
| Hill | 2.10 | Reeves | 1.70 |
| Hockley | 1.88 | Refugio | 2.21 |
| Hood | 2.01 | Roberts | 1.85 |
| Hopkins | 1.98 | Robertson | 2.15 |
| Houston | 2.18 | Rockwall | 2.04 |
| Howard | 1.88 | Runnels | 1.93 |
| Hudspeth | 1.67 | Rusk | 2.06 |
| Hunt | 2.04 | Sabine | 2.12 |
| Hutchinson | 1.84 | San Augustine | 2.12 |
| Irion | 1.76 | San Jacinto | 2.24 |
| Jack | 1.96 | San Patricio | 2.27 |
| Jackson | 2.18 | San Saba | 2.00 |
| Jasper | 2.18 | Schleicher | 1.78 |
| Jeff Davis | 1.67 | Scurry | 1.88 |
| Jefferson | 2.21 | Shackelford | 1.91 |
| Jim Hogg | 2.19 | Shelby | 2.12 |
| Jim Wells | 2.25 | Sherman | 1.81 |
| Johnson | 2.08 | Smith | 2.06 |
| Jones | 1.90 | Somervell | 2.02 |
| Karnes | 2.19 | Starr | 2.11 |
| Kaufman | 2.07 | Stephens | 1.93 |
| Kendall | 2.16 | Sterling | 1.78 |
| | | Stonewall | 1.88 |

TEXAS—Continued

| County | Rate per hundredweight | County | Rate per hundredweight |
|---|---|---|---|
| Sutton | $1.75 | Waller | $2.25 |
| Swisher | 1.88 | Ward | 1.78 |
| Tarrant | 2.06 | Washington | 2.22 |
| Taylor | 1.91 | Webb | 2.15 |
| Terrell | 1.88 | Wharton | 2.23 |
| Terry | 1.88 | Wheeler | 1.88 |
| Throckmorton | 1.91 | Wichita | 1.91 |
| Titus | 2.02 | Wilbarger | 1.88 |
| Tom Green | 1.88 | Willacy | 2.13 |
| Travis | 2.14 | Williamson | 2.15 |
| Trinity | 2.21 | Wilson | 2.18 |
| Tyler | 2.17 | Winkler | 1.84 |
| Upshur | 2.04 | Wise | 1.98 |
| Upton | 1.71 | Wood | 2.00 |
| Uvalde | 2.12 | Yoakum | 1.88 |
| Val Verde | 2.02 | Young | 1.96 |
| Van Zandt | 1.98 | Zapata | 2.11 |
| Victoria | 2.20 | Zavala | 2.06 |
| Walker | 2.23 | | |

VIRGINIA

| | |
|---|---|
| All counties | $2.11 |

WASHINGTON

| | |
|---|---|
| All counties | $2.00 |

WYOMING

| | |
|---|---|
| All counties | $1.86 |

(iii) Where the State committee determines that State or district weed control laws affect the grain sorghums crop, the support rate will be 15 cents per hundredweight below the applicable county support rate set forth in the schedule in this subparagraph. If, upon delivery of the grain sorghums to CCC, the producer supplies a certificate indicating that the grain sorghums comply with the weed control laws, the producer will be credited with the amount of the differential in determining the settlement value.

(3) *Discounts.* (i) The discount for grain sorghums which grade No. 3 and contain not in excess of 13 percent moisture shall be 8 cents per 100 pounds; and for grain sorghums which grade No. 4 and contain not in excess of 13 percent moisture, 16 cents per 100 pounds.

(ii) Grain sorghums which grade "Smutty" shall be discounted 5 cents per 100 pounds.

(iii) Grain sorghums which grade "Discolored" shall be discounted 7 cents per 100 pounds.

(iv) The support rates for mixed grain sorghums (Class V) shall be 3 cents per 100 pounds less than the support rates for grain sorghums of the classes I to IV inclusive.

(v) The discounts in this subparagraph shall be cumulative.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interprets or applies sec. 5, 62 Stat. 1072; secs. 301, 401, 63 Stat. 1053, 1054, as amended, sec. 308, 70 Stat. 206; 15 U. S. C. 714c, 7 U. S. C. 1447, 1421)

Issued this 25th day of June 1956.

[SEAL] WALTER C. BERGER,
*Acting Executive Vice President,*
*Commodity Credit Corporation.*

[F. R. Doc. 56-5154; Filed, June 28, 1956; 8:49 a. m.]

[1956 C. C. C. Grain Price Support Bulletin 1, Supp. 2, Oats]

## PART 421—GRAINS AND RELATED COMMODITIES

### SUBPART—1956-CROP OATS LOAN AND PURCHASE AGREEMENT PROGRAM

#### BASIC COUNTY SUPPORT RATES

The 1956 C. C. C. Grain Price Support Bulletin 1, (21 F. R. 3997), issued by Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1956 was supplemented by 1955 C. C. C. Grain Price Support Bulletin 1, Supplement 1, Oats (21 F. R. 4007), containing specific requirements applicable to price support operations on the 1956 oats crop. These regulations are further supplemented by the addition of paragraph (c) to § 421.1883 *Determination of support rates,* as follows:

(c) Basic county support rates. (1) Basic county support rates for oats placed under loan and for oats delivered under purchase agreement are set forth in this paragraph. Farm-storage and warehouse-storage loans, and purchases of oats under purchase agreements, will be made at the support rate established for the county in which the oats are produced.

(2) Basic county support rates for oats grading No. 3 or better, are set forth below:

ALABAMA

| | |
|---|---|
| All counties | $0.79 |

ARIZONA

| | |
|---|---|
| All counties | $0.82 |

ARKANSAS

| | |
|---|---|
| All counties | $0.74 |

CALIFORNIA

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Alameda | $0.84 | Placer | $0.79 |
| Alpine | .80 | Plumas | .77 |
| Amador | .81 | Riverside | .82 |
| Butte | .80 | Sacramento | .81 |
| Calaveras | .81 | San Benito | .82 |
| Colusa | .81 | San Bernardino | .82 |
| Contra Costa | .84 | San Diego | .82 |
| Del Norte | .79 | San Francisco | .84 |
| El Dorado | .80 | San Joaquin | .83 |
| Fresno | .82 | San Luis Obispo | .82 |
| Glenn | .80 | San Mateo | .84 |
| Humboldt | .81 | Santa Barbara | .82 |
| Imperial | .82 | Santa Clara | .84 |
| Inyo | .82 | Santa Cruz | .83 |
| Kern | .82 | Shasta | .77 |
| Kings | .82 | Sierra | .77 |
| Lake | .81 | Siskiyou | .74 |
| Lassen | .77 | Solano | .84 |
| Los Angeles | .84 | Sonoma | .83 |
| Madera | .82 | Stanislaus | .83 |
| Marin | .84 | Sutter | .81 |
| Mariposa | .82 | Tehama | .79 |
| Mendocino | .81 | Trinity | .81 |
| Merced | .82 | Tulare | .82 |
| Modoc | .74 | Tuolumne | .81 |
| Mono | .81 | Ventura | .83 |
| Monterey | .82 | Yolo | .82 |
| Napa | .83 | Yuba | .80 |
| Nevada | .77 | | |
| Orange | .83 | | |

COLORADO

| | |
|---|---|
| All counties | $0.67 |

CONNECTICUT

| | |
|---|---|
| All counties | $0.75 |

DELAWARE

| | |
|---|---|
| All counties | $0.76 |

FLORIDA

| | |
|---|---|
| All counties | $0.83 |

GEORGIA

| | |
|---|---|
| All counties | $0.79 |

IDAHO

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Ada | $0.68 | Gem | $0.68 |
| Adams | .66 | Gooding | .67 |
| Bannock | .66 | Idaho | .65 |
| Bear Lake | .66 | Jefferson | .64 |
| Benewah | .67 | Jerome | .67 |
| Bingham | .64 | Kootenai | .67 |
| Blaine | .66 | Latah | .63 |
| Boise | .68 | Lemhi | .64 |
| Bonner | .65 | Lewis | .67 |
| Bonneville | .64 | Lincoln | .67 |
| Boundary | .65 | Madison | .64 |
| Butte | .64 | Minidoka | .67 |
| Camas | .67 | Nez Perce | .68 |
| Canyon | .68 | Oneida | .63 |
| Caribou | .65 | Owyhee | .68 |
| Cassia | .67 | Payette | .68 |
| Clark | .64 | Power | .66 |
| Clearwater | .67 | Shoshone | .65 |
| Custer | .64 | Teton | .64 |
| Elmore | .68 | Twin Falls | .67 |
| Franklin | .66 | Valley | .66 |
| Fremont | .64 | Washington | .67 |

ILLINOIS

| | | | |
|---|---|---|---|
| Adams | $0.65 | Lee | $0.65 |
| Alexander | .68 | Livingston | .65 |
| Bond | .66 | Logan | .65 |
| Boone | .65 | McDonough | .65 |
| Brown | .65 | McHenry | .65 |
| Bureau | .65 | McLean | .65 |
| Calhoun | .66 | Macon | .65 |
| Carroll | .65 | Macoupin | .66 |
| Cass | .65 | Madison | .67 |
| Champaign | .65 | Marion | .67 |
| Christian | .65 | Marshall | .65 |
| Clark | .66 | Mason | .65 |
| Clay | .67 | Massac | .68 |
| Clinton | .67 | Menard | .65 |
| Coles | .65 | Mercer | .65 |
| Cook | .67 | Monroe | .68 |
| Crawford | .67 | Montgomery | .66 |
| Cumberland | .66 | Morgan | .65 |
| De Kalb | .65 | Moultrie | .65 |
| De Witt | .65 | Ogle | .65 |
| Douglas | .65 | Peoria | .65 |
| Du Page | .65 | Perry | .68 |
| Edgar | .65 | Piatt | .65 |
| Edwards | .68 | Pike | .65 |
| Effingham | .66 | Pope | .69 |
| Fayette | .66 | Pulaski | .68 |
| Ford | .65 | Putnam | .65 |
| Franklin | .68 | Randolph | .68 |
| Fulton | .65 | Richland | .67 |
| Gallatin | .69 | Rock Island | .65 |
| Greene | .66 | Saint Clair | .68 |
| Grundy | .65 | Saline | .69 |
| Hamilton | .68 | Sangamon | .65 |
| Hancock | .65 | Schuyler | .65 |
| Hardin | .69 | Scott | .65 |
| Henderson | .65 | Shelby | .65 |
| Henry | .65 | Stark | .65 |
| Iroquois | .65 | Stephenson | .65 |
| Jackson | .68 | Tazewell | .65 |
| Jasper | .67 | Union | .68 |
| Jefferson | .68 | Vermilion | .65 |
| Jersey | .66 | Wabash | .68 |
| Jo Daviess | .65 | Warren | .65 |
| Johnson | .68 | Washington | .68 |
| Kane | .65 | Wayne | .68 |
| Kankakee | .65 | White | .68 |
| Kendall | .65 | Whiteside | .65 |
| Knox | .65 | Will | .66 |
| Lake | .66 | Williamson | .68 |
| La Salle | .65 | Winnebago | .65 |
| Lawrence | .67 | Woodford | .65 |



INDIANA

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Adams | $0.66 | Lawrence | $0.68 |
| Allen | .66 | Madison | .66 |
| Bartholomew | .67 | Marion | .66 |
| Benton | .65 | Marshall | .66 |
| Blackford | .66 | Martin | .68 |
| Boone | .66 | Miami | .66 |
| Brown | .68 | Monroe | .68 |
| Carroll | .66 | Montgomery | .66 |
| Cass | .66 | Morgan | .66 |
| Clark | .68 | Newton | .65 |
| Clay | .66 | Noble | .66 |
| Clinton | .66 | Ohio | .69 |
| Crawford | .68 | Orange | .68 |
| Daviess | .68 | Owen | .66 |
| Dearborn | .69 | Parke | .65 |
| Decatur | .67 | Perry | .68 |
| De Kalb | .66 | Pike | .68 |
| Delaware | .66 | Porter | .66 |
| Dubois | .68 | Posey | .68 |
| Elkhart | .67 | Pulaski | .66 |
| Fayette | .66 | Putnam | .66 |
| Floyd | .68 | Randolph | .66 |
| Fountain | .65 | Ripley | .69 |
| Franklin | .68 | Rush | .66 |
| Fulton | .66 | Saint Joseph | .67 |
| Gibson | .68 | Scott | .69 |
| Grant | .66 | Shelby | .66 |
| Greene | .68 | Spencer | .68 |
| Hamilton | .66 | Starke | .66 |
| Hancock | .66 | Steuben | .67 |
| Harrison | .68 | Sullivan | .67 |
| Hendricks | .66 | Switzerland | .69 |
| Henry | .66 | Tippecanoe | .66 |
| Howard | .66 | Tipton | .66 |
| Huntington | .66 | Union | .66 |
| Jackson | .68 | Vanderburgh | .68 |
| Jasper | .65 | Vermillion | .65 |
| Jay | .66 | Vigo | .66 |
| Jefferson | .69 | Wabash | .66 |
| Jenninga | .69 | Warren | .65 |
| Johnson | .66 | Warrick | .68 |
| Knox | .68 | Washington | .68 |
| Kosciusko | .66 | Wayne | .66 |
| Lagrange | .67 | Wells | .66 |
| Lake | .66 | White | .66 |
| La Porte | .67 | Whitley | .66 |

IOWA

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Adair | $0.64 | Hancock | $0.63 |
| Adams | .64 | Hardin | .63 |
| Allamakee | .65 | Harrison | .63 |
| Appanoose | .64 | Henry | .65 |
| Audibon | .63 | Howard | .64 |
| Benton | .64 | Humboldt | .63 |
| Black Hawk | .64 | Ida | .62 |
| Boone | .63 | Iowa | .64 |
| Bremer | .64 | Jackson | .65 |
| Buchanan | .64 | Jasper | .63 |
| Buena Vista | .63 | Jefferson | .65 |
| Butler | .63 | Johnson | .65 |
| Calhoun | .63 | Jones | .65 |
| Carroll | .63 | Keokuk | .64 |
| Cass | .64 | Kossuth | .63 |
| Cedar | .65 | Lee | .65 |
| Cerro Gordo | .63 | Linn | .65 |
| Cherokee | .62 | Louisa | .65 |
| Chickasaw | .64 | Lucas | .64 |
| Clarke | .64 | Lyon | .61 |
| Clay | .63 | Madison | .64 |
| Clayton | .65 | Mahaska | .64 |
| Clinton | .65 | Marion | .64 |
| Crawford | .62 | Marshall | .63 |
| Dallas | .63 | Mills | .64 |
| Davis | .65 | Mitchell | .63 |
| Decatur | .64 | Monona | .62 |
| Delaware | .65 | Monroe | .64 |
| Des Moines | .65 | Montgomery | .64 |
| Dickinson | .62 | Muscatine | .65 |
| Dubuque | .65 | O'Brien | .62 |
| Emmet | .62 | Osceola | .61 |
| Fayette | .65 | Page | .64 |
| Floyd | .63 | Palo Alto | .63 |
| Franklin | .63 | Plymouth | .62 |
| Fremont | .64 | Pocahontas | .63 |
| Greene | .63 | Polk | .63 |
| Grundy | .63 | Pottawattamie | .64 |
| Guthrie | .63 | Poweshiek | .63 |
| Hamilton | .63 | Ringgold | .64 |

IOWA—Continued

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Sac | $0.63 | Warren | $0.64 |
| Scott | .65 | Washington | .65 |
| Shelby | .63 | Wayne | .64 |
| Sioux | .61 | Webster | .63 |
| Story | .63 | Winnebago | .63 |
| Tama | .63 | Winneshiek | .65 |
| Taylor | .64 | Woodbury | .62 |
| Union | .64 | Worth | .63 |
| Van Buren | .65 | Wright | .63 |
| Wapello | .64 | | |

KANSAS

| | | | |
|---|---|---|---|
| Allen | $0.67 | Linn | $0.67 |
| Anderson | .67 | Logan | .68 |
| Atchison | .67 | Lyon | .67 |
| Barber | .70 | McPherson | .68 |
| Barton | .68 | Marion | .68 |
| Bourbon | .68 | Marshall | .66 |
| Brown | .66 | Meade | .70 |
| Butler | .69 | Miami | .67 |
| Chase | .68 | Mitchell | .66 |
| Chautauqua | .69 | Montgomery | .69 |
| Cherokee | .69 | Morris | .67 |
| Cheyenne | .67 | Morton | .70 |
| Clark | .70 | Nemaha | .66 |
| Clay | .66 | Neosho | .68 |
| Cloud | .66 | Ness | .68 |
| Coffey | .67 | Norton | .66 |
| Comanche | .70 | Osage | .67 |
| Cowley | .69 | Osborne | .66 |
| Crawford | .68 | Ottawa | .66 |
| Decatur | .66 | Pawnee | .68 |
| Dickinson | .67 | Phillips | .65 |
| Doniphan | .67 | Pottawatomie | .66 |
| Douglas | .67 | Pratt | .69 |
| Edwards | .68 | Rawlins | .67 |
| Elk | .68 | Reno | .68 |
| Ellis | .67 | Republic | .65 |
| Ellsworth | .67 | Rice | .68 |
| Finney | .69 | Riley | .66 |
| Ford | .69 | Rooks | .66 |
| Franklin | .67 | Rush | .68 |
| Geary | .67 | Russell | .67 |
| Gove | .68 | Saline | .67 |
| Graham | .67 | Scott | .68 |
| Grant | .69 | Sedgwick | .69 |
| Gray | .69 | Seward | .70 |
| Greeley | .68 | Shawnee | .67 |
| Greenwood | .68 | Sheridan | .67 |
| Hamilton | .69 | Sherman | .67 |
| Harper | .70 | Smith | .65 |
| Harvey | .68 | Stafford | .68 |
| Haskell | .69 | Stanton | .69 |
| Hodgeman | .68 | Stevens | .70 |
| Jackson | .67 | Sumner | .70 |
| Jefferson | .67 | Thomas | .67 |
| Jewell | .65 | Trego | .67 |
| Johnson | .68 | Wabaunsee | .67 |
| Kearny | .69 | Wallace | .68 |
| Kingman | .69 | Washington | .65 |
| Kiowa | .69 | Wichita | .68 |
| Labette | .69 | Wilson | .68 |
| Lane | .68 | Woodson | .67 |
| Leavenworth | .68 | Wyandotte | .68 |
| Lincoln | .66 | | |

KENTUCKY

| | |
|---|---|
| All counties | $0.77 |

LOUISIANA

| | |
|---|---|
| All counties | $0.78 |

MAINE

| | |
|---|---|
| All counties | $0.75 |

MARYLAND

| | |
|---|---|
| All counties | $0.76 |

MASSACHUSETTS

| | |
|---|---|
| All counties | $0.75 |

MICHIGAN

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Alcona | $0.66 | Antrim | $0.67 |
| Alger | .68 | Arenac | .66 |
| Allegan | .68 | Baraga | .67 |
| Alpena | .66 | Barry | .68 |

MICHIGAN—Continued

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Bay | $0.66 | Lenawee | $0.67 |
| Benzie | .67 | Livingston | .67 |
| Berrien | .67 | Luce | .68 |
| Branch | .67 | Mackinac | .68 |
| Calhoun | .67 | Macomb | .67 |
| Cass | .67 | Manistee | .68 |
| Charlevoix | .67 | Marquette | .67 |
| Cheboygan | .67 | Mason | .68 |
| Chippewa | .68 | Mecosta | .67 |
| Clare | .67 | Menominee | .67 |
| Clinton | .67 | Midland | .66 |
| Crawford | .66 | Missaukee | .67 |
| Delta | .67 | Monroe | .67 |
| Dickinson | .67 | Montcalm | .67 |
| Eaton | .67 | Montmorency | .66 |
| Emmet | .67 | Muskegon | .68 |
| Genesee | .66 | Newaygo | .68 |
| Gladwin | .66 | Oakland | .67 |
| Gogebic | .67 | Oceana | .68 |
| Grand Traverse | .67 | Ogemaw | .66 |
| Gratiot | .67 | Ontonagon | .67 |
| Hillsdale | .67 | Osceola | .67 |
| Houghton | .67 | Oscoda | .66 |
| Huron | .66 | Otsego | .67 |
| Ingham | .67 | Ottawa | .68 |
| Ionia | .67 | Presque Isle | .66 |
| Iosco | .66 | Roscommon | .66 |
| Iron | .67 | Saginaw | .66 |
| Isabella | .67 | Saint Clair | .67 |
| Jackson | .67 | Saint Joseph | .67 |
| Kalamazoo | .68 | Sanilac | .66 |
| Kalkaska | .67 | Schoolcraft | .68 |
| Kent | .68 | Shiawassee | .66 |
| Keweenaw | .67 | Tuscola | .66 |
| Lake | .68 | Van Buren | .68 |
| Lapeer | .66 | Washtenaw | .67 |
| Leelanau | .67 | Wayne | .67 |
| | | Wexford | .68 |

MINNESOTA

| | | | |
|---|---|---|---|
| Aitkin | $0.60 | Marshall | $0.56 |
| Anoka | .62 | Martin | .60 |
| Becker | .57 | Meeker | .60 |
| Beltrami | .56 | Mille Lacs | .60 |
| Benton | .60 | Morrison | .59 |
| Big Stone | .58 | Mower | .61 |
| Blue Earth | .61 | Murray | .58 |
| Brown | .60 | Nicollet | .61 |
| Carlton | .61 | Nobles | .59 |
| Carver | .62 | Norman | .57 |
| Cass | .58 | Olmsted | .61 |
| Chippewa | .58 | Otter Tail | .58 |
| Chisago | .62 | Pennington | .57 |
| Clay | .57 | Pine | .61 |
| Clearwater | .57 | Pipestone | .58 |
| Cook | .62 | Polk | .57 |
| Cottonwood | .59 | Pope | .58 |
| Crow Wing | .59 | Ramsey | .62 |
| Dakota | .62 | Red Lake | .57 |
| Dodge | .61 | Redwood | .59 |
| Douglas | .58 | Renville | .60 |
| Faribault | .61 | Rice | .61 |
| Fillmore | .62 | Rock | .59 |
| Freeborn | .61 | Roseau | .56 |
| Goodhue | .61 | Saint Louis | .61 |
| Grant | .58 | Scott | .62 |
| Hennepin | .62 | Sherburne | .61 |
| Houston | .62 | Sibley | .61 |
| Hubbard | .57 | Stearns | .60 |
| Isanti | .61 | Steele | .61 |
| Itasca | .58 | Stevens | .53 |
| Jackson | .60 | Swift | .58 |
| Kanabec | .61 | Todd | .59 |
| Kandiyohi | .60 | Traverse | .57 |
| Kittson | .56 | Wabasha | .61 |
| Koochiching | .58 | Wadena | .58 |
| Lac qui Parle | .58 | Waseca | .61 |
| Lake | .62 | Washington | .62 |
| Lake of the Woods | .56 | Watonwan | .60 |
| Le Sueur | .61 | Wilkin | .57 |
| Lincoln | .58 | Winona | .62 |
| Lyon | .58 | Wright | .61 |
| McLeod | .61 | Yellow Medicine | .58 |
| Mahnomen | .57 | | |

MISSISSIPPI

| | |
|---|---|
| All counties | $0.78 |

### Missouri

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Adair | $0.67 | Linn | $0.67 |
| Andrew | .66 | Livingston | .67 |
| Atchison | .65 | McDonald | .69 |
| Audrain | .66 | Macon | .67 |
| Barry | .69 | Madison | .69 |
| Barton | .68 | Maries | .69 |
| Bates | .67 | Marion | .65 |
| Benton | .67 | Mercer | .66 |
| Bollinger | .69 | Miller | .68 |
| Boone | .68 | Mississippi | .68 |
| Buchanan | .68 | Moniteau | .68 |
| Butler | .69 | Monroe | .66 |
| Caldwell | .68 | Montgomery | .68 |
| Callaway | .68 | Morgan | .68 |
| Camden | .68 | New Madrid | .69 |
| Cape Girardeau | .68 | Newton | .68 |
| Carroll | .67 | Nodaway | .65 |
| Carter | .69 | Oregon | .70 |
| Cass | .67 | Osage | .69 |
| Cedar | .67 | Ozark | .70 |
| Chariton | .67 | Pemiscot | .69 |
| Christian | .69 | Perry | .68 |
| Clark | .65 | Pettis | .68 |
| Clay | .68 | Phelps | .69 |
| Clinton | .68 | Pike | .65 |
| Cole | .68 | Platte | .68 |
| Cooper | .68 | Polk | .67 |
| Crawford | .69 | Pulaski | .68 |
| Dade | .67 | Putnam | .66 |
| Dallas | .68 | Ralls | .65 |
| Daviess | .67 | Randolph | .67 |
| De Kalb | .67 | Ray | .68 |
| Dent | .69 | Reynolds | .69 |
| Douglas | .69 | Ripley | .70 |
| Dunklin | .69 | Saint Charles | .67 |
| Franklin | .69 | Saint Clair | .67 |
| Gasconade | .69 | Sainte Genevieve | .69 |
| Gentry | .66 | St. Francois | .69 |
| Greene | .68 | Saint Louis | .68 |
| Grundy | .66 | Saline | .67 |
| Harrison | .66 | Schuyler | .66 |
| Henry | .67 | Scotland | .65 |
| Hickory | .67 | Scott | .68 |
| Holt | .66 | Shannon | .69 |
| Howard | .68 | Shelby | .66 |
| Howell | .70 | Stoddard | .69 |
| Iron | .69 | Stone | .69 |
| Jackson | .67 | Sullivan | .66 |
| Jasper | .68 | Taney | .70 |
| Jefferson | .68 | Texas | .68 |
| Johnson | .67 | Vernon | .67 |
| Knox | .66 | Warren | .68 |
| Laclede | .68 | Washington | .69 |
| LaFayette | .67 | Wayne | .69 |
| Lawrence | .68 | Webster | .68 |
| Lewis | .65 | Worth | .65 |
| Lincoln | .67 | Wright | .68 |

### Montana

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Beaverhead | $0.62 | Madison | $0.60 |
| Big Horn | .58 | Meagher | .58 |
| Blaine | .54 | Mineral | .63 |
| Broadwater | .58 | Missoula | .61 |
| Carbon | .58 | Musselshell | .57 |
| Carter | .57 | Park | .58 |
| Cascade | .58 | Petroleum | .56 |
| Chouteau | .55 | Phillips | .54 |
| Custer | .56 | Pondera | .56 |
| Daniels | .54 | Powder River | .57 |
| Dawson | .54 | Powell | .60 |
| Deer Lodge | .60 | Prairie | .55 |
| Fallon | .56 | Ravalli | .62 |
| Fergus | .56 | Richland | .54 |
| Flathead | .60 | Roosevelt | .54 |
| Gallatin | .58 | Rosebud | .56 |
| Garfield | .54 | Sanders | .63 |
| Glacier | .57 | Sheridan | .54 |
| Golden Valley | .57 | Silver Bow | .60 |
| Granite | .61 | Stillwater | .58 |
| Hill | .55 | Sweet Grass | .58 |
| Jefferson | .59 | Teton | .56 |
| Judith Basin | .57 | Toole | .56 |
| Lake | .61 | Treasure | .58 |
| Lewis and Clark | .59 | Valley | .54 |
| Liberty | .56 | Wheatland | .57 |
| Lincoln | .63 | Wibaux | .55 |
| McCone | .54 | Yellowstone | .58 |

### Nebraska

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Adams | $0.63 | Jefferson | $0.63 |
| Antelope | .60 | Johnson | .64 |
| Arthur | .61 | Kearney | .63 |
| Banner | .61 | Keith | .62 |
| Blaine | .60 | Keya Paha | .59 |
| Boone | .61 | Kimball | .62 |
| Box Butte | .59 | Knox | .60 |
| Boyd | .59 | Lancaster | .63 |
| Brown | .60 | Lincoln | .62 |
| Buffalo | .62 | Logan | .61 |
| Burt | .62 | Loup | .60 |
| Butler | .62 | McPherson | .61 |
| Cass | .63 | Madison | .61 |
| Cedar | .61 | Merrick | .61 |
| Chase | .64 | Morrill | .61 |
| Cherry | .59 | Nance | .61 |
| Cheyenne | .62 | Nemaha | .63 |
| Clay | .63 | Nuckolls | .63 |
| Colfax | .62 | Otoe | .63 |
| Cuming | .62 | Pawnee | .64 |
| Custer | .61 | Perkins | .63 |
| Dakota | .62 | Phelps | .63 |
| Dawes | .58 | Pierce | .61 |
| Dawson | .62 | Platte | .61 |
| Deuel | .62 | Polk | .61 |
| Dixon | .62 | Red Willow | .64 |
| Dodge | .63 | Richardson | .64 |
| Douglas | .63 | Rock | .60 |
| Dundy | .65 | Saline | .63 |
| Fillmore | .63 | Sarpy | .63 |
| Franklin | .63 | Saunders | .63 |
| Frontier | .63 | Scotts Bluff | .60 |
| Furnas | .64 | Seward | .62 |
| Gage | .64 | Sheridan | .59 |
| Garden | .61 | Sherman | .61 |
| Garfield | .60 | Sioux | .59 |
| Gosper | .63 | Stanton | .61 |
| Grant | .60 | Thayer | .63 |
| Greeley | .61 | Thomas | .60 |
| Hall | .62 | Thurston | .62 |
| Hamilton | .62 | Valley | .61 |
| Harlan | .63 | Washington | .63 |
| Hayes | .64 | Wayne | .61 |
| Hitchcock | .65 | Webster | .63 |
| Holt | .60 | Wheeler | .60 |
| Hooker | .60 | York | .62 |
| Howard | .61 | | |

### Nevada

All counties $0.79

### New Jersey

All counties $0.75

### New Mexico

All counties $0.74

### New York

All counties $0.74

### North Carolina

All counties $0.79

### North Dakota

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Adams | $0.55 | McIntosh | $0.56 |
| Barnes | .57 | McKenzie | .54 |
| Benson | .56 | McLean | .55 |
| Billings | .54 | Mercer | .55 |
| Bottineau | .55 | Morton | .56 |
| Bowman | .55 | Mountrail | .54 |
| Burke | .54 | Nelson | .57 |
| Burleigh | .56 | Oliver | .55 |
| Cass | .57 | Pembina | .56 |
| Cavalier | .56 | Pierce | .55 |
| Dickey | .57 | Ramsey | .56 |
| Divide | .54 | Ransom | .57 |
| Dunn | .54 | Renville | .55 |
| Eddy | .57 | Richland | .57 |
| Emmons | .56 | Rolette | .55 |
| Foster | .57 | Sargent | .57 |
| Golden Valley | .54 | Sheridan | .56 |
| Grand Forks | .57 | Sioux | .56 |
| Grant | .56 | Slope | .54 |
| Griggs | .57 | Stark | .54 |
| Hettinger | .54 | Steele | .57 |
| Kidder | .56 | Stutsman | .57 |
| La Moure | .57 | Towner | .56 |
| Logan | .56 | Traill | .57 |
| McHenry | .55 | Walsh | .56 |

### North Dakota—Continued

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Ward | $0.55 | Williams | $0.54 |
| Wells | .56 | | |

### Ohio

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Adams | $0.72 | Licking | $0.69 |
| Allen | .68 | Logan | .69 |
| Ashland | .69 | Lorain | .70 |
| Ashtabula | .73 | Lucas | .68 |
| Athens | .73 | Madison | .69 |
| Auglaize | .68 | Mahoning | .73 |
| Belmont | .74 | Marion | .69 |
| Brown | .71 | Medina | .71 |
| Butler | .68 | Meigs | .73 |
| Carroll | .73 | Mercer | .67 |
| Champaign | .69 | Miami | .68 |
| Clark | .69 | Monroe | .74 |
| Clermont | .70 | Montgomery | .68 |
| Clinton | .70 | Morgan | .73 |
| Columbiana | .73 | Morrow | .69 |
| Coshocton | .71 | Muskingum | .72 |
| Crawford | .69 | Noble | .73 |
| Cuyahoga | .71 | Ottawa | .69 |
| Darke | .67 | Paulding | .67 |
| Defiance | .67 | Perry | .71 |
| Delaware | .69 | Pickaway | .69 |
| Erie | .69 | Pike | .72 |
| Fairfield | .69 | Portage | .72 |
| Fayette | .69 | Preble | .67 |
| Franklin | .69 | Putnam | .68 |
| Fulton | .68 | Richland | .69 |
| Gallia | .73 | Ross | .70 |
| Geauga | .72 | Sandusky | .69 |
| Greene | .69 | Scioto | .72 |
| Guernsey | .73 | Seneca | .69 |
| Hamilton | .69 | Shelby | .68 |
| Hancock | .68 | Stark | .72 |
| Hardin | .68 | Summit | .71 |
| Harrison | .73 | Trumbull | .73 |
| Henry | .68 | Tuscarawas | .72 |
| Highland | .71 | Union | .69 |
| Hocking | .71 | Van Wert | .67 |
| Holmes | .71 | Vinton | .72 |
| Huron | .69 | Warren | .69 |
| Jackson | .72 | Washington | .74 |
| Jefferson | .74 | Wayne | .71 |
| Knox | .69 | Williams | .68 |
| Lake | .72 | Wood | .68 |
| Lawrence | .72 | Wyandot | .69 |

### Oklahoma

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Adair | $0.71 | Le Flore | $0.74 |
| Alfalfa | .70 | Lincoln | .72 |
| Atoka | .73 | Logan | .72 |
| Beaver | .71 | Love | .72 |
| Beckham | .71 | McClain | .72 |
| Blaine | .71 | McCurtain | .74 |
| Bryan | .73 | McIntosh | .72 |
| Caddo | .71 | Major | .71 |
| Canadian | .72 | Marshall | .73 |
| Carter | .72 | Mayes | .70 |
| Cherokee | .71 | Murray | .72 |
| Choctaw | .74 | Muskogee | .72 |
| Cimarron | .71 | Noble | .71 |
| Cleveland | .72 | Nowata | .69 |
| Coal | .73 | Okfuskee | .72 |
| Comanche | .71 | Oklahoma | .72 |
| Cotton | .71 | Okmulgee | .71 |
| Craig | .69 | Osage | .69 |
| Creek | .71 | Ottawa | .69 |
| Custer | .71 | Pawnee | .70 |
| Delaware | .70 | Payne | .71 |
| Dewey | .71 | Pittsburg | .73 |
| Ellis | .71 | Pontotoc | .73 |
| Garfield | .71 | Pottawatomie | .72 |
| Garvin | .72 | Pushmataha | .74 |
| Grady | .72 | Roger Mills | .71 |
| Grant | .70 | Rogers | .70 |
| Greer | .71 | Seminole | .72 |
| Harmon | .71 | Sequoyah | .72 |
| Harper | .71 | Stephens | .72 |
| Haskell | .73 | Texas | .71 |
| Hughes | .73 | Tillman | .71 |
| Jackson | .71 | Tulsa | .71 |
| Jefferson | .72 | Wagoner | .71 |
| Johnston | .73 | Washington | .69 |
| Kay | .70 | Washita | .71 |
| Kingfisher | .72 | Woods | .70 |
| Kiowa | .71 | Woodward | .71 |
| Latimer | .74 | | |



### Oregon

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Baker | $0.70 | Lake | $0.74 |
| Benton | .76 | Lane | .75 |
| Clackamas | .76 | Lincoln | .76 |
| Clatsop | .75 | Linn | .75 |
| Columbia | .76 | Malheur | .70 |
| Coos | .76 | Marion | .76 |
| Crook | .74 | Morrow | .73 |
| Curry | .76 | Multnomah | .76 |
| Deschutes | .74 | Polk | .76 |
| Douglas | .75 | Sherman | .74 |
| Gilliam | .74 | Tillamook | .76 |
| Grant | .73 | Umatilla | .72 |
| Harney | .73 | Union | .71 |
| Hood River | .76 | Wallowa | .70 |
| Jackson | .75 | Wasco | .74 |
| Jefferson | .74 | Washington | .76 |
| Josephine | .75 | Wheeler | .74 |
| Klamath | .74 | Yamhill | .76 |

### Pennsylvania

All counties $0.74

### Rhode Island

All counties $0.75

### South Carolina

All counties $0.79

### South Dakota

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Armstrong | $0.56 | Jackson | $0.56 |
| Aurora | .57 | Jerauld | .57 |
| Beadle | .57 | Jones | .56 |
| Bennett | .56 | Kingsbury | .57 |
| Bon Homme | .58 | Lake | .57 |
| Brookings | .58 | Lawrence | .55 |
| Brown | .57 | Lincoln | .59 |
| Brule | .57 | Lyman | .56 |
| Buffalo | .57 | McCook | .57 |
| Butte | .55 | McPherson | .56 |
| Campbell | .56 | Marshall | .57 |
| Charles Mix | .57 | Meade | .55 |
| Clark | .57 | Mellette | .56 |
| Clay | .60 | Miner | .57 |
| Codington | .57 | Minnehaha | .58 |
| Corson | .56 | Moody | .58 |
| Custer | .56 | Pennington | .55 |
| Davison | .57 | Perkins | .55 |
| Day | .57 | Potter | .56 |
| Deuel | .58 | Roberts | .57 |
| Dewey | .56 | Sanborn | .57 |
| Douglas | .57 | Shannon | .56 |
| Edmunds | .56 | Spink | .57 |
| Fall River | .56 | Stanley | .56 |
| Faulk | .56 | Sully | .56 |
| Grant | .58 | Todd | .56 |
| Gregory | .57 | Tripp | .57 |
| Haakon | .56 | Turner | .59 |
| Hamlin | .57 | Union | .60 |
| Hand | .57 | Walworth | .56 |
| Hanson | .57 | Washabaugh | .56 |
| Harding | .55 | Washington | .56 |
| Hughes | .56 | Yankton | .59 |
| Hutchinson | .58 | Ziebach | .56 |
| Hyde | .56 | | |

### Tennessee

All counties $0.79

### Texas

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Anderson | $0.74 | Bosque | $0.73 |
| Andrews | .73 | Bowie | .75 |
| Angelina | .76 | Brazoria | .77 |
| Aransas | .75 | Brazos | .75 |
| Archer | .71 | Brewster | .74 |
| Armstrong | .71 | Brisco | .71 |
| Atascosa | .73 | Brooks | .74 |
| Austin | .77 | Brown | .72 |
| Bailey | .72 | Burleson | .75 |
| Bandera | .73 | Burnet | .73 |
| Bastrop | .75 | Caldwell | .74 |
| Baylor | .71 | Calhoun | .75 |
| Bee | .74 | Callahan | .71 |
| Bell | .74 | Cameron | .74 |
| Bexar | .73 | Camp | .74 |
| Blanco | .73 | Carson | .71 |
| Borden | .73 | Cass | .75 |

### Texas—Continued

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Castro | $0.72 | Jefferson | $0.78 |
| Chambers | .78 | Jim Hogg | .73 |
| Cherokee | .75 | Jim Wells | .74 |
| Childress | .71 | Johnson | .73 |
| Clay | .71 | Jones | .71 |
| Cochran | .73 | Karnes | .74 |
| Coke | .72 | Kaufman | .73 |
| Coleman | .72 | Kendall | .73 |
| Collin | .73 | Kenedy | .74 |
| Collingsworth | .71 | Kent | .72 |
| Colorado | .77 | Kerr | .73 |
| Comal | .73 | Kimble | .72 |
| Comanche | .72 | King | .72 |
| Concho | .72 | Kinney | .73 |
| Cooke | .72 | Kleberg | .74 |
| Coryell | .73 | Knox | .71 |
| Cottle | .71 | Lamar | .74 |
| Crane | .73 | Lamb | .72 |
| Crockett | .72 | Lampasas | .73 |
| Crosby | .72 | La Salle | .73 |
| Culberson | .74 | Lavaca | .76 |
| Dallam | .71 | Lee | .75 |
| Dallas | .73 | Leon | .74 |
| Dawson | .73 | Liberty | .78 |
| Deaf Smith | .71 | Limestone | .74 |
| Delta | .74 | Lipscomb | .71 |
| Denton | .73 | Live Oak | .74 |
| De Witt | .75 | Llano | .72 |
| Dickens | .72 | Loving | .73 |
| Dimmit | .73 | Lubbock | .72 |
| Donley | .71 | Lynn | .73 |
| Duval | .73 | McCulloch | .72 |
| Eastland | .71 | McLennan | .74 |
| Ector | .73 | McMullen | .73 |
| Edwards | .72 | Madison | .75 |
| Ellis | .73 | Marion | .75 |
| El Paso | .74 | Martin | .73 |
| Erath | .72 | Mason | .72 |
| Falls | .74 | Matagorda | .77 |
| Fannin | .73 | Maverick | .73 |
| Fayette | .76 | Medina | .73 |
| Fisher | .72 | Menard | .72 |
| Floyd | .71 | Midland | .73 |
| Foard | .71 | Milam | .74 |
| Fort Bend | .77 | Mills | .73 |
| Franklin | .74 | Mitchell | .72 |
| Freestone | .74 | Montague | .72 |
| Frio | .73 | Montgomery | .77 |
| Gaines | .73 | Moore | .71 |
| Galveston | .78 | Morris | .74 |
| Garza | .73 | Motley | .71 |
| Gillespie | .72 | Nacogdoches | .76 |
| Glasscock | .73 | Navarro | .74 |
| Goliad | .75 | Newton | .78 |
| Gonzales | .75 | Nolan | .72 |
| Gray | .71 | Nueces | .74 |
| Grayson | .73 | Ochiltree | .71 |
| Gregg | .75 | Oldham | .71 |
| Grimes | .76 | Orange | .78 |
| Gaudalupe | .74 | Palo Pinto | .71 |
| Hale | .71 | Panola | .76 |
| Hall | .71 | Parker | .72 |
| Hamilton | .73 | Parmer | .72 |
| Hansford | .71 | Pecos | .73 |
| Hardeman | .71 | Polk | .77 |
| Hardin | .78 | Potter | .71 |
| Harris | .78 | Presidio | .74 |
| Harrison | .76 | Rains | .74 |
| Hartley | .71 | Randall | .71 |
| Haskell | .71 | Reagan | .73 |
| Hays | .73 | Real | .73 |
| Hemphill | .71 | Red River | .74 |
| Henderson | .74 | Reeves | .73 |
| Hidalgo | .74 | Refugio | .75 |
| Hill | .73 | Roberts | .71 |
| Hockley | .73 | Robertson | .74 |
| Hood | .73 | Rockwall | .73 |
| Hopkins | .74 | Runnels | .72 |
| Houston | .75 | Rusk | .75 |
| Howard | .73 | Sabine | .77 |
| Hudspeth | .74 | San Augustine | .77 |
| Hunt | .73 | San Jacinto | .77 |
| Hutchinson | .71 | San Patricio | .74 |
| Irion | .72 | San Saba | .72 |
| Jack | .71 | Schleicher | .72 |
| Jackson | .76 | Scurry | .72 |
| Jasper | .78 | Shackelford | .71 |
| Jeff Davis | .74 | Shelby | .77 |

### Texas—Continued

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Sherman | $0.71 | Val Verde | $0.72 |
| Smith | .74 | Van Zandt | .74 |
| Somervell | .73 | Victoria | .75 |
| Starr | .73 | Walker | .76 |
| Stephens | .71 | Waller | .77 |
| Sterling | .72 | Ward | .73 |
| Stonewall | .72 | Washington | .76 |
| Sutton | .72 | Webb | .73 |
| Swisher | .71 | Wharton | .77 |
| Tarrant | .73 | Wheeler | .71 |
| Taylor | .71 | Wichita | .71 |
| Terrell | .73 | Wilbarger | .71 |
| Terry | .73 | Willacy | .74 |
| Throckmorton | .71 | Williamson | .74 |
| Titus | .74 | Wilson | .74 |
| Tom Green | .72 | Winkler | .73 |
| Travis | .74 | Wise | .72 |
| Trinity | .76 | Wood | .74 |
| Tyler | .77 | Yoakum | .73 |
| Upshur | .74 | Young | .71 |
| Upton | .73 | Zapata | .73 |
| Uvalde | .73 | Zavala | .73 |

### Utah

All counties $0.74

### Virginia

All counties $0.76

### Washington

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Adams | $0.70 | Lewis | $0.74 |
| Asotin | .70 | Lincoln | .70 |
| Benton | .71 | Mason | .74 |
| Chelan | .72 | Okanogan | .72 |
| Clallam | .74 | Pacific | .74 |
| Clark | .76 | Pend Oreille | .69 |
| Columbia | .70 | Pierce | .75 |
| Cowlitz | .75 | San Juan | .74 |
| Douglas | .71 | Skagit | .74 |
| Ferry | .71 | Skamania | .75 |
| Franklin | .70 | Snohomish | .74 |
| Garfield | .70 | Spokane | .70 |
| Grant | .71 | Stevens | .70 |
| Grays Harbor | .74 | Thurston | .74 |
| Island | .74 | Wahkiakum | .74 |
| Jefferson | .74 | Walla Walla | .70 |
| King | .75 | Whatcom | .74 |
| Kitsap | .74 | Whitman | .70 |
| Kittitas | .72 | Yakima | .72 |
| Klickitat | .72 | | |

### West Virginia

All counties $0.77

### Wisconsin

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Adams | $0.65 | Kenosha | $0.67 |
| Ashland | .65 | Kewaunee | .64 |
| Barron | .63 | La Crosse | .64 |
| Bayfield | .64 | Lafayette | .67 |
| Brown | .64 | Langlade | .65 |
| Buffalo | .63 | Lincoln | .65 |
| Burnett | .63 | Manitowoc | .64 |
| Calumet | .64 | Marathon | .65 |
| Chippewa | .64 | Marinette | .66 |
| Clark | .64 | Marquette | .65 |
| Columbia | .65 | Milwaukee | .67 |
| Crawford | .66 | Monroe | .65 |
| Dane | .66 | Oconto | .65 |
| Dodge | .65 | Oneida | .66 |
| Door | .64 | Outagamie | .64 |
| Douglas | .63 | Ozaukee | .66 |
| Dunn | .64 | Pepin | .63 |
| Eau Claire | .64 | Pierce | .63 |
| Florence | .66 | Polk | .63 |
| Fond du Lac | .64 | Portage | .65 |
| Forest | .66 | Price | .65 |
| Grant | .66 | Racine | .67 |
| Green | .66 | Richland | .66 |
| Green Lake | .65 | Rock | .66 |
| Iowa | .67 | Rusk | .64 |
| Iron | .66 | Saint Croix | .63 |
| Jackson | .65 | Sauk | .66 |
| Jefferson | .66 | Sawyer | .64 |
| Juneau | .65 | Shawano | .65 |

WISCONSIN—Continued

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Sheboygan | $0.65 | Washington | $0.66 |
| Taylor | .65 | Waukesha | .67 |
| Trempealeau | .64 | Waupaca | .65 |
| Vernon | .65 | Waushara | .65 |
| Vilas | .66 | Winnebago | .64 |
| Walworth | .66 | Wood | .65 |
| Washburn | .63 | | |

WYOMING

| | |
|---|---|
| All counties | $0.64 |

(Sec. 4, 62 Stat. 1070, as amended: 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec. 401, 63 Stat. 1054; sec. 308, 70 Stat. 206; 15 U. S. C. 714c; 7 U. S. C. 1421)

Issued this 26th day of June 1956.

[SEAL] EARL M. HUGHES,
*Executive Vice President,*
*Commodity Credit Corporation.*

[F. R. Doc. 56-5172; Filed, June 28, 1956; 8:52 a. m.]

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[1956 C. C. C. Grain Price Support Bulletin 1, Supp. 2, Rye]

## PART 421—GRAINS AND RELATED COMMODITIES

### SUBPART—1956-CROP RYE LOAN AND PURCHASE AGREEMENT PROGRAM

### SUPPORT RATES

The 1956 C. C. C. Grain Price Support Bulletin 1, (21 F. R. 3997), issued by Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1956 was supplemented by 1956 C. C. C. Grain Price Support Bulletin 1, Supplement 1, Rye, (21 F. R. 4040), containing specific requirements applicable to price support operations on the 1956 rye crop. These regulations are further supplemented by the addition of paragraph (d) to § 421.1983 *Determination of support rates*, as follows:

(d) *Support rates.* Basic support rates for rye placed under loan or delivered under purchase agreements will be as set forth in this paragraph.

(1) *Basic support rates as designated terminal markets.* Basic support rates per bushel for rye grading No. 2 or better, or grading No. 3 on the basis of test weight only, but otherwise grading No. 2 or better, stored in approved warehouses at the terminal markets listed below are as follows:

| Terminal market: | Rate per bushel |
|---|---|
| Omaha, Nebr | $1.48 |
| Sioux City, Iowa | 1.48 |
| Duluth, Minn | 1.50 |
| Minneapolis, Minn | 1.50 |
| Superior, Wis | 1.50 |
| Kansas City, Mo | 1.51 |
| St. Joseph, Mo | 1.51 |
| Chicago, Ill | 1.55 |
| Milwaukee, Wis | 1.50 |
| Memphis, Tenn | 1.56 |
| St. Louis, Mo | 1.56 |
| Galveston, Tex | 1.59 |
| Houston, Tex | 1.59 |
| Astoria, Oreg | 1.51 |
| Longview, Wash | 1.51 |
| Terminal market—Continued | |
| Los Angeles, Calif | 1.61 |
| Portland, Oreg | 1.61 |
| San Francisco, Calif | 1.61 |
| Seattle, Wash | 1.61 |
| Tacoma, Wash | 1.61 |
| Vancouver, Wash | 1.61 |
| Albany, N. Y | 1.70 |
| Baltimore, Md | 1.70 |
| New York, N. Y | 1.70 |
| Norfolk, Va | 1.70 |
| Philadelphia, Pa | 1.70 |

(2) *Basic county support rates.* (i) The following basic county support rates per bushel are established for rye grading No. 2 or better, or rye grading No. 3 on the factor of test weight only, but otherwise grading No. 2 or better. Both farm-storage and country warehouse-storage loans, except as otherwise provided in paragraph (b) of this section will be made at the support rate established for the county in which the rye is stored.

(ii) If two or more approved warehouses are located at the same or adjoining towns, villages, or cities having the same domestic interstate freight rate, such towns, villages, or cities shall be deemed to constitute one shipping point, and the same support rate shall apply even though such warehouses are not all located in the same county. Such support rate shall be the highest support rate of the counties involved.

ALABAMA

| County | Rate per bushel |
|---|---|
| All counties | $1.41 |

ARIZONA

| | |
|---|---|
| All counties | $1.31 |

ARKANSAS

| | |
|---|---|
| All counties | $1.29 |

CALIFORNIA

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Colusa | $1.42 | Plumas | $1.28 |
| Contra Costa | 1.49 | Riverside | 1.44 |
| Glenn | 1.40 | San Joaquin | 1.46 |
| Kern | 1.42 | Shasta | 1.35 |
| Lassen | 1.29 | Sierra | 1.29 |
| Marin | 1.49 | Siskiyou | 1.27 |
| Merced | 1.45 | Sonoma | 1.47 |
| Modoc | 1.23 | Stanislaus | 1.45 |
| Mono | 1.26 | Yuba | 1.44 |

COLORADO

| | | | |
|---|---|---|---|
| Adams | $1.17 | Las Animas | $1.16 |
| Arapahoe | 1.17 | Lincoln | 1.17 |
| Baca | 1.18 | Logan | 1.17 |
| Bent | 1.17 | Morgan | 1.17 |
| Boulder | 1.17 | Otero | 1.17 |
| Cheyenne | 1.19 | Phillips | 1.19 |
| Crowley | 1.17 | Prowers | 1.18 |
| Douglas | 1.17 | Pueblo | 1.17 |
| Elbert | 1.17 | Sedgwick | 1.17 |
| El Paso | 1.17 | Washington | 1.17 |
| Jefferson | 1.17 | Weld | 1.17 |
| Kiowa | 1.18 | Yuma | 1.18 |
| Kit Carson | 1.18 | All other counties | 1.16 |
| Larimer | 1.17 | | |

CONNECTICUT

| | |
|---|---|
| All counties | $1.40 |

DELAWARE

| | |
|---|---|
| All counties | $1.40 |

FLORIDA

| | |
|---|---|
| All counties | $1.46 |

GEORGIA

| | |
|---|---|
| All counties | $1.46 |

IDAHO

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Ada | $1.20 | Gem | $1.21 |
| Adams | 1.18 | Gooding | 1.15 |
| Bannock | 1.09 | Idaho | 1.27 |
| Bear Lake | 1.11 | Jefferson | 1.08 |
| Benewah | 1.29 | Jerome | 1.14 |
| Bingham | 1.08 | Kootenai | 1.28 |
| Blaine | 1.12 | Latah | 1.29 |
| Boise | 1.19 | Lemhi | 1.08 |
| Bonner | 1.26 | Lewis | 1.26 |
| Bonneville | 1.09 | Lincoln | 1.13 |
| Boundary | 1.24 | Madison | 1.09 |
| Butte | 1.09 | Minidoka | 1.13 |
| Camas | 1.12 | Nez Perce | 1.29 |
| Canyon | 1.20 | Oneida | 1.09 |
| Caribou | 1.11 | Owyhee | 1.20 |
| Cassia | 1.12 | Payette | 1.22 |
| Clark | 1.06 | Power | 1.12 |
| Clearwater | 1.28 | Shoshone | 1.26 |
| Custer | 1.09 | Teton | 1.09 |
| Elmore | 1.18 | Twin Falls | 1.11 |
| Franklin | 1.09 | Valley | 1.18 |
| Fremont | 1.09 | Washington | 1.22 |

ILLINOIS

| | | | |
|---|---|---|---|
| Adams | $1.33 | Lee | $1.35 |
| Alexander | 1.36 | Livingston | 1.35 |
| Bond | 1.38 | Logan | 1.36 |
| Bonne | 1.36 | McDonough | 1.33 |
| Brown | 1.34 | McHenry | 1.37 |
| Bureau | 1.35 | McLean | 1.36 |
| Calhoun | 1.36 | Macon | 1.36 |
| Carroll | 1.34 | Macoupin | 1.38 |
| Cass | 1.36 | Madison | 1.39 |
| Champaign | 1.36 | Marion | 1.36 |
| Christian | 1.36 | Marshall | 1.35 |
| Clark | 1.35 | Mason | 1.36 |
| Clay | 1.36 | Massac | 1.35 |
| Clinton | 1.38 | Menard | 1.36 |
| Coles | 1.36 | Mercer | 1.33 |
| Cook | 1.38 | Monroe | 1.38 |
| Crawford | 1.33 | Montgomery | 1.37 |
| Cumberland | 1.36 | Morgan | 1.36 |
| De Kalb | 1.37 | Moultrie | 1.36 |
| De Witt | 1.36 | Ogle | 1.36 |
| Douglas | 1.36 | Peoria | 1.35 |
| Du Page | 1.38 | Perry | 1.36 |
| Edgar | 1.36 | Piatt | 1.36 |
| Edwards | 1.34 | Pike | 1.35 |
| Effingham | 1.36 | Pope | 1.31 |
| Fayette | 1.36 | Pulaski | 1.36 |
| Ford | 1.35 | Putnam | 1.35 |
| Franklin | 1.36 | Randolph | 1.36 |
| Fulton | 1.35 | Richland | 1.35 |
| Gallatin | 1.32 | Rock Island | 1.33 |
| Greene | 1.38 | Saint Clair | 1.38 |
| Grundy | 1.37 | Saline | 1.32 |
| Hamilton | 1.35 | Sangamon | 1.36 |
| Hancock | 1.33 | Schuyler | 1.35 |
| Hardin | 1.28 | Scott | 1.36 |
| Henderson | 1.33 | Shelby | 1.36 |
| Henry | 1.34 | Stark | 1.35 |
| Iroquois | 1.35 | Stephenson | 1.34 |
| Jackson | 1.36 | Tazewell | 1.35 |
| Jasper | 1.35 | Union | 1.36 |
| Jefferson | 1.36 | Vermilion | 1.35 |
| Jersey | 1.38 | Wabash | 1.33 |
| Jo Daviess | 1.33 | Warren | 1.33 |
| Johnson | 1.30 | Washington | 1.36 |
| Kane | 1.38 | Wayne | 1.34 |
| Kankakee | 1.38 | White | 1.32 |
| Kendall | 1.38 | Whiteside | 1.34 |
| Knox | 1.33 | Will | 1.38 |
| Lake | 1.38 | Williamson | 1.36 |
| La Salle | 1.36 | Winnebago | 1.35 |
| Lawrence | 1.35 | Woodford | 1.35 |

INDIANA

| | | | |
|---|---|---|---|
| Adams | $1.32 | Carroll | $1.33 |
| Allen | 1.31 | Cass | 1.33 |
| Bartholomew | 1.29 | Clark | 1.25 |
| Benton | 1.32 | Clay | 1.29 |
| Blackford | 1.32 | Clinton | 1.32 |
| Boone | 1.30 | Crawford | 1.25 |
| Brown | 1.26 | Daviess | 1.28 |



INDIANA—Continued

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Dearborn | $1.31 | Montgomery | $1.31 |
| Decatur | 1.30 | Morgan | 1.28 |
| De Kalb | 1.32 | Newton | 1.34 |
| Delaware | 1.32 | Noble | 1.31 |
| Dubois | 1.25 | Ohio | 1.25 |
| Elkhart | 1.32 | Orange | 1.25 |
| Fayette | 1.32 | Owen | 1.28 |
| Floyd | 1.25 | Parke | 1.30 |
| Fountain | 1.31 | Perry | 1.21 |
| Franklin | 1.33 | Pike | 1.27 |
| Fulton | 1.33 | Porter | 1.36 |
| Gibson | 1.28 | Posey | 1.28 |
| Grant | 1.31 | Pulaski | 1.34 |
| Greene | 1.28 | Putnam | 1.29 |
| Hamilton | 1.30 | Randolph | 1.32 |
| Hancock | 1.32 | Ripley | 1.30 |
| Harrison | 1.25 | Rush | 1.32 |
| Hendricks | 1.30 | Saint Joseph | 1.32 |
| Henry | 1.32 | Scott | 1.25 |
| Howard | 1.32 | Shelby | 1.28 |
| Huntington | 1.30 | Spencer | 1.25 |
| Jackson | 1.27 | Starke | 1.33 |
| Jasper | 1.36 | Steuben | 1.32 |
| Jay | 1.32 | Sullivan | 1.28 |
| Jefferson | 1.25 | Switzerland | 1.21 |
| Jennings | 1.29 | Tippecanoe | 1.32 |
| Johnson | 1.28 | Tipton | 1.31 |
| Knox | 1.28 | Union | 1.32 |
| Kosciusko | 1.31 | Vanderburgh | 1.27 |
| Lagrange | 1.31 | Vermillion | 1.31 |
| Lake | 1.37 | Vigo | 1.31 |
| La Porte | 1.34 | Wabash | 1.32 |
| Lawrence | 1.28 | Warren | 1.32 |
| Madison | 1.32 | Warrick | 1.24 |
| Marion | 1.30 | Washington | 1.25 |
| Marshall | 1.32 | Wayne | 1.32 |
| Martin | 1.26 | Wells | 1.32 |
| Miami | 1.32 | White | 1.35 |
| Monroe | 1.28 | Whitley | 1.32 |

IOWA

| | | | |
|---|---|---|---|
| Adair | $1.28 | Iowa | $1.29 |
| Adams | 1.29 | Jackson | 1.32 |
| Allamakee | 1.28 | Jasper | 1.28 |
| Appanoose | 1.31 | Jefferson | 1.30 |
| Audubon | 1.30 | Johnson | 1.31 |
| Benton | 1.30 | Jones | 1.31 |
| Black Hawk | 1.28 | Keokuk | 1.29 |
| Boone | 1.26 | Kossuth | 1.27 |
| Bremer | 1.27 | Lee | 1.32 |
| Buchanan | 1.29 | Linn | 1.30 |
| Buena Vista | 1.26 | Louisa | 1.31 |
| Butler | 1.27 | Lucas | 1.28 |
| Calhoun | 1.27 | Lyon | 1.26 |
| Carroll | 1.29 | Madison | 1.27 |
| Cass | 1.29 | Mahaska | 1.28 |
| Cedar | 1.31 | Marion | 1.28 |
| Cerro Gordo | 1.27 | Marshall | 1.27 |
| Cherokee | 1.27 | Mills | 1.32 |
| Chickasaw | 1.27 | Mitchell | 1.28 |
| Clarke | 1.28 | Monona | 1.30 |
| Clay | 1.26 | Monroe | 1.29 |
| Clayton | 1.29 | Montgomery | 1.31 |
| Clinton | 1.32 | Muscatine | 1.31 |
| Crawford | 1.30 | O'Brien | 1.26 |
| Dallas | 1.27 | Osceola | 1.26 |
| Davis | 1.31 | Page | 1.30 |
| Decatur | 1.28 | Palo Alto | 1.27 |
| Delaware | 1.30 | Plymouth | 1.28 |
| Des Moines | 1.32 | Pocahontas | 1.26 |
| Dickinson | 1.27 | Polk | 1.27 |
| Dubuque | 1.31 | Pottawattamie | 1.32 |
| Emmet | 1.28 | Poweshiek | 1.28 |
| Fayette | 1.29 | Ringgold | 1.27 |
| Floyd | 1.28 | Sac | 1.27 |
| Franklin | 1.26 | Scott | 1.32 |
| Fremont | 1.32 | Shelby | 1.31 |
| Greene | 1.27 | Sioux | 1.27 |
| Grundy | 1.27 | Story | 1.27 |
| Guthrie | 1.28 | Tama | 1.28 |
| Hamilton | 1.26 | Taylor | 1.28 |
| Hancock | 1.27 | Union | 1.27 |
| Hardin | 1.27 | Van Buren | 1.31 |
| Harrison | 1.32 | Wapello | 1.29 |
| Henry | 1.31 | Warren | 1.28 |
| Howard | 1.28 | Washington | 1.30 |
| Humboldt | 1.26 | Wayne | 1.29 |
| Ida | 1.28 | Webster | 1.26 |
| Winnebago | 1.28 | Worth | 1.28 |
| Winneshiek | 1.28 | Wright | 1.26 |
| Woodbury | 1.28 | | |

KANSAS

| | | | |
|---|---|---|---|
| Allen | $1.31 | Linn | $1.31 |
| Anderson | 1.32 | Logan | 1.22 |
| Atchison | 1.34 | Lyon | 1.30 |
| Barber | 1.25 | McPherson | 1.26 |
| Barton | 1.25 | Marion | 1.27 |
| Bourbon | 1.31 | Marshall | 1.30 |
| Brown | 1.32 | Meade | 1.22 |
| Butler | 1.27 | Miami | 1.34 |
| Chase | 1.29 | Mitchell | 1.26 |
| Chautauqua | 1.29 | Montgomery | 1.30 |
| Cherokee | 1.30 | Morris | 1.28 |
| Cheyenne | 1.21 | Morton | 1.18 |
| Clark | 1.22 | Nemaha | 1.31 |
| Clay | 1.28 | Neosho | 1.31 |
| Cloud | 1.27 | Ness | 1.24 |
| Coffey | 1.31 | Norton | 1.25 |
| Comanche | 1.23 | Osage | 1.31 |
| Cowley | 1.27 | Osborne | 1.26 |
| Crawford | 1.31 | Ottawa | 1.27 |
| Decatur | 1.23 | Pawnee | 1.25 |
| Dickinson | 1.27 | Phillips | 1.25 |
| Doniphan | 1.31 | Pottawatomie | 1.31 |
| Douglas | 1.34 | Pratt | 1.25 |
| Edwards | 1.25 | Rawlins | 1.22 |
| Elk | 1.29 | Reno | 1.26 |
| Ellis | 1.25 | Republic | 1.27 |
| Ellsworth | 1.26 | Rice | 1.26 |
| Finney | 1.22 | Riley | 1.30 |
| Ford | 1.23 | Rooks | 1.25 |
| Franklin | 1.34 | Rush | 1.25 |
| Geary | 1.29 | Russell | 1.25 |
| Gove | 1.23 | Saline | 1.26 |
| Graham | 1.24 | Scott | 1.22 |
| Grant | 1.21 | Sedgwick | 1.27 |
| Gray | 1.22 | Seward | 1.20 |
| Greeley | 1.21 | Shawnee | 1.31 |
| Greenwood | 1.29 | Sheridan | 1.23 |
| Hamilton | 1.21 | Sherman | 1.21 |
| Harper | 1.26 | Smith | 1.26 |
| Harvey | 1.27 | Stafford | 1.25 |
| Haskell | 1.22 | Stanton | 1.20 |
| Hodgeman | 1.24 | Stevens | 1.20 |
| Jackson | 1.31 | Sumner | 1.27 |
| Jefferson | 1.34 | Thomas | 1.22 |
| Jewell | 1.26 | Trego | 1.24 |
| Johnson | 1.34 | Wabaunsee | 1.30 |
| Kearney | 1.21 | Wallace | 1.21 |
| Kingman | 1.26 | Washington | 1.28 |
| Kiowa | 1.25 | Wichita | 1.21 |
| Labette | 1.30 | Wilson | 1.30 |
| Lane | 1.23 | Woodson | 1.31 |
| Leavenworth | 1.34 | Wyandotte | 1.34 |
| Lincoln | 1.26 | | |

KENTUCKY

| | |
|---|---|
| All counties | $1.40 |

LOUISIANA

| | |
|---|---|
| All counties | $1.31 |

MARYLAND

| | |
|---|---|
| All counties | $1.40 |

MAINE

| | |
|---|---|
| All counties | $1.40 |

MASSACHUSETTS

| | |
|---|---|
| All counties | $1.40 |

MICHIGAN

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Alcona | $1.23 | Cass | $1.32 |
| Alger | 1.22 | Charlevoix | 1.21 |
| Allegan | 1.29 | Cheboygan | 1.22 |
| Alpena | 1.23 | Chippewa | 1.18 |
| Antrim | 1.21 | Clare | 1.26 |
| Arenac | 1.24 | Clinton | 1.28 |
| Baraga | 1.23 | Crawford | 1.24 |
| Barry | 1.29 | Delta | 1.24 |
| Bay | 1.28 | Dickinson | 1.25 |
| Benzie | 1.26 | Eaton | 1.29 |
| Berrien | 1.32 | Emmet | 1.21 |
| Branch | 1.30 | Genesee | 1.32 |
| Calhoun | 1.30 | Gladwin | 1.25 |
| Gogebic | $1.25 | Menominee | $1.26 |
| Grand Traverse | 1.23 | Midland | 1.26 |
| Gratiot | 1.28 | Missaukee | 1.24 |
| Hillsdale | 1.32 | Monroe | 1.35 |
| Houghton | 1.19 | Montcalm | 1.26 |
| Huron | 1.30 | Montmorency | 1.23 |
| Ingham | 1.29 | Muskegon | 1.26 |
| Ionia | 1.28 | Newaygo | 1.25 |
| Iosco | 1.24 | Oakland | 1.33 |
| Iron | 1.22 | Oceana | 1.27 |
| Isabella | 1.27 | Ogemaw | 1.25 |
| Jackson | 1.30 | Ontonagon | 1.21 |
| Kalamazoo | 1.31 | Osceola | 1.25 |
| Kalkaska | 1.23 | Oscoda | 1.25 |
| Kent | 1.28 | Otsego | 1.22 |
| Keeweenaw | 1.19 | Ottawa | 1.29 |
| Lake | 1.27 | Presque Isle | 1.22 |
| Lapeer | 1.32 | Roscommon | 1.25 |
| Leelanau | 1.22 | Saginaw | 1.30 |
| Lenawee | 1.34 | Saint Clair | 1.34 |
| Livingston | 1.32 | Saint Joseph | 1.31 |
| Luce | 1.18 | Sanilac | 1.32 |
| Mackinac | 1.18 | Schoolcraft | 1.19 |
| Macomb | 1.35 | Shiawassee | 1.30 |
| Manistee | 1.24 | Tuscola | 1.31 |
| Marquette | 1.22 | Van Buren | 1.31 |
| Mason | 1.27 | Washtenaw | 1.34 |
| Mecosta | 1.27 | Wayne | 1.34 |
| | | Wexford | 1.24 |

MINNESOTA

| | | | |
|---|---|---|---|
| Aitkin | $1.32 | Martin | $1.29 |
| Anoka | 1.35 | Meeker | 1.33 |
| Becker | 1.27 | Mille Lacs | 1.33 |
| Beltrami | 1.27 | Morrison | 1.30 |
| Benton | 1.31 | Mower | 1.29 |
| Big Stone | 1.28 | Murray | 1.28 |
| Blue Earth | 1.31 | Nicollet | 1.32 |
| Brown | 1.31 | Nobles | 1.27 |
| Carlton | 1.33 | Norman | 1.25 |
| Carver | 1.34 | Olmsted | 1.30 |
| Cass | 1.30 | Otter Tail | 1.29 |
| Chippewa | 1.29 | Pennington | 1.24 |
| Chisago | 1.33 | Pine | 1.32 |
| Clay | 1.26 | Pipestone | 1.27 |
| Clearwater | 1.26 | Polk | 1.25 |
| Cottonwood | 1.29 | Pope | 1.29 |
| Crow Wing | 1.30 | Ramsey | 1.35 |
| Dakota | 1.35 | Red Lake | 1.25 |
| Dodge | 1.31 | Redwood | 1.30 |
| Douglas | 1.29 | Renville | 1.30 |
| Faribault | 1.29 | Rice | 1.33 |
| Fillmore | 1.28 | Rock | 1.26 |
| Freeborn | 1.30 | Roseau | 1.23 |
| Goodhue | 1.32 | Saint Louis | 1.31 |
| Grant | 1.28 | Scott | 1.34 |
| Hennepin | 1.35 | Sherburne | 1.34 |
| Houston | 1.28 | Sibley | 1.32 |
| Hubbard | 1.28 | Stearns | 1.32 |
| Isanti | 1.33 | Steele | 1.31 |
| Itasca | 1.31 | Stevens | 1.29 |
| Jackson | 1.28 | Swift | 1.29 |
| Kanabec | 1.31 | Todd | 1.30 |
| Kandiyohi | 1.32 | Traverse | 1.27 |
| Kittson | 1.22 | Wabasha | 1.31 |
| Koochiching | 1.23 | Wadena | 1.29 |
| Lac Qui Parle | 1.28 | Waseca | 1.31 |
| Lake of the Woods | 1.24 | Washington | 1.35 |
| Le Sueur | 1.32 | Watonwan | 1.29 |
| Lincoln | 1.28 | Wilkin | 1.27 |
| Lyon | 1.29 | Winona | 1.31 |
| McLeod | 1.33 | Wright | 1.34 |
| Mahnomen | 1.25 | Yellow Medicine | 1.29 |
| Marshall | 1.24 | | |

MISSISSIPPI

| | |
|---|---|
| All counties | $1.40 |

MISSOURI

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Adair | $1.32 | Bates | $1.33 |
| Andrew | 1.33 | Benton | 1.31 |
| Atchison | 1.30 | Bollinger | 1.34 |
| Audrain | 1.34 | Boone | 1.34 |
| Barry | 1.29 | Buchanan | 1.33 |
| Barton | 1.31 | Butler | 1.32 |

MISSOURI—Continued

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Caldwell | $1.33 | Marion | $1.34 |
| Callaway | 1.35 | Mercer | 1.30 |
| Camden | 1.32 | Miller | 1.32 |
| Cape Girardeau | 1.34 | Mississippi | 1.31 |
| Carrroll | 1.32 | Moniteau | 1.32 |
| Carter | 1.25 | Monroe | 1.34 |
| Cass | 1.34 | Montgomery | 1.26 |
| Cedar | 1.34 | Morgan | 1.31 |
| Chariton | 1.32 | New Madrid | 1.31 |
| Christian | 1.29 | Newton | 1.29 |
| Clark | 1.33 | Nodaway | 1.31 |
| Clay | 1.34 | Oregon | 1.25 |
| Clinton | 1.33 | Osage | 1.34 |
| Cole | 1.33 | Ozark | 1.26 |
| Cooper | 1.32 | Pemiscot | 1.31 |
| Crawford | 1.36 | Perry | 1.36 |
| Dade | 1.30 | Pettis | 1.31 |
| Dallas | 1.29 | Phelps | 1.35 |
| Daviess | 1.32 | Pike | 1.35 |
| De Kalb | 1.33 | Platte | 1.34 |
| Dent | 1.34 | Polk | 1.30 |
| Douglas | 1.27 | Pulaski | 1.33 |
| Dunklin | 1.31 | Putnam | 1.29 |
| Franklin | 1.38 | Ralls | 1.35 |
| Gasconade | 1.36 | Randolph | 1.34 |
| Gentry | 1.31 | Ray | 1.33 |
| Greene | 1.29 | Reynolds | 1.32 |
| Grundy | 1.31 | Ripley | 1.32 |
| Harrison | 1.30 | Saint Charles | 1.39 |
| Henry | 1.33 | Saint Clair | 1.32 |
| Hickory | 1.31 | Saint Francois | 1.36 |
| Holt | 1.31 | Sainte Genevieve | 1.36 |
| Howard | 1.34 | Saint Louis | 1.39 |
| Howell | 1.25 | Saline | 1.32 |
| Iron | 1.36 | Schuyler | 1.31 |
| Jackson | 1.34 | Scotland | 1.32 |
| Jasper | 1.30 | Scott | 1.33 |
| Jefferson | 1.39 | Shannon | 1.25 |
| Johnson | 1.33 | Shelby | 1.34 |
| Knox | 1.33 | Stoddard | 1.33 |
| Laclede | 1.31 | Stone | 1.28 |
| Lafayette | 1.33 | Sullivan | 1.29 |
| Lawrence | 1.29 | Taney | 1.27 |
| Lewis | 1.34 | Texas | 1.26 |
| Lincoln | 1.38 | Vernon | 1.31 |
| Linn | 1.31 | Warren | 1.39 |
| Livingston | 1.32 | Washington | 1.36 |
| McDonald | 1.29 | Wayne | 1.34 |
| Macon | 1.32 | Webster | 1.29 |
| Madison | 1.35 | Worth | 1.30 |
| Maries | 1.35 | Wright | 1.27 |

MONTANA

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Beaverhead | $1.04 | Madison | $1.13 |
| Big Horn | 1.01 | Meagher | 1.13 |
| Blaine | 1.08 | Mineral | 1.18 |
| Broadwater | 1.13 | Missoula | 1.16 |
| Carbon | 1.10 | Musselshell | 1.12 |
| Carter | 1.10 | Park | 1.13 |
| Cascade | 1.13 | Petroleum | 1.13 |
| Chouteau | 1.13 | Phillips | 1.07 |
| Custer | 1.09 | Pondera | 1.13 |
| Daniels | 1.06 | Powder River | 1.07 |
| Dawson | 1.09 | Powell | 1.13 |
| Deer Lodge | 1.13 | Prairie | 1.09 |
| Fallon | 1.10 | Ravalli | 1.14 |
| Fergus | 1.13 | Richland | 1.10 |
| Flathead | 1.17 | Roosevelt | 1.10 |
| Gallatin | 1.13 | Rosebud | 1.05 |
| Garfield | 1.07 | Sanders | 1.18 |
| Glacier | 1.14 | Sheridan | 1.09 |
| Golden Valley | 1.12 | Silver Bow | 1.13 |
| Granite | 1.14 | Stillwater | 1.12 |
| Hill | 1.13 | Sweet Grass | 1.13 |
| Jefferson | 1.13 | Teton | 1.13 |
| Judith Basin | 1.13 | Toole | 1.13 |
| Lake | 1.17 | Treasure | 1.07 |
| Lewis and Clark | 1.13 | Valley | 1.06 |
| Liberty | 1.13 | Wheatland | 1.13 |
| Lincoln | 1.20 | Wibaux | 1.11 |
| McCone | 1.06 | Yellowstone | 1.12 |

NEBRASKA

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Adams | $1.26 | Banner | $1.15 |
| Antelope | 1.26 | Blaine | 1.22 |
| Arthur | 1.18 | Boone | 1.28 |

NEBRASKA—Continued

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Box Butte | $1.17 | Keith | $1.18 |
| Boyd | 1.24 | Keya Paha | 1.22 |
| Brown | 1.21 | Kimball | 1.17 |
| Buffalo | 1.25 | Knox | 1.25 |
| Burt | 1.31 | Lancaster | 1.31 |
| Butler | 1.30 | Lincoln | 1.21 |
| Casa | 1.31 | Logan | 1.22 |
| Cedar | 1.26 | Loup | 1.24 |
| Chase | 1.19 | McPherson | 1.21 |
| Cherry | 1.19 | Madison | 1.28 |
| Cheyenne | 1.17 | Merrick | 1.28 |
| Clay | 1.27 | Morrill | 1.16 |
| Colfax | 1.30 | Nance | 1.28 |
| Cuming | 1.30 | Nemaha | 1.29 |
| Custer | 1.23 | Nuckolls | 1.27 |
| Dakota | 1.28 | Otoe | 1.31 |
| Dawes | 1.15 | Pawnee | 1.30 |
| Dawson | 1.24 | Perkins | 1.19 |
| Deuel | 1.17 | Phelps | 1.25 |
| Dixon | 1.28 | Pierce | 1.27 |
| Dodge | 1.31 | Platte | 1.29 |
| Douglas | 1.31 | Polk | 1.29 |
| Dundy | 1.19 | Red Willow | 1.22 |
| Fillmore | 1.28 | Richardson | 1.30 |
| Franklin | 1.25 | Rock | 1.22 |
| Frontier | 1.22 | Saline | 1.29 |
| Furnas | 1.24 | Sarpy | 1.31 |
| Gage | 1.29 | Saunder | 1.31 |
| Garden | 1.17 | Scotts Bluff | 1.14 |
| Garfield | 1.25 | Seward | 1.30 |
| Gosper | 1.24 | Sheridan | 1.17 |
| Grant | 1.18 | Sherman | 1.25 |
| Greely | 1.27 | Sioux | 1.14 |
| Hall | 1.26 | Stanton | 1.28 |
| Hamilton | 1.28 | Thayer | 1.28 |
| Harlan | 1.25 | Thomas | 1.21 |
| Hayes | 1.19 | Thurston | 1.29 |
| Hitchcock | 1.20 | Valley | 1.25 |
| Holt | 1.25 | Washington | 1.31 |
| Hooker | 1.20 | Wayne | 1.26 |
| Howard | 1.26 | Webster | 1.26 |
| Jefferson | 1.29 | Wheeler | 1.27 |
| Johnson | 1.30 | York | 1.28 |
| Kearney | 1.25 | | |

NEVADA

All counties ..... $1.21

NEW HAMPSHIRE

All counties ..... $1.40

NEW JERSEY

All counties ..... $1.40

NEW MEXICO

All counties ..... $1.16

NEW YORK

All counties ..... $1.41

NORTH CAROLINA

All counties ..... $1.44

NORTH DAKOTA

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Adams | $1.15 | McIntosh | $1.20 |
| Barnes | 1.24 | McKenzie | 1.12 |
| Benson | 1.20 | McLean | 1.18 |
| Billings | 1.15 | Mercer | 1.16 |
| Bottineau | 1.16 | Morton | 1.17 |
| Bowman | 1.14 | Mountrail | 1.16 |
| Burke | 1.15 | Nelson | 1.22 |
| Burleigh | 1.20 | Oliver | 1.17 |
| Cass | 1.25 | Pembina | 1.21 |
| Cavalier | 1.20 | Pierce | 1.19 |
| Dickey | 1.23 | Ramsey | 1.21 |
| Divide | 1.14 | Ransom | 1.24 |
| Dunn | 1.15 | Renville | 1.16 |
| Eddy | 1.21 | Richland | 1.26 |
| Emmons | 1.19 | Rolette | 1.19 |
| Foster | 1.22 | Sargent | 1.25 |
| Golden Valley | 1.12 | Sheridan | 1.20 |
| Grand Forks | 1.23 | Sioux | 1.17 |
| Grant | 1.16 | Slope | 1.12 |
| Griggs | 1.23 | Stark | 1.16 |
| Hettinger | 1.16 | Steele | 1.24 |
| Kidder | 1.20 | Stutsman | 1.22 |
| La Moure | 1.22 | Towner | 1.20 |
| Logan | 1.20 | Traill | 1.24 |
| McHenry | 1.18 | Walsh | 1.22 |

NORTH DAKOTA—Continued

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Ward | $1.16 | Williams | $1.14 |
| Wells | 1.21 | | |

OHIO

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Adams | $1.34 | Licking | $1.36 |
| Allen | 1.35 | Logan | 1.35 |
| Ashland | 1.37 | Lorain | 1.37 |
| Ashtabula | 1.39 | Lucas | 1.35 |
| Athens | 1.36 | Madison | 1.35 |
| Auglaize | 1.34 | Mahoning | 1.39 |
| Belmont | 1.37 | Marion | 1.36 |
| Brown | 1.34 | Medina | 1.37 |
| Butler | 1.34 | Melga | 1.34 |
| Carroll | 1.37 | Mercer | 1.34 |
| Columbiana | 1.38 | Miami | 1.34 |
| Clark | 1.34 | Monroe | 1.37 |
| Clermont | 1.34 | Montgomery | 1.34 |
| Clinton | 1.34 | Morgan | 1.37 |
| Columbiana | 1.36 | Morrow | 1.36 |
| Coshocton | 1.37 | Muskingum | 1.37 |
| Crawford | 1.36 | Noble | 1.37 |
| Cuyahoga | 1.37 | Ottawa | 1.36 |
| Darke | 1.34 | Paulding | 1.34 |
| Defiance | 1.34 | Perry | 1.36 |
| Delaware | 1.36 | Pickaway | 1.35 |
| Erie | 1.36 | Pike | 1.34 |
| Fairfield | 1.36 | Portage | 1.37 |
| Fayette | 1.34 | Preble | 1.34 |
| Franklin | 1.36 | Putnam | 1.35 |
| Fulton | 1.34 | Richland | 1.37 |
| Gallia | 1.34 | Ross | 1.35 |
| Geauga | 1.39 | Sandusky | 1.36 |
| Greene | 1.34 | Scioto | 1.34 |
| Guernsey | 1.37 | Seneca | 1.36 |
| Hamilton | 1.34 | Shelby | 1.34 |
| Hancock | 1.36 | Stark | 1.37 |
| Hardin | 1.36 | Summit | 1.37 |
| Harrison | 1.37 | Trumbull | 1.39 |
| Henry | 1.34 | Tuscarawas | 1.37 |
| Highland | 1.34 | Union | 1.36 |
| Hocking | 1.36 | Van Wert | 1.34 |
| Holmes | 1.37 | Vinton | 1.36 |
| Huron | 1.36 | Warren | 1.34 |
| Jackson | 1.34 | Washington | 1.37 |
| Jefferson | 1.38 | Wayne | 1.37 |
| Knox | 1.37 | Williams | 1.34 |
| Lake | 1.37 | Wood | 1.36 |
| Lawrence | 1.34 | Wyandot | 1.36 |

OKLAHOMA

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Adair | $1.24 | Le Flore | $1.19 |
| Alfalfa | 1.23 | Lincoln | 1.20 |
| Atoka | 1.16 | Logan | 1.20 |
| Beaver | 1.17 | Love | 1.16 |
| Beckham | 1.16 | McClain | 1.16 |
| Blaine | 1.18 | McCurtain | 1.16 |
| Bryan | 1.16 | McIntosh | 1.23 |
| Caddo | 1.16 | Major | 1.19 |
| Canadian | 1.17 | Marshall | 1.16 |
| Carter | 1.16 | Mayes | 1.27 |
| Cherokee | 1.25 | Murray | 1.16 |
| Choctaw | 1.16 | Muskogee | 1.24 |
| Cimarron | 1.16 | Noble | 1.23 |
| Cleveland | 1.16 | Nowata | 1.29 |
| Coal | 1.16 | Okfuskee | 1.21 |
| Comanche | 1.16 | Oklahoma | 1.17 |
| Cotton | 1.16 | Okmulgee | 1.24 |
| Craig | 1.28 | Osage | 1.25 |
| Creek | 1.23 | Ottawa | 1.28 |
| Custer | 1.16 | Pawnee | 1.24 |
| Delaware | 1.28 | Payne | 1.21 |
| Dewey | 1.16 | Pittsburg | 1.20 |
| Ellis | 1.16 | Pontotoc | 1.17 |
| Garfield | 1.23 | Pottawatomie | 1.17 |
| Garvin | 1.16 | Pushmataha | 1.16 |
| Grady | 1.16 | Roger Mills | 1.14 |
| Grant | 1.23 | Rogers | 1.27 |
| Greer | 1.16 | Seminole | 1.19 |
| Harmon | 1.16 | Sequoyah | 1.23 |
| Harper | 1.20 | Stephens | 1.16 |
| Haskell | 1.22 | Texas | 1.17 |
| Hughes | 1.20 | Tillman | 1.16 |
| Jackson | 1.16 | Tulsa | 1.26 |
| Jefferson | 1.16 | Wagoner | 1.26 |
| Johnston | 1.16 | Washington | 1.28 |
| Kay | 1.24 | Washita | 1.16 |
| Kingfisher | 1.19 | Woods | 1.22 |
| Kiowa | 1.16 | Woodward | 1.18 |
| Latimer | 1.20 | | |



OREGON

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Baker | $1.27 | Lake | $1.20 |
| Benton | 1.42 | Lane | 1.40 |
| Clackamas | 1.46 | Lincoln | 1.37 |
| Clatsop | 1.42 | Linn | 1.43 |
| Columbia | 1.44 | Malheur | 1.21 |
| Coos | 1.34 | Marion | 1.45 |
| Crook | 1.41 | Morrow | 1.41 |
| Curry | 1.33 | Multnomah | 1.47 |
| Deschutes | 1.41 | Polk | 1.44 |
| Douglas | 1.36 | Sherman | 1.44 |
| Gilliam | 1.43 | Tillamook | 1.47 |
| Grant | 1.41 | Umatilla | 1.36 |
| Harney | 1.16 | Union | 1.27 |
| Hood River | 1.47 | Wallowa | 1.26 |
| Jackson | 1.30 | Wasco | 1.47 |
| Jefferson | 1.43 | Washington | 1.46 |
| Josephine | 1.31 | Wheeler | 1.41 |
| Klamath | 1.30 | Yamhill | 1.44 |

PENNSYLVANIA

All counties ..... $1.40

RHODE ISLAND

All counties ..... $1.40

SOUTH CAROLINA

All counties ..... $1.46

SOUTH DAKOTA

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Aurora | $1.22 | Jackson | $1.14 |
| Beadle | 1.24 | Jerauld | 1.23 |
| Bennett | 1.18 | Jones | 1.17 |
| Bon Homme | 1.25 | Kingsbury | 1.26 |
| Brookings | 1.26 | Lake | 1.25 |
| Brown | 1.24 | Lawrence | 1.11 |
| Brule | 1.22 | Lincoln | 1.26 |
| Buffalo | 1.22 | Lyman | 1.19 |
| Butte | 1.11 | McCook | 1.25 |
| Campbell | 1.20 | McPherson | 1.22 |
| Charles Mix | 1.23 | Marshall | 1.24 |
| Clark | 1.26 | Meade | 1.12 |
| Clay | 1.28 | Mellette | 1.20 |
| Codington | 1.26 | Miner | 1.25 |
| Corson | 1.17 | Minnehaha | 1.26 |
| Custer | 1.13 | Moody | 1.26 |
| Davison | 1.24 | Pennington | 1,13 |
| Day | 1.25 | Perkins | 1.15 |
| Deuel | 1.26 | Potter | 1.20 |
| Dewey | 1.16 | Roberts | 1.26 |
| Douglas | 1.24 | Sanborn | 1.24 |
| Edmunds | 1.22 | Shannon | 1.18 |
| Fall River | 1.13 | Spink | 1.24 |
| Faulk | 1.23 | Stanley | 1.20 |
| Grant | 1.27 | Sully | 1.20 |
| Gregory | 1.24 | Todd | 1.21 |
| Haakon | 1.16 | Tripp | 1.22 |
| Hamlin | 1.26 | Turner | 1.26 |
| Hand | 1.23 | Union | 1.28 |
| Hanson | 1.24 | Walworth | 1.20 |
| Harding | 1.14 | Washabaugh | 1.14 |
| Hughes | 1.21 | Yankton | 1.26 |
| Hutchinson | 1.25 | Ziebach | 1.14 |
| Hyde | 1.21 | | |

TENNESSEE

All counties ..... $1.41

TEXAS

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Archer | $1.20 | Concho | $1.24 |
| Armstrong | 1.20 | Coryell | 1.30 |
| Bailey | 1.20 | Cottle | 1.20 |
| Baylor | 1.20 | Dallam | 1.15 |
| Bosque | 1.28 | Dawson | 1.20 |
| Bowie | 1.24 | Deaf Smith | 1.20 |
| Briscoe | 1.20 | Denton | 1.26 |
| Brown | 1.25 | Dickens | 1.20 |
| Callahan | 1.21 | Donley | 1.20 |
| Carson | 1.20 | Eastland | 1.24 |
| Cass | 1.25 | Fannin | 1.24 |
| Castro | 1.20 | Floyd | 1.20 |
| Childress | 1.20 | Foard | 1.20 |
| Clay | 1.21 | Gaines | 1.20 |
| Cochran | 1.20 | Gillespie | 1.24 |
| Collin | 1.26 | Gray | 1.19 |
| Collingsworth | 1.20 | Grayson | 1.25 |
| Comanche | 1.25 | Hale | 1.20 |

TEXAS—Continued

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Hall | $1.20 | Motley | $1.20 |
| Hamilton | 1.27 | Nolan | 1.20 |
| Hansford | 1.17 | Ochiltree | 1.17 |
| Hardeman | 1.20 | Oldham | 1.20 |
| Hartley | 1.17 | Palo Pinto | 1.24 |
| Haskell | 1.20 | Parker | 1.26 |
| Hemphill | 1.17 | Parmer | 1.19 |
| Hockley | 1.20 | Potter | 1.20 |
| Hood | 1.26 | Randall | 1.20 |
| Hunt | 1.25 | Reeves | 1.14 |
| Jack | 1.24 | Roberts | 1.18 |
| Johnson | 1.28 | Runnels | 1.20 |
| Jones | 1.20 | San Saba | 1.27 |
| Karnes | 1.32 | Sherman | 1.16 |
| Knox | 1.20 | Smith | 1.29 |
| Lamb | 1.20 | Stonewall | 1.20 |
| Lampasas | 1.28 | Swisher | 1.20 |
| Limestone | 1.34 | Tarrant | 1.27 |
| Lipscomb | 1.17 | Taylor | 1.20 |
| Lubbock | 1.20 | Terry | 1.20 |
| Lynn | 1.20 | Wheeler | 1.19 |
| McCulloch | 1.24 | Wichita | 1.20 |
| McLennan | 1.32 | Wilbarger | 1.20 |
| Mason | 1.24 | Wise | 1.25 |
| Montague | 1.21 | Yoakum | 1.20 |
| Moore | 1.17 | Young | 1.20 |

UTAH

All counties ..... $1.16

VERMONT

All counties ..... $1.40

VIRGINIA

All counties ..... $1.40

WASHINGTON

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Adams | $1.31 | Klickitat | $1.43 |
| Asotin | 1.29 | Lewis | 1.42 |
| Benton | 1.36 | Lincoln | 1.30 |
| Chelan | 1.35 | Mason | 1.37 |
| Clallam | 1.36 | Okanogan | 1.29 |
| Clark | 1.48 | Pacific | 1.37 |
| Columbia | 1.35 | Pend Oreille | 1.27 |
| Cowlitz | 1.46 | Pierce | 1.47 |
| Douglas | 1.30 | San Juan | 1.44 |
| Ferry | 1.22 | Skagit | 1.44 |
| Franklin | 1.33 | Skamania | 1.47 |
| Garfield | 1.35 | Snohomish | 1.44 |
| Grant | 1.31 | Spokane | 1.30 |
| Grays Harbor | 1.39 | Stevens | 1.25 |
| Island | 1.44 | Thurston | 1.43 |
| Jefferson | 1.36 | Walla Walla | 1.35 |
| King | 1.47 | Whatcom | 1.42 |
| Kitsap | 1.47 | Whitman | 1.30 |
| Kittitas | 1.37 | Yakima | 1.37 |

WEST VIRGINIA

All counties ..... $1.40

WISCONSIN

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Adams | $1.31 | Iron | $1.26 |
| Ashland | 1.29 | Jackson | 1.29 |
| Barron | 1.30 | Jefferson | 1.34 |
| Bayfield | 1.30 | Juneau | 1.31 |
| Brown | 1.31 | Kenosha | 1.39 |
| Buffalo | 1.30 | Kewaunee | 1.29 |
| Burnett | 1.32 | La Crosse | 1.29 |
| Calumet | 1.32 | Lafayette | 1.31 |
| Chippewa | 1.29 | Langlade | 1.28 |
| Clark | 1.27 | Lincoln | 1.27 |
| Columbia | 1.32 | Manitowoc | 1.32 |
| Crawford | 1.30 | Marathon | 1.28 |
| Dane | 1.34 | Marinette | 1.28 |
| Dodge | 1.33 | Marquette | 1.31 |
| Door | 1.28 | Milwaukee | 1.39 |
| Douglas | 1.34 | Monroe | 1.30 |
| Dunn | 1.31 | Oconto | 1.29 |
| Eau Claire | 1.30 | Oneida | 1.27 |
| Florence | 1.27 | Outagamie | 1.31 |
| Fond Du Lac | 1.33 | Ozaukee | 1.34 |
| Forest | 1.27 | Pepin | 1.31 |
| Grant | 1.30 | Pierce | 1.33 |
| Green | 1.34 | Polk | 1.33 |
| Green Lake | 1.32 | Portage | 1.30 |
| Iowa | 1.31 | Price | 1.27 |

WISCONSIN—Continued

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Racine | $1.39 | Vernon | $1.29 |
| Richland | 1.31 | Vilas | 1.24 |
| Rock | 1.35 | Walworth | 1.35 |
| Rusk | 1.29 | Washburn | 1.31 |
| Saint Croix | 1.33 | Washington | 1.34 |
| Sauk | 1.31 | Waukesha | 1.35 |
| Sawyer | 1.30 | Waupaca | 1.31 |
| Shawano | 1.30 | Waushara | 1.31 |
| Sheboygan | 1.33 | Winnebago | 1.32 |
| Taylor | 1.27 | Wood | 1.30 |
| Trempealcau | 1.28 | | |

WYOMING

All counties ..... $1.16

(iii) Where the State Committee determines that State or district weed control laws affect the rye crop, the support rate will be 10 cents below the applicable county support rate set forth in the schedule in this subparagraph. If, upon delivery of the rye to CCC the producer supplies a certificate indicating that the rye complies with the weed control laws, the producer will be credited with the amount of the differential in determining the settlement value.

(3) *Discount for ergot.* Rye containing more than 3/10 of 1 percent, but not more than 1 percent ergot, shall be discounted 1 cent per bushel for each 1/10 of 1 percent in excess of 3/10 of 1 percent ergot.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec. 401, 63 Stat. 1054; sec. 308, 70 Stat. 206; 15 U. S. C. 714c, 7 U. S. C. 1421)

Issued this 26th day of June 1956.

[SEAL] EARL M. HUGHES,
*Executive Vice President,*
*Commodity Credit Corporation.*

[F. R. Doc. 56-5173; Filed, June 28, 1956; 8:53 a. m.]

## TITLE 7—AGRICULTURE

### Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

### PART 717—HOLDING OF REFERENDA ON MARKETING QUOTAS

#### MISCELLANEOUS AMENDMENTS

*Basis and purpose.* The amendments contained herein are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, for the purpose of clarification of the regulations governing the holding of referenda on marketing quotas contained in §§ 717.1 to 717.14, each inclusive, issued June 5, 1956 and published June 9, 1956 (21 F. R. 3960). In order that these amendments may become effective on the same date as the regulations and because a referendum for marketing quotas for wheat is scheduled to be held July 20, 1956, it is essential that these amendments be made effective on July 9, 1956. Accordingly, it is hereby determined and found that compliance with the notice and public procedure thereon and the 30-day effective date requirements of section 4 of the Administrative Procedure Act is impracticable, unnecessary and contrary to the public interest and the amendments

WISCONSIN—Continued

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Sheboygan | $0.65 | Washington | $0.66 |
| Taylor | .65 | Waukesha | .67 |
| Trempealeau | .64 | Waupaca | .65 |
| Vernon | .65 | Waushara | .65 |
| Vilas | .66 | Winnebago | .64 |
| Walworth | .66 | Wood | .65 |
| Washburn | .63 | | |

WYOMING

| | |
|---|---|
| All counties | $0.64 |

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec. 401, 63 Stat. 1054; sec. 308, 70 Stat. 206; 15 U. S. C. 714c; 7 U. S. C. 1421)

Issued this 26th day of June 1956.

[SEAL] EARL M. HUGHES,
*Executive Vice President,*
*Commodity Credit Corporation.*

[F. R. Doc. 56-5172; Filed, June 28, 1956; 8:52 a. m.]

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[1956 C. C. C. Grain Price Support Bulletin 1, Supp. 2, Rye]

## PART 421—GRAINS AND RELATED COMMODITIES

### SUBPART—1956-CROP RYE LOAN AND PURCHASE AGREEMENT PROGRAM

### SUPPORT RATES

The 1956 C. C. C. Grain Price Support Bulletin 1, (21 F. R. 3997), issued by Commodity Credit Corporation and containing the regulations of a general nature with respect to price support operations for certain grains and other commodities produced in 1956 was supplemented by 1956 C. C. C. Grain Price Support Bulletin 1, Supplement 1, Rye, (21 F. R. 4040), containing specific requirements applicable to price support operations on the 1956 rye crop. These regulations are further supplemented by the addition of paragraph (d) to § 421.1983 *Determination of support rates*, as follows:

(d) *Support rates.* Basic support rates for rye placed under loan or delivered under purchase agreements will be as set forth in this paragraph.

(1) *Basic support rates as designated terminal markets.* Basic support rates per bushel for rye grading No. 2 or better, or grading No. 3 on the basis of test weight only, but otherwise grading No. 2 or better, stored in approved warehouses at the terminal markets listed below are as follows:

| Terminal market: | Rate per bushel |
|---|---|
| Omaha, Nebr. | $1.48 |
| Sioux City, Iowa | 1.48 |
| Duluth, Minn. | 1.50 |
| Minneapolis, Minn. | 1.50 |
| Superior, Wis. | 1.50 |
| Kansas City, Mo. | 1.51 |
| St. Joseph, Mo. | 1.51 |
| Chicago, Ill. | 1.55 |
| Milwaukee, Wis. | 1.50 |
| Memphis, Tenn. | 1.56 |
| St. Louis, Mo. | 1.56 |
| Galveston, Tex. | 1.59 |
| Houston, Tex. | 1.59 |
| Astoria, Oreg. | 1.61 |
| Longview, Wash. | 1.61 |



| Terminal market—Continued | Rate per bushel |
|---|---|
| Los Angeles, Calif. | $1.61 |
| Portland, Oreg. | 1.61 |
| San Francisco, Calif. | 1.61 |
| Seattle, Wash. | 1.61 |
| Tacoma, Wash. | 1.61 |
| Vancouver, Wash. | 1.61 |
| Albany, N. Y. | 1.70 |
| Baltimore, Md. | 1.70 |
| New York, N. Y. | 1.70 |
| Norfolk, Va. | 1.70 |
| Philadelphia, Pa. | 1.70 |

(2) *Basic county support rates.* (i) The following basic county support rates per bushel are established for rye grading No. 2 or better, or rye grading No. 3 on the factor of test weight only, but otherwise grading No. 2 or better. Both farm-storage and country warehouse-storage loans, except as otherwise provided in paragraph (b) of this section will be made at the support rate established for the county in which the rye is stored.

(ii) If two or more approved warehouses are located at the same or adjoining towns, villages, or cities having the same domestic interstate freight rate, such towns, villages, or cities shall be deemed to constitute one shipping point, and the same support rate shall apply even though such warehouses are not all located in the same county. Such support rate shall be the highest support rate of the counties involved.

ALABAMA

| County | Rate per bushel |
|---|---|
| All counties | $1.41 |

ARIZONA

| | |
|---|---|
| All counties | $1.31 |

ARKANSAS

| | |
|---|---|
| All counties | $1.29 |

CALIFORNIA

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Colusa | $1.42 | Plumas | $1.28 |
| Contra Costa | 1.49 | Riverside | 1.44 |
| Glenn | 1.40 | San Joaquin | 1.46 |
| Kern | 1.42 | Shasta | 1.35 |
| Lassen | 1.29 | Sierra | 1.29 |
| Marin | 1.49 | Siskiyou | 1.27 |
| Merced | 1.45 | Sonoma | 1.47 |
| Modoc | 1.23 | Stanislaus | 1.45 |
| Mono | 1.26 | Yuba | 1.44 |

COLORADO

| | | | |
|---|---|---|---|
| Adams | $1.17 | Las Animas | $1.16 |
| Arapahoe | 1.17 | Lincoln | 1.17 |
| Baca | 1.18 | Logan | 1.17 |
| Bent | 1.17 | Morgan | 1.17 |
| Boulder | 1.17 | Otero | 1.17 |
| Cheyenne | 1.19 | Phillips | 1.19 |
| Crowley | 1.17 | Prowers | 1.18 |
| Douglas | 1.17 | Pueblo | 1.17 |
| Elbert | 1.17 | Sedgwick | 1.17 |
| El Paso | 1.17 | Washington | 1.17 |
| Jefferson | 1.17 | Weld | 1.17 |
| Kiowa | 1.18 | Yuma | 1.18 |
| Kit Carson | 1.18 | All other counties | 1.16 |
| Larimer | 1.17 | | |

CONNECTICUT

| | |
|---|---|
| All counties | $1.40 |

DELAWARE

| | |
|---|---|
| All counties | $1.40 |

FLORIDA

| | |
|---|---|
| All counties | $1.46 |

GEORGIA

| | |
|---|---|
| All counties | $1.46 |

IDAHO

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Ada | $1.20 | Gem | $1.21 |
| Adams | 1.18 | Gooding | 1.15 |
| Bannock | 1.09 | Idaho | 1.27 |
| Bear Lake | 1.11 | Jefferson | 1.08 |
| Benewah | 1.29 | Jerome | 1.14 |
| Bingham | 1.08 | Kootenai | 1.28 |
| Blaine | 1.12 | Latah | 1.29 |
| Boise | 1.19 | Lemhi | 1.08 |
| Bonner | 1.26 | Lewis | 1.26 |
| Bonnerville | 1.09 | Lincoln | 1.13 |
| Boundary | 1.24 | Madison | 1.09 |
| Butte | 1.09 | Minidoka | 1.13 |
| Camas | 1.12 | Nez Perce | 1.29 |
| Canyon | 1.20 | Oneida | 1.09 |
| Caribou | 1.11 | Owyhee | 1.20 |
| Cassia | 1.12 | Payette | 1.22 |
| Clark | 1.06 | Power | 1.12 |
| Clearwater | 1.28 | Shoshone | 1.26 |
| Custer | 1.09 | Teton | 1.09 |
| Elmore | 1.18 | Twin Falls | 1.11 |
| Franklin | 1.09 | Valley | 1.18 |
| Fremont | 1.09 | Washington | 1.22 |

ILLINOIS

| | | | |
|---|---|---|---|
| Adams | $1.33 | Lee | $1.35 |
| Alexander | 1.36 | Livingston | 1.35 |
| Bond | 1.38 | Logan | 1.36 |
| Bonne | 1.36 | McDonough | 1.33 |
| Brown | 1.34 | McHenry | 1.37 |
| Bureau | 1.35 | McLean | 1.36 |
| Calhoun | 1.36 | Macon | 1.36 |
| Carroll | 1.34 | Macoupin | 1.38 |
| Cass | 1.36 | Madison | 1.39 |
| Champaign | 1.36 | Marion | 1.36 |
| Christian | 1.36 | Marshall | 1.35 |
| Clark | 1.35 | Mason | 1.36 |
| Clay | 1.36 | Massac | 1.35 |
| Clinton | 1.38 | Menard | 1.36 |
| Coles | 1.36 | Mercer | 1.33 |
| Cook | 1.38 | Monroe | 1.38 |
| Crawford | 1.33 | Montgomery | 1.37 |
| Cumberland | 1.36 | Morgan | 1.36 |
| De Kalb | 1.37 | Moultrie | 1.36 |
| De Witt | 1.36 | Ogle | 1.36 |
| Douglas | 1.36 | Peoria | 1.35 |
| Du Page | 1.38 | Perry | 1.36 |
| Edgar | 1.36 | Piatt | 1.36 |
| Edwards | 1.34 | Pike | 1.35 |
| Effingham | 1.36 | Pope | 1.31 |
| Fayette | 1.36 | Pulaski | 1.36 |
| Ford | 1.35 | Putnam | 1.35 |
| Franklin | 1.36 | Randolph | 1.36 |
| Fulton | 1.35 | Richland | 1.35 |
| Gallatin | 1.32 | Rock Island | 1.33 |
| Greene | 1.38 | Saint Clair | 1.38 |
| Grundy | 1.37 | Saline | 1.32 |
| Hamilton | 1.35 | Sangamon | 1.36 |
| Hancock | 1.33 | Schuyler | 1.35 |
| Hardin | 1.28 | Scott | 1.36 |
| Henderson | 1.33 | Shelby | 1.36 |
| Henry | 1.34 | Stark | 1.35 |
| Iroquois | 1.35 | Stephenson | 1.34 |
| Jackson | 1.36 | Tazewell | 1.35 |
| Jasper | 1.35 | Union | 1.36 |
| Jefferson | 1.36 | Vermilion | 1.35 |
| Jersey | 1.38 | Wabash | 1.33 |
| Jo Daviess | 1.33 | Warren | 1.33 |
| Johnson | 1.30 | Washington | 1.36 |
| Kane | 1.38 | Wayne | 1.34 |
| Kankakee | 1.38 | White | 1.32 |
| Kendall | 1.38 | Whiteside | 1.34 |
| Knox | 1.33 | Will | 1.38 |
| Lake | 1.38 | Williamson | 1.36 |
| La Salle | 1.36 | Winnebago | 1.35 |
| Lawrence | 1.35 | Woodford | 1.35 |

INDIANA

| | | | |
|---|---|---|---|
| Adams | $1.32 | Carroll | $1.33 |
| Allen | 1.31 | Cass | 1.33 |
| Bartholomew | 1.29 | Clark | 1.25 |
| Benton | 1.32 | Clay | 1.29 |
| Blackford | 1.32 | Clinton | 1.32 |
| Boone | 1.30 | Crawford | 1.25 |
| Brown | 1.26 | Daviess | 1.28 |



INDIANA—Continued

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Dearborn | $1.31 | Montgomery | $1.31 |
| Decatur | 1.30 | Morgan | 1.28 |
| De Kalb | 1.32 | Newton | 1.34 |
| Delaware | 1.32 | Noble | 1.31 |
| Dubois | 1.25 | Ohio | 1.25 |
| Elkhart | 1.32 | Orange | 1.25 |
| Fayette | 1.32 | Owen | 1.28 |
| Floyd | 1.25 | Parke | 1.30 |
| Fountain | 1.31 | Perry | 1.21 |
| Franklin | 1.33 | Pike | 1.27 |
| Fulton | 1.33 | Porter | 1.36 |
| Gibson | 1.28 | Posey | 1.28 |
| Grant | 1.31 | Pulaski | 1.34 |
| Greene | 1.28 | Putnam | 1.29 |
| Hamilton | 1.30 | Randolph | 1.32 |
| Hancock | 1.32 | Ripley | 1.30 |
| Harrison | 1.25 | Rush | 1.32 |
| Hendricks | 1.30 | Saint Joseph | 1.32 |
| Henry | 1.32 | Scott | 1.25 |
| Howard | 1.32 | Shelby | 1.28 |
| Huntington | 1.30 | Spencer | 1.25 |
| Jackson | 1.27 | Starke | 1.33 |
| Jasper | 1.36 | Steuben | 1.32 |
| Jay | 1.32 | Sullivan | 1.28 |
| Jefferson | 1.25 | Switzerland | 1.21 |
| Jennings | 1.29 | Tippecanoe | 1.32 |
| Johnson | 1.28 | Tipton | 1.31 |
| Knox | 1.28 | Union | 1.32 |
| Kosciusko | 1.31 | Vanderburgh | 1.27 |
| Lagrange | 1.31 | Vermillion | 1.31 |
| Lake | 1.37 | Vigo | 1.31 |
| La Porte | 1.34 | Wabash | 1.32 |
| Lawrence | 1.28 | Warren | 1.32 |
| Madison | 1.32 | Warrick | 1.24 |
| Marion | 1.30 | Washington | 1.25 |
| Marshall | 1.32 | Wayne | 1.32 |
| Martin | 1.26 | Wells | 1.32 |
| Miami | 1.32 | White | 1.35 |
| Monroe | 1.28 | Whitley | 1.32 |

IOWA

| | | | |
|---|---|---|---|
| Adair | $1.28 | Iowa | $1.29 |
| Adams | 1.29 | Jackson | 1.32 |
| Allamakee | 1.28 | Jasper | 1.28 |
| Appanoose | 1.31 | Jefferson | 1.30 |
| Audubon | 1.30 | Johnson | 1.31 |
| Benton | 1.30 | Jones | 1.31 |
| Black Hawk | 1.28 | Keokuk | 1.29 |
| Boone | 1.26 | Kossuth | 1.27 |
| Bremer | 1.27 | Lee | 1.32 |
| Buchanan | 1.29 | Linn | 1.30 |
| Buena Vista | 1.26 | Louisa | 1.31 |
| Butler | 1.27 | Lucas | 1.28 |
| Calhoun | 1.27 | Lyon | 1.26 |
| Carroll | 1.29 | Madison | 1.27 |
| Cass | 1.29 | Mahaska | 1.28 |
| Cedar | 1.31 | Marion | 1.28 |
| Cerro Gordo | 1.27 | Marshall | 1.27 |
| Cherokee | 1.27 | Mills | 1.32 |
| Chickasaw | 1.27 | Mitchell | 1.28 |
| Clarke | 1.28 | Monona | 1.30 |
| Clay | 1.26 | Monroe | 1.29 |
| Clayton | 1.29 | Montgomery | 1.31 |
| Clinton | 1.32 | Muscatine | 1.31 |
| Crawford | 1.30 | O'Brien | 1.26 |
| Dallas | 1.27 | Osceola | 1.26 |
| Davis | 1.31 | Page | 1.30 |
| Decatur | 1.28 | Palo Alto | 1.27 |
| Delaware | 1.30 | Plymouth | 1.28 |
| Des Moines | 1.32 | Pocahontas | 1.26 |
| Dickinson | 1.27 | Polk | 1.27 |
| Dubuque | 1.31 | Pottawattamie | 1.32 |
| Emmet | 1.28 | Poweshiek | 1.28 |
| Fayette | 1.29 | Ringgold | 1.27 |
| Floyd | 1.28 | Sac | 1.27 |
| Franklin | 1.26 | Scott | 1.32 |
| Fremont | 1.32 | Shelby | 1.31 |
| Greene | 1.27 | Sioux | 1.27 |
| Grundy | 1.27 | Story | 1.27 |
| Guthrie | 1.28 | Tama | 1.28 |
| Hamilton | 1.26 | Taylor | 1.28 |
| Hancock | 1.27 | Union | 1.27 |
| Hardin | 1.27 | Van Buren | 1.31 |
| Harrison | 1.32 | Wapello | 1.29 |
| Henry | 1.31 | Warren | 1.28 |
| Howard | 1.28 | Washington | 1.30 |
| Humboldt | 1.26 | Wayne | 1.29 |
| Ida | 1.28 | Webster | 1.26 |

IOWA—Continued

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Winnebago | $1.28 | Worth | $1.28 |
| Winneshiek | 1.28 | Wright | 1.26 |
| Woodbury | 1.28 | | |

KANSAS

| | | | |
|---|---|---|---|
| Allen | $1.31 | Linn | $1.31 |
| Anderson | 1.32 | Logan | 1.22 |
| Atchison | 1.34 | Lyon | 1.30 |
| Barber | 1.25 | McPherson | 1.26 |
| Barton | 1.25 | Marion | 1.27 |
| Bourbon | 1.31 | Marshall | 1.30 |
| Brown | 1.32 | Meade | 1.22 |
| Butler | 1.27 | Miami | 1.34 |
| Chase | 1.29 | Mitchell | 1.26 |
| Chautauqua | 1.29 | Montgomery | 1.30 |
| Cherokee | 1.30 | Morris | 1.28 |
| Cheyenne | 1.21 | Morton | 1.18 |
| Clark | 1.22 | Nemaha | 1.31 |
| Clay | 1.28 | Neosho | 1.31 |
| Cloud | 1.27 | Ness | 1.24 |
| Coffey | 1.31 | Norton | 1.25 |
| Comanche | 1.23 | Osage | 1.31 |
| Cowley | 1.27 | Osborne | 1.26 |
| Crawford | 1.31 | Ottawa | 1.27 |
| Decatur | 1.23 | Pawnee | 1.25 |
| Dickinson | 1.27 | Phillips | 1.25 |
| Doniphan | 1.31 | Pottawatomie | 1.31 |
| Douglas | 1.34 | Pratt | 1.25 |
| Edwards | 1.25 | Rawlins | 1.22 |
| Elk | 1.29 | Reno | 1.26 |
| Ellis | 1.25 | Republic | 1.27 |
| Ellsworth | 1.26 | Rice | 1.26 |
| Finney | 1.22 | Riley | 1.30 |
| Ford | 1.23 | Rooks | 1.25 |
| Franklin | 1.34 | Rush | 1.25 |
| Geary | 1.29 | Russell | 1.25 |
| Gove | 1.23 | Saline | 1.26 |
| Graham | 1.24 | Scott | 1.22 |
| Grant | 1.21 | Sedgwick | 1.27 |
| Gray | 1.22 | Seward | 1.20 |
| Greeley | 1.21 | Shawnee | 1.31 |
| Greenwood | 1.29 | Sheridan | 1.23 |
| Hamilton | 1.21 | Sherman | 1.21 |
| Harper | 1.26 | Smith | 1.26 |
| Harvey | 1.27 | Stafford | 1.25 |
| Haskell | 1.22 | Stanton | 1.20 |
| Hodgeman | 1.24 | Stevens | 1.20 |
| Jackson | 1.31 | Sumner | 1.27 |
| Jefferson | 1.34 | Thomas | 1.22 |
| Jewell | 1.26 | Trego | 1.24 |
| Johnson | 1.34 | Wabaunsee | 1.30 |
| Kearney | 1.21 | Wallace | 1.21 |
| Kingman | 1.26 | Washington | 1.28 |
| Kiowa | 1.25 | Wichita | 1.21 |
| Labette | 1.30 | Wilson | 1.30 |
| Lane | 1.23 | Woodson | 1.31 |
| Leavenworth | 1.34 | Wyandotte | 1.34 |
| Lincoln | 1.26 | | |

KENTUCKY

| | |
|---|---|
| All counties | $1.40 |

LOUISIANA

| | |
|---|---|
| All counties | $1.31 |

MARYLAND

| | |
|---|---|
| All counties | $1.40 |

MAINE

| | |
|---|---|
| All counties | $1.40 |

MASSACHUSETTS

| | |
|---|---|
| All counties | $1.40 |

MICHIGAN

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Alcona | $1.23 | Cass | $1.32 |
| Alger | 1.22 | Charlevoix | 1.21 |
| Allegan | 1.29 | Cheboygan | 1.22 |
| Alpena | 1.23 | Chippewa | 1.18 |
| Antrim | 1.21 | Clare | 1.26 |
| Arenac | 1.24 | Clinton | 1.28 |
| Baraga | 1.23 | Crawford | 1.24 |
| Barry | 1.29 | Delta | 1.24 |
| Bay | 1.28 | Dickinson | 1.25 |
| Benzie | 1.26 | Eaton | 1.29 |
| Berrien | 1.32 | Emmet | 1.21 |
| Branch | 1.30 | Genesee | 1.32 |
| Calhoun | 1.30 | Gladwin | 1.25 |

MICHIGAN—Continued

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Gogebic | $1.25 | Menominee | $1.26 |
| Grand Traverse | 1.23 | Midland | 1.26 |
| Gratiot | 1.28 | Missaukee | 1.24 |
| Hillsdale | 1.32 | Monroe | 1.35 |
| Houghton | 1.19 | Montcalm | 1.26 |
| Huron | 1.30 | Montmorency | 1.23 |
| Ingham | 1.29 | Muskegon | 1.26 |
| Ionia | 1.28 | Newaygo | 1.25 |
| Iosco | 1.24 | Oakland | 1.33 |
| Iron | 1.22 | Oceana | 1.27 |
| Isabella | 1.27 | Ogemaw | 1.25 |
| Jackson | 1.30 | Ontonagon | 1.21 |
| Kalamazoo | 1.31 | Osceola | 1.25 |
| Kalkaska | 1.23 | Oscoda | 1.25 |
| Kent | 1.28 | Otsego | 1.22 |
| Keweenaw | 1.19 | Ottawa | 1.29 |
| Lake | 1.27 | Presque Isle | 1.22 |
| Lapeer | 1.32 | Roscommon | 1.25 |
| Leelanau | 1.22 | Saginaw | 1.30 |
| Lenawee | 1.34 | Saint Clair | 1.34 |
| Livingston | 1.32 | Saint Joseph | 1.31 |
| Luce | 1.18 | Sanilac | 1.32 |
| Mackinac | 1.18 | Schoolcraft | 1.19 |
| Macomb | 1.35 | Shiawassee | 1.30 |
| Manistee | 1.24 | Tuscola | 1.31 |
| Marquette | 1.22 | Van Buren | 1.31 |
| Mason | 1.27 | Washtenaw | 1.34 |
| Mecosta | 1.27 | Wayne | 1.34 |
| | | Wexford | 1.24 |

MINNESOTA

| | | | |
|---|---|---|---|
| Aitkin | $1.32 | Martin | $1.29 |
| Anoka | 1.35 | Meeker | 1.33 |
| Becker | 1.27 | Mille Lacs | 1.33 |
| Beltrami | 1.27 | Morrison | 1.30 |
| Benton | 1.31 | Mower | 1.29 |
| Big Stone | 1.28 | Murray | 1.28 |
| Blue Earth | 1.31 | Nicollet | 1.32 |
| Brown | 1.31 | Nobles | 1.27 |
| Carlton | 1.33 | Norman | 1.25 |
| Carver | 1.34 | Olmsted | 1.30 |
| Cass | 1.30 | Otter Tail | 1.29 |
| Chippewa | 1.29 | Pennington | 1.24 |
| Chisago | 1.33 | Pine | 1.32 |
| Clay | 1.26 | Pipestone | 1.27 |
| Clearwater | 1.26 | Polk | 1.25 |
| Cottonwood | 1.29 | Pope | 1.29 |
| Crow Wing | 1.30 | Ramsey | 1.35 |
| Dakota | 1.35 | Red Lake | 1.25 |
| Dodge | 1.31 | Redwood | 1.30 |
| Douglas | 1.29 | Renville | 1.30 |
| Faribault | 1.29 | Rice | 1.33 |
| Fillmore | 1.28 | Rock | 1.26 |
| Freeborn | 1.30 | Roseau | 1.23 |
| Goodhue | 1.32 | Saint Louis | 1.31 |
| Grant | 1.28 | Scott | 1.34 |
| Hennepin | 1.35 | Sherburne | 1.34 |
| Houston | 1.28 | Sibley | 1.32 |
| Hubbard | 1.28 | Stearns | 1.32 |
| Isanti | 1.33 | Steele | 1.31 |
| Itasca | 1.31 | Stevens | 1.29 |
| Jackson | 1.28 | Swift | 1.29 |
| Kanabec | 1.31 | Todd | 1.30 |
| Kandiyohi | 1.32 | Traverse | 1.27 |
| Kittson | 1.22 | Wabasha | 1.31 |
| Koochiching | 1.23 | Wadena | 1.29 |
| Lac Qui Parle | 1.28 | Waseca | 1.31 |
| Lake of the Woods | 1.24 | Washington | 1.35 |
| Le Sueur | 1.32 | Watonwan | 1.29 |
| Lincoln | 1.28 | Wilkin | 1.27 |
| Lyon | 1.29 | Winona | 1.31 |
| McLeod | 1.33 | Wright | 1.34 |
| Mahnomen | 1.25 | Yellow Medicine | 1.29 |
| Marshall | 1.24 | | |

MISSISSIPPI

| | |
|---|---|
| All counties | $1.40 |

MISSOURI

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Adair | $1.32 | Bates | $1.33 |
| Andrew | 1.33 | Benton | 1.31 |
| Atchison | 1.30 | Bollinger | 1.34 |
| Audrain | 1.34 | Boone | 1.34 |
| Barry | 1.29 | Buchanan | 1.33 |
| Barton | 1.31 | Butler | 1.32 |

MISSOURI—Continued

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Caldwell | $1.33 | Marion | $1.34 |
| Callaway | 1.35 | Mercer | 1.30 |
| Camden | 1.32 | Miller | 1.32 |
| Cape Girardeau | 1.34 | Mississippi | 1.31 |
| Carrroll | 1.32 | Moniteau | 1.32 |
| Carter | 1.25 | Monroe | 1.34 |
| Cass | 1.34 | Montgomery | 1.36 |
| Cedar | 1.34 | Morgan | 1.31 |
| Chariton | 1.32 | New Madrid | 1.31 |
| Christian | 1.29 | Newton | 1.29 |
| Clark | 1.33 | Nodaway | 1.31 |
| Clay | 1.34 | Oregon | 1.25 |
| Clinton | 1.33 | Osage | 1.34 |
| Cole | 1.33 | Ozark | 1.26 |
| Cooper | 1.32 | Pemiscot | 1.31 |
| Crawford | 1.36 | Perry | 1.36 |
| Dade | 1.30 | Pettis | 1.31 |
| Dallas | 1.29 | Phelps | 1.35 |
| Daviess | 1.32 | Pike | 1.35 |
| De Kalb | 1.33 | Platte | 1.34 |
| Dent | 1.34 | Polk | 1.30 |
| Douglas | 1.27 | Pulaski | 1.33 |
| Dunklin | 1.31 | Putnam | 1.29 |
| Franklin | 1.38 | Ralls | 1.35 |
| Gasconade | 1.36 | Randolph | 1.34 |
| Gentry | 1.31 | Ray | 1.33 |
| Greene | 1.29 | Reynolds | 1.32 |
| Grundy | 1.31 | Ripley | 1.32 |
| Harrison | 1.30 | Saint Charles | 1.39 |
| Henry | 1.33 | Saint Clair | 1.32 |
| Hickory | 1.31 | Saint Francois | 1.36 |
| Holt | 1.31 | Sainte Genevieve | 1.36 |
| Howard | 1.34 | Saint Louis | 1.39 |
| Howell | 1.25 | Saline | 1.32 |
| Iron | 1.36 | Schuyler | 1.31 |
| Jackson | 1.34 | Scotland | 1.32 |
| Jasper | 1.30 | Scott | 1.33 |
| Jefferson | 1.39 | Shannon | 1.25 |
| Johnson | 1.33 | Shelby | 1.34 |
| Knox | 1.33 | Stoddard | 1.33 |
| Laclede | 1.31 | Stone | 1.26 |
| Lafayette | 1.33 | Sullivan | 1.29 |
| Lawrence | 1.29 | Taney | 1.27 |
| Lewis | 1.34 | Texas | 1.26 |
| Lincoln | 1.38 | Vernon | 1.31 |
| Linn | 1.31 | Warren | 1.39 |
| Livingston | 1.32 | Washington | 1.36 |
| McDonald | 1.29 | Wayne | 1.34 |
| Macon | 1.32 | Webster | 1.29 |
| Madison | 1.35 | Worth | 1.30 |
| Maries | 1.35 | Wright | 1.27 |

MONTANA

| | | | |
|---|---|---|---|
| Beaverhead | $1.04 | Madison | $1.13 |
| Big Horn | 1.01 | Meagher | 1.13 |
| Blaine | 1.08 | Mineral | 1.18 |
| Broadwater | 1.13 | Missoula | 1.16 |
| Carbon | 1.10 | Musselshell | 1.12 |
| Carter | 1.10 | Park | 1.13 |
| Cascade | 1.13 | Petroleum | 1.13 |
| Chouteau | 1.13 | Phillips | 1.07 |
| Custer | 1.09 | Pondera | 1.13 |
| Daniels | 1.06 | Powder River | 1.07 |
| Dawson | 1.09 | Powell | 1.13 |
| Deer Lodge | 1.13 | Prairie | 1.09 |
| Fallon | 1.10 | Ravalli | 1.14 |
| Fergus | 1.13 | Richland | 1.10 |
| Flathead | 1.17 | Roosevelt | 1.10 |
| Gallatin | 1.13 | Rosebud | 1.05 |
| Garfield | 1.07 | Sanders | 1.18 |
| Glacier | 1.14 | Sheridan | 1.09 |
| Golden Valley | 1.12 | Silver Bow | 1.13 |
| Granite | 1.14 | Stillwater | 1.12 |
| Hill | 1.13 | Sweet Grass | 1.13 |
| Jefferson | 1.13 | Teton | 1.13 |
| Judith Basin | 1.13 | Toole | 1.13 |
| Lake | 1.17 | Treasure | 1.07 |
| Lewis and Clark | 1.13 | Valley | 1.06 |
| Liberty | 1.13 | Wheatland | 1.13 |
| Lincoln | 1.20 | Wibaux | 1.11 |
| McCone | 1.08 | Yellowstone | 1.12 |

NEBRASKA

| | | | |
|---|---|---|---|
| Adams | $1.26 | Banner | $1.15 |
| Antelope | 1.26 | Blaine | 1.22 |
| Arthur | 1.18 | Boone | 1.26 |



NEBRASKA—Continued

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Box Butte | $1.17 | Keith | $1.18 |
| Boyd | 1.24 | Keya Paha | 1.22 |
| Brown | 1.21 | Kimball | 1.17 |
| Buffalo | 1.25 | Knox | 1.25 |
| Burt | 1.31 | Lancaster | 1.31 |
| Butler | 1.30 | Lincoln | 1.21 |
| Cass | 1.31 | Logan | 1.22 |
| Cedar | 1.26 | Loup | 1.24 |
| Chase | 1.19 | McPherson | 1.21 |
| Cherry | 1.19 | Madison | 1.28 |
| Cheyenne | 1.17 | Merrick | 1.28 |
| Clay | 1.27 | Morrill | 1.16 |
| Colfax | 1.30 | Nance | 1.28 |
| Cuming | 1.30 | Nemaha | 1.29 |
| Custer | 1.23 | Nuckolls | 1.27 |
| Dakota | 1.28 | Otoe | 1.31 |
| Dawes | 1.15 | Pawnee | 1.30 |
| Dawson | 1.24 | Perkins | 1.19 |
| Deuel | 1.17 | Phelps | 1.25 |
| Dixon | 1.28 | Pierce | 1.27 |
| Dodge | 1.31 | Platte | 1.29 |
| Douglas | 1.31 | Polk | 1.29 |
| Dundy | 1.19 | Red Willow | 1.22 |
| Fillmore | 1.28 | Richardson | 1.30 |
| Franklin | 1.25 | Rock | 1.22 |
| Frontier | 1.22 | Saline | 1.29 |
| Furnas | 1.24 | Sarpy | 1.31 |
| Gage | 1.29 | Saunder | 1.31 |
| Garden | 1.17 | Scotts Bluff | 1.14 |
| Garfield | 1.25 | Seward | 1.30 |
| Gosper | 1.24 | Sheridan | 1.17 |
| Grant | 1.18 | Sherman | 1.25 |
| Greely | 1.27 | Sioux | 1.14 |
| Hall | 1.26 | Stanton | 1.28 |
| Hamilton | 1.28 | Thayer | 1.28 |
| Harlan | 1.25 | Thomas | 1.21 |
| Hayes | 1.19 | Thurston | 1.29 |
| Hitchcock | 1.20 | Valley | 1.25 |
| Holt | 1.25 | Washington | 1.31 |
| Hooker | 1.20 | Wayne | 1.26 |
| Howard | 1.26 | Webster | 1.26 |
| Jefferson | 1.29 | Wheeler | 1.27 |
| Johnson | 1.30 | York | 1.28 |
| Kearney | 1.25 | | |

NEVADA

All counties ..... $1.21

NEW HAMPSHIRE

All counties ..... $1.40

NEW JERSEY

All counties ..... $1.40

NEW MEXICO

All counties ..... $1.16

NEW YORK

All counties ..... $1.41

NORTH CAROLINA

All counties ..... $1.44

NORTH DAKOTA

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Adams | $1.15 | McIntosh | $1.20 |
| Barnes | 1.24 | McKenzie | 1.12 |
| Benson | 1.20 | McLean | 1.18 |
| Billings | 1.15 | Mercer | 1.16 |
| Bottineau | 1.16 | Morton | 1.17 |
| Bowman | 1.14 | Mountrail | 1.16 |
| Burke | 1.15 | Nelson | 1.22 |
| Burleigh | 1.20 | Oliver | 1.17 |
| Cass | 1.25 | Pembina | 1.21 |
| Cavalier | 1.20 | Pierce | 1.19 |
| Dickey | 1.23 | Ramsey | 1.21 |
| Divide | 1.14 | Ransom | 1.24 |
| Dunn | 1.15 | Renville | 1.16 |
| Eddy | 1.21 | Richland | 1.26 |
| Emmons | 1.19 | Rolette | 1.19 |
| Foster | 1.22 | Sargent | 1.25 |
| Golden Valley | 1.12 | Sheridan | 1.20 |
| Grand Forks | 1.23 | Sioux | 1.17 |
| Grant | 1.16 | Slope | 1.12 |
| Griggs | 1.23 | Stark | 1.16 |
| Hettinger | 1.16 | Steele | 1.24 |
| Kidder | 1.20 | Stutsman | 1.22 |
| La Moure | 1.22 | Towner | 1.20 |
| Logan | 1.20 | Traill | 1.24 |
| McHenry | 1.18 | Walsh | 1.22 |
| Ward | $1.16 | Williams | $1.14 |
| Wells | 1.21 | | |

OHIO

| | | | |
|---|---|---|---|
| Adams | $1.34 | Licking | $1.36 |
| Allen | 1.35 | Logan | 1.35 |
| Ashland | 1.37 | Lorain | 1.37 |
| Ashtabula | 1.39 | Lucas | 1.35 |
| Athens | 1.36 | Madison | 1.35 |
| Auglaize | 1.34 | Mahoning | 1.39 |
| Belmont | 1.37 | Marion | 1.36 |
| Brown | 1.34 | Medina | 1.37 |
| Butler | 1.34 | Meigs | 1.34 |
| Carroll | 1.37 | Mercer | 1.34 |
| Columbiana | 1.38 | Miami | 1.34 |
| Clark | 1.34 | Monroe | 1.37 |
| Clermont | 1.34 | Montgomery | 1.34 |
| Clinton | 1.34 | Morgan | 1.37 |
| Columbiana | 1.36 | Morrow | 1.36 |
| Coshocton | 1.37 | Muskingum | 1.37 |
| Crawford | 1.36 | Noble | 1.37 |
| Cuyahoga | 1.37 | Ottawa | 1.36 |
| Darke | 1.34 | Paulding | 1.34 |
| Defiance | 1.34 | Perry | 1.36 |
| Delaware | 1.36 | Pickaway | 1.35 |
| Erie | 1.36 | Pike | 1.34 |
| Fairfield | 1.36 | Portage | 1.37 |
| Fayette | 1.34 | Preble | 1.34 |
| Franklin | 1.36 | Putnam | 1.35 |
| Fulton | 1.34 | Richland | 1.37 |
| Gallia | 1.34 | Ross | 1.35 |
| Geauga | 1.39 | Sandusky | 1.36 |
| Greene | 1.34 | Scioto | 1.34 |
| Guernsey | 1.37 | Seneca | 1.36 |
| Hamilton | 1.34 | Shelby | 1.34 |
| Hancock | 1.36 | Stark | 1.37 |
| Hardin | 1.36 | Summit | 1.37 |
| Harrison | 1.37 | Trumbull | 1.39 |
| Henry | 1.34 | Tuscarawas | 1.37 |
| Highland | 1.34 | Union | 1.36 |
| Hocking | 1.36 | Van Wert | 1.34 |
| Holmes | 1.37 | Vinton | 1.36 |
| Huron | 1.36 | Warren | 1.34 |
| Jackson | 1.34 | Washington | 1.37 |
| Jefferson | 1.38 | Wayne | 1.37 |
| Knox | 1.37 | Williams | 1.34 |
| Lake | 1.37 | Wood | 1.36 |
| Lawrence | 1.34 | Wyandot | 1.36 |

OKLAHOMA

| | | | |
|---|---|---|---|
| Adair | $1.24 | Le Flore | $1.19 |
| Alfalfa | 1.23 | Lincoln | 1.20 |
| Atoka | 1.16 | Logan | 1.20 |
| Beaver | 1.17 | Love | 1.16 |
| Beckham | 1.16 | McClain | 1.16 |
| Blaine | 1.18 | McCurtain | 1.16 |
| Bryan | 1.16 | McIntosh | 1.23 |
| Caddo | 1.16 | Major | 1.19 |
| Canadian | 1.17 | Marshall | 1.16 |
| Carter | 1.16 | Mayes | 1.27 |
| Cherokee | 1.25 | Murray | 1.16 |
| Choctaw | 1.16 | Muskogee | 1.24 |
| Cimarron | 1.16 | Noble | 1.23 |
| Cleveland | 1.16 | Nowata | 1.29 |
| Coal | 1.16 | Okfuskee | 1.21 |
| Comanche | 1.16 | Oklahoma | 1.17 |
| Cotton | 1.16 | Okmulgee | 1.24 |
| Craig | 1.28 | Osage | 1.25 |
| Creek | 1.23 | Ottawa | 1.28 |
| Custer | 1.16 | Pawnee | 1.24 |
| Delaware | 1.28 | Payne | 1.21 |
| Dewey | 1.16 | Pittsburg | 1.20 |
| Ellis | 1.16 | Pontotoc | 1.17 |
| Garfield | 1.23 | Pottawatomie | 1.17 |
| Garvin | 1.16 | Pushmataha | 1.16 |
| Grady | 1.16 | Roger Mills | 1.14 |
| Grant | 1.23 | Rogers | 1.27 |
| Greer | 1.16 | Seminole | 1.19 |
| Harmon | 1.16 | Sequoyah | 1.23 |
| Harper | 1.20 | Stephens | 1.16 |
| Haskell | 1.22 | Texas | 1.17 |
| Hughes | 1.20 | Tillman | 1.16 |
| Jackson | 1.16 | Tulsa | 1.26 |
| Jefferson | 1.16 | Wagoner | 1.26 |
| Johnston | 1.16 | Washington | 1.28 |
| Kay | 1.24 | Washita | 1.16 |
| Kingfisher | 1.19 | Woods | 1.22 |
| Kiowa | 1.16 | Woodward | 1.18 |
| Latimer | 1.20 | | |



OREGON

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Baker | $1.27 | Lake | $1.20 |
| Benton | 1.42 | Lane | 1.40 |
| Clackamas | 1.46 | Lincoln | 1.37 |
| Clatsop | 1.42 | Linn | 1.43 |
| Columbia | 1.44 | Malheur | 1.21 |
| Coos | 1.34 | Marion | 1.45 |
| Crook | 1.41 | Morrow | 1.41 |
| Curry | 1.33 | Multnomah | 1.47 |
| Deschutes | 1.41 | Polk | 1.44 |
| Douglas | 1.36 | Sherman | 1.44 |
| Gilliam | 1.43 | Tillamook | 1.47 |
| Grant | 1.41 | Umatilla | 1.36 |
| Harney | 1.16 | Union | 1.27 |
| Hood River | 1.47 | Wallowa | 1.26 |
| Jackson | 1.30 | Wasco | 1.47 |
| Jefferson | 1.43 | Washington | 1.46 |
| Josephine | 1.31 | Wheeler | 1.41 |
| Klamath | 1.30 | Yamhill | 1.44 |

PENNSYLVANIA

All counties ..... $1.40

RHODE ISLAND

All counties ..... $1.40

SOUTH CAROLINA

All counties ..... $1.46

SOUTH DAKOTA

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Aurora | $1.22 | Jackson | $1.14 |
| Beadle | 1.24 | Jerauld | 1.23 |
| Bennett | 1.18 | Jones | 1.17 |
| Bon Homme | 1.25 | Kingsbury | 1.26 |
| Brookings | 1.26 | Lake | 1.25 |
| Brown | 1.24 | Lawrence | 1.11 |
| Brule | 1.22 | Lincoln | 1.26 |
| Buffalo | 1.22 | Lyman | 1.19 |
| Butte | 1.11 | McCook | 1.25 |
| Campbell | 1.20 | McPherson | 1.22 |
| Charles Mix | 1.23 | Marshall | 1.24 |
| Clark | 1.26 | Meade | 1.12 |
| Clay | 1.28 | Mellette | 1.20 |
| Codington | 1.26 | Miner | 1.25 |
| Corson | 1.17 | Minnehaha | 1.26 |
| Custer | 1.13 | Moody | 1.26 |
| Davison | 1.24 | Pennington | 1.13 |
| Day | 1.25 | Perkins | 1.15 |
| Deuel | 1.26 | Potter | 1.20 |
| Dewey | 1.16 | Roberts | 1.26 |
| Douglas | 1.24 | Sanborn | 1.24 |
| Edmunds | 1.22 | Shannon | 1.18 |
| Fall River | 1.13 | Spink | 1.24 |
| Faulk | 1.23 | Stanley | 1.20 |
| Grant | 1.27 | Sully | 1.20 |
| Gregory | 1.24 | Todd | 1.21 |
| Haakon | 1.16 | Tripp | 1.22 |
| Hamlin | 1.26 | Turner | 1.26 |
| Hand | 1.23 | Union | 1.28 |
| Hanson | 1.24 | Walworth | 1.20 |
| Harding | 1.14 | Washabaugh | 1.14 |
| Hughes | 1.21 | Yankton | 1.26 |
| Hutchinson | 1.25 | Ziebach | 1.14 |
| Hyde | 1.21 | | |

TENNESSEE

All counties ..... $1.41

TEXAS

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Archer | $1.20 | Concho | $1.24 |
| Armstrong | 1.20 | Coryell | 1.30 |
| Bailey | 1.20 | Cottle | 1.20 |
| Baylor | 1.20 | Dallam | 1.15 |
| Bosque | 1.28 | Dawson | 1.20 |
| Bowie | 1.24 | Deaf Smith | 1.20 |
| Briscoe | 1.20 | Denton | 1.26 |
| Brown | 1.25 | Dickens | 1.20 |
| Callahan | 1.21 | Donley | 1.20 |
| Carson | 1.20 | Eastland | 1.24 |
| Cass | 1.25 | Fannin | 1.24 |
| Castro | 1.20 | Floyd | 1.20 |
| Childress | 1.20 | Foard | 1.20 |
| Clay | 1.21 | Gaines | 1.20 |
| Cochran | 1.20 | Gillespie | 1.24 |
| Collin | 1.26 | Gray | 1.19 |
| Collingsworth | 1.20 | Grayson | 1.25 |
| Comanche | 1.25 | Hale | 1.20 |

TEXAS—Continued

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Hall | $1.20 | Motley | $1.20 |
| Hamilton | 1.27 | Nolan | 1.20 |
| Hansford | 1.17 | Ochiltree | 1.17 |
| Hardeman | 1.20 | Oldham | 1.20 |
| Hartley | 1.17 | Palo Pinto | 1.24 |
| Haskell | 1.20 | Parker | 1.26 |
| Hemphill | 1.17 | Parmer | 1.19 |
| Hockley | 1.20 | Potter | 1.20 |
| Hood | 1.26 | Randall | 1.20 |
| Hunt | 1.25 | Reeves | 1.14 |
| Jack | 1.24 | Roberts | 1.18 |
| Johnson | 1.28 | Runnels | 1.20 |
| Jones | 1.20 | San Saba | 1.27 |
| Karnes | 1.32 | Sherman | 1.16 |
| Knox | 1.20 | Smith | 1.29 |
| Lamb | 1.20 | Stonewall | 1.20 |
| Lampasas | 1.28 | Swisher | 1.20 |
| Limestone | 1.34 | Tarrant | 1.27 |
| Lipscomb | 1.17 | Taylor | 1.20 |
| Lubbock | 1.20 | Terry | 1.20 |
| Lynn | 1.20 | Wheeler | 1.19 |
| McCulloch | 1.24 | Wichita | 1.20 |
| McLennan | 1.32 | Wilbarger | 1.20 |
| Mason | 1.24 | Wise | 1.25 |
| Montague | 1.21 | Yoakum | 1.20 |
| Moore | 1.17 | Young | 1.20 |

UTAH

All counties ..... $1.16

VERMONT

All counties ..... $1.40

VIRGINIA

All counties ..... $1.40

WASHINGTON

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Adams | $1.31 | Klickitat | $1.43 |
| Asotin | 1.29 | Lewis | 1.42 |
| Benton | 1.36 | Lincoln | 1.30 |
| Chelan | 1.35 | Mason | 1.37 |
| Clallam | 1.36 | Okanogan | 1.29 |
| Clark | 1.48 | Pacific | 1.37 |
| Columbia | 1.35 | Pend Oreille | 1.27 |
| Cowlitz | 1.46 | Pierce | 1.47 |
| Douglas | 1.30 | San Juan | 1.44 |
| Ferry | 1.22 | Skagit | 1.44 |
| Franklin | 1.33 | Skamania | 1.47 |
| Garfield | 1.35 | Snohomish | 1.44 |
| Grant | 1.31 | Spokane | 1.30 |
| Grays Harbor | 1.39 | Stevens | 1.25 |
| Island | 1.44 | Thurston | 1.43 |
| Jefferson | 1.36 | Walla Walla | 1.35 |
| King | 1.47 | Whatcom | 1.42 |
| Kitsap | 1.47 | Whitman | 1.30 |
| Kittitas | 1.37 | Yakima | 1.37 |

WEST VIRGINIA

All counties ..... $1.40

WISCONSIN

| County | Rate per bushel | County | Rate per bushel |
|---|---|---|---|
| Adams | $1.31 | Iron | $1.26 |
| Ashland | 1.29 | Jackson | 1.29 |
| Barron | 1.30 | Jefferson | 1.34 |
| Bayfield | 1.30 | Juneau | 1.31 |
| Brown | 1.31 | Kenosha | 1.39 |
| Buffalo | 1.30 | Kewaunee | 1.29 |
| Burnett | 1.32 | La Crosse | 1.29 |
| Calumet | 1.32 | Lafayette | 1.31 |
| Chippewa | 1.29 | Langlade | 1.28 |
| Clark | 1.27 | Lincoln | 1.27 |
| Columbia | 1.32 | Manitowoc | 1.32 |
| Crawford | 1.30 | Marathon | 1.28 |
| Dane | 1.34 | Marinette | 1.28 |
| Dodge | 1.33 | Marquette | 1.31 |
| Door | 1.28 | Milwaukee | 1.39 |
| Douglas | 1.34 | Monroe | 1.30 |
| Dunn | 1.31 | Oconto | 1.29 |
| Eau Claire | 1.30 | Oneida | 1.27 |
| Florence | 1.27 | Outagamie | 1.31 |
| Fond Du Lac | 1.33 | Ozaukee | 1.34 |
| Forest | 1.27 | Pepin | 1.31 |
| Grant | 1.30 | Pierce | 1.33 |
| Green | 1.34 | Polk | 1.33 |
| Green Lake | 1.32 | Portage | 1.30 |
| Iowa | 1.31 | Price | 1.27 |
| Racine | $1.39 | Vernon | $1.29 |
| Richland | 1.31 | Vilas | 1.24 |
| Rock | 1.35 | Walworth | 1.35 |
| Rusk | 1.29 | Washburn | 1.31 |
| Saint Croix | 1.33 | Washington | 1.34 |
| Sauk | 1.31 | Waukesha | 1.35 |
| Sawyer | 1.30 | Waupaca | 1.31 |
| Shawano | 1.30 | Waushara | 1.31 |
| Sheboygan | 1.33 | Winnebago | 1.32 |
| Taylor | 1.27 | Wood | 1.30 |
| Trempealeau | 1.28 | | |

WYOMING

All counties ..... $1.16

(iii) Where the State Committee determines that State or district weed control laws affect the rye crop, the support rate will be 10 cents below the applicable county support rate set forth in the schedule in this subparagraph. If, upon delivery of the rye to CCC the producer supplies a certificate indicating that the rye complies with the weed control laws, the producer will be credited with the amount of the differential in determining the settlement value.

(3) *Discount for ergot.* Rye containing more than 3/10 of 1 percent, but not more than 1 percent ergot, shall be discounted 1 cent per bushel for each 1/10 of 1 percent in excess of 3/10 of 1 percent ergot.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. 714b. Interpret or apply sec. 5, 62 Stat. 1072, sec. 401, 63 Stat. 1054; sec. 308, 70 Stat. 206; 15 U. S. C. 714c, 7 U. S. C. 1421)

Issued this 26th day of June 1956.

[SEAL] EARL M. HUGHES,
*Executive Vice President,*
*Commodity Credit Corporation.*

[F. R. Doc. 56-5173; Filed, June 28, 1956; 8:53 a. m.]

## TITLE 7—AGRICULTURE

### Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

### PART 717—HOLDING OF REFERENDA ON MARKETING QUOTAS

#### MISCELLANEOUS AMENDMENTS

*Basis and purpose.* The amendments contained herein are issued pursuant to the Agricultural Adjustment Act of 1938, as amended, for the purpose of clarification of the regulations governing the holding of referenda on marketing quotas contained in §§ 717.1 to 717.14, each inclusive, issued June 5, 1956 and published June 9, 1956 (21 F. R. 3960). In order that these amendments may become effective on the same date as the regulations and because a referendum for marketing quotas for wheat is scheduled to be held July 20, 1956, it is essential that these amendments be made effective on July 9, 1956. Accordingly, it is hereby determined and found that compliance with the notice and public procedure thereon and the 30-day effective date requirements of section 4 of the Administrative Procedure Act is impracticable, unnecessary and contrary to the public interest and the amendments

contained herein shall be effective on July 9, 1956.

The regulations governing the holding of referenda on marketing quotas (21 F. R. 3960) are amended as follows:

1. Section 717.1 is amended by adding at the end thereof the following additional paragraphs:

(j) *Upland Cotton.* Any cotton other than extra long staple cotton.

(k) *Extra Long Staple Cotton.* American-Egyptian, Sea Island and Sea-land cotton and all other varieties of the Barbadense species and any hybrid thereof, and any other cotton in which one or more of these varieties predominates.

(l) *Tobacco.* Each one of the kinds of tobacco listed below comprising the types specified as classified in Service and Regulatory Announcement Numbered 118 of the Bureau of Agricultural Economics of the Department:

Flue-cured tobacco, comprising types 11, 12, 13, and 14;
Fire-cured tobacco, comprising types 21, 22, 23, and 24;
Dark air-cured tobacco, comprising types 35 and 36;
Virginia sun-cured tobacco, comprising type 37;
Burley tobacco, comprising type 31;
Maryland tobacco, comprising type 32;
Cigar-filler and cigar-binder tobacco, comprising types 42, 43, 44, 45, 46, 51, 52, 53, 54, and 55;
Cigar-filler tobacco, comprising type 41.

2. Section 717.3 (b) (1) is amended by adding at the end thereof the following: "In addition if a person engages in the production of a commodity as guardian, administrator, executor, or trustee in such a manner as to qualify as a voter, as for example, as a landlord of a share tenant, he will be eligible to vote in the capacity of guardian, administrator, executor, or trustee. In such cases the persons for whom he is acting in a fiduciary capacity will not be eligible to vote. An individual may if otherwise eligible cast a ballot in his individual capacity although he may also cast a ballot as a guardian, administrator, executor, or trustee. An individual who holds more than one fiduciary position may vote as a fiduciary in each case in which he is otherwise eligible, as for example, if John Doe is administrator of estate X he may cast a ballot as administrator of estate X, and if he is also administrator of estate Y he may cast another ballot as administrator of estate Y."

3. Section 717.3 (b) (2) is amended by adding at the end thereof the following: "Whether a husband or wife is entitled to vote does not depend upon whether the other spouse is entitled to vote. Each individual's right to vote whether single or married depends upon his or her own qualifications. A minor is not disqualified from voting solely because of his minority if otherwise eligible."

4. Section 717.9 is amended by deleting the words "by the county committee" from the first sentence thereof so that the first sentence reads as follows: "The community referendum committee, or at least one member thereof in case there are two or more polling places in the community, shall open the polling place for the issuance of ballot forms and the casting of ballots at the time designated and shall thereafter, until the time when the polls are required to be closed and the casting of ballots discontinued, issue a ballot to each person who is eligible to vote and applies for a ballot and to each person who claims to be eligible to vote and insists upon voting even though his eligibility to vote is challenged by a member of the committee."

Done at Washington, D. C., this 26th day of June 1956.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375)

[SEAL] TRUE D. MORSE,
*Acting Secretary of Agriculture.*

[F. R. Doc. 56-5175; Filed, June 28, 1956; 8:53 a. m.]

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PART 730—RICE

SUBPART—1956-57 MARKETING YEAR

INCREASED STATE ALLOTMENTS AND APPORTIONMENT OF INCREASED ACREAGE TO PRODUCERS AND FARMS

The amendments herein are issued pursuant to section 304 of the Agricultural Act of 1956 to increase the State rice acreage allotments hertofore proclaimed (21 F. R. 71) and provide for the apportionment of such increased allotments among producers and farms.

Since rice farmers at the present time are in the process of planting their 1956 crop of rice, it is imperative that they be notified of these amendments as soon as possible. Therefore, it is hereby found that compliance with the notice, procedure, and effective date provisions of section 4 of the Administrative Procedure Act (5 U. S. C. 1003) is impracticable and contrary to the public interest, and the amendments herein shall become effective upon filing with the Director, Division of the Federal Register.

1. Section 730.704 is amended by inserting immediately after the section headnote the designation "(a)", and by adding a new paragraph (b), as follows:

(b) The State acreage allotments in paragraph (a) of this section, as increased pursuant to section 304 of the Agricultural Act of 1956, are as follows:

| State: | *Acres* |
|---|---|
| Arkansas | 399,084 |
| California | 299,820 |
| Louisiana | 475,094 |
| Texas | 422,390 |
| Mississippi | 46,683 |
| Arizona | 229 |
| Florida | 957 |
| Illinois | 20 |
| Missouri | 4,580 |
| North Carolina | 29 |
| Oklahoma | 149 |
| South Carolina | 2,847 |
| Tennessee | 517 |

2. Section 730.717 of the farm acreage allotment regulations for the 1956 crop of rice is amended by changing the period at the end of paragraph (b) thereof to a comma and adding the language "plus the increase in the State allotment, if any, as provided in paragraph (b) of § 730.704."

3. Section 730.725 of the farm acreage allotment regulations for the 1956 crop of rice is amended by changing the period at the end of paragraph (b) thereof to a comma and adding the language "plus the increase in the county allotment, if any, as a result of the increase in the state allotment, if any, as provided in paragraph (b) of § 730.704."

(Sec. 375, 52 Stat. 66; 7 U. S. C. 1375. Interpret or apply secs. 301, 353, 52 Stat. 38, 61, as amended, Pub. Law 540, 84th Cong.; 7 U. S. C. 1301, 1353)

Done at Washington, D. C., this 26th day of June 1956. Witness my hand and the seal of the Department of Agriculture.

[SEAL] TRUE D. MORSE,
*Acting Secretary.*

[F. R. Doc. 56-5174; Filed, June 28, 1956; 8:53 a. m.]

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## Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

PART 989—RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

ADMINISTRATIVE RULES AND PROCEDURES

Notice was published in the March 23, 1956, issue of the FEDERAL REGISTER (21 F. R. 1801) that the Secretary of Agriculture was considering the approval of proposed rules and procedures for use in connection with the operation of Marketing Agreement No. 109, as amended, and Marketing Order No. 89, as amended (20 F. R. 6435), regulating the handling of raisins produced from raisin variety grapes grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). It was also proposed that the existing general rules and regulations (19 F. R. 3443; 20 F. R. 738) and the special regulations (17 F. R. 10441; 20 F. R. 1795) relating to minimum grade requirements for natural condition raisins, minimum grade requirements for processed raisins, and the schedule of payments to handlers for receiving, storing, and handling reserve and surplus tonnage raisins will be terminated, inasmuch as all necessary matters are now provided for in the amended raisin order, new special regulations, and these general rules and procedures. In said notice opportunity was afforded all interested persons to file any data, views, or arguments pertaining thereto. Data, views, and arguments were filed by the Raisin Administrative Committee with respect to the proposed rules and procedures.

After consideration of all relevant matters, including the data, views and arguments filed by the committee and other available information, it was deemed advisable to modify the proposed administrative rules and procedures in a number of respects. It is concluded that the administrative rules and procedures as so modified, and as set forth below, would tend to effectuate the declared policy of the act and should be approved, and that the aforesaid existing general rules and procedures and the aforesaid special regulations should be



terminated: *It is therefore ordered,* That:

(1) The existing general rules and regulations (19 F. R. 3443; 20 F. R. 738) and the special regulations (17 F. R. 10441; 20 F. R. 1795) relating to minimum grade requirements for natural condition raisins, minimum grade requirements for processed raisins and the schedule of payments to handlers for receiving, storing, and handling reserve and surplus tonnage raisins shall be, and they hereby are, terminated.

(2) The administrative rules and procedures shall, on and after the effective date of this order, be as follows:

DEFINITIONS

Sec.
989.101 Order.
989.102 Inspection agency.
989.103 Terms in the order.
989.104 Lot.
989.105 Inspection point for incoming raisins.

RAISIN ADVISORY BOARD

989.129 Voting at nomination meetings.

RAISIN ADMINISTRATIVE COMMITTEE

989.152 Mail or telegraphic votes.

GRADE AND CONDITION STANDARDS

989.158 Natural condition raisins.
989.159 Regulation of the handling of raisins subsequent to their acquisition.
989.160 Storing, pooling, and disposition of storable off-grade raisins.
989.161 Acquisition of off-grade raisins by processors.

VOLUME REGULATION

989.166 Reserve, surplus, and storable off-grade tonnage generally.
989.167 Reserve tonnage.
989.168 Disposition of surplus tonnage raisins for distillation or for uses other than human consumption.
989.169 Substitution for layer muscats.

REPORTS AND RECORDS

989.173 Reports.
989.176 Records.

AUTHORITY: §§ 989.101 to 989.176 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c.

DEFINITIONS

§ 989.101 *Order.* "Order" means Marketing Agreement No. 109, as amended, and Order No. 89, as amended (20 F. R. 6435), regulating the handling of raisins produced from raisin variety grapes grown in California, or as the same may be amended further hereafter.

§ 989.102 *Inspection agency.* The "inspection agency" shall be the Processed Products Standardization and Inspection Branch of the United States Department of Agriculture.

§ 989.103 *Terms in the order.* Terms defined in the order shall have the same meaning when used in this subpart.

§ 989.104 *Lot*—(a) *Natural condition raisins.* For purposes of incoming or outgoing inspection of natural condition raisins, "lot" means any quantity of such raisins of the same varietal type or of differing varietal types when commingled within their containers (including sweat and picking boxes), which does not exceed a car, truck, or truck-trailer load, and which is submitted for inspection at one time and in the same place: *Provided,* That (1) where a portion of the quantity submitted for inspection meets the minimum grade and condition standards and has been separated from the remainder of the raisins failing to meet grade, that portion shall be one lot and the portion failing to meet grade shall be another lot, (2) if a quantity of raisins which are not in units of a car, truck, or truck-trailer load are submitted for inspection, the quantity may, at the discretion of the inspector, be separated into such portions, either prior to or in the course of inspection, as can be properly inspected, and each such portion shall be a lot, and (3) raisins which are resubmitted for inspection after reconditioning (such as sorting or drying) shall be a new lot.

(b) *Packed raisins.* For the purpose of outgoing inspection of packed raisins, "lot" means any quantity of packed raisins of the same varietal type and style or of differing varietal types or styles when commingled within their containers, which are in containers of the same size and type, and which are located in the same or adjacent warehouses or storage areas and are available for inspection at any one time: *Provided,* That (1) any of such raisins which are in a separate pile or piles and which differ from the other raisins as to grade or other factors may be deemed to be a separate lot, (2) any portion of the raisins in a particular pile which bear an identification mark on the containers different from the marks of other raisins in that pile may be deemed to be a separate lot if determined to be of lower grade or different in other factors, or (3) if applicant requests more than one inspection certificate covering different portions of such raisins, the quantity of the raisins covered by each certificate shall be deemed to be a separate lot.

§ 989.105 *Inspection point for incoming raisins.* An inspection point shall be any plant or receiving station of a handler, and any other place where raisins are normally and usually received by him in any considerable volume, at which there are reasonably adequate facilities (not necessarily scales) for receiving, weighing of samples, and inspecting raisins, and which will permit the practical administration of this part. In order that the committee may properly supervise the movement of natural condition raisins into handlers' inspection points, each handler shall submit promptly to the committee a description, including the boundaries and other pertinent detail, of each of his inspection points. Each such inspection point so defined by a packer shall be binding, until notice of any modification thereof is received by the committee, on the packer and the committee for purposes of the administration of this part if the designated inspection point complies with this definition. In the event the committee determines that an inspection point designated by a packer does not comply with this definition, it may refuse to consider such point as an inspection point and, in case of refusal, shall advise the packer of how it may be modified so as to comply.

RAISIN ADVISORY BOARD

§ 989.129 *Voting at nomination meetings.* Any person (defined in § 989.3 as an individual, partnership, corporation, association, or any other business unit) who is engaged, in a proprietary capacity, in the production of raisin variety grapes and who qualifies under the provisions of § 989.29 (b) (2) shall be eligible to cast one vote for a nominee for each producer member position and one vote for a nominee for each producer alternate member position on the board which is to be filled for his district. Such person must be the one who or which: (a) Owns and farms land resulting in his or its ownership of the raisin variety grapes produced thereon; (b) rents and farms land, resulting in his or its ownership of all or a portion of the raisin variety grapes produced thereon; or (c) owns land which he or it does not farm and, as rental for such land, obtains the ownership of a portion of the raisin variety grapes produced thereon or of raisins obtained therefrom. In this connection, a partnership shall be deemed to include two or more persons (including a husband and wife) with respect to land the title to which, or lease-hold interest in which, is vested in them as tenants in common, joint tenants, tenants by the entirety, or, under community property laws, as community property. In a landlord-tenant relationship, wherein each of the parties is a producer, each such producer shall be entitled to one vote for a nominee for each producer member position and one vote for each producer alternate member position. Hence, where two persons operate land as landlord and tenant on a share-crop basis, each person is entitled to one vote for each such position to be filled. Where land is leased on a cash rental basis, only the person who is the tenant or cash renter (producer) is entitled to vote. A partnership or corporation, when eligible, is entitled to cast only one vote for a nominee for each producer position to be filled in its district.

RAISIN ADMINISTRATIVE COMMITTEE

§ 989.152 *Mail or telegraphic votes.* Whenever a mail or telegraphic vote is taken, every reasonable effort shall be made to communicate with and obtain a vote from each committee member. If a committee member is unavailable and cannot be reached by telephone, telegraph or mail, such member's alternate shall be requested to vote.

GRADE AND CONDITION STANDARDS

§ 989.158 *Natural condition raisins*—(a) *Incoming inspection.* (1) Each handler shall, at his expense, provide at each inspection point reasonably adequate facilities for receiving, weighing of samples, and inspecting natural condition raisins. At the time of inspection of any lot, the handler shall, at his expense, provide the inspector with any assistance necessary in the inspection of the raisins, including the dumping of the containers. The weight of raisins tendered for receiving, storage or acquirement shall be substantiated by an official "State Certificate of Weights and Measures" issued by a public weigh-

master whether located at the inspection point or otherwise.

(2) No handler other than a processor shall receive natural condition raisins from a tenderer, either for acquirement, for storage, or for inspection, at points other than a designated inspection point.

(3) For each lot of natural condition raisins tendered to a handler for acquirement, reconditioning, or storage, the handler shall, immediately upon physical receipt and tentative acceptance thereof, issue a prenumbered (numbered serially in advance) door receipt or weight certificate showing the name and address of the tenderer, the weight of the lot, the number and type of containers in the lot, and any other information necessary to identify the lot. For purpose of identifying incoming lots of raisins, a handler, if it is impracticable for him to issue immediately a door receipt or weight certificate, may issue for temporary use only a prenumbered "Request for USDA Inspection" on a form furnished by the committee. Any raisins so received by a handler shall, prior to their acceptance, be inspected at an inspection point during the unloading process, and if certified as standard raisins shall, upon acceptance by the handler, either be acquired by him or received by him for storage on memorandum receipt, as the case may be: *Provided*, That in the absence of an inspector to perform inspection during unloading, the handler shall not permit unloading to occur unless such absence is during normal business hours and the handler has a written statement from the inspection agency to the effect that inspection service cannot be furnished within a reasonable time: *And provided further*, That the raisins so unloaded shall be inspected promptly upon an inspector being available. It shall be the handler's responsibility in any case to arrange for the inspection and to furnish weight certificates promptly. The inspection certificates covering any lot of off-grade raisins shall state whether or not such off-grade raisins are storable. One of the tenderer's or handler's options (as referred to in § 989.58 (e)), with respect to any raisins which do not meet the applicable minimum grade standards, shall be exercised within five business days after inspection or three business days after issuance of the inspection certificate, whichever is later: *Provided*, That these time limits may be extended by the committee under such conditions as it may deem necessary in the circumstances. Any such lot of off-grade raisins shall, pending the exercise of one of the options, be identified by fixing to each pellet a prenumbered RAC control card (to be furnished by RAC), and kept separate and apart from any other raisins in the handler's possession. In the event the handler does not normally use pellets in his operation the RAC control card shall be affixed to one or more of the containers in each lot. The RAC control card shall remain fixed to each pellet or containers as the case may be, until such raisins have been reconditioned, or have been delivered to the handler for the account of the committee, or have been returned to the person making the tender.

(4) If any lot of natural condition raisins tendered to a handler is separated into two or more lots because a portion of the original lot failed to meet minimum grade requirements, the handler shall issue a prenumbered weight certificate for each such lot not returned to tenderer, showing the name and address of the tenderer, the weight of the lot, and the number and type of containers in the lot.

(5) An appeal inspection shall be made by the inspection agency upon the request of any interested party and upon the payment of any fees assessed by the inspection agency for such appeal inspection. No appeal inspection shall be made unless the raisins in their original containers are identifiable and shall not have been removed from the original inspection point.

(6) Raisins produced by a handler (i. e. handler-owned tonnage) shall, upon being hauled to an inspection point of a handler (either the same or another handler), be treated the same as provided in subparagraphs (3) and (4) of this paragraph for any other raisins received by the handler. Also, raisins produced by a handler by drying in a dehydrator located in an inspection point of the handler shall, immediately upon completion of the dehydration operation, be treated the same as provided in subparagraphs (3) and (4) of this paragraph for raisins received by the handler.

(7) Where lots of natural condition raisins which are comprised of raisins of different varietal types commingled within their containers are presented for inspection, each varietal type shall be inspected separately. Based upon such inspection, the inspection agency shall issue an inspection certificate showing the percentage which the raisins of each varietal type is of the total raisins contained in the lot and whether each varietal type meets the minimum grade standards established for such type. In the event that the raisins of any one varietal type contained in a lot should fail to meet the minimum grade standards established for the varietal type, none of the lot shall be certified as meeting the minimum grade standards unless it is found to be practicable to separate the raisins into new lots of standard and off-grade raisins, respectively.

(b) *Submission of inspection certificates to the committee.* A copy of each inspection certificate which a handler is required to submit to the committee pursuant to § 989.58 (d) shall be submitted within five business days after it is issued. This may be accomplished by authorizing the inspection agency to submit a copy of each such inspection certificate directly to the committee. A copy of such authorization shall be furnished to the committee.

(c) *Off-grade raisins*—(1) *Temporary holding.* Each lot of off-grade raisins held by a handler for reconditioning and subsequent inspection, or which are in his possession pending exercise of one of the options provided for in § 989.58 (e), shall be stored and/or marked in such a manner as to maintain its identity to the satisfaction of the inspector, which requirement shall be in addition to those requirements set forth in paragraph (a) (3) and (4) of this section.

(2) *Storage of storable off-grade raisins for the account of the committee.* All off-grade raisins received by a handler which have been certificated by an inspector as storable and which are held by the handler for the account of the committee shall be identified as such and shall be stored separate and apart by varietal types from all other raisins in such a manner as to be accessable to the committee: *Provided*, That any lots of off-grade raisins which consist of different varietal types commingled within their containers shall be identified as such and stored separate and apart from all other raisins.

(3) *Reconditioning of off-grade raisins.* Each handler shall furnish to the committee, within five business days after the issuance of the inspection certificate for any lot of off-grade raisins held for reconditioning, a copy of the written agreement entered into between the handler and the tenderer of the raisins for such reconditioning. This may be accomplished by submitting a copy of the agreement to the inspection agency for transmittal to the committee. If such raisins are produced by the handler, he shall within the same period notify the committee, in writing, of his intention to recondition such raisins. Also, the handler shall notify the inspection agency at least one business day in advance of the time he plans to begin reconditioning each lot of raisins unless a shorter period is acceptable to the inspection agency. Natural condition raisins which have been reconditioned under subparagraph (3) of § 989.58 (e) shall continue to be considered natural condition raisins for purposes of reinspection after such reconditioning has been completed, if no water or moisture has been added; otherwise, such raisins shall meet the minimum grade standards for packed raisins. If, after reconditioning, such raisins meet the minimum grade standards but no longer are natural condition raisins as defined in § 989.9, any handler who acquires such raisins shall meet his reserve and surplus obligations from natural condition standard raisins of the same varietal type acquired by him. The weight of the reconditioned raisins acquired shall be adjusted to natural condition weight by the use of factors established by the committee, applicable to the various degrees of processing accomplished. The inspector of the reconditioned raisins shall select from among the factors fixed by the committee the factor applicable to the lot. In reconditioning off-grade raisins, different off-grade lots may be run consecutively or simultaneously if (i) done in a manner which enables the inspection agency to determine whether the reconditioned raisins of any lot meet the minimum grade and condition standards and (ii) the reconditioned raisins of any lot which fail to meet such standards are kept separate from other raisins. No off-grade lots may be reconditioned by blending them with raisins acquired as standard raisins. Reconditioned raisins of different lots which meet the minimum standards may be commingled if such is not contrary to any agreement entered into by the handler. Reconditioning of off-grade raisins by a handler shall be done in accordance with such procedure as will enable the inspector to observe any lot of off-grade raisins at anytime and to make a proper inspection. A handler may recover raisins from residual raisins obtained from his reconditioning operations in conformity with the applicable provisions of § 989.159 (g). Any handler who has reconditioned off-grade raisins shall report such reconditioning to the committee as required in § 989.173 (c) (3).

(4) *Return of off-grade raisins to tenderers.* Any off-grade raisins which are to be returned to the tenderers pursuant to subparagraph (1) as set forth in § 989.58 (e), including residual off-grade raisins accumulated in the course of reconditioning pursuant to subparagraph (3) of § 989.58 (e), shall be physically returned within five business days after the issuance of the inspection certificate or five days after completion of the reconditioning, as the case may be: *Provided*, That these time limits may be extended by the committee as justified by extenuating circumstances. The handler shall file with the committee a report of the returned raisins as required in §§ 989.173 (b) (4) and (c) (3).

(d) *Reinspection of raisins held more than one hundred and twenty days on memorandum receipt.* No handler shall acquire raisins held on memorandum receipt for a period longer than one hundred and twenty (120) days unless such raisins have been reinspected and certified immediately prior to acquirement as meeting the minimum requirements for standards raisins: *Provided*, That the committee at any time may require such reinspection and certification of raisins held on memorandum receipt as a prerequisite to acquisition if it has reason to believe that the raisins do not meet such requirements.

§ 989.159 *Regulation of the handling of raisins subsequent to their acquisition*—(a) *Inspection facilities.* Each handler shall, at his expense, provide at each place where packed raisins are to be inspected reasonably adequate space and facilities for inspecting such raisins.

(b) *Identification of inspected raisins.* (1) Each handler shall mark each shipping container with a legible code or other identification satisfactory to the committee and the inspector, which shall indicate the date that the raisins in such shipping container were packed.

(2) Each handler shall furnish promptly to the committee through the inspector, a report showing the handler's count and weight of the raisins of each pack and varietal type packed each day.

(c) *Outgoing inspection.* (1) Outgoing inspection of raisins as required by § 989.59 (d) shall be made as set forth in this paragraph.

(2) Such inspection of natural condition raisins shall be made prior to shipment or other disposition.

(3) Such inspection of packed raisins shall be made prior to shipment or other final disposition and unless made during the final processing or packing operations so as to facilitate proper sampling, the inspector shall perform the inspection on the basis of samples drawn from representative containers of the packed raisins. It shall be the responsibility of the handler to arrange with the inspection agency for an inspector to be present when the inspection is needed.

(4) Where a lot of packed raisins is comprised of raisins of different varietal types or styles commingled within their containers and is presented for inspection, each varietal type or style shall be inspected separately. Based upon such inspection, the inspection agency shall issue an inspection certificate showing the percentage which the raisins of each varietal type or style is of the total of the lot and whether each varietal type or style meets the minimum grade standards established therefor. In the event that the raisins of any one varietal type or style contained in a lot should fail to meet the applicable minimum grade standards established for the varietal type or style, none of the lot shall be certified as meeting the minimum grade standards unless it is found to be practicable to separate the raisins into new lots which meet and which fail to meet the applicable minimum standards, respectively.

(d) *Submission of inspection certificates to the committee.* A copy of each inspection certificate which a handler is required to submit to the committee pursuant to § 989.59 (d) shall be submitted within five business days after it is issued. This may be accomplished by authorizing the inspection agency to submit a copy of each such inspection certificate directly to the committee. A copy of such authorization shall be furnished to the committee.

(e) *Term of inspection certificate.* Any handler who fails to ship or make other disposition of any lot of raisins within 21 calendar days after the date of the last inspection of the lot made in connection with the proposed disposition thereof shall, before making such shipment of other disposition, have the raisins inspected for condition and furnish promptly to the committee (which may be through the inspector) a copy of the inspection certificate showing that the raisins meet the applicable minimum grade standards.

(f) *Exemption of gift and specialty packs*—(1) *Shipment under exemption.* Upon obtaining approval of the committee as provided in this paragraph, any handler may ship or dispose of raisins in gift or specialty packs without regard to the provisions of § 989.59 (a), (b) and (d). For the purpose of these exceptions: "Gift packages" means raisins specially packaged for gift purposes, composed either wholly of raisins or raisins in combination with other fruit, which are either (i) given or donated by a handler to others or (ii) sold by a handler for final or ultimate disposition as gifts; and "specialty packs" means raisins of special processing either as to moisture or coating and which may or may not be packed in tin or materials other than those employed in normal industrial or consumer packs.

(2) *Application for exemption.* Applications for exemption shall be filed with the committee in triplicate. The application shall contain information as to: (i) The name and address of the handler; (ii) the estimated quantity of each varietal type of raisins that will be shipped or disposed of under the exemption during the crop year; (iii) whether any special processing of the raisins is involved; (iv) each type of package or packages in which the raisins will be packed and the net weight content of each type of container; (v) the outlets in which disposition of the gift packages or specialty packs will be made, i. e., whether disposition will be made direct to consumers, to wholesalers or retailers for resale, or to persons or organizations for distribution as gifts, and any special uses expected to be made of the raisins; and (vi) the general quality, style and condition of the raisins expected to be shipped under exemption.

(3) *Committee action on application.* The committee, in its discretion, shall approve applications for exemption of any varietal type of raisins where the value of the raisins (or raisin products in case the form of the raisins is not changed) by virtue of their processing or packaging exceeds the value of normally processed or packaged raisins of comparable varietal type and where it can conclude that such exemption will not jeopardize the quality control or price objectives of the marketing order program. The committee shall notify the handler promptly in writing of its approval or disapproval of his application, and if the application is approved, the maximum quantity for which approval is granted. If the application is disapproved, the committee shall inform the handler of the reasons therefor.

(4) The handler shall report shipments or other dispositions under an approved exemption as required pursuant to § 989.173 (f).

(g) *Disposition of off-grade raisins, stemmer waste and raisin offal accumulated by handlers.* For the purposes of § 989.59 (f), a handler may recover raisins from: (1) Residual raisins obtained from his processing of standard raisins; (2) any raisins acquired as standard raisins by a handler which fail to meet the applicable outgoing grade standards for shipment or final disposition as raisins; and (3) residual raisins obtained from the reconditioning of off-grade raisins: *Provided*, That such recovery under subparagraph (3) of this paragraph must occur without blending with standard raisins, and the weight of standard raisins in such residual shall be credited on the basis of the original inspection certificate or recovery, to the same lot or lots from which the residual was obtained. The provisions of this paragraph are not intended to excuse any failure to comply with all applicable food and sanitary rules and regulations of city, county, state, federal or other agencies having jurisdiction.

§ 989.160 *Storing, pooling and disposition of storable off-grade raisins*—(a) *Obligation of handlers.* Each handler

shall hold in storage all storable off-grade raisins received by him for the account of the committee until he has been relieved of the responsibility by the committee. The handler shall store such off-grade raisins without the addition of moisture and in such manner as will maintain the raisins in the same condition as when they were received except for normal and natural deterioration and shrinkage and except for loss through fire, acts of God, force majeure, or other conditions beyond the handler's control.

(b) *Disposition.* All off-grade raisins held for the account of the committee shall be physically disposed of by the committee on or before June 30 of each crop year: *Provided,* That any of such off-grade raisins received between June 1 and August 31 shall be physically disposed of within 30 days after they are received.

(c) *Payment for receiving, storing, handling, and inspection.* (1) Each handler shall be compensated at the rate of $3.95 per ton (natural condition weight at time of acquisition) for receiving, storing and handling storable off-grade raisins: (i) Received during the period September 1–May 31 of a particular crop year and held for the account of the committee during all or any part of the same crop year; or (ii) received during the period June 1–August 31 of a particular crop year and held for the account of the committee during all or any part of the period from June 1 to September 30 of the succeeding crop year.

(2) Each handler shall be reimbursed by the committee for inspection costs applicable to storable off-grade raisins received and held by him for the account of the committee. Such payment shall be made on a weekly basis at the applicable rate per ton paid by such handler to the inspection agency and on the quantity reported by the handler for the applicable week.

(d) *Payment for other services.* (1) In addition to the payments provided for in paragraph (c) of this section, each handler shall be compensated only for such other services performed by him with respect to off-grade raisins as are set forth in this paragraph.

(2) The committee may arrange with handlers for the transportation of off-grade raisins held for its account. Payment for any such transportation shall be based on prevailing transportation rates for the type of service to be performed.

(3) Handlers shall be compensated in an amount determined by the committee, for placing in sacks or other containers off-grade raisins held for its account, which amount shall be specified in the offer made by the committee to handlers for such services.

(4) In the event the committee determines from time to time that it is necessary that handlers fumigate off-grade raisins held for its account, handlers shall be compensated for the reasonable costs therefor at a specified rate or rates per ton.

(e) *Distribution to equity holders of net proceeds from sale of off-grade raisins held for the account of the committee.* All expenses of the off-grade raisin pool shall be paid from the proceeds of that pool. The net proceeds shall be distributed by the committee to the respective producers, or their successors in interest thereto, on the basis of the volume of their respective contributions to the off-grade pool. Distribution of proceeds in connection with off-grade raisins contributed by non-profit cooperative marketing associations which have authority to market the raisins of their members and to allocate the proceeds therefrom to such members shall be made to such associations. Advance or progress payments may be made as sufficient funds become available.

§ 989.161 *Acquisition of off-grade raisins by processors.* Any processor may acquire off-grade raisins for the purpose of distillation, animal feed, or any use other than for human consumption, without regard to the provisions of §§ 989.58 and 989.59. Processors shall report such acquisitions and make such other reports as are or may be required pursuant to §§ 989.73 and 989.173.

VOLUME REGULATION

§ 989.166 *Reserve, surplus, and storable off-grade tonnage generally*—(a) *Shrinkage allowance for normal and natural shrinkage in weight.* For each crop year each handler shall be entitled to a shrinkage allowance for normal and natural shrinkage in weight of one percent of the original natural condition weight on those reserve tonnage raisins, surplus tonnage raisins, and storable off-grade raisins acquired by him during the crop year and held by him for the account of the committee on the Saturday nearest to May 1 of the same crop year. The handler shall be entitled to no other allowance for normal and natural shrinkage in weight for any of such raisins acquired during the crop year: *Provided,* That the committee shall grant an additional allowance for any normal and natural shrinkage in weight of any of such raisins held for the account of the committee beyond the end of the crop year of acquisition upon submission by the handler of satisfactory proof of such shrinkage during the period the raisins were so held.

(b) *Satisfaction of reserve and surplus obligation with residual Muscat raisins from layering operations.* Any handler who desires to satisfy his reserve or surplus tonnage obligations referable to his acquisitions of Layer Muscat raisins with residual Muscat raisins obtained by him in layering operations shall, prior to setting aside such raisins for the account of the committee, have them dried to a moisture content not exceeding 16 percent, inspected and obtain from the inspection agency a certificate, a copy of which shall be submitted to the committee (which may be through the inspection agency) within five business days after it is issued, showing that the raisins meet the minimum grade and conditions standards for natural (sun-dried) Muscat raisins (those standards for natural condition Muscat raisins other than Layer Muscat and Valencia Muscat raisins). The inspection of the residual raisins shall be made at the expense of the handler. The handler shall file with the committee on forms furnished by it, within seven days (exclusive of Saturdays, Sundays, and legal holidays) after setting aside the raisins, a certified report with respect to such use of the residual raisins, including the name of the producer of the Layer Muscat raisins and the quantity of the residual raisins so used. Also, he shall obtain a written statement from the producer evidencing agreement for the residual tonnage to be used to meet such obligation, and shall retain it for at least two years after the termination of the crop year in which the raisins were acquired.

(c) *Setaside obligations referable to acquisition of mixed varietal types of raisins.* A handler who acquires any lot of natural condition raisins of mixed varietal types (commingled within their containers) shall meet his reserve and surplus tonnage setaside obligations for each varietal type contained in the mixed lot separately and with raisins of the particular varietal type unmixed with raisins of other varietal types. The obligation as to each varietal type shall be computed according to the reserve and surplus percentages established by the Secretary and the percentage of the varietal type contained in the lot as shown by the incoming inspection certificate.

(d) *Storage requirements as to reserve and surplus raisins.* Each handler shall store separate and apart from other raisins and from each other, each varietal type of reserve tonnage raisins held by him for the account of the committee. Each handler shall store separate and apart from other raisins and from each other each varietal type of surplus tonnage raisins held by him for the account of the committee. Raisins shall be considered as stored separate and apart from other raisins when they are indentifiable from other raisins. Handlers shall store reserve and surplus tonnage raisins in sweat boxes, picking boxes, or such other containers as may be authorized by the committee subject to the disapproval of the Secretary. Handlers shall be allowed three calendar days (exclusive of Saturdays, Sundays and legal holidays) after acquiring any reserve or surplus tonnage raisins, or after the establishment of reserve and surplus percentages by the Secretary, whichever occurs later, to segregate and properly stack each varietal type.

(e) *Deferment of obligation.* (1) Any handler who desires to defer the meeting of his reserve and surplus tonnage obligations pursuant to § 989.66 (c) shall file with the committee on a form furnished by it a certified application for deferment of his reserve and surplus tonnage obligations, containing: (i) The date of the application and the name and address of the handler; (ii) the period for which deferment is requested; (iii) with respect to each varietal type, the total reserve and the total surplus tonnage on which deferment is requested, segregated as to his current holdings and his expected acquisitions during the deferment period; (iv) a full description of the surety bond offered; and (v) the reasons why deferment is desired.



(2) The committee shall grant such an application upon a showing by the handler that he has a need for the deferment and meets the requirements as to the written undertaking and bond which are prescribed in § 989.66 (c). The committee shall notify the applicant promptly of its decision with regard to his application, including the amount of the bond required by the terms of § 989.66 (c). The amount of said bond for a varietal type of raisins shall be the product obtained by multiplying the quantity for which deferment is granted by the then current field price for free tonnage raisins of the same varietal type. At any time during the period for which a deferment has been granted, the handler may request the committee to increase or decrease the amount of his deferment and the committee shall grant the revision after the necessary increase or decrease, as the case may be, is made in the amount of the bond. Also, at the request of the handler the committee may extend the deferment beyond the original period (not beyond November 15 of the crop year) for such a quantity as is specified in the request provided the bond is extended in the necessary amount.

(3) No handler shall use any of such reserve or surplus tonnage raisins as free tonnage raisins until he shall have received written approval of his application from the committee and shall have filed the required bond with the committee.

(f) *Remedey in the event of failure to deliver reserve, surplus, or off-grade raisins.* Except as provided otherwise in connection with a deferment granted pursuant to § 989.66 (c) and paragraph (e) of this section, a handler who fails to deliver to the committee, upon request, any reserve, surplus or off-grade tonnage raisins in the quantity or of a quality for which he has become obligated (after any shrinkage allowances which may then be in effect are applied and allowances for any deterioration due to conditions beyond his control are made), shall compensate the committee for the amount of the loss that is occasioned by his failure to so deliver. The amount of compensation for any shortage of tonnage shall be determined by multiplying the quantity of reserve, surplus, or off-grade raisins not delivered by the latest weighted average price per ton received by producers during the particular crop year for free tonnage raisins of the particular varietal type or types, plus any charges already paid or credited to the handler and any costs to the committee which is caused by the handler's failure to deliver. Such sales on which such weighted average price is computed shall include those during the particular crop year up to the time such cash payment is requested by the committee or up to the end of the particular crop year, whichever date may be earlier. The amount which a handler shall compensate the committee for any raisins (off-grade, reserve or surplus) which have deteriorated in quality during storage for reasons within his control, shall be the latest weighted average price received by the committee for the applicable varietal type of the particular reserve, surplus, or off-grade pool raisins, as the case may be, less the amount received by the committee in the disposition of the raisins delivered by the handler (or the reasonable value of such raisins, as determined by the committee, if not sold). Any amounts paid to the committee in satisfaction of such deficiencies shall be considered as being part of the particular reserve, surplus or off-grade tonnage pools involved. The remedies provided in this paragraph shall be in addition to and not exclusive of, any of the remedies or penalties prescribed in the act with respect to the failure on the part of the handler to comply with the applicable provisions of the act or this part.

(g) *Payments to handlers for services performed with respect to reserve and surplus tonnage raisins*—(1) *Payments for crop year of acquisition.* (i) Each handler shall, beginning with the crop year which began September 1, 1955, be compensated at the rate of $3.95 per ton (natural condition weight at the time of acquisition) for receiving, storing and handling reserve and surplus tonnage raisins acquired during a particular crop year and held by him for the account of the committee during all or any part of the same crop year.

(ii) Each handler shall, beginning with September 1, 1955, be reimbursed by the committee for inspection costs applicable to the reserve and surplus pool raisins received and held by him for the account of the committee. Such payment shall be made on a weekly basis at the applicable rate per ton paid by such handler to the inspection agency, and on the quantity for the particular week reported by the handler. The committee shall pay the cost of any inspection required by it of any such pool raisins while they are being held for its account or are delivered in accordance with its request: *Provided,* That the cost of inspection of any raisins which a handler substitutes for raisins in the reserve or surplus pools or which he received by transfer from another handler pursuant to paragraph (j) (3) of this section shall be borne by the handler.

(iii) Each handler shall, beginning with the crop year which began on September 1, 1955, be paid an allowance for fumigation of $1.50 per ton of reserve and surplus tonnage raisins received during the crop year of acquisition and held by him for the account of the committee during all or any part of such crop year.

(2) *Additional payment for surplus tonnage raisins held beyond the crop year of acquisition.* Each handler who holds surplus tonnage raisins for the account of the committee on September 1 of any crop year (beginning with September 1, 1955) which were also held on August 15 of the preceding crop year, shall be compensated: (i) For storing and handling such raisins at the rate of $1.00 per ton for the period ending November 30, or any part thereof, 50¢ per ton for the next three months or any part thereof, 15¢ per ton for the next three months, or any part thereof, and 15¢ per ton for the last three months of the crop year, or any part thereof; and (ii) for fumigation services at the rate of 15¢ per ton for each fumigation required to maintain such raisins in good condition.

(h) *Payment of rental on boxes containing surplus pool raisins held beyond the crop year of acquisition.* Each handler and each producer, dehydrator or other person who furnishes boxes in which surplus pool raisins are held for the account of the committee on September 1 of any crop year (beginning with September 1, 1955) which were also held on August 15 of the preceding crop year, shall be compensated for the use of such boxes at the rate of 15 cents for each 160 pounds of raisins so held. No further compensation shall be paid unless the boxes are held on the succeeding September 1.

(i) *Payment for other services.* (1) In addition to the payments provided in paragraphs (g) and (h) of this section, handlers shall be compensated only for those services performed with respect to reserve and surplus tonnage raisins as are set forth in this paragraph.

(2) The committee may arrange with any handlers for transporting reserve or surplus tonnage raisins. Payment for such transportation shall be in an amount based on prevailing haulage rates for the type of transportation required.

(3) A handler who accepts an offer by the committee to pack surplus tonnage raisins for its account shall be compensated for such packing in an amount determined by or acceptable to the committee. In considering the amount of compensation to be paid, the committee shall take into account, among other factors, the particular varietal type of raisins to be packed, the particular pack or package required, and the quantity and quality of the raisins to be packed.

(4) In the event that the committee removes surplus tonnage raisins of a previous crop year from a handler upon request as provided in § 989.66 (f) and such handler subsequently desires redelivery to it of surplus tonnage raisins for contract packing or otherwise, such handler shall reimburse the committee for the net costs to it of the removal, storage, and re-delivery of such raisins as a condition precedent to such redelivery: *Provided,* That the committee may waive payment by the handler of part or all of such costs if it determines that such waiver is necessary in order to facilitate disposition of the raisins.

(j) *Offers of surplus tonnage raisins to handlers for sale in export.* (1) Whenever the committee offers surplus tonnage raisins to handlers for sale in export, the committee shall specify, among other terms of the offer: (i) The period within which each handler shall be given the opportunity to purchase his share of the offer; (ii) the additional period during which, if any of the offer then remains unpurchased, a handler may purchase from his holdings surplus tonnage raisins in excess of his share; and (iii) the further additional period during which, if any of the offer then remains unpurchased, a handler may purchase surplus tonnage raisins in excess of his share and in excess of his holding. Approvals of handlers' applications to purchase during the periods

specified in subdivisions (ii) and (iii) of this subparagraph shall be made in the same order in which the applications are filed with the committee. The committee shall fix the length of each of the three periods so as to facilitate disposition of surplus tonnage raisins.

(2) The determination of handlers' shares of offers of surplus tonnage raisins for sale in export shall be as set forth in this subparagraph. Each handler's share of the initial offer shall be determined as the same proportion of the quantity offered that the surplus tonnage raisins acquired by him is of the surplus tonnage acquired by all handlers. Likewise, each handler's share of the second and each subsequent offer shall be determined by first computing his share of the total quantity offered as of that date (the then current offer plus all prior offers), and subtracting therefrom the total of his shares of all prior offers: *Provided*, That when a significant volume of the previous offer is not purchased during the share reservation period specified pursuant to subparagraph (1) (i) of this paragraph, the committee may make an offer without regard to handlers' shares, in which case applications to purchase shall be approved in the same order in which the applications are filed with the committee. Whenever the quality of surplus tonnage raisins held by a handler for the account of the committee exceeds the quantity of such raisins to be offered to him by less than one ton, or whenever the quantity of surplus tonnage raisins to be offered to a handler exceeds the quantity of such raisins held by him for the account of the committee by less than one ton, the committee may in either case, to avoid the physical transfer of raisins, adjust the quantity offered to such handler to conform with his holdings. With respect to any reserve tonnage raisins which become surplus on July 1 pursuant to § 989.67 (c), the committee shall allocate such surplus to handlers in the same manner as other surplus. Whenever essentially all of the surplus tonnage raisins for the crop year which are acquired as surplus have been offered on a share basis, and any unpurchased tonnage of such surplus is offered to handlers, approval of applications may be made in the same order in which the applications are filed with the committee, and the same shall apply to reserve tonnage which becomes surplus on July 1 pursuant to § 989.67 (c).

(3) If, prior to the expiration of the period specified in subparagraph (1) (i) or (ii) of this paragraph, a handler has need for more surplus tonnage than is available to him on the basis of his allocation or his holdings, as the case may be, he may, pursuant to the provisions of this subparagraph, negotiate with another handler for uncommitted tonnage. During the period specified in said subparagraph (1) (i), he may negotiate with another handler for the transfer to him of any unpurchased portion of the other handler's share of an offer. Any such transfer shall not be deemed to reduce the transferring handler's share or to increase the transferee handler's share, for the purpose of determining shares of subsequent offers. During the period specified in said subparagraph (1) (ii) and while part of the offer remains unpurchased, he may negotiate with another handler for all or any part (not more than the unpurchased portion of the offer) of the other handler's uncommitted holdings. Any such transfer shall be permitted by the committee only upon receipt of written authorization, on a form furnished by the committee, by the transferring handler. All limitations applicable to the transferred surplus tonnage shall continue to apply. Such surplus tonnage raisins will be released by the committee to the transferee handler upon submission of his completed application(s) and full payment for such raisins, and such transferee handler shall be responsible to the committee for the documents required under such sale(s). Any cost involved in such transfers shall be borne by the handlers concerned.

§ 989.167 *Reserve tonnage*—(a) *Determination of current field price.* Whenever (1) the outlook for the next crop year or other factors have caused a downward trend in the price received by producers for free tonnage raisins (as evidenced by field or f. o. b. prices for such raisins), (2) the committee determines to offer reserve tonnage raisins to handlers at the current field price for free tonnage raisins as provided in § 989.67 (b), and (3) raisins are not being sold by producers in sufficient volume to establish a current field price for free tonnage raisins, the committee may use a current field price computed by deducting from the current f. o. b. price for free tonnage packed raisins of the varietal type to be offered, the normal packing and handling costs.

(b) *Reserve tonnage raisins which become off-grade.* Any reserve tonnage raisins held by or for the account of the committee which have been inspected by the inspection agency and found to be off-grade shall, as the committee determines, either be reconditioned or disposed of or marketed by the committee for distillation, animal feed, or uses other than for human consumption.

§ 989.168 *Disposition of surplus tonnage raisins for distillation or for uses other than human consumption.* Any surplus tonnage raisins held by or for the account of the committee which have been inspected by the inspection agency and found to be off-grade shall, as the committee determines, either be reconditioned or disposed of or marketed by the committee for distillation, animal feed, or uses other than for human consumption. In the event that the committee has been unable to dispose of standard quality surplus tonnage raisins at more remunerative prices in one of the other outlets authorized by the order for disposition of surplus tonnage raisins, it may, subject to the Secretary's disapproval, offer to sell, and sell, such surplus tonnage raisins for distillation: *Provided*, That no such offer or sale shall be made during the period August 1 to October 15 of any calendar year. Whenever the committee proposes to offer to sell standard surplus tonnage raisins for distillation, animal feed, or uses other than for human consumption, it shall file with the Secretary complete information with respect thereto and the basis therefor. The Secretary shall have the right to disapprove, within seven calendar days, the making of such an offer or any term or condition thereof.

§ 989.169 *Substitution for Layer Muscats.* A handler who substitutes natural (sun-dried) Muscat or Valencia raisins for Layer Muscat raisins (as provided in § 989.69) shall file with the committee on forms furnished by it, within seven days (exclusive of Saturdays, Sundays and legal holidays) after making the substitution, a certified report with respect to such substitution, including the name of the producer of the Layer Muscat raisins for which the substitution was made, and the quantity of such Layer Muscat raisins. He shall obtain a written statement from the producer evidencing agreement to the substitution and shall retain it for at least two years after the termination of the crop year in which the substitution occurred.

REPORTS AND RECORDS

§ 989.173 *Reports*—(a) *Inventory reports.* Each handler shall file with the committee as of the close of business of the last day of February and of August 31 of each crop year, and not later than the following March 6 and September 6, respectively, an inventory report which shall show, with respect to each varietal type of raisins: (1) The quantity of free tonnage raisins held by him, segregated as to locations where they are stored and whether they are natural condition or packed; and (2) the quantities of reserve tonnage, surplus tonnage, and off-grade raisins, respectively, held for the account of the committee. Upon request by the committee, each handler shall file at other times and as of other dates any of the said information which may reasonably be necessary for the determination or revision of marketing policy and which the committee shall specify in its request.

(b) *Weekly reports of raisins received and/or acquired*—(1) *General.* Each handler shall file with the committee for each week and not later than the following Wednesday reports (on forms furnished by the committee) which shall show for each varietal type of raisins the information which is specified in subparagraphs (2), (3), (4), and (5) of this paragraph. With each report, other than the report prescribed in subparagraph (4) of this paragraph the handler shall submit a copy of the door receipt or weight certificate for each lot of raisins acquired by him during the week and for each lot of raisins held on memorandum storage which was returned to the tenderer during the week, which shall show the information to be contained on such receipts or certificates as specified in § 989.158 (a) (3).

(2) *Acquisition of standard raisins.* Each handler shall report: (i) The total net weight of the standard raisins acquired during the week, segregated when appropriate as to reserve and surplus tonnage; (ii) the locations of the reserve and surplus tonnage raisins; and (iii) the cumulative totals of such acquisitions (as so segregated) from the beginning of the then current crop year.



(3) *Storable off-grade raisins acquired for the account of the committee.* Each handler shall report: (i) The net weight of the storable off-grade raisins acquired by the handler for the account of the committee during the week; (ii) the locations of such storable off-grade raisins; and (iii) the cumulative totals at the end of the week of such acquisitions from the beginning of the then current crop year.

(4) *Off-grade raisins returned to tenderers (producers or dehydrators).* Each handler shall report with respect to each lot of off-grade raisins which the handler returned during the week to the tenderer pursuant to subparagraph (1) of § 989.58 (e): (i) The inspection certificate number; (ii) the net weight as indicated on the inspection certificate; and (iii) the name and address of the tenderer; and (iv) the date the lot was returned to the tenderer.

(5) *Standard raisins received for memorandum storage.* Each handler shall report: (i) The net weight of the standard raisins received by the handler during the week for memorandum receipt, storage, bailment, or warehousing (raisins received other than by acquisitions or by interhandler transfers); (ii) the net weight of raisins acquired during the week from his holdings of such raisins so received, and included with the acquisitions required to be reported pursuant to subparagraph (2) of this paragraph; (iii) the net weight of such raisins so received which he returned during the week to the persons from whom they were received; and (iv) the net weight(s) and location(s) of such raisins so received which at the end of the week were in the handler's possession or control.

(c) *Special off-grade raisin reports*—(1) *Monthly report of off-grade raisins acquired by processors under exemption.* Each processor who avails himself of the exemption provided in § 989.161 and acquires off-grade raisins (as the first handler thereof) shall file with the committee on or before the fifth day of each month a report of all such raisins acquired during the preceding month. Such report shall show for each varietal type and each acquisition: (i) the name and address of the person from whom the off-grade raisins were acquired; (ii) the date of the acquisition; (iii) the net weight of each acquisition; and (iv) the ultimate disposition made or to be made of such raisins.

(2) *Disposition reports by processors.* Each processor shall file with the committee, upon its request, such of the following information and for such period as the committee shall specify: (i) The quantity of raisins and raisin material used by the processor in his processing operations, segregated as to the processing outlets and the kinds of raisins or raisin material which the committee shall specify; and (ii) the quantity of raisins or raisin material sold or otherwise disposed of by the processor, segregated as to specified outlets and kinds of raisins or raisin material.

(3) *Off-grade raisins received under agreements with the tenderers (producers or dehydrators) for reconditioning.* Each handler who has received off-grade raisins pursuant to subparagraph (3) of § 989.58 (e), shall file with the committee on or before the fifteenth day of each month a report of all such raisins reconditioned by him during the preceding month. Each such report shall contain the following information: (i) The name and address of the person from whom the off-grade raisins were received for reconditioning; (ii) the net weight of the off-grade raisins; (iii) the net weight of the standard raisins after reconditioning; (iv) inspection certificate number covering the recovered standard raisins; (v) whether the standard raisins were acquired by the handler or returned to the tenderer; (vi) net weight of the residual matter after reconditioning; and (vii) disposition of such residual matter.

(4) *Disposition by handlers (other than processors) of off-grade raisins, stemmer waste, or raisin offal.* Each handler who is not a processor shall report to the committee upon its request all sales and other dispositions of off-grade raisins, stemmer waste, or raisin offal resulting from his sorting and/or packing operations, made during such period as is specified in the request. Such report shall be filed on a form furnished by the committee and shall include the following information: (i) Date of sale or other disposition; (ii) name and address of buyer; and (iii) description and weight of material sold.

(d) *Monthly report of dispositions of free tonnage raisins.* Each handler who is not a processor shall file with the committee on or before the fifth day of each month a report for the preceding month showing the aggregate quantity of each varietal type of free tonnage packed raisins and standard natural condition raisins which were shipped (exclusive of interhandler or interplant transfers within the State of California) or otherwise disposed of by him during the month. Such information shall be segregated as to (1) domestic outlets (exclusive of Federal Government purchases) according to consumer and bulk packs, (2) Federal Government purchases, (3) export outlets according to consumer and bulk packs, and (4) each of any other outlets for such raisins (other than interhandler or interplant transfers) in which the handler has made disposition of such raisins. For the purposes of this paragraph, Canada shall be considered as a domestic outlet and not an export outlet.

(e) *Reports of interhandler transfers.* Any handler who transfers free tonnage raisins to another handler within the State of California shall file with the committee, not later than five calendar days following such transfer a report showing: (1) The date of transfer; (2) the name(s) and address(es) of the handler or handlers and the locations of the plants; (3) the varietal type, net weight and condition of the raisins transferred; and (4) if packed, the inspection certificate number in the event such raisins had been inspected prior to such transfer. Two copies of such report shall be forwarded to the receiving handler at the time the report is submitted to the committee, on one of which the receiving handler shall certify to the receipt of such raisins and submit it to the committee within five calendar days after the raisins or the copies of such report have been received by him, whichever is later.

(f) Each handler who obtains an exemption pursuant to § 989.159 (f) for the shipment of gift or specialty packs of raisins shall file with the committee on a copy of the approved application for exemption a report showing the quantity of raisins shipped or disposed of under such exemption. The handler shall file the report promptly after the end of the crop year or after completion by him of all shipments of such exempted raisins, whichever is earlier.

(g) *Reports pertaining to the release of reserve tonnage and marketing policy information.* Upon request of the committee, each handler shall file with the committee on forms furnished by it a report containing such of the following information for each specified varietal type of raisins as the committee may request: (1) The quantity of free tonnage raisins held by him in and outside California as of the date specified in the committee's request, segregated by the portion sold and the portion not sold; (2) the total quantity of raisins expected to be acquired by him subsequent to the date specified by the committee, pursuant to purchase contracts with producers and dehydrators, which are in effect as of the date specified by the committee; (3) the weighted average price paid by him to producers and dehydrators for free tonnage raisins, natural condition basis, during the period specified by the committee and the quantity of raisins for which such average was computed; (4) the quantity of free tonnage raisins sold or sold and shipped (as specified by the committee) by him during a period specified by the committee, segregated to show the quantities sold or sold and shipped in (i) domestic markets, including Canada, and (ii) foreign markets, detailed by country; (5) the average weighted f. o. b. sales prices received from sales during a period specified by the committee of raisins in 30 pound fibre cases in domestic markets (including Canada) and the quantity of raisins for which such average prices were computed. Each such report shall be filed not later than the end of the fifth calendar day following either the date of the request by the committee or the ending date of the period to be covered by the report, whichever is later.

(h) *Certification of reports.* All reports submitted to the committee pursuant to this part shall be dated, and certified to the United States Department of Agriculture and to the Raisin Administrative Committee as to the truthfulness, accuracy and completeness of the information shown thereon.

(i) *Reporting by non-profit cooperative associations.* Non-profit cooperative associations need not submit door tags, door receipts, weight certificates or other similar documents with its reports as to raisins received or acquired from its members.

§ 989.176 *Records.* Each handler shall maintain complete, accurate, and current records of all of his business affairs concerning which he is required to

file reports with the committee, and shall maintain such records for at least two years after the termination of the crop year in which the transaction occurred.

It is hereby found and determined that good cause exists for not postponing the effective date of this order later than the fourth day after its publication in the FEDERAL REGISTER (see § 4 (c) of the Administrative Procedure Act; 5 U. S. C. 1001 *et seq.*) in that: (1) These administrative rules and procedures are designed to permit more effective administration of this part and should become effective as soon as practicable; (2) these administrative rules and procedures are quite complicated and have necessitated considerable discussion between this Department and the raisin industry; (3) such discussion has involved a thorough consideration of the known aspects in which differences of opinion or views have occurred; (4) also, notice of proposed rule making in this connection was published in the FEDERAL REGISTER issue of March 23, 1956, and no written data, views or comment have been received from any interested person other than the Raisin Administrative Committee; (5) the said rules and procedures were proposed by the Raisin Administrative Committee, on which raisin handlers and other industry groups are represented, their substance has been made known to the raisin industry generally, and hence handlers and other members of the raisin industry have general knowledge of these rules and procedures; and (6) any preparation necessary for compliance should not require more than three days.

Issued this 26th day of June 1956, to become effective on the fourth day after publication in the FEDERAL REGISTER.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator,*
*Marketing Services.*

[F. R. Doc. 56-5150; Filed, June 28, 1956; 8:48 a. m.]

## TITLE 14—CIVIL AVIATION

### Chapter I—Civil Aeronautics Board

#### Subchapter A—Civil Air Regulations

[Supp. 6]

#### PART 20—PILOT CERTIFICATES

#### PREREQUISITES FOR TAKING INSTRUMENT RATING WRITTEN EXAMINATION

The recent significant increase in the number of pilots making application for instrument ratings has resulted in numerous requests to take the instrument rating written examination before the completion of 30 hours of instrument time. The present instrument time requirement was established to provide suitable preparation for the examination by all applicants since no certificated instrument flight ground school is operated independently from an approved instrument flying course.

It now appears that instrument flight ground schools are active in many parts of the country, and recent instrument publications and study guides make the preparation for the written examination practicable without an appreciable amount of instrument flight instruction and practice.

Accordingly, this supplement is issued to delete the requirement for instrument time as a prerequisite of the instrument rating written examination. An applicant for the instrument rating written examination will hereafter be required only to present evidence of 150 hours of flight time as pilot-in-command, including 50 hours of cross-country flying; or the written recommendation of the chief flight instructor of a certificated instrument flying school in which he is enrolled.

Section 20.42–2, as published in 21 F. R. 888 on February 9, 1956, is revised to read as follows:

§ 20.42–2 *Prerequisites for taking the instrument rating written examination (CAA policies which apply to § 20.42 (a)).* The applicant for the instrument rating written examination will be required to show (a) that he meets the experience requirements of § 20.42 (b) (1); or (b) if enrolled in an instrument flight course in a certificated instrument flying school, the written recommendation of the chief flight instructor of that school.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interprets or applies secs. 601, 602, 52 Stat. 1007, 1008, as amended; 49 U. S. C. 551, 552)

This supplement shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] C. J. LOWEN,
*Administrator of Civil Aeronautics.*

[F. R. Doc. 56-5136; Filed, June 28, 1956; 8:45 a. m.]

## TITLE 19—CUSTOMS DUTIES

### Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54118]

#### PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

#### MISCELLANEOUS AMENDMENTS

The Bureau has approved the recommendations of the Hoover Task Force Commission on Paperwork Management to consolidate certain customs forms listed below:

1. Customs Forms 3309, 3319, and 3343 will be consolidated with customs Form 3307, and the consolidated form will be entitled "Declaration for Free Entry of Works of Art, Artistic Antiquities, Original Paintings, Statuary, Etc.," and designated as customs Form 3307.

2. Custom Forms 3333 and 3335 will be consolidated with customs Form 3325, and the consolidated form will be entitled "Declaration on Entry of Theatrical Effects for Temporary Use or of Works of Art, Etc., for Temporary or Permanent Exhibition," and designated as customs Form 3325.

Part 10, Customs Regulations, is accordingly amended as follows:

1. Section 10.34 is amended by substituting form number "3325" for "3333."

2. Section 10.48 (b) (3) is amended by substituting form number "3307" for "3309."

3. Section 10.49 (a) is amended by substituting form number "3325" for "3335".

4. Section 10.50 is amended by substituting form number "3307" for "3319".

5. Section 10.53 (b) and (c) is amended by substituting form number "3307" for "3343" each time that it appears.

(R. S. 161, 251, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 66, 1624)

The foregoing amendments, which contemplate the use of consolidated customs Forms 3307 and 3325, shall become effective September 1, 1956, at which time such forms will be printed and available for distribution. The present issues of all the forms involved shall continue to be used until the consolidated forms are available.

Collectors of customs shall order necessary quantities of the consolidated forms from the Section of Forms in New York, and when supplies are received, the numbers and titles of Forms 3309, 3319, 3333, 3335, and 3343, shall be deleted from official copies of the Catalogue of Customs Forms, and the new titles of Forms 3307 and 3325 shall be inserted therein.

[SEAL] RALPH KELLY,
*Commissioner of Customs.*

Approved: June 22, 1956.

DAVID W. KENDALL,
*Acting Secretary of the Treasury.*

[F. R. Doc. 56-5177; Filed, June 28, 1956; 8:54 a. m.]

## TITLE 20—EMPLOYEES' BENEFITS

### Chapter II—Railroad Retirement Board

#### PART 200—PROCEDURE AND FORMS

#### MISCELLANEOUS AMENDMENTS

1. Paragraph (b) of § 200.1 of Part 200, Subchapter A, Chapter II, Title 20, is amended to read as follows:

(b) *Unemployment, sickness, and maternity benefits.* (1) Claims for unemployment benefits are handled by a comprehensive organization set up in the field. Under agreements between the Railroad Retirement Board and covered employers, the employers select employees of theirs to act as unemployment claims agents. These agents perform their services, specified in the agreement, in accordance with instructions issued by the Board but under general supervision and control of the employer. In accordance with the agreements, employers are reimbursed for such services at the rate of 50 cents for each claim taken by an unemployment claims agent and transmitted to the Board. There are some 30,000 such contract claims agents. An unemployed person who wishes to file a claim for unemployment benefits need only consult his recent railroad employer to be directed to the unemployment claims agent with whom he may file his claim.

(2) When an employee makes his first claim in any benefit year, he identifies himself and fills out an application for unemployment benefits (UI–1), an application for employment service (Form ES–1), and a pay rate report (Form UI–1a) to be used in determining the rate at which benefits may be paid. The employee is given an informational booklet UB–4 and an Unemployment Bulletin No. UB–3 informing him of his responsibilities and explaining the statements to which he is required to certify and to which he does certify when he registers for benefits. When the applications and pay rate report are completed, the unemployment claims agent sends them to the nearest district or branch office of the Board. That office inspects the applications to detect errors and omissions and to note items requiring investigation. The office also attempts to verify the employee's statement about his pay rate unless the unemployment claims agent has already done so. The application for unemployment benefits and the pay rate report are then sent to the appropriate regional office of the Board. The application for employment service is retained in the district or branch office for use in referring the claimant to suitable job openings. On the basis of the information furnished on the application for unemployment benefits, the regional office determines whether the applicant is a qualified employee (that is, whether he earned $400 or more from covered employment in the base year). The applicant is notified by letter if he is found to be not qualified.

(3) In addition to the application forms and pay rate report, the claimant executes a registration and claim for unemployment insurance benefits (Form UI–3). In substance, registration consists of his appearing before an unemployment claims agent during the agent's working hours and signing his name on the registration and claim form for the days he wishes to claim as days of unemployment. Registration for any day must be made on the day or not later than the sixth calendar day thereafter, except that, if such calendar day is not a business day, the claimant may make his registration on the next following business day. In other words, a claimant must ordinarily appear for registration at seven-day intervals. Under certain circumstances, such as illness, employment, looking for employment, etc., an employee may make a delayed registration for any day for which he is unable to register within the time limit mentioned above. The unemployment claims agent sends the claim to the nearest district or branch office where it is inspected with a view to calling the claimant in for interview or referral to job openings, detecting errors and omissions, and noting items requiring investigation. The claim is then forwarded to the regional office.

(4) Claims for sickness benefits are handled by the field organization of the Board. An employee need not register in person for sickness benefits but claims for such benefits must be made on the forms prescribed by the Board and executed by the individual claiming benefits except that, if the Board is satisfied that an employee is so sick or injured that he cannot sign forms, the Board may accept forms executed by someone else in his behalf. Forms used in connection with claims for sickness benefits may be obtained from a railroad employer, a railway labor organization, or any Board office. An application for sickness benefits (Form SI–1a) and the required statement of sickness (Form SI–1b) may be mailed to any office of the Board (see Part 335 of this chapter). It is important that a statement of sickness be filed promptly, for no day can be considered as a day of sickness unless a statement of sickness with respect to such day is filed at an office of the Board within ten days. The application and statement of sickness are forwarded to a regional office where they are examined. If it appears that the employee is entitled to benefits, the regional office will send him a claim form covering a 14-day registration period, and a pay rate report (Form SI–1d). The employee completes the forms, indicating on the claim form the days during the period he claims as days of sickness and returns both forms to the regional office to which the claim form is preaddressed. When additional medical information is needed, a form for supplemental doctor's statement is sent to the employee. This should be filled out by a doctor and returned to the Board.

(5) Maternity benefits must be applied for on a form prescribed by the Board. A statement of maternity sickness, executed by a person authorized to execute statements of sickness (see Part 335 of this chapter), is required also. The necessary forms may be obtained from a railroad employer, a railway labor organization, or any Board office. An application for maternity benefits (Form SI–101) and the statement of maternity sickness (Form SI–104) may be filed in person or by mail with any Board office. It is important that the statement of maternity sickness be filed promptly since no day can be considered as a day of sickness in a maternity period unless a statement of maternity sickness with respect to the day is filed at an office of the Board within ten days. As in the case of claims for sickness benefits, the forms are forwarded to a regional office. Claim forms are mailed to the claimant and are pre-addressed for return to the regional office.

(6) Whether benefits are payable to a claimant and, if so, the amount of benefits payable, is determined, with respect to claims for unemployment, sickness, and maternity benefits, by the regional office. The names and addresses of claimants to whom benefits are found payable, and the amounts payable to them, are certified to the local disbursing office of the Treasury Department which mails the benefit checks to the claimants. If a claim is denied in whole or in part, an explanation is given to the claimant by letter.

(7) The rate at which benefits are payable is determined from the claimant's railroad wages earned in a base year period or from his daily pay rate for his last railroad employment in the base year period, whichever will result in the higher benefit rate. His daily benefit rate will be at least half as much as his daily pay rate for his last railroad employment in the base year period, but not exceeding $8.50.

(8) Any qualified employee whose claim for benefits under the Railroad Unemployment Insurance Act has been denied in whole or in part may, within one year from the date such denial is communicated to him, appeal from the initial determination, and such appeal will be heard before an impartial referee. An unsuccessful claimant in an appeal before such referee may appeal to the Board. (For further details of appeals procedure by claimants for benefits and for appeals procedure by employers, see Parts 319 and 320 of this chapter.)

Any claimant, or any railway labor organization organized in accordance with the provisions of the Railway Labor Act, of which the claimant is a member, or any other party aggrieved by a final decision pursuant to the Railroad Unemployment Insurance Act, may, only after all administrative remedies within the Board will have been availed of and exhausted, obtain a review of such final decision of the Board by filing a petition for review within 90 days after the mailing of notice of such decision to the claimant or other party, or within such further time as the Board may allow, in the United States court of appeals for the circuit in which the claimant or other party resides or will have had his principal place of business or principal executive office, or in the United States Court of Appeals for the Seventh Circuit, or in the United States Court of Appeals for the District of Columbia Circuit.

2. Section 200.2 is amended to read as follows:

§ 200.2 *Description of forms and instructions.* (a) Following are listed descriptions of forms and instructions as to the scope and content of papers, reports, or examinations used in the Board's functioning. The forms are grouped on a functional basis. Items (1) through (88) deal with railroad retirement activities. Items (89) through (96) concern employment service program, and items (96) through (124) concern the sickness and unemployment insurance program. Forms may be secured upon application in person or by mail at any of the Board's offices.

(1) *Form AA-1, Application for Employee Annuity under The Railroad Retirement Act.* This form must be executed by each individual who wishes to file claim for an employee annuity under the Railroad Retirement Act. Information to be included on the form consists of data required to identify the employee on the records of the Board and on the employer's pay roll or other records; statements as to whether or not credit for military service and disability are claimed; present employment status; and the date on which the individual wishes to have the annuity begin. Form AA–1 must be signed by the individual in accordance with § 210.4 of this chapter.

(2) *Form AA–1a, Request for Supplemental Information when Annuitant or Pensioner Attains Age 65.* This form would provide supplementary information required for Board records. Information requested includes the claimant's social security account number, his mar-

ital status in some detail, and whether he has children who are under age 18 or disabled.

(3) *Form AA–1b, Application for Recomputation of Employer Annuity under The Railroad Retirement Act.* This form is for use of annuitants who wish to apply for a recomputation of an annuity to include service rendered after the annuity beginning date.

(4) *Form AA–2P, Record of Employee's Prior Service.* This is a form requiring a statement of the employee's service and compensation prior to January 1, 1937, to be prepared by the employer from his records for each individual who on August 29, 1935, was an employee. The employer is also required to report on this form information concerning the employee's date of birth as shown on employer records and the employee's status on August 29, 1935.

(5) *Form AA–2P–Bro., Supplemental Data Concerning Occupation of Employee During Base Period (Board Request).* This is a form, to be completed by an employer, requiring a statement of an employee's occupations during each year or period for which compensation prior to January 1, 1937, is reported. Requested by the Board when data is required to supplement report furnished on AA–2P or AA–2P–Opt.

(6) *Form AA–2P–Brs., Supplemental Section 7 of Form AA–2P (Board Request).* This is a form requiring a statement of compensation by an employer when employee's compensation initially reported by the employer for the period January 1, 1924, to December 31, 1931, is insufficient to permit a determination of monthly compensation for service prior to January 1, 1937.

(7) *Form AA–2P Opt., Optional Section 7 of Form AA–2P.* This form provides for statement of employee's compensation during the period 1924 through 1931 to be used in lieu of section 7 of Form AA–2P by employers whose pay rolls were prepared on a weekly basis during the period covered by report.

(8) *Form AA–3, Application of Wife for Spouse's Annuity.* This form must be executed by the wife of an annuitant in filing claim for a spouse's annuity under the Railroad Retirement Act. The form requires information needed to determine a wife's eligibility for a spouse's annuity.

(9) *Form AA–3a, Supplement to Application for Wife's Annuity.* This form is to be completed by a wife, who has filed a claim for a spouse's annuity, to provide supplemental information to enable the Board to detremine if the wife may have eligibility on the basis of having in her care a disabled child who is 18 years of age or older.

(10) *Form AA–4, Application of Husband for Spouse's Annuity.* This form must be executed by the husband of a female annuitant in filing claim for a spouse's annuity under the Railroad Retiement Act. This form requires information required by the Board to determine a husband's eligibility for a spouse's annuity.

(11) *Form AA–5, Application for Substitution of Payee for Employee or Spouse Annuitant.* This form is to be used where a guardian or other legal representative is appointed, or a substitute payee under section 19 (a) of the Railroad Retirement Act is requested, for an employee or a spouse after the award of an annuity to him or her. The form requires information needed to show the authority of the legal representative, or the basis for recognizing the substitute payee to receive payment on behalf of the employee or the spouse and requires the signature of the person applying. The form also lists the conditions under which an annuity is not payable and includes a form of agreement concerning the payment of the annuity and for the reporting of events which would affect such payment.

(12) *Form AA–11a, Designation or Change of Beneficiary.* This is a form prescribed in accordance with subsection (f) (2) of section 5 of the Railroad Retirement Act, as amended, on which an individual who was an employee after December 31, 1936, may designate the person or persons whom he wishes to receive any death benefits payable under such paragraph. The form is also to be used to change a designation of beneficiary made on a Form AA–11a previously filed with the Board. It must be signed by the individual and witnessed by two persons who are not designated on the form as beneficiaries.

(13) *Form AA–12, Notice of Death and Statement of Compensation.* This form is to be used by an employer in giving the Board the notice of death of an employee required by § 250.2 of this chapter and for reporting compensation for the deceased in specified periods.

(14) *Form AA–12a, Notice of Death and Statement of Compensation.* This form is to be used by an employer to report service and compensation of a deceased employee when requested by the Board. If Form AA–12 has been furnished when the request is received Form AA–12a need not be furnished.

(15) *Form AA–15, Employee's Statement of Compensated Service Rendered Prior to January 1, 1937, to Employers Under the Railroad Retirement Act of 1937.* This form is for a statement to be submitted by employees who wish to claim credit for service performed before 1937.

(16) *Form AA–17, Application for Widow's or Widower's Insurance Annuity.* This is the form of application for insurance annuity and lump-sum benefits by the widow or widower of a deceased employee; it may be considered as an application also for any insurance benefits payable under Title II of the Social Security Act as amended.

(17) *Form AA–17a, Application for Widow's or Widower's Insurance Annuity.* This form is to be used where an applicant for widow's or widower's insurance annuity has previously filed an application for a lump-sum death payment or a widow's current insurance annuity; it may be considered as an application also for any insurance benefits payable under Title II of the Social Security Act as amended. Where the applicant has not previously filed an application for a widow's current insurance annuity, Form AA–17 is to be filed.

(18) *Form AA–18, Application for Widow's and Child's Insurance Annuities.* This is the form of application for insurance annuity benefits by the widow on her own behalf and on behalf of the children of a deceased employee; it may be considered as an application also for any insurance benefits payable under Title. II of the Social Security Act as amended.

(19) *Form AA–19, Application on Behalf of Child for Child's Annuity.* This is the form of application for insurance annuity benefits on behalf of a child; it may be considered as an application also for any insurance benefits payable under Title II of the Social Security Act as amended.

(20) *Form AA–19a, Supplement to Application for Widow's and/or Child's Insurance Annuity.* This form is to be used in providing information to permit the Board to determine whether a child age 18 or older who is alleged to be disabled would meet the eligibility requirements for a child's insurance annuity, other than that of disability. A widow caring for an incompetent disabled child age 18 or over and claiming initial entitlement on that basis or a widow claiming continued entitlement on the same basis are to use this form.

(21) *Form AA–20, Application for Parent's Insurance Annuity.* This is the form to be used in applying for parents' insurance annuity benefits; it may be considered as an application also for any insurance benefits payable under Title II of the Social Security Act as amended.

(22) *Form AA–21, Application for Lump-Sum Death Payment and Annuities Unpaid at Death.* This is the form of application for lump-sum death payments due with respect to an employee's death and for annuities due the employee but unpaid at his death and may be considered as an application also for any insurance benefits payable under Title II of the Social Security Act as amended.

(23) *Form AA–22, Application for Substitution of Payee for Survivor Annuitant.* This form is to be used, in applying for payment of a survivor annuity previously awarded, by either a legal representative of a survivor annuitant or a person requesting to be recognized under section 19a of the act as substitute payee of the annuity of such annuitant.

(24) *Form AC–1, Appeal from Initial Decision of Bureau of Retirement Claims.* This is a form prescribed for filing of an appeal from an initial decision of the Bureau of Retirement Claims with respect to a determination made by that Bureau in connection with an application for annuity or death benefits in accordance with § 260.2 of this chapter.

(25) *Form AC–2, Appeal from Decision of The Appeals Council.* This is the form prescribed for filing from a decision of the Appeals Council with respect to a determination made in connection with an application for annuity or death benefits in accordance with §§ 260.3 and 260.4 of this chapter.

(26) *Form AC–6, Appeal from Initial Determination as to Service and Compensation Prior to January 1, 1937.* This form is prescribed for filing an appeal to the Appeals Council from the initial decision of the Bureau of Retirement Claims with respect to an individual's record of service or compensation prior to January 1, 1937, as established, or failure to establish such record, in the absence of an application for benefits under the Railroad Retirement Act based on such service.

(27) *Form AC–8, Appeal from Decision of The Appeals Council (Record of Prior Service).* This is the form for an individual's final appeal to the Board from any decision of the Appeals Council which was made in response to filing Form AC–6

(28) *Form BA–3, Quarterly Report of Creditable Compensation.* This is to be used by employers in reporting the compensation paid to each employee in each month in a calendar quarter as required to be submitted under § 250.3 of this chapter.

(29) *Form BA–3a, Annual Report of Creditable Compensation.* This form is to be used by employers authorized by the Board to report on an annual basis to report for each employee the service months in which an individual worked, the total service months earned, and the total creditable compensation paid during the year as is required to be submitted under § 250.3 of this chapter.

(30) *Form BA–4, Report of Creditable Compensation Adjustments.* This form is to be prepared and submitted each month by employers to report any adjustment in creditable compensation which has been made by the employer and which would affect the amount of an employee's benefits under either the Railroad Retirement Act or the Railroad Unemployment Insurance Act.

(31) *Form BA–5, Summary Report of Compensation of Employees.* Employers reporting creditable compensation are also required to prepare and submit this form which is a quarterly summary of all compensation paid and any adjustments made during the quarter.

(32) *Form BA–6, Certificate of Service Months and Wages.* This form, which notifies employees of the retirement and unemployment insurance credits established in their accounts, is to be submitted when filing for unemployment, sickness or maternity benefits.

(33) *Form BA–12a, Advice of Multiple Account Members.* This form is to be used by an employer to notify the Board that an employee has more than one account number.

(34) *Form BA–12b, Advice of Name Corrections.* This form is to be used by an employer to notify the Board of a correction that should be made in an employee's name as it is entered on Form CER–1, Employee Registration.

(35) *Form CER–1, Employee Registration.* This form must be executed by each individual entering, for the first time, employment covered by the Railroad Retirement and Railroad Unemployment Insurance Acts and is to be forwarded to the Board through the employer. The identifying information included on this form is for the purpose of enabling the Board to assign the individual an account number and to establish an individual account to which service and compensation under the Acts may be credited.

(36) *Form DC–1, Employer's Quarterly or Annual Report of Contributions Under The Railroad Unemployment Insurance Act.* This is a form prescribed by § 345.5 of this chapter to be filed by an employer under the Railroad Unemployment Insurance Act to show the amount of contributions being remitted for the period covered.

(37) *Form DC–2, Employee Representatives Report of Compensation.* This form is used by an individual serving as an employee representative under the Railroad Retirement Act for reporting employee representative service and compensation and is to be filed annually or upon termination of employee representative service.

(38) *Form DC–2a, Employee Representative's Status Report.* This form provides for a statement to be made at the request of the Board by an individual claiming credit for service under the Railroad Retirement Acts as an employee representative to enable the Board to determine if the service is creditable under those acts.

(39) *Form DC–3, Claim for Abatement or Refund of Contributions, Interest, Penalty.* This form is to be used by employers in claiming abatement or refund of contributions, interest or penalty under the Railroad Unemployment Insurance Act.

(40) *Form ERR–8, Employment Relation Questionnaire.* This is a form on which an employer provides information concerning an applicant for an annuity who was not in compensated service on August 29, 1935, and did not perform six months of service after August 29, 1935, and prior to January 1, 1946.

(41) *Form G–3, Report of Physical Examination.* This form is to be used by a doctor of medicine to report his findings when requested by the Board to make a physical examination of an applicant for benefits under the Railroad Retirement and Railroad Unemployment Insurance Acts. It is used also to report the continuance of the disability of an annuitant previously awarded a dsability annuity under the Railroad Retirement Act.

(42) *Form G–3EMP., Report of Physical Examination.* This form is to be used by an employer in supplying medical evidence in a disability annuity case. The form may also be used by an applicant whose claim for a disability annuity has been denied, and who is dissatisfied with the decision on his claim, for the purpose of supplying additional medical evidence from his own physician, or any other physician of his choice. Such evidence must be obtained and submitted at no expense to the Board.

(43) *Form G–3x, Claim for Reimbursement for Medical Examination.* This form, prescribed by the Comptroller General, is to be used in claiming reimbursement for services rendered in performing physical examinations.

(44) *Form G–4, Authorization to Furnish Medical Examination.* This form is to be used by an applicant for a disability annuity to authorize the Board to obtain from an employer medical evidence regarding the applicant's physical condition.

(45) *Form G–19, Declaration of Person Receiving Annuity Payments under The Railroad Retirement Act.* This form is to be completed by beneficiaries in foreign countries to provide information of work and earnings which might affect payment of benefits. It is released through the Department of State to all survivor annuitants, all retirement and spouse annuitants whose annuities have been increased under the Social Security Act minimum provision of the Act, and all disability annuitants under age 65, who reside outside of the United States.

(46) *Form G–19a, Annual Report of Person Receiving Insurance Annuity Payments under The Railroad Retirement Act.* This form is to be completed by survivor annuitants to provide information on work and earnings which might affect payment of benefits. The form is released annually.

(47) *Form G–19b, Annual Report of Person Receiving a Retirement or Spouse Annuity under The Railroad Retirement Act.* This form is to be completed by all retirement and spouse annuitants, who are under age 72 as of January 1, and whose annuities have been increased under the Social Security Act minimum guarantee, and to such persons whose annuities were adjusted during the year because of earnings. The form is released annually.

(48) *Form G–19c, Annual Report of Disabled Child.* This form is to be completed by the beneficiary, the mother, or the guardian to provide information about the disabled physical condition and the work and earnings of a child eligible otherwise for a child's annuity.

(49) *Form G–45, Employee Status Questionnaire.* This form is to be used by employers under the Railroad Retirement Act to provide information necessary for determining whether a claimant is the employee of the employer.

(50) *Form G–60, Application for Benefits upon Death of Employee, Applicant, or Annuitant.* This form is to be executed by an individual who wishes to apply for death benefits payable under the Railroad Retirement Act of 1935, and by a legal representative applying for death benefits under the Railroad Retirement Act of 1937 in accordance with Part 236 of this chapter.

(51) *Form G–70, Protest of Record of Service Months and Wages.* This form is to be used by an employee in protesting the Board's record of his service months and wages, unless he is applying for benefits under the Railroad Unemployment Insurance Act. This form provides for showing the employee's claim of the amount of wages he earned in each month of the year or years, the name of the employer from which they were earned, and the place of employment.

(52) *Form G–74, Insurance Annuitant's Report to Railroad Retirement Board.* This form is to be used by a survivor insurance annuitant to report earnings or other events which might preclude payment of the survivor annuity.

(53) *Form G–78, Statement of Remarriage of Widow and Acknowledgment of Ineligibility for Monthly Insurance Benefits at Age 60.* This form is to be used by a remarried widow to enable payment to her of the residual lump sum without the expense of submitting formal proof of the remarriage.

(54) *Form G–87, Report of Employee Representative Service and Compansation.* This form is to be used to report service and compensation of employee representatives.

(55) *Form G–88, Certificate of Termination of Service and Relinquishment of Rights.* This form is to be used by an applicant for a retirement annuity to certify that he has ceased working for an employer and, except for an applicant under age 65 for a disability annuity, has relinquished all rights to return to service of his last employer, whether or not covered by the Railroad Retirement Act.

(56) *Form G–88a, Employer's Supplemental Report of Service and Compensation.* This is a form appearing on the reverse of Form G–88, Employee's Certificate of Termination of Service and Relinquishment of Rights, and is to be completed by an employer in respect to service rendered between the period covered by the employer's last report of service and compensation and the date of the employee's termination of service.

(57) *Form G–89, Authority for Change of Effective Date.* This is the form to be used by an applicant for a retirement annuity to authorize a change in or clarifying his annuity beginning date, or to set a beginning date upon reinstating a canecelled application. The form must be signed before and by two witnesses.

(58) *Form G–108, Request for Supplemental Service Information.* This form is for use by an annuity applicant in claiming service which has been reported by the employer but not previously claimed or to furnish additional information for service previously claimed but not verified by the employer. Detailed information such as exact name of carrier, exact pay-roll name, for each such period of service is to be shown.

(59) *Form G–118, Applicant's Statement Regarding Alleged Adoption.* This form is to be executed by an applicant filing for a child's insurance annuity on behalf of a child, where adoption by the deceased employee is alleged but no formal adoption proceedings occurred.

(60) *Form G–124, Statement of Marital Relationship.* This is a form to be used, upon request, to supply information concerning marital status by a woman claiming to be the wife of an employee by other than a ceremonial marriage.

(61) *Form G–126, Election to Receive a Residual Payment Instead of Future Monthly Insurance Benefits Based on Service under the Railroad Retirement Act.* This form is to be used by a widow or parent to make an irrevocable election, under section 5 (f) (2) of the Railroad Retirement Act of 1937, as amended, to receive the lump sum payment provided by that section in lieu of future monthly benefits which might otherwise become payable.

(62) *Form G–129, Waiver of Annuity or Pension Payments under The Railroad Retirement Act.* This form is to be used by annuitants or pensioners under the Railroad Retirement Act who wish to waive payment of all or part of their benefits in accordance with section 20 of the act as amended.

(63) *Form G–130, Waiver of all Claims Against the Estate of a Deceased.* This form is to be used by an individual desiring to waive a claim against an estate to permit the payment of benefits under the Railroad Retirement Act to the estate without the requirement of formal administration (see Part 236 of this chapter). In executing the form the individual waives all of his claim against the estate and releases and discharges the United States and the Railroad Retirement Board from any and all obligations by reason of payment to the estate of the full amount due.

(64) *Form G–131, Authorization of Payment and Release of all Claims to Death Benefits and Annuity Payments.* This form is to be used by an individual entitled to share in a benefit payable under the Railroad Retirement Act to an estate, to authorize payment to some other person.

(65) *Form G–133, Revocation of Election Made to Provide Survivor Annuity for Spouse.* This form is to be used by any annuitant or employee under the Railroad Retirement Act who has elected a joint-and-survivor annuity and wishes to revoke the election.

(66) *Form G–154, Authorization to Furnish Information.* This form is to be completed in authorizing the Board to furnish information from its records.

(67) *Form G–157, Certification of Expenses Incurred in the Performance of Express Service.* This form is to be used by an applicant for an annuity who performed service for an express company on a commission basis during the test period (1924–1931) to show the expenses he incurred in the work.

(68) *Form G–176a, Annuitant's Report to Railroad Retirement Board.* This form, notifying disability annuitants of the work deduction provisions of the Railroad Retirement Act, is to be signed by the annuitant to certify that he understands the explanation of the provisions of the law and is to be returned to the Board.

(69) *Form G–179, Annuitant's Report to Railroad Retirement Board.* This form is to be used by a retirement annuitant and a spouse annuitant whose annuities are increased under the "social security minimum" provision of section 3 (a) of the Railroad Retirement Act, to report excess earnings or other events which might effect payment of the annuity.

(70) *Form G–345, Wife's Certification.* This form is to be used by women retirement annuitants, whose husbands apply for spouse's annuities, to provide information concerning their marriage and living together.

(71) *Form G–346, Husband's Certification.* This form is to be used by male retirement annuitants, whose wives apply for spouse's annuities, to provide information concerning their marriage and living together.

(72) *Form G–372a, Request for Additional Information Concerning Deceased Employee.* This form is used to secure information when the original notice of the death of an employee does not contain sufficient information to identify the deceased individual on the Board's records.

(73) *Form G–377, Report Concerning Employment.* This form is for use by survivor annuitants, whose annuities have been suspended because of a report of expected annual earnings in excess of $1200, or of employment in the railroad industry, in reporting a change in the annuitant's situation to enable the Board to prevent unnecessary withholding of payments.

(74) *Form G–377a, Report Concerning Employment Outside United States.* This form is for use of survivor annuitants, whose annuities have been suspended because of a report that the annuitant is working outside the United States on seven or more days per month, to report that he has stopped such work. It includes an agreement to report any such work in the future and to return any check for any month of such work.

(75) *Form G–466, Husband's or Widower's Certificate of Support.* This form is to be used by a husband or widower of a female annuitant under the Railroad Retirement Act, when applying for an annuity, to certify that he was receiving at least one-half of his support from his wife.

(76) *Form G–467, Parent's Certificate of Dependency and Support.* This form is used by a claimant in furnishing information relative to a determination of status as a dependent parent of a deceased employee for the purpose of receiving a parent's annuity.

(77) *Form G–468, Certificate of Responsibility of Minor Applicant.* This is a form on which applicant for benefits who is still a minor is to provide information to support a request that benefits be paid without the appointment of a guardian and requires in addition, a statement by two adults that they are personally acquainted with the applicant and that to the best of their knowledge and belief the applicant's statements are true and complete.

(78) *Form G–469, Certificate of Guardian-In-Fact or Person In Loco Parentis.* Form to be used by a guardian-in-fact or a person in loco parentis of a minor with regard to an application of the minor for benefits and certifying that the benefits received would be used solely for necessities of the minor.

(79) *Form G–661, Appeal From Decision Concerning Creditability of Service.* This form is prescribed for filing an appeal from an initial decision of the Bureau of Retirement Claims with respect to a determination by that bureau that service claimed in connection with an application for annuity is not creditable because the employer is not covered by the Railroad Retirement Act.

(80) *Form OE–1, Payroll Report (Quarterly) for System Subordinate Units.* The form is for quarter-annual reports by system subordinate units of national-labor-organization "employers" of earnings by employees and of employer "contributions" remitted pursuant to the Railroad Unemployment Insurance Act; it shows also amounts of taxes paid pursuant to the Railroad Retirement Tax Act.

(81) *Form OE–2, Payroll Report (Monthly) for System Subordinate Units.* This form is similar to Form OE–1 except that it is for monthly reports.

(82) *Form OE–2a, Payroll Report (Monthly) for Local Subordinate Units.* This form is for monthly reports by local subordinate units of national-labor-organization "employers" and of earnings by employees and show amounts of taxes paid under the Railroad Retirement Tax Act.

(83) *Form OE–5, Service and Compensation Report by Labor Organization.* This requires a report from covered labor organizations of the service and compensation of its covered employees.

(84) *Form RL–13e, Notice to and Certification by a Disability Annuitant Upon Attainment of Age 65 of Relinquishment of Rights.* This form is used to certify that a person receiving an annuity on the basis of physical disability and who has reached the age of 65, is not in the service of any employer under the Railroad Retirement Act or of the person by whom he was employed last before his annuity began to accrue and that he has relinquished all rights to return to the service of such an employer or person.

(85) *Form RL–50, Letter and Questionnaire re Continuance of Disability Annuity Awarded after July 30, 1946.* This form is to be used by annuitants receiving disability annuities to provide proof of continuance of the disability.

(86) *Form RL–51, Report of Pay For Time Lost.* This form is to be used by an employer to report payments to an employee for time lost.

(87) *Form RL–52, Report Concerning Employment Relation.* This form is used by an applicant for an annuity who was not in compensated service on August 29, 1935, to supply information concerning his employment status on that date.

(88) *Form RL–66, Report of Use of Payments Made to Persons on Behalf of Annuitants and Pensioners.* This form is for use in reporting how payments received in a representative capacity for incompetent beneficiaries are used.

(89) *Form ES–1, Application for Employment Service.* This form is to be used by unemployed persons in applying for placement by the employment service.

(90) *Form ES–19b, Referral Card.* This referral card is given to an applicant for employment service who is not a claimant for unemployment insurance benefits. It tells the applicant to report to a designated hiring official for work. The notice is to be left with the hiring office which is requested to complete the card to show whether or not the applicant was hired and to return it to a designated Board office.

(91) *Form ES–20a, Applicant's Referral Report.* This form is to be used by a claimant for unemployment insurance to inform the Board field office of the results of his referral to a designated hiring official.



(92) *Form ES–20b, Referral Card.* This is a referral card given to a claimant for unemployment insurance benefits. It tells him to report to a designated hiring official for work. The notice is to be left with the hiring office which is requested to complete the card to show whether or not the applicant was hired and to return it to a designated Board office.

(93) *Form ES–21, Referral Card–RRB to SES.* This is a referral card given to an applicant for unemployment insurance benefits instructing him to report to the State Employment Service office for employment instructions. After entries have been made by the State Employment Service, or if he has not reported to the State Employment Service, he explains his reasons, and signs and dates the card and mails it to the Railroad Retirement Board.

(94) *Form ES–21c, Report on Placement or Refusal of Referral or Job Offer.* This is a form used by a State Employment Service representative to report the results of a referral of an applicant for unemployment insurance benefits to the Employment Service for placement.

(95) *Form ES–107, Call-in-Card.* This is a notice to an applicant for unemployment insurance benefits who has applied for employment service to appear in person at a designated place to discuss the possibility of employment. If the applicant does not report as directed, he is instructed to return the form furnishing information that he has good cause for not reporting. The form specifically states penalties for failure to comply with the instructions thereon.

(96) *Form ES–110, Referral List.* This is to list the individuals instructed to report to employer for an interview on job opening. The reverse side is to be completed by the employer to indicate whether the individuals were hired and date they are to begin work or reason they were not hired and is to be returned to a designated Board office.

(97) *Form ID–5i, Report of Unemployment Insurance Claimant's Employment.* Form to be used by non-railroad employers to report employment and earnings of a claimant who may have worked on days claimed as days of unemployment.

(98) *Form ID–9a, Employer's Special Report of Compensation.* This form is to be used by an employer to report compensation not previously reported to the Bureau of Wage and Service Records. This information is required in determining the benefit rights of an applicant for unemployment insurance benefits whose base year wages were earned in the employment of the employer.

(99) *Form ID–9b, Special Report of Compensation for Service Under Contract.* This form is to be used by a contractor who had contracts with an employer to report an employee's service and compensation.

(100) *Form SI–1a, Application for Sickness Benefits.* This form is to be used by an employee in applying for the form on which to claim sickness benefits. The completed form supplies information necessary to determine if the applicant is eligible to claim benefits and waives any existing "doctor-patient privileges" for the purpose of supplying medical information in support of his claim.

(101) *Form SI–1b, Statement of Sickness.* This form is a detachable part of Form SI–1a and is to be executed by an authorized person supplying medical information in connection with an employee's application for sickness benefits.

(102) *Form SI–1c, Supplemental Information on Accident and Insurance.* This form is to be used by a claimant of sickness benefits to supply information not shown on the sickness benefit application about the person or persons who may have been responsible for payment of damages to him.

(103) *Form SI–1d, Pay Rate Report and Employer's Corrected Report of Pay Rate.* This form is to be used by a claimant for sickness benefits to report the pay rates required to determine his daily benefit rates under the Railroad Unemployment Insurance Act. The pay rate report is then verified and, if necessary, corrected by the employer.

(104) *Form SI–3, Claim for Sickness Benefits.* This form is sent by the Board to claimants for sickness benefits to inform the claimant of the registration period covered by the claim and to request information as to days of sickness claimed, days worked, and earnings. The form is to be returned to the office of the Board to which it is pre-addressed.

(105) *Form SI–3a, Claim for Sickness Benefits.* This form is the same as Form SI–3 but is sent to those claimants for sickness benefits whose statements of sickness indicate the need for additional medical information.

(106) *Form SI–3b, Supplemental Doctor's Statement.* This form is a detachable part of Form SI–3a and is to be executed by an authorized person to supplement information contained in Form SI–1b, Statement of Sickness, when additional information is desired.

(107) *Form SI–5, Report of Payments to Employee Claiming Sickness Benefits under the Railroad Unemployment Insurance Act.* This form is to be used by an employer or other person to report damages, pay for time lost, workmen's compensation or other payments made or payable to an employee claiming sickness benefits.

(108) *Form SI–7, Supplemental Doctor's Statement.* This form is to be filled out by a claimant's doctor to supply medical information needed to supplement a statement of sickness submitted under the Railroad Unemployment Insurance Act.

(109) *Form SI–10, Statement of Authority to Act for Employer.* This is a form to be used by a person in furnishing information concerning his authority when applying for sickness benefits under the Railroad Unemployment Insurance Act on behalf of an employee who is unable to sign documents and transact business in connection with obtaining such benefits.

(110) *Form SI–34, Report of Physical Condition of Claimant Under Railroad Unemployment Insurance Act.* This form is to be used by a medical examiner to report the physical condition of an applicant when it appears that he has been released from or rejected for work

because of sickness and should therefore apply for sickness benefits.

(111) *Form SI–62, Claim for Sickness Benefits to Employee But not Paid at Death.* This is the form to be used in making claim for sickness benefits due an employee but unpaid at his death.

(112) *Form SI–101, Application for Maternity Benefits.* This is the form to be used by a female employee in applying for a claim form on which to claim maternity benefits. The form provides for a statement by the employee of prior employment and of the birth or expected birth of a child; and also for a waiver of any existing "doctor-patient privilege" with respect to the maternity sickness for which the claim is made. This form is to be mailed, together with completed Form SI–104, to the Board.

(113) *Form SI–103, Claim for Maternity Benefits.* This is the form to be used in making claim for maternity benefits under the Railroad Unemployment Insurance Act.

(114) *Form SI–104, Statement of Maternity Sickness.* This form is to be executed by a doctor of medicine in connection with an application for maternity benefits, and is to be furnished by the applicant to the Board, upon execution, together with completed Form SI–101, Application for Maternity Benefits.

(115) *Form UI–1, Application for Unemployment Benefits.* This form is to be used by an employee in applying for unemployment benefits and provides for information in connection with employment service.

(116) *Form UI–1a, Pay Rate Report and Employer's Corrected Report of Pay Rate.* This form is given to a claimant for unemployment benefits to provide information of his employment and pay to be used in the determination of the claimant's daily benefit rate. The employer verifies and, if necessary, corrects the pay rate reported by the claimant.

(117) *Form UI–1d, Pay Rate Report and Employer's Corrected Report of Pay Rate.* This form is to be used by a claimant for unemployment benefits to provide information, supplemental or similar to that provided by Form UI–1a, concerning the claimant's employment and rate of pay. The claimant's statements are to be verified by the employer.

(118) *Form UI–3, Registration and Claim for Unemployment Benefits.* This is a form for registering for days of unemployment and claiming unemployment insurance benefits, for providing notice to the claimant of requirements upon him, and for statement to be certified to by the claimant.

(119) *Form UI–3a, Explanation of Exceptions to Certification for Day of Unemployment.* This form provides an opportunity for a full explanation of the reasons any statement to which a claimant has certified on Form UI–3 is not or may not be true for any particular day or days for which registration has been made.

(120) *Form UI–9, Applicant's Statement of Employment and Wages.* This is a form to be used in reporting service and compensation in connection with a claim for benefits under the Railroad Unemployment Insurance Act.

(121) *Form UI–10, Request for Determination of Veteran Status under Title IV, Veteran's Readjustment Assistance Act of 1952.* This form is to be used by applicants for railroad unemployment benefits in applying also for benefits under Title IV of the Veteran's Readjustment Assistance Act.

(122) *Form UI–84, Delayed Registration.* This is a form upon which to make a delayed registration for a day or days of unemployment.

(123) *Form UI–85, Appeal to the Board From Referee's Decision under Railroad Unemployment Insurance Act.* This form is used to appeal to the Board from a decision of a referee on a claim for benefits under the Railroad Unemployment Insurance Act.

(124) *Form UI–86, Appeal from Initial Determination under The Railroad Unemployment Insurance Act.* This form is used to appeal from an initial decision denying benefits under the Railroad Unemployment Insurance Act.

(Sec. 10, 49 Stat. 973, as amended, sec. 12, 52 Stat. 1107, as amended; 45 U. S. C. 228j, 362)

Dated: June 8, 1956.

By authority of the Board.

[SEAL] MARY B. LINKINS, *Secretary of the Board.*

[F. R. Doc. 56–5161; Filed, June 28, 1956; 8:51 a. m.]

## TITLE 24—HOUSING AND HOUSING CREDIT

### Chapter I—Federal Home Loan Bank Board

#### Subchapter A—General Regulations of the Federal Home Loan Bank Board

[No. 9715]

PART 109—RULES OF PRACTICE AND PROCEDURE; ADJUDICATIONS UNDER ADMINISTRATIVE PROCEDURE ACT

*Correction*

In Federal Register Document 56–5032, appearing at page 4546 of the issue for Tuesday, June 26, 1956, the following changes should be made:

1. In the authority citation the reference to "sec. 17, 47 Stat. 1736" should read "sec. 17, 47 Stat. 736".

2. In the tenth line of § 109.8 (b) the word "hearings" should read "hearing".

## TITLE 49—TRANSPORTATION

### Chapter I—Interstate Commerce Commission

[5th Rev. S. O. 95, Amdt. 5]

PART 95—CAR SERVICE

APPOINTMENT OF REFRIGERATOR CAR AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 22d day of June A. D. 1956.

Upon further consideration of the provisions of Fifth Revised Service Order No. 95 (18 F. R. 473, 3732, 7642; 19 F. R. 4003; 20 F. R. 4688), and good cause appearing therefor: *It is ordered,* That:

Section 95.95 *Appointment of Refrigerator car agent,* of Fifth Revised Service Order No. 95, be, and it is hereby, amended by substituting the following paragraph (d) for paragraph (d) thereof:

(d) This section, as amended, shall expire at 11:59 p. m., June 30, 1957, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 11:59 p. m., June 30, 1956; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as Agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F. R. Doc. 56–5141; Filed, June 28, 1956; 8:46 a. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

[ 26 CFR (1954) Part 1 ]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

SOIL AND WATER CONSERVATION EXPENDITURES

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] O. GORDON DELK, *Acting Commissioner of Internal Revenue.*



The following regulations relating to soil and water conservation expenditures are hereby promulgated under section 175 of the Internal Revenue Code of 1954, and are effective for taxable years beginning after December 31, 1953, and ending after August 16, 1954:

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§ 1.175 *Statutory provisions; soil and water conservation expenditures.*

SEC. 175. *Soil and water conservation expenditures*—(a) *In general.* A taxpayer engaged in the business of farming may treat expenditures which are paid or incurred by him during the taxable year for the purpose of soil or water conservation in respect of land used in farming, or for the prevention of erosion of land used in farming, as expenses which are not chargeable to capital account. The expenditures so treated shall be allowed as a deduction.

(b) *Limitation.* The amount deductible under subsection (a) for any taxable year shall not exceed 25 percent of the gross income derived from farming during the taxable year. If for any taxable year the total of the expenditures treated as expenses which are not chargeable to capital account exceeds 25 percent of the gross income derived from farming during the taxable year, such excess shall be deductible for succeeding taxable years in order of time; but the amount deductible under this section for any one such succeeding taxable year (including the expenditures actually paid or incurred during the taxable year) shall not exceed 25 percent of the gross income derived from farming during the taxable year.

(c) *Definitions.* For purposes of subsection (a)—

(1) The term "expenditures which are paid or incurred by him during the taxable year for the purpose of soil or water conservation in respect of land used in farming, or for the prevention of erosion of land used in farming" means expenditures paid or incurred for the treatment or moving of earth, including (but not limited to) leveling, grading and terracing, contour furrowing, the construction, control, and protection of diversion channels, drainage ditches, earthen dams, watercourses, outlets, and ponds, the eradication of brush, and the planting of windbreaks. Such term does not include—

(A) The purchase, construction, installation, or improvement of structures, appliances, or facilities which are of a character which is subject to the allowance for depreciation provided in section 167, or

(B) Any amount paid or incurred which is allowable as a deduction without regard to this section.

Notwithstanding the preceding sentences, such term also includes any amount, not otherwise allowable as a deduction, paid or incurred to satisfy any part of an assessment levied by a soil or water conservation or drainage district to defray expenditures made by such district which, if paid or incurred by the taxpayer, would without regard to this sentence constitute expenditures deductible under this section.

(2) The term "land used in farming" means land used (before or simultaneously with the expenditures described in paragraph (1)) by the taxpayer or his tenant for the production of crops, fruits, or other agricultural products or for the sustenance of livestock.

(d) *When method may be adopted*—(1) *Without consent.* A taxpayer may, without the consent of the Secretary or his delegate, adopt the method provided in this section for his first taxable year—

(A) Which begins after December 31, 1953, and ends after the date on which this title is enacted, and

(B) For which expenditures described in subsection (a) are paid or incurred.

(2) *With consent.* A taxpayer may, with the consent of the Secretary or his delegate, adopt at any time the method provided in this section.

(e) *Scope.* The method adopted under this section shall apply to all expenditures described in subsection (a). The method adopted shall be adhered to in computing taxable income for the taxable year and for all subsequent taxable years unless, with the approval of the Secretary or his delegate, a change to a different method is authorized with respect to part or all of such expenditures.

§ 1.175–1 *Soil and water conservation expenditures; in general.* Under section 175, a farmer may deduct his soil or water conservation expenditures which do not give rise to a deduction for depreciation and which are not otherwise deductible. The amount of the deduction is limited annually to 25 percent of the taxpayer's gross income from farming. Any excess may be carried over and deducted in succeeding taxable years. As a general rule, once a farmer has adopted this method of treating soil and water conservation expenditures, he must deduct all such expenditures (subject to the 25-percent limitation) for the current and subsequent taxable years. If a farmer does not adopt this method, such expenditures increase the basis of the property to which they relate.

§ 1.175–2 *Definition of soil and water conservation expenditures*—(a) *Expenditures treated as a deduction.* (1) The method described in section 175 applies to expenditures paid or incurred for the purpose of soil or water conservation in respect of land used in farming, or for the prevention of erosion of land used in farming. More specifically, a farmer may deduct expenditures made for these purposes which are for (i) the treatment or moving of earth, (ii) the construction, control, and protection of diversion channels, drainage ditches, irrigation ditches, earthen dams, watercourses, outlets, and ponds, (iii) the eradication of brush, and (iv) the planting of windbreaks. Expenditures for the treatment or moving of earth include but are not limited to expenditures for leveling, conditioning, grading, terracing, contour furrowing, and restoration of soil fertility.

(2) The following are examples of soil and water conservation: (i) Constructing terraces, or the like, to detain or control the flow of water, to check soil erosion on sloping land, to intercept run-off, and to divert excess water to protected outlets; (ii) constructing water detention or sediment retention dams to prevent or fill gullies, to retard or reduce run-off of water, or to collect stock water; and (iii) constructing earthen floodways, levies, or dikes, to prevent flood damage to farmland.

(b) *Expenditures not subject to section 175 treatment.* (1) The method described in section 175 applies only to expenditures for nondepreciable items. Accordingly, a taxpayer may not deduct expenditures for the purchase, construction, installation, or improvement of structures, appliances, or facilities subject to the allowance for depreciation. Thus, the method does not apply to depreciable nonearthen items such as those made of masonry or concrete (see section 167). For example, expenditures in respect of depreciable property include those for materials, supplies, wages, fuel, hauling, and dirt moving for making structures such as tanks, reservoirs, pipes, conduits, canals, dams, wells, or pumps composed of masonry, concrete, tile, metal, or wood. Similarly, the method is not applicable to expenditures for fertilizer effective substantially longer than one year, since such expenditures are also depreciable. However, the method applies to expenditures for earthen items which are not subject to a depreciation allowance. For example, expenditures for earthen terraces and dams which are nondepreciable are deductible under section 175.

(2) The method does not apply to expenses deductible apart from section 175. Adoption of the method is not necessary in order to deduct such expenses in full without limitation. Thus, the method does not apply to interest (deductible under section 163), nor to taxes (deductible under section 164). It does not apply to expenses for the repair of completed soil or water conservation structures, such as costs of annual removal of sediment from a drainage ditch. It does not apply to costs of items having a useful life of less than one year. It does not apply to expenditures paid or incurred primarily to produce an agricultural crop even though they incidentally conserve soil. Thus, the cost of fertilizer (the effectiveness of which does not last beyond one year) used to produce hay is deductible without adoption of the method described in section 175. However, the method would apply to expenses incurred to produce vegetation primarily to conserve soil or water or to prevent erosion. Thus, for example, the method would apply to such expenditures as the cost of dirt moving, lime, fertilizer, seed and planting stock used in gully stabilization, or in stabilizing severely eroded areas, in order to obtain a soil binding stand of vegetation on raw or infertile land.

(c) *Assessments.* The method applies also to that part of assessments levied by a soil or water conservation or drainage district to reimburse it for its expenditures which, if actually paid or incurred during the taxable year by the taxpayer directly, would be deductible under section 175. Depending upon the farmer's method of accounting, the time when

the farmer pays or incurs the assessment, and not the time when the expenditures are paid or incurred by the district, controls the time the deduction must be taken. The provisions of this paragraph may be illustrated by the following example:

*Example.* In 1955 a soil and water conservation district levies an assessment of $700 upon a farmer on the cash method of accounting. The assessment is to reimburse the district for its expenditures in 1954. The farmer's share of such expenditures is as follows: $400 for digging drainage ditches for soil conservation; and $300 for assets subject to the allowance for depreciation. If the farmer pays the assessment in 1955 and has adopted the method of treating expenditures for soil or water conservation as current expenses under section 175, he may deduct in 1955 the $400 attributable to the digging of drainage ditches as a soil conservation expenditure subject to the 25-percent limitation.

§ 1.175–3 *Definition of "the business of farming".* The method described in section 175 is available only to a taxpayer engaged in "the business of farming." A taxpayer is engaged in the business of farming if he cultivates, operates, or manages a farm for gain or profit, either as owner or tenant. Similarly, a taxpayer is engaged in the business of farming if he receives a rental based upon a share of the crops. However, a taxpayer who receives a fixed rental for the use of farmland is not thereby engaged in the business of farming. A taxpayer engaged in forestry or the growing of timber is not thereby engaged in the business of farming. A person cultivating or operating a farm for recreation or pleasure which shows a continual loss from year to year is not engaged in the business of farming. For purposes of this section, the term "farm" is used in the ordinary, accepted sense, and includes stock, dairy, poultry, fruit, and truck farms, and also plantations, ranches, and all land used for farming operations.

§ 1.175–4 *Definition of "land used in farming."* For the purpose of section 175, to qualify as "land used in farming" the land must meet both of the following requirements:

(a) The land must be used for the production of crops, fruits, or other agricultural products or for the sustenance of livestock. The term livestock is used in the ordinary, accepted sense, and includes cattle, hogs, horses, mules, donkeys, sheep, goats, fur-bearing animals, and other domesticated mammals. It does not include chickens, turkeys, pigeons, geese, other birds, fish, frogs, reptiles, and the like. Land used for the sustenance of livestock includes land used as pasture for grazing such livestock.

(b) In addition, the land must be or have been so used either by the taxpayer or his tenant at some time before, or at the same time as, the taxpayer makes the expenditures for soil or water conservation or for the prevention of erosion of land. The requirement that the taxpayer or his tenant must have used the land in farming before making such expenditures does not mean that the land must have been so used immediately before making the expenditures. It is enough if the taxpayer or his tenant has used the land in farming at any time in the past. If the land has not been used in farming by the taxpayer or his tenant at any time in the past, it must be used in farming at the same time as the expenditures are undertaken. Land will be considered "used in farming" if it is part of the taxpayer's farm even though as a conservation practice it is temporarily idle.

§ 1.175–5 *Percentage limitation and carryover*—(a) *The limitation*—(1) *General rule.* The amount of soil and water conservation expenditures which the taxpayer may deduct under section 175 in any one taxable year is limited to 25 percent of his "gross income from farming."

(2) *Definition of "gross income from farming".* The term "gross income from farming" means the gross income of the taxpayer derived in the normal course of the business of farming as defined in § 1.175–3. Thus, it means gross income from the sale of crops, fruits, or other products of his farm such as cattle. It does not include gains from sales of assets such as farm machinery, or gains from the disposition of land or "property used in the trade or business" as defined in section 1231 (b). If the taxpayer has more than one farm, it includes such gross income from all of them. It is not restricted to the gross income derived from the land in connection with which the expenditures are made. It also includes a share of the produced crops paid by a tenant for the use of a farm. The provisions of this subparagraph may be illustrated by the following example:

*Example.* A's gross income from farming during the calendar year 1956 consists of the following items of gross income:

| | |
|---|---|
| Proceeds from sale of his 1955 yield of corn | $10,000 |
| In determining his gross income from farming for purposes of applying the limitation, A excludes the following items found in his gross income: | |
| Gain from disposition of old breeding cows replaced by younger cows raised on his farm | 500 |
| Gain from disposition of a worn-out tractor | 100 |
| Cash rent from tenant using a second farm | 5,000 |
| Gain from sale of 40 acres of farmland | 8,000 |
| Interest on loan to neighboring farmer | 100 |
| Total | 13,700 |

(3) *Deduction qualifies for net operating loss deduction.* Any amount allowed as a deduction under section 175, either for the year in which the expenditure is paid or incurred or for the year to which it is carried, is taken into account in computing a net operating loss for such taxable year. If a deduction for soil or water conservation expenditures has been taken into account in computing a net operating loss carryback or carryover, it shall not be considered a soil or water conservation expenditure for the year to which the loss is carried, and therefore, is not subject to the 25–percent limitation for that year. The provisions of this subparagraph may be illustrated by the following example:

*Example.* Assume that in 1956 A has gross income from farming of $4,000, soil and water conservation expenditures of $1,600, and deductible farm expenses of $3,500. Of the soil and water conservation expenditures, $1,000 is deductible in 1956. The $600 in excess of 25 percent of A's gross income from farming is carried over into 1957. Assuming that A has no other income, his deductions of $4,500 ($1,000 plus $3,500) exceed his gross income of $4,000 by $500. This $500 will constitute a net operating loss which he must carry back two years and carry forward five years, until it has offset $500 of taxable income. No part of this $500 net operating loss carryback or carryover will be taken into account in determining the amount of soil and water conservation expenditures in the years to which it is carried.

(b) *Carryover of expenditures in excess of deduction.* The deduction for soil and water conservation expenditures in any one taxable year is limited to 25 percent of the taxpayer's gross income from farming. The taxpayer may carry over the excess of such expenditures over 25 percent of his gross income from farming into his next taxable year, and, if not deductible in that year, into the next year, and so on without limit as to time. In determining the deductible amount of such expenditures for any taxable year, the actual expenditures of that year shall be added to any such expenditures carried over from prior years, before applying the 25-percent limitation. Any such expenditures in excess of the deductible amount may be carried over during the taxpayer's entire existence. For this purpose in a farm partnership, since the 25-percent limitation is applied to each partner, not the partnership, the carryover may be carried forward during the life of the partner. The provisions of this paragraph may be illustrated by the following example:

*Example.* Assume the expenditures and income shown in the following table:

| Year | Deductible soil and water conservation expenditures | | Total | 25 percent of gross income from farming | Excess to be carried forward |
|---|---|---|---|---|---|
| | Paid or incurred during taxable year | Carried forward from prior year | | | |
| 1954 | $900 | None | $900 | $800 | $100 |
| 1955 | 1,000 | $100 | 1,100 | 900 | 200 |
| 1956 | None | 200 | 200 | 1,000 | None |

The deduction for 1954 is limited to $800. The remainder, $100 ($900 minus $800), not being deductible for 1954, is a carryover to 1955. For 1955, accordingly, the total of the expenditures to be taken into account is $1,100 (the $100 carryover and the $1,000 actually paid in that year). The deduction for 1955 is limited to $900, and the remainder of the $1,100 total, or $200, is a carryover to 1956. The deduction for 1956 consists solely of this carryover of $200. Since the total expenditures, actual and carried-over, for 1956 are less than 25 percent of gross income from farming, there is no carryover into 1957.

§ 1.175–6 *Adoption or change of method*—(a) *Adoption without consent.* A taxpayer may, without consent, adopt the method of treating expenditures for soil or water conservation as expenses for the first taxable year:

(1) Which begins after December 31, 1953, and ends after August 16, 1954, and

(2) For which soil or water conservation expenditures described in section 175 (a) are paid or incurred.

Such adoption shall be made by claiming the deduction on his income tax return. For a taxable year ending prior to the adoption of regulations under this section, the adoption of the method described in section 175 shall be made by claiming the deduction on such return for that year, or by claiming the deduction on an amended return filed for that year within 90 days after the date of publication (following adoption) of such regulations in the FEDERAL REGISTER.

(b) *Adoption with consent.* A taxpayer may adopt the method of treating soil and water conservation expenditures as provided by section 175 for any taxable year to which the section is applicable if consent is obtained from the district director for the district in which the taxpayer's return is required to be filed.

(c) *Change of method.* A taxpayer who has adopted the method of treating expenditures for soil or water conservation, as provided by section 175, may change from this method and capitalize such expenditures made after the effective date of the change, if he obtains the consent of the district director for the district in which his return is required to be filed.

(d) *Request for consent to adopt or change method.* Where the consent of the district director is required under paragraph (b) or (c) of this section, the request for his consent shall be in writing, signed by the taxpayer or his authorized representative, and shall be filed not later than the date prescribed by law for filing the income tax return for the first taxable year to which the adoption of, or change of, method is to apply, or not later than 90 days after the date of publication in the FEDERAL REGISTER of the regulations under section 175 following their adoption, whichever is later. The request shall:

(1) Set forth the name and address of the taxpayer;

(2) Designate the first taxable year to which the method or change of method is to apply;

(3) State whether the method or change of method is intended to apply to all expenditures within the permissible scope of section 175, or only to a particular project or farm and, if the latter, include such information as will identify the project or farm as to which the method or change of method is to apply;

(4) Set forth the amount of all soil and water conservation expenditures paid or incurred during the first taxable year for which the method or change of method is to apply; and

(5) State that the taxpayer will make an accounting segregation in his books and records of the expenditures to which the election relates.

(e) *Scope of method.* Except with the consent of the district director as provided in paragraph (b) or (c) of this section, the taxpayer's method of treating soil and water conservation expenditures described in section 175 shall apply to all such expenditures for the taxable year of adoption and all subsequent taxable years. Although a taxpayer may have elected to deduct soil and water conservation expenditures, he may request an authorization to capitalize his soil and water conservation expenditures attributable to a special project or single farm. Similarly, a taxpayer who has not elected to deduct such expenditures may request an authorization to deduct his soil and water conservation expenditures attributable to a special project or single farm. The authorization with respect to the special project or single farm will not affect the method adopted with respect to the taxpayer's regularly incurred soil and water conservation expenditures. No adoption of or change of the method under section 175 will be permitted as to expenditures actually paid or incurred before the taxable year to which the method or change of method is to apply. Thus, if a taxpayer adopts such method for 1956, he cannot deduct any part of such expenditures which he capitalized, or should have capitalized, in 1955. Likewise, if a taxpayer who has adopted such method has an unused carryover of such expenditures in excess of the 25-percent limitation, and is granted consent to capitalize soil and water conservation expenditures beginning in 1956, he cannot capitalize any part of the unused carryover. The excess expenditures carried over continue to be deductible to the extent of 25 percent of the taxpayer's gross income from farming. No adjustment to the basis of land shall be made under section 1016 for expenditures to which the method under section 175 applies.

[F. R. Doc. 56–5180; Filed, June 28, 1956; 8:54 a. m.]

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## [ 26 CFR (1954) Part 1 ]

### INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

### REAL PROPERTY SUBDIVIDED FOR SALE

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention, T:P, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] O. GORDON DELK,
*Acting Commissioner of Internal Revenue.*

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

The following regulations are hereby prescribed under section 1237, relating to real property subdivided for sale, of the Internal Revenue Code of 1954 and, except as otherwise provided, are effective for taxable years beginning after December 31, 1953, and ending after August 16, 1954, with respect to sales of real property made after December 31, 1953:

§ 1.1237 *Statutory provisions; real property subdivided for sale.*

SEC. 1237. *Real property subdivided for sale*—(a) *General.* Any lot or parcel which is part of a tract of real property in the hands of a taxpayer (including corporations only if no shareholder directly or indirectly holds real property for sale to customers in the ordinary course of trade or business and only in the case of property described in the last sentence of subsection (b) (3)) shall not be deemed to be held primarily for sale to customers in the ordinary course of trade or business at the time of sale solely because of the taxpayer having subdivided such tract for purposes of sale or because of any activity incident to such subdivision or sale, if:

(1) Such tract, or any lot or parcel thereof, had not previously been held by such taxpayer primarily for sale to customers in the ordinary course of trade or business (unless such tract at such previous time would have been covered by this section), or, in the same taxable year in which the sale occurs, such taxpayer does not so hold any other real property; and

(2) No substantial improvement that substantially enhances the value of the lot or parcel sold is made by the taxpayer on such tract while held by the taxpayer or is made pursuant to a contract of sale entered into between the taxpayer and the buyer. For purposes of this paragraph, an improvement shall be deemed to be made by the taxpayer if such improvement was made by:

(A) The taxpayer or members of his family (as defined in section 267 (c) (4)), by a corporation controlled by the taxpayer, or by a partnership which included the taxpayer as a partner; or

(B) A lessee, but only if the improvement constitutes income to the taxpayer; or

(C) Federal, State, or local government, or political subdivision thereof, but only if the improvement constitutes an addition to basis for the taxpayer; and

(3) Such lot or parcel, except in the case of real property acquired by inheritance or devise, is held by the taxpayer for a period of 5 years.

(b) *Special rules for application of section*—(1) *Gains.* If more than 5 lots or parcels contained in the same tract of real property are sold or exchanged, gain from any sale or exchange (which occurs in or after the taxable year in which the sixth lot or parcel is sold or exchanged) of any lot or parcel which comes within the provisions of paragraphs (1), (2) and (3) of subsection (a) of this section shall be deemed to be gain from the sale of property held primarily for sale to customers in the ordinary course of the trade or business to the extent of 5 percent of the selling price.

(2) *Expenditures of sale.* For the purpose of computing gain under paragraph (1) of this subsection, expenditures incurred in connection with the sale or exchange of any lot or parcel shall neither be allowed as a deduction in computing taxable income, nor treated as reducing the amount realized on such sale or exchange; but so much of such expenditures as does not exceed the portion of gain deemed under paragraph (1) of this subsection to be gain from the sale of property held primarily for sale to customers in the ordinary course of trade or business shall be so allowed as a deduction, and the

remainder, if any, shall be treated as reducing the amount realized on such sale or exchange.

(3) *Necessary improvements.* No improvement shall be deemed a substantial improvement for purposes of subsection (a) if the lot or parcel is held by the taxpayer for a period of 10 years and if:

(A) Such improvement is the building or installation of water, sewer, or drainage facilities or roads (if such improvement would except for this paragraph constitute a substantial improvement);

(B) It is shown to the satisfaction of the Secretary or his delegate that the lot or parcel, the value of which was substantially enhanced by such improvement, would not have been marketable at the prevailing local price for similar building sites without such improvement; and

(C) The taxpayer elects, in accordance with regulations prescribed by the Secretary or his delegate, to make no adjustment to basis of the lot or parcel, or of any other property owned by the taxpayer, on account of the expenditures for such improvements. Such election shall not make any item deductible which would not otherwise be deductible.

The requirement of subparagraphs (B) and (C) shall not apply in the case of property acquired through the foreclosure of a lien thereon which secured the payment of an indebtedness to the taxpayer or (in the case of a corporation) to a creditor who has transferred the foreclosure bid to the taxpayer in exchange for all of its stock and other consideration and in the case of property adjacent to such property if 80 percent of the real property owned by the taxpayer is property described in the first part of this sentence.

(c) *Tract defined.* For purposes of this section, the term "tract of real property" means a single piece of real property, except that 2 or more pieces of real property shall be considered a tract if at any time they were contiguous in the hands of the taxpayer or if they would be contiguous except for the interposition of a road, street, railroad, stream, or similar property. If, following the sale or exchange of any lot or parcel from a tract of real property, no further sales or exchanges of any other lots or parcels from the remainder of such tract are made for a period of 5 years, such remainder shall be deemed a tract.

(d) *Effective date.* This section shall apply only with respect to sales of property occurring after December 31, 1953, except that, for purposes of subsection (c) (defining tract of real property) and for determining the number of sales under paragraph (1) of subsection (b), all sales of lots and parcels from any tract of real property during the period of 5 years before December 31, 1953, shall be taken into account, except as provided in subsection (c).

(Sec. 1237 as amended by Pub. Law 495 (84th Cong.) for taxable years beginning after December 31, 1954)

§ 1.1237–1 *Real property subdivided for sale*—(a) *General.* (1) This section provides a special rule for determining whether the taxpayer holds real property primarily for sale in the ordinary course of business under section 1221 (1). This rule is to permit an individual investor to sell real estate from a single tract held for investment without the income being treated as ordinary income merely because of subdividing the tract or of active efforts to sell it. The rule is not applicable to dealers in real estate or to corporations, except a corporation making such sales in a taxable year beginning after December 31, 1954, if such corporation qualifies under the provisions of paragraph (c) (5) (iv) of this section.

(2) When its conditions are met, section 1237 provides that if there is no other substantial evidence that a taxpayer holds real estate primarily for sale in his business, he shall not be considered a real estate dealer holding it primarily for sale merely because he has (i) subdivided the tract into lots and (ii) engaged in advertising, promotion, selling activities or the use of sales agents in connection with the sale of lots in such subdivision. Such subdividing and selling activities shall be disregarded in determining the purpose for which the taxpayer held real property sold from a subdivision whenever it is the only substantial evidence indicating that the taxpayer has ever held the real property sold primarily for sale to customers in the ordinary course of business.

(3) However, where other substantial evidence tends to show that the taxpayer held real property for sale in his business, his activities in connection with the subdivision and sale of the property sold shall be taken into account in determining the purpose for which the taxpayer held both the subdivided property and any other real property. For example, such other evidence may consist of the taxpayer's selling activities in connection with other property in prior years during which he was engaged in subdividing or selling activities with respect to the subdivided tract, his intention in prior years (or at the time of acquiring the property subdivided) to hold the tract primarily for sale in his business, his subdivision of other tracts in the same year, his holding other real property for sale to customers in the same year, or his construction of a permanent real estate office which he could use in selling other real property. On the other hand, if the only evidence of the taxpayer's purpose in holding real property consisted of not more than one of the following, in the year in question, such fact would not be considered substantial other evidence:

(i) Holding a real estate dealer's license;

(ii) Selling other real property which was clearly investment property;

(iii) Acting as a salesman for a real estate dealer, but without any financial interest in the business; or

(iv) Mere ownership of other vacant real property without engaging in any selling activity whatsoever with respect to it.

(4) (i) The rule in section 1237 is not exclusive in its application. Failure to meet all of the requirements of section 1237 does not necessarily indicate that the taxpayer held the real property primarily for sale in his business. Also, even though the conditions of section 1237 are met, the rules of section 1237 are not applicable if without regard to section 1237 the real property sold would not have been considered real property held primarily for sale in the ordinary course of business. Thus, the district director may at all times conclude from convincing evidence that the taxpayer held the real property solely as an investment. Furthermore, whether or not the conditions of section 1237 are met, the section has no application to losses realized upon the sale of realty from subdivided property.

(ii) If, owing solely to the application of section 1237, the real property sold is deemed not to have been held primarily for sale in the ordinary course of business, any gain realized upon such sale shall be treated as ordinary income to the extent provided in section 1237 (b) (1) and (2) and paragraph (e) of this section. Any additional gain realized upon the sale shall be treated as gain arising from the sale of a capital asset or, if the circumstances so indicate, as gain arising from the sale of real property used in the trade or business as defined in section 1231 (b) (1). For the relationship between sections 1237 and 1231, see paragraph (f) of this section.

(5) Before this section applies, the taxpayer must meet three basic conditions, more fully explained later: He cannot have held any part of the tract at any time previously for sale in the ordinary course of business, nor in the year of sale held any other real estate for sale to customers; he cannot make substantial improvements which increase the value of the lot sold substantially; and he must have owned the property five years, unless he inherited it. However, the taxpayer may make certain improvements if they are necessary to make the property marketable if he elects neither to add their cost to the basis of the property nor to deduct the cost as an expense, and he has held the property at least ten years. If the requirements of the section are met, gain (but not more than five percent of the selling price of each lot) shall be treated as ordinary income in and after the year in which the sixth lot or parcel is sold.

(b) *Holding real property primarily for sale.* (1) Section 1237 does not apply to any transaction if the taxpayer either:

(i) Held the lot sold (or the tract of which it was a part) primarily for sale in the ordinary course of business in a prior year, or

(ii) Holds other real property primarily for sale in the ordinary course of business in the same year in which such lot is sold.

Where either of these elements are present, section 1237 shall be disregarded in determining the proper treatment of any gain arising from such sale.

(2) For purposes of this paragraph, in determining whether the lot sold was held primarily for sale in the ordinary course of business in a prior year, the principles of section 1237 shall be applied, whether or not section 1237 was effective for such prior year, if the sale of the lot occurs after December 31, 1953, or, in the case of a corporation meeting the requirements of paragraph (c) (5) (iv) of this section, if the sale of the lot occurs in a taxable year beginning after December 31, 1954. Whether, on the other hand, the taxpayer holds other real property primarily for sale in the ordinary course of business shall at all times be determined without regard to the application of section 1237 to such other real property.



(3) The taxpayer is considered as holding property which he owns individually, jointly, or as a member of a partnership. He is not considered as holding property owned by members of his family, an estate or trust, or a corporation. The purpose for which a prior owner held the lot or tract or his activities are immaterial except to the extent, if any, they indicate the purpose for which the taxpayer has held the property.

(c) *Substantial improvements.* (1) Section 1237 will not apply if the taxpayer, or certain others, makes improvements on the tract which are both substantial and substantially increase the value of the lot sold. Certain improvements are not substantial within the meaning of section 1237 (a) (2) if they are necessary to make the lot marketable at the prevailing local price and meet the other conditions of section 1237 (b) (3). See subparagraph (5) of this paragraph.

(2) Certain improvements made by the taxpayer or made under a contract of sale between the taxpayer and the buyer make section 1237 inapplicable.

(i) For the purposes of section 1237 (a) (2) the taxpayer is deemed to have made any improvements on the tract while he held it which are made by:

(*a*) The taxpayer's whole or half brothers and sisters, spouse, ancestors, and lineal descendants.

(*b*) A corporation controlled by the taxpayer. A corporation is controlled by the taxpayer if he owns more than 50 percent of its voting stock directly or indirectly.

(*c*) A partnership of which the taxpayer was a member either when the improvements were made or when the lot was sold.

(*d*) A lessee if the improvement takes the place of a payment of rental income. See section 109 and the regulations thereunder.

(*e*) A Federal, State, or local government, or political subdivision thereof, if the improvement results in an increase of the taxpayer's basis for the property, as it would, for example, from a special tax assessment for paving streets.

(ii) The taxpayer is also charged with making any improvements made pursuant to a contract of sale entered into between the taxpayer and the buyer. Therefore, the buyer, as well as the taxpayer, may make improvements which prevent the application of section 1237.

(*a*) If a contract of sale obligates either the taxpayer or the buyer to make a substantial improvement which would substantially increase the value of the lot, the taxpayer may not claim the application of section 1237 unless before the period of limitations has run on the year of sale, the obligation to improve the lot ceases for any reason. The following example illustrates this rule:

*Example.* In 1956, A sells several lots from a tract he has subdivided for sale. Section 1237 would apply to the sales of these lots except that in the contract of sale A agreed to install sewers, hard surface roads and other utilities which would increase the value of the lots substantially. If in 1957, instead of requiring the improvements, the buyer releases A from this obligation, A may then claim the application of section 1237 to the sale of lots in 1956 in computing his income tax for 1956, since the period of limitations in which A may file a claim for 1956 income tax has not expired.

(*b*) An improvement is made pursuant to a contract if the contract imposes an obligation on either party to make the improvement, but not if the contract merely places restrictions on the improvements, if any, either party may make. The following example illustrates this rule:

*Example.* B sells several lots from a tract which he has subdivided. Each contract of sale prohibits the purchaser from building any structure on his lot except a personal residence, costing $15,000 or more. Even if the purchasers build such residences, that does not preclude B from applying section 1237 to the sales of such lots, since the contracts did not obligate the purchasers to make any improvements.

(iii) Improvements made by a bona fide lessee (other than as rent) or by others not described in section 1237 (a) (2) do not preclude the use of section 1237.

(3) Before a substantial improvement will preclude the use of section 1237, it must substantially enhance the value of the lot sold.

(i) The increase in value to be considered is only the increase attributable to the improvement or improvements when completed. Other changes in the market price of the lot, not arising from improvements made by the taxpayer, should be disregarded. The difference between the value of the lot, including improvements, when the improvement has been completed and an appraisal of its value if unimproved at that time, will disclose the value added by the improvements.

(ii) Whether improvements have substantially increased the value of a lot depends upon the circumstances in each case. Whenever the improvements increase the value of the lot by 20 percent or more over its value immediately before improvement, all relevant factors must be considered to determine whether under such circumstances the increase is substantial.

(iii) Improvements may increase the value of some lots in a tract without equally affecting other lots in the same tract. Only the lots whose value was substantially increased are ineligible for application of the rule established by this section.

(4) To prevent the application of section 1237, the improvement itself must be substantial in character. Among the improvements considered substantial are shopping centers, other commercial or residential buildings, and the installation of hard surface roads or utilities such as sewers, water, gas, or electric lines. On the other hand a temporary structure used as a field office, surveying, filling, draining, levelling and clearing operations, and the construction of minimum all-weather access roads, including gravel roads where required by the climate, are not substantial improvements.

(5) Under certain conditions a taxpayer, including a corporation to which subdivision (iv) of this subparagraph applies, may obtain the benefits of section 1237 whether or not substantial improvements have been made. In addition, the individual taxpayer may, under certain circumstances, elect to have substantial improvements treated as necessary and not substantial.

(i) An improvement will not be considered substantial if all of the following conditions are met:

(*a*) The taxpayer has held the property for 10 years. This 10–year period includes any time that the property has been held by another if the taxpayer has the same basis, in whole or in part, as the other person. The full 10–year period must elapse, whether or not the taxpayer inherited the property. Although the taxpayer must hold the property 10 years, he need not hold it for 10 years after subdividing it.

(*b*) The improvement consists of the building or installing of water, sewer, or drainage facilities or roads, including hard surface roads.

(*c*) The district director with whom the taxpayer must file his return is satisfied that, without such improvement, the lot sold would not have brought the prevailing local price for similar building sites.

(*d*) The taxpayer elects, as provided in subdivision (iv) of this subparagraph, not to adjust the basis of the lot sold or any other property held by him for the cost of such improvement attributable to such lot and not to deduct such cost as an expense.

(ii) A "similar building site" is any real property in the immediate vicinity whose size, terrain, and other characteristics are comparable to the taxpayer's property. In determining whether a tract is marketable at the prevailing local price for similar building sites, the district director shall compare (*a*) the value of the taxpayer's property in an unimproved state with (*b*) the amount for which similar building sites, improved by the installation of water or sewer facilities or roads, have recently been sold, reduced by the present cost of such improvements. Such comparison may be made and expressed in terms of dollars per square foot, dollars per acre, or dollars per front foot, or in any other suitable terms depending upon the practice generally followed by real estate dealers in the taxpayer's locality. Whenever possible, the district director shall determine the value of the taxpayer's property in an unimproved state by ascertaining the best current bona fide offer which the taxpayer has received for the property. The operation of this subdivision and subdivision (i) of this subparagraph may be illustrated by the following examples:

*Example (1).* A has been offered $500 per acre for a tract without roads, water, or sewer facilities which he has owned for 15 years. The adjacent tract has been subdivided and improved with water facilities and hard surface roads, and has sold for $4,000 per acre. The estimated cost of roads and water facilities on the adjacent tract is $2,500 per acre. The prevailing local price for similar building sites in the vicinity would be $1,500 per acre (i. e., $4,000 less $2,500). If A installs roads and water facilities at a cost of $2,500, his tract will sell for approximately $4,000 per acre. Under section 1237 (b) (3)

(B) the installation of water facilities and roads shall not constitute a substantial improvement, if A elects to disregard the $2,500 cost of such improvements in computing his cost or other basis for the lots sold from the tract, and in computing his basis for any other property owned by him.

*Example (2).* Assume the same facts as in example (1) of this subdivision except that A can obtain $1,600 per acre for his property without improvements. The installation of any substantial improvements would not constitute a necessary improvement under section 1237 (b) (3), since the prevailing local price could have been obtained without any improvement.

*Example (3).* Assume the same facts as in example (1) of this subdivision except that the adjacent tract has also been improved with sewer facilities, the present cost of which is $1,200 per acre. The installation of the substantial improvements would not constitute a necessary improvement under section 1237 (b) (3) on A's part, since the prevailing local price ($4,000, less the sum of $1,200 plus $2,500, or $300) could have been obtained by A without any improvement.

(iii) The election required by section 1237 (b) (3) (C) shall be made as follows:

(*a*) The taxpayer shall submit:

(*1*) A plat showing the subdivision and all improvements attributable to him.

(2) A list of all improvements to the tract, showing:

(*i*) Costs.

(*ii*) Which of the costs, apart from the election, he considers "substantial" and which he considers not "substantial".

(*iii*) Those improvements which are substantial to which the election is to apply, with a fair allocation of their cost to each lot they affect, and the amount by which they have increased the values of such lots.

(*iv*) The date on which each lot was acquired and its basis for determining gain or loss, exclusive of the cost of any improvements listed in subdivision (*iii*) of this subdivision.

(3) A statement that he will not deduct as an expense nor add to the basis of the lots sold, or of any other property, the cost to which this section applies, and allocated to any lot sold, of any improvement which substantially increased the value of such lot and which either he listed in subdivision (2) (*iii*) of this subdivision or which the district director deems substantial.

(*b*) The election and the information required under subdivision (*a*) of this subdivision shall be submitted to the district director:

(*1*) With the taxpayer's income tax return for the taxable year in which the lots subject to the election were sold, or

(2) In the case of a return filed prior to the publication in the FEDERAL REGISTER of the regulations under section 1237 following their adoption, either with a timely formal claim for refund, or independently within 90 days of such publication, to be attached to such return if it is otherwise in accordance with section 1237 and the regulations thereunder, or

(3) If there is an obligation to make disqualifying improvements outstanding when the taxpayer files his return, with a formal claim for refund at the time of the release of the obligation, if it is then still possible to file a timely claim.

(c) Once made, the election as to the necessary improvement costs attributable to any lot sold shall be irrevocable and binding on the taxpayer unless the district director assesses an income tax as to such lot as if it were held for sale in the ordinary course of taxpayer's business. Under such circumstances, in computing gain, the cost or other basis shall be computed without regard to section 1237.

(iv) For taxable years beginning after December 31, 1954, individual taxpayers and certain corporations may obtain the benefits of section 1237 without complying with the provisions of subdivisions (i) (c) and (*d*), (ii), and (iii) of this subparagraph if the requirements of section 1237 are otherwise met and if—

(*a*) The property in question was acquired by the taxpayer through the foreclosure of a lien thereon,

(*b*) The lien foreclosed secured the payment of an indebtedness to the taxpayer or (in the case of a corporation) secured the payment of an indebtedness to a creditor who has transferred the foreclosure bid to the taxpayer in exchange for all of the stock of the corporation and other consideration, and

(*c*) In the case of a corporate taxpayer, no shareholder of the corporation holds real property for sale to customers in the ordinary course of trade or business, directly or indirectly.

Thus, in the case of such property, it is not necessary for the taxpayer to satisfy the district director that the property would not have brought the prevailing local price without improvements or to elect not to add the cost of the improvements to his basis. In addition, if 80 percent or more of the real property owned by a taxpayer is property to which this subdivision applies, the requirements of subdivisions (*a*) and (*b*) of this subdivision need not be met with respect to property adjacent to such property which is also owned by the taxpayer.

(d) *Holding period required.* (1) To apply section 1237, the taxpayer must either have inherited the lot sold or have held it for 5 years. In computing the 5-year holding period, if the taxpayer has the same basis, in whole or in part, for the property as another person, the period that such other person held the property shall be added to the period that the taxpayer held it. See section 1223 (2).

(2) If the taxpayer inherited the property there is no 5-year holding period required under section 1237. However, any holding period required under sections 1222, 1223 or other provisions of the Code are still applicable. Neither the survivor's one-half of community property, nor property acquired by survivorship in a joint tenancy is property acquired by devise or inheritance. The holding period for the surviving joint tenant begins on the date the property was originally acquired.

(e) *Tax consequences if section 1237 applies.* (1) Where there is no substantial evidence other than subdivision and related selling activities that real property is held for sale in the ordinary course of taxpayer's business and section 1237 applies, section 1237 (b) (1) provides a special rule for computing taxable gain. For the relationship between sections 1237 and 1231, see paragraph (f) of this section.

(2) (i) When the taxpayer has sold less than six lots or parcels from the same tract up to the end of his taxable year, the entire gain will be capital gain. (Where the land is used in a trade or business, see paragraph (f) of this section.) In computing the number of lots or parcels sold, two or more contiguous lots sold to a single buyer in a single sale will be counted as only one parcel. The following example illustrates this rule.

*Example.* A meets all the conditions of section 1237, in subdividing and selling a single tract. There is no other evidence he holds any real property for sale. In 1956 he sells four lots to B, C, D, and E. In the same year F buys three adjacent lots. Since A has sold only 5 lots or parcels from the tract, any gain A realizes on the sales will be capital gain.

(ii) If the taxpayer has sold the sixth lot or parcel from the same tract within the taxable year, then the amount, if any, by which 5 percent of the selling price of each lot exceeds the expenses incurred in connection with its sale or exchange, shall be ordinary income. Any part of the gain not treated as ordinary income will be treated as capital gain. (Where the land is used in a trade or business, see paragraph (f) of this section.) Five percent of the selling price of each lot sold from the tract is considered ordinary income in the taxable year the sixth lot is sold and thereafter. However, all expenses must be considered expenses of sale of the lot and are deducted first from the 5 percent of the gain considered ordinary income and thereafter from any further gain. Such expenses cannot be deducted as ordinary business expenses from other income. The 5 percent rule applies to all lots sold from the tract in the year the sixth lot or parcel is sold. Thus, if the taxpayer sells the first six lots of a single tract in one year, 5 percent of the selling price of each lot sold shall be treated as ordinary income and reduced by the selling expenses. On the other hand, if the taxpayer sells the first three lots of a single tract in 1955, and the next three lots in 1956, only the gain realized from the sales made in 1956 shall be so treated. For the effect of a 5-year interval between sales, see paragraph (g) (2) of this section. The operation of this subdivision may be illustrated by the following examples:

*Example (1).* Assume the selling price of the sixth lot of a tract is $10,000, the basis of the lot in the hands of the taxpayer is $5,000, and the expenses of sale are $750. The amount of gain realized by the taxpayer is $4,250, of which the amount of ordinary income attributable to the sale is zero, computed as follows:

| | | |
|---|---|---|
| Selling price | | $10,000 |
| Basis | | 5,000 |
| Excess over basis | | 5,000 |
| 5 percent of selling price | $500 | |
| Expenses of sale | 750 | |
| Amount of gain realized treated as ordinary income | | 0 |
| Excess over basis | | $5,000 |
| 5 percent of selling price | $500 | |
| Excess of expenses over 5 percent of selling price | 250 | |
| | | 750 |
| Amount of gain realized from sale of property not held for sale in ordinary course of business | | 4,250 |

*Example (2).* Assume the same facts as in Example (1), except that the expenses of sale of such sixth lot are $300. The amount of gain realized by the taxpayer is $4,700, of which the amount of ordinary income attributable to the sale is $200, computed as follows:

| | | |
|---|---|---|
| Selling price | | $10,000 |
| Basis | | 5,000 |
| Excess over basis | | 5,000 |
| 5 percent of selling price | $500 | |
| Expenses of sale | 300 | |
| Amount of gain realized treated as ordinary income | | 200 |
| Excess over basis | | 5,000 |
| 5 percent of selling price | $500 | |
| Excess of expenses over 5 percent of selling price | 0 | |
| | | 500 |
| Amount of gain realized from sale of property not held for sale in ordinary course of business | | 4,500 |

(iii) In the case of an exchange, the term "selling price" shall mean the fair market value of property received in exchange for the lot. See section 1031 for those exchanges in which no gain is recognized.

(f) *Relationship of section 1237 and section 1231.* Application of section 1237 to a sale of real property may, in some cases, result in the property being treated as real property used in the trade or business, as described in section 1231 (b) (1). Thus, assuming section 1237 is otherwise applicable, if the lot sold would be considered property described in section 1231 (b) (1) except for the fact that the taxpayer subdivided the tract of which it was a part, then evidence of such subdivision and connected sales activities shall be disregarded and the lot sold shall be considered real property used in the trade or business. Under such circumstances, any gain (to the extent not treated as ordinary income under section 1237 (b) (1) and (2)), or any loss, realized from the sale shall be treated as gain or loss arising from the sale of real property used in the trade or business.

(g) *Definition of "tract".* (1) For the purposes of section 1237, the term "tract" means either (i) a single piece of real property or (ii) two or more pieces of real property if they were contiguous at any time while held by the taxpayer, or would have been contiguous but for the interposition of a road, street, railroad, stream or similar property. Such properties are contiguous if they would meet at more than one point if their boundaries were continued. The single piece or contiguous properties need not have been conveyed by a single deed. The taxpayer may have assembled them over a period of time and may hold them separately, jointly, or as a partner, or in any combination of such forms of ownership.



(2) If the taxpayer sells or exchanges no lots from the tract for a period of 5 years after the sale or exchange of at least one lot in the tract, then the remainder of the tract shall be deemed a new tract for the purpose of counting the number of lots sold from the same tract under section 1237 (b) (1). The pieces in the new tract need not be contiguous. The 5-year period is measured between the dates of the sales or exchanges.

(h) *Effective date.* This section shall apply only to gain realized on sales made after December 31, 1953, or, in the case of a person meeting the requirements of paragraph (c) (5) (iv) of this section, if the sale of the lot occurs in a taxable year beginning after December 31, 1954. Sales or exchanges made before January 1, 1954, shall be taken into account, however, to determine whether: (1) no sales or exchanges have been made for 5 years, under section 1237 (c), and (2) more than 5 lots or parcels have been sold or exchanged from the same tract, under section 1237 (b) (1). Thus, if the taxpayer sold 5 lots from a single tract in 1950, and another lot is sold in 1954, the lot sold in 1954 constitutes the "sixth lot" sold from the original tract. On the other hand, if the first 5 lots were sold in 1948, the sale made in 1954 shall be deemed to have been made from a new tract.

[F. R. Doc. 56-5179; Filed, June 28, 1956; 8:54 a. m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Mines

### [ 30 CFR Part 11 ]

[Schedule 13D]

### SELF-CONTAINED BREATHING APPARATUS

### NOTICE OF PROPOSED RULE MAKING

There was published in the FEDERAL REGISTER of December 1, 1955 (20 F. R. 8831), a notice and text of proposed amendment of the regulations governing tests and investigations leading to approval of self-contained breathing apparatus. Interested persons were invited to submit written data, views, or arguments concerning the proposed amendment.

After consideration of the views and data received, it is proposed to amend Part 11 in its entirety, to read as indicated below. Interested persons may submit, in triplicate, written data, views or arguments concerning this proposed amendment to the Director, Bureau of Mines, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER.

*Preliminary statement.* The Bureau of mines is prepared, at its Central Experiment Station, Pittsburgh, Pa., to conduct tests to determine the permissibility of self-contained breathing apparatus for use in irrespirable and poisonous gases.

The authority for conducting such tests and investigations is contained in the act of May 16, 1910, as amended (36 Stat. 370, 30 U. S. C. 3, 5, 7), and in Executive Order No. 6611, February 22, 1934. The act, as so amended, contains the following provision:

For tests or investigations authorized by the Secretary of the Interior under the provisions of this Act, as amended and supplemented, except those performed for the Government of the United States or State governments within the United States, a fee sufficient in each case to compensate the Bureau of Mines for the entire cost of the services rendered shall be charged, according to a schedule prepared by the Director of the Bureau of Mines and approved by the Secretary of the Interior, who shall prescribe rules and regulations under which such tests and investigations may be made. All moneys received from such sources shall be paid into the Treasury to the credit of miscellaneous receipts.

(These regulations constitute Schedule 13D and supersede all schedules heretofore issued by the Bureau of Mines relating to the testing and approval of self-contained breathing apparatus.)

Sec.


11.1 Definition of "permissible."
11.2 Conditions under which apparatus will be tested.
11.3 Fees for testing.
11.4 General requirements.
11.5 Construction.
11.6 Character and general description of tests.
11.7 Detailed procedure of tests.
11.8 Approval of regenerators.
11.9 Notification of approval or disapproval.
11.10 Approval plates and markings for permissible apparatus and for approved supplemental parts.
11.11 Changes subsequent to approval.
11.12 Withdrawal of approval.


AUTHORITY: §§ 11.1 to 11.12 issued under 37 Stat. 681, as amended by 47 Stat. 410; E. O. 6611, Feb. 22, 1934, 30 U. S. C. secs. 3, 5, 7.

§ 11.1 *Definition of "permissible."* The Bureau of Mines considers a self-contained breathing apparatus to be permissible for use in irrespirable and poisonous gases if all the details of construction and materials are the same in all respects as those of a self-contained breathing apparatus that has passed the tests for safety, practicability, and efficiency in accordance with standards established by the Bureau and hereinafter described.

§ 11.2 *Conditions under which apparatus will be tested.* The conditions under which the Bureau of Mines will examine and test a self-contained breathing apparatus to establish its permissibility follow:

(a) (1) Application for inspection, examination, and testing shall be made in duplicate to the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pa., and shall be accompanied by (i) a check, bank draft, or money order (see § 11.3) payable to the order of the United States Bureau of Mines; (ii) a complete written description of the apparatus in duplicate; and (iii) a set of drawings in duplicate showing full details of construction of the apparatus. If an apparatus operates with a regenerator, the application shall be accompanied by a complete written description of the regenerator and a set of drawings showing full details of its construction, all in duplicate. The ap-

making such sales in a taxable year beginning after December 31, 1954, if such

convincing evidence that the taxpayer held the real property solely as an in-

without regard to the application of section 1237 to such other real property.

instead of requiring the improvements, the buyer releases A from this obligation. A may then claim the application of section 1237

subdivision (iv) of this subparagraph applies, may obtain the benefits of section

$2,500, his tract will sell for approximately $4,000 per acre. Under section 1237 (b) (3)

(B) the installation of water facilities and roads shall not constitute a substantial improvement, if A elects to disregard the $2,500 cost of such improvements in computing his cost or other basis for the lots sold from the tract, and in computing his basis for any other property owned by him.

*Example* (2). Assume the same facts as in example (1) of this subdivision except that A can obtain $1,600 per acre for his property without improvements. The installation of any substantial improvements would not constitute a necessary improvement under section 1237 (b) (3), since the prevailing local price could have been obtained without any improvement.

*Example* (3). Assume the same facts as in example (1) of this subdivision except that the adjacent tract has also been improved with sewer facilities, the present cost of which is $1,200 per acre. The installation of the substantial improvements would not constitute a necessary improvement under section 1237 (b) (3) on A's part, since the prevailing local price ($4,000, less the sum of $1,200 plus $2,500, or $300) could have been obtained by A without any improvement.

(iii) The election required by section 1237 (b) (3) (C) shall be made as follows:

(*a*) The taxpayer shall submit:

(*1*) A plat showing the subdivision and all improvements attributable to him.

(*2*) A list of all improvements to the tract, showing:

(*i*) Costs.

(*ii*) Which of the costs, apart from the election, he considers "substantial" and which he considers not "substantial".

(*iii*) Those improvements which are substantial to which the election is to apply, with a fair allocation of their cost to each lot they affect, and the amount by which they have increased the values of such lots.

(*iv*) The date on which each lot was acquired and its basis for determining gain or loss, exclusive of the cost of any improvements listed in subdivision (*iii*) of this subdivision.

(*3*) A statement that he will not deduct as an expense nor add to the basis of the lots sold, or of any other property, the cost to which this section applies, and allocated to any lot sold, of any improvement which substantially increased the value of such lot and which either he listed in subdivision (*2*) (*iii*) of this subdivision or which the district director deems substantial.

(*b*) The election and the information required under subdivision (*a*) of this subdivision shall be submitted to the district director:

(*1*) With the taxpayer's income tax return for the taxable year in which the lots subject to the election were sold, or

(*2*) In the case of a return filed prior to the publication in the FEDERAL REGISTER of the regulations under section 1237 following their adoption, either with a timely formal claim for refund, or independently within 90 days of such publication, to be attached to such return if it is otherwise in accordance with section 1237 and the regulations thereunder, or

(*3*) If there is an obligation to make disqualifying improvements outstanding when the taxpayer files his return, with a formal claim for refund at the time of the release of the obligation, if it is then still possible to file a timely claim.

(c) Once made, the election as to the necessary improvement costs attributable to any lot sold shall be irrevocable and binding on the taxpayer unless the district director assesses an income tax as to such lot as if it were held for sale in the ordinary course of taxpayer's business. Under such circumstances, in computing gain, the cost or other basis shall be computed without regard to section 1237.

(iv) For taxable years beginning after December 31, 1954, individual taxpayers and certain corporations may obtain the benefits of section 1237 without complying with the provisions of subdivisions (i) (c) and (*d*), (ii), and (iii) of this subparagraph if the requirements of section 1237 are otherwise met and if—

(*a*) The property in question was acquired by the taxpayer through the foreclosure of a lien thereon,

(*b*) The lien foreclosed secured the payment of an indebtedness to the taxpayer or (in the case of a corporation) secured the payment of an indebtedness to a creditor who has transferred the foreclosure bid to the taxpayer in exchange for all of the stock of the corporation and other consideration, and

(c) In the case of a corporate taxpayer, no shareholder of the corporation holds real property for sale to customers in the ordinary course of trade or business, directly or indirectly.

Thus, in the case of such property, it is not necessary for the taxpayer to satisfy the district director that the property would not have brought the prevailing local price without improvements or to elect not to add the cost of the improvements to his basis. In addition, if 80 percent or more of the real property owned by a taxpayer is property to which this subdivision applies, the requirements of subdivisions (*a*) and (*b*) of this subdivision need not be met with respect to property adjacent to such property which is also owned by the taxpayer.

(d) *Holding period required.* (1) To apply section 1237, the taxpayer must either have inherited the lot sold or have held it for 5 years. In computing the 5-year holding period, if the taxpayer has the same basis, in whole or in part, for the property as another person, the period that such other person held the property shall be added to the period that the taxpayer held it. See section 1223 (2).

(2) If the taxpayer inherited the property there is no 5-year holding period required under section 1237. However, any holding period required under sections 1222, 1223 or other provisions of the Code are still applicable. Neither the survivor's one-half of community property, nor property acquired by survivorship in a joint tenancy is property acquired by devise or inheritance. The holding period for the surviving joint tenant begins on the date the property was originally acquired.

(e) *Tax consequences if section 1237 applies.* (1) Where there is no substantial evidence other than subdivision and related selling activities that real property is held for sale in the ordinary course of taxpayer's business and section 1237 applies, section 1237 (b) (1) provides a special rule for computing taxable gain. For the relationship between sections 1237 and 1231, see paragraph (f) of this section.

(2) (i) When the taxpayer has sold less than six lots or parcels from the same tract up to the end of his taxable year, the entire gain will be capital gain. (Where the land is used in a trade or business, see paragraph (f) of this section.) In computing the number of lots or parcels sold, two or more contiguous lots sold to a single buyer in a single sale will be counted as only one parcel. The following example illustrates this rule.

*Example.* A meets all the conditions of section 1237, in subdividing and selling a single tract. There is no other evidence he holds any real property for sale. In 1956 he sells four lots to B, C, D, and E. In the same year F buys three adjacent lots. Since A has sold only 5 lots or parcels from the tract, any gain A realizes on the sales will be capital gain.

(ii) If the taxpayer has sold the sixth lot or parcel from the same tract within the taxable year, then the amount, if any, by which 5 percent of the selling price of each lot exceeds the expenses incurred in connection with its sale or exchange, shall be ordinary income. Any part of the gain not treated as ordinary income will be treated as capital gain. (Where the land is used in a trade or business, see paragraph (f) of this section.) Five percent of the selling price of each lot sold from the tract is considered ordinary income in the taxable year the sixth lot is sold and thereafter. However, all expenses must be considered expenses of sale of the lot and are deducted first from the 5 percent of the gain considered ordinary income and thereafter from any further gain. Such expenses cannot be deducted as ordinary business expenses from other income. The 5 percent rule applies to all lots sold from the tract in the year the sixth lot or parcel is sold. Thus, if the taxpayer sells the first six lots of a single tract in one year, 5 percent of the selling price of each lot sold shall be treated as ordinary income and reduced by the selling expenses. On the other hand, if the taxpayer sells the first three lots of a single tract in 1955, and the next three lots in 1956, only the gain realized from the sales made in 1956 shall be so treated. For the effect of a 5-year interval between sales, see paragraph (g) (2) of this section. The operation of this subdivision may be illustrated by the following examples:

*Example (1).* Assume the selling price of the sixth lot of a tract is $10,000, the basis of the lot in the hands of the taxpayer is $5,000, and the expenses of sale are $750. The amount of gain realized by the taxpayer is $4,250, of which the amount of ordinary income attributable to the sale is zero, computed as follows:

| | | |
|---|---|---|
| Selling price | | $10,000 |
| Basis | | 5,000 |
| Excess over basis | | 5,000 |
| 5 percent of selling price | $500 | |
| Expenses of sale | 750 | |
| Amount of gain realized treated as ordinary income | | 0 |
| Excess over basis | | 5,000 |
| 5 percent of selling price | $500 | |
| Excess of expenses over 5 percent of selling price | 250 | |
| | | 750 |
| Amount of gain realized from sale of property not held for sale in ordinary course of business | | 4,250 |

*Example (2).* Assume the same facts as in Example (1), except that the expenses of sale of such sixth lot are $300. The amount of gain realized by the taxpayer is $4,700, of which the amount of ordinary income attributable to the sale is $200, computed as follows:

| | | |
|---|---|---|
| Selling price | | $10,000 |
| Basis | | 5,000 |
| Excess over basis | | 5,000 |
| 5 percent of selling price | $500 | |
| Expenses of sale | 300 | |
| Amount of gain realized treated as ordinary income | | 200 |
| Excess over basis | | 5,000 |
| 5 percent of selling price | $500 | |
| Excess of expenses over 5 percent of selling price | 0 | |
| | | 500 |
| Amount of gain realized from sale of property not held for sale in ordinary course of business | | 4,500 |

(iii) In the case of an exchange, the term "selling price" shall mean the fair market value of property received in exchange for the lot. See section 1031 for those exchanges in which no gain is recognized.

(f) *Relationship of section 1237 and section 1231.* Application of section 1237 to a sale of real property may, in some cases, result in the property being treated as real property used in the trade or business, as described in section 1231 (b) (1). Thus, assuming section 1237 is otherwise applicable, if the lot sold would be considered property described in section 1231 (b) (1) except for the fact that the taxpayer subdivided the tract of which it was a part, then evidence of such subdivision and connected sales activities shall be disregarded and the lot sold shall be considered real property used in the trade or business. Under such circumstances, any gain (to the extent not treated as ordinary income under section 1237 (b) (1) and (2)), or any loss, realized from the sale shall be treated as gain or loss arising from the sale of real property used in the trade or business.

(g) *Definition of "tract".* (1) For the purposes of section 1237, the term "tract" means either (i) a single piece of real property or (ii) two or more pieces of real property if they were contiguous at any time while held by the taxpayer, or would have been contiguous but for the interposition of a road, street, railroad, stream or similar property. Such properties are contiguous if they would meet at more than one point if their boundaries were continued. The single piece or contiguous properties need not have been conveyed by a single deed. The taxpayer may have assembled them over a period of time and may hold them separately, jointly, or as a partner, or in any combination of such forms of ownership.



(2) If the taxpayer sells or exchanges no lots from the tract for a period of 5 years after the sale or exchange of at least one lot in the tract, then the remainder of the tract shall be deemed a new tract for the purpose of counting the number of lots sold from the same tract under section 1237 (b) (1). The pieces in the new tract need not be contiguous. The 5-year period is measured between the dates of the sales or exchanges.

(h) *Effective date.* This section shall apply only to gain realized on sales made after December 31, 1953, or, in the case of a person meeting the requirements of paragraph (c) (5) (iv) of this section, if the sale of the lot occurs in a taxable year beginning after December 31, 1954. Sales or exchanges made before January 1, 1954, shall be taken into account, however, to determine whether: (1) no sales or exchanges have been made for 5 years, under section 1237 (c), and (2) more than 5 lots or parcels have been sold or exchanged from the same tract, under section 1237 (b) (1). Thus, if the taxpayer sold 5 lots from a single tract in 1950, and another lot is sold in 1954, the lot sold in 1954 constitutes the "sixth lot" sold from the original tract. On the other hand, if the first 5 lots were sold in 1948, the sale made in 1954 shall be deemed to have been made from a new tract.

[F. R. Doc. 56-5179; Filed, June 28, 1956; 8:54 a. m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Mines

### [ 30 CFR Part 11 ]

[Schedule 13D]

### SELF-CONTAINED BREATHING APPARATUS

### NOTICE OF PROPOSED RULE MAKING

There was published in the FEDERAL REGISTER of December 1, 1955 (20 F. R. 8831), a notice and text of proposed amendment of the regulations governing tests and investigations leading to approval of self-contained breathing apparatus. Interested persons were invited to submit written data, views, or arguments concerning the proposed amendment.

After consideration of the views and data received, it is proposed to amend Part 11 in its entirety, to read as indicated below. Interested persons may submit, in triplicate, written data, views or arguments concerning this proposed amendment to the Director, Bureau of Mines, Washington 25, D. C., within 30 days after publication of this notice in the FEDERAL REGISTER.

*Preliminary statement.* The Bureau of mines is prepared, at its Central Experiment Station, Pittsburgh, Pa., to conduct tests to determine the permissibility of self-contained breathing apparatus for use in irrespirable and poisonous gases.

The authority for conducting such tests and investigations is contained in the act of May 16, 1910, as amended (36 Stat. 370, 30 U. S. C. 3, 5, 7), and in Executive Order No. 6611, February 22, 1934. The act, as so amended, contains the following provision:

For tests or investigations authorized by the Secretary of the Interior under the provisions of this Act, as amended and supplemented, except those performed for the Government of the United States or State governments within the United States, a fee sufficient in each case to compensate the Bureau of Mines for the entire cost of the services rendered shall be charged, according to a schedule prepared by the Director of the Bureau of Mines and approved by the Secretary of the Interior, who shall prescribe rules and regulations under which such tests and investigations may be made. All moneys received from such sources shall be paid into the Treasury to the credit of miscellaneous receipts.

(These regulations constitute Schedule 13D and supersede all schedules heretofore issued by the Bureau of Mines relating to the testing and approval of self-contained breathing apparatus.)

Sec.
11.1 Definition of "permissible."
11.2 Conditions under which apparatus will be tested.
11.3 Fees for testing.
11.4 General requirements.
11.5 Construction.
11.6 Character and general description of tests.
11.7 Detailed procedure of tests.
11.8 Approval of regenerators.
11.9 Notification of approval or disapproval.
11.10 Approval plates and markings for permissible apparatus and for approved supplemental parts.
11.11 Changes subsequent to approval.
11.12 Withdrawal of approval.

AUTHORITY: §§ 11.1 to 11.12 issued under 37 Stat. 681, as amended by 47 Stat. 410; E. O. 6611, Feb. 22, 1934, 30 U. S. C. secs. 3, 5, 7.

§ 11.1 *Definition of "permissible."* The Bureau of Mines considers a self-contained breathing apparatus to be permissible for use in irrespirable and poisonous gases if all the details of construction and materials are the same in all respects as those of a self-contained breathing apparatus that has passed the tests for safety, practicability, and efficiency in accordance with standards established by the Bureau and hereinafter described.

§ 11.2 *Conditions under which apparatus will be tested.* The conditions under which the Bureau of Mines will examine and test a self-contained breathing apparatus to establish its permissibility follow:

(a) (1) Application for inspection, examination, and testing shall be made in duplicate to the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pa., and shall be accompanied by (i) a check, bank draft, or money order (see § 11.3) payable to the order of the United States Bureau of Mines; (ii) a complete written description of the apparatus in duplicate; and (iii) a set of drawings in duplicate showing full details of construction of the apparatus. If an apparatus operates with a regenerator, the application shall be accompanied by a complete written description of the regenerator and a set of drawings showing full details of its construction, all in duplicate. The ap-

plication shall state, among other things, whether the apparatus is ready to be marketed.

(2) Applicants, manufacturers, or their representatives may visit or communicate with the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pa., to obtain criticism of proposed designs or to discuss the requirements covering the approval of self-contained breathing apparatus. No charge is made for such consultation.

(b) The examination, inspection, and test shall be made at the Central Experiment Station, Bureau of Mines, Pittsburgh, Pa.

(c) The applicant, submitting the self-contained breathing apparatus for inspection, examination, and test, will be required to provide two sets of apparatus, prepaid to the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pa. If the apparatus successfully passes all the tests and requirements hereinafter specified, one set of the apparatus will be retained by the Bureau of Mines as a laboratory exhibit and the other set will be returned to the applicant. If the apparatus does not pass all of the Bureau's tests or requirements, both sets of apparatus will be returned to the applicant at his expense.

(d) Each self-contained breathing apparatus submitted for test shall have marked on it in a distinct manner the name and address of the manufacturer and the name, letter, or number by which the apparatus is designated for trade purposes.

(e) (1) For tests of self-contained oxygen breathing apparatus utilizing a supply of compressed gaseous oxygen, the oxygen will be supplied by the Bureau of Mines and will be of the purity specified in contracts by the Bureau for use in its own self-contained breathing apparatus, namely, at least 98 percent oxygen and the remainder nitrogen. The applicant shall supply such regenerators or regenerating materials as are necessary to operate the apparatus during the tests as hereinafter described.

(2) For tests of self-contained breathing apparatus utilizing a supply of compressed air, the applicant shall supply the compressed air (in suitable containers) necessary in making the hereafter desired tests. The compressed air shall not contain any amount of gaseous, liquid, or solid substance that is harmful to a wearer of the apparatus under any condition of use. The applicant shall furnish a written statement setting forth the method used to compress the air and the controls used to prevent contamination of the compressed air by any gaseous, liquid, or solid substance that is harmful to a human being.

(3) For tests of self-contained breathing apparatus utilizing a supply of oxygen that is generated by a chemical reaction when using the apparatus, the applicant shall supply the oxygen-generating chemicals (in suitable containers) in amounts necessary to conduct the hereafter described tests. The oxygen shall not contain any amount of gaseous, liquid, or solid substance that is harmful to a wearer of the apparatus under any condition of use. The applicant shall furnish a written statement setting forth the method by which the oxygen is generated and the chemical reaction involved for this purpose during the use of the apparatus. Furthermore, this statement shall set forth how the chemicals in the oxygen generator have been manufactured so as to prevent contamination of the oxygen by any gaseous, liquid, or solid substance in amounts or proportions harmful to a human being.

(f) On receipt of the self-contained breathing apparatus for which application has been made for examination, inspection, or test, the applicant will be notified whether the apparatus meets the requirements of these regulations and whether additional spare parts are necessary to facilitate making a proper test of the apparatus. The applicant will be required to provide additional parts, if needed, and also to alter the apparatus, if necessary.

(g) No self-contained breathing apparatus will be tested unless it is in the complete form in which it is to be marketed.

(h) As soon as possible after the formal application for the test and the apparatus to be tested have been received, the applicant will be notified of the date on which the test will begin and if any additional material is required.

(i) Tests will be made in the order of receipt of application, provided that the applicant has furnished the necessary apparatus and material.

(j) Self-contained breathing apparatus in course of development may be submitted by manufacturers and inventors for preliminary tests or inspection to ascertain defective construction or misapplication of safety principles. The Bureau will determine the nature of such test or inspection and the fee, if any. If a fee is to be charged, it shall be paid before the test or inspection is undertaken.

(k) No one shall be present during any part of the formal investigation, conducted by the Bureau, that leads to approval except the necessary Government personnel, representatives of the applicant, and such other persons as may be mutually agreed upon by the applicant and the Bureau. When a self-contained breathing apparatus is approved as permissible, the Bureau will announce that such approval has been granted and may thereafter conduct from time to time, in its discretion, public demonstrations of the tests of approved self-contained breathing apparatus. Those who attend any part of the investigation, or any public demonstration, shall be present solely as observers; the conduct of the investigation and of any public demonstration shall be controlled wholly by the Bureau's personnel. The results of chemical analyses and all information contained in the drawings, specifications, and instructions shall be deemed confidential, and the Bureau will appropriately safeguard them against disclosure.

(l) Breathing apparatus will be tested for manufacturers or accredited agents of manufacturers and for inventors.

(m) The Bureau of Mines will make public from time to time a list of permissible self-contained breathing apparatus and data on tests of such equipment.

§ 11.3 *Fees for testing.*

| | Apparatus with separate regenerator | Oxygen generating apparatus | Demand-type apparatus |
|---|---|---|---|
| Complete 2-hour self-contained breathing apparatus inspection and tests | $1,500 | $1,500 | $1,500 |
| Complete 1-hour self-contained breathing apparatus inspection and tests | 1,390 | 1,390 | 1,390 |
| Complete ¾-hour self-contained breathing apparatus inspection and tests | 1,390 | 1,390 | 1,390 |
| Complete ½-hour self-contained breathing apparatus inspection and tests | 1,390 | 1,390 | 1,390 |
| Separate preliminary 2-hour apparatus inspection and tests | 230 | 230 | 230 |
| Separate preliminary 1-hour apparatus inspection and tests | 230 | 230 | 230 |
| Separate preliminary ¾-hour apparatus inspection and tests | 230 | 230 | 230 |
| Separate preliminary ½-hour apparatus inspection and tests | 230 | 230 | 230 |
| Separate supplementary facepiece assembly | 230 | 230 | ---------- |
| Separate regenerator 2-hour apparatus inspection and tests | 165 | ---------- | ---------- |
| Separate regenerator 1-hour apparatus inspection and tests | 165 | ---------- | ---------- |
| Separate regenerator ¾-hour apparatus inspection and tests | 165 | ---------- | ---------- |
| Separate regenerator ½-hour apparatus inspection and tests | 165 | ---------- | ---------- |
| Special reducing valve inspection and tests, all models | 165 | 165 | 165 |
| Separate auxiliary parts inspection and tests, each part | 110 | 110 | 110 |

Fees for testing unusually complicated types of self-contained breathing apparatus and for extensions of approval will be based on the actual cost of testing, as determined by the Bureau of Mines in advance; the applicant will be notified and the fees paid before the tests are begun.

§ 11.4 *General requirements.* To receive approval of the Bureau of Mines for any type of self-contained breathing apparatus described under types A, B, C, or D in the following, the apparatus must comply with the requirements specified. Four general types of self-contained breathing apparatus will be tested—type A, ½-hour; type B, ¾-hour; type C, 1-hour; and type D, 2-hour. To be approved each type of breathing apparatus must pass satisfactorily all of the tests specified for the respective type in § 11.7. The Bureau considers that the A, ½-hour, and B, ¾-hour, types are suitable for mine rescue and recovery work as auxiliary equipment only.

(a) The amount of oxygen or air supplied by the apparatus must meet the needs of the wearer at all times.

(b) The apparatus shall be free from mechanical obstructions so that the wearer can breathe freely at all times.



(c) The temperature of the inspired atmosphere shall not exceed 110° F. when the temperature of the atmosphere external to the apparatus does not exceed 85° F. The Bureau will not test self-contained breathing apparatus when the temperature external to the apparatus exceeds 85° F. or is less than 60° F.

(d) The apparatus shall be durable in construction, and all vital parts shall be so protected as to prevent damage or excessive wear during the tests to which it will be subjected.

(e) (1) For an apparatus, equipped with a mouth-breathing device in which the expired atmosphere is recirculated and which utilizes a supply of compressed oxygen and a regenerator, the regenerating material (absorbent) shall absorb carbon dioxide from the expired atmosphere. Samples of the atmosphere within the apparatus shall be taken for analytical determination of carbon dioxide content. The atmosphere within the apparatus shall be sampled as near to the point of inspiration as practicable, only while the wearer is inhaling, over a period covering several inhalations, and at uniform intervals of time. None of the samples so taken shall contain more than 2½ percent of carbon dioxide. The average carbon dioxide content of all atmospheric samples taken from within the apparatus during the test shall not exceed 1 percent.

(2) For an apparatus, equipped with a facepiece, in which the expired atmosphere is recirculated and which utilizes a supply of compressed oxygen and a regenerator, the regenerating material (absorbent) shall absorb carbon dioxide from the expired atmosphere. Samples of the atmosphere within the apparatus shall be taken for analytical determination of carbon dioxide content. The atmosphere within the apparatus shall be sampled only when the wearer is inhaling, over a period covering several inhalations, and at uniform intervals of time. None of the samples so taken shall contain more than 2½ percent of carbon dioxide. Samples of the atmosphere within the apparatus shall be taken from the inhalation side of the apparatus as near as possible to the facepiece; the average carbon dioxide content of such samples shall not exceed 1 percent during the test. Samples of the atmosphere within the apparatus also shall be taken from within the facepiece as near as practicable to the nose and mouth of the wearer; the average carbon dioxide content of such samples shall not exceed 2 percent during the test.

(3) From an oxygen-generating apparatus, equipped with a mouth-breathing device, in which the expired atmosphere is recirculated and in which a chemical change is effected so that carbon dioxide is absorbed concurrently with the generation of oxygen, samples of the atmosphere within the apparatus shall be taken for analytical determination of carbon dioxide content. The atmosphere within the apparatus shall be sampled as near to the point of inspiration as practicable, only while the wearer is inhaling, over a period covering several inhalations, and at uniform intervals of time. None of the samples so taken shall contain more than 2½ percent of carbon dioxide. The average carbon dioxide content of all atmospheric samples taken from within the apparatus during the test shall not exceed 1 percent.

(4) For an oxygen-generating apparatus, equipped with a facepiece, in which the expired atmosphere is recirculated and in which a chemical change is effected so that carbon dioxide is absorbed concurrently with the generation of oxygen, samples of the atmosphere within the apparatus shall be taken for analytical determination of carbon dioxide content. The atmosphere within the apparatus shall be sampled only when the wearer is inhaling, over a period covering several inhalations, and at uniform intervals of time. None of the samples so taken shall contain more than 2½ percent of carbon dioxide. Samples of the atmosphere within the apparatus shall be taken from the inhalation side of the apparatus as near as possible to the facepiece; the average carbon dioxide content of such samples shall not exceed 1 percent during the test. Samples of the atmosphere within the apparatus also shall be taken from within the facepiece as near as practicable to the nose and mouth of the wearer; the average carbon dioxide content of such samples shall not exceed 2 percent during the test.

(5) For an apparatus, equipped with a mouth-breathing device, in which the expired atmosphere is not recirculated, as in open-circuit (demand) apparatus, and which utilizes a supply of compressed oxygen or compressed air, samples of the atmosphere within the apparatus shall be taken for analytical determination of carbon dioxide content. The atmosphere within the apparatus shall be sampled as near to the point of inspiration as practicable, only while the wearer is inhaling, over a period covering several inhalations, and at uniform intervals of time. None of the samples so taken shall contain more than 2½ percent of carbon dioxide. The average carbon dioxide content of all atmospheric samples taken from within the apparatus during the test shall not exceed 1 percent.

(6) For an apparatus, equipped with facepiece, in which the expired atmosphere is not recirculated, as in open-circuit (demand) apparatus, and which utilizes a supply of compressed oxygen or compressed air, samples of the atmosphere within the apparatus shall be taken for analytical determination of carbon dioxide content. The atmosphere within the apparatus shall be sampled only when the wearer is inhaling, over a period covering several inhalations, and at uniform intervals of time. None of the samples so taken shall contain more than 2½ percent of carbon dioxide. Samples of the atmosphere within the apparatus shall be taken from the inhalation side of the apparatus as near as practicable to the nose and mouth of the wearer; the average carbon dioxide content of such samples shall not exceed 2 percent during the test.

(f) All parts of a self-contained breathing apparatus, including the source of the breathed atmosphere, shall be carried on the body of the wearer.

§ 11.5 *Construction.* (a) When worn in irrespirable air, the apparatus shall, without recharging, meet the needs of the wearer for not less than the number of minutes for which it was designed.

(b) The mechanical construction of the apparatus shall be such that every part can be tested, inspected, and repaired by persons that are skilled in such work, and all parts that require sterilizing shall be readily accessible for this purpose.

(c) All parts of the apparatus subject to or liable to be subjected to pressures in excess of 5 pounds per square inch shall be so constructed and equipped with safety devices that the safety of the wearer shall be assured, as determined by the 15 tests described in § 11.7.

(d) In apparatus equipped with a breathing bag or bags, or their equivalent, the inhalation and exhalation compartments shall have a combined capacity of at least 8 liters. If a single breathing bag is used, it shall have a capacity of at least 5 liters.

(e) In apparatus equipped with a breathing bag that is used in conjunction with operation of an oxygen- or air-admission valve, the bag shall have a capacity of at least 3 liters after the admission valve is closed. After 3 liters of oxygen or air is introduced into the breathing bag, the water-gage pressure shall not exceed 3 inches.

(f) All parts enclosing the breathed atmosphere of a self-contained breathing apparatus shall consist of material that will exclude gases external to the apparatus and be impervious to gasoline vapor for at least a 2½-hour period. The material shall be of good strength and be flexible, and the joints or seams shall be either cemented and sewed or vulcanized or bound in such manner that the part or parts will not become separated at the joints or seams when the apparatus is in use. Such part or parts may be made in one piece without joints or seams.

(g) The apparatus shall not have in its circulatory system any zone of constant negative pressure, or a positive pressure at the mouthpiece or facepiece of more than 3 inches water gage after a 2½-liter exhalation.

(h) A self-contained breathing apparatus in which the expired atmosphere is recirculated shall be provided with a release valve that is operated manually or automatically and is placed at some point in the circulatory system of the apparatus. The function of this valve shall be to permit the escape to the outside atmosphere of a part of the atmosphere in the circulatory system of the apparatus. The valve shall be so designed that the outside atmosphere cannot be drawn into the apparatus.

(i) When apparatus is equipped with high-pressure gas container(s) the applicant shall furnish therewith a certificate of test required by the Interstate Commerce Commission under Specifica-

tions No. 3–A or equivalent specifications or shall give evidence satisfactory to the Bureau that such high-pressure gas container(s) were tested in accordance with Interstate Commerce Commission Specifications No. 3–A or equivalent specifications.

(j) (1) When an apparatus is equipped with a high-pressure gas container charged with compressed oxygen or compressed air to a pressure 10 percent in excess of its marked service pressure, the container shall be equipped with a perforated safety cap attached to the main closing valve. The perforated safety cap shall contain a frangible disk, without fusible metal backing, and the disk shall have a bursting pressure of 2,650 to 3,000 pounds per square inch.

(2) When an apparatus is equipped with a high-pressure gas container charged with compressed oxygen or compressed air at a pressure not in excess of its marked service pressure, the container shall be equipped with a perforated safety cap attached to the main closing valve. The perforated safety cap shall contain a frangible disk, without fusible metal backing, having a bursting pressure of 2,650 to 3,000 pounds per square inch. As an alternate, when the high-pressure gas container is charged at a pressure not in excess of its marked service pressure, the container may be equipped with a perforated safety cap attached to the main closing valve and the safety cap provided with a plain copper disk and fiber gasket and filled with a metal (such as Rose's metal) having a fusing temperature of approximately 94° C. Such fusible metal shall not be forced from the perforated safety cap by a pressure less than 2,250 pounds per square inch.

(k) (1) The closing valve of the high-pressure gas container shall be provided with a device to prevent the wearer of the apparatus from screwing the stem entirely out of the valve. The closing valve shall also be provided with a device to enable the wearer to lock the valve stem open when the valve has been opened to the desired point. The valve-closing device shall be operable by hand without use of wrenches or external levers.

(2) Main and bypass valves that control the flow of compressed oxygen or compressed air from the source of supply shall be so located that they can be manipulated readily by the wearer when the apparatus is being worn.

(l) When an apparatus is equipped with a gage for recording time or pressure of compressed-oxygen or compressed-air supply, the Bureau of Mines will test such a gage for accuracy of calibration. A variation of 3 atmospheres (approximately 45 pounds per square inch) will be allowed in comparison with the pressure shown by the Bureau of Mines standard pressure gage.

(m) (1) Apparatus having a separate pressure-gage connection shall be equipped with a valve to shut off the compressed-oxygen or compressed-air supply from the gage. The gage-connection valve shall be so placed that it can be manipulated readily by the wearer without interfering with the flow of compressed oxygen or compressed air from the high-pressure gas container to the circulatory system of the apparatus.

(2) An oxygen-generating, self-contained breathing apparatus shall be equipped with a timing device that will indicate accurately the number of minutes a person may continue to wear the apparatus with safety.

(n) Any pressure gage or timing device shall be so located that it can be read easily by the wearer.

(o) Apparatus equipped with a reducing valve giving a constant or automatic flow of oxygen or air shall be provided with a bypass valve that will permit compressed oxygen or compressed air to flow freely from the high-pressure gas container to the circulatory system of the apparatus, independent of the reducing valve.

(p) When the compressed-oxygen or compressed-air supply of the apparatus is controlled by automatic devices, such devices shall adjust themselves readily to the needs of the wearer.

(q) Apparatus in which the expired atmosphere is recirculated and which is equipped with either a mouth-breathing device or a facepiece shall be provided with an adequate saliva or moisture trap and release valve at the exhalation side of the inhalation and exhalation valve assembly and shall be so designed that, while the saliva or moisture trap and release valve are functioning, any atmosphere that may be external thereto cannot be drawn into the apparatus.

(r) Apparatus equipped with a mouth-breathing device shall be provided with a suitable nose clip properly attached to the apparatus. The suitability of the nose clip will be determined by the tests to which the apparatus will be subjected.

(s) Self-contained breathing apparatus submitted for testing and approval shall not weigh more than 40 pounds when completely assembled and fully charged.

(t) Apparatus equipped with a facepiece shall meet the following requirements:

(1) The facepiece shall be so constructed as to assure quick, gastight fit on persons of widely varying facial dimensions and contours.

(2) The eyepiece(s) of the facepiece shall be of the nonshatter type and be so designed as to provide a satisfactory field of vision for persons of widely varying facial dimensions and contours. Air or oxygen shall enter the facepiece in such manner as will prevent excessive accumulation of moisture on the eyepiece(s). If fog-preventing solutions or other substances are applied to or furnished for application to the lenses of the eyepiece(s), such solutions or substances shall be nonirritating, odorless, and nonflammable.

(3) A facepiece shall be provided with elastic headbands that are adjustable and replaceable.

(4) If a facepiece is equipped with an exhalation valve, the valve shall be guarded to prevent distortion and injury.

(5) For self-contained breathing apparatus, approved before the effective date of this part and for which a facepiece is approved as supplemental equipment, the facepiece shall weigh not more than 3 pounds complete with inhalation and exhalation valve assembly, breathing tubes, and fittings.

(6) A facepiece approved as supplemental equipment shall be distinctively and permanently marked to identify it as a supplemental part of a specific type of self-contained breathing apparatus.

§ 11.6 *Character and general description of tests.* (a) After the self-contained breathing apparatus to be tested for permissibility has been thoroughly inspected for adequacy of its mechanical principles, a series of 15 tests will be made, as described in § 11.7. At the beginning of the series of tests, if a high-pressure gas container is used on the apparatus, it shall first be charged with oxygen or air to a pressure of 10 atmospheres (approximately 150 pounds per square inch) and the oxygen or air permitted to escape into the atmosphere. Any high-pressure gas container used in the tests shall be fully charged at the beginning of each test at a pressure prescribed by the applicant or manufacturer of the apparatus.

(b) If an apparatus using compressed oxygen or compressed air is equipped with one or more breathing bags, the breathing bag or bags shall be deflated at the beginning of each test to expel any contained nitrogen.

(c) A single test must be continuous, without removal of the apparatus from the wearer during the test.

(d) Samples of the atmosphere from an apparatus in which the atmosphere is recirculated and which is equipped with a mouth-breathing device or a facepiece shall be taken from the inhalation side of the circulatory system as near as possible to the mouthpiece or facepiece, as the case may be. Samples of the atmosphere from a regenerating- or recirculating-type apparatus equipped with a facepiece also shall be taken from the interior of the facepiece as near as practicable to the nose and mouth of the wearer of the apparatus and shall be taken only when the wearer is inhaling. Samples of the atmosphere from an apparatus in which the atmosphere is not recirculated, such as in open-circuit (demand) equipment, and which is equipped with a mouth-breathing device shall be taken from the inhalation side of the apparatus as near as possible to the mouthpiece. Samples of the atmosphere from an apparatus in which the atmosphere is not recirculated, such as in open-circuit (demand) equipment, and which is equipped with a facepiece shall be taken from the interior of the facepiece as near as practicable to the nose and mouth of the wearer and shall be taken only when the wearer is inhaling. The first sample shall be taken from the source of supply of compressed oxygen or compressed air immediately before the beginning of the test. The second sample shall be taken after the apparatus has been adjusted to the wearer and compressed oxygen or compressed air has been turned on and after the wearer has inhaled at least three times and has exhaled to the atmosphere outside of the apparatus. Samples shall be taken as indicated in Tables 1–5, inclusive, of § 11.7 for ½-hour, A types; 2-hour, B types; 1-hour, C types; and ¾-hour, D types; respectively. The physiological effects of the apparatus on the wearer will be noted during each test; they include the comfort of the wearer, ease of breathing, and lack of interference with normal body functioning, as determined by questioning the wearer of the apparatus during and after testing.

(e) Not more than 1 test of 2 hours' duration will be made on any day. The tests will be completed within 60 days from date of beginning, unless prevented by conditions that are beyond the control of the Bureau.

All tests of apparatus will be conducted in a specially equipped gallery filled with an irrespirable atmosphere, at the Central Experiment Station, Bureau of Mines, Pittsburgh, Pa.

(f) Before each test is begun, the apparatus shall be examined and tested to make certain that no leakage is present under working conditions.

(g) The apparatus under test will be worn during each and all of the periods of the 15 tests by qualified Bureau of Mines personnel assigned to such test work. Immediately before participation in any of these tests the prospective wearer of the apparatus being tested shall pass, satisfactorily, a physical examination by a qualified physician. If it is impossible to complete any one of these tests solely because of the poor physical condition of the wearer, when such condition has been brought about through no fault of the apparatus being tested, such test shall be disregarded, and the apparatus shall not be penalized or disqualified thereby.

(h) At the conclusion of each test a record shall be made of the general physical condition of the wearer and of the apparatus and of the amount of compressed oxygen or compressed air, if any, remaining in the container. The schedule of work to be performed by the wearer of the apparatus in each of the 15 tests is described in § 11.7.



(f) *Test 5.*

TABLE 2—DURATION OF SPECIFIC ACTIVITIES FOR TEST 5

| Activity | Self-contained breathing apparatus | | | | |
|---|---|---|---|---|---|
| | ½-hour A type | ¾-hour B type | 1-hour C type | 2-hour D type |
| Sampling and readings | 2 minutes | 2 minutes | 2 minutes | 2 minutes. |
| Wearer walks at 3 miles per hour | 2 minutes | 3 minutes | 4 minutes | 5 minutes. |
| Crawls as indicated | 2 times in 4 minutes. | 3 times in 6 minutes. | 4 times in 8 minutes. | 5 times in 10 minutes. |
| Carries 50-pound weight over overcast | 2 minutes | 4 minutes | 4 minutes | 10 minutes. |
| Walks at 2 miles per hour | 2 minutes | 2 minutes | 2 minutes | 2 minutes. |
| Sampling and readings | 2 minutes | 6 minutes | 4 minutes | 8 minutes. |
| Carries 4-pound weight and walks at 3 miles per hour | 30 times in 2 minutes. | 45 times in 3 minutes. | 60 times in 4 minutes. | 75 times in 5 minutes. |
| Raises 45-pound weight 5 feet vertically | 2 minutes | 6 minutes | 10 minutes | 15 minutes. |
| Saws wood as indicated | 2 minutes | 2 minutes | 2 minutes | 2 minutes. |
| Carries 50-pound weight over overcast | 3 times in 6 minutes. | 4 times in 8 minutes. | 5 times in 10 minutes. | 10 times in 20 minutes. |
| Walks at 3 miles per hour | 2 minutes | 4 minutes | 6 minutes | 8 minutes. |
| Sampling and readings | 2 minutes | 2 minutes | 2 minutes | 2 minutes. |
| Walks at 3 miles per hour | | | | 24 minutes. |
| Sampling and readings | | | | 2 minutes. |
| Total | 30 minutes | 45 minutes | 60 minutes | 120 minutes. |

(g) *Tests 6, 7, and 8.* The work schedule for Test 5, give in Table 2, is repeated for each of these tests.

(h) *Test 9.*

TABLE 3—DURATION OF SPECIFIC ACTIVITIES FOR TEST 9

| Activity | Self-contained breathing apparatus | | | |
|---|---|---|---|---|
| | ½-hour A type | ¾-hour B type | 1-hour C type | 2-hour D type |
| Sampling and readings | 2 minutes | 2 minutes | 2 minutes | 2 minutes. |
| Wearer walks at 3 miles per hour | 2 minutes | 3 minutes | 4 minutes | 5 minutes. |
| Crawls as indicated | 25 feet in 3 minutes. | 40 feet in 4 minutes. | 60 feet in 6 minutes. | 100 feet in 10 minutes. |
| Lies on his side | 2 minutes | 4 minutes | 5 minutes | 10 minutes. |
| Lies on his back | 1 minute | 2 minutes | 3 minutes | 5 minutes. |
| Sampling and readings | 2 minutes | 2 minutes | 2 minutes | 2 minutes. |
| Walks at 3 miles per hour | 2 minutes | 6 minutes | 6 minutes | 10 minutes. |
| Runs at 6–8 miles per hour | 300 feet in 1 minute. | 400 feet in 2 minutes. | 600 feet in 3 minutes. | 600 feet in 3 minutes. |
| Walks at 3 miles per hour | 3 minutes | 4 minutes | 7 minutes | 15 minutes. |
| Sampling and readings | 2 minutes | 2 minutes | 2 minutes | 2 minutes. |
| Walks at 3 miles per hour | 2 times in 4 minutes. | 3 times in 6 minutes. | 4 times in 8 minutes. | 5 times in 10 minutes. |
| Carries 50-pound weight over overcast | 2 minutes | 3 minutes | 4 minutes | 10 minutes. |
| Walks at 3 miles per hour | 2 minutes | 3 minutes | 4 minutes | 8 minutes. |
| Sampling and readings | 2 minutes | 2 minutes | 2 minutes | 2 minutes. |
| Walks at 3 miles per hour | | | | 24 minutes. |
| Sampling and readings | | | | 2 minutes. |
| Total | 30 minutes | 45 minutes | 60 minutes | 120 minutes. |

(i) *Tests 10 and 11.* The work schedule for Test 9, given in Table 3, is repeated for each of these tests.

TABLE 1—DURATION OF SPECIFIC ACTIVITIES FOR TEST 1

| Activity | Self-contained breathing apparatus | | | |
|---|---|---|---|---|
| | ½-hour A type | ¾-hour B type | 1-hour C type | 2-hour D type |
| | *Minutes* | *Minutes* | *Minutes* | *Minutes* |
| Sampling and readings | 2 | 2 | 2 | 2 |
| Wearer walks at 3 miles per hour | 8 | 13 | 18 | 28 |
| Sampling and readings | 2 | 2 | 2 | 2 |
| Wearer walks at 3 miles per hour | 8 | 12 | 17 | 28 |
| Sampling and readings | 2 | 2 | 2 | 2 |
| Wearer walks at 3 miles per hour | 6 | 12 | 17 | 28 |
| Sampling and readings | 2 | 2 | 2 | 2 |
| Wearer walks at 3 miles per hour | | | | 26 |
| Sampling and readings | | | | 2 |
| Total | 30 | 45 | 60 | 120 |

(e) *Tests 2, 3, and 4.* The work schedule for Test 1, given in Table 1, is repeated for each of these tests.

(j) *Test 12.*

TABLE 4—DURATION OF SPECIFIC ACTIVITIES FOR TEST 12

| Activity | Self-contained breathing apparatus | | | |
|---|---|---|---|---|
| | ½-hour A type | ¾-hour B type | 1-hour C type | 2-hour D type |
| Sampling and readings | 2 minutes. | 2 minutes. | 2 minutes. | 2 minutes. |
| Wearer walks at 3 miles per hour | 1 minute. | 2 minutes. | 2 minutes. | 3 minutes. |
| Runs at 6 to 8 miles per hour | 300 feet in 1 minute. | 300 feet in 1 minute. | 600 feet in 2 minutes. | 600 feet in 2 minutes. |
| Raises 45-pound weight 5 feet vertically | 30 times in 2 minutes. | 45 times in 3 minutes. | 60 times in 4 minutes. | 75 times in 5 minutes. |
| Carries 45-pound weight as indicated | 200 feet in 1 minute. | 400 feet in 2 minutes. | 400 feet in 2 minutes. | 1,000 feet in 5 minutes. |
| Carries 50-pound weight over overcast | 2 times in 4 minutes. | 2 times in 4 minutes. | 4 times in 8 minutes. | 5 times in 10 minutes. |
| Sampling and readings | 2 minutes. | 2 minutes. | 2 minutes. | 2 minutes. |
| Walks at 3 miles per hour | 2 minutes. | 2 minutes. | 4 minutes. | 8 minutes. |
| Carries 50-pound weight over overcast | 2 times in 3 minutes. | 6 times in 9 minutes. | 8 times in 12 minutes. | 10 times in 15 minutes. |
| Raises 45-pound weight 5 feet vertically | 30 times in 2 minutes. | 45 times in 3 minutes. | 60 times in 4 minutes. | 75 times in 5 minutes. |
| Sampling and readings | 2 minutes. | 2 minutes. | 2 minutes. | 2 minutes. |
| Walks at 3 miles per hour | 2 minutes. | 3 minutes. | 4 minutes. | 8 minutes. |
| Raises 45-pound weight 5 feet vertically | 30 times in 2 minutes. | 45 times in 3 minutes. | 60 times in 4 minutes. | 75 times in 5 minutes. |
| Walks at 3 miles per hour | 2 minutes. | 5 minutes. | 6 minutes. | 15 minutes. |
| Sampling and readings | 2 minutes. | 2 minutes. | 2 minutes. | 2 minutes. |
| Walks at 3 miles per hour | | | | 24 minutes. |
| Sampling and readings | | | | 2 minutes. |
| Total | 30 minutes. | 45 minutes. | 60 minutes. | 120 minutes. |

(k) *Tests 13 and 14.* The work schedule for Test 12, given in Table 4, is repeated for each of these tests.

(l) *Test 15.*

TABLE 5—DURATION OF SPECIFIC ACTIVITIES FOR TEST 15

| Activity | Self-contained breathing apparatus | | | |
|---|---|---|---|---|
| | ½-hour A type | ¾-hour B type | 1-hour C type | 2-hour D type |
| Samplings and readings | *Minutes* 2 | *Minutes* 2 | *Minutes* 2 | *Minutes* 2 |
| Wearer sits quietly | 8 | 13 | 18 | 28 |
| Sampling and readings | 2 | 2 | 2 | 2 |
| Wearer sits quietly | 8 | 13 | 18 | 28 |
| Sampling and readings | 2 | 2 | 2 | 2 |
| | (1) | (1) | (1) | (1) |

[1] Continue sitting quietly and take samples and readings at the same listed intervals until the supply of compressed oxygen or compressed air is exhausted; record the time when the supply is exhausted.

(m) Test 15 is made to determine the maximum length of time that the apparatus will supply the needs of the wearer when in a quiescent state. The wearer will remain as far as possible in a sitting posture throughout the test and perform no work. He will be allowed to manipulate the devices controlling the compressed-oxygen or compressed-air supply to conserve such compressed-oxygen or compressed-air supply to the greatest advantage.

§ 11.8 *Approval of regenerators.* (a) The Bureau will, on application, make separate tests, identical with the foregoing tests, of regenerators manufactured for use with any breathing apparatus that it has approved under the regulations of this part.

(b) Regenerators that fulfill the requirements of the foregoing tests will be approved for use only with that particular type of apparatus for which they are designed and that has previously been approved by the Bureau.

§ 11.9 *Notification of approval or disapproval.* (a) After the Bureau has considered the results of the investigation and suitable drawings and specifications have been placed on file, it will supply the applicant with a formal written notification of approval or disapproval of the self-contained breathing apparatus. If the breathing apparatus meets all requirements of this part, the notification will not be accompanied by test data or detailed results of tests. If the apparatus fails to meet any requirements of this part, the notification will be accompanied by details of the failure, with a view to possible remedying of the defect or defects in self-contained breathing apparatus submitted for testing and approval in the future. Results of tests of self-contained breathing apparatus that fail to meet the requirements will not be made public by the Bureau.

(b) When an application for testing an apparatus is received and within a period not exceeding 10 days one or more additional applications for testing apparatus are received from sources different from the first application, the Bureau will not announce approval of the first apparatus unless approval can be announced for the other apparatus within a period not exceeding the interval of time between receipt of the first and subsequent applications. This exception is contingent upon the apparatus submitted with each application successfully meeting all of the requirements prescribed in this part. If an apparatus does not meet all of the requirements prescribed in this part it will not delay announcement of approval of such apparatus as have met the requirements.

(c) When an applicant or manufacturer receives formal notification of approval, he shall be free to advertise the type of successfully tested self-contained breathing apparatus as "permissible" and to use the approval inscription described in § 11.10.

§ 11.10 *Approval plates and markings for permissible apparatus and for approved supplemental parts.* (a) Manufacturers of self-contained breathing apparatus that has been approved by the Bureau as permissible and is to be offered for sale as such are required to attach to each apparatus a plate or marking bearing the following inscription:

Permissible Breathing Apparatus, United State Bureau of Mines Approval No. ---------.

(b) When a supplemental part, such as a facepiece, is approved for use with an approved self-contained breathing apparatus, it shall be plainly and permanently marked to identify the apparatus for which it is a supplemental part, substantially as follows:

U. S. B. M. Approval No. --------- for use with ---------- Breathing Apparatus
(Trade name)
U. S. B. M. Approval No. ---------.

The inscription shall be stamped, cast, or molded into the supplemental part of the breathing apparatus or shall be on a plate attached to the supplemental part.

§ 11.11 *Changes subsequent to approval.* All approvals are granted with the understanding that the manufacturer will make the approved self-contained breathing apparatus according to final drawings and specifications submitted to the Bureau. Therefore, before making any change in an approved apparatus, the manufacturer shall first obtain the Bureau's approval of the change. This procedure is as follows:

(a) The manufacturer shall write to the Central Experiment Station, Bureau of Mines, 4800 Forbes Street, Pittsburgh 13, Pa., requesting an extension of the original approval and stating the change or changes desired. He shall send 2 sets of revised drawings and specifications showing the changes in detail, and 1 each of the apparatus parts affected to the Central Experiment Station.

(b) The Bureau will consider the application and inspect the drawings and parts to determine whether it will be necessary to make tests.

(c) If tests are unnecessary, the applicant will be notified formally by the Bureau of the approval or disapproval of the change.

(d) If tests are necessary, the applicant will be notified of the fee and material required.

§ 11.12 *Withdrawal of approval.* The Bureau reserves the right to rescind for cause any approval granted under the regulations of this part.

FRED A. SEATON,
*Secretary of the Interior.*

JUNE 20, 1956.

[F. R. Doc. 56-5043; Filed, June 28, 1956; 8:45 a. m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### [ 7 CFR Part 918 ]

[Docket No. AO-219-A5]

MILK IN MEMPHIS, TENN., MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS THERETO WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND PROPOSED AMENDMENTS TO THE ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE MEMPHIS, TENNESSEE, MARKETING AREA

Pursuant to the provisions of the Agricultural Marketing Agreement Act of



1937, as amended (7 U. S. C. 601 et seq.), hereinafter referred to as the act, and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and proposed amendments to the order, as amended, regulating the handling of milk in the Memphis, Tennessee, marketing area.

Interested parties may file written exceptions to the decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 10th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

*Preliminary statement.* The hearing on the record of which the proposed marketing agreement and order were formulated was held at Memphis, Tennessee, on February 29 and March 1, 1956, pursuant to notice thereof issued on February 20, 1956 (21 F. R. 1236).

The material issues of the hearing related to:

1. The determination and level of the price for Class I milk;
2. The price for Class II milk in the months of September, October, and November;
3. The classification of shrinkage;
4. The area within which location differentials to handlers and producers should apply;
5. Accounting for milk in inventory;
6. Charges for additional solids required to conform with state standards;
7. Determination of the status of plants and producers when other orders are involved; and
8. Reclassification charges.

*Findings and conclusions.* The following findings and conclusions are based on the evidence received at the hearing and the record thereof:

1. Class I pricing provisions of the order should be revised to (a) increase the differential applicable for the month of August from $1.28 to $1.68; (b) provide for use of a somewhat higher level of normal supply in determining the need for price increases on the basis of supply and sales conditions without changing the annual level of supply that determines need for price decreases; (c) adjust the seasonal relationship of the supply-demand norms to reflect current conditions; and (d) eliminate from the list of mid-west condenseries named in the order two plants no longer in operation or reporting prices.

The Class I milk price of the Memphis order is determined by adding to a basic formula price (the highest of the average paying price of certain mid-west condenseries, a butter-powder formula price or a butter-cheese formula price) $1.28 for the months of March through August and $1.68 for the months of September through February. This result is adjusted on the basis of the relationship of producer receipts to Class I sales in the second and third preceding months as compared to base utilization percentages for such period set forth in the order.

Producer representatives proposed that for the Class I differentials of $1.28 and $1.68 there be substituted a table which would bracket the resulting prices in multiples of 20 cents at a level representing an average increase of 22 cents. It was also proposed that August be included with the months to which the seasonally higher differentials apply.

Certain modifications of the provisions for adjusting prices on the basis of supply-demand were suggested by these producer representatives, including (1) inclusion of producer receipts and sales of handlers subject to the order for the Central Arkansas marketing area (2) in the alternative, exclusion of receipts and sales of a Memphis handler doing business in another marketing area unless 70 percent or more of such handler's Class I sales were in the Memphis marketing area, and (3) a change in the level of the base utilization percentages.

While the Memphis market is now more adequately supplied than when the order first became effective producer milk supplies have not been fully adequate to provide sufficient reserves of milk for the Class I needs of the market in the late fall months. For the calendar year 1951 producer receipts were 107 percent of Class I sales. In succeeding years the percentages were as follows: 1952, 108 percent; 1953, 112 percent; 1954, 111 percent; 1955, 113 percent.

For the normally low production months of October and November the ratio of producers' supplies to fluid milk sales were 91 percent in 1951, 98 percent in 1952 and 1953, 97 percent in 1954, 105 percent in 1955.

From the record it does not appear that the comparison between 1954 and 1955 shown by the above percentages is truly representative of conditions in the Memphis market. Handlers with plants located in Memphis, Jackson, and nearby cities of Tennessee, are principally supplied by two cooperative associations representing approximately 60 percent of the producer receipts of the market. A third association supplies milk to a plant of a handler located in the Central Arkansas marketing area for which an order became effective December 1, 1955. This handler has substantial Class I sales in each of the Memphis and the Central Arkansas marketing areas and has been regulated under the Memphis order since June 1954. The cooperative association which supplies the major portion of this handler's supplies also supplies a number of the major handlers in the Central Arkansas marketing area.

The record indicates that the changes from 1954 to 1955 in Memphis utilization percentages are largely due to a change in the supply situation of this handler. Data submitted by the cooperative associations supplying other handlers indicate that for the months of October and November 1955 producer receipts of handlers fully supplied by them were only 99.6 percent of such handlers' Class I sales as compared with 101.9 percent in October and November 1954. For the entire year 1955 producer receipts of these associations declined about one percent where as the Class I sales of the handlers' they supply increased about one percent. Imports of milk required to supply the needs of these handlers increased substantially in the fall of 1955 over those for 1954. In contrast, this handler, who was far short of needs for Class I sales in 1954, was somewhat more adequately supplied than the remainder of the Memphis market in 1955. He was also much better supplied in the fall of 1955 than were the Central Arkansas handlers likewise supplied by the same cooperative association. Testimony of a representative of this association establishes the fact that a disproportionate part of the milk supplies of members of such association were allocated to this handler. This association maintains a full supply arrangement with a number of handlers and apparently found it convenient to concentrate the local producer supplies with the Memphis handler and import supplies to meet the deficits of the Central Arkansas handlers whom it supplies. The record also indicates that this association blends returns of its sales of member milk in both the Memphis and Central Arkansas markets so that returns the producers supplying the Memphis handler receive do not reflect the Memphis price at this location.

For the period through March 1957 the Class I price of the Central Arkansas order has been established as the same as that of the Memphis order, thus any supply-demand adjustments of the Memphis price will also affect the Central Arkansas price. Producers for the Central Arkansas market supported proposals to increase the Memphis price on the basis of need for increased returns to more adequately supply the Central Arkansas market and relieve current deficits.

Despite the fact that Memphis prices in the later part of 1954 and early 1955 were increased through the supply-demand adjustment of the order by the abnormally short supplies of the handler mentioned above, milk supplies available to the other handlers have not increased as much as Class I sales; and the change since then in this handler's supply situation has now resulted in lower Class I prices. It does not appear that market supplies can be maintained without some price adjustment.

The proposal to include August among the months for which the seasonally higher Class I differential applies should be adopted. Daily average deliveries per producers in August have been declining in recent years in relation to the yearly average. It does not appear that August can now be considered a flush production month for which seasonally lower prices should apply.

Other adjustments in the level of prices should be brought about through adjustment in the level of the minimum base utilization percentages of the supply-demand adjustor rather than by changes in the fixed differentials of the order. The present base utilization percentages provide for no upward revision of the January price whenever the October-November supply of producer milk equals 100 percent of Class I sales for these months, with the minimum percentages for other two-month periods

seasonally adjusted to this level. Raising the average minimum percentages in the table of monthly base utilization percentages five points would raise the average or mid-point of the monthly minimum and maximum base utilization percentages two and one-half points, and thus raise the level of Class I prices at the specified rates per point. It would also reduce the interval between the minimum and maximum monthly percentages, and thus make the provision more sensitive to changes in supply conditions. The present ten point interval allows an unduly wide variation in the supply to sales relation without any price adjustment.

In addition, the base utilization percentages should be revised to reflect certain changes in seasonality of supplies and sales. The record indicates less seasonal variation in utilization than that previously prevailing in the market. The base utilization percentages provided herein reflect this changed seasonality, as well as, a two and one-half point increase in the annual average level of the percentages.

The proposal to use 20-cent bracket ranges in determining the Class I price should not be adopted. The 40-cent steps previously contained in the order were eliminated in order to avoid abrupt changes in the Class I price on the basis of small changes in basic formula prices. Operation of the supply-demand adjustment will continue to produce price changes in smaller amounts so that the proposal, if adopted, would not result in Class I prices in 20-cent multiples. It is concluded that the increase in the level of the Class I price at this time should be effected by the change described elsewhere in the base utilization range of the supply-demand adjuster rather than by change in the fixed differential of the order.

This record does not provide the information necessary to determine base utilization ranges suitable for use with the combined receipts and sales of the Memphis and Central Arkansas markets in computation of the supply-demand adjustment of the Class I price. If the current price alignment between the two markets is to be maintained supply-sales conditions in the Central Arkansas market should be recognized in the adjustment of the Class I price as soon as such information is developed through operation of the order for that market.

Exclusion of the receipts and sales of a Memphis handler doing business in another marketing area from computation of supply-demand adjustments unless such handler has 70 percent or more of his Class I sales in the Memphis marketing area does not appear to provide an appropriate basis for adjustment. Supply situations rather than sales volumes characterize the situation whereby receipts and sales of the handler mentioned above have failed in the past to represent the direction of change in utilization in the total volume of milk priced under the Memphis and Central Arkansas orders. The record fails to show any reason other than the peculiar circumstance affecting this individual by sales in another marketing area and lack of 70 percent of Class I sales in the Memphis marketing area would affect the supply-sales relationships for any other handler. With respect to this particular handler Class I utilization in his plant currently varies less from the average of the market than heretofore, and changing sales trends may result in this plant becoming regulated under the Central Arkansas order.

The 40-cent change in the Class I differential for August represents an annual average increase of 3.3 cents in the Class I price. The average increase that would have resulted from the change in base utilization herein provided would have been about 11 cents for the years 1954 and 1955.

The list of mid-west condenseries used in determining basic formula prices should be revised by deleting therefrom two plants which have ceased operations and for which no paying prices are now available.

It is concluded that these changes will result in prices at which market supplies will be in better balance than in recent months without providing inducement for any supplies in excess of market needs.

2. The price for Class II milk should be increased 15 cents per hundredweight for each of the months of September, October, and November.

The Class II milk price of the Memphis order is presently determined by the paying price of five Mississippi milk manufacturing plants and one Kentucky plant. A seventh plant named in the order has discontinued operation and should be deleted from the list of plants named. Handlers offered no testimony in opposition to a producer proposal that the Class II price be increased 15 cents per hundredweight during the fall months of September, October, and November. Cooperative associations dispose of practically all the Class II milk of the Memphis market which handlers do not process in their own plants. In fall months when there is little Class II milk in the Memphis market it should not be priced below its very highest value product utilization, with minimum margin allowance. Lower prices might tend to reduce available supplies for Class I usage.

3. Shrinkage not in excess of two percent of receipts of producer milk and other source milk should continue to be classified as Class II milk. The base used in determining the two percent limitation and in dividing allowable shrinkage between producer milk and other source milk should, however, exclude producer milk diverted to nonpool plants.

The Memphis order presently permits unaccounted for milk not in excess of two percent of receipts in producer milk and other source milk to be classified as Class II milk. Producers proposed that such unaccounted for milk be classified pro rata to the uses for which a handler had accounted for the remainder of his receipts. Since something more than 80 percent of annual receipts are classified as Class I milk, approximately that percentage of the allowable shrinkage presently classified as Class II milk would under the proposal be classified as Class I milk. Limited shrinkage under the order is permitted in order to require that handlers account for all uses of milk beyond those which might reasonably be attributed to plant loss. While it is true that in a fluid milk operation plant losses are incurred in the receipt and processing of Class I milk it does not necessarily follow that such necessary loss has a higher unit value than that lost in the processing of manufacturing or Class II milk. In addition to the milk involved in plant losses, fluid milk handlers must have additional supplies to provide reserves to compensate for day-to-day variations in supplies and sales beyond those quantities sold for fluid use. The present practice of the Memphis order and of most other orders establishes a price for the quantity of Class I milk actually disposed of (or unaccounted for in excess of a normal loss allowance) that is designed to result in a supply adequate to provide such reserves and the inevitable plant loss to be expected. A change in the classification of shrinkage requires consideration of this change in arriving at the Class I price.

It is concluded that there should be no change in the classification of allowable shrinkage. There should, however, be a minor change in the manner in which the volume of allowable shrinkage is determined and is divided between producer milk and other source milk. The base to which the two percent limit is appropriate should not include milk diverted from farms to nonpool plants since no loss is incurred in such disposition. Likewise, such milk should be excluded from the base used in prorating allowable shrinkage between producer milk and other source milk.

4. The minimum distance from the city hall in Memphis at which location differentials to handlers and producers is applicable should be increased from forty miles to fifty miles. The Memphis order presently provides a 17 cents per hundredweight location differential to handlers for Class I milk received at fluid milk plants between forty and fifty mile distant from the Memphis City Hall. This rate increases 1 cent for each ten miles or major fraction thereof in excess of fifty miles.

When the order was amended, effective June 1, 1954, to increase the marketing area so as to include all territory within Shelby County, Tennessee, a handler located within the 40- to 50-mile zone first became subject to the order. This handler is the only one with a plant located within this mileage zone and his plant is beyond the 40-mile limit by only one or two miles.

For some years prior to regulation of his buying prices, this handler purchased his milk supplies at the full Memphis price from the principal cooperative association representing Memphis producers. Under regulation, he has continued to pay f. o. b. Memphis prices for all milk, and producers supplying the plant have been paid without regard to the differential provided in the order.

The fact that this plant is only one or two miles outside the zone of no location adjustment operates to give this plant a substantial difference in price for a very small difference in distance from the zone of no location differentials. It does not appear that this difference in price



contributes to the orderly marketing of milk within the Memphis marketing area, and it should, therefore, be eliminated. This would be accomplished by removing the location differential applicable in the 40- to 50-mile zone from Memphis, and this change should be made in the order.

5. Fluid milk products in inventory should be classified as Class II milk, with provision for an additonal charge when allocated to Class I use in the succeeding month; cream frozen and stored should not be included in such inventories.

The Memphis order presently classifies bulk milk, cream and other Class I products on hand at the end of the month as Class I milk. In the succeeding month such inventory (now the beginning inventory) is substracted from Class I milk. In view of the 40-cent seasonal increase in Class I prices September 1 of each year and the decrease of like amount March 1, a 40-cent charge is made for any amount by which the September 1 inventory exceeds that of the preceding March 1.

A handler proposed that provision be made for a 40-cent per hundredweight credit when the September 1 inventory is less than that for the preceding March 1. Producers testified in favor of carrying inventories in Class II with provision for an additional charge when producer milk in inventory is allocated to Class I use in the following month.

Substantial changes in Class I prices occur under the order due to factors other than changes in the Class I differential. Changes in basic formula prices and supply-demand adjustments result in Class I price changes. Seven such changes in the 28 months ending with February 1956 have ranged from 12 to 40 cents. Under the present system each handler pays for some portion of each month's Class I sales at the Class I price of the preceding month. This proportion is not uniform among handlers. Greater equity among handlers will be achieved by reserving current Class I sales so far as possible for assignment to current receipts of producer milk. This can be accomplished by classification of closing inventory as Class II milk, and allocation of opening inventory to Class I milk only when current receipts of producer milk (except for shrinkage) are less than Class I sales. In such case the handler should pay the difference between the Class II price paid for such milk in the preceding month and the current Class I price. The volume on which this charge is made should not exceed the volume (in excess of allowable shrinkage) for which producers were paid at the Class II price in the preceding month.

The record indicates that cream stored as frozen cream should not be included in the inventories which are to be allocated in the succeeding month. Frozen cream is stored principally for manufacturing use. Due to the high butterfat test of producer milk, the Memphis market is more adequately supplied with butterfat than milk solids and does not need to store cream for Class I use in the short season. It appears appropriate to establish Class II classification for frozen cream when stored, subject to the provisions applicable to other Class II products, that if it is re-used in another product it be reported as a receipt of other source milk.

6. The provision that all water originally associated with nonfat milk solids used in the production of a product be included in the volume of skim milk considered to be disposed of in such products should not apply with respect to nonfat milk solids used to bring the nonfat solids content of producer milk to a minimum standard of 8.5 percent, as substantiated by individual batch solids tests.

Under the order any condensed or dry nonfat milk solids added to producer milk are considered to have increased the volume of the resulting product by the volume of skim milk from which such milk solids was derived. Thus, Class I products disposed of with a solids content increased above normal require payment for a proportionately greater volume of Class I milk than for products not so fortified. The provisions assume that the solids content of the producer milk are at least those required for minimum legal standards. Lack of a practical platform inspection testing technique for milk solids results, however, in handlers not being at all times in position to reject producer milk with low solids content before receipt. Tennessee law requires a minimum nonfat total solids of 8.5 percent. When a handler can demonstrate by solids tests of individual batches that concentrated solids were required to bring the solids content of producer milk to this legal minimum the volume of the resulting product should not be expanded by inclusion of the water originally associated with such solids. Producers should not receive an increased return for milk with abnormally low solids content.

7. The order should not permit producers to retain their status with respect to milk diverted to a plant regulated under another order; the determination of the order under which a plant disposing of Class I milk in both Memphis and another marketing area should be fully regulated should be based on disposition during the six months immediately preceding rather than the current month, as presently provided.

The order provides that a producer whose milk is diverted to a nonfluid milk plant for the account of a handler or cooperative association shall retain his status as a producer. Plants fully subject to other orders are nonfluid milk plants as defined in the Memphis order. Under the order recently issued for the Central Arkansas marketing area, a Memphis producer whose milk was received at a plant regulated under that order would qualify as a Central Arkansas producer. Most of the producers supplying one Memphis plant located in the Central Arkansas marketing area are members of the same cooperative association that supplies a number of Central Arkansas handlers. It appears appropriate that milk first received from the farm at a regulated plant should be priced under the order regulating that plant, rather than under another order as diverted milk. The Central Arkansas order presently does not recognize diversion to plants regulated under other orders. Adoption of a similar provision in the Memphis order will eliminate conflicting regulation and need for interpretation.

The plant mentioned above distributes milk in both the Memphis and Central Arkansas marketing areas, and is currently regulated under the Memphis order on the basis of slightly greater distribution in the Memphis area. The Central Arkansas order provides that the volume of distribution to be compared in the determination of the order under which such a plant shall be fully regulated be that for the six-month period immediately preceding. The Memphis order currently bases the determination or distribution in the current month. Adoption of the six-month period provision in the Memphis order will prevent conflict in regulation between the two orders and will provide less opportunity for a change in regulation on the basis of small changes in volume of distribution.

*General findings.* (a) The proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, as amended, and as hereby proposed to be further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order, as amended, and as hereby proposed to be further amended, will regulate the handling of milk in the same manner as and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

*Rulings on proposed findings and conclusions.* Briefs were filed on behalf of producer organizations and handlers subject to the proposed marketing agreement and order, as hereby proposed to be further amended. The briefs contained proposed findings, conclusions, and arguments with respect to the provisions of the proposed amendments. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

*Recommended marketing agreement and amendment to the order.* The fol-

lowing order, amending the order, as amended, is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The proposed marketing agreement is not included in this decision because the regulatory provisions thereof would be identical with those contained in the order, as amended, and as hereby proposed to be further amended.

1. Amend § 918.11 (b) to read as follows:

(b) Diverted from a fluid milk plant to a non-fluid milk plant, except a milk plant fully subject to the provisions of another order issued pursuant to the act, for the account of the handler: *Provided*, That milk so diverted shall be deemed to have been received by the diverting handler at the location of the plant from which it was diverted.

2. Amend § 918.13 (b) to read as follows:

(b) Products from any source (including those produced by the handler) designated as Class II milk pursuant to § 918.41 (b) (1) or (3) which are reprocessed or converted to another product during the month.

3. Amend § 918.41 to read as follows:

§ 918.41 *Classes of utilization.* Subject to the conditions set forth in §§ 918.43 and 918.44, the class of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including concentrated and reconstituted skim milk) and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, milk drinks (plain or flavored), cream (including sour cream) and any mixture in fluid form of skim milk and cream (except eggnog, ice cream mix, and milk or skim milk disposed of and used for livestock feed); and (2) not accounted for as Class II milk.

(b) Class II milk shall be all skim milk and butterfat (1) used to produce any product other than those designated as Class I milk pursuant to paragraph (a) of this section;

(2) Disposed of and used for livestock feed;

(3) In cream frozen and stored;

(4) Contained in inventory of milk and milk products (other than frozen cream) designated as Class I milk pursuant to paragraph (a) of this section; and

(5) In shrinkage assigned to Class II milk pursuant to § 918.42 in (i) producer milk and (ii) other source milk.

4. Amend § 918.42 to read as follows:

§ 918.42 *Shrinkage.* The market administrator shall determine the assignment of shrinkage to Class II milk as follows:

(a) Determine the total shrinkage of skim milk and butterfat, respectively, in the fluid milk plant(s) of each handler;

(b) Multiply the pounds of skim milk and butterfat, respectively, in producer milk (except milk diverted pursuant to § 918.11) and in other source milk by 0.02; and

(c) The lesser of the pounds of skim milk and butterfat, respectively, determined pursuant to paragraphs (a) or (b) of this section shall be classified as Class II milk and assigned pro rata to producer milk (except milk diverted pursuant to § 918.11) and other source milk.

5. Delete § 918.43 (b).

6. Amend § 918.45 to read as follows:

§ 918.45 *Computation of the skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and for other obvious errors the reports of receipts and utilization for the fluid milk plants of each handler and shall compute the pounds of butterfat and skim milk in Class I milk and Class II milk for such handlers: *Provided*, That if any of the water contained in the milk from which a product is made is removed before the product is utilized or disposed of by a handler, the pounds of skim milk disposed of in such product shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids, except that when nonfat milk solids are added to producer milk in an amount, as shown by solids tests of individual batches, which does not increase the total solids-nonfat content of such milk beyond 8.5 percent by weight, the volume of water originally associated with such nonfat milk solids shall not be considered in determining the pounds of skim milk disposed of in such product.

7. In § 918.46 (a) (1) change "§ 918.42 (b)" to read "§ 918.42 (c)".

8. Amend § 918.46 (a) (3) to read as follows (such amendment to be effective one month following the effective date of the amendment provided herein with respect to § 918.41):

(3) Subtract from the remaining pounds of skim milk in Class II milk the pounds of skim milk contained in inventory (as specified in § 918.41 (b) (4)) on hand at the beginning of the month: *Provided*, That if the pounds of such skim milk in inventory are greater than the remaining pounds of skim milk in Class II milk, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I milk;

9. Delete the following from the list of plants or places appearing in § 918.50 (a): "Carnation Co., Chilton, Wisconsin, Carnation Co., Berlin, Wisconsin".

10. Amend § 918.51 to read as follows:

§ 918.51 *Class prices.* Subject to the provisions of §§ 918.52 and 918.53, the minimum prices per hundredweight to be paid by each handler for milk received at this fluid milk plant from producers during the month shall be as follows:

(a) *Class I milk.* The price per hundredweight for Class I milk for the month shall be the basic formula price for the preceding month, subject to the adjustments provided in subparagraphs (1) and (2) of this paragraph:

(1) Add $1.28 for the months of March through July, and $1.68 for all other months:

(2) Add if the net utilization percentage calculated pursuant to subparagraph (3) of this paragraph is less than, or subtract if it is more than the base utilization range, an amount determined by multiplying such net utilization percentage by the appropriate rate as follows:

| Pricing months: | Rate (cents) |
|---|---|
| January-March | 3 |
| April-June | 1 |
| July-August | 3 |
| September-December | 4 |

(3) The figure calculated for each month as follows shall be known as the net utilization percentage: Divide the net pounds of Class I milk disposed of from fluid milk plants for the second and third preceding months into the volume of producer milk for the same months, multiply by 100, round to the nearest whole percentage number and determine the amount by which such number exceeds the higher figure or is less than the lower figure of the appropriate base utilization range in the following table:

| Pricing month | Second and third preceding month | Base utilization range |
|---|---|---|
| January | October-November | 108-113 |
| February | November-December | 109-114 |
| March | December-January | 113-118 |
| April | January-February | 117-122 |
| May | February-March | 119-124 |
| June | March-April | 124-129 |
| July | April-May | 130-134 |
| August | May-June | 130-134 |
| September | June-July | 127-132 |
| October | July-August | 125-130 |
| November | August-September | 118-122 |
| December | September-October | 111-116 |

(b) *Class II milk.* The average of the basic or field prices reported to have been paid or to be paid for ungraded milk of 4.0 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture:

*Present Operator and Location*

Borden Co., Starkville, Miss.
Carnation Co., Tupelo, Miss.
Pet Milk Co., Mayfield, Ky.
Pet Milk Co., Kosciusko, Miss.
Kraft Foods Co., Corinth, Miss.
Armour Creameries, New Albany, Miss.

to which 15 cents shall be added for each of the months of September, October, and November.

11. Delete from the table of distances and rates appearing in § 918.53 the following:

| *From miles column* | *From cents column* |
|---|---|
| 40 but less than 50 | 17 |

12. Delete § 918.70 (e) and (f) and substitute therefor the following: (such amendment to be effective one month after the effective date of the amendment provided herein with respect to § 918.41):

(e) Add an amount computed by multiplying by the difference between the appropriate Class II milk price for the preceding month and the appropriate Class I price for the current month the lesser of:

(i) The hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 918.46 (a) (3) and the corresponding step of (b); or

(ii) The hundredweight of skim milk and butterfat remaining in Class II milk for the preceding month after the calculation pursuant to § 918.46 (a) (4) and the corresponding step of (b).

13. Amend § 918.61 (a) to read as follows:

(a) Any plant qualified pursuant to § 918.7 (a) which would be subject to the classification and pricing provisions of another order unless a greater volume of Class I milk was disposed of from such plant during the six-month period immediately preceding to retail or wholesale outlets (except fluid milk plants) in the Memphis, Tennessee, marketing area than in the marketing area regulated pursuant to such other order.

14. Delete from the table of distances and rates appearing in § 918.93 the following:

| *From miles column:* | *From cents column:* |
|---|---|
| 40 but less than 50 | 17 |

Filed at Washington, D. C., this 26th day of June 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator.*

[F. R. Doc. 56-5153; Filed, June 28, 1956; 8:48 a. m.]



## [ 7 CFR Part 958 ]

### IRISH POTATOES GROWN IN COLORADO

### PROPOSED EXPENSES AND RATE OF ASSESSMENT

Notice is hereby given that the Secretary of Agriculture is considering the approval of the expenses and rate of assessment hereinafter set forth, which were recommended by the area committee for Area No. 3, established pursuant to Marketing Agreement No. 97 and Order No. 58 (7 CFR Part 958; 19 F. R. 9368), regulating the handling of Irish potatoes grown in the State of Colorado, issued under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.).

Consideration will be given to any data, views, or arguments pertaining thereto, which are filed with the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., not later than 15 days following publication of this notice in the FEDERAL REGISTER. The proposals are as follows:

§ 958.221 *Expenses and rate of assessment.* (a) The reasonable expenses that are likely to be incurred by the area committee for Area No. 3, established pursuant to Marketing Agreement No. 97 and Order No. 58, to enable such committee to perform its functions pursuant to the provisions of aforesaid marketing agreement and order, during the fiscal period ending May 31, 1957, will amount to $2,660.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 97 and Order No. 58, shall be $0.00095 per hundredweight of potatoes handled by him as the first handler thereof during said fiscal period.

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 97 and Order No. 58.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 25, 1956.

[SEAL] S. R. SMITH,
*Director,*
*Fruit and Vegetable Division.*

[F. R. Doc. 56-5152; Filed, June 28, 1956; 8:48 a. m.]

## [ 7 CFR Part 989 ]

### HANDLING OF RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

### NOTICE OF CANCELLATION OF PROPOSED FURTHER MODIFICATION OF MINIMUM GRADE AND CONDITION STANDARDS FOR NATURAL CONDITION RAISINS

In the FEDERAL REGISTER issue of May 29, 1956 (21 F.R. 3653, F.R. Doc. 56-4212) there was published a notice of proposed rule making with respect to the further modification of the minimum grade and condition standards for natural condition raisins, such proposed further modification being to change the permitted maximum moisture content for natural condition Golden Seedless, Sulfur Bleached, and Soda Dipped raisins from 14 percent to 15 percent. This regulation is effective pursuant to Marketing Agreement No. 109, as amended, and Marketing Order No. 89, as amended (20 F. R. 6435), regulating the handling of raisins produced from raisin variety grapes grown in California, which agreement and order are, in turn, effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

In said notice of proposed rule making a period of 15 days after publication thereof in the FEDERAL REGISTER was allowed for the submission by any interested person to the Director, Fruit and Vegetable Division, Agriculture Marketing Service, United States Department of Agriculture, Washington 25, D. C., of data, views, and arguments with respect to whether or not such proposed further modification should be made effective. Since the issuance and publication of said notice, written data, views, and arguments have been received.

The aforesaid data, views, and arguments raise a serious question as to whether the proposed rule should be made effective at this time. In the production of Golden Seedless raisins, the fresh grapes are lye-dipped, thus checking the skins for better absorption of sulfur and faster dehydration. This slight cracking of the skin on the berries tends to make them hygroscopic. A higher initial moisture content of the raisins plus absorption during humid weather can cause excessive moisture developing during storage. It may cause the raisins to deteriorate in grade (both as to quality and color) and interfere with processing for shipment. In addition to dehydration, these raisins are sulfured to aid in their preservation. A high moisture content causes loss of sulfur and shortens storage life. Furthermore, there is a segment of the market for Golden Seedless raisins which requires a sulfur content considerably below normal and which presumably requires a low moisture raisin. Hence, low moisture content appears to be important both to the storage life of the raisins and to the shipment of high quality raisins to the markets demanding a low sulfur content. In view of these conditions, the presently available information is deemed insufficient for a determination to be made that a permitted maximum moisture content of 15 percent is consistent with the storage and market requirements for Golden Seedless raisins. It is concluded that any change in the permitted maximum moisture content should await the development of experimental data from physical change studies during the storage of these raisins. Such a study should establish the specific effect moisture content has on the maintenance of quality, color, and sulfur content, for various periods of storage.

Therefore, the proposed further modification of the minimum grade and condition standards for natural condition raisins should not be put into effect at this time. Accordingly, said notice of proposed rule making (21 F. R. 3653; F. R. Doc. 56-4212) is hereby canceled.

Dated: June 26, 1956.

[SEAL] S. R. SMITH,
*Director,*
*Fruit and Vegetable Division.*

[F. R. Doc. 56-5171; Filed, June 28, 1956; 8:52 a. m.]

## [ 7 CFR Part 1014 ]

[Docket No. AO-280]

### POTATOES GROWN IN NASSAU AND SUFFOLK COUNTIES, LONG ISLAND, NEW YORK

### NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed marketing order regulating the handling of Irish potatoes grown in Nassau and Suffolk Counties, New York, to be effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.) (hereinafter called the "act"). Interested parties may file exceptions to this recommended decision with the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the fifteenth day after publication of this recommended decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

*Preliminary statement.* A hearing on the aforementioned proposed marketing agreement and proposed order was held at Riverhead, Long Island, New York, April 30 through May 5, 1956, pursuant to notice thereof which was published April 11, 1956, in the FEDERAL REGISTER (21 F. R. 2339).

*Material issues.* The most material issues presented on the record of the hearing were as follows:

(1) The desirability of and economic justification for entering into an agreement and the issuing of an order for regulating the handling of Irish potatoes grown in Nassau and Suffolk Counties, Long Island, New York; (2) The right to exercise Federal jurisdiction; (3) The necessity for and the equitable nature and scope of the provisions of the proposed marketing agreement and order as set forth in the notice of hearing; and (4) The determination of the production area to be covered by the proposed marketing agreement and order.

*Findings and conclusions.* Upon the basis of the evidence adduced at such hearing, it is hereby found and concluded that the entering into a marketing agreement and the issuance of an order at this time to regulate the handling of Irish potatoes grown in Nassau and Suffolk Counties, Long Island, New York, on the basis of the proposed regulation of such commodity considered at the aforementioned hearing would not tend to effectuate the declared policy of the act. This finding and conclusion is reached primarily on the basis that a program of this type requires a high degree of voluntary cooperation and support by members of the particular industry to assure its successful operation. The record of that hearing indicates that a substantial number of the growers and grower-shippers of Irish potatoes in Nassau and Suffolk Counties, New York, would not give such cooperation and support.

In view of the conclusion that the record fails to justify entering into a marketing agreement and order at this time, there appears to be no need for a discussion of the issues relating to the individual provisions of the proposed regulatory program.

*Rulings on briefs of interested parties.* At the conclusion of the hearing, the Presiding Officer fixed June 1, 1956, later extended to June 11, 1956, as the latest day on which briefs from interested parties with respect to the testimony presented in evidence at the hearing and the findings and conclusions to be drawn therefrom must be filed wth the Hearing Clerk of the Department.

Briefs were filed within the allotted time by William Wickham, Mattituck, New York, Attorney for a group of Eastern Long Island potato growers and by Harold R. Hudson, Farmingdale, New York, Attorney for opponents.

Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions herein set forth. To the extent that the findings and conclusions proposed in the briefs are inconsistent with the findings and conclusions contained herein, the request to make such findings or to reach such conclusions is denied on the basis of the facts found and stated in connection with the conclusions in this recommended decision.

Dated: June 26, 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator.*

[F. R. Doc. 56-5151; Filed, June 28, 1956; 8:48 a. m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

### [ 21 CFR Part 120 ]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITIONS FOR EXEMPTION FROM NECESSITY OF TOLERANCES FOR RESIDUES OF PIPERONYL BUTOXIDE AND RESIDUES OF PYRETHRINS

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

Petitions have been filed by the Food Machinery and Chemical Corporation, Middleport, New York, proposing that the pesticide chemicals piperonyl butoxide ((butyl carbityl) (6-propyl piperonyl) ether) and pyrethrins (insecticidally active principles of Chrysanthemum cinerariaefolium) be exempted from the requirement of tolerances for residues from use after harvest on the following raw agricultural commodities: Apples, blackberries, blueberries, boysenberries, cherries, crabapples, currants, dewberries, figs, gooseberries, grapes, guavas, huckleberries, loganberries, mangoes, muskmelons, oranges, peaches, pears, pineapples, plums, prunes, tomatoes, peanuts, English walnuts, almonds, cottonseed, beans, peas, barley, oats, flaxseed, rye, grain sorghum, popcorn, corn, wheat, rice, copra, and cocoa beans.

The analytical method proposed in the petition for determining residues of piperonyl butoxide is the colorimetric method reported by Jones, Ackerman, and Webster in the Journal of the Association of Official Agricultural Chemists, Volume 35, pages 771–780, August 1952. Because pyrethrins decompose more rapidly than piperonyl butoxide, it is proposed that determination of piperonyl butoxide serves as an index to the presence of both materials. Multiplying the residue of piperonyl butoxide by the ratio of pyrethrins to piperonyl butoxide in the formulation used gives the maximum pyrethrin residue that can be present.

Dated: June 25, 1956.

[SEAL] JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F. R. Doc. 56-5155; Filed, June 28, 1956; 8:49 a. m.]

## CIVIL AERONAUTICS BOARD

### [ 14 CFR Parts 40, 41, 42 ]

[Draft Release No. 56-18]

NACELLE FIRE PROTECTION FOR CURRENTLY OPERATED TRANSPORT CATEGORY AIRPLANES ENGAGED IN PASSENGER SERVICE

NOTICE OF PROPOSED RULE MAKING

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau has under consideration possible amendments to Parts 40, 41, and 42 of the Civil Air Regulations as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by August 31, 1956. Copies of such communications will be available after September 5, 1956, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

The Board has received from the Administrator of Civil Aeronautics a recommendation to amend the Civil Air Regulations to require retroactive application of the provisions of § 4b.487 (e) of Part 4b of the Civil Air Regulations to all transport category airplanes engaged in passenger operations under Parts 40, 41, and 42 of the Civil Air Regulations with the exception of the DC–3, L–18, and C–46.

The currently effective provisions of § 4b.487 (e) read as follows: "The airplane shall be so designed and constructed that, in the event of fire originating in the engine power or accessory sections, the probability is extremely remote for fire to enter either through openings or by burning through external skin into any other zone of the nacelle where such fire could create additional hazards. If the airplane is provided with a retractable landing gear, this provision shall apply with the landing gear retracted. Fireproof materials shall be used for all nacelle skin areas which might be subjected to flame in the event of a fire originating in the engine power or accessory sections."

The provisions of § 4b.487 (e) were made effective May 16, 1953, and are applicable to all Part 4b airplanes for which application for type certification was made on or after that date.

The Administrator has advised that transport category airplanes, currently operating, which are not required to meet the powerplant fire protection provisions of currently effective Part 4b of the Civil Air Regulations, do not incorporate satisfactory protection for nacelle areas aft of the fire wall, specifically against the entrance of flames issuing from the power and accessory sections of the engine. In support of this contention, the Administrator cited 24 known cases of inflight fires, which have occurred in the period from 1948 through 1955, wherein flames originating in the forward sections of the nacelle penetrated areas aft of the fire wall.

Section 1.24 of Part 1 of the Civil Air Regulations prescribes that, if the Administrator finds as a result of service experience that an unsafe condition exists with respect to a design feature, part, or characteristic of any product, and that such condition is likely to exist or develop in other products of the same type design, he shall provide notice (typically in the form of an Airworthiness Directive) thereof for all operators of products of that type and the product shall not thereafter be operated until the unsafe condition has been corrected, unless otherwise authorized by the Administrator under specified conditions and limitations, including inspections. The Administrator has advised the Board that it has considered using its authority to issue Airworthiness Directives, pursuant to § 1.24, to require that all affected airplanes comply with the provisions of § 4b.487 (e), but instead recommends that the Board consider the promulgation of a regulation to this effect. This raises the question as to whether the action recommended by the Administrator would penalize certain model airplanes for which the service record does not clearly indicate evidence of an unsafe condition with respect to nacelle fire protection.

In view of the Administrator's belief that Airworthiness Directives are not appropriate and because of the importance of this matter to safety, notice is hereby given of the Administrator's recommendation for the purpose of obtaining comments from interested parties as to whether all currently operated passenger-carrying airplanes, with the exception of the DC–3, L–18, and C–46, not complying with § 4b.487 (e) do in fact possess unsatisfactory protection for nacelle areas aft of the fire wall, or whether this situation applies only to certain specific airplane models. If the former situation exists, the Bureau of Safety Regulation will consider recommending to the Board the adoption of the proposed rule recommended by the Administrator.

In considering this matter, the Bureau believes it appropriate to explore generally the question whether, irrespective of the design of the airplane and the quality of maintenance practiced by the operators, all transport category airplanes, with the stated exceptions, engaged in passenger service under Parts 40, 41, and 42 of the Civil Air Regulations, not incorporating fireproof nacelle skin, should be subject, on a retroactive basis, to the provisions of § 4b.487 (e).

It should be pointed out that, effective May 16, 1953, § 4b.484 (a) (1) was amended, and among other things, certain provisions were applied retroactively. The retroactive aspects of this amendment require that on all airplanes manufactured after Jone 30, 1954, irrespective of the date on which application for type certificate was made, there be installed fire-extinguishing systems in all designated fire zones unless the engine power section is completely isolated from the engine accessory section by a fireproof diaphragm and unless the cowling and nacelle skin is such as to comply with the provisions of § 4b.487. In effect, the foregoing amendment requires either the installation of a fire-extinguishing system in the engine power section or the installation of fireproof cowling and nacelle skin in accordance with § 4b.487.

Since the provisions of § 4b.484 (a) (1) provide alternative means to meet the fire-extinguishing requirements on airplanes manufactured after June 30, 1954, it is not now known which of these airplanes have a fire-extinguishing system installed in the engine power section. If so equipped, this raises a question as to whether the installation of a fire-extinguishing system in the engine power section provides a degree of fire protection equivalent to that which would be provided by the installation of fireproof nacelle skin aft of the firewall as required by § 4b.487 (e). Comments from interested persons are particularly requested, therefore, as to which airplanes have fire-extinguishing systems installed in the engine power section in accordance with the provisions of §4b.484 (a) (1), and whether such installations are as safe as those complying with the alternative provision of § 4b.484 (a) (1). This information will assist in determining whether aircraft with such fire-extinguishing systems installed should be excluded from compliance with the proposed rule, if adopted.

The Administrator's recommendation does not include a specific date as to when the proposed rule should become effective. Therefore, persons who might be directly affected are requested to submit comments which can be considered in establishing a realistic compliance date for the proposed rule.

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended, and may be changed in the light of comment received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601–610, 52 Stat. 1007–1012, as amended, 49 U. S. C. 551–560)

Dated at Washington, D. C., June 19, 1956.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN,
*Director.*

[F. R. Doc. 56-5168; Filed, June 28, 1956; 8:52 a. m.]

## FEDERAL POWER COMMISSION

### [ 18 CFR Part 157 ]

[Docket No. R-155]

APPLICATIONS FOR CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 7 OF NATURAL GAS ACT AS AMENDED

IMMEDIATE INSTITUTION OF TEMPORARY SERVICE BY INDEPENDENT PRODUCERS

JUNE 27, 1956.

1. Notice is hereby given that the Commission has under consideration the amendment of its rules in the above-entitled matter.

2. Pursuant to the authority vested in it by the Natural Gas Act (52 Stat. 821) and particularly sections 7 and 16 thereof (15 U. S. C. 717f, 717o) the Commission proposes to (a) promulgate a new § 157.28 to provide under certain circumstances for the immediate institution of temporary service by independent producers of natural gas pending the determination of an application for a certificate of public convenience and necessity authorizing the proposed service, (b) redesignate the existing § 157.28 as § 157.29 and, (c) amend the existing § 157.29 in a minor technical respect and redesignate it as § 157.30.

3. The Commission's experience has indicated the advisability of making possible the earlier initiation of sales or transportation of natural gas in cases where even the normal regulatory lag in the processing of applications for temporary authorization may result in losses to the applicant arising, among other things, from drainage of property by adjoining wells, possible loss of lease from non-production, economic hardship resulting from payment of shut-in royalties or lack of income or the excessive flaring of gas. The Commission is of the opinion that the public interest in sound regulatory processes neither requires nor justifies that these economic burdens be borne by the producing segment of the natural-gas industry.

4. It is therefore proposed to amend Part 157 (as amended particularly by Order No. 174–B, 19 F. R. 8807, 8809–11), entitled "Applications for Certificates of Public Convenience and Necessity Under Section 7 of the Natural Gas Act of Subchapter E, Regulations Under the Natural Gas Act," Chapter I of Title 18 Code of Federal Regulations, in the following respects:

a. Redesignate the present § 157.28 as § 157.29 and add a new § 157.28 to read:

§ 157.28 *Temporary authorizations.*

(a) An independent producer, in the event of an emergency, may initiate the sale or transportation of natural gas in interstate commerce and continue such sale or transportation pending final action under sections 4 and 7 of the Natural Gas Act and without prejudice to such final action thereon, provided there shall be on file with the Commission an application for a certificate of public convenience and necessity filed pursuant to §§157.23 to 157.27, prior to commencement of such act pursuant to this section: *Provided, however,* That the provisions of this section shall not be available in lieu of the requirements of this part with respect to the termination of any sale or transportation nor with respect to service proposed to commence more than 30 days from the date of the filing of the application.

(b) The provisions of this section may not be invoked unless the purchaser of the gas or the person for whom the transportation is to be performed has been authorized to construct and operate such facilities as may be necessary to enable him to accept delivery of such gas from the independent producer.

(c) Before service may commence under this section, there shall be on file an effective rate schedule covering the proposed service and filed in accordance with §§ 154.91 through 154.102 of this subchapter.

(d) Any certificate application filed pursuant to paragraph (a) of this section shall contain statements that the provisions of this section are intended to be invoked and setting forth the facts constituting the emergency requiring such action.

b. Redesignate the present § 157.29 as 157.30 and amend it to read:

§ 157.30 *Applicability of sections 157.23 to 157.29.* Sections 157.23 through 157.29 shall be applicable only to an independent producer as defined in § 154.91 of this subchapter.

5. Any interested person may submit to the Federal Power Commission, Washington 25, D. C., on or before July 20, 1956, data, views, and comments in writing concerning the amendments proposed herein. The Commission will consider these written submittals before acting upon the proposed amendments. An original and 9 copies should be filed of any such submittals.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-5139; Filed, June 28, 1956; 8:45 a. m.]

# NOTICES

## DEPARTMENT OF THE TREASURY

### Foreign Assets Control

CAMEL HAIR; IMPORTATION FROM COUNTRIES NOT IN AUTHORIZED TRADE TERRITORY

APPLICATIONS FOR LICENSES

Notice is hereby given that the Treasury Department is now prepared to consider applications for licenses under the Foreign Assets Control Regulations (31 CFR 500.101 to 500.808) for the importation during 1956 of 26,000 pounds of camel hair from the U. S. S. R. This amount of camel hair is in addition to amounts previously licensed for importation during 1956. To receive consideration, applications, on Form TFAC-1, must be filed prior to August 1, 1956, by, or on behalf of, persons who on the date of this Notice are engaged in the business of dealing in, including processing, animal hair and who do not already hold licenses to import camel hair. Applications from persons already holding such licenses will not be considered.

Additional information and license application forms may be obtained from the Foreign Assets Control, Treasury Department, Washington 25, D. C., or the Federal Reserve Bank of New York, 33 Liberty Street, New York 45, New York.

[SEAL] ELTING ARNOLD,
*Acting Director,*
*Foreign Assets Control.*

[F. R. Doc. 56-5178; Filed, June 28, 1956; 8:54 a. m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

NEW MEXICO GRAZING DISTRICTS NO. 1 (SAN ISIDRO) AND NO. 7 (CHACO)

SPECIAL RULE FOR TRANSFER OF GRAZING PRIVILEGES

JUNE 25, 1956.

Pursuant to the authority vested in the Secretary of the Interior by the Taylor Grazing Act of June 28, 1934 (48 Stat. 1270; 43 U. S. C. 315a), delegated to me by Departmental Order No. 2583 of August 16, 1950 (15 F. R. 5643) as amended, and to the provisions of § 161.16 of the Federal Range Code for Grazing Districts, 1956 Rev. (43 CFR 161.16), upon consideration of the recommendation of the respective district advisory boards and of the showing of necessity made by the State Supervisor and the Area Administrator, the following special rule is hereby approved, to apply to the administration of New Mexico Grazing Districts Nos. 1 and 7, and shall govern the transfers of base property qualifications in these districts:

Transfers of base property qualifications from a land base to a land base, or from a water base to a water base, shall be made in accordance with the provisions of § 161.7 (b) of the Federal Range Code for Grazing Districts, 1956 Rev., (43 CFR 161.7 (b)), subject to the additional provision that upon application of a licensee or permittee and after reference to the district advisory board, the district range manager may approve a transfer of base property qualifications from a land base to a water base, provided such new water base shall have an adequate water source or sources and shall service the same Federal range area previously used in connection with the grazing license or permit issued from the former land base.

EDWARD WOOZLEY,
*Director.*

[F. R. Doc. 56-5137; Filed, June 28, 1956; 8:45 a. m.]

### Bureau of Reclamation

CENTRAL VALLEY PROJECT, CALIFORNIA

ORDER OF REVOCATION

NOVEMBER 10, 1955.

Pursuant to the authority delegated by Departmental Order No. 2765 of July 30, 1954 (19 F. R. 5004), I hereby revoke Departmental Order of March 17, 1949, insofar as said order affects the following described lands; provided, however, that such revocation shall not affect the withdrawal of any other lands by said order or affect any other orders withdrawing or reserving the lands hereinafter described:

MOUNT DIABLO MERIDIAN, CALIFORNIA

T. 10 S., R. 22 E.,
Sec. 2, Lots 14 and 16 to 21, inclusive, SW¼NW¼, NW¼SW¼;
Sec. 3, Lots 5, 7, 9, 10, SE¼NW¼;
Sec. 4, Lots 11, 12;
Sec. 5, S½SE¼SW¼;
Sec. 11, NW¼NW¼, SW¼SW¼.

The above areas aggregate 713.95 acres.

E. G. NIELSEN,
*Assistant Commissioner.*

[70173]

JUNE 22, 1956.

I concur.

1. The land is located on both sides of the San Joaquin River, just above the head of Millerton Lake. The topography is rolling to steep, and the soil is sandy loam. Vegetation consists of scrub oak, chemise, occasional jumper, and digger pine. The land is too rough and mountainous for cultivation.

2. The following-described lands, which are included within Power Site Reserve No. 383 of July 1, 1913 and No. 474 of January 14, 1915, shall be opened to mining location pursuant to the act of August 11, 1955, 1955 (69 Stat. 683; 30 U. S. C. 621) at 10:00 a. m. on July 28, 1956.

T. 10 S., R. 22 E.,
Sec. 2, lots 14 and 16 to 21 inclusive, SW¼NW¼ and NW¼SW¼;
Sec. 3, lots 5, 7, 10, and SE¼NW¼;
Sec. 4, lots 11 and 12;
Sec. 11, NW¼NW¼ and SW¼SW¼.

The areas described aggregate approximately 659 acres.

3. Subject to any valid existing rights and the requirements of applicable law, lot 9, sec. 3; S½SE¼SW¼, sec. 5, is hereby opened to filing of applications, selections, and locations, in accordance with the procedure described below. No application for these lands may be allowed under the homestead, desert-land, small tract, or any other non-mineral public-land law unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon the consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

a. Applications and selections under the non-mineral public-land laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications and selections will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.



(2) All valid applications under the Homestead, Desert Land, and Small Tract Laws by qualified veterans of World War II or of the Korean Conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279–284 as amended), presented prior to 10:00 a. m. on July 28, 1956, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on October 27, 1956, will be governed by the time of filing.

(3) All valid applications and selections under the non-mineral public-land laws, other than those coming under paragraphs (1) and (2) above, presented prior to 10:00 a. m. on October 27, 1956, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands have been open to applications and offers under the mineral-leasing laws. They will be open to location under the United States mining laws beginning at 10:00 a. m. on October 27, 1956.

4. Persons claiming veterans preference rights must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

5. Inquiries concerning the lands shall be addressed to the Manager, Land Office, Bureau of Land Management, Los Angeles, California.

DEPUE FALCK,
*Acting Director,*
*Bureau of Land Management.*

[F. R. Doc. 56-5138; Filed, June 28, 1956; 8:45 a. m.]

## DEPARTMENT OF COMMERCE

### Federal Maritime Board

GRACE LINES INC. ET AL.

NOTICE OF AGREEMENT FILED FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8300, between Grace Line Inc., Lykes Bros. Steamship Co., Inc., Marina Mercante Nicaraguense, S. A., Panama Canal Company and United Fruit Company, is a new agreement of the Atlantic and Gulf/West Coast of Central America and Mexico Conference providing for the establishment and maintenance of agreed rates and charges of every lawful type and rules, regulations and practices for or in connection with the receiving, handling transportation and discharge of cargo carried by the parties to this agreement in the trade, either for direct movement or for transhipment via Cristobal and or Balboa, Canal Zone, between Atlantic and/or Gulf ports of the United States and West Coast ports of Panama (except Panama R. P.), Costa Rica, Nicaragua, Honduras, Salvador, Guatemala and Mexico. Upon approval, this agreement will supersede and cancel the present agreement of the conference (No. 2743), except that portion thereof designated as No. 2743–C.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: June 26, 1956.

By order of the Federal Maritime Board.

[SEAL] A. J. WILLIAMS,
*Secretary.*

[F. R. Doc. 56-5163; Filed, June 20, 1956; 8:51 a. m.]

## FEDERAL POWER COMMISSION

[Docket Nos. G-2451, G-5475]

UNITED FUEL GAS CO.

ORDER FIXING DATE OF FURTHER HEARING

The Commission by order issued June 4, 1954 in Docket No. G-2451, suspended United Fuel Gas Company's proposed increased rates and charges contained in its FPC Gas Tariff, Fourth Revised Volume No. 1, and provided for hearing concerning the lawfulness of the rates and charges proposed. By order issued October 29, 1954, the Commission, among other things, permitted certain changes in the suspended tariff, consolidated Docket No. G-2451 for purposes of hearing on the issue of form of rate with the proceedings relating to Docket No. G-2450, In the Matter of Central Kentucky Natural Gas Company, and fixed date for such consolidated hearing.

By further orders issued December 3, 1954, in Docket Nos. G-5475 and G-5476, the Commission suspended the additional increases in rate filed by United Fuel and Central Kentucky, respectively, and consolidated those dockets with Docket Nos. G-2451 and G-2450 for purposes of hearing on the issue of form of rate. The consolidated hearings on the single issue of form of rate were concluded April 7, 1955, and following the filing of briefs, the Presiding Examiner issued his decision which was sustained by Commission order issued May 11, 1956. That issue is presently pending before the Commission on petitions for rehearing filed by certain of the parties.

At the conclusion of the hearings on the issue of form of rate on April 7, 1955, the Presiding Examiner stated on the record that further hearing with respect to the level of the rates would be convened by further order of the Commission.

The Commission finds:

(1) It is appropriate and in the public interest in carrying out the provisions of the Natural Gas Act that the proceedings in the above-designated dockets relating to all matters involved and issues presented by the above-entitled proceedings, except the issue of form of rate, be set for hearing as hereinafter provided.

(2) Good cause exists for fixing the date of hearing in this proceeding less than 15 days after publication of this order in the FEDERAL REGISTER.

The Commission orders: Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 4, 5, 15 and 16 of the Natural Gas Act and the Commission's general rules and regulations, including rules of practice and procedure (18 CFR, Chapter I) public hearing hereby is reconvened in the above-designated dockets concerning the matters involved and the issues presented therein, other than the issue of form of rate, commencing July 5, 1956, at 10:00 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

Issued: June 25, 1956.

By the Commission.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-5156; Filed, June 28, 1956; 8:49 a. m.]

[Docket No. G-6366, etc.]

KERR-MCGEE OIL INDUSTRIES, INC., ET AL.

FINDINGS AND ORDER ISSUING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY, ORDER SEVERING DOCKET NO. G-7448 FROM CONSOLIDATED PROCEEDINGS, AND ORDER GRANTING PARTIAL DISMISSAL OF APPLICATIONS IN DOCKET NOS. G-6613 AND G-9464

In the matters of Kerr-McGee Oil Industries, Inc., Docket Nos. G-6366, G-6367, G-6368 and G-6877; D. R. Lauck Oil Company, Inc., et al., Docket No. G-6409; Alden E. Branine, F. G. Holl and B. Kim Carter, Docket No. G-6860; J. C. Trahan (J. C. Trahan, Drilling Corporation, Inc.), et al.; Docket No. G-6278; G. Scott Hammonds et al., Docket No. G-6298; G. Scott Hammonds et al., Docket No. G-6299; Tekoil Corporation (G. S. Hammonds, Predecessor), Docket No. G-6300; Champlin Refining Company,[1] Docket No. G-6613; Amerada Petroleum Corporation, Docket Nos. G-6311–6318, incl., G-6320, G-6325 and G-6326; Waterford Oil Company (Christie, Mitchell and Mitchell, Agent), Docket No. G-6812; The Carter Oil Company, Docket No. G-6827; Burge and Beren Oil and Gas Company, Docket No. G-7100; Jesse M. Brooks and M. James Brooks, Jr., Docket

[1] Application requesting partial dismissal filed on May 11, 1956, as to sales to Kansas-Nebraska Natural Gas Company, Inc., from production in the Ryan Field of Rush County, Kansas, under contract dated August 26, 1946.

No. G–7116; St. Paul Church Lease, Docket No. G–7117; Wirt County Oil & Gas Company, Docket No. G–7118; Hunter M. Bennett Lease (K. M. Hunt), Docket No. G–7120; Carroll Gas Company, Docket No. G–7121; Collins Gas Company, Docket No. G–7122; Bryan E. Miller et al., Docket No. G–7123; Kuntz Farm Gas Company, Docket No. G–7124; Parsonage Lot Lease, Docket No. G–7127; Park Norman Lease, Docket No. G–7128; Glen Wilson Lease, Docket No. G–7129; Simmons Gas Company, Docket No. G–7130; Stump Gas Company, Docket No. G–7131; Mill Lot Gas Company, Docket No. G–7132; Gay Wilson Lease, Docket No. G–7133; Bonnie Weaver Lease, Docket No. G–7134; Mary L. Taylor Gas Company, Docket No. G–7135; Kirby Oil & Gas Company, Docket No. G–7182; Gus Siers Oil and Gas Company, Docket No. G–7357; H. C. Arnold, Docket No. G–7390; Calvert Drilling, Inc., Docket No. G–7391; McRae Oil and Gas Corporation (J. A. McRae, Ltd), J. F. Balderson, James C. Brady, Malcom G. Chace, Jr., Docket No. G–7447; Crow Drilling Company, Inc.,[2] Docket No. G–7448; Sinclair Oil & Gas Company, Docket No. G–7674; Graham-Messman-Rinehart Oil Company, Docket No. G–8122; Anderson-Prichard Oil Corporation, Docket No. G–8327; Ralph Tudesco, Docket No. G–8312; Big Injun Development Company, Docket No. G–8881; Citizens Bank of Hattiesburg, Mississippi, Docket No. G–8912; Miami Operating Company, Inc., Docket No. G–9464; Neumont Oil Company, Docket No. G–8293.

Each Applicant listed hereinabove has filed an appli cation at each of the designated dockets for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing such Applicant to sell natural gas in interstate commerce for resale, subject to the jurisdiction of the Commission, as more fully described in the respective applications from the sources of production to the purchasers referred to in the tabulation hereinafter set forth. The designated Applicants are referred to singly and collectively as Applicant.

Pursuant to due notice, a public hearing was held in Washington, D. C., respecting the matters involved in and the issues presented by the applications listed in each docket except Docket Nos. G–6613 and G–9464 in which partial dismissals are being ordered, and Docket No. G–7448 which is severed herefrom, all as more fully ordered herein. No notice of intervention, petition to intervene or protest to the granting of the application has been received. Staff counsel moved orally at the hearing that the intermediate decision procedure be omitted and the Commission render a decision herein pursuant to §1.30 (c) (1) of the Commission's rules of practice and procedure.

The record reflects (a) that in Docket No. G–6613 Champlin Refining Company filed on May 11, 1956, an application requesting partial dismissal of the matters made the subject of its original filing for a certificate of public convenience and necessity, and insofar as its request relates to the sale of natural gas produced in the Ryan Field of Rush County, Kansas, under contract dated August 26, 1946, and sold to Kansas-Nebraska Natural Gas Company, Inc., (b) that gas produced by Miami Operating Company, Inc., Docket No. G–9464 in the Bowie Southwest 2nd Conglomerate Field, Montague County, Texas, is consumed entirely within the State of Texas, and (c) that on May 28, 1956, Crow Drilling Company, Docket No. G–7448, filed an application at Docket No. G–7448 to abandon service to Arkansas-Louisiana Gas Company pursuant to Section 7 (b) of the Natural Gas Act. It appears to be appropriate therefore to partially dismiss the applications in Docket Nos. G–6613, and G–9464, and to sever Docket No. G–7448 from the consolidated proceedings.

The record further reflects that (1) the Applicants in Docket Nos. G–6860, G–6812, G–6827, G–7100, G–7116, G–7182, G–7357, G–7390, G–7391, G7447, G–8122, G–8327, G–8312, G–8881, and G–8912 propose to sell natural gas in interstate commerce for resale from sources of production to purchasers identified and set forth in the tabulation herein; and (2) that the Applicants in Docket Nos. G–6366, G–6367, G–6368, G–6877, G–6409, G–6278, G–6298, G–6299, G–6300, G–6613, G–6311 thru G–6318, G–6320, G–6325, G–6326, G–7117, G–7118, G–7120 thru G–7124, G–7127 thru G–7135, G–7674, G–9464 and G–8293 sell natural gas in interstate commerce for resale from sources of production to purchasers identified and set forth in the tabulation herein. The tabulation is set forth as follows:

*Docket No. G–; Location of Field or Source of Production; and Purchaser*

6366; Texas-Hugoton Field, Sherman County, Tex.; Phillips Petroleum Co.

6367; Guymon-Hugoton Field, Texas County, Tex.; Phillips Petroleum Co.

6368; Tatums Field, Carter County, Okla.; Lone Star Gas Company.

6877; Texas-Hugoton Field, Sherman County, Tex.; Phillips Petroleum Co.

6409; Hugoton Gas Field, Kans.; Kansas-Nebraska Natural Gas Company, Inc.

6860; Embry Pool, Edwards County, Kans.; Northern Natural Gas Co.

6278; Bethany, Panola County, Tex.: George Bird Unit, Arkansas Louisiana Gas Co.; P. D. Roquemore Unit, Tennessee Gas Transmission Co.; Blanche Robinson Unit, Tennessee Gas Transmission Co.; W. L. Liston Unit, Tennessee Gas Transmission Co.; J. H. Mitchell Unit, Tennessee Gas Transmission Co.; Carrie Adams Unit, Tennessee Gas Transmission Co. Carthage, Panola County, Tex.: Hancock-Stillwell Unit, United Gas Pipeline Co. Joaquin, Shelby County, Tex.: E. O. Rushing Unit, United Gas Pipeline Co. Sentell, Caddo and Bossier, La.: Leonard Unit, Arkansas-Louisiana Gas Co.

6298; Charles Grayson Survey, Marion County, Texas-Rodessa Field; Arkansas-Louisiana Gas Co.

6299; Florence and Price Lease, Charles Ames Survey, Cass County, Tex.: Rodessa Field, Arkansas-Louisiana Gas Co.

6300; Armit Unit, Section 15 GH&H Survey, Lissie Field, Wharton County, Tex.; Tennessee Gas Transmission Co.

6613:

Yellowstone Field, Woods County, Okla. (6–11–54); Cities Service Gas Company.

Hugoton Field, Kearney-Finney Counties, Kans. (12–31–49); Colorado Interstate Gas Co.

Hugoton Field, Kearney County, Kans. (6–22–49); Colorado Interstate Gas Co.

Hugoton Field, Finney County, Kans. (8–2–48); Colorado Interstate Gas Co.

Hugoton Field, Finney County, Kans. (5–26–49); Colorado Interstate Gas Co.

Hugoton Field, Kearney County, Kans. (4–8–52); Kansas-Nebraska Natural Gas Company, Inc.

Hugoton Field, Kearney County, Kans. (12–1–46); Kansas-Nebraska Natural Gas Company, Inc.

Hugoton Field, Kearney County, Kans. (6–10–49); Kansas-Nebraska Natural Gas Company, Inc.

Hugoton Field, Finney County, Kans. (8–25–49); Kansas-Nebraska Natural Gas Company, Inc.

Hugoton Field, Kearney-Finney Counties, Kans. (5–26–49); Kansas-Nebraska Natural Gas Company, Inc.

Hugoton Field, Finney County, Kans. (10–8–49); Kansas-Nebraska Natural Gas Company, Inc.

Hugoton Field, Finney County, Kans. (6–23–53); Kansas-Nebraska Natural Gas Company, Inc.

Hugoton Field, Finney County, Kans. (10–6–49); Kansas-Nebraska Natural Gas Company, Inc.

Hugoton Field, Finney-Haskell-Kearney Counties, Kans. (5–31–50); Northern Natural Gas Co.

Hugoton Field, Seward County, Kans. (3–7–49); Northern Natural Gas Co.

Hugoton Field, Texas County, Okla. (1–30–52); Northern Natural Gas Co.

Hugoton Field, Finney County, Kans. (10–3–51); Northern Natural Gas Co.

Hugoton Field, Finney County, Kans. (4–28–52); Cities Service Gas Company.

Hugoton Field, Stanton County, Kans. (11–12–51); Cities Service Gas Company.

Hugoton Field, Stanton County, Kans. (9–18–51); Cities Service Gas Company.

Hugoton Field, Finney County, Kans. (3–23–53); Cities Service Gas Company.

South Fullerton Field, Andrews County, Tex. (1–1–49); El Paso Natural Gas Company.

West Edmond Field, Logan County, Okla. (9–29–47); Cities Service Gas Company.

West Edmond Field, Canadian-Kingfisher, Okla. (9–12–49); Cities Service Gas Company.

Witcher Field, Okla. (3–21–49); Cities Service Gas Company.

Greenwood Field, Morton County, Kans. (5–29–53); Colorado Interstate Gas Co.

6311; Leases in Eumont, Jalmat, Byers, Tubb and Blinebry Fields, Lea County, N. Mex. (2–29–52); Permian Basin Pipeline Co.

6312; Leases in Greenwood Field, Morton County, Kans. (2–26–53; 7–14–53; 7–24–53); Colorado Interstate Gas Co.

6313; Tailgates of Trindle, Hunton and Edmond Plants; leases in West Edmond Field, Oklahoma County, Okla. (1–1–53); Cities Service Gas Company.

6314; State of New Mexico "JA" Lease, Rhodes Field, Lea County, N. Mex. (7–15–53); El Paso Natural Gas Co.

6315; Stevens B–18 Unit Lease, Jalmat Field, Lea County, N. Mex. (7–17–48); El Paso Natural Gas Co.

6316; Falby Lease and State of New Mexico LMT Lease in Langlie-Mattix Field, Lea County, N. Mex. (3–26–51); El Paso Natural Gas Co.

6317; Saltmount and Travis Leases, Teague Field, Lea County, N. Mex. (3–1–51); El Paso Natural Gas Co.

6318; Hodge Lease, Langlie-Mattix Field, Lea County, N. Mex. (7–15–53); El Paso Natural Gas Co.

6320; Leases in Ignacio Field, La Plata County, Colo. (1–2–54); El Paso Natural Gas Co.

6325; Leases in Southeast Aylesworth Field, Bryan County, Okla. (1–1–53); Lone Star Gas Company.

6326; Reviere Lease, West Oklahoma Field, Stevens County, Okla. (5–5–53); Lone Star Gas Company.

6812; Bass Lease, Colorado County, Tex. (7–10–54); Shell Oil Company.

6827; Tretbar Unit, Beaver County, Okla. (12–23–54); Michigan Wisconsin Pipe Line Company.

7100; Sherman District, Calhoun County, W. Va.; Hope Natural Gas Company.

7116; Rodessa Field, Caddo Parish, La.; Arkansas-Louisiana Gas Co.

7117; Center District, Calhoun County, W. Va.; Godfrey L. Cabot, Inc.

7118; Burning Springs District, Wirt County, W. Va.; Godfrey L. Cabot, Inc.

7120; Center District, Gilmer County, W. Va.; Godfrey L. Cabot, Inc.

7121; Sheridan District, Calhoun County, W. Va.:; Godfrey L. Cabot, Inc.

7122; Center District, Gilmer County, W. Va.; Godfrey L. Cabot, Inc.

7123; Center District, Gilmer County, W. Va.; Carnegie Natural Gas Co.

7124; Jefferson District, Nicholas County, W. Va.; Godfrey L. Cabot, Inc.

7127; Lee District, Calhoun County, W. Va.; Godfrey L. Cabot, Inc.

7128; Center District, Gilmer County, W. Va.; Godfrey L. Cabot, Inc.

7129; Sherman District, Calhoun County, W. Va.; Godfrey L. Cabot, Inc.

7130; Lee District, Calhoun County, W. Va.; Godfrey L. Cabot, Inc.

7131; Center District, Gilmer County, W. Va.; Godfrey L. Cabot, Inc.

7132; Geary District, Roane County, W. Va.; Godfrey L. Cabot, Inc.

7133; Sheridan District, Calhoun County, W. Va.; Godfrey L. Cabot, Inc.

7134; DeKalb District, Gilmer County, W. Va.; Godfrey L. Cabot, Inc.

7135; Geary District, Roane County, W. Va.; Godfrey L. Cabot, Inc.

7182; East Gohlke Field, Victoria County, Tex.; Tennessee Gas Transmission Co.

7357; Washington District, Calhoun County, W. Va.; Hope Natural Gas Co.

7390; State "A" Lease, Logan County, Colo.; Kansas-Nebraska Natural Gas Company, Inc.

7391; State "A" Lease, Logan County, Colo.; Kansas-Nebraska Natural Gas Company, Inc.

7447; Little Hoot Field, Logan County, Colo.; Kansas-Nebraska Natural Gas Company, Inc.

7674; Grayson County, Tex.; Lone Star Gas Company.

8122; Southwest Sweeney Pool, Pawnee County, Kans.; Kansas-Nebraska Natural Gas Company, Inc.

8293; Southwest Sweeney Pool, Pawnee County, Kans.; Kansas-Nebraska Natural Gas Company, Inc.

8327; Northwest Lindsay Field, McClain County, Okla.; Warren Petroleum Corporation, Cities Service Oil Company, Kerr-McGee Oil Industries, Inc., Oklahoma Natural Gas Company, The Texas Company, owners of gasoline plants operated by Warren Petroleum produce residue gas sold in interstate commerce to Cities Service Gas Company and Lone Star Gas Company.

8312; Sherman District, Calhoun County, W. Va.; Hope Natural Gas Company.

8881; Grant District, Calhoun County, W. Va.; Hope Natural Gas Company.

8912; Maxie and Pistol Ridge Gas Fields, Forrest County, Miss.; United Gas Pipe Line Co.

9464; Producing horizons down to and including Pennsylvania Formation in Garvin County, Okla.; Lone Star Gas Company.

The Commission finds:

(1) Each Applicant listed herein is or will be an independent producer of natural gas engaged in the sale of natural gas in interstate commerce for resale for ultimate public consumption and, by reason thereof, is or will be a "natural-gas company" within the meaning of the Natural Gas Act and subject to the jurisdiction of the Commission under the act.

(2) Each sale of natural gas listed herein, as more fully described in the application, is or will be made in interstate commerce, and together with the operation of any facilities subject to the jurisdiction of the Commission necessary therefor, is subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(3) Each Applicant listed herein is able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act, and the requirements, rules and regulations of the Commission thereunder.

(4) The sale of natural gas hereinbefore described, as more fully described in the application, is or will be made in interstate commerce, subject to the jurisdiction of the Commission, and such sale by Applicant, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, is subject to the requirements of subsections (c) and (e) of section 7 of the Natural Gas Act.

(5) Applicant is able and willing properly to do the acts and to perform the service proposed and to conform to the provisions of the Natural Gas Act, and the requirements, rules and regulations of the Commission thereunder.

(6) The sale of natural gas by Applicant, together with the construction and operation of any facilities subject to the jurisdiction of the Commission necessary therefor, is required by the public convenience and necessity, and a certificate therefor should be issued as hereinafter ordered and conditioned.

(7) A request during the public hearing by Staff Counsel for omission of the intermediate decision procedure under § 1.30 (c) of the Commission's rules of practice and procedure, was unopposed by any party of record and, not having been denied by the Commission, is granted pursuant to § 1.30 (c) (1) of said rules.

The Commission orders:

(A) A certificate of public convenience and necessity be and is hereby issued, upon the terms and conditions of this order, authorizing the sale by each Applicant of natural gas in interstate commerce for resale, together with the construction and operation of any facilities, subject to the jurisdiction of the Commission, used or proposed to be used for the sale of natural gas in interstate commerce, as hereinbefore described and as more fully described in the application and exhibits in this proceeding.

(B) The certificate issued herein shall be deemed accepted and of full force and effect, unless refused in writing and under oath by Applicant within 30 days from issuance of this order.

(C) The application (i) of Champlin Refining Company, in Docket No. G–6613 insofar as it relates to natural gas produced in the Ryan Field of Rush County, Kansas, and sold to Kansas-Nebraska Natural Gas Company, Inc., and not presently sold in interstate commerce for resale subject to the jurisdiction of the Commission, and (ii) of Miami Operating Company, in Docket No. G–9464 relating to natural gas produced in the Bowie Southwest 2nd Conglomerate Field, Montaque, Texas and consumed in the State of Texas, be and the same are hereby dismissed.

(D) The application of Crow Drilling Company, in Docket No. G–7448, and the proceeding relating thereto consolidated herewith for the purposes of hearing be and the same is hereby severed from this proceeding, and the hearing thereof postponed subject to further order of the Commission or setting by the Secretary of the Commission.

(E) The certificate is not transferable and shall be effective only so long as Applicant continues the acts or operations hereby authorized in accordance with the provisions of the Natural Gas Act, and the applicable rules, regulations and orders of the Commission.

(F) The grant of the certificate herein shall not be construed as waiver of the requirements of section 4 of the Natural Gas Act, or of section 154 of the Commission's rules and regulations thereunder requiring the filing of rate schedules for service herein authorized; and is without prejudice to any findings or orders which have been or may hereafter instituted by or against the Applicant. Further, our action in this proceeding shall not foreclose nor prejudice any future proceedings or objection relating to the operation of any price or related provision in the gas purchase contracts herein involved.

Issued: June 25, 1956.

By the Commission.

Commissioner Digby concurring, subject to statement filed as part of original document.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 56–5157; Filed, June 28, 1956; 8:50 a. m.]

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[Docket No. G–10098]

PENNSYLVANIA GAS CO.

NOTICE OF APPLICATION AND DATE OF HEARING

JUNE 25, 1956.

Take notice that Pennsylvania Gas Company (Applicant), a Pennsylvania corporation with a principal office in Warren, Pennsylvania, filed an application on March 13, 1956, and supplements thereto on April 16 and May 28, 1956, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act authorizing the Applicant to construct and operate facilities subject to the jurisdiction of the Commission, more fully described in the application filed herein, and open for public inspection. The natural gas facilities subject to Commission jurisdiction are described as follows:

*Erie Transmission Line.* Approximately 23 miles of 10¾-inch of gas transmission line and appurtenant facilities originating at Applicant's existing interconnection with Tennessee Gas Transmission Company near Union City, Pennsylvania, extending northwesterly

[2] Application filed on May 28, 1956, for authority to abandon service for which certificate authorization is sought herein.

and terminating in the western suburban area of the City of Erie at the Borough of Fairview, all within Erie County, Pennsylvania.

*Jamestown Transmission Line.* Approximately 15 miles of 8⅝-inch gas transmisison line and appurtenant facilities originating at an interconnection with Applicant's existing control station in Pittsfield Township, Warren County, Pennsylvania, extending northeasterly into New York State, and terminating approximately one mile west of the City of Jamestown, Chautauqua County, New York.

*Erie Lateral Transmission Lines.* Approximately 121,900 feet of 6-inch, 32,300 feet of 10-inch and 6,300 feet of 8-inch pipeline extending from the Erie transmission line to Fairview, Middleboro, Lake City and Waterford; communities in the Townships of LeBoeuf, Waterford, Fairview, McKean and Girard; and from a point in Fairview Township near the terminus of the Erie Line eastwardly into Millcreek Township.

The application recites that (1) the Erie line will bring natural gas to communities not now being served, and will enable Applicant during periods of peak demand and in emergencies to feed natural gas thru Applicant's distribution lines from the west into the City of Erie, Pennsylvania, and (2) the Jamestown line will enable Applicant to augment the supply of gas now being furnished the City of Jamestown.

The application further recites the estimated aggregate requirements of communities to be served from the proposed Erie line to be:

| | 1957 | 1958 | 1959 |
|---|---|---|---|
| Peak day (Mcf) | 2,412 | 5,352 | 7,043 |
| Annual (Mcf) | 274,975 | 624,020 | 814,265 |

and the incidental requirements along the route of the Jamestown line to be:

| | 1957 | 1958 | 1959 |
|---|---|---|---|
| Peak day (Mcf) | 24 | 27 | 27 |
| Annual (Mcf) | 3,120 | 3,640 | 3,640 |

The proposed Erie line is designed to provide approximately 11,300 Mcf on a design day of which about 5000 Mcf will be delivered to the City of Erie via the proposed lines. The proposed Jamestown line will be used to furnish about 11,000 Mcf per day to Jamestown this coming winter to assist Applicant in meeting a total peak day demand of 38,000 Mcf in the area.

The estimated cost of all facilities is $2,628,000, which will be borrowed from its corporate parent, National Fuel Gas Company.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on August 1, 1956, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 20, 1956. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] LEON M. FUQUAY,
*Secretary.*

[F. R. Doc. 56-5158; Filed, June 28, 1956; 8:50 a. m.]

## GENERAL SERVICES ADMINISTRATION

[Project 3-DC-01]

FEDERAL OFFICE BUILDINGS

PROSPECTUS FOR PROPOSED BUILDINGS IN SOUTHWEST REDEVELOPMENT AREA OF DISTRICT OF COLUMBIA

EDITORIAL NOTE: This prospectus of proposed Project Number 3-DC-01 is published pursuant to section 412 (f) of the Public Buildings Purchase Contract Act of 1954 as amended by Public Law 150, 84th Congress, which requires publication in the FEDERAL REGISTER, for a period of ten consecutive days from date of submission to the Committees on Public Works of the Senate and House of Representatives.

Project Number 3-DC-01 (Revised)

MARCH 14, 1956.

FORMAL PROSPECTUS FOR PROPOSED BUILDING UNDER TITLE I PUBLIC LAW 519, 83D CONGRESS, 2D SESSION

FEDERAL OFFICE BUILDING, WASHINGTON, D. C.

1. *Brief description of proposed building.* The project contemplates the erection of a group of three Federal Office Buildings on a site to be acquired by the Government facing on the proposed Tenth Street Mall in the southwest redevelopment area of Washington, D. C. Each building will be multi-storied. An aggregate of approximately 643,000 square feet of net assignable space will be provided.

2. *Estimated maximum cost and financing.*
a. Maximum cost of site and buildings, $25,250,000.
b. Proposed contract term, 30 years.
c. Maximum rate of interest on purchase contract, 4 percent.

3. *Certificates of need.* As the project is intended to provide relocation of numerous Federal agencies now in temporary buildings, no specific allocation of space can be made at this time. Upon completion of the facility, assignment and reassignment will be made in accordance with existing law. Therefore, requirement for Certificate of Need otherwise required by section 411 (e) of the Public Buildings Purchase Contract Act of 1954 was waived in Public Law 150, 84th Congress. Certification is hereby made as to the need for service and garage space.

4. *Non-availability of existing space.* Suitable space owned by the Government is not available; and suitable rental space is not available at a price commensurate with that to be afforded through the contract proposed.

5. *Estimated annual managerial, custodial, heat, and utility costs.* (Services to be supplied by Government), $675,000.

6. *Estimated annual tax liability, upkeep and maintenance.* a. Taxes, post construction (contract period), $321,625.
b. Upkeep and maintenance (to be provided by Government), $96,000.

7. *Current annual housing costs.* Rents and other housing costs currently paid by the Government for agencies to be housed in the building to be erected, $509,000 p. a.

*Determination of need.* It has been determined that (1) the needs for space for the permanent activities of the Federal Government in this particular area cannot be satisfied by utilization of any existing suitable property now owned by the Government, and (2) the best interests of the United States will be served by taking action hereunder.

Submitted at Washington, D. C., on June 1, 1956.

Approved:

FRANKLIN G. FLOETE,
*Administrator of General Services.*

8. *Statement of Director, Bureau of the Budget.* Reflected in letter (copy attached).

EXECUTIVE OFFICE OF THE PRESIDENT
BUREAU OF THE BUDGET
WASHINGTON 25, D. C.

JUNE 13, 1956.

Project 3-DC-01 (Revised 3-14-56).
3 Multi-storied Federal Office Buildings.
Southwest Redevelopment Area, Washington, D. C.

MY DEAR MR. FLOETE: Pursuant to section 411 (e) (8) of the Public Buildings Purchase Contract Act of 1954 (Public Law 519), the (Revised March 14, 1956) proposal for a group of three Federal Office Buildings, transmitted with your letter of June 1, 1956, has been examined and in my opinion "is necessary and in conformity with the policy of the President." This approval is given with the following understanding:

1. Revision reflects the application of more definite plans for integration of the facility with the proposed Tenth Street Mall developed subsequent to approval of the project last July. Effective integration requires construction of three building units in lieu of one, as originally proposed. Garage space of 134,250 square feet not contemplated in original project is provided. Number of employees, utilization of space and cost factors are relatively the same.

2. That the stated project cost of $25,250,000 (including $2,500,000 for a site to be acquired) is a maximum figure.

3. That the reported annual operating cost of existing Tempos 4, 5, and T; i. e., $1.00 per square foot, represents minimum maintenance in anticipation of demolition, and that temporary Government buildings actually cost more to maintain than the proposed new buildings.

4. That the proposed buildings will house approximately 10% of Federal employees presently housed in temporary buildings, and that the specific allocation of agencies in the proposed buildings is to be determined later by General Services Administration.

5. That every effort will be made to design and construct space conducive to maximum efficient utilization of both site and buildings and to take advantage of any revision of cost downward which may be found possible as the plans develop and negotiations are advanced.

6. That this approval supersedes Mr. Hughes' letter of July 22, 1955.

You appreciate, of course, that this project will receive a more detailed review as to cost and space utilization prior to the approval of the lease-purchase agreement.

Sincerely yours,

(Signed) PERCIVAL BRUNDAGE,
*Director.*

Hon. FRANKLIN G. FLOETE,
*Administrator,*
*General Services Administration,*
*Washington 25, D. C.*

[F. R. Doc. 56-4860; Filed, June 18, 1956; 11:38 a. m.]



## SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3484]

CENTRAL PUBLIC UTILITY CORP.

ORDER AUTHORIZING RENEWAL OF GUARANTY BY PARENT OF SHORT-TERM NOTE OF SUBSIDIARY

JUNE 25, 1956.

Central Public Utility Corporation ("Central"), a registered holding company under the Public Utility Holding Company Act of 1935 ("act"), as to which an application for exemption is pending pursuant to section 3 (a) (5) of the act (File No. 31-626), has filed a declaration pursuant to sections 7 and 12 (b) of the act and Rule U-45 thereunder with respect to the following proposed transactions:

By order issued on December 16, 1955 (Holding Company Act Release No. 13066), the Commission authorized Central to lend its credit as guarantor of a short-term promissory note to be issued by its wholly-owned subsidiary The Islands Gas and Electric Company ("Islands"), an exempt intermediate holding company; pursuant to which authorization, Islands on December 28, 1955 issued its 90-day promissory note to The Hanover Bank in the principal amount of $2,000,000, bearing interest at the rate of 3½ percent per annum and secured by Central's pledge to said bank of a 90-day Time Deposit Open Account in the amount of $2,000,000 bearing interest at the rate of 2 percent per annum; and by order issued on March 26, 1956, the Commission authorized Central to continue this arrangement for a further ninety day period until June 25, 1956 (Holding Company Act Release No. 13136).

Central states that Islands has not yet received the funds with which it had expected to pay the note and that Islands intends to renew such note for an additional period of ninety days from June 25, 1956, in identical amount and on identical terms, the renewal note to be payable by Islands at its election at any time after sixty days without penalty or prepayment charge. Central proposes to guaranty the renewal note and pledge as security the aforesaid Open Account. Central further states Islands expects to pay the renewed note prior to its maturity date.

Due notice having been given of the filing of said declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable standards of the act are satisfied.

*It is ordered,* Pursuant to Rule U-23 and applicable provisions of the act, that said declaration be, and it hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 56-5142; Filed, June 28, 1956; 8:46 a. m.]

[File No. 812-1009]

NORTH RIVER SECURITIES CO. INC., ET AL.

NOTICE OF AND ORDER FOR HEARING ON APPLICATION FOR AN ORDER EXEMPTING CERTAIN TRANSACTIONS

JUNE 25, 1956.

In the matter of North River Securities Co., Inc., Dale Properties, Inc., Lauderdale Properties, Ft. Lauderdale Properties, Inc., Broward Properties, Inc., Broward Boulevard Properties, Inc., Ira Guilden, and Metals Corporation of America.

Notice is hereby given that North River Securities Co., Inc. ("North River"), registered under the Investment Company Act of 1940 ("act") as a closed-end, non-diversified management investment company, and certain affiliated persons of North River and affiliated persons of such persons, have filed a joint application pursuant to sections 6 (c) and 17 (b) of the Act for an order exempting from the provisions of sections 17 (a) and 23 (a) certain transactions whereby North River proposes to acquire certain properties and securities.

North River proposes to acquire certain real estate located in Florida from Dale Properties, Inc., Lauderdale Properties, Inc., Ft. Lauderdale Properties, Inc., Broward Properties, Inc. and Broward Boulevard Properties, Inc., all Florida corporations (herein collectively called the "Five Realty Corporations"). North River also proposes to acquire from Mrs. Ira Guilden ("Guilden") and from Metals Corporation of America, a Delaware corporation ("Metals"), and from other persons, all the issued and outstanding capital stock of Frank T. Budge Company ("Budge"), a Florida corporation engaged in the wholesale hardware business in Florida.

North River and the Five Realty Corporations have entered into an Agreement and Plan of Reorganization, dated April 25, 1956 ("Agreement and Plan"), providing, among other things, for (a) the transfer by the Five Realty Corporations to North River of all of the property and assets of the Five Realty Corporations in exchange for the issuance to the Five Realty Corporations by North River of 150,000 shares of common stock, par value $1 per share, of North River and the assumption by North River of all of the liabilities and obligations of the Five Realty Corporations, and (b) the dissolution of each of the Five Realty Corporations and the distribution of the shares of stock received by each of them pro rata among the respective stockholders of the Five Realty Corporations.

In addition, North River has entered into a Purchase Agreement, dated April 25, 1956 ("Purchase Agreement"), providing, among other things, for the transfer to it by the holders thereof of all the issued and outstanding capital stock of Budge in exchange for an aggregate of 107,000 shares of common stock, par value $1 per share, of North River.

Guilden is a director of North River and as of March 31, 1956 owned 191,876 shares of its common stock. In addition, Guilden owned 50 percent of the outstanding stock of American Perfit Crystal Corp., which owned, of record and beneficially, 39,377 shares of common stock of North River on such date. An additional 11,000 shares of North River are owned by Guilden, as trustee of two trusts, in which Guilden has no direct or indirect beneficial interest. The aggregate of 242,253 shares owned or controlled by Guilden represents 31.18 percent of the 776,825 shares of outstanding common stock of North River. Guilden also is the beneficial owner of 10⅛ shares of capital stock of each of the Five Realty Corporations, constituting approximately 10.17 percent of the 100 shares of issued and outstanding capital stock of each of the Five Realty Corporations. In addition, American Perfit Crystal Corp., owns 10 shares of capital stock of each of the Five Realty Corporations constituting 10 percent of the issued and outstanding shares of the Five Realty Corporations. An additional 20 shares of each of the Five Realty Corporations are held by Stuart W. Patton, as nominee for two trusts, for both of which Guilden is co-trustee, and in one of which Guilden has a one-half beneficial interest, which such 20 shares constitute 20 percent of the outstanding capital stock of each of the Five Realty Corporations. Accordingly, North River and each of the Five Realty Corporations are each affiliated persons of Guilden and Guilden as an affiliated person of each of the said companies by virtue of the provisions of section 2 (a) (3) of the act.

With respect to the transactions contemplated by the Purchase Agreement, Guilden is the beneficial owner of 1,666⅔ shares of the Second Preferred Stock of Budge. In addition, Metals, of which Guilden owns all of the issued and outstanding capital stock, owns 3,333⅓ shares of the Second Preferred Stock of Budge. The Second Preferred Stock is one of the classes of stock of Budge which will be transferred to North River in exchange for its common stock. Accordingly, North River will be acquiring securities directly from (a) an affiliated person in the case of Guilden and (b) an affiliate of an affiliated person in the case of Metals.

Each of the Five Realty Corporations was incorporated under the laws of the State of Florida on June 4, 1955. The Five Realty Corporations own certain mortgages and contiguous portions of a tract of land in Broward County, Florida. The land is undeveloped and is subdivided into smaller plots.

The consolidated recorded gross cost of such real estate to the Five Realty Corporations per books as of March 1, 1956, was $624,779. The recorded consolidated net asset value of the Five Realty Corporations as of the same date amounted to $130,645. As consideration therefor North River proposes to issue to the sellers 150,000 shares of its stock having a net asset value as of the same date aggregating approximately $600,000. On the basis of an appraisal of said real estate dated March 30, 1956, North River has submitted a pro-forma statement of assets and liabilities reflecting said real estate at a gross value of $1,312,000. Such statement also reflects net assets of the Five Real Estate companies in the amount of $817,366.

Budge was incorporated on July 1, 1912, under the laws of the State of Florida and is presently engaged in the wholesale hardware business in Miami, Florida. Budge leases a building containing approximately 40,000 square feet of warehouse space on one level, under a lease dated May 9, 1947, for a period of five years, with a right of renewal by Budge for four five-year periods ending in 1972 at an annual rental of $15,600. The territory served by Budge includes the entire East Coast of Florida from Vero Beach south to Key West, the Okeechobee Lake region and through Fort Myers on the West Coast. Delivery service is provided for its customers and is accomplished by four trucks which are leased by Budge on an annual basis.

As of February 29, 1956, Budge had total assets of $922,130 represented primarily by inventory and trade accounts and notes receivable aggregating approximately $868,000. There was outstanding an aggregate of 12,000 shares of first, second and fourth preferred stock with a par value of $10 per share, and 100,500 shares of $1 par value common stock. The net assets applicable to the total preferred and common stocks at February 29, 1956, aggregated approximately $533,900. Prior to the consummation of the proposed transaction, the total outstanding 2,000 shares of first preferred stock will be redeemed at $10 per share or an aggregate of $20,000. North River proposes to issue 107,000 shares of its common stock with a total net asset value at the same date of approximately $428,000 for the second and fourth preferred stocks and the common stock. North River has submitted a proforma statement of assets and liabilities reflecting its investment in the stock of Budge at $553,900. For each of the fiscal years ended April 30, 1953, 1954 and 1955, the net income applicable to the stock of Budge proposed to be acquired by North River and the first preferred stock that will be retired amounted to $37,599, $12,998, and $7,567 respectively. Net income for the 10 months ended February 29, 1956, amounted to $11,975.

The application recites that the obligations under the Agreement and Plan and the obligations under the purchase agreement are each conditioned upon the simultaneous consummation of the other.

The Statement of Policy filed by North River pursuant to section 8 (b) of the act reserves freedom to issue senior securities, to borrow money to finance additional investments and to purchase real estate at a cost not exceeding 40 percent of the value of its assets. Its policy is to operate as a special situation company and to invest primarily in common stocks.

Generally speaking, section 17 (a) of the act prohibits an affiliated person of a registered investment company or any affiliated person of such a person, from selling to, or purchasing from such registered investment company or any company controlled by such registered investment company, any securities or property, subject to certain exceptions not here pertinent. The Commission upon application pursuant to section 17 (b) may grant an exemption from the provisions of section 17 (a) if it finds that the terms of the proposed transactions, including the consideration to be paid, are reasonable and fair and do not involve overreaching on the part of any person concerned, and the proposed transactions are consistent with the policy of each registered investment company concerned, as recited in its registration statement and reports filed under the act and is consistent with the general purposes of the act.

Section 23 (a) of the act provides in pertinent part that no registered closed-end investment company shall issue any of its securities (1) for services; or (2) for property other than cash or securities, except in connection with a reorganization. Section 6 (c) permits the Commission to exempt any transaction from any provision of the act if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes and policies fairly intended by the policy and provisions of the act.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the application;

*It is ordered,* Pursuant to section 40 (a) of said act, that a hearing on the aforesaid application under the applicable provisions of the act and of the Rules of the Commission thereunder be held on the 16th day of July 1956 at 10:00 a. m., in the offices of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in this proceeding is directed to file with the Secretary of the Commission his application as provided in Rule XVII of the Commission's rules of practice, on or before the date provided in the Rule, setting forth any issues or law or facts which he desires to controvert or any additional issues which he deems raised by this Notice and Order or by such application.

*It is further ordered,* That James G. Ewell, or any officer or officers of the Commission, designated by it for that purpose, shall preside at said hearing. The officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation having advised the Commission that it has made a preliminary examination of the application, and that upon the basis thereof the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination:

(1) Whether the terms of the proposed transactions, including the considerations to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned;

(2) Whether the proposed transactions are consistent with the policies of North River, as recited in its registration statement and reports filed pursuant to the act;

(3) Whether the proposed transactions are consistent with the general purposes of the act; and

(4) Whether the proposed securities issuances by North River are in connection with a reorganization within the meaning of section 23 (a) of the act and, if not, whether an exemption from the provisions of such section of the act is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

*It is further ordered,* That at the aforesaid hearing attention be given to the foregoing matters and questions.

*It is further ordered,* That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this notice and order by registered mail to North River Securities Co., Inc., Dale Properties, Inc., Lauderdale Properties, Inc., Ft. Lauderdale Properties, Inc., Broward Properties, Inc., Broward Boulevard Properties, Inc., Ira Guilden and Metals Corporation of America, and that notice to all persons shall be given by publication of this notice and order in the FEDERAL REGISTER; and that a general release of this Commission in respect of this notice and order be distributed to the press and mailed to the mailing list for releases.

*It is further ordered,* That North River Securities Co., Inc., give notice of this hearing to all of its stockholders (insofar as the identity of such security holders is known or available) by mailing to each of said persons a copy of this notice and order to his last known address at least 13 days prior to the date set for said hearing.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-5143; Filed, June 28, 1956; 8:46 a. m.]



[File No. 24D-1821]

BADGER URANIUM CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JUNE 25, 1956.

I. Badger Uranium Corporation, a Nevada corporation, 401 Fremont Street, Las Vegas, Nevada, filed with the Commission on July 1, 1955, a notification on Form 1-A and an offering circular, and subsequently filed amendments thereto, relating to an offering of 6,500,000 shares of 1 cent par value common stock at 1 cent per share for an aggregate of $65,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

1. The notification and offering circular are false and misleading in naming Weber Investment Company as the principal underwriter; in omitting to state that Ruth J. Rains was intended to act as the principal underwriter; and in omitting to state that Ruth J. Rains was not registered with the Commission as a broker-dealer.

2. The offering circular is false and misleading in omitting to state that Weber Investment Company, named as underwriter therein, ceased its underwriting business in July, 1955 and withdrew its registration with the Commission as a broker-dealer, effective November 23, 1955.

3. It is falsely represented in the notification, underwriter's agreement and underwriter's consent to be named in the offering circular that Ruth J. Rains, who signed said documents on behalf of Weber Investment Company, was a registered member of the National Association of Securities Dealers, Inc.

4. Issuer has failed to file a report on Form 2-A of sales of securities being offered, as required by Rule 224.

III. *It is ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-5144; Filed, June 28, 1956; 8:46 a. m.]

[File No. 24D-1543]

LISTA, INC.

ORDER TEMPORARILY DENYING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JUNE 25, 1956.

I. Lista, Inc., a Nevada corporation, 139 North Virginia Street, Reno, Nevada, filed with the Commission on December 28, 1954, a notification on Form 1-A and an offering circular, and subsequently filed amendments thereto, relating to an offering of 2,500,000 shares of 1 cent par value common stock at 10 cents per share for an aggregate of $250,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

1. The offering circular is false and misleading in omitting to state that Ruth J. Rains, named as underwriter in the offering circular and who signed an underwriting agreement with the issuer, is not registered with the Commission as a broker-dealer.

2. The aggregate offering price of all securities of the issuer presently being offered and all those sold in violation of section 5 (a) of the Securities Act of 1933, within one year prior to the commencement of the proposed offering exceeds $300,000.

III. *It is ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily denied.

Notice is hereby given that any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-5145; Filed, June 28, 1956; 8:47 a. m.]

[File No. 24D-2044]

GRAND CANYON URANIUM CO.

ORDER TEMPORARILY DENYING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JUNE 25, 1956.

I. Grand Canyon Uranium Company, a Utah corporation, 156 East Third South Street, Salt Lake City 11, Utah, filed with the Commission on February 29, 1956, a notification on Form 1-A and an offering circular relating to an offering of 9,000,000 shares of 2 cents par common stock at 2 cents per share for an aggregate of $180,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

1. The offering circular is false and misleading in omitting to state that Ruth J. Rains, named as underwriter in the offering circular, and who signed an underwriting agreement with the issuer, is not registered with the Commission as a broker-dealer.

2. No consent on the part of Ruth J. Rains to be named as principal underwriter of the securities proposed to be offered has been filed, as required by Item 7 of Form 1-A.

III. *It is ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily denied.

Notice is hereby given that any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of denial should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 56-5146; Filed, June 28, 1956; 8:47 a. m.]

[File No. 24 SF-2114]

MOAPA URANIUM CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JUNE 25, 1956.

I. Moapa Uranium Corporation, a Nevada corporation, 1112 Fremont Street, Las Vegas, Nevada, filed with the Commission on July 14, 1955, a notification on Form 1-A and an offering circular, and subsequently filed amendments thereto, relating to an offering of 3,000,000 shares of 10 cents par value common stock at 10 cents per share for an aggregate of $300,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

1. The offering circular is false and misleading in stating that Ruth J. Rains, one of the principal underwriters, is a licensed securities broker under the laws of the State of Nevada; and in omitting to state that Ruth J. Rains was not registered with the Commission as a broker-dealer.

2. Issuer has failed to file a report on Form 2–A of sales of securities being offered, as required by Rule 224.

III. *It is ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 56–5147; Filed, June 28, 1956; 8:47 a. m.]

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[File No. 24D–1874]

DIX URANIUM CORP.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JUNE 25, 1956.

I. Dix Uranium Corporation, a Nevada corporation, 290 North University Avenue, Provo, Utah, filed with the Commission on August 10, 1955, a notification on Form 1–A and an offering circular, and subsequently filed amendments thereto, relating to an offering of 6,000,000 shares of 5 cents par value common stock at 5 cents per share for an aggregate of $300,000 for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

1. The notification and offering circular are false and misleading in naming Weber Investment Company as the principal underwriter; in omitting to state that Ruth J. Rains was intended to act as the principal underwriter; and in omitting to state that Ruth J. Rains was not registered with the Commission as a broker-dealer.

2. The offering circular is false and misleading in stating, "The Underwriter agrees to use its best efforts to sell such stock directly and through securities dealers registered in Nevada and such other States wherein this offering has been registered and cleared for sale," and in omitting to state that the State of Nevada does not register securities dealers or securities being offered for sale in such State.

3. The offering circular is false and misleading in omitting to state that Weber Investment Company, named as underwriter therein, ceased its underwriting business in July 1955 and withdrew its registration with the Commission as a broker-dealer, effective November 23, 1955.

4. Issuer has failed to file a report on Form 2–A of sales of securities being offered, as required by Rule 224.

III. *It is ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place of said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 56–5148; Filed, June 28, 1956; 8:47 a. m.]

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[File No. 24D–1781]

AMARILLA URANIUM, INC.

ORDER TEMPORARILY SUSPENDING EXEMPTION, STATEMENT OF REASONS THEREFOR, AND NOTICE OF OPPORTUNITY FOR HEARING

JUNE 25, 1956.

I. Amarilla Uranium, Inc., a Nevada corporation, 139 North Virginia Street, Reno, Nevada, filed with the Commission on June 13, 1955, a notification on Form 1–A and an offering circular, and subsequently filed an amendment thereto on August 18, 1955, relating to an offering of 3,000,000 shares of 1 cent par value common stock at 10 cents per share for an aggregate of $300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3 (b) thereof and Regulation A promulgated thereunder.

II. The Commission has reasonable cause to believe that:

1. The notification and offering circular are false and misleading in naming Weber Investment Company as the principal underwriter; in omitting to state that Ruth J. Rains was intended to act as the principal underwriter; and in omitting to state that Ruth J. Rains was not registered with the Commission as a broker-dealer.

2. The offering circular is false and misleading in stating, "The Underwriter agrees to use its best efforts to sell such stock directly and through securities dealers registered in Nevada and such other States wherein this offering has been registered and cleared for sale," and in omitting to state that the State of Nevada does not register securities dealers or securities being offered for sale in such State.

3. The offering circular is false and misleading in omitting to state that Weber Investment Company, named as underwriter therein, ceased its underwriting business in July 1955, and withdrew its registration with the Commission as a broker-dealer, effective November 23, 1955.

4. Issuer has failed to file a report on Form 2–A of sales of securities being offered, as required by Rule 224.

III. *It is ordered,* Pursuant to Rule 223 (a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any persons having any interest in the matter may file with the Secretary of the Commission a written request for hearing; that, within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for said hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 56–5149; Filed, June 28, 1956; 8:47 a. m.]

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## DEPARTMENT OF JUSTICE

### Office of Alien Property

[Vesting Order SA–68]

"COSMOS", S. I. N. C., EMIL HERKLE & CO.

In re: Debt owing to "Cosmos", S. I. N. C., Emil Herkle & Company, F–57–1265.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of Axelson Manufacturing Company, P. O. Box 58335, Vernon Station, Los Angeles 58, California arising out of an account payable entitled, "Cosmos, S. I. N. C., Emil Herkle & Company, Bucharest, Rumania," maintained by the aforesaid company, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by "Cosmos", S. I. N. C., Emil Herkle & Company, Bucharest, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to section 205 of said Title II (69 Stat. 562) which provides that:

> Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on June 25, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

[F. R. Doc. 56–5165; Filed, June 28, 1956; 8:51 a. m.]

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[Vesting Order SA–69]

ACIERIES ET DOMAINES DE RESITA S. A.

In re: Debts owing to Acieries et Domaines de Resita S. A., also known as Uzinele de Fier si Domeniile din Resita S. A. F–57–404.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows:

a. That certain debt or other obligation of the Swiss Bank Corporation, New York Agency, 15 Nassau Street, New York 5, New York, arising out of an account entitled, "Acieries et Domaines de Resita S. A. Bucharest, Roumania, No. 50140 Blocked," maintained by the aforesaid corporation, together with any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation of the Swiss Bank Corporation, New York Agency, 15 Nassau Street, New York 5, New York, arising out of an account entitled, "Acieries et Domaines de Resita S. A. Bucharest, Roumania, #50140 Special Account Blocked" maintained by the aforesaid corporation, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Acieries et Domaines de Resita S. A., also known as Uzinele de Fier si Domeniile din Resita S. A., Bucharest, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to Section 205 of said Title II (69 Stat. 562) which provides that:

> Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on June 25, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
*Assistant Attorney General,*
*Director, Office of Alien Property.*

[F. R. Doc. 56–5166; Filed, June 28, 1956; 8:52 a. m.]

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[Vesting Order SA–70]

ACIERIES ET DOMAINES DE RESITA S. A.

In re: Debt owing to Acieries et Domaines de Resita S. A., also known as Uzinele de Fier si Domeniile din Resita S. A. F–57–404.

Under the authority of Title II of the International Claims Settlement Act of 1949, as amended (69 Stat. 562), Executive Order 10644, November 7, 1955 (20 F. R. 8363), Department of Justice Order No. 106–55, November 23, 1955 (20 F. R. 8993), and pursuant to law, after investigation, it is hereby found and determined:

1. That the property described as follows: That certain debt or other obligation of the Iron & Ore Corporation of America, 122 East 42nd Street, New York 17, New York, arising out of an account payable entitled, "Uzinelle de Fier si Domeniile den Resita S. A., Bucharest," maintained by the aforesaid corporation, together with any and all rights to demand, enforce and collect the same,

is property within the United States which was blocked in accordance with Executive Order 8389, as amended, and remained blocked on August 9, 1955, and which is, and as of September 15, 1947, was, owned directly or indirectly by Acieries et Domaines de Resita S. A., also known as Uzinele de Fier si Domeniile din Resita S. A., Bucharest, Rumania, a national of Rumania as defined in said Executive Order 8389, as amended.

2. That the property described herein is not owned directly by a natural person.

There is hereby vested in the Attorney General of the United States the property described above, to be administered, sold, or otherwise liquidated, in accordance with the provisions of Title II of the International Claims Settlement Act of 1949, as amended.

It is hereby required that the property described above be paid, conveyed, transferred, assigned and delivered to or for the account of the Attorney General of the United States in accordance with directions and instructions issued by or for the Assistant Attorney General, Director, Office of Alien Property, Department of Justice.

The foregoing requirement and any supplement thereto shall be deemed instructions or directions issued under Title II of the International Claims Settlement Act of 1949, as amended. Attention is directed to Section 205 of said Title II (69 Stat. 562) which provides that:

> Any payment, conveyance, transfer, assignment, or delivery of property made to the President or his designee pursuant to this title, or any rule, regulation, instruction, or direction issued under this title, shall to the extent thereof be a full acquittance and discharge for all purposes of the obligation of the person making the same; and no person shall be held liable in any court for or in respect of any such payment, conveyance, transfer, assignment, or delivery made in good faith in pursuance of and in reliance on the provisions of this title, or of any rule, regulation, instruction, or direction issued thereunder.

Executed at Washington, D. C., on June 25, 1956.

For the Attorney General.

[SEAL] DALLAS S. TOWNSEND,
*Assistant Attorney General, Director, Office of Alien Property.*

[F. R. Doc. 56-5167; Filed, June 28, 1956; 8:52 a. m.]

## INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATION FOR RELIEF

JUNE 26, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32259: *Scrap or waste paper—southwest to official territory.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on scrap or waste paper, straight or mixed carloads from points in Arkansas, Louisiana, Missouri, New Mexico, Oklahoma, and Texas to points in States in central, trunk-line and New England territories.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Agent Kratzmeir's I. C. C. 4208.

FSA No. 32260: *Scrap or waste paper—McAlester and Tulsa, Okla., to Houston, Tex.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on paper, scrap or waste, carloads, from McAlester and Tulsa, Okla., to Houston, Tex.

Grounds for relief: Circuitous routes.

Tariff: Supplement 94 to Agent Kratzmeir's I. C. C. 4025.

FSA No. 32261: *Sulphate black liquor skimmings—West Monroe, La., to Florida.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on sulphate black liquor skimmings (not acidified or otherwise processed), tank-car loads, from West Monroe, La., to Achan, Agricola, Noralyn, Peace Valley Mine, and Pembroke, Fla.

Grounds for relief: Circuitous routes.

Tariff: Supplement 154 to Agent Kratzmeir's I. C. C. 4087.

FSA No. 32262: *Aluminum billets, etc.—Gregory and Point Comfort, Tex., to Riverdale, Iowa.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on aluminum billets, blooms, ingots, pigs or slabs, carloads, from Gregory and Point Comfort, Tex., to Riverdale, Iowa.

Grounds for relief: Rail competition and circuitous routes.

Tariff: Supplement 205 to Agent Kratzmeir's I. C. C. 4139.

FSA No. 32263: *Calcium carbonate—Missouri to Connecticut, Michigan and Ohio.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on carbonate of calcium, noibn, carloads from Mosher and Ste. Genevieve, Mo., to Clinton, Glenbrook and Groton, Conn., Muskegon, Mich., and West Carrollton, Ohio.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 178 to Agent Hinsch's I. C. C. 4430.

FSA No. 32264: *Chemicals from Charleston, W. Va., industrial district.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on barium sulphate, precipicated (blanc fixe), from Charleston, W. Va., and other points in the Charleston Industrial district to St. Louis, Mo., East St. Louis, Hartford, Hartford (So. Wood River), Roxana and Wood River, Ill.

Grounds for relief: Water competition and circuitous routes.

FSA No. 32265: *Newsprint paper—Alabama and Tennessee to southern points.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on newsprint paper, carloads, also newsprint paper winding cores, old or used, carloads, in reverse direction, from Childersburg, Coosa Pines, and Mobile, Ala., and Calhoun, Tenn., to specified points in states in southern territory.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 48 to Agent Spaninger's I. C. C. 1466.

FSA No. 32266: *Clay from and to points in southern territory.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on clay, kaolin or prophyllite, carloads from specified points in Alabama, Florida, Georgia, North Carolina and South Carolina to specified points in Florida, North Carolina and South Carolina.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 37 to Agent Spaninger's I. C. C. 1491.

FSA No. 32267: *Wallboard—south to western trunk line territory.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on fibreboard or pulpboard or strawboard, or fibreboard, pulpboard, or strawboard combined, make of vegetable or wood fibre, straight or mixed carloads from points in southern territory to points in western trunk-line territory in zones 2, 3 and 4.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 50 to Alternate Agent Marque's I. C. C. No. 427.

By the Commission.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F. R. Doc. 56-5140; Filed, June 28, 1956; 8:46 a. m.]

UNIVERSITY OF MICHIGAN
JUL 3 1956
MAIN READING ROOM

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
# FEDERAL REGISTER
1934
OF THE UNITED STATES
VOLUME 21 NUMBER 127
*Washington, Saturday, June 30, 1956*

## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

GENERAL SERVICES ADMINISTRATION

Effective upon publication in the FEDERAL REGISTER, paragraph (a) (9) is added to § 6.333 as set out below.

§ 6.333 *General Services Administration*—(a) *Office of the Administrator.*

* * *

(9) The Assistant Administrator for Program Planning and Coordination.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
*Executive Assistant.*

[F. R. Doc. 56-5298; Filed, June 29, 1956; 11:39 a. m.]

PART 32—INCENTIVE AWARDS

INTERDEPARTMENTAL AWARDS

Sections 32.402 and 32.403 of Subpart D are amended as set out below.

§ 32.402 *Referrals to other departments.* (a) The head of each department shall establish procedures to insure that an employee contribution originating within his department which may have application in other departments will be made available to those other departments. However, the case will first be given consideration for application throughout the originatfng department.

(b) If the responsibility for decision on an employee contribution clearly rests with only one department, it should be referred by the headquarters of the originating department directly to the other department. A copy of the reply to the originating department that a contribution has been adopted or rejected will be forwarded to the Commission.

(c) If the responsibility for decision on a contribution does not clearly rest with only one department, it should be forwarded to the Commission for appropriate referral. Specific information as to the activities in other departments where it is believed the employee contribution can be used shall accompany the incentive awards file.

§ 32.403 *Awards by benefiting departments other than the employing department.* (a) When the head of a department approves an employee contribution which originated in another department he shall report the fact to the office which referred the contribution (the Commission or the originating department) at the earliest practicable date, and in no event later than six months after it has been referred, except upon prior approval of the Commission. The report of the head of the adopting department shall state the estimated first year net savings, if any, and the intangible benefits, if any, and the award that will be granted under applicable Commission and department regulations. However, when one or more other departments will benefit significantly from the employee contribution so that they should provide a portion of the award, the case will be referred to the Civil Service Commission after adoption with recommendations for additional award consideration.

(b) In cases referred direct from one department to another, the adopting department will make arrangements with the originating department for transfer of funds necessary for any cash award.

(c) In other cases the Commission, on the basis of departmental reports, will determine the total interdepartmental first year net monetary savings and total awards for intangible benefits resulting from the employee contribution, and recommend to each benefiting department (other than the employing department) its proportionate share of the award.

(d) Within 30 days after date of receipt of the Commission's recommendation, the head of each benefiting department shall notify the Commission, in writing, as to the action the department will take on the Commission's recommendation.

(Sec. 302, 68 Stat. 1112; 5 U. S. C. 2121)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
*Executive Assistant.*

[F. R. Doc. 56-5206; Filed, June 29, 1956; 8:49 a. m.]

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FEDERAL REGISTER

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**(As of January 1, 1956)**

The following Supplements are now available:

**Title 6 ($1.75)**

**Title 7: Parts 210–899 (Rev., 1955) with Supplement ($4.50)**

**Title 26 (1954) Parts 1–220 (Rev., 1955) ($2.00)**

**Titles 47 and 48 ($2.25)**

*Previously announced:* Title 3, 1955 Supp. ($2.00); Titles 4 and 5 ($1.00); Title 7: Parts 1–209 ($1.25), Parts 900–959 (Rev., 1955) ($6.00), Part 960 to end (Rev., 1955) with Supplement ($5.85); Title 8 ($0.50); Title 9 ($0.70); Titles 10–13 ($0.70); Title 14: Parts 1–399 ($2.50), Part 400 to end ($1.00); Title 15 ($1.00); Title 16 ($1.25); Title 17 ($0.60); Title 18 ($0.50); Title 19 ($0.50); Title 20 ($1.00); Title 21 (Rev., 1955) ($5.50); Titles 22 and 23 ($1.00); Title 24 ($0.75); Title 25 ($0.50); Title 26: Parts 1–79 ($0.35), Parts 80–169 ($0.50), Parts 170–182 ($0.30), Parts 183–299 ($0.35), Part 300 to end, Ch. I, and Title 27 ($1.00); Titles 28 and 29 ($1.25); Titles 30 and 31 ($1.25); Title 32: Parts 1–399 ($0.60), Parts 400–699 ($0.65), Parts 700–799 ($0.35), Parts 800–1099 ($0.40), Part 1100 to end ($0.35); Title 32A (Rev., 1955) ($1.25); Title 33 ($1.50); Titles 35–37 ($1.00); Title 39 (Rev., 1955) ($4.25); Titles 40–42 ($0.65); Title 43 ($0.50); Title 46: Parts 1–145 ($0.60), Part 146 to end ($1.25); Title 49: Parts 1–70 ($0.60), Parts 71–90 ($1.00), Parts 91–164 ($0.50), Part 165 to end ($0.65)

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# TITLE 6—AGRICULTURAL CREDIT

## Chapter IV—Commodity Stabilization Service and Commodity Credit Corporation, Department of Agriculture

### Subchapter D—Regulations Under Soil Bank Act

### PART 485—SOIL BANK

#### SUBPART—ACREAGE RESERVE PROGRAM

*Correction*

In Federal Register Document 56–4912, published at page 4379 of the issue for Friday, June 22, 1956, the following changes are made in Appendix 1:

1. Under the heading Corn, Pennsylvania, Ferry County should read "Perry".

2. Under the heading Wheat, Nebraska, Harland County should read "Harlan" and Merrill County should read "Morrill".

3. Under the heading Wheat, Pennsylvania, the base unit rate for Westmoreland County should read "1.27".

# TITLE 7—AGRICULTURE

## Chapter I—Agricultural Marketing Service (Standards, Inspections, Marketing Practices), Department of Agriculture

### PART 28—COTTON STANDARDS

### SUBPART A—REGULATIONS

#### REVISED REGULATIONS FOR COTTON LINTERS

On May 24, 1956, a notice of proposed rule making was published in the FEDERAL REGISTER (21 F. R. 3458) regarding proposed revised regulations for licensed classifiers and for the classification of United States Cotton Linters (7 CFR Part 28) pursuant to authority contained in section 6 of the United States Cotton Standards Act, as amended (42 Stat. 1517; 7 U. S. C. 54).

After consideration of all relevant matters presented pursuant to the notice, said regulations are hereby amended as follows, effective July 1, 1957:

1. Section 28.83 is amended to read:

§ 28.83 *Copies of class certificates; retention period; other requirements.* Each licensed classifier shall keep for a period of 1 year in a place accessible to interested persons a copy of each certificate issued by him as a licensed classifier under this subpart. The Administrator may require that a copy of each such certificate be forwarded to a supervising office of the Agricultural Marketing Service immediately after issuance of the certificate.

2. Section 28.85 is amended to read:

§ 28.85 *Supervisory samples and reports.* The Administrator may require each licensed classifier to submit supervisory samples to a supervising office of the Agricultural Marketing Service in accordance with instructions furnished to licensed classifiers from time to time. The Administrator may also require each licensed classifier to make reports on forms furnished by the Agricultural Marketing Service, or otherwise, bearing upon his activities as such licensed classifier.

3. Section 28.92 (h) is amended to read:

(h) A statement in accordance with the facts in each case, either (1) that the classifier has drawn the samples upon which his classification is based, or (2) that the samples were submitted to the classifier by another person, in which case the name and address of such person shall be stated.

4. Section 28.96 is amended to read:

§ 28.96 *Inconsistent classifications.* In the event any licensed classifier or any employee of the Department of Agriculture shall find that any cotton has been inconsistently classified by two or more licensed classifiers, he shall thereupon bring the matter to the attention of the supervising office of the Agricultural Marketing Service, which shall review all the facts obtainable and, if possible, determine the classification of the cotton. The supervising office may examine or requisition such samples of the cotton in question as may be in the hands of such licensed classifiers, or, in the discretion of the supervising officer may request that new samples be drawn, if obtainable. In the event samples are not obtainable, the supervising officer may, if in his judgment sufficient facts are available, decide which of the inconsistent classifications shall be sustained. The records of the licensed cotton classifiers concerned shall be corrected to show the findings of the supervising office.

5. Sections 28.147, 28.148, and 28.149 are re-numbered §§ 28.160, 28.161, and 28.162 respectively.

6. The center heading immediately preceding § 28.136 and §§ 28.136 through 28.146 are deleted and the following substituted therefor:

#### UNITED STATES COTTON LINTERS

§ 28.136 *Applicability of other sections of regulations.* Insofar as applicable, and not inconsistent with §§ 28.136 to 28.152, the provisions of the foregoing subpart relating to cotton shall likewise apply to cotton linters.

§ 28.137 *Boards of cotton linters examiners.* There shall be located at Washington, D. C., and, when necessary in the opinion of the Administrator, at any other point that he shall designate for the purpose, a board of cotton linters examiners. The members of all such boards and the chairman of each shall be designated by the Administrator.

§ 28.138 *Classification and comparison; requests; memorandums and certificates.* For each lot or mark of linters which the applicant desires classified or compared separately he shall make a separate written request specifying which of the following forms of service is desired. Only one request within a 30-day period shall be made by the same owner for the classification or comparison of the same linters, except a request for a review determination. If the applicant desires that the samples be returned to him, at his expense, he must indicate this in the request for classification or comparison. If the return of samples is not requested they shall become the property of the Government and shall be disposed of in accordance with law and applicable regulations.

(a) *Form A determination.* The classification or comparison of samples of linters that have been freshly drawn by a licensed classifier and submitted direct to a Board of Cotton Linters Examiners without classification or further handling by such classifier. Such classification shall be evidenced by a Form A memorandum which shall be subject to review as provided in § 28.146. Composite samples composed of portions of linters drawn from more than one bale are not eligible for Form A determinations.

(b) *Form C determination.* The classification of bales of linters sampled under the supervision of an employee of the Department of Agriculture. The classification in such cases shall be evidenced by a Form C certificate which shall be subject to review as provided in § 28.146. Such certificate when it has been reviewed in accordance with § 28.146 shall be deemed to be a final certificate as to the classification shown, within the meaning of section 4 of the act (42 Stat. 1517; 7 U. S. C. 54).

(c) *Form D determination.* The classification or comparison of samples submitted for other than Form A or Form C determinations. Such classification or comparison shall be evidenced by a Form D memorandum which shall not be subject to review.

§ 28.139 *Filing of requests.* All requests for classification or comparison leading to Form A memoranda, Form D memoranda, or Form C certificates shall

be filed with the secretary of the Board of Cotton Linters Examiners at Washington, D. C., unless otherwise directed by the Administrator.

§ 28.140 *Samples; weight; drawing.* Each sample submitted to a Board of Cotton Linters Examiners shall weigh not less than 8 ounces; shall be wrapped separately; shall contain a coupon or tag showing the bale number or identity of bale from which drawn; and shall be drawn in the following manner:

(a) *Condenser system linters.* Separate portions shall be drawn from three different places in either head of the bale so as to provide as representative sample as possible, each portion to be approximately 6 by 8 inches in size. All portions of the bale sample shall be placed in a single paper sack or wrapper together with an identifying tag stub or other identification. The portions together shall constitute the sample representing one bale.

(b) *Flue and beater system linters.* A sample of not less than 8 ounces, consisting of equal portions drawn from two sides of a bale, or from two shoulders of a bale, shall be drawn.

§ 28.141 *Inspection of bales for special conditions.* A licensed classifier drawing samples for submission to a Board of Cotton Linters Examiners for Form A classification or comparison shall inspect each bale and shall specify on his sampler's certificate accompanying the samples any conditions not fully indicated by the samples.

§ 28.142 *Submission of samples.* All samples submitted to a Board of Cotton Linters Examiners for classification or comparison under this subpart shall be delivered or sent to the secretary of the board with all transportation charges incident thereto prepaid. All samples submitted by a licensed linters classifier for Form A classification must have been freshly drawn by such classifier, must be submitted direct to the board without classification or further handling, and must be accompanied by a sampler's certificate. Such certificate shall be on a form furnished by the Agricultural Marketing Service for this purpose.

§ 28.143 *Method of classification.* The classification of all cotton linters samples shall be in accordance with the official cotton linters standards of the United States and §§ 28.143 to 28.145. The grade, staple, and character of each sample shall be determined and designated separately, together with any special conditions of the sample or bale. The official staple guides (§ 28.152) shall be used in the practical determination of the staple classification of cotton linters.

§ 28.144 *Samples falling between grades or staples.* In classification, a sample which is determined to be between two adjacent grades or between two adjacent staples shall be assigned the lower of the two grades or two staples.

§ 28.145 *Terms defined; linters classification.* For the purposes of classification of any cotton linters or comparison with a type or other samples, the following terms shall be construed, respectively, to mean:

(a) *Grade.* The term grade means the color and trash in cotton linters.

(b) *Staple.* The staple normal for each grade as illustrated in grades 1 through 7 (§§ 28.201 to 28.207) and represented in official staple guides numbered 1 through 7 respectively shall be designated as staples 1, 2, 3, 4, 5, 6, and 7, respectively.

(c) *Character.* The term character means the relative harshness of linters. In linters classification, character shall be described as follows: Soft (symbol S); Average (symbol A); Harsh (symbol H); or Extra Harsh (symbol EH).

(d) *Prime linters.* Prime linters are cotton linters which are equivalent in grade to the official grade standards and do not show evidence of excess trash, physical deterioration, the presence of objectionable odors, or other characteristics which prohibit its description in terms of the official grade standards.

(e) *Off grade linters.* Cotton linters which show evidence of physical deterioration, the presence of objectionable odors, or other characteristics which prohibit its description in terms of the official grade standards shall be designated as "Off Grade," and no specific grade assigned.

(f) *Excess trash.* Cotton linters that contain more trash than is represented in the grades described in §§ 28.201 to 28.208 shall be assigned that grade to which it is equal in color and further described by the term "Excess Trash." Such linters shall not be considered as prime linters.

(g) *Compound grades.* Cotton linters which in grade show a variation equal to that shown in any 2 or 3 adjacent grades of those described in §§ 28.201 to 28.208 shall be designated by the compound name of such grades.

(h) *Compound staples.* Cotton linters which in staple show a variation equal to that shown in any 2 or 3 adjacent staples of those listed in § 28.209 shall be designated by the compound name of such staples.

(i) *Mixed packed grades.* Cotton linters which in grade show a variation greater than that shown in any 3 adjacent grades of those described in §§ 28.201 to 28.208 shall be designated as "Mixed Packed" for grade on classification certificates and memoranda and the grades constituting the mixture shown.

(j) *Mixed-packed staples.* Cotton linters which in staple show a variation greater than that shown in any 3 adjacent staples of those listed in § 28.209 shall be designated as "Mixed Packed" for staple on classification certificates and memoranda and the staples constituting the mixture shown.

(k) *Weak staple.* Cotton linters in which the strength of staple is below that normally found in linters of otherwise comparable staple shall be designated by the term "Weak" and no specific staple assigned.

(l) *Below 7 staple.* Cotton linters which in staple is below that illustrated in Grade 7 (§ 28.207) shall be designated as "Below 7" staple.

(m) *False packed linters.* Linters in a bale (1) containing substances entirely foreign to linters; (2) containing damaged linters in the interior with or without any indication of such damage upon the exterior; (3) composed of good linters upon the exterior and decidedly inferior linters in the interior, in such manner as not to be detected by customary examination; or (4) containing motes, sweepings, or hull fiber worked into the bale.

(n) *Repacked linters.* Linters that are composed of factors', brokers', or other samples, or of loose or miscellaneous lots collected and rebaled, or linters in a bale which is composed of linters from two or more smaller bales or parts of bales.

(o) *Water-packed linters.* Linters in a bale that has been penetrated by water during the baling process, causing damage to the fiber, or a bale that through exposure to the weather or by other means, while apparently dry on the exterior, has been damaged by water in the interior.

§ 28.146 *Reviews.* A review of any Form A or Form C determination may be requested by the owner of the linters from which the sample was drawn, or his agent, within 30 days after the issuance of the original memorandum or certificate. Such request shall be filed with the secretary of the Board of Cotton Linters Examiners at Washington, D. C., and shall be accompanied by the original classification memorandum or certificate if it is in the possession of the applicant. The application shall state the reason for failure to submit such document. Form D determinations are not subject to review.

(a) *Form A and Form C Reviews.* Redrawn samples will be required except in cases where the original samples have remained in the custody of the Board of Cotton Linters Examiners. When redrawn samples are necessary, they shall be drawn and submitted in accordance with the applicable provisions of §§ 28.138, 28.140, 28.141, and 28.142. A Form A memorandum or Form C certificate, as applicable, appropriately marked to indicate that it represents a review determination shall be issued to the applicant requesting the review. The review classification memorandum shall supersede the original classification memorandum.

(b) *Review of licensed classifier's certificate.* In case a review is desired of the classification of any linters represented in a valid certificate issued by a licensed linters classifier, the holder of such certificate shall surrender the same, together with samples of the linters involved, to the Board of Cotton Linters Examiners and receive in its stead a Form D memorandum signed by the chairman of such board. Such Form D memorandum shall be appropriately marked to show it represents a review of a licensed classifier's certificate. The Form D memorandum issued in lieu of the licensed classifier's certificate shall not be subject to further review. The provisions of this paragraph do not prohibit the drawing of new samples and filing of a request with the Board of Cotton Linters Examiners leading to a Form A or Form D memorandum or a Form C certificate.



§ 28.147 *Licensed classifiers.* Subject to the applicable terms and conditions of §§ 28.76 to 28.96, any person may, upon presentation of evidence of competency, be licensed to grade or classify linters, and to certificate the grade or class thereof in accordance with the official cotton linters standards of the United States.

(a) *Class certificates; form; mailing to board.* Each class certificate issued by a licensed linters classifier under this subpart shall be on a form furnished by the Department of Agriculture. A copy of each certificate shall be mailed to the Board of Cotton Linters Examiners at Washington, D. C., within 3 days after issuance.

(b) *Supervisory samples.* Some samples from each lot or mark of samples on which a licensed linters classifier issues a certificate under this subpart shall be sent to the Board of Cotton Linters Examiners for supervisory purposes. Such supervisory samples shall be submitted to the board in accordance with instructions furnished licensees by the Department of Agriculture from time to time.

§ 28.148 *Fees and costs; classification; reviews; other.* The fee for the classification, comparison, or review of linters with respect to grade, staple, and character, or any of these qualities, shall be at the rate of 20 cents for each bale or sample involved. The provisions of §§ 28.118 to 28.135 relating to other fees and costs shall, so far as applicable, apply to services performed with respect to linters.

§ 28.149 *Fees and costs; supervision of sampling.* For the supervision of sampling of bales of linters leading to a Form C certificate pursuant to § 28.138 (b), the person making the request for classification shall pay, in addition to the classification fee prescribed in § 28.148, the necessary traveling expenses and subsistence, or per diem in lieu of subsistence, incurred on account of such request, in accordance with the fiscal regulations of the Department of Agriculture, by the Department employee supervising the sampling.

§ 28.150 *Fee; licenses; renewals.* The fee for the examination of an applicant for a license to classify linters shall be $10. No additional charge shall be made for the issuance of a license to an applicant found to be properly qualified. The fee for each renewal of such license shall be $5.

§ 28.151 *Cost of practical forms; period effective.* Practical forms of the official cotton linters standards of the United States will be furnished to any person subject to the applicable terms and conditions specified in § 28.115, and upon prepayment of the costs thereof: *Provided,* That no practical form of any of the official cotton linters standards of the United States shall be considered as representing any of said standards after the date of its cancellation in accordance with this subpart, or, in any event, after the expiration of 12 months following the date of its certification. The costs of the official standards shall be at the rate of $5 each, f. o. b., Washington, D. C., for shipments within the continental United States, and $6.50 each, delivered to destination, for shipments outside the continental United States.

§ 28.152 *Official staple guides.* An actual sample of linters illustrating the staples as embraced in each of the grades 1 through 7 (§§ 28.201 to 28.207) shall be made available, to the extent that facilities permit, to purchasers of practical forms of the official standards, at the rate of $1 each, f. o. b., Washington, D. C., for shipments within the continental United States, and $1.50 each, delivered to destination, for shipments outside the continental United States.

The revised regulations will implement the revised official linters standards which become effective July 1, 1956. The Department announced in the notice of proposed rule making (21 F. R. 3458) the intention of making the revised regulations effective July 1, 1956. The provisions of the revised regulations were discussed at a meeting with the linters industry in Washington on June 4 and 5 and later at public meetings held at central points throughout the United States. The regulations will impose no hardship on affected persons and in order to be of maximum benefit should be made effective on July 1, 1956. For these reasons good cause exists for making the revised regulations effective on July 1, 1956.

(Sec. 10, 42 Stat. 1519; 7 U. S. C. 61. Interpret or apply sec. 4, 42 Stat. 1517; 7 U. S. C. 54)

Done at Washington, D. C., this 27th day of June 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator,*
*Agricultural Marketing Service.*

[F. R. Doc. 56-5197; Filed, June 29, 1956; 8:48 a. m.]

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## PART 28—COTTON STANDARDS

### SUBPART B—STANDARDS

### REVISION OF OFFICIAL STAPLE STANDARDS FOR UNITED STATES COTTON LINTERS

On June 19, 1956, a notice of proposed rule making was published in the FEDERAL REGISTER (21 F. R. 4293) concerning a proposed revision of the official staple standards for United States cotton linters (7 CFR 28.209, as amended), pursuant to authority contained in the United States Cotton Standards Act, as amended (42 Stat. 1517; 7 U. S. C. 51 et seq.)

After consideration of all relevant matters presented pursuant to said notice, the regulations governing cotton linters standards (7 CFR Part 28) are hereby amended, effective July 1, 1957, as follows:

1. Change the undesignated center head immediately preceding § 28.201 (as amended 20 F. R. 4615) to read "Official Cotton Linters Standards Of The United States For Grade."

2. Delete § 28.209 (as amended 20 F. R. 4617) and substitute the following:

#### OFFICIAL COTTON LINTERS STANDARDS OF UNITED STATES FOR STAPLE

§ 28.215 *Staple 1.* Staple 1 shall be United States cotton linters which in staple is within the range represented by a quantity of cotton linters in the custody of the United States Department of Agriculture marked "Original Official Cotton Linters Standard of the United States, Staple 1, effective July 1, 1957."

§ 28.216 *Staple 2.* Staple 2 shall be United States cotton linters which in staple is within the range represented by a quantity of cotton linters in the custody of the United States Department of Agriculture marked "Original Official Cotton Linters Standard of the United States, Staple 2, effective July 1, 1957."

§ 28.217 *Staple 3.* Staple 3 shall be United States cotton linters which in staple is within the range represented by a quantity of cotton linters in the custody of the United States Department of Agriculture marked "Original Official Cotton Linters Standard of the United States, Staple 3, effective July 1, 1957."

§ 28.218 *Staple 4.* Staple 4 shall be United States cotton linters which in staple is within the range represented by a quantity of cotton linters in the custody of the United States Department of Agriculture marked "Original Official Cotton Linters Standard of the United States, Staple 4, effective July 1, 1957."

§ 28.219 *Staple 5.* Staple 5 shall be United States cotton linters which in staple is within the range represented by a quantity of cotton linters in the custody of the United States Department of Agriculture marked "Original Official Cotton Linters Standard of the United States, Staple 5, effective July 1, 1957."

§ 28.220 *Staple 6.* Staple 6 shall be United States cotton linters which in staple is within the range represented by a quantity of cotton linters in the custody of the United States Department of Agriculture marked "Original Official Cotton Linters Standard of the United States, Staple 6, effective July 1, 1957."

§ 28.221 *Staple 7.* Staple 7 shall be United States cotton linters which in staple is within the range represented by a quantity of cotton linters in the custody of the United States Department of Agriculture marked "Original Official Cotton Linters Standard of the United States, Staple 7, effective July 1, 1957."

4. Add new § 28.222 to read as follows:

§ 28.222 *Below 7 Staple.* Cotton linters which in staple is below staple 7 will be designated as "Below 7" staple.

(Sec. 10, 42 Stat. 1519; 7 U. S. C. 61. Interpret or apply sec. 6, 42 Stat. 1518; 7 U. S. C. 56)

Done at Washington, D. C. this 27th day of June 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator,*
*Agricultural Marketing Service.*

[F. R. Doc. 56-5249; Filed, June 29, 1956; 8:55 a. m.]

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

SUBPART—UNITED STATES STANDARDS FOR SHELLED RUNNER TYPE PEANUTS [1]

On April 18, 1956, a notice of proposed rule making was published in the FEDERAL REGISTER (21 F. R. 2529) regarding a proposed revision of United States Standards for Shelled Runner Type Peanuts.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Shelled Runner Type Peanuts are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

GRADES

Sec.
51.2710 U. S. No. 1 Runner.
51.2711 U. S. Runner Splits.
51.2712 U. S. No. 2 Runner.

APPLICATION OF TOLERANCES

51.2713 Application of tolerances.

DEFINITIONS

51.2714 Similar varietal characteristics.
51.2715 Whole.
51.2716 Split.
51.2717 Broken.
51.2718 Foreign material.
51.2719 Unshelled.
51.2720 Minor defects.
51.2721 Damage.

AUTHORITY: §§ 51.2710 to 51.2721 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

GRADES

§ 51.2710 *U. S. No. 1 Runner.* "U. S. No. 1 Runner" consists of shelled Runner type peanut kernels of similar varietal characteristics which are whole and free from foreign material, damage and minor defects, and which will not pass through a screen having 15/64 x 3/4 inch openings.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 1 percent for other varieties of peanuts;

(2) 2 percent for sound peanuts which are split or broken;

(3) 1.5 percent for damaged or unshelled peanuts;

(4) 0.5 percent for minor defects: *Provided,* That in addition, any unused part of the tolerance for damaged or unshelled peanuts shall be allowed for minor defects;

(5) 0.1 percent for foreign material; and,

(6) 2 percent for sound whole peanuts which will pass through the prescribed screen.

§ 51.2711 *U. S. Runner Splits.* "U. S. Runner Splits" consists of shelled Runner type peanut kernels of similar varietal characteristics which are split or broken, but which are free from foreign material, damage and minor defects, and which will not pass through a screen having 17/64 inch round openings.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 2 percent for other varieties of peanuts;

(2) 2 percent for damaged or unshelled peanuts and minor defects;

(3) 0.2 percent for foreign material;

(4) 2 percent for sound portions of peanuts which will pass through the prescribed screen; and,

(5) 4 percent for sound whole peanuts.

§ 51.2712 *U. S. No. 2 Runner.* "U. S. No. 2 Runner" consists of shelled Runner type peanut kernels of similar varietal characteristics which may be split or broken, but which are free from foreign material, damage and minor defects, and which will not pass through a screen having 17/64 inch round openings.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 2 percent for other varieties of peanuts;

(2) 2.5 percent for damaged or unshelled peanuts and minor defects;

(3) 0.2 percent for foreign material; and,

(4) 6 percent for sound peanuts and portions of peanuts which will pass through the prescribed screen.

APPLICATION OF TOLERANCES

§ 51.2713 *Application of tolerances.* The tolerances provided in these standards are on a lot basis and shall be applied to a composite sample representative of the lot. However, any container or group of containers in which the peanuts are obviously of a quality materially different from that in the majority of containers shall be considered a separate lot, and shall be sampled separately.

DEFINITIONS

§ 51.2714 *Similar varietal characteristics.* "Similar varietal characteristics" means that the peanut kernels in the lot are not of distinctly different varieties. For example, Spanish type shall not be mixed with Runners.

§ 51.2715 *Whole.* "Whole" means that the peanut kernel is not split or broken.

§ 51.2716 *Split.* "Split" means the separated half of a peanut kernel.

§ 51.2717 *Broken.* "Broken" means that more than one-fourth of the peanut kernel is broken off.

§ 51.2718 *Foreign material.* "Foreign material" means pieces or loose particles of any substance other than peanut kernels or skins.

§ 51.2719 *Unshelled.* "Unshelled" means a peanut kernel with part or all of the hull (shell) attached.

§ 51.2720 *Minor defects.* "Minor defects" means that the peanut kernel is not damaged but is affected by one or more of the following:

(a) Skin discoloration which is dark brown, dark gray, dark blue or black and covers more than one-fourth of the surface;

(b) Flesh discoloration which is darker than a light yellow color or consists of more than as light yellow pitting of the flesh;

(c) Sprout extending more than one-eighth of an inch from the tip of the kernel; and,

(d) Dirt when the surface of the kernel is distinctly dirty, and its appearance is materially affected.

§ 51.2721 *Damage.* "Damage" means that the peanut kernel is affected by one or more of the following:

(a) Rancidity or decay;

(b) Mold;

(c) Insects, worm cuts, web or frass;

(d) Freezing injury causing hard, translucent or discolored flesh; and

(e) Dirt when the surface of the kernel is heavily smeared, thickly flecked or coated with dirt, seriously affecting its appearance.

The United States Standards for Shelled Runner Type Peanuts contained in this subpart shall become effective 30 days after publication hereof in the FEDERAL REGISTER, and will thereupon supersede the United States Standards for Shelled Runner Peanuts which have been in effect since September 3, 1946.

Dated: June 27, 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator,*
*Marketing Service.*

[F. R. Doc. 56-5190; Filed, June 29, 1956; 8:46 a. m.]

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

SUBPART—UNITED STATES STANDARDS FOR SHELLED SPANISH TYPE PEANUTS [1]

On April 18, 1956, a notice of proposed rule making was published in the FEDERAL REGISTER (21 F. R. 2530) regarding a proposed revision of United States Standards for Shelled Spanish Type Peanuts.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Shelled Spanish Type Peanuts are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

GRADES

Sec.
51.2730 U. S. No. 1 Spanish.
51.2731 U. S. Spanish Splits.
51.2732 U. S. No. 2 Spanish.

APPLICATION OF TOLERANCES

51.2733 Application of tolerances.

DEFINITIONS

51.2734 Similar varietal characteristics.
51.2735 Whole.
51.2736 Split.
51.2737 Broken.
51.2738 Foreign material.
51.2739 Unshelled.
51.2740 Minor defects.
51.2741 Damage.

AUTHORITY: §§ 51.2730 to 51.2741 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

GRADES

§ 51.2730 *U. S. No. 1 Spanish.* "U. S. No. 1 Spanish" consists of shelled Spanish type peanut kernels of similar varietal characteristics which are whole and free from foreign material, damage and minor defects, and which will not pass through a screen having 15/64 x 3/4 inch openings.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 1 percent for other varieties of peanuts;

(2) 2 percent for sound peanuts which are split or broken;

(3) 0.75 percent for damaged or unshelled peanuts;

(4) 0.5 percent for minor defects: *Provided,* That in addition, any unused part of the tolerance for damaged or unshelled peanuts shall be allowed for minor defects;

(5) 0.1 percent for foreign material; and,

(6) 2 percent for sound whole peanuts which will pass through the prescribed screen.

§ 51.2731 *U. S. Spanish Splits.* "U. S. Spanish Splits" consists of shelled Spanish type peanut kernels of similar varietal characteristics which are split or broken, but which are free from foreign material, damage and minor defects, and which will not pass through a screen having 17/64 inch round openings.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 2 percent for other varieties of peanuts;

(2) 2 percent for damaged or unshelled peanuts and minor defects;

(3) 0.2 percent for foreign material;

(4) 2 percent for sound portions of peanuts which will pass through the prescribed screen; and,

(5) 4 percent for sound whole kernels.

§ 51.2732 *U. S. No. 2 Spanish.* "U. S. No. 2 Spanish" consists of shelled Spanish type peanut kernels of similar varietal characteristics which may be split or broken, but which are free from foreign material, damage and minor defects, and which will not pass through a screen having 17/64 inch round openings.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 2 percent for other varieties of peanuts;

(2) 2.5 percent for damaged or unshelled peanuts and minor defects;

(3) 0.2 percent for foreign material; and,

(4) 6 percent for sound peanuts and portions of peanuts which will pass through the prescribed screen.

APPLICATION OF TOLERANCES

§ 51.2733 *Application of tolerances.* The tolerances provided in these standards are on a lot basis and shall be applied to a composite sample representative of the lot. However, any container or group of containers in which the peanuts are obviously of a quality materially different from that in the majority of containers shall be considered a separate lot, and shall be sampled separately.

DEFINITIONS

§ 51.2734 *Similar varietal characteristics.* "Similar varietal characteristics" means that the peanut kernels in the lot are not of distinctly different varieties. For example, Runner type shall not be mixed with Spanish, and White Spanish shall not be mixed with Red Spanish.

§ 51.2735 *Whole.* "Whole" means that the peanut kernel is not split or broken.

§ 51.2736 *Split.* "Split" means the separated half of a peanut kernel.

§ 51.2737 *Broken.* "Broken" means that more than one-fourth of the peanut kernel is broken off.

§ 51.2738 *Foreign material.* "Foreign material" means pieces or loose particles of any substance other than peanut kernels or skins.

§ 51.2739 *Unshelled.* "Unshelled" means a peanut kernel with part or all of the hull (shell) attached.

§ 51.2740 *Minor defects.* "Minor defects" means that the peanut kernel is not damaged but is affected by one or more of the following:

(a) Skin discoloration which is dark brown, dark gray, dark blue or black and covers more than one-fourth of the surface;

(b) Flesh discoloration which is darker than a light yellow color or consists of more than a slight yellow pitting of the flesh;

(c) Sprout extending more than one-eighth of an inch from the tip of the kernel; and,

(d) Dirt when the surface of the kernel is distinctly dirty, and its appearance is materially affected.

§ 51.2741 *Damage.* "Damage" means that the peanut kernel is affected by one or more of the following:

(a) Rancidity or decay;

(b) Mold;

(c) Insects, worm cuts, web or frass;

(d) Freezing injury causing hard, translucent or discolored flesh; and,

(e) Dirt when the surface of the kernel is heavily smeared, thickly flecked or coated with dirt, seriously affecting its appearance.

The United States Standards for Shelled Spanish Type Peanuts contained in this subpart shall become effective 30 days after publication hereof in the FEDERAL REGISTER, and will thereupon supersede the United States Standards for Shelled White Spanish Peanuts which have been in effect since September 1, 1939.

Dated: June 27, 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator,*
*Marketing Services.*

[F. R. Doc. 56-5191; Filed, June 29, 1956; 8:47 a. m.]

PART 51—FRESH FRUITS, VEGETABLES AND OTHER PRODUCTS (INSPECTION, CERTIFICATION AND STANDARDS)

SUBPART—UNITED STATES STANDARDS FOR SHELLED VIRGINIA TYPE PEANUTS [1]

On April 18, 1956, a notice of proposed rule making was published in the FEDERAL REGISTER (21 F. R. 2531) regarding a proposed revision of United States Standards for Shelled Virginia Type Peanuts.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice, the following United States Standards for Shelled Virginia Type Peanuts are hereby promulgated pursuant to the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087 et seq., as amended; 7 U. S. C. 1621 et seq.).

GRADES

Sec.
51.2750 U. S. Extra Large Virginia.
51.2751 U. S. Medium Virginia.
51.2752 U. S. No. 1 Virginia.
51.2753 U. S. Virginia Splits.
51.2754 U. S. No. 2 Virginia.

APPLICATION OF TOLERANCES

51.2755 Application of tolerances.

DEFINITIONS

51.2756 Similar varietal characteristics.
51.2757 Whole.
51.2758 Split.
51.2759 Broken.
51.2760 Foreign material.
51.2761 Unshelled.
51.2762 Minor defects.
51.2763 Damage.

AUTHORITY: §§ 51.2750 to 51.2763 issued under sec. 205, 60 Stat. 1090, as amended; 7 U. S. C. 1624.

GRADES

§ 51.2750 *U. S. Extra Large Virginia.* "U. S. Extra Large Virginia" consists of shelled Virginia type peanut kernels of similar varietal characteristics which are whole and free from foreign material, damage and minor defects, and which will not pass through a screen having 20/64 x 1 inch openings. Unless otherwise specified, the peanuts in any lot shall average not more than 512 per pound.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 0.75 percent for other varieties of peanuts;

(2) 2 percent for sound peanuts which are split or broken;

(3) 1 percent for damaged or unshelled peanuts;

(4) 0.75 percent for minor defects: *Provided,* That in addition, any unused part of the tolerance for damaged or unshelled peanuts shall be allowed for minor defects;

(5) 0.1 percent for foreign material; and,

(6) 2 percent for sound whole peanuts which will pass through the prescribed screen.

[1] Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

§ 51.2751 *U. S. Medium Virginia.* "U. S. Medium Virginia" consists of shelled Virginia type peanut kernels of similar varietal characteristics which are whole and free from foreign material, damage and minor defects, and which will not pass through a screen having $^{18}/_{64}$ x 1 inch openings. Unless otherwise specified, the peanuts in any lot shall average not more than 640 per pound.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 1 percent for other varieties of peanuts;

(2) 2 percent for sound peanuts which are split or broken;

(3) 1.25 percent for damaged or unshelled peanuts;

(4) 0.75 percent for minor defects: *Provided*, That in addition, any unused part of the tolerance for damaged or unshelled peanuts shall be allowed for minor defects;

(5) 0.1 percent for foreign material; and,

(6) 2 percent for sound whole peanuts which will pass through the prescribed screen.

§ 51.2752 *U. S. No. 1 Virginia.* "U. S. No. 1 Virginia" consists of shelled Virginia type peanut kernels of similar varietal characteristics which are whole and free from foreign material, damage and minor defects, and which will not pass through a screen having $^{15}/_{64}$ x 1 inch openings. Unless otherwise specified, the peanuts in any lot shall average not more than 800 per pound.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 1 percent for other varieties of peanuts;

(2) 2 percent for sound peanuts which are split or broken;

(3) 1.25 percent for damaged or unshelled peanuts;

(4) 0.75 percent for minor defects: *Provided*, That in addition, any unused part of the tolerance for damaged or unshelled peanuts shall be allowed for minor defects;

(5) 0.1 percent for foreign material; and,

(6) 2 percent for sound whole peanuts which will pass through the prescribed screen.

§ 51.2753 *U. S. Virginia Splits.* "U. S. Virginia Splits" consists of shelled Virginia type peanut kernels of similar varietal characteristics which are free from foreign material, damage and minor defects, and which will not pass through a screen having $^{20}/_{64}$ inch round openings. Not less than 90 percent, by weight, shall be splits.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 2 percent for other varieties of peanuts;

(2) 2 percent for damaged or unshelled peanuts and minor defects;

(3) 0.2 percent for foreign material; and,



(4) 3 percent for sound peanuts and portions of peanuts which will pass through the prescribed screen.

§ 51.2754 *U. S. No. 2 Virginia.* "U. S. No. 2 Virginia" consists of shelled Virginia type peanut kernels of similar varietal characteristics which are free from foreign material, damage and minor defects, and which will not pass through a screen having $^{18}/_{64}$ inch round openings. Not less than 25 percent, by weight, shall be splits.

(a) In order to allow for variations incident to proper grading and handling, the following tolerances, by weight, shall be permitted:

(1) 2 percent for other varieties of peanuts;

(2) 2.5 percent for damaged or unshelled peanuts and minor defects;

(3) 0.2 percent for foreign material; and,

(4) 6 percent for sound peanuts and portions of peanuts which will pass through the prescribed screen.

APPLICATION OF TOLERANCES

§ 51.2755 *Application of tolerances.* The tolerances provided in these standards are on a lot basis and shall be applied to a composite sample representative of the lot. However, any container or group of containers in which the peanuts are obviously of a quality materially different from that in the majority of containers shall be considered a separate lot, and shall be sampled separately.

DEFINITIONS

§ 51.2756 *Similar varietal characteristics.* "Similar varietal characteristics" means that the peanut kernels in the lot are not of distinctly different varieties. For example, Spanish type shall not be mixed with Virginia.

§ 51.2757 *Whole.* "Whole" means that the peanut kernel is not split or broken.

§ 51.2758 *Split.* "Split" means the separated half of a peanut kernel.

§ 51.2759 *Broken.* "Broken" means that more than one-fourth of the peanut kernel is broken off.

§ 51.2760 *Foreign material.* "Foreign material" means pieces or loose particles of any substance other than peanut kernels or skins.

§ 51.2761 *Unshelled.* "Unshelled" means a peanut kernel with part or all of the hull (shell) attached.

§ 51.2762 *Minor defect.* "Minor defects" means that the peanut kernel is not damaged but is affected by one or more of the following:

(a) Skin discoloration which is dark brown, dark gray, dark blue or black and covers more than one-fourth of the surface;

(b) Flesh discoloration which is darker then a light yellow color or consists of more than a slight yellow pitting of the flesh;

(c) Sprout extending more than one-eighth of an inch from the tip of the kernel; and,

(d) Dirt when the surface of the kernel is distinctly dirty, and its appearance is materially affected.

§ 51.2763 *Damage.* "Damage" means that the peanut kernel is affected by one or more of the following:

(a) Rancidity or decay;

(b) Mold;

(c) Insects, worm cuts, web or frass;

(d) Freezing injury causing hard, translucent or discolored flesh; and,

(e) Dirt when the surface of the kernel is heavily smeared, thickly flecked or coated with dirt, seriously affecting its appearance.

The United States Standards for Shelled Virginia Type Peanuts contained in this subpart shall become effective 30 days after publication hereof in the FEDERAL REGISTER, and will thereupon supersede the United States Standards for Shelled Virginia Type Peanuts which have been in effect since November 1, 1939.

Dated: June 27, 1956.

[SEAL] ROY W. LENNARTSON,
*Deputy Administrator,*
*Marketing Services.*

[F. R. Doc. 56-5192; Filed, June 29, 1956; 8:47 a. m.]

## Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Valencia Orange Reg. 75]

### PART 922—VALENCIA ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 922.375 *Valencia Orange Regulation 75*—(a) *Findings.* (1) Pursuant to the marketing agreement and Order No. 22, as amended (7 CFR Part 922; 21 F. R. 4392), regulating the handling of Valencia oranges grown in Arizona and designated part of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendations and information submitted by the Valencia Orange Administrative Committee, established under the said order, and upon other available information, it is hereby found that the limitation of handling of such Valencia oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. The Valencia Orange Administrative Committee held an open meeting on June 28, 1956, after giving due notice thereof, to consider supply and market conditions for Valencia oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such Valencia oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date hereof.

(b) *Order.* (1) The quantity of Valencia oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. S. t., July 1, 1956, and ending at 12:01 a. m., P. S. t., July 8, 1956, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 646,800 cartons;

(iii) District 3: Unlimited movement.

(2) All Valencia oranges handled during the period specified in this section are subject also to all applicable size restrictions which are in effect pursuant to this part during such period.

(3) As used in this section, "handled," "handler," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in said marketing agreement and order, as amended.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 29, 1956.

[SEAL] S. R. SMITH,
*Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-5293; Filed, June 29, 1956; 11:50 a. m.]

### PART 927—MILK IN NEW YORK METROPOLITAN MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED

§ 927.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and of each of the previously issued amendments thereto; and all of the said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing, was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area, as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supplies of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary, in the public interest, to make this order amending the order, as amended, effective on July 1, 1956. An effective date other than as of the first day of a month is administratively impracticable. The provisions of the said order are well known to handlers, having been included in the decision published in the FEDERAL REGISTER on June 20, 1956 (21 F. R. 4317). The changes effected by this order amending the order, as amended, do not require substantial or extensive preparation by persons affected prior to its effective date. In view of the foregoing, it is hereby found and determined that good cause exists for making this order amending the order, as amended, effective July 1, 1956.

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended, which is marketed within the New York metropolitan milk marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (April 1956), were engaged in the production of milk for sale in the said marketing area.

*It is therefore ordered,* That for the month of July 1956, the handling of milk in the New York metropolitan milk marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as heretofore amended and as hereby further amended as follows:

1. Amend paragraph (a) of § 927.40 by adding a proviso as follows: "*Provided further,* That the Class I–A price for July 1956 shall be $5.22."

2. Amend paragraph (f) of § 927.40 as follows:

a. Amend the opening sentence to read as follows: "For Class III milk, the price shall be the sum of the amounts computed or determined pursuant to subparagraphs (1), (2), and (3) of this paragraph, minus 80 cents."

b. Add a new subparagraph (3) as follows:

(3) Determine the appropriate seasonal adjustment in accordance with the following table:

| Month to which the price is applicable: | Amount |
|---|---|
| July through November | $0.13 |
| December through February | .10 |
| March and April | .08 |
| May and June | .05 |

3. Amend § 927.43 as follows:

a. Change the words just prior to the first proviso from "four cents per pound of butterfat in such milk" to "four cents per pound of butterfat in such milk in the months of March through June and three cents per pound of butterfat in such milk in the months of July through February:".

b. Delete the first proviso.

c. Amend the second proviso to read: "*Provided,* That for milk received from producers during any of the months of March through July which is classified on the basis of one of the types of cheese named in this section, the amount so credited shall be increased one-cent per pound of butterfat for each full five-hundredths by which the ratio of 2.5 is lower than a ratio computed as follows: Add to the New York 92-score butter price for the month announced pursuant to § 927.46 (b) (5) the amount obtained by multiplying by 1.83 the weighted nonfat dry milk solids price for the period ending with the 25th day of the month as announced pursuant to § 927.46 (b) (7); divide this sum by the price of Cheddar cheese for the month as announced pursuant to § 927.46 (b) (8) and round the result to the nearest hundredth."

4. Amend § 927.44 prior to the first colon to read as follows:

§ 927.44 *Fluid skim differential.* For skim milk derived from Class II or Class III milk which skim milk enters the

marketing area in the form of milk, fluid skim milk, condensed skim milk, half and half, cream, or cultured milk drinks and there utilized or disposed of in the form of milk, fluid skim milk, half and half, or cultured milk drinks containing 3.0 percent or more but not more than 5.0 percent of butterfat, and for all other skim milk derived from Class II or Class III milk which is not established to have been otherwise utilized or disposed of, the handler shall pay a fluid skim differential per hundredweight computed as follows: • • •

(Sec. 5, 49 Stat. 753, as amended, 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 27th day of June 1956 to be effective July 1, 1956.

[SEAL] TRUE D. MORSE, *Acting Secretary.*

[F. R. Doc. 56-5234; Filed, June 29, 1956; 8:55 a. m.]

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[Lemon Reg. 648]

## PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

### LIMITATION OF SHIPMENTS

§ 953.755 *Lemon regulation 648*—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 20 F. R. 8451; 21 F. R. 4393), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions hereof effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on June 27, 1956, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time thereof.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., July 1, 1956, and ending at 12:01 a. m., P. s. t., July 8, 1956, is hereby fixed as follows:

(i) District 1: Unlimited movement;

(ii) District 2: 372,000 cartons;

(iii) District 3: Unlimited movement.

(2) As used in this section, "handled," "District 1," "District 2," "District 3," and "carton" have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Dated: June 28, 1956.

[SEAL] S. R. SMITH, *Director, Fruit and Vegetable Division, Agricultural Marketing Service.*

[F. R. Doc. 56-5270; Filed, June 29, 1956; 8:56 a. m.]

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## PART 978—MILK IN NASHVILLE, TENN., MARKETING AREA

### ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING OF MILK


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978.0 Findings and determinations.

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AUTHORITY: §§ 978.0 to 978.111 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and sup. 608c.

§ 978.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of



marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and certain proposed amendments to the order, as amended, regulating the handling of milk in the Nashville, Tennessee, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which hearings have been held;

(b) *Additional findings.* It is hereby found and determined that good cause exists for making this order amending the order, as amended, effective July 1, 1956. Such action is necessary in the public interest in order to reflect current marketing conditions and to insure the production of an adequate supply of milk for the Nashville marketing area.

(1) The changes effected by this order amending the order, as amended, do not require of persons affected substantial or extensive changes prior to the effective date. The provisions of the said order are well known to handlers, the public hearing having been held on September 22–23, 1955, the recommended decision having been published in the FEDERAL REGISTER (21 F. R. 2188) on April 5, 1956 and the final decision having been issued by the Acting Secretary on June 22, 1956. Therefore, reasonable time, under the circumstances, has been afforded persons affected to prepare for its effective date and it would be contrary to the public interest to delay the effective date of this amendment for 30 days after its publication in the FEDERAL REGISTER.

(2) In view of the foregoing, it is hereby found that good cause exists for making this order amending the order, as amended, effective July 1, 1956 (section 4 (c), Administrative Procedure Act, 5 U. S. C. 1003 (c)).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, amending the order, as amended) of more than 50 percent of the volume of milk covered by this order, amending the order, as amended, which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

1. The refusal of failure of such handlers to sign said marketing agreement tend to prevent the effectuation of the declared policy of the act;

2. This issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

3. The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (September 1955), were engaged in the production of milk for sale in the said marketing area.

*Order relative to handling.* It is therefore ordered, that on and after the effective date hereof the handling of milk in the Nashville, Tennessee, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

### DEFINITIONS

§ 978.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 978.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 978.3 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency as may be authorized by act of Congress, or by Executive order, to perform the price reporting functions of the United States Department of Agriculture.

§ 978.4 *Person.* "Person" means any individual, partnership, corporation, association, or other business unit.

§ 978.5 *Nashville, Tennessee, marketing area.* "Nashville, Tennessee, marketing area", hereinafter called the "marketing area", means all the territory within the boundaries of Davidson County, Tennessee, including, but not limited to, the cities of Nashville and Belle Meade.

§ 978.6 *Cooperative association.* "Cooperative association" means any cooperative marketing association of producers which the Secretary determines to be qualified pursuant to the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act", and is authorized by its members to make collective sales or to market milk or its products for the producers thereof.

§ 978.7 *Producer-handler.* "Producer-handler" means any person who produces Grade A milk under a dairy farm inspection permit issued by any duly constituted health authority, and who processes milk from his own production, all or a portion of which is distributed within the marketing area as Class I milk, but who receives no milk from producers.

§ 978.8 *Fluid milk plant.* "Fluid milk plant" means all the premises, buildings and facilities of any milk receiving, processing or packaging plant from which plant:

(a) Any fluid milk product is disposed of during the month on routes (including routes operated by vendors, and sales through plant stores) to retail or wholesale outlets (except fluid milk plants) in the marketing area;

(b) Grade A milk or skim milk is shipped during the month for any of the months of January through August to a plant (except any portion thereof from which no fluid milk product may be disposed of under a Grade A label) specified under paragraph (a) of this section; or

(c) Grade A milk or skim milk equal to more than 70,000 pounds is shipped during the month for any of the months of September through December to plants (except any portions of such plants from which no fluid milk product may be disposed of under a Grade A label) specified under paragraph (a) of this section.

§ 978.9 *Nonfluid milk plant.* "Nonfluid milk plant" means any milk manufacturing, processing, or packaging plant other than a fluid milk plant described in § 978.8.

§ 978.10 *Handler.* "Handler" means (a) any person in his capacity as the operator of one or more fluid milk plants, or (b) any cooperative association of producers with respect to producer milk diverted by it from a fluid milk plant to a nonfluid milk plant for the account of such association.

§ 978.11 *Producer.* "Producer" means any person, except a producer-handler, who produces milk in compliance with the Grade A inspection requirements of a duly constituted health authority which milk is received at a fluid milk plant: *Provided,* That if such milk is diverted for his account, by a handler from a fluid milk plant to any other milk plant any day during the months of March through August, or on not more than 10 days during any other month, the milk so diverted shall be deemed to have been received by the diverting handler at a fluid milk plant at the location of the plant from which it was diverted.

§ 978.12 *Producer milk.* "Producer milk" means only that skim milk or butterfat contained in milk (a) received at a fluid milk plant directly from producers, or (b) diverted from a fluid milk plant to a nonfluid milk plant (except a nonfluid milk plant which is fully subject to the pricing provisions of another order issued pursuant to the act) in accordance with the provisions of § 978.11.

§ 978.13 *Fluid milk product.* "Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk

drinks, yogurt, cream or any mixture in fluid form of milk, skim milk and cream (except sterilized products packaged in hermetically sealed containers, eggnog, ice cream mix and aerated cream).

§ 978.14 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in: (a) Receipts during the month of fluid milk products except (1) fluid milk products received from other fluid milk plants, or (2) producer milk; and (b) products, other than fluid milk products, from any source (including those from a plant's own production), which are reprocessed or converted to another product in the fluid milk plant during the month.

§ 978.15 *Base milk.* "Base milk" means milk received at fluid milk plants from a producer during any of the months specified in § 978.72 for the computation of base and excess prices, which is not in excess of such producer's daily average base computed pursuant to § 978.60, multiplied by the number of days in such month.

§ 978.16 *Excess milk.* "Excess milk" means milk received at fluid milk plants from a producer during any of the months specified in § 978.72 for computation of base and excess prices, which is in excess of the base milk of such producer for such month, and shall include all milk received during such months from a producer for whom no daily average base can be computed pursuant to § 978.60.

MARKET ADMINISTRATOR

§ 978.20 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by and shall be subject to removal at the discretion of, the Secretary.

§ 978.21 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary, complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

§ 978.22 *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

(a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary, a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by § 978.85, (1) the cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses (except those incurred under § 978.86) necessarily incurred by him in the maintenance and functioning of his office, and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this part, and, upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly disclose to handlers and producers, at his discretion, the name of any person who, within 5 days after the day upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 978.30 and 978.31, or (2) payments pursuant to §§ 978.80, 978.85 and 978.87;

(g) Submit his books and records to examination by the Secretary, and furnish such information and reports as may be required by the Secretary;

(h) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information concerning the operation of this part;

(i) Verify all reports and payments by each handler by audit, if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and

(j) On or before the date specified, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate the following: (1) The 6th day of each month, the Class II price and the Class II butterfat differential, both for the preceding month; and (2) the 5th day of each month, the Class I price, and the Class I butterfat differential, both for the current month; and (3) the 10th day after the end of each month, the uniform price(s) for each handler, computed pursuant to § 978.71 or § 978.72, and the producer butterfat differential for the preceding month.

REPORTS, RECORDS AND FACILITIES

§ 978.30 *Reports of receipts and utilization.* On or before the 6th day after the end of each month each handler, except a producer-handler, shall report for each of his fluid milk plants for such month, to the market administrator in the detail and on forms prescribed by the market administrator:

(a) The quantities of skim milk and butterfat contained in receipts of producer milk;

(b) The quantities of skim milk and butterfat contained in fluid milk products received from other fluid milk plants;

(c) The quantities of skim milk and butterfat contained in other source milk;

(d) Inventories of fluid milk products on hand at the beginning and end of the month; and

(e) The utilization of all skim milk and butterfat required to be reported pursuant to this section.

§ 978.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may request.

(b) Each handler, except a producer-handler, shall report to the market administrator, in the detail and on forms prescribed by the market administrator, as follows:

(1) On or before the 6th day after the end of each month for each producer from whom milk was received (i) his name and address, (ii) the total pounds and butterfat content of milk received from such producer during the month, (iii) his total pounds of base milk and his total pounds of excess milk for the month, and (iv) the amount of any deductions authorized in writing by such producer to be made from payments due for milk delivered;

(2) On or before the 21st day of each month, the name and address of each producer from whom milk was received during the first 15 days of such month, and the pounds of milk so received during said period from such producer; and

(3) On or before the first day in any month during which other source milk is received in the form of fluid milk products, his intention to receive such milk, and on or before the last day such milk is received, his intention to discontinue such receipts.

§ 978.32 *Records and facilities.* Each handler shall keep adequate records of receipts and utilization of skim milk and butterfat and shall, during the usual hours of business, make available to the market administrator, or his representative, such records and facilities as will enable the market administrator to (a) verify the receipts and utilization of all skim milk and butterfat and, in case of errors or omissions, ascertain the correct figures; (b) weigh, sample and test for butterfat content all milk and milk products handled; (c) verify deductions authorized by producers and the disbursement of moneys so deducted; and (d) make such examinations of operations, equipment, and facilities as the market administrator deems necessary.

§ 978.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation, or when the records are no longer necessary in connection therewith.



CLASSIFICATION OF MILK

§ 978.40 *Skim milk and butterfat to be classified.* The skim milk and butterfat to be reported for fluid milk plants pursuant to § 978.30 shall be classified each month by the market administrator, pursuant to the provisions of §§ 978.41 through 978.45.

§ 978.41 *Classes of utilization.* Subject to the conditions set forth in §§ 978.42 through 978.45, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat (1) disposed of in the form of fluid milk products, except those classified pursuant to paragraph (b) (3) of this section, and (2) not specifically accounted for as Class II milk.

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used to produce any products other than fluid milk products; (2) contained in inventories of fluid milk products on hand at the end of the month; (3) disposed of and used for livestock feed; and (4) in shrinkage not to exceed 3 percent respectively of the skim milk and butterfat contained in producer milk (except that diverted pursuant to § 978.11) and other source milk: *Provided*, That if shrinkage of skim milk or butterfat is less than 3 percent of such amounts, it shall be assigned pro rata, respectively, to the skim milk and butterfat contained in such producer milk and other source milk.

§ 978.42 *Responsibility of handlers.* All skim milk and butterfat to be classified pursuant to this part shall be classified as Class I milk unless the handler who first receives such skim milk and butterfat establishes to the satisfaction of the market administrator that it should be classified as Class II milk.

§ 978.43 *Transfers.* (a) Skim milk and butterfat transferred to the fluid milk plant of another handler (except a producer-handler) in the form of fluid milk products shall be classified as Class I milk unless the operators of both plants claim utilization thereof in Class II milk in their reports submitted pursuant to § 978.30: *Provided*, That the skim milk or butterfat so assigned to Class II milk for any month shall be limited to the amount thereof remaining in Class II milk in the fluid milk plant(s) of the transferee for such month after the subtraction of other source milk pursuant to § 978.45, and any additional amounts of such skim milk or butterfat shall be assigned to Class I milk.

(b) Skim milk and butterfat transferred to the plant of a producer-handler in the form of fluid milk products, shall be classified as Class I milk.

(c) Skim milk and butterfat transferred or diverted in bulk form as milk, skim milk or cream to a nonfluid milk plant located less than 100 miles from the State Capitol at Nashville, Tennessee, by the shortest hard-surfaced highway distance, as determined by the market administrator, shall be classified as Class I milk unless (1) the transferring or diverting handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 978.30, for the month within which such transaction occurred, (2) the operator of the nonfluid milk plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, and (3) not less than an equivalent amount of skim milk and butterfat was actually utilized in the nonfluid milk plant in the use indicated in such report: *Provided*, That if it is found that an equivalent amount of skim milk and butterfat was not actually used in such plant during the month in such indicated use the pounds transferred in excess of such actual use shall be classified as Class I milk.

(d) Skim milk and butterfat transferred in bulk form as cream to a nonfluid milk plant located 100 miles or more from the State Capitol in Nashville, Tennessee, by the shortest hard-surfaced highway distance, as determined by the market administrator, shall be classified as Class I milk unless (1) the transferring handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 978.30, (2) such cream is disposed of and used as other than Grade A under a Grade A certification or label, (3) the handler attaches tags or labels to each container of such cream bearing the words "for manufacturing uses only", (4) the handler gives the market administrator sufficient notice to allow him to verify or inspect such shipment, and (5) the operator of the nonfluid milk plant maintains books and records showing the utilization of all skim milk and butterfat at such plant, which are made available if requested by the market administrator for the purpose of verification.

§ 978.44 *Computation of skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and other obvious errors the reports of each handler submitted pursuant to § 978.30 and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk in the fluid milk plant(s) of such handler.

§ 978.45 *Allocation of skim milk and butterfat classified.* After making the computations pursuant to § 978.44, the market administrator shall determine the classification of producer milk for each handler as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II milk the pounds of skim milk in producer milk classified pursuant to § 978.41 (b) (4);

(2) Subtract from the remaining pounds of skim milk in Class II milk the pounds of skim milk in other source milk: *Provided*, That if the pounds of skim milk in other source milk are greater than the remaining pounds of skim milk in Class II milk, an amount equal to the excess shall be subtracted from the pounds of skim milk in Class I milk;

(3) Subtract from the remaining pounds of skim milk in Class II milk the pounds of skim milk contained in inventory of fluid milk products on hand at the beginning of the month: *Provided*, That if the pounds of skim milk in such inventory are greater than the remaining pounds of skim milk in Class II milk, an amount equal to the excess shall be subtracted from the pounds of skim milk in Class I milk;

(4) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk transferred from the fluid milk plants of other handlers in the form of fluid milk products according to the classification thereof as determined pursuant to § 978.43 (a);

(5) Add to the remaining pounds of skim milk in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

(6) If the remaining pounds of skim milk in both classes exceed the pounds of skim milk contained in producer milk, subtract such excess from the remaining pounds of skim milk in series beginning with Class II milk. Any amount so subtracted shall be known as "overage".

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section; and

(c) Add the pounds of skim milk and the pounds of butterfat allocated to producer milk in each class, pursuant to paragraphs (a) and (b) of this section, and determine the percentage of butterfat in each class.

MINIMUM PRICES

§ 978.50 *Basic formula price.* The basic formula price shall be the highest of the prices per hundredweight for milk of 4.0 percent butterfat content computed pursuant to paragraphs (a), (b), (c), or (d) of this section, rounded to the nearest whole cent.

(a) To the average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following milk plants for which prices have been reported to the market administrator or to the Department of Agriculture on or before the 5th day after the end of the month:

*Location and Present Operator*

Borden Company, Mount Pleasant, Mich.
Borden Company, New London, Wis.
Borden Company, Orfordville, Wis.
Carnation Company, Oconomowoc, Wis.
Carnation Company, Richland Center, Wis.
Carnation Company, Sparta, Mich.
Pet Milk Company, Bellsville, Wis.
Pet Milk Company, Coopersville, Mich.
Pet Milk Company, Hudson, Mich.
Pet Milk Company, New Glarus, Wis.
Pet Milk Company, Wayland, Mich.
White House Milk Company, Manitowoc, Wis.
White House Milk Company, West Bend, Wis.

add an amount computed by multiplying the butterfat differential computed pursuant to § 978.82, by 5.

(b) The price per hundredweight obtained by adding any plus amounts obtained pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiplying by 4.0 the average as computed by the market administrator of the daily wholesale selling prices (using the midpoint of any price range as

one price) of 92-score bulk creamery butter per pound at Chicago, as reported by the Department of Agriculture during the month, and add 20 percent thereof;

(2) From the weighted average of the carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department of Agriculture, subtract 5 cents and multiply by 7.5.

(c) The average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 4.0 percent butterfat content received from farmers during the month at the following milk plants for which prices have been reported to the market administrator or to the Department of Agriculture on or before the 6th day after the end of the month:

*Location and present operator*

Cudahy Packing Company, Lafayette, Tenn.
Carnation Company, Murfreesboro, Tenn.
Kraft Foods Company, Gallatin, Tenn.
Kraft Foods Company, Pulaski, Tenn.
Borden Company, Fayetteville, Tenn.
Borden Company, Lewisburg, Tenn.
Lakeshire-Marty Cheese Company, Carthage, Tenn.
Sumner County Cooperative Creamery, Gallatin, Tenn.
Swift & Company, Lawrenceburg, Tenn.
Wilson & Company, Murfreesboro, Tenn.

(d) The price per hundredweight computed as follows:

(1) Multiply by 6 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the month;

(2) Add 2.4 times the average of the weekly prevailing price per pound of "Twins" during the month on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided*, That if the price of "Twins" is not quoted on such Exchange, the weekly prevailing price per pound of "Cheddars" shall be used; and

(3) Divide by 7, add 30 percent thereof, and then multiply by 4.

§ 978.51 *Class prices.* Subject to the provisions of §§ 978.52 and 978.53, the class prices per hundredweight for the month shall be as follows:

(a) *Class I milk price.* The Class I milk price shall be the basic formula price for the preceding month, plus $1.40 during the months of September through February, and plus $1.10 during all other months, plus or minus a supply-demand adjustment calculated for each month as follows: *Provided*, That any fluid milk plant which, during the second preceding month, did not dispose of at least an average of 1,000 pounds of fluid milk products per day on routes (including routes operated by vendors and sales through plant stores) to retail or wholesale outlets in the marketing area shall not be included in the supply-demand computation:

(1) For each month calculate a utilization ratio as follows:

(i) Calculate a utilization percentage by dividing the total hundredweight of producer milk of all fluid milk plants during the twelve-month period ending with the beginning of the preceding month by the net hundredweight of Class I milk disposed of from all fluid milk plants during the same period, and multiply the result by 100,

(ii) Add or subtract, respectively, any amount by which the percentage computed pursuant to subdivision (i) of this subparagraph is greater or less than a comparable utilization percentage calculated using the twelve-month period ending with the beginning of the fourth preceding month, and

(iii) The resultant figure rounded to the nearest whole percentage shall be known as the utilization ratio.

(2) For each percentage by which the utilization ratio calculated for the month pursuant to subparagraph (1) of this paragraph exceeds 130, subtract from, or for each percentage by which it is less than 125, add to, the Class I price, 1 cent.

(3) The price for Class I milk otherwise computed pursuant to this section shall be increased 46 cents from May 1956 through June 1956 and 26 cents for the month of July 1956.

(b) *Class II milk price.* The Class II milk price shall be the price determined pursuant to § 978.50 (c) plus 15 cents during the months of February through August, and plus 25 cents during all other months: *Provided*, That in no case shall such price exceed the basic formula price.

§ 978.52 *Butterfat differentials to handlers.* For milk containing more or less than 4.0 percent butterfat, the class prices for the month calculated pursuant to § 978.51 shall be increased or decreased, respectively, for each one-tenth percent variation in butterfat content at the appropriate rate determined as follows:

(a) *Class I price.* Multiply by 0.12 the average of the daily wholesale prices (using the midpoint of any price range as one price) of 92-score bulk creamery butter per pound at Chicago, as reported by the Department of Agriculture during the previous month, and round to the nearest one-tenth cent.

(b) *Class II price.* Multiply by 0.115 the average of the daily wholesale prices (using the midpoint of any price range as one price) of 92-score bulk creamery butter per pound at Chicago, as reported by the Department of Agriculture during the month, and round to the nearest one-tenth cent.

§ 978.53 *Location differentials to handlers.* For that milk which is received from producers at a fluid milk plant located outside the marketing area and 50 miles or more from the State Capitol, Nashville, Tennessee, by shortest hard-surfaced highway distance, as determined by the market administrator, and which is transferred to another fluid milk plant in the form of fluid milk products and assigned to Class I milk pursuant to the proviso of this section, or otherwise classified as Class I milk, the price specified in § 978.51 (a) shall be reduced at the rate set forth in the following schedule according to the location of the fluid milk plant where such milk is received from producers:

| Distance from the State Capitol, Nashville, Tenn., (miles): | *Rate per hundredweight (cents)* |
|---|---|
| 50 but not more than 60 | 10.0 |
| For each additional 10 miles or fraction thereof an additional | 1.5 |

*Provided*, That for purpose of calculating such location differential, fluid milk products which are transferred between fluid milk plants shall be assigned to any remainder of Class II milk in the plant to which transferred after making the calculations prescribed in § 978.45 (a) (1), (2) and (3), and the comparable steps in § 978.45 (b) for such plant, such assignment to the plant from which transferred to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

DETERMINATION OF BASE

§ 978.60 *Computation of daily average base for each producer.* Subject to the rules set forth in § 978.61, the daily average base for each producer shall be an amount calculated by dividing the total pounds of producer milk received from such producer at all fluid milk plants during the months of August through January immediately preceding, by the number of days from the first day of delivery by such producer during such months to the last day of January, inclusive, or by 120, whichever is more, except that bases computed for payments to producers in base-operating months of 1956 and 1957 shall be computed by dividing the pounds of producer milk received from the producer in the months of September through February immediately preceding, by the number of days from the first day of delivery by such producer during such months to the last day of February, inclusive, or by 120, whichever is more.

§ 978.61 *Base rules.* The following rules shall apply in connection with the establishment and assignment of bases:

(a) Subject to the provisions of paragraph (b) of this section, the market administrator shall assign a base as calculated pursuant to § 978.60 to each person for whose account producer milk was delivered to fluid milk plants during the months specified in § 978.60 for computation of base.

(b) An entire base or any portion thereof shall be transferred from a person holding such base to any other person, effective as of the end of any month during which an application for such transfer is received by the market administrator, such application to be on forms approved by the market administrator, and signed by the baseholder, or his heirs, and by the person to whom such base is to be transferred: *Provided*, That if a base is held jointly, the entire base or any portion thereof shall be transferrable only upon the receipt of such application signed by all joint holders or their heirs.

§ 978.62 *Announcement of established bases.* On or before February 25 of each year, the market administrator shall notify each producer and the handler receiving milk from such producer of the daily average base established by such producer, except that such announcement in 1957 shall be on or before March 25.



DETERMINATION OF UNIFORM PRICES

§ 978.70 *Net obligation of handlers.* The net obligation of each handler for producer milk received at his fluid milk plant(s) each month shall be a sum of money computed by the market administrator as follows: (a) Multiply the total pounds of such milk in each class by the applicable class price; (b) add together the resulting amounts; (c) add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 978.45 (a) (6) and (b) by the applicable class price; and (d) add the amount computed by multiplying the difference between the appropriate Class II price for the preceding month and the appropriate Class I price for the current month by the hundredweight of skim milk and butterfat in Class II milk after making the calculations for such handler pursuant to § 978.45 (a) (4) and (b) for the preceding month, or by the hundredweight of milk subtracted from Class I milk pursuant to § 978.45 (a) (3) and (b) for the current month, whichever is less.

§ 978.71 *Computation of uniform prices for handlers.* For each month, except those months specified in § 978.72 for the computation of base and excess prices, the market administrator shall compute a uniform price for the producer milk received by each handler as follows:

(a) Add to the amount computed for such handler pursuant to § 978.70, the sum of the location differential deductions to be made pursuant to § 978.82 (b);

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk received by such handler is less or more, respectively, than 4.0 percent, an amount computed by multiplying such difference by the butterfat differential to producers, and multiplying the result by the total hundredweight of his producer milk;

(c) Add the amount remaining in the reserve fund for such handler;

(d) Divide the resulting amount by the total hundredweight of producer milk received by such handler; and

(e) Subtract not less than 4 cents nor more than 5 cents. The resulting figure shall be known as the uniform price for such handler for milk of 4.0 percent butterfat content, f. o. b. marketing area.

§ 978.72 *Computation of the uniform price for base milk and for excess milk for handlers.* For each of the months of March 1956 through August 1956, and March 1957 through July 1957, and for each of the months of February through July in subsequent years, the market administrator shall compute for each handler, with respect to his producer milk, a uniform price for base milk and for excess milk as follows:

(a) Add to the amount computed for such handler pursuant to § 978.70, the sum of the location differential deductions to be made pursuant to § 978.82 (b);

(b) Add or subtract for each one-tenth percent that the average butterfat content of producer milk received by such handler is less or more, respectively, than 4.0 percent, an amount computed by multiplying such difference by the butterfat differential to producers, and multiplying the result by the total hundredweight of his producer milk;

(c) Add the amount remaining in the reserve fund for such handler;

(d) Compute the value of excess milk on a 4.0 percent basis in the producer milk of such handler by multiplying the hundredweight of such milk not in excess of the total quantity of the Class II milk of such handler by the price for Class II milk of 4.0 percent butterfat content, multiplying the hundredweight of such milk in excess of the total quantity of such Class II milk of such handler by the price for Class I milk of 4.0 percent butterfat content and adding together resulting amounts;

(e) Divide the total value of excess milk obtained in paragraph (d) of this section by the total hundredweight of such milk and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 4.0 percent butterfat content f. o. b. marketing area;

*Provided*, That such excess price shall not exceed the uniform price for base milk computed pursuant to paragraph (g) of this section. Any additional value remaining shall be prorated on a volume basis between excess and base milk.

(f) Subtract the value of excess milk determined by multiplying the uniform price obtained in paragraph (e) of this section, times the hundredweight of such excess milk from the total value of producer milk determined according to the calculations in paragraph (a) through (c) of this section; and

(g) Divide the amount obtained in paragraph (f) of this section by the total hundredweight of base milk in the producer milk of such handler and subtract not less than 4 cents nor more than 5 cents. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat content f. o. b. marketing area.

§ 978.73 *Notification of handlers.* On or before the 10th day after the end of each month, the market administrator shall mail to each handler, at his last known address, a statement showing:

(a) The amount of his producer milk allocated to each class;

(b) The calculation of such handler's net obligation pursuant to § 978.70;

(c) The uniform price(s) computed for such handler pursuant to §§ 978.71 and 978.72 and the producer butterfat differential computed pursuant to § 978.82 (a); and

(d) The amounts to be paid by such handler pursuant to §§ 978.80, 978.85 and 978.87.

PAYMENTS

§ 978.80 *Payments to market administrator.* (a) On or before the 25th day of each month each handler shall pay to the market administrator for deposit into the reserve fund for such handler a sum of money calculated by multiplying the hundredweight of producer milk received by him during the first 15 days of such month by the Class II price for the preceding month.

(b) On or before the 12th day after the end of each month, each handler shall pay to the market administrator for deposit into the handler's reserve fund an amount of money equal to such handler's net obligation for such month as determined pursuant to § 978.70 less payments made pursuant to paragraph (a) of this section for such month and less proper deductions authorized in writing by producers from whom such handler received milk.

§ 978.81 *Payments to producers.* (a) On or before the last day of each month, the market administrator shall make payment to each producer for milk received from such producer during the first 15 days of such month by handlers from whom the appropriate payments have been received pursuant to § 978.80 (a) at not less than the Class II price per hundredweight for the preceding month.

(b) On or before the 15th day after the end of each month, the market administrator shall make payment to each producer for milk received from such producer during the month by each handler from whom the appropriate payments have been received pursuant to § 978.80 (b), such payments by the market administrator to be at not less than the uniform price computed pursuant to § 978.71 for such handler for the months for which such uniform prices are computed, and such payments to be for base and excess milk at not less than the uniform base and excess prices, respectively, computed pursuant to § 978.72 for such handler for the months for which such base and excess prices are computed, subject to the following adjustments: (1) Butterfat and location differentials pursuant to § 978.82, (2) less payments made pursuant to paragraph (a) of this section, (3) less marketing service deductions pursuant to § 978.86, (4) less proper deductions authorized in writing by the producer, and (5) adjusted for any error in calculating payment to such individual producer for past months: *Provided*, That if the market administrator has not received full payment from any handler for such month, pursuant to § 978.80, he shall reduce uniformly per hundredweight his payments due such handler's producers for milk received by such handler by a total amount not in excess of the amount due from such handler: *Provided further*, That the market administrator shall make such balance of payment to such producers on or before the next date for making payments pursuant to this paragraph following that on which such balance of payment is received from such handler.

(c) In making payments to producers pursuant to paragraphs (a) and (b) of this section the market administrator shall pay, on or before the second day prior to the date payments are due to individual producers, to a cooperative association which is authorized to collect payment for milk of its members and from which a written request for such payment has been received, a total

amount equal to, but not less than, the sum of the individual payments otherwise payable to such producers pursuant to this section.

§ 978.82 *Butterfat and location differentials to producers.* (a) The applicable uniform prices to be paid each producer pursuant to § 978.81 (b) shall be increased or decreased for each one-tenth of one percent which the average butterfat content of his milk is above or below 4.0 percent, respectively, at the rate determined by multiplying the average of the daily wholesale prices per pound of 92-score butter in the Chicago market as reported by the Department of Agriculture during the month in which the milk was received by 0.12 and adjusting to the nearest even one-tenth of a cent.

(b) In making payment to producers pursuant to § 978.81 (b), the applicable uniform prices to be paid for producer milk received at a fluid milk plant located 50 miles or more from the State Capitol, Nashville, Tennessee, by the shortest hard-surfaced highway distance as determined by the market administrator, shall be reduced according to the location of the fluid milk plant where such milk was received at the following rate:

| Distance from the State Capitol, Nashville, Tenn., (miles): | *Rate per hundredweight (cents)* |
|---|---|
| 50 but not more than 60 | 10.0 |
| For each additional 10 miles or fraction thereof an additional | 1.5 |

§ 978.83 *Statement to producers.* In making payments required by § 978.81 (b), the market administrator shall furnish each producer or cooperative association with a supporting statement in such form that it may be retained by the producer or cooperative association which shall show:

(a) The month and the identity of the handler and of the producer;

(b) The total pounds and the average butterfat content of milk delivered by the producer, including, for the months in which base and excess prices apply, the pounds of base and excess milk;

(c) The minimum rate or rates at which payment to the producer or cooperative association is required under the provisions of §§ 978.81 and 978.82;

(d) The amount or the rate per hundredweight of each deduction claimed by the handler including any deduction made pursuant to § 978.86, together with a description of the respective deductions; and

(e) The net amount of payment to the producer or cooperative association.

§ 978.84 *Reserve funds.* The market administrator shall maintain for each handler a reserve fund into which he shall deposit the appropriate payments made by such handler pursuant to §§ 978.80 and 978.87, and out of which he shall make the appropriate payments required for such handler pursuant to §§ 978.81 and 978.87.

§ 978.85 *Expense of administration.* As his pro rata share of this part, each handler shall pay to the market administrator, on or before the 15th day after the end of each month, 4 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to receipts, during the month, of (a) producer milk (including such handler's own production), and (b) other source milk allocated to Class I milk pursuant to § 978.45.

§ 978.86 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, the market administrator, in making payments to producers pursuant to § 978.81, shall deduct an amount not exceeding 6 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to milk received by a handler(s) from producers during the month. Such moneys shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association. Such services shall be performed in whole or in part by the market administrator or an agent engaged by and responsible to him.

(b) In the case of producers who are members of a cooperative association which the Secretary determines is performing the services specified in paragraph (a) of this section for its members, the market administrator shall, in lieu of the deductions provided in paragraph (a) of this section, make such deductions as are authorized by such producers, and on or before the 15th day after the end of each month, pay the money so deducted to such cooperative association.

§ 978.87 *Adjustment of accounts.* Whenever audit by the market administrator of any handler's reports, books, records or accounts or other verification discloses errors, resulting in money due the market administrator from such handler, or due such handler from the market administrator, the market administrator shall promptly notify such handler of any amount so due and payment thereof shall be made on or before the next date for making payments set forth in the provisions under which such error occurred.

§ 978.88 *Termination of obligations.* The provisions of this section shall apply to any obligation under this part for the payment of money irrespective of when such obligation arose, except an obligation involved in an action instituted before March 1, 1950, under section 8c (15) (A) of the Act or before a court.

(a) The obligation of any handler to pay money required to be paid under the terms of this part, shall except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligations, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain but need not be limited to the following information:

(1) The amount of the obligation;

(2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representatives all books and records required by this part to be made available, the market administrator may within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an an underpayment is claimed or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

APPLICATION OF PROVISIONS

§ 978.90 *Producer-handlers.* Sections 978.40 through 978.45, 978.50 through 978.53, 978.60 through 978.62, 978.70 through 978.73, and 978.80 through 978.87 shall not apply to a producer-handler.

§ 978.91 *Plants subject to other Federal orders.* A plant specified in paragraph (a) or (b) of this section shall be treated as a nonfluid milk plant except that the operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require (in lieu of the reports required pursuant to § 978.30), and allow verification of such reports by the market administrator.

(a) Any plant qualified pursuant to § 978.8 (a) which would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the act, unless a greater volume of Class I milk is disposed of from such plant to retail or wholesale outlets (except fluid milk plants) in the Nashville marketing area than in the marketing area regulated pursuant to such other order.

(b) Any plant qualified pursuant to § 978.8 (b) or (c) which would be subject to the classification and pricing provisions of another order issued pursuant to the act, unless such plant qualified as a fluid milk plant pursuant to § 978.8 (c) for each of the preceding months of September through December.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 978.100 *Effective time.* The provisions of this part or any amendments to this part shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 978.101 *Suspension or termination.* The Secretary shall suspend or terminate any or all of the provisions of this part, whenever he finds that it obstructs or does not tend to effectuate the declared policy of the Act. This part shall, in any event, terminate whenever the provisions of the Act authorizing it cease to be in effect.

§ 978.102 *Continuing power and duty of the market administrator.* (a) If, upon the suspension or termination of any or all of the provisions of this part, there are any obligations arising under this part, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided,* That any such acts required to be performed by the market administrator, shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(b) The market administrator, or such other person as the Secretary may designate, shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand, together with the books and records of the market administrator, or such person, to such person as the Secretary shall direct; and (3) if so directed by the Secretary execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 978.103 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this part, the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this part, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator, or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 978.110 *Separability of provisions.* If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

§ 978.111 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

Issued at Washington, D. C., this 26th day of June 1956, to be effective on and after July 1, 1956.

[SEAL] TRUE D. MORSE,
*Acting Secretary.*

[F. R. Doc. 56-5194; Filed, June 29, 1956; 8:47 a. m.]

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## PART 992—IRISH POTATOES GROWN IN WASHINGTON

LIMITATION OF SHIPMENTS

§ 992.311 *Limitation of shipments—*(a) *Findings.* (1) Pursuant to Marketing Agreement No. 113 and Order No. 92 (7 CFR Part 992), regulating the handling of Irish potatoes grown in the State of Washington, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the State of Washington Potato Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the limitations of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this section, (iii) compliance with this section will not require any preparation on the part of handlers which cannot be completed by the effective date, (iv) a reasonable time is permitted under the circumstances, for such preparation, and (v) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

(b) *Order.* (1) During the period from July 2, 1956, through May 31, 1957, no handler shall ship potatoes of any variety unless such potatoes are "fairly clean" and (i) if they are of the round varieties (including, but not limited to, Kennebec, Irish Cobbler, Bliss Triumph, and Pontiac varieties), such potatoes meet the requirements of the U. S. No. 2 or better grade, 1⅞ inches minimum diameter, and (ii) if they are of the long varieties, (including, but not limited to, White Rose, Russet Burbank, and Early Gem varieties), such potatoes meet the requirements of the U. S. No. 2 or better grade, 2 inches minimum diameter or 4 ounces minimum weight, as such terms are defined in the United State Standards for Potatoes (§§ 51.1540 to 51.1559 of this title), including the tolerances set forth therein.

(2) During the period from July 2, 1956, through May 31, 1957, and subject to the requirements set forth in subparagraph (1) of this paragraph no handler shall ship (i) any lot of potatoes of the round varieties (including, but not limited to, Kennebec, Irish Cobbler, Bliss Triumph, and Pontiac varieties) if more than 20 percent of the potatoes in such lot have more than one-half of the skin missing or "feathered," as such terms are used in the said United States Standards, (ii) any lot of potatoes of the White Rose variety if more than 35 percent of the potatoes in such lot have more than one-half of the skin missing or "feathered," as such terms are used in the said United States Standards, or (iii) any lot of potatoes of the Netted Gem varieties (including, but not limited to Russet Burbank and Early Gem varieties) if such potatoes are more than "moderately skinned" as such term is defined in the said United States Standards which means that not more than 10 percent of such potatoes have more than one-half of the skin missing or "feathered."

(3) Pursuant to § 992.49, each handler may make one shipment of not in excess of five hundredweight per week without regard to the limitations set forth in subparagraphs (1) and (2) of this paragraph and §§ 992.41 and 992.53.

(4) The limitations set forth in subparagraphs (1) and (2) of this paragraph shall not be applicable to shipments of potatoes for any of the following purposes: (i) Export; (ii) distribution by the Federal Government, distribution by relief agencies, or consumption by charitable institutions; (iii) manufacture or conversion into starch, flour, alcohol, dehydrated products, canned products, frozen products, or potato chips; (iv) livestock feed; or (v) certified seed potatoes.

(5) Each handler making shipments of potatoes (except shipments of certified seed potatoes) pursuant to subparagraph (4) of this paragraph shall (i) pursuant to § 992.120 first apply to the committee for and obtain a Certificate

of Privilege permitting the proposed shipments (except shipments for distribution by the Federal Government); (ii) pay assessments on such shipments pursuant to § 992.41 (except shipments for livestock feed and starch); (iii) have such shipments (except shipments for livestock feed and starch) inspected pursuant to § 992.53; and (iv) for each shipment (except shipments for livestock feed and starch) furnish the committee with the applicant handler's certification and the buyer's certification that the potatoes to be handled under the Cerificate of Privilege are to be used for the purpose stated: *Provided*, That the buyer agrees in his certification to make periodic reports to the committee showing the date of each shipment received under a Certificate of Privilege, the quantity (in hundredweight) of potatoes received, and the inspection certificate number when applicable and the rail car or truck license number.

(6) Terms used in Marketing Agreement No. 113 and Order No. 92 shall, when used in this section, have the same meaning as when used in said agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup 608c)

Done at Washington, D. C. this 26th day of June 1956, to become effective July 2, 1956.

[SEAL] S. R. SMITH,
*Director,*
*Fruit and Vegetable Division.*

[F. R. Doc. 56-5193; Filed, June 29, 1956; 8:47 a. m.]

# TITLE 14—CIVIL AVIATION

## Chapter I—Civil Aeronautics Board

### Subchapter A—Civil Air Regulations

### PART 18—MAINTENANCE, REPAIR, AND ALTERATION OF AIRFRAMES, POWERPLANTS, PROPELLERS, AND APPLIANCES

Because of the number of outstanding amendments to Part 18, it has been decided to issue a revision of this part incorporating all amendments thereto in effect on July 17, 1956. Attention is called also to the following minor changes which have been made:

(1) All definitions in § 18.1 have been arranged alphabetically, without subsection numbers. Also, minor editorial changes have been made in some of the definitions for the purpose of obtaining uniformity in language or clarification of intent.

(2) All footnotes have been changed to notes and follow the sections to which they apply.

Since the changes effected by this revision are minor in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary and the revised part may be made effective on less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby revises Part 18 of the Civil Air Regulations (14 CFR Part 18, as amended) as attached hereto, effective on July 17, 1956.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
*Secretary.*

APPLICABILITY AND DEFINITIONS

Sec.
18.0 Applicability of this part.
18.1 Definitions.

GENERAL

18.10 Persons authorized to perform maintenance, preventive maintenance, repairs, and alterations.
18.11 Persons authorized to approve maintenance, repairs, and alterations.
18.12 Persons authorized to perform and approve one-hundred-hour, periodic, and progressive inspections.
18.13 Aircraft operating limitations.

MAINTENANCE, REPAIR, AND ALTERATION RECORDS

18.20 Required records and entries.
18.21 Content of repair and alteration records.
18.22 Form and disposition of major repair or major alteration records.
18.23 Form and disposition of periodic and progressive inspection records.
18.24 Provisions for air carrier records.

PERFORMANCE RULES

18.30 Standard of performance; general.

AUTHORITY: §§ 18.0 to 18.30 issued under sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended, sec. 605, 52 Stat. 1010; 49 U. S. C. 551, 554.

APPLICABILITY AND DEFINITIONS

§ 18.0 *Applicability of this part.* This part establishes rules for the performance of maintenance, repair, and alteration of aircraft for which airworthiness certificates have been issued by the Administrator, or any component thereof.

NOTE: The Administrator publishes Civil Aeronautics Manual 18 which lists operations considered to be maintenance, preventive maintenance, minor and major repairs and alterations, and progressive and 100-hour inspections, and sets forth acceptable procedures, methods, and practices under the provisions of this part. This manual may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

§ 18.1 *Definitions.* As used in this part terms are defined as follows:

*Aircraft.* An aircraft is any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air, including airframe, powerplant, propeller, and appliances.

*Aircraft engine.* An aircraft engine is an engine used, or intended to be used, for propulsion of aircraft, and includes all parts, appurtenances, and accessories thereof other than propellers.

*Airframe.* Airframe means any and all kinds of fuselages, booms, nacelles, cowlings, fairings, empennages, airfoil surfaces, and landing gear, and all parts, accessories, or controls, of whatever description, appertaining thereto, but not including powerplants and propellers.

*Alteration.* An alteration means any appreciable change in the design of an airframe, powerplant, propeller, or appliance.

*Appliances.* Appliances are instruments, equipment, apparatus, parts, appurtenances, or accessories, of whatever description, which are used, or are capable of being or intended to be used, in the navigation, operation, or control of aircraft in flight (including communications equipment, electronic devices, and any other mechanism or mechanisms installed in or attached to aircraft during flight, but excluding parachutes), and which are not a part or parts of airframes, powerplants, or propellers.

*Appropriately certificated air carrier.* An appropriately certificated air carrier is an air carrier holding an air carrier operating certificate, and which is required, either by its operating certificate or by operations specifications approved by the Administrator, to provide for a continuous airworthiness maintenance and inspection program to be performed by the carrier in accordance with its maintenance manual.

*Approved.* Approved, when used either alone or as modifying such words as aircraft, airframe, powerplant, propeller, appliance, method, or technique, means approved by the Administrator of Civil Aeronautics in accordance with the applicable requirements of this subchapter.

*Authorized representative of the Administrator.* An authorized representative of the Administrator is any employee of the Civil Aeronautics Administrator or any private person, authorized by the Administrator to perform particular duties of the Administrator under the provisions of this part.

*Certificated commercial operator.* A certificated commercial operator is any person holding a commercial operator certificate as required by the provisions of Part 45 of this subchapter.

*Certificated mechanic.* A certificated mechanic is an individual holding a valid mechanic certificate with appropriate ratings issued by the Administrator.

*Certificated repair station.* A certificated repair station is a facility for the maintenance, repair, and alteration of airframes, powerplants, propellers, or appliances, holding a valid repair station certificate with appropriate ratings issued by the Administrator.

*Certificated repairman.* A certificated repairman is an individual holding a valid repairman certificate issued in accordance with Subpart B of Part 24 of this subchapter.

*Component.* A component is a constituent part of an aircraft.

*Instrument.* An instrument is a device utilizing internal mechanism to indicate visually or aurally the attitude, altitude, performance, or operation of an aircraft or any component thereof, and shall include electronic instrumentation and devices for the automatic control of navigation of the aircraft in flight.

*Maintenance.* Maintenance, which includes preventive maintenance, is the inspection, overhaul, repair, upkeep, and preservation of airframes, powerplants, propellers, and appliances, including the replacement of parts.

*Major alteration.* A major alteration of an aircraft or any component thereof is:



(a) An alteration which might cause an appreciable change in its weight, balance, structural strength, performance, powerplant operation, flight characteristics, or other qualities affecting airworthiness, or

(b) An alteration which is not accomplished in accordance with accepted practices or cannot be performed by means of elementary operations.

*Major repair.* A major repair to an aircraft or any component thereof is:

(a) A repair which, if improperly accomplished, would adversely affect the structural strength, performance, flight characteristics, powerplant operation, or other qualities affecting airworthiness, or

(b) A repair which is not accomplished in accordance with accepted practices or cannot be performed by means of elementary operations.

*Manufacturer.* A manufacturer is any person who:

(a) Holds a type or production certificate for and manufactures an aircraft, aircraft engine, propeller, or appliance, or

(b) Manufactures an approved appliance in accordance with a specification issued by the Administrator.

*Minor alteration.* A minor alteration of an aircraft or any component thereof is an alteration other than a major alteration.

*Minor repair.* A minor repair is any repair other than a major repair.

*One-hundred-hour inspection.* A 100-hour inspection is an inspection of an aircraft required within each 100 hours of time in service and is a complete airworthiness inspection of such aircraft and its various components and systems in accordance with procedures prescribed by the Administrator.

*Periodic inspection.* A periodic inspection is an inspection of an aircraft required once each 12 calendar months and is a complete airworthiness inspection of such aircraft and its various components and systems in accordance with procedures prescribed by the Administrator.

*Person.* Person means any individual, firm, copartnership, corporation, company, association, joint-stock association, or body politic; and includes any trustee, receiver, assignee, or other similar representative thereof.

*Powerplant.* A powerplant is an aircraft engine and its component parts, and other parts necessary to properly install such engine in an aircraft, but not the propeller (if used).

*Preventive maintenance.* Preventive maintenance means simple or minor preservation operations and the replacement of small standard parts not involving complex assembly operations.

NOTE: The Administrator publishes, as part of Civil Aeronautics Manual 18, the various operations constituting preventive maintenance of the several types of aircraft.

*Progressive inspection.* A progressive inspection is a continuing airworthiness inspection of an aircraft and its various components and systems at scheduled intervals in accordance with procedures prescribed by the Administrator.

*Propeller.* A propeller is a device for propelling an aircraft through the air, having blades mounted on a power-driven shaft, which when rotated produces by its action on the air a thrust approximately parallel to the longitudinal axis of the aircraft, and also includes control components normally supplied by the manufacturer of the propeller. It also includes a system of rotating airfoils which serve either to counteract the effect of the main rotor torque of a rotorcraft or to maneuver a rotorcraft about one or more of its three principal axes.

*Repair.* Repair means the restoration of an airframe, powerplant, propeller, or appliance to a condition for safe operation after damage or deterioration.

*Time in service.* Time in service, as used in computing maintenance and inspection time records, is the time from the moment an aircraft leaves the ground until it touches the ground at the end of a flight.

*Type.* Type is a specific classification of aircraft having the same basic design including all modifications thereto except those modifications which result in a change in handling or flight characteristics.

GENERAL

§ 18.10 *Persons authorized to perform maintenance, preventive maintenance, repairs, and alterations.* No person shall perform maintenance, preventive maintenance, repairs, or alterations on civil aircraft of United States registry except as provided as follows:

NOTE: The Communications Act of 1934, as amended, and the rules and regulations of the Federal Communications Commission require that all transmitter adjustments or tests during or coincident with the installation, servicing, or maintenance of a radio station licensed by the Federal Communications Commission which may affect the proper operation of such station shall be made by or under the immediate supervision and responsibility of a person holding a first- or second-class radio operator license issued by the Federal Communications Commission, either radiotelephone or radiotelegraph as may be appropriate for the class of station concerned, who shall be responsible for the proper functioning of the station equipment.

(a) A certificated mechanic or a person who works under the direct supervision of such mechanic may perform maintenance, repairs, and alterations on aircraft or aircraft components including related appliances, appropriate to his rating, but excluding major repairs and alterations to propellers and all repairs and alterations to instruments.

(b) An appropriately rated repair station may perform maintenance, repairs, and alterations on aircraft or aircraft components, including propellers and appliances, as provided in Part 52 of this subchapter.

(c) A certificated pilot may perform, on aircraft owned or operated by him, except aircraft used in air carrier service, such preventive maintenance as may be authorized by the Administrator.

(d) A manufacturer shall be subject to the requirements of paragraphs (a) and (b) of this section, except that he may rebuild or alter:

(1) Any product manufactured by him under a type or production certificate, or

(2) Any product manufactured by him and approved under the terms of a Technical Standard Order or Product and Process Specification issued by the Administrator.

(e) An appropriately certificated air carrier may perform maintenance, repairs, and alterations on aircraft or aircraft components, including propellers and appliances, as provided for in its continuous airworthiness maintenance and inspection program and its maintenance manual. It may also perform maintenance, repairs, and alterations on any aircraft or aircraft components, including propellers and appliances, owned or operated by another air carrier as provided for in the applicable continuous airworthiness maintenance and inspection program and maintenance manual of such other air carrier.

(f) A certificated commercial operator may perform maintenance, repairs, and alterations on its own aircraft or aircraft components, including propellers and appliances, as provided for in its continuous airworthiness maintenance and inspection program and its maintenance manual.

§ 18.11 *Persons authorized to approve maintenance, repairs, and alterations.*

NOTE: Section 43.21 of this subchapter requires that when an aircraft has undergone any repair or alteration which may have appreciably changed its flight characteristics or substantially affected its operation in flight, such aircraft, prior to carrying passengers, shall be test flown.

(a) *Maintenance, minor repairs, and minor alterations.* No airframe, powerplant, propeller, or appliance which has undergone maintenance, minor repair, or minor alteration may be approved and returned to service except by one of the following:

(1) An appropriately rated certificated mechanic; or

(2) An appropriately rated certificated repair station; or

(3) An appropriately certificated air carrier; or

(4) A manufacturer, if the product has been rebuilt or altered by the manufacturer under the provisions of § 18.10 (d); or

(5) A certificated commercial operator.

(b) *Major repairs and major alterations.* No airframe, powerplant, propeller, or appliance, which has undergone any major repair or major alteration shall be returned to service until such repair or alteration has been examined, inspected, and approved as airworthy by one of the following:

NOTE: A major repair or major alteration whose design has not previously been approved by the Administrator may require the submittal of technical data and/or flight tests in order to establish compliance with the applicable airworthiness provisions. Examples of such major alterations for which it would be desirable to contact a representative of the Administrator prior to accomplishment of the alteration are given in Civil Aeronautics Manual 18. See also § 1.25 of this subchapter.

(1) An authorized representative of the Administrator; or

(2) An appropriately rated certificated repair station, if the work has been per-

formed by such repair station in accordance with a manual, specification, or other technical data approved by the Administrator; or

(3) A manufacturer, if the product has been rebuilt or altered by the manufacturer under the provisions of § 18.10 (d) and in accordance with a manual, specification, or other technical data approved by the Administrator; or

(4) An appropriately certificated air carrier, if the work has been performed by such air carrier in accordance with a manual, specification, or other technical data approved by the Administrator; or

(5) An appropriately rated certificated repair station, a manufacturer, or an appropriately certificated air carrier, if the product has been approved under the terms of a Technical Standards Order and the work is performed in accordance with data furnished by the product manufacturer which he asserts meet the terms of the Technical Standard Order; or

(6) A certificated commercial operator, if the work has been performed on aircraft listed in the operating certificate of that operator and has been performed in accordance with a manual, specification, or other technical data approved by the Administrator; or

(7) A certificated mechanic holding both airframe and powerplant ratings when authorized by the Administrator in accordance with the provisions of Part 24 of this subchapter, if the work has been performed in accordance with a manual, specification, or other technical data approved by the Administrator.

§ 18.12 *Persons authorized to perform and approve one-hundred-hour, periodic, and progressive inspections*—(a) *One-hundred-hour inspection.* No person shall perform and approve 100-hour inspections except one of the following:

(1) Certificated mechanics who together hold airframe and powerplant ratings, or a certificated mechanic holding both such ratings; or

(2) An appropriately rated certificated repair station; or

(3) The manufacturer holding the type certificate for the aircraft and who is operating under an approved production inspection system or a production certificate.

(b) *Periodic inspection.* No person shall perform and approve periodic inspections except one of the following:

(1) A certificated mechanic holding both airframe and powerplant ratings when authorized by the Administrator in accordance with Part 24 of this subchapter; or

(2) An appropriately rated certificated repair station; or

(3) The manufacturer holding the type certificate for the aircraft and who is operating under an approved production inspection system or a production certificate.

(c) *Progressive inspection.* No person shall perform or supervise and approve progressive inspections except one of the following:

(1) A certificated mechanic holding both airframe and powerplant ratings when authorized by the Administrator in accordance with Part 24 of this subchapter; or

(2) An appropriately rated certificated repair station; or

(3) The manufacturer holding the type certificate for the aircraft and who is operating under an approved production inspection system or a production certificate.

NOTE: This section does not apply to persons engaged in the inspection and maintenance of aircraft operated in accordance with Part 40 or Part 41 of this subchapter or aircraft of more than 12,500 pounds maximum certificated take-off weight operated in accordance with the provisions of Part 42 of this subchapter.

§ 18.13 *Aircraft operating limitations.* When a major repair or major alteration results in any change in the aircraft operating limitations or data contained in the approved airplane flight manual, appropriate amendments to the aircraft operating limitations shall be made in the form and manner approved by the Administrator.

MAINTENANCE, REPAIR, AND ALTERATION RECORDS

§ 18.20 *Required records and entries.* A permanent record of every maintenance (excepting preventive maintenance), repair, rebuilding, or alteration of any airframe, powerplant, propeller, or appliance shall be maintained by the owner (or in the case of an aircraft by the registered owner) in a logbook or other permanent record satisfactory to the Administrator, which shall contain at least the information specified in § 18.21. Entries in such records shall be made or caused to be made by the individual, repair station, air carrier, or manufacturer performing the work.

§ 18.21 *Content of repair and alteration records.* The record of all maintenance, repair, rebuilding, and alteration of any airframe, powerplant, propeller, or appliance or the installation or removal of an appliance shall contain the information set forth in paragraphs (a) through (d) of this section:

(a) An adequate description of the work performed;

(b) The date of completion of the work performed;

(c) The name of the individual, repair station, manufacturer, or air carrier performing the work; and

(d) The signature, and if a certificated mechanic or certificated repairman the certificate number, of the person approving as airworthy the work performed and authorizing the return of the aircraft or component to service.

§ 18.22 *Form and disposition of major repair or major alteration records.* All major repairs and major alterations to an airframe, powerplant, propeller, or appliance shall be entered on a form acceptable to the Administrator. Such form shall be executed in duplicate and shall be disposed of in such manner as, from time to time, may be prescribed by the Administrator.

§ 18.23 *Form and disposition of periodic and progressive inspection records.* A record of periodic and progressive inspections shall be entered on a form prescribed by the Administrator. Such form shall be completed and disposed of in a manner prescribed by the Administrator.

§ 18.24 *Provisions for air carrier records.* Required records and entries may be replaced, in the case of maintenance, repairs, or alterations to appropriately certificated air carrier aircraft, by a suitable system of recording maintenance, repairs, alterations, and signatures of responsible personnel: *Provided*, That the information specified in § 18.21 is furnished.

PERFORMANCE RULES

§ 18.30 *Standard of performance; general.* All maintenance, repairs and alterations shall be accomplished in accordance with methods, techniques, and practices approved by or acceptable to the Administrator.

(a) *Maintenance and repair.* All maintenance and repair shall be accomplished in such a manner and the materials used shall be of such quality and strength that the condition of the part of the aircraft on which such work has been performed shall, with regard to aerodynamic and mechanical function, structural strength, resistance to vibration and deterioration, and other qualities affecting airworthiness, be at least equivalent to its original or properly altered condition.

(b) *Alterations.* All alterations shall be so designed and accomplished that the altered airframe, powerplant, propeller, or appliance will comply with the applicable airworthiness requirements for the airframe, powerplant, propeller, or appliance.

NOTE: The airworthiness requirements applicable to an alteration are normally those with which the manufacturer originally demonstrated compliance for the issuance of a type certificate. The Aircraft Specification includes a reference to that part of the Civil Air Regulations and to the category under which the original type certification was obtained. The individual parts of the airworthiness regulations specify that the provisions in effect on the date of application for approval of the alteration may be made applicable. (See §§ 3.11, 4b.11, 5.11, 6.11, 13.11, or 14.11 of this subchapter, whichever part is applicable.) More detailed information on the requirements applicable at the time of type certification can be obtained from the Civil Aeronautics Administration.

(c) *Inspections.* One-hundred-hour, periodic, and progressive inspections shall be accomplished in accordance with procedures prescribed by the Administrator.

NOTE: Specific record or reporting requirements subsequently prescribed will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

[F. R. Doc. 56-5230; Filed, June 29, 1956; 8:54 a. m.]

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## PART 24—MECHANIC AND REPAIRMAN CERTIFICATES

Because of the number of outstanding amendments to Part 24, it has been decided to issue a revision of this part incorporating all amendments thereto in effect on July 17, 1956. Attention is called also to the following minor changes which have been made:

(1) All definitions in § 24.1 have been arranged alphabetically, without subsection numbers. Also, minor editorial changes have been made in some of the definitions for the purpose of obtaining uniformity in language or clarification of intent.

(2) All footnotes have been changed to notes and follow the sections to which they apply.

Since the changes effected by this revision are minor in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary and the revised part may be made effective on less than 30 days' notice.

In consideration of the foregoing, the Civil Aeronautics Board hereby revises Part 24 of the Civil Air Regulations (14 CFR Part 24, as amended) as attached hereto, effective on July 17, 1956.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*



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AUTHORITY: §§ 24.0 to 24.140 issued under sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; secs. 602, 605, 608, 52 Stat. 1008, 1010, 1011; 49 U. S. C. 551, 552, 555, 558.

APPLICABILITY AND DEFINITIONS

§ 24.0 *Applicability of this part.* This part establishes requirements for the issuance of mechanic and repairman certificates and ratings, delineates the privileges of such certificates, and establishes basic operating rules for the holders thereof.

§ 24.1 *Definitions.* As used in this part terms are defined as follows:

*Aircraft.* An aircraft is any contrivance now known or hereafter invented, used, or designed for navigation of or flight in the air, including airframe, powerplant, propeller, and appliances.

*Aircraft engine.* An aircraft engine is an engine used, or intended to be used, for propulsion of aircraft, and includes all parts, appurtenances, and accessories thereof other than propellers.

*Airframe.* Airframe means any and all kinds of fuselages, booms, nacelles, cowlings, fairings, empennages, airfoil surfaces, and landing gear, and all parts, accessories, or controls, of whatever description, appertaining thereto, but not including powerplants and propellers.

*Alteration.* An alteration means any appreciable change in the design of an airframe, powerplant, propeller, or appliance.

*Appliances.* Appliances are instruments, equipment, apparatus, parts, appurtenances, or accessories, of whatever description, which are used, or are capable of being or intended to be used, in the navigation, operation, or control of aircraft in flight (including communication equipment, electronic devices, and any other mechanism or mechanisms installed in or attached to aircraft during flight, but excluding parachutes) and which are not a part or parts of airframes, powerplants, or propellers.

*Appropriately certificated air carrier.* An appropriately certificated air carrier is an air carrier holding an air carrier operating certificate, and which is required, either by its operating certificate or by operations specifications approved by the Administrator, to provide for a continuous airworthiness maintenance and inspection program to be performed by the carrier in accordance with its maintenance manual.

*Approved.* Approved, when used either alone or as modifying such words as aircraft, airframe, powerplant, propeller, appliance, method, or technique, means approved by the Administrator of Civil Aeronautics in accordance with the applicable requirements of this subchapter.

*Authorized representative of the Administrator.* An authorized representative of the Administrator is any employee of the Civil Aeronautics Administrator or any private person, authorized by the Administrator to perform particular duties of the Administrator under the provisions of this part.

*Certificated mechanic.* A certificated mechanic is an individual holding a valid mechanic certificate with appropriate ratings issued by the Administrator.

*Certificated repair station.* A certificated repair station is a facility for the maintenance, repair, and alteration of airframes, powerplants, propellers, or appliances, holding a valid repair station certificate with appropriate ratings issued by the Administrator.

*Certificated repairman.* A certificated repairman is an individual holding a valid repairman certificate issued in accordance with Subpart B of this part.

*Component.* A component is a constituent part of an aircraft.

*Maintenance.* Maintenance which includes preventive maintenance, is the inspection, overhaul, repair, upkeep, and preservation of airframes, powerplants, propellers, and appliances, including the replacement of parts.

*Major alteration.* A major alteration of an aircraft or any component thereof is:

(a) An alteration which might cause an appreciable change in its weight, balance, structural strength, performance, powerplant operation, flight characteristics, or other qualities affecting airworthiness, or

(b) An alteration which is not accomplished in accordance with accepted practices or cannot be performed by means of elementary operations.

*Major repair.* A major repair to an aircraft or any component thereof is:

(a) A repair which, if improperly accomplished, would adversely affect the structural strength, performance, flight characteristics, powerplant operation, or other qualities affecting airworthiness, or

(b) A repair which is not accomplished in accordance with accepted practices or cannot be performed by means of elementary operations.

*Minor alteration.* A minor alteration of an aircraft or any component thereof is an alteration other than a major alteration.

*Minor repair.* A minor repair is any repair other than a major repair.

*Powerplant.* A powerplant is an aircraft engine and its component parts, and other parts necessary to properly install such engine in an aircraft, but not the propeller (if used).

*Preventive maintenance.* Preventive maintenance means simple or minor preservation operations and the replacement of small standard parts not involving complex assembly operations.

NOTE: The Administrator publishes, as part of Civil Aeronautics Manual 18, the various operations constituting preventive maintenance of the several types of aircraft.

*Propeller.* A propeller is a device for propelling an aircraft through the air, having blades mounted on a power-driven shaft, which when rotated produces by its action on the air a thrust approxi-

mately parallel to the longitudinal axis of the aircraft, and also includes control components normally supplied by the manufacturer of the propeller. It also includes a system of rotating airfoils which serve either to counteract the effect of the main rotor torque of a rotorcraft or to maneuver a rotorcraft about one or more of its three principal axes.

*Repair.* Repair means the restoration of an airframe, powerplant, propeller, or appliance to a condition for safe operation after damage or deterioration.

### SUBPART A—MECHANIC CERTIFICATES

#### CERTIFICATION RULES

§ 24.5 *Application for certificate.* Application for certificates and ratings shall be made on a form and in a manner prescribed by the Administrator.

§ 24.6 *Issuance.* (a) Mechanic certificates and ratings shall be issued by the Administrator to applicants who meet the requirements of this part.

(b) Pending a review of an application and supporting documents by the Administrator and the issuance of a mechanic certificate and ratings, an authorized representative of the Administrator may, subject to such terms and conditions as the Administrator may specify, issue a temporary mechanic certificate with appropriate ratings to an applicant, if the representative determines that the applicant has met the requirements of this part.

§ 24.7 *Duration.* (a) A mechanic certificate and ratings shall remain in effect until surrendered, suspended, revoked, or otherwise terminated by order of the Board, except that a certificate issued to an individual other than a United States citizen shall remain in effect for only one year: *Provided,* That upon application to the Administrator and upon showing continued compliance with the other requirements of this part, a mechanic certificate may be reissued to an individual other than a United States citizen for additional periods of one year without further demonstration of technical competence. After revocation, and upon request of the Administrator after suspension or termination, the certificate shall be returned to the Administrator.

(b) A temporary mechanic certificate shall remain in effect for 90 days.

§ 24.8 *Outstanding mechanic certificates and ratings.* After the effective date of this part (June 15, 1952) a person holding a valid mechanic certificate with an aircraft mechanic rating shall be deemed to hold a valid mechanic certificate with an airframe rating, a person holding a valid mechanic certificate with an aircraft engine mechanic rating shall be deemed to hold a valid mechanic certificate with a powerplant rating, and a person holding a valid mechanic certificate with aircraft mechanic and aircraft engine mechanic ratings shall be deemed to hold a valid mechanic certificate with both airframe and powerplant ratings. The Administrator may, in such form and manner as he may establish, require the exchange of outstanding certificates for certificates issued in accordance with the provisions of this part.

§ 24.9 *Display.* When issued to the individual, the mechanic certificate with appropriate ratings shall be kept readily available by the mechanic at all times while exercising the privileges of such certificate, and shall be available for inspection by any authorized representative of the Administrator or the Board, or by any authorized State or local law enforcement officer.

§ 24.10 *Identification.* The holder of a certificate issued under the provisions of this subpart shall not, except while engaged in operations conducted by a scheduled air carrier, exercise the privileges conferred by the certificate unless he has readily available a current airman identification card or other identification card acceptable to the Administrator which duly describes him. The airman identification card may be obtained from the Administrator who shall prescribe its form and the manner of applying for it.

§ 24.11 *Change of address.* Within 30 days after any change in the permanent mailing address of a holder of a mechanic certificate, the holder shall notify the Administrator in writing of such change. Such notice shall be mailed to the Administrator of Civil Aeronautics, Attention Airman Records Branch, Washington 25, D. C.

#### GENERAL CERTIFICATE REQUIREMENTS

§ 24.15 *Citizenship.* An applicant for a mechanic certificate may be a citizen of any country or a person without nationality.

§ 24.16 *Age.* An applicant shall be at least 18 years of age.

§ 24.17 *Education.* An applicant shall be able to read, write, speak, and understand the English language: *Provided,* That if an applicant is employed by a United States air carrier outside of the United States, such applicant shall not be required to meet this requirement, and in that event his certificate shall be appropriately endorsed by the Administrator.

§ 24.18 *Examinations and tests.* Examinations and tests shall be conducted by an authorized representative of the Administrator at such times and places as the Administrator may designate.

§ 24.19 *Re-examination after failure.* An applicant for a mechanic certificate who has failed any prescribed written or practical examination or test may not apply for re-examination within 30 days after the date of such examination or test unless he presents a statement signed by a certificated mechanic holding an appropriate rating, a certificated ground instructor holding an appropriate rating, or an equally qualified individual acceptable to the Administrator, which attests that the applicant has received an additional 5 hours of instruction in each of the subjects failed and that the applicant is considered competent for re-examination.

§ 24.20 *Application for additional rating.* An applicant for a rating subsequent to the original issuance of a mechanic certificate with appropriate rating shall meet the knowledge, experience, and skill requirements for the rating sought.

§ 24.21 *Substantiation of experience.* An applicant shall submit evidence satisfactory to the Administrator to substantiate the experience qualifications for the mechanic certificate and rating sought.

§ 24.22 *Ratings.* The following mechanic ratings shall be issued:

(a) Airframe;

(b) Powerplant; and

(c) Airframe and powerplant.

#### MECHANICAL KNOWLEDGE, EXPERIENCE, AND SKILL REQUIREMENTS

§ 24.30 *Mechanical knowledge.* An applicant for a mechanic certificate with airframe or powerplant rating shall successfully accomplish a written and oral examination prescribed by the Administrator covering the construction, maintenance, repair, and inspection of aircraft appropriate to the rating sought, the provisions of this part, the applicable provisions of Parts 18 and 43 of this subchapter, and the provisions of Civil Aeronautics Manual 18. The basic principles covering the maintenance, installation, and inspection of propellers shall be included in the powerplant examination.

§ 24.31 *Mechanical experience.* An applicant for a mechanic certificate with either an airframe or powerplant rating shall have had at least 18 months of practical experience with the applicable procedures, practices, material, tools, machine tools, and equipment generally used in the construction, inspection, maintenance, repair, and alteration of airframes or of powerplants including propellers: *Provided,* That an applicant for an airframe and powerplant rating may be issued such rating, if he has performed concurrently the duties appropriate to both airframe and powerplant ratings for at least 30 months.

§ 24.32 *Graduates of certificated mechanic schools.* A graduate of a certificated mechanic school shall be deemed to have met the experience requirements of this part for a rating if, within 60 days after graduation, he presents an appropriate certificate of graduation: *Provided,* That when a graduate because of unanticipated circumstances is unable to present his certificate within such period, the Administrator, upon receipt of proof to that effect, may extend the 60-day period.

§ 24.33 *Mechanical skill.* An applicant for a mechanic certificate with a particular rating shall, in a manner prescribed by the Administrator, demonstrate his competency to maintain, repair, inspect, and alter any part of an aircraft for which a rating is sought. An applicant's ability to satisfactorily accomplish minor repairs and minor alterations to propellers shall be a part of such demonstration of competency for the powerplant rating.

#### PRIVILEGES AND LIMITATIONS OF A MECHANIC CERTIFICATE

§ 24.40 *Mechanic privileges; general.* A certificated mechanic may perform or supervise the maintenance, repair, inspection, and alteration of an aircraft, or component thereof, for which he is rated, and may perform additional work in accordance with the privileges and limitations stated in §§ 18.10, 18.11, 18.12, 24.41, 24.42, and 24.43 of this subchapter: *Provided,* That he shall not supervise the maintenance, repair, inspection, or alteration of or return to service any part of an aircraft for which he is rated unless he has previously performed the particular operation involved in a satisfactory manner or has otherwise established his competency to perform such operation.

§ 24.41 *Airframe rating.* A certificated mechanic with an airframe rating may release the airframe, or any component thereof, for service after he has performed, supervised, or inspected maintenance, minor repair, or minor alteration thereon. In addition, he may perform the 100-hour inspection required by Part 43 of this subchapter on an airframe, or any component thereof, and may return the same to service.

§ 24.42 *Powerplant rating.* A certificated mechanic with a powerplant rating may perform maintenance, minor repairs, or minor alterations to a propeller, and may release the powerplant or propeller, or any component thereof, for service after he has performed, supervised, or inspected maintenance, minor repair, or minor alteration thereon. In addition, he may peform the 100-hour inspection required by Part 43 of this subchapter on a powerplant or propeller, or any component thereof, and may release the same to service.

§ 24.43 *Airframe and powerplant ratings.* (a) A certificated mechanic holding both airframe and powerplant ratings and having such other qualifications as the Administrator may deem appropriate, when issued an inspection authorization by the Administrator under paragraph (b) of this section, may:

(1) Inspect and return to service aircraft or aircraft components thereof (excluding aircraft operated in accordance with the provisions of Part 40 or Part 41 of this subchapter, or aircraft of more than 12,500 pounds maximum certificated take-off weight when operated in accordance with the provisions of Part 42 of this subchapter) after major repairs and major alterations have been made in accordance with the provisions of Part 18 of this subchapter; and

(2) Perform the periodic, and perform or supervise the progressive inspections required by Part 43 of this subchapter. The activities conducted under authority of this subparagraph shall be in accordance with procedures and standards prescribed by the Administrator.

(b) The Administrator shall issue an appropriate, written inspection authorization to any person qualified under paragraph (a) of this section who shall apply therefor in a manner and form specified by the Administrator.

#### OPERATING RULES

§24.50 *General.* A certificated mechanic shall not exercise the privileges of his certificate and rating unless he is familiar with the current manufacturers' instructions and the maintenance manuals pertinent to the particular operation to be performed.

§ 24.51 *Recent experience requirements.* A certificated mechanic shall not exercise the privileges of his certificate and ratings unless, within the preceding 24 months he has either:

(a) Been found competent by an authorized representative of the Administrator, or

(b) For at least 6 months during the preceding 24-month period:

(1) Served as a mechanic under the terms of his certificate and ratings, or

(2) Been engaged in the technical supervision of mechanics, or

(3) Been engaged in the executive supervision of maintenance, repair, or alteration of aircraft, or

(4) Been engaged in any combination of subparagraphs (1), (2), and (3) of this paragraph.

### SUBPART B—REPAIRMAN CERTIFICATES

#### CERTIFICATION RULES

§ 24.100 *Classification.* There is hereby established a classification of airman, known as a "repairman," who:

(a) Possesses special qualifications to perform inspection, maintenance, overhaul, or repair of aircraft, aircraft engines, propellers, or appliances;

(b) Is employed by a certificated repair station or an appropriately certificated air carrier for a particular job requiring such special qualifications; and

(c) Is recommended for certification by such employer to the Administrator or his authorized representative.

§ 24.101 *Issuance.* A repairman certificate may be issued by the Administrator or his authorized representative to an individual who is found to meet the requirements of this subpart and who has been recommended for such certification by the certificated repair station or appropriately certificated air carrier by whom he is employed.

§ 24.102 *Duration.* A repairman certificate shall be valid until the termination of the holder's employment by the recommending repair station or air carrier, or relief of the repairman from the particular duties for which he was employed and certificated, whichever shall first occur, unless it is sooner suspended, revoked, or otherwise terminated by the Board, after which it shall be returned to the Administrator.

§ 24.103 *Display.* The repairman certificate shall be kept readily available by the repairman at all times while exercising the privileges of such certificate, and it shall be available for inspection by an authorized representative of the Administrator or the Board, or by any authorized State or local law enforcement officer.

§ 24.104 *Identification.* The holder of a certificate issued under the provisions of this subpart shall not, except while engaged in operations conducted by a scheduled air carrier, exercise the privileges conferred by the certificate unless he has readily available a current airman identification card or other identification card acceptable to the Administrator which duly describes him. The airman identification card may be obtained from the Administrator who shall prescribe its form and the manner of applying for it.

§ 24.105 *Change of address.* Within 30 days after any change in the permanent mailing address of a holder of a repairman certificate, the holder shall notify the Administrator in writing of such change. Such notice shall be mailed to the Administrator of Civil Aeronautics, Attention Airman Records Branch, Washington 25, D. C.

#### GENERAL CERTIFICATE REQUIREMENTS

§ 24.110 *Citizenship.* An applicant for a repairman certificate may be a citizen of any country or a person without nationality.

§ 24.111 *Age.* An applicant shall be at least 18 years of age.

§ 24.112 *Education.* An applicant shall be able to read, write, speak, and understand the English language: *Provided,* That if an applicant is employed outside of the United States by an appropriately certificated United States air carrier or a certificated repair station, such applicant shall not be required to meet this requirement, and in that event his certificate shall be appropriately endorsed by the Administrator, or the authorized representative of the Administrator who issued the certificate.

#### EXPERIENCE AND SKILL REQUIREMENTS

§ 24.120 *General.* The repair station or air carrier by whom the applicant is or will be employed shall certify to the satisfaction of the Administrator or his authorized representative that the applicant is competent to perform the duties of inspection, maintenance, overhaul, or repair of the particular aircraft, aircraft engines, propellers, or appliances with respect to which he is to be employed.

§ 24.121 *Minimum experience.* The applicant shall have had at least 18 months of practical experience with the procedures, practices, inspection methods, materials, tools, machine tools, and equipment generally used in the inspection, maintenance, overhaul, or repair functions of the particular job for which he is to be employed and certificated.

#### PRIVILEGES AND LIMITATIONS OF A REPAIRMAN CERTIFICATE

§ 24.130 *General.* A certificated repairman may supervise or perform the inspection, maintenance, overhauling, or repair of aircraft, aircraft engines, propellers, or appliances in connection with the particular job for which he was employed and certificated. Such privileges may be exercised only in connection with such duties with the certificated repair station or appropriately certificated air carrier by whom he was recommended and employed.

#### OPERATING RULES

§ 24.140 *General.* A certificated repairman shall not exercise the privileges of his certificate unless he is familiar

both with current manufacturers' or appropriate air carriers' instructions and the maintenance manuals pertinent to the particular operation to be performed.

NOTE: Specific record or reporting requirements subsequently prescribed will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

[F. R. Doc. 56-5231; Filed, June 29, 1956; 8:54 a. m.]

# TITLE 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket 6512]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

CENU FIBRES, LTD., ET AL.

Subpart—*Misbranding or mislabeling:* § 13.1190 *Composition:* Wool Products Labeling Act; § 13.1212 *Formal regulatory and statutory requirements:* Wool Products Labeling Act; § 13.1325 *Source or origin:* Maker or seller, etc.: *Wool Products Labeling Act.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1845 *Composition:* Wool Products Labeling Act; § 13.1852 *Formal regulatory and statutory requirements:* Wool Products Labeling Act; § 13.1900 *Source or origin:* Wool Products Labeling Act: *Maker or seller, etc.*[1]

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2–5, 54 Stat. 1128–1130; 15 U. S. C. 45, 68–68c) [Cease and desist order, Cenu Fibres, Ltd., et al., New York, N. Y., Docket 6512, June 16, 1956]

*In the Matter of Cenu Fibres, Ltd., a Corporation, and Philip Hausfeld, Individually and as an Officer of Said Corporation*

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging a corporate manufacturer and its responsible officer, with principal place of business in New York City, with misbranding wool fabrics in violation of the Wool Products Labeling Act, through failing to attach tags, labels, etc., bearing information as required by the act—and an agreement containing consent order to cease and desist.

On this basis, the hearing examiner made his initial decision and order to cease and desist which, by order of June 15, 1956, became, on June 16, the decision of the Commission.

The order to cease and desist is as follows:

*It is ordered,* That Respondents Cenu Fibres, Ltd., a corporation, and Philip Hausfeld, individually and as an officer of said corporation, and Respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or offering for sale, sale, transportation or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act and the Wool Products Labeling Act of 1939, of any "wool products" as such products are defined in and subject to the Wool Products Labeling Act of 1939, which products contain, purport to contain, or in any way are represented as containing "wool", "reprocessed wool" or "reused wool" as those terms are defined in said Act, do forthwith cease and desist from misbranding such products by:

Failing to securely affix to or place on each such product a stamp, tag, label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool products, exclusive of ornamentation not exceeding five percentum of said total fiber weight, of (1) wool, (2) reprocesed wool, (3) reused wool, (4) each fiber other than wool where said percentage by weight of such fiber is five percentum or more, and (5) the aggregate of all other fibers;

(b) The maximum percentage of the total weight of such wool products of any non-fibrous loading, filling, or adulterating matter;

(c) The name or the registered identification number of the manufacturer of such wool products or of one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939;

*Provided,* That the foregoing provisions concerning misbranding shall not be construed to prohibit acts permitted by paragraphs (a) and (b) of section 3 of the Wool Products Labeling Act of 1939, and

*Provided further,* That nothing contained in this order shall be construed as limiting any applicable provisions of said act or the rules and regulations promulgated thereunder.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is ordered,* That respondents Cenu Fibres, Ltd., a corporation, and Philip Hausfeld, individually and as an officer of said corporation, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 15, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-5195; Filed, June 29, 1956; 8:48 a. m.]

[Docket 6489]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

NATIONAL FIRE SAFETY COUNSELLORS ET AL.

Subpart—*Coercing and intimidating:* § 13.350 *Customers or prospective customers:* To purchase, make payment, or support product or service: *By utilizing scare tactics.*[1] Subpart—*Misrepresenting oneself and goods*—Business status, advantages or connections: § 13.1425 *Government connection;* § 13.1430 *Government indorsement, sanction or sponsorship;* § 13.1490 *Nature, in general;* [*Misrepresenting oneself and goods*]—Goods: § 13.1663 *Individual's special selection or situation;* § 13.1760 *Terms and conditions;* [*Misrepresenting oneself and goods*]—Prices: § 13.1778 *Additional costs unmentioned.* Subpart—*Neglecting, unfairly or deceptively, to make material disclosure:* § 13.1882 *Prices;*[1] § 13.1905 *Terms and conditions.*

(Sec. 6, 38 Stat. 721; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, National Fire Safety Counsellors et al., Irvington, N. J., Docket 6489, June 12, 1956]

*In the Matter of National Fire Safety Counsellors, a Corporation, and Robert L. Berko and Howard Berko, Individually and as Officers of Said Corporation*

This proceeding was heard by a hearing examiner on the complaint of the Commission—charging a corporation and its officers, with place of business in Irvington, N. J., engaged in the sale through house-to-house canvassers of a fire detection or fire alarm system for homes, with representing falsely that their salesmen were connected with the Federal Government or a civic organization, that they were only demonstrators, and desired to make fire prevention talks or demonstrations; that prospects and their homes were specially selected for demonstration purposes; that the total cost of the system would be little more than the credit allowed for supplying names of other prospects, and that demonstrations in the homes of referred prospects were not necessary before such credit was given; that the contract or promissory note for the purchase price would not be discounted and that carrying charges would not be added to the total cost; and that newspaper clippings or horror pictures of fire fatalities represented what the prospect could expect in his home if he did not purchase the system—and an agreement between the parties providing for entry of a consent order.

On this basis, the hearing examiner made his initial decision and order to cease and desist, which, on June 12, 1956, became the decision of the Commission.

The order to cease and desist is as follows:

*It is ordered,* That the respondents National Fire Safety Counsellors, a corporation, its officers, agents, representatives and employees, and Robert L. Berko and Howard Berko, individually and as officers of said corporation, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of fire detection or fire alarm systems, do forthwith cease and desist from representing, directly or by implication:

1. That respondents or any of their salesmen or employees are in any way connected with, or endorsed or approved by, the United States Government, any state Government, or any civic association;

2. That respondents' salesmen only desire to make fire prevention talks or demonstrations;

3. That respondents' representatives are not salesmen but are only demonstrators;

4. That prospective purchasers have been specially selected, or that their homes have been selected for demonstration purposes;

5. That the total cost or the cost per month of their fire detection device or fire alarm system is any less than the actual cost, without reference to credit for referrals;

6. That no demonstrations in the homes of referred prospective customers are necessary before credit is given to the supplier of said referrals;

7. That the identity of those supplying names of prospective purchasers will not be revealed to said prospective purchasers;

8. That the contract or promissory note for the purchase price of the system will not be discounted or failing to reveal that such will be discounted;

9. That carrying charges will not be added to the total cost of the system or failing to reveal that carrying charges will be added;

10. That newspaper clippings or horror pictures of fire fatalities represent what the prospective purchaser may expect in his home if he does not purchase respondents' products, or otherwise utilize such scare tactics to induce the purchase of respondents' products.

By "Decision of the Commission," etc., report of compliance was required as follows:

*It is ordered,* That the respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: June 12, 1956.

By the Commission.

[SEAL] ROBERT M. PARRISH, *Secretary.*

[F. R. Doc. 56-5205; Filed, June 29, 1956; 8:49 a. m.]

[1] New.

[1] Now.



# TITLE 19—CUSTOMS DUTIES

## Chapter I—Bureau of Customs, Department of the Treasury

[T. D. 54120]

PART 10—ARTICLES CONDITIONALLY FREE, SUBJECT TO A REDUCED RATE, ETC.

EXAMINATION OF PUREBRED DOGS AND CATS

The Department of Agriculture has requested that customs officers at all ports of first customs arrival in the United States be authorized to take the descriptions of purebred dogs and cats for which free entry is likely to be requested under paragraph 1606, Tariff Act of 1930, as amended, in cases where animals arrive by plane, whether or not the animals are accompanied by the owner.

Accordingly § 10.70 (c) of the Customs Regulations is hereby amended by deleting "coast or border" from the first sentence and by inserting a new sentence preceding the citation of authority as follows: "At all airports, customs officers shall make the examination of dogs and cats, whether or not accompanied by the owners, if there is no inspector of the Department of Agriculture stationed there or on duty at the time of arrival."

(R. S. 161, sec. 624, 46 Stat. 759; 5 U. S. C. 22, 19 U. S. C. 1624. Interprets or applies sec. 201 (par. 1606), 46 Stat. 672, as amended; 19 U. S. C. 1201 (par. 1606))

[SEAL] RALPH KELLY, *Commissioner of Customs.*

Approved: June 22, 1956.

DAVID W. KENDALL, *Acting Secretary of the Treasury.*

[F. R. Doc. 56-5209; Filed, June 29, 1956; 8:50 a. m.]

# TITLE 26—INTERNAL REVENUE, 1954

## Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income Tax

[T. D. 6186]

PART 1—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

SCHOLARSHIPS AND FELLOWSHIP GRANTS

On September 29, 1955, notice of proposed rule making regarding the regulations for taxable years beginning after December 31, 1953, and ending after August 16, 1954, under section 117 of the Internal Revenue Code of 1954, was published in the FEDERAL REGISTER (20 F. R. 7257). After consideration of all such relevant matter as was presented by interested persons regarding the rules proposed, the following regulations are hereby adopted:

Sec.
1.117 Statutory provisions; scholarships and fellowship grants.
1.117–1 Exclusion of amounts received as a scholarship or fellowship grant.
1.117–2 Limitations.
1.117–3 Definitions.
1.117–4 Items not considered as scholarships or fellowship grants.

AUTHORITY: §§ 1.117 to 1.117–4, issued under sec. 7805, 68A Stat. 917; 26 U. S. C. 7805.

§ 1.117 *Statutory provisions; scholarships and fellowship grants.*

SEC. 117. *Scholarships and fellowship grants*—(a) *General rule.* In the case of an individual, gross income does not include—

(1) Any amount received—

(A) As a scholarship at an educational institution (as defined in section 151 (e) (4)), or

(B) As a fellowship grant,

including the value of contributed services and accommodations; and

(2) Any amount received to cover expenses for—

(A) Travel,
(B) Research,
(C) Clerical help, or
(D) Equipment,

which are incident to such a scholarship or to a fellowship grant, but only to the extent that the amount is so expended by the recipient.

(b) *Limitations*—(1) *Individuals who are candidates for degrees.* In the case of an individual who is a candidate for a degree at an educational institution (as defined in section 151 (e) (4)), subsection (a) shall not apply to that portion of any amount received which represents payment for teaching, research, or other services in the nature of part-time employment required as a condition to receiving the scholarship or the fellowship grant. If teaching, research, or other services are required of all candidates (whether or not recipients of scholarships or fellowship grants) for a particular degree as a condition to receiving such degree, such teaching, research, or other services shall not be regarded as part-time employment within the meaning of this paragraph.

(2) *Individuals who are not candidates for degrees.* In the case of an individual who is not a candidate for a degree at an educational institution (as defined in section 151 (e) (4)), subsection (a) shall apply only if the condition in subparagraph (A) is satisfied and then only within the limitations provided in subparagraph (B).

(A) *Conditions for exclusion.* The grantor of the scholarship or fellowship grant is an organization described in section 501 (c) (3) which is exempt from tax under section 501 (a), the United States, or an instrumentality or agency thereof, or a State, a Territory, or a possession of the United States, or any political subdivision thereof, or the District of Columbia.

(B) *Extent of exclusion.* The amount of the scholarship or fellowship grant excluded under subsection (a) (1) in any taxable year shall be limited to an amount equal to $300 times the number of months for which the recipient received amounts under the scholarship or fellowship grant during such taxable year, except that no exclusion shall be allowed under subsection (a) after the recipient has been entitled to exclude under this section for a period of 36 months (whether or not consecutive) amounts received as a scholarship or fellowship grant while not a candidate for a degree at an educational institution (as defined in section 151 (e) (4)).

§ 1.117–1 *Exclusion of amounts received as a scholarship or fellowship grant*—(a) *In general.* Any amount received by an individual as a scholarship at an educational institution or as a fellowship grant, including the value of contributed services and accommodations, shall be excluded from the gross income of the recipient, subject to the limitations set forth in section 117 (b) and § 1.117–2. The exclusion from gross income of an amount which is a scholarship or fellowship grant is controlled solely by section 117. Accordingly, to the extent that a scholarship or a fellowship grant exceeds the limitations of section 117 (b) and § 1.117–2, it is includible in the gross income of the recipient notwithstanding the provisions of section 102 relating to exclusion from gross income of gifts, or section 74 (b) relating to exclusion from gross income of certain prizes and awards. For definitions see § 1.117–3.

(b) *Exclusion of amounts received to cover expenses.* (1) Subject to the limitations provided in subparagraph (2) of this paragraph, any amount received by an individual which is specifically designated to cover expenses for travel (including meals and lodging while traveling and an allowance for travel of the

individual's family), research, clerical help, or equipment, is excludable from gross income provided that such expenses are incident to a scholarship or fellowship grant which is excludable from gross income under section 117 (a) (1). If, however, only a portion of a scholarship or fellowship grant is excludable from gross income under section 117 (a) (1) because of the part-time employment limitation contained in section 117 (b) (1) or because of the expiration of the 36 month period described in section 117 (b) (2) (B), only the amount received to cover expenses incident to such excludable portion is excludable from gross income. The requirement that these expenses be incident to the scholarship or the fellowship grant means that the expenses of travel, research, clerical help, or equipment, must be incurred by the individual in order to effectuate the purpose for which the scholarship or the fellowship grant was awarded.

(2) The exclusion provided under subparagraph (1) of this paragraph is applicable only to the extent that the amount received for travel, research, clerical help, or equipment, is actually expended for such expenses by the recipient during the term of the scholarship or fellowship grant and within a reasonable time before and after such term.

(3) The portion of any amount received to cover the expenses described in subparagraph (1) of this paragraph which is not actually expended for such expenses within the exclusion period described in subparagraph (2) of this paragraph shall, if not returned to the grantor within this period, be included in the gross income of the recipient for the taxable year in which such exclusion period expires.

§ 1.117–2 *Limitations*—(a) *Individuals who are candidates for degrees*—(1) *In general.* Under the limitations provided by section 117 (b) (1) in the case of an individual who is a candidate for a degree at an educational institution, the exclusion from gross income shall not apply (except as otherwise provided in subparagraph (2) of this paragraph) to that portion of any amount received as payment for teaching, research, or other services in the nature of part-time employment required as a condition to receiving the scholarship or fellowship grant. Payments for such part-time employment shall be included in the gross income of the recipient in an amount determined by reference to the rate of compensation ordinarily paid for similar services performed by an individual who is not the recipient of a scholarship or a fellowship grant. A typical example of employment under this subparagraph is the case of an individual who is required, as a condition to receiving the scholarship or the fellowship grant, to perform part-time teaching services. A requirement that the individual shall furnish periodic reports to the grantor of the scholarship or the fellowship grant for the purpose of keeping the grantor informed as to the general progress of the individual shall not be deemed to constitute the performance of services in the nature of part-time employment.

(2) *Exception.* If teaching, research, or other services are required of all candidates (whether or not recipients of scholarships or fellowship grants) for a particular degree as a condition to receiving the degree, such teaching, research, or other services on the part of the recipient of a scholarship or fellowship grant who is a candidate for such degree shall not be regarded as part-time employment within the meaning of this paragraph. Thus, if all candidates for a particular education degree are required, as part of their regular course of study or curriculum, to perform part-time practice teaching services, such services are not to be regarded as part-time employment within the meaning of this paragraph.

(b) *Individuals who are not candidates for degrees*—(1) *Conditions for exclusion.* In the case of an individual who is not a candidate for a degree at an educational institution, the exclusion from gross income of an amount received as a scholarship or a fellowship grant shall apply (to the extent provided in subparagraph (2) of this paragraph) only if the grantor of the scholarship or the fellowship grant is an organization described in section 501 (c) (3) which is exempt from tax under section 501 (a), the United States, or an instrumentality or agency thereof, or a State, a Territory, or a possession of the United States, or any political subdivision thereof, or the District of Columbia.

(2) *Extent of exclusion.* (i) In the case of an individual who is not a candidate for a degree, the amount received as a scholarship or a fellowship grant which is excludable from gross income under section 117 (a) (1) shall not exceed an amount equal to $300 times the number of months for which the recipient received amounts under the scholarship or fellowship grant during the taxable year. In determining the number of months during the period for which the recipient received amounts under a scholarship or fellowship grant, computation shall be made on the basis of whole calendar months. A whole calendar month means a period of time terminating with the day of the succeeding month numerically corresponding to the day of the month of its beginning, less one, except that if there be no corresponding day of the succeeding month the period terminates with the last day of the suceeding month. For purposes of this computation a fractional part of a calendar month consisting of a period of time including 15 days or more shall be considered to be a whole calendar month and a fractional part of a calendar month consisting of a period of time including 14 days or less shall be disregarded. For example, if an individual receives a fellowship grant on September 13 which is to expire on June 12 of the following year, the grant shall be considered to have extended for a period of 9 months. If in the preceding example the grant expired on June 27, instead of June 12, the grant shall be considered to have extended for a period of 10 months.

(ii) No exclusion shall be allowed under section 117 (a) (1) to an individual who is not a candidate for a degree after the recipient has, as an individual who is not a candidate for a degree, been entitled to an exclusion under that section for a period of 36 months. This limitation applies if the individual has received any amount which was either excluded or excludable from his gross income under section 117 (a) (1) for any prior 36 months, whether or not consecutive. For example, if the individual received a fellowship grant of $7,200 for 3 years (which he elected to receive in 36 monthly installments of $200), his exclusion period would be exhausted even though he did not in any of the 36 months make use of the maximum exclusion. Accordingly, such individual would be entitled to no further exclusion from gross income with respect to any additional grants which he may receive as an individual who is not a candidate for a degree.

(iii) If an individual who is not a candidate for a degree receives amounts from more than one scholarship or fellowship grant during the taxable year, the total amounts received in the taxable year shall be aggregated for the purpose of computing the amount which may be excludable from gross income for such taxable year. If amounts are received from more than one scholarship or fellowship grant during the same month or months within the taxable year, such month or months shall be counted only once for the purpose of determining the number of months for which the individual received such amounts under the scholarships or fellowship grants during the taxable year. For example, if an individual receives a fellowship grant from one source for the months of January to June of the taxable year and also receives a fellowship grant from another source for the months of March through December of the same taxable year, he shall be considered to have received amounts for 12 months of the taxable year. See example (4) in subparagraph (3) for further illustration.

(3) *Examples.* The application of this paragraph may be further illustrated by the following examples, it being assumed that in each example the grantor is a grantor who is described in section 117 (b) (2) (A) and subparagraph (1) of this paragraph:

*Example (1).* B, an individual who files his return on the calendar year basis, is awarded a post-doctorate fellowship grant in March 1955. The grant is to commence on September 1, 1955, and is to end on May 31, 1956, so that it will extend over a period of 9 months. The amount of the fellowship grant is $4,500 and B receives this amount in monthly installments of $500 on the first day of each month commencing September 1, 1955. During the taxable year 1955, B receives a total of $2,000 with respect to the 4-month period September through December, inclusive. He may exclude $1,200 from gross income in the taxable year 1955 ($300 X 4) and must include the remaining $800 in gross income for that year. For the year 1956, he will exclude $1,500 ($300 X 5) from gross income with respect to the $2,500 which he receives in that year and must include in gross income $1,000.

*Example (2).* Assume the same taxpayer as in example (1) except that B receives the full amount of the grant ($4,500) on September 1, 1955. Since the amount received in the taxable year 1955 is for the full term of the fellowship grant (9 months), B may exclude $2,700 ($300 X 9) from gross income for the taxable year 1955. The remaining $1,800 must be included in gross income for that year.

*Example (3).* C, an individual who files his return on the calendar year basis, is awarded a post-doctorate fellowship grant in March 1955. The amount of the grant is $4,500 for a period commencing on September 1, 1955, and ending 24 months thereafter. C receives the full amount of the grant on September 1, 1955. C may exclude from gross income for the taxable year 1955, the full amount of the grant ($4,500) since this amount does not exceed an amount equal to $300 times the number of months (24) for which he received the amount of the grant during that taxable year.

*Example (4).* (i) F, an individual who files his return on the calendar year basis, is awarded a post-doctorate fellowship grant (Grant A) for two years commencing June 1, 1955, in the amount of $4,800. He elects to receive his grant in monthly installments of $200 commencing June 1, 1955. On March 1, 1956, F is awarded another post-doctorate fellowship grant (Grant B) for two years commencing September 1, 1956, in the amount of $7,200. He elects to receive this grant in monthly installments of $300 commencing September 1, 1956.

(ii) For the calendar year 1955, F receives $1,400 from Grant A which he is entitled to exclude from gross income since it does not exceed an amount equal to $300 times the number of months (7) for which he received amounts under the grant in the taxable year.

(iii) For the calendar year 1956, F receives $3,600 as the aggregate of amounts received under fellowship grants ($2,400 from Grant A and $1,200 from Grant B). F will be entitled to exclude the entire amount of $3,600 from gross income for the calendar year 1956 since such amount does not exceed an amount equal to $300 times the number of months (12) for which he received amounts under the grants in the taxable year.

(iv) For the calendar year 1957, F receives $4,600 as the aggregate of amounts received under fellowship grants ($1,000 from Grant A and $3,600 from Grant B). F will be entitled to exclude $3,600 ($300 × 12) from gross income for the calendar year 1957 and he will have to include $1,000 in gross income.

(v) For the calendar year 1958, F receives $2,400 from Grant B. F is entitled to exclude $1,500 ($300 × 5) from gross income for the calendar year 1958 and he will have to include $900 in gross income. While F receives amounts under fellowship Grant B for 8 months during the calendar year 1958, he is limited to an amount equal to $300 times 5 (months) because of the fact that he has already been entitled to exclude (and has in fact excluded) amounts received as a fellowship grant for a period of 31 months. Accordingly, he can only exclude amounts received under the fellowship grant for 5 months during the calendar year 1958, because of the 36-month limitation period. The fact that he was entitled to exclude only $1,400 ($200 a month for 7 months) instead of the maximum amount of $2,100 ($300 × 7) in 1955, is immaterial and the limitation period of 36 months is applicable.

(vi) The following chart illustrates the computation of the number of months for which F received amounts under the fellowship grants during the respective taxable years and the computation of the total amounts received under the fellowship grants during each taxable year:



| Period for which received and source | Number of months | Amounts received |
|---|---|---|
| 1955: | | |
| June 1 to December 31 | 7 | |
| Grant A | | $1,400 |
| Grant B | | None |
| Aggregate | 7 | 1,400 |
| 1956: | | |
| January 1 to August 31 | 8 | |
| Grant A | | 1,600 |
| Grant B | | None |
| September 1 to December 31 | 4 | |
| Grant A | | 800 |
| Grant B | | 1,200 |
| Aggregate | 12 | 3,600 |
| 1957: | | |
| January 1 to May 31 | 5 | |
| Grant A | | 1,000 |
| Grant B | | 1,500 |
| June 1 to December 31 | 7 | |
| Grant A | | None |
| Grant B | | 2,100 |
| Aggregate | 12 | 4,600 |
| 1958: | | |
| January 1 to August 31 | 8 | |
| Grant A | | None |
| Grant B | | 2,400 |
| Aggregate | 8 | 2,400 |

§ 1.117–3 *Definitions*—(a) *Scholarship.* A scholarship generally means an amount paid or allowed to, or for the benefit of, a student, whether an undergraduate or a graduate, to aid such individual in pursuing his studies. The term includes the value of contributed services and accommodations (see paragraph (d) of this section) and the amount of tuition, matriculation, and other fees which are furnished or remitted to a student to aid him in pursuing his studies. The term also includes any amount received in the nature of a family allowance as a part of a scholarship. However, the term does not include any amount provided by an individual to aid a relative, friend, or other individual in pursuing his studies where the grantor is motivated by family or philanthropic considerations. If an educational institution maintains or participates in a plan whereby the tuition of a child of a faculty member of such institution is remitted by any other participating educational institution attended by such child, the amount of the tuition so remitted shall be considered to be an amount received as a scholarship.

(b) *Educational institution.* For definition of "educational institution" section 117 adopts the definition of that term which is prescribed in section 151 (e) (4). Accordingly, for purposes of section 117 the term "educational institution" means only an educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on. See section 151 (e) (4) and regulations thereunder.

(c) *Fellowship grant.* A fellowship grant generally means an amount paid or allowed to, or for the benefit of, an individual to aid him in the pursuit of study or research. The term includes the value of contributed services and accommodations (see paragraph (d) of this section) and the amount of tuition, matriculation, and other fees which are furnished or remitted to an individual to aid him in the pursuit of study or research. The term also includes any amount received in the nature of a family allowance as a part of a fellowship grant. However, the term does not include any amount provided by an individual to aid a relative, friend, or other individual in the pursuit of study or research where the grantor is motivated by family or philanthropic considerations.

(d) *Contributed services and accommodations.* The term "contributed services and accommodations" means such services and accommodations as room, board, laundry service, and similar services or accommodations which are received by an individual as a part of a scholarship or fellowship grant.

(e) *Candidate for a degree.* The term "candidate for a degree" means an individual, whether an undergraduate or a graduate, who is pursuing studies or conducting research to meet the requirements for an academic or professional degree conferred by colleges or universities. It is not essential that such study or research be pursued or conducted at an educational institution which confers such degrees if the purpose thereof is to meet the requirements for a degree of a college or university which does confer such degrees. A student who receives a scholarship for study at a secondary school or other educational institution is considered to be a "candidate for a degree."

§ 1.117–4 *Items not considered as scholarships or fellowship grants.* The following payments or allowances shall not be considered to be amounts received as a scholarship or a fellowship grant for the purpose of section 117:

(a) *Educational and training allowances to veterans.* Educational and training allowances to a veteran pursuant to the Servicemen's Readjustment Act of 1944 or the Veterans' Readjustment Assistance Act of 1952.

(b) *Allowances to members of the Armed Forces of the United States.* Tuition and subsistence allowances to members of the Armed Forces of the United States who are students at an educational institution operated by the United States or approved by the United States for their education and training, such as the United States Naval Academy and the United States Military Academy.

(c) *Amounts paid as compensation for services or primarily for the benefit of the grantor.* (1) Except as provided in § 1.117–2 (a), any amount paid or allowed to, or on behalf of, an individual to enable him to pursue studies or research, if such amount represents either compensation for past, present, or future employment services or represents payment for services which are subject to the direction or supervision of the grantor.

(2) Any amount paid or allowed to, or on behalf of, an individual to enable him to pursue studies or research primarily for the benefit of the grantor.

However, amounts paid or allowed to, or on behalf of, an individual to enable him to pursue studies or research are considered to be amounts received as a scholarship or fellowship grant for the purpose of section 117 if the primary purpose of the studies or research is to further the

education and training of the recipient in his individual capacity and the amount provided by the grantor for such purpose does not represent compensation or payment for the services described in subparagraph (1) of this paragraph. Neither the fact that the recipient is required to furnish reports of his progress to the grantor, nor the fact that the results of his studies or research may be of some incidental benefit to the grantor shall, of itself, be considered to destroy the essential character of such amount as a scholarship or fellowship grant.

[SEAL] O. GORDON DELK,
*Acting Commissioner of Internal Revenue.*

Approved: June 26, 1956.

DAN THROOP SMITH,
*Special Assistant to the Secretary in Charge of Tax Policy.*

[F. R. Doc. 56-5182; Filed, June 29, 1956; 8:45 a. m.]

## TITLE 49—TRANSPORTATION

### Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicles

[Ex Parte No. MC-40]

PART 193—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

RESERVOIRS REQUIRED

At a general session of the Interstate Commerce Commission held at its offices in Washington, D. C., on the 25th day of June A. D. 1956.

It appearing that by our order of May 21, 1956, in this proceeding as amended (21 F. R. 3797; 21 F. R. 4232) we prescribed additional brake regulations applying to combination vehicles, the said order to be effective June 30, 1956;

It further appearing that information has been furnished us by major suppliers of parts and accessories necessary for safe operation to the effect that valves necessary to enable motor carriers to comply with certain provisions of § 193.50 cannot be made available in sufficient quantity to permit compliance with that section on the effective date;

*It is ordered*, that § 193.50 *Reservoirs required* be, and it is hereby, amended by deleting the entire last sentence and substituting in lieu thereof the following: "In addition, on and after January 1, 1957, every truck-tractor and every truck used for towing other vehicles shall when equipped with air or vacuum reservoirs as required by this section, and regardless of date of manufacture, have such air or vacuum reservoirs so safeguarded by a check valve or equivalent device that in the event of failure or leakage in its connection to the source of compressed air or vacuum the air or vacuum supply in the reservoir shall not be depleted by the leak or failure."

Notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission, Washington, D. C., and by filing a copy thereof with the Director, Division of the Federal Register.

(49 Stat. 546, as amended; 49 U. S. C. 304)

By the Commission.

[SEAL] HAROLD D. MCCOY,
*Secretary.*

[F. R. Doc. 56-5202; Filed, June 29, 1956; 8:49 a. m.]

## TITLE 50—WILDLIFE

### Chapter I—Fish and Wildlife Service, Department of the Interior

Subchapter F—Alaska Commercial Fisheries

PART 105—ALASKA PENINSULA AREA

WEEKLY CLOSED PERIOD

*Basis and purpose.* Since the mid-week closed period in the Alaska Peninsula area will fall on the opening date for fishing, it has been determined that the following relaxation can be permitted without jeopardizing proper conservation.

Therefore, effective immediately upon publication in the FEDERAL REGISTER, § 105.5 is amended in paragraph (c) by deleting the dates "July 5" and "July 4" and substituting in lieu thereof "July 3" and "July 2" respectively.

(Sec. 1, 43 Stat. 464, as amended; 48 U. S. C. 221)

JOHN L. FARLEY,
*Director.*

JUNE 27, 1956.

[F. R. Doc. 56-5263; Filed, June 28, 1956; 4:34 p. m.]

# PROPOSED RULE MAKING

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### [ 26 CFR (1954) Part 1 ]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

INSURANCE CONTRACTS

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D. C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U. S. C. 7805).

[SEAL] O. GORDON DELK,
*Acting Commissioner of Internal Revenue.*

The following regulations for taxable years beginning after December 31, 1953, and ending after August 16, 1954, are hereby prescribed under section 264 of the Internal Revenue Code of 1954:

§ 1.264 *Statutory provisions; items not deductible; certain amounts paid in connection with insurance contracts.*

SEC. 264. *Certain amounts paid in connection with insurance contracts*—(a) *General rule.* No deduction shall be allowed for—

(1) Premiums paid on any life insurance policy covering the life of any officer or employee, or of any person financially interested in any trade or business carried on by the taxpayer, when the taxpayer is directly or indirectly a beneficiary under such policy.

(2) Any amount paid or accrued on indebtedness incurred or continued to purchase or carry a single premium life insurance, endowment, or annuity contract.

Paragraph (2) shall apply in respect of annuity contracts only as to contracts purchased after March 1, 1954.

(b) *Contracts treated as single premium contracts.* For purposes of subsection (a) (2), a contract shall be treated as a single premium contract—

(1) If substantially all the premiums on the contract are paid within a period of 4 years from the date on which the contract is purchased, or

(2) If an amount is deposited after March 1, 1954, with the insurer for payment of a substantial number of future premiums on the contract.

§ 1.264-1 *Premiums on life insurance taken out in a trade or business*—(a) *When premiums are deductible.* Premiums paid by a taxpayer on a life insurance policy are not deductible from the taxpayer's gross income, even though they are trade or business expenses, if they are paid on a life insurance policy covering the life of any officer or employee of the taxpayer, or any person (including the taxpayer) who is financially interested in any trade or business carried on by the taxpayer, when the taxpayer is directly or indirectly a beneficiary of the policy. For additional provisions relating to the nondeductibility of premiums paid on life insurance policies (whether under section 162 or any other section of the Internal Revenue Code), see section 262, relating to personal, living, and family expenses, and section 265, relating to expenses allocable to tax-exempt income.

(b) *When taxpayer is a beneficiary.* If a taxpayer takes out a policy for the purpose of protecting himself from loss in the event of the death of the insured, the taxpayer is considered a beneficiary directly or indirectly under the policy. However, if the taxpayer is not a beneficiary under the policy, the premiums so paid will not be disallowed as deductions merely because the taxpayer may derive a benefit from the increased efficiency of



the officer or employee insured. See section 162 and the regulations thereunder. If a taxpayer insures his own life for the benefit of any person financially interested in any trade or business carried on by the taxpayer, the taxpayer is considered to be a beneficiary directly or indirectly under the policy. For example, a taxpayer is considered a beneficiary under a policy where he, as a principal member of a partnership, takes out an insurance policy on his own life irrevocably designating his partner as the sole beneficiary in order to induce his partner to retain his investment in the partnership. Whether or not the taxpayer is a beneficiary under such a policy, the proceeds of the policy paid by reason of the death of the insured may be excluded from gross income whether the beneficiary is an individual or a corporation, except in the case of (1) certain transferees, as provided in section 101 (a) (2); (2) portions of amounts of life insurance proceeds received at a date later than death under the provisions of section 101 (d); and (3) life insurance policy proceeds which are includible in the gross income of a husband or wife under section 71 (relating to alimony) or section 682 (relating to income of an estate or trust in case of divorce, etc.). (See section 101 (e).) For further reference, see, generally, section 101 and the regulations thereunder.

§ 1.264-2 *Single premium life insurance, endowment, or annuity contracts.* Amounts paid or accrued on indebtedness incurred or continued, directly or indirectly, to purchase or to continue in effect a single premium life insurance or endowment contract, or a single premium annuity contract purchased after March 1, 1954, are not deductible under section 163 or any other provision of chapter 1. This prohibition applies even though the insurance is not on the life of the taxpayer and regardless of whether or not the taxpayer is the annuitant or payee of such annuity contract. A contract is considered a single premium life insurance, endowment, or annuity contract, for the purposes of this section, if substantially all the premiums on the contract are paid within four years from the date on which the contract was purchased, or if an amount is deposited after March 1, 1954, with the insurer for payment of a substantial number of future premiums on the contract.

[F. R. Doc. 56-5210; Filed, June 29, 1956; 8:50 a. m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### [ 7 CFR Part 927 ]

HANDLING OF MILK IN NEW YORK METROPOLITAN MARKETING AREA

AMENDMENT TO DECISION WITH RESPECT TO PROPOSED AMENDMENT TO TENTATIVE AGREEMENT AND ORDER, AS AMENDED, AND OPPORTUNITY TO FILE EXCEPTIONS

The decision issued on June 15, 1956, and published in the FEDERAL REGISTER on June 20, 1956 (21 F. R. 4317; F. R. Doc. 56-4848), relating to proposed amendment of the tentative agreement and the order, as amended, regulating the handling of milk in the New York metropolitan marketing area, is hereby amended as follows (references are to the FEDERAL REGISTER for June 20, 1956):

1. Delete the fifth paragraph beginning in the second column on page 4320 and substitute in lieu thereof the following: "A motion was filed by the Milk Dealers Association of Metropolitan New York and Sheffield Farms Co., Inc., to vacate and set aside so much of this decision as relates to issues number 2 and 4; to sever said issue number 2 from the other issues in this proceeding; and to issue a recommended decision as to issue number 2 and afford an opportunity to file exceptions thereto.

"The said motion is hereby denied insofar as it relates to the findings and conclusions of this decision with respect to the month of July 1956. The findings and conclusions herein are fully justified by the evidence in the hearing record and the proposed amendment is necessary to effectuate the policy of the act with respect to milk delivered by producers during the month of July 1956. Insofar as such findings and conclusions relate to periods beginning on and after August 1, 1956, this decision shall be considered a tentative decision and interested parties are hereby afforded an opportunity to file exceptions thereto. Such exceptions may be filed in quadruplicate with the Hearing Clerk, U. S. Department of Agriculture, Washington 25, D. C., not later than July 10, 1956."

2. Delete the first paragraph in the second column on page 4321, and insert in lieu thereof the following: *"Order relative to handling.* It is therefore ordered, that for the month of July 1956 the handling of milk in the New York metropolitan milk marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, as follows:"

Filed at Washington, D. C., this 27th day of June 1956.

E. L. PETERSON,
*Acting Secretary.*

[F. R. Doc. 56-5235; Filed, June 29, 1956; 8:55 a. m.]

### [ 7 CFR Part 1000 ]

[Docket No. AO-266]

HANDLING OF MILK IN CHATTANOOGA, TENN., MARKETING AREA

DECISION WITH RESPECT TO PROPOSED MARKETING AGREEMENT AND ORDER

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and marketing orders (7 CFR Part 900), a public hearing was conducted at Chattanooga, Tennessee, May 17-25, 1955, pursuant to notice thereof which was issued on April 13, 1955 (20 F. R. 2525).

Upon the basis of the evidence introduced at the hearing and the record thereof, the Deputy Administrator, Agricultural Marketing Service, on February 7, 1956, filed with the Hearing Clerk, United States Department of Agriculture, his recommended decision in this proceeding. Said decision containing notice of opportunity to file written exceptions thereto was published in the FEDERAL REGISTER on February 10, 1956 (21 F. R. 956).

Within the period reserved therefor, interested parties filed exceptions to certain of the findings, conclusions and actions recommended by the Deputy Administrator. In arriving at the findings, conclusions and regulatory provisions of this decision, each of such exceptions was carefully and fully considered in conjunction with the record evidence pertaining thereto. To the extent that findings, conclusions and actions decided upon herein are at variance with any of the exceptions, such exceptions are overruled.

To the extent that suggested findings and conclusions proposed by interested persons are inconsistent with the findings and conclusions contained herein, the specific or implied requests to make such findings and reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions herein set forth.

The material issues of record related to:

1. Whether the handling of milk in the market is in the current of interstate commerce or directly burdens, obstructs or affects interstate commerce in milk or its products;

2. Whether marketing conditions justify the issuance of a marketing agreement or order; and

3. If an order is issued, what its provisions should be with respect to:

(a) The scope of regulation,

(b) The classification of milk,

(c) The level and method of determining class prices,

(d) The method to be used in distributing proceeds to producers, and

(e) Administrative provisions.

*Findings and conclusions.* Upon the evidence adduced at the hearing and the record thereof, it is hereby found and concluded that:

(1) *Character of commerce.* All milk which will be regulated under the proposed marketing agreement and order is in the current of interstate commerce or directly burdens, obstructs or affects interstate commerce in milk or its products.

The marketing area specified in the order proposed herein includes all the territory within three counties located in South-Eastern Tennessee. Within this area there is a continuous and substantial interstate commerce in the procurement of milk from producers and the sale of fluid milk and its products to consumers. Distributing plants located in Tennessee regularly deliver fluid milk products in Catoosa, Walker, Dade and five other counties in the State of Georgia. Likewise, distributing plants in such Georgia cities as Rossville and Chicka-

mauga regularly distribute fluid milk products in Hamilton, Bradley, Marion, Polk and Rhea Counties, all in the State of Tennessee, and DeKalb and Jackson Counties, in the State of Alabama. Thus, Chattanooga area handlers are in competition with each other across state lines, and with handlers located in other parts of Georgia and in Alabama as well, in the sale of milk and milk products at the wholesale and retail levels.

The record shows that producers supplying milk to plants in the marketing area are located in two counties in Alabama, three counties in Georgia, and eleven counties in Tennessee. Milk produced in these states is commingled in handlers' plants prior to being processed and sold throughout the areas described above. In addition, this general supply area is intermingled with that of Birmingham, Alabama and Atlanta, Georgia; and with that of the Knoxville, Tennessee, marketing area (which is regulated by Federal Order No. 88, as amended). Many producers supplying Chattanooga area handlers have the alternative of shipping milk to one or more of these markets, and some have so shifted their outlets in recent years.

Substantial quantities of such manufactured dairy products as cottage cheese and ice cream are distributed in the marketing area from sources located in more than one state. Ice cream and cottage cheese is distributed within the area after it is processed and manufactured in company-affiliated plants located in the Knoxville, Tennessee, market (a Federally-regulated area). Also, seasonal surpluses of locally produced Grade A milk are used in the manufacture of such dairy products as nonfat dry milk solids, which in turn are sold in competition with similar products manufactured in areas outside the State of Tennessee.

(2) *The need for regulation.* The marketing and pricing conditions in the Chattanooga, Tennessee, marketing area require the issuance of a Federal milk marketing agreement and order to establish and maintain orderly marketing conditions and effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended.

The problems encountered by producers in the Chattanooga marketing area are typical of those occurring in unregulated fluid milk markets where producers are unorganized or where producer cooperative associations have been unsuccessful in establishing effective bargaining relationships with handlers. The Federal milk marketing order proposed herein for Chattanooga, Tennessee, will implement the declared congressional policy of establishing and maintaining orderly marketing conditions by:

(a) Providing a regular and dependable method for determining minimum prices to producers at levels comparable to those contemplated under the act;

(b) Establishing uniform prices to handlers for milk received from producers according to a classification plan based on the use made of such milk by the handler;

(c) Providing an impartial audit of handlers' records of receipts and utilization to further insure uniform prices for milk purchased;

(d) Establishing uniform returns to producers supplying the area and insuring that the lower returns from the sale of reserve milk are shared equitably among all producers;

(e) Providing all producers with a means whereby the weighing and testing of their milk can be checked to insure accuracy;

(f) Establishing uniform rules for the operation of a market-wide base and excess plan that will (i) acquaint producers with the rules for establishing bases and determining base and excess prices; and (ii) encourage producers to modify seasonal fluctuations in the production of milk; and

(g) Providing market-wide information on the receipts, sales and other data relating to milk market problems in the area.

The hearing record reveals the chaotic marketing conditions in the Chattanooga area created by the wide variety of classification and pricing plans used by different distributors serving the area, the resultant lack of uniformity in prices paid producers for milk, and the ineffectiveness of the producers in protecting themselves against sharp cuts in producer prices during periods of milk price wars among distributors.

These local conditions were aggravated by the sale of milk purchased at distress prices by out-of-area distributors and sold in the proposed marketing area in competition with milk purchased from producers regularly supplying the market. Local handlers were forced to meet this competition by passing the effects of lower resale prices back to individual producers in the form of lower producer prices. The Chattanooga Area Milk Producers Association, the proponent cooperative association of producers in the marketing area, had to meet the situation by granting distributors buying from them price reductions, and by shifting increased quantities of displaced Grade A milk into lower-valued manufactured products. These actions have lowered prices to producers to the point where a continuous and adequate supply of pure and wholesome milk for the area is threatened. The classification and pricing plan of a Federal milk marketing order is the only available means of insuring the uniformity of payments for milk by handlers which is needed to restore and maintain orderly marketing conditions.

The variety of systems used by distributors in purchasing milk has created a wide variation in prices received by producers supplying handlers in and between parts of the marketing area. For a number of years prior to 1953, the producers' association stabilized local marketing conditions by supplying Chattanooga handlers with their daily requirements of Grade A milk and assuming the responsibility for handling any remaining surplus. However, this plan became inadequate by 1953 because (1) only a part of the local handlers supplying the area were under contract with the association and (2) increasing amounts of milk, some of it surplus to other areas, was being sold in the local area. Some handlers operating under contract with the association recognized the vulnerability of their marketing situation by at first refusing to renew their contracts that expired in 1954. They did sign a contract for another year, however, after (1) price concessions by producers and (2) assurances that the chaotic marketing conditions would be corrected locally, or steps taken to secure a Federal milk order to correct them. The classification and pricing plan of the attached order is the only available means of establishing uniform prices among handlers for milk received from producers according to the use made of such milk by each handler. This use-classification plan is equitable and will apply similarly to all handlers. To insure equity among handlers and full accountabiilty to producers, the use-classification plan must be supplemented by an impartial audit of handlers' records of receipts and utilization.

Much of the difference in prices realized by producers throughout the area arises because member-producers of the Chattanooga Area Milk Producers Association provide a major part of the reserve milk for the market and, consequently, carry the major burden of the lower prices realized from the sale of this milk in the form of manufactured dairy products. During 1953 and 1954 handlers participating in the association-operated market-wide pool used over 2 million pounds of other source milk in their operations. At the same time, the producers' association had to market as surplus over 23 million pounds of milk. The market-wide pooling provisions of the order proposed herein will provide a means of insuring uniform returns to producers and equitable sharing of the burden of providing the necessary quantities of reserve milk.

Many producers supplying handlers in parts of the marketing area have no effective means of insuring the accuracy of the weights and tests of their regular deliveries of producer milk. In addition, only part of the handlers in the market permit the auditing of their records for the purpose of establishing the accuracy of (1) the utilization of producer receipts according to a classification plan or (2) proportions of milk paid for as base and surplus under the base-surplus plan now in use in certain parts of the marketing area. Certain handlers, under contract to the association, permitted the association to audit the reports of receipts and utilization submitted to it by them. However, the scope of the audits and the number and size of the handlers involved precluded effective operation of the program. There is need for a Federal milk order to correct these inequities.

A substantial number of producers have no regular and dependable method for participating in the price determining decisions that govern the sale of their milk. Even the producers represented by the cooperative association have been unable to establish a satisfactory classification plan among handlers and protect themselves against the depressed prices resulting from the chaotic marketing conditions mentioned above. There is need for a Federal order to establish a complete and equitable classification plan that applies to all handlers, and to supplement this plan with a



formula for determining minimum prices to producers equivalent to those contemplated under the enabling act. Such prices, together with the classified-use plan of the attached order, should insure a sufficient quantity of pure and wholesome milk for the marketing area, protect the interests of producers, handlers and consumers, and be in the public interest.

Many of the marketing difficulties stem from a lack of complete and accurate information about the supply and demand for milk in the area. The Federal milk order proposed herein will make such information available to all interests in the market and will provide a reliable basis fordecisions on prices and other marketing problems encountered. The availability and dissemination of accurate market-wide information about the fluid milk market will tend to create confidence in the marketing system that does not exist under present conditions.

(3) *Order provisions*—(a) *Scope of regulation.* Federal milk orders achieve marketing and pricing stability by using techniques authorized by the Agricultural Marketing Agreement Act of 1937, as amended. Important among these techniques are the requirements that (1) regulated distributors (handlers) pay at least specified minimum prices to producers in accordance with a classified-use plan established in an order, and (2) these payments be distributed to each producer on a uniform basis through either an individual-handler pool or a market-wide pool. Under the circumstances, it is important to establish clearly which plants and which milk will be subject to all or part of the pricing provisions of the order and, in turn, which producers will participate in the distribution of returns through the market-wide pool. To identify such persons and to facilitate reference to them throughout the proposed order, such terms as "marketing area", "producer", "pool plant", "nonpool plant", "handler", "producer milk", and "other source milk" are defined and are used herein.

*Marketing area.* The Chattanooga, Tennessee, marketing area should be defined to include all of the territory within the boundaries of Hamilton, McMinn and Bradley Counties, all in the State of Tennessee.

Fluid milk products sold for consumption in this area must be approved by health authorities who are governed by health ordinances, practices and procedures generally patterned after the United States Public Health Service Milk Ordinance and Code. Within this defined area the health standards are substantially equal and are under the jurisdiction of operating health authorities. Furthermore, these authorities follow a general policy of reciprocity in administering their several ordinances. These conditions support the adoption of milk marketing regulations that are applied equally within the defined area.

Marketing areas, as defined in Federal milk orders, are designed to cover as nearly as is practicable, areas in which milk is sold to consumers rather than the areas where the milk may be produced. The proposed order would regulate distributing plants that are in substantial sales competition with one another within the defined marketing area. The cities of Chattanooga, Cleveland, East Ridge and Athens, Tennessee, are the major cities involved.

As pointed out earlier in the discussion on interstate commerce, plants located in Chattanooga encounter substantial competition in the sale of Class I products in the Tennessee counties included in the marketing area and in at least two counties in Georgia.

A group of handlers (and later the producers' association) proposed a marketing area larger than that included herein. Their proposal to include Dade, Walker and Catoosa Counties in Georgia in the marketing area was, at first, abandoned on the grounds that Order No. 1198 (Western Milkshed), issued by the Georgia Milk Control Board and made effective May 1, 1955, established minimum prices to producers and obviated the need for further regulation. Later, these parties asked for inclusion of the three counties because of the possibility that the Georgia Milk Control Board order might be withdrawn, and, as a consequence, several handlers operating in the area would be unregulated. Beyond protection against such a contingency, there is no condition existing in those counties that demonstrates a need for correction by issuance of this order. Accordingly, they are not included in the marketing area proposed herein.

Bledsoe, Meigs, Sequatchie, Marion and Rhea Counties also were proposed for inclusion in the area by the same group of handlers (and later by the association). These counties represent relatively minor sales outlets to the nine handlers who distribute about ninety percent of the milk sold in the eleven county area and who would be regulated by this order. For example, these handlers sell no milk in Bledsoe County; dispose of less than one percent of their total sales in Meigs County, 1.7 percent in Sequatchie County, 2.2 percent in Rhea County, and 2.4 percent in Marion County. Furthermore, these five counties are largely rural and the need for regulating sales in them, in order to make effective the regulation in the urban areas, was not established by the record.

The marketing area, as defined above, comprises the markets and the population centers in which milk is marketed by handlers encountering substantial competition with one another. It also is largely coextensive with the area in which marketing conditions are chaotic and unsettled for producers. Accordingly, it appears that the marketing area defined herein includes the territory which will minimize the problems of competition with unregulated distributors and at the same time regulate enough sales area to restore and maintain orderly marketing conditions for producer milk.

*Definitions of plants and milk to be subject to regulation.* The distributing plants located within the Chattanooga, Tennessee, marketing area dispose of the major portion of their milk receipts as fluid milk products. These "fluid milk products" are required to be made from milk produced in compliance with Grade A inspection requirements of the duly constituted health authorities having jurisdiction in the area. The minimum class prices of the order should apply to such milk which is received from dairy farmers at plants primarily and normally engaged in supplying fluid milk products for sale on retail and wholesale routes in the marketing area. Such plants are defined as "pool plants" and such milk is defined as "producer milk".

These definitions are designed to identify the supplies of milk upon which the market regularly and normally depends. However, under terms of the order proposed herein milk may be disposed of for Class I purposes in the marketing area by and from plants not meeting such criteria. It is necessary, therefore, to establish definitive standards of performance which may be used in determining which plants and which milk do, in fact, constitute the regular and normal supply, and thereby becomes fully subject to regulation.

Such standards should be clearly set forth in the order and apply uniformly to all plants, wherever located. Any plant, regardless of location, may bring itself under regulation by performing in the manner required. Any plant may relieve itself of regulation by no longer operating in a way that brings it within the scope of the order. Under the circumstances, the decision as to whether a plant will be fully regulated, partially regulated or entirely unregulated is determined by the decision of the plant operator.

Any milk sold in the marketing area must, of course, conform to the sanitary requirements imposed by the local health authorities. However, handlers may meet these requirements without becoming regular and dependable sources of supply for the market (their milk may have been obtained as a supplemental supply during periods of emergency or their sales may be a small portion of a primary distribution in some other area with which local health authorities have reciprocal agreements). Clearly, it is not possible to identify regular and normal supplies solely on the basis of sanitation requirements.

Neither is the shipment of milk to a marketing area for Class I utilization a practical basis for identifying the milk which should be fully regulated under the order. There are situations in which plant operators may find it economical or desirable to make shipments of small quantities of milk into a marketing area, and with respect to which it is neither necessary nor desirable in terms of effective regulation to bring the operators of such plants under full regulation. For instance, a plant which is associated with another market may find it advantageous to ship milk to a plant regulated by the order in order to have such milk converted into manufactured dairy products. It is quite possible, however, through misunderstanding, or from errors of estimating the utilization of milk, for milk intended for utilization in Class II products to be assigned a Class I classification. If through such

accident or misunderstanding a plant were placed completely under regulation, considerable hardship, unnecessary to effective regulation, might result.

Since neither health regulations nor the possibility that some milk from a plant may be used for Class I purposes in the marketing area provides an adequate measure of a plant's regular status in a market, the pool plant provisions must be based on regular performance. Such regular and substantial supplies are fully priced under the order and participate in the equalization pool.

As indicated elsewhere in this decision, market-wide pooling of producer returns is considered essential to the stable and orderly functioning of this market. Since a market-wide pool results in payment to all producers on an average utilization for the market, individual handlers are relieved of any responsibility for maintaining a high Class I utilization in order to support their pay rates to producers. Whatever utilization of milk a handler may have, his rate of pay to producers will be the same as that of all other handlers in the market because handlers whose proportion of utilization in Class I is greater than the market average, make payments into a producer-settlement fund, and those whose proportion of utilization in Class I is less than the average for the market receive payments out of the same fund. Thus, plants engaged primarily in the manufacture of milk into dairy products or in supplying other fluid markets have, under certain circumstances, an incentive to place their plants under regulation for the sole purpose of obtaining payments out of the producer-settlement fund. If a plant loses fluid sales in another area temporarily, it may seek to join a market pool in order to continue to pay farmers a blended price even though such milk is used in the lower-priced manufactured product uses. A manufacturing plant processing a specialty product for which a regular supply of Grade A milk is desired may seek to join a market pool in order to pay its producers the blended price for Grade A milk, although only a manufacturing value use for the milk is available. If such handlers are entirely free to decide when they will or will not share in the market pool, their decisions normally would be made to join the pool when they would draw payments from the equalization fund. Thus, it is possible that status with respect to the pool may become a determining factor in guiding a handler's operation. The Chattanooga market, however, would gain no advantage from the payment of equalization to such handlers. Such a distribution of equalization payments would, in fact, reduce the blend price to producers regularly supplying the market, thereby having an adverse effect on the milk supplies upon which the market depends. This could result in the need for higher Class I prices than would otherwise be required to supply the market adequately.

The scope of pooling or the rules for distributing the returns from Class I sales under the order, therefore, must be such that the differentials over manufacturing milk values paid by users of Class I milk will serve the purpose for which they are intended. The Class I milk price of the order is fixed at a level which exceeds the value of the milk for manufacturing uses. This premium, or differential, over the manufactured milk price is essential as an incentive to producers to supply milk of the quality and volume required by the market. Extra costs are involved in meeting the sanitary requirements relative to the maintenance of a dairy herd for the production of Grade A milk, in providing milk during the fall and winter months when feed and housing costs are high, in handling it through sanitary utensils and facilities, and in refrigerating and marketing it promptly.

The extra costs thus incurred by Grade A producers must be borne by that share of the milk which is marketed as Class I milk. Reserve or "surplus" milk, although an essential part of a fluid milk business, cannot be expected to return producers more than a manufactured milk value. The only outlet for reserve milk not needed for fluid use is in the form of manufactured products. Such products must be marketed in competition with similar products which can be and are made throughout the country from ungraded milk.

Since the production of high quality milk involves extra expenses, it is important that the amount produced be no more than the minimum necessary to provide the market with an adequate and dependable supply. To encourage unneeded production of such milk would represent an economic waste, since the expenditures involved in producing Grade A milk that is not an essential part of the market supply results in no extra value to consumers. Clearly then, one of the primary problems in setting up a market-wide pool is to establish standards which will provide for the sharing of Class I sales (Class I differentials) among the producers who are an essential and regular part of the milk supply for the marketing area.

Performance standards, therefore, should be such that any plant which has as its major function the supplying of milk to the market would pool its sales and share in the market-wide equalization. On the other hand, performance standards must be flexible enough to allow a plant primarily associated with the market to maintain its status under the changing conditions which occur from year to year, and yet not permit the distribution of equalization payments to plants not part of the essential supply. The performance standards herein provided are such that these objectives should be accomplished.

Because of the difference in marketing practices and in the demand for milk among distributing plants and supply plants, two sets of performance standards are provided. A "distributing plant" under the order would be defined (in § 1000.7 (a)) as a plant in which Grade A milk is received or processed and from which Class I milk (as hereinafter defined) is disposed of during the month on a route(s) (including routes operated by vendors) or from a plant or plant store to retail or wholesale outlets (except pool plants) located in the marketing area. A "supply plant" would be defined (in § 1000.7 (b)) to mean a plant from which fluid milk products acceptable to the appropriate health authority for distribution in the marketing area under a Grade A label is shipped during the month to a distributing plant qualifying as a pool plant.

In order to qualify as a pool plant, a distributing plant should be required to distribute at least 20 percent of its Class I milk during the month as Class I milk in the marketing area. A distributing plant having more than 80 percent of its fluid milk products business outside the marketing area should not be considered as essentially associated with the local fluid market, since only a minor share of its business is in the marketing area. In such a case, full regulation would not be necessary to accomplish the purposes of the order. It might even place such a plant at a competitive disadvantage in supplying the unregulated, but primary, market. As pointed out earlier, such a minimum standard also is necessary to avoid the possibility that a plant otherwise not associated with the market might qualify itself for equalization payments to its own advantage, and to the disadvantage of the market, by means of minor sales in the marketing area.

Combined with the requirement that sales equal to 20 percent of a handler's Class I business be made in the marketing area there is established a requirement that at least 50 percent of the handler's receipts in each month be disposed of in Class I uses. This requirement with respect to total Class I use will exempt from full regulation those plants generally recognized as manufacturing milk plants. In conjunction therewith, provisions for pricing the milk actually disposed of in fluid items in the area should be established to assure that the market is not disrupted by sales of such handlers.

Supply plants which are not primarily associated with the market, and which furnish only incidental shipments of milk to the market or regular shipments of limited quantities during only the shortest production period, need not be fully regulated. Such plants supply the market for a short duration only and may be located at widely scattered points. Such plants should be able to supply milk to the market during such periods of need without becoming fully subject to the order unless they become closely and primarily associated with the Chattanooga marketing area by continuing to supply a substantial part of their producer receipts to the regulated market. Such supply plants are a normal part of milk procurement facilities in many markets; standards recommended herein will provide the framework for their appropriate regulation.

It is recognized, however, that the demand for milk from supply plants may vary seasonally and will be greatest during the season of low production. For sustained periods during the months of flush production supplies of milk received at plants located in or near the marketing area may be sufficient to supply the Class I outlets. During this part of the year, it would be more economical to



leave the most distant milk in the country for manufacture, and use local supplies for Class I use. The performance standards should not force milk to be transported to distributing plants in the summertime where it must be manufactured in order to maintain the eligibility of supply plants to pool.

To avoid this, provision should be made whereby a supply plant may maintain pool plant status throughout the year if it supplies a substantial portion of its producer milk to distributing plants during the months when milk production tends to be lowest. On the other hand, withdrawal from the market of the milk received at a particular supply plant during the months of March through July would not be likely to seriously threaten the marketing area with an insufficient supply. It seems justified, therefore, to permit the voluntary withdrawal from the pool during that period of any supply plant which so requests in writing prior to the first day of a month for such withdrawal. Any distributing plant or supply plant which does not meet the standards for a pool plant should be required to file reports and submit to audits by the market administrator to verify the status of such plant.

These objectives can best be accomplished by defining as a "pool plant" any supply plant that ships to fully regulated distributing plants during the month at least 50 percent of its receipts of producer milk. If a supply plant meets these standards each of the months of August through February, such plant should be designated as a "pool plant" until the end of the following July (unless the plant requests withdrawal of such status). Receipts from plants not qualified under these supply plant standards should be considered as other source milk.

Some milk distributed in the marketing area is from plants which are fully subject to the classification, pricing and pooling provisions of other Federal milk marketing orders. To attempt to extend this order to cover such plants which dispose of a major portion of their receipts in another area would result in unnecessary duplicate regulation. Accordingly, the order proposed herein provides that a distributing plant which would otherwise be subject to the classification and pricing provisions of another order, and which disposes of a greater volume of Class I milk in the other area than in the Chattanooga area, shall be regulated by the other order.

Because the Class I prices in Chattanooga and adjacent markets under Federal regulation will be closely aligned there is little chance that handlers in any one of the markets can achieve a lasting competitive advantage over handlers regulated by any of the other Federal orders. Handlers operating plants regulated by other Federal milk orders could not sell surplus milk in the Chattanooga market for Class I use without accounting for it at the Class I price (because all orders require handlers to pay for producer milk on a classified-use basis). No compensatory payments are required, therefore, on milk, classified and priced as Class I under any other Federal order. However, such plants should be required to report their receipts and utilization to the market administrator as required so their exact status under the order can be determined.

The order should provide that a compensatory payment be made into the producer-settlement fund of the market-wide pool on milk not priced as producer milk under the order which is (1) allocated to Class I milk in a pool plant or (2) distributed on a route(s) within the marketing area by a nonpool plant. It is necessary to require payments on such milk in order to maintain reasonable uniformity of cost of milk and equity among handlers, and to preserve the integrity of the classified price plan for milk in the market-wide pool. Accordingly, there is included in § 1000.70 of the order a provision for including in the value of milk computed for each pool plant a payment (computed at the rates set forth in § 1000.54) on "other source milk" received by it and subtracted from Class I milk pursuant to § 1000.45 (a) (2) and (b) and in § 1000.62, a provision for payment by each nonpool plant at the same rates for butterfat and skim milk disposed of in the form of fluid milk products on a route(s) in the marketing area.

As pointed out previously, the classified price plan and the minimum prices for each such class set forth herein will be fully effective only on producer milk and on plants subject to full regulation under the order. However, milk may be disposed of for Class I utilization by and from plants not subject to full regulation of the order. Such unregulated plants may sell milk in bulk form to pool plants that do, in turn, use it in supplying their Class I outlets, or they may sell Class I milk directly on routes as defined herein. There are no provisions in the order that prohibit any plant from selling milk directly or indirectly in the marketing area. The problem created by sales from unregulated plants similar to those just described is that such plants are not required by terms of any order to pay producers the minimum class prices based on the utilization made (and verified by audit) of the milk. For the reasons set forth in the findings and conclusions relative to what plants and what milk constitutes the regular and essential part of the area's milk supply, some means must be found to offset, or neutralize, the cost advantage an unregulated plant will have in disposing of unpriced milk in the regulated Class I market in competition with plants subject to full regulation under the order.

The role of the compulsory classification system and minimum prices for such classes as set forth in a Federal milk order is to insure that the price competition from reserve and excess milk will not break the market price for Class I milk, thereby destroying the premium prices necessary to encourage Grade A production. The end result of that would be to destroy producers' incentive to supply the milk needed by consumers. Because the classified pricing program of the order is applicable only to fully regulated plants, it is necessary to provide continued stability of the market by neutralizing any advantages unregulated plants may attain with respect to sales in the regulated market. Such plants have a real financial incentive to find means to sell excess milk at prices somewhat less than current Class I levels so long as the price is higher than its value when used in manufactured dairy products. If unregulated plant operators were allowed to dispose of surplus milk for Class I purposes in the regulated marketing area without some compensating or neutralizing provision of the order, it is clear that the disposition of such milk, because of its price advantage relative to fully regulated milk, would displace the fully regulated milk in Class I uses in the marketing area. The plan of Congress, as contemplated under the Agricultural Marketing Agreement Act of 1937, as amended, of returning minimum prices to the producers for the regulated marketing area, would be defeated. Moreover, inefficiencies in the marketing of milk would be encouraged for the regulated market would obtain its Class I milk not from the regular and normal supply for the market but from other sources of supply generated solely as a result of the price advantage created for unregulated milk by the regulation itself.

The compensatory payments applicable to other source milk disposed of in the marketing area from distributing plants which are nonpool plants should be the same as those applicable to other source milk distributed from pool plants. It would not be possible to stabilize the market under the classified pricing program in this market if nonpool plants were allowed to distribute unpriced milk in the marketing area without compensatory payments. Handlers distributing such unpriced milk in the marketing area have the same opportunity to buy milk at the opportunity cost level as do the operators of pool plants who purchase other source milk. In addition, however, the operator of a nonpool plant in all probability has surplus milk in his own plant which he would want to dispose of on any basis which would yield a higher return than the surplus value. It would be particularly easy to dispose of such milk for Class I use in the marketing area by bidding for large contracts such as hospitals, defense establishments or large institutions. With surplus outlets as the alternative, and no compensatory payments to make, the nonpool handlers would have considerable incentive or margin to underbid the seller of priced milk for such sales. A nonpool plant might also use such price advantage in selling his surplus milk to Class I outlets for the purpose of establishing a regular trade on retail or wholesale routes to homes and stores in the marketing area. The nonpool plant might sell up to 25 percent of its Class I milk into the marketing area as Class I without becoming subject to regulation. To allow a nonpool plant to use its surplus milk in this manner for establishing a regular trade in the marketing area without compensatory payments would give him a marked competitive advantage over regulated handlers selling priced milk. Such conditions could readily lead to disorderly marketing conditions. Providing for some method for

compensating for, or neutralizing the effect of, the advantage created for unregulated milk, therefore, is an essential and necessary provision of this order. The payments required by this order on such milk will not bring the operating plant under full regulation yet it will remove any advantage to the unregulated plant.

This rate of compensatory payment is based on the value of unpriced milk under the conditions existing in the area—the difference between the opportunity cost of unregulated milk (its value at the lowest use) and the price under the order for milk going into comparable uses. Such a rate of payment based on the most economical cost of other source milk available to handlers will remove, as far as is administratively possible, any clear advantage one handler may obtain relative to his competitors by obtaining unregulated milk and substituting it for producer milk in Class I.

By the very nature of fluid milk operations, as explained earlier, handlers have milk that is produced for, but is not utilized as Class I milk. In and around the Chattanooga market this surplus milk must be used by being processed into manufactured dairy products. Therefore, the opportunity cost of surplus milk is its alternative value for manufacturing purposes. It is reasonable to conclude that milk could be obtained at prices reflecting its value as surplus milk in these markets during such times as any considerable volume of Grade A milk must be disposed of as surplus by unregulated plants in that general area. Handlers fully regulated under the order seeking to purchase unregulated milk will naturally resort to the lowest cost source from which suitable milk is available. In fixing the rate of compensation payment, it is necessary, therefore, to determine what the lowest cost source may be and to base the payment on the difference between the cost of such milk and the cost of milk priced under the order for similar use. At other times, the opportunity cost of the cheapest other source milk in the general region of the Chattanooga market will be reflected by the prevailing blend prices paid farmers. During such months unregulated handlers will be forced by competition to pay farmers approximately average blend prices.

It is concluded, therefore, that during the months of March through July (when surplus milk may be available in substantial volume to the Chattanooga market from nonpool sources), the compensatory payment on other source milk or milk utilized in Class I should be based on the difference between the minimum price of producer milk used for surplus and the applicable Class I price under the Chattanooga order. The Class II price established by the order is a fair and economic measure of the value of milk in surplus uses in the Chattanooga area.

For the months of August through February, when milk supplies tend to be shorter, it is concluded that (1) other source milk is not likely to be available to handlers at surplus prices and (2) during these months the compensatory payment should be based on the difference between the Class I and the blend prices under the order. Generally speaking, during these months the relationship between the supply of milk in the Chattanooga milkshed area and the demand for such milk will tend to fluctuate considerably from year to year according to production conditions. Those fluctuations will generally tend to be similar in Chattanooga, Knoxville, and surrounding milksheds. Thus, the rate of compensatory payment based on the difference between Class I and blend prices will adjust itself automatically in these months according to the changes in demand for and price of outside supplies. If supplies of producer milk are relatively plentiful, unpriced milk can be expected to be cheaper, and therefore, the rate of compensatory payment should be somewhat higher. On the other hand, as milk supplies in the area tend to be short, it is to be expected that the cost of unregulated milk will increase. Under these circumstances, the rate of compensatory payment will be correspondingly less.

By choosing a rate of compensatory payment which reflects the cost of the cheapest other source milk which may be expected to be available to regulated handlers, any advantage to one handler relative to others, in obtaining such cheap milk and substituting it for producer milk in Class I, is removed insofar as administratively possible and no handler is given the clear opportunity to gain an unfair advantage which otherwise would exist. Although the unfair advantage of obtaining other source milk is removed by the particular rate of payment herein provided, nevertheless, if other source milk is to be purchased, the incentive for purchasing the cheapest of such milk remains, because the lower the price which a handler pays for other source milk, the lower will be his total cost of purchasing such milk.

All funds collected from compensatory payments should be added to the producer-settlement fund. The handler regulated by the order should be obligated to make the compensatory payment to the producer-settlement fund. There will be no difference in actual price paid for milk whether the payment is made by the regulated handler or by the operator of the unregulated plant from which the other source milk was obtained. Because the regulated handler makes the actual distribution of the milk in the marketing area, and because he reports its utilization to the market administrator, he is, from the administrative viewpoint, the logical one to make the payment.

For the reasons set forth later in this decision, Class I milk under the order is priced at the point where the milk is received from producers, hence the compensatory payments on other source milk should be computed at the same stage of the marketing process to be directly comparable. No allowances are made in the order for the costs and profits of handlers in moving producer milk through subsequent stages of marketing; neither should they be made for other source milk.

A "handler" should be defined as any person in his capacity as the operator of one or more pool plants. Such handler is the person to whom the provisions of the order are applicable. The handler receives the milk and thus must be held responsible for reporting the receipt and utilization of it. If the milk is priced, he is responsible for paying producers the specified minimum prices. The definition of a handler should include a cooperative association with respect to milk of producers diverted for the account of such association in accordance with § 1000.6. If a handler also operates an unregulated plant(s) in a separate building, this definition is not intended to include such person in his capacity as an operator of such plant(s). This definition should include the operators of distributing plants and supply plants which do not qualify as pool plants and producer-handlers in order that they may be required to report to the market administrator whenever necessary to determine their status. In the case of distributing plants which are nonpool plants by virtue of insufficient sales in the marketing area, such reports are necessary to determine the amount payable by the operator of such plant on the unpriced milk distributed in the marketing area.

"Producer" should be defined as any person other than a producer-handler who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority and the milk is received at a pool plant. Provision should be made so the milk of producers regularly received at a pool plant may be diverted for the account of a handler to a nonpool plant any day during the months of March through July and on not more than 10 days during any other months. This will allow milk regularly associated with the market to be diverted to manufacturers during periods of flush production and over weekends and holidays when supply-demand relationships require some reserve milk to be manufactured in plants not regulated by an order. Producers whose milk is so diverted will continue to receive the uniform price under the order and their milk will be available for fluid use when needed. Diverted milk shall be deemed to have been received at the plant from which it was diverted.

"Producer milk" should include all skim milk and butterfat contained in milk produced by producers and received at pool plants directly from producers or diverted by a handler from such plant.

"Producer-handler" should be defined as a person who produces Grade A milk under the supervision of any duly constituted health authority, and who operates a distributing plant in which he handles only milk of his own production and milk from pool plants which was priced at such plant, and all or part of which milk is distributed on a route(s) within the marketing area as Class I milk. A producer-handler should be subject to the order only to the extent that he must submit reports to the market administrator, as required, and maintain and make available to the market administrator, accounts, records and facilities so that the market administrator may verify that such person is a producer-handler. It would be meaningless to require under the order that a producer-handler pay any particular price for milk produced on his own farm.



Classification provisions of the proposed order should provide that any milk, skim milk, or cream transferred by a handler to a producer-handler should be Class I milk. Any supplemental supplies of milk which may be obtained from other handlers may, by virtue of the type of operation involved, be presumed to be needed by the producer-handler for fluid use and should be classified in the supplying handler's plant as Class I milk. A producer-handler may receive milk from other handlers and still maintain his status as a producer-handler. Pursuant to the proposed order, any milk which a handler receives from a producer-handler would be other source milk and would, therefore, be allocated to the lowest class utilization at the pool plant(s) of a handler after the allocation of shrinkage on producer milk. This method of allocating producer-handler milk will preserve producers' priority on the Class I sales in the market.

"Other source milk" should be defined as all skim milk and butterfat utilized by the handler in his operations except fluid milk products received from pool plants, inventory and current receipts of producer milk. This includes any nonfluid milk products from any source, including those produced at the handler's plant during the same or an earlier month, which are reprocessed or converted to other products during the month in the plant. Thus, other source milk would represent butterfat and skim milk from sources not subject to the Class A pricing provisions of the attached order. If such other source milk is disposed of in a fluid milk product, partial pricing and regulation is provided under compensatory payments. Defining other source milk in this manner will insure uniformity of treatment among all handlers under the allocation and pricing provisions of the order.

(b) *Classification of milk.* Milk received by regulated handlers should be classified on the basis of skim milk and butterfat according to the form in which, or the purpose for which, it is used, as either Class I milk or Class II milk.

A classified-use plan of this type will insure that minimum prices for milk may be made equal among handlers according to use, that a price may be fixed for the milk disposed of as Class I at a level that will bring forth an adequate supply of pure and wholesome milk, and that a necessary reserve of quality milk may be maintained at all times (and used at prices in line with its value when processed into manufactured dairy products) without disrupting marketing and pricing conditions within and outside the established marketing area.

The products which should be included in Class I milk are those generally required by health authorities in the marketing area to be obtained from milk or milk products from approved "Grade A" sources. The extra cost of getting quality milk produced and delivered to the market in the condition and quantities required makes it necessary to provide a price for milk used in Class I products somewhat above the ungraded or manufacturing milk price. This higher price should be at such a level that it will yield a blend price to producers that will encourage production of enough quality milk to meet market needs for these fluid milk products.

Reserve milk not needed seasonally or at other times for Class I use must be disposed of for use in manufactured products. These products are less perishable and must be sold in competition with products made from unapproved milk. Milk so used should be classified as Class II milk and priced in accordance with its value in such outlets.

In accordance with these standards, Class I milk should comprise all skim milk (including concentrated and reconstituted nonfat milk solids) and butterfat (1) disposed of in the form of milk, skim milk, buttermilk, flavored milk, flavored milk and skim milk drinks, yogurt, cream or any mixture in fluid form of milk, skim milk and cream (except eggnog, ice cream, ice cream and ice milk mixes, aerated cream and sterilized products contained in hermetically sealed containers); and (2) not accounted for as Class II milk.

Class I products which contain concentrated skim milk solids such as skim milk drinks and buttermilk to which extra solids have been added, or concentrated whole milk disposed of for fluid use, should be included under the Class I milk definition and all the solids therein should be priced at the same rate. Products such as evaporated or condensed milk packaged in bulk or in hermetically sealed cans would not be considered as Class I milk.

Skim milk and butterfat are not used in most products in the same proportions as contained in the milk received from producers, and therefore should be classified separately according to their separate uses. The skim milk and butterfat content of milk products, received and disposed of by a handler, can be determined through certain recognized testing procedures. Some of these products, such as ice cream and condensed products, present a more difficult problem of accounting in that some of the water contained in the milk has been removed. It is necessary, in the case of such products, to provide an acceptable means of ascertaining the amount of skim milk and butterfat contained in, or used to produce, these products. This may be accomplished through the use of adequate plant records made available to the market administrator in the case of products produced by a handler, or by means of standard conversion factors of skim milk and butterfat used to produce such products in the case of products purchased by a handler. The accounting procedure to be used in the case of any condensed milk product should be based on the pounds of milk or skim milk required to produce such product.

Each handler must be held responsible for a full accounting of all his receipts of skim milk or butterfat in any form. A handler who first receives milk from producers should be responsible for establishing the classification of, and making payment to producers for, such milk. Fixing responsibility in this manner is a practice which is followed consistently in Federally regulated markets and it is necessary herein to administer effectively the provisions of the order. The operator of the plant at which milk is first received from producers is the person with whom contractual relations have been made by producers or their representatives. Except for the limited quantities of shrinkage which may be classified in Class II under the certain conditions set forth elsewhere in this decision, all skim milk and butterfat which is received and for which the handler cannot establish utilization should be classified as Class I milk. This provision is necessary to remove any advantage to handlers who fail to keep complete and accurate records and to assure that producers receive full value for their milk on the basis of its use.

All skim milk and butterfat used to produce products other than those classified in Class I milk should be Class II milk. Included as Class II milk are products such as ice cream, ice cream mix and other frozen desserts and mixes; butter, cheese, including cottage cheese; evaporated and condensed milk (plain and sweetened); nonfat dry milk solids, dry whole milk; condensed or dry buttermilk; and any other products not specified as Class I milk. Skim milk and butterfat disposed of to commercial food product manufacturing plants, other than dairy plants, which do not dispose of fluid milk products for fluid consumption, should be Class II milk. The health ordinances applicable in the marketing area do not require that these products be made from locally approved milk.

Cream placed in storage and frozen should be classified as Class II milk. Such cream is intended primarily for use in ice cream and ice cream and ice milk mixes. Skim milk disposed of and used as animal feed also should be classified as Class II. Also, any skim milk which may need to be dumped should be in Class II. Because dumping can be verified only by witnessing the action, the handler is required to give advance notice to the market administrator so he may have the dumping witnessed. Any frozen cream or other Class II products which are used later in a pool plant would be considered as other source milk at the time of such use and assigned to the lowest price utilization in the plant.

Butterfat and skim milk used to produce Class II products should be considered to be disposed of when so used. Handlers will need to maintain stock records on such products, however, to permit audit of their utilization records by the market administrator. Class II products from any source used in the production of products included in Class I milk should be considered to be a receipt of other source milk. This will maintain priority of assignment of current receipts of producer milk to Class I utilization.

Handlers have inventories of milk and milk products at the beginning and end of each month which enter into the accounting for current receipts and utilization. Inventory is intended to include

stocks on hand of bulk milk, skim milk, and cream and bottled milk and other fluid milk products designated as Class I milk. Manufactured products (Class II) on hand are not included in the inventory account because the milk used to produce such products will already have been accounted for as Class II milk. As previously indicated, handlers will need to keep stock records of such products but they will not be included in inventory for the purpose of accounting for current receipts.

It is concluded that inventory should be accounted for as Class II milk. If fluid milk products in inventory are accounted for as Class II milk at the end of the month, it will be necessary to provide a method to deal with the producer milk inventory which is used in the current month for Class I purposes but which the handler accounted for to producers as Class II milk at the end of the previous month. In a plant which engages primarily in a fluid milk business, it is quite possible that a decrease in inventory in any given month may exceed its total utilization of milk in Class II. Handlers, at times, also use other source milk in their operations. Producer milk from inventory should have prior claim on Class I sales over current receipts of other source milk. This can be accomplished by considering the ending inventory in one month as a receipt in the following month and subtracting such receipt (under the allocation procedure) in series starting with Class II milk following the subtraction of other source milk. To the extent that opening inventory is allocated to Class I milk and there was an equivalent amount of producer milk classified in Class II milk in the previous month (after the allocation of other source milk) a reclassification charge should be made at the difference between the Class I price in the current month and the Class II price in the preceding month. This will promote equality in the cost of milk among handlers and returns to producers, irrespective of whether or not such producer milk is from the previous month's ending inventory or is a current receipt.

Shrinkage should be determined by subtracting from the total pounds of skim milk and butterfat received by the handler his total established utilization of skim milk and butterfat, respectively, in various products. Shrinkage not in excess of 2 percent of the handler's receipts of skim milk and butterfat from producers and other source milk should be prorated between producer and other source milk on the basis of the pounds received from each source. None of the shrinkage should be assigned to milk received from other pool plants because shrinkage on such milk will be allowed to the transferring handler. A plant operated in a reasonably efficient manner, and for which complete and accurate records of receipts and utilization are maintained, should be able to keep total shrinkage at less than 2 percent of total receipts. It is concluded, therefore, that shrinkage not in excess of 2 percent of total receipts of producer milk and other source milk should be classified as Class II milk; any in excess of this quantity should be classified as Class I milk.

*Transfers.* Classification of butterfat and skim milk used in the production of Class II milk items should be considered to have been established when the product is made. Classification of Class I milk should be established when the butterfat or skim milk is disposed of. However, since some Class I items may be disposed of to other plants for processing, separate classification procedures should be prescribed for transfers to other plants.

Milk, skim milk, cream or other products designated as Class I milk transferred by a handler to the plant of another handler, except that of a producer-handler, should be classified as Class I milk unless both handlers indicate in their reports to the market administrator that they desire such milk to be classified as Class II milk. However, if Class II is claimed, sufficient Class II utilization must be available at the transferee plant for such assignment after prior allocation of shrinkage and other source milk. Furthermore, the assigning to classes must be such as will result in the maximum amount of producer milk of both handlers being assigned to Class I milk. These actions will carry out the recognized principle that the highest-valued uses should be assigned first to the milk of regular producers.

In order to reduce the administrative expense of verifying the use of milk or skim milk transferred great distances, transfers of milk or skim milk to plants 250 miles or more from the City Hall of Chattanooga, Tennessee (by the shortest hard-surfaced highway distance) should be Class I in all cases. The costs involved in transporting milk or skim milk in fluid form such a distance are such that it would not be economically feasible to move the milk farther for Class II disposition.

Cream presents a somewhat different problem because its value is so much greater in relation to its bulk that it may be transported long distances for manufacture. In order to provide for such transfer and at the same time provide reasonable assurance that the butterfat is being classified according to use, it should be provided that cream may be Class II if the following conditions are met: (1) The transferring handler requests such a classification, (2) it is clearly labeled as manufacturing grade cream and the shipment is so invoiced, (3) if the operator of the nonpool plant maintains books and records of utilization at the plant which are made available on request of the market administrator for verification of usage, (4) if prior notice of the intended shipment is furnished to the market administrator, and (5) the nonpool plant used an equivalent amount of skim milk and butterfat in the use indicated.

The more common form of transfer to a nonpool plant is the movement of excess milk to nearby manufacturing plants. It is provided that transfers of milk, skim milk, or cream from a pool plant to a nonpool plant located within a radius of 250 miles of the City Hall in Chattanooga, Tennessee, be Class I unless Class II use is affirmatively established. Evidence of Class II use consists of a certification by the pool plant operator that the transfer was intended for Class II use, and verification by the market administrator of the records made available by the nonpool plant operator to establish that the milk was utilized for manufacturing purposes.

*Allocation.* Because the order class prices apply only to producer milk, it is necessary, if a pool plant has butterfat or skim milk other than that received in producer milk, to determine the quantities of milk in each class to be assigned to current receipts from producers. The milk of producers should be assigned the Class I utilization first. This is necessary to insure the effectiveness of the classified pricing program of the order. The system of assigning utilization of milk to receipts from different sources which will carry out this objective is set forth in detail in the order.

In general this procedure requires that skim milk and butterfat, respectively, remaining in each class be assigned to producer milk by making the following deductions from the gross utilization of each handler starting with Class II milk, except as otherwise noted:

(1) Class II shrinkage of producer milk;
(2) Other source milk;
(3) Beginning inventory;
(4) Receipts from other handlers (according to classification); and
(5) Overage.

Since uniform prices paid producers by each handler are to be calculated monthly, the assignment of utilization described above should be carried out with respect to all milk received during each month. To apply a shorter accounting period would place an accounting and reporting burden upon handlers and increase the cost of administering the order.

(c) *Class prices.* In order to restore and maintain orderly marketing conditions in the Chattanooga, Tennessee, area, minimum Class I and Class II prices for producer milk must be established at levels that will reflect economic conditions affecting the market supply and demand for milk or its products and assure the maintenance of a supply of quality milk adequate for the needs of the market. The enabling act requires that minimum prices established by Federal milk orders meet this standard. An important point in this requirement is that the prices shall be at level that over a reasonable period of time, due consideration being given the need for a reserve of milk and the seasonal variation in production, the supply of milk meeting the quality standards of a market will be about equal to the needs of the market for milk of that quality. This means, in turn, that the minimum prices provided for in the order can be related to general economic conditions, but cannot be maintained out of line with such conditions. If producer prices are too low, not enough milk of acceptable quality will be produced to supply fully the Class I needs of the market. If such prices are too high, on the other hand, milk production will be over stimulated and fluid consumption will tend to be curtailed. These actions would cause more milk to be produced than is needed to supply the demand for Class I milk, including the necessary reserves, and would eventually result in the shifting of agricultural resources toward the production of unnecessary and uneconomic surpluses and this would depress the blend price to producers.

The concept of adjusting minimum class prices in response to changes in supply and demand conditions, and thereby influencing production of milk through consequent changes in producers' blend prices, has wider geographical implications today than in the past. In earlier days producers were limited to supplying milk to local markets because of inadequate transportation facilities and the local nature of health regulations and milk distribution systems. Today the technological advances in milk production, including the widespread use of milk cooling equipment on farms; the rapid motor transportation from farms to a number of cities instead of one or two, especially through the advent of bulk farm tank milk pickup; the increased efficiency of milk processing equipment and plants; the increasing importance of paper containers for packaging milk; the use of refrigerated delivery trucks; the sale of milk through vendors and stores in distant cities; and the corollary trend among health authorities approving sources of milk derived from a wider supply area under agreements for reciprocal inspection—all these factors enable milk to be transported and sold long distances from the point of production and processing. Record testimony shows that these economic developments and trends have and are influencing the marketing organization and price structure for producer milk and for fluid milk products in the Chattanooga, Tennessee area. Producers and handlers alike recognized the influence of these trends and developments in many ways, most significant of which was the continued reference to the need for aligning any prices to be included in the order with prices currently being paid in such markets as Knoxville and Nashville, Tennessee, both of which presently are regulated by Federal milk orders, and such non-Federally regulated areas as Atlanta, Georgia, and Birmingham, Alabama.

Representatives of the producers' association visualized the Class I pricing problem as one of alignment between two Federally-regulated markets to the North (Knoxville and Nashville) and two markets to the South regulated by State milk control programs (Atlanta, Georgia, and Birmingham, Alabama). These four markets are located within a radius of 113 to 138 miles of Chattanooga. They contended that appropriate alignment of Chattanooga prices with the Georgia and Alabama State milk control price structure is necessary to forestall loss of the available supplies of producer milk to those markets; appropriate alignment with Knoxville and Nashville is necessary to forestall loss of Class I sales of the Chattanooga market to lower-priced milk from those areas. On the basis of these criteria, producers requested a Class I differential of $2.00 per hundredweight over the basic formula price for all months of the year. In support of this level, producers cited the facts that: (1) The Class I differential in the Knoxville order is $1.50 over a basic formula price all months of the year, (2) the cost of transporting milk from Knoxville to Chattanooga is about 25 cents per hundredweight, and (3) the supply-demand adjustment in the Knoxville order has increased the Class I price in that market by an average of 25 cents per hundredweight each month since the provision has been in effect.

Handlers' testimony was that the basic formula price, the Class I differential and the Class I butterfat differential should be identical with those contained in the Knoxville order, at least until such time as adequate market-wide data are available for the Chattanooga market to develop an independent basis for pricing Class I milk. The primary basis for this pricing plan is the fact that a major handler in the Chattanooga area purchases his entire supply of producer milk under the pricing provisions of the Knoxville order. Furthermore, they felt such a price level is in reasonable alignment with the Class I price level in the Nashville, Tennessee, order plus the cost of transporting bulk milk from Nashville to Chattanooga.

The record supports the necessity for a proper alignment of both class prices and the producer blend price with those prevailing in surrounding markets. The problem then reduces itself to this: With what markets should the Chattanooga area be aligned to insure a proper level and relationship of prices, and how can that alignment be achieved?

With respect to the need for aligning Class I prices in Chattanooga with those prevailing in the four surrounding markets mentioned above, record evidence indicates that prices paid under the State milk control plans of Georgia and of Alabama have a far less significant effect in inducing or prompting shifts of producers between such markets and Chattanooga than is the case between the Chattanooga market and the Federally-regulated markets of Knoxville and Nashville. During the last few years, for example, only a few milk producers located in Tennessee have been able to shift their sales to distributors located in Georgia, even though the Class I price levels in the Western Milkshed of Georgia have been higher than Chattanooga area prices.

As a practical matter, then, in seeking a base for price alignment, it is necessary to turn to the Nashville, and more especially, the Knoxville markets. The Class I prices in these markets are established at a specified level over a basic manufacturing milk value. These levels are adjusted by a measure of local supply of milk relative to Class I sales in the Knoxville area at present and will be so adjusted soon in the Nashville area.

As between the two areas, the Chattanooga market is much more closely related to Knoxville than the Nashville area, both in sales of fluid milk and in procurement of milk from producers. The milk supply areas of Chattanooga and Knoxville are intermingled—both markets drawing producers from Loudon, Monroe, Meigs and McMinn Counties, Tennessee. Furthermore, many producers of ungraded milk are located in the over-lapping production area between the Knoxville and Chattanooga markets. Also, there is direct competition between Chattanooga and Knoxville handlers in the sale of fluid milk products as milk moves south from Knoxville (in and through Chattanooga and into Georgia) and north from Chattanooga to Knoxville. The relationship with the Nashville area is not so direct and intermingled as that with Knoxville.

The Class I price in the Knoxville market is calculated by adding a Class I differential of $1.50 to a "basic formula price" for the preceding month. This price is subject to increase or decrease within specific limits, in the event local supply and demand relationships vary beyond a normal range. The Class I pricing formula for the Chattanooga marketing area should reflect the additional cost of transportation from the Knoxville marketing area to Chattanooga. This will be in conformance with the longtime relationship between prices in Knoxville and Chattanooga, and will reflect the higher location value of Class I milk which tends to rise from the major production areas in the Central United States to the South and East. Based on these normal considerations, it is concluded that, for an introductory period of 18 months, the Class I price in Chattanooga should be about 25 cents a hundredweight higher than the Class I price in Knoxville on an annual basis under normal supply-demand relationships in each market. This level of price would be arrived at by adding a differential of $1.75 to the basic formula price.

The record indicates that a level of prices somewhat higher than those prevailing in markets to the north and west is needed to attract sufficient milk from local sources to meet the requirements of the market. On the other hand, the effective price of Class I milk in the Chattanooga area should not, over any extended period of time, exceed the cost of regular dependable supplies of Grade A milk from alternative sources.

In this connection, the relationship to the Nashville market is particularly important, since supplies in that area tend to be more ample than in the Chattanooga area. The Class I price differential of $1.75 for the Chattanooga market would be 50 cents higher than the average of differentials under the Nashville order.

Furthermore, in view of the direct relation of this market to Knoxville, the Knoxville-Nashville price relationship is significant. The Class I price level in the Nashville market is lower than that existing in Knoxville. During 1953 and 1954, for example, the Class I price (including premiums) in Knoxville averaged about 34 cents a hundredweight higher than the corresponding price in Nashville. Official notice is taken of the Class I prices regularly announced by the market administrator for the Knoxville and Nashville marketing areas. During the period January–November 1955, the average Class I price for Knox-

ville exceeded the average Class I price for Nashville by 45 cents per hundredweight. It is apparent from these data that if the Chattanooga price was maintained at a fixed differential of 25 cents over Knoxville in every month, the difference between Chattanooga and Nashville prices could often be considerably more than 50 cents per hundredweight. Such a fixed relationship to the Knoxville market does not appear to be necessary, and could lead to a level of prices too high in relation to the Nashville market.

Under the provisions of the order proposed herein, milk fully priced under any Federal milk order will be enabled to move into the Chattanooga area without being subject to any compensatory payments. Under the circumstances, it is necessary to keep the Chattanooga Class I price in appropriate alignment with that prevailing in Nashville in order not to create an incentive for handlers to cut off local producers who would receive the Chattanooga Class I price and procure milk on a regular basis from plants regulated by the Nashville order.

Because of the lack of comprehensive and accurate market information, it is extremely difficult to determine from this record the exact relationship between producer receipts and Class I sales of regulated handlers during any period. It is clear that more information is needed before an automatic supply-demand adjustment could be developed from local information. It is recognized, however, that the Class I price in both the Knoxville and Nashville areas is subject to adjustment by a supply-demand formula. Under the circumstances, it is quite possible that changes in the Class I price level in these markets, brought on by a supply-demand adjustment, may cause some variations in price relationships between Chattanooga and Knoxville and Nashville. However, it is concluded that, among all alternatives, the best choice is to permit the specified Chattanooga area Class I price level to remain effective as set forth above until such time as information gathered under terms of the order proposed herein can provide a basis for a local supply-demand adjustment. Such a Class I price level in Chattanooga also will be as properly aligned with current Class I prices in Knoxville and Nashville, plus transportation and hauling to Chattanooga, as is possible to establish at this time.

If experience indicates that the proposed level, or the basis or method of pricing, fails to bring forth a satisfactory level of producer milk receipts in the marketing area, it will be appropriate to re-examine these provisions in conjunction with the complete marketing information that will become available after the order has been in effect. In any event, after the accumulation of at least one-year's data, the basis or method of pricing should be re-examined at a public hearing called for that purpose. For this reason the Class I price structure adopted herein will be effective for a period of only eighteen months. A period of eighteen months after the effective date of this order should be sufficient time to develop the needed data relating to the Chattanooga market and to re-examine the pricing mechanism and price level for Chattanooga in light of the economic evidence accumulated under the Chattanooga order.

*Class II prices.* Every fluid milk market needs a "reserve" supply of Grade A milk to meet day to day fluctuations in receipts from producers and in Class I sales. In the Chattanooga area, as in other fluid milk markets, consumers desire adequate and dependable supplies of Class I products in quantities which, while they vary considerably on a daily basis, do not change greatly from season to season. Milk producers on the other hand, because of the seasonal variations in milk production, generally deliver more milk during the spring and summer months than during the fall and winter months. The result is that handlers must process on a year-round basis the reserve milk, and during the months of flush production quantities of seasonal excess into various manufactured products. Since milk going into these products must be paid for at the Class II price, this price should be fixed at a level which will induce handlers to accept and market whatever quantities of such milk may be offered from month to month by the producers who provide the market's regular fluid supply. It is of equal importance to establish a price that will return producers full value for their milk. The Class II prices recommended herein will permit the economical conversion of reserve milk into manufactured products.

All products included in Class II may be made from unapproved milk. Approved milk which may be used in such products by regulated handlers in the Chattanooga area should be priced in line with the cost of alternative supplies of milk or milk products used by dairy products manufacturers in this general area.

Many handlers in the proposed area have limited facilities for handling any milk above that needed for their fluid operations. A few handlers manufacture such by-products as cottage cheese and ice cream mix, principally for the needs of their own trade. The remaining milk not needed for fluid distribution must be transferred or diverted from the plant at which it is usually received to a plant having adequate facilities.

The producers' cooperative association recently constructed a large milk plant for the processing of any milk, surplus to the needs of handlers or the market. Butter and powder are the primary products of this plant. The variety of products into which surplus milk is manufactured contributes to the value of such milk insofar as each product offers an alternative outlet.

Prices paid by manufacturing plants may differ because of changes in the relative prices of the products which they manufacture. Handlers will tend to dispose of surplus milk to those plants paying the highest price at the time of such disposal. Because of small volume and inefficient means of handling, some handlers may, at times, incur losses in handling their necessary supply of reserve milk. The handling of such reserve milk is necessary and incidental, however, to the handling of fluid milk products.

During the months of flush production, milk should be priced at the rate at which seasonal reserves will not disrupt the orderly marketing of all milk. The level of such pricing, however, should not be below that paid for ungraded milk, since such prices represent the lowest value in the milkshed for milk used for manufacturing purposes. Handlers who need and desire the entire output of producers during periods of short supply should assume the responsibility of paying producers at least the competitive manufacturing prices for Class II milk during the months of flush production. Accordingly, the Class II price for the months of February through August should be the average of the prices paid for milk received from dairy farmers by selected manufacturing plants in the area. The four plants whose pay prices should be so used are: Kraft Foods Company, Fayetteville, Tennessee; Pet Milk Company, Greeneville, Tennessee; Carnation Company, Murfreesboro, Tennessee; and Borden Company, Lewisburg, Tennessee. These plants are the principal buyers of ungraded milk in the production area of the proposed marketing area.

During the months of short production (September through January), a higher level of prices for Class II milk should be provided in order to encourage the transfer or allocation of available supplies of milk from manufacturing uses to fluid uses. During the months of September through January, therefore, the Class II price should be the higher of either (1) the price computed pursuant to a butter-nonfat dry milk solids formula which will reflect changes in the value of manufactured products in the general area and on the national market or (2) the average of the prices paid by the four local manufacturing plants mentioned above. The butter-powder formula is identical with that used for the same purpose in the Knoxville, Tennessee, marketing area. The calculations, with respect to butter, give appropriate allowances for the costs of manufacturing butter, for the overrun involved, and for the pounds of butterfat contained in the milk. The calculations, with respect to spray and roller nonfat dry milk, give appropriate allowances for the costs of manufacturing, for the pounds of solids obtained from a hundredweight of skim milk, and for the pounds of skim milk in a hundredweight of milk containing 4.0 percent butterfat.

In order that the Class II price may be kept in line with current changes in manufacturing values, the prices paid for manufacturing milk and the central market prices for butter and nonfat milk solids during the current month should be used for determining the Class II price under the order.

*Location differentials.* Class I milk products, because of their bulky, perishable nature, incur a relatively high transportation cost if such products or the milk used to produce them is moved a considerable distance. Milk delivered directly by farmers to plants in or near the urban centers in the defined marketing area is therefore worth more to a handler than milk which is received from farmers at a plant located many



miles from the market. This is so because in the latter instance the handler must incur the additional costs of moving that milk into the central market. The producer, in turn, receives less for milk delivered to points distant from the central market in lieu of incurring the additional costs of hauling his milk into the central market. Under these conditions the value of producer milk delivered to plants located some distance from the central market is reduced in proportion to the distance (and cost of transporting such milk) from the point of receipt to the central market.

In order to allow for the cost of moving Class I milk from distant plants that are, or might become, regular sources of supply for Chattanooga, it is necessary to establish the Class I price for milk delivered to plants at a point in the marketing area and then provide a schedule of deductions from the Class I milk price as location differentials or adjustments. The city of Chattanooga is the principal consuming area and, at the same time, represents a central point at which producer prices should be the highest. Accordingly, the distances used in determining the location differentials should be measured from the City Hall of Chattanooga, Tennessee, and should apply at plants located 65 miles or more away by the shortest hard-surfaced highway distance as determined by the market administrator.

The rates should begin with 15 cents at plants located in the 65–75 mile zone and be 1.5 cents more for each additional 10 miles or fraction thereof as measured from the City Hall in Chattanooga. Handlers can be expected to move milk into the market in the most efficient and feasible manner. In the Chattanooga marketing area this means hauling in bulk by tank truck. The location differentials proposed herein are based on the record data relating to the actual cost of hauling milk by bulk tank from outlying plants into the marketing area. They also are comparable with those contained in other Federal milk marketing orders. The rates should apply in each market to all milk assigned to or otherwise classified as Class I.

A method is provided for determining, if necessary, the priority of milk from various plants in allocating milk to Class I for purposes of computing the aggregate of location adjustments to be allowed. Such adjustments would be made for each handler in sequence beginning with those plants nearest Chattanooga.

The value of milk used in manufactured dairy products is affected little, if any, by the location of the plant receiving and processing such milk (in contrast to the situation with respect to Class I fluid milk products). This phenomenon occurs because of a very significant difference in the costs of transporting the two types of dairy products—fluid milk products are bulky, whereas such manufactured products as butter, powder, and cheese, for example, have a high value relative to the cost of transporting them. Hence, prices for Class II products vary little as distance from the consuming market becomes greater. These phenomena are borne out in the record by noting the tendency for comparable prices to be paid for ungraded milk going into similar uses in different parts of the Tennessee milksheds. Accordingly, no adjustment should be made in the Class II price for reason of location of the plant to which the producer milk is delivered.

In line with the economic considerations which affect the value of milk for fluid market uses when it is delivered by farmers to plants located some distance from the consuming market, it is necessary and appropriate that the uniform prices paid producers delivering milk to plants to which location differentials apply also should be reduced by the same rate applicable to Class I milk to reflect the lower value of such milk f. o. b. the point of actual delivery (in contrast to its value when delivered to plants in the marketing area).

*Butterfat differentials.* In an earlier section of this decision it was concluded that butterfat and skim milk should be accounted for separately for classification purposes. It will be necessary, therefore, to adjust Class I and Class II milk prices in accordance with the average test of milk in each class by a butterfat differential that will reflect differences of value due to variations in the butterfat content in each product. As pointed out earlier in this decision, the basing point from which such adjustments are made should be 4.0 percent butterfat. This is the basing point used in the Federal milk marketing areas with which the Chattanooga market must be aligned. Since the actual cost to a handler for a given quantity of milk will be the same regardless of what basing point is used, it seems desirable to have them stated in terms comparable with those used for most of the other milk distributed in nearby areas.

Because of the necessity for appropriate price alignment, the butterfat differentials for Class I milk, Class II milk and uniform price to producers should be equivalent to the values provided in nearby Federal order markets for adjusting the specified prices for variations in butterfat content. This is necessary and desirable since the level of class prices proposed in this decision are in alignment with those in the nearby regulated market of Knoxville, Tennessee. For each one-tenth of one percent of butterfat above or below 4.0 percent, the Class I price would be increased or decreased, respectively, by the value obtained by multiplying the Chicago butter price for the preceding month by 0.13. The Class II butterfat differential would be determined by multiplying the Chicago butter price for the current month by 0.115. The butterfat differential used in making payments to producers should be calculated by multiplying the Chicago butter price during the month by 0.12.

The use of butterfat differentials in this manner follows standard practices in most fluid milk markets for adjusting for butterfat variations. In order that the Class I butterfat differentials may be announced early each month, it is provided that the Class I differential be based on the average price of butter in the preceding month. This will permit the announcement of the Class I differential at the same time that the Class I price is announced.

Class II prices and butterfat differentials will not be announced until after the end of the month. Although handlers will not know the cost of such milk as it is utilized, they will know that their cost will follow that of their principal competitors for manufactured outlets.

The producer butterfat differential in no way affects the differentials used in calculating a handler's obligation at class prices but merely prorates returns among producers whose milk differs in butterfat test.

*Payments to producers*—(a) *Type of pool.* The order should provide that the proceeds from the sale of milk in both classes by all handlers be combined and distributed to producers through a "market-wide" type of equalization pool. Under this type of pool each producer will receive minimum prices that are uniform with those received by all producers delivering milk to the Chattanooga area, subject of course, to butterfat and location differentials. The "blend" price, and the "base" and "excess" prices during the months of March through July, will be a weighting of the proportions of all producers' milk paid for at Class I and Class II prices, and will, in effect, return to each producer his share of the sales of the market.

In the Chattanooga market the Chattanooga Area Milk Producers Association, the proponent producers' cooperative association, has for many years sold the milk of its member-producers under a classification pricing and pooling plan generally founded on the same principles as underlie market-wide equalization of producer prices under a Federal milk order program. The proceeds from the sale of milk under the cooperative price plan were combined and distributed through a cooperative-wide pool of their producers. Under the marketing conditions and the organizational structure of the industry, in this market, it is clear that the market-wide type of equalization pool is a necessary part of any effective program to establish and maintain orderly marketing and pricing conditions.

A market-wide pool will permit any handler to bid on such business as that offered by military and government installations and other public institutions and to obtain the supplies for such sales without upsetting the market whenever the business might shift from one handler to another.

Several handlers in the market are not equipped to process reserve and surplus milk in their own plants. Consequently, they must shift any surplus that arises in their plants to other plants for manufacture. It is imperative, therefore, that a pool be established that will provide for an equitable sharing, particularly during the flush production season, of the lower returns that are inevitable with an adequate and necessary reserve of milk. Because many plants do not have facilities for processing reserve and surplus milk, the

adoption of an individual-handler pool wherein plants operating on a Class I basis pay a higher blend price than those who carry the reserve needs of the market, would automatically deter handlers from handling such milk or from equipping their plants for that purpose. The burden of carrying the necessary reserve supplies of milk would continue to be shouldered by only a part of the producers who share in the year around Class I sales in the area.

The producers' cooperative association owns a milk processing plant and assumes the responsibility for, and markets some of, the reserve and surplus milk. A market-wide pool will facilitate the movement of milk supplies by the association between handlers to meet their individual needs or to those nonpool processing plants that can make the most efficient use of such milk. These factors, taken in conjunction with the variations in amount of reserve supplies among plants, all support the adoption of a market-wide pool.

*Base-excess plan.* A base and excess plan of distributing among producers returns for milk should be employed in connection with the market-wide pool established herein. Although data with respect to receipts of milk are inadequate to determine the exact seasonal variation for the marketing area, the record evidence does indicate that receipts vary widely relative to Class I sales between the summer and winter months. In addition, some handlers have difficulty in utilizing efficiently all milk delivered to them during periods of seasonally high production. Consequently, there is a need for an added incentive to maintain production in the fall and winter months relative to that of the spring and summer months. Base and excess plans are effective means of improving the seasonal pattern of milk deliveries because they relate producer returns directly to delivery of additional milk in the fall and winter as compared with usual deliveries in the spring and summer.

The market has a history of producer participation in base-excess plans and both producers and handlers indicated their approval of this type of incentive for encouraging more even seasonal production.

The base-excess plan proposed herein would establish for each producer a base equal to his average daily deliveries during the five months of September through January. If a producer did not deliver milk to the market during the entire period, the days of actual delivery from the first day of delivery but not less than 120 would be used.

During the months March through July separate uniform prices would be computed for base milk and excess milk for the purpose of allocating Class I sales first to base milk. Base milk would be that quantity of milk delivered by each producer up to his average daily base multiplied by the number of days in the month during which he delivers milk to any pool plant. The excess milk price would be the Class II price except in those months when the total Class I sales exceed the total quantity of base milk. During such months the excess milk price would be a blend of Class I and Class II usage of excess milk. Provision is made for producers who may enter the market after the start of the base-forming period to establish a full base by delivering milk a minimum of 120 days during the specified period. Producers delivering milk for less than 120 days will have their bases calculated by dividing their total deliveries during the base-forming period by 120. The base-operating period (when payments are made for base milk and excess milk) should be limited to the 5-month period, March–July. These are the months in which the production of milk and the use of surplus processing facilities combine to create difficult marketing conditions.

Any producer should be permitted to transfer his entire base provided the market administrator is given advance notice and the transfer is made as of the first of a month. Permitting bases to be so transferred will alleviate situations wherein a producer discontinues the production of milk before the end of the base-paying period of March–July. Such a provision will give a producer added incentive to increase production during the September–January period because he can benefit from all the base he can establish even though he discontinues milk production in the spring. This action will encourage a more level pattern of seasonal production, and is, therefore, compatible with the need for and the purposes of a base-excess plan.

It was proposed that a cooperative association be assigned the collective base of its members so that such base might be pooled. Under this arrangement any under-base deliveries by one member could be used to benefit other members who delivered over-base milk.

This proposal does not conform with the primary purpose of the base-excess plan, namely to encourage even production. There is little reason to believe that any individual producer-member of an association would make a serious effort to increase fall production solely for the benefit of the other members. Nor does the fact that other members would receive base prices for over-base deliveries appear to give them added incentive to level production. It might, in fact, have the opposite effect.

(b) *Payments to individual producers and to members of cooperative associations.* Handlers should make payments to each producer for milk delivered by such producer at the appropriate uniform price. Provision also has been made for partial payments to producers on or before the last day of each month for milk delivered during the first 15 days of that month. Payments due any producer for milk should be paid by the handler to a cooperative association that makes a written request for such payments if the producer has given the cooperative association written authorization, in the form of a contract or in any other form, to collect such payments. The association's request should also agree to indemnify the handler for any loss incurred because of an improper claim. In making such payments for producer milk to a cooperative association the handler should, at the same time, furnish the cooperative association with a statement showing the name of each producer for whom payment is being made to the cooperative association, the volume and average butterfat content of milk delivered by each such producer, and the amount of and reasons for any deductions which the handler withheld from the amount payable to each producer. This statement is necessary so the cooperative association can make proper distribution of the money it collects to the producer-members for whom it makes collections.

Qualified cooperative associations of dairymen, if they so request, should be permitted to receive payment from handlers for their producer-members as a group. A provision authorizing handlers to make payment directly to such qualified cooperative associations for milk received from producer-members is necessary to enable the associations to carry out their essential functions authorized by the enabling act. A cooperative association, if it is to carry out these essential functions, must have full authority in the collective bargaining and selling of members' milk.

The record shows that the cooperative association operating in the Chattanooga area markets surplus producer milk during months of flush production. This milk may be sold within or outside the marketing area or used within the association's own plant. Such sales or use may result in financial losses or gains to the association, hence the association must be in a position to spread such losses or gains over the entire membership if it is to handle such milk effectively and efficiently. The Agricultural Marketing Agreement Act authorizes a qualified association to collect payments on behalf of all its members for milk caused to be marketed by such association and to reblend the entire sales. The order should provide that payment to such a cooperative association is a proper satisfaction of the payments required by the order to be made to individual producer-members.

(c) *Producer-settlement fund.* Since the amount which the order requires a particular handler to pay for his milk may be more or less than the amount he is required to pay to producers or cooperative associations, some method of balancing these amounts is necessary. A producer-settlement fund should be established for this purpose. All handlers who are required to pay more for their milk on the basis of their utilization than they are required to pay to producers or cooperative associations should pay the difference into the producer-settlement fund; and all handlers who are required to pay more to producers or cooperative associations than they are required to pay for their milk on the basis of utilization should receive the difference from the producer-settlement fund. Amounts paid into and out of the producer-settlement fund for this purpose will be equal, except for minor differences that may result from rounding of uniform prices. In order to permit this rounding of prices, to allow for unavoidable delays in receiving payments from handlers, and to permit payments to be made to any handler which audit by the market administrator reveals is due such handler from the producer-settlement fund, a reasonable reserve should be held in the producer-settlement fund at all times. The reserve, which would be adjusted each month, is established in the attached order at not less than four nor more than five cents per hundredweight of producer milk in the pool for the month. The unobligated balance remaining in the fund from the preceding month would be added to the values used in calculating the uniform prices each month. The amount of the reserve should be sufficient to enable the producer-settlement fund to perform its function efficiently.

If, at any time, the balance in the producer-settlement fund is insufficient to cover payments due to all handlers from the producer-settlement fund, payments to such handlers should be reduced uniformly per hundredweight of milk. The handlers may then reduce payments to producers by an equivalent amount per hundredweight. Amounts remaining due such handlers from the producer-settlement fund should be paid as soon as the balance in the fund is sufficient, and handlers should then complete payments to producers. In order to reduce the possibility of this occurring, milk received by any handler who has not made payments required of him into the producer-settlement fund should not be considered in the computation of the uniform price in subsequent months until such handler has completed all delinquent payments.

(e) *Other administrative provisions.* Certain other provisions are needed in the order to carry out the administrative steps necessary to accomplish the purposes of the proposed regulation.

*Terms and definitions.* In addition to the definitions discussed earlier in this decision which define the scope of the regulation, certain other terms and definitions are desirable in the interest of brevity and to assure that each usage of the term implies the same meaning. Definitions for base and excess milk are included. Other terms defined in the proposed order, such as "Act", "Secretary", "Department of Agriculture", "Person", "Cooperative association", and "Chicago butter price", are common to many other Federal milk orders.

*Market Administrator.* Provision should be made for the appointment by the Secretary of a market administrator to administer the order and to set forth the powers and duties for such agency essential to the proper functioning of his office.

*Records and reports.* Provisions should be included in the order to advise handlers that they are required to maintain adequate records of their operations and to make the reports necessary to establish classification of producer milk and payments due for such milk. Time limits must be prescribed for filing such reports and for making payments to producers. Dates must also be established for the announcement of prices by the market administrator.

It should be provided that the market administrator report to each cooperative association, which so requests, the amount and class utilization of milk received by each handler from producers who are members of such cooperative association. For the purpose of this report, the utilization of members' milk in each handler's plant will be prorated to each class in the proportion that total receipts of producer milk were used in each class by such handler. In addition to the regular reports of handlers, provision is made for the handler, prior to the diversion of the milk of a producer, to notify the market administrator and the cooperative association, if such producer is a member of an association, of his intention to divert such milk. These reports are necessary if a cooperative association or the market administrator are to carry out marketing services for producers.

Handlers should maintain and make available to the market administrator all records and accounts of their operations, and such facilities as are necessary to determine the accuracy of the information reported to the market administrator as he may deem necessary or any other information upon which the classification of producer milk depends. The market administrator must likewise be permitted to check the accuracy of weights and tests of milk and milk products received and handled and to verify all payments required under the order.

It is necessary that handlers retain records to prove the utilization of the milk received from producers and that proper payments were made therefor. Since the books of all handlers associated with the market cannot be audited immediately after the milk has been delivered to a plant, it is necessary that such records be kept for a reasonable period of time.

The order should provide for specific limitations of the time that handlers should be required to retain their books and records and of the period of time in which obligations under the order should terminate. Provision made in this regard is identical in principle with the general amendment made to all milk orders in operation on July 30, 1947, following the Secretary's decision of January 26, 1949 (14 F. R. 444). That decision covering the retention of records and limitations of claims is equally applicable in this situation and is adopted as a part of this decision.

*Expenses of administration.* Each handler should be required to pay the market administrator as his pro rata share of the cost of administering the order not more than 4 cents per hundredweight or such lesser amounts as the Secretary may, from time to time, prescribe on (a) producer milk (including such handler's own production), (b) other source milk in pool plants which is allocated to Class I milk and (c) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant.

The market administrator must have sufficient funds to enable him to administer properly the terms of the order. The act provides that such cost of administration shall be financed through an assessment on handlers. One of the duties of the market administrator is to verify the receipts and disposition of milk from all sources. Equity in sharing the cost of administration of the order among handlers will be achieved, therefore, by applying the administrative assessment to all producer milk (including handlers' own production) and other source milk allocated to Class I milk.

Plants not subject to the classification and pricing provisions of the order may distribute limited quantities of Class I milk in the marketing area. These plants must be checked to verify their status under the order. Assessment of administrative expense on such milk sold in the marketing area will help defray the costs of such checking.

In view of the anticipated volume of milk and the costs of administering orders in markets of comparable circumstances, it is concluded that an initial rate of 4 cents per hundredweight is necessary to meet the expenses of administration. Provision should be made to enable the Secretary to reduce the rate of assessment below the 4 cents per hundredweight maximum without necessitating an amendment to the order. This should be done at any time experience in the market reveals that a lesser rate will produce sufficient revenue to administer the order properly.

*Marketing services.* A provision should be included in the order for furnishing market services to producers, such as verifying the tests and weights of producer milk and furnishing market information. These should be provided by the market administrator and the cost should be borne by the producer receiving the service. If a cooperative association is performing such services for any member producers and is approved for such activities by the Secretary, the market administrator may accept this in lieu of his own service.

There is need for a marketing service program in connection with the administration of the order in this area. Orderly marketing will be promoted by assuring individual producers that payments received for their milk are in accordance with the pricing provisions of the order and reflect accurate weights and tests of such milk. To accomplish this fully, it is necessary that the butterfat tests and weights of individual producer deliveries of milk as reported by the handler be verified for accuracy.

An additional phase of the marketing service program is to furnish producers with correct market information. Efficiency in the production, utilization and marketing of milk will be promoted by the dissemination of current information on a market-wide basis to all producers.

To enable the market administrator to furnish these marketing services, provision should be made for a maximum deduction of 6 cents per hundredweight with respect to receipts of milk from producers for whom he renders marketing services. This maximum rate of deduction is the same as the maximum rate provided for in the Knoxville and Nashville marketing areas. If later experience indicates that marketing services can be performed at a lesser rate, provision is made for the Secretary to adjust the rate downward without the necessity of a hearing.

*General findings.* (a) The proposed marketing agreement and the order and

all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(c) The proposed order will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

*Order of the Secretary Directing That a Referendum Be Conducted Among the Producers Supplying Milk to the Chattanooga, Tennessee, Marketing Area; Determination of a Representative Period and Designation of an Agent To Conduct Such Referendum*

Pursuant to section 8c (19) of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 608c 19), it is hereby directed that a referendum be conducted among the producers (as defined in the proposed order regulating the handling of milk in the Chattanooga, Tennessee marketing area) who, during the month of April 1956, were engaged in the production of milk for sale in the marketing area specified in the aforesaid proposed order to determine whether such producers favor the issuance of an order which is part of the decision of the Secretary of Agriculture filed herewith.

The month of April 1956 is hereby determined to be the representative period for the purpose of ascertaining whether the issuance of an order regulating the handling of milk in the Chattanooga, Tennessee marketing area in the manner set forth in the attached order is approved or favored by producers who, during such period, were engaged in the production of milk for sale in the marketing area specified in such marketing order.

A. T. Radigan is hereby designated agent of the Secretary to conduct such referendum in accordance with the procedure for the conduct of referenda to determine producer approval of milk marketing orders as published in the FEDERAL REGISTER on August 10, 1950 (15 F. R. 5177), such referendum to be completed on or before the 20th day from the date this referendum order is issued.

*Marketing Agreement and Order.* Annexed hereto and made a part hereof are two documents entitled respectively, "Marketing Agreement Regulating the Handling of Milk in the Chattanooga, Tennessee Marketing Area", and "Order Regulating the Handling of Milk in the Chattanooga, Tennessee Marketing Area", which have been decided upon as the detailed and appropriate means of effectuating the foregoing conclusions. These documents shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders, have been met.

It is hereby ordered that all of this decision, except the marketing agreement, be published in the FEDERAL REGISTER. The regulatory provisions of said marketing agreement are identical with those contained in the attached order which will be published with this decision.

This decision filed at Washington, D. C., this 26th day of June 1956.

[SEAL] TRUE D. MORSE,
*Acting Secretary.*

*Order[1] Regulating the Handling of Milk in the Chattanooga, Tennessee, Marketing Area*


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§ 1000.0 *Findings and determinations*—(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed marketing agreement and order regulating the handling of milk in the Chattanooga, Tennessee, marketing area. Upon the basis of the evidence introduced at such hearing, and the record thereof, it is found that:

(1) The said order and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(3) The said order regulates the handling of milk in the same manner as, and is applicable only to, persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held;

(4) All milk and milk products handled by handlers, as defined in this order, are in the current of interstate commerce or directly burden, obstruct or affect interstate commerce in milk or its products; and

(5) It is hereby found that the necessary expenses of the market administrator for the maintenance and functioning of such agency will require the payment by each handler as his pro rata share of such expenses, 4 cents per hundredweight, or such amount not exceeding 4 cents per hundredweight, as the Secretary may prescribe with respect to all butterfat and skim milk contained in (i) producer milk, (ii) other source milk allocated to Class I milk pursuant to § 1000.41 (a), or (c) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant as determined pursuant to § 1000.62.

*Order relative to handling.* It is therefore ordered that on and after the effective date hereof, the handling of milk in the Chattanooga, Tennessee marketing area shall be in conformity to and in compliance with the following terms and conditions:

DEFINITIONS

§ 1000.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended, and as re-enacted and amended by the Agricultural Markting Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.).

§ 1000.2 *Secretary.* "Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the Secretary of Agriculture.

§ 1000.3 *Chattanooga, Tennessee, marketing area.* "Chattanooga, Tennessee, marketing area", hereinafter called the "marketing area", means all of the territory included within the boundaries of Hamilton, McMinn and Bradley counties, all in the State of Tennessee.

§ 1000.4 *Person.* "Person" means any individual, partnership, corporation, association or any other business unit.

§ 1000.5 *Approved dairy farmer.* "Approved dairy farmer" means any person who produces milk in compliance with Grade A inspection requirements of a duly constituted health authority.

§ 1000.6 *Producer.* "Producer" means any approved dairy farmer who produces milk which is received during the month at a pool plant: *Provided*, That if such milk is diverted from a pool plant by a handler to a nonpool plant for his account any day during the months of March through July or on not more than 10 days during any other month, the milk so diverted shall be deemed to have been received by the diverting handler at a pool plant at the location of the plant from which diverted.

§ 1000.7 *Pool plant.* "Pool plant" means any:

(a) Milk distributing plant approved or recognized by any health authority having jurisdiction in the marketing area for the receiving or processing of Grade A milk and from which Class I milk equal to not less than 50 percent of its receipts of milk from other pool plants and from approved dairy farmers is disposed of during the month on a route(s) and from which Class I milk equal to not less than 20 percent of its total Class I disposition is disposed of during the month on a route(s) in the marketing area.

(b) Milk supply plant which, during the month, ships fluid milk products approved by any health authority having jurisdiction in the marketing area as eligible for distribution under a Grade A label in a volume equal to not less than 50 percent of its receipts of milk from approved dairy farmers to a plant specified in paragraph (a) of this section: *Provided*, That any plant which qualifies as a pool plant pursuant to this paragraph in each of the months of August through February shall be designated as a pool plant for the following months of March through July: *And provided further*, That any such plant may withdraw from pool plant status for any month in the March–July period if the operator of such plant files with the market administrator prior to the first day of such month a written request for such withdrawal.

§ 1000.8 *Nonpool plant.* "Nonpool plant" means any milk plant other than a pool plant.

§ 1000.9 *Handler.* "Handler" means: (a) Any person in his capacity as the operator of one or more pool plants; or (b) a cooperative association with respect to milk of producers diverted for the account of such association from a pool plant to a nonpool plant in accordance with the provisions of § 1000.6.

§ 1000.10 *Producer-handler.* "Producer-handler" means any approved dairy farmer who operates a distributing plant in which he processes milk from his own production, and distributes all or a portion of such milk within the marketing area as Class I milk, but who receives no milk from other dairy farmers or from nonpool plants.

§ 1000.11 *Producer milk.* "Producer milk" means only that skim milk and butterfat contained in milk (a) received at the pool plant directly from producers, or (b) diverted from a pool plant to a nonpool plant (except a nonpool plant which is fully subject to the pricing provisions of another order issued pursuant to the act) in accordance with the provisions of § 1000.6.

§ 1000.12 *Fluid milk product.* "Fluid milk product" means milk, skim milk, buttermilk, flavored milk, flavored milk and skim milk drinks, yogurt, cream or any mixture in fluid form of milk, skim milk and cream (except sterilized products packaged in hermetically sealed containers, eggnog, ice cream and ice milk mix and aerated cream).

§ 1000.13 *Other source milk.* "Other source milk" means all skim milk and butterfat contained in:

(a) Receipts during the month of said milk products except (1) fluid milk products received from pool plants, or (2) producer milk; and

(b) Products, other than fluid milk products, from any source (including those produced at the plant) which are reprocessed or converted to another product in the plant during the month.

§ 1000.14 *Route.* "Route" means any delivery (including delivery by a vendor or a sale from a plant or plant store) of milk or any milk product classified as Class I milk pursuant to § 1000.41 (a) other than a delivery to any milk processing plant.

§ 1000.15 *Cooperative association.* "Cooperative association" means any cooperative association of producers which the Secretary determines, after application by the association:

(a) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; and

(b) To have and to be exercising full authority in the sale of milk of its members.

§ 1000.16 *Chicago butter price.* "Chicago butter price" means the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) per pound of 92-score bulk creamery butter at Chicago as reported during the month by the Department of Agriculture.

§ 1000.17 *Base milk.* "Base milk" means milk received at pool plants from a producer during any of the months of March through July which is not in excess of such producer's daily average base computed pursuant to § 1000.90, multiplied by the number of days in such month.

§ 1000.18 *Excess milk.* "Excess milk" means milk received at pool plants from a producer during any of the months of March through July which is in excess of the base milk of such producer for such month, and shall include all milk received during such months from a producer for whom no daily average base can be computed pursuant to § 1000.90.

§ 1000.19 *Department of Agriculture.* "Department of Agriculture" means the United States Department of Agriculture or any other Federal agency that may be authorized by act of Congress or by executive order to perform the price reporting functions of the United States Department of Agriculture.

MARKET ADMINISTRATOR

§ 1000.25 *Designation.* The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1000.26 *Powers.* The market administrator shall have the following powers with respect to this part:

(a) To administer its terms and provisions;

(b) To make rules and regulations to effectuate its terms and provisions;

(c) To receive, investigate, and report to the Secretary complaints of violations; and

(d) To recommend amendments to the Secretary.

§ 1000.27 *Duties.* The market administrator shall perform all duties necessary to administer the terms and

[1] This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure, as amended, governing proceedings to formulate marketing agreements and orders have been met.

provisions of this part, including, but not limited to the following:

(a) Within 30 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds received pursuant to § 1000.86: (1) The cost of his bond and of the bonds of his employees, (2) his own compensation, and (3) all other expenses, except those incurred under § 1000.85 necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for in this section, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly disclose to handlers and producers, at his discretion, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any handler who, after the date on which he is required to perform such acts, has not made reports pursuant to §§ 1000.30 and 1000.31 or payments pursuant to §§ 1000.80 through 1000.86;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(h) On or before the 12th day after the end of each month, report to each cooperative association which so requests, the percentage of producer milk delivered by members of such association which was used in each class by each handler receiving such milk. For the purpose of this report the milk so received shall be prorated to each class in accordance with the total utilization of producer milk by such handler;

(i) Verify all reports and payments of each handler by audit if necessary, of such handler's records and the records of any other handler or person upon whose utilization the classification of skim milk and butterfat for such handler depends; and by such other means as are necessary;

(j) Prepare and make available for the benefit of producers, consumers, and handlers, general statistics and information concerning the operation of this order which do not reveal confidential information; and

(k) On or before the date specified publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, and mail to each handler at his last known address a notice of, the following:

(1) The 5th day of each month, the Class I milk price and the Class I butterfat differential, both for the current month; and the Class II milk price, and the Class II butterfat differential, both for the preceding month, and

(2) The 10th day of each month, the uniform prices, computed pursuant to §§ 1000.71 and 1000.72, and the producer butterfat differential, both for the preceding month.

REPORTS, RECORDS AND FACILITIES

§ 1000.30 *Reports of sources and utilization.* On or before the 6th day after the end of each month each handler, except a producer-handler, shall report for each of his pool plants for such month to the market administrator in the detail and on forms prescribed by the market administrator as follows:

(a) The quantities of skim milk and butterfat contained in:

(1) Producer milk;

(2) Fluid milk products received from other pool plants;

(3) Other source milk;

(4) Inventories of fluid milk products on hand at the beginning of the month; and

(5) The utilization of all skim milk and butterfat required to be reported pursuant to this paragraph, including separate statements as to the disposition of Class I milk outside the marketing area, and inventories of fluid milk products on hand at the end of the month.

§ 1000.31 *Other reports.* (a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe;

(b) Each handler, except a producer-handler, shall report to the market administrator, in the detail and on forms prescribed by the market administrator:

(1) On or before the 6th day of each of the months of April through August, the aggregate quantity of base milk received at his pool plant(s) for the preceding month,

(2) On or before the 20th day after the end of the month, for each of his pool plants, his producer payroll for such month which shall show for each producer: (i) His name and address, (ii) the total pounds of milk received from such producer, including for the months of March through July, the pounds of base milk, (iii) the days for which milk was received from such producer if less than the entire month, (iv) the average butterfat content of such milk, and (v) the net amount of such handler's payment to the producer, together with the price paid and the amount and nature of any deductions,

(3) On or before the day prior to diverting producer milk pursuant to § 1000.6, his intention to divert such milk, the date or dates of such diversion and the nonpool plant to which such milk is to be diverted, and

(4) Such other information with respect to his sources and utilization of butterfat and skim milk as the market administrator may prescribe.

§ 1000.32 *Records and facilities.* Each handler shall maintain and make available to the market administrator during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or establish the correct data for each month with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form;

(b) The weights and tests for butterfat and other content of all products handled;

(c) The pounds of skim milk and butterfat contained in or represented by all items of products on hand at the beginning and end of each month; and

(d) Payments to producers, including any deductions authorized by producers and disbursement of money so deducted.

§ 1000.33 *Retention of records.* All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION OF MILK

§ 1000.40 *Skim milk and butterfat to be classified.* The skim milk and butterfat to be reported for pool plants pursuant to § 1000.30 (a) shall be classified each month pursuant to the provisions of §§ 1000.41 through 1000.45.

§ 1000.41 *Classes of utilization.* Subject to the conditions set forth in §§ 1000.42 through 1000.45, the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat (1) disposed of from the plant in the form of fluid milk products, except those classified pursuant to paragraph (b) (3) of this section, and (2) not specifically accounted for as Class II milk; and

(b) *Class II milk.* Class II milk shall be all skim milk and butterfat (1) used to produce any product other than a fluid milk product; (2) contained in inventories of fluid milk products on hand at the end of the month; (3) skim milk disposed of and used for livestock feed or skim milk dumped subject to prior notification to and inspection (at his discretion) by the market administrator; and (4) in shrinkage not to exceed 2 percent, respectively, of the skim milk and butterfat contained in producer milk (except that diverted pursuant to § 1000.6) and other source milk: *Provided*, That if shrinkage of skim milk or butterfat is less than such 2 percent it shall be assigned pro rata to the skim milk or butterfat contained in producer milk (except that diverted pursuant to § 1000.6) and other source milk respectively.



§ 1000.42 *Responsibility of handlers.* All skim milk and butterfat to be classified pursuant to this order shall be classified Class I milk, unless the handler who first receives such skim milk and butterfat establishes to the satisfaction of the market administrator that it should be classified as Class II milk.

§ 1000.43 *Transfers.* (a) Skim milk and butterfat transferred to a pool plant of another handler (except a producer-handler) in the form of fluid milk products shall, to the extent required, be classified so as to result in the maximum assignment of the producer milk of both handlers to Class I milk. Any additional amounts of skim milk and butterfat shall be classified Class I milk, unless the operators of both plants claim utilization thereof in Class II milk in their reports submitted pursuant to § 1000.30: *Provided*, That the skim milk or butterfat so assigned to Class II milk for any month shall be limited to the respective amounts thereof remaining in Class II milk for such month at the pool plant(s) of the receiving handler after the subtraction of other source milk pursuant to § 1000.45;

(b) Skim milk and butterfat transferred to the plant of a producer-handler in the form of fluid milk products, shall be classified Class I milk;

(c) Skim milk and butterfat transferred or diverted in bulk form as milk or skim milk to a nonpool milk plant shall be classified Class I milk unless, (1) the transferee-plant is located less than 250 miles from the City Hall in Chattanooga, Tennessee, by the shortest hard-surfaced highway distance, as determined by the market administrator, (2) the transferring or diverting handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 1000.30 for the month within which such transaction occurred, (3) the operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, and (4) not less than an equivalent amount of skim milk and butterfat was actually utilized in the nonpool plant in the use indicated in such report: *Provided*, That if it is found that an equivalent amount of skim milk and butterfat was not actually used in such plant during the month in such indicated use, the pounds transferred in excess of such actual use shall be classified Class I milk; and

(d) Skim milk and butterfat transferred in bulk form as cream to a nonpool plant shall be classified Class I milk unless, (1) the transferring handler claims classification in Class II milk in his report submitted to the market administrator pursuant to § 1000.30, (2) the handler attaches tags or labels to each container of such cream bearing the words "for manufacturing uses only" and the shipment is so invoiced, (3) the handler gives the market administrator sufficient notice to allow him to verify such shipment, (4) the operator of the nonpool plant maintains books and records showing the utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification, and (5) not less than an equivalent amount of skim milk and butterfat was actually utilized in the nonpool plant in the use indicated in such report: *Provided*, That if it is found that an equivalent amount of skim milk and butterfat was not actually used in such plant during the month in such indicated use, the pounds transferred in excess of such actual use shall be classified Class I milk.

§ 1000.44 *Computation of skim milk and butterfat in each class.* For each month, the market administrator shall correct for mathematical and other obvious errors, the reports submitted by each handler pursuant to § 1000.30 and compute the total pounds of skim milk and butterfat respectively, in Class I milk and Class II milk at all of the pool plants of such handler: *Provided*, That the skim milk contained in any product utilized, produced, or disposed of by the handler during the month shall be considered to be an amount equivalent to the nonfat milk solids contained in such product, plus all of the water originally associated with such solids.

§ 1000.45 *Allocation of skim milk and butterfat classified.* (a) The pounds of skim milk remaining in each class after making the following computations each month with respect to the pool plant(s) of each handler, shall be the pounds of skim milk in such class allocated to the producer milk of such handler for such month.

(1) Subtract from the total pounds of skim milk in Class II milk the shrinkage of skim milk in producer milk classified as Class II milk pursuant to § 1000.41 (b),

(2) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in other source milk which was not subject to the Class I pricing provisions of an order issued pursuant to the act: *Provided*, That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk,

(3) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in other source milk which was subject to the Class I pricing provisions of another order issued pursuant to the act: *Provided*, That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk,

(4) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk contained in inventories of fluid milk products on hand at the beginning of the month: *Provided*, That if the pounds of skim milk in such inventory exceed the remaining pounds of skim milk in Class II milk the balance shall be subtracted from the pounds of skim milk remaining in Class I milk,

(5) Subtract the pounds of skim milk in fluid milk products received from pool plants of other handlers from the pounds of skim milk remaining in the class to which assigned, pursuant to § 1000.43 (a),

(6) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph,

(7) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in milk received from producers, subtract such excess from the pounds of skim milk remaining in the various classes in series beginning with Class II milk. Any amount so subtracted shall be known as "overage".

(b) Determine the pounds of butterfat in each class to be allocated to producer milk in the manner prescribed in paragraph (a) of this section for determining the allocation of skim milk to producer milk; and

(c) Add the pounds of skim milk and the pounds of butterfat in each class calculated pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in the producer milk allocated to each class.

MINIMUM PRICES

§ 1000.50 *Basic formula price.* The basic formula price per hundredweight (computed to the nearest cent) to be used in determining the price for Class I milk pursuant to § 1000.51 (a) shall be the highest of the prices per hundredweight for milk of 4.0 percent butterfat content computed pursuant to paragraph (a), (b), or (c) of this section, or § 1000.51 (b) (1).

(a) To the arithmetical average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the month at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture on or before the 6th day after the end of the month:

| *Company and Location* |
|---|
| Borden Co., Mount Pleasant, Mich. |
| Borden Co., New London, Wis. |
| Borden Co., Orfordville, Wis. |
| Carnation Co., Oconomowoc, Wis. |
| Carnation Co., Richland Center, Wis. |
| Carnation Co., Sparta, Mich. |
| Pet Milk Co., Belleville, Wis. |
| Pet Milk Co., Coopervile, Mich. |
| Pet Milk Co., Hudson, Mich. |
| Pet Milk Co., New Glarus, Wis. |
| Pet Milk Co., Wayland, Mich. |
| White House Milk Co., Manitowoc, Wis. |
| White House Milk Co., West Bend, Wis. |

and an amount computed by multiplying the butterfat differential computed pursuant to § 1000.73, by 5.

(b) The price per hundredweight computed as follows:

(1) Multiply the Chicago butter price by 6;

(2) Add an amount equal to 2.4 times the arithmetical average of the weekly

prevailing price per pound of "Twins" during the month on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided*, That if the price of "Twins" is not quoted on such Exchange, the weekly prevailing price per pound of "Cheddars" shall be used; and

(3) Divide by 7, add 30 percent thereof, and then multiply by 4.

(c) The price per hundredweight computed as follows: Multiply the Chicago butter price by 4.0, add 20 percent thereof, and add to such sum 3¾ cents for each full one-half cent that the arithmetical average of carlot prices per pound of nonfat dry milk solids, spray and roller process, for human consumption, f. o. b. Chicago area manufacturing plants, for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the Department of Agriculture, is above 5 cents.

§ 1000.51 *Class prices.* Subject to the provisions of §§ 1000.52 and 1000.53, the minimum prices per hundredweight of milk containing 4 percent butterfat, to be paid by each handler for milk received at his pool plant from producers, during the month, shall be as follows:

(a) *Class I milk price.* For each month during an eighteen month period following the effective date of this order, the minimum price per hundredweight of Class I milk shall be the basic formula price for the preceding month, plus $1.75.

(b) *Class II milk price.* For the months of February through August, the Class II milk price shall be the price computed pursuant to subparagraph (1) of this paragraph, rounded to the nearest cent. For all other months, it shall be the price computed pursuant to subparagraph (1) of this paragraph, or the price computed pursuant to § 1000.50 (c), whichever is higher.

(1) The average of the basic or field prices reported to have been paid or to be paid per hundredweight for milk of 4.0 percent butterfat content received from dairy farmers during the month at the following plants or places, for which prices have been reported to the market administrator or to the Department on or before the 6th day after the end of the month:

*Company and Location*

Kraft Foods Co., Fayetteville, Tenn.
Pet Milk Co., Greensville, Tenn.
Carnation Co., Murfreesboro, Tenn.
Borden Co., Lewisburg, Tenn.

§ 1000.52 *Butterfat differentials to handlers.* For milk containing more or less than 4.0 percent butterfat, the class prices calculated pursuant to § 1000.51 shall be increased or decreased, respectively, for each one-tenth percent butterfat at the appropriate rate, rounded to the nearest one-tenth cent, determined as follows:

(a) *Class I milk price.* Multiply the Chicago butter price for the preceding month by 0.13; and

(b) *Class II milk price.* Multiply the Chicago butter price for the month by 0.115: *Provided*, That such butterfat differential shall not exceed the result obtained by dividing the Class II price, pursuant to § 1000.51 (b), by 40.

§ 1000.53 *Location differentials to handlers.* For that milk which is received from producers at a pool plant located 65 miles or more from the City Hall of Chattanooga, Tennessee, by shortest hard-surfaced highway distance, as determined by the market administrator, and which is assigned to Class I milk pursuant to the proviso of this section, or otherwise classified as Class I milk, the price specified in § 1000.51 (a) shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

| Distance from the City Hall of Chattanooga, Tenn. (miles): | *Rate per hundred weight (cents)* |
|---|---|
| 65 but not more than 75 | 15.0 |
| For each additional 10 miles or fraction thereof an additional | 1.5 |

*Provided*, That for the purpose of calculating such location differential, fluid milk products which are transferred between pool plants shall be assigned to any remainder of Class II milk in the plant to which transferred after making the calculations prescribed in § 1000.45 (a) (1) through (4), and the comparable steps in § 1000.45 (b) for such plant, such assignment to the transferring plants to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

§ 1000.54 *Rate of compensatory payments.* The rate of compensatory payment per hundredweight shall be calculated as follows:

(a) For the months of March through July, subtract the Class II price, adjusted by the Class II butterfat differential, from the Class I price, adjusted by the Class I butterfat differential, and the Class I location differential of the plant at which the milk was received from farmers.

(b) For the months of August through February, subtract the uniform price to producers from the Class I price.

§ 1000.55 *Use of equivalent prices.* If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

APPLICATION OF PROVISIONS

§ 1000.60 *Producer-handlers.* Sections 1000.40 through 1000.45, 1000.50 through 1000.53, 1000.61 and 1000.62, 1000.70 through 1000.75, and 1000.80 through 1000.87 shall not apply to a producer-handler.

§ 1000.61 *Plants subject to other Federal orders.* Upon application to the market administrator and a subsequent determination by the Secretary, a plant specified in paragraph (a) or (b) of this section shall be treated as a nonpool plant except that the operator of such plant shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

(a) Any distributing plant which would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the act, unless a greater volume of Class I milk is disposed of from such plant to retail or wholesale outlets (except pool plants or nonpool plants) in the Chattanooga, Tennessee, marketing area than in the marketing area regulated pursuant to such order; and

(b) Any supply plant which would otherwise be subject to the classification and pricing provisions of another order issued pursuant to the act, unless such plant qualified as a pool plant for each of the preceding months of August through February.

§ 1000.62 *Operators of nonpool plants.* An operator of a nonpool plant which is not subject to the classification and pricing provisions of another order issued pursuant to the act, shall, on or before the 12th day after the end of the month, pay to the market administrator for deposit into the producer-settlement fund an amount calculated by multiplying the total hundredweight of butterfat and skim milk disposed of in the form of fluid milk products from such nonpool plant to retail or wholesale outlets (including deliveries by vendors and sales through plant stores) in the marketing area during the month by the rate of compensatory payment calculated pursuant to § 1000.54.

DETERMINATION OF PRICES TO PRODUCERS

§ 1000.70 *Computation of the value of producer milk for each handler.* For each month, the market administrator shall compute the value of producer milk for each handler as follows:

(a) Multiply the quantity of producer milk in each class computed pursuant to § 1000.45 by the applicable class price, total the resulting amounts, and add any amount necessary to reflect adjustments in location differential allowance required pursuant to the proviso of § 1000.53;

(b) Add an amount computed by multiplying the hundredweight of skim milk and butter fat subtracted from Class I milk pursuant to § 1000.45 (a) (2) and (b) by the rate of compensatory payment as determined pursuant to § 1000.54 for the nearest plant(s) from which an equivalent amount of other source milk was received in the form of fluid milk products;

(c) Add the amounts computed by multiplying the pounds of overage deducted from each class pursuant to § 1000.45 (a) (7) and (b) by the applicable class price; and

(d) Add the amount computed by multiplying the difference between the appropriate Class II price for the preceding month and the appropriate Class I milk price for the current month by the hundredweight of skim milk and butterfat remaining in Class II milk after the calculations pursuant to § 1000.45 (a) (5) and (b) for the preceding month or the hundredweight of skim milk and butterfat subtracted from Class I milk pursuant to § 1000.45 (a) (4) and (b) for the current month, whichever is less, respectively.



§ 1000.71 *Computation of the uniform price.* For each of the months of August through February, the market administrator shall compute the uniform price per hundredweight of producer milk of 4.0 percent butterfat content, f. o. b. market, as follows:

(a) Combine into one total the values computed pursuant to § 1000.70 for the producer milk of all handlers who submit reports prescribed in § 1000.30 and who are not in default of payments pursuant to § 1000.80 or § 1000.82;

(b) Subtract, if the average butterfat content of the producer milk included under paragraph (a) of this section is greater than 4.0 percent, or add, if such average butterfat content is less than 4.0 percent, an amount computed as follows: Multiply the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 1000.73, and multiply the result by the total hundredweight of such milk;

(c) Add an amount equal to the sum of the deductions to be made from producer payments for location differentials pursuant to § 1000.80 (a) (2);

(d) Add an amount equal to one-half of the unobligated balance on hand in the producer-settlement fund;

(e) Add the total amount of payment due pursuant to § 1000.62;

(f) Divide the resulting amount by the total hundredweight of producer milk included under paragraph (a) of this section; and

(g) Subtract not less than 4 cents nor more than 5 cents.

§ 1000.72 *Computation of uniform prices for base milk and excess milk.* For each of the months of March through July, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content, f. o. b. market, as follows:

(a) Compute the aggregate value of excess milk for all handlers who submit reports pursuant to § 1000.30, and who are not in default of payments pursuant to § 1000.80 or § 1000.82 as follows: (1) Multiply the hundredweight quantity of such milk which does not exceed the total quantity of producer milk assigned to Class II milk in the pool plants of such handlers by the Class II milk price, (2) multiply the remaining hundredweight quantity of excess milk by the Class I milk price, and (3) add together the resulting amounts;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk, adjust to the nearest cent and subtract 4 cents. The resulting figure shall be the uniform price for excess milk of 4.0 percent butterfat content received from producers;

(c) Subtract the total value of excess milk determined by multiplying the uniform price obtained in paragraph (b) of this section, plus 4 cents, times the hundredweight of excess milk from the total value of producer milk for the month as determined according to the calculations set forth in § 1000.71 (a) through (e);

(d) Divide the amount calculated pursuant to paragraph (c) of this section by the total hundredweight of base milk included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents from the price computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat content f. o. b. market.

§ 1000.73 *Butterfat differential to producers.* The applicable uniform prices to be paid each producer shall be increased or decreased for each one-tenth of one percent which the average butterfat content of his milk is above or below 4.0 percent, respectively, at the rate determined by multiplying by 0.12 the Chicago butter price during the month, adjusted to the nearest one-tenth of a cent.

§ 1000.74 *Location differential to producers.* The applicable uniform prices to be paid for producer milk received at a pool plant located 65 miles or more from the City Hall of Chattanooga, Tennessee, by the shortest hard-surfaced highway distance, as determined by the market administrator, shall be reduced according to the location of the pool plant where such milk was received at the rates set forth in § 1000.53.

§ 1000.75 *Notification of handlers.* On or before the 10th day after the end of each month, the market administrator shall mail to each handler, who submitted the report(s) prescribed in § 1000.30, at his last known address, a statement showing:

(a) The amount and value of his producer milk in each class and the totals thereof;

(b) For the months of March through July the amounts and value of his base and excess milk respectively, and the totals thereof;

(c) The uniform price(s) computed pursuant to §§ 1000.71 and 1000.72 and the butterfat differential computed pursuant to § 1000.73; and

(d) The amounts to be paid by such handler pursuant to §§ 1000.82, 1000.85 and 1000.86, or § 1000.62 and the amount due such handler pursuant to § 1000.83.

PAYMENTS

§ 1000.80 *Time and method of payment for producer milk.* (a) Except as provided in paragraph (b) of this section, each handler shall make payment to each producer from whom milk is received during the month as follows:

(1) On or before the last day of each month to each producer who did not discontinue shipping milk to such handler before the 25th day of the month, an amount equal to not less than the Class II price for the preceding month multiplied by the hundredweight of milk received from such producer during the first 15 days of the month, less proper deductions authorized by such producer to be made from payments due pursuant to this paragraph,

(2) On or before the 15th day of the following month, an amount equal to not less than the appropriate uniform price(s) adjusted by the butterfat and location differentials to producers multiplied by the hundredweight of milk or base milk and excess milk received from such producer during the month, subject to the following adjustments: (i) Less payments made to such producer pursuant to subparagraph (1) of this paragraph, (ii) less marketing service deductions made pursuant to § 1000.85, (iii) plus or minus adjustments for errors made in previous payments made to such producers, and (iv) less proper deductions authorized in writing by such producer: *Provided*, That if by such date such handler has not received full payment from the market administrator pursuant to § 1000.83 for such month, he may reduce pro rata his payments to producers by not more than the amount of such underpayment. Payments to producers shall be completed thereafter not later than the date for making payments pursuant to this paragraph next following after the receipt of the balance due from the market administrator;

(b) In the case of a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and which has so requested any handler in writing, such handler shall on or before the 2d day prior to the date on which payments are due individual producers pay the cooperative association for milk received during the month from the producer members of such association as determined by the market administrator an amount equal to not less than the amount due such producer members as determined pursuant to paragraph (a) of this section; and

(c) Each handler who receives milk during the month from producers for which payment is to be made to a cooperative association pursuant to paragraph (b) of this section shall report to such cooperative association or to the market administrator for transmittal to such cooperative association for each such producer as follows:

(1) On or before the 25th day of the month, the total pounds of milk received during the first 15 days of such month, and

(2) On or before the 7th day of the following month (i) the pounds of milk received each day and the total for the month, together with the butterfat content of such milk, (ii) for the months of March through July the total pounds of base milk received, (iii) the amount or rate and nature of any deductions to be made from payments, and (iv) the amount and nature of payments due pursuant to § 1000.84.

§ 1000.81 *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1000.62, 1000.82 and 1000.84, and out of which he shall make all payments pursuant to §§ 1000.83 and 1000.84: *Provided*, That any payments due to any handler shall be offset by any payments due from such handler.

§ 1000.82 *Payments to the producer-settlement fund.* On or before the 12th day after the end of each month, each handler shall pay to the market administrator any amount by which the value

of his producer milk as computed pursuant to § 1000.70 for such month, is greater than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials.

§ 1000.83 *Payments out of the producer-settlement fund.* On or before the 13th day after the end of each month, the market administrator shall pay to each handler any amount by which the total value of his producer milk, computed pursuant to § 1000.70, for such month is less than the amount owed by him for such milk at the appropriate uniform price(s) adjusted by the producer butterfat and location differentials. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly such payments and shall complete such payments as soon as the appropriate funds are available.

§ 1000.84 *Adjustment of errors in payment.* Whenever verification by the market administrator of payments by any handler discloses errors made in payments to the producer-settlement fund pursuant to § 1000.82, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall, within 15 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, pursuant to § 1000.83, the market administrator shall, within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer or cooperative association for milk received by such handler discloses payment of less than is required by § 1000.80, the handler shall pay such balance due such producer or cooperative association not later than the time of making payment to producers or cooperative associations next following such disclosure.

§ 1000.85 *Marketing services.* (a) Except as set forth in paragraph (b) of this section, each handler, in making payments to producers for milk (other than milk of his own production) pursuant to § 1000.80, shall deduct 6 cents per hundredweight, or such amount not exceeding 6 cents per hundredweight as may be prescribed by the Secretary, and shall pay such deductions to the market administrator on or before the 15th day after the end of the month. Such money shall be used by the market administrator to provide market information and to check the accuracy of the testing and weighing of their milk for producers who are not receiving such service from a cooperative association;

(b) In the case of producers who are members of a cooperative association which the Secretary has determined is actually performing the services set forth in paragraph (a) of this section, each handler shall (in lieu of the deduction specified in paragraph (a) of this section), make such deductions from the payments to be made to such producers as may be authorized by the membership agreement or marketing contract between such cooperative association and such producers, and on or before the 13th day after the end of each month, pay such deductions to the cooperative association of which such producers are members, furnishing a statement showing the amount of any such deductions and the amount of milk for which such deduction was computed for each producer.

§ 1000.86 *Expenses of administration.* On or before the 15th day after the end of each month, each handler shall pay to the market administrator for each of his pool plants, 4 cents or such lesser amount as the Secretary may prescribe, for each hundredweight of butterfat and skim milk contained in (a) producer milk, (b) other source milk allocated to Class I milk pursuant to § 1000.45 (a) (2) and (b), or (c) Class I milk disposed of in the marketing area (except to a pool plant) from a nonpool plant as determined pursuant to § 1000.62.

§ 1000.87 *Termination of obligations.* The provisions of this section shall apply to any obligations under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this part shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

(1) The amount of the obligation,

(2) The month(s) during which the milk, with respect to which the obligation exists was received or handled, and

(3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid;

(b) If a handler fails or refuses, with respect to any obligation under this order, to make available to the market administrator or his representative all books and records required by this part to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representative;

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed; and

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this part shall terminate two years after the end of the calendar month during which the payment (including deduction or setoff by the market administrator) was made by the handler, if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

DETERMINATION OF BASE

§ 1000.90 *Computation of daily average base for each producer.* Subject to the rules set forth in § 1000.91, the daily average base for each producer shall be an amount calculated by dividing the total pounds of milk received from such producer at all pool plants during the months of September through January immediately preceding, by the number of days from the first day of delivery by such producer during such months to the last day of January, inclusive, or by 120, whichever is more.

§ 1000.91 *Base rules.* The following rules shall apply in connection with the establishment and assignment of bases:

(a) Subject to the provisions of paragraph (b) of this section, the market administrator shall assign a base calculated pursuant to § 1000.90 to each person for whose account producer milk was delivered to pool plants during the months of September through January; and

(b) An entire base shall be transferred from a person holding such base to any other person effective as of the end of any month during which an application for such transfer is received by the market administrator, such application to be on forms approved by the market administrator and signed by the baseholder, or his heirs, and by the person to whom such base is to be transferred: *Provided,* That if a base is held jointly, the entire base shall be transferrable only upon the receipt of such application signed by all joint holders or their heirs, and by the person to whom such base is to be transferred.

§ 1000.92 *Announcement of established bases.* On or before March 1 of each year, the market administrator shall notify each producer, and the handler receiving milk from such producer, of the daily average base established by such producer.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

§ 1000.100 *Effective time.* The provisions of this part, or any amendment thereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 1000.101 *Suspension or termination.* The Secretary shall, whenever he finds that any or all provisions of this part, or any amendment thereto, obstruct or do not tend to effectuate the declared policy of the act, terminate or suspend the operation of any or all provisions of this part or any amendment thereto.

§ 1000.102 *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this part, or any amendment thereto, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

§ 1000.103 *Liquidation.* Upon the suspension or termination of any or all provisions of this part, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidating and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 1000.110 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent and representative in connection with any of the provisions of this part.

§ 1000.111 *Separability of provisions.* If any provisions of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

[F. R. Doc. 56-5196; Filed, June 29, 1956; 8:48 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

### [ 47 CFR Part 3 ]

[Docket No. 11677]

RADIO BROADCAST SERVICES

NOTICE OF EXTENSION OF TIME FOR FILING COMMENTS

In the matter of amendment of §§ 3.66, 3.274 and 3.572 of the Commission's rules and regulations relating to remote control operation of certain standard, FM and noncommercial educational FM broadcast stations.

1. The Commission has before it for consideration the request of the National Association of Broadcast Employees and Technicians filed June 14, 1956, for extension of time in which to file comments in the above-entitled proceeding.

2. In support of its request the NABET states that it proposes to file comments in this proceeding; that it has elicited information from transmitter operators in a number of key stations throughout the country in connection with the rule making proposal; and that a further extension of time for filing comments is necessary in this connection.

3. The Commission is of the view that a further extension of time for the filing of comments in this proceeding would serve the public interest, convenience and necessity.

4. In view of the foregoing: *It is ordered,* That the time for filing comments in the above-entitled proceeding is extended to August 2, 1956; and that the time for filing replies to such comments is extended to 20 days thereafter.

Adopted: June 25, 1956.

Released: June 26, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-5183; Filed, June 29, 1956; 8:45 a. m.]

## DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

### Food and Drug Administration

### [ 21 CFR Part 120 ]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF WITHDRAWAL OF PETITION FOR ESTABLISHMENT OF TOLERANCES FOR RESIDUES OF LINDANE

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

In accordance with § 120.8 *Withdrawal of petitions without prejudice* of the general regulations for setting tolerances and granting exemptions from tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR 120.8), the Benzene Hexachloride Committee of the National Agricultural Chemicals Association, P. O. Box 333, Falls Church, Virginia, has withdrawn its petition for establishment of tolerances for residues of lindane, notice of which was published in the FEDERAL REGISTER of February 10, 1956 (21 F. R. 975). This withdrawal is without prejudice to a future filing.

Dated: June 26, 1956.

[SEAL] JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F. R. Doc. 56-5199; Filed, June 29, 1956; 8:48 a. m.]

### [ 21 CFR Part 120 ]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

NOTICE OF FILING OF PETITION FOR EXEMPTION FROM THE NECESSITY OF TOLERANCES FOR RESIDUES OF ALLETHRIN

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (sec. 408 (d) (1), 68 Stat. 512; 21 U. S. C. 346a (d) (1)), the following notice is issued:

A petition has been filed by Food Machinery and Chemical Corporation, Middleport, New York, and McLaughlin Gormley King Company, Minneapolis, Minnesota, proposing that the pesticide chemical allethrin (allyl homolog of cinerin I) be exempted from the requirement of tolerances for residues from use after harvest on the following raw agricultural commodities: Apples, blackberries, blueberries, boysenberries, cherries, crabapples, currants, dewberries, figs, gooseberries, grapes, guavas, huckleberries, loganberries, mangoes, muskmelons, oranges, peaches, pears, pineapples, plums, prunes, raspberries, tomatoes.

The analytical method proposed in the petition for determining residues of allethrin is "Estimation of Micro Quantities of Pyrethroids," published in Analytical Chemistry, Volume 26, pages 604–607 (1954).

Dated: June 26, 1956.

[SEAL] JOHN L. HARVEY,
*Deputy Commissioner of Food and Drugs.*

[F. R. Doc. 56-5200; Filed, June 29, 1956; 8:48 a. m.]

# NOTICES

## DEPARTMENT OF COMMERCE

### Federal Maritime Board

COMPAGNIE MARITIME DES CHARGEURS REUNIS AND FARRELL LINES INC.

NOTICE OF AGREEMENT FILED WITH BOARD FOR APPROVAL

Notice is hereby given that the following described agreement has been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916, 39 Stat. 733, 46 U. S. C. 814.

Agreement No. 8096, between Compagnie Maritime des Chargeurs Reunis and Farrell Lines Incorporated, covers the transportation of cargo under through bills of lading between Harbel and Cape Palmas, Liberia, on the one hand, and United States Atlantic ports, on the other hand, with transhipment at Monrovia, Liberia.

Interested parties may inspect this agreement and obtain copies thereof at the Regulation Office, Federal Maritime Board, Washington, D. C., and may submit, within 20 days after publication of

this notice in the FEDERAL REGISTER, written statements with reference to the agreement and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

By order of the Federal Maritime Board.

Dated: June 27, 1956.

[SEAL] A. J. WILLIAMS, *Secretary.*

[F. R. Doc. 56-5232; Filed, June 29, 1956; 8:54 a. m.]

## Office of the Secretary

ORVILLE K. SCHMIED

REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

*Report of Appointment*

1. Name of appointee: Orville K. Schmied.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: May 29, 1956.
4. Title of position: Deputy Director, Aluminum and Magnesium Division.
5. Name of private employer: Cochran Foil Company, Louisville, Kentucky.

CARLTON HAYWARD, *Director of Personnel.*

*Statement of Financial Interests*

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

Cochran Foil Company.
R. J. Reynolds Tobacco Company.
Dow Chemical Company.
Mesta Machine Company.
MCP Corporation.
Continental Baking Corporation.
Fuller Manufacturing Company.
Riegel Paper Company.
Belknap Hardware & Mfg. Company.
Standard Oil of Kentucky.
Television Electronic Fund, Inc.
Illinois Toll (Bond).
Ohio Turnpike (Bond).
Continental Air Filters, Inc.
Seapak Corporation.
South Park Development Company.
Bank Deposits.

Dated: May 29, 1956.

[SEAL] ORVILLE K. SCHMIED.

[F. R. Doc. 56-5211; Filed, June 29, 1956; 8:50 a. m.]

ROGER H. MARTIN

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of January 7, 1956, 21 F. R. 163.

A. Deletions: No change.
B. Additions: No change.

This statement is made as of June 12, 1956.

[SEAL] ROGER H. MARTIN.

[F. R. Doc. 56-5212; Filed, June 29, 1956; 8:50 a. m.]

# DEPARTMENT OF THE TREASURY

## Office of the Secretary

[Treasury Department Order No. 167-20 (CGFR 56-25)]

COMMANDANT, U. S. COAST GUARD

DELEGATION OF FUNCTIONS RELATING TO INSPECTION OF CERTAIN VESSELS

By virtue of the authority vested in me by Reorganization Plan No. 26 of 1950 and 14 U. S. C. 631, there are transferred to the Commandant, U. S. Coast Guard, the functions of the Secretary of the Treasury under the act of May 10, 1956 (Pub. Law 519, 84th Cong.), an act which relates to the inspection of certain vessels carrying passengers.

The Commandant may make provision for the performance by subordinates in the Coast Guard of any of the functions transferred except the functions of prescribing fees, charges, rules, and regulations.

Dated: June 18, 1956.

[SEAL] DAVID W. KENDALL, *Acting Secretary of the Treasury.*

[F. R. Doc. 56-5208; Filed, June 29, 1956; 8:50 a. m.]

# ATOMIC ENERGY COMMISSION

[Docket No. F-26]

LOCKHEED AIRCRAFT CORPORATION

NOTICE OF APPLICATION FOR UTILIZATION FACILITY LICENSE

Please take notice that on June 20, 1956 Lockheed Aircraft Corporation, Van Nuys, California, filed an application under section 104c of the Atomic Energy Act of 1954 for a license to construct, possess and operate a critical experiment facility to be located on the campus of Stanford University, Palo Alto, California.

Dated at Washington, D. C., this 21st day of June 1956.

For the Atomic Energy Commission.

H. L. PRICE, *Director, Division of Civilian Application.*

[F. R. Doc. 56-5181; Filed, June 29, 1956; 8:45 a. m.]

# DEPARTMENT OF AGRICULTURE

## Rural Electrification Administration

VARIOUS OFFICIALS

DELEGATIONS OF AUTHORITY

1. Authority is hereby delegated to the Deputy Administrator to exercise, in the absence of the Administrator, as Acting Administrator, any of the powers of the Administrator.

2. In the absence of the Administrator and the Deputy Administrator, the powers of the Administrator shall be exercised, as Acting Administrator, by one of the two Assistant Administrators, as designated by the Administrator.

3. In the absence of the Administrator, Deputy Administrator and the Assistant Administrators, the powers of the Administrator shall be exercised, as Acting Administrator, by such person as shall be designated by the Administrator.

Issued this 26th day of June 1956.

[SEAL] DAVID A. HAMIL, *Administrator.*

[F. R. Doc. 56-5198; Filed, June 29, 1956; 8:48 a. m.]

# DEPARTMENT OF DEFENSE

## Office of the Secretary of the Army

VIVIAN O. FIGGE

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) of the Defense Production Act of 1950, as amended, and Executive Order No. 10647 of November 28, 1955, the following changes have taken place as of February 1, 1956, in my financial interests as reported in the FEDERAL REGISTER of 20 F. R. 10174, December 31, 1955.

A. Deletions: Kahl Investment Corporation, Davenport, Iowa, Director.
B. Additions: Kahl Building, Davenport, Iowa, Trustee controlling a fractional interest in the fees of the building for my children.

Dated: June 18, 1956.

VIVIAN O. FIGGE.

[F. R. Doc. 56-5260; Filed, June 29, 1956; 8:56 a. m.]

HARRY WILLIAM GETZ

STATEMENT OF CHANGES IN FINANCIAL INTEREST

In accordance with the requirements of Section 710 (b) of the Defense Production Act of 1950, as amended, and Executive Order No. 10647 of November 28, 1955, the following changes have taken place as of February 1, 1956, in my financial interests as reported in the FEDERAL REGISTER of 20 F. R. 10174, December 31, 1955.

A. Deletions: No change.
B. Additions: No change.

Dated: June 14, 1956.

HARRY WILLIAM GETZ.

[F. R. Doc. 56-5261; Filed, June 29, 1956; 8:56 a. m.]



JAMES M. HUTCHINSON

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) of the Defense Production Act of 1950, as amended, and Executive Order No. 10647 of November 28, 1955, the following changes have taken place as of February 1, 1956, in my financial interests as reported in the FEDERAL REGISTER of 20 F. R. 10174, December 31, 1955.

A. Deletions: No change.
B. Additions: No change.

Dated: June 15, 1956.

JAMES M. HUTCHINSON.

[F. R. Doc. 56-5262; Filed, June 29, 1956; 8:56 a. m.]

HARRY S. ROBINSON

STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) of the Defense Production Act of 1950, as amended, and Executive Order No. 10647 of November 28, 1955, the following changes have taken place as of February 1, 1956 in my financial interests as reported in the FEDERAL REGISTER of 20 F. R. 10175, December 31, 1955.

A. Deletions: No change.
B. Additions: Stockholder: American Gas & Electric Company.

Dated: June 1, 1956.

HARRY S. ROBINSON.

[F. R. Doc. 56-5207; Filed, June 29, 1956; 8:49 a. m.]

# FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11670; FCC 56M-625]

NEWS ON THE AIR, INC.

ORDER CONTINUING HEARING CONFERENCE

In re application of News on the Air, Inc., Port Clinton, Ohio, for construction permit; Docket No. 11670; File No. BP-9977.

The Hearing Examiner has under consideration a pleading filed June 20, 1956, by the above-entitled applicant requesting that the date presently specified for the exchange of certain exhibits be changed from June 21 to July 30, 1956, and that the date for further pre-hearing conference be changed from July 9 to August 6, 1956.

While the proper number of copies of this request were not filed with the Commission, copies were served on all parties to the proceeding. The Hearing Examiner is advised that there is no objection to the granting of the request for additional time. The Hearing Examiner's schedule, however, is such that a date other than the one requested for further pre-hearing must be specified.

*It is ordered,* This the 21st day of June 1956, that the date for the exchange of the engineering exhibits in this proceeding is changed from June 21, 1956 to July 30, 1956 and the date for further pre-hearing conference is changed from July 9, 1956 to September 20, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 56-5184; Filed, June 29, 1956; 8:45 a. m.]

[Docket Nos. 11697, 11698; FCC 56M-624]

VOICE OF BERRIEN COUNTY AND LAKE BROADCASTERS

ORDER CONTINUING HEARING

In re applications of E. Harold Munn, Jr., and E. Harold Munn, Sr., d/b as Voice of Berrien County, Niles, Michigan, Docket No. 11697, File No. BP-9617; Maurice Humphrey, Carl L. Benson, Richard W. Lee and Ralph W. Newland d/b as Lake Broadcasters, St. Joseph, Michigan, Docket No. 11698, File No. BP-9967; for construction permits.

Pursuant to a pre-hearing conference with counsel held June 13, 1956, in the above-entitled proceeding, *It is ordered,* This 22d day of June 1956, that the exchange of exhibits herein will be accomplished not later than September 5, 1956, and that the hearing now scheduled for July 16, 1956, will be continued to September 10, 1956, at 10 o'clock a. m. in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 56-5185; Filed, June 29, 1956; 8:46 a. m.]

[Docket No. 11736, 11737; FCC 56M-626]

PAUL A. BRANDT AND LIVINGSTON BROADCASTING CO.

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of Paul A. Brandt, West Branch, Michigan, Docket No. 11736, File No. BP-10109; M. H. Wirth, tr/as Livingston Broadcasting Co., Howell, Michigan, Docket No. 11737, File No. BP-10283; for construction permits.

Pursuant to Rules 1.813 and 1.841, on the Hearing Examiner's own motion: *It is ordered,* This 22d day of June 1956, that a prehearing conference is scheduled for Friday, July 6, 1956, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 56-5186; Filed, June 29, 1956; 8:46 a. m.]

[Docket Nos. 11736, 11737; FCC 56M-637]

PAUL A. BRANDT AND LIVINGSTON BROADCASTING CO.

ORDER CONTINUING HEARING CONFERENCE

In re applications of Paul A. Brandt, West Branch, Michigan, Docket No. 11736, File No. BP-10109; M. H. Wirth, tr/as Livingston Broadcasting Co., Howell, Michigan, Docket No. 11737, File No. BP-10283; for construction permits.

Upon the oral request of counsel for Station WEXL, and with the consent of counsel for the applicants: *It is ordered,* This 26th day of June 1956, that the prehearing conference now scheduled for July 6, 1956, is continued to Wednesday, July 18, 1956, at 2:00 p. m., in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 56-5227; Filed, June 29, 1956; 8:53 a. m.]

[Docket Nos. 11180, 11718; FCC 56M-635]

BILL MATHIS AND KEY CITY BROADCASTERS

ORDER SCHEDULING PREHEARING CONFERENCE

In re applications of Bill Mathis, Abilene, Texas, Docket No. 11180, File No. BP-8917; Howard Barrett and Robert H. Nash d/b as Key City Broadcasters, Abilene, Texas, Docket No. 11718, File No. BP-10278; for construction permits.

*It is ordered,* This 26th day of June 1956, that all parties, or their counsel, in the above-entitled proceeding are directed to appear for a pre-hearing conference pursuant to the provisions of § 1.813 of the Commission's rules, at the offices of the Commission in Washington, D. C., at 10 o'clock a. m., July 24, 1956.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS, *Secretary.*

[F. R. Doc. 56-5228; Filed, June 29, 1956; 8:53 a. m.]

[Docket No. 11735; FCC 56M-636]

NEVADA TELECASTING CORP. (KAKJ)

ORDER CONTINUING HEARING

In the matter of revocation of television construction permit of Nevada Telecasting Corporation (KAKJ), Reno, Nevada, Docket No. 11735.

The Hearing Examiner having under consideration the Order to Show Cause, dated June 25, 1956 and released June 15, 1956, scheduling hearing for July 13, 1956;

It appearing that the csheduled hearing date is less than 30 days from the date of release of the Order to Show Cause, and that the permittee is afforded a period of 30 days from receipt of the Order to respond;

*It is ordered*, This 26th day of June 1956, on the Hearing Examiner's own motion, that the hearing date is continued from July 13, 1956, to Monday, July 23, 1956, at 10:00 a. m., in the offices of the Commission, Washington, D. C.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-5229; Filed, June 29, 1956; 8:53 a. m.]

[Cuba Change List 3]

## CUBAN RADIO STATIONS

LIST OF NEW STATIONS CHANGES, MODIFICATIONS, AND DELETIONS OF EXISTING STATIONS

Notification of new Cuban Radio Stations, and of changes, modification and deletions of existing stations, in accordance with Part III, Section F, of the North American Regional Broadcasting Agreement Washington, D. C. 1950.

May 23, 1956.

NEW CUBAN RADIO STATIONS

| Call letters | Location | Power (kw) | Antenna | Schedule | Class | Proposed date of change or commencement of operation |
|---|---|---|---|---|---|---|
| | | *610 kilocycles* | | | | |
| New | Consolacion del Sur, Pinar del Rio (vide: 880 kc.). | 1 | ND | U | III | Delete assignment. |
| | | *880 kilocycles* | | | | |
| CMAO | Consolacion del Sur, Pinar del Rio (PO: 610 kc/s). | 1 | ND | U | II | Assignment of call letters. |
| | | *1120 kilocycles* | | | | |
| CMDZ | Santiago de Cuba, Oriente | 0.25 | ND | U | II | Do. |
| | | *1200 kilocycles* | | | | |
| CMDD | Bayamo, Oriente | 0.25 | ND | U | II | Do. |

[SEAL] FEDERAL COMMUNICATIONS COMMISSION,
MARY JANE MORRIS,
*Secretary.*

[F. R. Doc. 56-5187; Filed, June 29, 1956; 8:46 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3938]

STANDARD SULPHUR CO.

NOTICE OF APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION, AND OF OPPORTUNITY FOR HEARING

JUNE 26, 1956.

In the matter of Standard Sulphur Company, common stock, File No. 1-3938.

The above named issuer, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, has made application to withdraw the specified security from listing and registration on the American Stock Exchange.

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

The listing application for this stock was approved by the American Stock Exchange on February 2, 1956, on which date said Exchange forwarded to the Commission its certification of the Form 10 registration application. Registration pursuant to said certification became effective by lapse of the usual 30 day waiting period, on or about March 5, 1956. The stock was never admitted to dealings on the American Stock Exchange, pending the revision of Form 10 application. The issuer states that in order to verify the reserves claimed in such application, it would be necessary to drill many exploratory wells, the cost of which would be extensive, and in areas where it would not be prepared to produce for a long time.

Upon receipt of a request, on or before July 12, 1956, from any interested person for a hearing in regard to terms to be imposed upon the delisting of this security, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person requesting the hearing and the position he proposes to take at the hearing with respect to imposition of terms. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D. C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 56-5188; Filed, June 29, 1956; 8:46 a. m.]

[File No. 31-633]

LINCOLN CORP.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION

JUNE 26, 1956.

Notice is hereby given that Lincoln Corporation ("Lincoln") has filed with this Commission an application under sections 3 (a) (3) and/or 3 (a) (5) of the Public Utility Holding Company Act of 1935 ("act") for an order exempting it as a holding company, and each of its subsidiary companies as such, from the provisions of the act.

All interested persons are referred to the application on file in the office of the Commission for a statement of the basis for the request for exemption, which is summarized below.

Lincoln, a Delaware corporation, is a holding company which through wholly-owned subsidiaries is engaged in coal mining operations in the State of Wyoming. Its principal subsidiary, The Kemmerer Coal Company ("Kemmerer Coal"), conducts the mining operations. Electricity required by Kemmerer Coal in its coal mining operations is obtained from Lincoln's subsidiary, Lincoln Service Corporation ("Service Corporation"). Service Corporation, a Wyoming corporation organized in 1929, is a public-utility company, and is subject to the jurisdiction of the Wyoming Public Service Commission.

Prior to 1929, Kemmerer Coal operated a steam plant and small electric generating units in connection with its coal mining operations, and furnished limited electric service to the town of Kemmerer, Wyoming. For reasons of accounting under the Wyoming utility statutes, it was deemed expedient to separate the utility operations from the coal operations. Accordingly, Service Corporation was organized in 1929 and acquired the electric utility properties of Kemmerer Coal and associated companies. All of Service Corporation's stock is owned by Lincoln.

Service Corporation, in addition to supplying the electric energy requirements of Kemmerer Coal and certain other minor industries, provides electric utility services to the towns of Kemmerer, Diamondsville, and Frontier, and environs, all in the State of Wyoming.

By reason of Kemmerer Coal's change from underground mining to open-cut stripping operations, and a consequent decrease in its electric power requirements, the revenues received by Service Corporation from Kemmerer Coal have declined steadily over the years from 52 percent in the period 1931-35 to 12.1 percent in 1955. During the year 1955 the only transaction between Service Corporation and Lincoln and its other subsidiaries was the sale of electric energy to Kemmerer Coal. The total revenues from such sale aggregated $25,000. During the years 1951-55 the percentage of Service Corporation's net income to the aggregate income of all Lincoln's subsidiaries ranged from 2.6 percent in 1951 to 13.7 percent in 1953. In 1954 the percentage was 3.1 percent, and in 1955 Service Corporation experienced a net loss of $18,133.

At December 31, 1955, the book value of the assets of all of Lincoln's subsidiaries aggregated $7,842,434, of which those of Kemmerer Coal amounted to $5,508,804, or approximately 70 percent, and those of Service Corporation amounted to $819,886, or approximately 10.5 percent. As at the same date, the book value of the fixed assets of all subsidiaries aggregated $1,549,183, of which those of Kemmerer Coal amounted to $957,172, or approximately 61.7 percent, and those of Service Corporation amounted to $482,572, or approximately 31.2 percent. In this connection, it is stated that to improve and extend its service to rural areas adjacent to its present service area, Service Corporation, in October 1955, undertook a construction program the cost of which is estimated at approximately $1,250,000, to be financed by the private sale of debt securities to institutional investors.

All of the stock of Lincoln is owned by Sea Bright Corporation ("Sea Bright") and Penn Forest Corporation ("Penn Forest"). All of the stocks of Sea Bright and Penn Forest are beneficially owned by not exceeding sixteen members of the Kemmerer family. Service Corporation is the only public utility company owned directly or indirectly by Lincoln, Sea Bright and Penn Forest.

Notice is further given that any interested person may, not later than July 16, 1956, at 5:30 p. m., e. d. s. t., request in writing that a hearing be held in respect of the above matter, stating the nature of his interest, the reasons for the request, the issues of fact or law which he desires to controvert, or he may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date said application may be granted or the Commission may take such other action as it may deem appropriate under the circumstances.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
*Secretary.*

[F. R. Doc. 56-5189; Filed, June 29, 1956; 8:46 a. m.]



## GENERAL SERVICES ADMINISTRATION

[Project 3-DC-01]

FEDERAL OFFICE BUILDINGS

PROSPECTUS FOR PROPOSED BUILDINGS IN SOUTHWEST REDEVELOPMENT AREA OF DISTRICT OF COLUMBIA

EDITORIAL NOTE: This prospectus of proposed Project Number 3-DC-01 is published pursuant to section 412 (f) of the Public Buildings Purchase Contract Act of 1954 as amended by Public Law 150, 84th Congress, which requires publication in the FEDERAL REGISTER, for a period of ten consecutive days from date of submission to the Committees on Public Works of the Senate and House of Representatives.

Project Number 3-DC-01 (Revised)

MARCH 14, 1956.

FORMAL PROSPECTUS FOR PROPOSED BUILDING UNDER TITLE I PUBLIC LAW 519, 83D CONGRESS, 2D SESSION

FEDERAL OFFICE BUILDING, WASHINGTON, D. C.

1. *Brief description of proposed building.* The project contemplates the erection of a group of three Federal Office Buildings on a site to be acquired by the Government facing on the proposed Tenth Street Mall in the southwest redevelopment area of Washington, D. C. Each building will be multi-storied. An aggregate of approximately 643,000 square feet of net assignable space will be provided.

2. *Estimated maximum cost and financing.* a. Maximum cost of site and buildings, $25,250,000.

b. Proposed contract term, 30 years.

c. Maximum rate of interest on purchase contract, 4 percent.

3. *Certificates of need.* As the project is intended to provide relocation of numerous Federal agencies now in temporary buildings, no specific allocation of space can be made at this time. Upon completion of the facility, assignment and reassignment will be made in accordance with existing law. Therefore, requirement for Certificate of Need otherwise required by section 411 (e) of the Public Buildings Purchase Contract Act of 1954 was waived in Public Law 150, 84th Congress. Certification is hereby made as to the need for service and garage space.

4. *Non-availability of existing space.* Suitable space owned by the Government is not available; and suitable rental space is not available at a price commensurate with that to be afforded through the contract proposed.

5. *Estimated annual managerial, custodial, heat, and utility costs.* (Services to be supplied by Government), $675,000.

6. *Estimated annual tax liability, upkeep and maintenance.* a. Taxes, post construction (contract period), $321,625.

b. Upkeep and maintenance (to be provided by Government), $96,000.

7. *Current annual housing costs.* Rents and other housing costs currently paid by the Government for agencies to be housed in the building to be erected, $509,000 p. a.

*Determination of need.* It has been determined that (1) the needs for space for the permanent activities of the Federal Government in this particular area cannot be satisfied by utilization of any existing suitable property now owned by the Government, and (2) the best interests of the United States will be served by taking action hereunder.

Submitted at Washington, D. C., on June 1, 1956.

Approved:

FRANKLIN G. FLOETE,
*Administrator of General Services.*

8. *Statement of Director, Bureau of the Budget.* Reflected in letter (copy attached).

EXECUTIVE OFFICE OF THE PRESIDENT
BUREAU OF THE BUDGET
WASHINGTON 25, D. C.

JUNE 13, 1956.

Project 3-DC-01 (Revised 3-14-56).
3 Multi-storied Federal Office Buildings.
Southwest Redevelopment Area, Washington, D. C.

MY DEAR MR. FLOETE: Pursuant to section 411 (e) (8) of the Public Buildings Purchase Contract Act of 1954 (Public Law 519), the (Revised March 14, 1956) proposal for a group of three Federal Office Buildings, transmitted with your letter of June 1, 1956, has been examined and in my opinion "is necessary and in conformity with the policy of the President." This approval is given with the following understanding:

1. Revision reflects the application of more definite plans for integration of the facility with the proposed Tenth Street Mall developed subsequent to approval of the project last July. Effective integration requires construction of three building units in lieu of one, as originally proposed. Garage space of 134,250 square feet not contemplated in original project is provided. Number of employees, utilization of space and cost factors are relatively the same.

2. That the stated project cost of $25,250,000 (including $2,500,000 for a site to be acquired) is a maximum figure.

3. That the reported annual operating cost of existing Tempos 4, 5, and T; 1. e., $1.00 per square foot, represents minimum maintenance in anticipation of demolition, and that temporary Government buildings actually cost more to maintain than the proposed new buildings.

4. That the proposed buildings will house approximately 10% of Federal employees presently housed in temporary buildings, and that the specific allocation of agencies in the proposed buildings is to be determined later by General Services Administration.

5. That every effort will be made to design and construct space conducive to maximum efficient utilization of both site and buildings and to take advantage of any revision of cost downward which may be found possible as the plans develop and negotiations are advanced.

6. That this approval supersedes Mr. Hughes' letter of July 22, 1955.

You appreciate, of course, that this project will receive a more detailed review as to cost and space utilization prior to the approval of the lease-purchase agreement.

Sincerely yours,

(Signed) PERCIVAL BRUNDAGE,
*Director.*

HON. FRANKLIN G. FLOETE,
*Administrator,*
*General Services Administration,*
*Washington 25, D. C.*

[F. R. Doc. 56-4860; Filed, June 18, 1956; 11:38 a. m.]

## INTERSTATE COMMERCE COMMISSION

FOURTH SECTION APPLICATIONS FOR RELIEF

JUNE 27, 1956.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 32268: *Canned goods in official territory.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on canned or preserved foodstuffs, carloads between points in official (including Illinois) territory.

Grounds for relief: Short-line distance formula, truck competition and circuitous routes.

Tariffs: Agent Boin's tariff I. C. C. A-1105; Supplement 3 to Agent Raasch's I. C. C. 857.

FSA No. 32269: *Boxes, fibreboard, etc.—Gastonia, N. C.* Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on fibreboard, pulpboard or strawboard boxes, carloads from Gastonia, N. C., to St. Louis, Mo., Belleville, Cairo, East St. Louis, Ill., and other specified points in Illinois grouped therewith.

Grounds for relief: Circuitous routes in part west of the Mississippi River.

FSA No. 32270: *Coal—Illinois, Indiana, and Kentucky to Sibley, Iowa.* Filed by R. G. Raasch, Agent, for interested rail carriers. Rates on bituminous fine coal, carloads from Mines and stations in Illinois, Indiana and western Kentucky coal districts to Sibley, Iowa.

Grounds for relief: Market competition and circuitous routes.

Tariffs: Schedules listed in exhibit 1 of the application.

FSA No. 32271: *Wallboard—Central Territory to Kansas and Missouri.* Filed by H. R. Hinsch, Agent, for interested rail carriers. Rates on wallboard, building, wall or insulating boards, viz.: fibreboard or pulpboard or strawboard, or such boards and wood combined, carloads from points in Indiana, Michigan, New York, Ohio, Pennsylvania and West Virginia to specified points in Kansas and Missouri.

Grounds for relief: Circuitous routes.

Tariff: Supplement 137 to Agent Hinsch's I. C. C. 4238.

FSA No. 32272: *Export and import rates to southern and Gulf ports.* Filed by H. M. Engdahl, Agent, for interested rail carriers. Rates on various commodities moving on export class and commodity rates from specified points on the Pennsylvania Railroad Company in Illinois, Indiana, Ohio, Kentucky, and Missouri on export traffic, and to the same points on import traffic, when destined to or originating at southern and Gulf ports.

Grounds for relief: Circuitous routes through higher-rated intermediate origin or destination groups.

FSA No. 32273: *Logs—Norton, Va., to North Carolina.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on logs, carloads from Norton, Va., to High Point and Statesville, N. C.

Grounds for relief: Circuitous routes.

Tariff: Supplement 123 to Agent Spaninger's I. C. C. 1297.

FSA No. 32274: *Iron and steel articles—Steelton, Minn., to Illinois Territory.* Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on iron and steel articles, carloads from Steelton (Duluth), Minn., to specified points in Illinois territory.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 40 to Agent W. J. Prueter's I. C. C. A–3821.

FSA No. 32275: *Crushed stone, etc.—West Chelmsford, Mass., to Canastota, N. Y.* Filed by C. W. Boin, Agent, for interested rail carriers. Rates on crushed stone, grout and riprap, carloads from West Chelmsford, Mass., to Canastota, N. Y.

Grounds for relief: Circuitous routes.

Tariff: Supplement 56 to Boston and Maine Railroad tariff I. C. C. A–3230.

FSA No. 32276: *Animal and poultry feed—Augusta, Ga., to Georgia.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on animal or poultry feed, carloads from Augusta, Ga., to Athens and Atlanta, Ga.

Grounds for relief: Circuitous routes.

Tariff: Supplement 144 to Agent Spaninger's I. C. C. 1325.

FSA No. 32277: *Caustic soda—Louisiana points to Foley, Fla.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on liquid caustic soda, tank-car loads from Baton Rouge and North Baton Rouge, La., to Foley, Fla.

Grounds for relief: Circuitous routes.

Tariff: Supplement 9 to Agent Spaninger's I. C. C. 1526.

FSA No. 32278: *Superphosphate—Southern points to Madison, Minn.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on superphosphate, carloads from specified points in southern territory to Madison, Minn.

Grounds for relief: Short-line distance formula and circuitous routes.

Tariff: Supplement 16 to Agent Spaninger's I. C. C. 1522.

By the Commission.

[SEAL] HAROLD D. McCOY,
*Secretary.*

[F. R. Doc. 56–5201; Filed, June 29, 1956; 8:48 a. m.]